

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Tuesday, 30 July 2019

Led by Commissioner:       The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor Mr M. Allen
Counsel for Victoria Police	Mr S. Holt QC Ms R. Enbom Ms K. Argiropoulos
Counsel for State of Victoria	Mr C. McDermott
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Mr P. Doyle
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for CDPP	Ms Fitzgerald
Counsel for Faruk Orman	Ms C. Lloyd
Counsel for Pasquale Barbaro	Mr C. Wareham
Counsel for John Higgs	Ms C. Dwyer
Counsel for Person 14	Ms E. Clark

01:23:14 1 COMMISSIONER: Yes, we'll take appearances first.  
01:23:16 2 Mr Winneke.  
3  
01:23:19 4 MR WINNEKE: Yes. Morning, Commissioner. I appear with  
01:23:20 5 Mr Woods, Ms Tittensor and Mr Michael Allen.  
6  
01:23:24 7 COMMISSIONER: Thank you.  
01:23:25 8  
01:23:26 9 MR COLLINSON: I appear with Mr Nathwani for Ms Gobbo.  
10  
01:23:33 11 COMMISSIONER: Thanks Mr Collinson.  
12  
13 MR HOLT: I appear with Ms Enbom and Ms Argiropoulos for  
14 Victoria Police.  
15  
16 COMMISSIONER: Thanks, Mr Holt.  
17  
18 MR McDERMOTT: McDermott for the State of Victoria.  
19  
01:23:35 20 COMMISSIONER: Thanks Mr McDermott.  
01:23:35 21  
01:23:35 22 MR CHETTLE: Commissioner, I appear for the handlers with  
01:23:38 23 Ms Thies.  
24  
01:23:39 25 COMMISSIONER: Thanks Mr Chettle.  
01:23:42 26  
01:23:42 27 MR DOYLE: Commissioner, I appear for the Director and the  
01:23:43 28 Office of Public Prosecutions.  
29  
01:23:44 30 COMMISSIONER: Thanks Mr Doyle.  
01:23:44 31  
01:23:45 32 MS FITZGERALD: Ms Fitzgerald and I appear for the  
01:23:47 33 Commonwealth Director of Public Prosecutions.  
34  
01:23:51 35 COMMISSIONER: Thanks, Ms Fitzgerald. Now, we have some  
01:23:51 36 other appearances I think.  
01:23:53 37  
01:23:53 38 MR WAREHAM: I seek leave to appear for Mr Barbaro. My  
39 name is Wareham.  
40  
01:23:57 41 COMMISSIONER: Yes, Mr Wareham.  
01:23:59 42  
01:23:59 43 MR WAREHAM: And we'd seek leave for the entirety of this  
01:24:01 44 tranche of hearings.  
45  
01:24:03 46 COMMISSIONER: Yes. Does anyone wish to speak against  
01:24:05 47 that? In that case - - -

01:24:06 1  
01:24:06 2 MR CHETTLE: I might, Commissioner, subject to the way in  
01:24:10 3 which the hearings are going to be held.  
4  
01:24:12 5 COMMISSIONER: I'm asking you whether at this point if you  
01:24:15 6 want to say anything against the granting of leave to  
01:24:17 7 appear. This is leave to appear, it's not leave to  
01:24:20 8 cross-examine.  
01:24:21 9  
01:24:22 10 MR CHETTLE: Leave to appear is part of - leave to appear,  
01:24:24 11 no, I don't.  
12  
01:24:25 13 COMMISSIONER: Thank you. You have leave to appear,  
01:24:29 14 Mr Wareham, in respect of the witnesses in this tranche of  
01:24:35 15 hearings.  
01:24:36 16  
01:24:37 17 MR WAREHAM: Thank you, Commissioner.  
18  
01:24:38 19 COMMISSIONER: Yes. Ms Lloyd.  
20  
01:24:40 21 MS LLOYD: Yes, Commissioner. I seek leave to appear on  
01:24:44 22 behalf of Mr Orman. He's seated in the body of the court.  
23  
01:24:47 24 COMMISSIONER: Yes, thanks Ms Lloyd. I think you already  
01:24:49 25 have leave to appear for the witnesses in this lot of  
01:24:53 26 hearings.  
27  
01:24:55 28 MS LLOYD: Yes, the two witnesses that appear today, we've  
01:24:57 29 been advised there are two handlers scheduled for today.  
01:25:02 30 We have leave with respect to both of those.  
31  
01:25:05 32 COMMISSIONER: I think you should have leave, again unless  
01:25:07 33 there's any submissions to the contrary, in respect of all  
01:25:11 34 the witnesses in this tranche of hearings.  
35  
01:25:13 36 MS LLOYD: Thank you, Commissioner. Last night we received  
01:25:15 37 the statements at about 6 pm. Those are still redacted.  
01:25:18 38 We've requested the shaded statements but have been told  
01:25:23 39 that they can't be provided in that form.  
40  
01:25:26 41 COMMISSIONER: That's just a statement to me, yes. All  
01:25:28 42 right, I note that.  
43  
01:25:30 44 MS LLOYD: Thank you.  
45  
01:25:32 46 COMMISSIONER: Thank you. Then, yes, Ms Dwyer, is it?  
01:25:35 47

01:25:35 1 MS DWYER: Yes. I appear on behalf of Mr John Higgs,  
01:25:38 2 Commissioner. We've already been granted leave to  
01:25:41 3 cross-examine the witness today.  
4  
01:25:43 5 COMMISSIONER: To cross-examine?  
01:25:47 6  
01:25:47 7 MS DWYER: That was the grant of leave that was given. We  
01:25:51 8 don't have the statement.  
9  
01:25:51 10 COMMISSIONER: Sorry, could I just confirm that there's  
01:25:54 11 leave to cross-examine given?  
12  
01:25:57 13 MR WINNEKE: I don't believe so.  
14  
01:25:58 15 COMMISSIONER: No, I think you've got - - -  
16  
01:26:00 17 MR WINNEKE: I'd be surprised frankly.  
18  
01:26:01 19 COMMISSIONER: I'd be surprised too. I think you might be  
01:26:04 20 misunderstood about that. It's just that you were granted  
01:26:07 21 leave to appear.  
01:26:08 22  
01:26:08 23 MS DWYER: Given that we don't have the statement we had  
01:26:10 24 not made the application to cross-examine and we don't  
01:26:13 25 press that issue, but we certainly would be seeking a copy  
01:26:17 26 of the statement today.  
27  
01:26:23 28 COMMISSIONER: Yes. Can that be provided? At least a  
01:26:26 29 redacted copy of the statement provided to Ms Dwyer who has  
01:26:30 30 leave to appear?  
01:26:32 31  
01:26:32 32 MR HOLT: Yes, the redacted statement is fine to be  
01:26:34 33 provided and was to some people yesterday I think,  
01:26:36 34 Commissioner.  
35  
01:26:37 36 COMMISSIONER: Yes. But not to Ms Dwyer on behalf of  
01:26:38 37 Mr Higgs apparently.  
38  
01:26:42 39 MR WINNEKE: I understand actually a statement has been  
01:26:46 40 sent to my learned friend's instructor last night, amongst  
01:26:49 41 many other documents which were flying around by way of  
01:26:52 42 emails last night, some of which I'm going to raise in due  
01:26:56 43 course, Commissioner. I understand it has gone but if it  
01:26:59 44 hasn't it will be provided as soon as possible.  
45  
01:27:02 46 COMMISSIONER: You might look into that, Ms Dwyer. Your  
01:27:04 47 instructors apparently might already have it.

01:27:07 1  
01:27:08 2 MS DWYER: We've certainly been in communication about  
01:27:09 3 whether or not the statement's been received into the  
01:27:12 4 email, but nevertheless we'll make sure that we have a copy  
01:27:16 5 for today's hearing.  
6  
01:27:19 7 COMMISSIONER: If necessary could the Commission organise  
01:27:26 8 that?  
9  
01:27:27 10 MR WINNEKE: Yes.  
11  
01:27:27 12 COMMISSIONER: Thank you. Yes, Ms Clark, is it?  
01:27:29 13  
01:27:30 14 MS CLARK: I appear on behalf of Person 14.  
15  
01:27:32 16 COMMISSIONER: Yes, you've already been given leave to  
01:27:35 17 appear in respect of the witnesses to be called over the  
01:27:38 18 weeks of this current tranche of hearings.  
01:27:41 19  
01:27:41 20 MS CLARK: Yes, Commissioner. At some stage, whether it's  
01:27:43 21 now or later, I would seek to make a request that redacted  
01:27:47 22 transcript that relates to Person 14 be provided to my  
01:27:53 23 instructor.  
24  
01:27:54 25 COMMISSIONER: Unredacted transcript? You mean an  
01:27:56 26 unredacted statement?  
01:27:59 27  
01:27:59 28 MS CLARK: No, the transcript of the hearings involving  
01:28:01 29 closed court proceedings with respect to Person 14 and that  
01:28:03 30 they be provided.  
31  
01:28:04 32 COMMISSIONER: Gee, I don't know how we'd do that. Can  
01:28:07 33 that be done? Can it be done, should it be done?  
34  
01:28:16 35 MR WINNEKE: Commissioner, it's unfortunate. One would  
01:28:16 36 assume that - I understand the difficulties about counsel,  
01:28:23 37 lawyers knowing whether or not evidence concerning a  
01:28:29 38 particular person is going to be given, there are issues  
01:28:32 39 there, but ultimately what would be required is redactions  
01:28:35 40 of evidence which has been given concerning, which touch  
01:28:38 41 upon Person 14 to be turned up and provided. It's a  
01:28:46 42 difficult exercise.  
43  
44 COMMISSIONER: It is.  
45  
01:28:48 46 MR WINNEKE: I'm not saying it can't be done at this stage.  
47

01:28:50 1 COMMISSIONER: No.  
2  
01:28:51 3 MR WINNEKE: There are plenty of other things to do at the  
01:28:54 4 moment.  
5  
01:28:54 6 COMMISSIONER: That's right. I think you'll have to be a  
01:28:55 7 bit more particular as to what transcripts you want. We  
01:28:58 8 don't have the resources at this stage to do that but I  
01:29:00 9 note your request.  
01:29:00 10  
01:29:01 11 MS CLARK: I'll give it some consideration.  
12  
01:29:04 13 COMMISSIONER: Thank you.  
14  
01:29:05 15 MR WINNEKE: If particular witnesses can be identified and  
01:29:07 16 aspects of that, it may well be - - -  
17  
01:29:11 18 COMMISSIONER: We need something a bit more specific.  
19  
01:29:13 20 MR WINNEKE: If there is some particularity about it that  
21 would be of some assistance but otherwise it would be a  
01:29:15 22 pretty difficult task.  
01:29:15 23  
01:29:16 24 MS CLARK: At the moment we've only been provided with two  
01:29:18 25 statements. I can certainly have my instructor email the  
01:29:23 26 Commission setting out what evidence it is we're concerned  
01:29:27 27 with respective witnesses.  
28  
01:29:30 29 COMMISSIONER: Thank you. Yes, I think now we have all the  
01:29:35 30 appearances. Mr Winneke.  
31  
01:29:42 32 MR WINNEKE: Yes. Commissioner, the next witness is a  
01:29:51 33 person who's going to be described as a Mr White and - - -  
34  
01:29:56 35 COMMISSIONER: He's using the pseudonym Mr White?  
36  
01:30:01 37 MR WINNEKE: A pseudonym Mr White, it's not his actual  
01:30:05 38 name.  
39  
01:30:06 40 COMMISSIONER: No.  
41  
01:30:08 42 MR WINNEKE: His position is involved in the SDU, a  
01:30:13 43 controller, if you like - Mr Chettle is clenching his  
01:30:17 44 teeth. In any event there is evidence that he is going to  
01:30:25 45 give and it's going to take quite some time. There's a lot  
01:30:30 46 of material which concerns Mr White and unfortunately a  
01:30:38 47 significant amount more of it has arrived with the Royal

01:30:45 1 Commission last night. Now these are - - -  
01:30:46 2  
01:30:47 3 MR CHETTLE: I'm sorry, Commissioner, can I ask that the  
01:30:49 4 expression used to describe Mr White, used by Mr Winneke,  
01:30:52 5 be taken from the record?  
6  
01:30:55 7 COMMISSIONER: What, the word controller?  
01:30:57 8  
01:30:57 9 MR CHETTLE: Yes. It identifies him. This is the problem.  
01:31:04 10 I just ask that it be done, Commissioner. I can explain  
01:31:07 11 why in closed session if need be.  
12  
01:31:12 13 COMMISSIONER: What do you say, Mr Winneke?  
14  
01:31:14 15 MR WINNEKE: Commissioner, it's going to become quite  
01:31:18 16 apparent as the evidence is given about the position that  
01:31:22 17 Mr White has with respect to the Source Development Unit.  
01:31:27 18 It's going to be abundantly clear, and if Mr Chettle is  
01:31:33 19 suggesting that any evidence concerning Mr White's position  
01:31:37 20 with respect to the SDU is something that cannot be given,  
01:31:42 21 well issue would be taken with that proposition. It's  
01:31:47 22 quite clear we are not going to identify him, his original  
01:31:54 23 identity. But it will be abundantly clear as the evidence  
01:31:59 24 goes on this person's position with respect to the SDU, and  
01:32:06 25 the expression that's been used is the name of his  
01:32:14 26 position. There's no issue about that. I take it  
01:32:16 27 Mr Chettle is saying well, look, that's a bit of bio data  
01:32:21 28 which will in some way, shape or form will able his  
01:32:26 29 original identity to be identified - so that may be  
01:32:42 30 something we need to have a discussion about if that  
01:32:44 31 point's going to be made at this stage. Obviously we're in  
01:32:47 32 public hearing at the moment and as I understand it we're  
01:32:52 33 live streaming at this stage.  
34  
01:32:57 35 COMMISSIONER: Perhaps without conceding that it should be  
01:32:59 36 struck out, for pragmatic reasons it might just be best if  
01:33:04 37 I now say that that be removed from the record, together  
01:33:08 38 with the application to remove any mention of the word -  
01:33:13 39 any mention of the word controller be removed from the  
01:33:16 40 record. Just so that we can get on with what can be done  
01:33:21 41 in public.  
42  
01:33:22 43 MR WINNEKE: Right. Well before we do that can I say this,  
01:33:25 44 Commissioner, we've been provided with emails. I'm told  
01:33:28 45 there are folders of emails which have existed within the  
01:33:33 46 records of the Victoria Police - - -  
47

01:33:35 1 COMMISSIONER: These are electronic folders of emails I  
01:33:38 2 presume?  
3  
01:33:40 4 MR WINNEKE: Emails which I'm told fill three folders.  
5  
01:33:43 6 COMMISSIONER: Are you talking about hard copy folders or  
01:33:46 7 electronic folders?  
8  
01:33:48 9 MR WINNEKE: When printed out fill - - -  
10  
01:33:52 11 COMMISSIONER: Right.  
12  
01:33:53 13 MR WINNEKE: I haven't seen them. Some of them relate to  
01:33:56 14 periods during the period that we're examining here. Now I  
01:34:01 15 would like - - -  
16  
01:34:03 17 COMMISSIONER: When did they arrive, yesterday?  
18  
01:34:06 19 MR WINNEKE: Last night. And they were asked for  
01:34:09 20 explicitly on 4 July at the directions hearing. I don't  
01:34:14 21 know what the explanation is but in our submission it just  
01:34:20 22 makes the job extraordinarily difficult. I would like,  
01:34:25 23 Commissioner, for some time - I'm not seeking a long time -  
01:34:29 24 at least to have a look at them to determine whether or not  
01:34:32 25 there are relevant materials which concern the earlier  
01:34:38 26 period of the registration of Ms Gobbo, that is the period  
01:34:44 27 around the 15th, 16th of September of 2005. Because as the  
01:34:50 28 Commissioner appreciates, the evidence which is coming next  
01:35:01 29 concerns the registration period, the third registration  
01:35:05 30 period starting on 16 September 2005 and going through to  
01:35:06 31 January 2009. That's the first thing that I would seek,  
01:35:09 32 Commissioner.  
33  
01:35:09 34 COMMISSIONER: So you're wanting me to stand down matters  
01:35:12 35 for you to look at?  
36  
01:35:14 37 MR WINNEKE: Yes.  
38  
01:35:14 39 COMMISSIONER: How long are you talking about?  
40  
01:35:16 41 MR WINNEKE: I don't believe it will be too long but I do  
01:35:18 42 want to at least have a look at these things to get an idea  
01:35:22 43 about what's in them. We got 292 emails just before  
01:35:27 44 midnight last night.  
45  
01:35:31 46 COMMISSIONER: Do we have all of them?  
01:35:33 47

01:35:35 1 MR CHETTLE: I understand not. I'm still waiting on emails  
01:35:39 2 from Mr Fox and Mr Black. I understand they're being  
01:35:46 3 obtained but we haven't got them yet.  
4

01:35:50 5 COMMISSIONER: Mr Holt, these were requested on 4 July.  
01:35:53 6 They arrived at midnight last night.  
01:35:56 7

01:35:56 8 MR HOLT: Yes, Commissioner. The position in relation to  
01:35:57 9 emails, as I explained at the directions hearing, it's been  
01:35:59 10 a technological nightmare in terms of the process of  
01:36:03 11 getting what are for the period which is relevant here out  
01:36:07 12 of the old-fashioned back-up tapes and into a form where  
01:36:11 13 they're just not a billion emails has been a very  
01:36:15 14 significant undertaking. It's now been mostly solved but  
01:36:18 15 it crashes the system still pretty regularly and once we've  
01:36:22 16 got to a point of being able to actually to it properly  
01:36:25 17 these ones were privatised. That's simply a function of  
01:36:31 18 the prioritisation process. The number of emails is about  
19 300, slightly less, but that's not just for the witness  
01:36:35 20 today, that relates to three witnesses, so the number in  
01:36:41 21 relation to the witness today of actual emails is likely to  
01:36:42 22 be significantly less than 300, one would guess 100, but I  
01:36:45 23 don't know how the split actually works.  
24

01:36:47 25 COMMISSIONER: Were they given sorted so that we can see  
01:36:49 26 which ones relate to today's witness?  
01:36:53 27

01:36:53 28 MR HOLT: Yes, I understand so. I understand they're in  
01:36:53 29 binders. I think the folders our learned friend is  
01:36:57 30 referring to are in fact electronic folders which just  
01:36:59 31 delineate those emails within the system.  
32

01:37:02 33 COMMISSIONER: They'll be easier to search if they're  
01:37:04 34 electronic.  
01:37:04 35

01:37:04 36 MR HOLT: That's the whole point of doing it this way,  
01:37:07 37 Commissioner, is that they're searchable. But plainly it  
01:37:09 38 would have been utterly unfair to the Commission to provide  
01:37:14 39 100,000 emails and say sort them yourself. So they've had  
01:37:16 40 to go through a very difficult process. I'm aware that it's  
01:37:17 41 an enormous imposition. It's been done as quickly as  
01:37:20 42 possible and this is the first time we've really been able  
01:37:23 43 to do it properly.  
44

01:37:24 45 COMMISSIONER: Can we be confident that all the emails that  
01:37:30 46 relate to the witness with the pseudonym White have been  
01:37:37 47 provided?

01:37:37 1  
2 MR HOLT: Subject to the limitations of the fact that the  
3 way of identifying those emails out of a very large body of  
01:37:38 4 material has been through dedicated key word searching and  
01:37:40 5 then physical review, I'm not going to pretend that's 100  
01:37:46 6 per cent perfect.  
7  
01:37:47 8 COMMISSIONER: No. But you think so.  
01:37:48 9  
10 MR HOLT: It's a good process, Commissioner.  
11  
12 COMMISSIONER: So you think they have been?  
13  
01:37:49 14 MR HOLT: I do think they have, Commissioner. I'm  
01:37:52 15 confident in the process. Whether there's an email also  
01:37:55 16 that's been missed, I can't guarantee that. We'll keep  
01:37:56 17 looking but in terms of the process that's been gone  
01:37:58 18 through, that's the body of them. These weren't heavy  
01:38:00 19 email users, fortunately.  
20  
01:38:13 21 COMMISSIONER: We've also got them, Mr Holt, for the person  
01:38:15 22 using the pseudonym Fox?  
01:38:20 23  
01:38:20 24 MR HOLT: I'm not used to these new pseudonyms.  
25  
01:38:23 26 COMMISSIONER: No.  
01:38:33 27  
01:38:34 28 MR HOLT: Peter Smith and Green were also provided last  
01:38:39 29 night and the others are under way, Commissioner.  
01:38:40 30  
01:38:40 31 COMMISSIONER: We have White, Smith and Green so far.  
01:38:46 32  
33 MR HOLT: Yes. And I should say, Commissioner, I neglected  
01:38:46 34 to inform the Commission before, those emails have also  
01:38:48 35 been made available, albeit very recently, to Mr Chettle's  
01:38:51 36 clients, so that's a separate level of review to ensure  
01:38:54 37 that the relevant ones have been picked up. Thank you,  
01:38:57 38 Commissioner.  
39  
01:38:58 40 COMMISSIONER: No, I haven't finished yet. When will we  
01:39:01 41 get the remaining emails concerning the other officers  
01:39:05 42 using pseudonyms, the handlers?  
01:39:10 43  
01:39:10 44 MR HOLT: Excuse me, Commissioner. Can I give the  
01:39:25 45 Commissioner a more specific update in a little while?  
46 It's prioritised but as the Commissioner would well  
01:39:28 47 understand there is an awful lot of priorities at present,

01:39:32 1 so I simply want to make sure that I've given the  
01:39:35 2 Commissioner accurate information. They are at the top of  
01:39:38 3 the list for that being done. It's also contingent on  
01:39:42 4 Mr Chettle's clients having capacity to review those  
01:39:44 5 materials as well, but it's at the very top of the list.  
01:39:45 6 I'll try and get more specificity shortly, Commissioner.  
01:39:48 7 If I can I'll stand up and interrupt and ask to advise the  
01:39:52 8 Commissioner of that.  
9

01:39:53 10 COMMISSIONER: All right. I can't say I'm impressed, but  
01:39:55 11 all right.

01:39:57 12  
01:39:57 13 MR COLLINSON: Commissioner, can I just raise - I hesitate  
01:40:01 14 to raise this on transcript, but Mr Nathwani and I of  
01:40:04 15 course will need access to an updated RC81 with the  
01:40:09 16 pseudonyms.  
17

01:40:10 18 COMMISSIONER: Yes. What I'm going to do, that document  
01:40:13 19 has been prepared. I'm going to tender that as 81B because  
01:40:18 20 we need 81A, the one we had until this latest lot of  
01:40:24 21 pseudonyms, to make sense of the other evidence that's  
01:40:26 22 already been given. Exhibit 81 up to, in its form when we  
01:40:32 23 concluded the last lot of hearings, will become Exhibit 81A  
01:40:36 24 and a new Exhibit 81B is now produced with the pseudonyms  
01:40:44 25 of the - that are now being used. So 81B and you'd like a  
01:40:49 26 copy of that.  
01:40:50 27

01:40:51 28 MR COLLINSON: Yes. Is 81B a composite list of all the  
01:40:54 29 pseudonyms?  
30

01:40:55 31 COMMISSIONER: No, it has the new pseudonyms, not the old  
01:40:59 32 ones. 81A will have the old ones and 81B will have the new  
01:41:04 33 ones.  
01:41:05 34

01:41:05 35 MR CHETTLE: Commissioner, can I see that before it's  
01:41:07 36 disseminated?  
37

01:41:09 38 COMMISSIONER: 81B, yes. Show this to Mr Chettle, please.  
01:41:11 39

01:41:12 40 MR CHETTLE: Thank you. I've had discussions with  
01:41:13 41 Mr Winneke about this. There needs to be a total  
01:41:16 42 disconnect between the old pseudonyms and new pseudonyms.  
01:41:20 43 It may mean just a rearranging of the order. I'm conscious  
01:41:23 44 of taking every - I do need to address you, Commissioner,  
01:41:33 45 in relation to that, about the way in which it's done.  
46

01:41:37 47 COMMISSIONER: You just want the order changed, do you?

01:41:41 1  
01:41:42 2 MR CHETTLE: Randomly, shuffled.  
3  
01:41:43 4 COMMISSIONER: The first order. We can do that.  
01:41:45 5  
01:41:46 6 MR CHETTLE: That's what I was concerned about.  
7  
01:41:48 8 MS LLOYD: Sorry, Commissioner, if I could say one issue in  
01:41:51 9 relation to the new pseudonyms. We have previously been  
01:41:54 10 provided with ICRs using the old pseudonyms. Now that  
01:41:59 11 they've all been replaced we can't work out who's who and  
01:42:04 12 I'm not sure what the solution is but there's a way that  
01:42:07 13 there could be some kind of ready reckoner so that we  
01:42:11 14 understand which parts of the evidence or which handlers  
01:42:13 15 relate to Mr Orman and which don't.  
01:42:17 16  
01:42:19 17 MR CHETTLE: My submission would be they don't need to know  
01:42:22 18 who's who, that's the whole point of the exercise, make  
01:42:25 19 sure they don't.  
20  
01:42:27 21 COMMISSIONER: They need to know the continuity though so  
01:42:29 22 they understand the narrative.  
01:42:31 23  
01:42:32 24 MR CHETTLE: The narrative is there in the documents, what  
01:42:35 25 an officer of the SDU says.  
26  
01:42:37 27 COMMISSIONER: The trouble is they have been provided with  
01:42:40 28 documents with the old pseudonyms in, so they now mean  
01:42:45 29 nothing. So they need the documents with the new  
01:42:48 30 pseudonyms in.  
01:42:50 31  
01:42:51 32 MR CHETTLE: They can have the document - that's right,  
01:42:53 33 they need the old documents redone but that defeats the  
01:42:58 34 purpose because would be the matter of comparing one to the  
01:42:58 35 other.  
36  
01:42:59 37 COMMISSIONER: I don't know how that's going to - - -  
01:43:00 38  
01:43:01 39 MR CHETTLE: I'm happy to discuss this but I don't want to  
01:43:04 40 do it in open hearing. It's a difficult prospect. I'm not  
01:43:06 41 trying to be difficult, I'm just trying to do what's  
01:43:09 42 necessary to protect the identity of my clients. They  
01:43:14 43 don't need to know who's who. They need to know it's  
01:43:17 44 effectively a generic SDU officer.  
45  
01:43:20 46 COMMISSIONER: They have to have the correct pseudonyms in  
01:43:22 47 the documents they have.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

MS LLOYD: We don't need the real identity, we have no interest in that. All we need to do is be able to understand the names used in the old ICRs and who that was passed to, which handler, so that we know whether or not we need to be here for their evidence.

COMMISSIONER: This doesn't need to be dealt with in closed court. They need the new documents with the new ICRs in there. There's no option. That's just unfortunate.

MR CHETTLE: Commissioner, it may be unfortunate that they can't get the names but the problem is that once they get the documents with the new pseudonyms it's a simple matter of comparing the two and they then have the identity of my clients, because what we're trying to do is make sure that Exhibit 81, old names and pseudonyms, do not become known to the inappropriate people. The difficulty is I'm obliged to do this under legislation, Commissioner. Up until recently this was not a problem.

MS LLOYD: I think we're - I think this is becoming circular. I'm happy to sit down with Mr Chettle and he can perhaps identify for me who's who, but without some translation of existing material that we have we are actually in a position where we can't identify - - -

COMMISSIONER: Isn't the simplest just to forget about what you've got and get it replaced with the latest pseudonyms?

MS LLOYD: Yes.

COMMISSIONER: You're going to have to have that because that's the evidence that you're going to be - that we're going to hear before the Commission. They have to have that, Mr Chettle.

MR CHETTLE: If we get the old documents back.

COMMISSIONER: Yes, they can give you the old documents back and you can give the new ones.

MR CHETTLE: If they hand back that old one maybe they can get replacements but we're concerned there be no comparison.

COMMISSIONER: No, no.

1  
01:45:18 2 MS LLOYD: We're happy to hand that back.  
3  
01:45:20 4 COMMISSIONER: When you've got the new ones, yes.  
5  
01:45:23 6 MS LLOYD: Yes. We do not need their names, their  
01:45:25 7 identities. We're not interested in that information, it's  
01:45:27 8 not relevant. We just need the updated handler.  
9  
01:45:30 10 COMMISSIONER: Yes. There we go, that didn't need to be  
01:45:33 11 done in closed court, did it? We'd like that done as soon  
01:45:37 12 as possible. Presumably the ICRs have been prepared in  
01:45:41 13 that form or they can be?  
14  
01:45:47 15 MR WINNEKE: Commissioner, I would imagine it would take  
01:45:49 16 days. There's been disclosure with certain names, as I  
01:45:55 17 understand it, and the disclosure is not just one or two  
01:45:59 18 documents, it is reams of document, significant numbers of  
01:46:05 19 documents. Ultimately it's a very difficult exercise to do  
01:46:10 20 it and the point is that - I understand what Mr Chettle's  
01:46:20 21 trying achieve, but really it's an impossible exercise and  
01:46:25 22 in our submission it makes the whole process virtually  
01:46:32 23 unmanageable.  
24  
01:46:34 25 MS LLOYD: With respect to counsel assisting, wouldn't it  
01:46:36 26 be a process of simply doing a control F replace with - - -  
27  
28 COMMISSIONER: It should be.  
29  
01:46:42 30 MS LLOYD: In the ICR summaries and the excerpts that we've  
01:46:45 31 been given? You could just do a - or you could just tell  
01:46:49 32 us White equals - - -  
33  
01:46:51 34 COMMISSIONER: That's what Mr Chettle doesn't want.  
35  
01:46:54 36 MR WINNEKE: That's the problem. It will become a - - -  
37  
01:46:57 38 COMMISSIONER: Can't it be just done with a control F, swap  
01:47:00 39 this for this for - someone, Victoria Police swap this for  
01:47:02 40 this and then send the documents electronically? Would it  
01:47:08 41 be such a big deal? Maybe we need to stand down and  
01:47:12 42 consider that.  
01:47:14 43  
01:47:14 44 MR HOLT: It really isn't as simple as control F. But  
45 there might be a comparatively simple solution depending on  
01:47:19 46 where the documents are presently loaded, in terms of which  
01:47:22 47 system, which depends on what time they were originally

01:47:24 1 loaded and I'll just need a little time to find that out.  
01:47:27 2 It might be possible, I'm not sure, at present but we'll  
01:47:29 3 see if we can find out quickly.  
4  
01:47:31 5 MR WINNEKE: Can I say this, Commissioner, the exercise of  
01:47:33 6 providing new pseudonyms in my submission is - it's really  
01:47:38 7 a convoluted process which achieves very well and  
01:47:43 8 ultimately it will become apparent, the connection will be  
01:47:46 9 drawn by at least the instructing solicitors, the lawyers.  
01:47:53 10 Now in my submission it really - I don't think anything can  
01:47:57 11 be done to help it, to be frank. And it means the process  
01:48:02 12 of the new pseudonyms really becomes an unnecessary, or is  
01:48:09 13 an unnecessary complication. It may well be that this  
01:48:13 14 discussion might be more comfortably had in private.  
15  
01:48:18 16 COMMISSIONER: I think we're going to have to refer to the  
01:48:20 17 provisions in a certain Act so that will have to be done in  
01:48:25 18 private.  
19  
01:48:26 20 MR WINNEKE: Maybe.  
21  
01:48:26 22 COMMISSIONER: Do we have any other matters we can deal  
01:48:29 23 with publicly before we go to that?  
24  
01:48:33 25 MR WINNEKE: Probably not, Commissioner. As I said, I  
01:48:37 26 wouldn't mind having a look at at least a scan of some of  
01:48:41 27 these documents which were received at midnight last night.  
01:48:44 28 I haven't had a chance to do so. That might take a little  
01:48:45 29 while. In the meantime perhaps we can have a discussion  
01:48:48 30 about these other matters, but hopefully we can get going  
01:48:55 31 reasonably soon. I think we do need to nut some of these  
01:49:00 32 things out, in particular the issue that Mr Chettle has  
01:49:02 33 raised as to how Mr White is referred to.  
34  
01:49:05 35 COMMISSIONER: I'm very disappointed these matters weren't  
01:49:08 36 sorted out before, I did offer to do directions hearings  
01:49:11 37 last week to try and sort out these matters so we could  
01:49:16 38 actually start hearings today. How long do you want,  
01:49:20 39 Mr Winneke?  
40  
01:49:22 41 MR WINNEKE: Perhaps if we had an hour, that would give us  
01:49:24 42 a chance to deal with those matters and also at least I can  
01:49:29 43 or my juniors can tell me about what's in these emails.  
44  
01:49:33 45 COMMISSIONER: All right. We'll adjourn until 11.30.  
46  
47 (Short adjournment.)

02:47:09 1 MR WINNEKE: Commissioner, I think we're ready to go, which  
02:47:12 2 isn't to say that there won't be hiccoughs along the way,  
02:47:14 3 but I think we've managed at least in the short term to  
02:47:18 4 resolve the issue that had arisen between Mr Chettle and  
02:47:22 5 ourselves with respect to the pseudonyms. My learned  
02:47:27 6 friend Mr Holt may have some information as to how long it  
02:47:31 7 will take to in effect purify the system but in the  
02:47:36 8 meantime I gather we're ready to go and everyone's  
02:47:41 9 satisfied about that.

02:47:42 10  
02:47:42 11 COMMISSIONER: So, yes Mr Holt.

02:47:45 12  
02:47:45 13 MR HOLT: Commissioner, the update is this. In terms of  
02:47:48 14 the material, the ICRs that relate to Mr Orman, someone has  
02:47:52 15 already started the process of changing the pseudonyms so  
02:47:56 16 they can be swapped over. It has to be done manually  
02:48:00 17 because it was done as part of the processes up to the  
02:48:04 18 Court of Appeal, so not a system that has been more  
02:48:08 19 recently used. That won't affect the vast majority of the  
02:48:13 20 affected persons which were done on a more recent system.  
02:48:13 21 So this is just the one that will take a little longer.  
02:48:15 22 Our best estimate at this stage is that it won't be longer  
02:48:18 23 than 24 hours to do that. That's our best estimate. We've  
02:48:21 24 spoken with our learned friend Ms Lloyd for Mr Orman about  
02:48:24 25 it and in the circumstances, though she can of course speak  
02:48:27 26 for herself, we understand that there's agreement that  
02:48:30 27 matters could proceed with the evidence-in-chief which is  
02:48:32 28 likely to at least take that long and then permit that to  
02:48:36 29 be dealt with as quickly as it as can be.

02:48:38 30  
02:48:38 31 COMMISSIONER: Obviously that's what we have to do, we have  
02:48:41 32 to get on with things.

02:48:43 33  
02:48:43 34 MR HOLT: Thank you Commissioner.

02:48:44 35  
02:48:44 36 COMMISSIONER: All right. I should say, Mr Chettle, I  
02:48:48 37 understand you've been consulted and you're happy with the  
02:48:51 38 reshuffling of the names.

02:48:52 39  
02:48:52 40 MR CHETTLE: I am.

02:48:53 41  
02:48:53 42 COMMISSIONER: So we can now tender the document as 81B and  
02:48:58 43 what was 81 will become 81A.

02:49:02 44  
02:49:03 45 MR WINNEKE: I tender that document, Commissioner. I don't  
02:49:08 46 know whether I have a hard copy.

02:49:10 47

02:49:10 1 COMMISSIONER: Perhaps we should get hard copies.  
02:49:12 2  
02:49:12 3 MR CHETTLE: Can we try and ensure the hard copies are  
02:49:16 4 restricted?  
02:49:17 5  
02:49:17 6 MR WINNEKE: They won't be used, Commissioner.  
02:49:18 7  
02:49:19 8 COMMISSIONER: Who would like a hard copy?  
02:49:20 9  
02:49:21 10 MR WINNEKE: I think we should have a hard copy.  
02:49:24 11  
02:49:25 12 MR CHETTLE: I need one to refer to the people who are  
02:49:28 13 named.  
02:49:28 14  
02:49:29 15 COMMISSIONER: Obviously Ms Gobbo's counsel need a hard  
02:49:31 16 copy, Victoria Police.  
02:49:32 17  
02:49:33 18 MR WINNEKE: I think those with standing leave who have  
02:49:37 19 been here for the duration ought be given a hard copy.  
02:49:40 20  
02:49:40 21 COMMISSIONER: All right then.  
02:49:43 22  
02:49:44 23 MR WINNEKE: A suggestion is it be returned at the end of  
02:49:47 24 the day, I think that would be sensible. It would be  
02:49:50 25 better if that document isn't leaving this hearing room.  
02:49:53 26  
02:49:53 27 COMMISSIONER: We might number them actually. Could you  
02:49:55 28 number them before you hand them out? How many are we  
02:49:59 29 going to hand out? One for counsel assisting - seven, is  
02:50:11 30 that right? Seven. Let's number them. They'll be  
02:50:15 31 returned each day to be kept in the safe custody of the  
02:50:20 32 Commission. And we're now ready to start with our first  
02:50:42 33 witness, is that right?  
02:50:43 34  
02:50:43 35 MR WINNEKE: That's correct, Commissioner. If we could - -  
02:50:46 36 -  
02:50:46 37  
02:50:47 38 COMMISSIONER: This witness is giving evidence by telephone  
02:50:49 39 from secure premises at police headquarters.  
02:50:54 40  
02:50:54 41 MR WINNEKE: He is. I understand - obviously he needs to  
02:50:56 42 be sworn and he'll do so with his correct name but that  
02:50:59 43 being the case - - -  
02:51:00 44  
02:51:01 45 COMMISSIONER: Does it need to be? I can ask him that he's  
02:51:05 46 using the pseudonym so and so, we understand what his real  
02:51:08 47 name is and just have him sworn in public. Why can't that

02:51:14 1 proceed?  
02:51:14 2  
02:51:15 3 MR CHETTLE: I'm happy with that. The Commissioner has  
02:51:17 4 previously wanted people sworn by their real names. We  
02:51:18 5 were prepared to do either.  
02:51:22 6  
02:51:22 7 MR WINNEKE: Commissioner, I would assume the witness would  
02:51:25 8 understand whether he is sworn in his own name or a  
02:51:29 9 pseudonym.  
02:51:29 10  
02:51:29 11 COMMISSIONER: I'll make it clear. We have a limited video  
02:51:33 12 link, is that right? So it will come up on my screen.  
02:51:35 13  
02:51:36 14 MR CHETTLE: Your screen only.  
15  
16 COMMISSIONER: My screen only, right.  
17  
02:51:37 18 MR CHETTLE: He can see you and the court and the rest of  
02:51:40 19 the Bar table but only you can see him.  
02:51:43 20  
02:51:43 21 COMMISSIONER: Yes, thank you. Do we need to adjourn to do  
02:51:45 22 that? No, we can start the link. We'll start the link  
02:51:50 23 with the witness using the pseudonym Sandy White.  
02:51:57 24  
02:51:57 25 MR WINNEKE: Sandy White.  
02:52:39 26  
02:52:39 27 COMMISSIONER: Good morning?---Good morning Commissioner.  
02:52:42 28  
02:52:42 29 Good morning. Now we understand you're using the pseudonym  
02:52:46 30 Sandy White to give your evidence. I and counsel  
02:52:50 31 representing the parties with standing leave are aware of  
02:52:55 32 your true identity. Are you going to give evidence on  
02:53:00 33 affirmation or oath?---On oath, please.  
02:53:03 34  
02:53:04 35 All right then. So now if you could take the oath it will  
02:53:09 36 be read out to you.  
02:53:10 37  
02:53:11 38 <SANDY WHITE, sworn and examined:  
02:53:34 39  
02:53:35 40 COMMISSIONER: Yes. Yes Mr Chettle.  
02:53:39 41  
02:53:40 42 MR CHETTLE: Yes, thank you Commissioner. Mr White, can  
02:53:42 43 you hear me?---Yes I can.  
02:53:43 44  
02:53:44 45 For the purposes of this Commission are you known by the  
02:53:45 46 pseudonym of officer Sandy White?---That's correct.  
02:53:48 47

02:53:49 1 Have you prepared a statement in your true name signed and  
02:53:53 2 dated 26 July of this year?---Yes, I have.  
02:53:58 3  
02:53:58 4 And you've provided that to me and to the Commission  
02:54:01 5 today?---Yes, I have.  
02:54:03 6  
02:54:03 7 I formally tender as an exhibit, Commissioner, the  
02:54:07 8 statement of officer Sandy White as a - in its - it needs  
02:54:13 9 to be confidential in its current form.  
02:54:15 10  
02:54:16 11  
02:54:16 12 #EXHIBIT 275A - Confidential affidavit of Sandy White, a  
02:54:23 13 pseudonym.  
02:54:23 14  
02:54:16 15 #EXHIBIT 275B - Redacted confidential affidavit of Sandy  
02:54:22 16 White, a pseudonym.  
02:54:27 17  
02:54:27 18 COMMISSIONER: And in due course there will be some sort of  
02:54:30 19 statement, I gather - - -  
02:54:31 20  
02:54:32 21 MR CHETTLE: There is a redacted version.  
02:54:33 22  
02:54:34 23 COMMISSIONER: A redacted version, the redacted version  
02:54:36 24 will be 275B and that's available for publication straight  
02:54:40 25 away on the website.  
02:54:44 26  
02:54:45 27 MR CHETTLE: Are the contents of that statement true and  
02:54:46 28 correct, Mr White?---Yes, they are.  
02:54:48 29  
02:54:49 30 In that statement you refer to a number of documents and  
02:54:53 31 what I want to do is formally, Commissioner, tender some of  
02:54:56 32 the documents to which he refers. In paragraph 23 you  
02:55:00 33 refer to the review and development of best practice human  
02:55:03 34 services management. I tender that document, Commissioner.  
02:55:08 35  
02:55:08 36 COMMISSIONER: Is that a confidential exhibit?  
02:55:10 37  
02:55:10 38 MR CHETTLE: No, it isn't.  
02:55:11 39  
02:55:12 40 #EXHIBIT 276 - Review and Development of Best Practice  
02:55:20 41 Human Source Management for Police.  
02:55:23 42  
02:55:23 43 COMMISSIONER: Is there a date to that document?  
02:55:27 44  
02:55:28 45 MR CHETTLE: It was completed in 2004, I don't have a date.  
02:55:31 46  
02:55:31 47 COMMISSIONER: That will do, thank you. Yes.

02:55:35 1  
02:55:35 2 MR CHETTLE: In paragraph - - -  
02:55:38 3  
02:55:38 4 MR HOLT: In terms of the tender of that document I'm not  
02:55:42 5 entirely sure what it is. I'm sorry, I know what it is, I  
02:55:45 6 just don't know that it's been reviewed so could it be  
02:55:48 7 tendered on the basis it is given an A and then have an  
02:55:52 8 opportunity for review? We haven't been given notice of  
02:55:55 9 that. It may have been reviewed, I just don't want it to  
02:55:58 10 be published without us having the opportunity to review  
02:56:01 11 it, Commissioner.  
02:56:02 12  
02:56:02 13 COMMISSIONER: All right.  
02:56:02 14  
02:56:03 15 MR CHETTLE: I'm happy with that, Commissioner.  
02:56:04 16  
02:56:05 17 COMMISSIONER: Can that be done within 24 hours?  
02:56:07 18  
02:56:08 19 MR HOLT: I would expect so, Commissioner, but I'm  
02:56:10 20 conscious that we have just given those people with that  
02:56:13 21 responsibility a very large number of jobs, so I'll keep  
02:56:16 22 reviewing this as we go and some of it may in fact have  
02:56:19 23 already been done.  
02:56:19 24  
02:56:19 25 COMMISSIONER: It will be confidential for the time being.  
02:56:22 26  
02:56:22 27 MR CHETTLE: In paragraph 42, Mr White, you refer to an  
02:56:26 28 audit conducted by Superintendent Biggin in 2006 and it's  
02:56:31 29 under the, it's headed ICS DSU audit of 3838 records. I  
02:56:38 30 tender that document, Commissioner.  
02:56:39 31  
02:56:40 32 COMMISSIONER: Again, is that a confidential exhibit?  
02:56:43 33  
02:56:43 34 MR CHETTLE: No.  
02:56:44 35  
02:56:44 36 #EXHIBIT 277 - (Confidential) ICS DSU audit of 3838.  
02:56:37 37 records.  
02:56:45 38  
02:56:46 39 COMMISSIONER: Presumably you'll want an opportunity to PI  
02:56:50 40 it as well.  
02:56:51 41  
02:56:51 42 MR HOLT: Yes Commissioner.  
02:56:51 43  
02:56:52 44 COMMISSIONER: It will have to be confidential for the time  
02:56:54 45 being. I do want this done speedily, I'll get a report  
02:56:58 46 tomorrow to when it's - - -  
02:57:00 47

02:57:00 1 MR HOLT: Yes of course, Commissioner. We weren't aware of  
02:57:02 2 particular documents being tendered today but we'll catch  
02:57:05 3 up as quickly as we can on that.  
02:57:07 4  
02:57:08 5 COMMISSIONER: Yes, all right.  
02:57:08 6  
02:57:09 7 MR CHETTLE: In paragraph 59, Mr White, you refer to a  
02:57:13 8 document you prepared with the findings of the Dedicated  
02:57:21 9 Source Unit pilot from 1 November 04 to 30 April 05, and I  
02:57:21 10 tender that document again on the same basis, Your Honour.  
02:57:24 11  
02:57:24 12 COMMISSIONER: What's that a pilot - - -  
02:57:26 13  
02:57:27 14 MR CHETTLE: The report - it is the findings of a Dedicated  
02:57:33 15 Source Unit pilot 1/11/04 to 30/04/05.  
02:57:33 16  
02:57:41 17 #EXHIBIT 278 - (Confidential) Dedicated Source Unit pilot  
02:57:33 18 1/11/04 to 30/04/05.  
02:57:44 19  
02:57:44 20  
02:57:44 21 MR CHETTLE: In paragraph 62 you refer to a document you  
02:57:46 22 prepared entitled Source Development Unit, the value and  
02:57:50 23 the future. I tender that document on the same basis.  
02:57:56 24  
02:57:56 25 #EXHIBIT 279 - Source Development Unit, the Value and the  
02:57:57 26 Future.  
02:57:57 27  
02:57:58 28 MR WINNEKE: Commissioner, for the sake of completeness, I  
02:58:01 29 won't ask my learned friend to go backwards, but if VPL  
02:58:02 30 numbers could be given for each of these documents, they're  
02:58:04 31 not in the statement.  
02:58:05 32  
02:58:06 33 COMMISSIONER: Right.  
02:58:06 34  
02:58:06 35 MR CHETTLE: I don't have the VPL numbers.  
02:58:09 36  
02:58:09 37 COMMISSIONER: If you have got someone there who can give  
02:58:12 38 us those at the same time. Do we have that? No.  
02:58:16 39  
02:58:17 40 MR CHETTLE: I've got some, Commissioner, I can help you  
02:58:20 41 with. For 278, the findings of the Dedicated Source Unit  
02:58:24 42 pilot, VPL.0005.0108.0001. For 279, the Source Development  
02:58:34 43 Unit, the value and the future, it is VPL.0100.0091.0001.  
02:58:48 44 They're the only two I've got at the moment I think. The  
02:58:53 45 one perhaps, this is a confidential - in paragraph 64,  
02:58:57 46 Mr White, you refer to the Manual [REDACTED]  
02:59:02 47 [REDACTED]

02:59:08 1 [REDACTED]. That  
02:59:12 2 was a document that you received in circumstances you  
02:59:15 3 outline in your statement?---That's correct.

02:59:18 4  
02:59:18 5 And I tender that as a confidential exhibit, Commissioner.  
02:59:23 6 There is a letter which I've provided to counsel assisting  
02:59:26 7 from the British authorities in relation to that document.

02:59:31 8  
02:59:31 9 COMMISSIONER: All right then. Perhaps that and the letter  
02:59:34 10 combined will be Exhibit 280 and that is a confidential  
02:59:38 11 exhibit.

02:59:38 12  
02:59:39 13 #EXHIBIT 280 - (Confidential) Manual [REDACTED]  
02:59:02 14 [REDACTED]  
02:59:06 15 [REDACTED]  
02:59:10 16 [REDACTED]  
17 [REDACTED]  
02:59:39 18 [REDACTED]  
02:59:39 19 [REDACTED]

02:59:40 20 COMMISSIONER: No need to PII it?

02:59:42 21  
02:59:42 22 MR WINNEKE: No, Commissioner, it's a document which I  
02:59:44 23 think on its face will remain confidential.

02:59:47 24  
02:59:47 25 COMMISSIONER: It was provided on a confidential basis.

02:59:49 26  
02:59:50 27 MR WINNEKE: I have what appears to be an email to that. I  
02:59:54 28 don't think there is any issue about it.

02:59:57 29  
02:59:58 30 COMMISSIONER: That's part of Exhibit 280, thank you.

03:00:02 31  
03:00:02 32 MR CHETTLE: I tender, Commissioner, the totality of the  
03:00:05 33 source contact reports, otherwise known as ICRs and  
03:00:10 34 referred to by this witness. I firstly should tender an  
03:00:12 35 unredacted copy as an exhibit and then there will need to  
03:00:18 36 be a redacted copy in due course.

03:00:19 37  
03:00:19 38 COMMISSIONER: The redacted copies don't exist yet?

03:00:22 39  
03:00:22 40 MR CHETTLE: I haven't got a redacted copy yet.

03:00:25 41  
03:00:25 42 MR HOLT: Commissioner, this is the entirety of the ICRs I  
03:00:27 43 think that are being referred to but we would want to be  
03:00:31 44 heard, I don't want to stop matters today, in terms of  
03:00:34 45 whether and how the entirety of the ICRs would be  
03:00:38 46 appropriately made public. Certainly there are numbers of  
03:00:42 47 ICRs which one would expect should be and are in the

03:00:44 1 process of being PII reviewed. We had understood that they  
03:00:49 2 would be identified with some great level of particularity  
03:00:50 3 so that we could do that process but we would certainly  
03:00:50 4 want to be heard if all of them were intended to be made  
03:00:55 5 public.  
03:00:55 6  
03:00:56 7 MR CHETTLE: I don't tender them to be made public but I  
03:00:56 8 want the Commission to have - - -  
03:00:57 9  
03:00:58 10 MR HOLT: Of course.  
03:00:58 11  
03:00:59 12 COMMISSIONER: That is what they are, this is the entire  
03:01:00 13 grouping of ICRs.  
14  
15 MR CHETTLE: It's the entire unredacted ICRs.  
16  
03:01:04 17 MR HOLT: Of course the Commission should have them, in  
03:01:06 18 fact already has those. But in terms of those being made  
03:01:10 19 as a bundle public we could certainly want to be heard on  
03:01:13 20 that and obviously that would be the expectation. I have  
03:01:14 21 no difficulty with them being tendered as a confidential  
03:01:18 22 exhibit, and any particular ICRs of course that are of  
03:01:21 23 significance are capable of PII review.  
03:01:25 24  
25 COMMISSIONER: That seems fair enough.  
26  
27 MR HOLT: Thank you Commissioner.  
28  
03:01:26 29 COMMISSIONER: You're happy with that, Mr Winneke?  
03:01:27 30  
03:01:28 31 MR WINNEKE: Commissioner, I think it's the only way we can  
03:01:30 32 do it.  
33  
03:01:31 34 #EXHIBIT 281 - (Confidential) Totality of the source  
03:00:06 35 contact reports, otherwise known as ICRs and  
03:00:10 36 referred to by this witness.  
03:01:33 37  
03:01:34 38 MR CHETTLE: I also tender on the same basis the tape  
03:01:37 39 recordings and transcripts of the meetings with Ms Gobbo.  
03:01:40 40 They're referred to in paragraph 91 of this witness's  
03:01:43 41 statement and that will be on the same basis I would  
03:01:46 42 imagine.  
03:01:47 43  
03:01:47 44 COMMISSIONER: The entire collection of tape recordings and  
03:01:52 45 transcripts of those tape recordings will be Exhibit 282,  
03:01:56 46 confidential exhibit.  
03:01:57 47

03:01:31 1 #EXHIBIT 282 - (Confidential) Tape recordings and  
03:01:39 2 transcripts of the meetings with Ms Gobbo.  
03:01:59 3  
03:02:00 4 MR CHETTLE: Next, Commissioner, on paragraph 94 the  
03:02:02 5 witness refers to information reports and I'll tender  
03:02:05 6 firstly the unredacted total information reports. That  
03:02:09 7 will be on a confidential basis. I understand there exists  
03:02:13 8 a redacted version of those documents to be a separate  
03:02:17 9 exhibit.  
03:02:17 10  
03:02:18 11 COMMISSIONER: Correct?  
03:02:18 12  
03:02:19 13 MR HOLT: There has been, the PII review has been done. I  
03:02:23 14 think there's just some final process with those assisting  
03:02:25 15 you, Commissioner, but we shouldn't be far away from that  
03:02:28 16 being able to be provided.  
17  
18 COMMISSIONER: Yes.  
19  
20 MR HOLT: Once they're agreed.  
21  
03:02:33 22 #EXHIBIT 283A - (Confidential) Unredacted information.  
03:02:35 23 reports.  
03:02:36 24  
03:02:37 25  
03:02:38 26 #EXHIBIT 283B - Redacted information reports.  
03:02:42 27  
03:02:43 28 MR CHETTLE: The next, Commissioner, in paragraph 112, the  
03:02:47 29 witness refers to the source management log maintained for  
03:02:52 30 Ms Gobbo. There are in fact two volumes of source  
03:02:54 31 management log, one for each of her registered number. So  
03:02:57 32 whether they're given the one exhibit number or two  
03:03:00 33 separate ones is a matter for you. I formally tender the  
03:03:04 34 source management log in relation to Ms Gobbo in two  
03:03:07 35 volumes.  
03:03:09 36  
03:03:09 37 COMMISSIONER: Will this be a confidential exhibit?  
03:03:11 38  
03:03:11 39 MR CHETTLE: It will be but there are, I think, redactions  
03:03:14 40 being done. I haven't seen a redacted copy.  
03:03:16 41  
03:03:17 42 MR HOLT: PII review has been completed, provided to those  
03:03:21 43 and the Commission and again those discussions I think are  
03:03:24 44 close to agreement subject to the Commissioner's views, so  
03:03:27 45 we shouldn't be too far from providing those once they're  
03:03:31 46 done.  
03:03:32 47

03:03:32 1 COMMISSIONER: The source management logs - sorry.  
03:03:34 2  
03:03:34 3 MR WINNEKE: Commissioner, I think the 3838 SML has already  
03:03:39 4 been tendered through Mr Purton. Only one page? No - - -  
03:03:49 5  
03:03:49 6 COMMISSIONER: Do we have an exhibit number?  
03:03:52 7  
03:03:52 8 MR CHETTLE: There was one page of it referred to.  
9  
03:03:55 10 MR WINNEKE: Only one page. I withdraw that.  
03:03:58 11  
03:03:58 12 MR HOLT: It's Exhibit 111, Commissioner.  
03:04:08 13  
03:04:08 14 COMMISSIONER: It was just a particular date, 27 September  
03:04:12 15 05.  
03:04:12 16  
03:04:13 17 MR CHETTLE: The entirety the Commission will need.  
18  
03:04:18 19 #EXHIBIT 284A - (Confidential) Source management logs  
03:04:19 20 concerning Nicola Gobbo.  
21  
03:04:23 22 #EXHIBIT 284B - Redacted version.  
03:04:29 23  
03:04:30 24 MR CHETTLE: Paragraph 119 refers to two formal risk  
03:04:33 25 assessments - the number should be 284.  
03:04:42 26  
03:04:42 27 COMMISSIONER: You're quite right, 284A and B.  
03:04:45 28  
03:04:45 29 MR CHETTLE: Thank you. I'm not sure whether the two risk  
03:04:47 30 assessments have been given exhibit numbers. I don't  
03:04:50 31 believe they have. There were two formal risk assessments  
03:04:55 32 referred to in paragraph 119.  
03:04:57 33  
03:04:59 34 COMMISSIONER: They may possibly have been tendered, there  
03:05:02 35 was certainly some cross-examination about them. Can  
03:05:04 36 anyone help me there?  
03:05:06 37  
03:05:06 38 MR CHETTLE: I don't believe they have.  
03:05:07 39  
03:05:08 40 COMMISSIONER: Weren't tendered? What is the date of the  
03:05:13 41 first one please?  
03:05:15 42  
03:05:15 43 MR CHETTLE: The first one is dated November 2005 and the  
03:05:18 44 second is dated April 2006.  
03:05:25 45  
03:05:25 46 COMMISSIONER: Is there any reason why they would be  
03:05:29 47 confidential exhibits?

03:05:30 1  
03:05:30 2 MR HOLT: Commissioner, we've made PII claims in respect of  
03:05:33 3 some aspects of them, and again we haven't had the response  
03:05:36 4 finally determined.  
5  
03:05:39 6 #EXHIBIT 285A - (Confidential) Risk assessment concerning  
03:05:41 7 Nicola Gobbo dated 5/11/05.  
8  
03:05:39 9 #EXHIBIT 285B - Redacted version.  
10  
03:05:50 11 #EXHIBIT 286A - (Confidential) Risk assessment concerning  
03:05:53 12 Nicola Gobbo dated April 2006.  
13  
03:05:50 14 #EXHIBIT 286B - Redacted version.  
15  
03:06:04 15  
03:06:05 16 MR CHETTLE: Thank you, Commissioner. In paragraph 211,  
03:06:18 17 Mr White, you refer to the form of the acknowledgement of  
03:06:23 18 responsibility document. Do you remember those  
03:06:25 19 documents?---Yes, I do.  
03:06:27 20  
03:06:28 21 Did those documents take different forms at different  
03:06:31 22 times?---Yes, they did.  
03:06:33 23  
03:06:34 24 In 2005, at the time of Ms Gobbo's commencement with you,  
03:06:39 25 it was a much more constrained document than it became  
03:06:43 26 later on, is that the case?---That's correct.  
03:06:45 27  
03:06:46 28 I'll tender the acceptance of responsibility form that was  
03:06:51 29 applicable to Ms Gobbo's registration in 2005,  
03:06:58 30 Commissioner. I again don't have a number for that but  
03:07:01 31 they will be provided in due course.  
03:07:03 32  
03:07:04 33 COMMISSIONER: I suppose you will want to look at it,  
03:07:06 34 Mr Holt?  
03:07:07 35  
03:07:07 36 MR HOLT: I wonder if it's already been tendered,  
03:07:09 37 Commissioner, as an exhibit? I'm just having that checked,  
03:07:15 38 otherwise I'm not sure precisely the document my friend is  
03:07:19 39 referring to.  
03:07:21 40  
03:07:24 41 MR CHETTLE: It's on Loricated I'm told. Yes, I'll  
03:07:30 42 probably be able to find a copy of it. I'll show it to you  
03:07:31 43 in due course. Can I move on and we'll track it down,  
03:07:36 44 Commissioner?  
03:07:36 45  
03:07:37 46 COMMISSIONER: We just want to make sure we haven't  
03:07:39 47 tendered it twice. Acceptance of responsibility document

03:07:48 1 2005. Acknowledgement, yes, that's what I thought it was.  
03:07:54 2  
03:07:54 3 MR CHETTLE: The point being made is that it's important  
03:07:57 4 that the right form for the right time, it changed at the  
03:08:01 5 end. Can I come back to that, Commissioner, rather than  
03:08:07 6 hold you up? I do have a copy of the document I think I  
03:08:11 7 can find in a moment.  
03:08:14 8  
03:08:14 9 COMMISSIONER: Can we do a search of the exhibits to see -  
03:08:18 10 it's not coming up.  
03:08:20 11  
03:08:20 12 MR HOLT: It's not coming up on our search either,  
03:08:24 13 Commissioner.  
14  
03:08:25 15 COMMISSIONER: Let's tender it then for the moment.  
03:08:25 16  
03:08:26 17 #EXHIBIT 287A - (Confidential) Acceptance of responsibility  
03:06:50 18 form.  
19  
03:08:26 20 #EXHIBIT 287B - Redacted version.  
03:08:34 21  
03:08:36 22 MR CHETTLE: In paragraph 283, Mr White, you refer to a  
03:08:41 23 letter each of the members of the SDU received from  
03:08:45 24 Mr Sheridan in March of 2013 effectively terminating the  
03:08:51 25 unit, do you recall that letter?---Yes, I do.  
03:08:54 26  
03:08:55 27 Again, I tender that letter, Commissioner. I've provided a  
03:08:58 28 copy of it to Mr Winneke and I think to Mr Holt. It  
03:09:02 29 doesn't have at this stage, I'm aware, a number but it will  
03:09:05 30 get one.  
03:09:06 31  
03:09:06 32 COMMISSIONER: And the date is?  
03:09:08 33  
03:09:08 34 MR CHETTLE: 26/3/13. It's a generic letter sent to each  
03:09:12 35 of the members signed by Mr Sheridan.  
03:09:18 36  
03:09:18 37 COMMISSIONER: A letter terminating the SDU, is that right?  
03:09:23 38  
03:09:23 39 MR CHETTLE: Yes.  
40  
03:09:26 41 #EXHIBIT 288 -Letter terminating the SDU 26/3/13.  
03:09:28 42  
03:09:28 43 COMMISSIONER: Again, will that need to be PIIed?  
03:09:31 44  
03:09:31 45 MR CHETTLE: I doubt it.  
03:09:32 46  
03:09:32 47 MR HOLT: I just need to check it, Commissioner. If it

03:09:35 1 does it will be very quick.  
03:09:37 2  
03:09:37 3 COMMISSIONER: All right.  
03:09:37 4  
03:09:38 5 MR CHETTLE: That, Commissioner, is all I think I need to  
03:09:40 6 tender at this stage.  
03:09:41 7  
03:09:41 8 COMMISSIONER: Thank you.  
03:09:43 9  
03:09:44 10 MR CHETTLE: With leave, Commissioner, I raised with  
03:09:47 11 Mr Winneke one other issue I wish to raise with this  
03:09:54 12 witness in evidence-in-chief, or two actually, in relation  
03:09:57 13 to the emails that we received I couldn't include in his  
03:10:01 14 statement because we only got them this morning.  
15  
03:10:05 16 Mr Smith, this will have to be redacted and PIIed but  
03:10:11 17 can I show you a document, please, that is three pages.  
03:10:18 18 And I don't know how you're going to do this. Is there a  
03:10:23 19 method of showing him a three page document? Actually,  
03:10:29 20 I'll give you the VPL number, sorry. VPL.6025.0001.8318.  
03:10:44 21 And not to be shown - it's got all the right correct names  
03:10:48 22 on it, Commissioner, it will have to be redacted but you  
03:10:51 23 can see it. It hasn't been loaded.  
03:10:55 24  
03:10:56 25 MR WINNEKE: Commissioner, this is one of the emails that  
03:10:58 26 was provided, I assume - - -  
03:11:01 27  
03:11:01 28 MR CHETTLE: It is.  
03:11:02 29  
03:11:02 30 MR WINNEKE: - - - late last night so it's not on the  
03:11:04 31 system.  
03:11:05 32  
03:11:05 33 MR CHETTLE: Can I do it this way, Commissioner, I'll  
03:11:08 34 notionally tender it and when it's loaded on the system it  
03:11:12 35 will come through. It's an email initially from officer  
03:11:17 36 Peter Smith to officer Sandy White and it involves an email  
03:11:23 37 from and to Ronald Iddles from this witness.  
03:11:37 38  
03:11:38 39 MR WINNEKE: I just wonder if my learned friend, whether  
03:11:41 40 there's - I think there's two Smiths.  
03:11:46 41  
03:11:46 42 MR CHETTLE: Sandy Smith.  
03:11:49 43  
03:11:50 44 MR WINNEKE: No, we have Sandy White and Peter Smith but  
03:11:52 45 there's another Smith I think mentioned? No.  
03:11:56 46  
03:11:57 47 MR CHETTLE: Not in this document.

03:11:58 1  
03:11:58 2 MR WINNEKE: All right.  
03:11:58 3  
03:11:59 4 COMMISSIONER: Just to clarify, it's an email from Sandy  
03:12:05 5 White - - -  
03:12:05 6  
03:12:06 7 MR CHETTLE: It's an email to and from Ronald Iddles from  
03:12:10 8 Sandy White. There is reference to other short emails from  
03:12:13 9 officer Peter Smith but the bulk of the email's from  
03:12:19 10 Mr Sandy White.  
03:12:20 11  
03:12:20 12 COMMISSIONER: Emails between, is it emails between Sandy  
03:12:23 13 White and Ron Iddles, is that it?  
03:12:26 14  
03:12:27 15 MR CHETTLE: That will be satisfactory.  
03:12:28 16  
03:12:28 17 COMMISSIONER: Roughly the time frame?  
03:12:30 18  
03:12:30 19 MR CHETTLE: Yes, it's March 14.  
03:12:32 20  
03:12:33 21 COMMISSIONER: March 2014.  
03:12:34 22  
03:12:34 23 MR CHETTLE: And it has, when it does catch up for the  
03:12:37 24 transcript it has the VP number I read before and the two  
03:12:40 25 subsequent numbers.  
26  
03:12:43 27 #EXHIBIT 289A - (Confidential) Emails between Sandy White  
03:12:23 28 and Ron Iddles March 2014.  
29  
03:12:50 30 #EXHIBIT 289B - Redacted version.  
03:12:50 31  
03:12:50 32 MR CHETTLE: Finally, Mr White, have you had the  
03:12:55 33 opportunity of reading what the High Court said in relation  
03:13:00 34 to the conduct of the police in relation to the management  
03:13:03 35 of Ms Gobbo?---Yes, I have.  
03:13:06 36  
03:13:07 37 And in relation to that, is there anything you wish to say  
03:13:10 38 to the Commission in relation to what they said?---Um, well  
03:13:20 39 firstly I was greatly surprised to hear our behaviour  
03:13:25 40 described as atrocious and reprehensible and I think  
03:13:29 41 probably on the facts that the High Court were given they  
03:13:33 42 are more than entitled to come to that conclusion but I  
03:13:36 43 think the High Court weren't made aware of all the facts  
03:13:40 44 and ultimately made a decision which I think was based on a  
03:13:46 45 lack of information and I absolutely dispute the fact that  
03:13:49 46 our behaviour was reprehensible atrocious.  
03:13:53 47

03:13:53 1 Thank you, would you remain there, please.  
03:13:55 2  
03:13:55 3 COMMISSIONER: Yes Mr Winneke.  
03:13:57 4  
5 <CROSS-EXAMINED BY MR WINNEKE:  
6  
03:14:00 7 So what you say is based on the facts or based on the  
03:14:05 8 material before the High Court, its comments with respect  
03:14:11 9 to Victoria Police being the conduct of Victoria Police  
03:14:15 10 being reprehensible, those comments were justified, you  
03:14:21 11 accept that?---On the information the High Court had in  
03:14:26 12 front of them, yes.  
03:14:27 13  
03:14:29 14 You understand that the information, do you understand what  
03:14:33 15 information the High Court had in front of it?---I have not  
03:14:38 16 read the full judgment, I haven't read the Ginnane  
03:14:42 17 judgment, but what I understand is that the Ginnane  
03:14:48 18 judgment relied very heavily on a report written by Neil  
03:14:54 19 Comrie in regards to how Ms Gobbo was managed by the Source  
03:14:59 20 Development Unit. That report is very inaccurate and I  
03:15:03 21 think that report infected the judgment by the Supreme  
03:15:12 22 Court, which took as gospel, if you like, Mr Comrie's  
03:15:18 23 comments that we failed to discourage Ms Gobbo from  
03:15:24 24 providing information that could be subject of legal  
03:15:28 25 professional privilege. Mr Comrie was wrong on that point  
03:15:31 26 and I think Mr Kellam from IBAC accepted what he said and I  
03:15:36 27 think the police department accepted what was said without  
03:15:40 28 looking into it and as a consequence the High Court found  
03:15:43 29 that our behaviour was, was, um, well was basically wrong  
03:15:49 30 and there was a fair, a large degree of unfairness occurred  
03:15:56 31 to a number of people that were the subject of Ms Gobbo's  
03:15:59 32 information.  
03:15:59 33  
03:16:00 34 Right. Would you say also then that the Court of Appeal  
03:16:05 35 was incorrect to acquit Mr Orman?---No, I wouldn't.  
03:16:11 36  
03:16:13 37 What you say is that you haven't read the entirety of the  
03:16:18 38 High Court decision, is that right?---That's correct.  
39  
03:16:22 40 It's a very short decision, I think it runs for about three  
03:16:26 41 or four pages but you haven't read the entirety of that,  
03:16:30 42 correct?---That's correct.  
03:16:30 43  
03:16:30 44 You haven't read the Ginnane decision?---No.  
03:16:34 45  
03:16:34 46 It's available for all to see on the public media, on  
03:16:38 47 Austlii, you haven't read that?---No, I haven't read that,

03:16:43 1 I've been very busy trying to read transcripts and contact  
03:16:47 2 reports and a lot of other material which I've only  
03:16:50 3 recently had access to.  
03:16:51 4  
03:16:51 5 It was handed down, published quite some time ago, but in  
03:16:55 6 any event you haven't read that. You haven't read the  
03:16:58 7 Court of Appeal decision which is available to the members  
03:17:02 8 of the public, you haven't read that?---I've only read a  
03:17:04 9 very short section of that Court of Appeal judgment.  
03:17:07 10  
03:17:09 11 Have you had access to and read Mr Kellam's decision?---No,  
03:17:15 12 I haven't. Only a very small section of it I've read.  
03:17:18 13  
03:17:19 14 Have you had access to and read Mr Comrie's findings?---No,  
03:17:25 15 I haven't.  
03:17:25 16  
03:17:26 17 So on what basis do you say all of this pollution occurred,  
03:17:29 18 is that something you've been told, is it?---Well, I can  
03:17:33 19 tell you that I've seen a document which has excerpts from  
03:17:37 20 Mr Comrie's report that was produced to the IBAC inquiry.  
03:17:42 21 It was also, if it was included in I think Mr Ginnane's  
03:17:49 22 judgment which goes to the essence of the issue that the  
03:17:53 23 Commission is investigating and I completely concurred.  
03:17:57 24  
03:17:58 25 You what?---I dispute it, it's inaccurate.  
03:18:04 26  
03:18:04 27 We'll come to these in due course in some detail but just  
03:18:07 28 for the record the point you make is you accept that the  
03:18:12 29 High Court's decision was correct based on what, it was  
03:18:18 30 information before it but you haven't read that  
03:18:20 31 information?---Not in it's entirety, no.  
03:18:24 32  
03:18:24 33 You haven't read any of the decisions?---Well I have read,  
03:18:27 34 as I said, I've read part of Mr Ginnane's judgment and I  
03:18:35 35 can see some of the information he relied upon to make that  
03:18:40 36 judgment.  
03:18:40 37  
03:18:41 38 You concede?---No, I can see.  
03:18:42 39  
03:18:42 40 You can see. Do you have a document or have you been  
03:18:44 41 provided with that sort of a document, have you, sort of a  
03:18:48 42 summary document?---Yes, I have.  
03:18:49 43  
03:18:51 44 Have you provided it - who provided it to  
03:18:54 45 you?---Mr Chettle, and I don't think it's a summary, I  
03:18:59 46 think it might have been an excerpt.  
03:19:02 47

03:19:03 1 Have you got it with you?---I do.  
03:19:05 2  
03:19:06 3 I'd ask for production of that document in due course. I'd  
03:19:11 4 ask that it be produced.  
03:19:12 5  
03:19:12 6 COMMISSIONER: Yes, thank you. You'll give that to the  
03:19:16 7 Commission, please, Mr White?---Yes Commissioner.  
03:19:21 8  
03:19:22 9 Thank you. Do you want to tender that?  
03:19:24 10  
03:19:25 11 MR WINNEKE: I'll tender it. I obviously don't have it, if  
03:19:28 12 we can notionally tender it.  
03:19:30 13  
03:19:31 14 #EXHIBIT 290 - Summary.  
15  
03:19:33 16 How many pages is it, Mr White?---Two.  
03:19:36 17  
03:19:36 18 Two pages?---Yes, sir.  
03:19:38 19  
03:19:39 20 Is it a typed document?---Yes, it is.  
03:19:42 21  
03:19:45 22 Does it have any handwritten notations on it?---It has some  
03:19:50 23 highlighted areas.  
03:19:52 24  
03:19:52 25 Yes?---Yellow highlight.  
03:19:54 26  
03:19:54 27 Yellow highlighted and you highlighted it or did someone  
03:19:58 28 else highlight it?---Someone else.  
03:20:00 29  
03:20:00 30 Have you made any notations on it?---No.  
03:20:04 31  
03:20:04 32 When did you get it?---Yesterday.  
03:20:07 33  
03:20:08 34 Yesterday. Before that, that's the only document that  
03:20:16 35 you've seen which contains any of the extracts, if you  
03:20:22 36 like, of any of these decisions and judgments, is that  
03:20:26 37 right?---That's right.  
03:20:27 38  
03:20:27 39 And you got it yesterday?---Yes.  
03:20:29 40  
03:20:34 41 So prior to yesterday you would have had no basis to say  
03:20:41 42 whether or not the High Court's findings were based on  
03:20:45 43 correct or incorrect materials?---No, that's not true.  
03:20:51 44  
03:20:52 45 Why do you say that? I thought you were saying it was only  
03:20:56 46 yesterday that you got this document which contained  
03:20:59 47 excerpts of these decisions?---It was only yesterday that I

03:21:03 1 saw some actual excerpts from the decision but the decision  
03:21:07 2 has been generally talked about for quite some time, as has  
03:21:12 3 the Comrie report. And as I stated earlier, the Comrie  
03:21:17 4 report is incorrect and I think the - - -

03:21:20 5  
03:21:20 6 But you haven't seen it?---No, but as I said to you, it's  
03:21:24 7 been generally spoken about for quite some time. I'm well  
03:21:28 8 aware that Mr Comrie believes that we actively sought  
03:21:32 9 information which is the subject of legal professional  
03:21:35 10 privilege.

03:21:37 11  
03:21:37 12 Right. That's one aspect of it, but do you know whether  
03:21:42 13 there are any other aspects to it?---Mr Comrie goes so far  
03:21:47 14 as to say that we actively sought to undermine people's  
03:21:55 15 defence strategy.

03:21:56 16  
03:21:56 17 You'll get the benefit of having a closer look at it in due  
03:22:01 18 course, Mr White, so perhaps I'll move on. I've just been  
03:22:20 19 shown a document by Mr Chettle, Mr White. You won't have  
03:22:23 20 seen that. What I'm told is that there is a document that  
03:22:27 21 you have that you're talking about is p.15 and 16 of a  
03:22:34 22 decision, is that right?---Yes, it is.

03:22:36 23  
03:22:38 24 And it's got some highlights on it and so forth?---Yes.

03:22:44 25  
03:22:48 26 That's the document that we're talking about. It's  
03:22:51 27 paragraphs 28 to 33, it seems, of a decision,  
03:22:56 28 correct?---That's correct.

03:22:57 29  
03:22:58 30 Do you know whose decision it is?---I think it is  
03:23:03 31 Mr Ginnane's decision.

03:23:07 32  
03:23:09 33 Commissioner, actually I've got it here if it's the same.  
03:23:13 34 It's Mr Chettle's and I assume he has a photocopy of that.  
03:23:17 35 All right. Now, whilst we're tendering things, Mr White,  
03:23:28 36 last night the Commission was provided with about 292  
03:23:33 37 emails which either you are a recipient of or a sender of  
03:23:42 38 or concern matters that you're involved in and/or contain  
03:23:48 39 your name. Now, have you seen those emails or any of  
03:23:51 40 them?---I saw a small handful of emails last night.

03:23:58 41  
03:23:59 42 Commissioner, what I might do is tender as an exhibit, it  
03:24:03 43 will need to be I think at this stage a confidential  
03:24:06 44 exhibit, the entirety of the emails and I'm led to believe  
03:24:11 45 there are 292 emails which meet the description that I've  
03:24:18 46 given and I tender those.

03:24:21 47

03:24:21 1 COMMISSIONER: Are these all emails that one way or another  
03:24:25 2 concern this witness?  
03:24:26 3  
03:24:27 4 MR WINNEKE: As I understand it, Commissioner.  
03:24:28 5 Mr Chettle's provided me with a folder of documents which  
03:24:32 6 contain a number of emails, not all of them have been sent  
03:24:37 7 or received by Mr White, and some of them, as I say,  
03:24:41 8 concern him or concern matters that he's involved in, as I  
03:24:45 9 understand it, and they've been produced on the basis that  
03:24:48 10 they're relevant to this witness and on that basis I would  
03:24:51 11 tender them.  
03:24:51 12  
03:24:52 13 COMMISSIONER: All right.  
03:24:52 14  
03:24:53 15 MR CHETTLE: Can I say, Commissioner, just for clarity,  
03:24:55 16 they concern the emails of three members of the SDU,  
03:24:58 17 officer Sandy White, officer Peter Smith and officer Green.  
03:25:03 18 They don't all relate to Mr White and the emails in  
03:25:09 19 relation to Fox and Black are yet to be provided. So they  
03:25:16 20 relate to, what Mr Winneke tendered relates to three  
03:25:20 21 members of the SDU.  
03:25:21 22  
03:25:23 23 COMMISSIONER: Right.  
03:25:23 24  
03:25:23 25 MR WINNEKE: Mr Chettle has tendered one of those already.  
03:25:26 26 What I would like to do, Commissioner, is to have all  
03:25:28 27 relevant materials, those documents which are said to be  
03:25:31 28 relevant before the Commission. It may well be that in due  
03:25:35 29 course not all of them, and I suspect only some of them,  
03:25:38 30 will be referred to but I think it's important to have them  
03:25:41 31 all before the Commission so in due course we can go  
03:25:45 32 through them and use them for the purposes of - - -  
03:25:49 33  
03:25:49 34 COMMISSIONER: I guess it will have to be confidential at  
03:25:51 35 this stage?  
03:25:52 36  
03:25:53 37 MR WINNEKE: Yes.  
03:25:54 38  
03:25:54 39 COMMISSIONER: The bundle of emails relevant to Sandy  
03:25:57 40 White, Peter Smith and Green are tendered as Exhibit 291, a  
03:26:02 41 confidential exhibit at this stage.  
42  
03:25:56 43 #EXHIBIT 291 - (Confidential) Emails relevant to Sandy  
03:25:57 44 White, Peter Smith and Green.  
03:26:03 45  
03:26:04 46 MR WINNEKE: Thanks Commissioner. The next thing I want to  
03:26:06 47 ask you about, Mr White, is your diaries. In the course of

03:26:11 1 your work as a member of the Source Development Unit you  
03:26:20 2 kept a diary. In the initial stages it was a handwritten  
03:26:24 3 diary, is that right?---That's right.  
03:26:26 4  
03:26:29 5 It's simply an official police diary, is that right?---Yes,  
03:26:34 6 it is.  
03:26:34 7  
03:26:36 8 Over the course of the period that you worked in the SDU  
03:26:39 9 and indeed before, when you were involved in the DSU, the  
03:26:45 10 Dedicated Source Unit, which was the earlier version of the  
03:26:49 11 SDU, you kept a diary, is that right?---That's right.  
03:26:52 12  
03:26:53 13 What the Commission has been provided with is a series of  
03:26:59 14 handwritten diary entries commencing on about I think 3  
03:27:03 15 October or thereabouts of 2005 and they go through to about  
03:27:09 16 July I think of 2007, is that right? Do you have them with  
03:27:18 17 you?---I do have them with me.  
03:27:20 18  
03:27:21 19 Can you just check - - - ?---And that is - sorry, that is  
03:27:25 20 correct, they start in October 2005.  
03:27:27 21  
03:27:28 22 Yes?---And I'm, I can see here with me that the handwritten  
03:27:36 23 diaries did finish in July 07.  
03:27:39 24  
03:27:39 25 There's two folders of them, or at least they fit into two  
03:27:43 26 arch lever folders, don't they?---I'm not sure how yours  
03:27:50 27 are prepared, Sir, but I have at least five folders here.  
03:27:52 28  
03:27:56 29 In any event, do you say that they contain the entirety of  
03:28:02 30 your diaries for that period, all of the diaries, or only  
03:28:06 31 relevant portions of the diaries?---It's the entire diary,  
03:28:12 32 each diary.  
03:28:14 33  
03:28:14 34 Commissioner, the Commission has been provided with a  
03:28:18 35 number of diaries that contain in two lever arch folders,  
03:28:25 36 there are redactions in them for relevance, they are not  
03:28:28 37 consecutive pages. We have been assured that they are  
03:28:32 38 relevant albeit we've had discussions which make it clear  
03:28:36 39 there are entries which are relevant which have been  
03:28:39 40 redacted from the materials that have been provided to the  
03:28:43 41 Commission. Now what I would certainly seek to do is to  
03:28:46 42 tender that which has been provided to the Commission at  
03:28:51 43 present but I would also seek to tender - perhaps there  
03:28:56 44 might be resistance to this, but I would like the  
03:28:59 45 Commission to have the entirety of the relevant materials,  
03:29:03 46 and one assumes that if I was to tender all of the diaries  
03:29:08 47 that Mr White has with them there would be a significant

03:29:12 1 amount of irrelevant material. I don't want to do that.  
03:29:15 2 But I'm also told that the process of getting to the  
03:29:19 3 Commission the relevant entries will take some time. But I  
03:29:24 4 would like the Commission to have before it the relevant  
03:29:27 5 materials.  
03:29:28 6  
03:29:29 7 COMMISSIONER: Is there a concession that we haven't yet  
03:29:31 8 been provided with all relevant material, not all relevant  
03:29:36 9 handwritten diaries for this witness?  
03:29:39 10  
03:29:40 11 MR WINNEKE: Mr White, can I ask you this: do you  
03:29:43 12 understand that there have been, do you understand the  
03:29:46 13 process in which the Loricated database came into being?  
03:29:53 14 Do you know anything about that or not?---No.  
03:29:55 15  
03:30:03 16 Mr Holt can clarify.  
03:30:04 17  
03:30:05 18 MR HOLT: Commissioner, this has been the subject of  
03:30:07 19 discussions. When the Loricated database was prepared it  
03:30:10 20 was prepared on the basis of redacted diaries from the  
03:30:15 21 handlers and so on being put into the Loricated database  
03:30:18 22 for obvious reasons because the diaries contain matters  
03:30:21 23 that go well beyond Ms Gobbo that are utterly unrelated and  
03:30:24 24 highly sensitive areas relating to people that have nothing  
03:30:28 25 to do with her. What became clear only in the course of  
03:30:32 26 the last week or so, and Mr Winneke and I were discussing  
03:30:34 27 certain matters, is that there are issues which have become  
03:30:37 28 relevant by virtue of the issues that the Royal Commission  
03:30:40 29 is dealing with which wouldn't have been included within  
03:30:42 30 that frame, but not anything to do specifically with  
03:30:44 31 Ms Gobbo, that is everything to do with Ms Gobbo was  
03:30:48 32 included in that frame. So it's things though, for  
03:30:50 33 example, to do with more general issues where, for example,  
03:30:55 34 a diary entry might relate to a particular operation which  
03:30:58 35 has become obviously relevant in the course of the  
03:31:01 36 Commission but didn't appear on its face to be related to  
03:31:03 37 Ms Gobbo. Our assessment of it at this point is the  
03:31:06 38 Commission has, and already in the material that's been  
03:31:09 39 provided, the extraordinarily vast majority of the diary  
03:31:12 40 entries that are relevant and all of those which are  
03:31:16 41 directly relevant in the sense they relate to Ms Gobbo.  
03:31:19 42 The process of going through those original diaries again  
03:31:22 43 to extract out of them these additional areas of relevant  
03:31:25 44 material would obviously be massively time consuming, it is  
03:31:29 45 about 10,000 pages. We accept of course that we are  
03:31:31 46 obliged to provide relevant material to the Commission and  
47 nothing's been withheld intentionally. And I give the

03:31:35 1 Commission that assurance. As soon as this issue became  
03:31:39 2 live we've been actively discussing it. It can be done.  
03:31:42 3 It can't be done quickly. But it shouldn't hold up this  
03:31:45 4 evidence we don't think and we can start that process, but  
03:31:48 5 it's 10,000 pages starting from scratch in essence so it's  
03:31:53 6 likely to be, I'd have thought it's at least weeks, if not  
03:31:57 7 longer than that, Commissioner, probably months.  
03:31:59 8  
03:31:59 9 COMMISSIONER: All right then. But you're content to have  
03:32:01 10 the complete handwritten relevant sections of the  
03:32:05 11 handwritten diary of Sandy White between October 05 and  
03:32:10 12 July 07 tendered as an exhibit?  
03:32:13 13  
03:32:13 14 MR HOLT: Yes, Commissioner. The difficulty at present is  
03:32:15 15 there's a portion of those which we acknowledge we don't  
03:32:19 16 yet know what they look like, so it's really a matter for  
03:32:21 17 the Commission as to whether those which are present have  
03:32:24 18 already been provided to the Commission are tendered  
03:32:28 19 presently as an exhibit and then we return to the remainder  
03:32:28 20 or perhaps they form two parts of the same exhibit for ease  
03:32:31 21 of identification. But in principle no difficulty at all.  
03:32:33 22  
03:32:33 23 COMMISSIONER: Thank you. Maybe we should tender one as -  
03:32:36 24 what we've got so far as A and what is yet to come as B.  
03:32:41 25  
03:32:42 26 MR WINNEKE: I think in due course, Commissioner, I think  
03:32:44 27 perhaps we can do this: we'll tender the relevant entries,  
03:32:48 28 the diaries as they've been provided to the Commission. In  
03:32:51 29 due course when we're provided with all of the relevant  
03:32:55 30 entries that can then replace the exhibit which is being  
03:32:58 31 tendered now.  
03:32:59 32  
03:32:59 33 COMMISSIONER: All right then.  
03:32:59 34  
03:33:00 35 MR HOLT: Can I just raise this issue, Commissioner, in  
03:33:01 36 relation to that. The redacted versions which the  
03:33:04 37 Commission has which are in Loricated are redacted for  
03:33:06 38 relevance, they're not redacted for public interest  
03:33:10 39 immunity or anything of the like.  
03:33:10 40  
03:33:10 41 COMMISSIONER: I understand that.  
03:33:11 42  
03:33:11 43 MR HOLT: The only reason I raise this issue is what we've  
03:33:14 44 done this morning is to tender some very large tracks of  
03:33:17 45 material. I raise issue specifically in relation to the  
03:33:20 46 ICRs, with an indication from counsel assisting that  
47 plainly all of those will end up being referred to or

03:33:26 1 published.  
03:33:26 2  
03:33:26 3 COMMISSIONER: The same with the bundle of emails and the  
03:33:28 4 same with this material.  
03:33:29 5  
03:33:29 6 MR HOLT: Thank you, so long as that is the expectation,  
03:33:33 7 otherwise we will be conducting PII review for two years,  
03:33:37 8 Commissioner.  
03:33:37 9  
03:33:37 10 COMMISSIONER: No, no. Then as relevant bits are perhaps  
03:33:40 11 tendered separately then they'll be PIIed.  
03:33:45 12  
03:33:45 13 MR HOLT: Yes. I well understand why the Commission wants  
03:33:48 14 to have identified before it those full suites of documents  
03:33:51 15 but so long as that is the understanding I'm very grateful.  
03:33:55 16 Thank you Commissioner.  
03:33:55 17  
03:33:56 18 COMMISSIONER: Thank you. The redacted handwritten diary  
03:33:57 19 of Sandy White from October 05 to July 07 concerning Nicola  
03:34:03 20 Gobbo is Exhibit 292 and that's a confidential exhibit at  
03:34:10 21 this stage.  
22  
03:33:56 23 #EXHIBIT 292 - (Confidential) Redacted handwritten diary of  
03:33:58 24 Sandy White from October 05 to July 07  
03:34:01 25 concerning Nicola Gobbo  
03:34:10 26  
03:34:11 27 MR WINNEKE: If it please the Commission. Just whilst I'm  
03:34:13 28 on those diaries, Mr White, your involvement in this  
03:34:18 29 matter, your involvement with Ms Gobbo commenced prior to 3  
03:34:26 30 October, is that correct?---Yes, it is.  
03:34:28 31  
03:34:28 32 Of 2005?---That's right.  
03:34:31 33  
03:34:32 34 And prior to 3 October you would have had a diary?---Yes.  
03:34:36 35  
03:34:38 36 And that diary hasn't been produced or can't be found, is  
03:34:46 37 that right?---That's right.  
03:34:48 38  
03:34:48 39 The diaries that have been produced and could be found,  
03:34:53 40 where were they?---Where were they found?  
03:34:58 41  
03:34:58 42 Yes?---I really don't know.  
03:35:03 43  
03:35:07 44 You're no longer a member of Victoria Police, I  
03:35:09 45 assume?---That's correct.  
03:35:10 46  
03:35:10 47 When you left Victoria Police did you retain your diaries

03:35:13 1 or did you hand them in?---No, they were collected - last  
03:35:19 2 time I saw them till copies were given to me fairly  
03:35:25 3 recently was when the SDU was still currently running and  
03:35:29 4 they were all stored in a cabinet in the SDU at some point,  
03:35:33 5 but I don't know where they went after that.  
03:35:36 6  
03:35:36 7 There's no reason to believe that the diaries prior to 3  
03:35:41 8 October wouldn't have been retained in the usual  
03:35:45 9 course?---No, there isn't.  
03:35:48 10  
03:35:48 11 And there's no reason as far as you can tell why that diary  
03:35:51 12 would have been treated in any way different to the  
03:35:54 13 subsequent diaries that you used?---Well, I obviously  
03:36:01 14 wanted that diary, that would have been the starting point  
03:36:04 15 for my statement.  
03:36:04 16  
03:36:04 17 Yes?---And I can see from the inquiries that have been made  
03:36:12 18 over the years that diary has been noted as missing for  
03:36:15 19 quite some years.  
03:36:15 20  
03:36:15 21 When was the first time that you realised that diary was  
03:36:18 22 missing?---Probably about maybe less than two months ago.  
03:36:30 23  
03:36:30 24 Have you made any inquiries yourself as to where it might  
03:36:34 25 be and how it could have gone missing?---I suggested a  
03:36:40 26 place that could be looked but I don't think has been, I  
03:36:44 27 don't think the Loricated people have tried yet.  
03:36:50 28  
03:36:51 29 Why do you say you don't think they've tried that  
03:36:54 30 yet?---Well, just to make this clear, sir, it seems the  
03:36:59 31 diary has been missing since the, either the Bendigo or the  
03:37:04 32 Loricated examination, this particular affair occurred and  
03:37:10 33 that's several years ago, I'm not exactly sure how many.  
03:37:13 34 But it's been missing for a long time and, as I said, it  
03:37:18 35 should have been with my other diaries. I'm well aware  
03:37:21 36 that the diaries that were at the SDU that have been  
03:37:24 37 produced to the Loricated team cover a period before  
03:37:28 38 Ms Gobbo's registration and after. The only diary missing  
03:37:31 39 is the one that covers that period when we were discussing  
03:37:35 40 the recruitment and registration of Ms Gobbo.  
03:37:39 41  
03:37:39 42 Yes, a fairly significant diary?---That is the most, most  
03:37:44 43 important diary from my point of view and the only thing I  
03:37:48 44 can imagine is that the Comrie review team were supplied  
03:37:52 45 that diary in order to do their review. Now, I'm well  
03:37:56 46 aware that Mr Comrie and his team had a look at official  
03:38:01 47 police diaries because I know it's in his report. He makes

03:38:05 1 a comment that he inspected the diaries and he makes an  
03:38:09 2 adverse comment about the quality of handwriting. I would  
03:38:14 3 imagine that the diary Mr Comrie would have been most  
03:38:17 4 interested to see was that one that is now missing. And  
03:38:21 5 when he makes a reference to the quality of the  
03:38:23 6 handwriting, it's highly likely that it's a reference to my  
03:38:28 7 handwriting, which is pretty poor. So I suggested that the  
03:38:31 8 Loricated people make an inquiry with Mr Comrie or  
03:38:36 9 Mr Gleeson as to which diary they inspected when they  
03:38:40 10 conducted their review and what happened to it.

03:38:43 11  
03:38:45 12 You were told about Mr Comrie's comment on your  
03:38:52 13 handwriting, were you?---Yes, I was.

03:38:54 14  
03:38:55 15 When were you told that?---Again, less than two months ago.  
03:39:01 16 If I can make this clear: I've been working on this, on a  
03:39:05 17 statement for this inquiry for about three months. Prior  
03:39:11 18 to that I was overseas for five weeks. Prior to that I  
03:39:15 19 worked on my diaries for about a week. So I've had a total  
03:39:19 20 of about four weeks with my diaries to look at this. I've  
03:39:23 21 also had access to the Loricated database and I can see the  
03:39:28 22 comments of the Comrie review team in there and that's  
03:39:31 23 where I saw a comment relating to Mr Comrie inspecting the  
03:39:35 24 SDU diaries.

03:39:37 25  
03:39:37 26 Right?---He makes reference to inspecting numerous diaries,  
03:39:41 27 I don't know what he inspected, but if he was going to look  
03:39:43 28 at any diary it would have been that one.

03:39:45 29  
03:39:46 30 The diaries that you've got with you, are they your regular  
03:39:50 31 bound diaries or are they in folders?---No, sir, they're  
03:39:55 32 photostated, photocopied pages of my diaries.

03:39:58 33  
03:39:58 34 Do you say that you've seen the actual hard copies of your  
03:40:02 35 diaries at all in recent times?---Yes, I was provided with  
03:40:11 36 the hard copies originally.

03:40:13 37  
03:40:13 38 When you say originally, when are you talking about?---This  
03:40:17 39 is about three or four weeks ago.

03:40:19 40  
03:40:20 41 Yes, all right?---And at some point in the last fortnight I  
03:40:24 42 was told the Commission required my diaries so they were  
03:40:27 43 taken away from me and I was given photocopy pages.

03:40:31 44  
03:40:32 45 You've made suggestions about where your diary ought be, or  
03:40:38 46 efforts ought be made to find your diary. As to whether  
03:40:42 47 that's been done, you don't know?---That's correct.

03:40:44 1  
03:40:52 2 I'm going to ask you some questions about your background,  
03:40:57 3 Mr White, and your experience within Victoria Police.  
03:41:10 4  
03:41:10 5 MR CHETTLE: Commissioner, could I say that causes me some  
03:41:14 6 concern because it would form bio data that would identify  
03:41:16 7 him. Commissioner, you have his background in the  
03:41:17 8 unredacted statement. The point's been raised on earlier  
03:41:22 9 occasions about some of the matters in that, effectively  
03:41:26 10 lighting them up. I do have concerns about identifying  
03:41:30 11 him.  
03:41:30 12  
03:41:31 13 COMMISSIONER: All right. Are these questions going to  
03:41:34 14 cause us some issues, Mr Winneke?  
03:41:36 15  
03:41:36 16 MR WINNEKE: I would assume so, that's why I made that  
03:41:42 17 comment prior to asking any questions. I do propose, and  
03:41:45 18 it's relevant to ask Mr White about his background and  
03:41:48 19 experience and we're going to get into an area I suspect  
03:41:51 20 where it will be said that bio data will be produced and  
03:41:56 21 that that may well be of discomfort to Mr Chettle.  
03:42:03 22  
03:42:04 23 COMMISSIONER: So are we going to have to have this  
03:42:06 24 argument in closed court?  
03:42:08 25  
03:42:09 26 MR CHETTLE: Yes, Commissioner, I submit you do.  
03:42:17 27  
03:42:18 28 COMMISSIONER: All right then. I'm satisfied under the  
03:42:22 29 *Inquiries Act* that the hearing should be closed for the  
03:42:30 30 purpose of this argument and those present be limited to  
03:42:41 31 legal representatives and staff assisting the Royal  
03:42:46 32 Commission and the lawyers of parties with leave to appear.  
03:42:54 33  
03:42:55 34 MR CHETTLE: Commissioner, can I suggest that that is too  
03:42:58 35 broad. The relevant legislation can only be people who  
03:43:02 36 have had certain factors, in my submission the only people  
03:43:05 37 who can be here are Mr Winneke, Mr Holt and us.  
03:43:10 38  
03:43:10 39 COMMISSIONER: What part of the legislation do you say has  
03:43:12 40 that impact?  
03:43:16 41  
03:43:16 42 MR CHETTLE: I can't tell you, Commissioner, in this  
03:43:18 43 format.  
03:43:19 44  
03:43:19 45 COMMISSIONER: You can tell me a section.  
03:43:23 46  
03:43:24 47 MR CHETTLE: All right. Excuse me, Commissioner, would you

03:43:26 1 allow me to get the legislation?  
03:43:29 2  
03:43:29 3 COMMISSIONER: Of course.  
03:43:41 4  
03:43:42 5 MR CHETTLE: What I'll do is hand you a Post-it Note with  
03:43:45 6 the relevant section.  
03:43:46 7  
03:43:47 8 COMMISSIONER: Thank you. You might like to give that back  
03:44:18 9 to Mr Chettle and ask him to be more specific.  
03:45:13 10  
03:45:14 11 MR McDERMOTT: Commissioner, just while that's occurring, I  
03:45:16 12 don't have instructions as to whether or not I should press  
03:45:21 13 to be here or not for a start, so I reserve my position  
03:45:23 14 about that.  
03:45:31 15  
16 COMMISSIONER: Yes.  
17  
03:45:32 18 MR CHETTLE: My understanding, Commissioner, is that the  
03:45:34 19 principle as to who can be present is that that I've  
03:45:37 20 written down pursuant to the legislation which I'll find.  
03:45:41 21 I note Mr Paterson's here and he could give evidence to you  
03:45:46 22 about who is eligible under the Act. The difficulty is  
03:46:12 23 having this discussion in open hearing. It may be I'm  
03:46:17 24 wrong and they can be invited in, but for the purposes of  
03:46:20 25 getting on with it, can I ask the Commissioner to restrict  
03:46:24 26 it to Mr Winneke, Mr Holt and his crew and our crew and I  
03:46:28 27 can say to you what I understand the position to be.  
03:46:30 28  
03:46:30 29 COMMISSIONER: What about counsel for the State?  
03:46:32 30  
03:46:32 31 MR CHETTLE: No, I don't believe - it resolves around who  
03:46:39 32 has had a particular thing happen to them.  
03:46:41 33  
03:46:41 34 COMMISSIONER: I see. I'm told that for the time being  
03:46:44 35 while this argument is being had everyone will have to  
03:46:48 36 leave the hearing room except counsel for the Commission,  
03:46:54 37 counsel for Victoria Police and counsel for the witness.  
03:46:58 38  
03:46:58 39 MR COLLINSON: We will leave, Commissioner, but of course  
03:46:59 40 we just wish to bring to the Commissioner's attention that  
03:47:03 41 we have a copy of the full version of Mr White's statement.  
03:47:07 42  
03:47:08 43 COMMISSIONER: It's not related to that, it's something  
03:47:10 44 else. It's something else.  
03:47:16 45  
03:47:16 46 (IN CAMERA PROCEEDINGS FOLLOW)  
47