

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

1 brief that I served you, there was some material that was
2 missing, [REDACTED] transcript at the [REDACTED] some
3 consumer court records and also a transcript of [REDACTED]
4 [REDACTED] which you just got served last week and there was
5 some other material that, telephone intercept material
6 which you will get today as well. So that's what I mean
7 when I say a full copy of the brief.
8 You have got this letter I wrote on 13 September to the
9 OPP?---Yes.
10 And so there is - - - ?---A lot of that material you already
11 have.
12 Well, the second statement of [REDACTED] we received?---Yes.
13 Have we got the records of interview of [REDACTED] and the videos
14 of that?---You certainly have the transcripts of it and
15 the videos are there for viewing if you wish.
16 You are not going to provide us with copy videos? Do we have to
17 make arrangements to see the videos in this case? Is that
18 how it works?---Well, I can certainly get some copies run
19 off but they will probably happen through the OPP, I will
20 give them the copy of those today if you like.
21 Right, so that's not a problem?---Not a problem.
22 Excellent. Any other statements made by [REDACTED] signed or
23 unsigned?---There is none relevant to these charges.
24 None relevant or none full stop?---None relevant to these
25 charges.
26 What about other statements that he's made, are you prepared to
27 provide those or do you take some sort of privilege?---I
28 would take - be seeking public interest immunity to answer
29 that question.
30 On what basis?---Well, I would like to seek some legal advice,
31 Your Honour, before I go any further.

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1 I won't press you if you want legal advice. Any notes, tapes or
2 videos of [REDACTED] - that falls into the same category, I
3 assume?---No, well, a lot of those you can have. Most of
4 the notes would be contained in members' notes and I am in
5 the process of editing those members' notes now.

6 Right?---So I should be able to get those to you by the end of
7 next week.

8 And tapes and videos likewise?---Likewise, that are relevant to
9 these charges.

10 Any other material relevant to the investigation of [REDACTED]
11 You understand what that means?---Well, not really, but I
12 would imagine that there would be some documents that you
13 could have and which I am happy to provide by the end of
14 next week but there would be some that I would be seeking
15 to seek public interest immunity.

16 Are you going to identify those documents for us, not this
17 minute, but are you going to say, "Well, these are the
18 documents we have got because we claim PII", is that what
19 you intend to do?---Subject to legal advice, yes.

20 And hopefully you can do that by the end of next week?---Yes.

21 And let's be realistic, give us a timetable that you can manage,
22 all right, because we don't have to come back here and you
23 say, "We need another week", so you are happy about that
24 timetable?---Yes.

25 Six, all documents relating to [REDACTED] agreeing to give
26 evidence for the Crown?---I have none in my possession and
27 I don't believe there is any in existence.

28 I am not concerned about what - you understand we are not
29 concerned about what you have in your possession, we are
30 concerned about what the Chief Commissioner of Police has
31 got?---As I said, my understanding is there is none in

1 existence.

2 You would know, wouldn't you?---I would hope I'd know.

3 The situation is that [REDACTED] has agreed to give evidence for
4 the Crown, is that right?---I agree, yes.

5 And there is absolutely - I withdraw that. Presumably he didn't
6 just out of the blue say, "I want to give evidence for the
7 Crown" and that was it. There was some discussion about
8 it, was there?---Yes.

9 And you say there was no documents; does that mean all the
10 discussion and negotiation or whatever occurred about
11 [REDACTED] giving evidence and the benefits for him,
12 whatever they might be, there is no documents relating to
13 that?---Correct.

14 Are you able to tell us why?---Why would there be?

15 I won't worry about the statement of material facts at this
16 stage, that's 7?---You have that already.

17 Well, it's debatable, but I am not going to debate it this
18 minute.

19 Now, the points I have made in 8 and 9 which are
20 effectively, Your Honour, all statements capable of being
21 admitted in evidence and all documents capable of being
22 admitted in evidence, they are just taken, as you probably
23 recognise, from the Magistrates' Court rules for committal
24 proceedings?---Yes.

25 In other words, they are the - - - ?---Those statements were
26 served with the brief.

27 So, you say there is no other statements capable of being
28 admitted in evidence?---No.

29 And you say there is no other documents capable of being
30 admitted in evidence?---Well, apart from what you go on to
31 mention in, I think the only things would be running

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1 CCRs, call charge records?---You will get them today when you
2 leave court.

3 [REDACTED] video and records?---You were served with that last
4 week.

5 Your Honour, that's all I have to ask. I just pointed out in
6 the letter that this wasn't meant to be a subpoena, it was
7 just meant to cover specific things we wanted. But can I
8 say that I think we have made great progress.

9 HIS HONOUR: I agree. I think that was what Mr Horgan had in
10 mind, what you had in mind, and it was an appropriate way
11 to spend some time.

12 Are there any questions that you want to ask, Ms
13 Gobbo?

14 MS GOBBO: No, Your Honour.

15 HIS HONOUR: Anything more?

16 MR HORGAN: No, Your Honour.

17 HIS HONOUR: Thank you, Mr Bateson.

18 <(THE WITNESS WITHDREW)

19 MR FARIS: Could you direct that today's transcript be provided
20 to us at an early date? I don't know whether that's
21 necessary or whether - - -

22 HIS HONOUR: I don't think it's necessary but in case it's
23 necessary I will certainly indicate that I take the view
24 that it's appropriate that those representing all parties
25 should have a copy of that transcript.

26 MR FARIS: Thank you, Your Honour.

27 HIS HONOUR: It's still a question as to whether, having heard
28 that I have got a better idea myself as to timing, is it -
29 I would still like to keep an appropriate level of
30 pressure on you, Mr Faris, because you are the one that's
31 basically in the firing line as to take the next steps.