

1 **Solicitor 2**: If I may just address a few matters which is

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2 I do accept that and that is why I am withdrawing in

3 relation to any matters that relate to [REDACTED].

4 The situation with this, however, and the submission

5 we'll be making to the ethics committee is that if I were

6 to withdraw from any - not even be present in court or

7 have any involvement with matters pertaining to [REDACTED]

8 [REDACTED] but still maintain the conduct of the remaining

9 matters, in light of the fact that - - -

10 HER HONOUR: When you say, remaining matters, what do you mean?

11 **Solicitor 2**: Continue with the trials as they presently

12 are but not have any - not be present in court or have

13 any involvement with the examination of [REDACTED].

14 HER HONOUR: No, I don't think that would be sufficient. I

15 don't think you can have anything to do with this trial

16 because you took instructions, I would presume, from [REDACTED]

17 [REDACTED] in respect of this proceeding.

18 **Solicitor 2**: I'll make indications - there are submissions

19 which I don't wish to air in open court presently in

20 relation to those matters but which I have spoken to the

21 ethics committee about and I will, at some point in time,

22 address Your Honour in relation to those matters.

23 Whether or not he has waived his privilege in light of

24 the manner in which he provided such instructions which

25 were primarily through Mr Williams.

26 The problem which does arise at this point in time

27 is these matters are now falling into a scope where

28 funding is not available but for Legal Aid. I have

29 concerns in relation to Mr Williams receiving a fair

30 trial given we are unable to find a solicitor in Victoria

31 that would be willing to take on the burden of [REDACTED]

1 those questions, Your Honour, I know there are further
2 statements - - -

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3 HER HONOUR: No, no, you have a copy of a document, right, it's
4 in your possession, and you have deleted certain parts.

5 MR HORGAN: We have.

6 HER HONOUR: And my understanding is that you have to justify
7 why you have deleted those parts.

8 MR HORGAN: Your Honour, I understand that a claim for public
9 interest immunity is still maintained for those deleted
10 sentences, but I am not au fait with that quite up to
11 date, I will just get some instructions about it straight
12 away. Can I just deal with one other matter, Your
13 Honour. I have been instructed that [REDACTED] has
14 written to the Law Institute, because he's very concerned
15 about this question of conflict of interest, and I have a
16 copy for Your Honour of the letter that he's written to
17 the Law Institute on the topic, and I can read it into
18 the transcript if that's a convenient way of doing it for
19 the benefit of - - -

20 HER HONOUR: I think that's a sensible thing to do.

21 MR HORGAN: - - - my learned friend. It's dated [REDACTED] 2006
22 and it's to the Chief Executive Officer of the Law
23 Institute. "Dear Sir/Madam. It has proven necessary to
24 bring to Her Honour's attention of a clear conflict of
25 interest in relation to my previous counsel, namely, **Solicitor 2**
26 [REDACTED] and [REDACTED]. Having previously
27 represented me in the very same matters for which I now
28 intend to give evidence in and be cross-examined on, it
29 would be most unfair not to mention an abuse of trust and
30 confidentiality to answer questions pertaining to matters
31 and material contained within my file, which is currently