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

TRANSCRIPT OF PROCEEDINGS

MAGISTRATES' COURT

MELBOURNE

TUESDAY [REDACTED] 2005

BEFORE MR I. GRAY, MAGISTRATE

THE POLICE v. [REDACTED]
[REDACTED]
[REDACTED]

MR G.M. HORGAN SC with MR A. TINNEY appeared on behalf of the
Police.

MR C. HELIOTIS QC with MS Z. GARDE-WILSON appeared on behalf of the
Defendant [REDACTED]

MR N. PAPAS appeared on behalf of the Defendant [REDACTED]

MR C.L. LOVITT QC with MS N. GOBBO appeared on behalf of the
defendant [REDACTED]

MR G. SILBERT appeared on behalf of the Chief Commissioner of
Police.

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1 returnable today is it?

2 MR HELIOTIS: No.

3 HIS HONOUR: It's separate, OK.

4 MR HELIOTIS: All these other matters arose out of a subpoena
5 that was issued in the Supreme Court originally before
6 those proceedings were stayed and the matter remitted
7 here.

8 HIS HONOUR: Right.

9 MR HELIOTIS: A lot of material was provided, we were given to
10 understand all of it; we now know that it isn't all of
11 it and we want - we have asked the DPP or the OPP to
12 provide the balance of it. One of the matters that has
13 arisen is that we have provided a lot of notes, police
14 notes, in relation to the interviewing by the police of
15 [REDACTED] where much has been blacked out. It wasn't
16 obvious to us at the time, it is quite obvious now that
17 that must relate to these matters and it is a matter that
18 we are going to ask you to have a look at.

19 HIS HONOUR: I might have to do it - I will hear Mr Horgan
20 through on the balance of his submission and then make a
21 decision about when we deal with it.

22 MR HORGAN: There are things to say about that, but I am not
23 here to say them. Somebody else can in due course.

24 HIS HONOUR: Yes.

25 MR HORGAN: My learned friend has said he wants police notes
26 post [REDACTED] 2004. They have that material, I am
27 instructed. They want a statement and police notes re
28 the questioning of a person by the name of Krakouer, that
29 is in relation to the Moran/Barbaro murders. There is no
30 statement from Krakouer, there will be police notes about
31 the questioning. They are being looked at; that issue

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1 MR SILBERT: No.4, Cindy Millens, they are being located at the
2 moment; she is apparently - I am not sure where she is -
3 but steps are being taken to secure those and I have had
4 discussion with Mr Heliotis and my learned friend here
5 and they are aware of the situation.

6 HIS HONOUR: That is being located.

7 MR SILBERT: And they will be supplied.

8 HIS HONOUR: If found will be supplied?

9 MR SILBERT: They will be found; they are in existence.

10 HIS HONOUR: When found will be supplied.

11 MR SILBERT: Yes. No.5, nothing in existence.

12 HIS HONOUR: No.5 doesn't exist.

13 MR SILBERT: And there is actually a sixth that my friends have
14 omitted from the schedule, a Steve Mitchell, and they are
15 also being run to ground and will be supplied.

16 HIS HONOUR: Steve Mitchell, to be supplied. That is Item 2.

17 MR SILBERT: No.3, none in existence.

18 HIS HONOUR: Don't exist; yes.

19 MR SILBERT: No.4, not in existence as separate items, but are
20 comprised within the notes of Cindy Millens 2.4. So we
21 are confident our friends' request will be met once they
22 get the Cindy Millens' notes or diary notes.

23 HIS HONOUR: All right; they are comprised within 2.4.

24 MR SILBERT: Yes. We were in here until after half past one
25 going through the diary and daybook notes. A number of
26 diary and daybook notes have been supplied, as Your
27 Honour is aware. My friends wanted in edited form - my
28 friends wanted to query some of the editing. Mr Bateson
29 is downstairs actually - there are 25 pages that are
30 actually in contention at the moment.

31 HIS HONOUR: Are there?

1 may do. Will one be enough?

2 MR TINNEY: I got the impression that moving back to the third
3 row would be the safest.

4 HIS HONOUR: If you'd be so kind as to sit in the third row,
5 Mr [REDACTED], I'd appreciate it. Thank you. That removes
6 any concern about that possibility.

7 PRISONER [REDACTED]: Excuse me. I can't hear the (indistinct).
8 Your Honour?

9 MS GARDE-WILSON: Sorry, Your Honour. May I approach my client
10 please?

11 HIS HONOUR: Yes, of course.

12 MR SILBERT: Sir, Mr Bateson is now back in court. The
13 mechanics of this exercise are a little difficult. He
14 has not had an opportunity to photocopy the original
15 unedited copies. If Your Honour had the unedited copies
16 photocopied together with the edited copies you could
17 flick through and do the exercise yourself in chambers
18 after.

19 HIS HONOUR: After we break.

20 MR SILBERT: If it's going to be done in open court there's
21 going to be handed backwards and forwards - - -

22 HIS HONOUR: No.

23 MR SILBERT: - - - and there are 28 such entries to be
24 reviewed, so I'm entirely in Your Honour's hands. We're
25 happy to do it in open court that way but it seems that
26 it's going to take a fair amount of time, whereas if he
27 was to photocopy the original entries overnight and
28 simply supply them, perhaps before court tomorrow, you
29 could go through and satisfy yourself - - -

30 HIS HONOUR: What will be required will be a cross checking
31 and - - -