

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Thursday, 9 May 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting: Mr C. Winneke QC
Mr A. Woods
Ms M. Tittensor
Ms P. Neskovicin QC

Counsel for Victoria Police Mr S. Holt QC
Ms R. Enbom
Ms K. Argiropoulos

Counsel for State of Victoria Ms E. Hilliard

Counsel for Nicola Gobbo Mr P. Collinson QC
Mr R. Nathwani

Counsel for DPP/SPP Ms K. O'Gorman

Counsel for Handlers Mr G. Chettle
Ms L. Thies

Counsel for Andrew Hodson and Mandy Leonard Dr K. Hanscombe QC
Ms K. Bowshell

10:23:13 1 COMMISSIONER: Yes.
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10:23:16 3 MS NESKOVCIN: Commissioner, I understand the application
10:23:18 4 on behalf of VicPol is proceeding this morning. It will be
10:23:22 5 necessary to close the hearing room.
10:23:24 6
10:23:24 7 COMMISSIONER: Right. So we're dealing with that one
10:23:26 8 first. I thought there was some suggestion we were going
10:23:29 9 to deal with another matter first involving Mr Chettle.
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10:23:32 11 MR CHETTLE: I'm here, Commissioner.
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10:23:34 13 COMMISSIONER: Look, I thought that that was sorted out
10:23:37 14 between counsel. I didn't know - sorry, there's just some
10:23:41 15 confusion I think as to which we proceed with first.
10:23:44 16
10:23:45 17 MR WINNEKE: No, that's fine. I think there are some new
10:23:48 18 faces at the Bar table so perhaps we ought to take
10:23:50 19 appearances.
10:23:51 20
10:23:51 21 COMMISSIONER: It might depend on which matter we are
10:23:53 22 dealing with I think because I don't think Mr Chettle is
10:23:56 23 going to be involved in the matters that Ms Neskovicin's
10:23:59 24 involved in.
10:24:00 25
10:24:01 26 MR WINNEKE: No, no, he may not be. I'm just wondering,
10:24:06 27 Commissioner, the best way of dealing with a number of
10:24:09 28 different matters. As I understand it there's matters that
10:24:11 29 Mr Chettle wishes to raise concerning access to documents.
10:24:20 30 There's the issue that Ms Neskovicin has to deal with and I
10:24:25 31 think that's an argument that the police have with respect
10:24:29 32 to anonymisation of operations. We have a witness coming
10:24:37 33 shortly but perhaps that can be dealt with in due course
10:24:43 34 but I'm content to deal with it in any order that the
10:24:48 35 Commissioner wishes. It may well - - -
10:24:51 36
10:24:51 37 COMMISSIONER: As I said I'd rather hoped it had been
10:24:53 38 sorted out but anyway.
10:24:54 39
10:24:55 40 MR WINNEKE: It may well be the appropriate - if we can do
10:24:58 41 it this way. Perhaps if we can deal with Mr Chettle's
10:25:02 42 matter first and then he can excuse himself because I don't
10:25:05 43 think he has any involvement in the further matters.
10:25:08 44
10:25:08 45 COMMISSIONER: All right. That matter can be dealt with in
10:25:11 46 open court I think, is that correct?
10:25:13 47

10:25:13 1 MR WINNEKE: As far as I'm concerned it can be,
10:25:16 2 Commissioner.
10:25:16 3
10:25:16 4 COMMISSIONER: Yes.
10:25:17 5
10:25:17 6 MR WINNEKE: It concerns the ability of Mr Chettle to
10:25:23 7 assist the Commission, when I say Mr Chettle, his clients
10:25:27 8 to assist the Royal Commission with respect to a
10:25:31 9 significant component of this inquiry which relates to
10:25:37 10 evidence concerning matters around the SDU involvement and
10:25:41 11 the registration of Ms Gobbo in September of 2005 through
10:25:46 12 to 2009.
10:25:48 13
10:25:48 14 COMMISSIONER: I'm just wondering if Ms Neskovicin's matters
10:25:51 15 might be dealt with more quickly because they don't involve
10:25:54 16 the taking of evidence. What do you think?
10:26:00 17
10:26:01 18 MR WINNEKE: Maybe you can hear about that and see how long
10:26:05 19 that will take, Commissioner.
10:26:08 20
10:26:08 21 COMMISSIONER: Yes.
10:26:09 22
10:26:09 23 MR COLLINSON: Commissioner, I'm content with everything in
10:26:12 24 terms of order. I wanted to just raise this: I think I'll
10:26:15 25 have some things to say arising from Mr Chettle's
10:26:19 26 application, it will be similar in nature, in the area of
10:26:25 27 access to documents.
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29 COMMISSIONER: I expected that.
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10:26:26 31 MR COLLINSON: I did think that at one point I might be
10:26:29 32 referring to something that would better be said not in
10:26:32 33 open court and I simply wanted to leave that with the
10:26:35 34 Commissioner to consider.
10:26:36 35
10:26:36 36 COMMISSIONER: Right. I would prefer, as you know is my
10:26:38 37 practice to have as much in open court as we can, perhaps
10:26:41 38 if we get to that point then you can inform me and the
10:26:44 39 court can be closed.
10:26:45 40
10:26:46 41 MR COLLINSON: I can find a way to convey it perhaps
10:26:49 42 without having to - - -
10:26:49 43
10:26:49 44 COMMISSIONER: In a more generic way.
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46 MR COLLINSON: Yes.
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1 COMMISSIONER: Without speaking particulars.
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3 MR COLLINSON: Yes.
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10:26:53 5 COMMISSIONER: Yes Mr Holt.
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10:26:55 7 MR HOLT: Commissioner, in terms of closed court for the
10:26:59 8 issue Mr Chettle has just raised, again we're conscious of
10:27:01 9 the Commissioner's preference and we think that it may well
10:27:02 10 be that all of it can be dealt with in open. I just
10:27:05 11 foreshadow we do have, if the Commissioner gives us leave,
10:27:11 12 Assistant Commissioner Paterson available to give evidence
10:27:12 13 about that issue. I'm aware that there are points related
10:27:16 14 to questions of security and risk where if there's a point
10:27:20 15 which is reached we may then - - -
10:27:20 16
10:27:21 17 COMMISSIONER: I understand that but I think we'll start it
10:27:24 18 in open court.
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20 MR HOLT: That's what I was proposing, Commissioner, to
21 achieve that.
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23 COMMISSIONER: Thank you.
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10:27:27 25 DR HANSCOMBE: Commissioner, might I intrude on the
10:27:29 26 organisation simply to announce - - -
10:27:30 27
10:27:30 28 COMMISSIONER: Yes, I'm going to get the appearances once
10:27:34 29 we'd decided which matter we were dealing with first.
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31 DR HANSCOMBE: I'm sorry.
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10:27:37 33 COMMISSIONER: We're now proceeding with the application by
10:27:40 34 Mr Chettle, and which I understand Mr Collinson is joining.
10:27:43 35 I have the Commission's representation which is as it was
10:27:48 36 yesterday. I've got Victoria Police's representation as it
10:27:54 37 was yesterday. Ms Gobbo's representation as it was
10:27:58 38 yesterday. Then State of Victoria. I've got - - -
10:28:01 39
10:28:06 40 MS HILLIARD: It's Elizabeth Hilliard.
10:28:08 41
42 COMMISSIONER: Ms Hilliard, is it?
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44 MS HILLIARD: Yes.
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10:28:08 46 COMMISSIONER: And Ms O'Gorman for the DPP. Then the new
10:28:11 47 representation is - I don't know, is this -yes.

10:28:20 1
10:28:21 2 DR HANSCOMBE: My name is Hanscombe, I appear with
10:28:26 3 Ms Bowshell for the children of the murdered Hodsons,
4 Andrew Hodson and Mandy Leonard.
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6 COMMISSIONER: Yes.
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10:28:30 8 DR HANSCOMBE: We have not formally been granted leave and
10:28:33 9 I now seek leave.
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10:28:35 11 COMMISSIONER: Right. I thought I had granted leave but
10:28:37 12 maybe it wasn't - okay, you have leave to appear in matters
10:28:44 13 in which your clients have an interest.
10:28:46 14
10:28:46 15 DR HANSCOMBE: Yes.
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10:28:47 17 COMMISSIONER: Is this one of them?
10:28:48 18
10:28:49 19 DR HANSCOMBE: There will be - - -
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10:28:51 21 COMMISSIONER: I know the next matter is.
10:28:53 22
10:28:54 23 DR HANSCOMBE: As I understand it there will be a witness
10:28:55 24 later this morning.
10:28:56 25
10:28:56 26 COMMISSIONER: Yes. And also the application about
10:28:58 27 anonymisation which you'd also have an interest in.
10:29:03 28
10:29:03 29 DR HANSCOMBE: Yes.
10:29:03 30
10:29:03 31 COMMISSIONER: This is an application by Mr Chettle in
10:29:05 32 which I understand Mr Collinson is joining.
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10:29:07 34 DR HANSCOMBE: We have no interest in that, Commissioner.
10:29:09 35
10:29:09 36 COMMISSIONER: No, no. But as it is for the moment an open
10:29:13 37 court there is no need for you to leave the Bar table. I
10:29:16 38 take your representation and formally grant you leave to
10:29:20 39 appear.
10:29:21 40
10:29:21 41 DR HANSCOMBE: If the Commissioner pleases.
10:29:23 42
10:29:23 43 COMMISSIONER: And leave to cross-examine relevant
10:29:25 44 witnesses to your clients. All right. We'll start in open
10:29:42 45 hearing with Mr Chettle's application.
10:29:45 46
10:29:45 47 MR CHETTLE: Thank you, Commissioner. As you'd be aware,

10:29:48 1 Commissioner, on 6 May you provided all six of my clients
10:29:54 2 with a Notice to Produce a statement. It is without doubt,
10:29:59 3 and as you'd be aware, a comprehensive and exhausting
10:30:07 4 statement. Simply put, the reason I'm here is to indicate
10:30:10 5 to you, as I have to Mr Winneke prior to today, that we
10:30:13 6 will simply not be able to comply with your notice. It is
10:30:19 7 impossible to produce the material the Commission want in
10:30:24 8 the time available with the resources that we have been
10:30:28 9 provided with. Now, I don't want to sound as if I'm having
10:30:33 10 a go at the police but the reality is we have been seeking
10:30:37 11 hard copy material since February. They've done what they
10:30:44 12 can, they say, in providing to two of my clients at the
10:30:48 13 moment, the two serving members who are Messrs - I'll refer
10:30:54 14 to them by their pseudonyms, Curry and Bourne have been
10:31:01 15 granted, effectively taken off line and put full-time on
10:31:05 16 this job. They're working originally at Spencer Street,
10:31:09 17 now they're at the Academy. They have been provided with
10:31:13 18 the Loricated database. They have been provided now with
10:31:17 19 hard copies of all of the client's diaries but on a sign
10:31:25 20 in, sign out basis. They're in a safe room at the Academy,
10:31:29 21 they have to be signed in and they have to be signed out
10:31:31 22 and they cannot be photocopied. There are, as the
10:31:36 23 Commission is probably aware, an ongoing series of
10:31:39 24 transcripts in relation to the conversations with Ms Gobbo
10:31:42 25 which are being provided as they get done. We've been
10:31:45 26 listening to tapes, and the Commission would be aware, I'm
10:31:52 27 told there's 180 hours. This is what I'm concerned about,
10:31:55 28 publicity, because of - last time I mentioned tapes it
10:31:59 29 upset Mr Holt. There's 180 hours of tape recorded
10:32:05 30 material. There is more than that in un-tape recorded
10:32:10 31 material, that is conversations that occurred on the
10:32:13 32 telephone that were the subject of both diary entries and
10:32:16 33 then subsequently informer contact reports. To prepare a
10:32:23 34 statement that - - -

10:32:25 35
10:32:25 36 COMMISSIONER: A fully comprehensive statement.

10:32:28 37
10:32:28 38 MR CHETTLE: To help you.

10:32:29 39
10:32:29 40 COMMISSIONER: Obviously you could prepare a statement of
10:32:32 41 some sort by the time given but to make it a comprehensive
10:32:36 42 statement you'd need - you say these people are full-time
10:32:40 43 police officers and they have access.

10:32:42 44
10:32:42 45 MR CHETTLE: They have access to an electronic database in
10:32:47 46 Loricated and they have access to the hard copies but they
10:32:49 47 cannot be copied.

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COMMISSIONER: Yes.

MR CHETTLE: I have been told as recently as this week that we, the lawyers, can in fact now go to a police station and access the database. We've been given access at Corrs. The trouble with Corrs' database is that it's running on a dongle and it's incredibly slow as far as getting documents. It's a very inefficient way to look at the total number of documents. Can I give the Commissioner some indication of the task. If this morning - - -

COMMISSIONER: First of all in terms of Curry and Bourne, they're full-time police officers.

MR CHETTLE: Yes.

COMMISSIONER: And they have this access given which is better than the other handlers who have to give evidence. Are they actually working full-time on this task at the moment?

MR CHETTLE: Yes, absolutely.

COMMISSIONER: Are they managing it?

MR CHETTLE: No. They've asked for, and this is the other critical half, it's clear that without Mr Jones, who is the first name on the list, probably the most central of all of the handlers, he's no longer a serving police officer. He's the man who you heard quite significant evidence from Mr Paterson, you might recall, about - well in terms of the sort of security, character, who he is and what he is. But he was the prime handler and prime controller and we need - without him we just can't do the task so we have been seeking for some time for the police to effectively contract the non-serving police officers back on to the job so that we can do it, and they are Jones primarily. Sorry, I just did it again.

COMMISSIONER: That name is struck from the record and not to be published outside this room.

MR CHETTLE: Jones.

COMMISSIONER: Yes, Jones. Tell me, what access does former Detective Senior Sergeant Jones have?

10:34:45 1
10:34:46 2 MR CHETTLE: None.
10:34:46 3
10:34:46 4 COMMISSIONER: No access at all?
10:34:48 5
10:34:48 6 MR CHETTLE: None. He was told he could go into a police
10:34:51 7 station and view his diaries. He made an inquiry, was told
10:34:54 8 that they would get back to him and six weeks later they
10:34:57 9 haven't. That's what he says. Now I understand that there
10:34:59 10 might be movement at the station to get him on board, but I
10:35:03 11 haven't been told officially yet and certainly he hasn't.
10:35:06 12
10:35:06 13 COMMISSIONER: Now the others, if we could go through them
10:35:09 14 one by one.
10:35:11 15
10:35:12 16 MR CHETTLE: Brennan is also required because he is, you
10:35:15 17 will find Commissioner, he's the second name on the list.
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19 COMMISSIONER: Yes.
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10:35:18 21 MR CHETTLE: He is one of the chief handlers. He spends a
10:35:21 22 lot of time with Ms Gobbo and it is proposed that Klein - -
10:35:27 23 -
10:35:27 24
10:35:27 25 COMMISSIONER: He is no longer a police officer.
10:35:29 26
10:35:30 27 MR CHETTLE: He's no longer a police officer. Anderson is
10:35:31 28 deceased, although his diary is apparently available. Can
10:35:36 29 I say about diaries too, they take two forms. There's
10:35:40 30 electronic diaries and handwritten diaries. Midway through
10:35:44 31 this, somewhere in about 2007, midway through the term with
10:35:48 32 SDU the police changed, the unit changed from handwritten
10:35:53 33 diaries to electronic diaries. They have got the
10:35:56 34 electronic diaries in the safe, or copies of the electronic
10:36:00 35 diaries, but they do not have the handwritten diaries I'm
10:36:03 36 told. So Mr Klein - - -
10:36:07 37
10:36:07 38 COMMISSIONER: Brennan has no access at all.
10:36:11 39
10:36:11 40 MR CHETTLE: No, Brennan hasn't. [REDACTED]
10:36:16 41 [REDACTED].
10:36:16 42
10:36:16 43 COMMISSIONER: Detective Sergeant Anderson is deceased but
10:36:18 44 you still expect to have access to material relating to
10:36:21 45 him.
10:36:21 46
10:36:22 47 MR CHETTLE: Yes. The stuff that's tape recorded isn't the

10:36:25 1 problem because there it is. It's the stuff that's in his
10:36:28 2 diaries and the ICRs for the telephone calls that aren't
10:36:32 3 tape recorded.
10:36:32 4
10:36:33 5 COMMISSIONER: Detective Sergeant Klein?
10:36:35 6
10:36:35 7 MR CHETTLE: He is a serving police officer. We understand
10:36:37 8 that he will be, again to coin the phrase, taken off line
10:36:41 9 and working with Curry and Bourne as from any minute now.
10:36:47 10 He is trying to be processed. He has been on long service
10:36:51 11 leave and he is now being processed into the unit I think.
10:36:55 12
10:36:55 13 COMMISSIONER: Okay.
10:36:57 14
10:36:58 15 MR CHETTLE: The only other one is Stanton.
16
17 COMMISSIONER: Stanton, yes.
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10:37:00 19 MR CHETTLE: He is around, he has no access. He is ready
10:37:04 20 to assist.
10:37:04 21
10:37:05 22 COMMISSIONER: No access, has he attempted to have access?
10:37:08 23
10:37:08 24 MR CHETTLE: In the sense, yes - - -
10:37:10 25
10:37:11 26 COMMISSIONER: He is allowed to go to a police station to
10:37:12 27 access his diaries?
10:37:14 28
10:37:14 29 MR CHETTLE: Yes, as I understand it he would be.
10:37:16 30
10:37:16 31 COMMISSIONER: But he hasn't done that yet?
10:37:18 32
10:37:20 33 MR CHETTLE: No, he hasn't.
10:37:20 34
10:37:20 35 COMMISSIONER: Why is that?
10:37:21 36
10:37:21 37 MR CHETTLE: I don't know the answer specifically to that
10:37:24 38 but I can tell you, Commissioner, that as far as Jones and
10:37:27 39 the non - sorry, I've said it again.
10:37:31 40
10:37:32 41 COMMISSIONER: That name is struck from the record.
10:37:34 42
10:37:34 43 MR HOLT: Commissioner, I need to ask that we go into a
10:37:35 44 closed hearing. These mistakes, and they're inadvertent
10:37:39 45 mistakes, but they're mistakes which happen all the time at
10:37:40 46 present in relation to complexity of names, all of which
10:37:44 47 carry very significant risks to current and former members

10:37:46 1 and the subject human sources. It's the same problem all
10:37:48 2 the time. With the best will in the world these are the
10:37:51 3 difficulties that arise, Commissioner. I ask that we deal
10:37:53 4 with matters in closed hearing.
10:37:53 5
10:37:53 6 COMMISSIONER: No, I'm not prepared to close the
10:37:56 7 proceedings at this time. The name is struck from the
10:37:58 8 record. I would ask, Mr Chettle, for you to be more
10:38:02 9 careful. Maybe if you just slow down you might be able to
10:38:06 10 be more careful.
10:38:07 11
10:38:07 12 MR CHETTLE: I'm acutely aware, I've done it three times I
10:38:11 13 know.
10:38:11 14
10:38:12 15 COMMISSIONER: Yes, all right.
10:38:15 16
10:38:15 17 MR CHETTLE: Can I indicate the position, the reason there
10:38:18 18 hasn't been from the non-serving - the people who are no
10:38:23 19 longer police officers have been advised that they should,
10:38:28 20 the task is enormous, they should wait until they're
10:38:33 21 contracted to do it and there's no obligation for them to
10:38:35 22 do it in their private times. It's going to take an
10:38:40 23 enormous amount of time.
10:38:40 24
10:38:41 25 COMMISSIONER: Sorry, I'm not following you. First of all
10:38:42 26 let's deal with the police officers who are full-time or
10:38:45 27 are about to be full-time on it. They have access but they
10:38:48 28 have to be on site to have access and they're being paid
10:38:52 29 full-time to access their - - -
10:38:55 30
10:38:55 31 MR CHETTLE: They're police officers, yes.
10:38:57 32
10:38:57 33 COMMISSIONER: - - - their material and to prepare the
10:38:59 34 statement for the Commission.
10:39:00 35
10:39:00 36 MR CHETTLE: Yes.
10:39:01 37
10:39:01 38 COMMISSIONER: Mr Winneke, when are they to give evidence,
10:39:04 39 some time in June, isn't it?
10:39:07 40
10:39:07 41 MR WINNEKE: In June. The Commissioner requested the
10:39:11 42 statements be provided by 22 May and from what we're
10:39:15 43 hearing that's extraordinary unlikely, and it's
10:39:20 44 extraordinarily disappointing because we've got a very
10:39:24 45 tight schedule.
10:39:24 46
10:39:25 47 COMMISSIONER: We do have a very tight schedule.

10:39:27 1
10:39:29 2 MR WINNEKE: We need assistance in these statements by the
10:39:32 3 22nd if we're going to meet our schedule to have these
10:39:38 4 witnesses give evidence in June.
10:39:39 5
10:39:39 6 COMMISSIONER: All right. I just needed that date for the
10:39:41 7 moment. The full-time police officers who are now working
10:39:48 8 full-time on this material to prepare their statements, are
10:39:51 9 they going to be able to have the statements ready for the
10:39:56 10 Commission by 22 May?
10:39:57 11
10:39:58 12 MR CHETTLE: No, Commissioner, none of them will. The idea
10:40:01 13 was that we could get - my instructions are that if
10:40:04 14 effectively the SDU could be put back together as a working
10:40:07 15 unit, there was some hope they could do a statement in six
10:40:13 16 weeks. Now the way I envisage this working, and the only
10:40:16 17 way it would work I think, is that there will be what will
10:40:19 18 be called the master statement which will outline all the
10:40:22 19 contacts with Ms Gobbo and SDU. There are some hundreds of
10:40:27 20 those. In respect of each contact they're preparing a
10:40:32 21 chart which will show who attended, who spoke to her, and
10:40:38 22 who was spoken about in the course of that contact. It
10:40:43 23 will also hope to provide you with information about what
10:40:46 24 was disseminated from that contact, whether it was oral, in
10:40:51 25 an oral briefing, or in an ICR. Sorry, an IR. Which would
10:40:58 26 be generated at the end of each meeting if there was
10:41:00 27 anything to convey. A large amount of the material
10:41:03 28 Ms Gobbo provided was never disseminated to anyone but it's
10:41:07 29 there. So that's been prepared and it's an enormous amount
10:41:14 30 of work for two men.
10:41:15 31
10:41:17 32 COMMISSIONER: Soon to be three, isn't it?
10:41:19 33
10:41:19 34 MR CHETTLE: It will soon be three, yes, but what's
10:41:21 35 happened is that since the statement notice has been - we
10:41:24 36 knew it was coming. We have been trying to prepare for it
10:41:28 37 ever since February. They are able to provide answers to
10:41:34 38 half, about half the questions you ask. The details in
10:41:38 39 relation to contact with Ms Gobbo would be met at the
10:41:42 40 moment with, "The details of that are contained in the tape
10:41:45 41 recorded and handwritten material on the database which we
10:41:50 42 have not yet been able to get to". Can I tell you,
10:41:54 43 Commissioner - - -
10:41:55 44
10:41:55 45 COMMISSIONER: Even the full-time police officers don't
10:41:57 46 have access to the Loricated database, is that what you're
10:42:00 47 saying? Even the full-time police officers don't have

10:42:05 1 access to the Loricated database?
10:42:08 2
10:42:08 3 MR CHETTLE: Yes, they do.
10:42:09 4
10:42:09 5 COMMISSIONER: What don't they have access to?
10:42:10 6
10:42:11 7 MR CHETTLE: Does the Commissioner have some idea of the
10:42:14 8 bulk of the material?
10:42:14 9
10:42:15 10 COMMISSIONER: Yes, of course I do.
10:42:16 11
10:42:16 12 MR CHETTLE: In order just to read it and to find out and
10:42:17 13 isolate what it is we've been getting the transcripts,
10:42:23 14 fortunately, and isolating the bits that are relevant,
10:42:28 15 questions of legal professional privilege, things of that
10:42:31 16 sort, which you raise. I sent this morning to - it's hard
10:42:39 17 when - I can't indicate to you the numbers. In the notice,
10:42:46 18 I'll perhaps do it this way, in the notice that you sent to
10:42:51 19 our clients at paragraph 14, a list of names is covered.
10:42:58 20 So in order to perhaps get some idea of the task I took the
10:43:02 21 first name on that list, the very first, and asked for just
10:43:07 22 an indication of how many entries there are on the
10:43:10 23 Loricated database relating to that name. It is an
10:43:17 24 enormous number and to look at each one of those takes
10:43:22 25 days. To go through each of the names will take forever.
10:43:26 26 As I understand it the police have had 60 people going
10:43:30 27 through the database, that is not my clients, other police,
10:43:35 28 trying to get from the database the material that relates
10:43:38 29 to those list of names, or people on that list. So when
10:43:43 30 you say yes, my clients, all of my clients have had access
10:43:47 31 but they simply can't - the task is enormous.
10:43:51 32
10:43:51 33 COMMISSIONER: And I suppose they don't have the necessary
10:43:54 34 computer skills to - - -
10:43:55 35
10:43:56 36 MR CHETTLE: Some of them do.
10:43:57 37
10:43:57 38 COMMISSIONER: - - - to search.
10:43:58 39
10:43:59 40 MR CHETTLE: Both Mr Curry and Mr Bourne are very talented
10:44:07 41 and competent police officers. I don't know about some of
10:44:11 42 the others. I certainly don't. The problem for the
10:44:14 43 lawyers is we can't have any copies of things.
10:44:16 44
10:44:17 45 COMMISSIONER: That's what we're coming to now. If we deal
10:44:20 46 with first of all the full-time police officers. What more
10:44:22 47 do you want done? Is there material, and I might hear from

10:44:27 1 Mr Holt on this shortly, has Victoria Police itself
10:44:32 2 prepared some of this material? You might think that they
10:44:37 3 might have been preparing a record of all the contact
10:44:41 4 between the handlers and Ms Gobbo for the Commission but I
10:44:44 5 might hear from Mr Holt about that.
10:44:46 6
10:44:47 7 MR CHETTLE: We need - can I just put it bluntly, and I've
10:44:50 8 been asking for since day one, and I've got the
10:44:53 9 correspondence, we need to have access to the diaries. I
10:44:58 10 don't care whether they're redacted or unredacted. My
10:45:01 11 clients offered to redact the diaries for the police
10:45:04 12 because they wrote them, they know what's in them and
10:45:07 13 they're not entirely sure that the redaction done by others
10:45:11 14 is going to be accurate. That's the first problem.
10:45:13 15
10:45:13 16 COMMISSIONER: Yes, that's true. So they want access to
10:45:15 17 their own diaries?
10:45:17 18
10:45:17 19 MR CHETTLE: Correct.
10:45:17 20
10:45:18 21 COMMISSIONER: When you say access, not just on site at the
10:45:21 22 - - -
10:45:21 23
10:45:21 24 MR CHETTLE: Hard copy.
10:45:21 25
10:45:22 26 COMMISSIONER: They want hard copy access.
10:45:22 27
10:45:23 28 MR CHETTLE: And they've signed confidentiality agreements.
10:45:23 29
10:45:23 30 COMMISSIONER: And they've signed confidentiality
10:45:23 31 agreements and non-publication forms and so forth.
10:45:23 32
10:45:28 33 MR CHETTLE: And will do whatever is needed. They wrote
10:45:31 34 this stuff.
10:45:32 35
10:45:32 36 COMMISSIONER: Three of them are currently full-time police
10:45:35 37 officers and the others are police officers who have
10:45:39 38 retired honourably.
10:45:41 39
10:45:42 40 MR CHETTLE: Correct, and you heard - that's what I
10:45:44 41 referred to Paterson's evidence about the character of
10:45:48 42 these men. So we need the diaries.
10:45:51 43
10:45:51 44 COMMISSIONER: They want hard copy access to their diaries.
10:45:54 45
10:45:54 46 MR CHETTLE: Yes, hard copies of the ICRs.
10:45:54 47

1 COMMISSIONER: Hard copies of the ICRs.
2
10:45:58 3 MR CHETTLE: And hard copies of the IRs. Can I refresh
10:46:03 4 your memory, Commissioner, of a line of cross-examination I
10:46:06 5 had with Mr Paterson last time. In order to know what
10:46:09 6 occurred we need to know what she said, which means the
10:46:13 7 transcripts for the conversations head to head. It means
10:46:16 8 the diary notes and the ICRs and the telephone calls. We
10:46:20 9 need to know what was disseminated either orally or
10:46:23 10 written, and the IRs tell us that, the information reports.
10:46:30 11 They are a much smaller number of documents. If we have
10:46:33 12 those we can deal with - the essence of this inquiry is
10:46:38 13 what did she tell us, was it privileged and did we
10:46:42 14 disseminate it?
10:46:44 15
10:46:44 16 COMMISSIONER: Yes. If you get that material are you
10:46:47 17 optimistic you're going to be able to produce some sort of
10:46:50 18 statement, perhaps with qualifications, by 22 May?
10:46:53 19
10:46:53 20 MR CHETTLE: You will have something by the 22nd but you
10:46:56 21 will not have a comprehensive statement for five or six
10:47:00 22 weeks.
10:47:00 23
10:47:00 24 COMMISSIONER: Is that all you're asking for?
10:47:02 25
10:47:02 26 MR CHETTLE: That's all I need at the moment, yes.
10:47:04 27
10:47:04 28 COMMISSIONER: Are you wanting that hard copy access also
10:47:07 29 for the serving police officers?
10:47:09 30
10:47:09 31 MR CHETTLE: The other half is that I want Jones, Stanton
10:47:19 32 and Brennan back in the fold. We need them working with
10:47:25 33 the current - - -
10:47:25 34
10:47:25 35 COMMISSIONER: Now you're talking about the ones who are no
10:47:27 36 longer serving?
10:47:28 37
10:47:28 38 MR CHETTLE: The ones who are no longer police officers.
10:47:31 39
10:47:31 40 COMMISSIONER: I don't know that I can make an order like
10:47:33 41 that, Mr Chettle.
10:47:33 42
10:47:34 43 MR CHETTLE: Can I tell you what's happened with it? We've
10:47:37 44 been told that that can be done at the stroke of a pen.
10:47:40 45
10:47:41 46 COMMISSIONER: Not with a stroke of my pen.
10:47:42 47

10:47:43 1 MR CHETTLE: Not yours. But as of recently I've been told
10:47:45 2 that a very high police officer is considering it. I don't
10:47:51 3 know why they haven't ticked the line.
4
5 COMMISSIONER: I don't know why either.
6
7 MR CHETTLE: It would be a very simple thing to do. Having
10:47:57 8 said that, can I go back to Jones. His diary alone is
10:48:00 9 thousands of pages. Thousands. Because this went over
10:48:03 10 five years.
11
12 COMMISSIONER: Yes.
13
14 MR CHETTLE: And without him we're really in strife and
10:48:04 15 we've been trying to get him back on board all the way
10:48:11 16 through. I'm told that there might be some movement in
10:48:14 17 that regard, that they may in fact be contracting him. But
10:48:17 18 if they contract the non-members back with the original
10:48:19 19 members we'll get you something and hopefully something
10:48:23 20 worthwhile. But we can't do it at the moment, that's why
10:48:27 21 I'm here today. Really to alert you to the fact we can
10:48:31 22 only do what - - -
10:48:32 23
24 COMMISSIONER: In terms of orders that I might be able to
10:48:32 25 make, what about - so the serving police officers also want
10:48:34 26 hard copy access to their diaries?
10:48:43 27
28 MR CHETTLE: Yes.
10:48:47 29
30 COMMISSIONER: And transcripts of tape recordings?
10:48:49 31
32 MR CHETTLE: The transcripts are coming. I don't need an
10:48:51 33 order about transcripts.
10:48:54 34
35 COMMISSIONER: They're coming anyway.
10:48:55 36
37 MR CHETTLE: I believe they're being provided as and when
10:48:58 38 they get prepared.
10:49:01 39
40 COMMISSIONER: It's just the diaries, the ICRs and the IRs.
10:49:02 41
42 MR CHETTLE: Yes.
10:49:06 43
44 COMMISSIONER: Why do these current serving police officers
10:49:07 45 need access to those when they've been working full-time on
10:49:09 46 the - - -
10:49:11 47

10:49:11 1 MR CHETTLE: To do it electronically takes forever.
2
3 COMMISSIONER: Yes.
4
10:49:14 5 MR CHETTLE: To do it efficiently, we are all old school
10:49:18 6 perhaps but if we can skim through documents, we can annex
10:49:21 7 documents, we can refer to documents.
10:49:22 8
10:49:22 9 COMMISSIONER: Actually I was pleased to hear some recent
10:49:25 10 studies that showed it's not just those of us who didn't
10:49:30 11 grow up with computers who find it difficult to absorb
10:49:34 12 complex information electronically, but books are returning
10:49:38 13 to schools currently because even the young ones who have
10:49:42 14 grown up with computers actually find it easier and more
10:49:45 15 efficient to absorb information from hard copy.
10:49:48 16
10:49:49 17 MR CHETTLE: When you think about it, Commissioner, there's
10:49:50 18 two lawyers, six clients and thousands and thousands of
10:49:55 19 pages of material all interlinked and cross-referenced. To
10:49:59 20 do it, we can do it but if we have the hard copies we can
10:50:04 21 have a team approach and get you what you want, which is
10:50:08 22 all we're trying to do.
10:50:10 23
10:50:10 24 COMMISSIONER: I think I understand your application and
10:50:11 25 your position.
26
27 MR CHETTLE: Thank you.
28
10:50:12 29 COMMISSIONER: I might hear from you next, Mr Collinson.
10:50:15 30
10:50:15 31 MR COLLINSON: If that's convenient, Commissioner.
10:50:17 32
10:50:17 33 COMMISSIONER: Yes.
10:50:18 34
10:50:18 35 MR COLLINSON: In one sense our situation is more urgent
10:50:21 36 because I think I can say this much, commencing 14 May the
10:50:28 37 Commission has scheduled a large number of witnesses, 11 in
10:50:33 38 number. Now we have - - -
10:50:36 39
10:50:36 40 COMMISSIONER: That's next week.
10:50:37 41
10:50:37 42 MR COLLINSON: Yes. Mr Nathwani and I have not sought to
10:50:41 43 over reach with any of our position in relation to
10:50:44 44 documents hitherto because the witnesses who have been
10:50:47 45 called relate to quite an earlier period. But we're now
10:50:51 46 getting to quite critical periods in terms of the history
10:50:56 47 of the relationship between Ms Gobbo and the police. What

10:51:00 1 we want essentially, we have been offered access through a
10:51:03 2 police station to documents on a certain basis but picking
10:51:07 3 up the point the Commissioner made, anyone who
10:51:11 4 cross-examines knows that you just can't cross-examine
10:51:15 5 unless you have hard copy. So our proposal is that a hard
10:51:20 6 copy of categories of relevant documents be given to our
10:51:26 7 instructors.
10:51:26 8
10:51:26 9 COMMISSIONER: So the relevant documents are the same that
10:51:29 10 have been requested by Mr Chettle?
10:51:32 11
10:51:32 12 MR COLLINSON: It's the same categories but because it will
10:51:34 13 pertain perhaps initially to the 11 witnesses next week, it
10:51:39 14 might be more focused around them rather than the class
10:51:44 15 that Mr Chettle represents. But can I mention this.
10:51:48 16
10:51:48 17 COMMISSIONER: Those documents would be being prepared, if
10:51:51 18 they haven't already, for counsel assisting the Commission.
10:51:55 19
10:51:56 20 MR COLLINSON: Yes, and it might be the Commission makes
10:51:58 21 this material available. We have been writing letters
10:52:01 22 since the beginning of April to Corrs, copying in the
10:52:06 23 Commission and we haven't had a substantive response
10:52:10 24 although more recently Mr Holt and ourselves have had some
10:52:13 25 discussions. Can I mention this which I haven't yet said.
10:52:17 26 I've been in this matter one way or another for Ms Gobbo
10:52:21 27 since 2016 and in connection with the issues that arose in
10:52:24 28 the court proceedings there were obviously incredibly
10:52:28 29 confidential documents that were made available to the
10:52:30 30 parties. In order to serve that purpose safes were made
10:52:35 31 available at secure locations and documents were accessed.
10:52:39 32 There were just the kinds of documents that Mr Chettle is
10:52:42 33 referring to. So we're happy to have limits on copying,
10:52:47 34 just one set that's not copied, but - and we would seek
10:52:54 35 also to have access through the computer that might be
10:52:58 36 available at a police station because that means of access
10:53:02 37 gives us an overview of matters, but we actually want
10:53:06 38 categories of documents that are relevant, ICRs,
10:53:10 39 transcripts, diary notes of police officers in sufficient
10:53:13 40 time that we can conduct realistic cross-examination and we
10:53:17 41 would propose that we give undertakings that that material
10:53:22 42 be kept in a safe and not copied. And given that that
10:53:28 43 process worked so well during the currency of the
10:53:32 44 litigation we see no reason why it wouldn't work
10:53:37 45 satisfactorily in this Commission. That's the essence of
10:53:40 46 our proposal.
10:53:40 47

10:53:41 1 COMMISSIONER: I think it was probably a certain category
10:53:44 2 of safe, was it, a category 3 safe?
10:53:46 3
10:53:47 4 MR COLLINSON: It was supplied by the police.
5
6 COMMISSIONER: It was supplied by the police, yes.
7
10:53:49 8 MR COLLINSON: And the police being party to that
10:53:51 9 litigation consented to those arrangements. And the safes
10:53:55 10 that were made available I might say, Commissioner, the
10:54:00 11 safes that were made available are still available. So
10:54:03 12 everything is set up to receive material.
10:54:08 13
10:54:09 14 COMMISSIONER: Yes.
10:54:09 15
10:54:09 16 MR COLLINSON: We just need directions that that material
10:54:12 17 be provided.
10:54:20 18
10:54:21 19 COMMISSIONER: So you're really wanting those documents on
10:54:23 20 a running basis in terms of their relevance to witnesses to
10:54:28 21 be called by the Commission on 14 May?
10:54:29 22
10:54:30 23 MR COLLINSON: Yes.
10:54:30 24
10:54:30 25 COMMISSIONER: And you are either wanting that by Victoria
10:54:33 26 Police or the Commission once the Commission gets those
10:54:36 27 documents?
10:54:36 28
10:54:37 29 MR COLLINSON: Yes. Hitherto we've received statements
10:54:39 30 often the morning of the hearing and sometimes the night
10:54:41 31 before, very often not the documents referred to by the
10:54:44 32 witnesses. But now that we're getting into much more
10:54:47 33 significant territory we need to see documents that
10:54:50 34 contextualise what the witness is saying and for that
10:54:54 35 purpose we need these documents. Now, the principle it
10:55:00 36 would appear of access isn't in dispute in that access
10:55:03 37 through a computer at a police station has been offered.
10:55:07 38 We're really saying yes, but we need practical access so
10:55:11 39 that we can do our job.
10:55:13 40
10:55:13 41 COMMISSIONER: I understand. Thank you.
42
43 MR COLLINSON: If the Commission pleases.
44
45 COMMISSIONER: Mr Holt.
46
10:55:17 47 MR HOLT: Commissioner, can I indicate some matters of fact

10:55:22 1 which are confirmed in correspondence which has been with
10:55:26 2 the Commission in relation to our learned friend
10:55:29 3 Mr Chettle's clients. As his instructor has confirmed to
10:55:32 4 the Commission by letter dated 8 May 2019 each of his
10:55:35 5 clients has been granted access to hard copies of their
10:55:39 6 electronic and official diaries made available to them at
10:55:42 7 the Police Academy. I can confirm that to be the position.

10:55:44 8
10:55:44 9 COMMISSIONER: Each of them has access to electronic and
10:55:48 10 hard copy?

10:55:50 11
10:55:50 12 MR HOLT: Yes. What they have, Commissioner, is access to
10:55:52 13 the Loricated database itself with the search facility that
10:55:56 14 sits over the top of that, together, up until recently and
10:55:59 15 that continues, hard copies of their diaries and electronic
10:56:06 16 and in fact where the original version was a hard copy
10:56:10 17 also.

10:56:10 18
10:56:11 19 COMMISSIONER: Whereabouts do they have access?

10:56:12 20
10:56:13 21 MR HOLT: The offer was made at effectively any police
10:56:15 22 station. The arrangement has been made at the Police
10:56:19 23 Academy because that's the most convenient for two of our
10:56:22 24 learned friend's clients. That was done by arrangement in
10:56:24 25 effect. Those documents in electronic form, that is on the
10:56:28 26 Loricated database together with hard copies of the
10:56:31 27 diaries, both electronic and written, are available to all
10:56:36 28 of those clients, that is both current and former members
10:56:41 29 at the Police Academy and have been now for a significant
10:56:45 30 number of weeks. So when my learned friend says - - -

10:56:48 31
10:56:48 32 COMMISSIONER: Does that include hard copy access to,
10:56:51 33 there's a hard copy of all the diaries, the IRs and the
10:56:54 34 ICRs?

10:56:56 35
10:56:58 36 MR HOLT: There are hard copy access to the ICRs and the
10:56:59 37 diaries. Not presently the IRs because that was only
38 requested in the last few days. We've immediately
10:57:04 39 indicated by correspondence which was also copied to the
10:57:05 40 Royal Commission that we would facilitate that and IRs
10:57:09 41 would be provided in hard copy at that facility as well.
10:57:12 42 Mr Chettle's clients who are present police members have,
10:57:15 43 as he has indicated, been taken off other duties for these
10:57:19 44 purposes to have that access at the Academy on a full-time
10:57:23 45 basis. His former clients have been permitted that access
10:57:28 46 at the Police Academy or if they wish at another - - -
10:57:28 47

10:57:28 1 COMMISSIONER: Former police officers?
10:57:29 2
10:57:29 3 MR HOLT: Former police officer, yes, I'm sorry, at another
10:57:32 4 location if they wish to take that up. And that includes
10:57:35 5 again hard copies of those documents so that they can be
10:57:38 6 reviewed together with the database. So I'm bound to say
10:57:42 7 it appears, well I'm not entirely sure and I might need
10:57:47 8 clarification precisely what our learned friend is
10:57:49 9 requesting in respect of those clients. Can I indicate
10:57:52 10 this, there have been requests to - my learned friend puts
10:57:54 11 it as bringing the former members back into the fold, in
10:57:59 12 terms of re-employing them, as the Commissioner will I'm
10:58:02 13 sure appreciate immediately, in the context of former
10:58:04 14 police officers giving evidence in a Royal Commission where
10:58:07 15 Victoria Police is in a position that it is in by virtue of
10:58:10 16 the Commission, it is a relatively complex process. A
10:58:13 17 decision on how they might be remunerated for what is a
10:58:16 18 very significant period of time related to their former
10:58:19 19 employment without any indication or hint of conflict in
10:58:22 20 that sense, is something which is being considered, as our
10:58:26 21 learned friend says, as it should be at a very high level.
10:58:27 22 I think that is likely to be a positive outcome and that
10:58:31 23 will be decided in the next few days, probably this week I
10:58:33 24 would expect.
10:58:33 25
10:58:34 26 COMMISSIONER: The fact that is all open in public and not
10:58:36 27 hidden is something that shows the transparency and
10:58:39 28 appropriateness of the proceeding.
10:58:41 29
10:58:41 30 MR HOLT: Precisely so, Commissioner. But notwithstanding
10:58:43 31 that, those witnesses have had that access available to
10:58:46 32 them for a significant period of time. Whether they have
10:58:49 33 chosen to take it because of their concern about
10:58:51 34 remuneration or their others jobs is completely
10:58:53 35 understandable at one level but nonetheless not something
10:58:56 36 at that point within the control of Victoria Police.
10:58:57 37
10:58:57 38 COMMISSIONER: They have obligations to the Commission
10:58:59 39 under the *Inquiries Act*.
10:59:00 40
10:59:01 41 MR HOLT: So that's the position.
10:59:03 42
10:59:04 43 COMMISSIONER: Is there only one copy, one hard copy at the
10:59:09 44 Police Academy?
10:59:10 45
10:59:11 46 MR HOLT: I don't believe anyone has been restricted from
10:59:14 47 having hard copy, I don't think there's been more than one

10:59:17 1 person but can I just check that, Commissioner?
2
3 COMMISSIONER: Yes.
4
10:59:18 5 MR HOLT: We'll check, Commissioner, but given the security
10:59:21 6 arrangements available at the Academy my expectation would
10:59:24 7 be that if two people wanted access to the same set of
10:59:27 8 documents at the same time, those hard copies could be made
10:59:30 9 available. There is no difficulty in that sense. The
10:59:32 10 concern is around the security arrangements for the
10:59:36 11 documents.
10:59:36 12
10:59:36 13 COMMISSIONER: But these are all either full-time police
10:59:40 14 officers or honourably discharged full-time police
15 officers.
16
17 MR HOLT: Yes.
18
10:59:43 19 COMMISSIONER: Who would obviously be prepared to give
10:59:48 20 confidentiality guarantees if at their home or even at the
10:59:54 21 home of one of them they had a safe installed, why couldn't
10:59:59 22 they work there?
23
11:00:02 24 MR HOLT: Commissioner, we may be getting to the point
11:00:05 25 where I need to call Assistant Commissioner Paterson to
11:00:09 26 assist the Commissioner with the security concerns. Can I
11:00:12 27 foreshadow that in this way, the body of documents that
11:00:15 28 we're talking about, as the Commissioner well knows, are
11:00:18 29 extraordinarily sensitive and carry very substantial risks
11:00:22 30 and are entirely unredacted. It's not a question of trust
11:00:26 31 in terms of the people involved, it's a question of
11:00:28 32 security management. As the Commission knows those
11:00:30 33 unredacted documents have been provided to the Royal
11:00:34 34 Commission and those assisting it with very comprehensive
11:00:38 35 security arrangements negotiated between the Commission and
11:00:41 36 Victoria Police, which the Commission has of course
11:00:45 37 undertaken and Victoria Police has done so as well and that
11:00:48 38 was done in order to ensure that this very sensitive body
11:00:51 39 of documents were maintained in terms of their security.
11:00:54 40
11:00:54 41 COMMISSIONER: Of course these are the very police officers
11:00:56 42 who produced the documents.
11:00:57 43
11:00:58 44 MR HOLT: Again, Commissioner, the point is not that
11:00:59 45 there's any lack of trust in those police officers. If
11:01:01 46 there was we wouldn't be giving them access to the
11:01:05 47 documents at all. That just isn't the issue. The issue

11:01:08 1 from a document and security management perspective when
11:01:11 2 dealing with very highly sensitive documents, plainly
11:01:15 3 protocols are ordinarily in place, as they are with an
4 agency such as the Public Interest Monitor or anywhere
11:01:18 5 else, to ensure the security of documents. Very high risk
11:01:21 6 documents are dealt with in particular ways. Our
11:01:25 7 submission is and I'll call Assistant Commissioner if we
11:01:29 8 need to, but our submission ultimately is, and Victoria
11:01:32 9 Police's position I should be clear is, that those
11:01:35 10 documents can be dealt with with that level of security
11:01:37 11 arrangement in place, that is those which the Commission
11:01:39 12 has and otherwise in those secure police locations and not
11:01:43 13 otherwise, and that is the way that body of documents with
11:01:47 14 the very substantial risks that are associated with them -
11:01:51 15 because just reading them creates, I'm being coy
11:01:54 16 intentionally, but just reading them creates positive risks
11:01:58 17 to people who are actually named. The risks of those going
11:02:01 18 outside of properly secured locations are, we're
11:02:05 19 instructed, profound. So Victoria Police has done in my
11:02:09 20 respectful submission everything it can to get to the point
11:02:11 21 of providing access, including substantial resources being
11:02:14 22 deployed at different police stations, where it's
11:02:17 23 convenient to people and, for example, for our learned
11:02:20 24 friends. I understand the practical difficulty, but
11:02:22 25 providing them with access not just to the database but
11:02:24 26 also again to hard copies documents at a police station to
11:02:29 27 be able to review that material.

11:02:30 28
11:02:30 29 COMMISSIONER: But as Mr Collinson said, in the EF case
11:02:33 30 these types of documents were provided to counsel involved
11:02:37 31 in that case.

11:02:39 32
11:02:40 33 MR HOLT: Commissioner, I'll need to take instructions
11:02:43 34 about precisely the quantity and body and nature of those
11:02:46 35 documents. I understand it to be a very different
11:02:48 36 proposition to the provision of what would essentially be
11:02:50 37 the entirety of the material which carries risks of naming
11:02:54 38 certain persons. Some parts of that are obviously more
11:02:56 39 sensitive than others. So yes, of course there are times
11:02:58 40 when sensitive documents, particularly sensitive documents
11:03:01 41 can be handled in those types of ways, but as I'm
11:03:05 42 instructed the nature of this body of material overall,
11:03:10 43 which is the entirety of the database in fact, is
11:03:13 44 dramatically wider than that which was an issue in the AB
11:03:16 45 proceeding. One only needs to imagine what would occur if
11:03:19 46 there was a break-in or inadvertent disclosure or a leaving
11:03:25 47 of a document or anything of that kind which occurs here,

11:03:26 1 and it's simply not something which we're instructed on the
11:03:28 2 basis of very careful consideration by those who are expert
11:03:33 3 in document management and understand that there's tiers
11:03:33 4 and categories of these issues, that this is the way in
11:03:37 5 which we need to deal with those documents. As the
11:03:39 6 Commission will recall, the reason why we're talking about
11:03:42 7 this at all of course is because a decision was made which
11:03:46 8 with respect we think remains a sensible decision, that to
11:03:50 9 attempt to redact the Loricated database or those documents
11:03:53 10 before provision to the Royal Commission for the purposes
11:03:56 11 of public interest immunity would simply have brought
11:03:58 12 everything grinding to a halt. And so it has been provided
11:04:01 13 on that very strict basis, we're dealing with documents
11:04:05 14 that would overwhelmingly be the subject of public interest
11:04:09 15 immunity claims with respect to parts of them. No doubt of
11:04:13 16 the highest order and of the highest kind. So we have
11:04:14 17 provided those documents unredacted to the Commission with
11:04:17 18 those kinds of security arrangements which the Commission
11:04:21 19 has adopted and implemented. And we've attempted to do the
11:04:22 20 same with others in what I hope has been explained in quite
11:04:26 21 a comprehensive way.

11:04:27 22
11:04:27 23 COMMISSIONER: Yes. But can I just remind you here, as I
11:04:29 24 understand it the only people asking for access to the
11:04:34 25 unredacted documents to prepare their statements for the
11:04:37 26 Commission are the police officers who were intricately
11:04:43 27 involved in preparing these documents. Mr Collinson is
11:04:45 28 content to have the redacted documents, documents after
11:04:48 29 they have been redacted for PII and delivered to the
11:04:53 30 Commission as I understand it.

11:04:53 31
11:04:54 32 MR HOLT: I don't think that's Mr Collinson's position. I
11:04:56 33 think he wants the unredacted documents and we've indicated
11:05:00 34 we're prepared to give him those at a police station.
11:05:05 35 That's the point, Commissioner, that's what we're offering.
11:05:05 36 We can't go further than that and say yes, take them home
11:05:08 37 or to chambers or anything unredacted. That's the line
11:05:12 38 from Victoria Police.

11:05:12 39
11:05:12 40 COMMISSIONER: He says he had that sort of access in the EF
11:05:16 41 litigation why should he not have it now?

11:05:19 42
11:05:19 43 MR HOLT: I think it was a much more limited document,
11:05:19 44 Commissioner, because it was a much more learned piece of
11:05:22 45 litigation. The body of this is much more substantial.
11:05:26 46 The point again in terms of the police officers is not that
11:05:29 47 they shouldn't be able to see it but, for example, as the

11:05:31 1 Commissioner says, and we apprehend that was never
11:05:34 2 positively put, that those officers former and current wish
11:05:38 3 to be able to effectively take large quantities of the
11:05:42 4 Loricated database to their home addresses. That, with
11:05:45 5 respect, we're instructed is an extraordinary security risk
11:05:50 6 not because of any lack of trust in those officers but by
11:05:52 7 taking that to a domestic address that carries with it
11:05:56 8 significant risk that simply can't be taken with documents
11:05:59 9 of this significance. We will take within that security
11:06:02 10 arrangements, as we've continued to do so, whatever steps
11:06:03 11 are necessary with whatever resources are necessary, to
11:06:06 12 give whatever time and hours are necessary to those persons
11:06:11 13 to review those documents in a police station.
14
11:06:13 15 COMMISSIONER: Will they be given access in a police
11:06:16 16 station to a room where they could all be comfortably
11:06:22 17 accommodated so that they could work collaboratively
11:06:23 18 together on this?
11:06:24 19
20 MR HOLT: I'm almost certain of that, Commissioner, and I
11:06:26 21 can probably get those instructions. Yes, Commissioner. I
11:06:26 22 think that's what's been provided at the Academy. I
11:06:30 23 understand that it is easier to have hard copy documents,
11:06:32 24 I'm desperate for them from a personal and selfish
11:06:40 25 perspective as well, Commissioner, it's just the nature of
11:06:41 26 the documents. Does the Commissioner wish to hear from
11:06:46 27 Assistant Commissioner Paterson?
11:06:48 28
11:06:49 29 COMMISSIONER: If you want to call him, it's up to you.
11:06:51 30
11:06:52 31 MR HOLT: It is really to support the submission that
11:06:55 32 there's a very significant security risk associated with
11:06:56 33 these documents. I think I ought, Commissioner. I'm
11:06:59 34 sorry, I think I ought. I call Assistant Commissioner
11:07:01 35 Paterson. As I indicated, Commissioner, there may be a
11:07:05 36 point where Assistant Commissioner Paterson indicates that
11:07:08 37 he doesn't feel he can say something I'll raise that issue
11:07:17 38 with the Commission.
11:07:17 39
11:07:17 40 COMMISSIONER: Yes, we can try and do it in generic terms.
41
42 MR HOLT: We've discussed this, Commissioner, and the
43 Assistant Commissioner understands.
44
11:07:23 45 COMMISSIONER: You're still on your former affirmation,
11:07:28 46 thank you, Mr Paterson.
11:07:28 47

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<NEIL JOHN PATERSON, recalled:

MR HOLT: Just tell us your full name please, Assistant Commissioner?---Commissioner, my full name is Neil John Paterson.

Your present role and your responsibilities in respect of that role, please?---Yes, I'm the Assistant Commissioner for the Intelligence and Covert Support Command in Victoria Police. That oversees a number of intelligence and covert functions within the organisation but I have specific corporate responsibility for our Human Source Management Program.

In that role and as a result of your training and experience can you just assist the Commissioner with your knowledge of and expertise in relation to the handling and security arrangements for sensitive or secret documents, and I probably got that language wrong so correct me if you need to?---Certainly, Commissioner. In context of these actual documents they are typically only ever kept within the Human Source Management Unit. That unit sits within a, I won't go into great detail, but it sits within a very highly rated floor within the building complex that I am in. Not every floor is rated to the same security level in the complex. And in turn inside that area they are stored within class C safes within that area.

COMMISSIONER: Is that the highest state of security?---Yes. It's a very - for instance I can give an example of an external agency that we deal with often that has the same level of security, and that would be the office of the Public Interest Monitor where we provide certain documents as required to them, and they have that same level of security. Commissioner, obviously as you're aware we came to an agreement with the Royal Commission in terms of the security that was required on the provision of these documents to the Royal Commission. The documents do contain highly sensitive information. It is not sensitive information that relates to Ms Gobbo, it is sensitive information that relates to other people and if that information was to be disclosed, I can give a guarantee that significant human lives are at risk. Not Ms Gobbo's life, I think she already is at significant risk. I'm talking about other individuals. As Mr Holt has suggested, this is not in any way a question over the character of the current serving officers or the former

11:09:57 1 serving officers, they are trusted individuals and we have
11:10:02 2 made full access to these documents available to those
11:10:06 3 members. This is about the security of those documents
11:10:09 4 should they be stolen, lost, put aside inadvertently or
11:10:15 5 something like that, the risk to human life is extreme.
11:10:19 6
11:10:20 7 MR HOLT: Thank you, I'll just make the Assistant
11:10:24 8 Commissioner available for cross-examination.
11:10:25 9
11:10:25 10 COMMISSIONER: Mr Chettle.
11:10:26 11
12 <CROSS-EXAMINED MR CHETTLE:
13
11:10:28 14 That risk to human life, predominantly I assume you're
11:10:31 15 talking about the diaries, the unredacted diaries?---No,
11:10:35 16 the unredacted diaries can of course, the hard copy
11:10:40 17 diaries, they can all be given to your clients at a secure
11:10:43 18 location as they are. They just can't be taken to a home
11:10:46 19 address because of the secure nature of the information
11:10:49 20 that is in both the diaries, the IRs, the ICRs and the
11:10:55 21 electronic diaries.
11:10:56 22
11:10:57 23 Let me break that down, Mr Paterson. I can understand the
11:10:59 24 diaries because they would have reference to other
11:11:01 25 informers and other people who provided information to the
11:11:04 26 unit, wouldn't it?---Yes, that's correct.
11:11:06 27
11:11:07 28 But the redacted diaries, and my instructions are that in
11:11:12 29 that safe out at the Academy are only the redacted, sorry,
11:11:17 30 that on Loricated is only the redacted copies of the
11:11:20 31 diaries?---They have hard copies of the electronic diaries
11:11:25 32 out there.
11:11:26 33
11:11:27 34 Stop just there. That's exactly right. Stop just for a
11:11:30 35 minute. Only the electronic diaries, not the original
11:11:33 36 handwritten diaries?---That's correct. They have not been
11:11:36 37 asked for prior to today, that I'm aware of.
11:11:40 38
11:11:40 39 I don't want to argue about what we've asked for and the
11:11:43 40 letters we've written. Mr Holt made the point to the
11:11:46 41 Commissioner that all the diaries are there. The original
11:11:49 42 handwritten diaries that preceded the electronic diaries
11:11:54 43 are not in those safes, are they?---I don't believe they
11:11:58 44 are, but there is no document that your clients cannot
11:12:00 45 access in hard copy format at the facility that they are
11:12:07 46 currently accessing those documents.
11:12:08 47

11:12:09 1 Sorry, Mr Paterson, they're not there at the moment, are
11:12:10 2 they?---Only the hard copy diary is not there. The
11:12:14 3 electronic diaries are in hard copy format and that request
11:12:18 4 I'm only aware of as of today.
11:12:20 5
11:12:20 6 You would understand that the hard copy, original blue
11:12:26 7 diaries I call them, before they went electronic, deal with
11:12:29 8 a substantial and relevant period of time that the unit
11:12:33 9 dealt with Ms Gobbo, don't they?---Yes, they do, and we are
11:12:37 10 more than happy to provide them to your clients in hard
11:12:40 11 copy format, the actual diaries.
11:12:42 12
11:12:42 13 COMMISSIONER: Can that be done fairly
11:12:45 14 quickly?---Absolutely Commissioner.
11:12:46 15
11:12:46 16 Within 24 hours?---Yes.
11:12:48 17
11:12:48 18 MR CHETTLE: We're talking about a lot of material, an
11:12:51 19 amount of material that's almost impossible to imagine, it
11:12:55 20 requires a lot of work?---There are many thousands of pages
11:12:59 21 of material, Commissioner.
11:12:59 22
11:13:00 23 That have to be correlated and put in usable form for the
11:13:04 24 Commission?---They are in quite usable format already in
11:13:09 25 context of they are sequential in date and in terms of
11:13:13 26 contact. They are not ordered in terms of relevance.
11:13:20 27
11:13:20 28 Can I go back to your final statement where you say that
11:13:25 29 the information on it is a threat to life?---Yes.
11:13:29 30
11:13:31 31 The information reports compiled as a result of
11:13:36 32 conversations with Ms Gobbo that were disseminated by the
11:13:40 33 unit relate to information from her, don't they?---They
11:13:46 34 won't always just relate to information only from her, just
11:13:49 35 as the source contact reports won't only contain
11:13:54 36 information to her.
11:13:55 37
11:13:55 38 Leave the source contact reports alone, please. The
11:13:55 39 information reports were prepared and disseminated - we're
11:14:01 40 only interested in the ones that came from 3838 or her
11:14:04 41 subsequent number. They can be readily identified, can't
11:14:07 42 they?---Yes, they are, yes.
11:14:09 43
11:14:09 44 Have you looked at them?---No, I haven't.
11:14:11 45
11:14:11 46 My instructions are that that's, everything that's in them
11:14:15 47 came from her, so we need to know what's in them, don't

11:14:18 1 we?---Yes, and we've had that request this week and they
11:14:21 2 are being printed at the moment and ready for hard copy
11:14:24 3 provision to Mr Chettle's clients.
11:14:26 4
11:14:30 5 Will their lawyers be able to see that anywhere other than
11:14:35 6 at a police station?---The information in them is highly
11:14:38 7 sensitive, as I've said. Victoria Police operates at many
11:14:43 8 sites, 24/7 across the State. We can make it available at
11:14:48 9 various premises, we have a number in the CBD, and we can
11:14:54 10 make them available to you, both the Loricated database and
11:14:57 11 the hard copy materials at any time that you need access to
11:14:59 12 those materials at a secure site.
11:15:01 13
11:15:03 14 I understand that Loricated is electronic and a matter of
11:15:04 15 turning on a computer. But the hard copy, if I go into the
11:15:08 16 Geelong police station it won't be there, will it?---No,
11:15:10 17 but if that is the location, Mr Chettle, where you wish to
11:15:12 18 access it I can have a copy made available in an
11:15:17 19 appropriate facility and safe at the Geelong police station
11:15:19 20 and we can have that access made available for you.
11:15:21 21
11:15:22 22 No copies can be made?---No, that's right because of the
11:15:24 23 risk to life of other individuals is at an extreme level.
11:15:30 24
11:15:31 25 COMMISSIONER: Mr Paterson, is it possible that in the IRs
11:15:33 26 relating to Ms Gobbo there's also information about other
11:15:37 27 human sources?---That's exactly the point I'm getting at,
11:15:40 28 Commissioner. I can't - in an open hearing I don't want to
11:15:44 29 take that matter much further, that's correct.
11:15:47 30
11:15:48 31 That's enough to say that. That's the issue that you're
11:15:49 32 concerned about?---Yes, exactly.
11:15:51 33
11:15:51 34 MR CHETTLE: You say that without having looked at
11:15:54 35 them?---No, I haven't personally looked at them but I've
11:15:58 36 had full analysis done over them in context of that issue.
11:16:01 37
11:16:01 38 So in closed court you could indicate any IR that related
11:16:07 39 to somebody other than her?---No.
11:16:09 40
11:16:10 41 You couldn't?---No, that's right, I couldn't.
11:16:10 42
11:16:11 43 COMMISSIONER: He personally couldn't. It could be done if
11:16:11 44 you went through it but that's a process.
11:16:15 45
11:16:15 46 MR CHETTLE: All right. The decision in relation to
11:16:20 47 employing the three non-members, is that going to be made

11:16:24 1 soon?---That's my understanding. I believe that there was
11:16:29 2 a number of original considerations in context of a
11:16:34 3 potential conflict of interest, and then there's always
11:16:37 4 having a look at the best method of engaging our former
11:16:42 5 police veterans in order to do this work and that's
11:16:44 6 proceeding and I understand that we'll have something in
11:16:47 7 place very shortly.
11:16:48 8
11:16:48 9 Mr Jones was contracted last year for some other reason,
11:16:54 10 wasn't he?---I am aware of that but a completely different
11:16:56 11 reason.
11:16:57 12
11:16:57 13 He was contracted nonetheless back into the Police Force.
11:17:01 14
11:17:01 15 COMMISSIONER: Mr Chettle, we might move on. I think, to
11:17:05 16 help you in this respect, I will say this, as Mr Holt
11:17:08 17 foreshadowed in his comments, if police officers are
11:17:13 18 required to spend weeks of their lives working on something
11:17:16 19 that arises from their time as a police officer, there is a
11:17:21 20 certain justice, certain fairness in the State paying for
11:17:26 21 their services and I think that's recognised by the
11:17:29 22 comments made by Mr Holt and no doubt by this witness.
11:17:32 23
11:17:32 24 MR CHETTLE: Thank you. Can I move to one other topic?
11:17:34 25
11:17:34 26 COMMISSIONER: And indeed even if they did it before an
11:17:38 27 agreement was reached there'd be a fairness in them being
11:17:45 28 paid retrospectively?---Yes.
11:17:47 29
11:17:49 30 MR CHETTLE: The other police officers, and particularly
11:17:51 31 can I - yes, Mr O'Brien and Mr Biggin have been provided
11:17:55 32 with hard copies of their diaries?---Yes. Their diaries
11:17:59 33 contain very different information and not to the
11:18:02 34 sensitivity of the diaries and source contact reports of
11:18:06 35 your clients.
11:18:07 36
11:18:07 37 The line is this though, isn't it, you've got a line, if
11:18:10 38 it's on Loricated it can't be copied, that is the line,
11:18:15 39 isn't it?---No, the line is about human safety,
11:18:18 40 Commissioner. Victoria Police owes a duty of care to a
11:18:20 41 number of individuals and that duty of care is ongoing. It
11:18:24 42 is an extreme risk to expose these documents in a way that
11:18:28 43 is not managed securely. It is a serious risk to various
11:18:32 44 people's lives.
11:18:33 45
11:18:33 46 COMMISSIONER: Can I just follow up from Mr Chettle's
11:18:35 47 question then. There would be no problem with having hard

11:18:38 1 copies of documents on Loricated, you say, provided that
11:18:41 2 they stayed at the secure police station?---Absolutely.
11:18:46 3 The same applies to Mr Collinson, we can provide the same
11:18:50 4 access to those documents at a secure facility.
11:18:56 5
11:18:56 6 And currently it's being provided to the handlers at the
11:19:03 7 Police Academy?---At their request.
11:19:07 8
11:19:06 9 At their request. Is that a 24/7 venue?---It is a - well,
11:19:10 10 it's not open to the public 24/7 but it is a 24/7 venue
11:19:16 11 from our perspective, yes, we are on site 24/7.
11:19:22 12
11:19:23 13 MR CHETTLE: Is there any issue for the lawyers for the
11:19:24 14 handlers, that is myself, Ms Thies and Mr Hargreaves, going
11:19:30 15 to a police facility to access material?---Not at all.
11:19:33 16 That offer has, to my understanding, already been made to
11:19:35 17 you, Mr Chettle. We are able to do that at any time that
11:19:38 18 you request.
11:19:38 19
11:19:39 20 I'll digest that, Commissioner.
11:19:41 21
11:19:41 22 COMMISSIONER: Mr Collinson.
11:19:42 23
24 <CROSS-EXAMINED BY MR COLLINSON:
25
11:19:45 26 Assistant Commissioner, are you aware of the kinds of
11:19:50 27 documents that were made available to Ms Gobbo and her
11:19:58 28 counsel in the course of the legal proceedings known as AB,
11:20:03 29 CD, EF?---Mr Collinson, yes, I am aware of the broad
11:20:08 30 categories of documents. I haven't looked at each one of
11:20:11 31 them but I certainly am aware of the categories.
11:20:13 32
11:20:13 33 I'll avoid mentioning any names, I'll be very careful but I
11:20:16 34 want to suggest to you that almost every document relating
11:20:20 35 to one particular informer was included in those materials,
11:20:26 36 and by every document I mean police diary notes, ICRs,
11:20:32 37 transcripts of recordings and so on. Do you have any
11:20:38 38 knowledge about that?---I don't specifically and I'm not
11:20:42 39 aware of which informer you're referring to.
11:20:45 40
11:20:45 41 Yes. You're also aware I take it that - - -
11:20:51 42
11:20:51 43 COMMISSIONER: Is it an informer who has been given a
11:20:54 44 pseudonym in these proceedings?
11:20:56 45
11:20:56 46 MR COLLINSON: Yes.
11:20:57 47

11:20:57 1 COMMISSIONER: You can refer to him by the pseudonym.
11:21:10 2
11:21:11 3 MR COLLINSON: Person █?---I'd need to have a look at the
11:21:15 4 list, Commissioner.
11:21:15 5
11:21:16 6 I'll hand this sheet to you. It's the very bottom of the
11:21:20 7 sheet.
11:21:20 8
11:21:21 9 COMMISSIONER: Exhibit 81.
11:21:23 10
11:21:23 11 WITNESS: Thank you. Sorry, could you say the number
11:21:32 12 again?
11:21:32 13
11:21:32 14 MR COLLINSON: Person █ at the foot of the
11:21:35 15 document?---Sorry, that's the wrong side, I was looking at
11:21:38 16 the numbers on the thing. Yes, I am aware of that person.
11:21:44 17 I'm not aware of the extent of the documents provided in
11:21:48 18 context of that person.
11:21:52 19
11:21:52 20 I'm able to tell you that that matter being treated as a
11:22:00 21 test case for the purpose of the issues in that litigation,
11:22:06 22 as I understand it every relevant document from Operation
11:22:11 23 Loricated relating to that particular informer was made
11:22:16 24 available to the parties to the litigation. Are you in a
11:22:21 25 position to confirm that or deny it?---No, I'm not in a
11:22:26 26 position to confirm or deny, Mr Collinson. What I can say
11:22:29 27 is I certainly am aware of the provisions of documents
11:22:32 28 relating to that person. I probably can't take that matter
11:22:35 29 much further in a public hearing.
11:22:39 30
11:22:39 31 COMMISSIONER: Could I say as I understood it, Mr Collinson
11:22:42 32 and Mr Paterson, Person █ was more in the category of a
11:22:46 33 witness than an informer, would that be right?---Um,
11:22:53 34 Commissioner, I'm hesitant to answer. Certainly that
11:22:58 35 person was given a witness identifier through the court
11:23:03 36 proceedings.
11:23:04 37
11:23:04 38 MR COLLINSON: I think both capacities were relevant,
11:23:08 39 Commissioner, in court proceedings. Can I ask you this
11:23:10 40 question, Assistant Commissioner: I understand that the
11:23:15 41 concern of Victoria Police relates to the safety of many
11:23:20 42 informers, that's the basal concern, isn't it?---The safety
11:23:27 43 of both many human sources and people who have been Crown
11:23:34 44 witnesses that have subsequent suppression orders in
11:23:37 45 context of their names.
11:23:38 46
11:23:38 47 Yes. Now, from that perspective you don't have any

11:23:45 1 difficulty, as I would understand it, in legal
11:23:49 2 representatives for Ms Gobbo having access at a police
11:23:53 3 station to all of the documents on the Operation Loricated
11:24:00 4 database?---That's correct, Mr Collinson. We are very
11:24:04 5 happy to provide both the Loricated database as an
11:24:07 6 electronic format for you to examine and interrogate at a
11:24:12 7 secure facility, as we are hard copies of all of the
11:24:15 8 documents from that database.
11:24:17 9
11:24:17 10 You're happy for it to be treated the same way as
11:24:20 11 Mr Chettle's legal representatives for the police
11:24:23 12 handlers?---Absolutely, Commissioner. We run 24/7
11:24:26 13 buildings in the CBD and can make that access available.
11:24:29 14
11:24:30 15 You're aware that in the court proceedings class C safes
11:24:36 16 were made available in secure locations?---Yes. I am
11:24:41 17 aware. The difference here is that the sheer volume of
11:24:45 18 documents and the sheer volume of people put at extreme
11:24:50 19 risk is very different to the matters that were litigated
11:24:54 20 in 2016/17/18. The risk is exponentially increased.
11:25:06 21
11:25:06 22 The arrangement there involved the legal representatives
11:25:09 23 giving quite detailed undertakings about times of access to
11:25:13 24 the class C safe, maintaining documents in their personal
11:25:18 25 possession, putting the documents back in the safe when
11:25:21 26 they weren't being used and so on?---Yes, I'm certainly
11:25:24 27 aware of the undertakings, I'm less aware of the exact
11:25:28 28 nature of the documents that were provided.
11:25:29 29
11:25:30 30 But you would agree that Victoria Police consented to those
11:25:32 31 arrangements in the context of those proceedings?---Yes,
11:25:36 32 that's correct.
11:25:36 33
11:25:37 34 Yes. And I appreciate the point you make about quantity
11:25:41 35 but would there be any difficulty in your view, Assistant
11:25:45 36 Commissioner, if access were given through the police
11:25:48 37 station to unredacted documents in the way you've
11:25:52 38 described, electronic and hard copy, but that as one moved
11:25:57 39 through the phases of the Royal Commission dealing with
11:26:02 40 particular witnesses, unredacted, one set of unredacted
11:26:07 41 documents be made available to the legal representatives
11:26:10 42 for Ms Gobbo to be placed in safes under the same kinds of
11:26:14 43 arrangements?---Absolutely not. As I've indicated - - -
11:26:18 44
11:26:19 45 I meant to say redacted, I might have misspoken I think.
11:26:24 46 I'm very sorry. I meant to say redacted versions of the
11:26:29 47 documents be placed in safes?---Yes, I should imagine that

11:26:33 1 if they were agreed redactions, subject to the Royal
11:26:39 2 Commission's agreement, then I could imagine that that
11:26:42 3 could occur.
11:26:43 4
11:26:43 5 Yes.
11:26:43 6
11:26:44 7 COMMISSIONER: It ought to be able to because if they're
11:26:46 8 agreed redactions?---Yes, that's right.
11:26:47 9
11:26:48 10 You would be prepared for them to be in the public sphere.
11:26:50 11 So there's certainly no problem with Mr Collinson having
11:26:53 12 them ahead, it's desirable.
11:26:56 13
11:26:56 14 MR COLLINSON: Yes. With the redaction process can I ask
11:26:58 15 this question, Assistant Commissioner: is it the case that
11:27:02 16 where the documents refer to a particular individual, one
11:27:09 17 uses the code or reference or anonymous name for the
11:27:14 18 particular person?---That's an ongoing discussion at the
11:27:20 19 moment between counsel for Victoria Police and counsel for
11:27:23 20 the Royal Commission so I know that we have an agreed
11:27:26 21 process to date, however the complexity of these matters is
11:27:30 22 that as you continue into this very complex area you put
11:27:36 23 the jigsaw pieces together and we will end up identifying
11:27:41 24 individuals just by the nature of the biographical data
11:27:46 25 that is accompanied with a question about person whatever
11:27:49 26 number they are.
11:27:49 27
11:27:50 28 One last question. The material that was made available to
11:27:53 29 the legal representatives for Ms Gobbo in the court
11:27:57 30 proceedings from Victoria Police's records at Operation
11:28:02 31 Loricated database, I suggest to you that was unredacted
11:28:06 32 material?---I don't - I'm not aware, Commissioner.
11:28:08 33
11:28:09 34 No further questions.
11:28:10 35
11:28:10 36 COMMISSIONER: Mr Winneke.
11:28:10 37
11:28:13 38 MR CHETTLE: Commissioner, before Mr Winneke does can I
11:28:16 39 leave one more question that arises out of that in relation
11:28:19 40 to my client?
11:28:20 41
11:28:20 42 COMMISSIONER: Yes Mr Chettle.
11:28:21 43
11:28:22 44 MR CHETTLE: Mr Paterson, the concession that if
11:28:24 45 appropriately redacted material could be provided to the
11:28:27 46 lawyers for Ms Gobbo, I assume appropriately redacted
11:28:30 47 materials could be provided to the lawyers for the SDU

11:28:35 1 handlers?---That's exactly correct. I guess the complexity
11:28:38 2 of that, Commissioner, is on the basis, as you would
11:28:41 3 understand, we have provided that material to the Royal
11:28:43 4 Commission under a broad PII claim. We have not had any
11:28:49 5 request for the reliance of any one particular document
11:28:53 6 from the Loricated database and it would be at that point
11:28:56 7 that we would go back and redact a document for its use.
11:29:01 8 We have not commenced any form of redaction of the
11:29:04 9 documents that exist in Loricated. That would take, if it
11:29:07 10 was the whole lot it would take many months to complete
11:29:10 11 such a process.

11:29:11 12
11:29:11 13 COMMISSIONER: I understand. So what's been happening so
11:29:15 14 far, Mr Chettle, is the Commission is only getting the
11:29:18 15 redacted documents which then have to be sorted out between
11:29:24 16 counsel for the Commission and counsel for the police days
11:29:33 17 - the night before the relevant witness is called. Now
11:29:36 18 we're trying to speed up that process by giving the police
11:29:40 19 more notice of who is to be called but once we get to that
11:29:44 20 point there would be no problem with the redacted documents
11:29:46 21 being shown but it is happening very late in the piece and
11:29:49 22 it's not really going to help you get your handler's
11:29:53 23 statements ready.

11:29:54 24
11:29:54 25 MR CHETTLE: That's the point. You're aware, Mr Paterson,
11:29:56 26 that my clients offered to do some redaction for you if
11:30:02 27 they wrote the stuff. Take the IRs that we talked about
11:30:06 28 before, if they go through them and redact anything that
11:30:09 29 might possibly relate to something not Gobbo and somebody
11:30:13 30 from the police department checked it, they could then be
11:30:16 31 provided to the lawyers in a secure safe?---Yes, that's
11:30:20 32 absolutely possible, Commissioner. We haven't had that
11:30:22 33 process in place.

11:30:24 34
11:30:24 35 COMMISSIONER: It wouldn't be necessary to have them in a
11:30:26 36 secure safe once they were redacted, they would be public
11:30:31 37 documents.

11:30:31 38
11:30:31 39 MR CHETTLE: I'll try work on that basis, Commissioner.

40
41 COMMISSIONER: Thanks Mr Chettle.

42
11:30:33 43 WITNESS: Commissioner, it may assist, I know there was
11:30:34 44 some reference made earlier on. It was as of 25 March,
11:30:41 45 that Curry has had access to documents, Loricated and hard
11:30:47 46 copy and hard copies have been provided since then. It's
11:30:51 47 been the following day, 26 March, that Bourne was provided

11:30:59 1 access and I made the personal arrangements for those
11:31:02 2 people to be taken away from their normal duties to be
11:31:07 3 provided ongoing work in this arrangement.
11:31:09 4
11:31:11 5 COMMISSIONER: Since what time?---Since 25 and 26 March
11:31:15 6 respectively.
11:31:16 7
11:31:16 8 Since that time. Full-time?---Yes, full-time. And the
11:31:21 9 other member, Klein, has been on long service leave and I
11:31:26 10 only received a request this week to make the same
11:31:29 11 arrangements for them once they return next week from long
11:31:33 12 service leave and those arrangements have been put in place
11:31:36 13 for the officer Klein.
14
11:31:39 15 Thank you?---But the arrangements for any former police
11:31:42 16 veteran have been in place that whole period of time as
11:31:46 17 well.
11:31:46 18
11:31:46 19 Thank you. Mr Winneke.
11:31:48 20
21 <CROSS-EXAMINED BY MR WINNEKE:
22
11:31:49 23 Just a couple of questions. The issue appears to be
11:31:54 24 surrounding the provision of hard copies of diaries of the
11:31:58 25 SDU members, the ICRs and the IRs, information reports.
11:32:07 26 What you say is that hard copies are available to
11:32:13 27 Mr Chettle's clients with respect to all of those
11:32:16 28 documents, is that right?---That's correct, yes.
11:32:18 29
11:32:19 30 Are you able to say insofar as the ICRs are concerned,
11:32:26 31 whether any of those documents have been considered for
11:32:32 32 redaction at present?---No, they haven't.
11:32:35 33
11:32:35 34 Not at all?---Not at all.
11:32:37 35
11:32:38 36 Can I ask you - - - ?---When I say that, actually, that's
11:32:45 37 possibly not quite correct, Mr Winneke.
11:32:47 38
11:32:48 39 It's not because - - - ?---We have supplied some documents
11:32:50 40 under disclosure to Director of Public Prosecutions under
11:32:55 41 an exhaustive process, yes.
11:32:57 42
11:32:57 43 Can I ask you how many ICRs there are?---I can't recall off
11:33:02 44 the top of my head but I know they run to, printed, many
11:33:06 45 thousands of pages.
11:33:07 46
11:33:07 47 When you say many thousands, there are about 200-odd,

11:33:11 1 220-odd ICRs, I'll be corrected if I'm wrong about that, is
11:33:17 2 that right?---I can't recall, Mr Winneke.

11:33:19 3
11:33:23 4 I'm talking about actual documents - as we understand it
11:33:26 5 there was a period of time where there would be contacts
11:33:31 6 between Ms Gobbo and handlers, then after a period of time
11:33:36 7 that would be put into a document called an ICR, is that
11:33:39 8 right?---That's correct.

11:33:40 9
11:33:40 10 And there's a finite number of those, somewhere in the
11:33:43 11 region - and that occurred perhaps over a monthly basis and
11:33:47 12 there was some issue I think about how frequently they were
11:33:52 13 done but I think it went out to about a month or
11:33:55 14 thereabouts. Would that be about right?---I think there's
11:33:58 15 different periods of time that each one of those ICRs
11:34:03 16 covered from about a week to a month.

11:34:04 17
11:34:05 18 We're not talking about thousands of them, we're talking
11:34:08 19 about hundreds of them, something in the region of 220 or
11:34:12 20 230, would that be right?---I think it added up in total to
11:34:17 21 about five and a half thousand various contacts.

11:34:18 22
11:34:18 23 That's contacts but I'm talking about the reports. All of
11:34:20 24 the contacts find their way into an ICR. The ICR contains
11:34:25 25 a number of different, references to a number of different
11:34:28 26 contacts. Are you not able to say how many ICR reports
11:34:34 27 there are from the period September 2005 through to 2009,
11:34:39 28 10? I'm putting to you there are about 220. I might be
11:34:43 29 wrong about that, if someone in the court corrects me, I'll
11:34:47 30 obviously be corrected?---Mr Winneke, I didn't come
11:34:50 31 prepared to know the answer to that question today. I'm
11:34:53 32 not in a position to dispute. You may well be correct that
11:34:56 33 is the total number but in some ways that doesn't grasp the
11:35:01 34 complexity of the matter. There were about five and a half
11:35:06 35 thousand contacts compressed into however many number of
11:35:10 36 source contact reports.

11:35:12 37
11:35:12 38 I follow that but we're not talking about thousands and
11:35:14 39 thousands of reports, we're talking about a finite number
11:35:17 40 of reports and a finite number of pages. Some of them go
11:35:19 41 up to about 40 pages or thereabouts?---There is definitely
11:35:24 42 a finite number of reports.

11:35:25 43
11:35:25 44 I take it these have been copied, the ICRs have been copied
11:35:29 45 and put into folders?---For the SDU members' access, that
11:35:33 46 is correct.

11:35:33 47

11:35:33 1 How many folders are there in respect of the ICRs?---I
11:35:38 2 don't know. I know it is many folders.
11:35:40 3
11:35:41 4 How many?---Mr Winneke, I didn't - I was here to talk about
11:35:46 5 the security of certain documents.
11:35:47 6
11:35:47 7 COMMISSIONER: I know you said you don't know, are you able
11:35:49 8 to give whether it is dozens or tens or
11:35:54 9 hundreds?---Commissioner, I'm not able to give that
11:35:56 10 information, I don't know.
11:35:58 11
12 You don't know at all, okay.
13
11:35:58 14 MR WINNEKE: If it is the case there is somewhere in the
11:36:01 15 region of 150 to 250 ICRs, each of them runs up to about
11:36:11 16 40-odd pages, we're not talking about thousands and
11:36:13 17 thousands, we're talking about documents which could fit
11:36:13 18 into a number of folders, however many it might be, but
11:36:17 19 we're not talking about thousands, do you accept
11:36:18 20 that?---There will be thousands of pages. So if you say is
11:36:22 21 a page a document, it is about the definition. There are
11:36:25 22 many thousands of pages.
11:36:26 23
11:36:26 24 In any event, you say that these have been photocopied and
11:36:34 25 hard copies in folders are available?---Yes, that's
11:36:39 26 correct.
11:36:39 27
11:36:39 28 And how many copies are available?---I believe that we've
11:36:43 29 made one copy available to the former, to Mr Chettle's
11:36:46 30 clients.
11:36:47 31
11:36:47 32 Whereabouts is that if I'm allowed to ask?---Yes, we've
11:36:52 33 made that clear that we've enabled Mr Chettle's clients to
11:36:55 34 access these documents from the Police Academy.
11:36:58 35
11:37:00 36 Now, you've got some people going through these documents,
11:37:05 37 as I understand it, to redact them so as they can in effect
11:37:10 38 be provided to the Commission and to the parties in a way
11:37:14 39 which makes them safe, is that right?---No, that's not
11:37:18 40 correct.
11:37:18 41
11:37:18 42 Why is that? Why isn't there someone going through these
11:37:22 43 things to make them safe to provide them to the Commission
11:37:25 44 and the parties?---Because that's not the agreement we have
11:37:27 45 with the Royal Commission. Our agreement with the Royal
11:37:30 46 Commission is that you would identify documents that were
11:37:32 47 relevant and we would redact them for the purpose of the

11:37:37 1 hearings but - - -
11:37:39 2
11:37:39 3 Was it not said to the police very early on in the piece
11:37:42 4 the documents that will be absolutely relevant are the
11:37:47 5 ICRs? You have known for a long time now that the ICRs are
11:37:51 6 fundamental to this inquiry, haven't you?--We have an
11:37:54 7 agreement in place with the Royal Commission of which you
11:37:56 8 are well aware and it is a request that you would seek
11:37:59 9 production of a document and that we would redact it on
11:38:03 10 that basis. If we were to start redactions of those
11:38:06 11 documents, the thousands of pages, it will take an
11:38:08 12 extraordinary period of time. I'm unaware that you have
11:38:12 13 asked us to redact any ICRs at all. We have of course,
11:38:17 14 Commissioner, redacted specific ICRs that relate to
11:38:20 15 disclosure obligations with the Director of Public
11:38:23 16 Prosecutions and that process is exhaustive and still
11:38:27 17 ongoing and hasn't been completed for the current people
11:38:31 18 that have an appeal process or a petition underway.
11:38:37 19
11:38:37 20 Do you say that it was not suggested to you that documents
11:38:41 21 which would be fundamental to this inquiry, it wasn't said
11:38:46 22 to you that the ICRs would form that, a part of those
11:38:50 23 fundamental documents?--No, I think they are and the basis
11:38:53 24 on which anything would be redacted you would ask us, you
11:38:57 25 would rely on a particular document, you would tell us that
11:39:00 26 you are relying on that, that's the protocol. That is what
11:39:04 27 we have agreed between the Commission and Victoria Police.
11:39:06 28 That's my understanding of the protocol, Commissioner.
11:39:10 29
11:39:10 30 So at the moment what you say is you don't know how many
11:39:14 31 thousands of pages there are and there hasn't in any event
11:39:18 32 been a commencement to one by one go through these
11:39:21 33 documents and redact them?--That's correct, other than for
11:39:26 34 the disclosure process for the specific people that are
11:39:29 35 relevant in that process that has commenced.
11:39:31 36
11:39:32 37 When did that disclosure process commence and the redaction
11:39:35 38 commence with respect to the disclosure?--Subsequent to
11:39:38 39 the Landow Task Force being set up in late December. So I
11:39:42 40 would have said it would have commenced earlier this year.
11:39:44 41
11:39:45 42 I think I asked you this question some time before and I
11:39:48 43 suggested to you - was it in February or
11:39:52 44 thereabouts?--Yes, it would have been earlier in this
11:39:53 45 year, so it could well have been in February when the Task
11:39:56 46 Force was fully stood up with staff.
11:39:57 47

11:39:58 1 What about the information reports, how many pages of
11:40:01 2 information reports are there, in hard copy?---Again,
11:40:06 3 Mr Winneke, I didn't come prepared to answer that question
11:40:08 4 today but it is many thousands of pages.
11:40:12 5
11:40:16 6 MR HOLT: Commissioner, can I just assist? My learned
11:40:18 7 friend Mr Winneke may not be entirely aware of the
11:40:20 8 discussions that have been going on but there have been
11:40:22 9 recent discussions in the regular meetings that have now
11:40:25 10 been set up with solicitors assisting the Commission about
11 11 precisely the question of the redaction of IRs and the
11:40:31 12 identification of which ICRs might be redacted.
11:40:33 13
11:40:33 14 COMMISSIONER: This is in respect of the team working on
11:40:36 15 the Term of Reference 1.
11:40:37 16
11:40:38 17 MR HOLT: And also flowing on to the preparation of the
11:40:41 18 Royal Commission. It is not a matter that hasn't been the
11:40:45 19 subject of discussion.
11:40:46 20
11:40:46 21 COMMISSIONER: Is that something this witness is not
11:40:48 22 involved in?
11:40:49 23
11:40:49 24 MR HOLT: I would expect he wouldn't know (indistinct) in
25 terms of the nature of those task force meetings.
26
27 COMMISSIONER: He would or would not?
28
29 MR HOLT: Would not. It's an expectation but I don't want
11:40:55 30 to defer to that.
11:40:55 31
11:40:56 32 MR CHETTLE: Commissioner, could I ask that you give us
11:41:00 33 five minutes because I think I can usefully put something
11:41:03 34 to Mr Holt and Mr Winneke that might assist the Commission
11:41:05 35 and shorten these proceedings, on the issue of getting the
11:41:09 36 appropriate material?
11:41:10 37
11:41:10 38 COMMISSIONER: All right, we'll adjourn for five minutes.
39
40 MR CHETTLE: Thank you.
11:41:41 41
11:41:42 42 (Short adjournment.)
43
11:52:54 44 COMMISSIONER: Yes, Mr Winneke.
11:52:54 45
11:52:56 46 MR WINNEKE: Thanks Commissioner. I gather you've got some
11:53:00 47 volunteers to assist you with the redaction process; is

11:53:04 1 that right?--Mr Winneke, I understand that is correct.
11:53:06 2 Mr Chettle has kindly offered his clients, as he suggested
11:53:11 3 earlier to the Commission, that they could commence that
11:53:15 4 process as they work through this in preparation of their
11:53:17 5 statements. That's certainly something that can occur and
11:53:20 6 that we will check and then provide the redacted versions
11:53:23 7 to reach agreement with the Commission.

11:53:24 8
11:53:24 9 All right, okay. When I say volunteers, one assumes if
11:53:28 10 they're assisting the police in their task they'll all be
11:53:32 11 entitled to appropriate remuneration I would have
11:53:35 12 thought?--Mr Winneke, I have already addressed the
11:53:38 13 Commission on this issue.

11:53:40 14
11:53:40 15 COMMISSIONER: It might be outside this witness's personal
11:53:45 16 fiefdom.

11:53:45 17
11:53:46 18 MR WINNEKE: Yes, I understand that. Assuming they're
11:53:47 19 appropriately redacted then it would be reasonable for
11:53:54 20 legal practitioners to have them in their possession,
11:54:00 21 assuming that the security is appropriate and to the
11:54:03 22 satisfaction of Victoria Police?--Yes, if they are the
11:54:05 23 agreed redacted documents I could imagine that is exactly
11:54:08 24 the case.

11:54:09 25
11:54:09 26 COMMISSIONER: Indeed, no security will be
11:54:11 27 necessary?--They'll be documents that I should imagine the
11:54:13 28 Commission would want to upload to your website at some
11:54:17 29 point in time.

11:54:18 30
11:54:18 31 That's right. Yes, exactly. So they don't need to be held
11:54:21 32 securely?--So the essence would be that they are the
11:54:22 33 agreed redactions.

11:54:22 34
11:54:22 35 Once they're redactions they won't need to be held
11:54:25 36 securely.

11:54:26 37
11:54:27 38 MR WINNEKE: All right. I understand your concerns about
11:54:28 39 the security of the documents, in particular the ICRs, the
11:54:35 40 diaries and the IRs. It's not an issue about Ms Gobbo's
11:54:40 41 representatives or indeed Mr Chettle - sorry, or indeed
11:54:45 42 Mr Chettle on behalf of his clients looking at unredacted
11:54:49 43 material. The concern of the police is security; is that
11:54:54 44 right?--That's correct, Commissioner.

11:54:55 45
11:54:57 46 And so if the - and I'm talking about unredacted materials
11:55:03 47 now. If the unredacted materials were stored in a manner

11:55:08 1 which was satisfactory to the police, it wouldn't matter
11:55:10 2 where they were so long as the security was appropriate; is
11:55:14 3 that right?---That's correct.

11:55:14 4
11:55:16 5 Obviously a part of that is the appropriate sort of safe
11:55:23 6 which is, as we understand, a class C safe which has
11:55:27 7 certain characteristics which are satisfactory?---That's
11:55:31 8 correct, Mr Winneke.

11:55:31 9
11:55:31 10 A class C safe which would be put in an otherwise
11:55:35 11 appropriately secure place, and if the police are satisfied
11:55:38 12 with that, that would, one assumes, account for any risks
11:55:45 13 of loss of material, right?---That's correct.

11:55:47 14
11:55:49 15 So indeed, if Mr Chettle or his instructing solicitor was
11:55:52 16 able to satisfy you about the appropriate security of the
11:55:56 17 place in which hard copies were secured, well you could
11:56:00 18 have no objection to the provision of those materials to
11:56:02 19 them?---That's correct, much like the Royal Commission did,
11:56:06 20 yes.

11:56:06 21
11:56:07 22 Yes, thanks Commissioner.

11:56:09 23
11:56:09 24 COMMISSIONER: Yes.

11:56:10 25
11:56:11 26 MR HOLT: Nothing in re-examination, thank you
11:56:12 27 Commissioner.

11:56:13 28
11:56:13 29 COMMISSIONER: Thanks very much, Mr Paterson, you're stood
11:56:16 30 down again thank you.

11:56:18 31
11:56:19 32 <(THE WITNESS WITHDREW)

11:56:19 33
11:56:19 34 MR CHETTLE: Commissioner, that helps with what I need to
11:56:21 35 do. I don't need unredacted material. My clients will
11:56:26 36 assist to redact the material. We will then have hard
11:56:30 37 copies of the redacted material and we'll get on with the
11:56:33 38 statements.

11:56:33 39
11:56:34 40 COMMISSIONER: Right. Can I just make it clear, as I
11:56:37 41 understand the process at the moment both Mr Chettle and
11:56:48 42 your clients and Ms Gobbo's legal representatives will have
11:56:54 43 access at the moment to the Loricated database, any hard
11:57:02 44 copies that they request from the Loricated database, hard
11:57:08 45 copies of the electronic and handwritten diaries and the
11:57:17 46 hard copies of the IRs and the ICRs made available to them
11:57:22 47 at an agreed police station and that as the redacted

11:57:30 1 documents that are clearly relevant to the Commission's
11:57:34 2 work are prepared and agreed between the lawyers for
11:57:41 3 Victoria Police and the lawyers for the Commission, those
11:57:44 4 redacted documents will be provided or copies of those
11:57:48 5 redacted documents will be provided to your clients and to
11:57:53 6 Ms Gobbo's lawyers.
11:57:56 7
11:57:56 8 MR CHETTLE: That's satisfactory from my point of view,
11:57:59 9 Commissioner. Thank you.
11:57:59 10
11:58:00 11 COMMISSIONER: Is that satisfactory from your perspective,
11:58:02 12 Mr Collinson?
11:58:03 13
11:58:03 14 MR COLLINSON: Well, Commissioner, what we were going to
11:58:09 15 propose is that everything the Commissioner has said is
11:58:13 16 satisfactory, I'll come to timing in a moment, but that if
11:58:16 17 there's particular documents at the police station that the
11:58:25 18 representatives want to take away to prepare for
11:58:27 19 cross-examination, that the arrangement in relation to
11:58:29 20 safes ought to be satisfactory for that purpose.
11:58:33 21
11:58:33 22 COMMISSIONER: Yes. Was that agreed during the break?
11:58:38 23
11:58:38 24 MR COLLINSON: No.
11:58:39 25
11:58:39 26 COMMISSIONER: No. The other arrangement would be for you
11:58:42 27 to request that those documents be agreed redacted and get
11:58:47 28 on with the redaction process as a matter of priority and
11:58:50 29 then take them away.
30
11:58:53 31 MR COLLINSON: Yes. I suppose when I heard that the
11:58:55 32 redaction process is at such a level that they're going to
11:58:59 33 be exposed in the redacted form to the public, I did begin
11:59:01 34 to fear that perhaps the redaction is going to be so
11:59:04 35 extreme that major portions of documents are just not going
11:59:09 36 to be visible.
11:59:10 37
11:59:11 38 COMMISSIONER: Well that's where it has to be agreed. So
11:59:13 39 if it's relevant, you'll have seen the unredacted, so
11:59:16 40 you'll be able to know what's relevant and what's not, and
11:59:19 41 what should be redacted. And when the redactions are done
11:59:22 42 I would expect those doing the redactions at Victoria
11:59:25 43 Police would have a copy of Exhibit 81 as it progresses so
11:59:29 44 that pseudonyms will be used wherever possible.
11:59:32 45
11:59:32 46 MR COLLINSON: That's going to help a lot.
11:59:33 47

11:59:33 1 COMMISSIONER: Yes, that's how the redactions should be
11:59:35 2 done.
11:59:36 3
11:59:37 4 MR COLLINSON: If the redaction takes that kind of
11:59:38 5 approach.
11:59:38 6
11:59:39 7 COMMISSIONER: Yes, so it's a meaningful narrative.
11:59:41 8
11:59:41 9 MR COLLINSON: Yes. The other difficulty or issue,
11:59:43 10 Commissioner, is next week - - -
11:59:46 11
11:59:47 12 COMMISSIONER: And, of course, as any redacted documents
11:59:49 13 are produced the Commission should be involved in deciding
11:59:53 14 what's appropriate redactions.
11:59:55 15
11:59:55 16 MR HOLT: I was going to say, Commissioner, I think the
11:59:58 17 Commission, because of the way in which matters have
11:59:59 18 proceeded, was putting that on that basis, but we were of
12:00:03 19 course providing that to the Royal Commission and that
12:00:04 20 would subject to the ordinary process.
12:00:04 21
12:00:05 22 COMMISSIONER: Yes. And the lawyers for the Royal
12:00:06 23 Commission will be involved in that process too.
12:00:08 24
12:00:08 25 MR HOLT: Yes.
12:00:09 26
12:00:10 27 MR COLLINSON: So I think - I don't have anything more to
12:00:15 28 say on that front. My only issue then is timing.
12:00:18 29
12:00:18 30 COMMISSIONER: Yes.
12:00:20 31
12:00:20 32 MR COLLINSON: We're due to see up to 11 witnesses
12:00:24 33 commencing next week, as you know, Commissioner.
12:00:27 34
12:00:27 35 COMMISSIONER: Yes.
12:00:28 36
12:00:29 37 MR COLLINSON: At the moment we just don't have any
12:00:31 38 documents.
12:00:31 39
12:00:31 40 COMMISSIONER: Yes, I don't know that the Commission is
12:00:33 41 much further ahead of you, are we, Mr Winneke?
12:00:36 42
12:00:37 43 MR WINNEKE: Not much.
12:00:37 44
12:00:37 45 COMMISSIONER: No, not much.
12:00:38 46
12:00:39 47 MR WINNEKE: There have been a number of statements

12:00:40 1 provided and we're waiting on further statements.
12:00:42 2
12:00:43 3 COMMISSIONER: Yes. As soon as we receive, the agreed
12:00:45 4 redactions on those documents are produced, we'll provide
12:00:56 5 them to you. But we're not much ahead of you. Obviously
12:01:01 6 that's a priority matter that needs to be worked on as
12:01:03 7 quickly as possible.
12:01:04 8
12:01:04 9 MR COLLINSON: We may need to revisit this issue generally
12:01:08 10 when we see how things are working out.
12:01:08 11
12:01:08 12 COMMISSIONER: We are hoping that moving forward we'll be
12:01:11 13 able to give more advanced general notice of the witnesses
12:01:14 14 that we're wanting to call and the periods of time we're
12:01:18 15 covering to Victoria Police and that we'll have an agreed
12:01:23 16 time frame that's more manageable so that these documents
12:01:27 17 are coming in a redacted form to the Commission say two
12:01:30 18 weeks before they're due to be called.
12:01:32 19
12:01:33 20 MR COLLINSON: If the Commissioner pleases.
12:01:35 21
12:01:35 22 MR CHETTLE: Commissioner, can I ask that I be given a
12:01:38 23 copy, or my clients be given a copy of Exhibit 81? I know
12:01:41 24 at the moment we haven't got it but if we're going to do
12:01:44 25 any meaningful redaction we'll need it.
12:01:47 26
12:01:47 27 COMMISSIONER: Yes, that's understood. It is a document
12:01:49 28 that is confidential.
12:01:52 29
12:01:53 30 MR CHETTLE: I will keep it as that.
12:01:55 31
12:01:55 32 COMMISSIONER: And highly sensitive.
12:01:56 33
12:01:57 34 MR HOLT: Commissioner, given the nature of Mr Chettle's
12:01:59 35 clients my expectation as a way to do that could be managed
12:02:00 36 but we might manage that directly with Mr Chettle and we'll
12:02:03 37 advise the Commission, of course, so the Commission is
12:02:05 38 satisfied with the arrangements.
12:02:06 39
12:02:06 40 COMMISSIONER: Yes. I would expect that a copy of Exhibit
12:02:07 41 81 should be in the safe with all the other copies of the
12:02:10 42 exhibits.
12:02:11 43
12:02:11 44 MR HOLT: And if we might - - -
12:02:12 45
12:02:12 46 COMMISSIONER: Or maybe six copies of Exhibit 81 so they
12:02:14 47 can all work on a copy.

12:02:16 1
12:02:16 2 MR HOLT: I suppose given unusually that it's not our
12:02:19 3 confidential document, might we have permission from the
12:02:21 4 Commissioner to take those steps to have a copy of that
12:02:23 5 document and to provide it on a secure basis?
12:02:25 6
12:02:25 7 COMMISSIONER: Yes, I'm giving that authorisation now. In
12:02:28 8 terms of the copies of the documents that are made
12:02:30 9 available that are in the safe, would it be helpful to you,
12:02:35 10 Mr Chettle, if there was a hard copy of all the necessary
12:02:39 11 hard copy documents for each of the handlers?
12:02:44 12
12:02:44 13 MR CHETTLE: I think we can live with one copy at one
12:02:47 14 location because there are multiple classes of documents.
12:02:50 15
12:02:50 16 COMMISSIONER: Yes.
12:02:50 17
12:02:51 18 MR CHETTLE: If we need multiple copies we'll ask.
12:02:54 19
12:02:54 20 COMMISSIONER: If multiple copies are needed they should be
12:02:56 21 provided. I'll leave it at that.
12:02:59 22
12:03:01 23 MR HOLT: They will be, Commissioner.
12:03:01 24
12:03:01 25 COMMISSIONER: Thank you.
12:03:02 26
12:03:03 27 MR CHETTLE: What has happened will help enormously.
12:03:04 28
12:03:05 29 COMMISSIONER: Might I say, Mr Chettle, that there's no,
30 question of your clients having an obligation to the
12:03:10 31 Commission under the Inquiries Act. It's not optional.
12:03:12 32
12:03:13 33 MR CHETTLE: No. We've always known, but we can only do
12:03:16 34 what we can do, Commissioner. That's why I'm here today,
12:03:17 35 because we couldn't do it. But what we've now got, quite
12:03:19 36 bluntly, my clients will have access to all the unredacted
12:03:22 37 hard copies, they'll redact it. It will be agreed. I
12:03:26 38 won't need to see unredacted material. We will anonymise
12:03:32 39 it and we'll get on with the job.
12:03:33 40
12:03:33 41 COMMISSIONER: Yes, all right then. Anything further,
12:03:34 42 Mr Winneke?
12:03:35 43
12:03:35 44 MR WINNEKE: No, Commissioner.
12:03:37 45
12:03:37 46 COMMISSIONER: All right, I think we've finished with that
12:03:39 47 matter. I'm sorry it's taken so long, Ms Neskovicin. I

12:03:43 1 didn't realise it would take as long but I suppose it's
12:03:43 2 been useful in terms of the arguments that you're assisting
12:03:49 3 the Commission with also. So it's now necessary to go into
12:03:53 4 closed hearing. It's necessary now for all people who are
12:04:00 5 not counsel or legal or staff of the Royal Commission or
12:04:10 6 the legal representatives for Victoria Police, the State,
12:04:16 7 DPP, the Hodson family and Ms Gobbo to now leave the
12:04:26 8 courtroom.
12:04:28 9

12:04:29 10 MR HOLT: Sorry, before the Commissioner makes that order
12:04:31 11 can I just indicate the affidavit which I'll be filing and
12:04:34 12 seeking to read is a highly confidential affidavit, as the
12:04:38 13 Commissioner will appreciate, I think having seen a copy of
12:04:40 14 it. It's an affidavit the detail of which could only be
12:04:43 15 discussed with the State parties present in the room. It
12:04:46 16 may well be that we don't get to the point that we need to
12:04:49 17 do that but can I simply indicate that if we get to that
12:04:51 18 point we'd be asking for representatives who are not for
12:04:54 19 State parties to also be excluded.
12:04:57 20

12:04:57 21 MR COLLINSON: What about if we just offered an undertaking
12:05:01 22 that anything we learn we don't communicate to the client.
12:05:04 23

12:05:05 24 MR HOLT: Not on that affidavit, Commissioner, as the
12:05:07 25 Commission - - -
12:05:07 26

12:05:08 27 COMMISSIONER: Why don't we deal with that when we come to
12:05:11 28 it. A copy of the order is to be placed on the courtroom
12:05:14 29 door. So the hearing is now closed.
12:05:23 30

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