

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

1 if I refer to paragraph 9 - p.989 of the transcript when
2 Mr Richter addressed you on Friday, what he said was:
3 "When I heard the evidence of Mr Dean about the
4 investigation, what it tells me is that by the time the
5 reward was offered there were 185 information reports of
6 the investigation and I need to see whether [REDACTED] was
7 considered a suspect, and if so why and who else might have
8 been considered a suspect with Mr Veniamin, because the way
9 it emerges now in my submission [REDACTED] was clearly a
10 suspect and should have been investigated." My point is
11 simply this: historically, the first subpoena confined the
12 search to those matters which implicated Mr Peirce. Now
13 Mr Richter has said he needs to know about [REDACTED] and
14 Mr Veniamin. That search could be, if it is confined in
15 that way, would vastly reduce the amount of work for
16 Mr Buick and lessen the time. Otherwise, what's going to
17 be thrown up is a whole lot of useless information.

18 HIS HONOUR: It may be useless so far as you are concerned. It
19 may not be useless so far as Mr Richter is concerned. One
20 of his legitimate forensic purposes he would say no doubt
21 is to show how many people were considered genuine suspects
22 in the murder of Victor Peirce at various times. Now, it
23 may be that they have been eradicated over time but he is
24 entitled at least to see and make the point that everyone
25 and their grandmother wanted to see Victor Peirce dead
26 amongst the underworld, if that's the point he wants to
27 make.

28 MR DENNIS: Well, that really throws up the test of legitimate
29 forensic purpose, Your Honour. If there is merely a
30 possibility that something might turn up in one of these
31 information reports - - -

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1 HIS HONOUR: These are 185 information reports prepared prior to
2 2006 by a member of the Homicide Squad in relation to this
3 very murder which contains within them, one would think, a
4 range of different suspects, people who were at one time
5 suspected of involvement in this killing. Why is that not
6 a legitimate forensic purpose? Why does that become
7 fishing, as it were?

8 MR DENNIS: Well, it might be that the vast bulk of those
9 information reports don't refer to any suspect.

10 HIS HONOUR: I don't know. There might be or it might be they
11 all refer to some suspect.

12 MR DENNIS: With respect that doesn't satisfy the test
13 propounded by the authorities. If there is merely a
14 possibility - - -

15 HIS HONOUR: If it is on the cards is the test as I recall it,
16 Mr Dennis.

17 MR DENNIS: Yes, on the cards that something might be there
18 which might materially assist the accused. If every
19 information report that is generated in every investigation
20 is automatically discoverable, they would be - - -

21 HIS HONOUR: I didn't suggest for one moment it was
22 discoverable. This isn't a question of discovery, this is
23 a response to a subpoena.

24 MR DENNIS: Is required to be produced in response to a
25 subpoena, then we really have a situation where it really
26 should be in the schedule to the Magistrates' Court Act.

27 HIS HONOUR: It is not that sort of case, Mr Dennis. That's the
28 difficulty. One of the defences no doubt that is being
29 advanced, albeit inferentially, is that somebody else could
30 have killed Victor Peirce. There is a good body of
31 evidence which would at least enable that submission

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1 ultimately, if the grounding were there, to be made to this
2 jury. What Mr Richter is I think legitimately seeking is
3 to find a proper basis for being able to advance that
4 submission to a jury.

5 MR DENNIS: Well, I won't - - -

6 HIS HONOUR: You will have every opportunity to redact material
7 which is appropriate, every opportunity to claim public
8 interest immunity in relation to anything that might harm
9 the public interest, and no pressure put upon Mr Buick
10 beyond a request that he expedite the matter as much as
11 possible and, as I say, go through it in tranches and feed
12 material through. That seems reasonable to me.

13 MR DENNIS: If the court please.

14 MR RICHTER: Thank you, Your Honour, beginning with number one
15 rather than from the other end.

16 HIS HONOUR: Beginning with whatever order Mr Buick wishes to
17 deal with the matter.

18 MR RICHTER: If Your Honour pleases.

19 HIS HONOUR: Mr Buick, do you understand what I've asked you to
20 do? I'm sorry to have to ask you to do it but this is a
21 serious matter, a murder trial, and I don't want to leave
22 any stone unturned, if I can put it that way, in terms of
23 what is a legitimate examination of material in the
24 possession of the police.

25 MR BUICK (from the body of the court): Yes, Your Honour.

26 HIS HONOUR: Thank you. Can we have the jury?

27 MR RICHTER: Yes, Your Honour. I would ask before the jury come
28 in that [REDACTED] be given a particular caution about one
29 subject matter. I will be getting to the point where I'll
30 be cross-examining about the Lygon Street meeting. I'm
31 going to be very careful in the way that I ask questions.