

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Friday, 29 March 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.A. Neskovic QC Mr S. Mukerjea
Counsel for Victoria Police	Mr S. Holt QC Ms R. Enbom Ms K. Argiropoulos Mr B. Murphy QC Mr M. McLay
Counsel for State of Victoria	Dr C. Button SC Mr L. Brown
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Mr C. Caleo QC Mr P. Doyle Ms K. O'Gorman
Counsel for Police Handlers	Mr G. Chettle Ms L. Theis

10:28:29 1 COMMISSIONER: If the transcript of the terms of the order
10:28:32 2 just made could be provided to Commission staff that would
10:28:35 3 be useful so the order can be typed up and posted.
10:28:40 4
10:28:41 5 MS NESKOVCIN: Commissioner, can I also suggest that in
10:28:43 6 addition to referring to s.24 your order refer to s.26 to
10:28:48 7 make it clear that the closure of the hearing room also
10:28:53 8 applies to the streaming and non-publication of any
10:28:59 9 transcript of the proceedings.
10:29:04 10
10:29:04 11 COMMISSIONER: All right. Yes, all right then. There
10:29:11 12 simply won't be any streaming so I think maybe we don't
10:29:14 13 need to make an order in relation to the streaming but
10:29:17 14 certainly to the transcript.
10:29:18 15
10:29:18 16 MS NESKOVCIN: Yes.
10:29:20 17
10:29:21 18 COMMISSIONER: And I suppose to the order itself.
10:29:23 19
10:29:24 20 MS NESKOVCIN: Yes. Although the order will of course
10:29:27 21 still be on the door of the court.
10:29:29 22
10:29:29 23 COMMISSIONER: Yes. Perhaps it doesn't matter if the order
10:29:34 24 is published because there's nothing in the order that is
10:29:38 25 controversial, no.
10:29:40 26
10:29:41 27 MS NESKOVCIN: I agree, Your Honour.
10:29:41 28
10:29:41 29 COMMISSIONER: Yes, all right then. So I further order
10:29:44 30 under s.26 *Inquiries Act* that the transcript of the closed
10:30:00 31 hearing is not to be published and I further direct that
10:30:08 32 that part of the order also be placed on the door of the
10:30:12 33 hearing room.
34
10:30:21 35 Where do we start?
10:30:23 36
10:30:23 37 MR WINNEKE: I think the issue arose with questioning last
10:30:26 38 night, in fact which brought questioning to a halt last
10:30:31 39 night, and perhaps Mr Holt might like to raise the issue
10:30:36 40 that concerns his client because there is a suggestion of a
10:30:41 41 way of dealing with the problem that was raised.
10:30:45 42
10:30:46 43 COMMISSIONER: Yes Mr Holt.
10:30:47 44
10:30:48 45 MR HOLT: Thank you Commissioner. The issue that was
10:30:50 46 raised just before questioning concluded last night raises
10:30:54 47 a core issue of public interest immunity from the police's

10:30:57 1 perspective. I've spoken with my learned friend Mr Chettle
10:31:01 2 this morning and he's very kindly and in a way in which we
10:31:06 3 hope will continue indicated to me that the line of
10:31:09 4 question which he intends to take from this point forward.
10:31:12 5 It's only the first question which is essentially a version
10:31:16 6 of the question which was asked last night, which would be
10:31:18 7 a question which attracts the problem which arises, and
10:31:21 8 Assistant Commissioner Paterson is available to give
10:31:24 9 evidence about why that is a significant issue, if the
10:31:29 10 Commissioner please, but we have an alternative proposal
10:31:31 11 which is that that question and answer be given in closed
10:31:34 12 session subject to prohibition orders. And that then the
10:31:36 13 remainder of the questions as they've been advised to us,
10:31:42 14 or at least the matter cleared by us to us, would not be
10:31:43 15 problematic as we presently understand them, though of
10:31:45 16 course we will reserve our position in that respect. The
10:31:48 17 particular issue arises in the context of the policy and
10:31:51 18 practice documents that we've referred to and which the
10:31:54 19 Commission has given us until 2 April to review. That is
10:31:57 20 my expectation is that we will maintain the public interest
10:32:01 21 immunity claim in respect of that particular topic but it
10:32:03 22 will become part of a clearer position by that date, in
10:32:07 23 which case it can then be resolved by the Commission if it
10:32:10 24 needed to be, and that would then determine whether
10:32:12 25 publication orders in respect of the question and answer
10:32:12 26 that would be given this morning would need to be lifted or
10:32:15 27 would otherwise be maintained. But our learned friend
10:32:18 28 Mr Chettle indicates that he considers the question and
10:32:22 29 answer to be a critical precondition to the questions that
10:32:27 30 would then follow which are not objectionable. There is no
31 dispute as to the answer to the question Mr Chettle will
10:32:29 32 give but it's simply one that we would assert public
10:32:32 33 interest immunity in respect of. So that's the proposal as
10:32:35 34 a way of getting through matters this morning and otherwise
10:32:38 35 the question of public interest immunity itself would now
10:32:41 36 need to be resolved but we're hoping not to waste the
10:32:45 37 Commission's time in effect and allow matters to proceed on
10:32:47 38 that basis.

10:32:48 39
10:32:48 40 COMMISSIONER: Again, you're not seeking to make
10:32:51 41 submissions on the broader issue until after 2 April?
10:32:54 42

10:32:55 43 MR HOLT: We think that's sensible, Commissioner, in terms
44 of the efficient use of time and because of the
45 conversations I've had with Mr Chettle this morning I think
10:32:59 46 that it can be dealt with on that relatively narrow basis.
10:33:02 47

10:33:02 1 COMMISSIONER: Thanks Mr Holt, I understand your position.
10:33:05 2 Mr Chettle, would be happy to just ask this one question in
10:33:08 3 closed hearing?
10:33:09 4
10:33:10 5 MR CHETTLE: Yes.
10:33:10 6
10:33:10 7 COMMISSIONER: And then open and continue your examination?
10:33:13 8
10:33:13 9 MR CHETTLE: Yes, Commissioner.
10:33:14 10
10:33:15 11 COMMISSIONER: I understand it arises because the issue of
10:33:19 12 [REDACTED] between handlers and informers as a [REDACTED]
10:33:25 13 [REDACTED] is something that is not, is something that in
10:33:30 14 Victoria is, well, understood to be important but it
10:33:34 15 doesn't get into the public sphere.
10:33:37 16
10:33:38 17 MR CHETTLE: My question was too broad, I apologise. I was
10:33:41 18 not actually, nobody had spoken to me about the issue.
10:33:44 19
10:33:45 20 COMMISSIONER: No, no, that's all right.
10:33:46 21
10:33:46 22 MR CHETTLE: I understand this, what [REDACTED]
10:33:49 23 is in relation to the [REDACTED] and informers is
10:33:52 24 not relevant. What is relevant is that in this case every
10:33:57 25 conversation that they had face-to-face, that is the unit
10:34:00 26 had with Ms Gobbo, was recorded. That is inevitably going
10:34:05 27 to become a central part of this Commission. What are the
10:34:09 28 contents of those tapes, what she said, whether it was
10:34:12 29 legally professionally privileged, the circumstances in
10:34:15 30 which she obtained the information.
10:34:17 31
10:34:17 32 COMMISSIONER: Certainly the fact that there were tape
10:34:19 33 recordings is going to be an important part.
10:34:23 34
10:34:24 35 MR CHETTLE: And the contents of them obviously.
10:34:26 36
10:34:26 37 COMMISSIONER: Yes, exactly.
10:34:27 38
10:34:28 39 MR CHETTLE: My line of questioning is really along the
10:34:32 40 lines nobody listened to all of these and in order to
10:34:34 41 prepare the materials that were - - -
10:34:35 42
10:34:36 43 COMMISSIONER: I understand. Probably you will be able to
10:34:39 44 ask those questions shortly. Mr Winneke.
10:34:42 45
10:34:42 46 MR WINNEKE: As I understand it what Mr Chettle wishes to
10:34:46 47 achieve is evidence to the effect that face-to-face

10:34:50 1 meetings with this particular informer were recorded and
10:34:54 2 transcribed. Now, it does seem that that will become
10:34:59 3 apparent in due course in any event and it will be in the
10:35:01 4 public domain.
10:35:03 5
10:35:03 6 COMMISSIONER: Yes.
10:35:04 7
10:35:04 8 MR WINNEKE: So a question to the effect of were meetings
10:35:10 9 face-to-face with Ms Gobbo recorded, that would adduce the
10:35:16 10 evidence that Mr Chettle would be, or were all meetings
10:35:20 11 recorded, or even without the word all - - -
10:35:24 12
10:35:25 13 MR HOLT: This is a conversation we've had. As I
10:35:27 14 understand it's critical - and I understand why
10:35:29 15 forensically it's critical.
10:35:31 16
10:35:32 17 MR WINNEKE: If I could just continue.
10:35:33 18
10:35:33 19 MR HOLT: I'm sorry.
10:35:34 20
10:35:35 21 MR WINNEKE: That's the evidence that needs to be
10:35:36 22 established by Mr Chettle. It may well be that that is or
10:35:41 23 that is not innocuous, but in any event it will become
10:35:45 24 apparent in due course as the Commission goes on that
10:35:47 25 conversations face-to-face between Ms Gobbo and handlers
10:35:50 26 were recorded because there will be transcripts of
10:35:53 27 evidence.
10:35:54 28
10:35:54 29 COMMISSIONER: And very extensive ones.
10:35:57 30
10:35:57 31 MR WINNEKE: And extensive transcripts of evidence. I
10:35:57 32 understand the sensitivities about the general principle or
10:36:01 33 proposition that they are recorded. But - - -
10:36:05 34
10:36:05 35 COMMISSIONER: Do we even need that question to be asked?
10:36:08 36
10:36:08 37 MR WINNEKE: That's what I'm wondering, Commissioner.
38
10:36:11 39 COMMISSIONER: Yes, I see.
10:36:11 40
10:36:12 41 MR HOLT: Can I indicate, Commissioner, there's no dispute
42 that the proposition that Mr Chettle wishes to establish is
10:36:15 43 one which is so. The answer to the question would be yes.
10:36:17 44 So the question of, that is all of those conversations with
10:36:20 45 Ms Gobbo were recorded.
46
47 COMMISSIONER: Yes.

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10:36:21 2 MR HOLT: So to the extent that Mr Chettle wants that as a
10:36:25 3 foundation so that the Commission understands, it doesn't
10:36:30 4 even need to go that far, but if it needs to be that's how
10:36:33 5 we'd ask it be done.
6
7 COMMISSIONER: Yes.
8
9 MR HOLT: I should say, Commissioner, and I apologise, I
10:36:38 10 know we need to get on, but Assistant Commissioner Paterson
10:36:40 11 is in a position to give evidence about this, why these
10:36:43 12 issues are so important. They may not be matters that are
10:36:46 13 readily apparent to those who don't have the expertise that
14 the Assistant Commissioner has and does, and if the
10:36:48 15 Commission would be assisted he is available to assist in
10:36:51 16 that regard now if that would help. We hope we can find a
10:36:57 17 quick way through it.
18
19 COMMISSIONER: I've been informed that the position, that
10:37:00 20 it's not common knowledge that [REDACTED]
10:37:06 21 handlers and informers in Victoria are [REDACTED]
10:37:09 22 and that if it were that might [REDACTED]
10:37:14 23 [REDACTED]
10:37:16 24
10:37:17 25 MR HOLT: I think Assistant Commissioner Paterson's
10:37:19 26 evidence would put that higher but certainly that would be
10:37:22 27 so.
10:37:22 28
10:37:22 29 COMMISSIONER: That's the gist of it. Mr Chettle, do we
10:37:25 30 even need to have a private session?
10:37:27 31
10:37:27 32 MR CHETTLE: No.
10:37:28 33
10:37:28 34 COMMISSIONER: We don't, do we?
10:37:30 35
10:37:30 36 MR CHETTLE: You can inform yourself in any way,
10:37:33 37 Commissioner. You are informed of that. It's a central
10:37:34 38 fact we are going to be relying on, especially after 2
10:37:38 39 April.
10:37:38 40
10:37:39 41 COMMISSIONER: What, the central fact that you're going to
10:37:42 42 be relying on is?
10:37:44 43
10:37:44 44 MR CHETTLE: The fact that will become central to this
10:37:47 45 Commission that every conversation with her was tape
10:37:51 46 recorded, that is every face-to-face conversation.
10:37:54 47

10:37:54 1 COMMISSIONER: I thought there may have been some
10:37:55 2 face-to-face conversations weren't tape recorded?
10:37:57 3
10:37:57 4 MR CHETTLE: No, the evidence will be that every
10:38:00 5 conversation face-to-face with her with my clients was tape
10:38:02 6 recorded.
10:38:03 7
10:38:03 8 COMMISSIONER: That doesn't mean that is [REDACTED]
10:38:07 9 with [REDACTED].
10
11 MR CHETTLE: I'm not saying anything about any [REDACTED]
10:38:09 12 [REDACTED].
10:38:09 13
10:38:09 14 COMMISSIONER: No. So that information being in the public
10:38:13 15 record does not indicate that that is [REDACTED] with
10:38:15 16 [REDACTED].
17
18 MR CHETTLE: No. And can I say - - -
19
10:38:16 20 COMMISSIONER: Which is the problem with the question you
10:38:18 21 asked it seems.
10:38:19 22
10:38:19 23 MR CHETTLE: It was the question I asked last night and it
10:38:22 24 was the wrong one.
10:38:23 25
10:38:23 26 COMMISSIONER: Assuming now that you're not going to ask
10:38:25 27 that question again, can we continue with public hearings?
10:38:30 28
10:38:31 29 MR CHETTLE: I believe so.
10:38:32 30
10:38:33 31 MR HOLT: I should be clear, Commissioner, I apologise but
10:38:35 32 I should clear that that lesser proposition that all of the
10:38:37 33 calls or all of the contacts with witness Gobbo were
10:38:40 34 recorded is a matter over which public interest immunity is
10:38:43 35 claimed as well at this point.
36
37 COMMISSIONER: All right.
38
10:38:45 39 MR HOLT: And we may well be able to resolve the bounds of
10:38:48 40 that after 2 April. But at present my instructions are
10:38:51 41 clear that even that piece of information in the public
10:38:53 42 domain carries with it a very substantial risk of the
10:39:00 43 efficacy of the program.
10:39:00 44
10:39:00 45 COMMISSIONER: At the moment you are asking that the
10:39:02 46 questioning be limited to a great deal of conversations
10:39:05 47 with Ms Gobbo were recorded?

10:39:08 1
10:39:08 2 MR HOLT: I'm not even sure for the purposes of the line of
10:39:11 3 questioning that Mr Chettle wishes to proceed, that even
10:39:13 4 that is necessary. As I understand it it is a precursor to
10:39:16 5 having - Mr Paterson of course wasn't present during any of
10:39:21 6 this which is the other point in this cross-examination -
10:39:23 7 to confirm that the process that then followed in terms of
10:39:27 8 the capturing of that information of Ms Gobbo through that
10:39:31 9 process. So that's as I understand it.
10:39:32 10
10:39:32 11 COMMISSIONER: Mr Chettle, would you please clarify what
10:39:34 12 your line of questioning is going to be?
10:39:37 13
10:39:37 14 MR CHETTLE: Yes. The base material in the possession of
10:39:46 15 the unit was not examined by Comrie. It wasn't all
10:39:53 16 examined by Kellam and that accordingly their conclusions
10:39:58 17 are based on, if that's right, their conclusions are
10:40:02 18 incomplete.
10:40:02 19
10:40:02 20 COMMISSIONER: So you're going to be asking questions about
10:40:06 21 there were a great many transcripts, recordings and they
10:40:09 22 weren't examined.
10:40:10 23
10:40:11 24 MR CHETTLE: To that effect.
10:40:12 25
10:40:12 26 COMMISSIONER: Recordings and they weren't examined in the
10:40:14 27 Comrie - - -
10:40:15 28
10:40:15 29 MR CHETTLE: Can I quote to you from the Supreme Court
10:40:18 30 judgment published, Mr Justice Ginnane.
31
32 COMMISSIONER: Yes.
33
10:40:21 34 MR CHETTLE: Literally thousands of hours of recorded
10:40:23 35 conversations and debriefings. It's already - - -
10:40:27 36
10:40:27 37 COMMISSIONER: That will be the line of your
10:40:30 38 cross-examination, those words?
10:40:42 39
10:40:43 40 MR CHETTLE: Yes, Commissioner.
10:40:45 41
10:40:45 42 COMMISSIONER: You understand the limits that are being
10:40:47 43 placed on your cross-examination by the concerns raised?
10:40:50 44
10:40:51 45 MR CHETTLE: I do.
10:40:51 46
10:40:51 47 COMMISSIONER: By Mr Paterson and Mr Holt which we're told

10:40:56 1 we'll know more about after 2 April.
10:41:00 2
10:41:00 3 MR CHETTLE: 2 April should fix all things. I can't
10:41:03 4 imagine how this Commission could ever function without
10:41:06 5 reference to those tapes.
10:41:07 6
10:41:08 7 COMMISSIONER: No one is suggesting that the Commission
10:41:10 8 doesn't have not only reference to but full access to those
10:41:15 9 tapes.
10:41:16 10
10:41:16 11 MR CHETTLE: Thank you.
10:41:16 12
10:41:17 13 COMMISSIONER: We can now resume with an open hearing.
10:41:20 14 Could I ask you, Madam Associate, to let everyone know that
10:41:25 15 - - -
10:41:25 16
10:41:25 17 MR WINNEKE: Just before you do.
10:41:26 18
10:41:28 19 COMMISSIONER: Sorry, just a moment. Too good to be true.
10:41:30 20
10:41:32 21 MR WINNEKE: Perhaps I was distracted but is the
10:41:35 22 Commissioner permitting or not permitting a question to be
10:41:38 23 asked as to the situation with respect to Ms Gobbo?
10:41:41 24
10:41:41 25 COMMISSIONER: Yes, the line of questioning will be along
10:41:45 26 what was said by Justice Ginnane with Ms Gobbo, that there
10:41:51 27 were many recorded conversations with Ms Gobbo but not that
10:41:57 28 every conversation was recorded.
10:41:58 29
10:41:59 30 MR WINNEKE: I understand that.
10:42:00 31
10:42:01 32 COMMISSIONER: Many conversations, thousands of hours of
10:42:03 33 them.
10:42:03 34
10:42:04 35 MR WINNEKE: I don't know whether there were thousands of
10:42:06 36 hours but certainly if that is what Justice Ginnane said -
10:42:11 37 - -
10:42:11 38
10:42:11 39 COMMISSIONER: It will do us for the time being anyway
10:42:14 40 until know differently.
10:42:17 41
10:42:17 42 MR WINNEKE: I've been told there are a number of 100s of
43 hours.
44
10:42:19 45 MR HOLT: 186 hours.
46
10:42:21 47 MR WINNEKE: 186 hours.

10:42:21 1
10:42:21 2 MR HOLT: But that is what Justice Ginnane said.
10:42:23 3
10:42:24 4 COMMISSIONER: It is what Justice Ginnane said, okay.
10:42:24 5 That's perhaps something Mr Paterson will be able to
10:42:27 6 correct in his evidence. If not him, someone else.
7
8 MR WINNEKE: Yes, thanks Commissioner.
9
10:42:29 10 COMMISSIONER: All right then.
10:42:29 11
10:42:29 12 MR HOLT: Sorry, Commissioner, there is one matter that
10:42:33 13 might be dealt with in the closed hearing as well.
14
15 COMMISSIONER: Yes.
16
10:42:36 17 MR HOLT: That is the confidential affidavit which we had
18 identified in respect of the public interest immunity
10:42:38 19 matter that remains in relation to Mr Paterson's statement,
10:42:44 20 we had indicated we would follow up this morning.
10:42:46 21
10:42:47 22 COMMISSIONER: This is also to be dealt with after 2 April?
10:42:50 23
10:42:50 24 MR HOLT: No, we don't think it needs to be dealt with but
10:42:53 25 we have on going conversations with our learned friends
26 about a process for dealing with it. We've sent
10:42:57 27 correspondence about that last night but I'm having very
10:42:58 28 anxious to have the confidential information, affidavit out
10:43:00 29 of my hands and into the Royal Commission. So might I file
10:43:04 30 that on a confidential basis?
10:43:07 31
10:43:07 32 COMMISSIONER: Just remind me, is this the unredacted
10:43:08 33 version?
10:43:08 34
10:43:09 35 MR HOLT: This is the unredacted version in respect of the
36 paragraphs that might risk the identification of certain
37 persons.
38
39 COMMISSIONER: Okay.
40
10:43:13 41 MR HOLT: And if the Commissioner requires me to provide
10:43:16 42 more information I will be for more people to be removed
10:43:20 43 from the hearing room.
10:43:21 44
10:43:22 45 COMMISSIONER: All right, I'll give you leave to file it.
10:43:24 46
10:43:25 47 MR HOLT: It's a confidential affidavit of Scott Mahoney

10:43:30 1 and I ask that - it's already in the sealed taper proof
10:43:37 2 evidence bag I should indicate, Commissioner, and I'd ask
10:43:39 3 that an order be made by the Commission that it be placed
10:43:42 4 into a sealed envelope and not opened other than by
10:43:47 5 direction of the Commissioner.
10:43:49 6
10:43:49 7 COMMISSIONER: Am I to read this?
10:43:52 8
10:43:52 9 MR HOLT: Yes.
10:43:53 10
10:43:54 11 COMMISSIONER: And at what point do I read this?
10:43:57 12
10:43:57 13 MR HOLT: I suspect, Commissioner, you'll take advice about
10:43:57 14 that from counsel assisting but it may be appropriate for
10:43:59 15 the Commissioner to read it now, not right now but as in at
10:44:00 16 a convenient point and we will continue discussions with
10:44:03 17 counsel assisting as to whether or not the public interest
10:44:06 18 immunity issue that arises needs to be formally resolved or
10:44:11 19 whether, as we proposed, there might be another way through
10:44:12 20 that, this issue. But this information will be of
10:44:16 21 assistance to the Commissioner and to counsel assisting.
10:44:20 22
10:44:21 23 COMMISSIONER: I'm just a little confused, is this related
10:44:23 24 to what's going to happen after 2 April?
10:44:25 25
10:44:25 26 MR HOLT: No, it's different.
10:44:25 27
10:44:25 28 COMMISSIONER: It's a different question, okay.
10:44:25 29
10:44:26 30 MR HOLT: It's the identification of two persons which are
10:44:27 31 currently where information that might lead to their
10:44:32 32 identification is presently redacted from Mr Paterson's
10:44:36 33 statement.
10:44:37 34
10:44:37 35 COMMISSIONER: Right.
10:44:37 36
10:44:37 37 MR HOLT: We have raised a public interest immunity
10:44:38 38 question in relation to it. We've been provided with some
10:44:39 39 additional information from the Commission about that.
10:44:39 40
10:44:39 41 COMMISSIONER: I see.
10:44:39 42
10:44:44 43 MR HOLT: We've made further investigations over the last
10:44:45 44 two days.
10:44:46 45
10:44:46 46 COMMISSIONER: This is in relation to [REDACTED].
10:44:49 47

10:44:49 1 MR HOLT: Yes, in relation to those matters. We undertook
10:44:51 2 to provide, the Commissioner will recall I assured the
3 Commission we would provide the information as soon as we
10:44:56 4 had it. So we have it.
5
6 COMMISSIONER: Yes.
7
10:44:56 8 MR HOLT: So I wish to provide it in a confidential form
10:45:00 9 and to continue discussions with our learned friends and if
10:45:03 10 necessary have a private hearing with the Commission to
10:45:06 11 determine the appropriate way forward. But for present
10:45:10 12 purposes I think filing it, such that the Commissioner has
10:45:12 13 access to it, and senior and junior counsel presumably
10:45:18 14 assisting the Commission have access to it so that we can
10:45:21 15 have discussions on an equal information basis.
10:45:21 16
10:45:21 17 COMMISSIONER: All right then. Are you happy for me to
10:45:28 18 give leave to file this, Mr Winneke?
10:45:30 19
10:45:31 20 MR WINNEKE: I am. Can I just make it clear, we're told
10:45:33 21 senior and presumably junior counsel and instructing
10:45:34 22 solicitors as well? I would have thought that is
10:45:37 23 appropriate.
10:45:37 24
25 MR HOLT: Commissioner, it's a matter for the Commissioner
10:45:38 26 as to sees it. It is a confidential affidavit and it is
10:45:40 27 filed on that basis. Our expectation would be that it
10:45:43 28 would be kept to the minimum number of people necessary to
10:45:46 29 read it. We would necessarily expect that that would be
10:45:49 30 senior counsel and junior counsel assisting the Commission
10:45:53 31 in this regard, and if it is necessary for one of the
10:45:56 32 senior solicitors then of course we would have no objection
10:45:59 33 to that and we would expect everyone would understand the
10:46:03 34 confidential nature of it.
10:46:04 35
10:46:05 36 COMMISSIONER: That's suitable?
37
38 MR WINNEKE: Yes.
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10:46:07 40 COMMISSIONER: It would include one senior solicitor
10:46:11 41 nominated, whether it be Mr Rapke or Ms Teague or someone
10:46:16 42 else.
10:46:16 43
10:46:16 44 MR WINNEKE: I would have thought both frankly.
10:46:18 45
10:46:18 46 COMMISSIONER: All right, it shall be both.
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10:46:21 1 MR WINNEKE: Yes. Thank you Commissioner.
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10:46:21 3 COMMISSIONER: I have given you leave to file that now.
10:46:24 4 Where is it now?
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6 MR WINNEKE: Thanks very much, I've got it.
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10:46:31 8 COMMISSIONER: So we can now open the court?
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10:46:34 10 MR WINNEKE: Yes, Commissioner.
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10:46:35 12 COMMISSIONER: Madam Associate, would you let everybody
10:46:37 13 know that the hearing is now open. I think it was open
10:46:50 14 before we managed to get the notice on the door. And
10:47:01 15 Mr Paterson should go back into the witness box now?
10:47:04 16
10:47:04 17 MR HOLT: Thank you.
10:47:05 18
10:47:05 19 COMMISSIONER: Thanks Mr Paterson.
10:47:14 20
10:47:15 21 MR CHETTLE: Does the Commissioner want the streaming back
10:47:17 22 on?
10:47:17 23
10:47:17 24 COMMISSIONER: Yes, that will be attended to.
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