

---

TRANSCRIPT OF PROCEEDINGS

---

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

MONDAY, 4 FEBRUARY 2019

(First day of examinations)

BEFORE THE HONOURABLE ROBERT REDLICH QC

Counsel Assisting: Mr Jack Rush QC

Ms Catherine Boston

OPERATION GLOUCESTER INVESTIGATION

PUBLIC EXAMINATIONS PURSUANT TO PART 6 OF THE INDEPENDENT  
BROAD-BASED ANTI-CORRUPTION COMMISSION ACT 2011

1 HIS HONOUR: I propose to make an order that, except with  
2 the permission of counsel assisting, no witness  
3 summonsed to give evidence before the IBAC in these  
4 public hearings may be present in the hearing room  
5 during the examination of any other witness. That sort  
6 of order is commonly known as an order for witnesses  
7 out of court.

8 What it means is that witnesses who have or who  
9 are to give evidence in these public hearings will not  
10 be permitted to discuss with each other the content of  
11 their evidence or the issues that are going to be  
12 explored.

13 Yes, Mr Rush.

14 MR RUSH: Commissioner, I appear with Ms Boston as counsel  
15 assisting.

16 HIS HONOUR: Yes, and I authorise you both to appear as  
17 counsel assisting throughout the public hearings.

18 MR RUSH: I understand there are no formal applications to  
19 be made, Commissioner, so I propose to start with a  
20 very, very brief opening statement.

21 HIS HONOUR: Very good.

22 MR RUSH: The public examinations to be conducted by the  
23 Independent Broad-Based Anti-Corruption Commission will  
24 examine practices of Victoria Police in criminal  
25 investigations.

26 The manner in which police themselves provide  
27 statement and evidence in major crime cases is of  
28 critical importance to the administration of justice.  
29 Similarly, the manner of taking statements and the

1 content of statements taken from civilian witnesses to  
2 criminal behaviour is of fundamental importance.

3 IBAC has conducted a review of criminal  
4 investigations carried out by Victoria Police. IBAC  
5 has obtained evidence that indicates a pattern of  
6 systematic behaviour by Victoria Police in statement  
7 taking that is of such gravity that it has the  
8 potential to pervert the course of justice.

9 Some brief background to this public examination  
10 by IBAC is necessary to understand the nature and focus  
11 of the inquiry.

12 On 16 August 1998 Sergeant Gary Silk and Senior  
13 Constable Rodney Miller were murdered. Bandali Debs  
14 in July and Jason Roberts in August 2000 were charged  
15 with their murders.

16 On 31 December 2002, both were convicted of the  
17 murders and subsequently Debs was sentenced to life  
18 imprisonment and Roberts was sentenced to 35 years'  
19 imprisonment before being eligible for parole.

20 In 2015, IBAC enquired into Victoria Police  
21 conduct concerning the investigation of the murders of  
22 Silk and Miller, Operation Lorimer. Statements of  
23 those police who were first responders to the murder  
24 scene, particularly those that comforted and spoke to  
25 Miller prior to him being conveyed to hospital and his  
26 subsequent death were the focus of that inquiry.

27 The IBAC inquiry in 2015 found there was no  
28 conclusive evidence to substantiate allegations of  
29 improper conduct concerning the statement making

1 practices in Operation Lorimer, and in February 2016  
2 the IBAC inquiry was concluded.

3 In November 2017, Homicide Squad detectives,  
4 Detective Senior Sergeant Iddles and Detective Senior  
5 Sergeant Bezzina, attended at IBAC and provided to IBAC  
6 a copy of a witness statement said to have been made by  
7 a first responder, police witness Senior Constable  
8 Glenn Pullin. The statement provided to IBAC was a  
9 second statement of Pullin. Pullin had previously  
10 stated to IBAC he was unable to recall whether he had  
11 made a second statement.

12 The trial brief in Debs' and Roberts' prosecution  
13 contained a statement of Pullin that was substantially  
14 different in its detail to that provided to IBAC by  
15 Iddles and Bezzina. IBAC subsequently re-opened its  
16 investigation into certain police statement practices  
17 utilised in Operation Lorimer.

18 Just to explain, Commissioner, the nature of the  
19 differences, we ask that Exhibit 593 be brought up.  
20 Commissioner, on the right-hand side of the page is the  
21 statement that was on the committal brief. On the  
22 left-hand side of the page is the statement that was  
23 provided to IBAC by Iddles and Bezzina. The  
24 highlighted passages are some of the material that was  
25 in the second statement that was not in the first  
26 statement.

27 Particularly, if one goes to the statement on the  
28 right-hand side of the screen and to the fourth  
29 paragraph on the right-hand side of the screen, there

1 is in the last six lines of that paragraph material as  
2 to direct conversation between Senior Constable Pullin  
3 and Senior Constable Roberts. And so, what is there:  
4 "I said to him, 'Did you hit him?' He replied, 'I  
5 don't think so'." Then the new part: "I also asked  
6 him, 'Were they in a car or on foot?' And he replied  
7 they were on foot. I asked him, 'How long ago did that  
8 happen?' He replied, 'A couple of minutes'."

9 Then to skip down to the bottom, the last  
10 paragraph in the second line, "This is new, I was  
11 kneeling next to him speaking with him trying to keep  
12 him calm. During this time a number of members were  
13 asking questions of Miller as he lay on the ground. I  
14 don't recall exactly what he was being asked but  
15 I believe the questions were similar to what I had  
16 asked him earlier. Miller was answering some of these  
17 questions. The only answer I remember was that he  
18 didn't know where the offender was, I was mainly  
19 concerned with making Miller comfortable."

20 Significantly, Commissioner, that statement at its  
21 signature part is signed by Mr Pullin and the  
22 acknowledgment of the signature is witnessed by me and  
23 that is signed by Sergeant Bezzina and the date is, I  
24 think, 16 August. The time that the acknowledgment is  
25 made is to be seen as 4.25 am. That is referred to for  
26 the purposes of the opening as the second statement. On  
27 the other side of the page the statement that was  
28 provided by Mr Iddles and Mr Bezzina has the signatures  
29 of Pullin, and again the attestation

1 clause signed by Mr Bezzina as 4.25 am on 16 August  
2 1998.

3 So, in effect, to summarise the position, as of  
4 the information being provided to IBAC, there were two  
5 Pullin statements concerning his involvement at the  
6 murder on 16 August 1998. Both statements are signed  
7 by Pullin, both statements are witnessed by Bezzina.  
8 Both statements are dated 16 August 1998 and both  
9 statements have the time bearing 4.25 am.

10 A comparison, as we have seen, bears out that  
11 further details of conversation with Senior Constable  
12 Miller concerning the offender or offenders has been  
13 included in the second statement. There is no  
14 reference at all in the second statement to the first  
15 statement.

16 IBAC has evidence that Pullin was informed by a  
17 Homicide Squad senior detective responsible for the  
18 preparation of the trial brief prior to his giving  
19 evidence at the committal hearing that he should not  
20 mention the existence of the first statement, and  
21 indeed at both the committal hearing and at the trial  
22 the first statement was not mentioned. The defence was  
23 not provided with a copy of the first statement, nor  
24 was its existence disclosed to the defence.

25 As a consequence of the provision of the further  
26 statement IBAC has undertaken further investigation  
27 which has resulted in the expansion of the scope of the  
28 initial investigation to examine systematic issues  
29 concerning statement making practices in Victoria

1 Police.

2 The practices that have been identified by IBAC  
3 include: instructions being given to witnesses,  
4 including police first responders, to the scene of the  
5 Silk-Miller murders to remove or exclude relevant  
6 information, including the description of the offender  
7 or offenders provided by Miller prior to his death from  
8 their statements.

9 As a consequence of this direction at least one  
10 police member refused to make a statement on that  
11 morning. Later, at least one member provided another  
12 statement to add the excluded information. The  
13 replacement statement was dated the date it was made,  
14 as we have seen, and the original statement and the  
15 fact of its replacement was not disclosed to  
16 prosecution or defence.

17 The practice of creating a new version of a  
18 statement that purports to be the original statement  
19 and still bears the date and time of the original  
20 statement but includes information not in the original  
21 statement.

22 If it becomes apparent that a witness statement is  
23 deficient in some respect because it contains evidence  
24 which is incomplete, inconsistent or erroneous, instead  
25 of a supplementary statement being taken which is  
26 disclosed in addition to the first statement, a  
27 replacement statement is taken from the witness. The  
28 replacement statement is normally dated the day it was  
29 made, the original is destroyed and the fact of its

1 replacement is not disclosed to prosecution or defence.

2 Where police witness statements are inconsistent  
3 with each other the principal investigator speaks with  
4 the witness, fixes up the inconsistency. The fact of  
5 that intervention is not disclosed to prosecution or  
6 defence.

7 And a practice of deliberately not recording a  
8 witness's description of an offender in the witness  
9 statement. The description is recorded on a separate  
10 document, a supplementary statement is later taken from  
11 the witness to include the description.

12 The IBAC investigation has uncovered evidence that  
13 a number of these practices were used during the  
14 Lorimer Task Force investigations. It's been  
15 identified that in some instances replacement  
16 statements were not disclosed to prosecution or  
17 defence, so neither party was aware a witness added  
18 evidence to their account.

19 Significant evidence of recording offender  
20 descriptions on a separate document has been identified  
21 in Victoria Police armed robbery investigations.

22 IBAC now has evidence from a number of police  
23 concerning the existence of practices of not including  
24 descriptions in statements. A witness has indicated  
25 that the practices were taught at the Police Academy;  
26 another that it was discussed at Detective Training  
27 School; another witness indicated the practices were  
28 taught on the job by more experienced members.

29 No police witness has been able to suggest a

1 proper reason for the practice. A number of witnesses  
2 have agreed that a potential reason for the practice is  
3 to use the description of the offender later in the  
4 investigation if it matches a suspect and not use it at  
5 all if it does not.

6 The statement-making practices identified have  
7 highly significant implications for the proper  
8 administration of justice. The conduct being  
9 investigated involves potentially very serious examples  
10 of police misconduct in the police investigation of  
11 serious crime.

12 The disclosure to the defence of all relevant  
13 material is fundamental to a fair trial. It is almost  
14 impossible for the defence to identify or become aware  
15 of such practices around evidence tampering. The use  
16 of such practices by police not only impacts on the  
17 integrity of the police investigation but has the very  
18 real potential in trial circumstances to amount to a  
19 perversion of the course of justice.

20 In these public IBAC examinations the  
21 statement-making practices across a range of police  
22 investigations will be the subject of further scrutiny.  
23 The matters I have highlighted in what is a very brief  
24 opening have referred to practices in Operation  
25 Lorimer, the investigation into the Silk-Miller  
26 murders. The practices are not confined to Operation  
27 Lorimer.

28 At this stage of the IBAC investigations there is  
29 little to no information from Victoria Police save that

1 these practices have been properly or appropriately  
2 addressed.

3 It needs to be appreciated that this IBAC  
4 investigation is not an investigation into the  
5 soundness of the Debs-Roberts convictions. That is for  
6 a different legal forum. The investigations being  
7 undertaken by IBAC is into the use of the police  
8 practices that have been identified. It is unclear to  
9 what extent police are still adopting the practices as  
10 I have indicated.

11 Finally, one of the objectives of public  
12 examination is to raise public awareness around these  
13 issues. I emphasise in opening that any person that  
14 has any information that they think is relevant to  
15 these practices, it should be provided to IBAC.

16 That, Commissioner, is the opening statement and I  
17 don't think there are any other matters, we're ready to  
18 call the first witness.

19 HIS HONOUR: Thank you, Mr Rush. Before we do that, there  
20 are a number of matters I should mention.

21 The first is, I remind all present that a  
22 suppression order has been made which prohibits the  
23 publication of certain witness details, namely, details  
24 often described as "contact details". So that, if in  
25 the course of evidence information emerges about the  
26 address or personal circumstances of the witness which  
27 would enable their contact details to be disclosed,  
28 that cannot be published.

29 The second matter that I refer to is, in broad,

1 the procedure that will be followed at the conclusion  
2 of the witness's evidence as taken by counsel  
3 assisting. If there are parties interested in seeking  
4 to cross-examine the witness, I will receive  
5 applications at the conclusion of their evidence as  
6 taken by counsel assisting. I will receive  
7 applications for leave to appear and to cross-examine  
8 the witness.

9 What should occur is that the submissions be  
10 concise, they identify the nature of the person's  
11 interest in the evidence that is being given. The  
12 application should identify the matters about which  
13 they wish to question the witness and why that  
14 questioning would assist the IBAC investigation, and  
15 they should indicate the amount of time that they  
16 consider the cross-examination will take.

17 Obviously, it will not be desirable for any  
18 cross-examination to simply retrace the  
19 cross-examination which may have already taken place  
20 through counsel assisting.

21 Ordinarily I would expect such applications to be  
22 made at the conclusion of each witness's evidence.  
23 However, as the transcripts of evidence of each day  
24 will be published, I will permit such applications to  
25 be made within 24-hours after that evidence has been  
26 completed, which will also mean that sometimes a party  
27 may only demonstrate an interest to cross-examine as a  
28 result of further cross-examination by some other  
29 party, so permitting applications to be made within

1 24-hours after such evidence is given should  
2 accommodate the needs of all parties.

3 Mr Rush, who is the first witness, please?

4 MR RUSH: Mr Iddles is the first witness.

5 HIS HONOUR: Is Mr Iddles present?

6 MR RUSH: I think the camera probably needs to be removed  
7 from the IBAC hearing.

8 HIS HONOUR: Yes.

9 MR RUSH: I've been asked if there could be a two minute  
10 break to enable - apparently there's more gear that  
11 needs to be taken out, Commissioner.

12 HIS HONOUR: I see. Would you like to adjourn for a few  
13 moments?

14 MR RUSH: Yes.

15 Hearing adjourns: [10.00 am]

16 Hearing resumes: [10.39 am]

17 HIS HONOUR: Yes, Mr Rush?

18 MR RUSH: There's one matter, Commissioner. Mr Lawrie is  
19 counsel, he's here today representing the Chief  
20 Commissioner of Police. He's raised a concern about  
21 potential identification of Special Operations Group  
22 members. I've given him an assurance that those names  
23 have been deleted from any document that is potentially  
24 going to be used in this inquiry.

25 HIS HONOUR: Yes. It's been conveyed to me that he seeks a  
26 suppression order, but until such time as an order is  
27 formulated which would be meaningful to anyone who has  
28 an interest in reporting the proceedings, we'd have to  
29 proceed without a suppression order. Mr Lawrie should

1 be present so as to ensure that there's no unintended  
2 revelation of a name if that's to be protected.

3 MR RUSH: I think, if I could just say from counsel  
4 assisting's point of view, that is highly unlikely.

5 HIS HONOUR: Yes, thank you.

6 MR RUSH: Commissioner, I call Mr Iddles.

7 HIS HONOUR: Yes, Mr Iddles.

8 <RONALD IDDLES, sworn and examined:

9 MR RUSH: Mr Iddles, could you state your full name and  
10 address to the Commission?---My full name is Ronald  
11 William Iddles. I reside at [REDACTED]  
12 [REDACTED].

13 Do you attend here in response to a summons served on you on  
14 12 December 2018?---Yes, I have.

15 Could those documents please be shown to Mr Iddles. The  
16 summons, that is the summons that was served on  
17 you?---That's correct.

18 I think you were also served with a statement of rights and  
19 obligations?---Correct.

20 You received a confidentiality notice dated 11 December  
21 2018?---Yes, I did.

22 They are copies of the documentation?---Yes, they are.

23 You understand the nature of the documents served on  
24 you?---Yes, I did.

25 I tender those documents, Commissioner.

26 HIS HONOUR: That'll be Exhibit A.

27 #EXHIBIT A - Documents served on Mr Iddles.

28 HIS HONOUR: I might just proceed with some formal matters,  
29 Mr Rush.

1 MR RUSH: Yes.

2 HIS HONOUR: Mr Iddles, I'm required to advise you of the  
3 nature of the matters in respect of which you'll be  
4 asked questions by counsel assisting. I may also ask  
5 you some questions.

6 They are: (1) the Lorimer Task Force investigation  
7 of the murders of Sergeant Gary Silk and Senior  
8 Constable Rodney Miller concerning (a) the taking of  
9 witness statements; (b) the preparation of the brief of  
10 evidence for the trial of Bandali Debs and Jason  
11 Roberts, and (c) whether there was full disclosure of  
12 witness statements or other relevant information prior  
13 to or during the trial.

14 (2) Witness statement taking practices by Victoria  
15 Police; (3) compliance with the obligation to disclose  
16 evidence by Victoria Police.

17 Following those questions, Mr Iddles, you will  
18 have the opportunity to add anything relevant to that  
19 which you have been questioned about if you feel your  
20 answers haven't adequately covered the matters.

21 You have a right, of course, to be legally  
22 represented, you understand that, you are happy to  
23 proceed without representation?---Yes, I am.

24 It's necessary for me to remind you of your rights and  
25 obligations as required by the IBAC Act and I need to  
26 take you through those rights and obligations. You may  
27 claim a privilege during the course of questioning, but  
28 you are not excused from answering a question or giving  
29 information or from producing a document or other thing

1 on the ground that the answer, information, document or  
2 other thing may tend to incriminate you or make you  
3 liable to a penalty. However, if you do give an  
4 answer, provide information or produce a document or  
5 other thing that may tend to incriminate you an  
6 immunity would apply as to the use of that evidence.

7 You have a right, Mr Iddles, to complain to the  
8 Victorian Inspectorate, and I say for the record for  
9 your assistance, as I understand it there will be  
10 members of the Victorian Inspectorate present  
11 throughout the public hearings, so you will have the  
12 opportunity to speak to them if you thought it  
13 necessary.

14 Are there any questions that you have in relation  
15 to your rights or obligations?---No.

16 Yes, thank you. That means, of course, Mr Iddles, that you  
17 are obliged to comply with the summons, you must answer  
18 the questions you are asked unless you have a  
19 reasonable excuse for not doing so, and you must answer  
20 the questions truthfully. If you answer the questions  
21 truthfully your answers will not be admissible and  
22 cannot be used against you in any court of law. You  
23 understand that?---I understand.

24 Thank you, Mr Rush.

25 MR RUSH: Mr Iddles, I need to put formally to you that you  
26 understand giving false evidence to IBAC could  
27 potentially amount to perjury for which the maximum  
28 penalty is 15 years?---Totally understand.

29 Mr Iddles, perhaps if we go back in time, could you indicate

1           when you joined Victoria Police?--- October 1973.  
2       Can you give the Commissioner some very brief understanding;  
3           were you obviously a uniformed police for a period of  
4           time?---Spent five years at Collingwood in 1980, became  
5           a detective, went to Fitzroy as a detective. Then to  
6           the Homicide Squad. From the Homicide Squad I was  
7           promoted to uniformed sergeant at St Kilda in 1983,  
8           spent two years there. Then went to the National Crime  
9           Authority for two and a half years. Back to the Drug  
10          Squad as a detective sergeant. Then in early 1989 to  
11          the Homicide Squad as a detective senior sergeant. I  
12          resigned from Victoria Police, I spent four years out  
13          of Victoria Police. In 1994 I rejoined and went  
14          straight back to the Homicide Squad where I spent the  
15          next 20 years, leaving there in February 2015, I think  
16          it was, and then went to the Police Association as the  
17          secretary of the Police Association for three years,  
18          when I retired in February 2017.

19       Mr Iddles, in relation to secretary of the Police  
20       Association, what's the role and responsibility  
21       there?---The role is to advocate on behalf of the 15  
22       ,000 members, deal with government, deal with Victoria  
23       Police, and basically be a representative of those  
24       members who need assistance.

25       Can I ask you some questions about the command structure of  
26       the Homicide Squad. Firstly, is there a nominal - - -

27       HIS HONOUR: Do you mean now or when he was there, Mr Rush?

28       MR RUSH: Over the period of time that you were there, and  
29       particularly the latter period of time from 1994 to

1 2015. Firstly, over that period of time was there any  
2 change in the command structure of the Homicide  
3 Squad?---Slightly. There was always a detective -  
4 initially it was a detective chief inspector in charge  
5 and he had a detective inspector as a second-in-charge.  
6 That then changed when the rank of chief inspector  
7 disappeared, so then you had a detective inspector in  
8 charge and five detective senior sergeants who all had  
9 a team of detectives under them.

10 So, between the period of 1994 to 2015, was that the command  
11 structure?---The command structure was always a  
12 detective - basically, a detective inspector in charge.  
13 I take it, each of the senior detective sergeants obviously  
14 were answerable to the senior officer?---So, the  
15 detective senior sergeants were answerable to the  
16 inspector of the office.

17 So, how did that - was there a distinction between the  
18 officer-in-charge and the inspector in the office?---We  
19 got to the point where we only had one inspector, so  
20 probably halfway through that time between 1994 and  
21 2013 there were two inspectors: one was basically  
22 sub-charged but that went, and in the end, probably the  
23 last eight or nine years, we only had one inspector.

24 The role of the inspectors?---The role of the inspector was  
25 to coordinate investigations in the office and report  
26 upwards to the superintendent and the assistant  
27 commissioner for crime.

28 You mentioned there were five crews. In 1998 were there  
29 five crews?---In 1998 I think we had seven; I think

1           there were seven senior sergeants, and as the period of  
2           time evolved the senior sergeants got less and the team  
3           of detectives under them increased. So, in 1998 I'm  
4           confident there was seven senior sergeants and each  
5           senior sergeant had one sergeant and four detectives.

6           So in 1998, detective senior sergeant, senior sergeant, four  
7           detectives would make up a particular crew?---Correct.

8           Did that change subsequently to 1998?---It did, and it got  
9           to the point where we had five senior sergeants, each  
10          senior sergeant had two sergeants and eight detectives.

11          Was that the position when you left the Homicide Squad?---By  
12          then we had come down to four senior sergeants, and  
13          each senior sergeant then had three sergeants and 15  
14          detectives, I think.

15          What was, in 1998, the role of individual homicide  
16          crews?---Each crew had a responsibility to be on-call,  
17          so there was a rostering system whereby, if there was a  
18          homicide during the day, a particular crew who was  
19          rostered on-call would go. There would be an afternoon  
20          crew which would start at 2 o'clock and they would go  
21          through till 10 o'clock but they also picked up the  
22          responsibility of anything that happened after  
23          10 o'clock, they had to attend, so the role was to  
24          investigate current homicides and, where possible, look  
25          back at old homicides if you had sufficient time.

26          And so, did that lead at least to the potential for two  
27          crews to be working on one homicide?---It could  
28          depending on the nature of the investigation. The  
29          senior sergeant who attended might make a determination

1           that he needed assistance and he would call the backup  
2           crew.

3           Within the individual crews in 1998, what was the reporting  
4           structure?---You had four detective senior constables  
5           who reported to the detective sergeant, the detective  
6           sergeant reported to the detective senior sergeant, the  
7           detective senior sergeant would meet on a regular basis  
8           with the detective inspector, and then the detective  
9           inspector would report up.

10          Within an individual crew with the two sergeants, you've got  
11          a detective senior sergeant and a sergeant, how is the  
12          oversight of individual crew members in relation to the  
13          way in which they may carry out their duties?---As a  
14          general rule, you operated as a team. The detective  
15          sergeant was probably more responsible for the junior  
16          members, the detective senior constables. As a  
17          detective senior sergeant, you sat above the sergeant  
18          and the detective senior constables, but primarily you  
19          knew what was going on because most of the time you  
20          were there yourself.

21          In relation to any particular investigation, what was the  
22          methodology within homicide of deciding the direction  
23          or the strategy that would be undertaken within a  
24          particular investigation? Would that be just the crew,  
25          or would it be a meeting more generally of more senior  
26          people?---As a general rule it was the crew, so the  
27          crew would turn out at a homicide scene, you would  
28          assess it and then make arrangements, you might send  
29          people off to interview witnesses, you might send

1 people off to look for a suspect, you might do some  
2 media, and then ultimately you regrouped at a  
3 particular time and sat down with your own crew and  
4 worked out the direction that you should go.

5 Here, after the Silk-Miller murders, a task force was set up  
6 called Operation Lorimer of which you're aware. Can  
7 you indicate to the Commissioner just what causes such  
8 a task force to be set up?---It's normally - could be  
9 multiple killings. So, we had the underworld killings  
10 where a task force was set up, but where you have the  
11 death of two police officers, quite clearly one team  
12 within itself can't do that investigation, it needs a  
13 group of detectives brought together with analysts so  
14 that they can just solely concentrate on that and the  
15 balance of the office do all the other investigations  
16 that come in.

17 With Task Force Lorimer, was it all Homicide Squad  
18 detectives or did detectives come out of other areas of  
19 the force?---The crew which went on the night was  
20 Detective Senior Sergeant Graeme Collins, so his crew  
21 transferred to Lorimer and then they got detectives  
22 from different areas within the Crime Department.

23 On that night, that morning, a number of detective senior  
24 sergeants from different crews attended at the crime  
25 scene?---I understand at least two crews went to that  
26 initial investigation.

27 A task force such as Lorimer, from the work that you have  
28 done, obviously there is a necessity to obtain  
29 literally hundreds of statements?---That's correct.

1 The statements form a basis of what eventually becomes the  
2 prosecution trial brief?---Correct.

3 And the statements, it doesn't need - or, more formally, the  
4 statements and the accuracy of the statements are of  
5 critical importance?---Yes.

6 In a situation such as the Silk-Miller murders the  
7 statements of people that made observations of the  
8 offender or offenders are of critical  
9 importance?---Yes, they are.

10 And the statements of police first responders who may have  
11 had conversations with either one of those police  
12 officers is of critical importance?---Absolutely.

13 Of critical importance is that those statements are always  
14 full of relevant material?---Yes.

15 And a dying declaration, that is, the conversation of a  
16 person, here Senior Constable Miller, as to what he  
17 said to police over the period of time that he was  
18 being looked after by police on 16 August, the  
19 statements of those police officers, again of critical  
20 importance?---Absolutely.

21 And police and the senior detectives at the scene of those  
22 murders, you would say, would fully understand the  
23 importance of obtaining, in effect, that evidence,  
24 dying declaration evidence?---I think every detective  
25 and every police officer there would understand the  
26 importance of a dying declaration and ensure that it  
27 was put in a statement.

28 You know that on the morning of 16 August Allan Birch, for  
29 example, was tasked with taking a statement from Senior

1 Constable Sherrin? Just to put it in context, Senior  
2 Constable Sherrin was in a vehicle that passed the  
3 Silk-Miller vehicle when they had apprehended the car  
4 and saw one of the potential offenders?---That's -  
5 that's correct.

6 You're aware, are you not, that Senior Sergeant Bezzina was  
7 tasked with the responsibility of conveying Sherrin to  
8 the Moorabbin Police Station?---Yes.

9 When someone says they have taken a statement, what does  
10 that mean? There's two things: when you look at the  
11 bottom of the statement, if the statement has  
12 "statement taken and signature witnessed by me", that  
13 means, if I was taking a statement I would have - if I  
14 was taking a statement from Mr Jack Rush I would have  
15 "statement taken, signature witnessed", so I would be  
16 sitting there typing down what you tell me. If it just  
17 has "acknowledgment taken and signature witnessed by  
18 me", that means the member has typed the statement  
19 himself and then got the senior sergeant or sergeant to  
20 acknowledge the signature.

21 If I could ask you to have a look at Exhibit 217 at p.3103  
22 which is the statement that was made by Mr Bezzina.  
23 What we have is the statement of Mr Bezzina. I ask  
24 that we go to the next page, 3104, and at the end of  
25 the first paragraph, Mr Bezzina states at the  
26 conclusion: "It was decided that I take Senior  
27 Constable Sherrin to the Moorabbin Police Station to  
28 obtain a statement from him. At 0240 hours I cleared  
29 the command post location with Senior Constable Sherrin

1 and Senior Constable Glenn Pullin." Then, if you keep  
2 going down that, "At 0250 hours we arrived at Moorabbin  
3 Police Station and I obtained a statement from Senior  
4 Constable Sherrin." So, when a detective senior  
5 sergeant says that he has obtained a statement from  
6 Senior Constable Sherrin, does that take up what you've  
7 described, I think - - -?---That statement would infer  
8 to me that Detective Senior Sergeant Bezzina is  
9 actually taking the statement and typing it down.

10 If we can look at Exhibit 363, at p.3642. See there the  
11 commencement of the statement of Senior Constable  
12 Sherrin. If we go to p.3648, that's been signed by  
13 Sherrin and then there is an acknowledgment  
14 clause which reads: "Acknowledgment taken and signature  
15 witnessed by me at the Moorabbin Police Station on  
16 Sunday, 16th day of August 1998 at 9.10 am." That does  
17 not include the words that the statement was taken by  
18 Mr Bezzina. You would expect that it would?---I would  
19 have expected to see "statement taken and signature  
20 witnessed", so that's missing from that statement.

21 What's the purpose of the acknowledgment?---The  
22 acknowledgment is that you acknowledge that the  
23 contents of the statement are true and correct, you  
24 make it in the belief that a person making a false  
25 statement in those circumstances is liable to the  
26 penalties of perjury. So, every police officer who  
27 signs that acknowledgment knows that and then when  
28 you're taking it from a civilian witness, you would  
29 always read that to them.

1 At the time of the signature being appended, you would  
2 expect that the person making the acknowledgment would  
3 go through that process with the person that's making  
4 the statement?---As a general rule, yes.

5 When someone signs a statement that the acknowledgment is  
6 taken, does that not mean that it has actually  
7 occurred?---The way that is, is to me, that statement  
8 is made by Sherrin, he then signs it. The piece that  
9 Mr Bezzina is acknowledging is that Sherrin is actually  
10 saying, I've made this statement, I make it in the  
11 belief that a person making a false statement in these  
12 circumstances is liable to penalties of perjury. So,  
13 there is no need really for Charlie Bezzina to read  
14 that because the member's saying/attesting, this is  
15 true, this is correct; I know that, if it's not, I'm  
16 liable to penalties of perjury, that's what the  
17 acknowledgment of Mr Bezzina is for.

18 But if Bezzina has taken the statement, as referred to in  
19 his statement, that he has taken the statement of  
20 Mr Sherrin, you would expect him to personally go  
21 through that acknowledgment of it being true and  
22 correct?---Um, yes, but I'd also expect to see another  
23 line there, "Statement taken and signature witnessed by  
24 me."

25 You know, do you not, that Mr Bezzina says he took a  
26 statement of Mr Sherrin?

27 HIS HONOUR: You mean, you've shown Mr Iddles that  
28 Mr Bezzina says that in his statement? Is that what  
29 you mean?

1 MR RUSH: No, it's a little bit further than that,  
2 Commissioner. (To witness) You are aware from your  
3 conversations with Mr Bezzina that he in fact states  
4 that he took the statement from Mr Sherrin?---I've  
5 never spoken to Mr Bezzina about it.  
6 You've never spoken to Mr Bezzina about Mr Sherrin?---No.  
7 But when he said - you would expect when a detective senior  
8 sergeant uses the word in his statement that he has  
9 taken the statement, you would expect him to be the  
10 person typing it?---Correct.  
11 And in those circumstances you would expect him to go  
12 through with the person making the statement the  
13 attestation clause of it being true and correct?---Yes,  
14 but I think - yes, I would, but every police officer  
15 knows that when they sign a statement, they know what  
16 that jurat is.  
17 Every police officer, you say, knows it, but every police  
18 officer on the basis of what we're looking at is  
19 swearing also that an acknowledgment has been taken  
20 that the statement is true and correct; are you saying  
21 that on occasions that does not occur?---That it's not  
22 read out? That the piece about "I hereby" is not read  
23 out?  
24 So, is the position this: that in your experience senior  
25 police officers will sign statements, an  
26 acknowledgment, and signing without checking with the  
27 deponent of the statement?---Oh, I think there's  
28 occasions when that's happened.  
29 If there are occasions where that happened, it's not

1 something, surely, that you would agree with?---Um, oh,  
2 look, I'd have to say I've probably done it myself. If  
3 a member comes to me in an investigation with a  
4 statement that is prepared - he has prepared and he  
5 signs it and says, "I acknowledge that this is true and  
6 correct; I, the member making the statement, make it in  
7 the belief that a person making a false statement in  
8 the circumstances is liable to penalties of perjury",  
9 that member signs that, I'm happy to sign the  
10 acknowledgment.

11 That requires the person in those circumstances to bring the  
12 statement to you personally?---Correct.

13 And you to sign it in that person's presence?---Correct.

14 In those circumstances, the actual formal acknowledgment of  
15 it being true and correct may not be done?---Well, the  
16 member would sign in my presence and then I would sign  
17 the acknowledgment.

18 So you would ensure that the member signed in your presence,  
19 then you would sign the acknowledgment?---Correct.

20 Are you aware of circumstances where members may sign an  
21 acknowledgment without the deponent to the statement  
22 being present at the time of that  
23 signature?---Personally, no.

24 And that is not a practice that could be  
25 conducted?---Correct.

26 Just to go back, obviously as you've indicated Sherrin is an  
27 important witness, and Pullin, who was conveyed back to  
28 Moorabbin, also would be an important  
29 witness?---Correct.

1 And an important witness because he has potentially had  
2 communications with Mr Miller?---Correct.  
3 You would expect that a person taking a statement from such  
4 a member would ensure that that statement accurately  
5 reflected the conversation that occurred between the  
6 two of them?---Yes.  
7 That is highly important, that it is done at the time here  
8 on the morning of 16 August 1998?---Correct.  
9 Important for a number of reasons: important because it will  
10 best secure the memory of the member to the  
11 statement?---That is correct.  
12 And important because, if it is taken at a later time, that  
13 memory obviously may not be as good?---Correct.  
14 And one would think that the member who makes a statement at  
15 a later time would have to provide, in a situation such  
16 as this, some form of excuse in examination in a trial  
17 as to why the statement was taken perhaps months or  
18 even years after these events?---Correct, and I'd want  
19 to see if there was a second statement, some supporting  
20 document or evidence which he's able - that member is  
21 able to refresh their memory from .  
22 The statement taken at that time, if we just, say, are  
23 concerned with Pullin for example, should have any  
24 conversation that Mr Pullin had with Mr Miller?---Yes.  
25 And it should also include any conversation that he heard  
26 between Mr Miller and other police members?---Yes.  
27 If the first statement is - let's say again for Mr Pullin -  
28 the first statement is not full and complete, the  
29 statement made on 16 August, and there is further

1 information that he may have, what is the proper  
2 procedure for having that information placed in a  
3 statement book?---I would, and I think every detective  
4 would, take the statement and say, "My name's Glenn  
5 Pullin", if I'm taking a statement, "I have previously  
6 made a statement on 16 August 1998. In that statement  
7 I detailed my observations for the night in  
8 conversations with Rodney Miller. I have now been  
9 asked by a member about a conversation which another  
10 member heard." So you take a second statement so that  
11 it's open and transparent and in the end you have two  
12 documents.

13 So that, in effect, a supplementary statement is taken  
14 acknowledging the first statement and setting out any  
15 further information in the supplementary  
16 statement?---Correct.

17 I want to ask you some questions about some practices that  
18 have been identified by IBAC: a practice, firstly, of  
19 not including, deliberately excluding, in a witness  
20 statement descriptions of suspects. Is that a practice  
21 of which you are aware?---I, in 42 years of policing,  
22 have only ever seen it done once. It is not a common  
23 practice.

24 How long ago, in the instance that you're referring to?---It  
25 was at an armed robbery which turned out to be a  
26 homicide in 1996 at the Lower Plenty Hotel. Members  
27 from the Armed Robbery Squad attended and took several  
28 statements; they left any description out but attached  
29 the description as on a piece of paper or a note to the

1 statement.

2 So there, what, a statement was taken, I take it from a  
3 civilian witness?---Correct, so a statement was taken  
4 from two or three civilian witnesses who clearly gave a  
5 description, the description wasn't put into the  
6 statement, it was written on a scrap piece of paper and  
7 stapled to the statement.

8 Did you make any enquiry of the purpose of putting the  
9 description of an offender on a piece of paper attached  
10 to the statement?---I did because I was actually in  
11 charge of that investigation, and I made it clear I  
12 wasn't happy that the descriptions weren't in the  
13 statement, and the answer that was given to me, "Well,  
14 what about if the witness was wrong, so we don't want  
15 to have it in the statement."

16 What did you respond to that?---Can't do it, you've got to  
17 have it in the statement. Everyone sees things  
18 slightly differently, so doesn't matter if someone says  
19 5 foot 8, someone says 5 foot 10. That's what the  
20 witness is telling you, that's what the witness wants  
21 to sign up to, that's what should be in the statement.

22 Was that armed robbery in any way related to Operation  
23 Hamada?---No, it was not.

24 Were the members of the Armed Robbery Squad that you were  
25 dealing with there also associated with Operation  
26 Hamada?---Oh, I can't say, I don't know.

27 What was the response from the persons that you spoke  
28 to?---Ah, you're the heavy domestic squad, we know what  
29 we're doing.

1 HIS HONOUR: I missed it?---You're the heavy domestic squad,  
2 in other words, we were considered - at homicide we  
3 only dealt in domestics, not hard crime, so we were the  
4 heavy domestic squad, we're the Armed Robbery Squad, we  
5 know what we're doing, but I'm sure that that practice  
6 ceased shortly after.

7 Why do you say that, Mr Iddles?---Because it caused a bit of  
8 a ruckus, I wasn't - you know, I wasn't happy with it,  
9 those in homicide weren't happy with it. Because what  
10 happens if - when you get to a trial and the  
11 description's missing from the statement and the  
12 witness says, "But I told the police officer" and it's  
13 not in the statement; the credibility of witnesses  
14 suffer, so I'm reasonably confident that things changed  
15 sometime after that.

16 You said that the Homicide Squad wasn't happy with that.  
17 You communicated to your colleagues what had occurred,  
18 did you?---There was - there was some other senior  
19 sergeants and sergeants involved and collectively we  
20 weren't happy, because it makes it difficult, when you  
21 sit down and actually read a document, and for whatever  
22 reason the description's gone off the back, you don't  
23 know what that witness is truthfully telling you.

24 I'm just interested in the discussion that took place, so it  
25 involved a number of members of the Homicide Squad, and  
26 was there further communication with the Armed Robbery  
27 Squad about that?---Well, I had three or four members  
28 working with me on that investigation, and from that  
29 point on if they were taking a statement a description

1 was put in it, then I think when they returned to the  
2 office, their office, I think as time went on things  
3 changed.

4 How do you know that?---Because later on I had a sergeant  
5 who came and worked with me from the Armed Robbery  
6 Squad who said, you know, that practices had changed  
7 and they were now including those descriptions.

8 Who was that?---Allan Birch, who was a detective sergeant.

9 MR RUSH: But, I suppose, you were satisfied that, from what  
10 you'd observed, that that was a practice that was  
11 generally adopted within the Armed Robbery  
12 Squad?---That was the only time that I'd worked with  
13 them but I think the way in which it was done, it had  
14 to be a practice which was accepted within their  
15 office.

16 HIS HONOUR: When is it that Mr Birch told you that that  
17 practice had ceased?---He came and worked with me in  
18 around 2001.

19 Approximately 2001?---Yes.

20 Yes, thank you.

21 MR RUSH: Are you aware of that practice, of not putting  
22 descriptions in statements being adopted within the  
23 Homicide Squad?---No, I was not.

24 On no occasion are you aware of that practice?---No.

25 What sort of oversight - I've asked you about the structure  
26 and the reporting mechanism - what sort of oversight  
27 would there - or is there, and I'm going back to 1998,  
28 was there to ensure that that practice was not adopted  
29 within the Homicide Squad?---Well, I can't - it's very

1           difficult to answer. You had seven senior sergeants,  
2           each senior sergeant operated maybe slightly different.  
3           The practice that I would see, is that, the senior  
4           sergeant responsible or even the inspector, if you're  
5           talking about a task force, would sit down shortly  
6           after and read all the statements to know what you  
7           actually had. So, if you read a statement - but then  
8           it's difficult. I could read a document that doesn't  
9           have a description in which is three days after the  
10          incident. Now, unless I went back and spoke to the  
11          witness and said, "Did you give a description?", I  
12          wouldn't know.

13        HIS HONOUR: You've just highlighted why it's so difficult  
14          to determine whether a practice exists or not. Unless  
15          someone comes forward to say that that occurred,  
16          looking at a document won't tell you?---Correct.

17        MR RUSH: I guess the other side to that is that, if you  
18          look at a number of statements where you would expect  
19          descriptions of persons, and those descriptions are not  
20          there, that would alert you?---Yes, possibly.

21        Do you remember, in 1998, Detective Senior Constable  
22          Kelly?---Yes, I know him. Grant Kelly, I think he is  
23          now probably a senior sergeant, but yes.

24        He worked in Mr Bezzina's crew, I suggest?---That's correct.

25        On 16 August, then Senior Detective Kelly, was at the

26          Moorabbin Police Station?---That's correct.

27        Assisting members, taking statements?---Yes.

28        I want to take you to Exhibit 432 at page - - -

29        HIS HONOUR: Before you proceed, Mr Rush, are you proposing

1 to come back to the communications between the Armed  
2 Robbery Squad and Mr Iddles over that practice?

3 MR RUSH: I will, Commissioner.

4 HIS HONOUR: Because I think we should seek to ascertain the  
5 names of those Armed Robbery Squad members.

6 MR RUSH: Yes. Page 5149. If I could perhaps just go back  
7 to the previous page at the bottom, 5148. You see  
8 right at the bottom of that page a question is asked,  
9 and this is of Mr Grant Kelly: "Senior Constable  
10 Thwaites and Senior Constable Poke ..." Answer:  
11 "Yeah." Over the page, "... state they were directed  
12 not to put all details in their statements." Answer:  
13 "By myself, sir." Question: "At Moorabbin, is that a  
14 procedure that you are familiar with with homicide at  
15 that stage and an investigation detail of the potential  
16 offenders should not be put in statements." Answer:  
17 "That was a bit of a way of thinking, but no, I ask a  
18 question, sir, was it I supposed to have directed  
19 that?" Answer: "Certainly with Mr Thwaites. Okay, I  
20 don't know, it's an oversight, misunderstanding." Then  
21 it goes: "You just said it was a way of thinking of  
22 homicide." Answer: "Well, no, it wasn't a way of  
23 thinking. The way when I first joined the  
24 organisation, as I said earlier, we were taught  
25 statements, not put descriptions in. Homicide is seen  
26 to be different, to put everything in, that's what I  
27 learnt when I first went up there." Question: "Yes.  
28 You see, when you joined the organisation you were  
29 taught not to put descriptions in, that's out of the

1 Police Academy. Descriptions in the statement?"  
2 Answer: "Yes, sir. I don't know." Question: "And what  
3 were -" Answer: "Don't know the reason behind that."  
4 Question: "Where was that taught?" It says: "I'd say  
5 right back in the Academy days." Question: "So this is  
6 what you were taught, you say, in the Academy days?"  
7 Answer: "Yes." Question: "Was there any reason given  
8 as to why you were taught at the Academy not to put  
9 details?" Answer: "No, there's none, that's just the  
10 way we were taught, sir." Firstly, obviously on your  
11 evidence you're not aware of that statement taking,  
12 that descriptions not be put in of potential  
13 offenders?---No, I'm not aware.

14 Were you aware of complaints by, at any stage of your  
15 investigation into Lorimer, of complaints of Poke and  
16 Thwaites, just to take two, that they were told not to  
17 put descriptions of offender or offenders in their  
18 statements?---I'm not aware of complaints that they  
19 made, I didn't speak to them.

20 To p.5157, towards the bottom of the page.

21 HIS HONOUR: I take it from that answer, Mr Iddles, you were  
22 never aware that the Academy taught officers not to  
23 include relevant things in their statement?---It's a  
24 long time ago, but the only thing that I was taught  
25 was, don't have hearsay in statements, and nothing  
26 about descriptions.

27 MR RUSH: In the middle of the page. "And it would be  
28 consistent with what you identified, at least in part  
29 through your time in homicide, of details of

1 descriptions being left out of initial statements." Mr  
2 Kelly: "It was probably my thought or my practice, I  
3 don't know about other members." Mr Kelly: "I  
4 understand why you'd want to be - you don't want to  
5 cause concern." Answer: "Yes." Question: "But if  
6 there was the practice that you described it was still  
7 a practice that was being implemented as at August 1998  
8 and presumably you would have instructed Mr Thwaites,  
9 if you were the member taking his statement, not to  
10 include the description of offenders which appeared in  
11 his running sheet?" Kelly: "Yes. What I'm trying to  
12 say, sir, is that, I don't dispute it, okay, I don't  
13 recall it, it wasn't done with any intent, all right."

14 HIS HONOUR: I think you should read on, Mr Rush, a little  
15 further: "I don't know if the practice was across the  
16 board or it was just my practice at the time."

17 MR RUSH: "Every crew may have done things differently."  
18 (To witness) You say, no doubt on the basis of what  
19 you've told us about the Armed Robbery Squad, that that  
20 was a practice that didn't exist in your  
21 crew?---Correct.

22 How would you know whether it existed or didn't exist in  
23 other crews?---Well, I think I would only know if there  
24 was a general conversation at senior sergeant's  
25 meetings on a Monday, whether that topic was ever  
26 discussed, but to my knowledge that was never ever  
27 raised, and everybody who worked on my crew - and I  
28 went out with other crews, and they all included  
29 descriptions. So, if you took another team with you

1 and said, "Can you go and take statements for me from a  
2 civilian witnesses", a description was always there if  
3 they saw somebody.

4 You would understand that for a uniformed senior constable  
5 dealing with a person from homicide, a senior person  
6 from homicide, being directed what to put in and what  
7 not to put in statements, could well be intimidated by  
8 such a person?---Yes, because I think the person you  
9 take, the member, should be able to make their  
10 statement according to what they saw and what they  
11 heard.

12 HIS HONOUR: No doubt, what counsel's putting to you,  
13 Mr Iddles, is, if you accept that if you have a senior  
14 detective, someone from homicide or armed  
15 robbery - - -?---It might appear to be intimidating.  
16 Or would it give an obligation - - -?---Or this is the way  
17 it should be done.

18 Yeah, an obligation to comply?---Correct.

19 MR RUSH: Do you remember a Detective Rosemary Eden?---Yes,  
20 I do.

21 I suggest that she was in Detective Senior Sergeant Collins'  
22 crew?---Correct.

23 You've already told us that Detective Senior Sergeant  
24 Collins' crew was at the time, on 16 August, the crew  
25 that was made responsible for the initial  
26 investigation of those murders?---That's correct.

27 IBAC exhibit 420.

28 HIS HONOUR: While that's being looked for, Mr Rush, what  
29 crew was Mr Kelly with, are you able to say?---He was

1 working with Detective Senior Sergeant Bezzina.  
2 That was the crew of Mr Bezzina, was it?---So, Mr Bezzina  
3 had Grant Kelly on his crew, and Grant Collins had Rose  
4 Eden.  
5 Thank you.  
6 MR RUSH: Page 4829. At p.4829 she was asked about her  
7 training and then about: "Is that something that, is  
8 there any training in that when you go through your  
9 training for a detective?" Answer: "That was also a  
10 long time ago in the Detective Training School. I  
11 don't believe we did anything in relation to statement  
12 taking." Question: "What would you say to the  
13 proposition that at the Police Academy there was  
14 training that police officers should leave out of their  
15 statements information concerning identity of potential  
16 offenders, deliberately leave it out?" Answer: "You  
17 mean the description?" Question: "The description."  
18 Answer: "The description? Yes, we used not put  
19 descriptions in. That changed when I came back into  
20 the police force and started looking at other police  
21 statements which was in the early 2000s." So, Ms Eden  
22 in 1998 was one of the persons that attended the crime  
23 scene on 16 August. "But I remember when I went  
24 through the Academy descriptions weren't or detailed  
25 descriptions weren't put in." Question: "What was the  
26 reason given for that?" And she said: "I don't  
27 remember." Then, over the page, the middle of the  
28 page: "Just dealing now with descriptions, was it your  
29 practice not to put descriptions of offenders in the

1 statement up until the time you came back into the  
2 police force?" Answer: "From what I can recall, yes.  
3 Question: "You recall when you learned that practice?"  
4 Answer: "Police Academy." Question: "So a broad  
5 impression, your practice throughout your period until  
6 you left the force? Answer: "Yes." Again, from your  
7 perspective, as I understand your evidence, the  
8 practices that are here identified by two detectives in  
9 different crews in the Homicide Squad in 1998 are  
10 unacceptable?---Correct.

11 And, if we accept that evidence, there are persons,  
12 detectives in two different crews adopting procedures  
13 of not putting full descriptions of potential offenders  
14 in their statements?---Well, that's - - -

15 If we accept that evidence?---Correct.

16 I want to ask you, firstly, the name Senior Constable  
17 Thwaites is a name from your investigations that you  
18 would be familiar with as a senior constable of police  
19 who was one of the first responders to  
20 Mr Miller?---That's right, and I think Thwaites was  
21 working with Senior Constable Poke.

22 Can we go to Exhibit 103, p.2284. Firstly, in your  
23 examinations and investigations of Operation Lorimer,  
24 did you at any time look at the patrol duty return made  
25 by Mr Thwaites?---No, I did not.

26 I take you to just above the middle of page, 0027, where he  
27 has recorded: "Member down. Shot in head in Cochranes  
28 Road from DSG 406. Other DSG units in attendance. W"  
29 - what's the acronym? "Unknown male member deceased."

1 If I can take you down, skip the next paragraph where  
2 he has written: "Assisting second member into  
3 ambulance. Constable Gardiner, CCH 206 in company with  
4 ambos. Air 402 assisting." I think that's "canine  
5 207255 tracking. 2M [M for male] offenders. One on  
6 foot. Possibly second. Possibly Hyundai. Mazda 323.  
7 NFD [no further details]. One of the offenders said to  
8 be 6'1, 6'2, long DK [dark hair]. Three to four day  
9 growth. Blue check shirt, blue shirt, blue jeans. NFD  
10 [no further details]." On the basis, Mr Iddles, that  
11 that is a contemporary note made by Senior Constable  
12 Thwaites on 16 August, it's critical information, is it  
13 not?---Yes, it is.

14 It is information that is integral to any proper  
15 statement?---Yes.

16 Can you think of any reason why information concerning how  
17 he came by that information, whether it was from  
18 Mr Miller or whether he heard it or how he heard it,  
19 would not be investigated - withdraw that - would not  
20 go in his statement?---It is in one statement, but  
21 that's the statement of Poke which was taken in 2001.

22 No, I'm asking about Mr Thwaites?---Um, there is absolutely  
23 no reason, that is vital information. You would want  
24 to see it in a statement because you read the  
25 statements all the time, you don't read the mobile  
26 return.

27 HIS HONOUR: That's why you didn't see it?---I've only read  
28 the statement, so it's not in that particular member's  
29 statement, it's in a different statement.

1 So you would naturally make the assumption that, if he had  
2 something relevant to say about the number of offenders  
3 or the witness description, it would be in his  
4 statement?---That is crucial.

5 You'd expect it to be in his statement?---Correct.

6 MR RUSH: But where he got that information is also of  
7 critical importance to proper statement taking, isn't  
8 it?---Yes, it is.

9 If he, at Moorabbin, is detailing into his statement  
10 conversations that he is having with Mr Miller, if  
11 they're direct conversations they should go into the  
12 statement?---Yes, but I'd go further than that; even if  
13 the member hears another member saying it, that should  
14 be in there. Like, we're talking about the homicide of  
15 two police officers, right; you put as much in the  
16 statement as you can.

17 What about if it's heard over the intergraph on the police  
18 radio?---No, I wouldn't go as far as that. I'd then  
19 want to find out who made the call to the radio and  
20 then go back to there.

21 IBAC has evidence, Mr Iddles, that Mr Thwaites was  
22 instructed by then Senior Detective Kelly not to put  
23 information concerning the descriptions of offender or  
24 offenders in his statement. I want to take you to  
25 p.2286 of Exhibit 103. The evidence is that he was  
26 very upset about this, and at 0700, you see the entry  
27 in his patrol duty return: "Instructed by Grant Kelly,  
28 Senior Detective 25603, Homicide Squad, re statements."  
29 Upset about what he'd been directed, that he wrote that

1 in his patrol duty return. Now, if that be the case,  
2 if what I put to you is correct, we at the very outset  
3 have a real problem in relation to statement taking,  
4 don't we?---Yes, we do.

5 That potentially undermines the integrity of the  
6 investigation from the very outset of the  
7 investigation; correct?---I just can't explain why that  
8 just wouldn't be in the statement, I just - it beggars  
9 belief.

10 Only if we accept that detectives within homicide were  
11 working on a basis that descriptions should not go into  
12 statements?---Correct.

13 HIS HONOUR: You would recognise, Mr Iddles, that if a  
14 police officer thinks that they have a discretion as to  
15 whether they should include relevant information, you  
16 ask the question where do you draw the line in terms of  
17 what they think is relevant that should be excluded and  
18 what they think is relevant that should be included;  
19 it's a problem, isn't it?---It is. Like, Grant Kelly  
20 was a detective senior constable; if he needed advice  
21 around that he could have asked and got a view from a  
22 sergeant or a detective senior sergeant.

23 MR RUSH: I want to take you to some transcript at  
24 Exhibit 458, p.6425. We start with the third. This is  
25 examination of Senior Constable Thwaites by IBAC: "What  
26 I'd like to know, if you can remember it, is whether as  
27 a consequence of him [that is Kelly] reading your  
28 statement he directed you back to make another  
29 statement." Answer: "He didn't make me, he didn't ask

1 me to make another statement, he deleted - wanted me to  
2 delete lines in the original statement." Question:  
3 "And did you do that?" Answer: "I was - he's a  
4 detective, I'm a lowly senior constable, I do what I'm  
5 told." That's what I was driving at before: you would  
6 understand, in the circumstances here of a major police  
7 investigation having been initiated, that a senior  
8 constable would feel intimidated by a person that's  
9 sent to Moorabbin to assist in statement  
10 taking?---That's one way, or the other way to look at  
11 it is, I've been told by a member of the Homicide  
12 Squad, they must know because they're dealing with this  
13 all the time, so I'll do what they want.

14 Goes on: "So in the statement that was made at Moorabbin to  
15 the best of your recollection lines were deleted off  
16 the statement?" Answer: "Correct." Question: "Was  
17 that done while the statement was on the computer?  
18 Answer: "Yes." Question: "So in its final form did it  
19 have the material on it that Kelly was concerned about  
20 should be removed?" Answer: "I wouldn't have thought  
21 so." Again, you have investigated Lorimer, you've  
22 undertaken and been involved in relation to your own  
23 concerns about it, have you identified any practice  
24 like that, that is, homicide detectives informing  
25 people not to put material in their statements?---No, I  
26 have not.

27 HIS HONOUR: Just to be clear though, Mr Iddles, if you  
28 accept that what Mr Kelly, who was with Bezzina's crew,  
29 and Ms Eden who was with Collins' crew have said, then

1           there was a practice amongst some in other crews in the  
2           Homicide Squad that you didn't know about?---Correct.  
3       MR RUSH:   Just one more.  You're aware of Senior Constable  
4           Clarke who was also a first responder who made radio  
5           communication which is recorded on the intergraph  
6           transcript?---Correct.  
7       Exhibit 410, p.4273.  At line 15 and below, he was asked  
8           questions about what was said on the radio.  At  
9           line 26: "That deals with what was said on radio?"  
10          Answer: "Yes, but your ..."  Mr Clarke: "That's to  
11          repeat what Mr Miller has said to me, I'm trying to  
12          say.  He told me there were two, he told me there were  
13          two, that's why I said it on radio and that's why it  
14          needs to go in the statement, and his attitude was,  
15          'Well, okay, if he has said that and you've repeated  
16          it, let's put what you've repeated in the second  
17          statement'."  Question: "But what he said to you, there  
18          were two?"  Answer: "Yes."  Question: "And there was  
19          one on foot?"  Answer: "Yes."  Question: "And so,  
20          you've told Mr Kelly that?"  Answer: "Yes."  Question:  
21          "Two, one on foot?"  Answer: "Yes."  Question: "Then,  
22          well, I want to know just why Mr Kelly has not put that  
23          in your statement?"  Answer: "Because he didn't want -  
24          it's not that he didn't want that there were two in  
25          there I think, I genuinely believe that what he was  
26          trying to do was to find out exactly what it was I said  
27          on the radio so he could put that in there.  So, he  
28          understand what you're asking him, telling him.  This  
29          is what I heard, the radio is irrelevant.  Let's leave

1 that to one side for the moment, I accept that. Yep.  
2 I understand that, why wasn't my recollection, my  
3 memory put in my statement correct. I can answer that  
4 because I was trying to say to Mr Kelly this is what I  
5 remember, yeah, and he's used the avenue of the radio  
6 to corroborate that." Then he confirms what he says  
7 about two offenders, one on foot. If that be the  
8 recollection of the member on the night, what is said  
9 on the radio is irrelevant to that recollection, is it  
10 not, for the purposes of the statement?---If the first  
11 statement is just his recollection, the radio doesn't -  
12 you could put the radio to one side, but if you wanted  
13 to be 100 per cent accurate, you could easily have got  
14 the radio call and listened to it.

15 Or you could easily have come back to the radio call or the  
16 transcript of the radio call and made a supplementary  
17 statement?---Correct.

18 But, as far as the description of the police officer, first  
19 responder, as to what he heard from Mr Miller, that  
20 should be in the statement on the night?---Yes.

21 I just finally deal with one other matter. You're, I think,  
22 familiar with a Facebook post of Senior Constable Poke?  
23 Or you may not be?---No, I'm not.

24 Exhibit 50, p.1745. This is a post of Senior Constable Poke  
25 on 23 November, and if you can take it as to be 2017,  
26 two days after you and Senior Constable Bezzina had  
27 appeared on the front page of The Herald Sun in  
28 connection with the second Pullin statement. If we go  
29 down about a quarter of the page, you see at the end of

1 a line, "I have not", with the NOT in capitals?---Yes.  
2 "I have NOT lied, falsified, conspired or any other shit in  
3 the matter in that article. The so-called Perkin Gods  
4 of the CI Homicide Squad, Lorimer, are responsible for  
5 this, no one else. On the night they bawled us out for  
6 putting all the evidence in our statements, we were  
7 told to remove it. I told the senior detective to  
8 stick it up his arse, it was my statement, not his  
9 sanitised version I wrote. What I saw and did and most  
10 importantly what I heard from Rod when I cradled him.  
11 So in the end I did not make a statement that night, it  
12 was two years later when I realised they didn't have  
13 one from me." Firstly, to a large extent you agree  
14 that's consistent with the evidence that I've put to  
15 you of the conduct of at least Detective Kelly on that  
16 night?---Correct.

17 You have mentioned, I think this morning, that one of these  
18 statements - and I think you're referring to the  
19 statement of Senior Constable Poke - was not made until  
20 2001?---The statement of Senior Constable Poke appears  
21 to have been made by herself in April 2000, but  
22 eventually signed or witnessed by Detective Sergeant  
23 George Buchhorn in 2001.

24 The version in 2001 was slightly different to the one in  
25 2000?---I've only ever seen - I've only ever seen one  
26 copy.

27 Was the one that you saw, the copy that you saw in 2000  
28 signed?---No, it was - had a Nigel Atkins, a sergeant I  
29 think at Frankston or Cheltenham, but it's not signed.

1           Then it's written in handwriting the date, "April 2001  
2           at Melbourne signed by George Buchhorn."  
3       Perhaps if we have a look at Exhibit 336. You see there, a  
4           typed copy of Ms Poke. If we could go to the last  
5           page of that document, and the page before, is that the  
6           document that you're referring to of 11 April 2001, her  
7           first statement?---That's the one that I'm aware of,  
8           but the one that I've seen has crossed out the date and  
9           a handwritten date is put in and the acknowledgment is  
10          taken by Mr Buchhorn.

11       Excuse me, Commissioner. I'm just wondering if I could have  
12          a five minute break to get some papers?

13       HIS HONOUR: Yes. Adjourn for five minutes.

14       Hearing adjourns:     [11.53 am]

15       Hearing resumes:     [12.03 am]

16       MR RUSH: Thank you, Commissioner.

17       HIS HONOUR: Yes, Mr Rush.

18       MR RUSH: Perhaps we could start at Exhibit 337. I was  
19          asking you, Mr Iddles, about the statements of Senior  
20          Constable Helen Poke and I've jumped the gun a little  
21          bit. At p.3560 is, I think, the statement you were  
22          referring to, if we go to p.3562. At the bottom of the  
23          page we have an unsigned statement. If we go back to  
24          p.3561, at the bottom of the page in that statement  
25          Senior Constable Poke says at the bottom: "I remember  
26          Miller saying they were on foot, two of them, one on  
27          foot, check shirt, dark Hyundai." So that was in the  
28          unsigned statement that was dated 11 April 2000. If I  
29          ask that we look at Exhibit 336, p.3554. What you see

1 there is a statement that was typed up for the purposes  
2 of a committal brief. Again, if we go to p.3558, it  
3 bears the same attestation, same date, but clearly  
4 unsigned. Again, if we go back to p.3557, the second  
5 paragraph: "I remember Miller saying they were on foot,  
6 two of them, one on foot, check shirt, dark Hyundai."  
7 So there, that's the statement that appeared on the  
8 committal brief. Now, if we could have a look at  
9 Exhibit 339, p.3571. Here the statement is signed by  
10 Senior Constable Poke and the acknowledgment and  
11 signature, 9.20 am, 12 January 2001 at Melbourne, and  
12 that's Detective Senior Sergeant Buchhorn's signature  
13 to that statement?---That's correct.

14 I ask you to look at p.3570. You see there: "I remember  
15 Miller saying they were on foot, two of them, one on  
16 foot, check shirt", and then the words, "6'1, dark  
17 hair, dark Hyundai." And clearly, "6'1, dark hair",  
18 did not appear in the first statement?---Correct.

19 If we go to p.3568, there is certainly no acknowledgment  
20 made in the first paragraph of Senior Constable Poke  
21 having made any other statement?---Correct.

22 Now I ask you to look at Exhibit 85. Exhibit 85, at p.1994,  
23 is the notebook of Senior Constable Poke. Have you  
24 examined this notebook before?---No, I have not.

25 If we could go to p.1997.

26 HIS HONOUR: I take it, that's for the same reason as you  
27 explained in relation to the running sheet; you assume  
28 anything relevant's in the statement?---I only read the  
29 statements, I didn't go back way past any of that.

1 MR RUSH: You see, without going into the detail, at the top  
2 of the page, description of what she found, in the  
3 middle of the page: "Kept calm, reassured. He said  
4 'I'm fucked, help me'. Said 'On foot, two. One by  
5 foot. 6'1. Check shirt. Dark Hyundai. Dark hair.  
6 DHR'. He said, 'I'm fucked, get them', repeated over  
7 and over." Again, if that note was made prior to  
8 attending at Moorabbin Police Station, direct  
9 conversation here purported by Ms Pope between her and  
10 Mr Miller, it should have gone in the  
11 statement?---Absolutely.

12 Just for clarity, I think at the committal hearing Ms Poke  
13 said, in relation to the second line, "He said on foot,  
14 two. One by foot, six foot." She said "one", she's  
15 saying that wasn't one inch, it was one - she said at  
16 the committal: "One check shirt, dark hair", for her  
17 identifying two offenders?---Correct.

18 I've asked you about police practices of not including  
19 descriptions of offenders in statements. What about  
20 the practice of the preparation of a second statement  
21 containing additional or amended information, sign and  
22 backdate second statement, dispose of first statement.  
23 Are you aware of that?---You've lost me there.

24 Okay. A second statement that contains additional or  
25 amended material in it, it's signed and backdated and  
26 the first statement is disposed of?---That should never  
27 happen. As I said, it should be a statement which says  
28 "I previously made a statement, I now make my second  
29 statement", and away you go.

1 The preparation of a second statement containing that  
2 information and dating it correctly but disposing of  
3 the first statement, you're saying it's not something  
4 that should happen. Are you aware of that?---As a  
5 practice?

6 Yeah?---No.

7 Not aware of it in homicide?---That you add something in and  
8 then backdate the statement? Is that what you're  
9 putting to me?

10 Yeah?---No.

11 Again, if we go back to Exhibit 50, down the page, this is  
12 Ms Poke's - I think it's actually on someone else's  
13 Facebook. You see, going down a bit further, in about  
14 the fifth line, "It was about two years later." It was  
15 about - - -?---"Two years after the statement?"

16 "It was about two years later when they realised they didn't  
17 have one from me", meaning a statement?---Yeah.

18 "I did not mishear right, how could I? Or furthermore, how  
19 could the six of us all mishear what he said? I was  
20 eventually told to make a statement without all the  
21 evidence on my running sheet and day book. Leave it  
22 out they said, no conversation or description. Ferkin  
23 two years after that statement I get dragged into  
24 Lorimer and told to put it all back. But no, the  
25 ferkin elite of the elite don't make it a second  
26 statement, it's an altered first statement with the  
27 fourth page acknowledgment and jurat from the first  
28 statement perfectly fitted, not re-witnessed and dated.  
29 So then the ferkin brain surgeons shred the wrong

1 statement, place the first statement on the hand up  
2 brief served on the filthy ferkers." Tell me, you have  
3 concerns about the conduct of Operation Lorimer, don't  
4 you?---I - I had concerns around the statement-taking  
5 process.

6 And - - -?---Because - because when I look at the key  
7 statements, the conversations which are crucial  
8 basically don't appear until two years later or  
9 thereabouts. There is one member on the night, I think  
10 it's Gardiner, who says the man who - the police  
11 officer who finds the gun has a conversation with Rod  
12 and talks about, they were both on foot or something  
13 similar. But then you go to the person who found the  
14 gun, which was Glenn Pullin, the statement which  
15 appears on the brief doesn't have that conversation,  
16 it's very, um, I'd say wishy-washy, doesn't - it's not  
17 chapter and verse. Then you have Tony Clarke who says,  
18 "I was there. Glenn Pullin had a conversation with the  
19 dying member, this is what Miller said to Pullin."  
20 Then later on Clarke makes a second statement which is  
21 probably concerning to me; he then says, "No, I had the  
22 conversation." Now, on the night, I know things are  
23 hectic, it's fast-moving, but I would be pretty sure  
24 you'd remember you had a conversation. The second  
25 statement is dated nearly two years after the incident,  
26 it's purported to be Mr Buchhorn taking the statement  
27 sitting at a typewriter, the way I see the end of the  
28 statement, and it's "statement taken by me" and I think  
29 it's 1.04, and the acknowledgment is done at 1.06. But

1 the originally not typed acknowledgment is "Homicide  
2 Squad Operation Lorimer." That's crossed out and  
3 written in pen, "Cheltenham Police Station", I think.  
4 If the member is sitting beside Mr Buchhorn, and  
5 Mr Buchhorn is typing that statement, he's clearly put  
6 the time in, 1.04, because that's typed, he's clearly  
7 put the other time, 1.06; why wouldn't you change the  
8 location and type it? So, they were the concerns for  
9 me around the statements. And then, I didn't go and  
10 pursue it, I failed. But it had been through a Supreme  
11 Court, I made a reference to it in my final report  
12 that, just something didn't seem right about it.

13 I'm going to come to it, I'm sorry, in more detail, but when  
14 you were secretary of the Police Association you had a  
15 conversation with Mr Pullin and you indicate that  
16 Mr Pullin in that conversation, I think on 15 March or  
17 14 March - - -?---14 March.

18 - - - 2015 indicated to you that he had in fact made two  
19 statements?---Correct. What had happened is, I had a  
20 message on my phone to ring Glenn Pullin, which I did;  
21 it was about another issue about some worker's  
22 compensation.

23 I'm jumping ahead a bit, but prior to the publication in The  
24 Herald Sun of those two statements in November 2017,  
25 you had communications with Mr Anthony Dowsley, the  
26 journalist responsible for that article?---Yes, I did.  
27 He has provided an affidavit, or we have an affidavit which  
28 is Exhibit 2, and an attachment to that affidavit is  
29 what Mr Dowsley says, at p.12 of Exhibit 2,

1 paragraph 11. He's deposed to getting hold of the  
2 second statement of Pullin: "Somewhat later The Herald  
3 Sun received in the mail another document, the  
4 background document related to this matter. This  
5 document provides or purports to provide some  
6 background to Pullin's involvement at the scene of the  
7 murders and subsequently. I believe that this  
8 background document was written by or on behalf of  
9 Glenn Pullin." That document commences at p.32 of the  
10 affidavit. The first paragraph there, you see it's  
11 written in the first person: "I have been summoned to  
12 be examined here today about events that I have spent a  
13 full third of my life trying forget", and he goes on  
14 about his story being well documented. I want to take  
15 you to p.36, where he continues on in a very lengthy  
16 document. For the purposes of the question, I'd ask  
17 you to assume that this is in fact written by Mr Pullin  
18 and he refers to the conversation he had with you on  
19 the telephone in March 2015. You see the last full  
20 paragraph on that page, he said: "Iddles informed me he  
21 was conducting some sort of a review of the  
22 investigation and that he believed he could prove that  
23 one of the offenders was not present at the shootings.  
24 Iddles informed me that the Chief Commissioner of  
25 Police had asked him to review the case due to give  
26 evidence. He said he'd identified that at some point  
27 in the investigation the task force were put in a  
28 position where they needed to create a second  
29 defendant. Iddles named three members of the Lorimer

1 Task Force, I'd heard of only one of these and said  
2 they had acted poorly, that they had informed him that  
3 some of the members had changed their statements to  
4 fall in line with how the case should be run as opposed  
5 to the evidence." Now, as difficult as it may be,  
6 Mr Iddles here, firstly, is what is set out for the  
7 purposes of the question by Mr Pullin of his  
8 conversation with you, does that represent the  
9 substance of the conversation?---No, it doesn't.

10 Did you tell him three members of the Lorimer Task Force had  
11 acted poorly?---No.

12 Were you, at that stage, privy to information that members  
13 of the Lorimer Task Force had acted poorly?---No, I was  
14 not.

15 Or that statements had been changed?---Only my initial  
16 concern around the statements and timing of statements.

17 Do you have notes of your conversation with Mr Pullin?---I  
18 did have notes, but when I left The Police Association  
19 they were destroyed because I was informed this matter  
20 was finished.

21 So are you saying to the Commissioner that notes that you  
22 had taken of this conversation?---My statement is made  
23 from the notes that I had. At the end of the first  
24 inquiry by OPI I got a letter to say, the matter's  
25 finished, it's finalised, so when I retired everything  
26 that I had went back to Victoria Police, anything that  
27 I had at the association was destroyed.

28 But you had a major concern about Pullin and the making of  
29 the second statement?---Oh, there were - there were

1 others that probably concerned me, but Pullin was one  
2 and, as I said, I fail - I didn't go down that path, it  
3 had been canvassed heavily at the Supreme Court. I  
4 read and I made a note that I had concerns around the  
5 statement, particularly that the ones that were taken  
6 18 months, two years later, had the conversation in it  
7 which was crucial to the whole investigation; whereas  
8 on the night the only conversation that was in the  
9 statement was the one of Gardiner, and he says that  
10 conversation I overheard by the man - the police  
11 officer who found the gun, and from my investigating I  
12 knew that was Glenn Pullin.

13 You were very keen to get a statement from Mr Pullin,  
14 weren't you?---After he told me what had occurred, yes,  
15 I was.

16 Insofar as he has - taking it's him - referenced the poor  
17 conduct of three persons in particular as you having  
18 told him that, one of these he knew of, you say that at  
19 no stage did you say that?---No.

20 Tell me, in March 2015, were you concerned about the conduct  
21 of Detective Sergeant Buchhorn?---Yes, I was.

22 Why?---On the basis of what Mr Pullin had told me, that  
23 Mr Buchhorn had approached him and said, um, "We've got  
24 a problem, we need you to make another statement.  
25 There are other members who say you heard - you had a  
26 conversation or you heard a conversation. For all this  
27 to work we need you to make a statement. The other  
28 member involved is a bit of a dickhead, we think we can  
29 trust you to do this, and all we want you to do is to

1 make another statement." Pullin said, "I can't  
2 remember whether there was a prepared statement or  
3 whether I actually made another statement to  
4 Mr Buchhorn." I said, "Did it concern you?" He said,  
5 "Yes, it concerned me but I was told that it had to be  
6 done that way so that everything fitted in."

7 At that stage, were you aware of the Pullin statement having  
8 been signed in 2001?---What I was aware of is, there  
9 was one statement in existence which was the statement  
10 on the brief which was signed at 4.25 am on the morning  
11 of the 16th. So, he was telling me he makes two  
12 statements - - -

13 No, I think my question's a different one, and I beg your  
14 pardon, I withdraw the question. I meant to say  
15 "Poke." Were you aware of the Poke statement that was  
16 signed in 2001, re-signed but crossed out and Buchhorn  
17 taking it, question 2?---I was aware that there was a  
18 statement of hers which was witnessed in 2001, yes.

19 And aware of the crossing out of the clause in relation to  
20 that statement in 2000?---And that was witnessed by  
21 George Buchhorn, and now Mr Pullin's telling me George  
22 Buchhorn approached him and told him to change his  
23 statement.

24 Did you do anything to clarify the position with  
25 Mr Buchhorn?---No, because I was in a difficult  
26 position.

27 As secretary of the TPA?---I was on leave from Victoria  
28 Police. Victoria Police had told me they weren't  
29 interested in pursuing anything to do with the

1 Silk-Miller matter and I accepted that. So, then my  
2 next port of call was to the Office of Public  
3 Prosecutions, which I rang, I think Richard Lewis who  
4 looked after homicides, on the Monday morning and said,  
5 "Look, this is what Glenn Pullin's told me." The  
6 advice was, well, we've decided it's a matter for the  
7 defence and I'd already had a brief conversation with  
8 Mr Rob Stary on the Saturday about what Pullin had told  
9 me. I then left it thinking, well, my obligation's  
10 finished, but it caused me, I suppose, concern that I  
11 had either uncovered misconduct, something that wasn't  
12 proper, and I believed as still a serving member of  
13 Victoria Police, I had an obligation to tell a superior  
14 officer. I then made an appointment to see the Chief  
15 Commissioner, and I think that was early June 2015, and  
16 I told him what I'd been told by Pullin. And his  
17 advice: "Well, you do what you have to do." So I went  
18 to IBAC and I said, "That's where I'm going."

19 HIS HONOUR: You said earlier, Mr Iddles, that you hadn't  
20 reached any conclusion about whether or not there was  
21 impropriety by members of the Lorimer Task Force  
22 associated with the taking of statements, but your  
23 instincts were that something was wrong; is that a fair  
24 estimation?---That's correct, and it was based around  
25 the fact that the crucial statements that related to  
26 the conversation were all taken 18 months later. There  
27 was only one statement that referred to the  
28 conversation on the night, and that was Gardiner's  
29 statement, and he says, "Well, I heard this other

1 policeman ask the question", so he's got it in his  
2 statement. But then when you go to Pullin's statement  
3 which appears on the brief, the conversation's not  
4 there, it's - it's very watered down, but then it's  
5 gone to the point of saying, "Well, I was looking after  
6 Rod but others were asking him questions", as if,  
7 well - but then when - well, the next statement  
8 arrives, there's no conversation, it's just "Silky's  
9 dead." But I didn't have that at the time, it's around  
10 the fact that the statements are made well after the  
11 incident that you start to think, something's not  
12 right.

13 And, in the light of what counsel assisting's explored with  
14 you this morning, what's your position now?---Oh, I  
15 can't believe that, um - if a member has something  
16 written on a running sheet, if a member has something  
17 in a notebook and they have that there present with  
18 them, put it in the statement. I don't get it. I  
19 can't understand it. What's the reason not to put it  
20 in there? This is crucial information which purports  
21 to come from the dying police officer, it should be in  
22 there.

23 I don't want to put words in your mouth, Mr Iddles, you're  
24 too experienced to let that happen anyway, but does  
25 that really mean two things: (1) the statement-taking  
26 practice was unsatisfactory; had it been done  
27 correctly, then some of the concerns that you had may  
28 have disappeared?---Yes, I - I think so, but I think  
29 there's a failing here and I'm only speculating. At

1 some stage a senior police officer should have sat down  
2 in that first week, gone over all the statements and  
3 gone, hang on a minute, we're missing some conversation  
4 in this statement, we're missing conversation in there.  
5 I know investigations are flexible, dynamic, everything  
6 is changing, but there has to be someone who is  
7 responsible for that. The second part is, let's list  
8 every member that went to that scene on the night,  
9 let's make sure we've got it. If you take a statement  
10 from Helen Poke two years later that's got vital  
11 conversation, something went wrong in the initial stage  
12 and then when you go back, you can't take a statement  
13 and then purport that it's done on the night, like,  
14 listen by the way we're gonna fix this, put it all in  
15 this one statement so that no one will ever know that  
16 we've taken a second statement - you can't do that.

17 MR RUSH: Mr Iddles, that is particularly so where, as here,  
18 as I'm putting to you, a call went out to each of the  
19 police officers that attended, first responders that  
20 attended, to have their diaries and their duty returns  
21 and everything else, copies or the originals, sent to  
22 Operation Lorimer, so you would anticipate, would you  
23 not, that they would be checked against the  
24 statements?---Yes, and you would do that to make sure  
25 that there's not something in the members' notes that  
26 hasn't been explored that's not part of the statement,  
27 that all of a sudden you've got an eyewitness, so yes,  
28 it's important to get those and it's important to read  
29 them.

1 HIS HONOUR: Unless there was a practice to leave that  
2 relevant information out until a later date?---Oh, I  
3 can't answer that, like, it wasn't my practice, there  
4 are other senior sergeants I'm sure who didn't practice  
5 that.

6 There's only two explanations, aren't there, Mr Iddles? One  
7 is, we have a series of incompetent investigators who  
8 didn't realise what relevant evidence there was, or  
9 alternatively there was a practice to leave certain  
10 relevant evidence out?---I would say that, you know,  
11 most of those investigators, I believe, were competent,  
12 right.

13 Yes. So then what - - - ?---It can't be Grant Kelly on his  
14 own saying, well, we're not gonna lead - I'm the one  
15 that's gonna say, leave that description out. Whether  
16 there's someone in a senior position says, listen, when  
17 we take statements, we're gonna leave it out. It  
18 jeopardises your whole investigation, you need that  
19 there at the start, not two years down the track or  
20 18 months down the track. The crucial conversations  
21 don't come until 18 months later.

22 MR RUSH: I know you've said that you had no role in  
23 Operation Lorimer. I want to suggest that you did  
24 swear a number of affidavits for search  
25 warrants?---Highly possible.

26 What's involved in that? I mean, is that a formality  
27 or?---Another member would come to you with an  
28 affidavit, you'd read the affidavit. You might say,  
29 hang on a minute, can you change that, or that doesn't

1 flow sequentially, or you might accept it as it is.  
2 The member would then swear the contents of the  
3 affidavit's true and correct and you acknowledged it.  
4 Just for the purposes of going through it, at Exhibit 7,  
5 p.140, is one of those affidavits. The address there  
6 is given, "Homicide Squad, Operation Lorimer, 412  
7 St Kilda Road." I'll take you to paragraph 2:  
8 "Investigators believe there'd been Bandali Michael  
9 Debs, Jason Roberts are involved." Is that something  
10 that's put in front of you, or do you check that prior  
11 to making such an affidavit?---No, you accept that, but  
12 that affidavit is well into the investigation.  
13 That's after the arrest, I think, in September 2000.  
14 Certainly, you were familiar enough, I take it, with  
15 what was going on with Operation Lorimer to know of the  
16 investigation having identified two people?---Correct,  
17 and I was - the only part that I had was I went to New  
18 South Wales and I executed a warrant on the house of  
19 Bandali Debs' mother.  
20 Just so we understand, in late 2012 you commenced a review  
21 of the Silk-Miller homicides?---Correct.

22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]  
27 [REDACTED] [REDACTED]  
28 [REDACTED]  
29 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED] [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED] [REDACTED]  
26 [REDACTED]  
27 [REDACTED]  
28 [REDACTED]  
29 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED] [REDACTED] [REDACTED]  
13 [REDACTED]  
14 [REDACTED] [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]

18 Exhibit 132, p.2878, that's the first page of the report.  
19 If I could ask you to turn to p.2882 under the heading,  
20 "One or two offenders." At the first paragraph you  
21 say: "There was conflict around this particular point.  
22 There is no witness who ever saw two offenders.  
23 Statements of Sherrin, Bendeich, Clarke, Pullin and  
24 Poke refer." Were those statements examined by you or  
25 by those working with you?---I was the only one to look  
26 at Sherrin, Bendeich, those statements.  
27 So Sherrin and Bendeich, just to be clear, were persons that  
28 drove past the Hyundai in Cochranes Road after it had  
29 been stopped by Silk and Miller?---Correct.

1 And they saw, as they drove past, one person apart from the  
2 two police officers?---Correct, and then they turned  
3 around and saw the shadow stood by the driver's door.  
4 Well, they didn't immediately turn around. They drove down  
5 the road approximately 100 metres, went behind the  
6 building line and made observations from approximately  
7 100 metres away?---Correct.

8 And saw persons that they made assumptions as to who they  
9 were in the headlights of the vehicle?---Yes.

10 I'm not being critical of this, but as best you understand  
11 it, there was no examination outside the statements of  
12 the base sort of material that we've gone to of duty  
13 returns, running sheets, diaries and notebooks?---That  
14 I conducted?

15 Yes?---I only looked at the paper statements, I didn't go  
16 beyond that.

17 HIS HONOUR: Did you include in this report, Mr Iddles, the  
18 concerns that you repeated a number of times about the  
19 absence of material in the statements?---Ah, no, I  
20 didn't.

21 Why not?---As I said before, this was - this was a very  
22 difficult thing for me and you're there being critical  
23 of your fellow members. I probably took the middle of  
24 the road and I shouldn't have, I should have gone  
25 further, but I have to wear that, I have to live with  
26 that. I probably failed the APP, I probably failed  
27 maybe the Silk-Miller family, I don't know. But you -  
28 I didn't expect, if I went and saw Glenn Pullin and go,  
29 "Guess what? By the way Ron, I tell you, I made two

1 statements and I backdated it", like, that's just -  
2 wasn't in my - my thinking. The thing that concerned  
3 me was, the crucial conversations were after. It had  
4 been well and truly canvassed in the cross-examination  
5 in the Supreme Court, so I thought, leave it alone.

6 MR RUSH: You, as you've told us, went from homicide into  
7 The Police Association as secretary in March  
8 2014?---Correct.

9 It was, it seems, approximately a year later that you made  
10 contact with Mr Pullin, who by that stage had left the  
11 police force?---Ah, yes. I rang him in answer to a  
12 query that he had.

13 You were obviously aware that he was a person who had  
14 provided a statement as having been at the scene of the  
15 murders?---Correct.

16 At Exhibit 277, p.3351, what is set out there, Mr Iddles, is  
17 an affidavit that you made, if we can go to p.3353, on  
18 the 20th day of July 2015. If we go up the page, it  
19 was acknowledged, witness dated 20 July by Mr McKenzie  
20 who was the assistant secretary of the Police  
21 Association?---Correct.

22 This is an affidavit that you made after a statement, I  
23 think that you had prepared, for Mr Pullin, he refused  
24 to sign?---So that's a statement that I prepared which  
25 ultimately I took to IBAC.

26 Yeah, along with this affidavit?---No, that's my statement  
27 of - I don't recall ever making an affidavit to IBAC.  
28 No, no. A statement for Mr Pullin was prepared based around  
29 a conversation that you had had with him about two

1 statements?---Yes.

2 By the time of, obviously, the 20th day of July 2015, he'd

3 refused to sign the statement?---Correct.

4 If we go back to p.3351, in the third paragraph you say: "On

5 Saturday, 14 March 2015, I contacted an ex-member by

6 the name of Glenn Pullin. My reason for contacting him

7 was to deal with a WorkCover issue he had raised.

8 Glenn Pullin retired from Victoria Police 2003 as a

9 result of ill-health." To put that in context, what I

10 suggest in fact happened is, on 14 March you were

11 contacted by Senior Constable Abbey who was concerned

12 about the welfare of Mr Pullin?---No.

13 No?---I know exactly where I was on that day when I answered

14 my phone - well, the system was that you rang The

15 Police Association for after hours assistance and you

16 press the button, it could be welfare, it could be

17 legal, and I got a message on my phone, right, to ring

18 Glenn Pullin. I then rang Glenn Pullin.

19 So, who was the message from that was left on your

20 phone?---From Glenn Pullin.

21 So, if Mr Abbey were to say that he had received a call from

22 Glenn Pullin's partner who was very concerned about his

23 welfare, that he contacted you, and you indicated,

24 "Tell him we will provide all assistance" and that you

25 would then telephone Mr Pullin, Mr Abbey would be

26 wrong?---First - the first conversation - no, well,

27 later that day, I think it was around 6 o'clock I did

28 get a phone call from Peter Abbey. He said: "I've had

29 a phone call from Peter Pullin, he is stressed, he is

1 anxious, he can't believe that you've worked out that  
2 there's two statements, so I'm gonna go and see him."  
3 I said, "I'll tell you what it's about." I said, "I've  
4 done a review of the Jason Roberts' matter and I was  
5 concerned about some statements. He's now told me that  
6 he made two statements." So, the following day, the  
7 Sunday, I got another phone call from Peter Abbey  
8 saying, "Yes, I'm concerned about his welfare." I  
9 said, "Okay, we'll sort that out", you know. He was on  
10 an income protection plan, the money had run out, he  
11 needed money, he was seeing if we could help him out,  
12 see if we could go back and revisit his WorkCover  
13 claim, so the first contact that I had with Glenn  
14 Pullin was as a result of he ringing me or leaving a  
15 message on my mobile.

16 Could we have a look at Exhibit 201, it's not a critical  
17 point but to be fair to Mr Abbey I need to put this to  
18 you, Mr Iddles, at p.3057. In early March 2015 I spoke  
19 to Ron Iddles, the secretary of the Police Association  
20 about the welfare of a former police officer, Glenn  
21 Pullin, who I'd met approximately 12 months earlier."  
22 What I want to suggest is that you in fact met Mr Abbey  
23 at a conference at the TPA in March 2015?---No, there  
24 would have been a normal delegates conference.

25 He telephoned you, rather than Pullin, to indicate the  
26 welfare of Pullin was a consideration?---I can't recall  
27 that, and that's not a matter that, um, initially you  
28 would come to the secretary about. You would go -  
29 you'd go to the welfare officers.

1 Was there a welfare officer full-time at that stage?---Yeah,  
2 there was two welfare officers.  
3 A Mr - - -?---Kay Murphy and - just forget the name of the  
4 other, there were two full-time welfare officers.  
5 In any event, however it occurred, you were aware Mr Pullin  
6 had a condition as a consequence of his exposure to  
7 these events that we're talking about in August  
8 1998?---Yes.  
9 You phoned him about, initially I take it, those welfare  
10 issues?---I rang him, it wasn't around the welfare, it  
11 was around financial support and wanting us to do  
12 something in relation to his worker's compensation;  
13 he'd believed he'd been hard done by and only paid  
14 ██████████, and I said, "Look, until I get the file and  
15 look at it I can't make a comment but we'll do what we  
16 can for you."  
17 During the course of that conversation you raised with him a  
18 potential issue about his statements?---So I said,  
19 "Look, while you're there, I'll ask you a question:  
20 I've done a review of the Jason Roberts matter, your  
21 statement just concerned me", and he went totally  
22 quiet, and then he came back, you know, 30 seconds  
23 later and he said, "How do you know I made two  
24 statements?" And then he went on and told me what had  
25 happened.  
26 In that Exhibit 277, p.3351, down towards the bottom of the  
27 page, see there: "I asked Glenn about the statement he  
28 had made and mentioned that I thought there was an  
29 issue with it or the date it was actually made." What

1 was it about Pullin's statement that led you to believe  
2 there was an issue with it, about the date?---No, well,  
3 I - it was the date or the time or could have even been  
4 the contents, but something just didn't sit right when  
5 you look at the other statements about, he is the one  
6 who's meant to have had the detailed conversation and  
7 it's not in his statement, it's very broad in his  
8 statement. And I think, if you've had a very detailed  
9 conversation where they say, two offenders, one on  
10 foot, one in the car, dark Hyundai, I would have  
11 expected to have seen that in his statement. So,  
12 couple that with the fact that other statements are  
13 made 18 months later, I just asked him the question,  
14 "Your statement concerned me."

15 So, you recall his statement as one specifically that  
16 concerned you?---I think there was more than one, there  
17 was three probably that concerned me.

18 Why the date it was actually made? It was set out pretty  
19 clearly, 16 August 1998 at 4.25 am; why?---Because the  
20 other statements of Clarke, but more so of Bradley - I  
21 forget his name now - Gardiner, says, well, the person  
22 who found the gun had this detailed conversation with  
23 him. I would have expected to see that detailed  
24 conversation in Pullin's statement. So, when it's not  
25 there, it's not just the date it's the whole context.  
26 But I might have said to him, "Well, it's - I have a  
27 concern about your statement, the date or the time."

28 Then you say in this affidavit: "Glenn said, 'How did you  
29 know? I thought only two members of Victoria Police

1           were aware I had made two statements'." Did he  
2           indicate who they would be?---No.  
3       Did you question him as to who they would be?---Not at that  
4           time, no.  
5       Have you now made any assumption as to who they would be?  
6           Well, let me be frank - - -?---Well, let me put it -  
7           well, George Buckhorn clearly is one. Now, I don't  
8           know when Glenn says two, is it George and two others,  
9           or is it George and one other? But I do know there  
10          were three people who were responsible for compiling  
11          the brief: that was Mr Sheridan, Mr Collins and  
12          Mr Buchhorn. So, I don't - other than that, I can't  
13          say whether they're involved or not.  
14       HIS HONOUR: When you said what you did to Pullin that led  
15          to his response, "How did you know there was two  
16          statements", was there something in the content of what  
17          you said to him that would have conveyed to him, that  
18          caused him to think you knew something about the  
19          content of the statement so as to be able to say  
20          they're different?---No. I didn't know he'd - I didn't  
21          know he'd made two statements until he told me.  
22       No, I understand that, but I'm just trying to ascertain on  
23          what basis he leapt to the conclusion that you knew -  
24          that he thought you knew there were two  
25          statements?---Other than, I said I had a concern about  
26          his statement, and he went quiet and then he comes  
27          about, "Well, how did you know?", and I didn't answer  
28          that.  
29       There's no doubt in your mind at all though that his memory

1 was such that he was able to immediately confirm there  
2 were two statements?---Correct, and I had it  
3 reconfirmed when I went and visited him again.

4 Did he ever show any sign of poor memory on that  
5 issue?---No, he - I say he gave considerable detail;  
6 like, he knew who had visited him, he knew what it was  
7 about. I didn't question him about it other than  
8 accepted what he said.

9 You understand the IBAC inquiry, earlier inquiry, ground to  
10 a halt because Mr Pullin denied on oath that he had  
11 ever said such a thing, or rather, that there were two  
12 statements?---Ah - well, I understood from what I was  
13 told that he said, "Yes, I told Ron, but it's all  
14 bullshit, I only wanted him to help me out with my  
15 workers comp."

16 There were no two statements?---Correct.

17 MR RUSH: Is that a convenient time?

18 HIS HONOUR: Certainly. What's your estimate, Mr Rush?

19 MR RUSH: I'll be probably another 30 minutes to 45 minutes.

20 HIS HONOUR: Yes. What are you proposing is the next  
21 witness then, Mr Rush?

22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]  
27 [REDACTED]  
28 [REDACTED]  
29 [REDACTED]

1 [REDACTED]  
2 [REDACTED] [REDACTED]  
3 [REDACTED] [REDACTED]  
4 [REDACTED]  
5 [REDACTED] [REDACTED] [REDACTED]  
6 [REDACTED] [REDACTED]  
7 [REDACTED]  
8 [REDACTED] [REDACTED]  
9 [REDACTED] [REDACTED]  
10 [REDACTED] [REDACTED]  
11 [REDACTED] [REDACTED]  
12 [REDACTED] [REDACTED]  
13 [REDACTED]  
14 [REDACTED] [REDACTED]  
15 [REDACTED]  
16 [REDACTED] [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED] [REDACTED]  
20 [REDACTED] [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED] [REDACTED]  
25 [REDACTED] [REDACTED]  
26 [REDACTED] [REDACTED] [REDACTED]  
27 [REDACTED]  
28 [REDACTED] [REDACTED]  
29 [REDACTED]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

[REDACTED]

We'll adjourn until 2 o'clock. Thanks, have a break,  
Mr Iddles.

<(THE WITNESS WITHDREW)

Lunch Adjournment: [1.06 pm]

1 UPON RESUMING AT 2.02 PM:

2 HIS HONOUR: Yes, Mr Rush.

3 MR RUSH: Thank you, Commissioner.

4 HIS HONOUR: You had a good break, Mr Iddles?---Yes, thank  
5 you.

6 MR RUSH: We were looking at Exhibit 277, Commissioner. (To  
7 witness) If we could go down the page, towards the  
8 bottom of the page you set out there what Mr Pullin  
9 said to you. I take it, when you prepared this  
10 affidavit, that was something you put together from  
11 your notes that you then had?---Correct.

12 He indicated there were two statements, and then you have  
13 him as quotation marks, I take it using words to the  
14 effect of: "I had been approached by George Buchhorn  
15 who was a detective sergeant working on the  
16 investigation. George mentioned to me that another  
17 police officer had heard me having a conversation with  
18 Rod Miller as I was holding him at the time of the  
19 shooting. This conversation was not in the statement I  
20 had previously made about the events of the night.  
21 George told me the other member was a bit of a dickhead  
22 and they needed to rely on me for the conversation. I  
23 could not remember whether I had a conversation with  
24 Rod Miller or not, but to the best of my recollection I  
25 had not spoken to Rod, I was just comforting him.  
26 George told me the second statement was needed so as to  
27 make all things fit. I'm not sure if the statement was  
28 already prepared for me in advance or I made my second  
29 statement to George Buchhorn. When I was called to

1 give evidence at the committal I asked George Buchhorn  
2 about my first statement. He told me only my second  
3 statement made it into the brief and not to mention the  
4 fact I had made the first statement." Now, as best you  
5 could write it down in the telephone conversation, that  
6 is what you were told by Mr Pullin?---Correct.

7 He went on to tell you, "The making of a second statement  
8 did concern me a little bit but, as it was put to me,  
9 another police officer had overheard my conversation  
10 and, for whatever reason, I had not included it in my  
11 first statement." Again, they were the substance of  
12 words used to you in this telephone conversation with  
13 Mr Pullin?---Correct.

14 I think you go on to say that you then contacted Mr Robert  
15 Stary, solicitor for Roberts?---Correct.

16 Just, why was that?---I'd previously been told Victoria  
17 Police weren't interested in pursuing it, the matter  
18 was finalised. The Office of Public Prosecutions,  
19 although told me Monday - had told me it was a matter  
20 then for Mr Rob Stary and his legal team, so I thought,  
21 who do I tell? Well, I'll tell somebody, so I rang the  
22 person who was representing Jason Roberts.

23 Then you refer to a conversation you had with Senior  
24 Constable Abbey, who informed you that he'd been down  
25 to McGaffin to see Mr Pullin, because he'd phoned  
26 Mr Abbey who was very stressed about you knowing about  
27 the second statement?---Correct.

28 You say then you explained to Mr Abbey the circumstances of  
29 a review that you conducted?---Correct.

1 You say you spoke to the Office of Public Prosecutions on  
2 the Monday?---Yes.

3 Do you recall who you spoke to there?---I believe it was  
4 Mr Richard Lewis.

5 A solicitor at - - -?---A solicitor who was in charge of  
6 homicide investigations.

7 What response did you get from Mr Lewis?---Similar to  
8 previous, "It's a matter now for the defence, we're not  
9 pursuing it. If they want to put up for a petition of  
10 mercy or do something, it's a matter for them."

11 Then you go on to say on 22 June you prepared a statement  
12 for Mr Pullin and forwarded it to him by  
13 email?---Correct.

14 You don't have a copy of that email, I take it?---No.  
15 I'll just stop there. I want to suggest to you, between  
16 15 March and 26 March, but more likely according to  
17 Mr Abbey on 26 March, you and Mr Abbey in fact went to  
18 McGaffin to see Mr Pullin?---Correct.

19 You don't refer to it in this affidavit?---No, I don't.

20 Was that a welfare visit or was it for the purposes of the  
21 investigation?---I think it was two-fold: Peter Abbey  
22 was seeing him about his welfare, I wanted to see him  
23 about whether he would make a statement, but at that -  
24 at his house in McGaffin he reiterated what had taken  
25 place.

26 When you say "he reiterated what had taken place", you say  
27 that he reiterated the substance of what we've  
28 read?---Correct.

29 Was Mr Abbey there when that occurred, present, or

1 did - - -?---He - we both went in separate cars, we  
2 arrived and didn't go in until we were both together.  
3 Okay?---He was in the house within a short distance of where  
4 I was talking to Glenn; he may have heard it, he may  
5 not have.

6 By 27 June, which is the last line referred to on p.3352,  
7 Mr Abbey was working full-time at the TPA?---Yes.  
8 You requested him to make arrangements for the signature to  
9 go in Mr Pullin's statement?---I'd sent Glenn a copy of  
10 the statement. I gave a thumb drive to Peter Abbey  
11 with a printed out copy, so that if he went down there  
12 he could access his own computer if it needed to be  
13 changed, and the message that came back was: "Not until  
14 Victoria Police apologise for what they've done to me,  
15 I'll never sign a statement."

16 Have you had any conversation with Mr Pullin in the lead-up  
17 to asking him to - or arranging for that statement and  
18 sending the email?---No.

19 And none since?---No.

20 I want to turn to a different matter. After the publicity  
21 concerning - just for clarification, if we have  
22 Exhibit 76, p.1977. That's the front page of The  
23 Herald Sun on Tuesday, November 21, 2017. How is it  
24 that - did Mr Dowsley get in touch with you? What were  
25 the circumstances of it?---I think it was sometime,  
26 could have been October that year, 2017, I received a  
27 phone call from Mr Dowsley. I went and met him in  
28 Exhibition Street for a coffee and he said, "I want to  
29 show you something" and he showed me another statement

1           which was alleged to have been made by Paul.  
2       That would be on, what you're saying, three to four weeks  
3           before this Herald Sun exposure?---Correct, and then it  
4           could have been 8 or 9 November, because I know I was  
5           back in Melbourne, I met with Mr Dowsley and Charlie  
6           Bezzina, we had breakfast, and then Charlie Bezzina was  
7           then shown both statements.

8       Had Mr Bezzina seen the second statement, or the statement  
9           that you showed him, prior to the breakfast  
10          meeting?---No, not to my knowledge, no, definitely not.

11       Did he explain to you at the breakfast meeting how it is  
12          that his signature appeared on two different  
13          statements, but statements that had been made, or  
14          purported to be made on the same date at the same  
15          time?---Well, he found it very difficult, other than,  
16          initially he thought is this a cut and paste of my  
17          signature in the block? And then when he looked at  
18          both documents he thought, "No, I don't think that's  
19          right, somehow I've signed both documents." And he  
20          said, "Maybe someone's just come to me, oh, we've  
21          reformatted the statement, we just need your signature  
22          on the bottom", and he said, "I haven't looked at it  
23          and I'll sign it", he said, "That could be the only  
24          explanation."

25       Both of you - - -

26       HIS HONOUR: Sorry, Mr Rush. (To witness) And that  
27          explanation can't be right if the objective evidence  
28          shows that that second statement was made at a much  
29          later point in time?---Ah, yes, but the explanation

1           when that statement is put in front of him, from  
2           whoever puts it in front of him, might say, "We  
3           reformatted the statement and we're actually out of a  
4           page, right, so just sign the jurat." That won't - so  
5           the day - he might think he's signing the original  
6           statement, but it's actually got a lot more material in  
7           it. I can't answer for him but that's what we  
8           discussed that morning, he's trying to come up - "Well,  
9           it's my signature, I had to have signed it, but I can't  
10          explain how I signed it."

11       MR RUSH: On the scenario you've put forward, surely you  
12          would expect Mr Bezzina to look at a statement that  
13          says it's been made at Moorabbin on 16 August 1998 at  
14          4.25 am?---Well, look, I - I can't answer him - yes, I  
15          would have expected him - to have at least read the  
16          document.

17       By that stage, and certainly at the breakfast meeting, you  
18          were aware that Mr Pullin had said that he had been  
19          requested to make a second statement by Detective  
20          Senior Sergeant Buchhorn?---Correct.

21       Did you convey that information to Mr Bezzina?---At that  
22          meeting?

23       At that meeting?---Yes. Yes, I did.

24       Did you or Mr Bezzina contact Buchhorn to ask how it  
25          occurred that Mr Bezzina's signature was on this second  
26          statement?---No, I definitely didn't.

27       Why wouldn't you do that?---Well, what's he gonna say to me?  
28          "Ron, you're full of shit", right. I'm being honest  
29          here. Why would I go to a policeman who on the surface

1 appears to have fabricated a statement? There was only  
2 one place for this to go to, and that was IBAC.  
3 You and Mr Bezzina were interviewed by Mr Neil Mitchell on  
4 3AW?---Correct.  
5 I think that interview occurred on the same day as The  
6 Herald Sun article?---Yes, it did, in the morning.  
7 Perhaps we could have a look at that, Commissioner, it's  
8 Exhibit 431, p.5106. (To witness) I just want to take  
9 you to the paragraph that commences: "At - well."  
10 Mr Bezzina is saying: "I'm sure to a degree, because  
11 the conversation is so significant. I've taken that  
12 statement hours after the murder." Now, again, to use  
13 that word "taken" is, on the basis of what we've  
14 discussed this morning, different to Mr Pullin typing  
15 it up himself?---Correct.  
16 "Had that been said to me at the first instance by Pullin  
17 that would have immediately sent back to the command  
18 post where the scene was to say, guys, we've now been  
19 confirmed we're looking for two people. That's not the  
20 case at all." So, it would appear, if we take that at  
21 face value, that Mr Bezzina, at the time he was at  
22 Moorabbin, was unaware of any police officers reporting  
23 or stating that they had received information from  
24 Mr Miller to the effect there were two  
25 offenders?---Correct.  
26 "So, it's a nonplus. Now, let's say for example I took the  
27 first statement of Pullin without the conversation and  
28 at the end I've signed it off, time and date, as I  
29 have. Then he said, 'Oh geez, Charlie, look, I've

1 remembered I did have a conversation with Miller,  
2 Miller told me certain things'. The first statement  
3 would still exist, I would have said I'd previously  
4 made a statement, the times would have been different."  
5 So that's what you would expect if there was to be a  
6 further statement after the first statement had been  
7 completed?---Yes, correct.

8 Then, if you go over the page, he says at line 24, Mitchell  
9 asks: "Okay, possibly sign it without reading it?"  
10 "Absolutely." "And it's common?" "Yeah, it's common  
11 because with the amount of statements we take as  
12 investigators and especially a witness statement, and I  
13 knew I took that witness statement some times previous,  
14 so I had no reason to go through with a fine tooth comb  
15 or question that the detective who had approached me  
16 whoever that was." So, is that something - obviously  
17 Mr Bezzina's referring to - you've referred to is a  
18 practice that, however it happens, is a practice that  
19 is accepted as being okay?---I've said that I have done  
20 it when someone comes to me, and if they say that they  
21 acknowledge that the statement is - "I hereby  
22 acknowledge that the contents are true and correct and  
23 I make it in the belief that the person making a false  
24 statement in the circumstances is liable to penalties  
25 of perjury", that member's made their statement. There  
26 are times when I have signed it without reading it  
27 because the member's already attesting that what he's  
28 saying is accurate and he knows he's liable to  
29 penalties of perjury.

1 Tell me, what are the circumstances that would occur where a  
2 witness statement prepared, in this case on the morning  
3 of the murders, would have to be reformatted?---Re?  
4 Formatted?---Well, we had a system in the Homicide Squad  
5 that every statement eventually was reformatted  
6 because, for presentation, they wanted to have the same  
7 font, the same spacings, so you would get a statement,  
8 but you wouldn't get - you wouldn't have to go back and  
9 get a statement signed again. Because what you've got  
10 is, you've got the original statement taken - let's say  
11 this one: the first statement that - so. The original  
12 statement might have a date and time on it; you can  
13 look at the reformatted statement and they will be  
14 identical.

15 So that would be a statement that - - -?---So you wouldn't  
16 get - you wouldn't go and get the reformatted statement  
17 signed, you wouldn't have to, because you've always got  
18 the original.

19 But that would be a reformatting of a statement that was on  
20 the police computer system?---Correct.

21 So here, as I understand the evidence of Mr Bezzina will be  
22 that that was not what happened at Moorabbin, that this  
23 statement was, I think, typed, he says, onto a computer  
24 at Moorabbin and then copied and then deleted. So,  
25 there would be no reformatting in the manner that  
26 you've spoken of?---Yes, there would be, because they  
27 would give it to a typist who would type that statement  
28 onto the system so that all the statements were  
29 recorded in a directory, and it wouldn't be re-signed,

1           it's just saying this is a copy of the original but  
2           we've reformatted so that it's one and a half spacings  
3           and the paragraphs are all the same, and that's what  
4           you'd see on the brief.

5       As you say, it wouldn't be re-signed, it would be typed up  
6           and prepared for the committal brief?---Correct.

7       And there would be no need to re-sign it?---No, you don't  
8           need to because the original statement will speak for  
9           itself.

10      And so, the second statement that we have here is not such a  
11           statement; it's not been reformatted for the purposes  
12           of committal hearings?---No, this statement has  
13           additional material put in it purported to be signed on  
14           the night of 16 August.

15      And you've examined it?---Yes.

16      It would appear to have been retyped?---Correct.

17      And even in the retyping there are spelling mistakes that  
18           differ from the original?---Correct.

19      If we put aside reformatting, we're just back to signing the  
20           statement because it was put under his nose?---Correct,  
21           I can't answer it.

22      HIS HONOUR: Well, that's one possibility.

23      WITNESS: Well, "Can you sign this Charlie", without even  
24           looking at the document. Might have only been the back  
25           page.

26      HIS HONOUR: When you told Mr Bezzina at your meeting with  
27           him that you'd been told by Pullin that Buchhorn had  
28           said, "You've got to make a second statement and add  
29           some important things do it", what did Mr Bezzina

1 say?---He was most irate, he thought that he'd been  
2 used somehow in a malpractice or that his name had now  
3 been dragged into something which he didn't know  
4 anything about, and I know he wanted to go and see  
5 Buchhorn, and I said, "Don't go and see him."

6 MR RUSH: Just to have one final look at it, Exhibit 593.  
7 Using your experience, Mr Iddles, on the left-hand  
8 page, what we call the first statement, you see the  
9 signature of Mr Bezzina is very close to the  
10 acknowledgment clause?---Yes.

11 If you look at the second statement, it's in a slightly  
12 different position?---Different position, yeah.

13 Mr Bezzina told you that, from his point of view, his  
14 signature as signed by him appears on both  
15 statements?---Correct.

16 HIS HONOUR: Would there be any circumstances, Mr Iddles, in  
17 which an officer could, some years after the date which  
18 appears on this statement, be asked to acknowledge, or  
19 rather complete the acknowledgment and sign it even  
20 though the date that was immediately above his  
21 signature was some years earlier?---Can you just repeat  
22 that again, sorry?

23 Yes. Can you think of any legitimate circumstance in which  
24 an officer, seeing the date on the statement was  
25 some years earlier, could sign a statement as an  
26 acknowledgment? Would there be any legitimate  
27 circumstance in which that could happen?---No.

28 Did you talk to Mr Bezzina about that?---He can't explain it  
29 other than, he says it's his signature, he must have

1 signed it, he can't explain the circumstances of  
2 signing it unless, he says, "Someone just put it there  
3 and I signed it."

4 MR RUSH: Two matters, Mr Iddles, to come back to. You said  
5 you'd seen, I think you said 1996 when you were dealing  
6 with members of the Armed Robbery Squad, statements  
7 that had descriptions of witnesses attached?---Yes.

8 Do you recall who those members were?---No, I don't, but I  
9 recall it was the murder investigation of Alexander  
10 McGaffin who was shot outside the Lower Plenty Hotel in  
11 1996.

12 And the names of the particular people, you don't  
13 remember?---I can't remember.

14 I appreciate that it was raised, but did you not think,  
15 having regard to the response that you have indicated  
16 came from some of those members of the Armed Robbery  
17 Squad to your reaction to that statement-making  
18 practice, that it was a matter that needed to be  
19 addressed by command?---Oh, in hindsight, yes, but I  
20 didn't - I just believed that it would change, and I  
21 think in the end the Armed Robbery Squad was disbanded  
22 for other reasons, but.

23 HIS HONOUR: But if there was such a practice, and I think  
24 you conceded earlier in the questioning, that that's  
25 what you'd deduced from the response you were getting,  
26 it really wasn't something to be addressed, was it, by  
27 just word-of-mouth between individual officers?---No,  
28 it probably warranted a report that went up through the  
29 chain of command.

1 Why didn't that happen, Mr Iddles?---I plead guilty, I  
2 didn't do it.

3 But why not?---We spoke to the officers concerned, said  
4 "That's not proper practice", in the end they left and  
5 we continued on and I didn't work with the Armed  
6 Robbery Squad again. Yes, in hindsight, yes, I should  
7 have done something about it.

8 MR RUSH: Just finally, if it is accepted that material that  
9 has been put to you, particularly as it concerns the  
10 practice identified by Detective Eden and identified by  
11 Detective Kelly, if it is accepted that those officers  
12 during their time at homicide did not put in details of  
13 description of offenders, the question really, how  
14 could that occur? Is there no supervision, no  
15 training, no oversight, to ensure that those sort of  
16 practices do not creep in to the day-to-day activities  
17 of members of the Homicide Squad?---There's probably no  
18 oversight because the member would take the statement.  
19 I can't explain it, because that wasn't a practice that  
20 I did, but within a crew that's doing it, somebody  
21 must - the senior sergeant has to know about it, has to  
22 know about it. It's just - because every homicide that  
23 you went to, I would have been expecting - whether it  
24 was the death of a police - a description from civilian  
25 witnesses or whatever it is, if it's not there, where  
26 is it? How do you record it? How do you actually get  
27 the face-fit, like, where did that come from? It just  
28 has to be there.

29 HIS HONOUR: I appreciate this is awkward for you,

1 Mr Iddles, because you've got a longstanding  
2 association with Mr Bezzina, you've worked with him,  
3 have you not, for many years?---Probably 20 years  
4 within the same office.

5 From the earlier evidence that has emerged, Mr Kelly was on  
6 his crew, and Mr Kelly, as you've seen, made clear that  
7 he was following a practice which he understood, at  
8 least in his crew, was being applied. Did you not have  
9 some concern there about how that could occur within  
10 Mr Bezzina's crew?---Well, the transcript that I saw  
11 today didn't infer that it was done with Charlie's  
12 imprimatur.

13 He didn't say that?---Basically he was saying, that's what I  
14 did, so I can't comment on that.

15 But, as you just explained quite forcefully a moment ago, if  
16 a person in charge of a crew is looking at all the  
17 objective circumstances, then there would be questions  
18 asked, wouldn't there, about why certain things that  
19 should have been recorded in statements weren't in  
20 them?---On this particular night?

21 M'mm?---See, Charlie's role would have been to pass those  
22 statements on and never look at them again, because it  
23 wasn't his investigation.

24 He was only, what, playing a - - - ?---He was there as a  
25 supervisor, he was there probably to coordinate what  
26 happened at Moorabbin with other police, including more  
27 senior police; once his role was finished, he had no  
28 more - from my knowledge, no more to do with it.

29 MR RUSH: I have nothing further, Commissioner.

1 HIS HONOUR: Just stay there for a moment, Mr Iddles. We've  
2 concluded counsel assisting's examination of the  
3 witness. Are there any legal representatives here of  
4 other parties who anticipate that they will want to  
5 cross-examine Mr Iddles?

6 MR MATTHEWS: That would depend, from Mr Roberts' point of  
7 view, upon the evidence to be given by the other  
8 relevant witnesses to come, including the next witness,  
9 so I'm not in a position to say that in relation to  
10 Mr Roberts yet.

11 HIS HONOUR: Very good, well, that's helpful. Is there  
12 anyone else? No, thank you.

13 So, Mr Iddles, I will adjourn your examination,  
14 I'm hoping it won't be necessary for you to return.  
15 Before I do, are there any matters that you would like  
16 to say anything about that haven't been sufficiently  
17 covered by your answers to date?---No, I don't think  
18 so. I think they've been well covered.

19 Thank you. I will adjourn your examination to a later date.  
20 You, of course, remain bound by the summons. You will  
21 be advised in writing if that's to occur and we'll  
22 obviously try and find a date that's suitable to your  
23 convenience. You will be provided with a copy of the  
24 video recording and a transcript of your evidence.  
25 That transcript will also be placed on the IBAC public  
26 website and be available for the period of these public  
27 examinations.

28 In relation to the confidentiality notice served  
29 on you, the fact of your examination today and the

1 subject matter of the investigation about which you  
2 were examined is no longer confidential, nor is the  
3 evidence that you have provided to the Commission.

4 However, whether it be by virtue of the  
5 confidentiality notice or the order for witnesses out  
6 of court or out of the hearing that I've made, you're  
7 not at liberty to discuss with any future witness  
8 either their evidence or the evidence that you have  
9 given. Do you follow?---I follow.

10 IBAC will be much assisted if that can remain the state of  
11 affairs until you're finally excused. So, thank you  
12 for your attendance today, Mr Iddles.

13 <(THE WITNESS WITHDREW)

14 HIS HONOUR: Are you ready to proceed with the next witness,  
15 Mr Rush?

16 MR RUSH: Yes, I call Mr Peter Abbey.

17 HIS HONOUR: You appear for Mr Abbey?

18 MR BAYLES: Yes, I appear or seek leave to appear if  
19 necessary on behalf of Mr Abbey.

20 HIS HONOUR: My apologies, I should know your name?

21 MR BAYLES: B-A-Y-L-E-S.

22 HIS HONOUR: Yes, now I recall.

23 <PETER JOHN ABBEY, sworn and examined:

24 MR RUSH: Mr Abbey, could you state your full name and  
25 address, please?---Peter John Abbey, and [REDACTED]

26 [REDACTED].

27 Your occupation, Mr Abbey?---Stakeholder relations advisor  
28 at the Police Association and formerly a welfare  
29 officer there.

1 Do you attend here today in response to a summons served on  
2 you?---I do, sir.

3 Do you have a copy of the summons in front of you?---Yes.

4 What's the number on the summons?---Evidence, SE2743.

5 Was that served on you, I think, on 20 December?---It was  
6 definitely served on me, I can't remember the date, it  
7 may have been around then.

8 Together with the summons, were you served with a document  
9 setting out a statement of rights and obligations for  
10 appearing at IBAC?---Yes. Is that here?

11 Yes. Did you receive a cover lettering from IBAC?---Yes, I  
12 did.

13 You understand the nature of the documents that were served  
14 on you, together with the confidentiality  
15 notice?---Yes, I do.

16 I didn't say that very well. I tender those documents,  
17 Commissioner.

18 #EXHIBIT B - Documents served on subpoena to Mr Abbey.

19 HIS HONOUR: Mr Rush, I'll put some formal matters to  
20 Mr Abbey before you continue.

21 Mr Abbey, the matters about which counsel might  
22 examine you are as follows: (1) the Lorimer Task Force  
23 investigation of the murders of Sergeant Gary Silk and  
24 Senior Constable Rodney Miller concerning the taking of  
25 witness statements, the preparation of the brief of  
26 evidence for the trial of Bandali Debs and Jason  
27 Roberts, and whether there was full disclosure of  
28 witness statements or other relevant information prior  
29 to or during the trial; (2) witness statement taking

1 practices by Victoria Police; (3) compliance with the  
2 obligation to disclose evidence by Victoria  
3 Police?---Yes.

4 Following the questioning by counsel assisting, Mr Bayles  
5 will have the opportunity to ask you questions and to  
6 clarify your answers and to make submissions on your  
7 behalf. You agree that you were served with the  
8 various documents the subject of Exhibit B prior to  
9 your commencing the evidence. Has Mr Bayles explained  
10 to you your rights and obligations under those  
11 documents?---Yes, he has.

12 Do you wish me to remind you of those obligations?---No,  
13 that's fine, sir.

14 Very good. Yes, Mr Rush.

15 MR RUSH: Mr Abbey, do you recall the date you started your  
16 work with the Police Association?---August 2015, I  
17 think it was the 3rd, I think.

18 Prior to that, had you been a uniformed member of Victoria  
19 Police?---I had.

20 Did you commence at the Police Academy in 1988?---That's  
21 correct.

22 Very briefly, can you detail your police experience?---Left  
23 the Academy, worked at various general duty stations  
24 including Fitzroy, Eltham, Russell Street, temporary  
25 duties at a couple of specialist areas, traffic at  
26 crime. Then police communications, a traffic alcohol  
27 section, operations response which is different to -  
28 the format it is now, I think it was force reserve  
29 then, then the Dog Squad. The remainder of my career

1 was specialist but I was a brief period out, so Dog  
2 Squad, Water Police, back to the Dog Squad, and in  
3 between a short period down at Mornington upgraded as  
4 acting sergeant.

5 Over your career, particularly over the latter part of your  
6 career, did you, I suppose, have a particular interest  
7 in engaging women and offering some form of care to  
8 members who, for one reason or another, had been  
9 affected by their service?---Yeah, certainly informally  
10 until I became a Police Association delegate, and then  
11 more so because members turn to you because of that  
12 role. Yeah, so informally from traffic alcohol  
13 section really when I had trainees work with me for  
14 long periods of time, and from that day on really I had  
15 lots of members just come to me as a result of their  
16 trust and confidence they had in me.

17 And, because of that - or not necessarily because of that -  
18 but involved or associated with that, did you strike up  
19 a friendship with Senior Constable Pullin but after in  
20 fact he had left the police force?---Yeah, a long time  
21 after. I hadn't known him or worked with him at any  
22 time during his career and we crossed paths  
23 incidentally through groups, social circles. I think  
24 second or third time we'd caught up and had a coffee,  
25 I'd become aware that he'd been involved in the  
26 Moorabbin murders and it didn't really progress, it was  
27 just a fact, until some of these issues arose.

28 I guess in a way, as I understand it, you were dragged into  
29 these issues. Did you, in March 2015, receive a call

1 from either Mr Pullin or his partner concerning his  
2 welfare?---His partner, yes, I did.

3 Without going into the details, she raised particular  
4 concerns about his welfare associated with his  
5 PTSD?---Yes, correct.

6 And - - -?---And at a reasonably high level immediately.  
7 When that conversation occurred, do you now remember the  
8 date?---Ah no, I don't remember the date. It was  
9 in March, um - no, I can't remember the date, sorry,  
10 but it was in March, I recall, and I was working at the  
11 time as a - in the police force, not - - -

12 When you were contacted by Mr Pullin's partner, what did you  
13 do?---I rang former Detective Senior Sergeant Iddles  
14 who I knew - I'd only met recently before at a Police  
15 Association conference, I hadn't met him or crossed  
16 paths with him in my career. I rang him because he was  
17 the secretary of the Association, I was a delegate at  
18 that time, and said I had a distressed call from Senior  
19 Constable Pullin's partner, or former Senior Constable  
20 Pullin's partner and what could the Police Association  
21 do to support him in a welfare capacity as far as  
22 immediate medical attention and support.

23 What was the response from Mr Iddles?---He said, "Do  
24 anything you need to do, arrange anything you need to  
25 arrange and the TPA will fund his support."

26 Did Mr Iddles indicate to you that he would get in contact  
27 with Mr Pullin?---I can't recall at that time. The  
28 night of that distress call, I just can't recall  
29 whether he - it was then or shortly after that. It may

1           have - yeah, it was around that time certainly, but I  
2           can't remember if it was part of that phone call or  
3           not, sorry.

4           After that call - Mr Iddles says that occurred on 14 March  
5           1998?---Yep.

6           He says he was contacted by Mr Pullin on that date  
7           but - - -?---Can I just clarify; you just mentioned 98?  
8           I did; 2015. After making the call to Mr Iddles, did you  
9           subsequently receive a call from Mr Pullin?---Around  
10          that distress call?

11          Yes?---The distress - or the call about his distress came at  
12          night, I was working at night. I don't think it was  
13          that night that I spoke to him again.

14          Let me be more specific. Did you subsequently receive a  
15          call from Mr Pullin indicating that he'd been  
16          telephoned by Mr Iddles?---Yes, but I can't recall  
17          whether it was before or after that distress call; it  
18          was around that time. I'd had a call from Mr Iddles  
19          first and then a subsequent call from Mr Pullin, yes.

20          With that call that you received from Mr Pullin, did he  
21          indicate to you that Mr Iddles had telephoned  
22          him?---Yes.

23          Did he indicate to you, did he ask you, "What have you told  
24          Mr Iddles?"?---Yeah, I can't recall the exact  
25          conversation, but it was, "Has Ron spoken to you? What  
26          did he ask?" Or "What did you say?" I just can't  
27          recall the exact conversation, because it was certainly  
28          around Mr Iddles' phone call to me, yes.

29          To the best of your recollection, can you give the

1 Commissioner the substance of what Mr Pullin said to  
2 you about that conversation with Mr Iddles?---He asked,  
3 had I spoken to Ron, and I said, yes, I had. So,  
4 Mr Iddles had called me, then Glenn called some time  
5 later that day, he asked what had been said. He  
6 mentioned two statements and that no one else was aware  
7 of a second statement.

8 Who said that?---Mr Pullin.

9 And he mentioned that that conversation had occurred with  
10 Mr Iddles?---Correct.

11 Did you understand the two statements to mean the two  
12 statements that he had provided in relation to the  
13 murders of Senior Constable Miller and Sergeant  
14 Silk?---Yes. Yes, but I wasn't aware of the nature of  
15 the two statements or the detail of them, only that  
16 that was the comment made, and I can't recall whether  
17 Mr Iddles - I think Mr Iddles had asked me - had said  
18 to me, he had spoken to Glen, asked about two  
19 statements, and he said there was a pause or silence,  
20 so I think that was the first call when Mr Iddles  
21 called me, and then Mr Pullin subsequently called with  
22 that other detail, yes.

23 What was the state of Mr Pullin when he called you? How was  
24 he?---Ah, distressed.

25 Did you in fact go and see him?---I can't recall that day.  
26 I had been to see him - I'd been to see him several  
27 times all in a welfare capacity. I can't recall  
28 whether it was that day or that night or as a result of  
29 his partner calling distressed.

1 The question, after you received the call from Mr Pullin  
2 telling you about the two statements and, I take it,  
3 did he say he didn't know how Iddles would know about  
4 that?---Yes.

5 HIS HONOUR: Just be clear, Mr Abbey, was Mr Pullin  
6 acknowledging that he'd made two statements?---I think  
7 it was along the lines of two statements had been made  
8 and he didn't know how Mr Iddles was aware of that. I  
9 don't think there's any more detail I can add as far  
10 as - - -

11 I just want you to be clear about that?---Yes, he certainly  
12 acknowledged that he asked, had Mr Iddles mentioned two  
13 statements, and he said along the lines of, "I don't  
14 know how he knew two statements had been made", yes. I  
15 can't recall the exact conversation, but I was under  
16 the impression as to that, the nature of both of those  
17 calls.

18 MR RUSH: Mr Iddles has indicated that on 15 March you again  
19 contacted him and informed him that you had driven to  
20 Drouin the previous night to see Glenn Pullin, the main  
21 purpose was concern over Glenn's welfare?---So, if -  
22 the call from Mr Iddles, if the call that he mentioned  
23 on the 14th was a Saturday - I just can't recall when  
24 the call of distress came, but if it was that Saturday  
25 night, then I believe I went down there as a result of  
26 it. So, as best I can recall the sequence, if the call  
27 from Mr Iddles was Saturday, and then Mr Pullin  
28 subsequent to that, and that a - I was working when I  
29 received the call from his partner, Mr Pullin's

1 partner, I remember I was working, and I think I went  
2 down to see him as a result of that distress call, so  
3 that may have been that same day, I just can't recall.

4 Did Mr Pullin say anything to you about how it is or police  
5 officers that were involved in the second  
6 statement?---Sorry?

7 Did Mr Pullin say anything to you about police officers that  
8 had an involvement in having him make a second  
9 statement?---As far as, had other police officers been  
10 involved?

11 Yes?---Yes.

12 To the best of your recollection, what did he say to  
13 you?---He mentioned a name, George Buchhorn, and I  
14 can't recall whether - again, whether that was  
15 Mr Iddles initially and then Mr Pullin; I certainly  
16 remember that name and I remembered it only because I  
17 had in mind another member who I'd worked with that  
18 wasn't - I've never worked with George Buchhorn, but  
19 that was the name I recalled, putting a different name  
20 to that face, so. So, otherwise I doubt I would have  
21 remembered the name, only that I had in mind someone  
22 else, but turned out it wasn't, so.

23 Just to clarify that, what is your recollection as to  
24 whether the name was mentioned by Mr Pullin or  
25 mentioned by Mr Iddles?---I can't recall, I've tried to  
26 recall as best I can, I just can't recall whether  
27 Mr Iddles mentioned it first and Mr Pullin  
28 subsequently, or whether Mr Pullin - I just can't  
29 recall; but that name was mentioned, yes.

1 Was there any further conversation, to the best of your  
2 recollection, after the Iddles phone call, in your  
3 communication with Mr Pullin, any further conversation  
4 about the two statements?---I can't recall - again, I'm  
5 not clear whether I went down that night as - whether  
6 the distress call that I took was that night, I just -  
7 I can't recall. I have a feeling I went down as a  
8 result of that distress call, um, in fact I'm sure I  
9 did as a result of that distress call, but I - I just  
10 can't recall more detail about who said what on those  
11 two calls.

12 Did you, with Mr Iddles, subsequently attend the home of  
13 Mr Pullin in Drouin in the month of March?---Yes, I  
14 did. He asked me to accompany him in a welfare  
15 capacity to ensure - and we went - travelled separately  
16 for that reason, so that he would offer any assistance  
17 he could from the Association and then I would remain  
18 there in a welfare capacity to look after him.

19 Again, apart from saying it was in March, do you have any  
20 specific recollection of the date?---I think the 26th.

21 How does that ring a bell with you?---Because it's been  
22 discussed, I think - I think it was that date that we  
23 discussed.

24 You said that you and Mr Iddles went there separately. Did  
25 you meet at his home?---I believe so. I'd been to  
26 another member - to visit another member in a welfare  
27 capacity and I - if that's how it transpired, then yes,  
28 we would have met at Mr Pullin's.

29 I appreciate the detail's probably difficult, I'll just tell

1 you what Mr Iddles said, he said you met him at home  
2 and you went in there together?---Yeah, I wouldn't  
3 disagree with that. Yeah, I'm pretty sure I remember  
4 where I'd travelled from, and it was another member's  
5 welfare visit, and then we would have met and gone in  
6 together, yes.

7 Mr Iddles has indicated that at that meeting Mr Pullin again  
8 stated to the effect that he had made two statements,  
9 reiterated what he'd been told, made two statements,  
10 that he'd been requested to do so by Senior Sergeant  
11 Buchhorn, to assist because there was a dickhead that  
12 he was dealing with and he needed Mr Pullin's  
13 cooperation. Was that said again?---Yeah, I  
14 certainly - I don't recall the exact conversation, and  
15 I don't say that in meaning to be evasive. I was  
16 certainly - I was there in a well-being capacity, I  
17 wasn't there in a policing capacity or as an  
18 investigator. A conversation along those lines took  
19 place, I can't recall the exact detail and, as I said,  
20 I was attuned to the well-being needs of Mr Pullin.  
21 So, as I said, as best I can remember, that's what  
22 occurred but I can't recall the detail of the  
23 conversation. However, I wasn't investigating, taking  
24 notes, needing - knowing that I'd need to recall that  
25 detail, I was primarily concerned about the distress  
26 and well-being of Mr Pullin.

27 The welfare aspect of it, you're saying, was your main  
28 concern?---Absolutely, based on the previous distress  
29 call which I took very seriously and was concerned

1 about any potential welfare outcomes or harm that may  
2 happen, so it was definitely my focus, and even in  
3 maintaining a friendship with Mr Pullin subsequently,  
4 I'm aware of his welfare on every occasion, he  
5 certainly is unwell.

6 So apart from saying that the aspects around two statements  
7 was further discussed at that meeting, are you able to  
8 say to the Commissioner if you have any independent  
9 recollection to be able to give the substance of that  
10 discussion?---No, sir, I don't disagree with the  
11 conversation, I'm certainly not refuting it, I just  
12 can't recall the detail of the conversation, other than  
13 I do recall the names in the phone call and that we met  
14 initially - or my understanding was in a well-being  
15 capacity and to see what other support The Police  
16 Association could give Mr Pullin, and then there was  
17 discussion around the matter that we're discussing  
18 here. I just don't recall the extent of that  
19 conversation.

20 HIS HONOUR: So far as Mr Pullin's health and state of mind  
21 was concerned, are you able to say whether or not the  
22 fact that it had emerged that he had made two  
23 statements, was that one of the matters that was  
24 distressing him?---I'm sure it would have been.

25 I don't want you to guess about that, though. You've no  
26 doubt spent some time with him and talked through his  
27 concerns?---Yes.

28 Was that a matter that concerned him?---Yes, yes, amongst  
29 other matters and his overall health, yes, it would

1 have been.

2 MR RUSH: In June, were you requested to take a statement to  
3 Mr Pullin setting out the details of the discussion he  
4 purportedly had with Mr Iddles?---Yes.

5 Did you take that statement to him?---Yes.

6 And what happened?---Ah, Mr Iddles had asked me to convey a  
7 statement to him. I asked whether that was  
8 appropriate. He indicated it was. I asked - so I took  
9 the statement to Glenn, I'd called him - to Mr Pullin,  
10 I'd called him on the way, advised that I had a  
11 statement from Mr Iddles which I presumed had been  
12 compiled by Mr Iddles for him to sign. He indicated he  
13 wouldn't. I said I understand that, but then to bring  
14 it down anyway for him to look at. And I did, I  
15 attended, and no, he didn't sign the statement.

16 You've previously given evidence to IBAC and been asked  
17 about police statement-making practices?---Yes.

18 You have said that there was one occurrence when you were  
19 instructed to change a first statement?---Yes.

20 Can you just indicate the circumstances around that?---I  
21 went to homicide, I was just called as a member of the  
22 van to attend homicide. I included a whole range of  
23 details in the statement, in my initial statement I  
24 prepared, including distances to cars and fences and  
25 other matters and other things, and in the investigator  
26 reviewing the statement, after I'd made it, at the time  
27 though, after I'd made it he said you're not qualified  
28 to measure the distance you've put in the statement.

29 Of course, I was a young constable, and he said,

1 "That's for someone else who has measured the  
2 statement - measured the distance to put in their  
3 statement, so take it out of yours." And it was - in  
4 context, it was not inconsequential details to what had  
5 happened, but certainly as far as my evidence or my  
6 statement that I was making, it was - he was correct in  
7 saying, I didn't measure it, I'm not the correct  
8 witness to give that evidence, so.

9 So you had put in an approximation of the distance which in  
10 the circumstances of the investigation was of some  
11 importance?---No, it was - it was my observations  
12 walking up the driveway to where the victim was, and it  
13 was a - I remember the vehicle and the fence that I'd  
14 given, it was irrelevant to anything really; certainly,  
15 it wasn't in the proximity of the victim or the  
16 decreased. I had just said, the vehicle was about  
17 two metres off the fence and it was the other side of  
18 the driveway, so correctly, I don't know why I put it  
19 in there. But it didn't have any material impact on  
20 any of the matters that - the detail of the substance  
21 of the offender that we found or the victim.

22 So, had you made your statement by that stage?---It was  
23 during the compilation of that statement, yeah.

24 Had you made it and signed it?---I don't think I'd signed  
25 it. Again, this is early 90s, I can't recall, but I  
26 remembered altering the statement at the time I made  
27 it; I don't - I'm fairly confident I hadn't signed it,  
28 it was as part of it being reviewed whilst I made it.

29 I just want to read you an answer you gave to IBAC last year

1 in relation to this. Perhaps if we bring it up, it's  
2 Exhibit 398, p.3859. In relation to this, it may  
3 refresh your memory, you said: "Yeah, Detective Senior  
4 Sergeant Bezzina and I had arrested an offender and  
5 tried to save two murder victims and I've made this  
6 statement. Then he asked me to change, he directed me  
7 to change. It wasn't materially altering what had  
8 happened but I'd provided it, signed it, and then when  
9 he reviewed it he came and told me to change it."

10 Question: "And how long after your first statement did  
11 you change it?" Answer: "Same night, I'd been there  
12 for hours, it was police station, hadn't left the  
13 police station but I'd changed it." So, it was after  
14 you'd signed the statement that you were directed to  
15 change it?---No, this was two different matters. The  
16 one I just gave you detail on was a murder in Oakleigh,  
17 this was a murder in Dandenong. So, apologies, so far  
18 as the distance and vehicles, that was in relation to a  
19 different murder, not this one, sorry.

20 So, what's this one about?---This was a, what I thought at  
21 the time was a double murder, but one victim survived  
22 in Dandenong that I attended as a dog handler, arrested  
23 the offender, worked on the deceased, and was there  
24 virtually the whole night. I was the only member in  
25 attendance initially for a long period of time, and I -  
26 yeah, then I went back after we'd done the crime scene  
27 and the victims and I'd arrested the offender. We went  
28 back to the station and I made a statement that night,  
29 so it was still during that shift.

1 And so, you made the statement, then were directed to change  
2 it?---Yes, yes.

3 Is that procedure that you would adopt, or were you  
4 concerned about that?---Well, as I said there, it  
5 wasn't materially altering what happened. I can't  
6 recall whether I jurated it. I'd made the statement,  
7 I'd handed it to Detective Senior Sergeant Bezzina to  
8 check and then I made changes after that.

9 So, I take it, that statement was still on the  
10 computer?---It would have been, I think, or - it would  
11 have been, I think, yes.

12 Or otherwise you would have retyped it?---No, it would have  
13 been a computer, yes, you're right.

14 So, you deleted what he wanted deleted from the statement  
15 and re-signed it?---Yes, yes. And, I can't recall - I  
16 wish I did - I can't recall what it was. I certainly  
17 wouldn't have taken that course of action if it was  
18 anything material in the statement. I just can't  
19 recall. I remember the job clearly, you don't forget  
20 it, but I just can't recall.

21 MR RUSH: They are the matters, Commissioner.

22 HIS HONOUR: Thank you. Mr Bayles, any questions arising  
23 out of that?

24 MR BAYLES: I have no questions, Commissioner.

25 HIS HONOUR: Thank you, Mr Bayles.

26 Before I excuse Mr Abbey, are there any legal  
27 representatives who foreshadow an interest in  
28 cross-examining Mr Abbey?

29 MR MATTHEWS: Commissioner, I think it's less likely in the

1 case of this witness but can I respond as I did with  
2 the previous witness, just to await the evidence of the  
3 other relevant witness?

4 HIS HONOUR: Yes, who would be?

5 MR MATTHEWS: Mr Pullin.

6 HIS HONOUR: It's anticipated Mr Pullin will give evidence  
7 tomorrow, although the present proposal is that it will  
8 be a private examination, but we can deal with that  
9 issue later. You will be in a position then to  
10 indicate your situation within 24-hours after he gives  
11 his evidence?

12 MR MATTHEWS: Yes, Commissioner, certainly.

13 HIS HONOUR: Thank you. For the reasons that were just  
14 discussed, Mr Abbey, I won't excuse you at this stage  
15 and release you from your summons, but I think it's  
16 unlikely that you'll have to return.

17 You are formally excused, you will remain bound by  
18 the summons. You may be recalled at any time during  
19 the public hearings to give further evidence. If that  
20 were to be the case we would advise you in writing and  
21 try and fix a time that fits in with your convenience.

22 You will be provided with a video of your  
23 recording of evidence and a transcript of your  
24 examination?---Thank you.

25 The only thing that I'll say to you about your future  
26 discussions with anyone concerning your evidence is  
27 that you are not to discuss with any witness that's to  
28 be called the evidence that you've given or the  
29 evidence that he or she is likely to give, partly

1 because there's been an order for witnesses out of  
2 court, partly because of the confidentiality notices.  
3 Otherwise, because your evidence will have been  
4 published, there are no other restrictions on how you  
5 deal with your evidence.

6 Do you have any questions that you want to raise  
7 with me?---No, I just clarify that point, sir, that  
8 it's in relation to any other witnesses that have or  
9 may be called?

10 Correct?---That - - -

11 You won't discuss your evidence or the evidence that they  
12 are going to give?---Yes, no, I understand that.

13 I believe I'm still bound by three confidentiality  
14 notices, I take it they still - - -

15 You are, but almost the entirety of them ceases to have any  
16 relevance in view of the fact that you have been here  
17 today as a witness has now become public?---Yes. Is  
18 there any - because the transcripts will be made  
19 public, is there any restriction on me accessing those?

20 No, none?---I understand that, thanks, sir.

21 For the moment you're excused, we'll let you know as soon as  
22 we can if you are permanently released from the  
23 summons?---Thank you, sir.

24 Thank you for your attendance?---Thank you.

25 <(THE WITNESS WITHDREW)

26 MR BAYLES: And might I be excused also?

27 HIS HONOUR: Yes, thank you for your attendance, Mr Bayles,  
28 thank you.

29 MR RUSH: Ms Boston will take the next witness.

1 MS BOSTON: Commissioner, the next witness is Inspector  
2 Bruce McKenzie.

3 HIS HONOUR: Mr McKenzie, is it?

4 MR MCKENZIE: Yes.

5 HIS HONOUR: Just come into the witness box, if you wouldn't  
6 mind, and have a seat for the moment.

7 MR STAFFORD: Commissioner, my name is Stafford, and I seek  
8 leave to appear on behalf of Mr McKenzie.

9 HIS HONOUR: Thank you, Mr Stafford.

10 <BRUCE IAN MCKENZIE, sworn and examined:

11 HIS HONOUR: In relation to the matters about which you are  
12 to be questioned, I will just identify them for you:  
13 the Lorimer Task Force investigation into the murders  
14 of Sergeant Gary Silk and Senior Constable Rodney  
15 Miller concerning the taking of witness statements, the  
16 preparation of the brief of evidence for the trial of  
17 Bandali Debs and Jason Roberts, and whether there was  
18 full disclosure of witness statements or other relevant  
19 information prior to or during the trial, witness  
20 statement-taking practices by Victoria Police,  
21 compliance with the obligations to disclose evidence by  
22 Victoria Police.

23 Following your questioning your legal  
24 representative will have the opportunity to ask you  
25 questions and to clarify your answers or to make any  
26 submission on your behalf. Has he explained to you the  
27 documents with which you were served?---Yes,  
28 Commissioner.

29 Do you understand, from what he's explained to you, what

1           your rights and obligations are?---Yes.

2           Do you want me to repeat them to you?---I don't need that,

3           Commissioner.

4           Very good, thank you. Very well. Yes, Ms Boston.

5           MS BOSTON: Inspector, could you please state your full name

6           and address?---Bruce Ian McKenzie. I work at the

7           Police Association at 1 Clarendon Street, East

8           Melbourne.

9           Do you attend here today in response to a summons served

10          upon you on 20 December 2018?---Yes.

11          That summons that you have before you numbered SE2754 and

12          dated 11 December 2018, is that the summons that was

13          served upon you?---Yes, that looks like it.

14          You've indicated you received a document entitled,

15          "Statement of rights and obligations", do you see that

16          document in that bundle?---I don't see it here

17          immediately in this bundle, but I do recall receiving

18          it.

19          At the back of the summons document?---Yes, I think I've

20          found it.

21          Together with the summons and the statement of rights, did

22          you also receive a confidentiality notice dated

23          11 December 2018?---Yes.

24          And a covering letter dated 12 December 2018?---Yes.

25          Are the documents before you copies of those documents you

26          received in full?---Yes.

27          You've indicated you understand the nature of the documents

28          that were served upon you?---Yes.

29          I tender those documents, Commissioner.

1 #EXHIBIT C - Summons, statement of rights and  
2 confidentiality notice received by Mr McKenzie.

3 MS BOSTON: As a matter of formality, do you understand that  
4 providing false evidence to IBAC could amount to  
5 perjury, the maximum penalty for which is 15 years'  
6 imprisonment?---Yes.

7 You were also served with a summons to produce documents.

8 Do you have any documents within the term of the  
9 summons in your possession or control?---No, I  
10 responded to that request in the negative.

11 What is your current occupation?---I'm the assistant  
12 secretary of the Police Association.

13 What does that role entail?---That role entails supporting  
14 the secretary of the Police Association in his role and  
15 in his responsibilities. It also entails managing the  
16 60-odd staff that we have at the Police Association,  
17 and also protecting, representing and supporting our  
18 18,000-odd members.

19 Who are those members? Are they current serving police  
20 members or former members?---No, they're current  
21 serving police officers and current serving protective  
22 services officers.

23 How long have you been assistant secretary at the Police  
24 Association?---Since 2001.

25 In terms of your experience within Victoria Police, could  
26 you please provide the Commission with a brief outline  
27 of your employment history?---I joined Victoria Police  
28 in 1972 as a 16-year-old police cadet, then transferred  
29 into a recruit squad in May 1973, graduated as a

1 constable in November of that same year. Then worked  
2 at Fitzroy Police Station, Warrnambool Police Station,  
3 back to Fitzroy Police Station on promotion to  
4 sergeant. Then I worked at the training environment  
5 for a short time before being promoted to senior  
6 sergeant at St Kilda Police Station in 1988. I was  
7 promoted to inspector in 1991 or thereabouts, and came  
8 across to the Police Association in 2001.

9 You're obviously aware of Operation Lorimer, being the task  
10 force which investigated the murders of Sergeant Silk  
11 and Senior Constable Miller?---Yes.

12 Did you have any involvement yourself in that  
13 operation?---No.

14 Ron Iddles was previously the secretary of the Police  
15 Association; correct?---Before the current secretary,  
16 yes.

17 That was from about March 2014 that he became the secretary  
18 of the Police Association?---Correct, it's March 2014  
19 through to March 2017.

20 Did you know Mr Iddles before he became secretary of the  
21 Police Association?---He was a member of the board of  
22 the Police Association for a time. I didn't know him  
23 terribly well, I'd never worked with him, but I was  
24 aware of him and his reputation.

25 At the time of his appointment in March 2014, did you have  
26 any awareness that he had conducted a review into the  
27 Operation Lorimer investigation?---Yes, he made me  
28 aware of some details of that review.

29 Was that at the time of his appointment or subsequently?---I

1 think it was sometime after his appointment to the role  
2 of secretary of the Police Association that he  
3 discussed that with me.

4 Were you aware that he had completed a report as part of  
5 that operation in 2013 about three months before he  
6 commenced as secretary at the Police  
7 Association?---Yes, I am aware of that.

8 Have you seen that report yourself, or is it just based on  
9 him telling you that?---No, I have not seen that report  
10 myself, but it was - my knowledge of it is based on  
11 information that he's provided to me about it.

12 I take it, the Police Association didn't have any role in  
13 Operation Rainmaker itself?---The Police Association  
14 tries its best to keep away from police operational  
15 matters. We have our role to undertake, and Victoria  
16 Police has its role to undertake, sometimes they  
17 intersect, but not in operational matters in a general  
18 sense.

19 Were you aware that Mr Iddles did continue to make some  
20 enquiries regarding the issues raised by Operation  
21 Rainmaker whilst he was at the Police  
22 Association?---Yes.

23 And specifically whether Glenn Pullin's statement had been  
24 altered?---Yes.

25 How is it that you were aware of that?---Well, Ron Iddles  
26 wouldn't normally keep things from me that he wanted to  
27 discuss. He didn't discuss operational matters to any  
28 great degree with me because I don't come from an  
29 investigative background as he does, so he would from

1           time to time tell me about the bare bones of issues  
2           that he might have been dealing with currently or in  
3           the past.

4    I'm going to ask you some more about that in a moment, but  
5           you mentioned Glenn Pullin; do you know him  
6           yourself?---I haven't met him, no.

7    Has he had any involvement with the Police  
8           Association?---Has he had?

9    Yeah?---Certainly not to my knowledge, I don't believe so.

10   Mr Peter Abbey, he commenced work, I understand, at the  
11          Police Association in August 2015; does that sound  
12          right?---That sounds right.

13   Did you have a relationship with Mr Abbey prior to that  
14          time?---Ah, yes, but only to the extent that, if my  
15          recollection is good, he was a delegate before he came  
16          to be part of the staff of the Police Association, but  
17          I didn't know him well and we had never worked  
18          together.

19   Have you got to know him better since he's been working at  
20          the Police Association?---Yes.

21   Are you aware of whether Mr Abbey and Mr Pullin have had a  
22          relationship?---I'm not aware of it.

23   Whether they know each other?---I'm not aware that they know  
24          each other.

25   What about Mr Abbey and Mr Iddles?---As far as I'm aware,  
26          their relationship is a professional one, and I am not  
27          aware of any other deeper relationship that they might  
28          have apart from being work colleagues.

29   If we could bring up Exhibit 277, you see that this is a

1 statement authored by Mr Iddles. If we could go to the  
2 final page, p.3353, you will see there that Mr Iddles'  
3 acknowledgment and signature was witnessed by you on  
4 20 July 2015 at East Melbourne?---Yes.

5 This is a statement that Mr Iddles has made in relation to  
6 his contact with Mr Pullin in March 2015. Did you read  
7 this statement at the time that you witnessed it?---No,  
8 I wouldn't have read Ron Iddles' statement. I would  
9 have, as it indicates, signed the acknowledgment.

10 Have you had conversations with Mr Iddles about his  
11 conversations with Mr Pullin?---No.

12 Are you aware what materials Mr Iddles used to compile this  
13 statement?---No.

14 Have you spoken to Mr Abbey at all about his conversations  
15 with Mr Pullin?---No.

16 So, is all of your knowledge about those matters what is  
17 contained within - I withdraw that, Commissioner. Have  
18 you ever read this statement?---No.

19 Do you have any knowledge, whether it's your own knowledge  
20 or what you've been told by other people, as to the  
21 circumstances in which Mr Pullin came to make two  
22 statements which were dated and timed exactly the same  
23 way?---No, I don't have any independent knowledge of  
24 that.

25 Do you have any knowledge at all of Mr Iddles' enquiries  
26 whilst he was secretary at the Police Association, do  
27 you have any other knowledge about those enquiries  
28 relating to Operation Lorimer?---Yes. He would from  
29 time to time discuss with me his concerns around the

1 issues that you mentioned before with regard to the  
2 statements. He - I'm relying on my memory now,  
3 Commissioner, but what Mr Iddles told me about it was  
4 that, the Office of Public Prosecutions had asked him  
5 to do a review of the investigation that was conducted  
6 under the auspices of Lorimer. I didn't ask Mr Iddles  
7 too many questions, I didn't think it was my place to  
8 do that, but there are certain questions that I would  
9 have liked to ask him but I didn't. So, he certainly  
10 indicated that the request to do a review of the  
11 investigation came from the Office of Public  
12 Prosecutions to him. So, the question that I would  
13 have liked to ask is, how would it be that the Office  
14 of Public Prosecutions would ask an individual police  
15 officer to do that without it coming through to  
16 Victoria Police from the Office of Public Prosecutions  
17 and then work its way down? Mr Iddles also told me  
18 that, despite that, that Victoria Police was aware of  
19 the work that he was doing with regard to the review of  
20 the investigation, and he indicated to me that it was  
21 concerning him that certain parts of the  
22 statement-taking were not in line with what he would  
23 have expected as an investigator.

24 Inspector, are you aware of any emails between Mr Iddles and  
25 Mr Pullin whilst he was at the Police  
26 Association?---No.

27 Would they still be available from March to June 2015?---I  
28 wouldn't imagine so, but if we were to receive a  
29 request, we could try to locate them.

1 Would the Police Association be willing to provide any  
2 emails between Mr Iddles and Mr Pullin?---Well, as the  
3 assistant secretary, I can't speak for the Police  
4 Association as an entity, but I'm sure that we would  
5 cooperate.

6 MS BOSTON: There are no further questions, Commissioner.

7 HIS HONOUR: Thank you. Is there any anticipated  
8 cross-examination of this witness?

9 MR MATTHEWS: Subject to that last topic of the emails, no.

10 HIS HONOUR: Unless something further emerges?

11 MR MATTHEWS: That's correct, Commissioner.

12 HIS HONOUR: Thank you. Do you have any questions,  
13 Mr Stafford?

14 MR STAFFORD: No, Commissioner.

15 HIS HONOUR: Mr McKenzie, unless the documents you have now  
16 been requested to produce open up some new line of  
17 questioning you won't be required to return. I won't  
18 therefore formally discharge you from the summons, but  
19 we will let you know as soon as it's clear that you  
20 won't be required to attend again. We will provide you  
21 with a video recording of your evidence and a  
22 transcript of your evidence.

23 The only qualification in relation to your  
24 confidentiality notice, whilst almost all of it is now  
25 redundant in view of the fact that your evidence is  
26 public, there is an order for witnesses out of court  
27 which means you're not at liberty to discuss the  
28 evidence that you've given with witnesses who have or  
29 might be called to give evidence. Do you follow?---I

1 do, Commissioner.  
2 Otherwise, none of those constraints operate any further.  
3 As soon as possible, we'll let you know when the  
4 confidentiality notice is cancelled?---Thank you.  
5 Do you have any questions?---No, Commissioner.  
6 Thank you for your attendance.  
7 <(THE WITNESS WITHDREW)  
8 MS BOSTON: Commissioner, that's the final witness for  
9 today.  
10 HIS HONOUR: Very good. We will resume at 10 am tomorrow  
11 morning. Adjourn the hearing until 10 am, please.  
12 Hearing adjourned: [3.32 pm]

13 ADJOURNED UNTIL TUESDAY, 5 FEBRUARY 2019 AT 10 AM

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29