
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]
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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 \$70,000, 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]
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[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 welfare 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 section
13 really when I had trainees work with me for long periods
14 of time, and from that day on really I had lots of
15 members just come to me as a result of their trust and
16 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

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