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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

TUESDAY, 5 FEBRUARY 2019

(2nd 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

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*Every effort is made to ensure the accuracy of transcripts.  
Any inaccuracies will be corrected as soon as possible.*

1     Hearing commences:   [10.13 am]

2     COMMISSIONER:   Yes, Mr Matthews.

3     MR MATTHEWS:   Just very briefly, sir, before the next

4                   witness is called.

5     COMMISSIONER:   Yes.

6     MR MATTHEWS:   We noticed that yesterday this place at the

7                   Bar table was unoccupied, we did have a bit of a

8                   struggle yesterday with iPads, notebooks and the like

9                   and I was up on my feet addressing a few times.

10    COMMISSIONER:   Mr Matthews, I'm happy for you to be at the

11                   Bar table, so long as it's understood that we're giving

12                   no one a general right of appearance, but we're

13                   managing quite well without having done that.   Yes, do

14                   you want to occupy a place at the Bar table?

15    MR MATTHEWS:   Yes, my obviously opposite me.

16    COMMISSIONER:   You're welcome to be there.   Yes, Mr Rush.

17    MR RUSH:        I call Mr Bezzina.

18    <CHARLIE BEZZINA, sworn and examined:

19    COMMISSIONER:   Mr Bezzina, the matters which you will be

20                   questioned by counsel assisting are as to the

21                   following: first, the Lorimer Task Force investigation

22                   of the murders of Sergeant Silk and Senior Constable

23                   Miller concerning the taking of witness statements, the

24                   preparation of the brief of evidence for the trial of

25                   Bandali Debs and Jason Roberts, and whether there was

26                   full disclosure of witness statements or other relevant

27                   information prior to or during their trial; second, the

28                   witness statement-taking practices by Victoria Police,

29                   and third, compliance with the obligation to disclose

1 evidence by Victoria Police.

2 Following counsel assisting's questions your  
3 counsel will have the opportunity to ask you questions  
4 and to clarify your answers and to make submissions on  
5 your behalf.

6 Mr Bezzina, you were served with a number of  
7 documents for the purpose of attending  
8 today?---Correct.

9 You've read those documents?---I have.

10 Has your lawyer explained to you your rights and  
11 obligations?---Yes.

12 Do you wish me to repeat them?---No, sir.

13 You understand that, so long as you answer the questions and  
14 you give truthful answers then, subject to some  
15 exceptions, whatever you say can't be used in evidence  
16 against you. Do you follow that?---I follow.

17 But it is important that you give truthful and accurate  
18 answers?---Absolutely.

19 Yes, Mr Rush.

20 MR RUSH: Mr Bezzina, could you state your full name to the  
21 Commissioner?---Charlie Bezzina.

22 Do you live at the address that's set out on the summons  
23 that was served upon you?---Yes, I do.

24 I wonder if you could have a look at that material, please.

25 Do you attend here today as a consequence of the  
26 summons served on you on 14 December 2018?---I do.

27 Is that summons 2746?---Yes, it is - no, 2796.

28 2796, thank you. You received the statement of rights and  
29 obligations as you've indicated with that

1 material?---Yes, correct.  
2 With a covering letter of 11 December 2018?---12 December,  
3 yes.  
4 Thank you. You understand, as you've said, the nature of  
5 the documents that have been served upon you?---Sure.  
6 I tender those documents.  
7 #EXHIBIT D - Documents served on Mr Bezzina.  
8 As a formality, Mr Bezzina, you also understand that  
9 providing false evidence to IBAC could amount to  
10 perjury with a maximum penalty of 15 years'  
11 imprisonment?---Absolutely.  
12 Mr Bezzina, firstly, could you indicate to the Commissioner  
13 when you joined Victoria Police?---I joined the  
14 Victoria Police in 1972.  
15 Did you attend the Police Academy?---Yes.  
16 Can you just outline a succinct perhaps outline of your  
17 career in the police force?---Having graduated in 73,  
18 worked at Russell Street uniform, then transferred to  
19 Footscray uniform, then to the CIB, the detectives at  
20 Footscray. Then was promoted to sergeant in the  
21 mid-80s to Altona North as a supervisor. From there I  
22 transferred to Maidstone, and then from there to the  
23 internal investigations department, leading their  
24 internal security area and spent 12 months there. Went  
25 to the Drug Squad for three and a half years running a  
26 team of detectives working undercover and running an  
27 investigations team. Then transferred to the Homicide  
28 Squad, where my term was approximately 17 years at  
29 homicide.

1 So, when did you commence at homicide?---1989, then had a  
2 short stint, around 95 I got promoted to senior  
3 sergeant, went back out to the Western Suburbs as a  
4 relieving senior sergeant back in 98 I think it was, or  
5 97 I returned back to the Homicide Squad as a detective  
6 senior sergeant in charge of an investigation team as  
7 an investigator and team leader. Then we were  
8 eventually rotated out by the then Chief Commissioner,  
9 Mr Overland. I then went to the Purana Task Force  
10 where I spent a short two weeks. Then, prior to then  
11 moving out to being in charge of the Embona Armed  
12 Robbery Task Force and building that up and attacking -  
13 addressing armed robberies in the Western Suburbs until  
14 I retired in December 2009.

15 Go back to 1998, you'd returned to homicide, I think you  
16 said in 1997 or?---Yes.

17 Certainly, in 1998 you were a crew leader?---Yes.

18 Could you just explain, a crew leader, how that works or  
19 what personnel are in your crew?---At that time I was  
20 in charge of ten detectives, two detective sergeants  
21 and eight detective senior constables. I was  
22 operational and the team leader, so whilst I would do  
23 my own investigations in relation to significant  
24 police - fatal police shootings or politically  
25 sensitive investigations, I would then oversee the  
26 investigations in my team. I would be the contact  
27 person as the on-call officer-in-charge state-wide, and  
28 then I was responsible for briefs of evidence being  
29 submitted to me by my detectives prior to the

1 submission to the Director of Public Prosecutions for  
2 prosecution.

3 As part of that, you are responsible for receiving the  
4 briefs of evidence, in that, the briefs substantially,  
5 I take it, are made up of statements that have been  
6 taken?---Yes.

7 Of the crew or the team they will investigate, here a  
8 murder, make the statements and the process by which  
9 they're working is oversighted by you?---Correct.

10 For each detective working in your crew, do you at some  
11 stage, at a monthly stage, sign-off on their diaries or  
12 their running sheets, their day books?---Their diaries,  
13 yes, and their claims for meals, for travel et cetera.

14 What's the purpose of that?---The purpose of that is to, I  
15 suppose, confirm that the travel was in fact  
16 undertaken, the claims are legitimate in relation to  
17 what they've done and their duties align with their  
18 diary entries.

19 And also, that monthly, is that in any way some sort of  
20 review of their work, what they've carried out?---No,  
21 well, it's a continual review of their work because  
22 ultimately whilst - when we attend a particular job,  
23 the whole team is involved in that particular job  
24 whether we charge someone or it remains as an unsolved;  
25 it's then left with the carriage of a particular  
26 detective who I assign as the informant, and then we  
27 each go back to our relative jobs and then I  
28 continually oversee it. If there's an issue that the  
29 detective has he comes to me or through the detective

1 sergeant and then we decide the direction we need to  
2 take, and then, as it follows on, if there's a court  
3 appearance I oversee all court appearances, trials  
4 right throughout the State of Victoria that's  
5 responsible to my team.

6 On the early morning of 16 August 1998, you attended at the  
7 crime scene in Moorabbin at Cochranes Road and Warrigal  
8 Road?---Yes, I did.

9 You were called to the crime scene as a consequence, I  
10 think, of a telephone call?---I was directed to go to  
11 the crime scene; at that stage I was in the Homicide  
12 Squad office about midnight with - just arrested an  
13 offender for a potential murder and we were  
14 interviewing her. Whilst we were at the office I was  
15 approached by my Detective Inspector, David Reid, who  
16 advised me of possible fatal shootings of two police  
17 officers at Moorabbin. He then directed me to attend  
18 the scene and take charge as the senior homicide  
19 officer.

20 Just briefly at this stage, you attended the scene, then  
21 later in the morning, around 2.40, you conveyed two  
22 police officers to the Moorabbin Police Station for the  
23 purposes of taking statements?---Yes, but I'm not too  
24 sure if I conveyed them or they'd come in their own  
25 vehicles; that I'm unsure of.

26 You remained at Moorabbin over the course of the morning  
27 until sometime after 9 am?---I was at Moorabbin for  
28 about seven hours.

29 I suggest that it's sometime after 9 am when you returned to

1 the crime scene?---Yes.

2 And performed duties there and then you returned to homicide  
3 officers in St Kilda Road?---About midnight the  
4 following day, yes.

5 That's dealing with that period of time. After that, what  
6 involvement, if any, have you had with the task force  
7 that was set up, Operation Lorimer?---Having referred  
8 to my diary, I see, what, I think it was two days  
9 later, I was requested to take additional statements  
10 from Sherrin and his offsider - Benedict or something  
11 similar, I can't recall his surname - which I did and  
12 from that point onwards I had no further involvement  
13 with the task force.

14 So, two days later you took statements certainly from  
15 Francis Bendeich - - -?---Bendeich.

16 Who was one of the officers with Sherrin who had followed  
17 the suspect vehicle and the vehicle driven by  
18 Silk-Miller into Cochranes Road?---Yes.

19 If I could just ask you this about people: Detective Senior  
20 Sergeant Collins, he was working with you at homicide  
21 at that stage?---He was a fellow team leader.

22 His team took initial responsibility in relation to the  
23 investigation?---At the direction of Detective  
24 Inspector Sheridan.

25 Inspector, can you tell us about Inspector Sheridan, what  
26 was his role?---At that stage I believe he was the  
27 officer-in-charge of the Homicide Squad and below him  
28 was Detective Inspector Reid.

29 When you arrived at the crime scene, or soon after arrival,



1 did you receive a briefing?---Yes.

2 Who gave the briefing?---Sherrin.

3 Do you recall who was present?---Quite a significant number  
4 of police officers were present: Sheridan, the  
5 officer-in-charge of homicide, was certainly present;  
6 not sure about Collins, but certainly a large array of  
7 police officers who had gathered into the command post,  
8 being the booze bus.

9 COMMISSIONER: What was the purpose of the briefing?---The  
10 purpose of the briefing was to, as normally, we would  
11 attend a scene, the purpose of the briefing was to  
12 bring everyone up to speed as what has occurred, and  
13 then that gives us direction of where we then move from  
14 that particular point. So the whole purpose, as always  
15 as protocol and procedure, is to obtain from a person  
16 who has knowledge of what's occurred to give all and  
17 sundry a briefing and then we move on from there.

18 MR RUSH: So, it was Senior Constable Sherrin that gave a  
19 briefing?---Correct.

20 And Senior Constable Sherrin outlined observations that he  
21 had made concerning following the vehicles, where he  
22 went to with Bendeich in their vehicle, and then what  
23 they observed in relation to shootings?---Correct.

24 And then I think observed the offenders' car drive past them  
25 after the shooting?---Correct.

26 Was there any other aspect to the briefing? Anyone else  
27 speaking at the briefing?---Not that I have made a note  
28 of, no, I don't believe. I think after Sherrin had  
29 made the briefing I'm pretty confident we then

1 dispersed and were given different duties to undertake.

2 COMMISSIONER: So, no part of the briefing included an  
3 account or briefing by any of the officers who attended  
4 Mr Miller?---Not that I've got a memory of, sir, but  
5 that - I think, if that were the case, I would have  
6 made a note of it and my notes indicate it was only  
7 Sherrin.

8 Mr Sherrin's observations were made from a distance of,  
9 what, 100 metres?---Approximately.

10 But nobody to your recollection, nobody at that briefing was  
11 asked to give any account of what was actually said or  
12 done at the crime scene?---I don't believe so, sir.

13 Do you find that strange?---Not at all.

14 In the absence of their account, would it not be an  
15 incomplete briefing?---Well, the whole thing is, it's a  
16 matter of getting on with the job and it's not unusual  
17 that one person gives a briefing; that's always been my  
18 experience, but given this particular evening I've got  
19 no recall or no notation that another person would have  
20 come forward. Now, had they something to offer, no one  
21 came forward that I'm aware of, but I don't find that  
22 unusual.

23 MR RUSH: To your knowledge, was there anything done to, if  
24 you like, triage witnesses so that there are witnesses  
25 who were with Senior Constable Miller, and obviously  
26 the two witnesses that you've referred to, Sherrin and  
27 Bendeich who have made observations of the  
28 shooting?---I don't believe so.

29 To take up the Commissioner's question, does that not strike

1 you as unusual?---No, it's not unusual given the mayhem  
2 and the whole enormity of the crime scene of what had  
3 occurred, so basically we all went about our business;  
4 where other members were, what they were doing, I don't  
5 know. So, basically it's not unusual to triage or sit  
6 down with other members and either look at their  
7 welfare in those days, or see what they had to offer.  
8 Certainly it's not unusual given the enormity of the  
9 event.

10 COMMISSIONER: But when you say "we all then went about our  
11 business", the business that you go about is informed  
12 by the information provided at the briefing, that's the  
13 catalyst?---Yeah.

14 So, the more information that you have, the more focused the  
15 direction of further enquiries?---That is so, but that  
16 will then come out with the statements.

17 MR RUSH: Did you have any appreciation, at the briefing or  
18 after the briefing prior to going back to Moorabbin,  
19 that there were police personnel who had had  
20 conversations with Senior Constable Miller?---No.

21 When did you first learn that there were police officers who  
22 had had such discussions?---Possibly last year when  
23 Dowsley informed us of particular conversations in  
24 those statements by Pullin.

25 So, up until that stage, you say you were unaware of any  
26 police officers who had had conversations with  
27 Mr Miller at the scene of the crime?---Well, not that I  
28 can recall; I may have read it during the trial, but  
29 I've got no direct memory, but certainly at that

1 particular point of time, being at the crime scene,  
2 that I had no knowledge that police personnel had  
3 actually spoken to Miller.

4 When you went back to Moorabbin your knowledge, you say, of  
5 the investigation and offender or offenders was  
6 primarily based around the briefing that you had  
7 received that involved Senior Constable  
8 Sherrin?---Correct, as per my notes.

9 Back at Moorabbin, there were a number of officers in  
10 addition to Senior Constable Sherrin who were making  
11 statements?---I believe so, giving - reflecting back on  
12 the notes there were other police present there along  
13 with other investigators.

14 I want to come back to that, but I want to first ask about a  
15 statement-making practice. What is your knowledge, if  
16 any, of a practice in the Homicide Squad of not putting  
17 descriptions of offenders in statements?---Well, in  
18 general terms I've got no knowledge of that, of going  
19 there, it depends. Each team runs - there's a silo of  
20 what they do, but I've got no knowledge as a broad  
21 aspect if that was the process we did within the  
22 Homicide Squad.

23 COMMISSIONER: Have you ever heard that such a practice  
24 existed?---Yes, sir.

25 MR RUSH: When you say you've heard of it, have you  
26 experienced it?---No, not at all.

27 Where have you heard of it?---Well, just throughout my  
28 career, through the experience of being a detective for  
29 25 years as an investigator, different processes that

1           come to light, so over that period of time.

2           In what circumstances have you heard them?---No, I - I don't  
3           know, I can't answer that.

4           Is it your evidence that you have heard of a practice of  
5           police not putting descriptions of offenders in  
6           statements over the period of time that you have been a  
7           detective?---Correct.

8           How have you heard them?---Well, it's only of information  
9           that reaches you of ways people do different briefs of  
10          evidence and statements, it comes to your knowledge  
11          over the 25 year period, so - but clearly, I didn't see  
12          it as a common practice.

13          COMMISSIONER: I take it from your evidence, you'd have  
14          heard about that practice more than once?---Yes, sir.

15          Did you do anything about it?---No, sir.

16          Did you appreciate that the nature of the practice was not  
17          conducive to serving the interests of justice?---Well,  
18          I never turned my mind to that, but I know how my team  
19          operated and what I would expect, and I certainly would  
20          not condone or do that.

21          MR RUSH: That was my next question: how did you ensure that  
22          that practice did not operate in your team?---Because I  
23          had direct oversight of all the briefs of evidence that  
24          passed over my desk, and basically I am hands-on with  
25          the investigations progressing, be it unsolved or  
26          solved, and then at the conclusion of that I read every  
27          page of the brief of evidence before I sign off on it.

28          COMMISSIONER: What I don't follow, Mr Bezzina: if the  
29          nature of the practice was that an officer might

1 receive relevant information, for example a description  
2 of an offender, but exercise their discretion not to  
3 include it in the statement, how would you know that  
4 that practice was being followed? You would only be  
5 looking at the statement that was produced to  
6 you?---Correct, I wouldn't know unless I was made aware  
7 of it.

8 And that's the problem, isn't it? That's the problem with  
9 the practice that, if relevant information is not  
10 recorded in the statement, then it's left to the  
11 individual discretion of the officer who's obtained  
12 that information whether it's ever revealed to his  
13 superiors or to prosecution and defence if there's a  
14 trial?---Correct.

15 MR RUSH: Can we have Exhibit 103, Your Honour. What  
16 Exhibit 103 is, Mr Bezzina, is a patrol duty return  
17 signed by Senior Constable Poke and Senior Constable  
18 Thwaites. At p.2284, Mr Thwaites has written the  
19 following towards the bottom of the page under  
20 "Assisting Second Member Into Ambulance." Going down a  
21 bit further, you see "2M" with a circle?---"2M", yes.

22 "2M", offenders?---Yep.

23 "One on foot, possibly second"?---Yep.

24 "Possibly Hyundai"?---Yep.

25 "Mazda 323"?---Yes.

26 "No further detail"?---Yes.

27 "One of the offenders said to be 6'1, 6'2. Long dark hair.  
28 3-4 day growth. Blue check shirt, blue jeans, no  
29 further details"?---Yes.

1 You see the time up the page that that note is entered is  
2 under "0028"?---Yes.

3 The evidence that IBAC has is 0028 on 16 August 1998?---Yes.  
4 That is, you would agree, if that information was conveyed  
5 to that officer, it is critical  
6 information?---Absolutely.

7 And it's important, understating it, that that information  
8 be placed in that person's statement?---Correct.

9 If the practice that you've just been asked about was  
10 existent in the Homicide Squad, then there is every  
11 chance that the information conveyed there about  
12 potentially even up to two male offenders, but  
13 certainly the descriptions, would not be in the  
14 statements if that practice were followed?---Well, I  
15 would expect that information to be in the statement.

16 If it's a practice at homicide that you don't put that  
17 information in, then you would not see it in the  
18 statement, obviously?---Well, I can't comment that it's  
19 a practice at the Homicide Squad; I can only comment  
20 what's the practice in my team.

21 COMMISSIONER: I should have asked you, Mr Bezzina: on the  
22 occasions during your career that you became aware that  
23 there was such a practice, what squads were you aware  
24 of that followed that practice?---None in particular  
25 that I'm aware of, sir.

26 So, it was in a range of situations, was it?---Yes, sir.

27 Not isolated to one squad?---Correct, it was just general  
28 within the police department, whether it's uniform or -  
29 the fact is, it had become knowledge to me. In what

1 processes or who it was actually directed to, I don't  
2 know.

3 MR RUSH: Was Senior Detective Kelly in your crew?---Yes,  
4 but at what time, I'm not sure.

5 In your crew on 16 August 1998?---I've got no memory who was  
6 on my team there, apart from Jenks who I was working  
7 with, so I can't recall who was on my team.

8 COMMISSIONER: Just from memory, approximately how long was  
9 Mr Kelly in your crew, roughly?---Would be 18 months,  
10 two years, at a guess.

11 Do you remember Kelly at the Moorabbin Police Station on  
12 16 August?---No.

13 The evidence at IBAC is that he was in your crew and present  
14 assisting members, made statements, on 16 August 1998;  
15 you've got no recollection of him being there?---No,  
16 sir.

17 If we accept that evidence and you are both there, and if  
18 Mr Kelly came across evidence such as what was in the  
19 patrol duty return of two male offenders, what's the  
20 process of informing an investigation of that  
21 aspect?---Well, it depends on the individual detective  
22 at the time of how he deals with that information.

23 Did he speak to you?---Not that I've got a memory of.

24 Two male offenders and a description of one them, and you  
25 have no memory - and I ask you to accept for the  
26 purposes of the question this is accurate - of a member  
27 of your team at Moorabbin, no memory of a member of  
28 your team at Moorabbin informing you of that?---I've  
29 got no memory of it but I think, if it were the case,



1 it would have been something that I would have been  
2 keen to speak to Pullin about.

3 Do you say that he could have told you?---Well, I don't  
4 know, I'm looking back 20 years; I've got no memory or  
5 I've got no notation of it, but had that been brought  
6 to my knowledge I think I may have made a notation of  
7 it, but I've got no direct memory of Grant being there,  
8 Grant Kelly being there, him bringing that to my  
9 knowledge because I would have then pursued it down the  
10 track because that would have been vital information.

11 COMMISSIONER: What precisely would have been vital?---Say  
12 again, sir?

13 What precisely would have been vital?---The fact that there  
14 was a number of witness - the number of offenders plus  
15 their description. Because, prior to that, I was  
16 unaware of any description of any offenders.

17 MR RUSH: I want to put to you evidence that IBAC has from  
18 Mr Kelly at Exhibit 432, p.5149. You will see, going  
19 back to p.5148, where he's being asked about the  
20 practice and at the bottom of the page where he says:  
21 "I can't - no, sir, I suppose not. Again, there's no  
22 good reason, if the information was provided. Again,  
23 it's a member's statement. If they told the person  
24 taking the statement, that's what it gets back to, I  
25 suppose." Then he goes on and the name of Senior  
26 Constable Thwaites and Senior Constable Poke are given  
27 to him. Over the page: "State that they were directed  
28 not to put all details in their statements by myself,  
29 sir." Question: "At Moorabbin is that a procedure that

1 you are familiar with with homicide, that at this stage  
2 of an investigation detail of potential offenders  
3 should not be put in statements?" Answer: "That was a  
4 bit of a way of anything, but no, can I ask: was I  
5 supposed to have directed that." He goes on at the  
6 bottom of the page to being unable to give a reason as  
7 to how or why the procedure may have been adopted and,  
8 without going to it, in the end did not deny that he  
9 had indicated to Thwaites and Poke they should not put  
10 descriptions in their statements. What I suggest is,  
11 accepting you have a member of your crew using a  
12 practice in relation to statement-taking that, firstly,  
13 on the basis of your evidence this morning, is  
14 unacceptable?---What's the question?

15 You have a practice of what I put to you of - that is, that  
16 Kelly has in effect instructed witnesses not to put  
17 information like the description of the offenders in  
18 their statements, it's an unacceptable practice?---It's  
19 unacceptable to my level, and the fact if he does that,  
20 that's something that he does unbeknownst to me.

21 To go back, it's a practice that you say over years you'd  
22 been aware of in the police force, and on the evidence  
23 that IBAC has it's existing in your crew, so how do you  
24 know that it's not more common at homicide?---Well, I  
25 don't, because I don't know what other teams are doing.

26 And at any time, then, 1998 or since has there been anything  
27 done to ensure that practice, while you were at  
28 homicide, to ensure that practice doesn't  
29 exist?---Nothing's been done, but I can't see a - or

1 can't have any knowledge of it being widespread that  
2 was an issue, so it's rare in my knowledge.

3 COMMISSIONER: Was Mr Kelly a member of your crew at the  
4 time of the Lorimer inquiries?---Well, from what was  
5 said earlier, I believe so.

6 If that was a practice that he was following - - - ?---Yes.  
7 - - - you say, despite your being the officer immediately in  
8 charge of him, you were not aware of him following that  
9 practice?---Absolutely.

10 Which therefore means that, if it was a practice of his, you  
11 regularly were kept in the dark about relevant  
12 information that he was not recording in witnesses'  
13 statements?---If that's the case, that's true.

14 MR RUSH: And in reading his statements, you didn't pick up  
15 any pattern of statement-taking along those  
16 lines?---No, because there was nothing to compare it  
17 to.

18 COMMISSIONER: That's precisely the problem that IBAC faces,  
19 that if we look at a police file, all we'll see are the  
20 statements that are on the file, not information which  
21 hasn't been put into the statements?---Exactly as  
22 myself, sir.

23 MR RUSH: So, despite re-reading the brief and checking the  
24 statements, that's not something that you've observed  
25 or picked up?---Well, I would have no knowledge of.  
26 How they'd come about taking that statement, I don't  
27 then go and cross-examine them of how they've taken  
28 that statement, what information they had.

29 Do you know or recall Senior Detective Eden, Rosemary

1 Eden?---From memory, she was a clerk - collator or an  
2 analyst.  
3 She was a detective, I suggest, in Detective Senior Sergeant  
4 Collins' crew - - -?---Oh, yes.  
5 - - - in August 1998?---Yes, I think she became a collator  
6 thereafter, so that's why I was confused.  
7 Again, I want to take you to some passages of her evidence.  
8 So, this is a different crew to yours, at 420, p.4839.  
9 She is asked: "While you are working, recall the names  
10 of people worked with in the squad?" She said: "Senior  
11 Sergeant Collins, Sergeant George Buchhorn, Fiona  
12 Richardson, Hickman, Jane Welsh." And they're the  
13 persons I assume you recall or known to you, I take  
14 it?---I'm not seeing that here.  
15 It says Detective Senior Sergeant Collins, Buchhorn and  
16 Richardson, Hickman, et cetera?---Got that.  
17 Going down the page, she refers to Paul Dale having been in  
18 it, and the question: "I think you said the practice  
19 that you were giving evidence about of omitting aspects  
20 of a witness's description was a practice that was also  
21 followed up in Homicide Squad. Which of those members  
22 you've just listed followed the practice?" She said:  
23 "It wasn't omitting, it was limiting. Yeah. I don't  
24 know, I can't recall what statements of other members  
25 that I've read, so I can't say with certainty." Asked  
26 for a general impression: "That was the general  
27 practice as far as I am aware." So, here you have a  
28 detective in a different crew talking about a general  
29 practice at homicide of limiting descriptions of

1 offenders in statements, and you say you're not aware  
2 of it?---As a general practice, I've got no knowledge  
3 of it in that broad terms, as a general practice within  
4 the Homicide Squad.

5 Do you have any knowledge of it in any terms at  
6 homicide?---No, to be honest with you, not at all.

7 So, when you say you've no knowledge of it in broad  
8 practice, what you're saying to the Commission, you've  
9 no knowledge of it at all?---No, as I said earlier, I  
10 had knowledge that that was a process that's being  
11 followed by some detectives, but when you say in a  
12 broad sense that is a general practice within - it's  
13 happening every day on every investigation, that's not  
14 the case, and I can't comment for other teams; I only  
15 can comment what happens in my team that I'm aware of.

16 I guess that's the problem - - -

17 COMMISSIONER: Mr Bezzina, to make it clear, you can really  
18 only say that you've never permitted that practice to  
19 the best of your knowledge?---If I was aware of it. My  
20 situation is that everything goes in that statement.  
21 You look at the hearsay rule: people say, don't put  
22 hearsay in statements. It's my instructions and my  
23 way, how I operate, is to put everything in a statement  
24 and leave it for the court to decide what will be  
25 admissible; that's my level of investigations and how I  
26 would prepare briefs of evidence that I am personally  
27 signing off on, if I was aware of it.

28 MR RUSH: Do you understand what may be considered to be a  
29 concern, that two detectives that have been examined in

1 IBAC have both referred to the statement practice of  
2 not - of limiting details of descriptions, and here you  
3 and other evidence we have, the detective senior  
4 sergeant doesn't appear to know about it?---Correct.

5 COMMISSIONER: Our matter of concern, Mr Bezzina, is that,  
6 we've only heard three witnesses in this public  
7 inquiry: the first is Mr Iddles who's told us of his  
8 knowledge of such a practice, although I think he  
9 confined himself to one occasion where he says that  
10 came to his attention, but neither he nor you ever  
11 sought to take any step within the police force, within  
12 police command, to do anything in relation to that  
13 practice?---No, sir, because the reality of it ...

14 What is it that would preclude you as a senior officer in  
15 perhaps the most important squad in the force raising  
16 with force command when you become aware of such a  
17 practice that it exists and that it must be  
18 discouraged? What was to stop you from doing  
19 that?---Nothing to stop you if I had that knowledge.

20 But you've told us you did?---Yes, but in broad terms it  
21 exists, but in specific occasions, specific briefs of  
22 evidence, I had no knowledge of it. I can't say when  
23 that practice was undertaken by anybody within that  
24 squad that I'm aware of.

25 Well, I don't follow then, in what circumstances was it that  
26 you became aware of such a practice?---Just in general  
27 terms over my career.

28 But not in relation to any specific matter?---No, sir.

29 So, it was just a matter of general comment that you became

1           aware that such a practice existed?---Yes, throughout  
2           the force.

3           But not in circumstances that would enable you to do  
4           anything about it?---Correct.

5           MR RUSH: Both those officers, at least Kelly and Eden, have  
6           indicated they were taught that practice at the Police  
7           Academy: if that be so, your use of the word "general",  
8           a general practice across the police force, would be  
9           very appropriate, wouldn't it?---Well, I've got no  
10          direct knowledge of it being taught in the Academy,  
11          given I went through it in 1972 and 1973.

12          But wouldn't you, as a matter of course, as a senior  
13          investigator in the Homicide Squad, know precisely the  
14          sort of practices that are being adopted by your crew  
15          in relation to statement-taking?---No, I said that  
16          earlier. Unless it comes to my knowledge, how would I  
17          know what process my detectives are undertaking?  
18          Whilst I supervise them, I'm in the field with them at  
19          different times; as I said earlier again, they are then  
20          left as the police informants to conduct their  
21          investigation and finally submit their brief of  
22          evidence to me. How they come to those statements, how  
23          they gather those statements, I'm unaware of unless I  
24          get that knowledge.

25          So, being aware of it across the police force in a general  
26          sense, what steps did you take within your crew to  
27          ensure the practice was not in any way used?---I didn't  
28          take any steps.

29          Why not?---Well, I didn't see it as an issue.

1 So, you'd seen it across the police force?---Yes.  
2 I take it, within CI and detectives and uniform?---Well,  
3 let's go back a step: when you say I'd seen it  
4 throughout the police force, I have not direct  
5 knowledge of particular statements that precluded, so I  
6 didn't see it throughout the police force, so that's  
7 (indistinct).  
8 You were aware of the practice in the police force?---I was  
9 aware that it may be occurring, yes.  
10 And didn't deem it appropriate, even though you appreciated  
11 it may be occurring, not to ensure it wasn't occurring  
12 in your crew?---Well, I didn't see it as an issue  
13 coming up unless I was actually exposed to it.  
14 No, that wasn't my question. The question was, knowing of  
15 the practice, you didn't see it as an issue to ensure  
16 it wasn't adopted in your crew?---No, I didn't.  
17 COMMISSIONER: It just occurs to me, Mr Bezzina, I think  
18 it's universally accepted that the correct procedure to  
19 be followed where a witness provides relevant evidence  
20 at a later stage after they've made an initial  
21 statement, is to prepare a supplementary statement in  
22 which in that supplementary statement they refer to the  
23 fact that, "I've previously made a statement and I have  
24 this additional evidence that should be included now in  
25 a supplementary"?---Yes, sir.  
26 That's the correct procedure?---Yes, sir.  
27 So, that was a procedure that you're familiar with, that  
28 members of your squad followed from time to time?---I  
29 also, yes.



1 So, did it never happen in any of those cases where a  
2 supplementary statement was brought into existence that  
3 you came to realise that the witness wasn't giving that  
4 relevant evidence for the first time in that  
5 supplementary statement that the witness had told the  
6 police officer initially about that evidence but for  
7 some reason it hadn't been recorded in their first  
8 statement?---Not to my knowledge, sir.

9 On all of the occasions that supplementary statements were  
10 used, it was always your understanding that the  
11 relevant evidence being included in the supplementary  
12 statement had not previously been adverted to by the  
13 witness?---Well, I can't answer that given the broad  
14 nature of it. Every statement - we do hundreds of  
15 statements; now, at what particular point it may have  
16 occurred, I can't say one way or the other.

17 No, what I'm asking is, when the supplementary statement  
18 procedure was being used, did it never come to your  
19 attention that the material being inserted in the  
20 supplementary statement had actually been provided by  
21 the witness at the very outset but had not been  
22 included initially?---Not that I've got a recall; it  
23 may have, it may not have, you know, because of the  
24 volume of the statements that we deal with, but I've  
25 got no recall if that were the case in any occasion.

26 MR RUSH: Turning to Exhibit 103, p.2284. Going to the last  
27 page at 2286, do you know or recall Acting  
28 Superintendent Cooper?---No.

29 You don't recall him being at Moorabbin on 16 August.

1           No, sir.

2       You see the entry at 0700: "Instructed by Grant Kelly,  
3           senior detective 25683 Homicide Squad re  
4           statements"?---I see that.

5       The evidence at IBAC is that that entry was made by  
6           Mr Thwaites because he was so upset at the instruction  
7           he had received from Kelly not to put in details of  
8           offenders?---Who's Mr Thwaites?

9       Mr Thwaites is a first responder at the scene?---Right.

10      COMMISSIONER: He was in a divisional van?---Oh, right.

11      MR RUSH: And he's the author of that?---I've got no  
12           knowledge of that.

13      So, you have no knowledge of any problems between police  
14           officers and what they were being instructed to put in  
15           their statements at Moorabbin on 16 August?---Not that  
16           I'm aware of, no.

17      COMMISSIONER: I think, to be fair to you, Mr Bezzina,  
18           although Mr Kelly was in your crew at the Homicide  
19           Squad, when Mr Kelly was directed by Acting  
20           Superintendent Cooper to take statements at Moorabbin,  
21           whose direction was he under then at that stage? Was  
22           he then under your supervision or, although in your  
23           crew, was he really under someone else's supervision or  
24           direction?---Well, when you say "supervision", I think,  
25           you know, they work autonomously on their own. It's a  
26           matter of, when you say "supervision", I'm not looking  
27           over his shoulder looking at what work he's doing,  
28           we're all doing different things at the time. So, if  
29           he's on my team, we're either allocated witnesses to

1 take statements from and we go about our business in  
2 doing that; how that occurs, what happens within that  
3 process, I've got no knowledge of anything like that  
4 coming to my knowledge.

5 MR RUSH: You would agree - I won't take you to it, to IBAC,  
6 some of the evidence of Mr Thwaites is that he put the  
7 material in his statement, he used the words that, "It  
8 was ripped to shreds by Kelly" and consequently the  
9 detail was not - that detail that I've taken you to was  
10 not put in. That, you would agree, has a real prospect  
11 of upsetting the integrity of the police enquiry from  
12 the very first day?---Absolutely. Had that been to my  
13 knowledge, I would have taken a direct issue on that  
14 completely.

15 You did swear a statement in relation to your activities  
16 around 16 August, which is Exhibit 217, p.3103. Going  
17 to the last page, 3105, you have sworn that as being  
18 acknowledged and signature witnessed by Sergeant George  
19 Buchhorn?---Yes.

20 That was taken on 19 August 1998?---Yes.

21 Did you type that statement?---No.

22 Who typed it?---I have no idea.

23 So, how was the statement made?---I don't know.

24 It's your statement?---I understand that.

25 So you're saying you can't recall whether you typed it or  
26 whether someone prepared it for you?---Well, having  
27 read that yesterday, with - there's things in that  
28 statement that, it's - I wouldn't do.

29 What are the things - - -

1 COMMISSIONER: Sorry, what do you mean, you wouldn't  
2 do?---Well, if we go back to the times, for example;  
3 I've never done - I've never put the 24-hour time then  
4 the 12-hour time, for example; that's not my practice.  
5 So there are stylistic things there - - - ?---Correct.  
6 - - - that reflect that it's not your - you didn't type it  
7 yourself?---That's why I say that, sir.

8 MR RUSH: Is there anything in it that reflects things that  
9 you wouldn't do apart from stylistic matters?---No,  
10 that's correct in its content, apart from that  
11 stylistic additions that have been put in there with  
12 the timing.

13 If we go to p.3104, you indicate halfway down that first  
14 paragraph: "Other police personnel who had knowledge of  
15 the shooting were identified and a short time later a  
16 briefing was conducted in the command post van. Senior  
17 Constable Sherrin detailed his knowledge of the  
18 shooting to us." Do you recall, without being specific  
19 as to names, the personnel or the nature of the  
20 personnel who had knowledge of the shooting or who they  
21 were or what type of information they had?---No,  
22 because it was early indicated to me that Sherrin was a  
23 person identified with having knowledge of what's  
24 happened and I identified him as the person who'd come  
25 in and start the briefing or do the briefing to the  
26 masses.

27 What you say in your statement is that, "Other police  
28 personnel who had knowledge of the shooting were  
29 identified", so you've identified already Sherrin in

1           your statement, and I'm not asking you to remember  
2           names, but what I am asking you is, what was the nature  
3           or the knowledge that other personnel have if you  
4           remember it?---I don't recall.

5       Then you say at the conclusion: "I decided that I'd take  
6       Senior Constable Sherrin to the Moorabbin Police  
7       Station." In the next paragraph: "At 2.40 I cleared  
8       the command post location with Sherrin and Senior  
9       Constable Glenn Pullin"?---I just want to go back there  
10       where you say "I decided", where's that, to take  
11       Sherrin and Pullin back?

12       If you go to the third-last line of the first paragraph on  
13       3104?---"It was decided", not "I decided".

14       "It was decided that - - - "?---But you said "I".

15       You take Sherrin back?---Yes.

16       And next paragraph, you cleared the command post with  
17       Sherrin and Pullin?---Yes.

18       So, what was the reason for you taking Pullin back?---Well,  
19       it must have come to my knowledge that he had played a  
20       role within that crime scene and to get a statement  
21       from him.

22       Were you made aware at that stage, or had you heard, any  
23       calls over the police radio in relation to these  
24       offences?---Not that I've got a memory of, no.

25       Anything to suggest that, over the intergraph communication,  
26       there had been reference to two offenders?---Not that I  
27       was aware of, no.

28       Was that not mentioned at the briefing?---No, because it's  
29       not in my notes.

1 You say you "arrived at the Moorabbin Police Station and I  
2 obtained a statement from Senior Constable  
3 Sherrin"?---Yes.

4 How did you obtain a statement from Sherrin?---Well, just  
5 working on my practice, is that, we would have been in  
6 a room on our own or in an area isolated in front of a  
7 computer and typed up his statement on that computer.  
8 You, I take it from that answer, have no recollection of  
9 taking a statement from Sherrin on that night?---No,  
10 sir.

11 When you take a statement from a police officer is there  
12 something that indicates in the attestation clause, the  
13 acknowledgment and signature clause, that you have  
14 taken the statement?---No.

15 Is it not normal to put in the clause "statement taken and  
16 signature witnessed", in this case, "by Detective  
17 Senior Sergeant Bezzina"?---Yes.

18 If we have a look at Exhibit 363, p.3648, going down the  
19 page, what is typed there is: "Acknowledgment taken and  
20 signature witnessed by me at the Moorabbin Police  
21 Station, Sunday the 16th"?---Yes.

22 So, that is different to "statement taken" ?---Yes, there is  
23 no "statement taken" apart from that last line.

24 You've just agreed the normal practice would be to put  
25 "statement taken and signature witnessed". Here what  
26 you've put is an acknowledgment, i.e. getting from here  
27 Sherrin the contents of the statement are true and  
28 correct and then you witnessed his signature. You  
29 haven't put in this document that you took the

1 statement?---No, I haven't.

2 But you're satisfied you did?---Look, just reflecting back  
3 now, given it's a police statement, whether on this  
4 occasion or not, I don't know; whether they were then  
5 left to do their own statement may indicate as to why  
6 "statement taken" is not there.

7 But you have checked your diary, have you not, and it  
8 confirms that you did take the statement from  
9 Mr Sherrin?---Yes, that's what it states.

10 So, what you've done here, if your diary is correct, is not  
11 used what would be the usual clause in relation to the  
12 taking of the statement?---Yes.

13 At the bottom it's got, "Statement taken in the presence of  
14 Detective Inspector King of the Ethical Standards  
15 Department"?---Yes.

16 Why was King there?---I've got no idea.

17 COMMISSIONER: Mr Bezzina, in the affidavit that you swore,  
18 I think at the request of Mr Roberts' lawyers - this is  
19 Exhibit 1, I don't think it needs to be brought up -  
20 but you said at paragraph 7 of your affidavit that at  
21 the Moorabbin Police Station: "Based on my normal  
22 practice I would have sat down in front of a computer  
23 with Pullin and typed out his statement." I'm just  
24 wondering, your memory or your ability to say whether  
25 you took the statement or the officer typed it out and  
26 you simply acknowledged it, do you have any memory or  
27 are you simply relying on your practice?---No memory,  
28 relying on my practice, sir.

29 MR RUSH: As far as Sherrin is concerned, relying on the

1 entry in your diary that you took the statement?---Yes.  
2 But there's no entry in your diary to suggest you took a  
3 statement from Mr Pullin?---Correct.  
4 You also witnessed some other statements at Moorabbin on  
5 that morning?---I don't know.  
6 I'll come to that.  
7 COMMISSIONER: Are you moving on from Mr Sherrin's  
8 statement?  
9 MR RUSH: Yes, I am.  
10 COMMISSIONER: Just one matter, Mr Bezzina. In the various  
11 statements that you've made over time concerning the  
12 Lorimer investigation, you've always maintained that,  
13 based upon Sherrin's account, until very recently you  
14 thought the only information available was that there  
15 was one shooter?---Yes, based on Sherrin.  
16 But looking at Mr Sherrin's statement, I don't quite follow  
17 why it is, from looking at the account you took from  
18 Sherrin, that that's the conclusion you drew. Are you  
19 able to tell us what it is in Mr Sherrin's statement  
20 that enabled you to say with such conviction that,  
21 flowing from his account, there was only one  
22 shooter?---The fact that his statements say, and  
23 correct me if I'm wrong, is that, when they caught up  
24 behind Silk and Miller's car they saw a male person  
25 standing at the door of the car that was intercepted;  
26 they interacted with Silk or Miller, I don't know  
27 which, was everything okay? They were comfortable,  
28 there was one offender, two police officers, and then  
29 they left them to deal with it and went sat 100 metres



1 up the road.

2 That's persons outside the vehicle?---Yes, sir.

3 Did Mr Sherrin say anything about whether or not there was  
4 any occupant inside the vehicle?---I believe there's a  
5 sentence there that said they didn't - something along  
6 the lines of not seeing anyone in the car. Is that not  
7 there?

8 I don't think that's right, Mr Bezzina. But earlier on when  
9 the vehicle had earlier on been sighted by Mr Sherrin,  
10 he says in his statement, "I recall sighting only one  
11 person in the vehicle." You look at what Mr Sherrin  
12 did when he went to the scene immediately after the  
13 shots were discharged and the position of the two  
14 police officers who'd been wounded?---Yes.

15 And his conduct around the scene, in drawing his weapon and  
16 being concerned that there may be someone there that  
17 might harm him, was it not evident to you that he  
18 wasn't proceeding on the basis that there was only one  
19 shooter?---Well, I don't know what was in his mind, but  
20 clearly there's a document that I've read, there's a  
21 specific sentence that says there was no person in that  
22 car, in that particular car, and I thought I reflected  
23 back to Sherrin 's statement, but it's certainly there.  
24 The fact is that, from what I gathered from Sherrin's  
25 statement, they saw one offender outside the car; they  
26 were comfortable to leave Miller and Silk in the  
27 presence of that one offender and then drive away  
28 100 metres away.

29 Because, as he says, there was nothing overtly aggressive

1           that was occurring when they went past?---Yes, sir.  
2           Thank you, Mr Rush.  
3           MR RUSH: Perhaps just to finally deal with Mr Sherrin's  
4           statement, could we have brought up the notes of  
5           Detective Senior Sergeant Collins, Exhibit 20, p.769.  
6           Going down to the bottom half of the page, just above  
7           "12.28". See there notes, there's some crossing  
8           out?---Yes.  
9           Then: "Sherrin told by Miller one offender, Hyundai. Lot of  
10          pain." You took the statement from Mr Sherrin?---Yes.  
11          What I want to suggest is, he at no stage spoke with  
12          Mr Miller?---That Sherrin did not speak to Mr Miller?  
13          Yes?---I don't know.  
14          It's not in your statement, is it?---Well, it's not in his  
15          statement, he didn't speak to him that I'm aware of, he  
16          would have had it in his statement.  
17          Further down after "12.28": "Substance of panic briefing by  
18          Sherrin to Sheridan earlier." So, you have indicated  
19          you were at that briefing. Here Senior Sergeant  
20          Collins has described it as "a panic briefing"; is that  
21          your recollection?---No.  
22          That he was panicked, upset, distressed?---That's not my  
23          recollection, no.  
24          COMMISSIONER: Mr Rush, I thought it was another divisional  
25          van that first located the place where Mr Miller was  
26          lying, not Mr Sherrin's divisional van.  
27          MR RUSH: Correct. And has: "Bezzina with Sherrin. Request  
28          he attend Moorabbin." Just up the page at 770, that  
29          concerns Sergeant Phelan(?). It goes on: "Moorabbin.

1 Sergeant Bezzina. Statement been taken from Sherrin."  
2 So, reading that, allowing for your own understanding  
3 of the circumstances at the time you took the  
4 statement, there was, I take it, no reason for you, you  
5 would say, to believe there were two offenders?---Not  
6 at all. If there was, I would have put that in  
7 Sherrin's statement.

8 If you'd been told by Mr Sherrin that he had a conversation  
9 with Mr Miller, you would put that in the  
10 statement?---Absolutely, because that's quite vital.

11 Going back to these statements and your practices. You have  
12 indicated to the Commissioner that, if there is one  
13 statement and a subsequent statement, then the  
14 subsequent statement needs to be in the form of a  
15 supplementary statement?---Absolutely.

16 Just before we finalise, no need to bring it up. The  
17 witness to your statement on, I think, 18 August, was  
18 Sergeant Buchhorn?---Yes, sir.

19 What was Sergeant Buchhorn's role as far as, why did he come  
20 to you? What was his role as you understood it in  
21 relation to evidence-gathering?---I have no idea  
22 because I wasn't part of the task force.

23 So, you had no interest at all in asking him?---No, sir.

24 He didn't tell you?---No, sir.

25 He came to you and took the statement?---Yes, as an  
26 investigator.

27 So, have you spoken to him recently?---No, sir.

28 When was the last time you spoke with him?---Last time I  
29 spoke to Mr Buchhorn was when I was in charge of the

1 integrity unit at the Greyhound Racing, and he was the  
2 manager of wildlife for some government department in  
3 wildlife and he wanted some advice in relation to  
4 issues he was having at his workplace; that would have  
5 been - when was that? I was at Greyhounds for  
6 14 months, 18, 17; it may have been 16/17, that would  
7 have been the last time that he reached out.

8 May of two thousand and - when was that?---I'm just  
9 guessing, I was trying to work back when I was at the  
10 Greyhounds, 16 or 17, I was there for a 14-month period  
11 and sometime during my service at the Greyhounds  
12 Buchhorn had reached out or seeking some advice and we  
13 went and had coffee.

14 Mr Bezzina, you have indicated that - firstly, you're aware  
15 of two statements of Mr Pullin?---Yes.

16 You have indicated, both publicly on the Neil Mitchell show  
17 on 21 November 2017 and privately that both those  
18 statements bear your signature?---On the copies that  
19 I've seen, yes.

20 One of the explanations that you have, is that, potentially  
21 someone - I'll come in more detail to it - but someone  
22 has put the second statement under your nose to sign  
23 it?---That's what I was guessing that's what's  
24 occurred, yes.

25 Who do you think would be responsible for that?---I have no  
26 idea.

27 Well, don't you have some idea now as to who would be  
28 responsible for it?---Only what Iddles has told me and  
29 what I've heard, that George Buchhorn may be the

1 person.

2 What's that understanding based on? What did Mr Iddles say  
3 to you?---That George Buchhorn had approached Pullin to  
4 make an additional statement.

5 So that would mean, would it not, that if that had occurred  
6 that you would have had some interaction with  
7 Mr Buchhorn between the events that you were signing of  
8 the statement that we've seen and the signing of the  
9 second statement?---Look, I may have had an interaction  
10 with him, but in particular to that statement, I've got  
11 no memory of having done that.

12 Could we have a look at Exhibit 593. Commissioner, I'm  
13 wondering, before we go to that, if we could have a  
14 five-minute break?

15 COMMISSIONER: Yes, that might be convenient. Mr Bezzina,  
16 why don't you have a break, you're welcome to leave the  
17 precincts if you wish. We'll adjourn for - how long,  
18 Mr Rush?

19 MR RUSH: I'm at your - - -

20 COMMISSIONER: Approximately ten minutes?

21 MR RUSH: Five to ten minutes.

22 COMMISSIONER: Very good.

23 Hearing adjourns: [11.26 am]

24 Hearing resumes: [11.44 am]

25 COMMISSIONER: Yes, Mr Rush.

26 MR RUSH: Exhibit 593, Commissioner. (To witness)  
27 Mr Bezzina, you are familiar with both these  
28 statements, are you not?---Yes.  
29 Obviously, you have signed both these statements?---Based on

1 the photostated copy, yes.

2 It's your opinion, is it not, that each of those statements  
3 bear your signature, you've signed them?---Based on the  
4 copy, yes.

5 What do you mean "based on the copy"?---Well, I've not seen  
6 the ink copy or the original.

7 But, that said, you've certainly offered the opinion to  
8 Mr Neil Mitchell that you believed it bore your  
9 signature independently of an ink copy?---Yes.

10 I'll come back to that. Do you agree, the statement has  
11 been retyped?---Yes.

12 So, in those circumstances, you agree it hasn't been  
13 electronically reformatted?---Well, that I don't know.  
14 The fact is that it's squared up and, as to the  
15 margins, I don't know whether it's been electronically  
16 formatted or retyped, or scanned or - that I don't  
17 know.

18 But you also have said, have you not, that your normal  
19 practice, because certainly at this stage of your  
20 career you were not overly au fait with computers,  
21 would have been to type it onto the screen at Moorabbin  
22 or the computer at Moorabbin. Because Moorabbin was  
23 not linked to the Homicide Squad, you would have  
24 finished the statement and then printed it out and it  
25 would have been deleted from the computer?---Yes.

26 So, in that sense, to reformat the statement if you followed  
27 normal practice, it would be not possible to do that,  
28 you could only retype it?---I agree.

29 COMMISSIONER: And, just to be clear, Mr Bezzina, your view

1           that you typed the original statement is not based on  
2           memory but just on the basis of your normal  
3           practice?---Yes, sir.

4           What is it that enables you to say that your normal practice  
5           would have been to type that statement? Is it  
6           something about the acknowledgment or is there  
7           something in your diary that says to you that you typed  
8           it rather than the witness?---Only from the  
9           terminology. There's nothing there that's foreign, but  
10          I would not have put in my statement the terminology or  
11          the likes.

12          Just to return to a matter that Mr Rush raised with you at  
13          the outset: you hadn't stated in the acknowledgment  
14          that the statement was taken by you; was it normally  
15          your practice to record that?---The statement taken by  
16          me on a particular day?

17          Correct?---Yes, but on reflection it's a matter of - because  
18          police do their own statements; now, whether it was the  
19          case that he's done his own statement then I've just  
20          witnessed the acknowledgment, I've got no recall, sir.

21          I just want to come back to that practice, the procedure  
22          that's followed: is there any direction within the  
23          force where the person making the acknowledgment has  
24          taken the statement, that that should be recorded?---I  
25          think it's just custom.

26          But is it a practice which is left to the choice of the  
27          senior officer?---Well, the person taking the  
28          statement, I would manage so, sir.

29          So it's not necessarily the case that they record that they

1           took the statement?---Well, more often than not that  
2           would be the case, "Statement taken and signature  
3           witnessed by me", then the acknowledgment. Certainly  
4           on civilian statements.

5           Because there is a fundamental difference, isn't there,  
6           between the witness writing out or typing out their own  
7           statement and having someone acknowledge their  
8           signature - - -?---Yes.

9           - - - where the witness can then say with confidence, "I'm  
10          happy with its contents", as distinct from when  
11          somewhere else types the statement?---Yes.

12          Then you've got to be careful to ensure that the witness has  
13          read it?---Yes.

14          And states formally that they have read it and acknowledge  
15          its truth?---If they didn't type it up themselves, yes.

16          Thank you.

17          MR RUSH: Just for clarification on this point, there's no  
18          need to take it up, but if we could keep that open,  
19          please. Mr Pullin has - for the purposes of the  
20          question I asked you to take it as being Mr Pullin's  
21          version: "At Moorabbin I was led into the collator's  
22          office of the DSG offices, sat down at the computer  
23          there told to start my statement. There were a number  
24          of police at computers throughout the police complex.  
25          It was an inspector from IID, I don't know his name,  
26          who sat in the room with me. He left for a short time,  
27          returned to inform me that Mr Miller had died. I  
28          didn't speak to anyone at the police station other than  
29          the inspector from IID while doing my statement. I



1 don't know why IID were with me, if anyone else had IID  
2 with them or what the purpose of IID being present.  
3 Much of what I've just informed you has never been  
4 shared publicly. I finished my statement, signed it,  
5 gave it to Detective Sergeant Bezzina who, if I recall,  
6 was seated in the centre of the DSG offices." If we  
7 accept that is the version of Mr Pullin, that he in  
8 fact typed his statement and then presented to you for  
9 signature as witness, you would not dispute it?--No,  
10 sir.

11 Did you have some role in collating statements on the  
12 day?---Well, unless I did it at the Moorabbin Police  
13 Station, and I've got no recall of that. But for the  
14 task force, no.

15 I take it, one of the reasons why Mr Pullin was left to - if  
16 we accept this - make his own statement, is that at  
17 that stage any information he had may not have been  
18 seen as being critical to the investigation?---Correct.

19 I'll have an exhibit brought up, Exhibit 263, which is a  
20 statement of Senior Constable Gardiner made on  
21 16 August 1998 at 4.39 am, p.3296.

22 COMMISSIONER: Where was that statement taken, Mr Rush?

23 MR RUSH: The statement was taken at Clayton.

24 COMMISSIONER: Thank you.

25 MR RUSH: You understand that Mr Gardiner had gone in the  
26 ambulance to the hospital with Mr Miller. At p.3299,  
27 in the bottom half of the page, he says this: "A senior  
28 constable, the same one that found the gun ...", now  
29 that, as you would be aware, is Mr Pullin? You're

1           aware Mr Pullin found the gun, picked it up and checked  
2           the chamber?---Yes, I have a memory of reading that.  
3           "Found the gun, asked 'What happened?' Miller replied '2,  
4           one on foot'. The senior constable asked, 'Any  
5           vehicle?' Miller replied 'Dark Hyundai'. We continued  
6           to comfort him." Obviously, if you had been taking a  
7           statement from Pullin, and Pullin had indicated  
8           anything of that sort, your evidence is it would have  
9           gone into the statement?---Absolutely, that's vital.  
10          What is the process by which these statements are collated  
11          so that one can check, here we've got a senior  
12          constable saying that Pullin said those words, and the  
13          statement that you have witnessed doesn't have Pullin  
14          saying those words? What does the investigator, or  
15          homicide or Lorimer do when you have that  
16          conflict?---Well, you go back to the source for  
17          clarification and, if it needs an additional statement,  
18          as we've spoken earlier, would be undertaken to clarify  
19          that.  
20          And that would go in the form of a supplementary  
21          statement?---Yes, sir.  
22          COMMISSIONER: If it's the truth that Mr Miller on more than  
23          one occasion while being comforted by colleagues  
24          waiting for the ambulance to arrive said words to the  
25          effect that there were two offenders, one on foot, can  
26          you think of any reason, other than the practice that  
27          we've previously discussed, why those words would not  
28          find their way into Mr Pullin's initial  
29          statement?---I've got no explanation for that, sir. I

1 would think, if that was to my knowledge I would have  
2 recalled that. If I knew on the night this, I would  
3 have gone back to Pullin and queried that, but I had no  
4 knowledge of it.

5 Mr Pullin's first statement includes some words uttered by  
6 Mr Miller but not those critical words. Can you think  
7 of any reason, other than the practice that we've  
8 previously been exploring - namely, that relevant  
9 things are sometimes deliberately left out of the  
10 statement - can you think of any other reason why  
11 Mr Pullin might not have included that in his  
12 statement?---That's something for him to answer, sir,  
13 I've got no idea what was in his mind.

14 But you were assisting him in the production of his  
15 statement, were you not?---Well, I don't know whether I  
16 was going to other areas, or I come back to him, I  
17 don't specifically what my role was at Moorabbin Police  
18 Station, given the fact of other police members being  
19 present.

20 Pause there, Mr Bezzina. You have sworn on oath based on  
21 your normal practice that you typed the  
22 statement?---That was my belief.

23 So, now you're saying you can't even tell us what role you  
24 played if he was the one that prepared the  
25 statement?---That is correct, sir.

26 In your affidavit, Exhibit 1, which is the affidavit you've  
27 prepared at the request of Mr Roberts' solicitors, you  
28 said: "Pullin gave no indication at all to me that I  
29 was typing his statement and that there may have been

1 two offenders at the scene. At that stage I was  
2 working on the assumption that there was only one  
3 offender given the briefing that we were given by  
4 Senior Constable Sherrin." You also say - I'm just  
5 trying to find the passage where you also say that you  
6 were also assisting other persons in the making of  
7 their statements. Do you recall the extent to which  
8 you were involved with anyone other than Sherrin and  
9 Pullin?---No, sir. I'm, again, guessing as to, I have  
10 taken Sherrin's - um, Pullin's statement; but now on  
11 reflection that may well not be the case, so it's  
12 something that's certainly possible and I agree with -  
13 or I can't disagree with what Pullin has said.

14 Yes, Mr Rush.

15 MR RUSH: On the basis, Mr Bezzina, that you did not take  
16 his statement in the sense that you've spoken about,  
17 would you have read his statement?---Yes.

18 Would you have asked him any questions about it?---If there  
19 was something pertinent, I may have, I may not have, I  
20 might have just accepted it given the situation we were  
21 in; I don't know, I may have, I may not have.

22 I'll come back to Exhibit 593, but at Exhibit 370, p.3683,  
23 there is the statement of Detective Senior Constable  
24 Small. If we go to p.3685 you have acknowledged and  
25 witnessed that at 4.45 am on 16 August?---I can't see  
26 the time.

27 It's in the clause just above your signature on p.3685.

28 Perhaps if we go up the page?---4.45, correct.

29 A bit further up, your signature?---Yes, sir.

1 Your signature there?---Yes, sir.  
2 Your practice to read statements?---Yes.  
3 Going to p.3684, in the second paragraph, second sentence,  
4 this is Small speaking of a conversation: "I heard him,  
5 Miller, say there was one male offender on foot. I  
6 also heard someone mention a small dark-coloured car,  
7 possibly a Hyundai." Did you read that, would have  
8 read that?---Yes.  
9 Again, you're not saying you took that statement?---No, I'm  
10 not.  
11 Coming back to Exhibit 593.  
12 COMMISSIONER: Forgive me for interrupting, Mr Rush, but  
13 I've now found the passage where you say, Mr Bezzina,  
14 that when you went to Moorabbin you obtained the  
15 statement - this is in your witness statement made on  
16 19 August, Exhibit 217, perhaps the witness could be  
17 shown that in the second paragraph, p.3104. You see  
18 that there you describe what you were doing at  
19 Moorabbin?---Yes, sir.  
20 That doesn't suggest that you actually took either Sherrin  
21 or Pullin's statement, does it?---No, sir.  
22 Indeed, it rather supports the view that Mr Pullin made his  
23 own statement?---I can't disagree with that.  
24 You say that you obtained a statement from Sherrin, and then  
25 you say: "During this time I was checking other police  
26 statements being made"?---That might be correct given  
27 the fact of what we've just covered.  
28 Would that include then Mr Pullin's statement?---Yes, sir.  
29 MR RUSH: If we bring back Exhibit 593. Without going

1 through it in detail, but you'd agree there are some  
2 significant changes between the two statements?---Yes.  
3 I want to suggest to you that obviously the second statement  
4 on the right-hand side of the screen has been signed  
5 after 16 August 1998, or certainly wasn't signed on  
6 that day?---No.  
7 And yet, it is acknowledged as being witnessed by you at  
8 Moorabbin at 4.25 am on 16 August?---Yes.  
9 So, how is it that you could acknowledge a statement being  
10 made at Moorabbin at 4.25 am on 16 August?---Well, just  
11 reasserting that, having take - well, been aware of the  
12 first statement, I just took it for granted that what I  
13 was signing was the same statement that Pullin had made  
14 at Moorabbin.  
15 So, what possible reason would there be for you to sign a  
16 further statement?---Well, I don't know what would have  
17 been put to me by the member, if it was in fact  
18 Buchhorn, who got me to sign that statement.  
19 You have indicated that one of the reasons may be  
20 reformatting?---Yes, sir.  
21 But very clearly, as we've discussed, this is not a  
22 reformatted statement ?---Well, it's a reformatted  
23 statement looking at the two with additional  
24 information in it.  
25 Is it your practice to attest an acknowledgment to a  
26 statement without having the person who's made the  
27 statement with you?---Well, I would have been under the  
28 impression, reflecting back, that I was reasserting  
29 what was in the initial statement taken on that day

1           given it was the same time and date; it wasn't an  
2           additional statement.

3        You, as a senior policeman then, are signing a document  
4           acknowledging that you are in effect at Moorabbin on  
5           16 August when you're not?---Well, I was, acknowledging  
6           again back to the original statement.

7        But not when you signed the second statement,  
8           Mr Bezzina?---Well, I agree with you.

9        So, in the sense that - - -?---Sorry to (indistinct).  
10       - - - you have signed a statement when you weren't at  
11       Moorabbin and it wasn't 4.25 am on 16 August, you have  
12       done something, have you not, that in relation to  
13       statement-taking is improper?---Well, in hindsight,  
14       yes, and I've got to accept that, and I put up no  
15       excuses for it.

16       Well, not in hindsight, at the time?---At the time, I don't  
17       know what I was thinking at the time or what may have  
18       been said to me.

19       You have appended your signature to a document that makes an  
20       acknowledgment at 4.25 am on 16 August, when clearly  
21       that was not the case?---At that particular time.

22       And you must have appreciated that?---No, because I would  
23       have - my guess is that I'm looking back on the fact  
24       that I knew that Moorabbin on that time and day it was  
25       taken.

26       My question's a little bit different. You must have  
27       appreciated when you signed that statement you weren't  
28       at Moorabbin and it wasn't 16 August?---I don't believe  
29       I appreciated at that particular time that I turned my

1 mind to.

2 What did you think you were signing?---I thought I was  
3 re-signing Pullin's statement.

4 Is that a practice that's adopted, that you would re-sign a  
5 sworn statement?---Well, I've got no specific recall of  
6 other ones that I've done; I may have, I may not have.  
7 So I take it, what was presented to you is a statement that  
8 had Pullin's signature on it?---Yes.

9 And the part for your signature was blank?---Yes.

10 So, you appended your signature to a further  
11 statement?---Well, I would have taken for granted it  
12 was just a direct copy of the initial one and accepted  
13 it as being genuine.

14 So, do you recall who put the statement before you?---No,  
15 sir.

16 You've indicated that, as best you can understand it, it's  
17 Mr Buchhorn?---But only from what I've been told since.

18 And so, you have publicly expressed your extreme dismay at  
19 this; have you at any time contacted Buchhorn for an  
20 explanation?---No, sir.

21 Why not?---Well, I didn't see it my role because I was quite  
22 angry about it, that if this has occurred once I've  
23 become aware of the two statements, that I've been put  
24 in this position by Buchhorn, and I thought well enough  
25 to stay away from him pending what we're doing with  
26 IBAC.

27 COMMISSIONER: Mr Bezzina, you can see now how all this  
28 looks, can't you? That you acknowledge that there was  
29 a practice within Victoria Police Force that a



1 statement might be made that excludes relevant  
2 information, and that at a later point of time then if  
3 it becomes important in the investigator's eyes, a new  
4 statement is prepared - that's what's happened here -  
5 and you facilitated that process by being the person  
6 acknowledging the new statement as though it was the  
7 original statement taken two years  
8 earlier?---Unwittingly, yes.

9 But that practice couldn't follow if anyone who's required  
10 to acknowledge the statement didn't allow it to bear a  
11 date and a time on it which was false?---Well, I didn't  
12 believe it to be false because I knew it was the time  
13 and date from that particular evening, so - - -

14 But you didn't know that because you hadn't bothered, you  
15 say, to read the statement. You didn't look to see  
16 whether its content was the same as the initial  
17 statement?---No, I would have looked at the time and  
18 date because, had the time and date been different, I  
19 would have then queried it.

20 Yes?---So I didn't read the statement.

21 I'm sorry, I don't follow that. You mean, so long as two  
22 and - how long after the event are we talking about?  
23 So long as some years after the event you were  
24 satisfied that the statement you were then being asked  
25 to sign bore the date of the original statement, you  
26 didn't have a problem?---No, for me to query it.

27 MR RUSH: Surely some explanation must have been given to  
28 you, for the reason for you to re-sign?---Yes, it would  
29 have, but I'm only clear on one thing: one particular

1 explanation was not given to me, but what other ones  
2 were, I don't know.

3 An explanation that we needed to put some meat on the bones  
4 of Mr Pullin's statement could have been given to  
5 you?---If that were the case, there was no way knowing  
6 I would have been part of that or signed the document,  
7 and that's when I would have alerted issues as to some  
8 form of corruption in relation to that for me being  
9 approached. I would never implement myself in such a  
10 matter.

11 Are you saying to the Commission you now do not recall the  
12 explanation that was given to you as to why you would  
13 need to sign a further statement?---What I'm saying is,  
14 that's correct, I don't recall the legitimate excuse  
15 given to me, but what I do know is, had - if it were  
16 Buchhorn and Buchhorn had said to me, "We need you to  
17 sign this because we need to beef up the evidence  
18 against Roberts or add additional information in his  
19 statement", I would not have a bar of that whatsoever  
20 because I would understand the enormity of having done  
21 that and being part of the potential to pervert the  
22 course of justice.

23 COMMISSIONER: But the fact that you're prepared to sign a  
24 statement at a time which is not the time reflected in  
25 the acknowledgment, does that mean you've done that on  
26 other occasions and not been troubled by doing  
27 so?---Possibly, sir, yes.

28 So that, if there was a practice, for example, of leaving  
29 relevant information out of a witness's statement,

1 later on deciding that that information should be  
2 inserted but then creating a new statement with that  
3 additional information in it, but the statement bearing  
4 the date of the original statement, you could have  
5 unwittingly been a part of that process on other  
6 occasions?---Yes, sir. If there was additional  
7 information in that second statement that I was aware  
8 of, I would not have signed that, I would have said,  
9 "Go away and get a secondary statement and you can then  
10 sign it because that is the proper process."

11 So, so long as you say the later statement had nothing  
12 additional in it, you had no difficulty in signing a  
13 statement even though it bore a date which was not the  
14 date on which you were signing it?---Yes, given the  
15 fact of the initial statement.

16 On what basis do you think it's okay to sign something which  
17 is false on its face?---False on that particular case.  
18 I balanced that against the original statement because  
19 I knew that Pullin had made a statement on that time  
20 and date, so - - -

21 Be that as it may, your statement reads: "Acknowledgment  
22 made and signature witnessed by me" at a particular  
23 time?---Yes, I know what you're saying.

24 Well, why on earth did you think that it would be okay to do  
25 that?---I didn't turn my mind to it, sir.

26 MR RUSH: There's no legitimate excuse for signing a  
27 backdated statement, is there? What was going to  
28 happen to the first statement?---Well, I was always  
29 under the impression it was only that one statement.

1 No, but you have signed a second statement?---Yes.  
2 What did you understand would happen to the first  
3 statement?---I never turned my mind to that.  
4 What should happen to the first statement?---It stays in  
5 existence.  
6 COMMISSIONER: You now have no memory of what Mr Buchhorn  
7 said to you?---Not at - - -  
8 At the time of requesting you to acknowledge it?---No, sir,  
9 but it would have been something that would have struck  
10 me as being legitimate.  
11 MR RUSH: But to return to the question, there is no  
12 legitimate excuse, if we look at proper  
13 statement-making practices, for you to sign a backdated  
14 statement?---I agree.  
15 And the reason the first statement should be kept, you say,  
16 is so that it's disclosed?---Yes.  
17 If we go to Exhibit 431 which is a transcript of your  
18 interview with Mr Mitchell, p.5104. At p.5107, down  
19 the page at line 24: "Okay", says Mr Mitchell, "So you  
20 would possibly sign it without reading it?" You are  
21 recorded as answering: "Absolutely." Mitchell: "And  
22 it's common?" You say: "Yeah, it's common because with  
23 the amount of statements we take as investigators and  
24 especially a witness statement and I knew I took the  
25 witness statement some times previous, so I had no  
26 reason to go through it with a fine tooth comb or  
27 question that detective who approached me." So, is it  
28 a common practice, when you were in the Homicide Squad,  
29 to be signing backdated statements?---Yes.

1 And, I take it, you would say trusting the person that's  
2 putting it in front of you?---Complete trust.  
3 Just to confirm that, p.5109 of that document. At the top  
4 of the page, you say: "Absolutely. The only one who  
5 can answer that is certainly a detective. Whoever that  
6 is has approached me. I say and confirm that is  
7 definitely my signature on that second statement with  
8 that conversation. So, whatever excuse was given to me  
9 I've accepted at face value the word of this detective  
10 and said, okay, and signed it and away he's gone."  
11 That's consistent with your evidence, but what I want  
12 to know is, the practice that is there referred to,  
13 when you say "it's common practice", it's not only you,  
14 I take it, that adopts that practice?---Correct.

15 COMMISSIONER: And you appreciate that, by that practice  
16 being adopted, statements can come into existence then,  
17 as this one has, which don't accurately reflect the  
18 process by which the witness has come to give their  
19 account?---Yes, sir.

20 And, unless the prosecution and defence is told about that,  
21 no one is the wiser to the fact that additional  
22 information's been inserted in the original  
23 statement?---Yes.

24 MR RUSH: So, do you individualise names for that practice  
25 within the Homicide Squad?---No.

26 Or is it a practice across the Homicide Squad?---Well,  
27 across the Homicide Squad and possibly other areas.

28 You were notified by Mr Iddles about the second statement  
29 some weeks before it made headlines in The Herald

1 Sun?---No, I was notified by Dowsley.

2 I beg your pardon, you were notified by Dowsley and had a  
3 cup of coffee with Dowsley and was Iddles present at  
4 that cup of coffee?---Yes, sir.

5 You had a number of conversations with Mr Iddles concerning  
6 the document, the second statement?---Yes.

7 I just want to read something that Mr Pullin says he was  
8 told by Mr Iddles: "I believe the detective sergeant  
9 was Buchhorn. He is the only person I ever met from  
10 the task force and was one of the names Iddles  
11 mentioned in our initial phone call, so I may have his  
12 name stuck in my head. I cannot be sure it was  
13 actually Buchhorn but that's the only name." Is  
14 Buchhorn the only name that has come to you as being  
15 responsible for putting that statement in front of  
16 you?---Yes.

17 Also Mr Pullin says that he was informed in a telephone  
18 conversation by Mr Iddles the following: "Iddles named  
19 three members of the Lorimer Task Force. I'd heard  
20 only one of these three. He said they'd acted poorly.  
21 They'd informed him that some members had changed their  
22 statements to fall in line with how the case should be  
23 run as opposed to the evidence. He said he was really  
24 shocked by this revelation that he had identified a  
25 huge problem with the management of the task force."  
26 In your conversations with Mr Iddles, have you had  
27 discussions about the management of the task force?---I  
28 don't believe so, no, I would have recalled that.

29 What do you mean, you don't believe so?---Well, I've got no

1 memory of that coming to my knowledge, and whether I  
2 was more concerned about the implication of this second  
3 statement, I was more focused on that. He may have  
4 mentioned it to me but I have got no memory of him  
5 speaking to me about that. It doesn't ring a bell with  
6 what that passage you've just read out.

7 It does ring a bell?---It doesn't.

8 When you had a coffee with Mr Iddles and Mr Dowsley, you had  
9 communications, a number of them, did you not, with  
10 Mr Iddles after that?---I don't believe so. I think we  
11 left with him coming back to Melbourne then to notify  
12 IBAC.

13 Are you saying that Mr Iddles has not raised with you, when  
14 you have been adamant about the statement-making  
15 practices led you into the witness box in IBAC, hasn't  
16 raised with you, or you haven't spoken with him, about  
17 any of the practices coming out of Operation  
18 Lorimer?---No, sir.

19 What's the purpose of backdating witness

20 statements?---Backdating witness statements?

21 The second statement here is backdated; what's the purpose  
22 of the practice of backdating witness statements?---I  
23 don't know if there's a purpose to it, it's a matter of  
24 restating what was already said in the first place. I  
25 understand what you're saying in relation to the date  
26 that I signed it.

27 Why is there a reason to have to frequently re-sign

28 statements and make attestations to, in effect, false

29 days?---Well, the only reason I'm guessing at is the

1 fact that, having a statement reformatted with the same  
2 information, certainly not with additional information.

3 COMMISSIONER: That's not quite the question counsel is  
4 asking. Why would there ever be a need to do  
5 that?---Well, there wouldn't.

6 MR RUSH: So, what is the purpose of signing statements that  
7 bear a false date?---Well, I didn't accept it at that  
8 particular time as being false in relation to it, I'm  
9 re-signing the same document, so had I - should have  
10 given it more thought? Yes, I accept that and I accept  
11 I shouldn't have done that.

12 But you've told IBAC here, and you've told Mr Mitchell, it's  
13 a common practice across homicide. What is the purpose  
14 of the practice?---Well, I can only guess of  
15 reformatting, that's - it's foremost in my mind,  
16 reformatting statements.

17 But what's the necessity to reformat and re-sign,  
18 backdating, any statement?---Well, that's all I can  
19 say, it's a matter of making it more presentable,  
20 that's - again, that's the only thing that comes to my  
21 mind.

22 COMMISSIONER: Mr Bezzina, the reformatting process which is  
23 done for the prosecution brief doesn't normally contain  
24 an original signature of witnesses, does it?---That, I  
25 don't know.

26 When it goes on to the prosecution brief, the signatures are  
27 not there, it's just the document's reformatted into a  
28 standard format?---Well, there's two groups: there's an  
29 original statement folder and then there's the



1 additional one where you've got the possibly unsigned  
2 statement.

3 What I'm asking is, is it correct to say that the  
4 reformatted document for the purposes of a brief  
5 doesn't usually contain signatures?---Well, sometimes  
6 it does, sometimes it doesn't, I can't be more specific  
7 than that.

8 MR RUSH: The reformatting of documents is for the committal  
9 process and those documents/statements reformatted do  
10 not contain signatures; isn't that correct?---I don't  
11 believe it's always the case, no.

12 Don't you know?---Well - - -

13 Are you saying that you have practices where you have  
14 provided committal briefs where you go back out to  
15 deponents of statements and have them re-sign their  
16 committal statements that have been reformatted into a  
17 common statement platform?---Not as a matter of course,  
18 no.

19 I come back: what is the reason for signing or putting up  
20 statements for re-signing that do not need to be  
21 reformatted?---Well, I can't answer - I can't take it  
22 any further than I already have.

23 But you have indicated it's a practice that you yourself do,  
24 and it's a practice across homicide; what's the reason  
25 for it?---I go back again: my only reason I can recall  
26 is formatting, reformatting those statements.

27 Are you saying that you have adopted a common practice, that  
28 homicide adopts a common practice, but you're not  
29 really sure of the purpose for it?---I wouldn't say

1 "common", it just occurs from time to time.

2 "Common" is your word to Mr Mitchell?---I understand that,  
3 but that was then, but this is a different scenario.  
4 It's a practice that you do from time to time and you can't  
5 tell me - - -

6 COMMISSIONER: Sorry, what do you mean, you mean you're on  
7 oath? Is that what you mean?---Well, the whole thing  
8 is, that's a media interview as opposed to being under  
9 oath here and on reflection from the time that's  
10 passaged.

11 MR RUSH: What reason can you proffer for such a practice if  
12 it's not reformatting?---That's the only one.

13 COMMISSIONER: In your long experience in the force, have  
14 you come across or heard of other occasions, not just  
15 in relation to acknowledgments on witness statements,  
16 where the wrong date has been inserted on some police  
17 document for the purpose of giving it a contemporaneity  
18 which it didn't have?---Not that I'm aware of, sir, no.  
19 In no other sort of circumstance?---Not that I can recall,  
20 sir, no.

21 MR RUSH: Is reformatting code for fixing up a statement?  
22 In other words, you say you're reformatting, but you're  
23 really fixing up the statement in some way or  
24 another?---For appearance, yes. Where you've got the  
25 paragraph squared off in the end, as you can see the  
26 two, to me that looks like it's a reformatted statement  
27 without dealing with the contents, it has a better  
28 appearance in relation to it, hence the formatting, and  
29 that's the only thing I can put it down to.

1 I'm putting it really a different way, that reformatting is  
2 a word that is used by some members of homicide really  
3 to have a statement include information that was not in  
4 the original statement?---Well, that's others'  
5 interpretation, I'm only going to go from my  
6 interpretation.

7 MR RUSH: They are the matters, Commissioner.

8 COMMISSIONER: Are there any counsel who indicate they have  
9 a wish to cross-examine about matters, before I call on  
10 you Mr Stewart, that would wish to cross-examine  
11 Mr Bezzina about matters that haven't been adequately  
12 explored by counsel assisting?

13 MR MATTHEWS: Yes, Commissioner, very briefly, I would like  
14 to ask the witness about the content of the statement  
15 that he took from Senior Constable Sherrin on the  
16 night, or that was taken and signed by the witness on  
17 the night as to its content in relation to the  
18 description of the offender, and likewise with respect  
19 to the statement taken by another - or acknowledged and  
20 signature witnessed by another officer at Moorabbin  
21 that night which also contains a description of the  
22 offender, the reason being to further the issue that is  
23 clearly a focus here, which is the practice within  
24 homicide and perhaps more broadly about omitting the  
25 descriptions.

26 COMMISSIONER: How long would you require, Mr Matthews?

27 MR MATTHEWS: And one further question, sir. All up we're  
28 talking ten minutes, if not less. And further, just in  
29 relation to this witness's practice about reading

1 documents or reading statements that he acknowledges at  
2 the end; those are the three matters.

3 COMMISSIONER: So, Mr Rush, have you anything to say as to  
4 that?

5 MR RUSH: No, Commissioner.

6 COMMISSIONER: I'll give you leave to appear and to ask  
7 those questions now, Mr Matthews.

8 MR MATTHEWS: I should say, Commissioner, that I otherwise  
9 have the other rider that, as to whether anything said  
10 by the next witness that would entail further  
11 cross-examination; I think that's less likely.

12 COMMISSIONER: We'll deal with that as it comes.

13 MR MATTHEWS: In the interests of finishing potentially now.

14 COMMISSIONER: Yes.

15 MR MATTHEWS: Thank you, Commissioner.

16 <EXAMINED BY MR MATTHEWS:

17 Mr Bezzina, you've heard or you've spoken today about taking  
18 or at least acknowledging a statement from Senior  
19 Constable Sherrin at 9.10 am on 16 August 1998?---Was  
20 that a question or?

21 Yes, yes?---Could you repeat that?

22 Yes. Just to focus on what I'm going to ask you, you've  
23 been asked some questions by counsel assisting today  
24 about a statement from a Senior Constable Sherrin that  
25 bears your signature at the bottom as having witnessed  
26 the signature of Sherrin?---Yes.

27 The end of that document was shown to you a little earlier  
28 today?---Yes.

29 Is it your evidence that you read a statement put before you

1 for that acknowledgment and signature before putting  
2 your signature to it?---Yes, that'll be my practice at  
3 the time.

4 In that statement of Sherrin, at the final paragraph, there  
5 is this quote: "In respect of the driver, because of  
6 the cursory glance I gave him, I can't give you an  
7 accurate description apart from that he appeared to be  
8 caucasian and dark-coloured hair"?---Yes.

9 Now, that is a description of the driver of the vehicles  
10 that Sherrin saw on the night, clearly?---When you say  
11 "driver", I believe he was standing next to the  
12 driver's door.

13 Yes, indeed, yes, that's what I mean; that's a description  
14 of that person that Sherrin said he saw?---Yes.

15 So, certainly from that point of view your practice, in  
16 terms of what went into a statement at least that you'd  
17 witnessed the signature to, that contained a  
18 description of a potential offender?---Yes.

19 I want to ask you about another officer who was present at  
20 Moorabbin that morning, a Detective Sergeant Peter  
21 Michael Phelan; do you know of that individual?---I  
22 know of him, yes.

23 Was he within your crew at that time in homicide?---No.

24 Was he in a crew of homicide at that time?---No.

25 Do you know where within Victoria Police he was working at  
26 that time?---I think from memory, Fitzroy CIB.

27 Do you remember him being present that morning?---Certainly  
28 I've made a notation he was certainly at the scene.

29 Do you remember having any interaction with him about the

1 taking of statements from witnesses that morning?---Oh,  
2 not that I can recall, no.

3 I should tell you that he has witnessed the signing of a  
4 statement by Senior Constable Bendeich, that is,  
5 Sherrin's partner; does that ring a bell with you, any  
6 discussion with Phelan about a statement by  
7 Bendeich?---No, but I wouldn't dispute it.

8 I just note, Commissioner, perhaps no point in taking it  
9 further with this witness, but I note that Bendeich  
10 said on p.3 of that statement: "As I drove past I made  
11 a mental note of the driver of the coupe, he was  
12 wearing jeans, runners and a bluey checked shirt."

13 Nothing further.

14 COMMISSIONER: Yes, thank you Mr Matthews. Mr Stewart.

15 MR STEWART: Sir, might I avail myself of the 24-hour period  
16 that was mentioned yesterday.

17 COMMISSIONER: Yes.

18 MR STEWART: I can say that I'm not of a settled view, but I  
19 would be appreciative of the opportunity to read the  
20 transcript, albeit if leave is granted or I'm allowed  
21 to ask questions of Mr Bezzina, I would anticipate that  
22 it would be no more than ten or so minutes, but I would  
23 like the opportunity to read the - - -

24 COMMISSIONER: I'm sorry, I may be at cross-purposes, I  
25 thought you represent Mr - - -

26 MR STEWART: I do.

27 COMMISSIONER: You don't need my leave for that purpose, but  
28 if you're saying you'd like some time to consider the  
29 effects of his evidence, that would mean, of course,

1           that if you do wish to ask him some questions he'd have  
2           to return tomorrow.

3       MR STEWART:   Yes, and what I would do is liaise with him  
4           before tomorrow once I've had the opportunity to read  
5           the transcript and notify whoever it is that needs to  
6           be notified forthwith.

7       COMMISSIONER:  Yes, very well.  I'll give you that leave,  
8           Mr Stewart.

9       MR STEWART:  Thank you, sir.

10      COMMISSIONER:  You'd like the evidence of Mr Bezzina to be  
11           adjourned to allow for the prospect of you asking  
12           questions tomorrow?

13      MR STEWART:  Yes, sir.

14      COMMISSIONER:  Any reason why we should not accommodate  
15           that, Mr Rush?

16      MR RUSH:  None, Commissioner.

17      MR STEWART:  Thank you.

18      COMMISSIONER:  Thank you, Mr Stewart.

19           Mr Bezzina, on the assumption that you are not  
20           required to return, I need to still indicate to you  
21           that your examination may need to be continued at some  
22           later point depending on what other evidence emerges in  
23           the hearing.  In the meantime you will remain bound by  
24           the summons.  We will advise you in due course in  
25           writing if you have to attend other than tomorrow  
26           morning, and we will advise you in writing when you are  
27           no longer required.

28           IBAC will provide you with a video recording of  
29           your evidence and a transcript of your evidence, and

1 the copy of the transcript will be placed on the IBAC  
2 public website and available for the period of these  
3 public examinations.

4 As to your confidentiality notice, it is by and  
5 large now superfluous save for this, that it, in  
6 conjunction with the order that's been made for  
7 witnesses out of court, means that you are not at  
8 liberty to talk to other witnesses either that have  
9 been called or will be called about the content of your  
10 or their evidence. Do you follow that?---Yes, sir.

11 Save for that qualification, I now excuse you and I thank  
12 you for your assistance.

13 <(THE WITNESS WITHDREW)

14 COMMISSIONER: We'll adjourn until 2 o'clock, Mr Rush.

15 Lunch Adjournment: [12.40 pm]



1 UPON RESUMING AT 2.08 PM:

2 MR DEMPSEY: Commissioner, my name's Dempsey. With your  
3 leave I appear for Mr Pullin.

4 HIS HONOUR: Yes. You don't require my leave, Mr Dempsey.

5 MR DEMPSEY: I suspect I do for this part, sir: I formally  
6 make an application, though, that Mr Pullin be exempted  
7 from the public hearing and this examination be  
8 conducted in private, and I rely on the outline of  
9 submissions and supporting material that we filed on  
10 3 February, the basis being that a public examination  
11 of the examinee could not be held without causing  
12 unreasonable damage to his safety and well-being.

13 COMMISSIONER: Yes, I've read that material, Mr Dempsey,  
14 and, to the extent that we can, we'll try to proceed in  
15 a way which will best assist Mr Pullin.

16 MR DEMPSEY: It's much appreciated, and to that end,  
17 Commissioner, [REDACTED]

18 [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED]

21 COMMISSIONER: Yes, that leave is granted.

22 MR DEMPSEY: Thank you.

23 COMMISSIONER: And you have an independent person,  
24 [REDACTED]; is that correct?

25 MR DEMPSEY: Yes, we understand that [REDACTED] is in the  
26 overflow room if required.

27 COMMISSIONER: I see. Thank you, Mr Dempsey. Before you  
28 sit down, Mr Dempsey, does Mr Pullin understand that  
29 we'll take his evidence in private?

1 MR DEMPSEY: Yes.

2 COMMISSIONER: At the conclusion of counsel assisting  
3 examining him, various legal representatives who will  
4 be privy to his evidence but not present here may make  
5 an application to cross-examine him.

6 MR DEMPSEY: Yes.

7 COMMISSIONER: I understand the objective is to try and  
8 complete his evidence today.

9 MR DEMPSEY: Very much so.

10 COMMISSIONER: And so, we'll deal with any application at  
11 that stage, and obviously I'll hear from you if you  
12 have any objection to any of them being granted leave  
13 or the extent of that leave.

14 MR DEMPSEY: Thank you, Commissioner, he does understand  
15 that.

16 COMMISSIONER: Very good. So, we'll commence to sit in  
17 private hearing for the purpose of examining Mr Pullin.

18 I order that the following persons may be present  
19 at the private examination of Mr Pullin: [REDACTED]

20 [REDACTED]  
21 [REDACTED];

22 the last four of those persons will not be present in  
23 the room but will be able to observe the evidence from  
24 a remote location.

25 I will also authorise the following persons to be  
26 represented by Australian legal practitioners during  
27 the private examination of Mr Pullin: Mr Buchhorn,  
28 Mr Collins, Mr Sheridan and Mr Roberts, but they again  
29 will not be present for the purpose of the hearing.

1 Mr Pullin, would you come forward, please.

2 <GLENN ANDREW PULLIN, sworn and examined:

3 COMMISSIONER: Our objective is to make you as comfortable  
4 as we can in the circumstances. You understand that  
5 [REDACTED] is present but in another room. Would you  
6 prefer her to be present here whilst you give your  
7 evidence?---I'd be honest and say, I don't even know  
8 who she is.

9 That's the independent person who's here to assist your  
10 welfare if there's a need for?---Oh, okay.

11 You're happy for her not at present but she's immediately  
12 available?---That's fine, that's fine.

13 I want you to feel free at any stage to indicate if you are  
14 having difficulties in giving your evidence; do you  
15 follow?---Yes, sir.

16 Very good. Although the proceedings are in private, because  
17 your evidence will ultimately be published and  
18 available on the website, the normal procedures in  
19 relation to a private examination won't really apply in  
20 terms of confidentiality of your evidence, but I will  
21 mention a number of things to you.

22 Firstly, I should indicate to you the areas on  
23 which you might be examined; they concern the Lorimer  
24 Task Force investigation of the murders of Sergeant  
25 Gary Silk and Senior Constable Rodney Miller concerning  
26 the taking of witness statements, the preparation of  
27 the brief of evidence for the trial of Bandali Debs and  
28 Jason Roberts, and whether there was full disclosure of  
29 witness statements or other relevant information prior

1 to or during the trial, witness statement-taking  
2 practices by Victoria Police, and the question of  
3 compliance with the obligation to disclose evidence by  
4 Victoria Police.

5 Following counsel assisting asking you questions,  
6 and subject to any possible cross-examination,  
7 Mr Dempsey, your legal representative, will have the  
8 opportunity to ask you questions to clarify anything  
9 that you want clarified and to make submissions on your  
10 behalf.

11 Is it correct that you were served with a summons  
12 and some accompanying documents to attend here  
13 today?---Yes.

14 Including a confidentiality notice?---Yes.

15 Has Mr Dempsey explained to you the nature of those  
16 documents?---Yes.

17 And your rights and obligations?---Yes.

18 Do you want me to repeat them or are you - - -?---No.

19 Very good. You do understand that, whilst you are obliged  
20 to answer questions unless you have a reasonable excuse  
21 for not doing so, you must answer the questions  
22 truthfully?---Yes.

23 And, if you do so, then your answers cannot be used against  
24 you save in special circumstances, namely, if a  
25 question arose as to whether or not you'd committed  
26 perjury. You understand that, if you do not tell the  
27 truth, of course, you expose yourself to the risk of  
28 perjury and the legal consequences of that?---Yes.

29 Yes, Mr Rush.

1 MR RUSH: Mr Pullin, is your name Glenn Pullin?---Yes.  
2 Is your address, the address that was on the summons which  
3 you were served?---Yes.  
4 We've got to do a few formalities, if you could have a look  
5 at these documents. Did you attend here in response to  
6 a summons served on you on 20 December 2018?---Ah, yes,  
7 I received a summons, a confidentiality notice, I don't  
8 remember the date, the 12th.  
9 Does the summons there in front of you bear the number  
10 SE2758?---Yes.  
11 As you've indicated to the Commissioner, you received a  
12 statement of rights and a confidentiality  
13 notice?---Yes.  
14 And a covering letter dated 11 December 2018?---I'll say,  
15 yes, I received a number of documents.  
16 Those documents in front of you are copies of the documents  
17 with which you were served?---Yes, I believe so, yes.  
18 I tender those documents, Commissioner.  
19 #EXHIBIT E - Documents served on Mr Pullin.  
20 Mr Pullin, I appreciate you've been through this before, but  
21 for the purposes of the transcript, can you just tell  
22 us when you joined Victoria Police Force?---Ah, squad,  
23 1987.  
24 You attended the Police Academy?---Yes.  
25 Did you remain a uniformed member in the police?---By and  
26 large, yes.  
27 Did you stay in the police force until 2003?---Ah, I  
28 finished work, or I stopped working in early 2000, but  
29 my - you know, the line was drawn underneath my

1 service, I think it was early 2003.

2 Can you briefly describe to the Commissioner your experience  
3 from 1987 until you finished work?---Oakleigh, Clayton,  
4 traffic operations group for two years, Springvale two,  
5 three years. Took promotion in the city to senior  
6 constable, I don't remember what year. Went back out  
7 to Malvern as a senior constable in, I think, 1993.  
8 From Malvern I did secondments to the Drug Squad,  
9 Malvern CIB, district support group, and after the  
10 shootings I spent 12 months at the Homicide Squad which  
11 is - and from there I left.

12 Which is, what?---Very early 2000.

13 What were you doing there?---Investigating, detective  
14 basically, but I wasn't - there was a moratorium on  
15 vacancies, so you take the position but you're not  
16 actually called a detective, if you sort of understand  
17 that, so I was in a detective position but I wasn't a  
18 detective. I done the course to do it, but the  
19 formalities was that, at that time you didn't get the  
20 actual position, you didn't get the pay or anything  
21 like that.

22 And was that, in what capacity were you working there at  
23 homicide?---No, not homicide - did I? Sorry, I didn't  
24 work at the Homicide Squad, major fraud.

25 You said - - -

26 COMMISSIONER: You said homicide?---Did I? I'm sorry.

27 Major fraud, major fraud for the last 12 months.

28 MR RUSH: Look, I just need to go back to 1998 briefly. You  
29 mentioned you were at Malvern in the 90s and you were

1           there, were you not, stationed at Malvern in August  
2           1998?---Yes.

3           On 15 August, you were with Senior Constable Gerardi on  
4           mobile duty?---Yes.

5           Over radio you were informed of shootings at Warrigal Road  
6           and Cochranes Road?---Yes.

7           You attended there with Mr Gerardi?---Yes.

8           Subsequent to that or after that you were asked to go back  
9           to Moorabbin Police Station to make statements?---Yes.

10          We've heard from Mr Bezzina this morning and in his  
11          statement he indicates that he went back with you and a  
12          Senior Constable Sherrin to Moorabbin?---Yes.

13          I want to ask you what happened when you got to Moorabbin.  
14          Was the purpose of going back there to make a  
15          statement?---Yes.

16          Can you remember where you went to make the  
17          statement?---Yes, there was a lot of police there  
18          looking for - I mean, nowadays everybody has a  
19          computer, but back then there wasn't - there was a lot  
20          of people looking for a place to sit and do their  
21          statement. I think they opened up - basically, they  
22          opened up the entire police station. I'd been with the  
23          DSG so I knew there was some computers and everything  
24          up there; I went up there, did my statement in the DSG  
25          collator's office.

26          You say you did your statement; were you responsible for  
27          typing that statement?---Yes.

28          Was anyone with you?---Ah, not all the time, no.

29          But from time to time was there - - - ?---Yeah, the ESV guy,

1 he'd come in and, I don't know, read over my shoulder  
2 of what I'd typed. At some point he came in and told  
3 me that Miller had died, that was pretty much it. The  
4 rest of the time I did it, I was just sitting there  
5 typing.

6 You've indicated in writing since that date that you felt  
7 you were quite affected at the time you were making  
8 your statement?---Oh, yeah, I - I - and I think I said  
9 last time that I am in no doubt whatsoever that my  
10 statement was probably pretty crappy, it certainly  
11 wasn't complete, and it didn't surprise me then and it  
12 doesn't surprise me now, so.

13 I just need to clarify a couple of matters with you. You  
14 made the statement, you typed it up?---Yes.

15 Did you get any assistance at all or have anything to do  
16 with Mr Bezzina?---No.

17 The person from Ethical Standards, he would look over your  
18 shoulder from time to time; was any advice offered in  
19 relation - - -?---I don't believe so, I think - I mean,  
20 he was there, he had his little job to do, he was  
21 looking for statements so that he could write his file  
22 off, I was one of them. He'd come in, he'd have a  
23 read, he'd go out, probably look at other people's  
24 statements and then come back in again, you know,  
25 15 minutes later or something like that.

26 In connection, did you at that stage have any notes  
27 or - - -?---No.

28 - - - patrol returns or anything, or was it all done from  
29 memory?---Yeah.



1 Was at any stage any direction or advice given to you about  
2 the sort of information that should go into the  
3 statement or be taken out of the statement?---No.

4 Just to follow that question up, anything said to you about  
5 whether you should put in or leave out descriptions or  
6 potential descriptions of offenders?---Ah, I don't -  
7 ah, was any advice given? No.

8 Going back to your practice for making statements, if you  
9 remembered descriptions of offenders, what was your  
10 practice as to whether that should go in or be taken  
11 out or left out of a statement, an initial  
12 statement?---My practice was, it always went in. I saw  
13 some of the transcripts from yesterday last night and  
14 there's - was apparently some sort of practice of  
15 making second notes or leaving out, something to do  
16 with hearsay or something; personally, I call bullshit  
17 on that, I'd never even heard of it or actually seen it  
18 done.

19 You, as a uniformed senior constable, were not aware of any  
20 practice of deliberately leaving out of statements  
21 descriptions of offenders?---No, never seen it before,  
22 never done it before, I'd never - until yesterday, I'd  
23 never even knew it was a thing.

24 But, if you've read the transcripts as you've indicated, you  
25 would understand that IBAC has evidence of such  
26 directions being given to police?---Yep.

27 At Moorabbin?---Yep.

28 I want to ask you about that. You would have seen the names  
29 in the transcript of Senior Constable Poke, Senior

1 Constable Thwaites?---Yes.

2 Do you recall them, firstly, being at the crime  
3 scene?---Yes.

4 Do you recall them being back at the Moorabbin Police  
5 Station?---No.

6 When you say you don't recall, I take it then you have no  
7 recollection of them making statements or being in the  
8 area where you were making your statement?---No. As  
9 far as I remember, I think I was the only one up there.  
10 Bezzina was sitting in the main part of it, like the  
11 DSG office, which I think is where he'd set up his camp  
12 and everyone knew that's where he was, and I was in the  
13 collator's office down the end of the - down the end of  
14 the room.

15 So, you completed your statement; did you sign it then or  
16 did you take it to Bezzina?---No, it's always been that  
17 you'd sign it in front of the person witnessing your  
18 signature.

19 Again, to the best of your recollection, when you'd finished  
20 it, you'd press the "print" button?---Yep.

21 And printed a copy; one for yourself, or how did that  
22 work?---I don't - I printed one and I signed it.

23 And signed it in front of Bezzina?---Yep.

24 Did Bezzina read it?---No, I don't think so.

25 Did you - - -?---Pardon my French, it was a shit show, there  
26 was people everywhere; he was on the phone, he then -  
27 you know, I don't envy the job that he had that night,  
28 it was a disaster.

29 In what sense of?---Oh, it was busy, there were people

1 everywhere, there was - it was, everywhere you went  
2 there was policemen in various states of emotional  
3 distress, anger, balling their eyes out, the whole lot.  
4 It was, it was just, it was just - it was just shit.  
5 So, the original of the statement was signed by you?---Yep.  
6 And witnessed by Bezzina?---Yeah.  
7 I'd just like to clarify this: did you or did you not get a  
8 copy of that?---I don't - well, I don't think I did. I  
9 don't remember taking a copy of it.  
10 So, the original was provided to Bezzina?---Yeah.  
11 On the basis of what you'd told the Commissioner, no comment  
12 about anything that was in your statement from  
13 Bezzina?---No. He witnessed my signature, that was it.  
14 It was - I was told that Bezzina would be witnessing  
15 statements. I did - ah, I don't even think I knew his  
16 number, so I couldn't even type in, you know, down the  
17 bottom of your statement sometimes if you know the name  
18 and number of the person that's - you'd type it in so  
19 that it looks nice and everything, I didn't even know  
20 his number at that stage.  
21 I'm just told you might need to move the microphone a little  
22 bit closer to you?---Oh, sorry.  
23 That's all right. The time on the statement is 4.25 am; do  
24 you remember what you did after that?---I went  
25 downstairs and just, like, mingled and spoke to people  
26 and, you know, you walk around, you find out who did  
27 what, what happened, what did you see, what did you do,  
28 just talking to different people. I'd been in the -  
29 you know, I'd been in the district for, you know, much

1 of my career, so I basically knew most of the people  
2 there, so it was just a matter of walking around asking  
3 questions, you know.

4 Again, when you went down there, do you remember seeing some  
5 of the people I'd mentioned, Poke or Thwaites or?---No.  
6 I only remember, I had a cigarette with two people that  
7 I know were there: Ian Gray(?) and Adam Shoesmith. I  
8 had a smoke with them, I don't - I just have a memory  
9 of standing in the carpark having a cigarette with  
10 them. I saw Frank Bendeich in the - where the  
11 psychologists were; he wasn't speaking, he wasn't - his  
12 head was on the desk and he wasn't speaking to anybody,  
13 so they're the only - I'm pretty sure they're the only  
14 people that I actually remember seeing at Moorabbin.

15 And again, long time ago, but do you recall any discussion  
16 about offenders, or offender or offenders, single or  
17 plural?---Well, there's always two offenders.

18 Why do you say that?---That was all the discussion on the -  
19 like, when we were around Miller. There was two  
20 offenders; if I'm not mistaken, there was one in a car  
21 and one on foot. We - I believe - well, I'm - that was  
22 broadcast, I remember Colin Clarke - I remember the  
23 circumstances in which it was broadcast. I was  
24 kneeling next to Miller, Colin Clarke had - Al Hanson  
25 had pulled up his police car right next to Miller;  
26 Colin Clarke basically just opened the passenger door -  
27 in unmarked cars the radios are in the glove box -  
28 opened the glove box, grabbed the speaker and just  
29 started yelling what I was telling him; he was

1 conveying what Miller was telling me, and I was telling  
2 him and he was broadcasting it; that's how I remember  
3 it.

4 You probably know the question I'm going to ask you: why  
5 didn't that go into your statement on 16 August?---Um,  
6 my - my role was - well, I saw my role as more welfare  
7 than anything else. There's probably a lot that didn't  
8 go in my statement for no reason other than, everybody  
9 else was putting it in.

10 You've given evidence a number of times and been asked  
11 questions about that, is what you've told the  
12 Commissioner here today something that you've always  
13 remembered, or you remember now, or?---I don't - I  
14 don't remember having, you know, sitting there  
15 thinking, "Oh shit, what did I say" or, you know, "Do I  
16 need to say this" or anything like that. It was just,  
17 I sat down, I typed. There was - you know, as I'm  
18 sitting on the ground next to Miller and there are  
19 people, policemen arriving for the next 10 minutes or  
20 so rocking up, everybody's asking the same questions  
21 over and over and over again; you know, if you took 15  
22 statements everybody's questions will have been the  
23 same, you know, "Which way", "What are we looking for",  
24 etc., etc. I didn't see my role at that point to, you  
25 know, take particular note of what he said, what he  
26 didn't say, it was all - from memory, it was all  
27 basically the same.

28 From a training perspective and your experience as a senior  
29 constable, would you have not appreciated the

1 importance of putting that in your statement?---Yep.  
2 Apart from what you've told us today, is there any other  
3 reason why it wouldn't go in?---Um, it was - you know,  
4 again, and I don't want to be critical of the system  
5 and everything like that, but we're looking at it  
6 20 years later and on the night in theory it would have  
7 been absolutely beautiful if 25 policemen all had notes  
8 of, you know, exactly what was said and everything like  
9 that. It is, it was - again, it was just a shit show,  
10 right. There was people everywhere running around  
11 everywhere, doing different things, wanting different  
12 things; Dog Squad was turning up, you know, where do we  
13 start with - you know, it was a job that you're never  
14 trained to do. You know, they can train you to handle  
15 burglaries and chasing down car thieves and securing  
16 areas, blah, blah, blah; on a night like this at a  
17 scene like that, all of that goes out the window and  
18 you can sit back and say, well, you know, you use your  
19 training, you can do this, you can do that - it makes  
20 no difference. I'd been doing it for 10 years and the  
21 whole night was just a disaster.

22 COMMISSIONER: Could I just be clear, Mr Pullin. Was it a  
23 deliberate decision on your part - - -?---No idea.  
24 Just let me finish the question?---Okay.  
25 Was it a deliberate decision to omit the conversation which  
26 passed between Miller, yourself and Clarke, or was it  
27 just in the throes of the moment that's something you  
28 didn't include?---No idea. Entirely possible from  
29 column A or column B. I thought, you know, at the very

1           least other people would be saying it, but to - - -  
2    You've explained that, but I'm just wondering, was it a  
3           conscious decision on your part?---No idea, I can't  
4           answer that.  
5    You don't know?---No.  
6    MR RUSH: I've got to, in the context of your answers today,  
7           just take you to some evidence at Exhibit 445, p.5780  
8           which just deals with a different answer when you were  
9           asked questions at IBAC a couple of years ago. I just  
10          want to bring up at p.5780, at the top of the  
11          page - - -  
12    COMMISSIONER: Have a look at your screen there, Mr Pullin.  
13    MR RUSH: It will come up?---Okay.  
14    I'm sorry, let's go to p.5778 to start with, p.37 of the  
15          transcript. Not coming up. I might just read it to  
16          you, Mr Pullin.  
17    COMMISSIONER: What exhibit number is it?  
18    MR RUSH: It's Exhibit 445, Commissioner, p.5778 is the  
19          transcript of Mr Pullin's evidence at IBAC.  
20    COMMISSIONER: Yes. Mr (Indistinct) Smith, could I ask you  
21          to pass a copy to Mr Pullin.  
22    MR RUSH: So, at p.5778, you see at the top of the page you  
23          were asked: "Okay, just think in that timeframe. So,  
24          it was 16 August 1998, we've fast-forwarded to sort of  
25          possibly sort of eight months later." Answer: "Yes, it  
26          was, you know, six months." Question: "Did you recall,  
27          and I said/he said eight months later, you said no.  
28          You didn't?" Answer: "No." Question: "So in early  
29          1999 you were approached?" Answer: "Yes." Question:

1 "Could you recall I said/he said conversation that you  
2 had with Mr Miller in August 1998?" And you answered:  
3 "Over and over, like, overall, no, probably remembered  
4 some of the conversation I had with him but I couldn't  
5 tell you whether I knew all of it. I'm not surprised,  
6 I'm not surprised at all if it's not complete." If we  
7 go to p.5780, line 5, this is put to you: "When this  
8 was suggested to you there should be an I said/he said,  
9 were the words conveyed to you?" You said: "Probably."  
10 Question: "By Buchhorn?" Answer: "As to, probably."  
11 Question: "What ought to go in?" Answer: "Probably."  
12 And then Question: "Probably. And did you at the time,  
13 as best you can remember, have a recollection of  
14 hearing the words at the time that were now being  
15 suggested to you to go in?" Answer: "I don't believe  
16 so." Question: "Do you follow the question?" Answer:  
17 "I believe you were asking if I was capable of  
18 remembering that Miller actually said what I was about  
19 to insert exactly, did I remember, no." With that  
20 background, what is your memory today about two  
21 offenders and that conversation with Mr Miller; is it  
22 better than it was a couple of years ago?---No.

23 Just to clarify that, I may need just to bring up the  
24 specifics. Mr Buchhorn - I'll come to who it was, but  
25 you were being asked by someone later in the piece to  
26 make an additional - put in additional words into a  
27 statement?---I think my evidence - oh, what I think  
28 now - I think my evidence was that there was a  
29 discussion - somebody - as I said, and I said it last



1 time, I had zero interaction with the Lorimer Task  
2 Force, they were conspicuous in their absence. The  
3 only time I spoke to anybody from Lorimer was a phone  
4 call probably not long after I returned to work at the  
5 Major Fraud Group, and it was a discussion about the  
6 line that's now in - well, the bit that's in the  
7 statement that wasn't in the original statement. What  
8 the conversation was, I don't know, it was - it was,  
9 this line was in and it should be out, this line was  
10 out and it should be in. It was a discussion about  
11 that one line and that's all it was. That's how I -  
12 that's how I recall the only thing happening with  
13 Lorimer Task Force, didn't - aside from that, I didn't  
14 speak to them, I didn't meet them, I never went to  
15 their office, none of them ever came to see me - that's  
16 it.

17 COMMISSIONER: Who was the discussion with, Mr Pullin?---No  
18 idea, a male. Up, ah - up until I went to the  
19 committal proceedings, I didn't know anybody on the  
20 task force, and the only person I'd ever met from the  
21 task force was George Buchhorn who I met at the  
22 committal proceedings and he was there taking  
23 attendance.

24 Are you not able to say whether it was Mr Buchhorn that you  
25 had that discussion with?---No, wouldn't have a clue.  
26 Wouldn't have a clue. It was a - it was a male. Now,  
27 that might be lazy, but I always - because George  
28 Buchhorn was the only name that I knew from the task  
29 force, it may be that I've said, well, it must be

1 George Buchhorn.

2 But the person that you had the discussion with about what  
3 needed to go into or out of your first statement, did  
4 that person acknowledge your statement at the end of  
5 it?---Did?

6 When you'd finished making the changes to the statement, you  
7 signed the new statement?---Well, I don't remember  
8 making a new statement, right. Now, I've seen the -  
9 you know, the newspaper and I think the IBAC people  
10 brought it around to my house and showed it to me.  
11 Yes, it's my signature and I'm not taking issue with  
12 that or anything and I'm not alleging Photoshop or  
13 forgery or anything like that, I'm fairly satisfied  
14 it's my signature; I don't remember making a second  
15 statement, purely and simply. I can deny absolutely  
16 that I retyped it. I think it's next to word-for-word  
17 perfect across the paragraphs and everything. I didn't  
18 do that again. I don't know, if I attempted to retype  
19 my entire statement again in that format for that  
20 purpose and everything, I'd remember that - well, I'm  
21 pretty sure I would, especially since it's the only  
22 thing that I had to do with Lorimer. So, I did not  
23 type that statement out word perfect as it was like  
24 that - I didn't do that. I have no idea who did that.  
25 As I said, I acknowledge my signature's on it and  
26 that's as best I can tell you.

27 You don't remember how it came to be on it?---No. I don't  
28 remember - there's options obviously that someone else  
29 has typed it and given it to me and I've signed it like

1           that; who did that, I have no idea. As I said, I  
2           didn't meet anybody from the Lorimer Task Force.

3       MR RUSH: I wonder if you could bring up Exhibit 2, p.32.

4           You see there a document commenced: "I have been  
5           summonsed to be examined here today about events that  
6           I've ..."?---Yeah.

7       Full third. And that, what we see in front on that page and  
8           the following, it's a document prepared by you, is it  
9           not, in relation to some of the events around the  
10          statement-taking and what had occurred since?---Yep.

11       In that you refer, I suggest, to the circumstances which, if  
12       we go to Exhibit 239, at the top at 39 you say: "I do  
13       not recall handing a retyped or re-signed statement to  
14       anyone. I don't recall making any other phone calls to  
15       anyone regarding any clarification or further  
16       information on the information I was asked to add into  
17       my statement. I do not recall meeting anyone from the  
18       task force to deliver me a soft copy of my statement or  
19       how/if I got a soft copy of my statement. I don't  
20       believe that I was asked to omit anything from my  
21       statement, I was asked simply to add an 'I said/he  
22       said' line." So, someone has asked you to add a "he  
23       said/I said" line to your statement?---That would  
24       appear so, yes.

25       You go on: "If I added the two lines to my statement I do  
26       not recall how or under what circumstances I gave this  
27       statement to the task force members. If I did redo my  
28       statement, I never met with Detective Senior Sergeant  
29       Bezzina to have it witnessed. I do not believe I have

1 met with Bezzina prior to that night nor have I spoken  
2 to him since. If I made a second statement and Bezzina  
3 is signatory as the witness, I do not know how under  
4 what circumstances or when he signed it." Now, a  
5 couple of things: do you now recall being asked by  
6 someone to add a he said/I said line to your  
7 statement?---Can I say, I absolutely remember it? No.  
8 If - if - I mean, there's been a fair bit of stuff over  
9 the last few years; if I wrote this down, I don't know  
10 whenever I wrote this down, I may well have had a  
11 clearer head; but right now, I have no idea.

12 COMMISSIONER: Sorry, Mr Pullin, now I'm struggling to  
13 follow your evidence. A few moments ago you gave quite  
14 an explicit description of what you said happened when  
15 you came to change or add some bits to your statement;  
16 you went on to say, "But I don't remember who the  
17 person was that I had that discussion with, but I have  
18 a clear enough memory", as I thought you were saying,  
19 of the substance of what you added to your statement,  
20 namely, the conversation you had with Miller?---I -  
21 sorry, I don't understand just the last bit. Yes, I  
22 said?

23 In the course of your evidence this afternoon you've set out  
24 what, in the broad, you remember passed between you and  
25 Miller and Clarke on the night?---Ah, I remember what  
26 I - whatever I said to Clarke he conveyed on the radio,  
27 yeah.

28 Yes. And you also said, and I didn't understand you to have  
29 any uncertainty about this, that you remembered a

1 meeting with a police officer who asked you to add some  
2 things to your statement about that conversation, and  
3 you then went on to explain how you don't remember and  
4 you don't know who that officer was?---Ah, a phone  
5 call, yes; yes.

6 So I don't follow here why you're now saying, "I don't  
7 remember what I might have said that would result in my  
8 statement being changed." I'm not able to put your  
9 last few answers together with your earlier  
10 evidence?---I - - -

11 Don't worry about what's in the document?---Oh, okay.

12 I'm just trying to clarify, was your evidence correct that  
13 you do remember meeting with someone who asked you to  
14 add some detail about your conversation with  
15 Miller?---There was a - I had a conversation with  
16 someone from the Lorimer Task Force. I'm - again, I  
17 assume, and I have no reason to disbelieve why, but  
18 they knew the contents of my statement obviously; they  
19 asked me questions about the missing - the two lines  
20 that are now subject to question and everything. Ah,  
21 do I remember them saying to me directly, "You need to  
22 insert it", right now? No.

23 I see?---I mean, as you're pointing at a document that I  
24 did - - -

25 You've clarified it, thank you?--- - - - two years ago, I  
26 think it's probably fair to assume that that's exactly  
27 what happened, but at the moment, no.

28 MR RUSH: IBAC has taken evidence from Mr Iddles, and  
29 Mr Iddles has sworn to a conversation he says he had

1 with you in March 2015 over the telephone, where he  
2 says that you told him you had made two statements. Is  
3 that not the correct position, that you do appreciate  
4 and do have a recollection of having made two  
5 statements?---Do I have a recollection of doing it?

6 No.

7 Do you have a recollection of telling Mr Iddles that?---Yes.  
8 He's also said, when he asked you, "How did that happen?",  
9 he said that you told him you "were approached by  
10 George Buchhorn, a detective working on the  
11 investigation. George mentioned to me another police  
12 officer had heard me having a conversation with Rod  
13 Miller as I was holding him at the time of the  
14 shooting. This conversation was not in the statement I  
15 had previously made about the events of the night."  
16 Isn't that right?---That's a reasonable summary of what  
17 I told Iddles, yes.

18 Is it not a reasonable summary of what you were told by  
19 Mr Buchhorn?---Did - what Mr Buchhorn told me?

20 Why would you tell Mr Iddles that Buchhorn had approached  
21 you - - -?---Ah.

22 Why would you tell Mr Iddles? Why would you put Buchhorn  
23 in?---Buchhorn was one of the three names that Iddles  
24 gave me when he was detailing what he was - what he'd  
25 been finding out, what he'd been up to. The other two  
26 names I hadn't heard of before. Buchhorn was the only  
27 name that I knew.

28 Is it your position, Mr Pullin, that you decided to tell  
29 Mr Iddles that Buchhorn was responsible for approaching

1           you to make a second statement?---Yes.

2           Is that right?---Ah, well, whoever made the phone call, I  
3           don't know. I'm assuming it was someone in the Lorimer  
4           Task Force.

5           So, someone from the Lorimer Task Force that you identified  
6           as George Buchhorn has approached you to make a second  
7           statement?---I identified him as George Buchhorn to  
8           Iddles because, as I said, he was - that was one of the  
9           names that he gave me.

10          COMMISSIONER: Gave you, what, as one of the possible people  
11          that might have spoken to you?---Yeah, he - um, during  
12          the course of the conversation with Iddles he'd  
13          mentioned three names of - I'm assuming three  
14          detectives from the Lorimer Task Force, he gave me  
15          three names; Buchhorn was the only one that I'd ever  
16          met, so I said it was George Buchhorn. I don't even  
17          know what George Buchhorn did on the thing.

18          MR RUSH: Where did you meet Mr Buchhorn?---At the  
19          committal.

20          Mr Iddles went on that you said: "George told me another  
21          member was a bit of a dickhead and they needed to rely  
22          on me for the conversation." Now, again, was that what  
23          was said in the conversation over the telephone with  
24          whoever you were talking to?---I don't think so.

25          You don't think - - -?---I don't know who the dickhead is, I  
26          don't know.

27          Without a name, but is that the reason that was given to you  
28          as to why you needed to make a second statement?---Yes,  
29          that's what I told Mr Iddles, yeah.

1 COMMISSIONER: That's what you told Mr Iddles. Is that what  
2 the person who called you that said you need to make  
3 another statement, did they tell you that?---I don't  
4 know. No, I don't recall. It was a conversation over  
5 a few minutes about the two lines in the statement. As  
6 I said, it's the only thing I had to do with him, so it  
7 was - that's all I remember.

8 MR RUSH: So, in the phone call over a few minutes about two  
9 lines in the statement, was the explanation as to why a  
10 further statement was needed from you given that there  
11 was a person that was a bit of a dickhead and they  
12 needed more from you?---Quite possibly. I can't -  
13 honestly, I can't deny it; I can't admit it, I can't  
14 deny it, I have no idea.

15 Insofar as Mr Iddles has recorded you telling him that the  
16 reason given why you needed to make a second statement  
17 is because another member is a bit of a dickhead, that  
18 is consistent with your recollection?---That's what I  
19 told Iddles, yes.

20 I know that's what you told Iddles, and it's your  
21 recollection of the conversation of the person that was  
22 ringing you from Operation Lorimer?---Ah, no, I deny  
23 that; I don't know what the conversation - it was a  
24 discussion about those two lines, that's all I've got.

25 Are you saying to the Commissioner that you made it up what  
26 you were saying - - -?---Oh, some of what I told Iddles  
27 I made up, certainly. He - he was questioning and  
28 questioning, for want of a better term, I'd say  
29 persistently or something, around particular items that



1 had sounded like he needed to - he needed to hear. If  
2 it sounded to me like he needed to hear it, he heard  
3 it.

4 Just to jump ahead, you have in fact seen the second  
5 statement in the newspapers and the like?---Yeah.

6 It bears your signature?---Yeah.

7 It contains information in it that was not in your first  
8 statement?---Yes.

9 You admit to signing it, the second statement?---I admit to  
10 signing what?

11 Do you admit to signing the second statement?---Yes.

12 Just jumping ahead again. Signing the second statement, do  
13 you know where you signed it?---No.

14 Who prepared it?---No idea.

15 Did you prepare it?---No - well, I don't remember retyping  
16 that statement. If - if, like, I've read the - well,  
17 I'm seen the first statement, I've read the first  
18 statement, and it is quite possibly the worst statement  
19 I think I've ever done in my entire career. Now, if  
20 somebody said to me, "Can you redo your statement", it  
21 would probably - I would have probably fixed the  
22 formatting and all that sort of stuff: the I said/he  
23 said, the proper formatting that every other police  
24 statement has ever had, I may well have fixed it. I  
25 can't think of - I can't think of any reason why the  
26 formatting needs to - needed - would need to stay the  
27 same. If you're saying, well, the first statement is  
28 going to be destroyed, then you've - whatever the  
29 second statement looks like doesn't need to be exactly

1 the same, so I don't know why I would type out it  
2 exactly. But I don't remember typing it out at all.  
3 I'd remember having to retype the statement. Given the  
4 circumstances of everything, I'm pretty sure I would  
5 remember having to retype that statement out in that  
6 format.

7 Just dealing with this topic: you know Mr Peter  
8 Abbey?---Yes.

9 And Mr Peter Abbey was a person who you were a friend of  
10 over this period of time; I'm talking about  
11 2015?---Yes.

12 Mr Abbey has provided evidence so IBAC of a conversation  
13 with you around this time, in March 2015, that you  
14 called him, and called him after you'd received - that  
15 is, called Abbey after you'd received the card phone  
16 call from Iddles, and he says this: "Glenn stated that  
17 he was asked by George Buchhorn [this is what he said  
18 you said to him] to alter his statement to tie up loose  
19 ends at some point during the Silk-Miller case." So,  
20 did you say that to Mr Abbey?---Ah, I'm going - I don't  
21 know, I'm going to assume that that's what he said - I  
22 mean, I'm going to assume that I said that; I don't see  
23 any particular reason why people would need to lie.

24 You had no particular reason not to give a full and frank  
25 account to Mr Abbey concerning your conversation about  
26 Buchhorn?---Well, you know, did I tell Peter Abbey what  
27 I told Iddles? You know, I might have - it may be  
28 something as simple as, I've told Iddles, this, this,  
29 this, this and this.

1 Let me put it to you, Mr Pullin, that what you said to both  
2 Mr Iddles and to Mr Abbey is consistent in the sense of  
3 you saying George Buchhorn asked you to alter your  
4 statement to tie up some loose ends?---Yeah but, as I  
5 said, I don't know that I'd spoken to George Buchhorn.  
6 And that you would not have said that or used the name to  
7 Mr Abbey unless it be true?---And again, it depends on  
8 what I - what I told Pete Abbey. Again, I didn't speak  
9 to - I met George Buchhorn at the committal, I don't  
10 know who I spoke to on the telephone, all right. Did I  
11 tell Iddles that it was George Buchhorn that I spoke  
12 to? Yes, it was the only name I recognised. He - so,  
13 unfortunately, Mr Buchhorn gets to wear it.  
14 You also told Mr Abbey it was Buchhorn?---If Peter Abbey  
15 said that's what I said to him, then that's what I said  
16 to him; under what circumstances, I don't know.  
17 You also told Mr Abbey effectively that you had been  
18 approached about a second statement to tie up loose  
19 ends?---If he said that, then I agree; I don't know. I  
20 don't know what - apparently he's denied - - -

21 COMMISSIONER: Mr Pullin, let's just pause for a moment.  
22 Prior to Mr Iddles speaking with you about this issue  
23 for the first time no one knew that there were two  
24 statements signed by you other than you and the person  
25 who prepared that statement, that second statement for  
26 you. When Mr Iddles spoke to you, he didn't know that  
27 there were two statements. That information that there  
28 were two statements had to come from you. Do you not  
29 accept that?---Ah, well, I have to accept it, I have no

1 explanation for any other way for it to happen.  
2 I'm asking you that in the context of the evidence that we  
3 have heard from Mr Iddles and Mr Abbey that, in  
4 relation to both of them, you refer to the fact that  
5 you made two statements. I take it Mr Rush is going to  
6 take you to the evidence of Mr Iddles - or Mr Abbey,  
7 rather, to the effect, how did Mr Iddles suspect that  
8 there were two statements?---Iddles was aware that  
9 statements had been changed, and he said, "Was yours  
10 one of them?"

11 And what did you say to that?---Ah, I told him, "Yeah, one  
12 was mine."

13 MR RUSH: If we have a look at Exhibit 593, on the left of  
14 the page is a copy of the statement that was provided  
15 to Mr Dowsley which would appear to be the first  
16 statement. You see that that bears your signature and  
17 that of Mr Bezzina as an acknowledgment taken on  
18 16 August 1998 at 4.25? You see that?---Yeah, both  
19 signatures.

20 Then on the other side, on the right-hand side of the  
21 screen, is the second statement bearing again your  
22 signatures, that of Mr Bezzina, and taken at 4.25 on  
23 16 August?---Yep.

24 The purple highlights are matters in that statement that  
25 were not in the first statement?---Yeah.

26 And so, you'd agree, would you not, that certainly you have  
27 signed the second statement?---Yes.

28 On your evidence, the second statement has been prepared for  
29 you?---Ah, I would - I'm going to say, yes, it was done

1 by somebody else, but.

2 You have indicated, as I understand it, that you didn't

3 retype it?---No, I don't think I did, no.

4 And it wasn't saved on the computer at the Moorabbin Police

5 Station all those years before, when you made your

6 first statement?---Ah, I - I didn't know it was saved,

7 yes.

8 I'm sorry? It wasn't saved at Moorabbin, was it?---I didn't

9 save it, no.

10 And so, this is a retyped version and has inserted into it,

11 as far as it goes, if you look at what is in the purple

12 in the fourth paragraph, it's got: "I also asked him,

13 were they in a car or on foot? And he replied, 'They

14 were on foot'. I asked him 'How long ago did it

15 happen?' He replied, 'A couple of minutes'." So the I

16 said/he said material has been inserted in this

17 statement?---Yep.

18 So that, what is inserted in the statement is entirely

19 consistent with the request that was made to you by a

20 person over the telephone to put in an I said/he said

21 piece into your statement?---It would appear so, yes.

22 And, however it's happened, you have re-signed that

23 statement?---Yep.

24 And as has Mr Bezzina?---Yep.

25 You're obviously not aware of it, but Mr Bezzina says it was

26 common practice for the Homicide Squad to sign

27 backdated statements; you don't know anything about

28 that?---Apparently - apparently nowadays - or as of

29 yesterday apparently it was common practice, yeah.

1 You, in 1999, were at the Major Fraud Squad?---Yes.  
2 We have Mr Buchhorn's diary day book at Exhibit 530, p.134.  
3 You see at the bottom of the page, at 11.45: "Clear to  
4 Fraud Squad SD Glenn Pullin. ST [statement] Senior  
5 Detective Pullin. Statement to be clarified." That's  
6 in the day book of Mr Buchhorn?---M'hmm.

7 So that, if he is responsible for a clarification in  
8 relation to your statement, that also would be  
9 consistent with you thinking you might have spoken to  
10 him?---Well, there you go. I now know I met him.

11 COMMISSIONER: Sorry, I didn't catch that?---I now know I  
12 met him. News to me.

13 MR RUSH: I'd indicated that, at 1150, at the bottom of the  
14 page, that the "ST" might be "spoke to"; do you agree  
15 that that's probably what it is, "Spoke to Senior  
16 Detective Pullin. Statement to be clarified"?---Well,  
17 there you go. Absolutely no recollection of that,  
18 didn't even know I'd met him.

19 If that is the conversation with that clarification, it is  
20 entirely consistent with you telling Mr Iddles and  
21 Mr Abbey that you'd been contacted by  
22 Mr Buchhorn?---Well, it would certainly appear to be,  
23 yeah. I have no idea why I don't remember that -  
24 anyway, there you go.

25 At p.8096, Exhibit 506. That was Mr Buchhorn's day book.  
26 At p.8096, this is in the diary, Monday, 21 June 1999:  
27 "On duty 8 am at office re Lorimer to 11.45. Clear to  
28 Fraud Squad. Spoke to Senior Detective Pullin re  
29 clarification of statement. Clear 12.20 pm." So that

1 would suggest that, in fact, Mr Buchhorn visited you at  
2 the Fraud Squad?---Yeah, absolutely.

3 And it would be entirely consistent, would it not, with the  
4 re-signing of your second statement?---I would - sorry,  
5 what?

6 It would be entirely consistent with a statement that had  
7 been prepared for you that you signed on that  
8 day?---Well, I - would certainly met - that I've met  
9 him, I've obviously met him, so - and we've clarified a  
10 statement. So, if the allegation is that he's just  
11 provided me a statement and said, "Here, sign this",  
12 then - then that - the diary in the day book would  
13 suggest that that is in fact the case.

14 Do you have any recollection of that outside the diary?---I  
15 didn't even know I'd met him. As I said, the only  
16 recollection that I have of meeting - having anything  
17 to do with Lorimer was the phone call.

18 COMMISSIONER: Your evidence earlier, Mr Pullin, was that  
19 you were prepared to nominate Mr Buchhorn because  
20 Mr Iddles gave you three names?---Yep.

21 And that was the only one that rang a bell with you?---Yes.

22 And at that point of time you knew what Mr Iddles wanted or  
23 you were prepared to do what he wanted?---Yes.

24 Why was that? What was it that Mr Iddles was doing or said  
25 that compelled you to cooperate with him? Why were you  
26 feeling the need to cooperate?---He rang - now,  
27 I believe it was organised by Peter Abbey that he  
28 would - I was in a fairly sizeable financial situation,  
29 my income protection had been cut off, the bank were on

1 my back about bank home repayments. I was - I was  
2 fairly well fucked at that point. I had my kids to  
3 look after and I had no income, I had nothing. Pete  
4 Abbey got on to Ron Iddles and said, "This guy needs  
5 some help." Iddles was secretary of the Police  
6 Association, he rang up, we spoke brief - or, you know,  
7 not a great deal about welfare, we - you know, what we  
8 can offer, what's the situation, have you had this,  
9 have you done that, blah, blah, blah, blah. Then it  
10 was just, "Okay, now while I have you here, let's talk  
11 about this", and he just - - -

12 So you wanted to keep him on side?---I, ah - if - he rang me  
13 and within a very short period of time it became  
14 obvious to me that he had no interest in whatever else  
15 was going on in my life, he had - he wanted to know  
16 about, ah, Lorimer. And he said, you know, "Did you  
17 know that I'd done a review and statements had been  
18 changed and all that sort of stuff?", and I was - you  
19 know, I was stunned, I was quiet, I just sat on the  
20 phone thinking, "What the hell is going on here?  
21 You've just rung me up for welfare and you don't want  
22 to talk about welfare, you want to talk about this  
23 stuff?" So I said, "Why would you ask all of that?",  
24 and he went on about his review, and I mean, I didn't  
25 know anything about a review or anything of the sort;  
26 he did a review, there was problems with the  
27 statements, that his Detectives Buchhorn,  
28 da-da-da-da-da were - had changed statements and done  
29 all of this, you know, I'd prevented - I'd identified -



1 now, what did he do? [REDACTED]  
2 [REDACTED]  
3 [REDACTED] [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED] He's briefed the Chief Commissioner and the  
7 Silk and Miller families that Roberts wasn't there;  
8 that the Silk and Miller families were on his side,  
9 that he should be going out trying to - you know, if  
10 Roberts isn't supposed to be in gaol, rightly so, he  
11 shouldn't be in gaol; that Iddles should be going out  
12 to Kroupner(?) to, you know, prove his case. And, at  
13 that stage I was - and to be brutally honest, I  
14 probably still am - if I want to throw mud at the  
15 Victoria Police, I will in a second, they've earned it,  
16 I couldn't give a flying fuck what they think of me,  
17 and I've - I've tried to talk to them for years and  
18 they're just not interested. So, if Mr Iddles wanted  
19 some mud to throw, it would have to go to somebody - my  
20 plan was that at some point he was gonna have to go to  
21 somebody and say, "I've spoken to this guy Pullin, he's  
22 saying that he's changed his statement, he's saying  
23 that the Lorimer Task Force is all corrupt", and blah,  
24 blah, blah, blah, "You guys had better speak to  
25 him." That was my idea, that was where I was coming  
26 from, that was my plan. Unfortunately, I don't know  
27 that whatever he told me was true or otherwise, I  
28 wouldn't have a clue, I don't particularly care any  
29 more. If it sounded - in that phone call, if it

1           sounded like he wanted to hear it, he heard it.  
2       Yes, thank you?---And in the end I got no welfare anyway,  
3           so.  
4       MR RUSH: We're identifying Mr Buchhorn visiting you at the  
5           Fraud Squad. Do you recall what was going to happen to  
6           your first statement?---No.  
7       Was anything said about the first statement?---I have no  
8           idea. Don't know.  
9       But you do recall going to the committal and meeting  
10           Mr Buchhorn?---Yes.  
11       And you told, or Mr Iddles said you told him, that at the  
12           committal you in fact asked George Buchhorn about your  
13           first statement and you told Mr Iddles that only your  
14           second statement had gone into the brief, not to  
15           mention the first statement?---That's what I told  
16           Iddles, yes.  
17       And - - -?---I don't remember any great conversation with  
18           George Buchhorn.  
19       Then - - -?---I was just gonna say, I hadn't seen friends  
20           that were there for X number of years, and I'm pretty  
21           sure I spent much of my time just talking to them and  
22           catching up.  
23       At the committal you must have been concerned at having made  
24           two statements?---Ah, probably.  
25       So, if you were probably concerned - you would be concerned,  
26           would you not?---Well, common sense and the most basic  
27           explanation would say, yes. You're asking me now, if -  
28           I don't remember, I wouldn't have a clue.  
29       He says that you told him Buchhorn had said, "Don't mention

1           that there's two statements"?---Okay.  
2       You have told Iddles, I suggest, that Buchhorn actually said  
3           that to you?---I can't deny it.  
4       You can't deny saying it to Iddles, but it's entirely  
5           consistent with the concern that you had about two  
6           statements, that at the committal before you gave  
7           evidence, upon meeting Buchhorn which you remember, you  
8           would ask him, "What about the first  
9           statement?"?---Well, I don't remember meeting Buchhorn  
10          to start with; that's in his day book and everything  
11          like that. What you just showed me is news to me.

12       COMMISSIONER: No, Mr Rush is now asking you about your  
13          conversation at the committal?---With George Buchhorn?  
14       You do remember meeting Buchhorn at the committal?---Yes, he  
15          was taking attendance.

16       And what he's asking you about is, what discussion did you  
17          have with Buchhorn before you gave evidence at the  
18          committal?---My evidence now is, I have no idea.

19       You can't remember?---No.

20       MR RUSH: But you agree you might have told Iddles that  
21          Buchhorn said to you, "Only your first one's on the  
22          brief and don't mention the first statement." Sorry,  
23          "Only the second statement's on the brief, don't  
24          mention the first statement." You might have said that  
25          to Iddles?---Might have, yes. Do I remember it? No.  
26       Buchhorn - - -?---I can't agree, I can't deny. I don't  
27          know. Most - oh fuck, I can't even remember what I did  
28          yesterday, you know.

29       COMMISSIONER: Would you like a break, Mr Pullin?---No.

1 Thank you, no.

2 MR RUSH: And you did say it's quite possible that you told  
3 Iddles that, about Buchhorn?---Yes.

4 You have told the Commissioner that you were concerned at  
5 the time of the committal hearing about having made two  
6 statements?---Ah, I don't - I agree that, is it  
7 possible that I asked George Buchhorn about the two  
8 statements at the committal? Of course it's possible.  
9 Do I remember it? No. I don't remember being  
10 concerned about two statements or anything like that.

11 You've just told us before that you were concerned about it  
12 at the committal?---I don't think I said that.

13 COMMISSIONER: I think his evidence was, "I probably was  
14 concerned"?---I may well have been, I mean, you know,  
15 what you're saying is fairly normal/basic, you know,  
16 sort of stuff. You're asking if I remember; no, I  
17 don't. As I said, I can't agree, I can't deny, I have  
18 no idea.

19 MR RUSH: Do you remember Mr Iddles coming to your home  
20 after that telephone conversation with Mr Abbey?---Yes.

21 Mr Iddles has indicated that the substance of what I've  
22 taken you to, about two statements, your conversation  
23 with Buchhorn at the committal proceeding was gone  
24 through and repeated at your home?---That's what he has  
25 said, and I think even Peter Abbey said something  
26 similar. That's not what I remember, I thought the  
27 visit was about welfare and they wanted - Iddles wanted  
28 to talk about what I'd told him, and I said I wasn't  
29 particularly interested in talking about it. They both

1           said something different. I can't - I can't add  
2           anything, it's not what I recall.

3       Just one further matter. Exhibit 445, p.5785, line 30, your  
4       evidence at IBAC in October 2015. Page 5785, line 15,  
5       perhaps I might read it to you slowly, Mr Pullin. You  
6       are being asked questions about this conversation with  
7       Iddles and you said at line 15: "Some of it was  
8       exacerbated to Mr Iddles." Question: "Yes, so did you  
9       make anything up for Mr Iddles?" You said: "Did I make  
10      anything up? No, I don't - I don't think so."  
11      Question: "Was anything not quite true that you told  
12      Mr Iddles?" Answer: "Yes." Question: "Like, what were  
13      those, what was that?" Answer: "That I'd had a  
14      discussion with George Buchhorn at the committal about  
15      changing statements. That was - that was a bit of an  
16      embellishment. I don't actually recall, I think I told  
17      him basically what I've told you. Yes, my statement  
18      was changed and I checked with George Buchhorn at the  
19      committal "?---Okay.

20      So, in 2015, was it your recollection or is it - let me put  
21      it this way: is it your recollection now that you had a  
22      conversation with Mr Buchhorn at the committal?---No.  
23      Not at all?---No. I'm not saying - again, I can't agree, I  
24      can't deny, I don't know. Whatever - what did I say  
25      last time? Take that.

26      Just one other matter. At Exhibit 263, p.3296 is the  
27      statement of Constable Gardiner. Was Constable  
28      Gardiner a police officer you knew at that time?---Um,  
29      not really. He was the only constable there, I put him

1           in the ambulance.

2       Do you have any recollection of there specifically being any  
3           discussion at the crime scene about the importance of  
4           dying declaration statements?---Ah, only that I put him  
5           in the ambulance just in case. I knew about what it  
6           was and that it was important, that's why I put him in  
7           the ambulance. His instructions were to write down  
8           whatever came out of his mouth.

9       And you saw it as being important that someone was there  
10           with Mr Miller?---Yes. But bear in mind, at this time  
11           he wasn't dying.

12       No, I understand. Page 3299, down the page, Mr Gardiner has  
13           said this: "A senior constable, the same one that found  
14           the gun ..." Now, you in fact did locate the gun, did  
15           you not?---Ah, yes.

16       And in fact checked the chamber and saw that there were four  
17           impressions?---Yes.

18       "Senior constable, the same one that found the gun asked,  
19           'What happened?' Miller replied 'Two, one on foot.'  
20           The senior constable asked, 'Any vehicle?' Miller  
21           replied, 'Dark Hyundai'." In substance, as I  
22           understand it, that is your recollection of what  
23           Mr Miller told you, what is repeated there by  
24           Mr Gardiner?---I think by and large everybody who was  
25           with Miller was - that is the information that was  
26           coming out of Miller. I don't remember - you know, I  
27           can't say, you know, he's got inverted commas, that's  
28           how it used to be done. Were they the exact words?  
29           No, I wouldn't have a clue, but that was the

1 information that was coming out.

2 That's the exact words that Senior Constable

3 Gardiner - - -?---Yeah, well, that's what I put

4 in - - -

5 - - - has put in his statement - - -?---Did I - are they the

6 exact words? I don't - no idea.

7 You asking those questions and those being the

8 reply?---Quite possibly, yes.

9 That's consistent, as I understand it, with your

10 recollection?---Ah, I - I recollect that there were

11 two - the word was that there was two offenders.

12 Yeah, and the dark Hyundai?---It was a dark-coloured

13 Hyundai, a small dark-coloured car, yeah, it might have

14 been a Hyundai, a dark-coloured car.

15 You saw fit for Mr Gardiner to go in the ambulance because

16 it was important to have all the conversation?---Or in

17 case he said something that we didn't - like, obviously

18 he was leaving all the police and he was going to the

19 hospital; there needed to be someone in the ambulance

20 just in case and, you know, he had a gunshot wound, so

21 there may be something that he needed to - - -

22 Because it was important to have all the conversation?---It

23 was important to have, yes, what he was saying.

24 And so that that could be recorded in statements?---Yes.

25 Yet, you didn't record in your statement the

26 conversation - - -?---For whatever reason, no, I

27 didn't. You want a reason? I have no idea. Can I

28 direct you to the first statement that you told me to

29 look at on the computer? You've - we're here 20 years

1 later and I've spent the most part of that 20 years  
2 trying to forget absolutely everything about this. For  
3 all you people, Rod Miller is a fucking hero who died.  
4 Rod Miller was my fucking nightmare. So, there you go.

5 MR RUSH: They are the matters.

6 COMMISSIONER: Mr Pullin, when you gave evidence at the  
7 committal, did you tell the magistrate that you'd made  
8 two statements?---Probably not.

9 You would have had your attention directed to your  
10 statement, wouldn't you?---I believe it's normal  
11 practice that, you'd - you'd - "Was this the statement  
12 that you made on the night?", and you'd tender the  
13 statement.

14 Have you gone back to look at whether or not you gave false  
15 evidence to the magistrate?---I've looked at the  
16 transcript.

17 And did you give false evidence to the magistrate at the  
18 committal?---Ah, no, as it turns out - well, yeah,  
19 quite possibly.

20 What about at the trial, Mr Pullin?---I don't know.

21 Did you tell the jury that you'd made two statements?---No.

22 I don't know it was ever asked. No one ever asked it.  
23 You thought, if it wasn't asked, you didn't need to mention  
24 it?---Yeah. All right, it was - as far as I was  
25 concerned, it was - you know, it was my statement.

26 So, from your perspective, so long as what you were saying  
27 was the truth in your second statement, it didn't  
28 matter that you didn't disclose the first one; is that  
29 the way you viewed it?---I think that's probably a fair



1 way to look at it.

2 All right, that completes your examination, Mr Rush?

3 MR RUSH: Yes, it does.

4 COMMISSIONER: We might adjourn for five minutes. Have a  
5 break, Mr Pullin, have a chat with your counsel. We'll  
6 ask counsel who appear for other persons to come back  
7 into the hearing room and I'll hear applications for  
8 cross-examination.

9 Have a break, Mr Pullin, we'll adjourn  
10 temporarily.

11 Hearing adjourns: [3.38 pm]

12 Hearing resumes: [3.45 pm]

13 COMMISSIONER: Yes gentlemen? Does someone have an  
14 application to cross-examine Mr Pullin?

15 MR TROOD: Commissioner, my name is Trood.

16 COMMISSIONER: Thank you, Mr Trood.

17 MR TROOD: I'm the party that's been seated in the other  
18 room with the Commissioner's consent. As the  
19 Commissioner knows, I appear for Mr George Buchhorn.

20 If the Commissioner pleases, in terms of  
21 cross-examination there were three things I wanted to  
22 raise, perhaps I can explain them briefly.

23 COMMISSIONER: Yes. Are you happy for Mr Pullin to be here  
24 while that's done?

25 MR TROOD: As a matter of protocol, thank you for drawing  
26 that to my attention, perhaps if he wouldn't mind  
27 leaving.

28 COMMISSIONER: Would you mind stepping out for a moment,  
29 Mr Pullin.

1 MR TROOD: It won't take very long.

2 COMMISSIONER: Thank you.

3 <(THE WITNESS WITHDREW)

4 MR TROOD: Sir, as you're aware, statement 1 and statement  
5 2, the formatting of those, you've received evidence  
6 thus far that they are in a format which, on the face  
7 of it, might suggest that they have been done by the  
8 member concerned as opposed to sitting down in front of  
9 someone else and that person taking that statement, the  
10 distinct being the absence of the words "taken by me"  
11 and the like. Both statement 1 and statement 2 are in  
12 exactly that form.

13 Now, there's not been the examination with this  
14 witness as to whether that's a form of taking  
15 statements which was consistent with his practice up  
16 until that period of time, and that would be the first  
17 thing that I would ask him questions. It really  
18 relates to - goes on to the examination which has just  
19 taken place because, as I had understood his evidence  
20 with respect to statement No.2, there seemed to be  
21 somewhat contradictory answers given by him as to  
22 whether in fact someone else has assisted him in that  
23 process or not, and so, the relevance would be to ask  
24 him about his practice, if he recognises it as a  
25 practice in terms of the making of his own statements  
26 for both of the documents, leading into that question  
27 as to - - -

28 COMMISSIONER: I must say, speaking for myself, Mr Trood, I  
29 thought his evidence was clear that he didn't make the

1 second statement, that it was prepared for him.

2 MR TROOD: He did say that at one point, but I rather  
3 thought that he gave a contradictory - - -

4 COMMISSIONER: You've made some note of a contradictory,  
5 have you?

6 MR TROOD: Well, I thought he was saying that he wasn't sure  
7 if that was the case.

8 COMMISSIONER: What's the third matter?

9 MR TROOD: The third matter, and I'll be guided by perhaps  
10 yourself, Mr Commissioner, and counsel assisting: he  
11 has given evidence that, in terms of the conversations  
12 he's had with Mr Iddles and his reason for naming  
13 Mr Buchhorn had to do with some issue that he had with  
14 the Victoria Police Force.

15 Now, I think the inquiry and the investigation has  
16 the advantage in the sense that, I certainly have no  
17 information or no idea what the background to that  
18 might be. I've got no idea as to whether that's a  
19 specious comment, whether it's something which is  
20 backed by materials that the Commission already has  
21 buttressed by medical material. Now - - -

22 COMMISSIONER: Again, my impression was that what he was  
23 saying was, he wanted something from Mr Iddles, he  
24 wanted Mr Iddles - or more particularly The Police  
25 Association's financial support in exchange for which,  
26 he could see where Iddles was going with his  
27 investigation, and was wanting to cooperate as far as  
28 he could in giving Mr Iddles what he wanted.

29 MR TROOD: I think he went a little bit further and said -

1 he made the comment that he wanted to, and I'm perhaps  
2 paraphrasing, "Cause the police force as much trouble  
3 as he could."

4 COMMISSIONER: How do you say that might assist your client?

5 MR TROOD: Well, he seemed to be saying that, pursuant to  
6 that desire, that is, to cause - sorry, go back a step.  
7 A non-direct quote: "I wanted to throw mud at the  
8 Victoria Police, or the plan was to throw mud", that's  
9 the comment. He seemed to be saying, following on from  
10 that, that the naming of Mr Buchhorn was pursuant to  
11 that desire and he's picked the name for the reasons  
12 that he indicated.

13 COMMISSIONER: Yes.

14 MR TROOD: As I said, I'm at somewhat of a disadvantage,  
15 I've got no idea whether there was a dispute, whether  
16 there was a claim, whether there was - really what that  
17 is all about, and I was going to - - -

18 COMMISSIONER: Are you then proposing, Mr Trood, to make  
19 clear in cross-examining on those topics whether or not  
20 your client accepts his allegation made sometimes that  
21 it was your client who prepared that document for him?

22 MR TROOD: I'm certainly prepared to do that; that that's  
23 incorrect about that.

24 COMMISSIONER: I take it, that's the thrust of the  
25 cross-examination?

26 MR TROOD: That's right.

27 COMMISSIONER: Mr Rush, what do you say as to those matters?  
28 Have a seat for a moment, Mr Trood.

29 MR RUSH: We would say that the first two matters that are

1 raised by Mr Trood are reasonable matters for  
2 cross-examination in relation to the nature of the way  
3 in which the statement and what his normal practice was  
4 in relation to setting out a course for the taking - of  
5 making a statement.

6 We think it's very clear that Mr Pullin has  
7 indicated that he did not - had nothing to do with the  
8 second statement, but if my learned friend has a doubt,  
9 that could be clarified by fairly simple  
10 cross-examination.

11 The matter about mud being thrown and delving into  
12 Mr Pullin's welfare concerns, we would say, is fairly  
13 clear on the evidence; that on one view of his evidence  
14 Buchhorn's name was raised and used for the purpose of  
15 causing difficulty and making Mr Pullin an important  
16 component of Iddles' considerations for a welfare  
17 purpose.

18 Now, just what my learned friend wants to do in  
19 addition to obtaining that, I'm not sure, and unless  
20 there's clarification we would say there's no ground to  
21 go there.

22 COMMISSIONER: What's your estimate as to how long you would  
23 take with those three matters?

24 MR TROOD: I don't think more than about 15 minutes with  
25 this. Can I put this caveat on what I was indicating?

26 COMMISSIONER: Yes.

27 MR TROOD: I don't wish to go into sensitive material which  
28 is going to cause issues, a health issue, and I will  
29 accept the Commission's guidance on that.

1 COMMISSIONER: Mr Trood, I'll give you leave to cover those  
2 matters. Mr Rush, if at any stage you feel that either  
3 it's threatening or impinging on Mr Pullin's welfare or  
4 traversing matters that have already been sufficiently  
5 covered, you will raise your objection.

6 MR RUSH: I will, Commissioner. I only say, with respect to  
7 my learned friend, those matters should be able to be  
8 dealt with a bit quicker than 15 minutes, we would say.

9 COMMISSIONER: Yes.

10 MR TROOD: Perhaps I can assist in that. For the purposes  
11 of asking the questions, if statements 1 and 2 could be  
12 ready so the witness could see them.

13 COMMISSIONER: Yes. If you've got the exhibit number, we  
14 could find that very quickly.

15 MR TROOD: Thank you, Exhibit 593, thank you.

16 COMMISSIONER: Yes, Mr Matthews?

17 MR MATTHEWS: Commissioner, whilst the witness is out of the  
18 room, I also seek leave to cross-examine on a single  
19 topic, which is, who has this witness had contact with  
20 subsequent to the first conversation with Mr Iddles,  
21 that is, any of the police officers involved in this  
22 case, Clarke, Poke and the like.

23 COMMISSIONER: Yes.

24 MR MATTHEWS: And where that was going in terms of what he  
25 is suddenly saying today, that he didn't appear to have  
26 told IBAC the first time about his recall of the night,  
27 that was the only topic I wanted to approach him on and  
28 I don't believe - - -

29 COMMISSIONER: I'll give you leave to do that. I'll give

1           you leave to appear and to cross-examine on those  
2           subjects. Would you ask Mr Pullin to come in, please?  
3 MR DEMPSEY: Mr Commissioner, if there's nobody else seeking  
4           leave, I ask that those practitioners leave now. I  
5           understood that the process would be, Mr Pullin would  
6           be cross-examined one at a time.  
7 COMMISSIONER: Yes. You ladies appear for Mr Collins and?  
8 UNIDENTIFIED SPEAKER: Mr Sheridan.  
9 COMMISSIONER: So, are you happy to be in the other room?  
10 UNIDENTIFIED SPEAKER: Yes.  
11 MS KAPITANIAK: Commissioner, could I just flag one thing?  
12 COMMISSIONER: Yes, certainly.  
13 MS KAPITANIAK: Ms Kapitaniak's my name. I don't anticipate  
14           to cross-examine at this stage. I've asked my learned  
15           friends at the Bar table whether or not they would  
16           impinge on an area that I was interested in, in terms  
17           of naming over detectives that may have been spoken to;  
18           that seems not to be an area, so I wouldn't seek leave.  
19           But if it comes out through cross-examination, there  
20           may well be an application sought.  
21 COMMISSIONER: I understand that. When these gentlemen have  
22           finished their cross-examination, perhaps you could  
23           come into the room and pass a message if you thought  
24           something's emerged that would warrant  
25           cross-examination.  
26 MS KAPITANIAK: As I said, I don't anticipate given what  
27           I've asked, but if I do, I'm grateful. Thank you,  
28           Commissioner.  
29 COMMISSIONER: Thank you. Mr Pullin, would you come back

1 into the box, please. I remind you, you are still  
2 under oath.

3 <GLENN PULLIN, recalled:

4 COMMISSIONER: Yes, Mr Trood. Mr Trood appears for  
5 Mr Buchhorn.

6 <EXAMINATION BY MR TROOD:

7 Mr Pullin, I'm going to be brief. If you need to see  
8 statement 1 and statement 2, please tell me - in fact,  
9 if they can be put up on the screen and shown to the  
10 witness, please. Just take a moment. You will see,  
11 both of those statements are taken in a form where a  
12 member has typed out their own statements and then  
13 presented them to another officer for acknowledging; do  
14 you see that?---Yes.

15 You'd been an experienced policeman for many years as you  
16 detailed. Was that typically the form of a statement  
17 that you would do when you did that process; that is,  
18 when you typed your own statement out and then  
19 presented it to another officer for  
20 acknowledging?---Ah, I'm going - well, we're saying  
21 that this statement here is the statement I did on the  
22 night.

23 Yep?---Is that the normal format of the statement that I  
24 would do?

25 Yes?---No. That is - there was rules in place - well, there  
26 was - normal practice in relation to I said/he said  
27 conversations are all doubled down and all that sort of  
28 stuff.

29 I may not have been making myself clear.



1 COMMISSIONER: I think Mr Trood is directing you to the form  
2 of the document, and I take it, Mr Trood, in particular  
3 you're referring to the end of the document.

4 MR TROOD: Thank you.

5 COMMISSIONER: The words "I hereby acknowledge" and the  
6 subsequent acknowledgment. Is that the form that you  
7 would use when you prepared the statement?---Yes,  
8 that's a standard acknowledgement.

9 MR TROOD: There was a slightly different form if you were  
10 not making the statement yourself but sitting down in  
11 front of another officer who would help with the typing  
12 and it would be taken - there'd be a different  
13 acknowledgment clause there, "Taken by me"?---Yes,  
14 statement taken (indistinct) to a witness.

15 And you would have done that with many, many civilian  
16 witnesses who you've sat down with?---Yep. Standard  
17 format.

18 Standard format, thank you. Both of those statements are in  
19 the format - don't worry about the content for the  
20 moment - but in the format where it's you making the  
21 statement unassisted by another officer, aren't  
22 they?---Yes.

23 Does that suggest to you that, in fact, most statements may  
24 well have been typed out by you?---The only thing I can  
25 say is, I did not - I am absolutely positive I did not  
26 retype my - that statement again.

27 Is that because you don't remember doing so?---Given the  
28 context of what the statement actually - I mean, we're  
29 not talking a bag theft or something like that, we're

1 talking about a double homicide of two policemen. If I  
2 had to type that statement out again, I am almost  
3 positive that I would remember it, because I - yeah,  
4 it's - it's, you know, it's word-perfect almost.

5 If a police officer asked you to do an I said/he said  
6 statement, you understood that to mean a particular  
7 thing as a result of your police experience; is that  
8 right?---Yes.

9 That's a request for you to type down all conversation  
10 that's occurred between yourself and whoever the  
11 question was asking about; is that right?---That's how  
12 a conversation would go, yes.

13 No, but you understood that the shorthand, I said/he said,  
14 you knew what that meant, didn't you?---Yes.

15 And you knew that that was asking you to type down all the  
16 conversation; correct?---Ah, it was - well, all the  
17 conversation, I don't know, but certainly a single  
18 line, I said/he said, is just that.

19 An I said/he said, was that a general term that was used by  
20 police to describe whatever conversation might have  
21 happened, is it?---Yes, yes, I would (indistinct).

22 So, if someone said to you, "Can you write down or type down  
23 the I said/he said from this incident", did you take  
24 that as a request for you to type down all the  
25 conversation that had happened?---I don't - I don't  
26 know, there was - - -

27 Going back to what I just asked you: is the only reason that  
28 you say that you didn't retype - sorry, you didn't type  
29 statement No.2 is that you don't have a memory of it,

1 firstly; and secondly, you think because of the gravity  
2 of the matter you would have a memory? Have I  
3 understood you correctly?---Ah, I - I think that's  
4 pretty fair to say, yeah.

5 They are the only two reasons that you say, I didn't type  
6 that statement No.2; correct?---Yeah.

7 Can I just ask you this then: was it your practice at this  
8 date, if you're asked to do a statement, a  
9 qualification, whatever it might be, for you to go away  
10 and do it yourself in relation to a police  
11 investigation?---Ah, well, you did your own statements.

12 Was it your practice, if you were being asked to do a second  
13 statement, that you would take it back to the same  
14 police officer who had acknowledged the first  
15 statement?---Ah, well, at a guess it would depend on  
16 the circumstances.

17 What I'm perhaps asking a different way is this, is that,  
18 you will see that Mr Bezzina is the person that has  
19 acknowledged the first statement?---Yes.

20 Do you see?---Yes.

21 Mr Bezzina is also on the statement No.2 as the person who's  
22 acknowledged that?---Yep.

23 If you're asked to do the I said/he said and you go away and  
24 do that, would you go back to Mr Bezzina to get him to  
25 acknowledge the second statement? Is that  
26 possible?---Ah, well, I'd actually have to - I'd  
27 actually have to find him and - - -

28 Yep, assuming you could do that?---Ah, did - did I do it?

29 No.

1 COMMISSIONER: This is a hypothetical, Mr Pullin. Did you  
2 do that? Did you, at your convenience, prepare this  
3 second statement and then go and find Mr Bezzina and  
4 have him witness it as an acknowledgment?---Did I - did  
5 I do that?

6 Yes?---No. I met Charlie Bezzina for five minutes in a car.  
7 He drove me back to the police station, he witnessed my  
8 signature and that is the extent of my lifetime  
9 experience of speaking to Charlie Bezzina.

10 MR TROOD: I've got to ask you this in relation to a  
11 separate topic, and I'm not asking for detail. You  
12 said in your evidence a little while ago that you  
13 wanted to throw mud at the police department, and that  
14 was a reference to what you told Mr Iddles in the  
15 telephone conversation and conversations at your house;  
16 do you recall?---Yes.

17 I'm not asking for the intimate details, but was there some  
18 sort of dispute between you and the police department  
19 that was occurring at that time?---It's been ongoing  
20 since 1998.

21 Okay, so it was certainly ongoing - I'm sorry.

22 COMMISSIONER: Mr Pullin, could you lean forward, we won't  
23 pick up what you say?---Sorry.

24 What was your last answer, Mr Pullin?---It's been ongoing  
25 since 1998.

26 MR TROOD: So, it was current at the time that Mr Iddles  
27 spoke to you?---Yeah. It's up to now, if you really  
28 want to know.

29 Sorry, it's ongoing? Okay. Would this be a fair way to

1 describe what your evidence is in terms of Mr Buchhorn:  
2 you've said that you used his name because it was a  
3 name that you knew and you'd met him at the  
4 committal?---M'hmm.

5 You said, I think you described him as "took attendance", I  
6 think your words might have been?---Yeah, he was seated  
7 at the front door of the court, or next to the front  
8 door of the committal and it was, you know, "Who are  
9 you?"

10 That was - tell me if I'm wrong - - -?---As it turns out he  
11 met me, but what I recall, he was just - he was simply  
12 taking attendance.

13 Ticking off who was there and who wasn't there for the  
14 purpose of them giving evidence?---Yep.

15 Okay, I understand. But in relation to throwing mud at the  
16 police department, is this a fair way of putting it:  
17 you're saying that you've used Mr Buchhorn's name as  
18 part of throwing mud to the police department?---No.

19 Is that a fair way of putting it?---Ah, well, Mr Buchhorn  
20 was one of the three names that Iddles gave me.

21 I understand?---And that's the only name that I knew.

22 And then, using his name, you were using it as part of what  
23 you were doing, which was to throw mud at the police  
24 department; that's correct, isn't it?---Well, yes,  
25 basically.

26 Mr Buchhorn, in that sense, was collateral damage from your  
27 aim to throw mud at the police department; is that a  
28 fair way of putting it?---Well, you know, I'd have to  
29 agree with that.

1 In terms of that second statement, you've told the  
2 Commission that you got a phone call, you can't say who  
3 it was from, you've got no recollection as to who it  
4 was that retyped it or any of the circumstances of the  
5 retyping?---Yep.

6 All those sorts of things?---M'hmm.  
7 You've firstly got no memory that it was Mr Buchhorn who did  
8 that, have you?---No.

9 You're not saying to the Commissioner that it was  
10 Mr Buchhorn who did that?---That retyped it and  
11 everything?

12 Yeah?---No, I had no idea.

13 But you don't say positively that it was him though, do  
14 you?---No. Well, up until half an hour ago I didn't  
15 even know I'd met him.

16 I understand that. The meeting at the Fraud Squad, can you  
17 remember any detail about that?---No.

18 Can you remember what was talked about?---No.

19 COMMISSIONER: You're now going over ground that's been  
20 traversed.

21 MR TROOD: I probably am, I take the Commissioner's point.

22 COMMISSIONER: Just before you sit down, Mr Trood. (To  
23 witness) Mr Pullin, the officer on the night who was  
24 doing the broadcast over the police radio, in 2000 or  
25 late 1999, did you know his name?---Yes. I believe  
26 it's Colin Clarke.

27 Do you know where he was stationed?---Ah, down south in C  
28 district. Maybe, like, you know like Cheltenham-ish,  
29 somewhere. It was down south.

1 At the time that you were asked to make a further statement,  
2 were you given any documents that set out the account  
3 of anyone else?---Not that I know of.

4 Were you given a transcript of the radio recordings?---No.

5 I was - the trans - I think I first saw the transcripts  
6 in - or when Iddles and Bezzina went in the papers, the  
7 next day there was a transcript from D24 in The Age.  
8 That, off the top of my head, that's the first time I  
9 saw a transcript.

10 Yes, thank you.

11 MR TROOD: I have nothing arising from that.

12 COMMISSIONER: Yes, Mr Matthews?

13 <EXAMINED BY MR MATTHEWS:

14 Mr Pullin, do I take it from the answers you gave the

15 Commissioner that you knew Colin Clarke back in  
16 1998/1999?---Yes, I'd known him since 1988/89. I was  
17 stationed at the traffic operations group.

18 Had a friendship developed between you?---A working  
19 relationship; I don't know his - from what I found, you  
20 know, he's a very different person than what I - his  
21 hobbies and things like that, I couldn't call it a  
22 friendship, but yes, we worked with each other, I don't  
23 think there was any particular problems or anything of  
24 the sort.

25 So you worked with him in 88/89 I think you said at the  
26 traffic operations group?---Yes.

27 Any time after that?---Not that I know of.

28 When was the last time you saw him?---Ah, shit, Supreme  
29 Court two - whenever the trial was because we were

1 all - all the police were called on the one day, and we  
2 were all - again, it was just a catch-up with  
3 everybody.

4 Have you spoken to him since then?---No. I don't even know  
5 what he's doing. I don't even know if he's still in  
6 the job.

7 What about Bradley Gardiner, when was the last time you  
8 spoke to him?---No idea. When I put him in the  
9 ambulance. He might have been at the Supreme Court or  
10 the committal, I'm not too sure.

11 Lou Gerardi, you were working with him on that night?---Yes.  
12 When was the last time you spoke to him?---When did I leave  
13 the fraudies? 2003, maybe 2002.

14 Was he with you at the Fraud Squad?---He turned up after I'd  
15 left, so he may have got there in 2001 or something  
16 like that. I think I came in to the city and we had  
17 lunch, and for no other reason, it was just a bit of a  
18 catch-up sort of thing. I don't think I was at the  
19 fraudies when he was at the fraudies. He went to the -  
20 the asset recovery was a different little office within  
21 the Fraud Squad, I think he went there, but I think I  
22 was gone by then.

23 Have you spoken to him since?---No.

24 Helen Poke?---Yes.

25 Have you spoken to her - - -?---Yeah.

26 - - - recently?---Friends on Facebook. We were at a  
27 barbecue together six months ago.

28 She's remained a friend of yours?---Ah, yeah.

29 Since she'd left the force?---I didn't know she'd left.



1 Sorry, since you left the force, you've remained friends  
2 with her?---Oh, yeah. Ah, on Facebook, we connected on  
3 Facebook, I don't know how many years ago, maybe - you  
4 know, six, seven, eight, nine years ago, and we chat  
5 occasionally and, as I said, we were at a barbecue at a  
6 mutual friend's place about six months ago or  
7 thereabouts.

8 In your Facebook chat with her you've spoken about this  
9 matter, the night and what happened that night?---Oh,  
10 yeah, yes, um, yeah.

11 And at the barbecue you would have talked about it as well,  
12 given how much it's been in the news?---I don't know  
13 that we discussed it in the barbecue, but I'm pretty  
14 sure we swapped a couple of messages and phone calls  
15 and things like that. There was something about a  
16 Facebook post that she'd done in relation to all this;  
17 I didn't see that, so.

18 But you've seen other Facebook posts of hers about this  
19 matter about what happened that night - - -?---Ah - - -  
20 - - - and everything that's happened about it  
21 since?---Maybe, I don't know. I mean, lots of people  
22 say all sorts of shit and I - honestly, a lot of it I  
23 try to ignore.

24 Sure, but Helen Poke is not just anyone, she's  
25 somebody - - -?---No.

26 She's somebody who amounts to a friend, isn't she?---Yes.

27 What about Graeme Thwaites, is he somebody you keep contact  
28 with?

29 MR RUSH: Commissioner, I'm not quite sure. At the moment

1           there's been examination of friendships without any  
2           link to anything that could be relevant to the matters  
3           that are before the Commission. Now, unless my learned  
4           friend wants to draw this together, put a proposition,  
5           we say that it's of no benefit at all.

6           MR MATTHEWS: I was getting to that, but I wanted to  
7           establish the relationships first, sir.

8           COMMISSIONER: Very good. I'll give you some leeway,  
9           Mr Matthews.

10          MR MATTHEWS: If the Commissioner pleases. (To witness) Did  
11          I understand you to say you're friends with Graeme  
12          Thwaites?---Yes.

13          Facebook friends?---Ah, yes, yes. Knew of him when I was  
14          working in C district. I don't think I'd worked - I  
15          don't think I'd worked with him, but I knew of him and,  
16          you know, as I've said I'd worked the area for years  
17          and we'd bumped into each other in different jobs and  
18          all that sort of stuff.

19          He was working in the same area down that way?---He was down  
20          south as well, I think he's down - obviously, he might  
21          have been at Moorabbin or Cheltenham or something, he  
22          was down that way.

23          When was the last time you had contact with him,  
24          approximately?---Um, about a month ago.

25          Facebook?---Yes.

26          In your contact with him, there's also been talk about this  
27          matter, about what happened that night?---Yeah.

28          You see, there's been communications between you and Poke,  
29          and you and Thwaites - I'll break it down: between you

1 and Ms Poke about what Miller said that night?---No, I  
2 don't think so. Um, most of, um - most of my  
3 communication with Helen is, um, um, the poor handling  
4 of - now, up until recently I didn't know that she  
5 didn't do a statement for two years or something like  
6 that, she hadn't done a statement on the night, she  
7 told someone to get stuffed. Graeme Thwaites, oh, I  
8 can't remember where with him; he's told me that there  
9 was some detective that told him to take out a whole  
10 heap of stuff and then later on said, "No, it's all  
11 gotta go back in", or something like that. Did we sit  
12 around and talk about what Rod Miller said and  
13 everything like that? No.

14 As I understand what you've just said, there's been talk  
15 between you and Poke and you and Thwaites about what  
16 was and was not in their statements, or that they made  
17 later statements and the like, that sort of thing's  
18 been discussed between you?---Ah, yeah, yeah.

19 Including in recent times, meaning since Iddles first spoke  
20 to you that day?---Oh, yeah, yeah, yeah. Yeah.

21 Remember, I mean, this one event had us all glued  
22 together, so.

23 Anybody else from Victoria Police you've spoken to about  
24 what happened that night since Iddles first made  
25 contact with you?---Yes.

26 Who?---Other friends that were - actually, I think some of  
27 them - or I think one of them's still in the job. Just  
28 some friends that were there on the night.

29 Again, what was the content of those conversations?---Um,

1 one conversation with a friend, he was examined by IBAC  
2 and it turns out he's - he didn't do his statement for  
3 two weeks or something, and it blew him out of the  
4 water, he had no idea that that had happened.

5 He spoke to you about that, did he?---Yeah. About a week  
6 and a half ago.

7 And he'd been there on the night?---Yeah, he was around the  
8 corner. I did - well, I didn't know he was there, he  
9 didn't know I was around the corner until we were back  
10 at the Moorabbin Police Station and we bumped into each  
11 other.

12 Who is that?---Does it matter?

13 Who is it?---He's been examined by IBAC and he's - he hasn't  
14 been called to this, so there's obviously nothing in  
15 it.

16 Yes, I'm asking you who it is.

17 COMMISSIONER: Is there any reason why you shouldn't say,  
18 Mr Pullin?---He doesn't need to be dragged into any of  
19 this, he's been examined, it's been determined that  
20 there's nothing that he can offer this place. I mean,  
21 um - - -

22 Nobody's making any allegation against him?---Oh, Ian Grace.

23 MR MATTHEWS: Anybody else that you've spoken to about this?

24 Can you name anyone else who was there on the  
25 night?---Frank Bendeich. Again, he was around the  
26 corner at the Silk thing. I don't remember - I don't  
27 remember the last time I spoke to Darren Sherrin, it  
28 was a long time ago. David Pratt I haven't seen  
29 in years. Al Hanson, um, again, he's been examined by

1 IBAC for all of this, he hasn't been called in here,  
2 so. Oh, shit, ah - I think that's all. I think that's  
3 all.

4 No one at a senior level at Victoria Police has spoken to  
5 you since Iddles spoke to you?---No, they don't talk to  
6 me.

7 Professional Standards?---Not that I know - well, no.

8 Amongst these conversations that you've talked about to the  
9 Commission today, did you talk to Helen Poke, Grant  
10 Thwaites, Frank Bendeich, about what you were going to  
11 say today; said what was said by Miller that  
12 night?---No, no. The greatest conversation I had was -  
13 with all due respect, sir, myself and Graeme Thwaites  
14 were going to tell youse all to go and get fucked and  
15 not turn up at all. That was a month or so ago.  
16 Obviously, cooler heads prevailed.

17 COMMISSIONER: Just to complete the circle, and you had no  
18 contact with Mr Buchhorn or his legal  
19 representatives - - -?---No.

20 - - - since Mr Iddles' inquiry commenced?---No. No, haven't  
21 spoken to George Buchhorn since - I may have spoken to  
22 him at the Supreme Court at the trial. I don't  
23 remember speaking to him, I may have, I dare say he  
24 would have been there. My last conversation that I can  
25 confirm that I had with George Buchhorn was at the  
26 committal.

27 MR MATTHEWS: Nothing further.

28 COMMISSIONER: Thank you, Mr Matthews. Yes, Mr Dempsey.

29 MR DEMPSEY: I've been very wordy so far, Commissioner,

1           might I be permitted just to round matters off?

2           COMMISSIONER: Yes, of course.

3           <EXAMINED BY MR DEMPSEY:

4           Mr Pullin, can you just inform the Commissioner what it  
5           would be like for you to receive a call from a member  
6           of the Lorimer Task Force asking you to do something  
7           different to your statement; that is, include something  
8           that wasn't in it or exclude something that was in it?  
9           What would your attitude to that be?---It would be  
10          that - well, it's the Lorimer Task Force/Homicide  
11          Squad. If a senior person from the Homicide Squad  
12          rings up and says, "There's a problem with your  
13          statement, you're missing something", whatever, you  
14          know, it's - it's the senior constable who says, "No,  
15          get stuffed", whose career just ended.

16          COMMISSIONER: You would comply?---Yes. Some of the other  
17          squads, you know, maybe not. Like, if the Fraud Squad  
18          rang up, and said, you know, "You're missing a detail"  
19          or something like that, it would be, "Oh, who gives a  
20          shit." But the Homicide Squad, you know, you don't  
21          want to be the guy standing in court with your, you  
22          know, you're the guy that - you're the reason why this  
23          homicide fell over because you wouldn't change your  
24          statement - that's, ah, yeah.

25          MR DEMPSEY: Thank you, Mr Commissioner, those are the only  
26          questions I had.

27          COMMISSIONER: Thank you, Mr Dempsey. Mr Rush, the question  
28          of whether or not Mr Pullin can be formally and  
29          permanently released from his summons, is there some

1 prospect that he might need to be recalled? Obviously  
2 that's a course that should be avoided if it can.

3 MR RUSH: From counsel assisting's point of view, it will be  
4 avoided. Can I rule that prospect out? I can't, but  
5 I'd say it's highly unlikely, Commissioner.

6 COMMISSIONER: So, Mr Pullin, we're conscious of your  
7 medical condition and, therefore, we're not anxious to  
8 do anything that might exacerbate it. So, while I  
9 would like to say to you categorically there will be no  
10 need for you to come back, I can't exclude that  
11 possibility, although it appears to be fairly remote.

12 In the meantime, I will therefore adjourn any  
13 further examination. If there is a need for you to  
14 come back, you will be advised in writing. We'll  
15 obviously communicate with your legal representatives.  
16 If you have to come back, we'll try and do it in a way  
17 that best accommodates your needs?---Thank you.

18 You will be provided with a copy of the video recording and  
19 a transcript of your evidence. A copy of your evidence  
20 will be placed on the IBAC public website and will be  
21 available during the course of the remainder of the  
22 public examinations.

23 The combination of the confidentiality notice and,  
24 more particularly, the order for witnesses out of court  
25 means, however, that the one thing you should not do  
26 before we conclude these public hearings is, you ought  
27 not speak to anyone else who's a witness in these  
28 proceedings or has been a witness in these proceedings  
29 about your evidence or their evidence or the issues

1           that have been explored. Do you follow that?---Yes.  
2       Very good. There's nothing else, I thank you for your  
3           cooperation and your attendance. We'll adjourn until  
4           10 o'clock tomorrow morning.

5       Hearing adjourns:       [4.24 pm]

6       ADJOURNED UNTIL WEDNESDAY, 6 FEBRUARY 2019

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