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TRANSCRIPT OF PROCEEDINGS

ACT BOARD OF INQUIRY – CRIMINAL JUSTICE SYSTEM

CHAIRPERSON: MR W. SOFRONOFF KC

CANBERRA

MONDAY, 17 APRIL 2023 AT 9.45 AM (AEST)

MS E. LONGBOTTOM KC with MR J. JONES and MS E. LYNCH appeared as Counsel Assisting.

MR M. TEDESCHI KC with MS B. ANNIWELL appeared on behalf of MR S. DRUMGOLD SC.

MS C. WEBSTER SC appeared on behalf of Ms JEROME

MR D. EDWARDSON KC appeared on behalf of MR S. WHYBROW

MS K. RICHARDSON SC with MR C. MITCHELL appeared on behalf of the Australian Federal Police.

MR C. GNECH appeared on behalf of thirteen AFP members.

MS K. EVANS appeared on behalf of MS H. YATES

MS S. CHRYSANTHOU SC appeared on behalf of MS L. WILKINSON

<THE HEARING RESUMED AT 9.46 AM

THE CHAIRPERSON: Ms Longbottom.

5 **MS LONGBOTTOM:** Mr Sofronoff, I appear with Mr Jones and Ms Lynch.

THE CHAIRPERSON: Thank you.

10 **MS LONGBOTTOM:** I understand that there are other parties that wish to apply for leave to appear.

THE CHAIRPERSON: Yes.

15 **MR TEDESCHI:** May it please the inquiry, my name is Tedeschi. I appear for Mr Shane Drumgold, the DPP of the Australian Capital Territory, and I am assisted by junior counsel, Ms Anniwell, and we are instructed by Mr Ian Denham of Moray & Agnew.

THE CHAIRPERSON: Thank you, Mr Tedeschi.

20 **MS WEBSTER:** Please the inquiry, my name is Webster. I seek leave to appear for Ms Jerome.

THE CHAIRPERSON: Thank you, Ms Webster.

25 **MS WEBSTER:** The inquiry pleases.

MR EDWARDSON: May it please the inquiry, my name's Edwardson, and I seek leave to appear on behalf of Mr Steven Whybrow on the instructions of Mr James Berg.

30 **THE CHAIRPERSON:** Thank you, Mr Edwardson.

MR MITCHELL: May it please the inquiry, my name's Mitchell. Ms Richardson appears for the AFP, and I appear with her, and we seek leave to appear.

35 **THE CHAIRPERSON:** Thank you, Mr Mitchell.

DR DWYER: May it please the inquiry, my name is Dwyer. I seek leave to appear for Ms Heidi Yates, the ACT Victims of Crime Commissioner, instructed by Ms Evans of Uther Webster & Evans.

40 **THE CHAIRPERSON:** Thank you, Ms Dwyer.

MR GNECH: Thank you. My name is Gnech. I seek leave to appear on behalf of 13 AFP police officers as per my written application.

45 **THE CHAIRPERSON:** Thank you, Mr Gnech. So just to tidy up, in case anybody hasn't been given leave to appear, each of you is given leave to appear. Yes, Ms Longbottom.

50 **MS LONGBOTTOM:** On 1 November 2022, in the immediate aftermath of the vacation of the trial (indistinct) the Director of Public Prosecutions, Mr Shane Drumgold, wrote to

the ACT Chief of Police alleging over one and a half years of consistent and inappropriate interference by police investigators in the proceeding and calling for a public inquiry. In that letter, Mr Drumgold contended, amongst other matters, that at a meeting in relation to the proceeding, police cherry-picked elements of potential evidence advanced as

5 constituting weaknesses in the case; that in a request for advice from the DPP, police provided blatant misrepresentations of evidence and made an overt attempt to apply pressure to the conclusion of that advice; and that during the conduct of the trial, a number of disturbing events occurred, including constant exclusive direct engagement of police with the defence rather than the prosecution.

10 Mr Drumgold called upon Commissioner Gaughan to issue a direction to all police to remove themselves from any engagement in the matter beyond being called as witnesses for the prosecution, including no further conduct with defence - contact, rather, with defence or other prosecution witnesses; no contact with the complainant; and prohibiting

15 police attendance at court beyond formal evidence, if required. The ACT Chief of Police, Commissioner Gaughan, welcomed that public inquiry but asked that it consider all aspects of the matter, including the actions of police, the prosecution and defence; issues leading to delays in the trial; issues leading to the subsequent mistrial; and the decision of the DPP not to proceed.

20 Mr Sofronoff, the ACT Government has asked you to consider the actions of police officers, the Director of Public Prosecutions and the Victim of Crime Commissioner in the criminal proceedings. It is important to emphasise that this is not an inquiry into the allegations made by Ms Higgins against Mr Lehrmann. It is only concerned with the way

25 in which each of the criminal justice agencies involved fulfilled their duties in the investigation and prosecution of those allegations, as well as in the course of providing support to Ms Higgins in that proceeding.

30 The police investigation and criminal prosecution drew intense media and public interest. That was in part because the alleged offence occurred at Parliament House. But those events were also taking place at the time of intense public discussion about sexual violence against women in light of the Me Too movement and, specifically in the ACT, media reports of low rates of sexual assault trials and convictions despite increases in reports to victim services and police.

35 That context seemingly affected police charged with the responsibility of investigating the allegations made against Mr Lehrmann, as well as the DPP and the Victims of Crime Commissioner who had the statutory function of providing Ms Higgins with support. That context also brought into question the threshold for charging and continuing the

40 prosecution of an allegation of sexual intercourse without consent and the significance of the credit of the complainant in those decisions.

45 Public confidence in the criminal justice system is essential to the maintenance of democracy. The public expects police officers to exercise their considerable power to investigate crime and charge people with offences strictly in accordance with their duties. The public expects that prosecutors will act impartially in accordance with their obligations to uphold the right to a fair trial. A collaborative working relationship between those charged with a duty to investigate crime and those charged with a duty to prosecute crime is essential to any well-functioning criminal justice system.

The relevant duties have been imposed in order to ensure that a trial is a fair trial. Fairness should not, however, be confused with weakness. Any fair criminal justice system also ensures that everything is done that lawfully and ethically can be done to secure the conviction of a guilty accused while ensuring the acquittal of an innocent one. And, of course, a criminal justice system that is fair respects the rights of those involved and will attract the public's confidence. To that end, the ACT Government has called upon you to examine its framework for progressing criminal investigations and prosecutions to determine whether, in this particular case, it functions with integrity.

10 I turn to your Terms of Reference. Insofar as the ACT Police are concerned, you are tasked with investigating whether any police officer failed to act in accordance with their duties or acted in breach of their duties in four respects: first, in their conduct of the investigation of the allegations by Ms Brittany Higgins concerning Mr Bruce Lehrmann; second, in their dealing with the DPP in relation to his duty to decide whether to
15 commence, continue or discontinue criminal proceedings against Mr Lehrmann; third, in their dealings with the legal representatives of Mr Lehrmann before, during or after the trial; and fourth, in their provision of information to any person in relation to the matter. If you discover that police - any police officer did fail to act in accordance with their duties or acted in breach of their duties in respect of the matters that I've just outlined, you are
20 required to investigate their reasons and motives.

Police services are provided in the ACT by a business unit within the Australian Federal Police known as ACT Police. That is pursuant to what is called a policing arrangement between the Commonwealth Minister for Justice and the ACT Minister for Police and
25 Emergency Services. Under that police arrangement, the ACT Government is required to purchase police services from the AFP. In this case, the investigation of the allegations against Mr Lehrmann were undertaken by officers in the Sexual Assault and Child Abuse Team of ACT Policing that is otherwise known as SACAT.

30 The conduct of that investigation was in two stages. The first stage began around 1 April 2019 when Ms Higgins made a complaint to the Australian Federal Police stationed at Parliament House. This included what is described as a "meet and greet" with ACT Police, during which there was a discussion with Ms Higgins about the role of various agencies that would be involved in the investigation, as well as about the interview, investigation
35 and court processes. That first stage of the investigation came to an end when Ms Higgins emailed the ACT Police on 13 April advising that she did not wish to proceed at that time.

The second stage of the investigation began in February of 2021. On 5 February, Ms Higgins contacted ACT Police and asked for her complaint to be reactivated. On 6
40 February, investigators from SACAT met with Ms Higgins and informed her that the investigation would not recommence until she provided a formal statement in the form of an evidence-in-chief interview. That took place on 24 February and after a recorded interview between Ms Higgins and Lisa Wilkinson was broadcast on the Network Ten program called The Project.

45 From the early stages of the recommenced investigation, SACAT police officers met with members of the Office of the Department of Public Prosecutions regarding the matter. That is not unusual. In fact, the need for regular communications and discussions between those two agencies is formally recognised in a collaborative agreement that they entered
50 into in 2019. But you will hear evidence that, from the outset, engagement between the

DPP and ACT Policing in this matter was beset by tension.

5 Those involved in the meetings appear to have somewhat different perceptions of what occurred, but in broad terms the points of conflict included the following: whether it was proper for ACT Policing to conduct a second evidence-in-chief interview with Ms Higgins, as they did on 26 May 2021; confusion about whether Mr Lehrmann should be charged and how matters affecting the credibility of Ms Higgins were to be treated by police when deciding whether to charge Mr Lehrmann and by the DPP when deciding whether to present an indictment; the delivery of the brief of evidence to lawyers for Mr Lehrmann once he was charged on 6 August 2021 but before he entered a plea - that brief included counselling notes that were prohibited from disclosure without the court's leave, and this led to some controversy - and the apparent close engagement between investigating officers and the lawyers for Mr Lehrmann during the trial, which led to some distrust between police and the DPP.

15 You will be required to consider the testimony about those matters and determine whether ACT police officers failed to act in accordance with or breached their duties. As part of your consideration of those issues, you will hear evidence from officers about their training and police procedures regarding the investigation of sexual offences; evidence of confidential interviews conducted with ACT Police, not involved in this particular investigation, about their training, policies and procedures; as well as underlying cultural views with respect to the investigation of sexual offences will also be tendered.

20 To the extent to which your inquiry may reveal deficiencies in ACT police training, policies and procedures regarding the investigation of sexual offences, many of those issues are already currently being considered by the Sexual Assault Police Review that is co-chaired by Dr Christine Nixon and Ms Karen Fryar. This inquiry will not unnecessarily duplicate the work that has already been undertaken by that body.

25 You are also required, under your Terms of Reference, to investigate whether the ACT DPP failed to act in accordance with his duties or acted in breach of his duties in making his decision to commence, to continue and to discontinue criminal proceedings against Mr Lehrmann. If the DPP so acted, you are to discover his reasons and motives for his actions.

30 The functions of the DPP include, in relation to indictable offences, conducting proceedings on indictment, whether instituted by the Director or not. An aspect of that function is deciding to continue or discontinue proceedings commenced by charge, as was the case here. The decision to prosecute is discretionary and, of its nature, insusceptible to judicial review. That is because the integrity of the judicial process, particularly its independence and impartiality and the public perception thereof, would be compromised if the courts were to decide or were to be in any way concerned with decisions as to who is to be prosecuted and for what. As such, there can be no adjudication of whether a prosecutor's assessment of a particular case is right. There is not much guidance in the case law.

35 But following the establishment of an independent DPP office in each jurisdiction in Australia, Directors collaborated to prepare uniform guidelines identifying a two-stage test for the decision to prosecute. That test, as currently stated in the ACT Prosecution Policy, requires consideration of whether the evidence offers reasonable prospects of conviction

and, if so, whether it is in the public interest to proceed with a prosecution. You are required to examine the DPP's consideration of that two-stage test at material junctures in this matter. That includes when the DPP was asked by ACT Police to provide advice in June of 2021; when he presented the indictment against Mr Lehrmann on 9 November 2021; when the trial was vacated on 27 October 2021; and when the DPP decided to discontinue the proceedings on 1 December 2022.

Information and statements from witnesses have also raised issues about the DPP's conduct of the case, both before as well as during the trial. Those issues include the steps taken by Mr Drumgold in response to the inclusion of the counselling notes in the defence brief and the decision made by the DPP not to disclose information provided by Ms Fiona Brown, the former Chief of Staff at Senator Reynolds' office, after she had given evidence.

On 1 November 2022, before the matter was discontinued, the DPP wrote the letter to the Chief Police Officer that I referred to at the outset. In December of that year, the letter was released under a Freedom of Information request and subsequently published in the media. You are required to inquire into the circumstances of the public release of that letter by the DPP.

The final aspect of your Terms of Reference require you to consider whether the Victims of Crime Commissioner acted in accordance with the relevant statutory framework in terms of support provided to the complainant in the matter of *The Crown v Lehrmann*. The Victims of Crime Commissioner holds several functions under the Victims of Crime Act 1994 in connection with the administration of justice. Those functions include advocating for the interests of victims; ensuring the provision of efficient and effective services for victims; and encouraging and facilitating cooperation between agencies involved in the administration of justice with respect to victims. For the exercise of the Commissioner's functions under the Act, she is entitled to be present at the hearing of a proceeding in a court in respect of an offence.

The intersection between the Victim of Crime Commissioner's statutory functions in respect of victims, which the Act defines to include "a person who suffers harm because of an offence", and the criminal justice process, the central plank of which is the presumption of innocence of the accused, provides the context in which you are to examine her actions in this matter. Ms Heidi Yates is the Victims of Crime Commissioner. You will hear evidence that in the early part of 2021, Ms Yates began assisting Ms Higgins in her role as Victims of Crime Commissioner, and that included acting as an intermediary between Ms Higgins and the ACT Police investigating the matter, as well as the Office of the Department of Public Prosecutions.

Mr Sofronoff, before I conclude, may I outline some administration information regarding the inquiry. The Board has a website. Mr Romero, would you please bring that website up. It is located at www.cjsinquiry.act.gov.au. There, one will find over time the evidence collected and relied upon by the Board, submissions from the public, transcripts from the hearings and the livestream to watch during the hearings.

Since the announcement of this inquiry, you have issued 33 statement requests and collected over 143,000 documents. Those statements will come from central figures involved in the investigation and prosecution of this matter, including SACAT investigating officers; the DPP and other lawyers within his office; as well as the barrister

for the defendant, Mr Steven Whybrow SC. It is planned that the Board will conduct up to four weeks of public hearings, and those public hearings we now anticipate will commence on 1 May this year.

5 Every effort will be made to publish the day's exhibits and transcripts each evening. There may on occasion be a delay because of the care to ensure that evidence the subject of a non-publication order is not released, but the public and media can be assured that every effort will be made to give them access to the evidence as soon as is reasonably practicable. After the hearings, affected parties will be given a list of potential adverse
10 findings and will be invited to make a submission as to whether or not you ought to make such findings. That is all we wish to say at this point, Mr Sofronoff. Thank you.

THE CHAIRPERSON: Well, apart from the particular matters that you've raised, that is, matters of fact that will arise on the statements and other information, what you've opened
15 appears to me to raise two large issues for consideration. Before I can decide whether anybody acted improperly or whether everybody acted properly in making decisions to prosecute or to discontinue prosecutions, I would have to identify what I think are the principles according to which a proper decision is made.

20 **MS LONGBOTTOM:** That is so, Mr Sofronoff.

THE CHAIRPERSON: And I know the test, if you like - we can call it that - is articulated in the ACT DPP's Guidelines and in other similar guidelines around the country. But they're expressed in general terms, and what I've seen so far in the
25 information that's been gathered is that different prosecutors around the country, who've given evidence from time to time about making such decisions, approach the same - a test stated in similar language in different ways. So I guess one issue that I will expect assistance from - assistance about from the parties will be that issue: what I ought to make of that test, how it ought to be articulated in a way that can allow a person who is
30 questioning the decision to agree or disagree with the decision. And in order to do that, you have to be applying the same principles. So that will be interesting.

And another implication that arises in my mind from what you've said is in relation to the Victim of Crime Commissioner and her duties which relate to - excuse me a
35 moment - which relate to somebody called a victim, who is defined in section 6(1) of the Act as "a person who suffers harm because of an offence". And I'll be interested in submissions about this, but it seems to me that who is a person who suffers harm because of an offence is a matter for the Commissioner to determine, rather than having to await a trial and conviction before that process identifies a person who can claim victimhood under
40 the statute.

So that being so, as you said, there's an intersection between the duties of the Victims of Crime Commissioner and the criminal justice system which, in relation to a person whom the Victims of Crime Commissioner might be obliged to support, presumes the putative
45 offender to be innocent. So that means that I will have to look at what is the presumption of innocence, in the sense of what does that concept mean in the criminal justice system, and what bearing does it have outside the criminal justice system in discourse in public, both official discourse and discourse among the community and, in particular, discourse promoted by the media. So those are two large questions that arise in this inquiry, so it
50 seems to me.

5 **MS LONGBOTTOM:** That's so, Mr Sofronoff. And we think that each of those issues will be critical to the context in which you examine the facts as they emerge in this matter. And particularly in relation to the first issue about the test for charging, as we outlined in opening, that is a matter that is largely bereft from case law because that decision is insusceptible to judicial review.

10 **THE CHAIRPERSON:** Thanks, Ms Longbottom. Does anybody have anything that they wish to raise? Yes, Mr Tedeschi.

MR TEDESCHI: If I might just say a few words on Mr Drumgold.

THE CHAIRPERSON: Certainly. Certainly.

15 **MR TEDESCHI:** Mr Drumgold's role in the criminal trial of Mr Lehrmann was both as a decision-maker, as the ACT DPP, but also as lead counsel in the trial. Mr Drumgold welcomes the opportunity to appear before this Board to assist the Board in its tasks to ensure the Territory's framework for progressing criminal investigations and prosecutions, including in sexual offence cases, is robust and fair and respects the rights of those
20 involved in the system. In particular, Mr Drumgold considers it critical that the Territory's response to sexual offence allegations is effective and that the Territory's criminal justice entities work together and appropriately within their respective roles to ensure that sexual offence complainants are not denied appropriate and justified access to the criminal justice system.

25 To date, Mr Drumgold's office has produced many tens of thousands of documents to this Board. To ensure transparency and to assist the Board with its task, legal professional privilege claims have been waived by Mr Drumgold over documents to which the DPP would otherwise have been entitled to that privilege. In addition, Mr Drumgold has sworn
30 a detailed statement exceeding 80 pages addressing a number of the issues before this Board, including his involvement as lead counsel in the Lehrmann trial and his interactions with AFP, ACT Policing, prior to and during the Lehrmann trial, and also his role on the Sexual Assault Prevention and Response Review Task Force Oversight Committee.

35 At the conclusion of the Lehrmann trial, Mr Drumgold sought the support of the Territory's Chief Police Officer for a public inquiry into the totality of the conduct of various stakeholders in that matter, including the police. And Mr Drumgold welcomes this inquiry and will assist you, Mr Sofronoff, and counsel assisting, to the greatest extent possible in your examination of the issues that are raised in the Terms of Reference of your inquiry.

40 **THE CHAIRPERSON:** Thank you, Mr Tedeschi.

MR TEDESCHI: Thank you.

45 **THE CHAIRPERSON:** Does anybody else have - yes, Ms Dwyer.

DR DWYER: Thank you, Mr Sofronoff. The ACT Victims of Crime Commissioner also looks forward to assisting this inquiry in every way possible. To that end, a very detailed statement that has been the subject of considerable work will be with the inquiry by
50 tomorrow. Over many years, Victims Support ACT, as part of the Human Rights

Commission, have had the privilege of working with significant numbers of Canberrans harmed by crime, and Commissioner Yates is proud of the service that she and her team provides. The objects of the Victims of Crime Act 1994 require the functions of the Victims of Crime Commissioner to be exercised in every - at every point in a way that, quoting from the Act:

"... contributes to upholding the safety, privacy and dignity of people adversely affected by crime."

That is a legislative requirement, but it also expresses the fundamental commitment and philosophy of Victims Support ACT. The service relies on high levels of trust with individual clients and with the broader community that the Victims of Crime Commissioner will uphold their clients' right to privacy. Eligibility for support is found in the legislation and, as already alluded to in the remarks this morning, it's not dependent on someone being convicted of a crime. While the important work of this inquiry is being done, victims of crime in this Territory will continue to use the service, and they should. And they should do so knowing that their safety, privacy and dignity will be respected. No doubt the inquiry is mindful of these principles and the need to balance them while it continues its important work. But the Victims of Crime Commissioner, Ms Yates, welcomes the opportunity to assist in any way possible.

THE CHAIRPERSON: Ms Dwyer, thank you for that. A couple of things I might raise with you. Do you agree with what I said earlier that who is a victim of crime is a matter for the Commissioner to determine? That is to say, in most cases, the Commissioner would accept a person's claim to be a victim? Normally there would be some evidence of that, but she's not conducting - she doesn't conduct an investigation or an inquiry. And in practical terms, she would only turn away a claimant who she is satisfied for some reason is not a victim, that is, she would look at the converse.

It's a little like the cab-rank rule in that you act for people on the footing that they tell you what they tell you, and as counsel, you convey their version of history to a tribunal, and the tribunal knows that counsel is conveying the client's story, as it were - client's instructions, and it doesn't carry the imprimatur of counsel. Counsel doesn't warrant the truth; counsel warrants that counsel is not aware that it's untrue. Is that how you see it?

DR DWYER: Yes, broadly. There are proper procedures to go through, of course, when -

THE CHAIRPERSON: Yes. Leaving all that aside, in terms of principle, is that how you would submit the Act works?

DR DWYER: Yes, it's separate to the criminal justice system.

THE CHAIRPERSON: Yes.

DR DWYER: Very different from it and very victim-focused.

THE CHAIRPERSON: Yes. Yes.

DR DWYER: Very focused on meeting the needs and respecting privacy and dignity and

focussing on assisting someone throughout the journey, completely separate to the criminal justice system.

5 **THE CHAIRPERSON:** Yes. So when, then, the Commissioner has to perform her duties adjacent to the criminal justice process, there's obviously room for problems to arise - an area in which problems can arise because of the distinct different standpoint of the statute, on the one hand, and the principles that support the criminal justice system on the other.

10 **DR DWYER:** I don't think that's something that I can concede in these opening remarks.

THE CHAIRPERSON: No, I'm not asking to you concede it. And it's a detailed thing, but - anyway, you will no doubt make submissions about that in due course.

15 **DR DWYER:** Absolutely.

THE CHAIRPERSON: And the second thing that I wanted to raise with you - you mentioned the fact that victims - current claimants and future claimants might be affected by the conduct of these proceedings, and I'm mindful that in endeavouring to assist the ACT Government in upholding the criminal justice system, I don't do anything to damage it. So if at any point you become conscious of that kind of a possibility or threat, I would expect you to tell me.

20 **DR DWYER:** We are extremely grateful for those comments because there are increasing numbers of Canberrans accessing that excellent support service, and we want them to continue to do so.

THE CHAIRPERSON: Yes, yes. And that may or may not create issues that will have to be dealt with, that is, what I've just mentioned may or may not create issues. But if you see that kind of a thing potentially arising, well, you're best placed to warn me about it and then we can deal with it with the assistance of everybody here.

30 **DR DWYER:** I'm grateful. Thank you, Commissioner.

THE CHAIRPERSON: Thank you, Ms Dwyer. Does anybody else have anything they wish to raise?

MS RICHARDSON: Just briefly -

40 **MS LONGBOTTOM:** There's just one -

MS RICHARDSON: Sorry.

THE CHAIRPERSON: Yes. We can't see you at the moment. Just wait until the system -

45 **MS RICHARDSON:** Thank you, Commissioner.

THE CHAIRPERSON: Yes.

50 **MS RICHARDSON:** It's Ms Richardson on behalf of the AFP.

THE CHAIRPERSON: Yes. Yes, Ms Richardson.

5 **MS RICHARDSON:** The AFP and ACT Policing also welcome this inquiry, and as - I
note that Chief Police Officer, Mr Neil Gaughan, is present at the hearing today as a sign
of the very great seriousness with which the AFP and ACT Policing take the work of this
inquiry. And the inquiry will be aware of the very great and ongoing assistance that the
AFP has provided to the inquiry, including making all of its officers, not directly involved
10 in the investigation, available to assist the inquiry with the review of Mr Ainsworth to look
at training and cultural attitudes in relation to sexual assault investigations.

15 It's provided access to its most senior officers for hearings that have already taken place
and also with the provision of very extensive witness statements, which have done a great
deal of work in a short period of time to not only answer a voluminous number of
20 questions put to those very senior officers but also to annex, in narrative form, all of the
relevant documents that have been sought and done in a way to explain the role of ACT
Policing and its interaction with the DPP. And we are also cooperating in other ways with
the Commission in terms of responding to its requests. So we endorse the comments of the
other parties in terms of supporting the work of this inquiry.

THE CHAIRPERSON: Thank you, Ms Richardson. Ms Longbottom, are you in a
position now to say anything about the list of witnesses and the order in which witnesses
will be called, or will that be dealt with in correspondence shortly?

25 **MS LONGBOTTOM:** It will be dealt with in correspondence shortly, Mr Sofronoff. We
anticipate sending a letter out later today in relation to some preliminary issues connected
with delivery of briefs of evidence and redactions and non-publication orders with respect
to that material. And then we'll separately be writing later this week about the tranches of
30 the hearings. But in broad terms, as I said by way of opening, we anticipate it will start on
1 May and that the initial witnesses will comprise members of the Office of the
Department of Public Prosecutions, including Mr Drumgold.

THE CHAIRPERSON: All right. And no doubt you will be having discussions with
your colleagues about how long they expect cross-examination to take?

35 **MS LONGBOTTOM:** Yes. We think the efficient conduct of the hearing will be
assisted by each of the lawyers for the relevant parties involved corresponding with us
about their estimations for times of cross-examination. So that will be a feature of the
letters that we send out this week.

40 **THE CHAIRPERSON:** And they will need bundles of documents relevant to particular
witnesses to be given to them in good time. So that's in hand?

45 **MS LONGBOTTOM:** It is. I mean, as you will have heard, Mr Sofronoff, there is a
tremendous number of documents that have been received by the Board in the short time
since it has been established. But officers of the solicitor assisting are working very hard
to produce those bundles for each of the parties, and we will be writing today with our
anticipated timeframes for when they will be delivered.

50 **THE CHAIRPERSON:** Thanks very much. Nothing else, then?

MS LONGBOTTOM: There was just one outstanding matter, Mr Sofronoff. I understand Ms Chrysanthou, who is on the video screen, formally needs leave to appear for Ms Wilkinson.

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THE CHAIRPERSON: Yes, Ms Chrysanthou.

MS CHRYSANTHOU: Mr Sofronoff, I seek leave to appear for Lisa Wilkinson in the inquiry.

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THE CHAIRPERSON: Yes. You have leave, Ms Chrysanthou.

MS CHRYSANTHOU: Thank you.

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THE CHAIRPERSON: I want to thank all of you who've worked very hard, I know, in the past month or so to prepare the statements and documents. I'm well aware of how intense and burdensome that process is having regard to the timeframe within which we're all working. So I can tell you I'm aware of that and I'm very, very grateful. And even if we send correspondence that might sound testy - a little testy, well, we get testy

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correspondence from you too. That's all part of the way in which these things proceed. But bear in mind two things: one is that we're inordinately grateful for everything that's been done to make this Commission work; and as I hope you're aware by now, you can always call somebody if you run into practical difficulties and need some kind of assistance from us. All right. Well then, we'll adjourn.

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<THE HEARING ADJOURNED AT 10.26 AM