

**SPECIAL COMMISSION OF INQUIRY  
INTO MATTERS RELATING TO THE POLICE INVESTIGATION OF  
CERTAIN CHILD SEXUAL ABUSE ALLEGATIONS IN THE CATHOLIC  
DIOCESE OF MAITLAND-NEWCASTLE**

At Newcastle Supreme Court  
Court Room Number 1, Church Street, Newcastle NSW

On Wednesday, 15 May 2013 at 9.40am  
(Day 8)

Before Commissioner: Ms Margaret Cunneen SC

Counsel Assisting: Ms Julia Lonergan SC  
Mr David Kell  
Mr Warwick Hunt

Crown Solicitor's Office: Ms Emma Sullivan,  
Ms Jessica Wardle

1 MR HUNT: While Mr Tayler is coming back into the witness  
2 box, there has been a request at the conclusion of this  
3 witness's evidence for access to his statement and  
4 exhibits 13, which were his extra diary entries, and  
5 exhibit 14, which was the complaint by [AL] that was dealt  
6 with by this witness. I'd be grateful if those at the bar  
7 table, by the end of morning tea, could communicate to me  
8 their attitude, although obviously those things will not be  
9 released until the witness has concluded all of his  
10 evidence.

11  
12 THE COMMISSIONER: Yes, Mr Hunt.

13  
14 <BRAD TAYLER, resworn: [9.43am]

15  
16 <EXAMINATION BY MR HUNT:

17  
18 MR HUNT: Q. Your name is Brad Tayler?

19 A. Yes.

20  
21 Q. Do you have your copy of exhibit 13 with you there,  
22 Mr Tayler, which is the diary notes that were tendered  
23 yesterday?

24 A. Yes.

25  
26 Q. If you turn them up for a moment. Would you look at  
27 an entry for 27 September 2010.

28 A. Yes.

29  
30 Q. Does the last line there read:

31  
32 *Handover for Quinn.*

33  
34 A. Yes.

35  
36 Q. If you turn to the next entry 25 October 2010, does  
37 the handwritten entry that remains unredacted say:

38  
39 *Handover Quinn?*

40  
41 A. Yes.

42  
43 Q. Putting those two dates together, remembering your  
44 activities in late 2010, could you tell the Commissioner  
45 what those mean in terms of your leave and Quinn's position  
46 between those dates?

47 A. I was on holidays and Justin was doing my job, so it

1 was a handover before he took up my position and when  
2 I came back.

3

4 Q. Is it a fair proposition that, likely, the handover  
5 included handover this as well as other matters that were  
6 under your general responsibility?

7 A. Yes.

8

9 Q. Before I take you to an actual document, do you  
10 remember from your own memory going to a meeting at Waratah  
11 police station relative to Strike Force Lantle on  
12 2 December 2010?

13 A. Yes.

14

15 Q. Can you now remember what your understanding was of  
16 the purpose for that meeting before I take you to somebody  
17 else's notes about it?

18 A. The purpose of the meeting was to sit down with Mr Fox  
19 and his commander, Superintendent Mitchell, and those on  
20 the investigation, to, I suppose, clearly outline that  
21 Newcastle had been given the investigation by  
22 Superintendent Carlene York and to obtain any information  
23 from Inspector Fox that he had in relation to the matter so  
24 the investigation could proceed.

25

26 Q. Arising from being shown a document today in a short  
27 conference before coming back into the witness box, have  
28 you satisfied yourself that the first terms of reference in  
29 relation to Strike Force Lantle in fact issued during that  
30 period that you were on leave and Justin Quinn was acting  
31 crime manager in your stead?

32 A. Yes.

33

34 Q. You suspect that you would have reviewed that upon  
35 your return from leave?

36 A. From leave, yes.

37

38 Q. That is, the terms of reference. Would you look at  
39 volume 2 of 3 and I take your attention to tab 85.

40 A. Yes.

41

42 Q. Have you seen that document before today?

43 A. Yes.

44

45 Q. Have you read that document relatively recently?

46 A. Yes.

47

1 Q. Broadly, what is the nature of that document?  
2 A. It's an investigator's note, which is a normal  
3 procedure to record relevant information regarding Strike  
4 Force Lantle in regards to the meeting we were talking  
5 about on 2 December 2010.  
6

7 Q. Can you now remember how soon after the meeting - if  
8 you look at the very last page, that seems to be an  
9 investigator's note that was dated the following day,  
10 3 December 2010, and prepared by Detective Senior Sergeant  
11 Justin Patrick Quinn. Do you see the registered number  
12 there. You see how it says there is a registered number  
13 between the name and the date?

14 A. Yes.  
15

16 Q. Does that registered number have any bearing in terms  
17 of whether the item has been registered on e@gl.i or not?  
18 A. No, that's Justin's number in the Police Service.  
19

20 Q. Can you now remember how soon after the meeting you  
21 saw this note by Quinn?

22 A. Look, it would have been if not immediately preceding  
23 the meeting, or the following day, but it certainly would  
24 have been in an extremely short time frame, because this  
25 and the previous meeting we talked about yesterday with  
26 Joanne McCarthy that was on the investigator's note were  
27 the ones we made sure we put on the system.  
28

29 Q. In relation to this note, can you now remember whether  
30 there was any discussion with Quinn by you in terms of its  
31 accuracy before he entered it on the system?

32 A. No, it would just be that he needed to do an  
33 investigation - investigator's notes.  
34

35 Q. What do you say about the material contained in it in  
36 terms of being accurate, consistent with your own  
37 recollection of the meeting?

38 A. Yes, it is; it is accurate and consistent with my  
39 recollection.  
40

41 Q. Is that an exercise that you undertook back then; that  
42 is, when you read his note checking that it accorded with  
43 your memory?

44 A. Yes.  
45

46 Q. Did you ever come to see yourself documents that were  
47 ultimately produced by DCI Fox some time after this

1 meeting - the holdings that he provided?  
2 A. I know that at some stage I saw - I recall reading a  
3 four-page what I believe was an unsigned statement.  
4 I remember reading that. I'm not sure what else I might  
5 have read, but nothing of particular note.  
6

7 Q. In terms of the witness [AL], are you now able to say,  
8 and say if you are not, from memory, whether, either in  
9 relation to witnesses [AK] or [AL], any draft statements  
10 had been provided by DCI Fox before there were any attempts  
11 to interview those witnesses?

12 A. I think one of those was the four-page unsigned  
13 statement.  
14

15 Q. Can you now, in your own mind, know whether that was a  
16 draft statement in relation to [AK] or [AL], or is that a  
17 question better directed to Quinn?

18 A. No. I think it's either/or. I can't remember which  
19 one it was.  
20

21 MR HUNT: I'll just check one thing before I conclude,  
22 Commissioner. I'm sorry, I just need to turn up a  
23 statement for a moment.  
24

25 [Transcript redacted, per suppression order, from Page 776  
26 line 25 to Page 777 line 43]  
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MR HUNT: That concludes the evidence-in-chief.

THE COMMISSIONER: Mr McIlwaine?

MR McILWAIN: I'd prefer to ask questions last.

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THE COMMISSIONER: Mr Cohen?

<EXAMINATION BY MR COHEN:

MR COHEN: Q. Do you recall giving evidence - I believe two days ago - where you indicated your views about the position, description and role of a crime manager. Do you recall that evidence?

A. I never gave a specific description. I gave what my view was in regards to what a crime manager does, so yes.

Q. So it was just your view. Thank you for that. It wasn't an outline of the position itself, just your view of what the content of it was. Is that a fair way of putting it?

A. No, I think someone asked me what I saw my role of the crime manager was and I gave what my opinion of that was.

Q. Did you ever have regard to, as I describe it, the position description itself for a crime manager?

A. I'm sure I would have when I applied for the job, but it may not relate to what I actually did.

Q. Why would the position description of a job not relate to what you did?

A. Because sometimes you do a lot more than what's in a position description. It's just a guide, I suppose, and what I do is usually determined by my commander.

Q. So if the Police Force as a statutory agency prescribes the role you felt, nonetheless, an ability to depart from it, did you?

A. I think you are missing the point.

THE COMMISSIONER: Mr Cohen, that was not the evidence. In fact the witness said he would sometimes or often do a lot more.

MR COHEN: I'm testing that, Commissioner.

THE COMMISSIONER: Carry on.

MR COHEN: Q. Did you feel you departed from the role in the position description?

A. I'm not saying I departed. I could not even tell you what the job description of a crime manager was. If you

1 show it to me, I can tell you what I did on top of that.

2

3 Q. In fairness to you, let's do just that. Do you have  
4 volume 3 of the bundle?

5 A. Yes.

6

7 Q. Would you open the bundle, please, at tab 183. It's  
8 right at the back of the bundle.

9 A. Yes.

10

11 Q. Have you ever seen that document?

12 A. Yes.

13

14 Q. How long ago was it that you last considered its  
15 contents?

16 A. When I applied for the job.

17

18 Q. So that's in 2005, is it?

19

20 MR SAIDI: I object to this line of questions in relation  
21 to what this witness's belief is in terms of the functions  
22 of a crime manager and what the document itself refers to  
23 in terms of the functions of a crime manager on the basis  
24 of relevance. We've had Assistant Commissioner Carlene  
25 York indicating reasons why she made her decision. I hope  
26 I wasn't lacking in concentration, but I did not hear any  
27 serious challenge to Assistant Commissioner York in terms  
28 of: she should have appointed him in terms of his position  
29 as a crimes manager and that he should have been appointed.  
30 Her evidence was directed to other issues as to why he was  
31 not appointed. On that basis, what is the relevance of  
32 going down that path?

33

34 THE COMMISSIONER: I take it that the "he" you are  
35 referring to is Detective Chief Inspector Fox?

36

37 MR SAIDI: Yes, I am sorry, I was referring to Detective  
38 Chief Inspector Fox

39

40 THE COMMISSIONER: The first time it was confusing.

41

42 MR SAIDI: I didn't mean to be impolite by referring to  
43 him as "he". In that context, what is the basis of asking  
44 this witness those questions, in terms of the appointment  
45 of DCI Fox, or rather any consideration of DCI Fox. That  
46 is not entirely attributable; indeed, that only played a  
47 very small role in terms of the fact that he was a crimes



1 manager. There are a large number of other considerations.  
2 Why are we going down the path of asking this witness, in  
3 effect, to give this evidence as to the role and functions  
4 of a crime manager?

5  
6 THE COMMISSIONER: It was one of the considerations,  
7 Mr Saidi, so I will permit Mr Cohen to ask --

8  
9 MR HUNT: I don't want to cavil with your putative ruling,  
10 Commissioner, but I could just say this: I would submit  
11 that Mr Cohen contests what this witness said about the way  
12 he undertook the role. I called fairly limited  
13 evidence-in-chief from him about the role generally and  
14 rather his perceptions and how he exercised the role  
15 particularly when it came to investigations and physical  
16 involvement in investigations. That is a permissible area  
17 for testing, but because DCI Waddell gave such expanded  
18 evidence in relation to the role generally, and that was  
19 well tested by Mr Cohen, I took the forensic decision in  
20 the interests of moving this Commission forward, to limit  
21 this witness's evidence to a fairly narrow portion; but, of  
22 course, I concede that that ought to be available for  
23 testing consistent with your ruling.

24  
25 THE COMMISSIONER: Thank you, Mr Hunt. Mr Cohen, would  
26 you continue, please.

27  
28 MR COHEN: Thank you, Commissioner. There was some  
29 evidence that my friend Mr Hunt properly identified and  
30 indeed, Commissioner, that is what I propose to take the  
31 witness to. I am not sure if the witness has the benefit  
32 of the transcript, but it was the case that his evidence of  
33 two days ago, when Mr Hunt first commenced to lead evidence  
34 from him, when this topic was first identified and  
35 recorded, was, as I understand the evidence, at transcript  
36 626 and a few pages thereafter.

37  
38 Q. What I want to test is this: you, Mr Tayler, indicated  
39 that your comments about the role were very similar to  
40 Dave Waddell. That was your evidence, wasn't it?

41 A. Yes.

42  
43 MR HUNT: If it's going to assist the task my friend is  
44 going to undertake, I'm happy to provide an unmarked copy  
45 of the transcript. Does that help?

46  
47 MR COHEN: I'm not sure it assists.

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MR HUNT: It's available if it helps.

MR COHEN: Q. You went on to say, in effect, that, in your practice at least, you wouldn't involve yourself in the level of actually taking witness statements?

A. Yes.

Q. That was your evidence. In the document in front of you, and this is at tab 183, do you accept that the position overview indicates that one of the role's attributed is to lead and direct complex sensitive investigations as required?

A. Yes.

Q. Do you say that you were doing that in this case?

A. In which case?

Q. In the case of the matter of what became Lantle?

A. Yes.

Q. You say that there was no role at all for a crime manager to be involved in the taking of sensitive statements such as from witness [AL]?

A. There was no role? It certainly wouldn't be a role I would involve myself in, no.

Q. Didn't it occur to you, in the circumstances of the very great concerns you've described as difficulties put in the way, that an experienced crime manager such as yourself could bring and add value to the very process of eliciting the evidence from that witness by assisting in the process?

A. I think what I said was that, in my opinion, if you are going to lead, as it says here, and direct a complex sensitive, or whatever, any type of major investigation that I would never involve myself in taking a statement because you lose track of the direction of the investigation. If I'm somewhere taking a statement, I'm not getting an overall picture and it's much better, in my opinion, if I sit back and my staff, who are probably if not as competent more than competent than me in taking statements, do that. I can review it and then work out where we're going from there. I don't see my taking a statement would add very much value at all quite frankly.

Q. Wouldn't it have avoided the circumstances that arose in this situation, that it would seem from the terms of the

1 complaint that you recorded and adjudicated that [AL],  
2 witness [AL], was at daggers drawn with the investigating  
3 officer taking the statement from them?

4 A. That's correct. If you are inferring it would have  
5 been better if I did it, we would never know.

6  
7 Q. Sorry?

8 A. If you are inferring it would have been better if  
9 I got a statement from her, we'll never know. It could  
10 have had the same result.

11  
12 Q. I'm not drawing an inference about anything. I am  
13 asking you: wouldn't it have been better if you came in,  
14 as a senior investigator with your experience, and acted  
15 as circuit breaker to ensure the evidence was taking  
16 quickly, efficiently and without disruption?

17 A. No, I don't think so.

18  
19 Q. So you were happy, were you, just to sit back and  
20 allow this situation to subsist in an unsatisfactory way?

21  
22 MR McILWAIN: I object.

23  
24 MR SAIDI: I object.

25  
26 MR McILWAIN: That would suggest the witness took no  
27 steps in regard to this issue, and that's clearly not the  
28 evidence.

29  
30 THE COMMISSIONER: That's not the evidence.

31  
32 MR McILWAIN: "Happy to sit back" is the problem.

33  
34 THE COMMISSIONER: Either that he sat back or that things  
35 continued in an unsatisfactory way.

36  
37 MR COHEN: But q. They did continue in an unsatisfactory  
38 way, didn't they, Mr Tayler, because there was a complaint  
39 that arose that you had to adjudicate?

40 A. There was a complaint, yes, but that doesn't totally  
41 go with your question, though

42  
43 Q. You had to adjudicate on that complaint, didn't you.  
44 That's the gist of the exhibit now in front of us?

45 A. Yes.

46  
47 Q. Could you assist the Commissioner at that threshold

1 point, you were the team leader effectively of Lantle,  
2 weren't you, or ultimately?  
3 A. No, I'd say I was -probably manager is a better term.

4  
5 Q. You had the ultimate day-to-day responsibility of  
6 reporting to the senior command or the senior people in the  
7 region of what was happening and what was going on?

8 A. No, I reported to my commander.

9  
10 Q. And you were the person at the centre of events who  
11 would be looked to with authority to report upon it and  
12 provide advice and guidance about what was going to happen  
13 both day-to-day on a strategic matter?

14 A. Yes, quite possibly.

15  
16 Q. You were intimately involved in it, weren't you?

17 A. I wouldn't say intimately involved. I'd say that I  
18 was managing the investigation; I don't know about  
19 intimately involved.

20  
21 Q. Having regard to that fact, how was it possible for  
22 you to adjudicate on the complaint that is constituted  
23 within the document as exhibit 14 and maintain an  
24 appropriate ability to avoid personal conflict and your  
25 duty as the adjudicator --

26  
27 MR HUNT: I object to this.

28  
29 MR SAIDI: Mr Hunt beat me. I'll let him go.

30  
31 MR HUNT: That's very kind of you, Mr Saidi. The  
32 position is that document is tendered as a chronology and a  
33 factual set of steps that this witness has adopted to  
34 supplement his evidence. His role, as I understand it -  
35 it's not really appropriate for an excursus into this, but  
36 I would understand that there are certain departmental  
37 guidelines as to who is empowered and indeed obliged to  
38 adjudicate on particular complaints and this Commission  
39 really should not become sub-inquiry into those issues. It  
40 is not going to help you, Commissioner.

41  
42 MR COHEN: It is not a question of sub-inquiry. It is a  
43 question of: first this document is in for all purposes.  
44 It is not limited in any way. You didn't order pursuant to  
45 section 136 it be so limited. It's in for all purposes and  
46 that must be so.

47

1           The next proposition is this clearly was an  
2 adjudication internally of a serious complaint, on any view  
3 of it. Surely I'm entitled to test the bona fides of the  
4 nature of the adjudication, and the first question must be:  
5 "Was there a conflict of interest and duty in these  
6 circumstances?" The witness can surely answer "Yes" or  
7 "No" to that.

8  
9 THE COMMISSIONER: I'll allow you to ask that. What's the  
10 answer?

11  
12 THE WITNESS: What's the question, sorry? Was there a  
13 conflict of interest?

14  
15 MR COHEN: Q. In the circumstances of the complaint  
16 contained in the document exhibit 14 and your role as crime  
17 manager with oversight and responsibility for Lantle, could  
18 you explain to the Commissioner how you could resolve the  
19 conflict between your personal interest as the team leader  
20 and your duty to investigate this as a dispassionate  
21 objective detached officer of the Police Force?

22 A. I don't see it as being an issue. That's probably  
23 another reason why I wouldn't be taking statements. I'm  
24 managing this investigation and probably 50 others at the  
25 same time across the command. It's not as if I was just  
26 solely focused on this. I don't see it being an issue.

27  
28 Q. It wasn't the circumstance where, having adjudicated  
29 and having found that both complaints were not sustained,  
30 you were able to keep a lid on any embarrassing matters  
31 that were arising?

32 A. Sorry?

33  
34 Q. It wasn't the case that, having conducted this  
35 investigation that you were required to do, exhibited on  
36 the face of exhibit 14, that you found the complaints were  
37 not sustained as a way of avoiding any embarrassing issues  
38 that were arising?

39 A. What's the embarrassing issues that were arising?

40  
41 Q. The fact that one of the witnesses who is important to  
42 the investigation had a considerable point of dispute with  
43 your investigator?

44 A. I can't recall that. Numerous attempts were made to  
45 try and get the statement you are referring to and that we  
46 went - just in that document, we tried numerous times to  
47 progress the matter and I can't control what a victim may

1 or may not be feeling at the time.

2

3 Q. Wasn't it your duty as the oversight manager not to  
4 control it but to ensure that the process continued on a  
5 sustainable and adequate basis?

6 A. It's exactly what we did.

7

8 Q. In circumstances where the victim is complaining about  
9 her treatment at the hands of investigators, that's  
10 adequate and sustainable?

11 A. An investigator, which is why it was then Justin Quinn  
12 who attempted to obtain a statement. I'm not sure what  
13 else you would want me to do.

14

15 Q. At the time that this matter was resolved - this is at  
16 10 December 2010, isn't it?

17 A. Is this my complaint investigation?

18

19 Q. Have you got exhibit 14?

20 A. I've got to find it. What was the question?

21

22 Q. You provide a chronology, but the substance of it is  
23 that since October 2010 you identified the investigator and  
24 others have attempted to progress the investigation and  
25 then you outline what you characterise as various steps  
26 that made that difficult. Do you see that at page 2?

27

28 MR HUNT: I'm not objecting to the question. I'm just  
29 going to make sure the witness has a redacted copy of it.  
30 I know he originally had an unredacted one and I don't want  
31 there to be any hiccups in terms of pseudonyms. Sorry to  
32 interrupt.

33

34 MR COHEN: Not at all. I understand entirely and I'm  
35 grateful to my friend.

36

37 Q. You have the document now in redacted form?

38 A. Yes.

39

40 Q. Do you see on page 2 that there is a chronology, and  
41 you see the chronology identifies a series of events that  
42 indicate evident distress by [AL]?

43 A. Well, no, it indicates that we didn't obtain a  
44 statement from her.

45

46 Q. Don't you read into that series of events she was  
47 clearly distressed?

1 A. I'm pretty sure she was, yes. It would have been a  
2 very distressing time for her.

3

4 [Transcript redacted, per suppression order, from Page 786  
5 line 4 to Page 807 line 27]

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Q. If you look at the fourth paragraph of the letter, the complaint is --

A. The complaint letter?

Q. Yes. Exhibit 15. The complaint of [AL] about [Detective X]'s conduct is that, amongst other things, [Detective X] was "offended" - that word is used in inverted commas as a quote - by the fact that [AL] was upset and angry, having to reveal the most intimate details of her abuse. Did you consider the fact of that reaction by [AL] as a sufficient basis for [Detective X] to be offended?

A. Sorry, you've lost me there.

Q. Did you consider the proposition put forward by [AL] as a sufficient basis for [Detective X] to be offended? You were investigating this --

A. Yes.



1 Q. -- was that basis for her to be offended, reasonably?  
2 A. I don't know. I don't know if she was offended or  
3 not.

4  
5 Q. You considered this complaint and determined it as not  
6 sustained. You must have formed a view. What was it?

7 A. The issue with this document is that it's almost  
8 ironic, in that the complainant is asking for an  
9 investigation to occur. That's what the complaint is  
10 about. She's asking for an investigation --

11  
12 Q. Let me stop you there.

13 A. No, I need to answer the question you've asked me.

14  
15 Q. Mr Tayler, the complainant is asking for an  
16 investigation of the investigation, is she not?

17 A. No, if you'd let me finish, the complainant is asking  
18 for an investigation of her matter to proceed. The  
19 allegations of concealed serious offence is what she's  
20 asking to proceed. The issue is that, at the same time,  
21 [Detective X] is trying to do that and it's almost at an  
22 impasse, in that for us to progress this matter any  
23 further, we need to have a statement to be able to go  
24 somewhere. It was like it was dead in the water because we  
25 couldn't progress the matter because of this very issue.

26  
27 Q. That's not the position that this person is taking at  
28 all. She says in this letter:

29  
30 *Could you tell me why there appears to be*  
31 *such little interest in, and such poor*  
32 *management of, my complaint ...*

33  
34 MR SAIDI: I object. One would think reading the letter  
35 what is the purpose of the letter is the final paragraph,  
36 which states"

37  
38 *I seek your urgent response .... and*  
39 *I would like your immediate reassurance*  
40 *that this matter will receive the attention*  
41 *it deserves ...*

42  
43 THE COMMISSIONER: Yes, Mr Cohen, Mr Tayler's answer makes  
44 perfect sense, doesn't it?

45  
46 MR COHEN: No, with respect, and if I might test it this  
47 way:

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Q. The second issue of this was inadequate investigation, was it not?

A. Yes.

Q. The complaint in exhibit 15 is about an inadequate investigation, is it not?

A. That's part of it. That's what I'm saying. The whole thing is the complaint is that we're not doing anything, and our issue is that we're trying to progress the matter and it's going around in circles.

Q. Let me put this to you directly. It wasn't a question of you not doing anything and going around circles because of [AL]; it was a case of you intimidating [AL] not to be able to do anything about --

A. That's a load of rubbish

MR HUNT: I object to that. Mr Cohen can't have instructions about that. He doesn't act for [AL]. He might have instructions about what somebody else thinks [AL] may have thought, but it's improper to put propositions without quantitative instructions to support it.

THE COMMISSIONER: Do you mean, Mr Cohen, that this particular witness intimidated [AL] or are you directing a global complaint against --

MR COHEN: This witness, in the phone conversation. I'll withdraw it.

THE COMMISSIONER: You are putting to this witness that he intimidated --

MR COHEN: I'll withdraw it.

THE COMMISSIONER: Thank you.

MR COHEN: Q. In this investigation process, Mr Tayler, it is the case, having regard to exhibit 16 --

A. Sorry, what's exhibit 16?

Q. I'm sorry, it's not been marked. It's the bundle of three documents - so what is a screen shot of something from the system; the command complaint triage form is the second document; and the third document is the c@ts.i

1 extract. If you have regard to the second, the command  
2 complaint triage form, the date of that is 2 December 2010.  
3 A. Yes.  
4  
5 Q. And that is, is it not, the same date that you  
6 attended the meeting at the Waratah station, isn't it, in  
7 respect of DCI Fox?  
8 A. Yes.  
9  
10 Q. What time of the day did you attend to this matter  
11 having regard to the --  
12  
13 MR SAIDI: It is not his document.  
14  
15 MR COHEN: I'm about to ask that.  
16  
17 Q. Did you attend to this document on that day?  
18 A. What do you mean - did I complete the command  
19 complaint triage form?  
20  
21 Q. Let me ask you a question, in fairness to you. Do you  
22 see it says "Date of triage 2/12/2010" at the top of the  
23 form? Do you see that?  
24 A. Yes.  
25  
26 Q. Did you have anything to do with this process on that  
27 day?  
28 A. No. I didn't have anything to do with the complaint -  
29 the command complaint triage form. That's not my area.  
30  
31 Q. Very well. You have posited a view that possibly  
32 people were not in positions at the time that this and the  
33 further document record. Is that so? Look at the third --  
34 A. No, what I said was the document, which has got c@ts.i  
35 on it, is the one where people's names are mentioned that  
36 weren't, so I'm assuming the computer system updates as  
37 people change commands and locations, but that's not how it  
38 was.  
39  
40 Q. You beat me to the punch. That's just an assumption  
41 on your part, isn't it?  
42 A. There can be no other reason, because as I said  
43 before, Superintendent Galton was not at Newcastle at that  
44 time.  
45  
46 Q. The document means what it says, doesn't it?  
47 A. What's that?

1  
2 Q. You're saying this document is inaccurate, are you?  
3 A. I'm saying what I said, that some of the people on  
4 here were not in those roles at the time to my - well, they  
5 weren't.  
6  
7 Q. But that's your opinion?  
8 A. It's my knowledge.  
9  
10 Q. But this document speaks of them as being - the  
11 professional standards duty officer, for example, the  
12 complaint handling owner. The system has reported them as  
13 such. That's the end of it, surely?  
14 A. No.  
15  
16 Q. I see.  
17 A. It may change. Someone might go in and update it. I  
18 don't know. I don't manage the system.  
19  
20 Q. You don't suggest this document is inaccurate, do you?  
21 A. No, what I'm saying is it has a list of the complaint  
22 handling owner and it says Superintendent John Galton. At  
23 the time this complaint was done Superintendent John  
24 Galton was not at Newcastle City command.  
25  
26 Q. It doesn't mean he can't be the owner, surely?  
27 A. Well, he had nothing to do with the complaint as far  
28 as I know. But what I'm saying is he subsequently became  
29 the commander of Newcastle City, so it may be the case that  
30 the computer has updated itself, which is what the COPS -  
31 the computerised operational policing system - does with  
32 names and ranks as well. I don't know. You'd have to  
33 check, but that's my belief.  
34  
35 Q. And you are speculating about all that, aren't you?  
36 A. I'm not speculating at all.  
37  
38 MR COHEN: Could I ask that that last answer be limited  
39 under section 136 to the understanding of this witness.  
40  
41 THE COMMISSIONER: He said so himself, Mr Cohen. The  
42 witness said, "That is my belief."  
43  
44 MR COHEN: Very well.  
45  
46 Q. It's the case, isn't it, that this document  
47 demonstrates who was the complaint handling owner and to

1 whom in the committee you reported, doesn't it?  
2 A. Sorry, which document are we talking about?  
3  
4 Q. The third one you were just referring to.  
5 A. What does it show?  
6  
7 Q. It shows who was the owner, who was the committee to  
8 whom you reported and to whom you reported when you made  
9 the resolution?  
10 A. No, that's what I'm saying. I --  
11  
12 Q. Who was the committee to whom you reported? If it  
13 wasn't these people, who was it?  
14 A. What I'm saying is --  
15  
16 MR HUNT: I object. There is clearly a public interest  
17 and a utility in Mr Cohen exploring how this complaint was  
18 handled and what this complaint was about up to the point  
19 of relevance to term of reference 1 of this Special  
20 Commission. Getting down into the level of who was on the  
21 committee, it's my short submission that it just isn't  
22 going to assist you on those issues. I'm not trying to  
23 foreclose any proper exploration of the gravamen of the  
24 complaint or it's being dealt with by this witness.  
25  
26 THE COMMISSIONER: Mr Cohen, surely you are going to have  
27 to go so far into this matter that it will require some  
28 expert on the c@ts.i system to tell us --  
29  
30 MR COHEN: I apprehend, Commissioner, that the interviewer  
31 involved can give evidence about this matter.  
32  
33 MR McILWAIN: Can I please be heard on that?  
34  
35 THE COMMISSIONER: Yes.  
36  
37 MR McILWAIN: There is a date production of the document  
38 which is the second page, right-hand corner. It's unfair  
39 to put to the witness this document reflected at the time  
40 he was involved in that. The date appears to be created  
41 in May 2013.  
42  
43 MR COHEN: That's the print date, with respect.  
44  
45 MR McILWAIN: That's when --  
46  
47 THE COMMISSIONER: It is today's date, isn't it?

1  
2 MR COHEN: It's the print date.  
3  
4 MR McILWAIN: That's right, Commissioner, but it  
5 doesn't --  
6  
7 THE COMMISSIONER: The date created is 2 December 2010,  
8 before, as I understand the evidence, Mr Tayler even knew  
9 about this matter, this complaint. Is that right,  
10 Mr Cohen?  
11  
12 MR COHEN: That must just be a print date.  
13  
14 MR McILWAIN: The problem is there could be a question  
15 about what the computer system reflected at the time my  
16 client was a member of the NSW Police Service. He's  
17 already given some evidence about it being updated. This  
18 doesn't establish what the system showed as the relevant  
19 date. That's my point.  
20  
21 THE COMMISSIONER: When this was printed out, no doubt it  
22 was Superintendent Mitchell's name that would have appeared  
23 next to "complaint handling owner". That makes perfect  
24 sense to me, Mr Cohen. Can we move on now?  
25  
26 MR COHEN: Yes.  
27  
28 Q. I'll put this last proposition to you and then move to  
29 another matter. The approach you took in resolving this  
30 complaint was all about avoiding any embarrassment to your  
31 team and [Detective X] and avoiding the complaint of [AL],  
32 wasn't it?  
33 A. No. My attempt was to get progress and the  
34 investigation moving by obtaining a statement.  
35  
36 Q. You had no real concern for the interests of [AL].  
37 You were simply avoiding a fuss that might have been a  
38 political problem for you in your career progression?  
39 A. That is so - that's ridiculous.  
40  
41 Q. You can answer the question "Yes" or "No".  
42 A. Totally no.  
43  
44 Q. Speaking of your career progression at the time, you  
45 had decided before December 2010 to leave the Police Force,  
46 hadn't you?  
47 A. No.

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Q. And you told Detective Chief Inspector Fox of that in a conversation in his office before the time of the meeting at the Waratah station on 2 December 2010, didn't you?

A. Sorry, that I spoke to him where?

Q. You spoke to him in his office - at his office - at Raymond Terrace.

A. When?

Q. Before the time of the meeting at Waratah on 2 December 2010, didn't you?

A. No.

Q. In that discussion you told him your plan was to leave the force - go off on sick report and leave, wasn't it?

A. I can assure you that I would never discuss any of my personal issues with Inspector Fox, and that did not occur.

Q. Excuse me, Commissioner, the events of this morning have upended my cross-examination slightly. I just need to review it.

Mr Tayler, in May 2010 your evidence is that Newcastle Local Area Command was contemplating seeking the assistance of the sex crimes command in relation to putatively what was to be Strike Force Lantle; is that right?

A. Yes, my report was to go to them, yes.

Q. That was your aim, but that didn't happen, did it?

A. No.

Q. And you've been taken to the memorandum that you provided to the region office. Do you remember that?

A. The media release?

Q. No, the memorandum you provided recommending it go to the SCC?

A. The report, yes.

Q. You recall that. It's a fair proposition to put this, is it not, that at the time, in May 2010, you were quite reluctant to take on this matter for investigation?

A. No.

Q. I see. But you didn't want it to stay in the local area command. That's right, isn't it?

1 A. No. You are totally misinterpreting everything  
2 I said.  
3  
4 Q. You wanted this matter to go to the SCC, did you not?  
5 Isn't that the point of your memorandum?  
6 A. It's not that I wanted it to go there. What I said in  
7 my evidence, and I've said it a number of times now, is  
8 that I thought it was best handled by that unit.  
9 Subsequently, that didn't occur, so we investigated it.  
10  
11 Q. That means you wanted it to go to them for  
12 investigation, doesn't it?  
13 A. I don't know want it - I thought it should go there.  
14 That was my opinion. I believed it should be investigated  
15 by State Crime Command.  
16  
17 Q. Were you reluctant to undertake the investigation  
18 yourself?  
19 A. No.  
20  
21 Q. It could easily have been done in the Newcastle LAC,  
22 could it not?  
23 A. Well, it was.  
24  
25 Q. We are at cross purposes. You were petitioning for it  
26 to go to the SCC, weren't you - actually go to them rather  
27 than it --  
28 A. Yes, I thought it was best handled by that unit.  
29  
30 Q. That didn't happen?  
31 A. No, it didn't.  
32  
33 Q. Before that happened, you were reluctant to deal with  
34 the matter, weren't you?  
35 A. No.  
36  
37 Q. You exhibited no real urgency or concern for the  
38 matter to proceed beyond the sex crime command; isn't that  
39 right?  
40 A. Sorry? Say that again.  
41  
42 Q. You exhibited no real urgency and concern about this  
43 matter in May 2010, did you?  
44 A. Yeah, that's why I sent it down to State Crime Command  
45 to be investigated.  
46  
47 Q. That was just getting it off your plate?



1 A. No. As I said before, it was done because I thought  
2 it was best handled by that unit. That decision was  
3 overturned by Commander York - that's up to her - and it  
4 was given to us. That's the way police operates.

5  
6 Q. Your concern was driven by a feeling of apprehension  
7 or concern about the identity of some of the people  
8 involved, wasn't it?

9 A. No, that's totally incorrect.

10  
11 Q. Is that not your evidence of yesterday?

12 A. No, what I said was, and I have said it a number of  
13 times now, that the fact that the allegations involved a  
14 senior member of the clergy and the fact that it may have  
15 political implications, it falls, in my opinion, under the  
16 charter of State Crime Command and because I could see this  
17 matter could become extremely political it was best handled  
18 by the State Crime Command. That was my opinion. That was  
19 overturned. I can't help that.

20  
21 Q. I accept all that. Wasn't it the case that you said  
22 that was a concern of yours in your evidence?

23 A. Yes, a concern that it involved such a senior - it  
24 didn't stop me from being able to investigate it. I'm  
25 saying that it's best handled by another area.

26  
27 Q. It makes no difference, does it, that the identity of  
28 someone who would be a person of interest or perhaps even a  
29 suspect is a senior member of the Catholic Church?

30 A. It definitely does.

31  
32 Q. Mr Tayler, that is your opinion, but as an objective  
33 reasonable fact it makes no difference to the investigation  
34 that occurs in Newcastle, does it --

35  
36 MR HUNT: I object. The objective reasonable facts are  
37 for you to determine ultimately on the evidence. Could  
38 I just remind the witness while I'm on my feet he's talking  
39 very quickly. For the benefit of the court reporters, if  
40 you could try and slow down, that would be helpful.

41  
42 MR SAIDI: At least he's answering questions.

43  
44 THE COMMISSIONER: Mr Cohen, I think I can see your last  
45 question. You are putting to the witness that it makes no  
46 difference where the investigation occurs, that is, the  
47 fact --

1  
2 MR COHEN: I'm putting to the witness it makes no  
3 difference who was involved as a person of interest in the  
4 investigation and he is disagreeing with me.  
5  
6 THE COMMISSIONER: I think he's done that a few times, so  
7 can we move on.  
8  
9 MR COHEN: Q. Is it the case that the real concern here  
10 was not about who was being investigated, or who might be  
11 investigated, but the fact that this was a hot potato,  
12 politically, with you and you wanted to be shot of it?  
13 Isn't that the story?  
14 A. No, not at all.  
15  
16 Q. Wasn't the easiest way to be rid of this political  
17 headache or difficulty to have the matter go off to the sex  
18 crime unit?  
19 A. No.  
20  
21 Q. And isn't the problem or wasn't the problem for you at  
22 the time that your view was not shared by the region  
23 office?  
24 A. It was not a problem. That happens in the police. My  
25 opinion was to go to a certain location. My opinion was  
26 that it should go to sex crimes command. That was  
27 disagreed by the region commander. She's the region  
28 commander. She sent it back to Newcastle. That's what  
29 happens in a paramilitary organisation, so we got on with  
30 it.  
31  
32 Q. This matter ultimately having come back to you after  
33 this process of going to the region, being considered and  
34 coming back to you after a circuit of once or twice  
35 backwards and forwards, do you remember when this matter  
36 was designated "highly protected"?  
37 A. Wouldn't have a clue.  
38  
39 Q. But that was a matter of importance to you, wasn't it?  
40 A. No, not entirely, I don't think.  
41  
42 Q. You don't know who did it?  
43 A. No.  
44  
45 Q. It wasn't you?  
46 A. No, it wasn't me. It could have been - no, it wasn't  
47 me.

1  
2 Q. It wasn't the supervising officer at the time,  
3 [Detective X]?  
4 A. I don't know.  
5  
6 Q. And it wasn't somebody in the region office?  
7 A. I don't know. I can't answer your questions. I don't  
8 know who did it.  
9  
10 Q. Do you know that it became highly protected or you  
11 don't know?  
12 A. Only what I heard you talking about yesterday.  
13  
14 Q. You weren't even aware the file was highly protected  
15 at the time you had it?  
16 A. I don't believe so, no. It might have been but I  
17 don't know.  
18  
19 Q. At the time had you known it was highly protected, as  
20 against your understanding now that you didn't, but if you  
21 had known at the time, would you have treated the file  
22 differently?  
23 A. Highly protected is just with regard to who has access  
24 to it. It has nothing to do with the investigation of the  
25 matter.  
26  
27 Q. Do you recall a request being made of you by Commander  
28 Mitchell that you have a discussion with Ms McCarthy and  
29 Dr Andrew Morrison SC?  
30 A. No. Mr Mitchell asked me to speak to Joanne McCarthy.  
31 As I said yesterday, I didn't even know who Andrew Morrison  
32 was at the time. I didn't even know he was turning up at  
33 the meeting, but he did.  
34  
35 Q. Did you bother asking who he was?  
36 A. Of course I did.  
37  
38 Q. You discovered, I take it, that he was senior counsel  
39 for New South Wales?  
40 A. No, I think he said he was a barrister or a QC but  
41 that's really irrelevant.  
42  
43 Q. But you also knew that he was appearing or acting for  
44 the Australian alliance of people in this situation, didn't  
45 you?  
46 A. He told me something in regards to that, that that's  
47 what he did, yes.

1  
2 Q. He also indicated to you in that discussion that there  
3 were material and serious concerns harboured by people for  
4 whom he acted about the nature and the conduct of the  
5 investigation didn't he?  
6 A. No, I don't think it was about the nature of the  
7 investigation. He was telling me that was his involvement,  
8 that was his area, that he worked with those sort of areas,  
9 but it didn't really mean much to me.  
10  
11 Q. Wasn't it the case that he wrote a series of letters  
12 asking for these matters to be focused upon quickly and  
13 with efficiency? Isn't that right?  
14 A. I don't know.  
15  
16 Q. And you never saw those letters?  
17 A. I don't know. I can't remember. I might have but  
18 I've got no idea now.  
19  
20 Q. You did know who he was, didn't you, at the time  
21 you --  
22 A. As I said the meeting was set to meet with Joanne  
23 McCarthy. That was it - and my staff. When I walked  
24 downstairs of the Newcastle police station he was there.  
25 I asked who he was and I questioned why would he be at our  
26 meeting. He was allowed to come into the meeting to see  
27 what was going to happen.  
28  
29 Q. When you say he was allowed to come in, he was there  
30 at the suggestion of Commander Mitchell, wasn't he?  
31 A. No. I just told you the meeting was with Joanne  
32 McCarthy. I had never heard of this person before until  
33 I met him downstairs at the Newcastle police station.  
34  
35 Q. Wasn't the true position that Commander Mitchell made  
36 the suggestion to Ms McCarthy, which she took up, that she  
37 and Dr Morrison attend this meeting with the team to  
38 discuss --  
39  
40 MR HUNT: I object to that.  
41  
42 THE COMMISSIONER: He mightn't know that. He mightn't  
43 know whether or not that happened. You can ask him whether  
44 he knows whether that happened.  
45  
46 MR COHEN: I can put it to him, and he can say "Yes" or  
47 "No".

1  
2 THE COMMISSIONER: You can ask him whether he knows.  
3  
4 MR COHEN: Q. Did you know that that is what Commander  
5 Mitchell had undertaken to --  
6 A. No, I don't know whether he did that or not.  
7  
8 Q. If he did that, you weren't told by Commander Mitchell  
9 about that; is that right?  
10 A. That's correct.  
11  
12 Q. Did you have a doctrinal opposition to dealing with  
13 journalists?  
14 A. What do you mean by that?  
15  
16 Q. Are you opposed on a fundamentally principled basis  
17 ever to deal with a journalist?  
18 A. No.  
19  
20 Q. You understood from the report of Inspector Townsend  
21 of 12 July that great bulk of material that formed the  
22 basis for what became Lantle was received from her, did you  
23 not - that is from Ms McCarthy, did you not?  
24 A. Yes.  
25  
26 Q. It didn't occur to you that it was a useful step to  
27 have a discussion with her at the time she ultimately came  
28 and spoke to you at the station about such matters as this?  
29 A. But that's why we spoke to her.  
30  
31 Q. Sorry?  
32 A. That's why we spoke to her.  
33  
34 Q. But your statement says that there was almost  
35 immediate disagreement and very quickly thereafter, unless  
36 I misunderstand your evidence, the meeting terminated?  
37 A. Yes.  
38  
39 Q. There was no meaningful discussion or exchange of  
40 view, was there?  
41 A. That's not my fault. The whole purpose of the meeting  
42 was to elicit information from him. That didn't occur.  
43  
44 Q. Wasn't it the case that Ms McCarthy was prepared to  
45 provide information?  
46  
47 MR HUNT: I object to this. I don't need to - I think

1           it's --  
2  
3           MR COHEN:    Very well.  
4  
5           Q.    You indicate in your evidence that there were four  
6           briefings of Commander Mitchell between 26 November and  
7           1 December 2010, don't you?  
8           A.    What do I say, sorry?  
9  
10          Q.    Don't you say in your evidence, unless I misunderstood  
11          the evidence and your statement, that there were four  
12          briefings of Commander Mitchell on this issue of Lantle  
13          between 26 November and 1 December? Is that a fair  
14          understanding of what you say?  
15          A.    In regards to what issue?  
16  
17          Q.    In regard to Lantle.  
18          A.    The whole of Lantle?  
19  
20          Q.    Yes, as I understand the way you put it in the  
21          statement?  
22          A.    No, isn't my statement referring to documents that  
23          were pointed out to me as at specific dates?  
24  
25          Q.    Let's go through it. Paragraph 25 --  
26          A.    Can I get a copy of the statement? I've got a copy  
27          but not with the names taken out.  
28  
29          MR HUNT:  I'll check it is not marked. I'll make it  
30          available.  
31  
32          MR COHEN:  Q.    Go to paragraph 25.  
33          A.    Yes.  
34  
35          Q.    Is that a briefing just about Ms McCarthy or is it  
36          about Lantle as well?  
37          A.    That's from a diary entry of mine which says I again  
38          briefed Superintendent Mitchell regarding Ms McCarthy. We  
39          could have spoken about Lantle, I don't know.  
40  
41          Q.    It's most likely you did, isn't it, in the  
42          circumstances?  
43          A.    Quite possibly, yes.  
44  
45          Q.    I take it this is a sit-down discussion in his office  
46          at the station?  
47          A.    I don't know.

1  
2 Q. Is that likely?  
3 A. Quite possibly, we spoke all the time.  
4  
5 Q. So often by phone as well?  
6 A. No, he's in the office next to me. If he's away, we  
7 speak by phone, yes.  
8  
9 Q. In these circumstances, you probably had a sit-down  
10 discussion on this date, 29 November, to speak, as you say,  
11 about McCarthy in your statement but likely Lantle as  
12 well - yes?  
13 A. Quite possibly, yes. It was a follow-up from the day  
14 before.  
15  
16 Q. And you indicate, don't you, that you briefed - if you  
17 look at paragraph 26, you briefed Commander Mitchell on  
18 1 December?  
19 A. Yes.  
20  
21 Q. And there were a number of occasions in that period -  
22 I think I understand from your statement - four occasions  
23 when you briefed him in this way. Is that a fair  
24 understanding?  
25 A. That could be what I've listed there, yes.  
26  
27 Q. The briefing on 1 December was with particular regard  
28 to, as you put it in paragraph 27, Detective Chief  
29 Inspector Fox, was it not?  
30 A. Sorry, in paragraph 27?  
31  
32 Q. If you look at 27, you indicate that you wanted to  
33 arrange and you did arrange a meeting for 2 December 2010.  
34 A. Yes.  
35  
36 Q. But is it not the case that that arrangement occurred  
37 after the briefing with Commander Mitchell on 1 December?  
38 A. Yeah, it appears that way.  
39  
40 Q. That's the likely chronology, isn't it?  
41 A. Yes.  
42  
43 Q. It makes sense?  
44 A. Yes, it makes sense.  
45  
46 Q. In that discussion you informed Commander Mitchell of  
47 what you wanted, I take it, having regard to what you say

1 in paragraph 26 and paragraph 27.  
2 A. What do you mean?  
3  
4 Q. You've indicated in paragraphs 26 and 27 you were  
5 seeking a number of things including the conduct of the  
6 meeting and you got Commander Mitchell's approval for that,  
7 I take it?  
8 A. I don't think that I said that I wanted the meeting to  
9 occur.  
10  
11 Q. You've arranged a meeting relating to this for  
12 2 December?  
13 A. Yes, but it doesn't mean it was my idea. I arranged  
14 it.  
15  
16 Q. Were you instructed to arrange it?  
17 A. Quite possibly.  
18  
19 Q. By Commander Mitchell?  
20 A. Yeah.  
21  
22 Q. When you arranged the meeting and it concerned  
23 Detective Chief Inspector Fox, did you take the step of  
24 ringing him to tell him the meeting was to happen?  
25 A. No.  
26  
27 Q. Why not?  
28 A. Because that was for other people to do.  
29  
30 Q. You've arranged a meeting about Detective Chief  
31 Inspector Fox but relied on others to tell him that it was  
32 going to happen?  
33 A. The meeting wasn't about Detective Chief Inspector  
34 Fox. The meeting was about Strike Force Lantle.  
35  
36 Q. It wasn't about Fox, you say?  
37 A. No.  
38  
39 Q. You give an entry in paragraph 28 about the meeting on  
40 2 December. You say you got there at 11.15 and the meeting  
41 then got underway about 11.15; is that what we should  
42 understand?  
43 A. Yes, it's 11.15am and not 11.15pm.  
44  
45 Q. Of course. I think you indicated in your evidence  
46 yesterday - I think it was yesterday - anyway, your  
47 evidence-in-chief, that you agreed with the contents of the



1 investigator's note dated 3 December that purports to  
2 record minutes a meeting?  
3 A. Yes.  
4  
5 Q. You'll accept, won't you, that that note excludes a  
6 great deal of material that arose orally at that meeting,  
7 wouldn't you?  
8 A. Not that I know of.  
9  
10 Q. Not that you know of. Why is that?  
11 A. I can't think of anything unless you are going to  
12 explain something to me, but no.  
13  
14 Q. Isn't it the case that a lot more discussion occurred  
15 at that meeting than that memorandum records?  
16 A. I don't think so no.  
17  
18 Q. You were there, weren't you?  
19 A. I just said I was, yes.  
20  
21 Q. You remember it? You remember the meeting?  
22 A. Yeah, reasonably well.  
23  
24 Q. So you'll understand that there are a series of things  
25 said by both Detective Chief Inspector Fox and also by  
26 Commander Mitchell. Do you remember that?  
27 A. Yeah.  
28  
29 Q. Before the meeting commenced you said to Detective  
30 Chief Inspector Fox, "You were directed to bring them with  
31 you", referring to his file notes and statements,  
32 et cetera?  
33 A. That I said?  
34  
35 Q. Yes.  
36 A. No.  
37  
38 Q. And he said to you, "No, Mr Haggett asked me to bring  
39 them and I forgot, Brad. I don't need them here. I know  
40 what they contain." You remember that?  
41 A. No, that's incorrect.  
42  
43 Q. You said, "It's not your investigation", that is, you  
44 said to Fox, "It's not your investigation"; do you recall  
45 that?  
46 A. No, and I can tell you now, to save you all the  
47 trouble, I didn't even speak to Detective Chief Inspector

1 Fox on that day at that meeting.

2

3 Q. He responded to you, "No analyst has done anything  
4 with this for months whilst I've been doing interviews and  
5 getting statements so that makes it my investigation." You  
6 replied, "We'll see." That's what happened?

7 A. No, that's not what happened. Nothing like that  
8 happened, I'm sorry.

9

10 Q. Then the meeting commenced and you were there --

11

12 MR HUNT: If my friend is going on to another bit of the  
13 meeting, now might be a convenient time.

14

15 THE COMMISSIONER: Thank you.

16

17 **LUNCHEON ADJOURNMENT**

18

19 **UPON RESUMPTION:**

20

21 MR HUNT: Commissioner, can I start by apologising both to  
22 you and to most of those in court who weren't involved in  
23 matters that those who assist you were dealing with "behind  
24 the scenes", as it were.

25

26 THE COMMISSIONER: Thank you, Mr Hunt. I am sure it will  
27 save time in the long run.

28

29 MR HUNT: Might I mention that we have not been having  
30 extra sandwiches in the last 20 minutes, but we've been  
31 doing things hopefully to advance the progress of the  
32 Special Commission.

33

34 Can I deal with one other matter before I recall  
35 Mr Tayler. Further to the request made, and obviously not  
36 to be met until after Mr Tayler has finished his evidence,  
37 that his redacted statement and exhibit 13, being his diary  
38 entries, and exhibit 14, being the resolution of the  
39 complaint document, there has been a request for release to  
40 the media of exhibits 15 and 16. I am hoping that those in  
41 court can consider that matter and will communicate any  
42 attitude to that if Mr Tayler's evidence finishes today by  
43 the end of the sitting this afternoon.

44

45 THE COMMISSIONER: Thank you, Mr Hunt. Thank you,  
46 Mr Tayler.

47

1 MR COHEN: Q. Mr Tayler, before the adjournment at  
2 lunch, you recall I was taking you through events or some  
3 of the events of 2 December 2010.  
4 A. Yes.  
5  
6 Q. And may I put to you now that when the meeting  
7 commenced at Waratah station on 2 December 2010, you were a  
8 participant in the meeting. That's so, isn't it - in the  
9 formal meeting?  
10 A. Yes.  
11  
12 Q. And Commander Mitchell was there and he was chairing  
13 it?  
14 A. Yes.  
15  
16 Q. And also who we're referring to now as [Detective X]  
17 was there?  
18 A. Yes.  
19  
20 Q. Together with Senior Sergeant Quinn?  
21 A. Yes.  
22  
23 Q. And Commander Haggett was there?  
24 A. Yes.  
25  
26 Q. As well as Detective Chief Inspector Fox?  
27 A. Yes.  
28  
29 Q. Is your evidence that Detective Senior Constable  
30 Freney was there as well?  
31 A. Yes.  
32  
33 Q. Were there any other persons there at that time?  
34 A. No.  
35  
36 Q. In your memory?  
37 A. No.  
38  
39 Q. When the meeting commenced, Commander Mitchell said,  
40 "The only reason we are here having this meeting is because  
41 of the contacts and information Joanne McCarthy has turned  
42 up. It is not a case of me giving her information but more  
43 a case of"- I am sorry. That is what Detective Chief  
44 Inspector Fox had to say. I'll repeat that. "The only  
45 reason we are here having this meeting is because of the  
46 contacts and information Joanne McCarthy has turned up."  
47 This is Fox speaking, "It is not a case of me giving her

1 information but more a case of her giving us information.  
2 She's all over this better than anyone. I know it's  
3 unusual, but you have to stop working against her and bring  
4 her on board. She has more information on this  
5 investigation than the rest of this room put together."  
6 That was said, wasn't it?

7 A. No.

8

9 Q. Commander Mitchell then said, "She's not running this  
10 investigation. She's to be cut out of this from here on.  
11 I'll be the only one dealing with her from here on. Any  
12 inquiries by her are to go through me." That was said,  
13 wasn't it?

14 A. Not like you put it, no.

15

16 Q. And Detective Chief Inspector Fox then said, "That's  
17 madness. She knows a lot more witnesses, contact numbers  
18 and has access to information we don't. Victims trust her.  
19 They ring Joanne McCarthy and the Herald before they ring  
20 us. If it means you get her to sign a confidentiality  
21 agreement until the investigation is over, so be it.

22 I know that we don't normally do that, but this isn't a  
23 normal investigation. You have to have her in the loop."  
24 That was said by Detective Chief Inspector Fox, wasn't it?

25 A. No.

26

27 Q. And then Commander Mitchell replied, "That's not how  
28 we operate. Region has decided this will be investigated  
29 by Newcastle." That was said, too, wasn't it?

30 A. No, not like that. No.

31

32 Q. You say, "Not like that", but that was said, wasn't  
33 it?

34 A. No. As I said, it wasn't said like that. Part of it  
35 was that Newcastle had been given it; but what you said,  
36 no.

37

38 Q. Can I explore this. You apparently sitting in the  
39 witness box have a relatively - you appear to have a  
40 relatively clear recollection in your mind of the meeting.  
41 Is that what you wish the Commissioner to understand?

42 A. I don't know. I suppose we'll see how clear it is in  
43 regards to this, but I have a recollection of the meeting.

44

45 Q. Was it such a recollection at the time that you  
46 completed your statement to this Commission that you could  
47 have recorded it in that?

1 A. Sorry?  
2  
3 Q. Well, I'll put it again. Was your recollection, as  
4 you say you have now, and on 6 May presumably it was  
5 similar, of such substance you could have recorded it in  
6 your statement when you produced it and signed it?  
7 A. Recorded what?  
8  
9 Q. This recollection?  
10 A. That you're putting to me?  
11  
12 Q. I just put to you a number of propositions directly  
13 that I say were conversations at the meeting. You dispute  
14 that and I accept and understand your position. But it's  
15 right, isn't it, from what I've just prompted you, that you  
16 would tell the Commissioner that you have an independent  
17 albeit a different recollection of detailed conversations  
18 of this meeting. Is that so?  
19 A. Different to your client, yes.  
20  
21 Q. You can recall them in the witness box; is that what  
22 you say?  
23 A. Most definitely.  
24  
25 \* Q. Well, then why did they not meet any part of your  
26 statement --  
27 A. Because it didn't --  
28  
29 MR SAIDI: I object. How can the witness possibly put in  
30 the statement a conversation that the witness says didn't  
31 take place.  
32  
33 MR COHEN: With respect, that is not what I am saying.  
34  
35 MR SAIDI: You are, and if the question could be  
36 repeated --  
37  
38 MR HUNT: It would be really helpful if both counsel would  
39 address submissions to you, Commissioner, rather than  
40 arguing along the bar table. With respect, both my friends  
41 are argumentative and directing argumentative comments to  
42 each other. It's not the first time this has happened. A  
43 proper way of it being done, and according you the proper  
44 respect of the office that you hold, is to make  
45 submissions, allow an opponent to respond and likewise  
46 seriatim, until you have concluded hearing submissions and  
47 then you can rule.

1  
2 MR SAIDI: The request to have it played back was made to  
3 you, not to Mr Cohen, Commissioner.  
4  
5 THE COMMISSIONER: I apprehend that what Mr Cohen means is  
6 why didn't Mr Tayler put his version of the conversation of  
7 the meeting in his statement?  
8  
9 MR COHEN: Exactly so.  
10  
11 MR SAIDI: That's not what the question was.  
12  
13 THE COMMISSIONER: Yes, I know.  
14  
15 MR SAIDI: The question was a different question. The  
16 question follows from what was being put to him as part of  
17 the conversation and why didn't he put that in his  
18 statement.  
19  
20 MR COHEN: That's not what I --  
21  
22 MR SAIDI: Commissioner, I ask that it be played back  
23 because that is exactly what he said.  
24  
25 THE COMMISSIONER: All right, Mr Saidi. Can the question  
26 be played back, please.  
27  
28 (Question marked \* played back)  
29  
30 MR SAIDI: That's following the previous question of what  
31 was being put to --  
32  
33 THE COMMISSIONER: Yes, you are quite right, Mr Saidi.  
34  
35 Perhaps you'll rephrase it, thank you, Mr Cohen.  
36  
37 MR COHEN: Q. You have some memories of the  
38 conversations at this meeting, don't you?  
39 A. I have memories of some of the conversations, but not  
40 the ones you are referring to, no.  
41  
42 Q. But you, nonetheless, have a memory of conversations  
43 at this meeting, don't you?  
44 A. No, I remember how the meeting went. I can't say  
45 "I said/he said" type information.  
46  
47 Q. I'll approach it this way: if you can't recall that,

1 you can't be sure that what I put to you is wrong, can you?  
2 A. Yeah, of course I can. I'm saying the stuff you are  
3 putting to me that was allegedly said by your client is  
4 totally wrong; okay? I've said that and I think I made it  
5 reasonably clear, that's not my evidence. But I can't sit  
6 here and say exactly what was said at the meeting, but what  
7 I'm saying is that's not what occurred. That conversation  
8 didn't occur.

9

10 Q. Do you have any recollection of any conversation at  
11 the meeting?

12 A. I said to you I can't say I said something and he said  
13 something. I would be making it up if I was, but I can  
14 remember the general point and the purpose of the meeting.

15

16 Q. I'll put this to you: you are not in a position to say  
17 now that what I've put to you is utterly and  
18 incontrovertibly wrong, are you?

19 A. I am. I disagree with you.

20

21 Q. Your memory of events of three years ago is degraded,  
22 isn't it?

23 A. Of course it's degraded, but I can tell you now what  
24 you put to me did not occur.

25

26 Q. In your paragraph 28 of your statement, you have not  
27 rendered an alternative of any type?

28 A. Yes, I have.

29

30 Q. Putting it in terms of, as you would describe it, "He  
31 said/I said"?

32 A. No, what I've done through my statement is refer to a  
33 document that was done at the time to record the meeting.

34

35 Q. You will agree that document contains no conversation,  
36 does it?

37 A. No, and why would it need to obtain a conversation  
38 because it didn't occur?

39

40 Q. I put it to you the conversation I just recounted to  
41 you records material that occurred at this meeting that's  
42 not recorded in the minute, is it?

43 A. No. I've said to you that that conversation did not  
44 occur.

45

46 Q. Then Commander Mitchell said to Detective Chief  
47 Inspector Fox, "Where are the statements you were told to

1 bring down?" That was said, wasn't it?  
2 A. I can't say those were his exact words, but the  
3 statements were certainly asked for at some stage.  
4  
5 Q. Detective Chief Inspector Fox said, "I just explained  
6 to Brad that they are on my desk and I forgot to grab  
7 them." That was said, wasn't it?  
8 A. No.  
9  
10 Q. Commander Mitchell said, "You are directed to bring  
11 them down and hand them over to Brad Tayler."  
12 A. No.  
13  
14 Q. That was said, wasn't it?  
15 A. No.  
16  
17 Q. Commander Mitchell made a direction at that time for  
18 this to be done, didn't he?  
19 A. No. He was asked to bring the stuff down.  
20  
21 Q. So you say it was just a request, do you?  
22 A. It wasn't to give it to me. I don't think I was  
23 mentioned. He was asked to hand the investigation stuff  
24 over.  
25  
26 Q. No direction?  
27 A. I don't believe so.  
28  
29 Q. So you did not receive an envelope via the agency of  
30 being delivered to you by Sergeant Metcalfe, any office  
31 memo --  
32 A. No, I didn't.  
33  
34 Q. You did not therefore receive an interoffice memo, an  
35 interoffice envelope with the documents from Detective  
36 Chief Inspector Fox on this day; is that what you say?  
37 A. On 2 December?  
38  
39 Q. Yes.  
40 A. No, I got nothing.  
41  
42 Q. You never got anything from Detective Chief Inspector  
43 Fox; is that what you say?  
44 A. On 2 December, you just asked me if I got something.  
45  
46 Q. No, ever, I just asked you?  
47 A. No, you said 2 December. But if you want to now ask



1 me did I ever get anything, no, I personally wasn't given  
2 anything by him.  
3  
4 Q. So no envelope was provided via Sergeant Metcalfe to  
5 you from Detective Chief Inspector Fox; is that your  
6 evidence?  
7 A. Yes, not to me; no, that's right.  
8  
9 Q. So who did it go to if one arrived?  
10 A. I don't know. It might have gone to Justin, but it  
11 didn't come to me, I can tell you that.  
12  
13 Q. To the team?  
14 A. Sorry.  
15  
16 Q. To the team on Lantle?  
17 A. Yes, something came down, but it didn't come to me.  
18  
19 Q. Consistent with the direction from Commander Mitchell?  
20 A. Sorry?  
21  
22 Q. Consistent with the direction from --  
23 A. It wasn't a direction. He was asked to provide the  
24 information that he said he had, and then he was asked to  
25 bring it down, which he subsequently did, but he didn't  
26 give it to me is what I'm saying.  
27  
28 Q. Commander Mitchell, at this time in this meeting, went  
29 on to say, after referring to the direction to bring the  
30 documents, "He will be running this investigation from  
31 Newcastle with Justin Quinn and Kirren Steel; is that  
32 clear"?  
33 A. Who is "he"?  
34  
35 Q. That's you?  
36 A. I would be running it?  
37  
38 Q. That's so.  
39 A. No.  
40  
41 Q. That was said, wasn't it?  
42 A. No.  
43  
44 Q. It wasn't decided on this day then that you would be  
45 in --  
46 A. I was always going to run it, no matter what happened.  
47 I said that before.

1  
2 Q. Isn't it likely that Commander Mitchell said this at  
3 the time?  
4 A. That I would be running it?  
5  
6 Q. Yes.  
7 A. He could have.  
8  
9 Q. Not just he might have done that, but he did, didn't  
10 he?  
11 A. Well, I can't say he did, but, I mean, that was always  
12 going to be the case.  
13  
14 Q. You were there, you were listening to what was being  
15 discussed and to what was being said, weren't you?  
16 A. Yes, but I can't agree with what you're saying, is  
17 what I'm saying. I'm saying he could have said. Now,  
18 I've said no matter what happened if it was at Newcastle,  
19 I would have been running it anyway.  
20  
21 Q. Mr Tayler, is your reluctance to agree with a simple  
22 proposition like that simply because I'm the one asking the  
23 questions?  
24 A. No, because --  
25  
26 MR SAIDI: I object. The witness was answering questions.  
27 It may not suit Mr Cohen, but the witness is giving  
28 responsive answers to questions that have been asked.  
29  
30 THE COMMISSIONER: He's not reluctant to answer any  
31 questions.  
32  
33 MR HUNT: Could I deal with a housekeeping matter.  
34 Mr Tayler is talking quite quickly. Mr Cohen is asking  
35 questions immediately abutting on to the end of the answer.  
36 It's an available line, there is no difficulty with that,  
37 but I think the court reporter would like a beat's pause so  
38 that we can get the beginning and the end of things.  
39  
40 THE COMMISSIONER: Thank you, Mr Hunt.  
41  
42 MR COHEN: I understand the starter's orders; I'll  
43 endeavour to do that.  
44  
45 MR HUNT: Thank you.  
46  
47 MR COHEN: Q. Then Detective Chief Inspector Fox said in

1 response to the statement by Commander Mitchell, "You can't  
2 do that to these people. The main witness [AJ] refused to  
3 speak to any police other than me. The only reason she  
4 came forward to give her statement is that I assured her  
5 I would remain with this investigation. I gave her my  
6 word. I'm not building myself up. If you don't believe  
7 me, you can ring her or Joanne McCarthy now. It is a  
8 similar situation with McAlinden. It took a lot of  
9 convincing to get them to come in. You can't just pass  
10 these people around like numbers. They have been through  
11 enough." That was said, wasn't it?

12 A. No.

13  
14 Q. Commander Mitchell's response was, "The decision has  
15 already been made at region. You'll give those statements  
16 to Brad and that's final." That was said, wasn't it?

17 A. No.

18  
19 Q. How do you say that Commander Mitchell communicated on  
20 that day to Detective Chief Inspector Fox that, one, the  
21 documents had to be delivered, and, two, that he wasn't  
22 speak to Ms McCarthy or the witnesses?

23 A. The meeting was not as you are portraying it. It was  
24 a meeting where we sat down and Mr Haggett and Mr Fox were  
25 told that Newcastle City were investigating it and had been  
26 directed to investigate it by the regional commander and  
27 requested to pass over any information or relevant  
28 information he had. He also provided us a verbal,  
29 I suppose, briefing as to what his knowledge was, and then  
30 a general direction was given to everybody there that  
31 there's to be no contact with the media, including Joanne  
32 McCarthy, only through Commander Mitchell. And then, after  
33 that, Mr Fox and Mr Haggett left.

34  
35 Q. Isn't what you've just indicated in narrative form  
36 precisely what I put to you in the form of spoken words?

37 A. No. It's nothing like what you put to me.

38  
39 Q. And then Detective Chief Inspector Fox went on to say,  
40 "The statement from [AJ] took me a month to type. She is  
41 terribly traumatised by it all, which is why I spent so  
42 much time with her. I have never described any statement  
43 before like this, but her statement is nothing short of  
44 explosive. There is already enough to charge [Name  
45 suppressed], [name suppressed] and [name suppressed] on her  
46 evidence alone. [AK] and [AL] and Mike Stanwell only make  
47 it more damning. She gives a brilliant insight as to how

1 the church operates." That was said, wasn't it?

2 A. No.

3

4 Q. Detective Chief Inspector Fox went on to say, "I have  
5 organised for a nun Paula Redgrove to speak to me. Another  
6 woman who worked for the church at Zimmerman House Helen  
7 Keevers also has monumental evidence of covers-ups. This  
8 needs more than a local investigation with a strike force  
9 name. This has the potential to go interstate if you're  
10 serious" - that was said, wasn't it?

11 A. No.

12

13 Q. Commander Mitchell responded, "Just make sure you get  
14 the statements and anything else to Brad and Justin  
15 immediately. Anyone you have contact just give them the  
16 numbers. That also includes anything Joanne McCarthy gave  
17 you. They will be running the investigation from here on."  
18 Wasn't that also said?

19 A. No.

20

21 Q. You say no, but that last comment is the very basis of  
22 what you said in your evidence a few minutes ago, isn't it?

23 A. Yes, but I'm not agreeing with your word-for-word  
24 account.

25

26 MR HUNT: While that is under consideration, about three  
27 questions ago some clergy were identified who have sought  
28 authorisation to appear in relation to TOR2 but have  
29 elected, on certain undertakings about the material likely  
30 to be led in these proceedings, either to attend on a  
31 limited basis or not attend at all for this term of  
32 reference. Accordingly, the names of the three clergy in  
33 the question ought be subject to a non-publication order.

34

35 I accept that representatives of one of those parties  
36 is here, but for abundance of caution there should be a  
37 non-publication order in relation to the names of the three  
38 clergy.

39

40 THE COMMISSIONER: I direct the names of the three clergy  
41 mentioned in Mr Cohen's question not be published, in the  
42 circumstances that they are not represented today, and  
43 I make that order under section 8 of the Special  
44 Commissions of Inquiry Act 1983.

45

46 Mr Cohen?

47

1 MR COHEN: Thank you, Commissioner, and I apologise for  
2 inadvertently stepping on that landmine.

3

4 THE COMMISSIONER: Not at all, Mr Cohen.

5

6 MR COHEN: Q. In your statement, Mr Tayler, in this  
7 chronology of events, after the meeting you identified in  
8 paragraph 28 you go on to say that, on 9 December, you  
9 spoke with [AL] about the complaint that I took you to  
10 before the luncheon adjournment.

11 A. When is this, sorry?

12

13 Q. If you look at paragraph 30 of your statement. So  
14 that it's very clear, paragraph 30 runs on from 29 at least  
15 in terms of the date. That's so, isn't it?

16 A. Yes, the same day.

17

18 Q. You went on to speak with her that day and I put some  
19 questions to you before the luncheon adjournment about  
20 that, but I want to ask you a few more questions, if I may.  
21 I think I'm correct in understanding - well, let me be  
22 sure. Before you spoke with [AL] on this day, on  
23 9 December, was it the case that you had shortly before, in  
24 near enough time to remember its contents, read her letter  
25 of complaint of 9 November?

26 A. Before I rang her you say?

27

28 Q. Yes.

29 A. Yes, probably.

30

31 Q. It's likely that you were aware of the contents, at  
32 least the gist of the complaint; is that right?

33 A. Yes.

34

35 Q. You read, I assume, in the fourth paragraph - perhaps  
36 look at exhibit 15 to assist your recollection?

37 A. Is this the complaint letter?

38

39 Q. Yes, it is, dated 9 November 2010 from [AL]. Do you  
40 want to scan it quickly first before I ask you the  
41 question?

42 A. Yes.

43

44 Q. Do you see paragraph 4; that's the same  
45 paragraph I took you to earlier in the day when I put to  
46 you [AL]'s comments about [Detective X]. Do you also see  
47 that in what is effectively the second sentence it's

1 recorded there that "She" - that being [Detective X] -  
2 "also told me that a statement taken by Detective Chief  
3 Inspector Fox from [AK] which had been passed on to her  
4 group" - which I assume is a reference to Lantle - "had  
5 been lost": do you remember that?  
6 A. That's what it says there, yes.  
7  
8 Q. Was that the case, that a statement had been lost?  
9 A. I'm just trying to see who [AK] is. No.  
10  
11 Q. Well, did you go and discuss this proposition with  
12 [Detective X], this assertion of a lost statement?  
13 A. I don't know. I don't believe so.  
14  
15 Q. Why would you not do that? In those circumstances,  
16 wouldn't it be something that, very quickly and easily, you  
17 could say to [Detective X], "Look, this has been said.  
18 What's the story"? Wouldn't you do that.  
19 A. I don't think the statement or any statement was lost.  
20  
21 Q. We're at cross-purposes. You didn't think so, but did  
22 you go and ask [Detective X] whether or not this was the  
23 case?  
24 A. Look, I don't think so, but I don't believe that  
25 statement was ever lost.  
26  
27 Q. Put to one side your belief either now or then. What  
28 I'm asking you is: having been presented with this, let's  
29 be neutral about it, assertion on the face of this letter  
30 did it occur to you it was a good idea, at or about that  
31 time, to talk to [Detective X] or perhaps talk to Detective  
32 Senior Sergeant Quinn or whomever would have a view about  
33 the holdings in the file to inquire indeed whether or not  
34 this was correct?  
35 A. Yeah, but my understanding is it wasn't correct.  
36  
37 Q. What was the basis for that understanding?  
38 A. Because I think it's a statement that I've talked  
39 about before that I read, the unsigned statement that was  
40 delivered some time after the meeting on 2 December.  
41  
42 Q. But what you've just said now is really speculation on  
43 your part, isn't it, if you didn't go and check?  
44 A. Yeah, but what I'm saying is my understanding was  
45 there wasn't any lost documents.  
46  
47 Q. That's what I'm testing with you. What was the basis

1 for that understanding other than an assumption by you?  
2 A. I don't believe there was any lost documents. I don't  
3 recall if I spoke to [Detective X], I don't know.  
4

5 Q. Your position about whether or not there was or was  
6 not a lost document raises no higher than belief; is that  
7 right?  
8

9 MR HUNT: I object to that. There is evidence that the  
10 material that was provided by DCI Fox was provided not to  
11 this witness but, to this witness's knowledge, to people  
12 involved with the investigation after 2 December 2010.  
13

14 This is a letter written on 9 November 2010 asserting  
15 that a statement taken by Detective Fox had been lost from  
16 the investigation. So the proposition that is being put  
17 that it is mere speculation cannot be fairly so in  
18 circumstances where the balance of the evidence is that  
19 nothing had passed from DCI Fox into the hands of the  
20 investigation by the time this letter was apparently  
21 written on 9 November 2010.  
22

23 MR COHEN: Well, the reference is by [AL] to a comment  
24 attributed to [Detective X], and that's what I'm  
25 endeavouring to test, and that's what I thought I --  
26

27 THE COMMISSIONER: Mr Cohen, what about this scenario:  
28 what if [Detective X] had inadvertently mentioned to [AL]  
29 or deliberately mentioned to [AL], "I don't have a  
30 statement from [AK]"? Wouldn't the reason be that  
31 Detective Chief Inspector Fox hadn't given it to  
32 [Detective X] or any of her superiors yet?  
33

34 MR COHEN: Possibly. What I'm trying to --  
35

36 THE COMMISSIONER: And then [AL] may just have assumed  
37 that it had been lost.  
38

39 MR COHEN: But this is not an assumption of loss. This is  
40 restating, on the face of it, what is communicated to her  
41 by [Detective X] at least in the terms of the letter:  
42 "I was told", "she also told me." This is not an  
43 assumption. This is a representation that a piece of  
44 information was communicated to her, possibly orally,  
45 likely orally, that is, to [AL] by [Detective X]. That's  
46 what I was endeavouring to test, therefore, whether or not  
47 this witness thought, "If it had been asserted that

1 something has been lost by one of my direct - one of the  
2 officers in my direct command", I was endeavouring to test  
3 whether or not this witness thought at the time it was a  
4 good idea to check.

5  
6 THE COMMISSIONER: If the complaint was wrong, as we can  
7 see now with the benefit of the knowledge of everything  
8 that went on in between, what did this witness have to  
9 test?

10  
11 MR COHEN: I'll put it this way.

12  
13 THE COMMISSIONER: He doesn't believe that anything was  
14 lost by [Detective X] or anyone under his command. It  
15 appears that that is correct.

16  
17 MR COHEN: I am alive to it.

18  
19 THE COMMISSIONER: Thank you.

20  
21 Q. If you look at exhibit 16, which is the bundle of  
22 documents from the system about the complaint, and if you  
23 look, please, at what I think is the second of the three  
24 documents in the run of documents in exhibit 16, which is  
25 the command complaint triage form, do you see that on the  
26 second of the two pages of that form which are within  
27 exhibit 16, and it is the page that also bears the  
28 signature of Brad Slarks, who is the professional standards  
29 officer. Do you see that page?

30 A. Yes.

31  
32 Q. Do you see that there is a handwritten tick there,  
33 which presumably is Mr Slark's, but in any event it is  
34 applied, recording that there is to be a referral for  
35 resolution. Do you see that?

36 A. Yes.

37  
38 Q. Is the effect of referral for resolution to take the  
39 complaint out of the ambit of any possibility of going to  
40 the ombudsman for review?

41 A. I don't believe so, no.

42  
43 Q. So this could still be reviewed by an ombudsman?

44 A. Yes, I believe so. You would have to check with  
45 someone who knows the system better than me, but, I believe  
46 so, yes.

47



1 Q. Do you know if this went to the ombudsman?  
2 A. I've no idea.  
3  
4 Q. I invite you to look at the first page of that form -  
5 the first page before the signature in exhibit 16. As  
6 recorded there in the first of the boxes - in the second  
7 half of the page, you see there is a series of panels - you  
8 see the first says "Not a complaint"?  
9 A. Yes.  
10  
11 Q. If it's not a complaint and it's been characterised as  
12 such and it doesn't go to an ombudsman --  
13 A. Say it again?  
14  
15 Q. I hope you can see on the page where I'm directing  
16 your attention. Do you see about the middle of the  
17 page there's a number of panels?  
18 A. Yes.  
19  
20 Q. There is large panel and a series of smaller panels  
21 with a couple of boxes beside them?  
22 A. Yes.  
23  
24 Q. You see the first one says, "Not a complaint"?  
25 A. Yes.  
26  
27 Q. If it's not a complaint under part 8A of the Police  
28 Act, as recorded there, then there is no way that  
29 complaint, having so been designated, can go to the  
30 ombudsman; isn't that right?  
31 A. Yeah, but that's nothing to do with this matter. That  
32 is a standard form where you tick whatever is applicable.  
33 If this matter had been assessed as not being a complaint,  
34 then that's the box you would tick. That's not saying that  
35 the letter is not a complaint. That's just another box you  
36 can tick whether it be "Resolution" or "Not a complaint"  
37 or - that is not saying the matter is not a complaint.  
38  
39 Q. But that's what the form --  
40 A. Yes, but that is just a form to tick whichever is the  
41 appropriate section it falls under.  
42  
43 Q. Do you see the statement after it, the narrative -  
44 "Not a complaint" is in bold type?  
45 A. Yeah, but they are all in bold.  
46  
47 Q. But let me finish. You see the following sentence is:

1  
2           *The issues raised do not amount to a*  
3           *complaint under Part 8A ...*  
4

5       A.    Yes.

6  
7       Q.    By virtue of the absence of a little square box next  
8           to it, that's not an optional one, that is what has been  
9           determined, isn't it?

10       A.    I don't believe so. My understanding of it is - it's  
11           not my fault there is no little box there - it's just  
12           another area that you can tick. That's my understanding of  
13           it.

14  
15       Q.    Can I put this to you directly, Mr Tayler. That is  
16           not an area to tick. That was a decision that was made  
17           that this was not a complaint.

18  
19       MR SAIDI:    I object. I think my friend is confused. This  
20           is a pro forma document, which has an entry such as that.  
21           If it's considered not to be a complaint, it's a matter  
22           where it needs to be ticked off.

23  
24       THE COMMISSIONER:    Mr Cohen, surely you can see that is  
25           just one of the options, but it's not the option which has  
26           been chosen for this matter. The box which was ticked is  
27           on the next page. The absence of the little box may be an  
28           artefact of something, but it doesn't look to me, or I'm  
29           sure to anyone else, that "Not a complaint" has been chosen  
30           as the appropriate box to be ticked in this case.  
31           "Referral for resolution" has been ticked.

32  
33       MR COHEN:    Thank you.

34  
35       THE COMMISSIONER:    Thank you.

36  
37       MR COHEN:    Q.    I'll come back to the question that  
38           started much excitement this morning, Mr Tayler. You were  
39           the identified resolution manager for this complaint, and  
40           that is disclosed in the c&ts.i form, the third of the  
41           three in exhibit 16. I put it to you it was not a proper  
42           course that you be the resolution manager because, by  
43           reason that you were the leader of the team, there was a  
44           conflict of interest visited upon you and you should have  
45           excused yourself from this, shouldn't you?

46       A.    No, I disagree.  
47

1 MR COHEN: If the Commission pleases.

2

3 MR SAIDI: I was going to ask if I could go after Mr Rush.

4

5 <EXAMINATION BY MR RUSH:

6

7 MR RUSH: Q. Officer Tayler, what I would like to do or  
8 what I propose to do is ask a series of what I think will  
9 be fairly uncontroversial propositions and then I'm going  
10 to ask a proposition which some might consider a little  
11 more controversial. Firstly, as I understood your  
12 evidence, the meeting that took place, which you attended  
13 I think it was on 25 November 2010, which included  
14 [Detective X], yourself, Joanne McCarthy and Mr Morrison,  
15 at least, and Quinn, you didn't have any first-hand  
16 knowledge of what that meeting was arranged for.

17 A. No, I did.

18

19 Q. Who gave you that knowledge?

20 A. Mr Mitchell, to my recollection.

21

22 Q. Do you remember what he told you the meeting was  
23 about?

24 A. To obtain additional information from Ms McCarthy.

25

26 Q. Do you remember at what time approximately he gave you  
27 that indication?

28 A. Is it in my diary that's attached?

29

30 MR RUSH: If the Commission will excuse me a moment, I'll  
31 see if the witness can be helped.

32

33 MR HUNT: The witness will need access to exhibit 13 and,  
34 also, to a tab in volume 1, which is tab 25.

35

36 (Discussion re temperature in courtroom)

37

38 MR RUSH: Q. If you would not mind looking at those  
39 diary entries and see whether that helps you.

40 A. This exhibit 13 is not all my diary entries.

41

42 MR RUSH: I apologise. Would the Commission pardon me one  
43 moment and I'll clarify.

44

45 MR HUNT: Do you have tab 25 of volume 1 of 3 as well  
46 there, Mr Tayler?

47

1 THE WITNESS: Yes. What date was it? 2 November.  
2  
3 MR RUSH: Q. 25 November was the meeting and what we're  
4 after is the conversation that you might have had with  
5 Officer Mitchell about his indication to you what this  
6 meeting might have been about, this meeting of the 25th?  
7 A. The conversation that I'm referring to is in my diary  
8 on 22 November.  
9  
10 MR RUSH: Will the Commission pardon me for just one more  
11 moment?  
12  
13 THE COMMISSIONER: Yes, Mr Rush.  
14  
15 MR HUNT: I'll just help my friend.  
16  
17 MR RUSH: Q. For my benefit, and you've probably been  
18 asked to do this already, can you read on to the record  
19 what it says?  
20 A. My diary entry?  
21  
22 Q. Yes  
23 A. It says:  
24  
25 *Joanne McCarthy, Herald, email same at*  
26 *request of Supt Mitchell re SF [strike*  
27 *force] Lantle - Clergy. Phones back, has a*  
28 *number of potential witnesses, arrange to*  
29 *meet with same. Contact Quinn to obtain*  
30 *suitable dates for same and Steel. Have*  
31 *spoken to DI Fox re same and other*  
32 *complainants.*  
33  
34 Q. Of course, DI Fox wasn't at that particular meeting?  
35 A. No.  
36  
37 Q. Earlier you were shown a copy of the complaint by  
38 which I mean the document which founded the complaint from  
39 [AL]: do you still have that in front of you?  
40 A. The complaint against [Detective X], are you talking  
41 about?  
42  
43 Q. Yes.  
44 A. Yes.  
45  
46 Q. Just before I come to this document, I think you  
47 conceded in evidence-in-chief yesterday that at some stage

1 Officer Quinn came into the investigation of [AL] because  
2 of difficulties that [Detective X] was having interviewing  
3 [AL].  
4 A. He was always involved in the investigation, but he  
5 became directly involved in attempting to obtain a  
6 statement.  
7  
8 Q. Yes, because of difficulties that [Detective X] was  
9 having obtaining a statement from [AL].  
10 A. Yes.  
11  
12 Q. Are you able to give some indication what those  
13 difficulties were, to the best of your recollection?  
14 A. Yes, it's in my - the investigation that I did in  
15 regards to that complaint lists what had occurred.  
16  
17 Q. Was it essentially the matters that are contained in  
18 the complaint document in paragraphs 3 and 4, if you might  
19 just refresh your mind as to those matters?  
20 A. Whereabouts, paragraph 1?  
21  
22 Q. Paragraphs 4 and 5 - it's the last two paragraphs on  
23 page 1 of that two-page complaint. I apologise to the  
24 Commission. Have you got exhibit 15 in front of you rather  
25 than 14?  
26 A. What's 15?  
27  
28 THE COMMISSIONER: The letter.  
29  
30 MR RUSH: Q. It's the letter from [AL], sorry.  
31 A. Yes.  
32  
33 Q. Can you read those last two paragraphs on the first  
34 page of that letter from [AL]?  
35 A. Yes.  
36  
37 Q. I'm not asking you whether or not you agree that that  
38 is in fact what happened. What I'm asking you is that  
39 [AL]'s view that that occurred was the difficulty that  
40 you're talking about when Quinn was asked to assist in  
41 obtaining that material from [AL]?  
42 A. Can you say that again?  
43  
44 Q. Yes. What I'm suggesting to you or asking you is  
45 whether [AL]'s belief in those two last paragraphs on  
46 page 1 is what in fact prompted you to ask Officer Quinn to  
47 interview [AL]?

1 A. No.  
2  
3 Q. Yesterday in evidence I think you've conceded that  
4 Officer Quinn came into the investigation?  
5 A. No, he was always in the investigation.  
6  
7 Q. I apologise - he was asked by you to interview [AL]  
8 because of the difficulty that [Detective X] had with [AL]?  
9 A. Yes.  
10  
11 Q. If those difficulties are not set out in page 1 of the  
12 document, which is the letter of [AL] to the Northern  
13 Region commander, what do you say the difficulty was?  
14 A. The difficulties that were raised by [Detective X]  
15 with me and Sergeant Quinn.  
16  
17 Q. Were you aware or did [Detective X] make you aware of  
18 the concerns that [AL] had with [Detective X]?  
19 A. No, I think my initial information was from  
20 [Detective X], that she was having a great deal of trouble  
21 getting a statement.  
22  
23 Q. Is your only knowledge of the difficulties that  
24 [Detective X] was having getting a statement from [AL] what  
25 [Detective X] had told you?  
26 A. No, but at some point it would have been, but then  
27 this has come in as well.  
28  
29 Q. Having now seen that, and just to be fair, you might  
30 also have a look at page 843 of your affidavit. Do you  
31 have your affidavit before you?  
32 A. No.  
33  
34 Q. Your statement, I apologise.  
35 A. Yeah, I've got one, but it's not what you call the  
36 redacted one. Yes, I have, sorry, 843.  
37  
38 Q. At the bottom of that in paragraph (b), so it is  
39 32(b), if I can take you down to line 7, you say in the  
40 sentence beginning "There may have been" - if you could  
41 just read that sentence?  
42 A. Yes, I've read that.  
43  
44 Q. Having considered all of that material, and having now  
45 considered those two last paragraphs on the first page of  
46 the letter of [AL], and also anything said to you by  
47 [Detective X] regarding the difficulties, can I suggest to

1 you that the primary difficulty were those reasons and not  
2 the reasons that you assert regarding Joanne McCarthy?

3 A. I'm sorry, the primary was what?-

4  
5 Q. The primary problem that your officers were having  
6 obtaining information from the witness [AL] was the matters  
7 [AL] had essentially raised in the last two paragraphs -  
8 I don't really want to read them, you've had the  
9 opportunity to read them - on page 1 of the letter of  
10 complaint by [AL] to the area commander, number 1?

11 A. Yes.

12  
13 Q. Number 2, the matters raised by [Detective X] with  
14 you?

15 A. Yes.

16  
17 Q. And whatever concern you had that you attest to in  
18 paragraph 32(e) concerned the difficulties that  
19 [Detective X] was having with [AL]. They were the primary  
20 reasons, weren't they, for getting the evidence that you  
21 wanted to pursue the investigation concerning [AL]?

22 A. You've lost me. I think - if I'm wrong, tell me -  
23 numerous attempts were made before this complaint ever  
24 existed. The complaint comes in after numerous attempts  
25 are made to further the investigation.

26  
27 Q. Perhaps I'll approach it this way. You would agree  
28 with me that [AL] had raised, on the face of it only,  
29 serious matters about [Detective X]?

30 A. Later, yes.

31  
32 Q. And [Detective X] had raised with you serious problems  
33 with getting evidence from [AL]?

34 A. Yes.

35  
36 Q. And Joanne McCarthy had provided you some documents  
37 from [AL] to try and further the investigation. I think  
38 you accepted that in examination-in-chief by learned  
39 counsel assisting yesterday, that Joanne McCarthy had been  
40 providing you some documents to help you pursue the matter  
41 as well?

42 A. Yes, that's right.

43  
44 Q. Would you accept from me that, taking all that into  
45 account, that problems that you had obtaining evidence from  
46 [AL] were those matters primarily and not any intermediary  
47 role, as you assert in your affidavit, played by Joanne

1       McCarthy?

2       A.    I disagree.

3

4       Q.    You might explain that.  I might just ask one further  
5       question, if I can withdraw the first one.  You also gave  
6       some evidence yesterday of what might be called your  
7       general disinclination to have the media involved at any  
8       stage in investigations - I think you went as far as to  
9       say - in any type of matter?

10      A.    I didn't say that at all.

11

12      Q.    I might be overstating it.  If I can put the question  
13      in this way:  I think you gave evidence broadly that you  
14      thought that the involvement of the media in investigations  
15      of any matter was often - was always I think -  
16      counterproductive to an investigation.

17      A.    No, I said it could be counterproductive.

18

19      Q.    In this particular instance, not considering that  
20      issue and just considering the specific involvement of  
21      Joanne McCarthy on this particular occasion, so putting  
22      aside, if you like, your general --

23      A.    On this occasion - with the strike force?

24

25      Q.    Even more confined - this particular difficulty in  
26      obtaining the evidence you wanted from [AL], it didn't  
27      arise in this instance from Joanne McCarthy in any way  
28      acting as an intermediary, did it?

29      A.    Well, my opinion is that, yes, it did.

30

31      Q.    Could you explain that, please?

32      A.    The whole purpose or the whole point of our  
33      investigation - it's going to take me a while to explain  
34      this - was to investigate the allegations of concealing a  
35      serious offence, or in those days I think it was misprision  
36      of felony, or something like that.  To progress that  
37      complaint, we had to get a statement of [AL] to establish  
38      that a serious offence had been committed.  Without that,  
39      the matter could not be progressed.  Our whole intention  
40      with this matter was to get a complaint statement from [AL]  
41      outlining a serious offence that had occurred against her,  
42      and then we would follow it up the chain to see who or had  
43      not been told or what had been done.  That was the whole  
44      point of the investigation.

45

46                 What I'm saying and what I have said is that - and  
47      we've documented it - we had extreme difficulties of



1 getting a statement off [AL] and those difficulties were  
2 raised to myself, I believe my commander, and Senior  
3 Sergeant Quinn by [Detective X]. We then went even further  
4 in that we got either the daughter and the son-in-law or  
5 the son and the daughter-in-law - I'm not sure which is  
6 which - to the station to try and help us obtain the  
7 statement, because without the statement, we couldn't  
8 progress the matter. We couldn't go anywhere. So we were  
9 trying to get a statement. As you'll see in that  
10 document --

11  
12 Q. I just --

13 A. Well, I need to explain it.

14  
15 Q. I will. I want to clarify one thing.

16  
17 MR SAIDI: Commissioner, I think the witness should be  
18 allowed to finish. If counsel wants to clarify something,  
19 he can wait until --

20  
21 MR RUSH: Q. All I wanted to clarify was when that  
22 attempt was made with the relatives, whether Joanne  
23 McCarthy had been involved in any way with that attempt, to  
24 the best of your recollection?

25  
26 MR SAIDI: (Indistinct).

27  
28 MR RUSH: I accept that it could have been.

29  
30 THE COMMISSIONER: Thank you, Mr Rush.

31  
32 Q. Mr Tayler, I'm sure you're able to incorporate the  
33 extra information?

34 A. The information about the son and daughter-in-law or  
35 son-in-law and daughter, I'm not sure how it went, one of  
36 them was a member of the NSW Police Force. We were trying  
37 to use that person to explain to [AL] how the process had  
38 to work so that she understood the reason that she had to  
39 go into some detail about what happened to her  
40 historically. I understand that it would have been very  
41 traumatic for her, but it was something we had to have for  
42 the investigation to progress. Without that, there was no  
43 investigation. So that's what we were trying to do.

44  
45 What I'm saying in regards to - I'm not attacking the  
46 role, your client or the media. What I'm saying is the  
47 involvement of Ms McCarthy with [AL] and also the

1 communication that was obviously occurring between other  
2 people and other officers made the whole process extremely  
3 difficult and more difficult than what it ever should have  
4 been. Does that make sense?

5  
6 I don't know if Joanne McCarthy knew we had involved  
7 [AL]'s daughter. I certainly didn't tell her that and  
8 I don't think it was appropriate I would tell her that, but  
9 it was done and the whole point of our investigation was to  
10 get [AL] on paper and that's what I don't - I find it  
11 difficult to understand how that can't be seen - we were  
12 trying to progress an investigation.

13  
14 Q. To the best of your knowledge, Joanne McCarthy had no  
15 involvement in your attempts through relatives to obtain  
16 evidence from [AL]?

17 A. I don't know. I certainly didn't ask her. As I said,  
18 I don't think it was appropriate that I tell her of that.  
19 I don't know. I wouldn't normally tell people that.  
20 That's a matter for [AL].

21  
22 Q. Can I return to the question - my original question,  
23 the first one - this question --

24  
25 MR HUNT: Can I ask Mr Rush to pause there. I'm wondering  
26 if we could have a five-minute break for the witness, given  
27 the heat in the room and so on. It has already been  
28 referred to.

29  
30 THE COMMISSIONER: Yes.

31  
32 **SHORT ADJOURNMENT**

33  
34 MR RUSH: Q. Mr Tayler, would you agree with me that part  
35 way through the meeting that you attended on 25 November,  
36 which Joanne McCarthy and Mr Morrison of senior counsel  
37 attended --

38 A. Yes.

39  
40 Q. -- that Ms McCarthy offered, if it would assist, to  
41 attend with the witness [AL] to help obtain her evidence?

42 A. Yes, she did.

43  
44 MR SAIDI: I think it was a meeting on 26 November.

45  
46 MR RUSH: I thank my learned friend for that  
47 clarification.

1  
2 Q. And Morrison indicated to Joanne McCarthy that that  
3 wouldn't be appropriate.  
4 A. No, that's what I said. I said that would never  
5 occur.  
6  
7 Q. Can I put to you that, in fact, it was Mr Morrison  
8 that said to Joanne McCarthy that it wouldn't be  
9 appropriate for her to attend an interview?  
10 A. No, I said that. He may have agreed, I don't know.  
11 I definitely said it because a second person was raised as  
12 well and I said that person would not be appropriate  
13 either.  
14  
15 Q. Can I put to you that Joanne McCarthy in response  
16 agreed that, on reflection, it wouldn't be appropriate?  
17 A. She may have.  
18  
19 Q. Could you look at volume 2, tab 80. It's an  
20 investigator's note said to have been prepared by  
21 [Detective X].  
22 A. Yes.  
23  
24 MR RUSH: Would the Commissioner and the witness pardon me  
25 for one moment?  
26  
27 THE COMMISSIONER: Yes, Mr Rush.  
28  
29 MR RUSH: Q. Page 2, which is page 331 of tab 80, which  
30 is that two-page document?  
31 A. Yes.  
32  
33 Q. Do you agree with what is documented there apparently  
34 by [Inspector X] as being a true reflection of what  
35 ultimately transpired from the discussion however the  
36 exchange took place?  
37  
38 THE COMMISSIONER: [Detective X]. We had better not get  
39 the ranks all wrong because that will make it even more  
40 confusing.  
41  
42 MR RUSH: I adopted the strategy of referring to everyone  
43 as officer.  
44  
45 THE COMMISSIONER: You said "Inspector" then, Mr Rush,  
46 and that could --  
47

1 MR RUSH: Did I? I apologise.

2

3 Q. I don't know whether you answered that question. Do  
4 you accept that that was a true reflection?

5 A. I said yes.

6

7 Q. I'm now going to go through some conversations. I'll  
8 put to you that these conversations occurred and. Like to  
9 know from you whether you agree that they took place, or  
10 whether you refute that they took place, and I'll give you  
11 an opportunity, where you refute them, to put any other  
12 view you might wish to put in respect of them. I apologise  
13 I'm having to do this off a computer. Can I put to you at  
14 that meeting you said to those present, "I want the names  
15 and contacts of all witnesses known to you"?

16 A. No, I didn't - I wouldn't have said it like that.  
17 That was the purpose of the whole meeting.

18

19 Q. I think you've given evidence that that is what  
20 Superintendent Mitchell had indicated to you was the  
21 purpose of the meeting?

22 A. My understanding of the purpose of the meeting, yes.

23

24 Q. Do you recall saying words to that effect?

25 A. No, no.

26

27 Q. And, in response, Joanne McCarthy said, "There is a  
28 formal complaint from the first witness this task force has  
29 interviewed. I am not going to put other witnesses at risk  
30 of being traumatised until the issues raised in that  
31 complaint have been addressed"?

32 A. No.

33

34 Q. To which you then said, "We need to get statements  
35 from [AL] and [AK] or the matter is not going anywhere?"

36

37 A. I don't know [AK] but definitely [AL], I think [AL],  
38 yes, and I've just said that a minute ago.

39

40 Q. I apologise, but I'm just trying to go through this as  
41 accurately as possible and put these versions of the  
42 conversations that took place as accurately as possible.  
43 To which Morrison, who has been referred to, said, "Is it  
44 possible for the police to get access to further church  
45 documents?"

46 A. No, he said he wanted us to go and do a search warrant  
47 at George Pell's office. That's what he asked for.

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Q. Can I put to you that he said, "Is it possible for the police to get access to further church documents"?

A. We talked about documents and how you might get them, but we were way - way prior to that point in time.

Q. He went on to say, "In my view a prosecution is possible and clearly more documents are available." Do you recall him saying that?

A. He may have, but I don't think it was in that context. I think his view was that we needed to go and do search warrants on - I don't know if it was Cardinal Pell, I don't know, Mr Pell. We kept saying - and then there was a - he raised some legislation, which was incorrect. Then he seemed to take some offence at that and he didn't say much else, but we did talk about the issue of doing search warrants. Again, as per my previous statement, and it needs to be clear, for us to do anything in this investigation, to progress the complaint, or what became Strike Force Lantle, had to have a statement off [AL] before we could consider anything, and that, as I said before, was the issue.

So we discussed that and we kept saying, "We need to get a statement." We sat down and explained again the process, that without a statement, we can't do anything. We had nothing we could do. We couldn't progress the matter, and that was the whole problem with this matter. We wanted to investigate it but we couldn't get it off the ground because we couldn't get a statement off the victim. We spoke to Mr Morrison about that and, as I said, he wanted us to go and do search warrants on Mr Pell and we were talking about, "Well, it's not reality. We're just trying to get this investigation going."

Q. He may have said, if I understood your evidence, "In my view a prosecution is possible and clearly more documents are available"?

A. He may have said that and we would have discussed how we could get those documents. But again everything was around getting the statement because without that the investigation could not progress.

Q. He then said, "You are putting too much reliance on [AL] and [AK]"?

A. I don't remember him saying that. As I said before, that was our whole point of the conversation. We were

1 trying to make it abundantly clear that we had to have  
2 that. Without that, there was nothing - we couldn't do  
3 anything.  
4

5 Q. He went on to say, "And the first contact with this  
6 strike force has not been encouraging."

7 A. I don't know about that. As I said, when he left, he  
8 wasn't a happy person. In my opinion he had been belittled  
9 in regards to legislation and he wasn't a happy guy, I can  
10 tell you that.  
11

12 MR PERRIGNON: Commissioner, may I interrupt? Can I seek  
13 a non-publication order in relation to Cardinal Pell. The  
14 reason for that is the limited evidence in relation to a  
15 search warrant on the offices of Cardinal Pell, it doesn't  
16 make it clear whether it's only a search warrant in  
17 relation to documents or what it's in relation to. It  
18 sounds as though it could be construed as engaging that  
19 member of the clergy in some conduct which is related to  
20 term of reference 2, some untoward conduct.  
21

22 THE COMMISSIONER: I note your concern. I suppose the  
23 pseudonym "Cardinal Y" would not alleviate it. Mr Hunt.  
24

25 MR HUNT: I don't want to be heard on it, save that  
26 I understood Mr Perrignon and his leader, Mr Gyles, to be  
27 acting for the Diocese of Maitland-Newcastle. I hadn't  
28 apprehended he had a wider brief for the Archdiocese of  
29 Sydney and/or for Cardinal Pell, but beyond that I don't  
30 want to say anything.  
31

32 MR COHEN: There is a public interest in these matters  
33 being canvassed ultimately.  
34

35 MR PERRIGNON: He's still a citizen. We don't act for  
36 him.  
37

38 THE COMMISSIONER: That's right, Mr Perrignon, but, in a  
39 sense, the interest that Mr Morrison appears to have had in  
40 the way that this matter would be investigated and the  
41 suggestions, however helpful or unhelpful they may have  
42 been about what should be done next, may be of relevance to  
43 my inquiries. I don't think that I will make any order  
44 about publication in these circumstances. Thank you,  
45 Mr Perrignon.  
46

47 MR PERRIGNON: Very well, Commissioner.

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MR RUSH: Q. And further on in the conversation that occurred at that meeting you said, "How can we interview [AL] when she is aggressive and difficult?"

A. I don't believe I would have said that, no. Again, as I said before, we were doing, in my opinion, everything we could to get a statement off her, because we were wanting this investigation to kick off as well.

Q. And Ms McCarthy said, "I have spoken to about 100 victims of child sexual abuse by members of the clergy and have not had one complaint. Mitchell tells me that" - I am going to put these one sentence at a time, I apologise. Ms McCarthy said, "I have spoken to about 100 victims of child sexual abuse by members of the clergy and I have not had one complaint."

A. She may have said something in regards to speaking to victims. I don't remember anything about the complaint.

Q. Then, "Mitchell tells me that [Detective X] did not have experience with interviewing sex abuse victims."

A. That was never said to me and I can honestly say I can't imagine him saying that to anybody, quite frankly.

Q. Might it have been said in the course of that meeting?

A. No.

Q. Can I put to you that it was?

A. No, no.

Q. Joanne McCarthy goes on to say, "Could we suggest that you not contact [AL] again until her complaint has been resolved. She is very distressed."

A. I don't recall that at all.

Q. It might have been said?

A. Look, it may have been, but it would have been at odds with what we were trying to achieve - on the one hand, you know, people are saying we're not doing anything, but that's what we were trying to do, to get it going. I don't remember it, but there may have been something in regards to that conversation.

Q. I want to direct your attention back to that document at tab 80 which is the two-page summary by [Detective X]. The second paragraph, could you familiarise yourself with that paragraph?

1 A. Yes.  
2  
3 Q. Does that paragraph assist your memory as to what  
4 Morrison might have said about obtaining a Catholic Church  
5 file?  
6 A. Not really.  
7  
8 Q. So your evidence is or you maintain that what Morrison  
9 said was that it was in the office of Cardinal Pell?  
10 A. No, that was one of the discussions we had. We had  
11 numerous discussions - he wanted us to go and get documents  
12 from everywhere and we said, "Well, we need a statement.  
13 We can't progress anything. We've got nothing at the  
14 moment."  
15  
16 Q. Were one of those other places, to the best of your  
17 memory, the diocesan office?  
18 A. I don't - I don't know. It might have been, but  
19 again, we discussed this, that we could not get or apply  
20 for a search warrant in regards to anything when we didn't  
21 even have a complaint. I'm not sure how my guys are  
22 supposed to put in a search warrant application because we  
23 didn't have a complaint.  
24  
25 Q. Without worrying too much at this stage about what  
26 might have been done or what might have been done perfectly  
27 well, I just want you, at this stage, to concentrate just  
28 on the question that I'm asking and just on answering that  
29 question rather than worrying too much about what might be  
30 made of it anywhere else. Is that all right?  
31 A. I'll do my best, but we'll see how we go.  
32  
33 Q. One of the documents Morrison thought might be  
34 obtained were the diocesan offices own files, to the extent  
35 they had any, concerning alleged victims of church sexual  
36 abuse?  
37 A. I don't remember that, but that would make sense that  
38 we would have talked about that, yes.  
39  
40 MR RUSH: Would the Commission pardon me a moment again  
41 while I try and locate another document?  
42  
43 Q. At any time while you were in charge of the  
44 investigation did you attempt to obtain any of that  
45 information held by the church?  
46 A. We certainly did processes to attempt to do that, yes.  
47



1 Q. Can you remember what those processes were and  
2 approximately when they took place?

3 A. Look, all I can recall is what I've said so far in  
4 regards to trying to get a statement so that we could  
5 progress the investigation. We also sat down or had a  
6 debrief with another person - I was just trying to see  
7 whether that person is mentioned as a pseudonym or not -  
8 anyway, that person was in a position, I suppose, to have  
9 had or had some knowledge in regards to that sort of stuff  
10 and we sat down and interviewed or debriefed her, who  
11 again --

12  
13 Q. I'm sorry to interrupt. Is this another alleged  
14 victim?

15 A. No.

16  
17 Q. I apologise, sorry.

18 A. It was information supplied to us that this person was  
19 in a position that they had access to or had had access to  
20 church or diocese information. We - it wasn't me - one of  
21 my investigators, I think it was [Detective X] and  
22 Inspector Jacob from State Crime Command, I believe it was  
23 interviewed this person, debriefed them. I'm not sure what  
24 the actual result was, but it was in an attempt to, again,  
25 obtain enough information for us to be able to proceed and  
26 possibly proceed in that direction. The whole purpose of  
27 that is also recorded in the investigator's notes we  
28 previously talked about at the meeting at Waratah police  
29 station with Inspector Fox in regards to the direction.

30  
31 After he left the meeting we continued with Inspector  
32 Townsend, from Northern Region, and Inspector Parker, from  
33 Northern Region, and at that stage [Detective X] raised  
34 that she had information I just told you about and the  
35 decision was State Crime Command come and debrief that  
36 person and then, again, reassess where the investigation  
37 went and, by reassess, work out whether the terms needed to  
38 be broadened, whether the State Crime Command needed to  
39 take a more active role, and that was done. That was, in  
40 my opinion, another attempt for us to I suppose progress or  
41 get this investigation moving, because it was virtually  
42 stagnant at that time.

43  
44 Q. You were not in the matter by 13 May 2011 --

45  
46 MR HUNT: I object to this.

47

1 THE COMMISSIONER: Yes, Mr Hunt?

2

3 MR HUNT: I suspect that the question is going to trespass  
4 into material that may create challenges for the  
5 Commission, given the status of things. I'm trying to  
6 think of an elliptical way to deal with that, but given the  
7 fate of Strike Force Lantle from 2011 onward, I think that  
8 this might be an impermissible area. I'm concerned. I'm  
9 happy to hear the question, but I wanted to ask the witness  
10 not to respond until we've heard the question.

11

12 THE COMMISSIONER: Thank you, Mr Tayler, if you would hold  
13 off on your response.

14

15 MR RUSH: Might I have a moment to confer with my learned  
16 friend?

17

18 THE COMMISSIONER: Yes, please do, Mr Rush.

19

20 MR RUSH: The question was to ascertain whether he was  
21 still in the unit at a particular date, and he wasn't.

22

23 THE COMMISSIONER: Thank you.

24

25 MR RUSH: Q. I just want to go back and explore again,  
26 in as much detail as you can give, what effort was made  
27 while you were in charge of the investigation in obtaining  
28 those church files?

29

30 MR HUNT: I object to this. The remit of my friend's  
31 interest is to deal with things that go to his client's  
32 reputation. He's done that most ably in terms of the  
33 questions that he's asked, but this question goes to a  
34 different issue and, in my submission, it ought not be  
35 allowed.

36

37 THE COMMISSIONER: Yes. Mr Rush, I don't believe that you  
38 have standing to explore this area of investigation.

39

40 MR RUSH: May it please the Commission, they are my  
41 questions.

42

43 <EXAMINATION BY MR SAIDI:

44

45 MR SAIDI: Q. As a crimes manager, you have input, do  
46 you not, in terms of which detectives can be assigned to an  
47 investigation?

1 A. Yes.

2

3 Q. That is generally done in consultation with at least  
4 other officers superior to you, that is, in a superior  
5 position; is that so?

6 A. Superior and junior, yes.

7

8 Q. As crimes manager, is it part of your function to give  
9 directions to detectives who may be assigned to a  
10 particular investigation?

11 A. Yes.

12

13 Q. During the course of your function as a crimes  
14 manager, do you become familiar with the expertise and  
15 experience of detectives under your command?

16 A. Yes.

17

18 Q. In terms of your functions as a crimes manager, is it  
19 also part of your function to become familiar with the  
20 experience of detectives who come to work under your  
21 command as they come across from a different command?

22 A. Yes.

23

24 Q. Appointed to Strike Force Lantle as we know was  
25 [Detective X]?

26 A. Yes.

27

28 Q. Did you have an opinion as to her competency and  
29 expertise at the time of her appointment to Strike Force  
30 Lantle?

31 A. Yes.

32

33 Q. What was that opinion?

34 A. She was competent.

35

36 MR HUNT: I object to this. I dealt with this issue in an  
37 extended fashion in-chief relative to Strike Force Lantle.  
38 Unless my friend is asking something different, I don't see  
39 why the witness repeating his opinions about the adequacy  
40 of [Detective X] will assist you.

41

42 THE COMMISSIONER: Mr Tayler has already indicated she was  
43 competent, Mr Saidi.

44

45 MR SAIDI: Q. In terms of her appointment to Strike  
46 Force Lantle and the work carried out by her during the  
47 period you were there, did you continue to oversee the work

1 performed by her?

2 A. Yes.

3

4 Q. Was there anything about that performed by her which  
5 led you to vary your opinion as to her expertise or  
6 competence

7 A. No.

8

9 Q. Similarly, in relation to the other people you were  
10 required to work with in Strike Force Lantle, and I'm  
11 referring to Mr Quinn for the moment, was any of the work  
12 performed by him which led you to change your opinion in  
13 terms of his expertise and competence during the period you  
14 were working with him?

15 A. No, I don't think I've given an opinion about his  
16 experience.

17

18 Q. In terms of a suggestion - I want to put it to you -  
19 one suggestion being made before this Commission of Inquiry  
20 is that Strike Force Lantle, in terms of the people  
21 appointed to it, were set up to fail. Have you heard that  
22 before?

23 A. Yes, I have.

24

25 Q. In your capacity as the crimes manager responsible for  
26 the operation of Strike Force Lantle, what comment do you  
27 make in relation to that allegation?

28 A. Frankly, I was disgusted, and I am still disgusted  
29 that that comment was ever made by, in my opinion, someone  
30 who had nothing to do and a limited knowledge of what we  
31 were actually trying to achieve. As I pointed out before,  
32 the investigation - no-one was trying to push this  
33 investigation away. That is far from the truth and I've  
34 outlined the difficulties that we had in getting the  
35 statement, and we were after the statement and, as I said  
36 before, that's what we were doing. In my opinion, the  
37 allegations in regards to it being a cover-up or a sham is  
38 absolutely disgusting, because it's doing nothing more  
39 than, in my opinion, (a) destroying the public's perception  
40 of the type of inquiries that are done by the New South  
41 Wales police. I suppose it's doing nothing more than  
42 destroying, I suppose, my reputation, other people's  
43 reputation, and I think it's crazy. I don't know of any  
44 police officer that wouldn't support any form of inquiry in  
45 regards to allegations involving any organisation of  
46 systemic sexual assaults or cover-ups. I don't know any  
47 police officer who would not agree with that and would not

1 support that, but to say that this was a sham or covered  
2 up, it's just absolutely disgusting.

3  
4 Q. From your experience, whilst you were there playing  
5 your role in Strike Force Lantle, did you pass any  
6 information as to the workings of Strike Force Lantle, that  
7 is, what it was up to, what it was investigating at any  
8 particular time, who was being interviewed, matters of that  
9 kind, with Detective Chief Inspector Fox?

10 A. No, never.

11  
12 Q. From your perspective and from your knowledge of  
13 Strike Force Lantle, at any time was Detective Chief  
14 Inspector Fox given any information so as to allow him to  
15 form an informed judgment about the operation of Strike  
16 Force Lantle?

17 A. Not by me, no.

18  
19 Q. To your knowledge, at any time did Detective Chief  
20 Inspector Fox approach any person associated and having  
21 direct knowledge of the workings of Strike Force Lantle in  
22 order to obtain information relating to how it was  
23 operating and what it was up to?

24  
25 MR COHEN: I object. This witness cannot answer that  
26 question.

27  
28 MR SAIDI: It is to his knowledge.

29  
30 THE COMMISSIONER: He can answer that, Mr Cohen.

31  
32 THE WITNESS: No, I can't answer that. I don't have any  
33 knowledge of him approaching or speaking to anyone else  
34 but, yeah.

35  
36 MR SAIDI: Q. You indicated in your evidence earlier  
37 today that when it came to discussing personal issues with  
38 Detective Chief Inspector Fox, that's something you would  
39 not do?

40 A. I would never discuss personal issues with Mr Fox, no.

41  
42 Q. Is there a reason for that?

43  
44 MR HUNT: I object to that. A truthful answer to this  
45 question will lead to a whole sub-inquiry that's not  
46 helpful to the Commission.

47

1 THE COMMISSIONER: I won't allow it, Mr Saidi.

2

3 MR SAIDI: Q. In terms of associations with the media -  
4 I want to come to that topic, if I may - in your role as a  
5 crime manager you've already given us some information  
6 about your attitude towards dealing with the media and  
7 matters of that kind?

8 A. Yes.

9

10 Q. But in terms of suspicion attached to any police  
11 officer who interacts or communicates with the media in any  
12 unauthorised manner, do you have an attitude in relation to  
13 that in your capacity as a police officer?

14 A. Yeah. I think it's totally wrong and it's  
15 inappropriate and it's damaging.

16

17 Q. If you suspected a police officer of dealing with the  
18 media in an unauthorised manner, would you allow such a  
19 police officer to be involved in an investigation with you,  
20 assuming you had a consultative role with anyone?

21 A. No, I can confidently say I wouldn't. If he was one  
22 of my officers, he wouldn't be in my detectives' office  
23 again. I can tell you that now.

24

25 Q. There's been some suggestion made that Detective Chief  
26 Inspector Fox should have had a role in Strike Force  
27 Lantle, whatever that role may be - whether it be  
28 assisting, whether it be providing information, whether it  
29 be consultative. From your position as crimes manager,  
30 what would your attitude be back in the period of July  
31 to December 2012, assuming you were --

32

33 MR HUNT: I think my friend means 2010.

34

35 MR SAIDI: Thank you, 2010.

36

37 Q. Assuming you were consulted about Detective Chief  
38 Inspector Fox coming in on the Strike Force Lantle  
39 investigation?

40 A. I would have objected to that.

41

42 Q. Can you give us an idea why?

43

44 MR HUNT: I object to that as well on the same basis.

45

46 THE COMMISSIONER: I won't allow it any further than that,  
47 Mr Saidi.

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MR SAIDI: As the Commissioner pleases.

\* Q. In terms of involvement between the media and Detective Chief Inspector Fox, prior to 2010 did you have any knowledge in relation to whether or not he was engaging in communicating with the media whilst a police officer?

MR COHEN: I object.

MR SAIDI: I press it.

MR COHEN: If the other matters in respect of which objection was taken about my endeavours to inquire and test were irrelevant, this clearly has to be against the terms of reference.

MR HUNT: Can I have the question read? I was taking some instructions from special counsel as it was being asked.

(Question marked \* read).

MR HUNT: The question as posed relates to a period before 2010 and I don't know that it can sufficiently be brought to bear on your term of reference currently being explored, Commissioner. If it relates in 2010 and therefore relative to this matter, it assumes a greater relevance and permissibility.

MR McILWAIN: In my respectful submission, it is a proper question. The matters which may have informed this witness's opinion about Detective Fox, particularly in regard to this matter, are relevant and assist you, Commissioner, because it's certainly been suggested by Detective Fox that he was excluded from any involvement in the investigation for improper reasons. In those circumstances, it is appropriate that the witness be able to give evidence about what might be submitted were proper reasons for excluding him.

MR HUNT: I probably ought to change what I put, because senior counsel reminds me that she, with a different witness, explored the issue of media contact in 2008 and so I don't think it's proper to maintain the objection that I did.

MR SAIDI: I'll try and limit it.

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MR COHEN: I do maintain the objection and, indeed, the very basis of the objection is underpinned by what Mr McIlwaine respectfully said, which is that what's been elicited is an opinion. Again I come back to the proposition I think I put to you yesterday, Commissioner: the opinion that matters on these matters is yours and no-one else.

THE COMMISSIONER: This all comes down to knowledge of media contact and, Mr Saidi, I will permit you to ask the question.

MR SAIDI: I'll try and limit it, Commissioner. I don't want to go into too contentious an area, but I'll get to the bare bones of it. For that reason, I might lead a couple of questions.

Q. In 2008 was it brought to your attention that Detective Chief Inspector Fox may have been engaged in unauthorised contact with a member of the media?

A. Yes.

Q. Was that specifically Joanne McCarthy?

A. Yes.

Q. When Strike Force Lantle was set up, and on the assumption that you were approached in a consultative process for the purposes of having Detective Chief Inspector Fox brought on board, knowing what you did in relation to his general background in terms of dealing with the media, what would your attitude have been?

A. Exactly what it was, that I wouldn't have had him on my investigation.

Q. Specifically in relation to media issues --

A. Yes, definitely.

Q. -- in direct answer to that?

A. Yes.

Q. What was it about media issues?

A. Exactly what happened, that information was not leaked to the media, which was not helpful at all.

Q. Perhaps I ought to ask it in this way. Did you have a concern in 2010 that if he came on and obtained access to



1 highly protected information, that material may be  
2 revealed?  
3 A. Yes.  
4  
5 Q. In terms of the carrying out of the investigation  
6 under the direction of Newcastle Local Area Command, you  
7 gave evidence earlier today that initially you would have  
8 preferred that the matter go to the State Crime Command; is  
9 that so?  
10 A. Yes, that is what I put in.  
11  
12 Q. However, once the decision was made by the region  
13 commander that it remain at the Newcastle Local Area  
14 Command under Strike Force Lantle, you accepted that  
15 position?  
16 A. Yes.  
17  
18 Q. In terms of operation as a police officer, the Police  
19 Force itself is a disciplined machine; is that correct?  
20 A. Yes.  
21  
22 Q. Indeed, from your knowledge of the cooperation of the  
23 police service, a police officer is to accept without  
24 question any direction or any instruction given to him by a  
25 senior officer; is that correct?  
26 A. Unless it's illegal, yes.  
27  
28 Q. In terms of instructions and directions given by a  
29 superior to a subordinate police officer, is it the case,  
30 based on your experience as a police officer, that a police  
31 officer is not to question or not to ask why he's been  
32 given an instruction but he's to follow it out?  
33 A. Yes.  
34  
35 Q. If the police officer considers it unlawful or an  
36 improper direction for instruction, there are appropriate  
37 steps to be taken in terms of registering a complaint with  
38 the appropriate authority; is that correct?  
39 A. Yes. There are numerous avenues.  
40  
41 Q. But in terms of a superior officer indicating to a  
42 subordinate that he is to carry out a task or, indeed, not  
43 to carry out a task, based on your experience and your  
44 knowledge, it would be improper for a police officer to  
45 question such a direction?  
46 A. Yes.  
47

1 MR SAIDI: Thank you.

2

3 <EXAMINATION BY MR McILWAINES:

4

5 MR McILWAINES: Q. Detective Tayler, in relation to the  
6 dangers of release of information to the media during the  
7 course of an investigation, can you tell the Commissioner  
8 what are the actual dangers that could arise from that  
9 information being released?

10 A. I have no issue with releasing information to the  
11 media but if an investigation is ongoing it has to serve a  
12 purpose. If information is released, all you are doing is  
13 destroying - I take that back - all you are doing is,  
14 I suppose, providing an opportunity for a number of things  
15 to occur - commonsense things, people to be forewarned,  
16 destroy evidence, modus operandi all sorts of stuff. You  
17 would have seen that email we talked about yesterday.  
18 I had very strong feelings about commenting to the media  
19 unless it was for an investigative purpose in regards to an  
20 active investigation.

21

22 Q. During the course of your involvement with this  
23 investigation, at any time did you either observe yourself  
24 or were you informed by anyone else that senior officers of  
25 the New South Wales police were in any way seeking to  
26 interfere with the way you were undertaking your  
27 investigation?

28

A. No.

29

30 Q. If that had occurred, what course would you have  
31 taken?

32

A. It's never occurred ever, but if it had, it would have  
33 been something for me to - depending on who it was  
34 obviously - refer it somewhere else. There are numerous  
35 avenues where that sort of stuff can be referred to.

36

37 Q. In fact on a previous occasion you had investigated  
38 the conduct of the then minister of State Government  
39 Mr Orkopoulos?

40

A. Yes, that's correct.

41

42 Q. Shortly prior to a state election?

43

A. Yes.

44

45 Q. A highly sensitive matter?

46

A. Yes.

47

1 Q. And at any stage did you suffer any interference of  
2 senior police in that matter?  
3 A. Not at all.  
4  
5 Q. You had no hesitation in pursuing that matter  
6 aggressively to a positive result; is that correct?  
7 A. Not a problem.  
8  
9 Q. Apart from the Commissioner's commendation for your  
10 service in that matter, it is also the case that you've  
11 received two regional commander's commendations for  
12 personal bravery; is that correct?  
13 A. Yes.  
14  
15 Q. Just in regard to [Detective X], I don't wish to ask  
16 you about your understanding of her background, because  
17 that's been covered, but from the time she commenced  
18 working with you at the Newcastle detectives' office --  
19 A. Yes.  
20  
21 Q. -- when was the first time, if ever, you became aware  
22 that she had some health issues?  
23 A. When she went on sick report.  
24  
25 Q. Let's just put some dates around this. If you could  
26 turn, please, to tab 67.  
27 A. Which volume, sorry?  
28  
29 Q. It is in volume 2 of 3. Do you see that document?  
30 A. Yes.  
31  
32 Q. The first page I think is an email from Wayne Humphrey  
33 to Fay Dunn?  
34 A. Yes.  
35  
36 Q. The second page is a situation report?  
37 A. Yes.  
38  
39 Q. It is dated 12 October 2010 under the hand initially  
40 of Acting Inspector Justin Quinn?  
41 A. Yes.  
42  
43 Q. And the fact that he's acting as an inspector  
44 indicates that you were in fact on leave on this date?  
45 A. Yes, he was doing my job.  
46  
47 Q. Just go to the heading "Current position" and if you

1 just read that to yourself.  
2 A. Yes.  
3  
4 Q. In the second line, it is suggested there that the  
5 file was received by Newcastle City LAC on 6 September  
6 2010.  
7 A. Yes.  
8  
9 Q. Is that consistent with your recollection?  
10 A. Yes, that'd be right.  
11  
12 Q. It then proceeds to indicate that due to the workloads  
13 a decision was made to allocate the file to [Detective X]?  
14 A. Yes.  
15  
16 Q. Who commenced duties on 19 September 2010.  
17 A. Yes.  
18  
19 Q. And then it goes on to talk about some leave  
20 [Detective X] was required to take.  
21 A. Yes.  
22  
23 Q. Just on that, it is a major problem in the management  
24 of New South Wales police that officers have excessive  
25 leave?  
26 A. Yes.  
27  
28 Q. And there is a direction from the echelons and from  
29 the Commissioner that attempts should be made to reduce  
30 officers' leave?  
31 A. Yes.  
32  
33 Q. And they are directed from time to time to take  
34 excessive leave?  
35 A. Yes.  
36  
37 THE COMMISSIONER: What you mean, Mr McIlwaine, is they  
38 have excessive leave owing to them, not that they are  
39 taking excessive leave.  
40  
41 MR McILWAIN: That's right.  
42  
43 Q. Various officers have accrued excessive leave?  
44 A. That they haven't taken, yes.  
45  
46 Q. Both for financial reasons and for occupational health  
47 and safety reasons, excessive leave has to be reduced?

1 A. Yes.  
2  
3 Q. That was the case with [Detective X] as you  
4 understood?  
5 A. I believe so, yes.  
6  
7 Q. Because of that, whilst formally appointed to the  
8 position on 19 September 2010, is it your understanding  
9 that she did not commence physical duty until 11 October  
10 2010?  
11 A. Yes.  
12  
13 Q. Firstly, prior to her being allocated her role in the  
14 strike force, did you have a discussion with her?  
15 A. Yes.  
16  
17 Q. And what was her attitude to receiving this work?  
18 A. She was keen to do it.  
19  
20 Q. I think your last day at work, physically attending at  
21 work, was 20 December 2010?  
22 A. Yes.  
23  
24 Q. Would you accept from me if it's consistent with your  
25 recollection that [Detective X]'s last day at work was  
26 13 December 2010. Is that consistent with your  
27 recollection?  
28 A. Yeah. Look, I actually thought she had gone off sick  
29 after me, but apparently that's not the case.  
30  
31 Q. At any event at no time up until 20 December 2010  
32 until [Detective X] went on sick leave were you aware that  
33 she was suffering any health problems?  
34 A. No, I had no idea.  
35  
36 Q. She never spoke to you about having any concerns?  
37 A. No.  
38  
39 Q. About undertaking this work?  
40 A. That's correct.  
41  
42 MR McILWAIN: Commissioner, the only other matter which  
43 I would, in normal circumstances, have taken the witness to  
44 were some questions about exhibit 15. I've had some  
45 discussions with counsel assisting and I think it's  
46 preferred that I don't go down that track at the moment.  
47 Counsel assisting sought the attitude of representatives

1 with regard to publishing exhibit 15. I oppose the  
2 publication of exhibit 15. Part of the basis of that  
3 opposition to this evidence I would, in normal  
4 circumstances, have led from my client. I don't know what  
5 the position of counsel assisting is --  
6

7 THE COMMISSIONER: Did you wish to ask some questions  
8 about exhibit 15?  
9

10 MR McILWAIN: About exhibit 15, but as I understand it  
11 from discussions with counsel assisting, it doesn't seem to  
12 be productive at this point.  
13

14 MR HUNT: Perhaps we might have a moment and Mr McIlwaine  
15 can talk to Ms Lonergan and me.  
16

17 I'm reminded now of the discussion I had with  
18 Mr McIlwaine in the flux of this afternoon's events.  
19 Having discussed the matter with senior counsel assisting,  
20 I would invite my friend not to ask the questions that he  
21 had floated, partly because that would maybe involve the  
22 remedy of recalling a witness whose evidence is concluded.  
23 The application would be that there be a provisional  
24 non-publication order over exhibit 15, but the intention  
25 would be, once Mr Tayler is shortly released from the  
26 witness box, that the balance of the material, subject to  
27 anything that I hear between now and 4.30 from the parties  
28 that might persuade you otherwise, the other identified  
29 material would be released to the media.  
30

31 MR McILWAIN: There's been a misunderstanding. My  
32 previous application was the second-last paragraph not be  
33 published. My application is in fact the whole of the  
34 document --  
35

36 MR HUNT: That is what I said. That document would be the  
37 subject of a provisional non-publication order in its  
38 entirety.  
39

40 MR McILWAIN: I'm content with that.  
41

42 THE COMMISSIONER: Thank you.  
43

44 MR HUNT: I don't have any re-examination of Mr Tayler.  
45 Even though he's here pursuant to a summons, I'm entirely  
46 grateful that a private citizen has given three days.  
47

1 THE COMMISSIONER: Thank you very much. I apologise it's  
2 taken so long for your evidence to be completed. Thank  
3 you. You are excused.

4  
5 **<THE WITNESS WITHDREW**

6  
7 MR HUNT: Could I now yield to, as I'm so happy to do, to  
8 senior counsel.

9  
10 MS LONERGAN: Commissioner, whilst it's very tempting to  
11 commence the evidence of the next witness, Detective  
12 Inspector Jacob, a matter has arisen that needs some  
13 attention by those who assist you and the provision of some  
14 materials now. If we could commence with Detective  
15 Inspector Jacob's evidence at 9.30 in the morning.

16  
17 THE COMMISSIONER: Very well. Thank you

18  
19 **AT 4.15PM THE COMMISSION WAS ADJOURNED TO**  
20 **THURSDAY, 16 MAY 2013 AT 9.30AM**

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