



STATE CORONER'S COURT OF NEW SOUTH WALES

Inquest into the deaths arising from the Lindt Café siege

Re claims for legal professional privilege by the Director of Public Prosecutions (NSW)

Inquest: **INQUEST INTO THE DEATHS ARISING FROM THE LINDT CAFÉ SIEGE (KATRINA DAWSON, TORI JOHNSON AND MAN HARON MONIS)**

File number: 2014/368881, 2014/368701 and 2014/369898

Coroner: **STATE CORONER MICHAEL BARNES**

Date of judgment: 13 August 2015

Catchwords: **LEGAL PROFESSIONAL PRIVILEGE – third party communications – waiver**

Legislation: *Coroners Act 2009* (NSW)
Director of Public Prosecutions Act 1986 (NSW)

Cases cited: *Attorney General (NT) v Maurice* (1986) 161 CLR 118
Aouad v R [2013] NSWSC 760
Baker v Campbell (1983) 153 CLR 52
Barnes v Commissioner of Taxation (2007) 242 ALR 601
Bennett v CEO Customs [2004] FCAFC 237

Esso Australia Resources v Commissioner of Taxation (1999) 201 CLR 49
Grant v Downs (1976) 135 CLR 674
Mann v Carnell (1999) 201 CLR 1
Nye v State of NSW [2002] NSWSC 1267
R v Bunting (2002) 84 SASR 378
TPC v Sterling (1978) 36 FLR 244

Date of hearing: 11 and 12 August 2015

Place: Sydney

Number of paragraphs: 53

Counsel Assisting: J Gormly SC with S Callan
:
Solicitor Assisting M Heris, Office of the State Coroner

Counsel for the Family of Katrina Dawson: A Sullivan QC with J Roy

Solicitor for the Family of Katrina Dawson: P Hodges, McLachlan Thorpe Partners

Counsel for the Family of Tori Johnson: G Bashir SC

Solicitor for the Family of Tori Johnson: W de Mars, Legal Aid NSW

Counsel for the Director of Public Prosecutions (NSW): D Buchanan SC with M England

Solicitor for the Director of Public Prosecutions (NSW): N Malhotra, Crown Solicitor's Office

Counsel for the Commissioner of NSW Police and members of the NSW Police Force, save Officers A Dr I Freckelton QC with C Melis

and B:

Solicitor for the
Commissioner of NSW Police
and members of the NSW
Police Force, save Officers A
and B:

M Sullivan, Henry Davis York

Solicitor for Officer A:

K Madden, Walter Madden Jenkins

Introduction

1. On 5 June 2015 I ruled that the inquest would examine certain issues concerning the bail granted to Mr Monis. In particular the inquest would consider evidence relating to:
 - i. What was Mr Monis' bail history?
 - ii. Did prosecuting authorities respond appropriately to his applications for bail in relation to the charges he was facing at the time of the siege?
 - iii. Did the prosecuting authorities respond appropriately to grants of bail received by Mr Monis in relation to the charges he was facing at the time of the siege?
 - iv. Was the granting of bail to Mr Monis causally linked to the death?
 - v. If the answer to (ii) or (iii) is "no" what were the reasons for the inadequate responses and what changes are needed to prevent recurrence?
2. The examination of those issues could involve consideration of three bail hearings involving Mr Monis, namely:
 - i. 12 December 2013, an application for bail on the accessory to murder charges;
 - ii. 22 May 2014, an application for bail on the initial sexual assault charges; and
 - iii. 10 October 2014, an application for bail on the additional sexual assault charges.
3. In order to examine those issues, on 5 March 2015 a notice issued under s. 53 of the *Coroners Act 2009* (NSW) ("**Coroners Act**") to the Director of Public Prosecutions (NSW) ("**the Director**") was served on the Office of the Director of Public Prosecutions ("**ODPP**"). It required production of (in essence) all documents held by the ODPP, relating to Mr Monis, including with respect to any proceedings brought, bail applications made or opposed, and prosecutions commenced. The scope of the call for documents pursuant to that notice was subsequently narrowed by agreement in conferences and correspondence with the Director's legal representatives.
4. Further, statements by police officers and solicitors employed by the ODPP who had been involved in the bail proceedings were requested from the New South Wales Police Force ("**Police**") and the ODPP respectively.

5. The Director claims legal professional privilege (“**privilege**”) over the following material, sought in this inquest for the purpose of considering the bail questions:
 - i. Portions of witness statements prepared by Police officers for this inquest, describing communications between Police and practitioners of the ODPP;
 - ii. Certain documents caught by an order for production issued upon the Director by an Assistant Coroner of the State Coroner’s Court on 5 March 2015; and
 - iii. Certain communications between Police and ODPP practitioners, contained in documents provided by Police to the NSW Department of Premier and Cabinet (“**DPC**”) for the purposes of the Joint Commonwealth-New South Wales Review of the siege (“**the Joint Review**”).

The precise communications over which privilege are claimed is contained in Confidential Exhibit “JP2” to the Affidavit of John Pickering sworn 2 August 2015, being documents which have been marked in Volume 2 to show “redactions” indicating the Director’s privilege claims. In addition, a claim has also been made over each of the documents (in their entirety) in Volume 3 to that Exhibit.

Relevant legal privilege

Privilege

6. In *Esso Australia Resources v Commissioner of Taxation* (1999) 201 CLR 49, the High Court held that in order for communication to attract client legal privilege it must be confidential and have been brought into existence for the dominant purpose of the client obtaining legal advice or in relation to actual or contemplated litigation conducted on behalf of the client or for assistance or use in legal such proceedings.
7. It is for the party claiming client legal privilege to establish that it exists: *Grant v Downs* (1976) 135 CLR 674 at 689.¹
8. The common law rules concerning legal professional privilege apply (noting s.58(1) of the Coroners Act and the principle set down in *Baker v Campbell* (1983) 153 CLR 52 that privilege will only have been abrogated by express language or clear and unmistakable implication).

¹ *Grant v Downs* was overruled by *Esso* only with respect to the ‘sole purpose’ test, which was replaced by *Esso* with the ‘dominant purpose’ test.

9. To determine whether a communication is privileged a court must consider the purpose for which it is brought into existence, at the time it is brought into existence: *Barnes v Commissioner of Taxation* (2007) 242 ALR 601 at [5]. That is a question of fact to be determined objectively on the evidence before the court: *R v Bunting* (2002) 84 SASR 378 at [82]; *Grant v Downs* at 677.
10. In *Attorney General (NT) v Maurice* (1986) 161 CLR 118 it was held that privilege is a substantive rule of law and not merely a rule of evidence of procedure. Consequently, it should not be set aside in pursuit or furtherance of other public interests.
11. In addition to protecting communication between a lawyer and the client the privilege can extend to communications between the lawyer and third parties if they are made for the purposes of litigation or with a view to obtaining advice concerning it or evidence: *TPC v Sterling* (1978) 36 FLR 244 at 246.
12. As to the nature of the evidence required to uphold a claim for privilege, the authorities “emphasize the need for focused and specific evidence” upon which to ground a claim for privilege: *Barnes* at [18]. Where possible, the Court should be assisted by evidence of the thought processes behind, or the nature and purpose of advice being sought in respect of, each particular document: *Barnes* at [18]. However, a claim for privilege should be upheld where the relevant dominant purpose can be reasonably inferred from the content and on the face of the document on inspection: at [22].
13. As to waiver, a person who would otherwise be entitled to the protection of legal professional privilege in respect of a communication may, at common law, lose the privilege by virtue of some act of waiver, with the result that it loses the protection it might otherwise have enjoyed. The test for waiver, formulated by the High Court in *Mann v Carnell* (1999) 201 CLR 1 at [29] is as follows:

“Waiver may be express or implied. Disputes as to implied waiver usually arise from the need to decide whether particular conduct is inconsistent with the maintenance of the confidentiality which the privilege is intended to protect. ... What brings about the waiver is the inconsistency, which the courts, where necessary informed by considerations of fairness, perceive, between the conduct of the client and maintenance of the confidentiality; not some overriding principle of fairness operating at large.”
14. The Court in *Mann v Carnell* emphasised the importance of considering the circumstances or basis upon which the disclosure occurred. For instance, if privileged information was disclosed

for a limited and specific purpose, and upon terms that the third party would treat the information disclosed as confidential, this is unlikely to amount to waiver.

15. While a client can waive privilege the unauthorised disclosure of the privileged communication by another party will not do so: *Aouad v R* [2013] NSWSC 760 at [45] and [46].
16. In *Bennett v CEO Customs* [2004] FCAFC 237 it was held at [5] that it would be inconsistent and unfair to disclose the substance of legal advice and to then continue to assert privilege over it. Further, the disclosure of the effect of the advice may also amount to a waiver of the reasoning and content of the advice, including the factual premises and circumstances leading to the conclusion [13]. The voluntary disclosure of the gist of, or conclusion of, legal advice amounts to waiver in respect of the whole of the advice, including the reasons for the conclusion [65].
17. In *Nye v State of NSW* [2002] NSWSC 1267, O’Keefe J held that the ODPP acts as solicitor for the DPP in exercise of his/her functions, including the instituting and conducting of prosecutions.
18. *R v Bunting* contains a detailed analysis of the law in relation to privilege as it relates to the ODPP (albeit in reference to the South Australian equivalent in that case). Justice Martin noted at [18] the observations of Kelly J in *R v Dainer; Ex Parte Pullen* (1988) ACTR 25 at 33 that communications with the Director, if brought into existence for the purpose of obtaining advice or use in litigation, will be the subject of legal professional privilege. This can be either first, where the Director is legal advisor to the Police when the police institute criminal proceedings which it may expect the Director will in due course take over. Second, where the Director is acting in his function as a prosecutor and statutory officer of the Crown.
19. Martin J noted at [33] that *R v Dainer* and the other authorities to which he referred were persuasive authority for the proposition that if the Director or ODPP practitioners are acting lawfully (that is, within their statutory function), the giving of advice in appropriate circumstances to police or other investigative agency was capable of attracting the protection of privilege.
20. Justice Martin then turned to the statutory context in which the Director operates and noted that the Director, standing in the shoes of the Crown, carries out his prosecutorial function independently, and in such circumstances, the Director is the client of the ODPP practitioners who advise him. On that basis, subject to the impact of the duty of disclosure, there was no

reason in principle why communications between the Director and ODPP practitioners were not privileged: at [44]. His Honour added that similarly, appropriate communications between the ODPP practitioners and third parties would also attract the privilege (citing *Sterling*).

Relationship between the Director and Police in NSW

21. As reflected in *Bunting*, to assess a privilege claim by the Director, the starting point is consideration of the statutory functions being exercised by the Director.
22. The *Director of Public Prosecutions Act 1986* (NSW) ("**DPP Act**") creates the office of Director and Solicitor of Public Prosecutions ("**Solicitor**"), and sets out their functions and responsibilities.
23. The principal functions and responsibilities of the Director are to institute and conduct, on behalf of the Crown, prosecutions for indictable offences, and to conduct appeals in respect of any such prosecutions: s. 7(1). The Director may also institute and conduct committal proceedings for indictable offences, proceedings for certain summary offences, and appeals in respect of such proceedings: s.8.
24. The DPP Act contains a statutory regime for instances where the Director "takes over" a prosecution.
25. The source of power is s.9(1), which provides that if a prosecution has been instituted by a person other than the Director, the Director may take over the matter and carry on the prosecution or proceeding. In such an instance, relevant information must be furnished to the Director such as a full report of the circumstances of the matter and copy of all witness statements: s.17.
26. If the Director decides to take over a matter in accordance with s.9, the Director shall as soon as practicable provide notice in writing to the person otherwise responsible for the matter, and if the matter is pending before the Court, provide notice in writing informing the registrar or Judge or Magistrate (as appropriate) that the Director has taken over the matter: s.10(1). Failure by the Director to notify does not affect any of the Director's functions in relation to the matter: s.10(2).
27. If the Director takes over a matter under s.9, the Director shall, as from the time the Director complies with s.10(1) (ie has given written notice), be deemed the prosecutor in connection with the prosecution or proceedings: s.9(4).

28. The functions of the Director, insofar as they relate to the Police, include that the Director may recommend to the Commissioner of Police that proceedings be instituted in respect of any offence: s.14(1).
29. The Director may, by order in writing, give directions to the Commissioner of Police requiring certain information be provided to the Director for the purpose of enabling the Director to consider instituting or taking over a specified offence: s.16. Also, if the Director is considering instituting or taking over or has taken over a prosecution the Director may be order in writing request the Commissioner of Police investigate or further investigate matters associated with the alleged commission of the offence: s.18.
30. Finally, the Director may advise and assist any Crown Prosecutor, any member of the Police Force, or if so directed by the Attorney General, any other person in respect of the conduct of criminal proceedings: s.20(2).
31. The provision of advice to Police by the Director is dealt with in the ODPP's *Prosecution Guidelines* (2007). Guideline 13 notes that the Director prosecutes and the Police investigate; the Director does not appear on behalf of any person (other than the Crown). The Director may advise investigators in relation to the sufficiency of evidence to support nominated charges and the appropriateness of charges, but not in relation to operational issues, the conduct of investigations or the exercise of police or agency powers. Guideline 14 addresses the way in which advice is to be proffered.
32. The functions of the Solicitor are to act as solicitor for the Director in the exercise of the Director's functions: s.23.
33. The provisions related to the appointment of the Director and Solicitor are set out in Schedule 1 of the DPP Act and have effect: s.31.
34. In *Nye v State of NSW*, Justice O'Keefe considered the statutory regime establishing the offices of the Director and the Solicitor, finding at [18] that the DPP Act confers the status of client on the Director in the sense that he is the client of the Solicitor. His Honour observed at [11] that:

"[t]he principal functions [in s. 7 of the Act] cannot, in my opinion, be said to have as their dominant purpose the obtaining or giving of legal advice, nor the bringing into existence of documents for use in litigation other than perhaps a bill of indictment or charge or nolle prosequi".

35. Justice O’Keefe went on to state at [13] that “the nature of the functions conferred by ss. 8, 9 and 10 is not of a kind that would per se attract legal professional privilege to all activities undertaken in the course of exercising such functions”. And at [16] observed “...not all functions of the Director fall within the ambit of legal professional privilege”.
36. In relation to the Solicitor’s functions, O’Keefe J said “the fact that a person, or a public officer, performs functions as a solicitor does not carry with it the consequence that all documents produced, or even all advice given, by such person, will be protected by legal professional privilege” (at [19]).
37. O’Keefe J did not have occasion to address the relationship between the Director and Police specifically.

Joint Review

38. It is necessary to note that the *Martin Place Siege Joint Commonwealth-New South Wales review Report (“Joint Review Report”)*, published on 22 February 2015, addresses Mr Monis’ bail at Part 6 (titled “The Justice System”) which, amongst other things, detailed interactions between ODPP practitioners and the Police including advice given by ODPP practitioners to Police as to prospects of challenging the bail decisions (pages 38-42). This was apparently based on material provided to the DPC by the Director and the Police.
39. The relevant portions of the Joint Review Report are as follows:

[Regarding bail on the murder charges (granted on 12 Dec 2013) (p.40)]:

“Investigating police raised their concerns verbally about the bail decision with a managing lawyer at the ODPP and the lawyer who had carriage of the prosecution. Investigating police also prepared a draft letter to the DPP requesting review of the court’s decision about bail and advised a managing lawyer at the ODPP that the letter for review of the bail decision would be submitted to the DPP through their chain of command.

The ODPP provided oral advice to the NSW Police Force in response about the significant hurdles involved in reviewing the decision to grant Monis bail, including the complexities associated with the prosecution case.”

[Regarding bail on initial sexual assault charges (granted 26 May 2014) (p.41)]:

“Police and the ODPP lawyer with carriage of the matter discussed the possibility of reviewing the grant of bail. The ODPP solicitor advised NSW Police orally that the prospects of a successful review would be low given in particular that Monis already had a history of compliance with bail conditions, including the fact that he was continuously

on bail from 2009 to 2013 on the postal charges, without ever failing to attend court or adhere to bail conditions; the historical nature of the sexual offences; and the fact that the pre-2013 bail legislation (which required exceptional circumstances to be established by the accused before bail could be granted for the offence of murder) had been repealed in the intervening period. The ODPP lawyer confirmed this advice in writing by email.

No detention application was made. During those discussions, police indicated that further sexual assault charges were likely to be laid in the near future. The ODPP solicitor suggested that consideration be given to laying those charges by way of arrest, which would then enable police to take Monis into custody and refuse bail on the fresh charges. If that occurred, the ODPP solicitor said that Monis would need to make a further release application and the prosecution would be on stronger grounds, by virtue of the new offences, to oppose bail.”

[Regarding bail on additional sexual assault charges (granted 10 October 2014) (p.41)]:

“When the charges were listed at court on 10 October 2014, the prosecution, by agreement with police, did not seek to have bail revoked but instead sought to have bail conditions imposed for the additional charges in the same terms as the grant of bail for the original three sexual offence charges, with one additional condition.”

40. In answer to an order for production issued by the Coroner to the Secretary of the Department of Premier and Cabinet (“DPC”) dated 4 March 2015, DPC produced (inter alia) folders titled “ODPP” and “NSW Police Force”. Those folders contained documents apparently volunteered by these agencies to DPC, and included communications between Police and ODPP practitioners relating to Mr Monis’ bail.
41. As noted above, the Director claims privilege over portions of the documents produced by the Police to DPC on the basis that he did not authorise their release and waive his privilege.
42. The Director does not claim privilege over the material he (through his officers) produced to DPC. That material comprised an email dated 22 January 2015 from Keith Alder (Deputy Director of Public Prosecutions) to Karen Smith (Deputy General Counsel at DPC) with two attachments.
43. The email communication commenced with a request by Ms Smith that Mr Alder consider the document attached to her email described as the ‘terms of reference on the criminal justice system’. It is apparent from the terms of her email and Mr Alder’s response that this was a draft of what became Part 6 of the Joint Review Report. Ms Smith highlighted portions within the document where she was seeking further information from the Police/Department of Justice/DPP.

44. Ms Smith also attached a document described as 'draft bail review letter (redacted by police)' and police fact sheet as provided to DPC by Police for the purpose of the Joint Review. It is apparent the document described as 'draft bail review letter (redacted by police)' was the draft letter prepared by Police which was never sent (see p.40 Joint Review Report).
45. In his email in response, Mr Alder provided answers to the series of questions she raised, including the answer to item referred to as 'Page 6', which related to discussions between Police and the DPP in relation to bail and, as to the murder charges, the DPP's reasons for advising the prospects of success were low. In providing his answer, Mr Alder referred to and annexed a copy of a file note dated 17 December 2013.
46. The file note dated 17 December 2013 was also produced by the Director to DPC, and subsequently obtained in this inquest. It will be added to the brief of evidence for the upcoming segment. The Director makes no privilege claim in respect of this file note, which was apparently written by ODPP solicitor Lisa Viney, and records a telephone conversation with Detective Inspector Jason Dickinson of the Police on the morning of 17 December 2013, regarding the bail application in relation to Mr Monis. The file note reads as follows:

"telephone conversation from [Detective Inspector] Jason Dickinson re bail application last week. police dissatisfied with outcome and seeking review via TT. Said crown conceded points re alibi and that essentially weak crown case. Said will be difficult circumstantial matter requires someone experienced possibly 20 to 40 volumes. Said only DPP can review bail and may be issue with crown concessions already made. Wont be able to set any listing prior to xmas just impossible most people finishing work Friday. Said he would send something via TT to SK to DPP. Will get Mel OIC to send what she has to me via email. there are TIS LDS and loads of material."

Conclusions relevant to this application

47. It is accepted that a coroner's power to obtain documents pursuant to compulsory process (such as s. 53 of the Coroners Act) does not permit a coroner to override any claims for privilege that may subsist at common law.
48. It is convenient to note at the outset that during the course of hearing this dispute about the Director's privilege claim, concessions were made that the Director did not maintain certain of his claims, on the basis it was accepted there had been waiver by reason of the material provided to and published in the Joint Review Report.
49. I then turn to my conclusions. At all material times, the Director had taken over the prosecutions involving Mr Monis, pursuant to s. 9 of the DPP Act.

50. Upon doing so he became the client of the ODPP.
51. Any advice or evidence sought from the Police involved in the investigation of the offences being prosecuted or any communication for the purposes of those proceedings, between solicitors employed by the ODPP and the Police, provided in each case that they were confidential, are liable to attract privilege which can only be waived by the Director.
52. The disclosure to DPC of the gist of advice given by the ODPP concerning the prospects of reviewing the grant of bail to Mr Monis amounted to a waiver of the whole of the advice to which reference was made, including the reason for it.
53. The application of the legal principles enunciated above and my conclusions to the Director's claim for privilege in relation to the particular communications is set out in the attached schedule.

Schedule of rulings regarding DPP privilege claims

No	Privilege Claim	Ruling (ie claim upheld or rejected/ conceded)
VOLUME 2 OF EXHIBIT "JP2"		
Statement of Assistant Commissioner Mark Oswell Jenkins dated 11 March 2015		
1.	Redacted portions of Exhibit: Email chain between DI Dickinson, AC Jenkins and D Supt Willing dated 13 Dec 2013, first page of the chain	Upheld
2.	Redacted portions of Exhibit: Email chain between DI Dickinson, AC Jenkins and D Supt Willing dated 13 Dec 2013, second page of the chain	Rejected: not for purpose of obtaining legal advice or for purpose of litigation
3.	Redacted portions of Exhibit: Draft letter to Lloyd Babb SC	Upheld
Statement of Detective Superintendent Michael John Willing dated 16 March 2015		
4.	Redacted portions of paragraph 10	Upheld
5.	Redacted portions of paragraph 12	Upheld
6.	Redacted portions of Exhibit: Draft letter to Lloyd Babb SC	Upheld
7.	Redacted portions of Exhibit: Email chain between DI Dickinson, AC Jenkins and D Supt Willing dated 13 Dec 2013, first page of the chain	Upheld
8.	Redacted portions of Exhibit: Email chain between DI Dickinson, AC Jenkins and D Supt Willing dated 13 Dec 2013, second page of the chain	Rejected: not for purpose of obtaining legal advice or for purpose of litigation
Statement of Detective Inspector Jason Dickinson dated 27 February 2015		
9.	Redacted portions of paragraph 6	Upheld
10.	Redacted portions of paragraph 7	Upheld
11.	Redacted portions of paragraph 11	Upheld
12.	Redacted portions of paragraph 12	Upheld
13.	Redacted portions of paragraph 18	Upheld

14.	Redacted portions of Exhibit: Email chain between DI Dickinson, AC Jenkins and D Supt Willing dated 13 Dec 2013, first page of the chain	Upheld
15.	Redacted portions of Exhibit: Email chain between DI Dickinson, AC Jenkins and D Supt Willing dated 13 Dec 2013, second page of the chain	Rejected: not for purpose of obtaining legal advice or for purpose of litigation
16.	Redacted portions of Exhibit: Email from DSC Staples to Lisa Viney dated 18 December 2013	Upheld
17.	Redacted portions of Exhibit: Email chain between DSC Staples, DI Dickinson and Lisa Viney dated 18 December 2013	Upheld
18.	Redacted portions of Exhibit: Draft letter to Lloyd Babb SC	Upheld
Statement of Detective Sergeant Eugene Stek dated 24 June 2015		
19.	Redacted portions of paragraph 15	Upheld
20.	Redacted portions of paragraph 16	Upheld
21.	Redacted portions of paragraph 40	Upheld
22.	Redacted portions of paragraph 42	Conceded by DPP – claim not maintained
23.	Redacted portions of paragraph 43	Conceded by DPP – claim not maintained
24.	Redacted portions of paragraph 47	Partly conceded by DPP – claim not maintained in respect of sentences “After careful consideration” to end of paragraph. Claim otherwise upheld
25.	Redacted portions of paragraph 57	Upheld
26.	Redacted portions of Exhibit: Email chain initiated by email from Philip Green to Linda Barnes, and email chain between DSC Vavayis and Linda Barnes dated 28 April to 8 May 2014	Upheld
27.	Redacted portions of Exhibit: Email from Linda Barnes to DSC Vavayis dated 27 May 2014	Rejected: part of reason for advice (<i>Bennett</i> at [13])

Statement of Detective Senior Constable Denise Vavayis (nee Ross) dated 18 March 2015

28.	Redacted portions of paragraph 76	Conceded by DPP – claim not maintained
29.	Redacted portions of Annexure K : Critical Incident Response dated 29 December 2014 (pp.3359 – 3360)	Partly conceded by DPP – claim not maintained in respect of: <ul style="list-style-type: none"> - final paragraph on p.3359 - first and second paragraph on p.3360 - final paragraph on p.3360 from words “After careful...” Otherwise claim upheld
30.	Redacted portions of Annexure L: Supplement to Critical Incident Response (p.3365)	Rejected: part of reason for advice (<i>Bennett</i> at [13])
31.	Redacted portions of Annexure J: Email from Linda Barnes to DSC Vavayis dated 27 May 2014 (p.3367)	Rejected: part of reason for advice (<i>Bennett</i> at [13])
32.	Redacted portions of Annexure E (p.3369 - 3372)	Upheld

Statement of Detective Senior Constable Melanie Staples dated 1 April 2015

33.	Redacted portions of paragraph 120	Upheld
34.	Redacted portions of paragraph 121	Upheld
35.	Redacted portions of paragraph 124	Upheld
36.	Redacted portions of paragraph 126	Upheld
37.	Redacted portions of paragraph 127	Upheld
38.	Redacted portions of paragraph 128	Upheld
39.	Redacted portions of paragraph 129	Upheld
40.	Redacted portions of paragraph 130	Upheld
41.	Redacted portions of paragraph 137	Upheld
42.	Redacted portions of paragraph 138	Upheld
43.	Redacted portions of paragraph 139	Upheld

44.	Redacted portions of paragraph 141	Rejected: not for purpose of obtaining legal advice or for purpose of litigation
45.	Redacted portions of paragraph 142	Upheld
46.	Redacted portions of paragraph 143	Upheld
47.	Redacted portions of paragraph 144	Upheld
48.	Redacted portions of paragraph 145	Upheld
49.	Redacted portions of paragraph 146	Upheld
50.	Redacted portions of paragraph 148	Upheld
51.	Redacted portions of paragraph 155	Upheld
52.	Redacted portions of paragraph 156	Upheld
53.	Redacted portions of paragraph 157	Upheld
54.	Redacted portions of paragraph 158	Upheld
55.	Redacted portions of paragraph 160	Upheld
56.	Redacted portions of paragraph 161	Upheld
57.	Redacted portions of Annexure B (from p. 2730)	Upheld
58.	Redacted portions of Annexure C (from p. 2733)	Upheld
59.	Redacted portions of Annexure D (from p. 2739)	Upheld
60.	Redacted portions of Annexure F (from p. 2752)	Upheld
61.	Redacted portions of Annexure G (from p. 2755)	Upheld
62.	Redacted portions of Annexure H (from p. 2760)	Upheld
63.	Redacted portions of Annexure K (from p. 2793)	Upheld
64.	Redacted portions of Annexure L (from p. 2796)	Upheld
65.	Redacted portions of Annexure N (from p. 2803)	Upheld
66.	Redacted portions of Annexure O (from p. 2807)	Upheld
67.	Redacted portions of Annexure P (from p. 2842)	Upheld
68.	Redacted portions of Annexure Q (from p. 2846)	Upheld

69.	Redacted portions of Annexure R (from p. 2852)	Upheld
70.	Redacted portions of Annexure T (from p. 2880)	Upheld
71.	Redacted portions of Annexure U (from p. 2919)	Upheld
Email chain between DSC Ross and Linda Barnes (ODPP) dated 27 May 2015		
72.	Redacted portion of email dated 27 May 2015 between DSC Ross and Linda Barnes (ODPP)	Rejected: part of reason for advice (<i>Bennett</i> at [13])
Homicide Squad briefing note dated 22 December 2014		
73.	Redacted portions of pp.13 to 14	Upheld
VOLUME 3 OF EXHIBIT "JP2"		
74.	All documents contained in Volume 3 of Exhibit "JP2".	Upheld