

Insiders

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Gerard Henderson and David Marr

David Marr: I am not privy to the strategic thinking of the legal team, but this is the way in dozens of these trials, which I have followed, is the normal course.

Gerard Henderson: So, you're talking about precedent relating to someone else. I mean, you don't know—

David Marr: No. I'm talking about precedent relating to many others.

Gerard Henderson: I agree with Paul Kelly on this. I mean, I think there's a bigger issue here for Victoria Police to answer. Victoria Police said last week that this case was being treated in the normal way. Now in the *normal way* in jurisdictions it's not *normal* for the police commissioner to say a person is guilty before even he's even charged which is what the commissioner said here — when he described— after the ABC 7:30 Report, he described the complainants as "victims." This has been condemned in the High Court— a former judge of the High Court of England has condemned this. Now recently—

David Marr: He withdrew it, didn't he Gerard?

Gerard Henderson: Well, he withdrew it after he said it. That's pretty—

David Marr: —And he apologised for stumbling.

Gerard Henderson: I don't know, well I mean, Louise Milligan said "well he didn't really mean to say it." But the point is—

David Marr: But you're not alleging—

Gerard Henderson: The point is—

David Marr: But you're not alleging— he's not alleging that he seriously went out there and seriously—

Gerard Henderson: Well, I'm not saying he seriously did it. I'm saying—

David Marr: It was a slip of the tongue wasn't it Gerard?

Gerard Henderson: I'm saying he said it and it was a mistake to say it a—

David Marr:— I agree. But it was a slip of the tongue, wasn't it?

Gerard Henderson: —And the approach has been condemned in Britain. So, what you've got is you've got all these leaks from the Victorian Police force.

David Marr: How do you know?

Gerard Henderson: Well, can I just finish?

David Marr: Yeah.

Gerard Henderson: And a situation you've got which has never been normal that the Police Commissioner goes variously on Jon Faine on the *ABC* and Neil Mitchell on

3AW and discusses cases, including this case. Now, name me one other case in Australian recent history when the Police Commissioner takes questions on talkback radio.

David Marr: Um, I can, look, I can't off the top of my head but I'll provide you with a list.

Gerard Henderson: Well, I look forward to that David.