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HEARING

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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE DAVID IPP AO QC

PUBLIC HEARING

OPERATION DEWAR

Reference: Operation E13/0824

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON WEDNESDAY, 4 DECEMBER 2013

AT 2.06PM

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THE COMMISSIONER: Mr Fordham.

MR FORDHAM: The plan was to have the two witnesses from before lunch reappear to be cross-examined.

THE COMMISSIONER: Yes.

MR OATES: My understanding is that that's not to occur.

10 THE COMMISSIONER: Mr Oates?

MR OATES: Yes, that's correct, Commissioner.

THE COMMISSIONER: You don't wish to cross-examine - - -

MR OATES: I don't.

THE COMMISSIONER: - - - either Mr Head or Mr Tree?

20 MR OATES: That's correct, Commissioner.

THE COMMISSIONER: Yes, thank you.

MR FORDHAM: Might they be excused?

THE COMMISSIONER: Mr Head and Mr - is Mr Head here, and Mr Tree? Thank you for coming this morning. The summons against you is discharged and you're free to go.

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THE SUMMONSES AGAINST MR HEAD AND MR TREE ARE DISCHARGED

THE COMMISSIONER: Do we have any other witnesses?

MR FORDHAM: No, we don't but can I - not this afternoon and I apologise for that but we're ahead of schedule to some extent.

40 THE COMMISSIONER: Yes.

MR FORDHAM: I tender a statement of Ms Jacqueline Fredman, formerly of the ICAC.

THE COMMISSIONER: Right. The statement of Ms Fredman will be Exhibit 5.

**#EXHIBIT 5 - STATEMENT OF MS JACQUELINE FREDMAN
DATED 10 JULY 2013**

MR FORDHAM: Thank you. I tender a statement from Mr Chris Wheeler, the Deputy Ombudsman New South Wales.

THE COMMISSIONER: Yes, the statement of Mr Wheeler will be Exhibit 6.

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**#EXHIBIT 6 - STATEMENT OF MR CHRIS WHEELER –
UNDATED**

MR FORDHAM: That brings me to the end of the evidence that I can usefully call today.

THE COMMISSIONER: Yes.

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MR FORDHAM: First thing in the morning I will call Mr Scutella, following that - and I anticipate that will take something in the order of 20 minutes to half an hour including cross-examination.

THE COMMISSIONER: Is there a statement by Mr Scutella?

MR FORDHAM: No, there isn't unfortunately. I had thought of that.

THE COMMISSIONER: Yes.

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MR FORDHAM: Following that it's anticipated that I will call Mr Pearce. He will take a good part of tomorrow. If we finish him we will then commence with Mr Kear subject to his availability but I'm assuming he's here and ready.

THE COMMISSIONER: Yes.

MR FORDHAM: And I anticipate that I will be the best part of a day with Mr Kear.

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THE COMMISSIONER: So we should finish on Friday?

MR FORDHAM: Subject to cross examination one would have thought so.

THE COMMISSIONER: Yes.

MR FORDHAM: If it does not finish on Friday then it will finish on Tuesday.

THE COMMISSIONER: Finish on Tuesday, yes, thank you.

MR FORDHAM: Comfortably.

THE COMMISSIONER: Yes, thank you. The Commission will adjourn until tomorrow at 10.00am.

10 **AT 2.09PM THE MATTER WAS ADJOURNED ACCORDINGLY**
[2.09PM]