

RESUMED

HIS HONOUR: Good afternoon, Dr Tiemensma.

MARIANNE TIEMENSMA, affirmed:

HIS HONOUR: Have you your report with you and other documents, obviously?---I do, your Honour.

Is there any objection to doctor referring to her notes, et cetera?

MR STRICKLAND: There is not, your Honour. However, there has been a development over lunch. My learned friend has advised me that he doesn't require this witness, or any of the other witnesses for examination. We have notified Dr Tiemensma of that. And that being said, I don't intend to ask any further questions beyond what's in her report.

HIS HONOUR: Have you been able to speak to the other doctors, or not?

MR STRICKLAND: I haven't, but I understand Ms Dixon's personal assistant has.

HIS HONOUR: All right.

Doctor, thank you very much for making yourself available this afternoon. As you've heard, no questions need to be asked of you at this stage. Please return to your office. Thank you very much?---Thank you.

WITNESS WITHDREW

HIS HONOUR: So does that complete the evidence - - -

MR STRICKLAND: No, your Honour. I tender a part of a record of interview between Detective Senior Sergeant Kirk Pennuto and Claudia Campagnaro, C-A-M-P-A-G-N-A-R-O. Your Honour, only part of that is tendered. I've discussed this with my learned friends. It's tendered without objection. However, there's no concession by the accused this material will be admissible at trial. And I would also seek a non-publication order or prohibition - - -

HIS HONOUR: Of this material?

MR STRICKLAND: Of this particular statutory declaration - sorry, of this particular record of interview.

HIS HONOUR: It will be marked exhibit p16.

EXHIBIT P16 Portion of record of interview between Kirk Pennuto and Claudia Campagnaro.

HIS HONOUR: Mr Edwardson, do you want to make any submissions about the application for non-publication of this exhibit P16?

MR EDWARDSON: Yes, I do, your Honour. Yes, your Honour. Your Honour, I've not studied it in detail. It relates to a conversation that's imputed to my client. As you heard, it certainly would be hotly contested in terms of its admissibility. It would be highly prejudicial if published before a determination was made by the trial judge.

It's really no different from the existing non-publication order which was made in respect of some other evidence of a similar type. The application itself is not opposed, and it won't make any difference to anything that we propose to do going forward.

And while I'm on my feet, your Honour, can I mention this: there is one outstanding statement that's yet to be provided, and that's the Sorrell statement that would deal with how the enhanced footage that was played to the various witnesses came about, and what - you know, just to formally prove it, as it were. As I understand it, that's the only outstanding piece of evidence in relation to the committal.

I can tell your Honour that we do want to set some time aside for me to make - for us to make a no-case submission to your Honour in this matter, and we will need to set aside a day for that to happen.

The dates that we had hoped the court might be available are Wednesday the 24th, the 25th or the 26th - sorry, 23, 24, 25, that's right. Saturday is the 26th. My apologies.

HIS HONOUR: Of what month?

MR EDWARDSON: Of September. So any one of those days that's, if possible, convenient to the court.

HIS HONOUR: In relation to exhibit P16, I prohibit access or publication of this exhibit, except with leave of the court.

MR STRICKLAND: If your Honour pleases.

HIS HONOUR: I will have to adjourn briefly, gentlemen, just to check the court's diary. If that time is not available, are you available at other times?

MR EDWARDSON: I've mentioned this - I may have mentioned it - 1 and 2 October.

HIS HONOUR: Yes.

MR EDWARDSON: I'm also free on 2 October, your Honour.

HIS HONOUR: And do you plan to come here in person?

MR STRICKLAND: Yes, I do, your Honour. I will need to get an exemption again, but subject to that.

HIS HONOUR: Okay. And yourself, Mr Edwardson?

MR EDWARDSON: I can come and go. South Australia, I can come and go (inaudible)

HIS HONOUR: Yes, you can, can't you? Yes.

MR EDWARDSON: I will be coming, yes, your Honour.

HIS HONOUR: Yes, all right. I will adjourn for a few minutes and consult the court's diary, et cetera, and come back to you very shortly.

ADJOURNED