

Comments from the Transcript of the Hearings:

HIS HONOUR: Well, I think this whole thing is a bit just most this whole case is very unusual. listened to that recording. Whats so terrible?

MR LATHAM (counsel for the Defence): Sorry, your Honour?

HIS HONOUR: All for four days about, you know, Don't go down there, mate.

MR LATHAM: Your Honour

HIS HONOUR: I'm just very worried about all of this. I can't

MR LATHAM: Your Honour, we have, unusually for a case like this, actually set out essentially our defence, and we have made these points in advance, which were not required to do, and we have actually asked the ABCC to withdraw some of these allegations.

HIS HONOUR: Yes, I know. Give the whole thing a bit of a thought. I think waste of public funds. You're sitting in court for days and days and days. Seems to me to be something that the court could make some critical observations about. Even if you're guilty.

MR LATHAM: I agree with that, your Honour.

HIS HONOUR: I mean, what are we going to get here? What are we going to get?

MR COLEMAN: Well, with respect, your Honour, the Act sets out provisions that

HIS HONOUR: Of course it does, and so of course it does, and so do lots of Acts of Parliament, but there is always some thought given to whether or not the Acts are enforced. I mean, it may be that there's nothing else you can do. Maybe it maybe the legislation is changing so you can rap people over the knuckles, but were it's my money. You're being supported by my money, and you're here for four or five days over this sort of stuff. I mean, we all just listened to that tape. I mean, if it I have to tell you that I didn't hear a huge amount of aggressiveness. I don't think that Mr Mitchell's conduct during it was perfect, but I don't think the eyewitness was aggressive, and I mean, what are we doing?

MR LATHAM: Your Honour, the only allegation that that recording touches on is

HIS HONOUR: Is, Don't go down there, mate. All right. And he did. We know he did.

MR COLEMAN: Your Honour will hear evidence as to why it was unsafe.

HIS HONOUR: We've all been unsafe, but, thank God, he came up out of it and it maybe he shouldn't have done it. But do we need to be in court for four days about it? All right. Look, you've you're the prosecutor, you decide, but what Mr Latham, you've still got to really say if you're going to do something about this.

...

HIS HONOUR: Well, why can't I just you think that's at the beginning, do you? Well, all right. Well, we will just have to hear it. I mean, if this case goes on this

week do you know when you are coming back? Next year. Do you understand that? All right. We have had one witness today about a case about whether a bloke took his hat off or didn't take his hat off and whether said, Fuck off, to somebody or he didn't say, Fuck off, to somebody. One wonders. One wonders about the motive for all of this. I will listen to it.