

**YEAR 10
PLANNER**

2018 VCE PLANNER

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**16-PAGE
LIFTOUT
INSIDE**

TUESDAY, AUGUST 7, 2018

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Herald Sun *We're for you*

Australia simply booming

JOHN MASANAUSKAS AND GRANT McARTHUR

AUSTRALIA will hit 25 million people tonight as immigration and higher-than-expected birthrates fuel a population surge.

The milestone arrives 33 years ahead of Australian Bureau of Statistics predictions.

Melbourne is almost at 5 million, with Victoria recording 82,105 births last year — about 6000 more than in 2012.

Business groups welcomed the rapid population growth, but Australian Population Research Institute president Dr Bob Birrell said it was forcing Victorians into apartment living and putting a strain on road and rail infrastructure.

FULL REPORT, PAGE 3

Andrew Brayshaw in the back of an ambulance on Sunday and Andrew Gaff (right) on the bench.



STAR EAGLE FACES POSSIBLE CRIMINAL PROBE

POLICE HEAT ON GAFF

AFL star Andrew Gaff is facing possible police action and a likely season-ending ban as the fallout from his sickening behind-the-play attack escalates.

The Melbourne-born-and-bred Eagle will fly in to learn his fate at the AFL Tribunal tonight, and West Australian police

PETER ROLFE

yesterday opened the door to potential criminal charges.

Gaff's ugly assault on Fremantle's Andrew Brayshaw, 18, on Sunday left the Dockers' young gun with a broken jaw.

CONTINUED PAGE 4

GREAT SENNHEISER HEADPHONES DEAL

DETAILS P16

Convicted police killer wins right to court review

CONVICTED double police killer Jason Roberts has won the right to take his case back to court, as an unfolding police corruption scandal is examined.

In an extraordinary reversal, Attorney-General Martin Pakula, who in March last year denied Roberts' petition for mercy, has referred the case back to court.

ANTHONY DOWSLEY

A Supreme Court judge will assess the credibility of 2013 alibi evidence by Roberts and his ex-girlfriend, Nicole Debs, over the 1998 killings of Gary Silk and Rodney Miller.

The judge will also consider doctored police statements uncovered by the *Herald Sun*, covert phone

recordings never put before a court, and what is said to be two admissions by serial killer Bandali Debs that he committed the police murders alone.

Victoria's corruption watchdog has begun behind-closed-doors hearings regarding a doctored police statement by officer Glenn Pullin, which was revealed by the *Herald Sun*.

Mr Pakula's reversal was prompted by recommendations by retired Justice Bernard Teague that the credibility of the alibis should be tested, and other key evidence considered.

"Sufficient new evidence is presented in the petition to raise the possibility that a miscarriage of justice has occurred and this should be

considered by the court," Justice Teague wrote in his June 20 report to Mr Pakula.

The court will examine the new evidence, and could hear from witnesses later this year.

It will then submit its findings to the Attorney-General, who will have to decide whether to refer the "whole" case to the Court of Appeal.

CONTINUED PAGE 8



Roberts' freedom bid boosted by serial killer's claim he was lone gunman in murders of Rodney Miller and Gary Silk



Court to eye cop kill case

Debs: I was alone

FROM PAGE 1

The families of Gary Silk and Rodney Miller were told of the development yesterday.

Carmel Arthur, the widow of Senior Constable Miller, said: "We have always respected the judicial process and we will continue to do so until the matter is resolved. As we prepare for the 20th anniversary of Rod and Gary's death, we choose to focus not on how they died, but how they lived: two great men."

Chief Commissioner Graham Ashton has also been told.

Police union secretary Wayne Gatt said it was disappointing that the families could not gain closure.

"The Police Association of Victoria has spoken to the Silk and Miller families within the past 24 hours," he said.

"We share their disappointment and heartache in the realisation that their struggle for closure and their two-decades-long quest to move forward with their lives has once again been halted.

"We retain our full confidence in, and admiration for, the Lorimer Taskforce and the tireless work that investigators, past and present, dedicated to bringing their colleagues' killers to justice."

Decorated homicide detective Ron Iddles led a 2013 police review of Roberts' conviction, which concluded that on the basis of probability, he was not at the crime scene.

He said it was now up to the court to determine justice.

"It's now up to the justice system to work through the guilt or innocence of Jason Roberts. The emergence of the two statements is of great concern to me, and that is a matter that is currently before IBAC."

Mr Iddles said the contradictory statements were critical to the case, in placing multiple offenders at the scene.

Mr Pakula re-examined Roberts' plea for mercy after a series of stories published by the *Herald Sun*.

These included the uncovering of the buried statement that revealed that police had falsified a critical statement to place multiple offenders at the scene of the shootings.

A statement by officer Glenn Pullin about the dying words of Sen-Constable Miller was altered.

The original statement was sworn in the hours after the ambush shootings. It is understood to have been altered about two years after the Lorimer investigation began.

Critically, both statements found by the *Herald Sun* bore the same date and time on the day of the shootings — August 16, 1998. The original statement had no mention of more than one offender.

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Jason Roberts and Bandali Debs daughter, Nicole.



HOW IT UNFOLDED

AUGUST 16, 1998

Sgt Gary Silk and Sen-Constable Rodney Miller are conducting a stake-out outside the Silky Emperor Chinese restaurant to find two armed robbers. They are shot after pulling over a blue Hyundai.

JULY 25, 2000

Bandali Debs and Jason Roberts are arrested.

DECEMBER 31, 2002

Debs and Roberts are found guilty of the murders in the Supreme Court and sentenced to life in prison.

FEBRUARY 26, 2009

Barrister Sean Grant alerts Victoria Police to Roberts' claims of innocence.

DECEMBER 2012

The Director of Public Prosecutions, John Champion, meets veteran detective Ron Iddles, instigating a review of Roberts' conviction.

2013

Roberts and his ex-girlfriend, Nicole Debs, give new statements.

DECEMBER 4, 2013

Mr Iddles finds that on the basis of probability, Roberts was not at the crime scene.

MARCH 2015

Former police officer Glenn Pullin, who comforted the wounded Sen-Constable Miller, confesses to Mr Iddles that he altered a statement he made hours after the murders. The additional material indicated there was more than one offender.

LATER IN 2015

IBAC investigates issues surrounding statements made by officers who attended Sen-Constable Miller, but does not make adverse findings, with Mr Pullin testifying he had lied to Mr Iddles about the second statement.

MID 2016

Attorney-General Martin Pakula receives Roberts' petition for mercy.

DECEMBER 2016

David Grace, QC, engaged by Mr Pakula to give legal opinion, recommends that the case should return to court.

MARCH 2017

Mr Pakula denies Roberts' petition. He rejects initial recommendations by the Department of Justice and independent legal advice to refer the case back to court. He instead relies on a Victoria Police submission to deny the petition. He has since refused to release the documents.



JULY 2017

The *Herald Sun* reveals a police interview with Nicole Debs corroborates Roberts' alibi that he was with her at home on the night of the murders.



NOVEMBER 2017

The *Herald Sun* reveals the detail of Mr Pullin's buried original police statement, obtained from a high-level whistleblower. Mr Iddles takes the document to IBAC, which relaunches a police corruption investigation. Mr Pakula invites Roberts' lawyers to resubmit a petition for mercy.

MARCH 2018

Roberts' legal team resubmits petition for mercy. Mr Pakula engages retired Supreme Court Justice Bernard Teague to give independent legal opinion.

AUGUST 6, 2018

Mr Pakula announces his decision to refer the Roberts case back to the Supreme Court, based on recommendations from Mr Teague (left).

CONVICTED police killer Bandali Debs "recently" told two people on separate occasions that he was alone on the morning he killed officers Gary Silk and Rodney Miller, an explosive report reveals.

The Andrews Government yesterday released a detailed recommendation from retired Supreme Court judge Bernard Teague regarding the conviction of Jason Roberts over the police murders in Moorabbin in August 1998.

Justice Teague, who has spent three months reviewing Roberts' bid for freedom, following revelations in the *Herald Sun*, highlighted the significance of "evidence of Debs having recently told two persons on separate occasions that he went out alone on the night of the shootings".

In his four-page report, Justice Teague concluded there was "significant public interest" in having a court consider the credibility of a recent alibi provided by Roberts and his former girlfriend, Nicole, the daughter of Bandali Debs.

In 2013, Nicole Debs backed a new statement by Roberts that on the morning of the shootings, they were in bed.

In her statement, revealed in the *Herald Sun* last year, she said: "I do not want to see Jason Roberts and I can assure you I would not lie for him."

"What I want to do is set the record right, and confirm with you Jason Roberts was home with me on the night of 15 August, 1998."

Justice Teague said her new evidence was central to the assertion in Roberts' petition that it is "reasonably arguable that the Court of Appeal would find there has been a substantial miscarriage of justice".

He added that other material, including that Debs had said he was alone, which should also be considered, had persuaded him to recommend that the case go back to court.

Further evidence to be considered includes:

INTERCEPTED phone conversations, not aired at the trial, that "possibly" support Roberts' version that Debs acted alone in the murders; **EVIDENCE** relied on at the trial which was "not generally inconsistent" with a scenario

ANTHONY DOWSLEY

that Debs committed the murders alone and Roberts aided in concealing evidence; and **ROBERTS'** reasons for delaying giving evidence in his own interests, implicating Bandali Debs, until 2013.

Justice Teague said Roberts had asserted that they were in the same prison and he was afraid of Debs, a convicted serial killer.

Roberts also asserted that Debs had promised that if they were convicted of the murders, he would swear an affidavit that Roberts was not involved.

Justice Teague also referred to an "altered" statement made by Senior Constable Glenn Pullin, who comforted the mortally wounded Miller.

The officer testified at the trial that his statement, dated on the morning of the shootings, was accurate. However, a buried original statement uncovered by the *Herald Sun* in November last year showed he had made a second statement which was presented as an original. The original statement lacked the word "they", referring to multiple offenders.

Victoria's Independent Broad-based Anti-corruption Commission is investigating that matter.

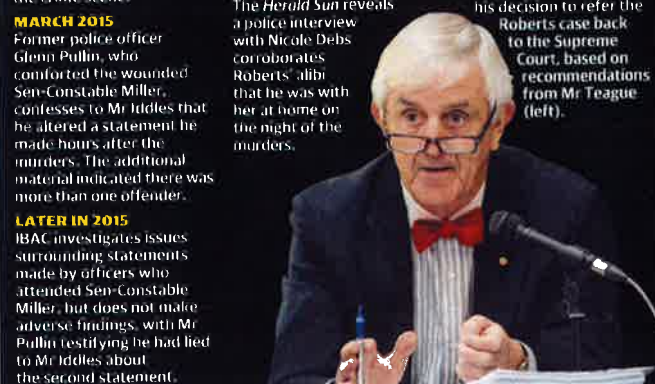
Justice Teague said this had not been as a "determinative factor" in his recommendation, but "if that evidence is what it appears to be, it shows that Pullin had not said in his original statement that a wounded Miller had used or adopted the word "they" in reference to the offenders".

"The alleged original Pullin statement calls into question evidence of words spoken by Miller indicating two offenders," he said.

As previously reported by the *Herald Sun*, Roberts had admitted to being involved in carrying out 10 armed robberies with Bandali Debs, and to being an accessory to murder.

He has admitted to aiding Debs in repairing the Hyundai Excel, which was damaged during the shootings, and to concealing evidence, including by hiding the guns used in the Silk-Miller murders.

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WHAT HAPPENS NOW

- 1 The Supreme Court Trial Division will consider whether alibi evidence of convicted police killer Jason Roberts and former girlfriend Nicole Debs is credible
- 2 Based on the court's finding, the Attorney-General will make a further decision on whether to refer the matter back to the Court of Appeal
- 3 If referred, the Court of Appeal will re-examine the entire case, including whether Victoria Police falsified police statements to put two offenders at the scene
- 4 The Court of Appeal will then decide whether to:
 - a) uphold the Roberts conviction
 - b) order a new trial
 - c) set aside the Roberts conviction of murdering two police officers and acquit him



Jason Roberts enters the Supreme Court for his plea hearing in 2003. Picture: Trevor Pinder

LAW & ORDER

Jason Roberts appeal over Silk-Miller murder conviction

Anthony Dowsley, Herald Sun

August 6, 2018 9:51pm

 Subscriber only



CONVICTED double police killer Jason Roberts has won the right to take his case back to court, as an unfolding police corruption scandal is examined.

In an extraordinary reversal, Attorney-General Martin Pakula, who in March last year denied Roberts' petition for mercy, has referred the case back to court.

A Supreme Court judge will assess the credibility of 2013 alibi evidence by Roberts and his ex-girlfriend, Nicole Debs, over the 1998 killings of Gary Silk and Rodney Miller.

MORE: [ROBERTS 'WAS NOT THERE', RON IDDLES CONCLUDES](#)

JASON ROBERTS RETRIAL BID

The judge will also consider doctored police statements uncovered by the *Herald Sun*, covert phone recordings never put before a court, and what is said to be two admissions by serial killer Bandali Debs that he committed the police murders alone.

Victoria's corruption watchdog has begun behind-closed-doors hearings regarding a doctored police statement by officer Glenn Pullin, which was revealed by the *Herald Sun*.

Mr Pakula's reversal was prompted by recommendations by retired Justice Bernard Teague that the credibility of the alibis should be tested, and other key evidence considered.

'ald Sun

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Victorian Attorney-General Martin Pakula. Picture: AAP/David Crosling

“Sufficient new evidence is presented in the petition to raise the possibility that a miscarriage of justice has occurred and this should be considered by the court,” Justice Teague wrote in his June 20 report to Mr Pakula.

The court will examine the new evidence, and could hear from witnesses later this year.

It will then submit its findings to the Attorney-General, who will have to decide whether to refer the “whole” case to the Court of Appeal.

[READ JUSTICE TEAGUE’S FULL RECOMMENDATION HERE](#)

WHAT HAPPENS NOW

1 The Supreme Court Trial Division will consider whether alibi evidence of convicted police killer Jason Roberts and former girlfriend Nicole Debs is credible

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Jason Roberts and Bandali Debs' daughter, Nicole.

Shadow Attorney-General John Pesutto said: “The evidence the government has released today on which it’s relied to make this decision wouldn’t have convinced us that a referral back to the Supreme Court ought to have been made.

“The matter is before the courts but we believe that a tough approach is needed in these cases. Yet again we have a decision from Daniel Andrews that errs on the side of perpetrators.”



 Police Association Secretary Wayne Gatt. Picture: AAP Image/Alex Murray

‘FULL CONFIDENCE’ IN TIRELESS WORK

The Police Association of Victoria secretary Wayne Gatt said it was disappointing the families could not gain closure.

“The Police Association of Victoria has spoken to the Silk and Miller families within the past 24 hours,” he said.

“We share their disappointment and heartache in the realisation that their struggle for closure and their two-decades long quest to move forward with their lives has once again been halted.

“We retain our full confidence in, and admiration for the Lorimer Taskforce and the tireless work that investigators, past and present, dedicated to bringing their colleagues’ killers to justice.

“The impact that the murders of these police officers had on first responders, investigators, colleagues and friends of the slain officers cannot be understated and should be understood. Lives and careers ended on that night.

“Days like today only add to the burden of those who have fought so long and so hard to forget.

“We sincerely hope that one day soon this tragic chapter in the history of Victoria Police can be closed for good. Gary Silk and Rod Miller and their families deserve that.”

It is understood to have been altered about two years after Lorimer investigation began.

Critically, both statements found by the *Herald Sun* bore the same date and time on the day of the shootings — August 16, 1998.

There was no mention of offenders in the original statement.

The revelations also sparked a second IBAC investigation into a series of police statements testified to by police

Today's decision will send shockwaves through police ranks.

The force has lobbied hard for Mr Pakula to dismiss Roberts' pleas of innocence.

Roberts and co-offender Bandali Debs had committed a series of armed robberies resulting in a police operation codenamed Hamada — with police staking out restaurants considered potential targets.

Officers Silk and Miller were part of that operation, undercover and watching a Moorabbin restaurant, on the night they were murdered.



Victorian chief commissioner Graham Ashton, Picture: Aaron Francis/The Australian

MATTER BACK IN THE HANDS OF THE COURT

In January 2017, after Mr Pakula had indicated he was compelled to send Roberts back to court after receiving independent legal advice from David Grace QC to return the case to court, he is understood to have received significant backlash.

Victoria Police Chief Commissioner Graham Ashton was then invited by the state's chief lawmaker to make a submission on the evidence it compiled against Roberts — handing the file back to the justice department to reconsider — paving the way for the denial.

MORE: ROBERTS 'WAS NOT THERE', RON IDDLLES CONCLUDES

JASON ROBERTS RETRIAL BID

HOW IT UNFOLDED

MARCH-JULY 18, 1998: String of restaurant armed robberies committed by Bandali Debs and Jason Roberts. They are dubbed the Hamada robberies

AUGUST 16, 1998: Sgt Gary Silk and Senior Constable Rodney Miller are conducting a stake-out outside the Silky Emperor Chinese restaurant to find two armed robbers. They are shot after pulling over a blue Hyundai

LATE 1999 TO AUGUST 2000: Victoria Police executes a clandestine listening device operation on two suspects, Bandali Debs and Jason Roberts

JULY 25, 2000: Debs and Roberts are arrested over the murders. Police charge Debs and release Roberts before charging him on August 15

DECEMBER 31, 2002: Bandali Debs and Jason Roberts are found guilty of the Silk-Miller murders in the Supreme Court and later sentenced to life in prison

FEBRUARY 24, 2003: Roberts and Debs sentenced to life in prison

NOVEMBER 18, 2005: High Court dismisses appeal

JUNE 22, 2007: Debs sentenced for murdering Kristy Harty

FEBRUARY 26, 2009: Barrister Sean Grant alerts Victoria Police to Roberts' claims of innocence

FEBRUARY 24, 2012: Debs sentenced for murder of Donna Hicks

DECEMBER 2012: Director of Public Prosecutions John Champion, SC, meets veteran homicide detective Ron Iddles, instigating a review of Roberts' conviction.

MARCH 26, 2013: Roberts gives new statement to Mr Iddles

NOVEMBER 12, 2013: Nicole Debs gives new statement

DECEMBER 4, 2013: The Operation Rainmaker report by Sen-Sgt Iddles to the Office of Public Prosecution casts doubt over Roberts' conviction. Sen-Sgt Iddles finds that on the basis of probability, Roberts was not at the crime scene



 Jason Roberts in 2002.



 Jason Roberts and Pandali Debs daughter Nicole, who gave a new statement in November, 2013.

SEPTEMBER 2014: New lawyers asked to work on Roberts case

SEPTEMBER 14, 2014: Roberts writes letter to Debs asking him to tell truth about police shootings

MARCH 2015: Former police officer Glenn Pullin — who comforted the wounded Sen-Constable Miller — confesses to Mr Iddles that he altered the statement he made hours after the murders. The additional material had indicated there was more than one offender

LATER IN 2015: Independent Broad-based Anti-corruption Commission investigates issues surrounding police statements made by officers who attended Sen-Constable Miller. IBAC does not make adverse findings after Mr Pullin testifies he had lied to Mr Iddles about making a second statement

M ID 2016: Attorney-General Martin Pakula receives Roberts' petition for mercy

SEPTEMBER, 2016: David Grace QC engaged by Mr Pakula to give legal opinion

DECEMBER, 2016: Government receives David Grace's advice that the case should return to court

JANUARY, 2017: Attorney-General Martin Pakula set to announce Roberts case has merit and will allow appeal

MARCH, 2017: Mr Pakula denies Roberts' petition for mercy. He rejects initial recommendations by the Department of Justice and independent legal advice to refer the case back to court. He requests and relies on a Victoria Police submission to deny the petition. He has since refused to release the documents

JULY, 2017: The *Herald Sun* reveals a police interview with Roberts' ex-girlfriend, Nicole Debs, corroborates Roberts' alibi that he was with her at home on the night of the murders

LATE 2017: The *Herald Sun* obtains a copy of Mr Pullin's buried original police statement from a high-level whistleblower and shows it to Mr Iddles

NOVEMBER, 2017: The *Herald Sun* publishes fake documents revelations. Mr Iddles takes the document to IBAC which re-launches police corruption investigation. Mr Pakula invites Roberts' lawyers to re-submit a petition for mercy

MARCH, 2018: Roberts' legal team re-submit petition for mercy. Mr Pakula engages retired Supreme Court justice Bernard Teague to give independent legal opinion

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Attorney-General Martin Pakula.

