on board, I would have come to a decision. I do not specially remember doing so in this case, however I maintained my position that the statements would not be disclosed. However, by letter dated 21 December 1998 (**31479**), Mr Monteith wrote again, stating that our Counsel, Mr Kerr, had given an undertaking before the trial judge on 13 November 1998 that the two witnesses would be disclosed. In such circumstances, I would usually have discussed the matter with Counsel as I would not have been present in Court. I do not specifically remember such a conversation but it is clear that I then agreed with Counsel and carried out our commitment to the Court and, on 4 January 1999 (**31469**), I disclosed edited copies of the two statements to Mr Monteith.

14. I was surprised that Counsel had agreed to disclose the documents to the Court, and surprised that the Law Clerk had not informed me of the commitment to disclose the statements. On review of the issues, I concurred with Counsel's commitment to disclose the statements.

15. Prior to the two statements being disclosed to Mr Monteith, I would not simply hand over the statements, I would have spoken with Counsel and taken advice as to whether portions of the statements should be edited out. In relation to these two statements, the information that was removed related to the identities of persons names in the statements. The allegation against Reserve Constable Atkinson was disclosed though the names were edited out.

16. Whilst there should be a record in the court files of Mr Kerr agreeing to provide Mr Monteith with the two witness statements, conversations between myself and Mr Kerr regarding the editing of the statements and so on, would not have been recorded.

17. I have been asked whether there was a duty on us to inform the police before disclosing documents to defence Counsel, in particular the statements of Witnesses A and B, and whether we considered if doing so may pose a risk to a person's safety. I would not have considered it necessary to tell the police what was happening every time a document was disclosed, primarily because in these types of cases involving a police officer, Crime Branch would ordinarily send the