

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Tuesday, 14 May 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting: Mr C. Winneke QC
Mr A. Woods
Ms M. Tittensor
Ms P. Neskovic QC

Counsel for Victoria Police Mr S. Holt QC
Ms R. Enbom
Ms K. Argiropoulos

Counsel for State of Victoria Ms E. Hilliard

Counsel for Nicola Gobbo Mr P. Collinson QC
Mr R. Nathwani

Counsel for DPP/SPP Ms K. O'Gorman

Counsel for Handlers Mr G. Chettle
Ms L. Thies.

Counsel for Faruk Orman Ms A. Lloyd

10:08:56 1 COMMISSIONER: Yes, so appearances today. Mr Winneke.
10:08:59 2
10:09:00 3 MR WINNEKE: I appear with Mr Woods and Ms Tittensor to
10:09:03 4 assist the Commission.
10:09:04 5
10:09:04 6 COMMISSIONER: Thank you. And then Mr Holt with
10:09:07 7 Ms Argiropoulos and Ms Enbom.
10:09:09 8
10:09:10 9 MR HOLT: Yes Commissioner.
10:09:10 10
10:09:11 11 COMMISSIONER: Ms Hilliard for the State. Mr Collinson and
10:09:16 12 Mr Nathwani for Ms Gobbo. Ms O'Gorman for the DPP.
10:09:21 13 Mr Chettle and Ms Thies for the handlers. And Ms Lloyd?
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10:09:29 15 MS LLOYD: Ms Lloyd, yes.
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10:09:31 17 COMMISSIONER: Ms Lloyd for Orman.
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10:09:35 19 COMMISSIONER: Thank you Ms Lloyd. Yes Mr Winneke.
10:09:37 20
10:09:37 21 MR WINNEKE: Commissioner, we've got three witnesses today.
10:09:39 22 The first one is Mr Charlie Bezzina who is a former member
10:09:46 23 of Victoria Police. Then Mr Purton, that's Terry Purton.
10:09:54 24 Finally Mr Robert Hill.
25
10:09:56 26 The first witness is Mr Bezzina. There are a number
10:10:03 27 of documents, one in particular that Mr Bezzina refers to
10:10:08 28 in his statement and that's an interview that he and
10:10:13 29 another police officer, Cameron Davey, conducted, or at
10:10:18 30 least a discussion/interview conducted with Ms Gobbo on 1
10:10:24 31 July 2004. It's proposed to ask him questions about that
10:10:28 32 interview and I understand my learned friend has some
10:10:30 33 issues that she wishes to raise with respect to that.
10:10:34 34
10:10:35 35 COMMISSIONER: Yes. Yes Ms Enbom.
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10:10:37 37 MS ENBOM: Commissioner, I should formally announce an
10:10:42 38 appearance on behalf of Mr Bezzina.
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10:10:43 40 COMMISSIONER: Yes.
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10:10:43 42 MS ENBOM: So there's no confusion and we also appear on
10:10:46 43 behalf of the other two witnesses to be called today,
10:10:49 44 Mr Purton and Mr Hill.
45
10:10:50 46 In relation to Mr Bezzina, there are three documents
10:10:54 47 that I understand are to be put to him in

10:10:57 1 cross-examination. The first is a transcript of an
10:11:00 2 interview between Mr Bezzina, Mr Davey and Ms Gobbo. We
10:11:08 3 received that transcript last night. We didn't previously
10:11:13 4 have it in our possession. We understand that it's a
10:11:16 5 transcript that was prepared by the OPI and we don't know
10:11:20 6 whether the OPI, now IBAC, has raised any objections in
10:11:27 7 relation to it being used today.
10:11:30 8
10:11:30 9 COMMISSIONER: I think I was told that the IBAC didn't have
10:11:34 10 any objections subject to PII considerations. Is that
10:11:38 11 right, Mr Winneke?
10:11:39 12
10:11:40 13 MR WINNEKE: Commissioner, insofar as this particular
10:11:44 14 document is concerned it may well - my understanding is
10:11:47 15 that, and this applies to a number of documents that have
10:11:52 16 been produced by IBAC - it's a matter for the police to
10:11:59 17 make any claims of public interest immunity.
10:12:03 18
10:12:03 19 COMMISSIONER: The IBAC has no problem itself in having
10:12:07 20 these documents produced.
10:12:09 21
10:12:09 22 MR WINNEKE: That's my understanding, I'm getting a nod
10:12:13 23 from my instructing solicitors.
10:12:14 24
10:12:15 25 COMMISSIONER: Yes, that was what I was informed this
10:12:18 26 morning before the hearing commenced.
10:12:19 27
10:12:20 28 MR WINNEKE: The document itself is a transcript taken from
10:12:26 29 a video recorded interview conducted with Ms Gobbo which is
10:12:27 30 in the possession of Victoria Police as I understand it.
10:12:29 31 The actual source document, if you like, comes from
10:12:31 32 Victoria Police and it's a transcript made of that source
10:12:33 33 document. But the situation is as the Commissioner
10:12:36 34 indicates.
10:12:37 35
10:12:37 36 COMMISSIONER: Yes.
10:12:38 37
10:12:39 38 MS ENBOM: Thank you, Commissioner. The interview is about
10:12:42 39 an hour and a half in length, so the transcript is quite a
10:12:45 40 lengthy document. It hasn't been reviewed for PII yet.
10:12:48 41 That's the transcript issue. Then there are two IRs, one
10:12:52 42 prepared by Mr Bezzina and one prepared by Mr Davey who was
10:12:57 43 also in attendance at the interview, and those IRs
10:13:00 44 summarise the interview. We've been notified that they are
10:13:06 45 to be put to the witness in cross-examination. They
10:13:08 46 haven't been reviewed for PII either and I raised with
10:13:13 47 Mr Winneke that perhaps the most appropriate way to deal

10:13:18 1 with this issue is for Mr Winneke to cross-examine in
10:13:22 2 relation to those three documents at the end of the
10:13:26 3 cross-examination. That the cross-examination be recorded,
10:13:29 4 but not streamed until we've been - we've had an
10:13:35 5 opportunity to consider any PII claims and that the hearing
10:13:38 6 be closed for the cross-examination of those three
10:13:42 7 documents. If there are no PII claims then of course the
10:13:45 8 recording is then available to be viewed and the transcript
10:13:49 9 published.

10:13:53 10
10:13:53 11 COMMISSIONER: How long do you, are you asking for, to do
10:13:59 12 the PII review?

10:14:01 13
10:14:02 14 MS ENBOM: May I get some instructions about that?

10:14:04 15
10:14:04 16 COMMISSIONER: Thank you.

10:14:05 17
10:14:12 18 MS ENBOM: I'll have some instructions for you,
10:14:16 19 Commissioner, in the next - I'll ask my instructors to make
10:14:19 20 some telephone calls and be able to provide some
10:14:25 21 instructions.

10:14:26 22
10:14:26 23 COMMISSIONER: I would expect at the longest overnight.

10:14:28 24
10:14:28 25 MS ENBOM: Yes.

10:14:29 26
10:14:29 27 COMMISSIONER: Assuming any disputes about PII claims can
10:14:34 28 be dealt with tomorrow morning at 10 am.

10:14:37 29
10:14:37 30 MS ENBOM: Yes.

10:14:38 31
10:14:38 32 COMMISSIONER: I'm prepared to - although I'm not happy
10:14:42 33 about it, I'm prepared to proceed in that way just to move
10:14:46 34 things along.

10:14:46 35
10:14:47 36 MS ENBOM: Thank you Commissioner.

10:14:48 37
10:14:48 38 COMMISSIONER: Mr Winneke, are you content with that?

10:14:50 39
10:14:51 40 MR WINNEKE: Commissioner, there are - look I understand
10:14:54 41 there may be, although it's not clear to me which parts of
10:14:59 42 this interview may be the subject of PII. The matters I do
10:15:03 43 propose to raise in the interview towards the end of it
10:15:09 44 concern questions asked of Ms Gobbo by Mr Bezzina for the
10:15:14 45 most part but also Mr Davey about a proposed relationship
10:15:24 46 or an understanding between them without going any further
10:15:30 47 into it. There is a 15 minute delay. It doesn't appear to

10:15:34 1 me, looking at it, that there are obviously matters that
10:15:37 2 oughtn't be in the public domain.
10:15:39 3
10:15:39 4 COMMISSIONER: I don't have a copy of the material. That's
10:15:42 5 all right, I'm just explaining that I'm not able to say
10:15:46 6 what my view is because I don't have a copy of the
10:15:48 7 material.
10:15:48 8
10:15:49 9 MR WINNEKE: I can provide the Commissioner with a copy of
10:15:52 10 it.
10:15:54 11
10:15:54 12 COMMISSIONER: So you think you could safely proceed with a
10:15:58 13 15 minute delay, allowing Victoria Police to make any claim
10:16:02 14 for PII as they go?
10:16:04 15
10:16:05 16 MR WINNEKE: Commissioner, that's my feeling. From my
10:16:12 17 examination of the document, and no doubt my learned
10:16:14 18 friend's read it, it is a 60 page document, it's an
10:16:18 19 interview with her about various matters which relate to
10:16:23 20 her knowledge of certain information reports. But the
10:16:29 21 parts of it that I'm particularly interested in, in my
10:16:35 22 submission, without the Commissioner having it to assess my
10:16:38 23 submission, is that they wouldn't transgress on that area
10:16:43 24 but it's a bit difficult I suppose to make the submission
10:16:49 25 without the Commissioner having it.
10:16:51 26
10:16:51 27 COMMISSIONER: You're experienced and you've seen the sorts
10:16:55 28 of, my attitude towards what PII claims are legitimate and
10:17:02 29 what aren't and your assessment is that it doesn't raise
10:17:06 30 PII claims, is that correct?
10:17:08 31
10:17:08 32 MR WINNEKE: That's my assessment, Commissioner, but what I
10:17:11 33 would - perhaps if I could do it this way. If Mr Bezzina
10:17:16 34 has the document in front of him without it being up on the
10:17:20 35 screen I can ask him questions about it. If those
10:17:23 36 questions lead to issues which are concerning, no doubt
10:17:27 37 there could be an objection and then because of the 15
10:17:30 38 minute delay any problems about publishing the material can
10:17:37 39 be dealt with. That would be my submission in any event.
10:17:41 40
10:17:41 41 COMMISSIONER: Okay. Ms Enbom.
10:17:42 42
10:17:43 43 MS ENBOM: I don't want to get into the detail, this
10:17:45 44 document did only come to our attention very recently.
10:17:48 45
10:17:48 46 COMMISSIONER: Yes.
10:17:49 47

10:17:49 1 MS ENBOM: I'm very uncomfortable with the idea that I need
10:17:52 2 to assess a PII claim on the run and really within that 15
10:17:56 3 minute window and try and get instructions.
10:17:59 4
10:17:59 5 COMMISSIONER: You've had a little bit longer than that, in
10:18:02 6 that you've had time to have a quick read of it I presume.
10:18:06 7
10:18:06 8 MS ENBOM: I've had a very, very, very quick read of it.
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10:18:09 12 MS ENBOM: It has only been with me for a very short period
10:18:12 13 of time and so in those circumstances I would urge the
10:18:16 14 Commissioner to allow it to be dealt with in the way I've
10:18:19 15 proposed.
10:18:20 16
10:18:22 17 COMMISSIONER: It's a finely balanced call and might I say,
10:18:26 18 the Commission is working with Victoria Police and the
10:18:30 19 State in refining a protocol to better manage the
10:18:37 20 production of documents both ways between Victoria Police
10:18:39 21 and the Commission to allow more appropriate timing for
10:18:43 22 assessments of PII, so I hope that we're going to iron this
10:18:47 23 out before too long so that you won't get such short notice
10:18:52 24 in the future and similarly the documents that we get from
10:18:56 25 you are given in proper time as well. For the moment I
10:19:02 26 think we'll just see how we go with the 15 minute delay.
10:19:06 27
10:19:07 28 MS ENBOM: Yes Commissioner.
10:19:07 29
10:19:07 30 COMMISSIONER: And if we can deal with it publicly in that
10:19:13 31 manner we will rather than having to keep the documents
10:19:20 32 private for 24 hours. So we'll see how we go and we've got
10:19:24 33 the 15 minute delay, the recorders are very astute to that
10:19:28 34 and we'll stop immediately if any issue develops. We'll
10:19:31 35 just see how we go.
10:19:32 36
10:19:32 37 MS ENBOM: As the Commissioner pleases.
10:19:34 38
10:19:34 39 COMMISSIONER: Thank you. Yes Mr Winneke.
10:19:35 40
10:19:36 41 MR WINNEKE: I call Mr Charlie Bezzina.
10:19:42 42
10:19:55 43 COMMISSIONER: Yes, oath or affirmation,
10:19:58 44 Mr Bezzina?--Oath.
10:19:59 45
10:20:00 46 <CHARLIE BEZZINA, sworn and examined:
10:20:15 47

10:20:18 1 COMMISSIONER: Yes Mr Winneke?
10:20:19 2
10:20:20 3 MR WINNEKE: Just excuse me.
10:20:22 4
10:20:22 5 COMMISSIONER: Yes.
10:20:24 6
10:20:25 7 (Discussion at Bar table.)
8
10:20:31 9 MR WINNEKE: I apologise.
10:20:33 10
10:20:33 11 COMMISSIONER: Yes Ms Enbom.
10:20:34 12
10:20:35 13 MS ENBOM: Mr Bezzina, could you please tell the
10:20:38 14 Commissioner your full name?---Charlie Bezzina.
10:20:39 15
10:20:39 16 Is your address care of Corrs Chambers Westgarth, 567
10:20:46 17 Collins Street, Melbourne?---Yes, it is.
10:20:47 18
10:20:47 19 What is your current occupation?---Consultant.
10:20:50 20
10:20:51 21 Mr Bezzina, have you prepared two witness statements for
10:20:54 22 this Royal Commission?---Yes, I have.
10:20:55 23
10:20:55 24 Do you have those witness statements with you in the
10:20:57 25 witness box?---Yes.
10:20:58 26
10:20:58 27 Is the first witness statement dated 17 April 2019?---That
10:21:08 28 is correct.
10:21:08 29
10:21:09 30 And is he second witness statement entitled supplementary
10:21:14 31 statement dated 9 May 2019?---Correct.
10:21:19 32
10:21:22 33 Are both of those witness statements accurate to the best
10:21:25 34 of your knowledge?---They are.
10:21:27 35
10:21:27 36 I tender both of those witness statements, Commissioner.
10:21:29 37
10:21:36 38 #EXHIBIT RC102A - Witness statement of Charlie
10:21:38 39 Bezzina.
10:21:38 40
10:21:38 41 #EXHIBIT RC102B - Supplementary witness statement of.
10:21:42 42 Charlie Bezzina.
10:21:42 43
10:21:42 44 COMMISSIONER: Does anyone have a copy of the second? I
10:21:45 45 have a copy of the first but I don't have a copy of the
10:21:47 46 addendum.
10:21:49 47

10:21:49 1 MS ENBOM: We have one, Commissioner.
10:21:50 2
10:21:50 3 COMMISSIONER: Thank you. Yes Mr Winneke.
10:21:58 4
5 <CROSS-EXAMINED BY MR WINNEKE:
6
10:21:59 7 Thanks Commissioner. Mr Bezzina, you were a member of
10:22:02 8 Victoria Police?---Yes, I was.
10:22:03 9
10:22:04 10 And you were a member for 38 years?---Yes.
10:22:07 11
10:22:07 12 You graduated in 1973, is that right?---Correct.
10:22:12 13
10:22:12 14 And you were first a Detective way back I think in about -
10:22:22 15 well, can you recall?---It would have been the late 70s.
10:22:28 16
10:22:28 17 And that was at Footscray CI, is that correct?---Correct.
10:22:32 18
10:22:33 19 You were promoted to Sergeant in 83 and then became a
10:22:36 20 Detective Sergeant for the bureau of internal
10:22:40 21 investigations in about 1985, is that right?---That's
10:22:43 22 correct.
10:22:43 23
10:22:45 24 Then 86 to 89 you were in the Drug Squad?---Yes.
10:22:48 25
10:22:50 26 Homicide Squad from 89 to 95?---Yes.
10:22:53 27
10:22:53 28 You had a break, then back in the Homicide Squad from 96
10:22:57 29 through to 2007, so a period of about 11 years?---A total
10:23:02 30 of about 17, yep.
10:23:03 31
10:23:03 32 In that period - - - ?---Yes.
10:23:05 33
10:23:05 34 In total 17?---Yep.
10:23:08 35
10:23:08 36 And then you were off until about 2009, is that
10:23:15 37 correct?---Yes.
10:23:16 38
10:23:18 39 And in 2007 you were moved to the Purana Task Force, is
10:23:26 40 that right?---That's correct.
10:23:27 41
10:23:27 42 And you were there for less than a week before taking
10:23:32 43 extended leave?---Correct.
10:23:33 44
10:23:34 45 Can you explain to the Commission, firstly, how you came to
10:23:40 46 be transferred to the Purana Task Force?---That was a
10:23:44 47 process that was orchestrated by Overland in relation to

10:23:48 1 rotation of Detective Senior Sergeants in the Crime
10:23:54 2 Department and at that stage it was then delivered by the
10:23:56 3 board of management which was basically Detective
10:24:03 4 Superintendents. It was there decreed that I go to the
10:24:06 5 Purana Task Force against my wishes and away I went.
10:24:11 6
10:24:12 7 When you say against your wishes, you wanted to remain in
10:24:16 8 the Homicide Squad and it was felt that you would be better
10:24:18 9 served or at least the Police Force would be better served
10:24:22 10 by you going into Purana?---That was their view, yes.
10:24:26 11
10:24:27 12 Was there a particular reason they gave you for wanting you
10:24:32 13 in Purana?---The general consensus was that I had a lot to
10:24:36 14 offer in relation to providing skills and expertise to the
10:24:41 15 Purana Task Force to junior detectives as a mentor and the
10:24:46 16 like and basically going from an operational position to an
10:24:49 17 administrative position.
10:24:51 18
10:24:51 19 Were there particular investigations that it was felt you
10:24:53 20 could contribute to in the Purana Task Force?---Purana at
10:24:58 21 that stage had a number of investigations which then placed
10:25:00 22 me as leading those investigations with Detective Sergeants
10:25:05 23 as their team leaders and I was the overall person in
10:25:08 24 charge of that.
10:25:10 25
10:25:10 26 I understand that but were there particular investigations
10:25:14 27 that they were wanting you to be involved in?---There was
10:25:17 28 only one that comes to mind, yes.
10:25:19 29
10:25:20 30 What was that one?---I think it involved the Victor Peirce,
10:25:27 31 or involved Mick Gatto and different ones, it's a bit of a
10:25:32 32 mish-mash. Because I was there such a short time and
10:25:36 33 basically put into a position and not given appropriate
10:25:40 34 briefings and the likes, just the fact that, "This is your
10:25:42 35 role, this is where you sit, and basically sit over
10:25:45 36 administratively, over these particular teams" and there
10:25:48 37 was quite a number but I just can't recall which ones.
10:25:52 38
10:25:52 39 I follow that. But what you say is there appeared to be
10:25:55 40 one particular case that they were interested in you
10:25:58 41 involving yourself in and that was involving the killing or
10:26:02 42 the murder of Victor Peirce?---Yes, that one and one in
10:26:06 43 particular that stands out is the Kallipolitis murder out
10:26:10 44 at West Sunshine. Other than that, that was about it, but
10:26:14 45 I had very little to do with either of those ones.
10:26:16 46
10:26:16 47 Do you have an understanding why they would have wanted you

10:26:20 1 to be involved in the investigation of the Peirce
10:26:23 2 killing?---No, not really. Just the fact that they wanted
10:26:28 3 us rotated out of the Homicide Squad, myself and other
10:26:32 4 Senior Sergeants. I had a different view as to why and
10:26:35 5 there was a lot of issues that involved that, me
10:26:40 6 personally, so ultimately why they particularly wanted me
10:26:44 7 to be in an administrative role from an operational role is
10:26:49 8 something you'll have to ask Overland.

10:26:51 9
10:26:51 10 I follow that. What you say is your understanding was
10:26:53 11 there was a mish-mash, there was an investigation at that
10:27:00 12 stage concerning the execution of Victor Peirce. That
10:27:06 13 execution had occurred way back in 2002, 1 May 2002, is
10:27:10 14 that your understanding?---Yes.

10:27:12 15
10:27:15 16 That investigation in effect had gone cold during the
10:27:20 17 period that had elapsed subsequent to May of 2002 and it
10:27:26 18 apparently was reinvigorated at some stage around 2006,
10:27:31 19 2007, is that right?---Well I have no recall of that
10:27:35 20 particular date but certainly vaguely to my recall.

10:27:37 21
10:27:40 22 Can I just tax your recollection somewhat. You understood
10:27:45 23 there were suggestions of involvement of particular persons
10:27:51 24 in that execution. You've mentioned a couple of names.
10:27:56 25 But do you recall how you came to understand that the
10:28:01 26 people who were then being investigated had come to
10:28:07 27 light?---No, none whatsoever. As I said, I was placed in
10:28:11 28 an administrative role and the actual team leaders and
10:28:14 29 people with more intimate knowledge were the Detective
10:28:17 30 Sergeants and that was one of the stumbling blocks for me
10:28:21 31 in relation to being at that particular location.

10:28:24 32
10:28:26 33 Can I ask you then why you believe that you were given a
10:28:32 34 particular role with respect to those two killings, Peirce
10:28:39 35 and Kallipolitis?---I wasn't given a particular role in
10:28:42 36 any, in those investigations. The fact is I was sitting
10:28:45 37 above that and basically the paper shuffler. And as I said
10:28:53 38 I was not in an operational role at Purana, I was basically
10:28:57 39 put into a paper shuffling role which caused me great
10:29:02 40 angst.

10:29:02 41
10:29:03 42 I gather you were a bit upset about that. You had been an
10:29:04 43 operative police officer, Homicide investigator for many
10:29:09 44 years and that's where you felt you belonged in that
10:29:11 45 operative role, is that right?---Yes.

10:29:11 46
10:29:11 47 You didn't think you were being well utilised in the role

10:29:15 1 that they had designed for you?---Absolutely.
10:29:16 2
10:29:16 3 And accordingly you lasted or you were there for less than
10:29:20 4 a week and you decided to leave?---Correct.
10:29:24 5
10:29:25 6 Can I ask you, insofar as that murder investigation is
10:29:33 7 concerned, the Victor Peirce murder in May of 2002, at that
10:29:39 8 stage you were a member of the Homicide Squad?---Yes.
10:29:41 9
10:29:42 10 Do you have a recollection as to who carried out the Peirce
10:29:46 11 Investigation in the initial stages at the Homicide
10:29:50 12 Squad?---No, I don't recall.
10:29:52 13
10:29:52 14 You don't know who was - were you involved in that
10:29:56 15 investigation at all to your recollection?---I think my
10:29:59 16 only involvement, and I don't know how it came about, that
10:30:03 17 I spoke to Mick Gatto in relation to it, either not having
10:30:07 18 knowledge or whatever the case may be, but that would have
10:30:10 19 been my only involvement.
10:30:11 20
10:30:12 21 When you say you spoke to him, that was shortly after the
10:30:16 22 killing, is that right?---Yes.
10:30:17 23
10:30:19 24 No doubt you would have taken notes of that discussion or
10:30:25 25 prepared information reports?---Yes, there would have been
10:30:29 26 an information report as a result of speaking to Mick and
10:30:31 27 what knowledge he may have had and typically it was
10:30:34 28 nothing.
10:30:35 29
10:30:35 30 Typically it was nothing. But in any event that was as a
10:30:39 31 part of that investigation?---Yes.
10:30:42 32
10:30:42 33 What you're saying is you can't recall, other than that,
10:30:46 34 who else was involved in that investigation?---No, because
10:30:49 35 I took no other further role in that investigation at all.
10:30:53 36
10:30:53 37 Do you recall how it came to be that you went to speak to
10:30:57 38 Mr Gatto?---I don't know apart from the fact that I'd
10:31:03 39 spoken to Mick a number of times for other matters.
10:31:06 40
10:31:06 41 Yes?---But why in particular in that one I don't know
10:31:10 42 whether I already had a rapport with Mick I just don't
10:31:15 43 know.
10:31:15 44
10:31:16 45 Do you know, without going into the names, but are you able
10:31:22 46 to recall who the suspects were at the time or in the
10:31:27 47 immediate aftermath of that killing?---Look, no, not the

10:31:32 1 immediate aftermath, whether it was something I learned
10:31:35 2 years down the track with people involved, I just don't
10:31:39 3 know.
10:31:40 4
10:31:40 5 Do you know whether in the early stages of the
10:31:42 6 investigation, that investigation, whether Mr Veniamin was
10:31:46 7 a suspect?---Look I don't know. His name had been bandied
10:31:50 8 around with other investigations that I was conducting.
10:31:53 9
10:31:53 10 Yes?---So look, I don't know because it's just a big
10:31:58 11 mish-mash of his involvement in different things or alleged
10:32:01 12 involvement in different things.
10:32:03 13
10:32:03 14 You say you've got no recollection of those matters at
10:32:07 15 all?---No, not at all.
10:32:08 16
10:32:09 17 If you were to consult your diaries about that no doubt
10:32:15 18 you'd be able to - or that would assist you in recalling
10:32:18 19 them to mind I assume, would it?---I think if I had a role
10:32:24 20 or I was involved in some way with the Victor Peirce
10:32:26 21 killing I'd have a memory of that because it was such a
10:32:30 22 unique - I don't know whether I made diary entries or not,
10:32:34 23 I just don't know.
10:32:35 24
10:32:35 25 All right. When you ultimately came to be transferred to
10:32:39 26 Purana, were there any briefings provided to you about that
10:32:46 27 investigation, do you recall?---Look, it may have by the -
10:32:50 28 I can't even think of the then Inspector who was in charge
10:32:56 29 of it. No, not that I can recall any specific directions,
10:32:59 30 apart from the fact of the role I was going to undertake in
10:33:03 31 a general sense.
10:33:03 32
10:33:04 33 Did you understand that new information had come to light
10:33:08 34 in 2006, 2007 which reinvigorated that investigation?---No.
10:33:15 35
10:33:15 36 You don't have any knowledge about that now sitting in the
10:33:18 37 witness box?---Not that I can recall, no, or anything that
10:33:21 38 stands out in my memory.
10:33:22 39
10:33:26 40 All right. Do you recall attending any meetings in
10:33:31 41 relation to that investigation that Purana was - Purana was
10:33:37 42 clearly then involved in that investigation when you went
10:33:41 43 over to Purana?---Yes.
10:33:42 44
10:33:44 45 Do you recall who the people were who were looking into
10:33:47 46 that investigation at that time?---No, not at all. As I
10:33:51 47 said I didn't play a major role at Purana. I was basically

10:33:58 1 put into a corner and sat there, that was the great
10:34:02 2 annoyance in being put into an administrative role, that I
10:34:05 3 didn't have a hands on with being briefed up significantly
10:34:09 4 with jobs at the time. They're overseeing these ones,
10:34:12 5 they're going to come to you for signing different things
6 or whatever the case may be.
7

10:34:16 8 Yes?---Having specific knowledge or specific detailed
10:34:19 9 briefing, I don't believe I had any of that.

10:34:22 10
10:34:22 11 Just before I move to the matters you deal with in your
10:34:26 12 statement can I ask you about another murder which in some
10:34:30 13 way was thought to be connected to the Peirce murder. Were
10:34:37 14 you involved earlier on in May of 2000 in the investigation
10:34:41 15 into the murder of Frank Benvenuto?---Yes, I was.
16

10:34:48 17 Do you recall who had the carriage of that investigation?
10:34:52 18 Was it you?---At that time, yes, I was the on call team, so
10:34:57 19 I was the team leader and the lead investigator with the
10:35:04 20 Benvenuto killing.
21

10:35:04 22 Were there persons of interest in relation to that
10:35:07 23 murder?---Yes.
24

10:35:08 25 Were any of those persons excluded?---No.
26

10:35:16 27 Can I ask you this: was Veniamin ever a suspect with
10:35:21 28 respect to that killing?---Yes.
29

10:35:22 30 Was he ever cleared?---No.
31

10:35:28 32 As far as you were concerned he remained or remains a
10:35:31 33 suspect in that killing?---Yes, and that was the catalyst I
10:35:35 34 think as to why then Purana took it over.
35

10:35:38 36 Can you explain that?---Well the fact is we'd, through my
10:35:41 37 Sergeant, Barry Jennings and myself who were leading it,
10:35:45 38 that certainly had a strong connection between Veniamin and
10:35:50 39 Frank Benvenuto, through his market details out at
10:35:54 40 Footscray, and there was some issues that Veniamin had with
10:35:58 41 frank. So clearly he was a good, strong person of
10:36:02 42 interest/suspect.
43

10:36:04 43
10:36:06 44 Do you recall ever having discussions with the Benvenuto
10:36:10 45 family about your suspects?---Not in particular. As I
10:36:15 46 said, the main chap was Barry Jennings who had a lot of
10:36:21 47 dealings with the widow.

1
10:36:22 2 Yes?---It would be unusual for us to, well, we may with his
10:36:26 3 brother or to - discuss Veniamin because we did learn that
10:36:33 4 Veniamin had been to his factory out at Footscray, so I
10:36:39 5 think it would probably be normal that we certainly would
10:36:43 6 have broached his name to the family, yes.
10:36:45 7
10:36:47 8 I take it as the investigation progressed the idea was to
10:36:51 9 establish a connection between Veniamin and the murder
10:36:55 10 sufficient to interview him?---Yes, that's right.
10:36:58 11
10:36:59 12 And did you ever get that information that enabled you to
10:37:04 13 do that?---Well I've certainly got a memory of having
10:37:07 14 interviewed Veniamin. Now, I'd only be guessing if it was
10:37:14 15 in relation to the Benvenuto killing or not. I'd say it
10:37:17 16 probably would have been because I've got no memory of
10:37:21 17 Veniamin being a suspect in the other killings that I was
10:37:23 18 investigating.
10:37:24 19
10:37:25 20 In so far as anything there'll be documents concerning all
10:37:27 21 of this but your recollection is that he was interviewed in
10:37:31 22 relation to this killing?---Yes.
10:37:32 23
10:37:32 24 But was he interviewed in relation to Peirce?---I've got no
10:37:35 25 idea.
10:37:36 26
10:37:40 27 Was the investigation into Benvenuto handed over to
10:37:46 28 Purana?---Yes, I think that was through, I think at that
10:37:49 29 stage Andy Allen was the Detective Inspector running Purana
10:37:55 30 at that stage and because we were getting a lot of
10:37:57 31 connections between Veniamin and probably other jobs that
10:37:59 32 we thought it more prudent to pass it along to Purana and
10:38:03 33 eventually they did take it over.
10:38:05 34
10:38:07 35 Was that at about the same time as the Peirce matter was
10:38:11 36 handed over to Purana?---Look I don't know. So certainly
10:38:16 37 the Peirce one was well after that. I don't know whether
10:38:21 38 Purana were the guys that initially took that up, I don't
10:38:25 39 know.
10:38:26 40
10:38:26 41 What you'd say certainly in relation to Benvenuto, there
10:38:29 42 was a briefing which was given to Purana detectives, I
10:38:33 43 assume, if that investigation was handed over?---Yes,
10:38:35 44 because we would have given the briefing with all the
10:38:37 45 totality of our investigation file which then we had no
10:38:42 46 further part in once Purana took it over.
10:38:45 47

10:38:46 1 One assumes though when that was handed it must have been
10:38:50 2 appreciated that there was potentially connection or was it
10:38:54 3 appreciated that there was potentially a connection between
10:38:56 4 Peirce and Benvenuto?---Yes, there certainly was. Peirce
10:39:02 5 was a close confidante of Benvenuto at the markets.
10:39:07 6
10:39:08 7 In any event at the time that it was handed over there
10:39:11 8 wasn't sufficient evidence to charge anyone?---No.
10:39:14 9
10:39:16 10 Was the handover - I mean you recall the handover with
10:39:19 11 Purana with respect to Benvenuto. Did you provide that
10:39:23 12 handover?---Look, I would have been part of it but as I
10:39:28 13 said, the main lead investigator was Barry Jennings my
10:39:33 14 Sergeant and we did it collectively. I'd say the two of us
10:39:37 15 would have given them a verbal briefing but more led by
10:39:41 16 Barry Jennings.
10:39:42 17
10:39:43 18 Do you recall who the handover was given to?---I don't know
10:39:47 19 whether, as I said Andy Allen was there and then Phil
10:39:51 20 Swindells was the Senior Sergeant who was actually the
10:39:54 21 operational Senior Sergeant.
10:39:55 22
10:39:56 23 But it would be one of those two?---Absolutely.
10:39:59 24
10:40:00 25 And were there briefing notes provided?---Well there would
10:40:07 26 have been. Now I don't know whether we actually did a
10:40:10 27 briefing note or we just did it verbally given the fact
10:40:13 28 that the overall - I have no memory of actually how long we
10:40:17 29 had carriage of it prior to handing it over to Purana.
10:40:21 30
10:40:21 31 What about the investigation file, would that have been
10:40:24 32 handed over, all notes and files, et cetera?---The totality
10:40:28 33 of the investigation would have been handed over. The IRs,
10:40:31 34 the information reports, any statements we'd obtained, the
10:40:34 35 whole shooting match so we gave them everything.
10:40:37 36
10:40:39 37 Could we assume if the Peirce matter was handed over then
10:40:42 38 the same thing would have occurred, even though you don't
10:40:45 39 have a specific understanding or recollection of that
10:40:48 40 matter, the normal process would be that the file would be
10:40:52 41 handed over because Purana then becomes involved as the
10:40:56 42 lead investigators?---Well that's right. That goes way
10:41:00 43 back to other investigations when we started finding links
10:41:03 44 with other investigations generally throughout the office,
10:41:05 45 that it was more prudent to hand everything over to Purana
10:41:10 46 and then with Lewis Moran and it goes on, when they, I was
10:41:15 47 on call for that particular one and that went straight to

10:41:18 1 Purana as an example.

10:41:21 2

10:41:22 3 Did you have any further involvement, aside from a period

10:41:25 4 of about less than a week in 2007, did you have any further

10:41:30 5 involvement in the Benvenuto investigation?---None

10:41:35 6 whatsoever. Unless they may have come to us for a certain

10:41:42 7 query or just a verbal what was the go here or getting a

10:41:44 8 feel with things, it might have been how did you find this

10:41:47 9 particular witness? It might have been something like that

10:41:48 10 but no direct or involved involvement with Benvenuto

10:41:51 11 thereafter.

10:41:51 12

10:41:58 13 Insofar as the Hodson investigation was concerned, as I

10:42:03 14 understand it you were the Senior Sergeant on call on 16

10:42:09 15 May 2004, is that right?---That is correct.

10:42:11 16

10:42:12 17 So as a consequence when that call came in you were the

10:42:18 18 person who attended the scene?---Yes, I did.

10:42:21 19

10:42:21 20 And you had carriage of that investigation for a period of

10:42:27 21 time?---Yes, I did.

10:42:28 22

10:42:30 23 Do you recall Mr De Santo attending at that scene?---Yes, I

10:42:35 24 do.

10:42:35 25

10:42:36 26 On that night. Do you recall having discussions with

10:42:38 27 Mr De Santo about why he was there?---Yes.

10:42:40 28

10:42:41 29 Would that have been unusual for an ESD investigator to be

10:42:44 30 there or not, at a murder scene?---It was unusual in the

10:42:49 31 fact a Ceja Task Force member was there.

10:42:53 32

10:42:53 33 Ceja Task Force, I apologise?---Not ESD. ESD members were

10:42:58 34 also present. It was unusual to have Peter De Santo there

10:43:02 35 and to see the whys and wherefores.

10:43:07 36

10:43:07 37 I follow that. If we can move on for a moment. Obviously

10:43:10 38 you say were involved in that investigation for a period of

10:43:13 39 time. Would that be for 18 months, two years or

10:43:16 40 thereabouts?---Correct.

10:43:16 41

10:43:17 42 Eventually was that investigation handed over or taken

10:43:20 43 over?---Yes, it was.

10:43:21 44

10:43:22 45 And that was taken over when Operation Petra was set up or

10:43:28 46 was it taken over before that?---That was taken over once

10:43:34 47 Petra - Petra was set up first by Overland.

10:43:37 1
10:43:37 2 Yes?---And then taking my Sergeant and Detective Cameron
10:43:41 3 Davey and Sol Solomon and that's when, where it remained
10:43:46 4 and continued to be investigated by Petra.
10:43:48 5
10:43:50 6 Those two were taken but at that stage not you?---Correct.
10:43:53 7
10:43:56 8 How long after were you invited to join Purana - Petra?
10:44:04 9 No, I withdraw that. Purana?---Yes, Purana. 2009 I
10:44:13 10 retired. Clearly I was put into Purana in 2009 prior to my
10:44:18 11 retirement. When actually Petra was formed, I don't
10:44:22 12 remember.
10:44:22 13
10:44:28 14 So in 2007 you moved to the Purana Task Force?---Okay.
10:44:32 15
10:44:32 16 At that stage were you having, at that stage obviously the
10:44:37 17 investigation, or had it been handed over to Petra?---Yes.
10:44:41 18
10:44:43 19 Was it expected that you would have any involvement in the
10:44:46 20 investigation of the Hodson killings when you went to
10:44:49 21 Purana or not?---Not at all.
10:44:50 22
10:45:00 23 You say in your statement that the only investigation that
10:45:05 24 you were involved in that to your knowledge involved
10:45:11 25 dealings with Ms Gobbo was the investigation into the
10:45:14 26 murders of Terrence and Christine Hodson?---Correct.
10:45:16 27
10:45:18 28 You say that you hadn't had any dealings with her before
10:45:22 29 this to your recollection?---No official dealings, no.
10:45:27 30
10:45:28 31 I take it then that you knew who she was?---Yes.
10:45:30 32
10:45:31 33 And you knew her, did you?---Well I knew - I'd appeared
10:45:35 34 before her in one or two matters of a homicide nature and I
10:45:42 35 knew she was a defence barrister.
10:45:43 36
10:45:43 37 So you'd been an investigator in offences, in relation to
10:45:48 38 offences in which she had been involved as defence
10:45:53 39 counsel?---Yes.
10:45:54 40
10:45:55 41 Are you able to say which of those matters?---No, I've got
10:45:58 42 no idea.
10:45:58 43
10:45:59 44 You say you knew her in that capacity, did you know her in
10:46:03 45 a more social capacity?---No.
10:46:06 46
10:46:06 47 Do you ever recall her attending Homicide Squad

10:46:12 1 functions?---Not Homicide Squad functions but the functions
10:46:16 2 that were conducted were certainly large and I've got no
10:46:20 3 memory specifically of her attending any.
10:46:23 4
10:46:24 5 You were at the Homicide Squad during the period of the
10:46:28 6 Lorimer Task Force?---Yes.
10:46:29 7
10:46:30 8 Were you involved in that investigation?---No.
10:46:33 9
10:46:36 10 Did you know of police officers who were involved in that
10:46:40 11 investigation?---Just remind me, what did Lorimer touch on?
10:46:46 12
10:46:46 13 Lorimer was the Silk/Miller murder?---That one. Well I had
10:46:52 14 involvement initially with that task force, of going to the
10:46:57 15 scene on the night.
10:46:57 16
10:46:58 17 Yes. I mean you knew about that?---Yes.
10:47:02 18
10:47:02 19 Indeed you've given evidence about that recently in another
10:47:06 20 forum?---Yes.
10:47:07 21
10:47:07 22 Did you know of persons such as Paul Dale and Timothy
10:47:16 23 Argall who were with that Task Force?---Yes.
10:47:18 24
10:47:19 25 Did you socialise with either of those people?---Certainly
10:47:24 26 not with Dale. When you say socialise we might have gone
10:47:29 27 to a Homicide function with our partners, but on going to
10:47:33 28 homes or going out to functions where either one or both of
10:47:38 29 them were together, no.
10:47:39 30
10:47:39 31 You don't recall Nicola Gobbo being at any Homicide type
10:47:45 32 function with either of those people, certainly with
10:47:49 33 Mr Argall?---No.
10:47:49 34
10:47:51 35 Do you say that the only knowledge that you had of her was
10:47:56 36 in her capacity as a barrister who had involvement in cases
10:48:01 37 that you'd investigated?---Yes, one or two, but I just knew
10:48:07 38 she was a formidable defence barrister and that she
10:48:11 39 appeared for some significant clients.
10:48:14 40
10:48:15 41 In relation to, if we can come back to 16 May of 2004, you
10:48:24 42 attended at the scene, you spoke to Mr De Santo. You spoke
10:48:30 43 to other police officers at that murder scene?---Yes.
10:48:33 44
10:48:38 45 Did you speak to Mr De Santo subsequently about any
10:48:42 46 information that he had gleaned as a result of his
10:48:47 47 investigation of members of the MDID concerning the

10:48:55 1 burglary in Dublin Street the previous year?---Yes, I had a
10:49:00 2 number of contacts with De Santo over his involvement and
10:49:04 3 knowledge of certain matters but we were certainly kept at
10:49:08 4 arm's length.
10:49:08 5
10:49:09 6 But nonetheless there was an investigative view taken that
10:49:16 7 it may well have been that persons who had some benefit in
10:49:20 8 the demise of Mr Hodson ought be looked very closely
10:49:25 9 into?---Yes, it was through - so on one hand I had Ceja and
10:49:30 10 on the other hand I had ESD members, a matter that involved
10:49:35 11 police corruption and so I was basically in the middle of
10:49:41 12 these other two organisations, or two departments, and I
10:49:41 13 was relying on them to give me information in relation to
10:49:43 14 the murders which as far as I was concerned took precedence
10:49:48 15 over anything else.
10:49:49 16
10:49:49 17 Obviously one of the things that you look at as an
10:49:52 18 investigator is motive?---Correct.
10:49:53 19
10:49:54 20 Indeed very shortly after this murder occurred you made
10:49:57 21 some arrests?---Yes. When we finished with the crime
10:50:02 22 scene, having returned back to the office we took out
10:50:05 23 warrants for, search warrants for two members.
10:50:12 24
10:50:13 25 Mische1 and Dale?---Correct.
10:50:14 26
10:50:16 27 Did you make arrests shortly afterwards?---Yes, at the
10:50:20 28 behest of Dale I required him to return back to the office
10:50:25 29 to be spoken to and he wouldn't return unless I arrested
10:50:29 30 him, which I did.
10:50:29 31
10:50:30 32 Which you did. You interviewed him?---Yes.
10:50:34 33
10:50:34 34 On tape?---Yes.
10:50:35 35
10:50:38 36 Prior to that had you been given information to the effect
10:50:42 37 that Ms Gobbo may have had a connection with
10:50:50 38 Mr Dale?---I've got no recollection - not at that stage,
10:50:53 39 no, or any other time. Again, because it's, from what I've
10:50:59 40 learnt now through the media and the things that have
10:51:01 41 happened, but nothing that's standing out to me at the time
10:51:04 42 of my investigation that that was a situation of a
10:51:07 43 relationship between the two that I can recall.
10:51:09 44
10:51:10 45 You weren't told, for example, that there was a suggestion
10:51:13 46 that she was sleeping with him?---Again, that's come up but
10:51:23 47 when I become aware of that - I don't know whether I was

10:51:29 1 aware of it at the time. Look, I really can't remember.
10:51:33 2
10:51:35 3 Would that information be considered relevant to an
10:51:40 4 investigation?---Not at that stage. The fact that if I'm
10:51:44 5 investigating the Hodson double murders and there's a
10:51:48 6 relationship between Gobbo and Dale, it wouldn't have meant
10:51:53 7 much to me at that time at all.
10:51:55 8
10:51:55 9 Subsequently you'd call her, you'd bring her into the
10:52:01 10 Homicide Squad?---Yes.
10:52:02 11
10:52:02 12 And you'd ask her questions?---Yes.
10:52:04 13
10:52:07 14 MR HOLT: Can I approach my friend briefly?
10:52:09 15
10:52:10 16 MR WINNEKE: Just excuse me.
10:52:11 17
10:52:12 18 (Discussion at Bar table.)
19
10:52:29 20 Clearly one of the things that you were keen to find
10:52:32 21 out - one of the issues that - and I'm going to come to the
10:52:38 22 interview in due course. One of the things you were very
10:52:40 23 interested to find out from her was whether she had any
10:52:45 24 knowledge that Mr Terrence Hodson was an informer. That's
10:52:51 25 one of the issues or one of the real reasons you wanted to
10:53:00 26 speak to her?---Yes.
10:53:01 27
10:53:02 28 Is that right?---Yes.
10:53:02 29
10:53:03 30 Did you have any knowledge at that stage when you
10:53:05 31 interviewed her that there was some suggestion that
10:53:07 32 information reports had been put into the public
10:53:10 33 domain?---Yes.
10:53:10 34
10:53:11 35 Which information reports had come out of the Drug
10:53:13 36 Squad?---Yes.
10:53:14 37
10:53:20 38 Did you form a view or did you have a view at that stage as
10:53:24 39 to how that information could have got into the public
10:53:27 40 domain?---There was certainly theories which related back
10:53:32 41 either to the Drug Squad burglary or at the hands of
10:53:36 42 possibly an alleged police corrupt member.
10:53:40 43
10:53:41 44 Clearly the people who were then being investigated rightly
10:53:45 45 or wrongly included Mr Dale and Mr Miechel?---Yes.
10:53:49 46
10:53:49 47 So it would have been - and ultimately you arrest him with

10:53:53 1 a view to interviewing him very shortly after the murder,
10:53:56 2 that is Dale?---That was the next morning, yes.
10:54:02 3
10:54:02 4 Was Miechel arrested as well?---I don't know. Sol Solomon,
10:54:06 5 the Sergeant, I sent him out there, I don't know whether he
10:54:10 6 come back voluntarily or not, I've got no memory of it.
10:54:14 7
10:54:15 8 He was interviewed though wasn't he, Miechel?---Yes.
10:54:19 9
10:54:19 10 Clearly at that stage, shortly after those two people were
10:54:25 11 persons of interest?---At the early stage yes, having got
10:54:29 12 some information.
10:54:29 13
10:54:30 14 If you were aware of a suggestion that Ms Gobbo had been in
10:54:33 15 an intimate relationship with Mr Dale that would have been
10:54:35 16 information of some significance to you, wouldn't it?---It
10:54:38 17 would have been and that would have been something I would
10:54:40 18 have put to Dale.
10:54:42 19
10:54:44 20 And it might have been something that you would have put to
10:54:47 21 Ms Gobbo as well?---Yes.
10:54:50 22
10:54:51 23 And clearly that wasn't put to her in the interview?
10:54:54 24 You've seen that in recent times?---Yes, last week.
10:54:58 25
10:54:58 26 Does that indicate it was either information that you were
10:55:00 27 keeping up your sleeve or simply information you didn't
10:55:04 28 know about?---I would say the latter, that I didn't know
10:55:07 29 about because I would have put that to Gobbo in relation to
10:55:12 30 any perceived or alleged relationship she would have had
10:55:15 31 with Dale who was a prime suspect for the Hodson killings.
10:55:19 32
10:55:29 33 Were you involved in, at that stage, exploring - no, I
10:55:37 34 withdraw that. I withdraw that. Can I ask you: it
10:55:42 35 appears that you interviewed Ms Gobbo on 1 July
10:55:46 36 2004?---Yes.
10:55:46 37
10:55:49 38 Can you explain to the Commission what the reason was for
10:55:54 39 interviewing Ms Gobbo?---I thought the initial reason, when
10:56:00 40 I was first asked about it, was possibly her relationship
10:56:03 41 with Mokbel, given the fact we had some information that
10:56:07 42 implicated Mokbel and I think that might have been that,
10:56:13 43 that would have been the main reason I think from memory,
10:56:16 44 but it could have been others.
10:56:20 45
10:56:20 46 And the interview was conducted at the Homicide
10:56:24 47 Squad?---Yes.

10:56:24 1
10:56:26 2 It wasn't an interview where she was advised of her rights
10:56:31 3 and - - - ?---No, she was certainly advised because of ease
10:56:36 4 that we were going to videotape it and she was certainly
10:56:39 5 aware of that, to alleviate us taking copious notes of what
10:56:45 6 she had to say and as it went on, it lasted for one hour 20
10:56:50 7 minutes, so she was certainly cognisant of the fact we were
10:56:54 8 recording it, both audio and video.
10:56:57 9
10:56:57 10 She wasn't happy about it being videoed, is that
10:57:00 11 right?---When you say happy, she certainly made comment
10:57:05 12 about it and we explained it that way and then she just
10:57:08 13 proceeded. As often happens, because it is through a
10:57:12 14 two-way mirror, people forget they're being recorded. But
10:57:17 15 she made mention a couple of time she knows she is being
10:57:21 16 recorded when she refers to certain things about her
10:57:23 17 clients.
10:57:24 18
10:57:27 19 She wasn't, she was simply, what you say is that she was
10:57:32 20 simply a person who was providing assistance to you as an
10:57:36 21 investigator, is that right?---Absolutely.
10:57:38 22
10:57:40 23 Why was it necessary to interview her in that sort of
10:57:43 24 formal way with the two-way mirror and the video
10:57:47 25 process?---Well again it's recording what was being said
10:57:50 26 for accuracy than anything else, trying to paraphrase
10:57:55 27 whatever's going to happen. So we make that decision with
10:57:58 28 certain witnesses that we want to talk to, it's not
10:58:02 29 unusual, and given the fact of her position, that things
10:58:05 30 can be said at a later time of what's said and what wasn't
10:58:09 31 said so it was in fairness to all parties that that was our
10:58:14 32 best course of action.
10:58:15 33
10:58:15 34 Was she interviewed in an interview room?---Yes.
10:58:17 35
10:58:17 36 So in a room where suspects were normally
10:58:20 37 interviewed?---Yes, because that's where the video
10:58:23 38 recording equipment was set up.
10:58:24 39
10:58:24 40 It equally could have been done in an office with an audio
10:58:28 41 recorder, could it not?---It could have been but the vision
10:58:33 42 just says a lot more than the audio.
10:58:37 43
10:58:37 44 In what way?---Expressions, facial expressions, body
10:58:41 45 language which we can then go back to, so it's more
10:58:43 46 valuable to us and clearly from a privacy perspective, a
10:58:48 47 lot of our offices down in St Kilda Road were glass

10:58:56 1 petitioned offices and the likes, and again people looking
10:58:59 2 at her so it was more putting her at ease in relation to
10:59:03 3 having privacy.
10:59:04 4
10:59:05 5 So what you say is interviewing her in an interview room
10:59:08 6 with video was designed to put her at ease, was it?---Yes.
10:59:10 7
10:59:10 8 That was the purpose of it?---Not the purpose of it, it was
10:59:14 9 at ease for us, not at ease for us, it was easier for us
10:59:18 10 than taking copious notes to record it that way. Had she
10:59:23 11 objected to it, which some people do, "I don't want to be
10:59:25 12 recorded", we would have sat there and taken notes and/or a
10:59:28 13 statement, whatever the case may have been. It depends how
10:59:30 14 it would have developed.
10:59:31 15
10:59:32 16 If she'd objected to it you wouldn't have done it?---No,
10:59:35 17 because if she objected to it she wouldn't partake in any
10:59:40 18 conversation with us, so that was our best course of action
10:59:44 19 so we did go down that path.
10:59:46 20
10:59:47 21 She did object to it being videoed, didn't she? Just have
10:59:51 22 a look - if we could give the witness the document.
10:59:56 23
10:59:56 24 COMMISSIONER: This is the transcript of the video.
11:00:05 25
11:00:06 26 MR WINNEKE: Just the transcript. If you look at p.2, what
11:00:11 27 Mr Davey says is, "Now thanks for coming in Nicola. You'd
11:00:14 28 be aware that we're going to video record what we're
11:00:18 29 discussing" and Ms Gobbo says, "Which I strongly object to
11:00:22 30 but it doesn't matter"?---Correct.
11:00:24 31
11:00:26 32 It is pretty clear that she did object to it and strongly
11:00:29 33 objected to it?---But then qualified, "It doesn't matter".
11:00:33 34
11:00:34 35 Look the reality is, isn't it, that what you were trying to
11:00:37 36 do was in effect suggest to her that she was under the
11:00:45 37 close observation of the Homicide Squad and in effect to
11:00:49 38 put her under a bit of pressure?---Not at all.
11:00:51 39
11:00:51 40 No?---Not at all. She's a very astute person, been through
11:00:56 41 the ropes a number of times and it would be ludicrous to
11:01:00 42 say we're trying to intimidate her. It wasn't the fact at
11:01:04 43 all.
11:01:04 44
11:01:05 45 When you say she'd been through the ropes, she'd been a
11:01:09 46 legal practitioner for a number of years but as far as you
11:01:11 47 were concerned she hadn't been a suspect in a

11:01:14 1 homicide?---No, never has been.
11:01:16 2
11:01:17 3 Did you know that she had at any stage previously provided
11:01:23 4 information to the police?---None whatsoever.
11:01:26 5
11:01:26 6 You didn't know that in the past she'd been
11:01:28 7 registered?---No.
11:01:29 8
11:01:29 9 As an informer?---No.
11:01:30 10
11:01:31 11 Did you know through Mr De Santo, your discussions with
11:01:36 12 Mr De Santo, that she had previously,I suppose if I can put
11:01:44 13 it this way, had a relatively cordial relationship with him
11:01:47 14 where she would contact him and offer information to him
11:01:51 15 that may be of assistance to his investigations?---No,
11:01:54 16 absolutely not.
11:01:55 17
11:01:55 18 He didn't tell you that?---No.
11:01:56 19
11:02:02 20 All right. When you say she said she strongly objected to
11:02:08 21 it, you didn't give her the opportunity of perhaps going
11:02:12 22 into another office and simply taking notes from her?---No,
11:02:18 23 but she strikes me or struck me certainly then that if she
11:02:21 24 wanted to do that she would have then certainly made her
11:02:26 25 position quite clear to us given her involvement with
11:02:28 26 police members and a bit of a no-nonsense lady.
11:02:32 27
11:02:33 28 So you felt that you had information that Mr Mokbel may
11:02:40 29 have had some involvement in this murder that you were
11:02:44 30 investigating?---Yes.
11:02:45 31
11:02:47 32 And you knew that Ms Gobbo represented Mr Mokbel?---I don't
11:02:55 33 know whether I knew that at that time or not. I don't
11:03:00 34 remember whether we did or not.
11:03:02 35
11:03:04 36 Do you say that - let's just assume that this is the case,
11:03:09 37 that Ms Gobbo had at that stage been acting for Mr Mokbel
11:03:13 38 for some time, in excess of two years. What I suggest to
11:03:19 39 you, that that was publicly notorious that she had an
11:03:22 40 involvement in representing the Mokbels, indeed you asked
11:03:26 41 her questions about it during the course of the
11:03:29 42 interview?---Yes, now whether I was aware that, I don't
11:03:31 43 know whether Mokbel was on charges of any kind at that
11:03:34 44 particular time, I don't know.
11:03:36 45
11:03:36 46 One assumes that if you were inviting a barrister in to
11:03:39 47 seek to get information from the barrister, you had a

11:03:43 1 reason for doing so?---Yes.
11:03:44 2
11:03:45 3 And the reason was that you thought she might be able to
11:03:49 4 provide some information to you, correct?---That and
11:03:52 5 others, yes.
11:03:52 6
11:03:53 7 And one of the things that you were interested in was
11:03:59 8 finding out what Mr Mokbel may have known insofar as
11:04:03 9 whether Mr Hodson was an informer?---He and others, yes.
11:04:07 10
11:04:09 11 If that's the case why would you worry about Ms Gobbo, why
11:04:13 12 would you ask her to come in?---No knowing what knowledge
11:04:18 13 she may or may not have had.
11:04:19 14
11:04:20 15 How would she know what Mr Mokbel might know?---We don't
11:04:24 16 know that until we ask the question of her.
11:04:26 17
11:04:27 18 You've obviously established there was a connection between
11:04:30 19 Ms Gobbo and Mr Mokbel?---Yes.
11:04:32 20
11:04:32 21 You understood I suggest that she acted for him, you must
11:04:38 22 have known?---At that time I didn't know whether he was
11:04:42 23 under charges or not, I've got no idea.
11:04:44 24
11:04:44 25 You didn't know in 2004 whether Mr Mokbel was under
11:04:48 26 charges?---Not that I can recall, no.
11:04:49 27
11:04:49 28 If he had been at that time you certainly would have known,
11:04:55 29 because you would have made yourself aware of that before
11:04:57 30 speaking to Ms Gobbo, surely?---Yes, that would make sense.
11:05:00 31
11:05:01 32 If he was the subject of charges at that time, and I
11:05:07 33 suggest he was, you would have known?---Yes.
11:05:10 34
11:05:12 35 You asked her a number of questions during the course of
11:05:17 36 that interview about information reports concerning
11:05:23 37 Mr Hodson?---Yes.
11:05:24 38
11:05:25 39 Correct?---Yes.
11:05:25 40
11:05:27 41 What you were keen to find out is how - firstly whether she
11:05:35 42 knew about whether Mr Hodson had been an informer?---Yes.
11:05:39 43
11:05:39 44 And whether any other people who she knew were also aware
11:05:44 45 that Mr Hodson was an informer?---Correct.
11:05:47 46
11:05:48 47 And at this stage there had been press, publicity about a

11:05:52 1 particular information report which had got into the public
11:05:56 2 domain?---Yes.
11:05:58 3
11:05:58 4 And this was one line that you were following as an
11:06:01 5 investigator?---Yes. There was certainly a considerable
11:06:05 6 amount of people identified as persons of interest that
11:06:09 7 would have been - who were aware of Hodson being an
11:06:12 8 informer and would have had a motive to kill him.
11:06:15 9
11:06:19 10 You also knew, did you, that she had acted for Mr Hodson,
11:06:25 11 Terry Hodson?---Yes.
11:06:27 12
11:06:31 13 Were you told by De Santo or Mr Gregor that she had
11:06:35 14 represented Mr Hodson after the burglary?---I've got no
11:06:41 15 memory of that. I don't know. I may have been but I've
11:06:45 16 got no memory today.
11:06:46 17
11:06:46 18 You wouldn't have any recollection now of the
11:06:49 19 circumstances?---No.
11:06:50 20
11:06:51 21 But whatever information was available at the time you
11:06:57 22 certainly would have gathered it before you interviewed
11:06:59 23 Ms Gobbo?---Yes.
11:07:01 24
11:07:01 25 As a competent investigator you want to go into an
11:07:06 26 interview if you like, like this, knowing as much as you
11:07:08 27 can about the person you're interviewing?---Yes.
11:07:10 28
11:07:19 29 You asked Ms Gobbo during the course of the interview about
11:07:24 30 any connection that she had with Andrew Hodson?---Yes.
11:07:28 31
11:07:29 32 And you established that she had had dinner with Mr Hodson,
11:07:36 33 Andrew Hodson?---Yes.
11:07:37 34
11:07:37 35 During the course of the interview?---Yes.
11:07:39 36
11:07:40 37 The night prior to the murder, is that right?---Yes.
11:07:42 38
11:07:44 39 Was Mr Andrew Hodson a person of interest in the
11:07:47 40 investigation at any stage?---Absolutely.
11:07:49 41
11:07:50 42 He was?---Yes.
11:07:51 43
11:07:52 44 That is Andrew Hodson?---Yes.
11:07:55 45
11:07:56 46 So you knew of a connection between Ms Gobbo and Mr Andrew
11:08:00 47 Hodson?---Yes.

11:08:02 1
11:08:02 2 And you say that you're not sure whether you knew of a
11:08:09 3 connection between Ms Gobbo and Mr Dale?---Correct. Look I
11:08:14 4 may have known but today I just haven't got that recall.
11:08:17 5
11:08:17 6 Again, if we go back to this proposition: if there was
11:08:20 7 information available to investigators that there may have
11:08:23 8 been or an allegation of a connection between Gobbo and
11:08:26 9 Dale?---Yep.
11:08:27 10
11:08:27 11 The expectation is that you would have been informed of
11:08:29 12 that?---I would have hoped so, yes.
11:08:31 13
11:08:39 14 Obviously those matters, assuming you were aware of those
11:08:43 15 matters, would have made her a particularly interesting
11:08:49 16 subject for your investigations?---Yes, as a source of
11:08:53 17 information, yes.
11:08:54 18
11:08:54 19 As a source of information, all right. Was it your desire
11:08:59 20 to get information from Ms Gobbo that she might have had
11:09:08 21 because of her associations with criminals?---Yes.
11:09:12 22
11:09:14 23 And you understood, did you, that her associations with
11:09:17 24 criminals or alleged criminals occurred in the context of
11:09:21 25 her being a barrister?---Yes.
11:09:24 26
11:09:25 27 All right. And nonetheless, you were keen to use that
11:09:30 28 source of information to get information to assist your
11:09:34 29 investigation into this very serious killing?---Absolutely.
11:09:37 30 That's the lifeblood, is information or intelligence that
11:09:41 31 we need to get.
11:09:42 32
11:09:44 33 Was it a matter of concern to you that any information that
11:09:47 34 you might get was information that could have come to her
11:09:52 35 through her professional capacity or professional
11:09:56 36 involvement as a barrister, as a lawyer?---Not at that
11:09:59 37 stage, no.
11:09:59 38
11:10:00 39 It wasn't a matter of concern?---Not at that stage, no.
11:10:03 40
11:10:03 41 And why do you say that?---Because I - if it had have come
11:10:08 42 up, I would have asked her further, say "How do you come by
11:10:12 43 that information?" Because she was certainly forthcoming,
11:10:16 44 as you would have seen in the transcript, of saying "I'm
11:10:19 45 not going to divulge that because it's privileged. I'm not
11:10:23 46 saying to say anything about that because it's privileged".
11:10:26 47 She certainly made a point of that a number of times.

11:10:28 1
11:10:29 2 The interview will speak for itself. What she did say to
11:10:34 3 you, and if you turn to p.38 of the interview, you were
11:10:42 4 asked - in fact you were asking about whether Mr Andrew
11:10:51 5 Hodson became aware and when he became aware that his
11:10:55 6 father was an informer, correct, that's one of the lines
11:10:58 7 that you were interested in?---That's at 38, is it?
11:11:02 8
11:11:02 9 Leading up to that. I'm just asking you a question leading
11:11:06 10 up to that?---Can you ask that question again?
11:11:08 11
11:11:08 12 Yes. One of the things that you were interested in was
11:11:14 13 whether she provided confirmation to Andrew Hodson that
11:11:19 14 Terry Hodson was a police informer?---Yes.
11:11:21 15
11:11:22 16 And indeed Mr Davey says that at the top of p.38, asks her
11:11:27 17 whether she provides confirmation to him?---Correct.
11:11:30 18
11:11:32 19 And he says, "Is that your recollection of what happened?"
11:11:36 20 And Ms Gobbo says, amongst other things, "I think he knew
11:11:42 21 long before that because I'm sure he was, ah, the one who
11:11:45 22 mentioned it"?---Yes.
11:11:46 23
11:11:47 24 "Or I might have asked him because people were saying to
11:11:50 25 me, what are you doing acting for that bloke"?---Yep.
11:11:53 26
11:11:53 27 She goes on and says, "And this is part of the reason why
11:11:57 28 I'm sick of acting for these people, because they all talk
11:12:00 29 to each other. What I then tell you is then reported to
11:12:04 30 you and then it comes back to me, it's nowhere near what I
11:12:08 31 said to you in the first place"?---Correct.
11:12:09 32
11:12:09 33 And you say, "Yeah". So effectively what she starts to say
11:12:13 34 is that she's sick of acting for these people?---Yes.
11:12:16 35
11:12:18 36 Right. So it's pretty clear from the interview that you're
11:12:23 37 getting information from her about people for whom she's
11:12:30 38 acted?---Yes.
11:12:31 39
11:12:35 40 Subsequently she says this. At p.42 of the interview
11:12:57 41 Mr Davey asked about halfway down, "So the information that
11:13:03 42 you had heard was contained in the document". Now this is
11:13:08 43 a document which was reported in the Herald Sun. "It
11:13:14 44 wasn't that there was an informer and this was his
11:13:16 45 registration number, it was that Hodson was an
11:13:19 46 informer"?---Yep.
11:13:20 47

11:13:21 1 Now, do you recall whether that was correct at that stage,
11:13:24 2 whether the document itself referred to Mr Hodson by name
11:13:28 3 or not?---Look, I've no memory of that. It was bandied
11:13:34 4 around so much and the fact of it being in the paper and
11:13:40 5 then through a couple of journalists.
11:13:41 6
11:13:42 7 She says further down, "But I think I said to Charlie on
11:13:46 8 Friday, you never know in a case like this, et cetera,
11:13:51 9 whether I'm a controller (indistinct), a police officer and
11:13:55 10 I'm properly controlling my informer and everything that
11:13:57 11 I'm logging and putting through the books
11:14:01 12 et cetera"?---Yep.
11:14:02 13
11:14:02 14 So what she's saying is she's previously had a discussion
11:14:07 15 with you on the previous Friday, right?---Yep.
11:14:09 16
11:14:10 17 Do you recall having a discussion with Ms Gobbo prior to
11:14:13 18 this interview?---No. When I saw the tape last week no
11:14:20 19 memory whatsoever when she makes reference to that.
11:14:24 20
11:14:26 21 It seems apparent from that that you have had a discussion
11:14:30 22 with her previously?---I wouldn't deny that, no.
11:14:33 23
11:14:34 24 Have you checked your diaries to see if there's any
11:14:39 25 reference to that discussion?---No, my diaries had been
11:14:43 26 taken prior to that by Woltsche from the - - -
11:14:45 27
11:14:46 28 Right. What we've been provided with is one diary entry
11:14:51 29 which is dated Thursday, 1 July 2004, "On duty
11:14:59 30 14:50"?---Yep.
11:14:59 31
11:15:00 32 "Office" - have you got a copy of your diary entry
11:15:04 33 there?---No.
11:15:05 34
11:15:05 35 It can be shown to you. What do we see there?---"On duty
11:15:19 36 14:50, office, IC", is in charge, "Crew 6, re Op Loris."
37
11:15:26 38 Operation Loris is the investigation into the Hodson
11:15:29 39 murder?---Yes. "15:35", that's 3:55 pm, "Spoke to Nicola
11:15:36 40 Gobbo with Davey re Loris to 18:00. Op Loris to", we
11:15:44 41 continued on with the Operation Loris until 23:00 off duty.
11:15:48 42
11:15:50 43 That's the sole diary entry that we've been provided with
11:15:56 44 which suggests any involvement that you have with Ms Gobbo
11:16:01 45 in relation to this investigation?---I would have thought
11:16:05 46 there'd be an information report relevant to that on that
11:16:09 47 day.

11:16:09 1
11:16:09 2 Indeed there's an information report which you prepared
11:16:12 3 subsequent to that?---Right.
11:16:14 4
11:16:16 5 Clearly you've had information provided to you about
11:16:20 6 Ms Gobbo which leads you to conduct this interview,
11:16:26 7 right?---Yes.
11:16:26 8
11:16:27 9 Have you made any notes or do you recall making any notes
11:16:33 10 of any information with which you were provided about
11:16:36 11 Ms Gobbo? Would you have made notes?---Well I would have
11:16:43 12 made notes probably in my day book and they would have been
11:16:47 13 reduced to an information report on the file.
11:16:50 14
11:16:50 15 I'm talking about prior to the interview of her?---Well if
11:16:54 16 there's any information relative to Gobbo leading up to
11:16:57 17 that interview that mentioned her name or implication of
11:17:01 18 some sort with other people, there'd be information reports
11:17:05 19 in the file of some sort.
11:17:06 20
11:17:06 21 It's a fairly unusual step to pull in a practising
11:17:11 22 barrister and interview her on video, isn't it? Pretty
11:17:16 23 unusual step?---You don't get many defence barristers in
11:17:22 24 investigations that you speak to in a formal manner in that
11:17:26 25 particular way, you're right, but you go where the
11:17:30 26 investigation and the evidence takes you.
11:17:31 27
11:17:31 28 I'm not suggesting you don't. Without naming names, do you
11:17:35 29 recall interviewing any other barristers over the period of
11:17:39 30 your career on tape?---Not that I can recall, no.
11:17:46 31
11:17:46 32 This is the one and only occasion where you've pulled in a
11:17:50 33 barrister and interviewed her on tape and the only entry
11:17:52 34 we've got in relation to your involvement in that is a
11:17:58 35 three, four line entry in a diary on 1 July 2004?---Yes,
11:18:03 36 but as I qualified I would imagine there's an information
11:18:07 37 report relative to that interaction between Gobbo and I.
11:18:10 38
11:18:10 39 As part of the process of you providing your statement, do
11:18:16 40 you believe that you've been provided with all relevant
11:18:21 41 pieces of information which concern your investigation into
11:18:25 42 Ms Gobbo?---Probably not, I don't know, because I'm just
11:18:32 43 trying to think, if that was the main one, we've contacted
11:18:36 44 her that day, we spoke to her. We've got the videotape of
11:18:39 45 that. Um, I've got no recall of me being involved with her
11:18:46 46 in any other fashion or way relative to the investigation.
11:18:49 47

11:18:49 1 Do you recall whether you spoke to any more senior
11:18:53 2 officers, any senior officers prior to interviewing
11:18:56 3 Ms Gobbo?---Only the fact that certainly after taking over
11:19:03 4 - after commencing the investigation into the Hodsons, I
11:19:07 5 was required to brief Senior Command, along with OPI, in
11:19:12 6 relation to the progress of the investigation, that was on
11:19:15 7 a weekly basis and that went on to a monthly basis. So I
11:19:19 8 would imagine, if I'm still briefing those particular
11:19:21 9 people, Senior Command, they would have been aware, that
11:19:25 10 would be a pertinent thing that I would be mentioning to
11:19:28 11 them, okay, next week we propose to speak to Nicola Gobbo
11:19:31 12 and they would have been aware of it.

11:19:33 13
11:19:34 14 It would be, it would stand to reason that you wouldn't
11:19:37 15 simply off your own bat go off and grab a barrister who
11:19:41 16 acts for people like Tony Mokbel without speaking to more
11:19:46 17 senior officers about it and those who are assisting you,
11:19:49 18 if you like, in guiding this investigation?---Not at all.
11:19:53 19 I'm the investigations leader, I make that decision, as I
11:19:58 20 did with going to take out a warrant on Dale. So basically
11:20:02 21 I'm not looking for permission from any other senior
11:20:04 22 officer in conducting my investigation.

11:20:07 23
11:20:07 24 No?---But I would have told them as a matter of course in
11:20:10 25 my briefings to them but I'm not looking for permission to
11:20:13 26 do that.

11:20:14 27
11:20:15 28 But what you do say is that it's something that would have
11:20:17 29 been charted out, you would have been saying, "This is what
11:20:20 30 I'm doing, this is what I propose to do and at least this
11:20:24 31 is the reason why I'm doing it"?---As part of the briefings
11:20:30 32 I was giving to Senior Command, being Overland, my
11:20:33 33 Superintendent and the OPI member, I'm not too sure whether
11:20:37 34 Terry Purton was part of that or not but that was the board
11:20:40 35 I was reporting to. If that was a situation of, if my
11:20:43 36 briefings were on a Wednesday and I was going to interview
11:20:45 37 Gobbo on a Tuesday, well they wouldn't have been aware of
11:20:50 38 that, I would have gone on that, and that's the purpose of
11:20:52 39 being a team leader and the position that I held at that
11:20:56 40 time.

11:20:56 41
11:20:57 42 What you say is that the OPI were involved at that
11:21:00 43 time?---They were involved from the get-go, when the
11:21:05 44 briefings had to be made by me to that particular group
11:21:08 45 that went from a weekly briefing into a monthly briefing.

11:21:11 46
11:21:12 47 Do you recall when the first briefing was?---I would say it

11:21:17 1 would be weeks, one or two weeks, three weeks, possibly
11:21:21 2 after I started the investigation and then it was left with
11:21:25 3 me from that point forward.
11:21:27 4
11:21:27 5 Mr Overland was involved in this investigation or at least
11:21:32 6 had an oversight of this investigation from the very start,
11:21:36 7 didn't he?---Yes.
11:21:36 8
11:21:37 9 You spoke to Mr Overland on the night?---I've got no memory
11:21:46 10 of it, of speaking to him in particular. It's such a
11:21:50 11 dynamic scene at that stage. What's relative to me is the
11:21:54 12 ESD, Ceja being present and then running the investigation,
11:21:57 13 given the fact of what it involved, it was certainly a
11:22:00 14 dynamic scene so whether I spoke to Overland or not I don't
11:22:04 15 know.
11:22:04 16
11:22:04 17 Certainly he would have been present at the very first
11:22:08 18 meeting that there was that you've spoken
11:22:11 19 about?---Absolutely.
11:22:11 20
11:22:11 21 And so Overland's there, you say there's a representative
11:22:15 22 of the OPI there?---Yes.
11:22:17 23
11:22:18 24 Was that Mr Ashton?---No, it was - because I know Graham,
11:22:23 25 it wasn't Mr Ashton, it was a person I didn't know but it
11:22:30 26 wasn't, certainly not Mr Ashton.
11:22:33 27
11:22:34 28 Do you recall ever speaking to Mr Ashton about these
11:22:37 29 matters?---I don't believe so, no.
11:22:39 30
11:22:42 31 So we've got Overland, an OPI representative whose name you
11:22:49 32 can't recall, who else would have been there, Mr Purton you
11:22:53 33 believe?---May have been there as a commander and my
11:22:58 34 Detective Superintendant John Whitmore who is a retired
11:23:00 35 member.
11:23:00 36
11:23:00 37 These meetings occurred where?---They would have been - I
11:23:04 38 don't know whether I went to, we've had so many different
11:23:10 39 places, whether it was actually - at that stage Overland
11:23:14 40 was in our building, then he moved to VPC. I'd only be
11:23:19 41 guessing if I said the VPC.
11:23:22 42
11:23:23 43 Were there note takers there?---Not specific note takers or
11:23:28 44 minute takers, no.
11:23:29 45
11:23:29 46 You say there weren't or you don't recall?---I'd be pretty
11:23:33 47 confident to say there were no note takers in a position of

11:23:37 1 saying, well look, this lady or this person here is going
11:23:40 2 to be taking notes of what we then say because I think I
11:23:44 3 would have recalled that. I think it was a situation, it
11:23:46 4 was a round table discussion, I would go there with my
11:23:49 5 notes, give them what we had done in the past week, what we
11:23:56 6 proposed to do and what was coming up.

11:23:59 7
11:23:59 8 What you say - do you recall what days, I might be taxing
11:24:04 9 your recollection here, do you recall what days it was on,
11:24:06 10 the meetings?---No.

11:24:08 11
11:24:08 12 By July, so we're talking I suppose about a month and a
11:24:13 13 half after the murder, were we still on weekly
11:24:21 14 meetings?---Month and a half I'd say yes, I think probably
11:24:24 15 it would have then been pushed out. The fact is our
11:24:28 16 progress was then slowed considerably so therefore I had
11:24:31 17 nothing major to report from the last briefing. I think it
11:24:35 18 was then pushed out by Overland to be a monthly reporting.

11:24:38 19
11:24:41 20 Did you take notes at any of these meetings?---Apart from
11:24:46 21 the fact of noting in my diary that briefing those
11:24:49 22 particular people, but an actual briefing, no, I wouldn't
11:24:53 23 have taken notes. I would have just gone from my knowledge
11:24:56 24 and talking with what our proposed plans were and were
11:25:01 25 going to be.

11:25:01 26
11:25:03 27 Do you have a copy of your diary or is your original diary
11:25:07 28 in the courtroom here today?---I don't know where the diary
11:25:11 29 is. I've got no notes of the diary - - -

11:25:15 30
11:25:15 31 MS ENBOM: We're having inquiries made as to where those
11:25:18 32 original diaries are. They should be here, I don't know
11:25:22 33 why they're not. That's being looked into now.

11:25:24 34
11:25:24 35 COMMISSIONER: Thanks Ms Enbom.

11:25:31 36
11:25:32 37 MR WINNEKE: Do you say that there was no note-taker there
11:25:35 38 at all?---Not to my knowledge, not from memory, no. I
11:25:40 39 think I would have recalled that because that would have
11:25:42 40 put it in an official capacity. Certainly each member
11:25:46 41 would have been taking their own notes of what was said,
11:25:49 42 especially if I was dictating, "Look we're going to do a
11:25:53 43 raid or we're going to pull someone in, or we're going to
11:25:55 44 do this", they would have made a note of it. I don't
11:25:59 45 believe there was anyone in an official capacity taking
11:26:02 46 minutes or a note or even recording it audibly.

11:26:05 47

11:26:06 1 What was the purpose of the meeting?---Just to update those
11:26:10 2 particular people of where the investigation was at each
11:26:15 3 particular time, whether they wanted to see what progress I
11:26:18 4 was making and to see what I was doing or the team in
11:26:22 5 particular, so it was a matter of me telling them, that was
11:26:27 6 the whole purpose of me advising them, nothing coming back
11:26:32 7 to me from their perspective.
11:26:35 8
11:26:36 9 I assume in a run of the mill murder investigation you
11:26:38 10 wouldn't be meeting with the Assistant Crime Commissioner
11:26:40 11 and the OPI every week, would you?---No.
11:26:43 12
11:26:43 13 This was most unusual?---Yes.
11:26:45 14
11:26:45 15 Would you describe these meetings as a steering
11:26:49 16 committee?---Yeah, you could describe them as that, given
11:26:51 17 the involvement of the OPI and what then took place
11:26:57 18 thereafter I don't know. The other unusual factor is that
11:27:00 19 it was left with me, my team.
11:27:01 20
11:27:02 21 What was?---That the investigation was left with my team.
11:27:05 22
11:27:05 23 Why was that unusual?---The fact that it involved major
11:27:09 24 police alleged corruption, to leave it to me to
11:27:12 25 investigate, along with the other significant murders that
11:27:14 26 I had to investigate, you know, you gave it some thought to
11:27:19 27 say, I gave it some thought as to why is that, but I just
11:27:23 28 got on with the job.
11:27:24 29
11:27:25 30 Do you have a view now? Effectively what you're saying is
11:27:28 31 this was a very major investigation involving potential
11:27:32 32 corruption?---Correct.
11:27:33 33
11:27:33 34 You're a hard working Detective who has a whole lot of
11:27:38 35 murders on your plate?---Yep.
11:27:39 36
11:27:39 37 And you're left with this operation without, effectively
11:27:43 38 without do you believe appropriate assistance?---Well, I
11:27:49 39 turned my mind to it at the time and then things that I've
11:27:52 40 learnt in hindsight it then becomes clarity as to why that
11:27:56 41 was going on.
11:27:56 42
11:27:57 43 Can you enlighten the Commission?---Well, I formed a view
11:28:00 44 down the track that Overland was running his own
11:28:04 45 investigation behind my back whilst I'm leading the
11:28:08 46 investigation and - now the fact of the matter is that I
11:28:12 47 didn't, I had inherited this job, it was a bit of a cluster

11:28:16 1 by the ESD, I'd had words with them in relation to on the
11:28:21 2 night at the scene.
11:28:21 3
11:28:21 4 When you say words with them, what do you mean?---Well I
11:28:25 5 was annoyed to the fact that why did they leave Hodson to
11:28:29 6 his own devices? He didn't want to go into witness
11:28:33 7 protection yet they allowed him to set up his own video
11:28:38 8 surveillance. And one of the pertinent points, which was
11:28:42 9 really in my claw, why didn't you set up our own
11:28:46 10 surveillance unbeknownst to Hodson. That was a big issue
11:28:50 11 for me. And it was either the fact that they said they had
11:28:52 12 no money to do it but that to me was incompetent. Then I
11:28:56 13 was involved with trying to get information from them and
11:28:59 14 also trying to get information from Ceja that I felt I was
11:29:04 15 left stranded.
11:29:05 16
11:29:05 17 What I want to do though is focus on whether you were
11:29:09 18 provided information about Ms Gobbo which enabled you to
11:29:14 19 properly investigate, right. What I'm suggesting to you -
11:29:18 20 perhaps I'll ask you this: the evidence before the
11:29:23 21 Commission is that Ms Gobbo had an involvement, allegedly
11:29:30 22 at this time, with Mr Dale and you were aware that she had
11:29:37 23 an involvement with Mr Andrew Hodson because she'd acted
11:29:42 24 for him, right?---Yes.
11:29:43 25
11:29:44 26 Was it important for you to know, certainly in so far as
11:29:48 27 Mr Dale was concerned, who was the major suspect, of a
11:29:51 28 potential involvement with Mr Dale?---It was important that
11:29:54 29 I was given all information throughout my investigation and
11:29:59 30 my hands-on leading that investigation for the 18 months
11:30:02 31 and the things I then learnt in hindsight that it may not
11:30:07 32 have been the case.
11:30:08 33
11:30:14 34 When you had these subsequent meetings, weekly meetings
11:30:19 35 that you were talking about, was ESD involved?---I beg your
11:30:28 36 pardon, I think Kieran Walsh, the Assistant Commissioner of
11:30:31 37 ESD was there, you just reminded me.
11:30:35 38
11:30:35 39 Do you know if Mr De Santo from your understanding
11:30:39 40 continued to be involved in the investigation or not?---I
11:30:40 41 don't know what he was up to but it was an issue for me
11:30:45 42 that I wanted to have meetings or speak to Andrew Hodson
11:30:49 43 and basically I had to get permission from De Santo to be
11:30:53 44 able to do that.
11:30:54 45
11:30:54 46 You needed to get permission from De Santo?---Yes.
11:30:58 47

11:31:00 1 If I can come back to your interview with Ms Gobbo. If we
11:31:07 2 go to p.45 of your interview. If you go to the top of that
11:31:28 3 page, in fact if you go to the bottom of p.44, just have a
11:31:36 4 look at that and read that to yourself, the last question
11:31:39 5 and answer?---Yep.
11:31:56 6
11:31:56 7 You see that. She's talking about subpoenaed material that
11:32:01 8 she'd come into possession of in her capacity as a
11:32:05 9 barrister, right?---Yep.
11:32:06 10
11:32:08 11 And she then says, "I'm just trying to think all the cases
11:32:12 12 that I've had and there's ..." and you say, "No, that would
11:32:17 13 be great", right, and Mr Davey says, "In that document
11:32:22 14 apart from nominating Terry as an informer, did you hear
11:32:26 15 that there was mention of a contract"?---Right.
11:32:29 16
11:32:30 17 And Ms Gobbo says, "On?" Mr Davey says, "On anyone in that
11:32:35 18 document" and she says, "No, not in that document". And
11:32:38 19 she says, "No, not at all, but as in contracts on people
11:32:43 20 there's lots of rumours". She says, "Apparently there's a
11:32:47 21 contract on me at some point"?---Correct.
11:32:49 22
11:32:49 23 And she says, "I see that neither of you are surprised",
11:32:54 24 right?---Yep.
11:32:54 25
11:32:55 26 Davey says, "I haven't heard about it". She says, "It's
11:32:58 27 reached a stage where nothing would surprise me any more".
11:33:01 28 You say, "You're amongst them". Do you follow that?---Yes.
11:33:05 29
11:33:06 30 She says, "Well criminal law isn't what it used to be and
11:33:10 31 that's part of the desire to get out of it"?---Yep.
11:33:12 32
11:33:13 33 What do you mean by saying to her, "You're amongst
11:33:17 34 them"?---Well, to be able to put my mind then, all these
11:33:23 35 years later as to now, I'll take it as a guess that you're
11:33:27 36 amongst the criminal element, therefore running with the
11:33:33 37 foxes and hunting with the hounds.
11:33:36 38
11:33:37 39 In other words, the suggestion that you had was that she
11:33:41 40 appeared to be, as far as your observations were concerned,
11:33:47 41 mixing with criminals, correct?---Yes.
11:33:50 42
11:33:55 43 In other words, too close to her clients perhaps?---I don't
11:33:59 44 know about too close, that's her job, but basically, you
11:34:03 45 know, you're mixing with these elements and there's not
11:34:08 46 much - - -
11:34:09 47

11:34:09 1 Her involvement with her clients was outside of
11:34:13 2 professional bounds in other words?---Yes.
11:34:14 3
11:34:14 4 That's what in effect you were putting to her?---Yeah
11:34:18 5 possibly at that stage. As I said I can't put my mind now
11:34:23 6 back then, 15 years ago.
11:34:24 7
11:34:30 8 Then what you were trying to achieve or what you wanted to
11:34:34 9 do was to find out for the purposes of your investigation
11:34:39 10 who knew about the fact that Hodson was an informer and you
11:34:44 11 ask her questions about that following. We don't need to
11:34:47 12 go into detail about that. What I'm suggesting to you is
11:34:51 13 that was a fairly significant part of the reason you were
11:34:54 14 interviewing her?---Yes, correct.
11:34:55 15
11:34:57 16 And she says to you, indeed you ask her at p.52, "You still
11:35:11 17 represent Tony Mokbel", right? Page 52?---Yes. Can you
11:35:34 18 just take me to the line where it says - - -
11:35:36 19
11:35:36 20 It's about the first question where you appear at the top
11:35:41 21 of the page?---Yep. Yes, beg your pardon, "Do you still
11:35:44 22 represent Tony Mokbel?" Answer, "Yes".
11:35:46 23
11:35:47 24 Effectively what you've said before is certainly when you
11:35:50 25 interviewed her at the time you would have made yourself
11:35:53 26 aware as to whether or not she acted for him. It appears
11:35:57 27 to be the case that you were aware that she represented
11:35:59 28 Tony Mokbel?---Whether that was in a particular case or
11:36:02 29 just in general terms. A lot of these crooks have go-to
11:36:06 30 barristers and that's possibly what I meant there. Whether
11:36:11 31 it was a specific case at that stage I've got no memory of
11:36:14 32 that.
11:36:15 33
11:36:15 34 In any event you still hold with your answer, if it was the
11:36:18 35 case that he was the subject of charges you would have been
11:36:21 36 aware of it?---Yep.
11:36:22 37
11:36:23 38 And you say, "Now I don't want to go into the case or
11:36:26 39 anything at all" and she says, "Good, nor do I, Charlie"
11:36:31 40 and that might be what you're alluding to before where she
11:36:35 41 says she's not going to tell you about privileged
11:36:39 42 stuff?---Yep.
11:36:39 43
11:36:40 44 You say, "But do you know if, you may or may not be aware,
11:36:45 45 has Mokbel, has Tony Mokbel ever said anything to you about
11:36:49 46 being in possession of a list of informers, has that ever
11:36:55 47 come up. She says, "No, not to do with this case. I know.

11:37:00 1 No, no, but something that's never come up or he's ever
11:37:00 2 discussed it with you? Not a list, no"?---Yep.
11:37:03 3
11:37:03 4 But then she says, "No, but Charlie, he doesn't trust me,
11:37:08 5 he uses me"?---Yep.
11:37:10 6
11:37:11 7 And she says, "Obviously, anyway it's a sore topic" and
11:37:16 8 you've said, "Well you've answered that question anyway".
11:37:21 9 But then you say this, and at the top of the following
11:37:26 10 page, "So what, because of something that's sort of cropped
11:37:28 11 up relating to that, now as I said to you on the phone he's
11:37:32 12 one of ... same process we want to go through, so if we can
11:37:37 13 make some arrangements there and obviously the other two
11:37:40 14 brothers, so all the three Mokbels", and she says, "As in
11:37:44 15 all of them but not Horthy", et cetera?---Yep.
11:37:48 16
11:37:51 17 What you wanted to do was to speak directly with those
11:37:55 18 people, that was what you were wanting to achieve, is that
11:37:59 19 right?---They would have been our list to speak to, yes.
11:38:03 20
11:38:04 21 Did you want her to assist you in getting them to come to
11:38:07 22 you so she could have a discussion with them?---Well, I
11:38:11 23 wanted her to pave the way for us in relation to saying,
11:38:15 24 well look, if Bezzina calls there's no hidden agenda, they
11:38:20 25 just want to be talking to you about this because you're
11:38:22 26 dealing with this level of criminals that any contact by a
11:38:26 27 member of the Homicide Squad shuts them down. But I just
11:38:29 28 wanted her to pave the way for us to say well look, it's
11:38:33 29 okay to talk to them because you can either say nothing or
11:38:37 30 just to try and make it easier for us to try to get some
11:38:40 31 information of what knowledge they may or may not have had.
11:38:43 32 If they told me to take a flying leap, well so be it.
11:38:48 33
11:38:48 34 Commissioner, I note the time, I wonder whether it's
11:38:52 35 appropriate to have a short break.
11:38:54 36
11:38:54 37 COMMISSIONER: Yes certainly, we'll have a ten minute
11:39:24 38 break.
11:39:24 39
11:39:25 40 (Short adjournment.)
41
12:08:39 42 COMMISSIONER: Yes, Mr Winneke.
12:08:40 43
12:08:41 44 MR WINNEKE: Thanks, Commissioner. Mr Bezzina, what I
12:08:43 45 might do is finish off this record of interview. Just
12:08:45 46 before I do, this was a videotaped interview and in the
12:08:49 47 normal course the video of the interview - I don't know

12:08:55 1 whether they were videos back in 2004, I assume they were,
12:08:57 2 weren't they, actual VCR videos?---Yeah, we had a
12:09:03 3 transition to DVDs but, yeah.
12:09:04 4
12:09:05 5 So back then it may well have been but the actual recording
12:09:06 6 has been maintained by police and kept by
12:09:10 7 police?---Apparently so. That's because it was then made
12:09:13 8 available to me last week.
12:09:14 9
12:09:14 10 Yes. So you went to the police and you sat there and
12:09:18 11 watched this video down at Victoria Police premises; is
12:09:22 12 that right?---No, no, no, it was, the barristers from Corrs
12:09:24 13 had it and then I went to their offices and viewed it there
12:09:28 14 last week.
12:09:29 15
12:09:44 16 The video exists, I take it, you saw it on a video
12:09:47 17 machine?---Yes.
12:09:48 18
12:09:50 19 And you don't know, I assume, why it wasn't provided to the
12:09:55 20 Commission?---Not at all. It was actually a DVD which I
12:09:59 21 viewed on a computer laptop.
12:10:01 22
12:10:01 23 Do you know whether, when you were in the Homicide Squad,
12:10:04 24 whether a transcript was ever made of this interview?---The
12:10:10 25 normal course of events it would have been made, but
12:10:13 26 whether it specifically was on this occasion I don't know.
12:10:15 27
12:10:15 28 You don't know. Nonetheless it was and remained a police
12:10:19 29 document, or a police item of evidence, material?---Within
12:10:23 30 the investigation file. I certainly would have maintained
12:10:27 31 that within the file.
12:10:28 32
12:10:28 33 All right then. If you go to p.55. If you go down to the
12:10:39 34 bottom, you're asking questions about a document that's got
12:10:44 35 out into the public domain and it's been discussed, for
12:10:48 36 example, being in possession of Carl Williams?---Yes.
12:10:51 37
12:10:51 38 And was she aware of that. "Has that been discussed", for
12:10:58 39 example, and she says no, not that you're aware of. A
12:11:05 40 number of other names are discussed and I think there's a
12:11:07 41 name of McCulloch. She says yes. I think you ask about
12:11:14 42 Roberta Williams and she says no. Going over the page,
12:11:18 43 p.56, do you see that?---Yep.
12:11:20 44
12:11:20 45 And she says, "But that's, I mean I don't want to repeat
12:11:26 46 myself but that's part of the reason why I'm sick of all
12:11:29 47 these people because they're all, they're all talking to

12:11:31 1 each other. The misinformation is going on at 100 miles an
12:11:36 2 hour"?---Yep.

12:11:37 3
12:11:37 4 "And that potentially puts people's lives in
12:11:41 5 danger"?---Yep.

12:11:41 6
12:11:41 7 Right. And so she's expressing a view about this sort of
12:11:49 8 information going around, doing the rounds amongst criminal
12:11:53 9 elements, and saying to you that potentially puts people's
12:11:57 10 lives in danger, right?---Yep.

12:11:59 11
12:12:00 12 And you say, "Well that's about what we're at and down the
12:12:03 13 track, and I don't want you to put yourself in a position
12:12:07 14 where you shouldn't be, but because of the people that
12:12:09 15 you've come into contact with and things you're obviously
12:12:15 16 going to hear, as I said, putting ESD aside and everyone
12:12:21 17 else, if you come across information you think we should be
12:12:25 18 aware of to try and solve it, that's all I'm, you know, if
12:12:29 19 you can give us a call"?---Correct.

12:12:30 20
12:12:30 21 You as a Homicide detective trying to solve a crime are
12:12:36 22 keen to get information wherever it might come from that
12:12:39 23 assists you in solving these sorts of terrible crimes,
12:12:42 24 right?---Absolutely.

12:12:43 25
12:12:45 26 And she says, "So long as I'm not videotaped,
12:12:50 27 Charlie"?---Yep.

12:12:50 28
12:12:50 29 And obviously that may be a reference back to the fact that
12:12:54 30 she objected to being videotaped on this occasion but was
12:12:58 31 prepared to do it?---Well it may have been the case that if
12:13:02 32 she was going to give me more sensitive information, it's a
12:13:05 33 matter of not being videotaped, which we would have acceded
12:13:08 34 to.

12:13:09 35
12:13:09 36 If she was going to provide anonymous information that
12:13:12 37 would be preferable as far as she was concerned?---That's
12:13:14 38 right.

12:13:14 39
12:13:15 40 In effect that's a reference to her providing information
12:13:17 41 as a human source, isn't it?---Well, anyone can be labelled
12:13:24 42 as a human source, from witnesses right through, so the
12:13:27 43 fact that anyone gives us information, you know, the
12:13:31 44 definition of a human source, it's a human source giving us
12:13:35 45 information, but to what degree? The fact is that you get
12:13:38 46 information, that's the whole purpose of doing an
12:13:41 47 investigation to try and solve a murder, that regardless

12:13:44 1 where the information comes from you then assess it,
12:13:48 2 certainly there's a - when we get into police informers and
12:13:52 3 the like, you treat them with suspicion and the like
12:13:56 4 because I don't know, for example, whether she's playing
12:13:59 5 us, she being Gobbo, so it's all treated quite carefully.
12:14:06 6

12:14:06 7 Yes?---And see, well, what's the motive here? In that
12:14:12 8 respect it's a matter of saying, well, you know, paving the
12:14:14 9 way for - she comes across information. Now whether that
12:14:18 10 be in a client/lawyer privileged, I'm still going to take
12:14:28 11 that information and deal it appropriately as time goes on.
12:14:31 12

12:14:31 13 When you say deal with it appropriately, I mean if it's
12:14:35 14 information that may lead to other avenues of inquiry which
12:14:39 15 would assist in the conviction of people, you would say,
12:14:43 16 "Look, that's reasonable conduct on my part to get that
12:14:46 17 information"?---Absolutely, because at the end of the day
12:14:50 18 I'm a repository for any information coming to my light,
12:14:54 19 lawful information, that we're not breaking the law in any
12:14:57 20 way, and then it's then left up to wither the DPP through
12:15:01 21 the presiding judge whether he's going to admit that
12:15:04 22 evidence or not.
12:15:05 23

12:15:05 24 Do I take what you're saying is, "Look, it's not of a
12:15:10 25 particular concern to me whether she gets the information
12:15:12 26 in her capacity as a lawyer, so long as that information
12:15:16 27 can help us solve murders", as to then whether the
12:15:22 28 information can be used, that's a matter for someone
12:15:24 29 else?---Absolutely, because I'll take all information from
12:15:27 30 that any source and then deal with it as I need to be, and
12:15:29 31 then once I can corroborate it one way or the other, and
12:15:31 32 then if it's going to lead to where we are today here and
12:15:36 33 for the reason for this Commission, that it would then be
12:15:38 34 seeking advice because of our relationship with the DPP to
12:15:41 35 say okay, we've got this information, given it's going to
12:15:45 36 lead to A, B, C, and then you make it quite open to either
12:15:49 37 our government solicitor in the Police Force or the DPP and
12:15:52 38 you put all your tables on the card because there's no
12:15:55 39 surprises.
12:15:56 40

12:15:57 41 So in other words, I mean if you got information that you
12:15:58 42 thought conceivably might have been provided to you in
12:16:02 43 breach of legal professional privilege or beach of
12:16:06 44 confidence, you'd be prepared to accept the information but
12:16:12 45 what you would do is go to a lawyer, whether it be at the
12:16:15 46 VGS0 or the Crown and say, "Look, you've got to be aware
12:16:19 47 that this is where this information came from"?---Yeah, I'd

12:16:22 1 certainly satisfy myself to say look okay, informer X or
12:16:26 2 informer B, you've given me this information, under what
12:16:29 3 circumstances did you get that? Well it was between this
12:16:32 4 client asking for advice. I would take that information,
12:16:36 5 be mindful of it and then when it got to leading up to
12:16:41 6 either laying charges or doing whatever the case may be,
12:16:45 7 make the Victorian Government Solicitor or the DPP aware of
12:16:50 8 it and say, "This is where we're at, how can we use it?"
12:16:54 9 And they can then take it forward from there, whether
12:16:56 10 they're going to declare it at the trial or the committal,
12:17:00 11 it would be a matter for them.

12:17:02 12
12:17:02 13 But if you had a concern that the information came in
12:17:05 14 breach of one of those obligations it's not something that
12:17:08 15 you would keep to yourself?--No, because that would have
12:17:10 16 been - that's something that doesn't happen at all. It's
12:17:12 17 never happened in my career, that a lawyer has breached
12:17:15 18 that confidentiality between client and lawyer and this
12:17:19 19 would have been out of the blue if that were the case and
12:17:21 20 that would have been something that I would have then said,
12:17:24 21 "Okay, this is something's that out of the blue. I've got
12:17:26 22 the information. What do we do with it? I'm not going to
12:17:30 23 disregard it", and then see where it ends up.

12:17:33 24
12:17:33 25 If we go on with this interview. She said, "As long as I'm
12:17:38 26 not videotaped", and you say, "Yeah, well no, you're right.
12:17:42 27 So all I want is a phone call and say well if we need to
12:17:45 28 push in the right direction, that's what I ask"?--Yep.

12:17:48 29
12:17:49 30 "At the end of the day there's someone out there who's
12:17:53 31 callous enough to commit the murder in the way it was
12:17:56 32 committed"?--Yep.

33
12:17:59 34 "And if they had an issue with Terry that's one thing, but
12:18:01 35 then to take out Christine" - obviously what you're saying
12:18:04 36 to her is, you know, that's a terrible thing that's
12:18:05 37 occurred?--Yes.

12:18:06 38
12:18:09 39 You're trying to in effect persuade her, if you like, to
12:18:09 40 come forward with information by saying to her, "Well look,
12:18:11 41 what's happened, particularly to Christine, is a terrible
12:18:14 42 thing"?--Correct. And it's not a matter of given the
12:18:16 43 circles that she was involved in, her and others, to say
12:18:19 44 well if you come across information - no, whatever motive
12:18:23 45 it may be, if she come across information and made a phone
12:18:26 46 call and said, "Look, I've heard this. Have a look at
12:18:29 47 Billy Smith down the track", we'd have a look at him based

12:18:34 1 on that so we become a repository for all
12:18:38 2 intelligence/information.
12:18:39 3
12:18:39 4 I follow that. Mr Davey said, "Obviously if you're going
12:18:42 5 to give us a push in a particular direction", in other
12:18:45 6 words "if you're going to give us information that might
12:18:48 7 lead to someone's conviction, we're not going to videotape
12:18:52 8 that". You say, "Yeah, it remains". Then he goes on and
12:18:55 9 says, "And you would be dealt with with the same, as anyone
12:18:57 10 else, you know, if you provide information, you put aside,
12:19:01 11 you become anonymous"?---Yep.
12:19:03 12
12:19:03 13 "And we just look", and she says "yep", "in that
12:19:05 14 direction", all right?---That's right.
12:19:06 15
12:19:07 16 Really, that's what, you're saying, "Look, you give us a
12:19:10 17 call, you provide us with information to push our
12:19:15 18 investigation in a particular direction, and we keep you
12:19:18 19 out of it, you remain anonymous", correct?---That's normal
12:19:22 20 course of the events. You look after your sources. You're
12:19:25 21 not going to say to anyone during the investigation, "Look,
12:19:29 22 Steve Wilson told us that you were doing this A, B, C",
12:19:32 23 it's not a matter of that. You go down a path of, "We have
12:19:37 24 received certain information that indicates A, B, C". You
12:19:41 25 do not then reveal your sources.
12:19:43 26
12:19:43 27 Yes?---Then whether that graduates, that might be a one-off
12:19:47 28 piece of information, and then when it does graduate, you
12:19:50 29 start cultivating an informer, you then register an
12:19:53 30 informer and it goes on from that particular point. People
12:19:56 31 you one piece of information and nothing more happens
12:19:58 32 thereafter.
12:19:58 33
12:19:58 34 Yes, all right. In any event, what she said to you in this
12:20:01 35 discussion leading up to this point, "Look, I'm sick of
12:20:04 36 these people, I'm getting out of the criminal law", and
12:20:07 37 that's obviously some useful information for you?---Well
12:20:11 38 clearly I didn't twig the importance I suppose now of that
12:20:17 39 particular comment because I didn't ask her, "What do you
12:20:21 40 mean by that?" Therefore it's just a comment that she's
12:20:24 41 made and I didn't pursue it, so I didn't see the importance
12:20:27 42 of it, especially where we are today.
12:20:29 43
12:20:29 44 In any event, you would concede that you're getting into a
12:20:32 45 grey area there because she's a practising barrister who's
12:20:35 46 acting for people such as Tony Mokbel, who you're
12:20:39 47 interested in?---Yep.

12:20:40 1
12:20:40 2 And other people?---Yep.
12:20:41 3
12:20:41 4 In this criminal milieu and you said to her previously,
12:20:45 5 "Look, you're amongst them"?---Yep.
12:20:49 6
12:20:50 7 It's certainly a possibility that the sort of information
12:20:53 8 you might get, if she's got some sort of animosity towards
12:21:00 9 her clients, might well be information that she gets in her
12:21:03 10 capacity as a lawyer, that's at least a possibility?---Well
12:21:06 11 it's a possibility but I'm still weighing the earlier
12:21:09 12 comments that she made, that she's certainly digging in and
12:21:13 13 saying about privilege, she makes mention of it, so I've
12:21:15 14 got that in the back of my mind. So clearly I'm - in the
12:21:17 15 latter stages of the interview I'm possibly more of the
12:21:20 16 view to say if she's heard scuttlebutt around the traps
12:21:26 17 that she may be involved in, that would probably be more to
12:21:28 18 it rather than turning my mind to, "Geez, I might get some
12:21:29 19 privileged information here".
12:21:31 20
12:21:31 21 Yes, and I follow that. In any event what you say is if
12:21:34 22 you did get any information from her what you would need to
12:21:37 23 do is find out exactly from her at the time you get it
12:21:40 24 where she got that information from?---Under what
12:21:43 25 circumstances.
12:21:43 26
12:21:43 27 And in the circumstances that she gets it?---Correct. Yes,
12:21:46 28 that's right.
12:21:46 29
12:21:47 30 You would then be in a position to consider whether that
12:21:50 31 information could or couldn't be used, or at the very least
12:21:53 32 you'd be in a position to advise those lawyers that you
12:21:59 33 mentioned before about those circumstances and whether that
12:22:01 34 information could or should be used?---Yeah, and the other
12:22:06 35 string to that bow is it's a matter of me saying, well, why
12:22:10 36 is she telling me this? Am I being set up? Is she going
12:22:16 37 back ingratiating herself to the bad guys and saying,
12:22:21 38 "Look, I've got Bezzina where I want him, I'm telling him
12:22:22 39 what I want to tell him". Like any informer that's how you
12:22:25 40 balance it. You don't trust informers. They have
12:22:27 41 different agendas, so you learn through experience about
12:22:31 42 how you're to handle informers.
12:22:33 43
12:22:33 44 So in effect this was a meeting where there was the
12:22:36 45 potential of her becoming an informer and that's what
12:22:39 46 you're exploring I suppose?---Probably in a lesser degree
12:22:43 47 at that stage, when we say informer, that she made one

12:22:47 1 phone call. I didn't see it proceeding to where it has
12:22:50 2 today. I just saw it may be a one-off, that she might just
12:22:54 3 ring up and say, "Yeah, it was a bad thing that Christine
12:22:59 4 was shot dead, she was collateral damage, she shouldn't
5 have been killed, it's ridiculous. There's a code of law
12:23:04 6 with criminals and you know what, I'll give Charlie a bit
12:23:06 7 of information, I'll tell him A, B, C", push me in the
12:23:10 8 right direction and that was the whole guts and whole, I
12:23:14 9 suppose, reason for going down that path is to say well,
12:23:16 10 get on board.
12:23:19 11
12:23:19 12 What you did understand is that she was acting for some
12:23:24 13 pretty high level criminals?---Yes.
12:23:27 14
12:23:28 15 And there was certainly the potential for high level
12:23:31 16 information that could lead to the prosecution of serious
12:23:37 17 criminals?---Yes.
12:23:38 18
12:23:45 19 At this stage - I take it you knew Stuart Bateson?---Yes,
12:23:52 20 I'd worked with Stuart.
12:23:54 21
12:23:55 22 Was Mr Bateson at this stage working with Purana?---Yes.
12:23:59 23
12:24:01 24 Did you have a, albeit you were in the Homicide Squad, did
12:24:06 25 you have a working relationship at this stage in about 2004
12:24:09 26 with detectives in Purana?---No, none whatsoever.
12:24:11 27
12:24:12 28 Mr Bateson had been in the Homicide Squad prior to going to
12:24:16 29 Purana; is that right?---He had.
12:24:17 30
12:24:18 31 And how long had you worked with him for?---I didn't work
12:24:20 32 directly with him. He was another team.
12:24:23 33
12:24:23 34 Yes?---So I never did any investigations with him but it's
12:24:26 35 a matter of we had an open office plan and we may assist
12:24:34 36 each other's team every so often, but it was just ad hoc.
12:24:37 37
12:24:38 38 You understood which matters that Purana was looking into,
12:24:41 39 I assume?---A general idea. They certainly remained quite
12:24:47 40 secretive.
12:24:47 41
12:24:48 42 I follow that. But you had a general idea of what they
12:24:51 43 were looking into?---Yes.
12:24:53 44
12:24:53 45 If you received, as a member of the Homicide Squad,
12:24:56 46 information whether it be from an informer or a source or a
12:24:58 47 one-off provider of information that concerned an

12:25:01 1 investigation that Purana was looking into, you'd share
12:25:06 2 that information I assume?---Immediately, yes.
12:25:08 3
12:25:11 4 And likewise, was it your understanding if Purana found
12:25:15 5 information that concerned your investigations that
12:25:20 6 information would come to you?---One would hope so.
12:25:22 7
12:25:23 8 One would hope so. Less concern about that?---I'm less
12:25:29 9 certain about that, yes.
12:25:30 10
12:25:31 11 Did you ever get any information from Mr Bateson about any
12:25:35 12 inquiries that, any information that he'd found that
12:25:36 13 concerned your investigations?---Not from any memory that
12:25:39 14 I've got, no.
12:25:40 15
12:25:40 16 Do you recall ever having a discussion with Mr Bateson
12:25:43 17 about Ms Gobbo?---No, that would have been in my memory,
12:25:46 18 the fact that the position that Bateson was holding with
12:25:51 19 Purana and Gobbo, that would have been certainly something
12:25:54 20 that I would recall.
12:25:55 21
12:25:56 22 You can't recall anything like that?---No.
12:25:57 23
12:25:58 24 You mentioned before that the OPI was involved in your
12:26:05 25 investigation in the sense that there was a representative
12:26:08 26 from OPI coming along to the meetings that you were having
12:26:11 27 every week or so in the early stages?---Correct.
12:26:13 28
12:26:14 29 What did you understand the OPI role was with respect to
12:26:18 30 your investigation?---Oversight.
12:26:19 31
12:26:20 32 Sorry?---Oversight.
12:26:22 33
12:26:22 34 Oversight?---Yep.
12:26:23 35
12:26:23 36 You understood that OPI had an oversight role?---Yes.
12:26:26 37
12:26:27 38 Do you know whether they were jointly involved in any way
12:26:31 39 in the investigation in the early stages?---In my
12:26:36 40 investigation?
12:26:36 41
12:26:37 42 Yes?---No. I just was of the view that it was wholly and
12:26:44 43 solely an ESD investigation.
12:26:47 44
12:26:48 45 It was what, sorry?---Wholly and solely and ESD, an
12:26:51 46 internal investigations investigation.
12:26:53 47

12:26:53 1 Yes?---And we later then learnt once - well, I was unaware
12:27:00 2 whether they - I may have, the fact there was a police
12:27:03 3 corruption with Miechel and alleged against Dale, that it
12:27:09 4 may have had some distance, and then I then become aware
12:27:11 5 more that they certainly had an oversight role that they
12:27:15 6 were having. Be it sooner or later, I don't know, but
12:27:19 7 certainly at the time of the briefings they had a hands-on
12:27:21 8 oversight role but they weren't dictating to me about what
12:27:25 9 direction I should be heading.
12:27:27 10
12:27:28 11 When you say they had a hands-on oversight role, they were
12:27:32 12 certainly present?---Yes.
12:27:33 13
12:27:33 14 And involved in discussions with you and Overland about
12:27:35 15 what was going on in your investigation?---They were all up
12:27:38 16 to speed about where I'd been and where I was going to with
12:27:41 17 the investigation.
12:27:41 18
12:27:41 19 All right. Do you recall discussing Gobbo at those
12:27:48 20 meetings?---Well I would have been. If that were the case,
12:27:54 21 be it post or pre - - -
12:27:56 22
12:27:56 23 Yes?--- - - - because it would have been a significant
12:27:58 24 piece of information that they certainly would have been
12:28:01 25 made aware of.
12:28:02 26
12:28:02 27 Did you have an understanding of whether Gobbo was involved
12:28:05 28 in other parts of the investigation that you weren't aware
12:28:08 29 of?---None whatsoever.
12:28:10 30
12:28:24 31 Were you aware of, in the early part of your
12:28:33 32 investigations, whether there was information about
12:28:36 33 communications between Dale and Gobbo? Were you aware of
12:28:42 34 any telephone intercepts concerning Dale?---No, none at
12:28:50 35 all.
12:28:50 36
12:28:50 37 You weren't told about that?---Not that I believe that I
12:28:53 38 was, no, from my memory.
12:28:55 39
12:28:55 40 Were you aware that in the early part of - or at any stage
12:28:59 41 in your investigations whether Mr Dale's phones were being
12:29:05 42 listened to?---I just took it for granted given the
12:29:12 43 position he was in at the time of the murder that his
12:29:15 44 phones may have been off at the time, which had then led to
12:29:20 45 me making a decision whether I wait or take out a warrant
12:29:22 46 the next day to search his premises.
12:29:24 47

12:29:25 1 Were you aware that there were communications between
12:29:30 2 Williams and Dale and Gobbo occurring at that stage - - -
12:29:37 3 ?---No.
12:29:37 4
12:29:38 5 - - - at your stage of the investigation?---No.
12:29:39 6
12:29:40 7 You don't?---No.
12:29:40 8
12:29:42 9 All right. Were you aware at any stage of your
12:29:45 10 investigation - you understand subsequently that there were
12:29:50 11 communications between Gobbo and Williams?---Yep.
12:29:55 12
12:29:55 13 Which were being listened to?---Well, you know, because of
12:29:59 14 the passage of time you become aware of this information,
12:30:02 15 whether it was through the media or under what
12:30:05 16 circumstances, but I've got no recall of being certainly
12:30:08 17 aware of that during, whilst I was leading my investigation
12:30:11 18 of the Hodsons.
12:30:15 19
12:30:15 20 Even in the period - if you were involved in this
12:30:17 21 investigation for 18 months, two years, do you say in that
12:30:19 22 period of time you don't recall ever being told that there
12:30:23 23 were communications between Carl Williams and Nicola Gobbo
12:30:28 24 regarding Paul Dale?---Not that I have a memory of. And I
12:30:31 25 would think if I'd come by that information I would have a
12:30:34 26 memory of it. As I say, it was a matter of when I'm
12:30:36 27 looking back in hindsight of things happening that weren't
12:30:40 28 brought to my knowledge.
12:30:41 29
12:30:42 30 You mentioned before that you felt that - perhaps I'll
12:30:48 31 withdraw that. You believe now with hindsight and your
12:30:52 32 knowledge of what's come up since that there was
12:30:54 33 investigations going on about which you weren't aware; is
12:31:00 34 that right?---Correct, of the Hodson investigation, whilst
12:31:02 35 I'm leading it.
12:31:03 36
12:31:03 37 Including material such as communications between Carl
12:31:06 38 Williams, Paul Dale and Nicola Gobbo?---Yes, because I
12:31:10 39 think, I'd be pretty confident I'd have a memory of that
12:31:13 40 and that wasn't brought to my attention and I think I would
12:31:17 41 recall that and in hindsight of believing that I was
12:31:23 42 running the best I could with the investigation whilst
12:31:26 43 things were happening with Petra/Purana with possibly Gobbo
12:31:33 44 and Williams under the behest of Overland.
12:31:35 45
12:31:36 46 Yes, all right. Thanks very much.
12:31:38 47

12:31:38 1 COMMISSIONER: Did you want to tender the diary note?
12:31:41 2
12:31:42 3 MR WINNEKE: Yes, thanks Commissioner.
12:31:43 4
12:31:43 5 COMMISSIONER: And the statement?
12:31:45 6
12:31:45 7 MR WINNEKE: Yes, Commissioner, you're quite right, thanks
12:31:49 8 for reminding me. There's a diary entry I will tender. I
12:31:55 9 don't think there's any issue about the diary entry. Just
12:31:57 10 have a look at that.
12:31:59 11
12:31:59 12 COMMISSIONER: I think he's already got it before him,
12:32:01 13 hasn't he, the diary entry for 1 July 2004?
12:32:07 14
12:32:07 15 WITNESS: No issues with that.
12:32:09 16
12:32:09 17 MR WINNEKE: I tender that.
12:32:10 18
12:32:10 19 #EXHIBIT RC103 - Diary entry of 1/7/04.
12:32:27 20
12:32:28 21 COMMISSIONER: Some information reports Ms Enbom mentioned.
12:32:33 22
12:32:33 23 MR WINNEKE: Just before I go to those, did you yourself
12:32:36 24 examine - have you examined your diaries, the actual copies
12:32:40 25 of your diaries before you made your statement and gave
12:32:44 26 evidence?---No. I'm pretty sure the diary was handed over
12:32:54 27 after I'd made that statement I think.
12:32:57 28
12:32:59 29 You saw it after - your hard copy diary was handed over
12:33:04 30 afterwards?---Yeah, I'm pretty confident of that because
12:33:07 31 then members working for the Commission came home and I
12:33:10 32 gave them my diary.
12:33:12 33
12:33:12 34 Commissioner, I understand that the original diary is on
12:33:16 35 its way and perhaps Mr Bezzina can wait for a short period
12:33:20 36 of time until it arrives.
12:33:22 37
12:33:22 38 COMMISSIONER: We'll stand him down, yes.
12:33:25 39
12:33:26 40 MR WINNEKE: Depending on how much there is to - - -
12:33:29 41
12:33:29 42 COMMISSIONER: There might be some cross-examination.
12:33:31 43
12:33:31 44 MR WINNEKE: Yes, there might be.
12:33:32 45
12:33:33 46 COMMISSIONER: Also the transcript of the tape-recorded
12:33:36 47 interview?

12:33:38 1
12:33:38 2 MR WINNEKE: I tender that as a confidential exhibit,
12:33:41 3 Commissioner. That, as I understand it, has almost been
12:33:45 4 PIIed and we understand that a redacted version, assuming
12:33:50 5 the Commissioner is satisfied with the way in which it's
12:33:55 6 been redacted - - -
12:33:56 7
12:33:56 8 COMMISSIONER: That's if there is a need for redaction.
12:33:58 9
12:33:59 10 MR WINNEKE: If there is a need - will be available to go
12:34:01 11 on to the Commission website this afternoon.
12:34:03 12
12:34:05 13 COMMISSIONER: All right. For the moment it will be
12:34:06 14 Exhibit 104 and for the moment it will not be publicly
12:34:11 15 available but that position will change later when we've
12:34:16 16 heard from Victoria Police about any public interest
12:34:19 17 immunity claims.
12:34:20 18
12:34:20 19 MR WINNEKE: Thanks Commissioner. It would obviously be
12:34:22 20 better if the original, the best evidence was available.
12:34:22 21
12:34:23 22 #EXHIBIT RC104 - Transcript of tape-recorded interview.
12:34:27 23
12:34:27 24 We understand there's a video, a VCR or a DVD.
12:34:30 25 We call for that and we'd seek to tender that in due course
12:34:34 26 when it arrives.
12:34:35 27
12:34:36 28 COMMISSIONER: Could I just clarify, the transcript says
12:34:38 29 tape-recorded interview between - it says it was recorded
12:34:41 30 by the Office of Police Integrity, Victoria, is that
12:34:44 31 correct or not?
12:34:46 32
12:34:46 33 MR WINNEKE: I understand during the course of their
12:34:49 34 investigations they obviously had access to it. One
12:34:51 35 assumes it was provided to them by Victoria Police and they
12:34:55 36 then transcribed it for the purposes of their
12:34:57 37 investigations. As we understand it that transcript was in
12:34:59 38 fact created by the OPI from a Victoria Police document.
12:35:04 39
12:35:05 40 COMMISSIONER: But the cover is saying that the
12:35:06 41 "proceedings were recorded by" is actually inaccurate
12:35:08 42 because it was actually recorded by this witness, and he
12:35:13 43 was not then a member of the OPI.
12:35:16 44
12:35:17 45 MR WINNEKE: That's correct. He was very much a member of
12:35:19 46 Victoria Police and it seems that it was transcribed by the
12:35:22 47 OPI.

12:35:23 1
12:35:23 2 COMMISSIONER: I understand.
12:35:24 3
12:35:25 4 MR WINNEKE: I didn't ask Mr Bezzina from a VicPol letter
12:35:28 5 whether he ever transcribed it and he's not too clear about
12:35:32 6 that but we'd certainly call for the video.
12:35:34 7
12:35:34 8 COMMISSIONER: Yes.
12:35:35 9
12:35:35 10 MS ENBOM: Commissioner, in response to that call,
12:35:40 11 correspondence was sent by Corrs to a solicitor assisting
12:35:48 12 the Commissioner yesterday. In that correspondence Corrs
12:35:50 13 said this: "We note that Victoria Police has a video
12:35:53 14 recording of the interview from which the transcript was
12:35:55 15 created. We assume that the Commission does not require
12:35:59 16 this recording given that it has the transcript but please
12:36:02 17 let us know if that's not correct". I don't think there
12:36:05 18 was a response received and that's why the video wasn't
12:36:07 19 produced but if a call's now been made we'll get that
12:36:12 20 recording.
12:36:13 21
12:36:13 22 COMMISSIONER: Thank you.
12:36:14 23
12:36:14 24 MR WINNEKE: Yes, Commissioner. It may well be there
12:36:17 25 hasn't been a response. I think I get about 100 of these
12:36:21 26 emails every day and my response to that would be yes, we
12:36:26 27 want it, and that's my response now.
12:36:28 28
12:36:29 29 COMMISSIONER: I don't think there's any dispute with that.
12:36:30 30
12:36:30 31 MR WINNEKE: No.
12:36:31 32
12:36:31 33 COMMISSIONER: I think it was simply Ms Enbom making the
12:36:34 34 point that - - -
12:36:37 35
12:36:38 36 MR WINNEKE: I understand that.
12:36:38 37
12:36:39 38 COMMISSIONER: - - - there was less than perfect
12:36:41 39 communication because of the shortness of time between the
12:36:43 40 lawyers assisting the Commission and the lawyers assisting
12:36:47 41 VicPol, acting for VicPol.
12:36:50 42
12:36:51 43 MR WINNEKE: I'm sure that's right. Finally, can I show or
12:36:56 44 have shown to Mr Bezzina two information reports. One of
12:36:59 45 them is his and one of them is Mr Davey's in relation to
12:37:03 46 his interview?---Yes.
12:37:13 47

12:37:13 1 Are they in fact what they appear to be, IRs created by
12:37:18 2 both you and Cam Davey of that interview?---Yes, Cam
12:37:22 3 Davey's done it on 1 July, then I've done - created a
12:37:27 4 follow-up one on 5 July, basically less detailed than
12:37:32 5 Davey's, summarising the interview.
12:37:34 6
12:37:35 7 Yes. I tender those as confidential exhibits subject to
12:37:42 8 PII.
12:37:42 9
12:37:42 10 COMMISSIONER: They haven't been PIIed yet?
12:37:46 11
12:37:47 12 MS ENBOM: No, they haven't. They're the two documents
12:37:48 13 that I mentioned.
12:37:48 14
12:37:49 15 COMMISSIONER: Yes, I know but I thought they were quite
12:37:50 16 short.
17
18 MS ENBOM: They are quite short, yes, but we didn't know
12:37:53 19 that they would be tendered today.
12:37:53 20
12:37:53 21 MR WINNEKE: That's correct, that wasn't made clear until
12:37:55 22 this morning, Commissioner.
12:37:56 23
12:37:56 24 COMMISSIONER: All right then.
12:37:59 25
12:38:00 26 #EXHIBIT RC 105 - Information report of police officer
12:38:05 27 Davey 1/07/04.
12:38:08 28
12:38:09 29 #EXHIBIT RC 106 - Information report of police officer
12:38:13 30 Bezzina 5/07/04.
12:38:19 31
12:38:20 32 MR WINNEKE: Perhaps just finally, Mr Bezzina, I got the
12:38:23 33 impression from some of the evidence that you gave before
12:38:25 34 that during the course of your occupation as a member of
12:38:28 35 the Homicide Squad or a police officer you had cause on
12:38:31 36 occasions to speak to Mr Gatto?---Yes.
12:38:33 37
12:38:33 38 And you knew him?---Yes.
12:38:35 39
12:38:38 40 On one occasion you recall running into Mr Gatto when he
12:38:46 41 was in his car. When I say running in, you spoke to him as
12:38:52 42 he was leaving the Magistrates' Court in his car and he
12:38:54 43 pulled over to speak to you?---Yes, he summoned me over to
12:38:59 44 his motor car.
12:39:00 45
12:39:00 46 He summoned you over?---Yes.
12:39:01 47

12:39:02 1 And do you recall whether there was anyone in his car at
12:39:06 2 that stage?---Yeah, Nicola Gobbo was in the passenger seat.
12:39:09 3
12:39:10 4 Did you speak to her at that stage?---Not at all.
12:39:12 5
12:39:18 6 Did you make a note of that in your diary do you think or
12:39:21 7 not?---No, the fact it was a chance meeting I wouldn't made
12:39:26 8 a note in my diary.
12:39:28 9
12:39:29 10 All right then. Do you recall when that was?---No, no
12:39:32 11 idea. Certainly quite some after the Benvenuto murder. To
12:39:42 12 be exact, I don't know.
12:39:42 13
12:39:44 14 If I can find something I'll ask you about it in due
12:39:47 15 course?---Sure.
12:39:48 16
12:39:48 17 In the meantime if you might remain there and other people
12:39:52 18 might have some questions of you?---Sure.
12:39:53 19
12:39:54 20 COMMISSIONER: Yes.
21
22 <CROSS-EXAMINED BY MR NATHWANI:
23
12:39:57 24 Mr Bezzina, can I just ask you about what was happening at
12:40:00 25 the time of this interview and the purpose of this
12:40:02 26 interview with Ms Gobbo. July 2004, obviously the
12:40:06 27 investigation into the death of the Hodsons was front and
12:40:09 28 centre for you?---Yes, it was.
12:40:11 29
12:40:12 30 I think the week before, or certainly a short time before
12:40:16 31 this interview, there had been the leak of a confidential
12:40:20 32 IR relating to Terrence Hodson in the media?---I'd have to
12:40:28 33 be guided by you because I've got no memory of what was in
12:40:31 34 the arena at that particular time. I've had no recall.
12:40:35 35
12:40:36 36 You remember watching this last week. Do you recall part
12:40:39 37 of the focus of your conversation with Ms Gobbo was to
12:40:43 38 ascertain whether, one, she'd leaked the information or,
12:40:49 39 two, whether she could help with where that information had
12:40:53 40 been leaked into the media?---Yes.
12:40:54 41
12:40:54 42 Let's be clear, one of those issues was at least a degree
12:40:57 43 of suspicion that she may have either inadvertently or
12:41:00 44 otherwise leaked the IR, agree?---Whether I was of the view
12:41:08 45 that she'd leaked the IR?
12:41:11 46
12:41:11 47 Or it was a consideration?---Or whether possibly she'd came

12:41:13 1 into possession rather than directly leaked it, unless you
12:41:17 2 can take me to something that might indicate differently.
12:41:20 3
12:41:20 4 No, no, I'm trying to see if that helps with your evidence
12:41:22 5 in relation to that?---Yeah, I don't think that would be
12:41:24 6 the case. I think it's more whether she's come into
12:41:27 7 possession of it through some source and then passed it on
12:41:31 8 or become aware of that information.
12:41:33 9
12:41:33 10 Just to be unequivocally clear, the reasons you were
12:41:37 11 interested in that was because obviously there was a
12:41:39 12 concern that the IR had reached the criminal fraternity,
12:41:45 13 someone didn't like what they'd seen, and that would have
12:41:51 14 given them a motive to have killed the Hodsons?---That was
12:41:57 15 the big issue for that IR, it was information 44, how did
12:41:58 16 it get into the public/criminal arena, who was responsible
12:42:01 17 for that? Secondly, who has seen that to give the
12:42:05 18 information identifying Hodson as an informer, and then
12:42:09 19 identifying the persons, then they become persons of
12:42:11 20 interest to hold a motive.
12:42:12 21
12:42:13 22 Understood. Just as background, I take it this from the
12:42:16 23 Coronial finding by the Coroner in 2012, but it's right,
12:42:23 24 isn't it, Terrence Hodson's informer number was changed in
12:42:27 25 December 2002 because of the belief that his previous
12:42:32 26 informer number had become well-known?---I've got a vague
12:42:36 27 recollection of that, yes.
12:42:37 28
12:42:38 29 So moving forward. When you asked Ms Gobbo, and I don't
12:42:41 30 want to take you through every page, I'm just trying to
12:42:45 31 assist you or jog your memory, she in effect was saying to
12:42:48 32 you that she'd learnt or suspected that Terrence Hodson was
12:42:52 33 an informer by virtue of a number of factors, one of them
12:42:56 34 being that a large number of the people she represented had
12:43:00 35 briefs of evidence with similar issues that included the
12:43:04 36 name Mischele?---Correct.
12:43:06 37
12:43:08 38 A second was that many of those who she represented were
12:43:11 39 all at Port Phillip Prison and they were comparing their
12:43:15 40 briefs of evidence and all coming up with the same
12:43:17 41 suspicions?---Correct.
12:43:18 42
12:43:19 43 And another was that she'd been told that he was an
12:43:23 44 informer by Andrew Hodson?---Yes.
12:43:25 45
12:43:26 46 Right. If we could then go, please, to what you were asked
12:43:31 47 earlier. If we go to p.38. You were asked by Mr Winneke,

12:43:49 1 it's the first few answers, and this answer by Ms Gobbo
12:43:54 2 which says, "I think he knew long before that because I'm
12:43:57 3 sure he was the one who mentioned it or I might have asked
12:44:00 4 him because people were saying to me what are you doing
12:44:03 5 acting for that bloke, and this is all part of the reason
12:44:06 6 why I'm sick of acting for these people because they all
12:44:10 7 talk to each. What I tell you is that then reported to you
8 and when it comes back to me it's nowhere near what I said
12:44:14 9 to you in the first place". She's describing Chinese
12:44:18 10 whispers in effect?---Yes.
12:44:19 11
12:44:20 12 It was suggested that she was telling you information that
12:44:22 13 Andrew Hodson had given her, do you recall that?---Yes.
12:44:25 14
12:44:26 15 Just to put this into context. If we can go back two
12:44:31 16 pages, so to p.36, about the middle of the page there's an
12:44:35 17 entry with your name which says, "M'mm, that's right".
12:44:39 18 Then it says Mr Davey, your colleague says, "We've
12:44:44 19 interviewed Andrew", and if you just read that to yourself
12:44:47 20 as we go through and go over to p.37. What's happening
12:44:51 21 here is you are telling her that you've spoken to Andrew
12:44:53 22 Hodson in similar terms, you want to know who was aware
12:44:57 23 that Terrence was an informer, do you agree with
12:45:00 24 that?---Yep.
12:45:00 25
12:45:01 26 And then if we get to the middle of p.37 Mr Davey says,
12:45:07 27 "All right, in that interview". Gobbo replies, "Yep".
12:45:11 28 Mr Davey: "Andrew tells us he becomes aware". Gobbo,
12:45:15 29 "Yep". "Some time in September/October of 2002 that his
12:45:19 30 father was a police informer." Ms Gobbo,
31 "September/October 2002, yep". "He said that once he's
12:45:23 32 told that information. Yep. He then approaches you to
12:45:24 33 seek confirmation, right?" Then we turn over to p.38 which
12:45:29 34 is where we get the context of what's happening. So just
12:45:32 35 take a step back. You were asking or you were putting to
12:45:36 36 her what Andrew had told you, it's fairly obvious from
12:45:40 37 that?---Yeah.
12:45:40 38
12:45:41 39 And her response was to deny it, do you agree?---Yep.
12:45:44 40
12:45:44 41 At that stage Andrew Hodson, the interview he gave you,
12:45:50 42 one, Ms Gobbo obviously wasn't representing him because you
12:45:55 43 wouldn't have had to tell him she told you the
12:45:58 44 following?---Yep.
12:45:58 45
12:45:58 46 Two, she was representing him in relation to drugs matters,
12:46:01 47 were you aware of that?---Him being Andrew?

12:46:03 1
12:46:03 2 Yes?---Look, I've got no specific recall but if that's the
12:46:09 3 case, yep. Because I know what's clear in my mind, I knew
12:46:14 4 Andrew was very annoyed because I think it came out to his
12:46:17 5 knowledge, he was in gaol and he become aware that his
12:46:20 6 father was an informer and he was treated quite badly
12:46:26 7 whilst he was in gaol and I think he then either fronted
12:46:28 8 Terry and was most perturbed about that fact.
12:46:33 9
12:46:33 10 I think there's further discussion in this interview about
12:46:36 11 that actually?---Yep.
12
12:46:37 13 But just dealing with while we're here, I don't think
12:46:41 14 there's a dispute by anyone that Ms Gobbo was acting for
12:46:45 15 Andrew Hodson in relation to drugs matters. The whole
12:46:48 16 purpose of this discussion wasn't about those drug matters
12:46:52 17 at all, was it, it was in relation to the murder of his
12:46:54 18 parents?---Correct, yep.
12:46:54 19
12:46:55 20 Then when we go on to, generally speaking, because you were
12:46:59 21 interested in the IRs, you've told us that in fact when it
12:47:01 22 came to privileged or confidential information, your memory
12:47:04 23 or recollection, having watched that video last week and
12:47:07 24 also having conducted the interview, was she was at pains
12:47:11 25 to say not interested in providing privileged
12:47:15 26 information?---That's right. I think it was on two
12:47:17 27 occasions.
12:47:17 28
12:47:17 29 You were taken to an example at p.52, and I just want to
12:47:21 30 follow this through to see what's going on. So 52 at the
12:47:27 31 top, you were taken to this by Mr Winneke. The end of the
12:47:33 32 first Gobbo answer, "There are leaks at court for sure".
12:47:38 33 You say, "You still represent Mr Mokbel?" Answer: "Yes".
12:47:41 34 "I don't want to go into the case or anything at all". Her
12:47:47 35 response, "Good, nor do I, Charlie". There's a bit of a
12:47:54 36 discussion. If you turn over to 54, please, at the top and
12:47:57 37 you're trying to say and explain to her what you'd like to
12:48:01 38 speak to Mr Mokbel about. You say, "Same thing, what do
12:48:05 39 you know? That's what it's all about. So if we can
12:48:08 40 contact you", that's Gobbo, "and you (Gobbo) can path a way
12:48:12 41 through it and convince them and say look, there's no
12:48:14 42 issues?" Answer: "Yep". If we go over there's more
12:48:19 43 discussion. If we go to p.55, she then says this, "Charlie
12:48:23 44 (that's you), what I'll do is I'll speak to Tony. Yep.
12:48:26 45 And get him to speak to his two brothers. Yep. And
12:48:29 46 facilitate that. That would be great". Again, the
12:48:32 47 discussion here, and in fact to be fair to you, let's read

12:48:35 1 on. "And if he says yeah, give him my number or something.
12:48:41 2 I will." You then say this, "Yeah, that's all we want. If
12:48:42 3 you can convince him to say well, look, there's no
12:48:45 4 surprises, no dramas with it, it's a matter of, it's a
12:48:48 5 process of elimination, you know, he can tell us what he
12:48:51 6 wants to tell us and then we're not going to dive into his
12:48:53 7 current matter, we're not entitled to". As an example,
12:48:57 8 you're saying, "These are our guidelines, we're not
12:49:00 9 interested in his drugs case", and she's saying to you,
12:49:04 10 "You're not hearing about his drugs case even if you wanted
12:49:07 11 to"?---Absolutely.

12:49:08 12
12:49:09 13 And then if we carry on, just to see where we finish up
12:49:10 14 with the discussion about Mr Mokbel. Page 59 towards the
12:49:15 15 bottom, it says Mr Davey, about six from the bottom, "Well,
12:49:22 16 will you get back into contact with us about Tony?" She
12:49:26 17 says, "Yeah, I will". "All right." So we then carry to
12:49:29 18 the next page. Mr Davey says, "Look, it's not going to be
12:49:33 19 a matter of a formal interview where they're cautioned and
12:49:37 20 given their rights, anything like that, it's going to be
12:49:40 21 the same kind of thing". She then says, "I don't think
12:49:43 22 they would have difficulties because that plea, have been
12:49:46 23 spoken to by Purana when people have been murdered and we
12:49:51 24 see it through there". Again, that's the continuation of
12:49:54 25 trying to get Mr Mokbel to speak to you to assist you, is
12:49:59 26 that fair?---Yes, and I think his brothers.

12:50:01 27
12:50:01 28 Precisely. What in effect she was saying there is that
12:50:04 29 some people do speak to the police to assist them on their
12:50:07 30 pleas for other matters?---That's right, self-serving.

12:50:11 31
12:50:12 32 Exactly. In other words, letters of comfort, reductions in
12:50:14 33 sentence?---Correct.

12:50:15 34
12:50:15 35 And it may be Mr Mokbel might be interested, he maybe
12:50:19 36 not?---Correct.

12:50:20 37
12:50:21 38 One more, it's not related to Mr Mokbel, but just as
12:50:25 39 another example of when she discusses legal professional
12:50:32 40 privilege. Go to p.22, please. I'm not interested in the
12:50:35 41 names, okay. So the bottom two entries. Mr Davey asks a
12:50:38 42 question, just read it to yourself, the question.
12:50:45 43 Ms Gobbo's response is this, "No, not really. Or yes and
12:50:50 44 no. I suppose one aspect is subpoenas and so forth but I
12:50:54 45 had instructions from both of them which I'm not going to
12:50:57 46 tell you what they were unless they", that's the two people
12:51:01 47 who she represented, "tell you what they were, unless they

12:51:05 1 can tell me I can". So that was another example of her
12:51:09 2 saying to you, "Privileged information, you're not getting
12:51:12 3 it unless my clients say so", agree?---Absolutely.
12:51:15 4
12:51:15 5 Just to finish off. I think it's your second statement.
12:51:19 6 As a result of the discussion with Ms Gobbo it's right that
12:51:23 7 as far as you were concerned no information of any real
12:51:26 8 detail or relevance was provided to you during that
12:51:31 9 interview?---Nothing earth shattering, no.
12:51:33 10
12:51:33 11 Thank you Mr Bezzina.
12:51:36 12
12:51:36 13 COMMISSIONER: Yes, Mr Chettle, were you wanting to
12:51:38 14 cross-examine?
12:51:40 15
12:51:41 16 MR CHETTLE: I seek leave very, very quickly, Commissioner.
17
12:51:47 18 <CROSS-EXAMINED BY MR CHETTLE:
12:51:47 19
12:51:48 20 Mr Bezzina, it's apparent from the exchange that you've
12:51:51 21 just had that both you and Ms Gobbo had an what you
12:51:53 22 believed to be an understanding of legal professional
12:51:56 23 privilege that existed at the time you spoke to
12:51:58 24 her?---Correct.
12:51:58 25
12:51:59 26 But she was more than just a lawyer, she moved in social
12:52:03 27 circles with all these people, did she not?---Correct.
12:52:05 28
12:52:05 29 When you said to her later on that you didn't want to put
30 her somewhere where she shouldn't be, that is you didn't
12:52:09 31 want to take her to legal professional privilege
12:52:13 32 matters?---Correct.
12:52:13 33
12:52:13 34 You were asking this in the course of her social
12:52:18 35 interaction with these people if she were to discover
12:52:20 36 things of value she should inform you of them?---That was
12:52:21 37 the request behind it, yes.
12:52:22 38
12:52:23 39 Because to your knowledge she was more than just a
12:52:26 40 barrister, she was a social identity with these
12:52:30 41 people?---Absolutely.
12:52:30 42
12:52:34 43 Mr Overland, you gave some evidence about him to
12:52:40 44 Mr Winneke, was a direct and forthright Assistant
12:52:43 45 Commissioner, was he not?---Yes.
12:52:44 46
12:52:45 47 And he was a man who had strong views in the way in which

12:52:50 1 investigations and police matters should be carried out?
12:52:56 2 Perhaps that's a bit broad. He would express his views
12:53:00 3 about what should occur strongly?---Yes.
12:53:02 4
12:53:05 5 Your example, of course, he had this policy of moving
12:53:09 6 Homicide Squad officers around was something you thought
12:53:12 7 was a bad idea?---Yes, that was my belief at the time.
12:53:17 8
12:53:18 9 And you expressed it strongly, didn't you?---Well I did. I
12:53:21 10 had an audience with him.
12:53:23 11
12:53:23 12 Yes?---And then also with the board of management.
12:53:27 13
12:53:27 14 But his views prevailed?---Clearly because he's the senior
12:53:32 15 man.
12:53:32 16
12:53:33 17 That's where I'm coming from. In a hierarchy like that you
12:53:37 18 have to do what he says?---Yes, and I think we, we being
12:53:41 19 the Homicide team leaders, were a thorn in his side because
12:53:45 20 we would stand up to him.
12:53:46 21
12:53:47 22 But it didn't do you any good in the long run?---Well it
12:53:50 23 didn't but we put our case forward.
12:53:52 24
12:53:53 25 Finally, the Hodsons' murder, the matter that you were
12:53:57 26 investigating, really brought home to Victoria Police the
12:54:00 27 problems that arise with informers and corrupt police
12:54:03 28 officers, did it not?---
12:54:08 29
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[REDACTED]

MR CHETTLE: Last question, Mr Bezzina. As a result of the Hodson murder and the corrupt relationship that existed between the informer and the police officers there was an impetus at the highest levels of the Police Force to change the way informers were dealt with?---Yes.

Thank you.

COMMISSIONER: Anybody else wanting to cross-examine? Ms Enbom?

MS ENBOM: No re-examination, Commissioner.

COMMISSIONER: Do you want the witness just to be stood down until his diaries arrive?

MR WINNEKE: Commissioner, we've got his diaries and we're going through them. I don't think there's any need to ask questions of Mr Bezzina. If something magic arrives we'd

12:56:18 1 obviously need a little bit of time but we don't want to
12:56:20 2 detain Mr Bezzina over lunch so I think from our
12:56:24 3 examination so far we're content to leave things as they
12:56:27 4 stand so long as we can have the opportunity perhaps to go
12:56:32 5 through the diary for another little while after we
12:56:35 6 conclude.
12:56:35 7
12:56:36 8 COMMISSIONER: Okay.
12:56:37 9
12:56:37 10 MR WINNEKE: Can I deal with a couple of matters. I asked
12:56:40 11 you questions about the meeting with Mr Gatto and Ms Gobbo.
12:56:43 12 You couldn't recall a time but if I suggest to you that it
12:56:46 13 was around October of 2008 would you be in a position to
12:56:51 14 take issue with that?---Not at all.
12:56:52 15
12:56:55 16 Mr Chettle asked you a question about whether the
12:57:00 17 information that you might receive from Ms Gobbo would come
12:57:05 18 from a social aspect of her relationship or a professional
12:57:11 19 aspect of her relationship and it was suggested to you that
12:57:14 20 if it was social you'd be happy to receive it but otherwise
12:57:17 21 not. Ultimately I suppose we take from the interview what
12:57:24 22 can be read from the interview and I would suggest that
12:57:28 23 there's nothing in the interview about suggesting that
12:57:30 24 you'd only receive information if it was of a social
12:57:34 25 provenance, do you agree with that?---Yes, I'd receive all
12:57:38 26 information and then either grade it accordingly.
12:57:41 27
12:57:41 28 Yes, thanks very much.
12:57:42 29
12:57:43 30 COMMISSIONER: Ms Enbom, could you give me any indication
12:57:45 31 of when these documents might be PIIed? The reason I ask
12:57:50 32 is I think I've had a request from the media, they're very
12:57:53 33 keen to get the PIIed documents/exhibits.
12:57:57 34
12:57:57 35 MS ENBOM: Yes. The transcript of the interview is now
12:57:59 36 being PIIed and there are in effect three claims which I
12:58:02 37 can deal with now if that would assist and I can do it in a
12:58:07 38 way where I don't reveal the appropriate parts.
12:58:11 39
12:58:12 40 COMMISSIONER: If you like we can adjourn for lunch and you
12:58:14 41 can you talk to counsel assisting and then see if there's
12:58:17 42 any controversy.
12:58:19 43
12:58:19 44 MS ENBOM: Yes, I'll do that Commissioner.
12:58:21 45
12:58:21 46 COMMISSIONER: Does that mean you expect to have all the
12:58:23 47 documents done by 2 o'clock or is that pushing it?

12:58:28 1
12:58:28 2 MS ENBOM: I don't imagine - given that the transcript is
12:58:31 3 being PII reviewed, I imagine that we could PII review the
12:58:38 4 IRs very quickly because they are a summary of - - -
12:58:40 5
12:58:41 6 COMMISSIONER: Let's see how we go.
12:58:42 7
12:58:43 8 MS ENBOM: Yes, Commissioner. Thank you.
12:58:43 9
12:58:44 10 COMMISSIONER: We're resuming with? The next witness is?
12:58:49 11
12:58:50 12 MR WINNEKE: Mr Purton.
12:58:51 13
12:58:51 14 COMMISSIONER: Will it be necessary to deal with some PII
12:58:55 15 matters in closed hearing to commence with? Do we know
12:58:58 16 that or not yet? Is that not yet clear?
12:59:02 17
12:59:03 18 MR WINNEKE: Mr Woods will be able to tell the Commissioner
12:59:05 19 about that.
12:59:05 20
12:59:06 21 COMMISSIONER: Yes, Mr Woods.
12:59:07 22
12:59:08 23 MR WOODS: Commissioner, we've received some proposed
12:59:10 24 redactions to Mr Purton's diaries this morning. I've been
12:59:13 25 going through them while the hearing's been going this
12:59:16 26 morning. Ms Enbom and I will now go through what's sought,
12:59:22 27 what can be agreed between us. Obviously we'll then put
12:59:24 28 them in front of you, Commissioner.
12:59:26 29
12:59:26 30 COMMISSIONER: Yes. Is it likely that we need to - - -
12:59:32 31
12:59:32 32 MR WOODS: At this stage I think we'll have to have a short
12:59:35 33 private hearing in relation to some of those redactions,
12:59:37 34 but we'll see how we go. If we do I doubt it will be more
12:59:41 35 than 10 to 15 minutes of private hearing and then Mr Purton
12:59:45 36 will be heard in public.
12:59:46 37
12:59:46 38 COMMISSIONER: All right then, we'll adjourn until 2
12:59:48 39 o'clock, thanks.
40
13:00:09 41 <(THE WITNESS WITHDREW)
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13:00:10 43 LUNCHEON ADJOURNMENT
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46
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UPON RESUMING AT 2.06 PM:

COMMISSIONER: Yes Mr Woods.

MR WOODS: Commissioner, the next witness is Mr Purton. Before he enters the witness box I want to indicate that, as I said before lunch, we received some proposed redactions to his diary entries. I've spent some time over lunch with counsel for Victoria Police to go through those. There are some where I would propose to you, Commissioner, that they can remain redacted because they have clear unambiguous claims. There are others that I'll be able to avoid for current purposes pending some justification being provided by Victoria Police as to why they should remain redacted, but I'll be able to avoid going into detail of them with the witness and I understand that that justification will be provided. The question, Commissioner, is whether there's any utility in you hearing what those are first. I don't think there is because I think we can navigate it and the Commissioner, you'll see, as I'm taking the witness to various entries which will not be brought up on the screen, there might be particular issues that you read. There's only a few words in relation to each that you might identify and say, "I'd like to know more about that". If so we'll have to be a closed session or park that for that to be justified by Victoria Police. We haven't been able to resolve all of them, in short, but I'd still like to proceed with the witness.

COMMISSIONER: You think you can using the 15 minute delay mechanism if necessary, you think we can proceed in public hearing?

MR WOODS: Yes I believe so, Commissioner.

COMMISSIONER: Are you content with that, Ms Enbom?

MS ENBOM: Yes Commissioner.

COMMISSIONER: We'll see how we go. I'm sure that you'll both be astute to any potential issues. Before we do that, how are we going with the PII in respect of the exhibits just before lunch?

MS ENBOM: Commissioner, can I just get an update?

COMMISSIONER: Yes.

14:08:44 1
14:08:44 2 MS ENBOM: The three documents, the transcript and the two
14:08:47 3 IRs have now been comprehensively reviewed for PII. I'm
14:08:56 4 instructed that there are a few claims so those three
14:08:56 5 documents will be redacted and red boxed for the PII claims
14:09:02 6 and provided to counsel assisting and the solicitors
14:09:06 7 assisting in the next, before we finish today.
14:09:10 8
14:09:10 9 COMMISSIONER: Okay. It's just we did have a request for
14:09:13 10 the media are very keen to get them apparently, so if those
14:09:19 11 working on those PII claims could keep that in mind.
14:09:26 12
14:09:26 13 MS ENBOM: Yes.
14:09:26 14
14:09:26 15 COMMISSIONER: And if needs be we can interpose a hearing
14:09:30 16 in respect of them if it comes to that.
14:09:32 17
14:09:32 18 MS ENBOM: Yes, thank you Commissioner.
14:09:34 19
14:09:34 20 COMMISSIONER: All right then, thank you. Someone from
14:09:36 21 your team, Ms Enbom, will speak to someone from the team
14:09:40 22 assisting the Commission.
14:09:41 23
14:09:41 24 MS ENBOM: Yes.
14:09:41 25
14:09:41 26 COMMISSIONER: Over the next half an hour or so.
14:09:44 27
14:09:44 28 MS ENBOM: Yes, we'll do that.
14:09:45 29
14:09:45 30 COMMISSIONER: Thank you.
14:09:46 31
14:09:47 32 MR CHETTLE: Commissioner, could I just briefly raise one
14:09:49 33 matter before the next witness is called.
14:09:50 34
14:09:50 35 COMMISSIONER: Yes Mr Chettle.
14:09:51 36
14:09:52 37 MR CHETTLE: Last night at about 9.30 I received the
14:09:54 38 statements for today. I don't want to whinge but I suppose
14:09:59 39 I am because it doesn't leave us time to properly prepare.
14:10:03 40 Now Mr Purton is a good example. When I discovered he was
14:10:07 41 coming he had conversations with Senior Sergeant Jones and
14:10:12 42 one of the other Seniors from the other side, Brennan, and
14:10:19 43 in an ideal world I would have had time to have got hold of
14:10:22 44 the diaries of those officers and checked if there were
14:10:25 45 matters I wanted to raise, for example. Now I haven't got
14:10:28 46 it and I understand it is probably because the Commission
14:10:31 47 only got it late.

1
2 COMMISSIONER: Yes.
3
14:10:34 4 MR CHETTLE: As much as it's intolerable really what I'm
14:10:35 5 doing, there may be a need to call some witnesses back if
14:10:38 6 we don't get a chance.
14:10:40 7
14:10:40 8 COMMISSIONER: I understand. As I say, the Commission is
14:10:43 9 working on a protocol or perhaps a Practice Direction that
14:10:47 10 will hopefully improve this as we move forward so that
14:10:54 11 Victoria Police are getting more notice of the category of
14:10:58 12 documents that are needed for each witness and then are
14:11:02 13 able to provide those documents to the Commission so that
14:11:08 14 any PII issues can be discussed or ruled on, but the PII is
14:11:14 15 the issue which makes it very difficult for documents to be
14:11:18 16 supplied to third parties, but we're conscious of it and -
14:11:22 17 - -
14:11:22 18
14:11:23 19 MR CHETTLE: It's going to get worse I think as we get
14:11:26 20 closer - - -
14:11:26 21
14:11:27 22 COMMISSIONER: I hope it will be get better.
14:11:28 23
14:11:29 24 MR CHETTLE: The second half of my issue is that it's
14:11:32 25 difficult not having some advanced knowledge of what the
14:11:36 26 Commission's work is over the next few days and who is
14:11:38 27 coming when. I know it is a difficult thing for the
14:11:41 28 Commission perhaps but it's almost impossible for us to
14:11:44 29 organise our affairs.
14:11:45 30
14:11:45 31 COMMISSIONER: Yes, well I'll ask for that at the end of
14:11:47 32 the day as to who is going to be called tomorrow. I don't
14:11:51 33 know if was known at lunchtime. All right.
34
35 MR CHETTLE: Thank you.
36
14:11:56 37 COMMISSIONER: Yes Mr Woods.
14:11:58 38
14:11:58 39 MR WOODS: The answer to that question of course depends to
14:12:01 40 some degree on when information is provided in a form that
14:12:06 41 can be used in the Commission so we'll be informed somewhat
14:12:07 42 by documents as they come in, not only from Victoria Police
14:12:08 43 but from other potential witnesses. But we'll do our best
14:12:12 44 to provide an answer to that at the end of the day.
14:12:17 45 Commissioner, I call Terry Francis Purton.
14:12:26 46
14:12:26 47 COMMISSIONER: Yes, Mr Purton, oath or affirmation?---Oath.

14:12:30 1
14:12:30 2 <TERRY FRANCIS PURTON, sworn and examined:
14:12:51 3
14:12:52 4 COMMISSIONER: Yes Ms Enbom.
14:12:52 5
14:12:53 6 MS ENBOM: Thank you. Mr Purton, could you please tell the
14:12:57 7 Commission your full name?---Terry Francis Purton.
14:12:59 8
14:12:59 9 Is your address care of Corrs Chambers Westgarth, 567
14:13:05 10 Collins Street, Melbourne?---Yes.
14:13:06 11
14:13:07 12 What is your present occupation?---Police officer.
14:13:09 13
14:13:14 14 Are you a retired police officer, Mr Purton?---Retired
14:13:18 15 police officer, yes.
14:13:18 16
14:13:18 17 Have you, Mr Purton, prepared a witness statement for this
14:13:22 18 Commission?---I have.
14:13:23 19
14:13:24 20 And do you have a copy, an unredacted copy of that witness
14:13:28 21 statement with you in the witness box?---Yes.
14:13:30 22
14:13:31 23 Is that witness statement dated 6 May 2019?---Yes.
14:13:36 24
14:13:36 25 Is that witness statement to the best of your knowledge
14:13:40 26 accurate?---Sorry?
14:13:41 27
14:13:41 28 Is that witness statement to the best of your knowledge
14:13:44 29 accurate?---Yes.
14:13:45 30
14:13:45 31 I tender that witness statement, Commissioner.
14:13:47 32
14:13:48 33
14:13:51 34 #EXHIBIT RC017A - Unredacted witness statement.
14:13:56 35
14:13:57 36 MS ENBOM: Commissioner, there is then the redacted
14:13:59 37 statement. There are two redactions in it. The second one
14:14:03 38 is not pressed so perhaps I can have my instructors prepare
14:14:13 39 that document again to remove one of the redactions.
14:14:15 40
14:14:15 41 COMMISSIONER: Yes, thank you.
14:14:17 42
14:14:17 43 MS ENBOM: And then tender it before the witness finishes.
14:14:20 44
14:14:20 45 COMMISSIONER: Yes.
14:14:20 46
14:14:21 47 MS ENBOM: Thank you, Commissioner that is the

14:14:23 1 evidence-in-chief.
14:14:26 2
14:14:26 3 COMMISSIONER: That will be 107B when it's tendered.
14:14:31 4
5 <CROSS-EXAMINED BY MR WOODS:
6
14:14:32 7 Just bear with me for a moment, Mr Purton. In relation to
14:14:36 8 the two redactions Ms Enbom has just pointed out - - -
14:14:39 9
14:14:39 10 COMMISSIONER: Only one is going ahead.
14:14:41 11
14:14:42 12 MR WOODS: - - - paragraph 12 is the only one going ahead.
14:14:44 13 I just wanted to ask through you does that mean that the
14:14:47 14 one in paragraph 9 won't be redacted or it's still
14:14:50 15 unresolved?
14:14:51 16
14:14:52 17 COMMISSIONER: No, it's not going to be unredacted as I
14:14:54 18 understood Ms Enbom said - - -
14:14:54 19
14:14:54 20 MS ENBOM: I should have identified which one is pressed
14:14:58 21 and which one is not.
22
23 COMMISSIONER: Yes.
24
14:14:59 25 MS ENBOM: The PII claim in relation to paragraph 9 is
14:15:03 26 pressed.
27
28 COMMISSIONER: Is pressed?
29
14:15:04 30 MS ENBOM: Yes. And the one in relation to paragraph 12 is
14:15:06 31 not pressed.
14:15:07 32
14:15:07 33 COMMISSIONER: Not pressed, thank you.
14:15:09 34
14:15:09 35 MR WOODS: We might need to have a discussion about that
14:15:11 36 but I can avoid that in the meantime. Mr Purton, could you
14:15:19 37 firstly confirm that you were a member of Victoria Police
14:15:23 38 for 45 years before your retirement?---Yes.
14:15:26 39
14:15:27 40 You commenced with Victoria Police in 1972?---Yes.
14:15:30 41
14:15:30 42 And from there on you went to Russell Street?---Yes.
14:15:33 43
14:15:33 44 And what was your position at Russell Street?---Constable.
14:15:37 45
14:15:39 46 After a number of positions that are set out at paragraph 4
14:15:43 47 of your statement, you went into the ESD in 1991, is that

14:15:49 1 correct?---That's correct.
14:15:50 2
14:15:50 3 And you were in the position of a Chief Inspector
14:15:53 4 there?---Yes.
14:15:54 5
14:15:55 6 And can I suggest that being in that role at Ethical
14:16:01 7 Standards gave you a good understanding of the right things
14:16:05 8 and the wrong things that police officers should do in the
14:16:08 9 discharge of their duties?---Yes.
14:16:09 10
14:16:10 11 In fact that was the very remit of the ESD at the
14:16:13 12 time?---Yes.
14:16:14 13
14:16:16 14 In 91 to 99 you were a Chief Inspector and team leader of
14:16:23 15 the ESD for that period, from 91 to 99, is that right?---It
14:16:28 16 was IID at that time, internal investigations.
14:16:32 17
14:16:33 18 You were then promoted to Superintendent of complaints and
14:16:36 19 corruption. Was that in the same - was that IID or was
14:16:40 20 that ESD?---Ethical Standards at that time. I was promoted
14:16:46 21 to Superintendent and I spent a couple of years in charge
14:16:48 22 of the complaints investigation division and then I spent a
14:16:51 23 couple of years in charge to the corruption investigation
14:16:56 24 division.
14:16:56 25
14:16:56 26 It was from there that you were, firstly, identified and
14:16:59 27 asked to conduct a review of the Drug Squad in 2001, is
14:17:03 28 that right?---I transferred to Region 4 as the crime
14:17:06 29 Superintendent and at that stage I was asked by Christine
14:17:09 30 Nixon to conduct a review of the Drug Squad.
14:17:12 31
14:17:13 32 We'll talk about that in a bit more detail in a while.
14:17:16 33 That was essentially because of the issues that had come
14:17:19 34 out of Operation Hemi?---Yes.
14:17:21 35
14:17:23 36 After that time, conducting that review, which was only
14:17:27 37 about three months, wasn't it, that it took you to - -
14:17:29 38 -?---The review was conducted in six weeks but it took
14:17:33 39 three months until it actually got through force command or
14:17:36 40 the recommendations.
14:17:37 41
14:17:37 42 After that you went off to do other things, again that are
14:17:40 43 listed in paragraph 4 of your statement, and then you
14:17:44 44 retired from Victoria Police in April 2017?---That's
14:17:47 45 correct. I spent six years as the Commander Crime and
14:17:51 46 moved on to other duties and I retired s a sworn officer
14:17:55 47 and had two years as the discipline inquiry officer and

14:17:58 1 then retired from there.

14:17:59 2

14:17:59 3 I see. Just to ask you firstly some questions about the
14:18:02 4 review you conducted in relation to the Drug Squad. Now,
14:18:06 5 the document will be shown to you in a moment and that's
14:18:10 6 being reviewed by Victoria Police for public interest
14:18:16 7 immunity reasons so we won't be bringing it up on the
14:18:19 8 screen, but firstly it was the second half of 2001 that
14:18:24 9 that three months we spoke about before occurred, is that
14:18:28 10 right?---Yes.

14:18:29 11

14:18:30 12 It's the case that the Commission's heard from Mr De Santo
14:18:35 13 and he conducted Operation Hemi, that was the precursor to
14:18:40 14 your review, is that right?---Yep.

14:18:42 15

14:18:43 16 And he was a member of the Ethical Standards Department in
14:18:47 17 his capacity, that was the capacity he was in in carrying
14:18:51 18 out Operation Hemi?---Yes.

14:18:53 19

14:18:54 20 In fact Operation Hemi centred around allegations largely
14:18:58 21 arising out of controlled chemical delivery practice that
14:19:02 22 was being conducted within the Drug Squad prior to and
14:19:06 23 during Operation Hemi, is that right?---Yes.

14:19:08 24

14:19:11 25 Just so it's clear, that involved officers, well a system
14:19:17 26 that was set up, as I understand it, at Mr Strawhorn's
14:19:21 27 suggestion, is that where the controlled chemical delivery
14:19:25 28 came from, the idea?---I think he went overseas or
14:19:29 29 something and looked at, they were doing it there and it
14:19:31 30 was implicated at Victoria Police.

14:19:33 31

14:19:33 32 It was a system whereby members of the Victoria Police, in
14:19:37 33 this instance the Drug Squad, were making purchases of
14:19:41 34 precursor chemicals, pseudoephedrine in particular, from
14:19:46 35 manufacturers or importers of those products and were
14:19:49 36 deploying them throughout the underworld to be able to make
14:19:52 37 arrests?---Yes.

14:19:53 38

14:19:55 39 And in July 2001 Operation Hemi, which was looking into
14:20:02 40 some of those issues, culminated in the arrests of
14:20:07 41 Mr Paton, Mr Rosenes and three civilian offenders and that
14:20:11 42 was just before your time, wasn't it?---Yes.

14:20:13 43

14:20:13 44 And Rosenes had been Paton's supervisor?---Yes.

14:20:17 45

14:20:18 46 And Paton had established a chemical company of his own to
14:20:24 47 undertake corrupt activities, is that correct?---Can't

14:20:28 1 remember, possibly so.
14:20:29 2
14:20:31 3 Now, part of the issue that was identified through Hemi
14:20:37 4 with those individuals and then later by you was that Paton
14:20:42 5 and Rosenes had formed corrupt relationships with criminals
14:20:46 6 and that had come out of the work involved in the
14:20:53 7 controlled chemical delivery system, is that right?---Yes.
14:20:56 8
14:20:57 9 So Hemi really uncovered the scale of the problems that
14:21:01 10 were in the Drug Squad and then you were asked to come in
14:21:04 11 and prepare or do your review of the Drug Squad. Within a
14:21:09 12 month of Hemi completing the arrests of Rosenes and Paton
14:21:16 13 took place. Do you remember whether that was before or
14:21:18 14 after you commenced?---Can't remember.
14:21:21 15
14:21:21 16 But it was around the same time?---Round the same time.
14:21:24 17
14:21:24 18 As you've said it was then Chief Commissioner Nixon who
14:21:28 19 personally requested you carry out your review?---Yes.
14:21:31 20
14:21:32 21 Why was it that you were identified as the appropriate
14:21:35 22 person to carry out that review?---I could say best man for
14:21:40 23 the job.
14:21:40 24
14:21:40 25 If that's the case say so?---I was a Crime Superintendent
14:21:45 26 out in Region 4 and when I what originally asked I was
14:21:48 27 asked to do a risk analysis of the Drug Squad but then it
14:21:51 28 turned into be the fully blown review of the Drug Squad.
29
30 Yes?---And what Christine did, I think she had a meeting
14:21:55 31 there one day, there was 69 members of the Drug Squad.
14:21:56 32 They were split up into the groups, they were asked what
14:22:00 33 are the current issues facing the Drug Squad and the review
14:22:04 34 fell out of that and we investigated those 69 issues.
14:22:06 35
14:22:07 36 Can I suggest that it was in fact your long experience in
14:22:10 37 Ethical Standards type issues that made you probably the
14:22:12 38 right man for the job?---Probably, yes.
14:22:14 39
14:22:15 40 The Terms of Reference and methodology for your review were
14:22:21 41 put together in consultation with the then Ombudsman, do
14:22:26 42 you recall that?---Yes, and the Police Association and
14:22:29 43 Force Command.
14:22:29 44
14:22:29 45 And the Ombudsman then was Barry Perry?---Yes.
14:22:34 46
14:22:34 47 So in conducting your review you carried out, it was done

14:22:39 1 in a number of ways as I understand it. You looked at
14:22:43 2 relevant documents that were held by the Drug Squad, is
14:22:45 3 that right?---Yes.
14:22:46 4
14:22:46 5 Did you interview members as well?---Every member of the
14:22:51 6 Drug Squad was interviewed in a formal ten or 12 page
14:22:57 7 interview, typed interviews at the time.
14:22:58 8
14:22:58 9 Did you look at management structures and things like that
14:23:00 10 as part of it?---We looked at everything from A to Z. The
14:23:03 11 report was 208 pages and there was 153 recommendations, so
14:23:07 12 it was certainly very comprehensive and covered every issue
14:23:11 13 in relation to drug investigations.
14:23:12 14
14:23:13 15 It in fact identified not issues with all of those areas
14:23:15 16 but some pretty significant issues with some of those
14:23:18 17 areas?---Yes, and opportunities for improvement in other
14:23:22 18 areas to make the job better.
14:23:24 19
14:23:26 20 Just focusing on controlled chemical deliveries that the
14:23:30 21 Commission has heard a bit about over the last few weeks.
14:23:33 22 Some of the issues arose as I understand it in relation to
14:23:36 23 the on-selling of those controlled chemical
14:23:40 24 deliveries?---Yes.
14:23:41 25
14:23:41 26 Do you know what some of those issues were?---Um, well when
14:23:47 27 we did the Drug Squad review and we found out that Victoria
14:23:51 28 Police were purchasing drugs, selling them and then the
14:23:53 29 courts were donating them back to Victoria Police to be
14:23:56 30 re-sold, then we looked at the fundamental issue as can
14:23:58 31 Victoria Police sell drugs, are we empowered law to do
14:24:02 32 that? I think there's a s.51 immunity which you can do it.
14:24:06 33 So we had meetings but then I got some advice from the
14:24:11 34 Victorian Government Solicitor's Office and we were told
14:24:12 35 that Victoria Police can only possess drugs as an exhibit
14:24:15 36 or for training purposes. And then the controlled chemical
14:24:21 37 deliveries were immediately shutdown and the money that had
14:24:24 38 been derived from that was paid into consolidated revenue.
14:24:30 39
14:24:31 40 There was about quarter of a million dollars - - - ?---Yes,
14:24:34 41 between 240 and 250 I think, somewhere around there.
14:24:36 42
14:24:37 43 Was there legal advice obtained in relation to identifying
14:24:40 44 those issues at the time or was it something that was clear
14:24:43 45 to you and you didn't need to?---We asked for the advice,
14:24:47 46 we wanted proper legal advice from the VGSO.
14:24:51 47

14:24:52 1 You obtained that advice?---Yes, that advice was obtained.
14:24:53 2
14:24:53 3 Do you remember who drafted the advice at the VGS0?---No.
14:24:58 4
14:24:58 5 But it occurred during the course of your review in the
14:25:02 6 latter half of 2001?---Yes.
14:25:04 7
14:25:04 8 Besides the controlled chemical deliveries and the
14:25:08 9 on-selling of drugs - sorry, just pausing there. I take it
14:25:10 10 from what you were saying a moment ago about looking at
14:25:14 11 Victoria Police holding and passing on these controlled
14:25:17 12 chemical deliveries, when you started looking at it you
14:25:20 13 realised that it was really without any foundation at all,
14:25:23 14 any authorisation, what had been happening in relation to
14:25:26 15 controlled chemical deliveries, is that the
14:25:28 16 situation?---Yes, I think we sort of it referred to it as
14:25:31 17 uncontrolled chemical deliveries, the way it had been run.
14:25:34 18
14:25:34 19 Which is why you insisted it be shut down?---Yep.
14:25:37 20
14:25:39 21 The reason you got legal advice or sought legal advice in
14:25:45 22 relation to that is that it was an important matter that
14:25:50 23 required some clarification, that you had to go outside
14:25:54 24 your own expertise as the people carrying out the review
14:25:57 25 and ask a specialist in the law to tell you whether or not
14:26:01 26 that was acceptable or unacceptable, is that right?---Yes,
14:26:03 27 the VGS0 is the Victorian Government Solicitor's Office but
14:26:08 28 they have an office, I think it was on the 8th floor of the
14:26:11 29 Victoria Police Centre, and they're totally external to us
14:26:13 30 and we needed proper advice like that to help us to move
14:26:17 31 forward in relation to whether we could or we couldn't.
14:26:20 32
14:26:20 33 I understand. Is that something you did from time to time
14:26:22 34 about other issues, obtain advice from VGS0, were they the
14:26:24 35 go to for advice about these sort of things?---On a regular
14:26:28 36 basis.
14:26:28 37
14:26:28 38 There was someone stationed within Victoria Police from
14:26:32 39 VGS0 at this time or is that something that happened later
14:26:35 40 on?---No, they had an office at that time and I think it
14:26:38 41 might have been David Stevens, David Lowe, there was about
14:26:42 42 three solicitors that worked there full-time.
14:26:44 43
14:26:44 44 A couple of the other issues that were identified by you in
14:26:47 45 your report were related to that and certainly were
14:26:53 46 exemplified by what happened with Mr Paton, Mr Rosenes and
14:26:58 47 then later on Mr Strawhorn which was in relation to

14:27:01 1 informer management and you identified some issues with
14:27:05 2 informer management in the Drug Squad at this time, is that
14:27:08 3 right?---Yes.
14:27:08 4
14:27:09 5 What were some of those issues?---I think there were major,
14:27:12 6 you know, catastrophic issues in relation to informer
14:27:15 7 management. People did their own thing, there was no
14:27:19 8 scrutiny, it was just a mess from A to Z and it needed a
14:27:24 9 total revamp, and trying to look at best practice
14:27:25 10 interstate, overseas as to what we should do and taking the
14:27:30 11 informant or the investigator away from the informer. So
14:27:33 12 you have what they call a sterile corridor and everything
14:27:37 13 is done through an expert handler.
14:27:40 14
14:27:41 15 That idea, as I read the documents that the Commission has
14:27:44 16 been provided with, it seems this report of yours and the
14:27:46 17 work you did was pretty seminal in changing human source
14:27:51 18 management in Victoria from that time onwards, is that a
14:27:54 19 fair description?---Yes. When I joined the job, if you had
14:27:58 20 an informer you had to write it in your diary, tell your
14:28:01 21 boss you were going to see them, and you'd put it in a
14:28:05 22 white envelope and the Superintendent filed it in his safe.
14:28:07 23 That's the only training we got.
14:28:07 24
14:28:08 25 As you looked at the practices within the Drug Squad, you
14:28:11 26 saw that there was that practice persisting at an
14:28:14 27 operational level on the street with community policing,
14:28:17 28 that was still existing at that time, is that right, or
14:28:20 29 something similar?---Sorry, can you ask that again?
14:28:23 30
14:28:24 31 The process that you've just described that you remember
14:28:26 32 when you started, the white envelope and it going in the
14:28:30 33 boss's safe, was it that system that was persisting at
14:28:35 34 suburban police offices at the time you conducted your
14:28:40 35 review, or had it changed somewhat by that stage? Not
14:28:41 36 within the Drug Squad but suburban policing?---I'm not 100
14:28:46 37 per cent sure with the Crime Department. There was no real
14:28:48 38 proper management or oversight or control over informers at
14:28:51 39 that time and I think John McCoy when I interviewed him in
14:28:56 40 relation to Wayne Strawhorn he said he had scum bag
14:29:00 41 informers. So what Strawhorn was being told by who wasn't
14:29:03 42 really communicated through. It was within his knowledge
14:29:06 43 and there was no proper oversight as to what was going on.
14:29:08 44
14:29:09 45 I'm going to show you a copy of your review. I won't be
14:29:14 46 tendering it or putting it on the screen. I just want to
14:29:18 47 ask you some questions about some of those human source

14:29:20 1 issues that you identified. I think there is a copy being
14:29:23 2 handed to you. It is VPL.0005.0050.0002. And the
14:29:31 3 Commissioner should have a copy of that too. As I say,
14:29:35 4 Commissioner, that's being reviewed at present by Victoria
14:29:40 5 Police and as we understand it once that's occurred it is
14:29:43 6 going to be distributed to those at the Bar table. Just
14:29:55 7 while we're doing that, Commissioner, it might be an
14:29:59 8 opportune moment to tender the unredacted version as
14:30:05 9 whatever number we're up to in A.

14:30:06 10
11 COMMISSIONER: Yes.

14:30:06 12
14:30:08 13 #EXHIBIT RC108A - Review of Police Drug Squad
14:30:15 14 August/September 2001, steering
14:30:18 15 committee endorsed, final report -
14:30:21 16 November 2001.

14:30:24 17
14:30:24 18 MR CHETTLE: Commissioner, this is a document that I have
14:30:26 19 some interest in but haven't been provided with a copy of
14:30:29 20 it.

14:30:29 21
14:30:29 22 COMMISSIONER: No, I understand that. It's being reviewed
14:30:32 23 for PII.

14:30:33 24
14:30:34 25 MR CHETTLE: My instructions are that Senior Sergeant Jones
14:30:37 26 acted as a response to this and it seems unfortunate I
14:30:45 27 can't get a look at it. I mean it's something he's seen
14:30:48 28 and read. Still can't.

14:30:53 29
14:30:53 30 COMMISSIONER: As soon as the PII issues are sorted out
14:30:58 31 you'll get a copy. Yes Mr Woods.

14:31:05 32
14:31:05 33 MR WOODS: Thank you, Commissioner. Now, just to focus on,
14:31:09 34 I won't ask you to read out loud any of the pages in that,
14:31:13 35 however if you can turn to p.104. This is where you
14:31:19 36 identified, and I'll speak in general terms, you identified
14:31:23 37 some critical risks in relation to informer management that
14:31:27 38 were persisting at the time when you began your
14:31:31 39 review?---Yes.

14:31:31 40
14:31:31 41 Can you see those there?---Yep.

14:31:33 42
14:31:35 43 And one of the issues that was identified is that there had
14:31:48 44 been corrupt associations formed with informers by Drug
14:31:57 45 Squad members, is that right?---Yes.

14:31:58 46
14:31:59 47 And there was a problem at a policy level which I think you

14:32:07 1 were touching on a moment ago which I think essentially
14:32:10 2 there wasn't a clear policy within the Drug Squad, is that
14:32:14 3 right?---Yes.
14:32:14 4
14:32:14 5 And that there were in fact within Victoria Police two
14:32:19 6 quite separate policies. One that was within the Crime
14:32:26 7 Department, as I understand it, and then another that
14:32:30 8 applied to the rest of the force. Is that something you
14:32:33 9 recall?---Yes.
14:32:33 10
14:32:35 11 In fact the Crime Department policy at the time, or the
14:32:39 12 practices that were being employed, there was no audit or
14:32:42 13 compliance aspect to that policy as it stood when you
14:32:46 14 commenced your report?---Yes.
14:32:47 15
14:32:49 16 And why, it might seem obvious, but why is it that audit
14:32:54 17 and compliance is an important part of human source
14:32:57 18 management?---It provides transparency and confidence to
14:33:02 19 managers, and it's an anti corruption tool where you're
14:33:08 20 monitoring and you have active oversight as to what's
14:33:10 21 occurring, and if you haven't got that and things go
14:33:13 22 pear-shaped, you could say were we doing that we might not
14:33:18 23 have had so many members locked up for corruption.
14:33:22 24
14:33:22 25 Can I assume one of the issue is when you've got something
14:33:23 26 like a controlled chemical delivery system, you're the
14:33:29 27 police officer, you're managing that and you've also got
14:33:33 28 close associations with police informers with no real
14:33:36 29 oversight, human nature being what it is some things can go
14:33:38 30 awry, is that right?---Yes.
14:33:39 31
14:33:40 32 So oversight and auditing and those sorts of things will be
14:33:42 33 at least tool to prevent that from occurring?---It is best
14:33:46 34 practice and that's what every organisation should be
14:33:49 35 striving for, best practice in the way they do their
14:33:51 36 business.
14:33:51 37
14:33:51 38 Indeed, as part of your report you said we should take a
14:33:55 39 leaf out of the book from New South Wales and from South
14:33:59 40 Australia, what is happening in the Crime Department has
14:34:01 41 good aspects but it needs audit and compliance and then we
14:34:04 42 should do away with what's happening in the rest of the
14:34:08 43 force and that should be the one policy that applies to the
14:34:11 44 entire force?---That's correct.
14:34:12 45
14:34:21 46 One of the important aspects of human source management is
14:34:26 47 the risks to that human source them self, is that

14:34:30 1 correct?---Yes.
14:34:30 2
14:34:34 3 And we've heard evidence, including today in relation to
14:34:36 4 the Hodsons and the fact that there was information that
14:34:39 5 was at large about a person acting as a human source.
14:34:43 6 You're obviously aware of that story?---Yes.
14:34:46 7
14:34:48 8 And that's the sort of reason why it's so important to keep
14:34:54 9 informer's identities confidential?---Yes.
14:34:57 10
14:35:00 11 And you've also mentioned the sterile corridor. I don't
14:35:05 12 think that phrase had maybe come into common usage at the
14:35:09 13 time of your report, but certainly the idea is very much in
14:35:12 14 your report and can I take it that that was one of the
14:35:16 15 aspects that you were recommending be taken up by Victoria
14:35:19 16 Police?---Yes, and one of the recommendations was for that,
14:35:23 17 then a unit was formed and that recommendation was
14:35:25 18 fulfilled and we had an Informer Management Unit with the
14:35:29 19 sterile corridor and expert handlers put in that unit.
14:35:33 20
14:35:33 21 And the idea, if it's not clear to everybody, the idea
14:35:41 22 being that the information should be provided by the human
14:35:43 23 source to specialists in human source management, is that
14:35:47 24 the first instance, is that right?---Yes.
14:35:49 25
14:35:49 26 And that once the information is obtained by those
14:35:53 27 specialist human source managers it is handed across a
14:35:58 28 sterile corridor, de-identified, so there is no risk of
14:36:03 29 identifying the human source or the human source manager,
14:36:07 30 is that correct?---Well usually the police member may
14:36:09 31 identify one of these sources and then the Informer
14:36:13 32 Management Unit, they take them on board.
14:36:14 33
14:36:14 34 Before the substance of my question, before that happens,
14:36:17 35 the person's identified usually not by the human source
14:36:22 36 manager but by a rank and file police officer or a
14:36:25 37 Detective whoever it is?---Yes.
14:36:27 38
14:36:27 39 They are then provided under this more robust system that
14:36:31 40 came afterwards to the specialist human source managers, so
14:36:37 41 far am I correct?---Yes.
14:36:38 42
14:36:39 43 Then otherwise after that, that human source no longer has
14:36:44 44 dealings with that Detective or that introducer, is that
14:36:47 45 correct?---The Detective then would go through the handler,
14:36:51 46 yes, so he doesn't go to the source.
14:36:54 47

14:36:54 1 So the Detective doesn't have contact with the source any
14:36:57 2 more but they can still obtain information from the source
14:37:01 3 but of course they have to go across the sterile corridor
14:37:04 4 to do so?---Through the handler, yes.
14:37:06 5
14:37:07 6 If it is not that Detective but there is in fact more broad
14:37:10 7 information that's being provided by the human source, not
14:37:14 8 necessarily directly to that Detective but to the force or
14:37:17 9 to a particular Task Force, it is the case, isn't it, that
14:37:19 10 the information report will be disseminated only across the
14:37:23 11 sterile corridor?---Yes.
14:37:24 12
14:37:27 13 As I understand it, in a perfect world then, those who
14:37:31 14 would know the identity of the human source would be the
14:37:38 15 officer who introduced the human source to the human source
14:37:44 16 management group, that person would know who the human
14:37:47 17 source is?---Yes.
14:37:47 18
14:37:48 19 The human source manager, sorry, the handler?---Yes.
14:37:57 20
14:37:57 21 And the controller of the human source?---Yes.
14:37:59 22
14:38:00 23 Besides that, should there be others who know the identity
14:38:04 24 of the human source as a human source?---Most times, the
14:38:07 25 Drug Squad at that time could have had 20 or 30 operations
14:38:10 26 running and if there are informers, now the Superintendent
14:38:13 27 or the inspectors would meet with the team leaders and it
14:38:17 28 might be discussed who the informant is. I mean a lot of
14:38:20 29 these people were assisting in many investigations and even
14:38:23 30 the one that this inquiry is about, it was common knowledge
14:38:26 31 that person was a human source.
14:38:29 32
14:38:29 33 That's one of the issues I want to get to, perhaps not
14:38:32 34 immediately. But I want to just talk about best practice
14:38:36 35 first. The sterile corridor, as I understand it, and tell
14:38:39 36 me if I'm wrong, my understanding of the sterile corridor
14:38:43 37 is that information is obtained by the handler or handler
14:38:46 38 and controller, will be disseminated, de-identified out to
14:38:54 39 wherever it needs to be deployed within the force, that
14:38:58 40 would be the usual course, wouldn't it?---Usual but in the
14:39:00 41 Crime Department with the types of investigations they're
14:39:02 42 doing it would stay in-house, we wouldn't be sending stuff
14:39:06 43 out to the regions. The sources we're talking about are
14:39:09 44 the high level, high risk ones and are there for major
14:39:13 45 investigations done by the Crime Department.
14:39:15 46
14:39:18 47 We'll talk about a couple of those issues in a little

14:39:22 1 while. Just to round off on your report, another issue you
14:39:26 2 identified in the Drug Squad in conducting your report was
14:39:31 3 the tenure of members of the Drug Squad was a real issue,
14:39:34 4 the time the Drug Squad member had been in the Drug
14:39:38 5 Squad?---Yes.
14:39:38 6
14:39:38 7 I think at the time you conducted your review one had been
14:39:41 8 there about 15 years and another had been there about 12
14:39:45 9 and a half years?---Sounds right.
14:39:46 10
14:39:47 11 If it needs to be explained, which it may not, what's the
14:39:50 12 issue with leaving a human being of whatever background or
14:39:55 13 inclinations in a position like the Drug Squad for that
14:39:58 14 period of time?---They are exposed to the risk, a
14:40:04 15 heightened risk of continually dealing with informers and
14:40:06 16 the potential for that person to form corrupt relationships
14:40:10 17 would be possibly more likely to occur than someone that
14:40:15 18 was only there for a couple of years.
14:40:17 19
14:40:17 20 That was one of the reasons or the reason I suppose why you
14:40:21 21 recommended that a three year tenure be the baseline for
14:40:25 22 Drug Squad members in the future?---Yes.
14:40:28 23
14:40:28 24 And there was a potential of two one year extensions, is
14:40:34 25 that right?---That's correct.
14:40:35 26
14:40:35 27 What would be the basis on which those extensions might be
14:40:39 28 agreed to or not agreed to?---They could have major
14:40:42 29 investigations partially completed that it would be in the
14:40:45 30 best interests of the Force and the Drug Squad for that
14:40:48 31 person to remain for that investigation and the trial
14:40:50 32 whatever to be completed before they go out to a region.
14:40:53 33
14:40:56 34 Just lastly in relation to your report, its intention was,
14:41:02 35 I think you'll see this at the end of the report at 204,
14:41:06 36 that it only be disseminated to people, Assistant
14:41:11 37 Commissioner or above and I take it that's because of the
14:41:15 38 sensitivities as they stood at least when the report was
14:41:19 39 conducted in 2001, is that right?---Yes.
14:41:22 40
14:41:25 41 Now following your report, because it was obviously a very
14:41:31 42 comprehensive report, but was limited in time, you only had
14:41:38 43 a limited amount of time to conduct it. You recommended
14:41:40 44 that further work be conducted within or looking at the
14:41:44 45 Drug Squad following your review, is that right?---Yes, a
14:41:49 46 criminal investigation should follow from ours and that's
14:41:52 47 when Ceja Task Force was formed to conduct that.

1
14:41:56 2 Yes?---Conducted by Danye Moloney.
14:41:57 3
14:41:57 4 Then there was Ceja first interim of May 2003, second
14:42:04 5 interim report of 2004 and third and final report of July
14:42:05 6 2007, do those dates match up with your memory?---No. I
14:42:10 7 know people submitted reports but the dates mean nothing to
14:42:13 8 me.
14:42:13 9
14:42:13 10 I take it you read the reports when they were handed
14:42:16 11 down?---Not the Ceja ones, I haven't seen the Ceja reports.
14:42:18 12
14:42:19 13 You haven't seen the Ceja reports?---No.
14:42:21 14
14:42:21 15 Commissioner, I'm not proposing to tender Ceja reports.
14:42:24 16 They're publicly available documents and not directly on
14:42:28 17 point to what we're looking at.
18
14:42:31 19 Can you tell me, just lastly, I was mentioning, just
14:42:34 20 lastly in relation to your review, the review was to be
14:42:39 21 distributed to those Assistant Commissioner or above. Do
14:42:43 22 you remember who those people were in late 2001?---I know
14:42:46 23 there was Graham McDonald, he was Assistant Commissioner
14:42:50 24 Professional Standards Command, Neil O'Loughlin, he was an
14:42:55 25 Assistant Commissioner, Peter Nancarrow got it.
26
14:43:00 27 Yes?---It wasn't widely disseminated to each Assistant
14:43:03 28 Commissioner, it was mainly the only ones on the steering
14:43:07 29 committee.
14:43:07 30
14:43:07 31 People above that, that rank or above were able to read it
14:43:11 32 but not necessarily all of them did or needed to read
14:43:14 33 it?---No, that's right. There was too much confidential
14:43:17 34 stuff in it to be disseminated, in case it leaked out.
14:43:22 35
14:43:23 36 COMMISSIONER: Does that mean they weren't able to read it,
14:43:24 37 only selective people were able to read it?---Yes.
14:43:27 38
14:43:28 39 They are the names that you've given us?---Yes.
14:43:29 40
14:43:31 41 MR WOODS: And Deputy Commissioners, do you know who they
14:43:35 42 were at the time?---Peter Nancarrow was one. I think we
14:43:39 43 only had one there. I think Bill Kelly came after.
14:43:44 44
14:43:44 45 I now want to ask you some questions about Victoria
14:43:48 46 Police's contact with Ms Gobbo. Now, I'm not sure whether
14:43:55 47 you've followed any of the Commission's processes over the

14:43:58 1 last few weeks. Are you aware of the evidence the
14:44:02 2 Commission has heard?---Yes.
14:44:03 3
14:44:04 4 And you're aware that it's clear that Victoria Police
14:44:08 5 started having significant dealings with Ms Gobbo in about
14:44:11 6 1993?---Yeah, 93, 2005, I'm not sure but I know I've read
14:44:18 7 there was two times, early in that time and then later on.
14:44:21 8
14:44:22 9 There was a registration in 1995 and then there was another
14:44:27 10 registration in 1999?---Yes.
14:44:32 11
14:44:32 12 Then the registration in 2005 which was the one that became
14:44:36 13 public?---Yes.
14:44:37 14
14:44:38 15 Late last year and early this year. Have you heard the the
14:44:44 16 evidence the Commission has taken from Mr Strawhorn, did
14:44:46 17 you follow any of that?---No.
14:44:48 18
14:44:48 19 From Mr De Santo?---No.
14:44:50 20
14:44:54 21 Are you aware, as you were, the dealings with Ms Gobbo that
14:45:00 22 we'll come to in a moment, some of which are recorded in
14:45:05 23 your diaries, were you aware at that time that Ms Gobbo had
14:45:08 24 been a registered informer on two previous occasions?---No.
14:45:12 25
14:45:12 26 Are you aware that she faced criminal charges in the
14:45:16 27 past?---No.
14:45:16 28
14:45:20 29 Were you aware that prior to the SDU's dealings with
14:45:28 30 Ms Gobbo in 2005 that there'd been some observations made
14:45:33 31 of Ms Gobbo such as her inviting herself to police balls,
14:45:40 32 being described as a loose cannon by Jack Blayney, had you
14:45:43 33 heard any of those things at the time in 2005 when you had
14:45:46 34 dealings relating to her?---No.
14:45:48 35
14:45:49 36 Had you heard of any concerns when you started dealing with
14:45:52 37 her of any inappropriate relationships that she'd had with
14:45:56 38 police officers?---Um, I think it was sort of like common
14:46:02 39 knowledge that she had had sexual relationships with people
14:46:06 40 in the legal fraternity and also I think there could have
14:46:10 41 been some scuttlebutt that she sort of tried to drag
14:46:14 42 members into bed, just things of a general nature in
14:46:18 43 scuttlebutt or talk.
14:46:19 44
14:46:19 45 I understand. What about with criminals?---Yes, I think
14:46:23 46 she was heavily involved in the criminal world.
14:46:25 47

14:46:26 1 Had you heard the same scuttlebutt, as you described it, in
14:46:29 2 relation to those individuals or was it only police and
14:46:32 3 other lawyers?---Police and other lawyers.
14:46:35 4
14:46:40 5 In relation to those first, the 95 and 99 registrations,
14:46:47 6 and the observations, some of which I've just pointed out
14:46:50 7 to you then, when you came to deal with her, well the SDU
14:46:57 8 came to deal with her in 2005, you'd accept, I assume, that
14:47:01 9 it would have been quite useful knowledge for the SDU to
14:47:06 10 have known about these prior registrations and some of the
14:47:10 11 observations that had been made about Ms Gobbo?---Yes, part
14:47:11 12 of the risk assessment process would be, has this person
14:47:16 13 ever been registered as an informer before.
14:47:18 14
14:47:18 15 The risk assessment process is a fundamental part of
14:47:23 16 establishing a relationship with a human
14:47:25 17 source?---Establishing a relationship and looking at the
14:47:27 18 risks and any potential pitfalls in dealing with that
14:47:31 19 person. As Jack said, Jack Blayney, you know, he was very
14:47:33 20 keen in his comment. I worked with jack for 20, 30 years
14:47:36 21 and he's a pretty good operator.
14:47:41 22
14:47:41 23 So loose cannon, you wouldn't dispute that as a fair
14:47:46 24 assessment, as was made at the time in the late 90, early
14:47:52 25 2000s?---Yes.
14:47:53 26
14:47:54 27 In your statement you - do you have a copy of your
14:47:58 28 statement with you?---Yes.
14:47:58 29
14:48:00 30 At p.2, paragraph 8, so right down the bottom of p.2, you
14:48:06 31 address how it was that you learned that Nicola Gobbo was
14:48:12 32 providing information as a human source and you say at
14:48:20 33 paragraph 9, top of p.3, that, "It appears from the bundle
14:48:25 34 diary entries that it was on 19 September 2005 that I
14:48:29 35 became aware that Ms Gobbo was providing information and/or
14:48:32 36 assistance to police". Your diary records at p.51 that on
14:48:36 37 that day you were informed that Ms Gobbo was to, and
14:48:38 38 there's a dispute there about what can and cannot be
14:48:42 39 public, something in relation to Tony Mokbel. Now, does
14:48:46 40 that accord with your recollection? You can't remember any
14:48:49 41 discussion about Ms Gobbo prior to that date?---No, we're
14:48:53 42 talking about decades ago.
14:48:55 43
14:48:55 44 Of course?---But to me that was written in my diary, so
14:48:58 45 that would be accurate at the time so I rely on that as
14:49:01 46 being what actually occurred.
14:49:02 47

14:49:03 1 On reading the diary did that trigger at least a vague
14:49:06 2 memory of discussions that were occurring around that time
14:49:09 3 with the SDU?---Yes.
14:49:11 4
14:49:12 5 That being the case, I might take you to your diaries.
14:49:19 6 I'll have to tread carefully around some of the issues
14:49:23 7 here. But in July 2004 there was - TF, what's that mean,
14:49:38 8 Task Force? Sorry, you probably haven't got it in front of
14:49:42 9 you?---I've just got a bundle of stuff, what is the page
14:49:46 10 number?
14:49:46 11
12 This is the long number on the very top of it?---Yep.
13
14:49:47 14 It is VPL.0005.0067?---No, no, there's a number under that,
14:49:54 15 65 or 71.
14:49:55 16
14:49:55 17 32?---32.
14:49:57 18
14:49:57 19 The diary page number is 32, yes. Now, don't read anything
14:50:10 20 out unless I say you can read it out. We have to tread
14:50:14 21 carefully?---Is it a little one or a big one?
14:50:17 22
14:50:18 23 I have them all in one bundle.
14:50:20 24
14:50:20 25 COMMISSIONER: It should be on the first - it's the first
14:50:23 26 page of the bundle I've got, the very first page and the 32
14:50:27 27 is on the left-hand side?---The first one I have is
14:50:31 28 September 05.
14:50:33 29
14:50:33 30 MR WOODS: For me that's a few pages in?---32, I've got it,
14:50:37 31 yep.
14:50:37 32
14:50:37 33 So there's at 14:00, there is a Task Force Purana progress
14:50:45 34 meeting?---Correct.
14:50:45 35
14:50:46 36 And Simon Overland was there?---Yep.
14:50:48 37
14:50:48 38 Who is that next person?---John Whitmore.
14:50:52 39
14:50:53 40 Next person?---Gavan Ryan.
14:50:55 41
14:50:55 42 And SG, or is it SC?---Can't remember.
14:51:01 43
14:51:01 44 In any event there was a discussion regarding an individual
14:51:04 45 who is named on the first page who I won't mention their
14:51:09 46 name?---Yep.
14:51:10 47

14:51:10 1 "Final read of statements today, shown to Gobbo. One thing
14:51:15 2 to change. Didn't know it's going to be a murder. No,
14:51:20 3 that's ridiculous"?---Not guilty, that's ridiculous.
14:51:25 4
14:51:25 5 "Not guilty, that's ridiculous", okay?---Yep.
14:51:28 6
14:51:30 7 "Nicola Gobbo, that's ridiculous." Can you explain what
14:51:35 8 that entry means? It's obviously a meeting at Purana Task
14:51:40 9 Force?---There's a meeting there and it looks like there'd
14:51:43 10 been a final read of the statements today, they'd been
14:51:46 11 shown to Gobbo. There was one thing to change and it looks
14:51:50 12 like she didn't know it's going to be a murder and Nicola
14:51:53 13 Gobbo made a comment, "That's ridiculous".
14:51:55 14
14:51:56 15 Do you know what Ms Gobbo's role was when she was being
14:52:00 16 shown those statements or that statement?---I'd say she may
14:52:04 17 have been appearing for that person, that's what it sounds
14:52:06 18 like to me.
14:52:07 19
14:52:07 20 And the "no, that's ridiculous", is that your - - -
14:52:12 21
14:52:12 22 COMMISSIONER: It's "NG, that's ridiculous".
14:52:15 23
14:52:15 24 MR WOODS: Sorry, "NG, that's ridiculous", is that a quote
14:52:19 25 from Ms Gobbo or something you've written there, is it your
14:52:22 26 own expression?---I'd say that's, I'm not 100 per cent sure
14:52:30 27 now. That could be "not guilty, that's ridiculous", it
28 makes more sense than "Nicola Gobbo, that's ridiculous".
14:52:38 29 It's one of those two, I'm not sure.
14:52:40 30
14:52:41 31 Yes, I understand, all right. Now the next line, "40 page
14:52:42 32 statement", there is a redacted part in there, "fully
14:52:45 33 implicating Williams, sol liaise with OPP, sentence
14:52:50 34 recommendations". Is that in relation to the same
14:52:53 35 prosecution?---Could be. Not sure.
14:53:05 36
14:53:16 37 The reference to Nicola Gobbo, just above, Nicola Gobbo
14:53:20 38 being shown the statements and changing something, was that
14:53:25 39 something that was usual or unusual for a legal
14:53:28 40 representative to be shown statements and change something
14:53:31 41 in them?---I don't know because I don't know what she was
14:53:35 42 changed - I don't know.
14:53:37 43
14:53:37 44 Do you know what her role was?---Reading that it sounds
14:53:41 45 like she might have been appearing for him.
14:53:43 46
14:53:45 47 If it was the case that it was in fact Nicola Gobbo who had

14:53:49 1 one thing to change in the statement in relation to a
14:53:52 2 prosecution where she was representing someone, that would
14:53:54 3 be highly unusual, I take it?---It could have been a
14:53:57 4 mistake in the statement and she's pointed it out and the
14:54:00 5 investigator agreed and they agreed to change it.
14:54:02 6
14:54:02 7 I see. Now, a few lines down you have, "Straight to
14:54:08 8 Supreme Court next two weeks PC". Can you explain what PC
14:54:14 9 is?---Um, it's PG, plead guilty.
14:54:19 10
14:54:20 11 Plead guilty. And that's relating to the same matter that
14:54:23 12 we've just been talking about above, is that right?---Yes.
14:54:27 13
14:54:28 14 You've got, avoiding that next sentence, it's got some
14:54:35 15 initials there, is that "RW knew of events"?---Yep.
16
14:54:43 17 "Killings"?---Yep.
14:54:45 18
14:54:46 19 "CW, if we had seven, one, Mark Moran, two,
14:54:51 20 Moran/Barbaro"?---Yes.
14:54:51 21
14:54:51 22 So that's two and three. The next one is Rodda?---Radev.
14:54:57 23
14:54:57 24 Radev, sorry. Marshall, Kinniburgh and Mallia?---Yes.
14:55:04 25
14:55:05 26 Next line CW, who's that?---Carl Williams.
14:55:11 27
14:55:11 28 To Mark Moran murder?---Yep.
14:55:13 29
14:55:13 30 These were the topics under discussion in this Purana
14:55:18 31 progress meeting?---Yes.
14:55:19 32
14:55:19 33 "OPP will not see statements until next Wednesday. Do not
14:55:23 34 change CW", I take it that means do not charge Carl
35 Williams?---Do not charge.
36
14:55:29 37 Charge, sorry, "Do not charge Carl Williams until drug
14:55:36 38 trial is over", this was a decision that was being made or
14:55:40 39 discussed in a Purana progress meeting, is that
14:55:44 40 right?---Yep.
14:55:45 41
14:55:45 42 Then a couple of line downs, "Carl Williams, three days,
14:55:50 43 legal argument, late July, Michael Dobson, Marshal and Cook
14:55:52 44 arrested Friday", is that right?---Yep.
14:55:54 45
14:55:55 46 So were these, that was an operational meeting, I take it,
14:56:01 47 where the Task Force was deciding, for example, when to

14:56:07 1 charge particular people, is that right?---They were just
14:56:11 2 providing an update to Simon and the other members sitting
14:56:14 3 around the table, what the current status is.
14:56:17 4
14:56:17 5 Who is amongst that group who is providing that
14:56:22 6 information?---I haven't put that there but it would be one
14:56:25 7 of them. It could be Gavan Ryan, could be John Whitmore.
14:56:30 8
14:56:30 9 It's a member of that meeting who is saying, "Here's where
14:56:35 10 things are at in relation to each of those
14:56:38 11 investigations"?---The member at the meeting who was
14:56:41 12 responsible for that investigation or that person -
14:56:44 13 defendant.
14:56:46 14
14:56:51 15 Turning over the page, the page I have in front of me says
14:56:54 16 June 2005?---Yep.
14:56:56 17
14:56:56 18 And the diary page is 267, do you have that one?---Yes.
14:57:00 19
14:57:00 20 There is another progress meeting, I'm looking at 2030,
14:57:04 21 halfway down the page?---Yep.
14:57:05 22
14:57:05 23 It's another meeting of that same Task Force,
14:57:10 24 Purana?---Yep.
14:57:10 25
14:57:10 26 And there's Mr Overland is there and who is PS?---Not sure,
14:57:17 27 could be Paul Sheridan, I'm not sure.
14:57:20 28
14:57:21 29 Phil Swindells perhaps?---Sorry?
14:57:23 30
14:57:23 31 Phillip Swindells?---Could be. He was in the Homicide
14:57:26 32 Squad, it could have been him.
14:57:27 33
14:57:27 34 Just so I can understand it, was there some fluidity about
14:57:32 35 who would attend these meetings, this one only seems to
14:57:37 36 have a couple of people at it, the one before seems to have
14:57:41 37 at least five people at?---No, whatever, whether the others
14:57:45 38 are all tied up or they're unavailable I'm not sure.
14:57:47 39
14:57:48 40 It was something that was diarised I take it and once a
14:57:52 41 week?---Yep.
14:57:53 42
14:57:53 43 So there's a discussion there about the Gatto trial nearing
14:57:58 44 completion. There is a few individuals that are named
14:58:04 45 underneath, I think some of those might need to be tended
14:58:08 46 to on review, and there's a reference to an allegation
14:58:19 47 against, I'm looking down the bottom, so about halfway down

14:58:24 1 there's the word Wilson, Craig Wilson, is it? You see
14:58:33 2 there is an operation name, then there is drug traffic is
14:58:35 3 the next line, the next line is redacted on my version and
14:58:38 4 the next name is Craig Wilson?---Sorry, Craig?
14:58:43 5
14:58:43 6 Wilson ACC crew and then there's the name of a solicitor
14:58:48 7 who we're referring to as Solicitor 2, money
14:58:51 8 laundering?---Yep.
14:58:52 9
14:58:52 10 Do you see that?---Yep. Solicitor, yep yep, money
14:58:59 11 laundering, yes.
14:59:00 12
14:59:02 13 That is Solicitor 2.
14:59:03 14
14:59:03 15 COMMISSIONER: I haven't heard about Solicitor 2 yet so
14:59:05 16 that's an agreed name, is it? Is Solicitor 2 on Exhibit
14:59:12 17 81?
14:59:12 18
14:59:12 19 MR WOODS: Yes, Solicitor 2 is number 14, and I think can
14:59:17 20 perhaps be named in some circumstances and not in others.
14:59:22 21 This is an appropriate one. The name might have been said
14:59:24 22 though on the feed so it might just need to be checked. I
14:59:30 23 think the witness might have said the person's name.
14:59:33 24
14:59:33 25 COMMISSIONER: If the name is mentioned we will take it out
14:59:37 26 but I think it was pretty hard to distinguish.
14:59:40 27
14:59:40 28 MR WOODS: It might well be. All right. Now, the next
14:59:48 29 line down talks about Rodney Collins?---Yes.
14:59:51 30
14:59:51 31 And a contract placed by John Higgs. Do you recall what
14:59:55 32 that was about?---No.
14:59:56 33
14:59:58 34 Two lines down, "Nicola Gobbo to meet with Stuart
15:00:03 35 Bateson"?---Yes.
15:00:05 36
15:00:05 37 It says June 2005, so this is prior to her registration
15:00:11 38 with the SDU. Can you remember why it was that Ms Gobbo
15:00:15 39 was meeting with Stuart Bateson in June 2005?---No.
15:00:19 40
15:00:20 41 Can I suggest it had something to do with the other items
15:00:25 42 of business that are referred to in this Purana progress
15:00:29 43 meeting?---I'd say so, it could be related to the two above
15:00:34 44 it.
15:00:34 45
15:00:36 46 Okay. Turning the page over to 290. It might be that that
15:00:54 47 name was audible, Commissioner, so.

15:00:59 1
15:00:59 2 COMMISSIONER: I have directed that it be removed.
15:01:03 3
15:01:06 4 MR WOODS: Wonderful, thank you.
15:01:06 5
15:01:06 6 COMMISSIONER: And if anybody did hear it it's not to be
15:01:10 7 published.
15:01:10 8
15:01:11 9 MR WOODS: I'm looking at p.290, it's June 2005, and this
15:01:15 10 is, doesn't seem to be - well, is this a carry on - no,
15:01:23 11 it's not a carry on from the page before?---It was a
15:01:26 12 separate task force that was set up to look at something
15:01:28 13 else.
15:01:28 14
15:01:29 15 It was a task force that you were on?---That task force was
15:01:32 16 reporting to me.
15:01:32 17
15:01:33 18 They were reporting to you. And what they were saying in
15:01:37 19 relation to Ms Gobbo was that, can you just read those -
15:01:45 20 has your version got three large redactions on it?---Yes.
15:01:48 21
15:01:49 22 Just above those, three lines above you'll see Ms Gobbo's
15:01:53 23 name, can you just read that. I think it says Milad, N
15:01:59 24 dash something?---"Milad no comment record of interview."
15:02:03 25
15:02:04 26 "Rang Nicola Gobbo"?---Yeah, he rang Nicola Gobbo.
15:02:07 27
15:02:08 28 During his interview?---Yes.
15:02:09 29
15:02:11 30 Turning over to the next page we've got, what I've got is
15:02:19 31 p.51?---Yep.
15:02:22 32
15:02:23 33 September 2005?---Yep.
15:02:24 34
15:02:29 35 What is the nature of this entry? It doesn't seem to be a
15:02:33 36 task force meeting as I understand it. It's midday and
15:02:42 37 you're in the office.
15:02:43 38
15:02:44 39 MR CHETTLE: Commissioner, there should be a redaction in
15:02:46 40 relation to that entry.
15:02:47 41
15:02:48 42 MR WOODS: I won't mention the names of the individuals.
15:02:51 43 As I understand it those redactions will be attended to to
15:02:55 44 give the handlers their proper names. Don't read any of it
15:02:59 45 out but can you tell me - I just want to make sure the
15:03:04 46 question I'm about to ask doesn't fall foul of that.
15:03:10 47

15:03:10 1 COMMISSIONER: Does the witness need a copy of Exhibit 81?
15:03:15 2
15:03:16 3 MR WOODS: It probably isn't a bad idea. The first two
15:03:23 4 initials in that entry there, I just want to check that
15:03:30 5 it's not one of the individuals that's listed between -
15:03:34 6 firstly, do you know, you don't have to answer who it is,
15:03:38 7 do you know who those initials refer to?---No.
15:03:43 8
15:03:43 9 That probably answers it then. All right. Would it be Bob
15:03:57 10 Hill?---Yeah.
15:03:58 11
15:03:59 12 Met with, now that person has the name of DSS Jones and the
15:04:06 13 next person has the name of DS Brennan, this is for the
15:04:11 14 Commission's purposes. It's probably a bit confusing but
15:04:14 15 in any event they're listed in front of you there. And
15:04:20 16 another person, and then the next line says, "Nicola Gobbo
15:04:23 17 has agreed to introduce" - now there is an issue here that
15:04:33 18 I'd like to identify. If the redaction's pressed then so
15:04:38 19 be it, I think it's an important bit of information for the
15:04:42 20 Commission to hear. If it can't be dealt with now then it
15:04:47 21 might have to just be a brief private hearing at the end of
15:04:51 22 the evidence but we've discussed this over lunch and I
15:04:55 23 think we've got different views about whether or not it
15:04:58 24 needs to be redacted.
15:05:00 25
15:05:00 26 COMMISSIONER: Ms Enbom, you're claiming PII in respect of
15:05:03 27 this?
15:05:03 28
15:05:04 29 MS ENBOM: We are at the moment but I want to get some
15:05:06 30 instructions about it.
15:05:08 31
15:05:08 32 MR WOODS: I suppose I'll just move past that. Just so
15:05:12 33 Victoria Police knows, it's also an issue in relation to
15:05:15 34 subsequent witnesses the Commission will be hearing from so
15:05:18 35 we'll need to agree on that pretty soon. "Two prongs, TM",
15:05:24 36 I take it that's Tony Mokbel?---Yes.
15:05:26 37
15:05:26 38 "Wants to bribe someone to produce tapes and see if he can
15:05:32 39 be removed from Quills?---Operation Quills.
15:05:36 40
15:05:36 41 Can you explain to the Commissioner what that entry means?
15:05:41 42 Mr Mokbel was wanting to bribe who?---A police officer.
15:05:43 43
15:05:43 44 A police officer to remove what?---Tapes, evidence against
15:05:46 45 him.
15:05:47 46
15:05:47 47 Do you know who the tape recordings were of?---I think it

15:05:50 1 was him.
15:05:51 2
15:05:52 3 And he was wanting to do that to be able to remove himself
15:05:55 4 from the threat or risk of prosecution?---Yes.
15:05:57 5
15:05:58 6 The prosecution was actually on foot?---I think so, yeah.
15:06:01 7
15:06:02 8 And the person who had provided that information about
15:06:06 9 Mr Mokbel wanting to bribe someone was Nicola Gobbo
15:06:16 10 herself?---Yeah.
15:06:17 11
15:06:20 12 It was known to you at that stage that Nicola Gobbo was
15:06:26 13 representing Mr Mokbel, wasn't it?---Yes.
15:06:31 14
15:06:33 15 And underneath there's "money laundering" DSS Jones is what
15:06:39 16 we're calling that person, "one week to debrief". Now,
15:06:43 17 turning over to the next page which says p.60 in the top
15:06:50 18 left-hand side?---I think that one, that initials there
15:06:54 19 could have been the handler, I'm not sure.
15:06:56 20
15:06:56 21 In that very last line?---Yeah.
15:06:59 22
15:06:59 23 I think it is and I'm calling that person DSS Jones because
15:07:11 24 - - - ?---Yeah, Jones, yeah.
15:07:12 25
15:07:13 26 Because of the name on that list. Turning over, p.60.
15:07:18 27 This is in September 2005 and it's correct that it was in
15:07:23 28 September 2005 that Ms Gobbo came to be registered as a
15:07:29 29 human source within the SDU, is that correct?---Yes.
15:07:31 30
15:07:33 31 14:00 on that day, Task Force Purana progress meeting and
15:07:41 32 present are you, Simon Overland and Jim O'Brien, is that
15:07:45 33 right?---Yes.
15:07:46 34
15:07:46 35 We can move over the next line. "Williams trial started
15:07:53 36 today, Marshall murder. Jury Monday/Tuesday, trial
15:07:58 37 Wednesday". Again, I'm pressing for there to be no
15:08:01 38 redaction on the next line, Commissioner, but there was
15:08:05 39 surveillance arranged in relation to a particular thing. I
15:08:09 40 won't say what it was at this stage?---Yep.
15:08:12 41
15:08:12 42 And that surveillance was something that was discussed at
15:08:16 43 the Purana Task Force meeting and was generally agreed to,
15:08:18 44 is that right?---Yep.
15:08:19 45
15:08:21 46 Now, moving down to just below where you can see that
15:08:29 47 Post-it Note on the left-hand side, it says, "Met", is that

15:08:35 1 TM, "Last week. On track"?---On the same page?
15:08:44 2
15:08:44 3 Yes, same page about halfway down you'll see an arrow
15:08:48 4 Post-it Note on the left-hand side?---Yeah, met that
15:08:53 5 person. Sorry, "TM met a person".
15:08:57 6
15:08:58 7 Met Tony Mokbel last week I take it that means?---Yep.
15:09:02 8
15:09:02 9 "On track." Can you explain what that is referring to?
15:09:08 10 Who met Tony Mokbel last week and what was on track?
15:09:12 11
15:09:13 12 MS ENBOM: Commissioner, that last sentence that was read
15:09:15 13 out appears to be the subject of a PII claim. It's shaded.
15:09:23 14
15:09:23 15 MR WOODS: I can't see the shading on mine. That might be
16 my error.
17
15:09:28 18 MS ENBOM: If we could remove that last line, "met that
15:09:31 19 person last week, on track".
15:09:33 20
15:09:34 21 MR WOODS: Again, it's not a redaction that's agreed to.
15:09:39 22 Once a justification is provided then we can seek a ruling
15:09:46 23 from you, Commissioner, on that. All right, so the next
15:09:49 24 line - - -
15:09:50 25
15:09:50 26 COMMISSIONER: So for the time being, just to clarify it,
15:09:53 27 we'll remove it. Is that agreed, that we'll remove it for
15:09:57 28 the time being?
15:09:58 29
15:09:58 30 MR WOODS: Yes, for the time being.
15:09:58 31
15:09:59 32 COMMISSIONER: So that reading that line, is that
15:10:02 33 identified sufficiently to you? That line will be removed
15:10:06 34 from the recording and it's not to be published outside the
15:10:11 35 courtroom.
15:10:12 36
15:10:13 37 MR WOODS: And we'll receive an affidavit as I understand
15:10:16 38 it justifying that and the others. Now, right next to the
15:10:21 39 arrow Post-it Note there's "NG registered 3838"?---Yes.
15:10:27 40
15:10:27 41 This is the occasion on which you were advised that Nicola
15:10:31 42 Gobbo had been registered as an informer and that her
15:10:34 43 number was 3838?---Yep.
15:10:35 44
15:10:36 45 Can you explain to the Commissioner what you recall of that
15:10:40 46 meeting or learning that information?---I've no independent
15:10:44 47 recollection apart from what's written on the paper in my

15:10:47 1 handwriting.
15:10:47 2
15:10:48 3 All right. But it was something that was brought to the
15:10:49 4 Purana progress meeting and was explained to those present
15:10:54 5 here, Simon Overland, you and Jim O'Brien that she was or
15:10:57 6 had just been registered as 3838, is that right?---Yep.
15:11:00 7
15:11:01 8 That was done with the approval of Mr Overland, Mr O'Brien
15:11:04 9 and you?---We were advised something had happened and I
15:11:11 10 wouldn't be involved in registering an informer, that
15:11:15 11 wasn't my job.
15:11:16 12
15:11:17 13 Just on that point, would you be, you had the ability
15:11:20 14 though I take it if you saw anything untoward was happening
15:11:25 15 to say, "Hang on, here we are at the Purana progress
15:11:30 16 meeting and someone's just told me something that I take
15:11:30 17 issue with", that would have been opportunity, had you have
15:11:34 18 taken issue with it, to let those people know?---Yes.
15:11:38 19
15:11:39 20 You didn't do so at that stage?---No, I didn't see any
15:11:42 21 reason to.
15:11:42 22
15:11:42 23 Did anyone at that meeting question that information that
15:11:45 24 had just been received about Ms Gobbo being registered as
15:11:48 25 3838?---I don't think they would have, no.
15:11:51 26
15:11:51 27 And I take it that's because it was well-known amongst
15:11:56 28 those present that Ms Gobbo was expected to be a very
15:12:00 29 fruitful source of information for the Purana Task
15:12:04 30 Force?---Yes.
15:12:04 31
15:12:05 32 And she was going to be fruitful for a number of reasons,
15:12:09 33 one of which was her affiliation with a number of known
15:12:12 34 criminals?---Yes.
15:12:14 35
15:12:14 36 And some of whom she was representing?---She could have
15:12:21 37 been but for specifics I'm not sure.
15:12:23 38
15:12:23 39 It was known, it was well-known to Victoria Police that she
15:12:26 40 was representing Tony Mokbel?---Yes, she was representing
15:12:29 41 Mokbel and a couple of others but the other names I'm not
15:12:32 42 sure.
15:12:32 43
15:12:32 44 Mr Mokbel, as the Commission has seen, was a large focus of
15:12:36 45 what had been discussed at the Purana progress meetings,
15:12:40 46 both that meeting and in the past?---Yes.
15:12:41 47

15:12:42 1 I might ask the question again, it was clear to those
15:12:45 2 present that Ms Gobbo was going to be a significant source
15:12:51 3 of information in relation to one of her clients,
15:12:58 4 Mr Mokbel?---Not specifically in relation to Mokbel. The
15:13:04 5 previous one we spoke about, yes, but on this one here -
15:13:07 6 there was a lot of things. There was the Purana Task Force
15:13:10 7 but here we're talking about, there were other major drug
15:13:15 8 investigations being conducted by the Major Drug
15:13:19 9 Investigation Division and there were other parties
15:13:20 10 involved in that and it was all supposed to be part of one
15:13:24 11 empire. There were a lot of different things. But the
15:13:27 12 specifics in relation to exactly what she was going to be
15:13:30 13 saying, I wasn't provided with that but I know she was
15:13:32 14 going to assist and we were trying to stem the murders that
15:13:36 15 were occurring.

15:13:37 16
15:13:37 17 Of course, I understand. But just going back to the time
15:13:39 18 when you were conducting your review of the Drug Squad, you
15:13:43 19 knew at that time and in the time that came afterwards that
15:13:46 20 one of the things that people who had been charged with
15:13:49 21 serious drug offences were doing was to subpoena from
15:13:55 22 police records in relation to corrupt officers and the
15:14:02 23 investigations into those corrupt officers. You knew about
15:14:07 24 that happening in the early 2000s?---Yes.

15:14:09 25
15:14:09 26 You knew that Ms Gobbo was one of the barristers who was a
15:14:11 27 bit of a thorn in the side in relation to those subpoenas
15:14:14 28 that were arriving on behalf of those criminals?---I never
15:14:18 29 specifically knew that.

15:14:19 30
15:14:19 31 You knew that she had been acting for Tony Mokbel in some
15:14:23 32 of his applications to try and get some of the materials
15:14:26 33 that came out of Operation Kayak?---Yes. I read that I
15:14:31 34 think in my diary or somewhere.

15:14:34 35
15:14:36 36 They are things you knew in early 2000 and so as you sat
15:14:40 37 there in this Task Force Purana progress meeting in
15:14:44 38 September 2005, it was abundantly clear that Ms Gobbo was
15:14:50 39 and had been representing Tony Mokbel?---Yes.

15:14:54 40
15:14:56 41 And that Tony Mokbel was one of, and I take your point, he
15:14:59 42 wasn't the only one, but was one of the targets and a
15:15:02 43 significant target I suggest, of the Purana Task
15:15:06 44 Force?---Yes.

15:15:06 45
15:15:10 46 And can I suggest that one of the reasons for her
15:15:15 47 engagement was that it was expected that she would be able

15:15:20 1 to give information that her client, Mr Mokbel, had
15:15:23 2 provided to her?---Yes.
15:15:24 3
15:15:27 4 And that in part that information might well be
15:15:35 5 privileged?---Yes.
15:15:35 6
15:15:42 7 Turning the page, and I'll try not to be as slow with the
15:15:45 8 next ones. There's p.74 of your diary?---Yes.
15:15:53 9
15:15:54 10 Just before we go on to that, there was no expectation
15:15:57 11 certainly identified in that entry that we just spoke about
15:16:02 12 or in your evidence so far, there was no expectation that
15:16:06 13 Ms Gobbo had or was going to stop acting for Mr Mokbel, is
15:16:10 14 that right?---I don't know.
15:16:13 15
15:16:15 16 You didn't have that indication?---No.
15:16:17 17
15:16:17 18 No?---No.
15:16:18 19
15:16:21 20 Now, the next page at 65, again there's a few names that we
15:16:27 21 need to step around but there's a meeting with BH, JOB,
15:16:35 22 which I think is Jim O'Brien?---Yes.
15:16:37 23
15:16:37 24 Flynn, what's Flynn's first name?---Dale Flynn I think.
15:16:42 25
15:16:42 26 And sorry, BH is Hill?---Bob Hill, yep.
15:16:45 27
15:16:46 28 Bob Hill. Rob Hardy?---Yes.
15:16:48 29
15:16:48 30 And then DS Brennan is the next name that we're using for
15:16:52 31 that individual?---Yeah.
15:16:52 32
15:16:53 33 Liza, I take it that's Liza Burrows?---Could be.
15:16:56 34
15:16:57 35 And Rowe, who's Rowe?---Don't know.
15:16:59 36
15:16:59 37 And that's in relation to Operation Quills?---Yeah.
15:17:03 38
15:17:03 39 Just so I get an understanding, one of the reasons why you
15:17:07 40 don't know who Rowe is, I take it you were sitting above a
15:17:10 41 lot of these task forces?---Yes.
15:17:12 42
15:17:12 43 And you would have meetings on a fairly regular basis and
15:17:16 44 you wouldn't necessarily know all the people well who were
15:17:19 45 reporting to you?---No.
15:17:20 46
15:17:22 47 Next line down, "Tony Mokbel due to something trial"?---Due

15:17:29 1 to front trial on 5 October for Commonwealth offences
15:17:35 2 followed by State offences.
15:17:37 3
15:17:37 4 "Wants to examine drugs/tapes"?---Yes.
15:17:39 5
15:17:40 6 "Attack income sources", what's that next word?---It's the
15:17:47 7 name of a person.
15:17:47 8
15:17:48 9 All right?---The name of two people.
15:17:50 10
15:17:51 11 And Lanteri is the second one, what's the first
15:17:57 12 one?---Might be Janou or something, JANOU.
15:18:00 13
15:18:00 14 Then Operation Sages is the next line, we can skip over
15:18:05 15 those next words because they are part of an ongoing
15:18:08 16 discussion about public interest immunity. "Take back to
15:18:10 17 Tony Mokbel. Attack income stream, assets, money
15:18:15 18 laundering" and then there is another word down the end
15:18:18 19 that starts with an S?---Yes.
15:18:20 20
15:18:20 21 This is what was being reported to you by the Operation
15:18:24 22 Quills people?---Yep.
15:18:25 23
15:18:31 24 Now, there's ID assets, and I just can't understand that
15:18:40 25 next word there?---It's a Red Lion Hotel, Kilmore.
15:18:43 26
15:18:43 27 The Red Lion Hotel. These are assets of whose?---Mokbel.
15:18:47 28
15:18:48 29 And Heathcote Hotel was another asset?---Yep.
15:18:50 30
15:18:51 31 And, "Purchase properties in Portsea area", is that
15:18:56 32 something that was understood that he had done with
15:19:01 33 money?---Yes.
15:19:02 34
15:19:04 35 Then there's a description underneath that, "Three
15:19:06 36 Sergeants, four men, at least three teams. One CPS team,
15:19:08 37 one analytical team". What was the work as you understand
15:19:12 38 it that they were going to carry out?---To investigate what
15:19:16 39 they said above.
15:19:17 40
15:19:18 41 They're going to investigate attacking the income stream,
15:19:21 42 is that right?---Yes, CPS, one CPS team would be Criminal
15:19:28 43 Process Squad team and one analytical team.
15:19:30 44
15:19:32 45 And there's "next member approached, 12 months ago, offered
15:19:36 46 money to get rid of tapes". Is that a reference to what we
15:19:39 47 were looking at earlier where Mr Mokbel was trying to bribe

15:19:44 1 an officer to destroy evidence that was against
15:19:48 2 him?---Yeah, offered \$2 million to get rid of the tapes.
15:19:51 3
15:19:51 4 Two million it was?---Yes.
15:19:52 5
15:20:08 6 On the next page, "October 2005, speaking to GR", who is
15:20:17 7 GR?---Might be Gavan Ryan, I'm not sure.
15:20:20 8
15:20:21 9 And SO I take it is Simon Overland?---Yes.
15:20:25 10
15:20:25 11 "Is writing to Solicitor 2 regarding affidavit and threats
15:20:29 12 and nature of her evidence by close of business on 6th of
15:20:34 13 the 10th 2005." I take it this was a solicitor who was
15:20:38 14 receiving threats, is that right?---Sounds like it, yes.
15:20:40 15
15:20:40 16 And then there's another meeting and this is in October
15:20:43 17 2005, now each of those individuals who are indicated
15:20:48 18 there, and we don't need to go through them because I think
15:20:51 19 we picked up who most of them are, were meeting to have a
15:20:56 20 discussion specifically about Nicola Gobbo?---Yes.
15:20:58 21
15:20:58 22 And that was a discussion I understand from the context of
15:21:02 23 it was to discuss the information that she would be
15:21:05 24 providing in her role as a human source?---Yes, I'd say so.
25
15:21:09 26 Next page there is a reference there - Commissioner, I'm
15:21:22 27 not sure - for the moment I think it's safe to keep,
15:21:27 28 continue to refer to that person as Solicitor 2. I think
15:21:30 29 there might be some publicly available information about
15:21:32 30 this but for now we'll leave it as it is. So there's some
15:21:36 31 charges that are identified there and there's an indication
15:21:39 32 of what's going on in relation to those charges and a judge
15:21:47 33 is going to be hearing a case about that person. Now
15:21:50 34 turning the page to 75?---Yes.
15:21:52 35
15:21:54 36 "Spoke to GA", who's GA?---Gavin Ryan.
15:21:59 37
15:22:00 38 GR it is, sorry, regarding Solicitor 2?---Yep.
15:22:03 39
15:22:03 40 There's again a reference there to what's happening in
15:22:05 41 relation to that solicitor?---Yep.
15:22:06 42
15:22:06 43 Before the courts?---Yep.
15:22:07 44
15:22:08 45 Next page is 77. There is a conversation between you and
15:22:16 46 Jim O'Brien about Operation Quills?---Yep.
15:22:19 47

15:22:19 1 And the target of that operation was [REDACTED]
15:22:24 2 [REDACTED]?---Yep.
15:22:25 3
15:22:25 4 And it says "principal", I assume that means he's the
15:22:30 5 principal of the offenders that are the target of that
15:22:32 6 operation; is that right?---Yep.
15:22:33 7
15:22:34 8 Okay. Then moving down through there, there's "AFP" just
15:22:51 9 after that long paragraph, "AFP", is it "used evidence of
15:22:57 10 meeting"?---Want.
15:22:58 11
15:22:58 12 "Want evidence of meeting"?---"Want evidence of meeting."
15:23:00 13
15:23:01 14 Now that's about exchanging?---Briefs.
15:23:04 15
15:23:05 16 There's a full exchange that's spoken about underneath that
15:23:08 17 which, I assume, was something that was proposed to occur
15:23:11 18 at that stage?---M'mm.
15:23:13 19
15:23:13 20 The next page is 140 - - -
15:23:17 21
15:23:17 22 MS ENBOM: Before we go to that page, Commissioner, sorry
15:23:19 23 to interrupt. The name [REDACTED] has been redacted from
15:23:27 24 earlier pages. It wasn't redacted from the page that
15:23:31 25 Mr Woods just went to. Can I please ask that that name be
15:23:34 26 removed while we resolve the issue in relation to the page
15:23:39 27 he just went to.
15:23:39 28
15:23:39 29 COMMISSIONER: Are you content with that, Mr Woods?
15:23:41 30
15:23:42 31 MR WOODS: For now, just so we can move through the
15:23:44 32 witness, that's a good idea for now.
15:23:46 33
15:23:46 34 COMMISSIONER: All right. I direct that the word [REDACTED]
15:23:49 35 or [REDACTED] be removed from the transcript until
15:23:53 36 further order and that that name not be published outside
15:23:56 37 the courtroom and I direct that a notice to that effect be
15:24:00 38 placed on the courtroom door.
15:24:03 39
15:24:04 40 MR WOODS: I might just touch on it very briefly in a
15:24:06 41 different way then. Back to p.77 before we move on.
15:24:10 42 There's an individual who's named at the second line there
15:24:16 43 where you've spoken to Jim O'Brien about Operation Quills
15:24:19 44 and it's the target of that operation who I'm not naming.
15:24:23 45 Did you know that Ms Gobbo had been representing that
15:24:27 46 individual?---No. I could have, I don't know.
15:24:33 47

15:24:33 1 You might have at the time?---Yeah, could have.
15:24:35 2
15:24:36 3 Turning the page, and I'll be cautious with this I assure
15:24:40 4 my learned friends while the issues are being worked out.
15:24:45 5 But at p.140 there's an indication that there was a meeting
15:24:53 6 that - Mr Stuart Bateson, is it?---Yes.
15:24:55 7
15:24:56 8 First person, had with Ms Gobbo and Mr Valos?---Yep.
15:25:01 9
15:25:01 10 Mr Valos is a solicitor?---Could be, yep.
15:25:05 11
15:25:05 12 Is that a name you're familiar with or not?---No.
15:25:08 13
15:25:08 14 You can take it from me that's the situation. Now I won't
15:25:12 15 name that next person but suffice it to say that that was
15:25:15 16 one of Ms Gobbo's clients. Did you know that that person
15:25:18 17 was one of Ms Gobbo's clients?---No.
15:25:20 18
15:25:21 19 All right.
15:25:23 20
15:25:23 21 COMMISSIONER: Sorry, what was the answer, I didn't catch
15:25:25 22 that?---No. Sorry, Your Honour.
15:25:27 23
15:25:27 24 Right.
15:25:28 25
15:25:29 26 MR WOODS: You accept you might have known that at the time
15:25:32 27 though?---Could have.
15:25:33 28
15:25:33 29 I suggest you might well have known it at the time because
15:25:35 30 the conversations that we've already referred to that have
15:25:39 31 been taking place about the use that Ms Gobbo would be, one
15:25:42 32 would assume inevitably touched on who she was acting
15:25:47 33 for?---I can't recall. She may have been, probably was.
15:25:53 34 You'd know better than me, appearing for these people, but
15:25:56 35 I have no - I haven't written down here, "Gobbo is
15:26:00 36 appearing for this person" so I can't really say that with
15:26:04 37 any degree of certainty. If you say it I accept it, I'm
15:26:07 38 not going to argue.
15:26:08 39
15:26:09 40 Is it a strange occurrence that Mr Bateson was meeting with
15:26:13 41 defence counsel and solicitor and that person's client,
15:26:16 42 their client, in your experience?---No, because it looks
15:26:22 43 like he's meeting with the two solicitors and the
15:26:25 44 solicitors are going to tell him what is going to occur.
15:26:30 45
15:26:31 46 Okay?---That the client's going to roll or whatever, that's
15:26:34 47 my understanding of it.

15:26:35 1
15:26:36 2 Okay. In fact that was the information that was provided
15:26:42 3 to you, that that person was going to roll?---Yep.
15:26:45 4
15:26:46 5 And they were going to provide information about some
15:26:49 6 significant murders that had occurred?---Yeah.
15:26:56 7
15:26:56 8 You don't need to name what's redacted there?---No.
15:26:59 9
15:27:00 10 But that was why it was important that this person was
15:27:03 11 going to roll, because they were going to give some pretty
15:27:06 12 important information about some unsolved murders?---Yes.
15:27:08 13
15:27:09 14 And that there was an issue because - and this is just down
15:27:17 15 the third shaded line, there was a conflict in the evidence
15:27:21 16 that had been given by one person as opposed to the
15:27:24 17 evidence that was going to be given by this person who was
15:27:27 18 going to roll who was Ms Gobbo's client; is that
15:27:31 19 correct?---Yes.
15:27:33 20
15:27:35 21 In fact because of that conflict between those two bits of
15:27:38 22 evidence Ms Burrows was going to go out and speak to
15:27:42 23 Ms Gobbo's client?---Yep.
15:27:45 24
15:27:45 25 That's what the next line says, do you accept that?---I
15:27:48 26 don't know where Burrows' from, but it says "Wednesday to a
15:27:52 27 prison and speak to that person".
15:27:53 28
15:27:53 29 Sorry, a prison?---Yeah, a prison.
15:27:56 30
15:27:56 31 I withdraw that, I'd misread it myself. It is Wednesday
15:28:00 32 the person will go and speak to Ms Gobbo's client in a
15:28:06 33 prison?---Yes.
15:28:07 34
15:28:07 35 Okay.
15:28:08 36
15:28:09 37 MS ENBOM: Sorry to interrupt, Commissioner. The reference
15:28:11 38 to a prison, could that please be removed, that's part of
15:28:18 39 the PII claim.
15:28:19 40
15:28:20 41 COMMISSIONER: I'm not prepared to remove it at this stage.
15:28:23 42
15:28:23 43 MS ENBOM: The submission is that it's bio data, so when
15:28:27 44 you put together Bateson, Gobbo, Valos, rolling and a
15:28:34 45 prison who you can work out who it is. And there is a
15:28:43 46 suppression order in relation to the person on the first
15:28:45 47 line and that suppression order prohibits the publication

15:28:51 1 of any information which would tend to identify that
15:28:54 2 person.
15:29:00 3
15:29:00 4 COMMISSIONER: What do you say, Mr Woods?
15:29:02 5
15:29:03 6 MR WOODS: There's no doubt that it's a claim that's made.
15:29:05 7
15:29:06 8 COMMISSIONER: All right, let's just say - I order that a
15:29:10 9 prison be taken from the court record. Instead it can be
15:29:16 10 described as a prison.
15:29:18 11
15:29:18 12 MR WOODS: Yes, that's precisely what I was going to
15:29:20 13 suggest.
15:29:20 14
15:29:20 15 COMMISSIONER: No publication of the word a prison and a
15:29:24 16 copy of this order is to be placed on the hearing room
15:29:27 17 door.
15:29:33 18
15:29:33 19 MR WOODS: What was going to happen, because of the
15:29:35 20 conflict of evidence between one of those potential
15:29:38 21 witnesses and Ms Gobbo's client, who was another potential
15:29:42 22 witness, was that Mr Bateson was going to a prison to speak
15:29:49 23 to Ms Gobbo's client; is that right?---Yes.
15:29:51 24
15:29:54 25 Then following that there was a meeting with Mr Overland,
15:30:00 26 Mr O'Brien and a couple of others?---Yes.
15:30:02 27
15:30:03 28 We're almost there with the diaries. A couple of pages
15:30:07 29 over at 156?---Yep.
15:30:14 30
15:30:14 31 There's Operation Adobe, do you remember what that was
15:30:18 32 about?---No.
15:30:18 33
15:30:22 34 And then finally - actually, pending some of those
15:30:33 35 redactions being sorted out I won't take you to that final
15:30:36 36 page of the diary, we might deal with that another time.
15:30:46 37 To provide those diary entries I take it - did you have
15:30:53 38 possession of your diaries or were they something left with
15:30:59 39 Victoria Police?---They're in the court.
15:31:01 40
15:31:02 41 Just to identify the pages of the diary, did you do that
15:31:03 42 yourself or did Victoria Police do that for you?---Victoria
15:31:05 43 Police did that for me. And I've checked them, they're
15:31:09 44 right.
15:31:09 45
15:31:09 46 You've checked that they're the relevant entries?---Yes.
15:31:11 47

15:31:14 1 I take it that after that time, that last entry in your
15:31:19 2 diary, you didn't have anything noteworthy that came to you
15:31:24 3 that was worth putting into a diary in relation to
15:31:28 4 Ms Gobbo?---No.
15:31:29 5
15:31:31 6 You talk in your statement about your later contacts in
15:31:39 7 relation to Ms Gobbo and that was in relation to your time
15:31:44 8 on the Witsec steering committee from 2008 to 2017?---Yes.
15:31:49 9
15:31:49 10 And you discussed at some of those meetings whether or not
15:31:58 11 Ms Gobbo would enter into witness security?---Yes.
15:32:02 12
15:32:05 13 The situation was, and I can say I know these are sensitive
15:32:10 14 issues usually speaking but this is published in the
15:32:14 15 Supreme Court's decision, that Victoria Police was offering
15:32:16 16 witness protection to Ms Gobbo during this period and
15:32:19 17 Ms Gobbo was saying she didn't want to take up the
15:32:23 18 offer?---Yes. Sorry, to enter the Witsec program.
15:32:26 19
15:32:28 20 To enter the Witsec program. And she was refusing those
15:32:32 21 offers?---Yes.
15:32:32 22
15:32:33 23 Can you explain what discussions took place in a general
15:32:34 24 sense in relation to her entry into Witsec, was it
15:32:39 25 something that you were pressing, something you were
15:32:40 26 offering, something that was there for the taking if she
27 want to, was it something you were at pain to provide to
15:32:43 28 her?---When you get high profile, high risk offenders like
15:32:47 29 Ms Gobbo there's current - there's frequent risk
15:32:51 30 assessments done, the threat to her, the threat to her
15:32:53 31 family and the handler would be advising her that it might
15:32:59 32 be in her best interest to enter the Witsec program to
15:33:03 33 protect her life in case she's in danger of serious harm
15:33:08 34 coming to herself or person's associated with her.
15:33:12 35
15:33:12 36 MS ENBOM: Commissioner, may I approach Mr Woods?
15:33:15 37
15:33:15 38 COMMISSIONER: Yes.
15:33:16 39
15:33:17 40 (Discussion at Bar table.)
15:33:28 41
15:33:28 42 MR WOODS: I just want to ask you a few questions about the
15:33:31 43 establishment of the Source Development Unit. You might
15:33:39 44 have answered this earlier but, as I say, my reading of the
15:33:43 45 material is that perhaps the genesis of the idea in
15:33:48 46 Victoria came from your 2001 review?---That's right.
15:33:52 47

15:33:52 1 Is that a fair comment?---Yes.
15:33:53 2
15:33:54 3 At the time that the SDU was set up you were the Commander
15:33:59 4 of Crime at the St Kilda Road police headquarters, was that
15:34:04 5 your role?---Yes.
15:34:05 6
15:34:05 7 And that was running squads, as you say in your statement,
15:34:15 8 under Assistant Commissioner Overland?---Yes.
15:34:18 9
15:34:18 10 What does running squads mean to those
15:34:20 11 uninitiated?---Running squads, I think Crime Department
15:34:21 12 there's about 550 detectives and there's between 10 and 15
15:34:25 13 squads.
15:34:25 14
15:34:28 15 And their focus is on various - - - ?---All major crime
15:34:30 16 throughout the State of Victoria.
15:34:31 17
15:34:33 18 You stayed in that role until 2008?---Yes.
15:34:36 19
15:34:39 20 You've talked about the recommendation that there be a
15:34:43 21 single methodology for human source management and having
15:34:50 22 audit and compliance processes as part of it. Is that
15:34:53 23 something that the SDU once it was established in 2005
15:34:56 24 ended up having?---Yes, when I had the 153 recommendations
15:35:02 25 there was a recommendation implementation Task Force
15:35:05 26 formed. I sat on that, Acting Assistant Commissioner
15:35:11 27 Trevor Thompson. Now of the 153 recommendations there were
15:35:14 28 files created in respect of each one of them and they were
15:35:18 29 placed into three volumes. So there should be three
15:35:20 30 volumes with all the recommendations, including those ones,
15:35:23 31 and that would have a full report on when the Source
15:35:26 32 Development Unit was set up, how it was going to be
15:35:30 33 staffed, all the things you're asking me about would be in
15:35:31 34 that document.
15:35:32 35
15:35:32 36 I understand. Did you play a role in the set up of the
15:35:36 37 SDU?---I was sitting over it. Dannye Maloney was the
15:35:41 38 Superintendent in charge of that area, or Dannye or one of
15:35:43 39 them.
15:35:43 40
15:35:44 41 Was he reporting to you about how things were going and the
15:35:46 42 progress?---Yes, and Trevor Thompson because we used to
15:35:49 43 meet weekly to go through the recommendations to see what
15:35:53 44 had been completed.
15:35:54 45
15:35:54 46 All right. There was in fact a review that you - there's a
15:36:04 47 review that was conducted, a pilot program was established

15:36:10 1 and you received I take it a report entitled "The findings
15:36:17 2 of the Dedicated Source Unit pilot 1/11/2004 to 30/4/2005"
15:36:24 3 and that was compiled by, if you look at the list next to
15:36:27 4 you, Detective Senior Sergeant Jones. Do you know that
15:36:30 5 document, the pilot program that was established?---I
15:36:33 6 probably would have seen that, yeah.
15:36:35 7
15:36:35 8 I might just get a copy put in front of you, and one for
15:36:41 9 the Commissioner.
15:36:45 10
15:36:45 11 COMMISSIONER: Just while that's happening, did you want to
15:36:47 12 tender as a confidential exhibit at this stage the semi
15:36:51 13 unredacted Exhibit 109?
15:36:54 14
15:36:55 15 MR WOODS: Yes, that would be appropriate while we work out
15:36:57 16 those other issues.
15:36:58 17
15:36:58 18 COMMISSIONER: The semi unredacted extract from the diary
15:37:03 19 of Mr Purton will be 109A.
15:37:07 20
15:37:07 21 #EXHIBIT RC109A - Semi unredacted extract from the diary
15:37:03 22 of Mr Purton.
15:37:11 23
15:37:12 24 MR WOODS: Detective Senior Sergeant Jones was a particular
15:37:18 25 promoter, as I understand it, of this more refined and more
15:37:23 26 accountable methodology for source development - sorry, for
15:37:27 27 human source handling; is that right?---He is a subject
15:37:30 28 matter expert.
15:37:30 29
15:37:31 30 Is he someone that you had dealings with in the period that
15:37:35 31 the pilot program was running or was it reported to you by
15:37:38 32 other people?---I've known that person my whole time at
15:37:41 33 Crime and he's just the utmost professional, I've never had
15:37:46 34 any reason to question his judgment or his integrity.
15:37:49 35
15:37:49 36 And, of course, that I assume is why he was given this
15:37:51 37 important task of handling this new system of human source
15:37:54 38 management?---Yes.
15:37:55 39
15:38:02 40 I might tender that document now in its unredacted form,
15:38:07 41 Commissioner.
15:38:07 42
15:38:07 43 COMMISSIONER: Again it's subject to PII, is it?
15:38:10 44
15:38:11 45 MR WOODS: Yes, it's being reviewed as I understand it.
15:38:13 46
15:38:14 47 COMMISSIONER: Yes.

15:38:15 1
15:38:15 2 #EXHIBIT RC110A - Findings of the Dedicated Source Unit
15:38:20 3 pilot 1/11/04 to 30/4/05 prepared by
15:38:25 4 Detective Senior Sergeant Jones.
15:38:18 5
15:38:18 6 MR WOODS: That's findings of the Dedicated Source Unit
15:38:20 7 pilot, 1/11/04 to 30/04/05, prepared by and the name is
15:38:25 8 Detective Senior Sergeant Jones from Exhibit 81.
15:38:31 9
15:38:31 10 There was a pilot program run and people were
15:38:34 11 reporting to you during the running of the pilot
15:38:37 12 program?---They could have been.
15:38:39 13
15:38:40 14 Do you know if any of those who were setting up the Source
15:38:46 15 Development Unit took any advice or learning from
15:38:50 16 overseas?---Yeah, a couple of them I think went to Canada.
15:38:53 17 Two or three of them went over to Canada.
15:38:56 18
15:38:56 19 Do you know who they were? If you can see their names on
15:38:59 20 that bit of paper, and if you're not certain say so, but to
15:39:03 21 the best of your recollection?---No, they're not there.
15:39:15 22
15:39:18 23 But you're pretty confident that you know at least one or
15:39:22 24 two people who went to Canada to study this?---Yes.
15:39:25 25
15:39:26 26 COMMISSIONER: There's no reason we can't give names, is
15:39:29 27 there?
15:39:30 28
15:39:30 29 MR WOODS: No. I don't think Victoria Police know the
15:39:32 30 answer to the question either so there might be some
15:39:35 31 sensitivity about it.
15:39:37 32
15:39:38 33 (Discussion at Bar table.)
15:39:42 34
15:39:43 35 This is going to feel a like Get Smart but what I'm
15:39:49 36 going to get you to do is write their names on this piece
15:39:51 37 of paper?---I know their faces but I don't know their
15:40:01 38 names.
15:40:02 39
15:40:02 40 You don't know their names?---No, there was three of them.
15:40:06 41 I think there was one Senior Sergeant, two Sergeants.
42
15:40:08 43 E can't drag them in here unfortunately?---No. One had
15:40:09 44 black hair, one had blonde hair and the other one was black
15:40:13 45 hair. I can see their faces in front of me but I don't
15:40:19 46 know their names.
15:40:19 47

15:40:20 1 How are your drawing skills?---Sorry?
15:40:22 2
15:40:23 3 COMMISSIONER: It was a joke.
15:40:25 4
15:40:25 5 MR WOODS: It was a very bad joke. Was Glen Owen one of
15:40:34 6 those individuals?---Yes.
15:40:35 7
15:40:35 8 Are you aware of - other than the people travelling to
15:40:38 9 Canada, are you aware of other parts of the world or
15:40:41 10 interstate that any people went to?---I think they looked
15:40:44 11 at interstate. I think I went to a meeting once where
15:40:47 12 someone came out here, a professional handler from
15:40:51 13 overseas, I don't know if that was from Canada or
15:40:56 14 somewhere, and gave us a lecture. He'd infiltrated the
15:40:58 15 Hells Angels overseas. He was very interesting. But I
15:41:01 16 know they put a lot of work in and they tried to look at
15:41:02 17 world's best practice to help us to develop our unit.
15:41:09 18
15:41:09 19 I see. If you look at page - did anyone go to the
15:41:16 20 UK?---They could have.
15:41:17 21
15:41:18 22 That's something you don't know about?---There was a lot of
15:41:20 23 trips involved. The members certainly wanted to go far and
15:41:23 24 wide and get trips to go overseas, so it was very popular.
15:41:28 25
15:41:29 26 If you look at p.8 of the document that I've put in front
15:41:32 27 of you which is the report on the pilot program, you'll see
15:41:38 28 there - this is not something that I can take is going to
15:41:51 29 be subject to any PII claim, so you've got a steering
15:41:55 30 committee was established comprising Commander Maloney,
15:42:01 31 Commander Purton?---Yes.
15:42:02 32
15:42:03 33 Acting Commander Rod Wilson, Detective Superintendent
15:42:06 34 Anthony Biggin and Detective Inspector Douglas Calishaw.
15:42:11 35 That was the steering committee for the pilot program; is
15:42:14 36 that right?---Yes.
15:42:14 37
15:42:15 38 And how often did that steering committee meet?---Probably
15:42:21 39 monthly or weekly or fortnightly, I'm not sure. It would
15:42:25 40 have been regularly or as required.
15:42:27 41
15:42:27 42 Would you have kept diary entries of those meetings?---I
15:42:31 43 would have written in there, yeah, it could have been.
15:42:35 44 Everything I go to I used to write in my diary, attend
15:42:39 45 meeting or whatever, so it would be in there somewhere.
15:42:42 46
15:42:42 47 We might ask Victoria Police to have a look at some of

15:42:44 1 those entries. But moving on for now. The idea, as I
15:42:49 2 understand it, for the Source Development Unit was peculiar
15:42:53 3 to looking after high risk human sources?---Yes.
15:42:55 4
15:42:56 5 Can you explain what the difference between a high risk
15:42:59 6 human source is and any other human source?---Could be a
15:43:02 7 local area, say like Frankston, someone's come in, wants to
15:43:07 8 help police to solve burglaries so they register as an
15:43:12 9 informer. Whereas in the Crime Department you're looking
15:43:15 10 at major investigations, murder, rape, armed robbery, all
15:43:19 11 the high level, high risk drug trafficking, in those ones,
15:43:22 12 but there's only so many - - -
15:43:24 13
15:43:25 14 Organised crime?---Organised crime. High risk offenders or
15:43:26 15 sources.
15:43:26 16
15:43:27 17 By high risk we're really referring I take it to people who
15:43:30 18 are more likely to be killed than those people in the
15:43:32 19 Frankston example you gave?---I think any informer has the
15:43:35 20 potential to be killed, even from Frankston, you know. I
15:43:38 21 mean it's a very dangerous profession or occupation to get
15:43:42 22 into.
15:43:42 23
15:43:44 24 But in particular high risk human sources though, I mean
15:43:47 25 it's inevitable that the people that the SDU were dealing
15:43:55 26 with people had greater risks to their safety and their
15:43:57 27 life?---Yes.
15:43:58 28
29 Than others?---Yes.
30
15:43:58 31 And those others would still be controlled at a local level
15:44:02 32 but using this more robust audit and accountability
15:44:10 33 procedures you recommended through your review in
15:44:12 34 2001?---That's correct, under the new framework, yes.
15:44:14 35
15:44:14 36 The charter, just at p.10 of the document in front of you,
15:44:30 37 so I'm looking just near the top of the page, was, "The
15:44:43 38 decision to undertake management of a high risk human
15:44:47 39 source would be determined by the Officer-in-charge of the
15:44:49 40 DSU who will assess the value of the source and balance
15:44:49 41 against the risk to be managed. In those cases where the
15:44:54 42 risk outweighs the value of the source, the Dedicated
15:45:00 43 Source Unit will recommend either, one, the source not be
44 registered or, two, if already registered, will be
15:45:07 45 deactivated". That was, I take it, an important aspect of
15:45:10 46 all of this which was if the source, if the risk to the
15:45:13 47 source was too great then you simply couldn't use them; is

15:45:21 1 that correct?---No.
15:45:21 2
15:45:22 3 No?---No.
15:45:22 4
15:45:23 5 Can you explain that to me then? The particular words,
15:45:33 6 "Where the risk outweighs the value of the source, the
15:45:36 7 Dedicated Source Unit will recommend either the source not
15:45:39 8 be registered or, if already registered, deactivated". I
15:45:45 9 take it it's a balancing process between the value of the
10 information on the one hand and the risk to the source on
15:45:48 11 the other hand?---I think you're reading something into
15:45:50 12 that. I think you're saying if it's too risky you don't
15:45:54 13 use them. That's not the case. Because every informer,
15:45:57 14 there's always risk there and those risks change daily,
15:46:00 15 weekly, monthly. You can't put all your eggs in one
15:46:04 16 basket. Just because the risk is too high, they make sound
15:46:08 17 judgments, there's massive documentation that they would go
15:46:11 18 through to do those risk assessments and in the situation
15:46:15 19 we're talking about here, where 25 people have been
15:46:18 20 slaughtered on the streets of Victoria, you've got to say
15:46:21 21 do we try and stop all these killings and not use someone
15:46:26 22 as a source or do we allow the carnage to continue?
15:46:27 23
15:46:28 24 I can completely understand the ethical dilemma you're
15:46:30 25 faced with there, however I take it the words though mean
15:46:34 26 that there had to be some weighing up of the risk to the
15:46:38 27 source and the value of the information. Is the answer
15:46:40 28 you're giving me sometimes it doesn't matter how risky it
15:46:43 29 is with the source because the value of the information is
15:46:46 30 so great that that outweighs any risk to the
15:46:49 31 source?---You're giving me hypothetical situations and it's
15:46:52 32 extremely difficult to deal with hypothetical situations
15:46:57 33 when you have to deal with fact. Say, for example, if it
15:47:00 34 was a member of the Hells Angels and the member of the
15:47:03 35 Hells Angels wanted to turn against the Hells Angels and
15:47:07 36 give evidence to the police, and you know if the others
15:47:09 37 found out he would be killed and cut up and burnt or
15:47:13 38 whatever. There's different ones, different scenarios, and
15:47:15 39 each case must be judged on its merits so you can't write a
15:47:16 40 couple of sentences and say everything fits into that when
15:47:19 41 it doesn't.
15:47:20 42
15:47:20 43 All right?---These are only guidelines here. I don't know
15:47:23 44 whether they're actually written into Force policy, whether
15:47:27 45 they're written into the Victoria Police manual. If it's
15:47:27 46 not written into the manual you could have issues with that
15:47:30 47 too.

15:47:31 1
15:47:31 2 Can I understand - your answers to the questions seem to
15:47:36 3 indicate that in relation to Nicola Gobbo in particular,
15:47:40 4 and I need to go back to some of these details in a moment,
15:47:44 5 but just pausing on those, in relation to Nicola Gobbo in
15:47:47 6 particular, any risk to her was outweighed by the value of
15:47:52 7 the information that was being obtained by her? That's not
15:47:56 8 a hypothetical, that's in relation to Nicola Gobbo?---Yeah,
15:48:00 9 but you're asking me to comment. Like I don't know exactly
15:48:03 10 what information Nicola Gobbo has provided.
15:48:05 11
15:48:05 12 Right?---I don't know whether she's provided in relation
15:48:08 13 to - who she's provided in relation to.
15:48:11 14
15:48:11 15 You knew she was providing it in relation to Mokbel because
15:48:14 16 it said so in your diaries?---In relation to Mokbel's
15:48:18 17 activities. Whether that was what he was doing, what he
15:48:20 18 was doing with others or what others were doing, it could
15:48:23 19 have been something like that.
15:48:24 20
15:48:25 21 But you knew she was providing that information in
15:48:27 22 circumstances where she was acting for Mr Mokbel and you've
15:48:31 23 given that evidence already?---Yeah.
15:48:33 24
15:48:34 25 I'm not saying it was a dangerous activity so you shouldn't
15:48:38 26 do it, I'm not putting that to you at all. I'm asking for
15:48:41 27 your evidence about it. Is the burden of what you're
15:48:46 28 saying that "we needed to use Nicola Gobbo because these 25
15:48:50 29 people were being murdered on the streets"?---Yes.
15:48:52 30
15:48:53 31 Okay. You needed to use - - - ?---Sorry, that's one thing.
15:48:57 32 The other thing is the risk to the community because when
15:49:00 33 Moran was blown away there were three little boys sitting
15:49:03 34 in the back of the car and he was shot dead in front of
15:49:05 35 them. When we had the Andrew Veniamin murder down in
15:49:10 36 Carlton, that was in the middle of the day in a corridor of
15:49:12 37 a shop, a restaurant at lunchtime. Then there was another
15:49:14 38 one, when there was another murder, where you heard the
15:49:16 39 bullets, people being shot dead from inside the car from a
15:49:20 40 listening device. So it was a terribly dangerous time.
15:49:22 41 The streets were awash with blood and sometimes these were
15:49:25 42 occurring on a daily basis. We were desperate to try and
15:49:29 43 stem the flow of murders and protect the community. And
15:49:32 44 the other thing is, that these people with their empire of
15:49:35 45 drugs, no one has been able to measure the number of people
15:49:37 46 that have lost their lives due to the tens or hundreds of
15:49:45 47 millions of dollars worth of drugs that have been

15:49:45 1 manufactured by them.
15:49:45 2
15:49:46 3 Can I just pause you there. In relation to some of those
15:49:46 4 people that you were mentioning, their murders, according
15:49:49 5 to your own diaries, and according to history, they'd
15:49:51 6 already been murdered before Ms Gobbo was registered as a
15:49:55 7 human source?---I haven't got the dates they were murdered
15:49:57 8 in front of me.
15:49:58 9
15:49:58 10 You'd accept that your logic as you've just described it
15:50:03 11 doesn't work out if that's the case, they weren't going to
15:50:07 12 prevent murders that had already happened?---The Purana
15:50:08 13 Task Force meetings that I spoke about, the murders were
15:50:08 14 occurring at that time.
15:50:09 15
15:50:09 16 In fact many of the people were already in custody in
15:50:13 17 September 2005 that were mentioned in your diaries. In
15:50:18 18 fact some of the visits to prison were to go and visit some
15:50:21 19 of the very people you'd been talking about?---I haven't
15:50:24 20 got that information in front of me. I've been retired for
15:50:28 21 20 years and I haven't thought much about Purana since then
15:50:33 22 so it's in my distant memory.
15:50:34 23
15:50:35 24 Are you aware that as a result of the use of Nicola Gobbo
15:50:36 25 as a human source that a number of individuals, including
15:50:39 26 Mr Mokbel, have commenced appeals because of what they say
15:50:45 27 is a significant abuse of process that occurred in relation
15:50:48 28 to their cases? I'm sure you've read that in the
15:50:51 29 papers?---Yes.
15:50:52 30
15:50:52 31 Was that part of the assessment that was done when you were
15:50:55 32 weighing up the risks and benefits of using Ms Gobbo as a
15:50:59 33 human source, that even if you did get these blokes locked
15:51:02 34 up, even if you got them locked up, if it all came undone
15:51:06 35 and people found out that Nicola Gobbo was a human source,
15:51:09 36 then you'd be stuck with appeals on your hands because
15:51:12 37 you'd done the wrong thing?---I've thought very long and
15:51:15 38 very hard about the Commission. I've read a lot of stuff
15:51:18 39 in relation to it and to me, my view is it is not a
15:51:22 40 criminal offence to engage a barrister as an informer.
15:51:25 41 However, I agree with you, it makes sense too as a police
15:51:30 42 officer that if you use a solicitor to get evidence against
15:51:35 43 her client to charge her client with criminal offences,
15:51:39 44 with the privilege thing that client - - -
15:51:43 45
15:51:44 46 Privileged information?---Privileged information.
15:51:45 47

15:51:45 1 Yes?---I would say in those circumstances most definitely
15:51:48 2 you would probably struggle in a court for that evidence to
15:51:52 3 be admitted, because whether it's fair or just whether or
15:51:56 4 not you'd be able to do that.
15:51:58 5
15:51:58 6 Should the accused person be told that that's what
15:52:00 7 happened, that's where the evidence came from? It came
15:52:04 8 from that lady who's sitting at the Bar table representing
15:52:07 9 them?---It's not up to me to say that.
15:52:09 10
15:52:09 11 Do you think that's an ethical way for the police to behave
15:52:13 12 though?---No, it's not ethical. If you use a solicitor to
15:52:17 13 get evidence against their own client to charge them with
15:52:19 14 criminal offences, that's not ethical because the privilege
15:52:23 15 belongs to the client and the barrister represents the
15:52:25 16 client and the client certainly would not be party to the
15:52:29 17 solicitor giving that information to the police to charge
15:52:31 18 him. It's only common sense.
15:52:33 19
15:52:33 20 I understand. So if I can understand what you're saying,
15:52:36 21 it might be all right in particular circumstances where,
15:52:39 22 for example, you're engaging a barrister as a human source
15:52:42 23 and they're giving you information that is not privileged
15:52:45 24 information that they obtained from their client, but in
15:52:47 25 fact other information they obtained?---That's right.
15:52:50 26
15:52:51 27 But it is unethical to engage a barrister to provide
15:52:54 28 information that they have obtained through a privileged or
15:52:58 29 confidential conversation with their client?---If you had a
15:53:00 30 priest and in the confessional someone confessed a murder
15:53:05 31 to him and the priest was very worried about it, he went to
15:53:09 32 the police station and he said, "Tony Brown just confessed
15:53:11 33 to me that he murdered that child down the shopping
15:53:14 34 centre". Now, you couldn't use that, that's privileged,
15:53:17 35 but the police officer would have a name and he could go
15:53:19 36 off into other areas and try and get evidence to charge
15:53:22 37 him.
15:53:23 38
15:53:23 39 I understand, but if the evidence - just looking at the
15:53:25 40 actual example, again that's a hypothetical, the actual
15:53:28 41 example of Nicola Gobbo, for the police to use information
15:53:32 42 that she had obtained in privileged or confidential
15:53:36 43 circumstances from her own client would be
15:53:37 44 unethical?---Yes.
15:53:37 45
15:53:37 46 All right.
15:53:39 47

15:53:40 1 MS ENBOM: Commissioner, I'm sorry to interrupt at this
15:53:41 2 point, I've been waiting for the right moment to do it, I
15:53:44 3 didn't want to interrupt cross-examination. But the
15:53:46 4 reference five minutes ago roughly to a listening device
15:53:50 5 being placed in a car, and I'm instructed that Victoria
15:53:54 6 Police wants to make a PII claim over that and I'm
15:53:59 7 instructed to ask that it be removed from the live stream.
15:54:05 8
15:54:05 9 COMMISSIONER: When did that happen? It must have slipped
15:54:07 10 my notice.
15:54:10 11
15:54:11 12 MS ENBOM: It was just before this particular line of
15:54:12 13 cross-examination. The witness referred to the 25 murders
15:54:18 14 and the shots being - - -
15:54:20 15
15:54:20 16 COMMISSIONER: That's right, I remember that part now.
15:54:22 17
15:54:23 18 MR WOODS: With the greatest of respect, Commissioner, my
15:54:26 19 five-year-old knows that police put listening devices into
15:54:30 20 cars. I understand it's a claim that's made by Victoria
15:54:34 21 Police and I understand the basis on which they make it but
15:54:37 22 as I understand it the witness was talking about the
15:54:40 23 hypothetical in any event, but even were he not, were he
15:54:44 24 talking about - - -
15:54:45 25
15:54:45 26 COMMISSIONER: I think he was talking about specifics at
15:54:48 27 the time that justified the actions of Victoria Police in
15:54:51 28 using Nicola Gobbo as a source.
15:54:56 29
15:54:56 30 MR WOODS: The counsel assisting the position that I'm
15:54:58 31 putting to you, Commissioner, is that it can't be an
15:55:03 32 appropriate PII claim.
15:55:04 33
15:55:04 34 COMMISSIONER: I can't see how that piece of bio data which
15:55:10 35 is common knowledge could possibly lead to the
15:55:13 36 identification of a human source.
15:55:16 37
15:55:17 38 MR WOODS: There might be technical ways of carrying out
15:55:26 39 that particular process that might be PII. But the process
15:55:29 40 of a listening device, whether it be in a car or office or
15:55:32 41 something like that, our position is that that's not an
15:55:35 42 appropriate PII claim.
15:55:35 43
15:55:36 44 COMMISSIONER: Did you want to add anything, Ms Enbom?
15:55:38 45
15:55:39 46 MS ENBOM: I'm not sure that it's a general police
15:55:42 47 methodology submission. I think it's the fact that it was

15:55:45 1 referred to in relation to a specific matter.
15:55:50 2
15:55:51 3 COMMISSIONER: As I say, it seems to me that it's public
15:55:53 4 knowledge that that happened at the time of that particular
15:55:57 5 murder and it's not a piece of bio data that can lead to
15:56:03 6 the identification of anybody as an informer.
15:56:05 7
15:56:05 8 MS ENBOM: I'd need to get some instructions on whether it
15:56:07 9 is public knowledge. That's not something that's within my
15:56:10 10 knowledge. It's not something that I was certainly aware
15:56:15 11 of until I took a witness statement recently.
15:56:21 12
15:56:22 13 COMMISSIONER: I've certainly heard it before today. Is it
15:56:27 14 public knowledge, can you help me, Mr Woods?
15:56:29 15
15:56:31 16 MR WOODS: I'm instructed that it's in a Herald Sun
15:56:35 17 article.
15:56:35 18
15:56:36 19 COMMISSIONER: Sounds like it's public knowledge. I've
15:56:38 20 certainly heard it before and I wasn't in Victoria at the
15:56:41 21 time and didn't know about it at the time.
15:56:48 22
15:56:49 23 MR WOODS: Yes, it is. It's public knowledge as far as I
15:56:51 24 can see.
15:56:52 25
15:56:53 26 COMMISSIONER: I'm not prepared to grant your claim for
15:56:56 27 public interest immunity.
15:56:57 28
15:56:57 29 MS ENBOM: If the Commissioner pleases.
15:57:00 30
15:57:03 31 MR WOODS: Just a few more things. Within a week of
15:57:09 32 Ms Gobbo being engaged or being registered as a human
15:57:15 33 source you were briefed about that and I might get the
15:57:20 34 operator to bring up on your own screen, operator, rather
15:57:24 35 than generally, because I want you to focus on a particular
15:57:27 36 entry that's unobjectionable but the rest of the document
15:57:31 37 hasn't been PIIed, and it's document VPL.2000.0001.9447.
15:57:44 38 It's the second page of that document and it's an entry
15:57:49 39 that is three from the bottom and it's 27 September 2005
15:57:54 40 and I'd like you just, if you could, to bring up only that
15:57:57 41 entry and nothing else on the screen. This is an entry,
15:58:05 42 Mr Purton, from a document called a source management log,
15:58:10 43 do you know what the nature of that document is?---Yes.
15:58:12 44
15:58:14 45 Am I right to understand that a source management log - - -
15:58:24 46
15:58:25 47 MS ENBOM: Excuse me, Commissioner.

15:58:26 1
15:58:26 2 (Discussion at Bar table.)
15:58:39 3
15:58:39 4 COMMISSIONER: Is there a problem with a name?
15:58:42 5
15:58:43 6 MR WOODS: Look, I think there's an issue - there's a
15:58:45 7 potential issue in relation to whether or not this document
15:58:49 8 has been PII reviewed. I should say the Kellam report as
15:58:56 9 is published through the Supreme Court with the Supreme
15:59:00 10 Court's redactions contains this very entry verbatim.
15:59:05 11 That's the reason why I'm asking the operator only to focus
15:59:08 12 on this.
15:59:09 13
15:59:09 14 COMMISSIONER: Yes.
15:59:10 15
15:59:20 16 MR WOODS: In any event, look, it can be taken down.
15:59:22 17 You've seen that.
15:59:24 18
15:59:24 19 COMMISSIONER: Could we take it down. Could the witness be
15:59:27 20 shown a hard copy of that, please. Could we avoid
15:59:32 21 streaming that? It doesn't stream, okay. Thank you. The
15:59:39 22 document won't be streamed, it hasn't been streamed and
15:59:41 23 would not ordinarily be streamed. Is that right? So
15:59:47 24 there's no need for any further order in respect of the
15:59:49 25 document. The witness is being shown a hard copy of it.
15:59:52 26
15:59:53 27 MR WOODS: I should also say, Commissioner, that I'll
15:59:57 28 review it after we rise today but I'm almost certain that
16:00:02 29 that entire quote is in the redacted Supreme Court version
16:00:06 30 of Kellam.
16:00:07 31
16:00:07 32 COMMISSIONER: Yes.
16:00:08 33
16:00:09 34 MR WOODS: But in any event - - -
16:00:10 35
16:00:10 36 COMMISSIONER: That may not necessarily protect the
16:00:12 37 Commission.
16:00:18 38
16:00:19 39 MR WOODS: The meeting was on 27 September 2005 and that
16:00:22 40 was a meeting that was attended by you, by Mr Hill - so
16:00:32 41 it's the second page I think of what you've just been
16:00:34 42 provided?---Yep.
16:00:36 43
16:00:39 44 DSC Rowe and Burrows?---Yes.
16:00:43 45
16:00:44 46 And it was determined that a Task Force will be formed and
16:00:49 47 this was in relation to a Task Force being formed in

16:00:53 1 relation to the information Ms Gobbo was providing?---Could
16:01:00 2 be.
16:01:00 3
16:01:03 4 Well, can I suggest that that's exactly what it was because
16:01:07 5 it's identified there in the 3838 source management log
16:01:11 6 entry. In any event, it was agreed Mokbel offer bribe,
16:01:18 7 money laundering and a particular person to be
16:01:21 8 pursued?---Yep.
16:01:21 9
16:01:23 10 Can I suggest that those were two of the items that
16:01:30 11 Ms Gobbo was being deployed to provide information in
16:01:33 12 relation to?---Could be.
16:01:35 13
16:01:37 14 COMMISSIONER: If you wanted to identify that person it's
16:01:40 15 in Exhibit 81 if that assists.
16:01:42 16
16:01:43 17 MR WOODS: Oh yes, so it is. The person is number 23 on
16:01:48 18 the table that's in front of you and he's known as Person
16:01:52 19 7?---Yep.
16:01:52 20
16:01:55 21 So when you say it could be, can I suggest that the Task
16:01:58 22 Force that was being discussed at that stage was Posse.
16:02:05 23 Does that ring a bell?---No.
16:02:07 24
16:02:07 25 You've never heard of Posse before?---I've heard of Posse,
16:02:10 26 yep.
16:02:10 27
16:02:11 28 What was Posse, do you know?---I can't remember. I know
16:02:15 29 Posse was a Task Force. I think you mentioned it earlier
16:02:18 30 today and I agreed but I've forgotten it already.
16:02:20 31
16:02:21 32 Do you remember whether it related to information Ms Gobbo
16:02:24 33 was providing?---I think so, yep.
16:02:26 34
16:02:26 35 You accept, I take it, that that was the Task Force that
16:02:29 36 was being discussed at that very meeting which was 27
16:02:31 37 September 2005?---Yes.
16:02:33 38
16:02:33 39 And the Task Force, part of the purpose was to offer Mokbel
16:02:36 40 a bribe and money laundering and Person 7 to be pursued
16:02:40 41 using Nicola Gobbo?---Yep.
16:02:43 42
16:02:43 43 All right. Now, do you know who was on the steering
16:02:48 44 committee of that Task Force, Posse?---I'm not sure. I
16:02:54 45 know there was apparently a very high level Task Force set
16:02:58 46 up and that had our external regulator, which was the
16:03:02 47 Office of Police Integrity, and that was Graham Ashton, he

16:03:06 1 was on that, and there was also Simon Overland, Luke
16:03:10 2 Cornelius and I think Fin McCrae. And I know that they had
16:03:14 3 some involvement in the management of this person. That
16:03:17 4 was our external independent oversight or our watchdog.
16:03:21 5 The OPI was our police watchdog at that time.

16:03:24 6
16:03:25 7 Was there anything unusual about the OPI being involved in
16:03:30 8 that jointly with Victoria Police?---I'm only surmising but
16:03:34 9 I would say in those circumstances someone has probably
16:03:37 10 used good judgment by getting our external regulator to be
16:03:42 11 involved to offer us advice and assistance and I know there
16:03:45 12 was also, he was involved when Nicola journeyed for a
16:03:50 13 holiday up to Bali in relation to the four police members
16:03:53 14 that went up there to guard her. So he was directly
16:03:56 15 involved in providing advice to Victoria Police.

16:04:01 16
16:04:02 17 That's Mr Ashton?---Mr Ashton, yeah. I think he was 2IC up
16:04:06 18 there.

16:04:06 19
16:04:06 20 Can I understand though - I mean it might be my naïveté but
16:04:12 21 as I understand it the Office of Police Integrity was
16:04:15 22 established to sit separately to the police and to watch
16:04:18 23 over what the police was doing to ensure that there was
16:04:22 24 integrity in the way it was operating?---Yes.

16:04:24 25
16:04:24 26 Is it unusual in those circumstances that a member of the
16:04:28 27 OPI was involved in this Task Force that was making
16:04:31 28 operational decisions about Victoria Police and how it
16:04:35 29 would use a human source?---Well I'm not sure what they
16:04:37 30 discussed but I know that body was involved in assisting us
16:04:43 31 and I know that the VGSO in one of my diary entries which
16:04:48 32 you didn't mention, was where the Victorian Government
16:04:51 33 Solicitor's Office was drawing up an MOU between Ms Gobbo
16:04:55 34 and Victoria Police which she refused to sign for \$1000 a
35 week and all these other demands.

36
16:05:00 37 This is later in time I assume?---I'm not sure. Some time,
16:05:04 38 yeah. No it was back because it was in my little diary, it
16:05:07 39 was in one of my smaller diaries.

16:05:10 40
16:05:10 41 That was in 2009. The reason I'm asking is that the time
16:05:14 42 that I'm talking about here is right back in September 2005
16:05:19 43 when Ms Gobbo had just been registered as a human source
16:05:23 44 and Task Force or Operation Posse was being
16:05:30 45 established?---Yeah.

16:05:31 46
16:05:31 47 And I'm asking about whether it was unusual to have someone

16:05:34 1 from the OPI sitting on a steering committee of such a Task
16:05:39 2 Force?---My ten years at IID and the corruption division
16:05:45 3 and complaints division and that, it wasn't, because we
16:05:47 4 worked closely with the OPI and sometimes you had a
16:05:56 5 vexatious litigant or high profile cases and we sort of
16:05:57 6 worked alongside them. I'm not sure whether Ms Gobbo
16:05:58 7 actually lodged a complaint with the OPI, I don't know,
16:05:59 8 maybe she did. Maybe the OPI or Graham got involved
16:06:03 9 because she lodged a complaint with them.

16:06:06 10
16:06:08 11 Okay. Both of those individuals that were identified as
16:06:14 12 being targets of this new Task Force, Mokbel and Person 7,
16:06:23 13 we've already dealt with one of them, being Mr Mokbel. Are
16:06:26 14 you able to confirm in your knowledge whether you knew at
16:06:31 15 the time that Ms Gobbo was also representing Person 7 at
16:06:35 16 the time that that meeting took place?---I don't know.

16:06:37 17
16:06:37 18 You don't know. It's correct to say, though, that as you
16:06:42 19 sat there in the meeting in 2005 that would have been
16:06:48 20 information that you either had or would have been shared
16:06:50 21 with you at the time that Ms Gobbo was actually
16:06:53 22 representing Person 7?---It was common knowledge at that
16:06:59 23 time she was an informer, so it probably was.

16:07:01 24
16:07:02 25 Okay. It was also known - so the decision that was made to
16:07:22 26 form a Task Force and to have those two particular targets
16:07:27 27 at that stage, that's a decision, as I understand it, that
16:07:30 28 was made in that very meeting that we've talked about
16:07:33 29 there?---Yes.

16:07:37 30
16:07:38 31 All right?---It looks like it, yep.

16:07:40 32
16:07:40 33 It's correct to say that none of the handlers or
16:07:45 34 controllers were present at that meeting, is that correct?
16:07:57 35 They're entries 1 to 11 on the exhibit in front of
16:08:02 36 you?---I'd say - my look at that document, it's a source
16:08:04 37 management log, and one of them would have been present.

16:08:08 38
16:08:08 39 All right?---Or it's his log and he says "briefed Commander
16:08:12 40 Purton, Hill and O'Brien", so whoever wrote this log, it
16:08:18 41 would have been filed under his name and he would have
16:08:21 42 briefed us.

16:08:21 43
16:08:22 44 That person would have been providing the briefing?---Yep.

16:08:24 45
16:08:25 46 Tell me, can I understand it to be the case they were
16:08:28 47 providing the briefing because they needed to seek approval

16:08:31 1 or be given the opportunity, you people, the higher-ups, be
16:08:37 2 given the opportunity to tell them yes or no or do it
16:08:40 3 differently, there was some authority that was being
16:08:45 4 wielded by those people in that meeting as to whether or
16:08:48 5 not this was an appropriate course to take?---Task Force is
16:08:53 6 a very broad term. When you look at the other stuff we
16:08:56 7 discussed earlier, four or five people in a little group
8 with a couple of (indistinct) do you call that a Task
16:09:01 9 Force? There was all different sizes.

16:09:02 10
16:09:03 11 Not the Task Force itself, I'm talking about the meeting
16:09:04 12 the Task Force came from, the meeting that you and those
16:09:07 13 other people were at. I might put it another way. This
16:09:11 14 was an opportunity if there was any issue to be taken by
16:09:13 15 yourself, by Hill, by O'Brien, by Rowe or by Burrows to say
16:09:20 16 to the person briefing you, "Don't use Gobbo, she's a
16:09:25 17 barrister, she's representing those two individuals". Do
16:09:27 18 you accept that's something that could have been said had
16:09:30 19 you have taken that position at that meeting?---Could have
16:09:33 20 been, could have said that.

16:09:34 21
16:09:48 22 Do you accept that at that meeting there might have been
16:09:51 23 three members of the SDU as well as those who are - two
16:09:55 24 members of the SDU as well as those - you said there was at
16:09:57 25 least one, you accept there might have been two?---If you
16:10:00 26 tell me it's two I'll take your word for it. Obviously
16:10:03 27 these other people will give evidence.

16:10:03 28
16:10:04 29 MR CHETTLE: Can I rise to assist. What the witness is
16:10:06 30 being cross-examined on is a section of the log compiled by
16:10:11 31 the Source Development Unit. They wrote the document.
16:10:13 32 It's not purporting to be a minute of this witness's - it
16:10:17 33 refers to a meeting that they went to. The log itself will
16:10:20 34 reveal that there were two members of the SDU there. If it
16:10:25 35 helps my friend - - -

16:10:27 36
16:10:27 37 MR WOODS: That's okay. It doesn't - the witness's
16:10:31 38 evidence that there was one, if there were two, there were
16:10:35 39 some SDU people there and there were the other people
16:10:38 40 listed in the log, and I understand that's your
16:10:41 41 evidence?---Well I never wrote this, I have no independent
16:10:44 42 recollection of it. If it's written down, I don't dispute
16:10:47 43 it. If the other people say I was there, I accept it.

16:10:50 44
16:10:58 45 Just a couple more things. I just want to take you to a
16:11:02 46 document that can be handed to you rather than be put on
16:11:06 47 the screen. Again it's being reviewed and this is the list

16:11:12 1 of people. I'll give you a copy. The document is
16:11:26 2 VPL.2000.0001.9392. One for the witness.
16:11:41 3
16:11:41 4 COMMISSIONER: Did you want to tender any of the other
16:11:44 5 document or not at this stage?
16:11:46 6
16:11:46 7 MR WOODS: Yes, I do. The pilot, I think we've done the
16:11:50 8 pilot one. The source management log, yes, I do seek to
16:11:53 9 tender it. It's obviously going to be an important
16:11:56 10 document in hearings to come. I understand it's being
16:11:58 11 reviewed. Yes, I seek to tender it.
16:12:00 12
16:12:01 13 COMMISSIONER: At this stage it's a confidential exhibit.
16:12:04 14
16:12:05 15 #EXHIBIT RC111 - Source Management Log 27/9/05.
16:12:18 16
16:12:18 17 MR WOODS: The document that's just been handed to you,
16:12:24 18 it's not a document that you've compiled. It's title is
16:12:28 19 "Source 2180 3838 - persons known to". The Commission has
16:12:34 20 been provided information that this document was compiled
16:12:39 21 by members of the SDU to record who it was that knew of
16:12:47 22 Nicola Gobbo's status as a human source providing
16:12:52 23 information to police. Have you seen the document
16:12:56 24 before?---No.
16:12:56 25
16:12:58 26 Right. The reason that they started putting this document
16:13:03 27 together, as I understand it, would be good practice from
16:13:09 28 human source management, you want to know who knows. Do
16:13:12 29 you accept that that's a sensible thing to do if you're
16:13:15 30 part of the SDU, you want to know exactly where the
16:13:18 31 information - who has the information that this person's a
16:13:21 32 human source?---It's pretty hard, isn't it? If you have to
16:13:25 33 go up and ask everyone, "Do you know Nicola Gobbo is an
16:13:28 34 informant?" Most people in Crime at that time knew she was
16:13:33 35 an informer, she was giving information.
16:13:33 36
16:13:33 37 In 2005?---I don't know. Later on, later on. The one
16:13:38 38 we're talking about, the second time.
16:13:39 39
16:13:40 40 When do you reckon it was that everyone working in Crime,
16:13:44 41 the Crime Department- well, a lot of the people in the
16:13:47 42 Crime Department I assume you're saying knew that Nicola
16:13:52 43 Gobbo was a human source. Can you place it in time?---It
44 was common knowledge. We'd talked about it at the Witsec
16:13:56 45 meeting and a lot of people know about it. Around the time
16:13:57 46 when, maybe when I was told in, whenever that was, the
16:14:00 47 meeting was told that she was now a source.

16:14:02 1
16:14:04 2 In 2005?---Whatever, yeah.
16:14:06 3
16:14:07 4 Plenty of people knew at that time within the Crime
16:14:10 5 Department?--Yeah, and people talk, and they're not
16:14:12 6 supposed to, but investigators talk, the grapevine, rumours
16:14:17 7 spread very quickly.
16:14:18 8
16:14:19 9 Can I suggest then that the aspirations that were had in
16:14:22 10 relation to sterile corridors in your report, which were
16:14:26 11 obviously carefully considered, this is your review of the
16:14:30 12 Drug Squad?---Yes.
16:14:31 13
16:14:32 14 They weren't being played out very successfully by 2005 in
16:14:39 15 relation to Nicola Gobbo?---With the amount of things that
16:14:41 16 she was involved in and what was occurring and going on and
16:14:43 17 the number of people involved, it's this huge big list
16:14:47 18 here, word travels very quickly. Nicola was involved in a
16:14:51 19 number of operations over a lengthy period of time which
16:14:54 20 means more and more people got to hear of it. It wasn't a
16:14:58 21 one-off.
16:14:58 22
16:14:58 23 I can't say for concern exactly when that list was
16:15:01 24 commenced and when it was concluded but in any event the
16:15:05 25 sterile corridor idea that you were talking about as being
16:15:10 26 an important part of human source management, that
16:15:13 27 completely failed in relation to Nicola Gobbo from the
16:15:15 28 get-go, didn't it?---No.
16:15:17 29
16:15:17 30 Why is that? If all these people knew who she was, what
16:15:21 31 her role was, who she was acting for and that she was
16:15:24 32 providing information to police, how could there possibly
16:15:27 33 have been a sterile corridor?---The sterile corridor was
16:15:30 34 set up to stop anyone approaching - it was to create a
16:15:33 35 corridor between the investigators and Nicola Gobbo. That
16:15:36 36 was the purpose of it. Not to stop other people finding
16:15:38 37 out about it. It was up to the integrity of the
16:15:42 38 investigators and other people who became aware of it not
16:15:44 39 to tell other people.
16:15:45 40
16:15:45 41 So the sterile corridor doesn't apply to who the informer
16:15:53 42 is, that's allowed to be known more broadly throughout the
16:15:56 43 Force. We might be at cross-purposes. I had understood
16:16:01 44 that part of the sterile corridor was keeping the identity
16:16:04 45 of a human source confidential?---That's up to the
46 investigator. The Human Source Unit, they deal with that
16:16:08 47 as an informer but all the other stuff is up to the

16:16:09 1 investigator, the one that's found her, that's using the
16:16:15 2 information, was disseminating it. So that person there,
16:16:17 3 if they do the wrong thing, or it becomes widely known, it
16:16:17 4 spreads very quickly.
16:16:18 5
16:16:19 6 You'd accept though it must be the case that best practice
16:16:21 7 is that the investigators don't know who the human source
16:16:25 8 is?---The investigator has to know who the human source is
16:16:30 9 because they do the risk assessment and they refer it to
16:16:34 10 the Dedicated Source Unit.
16:16:35 11
16:16:35 12 Not necessarily the introducing the investigator, I mean
16:16:38 13 the investigators who are obtaining information from the
16:16:42 14 SDU across the sterile corridor. The system doesn't work
16:16:45 15 if they know who the informer is, does it?---I think what
16:16:49 16 you're saying is if information comes out that goes out to
16:16:53 17 other areas, not back to the investigator. But in those
16:16:57 18 circumstances that wouldn't frequently happen. When we
16:16:59 19 used Nicola there was a set group of people, the Task
16:17:03 20 Forces or the Drug Squad or Purana, that were dealing with
16:17:06 21 her information. We wouldn't have been sending files out
16:17:10 22 to Rosanna to say an informer's told us that this person is
16:17:14 23 selling drugs. We wouldn't do that.
16:17:16 24
16:17:16 25 The wide group of people that you've given evidence about
16:17:19 26 that in 2005 knew that she was acting as a human source,
16:17:24 27 you don't see any issue with that knowledge being widely
16:17:27 28 held amongst Victoria Police at that time?---Idealistically
16:17:30 29 you wouldn't want everyone to know about it but unless it's
16:17:33 30 strictly controlled, people talk.
16:17:36 31
16:17:36 32 But it should have been strictly controlled, shouldn't
16:17:39 33 it?---It was strictly controlled but coppers still talk on
16:17:43 34 the grapevine and other things all the time. It happens.
16:17:46 35
16:17:47 36 In which case it can't have been strictly controlled. It
16:17:53 37 should have been controlled better, you accept
16:17:54 38 that?---Controlled better, but because of her behaviour in
16:17:57 39 the media, because of her associations and the allegations
16:17:59 40 of her having sexual relations with police members, the
16:18:03 41 allegations of her having sexual relationships with crooks,
16:18:07 42 the allegations of her - it was just the vibe. It was
16:18:10 43 common knowledge that she wasn't a person of good repute.
16:18:16 44
16:18:18 45 But this was a barrister, you accept that?---Yes.
16:18:21 46
16:18:21 47 Who was representing at least two people who were targets

16:18:27 1 in serious drug trafficking operations?---Yes.
16:18:31 2
16:18:32 3 Is that right?---Yep.
16:18:32 4
16:18:33 5 And were she to provide information to police, you must
16:18:38 6 accept that was going to put her at serious risk if any of
16:18:41 7 those people found out; that's got to be the case, doesn't
16:18:44 8 it?---Yes.
16:18:45 9
16:18:45 10 So how can it be unproblematic that her identity as a human
16:18:50 11 source was widely known by many members of the police? How
16:18:54 12 can that be so? It's a serious problem, isn't it?---It is
16:18:58 13 a serious problem but, as I said, the amount of time that
16:19:01 14 it occurred over and the number of people, and maybe I'm
16:19:04 15 wrong but my knowledge at that time was that it was pretty
16:19:08 16 common knowledge that she was - had all these improper
16:19:14 17 liaisons, associations or other things and that she was
16:19:19 18 providing information, that other people probably knew
16:19:22 19 that. I can't give you a list but that was my gut feeling
16:19:25 20 at the time, the same as the gut feeling with Tony Mokbel
16:19:29 21 giving her a \$25,000 Rolex watch. There was always
16:19:31 22 something - Nicola was always a topic of discussion.
16:19:34 23
16:19:34 24 COMMISSIONER: What time are we talking about, Mr Purton,
16:19:38 25 here when you say at that time was her reputation?---I
16:19:41 26 think probably, Your Honour, it would have been when she
16:19:43 27 was registered as 3838, around about that time there.
16:19:46 28
16:19:46 29 Thank you.
16:19:47 30
16:19:48 31 MR WOODS: In relation to the risks that are inherent in
16:19:50 32 providing information to police that we've already talked
16:19:54 33 about, it's the case, isn't it, that good human source
16:19:58 34 management would require regular risk assessments to take
16:20:02 35 place?---Yes.
16:20:02 36
16:20:03 37 And with someone like Ms Gobbo being in the profession she
16:20:09 38 was and giving information about the individuals she was
16:20:11 39 giving information about, what sort of - how often do you
16:20:17 40 think there should have been a risk assessment carried out
16:20:19 41 in relation to her?---I'd say that big document you give
16:20:24 42 me, it would be written in there somewhere how often it
16:20:24 43 should be done but I would expect it - - -
16:20:24 44
16:20:25 45 Not how often it was done. I'm asking, in a high risk
16:20:28 46 person like that - you accept that she was high risk?---I'd
16:20:31 47 say at least monthly. Monthly.

16:20:32 1
16:20:32 2 Would it surprise you to know that only two risk
16:20:35 3 assessments were carried out in the entire - - -
16:20:36 4
16:20:37 5 MR CHETTLE: Can I object to that question because
16:20:39 6 it's not the fact. There's two former ones that - - -
16:20:40 7
16:20:41 8 COMMISSIONER: This isn't a court. This is an inquiry.
16:20:46 9
10 MR CHETTLE: Yes, I understand it's an inquiry but surely
16:20:47 11 it has to be based on fact. If propositions of fact are
16:20:49 12 put they should be accurate. It's as simple as that. If
13 that be the case. You can put it on the hypothetical
16:20:54 14 proposition but to suggest there were only two risk
16:20:56 15 assessments carried out is wrong.
16:20:59 16
16:20:59 17 MR WOODS: Well, all right. We'll go back. Do you accept
16:21:01 18 that there's a number of methods in which a risk assessment
16:21:05 19 can be carried out?---Yes.
16:21:07 20
16:21:07 21 And you would accept, I take it, that in relation to a high
16:21:11 22 risk source there should be formality in relation to the
16:21:16 23 risk assessments that are carried out?---Yes.
16:21:18 24
16:21:19 25 And that a formal assessment is required in relation to
16:21:22 26 someone as high risk as Ms Gobbo?---Yes.
16:21:27 27
16:21:28 28 And that the monthly risk assessments that you were saying
16:21:30 29 should have been prepared were formal risk assessments?---I
30 know, there definitely would have, had been a formal one
16:21:33 31 when they were looking at putting her into the Witsec
16:21:35 32 program because, to get into that.
16:21:36 33
16:21:36 34 I'm talking about from 2005?---In 2005 - - -
16:21:40 35
16:21:40 36 When she's representing Mokbel and providing information
16:21:43 37 about him. It's inevitable, isn't it, there should have
16:21:48 38 been formal risk assessments?---You're asking me a
16:21:52 39 hypothetical.
16:21:53 40
16:21:53 41 I'm asking you for the fact?---But I don't know -
16:21:57 42 everything is different. Back in 2005 or this time that
16:22:04 43 you're talking about - - -
16:22:05 44
16:22:05 45 Yes?--- - - - what information was she given, what was the
16:22:08 46 threat level that she was under, had anything happened to
16:22:10 47 change that threat level? Most of these people, the

16:22:14 1 informers, they talk to the handler daily, sometimes
16:22:19 2 hourly, 24 hours a day. If anything does occur, things are
16:22:22 3 put in place to do something about it. Now, the formal
16:22:25 4 risk assessment, if you went through every meeting and
16:22:28 5 every other thing, I'm sure if there was any area of
16:22:31 6 concern that would have been recorded and action taken
16:22:34 7 against it. If I plucked a figure out there and said one
16:22:38 8 month, they might have done it more than that but you'd
16:22:42 9 have to ask the Source Unit, Dannye Maloney, and the other
16:22:47 10 people because I wasn't - they weren't under my command.
16:22:47 11
16:22:47 12 Commissioner, I've just noticed the time. I apologise for
16:22:49 13 not - - -
16:22:49 14
16:22:50 15 COMMISSIONER: I keep thinking that you're about to finish,
16:22:52 16 you see.
16:22:54 17
16:22:54 18 MR WOODS: I'll take that in the manner it was meant, I'm
16:22:57 19 sure. I probably have about ten minutes left.
16:23:01 20
16:23:01 21 COMMISSIONER: Yes. Is there cross-examination?
16:23:08 22
16:23:08 23 MR COLLINSON: Yes, I only have about five minutes of
16:23:09 24 questions. Mr Chettle, however, is another matter?
16:23:12 25
16:23:13 26 MR CHETTLE: I'll have a few questions, not a lot.
16:23:17 27
16:23:18 28 COMMISSIONER: It probably would be good to finish this
16:23:21 29 witness this afternoon, wouldn't it?
16:23:26 30
16:23:27 31 MR WOODS: I'll be as economic as I can. You understand
16:23:34 32 that following Ms Gobbo's deregistration she brought civil
16:23:38 33 action against police, I assume you've heard that at some
16:23:42 34 stage?---I think she did, yes.
16:23:43 35
16:23:43 36 And that following that Mr Comrie conducted a review of the
16:23:47 37 SDU?---I had no knowledge of that.
16:23:49 38
16:23:50 39 You're aware that Mr Kellam conducted a review under the
16:23:53 40 auspices of IBAC a few years ago?---No.
16:23:57 41
16:23:57 42 You haven't heard that?---No.
16:23:58 43
16:23:58 44 I take it you haven't seen a copy of the report that he
16:24:01 45 handed down?---No.
16:24:02 46
16:24:04 47 All right. There's a document which I understand to be the

16:24:07 1 one, the Kellam report with the Supreme Court of Victoria
16:24:11 2 redactions, it's COR.1000.0003.0039. While that's being
16:24:25 3 confirmed, although I'm quite confident it is that redacted
16:24:26 4 version. I won't put this document to you in the interests
16:24:28 5 of efficiency but Mr Kellam said that "the documentation
16:24:32 6 examined confirmed knowledge of the risks associated with
16:24:35 7 the use and management of the source, was not restricted to
16:24:38 8 the SDU and involved Task Forces. Source management logs
16:24:43 9 and diaries of Victoria Police Command members indicate
16:24:48 10 numerous meetings were held with members of the SDU and
16:24:51 11 nominated Task Forces and VicPol Command to discuss tasking
16:24:55 12 and management of the source during 2005 to 2009 period.
16:24:59 13 These records indicate that VicPol Command firstly
16:25:04 14 sanctioned the use of the human source", you accept that
16:25:07 15 was the case?---Yes.
16:25:07 16
16:25:08 17 "Approved taskings for the human source", you accept
16:25:11 18 that?---Yes.
16:25:12 19
16:25:12 20 "Disseminated information provided by the source to
16:25:15 21 external investigatory bodies." If you don't know, you
16:25:22 22 don't know?---I don't know.
16:25:23 23
16:25:23 24 That is that information that she had provided was
16:25:25 25 disseminated to other investigatory bodies outside Victoria
16:25:29 26 Police?---I only surmise that. Could have been the
16:25:33 27 Australian Federal Police. I don't know. Remember before
16:25:34 28 I was asked a question, the Australian Federal Police asked
16:25:36 29 to change briefs.
16:25:37 30
16:25:37 31 The Australian Federal Police, the ACC, are you aware of
16:25:40 32 any of those, Customs?---No.
16:25:44 33
16:25:44 34 You're not aware?---No.
16:25:46 35
16:25:46 36 Victoria Police Command provided the status of the source
16:25:50 37 as a human source to external bodies?---Not to my
16:25:53 38 knowledge.
16:25:53 39
16:25:56 40 You don't know?---Sorry, but there, what do they say is
16:25:58 41 Victoria Police Command?
16:25:58 42
16:25:59 43 We'll get to that. The body of people that we were talking
16:26:02 44 about a moment ago who met in September just after the
16:26:07 45 source's registration, including you and the other
16:26:11 46 individuals, they were part of the Victoria Police Command,
16:26:13 47 weren't they?---No.

16:26:14 1
16:26:14 2 Mr Overland?---Overland is.
16:26:17 3
16:26:18 4 In 2005?---The Deputy Commissioners and the high level
16:26:24 5 unsworn people, that's Force Command. Not people at a
16:26:28 6 lower level like - Superintendents are like a divisional
16:26:31 7 manager.
16:26:31 8
16:26:32 9 What about the OPI?---The OPI is nothing to do with
16:26:37 10 Command, the OPI's an external body.
16:26:38 11
16:26:39 12 They were sitting on some of the Task Forces that you
16:26:42 13 mentioned before, like Posse?---I don't know.
16:26:44 14
16:26:44 15 You don't know?---I never sat on those Task Forces so they
16:26:47 16 could have been. And I think some members of the DPP might
16:26:51 17 have been sitting on them too, some of them.
16:26:54 18
16:26:55 19 Did you at any stage in these early dealings with the
16:26:59 20 registration of Ms Gobbo have any concerns raised to you or
16:27:04 21 did you have any concerns about Ms Gobbo's emotional or
16:27:07 22 psychological well-being?---No.
16:27:09 23
16:27:10 24 Is that something that was never mentioned to you?---No.
16:27:12 25
16:27:13 26 You accept that that should have been part of the
16:27:14 27 assessment that was made of her as a potential human
16:27:17 28 source?---I'd say that would have been part of the risk
16:27:21 29 assessment form.
16:27:21 30
16:27:22 31 You'd also accept, I take it, that were there serious
16:27:25 32 concerns about her psychological state, that that would
16:27:29 33 have weighed pretty heavily on the decision whether or not
16:27:34 34 to use her or to continue to use her?---I don't know what
16:27:39 35 that was.
16:27:39 36
16:27:39 37 You know about human source management, you've written
16:27:42 38 reports that the SDU really came out of. You'd accept that
16:27:46 39 a human source who had psychological problems, I'm not
16:27:49 40 talking about Ms Gobbo here, I'm talking now about the
16:27:52 41 hypothetical, a human source with psychological problems
16:27:56 42 must be very carefully monitored and it must be very
16:27:59 43 carefully decided whether or not that person should be used
16:28:02 44 as a human source?---Yes, but I'd want to see that - again,
16:28:05 45 you're asking me hypothetical questions.
16:28:08 46
16:28:08 47 As part of the assessment?---As part of the assessment, if

16:28:10 1 I had a proper assessment from medical professionals to say
16:28:14 2 that, yes. If someone just said the person - I mean most
16:28:17 3 sources, they're all different people. Some are violent
16:28:21 4 criminals, some are normal people, some are druggies, some
16:28:25 5 are drunks, they're all different, you can't put them all
16:28:27 6 into one box. If a person has a diagnosed medical
16:28:31 7 condition and you're satisfied and it's all documented,
16:28:33 8 yes, I agree with you fully but if it's just talk - - -
16:28:34 9
16:28:35 10 Also, if the person who is managing the human source makes
16:28:38 11 their own observations about their psychological welfare
16:28:42 12 that are negative, that should come into their own decision
16:28:45 13 making, shouldn't it?---Yes, you would expect so. You'd
16:28:48 14 expect so.
16:28:48 15
16:28:50 16 Finally just a couple of things. You were asked finally in
16:28:51 17 your statement for your knowledge and training in relation
16:28:54 18 to disclosure and the right to silence and those sorts of
16:28:56 19 things. Firstly, in relation to disclosure. It's your
16:28:59 20 understanding, I take it, that the defence is entitled to
16:29:11 21 be provided with full disclosure of all of the prosecution
16:29:15 22 evidence that might help in their defence?---Yes.
16:29:16 23
16:29:16 24 You also understand that an accused has a right to
16:29:19 25 silence?---Yes.
16:29:20 26
16:29:21 27 They needn't say anything to police if they don't want
28 to?---Yes.
29
16:29:21 30 And they have the right to a lawyer?---Yes.
16:29:23 31
16:29:25 32 And the conversations between them and their lawyer are
16:29:27 33 privileged?---Yes.
16:29:28 34
16:29:28 35 And that means no one can listen to them?---Yes.
16:29:30 36
16:29:31 37 And that those communications shouldn't be reported outside
16:29:33 38 that lawyer/client relationship?---No.
16:29:36 39
16:29:54 40 Each of those issues that we've just touched on, it's the
16:29:58 41 case, isn't it, that they each pose particular problems
16:30:02 42 when you're engaging a human source like Nicola Gobbo who
16:30:05 43 is a barrister, that's the case, isn't it?---Yes.
16:30:08 44
16:30:09 45 When she was being engaged as a human source, at the very
16:30:14 46 least legal advice should have been obtained?---We had -
16:30:24 47 with the legal advice - Simon Overland is a solicitor, Luke

16:30:29 1 Cornelius is a solicitor, (indistinct) Crow's a solicitor,
16:30:31 2 Graham Ashton was a solicitor up the DPP, the VGS0 was
16:30:36 3 involved in this because they're the ones that were looking
16:30:38 4 at the MOU that I wrote in my diary.
16:30:43 5
16:30:44 6 Is this in 2005 though when Nicola Gobbo was first engaged
16:30:51 7 as a human source by the SDU in September 2005, or are you
16:30:53 8 talking about later on in the piece?---The later one. I
16:30:55 9 don't know, when I found out. When did I find out, in
16:30:57 10 2005?
16:30:58 11
12 2005?---Well at that time. And the other one, and I'm
13 positive of - - -
14
16:30:58 15 So it's your memory that VGS0 knew?---I believe the VGS0
16:31:03 16 knew because it's in my diary. You didn't talk about it
16:31:06 17 before, you didn't ask me questions on it, but it's on page
16:31:09 18 - it's in the little diary, it's p.162, and it says,
16:31:15 19 "Meeting Witsec, Jim Hart, Trevor Carter, Jeff Allway.
16:31:20 20 Operation Adobe. Flight FOC's Bali, four members of the
16:31:28 21 Force with her. Two per week. Meeting CPP, 23 March 09.
16:31:33 22 Members different flights. Telecommunications."
16:31:33 23
16:31:33 24 This is April 2009?---Yes.
16:31:36 25
16:31:36 26 That's okay. What I'm actually focusing on is back at the
16:31:40 27 beginning in 2005. What you're saying is in 09 the VGS0
16:31:45 28 were aware?---Yes.
16:31:45 29 And were involved in the decision making - - - ?---And they
16:31:46 30 were the ones that were going to draw up an MOU with her,
16:31:50 31 so they certainly knew. And I'm also positive that when we
16:31:52 32 had all the Task Forces running, Purana and things like
16:31:55 33 that, there was a solicitor, the Director of Public
16:31:58 34 Prosecutions of Victoria appointed a solicitor to be part
16:32:00 35 of each of the Task Force so when people were charged and
16:32:04 36 it all come together they were on the front foot. I've got
16:32:07 37 a vivid recollection of that. The DPP knew what was going
16:32:10 38 on with all of these murders so that they could pull them
16:32:13 39 all together. You had one offender, three or five, they
16:32:17 40 were involved and everyone knew she was informing.
16:32:21 41
16:32:21 42 Are you able to place that in time though to 2005 when she
16:32:26 43 first started to inform? Was that the case back
16:32:29 44 then?---No, I don't - I'm talking about the later one, the
16:32:31 45 Purana one.
16:32:32 46
16:32:33 47 There was their involvement later on in the piece?---Yeah.

16:32:35 1
16:32:36 2 You're not quite sure when?--Well 2005, are the offences
16:32:39 3 in 2005 the same as the ones we're talking about in 2009 or
16:32:45 4 are they different? I thought the ones where Jack Blainey
16:32:45 5 gave his opinion was a separate set of charges or whatever.
16:32:47 6
16:32:47 7 That was well back in 99?---99.
16:32:50 8
16:32:51 9 That's a different thing. Do you remember who it was from
16:32:54 10 the DPP that you were dealing with at the time?---No.
16:32:56 11 There was certainly a few of them attached to the groups
16:33:01 12 charging all these offenders.
16:33:02 13
16:33:03 14 Do you know whether they were male or female, did you see
16:33:07 15 them, meet them?---No. I didn't see them but I know they
16:33:10 16 worked alongside the Task Forces.
16:33:12 17
16:33:12 18 COMMISSIONER: What date are we talking about there,
16:33:16 19 Mr Purton?---Your Honour, I think it was the latter one.
16:33:19 20
16:33:19 21 Round about 2009?---Yeah, when - the Purana tasking
16:33:22 22 meetings and those ones.
16:33:23 23
16:33:24 24 Thank you.
16:33:25 25
16:33:25 26 MR WOODS: Thank you, Mr Purton.
16:33:26 27
16:33:27 28 COMMISSIONER: Were you planning to get Mr Purton back
16:33:29 29 later to talk about that period?
16:33:33 30
16:33:34 31 MR WOODS: We might need to do further some inquiries in
16:33:36 32 the background and then we might well do so. Just before I
16:33:39 33 sit down, Commissioner, I'm just not sure whether I
16:33:41 34 tendered the Kellam report in that form.
16:33:44 35
16:33:45 36 COMMISSIONER: 112 was the list of people who knew Nicola
16:33:49 37 Gobbo was a human source.
16:33:51 38
16:33:51 39 MR WOODS: The source management log might have been before
16:33:53 40 that.
16:33:53 41
16:33:54 42 COMMISSIONER: Yes, the source management log was Exhibit
16:33:57 43 111. 112 was the list of people who knew Nicola Gobbo was
16:34:02 44 a human source. 113 is the Kellam report as redacted by
16:34:06 45 the Supreme Court.
16:34:07 46
16:34:07 47 MR WOODS: That's correct.

16:34:08 1
16:34:08 2 #EXHIBIT RC113 - Redacted Kellam report.
16:34:17 3
4 MR WOODS: Thank you, Commissioner.
5
16:34:18 6 MS ENBOM: In relation to the Kellam report, I understand
16:34:19 7 whilst it is the redacted version, as in the version that
16:34:24 8 was redacted by the Supreme Court, there may be some issues
16:34:27 9 in relation to it, in relation to person - it's not an
16:34:29 10 issue I've been dealing with - in relation to Person 7.
16:34:32 11
12 COMMISSIONER: I think we won't put it on the website at
16:34:32 13 the moment. It's available on the Supreme Court website if
16:34:35 14 anyone wants it.
16:34:36 15
16:34:37 16 MR WOODS: And our instructions are, or we understand that
16:34:39 17 Person 7 was dealt with in a particular way in those
16:34:42 18 proceedings for a particular reason.
16:34:44 19
20 COMMISSIONER: The difficulty we have is that there are
16:34:44 21 suppression orders out in respect of Person 7 and countless
16:34:49 22 other people that appear to bind this Commission at the
16:34:52 23 moment until they're sorted out. All right. Mr Collinson.
24
25 <CROSS-EXAMINED BY MR COLLINSON:
26
16:35:03 27 My name is Collinson, Mr Purton, and I'm one of the
16:35:08 28 barristers for Ms Gobbo. Can I ask you please to - you've
16:35:14 29 got a hard copy of those diary notes yourself?---Yes.
16:35:18 30
16:35:18 31 Could you please turn back to p.60.
16:35:27 32
16:35:27 33 (Discussion at Bar table.)
16:35:46 34
16:35:46 35 WITNESS: Yes, I've got it.
16:35:48 36
16:35:49 37 MR COLLINSON: I'll go slowly because there may be a PII
16:35:52 38 issue, Commissioner.
16:35:57 39
16:35:57 40 COMMISSIONER: Tip-toeing through the tulips, Mr Collinson.
16:36:05 41
16:36:05 42 MR COLLINSON: Yes. I'd be surprised if this entry's a
16:36:09 43 problem. Apparently there's a line that I can go to.
16:36:13 44
16:36:14 45 Mr Purton, if you've got that page, just to give you the
16:36:18 46 time, this is 26 September 2005 and I think from questions
16:36:25 47 you were asked before these are notes you took at the time

16:36:30 1 of a Purana Task Force meeting. It wasn't the first
16:36:35 2 occasion you became aware of Ms Gobbo becoming a human
16:36:40 3 source. I think you'd found out for the first time on 19
16:36:44 4 September, about a week before, all right? Now, this note
16:36:48 5 is 26 September 2005. Can I direct your attention - you'll
16:36:54 6 see the sticker or photocopy of a sticker on the left-hand
16:37:00 7 side but a little further down do you see a line just above
16:37:05 8 where it says 14:25 and it says "NG motivation, concern for
16:37:15 9 welfare"?---Yes.

16:37:16 10
16:37:16 11 Is the Commissioner to interpret that note as you recording
16:37:21 12 someone's statement that Ms Gobbo's motivation for becoming
16:37:27 13 a human source was a concern about her welfare, is that how
16:37:32 14 that's to be read?---No, I think - well my understanding of
16:37:36 15 that, it's like NG would be Nicola Gobbo.

16:37:39 16
16:37:39 17 Yes?---Then I have a dash, then there might have been
16:37:42 18 discussion about her motivation, then there's another dash,
16:37:46 19 concern for welfare.

16:37:47 20
16:37:47 21 Yes, because it's not - - - ?---It doesn't run together.
16:37:51 22 Like motivation, concern for welfare, I've got a break,
16:37:54 23 which means they probably would have discussed her
16:37:56 24 motivation, and then a bracket like concern for welfare.
25

16:38:03 26 Yes?---Whether they were thinking about putting her in
16:38:06 27 Witsec or whatever, I don't know.

16:38:07 28
16:38:08 29 It's not necessarily to be read as someone saying that
16:38:09 30 Ms Gobbo was motivated to become a human source because of
16:38:14 31 a concern about her own welfare?---No, no.
16:38:15 32

16:38:15 33 In fact from what your answers are you don't think it is
16:38:20 34 likely that that's what the note is saying?---No.
16:38:21 35

16:38:22 36 It was certainly unusual, wasn't it, in September 2005 for
16:38:27 37 a barrister to be a human source in your experience?---I've
16:38:31 38 never known of any others, registered human sources in my
16:38:36 39 45 years in Victoria Police.

16:38:37 40
16:38:38 41 Yes. Given that it was unusual, do you have any actual
16:38:43 42 personal recollection beyond your notes about any
16:38:46 43 discussion at one of these early meetings, either 19
16:38:50 44 September or 26 September, about why Victoria Police was
16:38:55 45 going to use a barrister as a human source?---All I can say
16:39:01 46 in that is that, as I said previously, that we were in dire
16:39:05 47 straits with the murders, the drug trafficking and a lot of

16:39:09 1 other things and it wasn't unlawful. A lot of people knew
16:39:14 2 about it. We used her. People might say it's unethical
16:39:18 3 but someone, Simon or someone else, might have had to make
16:39:21 4 the decision "what do we do?" and they've made a decision
16:39:23 5 and they've said, "Yes, we will use her". I mean the Force
16:39:27 6 has been severely criticised now, and I can understand
16:39:31 7 that, I respect that. But the other thing though was if
16:39:35 8 they've used evidence spilling from her against her own
16:39:38 9 client, well there would be problems with that. That's
16:39:41 10 only common sense. You know, it's something you'd not do,
16:39:43 11 it's not by the rules.

16:39:44 12
16:39:45 13 Yes. Is it fair to say then - I realise this is quite some
16:39:48 14 years ago so your recollections are inevitably going to be
16:39:52 15 impaired, but you have a recollection, do you, that the
16:39:57 16 pressure on the police, and I think you referred earlier in
16:40:01 17 your evidence to 25 people had been slaughtered on the
16:40:04 18 streets, that that was some of the explanation as to why
16:40:07 19 Ms Gobbo, why Victoria Police was prepared to take the
16:40:12 20 risk, so to speak, of going ahead with Ms Gobbo as a human
16:40:16 21 source?---And - - -

22
16:40:17 23 Just before you go "and", is that your recollection?---Yes,
16:40:20 24 yes.

16:40:20 25
16:40:21 26 Yes?---And there were not - yes, I won't say any more.

16:40:26 27
16:40:28 28 Do you have a recollection about the circumstances - you
16:40:31 29 were told that Ms Gobbo was registered as a human source on
16:40:36 30 some earlier occasions and I think you said in September
16:40:39 31 2005 you weren't aware of that, yeah?---Not the earlier
16:40:43 32 one, no.

16:40:44 33
16:40:45 34 In terms of her registration around September 2005, do you
16:40:50 35 have any recollection about how that came about, for
16:40:54 36 example, whether Ms Gobbo approached the police or whether
16:40:57 37 the police approached Ms Gobbo?---No.

16:41:00 38
16:41:03 39 Yes?---I think a lot of police had ongoing liaisons with
16:41:08 40 her through her clients and her work and that sort of thing
16:41:11 41 too. She was a high profile barrister, she had a lot of
16:41:14 42 high profile cases that would have been dealing with a lot
16:41:19 43 of profile detectives in trials.

16:41:22 44
16:41:23 45 Just one other question. You were asked some questions
16:41:24 46 about the reference to high risk in relation to a human
16:41:27 47 source and one sees that in some of the police documents.

16:41:31 1 When in internal documents a human source is referred to as
16:41:38 2 high risk, is that necessarily referring to the safety risk
16:41:42 3 to the human source or does it mean potentially other risks
16:41:47 4 as well, for example, that the source herself or himself
16:41:52 5 might be at risk of behaving in a way that is detrimental
16:41:58 6 to police activities? Perhaps to give one example,
16:42:03 7 sometimes human sources are used to introduce covert police
16:42:09 8 operatives?---Yes.
16:42:09 9

16:42:11 10 Is the word high risk or the description high risk
16:42:15 11 referable perhaps to that kind of risk, that the human
16:42:18 12 source might do that in a way that conveys the identity of
16:42:25 13 the police covert source?---Yes.
16:42:27 14

16:42:28 15 So it's not - high risk doesn't - what I'm asking you is
16:42:33 16 whether high risk just refers to the risk to the human
16:42:36 17 source or other risks as well?---No, there are a
16:42:41 18 kaleidoscope of risks associated with a human source and
16:42:45 19 they cover every aspect of meeting with them, what they do.
16:42:48 20 You know, you've got to have a plan if you're going to use
16:42:53 21 them, to do an undercover buy, all those sorts of things.
16:42:56 22 You have to look at what could go wrong and you've got to
16:43:02 23 say if this does wrong, what's plan B? And they have these
16:43:05 24 risk assessments and they map it all out.
16:43:06 25

16:43:07 26 So if someone's called high risk are you able to just
16:43:09 27 summarise what risks that can be referring to?---It could
16:43:12 28 be a risk to their safety, could be a risk to their
16:43:15 29 welfare, could be a risk to other members of their family,
16:43:17 30 could be a risk like, for example, to her profession, to
16:43:21 31 her reputation, to her standing in the community, all those
16:43:25 32 things. They're all risks.
16:43:25 33

16:43:25 34 COMMISSIONER: Could be a risk to the Police Force's
16:43:27 35 reputation?---Yes, Your Honour, most definitely.
16:43:31 36

16:43:31 37 MS ENBOM: Can I interrupt, Commissioner. There was a
16:43:33 38 reference to the use of a human source to introduce an
16:43:38 39 undercover operative. That very matter is the subject of
16:43:44 40 the PII claim in paragraph 9 of this witness's statement
16:43:51 41 and so I ask that that be removed from the transcript until
16:43:53 42 that PII claim is resolved. That's the PII claim that is
16:43:59 43 pressed in relation to the statement, it's that very
16:44:02 44 matter.
16:44:05 45

16:44:06 46 MR WOODS: It doesn't take much to imagine that's a
16:44:09 47 methodology.

16:44:09 1
16:44:10 2 COMMISSIONER: Anybody who's watched a police show on
16:44:17 3 television knows that.
16:44:18 4
16:44:19 5 MS ENBOM: Commissioner, we're going to put some
16:44:21 6 evidence together in relation - - -
16:44:22 7
8 COMMISSIONER: All right. Just to move forward I ask that
16:44:22 9 that - could you just say what words they were again,
16:44:25 10 please.
16:44:27 11
16:44:27 12 MS ENBOM: Yes. It was the use of a human source to
16:44:30 13 introduce a covert operative.
16:44:33 14
16:44:33 15 COMMISSIONER: Something like introducing the human source
16:44:36 16 to - having the human source - it's recently, in the last
16:44:43 17 couple of questions. It's about introducing a covert
16:44:46 18 operative. That would probably be the key word.
16:44:50 19
16:44:50 20 MS ENBOM: It's p.1810, line 12.
16:44:57 21
16:44:57 22 COMMISSIONER: I order that that be removed from the
16:45:01 23 transcript and recording and that that not be published
16:45:07 24 outside this hearing room and that a copy of this order be
16:45:12 25 placed on the hearing room door.
16:45:17 26
16:45:17 27 MR WOODS: Commissioner, just very briefly on that, and I
16:45:19 28 won't mention it again, but this is a live issue for a
16:45:22 29 witness tomorrow so if Victoria Police could focus their
16:45:26 30 attention on explaining why that's - - -
16:45:28 31
16:45:28 32 COMMISSIONER: They'll have to produce that by tomorrow.
16:45:30 33 You'll have to have that material by tomorrow. We can't go
16:45:35 34 on forever redacting these apparently harmless references.
16:45:39 35 But anyway, we'll see what you have to say. Yes,
16:45:41 36 Mr Collinson.
16:45:42 37
16:45:43 38 MR COLLINSON: Just one last question. You gave some
16:45:47 39 answers, Mr Purton, about the pressure on the police at the
16:45:52 40 time in September 2005 as a reason to use a barrister as a
16:45:57 41 human source. Is it your view today that that was
16:46:02 42 justified?---Yes.
16:46:03 43
16:46:03 44 No further questions.
45
46 <CROSS-EXAMINED BY MR CHETTLE:
47

16:46:08 1 Thank you, Commissioner. Mr Purton, I represent the
16:46:11 2 handlers, Senior Sergeant Jones, the names you've read just
16:46:16 3 before?---Yep.
16:46:17 4
16:46:18 5 You gave evidence to counsel assisting that you well
16:46:23 6 understood police doing the right things and the wrong
16:46:27 7 things because of your Ethical Standards training, remember
16:46:31 8 giving that evidence?---Yes.
16:46:32 9
16:46:32 10 At no stage did you ever have cause to say to any of the
16:46:36 11 members of the SDU that you viewed their conduct as
16:46:40 12 unacceptable or unethical in any way?---No.
16:46:44 13
16:46:44 14 In fact so far as the conduct, I think you referred to him
16:46:49 15 personally, of Detective Senior Sergeant Jones, he is a man
16:46:54 16 of the highest repute and integrity?---Yes.
16:46:57 17
16:46:58 18 As a group, to your observation the Source Development Unit
16:47:02 19 worked extremely hard and conscientiously?---Yes, it's an
16:47:08 20 extremely difficult job. They work 24/7 and a lot of these
16:47:12 21 people are nightmares and I don't know how they do it. I
16:47:15 22 really admired them for what they did. They did a
16:47:18 23 fantastic job.
16:47:19 24
16:47:19 25 To put that in context, with somebody who was high
16:47:22 26 maintenance you might find yourself on the telephone in the
16:47:25 27 middle of the night for hours on end?---That's right.
16:47:27 28
16:47:28 29 You were kept up-to-date through the channels by Senior
16:47:33 30 Sergeant Jones and other SDU members of what they were
16:47:37 31 doing and the way they were operating?---Yes.
16:47:39 32
16:47:40 33 In addition to them there were intermediate officers such
16:47:45 34 as Tony Biggin, who was their immediate line Commander as
16:47:51 35 well?---Yes.
16:47:51 36
16:47:51 37 And he was, to your knowledge, kept in the loop and kept
16:47:54 38 you in the loop of what was happening?---Yes.
16:47:56 39
16:47:58 40 You made sure that the police officers at the highest level
16:48:02 41 knew what the source Development Unit were doing?---Yes.
16:48:07 42
16:48:08 43 And although you saw fit to recommend that VGS0 be
16:48:12 44 consulted in relation to issues like controlled deliveries
16:48:16 45 for the Drug Squad, there was never a suggestion by any of
16:48:19 46 the people I've just mentioned to the SDU that they should
16:48:24 47 go and get legal advice?---No, there's never - it never

16:48:28 1 entered my mind at any stage on any occasion that we were
16:48:31 2 acting unlawfully.
16:48:32 3
16:48:33 4 Indeed, at no stage did, for example, Overland make any
16:48:39 5 such suggestion?---No.
16:48:40 6
16:48:42 7 The concept of sterile corridor, you were asked some
16:48:45 8 questions about that. It's nothing to do with - well, I
16:48:54 9 withdraw that. The essential principle of a sterile
16:48:57 10 corridor is to create a unit that is distanced from the
16:49:01 11 investigators so that the risks associated with the
16:49:05 12 investigators handling sources is eliminated?---Correct.
16:49:09 13
16:49:10 14 So you have a group of trusted professionals who deal with
16:49:13 15 the source, try and anonymise, if they can, the reports
16:49:21 16 that disseminate any information obtained, and even the
16:49:27 17 investigator may not know in some circumstances that the
16:49:30 18 source is in fact providing information?---Yes.
16:49:33 19
16:49:37 20 Are you aware that in some circumstances information might
16:49:40 21 be verbally disseminated as distinct from in writing, in an
16:49:46 22 information report, for example?---Could be.
16:49:48 23
16:49:49 24 And that would depend on operational decisions or in
16:49:54 25 urgency of conveying information to the officers in charge
16:49:59 26 of particular squads?---No, if something required immediate
16:50:02 27 attention they would do it, they would do it verbally.
16:50:06 28
16:50:06 29 And then back it up in some form of writing subsequently,
16:50:09 30 either in an IR or in a log somewhere?---Yes.
16:50:12 31
16:50:15 32 Can I take you to p.77 of your diary please. You were
16:50:19 33 asked some questions about this and I just want to clarify
16:50:22 34 one thing. It's p.140.
16:50:48 35
16:50:48 36 (Discussion at Bar table.)
16:51:02 37
16:51:02 38 If you read p.140 there's a short paragraph towards the
16:51:06 39 bottom of the page that is not redacted. Do you see it
16:51:09 40 starts with the word "Bateson"?---Sorry, hang on.
16:51:17 41
16:51:18 42 COMMISSIONER: It's the page after 77. I think you were
16:51:20 43 first taken to 77 but it's the next page.
16:51:24 44
16:51:24 45 MR CHETTLE: I flipped over to 140, I'm sorry.
16:51:29 46
16:51:30 47 COMMISSIONER: 140 on the left-hand side.

16:51:31 1
16:51:32 2 MR CHETTLE: This has already been read out?---I have 77,
16:51:38 3 is that the one?
16:51:38 4
16:51:39 5 COMMISSIONER: The next page?---Mine's all redacted. 140
16:51:40 6 down the bottom.
16:51:41 7
16:51:41 8 MR CHETTLE: I'm asking for the bit that starts "Bateson"
16:51:45 9 and ends with a word IJBR. You see that short entry down
16:51:49 10 the bottom?---Yeah.
16:51:54 11
16:51:55 12 You'll see that it refers to Stuart Bateson meeting with
16:51:59 13 Gobbo and other material that I'm not going to read out
16:52:01 14 aloud?---Yes, yes.
16:52:02 15
16:52:02 16 That information written in that diary is information that
16:52:06 17 Gobbo, you got in Gobbo's role as a solicitor working with
16:52:11 18 Mr Valos doing the best they can do for a deal for their
16:52:15 19 clients, isn't it, rather than her providing information as
16:52:19 20 3838?---I have no - that could be true. I have no
16:52:26 21 independent recollection. All I know is what I wrote in my
16:52:30 22 diary and trying to interpreter that, it could be that.
16:52:33 23
16:52:33 24 From time to time means a barrister and solicitor might
16:52:37 25 approach police with a view to doing a deal for their
16:52:40 26 client?---It could happen. It happens all the time.
16:52:43 27
16:52:43 28 All right, thank you. Depends which hat she was wearing on
16:52:47 29 that day?---Sorry?
16:52:48 30
16:52:48 31 Depends which hat she was wearing on that day?---Yeah.
16:52:52 32
16:52:53 33 All right. You've given evidence about the fact that a lot
16:53:01 34 of people knew about her in the Crime Department. Is it
16:53:04 35 fair to say, Mr Purton, that your memory in relation to the
16:53:12 36 time frames that we're dealing with here could be a little
16:53:16 37 bit mixed up?---Yes.
16:53:17 38
16:53:18 39 It's in September 2005 she's first registered by the DSU
16:53:26 40 and she remains with them up until January 2009, that's the
16:53:32 41 period of time we're dealing with. It would certainly be
16:53:35 42 the intention of the unit to closely guard her identity as
16:53:40 43 an informer, wouldn't it?---Yes.
16:53:41 44
16:53:43 45 And knowing, as you do, Detective Sergeant Jones and the
16:53:48 46 rest of the members of his crew, that would be the focus of
16:53:53 47 their job?---Yes.

16:53:54 1
16:53:57 2 You never actually got to look at that, that list that has
16:54:02 3 been handed to you apparently from the SDU files of people
16:54:07 4 who knew, you've not seen that before?---No.
16:54:09 5
16:54:10 6 Assuming for the moment that is what was put to you, that
16:54:13 7 the SDU maintained a file or a list of people to their
16:54:16 8 knowledge who became aware of her, that would be a practice
16:54:19 9 that would be part of effectively risk assessment, to have
16:54:26 10 a knowledge of who knew about her?---Could be, yes.
16:54:29 11
16:54:32 12 It's inevitable, because of the way the hierarchy works
16:54:36 13 with somebody like her being made a human source, that
16:54:40 14 people high up the police hierarchy were going to become
16:54:47 15 aware of her status?---Yes.
16:54:48 16
16:54:49 17 People like yourself, Overland and obviously, you expect,
16:54:54 18 Biggin?---Yes.
16:54:55 19
16:55:00 20 Did you know Jim O'Brien?---Yes.
16:55:03 21
16:55:05 22 He was relevantly the officer-in-charge of Purana, was he
16:55:11 23 not?---Yes.
16:55:11 24
16:55:12 25 Again, a police officer of very high integrity?---Yes.
16:55:15 26
16:55:18 27 And it would not be unusual for someone in his position to
16:55:24 28 be aware of the identity of the source relating to his
16:55:29 29 squad?---No.
16:55:30 30
16:55:32 31 You agree with me? You're shaking your head?---Yes, I
16:55:35 32 agree.
16:55:35 33
16:55:35 34 It's not unusual?---No.
16:55:37 35
16:55:37 36 Thank you?---They have daily or weekly meetings where they
16:55:40 37 discuss all of their investigations and what they're up to
16:55:43 38 and what's happening and what they propose to do.
16:55:46 39
16:55:46 40 If we put this in context. You write your review of the
16:55:49 41 Drug Squad. It is seminal, I think is the word, in
16:55:54 42 changing the way Victoria Police thought about informer
16:55:56 43 management?---Yes.
16:55:57 44
16:56:01 45 Your recommendations about high level training and courses
16:56:07 46 were made known to Detective Senior Sergeant Jones?---Yes.
16:56:12 47

16:56:13 1 And to your knowledge he was then responsible for putting
16:56:16 2 together a pilot program?---Yes.
16:56:18 3
16:56:19 4 When that was successful he moved on to the DSU
16:56:24 5 itself?---Yes.
16:56:25 6
16:56:25 7 I think it was originally called the - it was DSU and then
16:56:29 8 it became SDU?---Yes.
16:56:30 9
16:56:32 10 The rules were - with source management the rules change as
16:56:39 11 time goes on, it's a dynamic organic function, do you
16:56:43 12 understand what I mean? They learn from practice and
16:56:45 13 experience and modify their standard operating procedures
16:56:49 14 as they went along?---Yeah, I know it was constantly
16:56:54 15 changing. It was very - a lot of uniform members out at
16:56:59 16 the regions, they didn't like it because there was a lot of
16:57:01 17 paperwork in it but it was very dynamic and it just kept
16:57:05 18 growing, it just kept evolving as time went on.
16:57:07 19
16:57:09 20 So people learnt, by the very nature of its organic nature
16:57:17 21 you learn by your mistakes and you learn by experience as
16:57:20 22 you go along?---Yes.
16:57:22 23
16:57:22 24 And you modify your procedures to reflect that
16:57:25 25 learning?---Yes.
16:57:25 26
16:57:31 27 You were asked some questions about knowledge that Ms Gobbo
16:57:36 28 or information that Ms Gobbo may have provided and whether
16:57:38 29 it was ethical or unethical, remember those
16:57:42 30 questions?---Yes.
16:57:42 31
16:57:42 32 In order to determine whether it was unethical, there's a
16:57:46 33 way in which you said it was, you would have to determine
16:57:49 34 whether or not it was privileged?---Sorry?
16:57:52 35
16:57:52 36 Whether it was legally professionally privileged, that is
16:57:58 37 that she obtained it from a client in the course of giving
16:58:00 38 or seeking legal advice?---On some it probably did but my
16:58:07 39 knowledge of this isn't such that I can say she did it on X
16:58:10 40 number of occasions. It is possible, and from what's been
16:58:14 41 said, that there was an investigation, her client was
16:58:19 42 involved in it and the police helped her get charged. But
16:58:24 43 I haven't actually read the briefing notes, I haven't seen
16:58:27 44 the briefs, I've heard bits and pieces said, but that's the
16:58:32 45 extent of my knowledge.
16:58:34 46
16:58:35 47 That's my point, you agree with me. You have to know

16:58:39 1 whatever she conveyed to the Unit or to the handlers,
16:58:42 2 whether or not that was privileged and where she got the
16:58:44 3 information from?---Yes.
16:58:46 4
16:58:47 5 A risk assessment is one of those dynamic evolving things
16:58:52 6 as well, isn't it?---Yes.
16:58:53 7
16:58:54 8 It's not a matter of just ticking boxes, it's a matter of
16:58:57 9 looking practically at the person you've got and working
16:59:00 10 out the best way to handle them?---Yes.
16:59:02 11
16:59:05 12 There was never any suggestion to you by any of the Source
16:59:13 13 Development Unit that there was any medical or psychiatric
16:59:15 14 issue with Ms Gobbo that would make her - - -
16:59:19 15
16:59:20 16 COMMISSIONER: That question's already been asked,
16:59:22 17 Mr Chettle. We've already had that question. Yes.
16:59:25 18
16:59:25 19 MR CHETTLE: Sorry, Commissioner, I don't think I did.
16:59:30 20
16:59:31 21 COMMISSIONER: Never aware of any concerns about her mental
16:59:33 22 or emotional state.
16:59:34 23
16:59:35 24 MR CHETTLE: By me?
16:59:37 25
16:59:37 26 COMMISSIONER: No, by Mr Woods.
16:59:39 27
16:59:39 28 MR CHETTLE: It was suggested that someone who had a mental
16:59:41 29 state of that sort would not be suitable to be - that's why
16:59:45 30 I'm asking it, because it was unclear.
16:59:47 31
16:59:47 32 COMMISSIONER: No, it's very clear. He was never aware of
16:59:51 33 any concerns about her mental or emotional state.
16:59:55 34
16:59:55 35 MR CHETTLE: If that's the case I don't need to ask it,
16:59:58 36 thank you. Can I have a look at the list that was provided
17:00:04 37 to the witness, please, exhibit - - -
17:00:12 38
17:00:12 39 COMMISSIONER: Yes, 112.
17:00:15 40
17:00:15 41 MR CHETTLE: 112. Thank you. Yes, I don't need to ask any
17:00:55 42 further questions, Commissioner.
17:01:01 43
17:01:01 44 MS O'GORMAN: Commissioner, can I reserve the position for
17:01:03 45 the OPP and the DPP for some matters that were suggested
17:01:05 46 for the first time.
17:01:05 47

17:01:05 1 COMMISSIONER: Yes. Sorry, Ms O'Gorman, I couldn't see you
17:01:07 2 there. Thank you. Any other cross-examination before I
17:01:10 3 ask? No. Re-examination, Ms Enbom?
17:01:13 4
17:01:13 5 MS ENBOM: No, Commissioner.
17:01:15 6
17:01:15 7 MR WOODS: Nothing further, Commissioner.
17:01:16 8
17:01:16 9 COMMISSIONER: You're free to go for the moment, thank you
17:01:19 10 very much Mr Purton. Thanks for your assistance.
17:01:23 11
17:01:23 12 <(THE WITNESS WITHDREW)
17:01:24 13
17:01:24 14 COMMISSIONER: Ms Enbom, how did we go with the PII
17:01:26 15 agreements as to the exhibits tendered before lunch?
17:01:30 16
17:01:30 17 MS ENBOM: I want to be able to tell you, Commissioner,
17:01:32 18 that the three documents have been provided to the
17:01:35 19 solicitors assisting but they haven't. I'm told that the
17:01:42 20 computer system has crashed and that the three documents
17:01:45 21 are currently being walked on an iron key to Corrs office
17:01:52 22 and they will be transmitted by Corrs' computer system. So
17:01:56 23 I'm sorry about that, Commissioner.
17:01:58 24
17:01:58 25 COMMISSIONER: Nothing's easy, is it?
17:02:00 26
17:02:01 27 MS ENBOM: No, not at all.
17:02:05 28
17:02:06 29 MR CHETTLE: Commissioner, can I ask the question I asked
17:02:08 30 before. What is happening tomorrow?
17:02:10 31
17:02:10 32 COMMISSIONER: Mr Woods, any update on that?
17:02:11 33
17:02:12 34 MR WOODS: Mr Hill, Ms Burrows and Mr Sheridan.
17:02:16 35
17:02:17 36 COMMISSIONER: All right, thank you.
17:02:21 37
17:02:21 38 MR WOODS: Kevin Sheridan.
17:02:22 39
17:02:23 40 COMMISSIONER: All right, we'll adjourn until 10 o'clock
17:02:25 41 tomorrow morning.
17:03:27 42
17:03:27 43 ADJOURNED UNTIL WEDNESDAY 15 MAY 2019
44
45
46
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