

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Thursday, 27 June 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

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

Counsel for Victoria Police Mr J. Hannebery QC
 Ms R. Enbom
 Ms K. Argiropoulos

Counsel for State of Victoria Dr C. Button SC
 Ms J. Whiting

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

Counsel for DPP/SPP Mr P. Doyle

Counsel for CDPP Ms E. Fitzgerald

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

Counsel for Mr R. Kornhauser

10:05:06 1 COMMISSIONER: Yes, Mr Winneke.
2
10:05:08 3 MR WINNEKE: If it please, I appear, with Mr Woods and
10:05:11 4 Ms Tittensor, to assist the Commissioner.
5
10:05:14 6 COMMISSIONER: Mr Collinson again for Ms Gobbo.
10:05:16 7 Mr Hannebery.
10:05:19 8
10:05:20 9 DR BUTTON: Ms Button, Commissioner. Ms Whiting will be
10:05:23 10 appearing later in the course of the morning.
11
10:05:24 12 COMMISSIONER: Thank you, Ms Button. Mr Chettle.
10:05:28 13 Mr Doyle. Ms Fitzgerald. And we've got Mr Kornhauser
10:05:35 14 here.
15
10:05:35 16 MR KORNHAUSER: Yes, Commissioner.
17
10:05:36 18 COMMISSIONER: For [REDACTED]. Is it your witness,
10:05:41 19 Mr Hannebery?
20
10:05:44 21 MR HANNEBERY: Ms Enbom's.
22
10:05:47 23 COMMISSIONER: Ms Enbom's. Yes.
10:05:47 24
10:05:48 25 MS ENBOM: The first witness this morning is Mr Swindells.
26
10:05:53 27 COMMISSIONER: Yes. We'll begin in open hearing, I
10:05:55 28 understand.
10:05:56 29
10:05:56 30 MS ENBOM: Yes. Just before we commence, Commissioner, do
10:05:58 31 you have a copy of Mr Swindells' statement with you?
32
10:06:01 33 COMMISSIONER: Yes.
10:06:06 34
10:06:07 35 MS ENBOM: Commissioner, if you could please go to
10:06:09 36 paragraph 21.
37
10:06:11 38 COMMISSIONER: Was that 31?
10:06:13 39
10:06:13 40 MS ENBOM: 21.
41
10:06:14 42 COMMISSIONER: 21, yes.
10:06:15 43
10:06:16 44 MS ENBOM: You'll see in paragraph 21 there's a reference
10:06:20 45 to an investigation into a police member.
46
10:06:22 47 COMMISSIONER: Yes.

10:06:22 1
10:06:23 2 MS ENBOM: Victoria Police seeks a pseudonym for that
10:06:27 3 police member. There was an investigation by the ESD into
10:06:33 4 that member. That member is still a serving member. The
10:06:36 5 investigation didn't result in any charges being laid and,
10:06:41 6 in those circumstances, Victoria Police seeks a pseudonym.
10:06:45 7 It's really the same basis on which a pseudonym was given
10:06:48 8 to the solicitors who were the subject of allegations made
10:06:52 9 by Ms Gobbo.
10
10:06:57 11 COMMISSIONER: It's your witness, Ms Tittensor.
10:07:00 12
10:07:00 13 MS TITTENSOR: We don't have an issue with that,
10:07:02 14 Commissioner.
15
10:07:03 16 COMMISSIONER: Yes. What pseudonym were you proposing?
10:07:12 17
10:07:13 18 MS ENBOM: Person 23, Commissioner - apparently that's a
10:07:16 19 bad choice. We're up to 17 I'm told by Ms Argiropoulos.
20
10:07:21 21 COMMISSIONER: We give police officers a rank and the rank
10:07:24 22 could be of some significance, I suppose. Do we have a
10:07:35 23 Brown?
10:07:41 24
10:07:41 25 MS ENBOM: No, we don't, but we have a Police Officer 1.
10:07:47 26 Maybe we should have Police Officer 2.
27
10:07:48 28 COMMISSIONER: No, I'm thinking of "Detective Inspector
10:07:50 29 Brown".
10:07:53 30
10:07:53 31 MS ENBOM: Yes. I don't know if that's - I'm just trying
10:07:55 32 to pick up his rank in this statement. I can't - - -
33
10:07:58 34 COMMISSIONER: Isn't that the rank? Have I got the wrong
10:08:01 35 name there?
10:08:03 36
10:08:03 37 MS ENBOM: I think that's the witness.
38
10:08:05 39 COMMISSIONER: That's not the one you're wanting the
10:08:08 40 pseudonym for?
10:08:09 41
10:08:09 42 MS ENBOM: The person I'd like a pseudonym for is the
10:08:12 43 person in paragraph 21, the last name at the end of
44 paragraph 21.
45
10:08:14 46 COMMISSIONER: I see.
10:08:16 47

10:08:16 1 MS ENBOM: And I don't know his rank, I'm sorry,
10:08:18 2 Commissioner.
3
10:08:18 4 COMMISSIONER: Perhaps the rank doesn't matter in this
10:08:22 5 instance.
10:08:23 6
10:08:23 7 MS TITTENSOR: No, I don't think it does, Commissioner.
8
10:08:25 9 COMMISSIONER: All right. We'll make it "John Brown", if
10:08:32 10 you like.
10:08:33 11
10:08:34 12 MS ENBOM: Thank you, Commissioner.
13
10:08:37 14 COMMISSIONER: Could that be added as 12B to Exhibit 81?
10:08:44 15
10:08:44 16 MR CHETTLE: We have a 12B, I think, Commissioner.
17
10:08:46 18 COMMISSIONER: I thought we only had a 12A. Do we have a
10:08:49 19 12B?
10:08:50 20
10:08:50 21 MR CHETTLE: We did have a 12A, yes.
22
10:08:55 23 COMMISSIONER: So 12B. You'd better tell us the real name
10:08:59 24 of the person, I suppose, or write it on a piece of paper,
10:09:03 25 if you would.
10:09:05 26
10:09:05 27 MS ENBOM: The real name is the name at the end of
10:09:08 28 paragraph 21.
29
10:09:09 30 COMMISSIONER: I'm working from a redacted statement. Just
10:09:11 31 a minute.
10:09:12 32
10:09:14 33 MS ENBOM: I can write it down.
34
10:09:17 35 COMMISSIONER: Both of mine are redacted in one form or
10:09:20 36 another. Thank you, I've got it.
10:09:22 37
10:09:22 38 MS ENBOM: Thank you.
39
10:09:42 40 COMMISSIONER: Are we ready to proceed?
10:09:44 41
10:09:44 42 MS ENBOM: Yes. Is Mr Swindells on the telephone?
43
10:09:47 44 COMMISSIONER: I understand he is.
10:09:49 45
10:09:50 46 MS ENBOM: And has he been sworn in?
47

10:09:52 1 COMMISSIONER: No, he hasn't. That's why we're in open
10:09:54 2 hearing now. Mr Swindells, are you on the telephone?
3
10:09:59 4 MR SWINDELLS: Yes, I am, Commissioner.
10:10:01 5
10:10:01 6 COMMISSIONER: Would you like to give your evidence by oath
10:10:04 7 or affirmation?
8
10:10:06 9 MR SWINDELLS: Oath, please.
10
10:10:07 11 COMMISSIONER: Do you have a Bible with you?
12
10:10:08 13 MR SWINDELLS: Yes, I do.
14
10:10:09 15 COMMISSIONER: If you could take the Bible in your right
10:10:11 16 hand, the oath will now be administered.
10:10:13 17
10:10:14 18 <PHILLIP EDWARD SWINDELLS, sworn and examined:
19
10:10:35 20 COMMISSIONER: Mr Swindells, if you need a rest or a break
10:10:39 21 at any time during the proceedings, let me know?---Thank
10:10:43 22 you, Commissioner.
23
10:10:44 24 And if you're having any trouble hearing the questions or
10:10:48 25 answers from this end of the line, let me know?---Okay.
10:10:51 26 Thank you.
27
10:10:51 28 Thank you. Yes, Ms Enbom.
10:10:54 29
10:10:55 30 MS ENBOM: Thank you, Commissioner.
31
10:10:55 32 Mr Swindells, is your full name Phillip Edward
10:11:00 33 Swindells?---Yes, it is.
34
10:11:01 35 Is your address care of Corrs Chambers Westgarth,
10:11:08 36 567 Collins Street, Melbourne?---Yes.
37
10:11:10 38 What is your current occupation?---Just retired;
10:11:16 39 ill-health.
40
10:11:17 41 Mr Swindells, have you prepared a statement for this
10:11:19 42 Royal Commission?---I did, yes.
43
10:11:22 44 Do you have a copy of that statement with you?---Yes, I do.
45
10:11:27 46 Could I please ask you to turn to paragraph 34 of that
10:11:32 47 statement?---Yes.

1
10:11:40 2 You'll see the first sentence in paragraph 34 reads, "The
10:11:45 3 meeting on 24 July 2006 was recorded by Detective Inspector
10:11:51 4 Attrill"?---Yes.
5
10:11:55 6 Is that a matter that you wish to clarify before you
10:11:58 7 commence your evidence?---I think it needs clarification.
10:12:00 8 It was essentially to say that until solicitors acting for
10:12:07 9 the Chief Commissioner provided me with a copy of the
10:12:10 10 transcript, I was unaware of any form of recording by
10:12:13 11 Attrill and now having been shown the transcript of that
10:12:18 12 alleged conversation, I understand it was recorded by
10:12:22 13 Attrill. So I just wanted to clear that matter.
14
10:12:28 15 Yes. In paragraph 34 you say, "The meeting on 24 July was
10:12:32 16 recorded by Detective Inspector Attrill". How do you know
10:12:37 17 that it was Detective Inspector Attrill that recorded the
10:12:40 18 meeting?---Well, I guess I'm assuming. I wasn't aware that
10:12:44 19 any of us were recording until I was presented with a copy
10:12:48 20 of the alleged summary of the recording.
21
10:12:52 22 And had you - - - ?---A transcript of it.
23
10:12:54 24 Yes. Had you ever seen a copy of that transcript before it
10:13:01 25 was shown to you by your solicitors?---No, never.
26
10:13:06 27 And did you record the meeting?---No.
28
10:13:10 29 So is it your - and it was a meeting between you,
10:13:15 30 Detective Inspector Attrill and Ms Gobbo?---Yes, it was.
31
10:13:18 32 And you didn't record the meeting, so have you assumed that
10:13:21 33 Detective Inspector Attrill recorded the meeting?---Yes, I
10:13:25 34 do.
35
10:13:25 36 And you'll see there's a footnote 11 and a reference - -
10:13:30 37 -?---Yes.
38
10:13:31 39 - - - in footnote 11 to a document ID?---Yes, I do.
40
10:13:35 41 Does that document ID require correction?---Yes, it does.
42
10:13:42 43 Is the correct ID VPL.2000.0002.0011?---Yes, it is.
44
10:13:52 45 Thank you, Mr Swindells. Is your statement otherwise true
10:13:56 46 and accurate?---Yes, it is.
47

10:13:58 1 I'll now tender your statement, Mr Swindells.
2
10:14:02 3 COMMISSIONER: Yes.
10:14:03 4
10:14:03 5 #EXHIBIT RC251A - Unredacted statement of Phillip
10:14:18 6 Swindells.
10:14:19 7
10:14:21 8 #EXHIBIT RC251B - Redacted statement of Phillip Swindells.
9
10:14:28 10 COMMISSIONER: Yes, Ms Tittensor.
10:14:30 11
12 <CROSS-EXAMINED BY MS TITTENSOR:
13
10:14:31 14 Mr Swindells, you were stationed at the Drug Squad back in
10:14:35 15 the late 90s; is that right?---That's right, yes.
16
10:14:37 17 And in 1998, you commenced there as a unit leader?---Yes.
18
10:14:45 19 Is it the case that you took over from someone named
10:14:48 20 Mark Bowden?---No, Mark Bowden was in charge of a different
10:14:55 21 division of the Drug Squad. He was in charge of the
10:14:57 22 clandestine laboratory section.
23
10:15:01 24 That was unit number 2, as I recall; is that right?---Mark
10:15:06 25 Bowden's was unit number 2 and I was in charge of unit
10:15:09 26 number 1, which was general drug investigations.
27
10:15:13 28 Did you have any supervision or awareness of Wayne
10:15:20 29 Strawhorn?---No, none at all.
30
10:15:24 31 Did you have any awareness of Drug Squad interest in
10:15:29 32 possible illegal activities by any particular
10:15:36 33 solicitor?---Not that I can recollect, no.
34
10:15:39 35 It's apparent that Ms Gobbo was representing a number of
10:15:44 36 people charged by members of the Drug Squad, as a junior
10:15:49 37 solicitor, around about that time. Do you have any
10:15:51 38 recollection of coming into contact with her then?---Not at
10:15:56 39 that time, no.
40
10:16:00 41 You finished up at the Drug Squad in about - well, 1998 as
10:16:07 42 well. You didn't stay long there, is that the
10:16:10 43 case?---That's the case, yes.
44
10:16:12 45 And you became a team leader at the Homicide Squad, you
10:16:16 46 were a Detective Senior Sergeant there?---Yes, I was.
47

10:16:19 1 And then when the Purana Task Force commenced, you went to
10:16:26 2 work in charge of a crew in the Purana Task Force?---I was
10:16:34 3 - in 2003, when it first was established, there was a team
10:16:40 4 of about seven or eight and I was the Senior Sergeant in
10:16:43 5 charge of that team, until there were further homicides,
10:16:48 6 which was over some months - the Task Force was clearly
10:16:54 7 deficient in number - so I put through a request for
10:16:56 8 additional staffing and resources.
9
10:17:00 10 Was that essentially a subset of the Homicide Squad or is
10:17:08 11 that a Task Force that just operated on its own?---Really
10:17:12 12 it was a sole entity of its own, despite the basis of it
13 being around the commission of a number of homicides.
14
10:17:25 15 And you headed up - there was only one crew, or one team,
10:17:29 16 initially when it started, is that right, and you were
10:17:32 17 heading that?---That's correct, yes.
18
10:17:33 19 And you were being supervised by Mr Allen?---Yes.
20
10:17:36 21 He was the Detective Inspector above you?---Yes, he was
10:17:42 22 still in charge of the Homicide Squad at that time, and I
10:17:45 23 reported directly to him.
24
10:17:46 25 Can you recall who your crew members were at that
10:17:55 26 stage?---Boris Buick, Grant Kelly, Scott Elliott, who was
10:18:05 27 our analyst. That's all I can recall for the moment.
28
10:18:09 29 Was Stuart Bateson in there at that stage?---No.
30
10:18:13 31 When did he join?---I'm pretty sure that he joined after
10:18:20 32 there was some discussion following the murders of Moran
10:18:25 33 and Barbaro.
34
10:18:35 35 Then after you - you left the Purana Task Force in 2005.
10:18:39 36 Do you know at what time in 2005 you left there?---I'm
10:18:44 37 pretty sure it was nearly two years to the date from when
10:18:47 38 we had commenced, because when we returned to the Homicide
10:18:51 39 Squad, our team was essentially pretty spent and worn out,
10:18:56 40 so we returned there for a bit of a break.
41
10:19:00 42 Do you say it was the early part of 2005 or later in
10:19:05 43 2005?---I suspect it was around April or May of 2005.
44
10:19:13 45 And you went back to the Homicide Squad for a little while
10:19:16 46 before you went over to ESD, the Ethical Standards
10:19:19 47 Department; is that right?---That's right, yes.

1
10:19:23 2 Just briefly in relation to your work at the ESD, did that
10:19:28 3 division ever look at issues associated with improper
10:19:32 4 disclosure practices within the Victorian Police
10:19:38 5 Force?---Not within my unit, no.
6
10:19:40 7 Do you know within any other unit at any other time if
10:19:44 8 that's been investigated?---I know that the corruption unit
10:19:55 9 was always conducting investigations into potential
10:20:01 10 malfeasance or corruption of police officers, that was
10:20:05 11 their charter, so I imagine they would have done so.
12
10:20:11 13 I'm talking about disclosure practices where police notes
10:20:16 14 and so forth, and things of that nature, things that aren't
10:20:20 15 necessarily on a brief of evidence but defence want to get
10:20:23 16 a hold of, do you know if there's ever been any
10:20:27 17 investigation or inquiry into disclosure practices within
10:20:30 18 Victoria Police?---No, I'm unaware of any.
19
10:20:35 20 You've indicated that your diaries are only available to
10:20:41 21 you from 2006 to 2008. That seems to accord with your time
10:20:46 22 at the ESD; is that right?---That's correct, yes.
23
10:20:50 24 Do you know what efforts were gone to to try and find the
10:20:53 25 earlier diaries?---No, no.
26
10:21:00 27 Was it you that was looking for them or was it someone else
10:21:04 28 that was looking for them?---Someone else was going to be
10:21:08 29 looking for them.
30
10:21:09 31 Are you aware of whether there's ongoing efforts?---No, I'm
10:21:13 32 unaware.
33
10:21:14 34 Did you keep day books at all throughout your time at the
10:21:17 35 Purana Task Force?---Not that I can recall, a day book. I
10:21:24 36 recall a diary, yes. Not necessarily a day book.
37
10:21:28 38 You didn't take notes, other than those that were in your
10:21:31 39 diary?---I don't believe so, no.
40
10:21:34 41 Have you been provided or do you know whether there's been
10:21:37 42 any search for emails during that period of
10:21:42 43 time?---Unaware, sorry.
44
10:21:45 45 No. The Commission's been provided with a chronology of
10:21:50 46 diaries and notes from various members of the Purana Task
10:21:57 47 Force, which includes reference to you. Have you seen that

10:21:59 1 document?---Is there a number to that document or - - -
2
10:22:07 3 It might have been something that's been provided to you in
10:22:10 4 the last 24 hours?---Yes, a summary of a number of members'
10:22:19 5 notations.
6
10:22:20 7 That's right?---Yes.
8
10:22:21 9 It's VPL.0015.0001.0409, do you see that - - -?---Yes.
10
10:22:31 11 - - - in the top right-hand corner?---Yes, I've got that.
12
10:22:36 13 Have you seen that before?---Not until this morning, no.
14
10:22:40 15 You've had a bit of an opportunity to go through that
10:22:44 16 document?---Yes, I have.
17
10:22:47 18 You'll see every now and then, there's a reference to
10:22:50 19 yourself?---Yes, I did.
20
10:22:53 21 In terms of the references that are made to you and your
10:23:01 22 activities, insofar as you can tell, would you accept that
10:23:06 23 those are accurate recordings of what went on?---Yes.
24
10:23:11 25 You don't have any reason to dispute the matters that are
10:23:13 26 contained within that document?---No, I don't.
27
10:23:17 28 I might tender that document, Commissioner.
29
10:23:25 30 #EXHIBIT RC252A - Unredacted version of Purana member
10:24:04 31 chronology.
32
10:23:32 33 MS TITTENSOR: There is an unredacted version, which we
10:23:33 34 might tender as a confidential exhibit.
10:23:36 35
10:23:41 36 #EXHIBIT RC252B - Redacted version of Purana member
10:23:42 37 chronology.
10:24:04 38
10:23:54 39 COMMISSIONER: How would I describe the document?
10:23:57 40
10:23:57 41 MS TITTENSOR: We've been referring to it as a Bateson
10:24:00 42 chronology, but it might be a Purana member chronology.
43
10:24:04 44 COMMISSIONER: Purana member chronology it is, thank you.
10:24:09 45
10:24:14 46 MS TITTENSOR: In terms of the Purana Task Force, you've
10:24:17 47 indicated that you reported to Detective Inspector Andy

10:24:21 1 Allen?---Yes.
2
10:24:23 3 Do you know who he was reporting to?---Detective
10:24:28 4 Superintendent John Whitmore.
5
10:24:34 6 And above Whitmore?---Mr Whitmore was to then Commander
10:24:43 7 Purton, Terry Purton.
8
10:24:47 9 And above Commander Purton?---Was AC of Crime,
10:24:52 10 Simon Overland.
11
10:24:57 12 And is it the case that there was some form of committee,
10:25:01 13 steering committee or executive management team, that had
10:25:05 14 oversight of Purana?---Yes.
15
10:25:08 16 Who was in that team or that committee?---At various stages
10:25:15 17 it changed. However, the parties throughout the Purana
10:25:21 18 Task Force was myself, Senior Sergeant Gavan Ryan,
10:25:30 19 Detective Inspector Allen, Superintendent Whitmore,
10:25:35 20 Commander Terry Purton and the AC, Simon Overland. On
10:25:40 21 occasion, when there were issues of note, we would
10:25:45 22 sometimes invite the Sergeant in charge of the team to
10:25:49 23 explain a particular incident.
24
10:25:52 25 Can you recall now what types - or a number of examples as
10:25:57 26 to when a Sergeant's been called to explain an issue?---I
10:26:06 27 suppose things were around the Moran/Barbaro murder
10:26:12 28 investigation. I know Stuart was - from memory, he
10:26:16 29 attended the scene and had significant knowledge of that
10:26:23 30 particular investigation, as we had not been involved at
10:26:28 31 the point of time that that was occurring.
32
10:26:30 33 So when you say "Stuart", you mean Stuart Bateson?---Yes.
10:26:37 34 Sorry.
35
10:26:38 36 He had particular specialised knowledge about certain
10:26:41 37 things, so he would come in and inform the executive
10:26:45 38 management committee, or the steering committee, of those
10:26:47 39 things?---Yes.
40
10:26:48 41 Was he a regular attender?---No.
42
10:26:52 43 How often would those meetings occur?---They were weekly
10:26:57 44 and, from recollection, they might have been held on a
10:27:01 45 Monday morning.
46
10:27:03 47 When you say "weekly", was it weekly from the outset in

10:27:07 1 2003 or did it become that way?---I'm not sure when it
10:27:12 2 started to become weekly, but I know when the Task Force
10:27:17 3 numbers had been increased, the resourcing increased, I
10:27:23 4 know that after that was the time - I can remember that we
10:27:26 5 were doing it on a weekly basis.
6
10:27:28 7 And in terms of the level of involvement of Mr Overland,
10:27:33 8 he, obviously, was pretty closely involved if he's
10:27:37 9 attending weekly meetings, getting weekly briefings; is
10:27:41 10 that right?---That's right. I think he had issues around,
10:27:48 11 I guess, reporting to the Chief Commissioner and government
10:27:55 12 around what we were doing in response to the continued
10:28:01 13 homicides.
14
10:28:04 15 Was there ever anyone above his rank that attended those
10:28:09 16 meetings?---Not that I can remember. I can remember at one
10:28:15 17 stage we were requested by Mr Overland to brief the Deputy
10:28:22 18 Commissioner and the Chief Commissioner down at the
10:28:24 19 St Kilda Road complex.
20
10:28:29 21 At what stage was that, do you recall?---I'm only
10:28:34 22 speculating. It may have been, again, when the increased
10:28:38 23 resources were made available.
24
10:28:41 25 Was it for that issue or was it for another particular
10:28:44 26 issue?---It was to appraise the Chief Commissioner and the
10:28:49 27 deputy about the progress of investigations at that time,
10:28:52 28 as I understand.
29
10:28:54 30 Had there been some event that led to that?---Only the
10:29:01 31 continued - not only, but the continued homicides were not
10:29:05 32 only of police concern but of public concern and that's why
10:29:08 33 Mr Overland thought it necessary, I guess, to update the
10:29:11 34 chief and the deputies.
35
10:29:13 36 Did that only occur on the one occasion, as far as you can
10:29:16 37 recall?---As far as I can remember, yes.
38
10:29:23 39 Are you aware of the knowledge or level of involvement of
10:29:25 40 the Chief Commissioner and the Deputy Commissioner at the
10:29:28 41 time, aside from what you've just explained?---No, I'm
10:29:36 42 unaware of any further involvement by them.
43
10:29:39 44 And that's because Mr Overland was doing the
10:29:42 45 briefings?---Yes.
46
10:29:44 47 When do you say you first became aware of Nicola Gobbo?---I

10:29:54 1 believe it was at a time that was on or about the arrest of
10:29:58 2 [REDACTED]
3
10:30:01 4 That was your first knowledge of her existence, is that
10:30:06 5 what you say?---No, not knowledge of existence. That was
10:30:10 6 the first time, I guess, that I'd been involved.
7
10:30:13 8 Okay. You would have known her then; she had a bit of a
10:30:18 9 media profile by that stage; is that right?---Correct.
10
10:30:21 11 She was known to represent various people in the
10:30:25 12 underworld?---Yes, high-profile criminals, yes.
13
10:30:28 14 And, in particular, had been known to represent members of
10:30:37 15 Carl Williams' crew and his family?---I can't remember
10:30:47 16 exactly when, but there was also another solicitor - I
10:30:51 17 can't remember her name - but she also had involvement with
10:30:53 18 the Carl Williams' family, so I can't say that Ms Gobbo was
10:30:58 19 the only one that I knew was involved with the Williams'
10:31:02 20 family.
21
10:31:03 22 No, but were you aware that, at that stage, that she was
10:31:07 23 involved in the representation of Carl Williams and his
10:31:11 24 associates and family?---At what stage are you talking
10:31:15 25 about, sorry?
26
10:31:16 27 At the time that there was a particular arrest?---I'm
10:31:25 28 unsure where you're - - -
29
10:31:26 30 COMMISSIONER: It's a bit - - -
10:31:28 31
10:31:28 32 MS TITTENSOR: I might leave that.
33
10:31:29 34 Were you aware that Ms Gobbo had some media profile also in
10:31:33 35 relation to her representation of Tony Mokbel?---Yes.
36
10:31:45 37 Are you aware that at some stage she herself became a
10:31:49 38 focus, a potential focus for investigation by the Purana
10:31:54 39 Task Force?---No, I'm not aware of that.
40
10:31:56 41 That there was, I think in about August of 2004, an
10:32:04 42 instruction given - it might not have actually been Purana,
10:32:11 43 I might be misleading you about that. It might have been
10:32:15 44 Mr O'Brien, still at the MDID at that stage - but there was
10:32:18 45 an instruction given for police members to gather materials
10:32:24 46 for the purpose of a potential warrant to surveil her. Are
10:32:28 47 you aware of that?---No, not at all.

1
10:32:30 2 Were you aware of her being a suspect at any time?---I'm
10:32:33 3 unaware of that position, yes.
4
10:32:36 5 Were you aware of concerns about her having more than a
10:32:40 6 professional association with her clients?---I think I came
10:32:46 7 to that concern myself personally when - I guess as the
10:32:54 8 Purana Task Force evolved and her appearances around the
10:32:57 9 court circuit.
10
10:32:59 11 And do you know at what stage you came to that
10:33:03 12 conclusion?---I guess it was some time around the arrest of
10:33:08 13 [REDACTED].
14
10:33:20 15 Your statement refers to coming into contact with Ms Gobbo
10:33:23 16 in relation to an application to vary bail by Lewis Moran
10:33:29 17 in 2003, do you recall that?---Yes, that's correct.
18
10:33:35 19 The Commission understands that the original bail
10:33:37 20 application occurred on 21 July 2003 and it's apparent that
10:33:45 21 another police member gave evidence on that occasion. Your
10:33:50 22 statement indicates that the time when you came into
10:33:55 23 contact with her related to an application to vary bail, at
10:33:59 24 which you were cross-examined; is that right?---That's
10:34:02 25 right, and the magistrate, I can recall, was Lisa Hannan.
26
10:34:09 27 According to a newspaper report, that occurred on about
10:34:15 28 22 September 2003. Would you agree that that would be the
10:34:20 29 right date?---Yeah, I've got no reason to dispute that.
30
10:34:24 31 And, essentially, you were seeking to - there'd been a
10:34:33 32 curfew put in place, had there, for Mr Moran?---That's
10:34:37 33 correct, he had a certain bail condition put in place about
10:34:40 34 his return to his residence.
35
10:34:42 36 And you indicated in the course of that bail application
10:34:44 37 that, paradoxically, he was at higher risk because of the
10:34:51 38 curfew condition, because people would know where he was
10:34:56 39 and there was risks associated with that?---Correct.
40
10:34:59 41 At some stage in 2003, you'd become aware that Ms Gobbo had
10:35:03 42 been threatened by Andrew Veniamin?---Yes.
43
10:35:07 44 And had been the victim of property damage?---Yes.
45
10:35:13 46 And there was, apparently, some consternation by
10:35:16 47 Mr Veniamin that she had the gall to represent someone from

10:35:20 1 an opposing crime family?---Correct.
2
10:35:24 3 Do you say that you spoke to her on the day of that
10:35:28 4 hearing, the bail variation hearing of Moran?---I can't
10:35:34 5 recall, to be honest.
6
10:35:35 7 Do you recall if it was a planned discussion that you had
10:35:38 8 with her or was it just luck that you ran into her?---I
10:35:45 9 can't recall as to the reasons why I saw her on the steps,
10:35:48 10 but I felt it was important to canvass her regarding those
10:35:54 11 issues.
12
10:35:56 13 Was there anyone else with you when you spoke to her?---I
10:36:04 14 don't know, to tell you the truth.
15
10:36:06 16 She indicated to you, you say, at that stage, that she
10:36:10 17 didn't want to make a formal report?---That's correct.
18
10:36:13 19 But that she'd made a statutory declaration, which she'd
10:36:17 20 put in a safe place?---Correct.
21
10:36:19 22 Did you ever make any enquiries at any stage to obtain that
10:36:24 23 statutory declaration?---No, I did not.
24
10:36:30 25 You had a number of reasons for raising the matter with her
10:36:34 26 at that stage; is that right?---Correct.
27
10:36:38 28 You wanted her to be aware, in circumstances where she's
10:36:42 29 representing many of these gangland people, that Purana had
10:36:48 30 extensive information available to it?---Yes.
31
10:36:53 32 What difference did you think that that would make?---In a
10:36:59 33 couple of respects. I think it would give her an
10:37:02 34 indication that we have, I suppose, a network of various
10:37:08 35 forms of information available to us and that if she so
10:37:14 36 desired, that we could pursue the matters around Veniamin
10:37:18 37 for threats or damage caused to her property.
38
10:37:23 39 Did you also have in mind that she might know or take back
10:37:28 40 to the people in the underworld that Purana were a serious
10:37:33 41 force?---Yes, that was another consideration, yes.
42
10:37:48 43 Can you recall now how you left things with her on that
10:37:51 44 day?---Just essentially telling her that the door was
10:37:56 45 always open for her to talk to us about those issues.
46
10:38:00 47 And was that not simply to report a crime that she might

10:38:04 1 want to report, but to provide some information to Purana
10:38:07 2 about some of those gangland people?---No, it was more so
10:38:15 3 to report the crime, so that we'd be able to pursue that
10:38:20 4 even further and give her then confidence that it's not
10:38:24 5 just all about pursuing one side of the story book, I
10:38:31 6 suppose.
7
10:38:32 8 You had the evidence of the crime on listening devices and
10:38:38 9 telephone intercepts, didn't you?---I'm unsure as to
10:38:42 10 whether it was LD, TI or surveillance or anything else, but
10:38:47 11 there was intelligence to suggest that that information was
10:38:51 12 accurate.
13
10:38:55 14 Up to a particular point in time, there was a pretty solid
10:38:59 15 code of silence operating in the underworld and in relation
10:39:05 16 to the matters that Purana were investigating?---Certainly,
10:39:08 17 yes.
18
10:39:08 19 No-one would give evidence against anyone else?---That was
10:39:12 20 the belief, yes.
21
10:39:15 22 Carl Williams himself had been shot in the stomach and had
10:39:19 23 not cooperated with police after that?---Correct.
24
10:39:24 25 One of the ways in which the code of silence might be
10:39:28 26 broken is if a lawyer representing their client encourages
10:39:31 27 them to cooperate with police?---Yes, that's feasible, yes.
28
10:39:39 29 And a lawyer might be expected to alert their client to
10:39:42 30 such an option if it would be in the client's best
10:39:47 31 interests?---Yes.
32
10:39:50 33 And, obviously, the Purana Task Force were very keen for
10:39:54 34 something like that to occur?---Yes. One of the main
10:40:00 35 strategies when I put forward the proposal to the Task
10:40:04 36 Force was to in fact cultivate informers.
37
10:40:10 38 So it was your proposal to put together the Task Force, was
10:40:13 39 it?---Yes.
40
10:40:16 41 Did you have any particular methods in mind to cultivate
10:40:22 42 informers?---No, it was just a - it was a consideration of
10:40:25 43 a strategy that we cultivate informers to try and break
10:40:29 44 that code of silence.
45
10:40:31 46 Would that involve speaking to the lawyers of those that
10:40:35 47 you were interested in?---That hadn't been a consideration.

10:40:39 1 It was more so a consideration about talking to criminal
10:40:43 2 entities.
3
10:40:49 4 At a particular point in time, the wall of silence that had
10:40:52 5 stood firm in relation to the gangland killings collapsed;
10:40:56 6 is that right?---Yes, it did.
7
10:40:57 8 And it just so happened that Ms Gobbo was on the spot at
10:41:03 9 the time?---What do you mean?
10
10:41:05 11 Well, Ms Gobbo was on the spot at the time that that wall
10:41:10 12 collapsed?
10:41:12 13
10:41:13 14 MS ENBOM: I object, Commissioner. That needs to be - -
10:41:14 15 -?---She was (indistinct) around the - - -
16
10:41:16 17 I object to that question.
18
10:41:17 19 COMMISSIONER: Just a minute, Mr Swindells.
10:41:18 20
10:41:19 21 MS ENBOM: I object to that question. It needs to be
10:41:21 22 clarified. It's a very general question.
10:41:24 23
10:41:25 24 MS TITTENSOR: It's about the time we should probably go
10:41:27 25 into private hearing, Commissioner.
26
10:41:28 27 COMMISSIONER: All right then. I understand the Court of
10:41:32 28 Appeal has handed down its decision, but we don't yet know
10:41:36 29 the exact terms of the order, so I think until we do, it's
10:41:42 30 best we just proceed as we have been.
10:41:44 31
10:41:44 32 MS TITTENSOR: Unless the Commission wants to stand down
10:41:47 33 for ten minutes?
34
10:41:49 35 COMMISSIONER: I don't think so. I think we'll just
10:41:51 36 continue as we have until we get some details of the order
10:41:56 37 that's been pronounced and how it affects us.
10:42:00 38
10:42:01 39 MS TITTENSOR: Yes, Commissioner.
40
10:42:02 41 COMMISSIONER: Under s.24 of the Inquiries Act, access to
10:42:06 42 the inquiry during the evidence of Phillip Swindells is now
10:42:09 43 limited to legal representatives and staff assisting the
10:42:11 44 Royal Commission and the following parties with leave to
10:42:14 45 appear in the private hearing and their legal
10:42:16 46 representatives: the State of Victoria, Victoria Police,
10:42:20 47 DPP and OPP, Commonwealth DPP, Ms Nicola Gobbo, the SDU

10:42:25 1 handlers and [REDACTED] Media representatives accredited
10:42:29 2 by the Royal Commission are allowed to be present in the
10:42:31 3 hearing room. The hearing is to be recorded but not
10:42:33 4 streamed or broadcast. There is no publication of any
10:42:39 5 evidence given before the Commission which is subject to
10:42:42 6 the suppression orders. A copy of this order is to be
10:42:45 7 posted on the door of the hearing room.
10:42:53 8

9 (IN CAMERA HEARING FOLLOWS)

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[REDACTED]

<MARK CHRISTIAN HATT, sworn and examined:

COMMISSIONER: Yes, Ms Enbom.

MS ENBOM: Thank you, Commissioner.

Mr Hatt, is your full name Mark Christian Hatt?---Yes, it is.

Are you currently an Acting Inspector in the Southern Metropolitan Region?---Yes, I am.

What is your work address?---At the present it's the Prahran police station.

Have you prepared a witness statement for this Royal Commission?---I have.

1
15:45:00 2 Do you have a copy of that witness statement with
15:45:02 3 you?---Yes, I do.
4
15:45:03 5 Could you please turn to paragraph 68 of that witness
15:45:08 6 statement?---Yes.
7
15:45:13 8 Is there a correction that you would like to make to the
15:45:17 9 second sentence of paragraph 68?---I would, on line number
15:45:22 10 3, the reference to [REDACTED] I would like to change that
15:45:28 11 to Vince Benvenuto.
12
15:45:35 13 Do you have that correction, Commissioner?
14
15:45:37 15 COMMISSIONER: Yes, thank you.
16
15:45:39 17 MS ENBOM: Are there any other corrections you wish to
15:45:41 18 make, Mr Hatt?---Yes, there's one more. Paragraph number
15:45:47 19 56. The person referred to in that paragraph should be
15:45:53 20 Person 14.
21
15:45:58 22 Thank you. So that's in the first line, the second line
15:46:03 23 and the third-last line, they should be references to
15:46:06 24 Person 14?---That's correct.
25
15:46:08 26 Thank you. And is your statement otherwise true and
15:46:11 27 correct?---Yes, it is.
28
15:46:12 29 I'll tender that statement, Commissioner.
30
15:46:16 31 COMMISSIONER: That will be Exhibit 262A, I presume. There
15:46:24 32 will be an unredacted and also a redacted statement
15:46:28 33 tendered?
34
15:46:30 35 MS ENBOM: Yes.
36
15:46:35 37 #EXHIBIT RC262A - Unredacted statement of Mark Hatt.
38
15:46:35 39 #EXHIBIT RC262B - Redacted statement of Mark Hatt.
40
41 <CROSS-EXAMINED BY MR WOODS:
42
15:46:37 43 Mr Hatt, my name is Woods and I'll be asking you some
15:46:40 44 questions to start with. Just firstly, you've had produced
15:46:43 45 on your behalf some diaries that you kept during the
15:46:49 46 relevant period. Are you aware that there is a document
15:46:53 47 produced to the Commission containing those?---Yes.



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Commissioner, what I'm proposing to do is to tender those diaries in their shaded form to you, in their full form, and then some pinpoint references will be perhaps Part B of that, because there are large parts of it that are relevant, but I'm not necessarily taking the witness to all of those. So I'd seek to tender - I'll read the number for the record. It is VPL.0005.0114.0001. I think that's the unredacted form.

15:47:33
15:47:36

COMMISSIONER: That will be Exhibit 263A.

15:47:36
15:47:42

#EXHIBIT 263A - Unredacted diary entries for Mark Hatt.

15:47:44
15:47:46

MR WOODS: As I say, in due course we'll bring to your attention some pinpoint references and that will be B.

15:47:51
15:47:54

COMMISSIONER: 263B will be the specific and the redacted pages.

15:47:36

#EXHIBIT 263B - Redacted diary entries for Mark Hatt.

15:47:55
15:48:00

MR WOODS: Mr Hatt, you graduated from the Academy in 1994, is that right?---That's correct, yes.

15:48:01
15:48:06
15:48:08
15:48:12
15:48:14
15:48:17

And between 94 and 97, you were a Constable in St Kilda and at St Kilda Road station?---That's correct, yes. Before you go on, with the redacted copy of my notes, there's a couple of pages in there that don't relate to any information pertaining to the Commission which have not been redacted.

15:48:17

COMMISSIONER: They won't be included.

15:48:19
15:48:21
15:48:23

MR WOODS: We'll be dealing with that in due course. None of those things are going to be public documents until those things have been dealt with?---Thank you.

15:48:25
15:48:30

But thank you for that. And then you were promoted to Senior Constable in 1998?---That's correct.

15:48:32
15:48:36
15:48:41

And you had a few other roles and then ultimately you were - you commenced at Purana in September of 2003?---That's correct.

15:48:42
15:48:45

Purana was relatively new at that stage, it had been formed, I think, only a couple of months before, is that

15:48:48 1 right?---That's right.
2
15:48:49 3 It was established by Assistant Commissioner Overland and
15:48:54 4 the Chief Commissioner Nixon at the time, is that
15:48:58 5 correct?---I'm not sure who established it.
6
15:48:59 7 Being one of the early officers that came into it, can you
15:49:05 8 explain how it was, to your understanding, that you were
15:49:08 9 identified as an officer that was appropriate to come into
15:49:11 10 Purana?---There was a requirement from each region at the
15:49:17 11 time within Victoria Police to supply a number of members
15:49:20 12 who had a CIU background at the time and some investigation
15:49:24 13 experience.
14
15:49:25 15 And you were identified as one of those?---Yes, I was.
16
15:49:29 17 What was the size of Purana when you commenced?---The exact
15:49:34 18 numbers I'm not sure of, but it was multiple crews each
15:49:39 19 delegated a particular investigation or a target.
20
15:49:41 21 It was a large task force though, even at that
15:49:44 22 stage?---Yes, it was.
23
15:49:46 24 And you were there for about a year initially, until about
15:49:49 25 November 2004, is that correct?---That's correct.
26
15:49:53 27 You went into Homicide for a couple of years?---That's
15:49:57 28 right.
29
15:49:57 30 And then came back to Purana from about 96 to 2010?---2006
15:50:04 31 to 2010.
15:50:06 32
15:50:06 33 Sorry, 2006 to 2010, yes, thank you. And you moved
15:50:12 34 relatively soon upon joining Purana. Was there a
15:50:16 35 particular reason why you moved after that first year
15:50:19 36 there, into Homicide?---No, the work interested me and I
15:50:23 37 wanted to go to the Homicide Squad, basically.
38
15:50:26 39 I take it there was some crossover between what Purana was
15:50:30 40 doing in relation to the underworld events that were
15:50:32 41 happening through this period and what the Homicide Squad
15:50:34 42 was doing, is that right?---There was a lot of crossover,
15:50:38 43 yes, they were very similar type investigations.
44
15:50:41 45 Were some of the underworld murders investigated by
15:50:46 46 Homicide alone or were they all Purana - was it only Purana
15:50:49 47 dealing with how or how was it divided in that

15:50:52 1 regard?---There's probably no clear way to decipher that.
15:50:57 2 I guess it depended on which murder.
3
15:50:59 4 Some were dealt with by Homicide, some by Purana?---That's
15:51:02 5 right, yes.
6
15:51:06 7 It was temporary duties as a Detective Acting Sergeant from
15:51:10 8 October 06 to April 2010, is that right?---That's correct.
9
15:51:16 10 And then afterwards you moved into other roles and now
15:51:19 11 you're an Acting Inspector in the Southern Metro
15:51:23 12 Region?---That's right.
13
15:51:24 14 Commissioner, that's about all I can do in open hearing, so
15:51:28 15 I'll ask that the hearing be closed. I do think we'll be
15:51:32 16 able to get through at least something today.
17
15:51:34 18 COMMISSIONER: Sure. All right. Under s.24 of the
15:51:38 19 Inquiries Act access to the inquiry during the evidence of
15:51:41 20 this witness is limited to legal representatives and staff
15:51:44 21 assisting the Royal Commission and the following parties
15:51:47 22 with leave to appear in the private hearing and their legal
15:51:50 23 representatives: the State of Victoria, Victoria Police,
15:51:53 24 DPP and OPP, Commonwealth DPP, Ms Gobbo, the SDU handlers
15:51:58 25 and Farouk Orman, media representatives accredited by the
15:52:03 26 Royal Commission are allowed to be present in the hearing
15:52:05 27 room. The hearing is to be recorded but not streamed or
15:52:07 28 broadcast. There is to be no publication of any evidence
15:52:11 29 given before the Commission which is subject to any
15:52:14 30 relevant suppression orders. A copy of this order is to be
15:52:20 31 posted on the door of the hearing room.
15:52:25 32
15:52:25 33 (IN CAMERA HEARING FOLLOWS)
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