

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria
On Thursday, 13 February 2020

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 S. Holt QC Ms K. Argiropoulos Mr A. Purton
Counsel for State of Victoria	Mr C. McDermott
Counsel for Nicola Gobbo	Mr P. Collinson QC
Counsel for DPP/SPP	Mr P. Doyle
Counsel for CDPP	Ms A. Haban-Beer
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for AFP	Ms I. Minnett
Counsel for Chief Commissioner of Police	Mr A. Coleman SC Mr P. Silver
Counsel for Noel Ashby and Paul Mullett.	Ms K. Klaric
Counsel for Ron Iddles	Mr R. Richter QC

09:35:58 1 COMMISSIONER: The appearances are largely as they were
09:36:01 2 yesterday, in fact as they were yesterday, but I do have a
09:36:07 3 couple of applications for leave to appear, not in respect
09:36:12 4 of this witness, but Mr Mullett and Mr Ashby have applied
09:36:17 5 for leave to appear in respect of Mr Waddell and Mr Iddles.
09:36:21 6 And counsel assisting does not oppose. So unless there's
09:36:26 7 any submissions to the contrary I'll grant leave to appear.
09:36:31 8 I'll also inform you that they have also filed an
09:36:38 9 application to cross-examine, which is still being
09:36:42 10 considered by counsel assisting, and we'll deal with that
09:36:45 11 at an appropriate time later. Yes, Mr Winneke.
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09:36:49 13 MR WINNEKE: I was simply going to address that point,
09:36:51 14 Commissioner.
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09:36:52 16 COMMISSIONER: I've dealt with it.
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09:36:55 18 MR WINNEKE: I'm happy to leave that for the moment. I'd
09:36:58 19 like to speak to Mr Steward, who is representing those
09:37:03 20 people, before we form a view about that.
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09:37:06 22 COMMISSIONER: Sure, sure. Now Mr Smith is here.
09:37:06 23
09:37:06 24 MR HOLT: Commissioner, there's just a matter I need to
09:37:08 25 address, if I might, before we commence.
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09:37:10 27 COMMISSIONER: Yes.
09:37:11 28
09:37:11 29 MR HOLT: Thank you. Commissioner, it relates to the issue
09:37:14 30 that was raised yesterday about the statement taking
09:37:16 31 process in respect of witnesses for whom we act.
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09:37:18 33 COMMISSIONER: Yes.
09:37:19 34
09:37:20 35 MR HOLT: And, Commissioner, you also raised the issue of
09:37:23 36 the direction that you gave when Ms Enbom was, as you put
09:37:28 37 it yesterday, in the hot seat on 24 January.
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09:37:31 39 COMMISSIONER: Yes.
09:37:31 40
09:37:32 41 MR HOLT: Can I indicate, Commissioner, that we have
09:37:33 42 detailed correspondence, which is being settled today,
09:37:36 43 which will explain to the Commissioner the process that
09:37:39 44 we've undertaken.
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09:37:40 46 COMMISSIONER: Thank you.
09:37:41 47

09:37:41 1 MR HOLT: Which I hope will give the Commission some
09:37:44 2 confidence. I think that's the simplest way of dealing
09:37:48 3 with it and then if we need to deal with those issues we
4 can do so tomorrow morning perhaps at the directions
09:37:48 5 hearing.
6

09:37:49 7 Can I raise an associated issue, Commissioner, with
09:37:51 8 your leave. Following the questioning of the witnesses
09:37:54 9 yesterday and comments made by you, Commissioner, in the
09:37:58 10 course of the questions asked and comments made in the
09:38:01 11 course of the proceeding, media articles that were
09:38:04 12 published last night and this morning have at least implied
09:38:08 13 that those who are involved in statement taking for
09:38:11 14 witnesses, who are former or current members of Victoria
09:38:16 15 Police, may have acted improperly by having material left
09:38:19 16 out of statements. The implication, Commissioner, at least
09:38:23 17 from those articles, and in some ways from what occurred
09:38:25 18 yesterday, is that that may be an intentional and improper
09:38:28 19 thing to have done and is some sort of protective exercise
09:38:32 20 for Victoria Police institutionally. I need, Commissioner,
09:38:34 21 to address that briefly.
22

09:38:36 23 Commissioner, as you know, those sorts of imputations
09:38:39 24 are very serious and they're imputations that go to persons
09:38:43 25 involved in the taking of statements for those witness and
09:38:48 26 they include senior counsel, counsel and solicitors acting
09:38:51 27 for those individual Victoria Police members and veterans.
09:38:52 28 I need to be clear, Commissioner, that there has been, in
09:38:55 29 my assessment, no impropriety in the taking of statements.
09:38:58 30 Solicitors and counsel acting for and advising each witness
09:39:02 31 have done so ethically and properly. No instruction or
09:39:06 32 direction, explicit or implicit, has ever been given to
09:39:10 33 leave matters out of statements or to put them in to
34 protect Victoria Police, nor any other person. No such
09:39:14 35 instruction or direction, Commissioner, as I hope you would
09:39:15 36 accept, would ever be complied with in any event.
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09:39:18 38 The statement taking process for members, because of
09:39:20 39 the complexities of the issues, has been done entirely at
09:39:25 40 arm's lengths with lawyers involved in that process, with
09:39:28 41 no vetting by senior members of Victoria Police or
09:39:31 42 otherwise. We are dealing though, Commissioner, of course
09:39:33 43 here with tens of thousands of documents, many, many years,
09:39:36 44 and real pressure last year, particularly toward the end of
09:39:39 45 the year, to get those statements completed, which we did
09:39:42 46 carefully and thoroughly and with an enormous amount of
09:39:45 47 effort by those solicitors and counsel who at least

09:39:48 1 implicitly are now having their integrity questioned. We
09:39:53 2 have, of course, made mistakes, there's no way of avoiding
09:39:57 3 those in this process when one is dealing with statements
09:39:58 4 of that kind. The correspondence we will be providing to
09:40:01 5 the Commission will indicate the extent of the steps that
09:40:04 6 we have taken, and continue to take, and have ramped up
09:40:06 7 taking since 24 January to attempt to avoid those issues.
09:40:10 8 But judgment calls are made all the time about what goes
09:40:13 9 into statements, about what doesn't, and as those assisting
09:40:17 10 will know, we, that is counsel, spend an awful lot of time
11 liaising with those assisting you to deal with precisely
09:40:21 12 the kinds of issues that emerge as a consequence of
09:40:23 13 statement taking following. They are often corrected, of
09:40:25 14 course, in preparation conferences. Recently those
09:40:28 15 preparation conferences have had to occur very close to
09:40:30 16 witnesses giving evidence, in large measure because of the
09:40:35 17 shifting order of witnesses and the changing lists that we
09:40:39 18 are obtaining, and that has made matters difficult. But,
09:40:42 19 Commissioner, in light of the way matters have been
09:40:45 20 reported in the last 12 hours, I needed, with respect, to
09:40:47 21 correct the record in that respect.
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09:40:49 23 COMMISSIONER: Yes, well I'm very glad to hear that,
09:40:51 24 Mr Holt. I don't think there was any suggestion that any
09:40:53 25 of this was necessarily done deliberately, but I hope that
09:40:57 26 you and your client can appreciate my concern and why I
09:41:02 27 also have to deal with those matters. The Commission is
09:41:05 28 trying to do its work within specified timeframes and there
09:41:08 29 has been a lot of delay in provision of material by
09:41:13 30 Victoria Police. I appreciate everyone is working under
09:41:16 31 pressure and I look forward to receiving your statement.
09:41:19 32 The main thing - and the information in response to my
09:41:25 33 query yesterday and on earlier days - I think the main
09:41:28 34 thing is that the Commission is assured at some point that
09:41:31 35 there has been a review and that all, that there's no need
09:41:36 36 for further supplementary statements from any witnesses or
09:41:43 37 for the disclosure of further documents that may have
09:41:51 38 inadvertently, as you might suggest, which are relevant not
09:41:52 39 being provided to the Commission. It's very important.
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09:41:55 40
09:41:56 41 MR HOLT: Yes, Commissioner.
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09:41:57 43 COMMISSIONER: And, of course, the obligations of Victoria
09:41:59 44 Police to produce all documents, as you know, and I'm sure
09:42:02 45 you'll tell everybody from you down, is ongoing.
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09:42:07 46
09:42:07 47 MR HOLT: Absolutely. And part of that, Commissioner, as

09:42:09 1 you'll know, for example, there was a document that was
09:42:10 2 produced, a PowerPoint presentation that was produced only
09:42:11 3 in the last couple of days precisely as a result of that
09:42:15 4 audit process to ensure nothing had been missed,
09:42:19 5 Commissioner.
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09:42:20 7 COMMISSIONER: That's good to know. I wondered if it was
09:42:22 8 as a result of the audit process. I wasn't told that, so
09:42:23 9 I'm very pleased to know that that is working and that
09:42:26 10 everybody is working conscientiously to provide to the
09:42:28 11 Commission everything it should have. But, you know, this
09:42:31 12 is a year after the Commission started.
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09:42:33 13
09:42:34 14 MR HOLT: Commissioner, we're well aware of that and we
09:42:36 15 have accepted, and I hope, Commissioner, you'll understand,
09:42:39 16 relatively consistently our difficulties, our issues and
09:42:42 17 our mistakes in some of those, in terms of issues of record
09:42:46 18 keeping and management may well be matters for
09:42:48 19 recommendation that the Commission makes. But I simply
09:42:50 20 want to assure the Commission, particularly in light of the
09:42:53 21 reporting that made contrary suggestions, that everything
09:42:56 22 is being done in those respects properly and ethically and
09:43:00 23 if it wasn't, bluntly, I wouldn't be standing here.
24

09:43:02 25 COMMISSIONER: I can tell the Commission is very pleased to
09:43:04 26 hear that, Mr Holt, and I'm sure the public also will be
09:43:06 27 very pleased to hear that too.
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09:43:09 29 MR HOLT: Thank you, Commissioner.
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09:43:11 31 COMMISSIONER: Yes, Ms Tittensor, if Mr Smith could return
09:43:13 32 to the witness box.
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09:43:15 33
09:43:16 34 <STEVEN LANCE SCOTT SMITH, recalled:
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09:43:27 36 COMMISSIONER: Yes Ms Tittensor.
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09:43:28 38 MS TITTENSOR: Mr Smith, I think I was asking you some
09:43:31 39 questions at the end of yesterday about the attitude to
09:43:38 40 disclosure in relation to the Petra matter, or disclosure
09:43:43 41 of Ms Gobbo's role as a source in relation to the Petra
09:43:46 42 matter, do you recall that?---Yes.
43

09:43:48 44 It seems as though it became apparent to investigators, or
09:43:56 45 at least one investigator in the Briars matter when he was
09:44:00 46 taking the statement in Bali, that it would necessarily be
09:44:06 47 the case that Ms Gobbo's role as a human source would be,

09:44:10 1 would have to be disclosed if she were ever to be made a
09:44:14 2 witness in that case, all right?---Yes.
3

09:44:16 4 Once they returned to Melbourne from Bali there were some
09:44:24 5 representations being made by Inspector Waddell for some
09:44:28 6 further material to potentially advance the statement of
09:44:31 7 Ms Gobbo in the Briars investigation and there was some
09:44:36 8 significant resistance from the SDU and their reason for
09:44:42 9 that was, unlike Petra, where we may be able to get away
09:44:49 10 with not disclosing, Briars we certainly will have to
09:44:52 11 disclose. Now, do you say you had no comprehension that
09:44:56 12 there was ever any strategy in place for Petra to endeavour
09:45:01 13 not to disclose Ms Gobbo's role as a human source?---That's
09:45:06 14 correct, there wasn't.
15

09:45:10 16 AND if there was, you weren't aware of it, you say?---I'm
09:45:14 17 not aware of any strategy to prevent that from being
09:45:20 18 revealed.
19

09:45:21 20 Were you aware of endeavours by Briars investigations to
09:45:29 21 obtain further SDU material once they arrived back in
09:45:33 22 Melbourne?---No, I really didn't have anything to do with
09:45:36 23 Briars or any knowledge of that particular investigation.
24

09:45:47 25 It's apparent that Mr Waddell managed to obtain some
09:45:53 26 further material from the SDU in terms of being able to
09:45:58 27 review and to see if it was worthwhile to progress
09:46:01 28 Ms Gobbo's statement and as a result of that he became
09:46:08 29 concerned about a number of aspects of the evidence,
09:46:11 30 whether there might be some privilege breaches, there were
09:46:14 31 some inconsistencies and so forth, and he sought some
09:46:18 32 advice from Gerard Maguire. Were you aware that there was
09:46:22 33 advice being sought from Gerard Maguire around that
09:46:25 34 time?---Is this immediately in the period following Bali?
35

09:46:29 36 This is around about July by the time the advice is
09:46:32 37 sought?---Yeah, I'm not aware of that.
38

09:46:33 39 I think Mr Maguire had originally been engaged in relation
09:46:37 40 to the Mokbel subpoena matter, which might have affected
09:46:43 41 Briars, but he was again engaged in respect of an
09:46:47 42 assessment of Ms Gobbo's statement. You weren't aware of
09:46:50 43 that?---No, I'm not. I wasn't aware of that.
44

09:46:59 45 If I can just show you an exhibit, RC1031. It's an email
09:47:09 46 from yourself to - you see there Mr Cornelius - it's a
09:47:16 47 Petra report in relation to Witness F and Witsec matters,

09:47:21 1 do you see that?---Yes. I'm just reading through it.
2
09:47:38 3 This is an email in which you attach a document, and you
09:47:43 4 see it's referred to there, "Witness F attitude to Witsec",
09:47:46 5 and you indicate at the start of that email that this
09:47:51 6 matter had been discussed in an earlier meeting on 5 August
09:47:57 7 and you were now attaching a report on discussions with
09:48:01 8 Ms Gobbo in relation to Witsec matters, as you had
09:48:06 9 discussed at that meeting. Do you recall this matter?---I
09:48:10 10 have no independent recollection other than what's in the
09:48:14 11 email.
12
09:48:16 13 If we can go to the attachment to the email. You see here
09:48:24 14 there's a memo that's been compiled and I just want to take
09:48:29 15 you through - it indicates that there's some selected
09:48:37 16 comments from a conversation with Ms Gobbo. If we went
09:48:42 17 through the report there's various matters that are
09:48:45 18 mentioned in the report, including Ms Gobbo continuing to
09:48:49 19 meet with Mr Gatto, her assertion that she'd
09:48:53 20 single-handedly orchestrated the seizure of \$70 million to
09:48:58 21 \$80 million of assets and her wanting \$30 million from
09:49:06 22 Victoria Police and matters of that nature. I take it you
09:49:09 23 recall those conversations were going on between Ms Gobbo
09:49:12 24 and Witsec?---Yes, I do.
25
09:49:15 26 And you were reporting those kinds of matters through to
09:49:18 27 Command?---Yes.
28
09:49:19 29 It would have been - do you say you recall having such
09:49:22 30 conversations, for example, at that 5 August meeting, that
09:49:27 31 Ms Gobbo was making these kinds of claims in relation to
09:49:31 32 her being part of the seizure of \$70 million to \$80 million
09:49:37 33 worth of assets for Victoria Police?---I don't recall that
09:49:45 34 specific meeting. I'm having difficulty remembering
09:49:49 35 details around that time, just through the fact that it's
09:49:53 36 ten years ago. I'm heavily reliant on these documents to
09:49:59 37 recall those events.
38
09:50:00 39 If Ms Gobbo is reporting to you matters which indicate
09:50:05 40 significant involvement with Victoria Police and matters
09:50:07 41 which might bear upon her credit should these matters
09:50:10 42 proceed, or cause Victoria Police some embarrassment should
09:50:13 43 they ever come out, would that be part of the reason you're
09:50:17 44 reporting up to Command I take it?---It would have been.
45
09:50:30 46 I think you mention in your statement at about paragraph 56
09:50:33 47 that a letter had been sent to Ms Gobbo from police

09:50:40 1 advising that they were going to discontinue the ad hoc
09:50:44 2 witness security arrangements that had been in place until
09:50:48 3 about that time and it was up to her essentially if she
09:50:54 4 wanted to voluntarily participate in Witsec?---Yes.
5

09:51:00 6 Ms Gobbo - you recall Ms Gobbo put her thoughts in writing
09:51:06 7 and responded to Mr Overland by letter in relation to those
09:51:09 8 matters?---Yes, that's correct.
9

09:51:10 10 If I can bring up the letter briefly. VPL.0005.0012.3299.
09:51:24 11 This is - you see there it's got, in Mr Cornelius'
09:51:29 12 handwriting, that he'd received a copy by hand from
09:51:32 13 yourself on 7 September 2009 at about 4 pm?---Yes.
14

09:51:39 15 Do you recall having any discussion with Mr Cornelius or
09:51:43 16 anyone else about this letter and the contents of it?---I
09:51:49 17 don't have any specific recollection of that suffice to say
09:51:52 18 that I don't dispute that I handed it to Mr Cornelius as
09:51:58 19 per that note.
20

09:52:01 21 I understand that this occurred around about the time of a
09:52:05 22 steering committee meeting, so 4 o'clock would accord with
09:52:09 23 a steering committee meeting. Would there have been some
09:52:14 24 discussion of the contents of that letter during that
09:52:17 25 meeting?---No.
26

09:52:19 27 Or would people have digested it and come back and
09:52:22 28 discussed it later?---Without recalling the specific
09:52:25 29 meeting it's probable that it was discussed. It could have
09:52:28 30 been either, I don't recall.
31

09:52:29 32 If I can just take you through quickly to paragraph 11.
09:52:35 33

09:52:35 34 COMMISSIONER: That's Exhibit 947 and the previous document
09:52:38 35 was Exhibit 1031, thank you.
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09:52:41 37 MS TITTENSOR: Thanks, Commissioner. You'll see in
09:52:48 38 paragraph 11 Ms Gobbo is reporting that she has been told
09:52:52 39 she's at the highest level of risk for two reasons, and one
09:52:56 40 was her previous unprecedented assistance between 2005 and
09:53:00 41 2009 which she'd provided to Victoria Police voluntarily
09:53:05 42 and absent any inducement or reward to date, including, but
09:53:10 43 not limited to, the successful prosecution of numerous
09:53:13 44 significant organised crime figures. Do you see
09:53:17 45 that?---Yes.
46

09:53:18 47 And the second reason she was at risk was her evidence in

09:53:23 1 relation to Dale. Now that made abundantly clear
09:53:30 2 Ms Gobbo's past assistance, and the nature of it, to anyone
09:53:33 3 that read that letter?---Yes.
4

09:53:36 5 To your knowledge was that abundantly clear to those
09:53:40 6 members on the steering committee?---To my knowledge I
09:53:49 7 can't answer that because I can't recall any discussions
09:53:52 8 that I was present at that the steering committee had in
09:53:57 9 relation to that document.
10

09:53:59 11 It indicates there that she hadn't to date received any
09:54:03 12 reward. Were you aware that there were discussions going
09:54:07 13 on in the background about providing a reward or preparing
09:54:11 14 a reward application for Ms Gobbo?---No, I was not.
15

09:54:27 16 If I can just take you to an email of 17 September 2009,
09:54:30 17 it's VPL.0013.0001.0049. If you see down the bottom
09:54:39 18 Mr Waddell emails Mr Cornelius and copies you in. By this
09:54:47 19 time Mr Waddell has received some advice from Mr Maguire in
09:54:51 20 relation to the issues that he'd raised that I indicated to
09:54:56 21 you before?---Yes.
22

09:54:58 23 And it seems as though, as a result of what he was told, it
09:55:02 24 was going to have some sort of impact upon you and your
09:55:05 25 investigation. Do you recall that happening?---Do I recall
09:55:10 26 the meeting?
27

09:55:11 28 Well, do you recall that Mr Maguire had provided advice to
09:55:16 29 Mr Waddell and as a result of that advice there was going
09:55:22 30 to be some potential impact upon the Petra
09:55:25 31 investigation?---No, I can't specifically recall that.
32

09:55:32 33 Do you see that he wanted to speak with Mr Cornelius before
09:55:36 34 he went away and he thought that you needed to be
09:55:41 35 present?---Yes, that's what it says.
36

09:55:48 37 He indicates that he would, or Mr Cornelius indicates that
09:55:53 38 he would call and he won't be at the meeting the following
09:55:58 39 Monday but Danye Moloney would be in the chair and you
09:56:02 40 could be asked to hang back, presumably because you'd be at
09:56:05 41 the first meeting with Petra and that would be followed by
09:56:07 42 the Briars meeting?---That's what appears to intimate, yes.
43

09:56:14 44 COMMISSIONER: That's Exhibit 1038.
45

09:56:17 46 MS TITTENSOR: If I can take you to the next exhibit,
09:56:24 47 VPL.6058.0039.3095, 21 September. Following on from that

09:56:31 1 Mr Waddell emails you about the board meetings. He'd tried
09:56:35 2 to contact you and he's asking if you hang around at the
09:56:38 3 end of the board meeting so he can discuss the advice with
09:56:43 4 Maguire in relation to Gobbo and where he goes from there
09:56:46 5 and you've said, "No problem"?---Yes.

6
09:56:55 7 Is this ringing a bell at all?---No, not - I'm relying on
09:56:58 8 the documents, I'm sorry. It's ten years ago, I can't
09:57:02 9 recall independently.

10
09:57:04 11 We've got the Briars Task Force update from that afternoon,
09:57:09 12 VPL.0100.0050.0054. If we can scroll through to the part
09:57:32 13 that says [REDACTED]. It's 00 - in any case I'll just
09:57:51 14 read to you what it said. It indicated that the current
09:57:55 15 advice from Maguire is that the witness' past will probably
09:58:03 16 be declared to the court at a minimum in the prosecution of
09:58:07 17 [REDACTED], and if [REDACTED] is charged with [REDACTED] it is probable
09:58:10 18 that the extent of the witness' assistance will be
09:58:13 19 known?---Yes.

20
09:58:13 21 Do you grasp that?---Yes.

22
09:58:17 23 What that is indicating is that Mr Maguire has provided
09:58:21 24 some advice based upon what he's told, that there'll need
09:58:25 25 to be at a minimum, in the prosecution of [REDACTED], a
09:58:31 26 disclosure in relation to Ms Gobbo's role as a human
09:58:34 27 source?---Yes.

28
09:58:35 29 It was perceived by Mr Waddell that was going to have some
09:58:40 30 impact on your investigation, obviously that was contrary
09:58:44 31 to what had been perceived until that time?---Yes. All I
09:58:47 32 can say from there is that we were prepared to proceed
09:58:50 33 regardless in relation to her role in any prosecution of
09:58:55 34 Dale.

35
09:58:56 36 Yes, but it indicates to that point in time there'd been
09:59:00 37 some belief in Petra that they weren't going to have to
09:59:05 38 declare the witness's past, do you understand that? That
09:59:09 39 seems to be - - - ?---I accept what you say but I don't
09:59:12 40 necessarily recall that or necessarily agree with that. I
09:59:18 41 don't think there was any issue that we had in relation to
09:59:26 42 declaring her past and proceeding with her on the brief as
09:59:30 43 a witness.

44
09:59:31 45 Had there been any assessment of what her past was to see
09:59:36 46 what that was going to involve?---Not at that point, no.
09:59:42 47 It perhaps would have been nice to have seen that SWOT

09:59:45 1 analysis.
2
09:59:46 3 If you're going to make a decision like that, "That we're
09:59:49 4 going to proceed regardless of what's going to come out",
09:59:52 5 don't you need to know what's going to come out so you can
09:59:55 6 at least put contingencies in place?---Potentially, yes.
7
10:00:00 8 But none of that was done?---Not at that point, no.
9
10:00:03 10 And it hadn't been done at the time the committal had
10:00:06 11 commenced?---Well, the committal - the discovery had
10:00:09 12 commenced. As far as the committal was concerned the
10:00:12 13 committal itself hadn't commenced.
14
10:00:14 15 Discovery had commenced but none of the SDU material had
10:00:18 16 been delved into. The discovery was in relation to Petra
10:00:21 17 material?---Yes.
18
10:00:22 19 There was no discovery in relation to SDU material until
10:00:25 20 after the committal commenced?---Well, no, it had been
10:00:29 21 asked for in subpoenas prior to the committal.
22
10:00:31 23 Yes?---And we would have made efforts to obtain it. It
10:00:35 24 wasn't within our possession but we would have made efforts
10:00:38 25 to obtain it by the subpoena.
26
10:00:40 27 When you say "it wasn't in our possession", it was in
10:00:44 28 possession of Victoria Police's?---It wasn't in Petra's
10:00:48 29 possession.
30
10:00:48 31 But it was in possession of Victoria Police?---Yes, yes.
10:00:50 32
10:00:50 33 And the subpoena is to the Chief Commissioner of Victoria
10:00:52 34 Police?---Yes. I only just made the point it wasn't in
10:00:55 35 Petra's possession to produce, we would have sought others
10:01:00 36 to produce it.
37
10:01:03 38 Mr Waddell in his diary in relation to that meeting
10:01:09 39 records, "Decision on 3838, 24/9/09. Smith to reply". I
10:01:17 40 take it you can't shed any light on what that might
10:01:21 41 mean?---Not independently, I'm sorry.
42
10:01:24 43 It seems there were some wanting to get further legal
10:01:28 44 advice from Mr Maguire in relation to the matter. Were you
10:01:32 45 cognisant of that?---At the time?
46
10:01:35 47 Yes?---Look, I may have been. A lot of the day-to-day

10:01:45 1 hands-on processes in relation to the subpoenas were
10:01:48 2 handled by the co-informants, Solomon and Davey, and I
10:01:54 3 would have needed to have been briefed up about that.
4

10:01:57 5 If I can just take you to your diary for the next day, 22
10:02:01 6 September, RCMP.I.0126.0001.0007 at p.216. You see there at
10:02:10 7 9.35, so this is the day following you having attended that
10:02:13 8 Briars meeting and discussed the Maguire advice, you met
10:02:17 9 with Senior Sergeant O'Connell "re Witness F issues and
10:02:23 10 matters raised by Briars at steering committee
10:02:27 11 meeting"?---Yes.
12

10:02:29 13 Can you shed any light on that?---No, I'm sorry, not
10:02:34 14 independently, no, other than what's in the diary.
15

10:02:38 16 According to Mr Waddell's diary the following day he met
10:02:41 17 with, or he spoke to you and he was requesting a copy of
10:02:47 18 the Victoria Police subpoena, I think by that stage there'd
10:02:51 19 been a subpoenaed issued by Mr Collins, and he was liaising
10:02:54 20 with Mr Maguire and Mr Moloney in relation to Maguire and
10:02:59 21 there was to be some speaking to Finn McRae about those
10:03:06 22 kinds of matters?---Yes.
23

10:03:07 24 It's the case, I think, that Briars had briefed Ron Gipp
10:03:16 25 for advice; is that right?---I accept what you say.
26

10:03:22 27 Do you recall that Ron Gipp was counsel involved in
10:03:24 28 relation to these matters for VicPol in relation - sorry,
10:03:29 29 in relation to Petra I meant. So Petra had briefed Ron
10:03:33 30 Gipp, Briars had briefed Gerard Maguire?---It was either
10:03:38 31 Gerard Maguire or Ron Gipp handling our subpoena matters
10:03:43 32 for Petra. It might have been both or either, I'm not
10:03:46 33 sure.
34

10:03:46 35 Sorry, I might have confused you. Briars had briefed
10:03:52 36 Maguire and it seems as though Petra had briefed Ron Gipp.
10:03:56 37 Are you aware if Ron Gipp was advised as to Mr Maguire's
10:03:59 38 advice?---No, I'm not aware of that.
39

10:04:04 40 According to Mr Waddell's diary, on 28 September there was
10:04:08 41 another - there was a meeting between Mr McRae, yourself
10:04:12 42 and Davey re - and himself, obviously - re Collins subpoena
10:04:20 43 issues. Do you recall that, in terms of how that was going
10:04:27 44 to impact on Briars and why Mr Waddell was present at that
10:04:33 45 meeting?---No, I don't recall the meeting.
46

10:04:37 47 Mr Dale served a subpoena on Victoria Police in late

10:04:41 1 January in the lead up to the committal; is that
10:04:44 2 right?---Yes.
3
10:04:44 4 That required production of documents concerning Ms Gobbo
10:04:47 5 and any agreement with Victoria Police to provide
10:04:50 6 inducements to give evidence and so forth?---I accept that.
7
10:04:54 8 And you would have understood on top of that you had your
10:04:58 9 usual disclosure requirements in relation to relevant
10:05:02 10 material?---Yes.
11
10:05:04 12 And that would no doubt include her informer history?---It
10:05:09 13 would have included that. The production issues were quite
10:05:13 14 extensive. There was a significant amount of Petra
10:05:18 15 holdings that were covered in the subpoena we needed to
10:05:21 16 locate and produce.
17
10:05:22 18 If I can just take you to an email chain dated, or
10:05:26 19 commencing on 1 March 2010. It's VPL.6018.0008.7075. If
10:05:39 20 we go to p.4 where it starts. There's a letter from
10:05:53 21 Mr Hargreaves to the VGS0. Page 3, if we scroll up. That
10:06:03 22 is forwarded to Mr Gipp, do you see that?---Yes.
23
10:06:10 24 To deal with the issues raised. If we keep scrolling,
10:06:15 25 Mr Gipp has sent it to Mr Davey, the investigator?---Yes.
26
10:06:21 27 If we keep going. Mr Davey sends it to you. He copies in
10:06:25 28 Mr O'Connell and Mr Solomon?---Yes.
29
10:06:28 30 He'd spoken with Mr Gipp. Hargreaves was asking for
10:06:33 31 further clarification in relation to specific areas
10:06:36 32 outlined in the letter. There's reference to F
10:06:44 33 transcripts. Do you recall that was a reference to hours
10:06:47 34 of conversations she'd had Petra investigators?---Yeah, it
10:06:52 35 would relate to that.
36
10:06:53 37 And Mr Gipp had indicated that redactions - there are PII
10:06:57 38 claims and that's under way I think?---Yes.
39
10:07:03 40 Re letters in relation to the VGS0, Mr Gipp will inquire
10:07:09 41 with VGS0 to assess but asked if you or Mr O'Connell had
10:07:15 42 notes or letters from Gobbo re any negotiations so he could
10:07:19 43 assess them for PII, do you see that?---Sorry, which
10:07:23 44 paragraph were you on there, the last?
45
10:07:26 46 The second-last paragraph?---Yes, okay.
47

10:07:29 1 He asks if either you or Mr O'Connell have notes or letters
10:07:33 2 from Ms Gobbo relating to negotiations?---Yes.
3
10:07:39 4 And you're aware that Ms Gobbo was sending letters through
10:07:43 5 to Mr Overland?---Yes.
6
10:07:45 7 For example, that one I took you through before about her
10:07:50 8 previous assistance and so forth?---Yes.
9
10:07:51 10 And, if so, Mr Gipp wanted a copy so he could assess them
10:07:58 11 for PII?---Yes.
12
10:07:59 13 He then goes on, "He is concerned that if there are
10:08:02 14 documents that exist that we have not informed him about
10:08:05 15 then VicPol will look like has tried to hide something from
10:08:10 16 the defence. Can you please ensure that anything that does
10:08:12 17 exist Ron is made aware of in order to assess the
10:08:16 18 material"?---Yes.
19
10:08:17 20 Do you recall this email?---Um - - -
21
10:08:21 22 Or these issues?---I have a general recollection of the
10:08:28 23 pre-committal discovery subpoena issues, as at the time.
10:08:33 24 Individual emails such as this, these are reminding me of
10:08:38 25 that, I don't have an independent recollection of seeing
10:08:40 26 the email ten years ago.
27
10:08:42 28 If we can scroll through. Just to the top of that so we
10:08:49 29 can see. You've sent this email through to Mr Trimble. Do
10:08:54 30 you know where Mr Trimble was located? He was in
10:09:02 31 Mr Overland's office?---I know who Mr Trimble is, if it's
10:09:08 32 the same Mr Trimble, but where he was then I'm not sure.
10:09:13 33 Was he at Legal ?
34
10:09:15 35 I understand Mr Trimble was someone working in
10:09:17 36 Mr Overland's office?---Okay, I accept that then.
37
10:09:20 38 Do you see - and it says, "As discussed, a letter from
10:09:24 39 Mr Hargreaves is attached. We've handed over two letters
10:09:27 40 in relation to the ATO matter, one from Mr McRae and one
10:09:31 41 from Mr Cornelius, which is all Petra has. But we need to
10:09:34 42 clarify whether there's anything else that should be
10:09:37 43 produced"?---Yes.
44
10:09:38 45 If we scroll through. Mr Trimble has sent that to
10:09:42 46 Mr Overland, noting the email trail, and they've asked if
10:09:47 47 they can have a reply reasonably quickly because of the

10:09:50 1 committal starting, and Mr Overland replies he doesn't have
10:09:54 2 any documents matching those being sought?---Yes.
3
10:09:57 4 You were aware that Ms Gobbo had been sending through
10:10:00 5 correspondence in relation to negotiations with Victoria
10:10:05 6 Police; is that right?---Yes.
7
10:10:08 8 You were aware, presumably, that wasn't right?---That he
10:10:13 9 doesn't have any documents matching those being sought?
10
10:10:16 11 Yes?---Well I don't know whether that means that the
10:10:23 12 documents that he has have been handed over and that he
10:10:26 13 doesn't have any that he hasn't handed over.
14
10:10:29 15 Were you aware that he hadn't handed over any of those
10:10:33 16 documents - any of those letters that Ms Gobbo had
10:10:38 17 sent?---That he hadn't handed over?
18
10:10:40 19 No, that they hadn't been handed over so that they might be
10:10:44 20 assessed at least by Mr Gipp for PII?---No, I'm not aware
10:10:48 21 that they weren't handed over, no.
22
10:10:53 23 Di you think - do you recall at the time or did you think
10:10:57 24 at the time that they had been handed over?---I would have
10:11:01 25 expected them to be handed over in compliance with the
10:11:14 26 subpoena.
27
10:11:15 28 Were you aware around about this time that there was a
10:11:17 29 confidential affidavit potentially beginning to be prepared
10:11:21 30 from Mr O'Connell declaring Ms Gobbo's informer status?---I
10:11:32 31 don't recall that sitting here today, no. I don't disagree
10:11:37 32 with it but I don't recall it specifically.
33
10:11:40 34 Do you recall discussions around about this time about
10:11:42 35 whether Ms Gobbo's informer status needed to be
10:11:45 36 disclosed?---There would have been discussions around that,
10:11:47 37 yes.
38
10:11:47 39 Who would have been involved in those discussions?---It
10:11:50 40 would have been I would imagine myself, the informants,
10:11:55 41 co-informants, Davey, Solomon, O'Connell, and I would
10:12:01 42 expect that that would have extended to either Ron Gipp or
10:12:05 43 Gerard Maguire.
44
10:12:07 45 Would it have gone up into the steering committee
10:12:12 46 level?---Potentially.
47

10:12:16 1 Around about this time for the first time you seem to have
10:12:19 2 some communication with the SDU about these matters; is
10:12:23 3 that right?---For the first time?
4

10:12:24 5 Yes?---In relation to the subpoenas.
6

10:12:27 7 In relation to the potential that Ms Gobbo's material from
10:12:31 8 the SDU will need to be disclosed in this committal
10:12:34 9 process?---Whether I had them personally I don't recall but
10:12:37 10 I would accept that those discussions probably would have
10:12:40 11 commenced or taken place, yes.
12

10:12:42 13 If I can take you to an email of 11 March 2010 from
10:12:46 14 yourself to Mr Porter at the HSMU, VPL.6118.0046.5217. Do
10:13:01 15 you see at the bottom of that page there's an email from
10:13:04 16 yourself to Mr Porter, copied to Mr O'Connell?---Yes.
17

10:13:08 18 You indicate there that you'd had a meeting with Sandy
10:13:13 19 White in relation to Ms Gobbo the day before and you
10:13:16 20 mentioned to him that during the committal of Mr Dale,
10:13:22 21 Mr Hargreaves, on behalf of Dale, had requested production
10:13:25 22 of any informer management files relating to this witness
10:13:28 23 and Ms Gobbo was a witness?---Yes.
24

10:13:31 25 Does that indicate to you that you had not had these
10:13:34 26 discussions with the SDU or with HSMU at any time prior to
10:13:40 27 that committal starting?---Can you just allow me to read
10:13:45 28 through that email again?
29

10:13:46 30 Sure.
31

10:13:47 32 COMMISSIONER: This is Exhibit 1044?---Yes, I've read that.
10:14:23 33 Sorry, what was your question again, sorry?
34

10:14:26 35 MS TITTENSOR: My question is that document indicates that
10:14:28 36 there had been no effort prior to the committal starting to
10:14:32 37 obtain documents in relation to Ms Gobbo from the
10:14:39 38 SDU?---Yeah, I accept that.
39

10:14:41 40 Can you explain it?---Explain why we wouldn't have?
41

10:14:48 42 Yes. Knowing that the SDU is going to hold a significant
10:14:53 43 amount of material and information in relation to Ms Gobbo,
10:14:56 44 and information which you already knew would impact upon
10:14:59 45 her credit, why was this the very first time that the SDU
10:15:05 46 were contacted?---I don't know whether or not that we've
10:15:15 47 been blind to any knowledge about her role as an informer.

10:15:21 1 I think we had an understanding of the fact that it was,
10:15:25 2 that she had been a registered human source and that that
10:15:29 3 was going to be something that may have impacted on her
10:15:34 4 evidence as a witness. This was a stage where it was, if
10:15:37 5 you like, being formalised by the production of the
10:15:42 6 documents that pretty much was going to re-enforce that.
7

10:15:45 8 This was a committal proceeding for the defence to be able
10:15:48 9 to explore deficiencies in the case being brought against
10:15:51 10 Mr Dale and Mr Collins?---Yes.
11

10:15:53 12 You were obliged to disclose this material?---Yes.
13

10:15:55 14 You had taken no steps at all down that path?---I'm not
10:16:00 15 sure I agree with the way that's been put. The steps to go
10:16:05 16 down that path were to commence with a subpoena and we
10:16:09 17 would have complied with that subpoena.
18

10:16:11 19 You had taken no steps prior to the committal starting to
10:16:15 20 even ascertain what sort of material might be available
10:16:23 21 about Ms Gobbo within the SDU?---Not the actual informer
10:16:26 22 file, no. Not the actual documents.
23

10:16:30 24 This is the first time that Sandy White has been consulted
10:16:33 25 in relation to that material?---Well the actual file
10:16:36 26 itself, yes.
27

10:16:36 28 There had been no - it seems to indicate that there had
10:16:41 29 been this thought, from a very early stage, that "we're
10:16:44 30 going to get away with this notion that we don't have to
10:16:47 31 disclose Ms Gobbo's history in relation to this Petra
10:16:50 32 investigation"?---No, I don't think I'd necessarily follow
10:16:54 33 that at all.
34

10:16:56 35 "It's only that Mr Hargreaves is now pressing for this
10:16:59 36 informer management file that we have to actually face this
10:17:02 37 matter"?---I don't know what we would have done with the
10:17:07 38 file prior to that or who we would have given it to. There
10:17:11 39 was no reason for us to access the file. We had an
10:17:14 40 understanding of her role and the fact that she was an
10:17:16 41 informer. We knew it was going to be something that may
10:17:20 42 have been put to her in the prosecution. The production,
10:17:23 43 the subpoena - this particular issue was the actual
10:17:28 44 physically obtaining of the file and handing over in
10:17:31 45 compliance with the subpoena.
46

10:17:32 47 You knew there would be relevant material held by the SDU

10:17:37 1 in relation to the Dale prosecution?---Potentially, yes.
2

10:17:39 3 You knew you were obliged to disclose that?---Yes. We're
10:17:44 4 disclosing it in relation to the subpoena and we were
10:17:49 5 making efforts to do that when the subpoena was obtained.
6

10:17:52 7 This was only occurring because Mr Hargreaves had asked for
10:17:57 8 any informer management file. This wasn't occurring as a
10:18:02 9 result of the subpoena?---That's the process. The subpoena
10:18:07 10 was served and we would have complied with the subpoena and
10:18:13 11 sought the file and handed it over.
12

10:18:15 13 I'm just pointing out to you that this inquiry with Sandy
10:18:23 14 White is not occurring as a result of the subpoena, it's
10:18:25 15 occurring as a result of a specific inquiry by
10:18:28 16 Mr Hargreaves at that time, and regardless of that, despite
10:18:32 17 any subpoena, you had an obligation to disclose it
10:18:38 18 anyway?---Disclose it to Hargreaves pre-committal?
19

10:18:45 20 You had disclosure obligations; is that right?---Yes.
21

10:18:49 22 Do you accept that?---Yes. If we hadn't - I think I
10:18:54 23 understand what you're saying. If it hadn't formed part of
10:18:59 24 the subpoena.
25

10:19:00 26 Yes?---It would have been still disclosed.
27

10:19:03 28 Yes?---Yes.
29

10:19:04 30 It was still - you were still obliged to disclose
10:19:07 31 it?---Yes.
32

10:19:08 33 You were obliged to disclose - - - ?---And that's what
10:19:11 34 occurred.
35

10:19:13 36 - - - relevant material which might assist the defence in
10:19:15 37 the conduct of their case?---Yes.
38

10:19:16 39 This was the very first time there was any contemplation of
10:19:20 40 accessing Ms Gobbo's informer management file or anything
10:19:24 41 of the like?---Yes.
42

10:19:25 43 And it was reactive to Mr Hargreaves making a specific
10:19:30 44 request for it?---Yes. I think the fact that it was handed
10:19:38 45 over then in relation to the subpoena is something that we
10:19:51 46 would have - I'm sorry, I'm stuttering a bit here - we
10:19:56 47 would have complied with that obligation. If this was the

10:20:00 1 process that allowed us to comply with that well then - - -
2

10:20:04 3 The process that allows you to comply with that is the laws
10:20:07 4 relating to disclosure?---And I suppose what I'm saying to
10:20:11 5 you is that, yes, it hadn't been done prior to that, but
10:20:14 6 putting the subpoena issue to one side, we would have
10:20:16 7 sought for that to have been produced and disclosed.
8

10:20:20 9 All right. On 11 March - if I can just take you to your
10:20:35 10 diary, RCMPPI.0126.0001.0007. You see at - I think you've
10:20:56 11 been at the committal during the day?---Yes.
12

10:21:00 13 At 4 o'clock you speak to and update the Assistant
10:21:03 14 Commissioner of ESD in relation to a number of
10:21:11 15 matters?---Yes.
16

10:21:12 17 And that includes down the bottom "Informer management
10:21:18 18 file"?---Informer management file, yes.
19

10:21:24 20 Were you updating Mr Cornelius in relation to the fact that
10:21:28 21 it now seems as though you might have to look at disclosing
10:21:32 22 Ms Gobbo's informer management file?---Well I don't know
10:21:37 23 whether I'd necessarily put it that way, that we would
10:21:40 24 ultimately have to produce it, but it would have been
10:21:44 25 around the production of the informer file.
26

10:21:46 27 That you'd spoken to HSMU and Sandy White in relation to
10:21:51 28 those matters?---Yes.
29

10:21:54 30 That the defence had been asking in relation to those
10:21:57 31 matters?---Yes.
32

10:22:04 33 You gave some evidence, and I took you to some of this
10:22:08 34 yesterday, on the 18th and 19th of March. Do you recall
10:22:14 35 during that evidence the defence were attempting to ask
10:22:17 36 some questions about the informer management file?---I'd be
10:22:22 37 reliant on the transcripts, I'm sorry.
38

10:22:24 39 Do you recall that they were effectively shut out from
10:22:29 40 asking questions about that and about a number of other
10:22:31 41 matters because the hearing strictly related to the terms
10:22:34 42 of the subpoena?---I accept that.
43

10:22:39 44 Do you recall the magistrate indicating that the subject of
10:22:52 45 that questioning didn't fall within the purpose of that
10:22:54 46 hearing in relation to the subpoena and that they should be
10:22:56 47 asking those kinds of questions at the committal, at the

10:23:00 1 committal proper?---I'd be relying on the transcript.
2

10:23:05 3 And do you recall that the defence indicated that you
10:23:10 4 weren't a witness on the brief at the committal; is that
10:23:14 5 right?---Yes.
6

10:23:15 7 And that they had been attempting - or that they had asked
10:23:20 8 for you to be included as a witness on the brief so that
10:23:23 9 they could ask these kinds of questions at the
10:23:26 10 committal?---Yes, I do recall that.
11

10:23:29 12 And a decision had been made not to make you a witness on
10:23:32 13 the brief?---A decision was made to not make me a witness
10:23:38 14 on the brief but I was given advice that I should appear
10:23:43 15 during the subpoena arguments to answer questions in
10:23:46 16 relation to the subpoena discovery arguments.
17

10:23:48 18 Do you recall there being some frustration by the defence
10:23:52 19 as to you not being a witness that could be asked questions
10:23:55 20 during the committal proper because they were - which might
10:24:01 21 mean that they couldn't get to the bottom of topics that
10:24:05 22 they wanted to?---I do have some recollection of wanting to
10:24:11 23 get me into the witness box or being on the brief.
24

10:24:14 25 Yes?---I don't recall that being the specific reason around
10:24:17 26 that frustration. I think that - I'm sorry - I was just
10:24:24 27 going to say, I'm sorry to interrupt, that the way you put
10:24:26 28 that, they were matters that probably could have been put
10:24:29 29 to other witnesses on the brief and not just me.
30

10:24:35 31 Was it the case that the defence were concerned that the
10:24:36 32 other witnesses that were on the brief were not fully
10:24:39 33 cognisant of all the facts?---They may have been. I think
10:24:42 34 they probably wanted to be able to canvass that with all
10:24:45 35 members of Petra, or as many as possible.
36

10:24:48 37 Was there any particular reason that you weren't a witness
10:24:51 38 on the brief?---I didn't have a specific evidentiary role
10:24:58 39 within the investigation.
40

10:25:01 41 Given the defence were seeking to have you put on the brief
10:25:07 42 as a witness so that they could ask you questions that they
10:25:10 43 felt were relevant, was there a reason why a decision was
10:25:13 44 taken not to do that?---To put me on the brief?
45

10:25:20 46 Yes?---I don't know whether or not there was a reason in
10:25:28 47 relation to that to not put me on the brief but there was a

10:25:33 1 concession that I could give evidence during those subpoena
10:25:36 2 arguments at the pre-committal.
3

10:25:38 4 There's a suggestion or an inference that the reason you
10:25:41 5 weren't put on the brief was because you had more
10:25:44 6 information that they might be able to get to the bottom of
10:25:47 7 by questioning you, as opposed to questioning a more junior
10:25:50 8 investigator who didn't know all the facts?---No.
9

10:25:54 10 Do you understand that inference?---Yes, I understand the
10:25:56 11 inference and that's not correct.
12

10:26:03 13 If I can take you to an email of 31 March - sorry, an entry
10:26:10 14 in Mr White's diary of 31 March, VPL.2000.0001.2308 at p.8.
10:26:40 15 Looking for 31 March. Perhaps while we're finding that
10:26:45 16 I'll try and move things along. At 11.14 he records a call
10:26:49 17 to Mr O'Connell in relation to Ms Gobbo's informer
10:26:54 18 management file and Sandy White advises Mr O'Connell that
10:26:59 19 the file is ready to hand over to Petra pending PII
10:27:03 20 assessment. So we're going to give you the file, it
10:27:07 21 obviously will need to be PIIed. Here it is on the screen
10:27:10 22 now. And I'll just read it. "Informed by Mr O'Connell
10:27:19 23 that it is not currently required as defence have been
10:27:22 24 directed to specify exactly what they want to be provided
10:27:24 25 and to issue subpoenas re same to police. We will wait and
10:27:28 26 see exactly what they want prior to examining the file. It
10:27:31 27 is possible that defence believe Petra compiled a source
10:27:34 28 management file and this is all they want. They will be
10:27:38 29 provided with all recordings, et cetera, concerning witness
10:27:41 30 management. Will wait until subpoena served prior to
10:27:44 31 responding"?---Yes.
32

10:27:46 33 It seems as though Mr O'Connell's view is "we'll just wait
10:27:51 34 and see because defence might be not after your informer
10:27:58 35 management file, they might be after a Petra file and we
10:28:01 36 might be able to get away with this"?---No, I don't agree
10:28:04 37 with that.
38

10:28:05 39 Do you agree that that's what it seems to record?---No, I
10:28:08 40 don't agree with that.
41

10:28:10 42 What's your interpretation of what Mr O'Connell is
10:28:12 43 conveying to Sandy White on that occasion?---My
10:28:15 44 interpretation is that Mr O'Connell was wishing to comply
10:28:25 45 with the specifics of the subpoenas as they were at the
10:28:29 46 time and probably be guided by either Mr Gipp or
10:28:36 47 Mr Maguire's advice.

1
10:28:43 2 Regardless, you're going to have to send that - your
10:28:47 3 obligation to disclose would involve sending Ms Gobbo's
10:28:50 4 informer management file at least off to get a PII
10:28:53 5 assessment, because you've got an obligation to disclose
10:28:56 6 regardless of any subpoena, you accept that?---Yes.
7
10:29:00 8 Why would you be holding off on that in the hope that
10:29:05 9 defence might produce a narrow subpoena and miss out on the
10:29:09 10 terms so that "we don't need to produce that informer
10:29:12 11 management file"?---The issue at the time was that there
10:29:20 12 were many subpoenas covering many thousands of documents of
10:29:25 13 which the informer file was one set of documents required.
10:29:30 14 I think with - based on our management of those subpoenas
10:29:33 15 and the advice that we were given, that we were complying
10:29:38 16 specifically and strictly with what the subpoenas were
10:29:40 17 asking for. I don't believe and recall the decision-making
10:29:44 18 around the informer management file was any different to
10:29:46 19 any other document that we were required to hand over.
20
10:29:48 21 This was significantly different to every other document in
10:29:51 22 that case, would you agree?---Not in relation - - -
23
10:29:54 24 Ms Gobbo's informer management file and the implications
10:29:57 25 that would flow from disclosure of any part of that to the
10:30:00 26 defence?---What I'm referring to is the way that the
10:30:03 27 subpoenas were managed and dealt with at the time and they
10:30:08 28 were dealt with. In relation to the informer file, that
10:30:11 29 was not dealt with as far as the management of subpoenas
10:30:14 30 any differently to any other document, no less or more
10:30:18 31 important. It was something that we were going to provide
10:30:21 32 and it was a management process which was quite extensive
10:30:28 33 which, as I said before and I say again, included thousands
10:30:32 34 of documents, including that particular file.
35
10:30:34 36 So Mr O'Connell is not saying "hold off because we might
10:30:38 37 get away with not disclosing this"?---No, that's not my
10:30:42 38 interpretation of that entry.
39
10:30:50 40 If I can then take you to a letter from Mr Hargreaves of
10:30:54 41 the same date, VGS0.5000.0004.7058. Mr Hargreaves is
10:31:10 42 outlining the requirements of the court and he's indicating
10:31:14 43 documents that they still considered to remain outstanding.
10:31:19 44 You'll note at number 4 he refers to the additional
10:31:24 45 documents that were located by Mr O'Connell, "As a result
10:31:26 46 of my conversation with Mr Gipp on 10 March 2010. On that
10:31:31 47 occasion I asked Mr Gipp for the informer management file

10:31:34 1 of Ms Gobbo to be viewed. Mr Gipp returned my call later
10:31:38 2 that day and advised that, without admitting that an
10:31:41 3 informer management file existed, further documents had
10:31:44 4 been identified. Mr Gipp stated that Mr O'Connell had
10:31:47 5 indicated that it would take approximately five days to
10:31:50 6 obtain copies of the documents, at which time a claim for
10:31:54 7 public interest immunity would be considered. We've heard
10:31:57 8 nothing further about those documents since that
10:32:00 9 time"?---Yes.
10
10:32:01 11 Then the response to that letter the day after,
10:32:05 12 VGS0.5000.0074.7064. If we go through to the second page.
10:32:22 13 In terms of compliance, "It is our instruction that all of
10:32:25 14 the documents which fall within the subpoena have been
10:32:27 15 produced except for the documents which you refer to under
10:32:31 16 numbered item 4 of your letter. We're instructed that
10:32:33 17 those documents are being sought for production as
10:32:35 18 expeditiously as possible. Irrespective of any previous
10:32:39 19 statement on time of production, we now advise you of our
10:32:40 20 instructions in relation to those documents. It's unlikely
10:32:43 21 those documents will be produced before 12 April 2010. The
10:32:48 22 documents are not held by Petra Task Force and are being
10:32:51 23 sourced". Do you see that?---Yes.
24
10:32:57 25 The day before Mr O'Connell was saying to the SDU, "Don't
10:33:04 26 give them to us". Did you then go back to the SDU and say,
10:33:07 27 "Yes, we need them now"?---I would imagine so. I didn't
10:33:13 28 specifically myself but it follows that that would have
10:33:16 29 occurred.
30
10:33:17 31 There doesn't seem to be any indication in any material
10:33:21 32 located by the Commission that that course was taken, that
10:33:27 33 there was any effort to go back and get that material from
10:33:31 34 the SDU. Were there discussions about this matter at that
10:33:35 35 time?---I don't specifically recall. All I can say,
10:33:40 36 sitting here now today, is that the negotiations and
10:33:44 37 discussions continued over a period of time, which included
10:33:50 38 between - before, during and after the production of these
10:33:56 39 letters and subpoenas. They were dealt with as it unfolded
10:34:01 40 in time.
41
10:34:11 42 At paragraph 74 of your statement you indicate that on 5
10:34:18 43 May 2010, after Ms Gobbo had commenced civil proceedings,
10:34:22 44 she indicated that she wished to make a second statement
10:34:25 45 concerning the Dale committal and she'd spoken about that
10:34:32 46 in fact earlier the previous year in August of 2009. Those
10:34:35 47 matters had been discussed; is that right?---She - they

10:34:39 1 were discussions that occurred between, to the best of my
10:34:42 2 memory, the co-informants Solomon and/or Davey and Gobbo,
10:34:48 3 Ms Gobbo.
4

10:34:52 5 Presumably when she came back with the tape recording she
10:34:56 6 would have that magazine with her, with the writing on it.
10:35:00 7 This was going to be the subject of the second statement;
10:35:04 8 is that right?---Magazine?
9

10:35:05 10 Sorry, I've jumped ahead a bit. Did you understand that
10:35:09 11 Ms Gobbo was - the subject of the second statement was to
10:35:15 12 be the fact that Ms Gobbo had some written material from
10:35:18 13 the meeting on a magazine and could further explain some of
10:35:23 14 what occurred at the meeting with Mr Dale?---Yeah, I accept
10:35:25 15 that, yeah. It's difficult - - -
16

10:35:29 17 You don't recall?---I don't recall. I'm not sure whether a
10:35:33 18 second statement was ever taken from her.
19

10:35:34 20 No, I was just - do you know why, when she raised those
10:35:37 21 issues in August of 2009, or back in 2009, there was no
10:35:42 22 statement taken at the time?---No, there must have been a
10:35:45 23 decision, from an evidentiary perspective, that it wasn't
10:35:48 24 required or shouldn't have been taken.
25

10:35:50 26 Do you recall - - - ?---No, I don't.
27

10:35:53 28 So there would have been an assessment as to what she
10:35:56 29 potentially was to say and a decision was made there was no
10:36:00 30 value in - - - ?---There would have been a value decision
10:36:08 31 to how the second statement would have value added to her
10:36:12 32 evidence.
33

10:36:14 34 All right. Then finally if I can just take you to an email
10:36:19 35 from Ms Gobbo to Jason Kelly, obtained by yourself and then
10:36:24 36 sent on to the members involved in the civil litigation.
10:36:28 37 It's VPL.0005.0010.2245. You're sending this on to the
10:36:48 38 VGSO solicitor and copied to Mr Lardner; is that
10:36:51 39 right?---Yes.
40

10:36:51 41 Who was in civil litigation?---Yes.
42

10:36:53 43 And you're referring there to a text message that had been
10:36:57 44 received by another member, I understand it was Jason
10:37:01 45 Kelly?---Yes, so I've been told since that it was Kelly and
10:37:06 46 I accept it was from him. That it's to him, I'm sorry.
47

10:37:11 1 That's indicated below in the handwriting as well?---Okay.
2
10:37:16 3 This is at a time after the police had served a defence to
10:37:23 4 the statement of claim on Ms Gobbo?---Yes.
5
10:37:25 6 Did you have anything to do with the civil litigation
10:37:27 7 yourself?---No, I didn't. I'd left - Petra had ceased
10:37:34 8 operations pretty much as a result of the death of Williams
10:37:41 9 on 19 April. I remained at Petra for, until about May or
10:37:47 10 early June when I left the Crime Department and took up
10:37:49 11 duties elsewhere. I had nothing to do with the civil
10:37:52 12 matter.
13
10:37:54 14 You obviously became aware of this text message and thought
10:37:57 15 it relevant, so you sent it through?---Yes, I did.
16
10:38:00 17 And Ms Gobbo said in the text message, "Am totally wrecked
10:38:05 18 after yesterday. Got defence. Am deeply offended and
10:38:09 19 staggered by the dishonesty and stupidity of it all.
10:38:12 20 Pandora's box is well and truly open, given what has been
10:38:15 21 pleaded, and if that is any indication of their attitude to
10:38:21 22 me I welcome a trial and the Royal Commission that will
10:38:23 23 inevitably follow it"?---Yes.
24
10:38:25 25 Was that the first time you'd heard anything like "Royal
10:38:28 26 Commission"?---It's the first time I'd heard the words
10:38:32 27 Royal Commission.
28
10:38:32 29 In the context of Ms Gobbo?---Yes. I was going to say it's
10:38:37 30 not the first - the actual context and the attitude that
10:38:42 31 she espoused to in that particular text message was
10:38:48 32 something we were putting up with for quite some time prior
10:38:52 33 to that. She was very angry.
34
10:38:54 35 Was she indicating in conversations prior to this time
10:39:00 36 that, "If my role is disclosed" - you understood that she
10:39:04 37 was very concerned about her role not being disclosed and
10:39:07 38 that was the subject of a lot of the correspondence?---Yes.
39
10:39:11 40 That's what she expected and that's what she wanted, that
10:39:14 41 throughout this process she was not to be disclosed as a
10:39:17 42 human source?---She was concerned about that and many other
10:39:20 43 things.
44
10:39:21 45 Yes. She's indicating here, if that happens, if all this
10:39:24 46 comes out, there's going to be a Royal Commission?---That's
10:39:26 47 what it says on there.

1
10:39:29 2 Had you had any comprehension about the possibility of any
10:39:31 3 kind of inquiry as a result of her handling or
10:39:35 4 management?---No. No, I didn't.
5
10:39:37 6 Did you go and ask anyone around this time, "What's this
10:39:40 7 all about? What has been going on"?---No, I didn't. I'd
10:39:46 8 had no dealings with Gobbo at that particular time and I
10:39:52 9 had been instructed not to have anything further to do with
10:39:56 10 her. Petra had effectively finished, so I had moved on to
10:40:01 11 other areas and I passed that on and I went about what I
10:40:06 12 was doing at that particular time.
13
10:40:08 14 At any stage do you say you had any matters that you should
10:40:13 15 have followed up on in relation to Ms Gobbo? Did events
10:40:19 16 become concerning to you in relation to what Ms Gobbo's
10:40:23 17 relationship had been with Victoria Police and did you say
10:40:25 18 to yourself, "This is a bit wrong" or "something needs to
10:40:34 19 be done about this"?---I had a, and as did the whole of
10:40:37 20 Petra, had significant concerns about a number of things
10:40:41 21 and it would have included that, yes. And that being,
10:40:47 22 first and foremost for us the Petra prosecution, the Dale
10:40:50 23 prosecution, and getting her in some resemblance of health
10:40:58 24 and well-being into the witness box in order to give
10:41:00 25 evidence and dealing with all her difficulties throughout
10:41:04 26 2009, the witness protection program, the whole raft of
10:41:10 27 issues that were apparent with her throughout the year.
28
10:41:13 29 What about the issues associated with the fact that this
10:41:16 30 had been a criminal defence barrister who'd been providing
10:41:20 31 information to Victoria Police for many years potentially
10:41:24 32 about people she'd been representing?---Well, that was
10:41:30 33 certainly something that was an issue. The extent of
10:41:34 34 informing against people she was representing, as you put
10:41:37 35 it, I don't know whether I was fully aware of that
10:41:40 36 throughout, or the extent I was aware of that throughout
10:41:45 37 2009.
38
10:41:46 39 Presumably as time went on there were lots of conversations
10:41:49 40 going on with her and you did become aware of that to some
10:41:53 41 extent over time?---To some degree.
42
10:41:55 43 And were concerns raised about what had gone in that
10:41:59 44 regard, there had been other cases potentially that had
10:42:02 45 gone awry?---Not specifically at Petra, no, I would say.
10:42:10 46 We became very immersed in trying to deal with her on a
10:42:15 47 day-to-day basis, trying to get the Hodson prosecution

10:42:19 1 across the line and getting her, irrespective of those
10:42:24 2 matters, into the witness box and remain steadfast in not
10:42:29 3 taking her off the brief.
4
10:42:32 5 Thanks Mr Smith.
6
10:42:33 7 COMMISSIONER: Any cross-examination, Mr Coleman?
10:42:34 8
10:42:35 9 MR COLEMAN: No, thank you.
10
10:42:36 11 COMMISSIONER: Mr Chettle?
10:42:36 12
10:42:37 13 MR CHETTLE: Yes, just a few matters, Commissioner.
10:42:40 14
15 <CROSS-EXAMINED BY MR CHETTLE:
16
10:42:41 17 Mr Smith, I want to take you back to the Drug Task Force
10:42:44 18 conversations you had in 2007 with Officer Green?---Yes.
19
10:42:52 20 You have, I take it, no specific recollection of any
10:42:56 21 specific conversation with him other than the fact that you
10:43:00 22 know had conversations with him?---In relation to Ms Gobbo?
23
10:43:07 24 Yes?---Yes, that is my evidence. I don't recall a specific
10:43:11 25 conversation with him about Ms Gobbo.
26
10:43:18 27 Right?---Yes.
28
10:43:19 29 In general terms let me suggest to you that he did not tell
10:43:23 30 you that Ms Gobbo had provided the information behind the
10:43:30 31 tomato tins importation?---Yes, I'm aware that he said that
10:43:34 32 that conversation didn't occur.
33
10:43:35 34 And you can't say that it did?---I can't say that it did.
10:43:40 35 My evidence is that I can't reflect on how else I would
10:43:45 36 have known if it didn't come from Mr Green.
37
10:43:48 38 For a start off, just look at the conversation you had.
10:43:53 39 You do remember being told that there was a container
10:43:56 40 coming in that they had information about?---Yes.
41
10:43:59 42 It would be obvious that that information came from a
10:44:01 43 source, he wouldn't need to tell you that it came from a
10:44:06 44 source, would he?---No, he wouldn't, no.
10:44:07 45
10:44:08 46 When he gave evidence that's exactly what he said. He said
10:44:11 47 to the Commission, "I wouldn't have said it came from a

10:44:14 1 source because where else would it have come from? I'm
10:44:18 2 telling him we've got information there's a container
10:44:20 3 coming that's of interest"?---Yes.
4

10:44:23 5 There are other people - when this was all happening you're
10:44:27 6 stationed at St Kilda Road Police Station?---412 St Kilda
10:44:31 7 Road, yes.
8

10:44:32 9 You're there with the rest of the Command and people - a
10:44:37 10 lot of people knew she was a source?---It was a Crime
10:44:42 11 Department building, there were a number - all the Crime
10:44:47 12 squads were there, situated at 412.
13

10:44:51 14 Do you know Terry Purton?---Yes.
15

10:44:53 16 From time to time you'd have conversations with him?---Over
10:44:55 17 matters over the years, yes, yes.
18

10:44:58 19 There's a list of people who knew that she was a source by
10:45:01 20 2007 that unfortunately was much bigger than it should have
10:45:06 21 been, but a lot of policemen knew she was a source?---Okay.
22

10:45:12 23 Is it possible someone else told you?---It's possible, yes.
24

10:45:15 25 Come 2008, you've seen the entries in the source management
10:45:19 26 log that Mr White has put in about conversations he's had
10:45:22 27 with Mr O'Connell, and Mr O'Connell tells him that you now
10:45:28 28 know she's a source and how you found out, remember
10:45:31 29 that?---In October 2008, yes. Yes, I remember that.
30

10:45:35 31 To put it a little bit - you were involved in an
10:45:54 32 investigation in relation to a target, someone called
10:45:57 33 Hafner, do you remember that name?---Darren Hafner, yes.
34

10:46:01 35 You were involved in an investigation that targeted
10:46:07 36 him?---Darren Hafner was a - - -
37

10:46:09 38 I don't need any detail about what he did but you were
10:46:11 39 involved in something involving him?---Petra I was, yes.
40

10:46:16 41 All right. Can I bring up Exhibit 450, please, which is
10:46:20 42 the diary entry of Mr White for 22 July 2008. Sorry, I
10:46:39 43 didn't give you notice of this one. I tendered it as part
10:46:51 44 of Mr White's diary, Commissioner.
45

10:46:55 46 COMMISSIONER: We might take a little while to find it,
10:46:59 47 it's probably fairly big.

10:47:01 1
10:47:02 2 MR CHETTLE: I'll just read you the entry. "Briefed by
10:47:05 3 Mr Black re a meeting with Superintendent Biggin re
10:47:09 4 Operation Petra. Petra requests for intel and assistance
10:47:13 5 re person of interest, including Hafner. Question: has HS
10:47:18 6 ever acted for Hafner? Meet with Petra Task Force, Fisher
10:47:24 7 and O'Connell". Mr Fisher was somebody who worked for
10:47:28 8 you?---Yes.
10:47:28 9
10:47:29 10 "Met with Mr Black. Fisher was aware of HS identity as a
10:47:34 11 result of corruption IR to ESD re someone called [REDACTED]
10:47:39 12 Petra want HS tasked re Hafner. SDU will not task but
10:47:44 13 continue to duty of care. SDU will not task and Command
10:47:50 14 have sanctioned that decision. Voiced concern re fact that
10:47:55 15 duty of care re human source's identity is ignored by
10:47:59 16 investigators. Not notifying SDU re lost leaked profile
10:48:06 17 until weeks later". There was an issue about a lost
10:48:09 18 profile. I don't want to go into it. The next line reads,
10:48:12 19 "Fisher and O'Connell told Mr Black that DDI Smith does not
10:48:18 20 know the identity of HS". That's as at 22 July 08, you
10:48:23 21 follow?---Yes.
22
10:48:23 23 From that it would appear that both Fisher and O'Connell
10:48:27 24 knew she was a source, but you didn't?---July 08?
25
10:48:32 26 Yes?---I accept that.
27
10:48:36 28 Then that leads up to those two entries in October - in
10:48:44 29 fact I'll take you one more. On 20 August 2008 Mr White's
10:48:54 30 diary records, "Advised by Smith of Petra that DC Overland
10:49:05 31 has instructed Petra to mount proactive operation on
10:49:07 32 Hafner. Smith wanted to know if [REDACTED] or SDU can assist with
10:49:11 33 [REDACTED] Does Overland know HS has access to
10:49:20 34 Hafner? possibly as a result of corruption intel re
10:49:23 35 [REDACTED] OPI are considering" - too much? All right,
10:49:30 36 okay. Do you remember a conversation, firstly, with
10:49:33 37 Mr White about DC Overland wanting you to involve yourself
10:49:38 38 with that individual?---I don't have an independent
10:49:40 39 recollection due to the passage of time but I accept what
10:49:42 40 you're telling me.
41
10:49:43 42 And that you then went and spoke to Mr White about
10:49:48 43 it?---Yes.
44
10:49:48 45 That led finally to, in October, you rang Mr White and said
10:50:00 46 you believe the source, Ms Gobbo, was in possession of
10:50:04 47 false SIM cards shortly prior to the death of Hodsons, and

10:50:11 1 that was information you got, wasn't it?---Yes.
2

10:50:13 3 COMMISSIONER: What date was that?
4

10:50:16 5 MR CHETTLE: 1 October 08, Commissioner. And Petra planned
10:50:19 6 to interview her and SDU will check their intelligence
10:50:21 7 holding re what phone number she had at the time. So they
10:50:25 8 were going to go back and see what phone she was using, you
10:50:27 9 follow?---Yes.
10

10:50:28 11 The notation in the diary is, "Smith aware of the identity
10:50:32 12 of HS. Agreed it was best if the investigators interview
10:50:37 13 her rather than SDU"?---Yes.
14

10:50:42 15 So you discussed with Sandy White the plan should be,
10:50:46 16 "We'll deal with her, not you. You give us the information
10:50:50 17 and we'll deal with her"?---Yes.
18

10:50:52 19 That's the notation made in Mr White's diary on 1 October
10:51:00 20 08. Then we get to the 3rd of October where you ring
10:51:05 21 Mr White and discuss your strategy about Ms Gobbo and you
10:51:11 22 said that the SDU were to crosscheck subscriber details.
10:51:16 23 They won't mention what Petra are going to do to Ms Gobbo,
10:51:21 24 so they don't let her know that you're going to interview
10:51:24 25 her, and there's some discussion about a man called Adam
10:51:29 26 Ahmed which I won't take you to. Mr White asked you how
10:51:35 27 you knew of Ms Gobbo's identity and you said you were told
10:51:39 28 via O'Connell, that's your investigator, and Overland had
10:51:43 29 mentioned the same. Now you've seen that entry?---Yes, I
10:51:46 30 have.
31

10:51:47 32 What it indicates is that O'Connell told you and at some
10:51:50 33 stage or other Overland may have mentioned it to you as
10:51:54 34 well?---I've seen that entry and I don't agree with it
10:51:58 35 totally. I agree that Shane O'Connell has told me but I
10:52:03 36 don't recall being told by Overland.
37

10:52:04 38 I'm not fussed about that either. I'm not taking any issue
10:52:08 39 with that because you don't recall Mr Overland telling you
10:52:10 40 about it, so be it. But you do agree that it was Shane
10:52:14 41 O'Connell who told you?---Yes, it would have been in my
10:52:19 42 previous evidence that, during the familiarisation process
10:52:22 43 I undertook on arrival at Petra.
44

10:52:24 45 And at no time did you say to him, "Look, I already knew
10:52:29 46 because Mr Green told me last year"?---No, I didn't.
47

10:52:33 1 Thank you, Commissioner.
2

10:52:34 3 COMMISSIONER: Thank you. Ms Argiropoulos.
4

10:52:36 5 RE-EXAMINED BY MS ARGIROPOULOS:
6

10:52:39 7 Mr Smith, I'm just going to ask you about one topic and
10:52:43 8 that is the questions that you've been asked concerning
10:52:45 9 disclosure and subpoenas and PII claims. Were you aware
10:52:53 10 that the VGSO had been engaged to advise and appear on
10:53:01 11 behalf of Victoria Police in relation to the various
10:53:05 12 subpoena and related issues that arose?---Yes.
13

10:53:09 14 And specifically I'm talking about issues that were
10:53:14 15 anticipated and emerged with respect to the prosecution of
10:53:18 16 Mr Dale and Mr Collins?---Yes.
17

10:53:23 18 Were you yourself involved in the VGSO being engaged from
10:53:31 19 recollection, or was that something that the informants
10:53:34 20 Mr Solomon or Mr Davey or Mr O'Connell - - - ?---I would
10:53:38 21 have been involved from time to time. The primary carriage
10:53:40 22 of those matters would have been Mr Solomon and Mr Davey.
23

10:53:44 24 Yes. Commissioner, could I ask for Exhibit 954 to be
10:53:50 25 brought up by the operator, please. This is a statement of
10:53:54 26 Ms Marlo Baragwanath, who was the Victorian Government
10:54:02 27 Solicitor.
28

10:54:03 29 COMMISSIONER: Yes, certainly.
30

10:54:18 31 MS ARGIROPOULOS: When that comes up if I could ask for the
10:54:20 32 operator to turn to p.11, so 0011 at the bottom of that
10:54:26 33 paragraph 34, please. Mr Smith, this is a statement that's
10:54:32 34 been tendered before the Commission by the Victorian
10:54:37 35 Government Solicitor based on a review of the records
10:54:39 36 available to her. She states at paragraph 34 that, "In
10:54:46 37 about August 2009 VGSO was engaged to act on behalf of the
10:54:51 38 Chief Commissioner of Police in response to a summons to
10:54:54 39 produce documents issued on behalf of Rodney Collins on 21
10:55:03 40 August 2009"?---Yes.
41

10:55:04 42 She further states over the page, "On about 17 December
10:55:08 43 2009 the VGSO was instructed to act on behalf of the Chief
10:55:13 44 Commissioner in response to subpoenas that were expected to
10:55:15 45 be issued by Paul Dale in the committal hearing of the
10:55:18 46 prosecution against him for the Hodson murders (DPP v.
10:55:22 47 Dale and Collins)". Does that accord with your general

10:55:28 1 recollection in terms of the timing of the VGS0 being
10:55:31 2 engaged?---Yes, it does.
3

10:55:39 4 The next paragraph, paragraph 35, she states, "Several
10:55:45 5 counsel were variously briefed to appear and/or advise in
10:55:49 6 relation to DPP v. Dale and Collins matters. Ron Gipp was
10:55:56 7 briefed from at least September 2009 and Dr Stephen
10:56:00 8 Donohue, as he then was, Lucia Bolkas and Gerard Maguire
10:56:16 9 were briefed in March 2010". Again, does that accord with
10:56:19 10 your general recollection?---Yes, it does.
11

12 Finally, you've been asked some questions about the
10:56:23 13 evidence that you gave in relation to the subpoena related
10:56:25 14 hearings in March 2010, on 18 and 19 March 2010, do you
10:56:28 15 recall that?---Yes.
16

10:56:29 17 You were shown yesterday a version of a document that had
10:56:31 18 been produced to defence which included redactions. Do you
10:56:37 19 recall being shown that document yesterday?---Yes.
20

10:56:42 21 The transcript showed that it was in fact Ms Bolkas who
10:56:46 22 appeared on behalf of the Chief Commissioner on that day.
10:56:49 23 Do you recall seeing that in the transcript?---I accept
10:56:50 24 that.
25

10:56:53 26 Given that both solicitors and counsel had been engaged in
10:57:00 27 relation to that process, I take it that redactions and PII
10:57:05 28 claims made to that document would have been made with
10:57:09 29 legal advice?---Definitely, yes.
30

10:57:11 31 Thank you, Commissioner.
32

10:57:13 33 COMMISSIONER: Thanks Ms Argiropoulos. Ms Tittensor, any
10:57:17 34 re-examination?
35

36 RE-EXAMINED BY MS TITTENSOR:
37

10:57:20 38 Just briefly. In relation to the questions you were asked
10:57:22 39 by Mr Chettle in relation to the Agamas matter, I take it
10:57:30 40 your evidence was that at that stage back in 2007 you
10:57:34 41 didn't know she was a registered human source, Ms Gobbo was
10:57:37 42 a registered human source; is that right?---Yes.
43

10:57:40 44 What you were told by someone at that stage was that she
10:57:43 45 was the source of the information about the container that
10:57:45 46 was coming in?---Yes.
47

10:57:47 1 And you had a - I take it you had assumed it was Officer
10:57:55 2 Green because it was natural that you might do so?--I
10:57:58 3 assumed it was him because of two reasons. Firstly, it was
10:58:01 4 in the context of the container coming in and also, I
10:58:07 5 couldn't recall who else would have told me other than him.
6
10:58:12 7 Yes?--Yes.
8
10:58:13 9 Another potentially logical person in that regard might be
10:58:17 10 someone like Superintendent Biggin who, you can see from
10:58:21 11 your diaries, you had contact during this
10:58:25 12 period?--Potentially. I doubt very much whether
10:58:27 13 Mr Biggin, under those circumstances, would have divulged
10:58:31 14 that to me.
15
10:58:32 16 Yes?--Yes.
17
10:58:33 18 Just in relation to that last matter and the document that
10:58:36 19 was redacted. It's the case that police in numerous
10:58:44 20 instances take it upon themselves to do redactions, is that
10:58:49 21 right, without legal advice, for PII?--We would do
10:58:53 22 redactions but those documents would go through our legal
10:58:57 23 advisors before being produced to the defence or in
10:59:06 24 compliance with the subpoenas.
25
10:59:07 26 We've had other instances where investigators come along
10:59:10 27 and they say, "We redact often ourselves and the lawyers
10:59:15 28 get involved only once there's a challenge to a particular
10:59:18 29 redaction"?--No. Well, that's not the way I would have
10:59:21 30 done this and that's not the way that that would have
10:59:24 31 occurred.
32
10:59:25 33 Thanks Mr Smith.
34
10:59:26 35 COMMISSIONER: Thanks Mr Smith. You're now excused.
10:59:30 36 You're free to go now?--Thank you, Commissioner.
10:59:34 37
38 <(THE WITNESS WITHDREW)
39
10:59:35 40 Is the next witness ready? We did say 11.30?
10:59:39 41
10:59:40 42 MR HOLT: Mr Waddell is here, Commissioner. Because we
43 thought he was going to be 11.30 I just don't have a
44 production copy of his statement but if your associate
45 could assist me with stapling the document we can proceed,
10:59:40 46 I think.
10:59:40 47

10:59:45 1 COMMISSIONER: We could do that or we could have the
10:59:48 2 morning break now.
3
4 MR HOLT: It might be more convenient to take the break,
10:59:49 5 commissioner.
10:59:49 6
10:59:50 7 MS TITTENSOR: I think it's convenient to have the break.
10:59:52 8 I think there's a fresh statement that's come in that we
10:59:55 9 might need to read this morning.
10
10:59:57 11 COMMISSIONER: All right, we'll take the break a little
10:59:59 12 today.
13
14 (Short adjournment.)
15
11:25:59 16 COMMISSIONER: Yes, I understand there's an application for
11:26:01 17 leave to appear in respect of Mr Iddles for this witness.
11:26:06 18 Yes. I understand counsel assisting aren't opposing and I
11:26:12 19 presume nobody wants to oppose that application?
11:26:15 20
11:26:15 21 MR HOLT: No objection, Commissioner.
22
11:26:16 23 MR RICHTER: Thank you, Your Honour.
11:26:16 24
11:26:17 25 COMMISSIONER: There may be an application to cross-examine
11:26:22 26 I'm told.
11:26:22 27
11:26:23 28 MR RICHTER: The only application would be to re-examine
11:26:25 29 Mr Iddles if that arises.
30
11:26:28 31 COMMISSIONER: He's your - you'll be appearing for him and
11:26:31 32 he's your witness? There's no need for that. You're not
11:26:35 33 applying to cross-examine this witness, is that correct?
11:26:39 34
11:26:40 35 MR RICHTER: That's correct. Thank you, Your Honour.
36
11:26:40 37 COMMISSIONER: Thank you. Yes, I understand Mr Waddell
11:26:43 38 will take the oath.
11:26:44 39
11:26:45 40 MR HOLT: Yes, and I appear for Mr Waddell, Commissioner.
41
11:26:49 42 COMMISSIONER: Thank you, Mr Holt.
11:26:50 43
11:26:50 44 <STEPHEN JAMES WADDELL, sworn and examined:
11:27:03 45
11:27:03 46 MR HOLT: Thank you, Mr Waddell. Your full name is Stephen
11:27:06 47 James Waddell?---Correct.

1
11:27:08 2 You're a now retired former member of police?---That's
11:27:11 3 correct.
4
11:27:11 5 Of Victoria Police?---Yes.
6
11:27:12 7 And for the purposes, Mr Waddell, of this Royal Commission
11:27:16 8 have you prepared and signed a statement, a copy of which
11:27:20 9 is in front of you, dated 17 September 2019?---I have.
10
11:27:26 11 Subject to a couple of matters of just clarification more
11:27:32 12 than anything else, are the contents of that statement true
11:27:36 13 and correct to the best of your knowledge and
11:27:39 14 belief?---Yes, they are.
15
11:27:39 16 I'll perhaps just deal with the matters of clarification
11:27:42 17 and then attend to the tender of the document,
11:27:43 18 Commissioner.
19
11:27:44 20 COMMISSIONER: Yes.
11:27:45 21
11:27:45 22 MR HOLT: Mr Waddell, would you go to paragraph 15 of your
11:27:47 23 statement?---Yes.
24
11:27:55 25 You've noted there as part of your answer to questions
11:27:57 26 about involvement or associations with investigations that
11:28:00 27 had dealings with Ms Gobbo?---Yes.
28
11:28:02 29 Obviously the investigation you're talking about throughout
11:28:06 30 that section is the Briars investigation?---Yes.
31
11:28:08 32 The Chartres-Abbott murder?---Yes.
33
11:28:14 34 At 15 you've noted that your recollection is that early in
11:28:18 35 the investigation Ms Gobbo had been identified as a person
11:28:20 36 who may be able to provide information relevant to the
11:28:22 37 investigation because you'd intercepted a number of calls
11:28:26 38 between her and David Waters, who was a person of interest
11:28:29 39 also?---Correct.
40
11:28:30 41 Then you go on to describe and discuss your dealings with
11:28:36 42 Ms Gobbo from 14 January 2008 where you and then Detective
11:28:44 43 Senior Sergeant Iddles went and interviewed her in her
11:28:48 44 chambers?---Yes, we did.
11:28:50 45
11:28:50 46 Right through to the taking of her statement in Bali that
11:28:53 47 I'll come to in a moment?---Correct.

1
2 Rewinding a bit from the statement in Bali?---Yes.

3
4 And dealing with your knowledge of or any involvement in
5 investigations relating to Ms Gobbo and Briars and Waters
6 in 07, since making your statement do you recall that you
7 were at least aware of the use of Ms Gobbo as a human
8 source being tasked by the Source Development Unit in
9 relation to the investigation of Waters?---Subsequent to
10 making this statement, Commissioner, I became aware that
11 Ms Gobbo was tasked by Briars to undertake certain tasks.
12 It had slipped my mind at the time that I made the
13 statement.

14
15 Thank you. The only other matter I wish to deal with is if
16 you turn to paragraph 44 of your statement. You refer
17 there, and we needn't go through the detail at present, but
18 you refer there to being aware of a report in the media
19 where Mr Iddles has suggested that the draft statement
20 taken by Ms Gobbo in Bali contained no confession from Mark
21 Perry?---Yes.

22
23 You're aware of that issue?---Yes, the article was sent to
24 me by the journalist.

25
26 Can I just, to assist the Commissioner with this issue, can
27 I just ask you a couple of questions surrounding that topic
28 and when it came up when you were speaking with Ms Gobbo in
29 Bali. Firstly, is there any doubt in your mind that the
30 Mark Perry confession was in fact referred to by Ms Gobbo
31 while you were taking the statement from her in
32 Bali?---None whatsoever.

33
34 When she said it to you, can you just explain what your
35 initial reaction to its veracity or otherwise was?---I was
36 taken aback.

37
38 Why was that?---And I believe Mr Iddles was as well,
39 because it was completely inconsistent with what she'd
40 previously said.

41
42 When you say what she'd previously said, are you referring
43 to the interview that you and Mr Iddles had had with her
44 about a year previous or more?---Correct.

45
46 In her chambers?---January 08.

47

11:30:59 1 January 08, thank you. And as a result of being taken
11:31:01 2 aback do you recall any conversations or anything that
11:31:03 3 occurred at that time when it was first said?---We
11:31:06 4 certainly discussed it with her. I can't recall whether
11:31:08 5 Mr Iddles posed the question or I did, but we put it to her
11:31:15 6 squarely that it did not accord with her prior statement
11:31:19 7 and she indicated, and I'm paraphrasing now, that on
11:31:23 8 reflection she'd been trying to recall how she first became
11:31:27 9 aware of this and her best recollection at that point in
11:31:31 10 time now was that she had actually been present in Jim
11:31:37 11 Valos' office and Mark Perry was present and that he made
11:31:41 12 that admission directly to her.

13
11:31:45 14 As a result of your knowledge of at least one prior
11:31:48 15 inconsistent statement about that did you accept her
11:31:50 16 evidence about that or her statement about that on its
11:31:53 17 face, or did you take any other steps to inquire into
11:31:55 18 it?---We did take other steps but - I believed at the time
11:32:02 19 it lacked credibility.

20
11:32:04 21 All right?---That statement.

22
11:32:05 23 All right, thank you. Thank you, that's the
11:32:13 24 evidence-in-chief, Commissioner.

25
11:32:14 26 COMMISSIONER: You want to tender the statement?

11:32:16 27
11:32:17 28 MR HOLT: Sorry, Commissioner, yes. I neglected to do so,
11:32:19 29 I tender it.

11:32:20 30
11:32:20 31 #EXHIBIT RC1196A - (Confidential) Statement of Steven
11:32:21 32 Waddell.

11:32:21 33
11:32:22 34 #EXHIBIT RC1196B - (Redacted version.)

35
11:32:26 36 MR HOLT: If the Commission pleases.

11:32:26 37
11:32:26 38 COMMISSIONER: Yes Ms Tittensor.

11:32:29 39
40 <CROSS-EXAMINED BY MS TITTENSOR:

41
11:32:30 42 Mr Waddell, at the time you made your statement you
11:32:32 43 indicated that you hadn't had access to your emails, is
11:32:39 44 that right? You say that in paragraph 3 of your
11:32:41 45 statement?---When I say that, I believe I was shown emails
11:32:46 46 during the course of the making of the statement.

47

11:32:59 1 You might have been - you say in preparing this statement -
11:33:03 2 sorry, "I've had access to my diaries and other documents
11:33:05 3 to refresh my memory. I've not had access to my emails.
11:33:09 4 Any relevant emails found will be provided to the Royal
11:33:12 5 Commission". I just wanted to understand whether you'd
11:33:15 6 subsequently become aware of any further material along
11:33:19 7 those lines?---In respect of emails?

8
11:33:22 9 Well you refer specifically to emails in your statement.
11:33:27 10 Have you been shown or have you had access to any further
11:33:30 11 material since you've made your statement?---The only
11:33:33 12 material that I've had access to is the documents that
11:33:38 13 underpin the statement.

14
11:33:40 15 So there hasn't been any further discussion in relation to
11:33:43 16 emails that you may not have had access to at the
11:33:47 17 time?---Not that I recall, no.

18
11:33:54 19 In terms of your relevant experience, between 1996 and 2006
11:34:02 20 you were in the Crime Department, a Senior Sergeant
11:34:04 21 primarily at Homicide; is that right?---Correct.

22
11:34:06 23 Were you involved in any of the so-called underworld
11:34:10 24 investigations or homicide investigations back in the early
11:34:14 25 2000s?---No.

26
11:34:16 27 Have you been involved in any investigations relating to
11:34:21 28 Carl Williams?---No.

29
11:34:23 30 I take it from your experience you are an experienced
11:34:28 31 investigator building many investigations and
11:34:31 32 prosecutions?---Yes.

33
11:34:37 34 You've been involved in compiling many a brief of evidence
11:34:40 35 I take it?---Yes.

36
11:34:41 37 Involved in giving evidence in committals and trials and so
11:34:44 38 forth?---Yes.

39
11:34:45 40 And you're aware of the rules relating to disclosure and
11:34:49 41 those matters?---I am.

42
11:34:52 43 In 2006 you were an Inspector at ESD?---Yes.

44
11:35:00 45 And you were there until the commencement of Task Force
11:35:04 46 Briars in approximately March or April of 2007?---Correct.

47

11:35:08 1 When you commenced at Task Force Briars did you have an
11:35:12 2 awareness of Ms Gobbo in any capacity?---Only through
11:35:17 3 publicity.
4

11:35:20 5 And what was your - what did you know of her?---That she
11:35:23 6 was a criminal barrister, defence barrister.
7

11:35:27 8 Yes. Did you know who - the nature of the people she
11:35:31 9 represented?---One would have to be, I would suggest, one
11:35:41 10 would have to be not interested in the news to not
11:35:44 11 understand who she had been representing.
12

11:35:47 13 You understood that she represented people like Tony Mokbel
11:35:50 14 and others associated or generally associated with the
11:35:53 15 underworld?---I understood that she moved in those circles,
11:35:57 16 yes.
17

11:35:58 18 Did you understand that that was as a lawyer or more than
11:36:02 19 that?---It's hard to judge from media reports.
20

11:36:09 21 There was some investigation involving, or potentially
11:36:14 22 involving Ms Gobbo within the ESD in 2006 during the period
11:36:19 23 in which you were there. Had you had any knowledge of her
11:36:22 24 association with any police that were the subject of
11:36:26 25 investigation by the ESD?---No.
26

11:36:37 27 Briars Task Force was commenced, as we've already heard, in
11:36:41 28 relation to the murder of Shane Chartres-Abbott on 4 June
11:36:45 29 2003?---Correct.
30

11:36:46 31 And that commenced following the receipt of information
11:36:49 32 from a person who was to become a witness in that
11:36:53 33 matter?---[REDACTED].
34

11:36:56 35 And that person essentially had provided information over
11:36:59 36 time bit by bit; is that right?---He did.
37

11:37:07 38 After some time, and many visits, he made allegations in
11:37:12 39 relation to the involvement of a number of police or former
11:37:16 40 police in that murder?---Yes, he did.
41

11:37:19 42 And hence the commencement of Task Force Briars?---Correct.
43

11:37:25 44 If I can take you to a memo from Rod Wilson of 15 March
11:37:31 45 2007, VPL.0005.0012.0622. This is a briefing paper to the
11:38:03 46 Briars Task Force, it says the Operation Management Group.
11:38:07 47 Do you know that that was variously referred to as the

11:38:10 1 board of management or the steering committee, or the
11:38:13 2 steering group?
11:38:14 3
11:38:14 4 MR HOLT: Excuse me, Commissioner, can I just approach my
11:38:17 5 friend.
6
11:38:22 7 WITNESS: Sorry, could you repeat that?
11:38:38 8
11:38:38 9 MR HOLT: Commissioner, might this submission just be made
10 with the live stream off? Just for convenience very
11:38:38 11 quickly, that will just allow me to deal with it a little
11:38:41 12 more - - -
11:38:41 13
11:38:41 14 COMMISSIONER: I don't think that can be done quickly. Can
11:38:45 15 we cut off the live stream?
11:38:47 16
11:38:47 17 MR HOLT: I'll be asking for this to come out of the live
11:38:51 18 stream. Perhaps if I put it this way. We've referred to a
11:38:53 19 particular pseudonym recently. In fact, it probably should
11:38:58 20 have happened when we [REDACTED] recently,
11:39:02 21 a [REDACTED] should have been given to that person who is in
11:39:08 22 precisely the same category as the other persons. That
11:39:11 23 ought now be done in my submission. I apologise, I had
11:39:11 24 missed it when the list was previously given.
11:39:15 25
11:39:15 26 COMMISSIONER: Sorry, I'm not following. Can you tell me
11:39:19 27 if there's a problem with a line in the transcript?
11:39:21 28
11:39:21 29 MR HOLT: Yes, I can.
11:39:21 30
11:39:22 31 COMMISSIONER: I see, I see, yes.
11:39:24 32
11:39:24 33 MR HOLT: 27. That will need to be - - -
11:39:27 34
11:39:27 35 COMMISSIONER: This was used because it was used in the
11:39:30 36 statement, was it?
11:39:31 37
11:39:31 38 MR HOLT: Absolutely. But when Mr Woods did his new list
11:39:35 39 this wasn't on it and it should have been. I didn't pick
11:39:38 40 it up, I apologise.
11:39:40 41
11:39:40 42 COMMISSIONER: Which one are we using [REDACTED]?
11:39:43 43
11:39:43 44 MR HOLT: We don't have one, Commissioner.
11:39:45 45
11:39:46 46 COMMISSIONER: You're not using one at all at the moment?
11:39:48 47

11:39:49 1 MR HOLT: No, no, I think we should, but I think we should
11:39:51 2 allocate one now for these purposes.
11:39:53 3
11:39:54 4 COMMISSIONER: The words after the question mark in line 27
11:39:56 5 will need to come out of the transcript and the live
11:40:01 6 stream.
11:40:04 7
11:40:05 8 MR HOLT: Can I hand a note to your associate with a
11:40:08 9 proposed name that I've just shown to my friend?
11:40:27 10
11:40:29 11 COMMISSIONER: So we'll amend Exhibit 80 to reflect the
11:40:32 12 name I've been handed.
11:40:34 13
11:40:34 14 MR HOLT: Thank you Commissioner. If that can be shown to
11:40:36 15 the witness and then along the Bar table that will be
11:40:39 16 helpful. And obviously for the same reasons our submission
11:40:40 17 is if biodata can be kept to a minimum I'll try and avoid
11:40:46 18 objecting unless I have to.
11:40:48 19
11:40:48 20 COMMISSIONER: I understand. Do you now want this
11:40:49 21 discussion removed from the transcript and live stream, or
11:40:52 22 it's been so general - - -
11:40:56 23
11:40:57 24 MR HOLT: I think I've kept it opaque.
25
26 COMMISSIONER: I think it's been so general, so opaque it
27 probably doesn't need to be.
28
11:41:01 29 MR HOLT: No, I think that's right, Commissioner. I don't
11:41:01 30 think I used that previous name and made the link.
11:41:04 31
11:41:04 32 COMMISSIONER: It was only used once, wasn't it?
11:41:08 33
11:41:08 34 MR HOLT: Yes, I think so.
11:41:35 35
11:41:35 36 COMMISSIONER: Yes Ms Tittensor.
11:41:36 37
11:41:36 38 MS TITTENSOR: Thanks, Commissioner. I can't remember what
11:41:39 39 my last question was?---The steering committee?
11:41:44 40
11:41:45 41 It says here at the top of the paper it's the operations
11:41:50 42 management group, I take it you would accept variously that
11:41:56 43 is referred to as a steering committee, steering group,
11:41:57 44 board of management in people's notes?---Yes.
11:41:59 45
11:42:00 46 Mr Wilson is indicating here that he had been verbally
11:42:04 47 briefed by Mr Overland to lead that investigation into the

11:42:07 1 murder of Chartres-Abbott in 2003. There's a witness who
11:42:11 2 had signed a statement who had implicated one serving and
11:42:16 3 one former member of Victoria Police, and you see down the
11:42:20 4 bottom of the page there the personnel that had been
11:42:25 5 identified in terms of leading the investigation,
11:42:28 6 Superintendent Rod Wilson, yourself, Detective Inspector
11:42:32 7 Steve Waddell, and Detective Senior Sergeant Ron Iddles
11:42:39 8 coming over from Homicide?---Correct.
11:42:42 9
11:42:42 10 If we continue through I think on to p.5 of that memo.
11:42:49 11 Mr Wilson points out that he'd conducted interviews and
11:42:53 12 sought counsel from a number of superintendents as to
11:42:55 13 lessons they had learnt in the establishment of previous
11:42:59 14 Task Forces. Do you know Paul Sheridan, first of all?---I
11:43:03 15 do.
11:43:04 16
11:43:04 17 Do you know Superintendent Murray Fraser?---Yes, I do.
11:43:10 18
11:43:10 19 His name came up in hearings yesterday in relation to a
11:43:14 20 suggestion during the Petra Task Force investigations that
11:43:18 21 Mr Fraser be given the case to review from an independent
11:43:24 22 point of view. Do you have a view as to his being someone
11:43:29 23 appropriate to undertake such a task?---Mr Fraser was a
11:43:33 24 very experienced and thorough investigator in my
11:43:37 25 experience. He was a large part of the Ceja inquiry.
11:43:43 26
11:43:43 27 Yes. I take it sometimes it's a good idea in relation to
11:43:49 28 an investigation that the investigators themselves might
11:43:55 29 become too focused or those working on it might become too
11:43:59 30 focused and not see the flaws in their case and sometimes
11:44:03 31 it's a good to have a fresh set of eyes to point out the
11:44:09 32 actual strengths of the case?---It's good practice, yes.
11:44:12 33
11:44:12 34 Around about this time there was a Chief Commissioner
11:44:17 35 reference group engaged which involved a number of people,
11:44:23 36 media and Mr Frank Costigan. Were you aware that there was
11:44:29 37 a group engaged to advise the Chief Commissioner in
11:44:32 38 relation to organisational and reputational risks relating
11:44:36 39 to possible links between corrupt police and organised
11:44:40 40 crime?---No.
11:44:41 41
11:44:41 42 Did you know that that was going on in the background to
11:44:44 43 this investigation?---No.
11:44:45 44
11:44:47 45 Now, the structure and reporting in relation to Briars
11:44:51 46 involved Mr Cornelius as the chair of the steering
11:44:58 47 committee?---He was at times but initially it was

11:45:01 1 Mr Overland.
11:45:02 2
11:45:05 3 Mr Overland and Mr Ashton as well as Mr Cornelius were on
11:45:09 4 that steering committee?---They were.
11:45:10 5
11:45:11 6 And most often it was Rod Wilson, at least when he was
11:45:16 7 there?---For at least the first 12 to 18 months, yes.
11:45:21 8
11:45:22 9 He would do the reporting to the steering
11:45:25 10 committee?---Correct.
11:45:25 11
11:45:26 12 How often would you attend?---Only in his absence.
11:45:29 13
11:45:30 14 Did you ever attend with him?---Not to the best of my
11:45:34 15 recollection.
11:45:34 16
11:45:35 17 Did Mr Iddles ever attend with you or in your
11:45:48 18 absence?---Again, not to the best of my recollection.
11:45:51 19
11:45:53 20 Now, what was the purpose of the steering committee in
11:45:57 21 terms of an investigation like this?---It was - in my view
11:46:07 22 it was strategic oversight and governance.
11:46:10 23
11:46:12 24 If the investigation was to head into a different direction
11:46:16 25 or if it was to take important decisions, would it be the
11:46:21 26 steering committee that would decide whether that was to be
11:46:23 27 done?---I suppose it depends on your definition about what
11:46:28 28 is important. Certainly tactical decisions were not
11:46:34 29 theirs.
11:46:36 30
11:46:36 31 If we're going to target someone in a particular way or use
11:46:40 32 a human source in the course of the investigation, would
11:46:42 33 they be consulted?---No.
11:46:44 34
11:46:46 35 If we're going to make a human source - - -?---When I say
11:46:49 36 not consulted, they would be briefed.
11:46:51 37
11:46:51 38 They would be briefed?---Yes.
11:46:52 39
11:46:53 40 They might have a say, depending?---They would take advice
11:46:57 41 generally.
11:46:57 42
11:46:58 43 Might they come up with ideas themselves about how the
11:47:01 44 source might be used?---That would be good if that could
11:47:07 45 happen.
11:47:07 46
11:47:07 47 Did that happen?---My memory is that Mr Overland, from time

11:47:16 1 to time, used to challenge our thinking.
11:47:18 2
11:47:19 3 What do you mean by that?--Well I can't give you a
11:47:23 4 specific example but he, more than anyone else, in my
11:47:28 5 presence, would say, "Okay, I hear what you're saying but
11:47:32 6 have you thought about this?"
7
11:47:34 8 And that's in terms of investigation itself?--Strategy,
11:47:38 9 yes.
10
11:47:38 10
11:47:39 11 As opposed - would he be involved in driving the
11:47:44 12 investigation?--No.
13
11:47:45 13
11:47:46 14 In a way?--No.
15
11:47:47 15
11:47:49 16 Did you have more one-on-one contact with Mr Overland than
11:47:52 17 you did with other members of the steering committee?--No.
18
11:47:55 18
11:47:56 19 Where was your contact with Mr Overland, was it only at
11:48:00 20 steering committee level?--I had, I only had contact with
11:48:08 21 the steering committee whilst Rod Wilson was there, in his
11:48:17 22 absence, however when he moved away and I was briefing the
11:48:21 23 steering committee I did have more regular contact with
11:48:24 24 Mr Overland.
11:48:25 25
11:48:25 26 What about other members of the steering committee?--And
11:48:27 27 Mr Cornelius.
28
11:48:28 28
11:48:30 29 The nature of those conversations or contact, was that
11:48:35 30 one-on-one or was that just within those meetings on a
11:48:39 31 Monday afternoon?--If I thought there was an issue that
11:48:43 32 needed to be raised with them in the interim I would make
11:48:47 33 contact with them, either via email or phone.
11:48:50 34
11:48:53 35 You've indicated in your statement, and I think Mr Holt
11:48:57 36 just took you to it in paragraph 15, that early on Ms Gobbo
11:49:04 37 was identified as a person of interest in the investigation
11:49:06 38 because you'd intercepted some calls between she and
11:49:09 39 Mr Waters?--Yes.
11:49:10 40
11:49:10 41 Do you know how far into the investigation that was?--I
11:49:15 42 can't tell you about that now.
11:49:16 43
11:49:17 44 What was it about the calls that indicated Ms Gobbo might
11:49:20 45 be a person of interest to you?--Well it was clear to us
11:49:25 46 that the nature of the relationship was a social
11:49:28 47 relationship and, of course, we were very interested in

11:49:33 1 anyone that socialised with that particular person, and in
11:49:41 2 particular she was present and socialising with that
11:49:45 3 particular person at a very important time in the
11:49:49 4 chronology of this murder.

11:49:52 5
11:49:52 6 At the time that you had those telephone intercepts were
11:49:57 7 you aware of her association with Mr Waters back in 2003,
11:50:04 8 or was that something you became aware of later?---No, I
11:50:08 9 think we were aware of that.

11:50:09 10
11:50:11 11 So were you aware of that from very early on?---I can't, I
11:50:20 12 can't tell you now, I'd only be speculating and I don't
11:50:23 13 want to do that.

11:50:24 14
11:50:24 15 You refer in your statement in the following paragraph to
11:50:27 16 statements being taken from a number of others that
11:50:29 17 indicate Ms Gobbo was present?---Yes.

11:50:31 18
11:50:31 19 Those statements are taken in October 2007, January 2008,
11:50:35 20 so that seems to be after the period you're talking about,
11:50:39 21 the telephone intercepts?---The telephone intercepts were
11:50:42 22 in place much earlier than that.

11:50:43 23
11:50:44 24 Yes. But it seems as though the information or the
11:50:48 25 statements that you refer to in your statement are obtained
11:50:50 26 after the telephone intercepts?---Yes.

11:50:52 27
11:50:55 28 Now, we know that you go to her chambers and speak to her
11:51:00 29 on 14 January 2008?---Is that the date? I'll accept what -
11:51:10 30 I accept what you say. We did go to her chambers in
11:51:14 31 January 08, yes.

11:51:15 32
11:51:15 33 It's in paragraph 18 of your statement?---Okay, yes.

11:51:18 34
11:51:18 35 Do you know when in relation to that date you first became
11:51:21 36 interested in actually speaking to her?---No, I can't tell
11:51:29 37 you. She had to be spoken to because clearly she was at
11:51:39 38 the [REDACTED] in [REDACTED] in the time immediately prior
11:51:45 39 to this murder, and [REDACTED] was extremely
11:51:49 40 important in the chronology of events in respect of how
11:51:54 41 this murder occurred.

11:51:55 42
11:51:57 43 The information about her being at [REDACTED] do you
11:52:00 44 say only came from those two people you've mentioned in the
11:52:05 45 statement, Mr Hodgkin and Mr Rhys-Jones?---No, I'm not
11:52:12 46 saying that, no. We spoke to as many people that we could
11:52:16 47 identify that were actually regulars at the hotel at that

11:52:20 1 period of time. So not all of those people were committed
11:52:23 2 to statements.
11:52:23 3
11:52:24 4 From what you've just said, you had found out that at the
11:52:27 5 relevant time in the days or weeks before a certain event,
11:52:34 6 you found out she was there. Do you know where you got
11:52:37 7 that information from?---I can't tell you now, no.
11:52:40 8
11:52:42 9 Can you say how you came to know that Ms Gobbo was a human
11:52:47 10 source and dealing with the SDU?---As I said in my
11:52:51 11 statement, I don't have a recollection of how that
11:52:55 12 occurred. I expect that Rod Wilson told me.
11:52:58 13
11:52:58 14 Do you know or do you have any appreciation of at what
11:53:02 15 stage that was?---No.
11:53:04 16
11:53:05 17 As an ESD investigator did that give you any pause for
11:53:10 18 thought or cause for concern?---No.
11:53:13 19
11:53:14 20 You no doubt would have considered it was a highly unusual
11:53:18 21 circumstance?---I did.
11:53:19 22
11:53:19 23 She was known to you to be a criminal defence
11:53:23 24 barrister?---Yes.
11:53:24 25
11:53:25 26 Dealing with heavy duty criminals?---Yes.
11:53:28 27
11:53:29 28 She was registered by the SDU?---Yes.
11:53:34 29
11:53:35 30 Who deal with very high risk, high value sources?---They
11:53:39 31 did.
11:53:39 32
11:53:40 33 Did it occur to you that there might be some issues in a
11:53:46 34 criminal defence lawyer providing information to the
11:53:50 35 SDU?---No.
11:53:51 36
11:53:52 37 Why would that be?---Because I had great faith in, it was
11:53:58 38 my view, I assumed, that if the organisation was going down
11:54:03 39 this path that at the point of contemplating registration
11:54:08 40 there would have been legal advice and that there would
11:54:12 41 have been ongoing legal advice, oversight, in respect of
11:54:22 42 the management, dissemination, all of that stuff.
11:54:24 43
11:54:25 44 When you had some dealings, I think you've just given some
11:54:29 45 evidence to Mr Holt in relation to being reminded about
11:54:34 46 some tasking of Ms Gobbo?---(Witness nods.)
11:54:37 47

11:54:37 1 Did you ever check to see what parameters were in place for
11:54:41 2 her use?---No.
11:54:42 3
11:54:43 4 I take it you would have assumed that based on advice there
11:54:49 5 would have been some parameters in place about how we might
11:54:53 6 use her to ensure that we're not crossing any
11:54:57 7 boundaries?---For us?
11:54:57 8
11:54:58 9 For a source that's a lawyer?---With a source there's a
11:55:01 10 thing called an Acknowledgement of Responsibilities. I
11:55:04 11 expect that hers would have been quite comprehensive.
11:55:08 12
11:55:08 13 Did you check it?---There's a thing called a sterile
11:55:12 14 corridor which separates source managers from the
11:55:16 15 investigators.
11:55:18 16
11:55:19 17 Did you check to see whether there were any parameters in
11:55:23 18 place as to what she might be tasked to do?---Um - - -
11:55:29 19
11:55:30 20 As you understand, she's meeting Mr Waters often in her
11:55:33 21 chambers?---Mr Waters is appearing at her chambers
11:55:38 22 unannounced.
11:55:39 23
11:55:39 24 Yes. Was there any concern on your part that perhaps he
11:55:43 25 might consider that he has a legal relationship with
11:55:47 26 her?---I did consider that.
11:55:52 27
11:55:52 28 At the time?---Not at the time, no.
11:55:56 29
11:55:56 30 That was later when you saw some - - -?---When I say not at
11:56:01 31 the time, as I said, outwardly the relationship to me
11:56:04 32 appeared to be a social one.
11:56:06 33
11:56:07 34 You were getting some information in 2007 that he was
11:56:10 35 turning up to her chambers, is that right?---Yes.
11:56:13 36
11:56:15 37 Was it at that time that you had any concern that perhaps
11:56:18 38 he might have in his mind that there's more than a social
11:56:22 39 relationship, she's his lawyer?---No.
11:56:30 40
11:56:38 41 Just in terms of checking parameters, did you understand
11:56:45 42 that there was any mechanism in place before Ms Gobbo could
11:56:51 43 be tasked in any way to ensure that the person that she was
11:56:56 44 being tasked against she's not conflicted in any way. I
11:57:03 45 might have put that a little clumsily?---No, I hear where
11:57:07 46 you're going, and I assume - that is not a function of the
11:57:10 47 investigator, that is a function of the source managers.

11:57:14 1
11:57:14 2 As an investigator the evidence that you gather as a result
11:57:17 3 may well be compromised though if something goes wrong in
11:57:21 4 that process. Was there any checking along those
11:57:27 5 lines?---Not from me, no. It's not my responsibility, it's
11:57:32 6 the responsibility of the source managers and we weren't
11:57:38 7 asking that particular person to do anything out of what
11:57:46 8 she would normally do.
11:57:48 9
11:57:49 10 Petra was another investigation that was running at the
11:57:51 11 same time as Briars investigating the murder of Christine
11:57:56 12 and Terrence Hodson?---Yes.
11:57:58 13
11:57:59 14 And a major suspect in that was another former police
11:58:03 15 member, you're aware of that?---I am.
11:58:05 16
11:58:05 17 The meetings were one after the other on a Monday afternoon
11:58:10 18 once you became involved?---Yes.
11:58:11 19
11:58:11 20 Were you aware that that investigation was running at the
11:58:14 21 same time?---Yes.
11:58:14 22
11:58:15 23 Was there any interaction going on between those
11:58:17 24 investigations?---There was interaction but I had no idea
11:58:20 25 what they were doing outside of what you've just told me.
11:58:25 26 Yeah, I knew briefly what they were investigating but the
11:58:29 27 details of that, I didn't have any of the specifics of
11:58:32 28 that.
11:58:33 29
11:58:33 30 You weren't having any interaction with the detectives
11:58:36 31 involved in that investigation, sharing information or
11:58:39 32 anything like that?---I wasn't, no.
11:58:40 33
11:58:42 34 If I can just bring up a diary entry of Mr Black. Now,
11:58:47 35 Mr Black is a pseudonym for an SDU handler. Do you know
11:58:50 36 who I'm talking about?---Yes.
11:58:51 37
11:58:52 38 RCMPPI.0009.0001.0001 at p.174. We've got the wrong number.
11:59:29 39 Someone might be able to assist and find Mr Black's
11:59:32 40 diaries. There's an entry nevertheless in Mr Black's
11:59:38 41 diaries of 27 April 2007, so not long at all after the
11:59:43 42 commencement of Task Force Briars, and he records at 8.10
11:59:48 43 in the morning a meeting with yourself and another SDU
11:59:51 44 handler who we know as Mr Anderson?---H'mm.
11:59:54 45
11:59:54 46 At the Blue Train café in Southbank in relation to
11:59:59 47 Operation Briars?---Yep.

12:00:01 1
12:00:01 2 And he records, these are his words, "Discussion general
12:00:07 3 only re SDU assistance. Existing sources plus possibility
12:00:12 4 to recruit. No specific HS", being human source, "But 3838
12:00:20 5 into their stated targets". After he clears the meeting he
12:00:25 6 notes, "My recommendation 3838 to be deactivated". Now it
12:00:31 7 seems as though at this meeting with the SDU on 27 April
12:00:35 8 2007 you were having a discussion about Operation Briars
12:00:41 9 and the subject of Ms Gobbo has come up?---I have no memory
12:00:48 10 of this meeting at all. It would not - it would be common
12:00:57 11
12:01:04 12
12:01:08 13
12:01:14 14
12:01:15 15 Perhaps if we can go to p.174, it's likely to be that one,
12:01:19 16 thanks. Maybe not. We don't seem to have - the diaries
12:01:39 17 that the Commission's been provided in relation to you
12:01:41 18 commence basically in January of 2008. We don't seem to
12:01:45 19 have any diary entries from 2008.
12:01:47 20
12:01:47 21 MR HOLT: Commissioner, I apologise. Can I draw your
12:01:49 22 attention to the current page and to the words from line 33
12:01:56 23 commencing "it would be common". There's a methodology
12:02:00 24 claim that's maintained in respect of that process
12:02:04 25 generally. I understand, Commissioner, it hasn't been
12:02:07 26 resolved but it is a claim that's maintained and so we'd
12:02:16 27 ask that it come from the transcript and the public stream
12:02:20 28 now, to the end of that paragraph.
12:02:22 29
12:02:22 30 COMMISSIONER: All right. From line 32 on p.14009 to the
12:02:29 31 end of that paragraph will be taken from the public
12:02:33 32 transcript and from the streaming.
12:02:41 33
12:02:42 34 MR HOLT: Thank you Commissioner.
12:02:43 35
12:02:43 36 MS TITTENSOR: I might say it was that document but at
12:02:47 37 p.178 I think. Do we have Mr Waddell's diaries in the
12:02:54 38 hearing room that cover the 2007 period?
12:02:57 39
12:02:57 40 MR HOLT: Yes, Commissioner.
12:03:01 41
12:03:01 42 COMMISSIONER: We'll show them to Mr Waddell.
12:03:21 43
12:03:24 44 MS TITTENSOR: 24 April 2007. 8.10 in the morning is the
12:03:43 45 meeting as it's recorded by Officer Black?---It doesn't
12:03:46 46 appear in my diary.
12:03:49 47

12:03:51 1 Would there be a reason you wouldn't record a meeting like
12:03:54 2 that in your diary?---No.
12:03:56 3
12:03:56 4 You may record it, you may not?---I would record it.
12:04:00 5
12:04:01 6 You would record it?---Yes.
12:04:03 7
12:04:03 8 Perhaps if we can put up Officer Black's diary. We're
12:04:10 9 confident you're looking at the right year, 24 April
12:04:18 10 2007?---24/4/07. As I said, I'm surprised that I have no
12:04:22 11 memory of that meeting and I certainly don't know where
12:04:32 12 that café is.
12:04:33 13
12:04:34 14 You see here this is Officer Black's diary entry?---Yep.
12:04:39 15
12:04:42 16 Earlier that day there's a bit of reccie happening in
12:04:47 17 relation to an anticipated meeting with yourself. Then at
12:04:52 18 8.10 there's, "A meeting at the Blue Train café with
12:05:01 19 Detective Inspector Waddell and Anderson for Operation
12:05:06 20 Briars. Discussion general only re SDU assistance,
12:05:06 21 existing sources and possibility to recruit" and then you
12:05:10 22 see, "No specific re human source but 3838 into their
12:05:14 23 stated targets". It seems at least to be consistent with
12:05:17 24 your paragraph 15 where you have in mind that you've got
12:05:22 25 some telephone intercepts in relation to Ms Gobbo and she's
12:05:25 26 a person of interest to you?---Well let me say, I think
12:05:30 27 that's a bizarre entry in that diary. I doubt very much
12:05:36 28 that I knew at that point in time that Ms Gobbo was a
12:05:40 29 source. I doubt that very much.
12:05:47 30
12:05:48 31 It may be the case that you didn't know necessarily that
12:05:52 32 Ms Gobbo was a source, but you're indicating that she's one
12:05:57 33 of your targets because she's a person of interest because
12:06:01 34 she's on the telephones?---She wasn't a target.
12:06:04 35
12:06:04 36 He's recorded it, "No specific re HS, but 3838 into their
12:06:10 37 stated targets". You've got her on telephones around this
12:06:15 38 time, is that right, with Mr Waters, the subject of your
12:06:18 39 investigation?---I would have to go back and look at what
12:06:21 40 date the Task Force started. I'm not sure that we had TIs
12:06:27 41 at that point.
12:06:28 42
12:06:29 43 Well there we are?---That's very early on.
12:06:32 44
12:06:33 45 It is very early on and you can't explain this diary entry
12:06:36 46 I take it?---As I said - - -
12:06:43 47

12:06:43 1 Can you say from your diary where you were?---I don't
12:06:46 2 believe I was there.
12:06:49 3
12:06:50 4 Can you say from your diary where you were?---I was in the
12:06:53 5 office.
12:06:54 6
12:06:54 7 All day?---No.
12:06:55 8
12:06:55 9 What time did you commence duties at the office?---I was on
12:07:14 10 duty at 6 am. We were actually moving furniture that day.
12:07:26 11
12:07:27 12 I've been informed that Mr Anderson's diary also has you
12:07:33 13 present at this meeting on this day?---Well, I can't
12:07:35 14 explain it. I have no memory of it.
12:07:38 15
12:07:38 16 Do you accept that you may well have been at this meeting
12:07:40 17 and you just have no memory of it?---I would find that very
12:07:45 18 hard to believe.
12:07:46 19
12:07:46 20 Because you haven't written it in your diary?---No, because
12:07:49 21 I believe that I would have a memory of that. Given the
12:07:57 22 time line of what we were doing, you can see we're still
12:08:01 23 moving furniture around. It's very early in the
12:08:04 24 investigation, so I just - I'm not sure about that.
12:08:09 25
12:08:10 26 It's not something that you wouldn't do, go and speak to
12:08:13 27 the SDU about a new investigation?---At some point. At
12:08:17 28 some point. But, as I said, I don't know now what date the
12:08:23 29 Task Force started. There would need to be an
12:08:26 30 investigation plan developed. I don't know where that,
12:08:30 31 where we were at with that, so - - -
12:08:41 32
12:08:41 33 All right. I can indicate to you that there's some
12:08:50 34 material before the Commission which indicates that by
12:08:53 35 around mid-April 2007 the Task Force was essentially up and
12:09:01 36 running at least. There'd been investigators arrive,
12:09:05 37 things were happening?---Mid, mid that month?
12:09:08 38
12:09:09 39 There was a report - - -?---So the 15th and we're talking
12:09:12 40 about the 24th.
12:09:13 41
12:09:14 42 15 March 2007 there's that briefing note that I took you to
12:09:17 43 before?---Yes, yes.
12:09:18 44
12:09:18 45 There's further material that indicated, at least by the
12:09:22 46 next month, investigators arrive, Mr Iddles had
12:09:25 47 arrived?---Can I just - sorry to interrupt, can I just have

12:09:29 1 a look at my diary and that might clarify it?

12:09:32 2

12:09:32 3 Sure. Perhaps we'll move on and maybe if your diary might

12:09:36 4 be shown to Mr Winneke to have a look at while we're

12:09:39 5 getting through the evidence?---Sure.

12:09:40 6

12:09:46 7 Now, in the middle of the year in July 2007 Ms Gobbo was

12:09:52 8 called before the OPI in relation to Petra investigations.

12:09:55 9 Were you aware of that at the time?---No.

12:09:57 10

12:09:59 11 It seems as though Mr Overland let Mr Wilson know that that

12:10:03 12 was occurring, is that something that was not shared with

12:10:05 13 you?---Not to the best of my recollection.

12:10:08 14

12:10:20 15 Can I just point out that your diary at p.146 at the top

12:10:25 16 for 24th of the 4th indicates, "On duty 6 am at office.

12:10:32 17 Supervised desks being moved to the 7th floor. At 07:00,

12:10:38 18 inquiries Operation Briars". That seems to allow for the

12:10:42 19 fact that you might have left the office and gone to a

12:10:44 20 meeting?---No, it doesn't.

12:10:45 21

12:10:46 22 The next entry is 15:00, "Code 1 to ESD re TI

12:10:51 23 monitoring"?---Yes.

12:10:51 24

12:10:52 25 That indicates you've got TIs going on at that stage?---It

12:10:57 26 does.

12:10:57 27

12:10:57 28 It indicates that at 7 o'clock you've left the office to go

12:11:00 29 - or potentially left the office for inquiries re Operation

12:11:04 30 Briars. It's entirely consistent with the entry of

12:11:08 31 Mr Black?---How do you come to that?

12:11:10 32

12:11:10 33 I'm saying the entries in your diary are entirely

12:11:14 34 consistent with you having left the office and having a

12:11:16 35 meeting?---How do you put that? There's no basis for that.

12:11:18 36

12:11:18 37 What inquiries did you carry out at 7 am in the morning in

12:11:24 38 relation to Operation Briars and until 15:00

12:11:27 39 hours?---Seriously, you're asking me to remember that now?

12:11:30 40

12:11:30 41 I'm asking you whether you would consider it's consistent -

42 - - ?---Can I just answer it this way - - -

43

12:11:34 44 - - - with you attending a meeting in relation to Operation

12:11:38 45 Briars?---Can I just answer it this way. If I had have

12:11:42 46 left the office there would be a record of it.

12:11:44 47

12:11:44 1 Where would the record be?---In that diary.
12:11:47 2
12:11:48 3 There is no record of what the inquiries were that you were
12:11:51 4 doing between - - - ?---That's right.
12:11:52 5
12:11:52 6 - - - 07:00 and 15:00 hours?---That's right.
12:11:55 7
12:11:55 8 It's impossible that you left the office, you say?---It's
12:12:01 9 impossible.
12:12:01 10
12:12:08 11 COMMISSIONER: It is not a possibility that you didn't make
12:12:10 12 the note in your diary because you were meeting with the
12:12:12 13 SDU and you were concerned about secrecy and not having
12:12:16 14 anything - - -?---Maybe I answered that too quickly,
12:12:19 15 Commissioner. Nothing's impossible, but your proposition
12:12:22 16 is not possible. It's possible that I did go and didn't
12:12:26 17 make a note, but I would consider that highly unlikely.
12:12:30 18
12:12:31 19 It's not your practice?---It's not my practice.
12:12:33 20
12:12:33 21 Not even a meeting with the SDU which you might for some
12:12:37 22 reason because it concerned informers you don't want to
12:12:40 23 take a note of in your diary?---No, that's not an issue.
12:12:44 24
12:12:44 25 You find the whole thing very puzzling?---I do.
12:12:48 26
12:12:48 27 All right, thank you.
12:12:49 28
12:12:50 29 MS TITTENSOR: If I can take you to a Task Force Briars
12:12:52 30 update of 16 July. It's VPL.0100.0058.0798 at p.99. I
12:13:22 31 might just indicate at around about this time, in about May
12:13:30 32 of 2007, Mr Overland had authorised the SDU to speak to
12:13:35 33 Ms Gobbo in relation to the Petra investigation. Did you
12:13:42 34 have any discussions with Mr Overland yourself in relation
12:13:46 35 to how SDU might be able to assist you?---No.
12:13:52 36
12:13:56 37 I just want to take you to one note here. There's a
12:13:59 38 reference, if we move up the page - if we could move up the
12:14:09 39 page, please. Continue on. Perhaps if we can go down the
12:14:33 40 other way. I might have the wrong one up. There's a
12:14:38 41 reference on a Task Force Briars, if this is Task Force
12:14:41 42 Briars, of 16 July. I might have the wrong one. To a Kit
12:14:48 43 Walker?---Yes.
12:14:49 44
12:14:49 45 An investigation which had some relation or links to the
12:14:54 46 Briars, with the Briars investigation and at this stage it
12:14:58 47 was considered premature to proceed with coercive hearing

12:15:02 1 until other more fruitful strategies had been tried, and on
12:15:06 2 the note that I was looking for there's a handwritten note
12:15:11 3 by Mr Cornelius indicating your name and Mr Iddles'
12:15:16 4 name?---Yep.

12:15:16 5
12:15:16 6 In relation to those matters. If we then move to p.97 of
12:15:24 7 this document. There's reference to surveillance and
12:15:35 8 installation of LDs in relation to various people. I think
12:15:41 9 if we move forward - that might have been the matter I was
12:15:48 10 looking for?---Yes, I see.

12:15:49 11
12:15:50 12 We see there?---Yes.

12:15:51 13
12:15:51 14 I think at the following meeting, I might have my meetings
12:15:55 15 mixed around a bit, there was a reference to Mr Waters and
12:15:58 16 Friday night drinks presenting an opportunity in relation
12:16:01 17 to him, presumably for some surveillance?---(Witness nods.)

12:16:04 18
12:16:04 19 That would be logical? That would be something that you
12:16:10 20 would have been looking at?---I've already transgressed the
12:16:13 21 methodology issue once before, so.

12:16:16 22
12:16:16 23 You might go after some surveillance of Mr Waters at Friday
12:16:20 24 night drinks. He was a drinker on a Friday night?---We
12:16:23 25 would try to cover it somehow, yes.

12:16:25 26
12:16:26 27 Now, around about this time, as I indicated to you,
12:16:31 28 Ms Gobbo had been called before OPI for Petra and there was
12:16:37 29 some concern within that whole sphere about her being
12:16:40 30 exposed as a human source by virtue of the questions that
12:16:43 31 might be asked of her at such a forum. Do you know
12:16:47 32 Mr Blayney, Jack Blayney?---I do.

12:16:50 33
12:16:50 34 He was raising concerns at a meeting around about the same
12:16:54 35 time about the use of Ms Gobbo as a human source, being a
12:16:58 36 lawyer, and the need for legal advice. Sandy White and Jim
12:17:04 37 O'Brien were meeting and discussing matters around about
12:17:07 38 this time and also talking about getting legal advice.
12:17:12 39 Following Mr Blayney's concerns, on 24 July there was a
12:17:18 40 meeting, it seems, well it was with Sandy White, Mr Biggin,
12:17:24 41 Mr O'Brien, Mr Ryan, I think who was both Petra and Purana
12:17:30 42 for a time, and Mr O'Connell from Petra as well as
12:17:34 43 Mr Blayney and Mr Brown. So Briars, it seems, was missing
12:17:38 44 from the equation on that occasion?---Yep.

12:17:41 45
12:17:41 46 And there was an agreement to her being deployed but no
12:17:47 47 tasking and any information or intelligence to be assessed

12:17:50 1 before we disseminate it because there are concerns about
12:17:54 2 it?---Okay.
12:17:55 3
12:17:55 4 And that Mr Overland was to be briefed re the
12:17:58 5 issues?---(Witness nods.)
12:17:59 6
12:18:00 7 Now, following that, on 26 July 2007, if I can bring up
12:18:06 8 Mr White's diary, you see there at 10.20 on 26 July 2007
12:18:14 9 there's a meeting that occurs, I think that's the office
12:18:18 10 where the OPI were and Briars was working out of, is that
12:18:23 11 right?---Yes.
12:18:24 12
12:18:25 13 So Sandy White meets with Detective Senior Sergeant Iddles
12:18:29 14 in relation to your investigation and there was a
12:18:32 15 discussion about the viability of using Ms Gobbo re passing
12:18:38 16 information to Waters for the PII [REDACTED]
12:18:42 17 PII [REDACTED] and the time frame
12:18:46 18 given was about a month. Is that consistent with your
12:18:48 19 recollection of what was going on about that time, that
12:18:51 20 there was discussion at that stage about using Ms Gobbo to
12:18:56 21 PII [REDACTED]?---As I said, when I made my
12:19:01 22 statement I had forgotten about this, but that is
12:19:04 23 consistent now with my memory.
12:19:06 24
12:19:09 25 It's apparent by this stage that Mr Iddles certainly knows
12:19:15 26 that Ms Gobbo is a source?---One would assume so.
12:19:21 27
12:19:32 28 I'm just going to read you something from another diary
12:19:36 29 entry of yours of 17 April 2007. So this is ten days
12:19:44 30 before the earlier entry?---Yep.
12:19:46 31
12:19:48 32 You indicate, "On duty 7.15 at office re inquiries
12:19:52 33 Operation Briars. Briefing by Superintendent Wilson re
12:19:56 34 management meeting and then at 09:00 M-L", do you know what
12:20:03 35 that means?---Message left.
12:20:06 36
12:20:06 37 "Sandy White re Briars inquiries"?---Yes.
12:20:10 38
12:20:10 39 So it seems as though you're having contact with the SDU
12:20:17 40 ten days prior to this meeting with a member of the
12:20:23 41 SDU?---I accept that.
12:20:24 42
12:20:34 43 Do you recall around about this time, by this time you were
12:20:38 44 certainly aware that Ms Gobbo was a human source? This is
12:20:43 45 going back to this entry on 26 July 2007?---I would have
12:20:48 46 been, yes.
12:20:48 47

12:20:48 1 Are you now able to say the circumstances in which you
12:20:52 2 learnt that?--Well, my evidence hasn't changed.
12:21:01 3
12:21:05 4 Mr Iddles in his statement indicates that he recalls a
12:21:09 5 conversation with Sandy White in relation to Briars wanting
12:21:18 6 to task Ms Gobbo to have conversations with Mr Waters about
12:21:22 7 being at [REDACTED] at the relevant period of time.
12:21:26 8 Is that your understanding of what was wanted?--My
12:21:34 9 understanding is more in line, my memory is more in line
12:21:39 10 with that, that previous, that entry in the diary there of
12:21:48 11 26 July. It was more for the purposes as outlined in that.
12:21:56 12
12:21:56 13 You would have wanted specific conversation about a topic
12:22:01 14 that would be of interest to you, wouldn't you, all I'm
12:22:05 15 saying is it seems to be you want conversations about him
12:22:08 16 being at [REDACTED]?---I wouldn't have said that.
12:22:14 17
12:22:14 18 Sorry?---I mean obviously if they happened. We were - it
12:22:19 19 was, it was a really passive tasking.
12:22:27 20
12:22:27 21 What the entry actually says is, "Discussed viability of
12:22:31 22 Ms Gobbo, human source 3838, re passing information to
12:22:34 23 Waters". That sort of seems to indicate you're going to
12:22:37 24 give her some information to pass to him?---Yes.
12:22:44 25
12:22:39 26 Which would potentially PII [REDACTED] of a
12:22:42 27 particular nature?---With her?
12:22:44 28
12:22:45 29 Yes. Yes, to generate - well either with her to PII [REDACTED]
12:22:50 30 PII [REDACTED] in some way. She might tell
12:22:55 31 him something, then he might PII [REDACTED] or he might
12:22:58 32 PII [REDACTED]?---That's the purpose, yes.
12:23:06 33
12:23:08 34 Now, there's some evidence before the Commission about
12:23:12 35 another meeting of the Briars Task Force where it was
12:23:16 36 discussed, the Kit Walker issue was discussed again, and
12:23:23 37 there were some handwritten notes taken by Mr Cornelius at
12:23:25 38 this meeting. I'm not saying you're at the meeting. And
12:23:30 39 there was a Ron Iddles' view, there was discussion about
12:23:33 40 phone calls between Lalor and Waters. There was a concern
12:23:38 41 that the OPI approach will have a major impact and spook
12:23:42 42 the players and there was discussion about leaking
12:23:45 43 information via PII [REDACTED], that he may be talking, and
12:23:50 44 there's reference to seeking to do that via [REDACTED]
12:23:56 45 [REDACTED]. Now do you recall that strategy around that
12:24:01 46 period of time?--Well there's a lot of things in that
12:24:04 47 question. I recall that Mr Iddles was opposed to calling

12:24:13 1 these persons of interest before the OPI. That's what I
12:24:18 2 recall. And we sought advice from the DPP about that. And
12:24:26 3 the rest of your question?

12:24:29 4
12:24:29 5 Well there seems to have been discussion about leaking
12:24:32 6 information in relation to PII [REDACTED], you understand who
12:24:36 7 I'm talking about now when I say PII [REDACTED]?---The
12:24:40 8 investigators leaking - - -

12:24:42 9
12:24:42 10 In some way the strategy would involve leaking information
12:24:46 11 about PII [REDACTED], that he may be talking and there's a
12:24:50 12 reference that this might be done by way of [REDACTED]
12:24:57 13 and there's a dash [REDACTED]?---That happened.

12:25:00 14
12:25:00 15 Sorry?---That happened.

12:25:02 16
12:25:02 17 So this was, as I'm asking you now, this is a strategy that
12:25:07 18 was in place around about 30 July 2007, or being discussed
12:25:13 19 at the very least?---Yes, yep.

12:25:15 20
12:25:18 21 And similarly there was, the strategy involved, and I think
12:25:23 22 this also discussed potentially leaking things through the
12:25:27 23 media or seeding through the media as well, is that
12:25:32 24 right?---I doubt that very much. I doubt that very much.
12:25:38 25 This is - there was already a significant media article
12:25:50 26 early on in the investigation, not caused by the Task
12:25:53 27 Force, which critically undermined what we were doing.

12:25:55 28
12:25:56 29 I'm not saying that it happened, but I'm just saying I
12:25:59 30 think this same - I don't have it before me but my memory
12:26:03 31 is that this same handwritten note referred to at least
12:26:07 32 discussion about that possibility. I'm not saying it went
12:26:11 33 on to happen?---Yes, as you say I wasn't there, but.

12:26:18 34
12:26:18 35 Now, on 6 August 2007 there was a meeting between the SDU,
12:26:26 36 Sandy White, Mr Biggin, Mr Blayney, Mr Ryan, with
12:26:29 37 Mr Overland, to discuss Ms Gobbo's management?---(Witness
12:26:34 38 nods.)

12:26:34 39
12:26:35 40 As had been foreshadowed. It was discussed that she would
12:26:40 41 be managed with no tasking and any intelligence would be
12:26:44 42 risk assessed with Mr Biggin personally prior to
12:26:47 43 dissemination or actioning. It seems despite this that
12:26:54 44 there is this plan in the background to potentially use
12:26:57 45 Ms Gobbo, is that right?---We were certainly talking about
12:27:02 46 it, yes.

12:27:02 47

12:27:06 1 I think - - -?---As I said, it happened.

12:27:09 2

12:27:11 3 If we can go to the ICRs at p.1178, 31 August 2007. I'll

12:27:30 4 just summarise a few things for you?---Sure.

12:27:33 5

12:27:33 6 You understand what I mean when I say ICR?---Yes.

12:27:37 7

12:27:38 8 There's a lot of information contained within these and

12:27:41 9 I'll try and summarise the pertinent parts. Ms Gobbo's

12:27:46 10 reporting to her handlers on a visit by Mr Waters to her

12:27:50 11 office?---Yep.

12:27:51 12

12:27:51 13 Having turned up unannounced. And talking to her about

12:27:54 14 having been called to the OPI?---Yep.

12:27:57 15

12:27:58 16 And she's conveying what occurred in the course of that

12:28:03 17 information and you see just down the bottom that that

12:28:06 18 information is disseminated to Mr Iddles. Do you see that

12:28:11 19 down the bottom?---I see that.

12:28:14 20

12:28:15 21 Sorry?---I see that.

12:28:16 22

12:28:17 23 Now is that information coming through to you and the Task

12:28:21 24 Force as well?---I don't think Mr Iddles would have kept it

12:28:28 25 to himself.

12:28:30 26

12:28:30 27 No?---But - - -

12:28:36 28

12:28:36 29 I'm just asking, is it likely?---It's likely.

12:28:40 30

12:28:40 31 You would have been updated about those things

12:28:43 32 yourself?---Likely.

12:28:43 33

12:28:44 34 If we go to the source management log for 6 September.

12:28:49 35 What we see, when this document pops up, is that there's

12:28:54 36 then a request from Mr Iddles to use Ms Gobbo to pass

12:28:58 37 information to Mr Waters to generate conversation, as had

12:29:02 38 been discussed earlier?---Yep.

12:29:04 39

12:29:05 40 And you'll see that there on 6 September?---Yep.

12:29:12 41

12:29:13 42 On 8 September, if we jump back to the ICRs at 1202,

12:29:19 43 Ms Gobbo reports she's had a call from Mr Waters. She

12:29:26 44 refers to him referring a client to her. There's reference

12:29:30 45 to him wanting to see her and there's discussion about a

12:29:34 46 building site at Kent Street, Richmond. Over the page at

12:29:42 47 12.03 she reports on the meeting. She indicates it was

12:29:45 1 about his OPI summons. Her name had come up. She reports
12:29:49 2 that Mr Lalor was also there on site. It seems as though
12:29:55 3 Mr Waters was going back to the OPI on Wednesday. And she
12:29:59 4 indicates, if you see the second-last dot point, "He is
12:30:07 5 going back on Wednesday. She suspects he will come and see
12:30:10 6 her after the hearing for advice about being charged", do
12:30:14 7 you see that?---I do.
12:30:15 8
12:30:16 9 If you had have known about that, would that have been
12:30:19 10 something of concern to you?---I don't believe I knew about
12:30:21 11 this.
12:30:21 12
12:30:22 13 Would it have been something of concern to you if you had
12:30:26 14 have known?---It was of concern to me and this is the very
12:30:30 15 reason in 2009 I think I sought advice from Gerard Maguire
12:30:38 16 about LPP relative to that particular statement.
12:30:42 17
12:30:42 18 Was it of concern to you that there are issues like that
12:30:47 19 that are occurring which has the potential to compromise
12:30:52 20 your investigation down the track, that you're not aware of
12:30:55 21 it at the time?---Of course.
12:31:02 22
12:31:04 23 Is there a way that you can think of now that issues such
12:31:08 24 as that could be avoided?---Well these sort of things need
12:31:20 25 to be documented, don't they?
12:31:22 26
12:31:22 27 This was documented?---It's documented at one end, I'm not
12:31:27 28 sure whether Mr Iddles has it documented in his diary.
12:31:30 29
12:31:30 30 It doesn't necessarily say that it's been, that piece of
12:31:34 31 information has been conveyed to Mr Iddles?---Okay. Sorry,
12:31:37 32 I misunderstood.
12:31:38 33
12:31:39 34 No, no, we don't see an entry under there that he has been
12:31:43 35 updated?---Okay. So that makes more sense to me because I
12:31:47 36 remember the Kent Street address meeting and if we had have
12:31:51 37 been advised of that, we would have wanted to cover that
12:31:55 38 meeting. And in fact I remember we only learnt of that
12:32:00 39 meeting on that particular morning that it was occurring
12:32:03 40 and we had to scramble to cover it. So it says to me that
12:32:08 41 we didn't have advance warning.
12:32:13 42
12:32:15 43 Now there's a request, if we went to the SML for Mr Iddles,
12:32:21 44 request that specific things about [REDACTED] being charged
12:32:27 45 and making a statement against [REDACTED] and [REDACTED] be passed
12:32:31 46 on by Ms Gobbo?---Yes.
12:32:33 47

12:32:35 1 Mr Wilson's evidence was that he was aware that Mr Iddles
12:32:39 2 was getting information from the SDU and you no doubt were
12:32:45 3 aware of that as well, you accept that now?---We were all
12:32:48 4 involved, the three of us were involved in this strategy,
12:32:52 5 so we were all aware.
12:32:53 6
12:32:54 7 As far as you were aware, were the steering committee, did
12:32:59 8 the steering committee know that this was going
12:33:03 9 on?---Absolutely they knew.
12:33:05 10
12:33:05 11 Did they know that it was Ms Gobbo being used?---Well I
12:33:10 12 wasn't going to the steering committee at that time but my
12:33:15 13 assumption is that, yes, they would all know.
12:33:17 14
12:33:17 15 You had no reason to think that that information would have
12:33:20 16 been kept from them by any of the investigators?---No, in
12:33:23 17 fact I think they needed to know.
12:33:26 18
12:33:51 19 On 21 September 2007 Mr Overland meets with Sandy White and
12:33:59 20 Mr Biggin again. If we can just bring that diary entry up,
12:34:04 21 VPL.2000.0001.1273. Mr Overland's requesting consideration
12:34:13 22 of using Ms Gobbo to generate conversation with Mr Waters
12:34:18 23 PII [REDACTED]. There's concern being
12:34:22 24 expressed by the SDU about things becoming evidentiary, do
12:34:27 25 you understand that, the nature of that concern?---Yes.
12:34:30 26
12:34:31 27 That might mean it goes into evidence, it reveals her, and
12:34:35 28 she's exposed as a human source?---Sure.
12:34:37 29
12:34:40 30 Ultimately it's agreed that Ms Gobbo will be tasked to meet
12:34:45 31 Mr Waters to keep the communication going and that they
12:34:48 32 would reassess the value after each meet. Do you recall
12:34:53 33 this occurring within the investigation?---No.
12:34:58 34
12:35:04 35 Was she meeting, PII [REDACTED] of meetings
12:35:09 36 between Ms Gobbo and Mr Waters?---No.
12:35:11 37
12:35:12 38 It was agreed that it would happen but it never
12:35:16 39 eventuated?---No, it was - we were never discussed as using
12:35:20 40 her in that way. We never discussed at that point anything
12:35:25 41 that might turn what she was doing into an evidentiary
12:35:31 42 issue.
12:35:32 43
12:35:32 44 So was it the case that, "We will use her to pass on
12:35:36 45 information so that he'll go elsewhere and PII [REDACTED]
12:35:39 46 PII [REDACTED] and PII [REDACTED]"?---Correct.
12:35:42 47

12:35:57 1 So if we see other Task Force updates noting that you're to
12:36:02 2 speak to Sandy White in relation to her having a further
12:36:06 3 meeting with Waters, that would be consistent with what,
12:36:12 4 what I've just put to you?---I don't, I don't really recall
12:36:18 5 - I think Mr Iddles dealt with Sandy White. You know, I
12:36:23 6 was aware of it.
12:36:24 7
12:36:24 8 There's a Task Force update of 1 October 2007 and I can put
12:36:29 9 it on the screen if you need to?---No, I accept what you're
12:36:31 10 saying.
12:36:31 11
12:36:32 12 It has Mr Cornelius' handwriting and it says "SW",
12:36:35 13 presumably you, "To speak with White re 3838 and further
12:36:39 14 meetings with Waters"?---(Witness nods.)
12:36:42 15
12:36:42 16 You'd accept that?---I accept that's his note. I don't
12:36:47 17 necessarily accept that that's what happened.
12:36:49 18
12:36:51 19 It might have been you were going to arrange for that to
12:36:54 20 happen?---Yes.
12:36:56 21
12:36:57 22 Do you recall there being any discussion about putting
12:36:59 23 Ms Gobbo before a coercive hearing?---No.
12:37:04 24
12:37:04 25 It seems as though on 9 October 2007 Mr Wilson has a diary
12:37:12 26 entry, it says at 8.10 in the morning, "Spoke with Waddell
12:37:16 27 re 3838 and ACC coercive hearing, need to discuss further
12:37:21 28 with Overland", do you recall that?---No.
12:37:23 29
12:37:24 30 Do you know why you might have been wanting to take that
12:37:26 31 course?---No.
12:37:27 32
12:37:29 33 Was it perhaps a way of getting an account from Ms Gobbo
12:37:33 34 not on the record, so to speak?---I really can't understand
12:37:43 35 now what that, what the thinking behind that might have
12:37:46 36 been.
12:37:47 37
12:37:48 38 Well, one way of thinking about it might be that if she's
12:37:53 39 before the ACC it's difficult for people to access that
12:37:57 40 information, we know what she's, we know what, we'll know
12:38:03 41 the answers to her questions in that forum but others
12:38:07 42 won't?---But she's a registered source.
12:38:09 43
12:38:09 44 It might involve telling people at the ACC. I'm just
12:38:14 45 saying do you recall there being consideration of this
12:38:16 46 course being taken?---I don't recall it, no, I'm sorry.
12:38:20 47

12:38:20 1 You'll see the diary entry - - -?---I accept what you're
 12:38:24 2 saying.
 12:38:24 3
 12:38:24 4 On 14 September 2007 Ms Gobbo provided some information in
 12:38:28 5 relation to Mr Perry, ICR p.1217. You'll see down the
 12:38:59 6 bottom of that page there's a reference at 10.28?---Yep.
 12:39:06 7
 12:39:06 8 Ms Gobbo now remembers that when she was speaking to, and
 12:39:10 9 that's the name of a handler?---Yes.
 12:39:12 10
 12:39:12 11 Last year what the information she heard on PII [REDACTED] was.
 12:39:15 12 If I took you back to that information that she's referring
 12:39:19 13 to there, it was on 1 April 2007 and what she'd said on
 12:39:24 14 that occasion was that Mr Waters was concerned about what
 12:39:26 15 the witness had been saying?---H'mm.
 12:39:29 16
 12:39:30 17 She suspects PII [REDACTED] might have something on him and
 12:39:36 18 Mr Waters had said that PII [REDACTED] killed PII [REDACTED] for a
 12:39:40 19 fee?---Yes.
 12:39:41 20
 12:39:41 21 She goes on in this conversation to say he had, he
 12:39:54 22 PII [REDACTED], killed PII [REDACTED] at the request of [REDACTED]
 12:39:58 23 [REDACTED], it says the PII [REDACTED] victim but I take it that's the
 12:40:01 24 PII [REDACTED], at the request of [REDACTED]?---H'mm.
 12:40:05 25
 12:40:05 26 [REDACTED] was PII [REDACTED] of PII [REDACTED] that was PII [REDACTED]
 12:40:08 27 by PII [REDACTED]?---Yes.
 12:40:12 28
 12:40:12 29 "[REDACTED] knew the PII [REDACTED] through PII [REDACTED]. He
 12:40:16 30 paid him to do it because of PII [REDACTED]. [REDACTED] was the [REDACTED]
 12:40:18 31 of [REDACTED] and may have also known him. [REDACTED] and [REDACTED] were
 12:40:22 32 [REDACTED]", it says and then that, you see
 12:40:25 33 over the page, gets verbally disseminated to Mr Iddles. It
 12:40:30 34 seems as though there's been no reference in that
 12:40:34 35 conversation or the earlier one that she referred to as to
 12:40:37 36 any confession, direct or indirect, do you accept
 12:40:50 37 that?---Yes.
 12:40:50 38
 12:40:52 39 And it doesn't suggest in any way how she came to that
 12:40:56 40 information that she's reporting there on 14
 12:41:00 41 September?---That's right.
 12:41:01 42
 12:41:01 43 If I can just take you to PII [REDACTED] 2008 at p.1562.
 12:41:18 44 You'll see up the top there, we're on 11 January, from
 12:41:24 45 Detective Senior Sergeant Iddles of Operation Briars and he
 12:41:28 46 reports to the handler that from PII [REDACTED] interviewed
 12:41:32 47 yesterday, the night that the, I think that's [REDACTED]

12:41:36 1 of the [REDACTED] was handed over from David Waters to
12:41:39 2 PII [REDACTED] thinks Waters was with Ms Gobbo. It
12:41:44 3 was in PII [REDACTED] 2003. Iddles is obliged to ask Ms Gobbo. Now,
12:41:51 4 does that account for the fact that three days later you're
12:41:55 5 in Ms Gobbo's chambers asking her questions?---Possibly.

12:42:00 6
12:42:06 7 And that it was - - -?---I, I have no recollection of that
12:42:11 8 now. But that - - -

12:42:15 9
12:42:15 10 It's apparent that the reason - - -?---That would make
12:42:18 11 sense.

12:42:18 12
12:42:18 13 It seems as though the reason you go and speak to Ms Gobbo
12:42:21 14 is because PII [REDACTED] himself reckons that she was
12:42:26 15 there?---I'm not sure that that person actually committed
12:42:31 16 that to paper.

12:42:32 17
12:42:32 18 No, PII [REDACTED] was a particular kind of person and you
12:42:37 19 needed to check virtually everything that came out of his
12:42:42 20 mouth, is that right?---Absolutely.

12:42:44 21
12:42:44 22 And he might not commit something to paper before he knew
12:42:48 23 it could be corroborated?---No, no, I'm just - I may be
12:42:55 24 wrong but I don't recall that ever being in a statement.

12:42:57 25
12:42:57 26 No, and it may well be it wasn't in the statement because
12:43:02 27 it couldn't be corroborated in the way that he
12:43:05 28 wanted?---That's not how we work. If he says something, it
12:43:09 29 goes in the statement. Whether it can be corroborated or
12:43:12 30 not is another issue. I mean that's the part, that's part
12:43:15 31 of the problem we had with that particular witness, was
12:43:20 32 trying to find corroboration for what was being alleged.

12:43:24 33
12:43:25 34 On 14 January 2008 you go and speak to Ms Gobbo at her
12:43:31 35 chambers. Your diary indicates that's at 2.30 in the
12:43:36 36 afternoon?---Yes.

12:43:36 37
12:43:37 38 And there's an information report which sets out what was
12:43:41 39 conveyed to you on that occasion?---Yes.

12:43:43 40
12:43:44 41 If we put up the information report VPL.0100.0053.0298.
12:43:53 42 You interview her about relevant knowledge that she might
12:43:58 43 have that might be of assistance to your investigation, is
12:44:01 44 that right?---Yes.

12:44:02 45
12:44:02 46 She tells you that she's heard a particular person,
12:44:05 47 PII [REDACTED], had killed PII [REDACTED]?---Yes.

12:44:09 1
12:44:10 2 She tells you that Valos, Jim Valos, who is another
12:44:14 3 solicitor - did you know who Mr Valos was at that
12:44:17 4 stage?---No, not at that stage.
12:44:18 5
12:44:19 6 Had told her that a client of his, [REDACTED], had told him
12:44:27 7 that fact?---Correct.
12:44:28 8
12:44:28 9 So [REDACTED] had told Jim Valos that PII [REDACTED] had killed
12:44:38 10 PII [REDACTED]?---That's what she said.
12:44:40 11
12:44:41 12 She tells you that she's previously acted for [REDACTED]
12:44:46 13 [REDACTED]?---Yes.
12:44:47 14
12:44:50 15 It's indicated in here that she possibly could have gone to
12:44:54 16 the [REDACTED] on 23 May 2003 if she only had a committal
12:45:00 17 mention in the morning. Was there any interest getting a
12:45:04 18 statement from her at that point in time?---In the normal
12:45:08 19 course of events I would have wanted to take a statement
12:45:10 20 from her, but that was a decision that was above my pay
12:45:16 21 grade.
12:45:16 22
12:45:16 23 Because of her role as a human source?---Correct.
12:45:19 24
12:45:19 25 In relation to the information she provided about
12:45:28 26 PII [REDACTED] committing the murder, that was hearsay upon
12:45:31 27 hearsay upon hearsay?---Yes.
12:45:33 28
12:45:33 29 So that was valueless?---Yes.
12:45:34 30
12:45:35 31 It was just simply that she might have been at the hotel on
12:45:38 32 an occasion when [REDACTED] might have been passed
12:45:42 33 along?---I would want to pursue that a lot more, yes.
12:45:45 34
12:45:45 35 If we go back to the ICRs at 1570. You see at 15:17
12:45:57 36 Ms Gobbo is talking with her handler. She reports that Ron
12:46:01 37 Iddles came with Steve Waddell?---Yep.
12:46:05 38
12:46:05 39 Whom she presumed, and she presumed it incorrectly, it
12:46:09 40 seems, that you didn't know about her role. They were
12:46:14 41 asking about Waters, they were very interested in [REDACTED]
12:46:17 42 [REDACTED] the PII [REDACTED] of PII [REDACTED] of the PII [REDACTED].
12:46:22 43 You wanted a statement and she says she's previously told
12:46:27 44 handlers about this. She seems to be referring back to the
12:46:31 45 issue that she'd told handlers about. Further down the
12:46:36 46 page you'll see at 16:00 Mr Iddles calls into the handler.
12:46:43 47 He says he saw Ms Gobbo there because Rhys-Jones had said

12:46:50 1 she might have been there. We also know that PII [REDACTED]
12:46:55 2 had said she might have been there at a particular time.
12:47:01 3 Ms Gobbo thinks there was an appropriate, she thinks she
12:47:04 4 was there on the appropriate date, she was going out with
12:47:07 5 Steve Campbell at the time. How Ms Gobbo found out that
12:47:10 6 [REDACTED] acted for [REDACTED] was from Jim Valos. Valos
12:47:15 7 told Ms Gobbo that [REDACTED] had killed PII [REDACTED], didn't
12:47:19 8 know that before. And Ms Gobbo had apparently said at the
12:47:22 9 time, "Do you want me to make a statement?" Is that
12:47:26 10 something you recall happening at the meeting, that
12:47:29 11 Ms Gobbo - - -?---On 14 January?

12:47:31 12
12:47:31 13 Yes?---No. I couldn't have unilaterally made that decision
12:47:37 14 then.

12:47:38 15
12:47:38 16 No, I wouldn't imagine so, but do you recall Ms Gobbo
12:47:42 17 essentially offering, "Do you want me to make a
12:47:45 18 statement"?---I can't recall but I wouldn't put it past
12:47:49 19 her.

12:47:49 20
12:47:50 21 Down the bottom there's another call from Mr Iddles to the
12:47:54 22 handler indicating that Ms Gobbo had just rung him and had
12:47:59 23 questioned him about whether, knowing that he knows she's a
12:48:03 24 source but wanting to know whether you did and Mr Iddles
12:48:07 25 indicated to her essentially that you didn't know. Do you
12:48:12 26 see that?---Sorry, where are you reading from?

12:48:16 27
12:48:17 28 17:25 you'll see the start of the entry?---Yes. Okay.

12:48:21 29
12:48:22 30 "Ron Iddles, human source just rang him and said he knows
12:48:25 31 that you know, but that Waddell doesn't know re human
12:48:27 32 source role. Iddles confirmed this as correct to human
12:48:31 33 source". In effect he has told Ms Gobbo you don't know,
12:48:36 34 all right?---That's if you accept what that notes says.

12:48:39 35
12:48:39 36 I'm not saying he told her the truth, he has probably
12:48:43 37 confirmed to her - - -?---I don't know because I wasn't
12:48:45 38 privy to any of that, so I don't know.

12:48:48 39
12:48:54 40 It goes on, that another lawyer was there when Mr Iddles
12:48:58 41 had arrived. Ms Gobbo told Mr Iddles that she had spoken
12:49:05 42 to previous handlers about the [REDACTED]/Valos connection.
12:49:11 43 Ms Gobbo was told by Iddles that they're not going to go
12:49:15 44 down the road of a statement. Mr Iddles stated that when
12:49:19 45 the address of PII [REDACTED] was handed over another
12:49:22 46 bloke was there, they thought he was a copper and he gives
12:49:27 47 a nickname. He advises that when asked Ms Gobbo can say

12:49:32 1 that David Rhys-Jones had made the statement. It seems as
12:49:37 2 though they're constructing a cover story in case there's
12:49:41 3 questions asked about why the investigators turned up at
12:49:44 4 her chambers to ask her questions, all right. You weren't
12:49:50 5 there, you accept that these things happened at face
12:49:55 6 value?---That's a concern for me.
12:49:57 7
12:49:57 8 What's a concern?---That the source is contacting the
12:50:02 9 investigator.
12:50:04 10
12:50:05 11 This is an investigator that's come to directly speak to
12:50:09 12 the source?---Doesn't it say that she contacted Mr Iddles?
12:50:13 13
12:50:13 14 Yes, it does. It seems to be the case that you've had your
12:50:16 15 meeting and after the meeting Ms Gobbo has rung to have a
12:50:22 16 conversation with Mr Iddles?---Yes. Which to me is
12:50:27 17 outside, I would imagine outside her Acknowledgement of
12:50:32 18 Responsibilities.
12:50:32 19
12:50:32 20 You might imagine that, but Ms Gobbo might have done a lot
12:50:35 21 of things that you might not think are
12:50:40 22 appropriate?---(Witness nods.)
12:50:42 23
12:50:42 24 You'd accept that?---Yes.
12:50:43 25
12:50:45 26 Now, because of what you were told, if we go to, sorry,
12:50:51 27 because of what you were told you went and spoke with
12:50:54 28 Mr Valos the next day, is that right?---Yes.
12:50:56 29
12:50:56 30 Essentially he denied what Ms Gobbo had said?---He did.
12:51:00 31
12:51:02 32 Would that significantly devalue any evidence she might be
12:51:06 33 able to give?---Absolutely.
12:51:08 34
12:51:09 35 Immediately you'd have concerns about credit issues in
12:51:12 36 relation to her if you had to present that evidence. Now
12:51:15 37 if we go back to the ICRs at p.1574 if we can. You see
12:51:36 38 down the bottom at 17:20 the handler is phoned by Detective
12:51:43 39 Senior Sergeant Iddles and he's indicating, "We saw Jim
12:51:48 40 Valos, doesn't recall that conversation. He will talk to
12:51:51 41 Ms Gobbo. He knew the dates re [REDACTED]. The last time
12:51:56 42 was the 30th of January 2003, therefore they can't have had
12:52:01 43 the conversation because not arranged then"?---H'mm.
12:52:05 44
12:52:06 45 But he did act for [REDACTED], Iddles thinks the
12:52:09 46 conversation was with [REDACTED], but Valos simply can't or
12:52:14 47 won't remember. There's some suggestion there that perhaps

12:52:17 1 there might be, it might be that Ms Gobbo was mistaken as
12:52:21 2 to which [REDACTED] she had spoken to. Do you recall that being
12:52:25 3 a thought?---I just, I had grave concerns about this whole
12:52:35 4 account.

12:52:38 5
12:52:38 6 It would be very difficult, no doubt, if it ever got to
12:52:42 7 court, to put her up as a witness of credibility even at
12:52:47 8 this stage?---Frankly, I didn't believe her.

12:52:52 9
12:52:54 10 Now, Mr Cornelius has given some evidence that he had no
12:52:59 11 idea that you and Mr Iddles went and had this conversation
12:53:05 12 with Ms Gobbo at this stage. Now is that something that
12:53:12 13 would ring true to you? I take it you wouldn't
12:53:17 14 deliberately withhold this from him?---Well I wasn't
12:53:21 15 briefing the steering committee at that stage but I would
12:53:23 16 be very surprised if Mr Wilson hadn't told them.

12:53:26 17
12:53:27 18 Now, would it have been raised, or would you expect it
12:53:30 19 might have been raised with the steering committee, "This
12:53:34 20 particular meeting that we're going to have, it's got some
12:53:37 21 particular sensitivities because it's a human source we're
12:53:40 22 going to speak to"?---No. That's an operational decision.

12:53:45 23
12:53:51 24 Now, later that year you'll recall that there's, I think
12:53:57 25 you go to the prison with Detective Trichias to speak to
12:54:01 26 PII [REDACTED]?---Correct.

12:54:02 27
12:54:02 28 And he's, according to the various diary entries, or your
12:54:06 29 diary entry, he's giving you some information about
12:54:09 30 Mr Waters not directly in relation to this investigation
12:54:12 31 but in relation to another one, or an offshoot of this one,
12:54:17 32 and during that meeting you're given a number of letters,
12:54:22 33 is that right?---Yes.

12:54:24 34
12:54:24 35 And Mr White records in his diary that he received a call
12:54:31 36 from you, "Have received PII [REDACTED] letters from the gaol
12:54:35 37 in relation to Mannella and Williams which discuss 3838 in
12:54:40 38 derogatory terms. It's in response to a letter she had
12:54:44 39 sent Mannella and it identifies her as a dog and we'll send
12:54:50 40 copies" and we've seen an email of those letters with pen
12:54:54 41 markings as to relevant sections. I take it, and they were
12:54:58 42 sent from you. They were scanned and sent on
12:55:02 43 email?---Okay.

12:55:03 44
12:55:03 45 Now, you would have been through those letters and marked
12:55:06 46 the relevant sections, I take it?---No, I didn't.

12:55:09 47

12:55:10 1 No, it was someone else that marked the relevant
12:55:13 2 sections?---Yeah, I, I - I might, my function on that day
12:55:18 3 was purely as a courier.
12:55:22 4
12:55:22 5 You seem to have at least gotten or been told that the
12:55:28 6 letters identify her as a dog at the very least?---Clearly
12:55:32 7 I read them.
12:55:33 8
12:55:34 9 And it was either you or someone before you, before the
12:55:37 10 scan that had marked them up?---Yes.
12:55:39 11
12:55:39 12 In terms of the - - - ?---Yes.
12:55:41 13
12:55:42 14 No doubt whoever did that did it with a view to drawing
12:55:45 15 your attention to those parts of the letters that they
12:55:48 16 considered relevant?---Security issues, yes.
12:55:51 17
12:55:58 18 The following day Mr Wilson briefed Mr Overland in relation
12:56:02 19 to your visit to the prison with PII [REDACTED] and also the
12:56:07 20 issue that had arisen with the letters. Do you understand
12:56:14 21 - was there any further discussion in relation to those and
12:56:17 22 concerns about Ms Gobbo's safety, do you know?---No, there
12:56:24 23 was another issue that was relating to the person that we
12:56:31 24 were seeing that was more of a focus for us.
12:56:37 25
12:56:37 26 Right. Mr Overland's been briefed about PII [REDACTED] as well
12:56:41 27 as the letter issue, it seems?---Yes.
12:56:44 28
12:56:46 29 Do you know whether anything came of those, the letter
12:56:50 30 issue, were there any decisions taken as a result of
12:56:53 31 that?---I don't know.
32
12:56:54 33 COMMISSIONER: Having trouble hearing?
12:56:54 34
12:56:59 35 MR McDERMOTT: Just the date of the offence we're talking
12:57:02 36 about (indistinct).
12:57:03 37
12:57:06 38 MR HOLT: We're trying to avoid them deliberately, I can
12:57:12 39 assist my friend.
40
12:57:13 41 MR McDERMOTT: Sorry.
12:57:13 42
12:57:14 43 MS TITTENSOR: I think that has been in evidence before,
12:57:17 44 I'm not sure there's any controversy about the date to the
12:57:21 45 visit to the prison. We're talking about early September
12:57:24 46 2008.
47

12:57:32 1 In the months after that it seems as though the Briars
12:57:36 2 investigation had been exhausted, it had gone as far as it
12:57:40 3 could go at that point of time. Investigators returned
12:57:43 4 back to their squads and you put together what brief you
12:57:46 5 could, is that right?---Yes.

12:57:48 6
12:57:48 7 Did you seek advice around that stage from the OPP or the
12:57:53 8 DPP as to what your prospects were at that stage?---We did.
12:57:59 9 The problem was that [REDACTED] had disappeared into the
12:58:02 10 ether.

12:58:05 11
12:58:05 12 So there were no charges laid around that period of
12:58:07 13 time?---No.

12:58:07 14
12:58:11 15 Following that there's a decision over in the Petra
12:58:16 16 investigation to transition Ms Gobbo from a source to a
12:58:21 17 witness, get a statement from her. Were you aware of the
12:58:25 18 concerns that were going on within the SDU during that
12:58:30 19 period of time?---I was certainly made aware, well and
12:58:37 20 truly made aware at some point that they had concerned.

12:58:41 21
12:58:41 22 Was that when you were taking the statement about, in
12:58:45 23 mid-2009, or were you made aware at the time that this was
12:58:49 24 going on within Petra, in early 2009, late - - -?---I can't
12:58:54 25 recall. I had some conversations with Mr White about this
12:59:01 26 around the time that I wanted to access source material.

12:59:04 27
12:59:04 28 Right. I'll take you to that now. After she'd been, she'd
12:59:11 29 signed the statement, she'd become a witness, she had been
12:59:14 30 deactivated as a source?---I assumed that.

12:59:18 31
12:59:19 32 From the SDU, and she was being managed now by Petra?---I
12:59:23 33 assumed that.

12:59:24 34
12:59:24 35 Briars gets a new lease on life because there's been a
12:59:30 36 witness come forward in relation to [REDACTED]'s
12:59:34 37 involvement?---Correct.

12:59:34 38
12:59:35 39 And I think you no doubt do become aware of who's handling
12:59:47 40 Ms Gobbo now?---Yes, I do.

12:59:49 41
12:59:49 42 And there are inquiries made about whether we can speak to
12:59:54 43 her, if she's available now to us, to be a witness for
12:59:57 44 us?---That's correct, yes.

12:59:58 45
12:59:59 46 At that stage what were you considering the relevance of
13:00:01 47 any statement from Ms Gobbo might be?---As I said to you

13:00:07 1 before, my view was that the account that she'd previously
13:00:13 2 given was not credible. I suspected that she had something
13:00:21 3 to say about what had happened at [REDACTED] in
13:00:27 4 March 2000 and, sorry, May 2003, and I wanted to pursue
13:00:32 5 that.

13:00:33 6
13:00:35 7 So the aspect of your, the relevance that she was to bring
13:00:42 8 to the investigation was in relation to the period of time
13:00:47 9 in which the address might have been given to
13:00:50 10 Mr Waters?---Our interest in Ms Gobbo was predominantly in
13:00:55 11 respect of Waters.

13:00:58 12
13:00:58 13 You had no interest because of what she'd said which had
13:01:02 14 proven to be inaccurate previously in relation to the [REDACTED]
13:01:06 15 aspect of it?---As you've touched on before, to me, I mean
13:01:10 16 there was something of an admissible nature amongst that.
13:01:18 17 Our whole strategy around involving ourselves with this
13:01:22 18 person was because of her relationship with Waters.

13:01:26 19
13:01:26 20 She hadn't been able to say on the previous occasion that
13:01:29 21 she was there when an address was passed over?---No.

13:01:32 22
13:01:33 23 What would be the value in her being around at a time when
13:01:39 24 it might have occurred?---As I said to you, my issue was
13:01:44 25 that I didn't believe what she was saying and I thought
13:01:51 26 there was a possibility that she was present and had some
13:01:54 27 knowledge.

13:01:55 28
13:01:55 29 Right. Now, you have meetings in March and April to
13:02:05 30 discuss accessing SDU holdings in relation to what Gobbo
13:02:11 31 had given them in relation to Waters?---Yes.

13:02:14 32
13:02:15 33 And those meetings were with Sandy White and
13:02:19 34 Mr Biggin?---Yes.

13:02:19 35
13:02:20 36 Was there any reluctance on the part of the SDU to hand
13:02:23 37 that material over?---There certainly was.

13:02:25 38
13:02:25 39 What was expressed to you as the reason for that
13:02:29 40 reluctance?---The reason was that it's likely that she
13:02:34 41 would be exposed as a human source and therefore be at
13:02:39 42 risk, physically at risk.

13:02:41 43
13:02:41 44 Was there any understanding that she might be exposed
13:02:44 45 through the Petra investigation in any case?---That was my
13:02:49 46 view. That was my view, that if she was going to be
13:02:56 47 deregistered and a statement taken from her for Petra, that

13:03:00 1 it was likely that through some disclosure process it
13:03:06 2 become apparent that, of her history.
13:03:10 3
13:03:10 4 Did that seem to not be the view of others?---It did.
13:03:14 5
13:03:15 6 Who was that?---Well, I think there's, there's some
13:03:20 7 investigators, some police officers have a theory that if,
13:03:25 8 if you have a human source and you're taking intelligence,
13:03:31 9 and then you de-register that source and then move them
13:03:35 10 into an investigative stream, for want of a better phrase,
13:03:41 11 as a witness, because there's that break, that material can
13:03:47 12 be protected under PII, the source material. I'm not sure
13:03:53 13 that's right. I'm not a lawyer but I'm not sure that's
13:03:56 14 right.
13:03:56 15
13:03:57 16 Who did you have this discussion with?---That's just my,
13:04:00 17 you know, that's - I've come to learn about that over the
13:04:06 18 period of time that I've been a police officer. I know
13:04:08 19 that that's a view that's held in some quarters. I took
13:04:12 20 some legal advice from Mr Maguire, who in fact basically
13:04:15 21 said that.
13:04:16 22
13:04:16 23 That was later on?---Yes.
13:04:17 24
13:04:17 25 I'll come to that with you?---Yes.
13:04:19 26
13:04:20 27 It seems to have been that that was the prevailing view
13:04:23 28 around this time, if you're having a discussion about the
13:04:26 29 holdings, getting the holdings?---They were really
13:04:29 30 concerned about that.
13:04:29 31
13:04:30 32 This is a bit different to Petra?---Yes.
13:04:32 33
13:04:32 34 Because we - - -?---We can protect her.
13:04:36 35
13:04:36 36 Protect her in relation to Petra, but we won't in relation
13:04:40 37 to this?---Yes.
13:04:41 38
13:04:41 39 It's too far past that point?---Yes.
13:04:44 40
13:04:44 41 That would have been the understanding at that stage of,
13:04:47 42 well at least the two people you were dealing with, to get
13:04:51 43 the material, Mr Biggin and Sandy White?---That was their
13:04:57 44 view, yes.
13:04:58 45
13:05:00 46 You update or there's an update to the Briars Task Force on
13:05:04 47 6 April and I take it by this stage you're the one doing

13:05:07 1 the updates?---08, 6 April?
2
13:05:13 3 09?---09, yeah, I would have been, yeah.
13:05:15 4
13:05:15 5 You note in your statement you're referring to Ms Gobbo as
13:05:19 6 Witness D in that period of time and subsequently at some
13:05:22 7 stage you come to know she's Witness F in Petra, so you go
13:05:27 8 with Witness F?---Yes.
13:05:29 9
13:05:29 10 Stop confusing everyone?---Yes.
13:05:31 11
13:05:32 12 If only we could do that here, Commissioner. Now, you get
13:05:37 13 the information, and if I can bring this document up, on 24
13:05:41 14 April 2009, VPL.2000.0002 .0899. This is the information
13:05:51 15 you get handed from the SDU?---Yes.
13:05:54 16
13:05:55 17 And it says, "Summary David Waters"?---Yep.
13:05:59 18
13:05:59 19 "Released for perusal by Detective Inspector Waddell on
13:06:04 20 authority of Superintendent Biggin, Covert Services Support
13:06:09 21 Division, 24 April 2009"?---Yes.
13:06:10 22
13:06:11 23 Did they understand at that stage you were going to use
13:06:14 24 this information to go away and take a statement from
13:06:17 25 Ms Gobbo?---I can't recall what I told them about that.
13:06:24 26 The initial, the initial reason for obtaining this material
13:06:28 27 was to check the veracity of what she'd told us in
13:06:33 28 chambers, to see that it was consistent with what she had
13:06:36 29 been telling them.
13:06:38 30
13:06:39 31 If we scroll through, I think it says that there's, the
13:06:46 32 very first entry, and you understand every now and again
13:06:50 33 there's a bolded entry 3838 with a number beside it?---Yes.
13:06:53 34
13:06:54 35 Eventually that becomes 2958 with a number beside
13:06:58 36 it?---Yes.
13:06:58 37
13:06:58 38 You I take it understand that that was a reference to her
13:07:01 39 registered human source number?---Yes.
13:07:03 40
13:07:03 41 And the number beside it was a reference to the number of
13:07:06 42 the contact report?---ICR, yes.
13:07:09 43
13:07:09 44 That is captured. And the very first reference to
13:07:13 45 Mr Waters is in ICR numbered 13. By virtue of going
13:07:20 46 through, you see that the next reference to Mr Waters is
13:07:24 47 ICR 24?---Yep.

13:07:25 1
13:07:25 2 And on it goes?---Yes.
13:07:28 3
13:07:28 4 You know by virtue of just that simple fact that she is
13:07:31 5 talking to the SDU about many, many, many other
13:07:36 6 things?---That's my assumption, yes.
13:07:38 7
13:07:40 8 Did you know at this stage what the nature of the many
13:07:45 9 other things was?---No.
13:07:47 10
13:07:47 11 Did you hazard a guess that it might be about clients of
13:07:51 12 hers?---Not at all.
13:07:56 13
13:07:56 14 That it might be about, well obviously it was going to be
13:08:00 15 about serious crime?---One could speculate about that, yes.
13:08:05 16
13:08:05 17 It might not even be a matter of speculation if she's
13:08:10 18 dealing with the Source Development Unit and if you're
13:08:13 19 looking - - -?---That's not necessarily right.
13:08:17 20
13:08:18 21 High risk, high value, they're the sources that they deal
13:08:21 22 with?---Yes.
13:08:22 23
13:08:22 24 If you look at the dates, the first date at which she's
13:08:26 25 providing information is 23 December 2005 and you knew that
13:08:32 26 she was registered as a source at least until early 2009,
13:08:37 27 so she has been a source with Victoria Police for a
13:08:39 28 significant amount of time?---Yes.
13:08:41 29
13:08:47 30 At any stage was there any thought given to the need to
13:08:51 31 understand what other types of information she was
13:08:54 32 providing?---No.
13:08:56 33
13:08:57 34 To understand the risk that might be inherent in making
13:09:01 35 someone like Ms Gobbo a witness, that would be a sensible
13:09:05 36 thing to do?---My view around this was that there was only
13:09:08 37 ever one way forward for her. Her practice was over. She
13:09:15 38 needed to go into Witsec. Or there needed to be some, some
13:09:22 39 strategy put in place to protect her life, whether she
13:09:26 40 became a witness or not, there needed to be a strategy to
13:09:29 41 protect her life. That means relocation, her practice
13:09:34 42 ceases. I'm sure Mr Iddles and I had this conversation
13:09:38 43 with her in Bali. Even though she knows this, I'm sure we
13:09:45 44 spoke about these things with her in Bali.
13:09:47 45
13:09:48 46 When you do a risk assessment it's not simply a risk to
13:09:52 47 Ms Gobbo's safety that you would consider, is that

13:09:56 1 right?---Risk assessments are wide ranging.

13:10:00 2

13:10:00 3 Yes. And if you're going to transition a source and a

13:10:04 4 source becomes a witness, you're going to be disclosing all

13:10:07 5 sorts of things, including the intelligence that she's

13:10:10 6 provided to Victoria Police potentially, other

13:10:14 7 intelligence?---Yes.

13:10:14 8

13:10:15 9 There's a risk in relation to the disclosure of that

13:10:18 10 intelligence?---Yes.

13:10:18 11

13:10:19 12 To Victoria Police, and it might put other people at

13:10:21 13 risk?---Yes.

13:10:22 14

13:10:22 15 And there might be reputational risk to Victoria

13:10:27 16 Police?---Absolutely.

13:10:28 17

13:10:28 18 Should it be known we've got lawyers on the

13:10:30 19 books?---Absolutely.

13:10:31 20

13:10:32 21 Wouldn't it be sensible to understand what other types of

13:10:34 22 information?---Absolutely.

13:10:35 23

13:10:36 24 She had been providing?---Absolutely.

13:10:37 25

13:10:38 26 Do you know if that was done at any time in the Briars

13:10:42 27 sense?---My assumption was that we were given authority to

13:10:47 28 take a statement, that that had all been taken into

13:10:53 29 account.

13:10:53 30

13:10:53 31 You would assume that Command would have - - -?---I would

13:10:57 32 assume.

13:10:57 33

13:10:59 34 - - - thought of those things?---Absolutely. It's a

13:11:02 35 no-brainer, isn't it?

13:11:04 36

13:11:04 37 One would think. Now, on 18 May there's another Task Force

13:11:15 38 meeting. You say in your statement, "By this time it had

13:11:19 39 been decided that we're going to go take a statement from

13:11:21 40 Ms Gobbo"?---Yep.

13:11:23 41

13:11:24 42 Who was involved in that decision?---I don't know.

13:11:27 43

13:11:28 44 Was it something above your head?---Yes.

13:11:30 45

13:11:32 46 If that was the case, who would it be then?---Again,

13:11:40 47 assumptions. Mr Overland was chair. I assume - ultimately

13:11:48 1 the Chief Commissioner has to approve overseas travel. I
13:11:54 2 don't know. Certainly at executive level.
13:11:57 3
13:11:57 4 By this stage in about March Mr Overland had assumed the
13:12:00 5 position of Chief Commissioner?---Okay.
13:12:02 6
13:12:02 7 And handed over the reins as chair at some stage following
13:12:06 8 that to Mr Cornelius?---Okay.
13:12:07 9
13:12:08 10 And may or may not have attended meetings from time to time
13:12:12 11 thereafter. But you would assume that Mr Overland would
13:12:16 12 have been involved in any case in that decision-making
13:12:19 13 process because of the overseas travel aspect?---He would
13:12:22 14 have to approve the overseas travel, yes.
13:12:24 15
13:12:25 16 And no doubt the steering committee as well?---Yes.
13:12:27 17
13:12:28 18 To make that decision presumably it would have been on the
13:12:30 19 basis of what information they thought Ms Gobbo could give
13:12:35 20 which would be of value?---I don't know what their
13:12:39 21 considerations were.
13:12:40 22
13:12:41 23 Were they given any information about what had previously
13:12:45 24 been told to you, that you thought might be of
13:12:49 25 value?---They were briefed about all that.
13:12:51 26
13:12:51 27 About the meeting in January and also given a briefing
13:12:55 28 about this document?---Yes.
13:12:57 29
13:12:57 30 Do you recall specifically going in and saying, "I've got
13:13:00 31 this" - it was 40 pages, the SDU holding document you were
13:13:04 32 given, 40 plus pages, is that right?---I can't remember. I
13:13:10 33 take your word for it.
13:13:11 34
13:13:11 35 It was choc full of information, a solidly written
13:13:18 36 document?---It wasn't the entirety of what she'd said about
13:13:22 37 - - -
13:13:22 38
13:13:22 39 No, it wasn't. It was simply a word search?---Our
13:13:27 40 interests.
13:13:27 41
13:13:27 42 Yes. It was a word search on the basis of Mr Waters'
13:13:32 43 name?---Yes.
13:13:32 44
13:13:32 45 And it brought up 40 pages of information.
13:13:35 46
13:13:35 47 MR CHETTLE: Commissioner, on that very point about that

13:13:37 1 document, when Sandy White was giving evidence about the 24
13:13:43 2 April meeting with Mr Waddell, a document was tendered as
13:13:47 3 Exhibit 524, but it has a different VPL number to the
13:13:52 4 document that was put up on the screen and we're not, I
13:13:55 5 don't know whether - Ms Tittensor hasn't tendered the
13:13:58 6 document that was just shown, but I don't know whether it's
13:14:01 7 suggested that is Exhibit 524 or whether there's another
13:14:05 8 document. The reason I raise this is, I know it's a long
13:14:08 9 while ago, but you might recall there was some uncertainty
13:14:11 10 about the provenance of the document Mr White identified
13:14:16 11 and we went off to find out what it was all about and we
13:14:16 12 thought this was the summary, that is Exhibit 524 was the
13:14:20 13 summary that was given to Mr Waddell. But I'm not sure.
13:14:24 14 And I can't, because electronic copies, no hard copies, I'm
13:14:29 15 not sure whether we're dealing with two different documents
13:14:32 16 because of the VPL numbers.

13:14:34 17
13:14:35 18 MS TITTENSOR: We'll make some inquiries over the lunch
13:14:37 19 break, Commissioner.

13:14:37 20
13:14:38 21 COMMISSIONER: Perhaps we can clarify that. Okay, well
13:14:40 22 we'll have the lunch break now.

13:14:40 23
13:14:40 24 MR HOLT: Commissioner, I'm sorry, can I make my ordinary
13:14:42 25 inquiries and ask whether Mr Cartwright will be reached - I
13:14:48 26 would have thought certainly not.

13:14:50 27
13:14:50 28 MS TITTENSOR: I wouldn't think so, no.

13:14:51 29
13:14:51 30 MR HOLT: Can we stand him down until tomorrow,
13:14:54 31 Commissioner?

13:14:54 32
13:14:55 33 COMMISSIONER: Yes, certainly.

13:14:55 34
13:14:56 35 MR HOLT: In which case Mr O'Connell was the person who was
13:14:58 36 otherwise scheduled to back up after Mr Cartwright's
13:15:01 37 evidence, but I understand that Mr Cartwright is expected
13:15:04 38 to take at least a day, given that we're finishing I think
13:15:04 39 at 4.40, can we stand Mr O'Connell down at this point?

40
41 MS TITTENSOR: He might need to be available tomorrow
13:15:10 42 afternoon.

13:15:10 43
13:15:33 44 COMMISSIONER: They're now thinking that Mr Cartwright
13:15:35 45 might be a shorter witness.

13:15:39 46
13:15:40 47 MR HOLT: Thank you, we'll make sure he's still available,

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

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Commissioner.

COMMISSIONER: All right, we'll adjourn until 2 o'clock.

<(THE WITNESS WITHDREW)

LUNCHEON ADJOURNMENT

13:15:46 1 UPON RESUMING AT 2.00 PM:
13:53:12 2
14:04:34 3 COMMISSIONER: Yes Ms Tittensor.
14:04:36 4
14:04:37 5 MS TITTENSOR: Thanks Commissioner.
14:04:38 6
14:04:38 7 <STEPHEN JAMES WADDELL, recalled:
14:04:42 8
14:04:42 9 MS TITTENSOR: I've neglected to tender a number of
14:04:44 10 exhibits which I've been reminded about. There was an
14:04:47 11 email from Mr Smith to Mr Waddell dated 21 September 2009,
14:04:51 12 VPL.6058.0039.3095.
14:04:57 13
14:04:58 14 #EXHIBIT RC1197A - (Confidential) Email from Mr Smith to
14:04:48 15 Mr Waddell dated 21/09/09,
14:04:51 16 VPL.6058.0039.3095
14:04:59 17
14:04:59 18 #EXHIBIT RC1197B - (Redacted version.)
14:05:02 19
14:05:02 20 An email chain commencing 1 March from Ron Gipp involving
14:05:05 21 Mr Davey, Mr Smith, Mr O'Connell, Mr Solomon, Mr Overland
14:05:14 22 and Mr Trimble, VPL.6018.0008.7075.
14:05:24 23
14:05:25 24 #EXHIBIT RC1198A - (Confidential) Email chain commencing
14:05:04 25 1/03 from Ron Gipp involving Mr Davey,
14:05:06 26 Mr Smith, Mr O'Connell, Mr Solomon,
14:05:13 27 Mr Overland and Mr Trimble,
14:05:17 28 VPL.6018.0008.7075.
14:05:26 29
14:05:27 30 #EXHIBIT RC1198B - (Redacted version.)
14:05:28 31
14:05:29 32 A letter from Mr Le Grand to Mr Hargreaves,
14:05:38 33 VGS0.5000.0074.7064.
14:05:40 34
14:05:40 35 #EXHIBIT RC1199A - (Confidential) Letter from Mr Le Grand
14:05:32 36 to Mr Hargreaves, VGS0.5000.0074.7064.
14:05:42 37
14:05:43 38 #EXHIBIT RC1199B - (Redacted version.)
14:05:44 39
14:05:44 40 Those three were in relation to the evidence of Mr Smith
14:05:49 41 yesterday. The following in relation to Mr Waddell: a
14:05:51 42 briefing paper Task Force Briars Operation Management
14:05:55 43 Group, 15 March 2007, VPL.0005.0012.0622.
14:06:01 44
14:06:01 45 #EXHIBIT RC1200A - (Confidential) Briefing paper Task Force
14:05:54 46 Briars Operation Management Group
14:05:55 47 15/03/07.

14:06:02 1
14:06:03 2 #EXHIBIT RC1200B - (Redacted version.)
14:06:04 3
14:06:04 4 Task Force Briars update dated 23 July 2007,
14:06:10 5 VPL.0100.0058.0798 at p.97.
14:06:14 6
14:06:15 7 #EXHIBIT RC1201A - (Confidential) Task Force Briars update,
14:06:06 8 23/07/07 VPL.0100.0058.0798 at p.97
14:06:17 9
14:06:17 10 #EXHIBIT RC1201B - (Redacted version.)
14:06:19 11
14:06:19 12 The most recent exhibit, the SDU summary in relation to
14:06:23 13 David Waters released to Mr Waddell, VPL.2000.0002.0899.
14:06:31 14
14:06:33 15 #EXHIBIT RC1202A - (Confidential) SDU summary in relation
14:06:23 16 to David Waters released to Mr Waddell,
14:06:26 17 VPL.2000.0002.0899, 24/04/09.
14:06:35 18
14:06:35 19 #EXHIBIT RC1202B - (Redacted version.)
14:06:37 20
14:06:37 21 I didn't say the date in relation to that, it was dated 24
14:06:40 22 April 2009.
23
14:06:42 24 COMMISSIONER: Is that different to 1202A and B?
14:06:46 25
14:06:46 26 MR CHETTLE: The problem's been fixed with me,
14:06:50 27 Commissioner. I was wrong in what I raised before.
14:06:53 28 Exhibit 524 was the second list that was provided in June.
14:06:57 29 I had it the wrong way round.
30
14:06:59 31 COMMISSIONER: No, sorry, I just thought the last document
14:07:01 32 you tendered was the same as the one before. Is there a
14:07:04 33 difference?
14:07:08 34
14:07:09 35 MS TITTENSOR: Perhaps I'd already tendered it. It's on
14:07:12 36 this list of non-tendered documents.
37
14:07:14 38 COMMISSIONER: It's 1202A and B, I think, then you said it
14:07:17 39 again and I gave it another number but I think it's the
14:07:20 40 same.
14:07:23 41
14:07:23 42 MS TITTENSOR: I understand the Briars Task Force update
14:07:26 43 was 1202 and the SDU summary in relation to David Waters
14:07:29 44 was 1203.
45
14:07:37 46 COMMISSIONER: Right. No, sorry. Could I give you my
14:07:46 47 list. I really think we've only done 1202. It's

14:07:52 1 different. I'll show you the list that I was given. Sorry
14:07:58 2 to waste time on this but it has to be accurate. Are we
14:08:33 3 happy that's right? Just to clarify, the last exhibit,
14:08:37 4 1202, is the summary David Waters released for perusal by
14:08:41 5 Detective Inspector Waddell on authority of Superintendent
14:08:46 6 Biggin CSD 24 April 09, VPL.2000.0002.0899.
14:08:54 7
14:08:54 8 MS TITTENSOR: Yes, Commissioner.
9
14:08:56 10 COMMISSIONER: Thank you.
14:08:58 11
14:08:59 12 MS TITTENSOR: Mr Waddell, you were in Bali from 24 May
14:09:02 13 2009; is that right?---Correct.
14
14:09:04 15 And Ms Gobbo and some Petra investigators and handlers went
14:09:10 16 ahead of you to Bali?---Yes.
17
14:09:13 18 I'll just bring up a Petra contact report, it's
14:09:18 19 VPL.0100.0237.2865. This is a contact report in relation
14:09:23 20 to those that were in Bali and you see their names
14:09:27 21 present?---Yes.
22
14:09:28 23 The two handlers have pseudonyms so I won't refer to those.
14:09:33 24 They travelled on the 22nd, the handlers that is. Mr Smith
14:09:39 25 arrived on the 23rd. I think you get there at some stage
14:09:47 26 on the 24th, although that might not be mentioned. Then on
14:09:52 27 the 25th Ms Gobbo is picked up from her accommodation and
14:09:55 28 taken to a meeting with you and Mr Iddles and that
14:10:00 29 generally accords with your recollection?---Yes.
30
14:10:04 31 It indicates there it was made perfectly clear that it's
14:10:07 32 anticipated that a high level of danger would exist if this
14:10:09 33 statement was made and she accepted the risk would increase
14:10:12 34 in relation to her involvement with Briars?---Yep.
35
14:10:15 36 She stated that she was unlikely to sign a statement at
14:10:18 37 this stage and she'd need to think about it, and she was
14:10:21 38 left with the investigators for the day, that is yourself
14:10:24 39 and Mr Iddles?---Yes.
40
14:10:26 41 Does that accord with your recollection?---Yes.
42
14:10:29 43 If we continue up. I take it you weren't with the handlers
14:10:39 44 for dinner that night, or that evening?---No.
14:10:42 45
14:10:43 46 Is that right?---We didn't consider that to be appropriate.
47

14:10:46 1 Then the following day, the 26th of May, you attended and
14:10:52 2 picked up Ms Gobbo and dropped her off later, is that
14:11:02 3 right? If we can go back up to the top of that entry.
14:11:05 4 "The Briars members attended our accommodation, picked
14:11:08 5 Ms Gobbo up and dropped her off". It seems as though you
14:11:12 6 may have had dinner with - or the police members present at
14:11:16 7 least might have had dinner with you later that
14:11:22 8 evening?--We had dinner with them one night but I don't
14:11:28 9 recall we ever picked her up.
10
14:11:29 11 This is what's recorded in the contact report?---Yeah,
14:11:31 12 yeah, I see that. I see that.
14:11:32 13
14:11:32 14 In any case, were you aware during that day a number of
14:11:34 15 threats came through to Ms Gobbo's phone?---Yes.
16
14:11:36 17 Did that occur during the time that you were with
14:11:39 18 her?---Yes.
19
14:11:41 20 Did that cause any reaction at that stage? Did you go off
14:11:45 21 and make some phone calls about that?---We certainly made
14:11:50 22 phone calls, I'm not sure whether the phone calls were made
14:11:54 23 at that point of time or at that conclusion of that day,
14:11:58 24 but certainly we made some phone calls to have some
14:12:04 25 enquiries made about where those calls may have emanated
14:12:08 26 from.
27
14:12:08 28 If we can move up you'll see the following day it's
14:12:13 29 recorded that Ms Gobbo walks to meet with the Briars
14:12:18 30 members and she's with you for - between midday and
14:12:22 31 7 pm?---Yep.
32
14:12:30 33 It goes on. There was a discussion by Mr Smith with, or
14:12:43 34 Smith discussion with Ms Gobbo about certain issues,
14:12:47 35 including the threats that occurred in relation to Briars.
14:12:51 36 There's a mention of a suspect for the threats there, do
14:12:54 37 you see that?---Yes.
38
14:12:55 39 Is that something that was discussed with you?---Possibly,
14:13:04 40 but if it was it wouldn't have been to any depth. Her
14:13:08 41 security was not our responsibility.
42
14:13:12 43 You'll see the last two lines of that entry where they're
14:13:18 44 discussing Ms Gobbo's security, "Would not enter Witsec, I
14:13:24 45 want nothing to do" - and she describes them in a
14:13:28 46 pejorative way?---Yes, yes.
14:13:29 47

14:13:29 1 Further conversation re same issues and so forth. Was it
14:13:33 2 your understanding that she was just very resistant to
14:13:36 3 entering the witness security program?---Yes.
4

14:13:44 5 Then on the 28th it indicates that Ms Gobbo was with you
14:13:48 6 and Mr Iddles during the day and there are some attempts
14:13:55 7 being made to change travel arrangements and it seems that
14:13:58 8 a number of you, including you and Iddles, clear of Bali
14:14:02 9 that evening; is that right?---Yes, early hours of the next
14:14:06 10 morning I think.
11

14:14:07 12 It seems as though you've had some contact with Ms Gobbo on
14:14:10 13 the 26th, the 27th and then the 28th?---Does it start on
14:14:16 14 the 25th?
15

14:14:18 16 Sorry, taken to a meeting - yes, 25th, 26th, 27th and then
14:14:22 17 28th?---Yep.
18

14:14:24 19 So over four days?---Yes.
20

14:14:34 21 The statement that you took from Ms Gobbo, was that
14:14:42 22 statement that was taken on your laptop?---Yes.
23

14:14:44 24 How many laptops did you have with you?---One.
25

14:14:48 26 It was your personal one or your work personal one?---It
14:14:53 27 was one that was allocated to me, yes.
28

14:15:08 29 If we can bring up a copy of that statement, it's
14:15:14 30 VPL.0002.0002.0120. It will have been exhibited in the
14:15:18 31 past. The statement that we have I think is a 14 page
14:15:33 32 solidly - a statement solid full of information; is that
14:15:39 33 right?---I'll take your word for the number of pages, but
14:15:42 34 there's a lot of information in there, yes.
35

14:15:45 36 Your evidence is that the statement was largely in the form
14:15:48 37 that we see it in when you finish with Ms Gobbo in Bali and
14:15:54 38 return to Australia?---Yes.
39

14:15:57 40 What, if any, changes were made to the statement following
14:16:00 41 that time?---Well the changes you can see throughout the
14:16:04 42 statement. There's some notes that I've made at different
14:16:08 43 points in the statement that, in terms of follow-up
14:16:15 44 inquiries that need to be made.
45

14:16:16 46 Were they in notes that you made whilst you were in Bali on
14:16:20 47 the run or were they notes that you inserted into it

14:16:22 1 later?---My memory is that I reviewed the statement post
14:16:26 2 finishing with her and I inserted those comments.
3
14:16:31 4 Are they your comments that we see in italics?---Some of
14:16:35 5 them are in italics, some of them are bolded.
6
14:16:38 7 We see on the first page, for instance, there are sort -
14:16:43 8 there's some matters that are in bold?---Yes.
9
14:16:46 10 Where you have - for example, it says Campbell was charged
14:16:50 11 in relation to that investigation and then in bold it says
14:16:52 12 "in early 2002"?---Yes.
13
14:16:55 14 Now is that something that you've added in later or is that
14:16:58 15 - - - ?---No, no.
16
14:16:59 17 Why is that in bold?---That's in bolding. I bolded that.
18
14:17:03 19 Why?---To check it.
20
14:17:04 21 Okay. So that's something that she told you and that's
14:17:07 22 something that you wanted to go away and check and
14:17:09 23 corroborate?---Yes, yes.
14:17:09 24
14:17:10 25 Is that the same in relation to the next bolded passage
14:17:15 26 which says, "I did not see Waters independently of Campbell
14:17:19 27 until after I appeared for Waters in a 56A application in
14:17:23 28 respect of the Strawhorn matter"?---Correct.
29
14:17:25 30 Following that, you can see that there are some markings in
14:17:29 31 relation to the next sentence, or the next two sentences,
14:17:34 32 and I've seen another version of this document which
14:17:36 33 indicates, although it's faded on this copy, that's shaded.
14:17:43 34 Can you explain why you've shaded portions, as opposed to
14:17:48 35 bold?---I'm not sure I did that.
36
14:17:52 37 Sorry?---I'm not sure I did that.
38
14:17:55 39 Who else other than you would have shaded it?---I don't
14:18:04 40 know.
41
14:18:05 42 If we can move - I'll just move - - - ?---Can I just
14:18:09 43 explain myself around that?
44
14:18:11 45 Sure, sure?---My understanding, as part of the settlement
14:18:18 46 this statement and the record of it on the Briars directory
14:18:23 47 was removed and I don't know where it was stored. I was

14:18:31 1 surprised, actually, that the Royal Commission had it
14:18:33 2 because my understanding that, as part of the settlement,
14:18:38 3 that there should be no reference to it.
4

14:18:43 5 What gave you that understanding?---Because I recall having
14:18:52 6 to hand over our copy of the statement. Like it's a draft
14:18:57 7 Word document. We had to hand that over and we were, I'm
14:19:01 8 sure we were directed to remove it from the directory.
9

14:19:07 10 So why would that mean that the statement wouldn't exist
14:19:10 11 any longer?---Well I'm not saying that. What I'm saying is
14:19:18 12 when it was in my possession, and possession of the Task
14:19:26 13 Force, I can't see any reason why anyone would highlight
14:19:28 14 that. I was the one that was dealing with it so I can't
14:19:35 15 explain it is what I'm saying.
16

14:19:37 17 I may just be a different way of highlighting some things
14:19:40 18 that you need to follow up?---No.
19

14:19:43 20 Perhaps there's two separate queries, one's in bold and
14:19:48 21 one's shaded?---No. That was my practice. The bolding was
14:19:51 22 my practice. You know, I'm looking at this not in a hard
14:19:55 23 copy form, I'm looking at this in an e-copy, so that's what
14:20:06 24 I was doing.
25

14:20:07 26 This was a document that was deleted off your
14:20:10 27 system?---That's my memory of it.
28

14:20:11 29 And you handed over a hard copy. Who did you hand it over
14:20:14 30 to?---Now you're stretching my memory, whether it was civil
14:20:22 31 lit, I just can't recall.
32

14:20:23 33 You understood there was a term of settlement that this
14:20:26 34 statement be destroyed?---Not - removed from the Briars -
14:20:31 35 from our Task Force. What was to be done with it after
14:20:34 36 that, I don't know. Maybe it was a security issue. I
14:20:37 37 don't know.
38

14:20:42 39 If I can just take you through the statement quickly, if we
14:20:46 40 can scroll to the next page. You see there's again in
14:20:52 41 bold, plus part of it's been shaded, you talk about "an
14:20:59 42 event that occurred two months before the arrest of one my
14:21:02 43 clients, Simon Sayfe, either in 2006 or 2007"?---Yes.
44

14:21:10 45 You've put in brackets, I take it's yours, that you've
14:21:16 46 confirmed that the arrest was on a particular day?---That's
14:21:19 47 correct.

1
14:21:20 2 That confirmation, is that something that you would have
14:21:22 3 gone back and checked police records back in Melbourne for,
14:21:28 4 or is it something that you would ring back while you were
14:21:31 5 in Bali?---No, no, no. It's probably something I did when
14:21:34 6 I returned to Melbourne.
7
14:21:35 8 That's an example of how the statement might have been
14:21:37 9 altered once you got back to Melbourne?---Yes, yes.
10
14:21:40 11 Right. Again, that bit's highlighted. Sorry, highlighted
14:21:45 12 and shaded. Do you say you didn't do the shading, you did
14:21:49 13 the highlighting?---I did the highlighting, yes. The
14:21:52 14 bolding I should say.
15
14:21:54 16 All right. Then if we scroll through. Keep going. We can
14:22:11 17 go a bit quicker, it's all right. You see there there's a,
14:22:17 18 in brackets and shaded there's a Mitre Tavern query?---Yes.
19
14:22:24 20 That's something that I take it you wanted to follow up
14:22:26 21 on?---Yes.
22
14:22:26 23 And you've put question marks in there, but someone's
14:22:29 24 shaded it as well. Do you say you didn't shade it?---I
14:22:33 25 don't believe I shaded it, no.
26
14:22:35 27 Might it have been that you did use shading on this
14:22:39 28 occasion and you just can't recall?---I doubt it.
29
14:22:43 30 All right?---As I said, my memory is that I was doing this
14:22:46 31 on the computer, reading the statement, and as I was going
14:22:49 32 through putting in these comments/queries on the computer.
33
14:22:56 34 You understand the shading can happen on the
14:23:00 35 computer?---Yeah, I - - -
36
14:23:02 37 It appears to be uniform shading of the - - - ?---It's hard
14:23:05 38 to see on this copy. I thought you were talking about a
14:23:07 39 highlighter.
40
14:23:08 41 No, I'm not talking about a highlighter, I'm talking about
14:23:11 42 a highlighting or shading function that can occur on the
14:23:14 43 computer?---Possibly I may have done that.
44
14:23:17 45 Okay, good?---Sorry, I misunderstood you.
46
14:23:20 47 No, my error. If we can continue on quickly page by page,

14:23:26 1 that's fine. There's a bit more shading on that one.
14:23:29 2 We'll just continue through. Continue through. We see
14:23:37 3 there at the bottom of that page there's an italic entry,
14:23:43 4 missing IRs re a particular lawyer telling Docket Iddles
14:23:51 5 had been to Gobbo's office. Is that an indication of
14:23:56 6 somewhere where Ms Gobbo had said there's more information
14:23:59 7 out there that you could follow up on?---She did say that,
14:24:02 8 yep.
14:24:02 9
14:24:02 10 And is that - you made a note there presumably at the time
14:24:05 11 to say, or at some stage later to say, "We need to chase
14:24:10 12 this up"?---Because there's a change there it's in italics.
14:24:16 13 I'm not sure whether that's me or that's Mr Iddles.
14 14
14:24:19 15 All right?---Because we both were involved in this
14:24:22 16 statement taking process, so at times I was typing, at
14:24:28 17 times he was typing.
18 18
14:24:29 19 Right. If I just - I'll take you through, there might be
14:24:33 20 one or two of those. Right to the end, if we can go right
14:24:37 21 to the end. You'll see the jurat of the statement is 21
14:24:41 22 May 2009?---Yes.
23 23
14:24:43 24 You commence preparing the document prior to leaving
14:24:47 25 Australia; is that right?---Yes.
26 26
14:24:49 27 If we were to look at the documents that you had access to
14:24:51 28 prior to leaving Australia you would have had the
14:24:54 29 information report?---Yes.
30 30
14:24:56 31 From the 14th of January 2008?---Yes.
32 32
14:24:59 33 And you would have had that 40 plus page document that
14:25:02 34 you'd been given from the SDU?---Yes.
35 35
14:25:06 36 Save for perhaps what we'll describe as the controversial
14:25:12 37 section relating to the - - - ?---Okay.
38 38
14:25:16 39 - - - admissions section at the bottom of p.2 and on to p.3
14:25:20 40 of that document, substantially the first three pages, or
14:25:27 41 almost three pages, are made up of information that was
14:25:30 42 given to you on 14 January 2008, would you agree with that?
14:25:35 43 It's based on a lot of that information?---I'll accept what
14:25:38 44 you say about that, without going back now and wasting the
14:25:42 45 Commission's time in reading it.
46 46
14:25:44 47 I don't want to take you through it but if we look at

14:25:47 1 various of these facts, you see over the first
14:25:49 2 pages?---Yes.
3
14:25:50 4 "My first year as a barrister was 98"?---Yes.
5
6 "In that year I started going out with Stephen
7 Campbell"?---I accept what you say.
8
14:25:56 9 These are various facts that were contained in that. Save
14:25:58 10 for that section that I've just referred to, up until
14:26:01 11 almost the bottom of p.3?---Yep.
12
14:26:05 13 You can glean, and perhaps it's been filled out, but you
14:26:09 14 can glean from that information report. Then if you go on
14:26:13 15 through the rest of the document you'll see at the bottom
14:26:16 16 of p.3, if we go back to p.3, it starts, "On 1 April 2007",
14:26:24 17 do you see that?---Yep.
18
14:26:26 19 Then if we make a comparison to the SDU material that you
14:26:32 20 got?---Yes.
21
14:26:33 22 We'll see that every single date that has a description of
14:26:38 23 events following that is referable to the material
14:26:42 24 contained in the SDU material. So that, for example, is on
14:26:46 25 p.9 of the SDU material. There's a large section of the
14:26:52 26 conversation that Ms Gobbo has had with her handlers that
14:26:55 27 deals with that event on 1 April, and sometimes that's word
14:26:59 28 for word virtually out of the SDU information contact
14:27:02 29 report?---Okay.
30
14:27:03 31 It seems as though that's the same in relation to each of
14:27:06 32 the entries following that, they're referable to an
14:27:11 33 information contact report. Is it the case that a lot of
14:27:17 34 this statement was constructed before you got to Bali,
14:27:20 35 based on that material?---No.
36
14:27:22 37 Did you start completely fresh once you got to Bali or had
14:27:27 38 you filled in some of these dates that you - - - ?---No.
39
14:27:30 40 - - - you wanted to take her through?---No, what I did was,
14:27:34 41 I set up the shell of the statement, which is why it's got
14:27:38 42 the previous date on it. I would have populated it with
14:27:44 43 material from that IR from January 08, okay? But not the
14:27:50 44 source material.
45
14:27:52 46 Right?---Okay. My practice was, and I know it's Mr Iddles'
14:28:00 47 practice as well, is to ask questions to try and exhaust

14:28:03 1 the memory and then rely on if there's supporting
14:28:07 2 documentation.
3
14:28:08 4 But if we see that very similar phrases are being used as
14:28:12 5 between the SDU material and what's in there?---Yes, I
14:28:15 6 accept that.
7
14:28:15 8 It's explained by the fact that you're reading out of that
14:28:18 9 and inserting it into the statement. You say, "That wasn't
14:28:22 10 done until we got to Bali at least"?---That's right.
11
14:28:25 12 Right. Was it the case that you didn't necessarily want to
14:28:28 13 use any of that material from the SDU because that might
14:28:32 14 lead to issues in terms of her disclosure down the
14:28:35 15 track?---Not at all.
16
14:28:38 17 What was the reason for using or populating the statement
14:28:44 18 early in the piece with only the material that you had
14:28:46 19 before you - sorry, with only the IR material?---It was
14:28:52 20 just a matter of convenience and not taking the IR with me,
14:28:57 21 that's all.
22
14:28:57 23 You didn't take that with you at all?---No.
24
14:29:00 25 That was just a one or two page document, wasn't it?---Yes.
26
14:29:03 27 Is there any reason why you - - - ?---No.
28
14:29:08 29 - - - would take a source development log of 40 pages with
14:29:16 30 much more sensitive material in it but you wouldn't take a
14:29:19 31 two page IR that - - - ?---I get what you're saying but I
14:29:24 32 don't think I took the IR.
33
14:29:24 34 In terms of the method once you got there and you're taking
14:29:29 35 the statement from her, how did that work?---As I said, she
14:29:32 36 was asked for a free narrative. She would give a free
14:29:36 37 narrative.
38
14:29:38 39 Prompted by what you'd already - - - ?---We would drill
14:29:42 40 down. We would ask her questions about fine detail, yeah.
41
14:29:50 42 Was there a particular typer between you and Mr Iddles or
14:29:54 43 was it both of you?---As I said, we both shared that role.
14:29:59 44 I don't recall.
45
14:30:03 46 When we get to the SDU period of time, I take it Ms Gobbo
14:30:07 47 had access to that material as well, she was able to read

14:30:10 1 through that material to refresh herself?---I think we
14:30:14 2 probably did show it to her, yes. Because I recall that -
14:30:20 3 as I said to you before, there was a comment from her that
14:30:22 4 "there's much more material than this".
5
14:30:25 6 And that would have been readily apparent to you because of
14:30:28 7 the - as we went through before - the ICR numbers?---M'mm.
8
14:30:35 9 When we get to the bottom of p.2 of the statement there is
14:30:43 10 a very significant change, is that right, in terms of her
14:30:48 11 account?---Are you talking about the Perry issue?
12
14:30:50 13 Yes?---Yes.
14
14:30:54 15 Do you recall at what stage or what day - we've been
14:30:58 16 through the fact that you've been with Ms Gobbo over the
14:31:00 17 period of four days?---No, I don't.
18
14:31:02 19 You can't say whether that happened early in the time you
14:31:05 20 were in Bali or late in the time you were in Bali?---Well
14:31:08 21 it's early in the statement so - - -
22
14:31:12 23 Did you fill things out necessarily in chronological order
14:31:16 24 or did you get there - - - ?---Yes.
25
14:31:17 26 - - - and skip straight to the SDU period?---No.
27
14:31:20 28 That would tend to indicate that this has happened very
14:31:23 29 early in the piece, wouldn't it?---Yes.
30
14:31:25 31 Now, the information that you had before was very different
14:31:30 32 to this?---It was.
33
14:31:37 34 Presumably if you had have filled out or prefilled out some
14:31:41 35 of these points you would have had written something
14:31:44 36 completely different in terms of a memory prompt at that
14:31:47 37 point in time, if you were going off your IR?---Sorry, I'm
14:31:52 38 not with you.
39
14:31:53 40 Sorry. In your information report what you had recorded in
14:31:57 41 relation to her knowledge of PII [REDACTED] having been
14:32:06 42 responsible for the killing?---Yes.
43
14:32:07 44 You said you inserted some of those points in that document
14:32:10 45 or some of the ICR into that document. Now if you'd
14:32:14 46 inserted that into the document clearly you're going to
14:32:19 47 have to delete that?---Yes.

1
14:32:21 2 Do you recall doing that?---As I said, I don't recall which
14:32:27 3 part of the statement Mr Iddles typed and which part that I
14:32:32 4 typed, so.
5
14:32:33 6 This is a very significant change, this is someone that has
14:32:37 7 gone from giving hearsay upon hearsay upon hearsay evidence
14:32:42 8 to someone who's saying, "I was directly confessed to, this
14:32:46 9 is admissible"?---Yes.
10
14:32:47 11 Tell me about that, how did that happen?---Sorry, what do
14:32:51 12 you mean how did that - I explained it to the Commission
14:32:53 13 already how that happened.
14
14:32:55 15 Well, were you sitting inside - you're inside a room,
14:33:00 16 you're taking this statement, suddenly this person is
14:33:03 17 saying, "He's confessed to me to this murder"?---M'hmm.
18
14:33:08 19 Jaw dropping stuff. What were the circumstances, what did
14:33:11 20 you say?---As I've already explained, and I can't recall
14:33:20 21 whether Mr Iddles was typing or I was typing, we were
14:33:24 22 certainly both in the room. So I - I'm, I can only
14:33:34 23 speculate now and I don't want to do that. I don't have a
14:33:37 24 memory of what actually occurred. But my sense of it is
14:33:46 25 that if I was typing I would continue to type to get all of
14:33:50 26 what she was saying, and then say to her, "Hang on a
14:33:54 27 minute, this is in conflict with what you've previously
14:33:57 28 told us".
29
14:33:58 30 Well, did that happen?---Yes.
31
14:34:01 32 And what did Ms Gobbo say?---As I said before, she said
14:34:06 33 that she'd reflected on it, and I'm paraphrasing now
14:34:12 34 because obviously I didn't record it, she'd reflected on it
14:34:17 35 trying to recall when and where she had heard about this
14:34:22 36 whole murder episode and her best recollection was now that
14:34:32 37 it had occurred in the circumstances as outlined in the
14:34:36 38 statement.
39
14:34:39 40 Did you get straight back on the phone to anyone in
14:34:43 41 Melbourne about that?---No.
42
14:34:45 43 No doubt you spoke to Mr Iddles about it?---Not then and
14:34:49 44 there.
45
14:34:50 46 No. You spoke to him later?---I don't have a memory of it
14:34:55 47 but absolutely we would have spoken about it.

1
14:35:00 2 And how would that conversation have gone?---It goes, it's
14:35:04 3 around her credibility. I didn't believe it was credible
14:35:07 4 and I don't think he thought it was credible either.
5
14:35:15 6 The statement at that point in time, as soon as that's
14:35:19 7 written into a statement it's pretty worthless, isn't
14:35:22 8 it?---Well that's not a matter for me to make a call on, is
14:35:31 9 it?
10
14:35:32 11 Well you're an experienced investigator. If you're going
14:35:36 12 to bring a case, if you're going to rely on a statement in
14:35:39 13 those circumstances, you make an assessment of the value of
14:35:41 14 it - - - ?---My role is to collect the evidence.
15
14:35:46 16 Yes?---And present it.
17
14:35:48 18 Do you make an assessment of the value of the evidence? Do
14:35:50 19 you critically examine or question the evidence?---You'll
14:35:55 20 see in the material that I have actually done that at a
14:35:59 21 later point.
22
14:36:00 23 Yes. That situation - I mean she'd already been
14:36:07 24 contradicted in the first place back in January of 2008 by
14:36:10 25 the other solicitor who said, "What she's telling you is
14:36:13 26 wrong"?---Yes.
27
14:36:15 28 She's then changed her account significantly?---Yes.
29
14:36:20 30 In a way which she would know as a criminal defence
14:36:24 31 barrister would make it admissible in court?---Yes. But as
14:36:29 32 you say, problematic because there's a prior inconsistent
14:36:32 33 statement.
34
14:36:32 35 Incredibly problematic and it makes it very problematic for
14:36:36 36 the credibility of all the other information that she might
14:36:39 37 be giving as well?---Certainly.
38
14:36:40 39 It makes the contents of the statement pretty
14:36:45 40 worthless?---I would agree with that, yeah.
41
14:36:50 42 Was there any investigation of the aspects of this
14:36:54 43 statement or these paragraphs from that point in time? You
14:37:04 44 want to go away and you want to corroborate what you can of
14:37:07 45 it?---Yes.
46
14:37:08 47 Did you go - - - ?---And that was about making an

14:37:13 1 assessment of the value of it.
2

14:37:16 3 Yes. Just to see, well, she says she's reconsidered or
14:37:18 4 thought some more about it and now this is her - was there
14:37:24 5 any investigation in relation to Mr Valos following
14:37:28 6 this?---Am I not constrained about what I can say about
14:37:34 7 that?
8

14:37:37 9 I don't think so. Did you - - - ?---Doesn't it - I might
14:37:42 10 be transgressing a Commonwealth Act I think if I - - -
11

14:37:51 12 COMMISSIONER: You know more than we do?---I might be
14:37:54 13 wrong, Commissioner.
14

14:37:55 15 No, no.
16

14:37:56 17 MS TITTENSOR: At what point in time did you consider
14:37:58 18 making some enquiries or did you make any moves towards
14:38:02 19 making any enquiries to find out what Mr Valos might
14:38:05 20 know?---Enquiries were made.
21

14:38:07 22 Yes, how long after?--- - - -
23

14:38:11 24 MR HOLT: Excuse me, Commissioner, can I speak to
14:38:14 25 Mr Winneke?
26

14:38:15 27 COMMISSIONER: Yes.
28

14:38:22 29 MS TITTENSOR: There were some enquiries made so that
14:38:25 30 questions could be asked of Mr Valos; is that
14:38:27 31 right?---Correct.
32

14:38:28 33 When was that done?---I can't tell you now.
34

14:38:30 35 Was it done straight away when you got back to Melbourne or
14:38:34 36 was it done - - - ?---It was done quite soon after we
14:38:38 37 returned from Bali. I think the material talks or the
14:38:41 38 updated investigation plan talks about some urgency around
14:38:46 39 this aspect and phase of the investigation.
40

14:38:50 41 And that occurs I think when Mr Mokbel issues a subpoena -
14:38:55 42 - - ?---Yes.
43

14:38:56 44 - - - about a month later and as a result of that there
14:38:59 45 might be some disclosure, so people might know Ms Gobbo's
14:39:02 46 role by that stage?---Yes.
47

14:39:04 1 So do you say some time around then "because we hastened
14:39:09 2 the investigation", those matters - - - ?---That's my
14:39:11 3 memory of it.
4

14:39:22 5 If I can take you to a Cornelius file note of 27 May 2009,
14:39:46 6 VPL.0005.0012.3547. You'll appreciate - I think this is
14:39:58 7 about - you'd been a number of days in with
14:40:04 8 Ms Gobbo?---Yes.
9

14:40:05 10 The 24th and - sorry, you'd arrived on the 24th. The 25th
14:40:11 11 and the 26th. Mr Smith is giving Mr Cornelius an update of
14:40:15 12 how you're going?---Yes.
13

14:40:17 14 He said there were some preliminaries happening on day
14:40:21 15 one?---Yep.
16

14:40:22 17 On day two the evidence was less than expected, but gaining
14:40:26 18 in strength. To be completed today, it seems, although it
14:40:32 19 obviously went on for a bit longer?---Yes.
20

14:40:35 21 "Note, it will identify her as", it either says "the
14:40:41 22 source" or "H source", human source?---Yes.
23

14:40:43 24 "Not a complete smoking gun but of significant value. To
14:40:48 25 assess tomorrow for signature." Is that your recollection
14:40:51 26 that what's being reported back to Command by Mr Smith is
14:40:55 27 that the statement that's being taken is of significant
14:41:01 28 value, albeit not a complete smoking gun?---I wouldn't have
14:41:05 29 characterised it in that way.
30

14:41:07 31 Well, in terms of - if you say that we've gotten this
14:41:11 32 controversial part of the statement, the admission, the
14:41:15 33 direct admissions, that would almost be a complete smoking
14:41:19 34 gun absent the credibility issues, wouldn't it, if you've
14:41:22 35 got a lawyer saying, "This guy confessed to me that he did
14:41:25 36 the murder"?---I reiterate, our interest in this person was
14:41:31 37 not to do primarily with Mr Perry. We had significant
14:41:38 38 evidence already against Mr Perry. Our interest was - lay
14:41:46 39 elsewhere.
40

14:41:49 41 So this - - - ?---As I said before, I had very grave
14:41:53 42 reservations about that so-called admission that was made
14:41:58 43 to her.
44

14:42:01 45 No doubt. Here we have concerns being raised that "this is
14:42:06 46 going to out her as a human source if we do it" and we've
14:42:10 47 got an assessment, which presumably Mr Smith is passing

14:42:14 1 along based upon what he's been told, that a statement has
14:42:17 2 been taken of significant value. It seems to be at odds
14:42:25 3 with this statement, which maybe is almost finished, so
14:42:28 4 certainly this part about Perry is included in it. I'm
14:42:34 5 just asking you to comment because it seems to be at odds
14:42:38 6 and whatever's been reported to Mr Smith, presumably by you
14:42:42 7 or Mr Iddles, it just doesn't seem to - - - ?---I hear what
14:42:48 8 you're saying. But as I said, I don't and didn't
14:42:52 9 characterise it in that way.

10

14:42:54 11 So you don't understand how Mr Smith got that information,
14:43:03 12 no?---No.

13

14:43:12 14 Is it perhaps a possibility, given that this is a
14:43:16 15 conference on Wednesday, on the 27th, and we know that -
14:43:22 16 well obviously there's going to be a little bit of a time
14:43:25 17 difference, but you were with her also on the 28th?---Yes.

18

14:43:28 19 That the part about Mr Perry was added in late in the
14:43:33 20 piece?---No.

21

14:43:34 22 It's not a possibility?---Absolutely not.

23

14:43:36 24 No?---Absolutely not.

25

14:43:38 26 It might not have been her - - - ?---Absolutely not.

27

14:43:42 28 Let me finish my question. Might it have been that her
14:43:46 29 reflection about the Perry matters was something that
14:43:48 30 occurred whilst she was in Bali concentrating on these
14:43:53 31 things and she made those changes to her statement later in
14:43:57 32 the piece?---I'll repeat myself. Absolutely not.

33

14:44:00 34 Impossible?---Impossible.

35

14:44:08 36 COMMISSIONER: Is that just because of your very clear
14:44:10 37 memory of it?---It is, Commissioner.

38

14:44:12 39 Thank you.

14:44:21 40

14:44:22 41 MS TITTENSOR: Mr Iddles has a recollection, in terms of a
14:44:28 42 concern becoming apparent to the both of you, that Ms Gobbo
14:44:32 43 would be outed as an informer if this statement was to be
14:44:36 44 completed and her life would be in extreme danger and that
14:44:41 45 a decision was taken to seek advice from Superintendent
14:44:45 46 Wilson, or sorry, from Mr Overland, and through
14:44:51 47 Superintendent Wilson he was telephoned and a response was

14:44:54 1 sought.
2
14:44:54 3 COMMISSIONER: The last document was Exhibit 946.
14:44:57 4
14:44:58 5 MS TITTENSOR: Thank you.
6
14:44:58 7 COMMISSIONER: And the unsigned Gobbo statement was Exhibit
14:45:00 8 260.
14:45:01 9
14:45:01 10 MS TITTENSOR: Thank you, Commissioner.
14:45:03 11
14:45:04 12 Do you recall at some stage having a conversation
14:45:07 13 about concerns about Ms Gobbo's safety, about her being
14:45:11 14 outed potentially as an informer and a need to "get some
14:45:14 15 advice about whether we should proceed"?---Mr Wilson was
14:45:21 16 updated on a daily basis.
17
14:45:23 18 Who was he updated by?---Me.
19
14:45:27 20 Was he updated about the change in the statement, or the
14:45:33 21 change in account, sorry?---Yes, he was.
22
14:45:35 23 And that was over the phone whilst you were in Bali?---Yes,
14:45:39 24 he was.
25
14:45:40 26 Do you know on what day that was?---I'm assuming, because
14:45:45 27 of where it is in the statement, it's probably on the
14:45:48 28 second day. It's early in the statement so I assume it's
14:45:52 29 at the end of the second day. It's not something that -
14:45:58 30 it's something that I would have needed to tell him.
31
14:46:05 32 I apologise, I'm not sure if we've got your diaries for
14:46:08 33 that period. Did you take your diary with you when you
14:46:11 34 were in Bali?---I don't think I did.
35
14:46:14 36 Did you make any notes in any other way of these
14:46:17 37 communications that you were having back to
14:46:19 38 Melbourne?---No.
39
14:46:22 40 Do you recall getting a response, when you raised issues
14:46:27 41 like that, to press ahead and get the statement?---No. At
14:46:39 42 the end of the day I advised Mr Wilson that there was
14:46:50 43 significant inconsistency in the statement. I was sent
14:46:53 44 there to get a statement, get her to sign a statement, and
14:46:56 45 I had to explain to him why we were coming home with an
14:47:00 46 unsigned statement. And my explanation being that I had
14:47:04 47 serious concerns about credit issues which needed to be

14:47:09 1 checked.
2
14:47:16 3 Was that a conversation you had with him on the phone in
14:47:18 4 Bali or is that a conversation you had with him back in
14:47:21 5 Melbourne or both?---On the phone in Bali.
6
14:47:29 7 Mr Iddles says in his statement that during the period of
14:47:31 8 time that you were speaking with Mr Wilson on the phone he
14:47:37 9 had a conversation with Ms Gobbo in which she was telling
14:47:41 10 him about information she'd provided to Purana, and I'm
14:47:45 11 paraphrasing here, that she'd helped in some way solve the
14:47:49 12 underworld killings, that she'd been responsible for the
14:47:52 13 seizure of significant assets relating to Tony Mokbel, that
14:47:59 14 Sandy White had constantly told her not to breach privilege
14:48:03 15 and she'd told him, "It's a bit late, I crossed that line a
14:48:06 16 long time ago, I act in the best interests of Victoria
14:48:09 17 Police and not my client". Mr Iddles says that following
14:48:16 18 that he and you then had a conversation about how to
14:48:20 19 proceed and the statement wasn't signed. Now do you recall
14:48:23 20 being told that information?---No.
21
14:48:26 22 That Ms Gobbo had said those things?---No.
23
14:48:32 24 Mr Iddles indicates in his statement that he was concerned,
14:48:35 25 being told those things, that it would end up in a Royal
14:48:41 26 Commission. You could understand if he was told those
14:48:44 27 things that would be a legitimate concern?---I would, if I
14:48:47 28 was told those things myself it would raise a massive red
14:48:51 29 flag.
30
14:48:53 31 You say you didn't have any conversation in relation to
14:48:55 32 those matters?---No.
33
14:48:59 34 Did you have conversations, following the time you got back
14:49:03 35 to Melbourne, which raised such concerns to you?---No.
36
14:49:08 37 With Mr Iddles or with anyone else?---No.
38
14:49:15 39 On 29 May 2009 it seems as though you go straight from the
14:49:26 40 airport with Mr Iddles in to see Mr Wilson?---Yes.
41
14:49:31 42 Do you recall doing that?---Yes.
43
14:49:32 44 Mr Wilson has a diary entry of meeting with you at
14:49:36 45 9.20?---Yep.
46
14:49:36 47 And discussing the statement. Would it be the case that

14:49:41 1 you again discuss your concerns in relation to credibility
14:49:43 2 and those kinds of issues?---Yes.
3
14:49:47 4 Do you recall what you told him during that
14:49:50 5 conversation?---In regards to the credibility?
6
14:49:53 7 Well, generally in relation to that statement?---Well there
14:49:56 8 was two issues. One was credibility and one was security.
9
14:50:04 10 Did the security relate simply to the threats that she'd
14:50:06 11 received while she was over there or concerns more
14:50:09 12 broadly?---More broadly.
13
14:50:14 14 Did that relate to the nature of the information and the
14:50:17 15 people that she provided information against as a human
14:50:20 16 source?---No.
17
14:50:21 18 What did that relate to?---I'm somewhat constrained. I'm
14:50:33 19 not sure that I would like to talk about that in open
14:50:38 20 hearings, Commissioner.
21
14:50:40 22 COMMISSIONER: Just let Mr Holt discuss this with
14:50:42 23 Ms Tittensor, please. It's sometimes difficult to
14:50:47 24 understand what that business is?---Yes.
25
14:50:59 26 MR HOLT: I've explained the issue, Commissioner, and if
14:51:01 27 it's a matter that needs to be pursued we're happy to do a
14:51:05 28 confidential statement about it so the Commission's aware
14:51:07 29 of it entirely.
30
14:51:08 31 COMMISSIONER: Thank you, Mr Holt.
32
14:51:14 33 MS TITTENSOR: A couple of days later on 1 June 2009 there
14:51:17 34 was a Briars Task Force update, and I'll just take you to
14:51:21 35 Mr Cornelius' notes in relation to that. It's at
14:51:30 36 VPL.0005.0012.0894. This is a meeting which seems to have
14:51:41 37 been attended by yourself, along Mr Cornelius, Moloney,
14:51:45 38 Wilson, Ashton, perhaps Mr Wilkins as well. Do you recall
14:51:50 39 this meeting, attending this steering committee
14:51:53 40 meeting?---Not specifically.
41
14:51:54 42 Shortly after you - right. It refers to - under "Witness
14:52:05 43 F", if you see that there, there's been a 15 page
14:52:07 44 statement. She thinks - "thinks will sign". There's some
14:52:13 45 indication that Ms Gobbo will sign the 15 page statement
14:52:15 46 that had been taken. This is presumably based on a report
14:52:21 47 that you're providing to the steering committee?---Yes.

1
14:52:25 2 It goes on, "Implicates Perry and David Waters sufficient
14:52:34 3 to prosecute them but there are issues. She says
14:52:43 4 PII [REDACTED] inaccurate". And it goes on, "Latest version
14:52:48 5 different to her original version". So those are the two
14:52:53 6 issues that you perceived at that point in time; is that
14:53:00 7 right?---I don't know why Mr Cornelius has said sufficient
14:53:04 8 evidence to proceed, because I didn't believe that there
14:53:08 9 was.
10
14:53:09 11 It seems to have been reported at this point in time that
14:53:13 12 whatever is in the statement certainly implicates Mr Perry
14:53:17 13 and Mr Waters sufficient to prosecute them based on
14:53:21 14 someone's view of - - - ?---Well you've got to understand
14:53:25 15 that there was an Interpol red notice out in regards to
14:53:30 16 Mr Perry. He was wanted on a warrant of apprehension for
14:53:33 17 that murder. There was sufficient evidence to charge him
14:53:36 18 well before any of this. As I said, my interest in her was
14:53:41 19 predominantly around Waters.
20
14:53:44 21 This seems to be an indication though that there is an
14:53:46 22 assessment made of the statement and it has - there are -
14:53:51 23 it contains sufficient - - - ?---I agree that that's what's
14:53:55 24 written there.
25
14:53:56 26 And that there are issues with the statement. The first is
14:53:58 27 she may be - whatever she says is not strictly in
14:54:03 28 accordance with what your PII [REDACTED] witness says,
14:54:07 29 PII [REDACTED]?---Yep.
30
14:54:07 31 And the second one is that her latest version differs to
14:54:11 32 her original version?---Yes.
33
14:54:15 34 All right?---Yep.
35
14:54:16 36 There's reference to the value in relation to Waters and it
14:54:26 37 first spoke of the first week in April 07 and that's, as I
14:54:32 38 took you to before, I think that's the first of the SDU
14:54:35 39 material?---Okay.
40
14:54:36 41 That refers to her reports of Waters speaking about that
14:54:42 42 matter?---Yep.
43
14:54:46 44 It refers to the fact that SDU material has been asked for,
14:54:51 45 that there's some missing, and it refers to having asked
14:54:55 46 for tapes but have been refused. Do you recall that? I
14:55:00 47 think by this stage you were trying to obtain further

14:55:05 1 material from the SDU?---I wanted to assess what material
14:55:09 2 there was in existence to determine how credible her
14:55:16 3 account - how credible and consistent her account was.
4

14:55:20 5 Do you recall that there was some alarm because the SDU
14:55:22 6 didn't know that you were using their material to go off
14:55:25 7 and get a statement from Ms Gobbo?---I'm sure they weren't
14:55:31 8 happy about that.
9

14:55:32 10 And there was some alarm that that had been done in
14:55:39 11 fact?---There probably was.
12

14:55:43 13 And that had been done without their knowledge
14:55:48 14 obviously?---I don't know whether I discussed it with them.
14:55:52 15 I certainly didn't ask their permission.
16

14:55:54 17 You were given that material for perusal, it seems, but you
14:55:59 18 went away and it was used to assist you or assist Ms Gobbo
14:56:04 19 to make a statement?---Yep.
20

14:56:07 21 There's discussion further I think down the bottom in
14:56:11 22 relation to the threats that had been received?---Yes.
23

14:56:21 24 I'm not sure if I can see that on the page there?---It's a
14:56:24 25 bit hard to read. I can't see that either I don't think.
26

14:56:31 27 We might need to move up. You'll see there midway through
14:56:40 28 the page there's also a note that while the threats were
14:56:47 29 being received, there's a note that Ms Gobbo was talking to
14:56:50 30 particular people, do you see that, and we know them as
14:56:55 31 PII [REDACTED], or one as PII [REDACTED] and the other one as Tony
14:56:59 32 Mokbel?---You say she's talking to them while she's in Bali
14:57:03 33 ?
34

14:57:03 35 It says, "Note, 3838 was talking to PII [REDACTED] and Tony
14:57:07 36 Mokbel on the phone while talking to Briars members before
14:57:14 37 the threats arrived". Do you see that?---I see that but
14:57:20 38 that's news to me.
39

14:57:21 40 And then it says, "Threats similar to" and it names a
14:57:26 41 particular person that she'd received threats from or it
14:57:30 42 was thought she'd received threats from before?---Is that
14:57:34 43 the same person that was mentioned earlier?
44

14:57:37 45 Yes?---Yes.
46

14:57:40 47 Do you recall discussion about these people in this meeting

14:57:44 1 and that these were the types of people that Ms Gobbo had
14:57:49 2 been dealing with?--No. Are you sure that I was at this
14:57:57 3 meeting?
4

14:57:58 5 Yes, it seems so?---I was, okay.
6

14:58:02 7 We can go back up to the top?---No, I accept what you're
14:58:05 8 saying.
9

14:58:05 10 You're having some issues, you want some material from the
14:58:10 11 SDU?---Yes.
12

14:58:12 13 Some more material from the SDU?---Yes.
14

14:58:14 15 They've discovered what you've done using the last material
14:58:16 16 and they really don't want to give you any more; is that
14:58:20 17 right?---Absolutely.
18

14:58:24 19 About not long after this meeting at - - -
20

14:58:32 21 COMMISSIONER: For the record that document is Exhibit
14:58:35 22 1012.
23

14:58:36 24 MS TITTENSOR: I might just indicate that I've been told
14:58:38 25 your diary indicates, and perhaps you can have a look at it
14:58:43 26 and confirm that, that you were off duty at 4.30. So
14:58:46 27 whether you attended this meeting I can't say, although
14:58:49 28 there's been some evidence from Mr Cornelius that his
14:58:53 29 practice was to cross out names when people didn't attend
14:58:57 30 who were on his list. Would it make sense that you would
14:59:02 31 have attended the first Briars Task Force meeting following
14:59:07 32 your return from Bali?---Well, why I ask you that question
14:59:13 33 is that I see Rod Wilson's name appears there and normally
14:59:19 34 it would be either or, it wouldn't be both of us.
35

14:59:23 36 Mr Wilson wasn't strictly involved in the investigation any
14:59:26 37 longer?---No, he wasn't, but I was still reporting to him.
38

14:59:30 39 He was the chief of staff to Mr Overland?---He was, yes.
40

14:59:36 41 So do you say it's likely that you would have been there to
14:59:40 42 give a briefing like this and to take them through the 15
14:59:43 43 page statement that "thinks will sign", the issues in
14:59:46 44 relation to that statement about the inconsistencies?---I
14:59:49 45 would have - if I was there I wouldn't have taken them
14:59:53 46 through the statement chapter and verse, I would have given
14:59:57 47 them a summary and pointed out the issues.

1
15:00:00 2 Well it seems as though that's what's been done, "15 page
15:00:05 3 statement, sufficient to prosecute" according to someone.
15:00:11 4 She says the PII [REDACTED] is inaccurate but her latest
15:00:18 5 version is different to her original version?---May I check
15:00:21 6 my diary?
7
15:00:22 8 Sure?---That might be the one Mr Winneke has.
15:01:06 9
15:01:06 10 MR HOLT: It's p.50 of the diary if that speeds matters
15:01:13 11 up?---Thank you.
12
15:01:14 13 COMMISSIONER: Thank you.
15:01:33 14
15:01:34 15 WITNESS: That's clearly not right, p.50.
15:01:37 16
15:01:37 17 MS TITTENSOR: We might just check that later at the break.
18
15:01:40 19 COMMISSIONER: 1 June 09, 4.30 pm.
15:01:50 20
15:01:50 21 MR HOLT: We'll check that in the break, Commissioner.
15:01:56 22
15:01:56 23 MS TITTENSOR: We might just check that later?---All right,
15:01:58 24 I'm sorry.
25
15:01:59 26 That's all right. Not long after this at 5.30 Mr Iddles is
15:02:04 27 meeting with Mr Black from the SDU. I'll just show you
15:02:08 28 Mr Black's diary. You'll see it there, this is at 17:30 on
15:02:17 29 1 June 2009. VPL.2000.0001.4676 at p.10. Obviously both
15:02:26 30 you and Mr Iddles had significant concerns about the
15:02:30 31 implications of Ms Gobbo making a statement, you would
15:02:34 32 agree with that, when you got from Bali, or whilst you were
15:02:37 33 in Bali even?---There were a lot of issues at play here.
34
15:02:40 35 Yes?---A lot of issues. As I said to you before, she had
15:02:47 36 nowhere to go. She either made a statement and went into
15:02:52 37 Witsec. Because her practice was over. You know, there'd
15:02:58 38 been significant threats over time. There was talk,
15:03:04 39 obviously, in the criminal fraternity that she was a dog.
40
15:03:12 41 She'd been helping out the police?---So there was a lot of
15:03:13 42 issues. So my view, as I said before, is she needs to go
15:03:20 43 into Witsec and if she's up for making - she has to make a
15:03:25 44 statement to go into Witsec. If she's not going to do that
15:03:28 45 then the organisation has to make other arrangements for
15:03:31 46 her to - for her security to be taken care of. And, you
15:03:35 47 know, her ongoing livelihood.

1
15:03:45 2 Mr Iddles is having this meeting with Mr Black and, as I've
15:03:48 3 discussed with you before, there's a great deal of concern
15:03:51 4 about Ms Gobbo having made this statement and the SDU
15:03:54 5 weren't aware and what the implications are, not just for
15:03:58 6 Ms Gobbo, but for the information itself for Victoria
15:04:03 7 Police if it was to come out what had been going on. So
15:04:07 8 there's a - you'll see under the heading "Background", "The
15:04:12 9 SDU is aware that Command have decided to approach Ms Gobbo
15:04:15 10 for a statement. Command is of the view that Ms Gobbo is
15:04:19 11 now a witness for Petra Task Force, so that individual can
15:04:22 12 now be a witness for Briars. The SDU replied the
15:04:27 13 circumstances are very different. The SDU anticipates that
15:04:30 14 if that course of action is pursued Ms Gobbo's role as a
15:04:34 15 human source will be discovered. The SDU recommend back to
15:04:38 16 Command that no such statement be taken". It might be the
15:04:42 17 case that they still hadn't appreciated that the statement
15:04:45 18 had yet commenced. There's a Briars perspective given
15:04:50 19 that, "We're still requesting a statement. There's concern
15:04:54 20 about the disclosure of her role". It notes the dual
15:04:59 21 responsibility of giving legal advice to clients.
15:05:03 22 Disclosure will initiate a Royal Commission with perceived
15:05:07 23 unsafe verdicts. Current arrests Ms Gobbo involved with
15:05:10 24 maybe subject to review. Disclosure of SDU methodology.
15:05:17 25 And it notes the SDU say, "A risk assessment should be
15:05:21 26 conducted regarding the evidentiary value of any possible
15:05:24 27 statement against the harm to Victoria Police and the
15:05:26 28 disclosure of Ms Gobbo's assistance", and they wanted some
15:05:33 29 time to allow Superintendent Biggin to return from leave.
15:05:37 30 They note that, "The strategy for Ms Gobbo to become a
15:05:40 31 witness was strategic, it was to separate two distinct
15:05:44 32 roles, from that being a human source to a Crown witness"
15:05:48 33 and you discussed that before?---Yes.
34
15:05:50 35 In terms of the barrier or the break?---Yes.
36
15:05:52 37 Between the two roles. They said, "That process adopted
15:05:56 38 severed the individual's role from that of being a source
15:06:00 39 to that of a witness". So that sort of confirms of what
15:06:02 40 their view in terms of her becoming a witness for
15:06:06 41 Petra?---Yes.
42
15:06:08 43 Were you aware that Mr Iddles attended this meeting and was
15:06:11 44 having those concerns, discussions about those concerns at
15:06:15 45 that stage?---No.
46
15:06:16 47 Might you have been aware and you just can't recall

15:06:20 1 now?---Are you saying that Mr Iddles has briefed Black
15:06:26 2 about the Briars' perspective, is that what you're saying?
3
15:06:32 4 They're having a meeting, they're discussing obviously the
15:06:35 5 SDU's concerns. There's a discussion which involves a
15:06:39 6 level of awareness that there might be, or perceived to be
15:06:42 7 unsafe verdicts, "We might have a Royal Commission on our
15:06:46 8 hands", those kinds of issues are being discussed at this
15:06:49 9 meeting?---The notion of unsafe verdicts is something that
15:06:52 10 I've never heard until this Commission came into being.
11
15:07:01 12 All right. Following that, and I won't take you through
15:07:10 13 all the material obviously, you make further inquiries with
15:07:14 14 the SDU or with Command essentially to try and get this
15:07:18 15 material out of the SDU?---Yes.
15:07:19 16
15:07:19 17 Is that right?---Yes.
18
15:07:22 19 And you say in one of the emails that "you understand,
15:07:25 20 because of the vast quantity of material supplied by this
15:07:31 21 source, that in order to quickly provide the transcripts,
15:07:35 22 that I had the Unit" - it simply did a search on the name
15:07:38 23 Waters?---Yes.
24
15:07:38 25 "And provide me with contact reports relating to that. Now
15:07:42 26 examining that material, speaking with Ms Gobbo, we need
15:07:44 27 more", and you provided a list of names and things you
15:07:47 28 wanted searched and returned?---Yes.
29
15:07:49 30 And so Command got involved to try and sort this out; is
15:07:56 31 that right?---Yes.
32
15:07:57 33 You're talking to Mr Cornelius about knowledge that there
15:08:01 34 was a vast quantity of material that the SDU had
15:08:07 35 (indistinct) Ms Gobbo, and that was something, I take it,
15:08:09 36 that he would have been aware of?---I assume.
37
15:08:15 38 There was nothing that gave rise for you to think that
15:08:19 39 Mr Cornelius had no comprehension of the type of source
15:08:23 40 Ms Gobbo had been?---No.
41
15:08:30 42 If we can quickly go back to Mr Black's diary. On the 2nd
15:08:40 43 you'll see he's - at the same time that you're raising it
15:08:45 44 up the chain to try and get what you want, things are
15:08:48 45 happening within the SDU so that they can get what they
15:08:52 46 want?---I'm sure they were.
47

15:08:55 1 They're raising it up the chain as well?--I'm sure they
15:08:58 2 were.
3
4 Mr Black started with his Detective Inspector and gone to
15:08:59 5 Mr Glow, and he's requesting an audience with
15:09:00 6 Superintendent Porter. At the time I think he was actually
15:09:04 7 Acting Commander of that division. And then that meeting
15:09:08 8 takes place along with, you'll see on your screen there,
15:09:14 9 Mr Smith, who was a member of the SDU but was at that point
15:09:19 10 in time PII [REDACTED] HSMU?---Okay, yes.
11
12 You know who Mr Smith is?---I do.
13
14 They're giving Mr Porter an indication of the seriousness
15:09:26 14 of their concerns. He's talking about the issue of
15:09:29 15 disclosure of the source, the implications for Victoria
15:09:32 16 Police if this is ever disclosed, "Public interest immunity
15:09:36 17 may not be successful, we may jeopardise our whole program
15:09:39 18 and Command may cause a Royal Commission. It's a
15:09:43 19 tactically dangerous decision for convictions", that seems
15:09:47 20 to be referring to other convictions that have occurred,
15:09:53 21 and they're concerned about her safety as well, and
15:09:56 22 Mr Porter indicated that, "Okay, we won't action this now,
15:09:59 23 we'll investigate it and we'll see what happens". Did you
15:10:04 24 realise those things were going on behind the scenes over
15:10:07 25 the other side?---Absolutely not. My - the push back I got
15:10:10 26 was around the identification of this person as a source
15:10:18 27 and the risks to her. There was nothing about reputational
15:10:25 28 risk.
15:10:28 29
30
31 If we can go to p.698. You'll see again down the bottom of
15:10:51 31 - oh sorry. Above that was that list of names that you
15:11:04 32 were requesting essentially?---Yep.
15:11:08 33
34
35 Then again, this is on 3 June, Mr Black is raising concerns
15:11:13 35 with his Detective Inspector and he's requesting a meeting
15:11:22 36 be scheduled with Command and at least with Mr Porter, and
15:11:27 37 also to include the SDU to discuss issues with you, and it
15:11:32 38 outlined all the issues again and you can see those listed
15:11:38 39 there, but in particular I just want you to pay attention
15:11:44 40 to the 1 to 8 list down the bottom: "Explaining in no
15:11:48 41 uncertain terms what the problem was in disclosing
15:11:52 42 Ms Gobbo's role. Disclosure of individual's assistance to
15:11:54 43 Victoria Police. 1. As a tasked source. 2. Who is an
15:11:58 44 active barrister. 3. Visiting clients. 4. The clients
15:12:02 45 who think they have privilege. 5. Clients who believe
15:12:05 46 they are speaking with their legal representative. 6.
15:12:09 47

15:12:12 1 That very person who then passes the information to police.
15:12:15 2 7. The human source then continues to act for that client.
15:12:20 3 8. Furthermore, the human source then convinces the client
15:12:23 4 to plead guilty". No uncertain terms about their concerns
15:12:28 5 if this all comes out, all right?---Are you saying I was
15:12:32 6 present for this or I was to be briefed about it?
7
15:12:36 8 No, I'm saying that they're desperately wanting to schedule
15:12:41 9 a meeting - - - ?---It sounds like they are desperate.
10
15:12:43 11 - - - with Command so they can explain all of this, all
15:12:46 12 right?---Yes.
13
15:12:49 14 If we go over the page to 15:00. Sorry, just slightly - we
15:13:10 15 should still be on 3 June, p.699. So you see there there's
15:13:25 16 a meeting that afternoon of 3 June with Superintendent
15:13:30 17 Porter, with Mr Iddles, with yourself, with Mr Glow and
15:13:35 18 with Mr Smith. There are some issues that are outlined and
15:13:41 19 there's an outline by Detective Inspector Glow in relation
15:13:45 20 to the receipt of the Briars request. Mr Porter outlines
15:13:50 21 the duty of care in relation to the sterile corridor and
15:13:53 22 the need to manage the process. Do you recall being
15:13:56 23 present at this meeting?---Not specifically. I know there
15:14:07 24 was - as I said, there was a lot of push back about me
15:14:11 25 accessing this material.
26
15:14:13 27 At this meeting we go over - well, I'll take you through
15:14:18 28 it. There's SDU concerns and future of the human source.
15:14:22 29 She's Witness F at Purana, it says. "What is the probative
15:14:28 30 value in her statement?" There's a warning in relation to
15:14:31 31 the health and honesty and prior inconsistent statements,
15:14:34 32 so that's telling you be careful what you wish for. "Human
15:14:41 33 source cannot be allowed to sign the drafted statement
15:14:43 34 without it being fully considered." There's concern about
15:14:46 35 a review of the entire Human Source Management Unit
15:14:53 36 program. "Witness to charge just to get to committal
15:14:56 37 versus benefit against risk." It notes concerns in
15:15:01 38 relation to PII [REDACTED]'s arrest and her being deployed.
15:15:06 39 Her being deployed against - do you know who PII [REDACTED]
15:15:11 40 is?---I assume it's the person named here.
41
15:15:14 42 Yes?---But I don't know who he is.
43
15:15:16 44 All right. Her being deployed, having been deployed
15:15:22 45 presumably as a witness. And then if we go over the page,
15:15:28 46 deployed against - to be contrasted to her having been
15:15:35 47 deployed against Mr Waters as a source. There's reference

15:15:40 1 there to her having provided intelligence and being a tool
15:15:44 2 to arrest the Mokbel family?--M'hmm.
3

15:15:48 4 The person below that, [PI], was one of the major
15:15:53 5 ways in which that was done. There's a question about
15:15:59 6 there not being any urgency in relation to the process and
15:16:04 7 ultimately, it seems, that it's decided that these matters
15:16:08 8 should be revisited with Assistant Commissioner of Crime
15:16:11 9 Moloney to ensure that the decision to make any statement
15:16:14 10 is done with all the facts. So it seems as though there's
15:16:19 11 been some serious concerns being raised by the SDU with you
15:16:22 12 here at this meeting?---I believe that I was briefed in
15:16:30 13 that way. Look, the issue is, and I said to these guys,
15:16:39 14 this is not my decision. This decision has been made at
15:16:44 15 the highest level. I assume with proper risk assessment.
15:16:49 16 So this is not a matter for you and me, this is a matter
15:16:53 17 for the organisation. I'm just doing what I'm told to do.
18

15:16:58 19 Do you accept you were at this meeting?---If it says I was,
15:17:03 20 if my diary says I was, then yes, I was.
21

15:17:08 22 Do you accept that you were being told things like Ms Gobbo
15:17:11 23 was used for intelligence and as a tool to arrest the
15:17:15 24 Mokbel family?---I don't recall being told that. Clearly I
15:17:23 25 became aware of that later.
26

15:17:27 27 Do you recall the matters being of concern such that they
15:17:31 28 needed to be raised to Assistant Commissioner level?---I
15:17:38 29 reiterate, my view is that the people at the top were aware
15:17:47 30 of all this, were aware of the risks, had taken into
15:17:50 31 account all those risks into coming to a decision to take a
15:17:55 32 statement from her in relation to Petra, in relation to
15:18:01 33 Briars.
34

15:18:02 35 That wasn't my question. Do you recall there being such
15:18:05 36 concern that this was to be raised to the Assistant
15:18:08 37 Commissioner of Crime level?---My view is that it had
15:18:11 38 already been raised because that decision had been made.
39

15:18:14 40 Do you recall at this time that the matter was - - -
15:18:17 41 ?---No, I don't.
42

15:18:18 43 - - - to be revisited with the Assistant Commissioner of
15:18:21 44 Crime?---No, I don't specifically. Look, I'm not arguing
15:18:24 45 with you. I know that there was - they were trying their
15:18:26 46 damndest not to give me this material.
47

1 And they were explaining, it seems, the reason why to you
15:18:35 2 at this - - - ?---I know where you're going. I was not
15:18:39 3 told there were risks to convictions. I was not told that
15:18:44 4 there were LPP issues, because that is something that I
15:18:47 5 would have done something about.
6

15:18:59 7 There was a meeting by Mr Porter, who was the Acting
15:19:05 8 Commander of Intelligence Support Covert Division, with
15:19:09 9 Mr Moloney and Mt Gerry Ryan re the SDU and Gobbo issue,
15:19:14 10 essentially, or the SDU issue. The evidence - Mr Porter's
15:19:20 11 evidence was that he was concerned to convey the serious
15:19:24 12 issues that had been raised with him up the chain to
15:19:27 13 Command and his evidence was that once he had that meeting
15:19:30 14 with Mr Moloney, the decision was taken "we need to elevate
15:19:34 15 it to Mr Cornelius". It seems as though the day after that
15:19:38 16 there's a meeting that gets arranged. Mr Moloney initiates
15:19:43 17 a meeting with Mr Cornelius, Mr Porter, Mr Jouning, and
15:19:50 18 Mr Cornelius extended the invitation to you and at that
15:19:54 19 stage you had just briefed him about the Mokbel subpoena,
15:19:59 20 okay? So present at this meeting was Mr Jouning and
15:20:04 21 Mr Porter, yourself, Mr Moloney and, of course,
15:20:09 22 Mr Cornelius. Mr Porter says that, "I briefed", this is
15:20:18 23 reading from his statement, "I briefed those present about
15:20:22 24 the Briars issue. I recall that we spoke to a document
15:20:24 25 that had been written by Officer Black. Been informed that
15:20:28 26 a document or briefing note relating this meeting has not
15:20:31 27 been located by Victoria Police. It is possible that we
15:20:34 28 spoke to Officer Black's briefing note from 31 December
15:20:37 29 2008", and just to inform you, that that was a pretty
15:20:43 30 serious document alerting Command to concerns about the
15:20:48 31 possibility of judicial OPI review should she become a
15:20:54 32 witness in Petra?---M'hmm.
33

15:20:56 34 And the possibility of unsafe convictions and so forth.
15:20:59 35 That was the nature of that document back then?---And this
15:21:02 36 was - this was - - -
37

15:21:09 38 This is paragraph 52 of Porter's statement which is 10 June
15:21:13 39 2009?---And this report from Black was what date?
40

15:21:20 41 Mr Porter is saying, "I recall we spoke to a briefing note
15:21:24 42 by Black". Victoria Police haven't been able to locate
15:21:29 43 that note. "It's possible we spoke to Black's briefing
15:21:33 44 note from the December period, December 2008, because the
15:21:39 45 risks to Ms Gobbo that would arise from assisting the
15:21:41 46 Briars Task Force were similar to those if she provided
15:21:44 47 assistance to the Petra Task Force. If Officer Black

15:21:47 1 prepared a separate document for this meeting I believe the
15:21:50 2 content would have been similar to that earlier briefing
15:21:52 3 note". That's what Mr Porter says in his statement to the
15:21:55 4 Commission. Mr Cornelius has made some handwritten notes
15:22:01 5 of this meeting. If we can quickly go to those.
15:22:07 6 VPL.0005.0012.0838. I think I've got some - it's
15:22:23 7 transcribed. If we can put that up, Mr Cornelius'
15:22:29 8 statement at paragraph 112. Presumably there's been some
15:22:32 9 briefing at the start of the meeting as to what the meeting
15:22:35 10 is all about, and that would make sense based upon what
15:22:38 11 Mr Porter has indicated in his statement. So you see there
15:22:45 12 the attendees and you've been added in there and Danye
15:22:48 13 Moloney?---Yep.

14
15:22:50 15 "Re 3838. How far does 3838's statement take us? Probably
15:22:58 16 enough to charge versus a matter for the DPP. Balance with
15:23:03 17 benefit to Briars versus potential harm to witness." Now
15:23:10 18 that seems to be consistent with the SDU's urging that it's
15:23:13 19 just simply not worth it. The next line, "Will her
15:23:18 20 evidence be admissible?" And we see a number of points
15:23:23 21 there. The first is, "Lawyer/client privilege". Now you
15:23:27 22 hadn't raised those issues yet. They weren't raised until
15:23:31 23 after you received the second batch of material, which is
15:23:34 24 some time after this, that's right?---That's true. That's
15:23:38 25 true.

26
15:23:40 27 Only - - - ?---However, however she was saying in Bali that
15:23:48 28 she was privy to a conversation with Mark Perry in Jim
15:23:57 29 Valos' office and potentially that was, could have been the
15:24:00 30 subject of an LPP claim. She couldn't recall why she went
15:24:07 31 there, whether she was there for advice, but potentially
15:24:13 32 that was an LPP issue as well.

33
15:24:16 34 It seems as though this is not in relation to any concern
15:24:22 35 that she might have been acting for Mr Perry, and it was a
15:24:25 36 concern in relation to the lawyer/client relationship
15:24:28 37 between she and Mr Perry if that was the case, because if
15:24:31 38 you continue reading, "After lawyer/client privilege", it
15:24:37 39 says, "Only if lawyer/client relationship exists. She says
15:24:42 40 she was not at the time acting for Waters"?---Yes.

41
15:24:46 42 "Lawyer/client relationship did not exist", so it seems as
15:24:50 43 though question is being considered in context of her
15:24:54 44 relationship with Mr Waters, not with Mr Perry?---Yes, well
15:24:56 45 in fact I mean she said, she said herself originally, and
15:25:00 46 she maintained, that there was no LPP related to Waters.

47

15:25:06 1 Then we go on. It seems to be the next steps: "1, Steve
15:25:15 2 Waddell to access the material", or whatever that word
15:25:23 3 says, material to assess any risk to credit, and it seems
15:25:27 4 as though at that earlier meeting with the SDU you'd
15:25:30 5 certainly been told there were great credit issues that
15:25:33 6 would have been evident in the SDU material, prior
15:25:38 7 inconsistent statements and so forth, that was raised at
15:25:41 8 that meeting?---As I said, I can't recall that meeting.
9
15:25:46 10 "Then assess the probative value of the statement before it
15:25:49 11 is signed." It then says number 3, "Need to clearly scope
15:25:54 12 and section", I'm not sure at what that word is, "and
15:25:58 13 filter material on the human source side and then release
15:26:01 14 the material to Steve Waddell for assessment". That's
15:26:06 15 clearly a recognition that there is a significant amount of
15:26:09 16 information being held by the SDU and "we need to just
15:26:13 17 limit it to the stuff that we want"?---Sure.
18
15:26:17 19 Then you go on, I think the last matter that's dealt with
15:26:20 20 is the Mokbel affidavit issue in which Gerard Maguire had
15:26:26 21 been briefed. Do you recall this meeting?---No.
22
15:26:32 23 COMMISSIONER: It's Exhibit 1021.
24
15:26:36 25 MS TITTENSOR: Right. I think this is Exhibit 524, if we
15:26:46 26 can bring it up. SDU document VPL.2000.0001.9731. I'm
15:27:18 27 just going to briefly show you this document. I think you
15:27:21 28 may not recognise, it's so far down the track, but this is
15:27:25 29 a 115 page document that you were provided by the SDU with
15:27:29 30 all the additional material in it, the named hits that you
15:27:35 31 wanted; is that right?---You're right, I don't recall.
32
15:27:40 33 But if we scroll through quick enough I think you'll see it
15:27:49 34 seems to contain the various names upon which you'd asked
15:27:52 35 for searches to be made?---Yes.
36
15:27:54 37 And the evidence before the Commission is that this is the
15:27:56 38 document that contains the information that was handed to
15:28:03 39 you?---Yep.
40
15:28:11 41 Mr White's got an entry in his diary that he arranges to
15:28:15 42 meet you on 30 June - sorry, on 30 June he arranges to meet
15:28:22 43 you the following day. There's some advice that there's 21
15:28:25 44 recordings of average duration of four hours in relation to
15:28:31 45 - you also wanted audio recordings; is that right?---Yes.
46
15:28:34 47 And recommended that you peruse the document to determine

15:28:40 1 what order you want to get the recordings in because that's
15:28:43 2 going to be a lot of work?---Yes.
3
15:28:51 4 If we can go to the SML of 1 July, p.71.
5
15:29:21 6 COMMISSIONER: We might take the afternoon break. It's not
15:29:23 7 looking as though we're going to get beyond Mr Iddles
15:29:27 8 today, is it?
15:29:32 9
15:29:33 10 MS TITTENSOR: No, we won't get beyond Mr Iddles.
11
15:29:37 12 COMMISSIONER: We won't need the third witness on stand-by
15:29:40 13 any longer.
15:30:10 14
15 15 MR HOLT: No, he'll be available in the morning,
16 Commissioner.
17
18 COMMISSIONER: Thanks, Mr Holt. Yes, we'll have a 15
15:30:42 19 minute break.
15:30:42 20
15:30:42 21 (Short adjournment.)
22
15:45:37 23 COMMISSIONER: Yes Ms Tittensor.
15:45:39 24
15:45:40 25 MS TITTENSOR: I just want to skip ahead, Mr Waddell.
15:45:44 26 After you received the information from the SDU you had a
15:45:49 27 look through it and you made an assessment of it, and you
15:45:52 28 refer in your statement to a summary that you did, is that
15:45:56 29 right?---That's right.
15:45:57 30
15:45:57 31 If we can just quickly bring that up, VPL.0005.0012.0828.
15:46:15 32 This is the document you were referring to, is that
15:46:18 33 right?---Correct.
15:46:18 34
15:46:23 35 You're running through and in red you've outlined issues
15:46:28 36 that you perceive in relation to various facts?---Yes.
15:46:33 37
15:46:35 38 In black is in essence what the evidence is and in red
15:46:40 39 there's an issue?---That's correct.
15:46:41 40
15:46:41 41 If we scroll through that document towards the end. You
15:46:53 42 see at the bottom you list the issues overall and you say,
15:46:59 43 "Direct admissions from Perry, however grave credibility
15:47:02 44 issues around same"?---Yes.
15:47:04 45
15:47:05 46 "No direct admissions in relation to Waters"?---Correct.
15:47:09 47

15:47:10 1 "Denials at various points, this is despite the source
15:47:12 2 being asked to provide the facts of Waters on behalf of
15:47:15 3 investigators"?---Yes.
15:47:17 4
15:47:17 5 You're pointing out that Mr Waters had made denials to
15:47:21 6 Ms Gobbo. And then you say, "Is source acting for Waters?
15:47:26 7 At one stage source tells handlers that he will come to her
15:47:29 8 for advice re OPI hearing. Sounds like acting in capacity
15:47:33 9 as solicitor. In other parts of material source makes it
15:47:37 10 clear she has only ever acted for Waters on a 56A
15:47:41 11 application re Strawhorn. Only other advice she has
15:47:43 12 proffered has been as a friend"?---Yes.
15:47:45 13
15:47:46 14 So upon reading the material that was given to you or
15:47:50 15 listening to those tapes that were given to you it's the
15:47:54 16 case that you had concerns of your own, perhaps around
15:47:59 17 Ms Gobbo's own credibility and her assertions that she was
15:48:02 18 saying there was no legal relationship between them?---Yes.
15:48:06 19
15:48:07 20 And you ask, "Can the statement be used in evidence?
15:48:10 21 Witness is very keen to assist. There's a risk of
15:48:13 22 embellishment and exaggeration". And you refer to her
15:48:18 23 potentially a medical and psychiatric history and the use
15:48:22 24 of drugs and the stroke she had back in 2004?---(Witness
15:48:26 25 nods.)
15:48:26 26
15:48:27 27 I tender that document, Commissioner.
15:48:30 28
15:48:31 29 #EXHIBIT RC1203A - (Confidential) VPL.0005.0012.0828.
15:48:32 30
15:48:32 31 #EXHIBIT RC1203B - (Redacted version.)
15:48:33 32
15:48:35 33 That document is not dated?---No, it's not.
15:48:38 34
15:48:39 35 Certainly it's at some stage after you received the
15:48:40 36 material and had time to digest it?---Yes.
15:48:43 37
15:48:43 38 If I take you to the next document which is an email that
15:48:47 39 you write to Mr Cornelius of 15 July 2009. That's
15:48:54 40 VPL.6049.0017.2347. It's apparent that that earlier
15:49:00 41 summary document must have been done by this time at least,
15:49:05 42 it makes sense?---Yes.
15:49:06 43
15:49:07 44 In this email you are seeking from Luke Cornelius
15:49:10 45 permission to engage Mr Maguire to provide advice on
15:49:14 46 aspects of Ms Gobbo's statement?---Yes.
15:49:16 47

15:49:17 1 You outline issues affecting the statement's admissibility.
15:49:23 2 Potential legal professional privilege, opinion, probative
15:49:26 3 versus prejudicial value and you want to, you indicate that
15:49:30 4 it's important to ensure that the board is properly
15:49:32 5 informed in making a decision on whether to proceed. Is
15:49:35 6 that right?---Correct.
15:49:37 7
15:49:39 8 COMMISSIONER: Exhibit 1026, that is.
15:49:43 9
15:49:44 10 MS TITTENSOR: Thank you Commissioner. "Mr Maguire can be
15:49:45 11 trusted, he is already across issues" and so there was no
15:49:48 12 additional risk in relation to security, that's
15:49:51 13 right?---Correct.
15:49:51 14
15:49:52 15 Then that's forwarded on to Mr McRae and that's put into
15:49:55 16 action?---Yes, it was.
15:49:57 17
15:49:58 18 Can you recall if you had any further discussion with
15:50:01 19 Mr McRae about the terms of the instructions that were to
15:50:04 20 go to Mr Maguire?---He was purely the authorising officer.
15:50:08 21
15:50:09 22 Did you have any written instructions that you prepared to
15:50:14 23 go to Mr Maguire, how was this done, how was he
15:50:18 24 instructed?---He was spending a lot of time at our office
15:50:21 25 in regards to the Mokbel subpoena, so it was a verbal
15:50:29 26 briefing, and he obviously saw that summary document.
15:50:43 27
15:50:43 28 That is the larger one that you were given - - -?---The one
15:50:46 29 we've just been to.
15:50:47 30
15:50:47 31 Yes. The SDU holdings in relation to the larger list of
15:50:51 32 people, is that where you're talking about?---No, no.
15:50:54 33
15:50:54 34 Just that summary?---Just that summary, yes.
15:50:57 35
15:50:57 36 You didn't show him the SDU material?---No.
15:50:59 37
15:51:00 38 Was there any reason why you wouldn't have shown him the
15:51:03 39 SDU material?---It wasn't my place to do that. I believe
15:51:10 40 he was aware but - - -
15:51:12 41
15:51:13 42 That there was such material in existence?---I believe that
15:51:15 43 he had knowledge that she had been a source.
15:51:24 44
15:51:24 45 How do you know that?---I don't have a specific
15:51:29 46 recollection of having a discussion with him, but just -
15:51:34 47 because I was being very careful about what I said around

15:51:38 1 this issue and the tone of what I got back from him, and
15:51:42 2 thinking back, I knew where he'd been, like he'd spent a
15:51:46 3 lot of time at Ceja.
15:51:48 4
15:51:48 5 Yes?---I think I understood from him that he worked for
15:51:54 6 Purana.
15:51:54 7
15:51:54 8 He would have known, wouldn't he, in terms of dealing with
15:51:57 9 the Mokbel subpoena because the concerns that were arising
15:52:00 10 out of the Mokbel subpoena was revelation of people's
15:52:03 11 status as an informer?---I can't recall. Certainly the
15:52:13 12 draft statement was an issue and I was concerned about
15:52:16 13 that, but yes, more broadly that would have been an issue
15:52:19 14 too.
15:52:19 15
15:52:19 16 Is it of concern that you can't give free instructions or
15:52:24 17 you felt you couldn't give free instructions to someone
15:52:28 18 like Mr Maguire as to what the material was that was really
15:52:32 19 sitting behind all this so he could give you the best
15:52:37 20 advice based on the best instructions?---Look, I wasn't the
15:52:42 21 actual owner of the information, of the holdings.
15:52:48 22
15:52:48 23 It seems to be a problem that's - if you have this view of
15:52:52 24 the sterile corridor that, "I'm not allowed to tell our
15:52:55 25 lawyers about this material", it's a mechanism by which the
15:52:59 26 lawyers don't get to know, perhaps the courts don't get to
15:53:02 27 know and people don't get appropriate disclosure, do you
15:53:05 28 see that as a problem?---It is a problem, it is a problem.
15:53:10 29 In terms of sterile corridor, I breached the sterile
15:53:14 30 corridor, because I shouldn't have seen that material, but
15:53:17 31 I needed to see it. As I said to you at the outset, I
15:53:25 32 always took the view that somewhere, some time, some day
15:53:31 33 through a discovery process, and a failure of a PII
15:53:36 34 argument, that this would come out.
15:53:40 35
15:53:40 36 But in the meantime potentially there are people getting
15:53:44 37 convicted?---Well I didn't understand that.
15:53:47 38
15:53:47 39 All right. In any case you seek this advice from
15:53:51 40 Mr Maguire at this stage?---Yes.
15:53:53 41
15:53:54 42 You're given that summary document. The board are given
15:53:59 43 updates as to the progress of that advice over time, is
15:54:02 44 that right?---Yes.
15:54:03 45
15:54:14 46 If I can just take you to 7 September 2009. There's a
15:54:28 47 Briars Task Force update on that date, I won't need to

15:54:31 1 bring it up, but effectively what that says is that,
15:54:36 2 "Further update re Witness D", who was Ms Gobbo, "Re the
15:54:40 3 advice from Maguire about protection of Gobbo's past from
15:54:45 4 disclosure". It seems as though that's - - -?---The whole
15:54:48 5 box and dice.
15:54:49 6
15:54:49 7 - - - what this is all about. "Definitive advice expected
15:54:53 8 from Maguire this week." We then skip forward it seems a
15:54:58 9 couple of weeks. You email - I think you've indicated to
15:55:07 10 Mr Cornelius at some point in time, "I've got the advice
15:55:10 11 back from Maguire, I need to speak to you. I know
15:55:13 12 Cornelius is not going to be at the meeting on the Monday,
15:55:16 13 he's away, Danye Moloney is going to step in", but you'll
15:55:20 14 speak to him - he sends a message back to you, "But I'll
15:55:26 15 give you a call and you can tell me about it anyway",
15:55:29 16 something along those lines?---Okay.
17
15:55:30 18 You say, "Mr Smith needs to be here and he needs to hear
15:55:34 19 this advice", do you recall this happening?---I recall the
15:55:37 20 material you're referring to.
21
15:55:38 22 Yes?---I don't specifically recall it. I assume it's
15:55:41 23 regarding Maguire's advice.
24
15:55:43 25 You get Maguire's advice, whatever the advice is, and it
15:55:47 26 relates to disclosure of Gobbo's past, it's going to impact
15:55:51 27 on the Petra investigation where Mr Smith is
15:55:54 28 involved?---Yes.
29
15:55:54 30 So he needs to hear about it as well?---Yes.
31
15:55:58 32 You email Mr Smith on the morning of 21 September, that's
15:56:03 33 when the board meeting is going to be, and ask him to hang
15:56:07 34 around at the end of his meeting, Petra go first, Briars go
15:56:12 35 second, is that right?---Correct.
36
15:56:14 37 He says no problem. The Briars Task Force update following
15:56:18 38 that that, VPL.0100.0050.0054. Essentially what it says,
15:56:39 39 "Current advice from Maguire is that witness's past will
15:56:45 40 probably be declared to the court at a minimum in the
15:56:48 41 prosecution of Dale". I'm not sure why it's been redacted
15:56:51 42 but it has been. That's what the original says. And then
15:56:54 43 following that, "If Perry is charged with murder it is
15:56:57 44 probable that the extent of witness assistance will be
15:57:00 45 known". So, "In Petra we're going to have to disclose her
15:57:06 46 as a human source"?---Yes.
15:57:07 47

15:57:07 1 "If we charge Perry we're going to have to give them
15:57:10 2 everything upfront", that's the nature of the
15:57:14 3 advice?---Yes.
15:57:14 4
15:57:16 5 What was the reaction to that?---My reaction?
15:57:21 6
15:57:22 7 Well, you're giving this - first of all, the board?---I
15:57:30 8 can't specifically recall but I mean I'm sure they would
15:57:36 9 have needed to go away and contemplate that advice.
15:57:38 10
15:57:39 11 You've got an entry in your diary for this date,
15:57:45 12 VPL.0005.0160.0021, p.34. It's an entry where you're
15:57:53 13 noting your attendance at the meeting, I think you see down
15:57:59 14 the bottom?---Yes.
15:58:00 15
15:58:00 16 You're at ESD, "Re a board of management meeting with
15:58:05 17 Ashton, Moloney and Smith"?---Yes.
15:58:07 18
15:58:07 19 "Decision on 3838 on the 24th of the 9th, 09, Moloney to
15:58:14 20 reply"?---Yes.
15:58:14 21
15:58:14 22 "Statement will be available for use in time. Moloney to
15:58:18 23 advise on reviewer", is it reviewer?---Looks like reviewer,
15:58:23 24 yes.
15:58:24 25
15:58:25 26 What decision was going to be made by 24 September, do you
15:58:34 27 know?---I assume in terms of progressing with the
15:58:41 28 statement, signing of the statement.
15:58:42 29
15:58:43 30 Whether we get her to sign off?---Yes.
15:58:45 31
15:58:45 32 Ultimately that wasn't done?---Yes.
15:58:47 33
15:58:47 34 Presumably a decision was made, "We don't want her to sign
15:58:51 35 the statement"?---Yes.
15:58:52 36
15:58:52 37 Was that made because of representations from people at
15:58:55 38 Petra, do you know?---I have no understanding around that.
15:58:58 39
15:59:00 40 "Statement will be available for use in time and we
15:59:03 41 understand that following this there's a decision that
15:59:06 42 we're going to use the statement unsigned in order to use
15:59:12 43 it for affidavits for warrants and so forth"?---H'mm.
15:59:18 44
15:59:18 45 Given the grave credibility issues in relation to Ms Gobbo
15:59:22 46 and this statement, what do you say as to the
15:59:26 47 appropriateness of using it anyway to get warrants?---It's

15:59:32 1 perfectly appropriate.

15:59:33 2

15:59:33 3 No issues?---No. Lawyers have a dip at us for not being

15:59:41 4 transparent so if I was to not put that in an affidavit,

15:59:45 5 alongside the prior inconsistent statements, I would be

15:59:49 6 criticised by lawyers for taking that approach.

15:59:54 7

15:59:54 8 For not putting - do you say you would have been putting in

15:59:58 9 affidavits the fact that Ms Gobbo had, or that a person,

16:00:04 10 because I don't think the statement identified her?---What

16:00:08 11 I'm saying is the full unvarnished truth about the

16:00:11 12 evolution of this is in the affidavit.

16:00:16 13

16:00:17 14 Do you know who the reviewer was that Mr Moloney is talking

16:00:22 15 about or that you were writing about in this entry?---No, I

16:00:25 16 know there was talk about the investigation being reviewed

16:00:27 17 at some point and I'm not - I can't recall who they were

16:00:32 18 contemplating to do that.

16:00:34 19

16:00:43 20 Now on 23 September, if we go to your, if we scroll through

16:00:52 21 your diary, we see at 15:55 you've made a call to Mr Smith

16:01:01 22 at Petra and requested a copy of the VicPol subpoena,

16:01:06 23 stated you had, I assume it's he stated he had no issue

16:01:10 24 with Mr Maguire, is it requesting the

16:01:15 25 subpoena?---Representing.

16:01:16 26

16:01:16 27 Representing the subpoena. At 6.15 you're then speaking to

16:01:24 28 Mr Maguire in relation to the same?---Yes.

16:01:25 29

16:01:26 30 "Requested copies of the subpoena and names of the OPP and

16:01:29 31 the judge. Advised had not yet obtained authority to

16:01:32 32 engage him" and you emailed him the material. Following

16:01:36 33 that at 16:30 you're speaking to Mr Moloney, re Maguire and

16:01:41 34 advised he would speak to Finn McCrae re representation and

16:01:45 35 advise on the 24th of the 9th?---Yes.

16:01:48 36

16:01:48 37 That was the same date that presumably there was going to

16:01:52 38 be a decision made about whether we're going to use this

16:01:55 39 statement or not?---I can't help you there, I don't know.

16:01:59 40

16:01:59 41 You've got no memory of what you might have been seeking in

16:02:02 42 terms of legal assistance from Mr Maguire at that

16:02:15 43 point?---It's not related to the Mokbel trial, is it?

16:02:18 44

16:02:19 45 I think that had finished by that stage?---Finished?

16:02:22 46

16:02:22 47 Or that issue had at least finished by that stage?---What

16:02:28 1 about Dale?
16:02:28 2
16:02:28 3 Certainly that hadn't gone to committal yet, that was due
16:02:32 4 for committal the following year?---Okay.
16:02:34 5
16:02:34 6 There were subpoenas coming in in relation to the Dale
16:02:37 7 matter. So were you having something to do with the
16:02:42 8 subpoenas in the Dale matter or was that something of
16:02:46 9 concern to you?---Well if Ms Gobbo was a witness in that
16:02:51 10 matter I would assume it would involve us, given that she'd
16:02:59 11 made prior inconsistent statements. Relevant material I
16:03:05 12 would have thought.
16:03:05 13
16:03:06 14 It seems if we scroll through to 28 September, I think it's
16:03:10 15 p.37, you're at a meeting with Mr McRae, Mr Smith, Mr Davey
16:03:15 16 in relation to the Collins subpoena. He was Mr Dale's
16:03:18 17 co-accused, which had come in. And there was a note that
16:03:22 18 Mr Gipp was to be briefed in relation to that?---Okay.
16:03:30 19
16:03:31 20 Did you have involvement or an interest in that proceeding
16:03:34 21 or knowing where that was going?---Not - I don't recall.
16:03:41 22
16:03:41 23 Do you know if Mr Gipp, when he was briefed in relation to
16:03:45 24 that was given the benefit of the advice that had already
16:03:48 25 been given by Mr Maguire about disclosure of Ms Gobbo's
16:03:52 26 past?---I don't think I dealt with Mr Gipp at all.
16:03:56 27
16:03:57 28 Did you speak to Mr Smith or anyone from Petra about,
16:04:00 29 obviously he knew what Maguire's advice had been because he
16:04:04 30 had been at the meeting and you'd wanted to let him know
16:04:07 31 the implications of that advice?---Yes.
16:04:09 32
16:04:09 33 Do you know if the counsel that they briefed to represent
16:04:13 34 Victoria Police in the committal was given the advice - -
16:04:17 35 -?---I don't know.
16:04:17 36
16:04:24 37 The Task Force update of Briars on 5 October 2009 indicates
16:04:29 38 that as at that date, this is VPL.0100.0058.0798 at 324, in
16:04:42 39 relation to Witness D you see there, "Statement used now in
16:04:50 40 SDA and TI affidavits"?---Yes.
16:04:50 41
16:04:50 42 How was that done? You attach the statement or you just
16:04:54 43 refer to the fact that we've got a statement that says
16:04:58 44 these things?---No, Briars were responsible for producing
16:05:03 45 the affidavit and I assume that this is a renewal rather
16:05:12 46 than a fresh application, because we had TIs and SDs
16:05:21 47 running for a long, long time.

16:05:24 1
16:05:24 2 No doubt you're using Ms Gobbo's statement to help support
16:05:28 3 applications for - - -?---I wouldn't couch it in those
16:05:32 4 terms. I would say we were being transparent about the
16:05:34 5 material that we had in our possession.
16:05:36 6
16:05:38 7 And it's apparent that it was at that stage, it hadn't
16:05:44 8 been, there had been no - it says the statement to be
16:05:49 9 signed at some stage?---H'mm.
16:05:50 10
16:05:50 11 Was a decision taken that, "We won't have the statement
16:05:54 12 signed until after the Petra committal at least is dealt
16:05:58 13 with so then we might not have to deal with the effects of
16:06:02 14 Maguire's advice"?---I'm not a lawyer, but I don't think it
16:06:06 15 matters whether the statement's signed or not.
16:06:09 16
16:06:10 17 You don't - - -?---It's in existence.
16:06:12 18
16:06:12 19 You don't have a view as to a working copy or a draft
16:06:16 20 statement?---My view is it's got to be, it's got to be
16:06:21 21 disclosed, and let the court decide.
16:06:25 22
16:06:26 23 Thanks Mr Waddell.
16:06:28 24
16:06:28 25 COMMISSIONER: Yes. Mr Collinson, any questions?
16:06:32 26
16:06:32 27 MR COLLINSON: No.
16:06:33 28
16:06:33 29 COMMISSIONER: Mr Coleman?
16:06:35 30
16:06:35 31 MR COLEMAN: No.
32
16:06:39 33 COMMISSIONER: I like that word. Mr Chettle.
34
16:06:40 35 MR CHETTLE: Unfortunately I can't say no.
16:06:39 36
16:06:43 37 COMMISSIONER: Just so I have some idea about times as to
16:06:45 38 whether we're going to get to Mr Iddles this afternoon.
16:06:49 39
16:06:49 40 MR CHETTLE: No more than ten minutes.
16:06:51 41
16:06:51 42 COMMISSIONER: Right, thank you.
43
16:06:52 44 <CROSS-EXAMINED BY MR CHETTLE:
16:06:52 45
16:06:52 46 Very, very briefly, Mr Waddell, can I bring up Mr Black's
16:06:55 47 diary for 24 April of 07. It's p.291 of his diary, which

16:07:01 1 was the first document you brought up this morning I think.
16:07:34 2 Page 291 of the handwritten diary. While that's being
16:07:43 3 brought up, do you have your diary for 2007 in front of
16:07:47 4 you?---I probably do.
16:07:49 5
16:07:49 6 It will be helpful if you pull it out. I haven't seen it,
16:07:53 7 but you did refer to it when answering questions to
16:07:56 8 Ms Tittensor.
16:07:57 9
16:07:57 10 COMMISSIONER: Ms Tittensor, did you want to tender
16:07:59 11 Mr Waddell's diaries?
16:08:01 12
16:08:02 13 MS TITTENSOR: Yes, I will do that, Commissioner.
16:08:03 14
16:08:04 15 #EXHIBIT RC1204A - (Confidential) Diaries of Stephen
16:08:06 16 Waddell.
16:08:06 17
16:08:06 18 #EXHIBIT RC1204B - (Redacted version.)
16:08:08 19
16:08:09 20 MR HOLT: Commissioner, I'm assuming the diary entries that
16:08:11 21 were referred to?
16:08:14 22
16:08:14 23 COMMISSIONER: I suppose so.
16:08:15 24
16:08:16 25 MS TITTENSOR: Yes.
16:08:16 26
16:08:17 27 COMMISSIONER: They're certainly the ones that we'll want
16:08:19 28 to rely on.
16:08:20 29
16:08:21 30 MS TITTENSOR: Yes, Commissioner. I think there were a
16:08:23 31 number that we referred to from 2007.
16:08:24 32
16:08:25 33 COMMISSIONER: We'll get a list taken from the transcript.
16:08:27 34
16:08:29 35 MR HOLT: We have no difficulty, it's just they're a very
16:08:31 36 long set.
16:08:31 37
16:08:32 38 COMMISSIONER: In terms of PII and so forth, yes. I was
16:08:36 39 going to tender them all and then just rely on the PII bit
16:08:41 40 for the ones we've referred to, but either way it doesn't
16:08:45 41 matter.
16:08:46 42
16:08:46 43 MR HOLT: No difficulty, Commissioner, we'll work it out.
16:08:49 44
16:08:49 45 COMMISSIONER: Thank you.
16:08:52 46
16:08:53 47 MR CHETTLE: This entry you have in front of you, see it

16:08:55 1 now, it's one you were shown this morning,
16:08:58 2 Mr Waddell?---Yes, I do.
16:08:58 3
16:08:59 4 I think you described it as concerning or bizarre, you
16:09:03 5 didn't really accept the entry, is that fair?---I have no
16:09:06 6 memory of this. I don't think I was there.
16:09:09 7
16:09:10 8 Let's deal with that. You made reference to an entry on 17
16:09:17 9 April, seven days before this?---Yes.
16:09:20 10
16:09:20 11 In your diary?---Yes.
16:09:22 12
16:09:22 13 Where you have a meeting with Mr Wilson, is that what it
16:09:25 14 is? I haven't seen it, can you help me out? Do you talk
16:09:31 15 to Mr Wilson that morning or that day?---I remember it
16:09:34 16 being raised with me. 17 April.
16:09:37 17
16:09:37 18 And there's a reference to Sandy White in that discussion,
16:09:42 19 because as I remember what you said this morning?---At
16:09:45 20 09:00 I left a message for Mr White.
16:09:48 21
16:09:48 22 Pausing right there. That means you're in touch with the
16:09:52 23 Source Development Unit for some reason?---Correct.
16:09:54 24
16:09:55 25 Have you had a conversation with Mr Wilson before that
16:09:59 26 about potential sources?---It would have been part of the
16:10:06 27 investigation plan to check, to speak to the SDU about -
16:10:13 28 again we're getting into the area of methodology.
16:10:16 29
16:10:17 30 Just sources?---Sources.
16:10:18 31
16:10:19 32 Mr Wilson knew that 3838 was Ms Gobbo, do you follow?---He
16:10:23 33 did.
16:10:23 34
16:10:24 35 And he knew that she was being managed by the SDU?---Yes.
16:10:28 36
16:10:28 37 Did he tell you. That's how you learnt of her existence,
16:10:33 38 isn't it?---Mr Chettle, I don't know.
16:10:35 39
16:10:35 40 That's a possibility?---I don't believe I knew that early
16:10:39 41 on.
16:10:40 42
16:10:41 43 You're going after Sandy White for some reason on the 17th,
16:10:45 44 correct?---That was really a standard investigative
16:10:49 45 practice major investigation.
16:10:50 46
16:10:51 47 Then can I have, inform you of this, on the 18th, the day

16:10:55 1 after you left a message for Sandy White?---Yep.
16:10:57 2
16:10:58 3 Mr Anderson - you know who Mr Anderson is?---I'll have to
16:11:02 4 look at that. Yes, yes.
16:11:12 5
16:11:12 6 His diary records at 19:00, "Spoke to Black. Waddell had
16:11:18 7 started at Task Force. Has been told SDU have a source
16:11:22 8 that might be able to assist". Now that's the entry in his
16:11:26 9 diary for the 18th, the day after you - it's starting to
16:11:32 10 look like you were told about it, doesn't it, if that entry
16:11:39 11 is true?---Not necessarily.
16:11:40 12
16:11:40 13 That's Mr Anderson in his diary for 24 April, the same day
16:11:46 14 Mr Black's diary entry reads, "7:50 clear office with
16:11:51 15 Black. 8:10 meet with Waddell re Operation Briars as per
16:11:56 16 Black. Discussed if 3838 or other sources would be able to
16:12:02 17 assist. Has discussed 3838 meeting, matter to be further
16:12:08 18 discussed by Black". With redactions that's what's in his
16:12:14 19 entry, follow?---I'm not trying to hide anything here,
16:12:17 20 Mr Chettle. I just don't know when I became aware. My
16:12:20 21 best memory is it was not that early.
16:12:24 22
16:12:24 23 I've now put to you not only the entry of Mr Black but the
16:12:28 24 diary entries of Mr Anderson?---H'mm.
16:12:30 25
16:12:31 26 And Mr Black has given evidence that in relation to each of
16:12:36 27 those entries, I don't want to take the time up, but he
16:12:40 28 says he spoke to you and that was the effect of the
16:12:43 29 conversations he had with you. Now are you saying that
16:12:46 30 didn't happen?---I have no recollection of that happening.
16:12:48 31 I believe I, I know that's different, but I believe I would
16:12:53 32 remember it.
16:12:53 33
16:12:53 34 You have no memory of it. But if that did happen it's
16:12:57 35 clear you knew about her at that stage, isn't it?---About
16:13:00 36 her?
16:13:00 37
16:13:00 38 Yes, about Gobbo, 3838?---That's somebody else's note,
16:13:06 39 that's not my note.
16:13:08 40
16:13:09 41 If you're told, "I believe we have a source that might be
16:13:14 42 able to assist", if that occurred you were told by Wilson
16:13:19 43 clearly prior to that time, is that possible?---"Maybe I'll
16:13:21 44 have a source that could assist. Who would that source
16:13:25 45 be?"
16:13:25 46
16:13:25 47 Then on the day itself Mr Black goes and - he gets the

16:13:31 1 message the day before that he's to see you, so he conducts
16:13:34 2 a reccie as you can see according to his diary at 5 to 6 to
16:13:38 3 see what's happening and then goes to the meeting with you
16:13:41 4 at 10 past 8?---That's why, that's my comment, about what -
16:13:46 5 that is bizarre. Why are we reccie-ing a café?
16:13:50 6
16:13:50 7 Because you'd rung up out of the blue asking to talk to him
16:13:54 8 about a source?---What's the issue?
16:13:57 9
16:13:57 10 You don't remember it in any event?---No, I don't.
16:14:01 11
16:14:01 12 Let me jump to the other end of it, please. You have gone
16:14:06 13 through with Ms Tittensor the fights that the SDU had
16:14:11 14 really to keep you from getting material and how eventually
16:14:14 15 you got it because of directions that were given?---Yes.
16:14:17 16
16:14:17 17 Can I take you very briefly to the source management log
16:14:21 18 for 2958 for the entry of 16 June of 2009. I don't think
16:14:30 19 this is one Ms Tittensor took you to, but she may have.
16:14:35 20 This is an entry in the source management log maintained by
16:14:39 21 the SDU in relation to her file, do you follow?---I know
16:14:43 22 what a source management log is.
16:14:46 23
16:14:48 24 Right. 16/6/09. All right. "Covert Services Division re
16:15:00 25 meeting with Superintendent Biggin and DDI Waddell re", and
16:15:05 26 then her two numbers, do you see that?---Yes.
16:15:08 27
16:15:08 28 It's the same person, she got re-registered?---Yes.
16:15:11 29
16:15:11 30 Do you have your diary for 16 of June 09 there, please? It
16:15:17 31 will be the other end of the pile?---Yes.
16:15:44 32
16:15:44 33 Do you have an entry for any meeting with Biggin and
16:15:47 34 Waddell that day, sorry, you're Waddell, with Biggin and
16:15:54 35 members of the SDU?---Biggin and White.
16:15:56 36
16:15:56 37 You do?---I do.
16:15:57 38
16:15:57 39 What time was that?---12:45 I left my office.
16:16:00 40
16:16:00 41 And what does your note say, if you could read it,
16:16:03 42 please?---No more than that. Met with them re material
16:16:07 43 request to send email to White re scope.
16:16:14 44
16:16:23 45 Look at the log entry of that meeting if you would?---Yes.
16:16:26 46
16:16:27 47 Advised by you that the steering committee have directed

16:16:31 1 you to have access to all material and to make the decision
16:16:35 2 re the viability of her as a witness, correct?---Correct.
16:16:40 3
16:16:40 4 And that's what happened, that's what you did do?---Yes.
16:16:43 5
16:16:44 6 "Agreed to provide same via transcripts and contact reports
16:16:48 7 for relevant entities." You're to provide a list of the
16:16:53 8 people or the entities you want to know about?---Yes.
16:16:56 9
16:16:57 10 You appreciate the concerns re the use of her as a witness
16:17:01 11 and the ramifications?---Absolutely.
16:17:03 12
16:17:05 13 You appreciated that there were risks to her in exposing
16:17:11 14 her?---Yes, I did.
16:17:12 15
16:17:12 16 And there would be risks to Victoria Police in general in
16:17:16 17 exposing her?---In that sense, yes.
16:17:19 18
16:17:22 19 Notation reads, "Case is weak but will be sufficient for
16:17:25 20 charging but probably not for conviction. It's a matter of
16:17:29 21 risk against reward that you were advised the SDU does not
16:17:34 22 think the risk - justifies risk if conviction is unlikely",
16:17:39 23 all right?---I agree that was their position.
16:17:41 24
16:17:42 25 Did you accept in general that entry records there what
16:17:48 26 occurred?---Yes.
16:17:48 27
16:17:49 28 Do you have an entry for 1 July 2009, please?---Yes.
16:18:23 29
16:18:23 30 Did you have a meeting with Mr White on that day?---I did.
16:18:26 31
16:18:27 32 At what time was that?---12:30.
16:18:30 33
16:18:30 34 Can you read, if you would, what your diary entry says
16:18:33 35 please?---"Met Mr White re source material."
16:18:36 36
16:18:37 37 Full stop?---(Witness nods.)
16:18:39 38
16:18:39 39 Okay. If you go to the entry Mr White makes in the log, he
16:18:43 40 says he meets with you re Operation Briars. It will be up
16:18:48 41 on the screen in front of you?---Yes.
16:18:49 42
16:18:50 43 Have you seen this entry before?---Yes.
16:18:52 44
16:18:53 45 "Provide document re SDU intelligence holdings." That's
16:18:57 46 when he gives you the material that you've requested, isn't
16:19:00 47 it?---It appears so, yes.

16:19:03 1
16:19:04 2 Now, then there's an entry which has been the subject of
16:19:08 3 much debate. "Informed by you that Rapke aware HS is a
16:19:13 4 witness. Tony Mokbel defence team have subpoenaed VicPol
16:19:17 5 re any material that goes to the credit or otherwise of a
16:19:20 6 particular person"?---Yes.
16:19:21 7
16:19:21 8 "Re the charge of murdering somebody else. Briars have
16:19:25 9 attempted to fight request which would encompass SDU docs
16:19:30 10 and have lodged a confidential affidavit before the judge",
16:19:34 11 do you see that?---Yes.
16:19:36 12
16:19:38 13 Can you make sense of this? Had you been to see Mr Rapke
16:19:41 14 or was that, were you reporting it from someone else?---No,
16:19:45 15 as I said in my statement, I never talked about Mr Rapke.
16:19:50 16 I have a practice, it comes from a long time ago, about
16:19:53 17 referring to the DPP when I'm talking about the collective
16:19:57 18 office.
16:19:57 19
16:19:57 20 You mean the organisation?---Yes, the organisation. It's
16:20:04 21 called the Office of Public Prosecutions now. So I wasn't
16:20:07 22 talking about the Director per se.
23
16:20:09 24 Right. You meant the office?---I meant the office.
16:20:10 25
16:20:11 26 In your confidential affidavit did you set out that you had
16:20:13 27 obtained material from the SDU?---I can't tell you now.
16:20:19 28 What we were talking about was the draft statement.
16:20:23 29
16:20:24 30 All right. But it says, "Briars have attempted to fight
16:20:26 31 the request which would encompass SDU docs", that's the
16:20:30 32 notation Mr White has made. That would mean the documents
16:20:33 33 that they had given you either that day or earlier?---I
16:20:37 34 don't take it that way. I take it the way that's been put
16:20:40 35 to me before by Ms Tittensor in terms of what was in the
16:20:45 36 draft statement which came from that material.
16:20:46 37
16:20:48 38 Have you sighted the confidential affidavit that was filed
16:20:52 39 in relation, by the police in the Mokbel matter?---Not of
16:20:55 40 recent times.
16:20:56 41
16:20:57 42 And do you know whether or not it referred to SDU
16:21:01 43 material?---I can't help you.
16:21:02 44
16:21:03 45 If it were to be accurate, it should have included the
16:21:07 46 material that you'd been provided with earlier in I think
16:21:12 47 it was April or March of the summary document that you got

16:21:17 1 and took to Bali?---That would fall within the subpoena,
16:21:20 2 yes.
16:21:20 3
16:21:21 4 Thank you Commissioner.
16:21:22 5
16:21:23 6 COMMISSIONER: Yes, Mr Holt.
16:21:24 7
8 <RE-EXAMINED BY MR HOLT:
9
16:21:25 10 Thank you. Just a few minutes, Commissioner, if I may.
16:21:30 11 Thank you Mr Waddell. Can we bring up the Black diary
16:21:32 12 entry that was referred to by Mr Chettle a moment ago and
16:21:35 13 had been referred to by Ms Tittensor. I'm sorry, it wasn't
16:21:38 14 referred to by way of a reference at the time. Yes, thank
16:21:57 15 you. Now, Mr Waddell, you've been asked a lot of questions
16:22:02 16 about someone else's diary entry?---Sure, sure.
16:22:04 17
16:22:04 18 In any event your diary entry indicates you were not here
16:22:09 19 and you have no recollection of attending at this
16:22:12 20 meeting?---My diary entry does not have me leaving the
16:22:15 21 office.
16:22:15 22
16:22:16 23 There was a reference to code 1. Code 1 is a reference to
16:22:20 24 leaving somewhere, is that right?---It is.
16:22:25 25
16:22:25 26 Now, just work with me for a moment. If we assume for a
16:22:30 27 moment you were here, can we just have a look at the entry
16:22:33 28 itself please at 08:10 and could we just zoom in on that
16:22:37 29 entry. Thank you, I'm grateful. We can see there, you've
16:22:41 30 been taken to some particular words by Mr Chettle and
16:22:44 31 earlier by Ms Tittensor, though this part was referred to.
16:22:48 32 "Discussion general only re SDU assistance, existing
16:22:53 33 sources and possibility to recruit". Then, "No specific re
16:22:57 34 HS", and then in a square, "But 3838", do you see that,
16:23:02 35 "Into their stated targets"?---Well that reads to me as if
16:23:06 36 that's Mr Black's notation at the time rather than me
16:23:13 37 having a conversation with him about that particular
16:23:16 38 person.
16:23:16 39
16:23:17 40 Thank you. Could we then go please to, again the SML and
16:23:21 41 the date of 16 June and to the 16th of the 6th 2009 - I'm
42 sure these dates are just designed for my accent. The 16th
43 of the 6th 2009 - I'm sure that's why Mr Chettle
16:23:33 44 cross-examined you on it - there was just one entry I just
16:23:44 45 wanted to perch on for a moment please in terms of
16:23:47 46 Mr White's record of what occurs at this meeting that he
16:23:50 47 has with you. And it's the third dot point from the

16:23:53 1 bottom, do you see that, "Steering committee desire for
16:23:56 2 transparency"?---Yes.
16:23:57 3
16:23:58 4 Was that consistent with the way in which you interacted
16:24:01 5 with and understood that the steering committee for Briars
16:24:02 6 was operating?---Absolutely. There weren't any secrets.
16:24:08 7
16:24:08 8 Thank you. Just a final topic, please. Rewinding to being
16:24:14 9 in Bali. Do you recall that you were asked quite some
16:24:17 10 number of questions by our learned friend Ms Tittensor
16:24:21 11 about what appeared to be a note taken by Mr Cornelius of a
16:24:25 12 conversation that he had with Mr Smith, where Mr Smith was
16:24:29 13 calling him from Bali, do you recall that?---Yes.
16:24:31 14
16:24:32 15 Where it appears that Mr Smith was summarising matters on a
16:24:36 16 particular day in terms of what had occurred with
16:24:38 17 Ms Gobbo?---Yes.
16:24:39 18
16:24:39 19 Tell me this, was Mr Smith present during the course of the
16:24:43 20 actual statement taking process that you engaged in with
16:24:45 21 Mr Iddles?---At no stage.
16:24:48 22
16:24:48 23 Was he a part of Operation Briars, Task Force Briars at all
16:24:51 24 at that point?---No.
16:24:52 25
16:24:56 26 Finally, Ms Tittensor explored this claim that the
16:25:01 27 confession that Ms Gobbo reported Mr Perry had made was not
16:25:06 28 in the statement at the particular time. Now, did I
16:25:10 29 understand, and again I will be really cautious about this,
16:25:13 30 that Ms Tittensor was asking you some questions about what
16:25:15 31 steps you took to investigate that change of statement when
16:25:18 32 you came back, do you recall those questions?---Um.
16:25:22 33
16:25:23 34 And you raised a matter that you didn't think you could
16:25:25 35 talk about because of secrecy provisions?---Yes.
16:25:28 36
16:25:28 37 Obviously there's that matter, and we won't go into it in
16:25:31 38 any more detail, but were steps taken with respect to
16:25:34 39 Mr Valos to try and deal with those issues?---Yes.
16:25:36 40
16:25:37 41 In addition to that, as you explained earlier, you'd
16:25:38 42 already spoken with Mr Valos after the initial claim that
16:25:42 43 Ms Gobbo had made?---Yes.
16:25:43 44
16:25:43 45 Had you also in fact, as you explained in your statement,
16:25:47 46 executed a search warrant at Mr Valos' office for both the
16:25:52 47 Lee Perry and the Mark Perry file?---Yes, I had.

16:25:54 1
16:25:55 2 Were there any additional inquiries you can think of that
16:25:59 3 could properly have been made at that time after returning
16:26:01 4 from Bali?---You've prompted my memory, Mr Holt. We asked
16:26:05 5 Ms Gobbo to have a look at her diaries to try and identify
16:26:14 6 when this meeting took place and identify what the nature
16:26:19 7 of the meeting was.
16:26:20 8
16:26:21 9 Yes, thank you. That's the re-examination, may it please
16:26:23 10 the Commissioner.
16:26:23 11
16:26:24 12 MR CHETTLE: Commissioner, before that, I forgot to tender
16:26:25 13 and can I please tender the two entries of Mr Anderson's
16:26:31 14 diary for 18 and 24 April.
16:26:37 15
16:26:37 16 COMMISSIONER: Sure.
16:26:37 17
16:26:38 18 MR CHETTLE: I haven't got the originals here but the
16:26:40 19 extracts I read were as they were relayed to me.
16:26:45 20
16:26:46 21 #EXHIBIT RC1205A - (Confidential) Two entries from
16:26:28 22 Mr Anderson's diary for 18 and 24/4/07.
16:26:47 23
16:26:47 24 #EXHIBIT RC1205B - (Redacted version.)
16:26:50 25
16:26:50 26 COMMISSIONER: Did you use the Gobbo statement to get the
16:26:53 27 search warrant on Jim Valos' premises?---Commissioner, I
16:27:02 28 think that was before, it was before we went to Bali.
16:27:06 29
16:27:06 30 Before you went to Bali. Thank you. Yes Ms Tittensor.
16:27:11 31
32 <RE-EXAMINED BY MS TITTENSOR:
33
16:27:12 34 Just briefly, would you accept, if your diary, and we'll
16:27:16 35 ask the police to maybe review some of the 2007 entries of
16:27:19 36 your diary, particularly in the lead up to this 24 April
16:27:23 37 2007 meeting, if your diary indicates that you've got some
16:27:29 38 TIs out and you're reviewing TIs in the lead up to that, it
16:27:33 39 seems as though you may have had some information early in
16:27:36 40 the piece about Ms Gobbo's communication with Mr Waters
16:27:41 41 that would have made her a person of interest to you?---I'm
16:27:46 42 not going to die in a ditch over this.
16:27:50 43
16:27:50 44 I'm just asking, you'd accept if it's in your diary - -
16:27:54 45 -?---I truly cannot recall at what stage this came about,
16:27:59 46 this came to mind.
16:28:00 47

16:28:00 1 Were you aware that Mr Wilson had knowledge very early on,
16:28:04 2 or prior to the Briars investigation commencing, that
16:28:07 3 Ms Gobbo was a human source?---I am now.
16:28:10 4
16:28:11 5 Thank you Commissioner.
16:28:11 6
16:28:12 7 COMMISSIONER: Could I just take back to the point I asked
16:28:14 8 you about. Your statement seems to be that you took the
16:28:18 9 statement from Ms Gobbo in Bali?---In 09.
16:28:23 10
16:28:23 11 It wasn't until 09. Thank you, nothing further.
16:28:27 12
16:28:28 13 MR HOLT: Can I raise a matter arising from that question,
16:28:31 14 Commissioner?
16:28:31 15
16:28:31 16 COMMISSIONER: Yes.
16:28:31 17
16:28:31 18 MR HOLT: Mr Waddell, in terms of the execution of the
16:28:33 19 search warrant on Mr Valos' office, as you explained in
16:28:35 20 your statement did that in fact follow on from a
16:28:38 21 conversation where Mr Valos had said, "You'll need to
16:28:41 22 execute a search warrant to get these files"?---Yes, yes,
16:28:45 23 it did.
16:28:45 24
16:28:45 25 Thank you Commissioner.
16:28:45 26
16:28:46 27 COMMISSIONER: Thanks very much, you're excused and free to
16:28:46 28 go?---Thanks Commissioner.
16:28:46 29
16:28:50 30 <(THE WITNESS WITHDREW)
16:28:50 31
16:28:50 32 COMMISSIONER: We've now got Mr Iddles?
16:28:53 33
16:28:54 34 MS TITTENSOR: Yes, Commissioner.
16:28:55 35
16:28:57 36 COMMISSIONER: Yes. Make some room at the Bar table for
16:29:01 37 Mr Richter who's appearing for Mr Iddles. Is there a
16:29:13 38 problem with Mr Iddles having the pseudonym list or would
16:29:17 39 you rather just show him flash cards?
16:29:18 40
16:29:18 41 MR HOLT: I think flash cards, Commissioner.
16:29:20 42
16:29:20 43 COMMISSIONER: Flash cards, yes. Oath for affirmation,
16:29:22 44 Mr Iddles?---Oath, please.
16:29:22 45
16:29:22 46
16:29:22 47

16:29:26 1 <RONALD WILLIAM IDDLES, sworn and examined:
16:29:37 2
16:29:37 3 COMMISSIONER: Yes Mr Richter.
16:29:38 4
16:29:39 5 MR RICHTER: Thank you, Commissioner. Mr Iddles, your full
16:29:41 6 name is Ronald William Iddles?---That's correct.
16:29:44 7
16:29:44 8 You are a retired Detective Senior Sergeant of the Victoria
16:29:47 9 Police?---Yes, that's correct.
16:29:48 10
16:29:48 11 And you have made two statements to this Commission, is
16:29:52 12 that right?---Yes, I have.
16:29:53 13
16:29:54 14 The first one dated 3 June 2019. Let me show you a clean
16:30:04 15 copy of that, if I may. You've seen that before?---Yes, I
16:30:18 16 have.
16:30:18 17
16:30:20 18 There are some typos there but if you go to paragraph 12,
16:30:31 19 it's "collected" rather than "collecting", yes? See
16:30:39 20 that?---Correct.
16:30:40 21
16:30:45 22 I'm not pedantic in looking for them, but if you go to
16:30:49 23 paragraph 30, the last sentence in paragraph 30 is, "There
16:30:55 24 was general conversations as to how the deployment would
16:30:58 25 work", it should be, rather than "walk", is that
16:31:01 26 right?---That's correct.
16:31:01 27
16:31:04 28 Apart from those corrections is that statement true and
16:31:08 29 correct?---Just one other alteration.
16:31:11 30
16:31:11 31 Yes?---In reviewing some material and even as late as this
16:31:15 32 morning, I think in this statement I say that I bumped into
16:31:25 33 Sandy White, I bumped into Sandy White, I think what's
16:31:37 34 happened is somehow I've become aware Ms Gobbo was a
16:31:41 35 source. And then in June or July I met Sandy White on a
16:31:46 36 couple of occasions where we discussed some of the issues
16:31:49 37 which are in this statement. Other than that it's correct.
16:31:54 38
16:31:54 39 When you say you've become aware of Ms Gobbo as a source,
16:31:59 40 was that guesswork or was she actually exposed as a source
16:32:02 41 to you?---Could you repeat that, please?
16:32:05 42
16:32:05 43 Was her status as a source actually exposed as such to you
16:32:10 44 or was it something you put together from general
16:32:13 45 discussion?---No, it's something I learnt within the Briars
16:32:17 46 Task Force.
47

16:32:17 1 Yes?---Separate to my meeting with Sandy White.
16:32:19 2
16:32:20 3 Thank you. You've made a second statement dated 19 January
16:32:27 4 of this year. If I can hand that to you.
16:32:32 5
16:32:32 6 COMMISSIONER: The first statement will be 1206A and B.
16:32:34 7
16:32:35 8 #EXHIBIT RC1206A - (Confidential) Statement of Ronald
16:32:36 9 Iddles dated 3/6/19.
16:32:36 10
16:32:36 11 #EXHIBIT RC1206B- (Redacted version.)
16:32:39 12
16:32:39 13 COMMISSIONER: We do an A and a B. The B is redacted for
16:32:43 14 PII reasons.
16:32:45 15
16:32:48 16 MR RICHTER: February, in fact. In that statement you make
16:32:57 17 some correction to earlier matters having referred to
16:33:03 18 documentation, is that right?---That's correct.
16:33:06 19
16:33:06 20 In paragraph 4 of that, "In my first statement at paragraph
16:33:12 21 25 I detailed when it was I became", that should be -
16:33:16 22 you've got aware there, have you not, that's been
16:33:19 23 corrected?---That's correct.
16:33:20 24
16:33:20 25 Good, thank you. And is that statement true and
16:33:24 26 correct?---Yes, it is.
16:33:25 27
16:33:27 28 So far as your recollection is concerned, do you have any
16:33:32 29 recollection of when you first saw the completed draft, as
16:33:38 30 it were, of VPL.0002.0002, which is a draft statement of
16:33:49 31 Ms Gobbo?---In the process of preparing for this Royal
16:33:53 32 Commission, giving evidence.
16:33:54 33
16:33:55 34 In other words, you went to Bali, you spent some days in
16:33:59 35 Bali with Mr Waddell, is that right?---That's correct.
16:34:02 36
16:34:02 37 And a draft was prepared. So far as the preparation of
16:34:10 38 that draft is concerned, who typed it, are you able to
16:34:14 39 say?---We both typed. Mr Waddell typed up until we started
16:34:19 40 to deal with the contact source sheets and then we might go
16:34:23 41 for an hour, hour and a half each typing, asking questions
16:34:27 42 and vice versa.
16:34:29 43
16:34:29 44 As far as the contact sheets were concerned, on the second
16:34:36 45 page of the statement, the draft statement, on the second
16:34:43 46 page, slightly more than halfway down the page, there is
16:34:47 47 the commencement of what we might be able to describe as

16:34:51 1 the alleged confession by Perry to Ms Gobbo,
16:34:58 2 right?---Correct.
16:34:58 3
16:34:59 4 Do you have any recall of her saying anything like that at
16:35:04 5 the time, in Bali?---I have no recollection of that
16:35:10 6 confession whatsoever. My mind is not infallible. I've
16:35:17 7 listened to the evidence of Mr Waddell today and that still
16:35:21 8 doesn't assist me, but I did my own inquiries once I became
16:35:25 9 aware that the draft statement was tendered to the Royal
16:35:29 10 Commission last year and those inquiries supported my
16:35:32 11 belief that it wasn't said, or it wasn't, wasn't in the
16:35:39 12 original, or no one knew of it.
16:35:41 13
16:35:42 14 When you first saw the original that was in the course of
16:35:45 15 the actual processes of this Commission and gathering
16:35:48 16 together of material, is that right?---Correct.
16:35:51 17
16:35:52 18 Was it ever printed at the time in Bali?---No, it was not
16:35:57 19 printed in Bali. We just had Mr Waddell's laptop and we
16:36:02 20 didn't have a printer. Had we have wanted one we could
16:36:07 21 have used the hotel printer but it didn't get to that
16:36:11 22 point.
16:36:11 23
16:36:12 24 Didn't get to that point, all right. Are you able to say
16:36:13 25 how it became about that you went to Bali in the first
16:36:17 26 place?---I received a phone call from Mr Waddell. I was
16:36:23 27 asked did I have a passport. I said yes. I wasn't told
16:36:27 28 where I was going. We met and we left on the Sunday, 24
16:36:34 29 May.
16:36:34 30
16:36:35 31 How long after you'd been told you would go was that that
16:36:38 32 you left?---I think I was probably told on the Thursday or
16:36:41 33 the Friday.
16:36:42 34
16:36:43 35 Yes?---And we left on the Sunday, the 24th of May 2009.
16:36:48 36
16:36:48 37 Was it explained to you as to why you were chosen, you were
16:36:51 38 not part of a Task Force at that stage, were you?---No, it
16:36:55 39 wasn't, but I'd been on the Task Force for ten months. He
16:37:00 40 rang up and said, "Well, we need to take a statement from
16:37:04 41 Ms Gobbo", for whatever reason he selected me.
16:37:08 42
16:37:09 43 You've given evidence and indeed you've sworn statements to
16:37:14 44 the effect that you have no recollection of being, of
16:37:18 45 hearing this alleged confession from Ms Gobbo, made to
16:37:30 46 Ms Gobbo. Had you heard something like that would that
16:37:33 47 have caused you to do something?---Probably do a handstand

16:37:38 1 because this would have been the first piece of direct
16:37:41 2 evidence which implicated Mark Perry. We would have, I
16:37:46 3 would have explored it more and more than likely I would
16:37:50 4 have liked to have taken a separate statement just in
16:37:52 5 relation to that confession.
16:37:54 6
16:37:55 7 Did anything like that happen thereafter?---No.
16:38:00 8
16:38:01 9 Do you know why?---Well, as I said, I have absolutely no
16:38:07 10 recollection of it ever, ever being said and it just
16:38:11 11 doesn't make sense because the date on, where she talks
16:38:16 12 about 11 November 2002, is eight months before the murder.
16:38:21 13
16:38:22 14 So it puts the confession eight months before the
16:38:26 15 murder?---I would have said, "Hang on a minute, Nicola,
16:38:29 16 you're talking about a confession that took place eight
16:38:33 17 months ago, eight months before the murder happened. You
16:38:36 18 can't be right" and we would have explored that then and
16:38:39 19 there.
16:38:39 20
16:38:39 21 Was there any discussion between you and Mr Waddell about
16:38:45 22 how unreliable she was about prior inconsistent statements
16:38:49 23 or things of that nature?---No.
16:38:52 24
16:38:53 25 Thank you.
16:38:55 26
16:38:55 27 COMMISSIONER: Yes, the statement of Mr Iddles of 19
16:38:59 28 January 2020 will be 1206.
16:39:03 29
16:32:35 30 #EXHIBIT RC1206C - (Confidential) Statement of Ronald
16:32:36 31 Iddles dated 19/1/20.
16:32:36 32
16:32:36 33 #EXHIBIT RC1206D- (Redacted version.)
16:39:08 34
16:39:08 35 <CROSS-EXAMINED BY MS TITTENSOR:
36
16:39:10 37 Now, Mr Iddles, you just indicated that you came, you made
16:39:16 38 some inquiries last year after you heard about the evidence
16:39:20 39 about the statement?---Yes, I did.
16:39:22 40
16:39:22 41 What were those inquiries?---I contacted, first I contacted
16:39:31 42 Sandy White from the Source Unit and I said, "Has 3838 ever
16:39:38 43 divulged that Mark Perry was involved in a murder" and he
16:39:44 44 said, "No, we don't have any information of that". This is
16:39:48 45 at a time if we accept the murder happened in July 2003,
16:39:52 46 some time after that he confesses, it's probably early
16:39:55 47 2004. It would be something that she would have told the

16:39:58 1 Source Unit. I spoke to Sandy White and again, and at no
16:40:11 2 stage during the process of Mr Waddell asking for more
16:40:18 3 source sheets did he ever tell Mr Biggin or Mr White of
16:40:23 4 such a confession. I've spoken to the three key people at
16:40:29 5 the Office of Public Prosecutions, of which one was the
16:40:34 6 prosecutor in the matter of Mark Perry, and he says, "Look,
16:40:41 7 I don't have a memory of it. Surely if there was a
16:40:45 8 confession, I would have remembered that because I would
16:40:49 9 have wanted to explore and actually use it". I contacted
16:40:56 10 Mr Jim Valos and spoke to him about it and he said, "Well
16:41:01 11 it's impossible it could have happened in my office. The
16:41:05 12 last time I dealt with Mark Perry was when the old County
16:41:10 13 Court was operating and I've checked that and the old
16:41:14 14 County Court operated up until 2001". He said, "I haven't
16:41:19 15 acted for Mr Mark Perry since then so he wouldn't have been
16:41:22 16 in my office". I've then reviewed some of the material
16:41:27 17 from the Royal Commission and on 27 May 2009, we already
16:41:38 18 heard of the conversation between Mr Cornelius and Steve
16:41:42 19 Smith where Steve Smith allegedly says, "Well, it's not a
16:41:48 20 smoking gun". On 29 May when I returned to Melbourne,
16:41:56 21 2009, we had a conversation with Rod Wilson. Rod Wilson's
16:42:02 22 diary shows that after that conversation he contacted
16:42:09 23 Assistant Commissioner Cornelius and Chief Commissioner
16:42:12 24 Simon Overland and said the draft statement's of no value.
16:42:18 25 Now, on 1 June at the Briars Task Force meeting
16:42:21 26 Mr Cornelius has a note, "Sufficient evidence to charge
16:42:27 27 Perry and Waters". Now I can't explain how he came to that
16:42:31 28 conclusion based on two days prior being told by Rod Wilson
16:42:36 29 the statement was of no value. At no stage does the Briars
16:42:42 30 Task Force document for 1 June mention the confession. It
16:42:46 31 mentions a 15 page draft statement, unsigned, and we need
16:42:51 32 to check some diaries. On 10 June there's a meeting
16:42:56 33 between Mr Cornelius, Mr Moloney, the Assistant
16:43:02 34 Commissioner for Crime, I think Mr Waddell might be present
16:43:05 35 at that meeting and it's about using her statement and
16:43:10 36 Mr Cornelius makes some notes, "Not sure where this
16:43:14 37 statement takes us". I've had a conversation and spoke to
16:43:18 38 Danye Moloney, the Assistant Commissioner, he has no
16:43:22 39 recollection whatsoever of anyone ever mentioning a
16:43:25 40 confession, a direct confession, which we might have been
16:43:29 41 able to use. He said that meeting was around the statement
16:43:33 42 being used against Lalor and Waters. So in the inquiries
16:43:38 43 that I've made, I can't come up with anyone, and the other
16:43:42 44 one is there's an analyst who stayed on at the Briars Task
16:43:48 45 Force, who was there after the Bali trip, his name is Scott
16:43:52 46 Elliott, and he has told Steve Sheehan, a police officer,
16:43:58 47 that he has no, he never heard of the confession ever being

16:44:02 1 mentioned. So I have no recollection of it. It's very
16:44:07 2 slightly that it did happen but everything that I have done
16:44:11 3 supports my belief that it didn't happen. I have looked at
16:44:14 4 three other documents at the Landow Task Force and there
16:44:18 5 are three references that you could infer that at some
16:44:21 6 stage the confession was there.

16:44:25 7
16:44:25 8 All right. We might get to some of those matters in the
16:44:29 9 course of your evidence, Mr Iddles. But I might say that
16:44:33 10 the evidence before the Commission is that Mr Tinney, who
16:44:36 11 was the prosecutor that prosecuted the Briars matter, in
16:44:40 12 fact considered that statement during the civil litigation
16:44:43 13 and whether that was going to be of any value and decided
16:44:45 14 it wouldn't be. So that's the evidence before the
16:44:51 15 Commission, or the material before the Commission?---Does
16:44:53 16 he talk about the confession or does he talk about the
16:44:58 17 evidence against Waters and Lalor?

16:45:01 18
16:45:02 19 Well, we'll make some further inquiries overnight in
16:45:04 20 relation to those matters, but the evidence, or the
16:45:08 21 material before the Commission suggests that he did
16:45:10 22 consider Ms Gobbo's statement?---No, he did, absolutely and
16:45:14 23 I've spoken to him about it, but he has no recollection of
16:45:19 24 her ever, ever mentioning a confession because he said, "I
16:45:23 25 would have used it, I would have wanted to use it and I
16:45:24 26 would have wanted to explore it".

16:45:26 27
16:45:27 28 Perhaps we'll go through initially a bit of your
16:45:30 29 experience. You've had a long experience in Victoria
16:45:33 30 Police, is that right?---Yes, I have.

16:45:34 31
16:45:38 32 You left the Police Force for a while and then came back in
16:45:43 33 1994, rejoining the Homicide Squad as a Detective Senior
16:45:47 34 Sergeant?---I came back in 1994 as a Brevet Senior
16:45:54 35 Constable, but quickly went back to Detective Senior
16:45:57 36 Sergeant.

16:45:57 37
16:45:57 38 At the Homicide Squad, is that right?---Yes.

16:45:59 39
16:45:59 40 And during that period at the Homicide Squad you were
16:46:02 41 seconded over to the Briars Task Force for the period April
16:46:06 42 2007 until March of 2008?---That's right, we went there on
16:46:10 43 14 April.

16:46:11 44
16:46:13 45 I take it you've had, obviously had significant experience
16:46:16 46 in criminal investigation?---Yes, I have.

16:46:19 47

16:46:19 1 Putting together briefs of evidence, giving evidence in
16:46:24 2 court hearings?---Yes.
16:46:25 3
16:46:26 4 And no doubt very familiar with your duties in relation to
16:46:29 5 disclosure?---Yes.
16:46:31 6
16:46:33 7 Now, did you have an awareness of Nicola Gobbo before you
16:46:39 8 came to your work at the Briars Task Force?---I knew who
16:46:43 9 she was. I'd never met her or never spoken to her but I
16:46:48 10 knew who she was, I'd seen her around the courts.
16:46:51 11
16:46:52 12 Had you been involved in any cases that she'd been involved
16:46:55 13 in?---No, I had not.
16:46:56 14
16:46:58 15 You're aware that she was known to represent people
16:47:03 16 associated with organised crime?---Yes, I thought
16:47:07 17 particularly early on she was involved in a lot of drug
16:47:10 18 matters.
16:47:10 19
16:47:10 20 Yes. Did you have an awareness of what her reputation was
16:47:17 21 within Victoria Police?---No, I did not.
16:47:20 22
16:47:22 23 Did you have an opinion yourself?---No, because I'd never
16:47:26 24 dealt with her.
16:47:27 25
16:47:29 26 Now, if I can just briefly take you to a briefing note of
16:47:35 27 Mr Wilson of 15 March 2007. VPL.0005.0012.0622. You might
16:47:47 28 have seen this on the screen this morning during
16:47:49 29 Mr Waddell's evidence. Mr Wilson was a Superintendent in
16:47:56 30 charge of Briars, is that right?---Yes, he was.
16:47:58 31
16:47:59 32 And underneath him was Detective Inspector Waddell?---Yes.
16:48:03 33
16:48:03 34 And you were the third leader within this investigation, is
16:48:08 35 that right?---That's correct.
16:48:09 36
16:48:09 37 And you had been approached in March of 2007 and you
16:48:13 38 started at Briars in April of 2007?---Correct.
16:48:17 39
16:48:21 40 Now, the structure in reporting, were you aware how that
16:48:25 41 worked, that there was a committee overseeing this
16:48:28 42 investigation?---Yes, I was.
16:48:30 43
16:48:30 44 Had you worked within that framework before?---No, I had
16:48:34 45 not.
16:48:34 46
16:48:37 47 Did you understand the chair of that committee to be

16:48:40 1 Mr Cornelius?---I didn't know who the chair was, but I knew
16:48:47 2 who the three members were.
16:48:48 3
16:48:48 4 Mr Cornelius, Mr Overland and Mr Ashton?---Correct.
16:48:51 5
16:48:52 6 Did you have a perception as to any particular one of the
16:48:56 7 three of them driving things?---I think it was more, more
16:49:03 8 than a perception as time went on, I think Mr Overland was
16:49:08 9 probably the driver or the stronger of the three.
16:49:13 10
16:49:14 11 How did that reveal itself?---That revealed itself one day
16:49:21 12 when Superintendent Wilson told me that, on a Monday
16:49:27 13 morning that the following Friday I had to charge the two,
16:49:34 14 their names are out, are they, Waters - - -
16:49:37 15
16:49:38 16 That's fine, Mr Waters and Mr Lalor?---So on the following
16:49:42 17 Friday that I had to charge Lalor and Waters and I said,
16:49:46 18 "Well there's no evidence". He said, "That's the decision
16:49:49 19 that's been made and you need to do it". And I said,
16:49:52 20 "Well, you tell Simon to come down here because I'm not
16:49:55 21 doing it". Now I don't know whether it was that day or the
16:49:58 22 next day Mr Overland came down and we had a meeting and he
16:50:02 23 said, "Well, they are to be charged on Friday" and I said,
16:50:09 24 "Well, I'm not signing it". He said, "Well, we've already
16:50:13 25 made the decision. We've got media ready for Friday". And
16:50:18 26 I said, "Well, the first question they'll ask me is, 'Why
16:50:24 27 did you do it? You're an experienced investigator'". And
16:50:28 28 I said, "My answer will be, 'Mr Overland made me do it'".
16:50:32 29 He said, 'Oh, right. So it's back to blue skies and green
16:50:38 30 grass. We'll have to go back to the drawing board'". He
16:50:41 31 then left and he went back and that's when another part
16:50:45 32 started where they realised that maybe there was a leak
16:50:48 33 somewhere. So that indicated to me that for whatever
16:50:56 34 reason he wanted to be hands-on.
16:50:57 35
16:50:58 36 Were you aware of, presumably the steering committee was
16:51:03 37 steering the investigation in different directions, is that
16:51:06 38 what occurred or were the investigators given a free hand
16:51:10 39 apart from that?---No, as a general rule we were given a
16:51:17 40 free hand but at times I disagreed with what they wanted
16:51:24 41 and that was in particular about calling people to an OPI
16:51:30 42 hearing to ask them questions before we'd really done a lot
16:51:37 43 of investigative work.
16:51:40 44
16:51:42 45 All right. You've heard some evidence today about a
16:51:46 46 meeting that Mr Waddell had with members of the SDU at a
16:51:50 47 café in Southbank where there's some discussions about

16:51:56 1 whether the SDU might be of assistance to the
16:51:59 2 investigation. Prior to that time it seems that there was
16:52:03 3 some telephone intercepts operating and at least at some
16:52:09 4 stage Ms Gobbo, it was apparent that Ms Gobbo was on the
16:52:12 5 phones with Mr Waters. Do you have a recollection of her
16:52:15 6 becoming a person of interest at an early stage in the
16:52:18 7 investigation?---No, because I think that the telephone
16:52:24 8 intercepts which were running early April didn't relate to
16:52:28 9 the Briars Task Force, they related to Kit Walker and,
16:52:36 10 which was a separate investigation done by OPI, and at that
16:52:42 11 point OPI didn't have the power to intercept phones, so it
16:52:46 12 was done by Victoria Police. We didn't get telephone
16:52:50 13 intercepts in relation to this matter probably until around
16:52:56 14 June 2007.

16:52:59 15
16:53:04 16 Can you recall or put any time frame on your learning that
16:53:10 17 Ms Gobbo was a source, a human source?---Well I know that
16:53:17 18 in around, I think it may be July 2007, I had a meeting
16:53:22 19 with Sandy White. I'd rung him I think the day before and
16:53:28 20 we met in the foyer of the Office of Police Integrity where
16:53:32 21 there was a coffee shop.

16:53:33 22
16:53:34 23 Yes?---So I knew, I knew then.

16:53:37 24
16:53:37 25 It's apparent that Mr Wilson had learnt through 2006 that
16:53:42 26 she was a source in relation to another investigation. Is
16:53:46 27 it possible you learnt through Mr Wilson?---I must have
16:53:51 28 learnt through somebody at the Briars Task Force, either
16:53:54 29 Mr Waddell or Mr Wilson, because I wouldn't have been able
16:53:57 30 to ring Sandy White and say, "Come down, I need to talk to
16:54:00 31 you".

16:54:00 32
16:54:01 33 There's briefings going on to the steering committee and
16:54:05 34 it's clear that the steering committee are getting updates
16:54:07 35 on this investigation and also Kit Walker. Was Kit Walker
16:54:13 36 semi related or there was people in common in terms of who
16:54:17 37 was being investigated, is that the case?---Kit Walker was
16:54:22 38 totally separate, it was about text messages and emails
16:54:27 39 being sent to [REDACTED], who was the [REDACTED] of the
16:54:31 40 [REDACTED]

16:54:33 41
16:54:34 42 I'm not sure if there's any sensitivity about names,
16:54:40 43 Mr Holt will let us know.

16:54:42 44
16:54:43 45 MR HOLT: I'll take instructions, Commissioner.

16:54:45 46
16:54:46 47 MS TITTENSOR: I suspect there might be.

16:54:53 1
16:54:54 2 MR HOLT: We've got 15 minutes, Commissioner, or six.
16:54:58 3
16:54:59 4 COMMISSIONER: Yes. If you can't use the time we could
16:55:02 5 adjourn, we're obviously not going to go anywhere near
16:55:08 6 finishing today.
16:55:09 7
16:55:10 8 MS TITTENSOR: No, we won't, Commissioner. I'll continue
16:55:12 9 asking some questions until - - -
16:55:14 10
16:55:14 11 COMMISSIONER: All right, if you like.
16:55:16 12
16:55:16 13 MS TITTENSOR: I can finish now, I'm very happy to finish
16:55:18 14 now.
16:55:18 15
16:55:19 16 MR HOLT: I think sensibly maybe can I ask that the name
16:55:21 17 come out of the transcript for now, and we'll confirm it
16:55:24 18 rather than trying to do it in a number of minutes.
16:55:28 19
16:55:29 20 COMMISSIONER: The name at - which name?
16:55:34 21
16:55:35 22 MS TITTENSOR: 14095 line 34, Commissioner.
16:55:40 23
16:55:40 24 COMMISSIONER: Right, take out that name from the
16:55:42 25 transcript.
16:55:42 26
16:55:42 27 MR HOLT: We'll confirm that overnight, Commissioner.
16:55:42 28
16:55:42 29 COMMISSIONER: And the live stream. I think we might as
16:55:47 30 well adjourn for the day really, we'll need you back
16:55:51 31 tomorrow, Mr Iddles, I'm afraid?---That's all right.
16:55:53 32
16:55:53 33 We are doing some directions hearings at 9.30, I'm always
16:56:00 34 optimistic, I'd say not before 9.45 for you.
16:56:04 35
16:56:05 36 MR HOLT: Commissioner, can I raise two matters very
16:56:06 37 briefly. One is, is it possible to get an update as to
16:56:09 38 whether Mr O'Connell will be required tomorrow, given that
16:56:13 39 we still have Mr Iddles to finish and Mr Cartwright? It
16:56:17 40 seems unlikely given as I understand we're finishing at
16:56:20 41 4.40.
16:56:20 42
16:56:22 43 MS TITTENSOR: I would agree it seems unlikely.
16:56:22 44
16:56:22 45 COMMISSIONER: Unlikely.
16:56:23 46
16:56:24 47 MR HOLT: Can we stand him down, Commissioner?

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16:56:25 2 COMMISSIONER: Yes, we'll just proceed with Mr Cartwright
16:56:26 3 and Mr Iddles tomorrow.
16:56:28 4
16:56:29 5 MR HOLT: With respect to the directions hearings, I've had
6 some discussions and understand the general nature of the
16:56:31 7 queries that will be raised with us. If there is anything
16:56:32 8 in particular I have asked and ask again if we could have
16:56:37 9 notice of them. It will just allow me to take instructions
16:56:41 10 and hopefully assist you better, Commissioner.
16:56:41 11
16:56:41 12 COMMISSIONER: Yes. I think a lot of material has or is
16:56:44 13 being sent to you in a letter. My idea was just to mention
16:56:47 14 it really so that we have it there so you'll be able to
16:56:52 15 respond next week. That's why I don't really think it will
16:56:53 16 take a long time.
16:56:53 17
16:56:53 18 MR HOLT: I understand, thank you Commissioner.
16:56:54 19
16:56:54 20 COMMISSIONER: I think The Age have some sort of
16:56:57 21 application they want to make about an amended, an
16:57:02 22 amendment that was made last week to a suppression order.
16:57:06 23
16:57:06 24 MR HOLT: Yes.
16:57:08 25
16:57:08 26 COMMISSIONER: I'm not sure if there's anything, I think we
16:57:10 27 need to also mention the application that's current before
16:57:13 28 us about the evidence of previous witnesses and transcripts
16:57:18 29 and exhibits, because there's material that counsel
16:57:22 30 assisting need to get access to that they can't have access
16:57:26 31 to at the moment.
16:57:27 32
16:57:27 33 MR HOLT: We think we've found a relatively quick way of
16:57:30 34 doing that, Commissioner.
16:57:31 35
16:57:33 36 COMMISSIONER: That may all be sorted out, that's why I'm
16:57:38 37 optimistic that we'll be able to start about 9.45.
38
39 MR HOLT: Thank you Commissioner.
40
16:57:42 41 COMMISSIONER: I think that was all the matters that were
16:57:44 42 going to be mentioned tomorrow morning. I'm not sure,
16:57:48 43 things are moving at a cracking pace at the moment and I
44 know everybody's stressed and a little weary from the long
16:57:56 45 hours we've been sitting, but we don't have any more
16:57:58 46 hearing time after this for quite a while.
16:58:00 47

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

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MR HOLT: We well understand, Commissioner, and we just want to be in a position to help, which is why if we can get notice of those matters we'll do what we can.

COMMISSIONER: All right, we'll adjourn until 9.30 tomorrow morning.

<(THE WITNESS WITHDREW)

ADJOURNED UNTIL FRIDAY 14 FEBRUARY 2020