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These claims are not yet resolved.

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria
On Tuesday, 12 November 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting: Mr C. Winneke QC
 Mr A. Woods

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

Counsel for State of Victoria Mr T. Goodwin

Counsel for Nicola Gobbo Mr R. Nathwani

Counsel for DPP/SPP Ms K. O'Gorman

Counsel for CDDP Ms A. Haban-Ber

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

Counsel for John Higgs Ms C. Dwyer

Counsel for Faruk Orman Mr M. Koh

Counsel for media Mr T. Otter

Counsel for AFP Ms I. Minnett

Counsel for Chief
 Commissioner of Police Mr P. Silver

Counsel for ACIC Ms S. Martin

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09:36:59 1 COMMISSIONER: Yes Mr Chettle.
09:37:00 2
09:37:01 3 MR CHETTLE: Commissioner, I need to seek leave as counsel
09:37:05 4 representing the handlers to be present during this
09:37:11 5 evidence about to be given in closed session. I've raised
09:37:14 6 it with Mr Winneke and with Mr Holt.
7
09:37:17 8 COMMISSIONER: Yes, I take it that everyone is content with
09:37:19 9 that?
10
09:37:21 11 MR WINNEKE: No objection to that, Commissioner.
12
13 MR HOLT: Mr Chettle was present for the previous evidence
09:37:24 14 on the same topic.
15
16 MR NATHWANI: I don't seek leave and I should disappear.
17
09:37:25 18 COMMISSIONER: Right. As I understand it the parties that
09:37:28 19 I'll presently make an order in respect of with leave to
09:37:32 20 appear will be the State of Victoria, Victoria Police,
09:37:34 21 including Craig Thornton and Neil Paterson, is that right?
09:37:39 22
09:37:39 23 MR HOLT: Yes, Commissioner.
24
09:37:40 25 COMMISSIONER: Director of Public Prosecutions and Office
09:37:43 26 of Public Prosecutions, the SDU handlers, the Commonwealth
09:37:47 27 Director of Public Prosecutions and the legal
09:37:51 28 representative of the Herald & Weekly Times Pty Ltd,
09:37:55 29 Nationwide News Pty Ltd, The Age Company Limited and the
09:37:57 30 Australian Broadcasting Cooperation. They're the only ones
09:38:01 31 who should be present during this.
09:38:03 32
09:38:03 33 MR HOLT: Yes, Commissioner.
34
09:38:04 35 COMMISSIONER: All right then, I'll make the order.
09:38:06 36 Pursuant to s.24 of the Inquiries Act 2014 access to the
09:38:10 37 Inquiry during the evidence, this aspect of the evidence of
09:38:15 38 Inspector Buick in relation to Mr McCallum commencing at
09:38:20 39 9.36 am is limited to legal representatives and staff
09:38:26 40 assisting the Royal Commission, the following parties with
09:38:28 41 leave to appear in the private hearing and their legal
09:38:31 42 representatives, the State of Victoria, Victoria Police,
09:38:34 43 including Craig Thornton and Neil Paterson, Director of
09:38:38 44 Public Prosecutions and Office of Public Prosecutions, SDU
09:38:40 45 handlers, Commonwealth Director of Public Prosecutions,
09:38:43 46 legal representatives of The Herald & Weekly Times Pty Ltd,
09:38:48 47 Nationwide News Pty Ltd, The Age Company Limited and the

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09:38:53 1 Australian Broadcasting Cooperation. The hearing is to be
09:38:57 2 recorded but not streamed or broadcast. There is to be no
09:39:02 3 publication of this portion of Inspector Buick's evidence
09:39:05 4 until further order. A copy of this order is to be posted
09:39:08 5 on the door of the hearing room.

09:39:09 6
09:39:09 7 The appearances are largely as recorded.

09:39:16 8
09:39:16 9 Yes, Mr Buick, if you could return to the witness box.
09:39:21 10 Mr Winneke, you're appearing this morning?

11
09:39:23 12 MR WINNEKE: Yes, I am, Commissioner, to deal with this. I
09:39:26 13 understand that Mr Holt is dealing with it on behalf of the
09:39:29 14 police.

09:39:30 15
09:39:30 16 MR HOLT: I am, Commissioner, and Mr Buick's confidential
09:39:35 17 statement in respect of these matters was tendered at the
09:39:38 18 outset of his evidence in public hearing.

19
09:39:39 20 COMMISSIONER: Yes.

21
22 (CONFIDENTIAL IN CAMERA HEARING FOLLOWS)
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16:15:20 1 UPON RESUMING IN OPEN HEARING:

16:15:33 2
16:15:34 3 COMMISSIONER: Yes, if the witness could return to the
16:15:35 4 witness box. I think you took the oath on the last
16:15:38 5 occasion and you are still on your former oath. Thank you.

16:15:42 6
16:15:43 7 <PAUL ROWE, recalled:

16:15:45 8
16:15:46 9 COMMISSIONER: Yes Ms Tittensor.

16:15:47 10
16:15:47 11 MS TITTENSOR: Thanks Commissioner. Now, Mr Rowe, I think
16:15:53 12 on the last occasion I'd taken you through evidence
16:15:57 13 including the meeting that occurred between yourself and
16:16:02 14 SDU members on 16 September?---Yes.

16:16:05 15
16:16:05 16 And a bit of the meetings that followed that, is that
16:16:12 17 right?---Yes.

16:16:13 18
16:16:14 19 Now, upon the recruitment of Ms Gobbo there was some
16:16:24 20 movement obviously within the MDID and Purana and some
16:16:27 21 changes that were made?---Yes.

16:16:28 22
16:16:31 23 Operation Quills at that stage had obviously arrested a
16:16:35 24 number of people which seemed to lead to the recruitment of
16:16:39 25 Ms Gobbo?---Yes.

16:16:40 26
16:16:42 27 At around that time Mr O'Brien was put in charge of Purana,
16:16:46 28 he'd been acting in some capacity at various stages leading
16:16:50 29 up to that and then he was made the officer-in-charge of
16:16:52 30 Purana?---Yes.

16:16:53 31
16:16:55 32 Whilst he was back at the MDID, back in 2004, obviously
16:17:02 33 there were numerous other drug operations that had run.
16:17:06 34 One that's come up in the course of the Commission was an
16:17:08 35 operation by the name of Operation Gruel. Do you remember
16:17:13 36 an operation back in 2004 that was running relating to
16:17:18 37 Azzam Ahmed and his brother?---I'm aware of it but I wasn't
16:17:22 38 involved in it.

16:17:23 39
16:17:23 40 Perhaps if we can put up this diary entry, it's up there,
16:17:28 41 RCMPPI.0053.0001.0003, at p.87. It might be exhibited
16:17:39 42 already. It's an entry in Mr O'Brien's diary of 10 August
16:17:44 43 2004. So p.87. This is a diary entry of 10 August 2004.
16:18:06 44 You'll see there's a meeting there in relation to Operation
16:18:11 45 Gruel with Detective Inspector Shawyer. You'll see that
16:18:17 46 someone that went on to be the controller at the SDU was
16:18:22 47 there, we know him by the name of Jones?---Yep.

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16:18:27 1
16:18:28 2 Sergeant Mansell was there and yourself?---Yes.
16:18:30 3
16:18:30 4 And someone who was an intelligence officer?---Yes.
16:18:37 5
16:18:37 6 Or an analyst. They talk about some targets, one being a
16:18:46 7 Mr Roth and you're to identify the same via CCR material,
16:18:52 8 and in relation to Operation Gruel it says, "To prepare
16:18:55 9 affidavit to get Kavanagh's phone" and then, "- all members
16:18:59 10 to submit", do you know what that is, "All members to
16:19:05 11 submit something re contacts with Nicola Gobbo to work
16:19:09 12 towards a possible telephone intercept application". Do
16:19:12 13 you see that?---Yes.
16:19:13 14
16:19:14 15 So it's apparent back in August 2004 that Ms Gobbo was on
16:19:19 16 the radar.
16:19:21 17
16:19:22 18 MR CHETTLE: Sorry, can the big screen go down, please.
16:19:24 19
16:19:24 20 COMMISSIONER: Yes, of course. Definitely. Thank you.
16:19:27 21
16:19:27 22 MS TITTENSOR: It's apparent back in 2004 that Ms Gobbo was
16:19:30 23 on the radar of the MDID, is that right?---I suppose it
16:19:39 24 depends what you mean "on the radar". I think she was
16:19:41 25 well-known within the office for her role of, you know,
16:19:46 26 representing certain people.
16:19:50 27
16:19:51 28 This isn't something, an entry in relation to someone
16:19:56 29 that's representing certain people, this is an entry in
16:19:59 30 relation to submitting material with a view to getting a
16:20:02 31 telephone intercept application up against Ms Gobbo. So in
16:20:06 32 terms of her being a suspect?---I don't know. I don't even
16:20:13 33 know what that investigation was actually looking at or
16:20:17 34 targeting, so I can't tell you.
16:20:19 35
16:20:19 36 You know it's going to be drug-related. You're in the
16:20:23 37 MDID. Azzam Ahmed was a target in relation to drug
16:20:28 38 matters, as was - Mr Roth was associated with him, do you
16:20:32 39 know that?---I know Azzam Ahmed was but Roth, never heard
16:20:36 40 of.
16:20:36 41
16:20:36 42 Operation Gruel was an operation in relation to Azzam
16:20:41 43 Ahmed. All I'm suggesting to you is that you were at this
16:20:44 44 meeting back then. It looks like Ms Gobbo was on the radar
16:20:48 45 of the MDID back in August of 2004. Do you accept
16:20:54 46 that?---As I said, depends what you mean by "on the radar".
16:20:57 47 I've got no recollection of that investigation whatsoever.

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16:21:01 1 It wasn't run by our crew, definitely not.
16:21:04 2
16:21:05 3 Is there any reason then why you'd be at this meeting in
16:21:09 4 relation to Operation Gruel?---I don't recall specifically
16:21:15 5 but sometimes if there was something that came into the
16:21:19 6 office, usually in through like Jim's office as the Senior
16:21:23 7 Sergeant and, you know, preliminary inquiries need to be
16:21:27 8 made or something, he would grab people that were there and
16:21:31 9 just get them to do that initial whatever, you know,
16:21:35 10 checks, and then the investigation may or may not progress
16:21:41 11 to other people, yeah. I don't know.
16:21:47 12
16:21:48 13 Now, the officer that was present that went on to run the
16:21:53 14 SDU, Mr Jones, was there, you see that?---Yes. I think he
16:21:58 15 was one of the other [REDACTED] there at that time.
16:22:00 16
16:22:01 17 Yes, it says [REDACTED] I think
16:22:05 18 there?---Actually at the PII [REDACTED]
16:22:06 19
16:22:07 20 Yes, SDU hadn't started at this point in time, is that
16:22:10 21 right?---I don't think so.
16:22:12 22
16:22:13 23 In any case there's been some evidence before the
16:22:16 24 Commission that around this time that member had some
16:22:22 25 discussion with Mr O'Brien in relation to the possibility
16:22:27 26 of recruiting Ms Gobbo. This was around the time that she
16:22:31 27 had been hospitalised with a stroke and they saw a
16:22:35 28 vulnerability. Were you aware of that?---No, no.
16:22:38 29
16:22:56 30 Mr O'Brien came to takeover Purana in around September of
16:23:02 31 2005, is that right?---I'm not sure when he formally took
16:23:08 32 over. He was up there on and off temporarily. Somewhere
16:23:12 33 around that period?
34
16:23:14 35 We have here diary entries indicating that he spoke to
16:23:18 36 Mr Overland on 12 September in relation to Ms Gobbo on the
16:23:23 37 opportunities that she was providing or potentially going
16:23:26 38 to provide Operation Quills at that stage?---(Witness
16:23:30 39 nods.)
16:23:30 40
16:23:30 41 Is that something you would have been aware of?---No.
16:23:32 42
16:23:33 43 Is that something that would come as a surprise to you,
16:23:36 44 that he would be briefing Mr Overland?---No.
16:23:39 45
16:23:39 46 We've got this potential source that's going to provide us
16:23:42 47 with some opportunities?---No, I think - I mean I don't

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16:23:45 1 know when that had started but it was apparent, once we
16:23:49 2 were at Purana, that that was occurring quite often.
16:23:51 3
16:23:51 4 That Mr O'Brien was briefing Mr Overland?---Yes.
16:23:54 5
16:23:54 6 How frequently would that occur?---I don't know. I'm not
16:23:57 7 sure.
16:23:58 8
16:23:59 9 That was not something that was kept from you, that was
16:24:02 10 something you understood was happening?---Yeah, I think,
16:24:05 11 you know, we work in the same office. I think it was just
16:24:09 12 apparent, whether it was regular or not I'm not sure.
16:24:12 13
16:24:12 14 Quills had been running within the MDID since about April
16:24:15 15 of 2005 I think?---No, I think it was earlier than that, I
16:24:19 16 think it was 2004.
16:24:20 17
16:24:21 18 And the offenders that were arrested were associated with
16:24:23 19 Tony Mokbel?---Yes. Some indirectly but yes.
16:24:29 20
16:24:29 21 And that operation, and one of the targets in that
16:24:33 22 operation was Tony Mokbel?---Yes. Yes.
16:24:42 23
16:24:42 24 Prior to your transferring to Purana yourself were you
16:24:45 25 aware that they already had an interest in the Mokbel
16:24:50 26 family and cartel?---As in Purana did?
16:24:53 27
16:24:53 28 Yes?---I think I would have been. I mean I don't recall
16:25:05 29 specifically but I think - to what extent I'm not sure but
16:25:09 30 I think so.
16:25:10 31
16:25:10 32 Did the MDID or your crew in the MDID have much interaction
16:25:14 33 with the Purana - - - ?---Nothing.
16:25:16 34
16:25:16 35 - - - Task Force?---No, nothing.
16:25:17 36
16:25:18 37 It seems as though they'd already performed their own
16:25:22 38 assessment of the Mokbel cartel back in April of 2005 and
16:25:27 39 that report itself indicated that they'd been running at
16:25:30 40 least an intelligence probe since late the year before,
16:25:34 41 late 2004. Is that something you became aware of once you
16:25:38 42 got to Purana?---No. I think I read something in
16:25:42 43 preparation for these hearings that indicated it was
16:25:46 44 earlier but I wasn't aware of that.
16:25:48 45
16:25:50 46 They'd already named that Operation Posse way back
16:25:53 47 then?---Yeah, I didn't know that.

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16:25:55 1
16:25:58 2 In late September 2005 there are meetings involving members
16:26:04 3 of the MDID, the SDU and various superiors, including
16:26:08 4 commanders, superintendents, inspectors?---Yes.
16:26:10 5
16:26:11 6 At which the Gobbo information is discussed?---Yes.
16:26:13 7
16:26:13 8 And you attended a number of those meetings?---Yes.
16:26:16 9
16:26:16 10 And there was a discussion at that stage about the
16:26:18 11 possibility of a new Task Force being created?---Yes.
16:26:22 12
16:26:24 13 I'm not sure if it was immediately considered that that
16:26:28 14 Task Force would be part of Purana or it would be a new
16:26:31 15 Task Force in and of itself, is that the case?---Yeah, I
16:26:36 16 don't know when that, when that decision was made, I'm not
16:26:40 17 sure.
16:26:40 18
16:26:41 19 In any case at some point along the line that decision was
16:26:44 20 made?---Yes.
16:26:45 21
16:26:45 22 That there wouldn't be an absolutely new Task Force it
16:26:48 23 would be a crew, another drug crew would move into Purana
16:26:51 24 and become part of Purana?---Yes.
16:26:53 25
16:26:57 26 The official move for that was in November of 2005?---Yes.
16:27:01 27
16:27:06 28 There had been a number of strategies that immediately
16:27:11 29 cropped up based upon the first few meetings with Ms Gobbo.
16:27:16 30 Do you recall that? I think we discussed those on the last
16:27:20 31 occasion, that there might have been [REDACTED], [REDACTED]
16:27:23 32 [REDACTED] immediately identified in relation to the Gobbo
16:27:26 33 information? I can remind you?---Yes please.
16:27:31 34
16:27:31 35 One being that Mokbel wants to bribe someone in relation to
16:27:34 36 the tapes?---Yes.
16:27:35 37
16:27:36 38 And another one being there's a possibility of a money
16:27:38 39 laundering scam?---Yes.
16:27:39 40
16:27:40 41 If I can bring up an email, VPL.6030.0200.2532. This is I
16:28:00 42 think an invitation to a meeting in relation to one of
16:28:04 43 those matters. You'll see there the organiser is listed as
16:28:10 44 Mr Jones?---Yes.
16:28:12 45
16:28:12 46 He's to attend, along with Bob Hill. The next name I'm not
16:28:20 47 sure if we're mentioning that, but that's someone from the

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16:28:23 1 PII [REDACTED], is that right?---Yes.
16:28:24 2
16:28:27 3 Dale Flynn, someone else from the SDU that goes by the name
16:28:30 4 of Brennan?---Yes.
16:28:31 5
16:28:32 6 Yourself and Liza Burrows and this was for a meeting on 5
16:28:39 7 October?---Yes.
16:28:40 8
16:28:40 9 And it's suggested by, it seems Mr Jones is saying to
16:28:47 10 Mr Hill, "Should we invite Mr Purton along", he was
16:28:51 11 Commander at that stage, "Because we're going to be talking
16:28:54 12 about briefing the PII [REDACTED] in relation to the
16:28:58 13 strategy to do with Mr Mansell". And now it seems from the
16:29:03 14 other material we have is there was some consideration that
16:29:05 15 Mr Mansell might be the, PII [REDACTED]
16:29:10 16 PII [REDACTED] in relation to one of those
16:29:13 17 Mokbel strategy prongs. Do you understand that? You might
16:29:17 18 not recall that?---No, I don't remember that, no.
16:29:19 19
16:29:19 20 You wouldn't dispute if that's what the material seems to
16:29:23 21 indicate?---No.
16:29:23 22
16:29:24 23 I tender that document, Commissioner.
16:29:27 24
16:29:29 25 COMMISSIONER: It's really an email invitation, is it, is
16:29:33 26 that how you describe it?
16:29:34 27
16:29:35 28 MS TITTENSOR: Yes, it's a meeting invitation, an email
16:29:37 29 meeting invitation.
16:29:44 30
16:29:45 31 #EXHIBIT RC732A - (Confidential) Email meeting invitation.
16:29:46 32
16:29:46 33 #EXHIBIT RC732B - (Redacted version.)
16:29:52 34
16:29:52 35 It seems as though, as the crew were moving into the Purana
16:29:58 36 Task Force, you had a bit of leave in that period of
16:30:01 37 time?---Yes.
16:30:01 38
16:30:02 39 First 19 to 28 November and then 5 December to 9 January,
16:30:08 40 is that right?---Yes.
16:30:09 41
16:30:10 42 But nevertheless you're aware of the changes that were
16:30:13 43 occurring while you were away?---Yeah. I can't remember
16:30:17 44 when I went, at some point.
16:30:20 45
16:30:20 46 There was a commencement briefing given on around 22
16:30:26 47 November 2006, presumably to those that were present in the

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16:30:30 1 office, and there was a written document which was that
16:30:34 2 briefing. It's Exhibit 470, if that might be put up.
16:30:40 3 That's on your screen there now. Which gives an overview
16:30:46 4 of what Posse at that stage was about. Do you see
16:30:51 5 that?---Yes.
16:30:51 6
16:30:55 7 There were a number of operations on foot and a number of
16:31:01 8 operations that were developing and you see those
16:31:05 9 there?---Yes.
16:31:05 10
16:31:07 11 And it indicates that the overall plan is to cut off income
16:31:11 12 from the drugs, income from assets and identify assets and
16:31:15 13 seize them and so forth in relation to Tony Mokbel?---Yes.
16:31:19 14
16:31:22 15 And then it goes on and then if we go over to the next page
16:31:30 16 you see that one of those strategies is identified,
16:31:34 17 considered the development of PII [REDACTED] in
16:31:37 18 relation to some tapes that exist. Do you see that
16:31:42 19 there?---Yes.
16:31:43 20
16:31:43 21 And then the paragraph underneath that about the fourth
16:31:46 22 line down it says that, "The division of work will be on
16:31:49 23 the basis of previous knowledge and experience with targets
16:31:52 24 as far as possible but there is a need for all of you to
16:31:58 25 have full knowledge of each area of the investigation. The
16:32:02 26 investigation needs to be developed strategically so it's
16:32:04 27 important that you all understand each other's roles within
16:32:09 28 in it". If we go on then to the next paragraph, you'll see
16:32:12 29 it says, "The success or otherwise of this investigation
16:32:16 30 will be dependent largely on internal communication both up
16:32:19 31 and down. It's important that you constantly communicate
16:32:21 32 with each other and brief up at all stages of the
16:32:24 33 investigation". Now, you may not remember whether or not
16:32:28 34 you received this document, I take it?---I don't think I've
16:32:32 35 ever seen it.
16:32:33 36
16:32:33 37 But those sentiments that are indicated in those documents,
16:32:36 38 I take it, was the way that Mr O'Brien ran
16:32:43 39 Purana?---Generally, yes, yep.
16:32:46 40
16:32:46 41 There was communication between team members, each other
16:32:49 42 knew what was going on?---Yes.
16:32:53 43
16:32:53 44 And there was internal communication, it's talking about
16:32:58 45 going both up and down?---Yes.
16:32:59 46
16:33:00 47 And it's important that you constantly communicate and

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16:33:02 1 brief up so your superiors knew exactly what you were
16:33:08 2 doing?---Yeah, well I mean they were running the
16:33:12 3 investigations, so yes.
16:33:17 4
16:33:18 5 That document itself refers to an interview plan. It seems
16:33:23 6 as though we have another document which is, sorry, an
16:33:28 7 investigation plan, not an interview plan. I take it each
16:33:32 8 large operation has its own investigation plan?---Generally
16:33:38 9 speaking, yes.
16:33:39 10
16:33:39 11 And that's something we've heard evidence of, you come back
16:33:43 12 to to make sure you're focused on the right areas of an
16:33:47 13 investigation, what are the objectives and so forth?---Not
16:33:53 14 at my level at the time but maybe at a management level
16:33:56 15 probably.
16:33:57 16
16:33:58 17 What I was going to ask, if we can put it up just very
16:34:02 18 quickly, 467, do you see this investigation plan provides a
16:34:07 19 background to Operation Posse, and if we scroll through it
16:34:13 20 generally, just go a bit quicker, so we have a background
16:34:19 21 as to how we get to where we get to. It's got a bit of
16:34:24 22 information in there that's been provided by Ms Gobbo
16:34:27 23 obviously. Then we get to the primary goal of the
16:34:30 24 investigation, which is the complete dismantling of the
16:34:33 25 Mokbel family criminal organisation and how we're going to
16:34:36 26 do that. There's some issues outside the scope. Key
16:34:41 27 performance indicators and then we get to investigative
16:34:46 28 steps and you see number one is to fully profile all the
16:34:50 29 family members, drawing upon past investigations and
16:34:52 30 intelligence and so forth, and I'll ask you at this point
16:34:56 31 to take note of number 2 and number 3 in particular
16:35:00 32 because we'll come back to those in your evidence at some
16:35:05 33 stage. You see number 2 is to, in line with reliable
16:35:11 34 source information, and this is, I suggest, you'd recall,
16:35:15 35 that's information provided by Ms Gobbo at one of those
16:35:18 36 meetings to recruit a particular person PII [REDACTED]
16:35:21 37 relative to the Mokbels and increase the motivation of that
16:35:26 38 person to assist police by further investigation of his
16:35:30 39 activities and so forth. Do you see that?---Yes.
16:35:34 40
16:35:35 41 And then there's another person that is to be similarly
16:35:40 42 motivated who Ms Gobbo had also nominated. Do you see
16:35:45 43 that?---Which one are you referring to?
16:35:46 44
16:35:47 45 The last line of that page, you see where the cursor is
16:35:51 46 there in number 3?---Yes.
16:35:52 47

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16:35:54 1 And that goes on. Now, did you have access to this
16:35:58 2 investigation plan?---No, I don't - I think I saw it again
16:36:03 3 in preparation for this matter but I don't think I saw it
16:36:06 4 at the time.
16:36:07 5
16:36:07 6 Is this a tool that management uses and not necessarily
16:36:11 7 investigators underneath?---I think it's more an
16:36:16 8 administrative process to gain approval for the Task Force
16:36:20 9 and resources and funding and so on and so forth as opposed
16:36:26 10 to, you know, a practical map for the investigators as to
16:36:29 11 what we were going to do.
16:36:30 12
16:36:31 13 You wouldn't be surprised if to focus the investigation
16:36:34 14 they would keep coming back to a document like this, to
16:36:37 15 make sure we're - - - ?---To be honest I'm not really sure
16:36:41 16 that they would.
16:36:42 17
16:36:42 18 I note the time, Commissioner.
16:36:44 19
16:36:45 20 COMMISSIONER: Did you want to tender the Operation Posse
16:36:49 21 briefing document, 2 November 05.
16:36:52 22
16:36:52 23 MS TITTENSOR: That's Exhibit 470.
16:36:56 24
16:36:59 25 COMMISSIONER: This document will be (indistinct).
16:37:00 26
16:37:01 27 MS TITTENSOR: That's Exhibit 467, Commissioner.
16:37:04 28
16:37:04 29 COMMISSIONER: It's already 467, thank you. All right then
16:37:08 30 we'll adjourn.
16:37:09 31
16:37:10 32 MR CHETTLE: Before you adjourn, when Ms Thies was
16:37:12 33 cross-examining the previous witness she read from the
16:37:16 34 Standard Operating Procedures in relation to the SDU. As a
16:37:19 35 result all of that should be PIIed, I would have thought,
16:37:23 36 that shouldn't be in the public arena. We were asked by
16:37:26 37 the Commission whether we wanted any of it in the public
16:37:29 38 area, we don't. It's clearly methodology.
16:37:32 39
16:37:32 40 COMMISSIONER: It was a closed hearing.
16:37:34 41
16:37:35 42 MR CHETTLE: Yes, but the request was what goes into the
16:37:38 43 exhibit, goes on to the transcript.
16:37:40 44
16:37:41 45 COMMISSIONER: Victoria Police PII everything, it's a slow
16:37:44 46 process getting anything in the public arena.
16:37:47 47

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These claims are not yet resolved.

16:37:47 1 MR CHETTLE: I'm just trying to promptly reply to a
16:37:51 2 request.
16:37:52 3
16:37:52 4 MS ENBOM: Thinking about that, it can probably be reported
16:37:55 5 in the absence of a suppression order because we're in
16:37:59 6 closed hearing with accredited media.
16:38:04 7
16:38:04 8 COMMISSIONER: The order was only that there be no
16:38:09 9 publication of any material that would enable Mr Hayes'
16:38:12 10 image and current work location and duties to be
16:38:15 11 ascertained.
16:38:16 12
16:38:16 13 MS ENBOM: Yes, so that means the press could report the
16:38:19 14 bit of evidence - - -
16:38:24 15
16:38:24 16 MR CHETTLE: It doesn't seem to be covered by any of the
16:38:27 17 current suppression orders. It is methodology, that's all.
16:38:36 18
16:38:36 19 COMMISSIONER: Am I being asked to - - -
16:38:38 20
16:38:38 21 MS ENBOM: Yes, I think I'm formally asking, perhaps
16:38:42 22 supported by Mr Chettle, for a suppression order
16:38:46 23 prohibiting the publication of the evidence that the
16:38:51 24 witness gave about the operating procedures.
16:38:54 25
16:38:54 26 COMMISSIONER: Mr Woods isn't here. Who is going to speak
16:38:57 27 on behalf of counsel assisting on this one?
16:39:03 28
16:39:03 29 MR WINNEKE: Commissioner, I think there was evidence about
16:39:06 30 operational procedures.
16:39:08 31
16:39:08 32 COMMISSIONER: There was.
33
16:39:09 34 MR WINNEKE: I think that's right, if there's evidence that
16:39:11 35 concerns operational procedures that are troubling to the
16:39:16 36 police it ought to be suppressed. I accept, Commissioner,
16:39:20 37 we don't accept every claim but we have been accepting that
16:39:24 38 procedures concerning use of human sources ought be
16:39:27 39 suppressed. This is an example of it. The fact that there
16:39:33 40 are operational procedures obviously isn't a matter that
16:39:36 41 can be suppressed, but the particular operational
16:39:39 42 procedures we accept.
16:39:44 43
16:39:44 44 COMMISSIONER: What order should I make?
16:39:49 45
16:39:49 46 MR CHETTLE: There be no publication of the contents of the
16:39:51 47 Standard Operating Procedures full stop, that would cover

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16:39:55 1 it, Commissioner.
16:39:57 2
16:39:58 3 MR WINNEKE: Until an appropriate claim has been PIIed,
16:40:01 4 we're content that ought be - - -
16:40:03 5
16:40:04 6 COMMISSIONER: Until further order. Until further order I
16:40:08 7 direct that there be no publication of the reference to the
16:40:14 8 document Standard Operating Procedures given in the
16:40:19 9 evidence of the witness Mr Hayes.
10
11 MR CHETTLE: Thank you Commissioner.
12
16:40:26 13 COMMISSIONER: A copy of the order is to be placed on the
16:40:28 14 hearing room door. All right then, we'll adjourn until
16:41:02 15 9.30 tomorrow.
16
17 <(THE WITNESS WITHDREW)
16:41:07 18
16:41:11 19 ADJOURNED UNTIL WEDNESDAY 13 NOVEMBER 2019
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