

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria
On Tuesday, 10 December 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Mr S. Holt QC
Counsel for State of Victoria	Mr C. McDermott
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDPP	Mr D. Holding Ms A. Haban-Beer
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for John Higgs	Ms C. Dwyer
Counsel for Pasquale Barbaro	Ms G. Connelly
Counsel for AFP	Ms I. Minnett
Counsel for Chief Commissioner of Police	Mr A. Coleman QC Mr P. Silver
Counsel for ACIC	Ms R. Curnow
Counsel for Paul Mullett and Noel Ashby	Ms J. Condon QC Ms R. Shann

09:34:49 1 COMMISSIONER: Yes, the appearances are largely as they
09:34:51 2 were yesterday, save that we have Mr Collinson back with
09:34:56 3 Mr Nathwani for Ms Gobbo, Mr McDermott for the State, and I
09:35:01 4 note Ms Condon is appearing for Mr Paul Mullett and also
09:35:07 5 Mr Ashby, and you've got an application for Mr Ashby to
09:35:12 6 also have leave to appear in respect of this witness.
09:35:15 7
09:35:15 8 MS CONDON: Yes, thank you, Commissioner. We've filed an
09:35:19 9 application this morning on behalf of Mr Ashby.
10
09:35:22 11 COMMISSIONER: Yes. And I understand counsel assisting are
09:35:24 12 content with the application to be approved.
13
09:35:27 14 MR WINNEKE: It's not opposed, Commissioner.
09:35:29 15
09:35:29 16 COMMISSIONER: And I take it no one else wants to say
09:35:31 17 anything about the leave to appear, in which case I'll give
09:35:35 18 leave to appear, Ms Condon.
09:35:38 19
09:35:39 20 MS CONDON: Thank you.
21
09:35:41 22 COMMISSIONER: Yes, Mr Winneke.
09:35:41 23
09:35:42 24 <GRAHAM LEONARD ASHTON, recalled:
25
09:35:45 26 MR WINNEKE: Mr Ashton, I was asking you yesterday I think
09:35:46 27 about some Petra Task Force updates around 2 July 2007 and
09:35:51 28 9 July 2007 concerning information that had been provided
09:35:57 29 by investigators about Ms Gobbo and whether or not, I think
09:36:10 30 I put to you were you aware or were your investigators
09:36:14 31 aware of the claim made by Ms Gobbo that she was with Adam
09:36:21 32 Ahmed on the night of the 15th, 16th of May 2004. Were you
09:36:30 33 aware of that? Would you have been aware of that at the
09:36:33 34 time?---Well if it was in the updates I probably would have
09:36:36 35 been aware of it.
36
09:36:37 37 I'm not suggesting the fact that she was with Ahmed on the
09:36:41 38 night of the murder of the Hodsons was in the updates, but
09:36:44 39 it was a claim that she'd made in an interview that she'd
09:36:47 40 had with Charlie Bezzina and Cameron Davey on 3 July 2004,
09:36:55 41 which your investigators and, I gather you, were aware
09:36:57 42 of?---No, I don't think I was aware of that, no.
43
09:36:59 44 You weren't aware of the claim that had been made, that she
09:37:02 45 had made?---No, I don't recall that, no.
46
09:37:05 47 You say you don't recall it. Can I just ask you this: you

09:37:09 1 would go along regularly to Petra Task Force
09:37:13 2 meetings?---Yes.
3
09:37:14 4 And there would be briefings by Mr Ryan; is that
09:37:19 5 right?---Yes.
6
09:37:21 7 It appears to be the case that those meetings would go for
09:37:26 8 about half an hour and you say that they were generally at
09:37:30 9 the Victoria Police Centre in Mr Overland's room?---Yes.
10
09:37:34 11 If you weren't there on behalf of the OPI your 2IC would be
09:37:46 12 there or at least your - - - ?---Someone would be there
13 representing - - -
14
09:37:50 15 John Nolan primarily would be there; is that right?---Yes ,
09:37:51 16 that's right.
09:37:51 17
09:37:52 18 And that was by way of keeping an eye of what was going on;
09:37:57 19 is that right?---Yes.
20
09:37:57 21 You, I think, on about 11 July 2007 signed a summons to
09:38:04 22 have Ms Gobbo attend before the OPI; is that
09:38:06 23 correct?---Yes.
24
09:38:10 25 It had been determined previously to hold a hearing with
09:38:16 26 Ms Gobbo and quiz her about matters that it was thought she
09:38:20 27 knew?---Yes, about IR 44, yes.
28
09:38:24 29 I think I put to you yesterday that it had been planned to
09:38:27 30 do it in the mid to the latter part of 2006?---Yes,
09:38:30 31 clearly there - - -
09:38:30 32
09:38:31 33 You weren't too sure why it went off?---No.
34
09:38:35 35 It may well be that one of the reasons it went off was
09:38:37 36 because of the unavailability of Mr Fitzgerald. There's an
09:38:39 37 email which suggests that Mr Fitzgerald is sick and unable
09:38:45 38 to attend on 8 August 2006 for the continuation of the IR
09:38:49 39 44 hearings, and so the hearing date has been put off for a
09:38:55 40 period of time and so Ms Gobbo hasn't been summonsed. So
09:38:58 41 that might in some part explain a delay?---Well it could,
09:39:02 42 yes. I think there were occasions when - I didn't have
09:39:06 43 direct dealings with Mr Fitzgerald but I think there were
09:39:10 44 occasions when he was, you know, you'd have to work
09:39:16 45 hearings around his availability.
46
09:39:17 47 Around him. Would you communicate, would your office

09:39:20 1 communicate with your colleagues at Victoria Police and
09:39:25 2 indicate what was going on with the OPI hearing, when it
09:39:28 3 was going to be heard?--Yeah, in regards to that joint
09:39:34 4 investigation, in terms of that agreement, yes, I would
09:39:37 5 tell them a few days out that we were going to be having a
09:39:42 6 hearing.
7
09:39:42 8 Right. I raised with you yesterday the evidence which we
09:39:47 9 have to the effect that Ms Gobbo had been spoken to by her
09:39:51 10 handlers in or about I think May of 2007 because
09:39:56 11 Mr Overland had given them the go-ahead to debrief her
09:39:59 12 about her knowledge of the Hodson murders. You say you
09:40:04 13 weren't aware of that?--No, I don't recall that happening.
14
09:40:07 15 If that is the case it may be that there perhaps wasn't a
09:40:14 16 completely free flow of information from them to you about
09:40:19 17 what they were doing with respect to Gobbo?--Well I
09:40:21 18 suppose in relation to her being a human source and that
09:40:24 19 being kept them, I'm just, from their perspective, trying
09:40:28 20 to keep that as confidential as possible I suppose.
21
09:40:32 22 It would also make it difficult for you to conduct a proper
09:40:35 23 oversight of their investigation if they aren't actually
09:40:38 24 telling you what's going on and what they're doing?--In
09:40:43 25 terms of us then having that hearing and wanting to bring
09:40:46 26 her before a hearing, it would be good to know that for
09:40:48 27 sure, yeah.
28
09:40:49 29 Okay. There is evidence in the source management log, for
09:40:58 30 example, on 11 July 2007, that she'd received the summons.
09:41:03 31 You served the summons, she gets it, and pretty soon she's
09:41:06 32 providing information back to her handlers that she's got
09:41:09 33 it and she's concerned about her identity being revealed
09:41:13 34 and on 12 July there's this entry on the source management
09:41:19 35 log at p.117, if we can perhaps put that up. "12 July,
09:41:33 36 enquiries being made via DC Overland re prohibiting certain
09:41:41 37 questioning of source at the OPI that would reveal her role
09:41:46 38 as a source". Now, were you aware in the day after the
09:41:48 39 subpoena had been served on her that there were inquiries
09:41:51 40 being made by Mr Overland about that potential
09:41:55 41 prohibition?--No.
42
09:41:59 43 Then if you have a look further down you'll see that on the
09:42:04 44 17th - whilst we're here, the 17th, there's a meeting
09:42:09 45 between Ms Gobbo, I think it's Mr Fox, Mr Richards and
09:42:17 46 Mr Smith, who are handlers and the stand-in controller
09:42:24 47 Mr Richards, and there's a discussion about issues

09:42:26 1 regarding the OPI hearing, possibility of compromise of the
09:42:28 2 source. It was said in this management log that, "The
09:42:31 3 Chairman was aware of some assistance that Ms Gobbo has
09:42:36 4 provided police and will ensure she's not put in
09:42:39 5 self-compromising position. Agrees to the strategy.
09:42:42 6 Agreed that DDI Ryan (Purana) will be present at the
09:42:45 7 hearings in case of problems. Discuss issues re source
09:42:48 8 becoming witness and discuss" - well, that's another
09:42:53 9 reference to I suppose Mr Karam. You say you weren't aware
09:42:58 10 at that stage in any event, correct?---Yes.
11
09:43:00 12 Insofar as the matters about the advice to the - that the
09:43:06 13 Chairman was aware of some assistance has been provided, do
09:43:12 14 you know whether that's the case, that there was any advice
09:43:17 15 provided to either yourself, the Director of OPI
09:43:23 16 Mr Brouwer, or Mr Fitzgerald about assistance that Ms Gobbo
09:43:29 17 had provided?---No, I don't believe at that time we were
09:43:31 18 aware of that. I'm not sure who the Chairman, what that
09:43:36 19 reference would be towards.
20
09:43:37 21 All right. Perhaps if we have a look at ICR 3838 at
09:43:43 22 p.1025, which is an ICR of 17 July 2007. What that will
09:44:00 23 show when it comes up, if we go to p.1025 - no, 17 July
09:44:11 24 2007. There was a discussion with Ms Gobbo, between her
09:44:17 25 and the handlers and this reflects - if we keep going.
09:44:26 26 Keep going. 17 July 2007. Come back. Keep going. That's
09:44:47 27 it. "OPI options", do you see that, "discussed the
09:44:50 28 following options with Ms Gobbo about the pending OPI
09:44:53 29 hearings. Refused to answer questions. Participate in the
09:44:57 30 hearing in the hope they don't ask any questions", and 3,
09:45:00 31 "We have influence over the questions but this would mean
09:45:03 32 that someone would have to know" - I assume it means
09:45:07 33 Ms Gobbo's identity, i.e. the Examiner. "Discuss the
09:45:10 34 options with her to come to an agreement regarding the best
09:45:13 35 course. Re option 3, the SDU can say that HS (human
09:45:18 36 source) has assisted police in the past". Keep scrolling.
09:45:22 37 "And now has threats on her life and that we need to keep
09:45:26 38 her on side with us. We don't have to tell them
09:45:29 39 everything. By doing this we're confident that questions
09:45:32 40 relating to" who you told, et cetera, about the summons,
09:45:36 41 won't be asked. "Just as important if she does not get
09:45:39 42 called to the hearings like everyone else has, then it may
09:45:43 43 look strange and people will think suspiciously. Human
09:45:46 44 source told that Gavan Ryan is in charge of the Hodson
09:45:52 45 investigation and being assisted by the OPI. Agrees that
09:45:55 46 there is no new evidence that she can give against Tony
09:46:02 47 Mokbel that we do not already have. Tony had the 50 IRs,

09:46:06 1 but so did everyone else. Doesn't want evidence to come
09:46:08 2 out that she saw Tony Mokbel with the 50 IRs because one
09:46:13 3 fears for her safety, her concern on where the transcript
09:46:16 4 of the OPI hearing will end up". And resolution, after
09:46:18 5 going through all of the options, it's agreed by everyone
09:46:21 6 that the best option is for Ms Gobbo to attend the
09:46:25 7 hearings. "The SDU will ensure that Mr Fitzgerald (the
09:46:29 8 Examiner) is informed she has assisted in past and now
09:46:32 9 threats on her life in order to ensure that questions
09:46:35 10 relating to who she's spoken to will not be asked". Is
09:46:41 11 that all news to you?---Yes.
12
09:46:42 13 Insofar as communications with you before 17 July, do you
09:46:49 14 say to the Royal Commission that you have absolutely no
09:46:52 15 recollection of anyone speaking to you in the lead-up to
09:46:55 16 the Royal Commission - sorry, to 17 July about what was
09:47:02 17 going to take place and the fact that Ms Gobbo was a human
09:47:05 18 source?---Yes, my best recollection, which is that it's
09:47:11 19 the, you know, it was the 19th was what I first knew.
20
09:47:17 21 Yes?---There is material I've seen since which has saying,
09:47:23 22 which has, you know got me, which has had me wondering
09:47:24 23 whether it was the 17th or the second day of the hearing,
09:47:26 24 but my best memory it was the first day of the hearing but
09:47:31 25 there's things I've seen since which - - -
26
09:47:33 27 What are those things that you've seen since?---Well just
09:47:37 28 materials in terms of statements and things, and in
09:47:40 29 materials in terms of preparing for, you know, giving
09:47:42 30 evidence that, you know, that when Mr Ryan came to see me
09:47:47 31 was it the 17th or was it the subsequent - - -
32
09:47:53 33 The subsequent hearing in August?---Yeah, whether it was -
34 which of those two dates.
35
09:47:55 36 17 August as opposed to 19 July?---Yeah.
37
09:48:00 38 Well, in any event what you do say though is that it wasn't
09:48:04 39 prior to 19 July, that is the first hearing?---No, and this
09:48:07 40 document probably supports that recollection.
41
09:48:11 42 Yes, all right. Just in the lead-up to it, it appears that
09:48:18 43 there was some desire on the part of those preparing for
09:48:21 44 the hearing to get a hold of the interview of Mr Bezzina's
09:48:28 45 that I've just referred to and we seem to have an email
09:48:35 46 indicating that on 16 July 2007 when you attended the
09:48:39 47 regular Petra meeting you were provided with the

09:48:42 1 Bezzina/Gobbo interview which was then subsequently
09:48:45 2 transcribed, it appears, by IBAC, OPI rather, prior to her
09:48:54 3 interview at some stage?---The investigators may well have
09:48:58 4 done that.
5
09:48:59 6 All right. Do you recall ever looking at the video or
09:49:03 7 reading the transcript?---Of which matter?
8
09:49:06 9 Yes, the interview?---This Bezzina one?
10
09:49:10 11 Bezzina/Davey with Gobbo?---No.
12
09:49:12 13 I think it's a 61-odd page transcript of an interview
09:49:14 14 between Bezzina and Davey on 1 July 2004?---No.
15
09:49:18 16 In the weeks after the murder?---No.
17
09:49:21 18 Would you not have been interested to read that?---The
09:49:28 19 investigators probably did go through it, yep. But I
20 didn't.
21
09:49:31 22 Okay. Can I ask you questions about 19 July 2004. What
09:49:36 23 you've said in your statement is to the best of your
09:49:39 24 recollection on the day of the hearing Ryan came to see you
09:49:42 25 and advised you that Gobbo was a human source for Victoria
09:49:45 26 Police?---Yes. Sorry, do you mean 2007?
27
09:49:48 28 2007, 19 July 2007. I apologise, I said 4, but
09:49:56 29 2007?---Yes, that's right. And I just qualify that by
09:50:01 30 saying whether it was the first or the second hearing. My
09:50:04 31 best recollection is it was the first.
32
09:50:07 33 It's likely to have been the first because that's the day
09:50:09 34 she's first appearing?---Yes.
35
09:50:11 36 And if any concern is arising as to whether she's going to
09:50:14 37 be exposed on that - - - ?---Yes, that's right, that's what
09:50:16 38 makes me think it was the first.
39
09:50:19 40 And you said in your statement that Victoria Police, he
09:50:21 41 told you that Victoria Police were concerned that if the
09:50:24 42 evidence disclosed she was a human source this would impact
09:50:27 43 on her cooperation with police?---Yes.
44
09:50:32 45 Paragraph 5 of your statement?---Yes, there were three
09:50:35 46 matters I think he raised at the time. That was one of
09:50:37 47 them, yes.

1
09:50:38 2 Just so we've got this clear, your recollection is that he
09:50:41 3 said to you that they didn't want to ruin the relationship
09:50:47 4 between Ms Gobbo and Victoria Police?---Yes, that was one
09:50:52 5 of the - - -
6
09:50:53 7 That's the primary issue as far as they were
09:50:55 8 concerned?---That was one of the issues he raised, yes.
9
09:50:58 10 I take it this is a - on your say so, and I put to you
09:51:05 11 yesterday that there's at least evidence that suggests that
09:51:07 12 you were aware that she was a human source beforehand. You
09:51:11 13 say that's not right?---Well what's the evidence, I'm
09:51:14 14 sorry?
15
09:51:14 16 The matters I took you to yesterday about Operation
09:51:17 17 Khadi?---Well, I've given you my best recollection on that.
18
09:51:23 19 Yes, I understand that?---And - yeah, okay.
20
09:51:25 21 Putting that aside, what you say is this is the day that
09:51:29 22 you discover that Ms Gobbo was a human source?---Yes.
23
09:51:33 24 You would say that it's a significant revelation to
09:51:38 25 make?---Yes.
26
09:51:41 27 You are involved in, at this stage, two investigations, one
09:51:45 28 Briars, one Petra, very significant investigations which
09:51:50 29 involve her at least to some extent, correct?---Yes.
30
09:51:53 31 And you're told that the person who is involved in the
09:52:00 32 event is in fact a human source. What do you do about
09:52:04 33 that, do you make a note anywhere?---Well I disclosed that,
09:52:07 34 that fact to the Director.
35
09:52:08 36 No, but I asked you if you made a note?---A note, no, I
09:52:12 37 didn't at that time.
38
09:52:13 39 Right. Can I ask you why you wouldn't make a note or write
09:52:16 40 down what you're told by Mr Ryan just so as there can be no
09:52:23 41 uncertainty about what you'd been told? Why wouldn't you
09:52:26 42 do that?---As we went through yesterday, I didn't keep a
09:52:30 43 diary at that time so I didn't make a note of that time but
09:52:34 44 I went and saw the Director and disclosed what I'd been
09:52:37 45 told to the Director.
46
09:52:38 47 What I'm saying is that that's a significant transferral of

09:52:42 1 information, it would be - even if you don't keep a diary,
09:52:45 2 it would be worthwhile having it recorded somewhere,
09:52:48 3 whether it be in a file note, an diary entry, an electronic
09:52:57 4 diary, something like that. Do you agree with me it would
09:53:00 5 be a sensible thing to record the information that you're
09:53:02 6 told?--Well I made the record by telling the Director and
09:53:05 7 disclosing to the Director what would occur.
8
09:53:07 9 Do you believe that the Director made a note of it?--I
09:53:11 10 don't know.
11
09:53:12 12 Can you tell the Commission to the best of your
09:53:16 13 recollection what occurred, what was said in the
09:53:20 14 conversation between you and Mr Brouwer?---That Mr Ryan had
09:53:25 15 come to see me and indicated that Ms Gobbo was a human
09:53:30 16 source and that they were concerned about her appearing at
09:53:34 17 the hearing because of the reasons that were set out by
09:53:39 18 Mr Ryan, which was about her cooperation with Victoria
09:53:42 19 Police, her security, safety, et cetera. Yeah, and the
09:53:47 20 fact that there was concern about whether she would, you
09:53:52 21 know, her role as a human source being exposed.
22
09:53:55 23 Is that the extent of the discussion that you can
09:53:58 24 recall?---She was also concerned about Mr Ryan -
09:54:02 25 Mr Fitzgerald knowing that she'd had sexual relationships
09:54:06 26 with people.
27
09:54:07 28 Right. What did Mr Brouwer say?--Well it then followed
09:54:15 29 that this needed to be brought to the attention of the
09:54:17 30 legal area because there was a hearing which was pending.
31
09:54:20 32 Well it was on the very day, wasn't it?---Yeah.
33
09:54:23 34 Right. He said, "Look, this has to be brought to the
09:54:28 35 attention of the legal area", did he?---I don't know, I
09:54:32 36 wasn't a party to those - I don't recall being party to
09:54:34 37 those conversations.
38
09:54:36 39 What I'm asking you about is your conversation with
09:54:39 40 Mr Brouwer to the best of your recollection. Firstly,
09:54:42 41 where did it take place?---With Mr Ryan in my office at the
09:54:46 42 OPI.
43
09:54:47 44 Okay, so Mr Ryan comes to your office and Mr Brouwer comes
09:54:50 45 to your office as well?---No, I went into Mr Brouwer's
09:54:54 46 office.
47

09:54:55 1 Righto. So you said to Mr Ryan, "Look, stay here, I've got
09:54:59 2 to go and speak to the Director about this"?---Yeah, I
09:55:04 3 don't think I said to him to "stay here". I think he left
09:55:07 4 the office, left my office and then I went and saw
09:55:09 5 Mr Brouwer.
6
09:55:10 7 And you went to his office. Was there anyone else
09:55:13 8 there?---Not that I recall.
9
09:55:16 10 You relayed what you'd been told?---Yes.
11
09:55:19 12 And he says to you what?---Well, we need to talk to the
09:55:26 13 legal people downstairs because we had a hearing pending
09:55:29 14 and to work out what we'd do.
15
09:55:33 16 So who then spoke to the legal people? Did he ask you to
09:55:37 17 go and speak to the legal people or did you go down and
09:55:40 18 speak to the legal people?---No, I don't recall talking to
09:55:43 19 the legal people about it. I think that happened - I don't
09:55:46 20 think I was at those meetings that I can recall.
21
09:55:48 22 Was Mr Carroll there?---Mr Carroll was one of the people
09:55:51 23 who would have been informed, yes.
24
09:55:54 25 And I think you've said that Mr Livermore wasn't there. He
09:55:57 26 was assisting Mr Fitzgerald?---I don't have a recollection
09:56:03 27 of Mr Livermore being at that meeting, no, that discussion.
28
09:56:09 29 So to the best of your recollection, and it's fairly scant,
09:56:12 30 it seems, you have a discussion with Mr Brouwer. He says,
09:56:17 31 "Well look, the legal people have got to be told of this",
09:56:21 32 and did you tell Mr Brouwer what sort of cooperation she'd
09:56:31 33 been providing?---Well only that Mr Ryan was involved with
09:56:36 34 Task Force Petra, so I made that connection, that she was a
09:56:43 35 human source in Petra.
36
09:56:45 37 Yes. Did Mr Brouwer express any surprise at the fact that
09:56:53 38 this person, Nicola Gobbo, a barrister for gangland figures
09:56:56 39 and drug people, did he express any surprise that she was
09:57:03 40 an informer?---No, not that I recall, no.
41
09:57:06 42 He didn't express any surprise?---No.
43
09:57:08 44 Did he say to you, "What do you know about this? How long
09:57:12 45 has she been an informer? What sort of information has she
09:57:15 46 been providing"?---No.
47

09:57:17 1 Were you aware that at this stage the OPI was very
09:57:20 2 concerned about keeping a close oversight over Victoria
09:57:27 3 Police's management of human sources?---More generally you
09:57:33 4 mean?
5
09:57:33 6 Yeah, more generally?---We were responsible for trying to
09:57:38 7 make sure, as I said before that, you know,
09:57:43 8 corruption/misconduct was investigated at Victoria Police.
9
09:57:45 10 All right. Can I ask you, if we read - if one goes to the
09:57:49 11 publicly available annual reports of the OPI, for example,
09:57:54 12 if we go to 2005 - I'm not going to put this up, but you
09:57:58 13 can accept that I'm reading from the report. It says on
09:58:02 14 p.40 I think, "The proper handling of informers is, in my
09:58:05 15 view, one of the most difficult relationships for the
09:58:07 16 police to manage. It is often dangerous and as well
09:58:11 17 provides fertile ground for corruption or allegations of
09:58:16 18 corruption, some of which are currently under investigation
09:58:19 19 by OPI. Victoria Police has acted to improve the way
09:58:22 20 informers are handled. New instructions were issued by the
09:58:26 21 Chief Commissioner in 2003 and the Informer Management Unit
09:58:28 22 (IMU) established in the Victoria Police's State
09:58:30 23 Intelligence Division, controllers, handlers and Local
09:58:33 24 Informer Registrars have specific responsibilities". And
09:58:36 25 then it goes on, "In conjunction with Victoria Police IMU,
09:58:40 26 OPI will monitor the new procedures through periodic random
09:58:44 27 audits and ensure the effectiveness of the new policies,
09:58:48 28 procedures and practices". That was published in the first
09:58:53 29 annual report of the OPI. Now I take it you would have
09:58:58 30 been well aware of those sorts of issues?---Well that was
09:59:01 31 in the annual report of the Director, I guess
32
09:59:03 33 Yes?---So he's talking about the importance of good
09:59:06 34 informer management, yes.
35
09:59:07 36 Right. And is that something that you as the primary
09:59:12 37 investigator into, and oversight person with respect to
09:59:16 38 Victoria Police, would have been across that sort of
09:59:19 39 concern that Mr Brouwer was expressing?---Well it's a
09:59:22 40 well-known fact that you've got to be careful managing
09:59:26 41 human sources and the risk that they can create.
42
09:59:28 43 If we, for example, have a look at the annual report 2006/7
09:59:33 44 at pp.22, 23, there's another heading "Informer or human
09:59:39 45 source management", "Mismanagement of both registered and
09:59:45 46 unregistered informers, now known as human sources, is
09:59:48 47 regularly associated with corruption and was central to the

09:59:49 1 corruption exposed by the Ceja Task Force. Human sources
09:59:53 2 provide police with confidential information about criminal
09:59:55 3 activity and are an essential feature of much policing
09:59:59 4 work. However, there are potential dangers implicit in
10:00:02 5 human source management. Human sources are often drawn
10:00:05 6 from the ranks of criminals or if their identities are not
10:00:09 7 kept confidential they will face significant risk of
10:00:12 8 retribution. It's also an area that can be fraught with
10:00:15 9 danger for police susceptible to corruption". It goes on
10:00:23 10 and talks about these sorts, again, these sorts of issues
10:00:25 11 and immediately under that topic about informer or human
10:00:29 12 source management there's a reference to perverting the
10:00:34 13 course of justice. "OPI's work in a number of areas has
14 exposed repeated instances where some police appear
10:00:40 15 prepared to bend or break the rules to 'get a result'. In
10:00:44 16 the light of those concerns which Mr Brouwer appears to be
10:00:48 17 expressing from the start, that is of the OPI, and at the
10:00:54 18 time that we're talking about, 2006, 2007, would it be fair
10:01:02 19 to say that you understood that Mr Brouwer was very
10:01:04 20 concerned to keep a very close eye on the way in which
10:01:08 21 Victoria Police interacted with human sources or
10:01:12 22 informers?---I think we were all concerned to make sure
10:01:14 23 that human sources are properly managed by Victoria Police,
10:01:18 24 yes.
25

10:01:20 26 And Mr Brouwer was aware of that?---I would expect so.
27

10:01:25 28 Had you ever heard prior to this day of a practising
10:01:33 29 barrister being used as human source or an informer?---No,
10:01:39 30 I can't remember another occasion.
31

10:01:42 32 So this would have been a surprising revelation to
10:01:45 33 you?---Yes.
34

10:01:46 35 It would, I suggest - it must have been, I suggest, a
10:01:50 36 concerning revelation for you as a member of the
10:01:55 37 OPI?---Yes. Well, it was surprising.
38

10:02:00 39 I mean without sitting down and going through it for, you
10:02:06 40 know, applying your mind to it, there would have been
10:02:09 41 immediately springing to mind concerns, I suggest, which
10:02:12 42 would have occurred to you such as who she's providing
10:02:21 43 information against? Those sort of issues would
10:02:23 44 immediately spring to mind, wouldn't they?---Yes. Well I
10:02:26 45 presumed she was providing information in relation to
10:02:28 46 Petra.
47

10:02:28 1 How did she get information which she's providing, that
10:02:32 2 would occur to you?---Yeah, well she wasn't just, you know,
10:02:35 3 in that time in my mind just, I remember, in terms of
10:02:37 4 having a barrister relationship with Petra targets, she was
10:02:40 5 a member of the - really regarded as being more broadly a
10:02:46 6 member of those participating in the lifestyle, socially
10:02:49 7 and, you know, more associating with them than just purely
10:02:52 8 as a lawyer.

9

10:02:53 10 That might well have occurred to you, but equally what
10:02:56 11 might have occurred to you is how does she get the
10:02:59 12 information, is she appearing for people in relation to
10:03:03 13 whom she's getting information, that must have occurred to
10:03:06 14 you?---Well if it did - I mean the fact is I took some
10:03:11 15 comfort from the fact that, you know, you've got the
10:03:15 16 highest levels of the Police Force that are aware that
10:03:19 17 she's a human source by the fact that she's giving
10:03:22 18 information in relation to Petra.

19

10:03:23 20 Right?---You know, if it had been, you know, some
10:03:25 21 detectives at some local CI and there wasn't any visibility
10:03:28 22 on it and it just come out of the blue like that, you'd
10:03:32 23 think well - I think the senior levels of the police would
10:03:34 24 need to know that they've got a lawyer because of the risks
10:03:37 25 that can come from that, but they were already well aware
10:03:40 26 of that.

27

10:03:40 28 So if it was someone from a local police station you would
10:03:42 29 say to them, "Now listen, what's going on here? How come
10:03:46 30 you're using a barrister? What sort of information are you
10:03:49 31 getting from her?" Would that be reasonable?---Well it
10:03:52 32 would be just saying to the senior police, "Are you aware
10:03:55 33 you've got a barrister as a human source? Are you aware
10:03:58 34 that those risks are being managed?" .

35

10:04:01 36 One assumes that you would have asked your colleagues in
10:04:03 37 the Victoria Police a little bit, a few questions about it
10:04:05 38 when you next saw them?---I don't recall having any
10:04:10 39 conversations relating to it with them, specifically about
10:04:14 40 how she was being managed.

41

10:04:15 42 Can I suggest to you it would have been an obvious thing to
10:04:18 43 ask if you were concerned about it, you say to Simon
10:04:29 44 Overland, "Listen, Simon, what's going on here? George and
10:04:32 45 I are a bit concerned about this. We want to know the full
10:04:37 46 extent of the sort of information that she's providing
10:04:39 47 because we've got an obligation of oversight and we've got

10:04:44 1 very grave concerns about informers generally, but we
10:04:47 2 haven't ever heard of a barrister being an informer before.
10:04:50 3 It appears that she's acting for people like Mokbel, et
10:04:53 4 cetera. Surely you're not using her to provide information
10:04:58 5 against Mr Mokbel". Wouldn't those sorts of questions have
10:05:00 6 been obvious questions to ask Simon Overland?---If I had
10:05:03 7 those concerns, yes, but it was really a case of there
10:05:04 8 wasn't any even suggestion that there's anything untoward
10:05:09 9 happening.

10 10
11 Well when you say there was no suggestion of anything
10:05:11 12 untoward, what basis do you say there was
10:05:13 13 suggestion?---Well there was no basis for me to have
10:05:16 14 concern that there was anything going on that was, you
10:05:20 15 know, police acting badly in relation to it.

16
10:05:23 17 But why wouldn't you even ask the question? Because I mean
10:05:26 18 look, you're not a co-investigator - well, certainly
10:05:30 19 insofar as these you appear to be, but in addition to that
10:05:33 20 you are an oversight organisation, an independent
10:05:36 21 government oversight organisation which is supposed to be
10:05:38 22 looking closely at the way in which Victoria Police
10:05:41 23 interacts with human sources. Why wouldn't you ask that
10:05:44 24 question if only to set aside any lingering concerns that
10:05:49 25 you might have?---Yes, and obviously I've thought about
10:05:51 26 that since and I think that really the reasons I didn't was
10:05:54 27 because there wasn't any suggestions there were any
10:05:59 28 integrity issues at play. The senior levels of the police
10:06:03 29 obviously knew about it and therefore it didn't give rise
10:06:09 30 to me, coupled with the fact that matters around police
10:06:12 31 informers are always kept as tight as they can be anyway,
10:06:18 32 there really wasn't that drive for me to do that.

33
10:06:21 34 So what you're saying to the Royal Commission is it's
10:06:26 35 matter quite obviously that you've given a great deal of
10:06:28 36 thought to in the time since, I assume?---Well yes, because
10:06:31 37 if I had decided to ask further questions about it, you
10:06:34 38 know, it would have prompted further answers and inquiries
10:06:37 39 could have been made at the time which - you know, and
10:06:40 40 matters since could have been more early disclosed.

41
10:06:44 42 No doubt in your moments pondering it you would have
10:06:48 43 thought to yourself, "Gee, I wish I had have asked that
10:06:52 44 question"?---Well I've thought about that but I think what
10:06:54 45 acted on me at the time I think was reasonable. I don't
10:06:57 46 think there was anything driving me at the time to want to
10:07:00 47 probe into it.

1

10:07:01 2 So you're not prepared to concede to this Royal Commission
10:07:03 3 that it would have been advisable for you to do a little
10:07:08 4 bit of probing just to find out what was going on? You
10:07:12 5 don't concede that to this Commission?---With the
10:07:14 6 information I think that was available to me at that time,
10:07:17 7 I don't think, I don't think I did the wrong thing.

8

10:07:22 9 Can I put this to you: the information that was available
10:07:24 10 to you at the time, the mere fact that you've got a
10:07:26 11 barrister, first time ever informer, potentially acting for
10:07:31 12 people such as Mokbel, you know because you put questions
10:07:34 13 to Murray Gregor way back in 2005 about Gobbo, the fact
10:07:42 14 that she's acting for just about all parties on the various
10:07:45 15 sides of the transaction in Gallop, that that, combined
10:07:52 16 with the fact that you now hear at a very late stage that
10:07:58 17 this important witness is an informer, that was ample
10:08:02 18 grounds, I suggest to you, to ask the question that I posed
10:08:04 19 to you before? You disagree with that, do you?---Well I
10:08:07 20 balance that against the fact that you've got someone who I
10:08:09 21 didn't regard purely as, you know, someone who was just
10:08:13 22 purely a legal practitioner in relation to those
10:08:15 23 relationships she was having with people, the fact that she
10:08:21 24 had senior police already aware of the fact that she was a
10:08:25 25 human source in terms of managing those risks, and that
10:08:28 26 there wasn't anything at play that was suggesting that
10:08:30 27 there was any integrity or misconduct concerns.

28

10:08:35 29 Can I ask you this: You've sort of, and this may well be
10:08:35 30 your *ex post facto* justification for the fact that you
10:08:38 31 didn't ask, but did you actually carry out that exercise,
10:08:40 32 did you think to yourself, "Righto, well look on the one
10:08:43 33 hand, on the other hand - okay, well, look, I won't ask the
10:08:46 34 question"? Did you carry out that process or did you
10:08:49 35 simply not even think about it?---No, I don't think I went
10:08:51 36 through a process where I went should I or shouldn't I ask
10:08:55 37 a question. It was more innate than that. And then I've
10:08:59 38 reflected back on why I didn't and I think they were the
10:09:02 39 factors as to why I didn't.

40

10:09:04 41 Right, okay. Do you think it might have been because you
10:09:06 42 were wholeheartedly enthusiastic about this investigation
10:09:09 43 and keen to get to the bottom of it and weren't going to
10:09:13 44 question anything the police were doing?---I was certainly
10:09:17 45 keen that police could get to the bottom of dealing with
10:09:20 46 Task Force Petra and certainly - but I don't think that was
10:09:23 47 a factor in this instance.

1

10:09:26 2 Can I suggest to you that you had - really, there was
10:09:29 3 nothing that you could, or you can bring to mind which
10:09:33 4 would give you comfort. There were only alarm bells?---No,
10:09:36 5 I've told you why I took comfort. You've described the
10:09:40 6 alarm bells and I've described to you the other side of
10:09:42 7 that.

8

10:09:43 9 All right. In any event, do you recall having any
10:09:49 10 discussion at all with Mr Brouwer about the sort of, I've
10:09:55 11 called them alarm bells, but potential problems about
10:09:59 12 having a barrister as an informer, something that as far as
10:10:02 13 you were concerned you hadn't heard of before?---Yeah, I've
10:10:05 14 tried to think about that as well. I don't remember those
10:10:07 15 conversations of that nature happening, either with
10:10:11 16 Mr Brouwer or anyone in the OPI legal area, the legal
10:10:15 17 lawyers or anyone else.

18

10:10:17 19 How long did the discussion with Mr Brouwer take?---I think
10:10:21 20 it was just a matter of minutes. It wasn't a long meeting.

21

10:10:25 22 Did you ever go back to Mr Brouwer afterwards and have a
10:10:29 23 sort of a debrief about it and discuss the fact that,
10:10:32 24 "We're now dealing with police who are dealing with a
10:10:36 25 barrister who's an informer"?---Well there was a meeting
10:10:38 26 later after, I think it was after the second hearing with
10:10:43 27 Mr Brouwer and Mr Fitzgerald that I can remember, and I've
10:10:47 28 sought to describe that in my statement.

29

10:10:50 30 I take it there are no notes of that?---Only what's in the
10:10:54 31 statement. I don't know if Mr Brouwer took any notes.

32

10:10:57 33 I'm not talking about what's in your statement, I'm talking
10:11:00 34 about notes, contemporaneous notes?---No, I didn't take
10:11:03 35 any.

36

10:11:03 37 Okay. As far as you're concerned you cannot point to any
10:11:07 38 notes that you have taken which reflect discussions that
10:11:10 39 you've had with anyone about the fact that you now know
10:11:14 40 that Ms Gobbo is a human source?---Correct.

41

10:11:19 42 Did you raise it with Mr Livermore, a barrister, at the
10:11:23 43 second hearing, or indeed at the first hearing?---I don't
10:11:27 44 recall having specific conversations with Mr Livermore
10:11:32 45 about it. I mean a lot of the conversations with the
10:11:34 46 actual Examiners was with the legal department, so I would
10:11:39 47 sometimes pop in just before a hearing and say hello to the

10:11:43 1 Examiner and just see whether there was anything else they
10:11:46 2 needed.
3
10:11:46 4 Yes?---But that was all sort of conducted by the legal side
10:11:50 5 of the OPI.
6
10:11:52 7 If we can go on to your recollections. You say that
10:11:56 8 Ms Gobbo was concerned about the fact that the alleged
10:12:00 9 sexual relationships that she'd had with a number of Police
10:12:03 10 Force members would be disclosed if she was forced to
10:12:08 11 answer questions?---Yes, I have a memory of that because
10:12:15 12 according to Mr Ryan she had enormous respect for
10:12:20 13 Mr Fitzgerald and she was concerned about what he would
10:12:23 14 think about that.
15
10:12:25 16 That really wouldn't be a concern for you, I mean, you
10:12:28 17 know, putting it bluntly, too bad?---Oh, yeah, from my
10:12:33 18 point of view, yeah.
19
10:12:35 20 But ultimately you were of the view that Mr Fitzgerald
10:12:38 21 should curtail his questioning or sort of hold off from
10:12:45 22 asking questions which were too probing, weren't you, that
10:12:49 23 was your view?---My view was to try to see whether we could
10:12:54 24 meet both our aims, which was to be able to have the OPI
10:12:57 25 hearing, to ask the questions that were necessary to
10:12:59 26 progress the hearing without necessarily compromising her
10:13:06 27 cooperation with police.
28
10:13:13 29 Mr Ryan said to you that there were concerns about
10:13:15 30 Ms Gobbo's safety and he asked you whether in light of the
10:13:19 31 information that he'd provided, whether the hearings would
10:13:23 32 in fact continue?---Yes.
33
10:13:24 34 And you said, "Well look, no, I'll have to speak to the
10:13:29 35 Director about that"?---Yeah, although I don't have a
10:13:33 36 specific memory of getting back to Mr Ryan, I must have
10:13:36 37 gone back to him and said that the hearings were going
10:13:39 38 ahead.
39
10:13:39 40 Yeah, all right. In your statement you say that you formed
10:13:52 41 the view that Ms Gobbo was human source 3838?---M'mm.
42
10:14:02 43 You say that you'd heard of this human source 3838
10:14:07 44 previously, right?---Yes.
45
10:14:12 46 Do you say also that Ms Gobbo had been referred to by name,
10:14:16 47 and I think we took you to one entry yesterday in the, I

10:14:20 1 think it was the Petra minutes, where she was referred to
10:14:23 2 by name?---I think she was referred to by name in the
10:14:26 3 statement of Williams.
4
10:14:27 5 Williams, yeah. So there was a discussion of her by name
10:14:30 6 in the meeting, one of the Task Force meetings, Petra,
10:14:36 7 around that time, that's your recollection?---Yeah.
8
10:14:39 9 You say you'd also heard of an informer by the number
10:14:45 10 3838?---Yes.
11
10:14:45 12 You say that was in the context of Petra hearings or Briars
10:14:49 13 hearings - meetings rather?---Well yeah, it potentially
10:14:53 14 could have been both but I think it was in the context of
10:14:57 15 Petra if I had to guess, because I went to more Petra
10:15:01 16 meetings than I did Briars.
17
10:15:05 18 So you put two and two together and assumed that she was
10:15:08 19 the person who was the human source who had been mentioned
10:15:12 20 in Petra?---Yes.
21
10:15:14 22 And did you understand - I take it you would have
10:15:18 23 understood - how it was that Ms Gobbo or at least the human
10:15:23 24 source was being mentioned in the Petra
10:15:29 25 investigation?---Via the Williams' statement, yeah.
26
10:15:32 27 But she was mentioned by name by the Williams'
10:15:35 28 statement?---Yes.
29
10:15:36 30 What was the context of 3838 being brought up in Petra
10:15:40 31 discussions?---It was just mentioned as 3838 I think a
10:15:44 32 couple of times in terms of - I don't think it was
10:15:47 33 mentioned a lot but I think it was mentioned - I remember
10:15:51 34 it being mentioned in the meetings that there was a human
10:15:54 35 source that Victoria Police were managing called 3838.
36
10:15:59 37 I take it you would have been made aware when you were at
10:16:01 38 the meetings about what that informer, what information
10:16:05 39 that informer was providing?---I don't recall there being
10:16:09 40 specific examples where that information was being relayed.
10:16:12 41 Just that like, say, someone had been - that the human
10:16:17 42 source had been tasked in the matter and then the number of
10:16:22 43 the human source was being described as 3838.
44
10:16:25 45 In any event, effectively what you say is because there was
10:16:27 46 only one human source 3838 in that investigation, because
10:16:30 47 Ryan was telling you this, you made the connection; is that

10:16:33 1 right?---Yeah, and I think in the - I'd have to have a look
10:16:42 2 back over the Williams' statement. I think in the
10:16:45 3 Williams' statement, like the reference to her was like her
10:16:47 4 helping to organise things around - you know, it wasn't
10:16:49 5 sort of, you know, her acting as someone's barrister, it
10:16:53 6 was involved in the passage of information and organising
10:16:56 7 things, things like that.
8
10:16:58 9 The context of Gobbo's involvement insofar as Williams'
10:17:03 10 statement is concerned is not as an informer, it's simply
10:17:08 11 as a person who was involved in putting Dale in contact
10:17:11 12 with Williams?---That's right.
13
10:17:12 14 That was something which was quite overt, it was in the
10:17:15 15 statement, there was no suggestion that that was a secret
10:17:18 16 or that part of it was in the nature of human source
10:17:20 17 material. What I'm trying to get at is - - - ?---No, but
10:17:21 18 it was in the context of she would know things if she was a
10:17:27 19 human source.
20
10:17:28 21 Yes?---She'd be knowing things that would be of assistance
10:17:31 22 to the Task Force.
23
10:17:32 24 Was there any suggestion that she might be a person of
10:17:34 25 interest, a suspect, or anything of that sort, because what
10:17:38 26 you've got is a murder which takes place, then you've got a
10:17:41 27 person putting a person with a motive in contact with a
10:17:46 28 killer?---I don't think it was, that was acting on my mind
10:17:49 29 at that time. At some point I certainly saw value in her
10:17:54 30 as a witness, but I don't think as early as that I was
10:17:59 31 thinking in those terms.
32
10:18:06 33 All right. You said to Ryan in your statement, you said to
10:18:13 34 Ryan that you needed to discuss the matter with the
10:18:15 35 Director, you'd get back to him. In your statement you
10:18:18 36 say, "I went to see the Director and told him what Ryan had
10:18:20 37 told me. You expressed, you say in your statement, the
10:18:23 38 view that the hearings should continue?---Yes.
10:18:26 39
10:18:27 40 "I discussed with the Director whether it might be possible
10:18:30 41 that he could explore with Mr Fitzgerald whether he could
10:18:33 42 conduct the examination in a manner that could elicit the
43 information sought without jeopardising the ongoing
10:18:37 44 cooperation", and the Director agrees with you?---M'hmm.
45
10:18:41 46 That's a truncated version of the evidence that you've just
10:18:44 47 given?---Yes.

1

10:18:45 2 You say next at paragraph 110, "I believe the Director
10:18:48 3 spoke with Mr Fitzgerald prior to the hearing commencing.
10:18:51 4 While I do not have a clear recollection I may also have
10:18:55 5 spoken to Mr Fitzgerald with the OPI legal team prior to
10:18:58 6 the hearing". That's your best recollection; is that
10:19:01 7 right?---Yeah, because sometimes there'd be a gathering in
10:19:03 8 the room outside the hearing room, like you'd have at the
10:19:09 9 back here, and you'd sort of just come together prior to
10:19:13 10 the hearing and just make sure if there's anything that's
10:19:20 11 needed really.

12

10:19:21 13 You say, "I cannot recall whether the Director told me that
10:19:25 14 he had disclosed to Mr Fitzgerald that Ms Gobbo was a human
10:19:28 15 source, although I understood at the time that he
10:19:30 16 did"?---Yes.

17

10:19:31 18 Now is it the situation that you in fact were in that
10:19:35 19 meeting?---Which meeting?

20

10:19:37 21 The meeting with Mr Fitzgerald?---Look, I may have been but
10:19:43 22 I don't remember that. I think because I had very little
10:19:47 23 to do with Mr Fitzgerald and I specifically remember the
10:19:50 24 meeting following the hearings but I don't remember us
10:19:53 25 having a meeting prior to it as such with Mr Brouwer.

26

10:19:56 27 And that's the best of your recollection, is it?---Yes.

28

10:19:59 29 You know you gave evidence before Mr Kellam in 2014 about
10:20:05 30 these matters?---Yes.

31

10:20:07 32 And you were asked questions about these matters, weren't
10:20:09 33 you?---Yes.

34

10:20:12 35 Mr Hevey was asking you questions and what he asked you was
10:20:19 36 this. He asked you questions about Mr Livermore, and this
10:20:34 37 is at IBAC.0002.0001.0001 at p.20. Mr Hevey said, "Did
10:20:42 38 Mr Livermore attend at the meeting between yourself and
10:20:45 39 Mr Fitzgerald or was it simply you and Mr Fitzgerald?" You
10:20:49 40 say, "I believe it was myself and Mr Fitzgerald and the
10:20:52 41 Director at the time". Mr Hevey says, "That was
10:20:58 42 Mr Strong". You say, "No, 2007, that would have been
10:21:02 43 Mr Brown". The transcript reads Mr Brown but I assume it's
10:21:07 44 Mr Brouwer, is it?---Brouwer, yeah, the Director, yeah.

10:21:09 45

10:21:10 46 And you say, "Yeah, there were quite a cumbersome, quite
10:21:13 47 heated conversations on that day that took place". You

10:21:16 1 recall saying that?---Yes.
2
10:21:18 3 And you were doing your best to give a true account of
10:21:20 4 events?---Yes.
5
10:21:21 6 Mr Hevey asks, "Heated conversations between?" You say,
10:21:25 7 "Well, in the end it seemed to me and Mr Fitzgerald having
10:21:29 8 words. It seemed to me and Mr Fitzgerald having words.
10:21:34 9 Not that it was my intention to do so by any means but
10:21:37 10 Mr Fitzgerald was expressing frustration that he would,
10:21:41 11 there was any suggestion that he would need to reshape his
10:21:44 12 examination of the witness and I was trying to find the
10:21:46 13 middle ground that would enable the witness, you know, to
10:21:49 14 deal with this risk that I was being told about so the
10:21:52 15 witness's ongoing cooperation as a human source, I didn't
10:21:57 16 want to necessarily put that at risk because of the
10:22:00 17 examination. And I had Mr Fitzgerald who was really
10:22:02 18 wanting to, you know, not deal with any outside influences
10:22:06 19 but just to simply deal with the witness on the information
10:22:09 20 which I understand - I certainly respect that view. So
10:22:14 21 Mr Fitzgerald was quite frustrated about that and was sort
10:22:17 22 of, yeah, we sort of ended up having a robust conversation
10:22:21 23 about that I guess". Right. Now, that was the evidence
10:22:25 24 that you gave when you were before Mr Kellam, former
10:22:30 25 Justice Kellam; is that right?---Yes. Yes, that's right.
26
10:22:32 27 And you were telling the truth there?---Yeah, I believe so.
10:22:36 28 It would be my best recollection of what happened.
29
10:22:39 30 Do you say that that recollection has dissipated since
10:22:43 31 then, is that right?---No, that's the - - -
32
10:22:44 33 You don't have that recollection any more?---No, that's the
10:22:48 34 meeting I'm referring to after the hearing with
10:22:50 35 Mr Fitzgerald and Mr Brouwer.
36
10:22:52 37 Can I ask you is that - and you have that recollection
10:22:55 38 now?---Yes.
39
10:22:56 40 Why then in your statement do you say what you do, that you
10:23:00 41 can't really recall having the meeting at all with them,
10:23:04 42 with Mr Fitzgerald?---That's a reference to a meeting with
10:23:06 43 him before the hearing. I'm talking, that evidence with
10:23:10 44 Mr Kellam, I was talking about the meeting that happened
10:23:12 45 after the hearing.
46
10:23:14 47 Well it appears to be the meeting that's happening before

10:23:17 1 because he's talking about having to reshape his
10:23:20 2 questioning?---No, because it was - she had finished
10:23:23 3 further hearings. If we wanted to get her back we could do
10:23:27 4 that. That was the description of the meeting that took
10:23:30 5 place after.
6
10:23:33 7 Let's go back. If we go to p.12 - in any event, you don't
10:23:45 8 refer to that in your statement at all, do you, this
10:23:48 9 conversation?---No, I refer to that meeting that we had
10:23:50 10 with Mr Fitzgerald I think.
11
10:23:52 12 The heated discussion that you had with Mr Fitzgerald is
10:23:55 13 not referred to, I suggest, in your statement?---No, well
10:23:58 14 it's in the evidence I gave to Mr Kellam, it's not hidden.
10:24:00 15
10:24:05 16 At p.12 it says, "I became aware at this time we'd served a
10:24:10 17 summons and were preparing for the hearing. I mean it was
10:24:12 18 the day of the hearing I think that Inspector Gavan Ryan
10:24:15 19 came here to the OPI offices and asked me. I then spoke to
10:24:17 20 him and he disclosed that there were issues with the
10:24:20 21 particular witness appearing before Mr Fitzgerald. He
10:24:23 22 disclosed that there was, the source was in fact her".
10:24:25 23 This is at p.12 - p.12 down the bottom, not p.12 at the
10:24:37 24 top, I apologise. Move down. Do you see that
10:24:51 25 there?---Yes.
26
27 Do you see that there?---Yes, I can - - -
28
10:24:51 29 "So that was the morning of 19 July 2007? I'm pretty sure
10:24:55 30 it was the same day", yes?---Yes.
31
10:24:57 32 If we go over to 13. "The method of becoming aware was
10:25:06 33 through Inspector Gavan Ryan, correct? Inspector Gavan
34 Ryan. So no one had approached you beforehand? Not to my
10:25:08 35 recollection, no. No one, including Deputy Commissioner
10:25:10 36 Overland had spoken to you about this person? I don't
10:25:13 37 believe so. Haven't found anything in the records to
10:25:16 38 suggest that he had? I don't recall him doing so. What
10:25:19 39 was your response to finding out? Well I guess it sort of
10:25:22 40 made sense when he explained it to me in some ways. I was
41 a little bit surprised because I never thought that she's
10:25:26 42 someone that would be likely to be an informer for Victoria
10:25:30 43 Police. I certainly had a dilemma that day because I
10:25:33 44 needed to have a session with Mr Fitzgerald in the room
10:25:36 45 there and also up in the Director's office about how we
10:25:39 46 should go about treating with this particular witness.
10:25:42 47 During that meeting did you disclose the fact that the

1 witness was about to appear before Mr Fitzgerald, was in
10:25:46 2 fact a registered informer? Yes, I did. And what were you
10:25:48 3 able to tell him about what she was informing about? Well
10:25:51 4 I was able to say, was that this witness was what I was
10:25:54 5 told at the time", et cetera, et cetera. "Registered human
10:25:57 6 source. She didn't want to disclose the fact that she was
10:26:00 7 a human source for an OPI hearing, okay, but I wasn't able
10:26:03 8 to go into any lengthy detail with him about the extent to
10:26:06 9 which she's providing information. You knew what you were
10:26:09 10 investigating here and why", says Mr Hevey, "why
10:26:13 11 Mr Fitzgerald was holding the hearings on that day. Did
10:26:20 12 you inquire of Inspector Ryan, 'Well look, you're telling
10:26:23 13 me she's a human source, what relationship does she have to
10:26:26 14 what we're doing here today on 19 July?'" Then he asks -
10:26:31 15 and you say, "Yes. No, we had a general conversation of
10:26:34 16 the nature. I indicated he was certainly going ahead with
10:26:37 17 the hearing. I said, well, Fitzgerald's going to cover
10:26:41 18 the issues that would probably require the witness to do
10:26:43 19 that. I would talk to Mr Fitzgerald about it. We'd try
10:26:48 20 and leave it up to Mr Fitzgerald's adept interviewing
10:26:54 21 skills", do you see that?---Yes.
22
23 Keep going. "Just to understand this, I'm familiar with IR
10:26:56 24 44, as others. Yes, correct". So he's asking about that.
10:26:57 25 The conversation moves on. If we keep going. Mr Kellam
10:27:00 26 says, "It was determined clearly by someone or other -
10:27:05 27 perhaps it's described here in a note, perhaps it doesn't
10:27:10 28 matter, that Mr Fitzgerald be brought in from outside to be
10:27:13 29 sworn in", do you see that? If we go over to p.15, "That
10:27:20 30 makes sense". If we keep going. Mr Kellam asks you,
10:27:29 31 "Nobody at the OPI at that stage understood that 3838 was
10:27:32 32 also - well, the person named in the Williams' statement
10:27:35 33 was also a human source?" You say, "Well I certainly
10:27:38 34 didn't". Keep going. "Given the conversations we were
10:27:44 35 having on the day". Keep going. "So it's the Ryan thing
10:27:47 36 that dropped it on you that day, the day of the hearing?
10:27:51 37 But your evidence is that you had idea of the scope of the
10:27:54 38 information it could have been that she was talking about?
10:28:01 39 Not until years later did I real that, no". Mr Hevey asks
10:28:07 40 you about the left and right parameters of the information.
10:28:11 41 So you say, and you were saying well look, you weren't
10:28:15 42 aware, you didn't know what the parameters of the
10:28:18 43 information that she was providing; is that right?---Yes.
44
10:28:23 45 As far as you were aware in any event it wasn't limited to
10:28:27 46 Petra?---Wasn't limited to Petra?
47

10:28:33 1 Yes, you had no idea whether it was limited to Petra or
10:28:37 2 not?---Her cooperation?
3
10:28:38 4 Yes, whether she was providing assistance to - - - ?---No.
5
10:28:42 6 And you didn't ask her?---No.
7
10:28:44 8 Then you were asked, "Did you make any notes of the meeting
10:28:47 9 at all?" You say, "No, there'd be a calendar entry in my
10:28:51 10 OPI diary", do you see that?---Yes, there'd be an entry
10:28:57 11 there if Mr Ryan came to see me, yeah.
10:29:00 12
10:29:01 13 If we keep going. "It was actually, well I stopped keeping
10:29:05 14 a diary", and you tell them about the fact you stopped
10:29:09 15 keeping a diary?---Yes.
16
10:29:11 17 We get on to where I was asking you questions, "Did
10:29:15 18 Mr Livermore attend the meeting between yourself and
10:29:18 19 Mr Fitzgerald, or was it simply you and Mr Fitzgerald?" "I
10:29:24 20 believe it was myself and Mr Fitzgerald and the Director at
10:29:27 21 the time". So where there's the evidence that it was at a
10:29:29 22 later meeting?---That's the meeting I was referring to, the
23 heated discussion meeting. That's that meeting that
10:29:30 24 happened afterwards.
25
10:29:30 26 Mr Ashton, you're being asked questions about this first
10:29:34 27 meeting that you have Mr Fitzgerald and he says, "Did
10:29:36 28 Mr Livermore attend the meeting between yourself and
10:29:41 29 Mr Fitzgerald?" You've been talking about the meeting
10:29:44 30 before, that you had with Mr Fitzgerald wherein you told
10:29:47 31 him about the fact that she's a human source, had passed on
10:29:51 32 the information from Ryan, correct?---Yes, but that heated
10:29:55 33 discussion, that wasn't before a hearing, that was after.
10:29:58 34 That was after the hearing.
35
10:29:59 36 Can I suggest to you that what you're saying, it doesn't
10:30:05 37 follow from the transcript, because you're asked about the
10:30:08 38 meeting with Mr Fitzgerald and you go on and you describe
10:30:12 39 what happens?---No, they're asking me about - well two
10:30:17 40 things there really. They're asking me about did I have
10:30:20 41 conversation prior to the hearing where I disclosed to
10:30:27 42 Mr Fitzgerald about the fact that she was a human source,
10:30:32 43 and then they're talking about this meeting afterwards.
10:30:36 44 They're talking about two different things.
45
10:30:39 46 If we keep going. Can I suggest that when he asked you did
10:30:43 47 Mr Livermore attend the meeting, it's a discussion about

10:30:47 1 the meeting where you go and see Mr Fitzgerald. You've
10:30:51 2 told them previously that that's what you're going to do,
10:30:55 3 right?---M'mm.
4
10:30:55 5 Can I suggest to you that that's apparent that that's what
10:30:59 6 that's about?---Yeah, I think that's what he's trying to
10:31:02 7 ask me about, yeah.
8
10:31:03 9 If we keep going. So counsel assisting wasn't privy to the
10:31:08 10 fact that the witness was about, he was about to question,
10:31:10 11 might have difficulties with some answers, okay. "He came
10:31:14 12 aware when we attended there. Mr Livermore often on the
10:31:20 13 days of the hearings, he wouldn't arrive until kind of
10:31:24 14 late". "Okay. Did Mr Ryan meet with Mr Fitzgerald and
10:31:28 15 yourself, and the Director at that stage?" "No, I don't
10:31:34 16 believe Mr Ryan - he just met with me." "And when do you
17 say you became aware he was told? When you say you became
10:31:37 18 aware he was told by you? Yes. Because we've read the
10:31:38 19 transcript and certainly Mr Fitzgerald says he's taken
10:31:40 20 control of the whole process", do you see that?---Yes.
21
10:31:43 22 "Mr Livermore didn't get too much, it seems, involved",
10:31:47 23 says Mr Kellam. Then you say, "It was quite a cumbersome,
10:31:51 24 quite a heated conversations on that day that took place.
10:31:54 25 Heated conversations". And that's where we get to?---Yes.
26
10:31:57 27 Can I suggest to you, Mr Ashton, that what that is about is
10:32:01 28 you having a discussion with Mr Fitzgerald before any
10:32:05 29 questions are asked of Gobbo on 19 July and you in effect
10:32:10 30 saying to Mr Fitzgerald, "I don't want you to go into
10:32:16 31 certain areas when you speak to this witness", and
10:32:18 32 Mr Fitzgerald is resisting. He doesn't want to be muzzled,
10:32:27 33 in effect?---Yeah, I was trying to make sure
10:32:29 34 Mr Fitzgerald's or Mr Livermore's questioning was such that
10:32:33 35 we could achieve both the aims, which was to have the
10:32:36 36 hearing and get the information we needed and not
10:32:39 37 compromise the Victoria Police's investigation.
38
10:32:41 39 We know that, but why - are you suggesting to the
10:32:45 40 Commission that you did not have this conversation, this
10:32:48 41 heated conversation with Mr Fitzgerald before Ms Gobbo was
10:32:51 42 asked any questions? Why are you trying to suggest that to
10:32:54 43 this Commission?---Because part of his frustration was at
10:32:58 44 the time, Mr Fitzgerald's frustration was that he thought
10:33:04 45 she was lying to him and that he was concerned about the
10:33:06 46 fact she'd disclosed the summons.
47

10:33:08 1 Mr Ashton, can you just focus on the issues at hand? What
10:33:12 2 I'm suggesting to you is that prior to any questions at
10:33:15 3 all, prior to Mr Fitzgerald forming the view that Ms Gobbo
10:33:18 4 was lying, you have told him that he is dealing with a
10:33:24 5 person who is entitled to some gentle treatment because of
10:33:30 6 the fact that she is providing cooperation with Victoria
10:33:33 7 Police. Can I suggest to you that that is the nature of
10:33:36 8 the conversation that you're having on this day?---That
10:33:40 9 conversation I'm talking about there, this heated
10:33:45 10 conversation, was very much a conversation that I
10:33:49 11 remembered it being heated because I remember, you know,
10:33:52 12 having this heated conversation with Mr Fitzgerald and that
10:33:55 13 was his frustration that, you know, that he should be in
10:34:00 14 any way, yeah, not being able to ask everything he wants to
10:34:04 15 ask her, and he didn't - and I was trying to say, "Well can
10:34:08 16 you do that? Is that not possible without, you know
10:34:12 17 without having to compromise what Victoria Police were
10:34:17 18 trying to achieve?" And he was frustrated about the fact
10:34:20 19 that he thought she was lying.
20
10:34:22 21 I understand that and I hope I don't appear frustrated.
10:34:26 22 What I'm trying to get to is this: do you now accept that
10:34:30 23 that conversation occurred prior to Mr Fitzgerald asking
10:34:32 24 any questions of Ms Gobbo?---I think you're trying to - - -
25
10:34:36 26 Are you now prepared to accept that having taken you
10:34:37 27 through that transcript?---I think there were two, you're
10:34:38 28 talking about two different conversations.
29
10:34:40 30 Okay. Are you prepared to accept that this conversation
10:34:42 31 that you're talking about occurs on the first day, on the
10:34:47 32 19th, prior to any questions being asked of
10:34:50 33 Ms Gobbo?---Which conversation exactly? The one that's
10:34:54 34 heated?
35
10:34:55 36 Yes?---No, I think that happened afterwards.
37
10:34:58 38 Can I suggest to you that the way in which that evidence
10:35:01 39 transpires before Mr Kellam suggests quite clearly that
10:35:05 40 that conversation is the first conversation. Now you
10:35:08 41 dispute that, do you?---Yeah, my memory of it, it was
10:35:13 42 afterwards.
43
10:35:14 44 So what, do you say that there was another conversation
10:35:18 45 after the first conversation that was had with
10:35:19 46 Mr Fitzgerald, where you are again asking Mr Fitzgerald to
10:35:21 47 go easy on Ms Gobbo?---It wasn't to go easy on her.

1

10:35:26 2 All right. Perhaps that's an unfair way of putting it but
10:35:30 3 it's a sort of a truncated way. Was there another
10:35:34 4 conversation outside of the conversation which occurred on
10:35:37 5 19 July before any questions, was there another
10:35:40 6 conversation which was a heated conversation in which you
10:35:43 7 are saying to Fitzgerald, "I want you to ask her questions
10:35:47 8 in such a way that it doesn't imperil the relationship
10:35:50 9 between Victoria Police and Gobbo"?---I think there's two
10:35:53 10 meetings and there were two discussions. There's the one
10:35:57 11 post where it was a heated discussion about his
10:36:00 12 frustrations, and you, you know, there must have been some
10:36:06 13 way in which this was communicated to Mr Fitzgerald,
10:36:10 14 Mr Livermore prior to the hearings, this information. And
10:36:14 15 so, you know, there must have been some conversations and I
10:36:16 16 think I was certainly, you know, it was highly likely it
10:36:21 17 was one of those hearings where I would have popped into
10:36:25 18 the hearing room beforehand. As I said, I sometimes did.
10:36:29 19 I don't have a specific recollection of being in the room
10:36:31 20 formally advising Mr Fitzgerald and Mr Livermore about this
10:36:38 21 fact, I don't have that specific memory. My specific
10:36:42 22 memory is certainly of a meeting taking place afterwards.

23

10:36:45 24 Did you read this transcript before you made your
10:36:48 25 statement?---Well I had that transcript, yes.

26

10:36:52 27 Did you read it?---I would have read it a number of times
10:36:55 28 over the years.

29

10:36:55 30 Yeah. Did you read it in the immediate period prior to
10:36:58 31 making your statement?---Well, prior to making the
10:37:03 32 statement, probably, yes.

33

10:37:06 34 Why wouldn't you have - when you say probably, I take it
10:37:10 35 that's yes, isn't it?---Well I read a range of materials so
10:37:13 36 I would have probably read this as part of that, yes.

37

10:37:17 38 Can I ask you why you wouldn't have referred in your
10:37:19 39 statement to a heated discussion with Mr Fitzgerald?---Well
10:37:22 40 I went through the statement with my legal team about what
10:37:25 41 my recollections were and trying to sequentially put it in
10:37:30 42 my statement. I could have mentioned the heated
10:37:32 43 conversation, it's in previous evidence I've given, and
10:37:36 44 that's material that's with the Royal Commission.

45

10:37:37 46 Yes?---So I wasn't trying to hide the fact that it was a
10:37:39 47 heated conversation. I'm happy to talk about it.

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Yeah, but see what, I take it, you don't particularly want to concede is that you in any way tried to prevent Mr Fitzgerald from asking the questions that he wanted to ask of the witness?---Well ultimately Mr Fitzgerald is running the inquiry. If he wants to ask her what he wants to ask her, he's entitled to do that, he's running it. But I was certainly of the view that he's a very experienced person to chair this sort of a hearing, you know, is it possible he can get the information he needs - - -

Mr Ashton, that's not the question. That's not the - sorry to interrupt.

MR COLEMAN: I think he was answering it.

MR WINNEKE: No, no?---I'm trying to answer it, yeah.

10:38:21
10:38:21
10:38:24
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10:38:31

No, no, he's not. What I'm asking you is are you concerned that you don't want it to be seen that you were attempting to influence the questions that the independent Examiner was seeking to ask? Were you concerned about that, having that appearance?---No, I was trying to achieve both aims.

10:38:36
10:38:38
10:38:42
10:38:46
10:38:48

That again wasn't the answer to my question. The question was are you concerned about that and is that the why, is that the reason why you in your statement have ignored the fact that you had a heated discussion him.

10:38:49
10:38:52

MR COLEMAN: He did answer the question, Commissioner, twice.

10:38:52
10:38:54

COMMISSIONER: I think he's answered the last question as well now so we'll move on.

10:38:57
10:38:59
10:39:02
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10:39:23

MR WINNEKE: Can I ask you this question, please, if you can focus on this. Do you say that you conveyed information - do you now say that you conveyed information to Mr Fitzgerald that Ms Gobbo was a human source, prior to the first hearing?---Well I don't have a specific memory of that happening like I do with the second meeting. But I can't rule out that I didn't, I may have.

10:39:30
10:39:39
10:39:43

Do you say that you did not go to see Mr Fitzgerald with Mr Brouwer?---No, I think - I don't think I did. I don't have a memory of that, no.

10:39:45 1 Righto. Well, can I ask you to explain the circumstances
10:39:50 2 in which the heated conversation occurred?---Well my
10:39:54 3 recollection of that conversation was at the end of the
10:39:57 4 hearing him being dissatisfied with her evidence in that he
10:40:03 5 didn't think she was being honest with him and he was
10:40:05 6 frustrated that he thinks she's disclosed the existence of
10:40:11 7 the summons.
8
10:40:12 9 Okay. So you say it's after the hearing has occurred, and
10:40:17 10 the hearing went for quite some time throughout the day,
10:40:21 11 didn't it?---Yes.
12
10:40:22 13 That's your recollection?---Yes.
14
10:40:24 15 You have that meeting with Mr Fitzgerald after the
10:40:26 16 hearing's concluded, is that your recollection?---In
10:40:31 17 Mr Brouwer's office.
18
10:40:32 19 In Mr Brouwer's office?---Yes.
20
10:40:34 21 Can I ask you why you say this, "In the end it seemed to me
10:40:39 22 and Mr Fitzgerald having words, not that it was my
10:40:42 23 intention to do so by any means, but Mr Fitzgerald was
10:40:45 24 expressing frustration that he would - there was any
10:40:48 25 suggestion that he would need to reshape his examination of
10:40:51 26 the witness and I was trying to find the middle ground that
10:40:53 27 would enable the witness, you know, to deal with this risk
10:40:56 28 that I was being told about so the witness's ongoing
10:41:01 29 cooperation as a human source" - right?---Yes.
30
10:41:04 31 It's quite apparent that what you were talking about there
10:41:09 32 is annoyance that Mr Fitzgerald is expressing about his
10:41:13 33 frustration about having to reshape his examination of the
10:41:17 34 witness. Now that's something which occurs before. It's
10:41:19 35 quite apparent, Mr Ashton?---No, I don't think so.
36
10:41:23 37 You don't think so?---No, I don't think so. Because you're
10:41:27 38 saying well in our view this was an ongoing investigation,
10:41:33 39 ongoing examination, and we could have had further hearings
10:41:36 40 in the matter. It wasn't the end of it.
41
10:41:38 42 So what you're saying is, what you were trying to convey to
10:41:40 43 Mr Kellam was that in future he would have to reshape his
10:41:44 44 examination, is that what you're saying?---Mr Fitzgerald,
10:41:46 45 yes.
46
10:41:47 47 That's what you were telling Mr Kellam?---In that evidence,

10:41:51 1 yes.
2
10:41:52 3 You didn't say that though?--Yes, I did.
4
10:41:55 5 Yeah, all right. How do you know that Mr Fitzgerald was
10:42:00 6 told that Ms Gobbo was a human source?--Well the very
10:42:07 7 nature of this latter conversation is evidence of that.
8
10:42:10 9 Right. You say because of the fact that there's this
10:42:14 10 conversation it must be apparent that he's been told that
10:42:18 11 she's a human source?--Yes, otherwise there'd be nothing
10:42:20 12 to be frustrated about.
13
10:42:22 14 Right. And did you speak to Mr Brouwer after this meeting,
10:42:27 15 about the fact that you had had this heated discussion with
10:42:31 16 Mr Fitzgerald?--No, I think that sort of meeting ended and
10:42:41 17 we all left. I don't recall there being any sort of after
10:42:45 18 conversation with Mr Brouwer about it.
19
10:42:48 20 Right. Do you know, for example, whether or not it was
10:42:58 21 suggested that in the past Ms Gobbo had provided assistance
10:43:04 22 and she was now being threatened by people and therefore
10:43:10 23 she's concerned about these sorts of questions being asked
10:43:13 24 of her?--No, it was conveyed to me more as the general
10:43:17 25 risk to her safety of people knowing about her assistance.
26
10:43:21 27 No, no, you recall I asked you questions before about the
10:43:25 28 various options that might be taken by Ms Gobbo, one of
10:43:29 29 which was it could be said that she had in the past
10:43:32 30 provided assistance to police and was now receiving
10:43:36 31 threats, do you recall that? That was one of the options
10:43:38 32 that was being discussed about what could be told to
10:43:42 33 Mr Fitzgerald?--When did you put that to me?
34
10:43:48 35 Well I put it in the past. Do you think that that's the
10:43:50 36 information that might have been conveyed to
10:43:54 37 Mr Fitzgerald?--No, I think it was around the fact that
10:43:57 38 she was someone who was at risk by the nature of the fact
10:44:00 39 she was a human source into these sorts of matters and that
10:44:04 40 there was a risk to her safety, you know, the more people
10:44:08 41 that know the more risk.
42
10:44:09 43 Yes. In any event as far as you're concerned there's no
10:44:13 44 notes, no contemporaneous record of what Mr Fitzgerald was
10:44:16 45 told, what you said, what Mr Fitzgerald - - - ?--Not by
10:44:20 46 me, no.
47

10:44:24 1 Do you think it might have been prudent to make a clear
10:44:28 2 record of what had occurred prior to this hearing?---Yeah,
10:44:32 3 I already explained to you why I didn't.
4
10:44:34 5 Do you accept that it might have been prudent or not?---If
10:44:39 6 I'd been taking notes, keeping a diary at the time I
10:44:43 7 probably would have, yeah.
8
10:44:45 9 You say in your statement you recall reading a memorandum
10:44:49 10 prepared by Mr Livermore who was counsel assisting
10:44:52 11 Mr Fitzgerald?---Yes, there was a - yeah, there was a memo
10:45:03 12 prepared by Mr Livermore, yes.
13
10:45:08 14 Mr Livermore, without going into details of it, expressed
10:45:12 15 the view that Ms Gobbo hadn't been fully frank with
10:45:16 16 Mr Fitzgerald?---Yes.
17
10:45:19 18 And do you understand that there was a second hearing where
10:45:23 19 Ms Gobbo was called to attend?---Yes.
20
10:45:27 21 Were you present on that day?---I think I was, yes.
22
10:45:31 23 You think you were?---Yes, I think I was probably watching
10:45:34 24 from the room next door.
25
10:45:39 26 Just before I go on to this, you say that the heated
10:45:42 27 discussion that I was putting to you occurred prior to the
10:45:45 28 first meeting, occurred subsequent to the first meeting, or
10:45:49 29 first hearing, right?---Well no, I think it was - well this
10:45:53 30 is where the first time I was told it was following - I
10:45:58 31 think - my best recollection was following that meeting.
10:46:01 32 So - and my best recollection was that was after the first
10:46:05 33 meeting that that meeting occurred. But I couldn't rule
10:46:09 34 out the fact it was the second time.
35
10:46:12 36 What you say is your best recollection is you were told by
10:46:16 37 Ryan before the first meeting but you can't rule out the
10:46:20 38 possibility that it occurs after?---Yes.
39
10:46:21 40 Righto. Do you recall speaking to Mr Ryan at all on 17
10:46:26 41 August 2007?---That's the second hearing?
10:46:31 42
10:46:31 43 Yes?---No. I may have. I don't recall talking to him, no.
44
10:46:46 45 I should say that Mr Ryan has said - have you read
10:46:49 46 Mr Ryan's statement?---No.
47

10:46:51 1 Have you been told about what he said in his statement?---I
10:46:56 2 don't believe so, no.
3
10:46:57 4 What about his evidence, did you get a note of what he said
10:47:01 5 in his evidence?---I don't recall being told about - I
10:47:07 6 remember being told he was giving evidence.
7
10:47:10 8 All right. Mr Ryan I think effectively said in his
10:47:15 9 statement - the effect of Mr Ryan's evidence, and I'll be
10:47:19 10 corrected if I'm wrong, is that as far as he was concerned
10:47:26 11 he didn't recall telling you on the day that she was a
10:47:30 12 human source and as far as he was concerned you were
10:47:33 13 already aware of that because he'd been giving you
10:47:37 14 briefings in Petra meetings previously and he didn't accept
10:47:44 15 the proposition that he told you on the day before the
10:47:47 16 first hearing. What do you say about that?---I disagree
10:47:50 17 with that.
18
10:47:52 19 All right. What happened on the second day, as we know, is
10:48:02 20 that Ms Gobbo was called back. She was asked, effectively
10:48:06 21 it was conveyed to her that Mr Fitzgerald was of the view
10:48:09 22 that she hadn't told the truth on the first occasion,
10:48:12 23 you're aware of that?---Yes.
24
10:48:14 25 And it was - in fact she took the opportunity of going
10:48:20 26 away, effectively no questions were asked of her on that
10:48:23 27 occasion, were they?---Yeah, I think that was a short
10:48:25 28 hearing, the second one. I think it was just he put it to
10:48:29 29 her he didn't think she was being truthful with him, yeah.
30
10:48:32 31 Did you watch that interview?---I would have more than
10:48:37 32 likely been in the next room watching it on the screen.
33
10:48:43 34 I take it you were aware that she went away and it was
10:48:49 35 suggested that she get legal advice and eventually it seems
10:48:54 36 that she did speak to a lawyer, I think she spoke to a
10:48:57 37 Mr Hill, are you aware of that?---Yeah, I think he was
10:49:00 38 telling her to go and see a lawyer, you know, "You need to
10:49:03 39 get legal advice about what you've said ".
40
10:49:05 41 And ultimately there was a desire on the part of the OPI to
10:49:15 42 get her back. Was that your recollection?---Following the
10:49:21 43 second hearing?
44
10:49:22 45 Following the second hearing?---Yeah, I think there was a
10:49:30 46 plan to bring her back. Yeah, that's right. The plan for
10:49:36 47 further hearings to - once she had her legal advice.

1

10:49:43 2 Were you seeking to have her called back in for further
10:49:46 3 questioning or was that something you left to someone
10:49:49 4 else?---That was in the hands of Mr Fitzgerald and
10:49:52 5 Mr Brouwer.

6

10:49:53 7 Mr Brouwer and Mr Fitzgerald, was it?---Yes.

8

10:49:56 9 Were you not the overall manager of this investigation, not
10:50:02 10 Mr Brouwer?---No, in terms of those hearings involving
10:50:06 11 witnesses in that matter it was very much Mr Fitzgerald,
10:50:10 12 Mr Brouwer, the legal team, and I was - I really wasn't the
10:50:15 13 person calling all the shots on that. I was certainly able
10:50:19 14 to have my input.

15

10:50:20 16 But Mr Brouwer wasn't on top of the details of this
10:50:23 17 investigation, this is your investigation, isn't
10:50:26 18 it?---Well, it's the OPI's investigation.

19

10:50:28 20 You're the manager, the head investigator of the OPI?---I
10:50:32 21 was in charge, the manager, or in charge of the
10:50:34 22 investigations, yes.

23

10:50:35 24 And Mr Brouwer is the Ombudsman, he has lots of other
10:50:39 25 obligations, but you're particularly focused on
10:50:43 26 investigations concerning the police; aren't you?---Yes,
10:50:46 27 he's the Director for Police Integrity, yes.

28

10:50:48 29 I understand that. What it does appear to be the case is
10:50:54 30 that I think on about the 27th of August 2007 there's an
10:50:59 31 email, IBAC.0020.0001.0074. There are communications
10:51:12 32 between Mr Carroll and Mr Fitzgerald in which there's
10:51:18 33 attempts to arrange a date for Ms Gobbo to come back and
10:51:21 34 ultimately Mr Fitzgerald suggests that she be asked to
10:51:25 35 provide a statement and ultimately that didn't occur; is
10:51:32 36 that right?---I don't think there was a third hearing or a
10:51:34 37 statement, no.

38

10:51:36 39 No, there was no further hearing and there was no statement
10:51:39 40 provided?---Yes.

41

10:51:40 42 Is that your recollection?---That's my understanding.

43

10:51:42 44 Perhaps I'll tender an email chain commencing 27 August
10:51:46 45 2007, IBAC.0020.0001.0074?---Am I able to see that?

46

10:51:56 47 Yes, by all means, if we can put that up?---Just it might

10:51:59 1 help with my recollections if I could.
2
10:52:03 3 Mr Fitzgerald takes the view that it would be satisfactory
10:52:05 4 if she be provided with the opportunity to make a statement
10:52:09 5 and she's given that opportunity. Is that your
10:52:13 6 recollection?---No, well I just - I don't have the specific
10:52:20 7 recollection, no.
8
10:52:21 9 Okay?---No. Thank you.
10
10:52:54 11 If we go to the bottom of that. Keep going. There we are.
10:53:06 12 Keep going down. I think there's further communication.
10:53:10 13 No. There we are?---Yes.
14
10:53:51 15 Effectively Mr Fitzgerald's saying she should complete a
10:53:55 16 statement which comprehensively deals with, in addition to
10:53:58 17 other matters identified by you and Gary Livermore, her
10:54:04 18 past and present personal and professional relationships in
10:54:07 19 dealing with Paul Dale, Timothy Argall, David Miechel,
10:54:11 20 Terrence Hodson, Andrew Hodson, Tony Mokbel, Carl Williams
10:54:14 21 and their respective associates or persons?---Yes.
22
10:54:18 23 That's what was left for her to provide and then if we go
10:54:25 24 further down - - -
25
10:54:26 26 COMMISSIONER: The OPI are still waiting for the statement,
10:54:30 27 I gather?---I should think so, Commissioner, yes. I'm not
10:54:33 28 aware of one being taken.
29
10:54:35 30 MR WINNEKE: Aren't we all.
31
10:54:38 32 COMMISSIONER: Yes.
33
10:54:39 34 MR WINNEKE: I tender that, Commissioner.
10:54:40 35
10:54:41 36 #EXHIBIT RC878A - (Confidential) Email chain commencing
10:54:45 37 27/8/07 between Greg Carroll and Tony
10:54:47 38 Fitzgerald.
10:54:49 39
10:54:49 40 #EXHIBIT RC878B - (Redacted version.)
10:54:51 41
10:54:51 42 MR COLEMAN: Can we see the last part before it leaves the
10:54:54 43 screen, Commissioner? We haven't seen this before.
44
45 COMMISSIONER: Certainly.
46
10:55:02 47 MR WINNEKE: Os Mr Livermore says, "Sorry for the delay in

10:55:02 1 the proceedings. Tony's suggestion sounds sensible. I
10:55:02 2 think it's likely that she will decline the offer to make a
10:55:05 3 statement but the point of the exercise is to give her the
10:55:08 4 opportunity". And she was given that opportunity and she
10:55:11 5 declined.
6
10:55:15 7 COMMISSIONER: It's a familiar tale.
8
10:55:18 9 MR WINNEKE: Do you agree with that, Mr Ashton?---Yes, I
10:55:20 10 haven't seen that document before, so yep.
11
10:55:31 12 If I can briefly deal with some other matters. You
10:55:36 13 continued on a regular basis to attend both Petra and
10:55:42 14 Briars Task Force meetings?---Yes, certainly the Petra ones
10:55:46 15 and certainly some of the Briars ones, yes.
16
10:55:50 17 As I understand it there were three members of the board of
10:55:53 18 management of Briars, one of which was you?---Yes, but I
10:55:57 19 couldn't always attend the Briars ones, particularly after
10:56:00 20 they sort of separated. But I certainly went to Briars
10:56:04 21 Task Force meetings, yes.
22
10:56:05 23 And I take it you - those attendances, did that form the
10:56:14 24 extent, or was that the extent to which you oversighted
10:56:18 25 those operations, the attendances at those meetings?---Yes.
26
10:56:28 27 Did you have any other involvements in those
10:56:38 28 operations?---Not that I'm - no, I don't think I did.
29
10:56:42 30 I think I put to you yesterday that on occasions at least
10:56:46 31 you had a quite intimate involvement in the investigation.
10:56:50 32 So, for example, if we have a look at the diary of an
10:56:57 33 investigator Leigh Scott of 21 August 2007,
10:57:05 34 IBAC.0015.0003.0001, we can see his note. And it says at
10:57:16 35 17:40 hours, "Tasked by Graham Ashton to foot follow NG to
10:57:24 36 establish if meeting person of interest from Oboe", see
10:57:30 37 that at 19:10? "Confirmed no meet with POI. Queried with
10:57:41 38 Mick Sherrie via phone if authorisation surveillance in
10:57:45 39 public place required. Answer no. No eavesdropping
10:57:49 40 attempted". Does that suggest that you are taking quite a
10:57:52 41 close or having involvement in the operation or the
10:57:57 42 investigation?---Well if there were things that would come
10:58:00 43 up at the particular Task Force meetings that they wanted
10:58:05 44 to try and make sure the OPI could assist with, I'd
10:58:08 45 certainly relay that.
46
10:58:09 47 Right. So that might have been a consequence of

10:58:12 1 information that you get at a meeting of the Petra steering
10:58:19 2 group?---It could have been. I'm not even sure, 100 per
10:58:23 3 cent sure if that's a reference to her or not.
4
10:58:26 5 NG, it seems?---Yeah, I'm not sure if that's a reference to
10:58:29 6 her or not. It could have been.
7
10:58:32 8 Do you know of any other NG who you would have tasked
10:58:35 9 anyone to follow at this time?---Not off the top of my
10:58:39 10 head, no.
11
10:58:40 12 I tender that, Commissioner.
10:58:41 13
10:58:46 14 #EXHIBIT RC879A - (Confidential) IBAC.0015.0003.0001.
10:58:49 15
10:58:49 16 #EXHIBIT RC879B - (Redacted version.)
10:58:50 17
10:58:51 18 WITNESS: Sorry, what was the name of that investigator?
19
10:58:56 20 MR WINNEKE: Leigh Scott. Ring a bell?---No, it doesn't
10:58:58 21 ring a bell.
22
10:59:07 23 If we then come into 2008, early. We see that there's an
10:59:45 24 information report. If we can have a look at this
10:59:50 25 document, VPL.0100.0053.0298. Perhaps if this can just go
10:59:59 26 on limited screens for the moment and my learned friend can
11:00:03 27 come over and have a look at my screen. This is an
11:00:13 28 information report of Briars submitted by Stephen Waddell
11:00:19 29 who's the Detective Inspector and you know him?---Yes,
11:00:24 30 Steve Waddell, yeah.
31
11:00:26 32 Did he provide reports at times to the Briars steering
11:00:31 33 committee?---Yeah, he was - I think he was involved with
11:00:33 34 the investigation of Briars.
35
11:00:36 36 That's apparently received on 14 January. If we can move
11:00:40 37 up. There's information that Nicola Gobbo is to be
11:00:44 38 interviewed. She apparently used to frequent the Canada
11:00:49 39 Hotel at the relevant time and associated with Waters and
11:00:52 40 others, do you see that, and that Waddell and Iddles
11:00:57 41 attended at 530 Lonsdale Street, Melbourne and spoke to
11:01:00 42 Ms Gobbo who stated that she met Waters through Steve
11:01:04 43 Campbell who she was going out with when she was a junior
11:01:08 44 barrister. She represented the person there in respect of
11:01:13 45 matters that Waters and Campbell were charged over and
11:01:17 46 later represented Waters in an ESD matter, 56 application
11:01:22 47 for Wayne Strawhorn. She's met Lalor twice. Can't be sure

11:01:26 1 if she's met him at the Canada Hotel but did meet him at
11:01:30 2 the Exchange in the last couple of years. See that?---Yes.
3
11:01:33 4 That's information which I assume you would have been made
11:01:38 5 aware of?---I've got no recollection of seeing this
11:01:43 6 document before, being made aware of it.
7
11:01:45 8 If we can just move up the screen. Keep going. There's
11:01:52 9 more information there about matters which are of obvious
11:01:58 10 concern to the Briars Task Force; is that right?---Yes.
11
11:02:10 12 Is it your understanding that there was consideration being
11:02:12 13 given to the possibility of getting information from
11:02:20 14 Ms Gobbo to assist in the prosecution or at least the
11:02:28 15 gathering of evidence in the murder of
11:02:32 16 Chartres-Abbott?---Yes.
17
11:02:34 18 Was there a consideration being given to either
11:02:40 19 interviewing her, getting a statement from her or putting
11:02:43 20 her before the OPI?---Before the OPI, no, that I can
11:02:49 21 recall.
22
11:02:49 23 That wasn't considered an option in the case of Briars; is
11:02:53 24 that right?---I think in the end with Briars and Petra the
11:02:57 25 idea was that she would give a statement in terms of being
11:03:01 26 a witness.
27
11:03:03 28 Yes. Were you following that investigation
11:03:09 29 closely?---Briars?
30
11:03:10 31 Yes?---Yeah, well, not as closely as Petra but yes, I was
11:03:17 32 aware it was running, it was running in the building.
33
11:03:20 34 Yes?---I was going to some of the meetings, Task Force
11:03:23 35 meetings.
36
11:03:26 37 We can see then that on 14 January Briars speaks to her.
11:03:29 38 If we have a look at the source management log for 5
11:03:34 39 February 2008, this is the 2958 SML, p.3. We can see that
11:03:46 40 on 5 February there's a phone call and there's advice that
11:03:52 41 Petra investigators will call. I'm sorry, above that,
11:04:05 42 "Advised by DDI Ryan", this is the controller, "DDI Ryan at
11:04:12 43 Purana, that Operation Petra investigators want to speak to
11:04:16 44 Ms Gobbo. Advised by Shane O'Connell, who's aware of
11:04:21 45 Ms Gobbo's status as a human source, that investigators
11:04:24 46 agreed no problem with the same. Human source will be
11:04:26 47 warned to expect a call but not told what it's about". Was

11:04:34 1 it the case that at about the same time as Briars wanted to
11:04:38 2 speak to Ms Gobbo Petra also wanted to speak to Ms Gobbo
11:04:43 3 about any information that she could provide?---Yes, she
11:04:47 4 was of interest in both those investigations I understand
11:04:50 5 and that's a different number to - that I'm familiar with
11:04:55 6 for her but I assume that's a reference to her by some
11:04:59 7 other number or something.
8
11:05:01 9 It's a reference to Ms Gobbo, her number has changed. In
11:05:03 10 any event, it's her. So you're aware at about that time
11:05:07 11 both Briars and Petra want to speak to her, right?---Yes.
12
11:05:12 13 If we have a look at an entry that you have it seems in a
11:05:25 14 diary calendar, IBAC.0020.0001.0066, this appears to be a
11:05:35 15 reminder - if we can have a quick look at this.
16
11:05:42 17 COMMISSIONER: I'm asked to have a slightly earlier
11:05:44 18 adjournment today so we'll take the mid-morning break a
11:05:48 19 little bit earlier.
20
11:05:50 21 MR WINNEKE: Yes, sorry, Commissioner.
22
23 (Short adjournment.)
24
11:29:33 25 COMMISSIONER: Yes Mr Winneke.
11:29:34 26
11:29:34 27 MR WINNEKE: Thanks Commissioner. I was just asking you
11:29:36 28 about a reminder to call Mr Overland regarding Ms Gobbo on
11:29:43 29 7 February, apparently 2008. Do you have any ability to
11:29:52 30 ascertain what that reminder would have been about?---No,
11:29:56 31 it's the first time I've seen that, I don't, I don't know
11:29:59 32 what that would be in relation to exactly.
11:30:01 33
11:30:01 34 It's clearly in relation to Gobbo, but as to what - -
11:30:04 35 -?---Yes.
11:30:05 36
11:30:05 37 You don't know?---No, sorry.
11:30:08 38
11:30:08 39 It's about the time that, quite obviously, both Petra and
11:30:13 40 Briars are seeking to get information from Ms Gobbo about
11:30:17 41 their respective investigations, or to assist their
11:30:20 42 respective investigations, correct?---Yes.
11:30:22 43
11:30:24 44 If we have a look at the source management log at p.6 for
11:30:31 45 26 February 2008. It says that Gobbo is to be informally
11:30:37 46 interviewed by the Petra Task Force at 14:00 hours, very
11:30:41 47 concerned. Have a look at that?---That's 26 February.

11:30:59 1
11:30:59 2 Do you see that?---Yes.
11:31:04 3
11:31:04 4 You can see that she was interviewed by Solomon and Davey
11:31:11 5 there on the 26th?---Yes.
11:31:14 6
11:31:15 7 Which is consistent with that?---Yes.
11:31:17 8
11:31:19 9 If we go to the ICR at p.63, that is 2958. There's a
11:31:43 10 debrief there, she's generally happy, was exuberant,
11:31:49 11 mentioned death threats that she was facing. That she'd
11:31:51 12 made a report to Purana, to the three members there,
11:31:54 13 Bateson, Flynn and Rowe. And she was asked if she was
11:32:06 14 satisfied and she said that the threats may have arisen
11:32:08 15 from her being instrumental in [REDACTED],
11:32:13 16 whose names you can see and we don't need to read out, do
11:32:16 17 you see that?---Yes.
11:32:18 18
11:32:21 19 And those people obviously are people whose names you are
11:32:28 20 now aware of, correct?---Yes, I'm aware of those names,
11:32:33 21 yeah.
11:32:33 22
11:32:33 23 And they were significant Purana witnesses who provided
11:32:40 24 information, evidence rather, enabling the charging and
11:32:47 25 conviction of a number of people, you accept that
11:32:50 26 proposition?---Yes.
11:32:50 27
11:32:52 28 If we have a look at ICR p.64. Again, there's a reference
11:33:05 29 to, under Faruk Orman, there's a reference to Ms Gobbo
11:33:18 30 wanting feedback from Gavan Ryan over the Petra interview.
11:33:22 31 She was told frankly that responses were too long and that
11:33:25 32 the questions had to be answered without deviations. She
11:33:29 33 laughed and seemed to enjoy the attention and mentioned
11:33:33 34 that Petra could not believe the amount of information and
11:33:36 35 knowledge that she possessed. Now, do you recall being
11:33:43 36 told at updates or meetings that Ms Gobbo had been
11:33:48 37 interviewed and she had a wealth of information?---No,
11:33:52 38 first time I've seen that. I'm not aware of that, being
11:33:55 39 ever told that.
11:33:56 40
11:33:56 41 You're not aware that in early 2008 the investigations that
11:34:01 42 you were part of had spoken to her and that the word was
11:34:04 43 she was going to be providing significant and useful
11:34:07 44 information?---Yeah, I think the plan was that she was to
11:34:10 45 provide a statement and ultimately be a witness for the
11:34:14 46 prosecution, yes.
11:34:15 47

11:34:16 1 I take it you were getting updates on a weekly basis about
11:34:21 2 the progress of the investigations?---Yeah, in broad terms,
11:34:26 3 yes.
11:34:26 4
11:34:26 5 And you'd mentioned previously that on a number of
11:34:30 6 occasions you had been informed about 3838 or the human
11:34:38 7 source who was providing information?---Yes.
11:34:40 8
11:34:40 9 You don't recall the number 2958, but one assumes that when
11:34:44 10 you were told information it was apparent to you where it
11:34:50 11 was coming from?---Yeah, 3838, yes.
11:34:53 12
11:34:53 13 In any event, I take it that it was common ground amongst
11:34:58 14 the people who attended these Petra Task Force meetings
11:35:01 15 that there was a particular informer who was providing
11:35:04 16 information to both Petra and to Briars?---By that stage I
11:35:10 17 think so, yes.
11:35:10 18
11:35:11 19 There was no doubt in your mind that that was the case
11:35:14 20 because by then you knew that Ms Gobbo was the
11:35:16 21 source?---Yes.
11:35:17 22
11:35:18 23 And I take it there were discussions amongst all of the
11:35:21 24 members of the Task Force meetings, both in Briars and
11:35:27 25 Petra, about the fact that, whether it be 3838 or Ms Gobbo,
11:35:36 26 but she was providing assistance to the
11:35:39 27 investigations?---Yes, she was providing assistance to the
11:35:41 28 investigations, yes.
11:35:42 29
11:35:43 30 Can I suggest that on occasions there were references to
11:35:46 31 Ms Gobbo in place of 3838?---By that stage there could well
11:35:51 32 have been, yes.
11:35:52 33
11:35:52 34 As far as you were concerned everyone knew that it was
11:35:55 35 Ms Gobbo, there was no doubt about that?---Yes, and I
11:35:59 36 haven't gone through all of the logs of those meetings in
11:36:02 37 terms of those updates that were provided, but I should
11:36:05 38 imagine they were more freely referring to Ms Gobbo
11:36:08 39 interchangeably with 3838 by that stage because we all knew
11:36:13 40 about that then.
11:36:13 41
11:36:13 42 Yeah, I follow that. These were very secure groups with
11:36:18 43 very, not interchangeable participants, these were people
11:36:23 44 who by this stage now, nearly 12 months into these
11:36:27 45 investigations, were pretty clear about the sources of
11:36:30 46 information and the issues that were being
11:36:33 47 discussed?---Yeah, the steering committee level, at that

11:36:39 1 broad level, yes, certainly.
11:36:40 2
11:36:43 3 If we then go to p.66, ICR 2958. There's a reference to
11:36:56 4 Petra having spoken to Rodney Collins. Do you see that?
11:37:01 5 At the top. "RS mentioned that Petra had spoken to Rod
11:37:08 6 Collins and that she was introduced to Collins as the
11:37:12 7 boyfriend of Danielle Maguire's mother and that he was an
11:37:21 8 old armed robber"?---Yes, I see that entry, yes.
11:37:24 9
11:37:24 10 Is that something you would have been aware of at the
11:37:27 11 time?---Not in that level of detail I don't think, no.
11:37:30 12
11:37:41 13 If we have a look at an entry on 28 February in the source
11:37:48 14 management log for 2958. There's a note that Gobbo had
11:37:55 15 been further interviewed by the Petra Task Force, 28
11:38:02 16 February, p.7. At the top there. There's phone contact.
11:38:13 17 She is to be further interviewed by the Petra Task Force
11:38:16 18 today. Went there at 9:00 hours with instructions to ring
11:38:20 19 when finished and it was still going and she was asked by
11:38:25 20 Petra to record conversations with persons of interest.
11:38:29 21 Now, do you know what that was about?---Not that specific
11:38:34 22 entry, no. I think there was this recording of a
11:38:39 23 conversation, a meeting that she had with Dale that formed
11:38:43 24 part of the evidence that was ultimately assembled. I
11:38:47 25 don't know what that might be a specific reference to there
11:38:50 26 though.
11:38:51 27
11:38:55 28 If we have a look at the ICR 2958 at p.68. There's a Petra
11:39:03 29 debrief, interviewed once again by Sol Solomon and Cameron
11:39:07 30 Davey, she spoke about a relationship with Tony Mokbel
11:39:09 31 which took a long time. She stated that the interview
11:39:13 32 would go for another eight hours at least and that she was
11:39:18 33 reminded about talking too much and she stated it was
11:39:21 34 impossible regarding questions being open-ended and not
11:39:24 35 specific. Then under the heading "Andrew Hodson" it was
11:39:29 36 apparent that Petra was very interested in Andrew Hodson
11:39:32 37 and what he'd said to Ms Gobbo. She'd spoken to previous
11:39:36 38 handlers at length about a chance meeting Hodson had with
11:39:39 39 Ms Gobbo when he turned up at her office around the time of
11:39:43 40 Karam's trial in 2007. She was of the belief that it was
11:39:50 41 going to be set up that [REDACTED], so
11:39:54 42 she was of the view there was some sort of [REDACTED]
11:39:57 43 [REDACTED]. Petra had asked her questions about this and her
11:40:01 44 memory failed. She requested to be refreshed from previous
11:40:07 45 handler's notes. Believed that Andrew Hodson had just
11:40:16 46 seen, had seen Ms Gobbo just after Mokbel was found and
11:40:19 47 Petra believed that this was relevant. Again, do you, as a

11:40:24 1 member of the Petra Task Force, have an understanding of
11:40:28 2 the issues around Andrew Hodson and his potential
11:40:33 3 involvement as a person of interest?---I'm aware of Andrew
11:40:38 4 Hodson, yes, but it's the first time I've seen any of this
11:40:41 5 material. I have no memory of ever being party to meetings
11:40:44 6 where this has been talked about.
11:40:46 7
11:40:49 8 If we just scroll down the screen. There's a reference to
11:40:56 9 investigators indicating that they would like Gobbo to [REDACTED]
11:41:00 10 [REDACTED] conversations with Hodson and John Higgs. Do you
11:41:06 11 see that?---Yeah, I'm sorry, RS - - -
11:41:11 12
11:41:11 13 Registered source, Gobbo?---Right.
11:41:14 14
11:41:15 15 And Ms Gobbo said that, or told investigators that
11:41:19 16 [REDACTED] would be privileged and she did not want to give
11:41:22 17 evidence. And it was said that [REDACTED] would be the
11:41:27 18 last resort. Do you see that?---Yes.
11:41:29 19
11:41:29 20 She was told that [REDACTED] would be the last
11:41:32 21 resort?---Yes.
11:41:32 22
11:41:33 23 At that stage it was clearly anticipated that Ms Gobbo
11:41:37 24 would be tasked to get, or have [REDACTED] people such as
11:41:45 25 Andrew Hodson, is that your understanding?---From reading
11:41:50 26 that, yes.
11:41:50 27
11:41:51 28 I'm asking you from the perspective of an investigator in,
11:41:56 29 or at least a member of the steering committee at Petra, is
11:42:01 30 that something that would have been either conveyed to you
11:42:03 31 or - - - ?---I don't remember there being any plans to make
11:42:08 32 any [REDACTED] of Hodson, Andrew Hodson. I do remember
11:42:15 33 there being the [REDACTED] of the Dale, the recording of
11:42:18 34 the Dale meeting.
11:42:19 35
11:42:19 36 Yes?---But not the Hodson meeting.
11:42:21 37
11:42:22 38 Not Hodson, okay. What about Higgs?---Same. In fact I
11:42:30 39 don't even really remember Higgs ever being discussed in
11:42:34 40 Petra.
11:42:34 41
11:42:35 42 The steering committee didn't just receive reports, it was
11:42:40 43 involved in discussions about the direction of the
11:42:42 44 investigations and what was going to occur as part of the
11:42:45 45 investigation, is that correct?---Yeah, the steering
11:42:48 46 committee, the focus with Petra was that it was, it
11:42:54 47 undertook, because it was trying to deal with the homicide

11:42:58 1 relating to the Hodsons.
11:43:00 2
11:43:00 3 Yes?---It was, it undertook a whole range of different
11:43:04 4 investigations into different targets because it was
11:43:09 5 thought that if they could solve some of these other
11:43:12 6 murders and to get the person who was responsible for those
11:43:16 7 murders, who they suspected might have been the same person
11:43:19 8 who was responsible for the Hodson murders in terms of
11:43:22 9 actually undertaking the murder, that could be potentially
11:43:26 10 a way in which further information could be extracted.
11:43:29 11 So there was a whole range of other investigations that
11:43:32 12 were going on, so the meetings would be told, where are we
11:43:37 13 up to with operation whatever, which it might be one of
11:43:41 14 these particular operations and as part of that as well was
11:43:44 15 this sort of, at the same time trying to build a brief of
11:43:49 16 corroboration based on the Williams' statement, and that
11:43:53 17 was where getting a statement from her was part of that.
11:43:55 18
11:43:56 19 Yes, I follow?---That would be the sort of things that
11:43:59 20 would be covered and where was it up to on these different
11:44:02 21 operations.
11:44:03 22
23 I follow?---That's what the summaries were sort of
24 covering.
25
11:44:03 26 You were getting summaries and there were discussions
11:44:05 27 amongst you about whether particular inquiries were likely
11:44:11 28 to be worthwhile?---Yes.
11:44:13 29
11:44:15 30 And they ought be dropped off and others pursued, that's a
11:44:19 31 reasonable, reasonable description of what was going
11:44:23 32 on?---Yeah, what they were intending to do, that's right.
11:44:26 33
11:44:26 34 All right then. If we have a look at the source management
11:44:30 35 log at p.7. Just excuse me. I withdraw that. Can I ask
11:45:02 36 you to have a look at this document. It's a Petra Task
11:45:15 37 Force update VPL.0100.0020.5725 at p.77. This is a weekly
11:45:33 38 update, 3 March 2008. Would it be reasonable to assume
11:45:39 39 that you would have been in attendance at this
11:45:43 40 meeting?---Yeah, it would be highly likely I was there,
11:45:45 41 yes.
11:45:46 42
11:45:47 43 There's a reference to Hodson, if we go to p.78, next page.
11:46:05 44 Investigators have spoken with daughter of the Hodsons,
11:46:11 45 specifically about inconsistencies with Andrew Hodson's
11:46:15 46 version of events, do you see that?---Yes.
11:46:17 47

11:46:18 1 These are quite detailed items of information which had
11:46:26 2 been conveyed to the steering committee members,
11:46:30 3 correct?---Yes.
11:46:32 4
11:46:35 5 Apparently Hodson rang the office on 28 February, stating
11:46:41 6 information that Mokbel had rolled and made statements
11:46:45 7 nominating the shooter?---Sorry, where's - - -
11:46:52 8
11:46:52 9 Further down. There it is there, see?---Yes, yes.
11:47:00 10
11:47:00 11 Stated that Mokbel knew who murdered his parents and that
11:47:03 12 Mokbel paid for the murder. Not able to substantiate how
11:47:09 13 he knew this. Hodson was agitated and nervous,
11:47:12 14 investigators believed he was deliberately seeking,
11:47:16 15 perhaps, it's cut off, information relating to Mokbel and
11:47:19 16 further inquiries pending with Hodson. Now, that's, I
11:47:27 17 suggest, information that was available to you and would
11:47:31 18 have been provided to you in an update?---Yes, certainly in
11:47:34 19 this update, so yes, I agree.
11:47:36 20
11:47:36 21 If you were not present at a particular update or a meeting
11:47:40 22 would you be provided with the weekly update in lieu of
11:47:43 23 being present?---Yeah, look most times I would read, if I
11:47:47 24 wasn't able to get there, I would read the update later on
11:47:52 25 because it would be in my safe in my office at the OPI.
11:47:54 26
11:47:54 27 Investigators would be there giving you verbal updates
11:47:57 28 about what was going on, if you had any questions you would
11:48:00 29 be able to ask those questions?---Yes.
11:48:02 30
11:48:03 31 If we have a look at another Petra Task Force update,
11:48:08 32 VPL.0100.0046.2178. This appears to be a version with
11:48:15 33 Mr Cornelius' handwriting on it. Some of it is blanked out
11:48:21 34 but you can see the handwriting. There's a note that
11:48:30 35 Andrew Hodson is worried about Tony Mokbel. That's on
11:48:36 36 p.5?---Yes.
11:48:37 37
11:48:37 38 Or concerned perhaps rather than worried. If we then go to
11:48:42 39 p.6 - withdraw that. That's a Task Force, an indication
11:48:53 40 that those are the people who are present, but a different
11:48:56 41 date. So forget about that. If we then move, withdraw
11:49:01 42 that. Commissioner, can I tender those two Task Force
11:49:05 43 entries.
11:49:07 44
11:49:08 45 COMMISSIONER: Do you have the dates?
11:49:10 46
11:49:10 47 MR WINNEKE: Updates rather.

11:49:11 1
11:49:11 2 COMMISSIONER: One seems to be 18 February 08, is that
11:49:14 3 right? And the other one - - -
11:49:19 4
11:49:19 5 MR WINNEKE: No. Commissioner, no. 3 March. So what I'm
11:49:28 6 suggesting, Mr Ashton, is they're both the same date,
11:49:33 7 they're both 3 March Petra updates. If we go back to the
11:49:40 8 previous document. Page 77. If we can go to 77 of that.
11:49:48 9 Page 77, the one I was taking you to before. If we can go
11:49:56 10 to the top of that to identify the date. That's an update
11:49:59 11 of 3 March 2008, do you see that?---Yes.
11:50:01 12
11:50:02 13 And then the other one which I've just taken you to,
11:50:07 14 VPL.0100 - and I tender that, Commissioner.
11:50:09 15
11:50:11 16 #EXHIBIT RC880A - (Confidential) Petra Task Force weekly
11:50:14 17 update of 3/3/08.
11:50:17 18
11:50:18 19 #EXHIBIT RC880B - (Redacted version.)
11:50:20 20
11:50:21 21 MR WINNEKE: If I can go to VPL.0100.0046.0278. This is a
11:50:30 22 hard copy, if you like, which is redacted but it has
11:50:34 23 Mr Cornelius' handwriting on it. It's of the same date.
11:50:41 24 You'll see at the bottom, the handwriting on it would
11:50:46 25 suggest that he's made notes of receiving information in
11:50:50 26 addition to that which is in the document itself?---It
11:50:55 27 would seem to be information that was in the document,
11:50:57 28 wasn't it, about him being concerned about Mokbel's, Mokbel
11:51:02 29 and the murders?
11:51:03 30
11:51:03 31 Correct. So the point that I make is that that information
11:51:06 32 is written by Mr Cornelius, it's consistent with he being
11:51:10 33 at the meeting, information being conveyed at the meeting
11:51:14 34 and people making notes in addition to that?---Yes.
11:51:19 35
11:51:19 36 And further there's discussion between the members of the
11:51:22 37 Task Force about the various matters. All right, okay. I
11:51:25 38 tender that, Commissioner.
11:51:26 39
11:51:28 40 #EXHIBIT RC881A - (Confidential) Redacted version of the.
11:51:32 41 Petra Task Force weekly update on
11:51:34 42 3/03/08 with Mr Cornelius' handwritten
11:51:40 43 notes.
11:51:41 44
11:51:42 45 #EXHIBIT RC 881B - (Redacted version.)
11:51:50 46
11:51:51 47 Can we quickly do this. Have a look at the source

11:51:56 1 management log - perhaps if you can accept this, Ms Gobbo
11:52:01 2 is going back to the Petra Task Force tomorrow for further,
11:52:05 3 for further interview on 4 March 2008. Do you see the
11:52:11 4 cursor there being moved?---Yes, that's in the source
11:52:14 5 management log, yes.
11:52:15 6
11:52:16 7 Again, instructed not to offer assistance in gathering
11:52:18 8 evidence against targets or other POI's?---Yes.
11:52:25 9
11:52:25 10 The Commission has evidence in the form of a diary of a
11:52:29 11 person by the name of, at least a person we're calling
11:52:33 12 [REDACTED], who is a handler of Ms Gobbo?---Klein?
11:52:38 13
11:52:39 14 [REDACTED]. Do you have a list there?---Yes, I'm just trying to
11:52:42 15 find it. I'm sorry, I haven't got [REDACTED]
11:52:54 16
11:52:54 17 We'll give you a note. Just excuse me, Commissioner.
11:53:10 18 Wolf. He's Wolf?---Yes, yes.
11:53:15 19
11:53:19 20 Mr Wolf speaks to Ms Gobbo. Now there's a note in his
11:53:24 21 diary. We don't want to put this up?---This is a source
11:53:30 22 handler, is it?
11:53:31 23
11:53:31 24 Yes, it is?---I see.
11:53:32 25
11:53:35 26 Who was responsible for handling Ms Gobbo at the time that
11:53:40 27 Petra is extracting information from her?---Yes.
11:53:43 28
11:53:43 29 There's a call at 11.30 from Shane O'Connell, "Re Ms Gobbo
11:53:49 30 and Petra next instalment". So that's the next opportunity
11:53:53 31 for Petra to get their information from Ms Gobbo, do you
11:53:57 32 see that?---Yes.
11:53:58 33
11:53:59 34 Advised him that - or it indicates that, "Petra Task Force
11:54:05 35 members will tell Ms Gobbo that Gavan Ryan will speak to
11:54:10 36 her about helping out with Andrew Hodson". Do you see
11:54:13 37 that? And, "Ryan has advised them, the investigators that
11:54:33 38 is, that this is a difficult situation which needs to be
11:54:36 39 managed properly and that as Gobbo is an eminent figure in
11:54:41 40 the community and legal fraternity things have to be done
11:54:44 41 properly to avoid raising suspicion", do you see
11:54:49 42 that?---Yes.
11:54:49 43
11:54:49 44 Hodson may be spoken to later in the week, especially after
11:54:54 45 Mokbel hearing in Greece as Hodson very concerned about
11:54:55 46 Mokbel returning", right?---Yes.
11:55:00 47

11:55:08 1 "Hodson may be asked to conduct, to take a
11:55:16 2 polygraph"?---Polygraph?
11:55:17 3
11:55:17 4 Right. Are you aware that that was something that was
11:55:20 5 being considered by - - - ?---No.
11:55:21 6
11:55:22 7 - - - the Petra Task Force?---A polygraph? No, I can't
11:55:27 8 remember polygraphs being discussed.
11:55:30 9
11:55:30 10 You may chuckle, but in fact it was ultimately done at the
11:55:33 11 behest of, it seems, investigators under you. Do you
11:55:37 12 accept that or not?---Are there any of the Task Force
11:55:42 13 updates that cover that? Because I don't remember - - -
11:55:48 14
11:55:48 15 What you say is you have no recollection of there being
11:55:50 16 discussions about a polygraph being done?---I don't
11:55:54 17 remember polygraphs being talked about, no.
11:55:56 18
11:55:56 19 Righto. The SDU issue is that, "If Hodson makes an
11:56:00 20 admission and then seeks Gobbo to represent him, finding an
11:56:04 21 excuse not to and covering it later in pre-trial disclosure
11:56:08 22 or more open hearings", do you see that SDU issue
11:56:12 23 there?---Yes.
11:56:12 24
11:56:12 25 I mean you were aware at this stage that Ms Gobbo was
11:56:16 26 obviously a human source and she was being managed by the
11:56:19 27 SDU I take it?---Yes.
11:56:20 28
11:56:21 29 I take it in your oversight role you were aware that there
11:56:26 30 was a specialist Informer Management Unit within Victoria
11:56:30 31 Police at this stage?---Yes.
11:56:31 32
11:56:31 33 Righto. And it was your understanding that she was in fact
11:56:34 34 being managed by that unit?---Yes.
11:56:35 35
11:56:38 36 And it would have been apparent for that very fact alone
11:56:42 37 that she was a very significant human source?---Yeah, she
11:56:48 38 was being managed by the people whose full-time job it is
11:56:52 39 to manage that sort of source, yes.
11:56:54 40
11:56:54 41 Did you have any discussions with other members of the Task
11:56:59 42 Force about how she was being managed, who was managing
11:57:04 43 her, et cetera?---No.
11:57:05 44
11:57:06 45 All right. And that wasn't something that you considered
11:57:10 46 asking about at any stage during the course of your
11:57:12 47 oversight responsibility?---No.

11:57:14 1
11:57:16 2 If we have a look at 5 March, ICR 2958. If we have a look
11:57:38 3 at p.76 at 19:17 there's a reference to - no, further down
11:57:51 4 I think it is. Stop there. There's a reference to the
11:57:58 5 Petra Task Force, or immediately above that, "She's still
11:58:02 6 convinced that OPI sent Hodson to her. But Petra Task
11:58:07 7 Force will tell Petra that she does not want to be
11:58:09 8 mentioned in their notes due to pre-trial disclosures.
11:58:10 9 Told RS that this was a good idea". Do you recall at any
11:58:15 10 stage there being discussions about whether or not
11:58:21 11 investigators would mention Ms Gobbo or 2958 in their notes
11:58:30 12 at all?---No, it was my intention that she be a witness and
11:58:35 13 matters would be dealt with in disclosure in the normal
11:58:38 14 manner.
11:58:39 15
11:58:39 16 Right. So you don't recall there being any discussions
11:58:41 17 amongst the Task Force about whether there should be any
11:58:46 18 changes or note-taking habits which exclude her
11:58:53 19 mention?---No.
11:58:54 20
11:58:54 21 Okay. If we then have a look at, if we move further down.
11:59:06 22 SDU issue is that, "A Petra investigator having the RS name
11:59:11 23 in the notes would be enough to pursue further questioning.
11:59:15 24 Davey stated that he had been spoken to by Shane O'Connell
11:59:22 25 who had spoken to Gavan Ryan and that as far as the RS
11:59:22 26 being asked to do anything with the Hodsons or Higgs would
11:59:26 27 come directly from Ryan. Any purposes, [REDACTED]
11:59:29 28 [REDACTED] would be done through Ryan". Sorry, "Any
11:59:34 29 proposes [REDACTED] would be done through
11:59:37 30 Ryan", do you see that?---Yes.
11:59:39 31
11:59:40 32 "Gobbo believed must be something to do with her previous
11:59:45 33 relationship with Ryan at Purana. Petra also keen to
11:59:49 34 [REDACTED] conversations with Higgs." Keep going. Keep going,
11:59:52 35 "Gobbo very concerned about how it would be kept from
11:59:54 36 people in pre-trial disclosures. Told investigators she
11:59:59 37 had notes of Dale from when he was in custody." A couple
12:00:03 38 of things there. Again, you say no recollection of any
12:00:09 39 concern or discussions about notes?---No, there's far more
12:00:16 40 detail in these human source logs than was ever conveyed to
12:00:21 41 the Task Force steering committee. It's the first time
12:00:24 42 I've ever seen these logs.
12:00:25 43
12:00:26 44 Any discussions had by Mr Ryan or Mr O'Connell when they
12:00:32 45 came before the committee about these issues of
12:00:36 46 disclosure?---No.
12:00:40 47

12:00:41 1 What about the fact that she has told investigators that
12:00:46 2 she had notes of Dale from when he was in custody, was that
12:00:49 3 something that was conveyed to the Task Force?---Nothing
12:00:52 4 that was conveyed to me that I remember. I don't ever
12:00:56 5 remember her having represented Dale.
12:00:59 6
12:00:59 7 No, the evidence is she went and attended upon Mr Dale I
12:01:03 8 think on about 5 December and a date thereafter when he was
12:01:06 9 in custody and at some stage was provided with handwritten
12:01:10 10 notes or documents to provide to Mr Hargreaves, who was
12:01:15 11 then acting for him. Now, were you not aware of that at
12:01:20 12 any stage?---No, I don't have any recollection of that.
12:01:23 13
12:01:23 14 Do you say that you weren't told by anyone on, any of the
12:01:28 15 investigators or any of the members of the committee that
12:01:33 16 Ms Gobbo had access to notes that she'd received from
12:01:36 17 Mr Dale?---I don't - no, I don't have a recollection of
12:01:40 18 that.
12:01:42 19
12:01:54 20 One of the matters, and I raised this with you very early
12:02:00 21 on yesterday, is that Mr Dale was being prosecuted for
12:02:11 22 telling lies to the ACC?---Yes.
12:02:15 23
12:02:15 24 And it was anticipated that one of the things that Mr Dale
12:02:21 25 might be saying by way of a defence was that Gobbo was his
12:02:25 26 lawyer?---That could be raised by him as part of his
12:02:29 27 defence.
12:02:30 28
12:02:31 29 And further, he was also, and prior to that, he was going
12:02:35 30 to be charged with, or he had been charged with murder in,
12:02:40 31 I think, early 2009 as a consequence of the statement that
12:02:44 32 was made by Ms Gobbo?---Yes, as a consequence of - well
12:02:48 33 prior to Williams being murdered.
12:02:50 34
12:02:51 35 And obviously an important part of that case against him
12:02:55 36 was the audio recording that had been conducted by Ms Gobbo
12:02:59 37 on 6 or 7 December of 2008?---Correct.
12:03:02 38
12:03:03 39 Now, was it ever considered appropriate to determine what
12:03:13 40 materials Victoria Police had and to hand those materials
12:03:18 41 on to ensure that Mr Dale had available to him all
12:03:23 42 appropriate records that might have assisted him in
12:03:25 43 pursuing a defence, part of which might have been to
12:03:28 44 exclude that taped conversation?---Well all of the, my
12:03:34 45 intent in relation to that was that there would have been
12:03:37 46 disclosure take place in the normal way.
12:03:40 47

12:03:41 1 What I'm asking you as a member of the, of the OPI at this
12:03:45 2 stage?---Yes.
12:03:46 3
12:03:47 4 Not as a police officer. At the OPI, was there, did you
12:03:52 5 give consideration to, given that Ms Gobbo was an informer,
12:03:57 6 and given that Mr Dale had been charged during the period
12:04:00 7 of time that you were at the OPI and on the Petra steering
12:04:04 8 committee, did you give consideration to what disclosure
12:04:08 9 might be necessary to ensure that Mr Dale got a fair
12:04:11 10 trial?---Only my expectation that her role as a human
12:04:15 11 source would be disclosed in that whole process.
12:04:17 12
12:04:17 13 Right. And as a member of the OPI one assumes that you
12:04:21 14 would be expecting that if there were any issues arising
12:04:25 15 because of Ms Gobbo's role as a human source, and
12:04:28 16 potentially a person who had provided legal advice to
12:04:33 17 Mr Dale, that he would get that information?---Yes.
12:04:37 18
12:04:38 19 And indeed you yourself had asked Murray Gregor questions
12:04:47 20 which suggested that you were aware that Gregor was of the
12:04:50 21 view that Dale had called upon Ms Gobbo when he was
12:04:54 22 arrested?---Yeah, I saw that but I don't, I wasn't acting
12:04:59 23 under the belief that she had been a lawyer for him.
12:05:03 24
12:05:03 25 Yes, all right. If it was the case that there was
12:05:07 26 information that Victoria Police had which suggested that
12:05:13 27 Ms Gobbo had provided legal advice, or was in a quasi legal
12:05:20 28 relationship with Mr Dale whereby Mr Dale would contact her
12:05:24 29 if he wanted legal advice, that would all be important
12:05:27 30 information which ought be made available?---Yes.
12:05:29 31
12:05:29 32 And do you accept that that sort of information should have
12:05:32 33 been made available to Mr Dale in any discovery or
12:05:36 34 pre-trial process prior to any murder proceedings against
12:05:40 35 him?---Yes.
12:05:40 36
12:05:43 37 Right. And if it wasn't made available to him that would
12:05:46 38 be inappropriate, do you accept that?---Yes, that should be
12:05:49 39 disclosed.
12:05:49 40
12:05:51 41 Victoria Police was of the view that there was information,
12:05:56 42 regardless of where it was, whether it was in ICRs or SDU
12:06:02 43 holdings, all of that information would be up for grabs and
12:06:05 44 should be considered for the purpose of handing
12:06:10 45 over?---Yes.
12:06:10 46
12:06:10 47 All right. If we can have a look at Mr Wolf's diary of 7

12:06:20 1 March 2008. At 11.30 there's a call from Mr O'Connell.
12:06:34 2 I'm sorry, "called Mr O'Connell, discussed the attendance
12:06:38 3 of Ms Gobbo. She overreacted to conversing with Gavan Ryan
12:06:41 4 and asked why investigators could not be spoken to
12:06:44 5 directly. Played the policeman with the option of
12:06:47 6 recording [REDACTED]", that is, "She played the
12:06:51 7 policeman with the option of recording [REDACTED] and
12:06:53 8 mentioned that they could use a listening device. Couldn't
12:06:55 9 recall investigators asking for Paul Dale notes. Petra
12:06:58 10 would call [REDACTED] today at 4.30 to arrange a chat
12:07:02 11 Monday 10 to 11 am. They would mention Tony Mokbel coming
12:07:06 12 back. And then when [REDACTED] came on Monday they would put a
12:07:09 13 polygraph to him, that is offer to have him take one", do
12:07:14 14 you see that?---Yes.
12:07:14 15
12:07:15 16 "And advise", that is Mr Wolf advised O'Connell that, "A
12:07:18 17 call after hours or on the weekend would be better as
12:07:22 18 Hodson may call Mr Jim Valos, who is a solicitor, during
12:07:27 19 business hours if couldn't get through to Ms Gobbo if she
12:07:30 20 was in court. Advised O'Connell that she'd be in court
12:07:34 21 today", do you see that?---Yes.
12:07:36 22
12:07:36 23 Do you see what's being anticipated there? It would be
12:07:39 24 better if the call was made after hours because if it was
12:07:42 25 made during hours, he might be calling a regular solicitor,
12:07:48 26 one who wasn't a human source, do you see that?---Yes, it's
12:07:52 27 saying there he may well call - I presume Valos is his
12:07:57 28 solicitor.
12:07:57 29
12:07:58 30 Yes, and that wouldn't be of any use because it would be
12:08:00 31 better if Ms Gobbo was involved because she was an agent of
12:08:04 32 Victoria Police do, you see that?---She was a human source,
12:08:06 33 yes.
12:08:07 34
12:08:07 35 Do you see an obvious problem with that suggestion?---Yes.
12:08:10 36
12:08:10 37 What is it?---Well the suggestion there that she would be -
12:08:13 38 he would be ringing her with the expectation of a
12:08:16 39 confidential legal conversation.
12:08:17 40
12:08:17 41 Right. Do you think that that, was that anything that was
12:08:21 42 discussed at the level that you were at?---No, I don't
12:08:24 43 believe so. I don't remember seeing that before today.
12:08:26 44
12:08:27 45 That's troubling, isn't it? Do you accept that?---Yes.
12:08:30 46
12:08:30 47 I tender that, Commissioner.

12:08:32 1
12:08:34 2 #EXHIBIT RC882A - (Confidential) Mr Wolf's diary entry of
12:06:20 3 7/3/08.
12:08:40 4
12:08:40 5 #EXHIBIT RC882B - (Redacted version.)
12:08:42 6
12:08:42 7 If we can have a look at ICR 2958.
12:08:46 8
12:08:47 9 MR CHETTLE: Commissioner, what exhibit number was that
12:08:49 10 last one?
12:08:51 11
12:08:52 12 COMMISSIONER: 882A and B.
12:08:54 13
12:08:54 14 MR CHETTLE: Thank you, Commissioner.
12:08:55 15
12:08:56 16 COMMISSIONER: 7 March 08 ICR.
12:09:10 17
12:09:11 18 MR WINNEKE: If you were told, if that information was
12:09:14 19 provided to you as a member of the OPI sitting in, albeit
12:09:24 20 the capacity as an oversight person or a co-contributor to
12:09:29 21 the investigation, what do you think you might have
12:09:32 22 done?---Well it's something that would need to be, if that
12:09:35 23 went ahead, it wouldn't be great if that went ahead anyway,
12:09:40 24 but if it went ahead that would be something we would have
12:09:42 25 to be disclosing. We couldn't keep something like that
12:09:47 26 quiet.
12:09:48 27
12:09:48 28 It's something that the police would have to disclose. But
12:09:52 29 it's something that the OPI would be very concerned in,
12:09:55 30 because it would be the sort of conduct that I referred you
12:09:56 31 to before that Mr Brouwer was at least expressing concern
12:09:59 32 about in his end of year reports?---Back in 05, yes.
12:10:03 33
12:10:03 34 Not just in 05, regularly I think. I took you also to the
12:10:08 35 2006/7 report?---Okay.
12:10:11 36
12:10:11 37 These were concerns which were ongoing, I suggest, that is
12:10:13 38 the OPI's concern about the management of informers?---The
12:10:17 39 overall management, the way in which human sources overall
12:10:21 40 are managed, yes.
12:10:22 41
12:10:22 42 Indeed, did the OPI conduct an operation called Operation
12:10:29 43 Eagle? Do you recall that, in 2007, which was having a
12:10:33 44 look at the way in which informers were managed? Do you
12:10:38 45 have a recollection of that?---No, that name's not ringing
12:10:42 46 a bell for me, no, I'm sorry.
12:10:44 47

12:10:46 1 I take it if you had been aware of that sort of conduct,
12:10:53 2 that would warrant a very, very thorough investigation by
12:10:58 3 the police regulator of what in fact was going on within
12:11:01 4 this SDU, can I suggest that to you?---Yes, I'd certainly
12:11:06 5 be wanting to know why we would be wanting to do that, why
12:11:12 6 the Task Force would be wanting to do that.
12:11:14 7
12:11:14 8 And how it could be that it was being suggested by police
12:11:18 9 officers that a person could be used as an informer in
12:11:23 10 effect posing as a legal advisor?---Yes.
12:11:26 11
12:11:26 12 I mean that would really be an attempt to pervert the
12:11:29 13 course of justice, wouldn't it?---Well it could be, yes.
12:11:32 14 It would certainly need to be disclosed so that it could be
12:11:36 15 understood.
12:11:36 16
12:11:37 17 Could we have a look at ICR 2958, please. There's a
12:12:02 18 reference here to Petra, which is a suggestion that the
12:12:08 19 handlers have regarded the information as being relevant to
12:12:12 20 Petra. She's informed - if we can just go up. I think
12:12:25 21 it's 7 March, Commissioner, if we just go the other
12:12:29 22 direction you'll find the date. 7 March. "Ms Gobbo
12:12:36 23 informed about Petra calling Andrew Hodson this morning and
12:12:42 24 that the handler had tried to call Ms Gobbo to let her know
12:12:44 25 of this. Ms Gobbo not happy with Petra detectives not
12:12:56 26 listening to her, suggestions that everything they did was
12:12:59 27 wrong. The call to come in was wrong. The time was wrong.
12:13:03 28 Not enough time for a recording device to get to her. She
12:13:09 29 was told that there would be no recording. She was
12:13:12 30 outraged and wanted to know why. Wants the recording. She
12:13:16 31 was told it would be too dangerous and if a recording was
12:13:18 32 made it would be eventually called for and reveal her. The
12:13:22 33 same issues faced by her now" and then there are mentions
12:13:25 34 of other, another particular matter and there was a
12:13:35 35 disagreement about that particular person. "She tried to
12:13:39 36 justify the tape-recording by stating that it would be to
12:13:42 37 refresh her memory from a three hour conversation. She
12:13:53 38 became angry and stated that she would go to Dick Smith and
12:13:57 39 buy her own recorder and tape record the conversation then
12:13:58 40 make a transcript of it, destroy the tape and there would
12:14:01 41 be no issue, no tapes in existence so it couldn't be called
12:14:03 42 for. Simple. SDU issue. She could not be talked around.
12:14:10 43 There must be a reason for it. If the transcript was made
12:14:13 44 and members became aware of it, it would be called for and
12:14:16 45 she would be exposed". Now, I'm not suggesting that you
12:14:23 46 were aware of those issues in your lofty position at the
12:14:29 47 Task Force at that stage, but what I do want to ask you is

12:14:35 1 was it your understanding that she would be tasked in
12:14:38 2 relation to Mr Hodson?---I don't recall her being, I don't
12:14:44 3 recall her being tasked in relation to Hodson. I certainly
12:14:48 4 remember the Dale, there being a recording of the Dale
12:14:52 5 conversation though.
12:14:52 6
12:14:53 7 If we move to 9 March at p.85.
12:15:03 8
12:15:04 9 COMMISSIONER: I just mention, that entry is also part of
12:15:06 10 the previous ICR which is number 7 in one of one, is that
12:15:12 11 right, the one that's tendered? The one you've taken him
12:15:18 12 to most recently is the same part of the same ICR?
12:15:22 13
12:15:23 14 MR WINNEKE: Yes Commissioner.
12:15:24 15
12:15:24 16 COMMISSIONER: That's already tendered.
12:15:26 17
12:15:27 18 MR WINNEKE: Already tendered, Commissioner.
12:15:28 19
12:15:28 20 COMMISSIONER: Good. They have all actually been tendered
12:15:31 21 the ICRs.
12:15:32 22
12:15:33 23 MR WINNEKE: Yes, they have Commissioner.
12:15:33 24
12:15:33 25 COMMISSIONER: But you're wanting to tender this one
12:15:36 26 separately?
12:15:36 27
12:15:36 28 MR WINNEKE: No, I'm not seeking to tender them but I'm
12:15:39 29 just taking Mr Ashton to certain ICRs which are relevant to
12:15:43 30 - - -
12:15:43 31
12:15:43 32 COMMISSIONER: Sure, but you did just tender that one.
12:15:45 33
12:15:46 34 MR WINNEKE: That must have been a reflex, I apologise.
12:15:50 35
36 COMMISSIONER: That's okay. So we don't really need to
37 tender it?
38
39 MR WINNEKE: No.
40
12:15:50 41 COMMISSIONER: Okay. It was part of ICR 7 in one of one.
12:15:54 42 I'll take that out then.
12:15:56 43
12:15:56 44 MR WINNEKE: Okay. If we have a look at this one. Just
12:16:04 45 scroll up. Here we are. Thank you. "Ms Gobbo had just
12:16:10 46 received a call from Andrew Hodson and has taken five pages
12:16:18 47 of notes. Hodson confirmed that he had been called by

12:16:22 1 Petra Task Force and wanted to meet Ms Gobbo before and
12:16:26 2 after he met with them, that he had some concerns", do you
12:16:29 3 see that?---Yes.
12:16:31 4
12:16:37 5 "Gobbo had tried calling Davey", it says Davies, "As
12:16:42 6 directed, 11 times on a number that he said was on 24 hours
12:16:46 7 a day but she couldn't get through and she was angry about
12:16:50 8 that. Gobbo was told that all communication had to come
12:17:02 9 through handler. Would be disseminated to Gavan Ryan", do
12:17:07 10 you see that?---Yes.
12:17:08 11
12:17:08 12 So effectively what's going on there is that any
12:17:12 13 communications, any information ends up going to your
12:17:16 14 investigator Gavan Ryan, do you see that?---Yes, via - - -
12:17:22 15
12:17:22 16 Via the SDU?---Via the SDU, yes.
12:17:25 17
12:17:26 18 If we go over to p.86. And she's not happy about that,
12:17:32 19 which is often the case. She speaks about Andrew Hodson.
12:17:42 20 Was concerned re Davey - we can assume that's Mr Davey, not
12:17:47 21 Davies, is that right?---I'm not sure to be honest with
12:17:50 22 you.
12:17:50 23
12:17:50 24 "Wanting to speak to him at his office. Hodson has a
12:17:56 25 regard for Davey and has built up a friendly rapport with
12:18:00 26 him. Mentions in the past Davey has attended his address
12:18:04 27 and spoken openly without pressure. Hodson makes a big
12:18:07 28 point of it being conducted at Petra." Right. And if we
12:18:15 29 go down, "She downplays this as being a reason for it,
12:18:22 30 whether it is to show Hodson an exhibit, for example, and
12:18:27 31 she wants guidance about what she should say, but in
12:18:33 32 particular what she should not say and told that she does
12:18:38 33 not require any guidance for this situation and she
12:18:41 34 disagrees. She told Hodson that Petra must want to
12:18:48 35 formally interview him, but that if they wanted to covertly
12:18:53 36 record him the location wouldn't matter. She asked Hodson
12:18:59 37 why he's concerned about this". Keep going. And, "She
12:19:04 38 asked Hodson if he had said something to them before which
12:19:08 39 would require this meeting. She stated that Mandy, that is
12:19:13 40 Andrew Hodson's sister, was angry at him as he had stopped
12:19:18 41 paying her money and that she was giving him a hard time
12:19:20 42 over this. Hodson stated that Mandy may have spoken to
12:19:21 43 Petra and told them something else. Mentions Mandy telling
12:19:26 44 Homicide detectives that Hodson had entered the house after
12:19:30 45 the murder and moved and hidden the firearm after he told
12:19:32 46 her in confidence. Hodson states that she had told them
12:19:36 47 things and given him up before. Maybe she had done it

12:19:39 1 again. She asks what he would be concerned about". If we
12:19:43 2 go down. "Hodson believed that they may formally interview
12:19:47 3 him and his gut feeling was that he was a suspect. She
12:19:50 4 advises Hodson to contact Davey and asks what he wants and
12:19:53 5 what he is proposing to do, i.e. formally interview him,
12:19:59 6 will he be cautioned? She panicked about this advice and
12:20:02 7 put it back to the handler for not answering the phone.
12:20:07 8 She's reminded that this advice was normal in the
12:20:10 9 circumstances and would be suspicious if not given. She's
12:20:14 10 apologetic for giving this advice and doesn't want to ruin
12:20:18 11 the investigation." That is clearly information that
12:20:27 12 Ms Gobbo is providing to the handlers concerning her
12:20:32 13 discussions with Mr Hodson who is speaking to her, one
12:20:35 14 assumes, in the expectation that he's speaking with his
12:20:38 15 lawyer?---Yes.
12:20:39 16
12:20:39 17 What do you think about that?---Yeah, again as before,
12:20:44 18 that's, that's as you say, concerning, and it's not want
12:20:48 19 you'd want happening.
12:20:50 20
12:20:50 21 Now, were you getting information - this is going to
12:20:53 22 Mr Ryan. Ryan's giving you briefings. Are you getting
12:20:57 23 these sorts of briefings at all?---I don't remember ever
12:21:00 24 getting this sort of detail provided to me, no.
12:21:03 25
12:21:03 26 What about O'Connell, O'Connell provides briefings as well,
12:21:07 27 does he?---Yes. No, same, yeah.
12:21:09 28
12:21:10 29 If this information was coming to them it's not getting to
12:21:13 30 you, that's what you say?---Correct. I mean the
12:21:19 31 information that they provided to us was in these Task
12:21:25 32 Force update documents.
12:21:25 33
12:21:26 34 Yes, yes. In addition to that which is in the notes of the
12:21:33 35 meeting, there are discussions that you have with the
12:21:35 36 investigators when they come down and talk to you?---Yes.
12:21:37 37
12:21:37 38 It's not just that which is in the notes?---No, quite
12:21:41 39 right.
12:21:41 40
12:21:41 41 They talked to you about what they had been up to?---Yes.
12:21:44 42
12:21:44 43 Do you believe that there might have been discussions about
12:21:46 44 what was going on with Gobbo and Hodson?---No, I wasn't
12:21:49 45 told about all this.
12:21:50 46
12:21:51 47 He was a suspect at one stage for the murder of his

12:21:53 1 parents, wasn't he?---He was one of the people that would
12:21:56 2 have had to be eliminated from the Homicide investigation,
12:22:00 3 yes, in the normal course of events.
12:22:01 4
12:22:02 5 I'm sorry, for interrupting. You've indicated to the
12:22:06 6 Commissioner you were looking at various possibilities, it
12:22:07 7 wasn't just Dale, you were looking at various other
12:22:10 8 possibilities of who, people who might have been
12:22:13 9 involved?---Certainly early on they were, yes. Later on it
12:22:17 10 become, as I said these other briefs, other briefs were
12:22:21 11 trying to be prepared in relation to the actual person who
12:22:23 12 did the shooting.
12:22:24 13
12:22:25 14 Yes, yes, all right. Could we just have a look at
12:22:29 15 Mr Wolf's diary please on 9 March. So this is the same
12:22:34 16 diary entry, same day. You see at p.16, "Update Shane
12:22:41 17 O'Connell re contact from Hodson and him having concerns
12:22:45 18 and that Hodson would meet Ms Gobbo before and after.
12:22:48 19 Mentioned calls to Davies and confirmed that all
12:22:52 20 communications would come through the handler. Advised
12:22:55 21 that Ms Gobbo may make her own recording of conversation
12:23:00 22 against instructions. O'Connell agreed and would update
12:23:04 23 later. Then called Ryan re notification of the above
12:23:09 24 matters in the event that she obtained his number and made
12:23:13 25 contact to investigate others knowing her identity and
12:23:19 26 questioned the process. Ryan concurred and stated that if
12:23:22 27 one was made, discuss notes re Dale. Ryan to confirm that
12:23:28 28 Petra had copy of the same". Now, did Petra have a copy of
12:23:32 29 the Dale notes? The steering committee?---Did Dale have a
12:23:41 30 copy of - - -
12:23:42 31
12:23:42 32 No?---Sorry?
12:23:44 33
12:23:44 34 Did Petra, as far as you were aware, did your investigators
12:23:48 35 have a copy of notes which had been provided by Ms Gobbo
12:23:52 36 having obtained them from Paul Dale?---Not that I can
12:23:57 37 recall, no.
12:23:57 38
12:23:58 39 No. Do you recall at any stage discussions with the
12:24:04 40 investigators about whether they had obtained notes from
12:24:09 41 either the handlers or from Ms Gobbo?---No, I don't
12:24:12 42 remember asking them that.
12:24:13 43
12:24:15 44 Did Mr Ryan indicate at any stage that he had spoken to
12:24:19 45 Ms Gobbo about the notes that she had got from Paul
12:24:27 46 Dale?---No.
12:24:27 47

12:24:29 1 All right. And you say you're not aware about these notes
12:24:40 2 at all. There's evidence that she provided notes to the
12:24:43 3 SDU and that there was discussion between the SDU and
12:24:46 4 Mr Ryan about these notes. You know nothing about
12:24:49 5 that?---No.
12:24:50 6
12:24:50 7 All right. Again, if you were aware that Ms Gobbo had been
12:24:54 8 provided with notes by Paul Dale, which had then, when she
12:25:00 9 visited him in custody, and then those notes had been
12:25:04 10 passed on to investigators, would that be a matter of
12:25:07 11 concern?---Well that would depend on the nature of the
12:25:10 12 meeting with, with her and Dale I would expect. If it
12:25:14 13 wasn't a meeting of, well she's legally representing him
12:25:20 14 that might be something she might pass on.
12:25:23 15
12:25:24 16 Well if he thought - if she visited him in custody he
12:25:27 17 thought that she would visit him as a lawyer, then that
12:25:27 18 would be - - - ?---Well if he thought that, yeah, I don't
12:25:30 19 know whether he did or not, but he had a broader
12:25:33 20 relationship with her than that.
12:25:34 21
12:25:35 22 Regardless, it would be a matter of significance if he
12:25:38 23 thinks he's giving it to someone who is a legal advisor, a
12:25:41 24 person who is able to provide him with legal advice if he
12:25:42 25 gives that person notes to provide to his solicitor, that
12:25:45 26 would be a matter of some significance, wouldn't it?---Yes.
12:25:47 27
12:25:47 28 And all of that would be a matter that should be disclosed,
12:25:52 29 do you agree with that?---Yes.
12:25:54 30
12:25:58 31 Now, can we have a look at - could we have a look at this
12:26:29 32 document, it's Mr Wolf's diary, VPL.2000.0001.0098, p.21.
12:26:42 33 At 12 pm Mr Wolf spoke with O'Connell who told him that
12:26:46 34 Hodson had left?---Sorry, which time?
12:26:52 35
12:26:53 36 12. "Received a call from O'Connell, Andrew Hodson had
12:26:57 37 left. Mentioned his sister, Nicola. Was asked to do a
12:27:01 38 polygraph test. Mentioned Tony Mokbel being involved in
12:27:04 39 the background. Asked Ms Gobbo not to talk Hodson out of
12:27:09 40 it and to elude to it being safe for Hodson to participate
12:27:14 41 in it. Any issues in him doing it", et cetera. Do you see
12:27:17 42 that?---Yes.
12:27:18 43
12:27:18 44 Effectively it's being suggested to her, "Don't talk him
12:27:26 45 out of it"?---Yes, that's what's being suggested there.
12:27:30 46
12:27:31 47 Do you see any issue with that?---Yes.

12:27:33 1
12:27:33 2 What's that?---Well, she's trying to make sure that he goes
12:27:39 3 ahead with it and he may be acting under the impression
12:27:43 4 that she's telling him that in terms of some sort of legal
12:27:47 5 advice.
12:27:47 6
12:27:47 7 That's your investigator, Mr O'Connell, in effect giving
12:27:50 8 instructions to the handler about how Ms Gobbo should
12:27:54 9 interact with a person who is coming to see her,
12:27:58 10 purportedly, possibly for legal advice?---Yes.
12:28:00 11
12:28:02 12 That's the investigator. Do you see that?---Yes.
12:28:05 13
12:28:05 14 Do you accept that if that is what your investigator, or at
12:28:09 15 least the Petra investigator is doing, that is a very wrong
12:28:12 16 thing to do?---Yes, well it certainly ought be, ought be
12:28:16 17 disclosed at the very least, yes, but it's not something
12:28:19 18 you'd want to be doing.
12:28:20 19
12:28:22 20 All right. Now if we go to, if we go to ICR - "called
12:28:32 21 2958, informed Hodson out of Petra and above issue", so
12:28:38 22 basically - no, go back.
12:28:43 23
12:28:43 24 MR CHETTLE: Commissioner, is there any reason why we can't
12:28:46 25 have these on our screens? They are the ICRs.
12:28:49 26
12:28:50 27 MR HOLT: They are ICRs which are obviously unredacted, we
12:28:56 28 just have a very full public gallery.
12:29:00 29
12:29:00 30 COMMISSIONER: They do have a lot of names in them that are
12:29:04 31 subject to suppression orders I'm afraid.
12:29:07 32
12:29:07 33 MR WINNEKE: No, Commissioner, these aren't ICRs. These
12:29:08 34 particular ones are diary entries.
12:29:08 35
12:29:09 36 MR HOLT: That's more significant to the handlers.
12:29:12 37
12:29:12 38 COMMISSIONER: It's not even on our screen, what we have on
12:29:17 39 our screens are past ICRs, so we're struggling a bit to
12:29:20 40 follow it.
12:29:20 41
12:29:21 42 MR CHETTLE: I understand.
12:29:21 43
12:29:22 44 COMMISSIONER: We'll do our best. What date is this, from
12:29:25 45 Mr Wolf's diary?
12:29:27 46
12:29:27 47 MR WINNEKE: 10 March 2008.

12:29:28 1
12:29:29 2 MR COLEMAN: If counsel assisting could give us a date and
12:29:31 3 a time.
12:29:32 4
12:29:32 5 COMMISSIONER: It would help, yes. Time and dates, we can
12:29:37 6 follow it a bit easier. This is 10 March, Wolf's diary and
12:29:42 7 the time entry is?
12:29:44 8
12:29:45 9 MR WINNEKE: 12.03, Commissioner.
12:29:47 10
12:29:48 11 COMMISSIONER: And have Wolf's diaries been tendered yet?
12:29:52 12
12:29:52 13 MR WINNEKE: No, they haven't. As I understand it,
12:29:57 14 Commissioner, this does find its way into the ICR but this
12:29:59 15 is Mr Wolf's diary.
12:30:01 16
12:30:02 17 COMMISSIONER: Yes.
12:30:02 18
12:30:03 19 MR WINNEKE: It finds its way into the ICR also but not all
12:30:07 20 of the entries do. Some do, some don't.
12:30:10 21
12:30:10 22 COMMISSIONER: I understand.
12:30:12 23
12:30:13 24 MR WINNEKE: This part of it, this document is from
12:30:15 25 Mr Wolf's diary.
12:30:17 26
12:30:17 27 COMMISSIONER: Right.
12:30:17 28
12:30:18 29 MR WINNEKE: I can cross over to the ICR as well, if you
12:30:21 30 wish, but I just want to deal with this aspect of it.
12:30:24 31
12:30:24 32 COMMISSIONER: Sure.
12:30:25 33
12:30:27 34 MR WINNEKE: "Called Gobbo", that's the handler calling
12:30:29 35 Gobbo. "Informed Hodson out of Petra and informed her
12:30:34 36 about the above issues. Did not divulge polygraph being
12:30:38 37 put to Hodson. Gobbo asked what they did. Handler replied
38 they have done something which is not standard and
12:30:47 39 different. She wanted more information and she wasn't
12:30:48 40 given any." Do you say that you were not aware that your
12:30:55 41 investigator didn't tell you that Hodson had been put under
12:31:01 42 or put on a polygraph test?---No, I don't have a memory of
12:31:05 43 there being a polygraph used in that inquiry, no. I don't
12:31:11 44 have a recollection at all. In fact I didn't know about
12:31:14 45 what's happened or being discussed here.
12:31:17 46
12:31:17 47 If we then go to again ICR - so the same document. Just

12:31:24 1 move that up. "Received call from Ms Gobbo. Finished
12:31:35 2 meeting." This is Mr Wolf's diary at 12 minutes past 1.
12:31:54 3 If you go to - we can do this through the ICRs or the
12:31:59 4 diary, Commissioner, it's the same. What's happened is he
12:32:02 5 has transferred this out of his diary and put it into the
12:32:05 6 ICR. The date is 10 March and it's at 13:12. Gobbo has
12:32:16 7 finished the meeting. In effect she's describing the
12:32:19 8 meeting with Hodson. "Hodson spoke openly about the Petra
12:32:29 9 matters which both Gobbo and the handler believed was
12:32:31 10 unusual. Stated that Davies was all right but that they
12:32:36 11 had a new direction in the case and new information that
12:32:39 12 Mokbel's involved in the death. She's unsure whether
12:32:44 13 they", that is the police, "Said, told her, informed". And
12:32:51 14 there's reference to, "Police now 100 per cent sure that
12:32:55 15 the victims didn't let the killer into the house",
12:32:58 16 et cetera, do you see that?---Yes.
12:32:59 17
12:33:00 18 If you go further down there's a discussion about a
12:33:02 19 polygraph. Keep going. Keep scrolling down. You'll see
12:33:13 20 they put a lie detector test to him. "Wanted a legal
12:33:17 21 opinion. She stated that from a legal point of view the
12:33:20 22 test was not valid (she did not state that a transcript of
12:33:24 23 the polygraph could be used as evidence in the trial).
12:33:28 24 Hodson told her that he had nothing to hide by doing it but
12:33:33 25 Ms Gobbo did not think he was confident to participate in
12:33:36 26 one and there was no time frame given for the test". And
12:33:39 27 there's again discussions about, about, between the handler
12:33:47 28 and Ms Gobbo about what had transpired between Mr Hodson,
12:33:54 29 who, one could well assume, was speaking to Ms Gobbo in the
12:33:58 30 belief that she was his legal advisor, do you accept
12:34:02 31 that?---Yes.
12:34:03 32
12:34:06 33 Now, if we go to 12 March 2008. We've got a Petra Task
12:34:13 34 Force update. VPL.0100.0202.5725. Scroll it up. Other
12:34:40 35 way, other way. Just keep going. That's 12 March 2008, do
12:34:48 36 you see that?---Yes.
12:34:49 37
12:34:50 38 Scroll it up. Keep going. Stop there. If you have a look
12:35:02 39 at that information there, what you have got there in that
12:35:08 40 Task Force update of 12 March is the information which I've
12:35:14 41 been taking you to. Keep scrolling up. Just have a look
12:35:18 42 at that?---Yes.
12:35:22 43
12:35:23 44 Do you see that? "Andrew Hodson further interviewed.
12:35:25 45 Denied any prior knowledge of his parents' murder, any
12:35:29 46 involvement. Consented to participating in a polygraph
12:35:34 47 examination and it was organised for 28 March. Notified

12:35:36 1 examination to be conducted at that particular location",
12:35:40 2 do you see that?---Yes.
12:35:41 3
12:35:41 4 That is information that is provided to you at the Task
12:35:46 5 Force?---Yes, it's in the update logs, yes.
12:35:52 6
12:35:52 7 Was there any discussion around that process, the
12:35:57 8 arrangement of the polygraph and how it came about?---I
12:36:01 9 don't even remember there being a polygraph talked about.
12:36:06 10 I know Steven Van Aperen, he's the person who conducts
12:36:11 11 polygraphs.
12:36:11 12
12:36:12 13 Yes. As you indicated before, that's an unusual course to
12:36:15 14 take, isn't it?---Yeah, I don't have great faith in
12:36:20 15 polygraphs.
12:36:20 16
12:36:21 17 Whether or not you do, it seems that this was information
12:36:23 18 which was being conveyed to you and it seems to have
12:36:25 19 occurred or come about in the circumstances that I've taken
12:36:27 20 you through, do you see that?---Yes.
12:36:30 21
12:36:30 22 Do you believe, if you were of the view that this is
12:36:34 23 unusual, you would have asked the investigators why it was
12:36:38 24 being done and how it came about?---Yes, I don't remember
12:36:41 25 doing that.
12:36:42 26
12:36:42 27 If you had read that and if you were at the meeting and
12:36:47 28 Mr Ryan was there or Mr O'Connell was there, would you have
12:36:49 29 asked them?---I may have asked about why, why they thought
12:36:54 30 a polygraph was a good idea as a methodology, but I don't
12:36:58 31 remember doing that.
12:36:59 32
12:36:59 33 You knew certainly that Ms Gobbo had provided legal advice
12:37:04 34 to Mr Hodson in the past, didn't you?---No, I'm not sure I
12:37:11 35 knew that, no.
12:37:12 36
12:37:12 37 You certainly, when you spoke to Mr Gregor, there were
12:37:16 38 discussions about who Ms Gobbo acted for and how she came
12:37:20 39 to - - - ?---Yes.
12:37:21 40
12:37:22 41 - - - put, came to be involved at that stage, given that
12:37:27 42 she'd acted for Andrew Hodson and then there was an attempt
12:37:30 43 to get her to reach out to Terry Hodson to come and speak
12:37:34 44 to ESD?---Gregor's statement, yes, or interview, yeah.
12:37:39 45
12:37:44 46 I tender that, Commissioner.
12:37:45 47

12:37:47 1 #EXHIBIT RC883A - (Confidential) Petra Task Force weekly
12:37:49 2 update 12/3/08.
12:38:00 3
12:38:00 4 #EXHIBIT RC883B - (Redacted version.)
12:38:02 5
12:38:02 6 Would you say that Mr Overland was aware of these issues
12:38:08 7 around the use of the polygraph?---I don't know. I don't
12:38:12 8 remember talking with him about that. If he was at that
12:38:14 9 meeting he would have received that same update as I did.
12:38:17 10
12:38:17 11 Do you believe that he additional information from his
12:38:21 12 investigators - I know perhaps you can't answer this, but
12:38:24 13 was it your understanding that other than the Petra
12:38:28 14 steering committee minutes he would have more involved
12:38:32 15 discussions with his investigators?---Well he may have, I
12:38:35 16 don't know. I don't know if he had other meetings with the
12:38:41 17 investigators or not, there's nothing he's ever told me he
12:38:46 18 had extra meetings or anything. He may have, I don't know.
12:38:49 19
12:38:49 20 The reality is this, isn't it, that you were there to
12:38:53 21 oversight this investigation, in part?---In part, yes.
12:38:58 22
12:38:58 23 But it seems also you were participating in the
12:39:02 24 investigation?---OPI was providing assistance in the
12:39:05 25 investigation through various ways, yes.
12:39:07 26
12:39:08 27 If you were aware of these issues that were going on, as a
12:39:13 28 member of the OPI you would certainly have discussed them
12:39:18 29 with the Director, Mr Brouwer, wouldn't you?---Yes.
12:39:21 30
12:39:22 31 Because these were issues that were very much within your
12:39:27 32 remit, this sort of conduct?---Are you referring to the
12:39:30 33 matters you've just brought my attention to in the logs,
12:39:34 34 those source management logs?
12:39:35 35
12:39:35 36 Yes?---Yes.
12:39:36 37
12:39:36 38 It really was a situation where you're a participant in an
12:39:40 39 investigation which to a degree is going off the rails, can
12:39:44 40 I suggest to you?---Not from my perspective it wasn't, no.
12:39:48 41
12:39:49 42 What you say is, "Look, I wasn't aware of this
12:39:53 43 information", you're hearing about it now?---Yes, there's
12:39:58 44 obviously more things happening with the source management
12:40:02 45 and the logs than I was being aware of at the Task Force
12:40:07 46 meetings, yes.
12:40:07 47

12:40:08 1 I want to put to you a document, VPL.0100.0058.0798. If we
12:40:17 2 go to p.34. This is a letter dated 7 November 2007 from
12:40:27 3 you to Luke Cornelius and this concerns the possibility of
12:40:38 4 information leaking from the Briars Task Force. Do you
12:40:43 5 recall in or about that time, the latter part of 2007,
12:40:47 6 there was a concern that information was leaking from
12:40:51 7 Briars?---In the latter part of 07?
12:40:58 8
12:40:58 9 Yes.
12:40:58 10
12:40:59 11 MR CHETTLE: Can we see this?
12:41:01 12
12:41:01 13 MR WINNEKE: Yes. If we can just go down so we can see the
12:41:06 14 date on that, please. 7 November 2007. It's to
12:41:12 15 Mr Cornelius. "Dear Luke, re receipt of complaint from the
12:41:17 16 Police Association regarding the publishing of details of
12:41:20 17 Task Force Briars". So this was in effect a file, wasn't
12:41:24 18 it, that was held by the OPI?---Yes, it must have been some
12:41:30 19 media article that, I'm just reading, some media article
12:41:37 20 which has meant there was some investigation.
12:41:39 21
12:41:39 22 You were aware there had been media articles arising, I
12:41:43 23 think Nick McKenzie had written articles and there was a
12:41:47 24 concern that somehow information had been leaked to
12:41:51 25 him?---Yes, it must be a specific article that was
12:41:53 26 containing information that was concerning from that point
12:41:56 27 of view.
12:41:56 28
12:41:56 29 It was the subject of a pretty intensive investigation,
12:41:59 30 wasn't it?---By the - yes, there was obviously an
12:42:03 31 investigation running, because I've written to Luke telling
12:42:05 32 him that the OPI would be running an investigation, yes.
12:42:07 33
12:42:08 34 So effectively what you're doing is writing to him as a
12:42:12 35 member of the OPI in response to a complaint which had been
12:42:15 36 made by the Police Association regarding the publishing of
12:42:18 37 details of Task Force Briars. "In response to your letter
12:42:21 38 dated 29 October on this issue, this office has noted the
12:42:24 39 contents of the letter. I can confirm that the OPI is
12:42:29 40 investigating the unauthorised disclosure of the
12:42:31 41 information contained in the media article referred to. In
12:42:33 42 regards to your request for advice on your proposed
12:42:36 43 correspondence to the Police Association, the OPI position
12:42:39 44 would be that ESD would neither confirm nor deny the
12:42:44 45 existence of any of their investigations with the Police
12:42:47 46 Association whilst they were in their investigative phase.
12:42:52 47 Should you have any concerns". You signed off on the

12:42:54 1 document as the Assistant Director of Police Integrity. In
12:43:00 2 effect what you're doing is responding to him about a
12:43:04 3 complaint of a leak from a Task Force that you were part
12:43:09 4 of, do you see that?
12:43:11 5
12:43:17 6 MR COLEMAN: Do we have the letter to which this letter
12:43:18 7 responds?
12:43:19 8
12:43:20 9 MR WINNEKE: We'll get that. Do you accept the proposition
12:43:24 10 that I'm putting, that it does suggest you're in a sort of
12:43:27 11 conflicted situation because you're dealing with a
12:43:30 12 complaint from the Police Association regarding a leak from
12:43:40 13 the Task Force Briars which you yourself or the OPI is part
12:43:44 14 of?---Part of a joint investigation, yes, and there was a
12:43:48 15 leak from it and that would have been done by, because it
12:43:51 16 was a complaint, have been done by the complaints
12:43:53 17 investigation area at the OPI which was a separate part of
12:43:56 18 the OPI.
12:43:57 19
12:43:57 20 I've asked you questions about this yesterday, but does
12:44:00 21 that suggest to you that there's a difficulty or a
12:44:03 22 conflicted situation that you have in your position both as
12:44:08 23 an Assistant Director of Police Integrity and also a member
12:44:13 24 of an investigation, being the Task Force Briars
12:44:16 25 investigative steering committee?---No, because there would
12:44:20 26 have been steps taken, as I say, they would have been
12:44:23 27 investigated by the complaints area and without having
12:44:27 28 seen, probably the article, whether, what the nature of
12:44:31 29 that leak might have been, but no, I don't think that would
12:44:35 30 have been a problem for us to investigate.
12:44:38 31
12:44:38 32 Did you have any discussions with the Director about this
12:44:41 33 situation?---I don't remember talking to him about that,
12:44:44 34 no.
12:44:44 35
12:44:45 36 Do you know who, in your organisation, was conducting the
12:44:50 37 investigation of the complaint from the Task Force Briars
12:44:56 38 steering committee - - - ?---I expect it would be the
12:44:58 39 person running the complaints area. Who that would have
12:45:06 40 been in 07, possibly a Kerryn Reynolds.
12:45:13 41
12:45:14 42 Do you recall being interviewed about it at all or
12:45:19 43 not?---No.
12:45:19 44
12:45:20 45 You were a potential suspect, weren't you?---No.
12:45:23 46
12:45:24 47 Hey?---No.

12:45:24 1
12:45:24 2 You don't recall having questions - I'm not suggesting you
12:45:29 3 were, do you see the point I'm making?---You said I was a
12:45:33 4 potential - - -
5
12:45:34 6 Well there's a leak from Task Force Briars.
12:45:36 7
12:45:36 8 MR COLEMAN: Really that was a question framed in a manner
12:45:39 9 which it should not have been framed. If it's not
12:45:42 10 seriously suggested that Mr Ashton was a potential suspect
12:45:48 11 my learned friend should not have posed the question in
12:45:50 12 that insulting way.
12:45:51 13
12:45:52 14 COMMISSIONER: I think the question was a proper question
12:45:54 15 to explore, the point being that there was a potential
12:45:57 16 conflict of interest, or a real conflict of interest.
12:45:59 17
12:45:59 18 MR WINNEKE: I think Mr Ashton understood the manner in
12:46:03 19 which the question was put?---Yes, I wasn't insulted by
12:46:06 20 that question.
12:46:06 21
12:46:07 22 Do you accept thought that it does highlight the difficulty
12:46:10 23 of the situation you were in?---Yes, and as I said, it must
12:46:14 24 have been yesterday, the circumstances we were in where
12:46:17 25 we - like Briars, for example, police were really concerned
12:46:20 26 about information leaking out about Briars and the way the
12:46:26 27 investigation was done, which is why they approached us and
12:46:29 28 wanted that run at our premises. It was the exigencies at
12:46:36 29 the time that sort of led to that really.
12:46:38 30
12:46:40 31 I just want to see if I can get through this quickly. Can
12:46:51 32 we have a look at the source management log at p.38, 2958.
12:47:01 33 7 August 2008. There was a discussion to Shane O'Connell
12:47:24 34 at Petra regarding Ms Gobbo. "Aware of identity. Told
12:47:30 35 same that the OPI part heard hearing is causing a great
12:47:34 36 deal of stress and that Ms Gobbo will not answer questions
12:47:37 37 for fearing of exposing self as source for police if called
12:47:40 38 back by the OPI. Claims that she will refuse to answer
12:47:44 39 questions and run risk of being charged with contempt."
12:47:47 40
12:47:47 41 MR HOLT: This is the SML, I wonder if it can come down
12:47:51 42 from the other screens.
12:47:52 43
12:47:52 44 COMMISSIONER: Yes, all right then. It probably shouldn't
12:47:55 45 be on the screens except for mine and the witness and
12:47:59 46 Mr Winneke's.
12:48:02 47

12:48:02 1 MR WINNEKE: "It appears the questions revolve around
12:48:06 2 potentially improper relationship source has had with
12:48:10 3 police." We're harking back, aren't we, to this ongoing
12:48:14 4 desire of the OPI to have Ms Gobbo answer questions about
12:48:19 5 her relationships with police?---Yes, but I don't think
12:48:23 6 that was something we were looking at in, by that stage.
12:48:28 7
12:48:28 8 If you go to the bottom of that, you'll see that,
12:48:31 9 "O'Connell to consider how to approach same and call back.
12:48:35 10 Advised O'Connell that Ashton and senior management at OPI
12:48:37 11 were briefed by Overland re identity of source prior to
12:48:41 12 source giving evidence for the purpose of protecting the
12:48:44 13 source from questions that would have compromised her but
12:48:46 14 this was unsuccessful". That seems to be a reference to
12:48:50 15 what had occurred previously?---Yes.
12:48:52 16
12:48:55 17 And did you understand that at that stage there was still
12:49:05 18 at least the potential of Ms Gobbo being called before the
12:49:08 19 OPI?---I think there was always that potential. I think
12:49:11 20 that what this is probably - I mean I'm only speculating I
12:49:15 21 suppose, but I suppose that's fair, she's had some concerns
12:49:20 22 with the source managers about the fact this was still
12:49:23 23 outstanding for her, and from the material you showed me
12:49:26 24 earlier there was this conversation about whether a
12:49:29 25 statement was going to be taken as a way of resolving that
12:49:33 26 and ultimately the statement, she's obviously said that she
12:49:36 27 didn't want to make a statement. So it was still left up
12:49:39 28 in the air for her and this is probably her saying it's
12:49:42 29 still stressing her or something.
12:49:44 30
12:49:44 31 I follow that. The effect of it was that you're moving
12:49:47 32 towards getting information from her, it's either going to
12:49:50 33 be by way of a statement, it's going to be by way of, or
12:49:56 34 alternatively coming before the OPI, but the fact is that
12:49:58 35 Petra wants to get information from her in one way or
12:50:01 36 another, do you accept that?---Yes.
12:50:03 37
12:50:08 38 Do you recall having discussions with Mr Overland about
12:50:14 39 this issue and finally determining whether or not she would
12:50:21 40 be called before the OPI?---No, I don't.
12:50:24 41
12:50:25 42 Right. Could we have a look at an email dated 12 August
12:50:35 43 2008 from yourself, Mr Ashton, to Simon Overland,
12:50:45 44 VPL.6025.0003.8209. This is Exhibit 377, Commissioner.
12:51:00 45 You recall that there was a desire to find out whether or
12:51:08 46 not Ms Gobbo was using, or what numbers she was using and
12:51:12 47 how there were communications being had between her and

12:51:16 1 Paul Dale, do you recall that?---Yes.
12:51:19 2
12:51:19 3 And you say, "Thank you for your recent assistance
12:51:23 4 regarding access to information recently obtained from
12:51:26 5 Moloney. This information is only known to me and will
12:51:29 6 assist in ensuring we don't inadvertently trip over any
12:51:35 7 authorised police activity. To that end I am finding it
12:51:38 8 difficult in ensuring that occurs without any telephone
12:51:41 9 numbers of two of the individuals. Extensive use of
12:51:44 10 nicknames and in some cases no names is making the task
12:51:48 11 more difficult than you first thought. Wonder if you could
12:51:50 12 get the mobile numbers of the individuals concerned. The
12:51:53 13 task will be much easier. I wonder if you could consider
12:51:58 14 providing the mobile telephone numbers of the individuals
12:52:00 15 concerned in the same manner as the names were provided",
12:52:04 16 do you recall what that was about?---No, I have seen this
12:52:07 17 before but I don't remember which operation that related
12:52:10 18 to.
12:52:10 19
12:52:10 20 Petra. If we can scroll down. "Don't see any problem with
12:52:18 21 that. Can you please action? Regards Simon", he sends it
12:52:24 22 to Danye Moloney?---Yes.
12:52:25 23
12:52:25 24 Then, "Can you facilitate same process as original. Thanks
12:52:29 25 Danye". Then it goes further down the line to the
12:52:34 26 handlers at the SDU, do you see that?---Yes.
12:52:38 27
12:52:38 28 And there's a facetious remark there written by one of the
12:52:43 29 handlers at the very top, do you see that?---Yes.
12:52:48 30
12:52:50 31 Do you recall the process whereby you were provided with
12:52:53 32 telephone numbers?---No, I don't have a recollection of
12:52:59 33 that, no.
12:52:59 34
12:52:59 35 And the names that went with them?---No.
12:53:03 36
12:53:07 37 If we go back up to the email. The bottom part of it. It
12:53:12 38 indicates that you'd got the names but you wanted the
12:53:14 39 telephone numbers to go with them?---Yes.
12:53:20 40
12:53:31 41 If we go to 13 August 2008. SML 2958 at p.39. It appears
12:53:39 42 that by this stage, 13 August, that you and Overland had
12:53:48 43 spoken and you were satisfied that she wouldn't, or you
12:53:55 44 wouldn't be calling her back and you're satisfied that
12:53:58 45 she's been of assistance to Petra investigators. Do you
12:54:00 46 see that?---Yes.
12:54:01 47

12:54:02 1 Are you able to say what it was that enabled you to be
12:54:05 2 satisfied that there was no need for her at that stage to
12:54:08 3 be called to the OPI?---At that stage it was probably
12:54:12 4 because we'd concluded that we felt that we knew or how
12:54:16 5 that IR had, had gone from the Drug Squad.
12:54:21 6
12:54:33 7 I think if we, I think we've had - I think we've covered
12:54:39 8 that. All right. Just excuse me. If we go to
12:55:02 9 VPL.0100.0046.2763. This is a Petra Task Force update of
12:55:09 10 29 September 2008. This is one of Mr Cornelius' updates
12:55:22 11 that has his handwriting on it and there are redactions
12:55:26 12 there of relevant parts relating to Ms Gobbo possibly using
12:55:30 13 phones in the name of Koyla Valersky, do you recall that
12:55:36 14 name?---Sorry, I'm just trying to find that entry.
12:55:52 15
12:55:52 16 Can we scroll down that, please. Keep going. No, I'm
12:56:28 17 sorry about that. Just excuse me. That's dated 22
12:56:33 18 September 2008.
12:56:37 19
12:56:37 20 COMMISSIONER: 29 September 08 that one.
12:56:39 21
12:56:40 22 MR WINNEKE: Weekly update, 29 September 2008. It's dated
12:56:45 23 - just excuse me. Perhaps if we can try this entry, I
12:56:56 24 apologise, VPL.0100.0020.5725 at p.216. Can we just scroll
12:57:33 25 down, please. What you see here in this update is an
12:57:49 26 analysis of telephones. Do you see there that - you recall
12:57:58 27 that there was a significant meeting at the Watergardens
12:58:02 28 and Mr Dale was apparently there and he makes a call
12:58:06 29 allegedly to Paul Dale?---Yes, I think there were phones
12:58:09 30 that we used, they were sort of known as the Watergardens
12:58:13 31 phones.
12:58:13 32
12:58:13 33 Correct. In any event there were telephone numbers which
12:58:20 34 were found and you'll see there there's one in the name of
12:58:23 35 Koyla Valersky, brackets Nicola Gobbo, question mark, do
12:58:29 36 you see that?---Yes.
12:58:36 37
12:58:37 38 Scroll up. Stop there. There's information regarding
12:58:39 39 phone calls made to a particular pizza place in Port
12:58:42 40 Melbourne. If you keep going down the screen you'll see,
12:58:45 41 "From information received it's believed" - gone too far,
12:58:49 42 come back. "Phone calls subscribed in the name of Koyla
12:58:55 43 Valersky I believe is used by Nicola Gobbo. One of the
12:58:56 44 reasons is that the cell towers on the phone are bouncing
12:58:58 45 off predominantly William Street, Melbourne and Port
12:59:01 46 Melbourne" - in the region of the pizza place - "and also
12:59:04 47 due to significant phone interaction", it's cut out, "With

12:59:08 1 Dale", and a phone number there, "Which is believed to be
12:59:13 2 used by Azzam Ahmed with whom she was involved in a
12:59:19 3 relationship", do you see that?---Yes.
12:59:20 4
12:59:21 5 That phone analysis was carried out Petra investigators and
12:59:26 6 it formed a significant part of the developing case against
12:59:30 7 Paul Dale in relation to which Nicola Gobbo was of some
12:59:34 8 significance, do you see that?---Yes.
12:59:36 9
12:59:41 10 And can I just put this to you, and I'm not in a position
12:59:44 11 to put it up - keep going, it might be. Keep going. Keep
12:59:50 12 scrolling. Right, stop. Now, at that stage there was an
13:00:11 13 intention on the part of Petra to speak to a number of
13:00:16 14 people, including Azzam Ahmed and Nicola Gobbo, do you see
13:00:20 15 that?---Yes.
13:00:31 16
13:00:35 17 If we go to the SML at p.47, 1 October 2008. There's an
13:00:50 18 entry which indicates that there's a call from DDI Smith at
13:00:54 19 Petra, "Advised that investigators believe that Gobbo was
13:00:57 20 in possession of false SIM cards shortly prior to the death
13:01:01 21 of the Hodsons", do you see that?---Yes.
13:01:04 22
13:01:05 23 "Petra planned to interview her"?---Yes.
13:01:07 24
13:01:07 25 "And the SDU will check intel holdings regarding what
13:01:11 26 phones she has had", do you see that?---Yes.
13:01:13 27
13:01:14 28 And if we go then to the next entry, "Petra to provide
13:01:17 29 details on Monday. SDU can speak with Ms Gobbo following
13:01:28 30 Petra interview regarding facts". Then there's some
13:01:32 31 redacted material. "Advised by Smith too late,
13:01:36 32 investigators spoke to Ahmed at Loddon already." There was
13:01:41 33 some suggestion there was a desire to speak to Mr Ahmed,
13:01:47 34 but it seems that Ms Gobbo, I think, had got in first, is
13:01:51 35 that your - sorry, I'm wrong about that. "Advised SDU can
13:02:00 36 speak with human source following Petra interview re facts.
13:02:04 37 Advised by Smith too late, investigators spoke to Ahmed at
13:02:04 38 Loddon yesterday. Advised SS that HS has been contacted by
13:02:11 39 Ahmed regarding being interviewed. If Ms Gobbo is hiding
13:02:13 40 anything Ahmed would have been forewarned about the
13:02:16 41 allegations". Forewarned about it, do you see that?---Yes.
13:02:20 42
13:02:24 43 "Advised by Mr Smith that allegations regarding phones not
13:02:31 44 to be put to Ahmed. Interview will not happen prior to
13:02:35 45 O'Connell returning from leave. Query how Steve Smith
13:02:40 46 knows about the identity of Ms Gobbo. And told via
13:02:43 47 O'Connell and Mr Overland has also mentioned the same", do

13:02:47 1 you see that?---Yes.

13:02:48 2

13:02:48 3 If we go to a Petra Task Force update. Perhaps I simply
13:02:56 4 put this to you. There's a reference to you being, or at
13:03:00 5 least the Petra Task Force being updated on 5 October that
13:03:05 6 the phone in the name of Koyla Valersky was possibly being
13:03:09 7 used by Ms Gobbo. So that's something that would have been
13:03:14 8 conveyed to the Petra Task Force?---There's evidence in
13:03:18 9 those logs, yes, it would have been conveyed.

13:03:22 10

13:03:22 11 If we go now to the 3 November source management log, p.53.
13:03:51 12 You'll see that, "Petra have not interviewed Ms Gobbo yet
13:03:58 13 with respect to using the false phones and the SDU has a
13:04:02 14 strategy to assist". Now, are you aware that there was an
13:04:09 15 intention on the part of Petra to interview Ms Gobbo about
13:04:12 16 the false phones?---I don't have a recollection of it, but
13:04:15 17 that would have been, yeah, they would have been wanting to
13:04:19 18 interview her about that phone, for sure.

13:04:21 19

13:04:21 20 If we keep scrolling down. "Petra to be requested to
13:04:26 21 facilitate the interview of Ms Gobbo soon due to the
13:04:29 22 commitments of the SDU the next week. Value, recent
13:04:35 23 intelligence from Petra regarding the source's use of false
13:04:39 24 phones and the connection to Dale and Williams and Ahmed
13:04:48 25 may be high value to the Hodson investigation", do you see
13:04:49 26 that?---Yes.

13:04:49 27

13:04:50 28 If we can go to 17 November 2008. Can I suggest that there
13:04:55 29 was a Petra Task Force update which indicated that Ms Gobbo
13:05:03 30 had been interviewed by Petra investigators on 17 November.
13:05:12 31 Can you accept that, are you prepared to accept that
13:05:16 32 proposition?---That Hodson was interviewed, sorry?

13:05:18 33

13:05:19 34 No, that Gobbo was interviewed by Petra Task Force
13:05:22 35 investigators?---Yes, if it's in those updates, yes.

13:05:25 36

13:05:25 37 You see that there?---Yes.

13:05:26 38

13:05:29 39 And there's someone has placed an NB against that, do you
13:05:34 40 see that?---Yes.

13:05:36 41

13:05:36 42 And there's an entry in the source management log at p.55
13:05:39 43 which indicated that effectively Ms Gobbo was telling the
13:05:43 44 handlers what had been discussed. "She was aware, and in
13:05:49 45 fact Mr Sandy White had spoken to O'Connell and information
13:05:54 46 had been provided about various things, including the
13:05:58 47 relationship, corrupt relationship between Williams and

13:06:01 1 Dale and that she was aware of it. There's a reference
13:06:07 2 that, to the effect that she admitted that she was a
13:06:11 3 conduit between Williams and Dale prior to the murders,
13:06:15 4 although not known how long this was occurring. Admitted
13:06:19 5 use of the mobiles, were most likely to have been used by
13:06:22 6 her. Provided to her by Ahmed". And then there were
13:06:28 7 discussions with Dale which centred on what Ahmed and
13:06:31 8 Haynes were saying regarding Gallop. "What said about
13:06:37 9 leaked IRs, passing messages from Dale to Williams. And
13:06:40 10 she said that there was no knowledge of the plot to kill
13:06:43 11 the Hodsons and it was said that ideally a statement was
13:06:47 12 desired"?---Yes.
13:06:49 13
13:06:49 14 "Williams said that Dale approached him and said, 'They're
13:06:53 15 slow, will you do it?'" Do you see that? Moving up,
13:07:07 16 scrolling up. "Doesn't dispute arranging the meeting
13:07:18 17 between Williams and Dale for May 4th, but can't
13:07:22 18 specifically recall the meeting. No knowledge of the plot.
13:07:24 19 Difficulty with recollections", do you see that?---Yes.
13:07:26 20
13:07:26 21 "Doesn't believe Dale and Ahmed were associated." So all
13:07:29 22 of this information is provided to your investigation as a
13:07:35 23 consequence of the meeting on 17 November and at the bottom
13:07:39 24 it says that they exceeded what they thought they were
13:07:43 25 going to get. That information no doubt was conveyed to
13:07:45 26 you and it was considered to be very useful information, is
13:07:52 27 that your belief, that there had been discussions with
13:07:56 28 Ms Gobbo and that had been conveyed to your Task Force
13:07:59 29 steering committee?---Well if it's in those updates that
13:08:06 30 would be right.
13:08:06 31
13:08:06 32 If we can have a look at that, 24 November,
13:08:14 33 VPL.0100.0046.2856. And there's a reference to Gobbo being
13:08:17 34 interviewed on 17 November and you'll see if we scroll up,
13:08:26 35 there's - there's that information there?---Yes.
13:08:29 36
13:08:30 37 It seems that there's been discussions about that at the
13:08:34 38 meeting?---As part of that update, yep.
13:08:36 39
13:08:37 40 All right. Now, can I go to the 25 November source
13:08:50 41 management log at p.57. "Petra steering committee,
13:08:57 42 Overland, Moloney, Cornelius, and OPI Director Ashton all
13:09:03 43 aware of Ms Gobbo's identity and role", do you accept
13:09:06 44 that?---Yes.
13:09:07 45
13:09:07 46 If we go to the 1 December 2008 Petra Task Force update,
13:09:15 47 there's a reference to Ms Gobbo speaking further to

13:09:18 1 Mr Solomon on Friday, 28 November 2008. Do you see
13:09:23 2 that?---Yes.
13:09:24 3
13:09:25 4 And Ms Gobbo is to ring Detective Senior Constable Davey on
13:09:29 5 Monday, 1 December to make further appointment, do you see
13:09:33 6 that?---Yes.
13:09:34 7
13:09:34 8 You say in your statement that you were aware in about
13:09:37 9 November 2008 that the Task Force Petra steering committee
13:09:40 10 was considering whether Ms Gobbo should be transitioned
13:09:43 11 from her status as a registered human source to a witness
13:09:46 12 for the prosecution of Paul Dale?---Yes.
13:09:48 13
13:09:48 14 And you were fully aware of that?---Yes.
13:09:51 15
13:09:52 16 Okay. Now, you also say that you were aware that the SDU
13:09:59 17 were expressing concern about the prospect of Ms Gobbo
13:10:03 18 becoming a witness, being transitioned from being a human
13:10:06 19 source to a witness?---Yes.
13:10:08 20
13:10:08 21 What was the source of your understanding of that
13:10:11 22 concern?---The meetings at the Task Force.
13:10:14 23
13:10:14 24 So in effect you were told at those meetings that the
13:10:20 25 people who had been handling Ms Gobbo now for the last
13:10:24 26 couple of years at least are concerned about her becoming a
13:10:29 27 witness?---Yes.
13:10:29 28
13:10:30 29 Did you appreciate what the concerns were?---Well my
13:10:35 30 appreciation of the concerns were that it's not a normal
13:10:38 31 practice for a human source to become a witness and so
13:10:43 32 they'd be reluctant to do that because of, you know, the
13:10:46 33 risks to the human source that that can create.
13:10:49 34
13:10:49 35 Right. Was it a matter that you discussed with the
13:10:52 36 Director of the OPI, this business of transitioning
13:10:55 37 Ms Gobbo from a witness to, a source to a witness?---I
13:10:59 38 don't recall specific conversation about it with him, I may
13:11:04 39 well have.
13:11:04 40
13:11:04 41 Do you believe you would have conveyed the concerns that
13:11:06 42 had been expressed by the SDU?---I may have.
13:11:12 43
13:11:13 44 Would you have discussed with him the issues about the
13:11:16 45 transition of Ms Gobbo from source to witness?---Look I
13:11:21 46 don't recall having that specific conversation with him but
13:11:23 47 I couldn't rule that out, we may well have.

13:11:27 1
13:11:27 2 When you found out about the concerns that were being
13:11:32 3 expressed by the SDU, did you ask whether there'd been any
13:11:39 4 risk analysis done?---No.
13:11:40 5
13:11:43 6 Did you ask for details as to the pluses and minuses of her
13:11:50 7 transition?---No.
13:11:51 8
13:11:52 9 Why not?---Because I took their concerns to be of a more
13:12:00 10 general nature of human sources becoming witness, but I
13:12:04 11 felt that in this investigation we had a statement from
13:12:06 12 Williams, police had to corroborate that, which they were
13:12:10 13 doing, she added value to that investigation through the
13:12:13 14 provision of that taped conversation with Dale, and then as
13:12:18 15 a witness that would be, that could be dealt with by way of
13:12:22 16 prosecution.
13:12:22 17
13:12:22 18 One assumes that one of the things you would be concerned
13:12:26 19 about if a witness becomes, sorry, if a source becomes a
13:12:29 20 witness is what the risks might be to that person?---Yes,
13:12:34 21 and that's right.
13:12:35 22
13:12:35 23 So what you would want to know in order to determine what
13:12:41 24 the risks were would be what the source of the risks might
13:12:44 25 be, do you follow what I'm saying?---Yes, and that would be
13:12:47 26 dealt with by way of understanding, some sort of [REDACTED]
13:12:51 27 [REDACTED].
13:12:52 28
13:12:52 29 Further to that, if someone's a human source, I mean it
13:12:57 30 might depend on the sort of information that she's been
13:13:00 31 providing, mightn't it, and against whom the information,
13:13:06 32 against whom she's been providing information?---Yes, but I
13:13:09 33 wasn't aware of this broader information that she was
13:13:12 34 providing and the breadth of it.
13:13:13 35
13:13:14 36 I follow that's what you say. Wouldn't it be sensible to
13:13:17 37 say, "Look, I'm told there's a risk. What is the risk?
13:13:21 38 Why is there a risk?" Would you have asked those
13:13:24 39 questions?---The risk is something around the risk to her
13:13:26 40 safety of giving evidence, not around the risk around her
13:13:30 41 being a source.
13:13:30 42
13:13:30 43 I follow that. If, for example, she's giving evidence
13:13:34 44 about a person who is, for example, not paying their taxes
13:13:38 45 or doing something like that, the risk might be reasonably
13:13:42 46 negligible, you'd follow that, wouldn't you?---H'mm.
13:13:45 47

13:13:46 1 If on the other hand she's providing information about
13:13:48 2 people who are engaged in high level drug importations and
13:13:51 3 so forth, that might mean that the level of risk is at a
13:13:56 4 whole different level of magnitude, do you follow
13:13:59 5 that?---It could mean that, yes.
13:14:00 6
13:14:00 7 What you would want to know if you're considering the risks
13:14:03 8 is who is likely to be angry if they find out that she's a
13:14:08 9 human source, it would be an obvious question?---I was
13:14:10 10 working on the basis that Dale would be, that Dale would be
13:14:13 11 the person who would present that risk to her.
13:14:15 12
13:14:18 13 Now, do you - is it your understanding or was it your
13:14:21 14 understanding that the only person she would be providing
13:14:25 15 information against would be Paul Dale?---It would be a
13:14:29 16 prosecution of Paul Dale, so yes.
13:14:31 17
13:14:31 18 She would be making a statement against Paul Dale and like
13:14:35 19 any other witness who makes a statement there might well be
13:14:39 20 a risk or a level of risk if a person's making a
13:14:42 21 statement?---That's right.
13:14:42 22
13:14:43 23 Right. But what you understand is that this person is
13:14:47 24 being handled by the Source Development Unit,
13:14:50 25 correct?---Yes.
13:14:50 26
13:14:50 27 She's acted for significant, heavy criminals in the past,
13:14:56 28 you were aware of that?---Associated with them, yes.
13:14:59 29
13:15:00 30 Perhaps even associated with them, which might suggest that
13:15:03 31 if she's associated with them she might be providing
13:15:06 32 information against them, correct?---I didn't make that
13:15:09 33 leap at the time, no.
13:15:10 34
13:15:10 35 I would have thought you would. If you're saying to me,
13:15:14 36 "She's associating with people", odds on she would be
13:15:18 37 providing information against them if she's a source?---I
13:15:22 38 understood that operation was around Dale and Petra.
13:15:24 39
13:15:25 40 Can I ask you this question, did it occur to you to ask
13:15:30 41 Mr Overland or Mr Cornelius or any other people on the Task
13:15:34 42 Force, "Who is she providing information against"?---No.
13:15:37 43
13:15:37 44 It didn't occur to you at all?---No.
13:15:39 45
13:15:41 46 Can I suggest to you that it would have been an obvious
13:15:44 47 consideration and an obvious question to ask?---No, her

13:15:48 1 transition from human source to witness would have been in
13:15:51 2 the context of her giving a statement and appearing in
13:15:55 3 court and her protection then would have been a witness
13:15:58 4 protection issue.
13:15:59 5
13:15:59 6 You did not have a belief, you did not have a state of mind
13:16:03 7 which was, "This woman is providing information against
13:16:06 8 Paul Dale only", did you?---Well she was providing
13:16:09 9 information relevant to Operation Petra.
13:16:11 10
13:16:12 11 I understand that, but can I just ask you this, do you say
13:16:17 12 to this Commission that as far as you were concerned you
13:16:19 13 had information to believe, which led you to believe that
13:16:21 14 the only person that she was providing information against
13:16:24 15 was Paul Dale?---I didn't believe that she was providing, I
13:16:27 16 didn't know that she was providing information of that much
13:16:30 17 broader scale. That subsequently became apparent.
13:16:32 18
13:16:33 19 You told Mr Kellam that you were not aware of the extent of
13:16:36 20 her information one way or the other?---Yeah.
13:16:39 21
13:16:39 22 Right. And so one say to satisfy yourself about that would
13:16:43 23 be to ask?---Well I wasn't aware that there was this
13:16:46 24 further stuff going on.
13:16:47 25
13:16:47 26 I note the time, Commissioner.
13:16:49 27
13:16:49 28 COMMISSIONER: Yes. Before we adjourn I'll mention
13:16:52 29 something. Kenneth Jones is going to give evidence to the
13:16:59 30 Commission on Friday, former Deputy Commissioner of Police.
13:17:03 31 He's only available one day, mainly because of temporal
13:17:09 32 pressures on the Royal Commission. Counsel assisting is
13:17:11 33 restricting examination to half a day and so the parties
13:17:17 34 with leave to cross-examine will have the balance of the
13:17:20 35 day to cross-examine and will have to do re-examination in
13:17:24 36 that time as well. So those with leave to cross-examine
13:17:28 37 need to plan carefully their cross-examination to make sure
13:17:33 38 that it's fairly efficient and to communicate with counsel
13:17:37 39 assisting and each other to ensure there's no duplication
13:17:41 40 of questioning and that the time is spent, the time spent
13:17:46 41 cross-examining is used effectively.
13:17:50 42
13:17:50 43 MR HOLT: Commissioner, can I just raise one issue in
13:17:52 44 relation to that. I'm aware that correspondence is coming
13:17:56 45 to those assisting the Commission, probably within the next
13:17:58 46 hour I would expect about this very issue. What the
13:18:02 47 Commissioner proposes is a matter that we would wish to be

13:18:04 1 heard on but it might be appropriate if I simply foreshadow
13:18:07 2 that correspondence be considered by the Commissioner and I
13:18:11 3 seek to perhaps address it later in the day or tomorrow at
13:18:16 4 the appropriate time.

13:18:16 5
13:18:16 6 COMMISSIONER: All right then.

7
8 MR HOLT: Thank you Commissioner.

9
13:18:16 10 COMMISSIONER: We'll adjourn until 2 o'clock thank you.

11
13:18:40 12 <(THE WITNESS WITHDREW)

13:18:43 13
13:18:43 14 LUNCHEON ADJOURNMENT

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13:58:31 1 UPON RESUMING AT 2.00 PM:
14:09:11 2
14:09:11 3 MR HOLT: Commissioner, may I raise an issue very briefly
14:09:13 4 before we commence?
5
14:09:15 6 COMMISSIONER: Yes, Mr Holt.
14:09:17 7
14:09:18 8 MR HOLT: Commissioner, when highly sensitive documents
14:09:19 9 such as the ICRs and the SMLs are going up, they're only
14:09:24 10 going up on Mr Winneke's screen as far as is visible from
14:09:25 11 the courtroom. We're very grateful for that. But there
14:09:26 12 are positions in the public gallery where it's clear that
14:09:30 13 they can be seen, and there are members of the public not
14:09:33 14 subject to undertakings who are taking notes. I'd be very
14:09:38 15 grateful if it could be very clear that that material is
14:09:40 16 highly sensitive.
17
14:09:41 18 COMMISSIONER: Yes. Perhaps if we could ask the members of
14:09:44 19 the public just behind Mr Winneke to move to other seats.
14:09:46 20 There are plenty of other seats available.
14:09:48 21
14:09:48 22 MR HOLT: I'd be very grateful, Commissioner.
23
14:09:50 24 COMMISSIONER: Thank you. Can I ask the people directly
14:09:51 25 behind Mr Winneke in that seat to just move to some other
14:09:54 26 seats, please. Not so much the back rows, they're fine.
14:09:58 27 It's the front row that's the problem. Thank you. Thanks
14:10:12 28 very much for that.
29
14:10:15 30 MR WINNEKE: Thanks Commissioner.
14:10:16 31
14:10:17 32 <GRAHAM LEONARD ASHTON, recalled:
33
14:10:24 34 MR WINNEKE: Mr Ashton, we'd got to the stage where around
14:10:26 35 early December 2008 it's quite clear that there is a very
14:10:30 36 strong desire to use Ms Gobbo as a witness, we've been
14:10:34 37 dealing with that?---Yes.
38
14:10:35 39 You get a sense, and indeed you're told in meetings that
14:10:40 40 there is a dispute, if you like, between the SDU and the
14:10:46 41 investigators?---Yes.
42
14:10:47 43 Correct? I've been asking you about your concerns about
14:10:53 44 the possibility or at least the risks that might be
14:10:58 45 associated with Ms Gobbo becoming a witness, right?---Yes.
46
14:11:08 47 Can I tell you this, or at least ask you, Mr Overland was

14:11:19 1 speaking directly to obviously the investigators, you know
14:11:22 2 that?---Yes.
3
14:11:24 4 And he's also speaking to the Unit who manages Ms Gobbo. I
14:11:31 5 take it you're aware of that also; is that right?---Yes,
14:11:36 6 he's in that role to do that. He would have been able to
14:11:39 7 do that, yes.
8
14:11:40 9 And indeed what you're saying is you're getting the
14:11:42 10 messages or the idea that there is this dispute, and it's
14:11:44 11 clearly from the police investigators?---Yes, saying that
14:11:49 12 there was a reluctance by the source handlers that she
14:11:56 13 should transition to a witness, yes.
14
14:11:58 15 The reality is ultimately if there are directions to be
14:12:03 16 made about a course to be taken in an investigation, it
14:12:07 17 comes from - well, I suppose at the very top the Assistant
14:12:12 18 Commissioner of Crime because he's got the power to direct
14:12:15 19 people to do certain things in relation to investigations I
14:12:18 20 assume; doesn't he?---I suppose ultimately the Deputy
14:12:22 21 Commissioner would probably be that person.
22
14:12:23 23 But insofar as this investigation is concerned, Mr Overland
14:12:26 24 was effectively in control of that investigation, would you
14:12:29 25 agree with that proposition?---I think he was the Deputy
14:12:33 26 Commissioner at that stage.
27
14:12:34 28 He remained the Deputy Commissioner, or I think in charge
14:12:38 29 of Crime until he became the Chief Commissioner in about
14:12:42 30 March or thereabouts?---Yes, so I understand, yes.
31
14:12:47 32 Of 2009. Your understanding was there were directions
14:12:49 33 coming from the steering committee or Mr Overland to take a
14:12:52 34 statement from Ms Gobbo?---Yes.
35
14:12:54 36 And that led to some resistance on the part of the handlers
14:12:59 37 and did you understand that there were being, in effect
14:13:07 38 there was fairly active resistance to the proposition that
14:13:10 39 she'd be a witness?---Yeah, I really just knew that there
14:13:13 40 was a difference of view about the course of action to
14:13:17 41 transition, not that there was sort of anything more active
14:13:20 42 than that going on.
14:13:21 43
14:13:22 44 You mightn't have been aware of the details but what
14:13:24 45 appears and what the Commission knows is that there was a
14:13:27 46 direction, or at least the SDU management put together a
14:13:33 47 dot point series of, in effect a risk analysis, if you

14:13:43 1 like, a quasi risk analysis to use as dot point discussions
14:13:47 2 with Mr Overland. Now Mr Overland met with the SDU
14:13:51 3 handlers out of town at a beachside location on about 5
14:13:56 4 December. Re were you aware that he was out of town?---No.
5
14:14:03 6 And he had a discussion with handlers, or at least with
14:14:13 7 Mr Biggin, and there was a meeting at which some dot points
14:14:24 8 were put and can I suggest to you this, that handlers had
14:14:30 9 suggested that if Ms Gobbo was exposed as a human source
14:14:38 10 there would be risks, including risk to the organisation,
14:14:45 11 there would be a perception that the source may have been
14:14:48 12 passing on privileged information and the police were using
14:14:51 13 that information. There was a risk of a Royal Commission
14:14:58 14 into source handling by the SDU as a result of that,
14:15:06 15 amongst other matters. Now, firstly, were you made aware
14:15:09 16 that those concerns were being expressed to
14:15:13 17 Mr Overland?---I don't believe I was, no.
18
14:15:15 19 Well, you say you don't believe you were?---I don't recall
14:15:18 20 having any discussions of that nature, seeing any document
14:15:21 21 of that nature or anything else about that matter.
22
14:15:24 23 Ultimately you're on the steering committee and if the
14:15:27 24 steering committee is involved in the running of the
14:15:32 25 investigation and involved in the decision-making process
14:15:37 26 to use Ms Gobbo as a witness, would you think that that
14:15:42 27 sort of information should be made available to all of the
14:15:46 28 members of the steering committee?---Yes.
29
14:15:49 30 So if people were telling Simon Overland, "Look, if she's
14:15:55 31 exposed there could be long-term damage to Victoria Police,
14:15:58 32 Royal Commission", et cetera, et cetera, you would expect
14:16:01 33 that that information should be conveyed to the steering
14:16:03 34 committee?---Yes.
35
14:16:04 36 That proposition?---My understanding was the concerns were
14:16:07 37 stemming from her safety, which I thought could be dealt
14:16:11 38 with in terms of her being in witness protection.
39
14:16:16 40 In terms of concerns about her safety, that's one side of
14:16:20 41 the proposition. So if an informer is exposed in the
14:16:25 42 process of becoming a witness there will be safety concerns
14:16:30 43 and that's what you say you were aware of?---Yes.
44
14:16:33 45 If on the other hand there are other issues that might come
14:16:36 46 to light as a result of that person being exposed as a
14:16:42 47 human source, such as the fact that the SDU had been

14:16:47 1 engaging in conduct which might create the perception of
14:16:53 2 improper use of her, then that is another area that might
14:16:58 3 be relevant to the question of should she become a
14:17:04 4 witness?---Well yes, certainly if she was a witness all
14:17:07 5 that should come to light, all that should be out in the
14:17:09 6 open.
7

14:17:10 8 Clearly. And indeed if there was any suggestion that there
14:17:13 9 had been impropriety in her use as a human source, such
14:17:19 10 that it could lead to criticism of Victoria Police, that
14:17:24 11 would be very much a matter, I suggest, that should have
14:17:28 12 been made known to people on the Task Force steering
14:17:31 13 committee, do you accept that proposition?---In terms of
14:17:33 14 weighing up that risk, yes. Yes.
15

14:17:54 16 The concern about her safety, as I suggest, is one aspect
14:17:58 17 of it. Were you ever informed that she could be a witness,
14:18:09 18 still be a witness and not have her previous history as an
14:18:12 19 informer be exposed?---No.
20

14:18:17 21 That wasn't something that was raised with you do you
14:18:19 22 say?---No, I never recall any discussions of that nature,
14:18:22 23 no.
24

14:18:26 25 Some of the other dot points, or some of the other issues
14:18:28 26 that were being considered by the SDU and potentially
14:18:31 27 raised with Mr Overland were these, that Mr Dale could
14:18:39 28 claim that any communications that he'd had previously with
14:18:42 29 Ms Gobbo would be privileged or might be privileged. Was
14:18:47 30 that something that was ever raised with you as a matter of
14:18:50 31 concern?---No, but that's something that could - if there
14:18:54 32 was a prosecution she could make that claim and it could be
14:18:56 33 tested by the court.
34

14:18:58 35 And if that claim was made, any material which police held
14:19:04 36 which might in fact justify that claim would be
14:19:07 37 disclosable?---Yes.
38

14:19:08 39 And indeed would have to be disclosed?---Yes.
40

14:19:10 41 Unless there's a very good reason not to?---Yes.
42

14:19:14 43 Was it also made clear that potentially if she was exposed
14:19:19 44 it could lead to the jeopardising of future prospects - of
14:19:27 45 prosecutions rather?---So what was the question?
46

14:19:31 47 If, for example, it became known that Ms Gobbo was a human

14:19:35 1 source, it could bring into jeopardy future prosecutions of
14:19:38 2 Mr Mokbel and associates. Was that ever made known to
14:19:42 3 you?---No.
4
14:19:46 5 Another point was that it might leave convictions that had
14:19:51 6 already been obtained potentially exposed to being set
14:19:57 7 aside because of the impropriety which led to the
14:20:01 8 convictions?---No, I don't believe that was brought to my
14:20:03 9 attention.
10
14:20:04 11 Right. Can I suggest to you that on 7 December 2008
14:20:22 12 Ms Gobbo met with Paul Dale and she was wired, she'd been
14:20:27 13 provided with a recording device and she sat with Mr Dale
14:20:30 14 and recorded a conversation. You were updated about that
14:20:34 15 on the following day at the Petra Task Force update, is
14:20:38 16 that your recollection?---Yes, I was aware that she
14:20:40 17 recorded a conversation, yes.
18
14:20:43 19 I wonder if just before we do, can I go to the source
14:20:46 20 management log at p.58 for 5 December 2008. Source
14:20:56 21 management log. Actually, whilst we're here you can see
14:21:05 22 that there was a - this is an ICR. You can see some of the
14:21:08 23 issues that had been raised by the SDU: risk of human
14:21:11 24 source exposure as a source, risk to organisation if
14:21:13 25 long-term source is exposed, risk of Royal Commission into
14:21:17 26 source handling, threat to personal safety, and so on.
14:21:22 27 Were any of these matters raised with you?---As I said
14:21:25 28 before, I don't believe they were, no.
29
14:21:27 30 Okay. So we have a look at the source management log at
14:21:30 31 p.58. Page 58. If we go back to - go to 5 December. Here
14:21:46 32 we see a meeting with Biggin, issues using human source as
14:21:49 33 a witness. Mr Overland's present. "Made clear that human
14:21:54 34 source value as a witness more important than perceived
14:21:57 35 issues." And then, "Decision that preferable that Petra
14:22:02 36 deploy human source in case deployment becomes evidentiary.
14:22:06 37 Need break barrier between the SDU management and witness
14:22:11 38 management". Now then the following day, "Update. Human
14:22:14 39 source meets with Petra and Dale deployment". Can I ask
14:22:24 40 you about this issue of a break barrier. That seems to
14:22:27 41 have been a phrase that's just come up in discussions
14:22:32 42 around this time and following, a break barrier between her
14:22:35 43 role as a human source and her role as a witness. Is that
14:22:39 44 an expression that was used in the course of any Task Force
14:22:42 45 meetings?---It's not a phrase that I'm really familiar with
14:22:46 46 but it's certainly - you know, matters to do with witness
14:22:49 47 protection are kept very separate from matters to do with

14:22:54 1 human source management. And they are very different
14:22:56 2 functions.
3
14:22:57 4 You recall that you were ultimately provided with an advice
14:23:00 5 from Mr Maguire and that referred to this break barrier
14:23:04 6 concept?---Yes.
7
14:23:05 8 Is that something you were aware of prior to receiving
14:23:09 9 Mr Maguire's advice?---No, I don't really think I was
14:23:16 10 really familiar with the term break barrier. I'm just
14:23:19 11 aware that there should be a - yeah, they're two very
14:23:24 12 separate functions, so I understand what the term means.
13
14:23:27 14 Can I just put this proposition to you: in Mr White's diary
14:23:31 15 he'd had a meeting with Mr Biggin and Mr Black and Mr Smith
14:23:39 16 regarding Ms Gobbo. It's the same note here. It was
14:23:44 17 agreed that there'd be a deployment of Gobbo and it to be
14:23:47 18 done by Petra to isolate the activity with respect to Dale
14:23:51 19 from the previous activity with respect to the SDU. That's
14:23:55 20 done to protect the historical relationship from, the SDU
14:24:01 21 from being discovered should she become a witness against
14:24:04 22 Dale. That's was what was anticipated would occur, do you
14:24:07 23 follow that?---Yeah, I follow what you're saying, yes.
24
14:24:11 25 And the expectation was, or hope perhaps, was that if it
14:24:17 26 occurred in that way, if there was some sort of break, that
14:24:21 27 if Petra deployed her and not the SDU, then it could be
14:24:24 28 said, "Look, whatever occurs before, whatever relationship
14:24:28 29 with the SDU was before it's irrelevant to any prosecution
14:24:33 30 of Dale and therefore there's no need to disclose any
14:24:36 31 material". Was that something that was discussed or
14:24:39 32 considered do you recollect?---No, I don't.
33
14:24:48 34 If we can have a look at the Task Force update,
14:24:54 35 VPL.0100.0046.2876. It's your understanding that, if you
14:25:10 36 have a look at the source management log update on the 7th,
14:25:15 37 she'd met with Dale and she was taped on the 7th, you
14:25:19 38 understand that?---Yes.
39
40 Was taped on the 7th, right?---Yes.
41
14:25:23 42 On the 8th there's these updates. If we move down the
14:25:32 43 screen, we see here that Gobbo spoke to investigators on 7
14:25:36 44 December 2008. Confirmed that she'd recently spoken with
14:25:40 45 Dale?---Yes.
46
14:25:41 47 He told her about attending coercive hearings. There were

14:25:46 1 general discussions about the hearing. Discussions about
14:25:48 2 Collins and Williams and Dale was speculating about
14:25:52 3 evidence against him, do you see that?---Yes.
4
14:25:56 5 Clearly you were provided with additional information over
14:25:58 6 and above that, do you accept that?---Why do you say that?
7
14:26:04 8 Well because what that doesn't reveal is that she actually
14:26:08 9 had a tape recorder on her and that she'd taped Mr Dale.
14:26:12 10 You were aware that she'd met with him and taped him,
14:26:15 11 weren't you?---Yes.
12
14:26:17 13 Do you recall having discussions with the investigators on
14:26:20 14 that day about that?---I don't know whether it was on that
14:26:24 15 day or not but certainly there was discussions at some
14:26:27 16 point about that, yes.
17
14:26:31 18 Is there any - can you explain why there'd be no reference
14:26:34 19 to the fact that she'd been taped, sorry, he'd been taped
14:26:37 20 by her?---No, I didn't prepare the document. I don't know.
21
14:26:43 22 I tender that document, Commissioner.
14:26:45 23
14:26:47 24 #EXHIBIT RC884A - (Confidential) 8/12/08 Petra Task Force
14:26:55 25 weekly update.
14:26:57 26
14:26:58 27 #EXHIBIT RC884B - (Redacted version.)
28
14:27:02 29 It seems that, and the evidence at the Commission is that
14:27:06 30 around mid-December Mr Dale was taken out of custody and
14:27:11 31 you recall - I'm sorry, did I say Mr Dale, Mr Williams was
14:27:15 32 taken out of custody and a statement, another statement was
14:27:19 33 taken from him, do you recall that?---Yes, that rings a
14:27:22 34 bell, yes.
35
14:27:23 36 And on this time, on this occasion Mr Williams is now
14:27:30 37 saying that Paul Dale did meet with him and did engage him
14:27:36 38 to carry out the murder of Mr Hodson?---Yes.
39
14:27:39 40 You're aware of that I take it?---Yeah, it was around that
14:27:43 41 Christmas time, so that would be consistent with those
14:27:46 42 dates, yeah.
43
14:27:51 44 Then there was a steering committee meeting on 29 December
14:27:57 45 2008. Do you recall being at a steering committee meeting
14:28:02 46 around that time?---I may have been. There was - often I
14:28:08 47 would be - when I was at the OPI, unlike now, I would take

14:28:12 1 leave around that Christmas time.
2
14:28:15 3 Yes?---So I'm not 100 per cent sure but I could well have
14:28:20 4 been there.
5
14:28:23 6 All right then. The next thing I want to ask you about is
14:28:26 7 a document which is VPL.0100.0035.0001. It's Exhibit 518,
14:28:37 8 Commissioner. What you'll see on the front there is a
14:28:51 9 cover sheet and it indicates that it's an issue document,
14:28:58 10 the SDU human source making statement to Petra Task Force,
14:29:04 11 so that's the issue?---Yes.
12
14:29:06 13 And it appears when we get into the document that the
14:29:10 14 document had been made by an SDU controller by the name of
14:29:13 15 Black - - -
14:29:15 16
14:29:15 17 MR HOLT: Commissioner, there's no difficulty with this
14:29:17 18 being up on the screens if that assists people.
19
14:29:20 20 COMMISSIONER: Thank you.
21
14:29:22 22 MR WINNEKE: Can it be on the public screen?
23
14:29:24 24 COMMISSIONER: That's my understanding.
14:29:26 25
14:29:27 26 MR HOLT: I (indistinct) on that basis.
27
14:29:31 28 MR WINNEKE: All right. It seems that the document has
14:29:40 29 been passed, if you can accept from me that it was prepared
14:29:43 30 by Black and signed on 31 December 2008. It then goes to
14:29:48 31 Biggin - you know Superintendent Biggin I take it?---Yes.
32
14:29:53 33 It goes to Superintendent Biggin on 2 January 2009 and he
14:29:58 34 prepares the cover sheet. It says, "Destination: Commander
14:30:04 35 of the I&CS department. Action for information and
14:30:08 36 attention, please. Authority AN Biggin, Superintendent".
14:30:15 37 Do you see that?---Yes.
38
14:30:16 39 Then it appears to have gone, if we go to the second page
14:30:19 40 of the document. No, sorry. If we go back. We'll see
14:30:32 41 that it's gone to Mr Porter apparently on 5 January. It's
14:30:40 42 been - it's gone to Mr Moloney on the same day, and if we
14:30:47 43 go back to the first day, the first page. It seems that
14:30:52 44 it's then gone, been directed to Deputy Commissioner
14:30:57 45 Overland and the action nominated is "Petra steering
14:31:02 46 committee consideration", "committee for consideration", do
14:31:06 47 you see that, and that's Dannye Moloney, Assistant

14:31:11 1 Commissioner?---Yes.
2
14:31:11 3 Effectively what it appears, the process seems to be Black
14:31:13 4 prepares the document on the 31st, it goes to Biggin on 2
14:31:17 5 January, Porter on 5 January, and then Moloney on 5 January
14:31:22 6 and then appears to go to Overland for action of the
14:31:26 7 steering committee consideration on the same day, 5
14:31:30 8 January, right?---Yes.
9
14:31:33 10 If I can - just before I move through the document - go to
14:31:38 11 this diary entry, VPL.0005.0215.0041 at p.41. This is a
14:31:49 12 diary of Mr Hollowood and it's a diary entry at 16:00 hours
14:31:57 13 on 5 January 2009. If we have a look at that. What we see
14:32:36 14 is an entry at 4 pm. If we can just highlight that.
14:32:44 15 There's a Task Force - it's a little bit hard to read but I
14:32:55 16 think it's relatively clear it's a joint management
14:32:59 17 committee Petra briefing and the attendees appear to be
14:33:06 18 Overland, Moloney, Ashton and Detective Smith for weekly
14:33:13 19 update, do you see that?---Yes.
20
14:33:16 21 Righto. Now it appears to have been the case that the
14:33:20 22 purpose of this document, if we can then go back to the
14:33:24 23 document, was for the consideration of the steering
14:33:30 24 committee and the document relates to an issue which is
14:33:35 25 very much an issue for the Petra Task Force steering
14:33:38 26 committee, that is the making of Ms Gobbo as a witness, do
14:33:42 27 you accept that?---Yes.
28
14:33:43 29 Okay. Can we go to the next page of the document. What we
14:33:52 30 see there is there's some background, the issue cover
14:33:58 31 sheet, and the reference is again at the top, "The issue
14:34:05 32 human source making a statement to Petra Task Force. The
14:34:08 33 human source had been placed in contact with Detective
14:34:12 34 Senior Sergeant Shane O'Connell at Petra. Registered since
14:34:15 35 16 September 2005. Was formally registered as a human
14:34:18 36 source". There's some redacted material which we can do
14:34:21 37 without. But, "Attached is a briefing paper submitted by
14:34:25 38 Detective Senior Sergeant", and we know it's Black,
14:34:30 39 "setting out a strategic analysis of the source based on a
14:34:33 40 SWOT analysis". Do you know what a SWOT analysis is?---A
14:34:36 41 SWOT analysis, yes, I do.
42
14:34:38 43 Strengths, weaknesses, opportunities and threats, is that -
14:34:41 44 - - ?---Yes.
45
14:34:42 46 "It provides a good background. Ultimately if the source
14:34:45 47 signs the statement and becomes a witness then that is an

14:34:47 1 issue for the source and investigators. Been a very
14:34:51 2 productive source, highly intelligent, well educated with
14:34:55 3 responsible employment. The source has been operationally
14:34:58 4 deployed", and we might get that information so as you can
14:35:05 5 see it. But if we can keep going down. There's some
14:35:09 6 references to the source being responsible for a number of
14:35:13 7 investigations, albeit this has not been the motivation.
14:35:17 8 Now again we'll get that. But what I want to take you to
14:35:23 9 is this: there are a number of organisational risks to
14:35:28 10 Victoria Police. The SDU are prepared to expand upon these
14:35:32 11 to the Task Force management. "The purpose of this paper
14:35:36 12 is to ensure that decision makers are in possession of
14:35:40 13 relevant information to allow proper decisions to be made.
14:35:44 14 Decisions made today may have long-term implications for
14:35:48 15 Victoria Police. Recommendation: forward for information,
14:35:52 16 consideration and transition to AC Moloney please". And
14:35:57 17 there we see Mr Biggin's signature above his name, do you
14:36:02 18 see that?---Yes.
19
14:36:04 20 So it appears that Mr Biggin has in effect reinforced
14:36:09 21 what's in the document that's been provided by this cover
14:36:12 22 note and indicated that the decision that is going to be
14:36:16 23 made is going to have long-term implications for Victoria
14:36:19 24 Police. Do you see that?---Yes.
25
14:36:22 26 Now can I ask you this: firstly, do you recall having seen
14:36:26 27 this document?---No, I don't recall having read this, no.
28
14:36:33 29 Do you say as a matter of certainty that you haven't or is
14:36:38 30 it something that you simply don't recall reading?---I
14:36:41 31 don't recall having seen it, no.
32
14:36:42 33 So there's a possibility that you might have seen it?---I
14:36:45 34 don't think I've seen it, but - I don't have any
14:36:48 35 recollection of seeing it.
36
14:36:49 37 Right, okay. If we then go through to the next page. Can
14:37:01 38 we put up the shaded version? Do we have a shaded version
14:37:04 39 we can put up so as - there is a shaded version of the
14:37:09 40 document. R2S it is.
41
14:37:13 42 COMMISSIONER: It has some redactions. You want the shaded
14:37:16 43 one though, right. I'm with you. I'm with you.
44
14:37:19 45 MR WINNEKE: The unredacted or the shaded one.
46
14:37:21 47 COMMISSIONER: Yes.

1

14:37:22 2 MR WINNEKE: Whilst we're getting that. What you see there
14:37:25 3 is that it's a document which has been prepared by a
14:37:29 4 Detective Senior Sergeant, and we say it's Black, to
14:37:32 5 Biggin. It's dated 31 December and the situation is set
14:37:35 6 out. "SDU has been tasked to outline the implications of
14:37:42 7 Ms Gobbo making a statement to the Petra Task Force and
14:37:45 8 thus becoming a Crown witness." Then there's the strategic
14:37:47 9 analysis, do you see that?---Yes.

10

14:37:49 11 "SDU has undertaken a strategic analysis of that objective
14:37:52 12 and the implications are outlined below. The strengths of
14:37:55 13 the analysis", that is of the situation, that is Ms Gobbo
14:37:58 14 becoming a witness, "is that information/evidence is
14:38:03 15 critical to support serious charges, possible prosecution
14:38:06 16 against Paul Dale and others". The third one is the
14:38:13 17 disengagement of the SDU from the management of that
14:38:16 18 individual. I take it you're aware of the strengths
14:38:20 19 section of the analysis, that is the critical evidence and
14:38:26 20 the possible prosecution of Paul Dale?---Yes.

21

14:38:28 22 Weaknesses are set out, being possible OPI government
14:38:32 23 review into legal, ethical implications, do you see
14:38:36 24 that?---Yes.

25

14:38:38 26 That would be something which would be relevant to your
14:38:43 27 function, I assume, as a person who was a member of the
14:38:48 28 OPI?---Yes.

29

14:38:51 30 Do you say that you were shown this document or not?---I
14:38:55 31 don't believe I was shown this document, no.

32

14:39:09 33 COMMISSIONER: It can remain up on the witness's screen and
14:39:14 34 Mr Winneke's screen and my screen.

35

14:39:30 36 MR WINNEKE: So possible OPI government review into legal
14:39:33 37 and ethical implications. Do you say that you did not see
14:39:37 38 that document?---I don't believe I've seen that document
14:39:40 39 and the reason I don't believe it, I don't believe I've
14:39:44 40 seen it is because it talks about exactly that, and that
14:39:47 41 would have - I would think that would be something I would
14:39:49 42 have remembered.

43

14:39:50 44 Just let's get this clear. Do you say you've never seen
14:39:54 45 the document at all or you don't recall seeing it back on 5
14:39:57 46 January 2009?---I don't remember seeing it - I've seen it
14:40:01 47 since in preparation for information that's been disclosed

14:40:05 1 to me prior to these hearings.
2
14:40:07 3 All right. That's in, what, recent - this year I take it,
14:40:14 4 is it?---The last few weeks.
5
14:40:16 6 Prior to that do you recall ever being shown this
14:40:18 7 document?---No, I don't have a memory of seeing it before.
8
14:40:23 9 At no stage have you asked to review this or look at this
14:40:27 10 document?---Sorry, in what period?
11
14:40:33 12 At no stage at all in more recent - sorry, at any stage
14:40:37 13 when you were at Victoria Police did you know of or ask to
14:40:41 14 see this document?---No, not until - my memory of it is not
14:40:45 15 until part of the preparation for these hearings.
16
14:40:49 17 Not even during the period that you were a litigant in
14:40:51 18 proceedings in the Supreme Court?---No, I don't think I've
14:40:54 19 ever seen it.
20
14:40:55 21 What about in any review, Loricated, Bendigo, any Comrie
14:41:00 22 review, did you ever ask to see the document?---I was never
14:41:03 23 involved in those hearings.
24
14:41:05 25 Did you ever read the Comrie review?---I read the eventual
14:41:08 26 review. Yeah, I think I did read that.
27
14:41:12 28 But you've never asked to read this document?---No, I don't
14:41:16 29 believe I've seen this before, before recently.
30
14:41:22 31 At any stage has anyone ever asked you whether you'd seen
14:41:25 32 this document?---No.
33
14:41:26 34 No one has ever asked you until now, or perhaps when your
14:41:29 35 lawyers spoke to you, whether you've seen this document, no
14:41:32 36 one?---No.
37
14:41:34 38 So do you mean to say that the first time - when did you
14:41:37 39 first become aware of this document, you say?---The first
14:41:41 40 time I can remember seeing this document was in preparing
14:41:44 41 and getting materials from my lawyers.
42
14:41:46 43 What was your reaction when you saw it?---I was surprised
14:41:50 44 by it.
45
14:41:51 46 And why were you surprised?---Because it's a document I
14:41:55 47 would have thought I would have remembered seeing if I'd

14:41:59 1 been shown it.
2
14:42:00 3 You would have thought you'd remember seeing it?---Yes.
4
14:42:07 5 Can we just keep going over the page. If we go over the
14:42:16 6 page we can see there's other matters in the weakness
14:42:22 7 column which are perhaps neither here nor there for the
14:42:26 8 purpose of our exercise. But if we keep scrolling down we
14:42:33 9 see that again in the "threats" column, if we keep going
14:42:42 10 down. Next page. Keep going. Right. Again on the last
14:42:48 11 page one of the threats is, "An OPI review, a serving
14:42:56 12 barrister assisting police, consideration of unsafe
14:43:00 13 verdicts and possible appeals, prosecutions current
14:43:05 14 (Mokbel) and future?" Do you see that?---Yes.
15
14:43:09 16 And then further there's another reference to a potential
14:43:11 17 OPI investigation, the implications of Ms Gobbo involved
14:43:15 18 with another particular person who's a human source who we
14:43:20 19 don't need to identify, do you see that?---Yes.
20
14:43:23 21 In addition to that, above that, if we go up to the
14:43:25 22 previous page, another one of the threats is, "Exposure of
14:43:28 23 the source as a consequence of becoming a Crown witness,
14:43:32 24 judicial review of police actions in tasking and deploying
14:43:35 25 one of their own, public interest immunity, human source
14:43:39 26 well connected in the Victorian legal fraternity", do you
14:43:42 27 see that?---Yes.
28
14:43:45 29 That document is apparently a document which was to be
14:43:50 30 directed to the steering committee of Petra as a
14:43:56 31 significant document for them to consider in determining
14:44:00 32 whether or not to make Ms Gobbo a witness, do you follow
14:44:03 33 that?---Yes.
34
14:44:06 35 You were on the steering committee of Petra,
14:44:10 36 correct?---Correct.
37
14:44:10 38 So you were one of the people to whom that document was
14:44:15 39 directed by the author and Mr Biggin, Moloney and
14:44:21 40 Mr Porter?---Correct.
41
14:44:22 42 Right. Now, can I suggest to you - or can I ask you, it
14:44:28 43 would seem likely that you'd seen the document, do you
14:44:31 44 accept that?---It looked like it forwarded with the
14:44:34 45 intentions of it being seen by the committee, yes.
46
14:44:38 47 And you say to this Royal Commission that you do not

14:44:43 1 believe that you saw that document?---No, no recollection
14:44:46 2 of ever having that document disclosed to me.
3
14:44:51 4 If you had have seen this document and seen those three
14:44:54 5 references to the OPI review, the possible judicial review,
14:45:00 6 in your responsibility or your role as the Assistant
14:45:04 7 Director of the OPI what do you think you would have
14:45:07 8 done?---It would have caused me to ask questions as to why
14:45:13 9 would it be necessary for the OPI to be doing reviews,
14:45:16 10 what's going on with the human source, that would be
14:45:19 11 necessary.
12
14:45:20 13 Right. Well do you think you would have been very
14:45:22 14 concerned if you saw that document and those matters were
14:45:25 15 being raised?---Yes.
16
14:45:28 17 And if you were very concerned, I take it the first thing
14:45:33 18 that you would have done would have been asked questions,
14:45:38 19 you would have wanted to find out what all this was about,
14:45:41 20 would that be reasonable to say?---Yes, yes.
14:45:41 21
14:45:41 22 I take it you would have said, "I'm going to have to speak
14:45:45 23 to the Director of the OPI about this. I'm going to have
14:45:47 24 to elevate this, this is significant", something along
14:45:50 25 those lines?---Yes.
26
14:45:51 27 Would you have done that?---In all likelihood I would have
14:45:55 28 certainly been asking questions as to why they would have
14:45:57 29 thought that that was necessary, why would the source
14:46:00 30 handlers think that.
31
14:46:01 32 What sort of questions would you have been asking in
14:46:04 33 addition to why would they think that? What sort of things
14:46:08 34 do you think you would do?---Well why would they think that
14:46:10 35 it would be necessary for the OPI to be doing some sort of
14:46:13 36 review into this matter? What's - is there some suggestion
14:46:20 37 that there's something untoward happening with the human
14:46:22 38 source? Yes.
14:46:22 39
14:46:22 40 They state their reasons as to why they think there would
14:46:28 41 be OPI involvement, don't they? If we go up to the B,
14:46:33 42 point B. Keep going. "Possible OPI government review into
14:46:39 43 legal/ethical implications". That would be something that
14:46:45 44 would need to be considered?---Yes, that could - yes,
14:46:49 45 that's right.
46
14:46:50 47 If we go down to the "Threat" column we see, "Judicial

14:46:55 1 review, police actions in tasking and deploying one of
14:46:57 2 their own"?---Yes.
3
14:47:01 4 If we go further down we see that, "OPI reviewed serving
14:47:05 5 barrister assisting police. Consideration of unsafe
14:47:08 6 verdicts, possible appeals, prosecutions current and
14:47:10 7 future". Surely that would be very significant and you
14:47:12 8 would want to get to the bottom of it, wouldn't you?---Yes.
9
14:47:15 10 Can you think of a reason, if you didn't see this, can you
14:47:18 11 think of any reason why you wouldn't have been shown this
14:47:21 12 document?---No.
13
14:47:25 14 Can you speculate as to why if it's directed to Mr Overland
14:47:28 15 it wouldn't have been provided to you?---No, I don't know
14:47:32 16 why.
17
14:47:34 18 Not even prepared to hazard a guess?---It would be a
14:47:37 19 questions for Mr Overland I guess.
20
14:47:39 21 Right. Do you think that this document was deliberately
14:47:42 22 withheld from you?---I don't know.
23
14:47:47 24 I mean you see the situation here, this document goes to
14:47:51 25 the committee and you say you haven't seen it?---Yes, I
14:47:54 26 understand the question.
27
14:47:55 28 If you had have seen it you say that the balloon would have
14:47:58 29 gone up, would that be fair to say?---Well I would have
14:48:04 30 needed to ask questions as a result of it. I think this is
14:48:06 31 what makes me more confident that I haven't seen it.
32
14:48:10 33 Can you understand why there might be a judicial inquiry
14:48:15 34 and things like that, possible Royal Commissions and so
14:48:19 35 forth?---Well possibly in their thinking they're ultimately
14:48:24 36 using a lawyer as a human source and so potentially there
14:48:28 37 could be interest in that fact.
38
14:48:29 39 One assumes that the people who are writing this document
14:48:31 40 would be writing it because they had a particular view
14:48:33 41 about what might be exposed?---Yes.
42
14:48:35 43 If the people who are actually writing the document were
14:48:37 44 the people who were handling her and suggesting there might
14:48:41 45 be possible convictions overturned, that would suggest
14:48:43 46 something pretty serious, wouldn't it?---Yes, I'm agreeing
14:48:46 47 with you.

1
14:48:51 2 What you say to this Royal Commission is, "I simply do not
14:48:54 3 know, I say I've not seen it before"?---Correct.
4
14:48:59 5 This meeting, as we understand it, went from 15:50, that is
14:49:07 6 ten to four, to 17 - 5.45. This would be an unusually long
14:49:14 7 meeting, can I suggest, for one of these Task Force
14:49:18 8 meetings?---I don't specifically remember the meeting so I
14:49:25 9 don't know what else was discussed.
10
11 We could go back to the minutes. I withdraw that. No,
14:49:29 12 don't worry about that. According to Mr Smith's diary the
14:49:31 13 meeting lasts from 15:50 to 17:45.
14:49:38 14
14:49:39 15 MR HOLT: That's not accurate. It says out of VPC at
14:49:46 16 15:50.
17
14:49:47 18 MR WINNEKE: It's out of VPC at 15:50. In any event. Is
14:49:52 19 it normally the case that these meetings normally start at
14:49:54 20 4 o'clock and go to 4.30?---Of that nature, yeah.
21
14:49:57 22 So if this was an unusually long meeting it might have been
14:50:01 23 that there were matters of some significance being
14:50:03 24 discussed, would that be fair to say?---It would depend on
14:50:06 25 what was in the log as to what the issues were. I don't
14:50:09 26 know that particular meeting, how long that could have gone
14:50:11 27 for or what was discussed.
28
14:50:13 29 Do you recall there being any disagreements or discussions
14:50:16 30 in a meeting which involved Ms Gobbo becoming a
14:50:23 31 witness?---I certainly knew of the desire from the human
14:50:29 32 source people that she not be a witness, yes. I certainly
14:50:32 33 knew that.
34
14:50:33 35 And you say that you understood there was resistance coming
14:50:38 36 from the SDU?---Yes.
37
14:50:42 38 Do you say that you were provided with reasons for that
14:50:44 39 resistance?---Well my understanding of the reasons for that
14:50:48 40 resistance were that you don't normally transition a human
14:50:52 41 source to a witness because of the potential for safety
14:50:56 42 risks involved.
43
14:51:02 44 Do you believe that this is a document that you very much
14:51:05 45 should have been shown?---Yes.
46
14:51:08 47 One, as a member of the steering committee to whom the

14:51:13 1 document was directed for a start, do you accept
14:51:15 2 that?---Yes.
3
14:51:15 4 And two, as a member of the OPI who has oversight into the
14:51:19 5 investigation, do you accept that you should have been
14:51:21 6 shown the document for that reason also?---Yes.
7
14:51:23 8 Do you understand that there were obligations on the part
14:51:27 9 of investigators and Victorian police officers to in effect
14:51:33 10 self-report, to say to the OPI, "Look, I've got a concern
14:51:37 11 that either me or colleagues associated with me have
14:51:41 12 engaged in improper conduct"?---Yes.
13
14:51:44 14 If members of the steering committee were aware that
14:51:48 15 members of the SDU had engaged in improper conduct would
14:51:52 16 there be an obligation upon them to notify the OPI?---Yes.
17
14:51:56 18 As far as you were concerned if this document had been
14:51:59 19 provided to, or came into the hands - regardless of who,
14:52:05 20 whether it be Biggin, Moloney, Porter, Overland, should
14:52:12 21 that have been provided to the OPI as a document which
14:52:16 22 needed to be looked into?---No one provided me with any
14:52:20 23 information at any time that there was misconduct going on,
14:52:24 24 if there were allegations of any misconduct going on within
14:52:27 25 the Source Development Unit at all.
26
14:52:29 27 I hear what you say, that no one provided you. What I'm
14:52:34 28 asking is should it have been provided to the OPI?---Yes,
14:52:37 29 there's an obligation, yes.
30
14:52:39 31 So do you say that there are two possibilities. One is
14:52:42 32 that you were not shown the document, that's the first
14:52:45 33 thing that you would say?---Yes.
34
14:52:46 35 The other alternative is you were shown the document and
14:52:49 36 you simply do anything about it?---No, I think if I was
14:52:52 37 shown the document it would have prompted me to ask
14:52:55 38 questions, so this is what makes me more confident I
14:53:00 39 haven't seen it.
40
14:53:01 41 Either of those possibilities isn't comfortable for a
14:53:05 42 number of people, one, for you, and the other possibility
14:53:06 43 is it's uncomfortable for the people who didn't show it to
14:53:09 44 you, do you accept that?---Well if I had have been shown it
14:53:12 45 and didn't do anything about it, there'd have to be reasons
14:53:17 46 why.
47

14:53:18 1 There'd be - I'm sorry?---There'd have to be reasons why.
14:53:21 2 But I don't remember having seen it.
3
14:53:22 4 Can you think of a reason why if you were shown that
14:53:25 5 document you would not have elevated it or done something
14:53:28 6 about it?---No.
7
14:53:29 8 If it had been shown to Mr Overland, you say he's got an
14:53:33 9 obligation to provide it, to bring it to the attention of
14:53:37 10 the OPI, do you say that?---Given the contents of it, yes.
11
14:53:40 12 What about to the Chief Commissioner at that stage who was
14:53:46 13 Ms Nixon, should it have been provided to her?---I would
14:53:51 14 think so if I was in that role, yes.
15
14:53:57 16 What about the document, should it have been provided to a
14:54:00 17 legal advisor such as the Director of Legal Services in the
14:54:05 18 Victorian Police Force?---That'd be another option, yes.
19
14:54:09 20 If you were in the position of the Assistant Commissioner
14:54:13 21 of Crime, which you were in for a while at this time, what
14:54:16 22 would you have done if you'd seen that document?---In 2011
14:54:20 23 I'd convene such a meeting with the Deputy Commissioner and
14:54:23 24 the head of Legal Services.
25
14:54:25 26 Yes, all right. Mr Ashton, you had a similar document, I
14:54:56 27 suppose, you had the advice of Mr Maguire in 2011, didn't
14:55:00 28 you?---Yes.
29
14:55:03 30 Do you believe that you appropriately dealt with that
14:55:05 31 document?---Yes.
32
14:55:08 33 Do you say that it was appropriately disclosed?---Yes.
34
14:55:12 35 You say that that document was provided to the OPP?---That
14:55:20 36 document was disclosed by me to the Deputy Commissioner and
14:55:23 37 the head of our Legal Services in order to commence the
14:55:28 38 review that was necessary to get to the bottom of the whole
14:55:30 39 thing.
40
14:55:30 41 I'm going to come back to that.
42
14:55:33 43 COMMISSIONER: The document on the screen, do you want to
14:55:35 44 tender that?
45
14:55:36 46 MR WINNEKE: It's already an exhibit, Commissioner.
47

14:55:38 1 COMMISSIONER: It's an already an exhibit, all right.
2
14:55:42 3 MR WINNEKE: I'll move on from that.
4
14:55:45 5 COMMISSIONER: 518.
6
14:55:47 7 MR WINNEKE: Yes, thanks very much. Obviously we've been
14:55:52 8 dealing with Petra. Was it your understanding that
14:55:58 9 subsequent to the issues arising out of Petra it then
14:56:11 10 became a question as to whether or not Ms Gobbo might
14:56:14 11 become a witness in the case against the killers in
14:56:18 12 Chartres-Abbott, the Briars matter?---Yes, I think at some
14:56:21 13 point there was plan for her to be a witness in that matter
14:56:25 14 similarly.
15
14:56:29 16 Is it your understanding that in or about March of 2009
14:56:40 17 there were moves being made by investigators in Briars by
14:56:47 18 way of approaching the SDU to see if Ms Gobbo could make a
14:56:54 19 statement which would be of assistance in Briars?---I'd
14:56:59 20 have an expectation that would happen, yes, as part of
14:57:02 21 Briars, yes.
22
14:57:09 23 Was it your understanding that there was concern being
14:57:11 24 expressed by the SDU at that stage of a similar nature,
14:57:14 25 that they did not want their previous history, or
14:57:19 26 historical activities involving Ms Gobbo to be
14:57:23 27 exposed?---No, not in the context of Briars, no. I
14:57:27 28 remember it being in the context of Petra.
29
14:57:29 30 Well, can I suggest to you that the issues that arose in
14:57:33 31 Petra were very much the same issues but more significant
14:57:37 32 when it came to Briars, do you not accept that?---They
14:57:43 33 would have had concerns I would think but I don't remember
14:57:46 34 those being expressed in relation to Briars.
35
14:57:48 36 Did you continue in your role on the board of management
14:57:51 37 for Briars throughout the period of 2009, at least until
14:57:56 38 you finished at the OPI at the end of 2009?---Yes, though I
14:58:00 39 wasn't sort of as well connected with what was happening in
14:58:06 40 Briars as I was across the Petra stuff.
41
14:58:09 42 Nonetheless you did attend, you attended meetings of the
14:58:11 43 Briars board of management I take it?---Yes, a number of
14:58:14 44 them.
45
14:58:14 46 I take it you were aware that in May of 2009 Waddell and
14:58:25 47 Iddles went to Bali to get a statement from

14:58:28 1 Ms Gobbo?---Yes, I remember there was a trip to Bali at one
14:58:31 2 stage.
3
14:58:31 4 So you're aware of that?---Yes.
5
14:58:35 6 Mr Iddles has made a statement for the benefit of the Royal
14:58:40 7 Commission, have you seen that?---No.
8
14:58:45 9 In his statement - and you're aware that he and Waddell
14:58:49 10 went to Bali to get a statement?---Yes, I remember they
14:58:52 11 went to Bali to see her.
12
14:58:55 13 And when they went to Bali to get her statement the only
14:58:58 14 way she could recall specific dates, this is what he said,
14:59:03 15 in making the statement was by using SDU material which had
14:59:09 16 been supplied to them for that very purpose, to assist them
14:59:12 17 in making the statement. Were you aware of that?---No.
18
14:59:15 19 Obviously that would raise issues of disclosure. So if,
14:59:19 20 for example, Ms Gobbo had refreshed her recollection from
14:59:23 21 materials which had been supplied to her by the takers of
14:59:26 22 the statement, that is Waddell and Iddles, who had got it
14:59:32 23 from the handlers, that would raise obviously implications
14:59:35 24 of disclosure, wouldn't it?---Yes.
25
14:59:37 26 So that might be a reason why the SDU might have been
14:59:42 27 concerned at that stage about the possibility of disclosure
14:59:45 28 being required and a concern about Ms Gobbo becoming a
14:59:49 29 witness, do you accept that?---Could be, yes.
30
14:59:52 31 Mr Iddles said it was clear to him that if Gobbo was a
14:59:55 32 witness in criminal proceedings her past as a human source
14:59:58 33 would come out and her life would be in danger. Were you
15:00:02 34 aware of those issues when he returned? Did he make those
15:00:07 35 issues clear?---No, I think it might have even been in some
15:00:15 36 media reporting at some stage I think that was talked
15:00:19 37 about, but I don't remember at the time that being voiced
15:00:22 38 with me.
39
15:00:23 40 What, you recall Mr Iddles in the media suggesting that he
15:00:26 41 thought there'd be a Royal Commission if Ms Gobbo - - -
15:00:29 42 ?---Something of that nature, yes.
43
15:00:31 44 Do you say that Mr Iddles spoke to the Task Force committee
15:00:33 45 at any time, board of management?---I don't recall having a
15:00:38 46 Task Force meeting in which Ron Iddles was saying that.
47

15:00:41 1 Do you recall any meetings where he attended?---No.
2
15:00:45 3 You don't?---No.
4
15:00:49 5 Apparently he and Waddell decided to seek further advice
15:00:56 6 from Mr Wilson. Mr Wilson, you knew, Rod Wilson?---Yes.
7
15:01:01 8 He was on the Task Force?---Yes.
9
15:01:03 10 He telephoned - that is he says they telephoned and waited
15:01:07 11 for a response. Apparently Waddell's diary indicates that
15:01:12 12 they got an update from Wilson on 28 May 2009. Was
15:01:16 13 Mr Wilson updating the Task Force, the board of management
15:01:20 14 about his discussions with the roving investigators who
15:01:23 15 were in Bali getting the statement, do you recall?---No,
15:01:27 16 only really that they went. I remember there was a meeting
15:01:30 17 in Mr Overland's office at one stage where, you know, it
15:01:36 18 was decided, or I was told that they were travelling to
15:01:40 19 Bali. I don't remember meetings where we were told about
15:01:46 20 what transpired in Bali.
21
15:01:48 22 All right. Well apparently they got a direction from
15:01:51 23 Mr Overland that despite any concerns that they might have
15:01:55 24 in getting a statement from her, in effect they were
15:01:58 25 directed to take the statement from her, that's what
15:02:00 26 Mr Iddles says?---Okay.
27
15:02:02 28 You don't know anything about that?---No.
29
15:02:04 30 You weren't let into that information at the time?---I
15:02:08 31 wasn't aware that that was the direction being given.
32
15:02:10 33 Is it possible that that was discussed but you simply don't
15:02:13 34 recall it?---No, I don't remember that being discussed
15:02:16 35 because I don't remember being at meetings with Ron
15:02:20 36 Iddles and - - -
37
15:02:21 38 Perhaps I might be at cross-purposes. Mr Iddles and
15:02:26 39 Mr Waddell are in Bali. They're speaking to Ms Gobbo, who
15:02:30 40 has to refresh her recollection from looking at notes. She
15:02:34 41 can't remember. And so they ring Mr Wilson and say, "Well
15:02:36 42 look, we think there's a great problem in this, we don't
15:02:40 43 think that there should be a statement", and they're
15:02:44 44 directed or they're told that they're directed that they
15:02:45 45 must take a statement?---Yeah, I'm not aware of that.
46
15:02:50 47 Mr Iddles says that during the time, during that time

15:02:53 1 Ms Gobbo told Mr Iddles about information that she had
15:02:56 2 provided Purana in relation to Mokbel and he says that she
15:03:01 3 told him, that is Gobbo told Iddles, that she had
15:03:07 4 constantly breached privilege and acted in the best
15:03:10 5 interests of Victoria Police, rather than her clients.
15:03:15 6 That's what Mr Iddles says he was told by Ms Gobbo in the
15:03:23 7 process of taking the statement. Was that information
15:03:25 8 conveyed, as far as you were aware, to the Task Force
15:03:28 9 Briars board of management?---Not to me, no.
10
15:03:31 11 Not to you?---No.
12
15:03:34 13 Are you suggesting that it might have been conveyed to
15:03:39 14 others you simply don't know?---I didn't go to all of the
15:03:42 15 board of management meetings for Briars but I - no, I don't
15:03:46 16 believe I was told that.
17
15:03:47 18 If you didn't go I think you suggested that you were
15:03:50 19 provided with weekly updates and you read and filed those;
15:03:54 20 is that right?---Yeah, I think certainly for Petra. I'm
15:03:57 21 not sure whether I would have read every update for Briars
15:04:01 22 though.
23
15:04:02 24 According to the evidence of - or at least the diary of
15:04:09 25 Mr Waddell who returned to Australia on 29 May, he got off
15:04:13 26 the plane, he went to the Victoria Police Centre and he
15:04:18 27 briefed Superintendent Wilson when he returned on 29 May,
15:04:24 28 and Iddles. Mr Wilson's diary indicates that on that day
15:04:29 29 he received a briefing from Waddell and Iddles regarding
15:04:32 30 the Gobbo statement. That's at 9.20. At 10.40 he spoke to
15:04:42 31 Luke Cornelius regarding safety issues in inverted commas -
15:04:51 32 "safety issues" regarding Ms Gobbo, and at 12.30 Mr Wilson
15:04:57 33 briefed the Chief Commissioner of Police who was at that
15:05:00 34 stage I think Mr Overland, wasn't he?---I think by that
15:05:04 35 stage, yes, it would have been around that - in fact I
15:05:07 36 think it was that time because that meeting I referred to
15:05:09 37 in Mr Overland's office, I think that was actually in the
15:05:13 38 Chief Commissioner's office and I think he'd just taken up
15:05:17 39 the role.
40
15:05:17 41 As a member of the steering committee do you believe that
15:05:23 42 you were told about that information, the sort of
15:05:26 43 information I've just been putting to you?---No.
44
15:05:35 45 Can I ask you about - perhaps if we can have a look at a
15:05:39 46 diary entry of Mr Black who was a controller in the SDU.
15:05:43 47 He has a meeting with Mr Iddles later that night, I think

15:05:48 1 it's at 5.30 on the same day, that is 29 May, regarding the
15:05:54 2 Briars Task Force and if we see that document there we can
15:05:58 3 see similar sorts of concerns which had been expressed
15:06:03 4 previously and which found their way into the analysis, the
15:06:07 5 SWOT analysis that I took you to before, right?---Yes.
6
15:06:13 7 Have you seen that before?---No.
8
15:06:17 9 So some of the things that were discussed were that an
15:06:21 10 awareness that Command have now decided to approach
15:06:24 11 Ms Gobbo for a statement. Command is of the view that she
15:06:28 12 is now a witness for Petra so she can now be a witness for
15:06:32 13 Briars?---Yes, that's correct.
14
15:06:36 15 See that?---That was certainly a view.
16
15:06:38 17 That was a view that you were aware of?---Yes.
18
15:06:40 19 "Now that she's going to be exposed as a witness in Petra
15:06:46 20 well we might as well see if we can't get some use out of
15:06:50 21 her in Briars"?---Yes.
22
15:06:53 23 The SDU response was that the circumstances are very
15:06:57 24 different. "The SDU anticipates if that course of action
15:07:02 25 is pursued her role as a human source will be discovered."
15:07:08 26 What's unsaid is unlike with respect to Petra, it's
15:07:13 27 suggested that she will certainly be exposed in Briars. Is
15:07:17 28 that something that you were made aware of?---Well of
15:07:19 29 course I'd be aware if she was a witness in Briars that she
15:07:22 30 would be a - that would be declared and, you know, she'd
15:07:28 31 have to be involved, that would be covered by that same
15:07:30 32 witness protection.
33
15:07:32 34 What I'm suggesting to you is that the view of the Petra
15:07:34 35 Task Force was that it was going to be possible to use
15:07:38 36 Ms Gobbo as a witness without exposing her because there'd
15:07:42 37 been a break between her role as a source and her role as a
15:07:47 38 witness?---That wouldn't - that was not going to be been my
15:07:48 39 intention.
40
15:07:48 41 That wouldn't have been your intention. And the SDU were
15:07:49 42 saying, "Well look, even if you could do that with Petra
15:07:52 43 there's no possible chance of doing that with Briars", do
15:07:56 44 you see that?---Yes.
45
15:07:57 46 Obviously the circumstances from the Briars' perspective
15:07:59 47 appear to be those of, one assumes, Mr Iddles. "Statement

15:08:04 1 from Gobbo still being requested. Concern re disclosure
15:08:08 2 source role as a source. Dual responsibility giving legal
15:08:11 3 advice to clients. Disclosure will initiate a Royal
15:08:15 4 Commission with perceived unsafe verdicts. Current arrests
15:08:19 5 Ms Gobbo involved with may be the subject of review.
15:08:22 6 Disclosure of SDU methodology", do you see that?---Yes.
7
15:08:28 8 If we keep going down we see the SDU response. So again
15:08:32 9 these are the notes of the SDU controller. Down the
15:08:38 10 bottom, "Strategy for Ms Gobbo to become a witness was
15:08:41 11 strategic to separate the two roles from being a human
15:08:45 12 source to that of Crown witness". That was with respect to
15:08:48 13 Petra, whereas that could not pertain with Briars because
15:08:56 14 of the very fact that the involvement that she had with
15:09:02 15 Waters et al. occurred during the period of time in which
15:09:05 16 she was a human source, do you follow what I'm
15:09:08 17 saying?---Yes, I follow what you're saying.
18
15:09:14 19 You say that it was always anticipated that in Petra
15:09:20 20 because - your view was that it wouldn't be possible to
15:09:27 21 proceed without disclosing Ms Gobbo's role as a human
15:09:30 22 source, that's what you're saying?---Yes.
23
15:09:32 24 You're aware, aren't you, that the proceeding got to
15:09:35 25 committal stage and there hadn't been disclosure made to
15:09:39 26 Mr Dale?---I subsequently would have been aware of that.
27
15:09:42 28 You would have been subsequently?---Subsequently, yes.
29
15:09:46 30 Had there been any discussions in the time prior to you
15:09:50 31 leaving the OPI when you were still on the steering
15:09:54 32 committee of Petra that there were going to be issues with
15:09:57 33 respect to disclosure in Dale, did that come up?---I
15:10:01 34 expected full disclosure would occur.
35
15:10:07 36 You say these matters weren't conveyed to you as a Task
15:10:11 37 Force board of management member; is that right?---Correct.
38
15:10:16 39 Again, I mean if a police officer has the view that the
15:10:19 40 conduct of police in the context of dual responsibility of
15:10:27 41 giving legal advice to clients may initiate a Royal
15:10:31 42 Commission with perceived unsafe verdicts, if a police
15:10:33 43 officer has that view should that information not be
15:10:36 44 conveyed to the regulator, the OPI?---Yes.
45
15:10:41 46 As far as you were concerned if there were members of the
15:10:43 47 investigative team which had that view, that should have

15:10:47 1 come to the steering committee, correct?---Yes.
2
15:10:49 3 And over and above that it should have gone to you as a
15:10:53 4 member of the OPI?---Yes.
5
15:10:55 6 If not to you, because of a potential difficulty or a
15:11:00 7 conflict, it should have been gone to the Director of the
15:11:04 8 OPI Mr Brown, at that stage?---Yes.
9
15:11:07 10 In fact I think at this stage it was
15:11:10 11 Mr Strong?---Mr Strong, okay, yes.
12
15:11:11 13 Mr Strong I think started on 1 May 2008, is that
15:11:17 14 correct?---It would be about that time, yes. I don't
15:11:22 15 remember the exact date.
16
15:11:24 17 If we have a look at - if we keep going down the page, if
15:11:29 18 we can keep scrolling. The next entry is perhaps a
15:11:52 19 repetition - - - ?---Yes.
20
15:11:55 21 - - - of the earlier one. He's called Detective Inspector
15:11:59 22 Glow and briefed him about the Briars Task Force, do you
15:12:03 23 see that?---Yes.
24
15:12:04 25 In the same terms. If we then move to his diary entry at
15:12:08 26 15:00. Keep going to 15:00?---Yes.
27
15:12:16 28 15:00 on the same day?---I was just trying to work out
15:12:21 29 whose diary it was. It says on the - - -
30
15:12:23 31 It's Mr Black's dairy?---Yes.
32
15:12:25 33 It's been redacted out. Can I suggest to you this: at
15:12:30 34 15:00 there's a - perhaps we'll - effectively what happens
15:12:48 35 is at 15:00 Mr Black meets with Mr Smith, another member of
15:12:54 36 the SDU. At that stage he was seconded to the HSMU and
15:12:58 37 there were concerns about an email from Mr Waddell to
15:13:03 38 Wilson to Cornelius to Journing directing that ICRs be
15:13:10 39 handed to Briars. Are you aware that there was a direction
15:13:11 40 that ICRs - there we are - ICRs had been handed over to the
15:13:15 41 Briars Task Force?---So I'll just have a quick read of
15:13:20 42 that, if that's okay.
43
15:13:22 44 "Source contact reports handed over to Briars." Do you say
15:13:44 45 you weren't aware of any of those issues?---Missing SCR?
46
15:13:54 47 Source contact report?---No, not aware of that.

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If we go to an entry at 15:45 there's a brief to Superintendent Porter with Mr Smith, who was upgraded. "The issue of release of records, the issue of disclosure of source, issue of CSR not being briefed. Implications for Victoria Police if her role was ever disclosed. Overview of Petra v Briars. Public interest immunity may not be successful and jeopardise the HSMU program. Command may cause a Royal Commission. Briars decision is tactically dangerous for convictions. Briars action will get human source killed. SDU will not be actioning the "Journing direction", that is to pass over the source contact reports. "Porter agreed and will investigate the matter." Do you see that?---Yes.

Again is that any information that was ever disclosed to you?---No, that wasn't disclosed to me.

These are significant issues which should have been, I suggest, disclosed to the OPI?---Yes.

Can we go to an entry at 18:00. Just go back to the start. It seems that Mr Black has called Mr White, who's on leave, and briefed him regarding issues surrounding the Briars Task Force. Talking about the unannounced meeting held by Journing and the HSMU. Detailed the statement, the process of making the statement with respect to Briars. "And my understanding was that Waddell told Sandy White three or four weeks ago of the proposal only and it appears that the proposal has now become an action", do you see there?---Yes.

If we move on over the page. "SDU should warn Command strongly against this course of action as it will disclose the human source's role, place her in extreme danger, possibly jeopardise convictions". And Mr White stated the Command had already made its decision. "The issue, if SDU tried to protect Ms Gobbo, any PII could or would fail as public interest will be viewed higher than protecting police methodology. Also goes to the credit of and instructions to the human source. Furthermore, the document handed over to Briars by the SDU appears to be now being used by Ms Gobbo to refresh her memory whilst compiling her statement. This is why and how Briars think SDU has not handed over all the SCRs", source contact reports, "and this is very disturbing", and Mr White details that the document was supposed to be handed back to

15:16:53 1 the SDU but has not occurred to date. There's an outline
15:16:56 2 to Mr White of the more extensive list requested for
15:16:59 3 searching by Briars. Then at 19:00 there's a review of
15:17:04 4 arguments to reject the statement from Ms Gobbo and
15:17:09 5 implications to Victoria Police if her role was ever
15:17:13 6 disclosed, particularly whilst tasked for Briars. "Issues
15:17:17 7 are completely different to Petra Task Force hand over but
15:17:20 8 Command appears not to distinguish the very different
15:17:23 9 circumstances", do you see that?---Yes.
10
15:17:24 11 If I can quickly now go to a file note, VPL.2000.0002.0403.
15:17:37 12 What that appears to be on 2 June, this is the day after
15:17:41 13 these notes, that there's a request that I've just been
15:17:44 14 taking you to, a request for assistance from Operation
15:17:49 15 Briars re Ms Gobbo. "Advised by Assistant Commander
15:17:58 16 Journing re request for assistance from Briars, Inspector
15:18:02 17 Waddell for copies of ICRs and access to audio recordings
15:18:04 18 of meetings regarding Ms Gobbo. Most materials still held
15:18:08 19 by the SDU. It appears that Operation Briars have already
15:18:11 20 had some access to some material as the current request
15:18:13 21 indicates, knowledge of certain ICRs as body of request
15:18:17 22 states". And previously Mr White's been liaising directly
15:18:21 23 with Waddell. And below it is listed as specific criteria
15:18:27 24 for a search of contact reports. And you see some names
15:18:30 25 there, some of which no doubt will be significant to you as
15:18:33 26 a person who was involved in the Briars board of
15:18:36 27 management, do you accept that?---Yes.
28
15:18:39 29 I take it you can understand why they were seeking or the
15:18:47 30 investigators were seeking ICRs in relation to those
15:18:51 31 people?---I can imagine why, yeah, yeah. Well certainly
15:18:54 32 not all of them but some of them.
33
15:18:56 34 Certainly SDU were advised of the above search criteria,
15:19:00 35 however discussions are being held involving Superintendent
15:19:04 36 Porter and Biggin, AC Crime Moloney, AC ESD Cornelius, and
15:19:12 37 those are to be finalised before any request for assistance
15:19:16 38 is actioned. Now at least Mr Cornelius is a fellow member
15:19:21 39 of the board of management, I think also Mr Moloney is; is
15:19:26 40 that right?---Yes.
41
15:19:28 42 I take it you were cognisant at the time that these
15:19:34 43 requests were being made for more information from the SDU,
15:19:38 44 would that be fair to say or not?---No, I don't believe
15:19:42 45 I've been privy to that information before that's there.
46
15:19:45 47 Right. If we then go back to Mr Black's diary of 3 June.

1
15:19:54 2 COMMISSIONER: That was Exhibit 523.
3
15:19:57 4 MR WINNEKE: Yes, thanks Commissioner. Can I deal with
15:20:00 5 this, an entry on 3 June at 15:00. If you can just have a
15:20:07 6 look at that?---Yes.
7
15:20:34 8 If we go down over the page. Do you see - if you can just
15:20:43 9 read that?---Yes.
10
15:20:51 11 Amongst that you'll see a reference to Gobbo intelligence
15:20:54 12 and being a tool to arrest the Mokbel family. Do you see
15:20:57 13 that? The involvement of a person who we're calling
15:21:03 14 ██████████, her involvement in his arrest, and then
15:21:10 15 activities that he engages in thereafter, do you see
15:21:14 16 that?---Yes.
17
15:21:15 18 And a reference is made to matters and then to escalate
15:21:21 19 those matters to AC Moloney to ensure that decisions to
15:21:27 20 have the statement taken are made with all the facts, do
15:21:30 21 you see that?---Yes.
22
15:21:31 23 Again, what that suggests is that the SDU are making it
15:21:37 24 clear to those who are seeking to take the statement from
15:21:42 25 Ms Gobbo that there will be significant implications if the
15:21:47 26 statement is taken, do you accept that?---Yes.
27
15:21:50 28 And amongst those reasons or risks that they're putting are
15:21:56 29 similar reasons that have been - - - ?---Yes.
30
15:22:01 31 - - - previously deployed by the SDU. In addition, the
15:22:03 32 fact that she was the tool, the source of the intelligence
15:22:06 33 which brings about the arrest of the Mokbel family, her
15:22:10 34 involvement in the ██████████ matter and they're saying, "Look,
15:22:14 35 we want this to go to Moloney to ensure that the people who
15:22:21 36 make the decision have all the information". Did you get
15:22:24 37 this information from Mr Moloney?---No.
38
15:22:30 39 Should you have been given this information?---It would
15:22:32 40 have been of assistance to have this, yes, I believe I
15:22:34 41 should have.
42
15:22:34 43 What do you say - I mean, again, if you get this
15:22:35 44 information what would you have done about it?---Again,
15:22:38 45 this would have been a cause for further inquiry as to,
15:22:42 46 particularly if you come up to the other page as well.
47

15:22:45 1 Go back to the other page?---You've got that person there
15:23:07 2 and Mokbel. You sort of review this entire HSMU program,
15:23:14 3 this fellow being arrested and deployed and, yes, all that
15:23:18 4 section as well.
5
15:23:20 6 All right then. Do you recall having discussions with the
15:23:31 7 members of the board of management of Briars about the
15:23:35 8 process of getting a statement and the whys and wherefores
15:23:40 9 of getting a statement from Gobbo in relation to this
15:23:43 10 matter, Briars?---Only that the statement we needed to take
15:23:46 11 from her to assist with Briars and there was a decision
15:23:50 12 that we wanted to do that.
13
15:23:54 14 But what you're saying is do you recall there being the
15:23:59 15 same sort of angst coming from the SDU as was coming from
15:24:07 16 the SDU in relation to Petra?---No, and certainly none of
15:24:11 17 this material.
18
15:24:14 19 Again, are you able to offer any explanation to the Royal
15:24:17 20 Commission as to why this information, this important
15:24:21 21 information which was designed to get to the decision
15:24:23 22 makers, being, one assumes, the board of management, didn't
15:24:28 23 get to you?---No, I can only - no, I'd only be speculating
15:24:35 24 as to why. I don't know why they wouldn't have given it to
15:24:38 25 me.
26
15:24:38 27 In all of the various reviews that have been conducted,
15:24:43 28 certainly in the time that you've been in Victoria Police
15:24:49 29 Force since - well I suppose 2010 but sworn since 2011,
15:24:53 30 have you ever inquired or has it ever been made clear to
15:24:58 31 you why you were not told as a member of the steering
15:25:05 32 committees, Briars and Petra, why you weren't told about
15:25:08 33 these matters?---No, this is the first time, as I said,
15:25:11 34 I've seen this material.
35
15:25:12 36 You must be pretty surprised about this?---There's a lot of
15:25:15 37 material here that just wasn't brought up at the time, so
15:25:21 38 yes, I'm surprised about it.
39
15:25:23 40 Look, does it concern you - I mean this is your
15:25:27 41 organisation, Chief Commissioner, you are the Chief
15:25:29 42 Commissioner of this organisation and there are significant
15:25:34 43 high ranking members who are in possession of information
15:25:38 44 and apparently it simply didn't get to you as a member of
15:25:45 45 an independent government board which was supposedly
15:25:46 46 overlooking the conduct of Victoria Police. Have you got
15:25:49 47 any explanation as to how that occurred, if it didn't get

15:25:52 1 to you?---No.
2
15:25:53 3 Well, do you think it was deliberately kept from you?---I
15:26:00 4 don't know. I don't know. You know, whether it was
15:26:02 5 something to do with the fact that they were talking about
15:26:09 6 human sources and they wanted to try and keep that as
15:26:11 7 locked down as possible, I really don't know.
8
15:26:13 9 But you were a member of these Task Forces and you knew she
15:26:15 10 was a human source?---Yes. Yes, post - late 2007 or middle
15:26:25 11 of 2007.
12
15:26:26 13 Albeit once you know that information, is it so difficult
15:26:28 14 to say to you, "Look, this is the sort of information that
15:26:32 15 she's provided"? Is that a big leap, to get that
15:26:35 16 information?---Well it's the sort of information you would
15:26:37 17 have wanted to be told about, yes, I agree.
18
15:26:41 19 But it's the sort of information that you would have wanted
15:26:43 20 to have known, I suggest, if you're carrying out your job
15:26:46 21 as a member of the OPI, the Deputy Director of the
15:26:48 22 OPI?---For both roles, yeah.
23
15:26:49 23
15:26:50 24 Both roles?---Yes.
15:26:51 25
15:26:51 26 All right. Can I just put this proposition to you: you
15:27:02 27 would have been aware around this time, around June of
15:27:06 28 2009, that another issue had arisen in the process - I'm
15:27:15 29 sorry, in the Briars matter and that is that Mr Mokbel had
15:27:20 30 issued a subpoena to the Chief Commissioner of Victoria
15:27:29 31 Police in the trial because he'd been charged with the
15:27:32 32 murder of Lewis Moran, right, and he had issued a subpoena
15:27:39 33 for the production of documents which would have covered,
15:27:46 34 for example, the draft statement of Ms Gobbo that she'd
15:27:50 35 prepared in Briars. Can I suggest to you that they were
15:27:54 36 matters which were exercising the attention of the Briars
15:27:58 37 Task Force in around June of 2009, do you accept that or
15:28:02 38 not?---No, I don't have a specific recollection about
15:28:08 39 subpoenas being issued.
40
15:28:09 41 Let's have a look at - - - ?---But that could have been the
15:28:13 42 case.
43
15:28:14 44 - - - VPL.6023.0165.4530. You see there that that's an
15:28:25 45 email from Steve Waddell to Findlay McRae "Request for
15:28:33 46 assistance, attachments, Mokbel subpoenas".
47

15:28:36 1 COMMISSIONER: Is privilege still being claimed on this
15:28:38 2 document?
15:28:39 3
15:28:39 4 MR HOLT: I can't see the document, Commissioner. I
15:28:53 5 haven't had notice of this, Commissioner, so I don't hold
15:28:58 6 instructions. I'm sure I can get them relatively quickly.
7
15:29:20 8 MR WINNEKE: Perhaps if we can have our mid-afternoon
15:29:22 9 break, Commissioner.
10
15:29:23 11 COMMISSIONER: All right. We'll have a short break now.
12
13 (Short adjournment.)
14
15:49:32 15 MR HOLT: Commissioner, having reviewed that document there
15:49:35 16 is no proper privilege claim to make. It's not waived, we
15:49:37 17 simply don't claim privilege at all over that document.
15:49:40 18
15:49:40 19 COMMISSIONER: Thank you. Then there's no problem with it
15:49:43 20 being up then on the screens.
15:49:46 21
15:49:46 22 MR WINNEKE: Thanks Commissioner.
15:49:47 23
15:49:47 24 COMMISSIONER: Thanks Mr Holt.
15:49:50 25
15:49:52 26 MR WINNEKE: Now, Mokbel, who is charged with the murder of
15:49:54 27 Lewis Moran, is of the view that there's relevant material
15:50:00 28 within the holdings of Victoria Police, particularly
15:50:03 29 concerning Ms Gobbo, and so he subpoenas Chief Commissioner
15:50:12 30 of Police and that causes an issue for Task Force Briars,
15:50:16 31 it's been caught up in a subpoena issued on behalf of
15:50:20 32 Mokbel, in the upcoming trial. "Subpoena will cause Briars
15:50:26 33 significant issues considering the investigation is ongoing
15:50:30 34 and we intend to fight to protect as much from disclosure
15:50:30 35 as possible. Luke has authorised my request for Gerard
15:50:36 36 Maguire to take up this on our behalf. Gerard is across
15:50:39 37 our investigation as he has previously appeared for the CCP
15:50:43 38 in connection with same. Luke asked me to contact you in
15:50:47 39 order that your office could brief Gerard and get him
15:50:50 40 started on this. The subpoena is returnable on 1 July and
15:50:54 41 basically affects some Purana investigations as well as our
15:50:58 42 own". He has attached a copy of the subpoena for
15:51:01 43 information. Now, is this a matter which was drawn to the
15:51:09 44 attention of the steering committee or the board of
15:51:12 45 management?--I don't recall it being drawn to the
15:51:14 46 attention of the steering committee.
15:51:16 47

15:51:16 1 Yes. Certainly Mr Cornelius is aware of it, he is a fellow
15:51:23 2 member, isn't he?---Yes.
15:51:24 3
15:51:26 4 Were you aware that there was at least a possibility of
15:51:33 5 that subpoena attaching to material within the Task Force
15:51:40 6 Briars holdings or at least Victoria Police
15:51:43 7 holdings?---Yes, there certainly could be a concern that a
15:51:47 8 subpoena in relation to a matter involving Mokbel might
15:51:51 9 disclose issues in the Briars investigation.
15:51:54 10
15:51:55 11 Yes?---Which was ongoing at that stage, yes.
15:51:57 12
15:51:58 13 And were you, do you recall being involved in any Task
15:52:04 14 Force meetings where these issues were discussed?---I don't
15:52:07 15 remember that, no, but I imagine that's something we would
15:52:11 16 want to try to make sure Briars wasn't, you know, disclosed
15:52:16 17 by way of, as an investigation.
15:52:18 18
15:52:19 19 Can I suggest that in the written updates that Briars were
15:52:21 20 getting there were references to this subpoena
15:52:24 21 issue?---There may well have been.
15:52:26 22
15:52:26 23 You wouldn't be surprised to hear that?---There may well
15:52:29 24 have been, yes.
15:52:30 25
15:52:30 26 Did you have any discussion with your fellow members about
15:52:35 27 the issues that arose?---I don't recall having those
15:52:39 28 discussions but I'd say it would have been, if I did it
15:52:43 29 would have been along the lines of not wanting to
15:52:45 30 compromise Briars and having to argue that, as that letter
15:52:51 31 says, with Mr Maguire taking up the arguments.
15:52:55 32
15:52:55 33 If we can perhaps have a look at VPL.0100.0048.1646.
15:53:20 34
15:53:20 35 COMMISSIONER: Do we need to tender that email?
15:53:23 36
15:53:23 37 MR WINNEKE: Yes Commissioner.
15:53:24 38
15:53:26 39 #EXHIBIT RC885A - (Confidential) Email from Waddell to Finn
15:53:29 40 McRae, request for assistance, attached
15:53:33 41 Mokbel subpoena, 10/6/09.
15:53:38 42
15:53:38 43 #EXHIBIT RC885B - (Redacted version.)
15:53:55 44
15:54:38 45 This is a Briars Task Force update.
15:54:41 46
15:54:42 47 MR HOLT: This needs to be off the screens, Commissioner.

15:54:44 1
15:54:44 2 COMMISSIONER: All right then, thank you.
15:54:46 3
15:54:47 4 MR WINNEKE: Under the heading "legal" there's a reference
15:54:50 5 to a discussion with meeting, sorry, a meeting with
15:54:55 6 Mr Horgan about a particular matter which is of no great
15:55:00 7 consequence, save that on occasions it appears that there
15:55:03 8 were meetings with particularly Mr Horgan on occasions. Do
15:55:08 9 you recall that arising?---I remember there was, this [REDACTED]
15:55:19 10 person, I remember him coming up.
15:55:21 11
15:55:21 12 COMMISSIONER: That will have to be removed from the
15:55:25 13 transcript and not streamed, that name, thanks.
15:55:29 14
15:55:29 15 MR WINNEKE: We can't mention that name,
15:55:33 16 Mr Ashton?---Sorry. I wasn't aware that was a - - -
15:55:36 17
15:55:36 18 No, no. There were occasions when the Briars Task Force,
15:55:44 19 in effect, engaged the services of Mr Horgan, is that
15:55:48 20 right?---Yes.
15:55:49 21
15:55:49 22 Do you recall on one occasion he was shown a draft of the
15:55:52 23 copy of the brief for Briars early on in the piece, I think
15:55:56 24 about 2007 or 8 - 7?---He may have been, yes.
15:55:59 25
15:56:04 26 Now, it appears that the Mokbel subpoena had been finalised
15:56:09 27 and there were limited Briars materials released. The
15:56:12 28 potential to compromise Ms Gobbo no longer an issue. Now,
15:56:20 29 did you understand why that was?---Well I don't remember
15:56:26 30 seeing this update but I certainly would think that was in
15:56:30 31 relation to her assisting Briars.
15:56:33 32
15:56:34 33 Yes. Now, you understand that effectively what was, what
15:56:51 34 the concern was, that her statement would be, would need to
15:56:56 35 be produced pursuant to the subpoena. Was that something
15:57:01 36 you were aware of?---Well, if that was in the subpoena,
15:57:06 37 yes, but I wasn't aware of that as such.
15:57:08 38
15:57:08 39 If that was produced then it may well be that a lot of
15:57:11 40 questions would be raised about how the statement was
15:57:15 41 taken, why it was taken and all the matters then concerning
15:57:19 42 Ms Gobbo's involvement as a human source might well then be
15:57:23 43 drawn into it?---That could well be the case, yes.
15:57:26 44
15:57:28 45 You've got no recollection about those matters, is that
15:57:30 46 right?---No, I took that to be a concern, as I read that,
15:57:34 47 to be a concern about her assisting police with Briars and

15:57:39 1 that leading, while the investigation is underway, that
15:57:43 2 being an issue.
15:57:44 3
15:57:44 4 At the very least I asked you before about what your
15:57:47 5 understanding of the breadth or the extent of Ms Gobbo's
15:57:51 6 assistance to police was. You said, you spoke of, well
15:57:56 7 Paul Dale but at the very least there's also the potential
15:57:59 8 of her assistance to police as a member of the, well as a
15:58:05 9 human source being run by the SDU and providing information
15:58:10 10 that was of assistance to the Briars Task Force, so that's
15:58:13 11 fairly different material, isn't it?---Yes, with a view to
15:58:17 12 her being a witness in that matter, yes.
15:58:18 13
15:58:18 14 At the very least you're aware that she's involved in
15:58:23 15 providing evidence, information concerning the Petra Task
15:58:26 16 Force, which is Dale as far as you're concerned, possibly
15:58:31 17 others?---Well Dale.
15:58:32 18
15:58:33 19 And Petra, sorry, Briars Task Force?---Yes.
15:58:37 20
15:58:37 21 And were you aware, I take it you were aware of the sort of
15:58:41 22 information that she was providing to Briars in that
15:58:46 23 matter?---In the general terms, yes. In terms of her
15:58:49 24 statement, yes.
15:58:49 25
15:58:49 26 It was her information concerning her knowledge of former
15:58:53 27 member of Victoria Police David Waters?---Yes, that was
15:58:59 28 with a view to her becoming a witness and giving evidence,
15:59:03 29 yes.
15:59:03 30
15:59:03 31 And also evidence she had met and had, met - I think you've
15:59:08 32 got a list there, [REDACTED], she'd had meetings with that
15:59:12 33 person?---His name came up. His name came up in the
15:59:22 34 investigations, yes.
15:59:23 35
15:59:23 36 I take it you were aware that she'd, some of the materials
15:59:27 37 that were within the SDU holdings concern at least those
15:59:34 38 two people, Waters and [REDACTED]?---Certainly I had that
15:59:39 39 knowledge of her being, broadly, someone who was
15:59:43 40 associating with criminals more broadly, yes.
15:59:45 41
15:59:46 42 In any event it appears that, "Gerard Maguire was examining
15:59:48 43 the statement regarding admissibility and probative issues
15:59:52 44 and he will also provide an advice of the prospects of that
15:59:56 45 statement being protected during discovery processes of
16:00:00 46 Petra and Briars prosecutions should we not rely on the
16:00:03 47 statement", do you see that?---Yes.

16:00:05 1
16:00:05 2 "Even if we don't rely on the statement, even if we don't
16:00:09 3 call Ms Gobbo to give evidence, there is at least the
16:00:11 4 prospect that the statement may have to be produced by way
16:00:15 5 of discovery in any prosecutions"?---Yes.
16:00:19 6
16:00:21 7 Do you know whether there were discussions subsequently
16:00:24 8 with, about the admissibility issues concerning the
16:00:29 9 statement?---No, not that I can remember, no.
16:00:32 10
16:00:32 11 You don't know whether there were issues about legal
16:00:35 12 professional privilege which were raised within the
16:00:38 13 statement?---No.
16:00:39 14
16:00:41 15 Right. Were you aware that there would be credibility
16:00:46 16 issues if Ms Gobbo, were she to give evidence?---Well by,
16:00:55 17 by that stage certainly in terms of knowing that she'd had
16:01:00 18 sexual relationships with police officers.
16:01:03 19
16:01:03 20 Yes, all right. Were you aware that there was a concern
16:01:06 21 that she might have been acting for, providing legal advice
16:01:09 22 to Mr Waters?---No, I never understood really that she was
16:01:14 23 - - -
16:01:14 24
16:01:14 25 You didn't understand the real issues?---That she was
16:01:17 26 acting as a legal advisor for Waters. I've never been
16:01:22 27 acting under that assumption.
16:01:24 28
16:01:24 29 Can I suggest to you that was what the legal advice was
16:01:26 30 being sought for, that is there was a suggestion that
16:01:28 31 Ms Gobbo was a legal advisor to David Waters. Were you not
16:01:34 32 aware of that?---No, I don't believe I was aware that she
16:01:39 33 was a legal advisor for Waters. I was aware she knew
16:01:43 34 Waters.
16:01:43 35
16:01:44 36 Were you aware that there was an issue as to whether she
16:01:47 37 was and that might then cause problems in any prosecution
16:01:52 38 of Waters relying on the statement of Gobbo. Were you
16:01:55 39 aware of that?---Well no, he may have potentially claimed
16:01:59 40 that I suppose, because she's a lawyer.
16:02:03 41
16:02:03 42 Were you not aware that that was the reason for getting an
16:02:06 43 advice from Mr Maguire?---No, I understood that was about
16:02:10 44 getting advice about whether, how much around Briars would
16:02:14 45 need to be disclosed.
16:02:15 46
16:02:16 47 "Maguire examined the statement re admissibility and

16:02:18 1 probative issues." Can I suggest to you that that was
16:02:23 2 concerning legal professional privilege, the possibility
16:02:26 3 that it could be claimed that anything that was discussed
16:02:29 4 between Gobbo and Waters was the subject of LPP?---No, but
16:02:34 5 if that was the case that could have been argued.
16:02:37 6
16:02:37 7 Did it give rise to a concern that Ms Gobbo was being
16:02:41 8 tasked against her clients?---No, not with me.
16:02:44 9
16:02:45 10 Mr Ashton, did it not concern you?---No, I don't, I didn't
16:02:48 11 have a sense that that was, you know, that she was acting
16:02:52 12 as his legal advisor in that way.
16:02:53 13
16:02:54 14 It certainly, I suggest to you, was a matter of concern for
16:02:58 15 your task members. Do you say that you simply weren't told
16:03:01 16 those things?---I think they're trying to cover off as to
16:03:04 17 whether that's, if he claims that in any prosecution that
16:03:07 18 could be covered off.
16:03:08 19
16:03:08 20 All right. Just excuse me. I'm going to see if I can move
16:03:14 21 on. Now, Mr Ashton, you'll be glad to hear I'm going to
16:03:25 22 move away from the period of time you were at the
16:03:29 23 OPI?---Okay.
16:03:30 24
16:03:33 25 You left the OPI at the end of 2009, correct?---Correct.
16:03:38 26
16:03:40 27 And did you then return to, or did you go to Victoria
16:03:45 28 Police as an unsworn member of that Force?---Yes.
16:03:48 29
16:03:49 30 And what was your initial position there?---It was in
16:03:56 31 effect doing sort of two roles, I was mostly the Director
16:03:57 32 of Forensic Services out at the forensic facility at
16:04:02 33 Macleod and I also had a role in corporate governance.
16:04:06 34
16:04:07 35 When did you become a sworn member?---I think it was 2011,
16:04:14 36 in the early part of that year.
16:04:16 37
16:04:17 38 At that stage who was the Chief Commissioner?---Simon
16:04:25 39 Overland initially.
16:04:29 40
16:04:29 41 When you became a member of Victoria Police did you have
16:04:31 42 any referees for that position in the Police Force?---I may
16:04:38 43 well have, yes. I don't remember who they were.
16:04:41 44
16:04:41 45 Was Mr Overland one of your referees?---Could have been.
16:04:44 46
16:04:45 47 In getting a job at Victoria Police?---Could well have

16:04:48 1 been.
16:04:49 2
16:04:49 3 Could well have been. Anyone else at Victoria Police,
16:04:51 4 Mr Cornelius?---Potentially, yes. If I was going for a job
16:04:56 5 at VicPol they were two people that knew me.
16:04:59 6
16:04:59 7 And can you think of any others who might have been
16:05:03 8 referees?---Potentially Mr Brouwer or something like that
16:05:12 9 or - - -
16:05:12 10
16:05:12 11 Were you interviewed for the position?---Yes.
16:05:14 12
16:05:14 13 And who was on the panel that interviewed you?---Simon
16:05:18 14 Overland as the Chief Commissioner and the head of HR, I
16:05:22 15 think the head of finance. I'm just guessing.
16:05:26 16
16:05:27 17 Was that when you became a sworn member or when you were in
16:05:31 18 the unsworn position?---That was in the unsworn position.
16:05:36 19
16:05:36 20 Did you need to apply for the job as Assistant Commissioner
16:05:41 21 of Crime?---Yes.
16:05:41 22
16:05:41 23 And again, did you have referees for that position?---Yeah,
16:05:45 24 I don't remember who the referees were but I remember there
16:05:48 25 was an interview at, yeah, at a corporate sort of
16:05:55 26 recruiting premises in, I think Collins Street and I think
16:06:01 27 there was Mr Overland there as the Chief Commissioner, I
16:06:04 28 think Mr Jones might have been there.
16:06:08 29
16:06:08 30 Yes. And did Mr Overland support your appointment?---I was
16:06:13 31 appointed so I believe he did.
16:06:16 32
16:06:17 33 When you became Assistant Commissioner of Crime on 27 April
16:06:21 34 2011, you had various responsibilities which included the
16:06:30 35 criminal department squads?---Yes.
16:06:32 36
16:06:34 37 And who did you report to?---Initially, yeah, it was all
16:06:41 38 round the same time. Initially it was to be, I think Ken
16:06:45 39 Jones, but then pretty quickly in this business with Ken
16:06:50 40 Jones and Simon Overland that was playing out in the public
16:06:55 41 arena played out.
16:06:56 42
16:06:56 43 So he left, Mr Jones left I think around the middle of
16:07:01 44 2011, is that right?---Would have been sort of within,
16:07:04 45 within - no, I think it was pretty close to the time of my
16:07:07 46 appointment, like within days.
16:07:10 47

16:07:10 1 All right. And after he left to whom did you
16:07:16 2 report?---That was Deputy Commissioner Cartwright and yes,
16:07:19 3 that would have been at that time.
16:07:20 4
16:07:21 5 In terms of the ultimate responsibility for matters
16:07:25 6 concerning, when I say ultimate, perhaps I should say
16:07:31 7 immediate responsibility as the Assistant Commissioner of
16:07:35 8 Crime, do you have a responsibility for matters which are
16:07:39 9 being prosecuted by Victoria Police?---Yes, in terms of the
16:07:44 10 Crime Department investigations.
16:07:47 11
16:07:47 12 Yes?---Yes.
16:07:48 13
16:07:48 14 Can we understand this, that the person who is in effect in
16:07:55 15 Command, if you like, of the Criminal Department, would
16:07:58 16 that be the Assistant Commissioner of Crime?---Well I was
16:08:03 17 in charge of the team of Detective Superintendents who ran
16:08:08 18 all the squads and I was in charge of them, yes.
16:08:10 19
16:08:10 20 So if a squad was bringing a prosecution, say, for example,
16:08:22 21 Purana was initiating a prosecution, you would have
16:08:26 22 responsibility within the chain of command for that
16:08:30 23 prosecution?---I'd be in the chain of command for it, yes.
16:08:34 24
16:08:34 25 And you say Deputy Commissioner Cartwright sat above you in
16:08:39 26 the chain of command?---Yes.
16:08:41 27
16:08:41 28 And what was his, did he have particular responsibilities
16:08:46 29 for Crime or did he have responsibilities across the board
16:08:49 30 for other areas as well?---Crime as well as other areas,
16:08:52 31 yes.
16:08:52 32
16:08:57 33 And there were obviously a number of investigations going
16:09:01 34 on under you when you arrived, significant investigations,
16:09:07 35 because when you started there was Task Force
16:09:11 36 Purana?---That was a Task Force, that was one of the Task
16:09:15 37 Forces, yes, that was running.
16:09:18 38
16:09:19 39 And Petra had by that stage transitioned to Driver, is that
16:09:23 40 correct?---Yes, it had, yes.
16:09:24 41
16:09:27 42 And so you were responsible for Driver?---I was on a
16:09:34 43 steering committee for Driver, yes.
16:09:35 44
16:09:36 45 So in addition to being Assistant Commissioner of Crime you
16:09:39 46 were actively involved in that Task Force, if I can put it
16:09:43 47 that way?---That steering committee, yes.

16:09:45 1
16:09:45 2 That steering committee. And do the Assistant
16:09:52 3 Commissioners and the Deputy Commissioners have regular
16:09:55 4 meetings with the Chief Commissioner of Police?---The
16:09:59 5 Deputy Commissioners do, yes.
16:10:00 6
16:10:01 7 Not the Assistant Commissioners?---Not generally, no,
16:10:06 8 mostly it's the Deputies.
16:10:09 9
16:10:10 10 Did that remain the same when Mr Lay took over as Chief
16:10:14 11 Commissioner?---I believe so, I mean if there was things
16:10:17 12 that Mr Lay would like to know about specifically and the
16:10:22 13 Deputy thought it was, they couldn't help with it or
16:10:25 14 whatever then they'd probably call you in as an AC.
16:10:30 15
16:10:31 16 What was your involvement in the management or at least in
16:10:36 17 the steering committee of Driver, what hands-on involvement
16:10:41 18 did you have?---We'd sort of, it was handling, Driver was
16:10:45 19 handling the death of Carl Williams, that sort of
16:10:49 20 investigation.
16:10:49 21
16:10:50 22 Yes?---And then because Purana, sorry, because Petra sort
16:10:56 23 of wound up, they inherited, Driver had inherited a range
16:11:01 24 of investigations that were still being sorted out in
16:11:04 25 relation to that. So there was sort of a whole range of
16:11:09 26 matters that were going on there, so at the Driver Task
16:11:12 27 Force meetings you'd be sort of told the direction those
16:11:16 28 matters were generally heading in.
16:11:19 29
16:11:19 30 When you arrived were you aware of any, that there were
16:11:24 31 still issues concerning Ms Gobbo which had been hanging
16:11:29 32 around from the time that you were at the OPI concerning
16:11:32 33 Petra?---Concerning - yes, there were issues concerning her
16:11:38 34 security, her safety, in witness protection.
16:11:41 35
16:11:42 36 I take it you would have been made aware that she had
16:11:45 37 issued proceedings against the Chief Commissioner, then
16:11:50 38 Chief Commissioner Nixon, Assistant Commissioner now, Chief
16:11:54 39 Commissioner Simon Overland, now then, you would have been
16:11:57 40 aware of that when you came on board?---Yes, I think I was
16:12:00 41 aware of that.
16:12:01 42
16:12:02 43 I take it you would have been made away she had issued
16:12:05 44 proceedings in April of 2010 and those proceedings had
16:12:08 45 settled in August of 2010?---Yes, I became aware of that,
16:12:11 46 yes.
16:12:11 47

16:12:11 1 And they would have been matters of some significance to
16:12:15 2 you because I take it you would have been aware of the
16:12:17 3 manner in which the proceeding had settled, that is the
16:12:21 4 terms the settlement?---No, I wasn't aware of the terms of
16:12:27 5 that settlement.
16:12:27 6
16:12:27 7 Did you not become there was going to be an issue as to
16:12:30 8 whether or not Ms Gobbo could be or would be a witness in
16:12:35 9 the prosecution of Paul Dale for allegedly lying to the
16:12:39 10 ACC?---Yes, that was a prosecution that was underway, or
16:12:42 11 about to be underway at that time.
16:12:43 12
16:12:43 13 And I take it you would have been aware that there were
16:12:46 14 issues around whether or not Victoria Police would call her
16:12:49 15 to be a witness or could in accordance with its arrangement
16:12:53 16 that it had with her in fact call her?---Yes.
16:12:56 17
16:12:56 18 Were you aware of that?---As a witness, yes.
16:12:58 19
16:13:03 20 Did you have discussions with anyone about the fact that
16:13:05 21 the settlement had, the settlement with Ms Gobbo had a term
16:13:09 22 to the effect that she wouldn't be called by Victoria
16:13:12 23 Police as a witness, utilised by Victoria Police, you're
16:13:15 24 aware of that?---No, I wasn't aware of that term.
16:13:17 25
16:13:18 26 Did you ever become aware of that?---Only in literally
16:13:23 27 recent weeks in preparing for this, I wasn't aware of that.
16:13:26 28
16:13:27 29 Only in recent weeks you became aware of that?---Yes.
16:13:29 30
16:13:37 31 How regularly would you attend Driver Task Force
16:13:42 32 briefings?---It would vary from time to time. Sometimes it
16:13:45 33 would be as regularly as weekly and other times it would be
16:13:49 34 less regularly than that.
16:13:50 35
16:13:50 36 Is it the case, and I take it fairly shortly after you
16:13:54 37 started, you attended a Driver Task Force briefing where
16:13:57 38 there was a reference to the fact that Tony Mokbel had
16:14:02 39 pleaded guilty to operation or an Operation Magnum, is that
16:14:07 40 something that you became aware of or had particular note
16:14:10 41 of?---At a Driver Task Force meeting?
16:14:12 42
16:14:12 43 Yes. 19 April 2011?---No, I don't have a recollection of
16:14:18 44 that being discussed at a Driver Task Force meeting.
16:14:21 45
16:14:21 46 Have you got your diary there? Do you have a copy of your
16:14:26 47 diary there?---No, I've supplied copies of the diaries.

16:14:31 1
16:14:32 2 Do we have copies of Mr Ashton's diary? Hard copies of the
16:14:37 3 diary, have we got them? Can we put this document up
16:14:49 4 whilst we're waiting, VPL.6132.0041.4616. Commissioner,
16:16:01 5 I'm just having put up on the screen what is a typed
16:16:05 6 version of handwritten diaries which are apparently
16:16:12 7 prepared from Chief Commissioner Ashton's handwritten
16:16:21 8 diary?---Yes.
16:16:21 9
16:16:22 10 Have you seen those, in fact were you involved in the
16:16:24 11 translation of the diaries, Mr Ashton?---Yes, I went
16:16:28 12 through the diaries looking for anything that was related
16:16:31 13 to these matters and I provided photocopied extracts of the
16:16:37 14 diaries and this is a subsequent typing up of that.
16:16:41 15
16:16:41 16 Are you content that the translations, if you like, or the
16:16:45 17 transcriptions of your diary as set out in this document
16:16:48 18 are accurate reflections of the handwritten diaries?---Yes,
16:16:52 19 they would be in the diaries if that's written there.
16:16:55 20
16:16:55 21 Perhaps, Commissioner, I'll tender that document whilst
16:16:57 22 we're at it.
16:16:59 23
16:16:59 24 COMMISSIONER: It's the Graham Ashton summary diaries from
16:17:03 25 6 January 11 to 2 July 11.
16:17:09 26
16:17:10 27 #EXHIBIT RC886A - (Confidential) Graham Ashton summary
16:17:02 28 diaries from 6/1/11 to 2/7/11.
16:17:12 29
16:17:13 30 #EXHIBIT RC886B - (Redacted version.)
16:17:16 31
16:17:17 32 MR WINNEKE: Thanks Commissioner. It appears you were at a
16:17:20 33 Task Force briefing on 19 April 2011. At 11:00 hours there
16:17:24 34 was a discussion of Mokbel pleading guilty in Operation
16:17:28 35 Magnum, do you see that?---Yes.
16:17:29 36
16:17:29 37 And so he'd entered his plea on 18 April 2011. So that's
16:17:37 38 something that you were obviously made aware of and it was
16:17:40 39 discussed during the course of that Task Force
16:17:44 40 briefing?---Yes, that would be consistent with that date
16:17:46 41 too, yes.
16:17:47 42
16:17:47 43 This is at about the time that you were appointed, in fact
16:17:52 44 probably just prior to the time that you'd been appointed,
16:17:56 45 I think you say you were appointed around the end of April,
16:17:59 46 is that right?---Yes, around that time. Was it April?
16:18:05 47

16:18:05 1 You say the 27th but it seems that you were getting
16:18:09 2 briefings before that, would that be correct? You say
16:18:29 3 effectively early April. In any event that doesn't
16:18:32 4 matter?---Yes, well that - - -
16:18:35 5
16:18:35 6 Regardless of the fact it seems you have responsibilities
16:18:38 7 and you were getting briefings at that time?---Yes,
16:18:40 8 correct.
16:18:40 9
16:18:41 10 And if we have a look at the 27th, it seems that you met
16:18:44 11 Doug Fryer and you were briefed by him on current
16:18:47 12 operations, Task Forces, et cetera, and you'll resume
16:18:50 13 ownership of a particular, or a couple of them?---Another
16:18:57 14 operation of some sort.
16:18:58 15
16:18:59 16 When Jeff Pope starts leave shortly?---Yes.
16:19:03 17
16:19:04 18 And including Driver?---Yes.
16:19:07 19
16:19:07 20 Then you meet with I think the DPP at that stage on the
16:19:11 21 28th, Mr Rapke, and there were discussions about approaches
16:19:17 22 to Mokbel pre sentencing and you indicated that you would
16:19:22 23 provide feedback to suppress, correct?---Yes.
16:19:27 24
16:19:28 25 Are you able to explain what that was about?---It may have
16:19:34 26 been a discussion about him being approached pre sentencing
16:19:38 27 about his level of cooperation I think.
16:19:41 28
16:19:42 29 Indeed if we have a look at the meeting the next day, you
16:19:45 30 can see that there's a meeting with Doug Fryer and Jeff
16:19:48 31 Pope regarding that and Doug would make an approach,
16:19:51 32 et cetera. Do you see that?---Yes.
16:19:53 33
16:19:55 34 And if you read that, we don't need to read it out, but
16:20:00 35 they're references to what might be done there, do you see
16:20:03 36 that?---Yes.
16:20:03 37
16:20:06 38 So clearly you were aware and across the fact that
16:20:11 39 Mr Mokbel was pleading guilty and there were to be
16:20:16 40 approaches made. So that was something that was within
16:20:19 41 your area of concern at that stage?---Yes.
16:20:22 42
16:20:23 43 All right. Can I ask you this: what you say insofar as
16:20:39 44 Ms Gobbo is concerned is that because of your involvement
16:20:44 45 within the OPI you had an understanding that she had been a
16:20:50 46 human source, correct?---Yes.
16:20:52 47

16:20:52 1 Because now you're the Assistant Commissioner of Crime, you
16:20:56 2 certainly had been made aware that there were going to be
16:21:03 3 issues with respect to Ms Gobbo because Mr Dale was
16:21:06 4 charged, prior to you getting there, with the ACC issues
16:21:14 5 and they were going to be prosecuted. Now, were you aware
16:21:18 6 of the fact, during the early period of 2011 and throughout
16:21:23 7 the period leading to around October, that Mr Dale, or the
16:21:29 8 prosecution of Mr Dale to a significant extent relied upon
16:21:33 9 evidence that would be provided by Ms Gobbo?---Yes, I came
16:21:36 10 understand that through that period, yes.
16:21:37 11
16:21:43 12 If we move through your diary, we get to around 12
16:21:52 13 October?---Yes.
16:21:53 14
16:21:54 15 And indeed if we have a look at 10 October you see that at
16:21:58 16 16:30 hours on 10 October you have a meeting at Victoria
16:22:17 17 Police Centre with ADC Cartwright, Pope and Finn McRae over
16:22:22 18 the telephone regarding Ms Gobbo?---Yes.
16:22:25 19
16:22:25 20 And indeed the previous entry which is of relevance, you'd
16:22:30 21 had a meeting at 9.30 regarding Dale, Witness F, ACC
16:22:37 22 charges, risks, and you say, "Finn, Doug and I will go and
16:22:42 23 meet with the Commonwealth DPP regarding Witness F risks on
16:22:46 24 Dale prosecution"?---Yes.
16:22:48 25
16:22:48 26 "Brief on PSCU to the OPP", do you know what that is?
16:22:55 27 That's a different issue, is it?---No, I think that Dale
16:22:56 28 prosecution one - oh, you mean that other one? Yes, I
16:22:59 29 think that's some separate matter. But I think there's a
16:23:02 30 meeting with the Commonwealth DPP re risks for her safety
16:23:10 31 re that Dale prosecution.
16:23:11 32
16:23:14 33 Can you tell the Commission what the risks were that you
16:23:17 34 note in your diary, what were the risks that were being
16:23:20 35 discussed or considered?---Really around her, her safety
16:23:27 36 giving evidence because she wasn't, she wasn't in the
16:23:29 37 Witness Protection Program at that time and then giving
16:23:33 38 evidence would have been certainly placing her in
16:23:35 39 significant risk and so how we would cover that off.
16:23:41 40
16:23:41 41 You're aware back in 2007, 2008, 2009 there are risks
16:23:46 42 associated with Ms Gobbo because she's a human source. Did
16:23:53 43 you get a briefing from Doug Fryer and other people within
16:23:59 44 your organisation about the risks that were faced by
16:24:04 45 Ms Gobbo should she give evidence?---Only in relation to
16:24:07 46 Dale.
16:24:08 47

16:24:08 1 Mr Ashton, it is extraordinary, isn't it, can I suggest
16:24:12 2 this to you, that if you're concerned about risks, you're
16:24:15 3 not getting a briefing from your officers about what those
16:24:20 4 risks might be. It seems extraordinary?---The risks - - -
16:24:26 5
16:24:27 6 She was at that stage, she'd been a human source, she had
16:24:30 7 provided evidence, or at least information against many,
16:24:33 8 many people and one would assume that you would ask your
16:24:36 9 officers, "Well what are the risks, tell me about the risks
16:24:39 10 that Ms Gobbo faces"?---Yeah, well certainly the risks as I
16:24:45 11 saw them at that time, it was shortly to change, but at
16:24:49 12 that time was around her risks re Dale, the same as had
16:24:52 13 previously been the case and how would we cover these off,
16:24:56 14 because she wasn't in the Witness Protection Program, I'm
16:24:59 15 not sure how we were going to do that.
16:25:01 16
16:25:02 17 Did you say to Doug Fryer, "Now do the risks come from Dale
16:25:06 18 or are there other areas that should concern us?" Did you
16:25:10 19 ask him that direct question?---No, I don't believe I asked
16:25:13 20 him that direct question, no.
16:25:14 21
16:25:14 22 Obviously what you're saying is, "Look, I knew she was a
16:25:18 23 human source and I knew she'd provided information about
16:25:21 24 Dale, Petra. I knew she'd provided information about
16:25:25 25 Waters, Briars, potentially other people with respect to
16:25:29 26 Briars". Can I ask you why you wouldn't have asked what
16:25:33 27 the risks were, what the issues were with Ms Gobbo giving
16:25:38 28 evidence?---The fact is it was really focused on Dale's
16:25:43 29 prosecution and the risk that Dale might present from her
16:25:43 30 giving evidence. I was really focused in that narrow way.
16:25:47 31
16:25:47 32 Were you not aware at that stage that there were other
16:25:49 33 concerns arising because of the fact that Ms Gobbo had been
16:25:52 34 a human source and if she was exposed as a human source
16:25:57 35 there were a whole raft of issues that might arise?---Not
16:26:03 36 in that context, no. I think there was starting to get
16:26:03 37 concerns about the way that she was being managed within
16:26:06 38 the human source environment.
16:26:08 39
16:26:12 40 You had a meeting - could we have a look at Exhibit RC345,
16:26:26 41 can we put that up. There'd been a meeting in the chambers
16:26:40 42 of Mr Maguire on 21 September 2011, the day before, and do
16:26:54 43 you see the attendees there? Vic Frewen, Task Force
16:26:58 44 Driver, Boris Buick, Task Force Driver, Steve Waddell, Task
16:27:02 45 Force Briars, Senior Sergeant Sandy White who was then at
16:27:06 46 Task Force Briars?---Yes.
16:27:10 47

16:27:13 1 Can it be on the screen of - please. And Gerard Maguire
16:27:21 2 and the CDPD were there. "Status of subpoena. Has it been
16:27:25 3 issued and if so, what's the scope?" Would you not have
16:27:30 4 been told that there had been an issue arising and the
16:27:33 5 possibility of - - -
16:27:36 6
16:27:36 7 MR CHETTLE: Sorry, this can't be on the screen,
16:27:40 8 Commissioner.
16:27:40 9
16:27:40 10 MR WINNEKE: Can anyone read it who is sitting behind?
16:27:44 11 Perhaps we should ask.
16:27:48 12
16:27:49 13 MR CHETTLE: The answer is yes apparently.
16:27:51 14
16:27:51 15 MR WINNEKE: Well she's on your side. All right. Were you
16:28:02 16 not aware that there'd been this meeting set up with Gerard
16:28:06 17 Maguire to discuss subpoena issues around the Dale
16:28:09 18 proceeding?---No, I think the subpoena issues I became
16:28:15 19 aware of them, it might have been shortly after that, I
16:28:19 20 don't remember being aware of them at this time, 21
16:28:22 21 September, it was shortly thereafter though, within a
16:28:26 22 matter of days, a few days.
16:28:27 23
16:28:28 24 Is that not something that would have been brought to your
16:28:31 25 attention, the fact that Mr Maguire had been engaged to
16:28:34 26 provide an opinion about the possibility of exposure of
16:28:40 27 Ms Gobbo which had led to quite a significant gathering of
16:28:44 28 people from Victoria Police, the VGSO and the
16:28:49 29 Commonwealth?---Yeah, there was a letter received from, I
16:28:51 30 remember there was a letter received from Ms Gobbo by
16:28:56 31 Victoria Police and that was detailing why should she be
16:29:00 32 called, she was concerned about being called and a whole
16:29:04 33 range of issues around that and then this review by
16:29:12 34 Mr Maguire, or the advice, sorry, from Mr Maguire was
16:29:15 35 trying to help us understand that.
16:29:17 36
16:29:18 37 Did you know as a general proposition that he was getting,
16:29:23 38 he was providing an advice?---I don't think I initiated, I
16:29:29 39 may have - there was advice certainly provided, the actual
16:29:34 40 origin of that advice I'm not sure.
16:29:36 41
16:29:36 42 Did you know about the letter of Ms Gobbo when it had been
16:29:41 43 sent to Mr Buick I think it was?---Yeah, I was aware of
16:29:44 44 that.
16:29:44 45
16:29:45 46 When did you first see the letter?---That's in my
16:29:50 47 statement. I'm not sure, I'd have to go back to - - -

16:29:53 1
16:29:53 2 I think there's a letter dated 17 October but - -
16:29:57 3 -?---There's a letter from her addressed to Mr Buick.
16:30:00 4
16:30:00 5 Yes, 17 October?---Yes, that's 27 October.
16:30:09 6
16:30:12 7 Did you know that there had been a letter sent by, that
16:30:17 8 Mr Buick had written a letter dated 6 October and addressed
16:30:20 9 it to the officer-in-charge of the Driver Task Force,
16:30:25 10 subject Witness F?---I don't have a memory of that. If you
16:30:32 11 can show it to me I might remember whether I've seen it
16:30:34 12 before.
16:30:34 13
16:30:34 14 Can we put this up, VPL.0010.0001.0064. I think there's
16:31:14 15 difficulty it seems, Commissioner.
16:31:18 16
16:31:19 17 WITNESS: Maybe if you just want to tell me the contents I
16:31:22 18 can perhaps tell you if I remember seeing it.
16:31:24 19
16:31:25 20 I might show it to you. I think perhaps given the time - I
16:31:30 21 think I have less than an hour to go.
16:31:32 22
16:31:33 23 COMMISSIONER: How much cross-examination will you have,
16:31:34 24 Mr Nathwani?
16:31:35 25
16:31:36 26 MR NATHWANI: About half an hour. Mr Holt?
16:31:38 27
16:31:39 28 MR HOLT: Probably an hour, Commissioner.
16:31:40 29
16:31:41 30 COMMISSIONER: And Mr Chettle?
16:31:41 31
16:31:42 32 MR CHETTLE: Half an hour to an hour.
16:31:44 33
16:31:44 34 COMMISSIONER: I understand, Mr Ashton, you're available
16:31:47 35 tomorrow?---Yes, that's right Commissioner.
16:31:48 36
16:31:48 37 All right. We'll continue with the witness's evidence
16:31:51 38 tomorrow and then when he finishes we'll deal with
16:31:56 39 Mr Cornelius who may not be too long.
16:32:05 40
16:32:07 41 MR WINNEKE: Ms Tittensor is dealing with him, she is
16:32:10 42 reasonably confident, I don't want to verbal her, but I
16:32:12 43 think she's reasonably confident that she can deal with him
16:32:13 44 in the two that we've got allotted, Wednesday and Thursday.
16:32:15 45
16:32:16 46 MR HOLT: In the circumstances can we have Mr Cornelius
16:32:18 47 here at, say, 11.30 just to be safe?

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COMMISSIONER: Yes, all right Mr Holt. We'll adjourn until
9.30 tomorrow.
<(THE WITNESS WITHDREW)
ADJOURNED UNTIL WEDNESDAY 11 DECEMBER 2019