

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

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Monday, 10 February 2020

Led by Commissioner:       The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Ms R. Enbom SC Mr S. Frauenfelder
Counsel for State of Victoria	Mr T. Goodwin
Counsel for Nicola Gobbo	Mr R. Nathwani
Counsel for DPP/SPP	Mr P. Doyle
Counsel for CDPP	Ms A. Haban-Beer
Counsel for AFP	Ms I. Minnett
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for Chief Commissioner of Police	Mr A. Coleman SC

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

10:02:14 1 COMMISSIONER: Yes, the appearances are largely as they  
10:02:17 2 were on Friday, save that we have Ms Enbom and  
10:02:21 3 Mr Frauenfelder for Victoria Police. There's an  
10:02:26 4 application for leave to appear in respect of PII [REDACTED]  
10:02:35 5 for Mr Lay's evidence. Counsel assisting doesn't oppose,  
10:02:39 6 so assuming that nobody else has anything to say I'll give  
10:02:43 7 leave to PII [REDACTED] to appear in respect of Mr Lay. I  
10:02:50 8 understand Mr Lay's ready to give his evidence.  
10:02:52 9  
10:02:53 10 MR WINNEKE: He is, Commissioner, and I think Ms Enbom is  
10:02:56 11 going to call him to the witness box.  
10:02:57 12  
10:02:57 13 COMMISSIONER: Yes, thanks Mr Winneke. Yes Ms Enbom.  
10:03:00 14  
10:03:04 15 MS ENBOM: Thank you, Commissioner.  
10:03:05 16  
10:03:08 17 COMMISSIONER: Yes, I understand Mr Lay will take the oath,  
10:03:11 18 thank you.  
10:03:12 19  
10:03:13 20 <KENNETH DOUGLAS LAY, sworn and examined:  
10:03:27 21  
10:03:27 22 MS ENBOM: Mr Lay, is your full name Kenneth Douglas  
10:03:31 23 Lay?---It is.  
10:03:31 24  
10:03:32 25 And is your address care of Corrs Chambers Westgarth  
10:03:37 26 Lawyers?---It is.  
10:03:37 27  
10:03:38 28 Are you currently the chair of Bushfire Recovery  
10:03:42 29 Victoria?---I am.  
10:03:43 30  
10:03:44 31 Is that an organisation that was established by the State  
10:03:46 32 Government in January this year to lead the recovery and  
10:03:51 33 rebuilding process in relation to the ongoing bushfires in  
10:03:55 34 Victoria?---That's correct.  
10:03:56 35  
10:03:57 36 Have you prepared two witness statements for this Royal  
10:04:00 37 Commission?---I have.  
10:04:00 38  
10:04:01 39 Do you have those with you?---I do.  
10:04:02 40  
10:04:02 41 Is the first dated 15 December 2019?---Yes.  
10:04:07 42  
10:04:08 43 And is the second dated 9 February 2020?---It is.  
10:04:12 44  
10:04:13 45 Does the second statement correct some minor matters in the  
10:04:17 46 first statement?---It does.  
10:04:18 47

.10/02/20

13522

LAY XN

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

10:04:19 1 And does it address an additional topic being the topic of  
10:04:25 2 governance?---It does.  
10:04:26 3  
10:04:27 4 With the changes identified in the second statement, is the  
10:04:29 5 first statement true and correct?---It is.  
10:04:31 6  
10:04:31 7 And is the second statement true and correct?---It is.  
10:04:35 8  
10:04:35 9 I tender both of those statements, Commissioner. Neither  
10:04:38 10 of them have any PII claims, which is a change.  
10:04:41 11  
10:04:41 12 COMMISSIONER: It is.  
10:04:42 13  
10:04:43 14 #EXHIBIT RC1171A - First statement of Ken Lay 15/12/19.  
10:04:50 15  
10:04:50 16 #EXHIBIT RC1171B - Second statement of Ken Lay 9/2/20.  
10:04:54 17  
10:04:54 18 COMMISSIONER: Mr Lay, can I say thanks for making yourself  
10:04:59 19 available at short notice to come forward with your  
10:05:01 20 evidence, it's greatly appreciated?---Thank you,  
10:05:05 21 Commissioner.  
10:05:05 22  
23 <CROSS-EXAMINED BY MR WINNEKE:  
24  
10:05:05 25 Mr Lay, you were the Acting Chief Commissioner for about  
10:05:08 26 five months from 16 June 2011 until 13 November 2011, is  
10:05:13 27 that right?---I was, yes.  
10:05:15 28  
10:05:15 29 And at that point you were appointed to the position of  
10:05:19 30 Chief Commissioner of Victoria Police, is that  
10:05:21 31 right?---That's correct.  
10:05:21 32  
10:05:25 33 I'd like to ask you, if I may, about a couple of matters  
10:05:31 34 concerning your knowledge and involvement with matters  
10:05:36 35 concerning Ms Gobbo. In your statement you've set out some  
10:05:42 36 information concerning meetings that you attended during  
10:05:45 37 the period that you were Assistant Commissioner of Victoria  
10:05:49 38 Police and what you say is during that period of time you  
10:05:55 39 weren't aware of Ms Gobbo's role as a human source prior to  
10:06:03 40 that period, is that right?---No, to the best of my  
10:06:05 41 recollections, that's correct.  
10:06:08 42  
10:06:09 43 You first became aware that Ms Gobbo had been a human  
10:06:16 44 source around October of, November 2011, is that  
10:06:22 45 right?---Yes, I believe that's so.  
10:06:23 46  
10:06:24 47 That occurred, as I understand it, when - initially it was

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

10:06:29 1 drawn to your attention that she had made an allegation  
10:06:32 2 that she'd had a sexual relationship with a member of  
10:06:37 3 Victoria Police, is that right?---That's correct, yes.  
10:06:39 4  
10:06:41 5 Now, that arose from a discussion that you had with Acting  
10:06:54 6 Deputy Commissioner Cartwright and Graham Ashton on 24  
10:06:58 7 October, is that right?---I believe that's correct, yes.  
10:07:01 8  
10:07:02 9 And I think you made a note in your diary to that effect,  
10:07:09 10 or at least you made a diary of a discussion, is that  
10:07:13 11 right?---That's correct, yes.  
10:07:17 12  
10:07:17 13 You don't believe that you were informed about her role as  
10:07:20 14 an informant until later on and that was around I think 2  
10:07:24 15 November?---Yes. Look, I have no strong recollection of it  
10:07:28 16 but I believe that to be correct, yes.  
10:07:31 17  
10:07:34 18 Now, are you able to recall what you learnt on 2 November  
10:07:43 19 and the circumstances in which you learnt it?---So 2  
10:07:52 20 November, just bear with me.  
10:07:54 21  
10:07:54 22 Have a look at paragraph 14, you say there's an entry in  
10:07:57 23 your diary - there's an entry in your diary on 24 October  
10:08:02 24 recording a discussion that I had with Graham Ashton about  
10:08:05 25 a possible disclosure by a Petra member?---Yep.  
10:08:08 26  
10:08:08 27 And that Victoria Police's in-house solicitor Finn McCrae  
10:08:13 28 was to provide advice. That is the issue about the  
10:08:17 29 relationship or alleged relationship, right?---That's  
10:08:20 30 correct, yes.  
10:08:20 31  
10:08:20 32 You were keeping apprised of that?---Yes.  
10:08:23 33  
10:08:23 34 Then what you say is that the first reference in your diary  
10:08:28 35 to Ms Gobbo is on 2 November 2011, she's referred to as  
10:08:32 36 Witness F. The diary entry records a conversation with ADC  
10:08:37 37 Cartwright and, "I do not recall the conversation, however  
10:08:42 38 in preparing the statement I've been informed by my  
10:08:45 39 solicitors it may have been on this date that ADC  
10:08:49 40 Cartwright became aware of a written advice by barrister  
10:08:53 41 Gerard Maguire which had expressed concerns about  
10:08:55 42 Ms Gobbo's role as a human source"?---That's correct.  
10:08:57 43  
10:08:59 44 You say that it is likely that you became aware on that  
10:09:02 45 date of Mr Maguire's advice?---That's right.  
10:09:06 46  
10:09:06 47 You subsequently became aware of Mr Maguire's advice I take

.10/02/20

13524

LAY XXN



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

10:09:10 1 it?---I did, yes. I was, yes.  
10:09:12 2  
10:09:15 3 Can I ask you this, that Mr Maguire's advice, or at least  
10:09:21 4 the significant aspect of Mr Maguire's advice as far as  
10:09:25 5 this Royal Commission is concerned is a part of his advice  
10:09:29 6 contained in two paragraphs, specifically 53 and 54. Those  
10:09:34 7 paragraphs speak of Ms Gobbo's role as a barrister and  
10:09:38 8 speak of the possibility that, "Defence will press to  
10:09:44 9 obtain documents in relation to all other dealings between  
10:09:48 10 the police and the source on the basis that it will show  
10:09:51 11 that the source was providing legal services and advice to  
10:09:55 12 other targets at the same time as information was being  
10:10:00 13 provided to police. This would form the basis of a credit  
10:10:02 14 attack as well as bolstering the proposition that the  
10:10:03 15 recorded conversation with Dale was an occasion which  
10:10:07 16 attracted legal professional privilege". Do you think that  
10:10:15 17 you might have been made aware of that paragraph early on  
10:10:18 18 in your discussions with Mr Cartwright?---I believe that I  
10:10:22 19 was informed that there was a possibility that there were  
10:10:24 20 some problems with some prosecutions.  
10:10:25 21  
10:10:26 22 Then it goes on, "If the role of the source were to be  
10:10:28 23 fully exposed there is also a possibility that persons such  
10:10:32 24 as Mokbel, who was convicted in absentia in March 2006,  
10:10:36 25 would seek to challenge their convictions on the basis that  
10:10:39 26 it was improperly obtained. Difficult to predict how such  
10:10:43 27 an issue might be raised or played out, but there might be  
10:10:47 28 an attempt to raise the issue in a venue such as the Court  
10:10:51 29 of Appeal. It might also have a collateral effect in  
10:10:54 30 relation to the current sentencing of Mokbel for drug  
10:10:57 31 trafficking offences after he fled the jurisdiction". Now,  
10:11:01 32 do you believe that you might have been informed of those  
10:11:04 33 matters early on, around 2 November?---Look, I can't, I  
10:11:09 34 can't recall the specifics of the conversation, but what I  
10:11:14 35 can recall was that there was sufficient concern from me  
10:11:19 36 that I needed some advice from outside Victoria Police to  
10:11:23 37 help me understand the real risks.  
10:11:25 38  
10:11:25 39 Right. Now, can I ask you about your knowledge of matters  
10:11:29 40 concerning Mokbel at that stage. I take it you were aware  
10:11:34 41 that Mokbel had issued proceedings in the Supreme Court  
10:11:38 42 with a view to setting aside a plea of guilty that he'd  
10:11:42 43 entered because of an assertion that he made that evidence  
10:11:48 44 which had been obtained against him had been improperly  
10:11:51 45 obtained because of a failure to swear affidavits?---Yes.  
10:11:54 46 So this was a very significant issue for Victoria Police  
10:11:59 47 swirling around at the same time, so I do recall that one

.10/02/20

13525

LAY XXN

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

10:12:04 1 of the biggest issues around the affidavit issue was  
10:12:10 2 Mokbel's name and the impact on those convictions, yes.  
10:12:14 3  
10:12:15 4 Without going into detail, can I suggest that you were  
10:12:19 5 aware, around 13 October, that that may well be a problem  
10:12:25 6 because there was a prospect of a newspaper reporting  
10:12:31 7 concerns about that affidavit issue with respect to Mokbel  
10:12:33 8 and the concern that it might have an effect on his guilty  
10:12:39 9 plea or conviction or finding of guilt and so forth, are  
10:12:42 10 you aware of that?---Look, I can't recall a media article  
10:12:49 11 being a part of my considerations.  
10:12:51 12  
10:12:51 13 Let's have a look at, perhaps if we look at  
10:12:59 14 RCMPPI.0097.0001.0001 at p.119. This is a note in  
10:13:14 15 Mr Ashton's diary, Graham Ashton's diary and it appears to  
10:13:19 16 say, "Calls and emails exchanged through evening re Mokbel  
10:13:24 17 issue. Ken Lay wanted to know if we had a problem on  
10:13:25 18 Mokbel given tomorrow", it appears to say "media  
10:13:28 19 article"?---Yep.  
10:13:29 20  
10:13:29 21 "I got a response from Doug Fryer that all Mokbel warrants  
10:13:33 22 were fine. I gave that or this advice to Ken, Tim", one  
10:13:39 23 assumes that's Tim Cartwright, "And Finn McCrae" it appears  
10:13:43 24 to be. So I take it, assuming that's correct, that matter  
10:13:46 25 was very much on the radar at that time?---So what date was  
10:13:50 26 this, sorry?  
10:13:51 27  
10:13:51 28 As I understand it that's 13 October 2011?---Yes. So, look  
10:13:56 29 I've got no reason to believe that that's not absolutely  
10:14:00 30 correct.  
10:14:00 31  
10:14:00 32 All right. And if we have a look at this entry,  
10:14:09 33 RCMPPI.0140.0001.0001 at p.41. I think this is an entry in  
10:14:16 34 your diary of 18 October. It appears to say, "Affidavit  
10:14:24 35 issues. Mokbel appeal. Judge Montgomery decision to throw  
10:14:30 36 out evidence re" - then there's a redaction for relevance.  
10:14:34 37 Do you know what that refers to? Does that refer to the  
10:14:39 38 same issue?---I've not seen that entry before so I'm not  
10:14:43 39 quite sure.  
10:14:45 40  
10:14:45 41 Is that not your diary?---That's my - yes, that's  
10:14:51 42 definitely my writing.  
10:14:52 43  
10:14:53 44 Can I suggest to you that at around that time there were  
10:14:56 45 issues that you were aware of concerning the Mokbel matter.  
10:15:01 46 It's been described in your note as an appeal, the evidence  
10:15:11 47 is that at this stage Mokbel was seeking to set aside a

.10/02/20

13526

LAY XXN

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

1 plea of guilty that he'd entered on the basis of this  
10:15:16 2 affidavit issue, the Marijancevic issue we've been  
10:15:21 3 describing it as?---My recollection is I had a very high  
10:15:26 4 level understanding of this, but I was aware that the  
10:15:29 5 affidavit issues did have an impact on Mokbel and there may  
10:15:33 6 be some proceedings to, to see what that impact may have  
10:15:38 7 had.

10:15:38 8  
10:15:38 9 I follow that. And then superimposed on that particular  
10:15:43 10 matter, then we have your briefing on 2 November  
10:15:49 11 concerning, you believe, the Maguire advice and the  
10:15:52 12 potential that Ms Gobbo may well have, her conduct as a  
10:15:59 13 human source may have had an impact on proceedings such as  
10:16:05 14 Mr Mokbel's proceeding?---Am I able to see that entry?

10:16:09 15  
10:16:10 16 Yes, by all means. If we can have a look at an entry -  
10:16:17 17 just excuse me. What we'll do is we'll get your original  
10:16:27 18 diaries if we could?---It may be helpful. That entry on 2  
10:16:46 19 November, I think there's two issues in that one entry,  
10:16:49 20 captured in that one entry that I might, I'd like to just  
10:16:56 21 give the Commissioner some clarity around.

10:16:59 22  
10:16:59 23 Yes, certainly. I think, Mr Lay, it's an entry at about  
10:17:13 24 1.26 on 2 November 2011?---Would you like me just to talk  
10:17:27 25 you through that?

10:17:29 26  
10:17:29 27 Yes please, thank you?---Tim Cartwright, Acting Deputy  
10:17:34 28 Commissioner Tim Cartwright's given me some verbal advice  
10:17:40 29 in relation to Witness F.

30  
10:17:42 31 Yes?---I'm assuming that may well, that could be around the  
10:17:46 32 Mokbel issue. And the OPI discussion regarding possible  
10:17:51 33 allegations, I believe that actually relates to the Pope  
10:17:55 34 issue.

10:17:55 35  
10:17:56 36 Yes. That's correct. There was some suggestion that the  
10:18:00 37 OPI ought be involved in this allegation to determine  
10:18:05 38 whether or not there was any impropriety?---Yes, and again  
10:18:09 39 just looking at it, at some documentation that my counsel's  
10:18:13 40 provided me, that would appear to relate to a discussion  
10:18:17 41 that Tim and the OPI had on 30 September, yes.

10:18:23 42  
10:18:24 43 30 October?---October, sorry. October, yes.

10:18:27 44  
10:18:27 45 Look it's not clear from your note, what you say is,  
10:18:31 46 "Whilst I don't recall my conversation with Cartwright on 2  
10:18:35 47 November, if he became aware of Maguire's advice that day

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

10:18:38 1 then my diary note is likely to be a record of him briefing  
10:18:42 2 me on the concerns raised by Mr Maguire"?---Exactly.  
10:18:45 3  
10:18:46 4 To be fair, you say, "Well look, I don't recall"?---Yes.  
10:18:49 5  
10:18:49 6 But if he's aware of what Maguire said, it's certainly a  
10:18:56 7 matter that you would expect him to raise with you?---Look,  
10:18:59 8 I have every confidence that Deputy Commissioner Cartwright  
10:19:03 9 would have raised it with me and I suspect that's the time  
10:19:06 10 he did.  
10:19:06 11  
10:19:07 12 Can I just ask you this: bearing in mind - it may well be  
10:19:12 13 that you don't recall being advised about those matters.  
10:19:16 14 You do have a recollection as a general, a more general  
10:19:22 15 recollection, you were aware of Maguire's advice and his  
10:19:26 16 concern about the possibility of an appeal because of the  
10:19:30 17 involvement of Gobbo and Victoria Police?---Look, I  
10:19:35 18 definitely, I definitely recall the concern about the  
10:19:38 19 affidavit issue and what impact that may have. Now - - -  
10:19:42 20  
10:19:42 21 That's a separate issue to - the affidavit issue is a  
10:19:45 22 separate issue to Gobbo acting as an informer with respect  
10:19:52 23 to Mokbel, I take it you understand that?---H'mm.  
10:19:55 24  
10:19:55 25 It's likely - because subsequently you became involved in  
10:20:00 26 the process of setting up the Comrie Review?---I did.  
10:20:04 27  
10:20:04 28 I think you had discussions with Neil Comrie?---Yes.  
10:20:07 29  
10:20:07 30 And the early Terms of Reference, proposed Terms of  
10:20:12 31 Reference, actually speak of the Maguire advice?---Yes.  
10:20:15 32  
10:20:15 33 And indicate that the Maguire advice will be provided to  
10:20:19 34 Neil Comrie?---(Witness nods.)  
10:20:21 35  
10:20:22 36 Do you recall reading the Maguire advice, having it in your  
10:20:26 37 hand and reading it, or copies of it?---I don't recall. I  
10:20:29 38 may well have, I simply don't recall. I'm sorry.  
10:20:33 39  
10:20:34 40 Would you be prepared to agree with this: if you've got a  
10:20:38 41 barrister who's provided an advice raising that concern,  
10:20:45 42 that it would be a matter of significance for Victoria  
10:20:50 43 Police?---Um, yes, I do.  
10:20:52 44  
10:20:54 45 Bearing in mind that you've got significant very public  
10:21:01 46 notoriety of Mokbel's application, the issues with respect  
10:21:04 47 to the affidavit, the simple fact that he was a very high

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

10:21:10 1 profile criminal, if it became apparent that conduct of  
10:21:19 2 Victoria Police in association with a person who had  
10:21:21 3 previously been a barrister may well have led to, or may  
10:21:26 4 give this fellow an opportunity to set aside a conviction,  
10:21:30 5 that would be a matter that really needed to be looked  
10:21:33 6 into, I take it?---Absolutely.  
10:21:35 7  
10:21:35 8 And your expectation is that those reporting to you, those  
10:21:41 9 with responsibilities for criminal prosecutions and crime,  
10:21:47 10 would, would in fact look into what Mr Maguire had said and  
10:21:52 11 come to a view about whether or not there was any accuracy  
10:21:55 12 or whether or not there was any reason to be concerned, do  
10:21:58 13 you accept that?---Yes. So there's two pieces to this.  
10:22:02 14  
10:22:02 15 Yes?---There's the internal review of this which is very,  
10:22:06 16 very important. I always, where possible, would seek an  
10:22:10 17 external review on issues that are high risk to the  
10:22:16 18 organisation and this would be an example of this and this  
10:22:18 19 is an example of why I would have reached out to Neil  
10:22:21 20 Comrie to test, test what Victoria Police had done, but  
10:22:26 21 also test what I was hearing.  
10:22:28 22  
10:22:28 23 Right. So one of the concerns might be, or at least  
10:22:35 24 criticisms might be, well look, when Comrie was engaged,  
10:22:41 25 his task was to look at processes?---Yes.  
10:22:44 26  
10:22:44 27 With respect to the management of Ms Gobbo, and procedures  
10:22:49 28 that were put in train when it came to transitioning  
10:22:53 29 Ms Gobbo from being a human source to a witness, but he  
10:22:59 30 wasn't instructed to look closely at the possibility, for  
10:23:05 31 example, that Mr Mokbel's case might have been impacted, do  
10:23:08 32 you follow that?---Yes, I follow that.  
10:23:10 33  
10:23:11 34 Have you considered that since, that particular  
10:23:14 35 matter?---No, no, I hadn't but let me say, as Commissioner  
10:23:19 36 I would expect those sort of issues be raised with me by my  
10:23:25 37 people and, look, I'm not sure if it's an opportune time,  
10:23:31 38 Commissioner, just to outline how I saw my role as  
10:23:35 39 Commissioner, particularly with these operational pieces?  
10:23:39 40  
10:23:39 41 Yes, by all means?---Okay. So Victoria Police is a big  
10:23:45 42 broad organisation. At the time it had 17,000 people, it  
10:23:49 43 had a budget of about \$2.4 billion. The work that the  
10:23:58 44 Commission is looking at is a very narrow area of the role  
10:24:06 45 of Victoria Police, so this is a very, very difficult and  
10:24:11 46 complex piece. Alongside this piece in Crime Department  
10:24:16 47 there would be any number of other very complex



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

10:24:20 1 investigations around counter terrorism, around drug  
10:24:26 2 dealing, around corruption and the like, so it was very  
10:24:30 3 important for the governance of these matters that Deputy  
10:24:34 4 Commissioners, lawyers were across this to raise issues  
10:24:37 5 with me where they saw fit. So if we park those issues  
10:24:41 6 that were happening in the crime space, the other part of  
10:24:45 7 the organisation in the operational part with the uniform  
10:24:49 8 police, 440-odd police stations across the State, all with  
10:24:56 9 their own problems, all with their own challenges and  
10:24:59 10 issues. Again, many, many things occurring there where  
10:25:03 11 Deputy Commissioners and Assistant Commissioners were  
10:25:08 12 across really, really complex issues. That was the  
10:25:11 13 operational part of the organisation. There was also this  
10:25:15 14 piece around the administrative piece where we had really  
10:25:19 15 complex technology problems, severe criticism of the  
10:25:25 16 organisation about the way we were managing our technology,  
10:25:28 17 lots of steering groups, lots of advice coming to the  
10:25:33 18 Commissioner about some of those challenges. At the same  
10:25:35 19 time we had probably one of the biggest building programs  
10:25:39 20 that the State had seen as a result of the 2010 election.  
10:25:42 21 Again, really big projects, important that I saw pieces of  
10:25:48 22 this and again this got briefed up. So whilst this is a  
10:25:52 23 really important and difficult piece, it was one of many,  
10:26:00 24 many, many issues that came through the Commissioner's  
10:26:04 25 office and through the Deputies about how they were  
10:26:08 26 managed, what the governance was looking like and the risks  
10:26:12 27 associated with it. So it's true to say I wasn't across  
10:26:17 28 finer detail, I couldn't be, but I certainly was across the  
10:26:22 29 higher level issues.

10:26:24 30  
10:26:24 31 I follow that. If we can have a look at this document, 21  
10:26:51 32 November 2011, this is an email chain VPL.0100.0001.0493 at  
10:27:06 33 p.0533. This is a note to the effect that your meeting  
10:27:17 34 with Neil Comrie, and I think you had with you a draft  
10:27:24 35 proposal of the Terms of Reference that Mr Comrie was going  
10:27:28 36 to look at. We see here it's a note I think from Jeff Pope  
10:27:37 37 to Shane Paton, "Shane I understand that Ken is meeting  
10:27:40 38 with Neil tomorrow. At a meeting on Friday afternoon it  
10:27:43 39 was resolved that I would draft this proposal to inform Ken  
10:27:46 40 's discussion with Neil. The document is not to be handed  
10:27:49 41 to Neil yet but Ken may wish to refer to it to give Neil  
10:27:54 42 more context. Grateful if you could provide to Ken in the  
10:27:56 43 meeting". Then if we have a look at the next page of the  
10:28:00 44 document, this is the proposed Term of Reference. And what  
10:28:06 45 it says is that, "Human source 3838, human source  
10:28:11 46 registered with and managed by VicPol. Primarily managed  
10:28:21 47 by the SDU for a number of years. In September and October

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

10:28:22 1 of 2011 Mr Gerard Maguire was engaged by Victoria Police to  
10:28:23 2 provide advice on a public interest immunity matter. And  
10:28:26 3 the legal advice raised concerns about how she was tasked  
10:28:31 4 by the SDU. Having regard for the advice provided by  
10:28:35 5 Mr Maguire which will be provided in due course, VicPol  
10:28:39 6 seeks a review of the following. All aspects of the  
10:28:41 7 recruitment, tasking and a sample of other human sources,  
10:28:42 8 the appropriateness and effectiveness of the control  
10:28:46 9 measures around the tasking of Ms Gobbo and a sample of  
10:28:50 10 other human sources". Now, it seems clear enough, if we  
10:28:54 11 accept that the email and the fact that you're likely  
10:28:58 12 provided with the draft proposal, at least to this extent,  
10:29:02 13 you know that Maguire has provided an advice, you know the  
10:29:09 14 advice raises concerns about how she was tasked, we know  
10:29:12 15 that those two particular paragraphs raise the possibility  
10:29:15 16 that Mokbel and others may have a basis to approach the  
10:29:19 17 Court of Appeal. You accept that you were aware of those  
10:29:25 18 matters?---I've certainly seen this document, yes.

10:29:29 19  
10:29:30 20 And you were across it sufficiently to speak to Neil Comrie  
10:29:36 21 to, in effect, let him know what it was that you were  
10:29:42 22 seeking him to do, do you agree with that?---Correct, yes.

10:29:45 23  
10:29:46 24 I'm simply putting this proposition, that it would have  
10:29:53 25 been, can I suggest, appropriate, given what Mr Maguire had  
10:30:01 26 said and the concern that that would clearly have raised  
10:30:05 27 with Victoria Police in setting up this review, to make it  
10:30:10 28 clear that what ought to occur is that in some way, shape  
10:30:17 29 or form the concern about Mokbel ought be addressed?---Yes.  
10:30:25 30 Look, I understand what you're saying. I would say,  
10:30:30 31 though, that there would be an expectation that that would  
10:30:33 32 be dealt with in relation to, from a far more legalistic  
10:30:38 33 perspective rather than Neil Comrie's perspective. So  
10:30:42 34 there would be an expectation that Finn and his people  
10:30:45 35 would be doing that work too.

10:30:47 36  
10:30:48 37 That's what I'd like to ask you about. You accept that  
10:30:51 38 those matters need to be and needed to be looked  
10:30:55 39 into?---Absolutely.

10:30:56 40  
10:30:56 41 What you say is that the task of Mr Comrie wasn't designed  
10:31:03 42 to establish whether or not convictions had been set aside  
10:31:08 43 by the use of a barrister as a human source, or might be  
10:31:12 44 suspect, that's not what its purpose was?---That's not  
10:31:18 45 Comrie's role, he's not a lawyer, Steve Gleeson's not a  
10:31:22 46 lawyer, so clearly that's the case. It's not Neil Comrie's  
10:31:26 47 role.

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

10:31:26 1  
10:31:26 2 Can I ask you this: were you satisfied that those  
10:31:32 3 particular legal issues were being dealt with, and, if so,  
10:31:36 4 how were you satisfied?---Look, my understanding, again  
10:31:39 5 this is from the review of documents, that when Maguire's  
10:31:44 6 advice landed Graham Ashton spoke to the Commonwealth  
10:31:49 7 Director of Public Prosecutions about this issue, so there  
10:31:53 8 would be an expectation from me that a similar conversation  
10:31:57 9 may have been had with the OPP. Now, having said that, the  
10:32:03 10 issue from Maguire's advice, whilst compelling, wasn't  
10:32:08 11 absolutely definitive, it was about may be, could be,  
10:32:14 12 might, and the like. So this is why, this is why the  
10:32:19 13 Comrie advice was received. It was asked for, but equally  
10:32:26 14 there would be an expectation that alarm bells would be  
10:32:29 15 ringing with - - -  
10:32:30 16  
10:32:30 17 Alarm bells would be ringing?---Yes.  
10:32:34 18  
10:32:34 19 What you say is you're aware that this all came up in the  
10:32:37 20 Dale prosecution, the allegation, the Commonwealth  
10:32:40 21 prosecution of Dale to the effect that he had lied to the  
10:32:43 22 ACC?---That's correct, that's correct.  
10:32:45 23  
10:32:46 24 And Maguire's advice was sought in that regard?---That's my  
10:32:52 25 understanding, yes.  
10:32:53 26  
10:32:53 27 As a consequence of his advice charges were withdrawn  
10:32:56 28 against Dale because it was felt that it would not be  
10:32:59 29 possible to proceed because there would at least, there'd  
10:33:02 30 be a concern about Ms Gobbo's health and safety?---I wasn't  
10:33:07 31 across that detail.  
10:33:09 32  
10:33:10 33 And indeed, you understand that there was sufficient, or  
10:33:15 34 there was significant communications between Graham Ashton  
10:33:19 35 and the Commonwealth with a view to having charges  
10:33:22 36 withdrawn?---Look, from reviewing the documents my  
10:33:26 37 understanding is that that's what happened. That would be  
10:33:30 38 my expectation at the time. Do I recall having a direct  
10:33:35 39 conversation with Graham about this? No, I don't. But I  
10:33:39 40 would be surprised if I hadn't.  
10:33:40 41  
10:33:41 42 The issues raised by Mr Maguire concerning Mokbel's matter  
10:33:49 43 were different matters all together. They were issues of  
10:33:53 44 relevance to Mokbel and not to Dale, do you follow that?  
10:33:57 45 And you say, well look, alarm bells, yes, but nothing  
10:34:00 46 definitive?---Alarm bells.  
10:34:04 47

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

10:34:04 1 Yes. Given Victoria Police's, one of Victoria Police's  
10:34:10 2 major functions, investigating and prosecuting crime,  
10:34:14 3 ensuring that people are properly convicted, this is  
10:34:18 4 something that was at the heart of Victoria Police's role,  
10:34:20 5 the possibility that they had improperly obtained a  
10:34:24 6 conviction?---That, that issue had been raised as a  
10:34:29 7 possibility, yes.  
10:34:30 8  
10:34:33 9 If she had represented Mokbel at the same time as informing  
10:34:41 10 on him, that would be very, very concerning?---Certainly I  
10:34:44 11 hadn't turned my mind to that. I didn't have an indication  
10:34:48 12 that was the case, but I would have thought that people who  
10:34:54 13 were much closer to that than I was may well have raised  
10:35:02 14 concerns.  
10:35:02 15  
10:35:02 16 The effect of Mr Maguire's advice was just that, wasn't it,  
10:35:07 17 that there was at least that possibility she had been an  
10:35:09 18 informer informing on him and acting for him at the same  
10:35:14 19 time?---Exactly, it was a possibility.  
10:35:17 20  
10:35:17 21 If the view was that Comrie wasn't going to deal with this  
10:35:20 22 issue, how was it going to be dealt with as far as you were  
10:35:24 23 aware at the time?---Well I would have thought that that  
10:35:28 24 would have been through Graham and Finn.  
10:35:31 25  
10:35:32 26 Do you believe you had discussions with Graham Ashton and  
10:35:36 27 Finn McCrae about that particular matter?---Yes. Look, I'm  
10:35:43 28 sure I did, but I don't recall them in any detail. This  
10:35:47 29 is, this was obviously a significant issue so I suspect my  
10:35:52 30 response would have been, "Well, what are we doing about  
10:35:56 31 it?"  
10:35:56 32  
10:35:56 33 "What are we doing about it"?---Yep.  
10:35:58 34  
10:35:59 35 Are you able to find any communications that you've had  
10:36:06 36 with either Graham Ashton or Finn McCrae to that effect,  
10:36:10 37 "What are we doing about this? What's being done about  
10:36:14 38 it"?---No, I'm not, no.  
10:36:16 39  
10:36:16 40 Was it a case of, "It wasn't something that I turned my  
10:36:23 41 mind to", or is it something that you did turn your mind to  
10:36:27 42 and just assumed that those people would be dealing with  
10:36:32 43 it?---Yes, probably the latter. You know, clearly when,  
10:36:39 44 when a Deputy or your legal advisor is aware of these  
10:36:44 45 issues there's an expectation that they're addressed.  
10:36:50 46  
10:36:50 47 Was Mr McCrae your primary legal advisor?---Certainly if I

.10/02/20

13533

LAY XXN

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

10:36:57 1 had any issues from a legal perspective I would reach into  
10:37:02 2 Finn. Now, again this was, I think it was - it was very  
10:37:08 3 early in my Commissionership, so again if there was an  
10:37:12 4 issue with any legal flavour at all I'd speak to Finn.

10:37:16 5  
10:37:19 6 If this was a matter which caused concern on the part of  
10:37:26 7 Mr McRae and Mr Ashton, would you be - would you expect  
10:37:32 8 them to say to you, "Ken, look there is a real problem  
10:37:37 9 here. We believe that Comrie can look into the procedural  
10:37:44 10 issues, but we've got another issue here which is a  
10:37:48 11 potential cloud on the horizon, how do we deal with that?"  
10:37:55 12 Is that what you'd expect?---Well, a conversation like  
10:38:01 13 that, I would expect, yes.

10:38:03 14  
10:38:08 15 All right.

10:38:11 16  
10:38:11 17 COMMISSIONER: I think that draft proposal is Exhibit 1102,  
10:38:16 18 it's already been tendered, yes.

10:38:18 19  
10:38:18 20 MR WINNEKE: Thanks Commissioner. It seems that by  
10:38:22 21 February of the following year the Terms of Reference were  
10:38:30 22 perhaps focused or narrowed, but the effect of it was by  
10:38:36 23 February the 7th, if we can have a look at this document  
10:38:39 24 here, VPL.0005.0013.1429, this was the Term of Reference,  
10:38:48 25 in effect the instruction to Mr Comrie, as at 7 February.  
10:38:53 26 And if you go down the bottom you can see that at this  
10:39:00 27 stage there's no specific reference to Mr Maguire's advice,  
10:39:05 28 nor to the fact that it would be provided to the reviewer,  
10:39:14 29 and, "The Terms of Reference now are focusing on the  
10:39:17 30 process and associated issues whereby a human source may  
10:39:20 31 transition to become a witness including the adequacy of  
10:39:23 32 controls and risk recognition, arrangements and mitigation  
10:39:26 33 for such instances. Adequacy of existing human source  
10:39:29 34 policies, procedures instructions and control measures,  
10:39:32 35 including actual management and operational practices  
10:39:34 36 utilised having regard to the particular professional  
10:39:37 37 standing of Ms Gobbo". Now, do you think you would have  
10:39:42 38 been aware as at that time that these were now the  
10:39:48 39 instructions to Mr Comrie?---Could I just see the entire  
10:39:53 40 document, rather than that?

10:39:55 41  
10:39:55 42 COMMISSIONER: I think this is Exhibit 888?---Thank you.

10:39:59 43  
10:39:59 44 MR WINNEKE: Yes, it is, Commissioner?---Yes, that's the  
10:40:08 45 document that was provided to me.

10:40:13 46  
10:40:13 47 Ultimately I think the two point Terms of Reference were as



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

10:40:20 1 Mr Comrie finally considered them, although I think they  
10:40:22 2 were in reverse order, certainly in the letter that he  
10:40:25 3 wrote to you which accompanied his report later on in the  
10:40:30 4 year?---Yes.  
10:40:31 5  
10:40:31 6 That was his task as you understand it?---That's correct.  
10:40:34 7  
10:40:34 8 And you don't take any issue with that?---No, I don't.  
10:40:37 9  
10:40:39 10 What appears to be the case is that during the course of  
10:40:45 11 Mr Gleeson's examination of these files, he discovers some  
10:40:52 12 matters which were of concern to him and they were raised  
10:40:59 13 with you, can I suggest, around the early part of June, 6  
10:41:04 14 or 7 June. I take it you accept that?---I do, yes.  
10:41:07 15  
10:41:11 16 I think on 7 June, have you got your diary there? You were  
10:41:16 17 briefed by Mr Ashton and Mr McRae about concerns in  
10:41:22 18 relation to what you've described as Witsec, is that right?  
10:41:27 19 If you have a look at your diary on 7 June?---Yes, that's  
10:41:32 20 correct. That's correct.  
10:41:33 21  
10:41:37 22 You then get another briefing on 19 June. You got a  
10:41:42 23 briefing by Pope, Mr Pope, concerning what you regarded as  
10:41:47 24 significant or what was described as significant issues  
10:41:51 25 around the behaviour of some members?---That's correct.  
10:41:54 26  
10:41:55 27 If we could have a look at that diary entry perhaps. You,  
10:42:01 28 "Spoke to Jeff Pope re Comrie Report re human sources  
10:42:07 29 review. Advised I will get the report when I return from",  
10:42:13 30 I think you were overseas, is that right?---That's correct.  
10:42:16 31  
10:42:16 32 "And there may be significant issues around the behaviour  
10:42:20 33 of some members." Now, do you recall what it was or what  
10:42:23 34 the issues were that you were told about?---Well, it was  
10:42:33 35 Gleeson's coming advice.  
10:42:35 36  
10:42:36 37 The out of scope matter?---Yes, that's it.  
10:42:39 38  
10:42:39 39 It's been described as?---That's it, yes. So I suspect  
10:42:46 40 what's happened is on - on 1 June - sorry, I'll go to 7  
10:42:53 41 June.  
10:42:53 42  
10:42:53 43 Yes?---Ashton and McRae briefed me about some concerns and  
10:42:57 44 I suspect that relates to some visibility they had of Steve  
10:43:01 45 Gleeson's concerns.  
10:43:03 46  
10:43:03 47 Yes?---Pope then got visibility of that and advised me that

.10/02/20

13535

LAY XXN

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

10:43:08 1 there's a report coming in the next couple of weeks which  
10:43:13 2 is going to raise these issues.  
10:43:15 3  
10:43:15 4 Was there any discussion about what would need to be done  
10:43:20 5 about these particular matters?---Not that I recall.  
10:43:23 6  
10:43:27 7 On 21 June I think Mr Gleeson briefed you about these  
10:43:32 8 matters. If we have a look at this, VPL.6023.0009.8743. I  
10:43:40 9 tender those entries, Commissioner, of Mr Lay's if I  
10:43:45 10 could?---Yes.  
10:43:45 11  
10:43:47 12 COMMISSIONER: Just those ones or all the entries you have  
10:43:49 13 taken him to?  
10:43:51 14  
10:43:51 15 MR WINNEKE: The entries I have taken him to from his diary  
10:43:55 16 so far.  
10:43:55 17  
10:43:55 18 COMMISSIONER: All right then.  
10:43:58 19  
10:44:01 20 #EXHIBIT RC1172A - (Confidential) Extracts from Mr Lay's  
10:44:02 21 diaries.  
10:44:08 22  
10:44:09 23 #EXHIBIT RC1172B - (Redacted version.)  
10:44:14 24  
10:44:14 25 MR WINNEKE: If we have a look at this email. It seems  
10:44:17 26 that you've spoken to Stephen Gleeson about his concerns on  
10:44:22 27 21 June 2012?---Yes, that's correct. I suspect that's as a  
10:44:30 28 result of the conversation I'd had on 7 June with Graham  
10:44:34 29 and Finn as a result of the conversation I had on the 19th  
10:44:38 30 of June with Jeff Pope and I'd actually run into Steve at  
10:44:45 31 another, it was an emergency management conference I'm  
10:44:51 32 assuming, and I took the opportunity to raise it with him.  
10:44:55 33 Now what the exact concerns were, what the exact  
10:44:59 34 conversation was, I'm not certain, but clearly what I'd  
10:45:06 35 been told was exercising my mind.  
10:45:09 36  
10:45:11 37 I'll tender that, Commissioner.  
10:45:12 38  
10:45:14 39 #EXHIBIT RC1173A - (Confidential) Email.  
10:45:17 40  
10:45:18 41 #EXHIBIT RC1173B - (Redacted version.)  
10:45:19 42  
10:45:19 43 What you understood, I take it, was that the particular  
10:45:27 44 matters of concern to him didn't fall within the Terms of  
10:45:31 45 Reference that Mr Comrie was engaged to investigate?---Yes.  
10:45:34 46  
10:45:34 47 But these would be dealt with in a separate way?---Yes, and

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

10:45:38 1 he was exercising - well, he was, he had obligations under  
10:45:44 2 the Police Regulation Act to report certain things so  
10:45:48 3 clearly that was a part of it as well.  
10:45:49 4  
10:45:50 5 If he formed the view that a police officer had potentially  
10:45:55 6 engaged in misconduct then he was obliged to report that to  
10:45:58 7 a superior officer?---Absolutely, that's correct.  
10:46:01 8  
10:46:01 9 Indeed, if a Chief Commissioner was of the view that  
10:46:03 10 officers had engaged in improper conduct, then he was  
10:46:07 11 obliged to report it to the - - -?---OPI.  
10:46:10 12  
10:46:10 13 The OPI?---Yep.  
10:46:11 14  
10:46:11 15 I follow that. Now, subsequently you were provided with  
10:46:20 16 his out of scope notification and this might refresh your  
10:46:26 17 recollection, if we have a look at this document,  
10:46:30 18 VPL.0100.0010.4006. If we can go down to page, the third  
10:46:38 19 page. It's a note from Jeff Pope to you. It's got a date  
10:46:50 20 of 22 June 2012 on it and he says he received the file from  
10:46:56 21 Superintendent Gleeson on Friday, 22 June, midafternoon.  
10:47:00 22 He attached the report for your information. Is that your  
10:47:06 23 handwriting on it, on the document?---It is. Yes, it is.  
10:47:10 24  
10:47:12 25 Can you read the handwriting in the top corner of the  
10:47:16 26 document?---I can.  
10:47:18 27  
10:47:18 28 Yes?---Sorry.  
10:47:26 29  
10:47:27 30 "Legal advisor being milked", what does that mean?---So if  
10:47:31 31 you go to the document. I was, I was interested in the  
10:47:40 32 amount of information that had been provided by this  
10:47:43 33 particular legal advisor and it was a notation from me that  
10:47:50 34 it seemed like a lot of information had been extracted from  
10:47:55 35 this witness.  
10:47:57 36  
10:47:57 37 As I understand it your concern was that given what was in  
10:48:00 38 the document, I'll come to that in due course, but your  
10:48:03 39 concern was that in effect Victoria Police was milking a  
10:48:06 40 legal advisor for information?---Look, I was surprised at  
10:48:10 41 the amount of information that had been extracted.  
10:48:12 42  
10:48:12 43 Right. But one would assume, given the concerns that had  
10:48:17 44 been expressed in Mr Maguire's advice about the concerns  
10:48:25 45 with respect to Mokbel, you can't have been completely  
10:48:28 46 surprised?---Look, I think this is the first time I'd  
10:48:33 47 actually seen it written and articulated and, again, I just

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

10:48:38 1 come back to the point, I was quite surprised about the  
10:48:42 2 information that had been extracted.  
10:48:43 3  
10:48:44 4 All right. Now it appears to be the case that you received  
10:48:48 5 this document on 12 July 2012, so quite some time after the  
10:48:56 6 file note suggests or the memo suggests. Do you recall  
10:48:59 7 being a little bit concerned about why it was it took so  
10:49:05 8 long to get to you, if indeed it did take that amount of  
10:49:11 9 time to get to you?---I'd been overseas in that gap so that  
10:49:18 10 was the reason.  
10:49:19 11  
10:49:19 12 Okay. Just underneath the "being milked" you've got  
10:49:22 13 "OPP"?---Yep.  
14  
15 Is that right?---Yep  
16  
10:49:24 17 "Government and"?---Governance.  
10:49:25 18  
10:49:25 19 I'm sorry, "Governance and who knew what"?---Yes.  
10:49:27 20  
10:49:29 21 Are you able to explain what you meant by those  
10:49:35 22 entries?---So when, when I read this document for the first  
10:49:40 23 time I'm obviously making some side notes. Now whether  
10:49:44 24 this was to raise with Jeff Pope in the discussion with  
10:49:52 25 him, whether it was to raise with the OPI, I'm not sure,  
10:49:55 26 but there were some key issues here. There was, firstly,  
10:49:59 27 my gratuitous observation that an awful lot of information  
10:50:03 28 had seemed to have been obtained from the witness. The  
10:50:06 29 next piece was around the OPP clearly needed to have  
10:50:10 30 visibility of this, and the last piece is around the  
10:50:14 31 governance of this about when I look at issues like this I  
10:50:20 32 need and want to understand who's had visibility of this,  
10:50:25 33 who has governed it, who has been responsible for it, who  
10:50:30 34 has had oversight of it. It's that piece about how has  
10:50:33 35 Victoria Police looked after this?  
10:50:35 36  
10:50:35 37 If we can briefly have a look at the document. Can we  
10:50:39 38 scroll down, please. This is, what this is, as I  
10:50:43 39 understand it, is a note of Mr Gleeson's to Mr Pope.  
10:50:47 40 Basically carrying out his obligation pursuant to the  
10:50:52 41 Police Regulation Act, an obligation to report,  
10:50:55 42 correct?---Exactly.  
10:50:56 43  
10:50:57 44 And he's describing what's going on. And then he, if we  
10:51:00 45 keep going down the page, he notes that, that a SWOT  
10:51:10 46 analysis was prepared by a member of the SDU, we don't need  
10:51:15 47 to name him, but it referred to a number of things.

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

10:51:18 1 Firstly, "Possible OPI Government review into the legal  
10:51:22 2 ethical implications of what had gone on. Judicial review  
10:51:26 3 of police actions in tasking and deploying one of their  
10:51:30 4 own. Public interest immunity, she is well-connected  
10:51:32 5 within the Victorian legal fraternity, and a threat also.  
10:51:35 6 OPI review, a serving barrister assisting police.  
10:51:38 7 Consideration of unsafe verdicts and possible appeals,  
10:51:41 8 prosecutions, current, Mokbel and future". Now, that would  
10:51:46 9 have, can I suggest, brought to mind the concerns which had  
10:51:56 10 been expressed by Mr Maguire the previous year in his  
10:52:00 11 advice, wouldn't they?---Yes.

10:52:03 12  
10:52:04 13 Is that why you've got a reference to the OPP?---Yes,  
10:52:09 14 exactly.

10:52:09 15  
10:52:10 16 So your view is that it's something that the OPP ought be  
10:52:14 17 made aware of, is that right?---Absolutely.

10:52:17 18  
10:52:18 19 Did you understand that the OPP, there had been a  
10:52:23 20 discussion with the OPP by this stage?---Yeah, my  
10:52:27 21 understanding was on 1 June Finn McCrae had briefed the  
10:52:31 22 OPP.

10:52:32 23  
10:52:32 24 And did you have a discussion with Mr McCrae about his  
10:52:36 25 briefing of the OPP?---Look, I don't recall the discussion  
10:52:40 26 but I'd be amazed if I didn't.

10:52:42 27  
10:52:44 28 Did you understand that it was, or it would have been  
10:52:50 29 appropriate for, at this stage, with this information, for  
10:52:55 30 Victoria Police to very closely examine its holdings to  
10:53:01 31 determine whether or not there was at least the possibility  
10:53:04 32 of unsafe verdicts and possible appeals and prosecutions  
10:53:10 33 current which might need to be looked very closely  
10:53:14 34 at?---Yes. So my first reaction when I read this was to  
10:53:18 35 get to the OPI and have the discussion with the OPI about,  
10:53:22 36 okay, what's this look like, what are the risks, what are  
10:53:25 37 the challenges, what needs to be done here?

10:53:28 38  
10:53:29 39 In terms of the - was that with a view to determining  
10:53:35 40 whether or not cases might have been affected, there might  
10:53:38 41 have been miscarriages of justice, or was that a case of,  
10:53:42 42 "Look, we better let our regulator know about what certain  
10:53:46 43 police officers have been up to"?---Look, I think it was  
10:53:49 44 probably both.

10:53:50 45  
10:53:51 46 Was it your expectation that the OPI could tell you whether  
10:53:57 47 cases might have been affected or was that really a matter



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

10:54:00 1 for the Victoria Police to consider?---Look, I think it's,  
10:54:05 2 was a combination of the OPI, the OPP and Victoria Police.  
10:54:10 3 So shortly, I think it was the day after this, the OPI had  
10:54:13 4 visibility of it, so my expectation was that it was a  
10:54:20 5 combination of all three agencies.  
10:54:22 6  
10:54:26 7 You had a meeting with Mr Pope I think on 17 July 2012, is  
10:54:35 8 that correct? If we have a look at RCMPI.0401.0001.0001 at  
10:54:43 9 p.59. That's your note there, is that right?---That's my  
10:54:47 10 note, yes. That's my note.  
10:54:48 11  
10:54:49 12 "Speak to Jeff Pope re OPI, Witsec issue. Determine to  
10:54:54 13 take to" - - -?---"Take to OPI when we can. Find time in  
10:55:01 14 RB", Ron Bonighton's, "Diary".  
10:55:06 15  
10:55:06 16 I think on the 20th you go and see Mr Bonighton, is that  
10:55:12 17 correct?---That's correct, yes.  
10:55:14 18  
10:55:14 19 Have a look there, we see at 16:15, "OPI office re briefing  
10:55:18 20 re" - you've described it as Witsec?---Yes.  
10:55:20 21  
10:55:20 22 I take it you're referring to these out of scope  
10:55:23 23 matters?---That's right.  
10:55:24 24  
10:55:26 25 The document that was provided to the OPI it appears was a  
10:55:37 26 version of Mr Gleeson's out of scope document but not the  
10:55:41 27 same document. It was adjusted, if you like. Do you  
10:55:48 28 recall what was, what that adjustment was?---No, I don't.  
10:55:52 29  
10:55:52 30 Can I suggest to you that what Mr Gleeson had done - if we  
10:55:56 31 go back to Mr Gleeson's document if we could. Go down to  
10:56:00 32 the bottom of that document. Keep going down to the bottom  
10:56:07 33 of that. We see at the bottom it says this, that, "I'm  
10:56:13 34 conscious of my Police Regulation Act obligations to report  
10:56:17 35 apparent misconduct and accordingly provide this report to  
10:56:21 36 you for appropriate attention". Right. Did you understand  
10:56:26 37 that one of the concerns that Mr Gleeson had was that, at  
10:56:31 38 least insofar as the possibility of misconduct was  
10:56:37 39 concerned, he was concerned that very senior members of  
10:56:41 40 Victoria Police such as Mr Overland, Mr Ashton,  
10:56:45 41 Mr Cornelius, Mr Moloney, might have perhaps engaged in  
10:56:51 42 misconduct, was that the gist of your discussions with him  
10:56:56 43 or not?---No, no. I don't recall that. I'm sure if that  
10:57:00 44 had been raised I would recall it.  
10:57:02 45  
10:57:03 46 Right, okay. So you don't ever recall being concerned that  
10:57:08 47 that might be the case?---No, I don't.

.10/02/20

13540

LAY XXN

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

10:57:11 1  
10:57:12 2 All right. The document that was ultimately provided to  
10:57:18 3 the OPI didn't contain that paragraph, it didn't contain  
10:57:24 4 the paragraph, "I am conscious of my Police Regulation Act  
10:57:32 5 obligations to report apparent misconduct and accordingly  
10:57:32 6 provide the report for your appropriate attention". When  
10:57:35 7 you went to see Mr Bonighton did you provide the report or  
10:57:41 8 at least provide the information to Mr Bonighton because  
10:57:47 9 you considered that police officers might have engaged in  
10:57:50 10 misconduct?---If you go back to the original advice from  
10:57:58 11 Steve Gleeson.  
10:57:58 12  
10:57:58 13 Yes?---So if you look at the weakness of threats, threats,  
10:58:04 14 threats, right through that there's a threat of police  
10:58:07 15 officers may have done the wrong thing.  
10:58:09 16  
10:58:09 17 Right?---So to me that was very much within the OPI's  
10:58:16 18 remit.  
10:58:17 19  
10:58:19 20 Right. Can we just go to the previous page, please.  
10:58:30 21 There's a note to the effect that, "On 15 June I was  
10:58:33 22 provided with two folders of material to the Petra Task  
10:58:36 23 Force steering group. The group consisted of then Deputy  
10:58:41 24 Commissioner Simon Overland, then Assistant Commissioner of  
10:58:44 25 Crime Dannye Moloney, then Assistant Commissioner of ESD  
10:58:46 26 Luke Cornelius with the oversight being provided by then  
10:58:50 27 Director OPI Graham Ashton". Keep going. "Records reflect  
10:58:54 28 that on 5 January Moloney delivered to Deputy Commissioner  
10:58:58 29 Overland as chair for the steering group a file that  
10:59:00 30 originated from the Covert Services Division. The apparent  
10:59:04 31 purpose of this file was to alert the Petra steering group  
10:59:09 32 to considerations thought relevant when contemplating if  
10:59:10 33 3838 should transition from human source to become a  
10:59:14 34 prosecution witness" and then there were a number of  
10:59:17 35 matters referred to in a cover sheet?---Yep.  
10:59:23 36  
10:59:24 37 Right. And then, "There are no minutes attached to this  
10:59:27 38 file to indicate who was present at the steering group  
10:59:29 39 meeting or to confirm if in fact the file was circulated,  
10:59:35 40 considered or discussed at all". And then there's further  
10:59:41 41 entries about what was within the electronic SDU records.  
10:59:46 42 Now, did you understand that the question of the  
10:59:54 43 transitioning of Ms Gobbo from human source to witness was  
10:59:59 44 one of the Terms of Reference that Mr Comrie had been  
11:00:03 45 tasked to look into?---Yes.  
11:00:06 46  
11:00:06 47 And did you consider that it would be appropriate to

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

11:00:12 1 determine what matters were considered by those senior  
11:00:18 2 officers when it came to transitioning Ms Gobbo from source  
11:00:22 3 to witness?---No, I didn't go into that detail, and again  
11:00:26 4 this report was some advice to me about some possible  
11:00:31 5 misconduct by police.  
11:00:32 6  
11:00:34 7 What was the possible misconduct that you  
11:00:38 8 considered?---Well if you look at the, the weaknesses,  
11:00:43 9 threat, threat, threat.  
10  
11:00:44 11 Yes?---If you look at the three dot points in the document  
11:00:52 12 about risk to organisation and the other two dot points.  
11:00:55 13  
11:00:56 14 Yes?---If you look at the inference from Steve Gleeson that  
11:01:00 15 he needed to exercise his obligations under the Police  
11:01:06 16 Regulation Act, this raised concerns with me about the  
11:01:09 17 actions of police. So this belonged in one place and one  
11:01:16 18 place only and that was the OPI.  
11:01:18 19  
11:01:21 20 You suggest, or you read that document and considered that  
11:01:25 21 it raised concerns about police. Would you consider that  
11:01:33 22 it raised concerns only about those people who are directly  
11:01:37 23 dealing with Ms Gobbo or did it raise concerns about other  
11:01:41 24 people who were supposedly overlooking those particular  
11:01:46 25 police officers?---Look, I didn't, I didn't know and I  
11:01:48 26 don't think I made that judgment.  
11:01:50 27  
11:01:50 28 Right?---It was, if I recall I went and had a conversation  
11:01:55 29 with Mr Bonighton in the first instance about the advice  
11:02:02 30 I'd received and followed it up with a written advice a few  
11:02:06 31 days later, but when a Commissioner receives advice like  
11:02:09 32 this, there's very clear obligation on me to raise it, to  
11:02:17 33 raise it with the regulator.  
11:02:20 34  
11:02:20 35 Yes, all right.  
11:02:25 36  
11:02:25 37 COMMISSIONER: The document is part of Exhibit 1121, the  
11:02:28 38 material retrieved from Pope's safe. So we probably don't  
11:02:35 39 need to re-tender.  
11:02:37 40  
11:02:38 41 MR WINNEKE: That's been tendered.  
11:02:39 42  
11:02:39 43 COMMISSIONER: Yes, it's part of that so we don't need to  
11:02:44 44 tender it again.  
11:02:45 45  
11:02:45 46 MR WINNEKE: No, I won't tender it, Commissioner. Perhaps  
11:02:48 47 if we could have a look at - just excuse me. If we can

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

11:03:13 1 have a look at this document - I'll just leave that for the  
11:03:31 2 moment. Now, you then are involved, or you understand that  
11:03:45 3 on 25 July you were aware that there's another matter going  
11:03:53 4 on and that is the issue of what's been described as a  
11:03:59 5 whistleblower complaint concerning the settlement of  
11:04:03 6 Ms Gobbo's civil litigation?---Yes, so I believe I received  
11:04:10 7 a letter.

11:04:10 8  
11:04:11 9 Right. Did you receive the letter which contained the  
11:04:19 10 draft or at least the paragraphs that the Ombudsman wanted  
11:04:26 11 Victoria Police's comment about, do you recall seeing that  
11:04:30 12 document?---Perhaps I need to look at it. I don't recall  
11:04:35 13 it.

11:04:36 14  
11:04:36 15 All right. Let's have a look. Have a look at  
11:04:46 16 VPL.0005.0010.2677. I'm sorry, Commissioner,  
11:05:13 17 0005.0018.0665. I apologise. You weren't aware of the  
11:05:39 18 civil litigation when it was occurring, I take it, or at  
11:05:43 19 least you weren't involved in that, is that right?---No, my  
11:05:46 20 understanding is that occurred well before my time as  
11:05:49 21 Commissioner.

11:05:50 22  
11:05:52 23 You say in paragraph 27, "I've been shown documents dated  
11:05:56 24 around July, latter part of July 2012, that show Mr Brouwer  
11:06:01 25 was also corresponding with Mr McRae about an investigation  
11:06:05 26 into Victoria Police's settlement of Ms Gobbo's civil  
11:06:07 27 claim". Right. Now, can we just scroll through that  
11:06:19 28 document there, or go to the top of that document there.  
11:06:25 29 The first page of that document. That's a response dated  
11:06:36 30 28 June 2012 by Mr McRae to a letter from a Mr Brouwer.  
11:06:47 31 Now, do you say that you would have seen that  
11:06:53 32 document?---This would have been prepared for me and I  
11:06:57 33 would have, I would have signed it, yes.

11:06:59 34  
11:06:59 35 If we go to the bottom of it, it's a letter which has been  
11:07:03 36 written by Mr McRae and signed by Mr McRae?---There you go,  
11:07:07 37 okay.

11:07:07 38  
11:07:07 39 Is it something that you would have been aware of at the  
11:07:10 40 time?---Look, that may have been buried deep in the file.  
11:07:14 41 I'm assuming you're suggesting I put a letter over the top  
11:07:19 42 of this item.

11:07:20 43  
11:07:20 44 No, I'm not. I'm wondering whether you would have been  
11:07:24 45 aware of these matters, that is it was alleged that  
11:07:27 46 Victoria Police had precipitously settled litigation with  
11:07:32 47 Ms Gobbo?---Okay, I apologise.

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

11:07:36 1  
11:07:36 2 Were you aware of that investigation?---Look, I'd have to  
11:07:41 3 say no, there would be no reason for me to be aware of it,  
11:07:45 4 but I have become aware of it since that time, it's really  
11:07:49 5 difficult to actually understand when I did first become  
11:07:51 6 aware of it but I suspect it was when the file came back to  
11:07:57 7 me at some stage, but certainly in relation to the process,  
11:08:02 8 the settlement, I had no visibility of that at all.  
11:08:05 9  
11:08:06 10 I'm not suggesting you had visibility of that. I'm asking  
11:08:10 11 you whether you're aware of this process, you refer in your  
11:08:14 12 statement to having been shown documents dated around this  
11:08:18 13 time and about that investigation. You don't recall having  
11:08:21 14 any involvement in the civil claim?---Yep.  
11:08:24 15  
11:08:24 16 But you expect that you were, just excuse me - let me ask  
11:08:34 17 you to have a look at this document then, also,  
11:08:41 18 0005.0018.0675. This is an attachment apparently. You've  
11:08:49 19 referred to this in your statement at paragraph 27. This  
11:09:53 20 is a letter written on 13 June 2012, which you refer to in  
11:09:59 21 your statement, to Mr McRae. And he says that he's  
11:10:07 22 finishing, finalising his investigations into allegations  
11:10:12 23 of improper conduct involving Victoria Police. Completed a  
11:10:15 24 draft report. And as Mr McRae has referred to in the  
11:10:19 25 report he's providing you with an opportunity to comment on  
11:10:22 26 relevant sections before the report is finalised?---That's  
11:10:25 27 correct, yes.  
11:10:26 28  
11:10:26 29 Is that something that Mr McRae would have discussed with  
11:10:30 30 you, do you believe?---Look, I don't recall. I'm thinking,  
11:10:41 31 I'm thinking probably not.  
11:10:42 32  
11:10:43 33 Right. Is it something that you would, as Chief  
11:10:48 34 Commissioner, have expected to have been involved in or at  
11:10:52 35 least discussions, had discussions about?---Look, if there  
11:10:58 36 are clear issues, problems, recommendations, yes, I should  
11:11:03 37 have visibility of them. Particularly about if there had  
11:11:06 38 been wrongdoing or inappropriate behaviour, clearly I  
11:11:09 39 should have.  
11:11:09 40  
11:11:09 41 If we go to paragraph 104 of the draft report. If we can  
11:11:17 42 just scroll through that. What Mr Brouwer's asking  
11:11:23 43 Mr McRae to do was to comment upon various findings that he  
11:11:29 44 proposed to make. Paragraph 104 refers to evidence  
11:11:39 45 provided by Ms Gobbo at interview and, "Documents obtained  
11:11:45 46 from Victoria Police's civil litigation division do not  
11:11:49 47 indicate that Ms Gobbo provided information about her



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

11:11:51 1 clients to Victoria Police and Ms Gobbo had said that she  
11:11:57 2 didn't provide Victoria Police with information about her  
11:11:59 3 clients". Now, around this time, that is June of 2012,  
11:12:09 4 certainly it was becoming quite apparent that there were  
11:12:12 5 real concerns that indeed that's exactly what Ms Gobbo had  
11:12:16 6 done. Now, Victoria Police or Mr McRae's response didn't  
11:12:22 7 take issue with the propositions that were raised in  
11:12:25 8 paragraph 104 and didn't correct it, didn't suggest, "Well  
11:12:29 9 look as far as I'm aware that may not be". Now Mr McRae  
11:12:36 10 has said, "Look, I wasn't able to provide information about  
11:12:42 11 those matters", but is it a matter that you discussed with  
11:12:47 12 him, the fact that there had been a view held by the  
11:12:52 13 Ombudsman, given the evidence that Ms Gobbo had given, that  
11:12:55 14 she hadn't provided any information to Victoria Police  
11:12:59 15 about her clients, was that something that was exercising  
11:13:04 16 your thoughts, that is, "Should we be telling Mr Brouwer  
11:13:09 17 that he may be wrong about that because" - - -?---Yes.  
11:13:12 18  
11:13:12 19 - - - "we've got concerns that Victoria Police did obtain  
11:13:15 20 that information from Ms Gobbo"?---No, look, I've got no  
11:13:18 21 recollection of that and I'm, I'm not sure I've ever read  
11:13:24 22 paragraph 104. I'm certain I haven't.  
11:13:28 23  
11:13:28 24 I only raise it, Mr Lay, because it's referred to in your  
11:13:32 25 statement?---Yes.  
11:13:32 26  
11:13:33 27 You say, "I probably didn't read these documents"?---Well,  
11:13:39 28 I'd - read 104 pages or whatever, no, I probably wouldn't  
11:13:45 29 have read them in detail.  
11:13:46 30  
11:13:48 31 Right. Could we have a look at Mr Gleeson's diary of 31  
11:13:58 32 May 2012, this is an entry of 31 May 2012.  
11:14:07 33 VPL.0099.0021.0039 at p.38. There's a diary entry on the  
11:14:41 34 top left corner. If we have a look at that. That's  
11:14:45 35 Mr Gleeson's diary. "Discussion with Neil recent  
11:14:51 36 revelations, indication that members of the SDU have an  
11:15:01 37 awareness their conduct in operating 3838 may have  
11:15:07 38 underpinned unsafe verdicts. Threats. Perverting course  
11:15:15 39 of justice. Not blindly done. Now knowingly done.  
11:15:21 40 Concern as to if Petra steering committee any way involved  
11:15:30 41 in receipt of this information/questions". And then it  
11:15:37 42 says, "Where to take this given that the Petra steering  
11:15:52 43 committee involved ESD, Crime, Deputy Commissioner, OPI and  
11:15:59 44 intel covert support. Overland, Ashton, Cornelius,  
11:16:06 45 Moloney, Biggin. Neil's advice, beyond the scope of what I  
11:16:11 46 was engaged to provide. Direction required and meet with,  
11:16:15 47 suggest meet with Ken Lay and Finn and to include Jeff

.10/02/20

13545

LAY XXN

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

11:16:23 1 Pope"?---Not to include Jeff Pope.  
11:16:24 2  
11:16:25 3 "Given personal involvement in, it seems, arrangements."  
11:16:30 4 Now - and to obtain direction. It appears that Mr Gleeson  
11:16:39 5 spoke to, I think, Mr Ashton and Mr McRae about it and  
11:16:45 6 determined not to speak directly to you. It says, if we go  
11:16:48 7 down, "I also explained other issues and new potentially  
11:16:57 8 incriminating avenues of information only now been made  
11:17:05 9 known to me. Neil's advice, do not pursue present. Await  
11:17:13 10 meet with Ken and Finn. Game changing though and direction  
11:17:19 11 required and no statutory obligation on Neil" but a  
11:17:27 12 statutory obligation on him. Now, do you recall that  
11:17:42 13 information coming to you, the concern about the potential  
11:17:45 14 involvement of those members of the steering  
11:17:47 15 committee?---No, I do not.  
11:17:48 16  
11:17:49 17 No, all right?---Let me just make an observation though.  
11:17:59 18 Steve's comments are far stronger in his diary than they  
11:18:07 19 are in the advice.  
11:18:09 20  
11:18:10 21 The advice doesn't explicitly refer to potential  
11:18:14 22 impropriety on the part of those people?---No, no.  
11:18:17 23  
11:18:17 24 If we have a look at Mr Gleeson's statement 60 to 61,  
11:18:21 25 VPL.0014.0084.0001.  
11:18:30 26  
11:18:30 27 COMMISSIONER: Mr Gleeson's diaries are 1110, Exhibit 1110.  
11:18:50 28 Paragraph 60 to 61. He says, "On 21 June I - it was  
11:19:12 29 apparent to me early on in the review process that there  
11:19:17 30 were serious issues beyond the scope. Prepared a letter  
11:19:22 31 dated 22 June setting out the out of scope matters. 21  
11:19:28 32 June, meeting with the Chief Commissioner on other matters  
11:19:30 33 when he asked me questions about the out of scope issues.  
11:19:32 34 I recall that I informed the Chief Commissioner that there  
11:19:35 35 would be a separate report addressing these matters and I'd  
11:19:38 36 be recommending that some of these matters may require  
11:19:41 37 investigation by the OPI given the seniority of some of the  
11:19:44 38 members concerned and the nature of the issues involved".  
11:19:47 39 Now, I asked you questions about that before, but do you  
11:19:52 40 maintain that there wasn't a discussion with you or you  
11:19:56 41 don't recall there being a discussion with you about the  
11:19:59 42 seniority of those members?---Look, I can't recall the  
11:20:03 43 conversation with Steve. At the time, I've got no doubt  
11:20:08 44 that the conversation took place. But if you're putting to  
11:20:11 45 me that Steve suggested that Deputy Commissioners,  
11:20:16 46 Assistant Commissioners, Commanders were acting corruptly  
11:20:20 47 or inappropriately, that certainly didn't happen.

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

11:20:24 1  
11:20:26 2 Right. As you point out, the document that was ultimately  
11:20:29 3 prepared, the 22 June letter, didn't appear to make it  
11:20:33 4 clear that those people could be the subject of  
11:20:36 5 Mr Gleeson's concern?---Yes, it's worrying the  
11:20:43 6 inconsistency with the diary entries and the letter that  
11:20:46 7 actually came to me.  
11:20:48 8  
11:20:48 9 Yes, yes, all right. Now, on 30 July Mr Gleeson, I think,  
11:20:57 10 speaks to you about what was then the draft Comrie Review.  
11:21:04 11 Do you believe that you had discussions with him about  
11:21:09 12 what, about the review prior to its publication and  
11:21:12 13 signing?---Yes.  
11:21:13 14  
11:21:14 15 In fact I think the review was signed on - - -?---Yes.  
11:21:17 16  
11:21:18 17 - - - 30 July. You didn't get it until 6 August, it  
11:21:21 18 appears. If we have a look at this  
11:21:31 19 VPL.0100.0001.0606?---Yep.  
11:21:34 20  
11:21:34 21 You say in your statement that you received it on this day.  
11:21:37 22 It comes to you - I withdraw that. Mr Ashton has received  
11:21:47 23 a memorandum from you indicating that you had received on  
11:21:50 24 that day a copy of the review, right, relating to the  
11:21:56 25 adequacy of human source policies, procedures, et cetera.  
11:22:01 26 There are 26 separate recommendations, indeed there were  
11:22:04 27 27, but you've asked him if he could please review the  
11:22:09 28 recommendations and provide advice as to how each of them  
11:22:12 29 may be acquitted. Right?---That's correct, yes.  
11:22:16 30  
11:22:16 31 If we move down, scroll through. Just go back to the top,  
11:22:25 32 please. This is the letter of Mr Comrie to you, do you see  
11:22:30 33 that?---Yes.  
11:22:31 34  
11:22:32 35 If we go to the second page we see a reference to the out  
11:22:36 36 of scope matters. It says, "During the course of the  
11:22:40 37 review documentary evidence was located which gave rise to  
11:22:43 38 concerns that were beyond the scope of the Terms of  
11:22:46 39 Reference. These particular matters have already been  
11:22:48 40 subject of a separate report back to Victoria Police by  
11:22:52 41 Superintendent Gleeson" and then you've made a notation I  
11:22:54 42 think "to OPI" exclamation mark, is that right?---Correct.  
11:22:59 43  
11:23:01 44 And if we have a look at this document, VPL.0005.0258.0001.  
11:23:21 45 Go to this page here, do you see that?---I do, yes.  
11:23:24 46  
11:23:25 47 That's your handwriting there, I take it?---Yes, the top

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

11:23:29 1 handwriting's mine, yes.  
11:23:30 2  
11:23:31 3 It says, "Ron, please find attached the Comrie Report  
11:23:35 4 regarding human source management. I will be addressing  
11:23:42 5 the recommendations", it's dated 6 August 2012?---That's  
11:23:47 6 it, yes.  
11:23:48 7  
11:23:48 8 Do you say you provided the report to Mr Bonighton?---Yes,  
11:23:54 9 my understanding was I sent it to him and that that  
11:23:58 10 notation of mine would indicate that.  
11:24:02 11  
11:24:02 12 That's from a Victoria Police document. Would you say that  
11:24:06 13 that's a photocopy of a document that you provided to  
11:24:10 14 Mr Bonighton?---So that, that letter that we're looking at  
11:24:18 15 there is the letter that was attached to Steve Gleeson's  
11:24:22 16 original advice.  
11:24:23 17  
11:24:24 18 Yes?---So that's a copy of that, of that letter. So I'm  
11:24:28 19 assuming that's formed part of the file that I've, that  
11:24:33 20 I've put that scribble on.  
11:24:35 21  
11:24:35 22 You put that scribble on - I take it, is that a photocopy  
11:24:38 23 of what you provided to Mr Bonighton? I'm just wondering  
11:24:43 24 why it would be on a draft or an unsigned letter to  
11:24:48 25 Mr Bonighton?---Okay. I suspect this is part of a larger  
11:24:53 26 file.  
11:24:53 27  
11:24:54 28 Yes?---So I would have thought this is just a file note in  
11:24:57 29 that file.  
11:24:57 30  
11:24:58 31 Right?---So it's marked "copy" and I suspect there's an  
11:25:10 32 original with my signature on it in existence with the  
11:25:12 33 file.  
11:25:13 34  
11:25:14 35 The Commissioner has evidence there's a letter signed by  
11:25:19 36 Mr Pope which attached a copy of the Comrie Review sending  
11:25:24 37 it to the OPI, but it may well be you've provided it  
11:25:27 38 separately to Mr Bonighton, do you think that might be the  
11:25:30 39 case?---Yes, I wouldn't, I wouldn't know why Jeff would  
11:25:34 40 send it to the OPI. It probably needs to come through me,  
11:25:39 41 that report, I would have thought, so I would expect that  
11:25:41 42 that's exactly what's happened.  
11:25:43 43  
11:25:43 44 Okay. I tender that document, Commissioner. Do you say  
11:25:52 45 that that is something, that scribble, was that on a  
11:25:55 46 document that you sent to Mr Bonighton just as a covering  
11:25:58 47 note or is that something that you've written on this

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

11:26:02 1 document to remind you of what you'd done or what you'd  
11:26:06 2 said to Mr Bonighton?---No, that's, that's a note to Ron  
11:26:12 3 Bonighton, yep. That's not a memory prompt.  
11:26:16 4  
11:26:19 5 #EXHIBIT RC1174A - (Confidential) Document  
11:23:08 6 VPL.0005.0258.0001.  
11:26:21 7  
11:26:22 8 #EXHIBIT RC1174B - (Redacted version.)  
11:26:23 9  
11:26:27 10 I take it, Mr Lay, that you would have read Mr Comrie's  
11:26:33 11 report?---Yes.  
11:26:36 12  
11:26:38 13 And some of the matters which are contained in it clearly  
11:26:48 14 raise the prospect that Victoria Police's use of Ms Gobbo  
11:26:51 15 could have had an impact on criminal proceedings. I take  
11:26:57 16 it you would accept that?---I do.  
11:26:59 17  
11:27:01 18 For example, if we have a look at - I don't need to put it  
11:27:06 19 in front of you, but there's a notation in the report on  
11:27:10 20 p.14 where Ms Gobbo is quoted as saying, "How can I  
11:27:17 21 represent him (Tony Mokbel) and charge him money for my  
11:27:21 22 services when I'm talking to the police and I'm largely  
11:27:24 23 responsible for him being where he is?" It's at p.14 of  
11:27:32 24 the report and the report also refers to an advice that had  
11:27:36 25 been sought by Mr Gleeson from the VGSO, I take it you're  
11:27:40 26 aware that such an advice was provided concerning the  
11:27:45 27 ramifications of using a barrister or a legal advisor as a  
11:27:48 28 human source?---Yes, I understand that occurred, yes.  
11:27:50 29  
11:27:50 30 And there's a note to this effect on p.16 of the report  
11:27:59 31 that, "In our view", this is in effect a quote, "In our  
11:28:07 32 view the exchange of information known to be the subject of  
11:28:10 33 LPP between a lawyer who is a human source and police to  
11:28:13 34 assist in the prosecution of the lawyer's client subject to  
11:28:16 35 the limited exception previously detailed, and perhaps in  
11:28:20 36 other exceptional and compelling circumstances such as  
11:28:21 37 where there's a threat to life or limb or to national  
11:28:25 38 security amounts to a conspiracy which undermines the  
11:28:29 39 justice system, and further such actions arguably interfere  
11:28:31 40 with the right of an accused to a fair trial which would  
11:28:33 41 constitute a breach of the rights of an accused in criminal  
11:28:38 42 proceedings". It says, further down on that page, "It's  
11:28:43 43 open to interpret, or entries contained in the file taken  
11:28:48 44 at face value indicate that on many occasions 3838, in  
11:28:53 45 providing information to police handlers about 3838's  
11:28:56 46 clients, has disregarded LPP. Furthermore, in some  
11:29:00 47 instances it's open to interpret that such conduct may have

.10/02/20

13549

LAY XXN



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

11:29:04 1 potentially interfered with a right to a fair trial for  
11:29:09 2 those concerned". Those were obviously views that are set  
11:29:12 3 out in the report. Whether or not they ultimately prove to  
11:29:18 4 be correct maybe isn't of concern for the purposes of my  
11:29:25 5 questions to you, but over the following page it says this  
11:29:29 6 at the top of the page, "Full exploration of the nature and  
11:29:34 7 impacts of these discussions is not within the Terms of  
11:29:37 8 Reference for this review, which is primarily focused on  
11:29:41 9 system and process issues associated with human source  
11:29:44 10 management. Furthermore, full exploration of such matters  
11:29:47 11 would entail substantial investigation and the review of a  
11:29:51 12 variety of other records. However, the potential  
11:29:54 13 significance of such actions by 3838 and the police members  
11:29:58 14 involved is duly recognised as matters for Victoria Police  
11:30:01 15 to further consider". Now, can I suggest to you that the  
11:30:11 16 matters set out on the previous page that I've referred you  
11:30:15 17 to, combined with that paragraph that I've just now read  
11:30:21 18 out, really make it clear to Victoria Police, to the Chief  
11:30:28 19 Commissioner, to other people who are involved, that  
11:30:31 20 Mr Comrie hasn't looked at those matters, that is a  
11:30:35 21 significant task that Victoria Police must carry  
11:30:39 22 out?---Yep.

11:30:40 23  
11:30:40 24 Now, can I suggest to you that that task was not commenced  
11:30:50 25 by Victoria Police immediately after getting this Comrie  
11:30:55 26 Review. Do you accept that proposition?---Look, I accept  
11:30:59 27 the proposition that - so let me take a step back.

11:31:04 28  
11:31:04 29 Yes?---By the time I'd received this report the OPP had  
11:31:08 30 been briefed on the issue.

11:31:09 31  
11:31:09 32 Yes?---The OPI had been briefed on the issue and Victoria  
11:31:14 33 Police had clear visibility of it.

11:31:16 34  
11:31:16 35 Yes?---So to say that this recommendation was clearly just  
11:31:20 36 a matter for Victoria Police, I don't think's absolutely  
11:31:25 37 accurate, because clearly there is a piece for the OPI and  
11:31:28 38 the OPP as well. So whilst this transitioned into  
11:31:34 39 Loricated, there was a level of comfort from me that in  
11:31:38 40 fact the OPP was involved, had visibility of it, there was  
11:31:42 41 also a level of comfort that the OPI had visibility of it,  
11:31:49 42 and that my Deputy Commissioner had very clear visibility  
11:31:54 43 of it, or both Deputy Commissioners had very clear  
11:31:58 44 visibility of it as well.

11:31:59 45  
11:31:59 46 You say that you had a level of comfort because, as far as  
11:32:04 47 you were concerned, the OPP had been made aware of the

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

11:32:11 1 issues or the concerns that were raised in this report and  
11:32:15 2 in the various other documents such as the Maguire advice  
11:32:20 3 and the out of scope document by Mr Gleeson, is that  
11:32:25 4 right?---Yes, and look, again I can't rely on my  
11:32:32 5 recollections with this but I'd be amazed if there wasn't  
11:32:36 6 conversations with Finn on a semi-regular basis about  
11:32:40 7 discussions with the OPP.  
11:32:43 8  
11:32:43 9 Right?---Although again this is just my reflections on how  
11:32:49 10 I think I'd, how I think I'd react rather than being able  
11:32:55 11 to go to a diary entry, but when these sort of issues are  
11:32:58 12 raised, there is an expectation and an understanding that  
11:33:05 13 those conversations would be, would be had.  
11:33:09 14  
11:33:09 15 Yes?---Equally, I'd be, I'd be surprised if the OPI, sorry,  
11:33:22 16 the OPP wasn't actually generating some of those  
11:33:25 17 discussions with Victoria Police as well.  
11:33:27 18  
11:33:27 19 Right. I take it you're aware, you've since become aware  
11:33:31 20 of the level of communication that there had been between  
11:33:35 21 Mr McRae and the OPP. Have you since become aware of  
11:33:40 22 that?---No, I haven't seen it in detail, no.  
11:33:45 23  
11:33:46 24 Do I take it that your level of comfort was because you  
11:33:49 25 hadn't, it hadn't been suggested to you that there was any  
11:33:57 26 - perhaps I'll withdraw that. If you were comforted it's  
11:34:01 27 because of comfort given to you by Mr McRae, is that right,  
11:34:05 28 by your legal advisor?---Exactly.  
11:34:08 29  
11:34:09 30 Did you understand that as at September or between June and  
11:34:17 31 September of 2012, that the DPP had been made aware of  
11:34:26 32 significant issues or all of the information that Victoria  
11:34:29 33 Police had?---No. Just help me understand how that had  
11:34:38 34 occurred.  
11:34:39 35  
11:34:39 36 You understood that there had been a discussion between  
11:34:43 37 Mr McRae and the DPP on 1 June 2012?---Yep.  
11:34:47 38  
11:34:48 39 And you'd spoken to Mr McRae about that, had you?---I'd be  
11:34:53 40 very surprised if I hadn't.  
11:34:54 41  
11:34:54 42 If you hadn't?---I've got no recollection of it.  
11:34:57 43  
11:34:57 44 Do you understand that there was a further discussion on 4  
11:35:02 45 September of 2012 between Mr McRae and the DPP and I think  
11:35:07 46 Mr Gleeson might have been there also?---Yes, I do have a  
11:35:14 47 recollection of that, I've seen that in the papers.

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

11:35:17 1  
11:35:19 2 Ultimately it will be a matter for the Commission, but it  
11:35:22 3 may well be the view that as at 4 September the OPP may  
11:35:32 4 have considered that in effect the ball was in Victoria  
11:35:34 5 Police's court, that is VicPol was going to continue  
11:35:38 6 reviewing its files to determine whether or not potentially  
11:35:44 7 cases had been interfered with. Now, were you aware of  
11:35:47 8 that or not?--I have no recollection of that. Perhaps if  
11:35:54 9 there's a document I might be able to look at it may help  
11:35:57 10 refresh my memory.  
11:35:59 11  
11:35:59 12 I haven't got the exhibit number, but perhaps someone can  
11:36:04 13 help me, there's a note of a discussion between Finn McCrae  
11:36:07 14 and Mr Champion. Sorry, a file note of Mr Gardiner's.  
11:36:14 15  
11:36:14 16 COMMISSIONER: Perhaps we'll have the midmorning break and  
11:36:17 17 we might be able to find that one then. We'll have a ten  
11:36:21 18 minute break.  
11:36:22 19  
11:37:07 20 (Short adjournment.)  
11:50:55 21  
11:50:55 22 COMMISSIONER: Yes, I understand we have to just interpose  
11:50:58 23 a matter which I'm told is of some urgency and that is a  
11:51:04 24 request that I amend my order of 4 February.  
11:51:07 25  
11:51:07 26 MR WOODS: That's correct, Commissioner.  
11:51:08 27  
11:51:08 28 COMMISSIONER: I'm prepared to do so. I amend the first  
11:51:11 29 paragraph so that it will now read that there be no  
11:51:14 30 publication of the name or image of Nicola Gobbo's partner,  
11:51:18 31 the fact that Nicola Gobbo has a current partner, nor of  
11:51:22 32 any information that would tend to identify him or his  
11:51:25 33 current location. I understand that that's sufficient for  
11:51:29 34 purposes for the moment?  
11:51:31 35  
11:51:31 36 MR WOODS: Mr Nathwani hasn't told me his position yet but  
11:51:34 37 I'll explain it to him in the meantime.  
11:51:37 38  
11:51:37 39 COMMISSIONER: And if the media wish to be heard on it we  
11:51:40 40 can do that at some later point.  
11:51:42 41  
11:51:43 42 MR WOODS: Yes, Thank you Commissioner.  
11:51:44 43  
11:51:45 44 COMMISSIONER: All right, thank you. Yes Mr Winneke.  
11:51:47 45  
11:51:47 46 MR WINNEKE: Thanks Commissioner. Mr Lay, I was asking you  
11:51:49 47 about a meeting between Mr Finn McCrae and the Director of

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

11:51:56 1 Public Prosecutions on 4 September and I referred to a file  
11:51:58 2 note. I just want to put it to you just so as I can get  
11:52:02 3 your view about whether or not this was your understanding  
11:52:05 4 of the flavour in which - the position with respect to the  
11:52:14 5 DPP and Victoria Police. So there's a meeting, Mr McRae  
11:52:19 6 attends. Speaks to Mr Champion and Bruce Gardiner.  
11:52:24 7 "Previously spoken on several occasions generally about  
11:52:28 8 Nicola Gobbo, VicPol issues regarding handling. Today Finn  
11:52:34 9 advised us that upon a review of internal VicPol  
11:52:38 10 intelligence material, HSMU material, there may be a  
11:52:41 11 suggestion that Gobbo is providing information to VicPol  
11:52:45 12 about persons she was professionally representing,  
11:52:48 13 including Tony Mokbel. Possibly suggested that Gobbo  
11:52:52 14 provided information to VicPol which enabled VicPol to  
11:52:55 15 detect and then arrest Mokbel in Greece which then led to  
11:53:00 16 his extradition. Query whether she in fact acted for  
11:53:04 17 Mokbel. Query whether she provided data to VicPol re her  
11:53:06 18 own client in breach of LPP". Then it was noted that,  
11:53:10 19 "He'd recently filed an appeal against conviction, alleging  
11:53:17 20 some details re extradition. Details of appeal ground not  
21 clear yet. Issue: Does OPP have a duty of disclosure now  
11:53:24 22 to Tony Mokbel regarding Nicola Gobbo information?" There  
11:53:26 23 was a discussion about the nature of the duty and that's a  
11:53:29 24 reference to two cases, legal cases concerning disclosure.  
11:53:32 25 "Finn could not tell us more at present. Agreed that at  
11:53:36 26 present he has nothing concrete to tell us. Finn did ask  
11:53:41 27 that we file note this conversation with him and Champion  
11:53:44 28 agreed to consider the issue further, including discussing  
11:53:48 29 it with counsel briefed for the appeal. Finn is happy for  
11:53:57 30 the DPP to discuss it with the appeal counsel and Finn may  
11:54:00 31 provide us with more at a later stage". Certainly that  
11:54:02 32 appears to be the OPP view about how things stood in  
11:54:08 33 December of 2012, and at the same time there's a - that  
11:54:13 34 paragraph in the Comrie Review that I put to you, that is  
11:54:16 35 that it did appear to be that a very significant amount of  
11:54:22 36 work had to be gone into by VicPol to determine what in  
11:54:26 37 fact the situation was. Now, it appears also to be the  
11:54:30 38 case that Loricated then gets underway, not in September  
11:54:35 39 but in January 2013. There's the process of putting  
11:54:39 40 together reconstructing the files and then that takes quite  
11:54:46 41 some time, but it's not really until the publication of the  
11:54:50 42 Lawyer X articles on 30 March 2014 that things start to  
11:54:57 43 move a little bit more quickly, do you follow that?--I do.  
11:55:00 44  
11:55:00 45 It might be suggested that the paragraph in Mr Comrie's  
11:55:06 46 review at the top of p.17 suggesting a full exploration of  
11:55:14 47 such matters really wasn't given the amount of weight that

.10/02/20

13553

LAY XXN

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

11:55:20 1 it should have been. Do you accept that?---So managing  
11:55:27 2 this I had a very capable and senior Deputy Commissioner.  
11:55:30 3 I had very experienced people doing the work.  
11:55:35 4  
11:55:35 5 Yes?---But let me say this: sitting here and looking at a  
11:55:41 6 review that took, I think it was 13 or 14 months.  
11:55:46 7  
11:55:46 8 Yes?---Is not acceptable and I can understand the  
11:55:51 9 Commissioner, I can understand the community, and I can  
11:55:54 10 understand people that may be affected by Gobbo's actions  
11:55:59 11 feeling disappointed by that. So, yes, I concede that it  
11:56:05 12 took a little longer than it should have.  
11:56:07 13  
11:56:07 14 It really wasn't until it seems Operation Bendigo started  
11:56:14 15 doing the conflict reports in about May of 2014, through to  
11:56:18 16 September, October 2014, that Victoria Police really  
11:56:22 17 developed an understanding about these conflicting roles  
11:56:27 18 that Gobbo had and the potential effect it may have had on  
11:56:32 19 convictions, do you follow that?---Yes. Look, I'm not sure  
11:56:35 20 if you've had an opportunity to see the project brief for  
11:56:40 21 Loricated. I saw it for the first time, I think it was  
11:56:45 22 yesterday or the day before. It broke the work down into  
11:56:50 23 the four phases. Phase 1 was actually completed after six  
11:56:54 24 months.  
11:56:54 25  
11:56:54 26 Yes?---I'm at a loss to understand why that work wasn't  
11:56:59 27 progressed after the six month period and, you know,  
11:57:03 28 clearly it wasn't appropriate that I speak to Tim about  
11:57:06 29 that, as to why that occurred. In relation to the  
11:57:11 30 suggestion that perhaps the media, the media expose  
11:57:19 31 resulted in the completion of Loricated, again going back  
11:57:24 32 to the project plan it looks like it was finished about a  
11:57:28 33 month before the media issues, so again there's a real lack  
11:57:31 34 of clarity for me about how this, how this was actually  
11:57:37 35 determined to release the document.  
11:57:39 36  
11:57:40 37 All right. Can I say this: if you've got a barrister  
11:57:46 38 providing an advice back in October of 2011?---Yes.  
11:57:50 39  
11:57:50 40 Saying look these things could be suspect?---Yes.  
11:57:53 41  
11:57:53 42 You've got an opportunity then to go back to him and  
11:57:57 43 provide him, a trusted barrister, Mr Maguire, provide him  
11:58:01 44 with more information and say, "Look, we really need you to  
11:58:05 45 have a close look at this straight away because this is  
11:58:08 46 concerning", do you accept that that was a good opportunity  
11:58:10 47 for that process to have commenced then?---Sorry, at what



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

11:58:13 1 time?  
11:58:14 2  
11:58:14 3 When Mr Maguire provided his advice in October of  
11:58:17 4 2011?---Yes.  
11:58:18 5  
11:58:18 6 Saying, "Look, there could be problems with Mokbel", to  
11:58:23 7 paraphrase?---Yes. I would have thought that that would  
11:58:31 8 have occurred.  
11:58:32 9  
11:58:32 10 You would have hoped, wouldn't you?---Yep. And clearly,  
11:58:35 11 look, I understand that Graham Ashton went to the  
11:58:38 12 Commonwealth DPP.  
11:58:39 13  
11:58:39 14 Yes?---And there was an expectation that perhaps that same  
11:58:44 15 may well have happened with the OPP.  
11:58:46 16  
11:58:46 17 That was with respect to the Commonwealth DPP?---Yes,  
11:58:49 18 that's it.  
11:58:50 19  
11:58:51 20 What should have occurred, can I suggest, is that the same  
11:58:54 21 process should either have occurred with the State DPP, do  
11:59:00 22 you agree with that proposition, firstly?---Look, my  
11:59:02 23 indications are that that didn't happen until 1 June, which  
11:59:07 24 was a number of months after, so yes.  
11:59:09 25  
11:59:10 26 Given the uncertainty, it appears, on the part of Mr McRae  
11:59:16 27 in June of 2012, and even in September of 2012, when we  
11:59:21 28 look at those, if we look at that file note, there should  
11:59:25 29 have been a greater degree of certainty, VicPol should have  
11:59:30 30 had a greater degree of certainty by then, do you accept  
11:59:34 31 that?---I accept that that would have been much more  
11:59:37 32 preferable.  
11:59:38 33  
11:59:38 34 And it could have been achieved by going back to Mr Maguire  
11:59:42 35 saying, "We want you to look much more closely into this to  
11:59:46 36 see whether in fact there is any fire, you've said there's  
11:59:50 37 smoke, there may well be fire. Let's have a look at  
11:59:53 38 it"?---That could have been one opportunity, yes.  
11:59:54 39  
11:59:55 40 Do you expect that, having received the Maguire advice,  
12:00:00 41 VicPol legal counsel should have turned his attention to  
12:00:04 42 just that sort of thing and sought a further advice from  
12:00:11 43 Mr Maguire?---That was an opportunity, there was an  
12:00:15 44 opportunity to do that without a doubt. I'm not quite sure  
12:00:18 45 if those conversations had occurred. I've certainly got no  
12:00:23 46 visibility of them.  
12:00:24 47

.10/02/20

13555

LAY XXN

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

12:00:24 1 Just quickly, I suggested to you that you might have, there  
12:00:29 2 might have been a concern about the possibility that  
12:00:37 3 Mr Ashton might have had some embarrassment about the  
12:00:41 4 conduct or his conduct as a member of the steering  
12:00:45 5 committee of Petra. Can I take you to a note of  
12:00:52 6 Mr Gleeson's. I think of 19 June of 2012. This is a  
12:01:05 7 discussion that he's having with Mr Pope and Mr McRae.  
12:01:08 8 It's not a discussion with you, but it may enlighten your  
12:01:16 9 evidence about what occurred on the 21st because you  
12:01:19 10 certainly recall speaking to Mr Gleeson on 21 June?---Yep.  
12:01:25 11  
12:01:26 12 It's VPL.0099.0021.0039, p.42, at the very bottom of p.42  
12:01:37 13 it starts. If you have a look at, there's a note at the  
12:01:56 14 bottom, it says, "With Jeff Pope and Finn McCrae, 3838  
12:02:00 15 matter". If we go over the page there's a discussion  
12:02:04 16 about, "Further issues regarding inappropriate usage of  
12:02:09 17 Ms Gobbo. Details as per briefing to the Petra steering  
12:02:13 18 committee" and that's the briefing paper and the SWOT  
12:02:16 19 analysis. "Briefing note Petra steering group. Delivered  
12:02:21 20 by Danye Moloney, paper by Tony Biggin and another by  
12:02:30 21 Mr Black", that's the SWOT analysis. "Clearly alluding to  
12:02:37 22 legal practitioner being utilised as human source and  
12:02:43 23 references to unsafe verdicts, impact on prosecutions,  
12:02:47 24 current Mokbel and future. Legal ethical implications,  
12:02:54 25 briefing note shown to Finn McCrae and Jeff Pope. Implies  
12:02:58 26 members aware of usage being inappropriate, also implied  
12:03:02 27 existence, existing policy re LPP, et cetera,  
12:03:09 28 insufficient". This note here, "Where to", it says, it  
12:03:13 29 seems to say Finn's crossed out, but, "Jeff to brief Ken  
12:03:22 30 Lay, recommending referral to? OPI in part conflicted",  
12:03:28 31 and then, "Possibly both OPI and Ombudsman Victoria and  
12:03:33 32 Steve Gleeson to continue with the review and raise, and  
12:03:37 33 finalise same". So it does appear to be the case that  
12:03:41 34 there's a concern about the OPI because the OPI might be in  
12:03:45 35 part conflicted and the suggestion being that because of  
12:03:48 36 Mr Ashton's involvement as the Deputy Director of the OPI  
12:03:53 37 during the period the steering committee was dealing with  
12:03:56 38 Ms Gobbo, do you see that?---Yes, I do.  
12:03:58 39  
12:03:59 40 And possibly having knowledge of these matters. Mr Gleeson  
12:04:03 41 then speaks to you I think on the 21st and there's clearly  
12:04:06 42 an issue as to where to go, "Can we go to the OPI" - -  
12:04:11 43 -?---Sorry, Mr Winneke, what date?  
12:04:13 44  
12:04:13 45 19 June?---Okay, and the conversation was 21 June?  
12:04:17 46  
12:04:18 47 21 June?---Yes, thank you.

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

12:04:19 1  
12:04:19 2 I'm just wondering with that in mind, certainly that's  
12:04:23 3 something that's exercising his concern, do you think that  
12:04:27 4 you might have had a discussion with either Mr Pope or  
12:04:30 5 Mr Gleeson about possible concerns with respect to  
12:04:34 6 Mr Ashton's position?---I'm confident I didn't.  
12:04:40 7  
12:04:40 8 You're confident you didn't?---I'm confident I didn't.  
12:04:43 9 This is not something that you would forget if one of your  
12:04:47 10 Deputy Commissioners, that the allegation was made against  
12:04:51 11 one of your Deputy Commissioners. Again, I just reflect on  
12:04:54 12 this, these diary entries I've seen. They seem to have  
12:04:59 13 limited relevance to the advice that came up to me in the  
12:05:05 14 briefing note which is, which is concerning. So what I'm  
12:05:12 15 reading here would indicate that both the OPI and OV may  
12:05:16 16 well be conflicted.  
12:05:17 17  
12:05:17 18 Certainly the OPI, there's a note that the OPI in part  
12:05:23 19 conflicted, it may well be that's why there's a suggestion  
12:05:27 20 of referring to both the OPI and the OV to deal with that  
12:05:33 21 potential conflict?---All right. I'm reading that as both  
12:05:38 22 possibly OPI and OV conflicted, not just OPI, so I may well  
12:05:43 23 be wrong there.  
12:05:44 24  
12:05:44 25 That might be one view of it. The other view might be the,  
12:05:49 26 "OPI in part conflicted", do you see that in  
12:05:52 27 brackets?---Yep.  
28  
12:05:52 29 Therefore, "Where to? Possibly both"?---It may well be,  
12:05:56 30 yes.  
12:05:56 31  
12:05:56 32 You say that's concerning, what finds its way into the out  
12:06:01 33 of scope analysis doesn't fully reflect the concerns that  
12:06:05 34 Mr Gleeson appears to have and have recorded in his  
12:06:08 35 diary?---Correct.  
12:06:08 36  
12:06:11 37 Why is that concerning, do you think?---Well, if you line  
12:06:16 38 this up against the briefing note, there's a whole other  
12:06:30 39 level of complexity and difficulty about how this matter is  
12:06:35 40 managed.  
12:06:38 41  
12:06:38 42 Can you explain why that might be? I'm talking about, I'm  
12:06:41 43 getting to, I suppose, what might be regarded as structural  
12:06:46 44 problems or cultural issues within Victoria Police?---Yep.  
12:06:53 45 I think if that had come up, with these details, had come  
12:06:58 46 up by way of a briefing note, I suspect my response may  
12:07:06 47 have been a little, a little different than what it was.

.10/02/20

13557

LAY XXN

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

12:07:11 1 But again, I'm not quite sure if Steve is just blue skying  
12:07:16 2 here or there's absolute clarity about what he's saying.  
12:07:21 3 That's the challenging piece.  
12:07:22 4  
12:07:22 5 Clearly it would be a very difficult thing for a person  
12:07:25 6 such as Mr Gleeson to go to you and say, "Look, I think  
12:07:29 7 there are concerns about the conduct of very, very senior  
12:07:34 8 police officers within Victoria Police", do you agree that  
12:07:38 9 that is, would be a difficult thing for a police officer to  
12:07:41 10 do?---I'd think in 95 per cent of police officers that  
12:07:50 11 would be very difficult. Steve Gleeson is a very  
12:07:52 12 single-minded, intelligent, articulate and confident man.  
12:07:56 13 I think he would be more than willing to knock on my door  
12:07:59 14 and say, "This is a major issue for you, Ken".  
12:08:03 15  
12:08:03 16 Righto?---But, yeah, the level of detail here is a little  
12:08:10 17 different I think when you line this up against the  
12:08:13 18 briefing note.  
12:08:13 19  
12:08:14 20 All right. Just before I move on. We have heard evidence  
12:08:29 21 in the Commission about reporting conduct, for example,  
12:08:35 22 what I think it was suggested that the SWOT analysis, which  
12:08:40 23 had been prepared by Mr Black, was the sort of thing that  
12:08:44 24 could have significant ramifications on one's career in the  
12:08:51 25 Police Force. Is that something you mentioned? I mean you  
12:08:53 26 mentioned 95 per cent of police officers would be reluctant  
12:08:57 27 to point the finger. What do you say about knows sorts of  
12:09:01 28 issues?---Let me just take you back to the 95 per cent  
12:09:04 29 figure. I think a vast majority of members would find it a  
12:09:10 30 difficult conversation. Now I'm not saying they wouldn't  
12:09:13 31 have the discussion, but they would find it difficult.  
12:09:16 32 Steve is, I think, someone that would feel comfortable  
12:09:24 33 having that discussion, let me put it that way. The  
12:09:28 34 question, again, sorry, Mr Winneke was?  
12:09:30 35  
12:09:32 36 Have you found that it is difficult for more junior police  
12:09:37 37 officers to stand out, if you like, and criticise the  
12:09:44 38 conduct of more senior officers?---Yeah, of course it's  
12:09:48 39 difficult. Of course it's difficult. And some do and some  
12:09:54 40 don't have the confidence and the willingness to do that  
12:09:59 41 and I can understand how some members would feel that it's  
12:10:05 42 risky to their career and I think that type of view is held  
12:10:09 43 across many, many organisations in our State, so I don't  
12:10:14 44 think that's, sits alone with Victoria Police. But clearly  
12:10:19 45 senior officers are the people in power, they hold all the  
12:10:23 46 levers, so it is challenging.  
12:10:25 47

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

12:10:25 1 If you do look at that out of scope document, one of the  
12:10:30 2 matters that is raised in it is that this, this paper which  
12:10:35 3 had been prepared by Mr Biggin, I'm sorry, the review  
12:10:40 4 paper, the cover note if you like and the paper which had  
12:10:42 5 been prepared by Mr Black, had been provided to  
12:10:46 6 Mr Moloney?---Yep.

12:10:47 7  
12:10:48 8 And it had presumably then been sent either to the steering  
12:10:54 9 committee or to the Deputy Commissioner at that stage.  
12:10:57 10 That document itself contained suggestions that there had  
12:11:01 11 been conduct of Victoria Police officers which might have  
12:11:08 12 led to OPI inquiries. Is it troubling that that document  
12:11:11 13 at that stage doesn't lead to conduct on the part of, on  
12:11:15 14 one view, very senior police officers by way of, for  
12:11:20 15 example, going to the OPI at that stage?---Yep. And I'm  
12:11:24 16 unclear why that didn't occur.

12:11:26 17  
12:11:28 18 You, in your second statement, have discussed your  
12:11:32 19 experiences since leaving Victoria Police Force and working  
12:11:36 20 in both public and private, on boards as a director?---Yep.

12:11:44 21  
12:11:44 22 And you've spoken in your second statement about  
12:11:49 23 discovering, since leaving Victoria Police, about the way  
12:11:51 24 in which some boards operate. Can you expand on that and  
12:12:01 25 tell the Commission what you've noticed since you've left  
12:12:04 26 Victoria Police?---So, Commissioner, when I was appointed  
12:12:12 27 the Commissioner it was in the shadow of Jack Rush's review  
12:12:18 28 of Victoria Police and the structures and management  
12:12:21 29 practices. That report spoke about the structure and the  
12:12:30 30 proper structures, it reflected on Christine's structure,  
12:12:34 31 reflected on Simon's structure and reflected on a proposed  
12:12:38 32 structure into the future, which was all very interesting.  
12:12:43 33 And when I was appointed Mr Rush's report was a blue print  
12:12:49 34 for me about what I thought the organisation should look  
12:12:53 35 like to address some of the challenges that my predecessor  
12:12:58 36 had faced with particularly one of his deputies. Now I  
12:13:03 37 found that all very interesting and followed many, many of  
12:13:06 38 those recommendations. But what I don't think that work  
12:13:13 39 reflected on, and often when organisations, when police  
12:13:20 40 organisations are looked at, everyone drops back to  
12:13:23 41 structure. But the piece around governance is often  
12:13:27 42 overlooked. So it's fantastic to have a beautiful, clean  
12:13:32 43 structure which makes absolute sense, but unless you've got  
12:13:36 44 a governance model around it that actually ensures that the  
12:13:41 45 rules and the processes are in place, that people do the  
12:13:46 46 right thing, structure doesn't matter. Things go wrong.  
12:13:50 47 So when I look - a couple of things we've spoken about



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

12:13:56 1 today, and particularly the issue around the SWOT analysis,  
12:14:04 2 those, to me, are things in my board career that find their  
12:14:11 3 way into board committee notes, they're discussed by senior  
12:14:15 4 officers, they're tested, they're challenged, they're  
12:14:19 5 tracked, the actions are followed and you have this very  
12:14:22 6 clear line of sight about what you do with these problems.  
12:14:27 7 So in the operational side, in my experience, there's  
12:14:35 8 always been this piece about follow the structure. Now  
12:14:39 9 that's ever since I started to understand, or enter into a  
12:14:44 10 management role with Victoria Police. But if you look at  
12:14:50 11 the operational piece, let's just park that. There's this  
12:14:55 12 other piece of Victoria Police that I touched on earlier  
12:14:58 13 that picks up the things like building infrastructure,  
12:15:03 14 finance, technology. They have a much more mature  
12:15:07 15 governance process, where things are tracked and actions  
12:15:10 16 are tracked, risk and audit committee picks them up, makes  
12:15:14 17 sure things are done. So you could go in there and look at  
12:15:17 18 a particular project or a particular issue and track it  
12:15:20 19 back to the first paper, right to the last paper when it  
12:15:25 20 was implemented. But right across my time at Victoria  
12:15:30 21 Police I've never seen that level of discipline in the way  
12:15:34 22 the operational issues are tracked. Now, I'm sure many,  
12:15:40 23 many people that I work with would say, "Well we had  
12:15:44 24 committees, we had executive directors", but in really  
12:15:50 25 complex issues where difficult issues are made and need to  
12:15:56 26 be considered, I would be looking for where's the first  
12:16:01 27 paper that talks about this? Where is it discussed at that  
12:16:06 28 committee level? What are the clear actions? Who's  
12:16:10 29 responsible for them? When are they due? Bang, bang, bang  
12:16:14 30 with a very, very clear line about how they need to be  
12:16:19 31 managed. Now, again from my experience, and look, it may  
12:16:22 32 well be very different now that Graham's there, but in the  
12:16:27 33 operational sense we tended to appoint an executive  
12:16:31 34 sponsor, which, like Tim, Tim I'm sure will explain to you  
12:16:37 35 that he probably had five or ten very similar issues to  
12:16:42 36 Loricated and other issues that he was managing. There was  
12:16:46 37 the governance model was, "Tim, watch this", he reported up  
12:16:50 38 if he needed to, he delivered. But with these complex and  
12:16:58 39 difficult and challenging pieces, I just wonder whether  
12:17:05 40 Tim's not left out on his own there. He hasn't got that  
12:17:09 41 group of, that executive board that actually he can refer  
12:17:13 42 into and have his thinking tested, have it challenged. Is  
12:17:16 43 there, like in most boards, that independent voice that  
12:17:21 44 will actually, not necessarily a police member, but that  
12:17:25 45 independent voice to say, "This doesn't feel right"? So  
12:17:30 46 knowing what I know now, if I'd had the board experience  
12:17:36 47 that I have now on, have now, back on 16 June, I'd probably

.10/02/20

13560

LAY XXN

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

12:17:42 1 think a little differently about what governance looked  
12:17:44 2 like in the operational space. Those really high risk  
12:17:50 3 operations which, if they're in the administrative space,  
12:17:55 4 those really high risk jobs are managed by a risk and audit  
12:18:00 5 committee, generally with a risk and audit practitioner on  
12:18:04 6 it that knows the ins and outs of risk. Where is that  
12:18:09 7 committee in the operational space? And that to me is the  
12:18:15 8 piece that's missing. Now, let me just - look, there is  
12:18:23 9 see some really interesting work been done in recent times  
12:18:28 10 with the Hayne Royal Commission and Graham Samuel's work  
12:18:36 11 with the APRA review of the Commonwealth Bank. If you go  
12:18:38 12 and look at those, and I suspect you have, Commissioner,  
12:18:41 13 looking at those recommendations, they don't mention  
12:18:45 14 structure. They mention culture and they mention  
12:18:48 15 governance. And some of those issues raised by Mr Samuel  
12:18:55 16 and Mr Hayne, they have some eerie similarities to some of  
12:19:01 17 the things that you've been discussing over the last little  
12:19:06 18 while. So I think there's lots to learn from the public  
12:19:10 19 and private sector around governance about how Victoria  
12:19:14 20 Police does their job. I think there needs to be the  
12:19:18 21 opportunity, and again I'm, Graham may well have this  
12:19:23 22 sorted, done and dusted, but this piece about having wise,  
12:19:29 23 sensible people that haven't necessarily learnt their  
12:19:32 24 governance from 30 years in Victoria Police, just makes  
12:19:38 25 sense to me.

12:19:40 26  
12:19:40 27 COMMISSIONER: Yes. Good governance can change culture in  
12:19:45 28 a way that a change of structure can't?---Commissioner, I'd  
12:19:50 29 say, and again from my recent experience, culture is one of  
12:19:57 30 the absolute critical issues for management boards or  
12:20:02 31 executive boards. They set the tone. So you're absolutely  
12:20:09 32 right if there is absolute clarity around that, but I'm not  
12:20:19 33 sure, again, it's been a focus for police managers. We  
12:20:26 34 seem to go back to that structure argument. Let's get the  
12:20:30 35 structure right. I know when I got appointed, "I'm a new  
12:20:35 36 Commissioner, let's think about a structure". Simon did  
12:20:38 37 the same, Christine did the same. Now, each for their own  
12:20:43 38 very, very good reasons they had their particular  
12:20:46 39 structures, but for me that piece without cloaking that  
12:20:51 40 structure in a really strong governance model seems, seems  
12:20:59 41 risky. Now, one day there will be a new Commissioner  
12:21:03 42 appointed, whoever he or she is I suspect we'll have a  
12:21:09 43 coffee one day and I would be suggesting to that person,  
12:21:13 44 pick up the talk phone, talk to Graham Samuel, talk to  
12:21:19 45 Kenneth Hayne, and get a sense of the risk you're facing if  
12:21:22 46 you don't get your governance piece right.  
12:21:24 47

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

12:21:24 1 It's a very interesting point you make about having some  
12:21:27 2 external member or members on an audit risk committee.  
12:21:31 3 That's a very interesting concept?---I think Jack Rush did  
12:21:36 4 try to pick this up with an advisory group for me. So that  
12:21:39 5 was a really helpful group. Angus Houston chaired it.  
12:21:47 6 Some really sensible people with strong business acumen  
12:21:51 7 chaired it. So they gave me lots advice around the  
12:21:55 8 business and how it should be run and some may say, "Well  
12:22:00 9 there's your external oversight". But an advisory  
12:22:04 10 committee isn't a governance committee. The governance  
12:22:08 11 committee needs to be right on it.

12:22:10 12  
12:22:10 13 And an organisation like Victoria Police really does need  
12:22:15 14 very sound risk management?---Commissioner, I think again,  
12:22:18 15 if you went and had a look at the, how the infrastructure  
12:22:24 16 programs are worked out, the finance, the IT, they're there  
12:22:28 17 with a really good risk and audit committee, and on a  
12:22:33 18 number of occasions the chair of the risk and audit  
12:22:35 19 committee would come to my office and discuss the  
12:22:39 20 challenges in that space, but in the operational space it  
12:22:42 21 always seemed to be okay, we have a Deputy Commissioner  
12:22:45 22 that actually sat over the top of this, would brief up when  
12:22:49 23 he needed to, rather than this piece about, "Okay, who's  
12:22:53 24 the wise, sensible heads in the organisation that can be  
12:22:58 25 respectfully cynical of what you're saying?" And that's  
12:23:01 26 about, "Okay, I hear what you say, show me the proof",  
12:23:08 27 rather than, "I hear what you say, I accept what you say".

12:23:10 28  
12:23:11 29 Yes, thank you. Yes Mr Winneke.

12:23:14 30  
12:23:19 31 MR WINNEKE: One of the things I suppose about, about  
12:23:23 32 having a transparent and accountable management would be  
12:23:33 33 keeping notes or keeping records of why decisions are made,  
12:23:38 34 particularly important decisions. Did you find that when  
12:23:44 35 you were in Victoria Police that there was a tendency not  
12:23:54 36 to take notes or have comprehensive records of why  
12:23:57 37 decisions were made and minutes of meetings and so  
12:24:00 38 forth?---Notes across the organisation are inconsistent and  
12:24:02 39 I think if you go back to the policy around who keeps a  
12:24:07 40 diary and why they should keep a diary, is probably not  
12:24:11 41 that helpful. But having said that, I think we're in this  
12:24:14 42 transition period. Certainly let me give you my example.  
12:24:18 43 For the first 18 months as Commissioner you will have seen  
12:24:21 44 I kept diaries and they were, whilst not comprehensive,  
12:24:24 45 they actually put me in a position where I could actually  
12:24:27 46 respond to you about what I might have done or what I might  
12:24:31 47 have seen. In the last 18 months, where workload issues

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

12:24:38 1 start taking over, you then start going back to the  
12:24:42 2 electronic solution which is often if I needed to  
12:24:47 3 reconstruct something I'd go to my calendar, I'd go to my  
12:24:51 4 emails, then I'd go to the file notes, then I'd go to the  
12:24:55 5 files and the advice, again like you've done. That's on an  
12:25:00 6 individual reporting basis. That's important and perhaps,  
12:25:04 7 and I'm not sure what the answer is and I'm not sure what  
12:25:07 8 the process is now that Graham's got in place, but that  
12:25:11 9 lack of consistency I think creates problems. But if I  
12:25:16 10 might just raise one other issue there, Mr Winneke.  
12:25:23 11 Decision-making processes, particularly around really  
12:25:30 12 critical issues, generally shouldn't rely, shouldn't sit in  
12:25:36 13 people's diaries, they should actually sit in documents,  
12:25:41 14 committee actions, and supplemented by diary notes. So I  
12:25:48 15 suspect there will be a whole host of really critical  
12:25:51 16 issues that you're examining. If you go out to the  
12:25:58 17 business world, many of those sort of decisions are clearly  
12:26:01 18 articulated in the committee process, in the committee  
12:26:07 19 papers, they'll be laid out about all the issues that have  
12:26:10 20 been seen, there will be - minutes will clearly reflect the  
12:26:14 21 discussions of the group and there will be a very, very  
12:26:16 22 clear determination about what goes next.  
12:26:18 23  
12:26:19 24 Take, for example, it's clear that the SDU had strong views  
12:26:22 25 about what might happen if Ms Gobbo became a witness,  
12:26:26 26 having been a human source, and they set out it in this  
12:26:30 27 document which was called the SWOT analysis. But then what  
12:26:32 28 happens with that document, whether it gets to the  
12:26:35 29 committee, whether it's relied upon by the steering  
12:26:38 30 committee, whether it's even tabled, simply, we can't find  
12:26:45 31 it because there appear to be no minutes kept. That would  
12:26:48 32 be, if we're talking about a decision which is going to  
12:26:51 33 have profound effects potentially on a person's life into  
12:26:55 34 the future, and Victoria Police to not have a clear record  
12:26:59 35 of the decision-making process is, well, with the benefit  
12:27:04 36 of hindsight, looking back, extraordinary, isn't  
12:27:12 37 it?--Commissioner, I think that goes back to our structure  
12:27:15 38 versus governance discussion. The governance, we can talk  
12:27:19 39 about structure all we like and who reports to who, but  
12:27:21 40 unless that governance process sits over the top of it, you  
12:27:25 41 get examples of what you've describe now. Mr Winneke, I  
12:27:28 42 would suspect that you could go back through Victoria  
12:27:31 43 Police's archives for the last, let's say 50 years, and  
12:27:38 44 there would be examples of where sometimes important  
12:27:42 45 documents that may change the investigations, may change  
12:27:49 46 decisions, have simply gone missing because we haven't, we  
12:27:53 47 haven't got the governance piece absolutely right.

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

12:27:58 1  
 12:27:58 2 In any event that particular document is a document which  
 12:28:02 3 if you were the Chief Commissioner at that stage you would  
 12:28:04 4 definitely have wanted to see, do you agree with that?---I  
 12:28:07 5 think it's so important to the decision-making processes.  
 12:28:10 6 It's very difficult for people to be making informed  
 12:28:13 7 decisions without all of the information and that would  
 12:28:15 8 appear to me to be a critical piece of the information.  
 12:28:18 9  
 12:28:18 10 Thanks very much.  
 12:28:19 11  
 12:28:19 12 COMMISSIONER: Yes, Mr Coleman.  
 12:28:21 13  
 14 <CROSS-EXAMINED BY MR COLEMAN:  
 15  
 12:28:22 16 Just a couple of questions, Commissioner. Mr Lay, my name  
 12:28:25 17 is Coleman and I appear for Mr Ashton. I want to ask you  
 12:28:29 18 some brief questions about the concerns that Mr Winneke has  
 12:28:32 19 taken you to reflected in Mr Gleeson's diary, revolving  
 12:28:37 20 around the SWOT analysis?---Yes.  
 12:28:38 21  
 12:28:38 22 It seems that a general summary, I think you'd agree, what  
 12:28:43 23 Mr Gleeson was saying was, "Look, we've got this SWOT  
 12:28:45 24 analysis which was supposed to go to the Petra steering  
 12:28:48 25 committee and there might be a problem if it went to the  
 12:28:50 26 Petra steering committee and there was no action taken".  
 12:28:53 27 Would that be a fair summary do you think of what  
 12:28:56 28 Mr Gleeson was concerned about?---Well, I'll accept that.  
 12:29:01 29 It may well be, yes, clearly it was something that was  
 12:29:04 30 important that Petra saw.  
 12:29:06 31  
 12:29:06 32 The issue is whether Petra did see it, you see?---Okay.  
 12:29:11 33  
 12:29:11 34 And Mr Gleeson couldn't point to any firm evidence that the  
 12:29:16 35 document went from Mr Moloney anywhere else and indeed  
 12:29:21 36 found its way to the steering committee, do you understand  
 12:29:23 37 that?---Yes.  
 12:29:24 38  
 12:29:24 39 Indeed, Mr Ashton's evidence, who sat on the steering  
 12:29:28 40 committee, was he never saw the document. It would be easy  
 12:29:31 41 to be critical of people on the steering committee if they  
 12:29:36 42 saw this document and didn't take any action having regard  
 12:29:38 43 to the matters that are raised, you'd agree with  
 12:29:39 44 that?---Absolutely.  
 12:29:40 45  
 12:29:41 46 But equally it would be very difficult to be critical of a  
 12:29:41 47 person who didn't see this document and therefore didn't



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

12:29:44 1 take any action about it obviously?---Yeah, and I guess  
12:29:48 2 there's the problem.  
12:29:49 3  
12:29:50 4 One of the questions then I would think would be, well, why  
12:29:53 5 didn't this document make its way to the steering  
12:29:56 6 committee, would you agree with that?---That would be  
12:29:59 7 helpful to understand.  
12:30:00 8  
12:30:00 9 And indeed, it would be of great concern, wouldn't you  
12:30:03 10 agree, if the document was prepared by the Source  
12:30:07 11 Development Unit raising the issues that it did for  
12:30:10 12 consideration for the steering committee and it did not  
12:30:12 13 reach the steering committee?---Absolutely.  
12:30:14 14  
12:30:14 15 As you said, because how could the steering committee, if  
12:30:17 16 they were to do so, make a fully informed decision about  
12:30:21 17 the transition of Ms Gobbo from a source to a witness if  
12:30:24 18 they didn't have the benefit of the input of the Source  
12:30:27 19 Development Unit and the matters raised in the SWOT  
12:30:29 20 analysis?---I would accept that.  
12:30:31 21  
12:30:31 22 Yes, Thank you Commissioner.  
12:30:33 23  
12:30:34 24 COMMISSIONER: Mr Chettle.  
12:30:34 25  
26 <CROSS-EXAMINED BY MR CHETTLE:  
27  
12:30:36 28 Thank you, Commissioner. Mr Lay, on the issue of culture  
12:30:41 29 that you've just been talking about. There has been a  
12:30:44 30 perception that Command take steps to protect themselves  
12:30:47 31 when issues arise that might be embarrassing, have you had  
12:30:51 32 that experience?---Look, it's - I guess it's well-spoken  
12:31:00 33 about in Victoria Police. Certainly it's not - let me say  
12:31:09 34 that it's not my experience of that, a practice working  
12:31:14 35 like that.  
12:31:14 36  
12:31:15 37 When you got the briefing note from Mr Gleeson in relation  
12:31:17 38 to the out of scope issues one of the things you wanted to  
12:31:20 39 know is who knew what and when?---Absolutely.  
12:31:23 40  
12:31:23 41 And it was for that reason that the inquiry involving  
12:31:29 42 Mr Comrie was supposed to help, wasn't it, that  
12:31:36 43 issue?---Yes, of course, yep.  
12:31:37 44  
12:31:39 45 Can I take you to that Exhibit 1121, 0100.0010.4008. This  
12:31:50 46 is the document with your handwriting on it I think. Yes,  
12:31:58 47 if you go to the next page, please. The document itself,

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

12:32:03 1 you've been given a copy of the document that originally  
12:32:08 2 went to Mr Pope, do you follow?---Yes.  
12:32:10 3  
12:32:10 4 All right. Now, at the bottom of that page Mr Gleeson  
12:32:20 5 makes it clear that he has been provided with two folders  
12:32:23 6 of material relating to the Petra Task Force steering group  
12:32:26 7 that consisted not only of Overland but Moloney, Ashton and  
12:32:32 8 Cornelius, do you see that? Then when you go over to the  
12:32:36 9 top of the next page, the steering group records reflect  
12:32:40 10 that on 5 January 09 Moloney delivered the Deputy  
12:32:46 11 Commissioner Overland a file that came from the Covert  
12:32:49 12 Services Division. So he's telling you that the Petra  
12:32:54 13 steering committee have supposedly received from Overland a  
12:32:59 14 file created by Moloney. Now, that's the governance -  
12:33:07 15 firstly, structure and then it needs governance. The  
12:33:11 16 evidence is 100 per cent that it was written by a concerned  
12:33:15 17 member of the SDU. He's the Superintendent who might be,  
12:33:21 18 as you would describe as one of those wise and respectful  
12:33:24 19 members of Victoria Police, do you know Tony Biggin?---I  
12:33:28 20 know Tony well.  
12:33:29 21  
12:33:29 22 He would fulfil that definition, wouldn't he?---Yes, in  
12:33:34 23 spades.  
12:33:34 24  
12:33:34 25 In spades. He's so concerned about it that he raises it to  
12:33:37 26 Moloney. Moloney is concerned about it and writes a note  
12:33:42 27 and delivers it to Mr Overland for delivery to the steering  
12:33:48 28 committee. Now, that's all made clear to you in this  
12:33:53 29 document written by Mr Gleeson, isn't it?---It is, yes.  
12:33:57 30  
12:33:58 31 And didn't that cause you some concern?---Well, so,  
12:34:03 32 Mr Chettle, let me just take you back to a discussion I had  
12:34:07 33 very early in my evidence about the role of the Chief  
12:34:10 34 Commissioner and the number of documents and the number of  
12:34:13 35 issues. To be honest, I don't have a recollection of  
12:34:17 36 reading that particular paragraph and thinking, "Oh dear, a  
12:34:23 37 document's gone missing", it was more about let's get the  
12:34:27 38 work done and understand what the work is.  
12:34:29 39  
12:34:29 40 You'd be concerned then, when the Comrie Review finally  
12:34:35 41 comes out and you read it, that it came to the conclusion  
12:34:39 42 that the SDU deliberately under-reported risk in relation  
12:34:42 43 to the matter. You would have read that, wouldn't you?---I  
12:34:45 44 don't recall that.  
12:34:46 45  
12:34:47 46 Let me tell in relation to the Petra steering committee,  
12:34:50 47 the report was critical of the assistance given and the

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

12:34:53 1 transition from source to witness?---Okay, I accept that.  
12:34:55 2  
12:34:55 3 And there was an under-reporting of risk by the SDU. Now,  
12:34:59 4 that gives the appearance that the whole reason for the  
12:35:02 5 document is to enable those who should have got it to say,  
12:35:06 6 "We didn't know about it", doesn't it?---Yeah look, I  
12:35:11 7 didn't draw that conclusion from that and to be honest,  
12:35:14 8 Mr Chettle, I'm pretty sure I didn't think about that.  
12:35:18 9  
12:35:18 10 Well, you know I represent a number of the handlers?---Yes,  
12:35:22 11 I understand that.  
12:35:23 12  
12:35:23 13 And the handlers have expressed, they're greatly upset by  
12:35:27 14 the way they were treated, you're aware of that?---I  
12:35:29 15 understand that.  
12:35:30 16  
12:35:31 17 Did you give directions that nobody was to speak to the  
12:35:34 18 people who actually made these decisions?---I don't believe  
12:35:40 19 so. Not sure why I would have done that.  
12:35:42 20  
12:35:43 21 Mr Gleeson was given directions not to talk to Mr Ashton or  
12:35:46 22 to Mr Cornelius. Did you give those directions?---I don't  
12:35:51 23 understand why I would, why I would need to do that.  
12:35:54 24  
12:35:54 25 Or to talk to the Petra investigators?---Again, I don't  
12:36:00 26 understand why I would do that.  
12:36:01 27  
12:36:01 28 Normally you wouldn't limit, if you're going to have an  
12:36:05 29 investigation as to whether something has gone off the  
12:36:08 30 rails, you wouldn't limit who was being spoken to, would  
12:36:12 31 you, you would want to get to the bottom of it?---Not in  
12:36:16 32 the normal course of events, no.  
12:36:17 33  
12:36:17 34 Mr Ashton has given evidence, and indeed Ms Nixon has given  
12:36:22 35 evidence that as Chief Commissioner they would have  
12:36:23 36 expected those who were involved in the matter to have been  
12:36:27 37 spoken to, and I assume you're the same?---Yeah, well I  
12:36:32 38 would think so, if there's an investigation underway,  
12:36:35 39 unless there is something in the background that I - I  
12:36:40 40 don't understand, which would prevent that from occurring,  
12:36:43 41 but I simply don't know.  
12:36:44 42  
12:36:45 43 Do you the man we're calling Sandy White?---No, I don't.  
12:36:50 44  
12:36:50 45 You've never met him?---No.  
12:36:52 46  
12:36:57 47 Sorry, that's a pseudonym. Could you be shown - I'm sorry,

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

12:37:04 1 I thought you knew it was a pseudonym.  
12:37:07 2  
12:37:07 3 COMMISSIONER: Exhibit 81, you've been given the flash  
12:37:12 4 card.  
12:37:12 5  
12:37:13 6 MR CHETTLE: Does that help?---I know who he is, I don't  
12:37:18 7 know him well.  
12:37:18 8  
12:37:18 9 You don't know him well?---No.  
12:37:20 10  
12:37:27 11 You said that you gave - I'll put a more positive  
12:37:34 12 proposition. You left the management of the SDU issue with  
12:37:37 13 Jeff Pope, is that the case?---Where it belonged with the  
12:37:43 14 senior management.  
12:37:44 15  
12:37:44 16 You know there was a recommendation to close the unit?---I  
12:37:47 17 do, yes.  
12:37:47 18  
12:37:48 19 And ultimately it took some time but it happened in early  
12:37:51 20 2013?---That's right.  
12:37:52 21  
12:37:53 22 And you were part of the group that discussed the reason  
12:37:57 23 for that closure?---Yep.  
12:38:02 24  
12:38:02 25 In your statement at paragraph 31 you outlined your  
12:38:09 26 involvement with the Comrie recommendations and you said,  
12:38:12 27 "I have also received some briefings about the closure of  
12:38:15 28 the Source Development Unit" and you had a talk with the  
12:38:19 29 Police Association as well, all right. Were you shown  
12:38:23 30 emails that were directed to you in relation to that?---No.  
12:38:28 31 Not that I - look, sorry, Mr Chettle, I don't recall  
12:38:33 32 receiving emails.  
12:38:34 33  
12:38:34 34 Do you know the reason the SDU was shut down?---So my  
12:38:39 35 recollection at the time was management had considered a  
12:38:44 36 whole lot of issues. Now I know there'd been, my  
12:38:48 37 recollection was there was some allegations falling out of  
12:38:53 38 the unit. I know that Comrie had made some observations,  
12:38:57 39 so as a CEO of the organisation it's not uncommon for  
12:39:05 40 senior managers to look at workplaces and think there's  
12:39:09 41 better, more efficient and more appropriate ways of doing  
12:39:13 42 things.  
12:39:13 43  
12:39:13 44 Can I ask you the question again, do you know the reason  
12:39:16 45 the SDU was shutdown?---Well, I took advice from Pope and  
12:39:22 46 the Deputies.  
12:39:23 47

.10/02/20

13568

LAY XXN

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

12:39:24 1 Let me suggest to you part of that did contain a number of  
12:39:26 2 allegations about the conduct of the SDU?---Yes.  
12:39:29 3  
12:39:29 4 Which you wrote back to Pope saying, "Well we couldn't  
12:39:33 5 justify sacking them for that reason because there's no  
12:39:36 6 evidence. PDAs", things of that sort?---I wrote back to  
12:39:41 7 Jeff, did I? Okay.  
12:39:43 8  
12:39:43 9 I don't want to spend a lot of time on this, I think  
12:39:47 10 Mr Winneke might not like me to. Can I take you to just  
12:39:52 11 very, very briefly Exhibit 847. And if we go to - the one  
12:40:06 12 before that, please. You'll see down the bottom. Down the  
12:40:16 13 bottom of the page you'll see that Pope writes to you on 29  
12:40:21 14 August saying, "Ken, can you convey the following regarding  
12:40:25 15 the SDU to Greg Davies in your meeting and the object is to  
12:40:29 16 close the unit down by mid-September with minimal fuss", do  
12:40:35 17 you follow?---Yes.  
12:40:35 18  
12:40:36 19 He sets out in that document a number of complaints which I  
12:40:39 20 won't take you through. Now if you go back up to the next  
12:40:42 21 one, that's clearly sent to Graham Ashton as well because  
12:40:45 22 he contributes to it, talking about terminology, "Instead  
12:40:51 23 of referring to shutting down why don't we say  
12:40:57 24 transitioning into the HSMU?" Then go up to the next one.  
12:41:00 25 Keep going up. And then this is your email, do you see,  
12:41:04 26 from you to Mr Pope and Mr Ashton, "I've spoke to Greg",  
12:41:10 27 that's the man from the union, "That this is not on his  
12:41:14 28 radar, which is a good sign". That is he doesn't know  
12:41:17 29 there's a move to shut the SDU, is that what that  
12:41:20 30 means?---No, that - well, that to me means we're managing  
12:41:25 31 things appropriately and aren't treating people badly  
12:41:29 32 because that's when Greg would become involved.  
12:41:31 33  
12:41:31 34 "I have advised him there is a lot of work around this and  
12:41:35 35 other high risk areas and I'm obliged to act on the  
12:41:35 36 recommendations and findings. He's okay as long as we  
12:41:39 37 follow agreed processes of review and redeployment." This  
12:41:44 38 is all part of the governance thing you were talking about,  
12:41:48 39 isn't it, the need to follow review processes, look after  
12:41:53 40 the troops, deal with the unions, things of that  
12:41:56 41 sort?---There's very clear guidelines about restructures so  
12:42:02 42 if you get it wrong you have a very well practised union in  
12:42:11 43 Fair Work Australia, you've got the Fair Work Australia  
12:42:15 44 overview, so it is important that you follow the process  
12:42:20 45 which is a really well travelled path and very clear.  
12:42:23 46  
12:42:23 47 That's what you point out in the next paragraph, "This



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

12:42:27 1 could be difficult. It's important we get the process  
12:42:29 2 right and defensible. Just on Jeff's point below though,  
12:42:33 3 I'm not sure we can have that broad understanding that only  
12:42:37 4 one or two will stay unless we've done the review work.  
5 This is of course unless there are performance or probity  
12:42:41 6 issues that require urgent attention"?---Yes.  
7  
12:42:43 8 Now this. "Jeff has outlined some really problematic  
12:42:49 9 behaviour and I'm not sure if the recording and actions do  
12:42:53 10 address those shortcomings is sufficient to allow us to act  
12:42:57 11 unilaterally", do you see that?---Yes.  
12:42:58 12  
12:42:59 13 Without going through what he said to you, what you point  
12:42:59 14 out is that's just not going to be enough for us to disband  
12:43:05 15 the unit?---Well, yeah, it is again about the process  
12:43:09 16 stuff, Mr Chettle, about understanding what the process is.  
12:43:12 17 You don't just say someone acted badly and then move them.  
12:43:16 18 There's a process, show me the proof.  
12:43:18 19  
12:43:18 20 That's what the PDAs are for, isn't it?---Yes.  
12:43:22 21  
12:43:22 22 You would have expected if these people are outlaws there  
12:43:26 23 would be some reference to that in their records?---Yes,  
12:43:29 24 and that may well be the very point I'm making there.  
12:43:31 25  
12:43:32 26 At the bottom paragraph you talk about Liz Cheligoy and  
12:43:36 27 someone who could walk you through the process. As a  
12:43:40 28 result of that, you refer in your statement to a meeting  
12:43:45 29 you had on 17 September, I think, in your statement at  
12:43:49 30 paragraph - - -?---H'mm.  
12:43:52 31  
12:43:53 32 Yes, paragraph - - -?---Yes, I recall. I recall.  
12:43:56 33  
12:43:57 34 I am informed by my solicitors that there are notes  
12:44:00 35 suggesting on 17 September 2012 you met with Pope, Ashton,  
12:44:06 36 Sheridan, Cheligoy?---Cheligoy, yep.  
12:44:09 37  
12:44:09 38 And Doug Fryer to discuss the Comrie Review you  
12:44:15 39 think?---Yes, that was my thinking.  
12:44:17 40  
12:44:17 41 You don't have a diary note yourself of that meeting?---I  
12:44:21 42 thought that was my diary note.  
12:44:23 43  
12:44:23 44 I thought it was someone else's?---No, I thought I actually  
12:44:27 45 had that diary note.  
12:44:28 46  
12:44:29 47 It's not footnoted or clear, but in any event do you have

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

12:44:32 1 your diary there for 17 September 2012? I'm told by your  
12:44:41 2 counsel that it's Mr Fryer's diary note, not yours?---Okay,  
12:44:44 3 there you go.  
12:44:45 4  
12:44:49 5 Can I show you Exhibit 360. Five days before that meeting  
12:44:57 6 on 17 September Pope is sent a note, a briefing note by  
12:45:08 7 Doug Fryer, point 1, "Executive Command have reviewed the  
12:45:13 8 Comrie inquiry and have endorsed the recommendation of ICSD  
12:45:18 9 that the SDU cease practice", do you see that?---H'mm.  
12:45:25 10  
12:45:27 11 "Sheridan and I met with Cheligoy and others, who confirmed  
12:45:32 12 that due process has been followed, and it's intended that  
12:45:34 13 Sheridan and I advise the staff on 18 September 2012 at  
12:45:39 14 14:00 hours of the Chief Commissioner's decision for the  
12:45:42 15 SDU to cease practice. Biggin and Paterson will be advised  
12:45:48 16 on the day before, 17 September", do you see that?---Yep.  
12:45:51 17  
12:45:51 18 It's apparent from that that you made the decision they be  
12:45:55 19 shutdown on that day at that point in time?---My  
12:46:00 20 recollection was from documents I've seen in the last week  
12:46:04 21 or so, was, and I assume it was the meeting around about 18  
12:46:10 22 September, when the recommendation came to me and I pushed  
12:46:13 23 it back for further work.  
12:46:16 24  
12:46:18 25 Now, where did you get that recollection from?---So I'm,  
12:46:26 26 I'm looking to my counsel there. It was a document I have  
12:46:29 27 read over the last week or so.  
12:46:35 28  
12:46:36 29 It's something not referred to in your statement?---No, no,  
12:46:39 30 it's something I spoke about in the last day or so.  
12:46:41 31  
12:46:42 32 I'm sure - I'm about to be handed a document?---Okay. So  
12:46:47 33 I'm assuming that's the time lines that you're talking of.  
12:46:52 34  
12:46:53 35 The document I've been handed relates to a meeting with the  
12:46:59 36 Chief Commissioner of Police on 13 December. That's some  
12:47:01 37 months later?---That's right.  
12:47:02 38  
12:47:02 39 This is in September, and you're having a meeting five days  
12:47:06 40 after this with Cheligoy, Sheridan and Fryer and Pope, but  
12:47:12 41 the decision had been made before that meeting to shut it  
12:47:15 42 down on the 18th, do you follow? Were you shown, I don't  
12:47:23 43 want to go through this, Exhibit 361? It's an extensive  
12:47:29 44 email where - - -?---Can I just - sorry, Mr Chettle, can I  
12:47:35 45 just go back to the original document you showed me from  
12:47:38 46 Doug Fryer about my decision to close the unit down.  
12:47:44 47

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

12:47:44 1 Exhibit 360, yes?---If Doug said this to me now I'd say  
12:47:52 2 show me where I've said that. I wouldn't be ringing up,  
12:47:56 3 picking up the phone saying to Doug, "By the way we're  
12:48:01 4 closing this down". These are processes that are tested  
12:48:05 5 and vigorously contested by the union. You don't do this  
12:48:10 6 by telephone.  
12:48:10 7  
12:48:11 8 I understand that. I'm not saying you did. I took you to  
12:48:12 9 an email that you wrote before about the need to get it all  
12:48:15 10 right in doing it?---Yes.  
12:48:17 11  
12:48:17 12 There were clear discussions about how this would  
12:48:20 13 occur?---Yes.  
12:48:20 14  
12:48:20 15 The decision is made. According to Fryer the Chief  
12:48:23 16 Commissioner's decision is made that the SDU cease  
12:48:27 17 practice. When he says that I assume you haven't made that  
12:48:29 18 decision?---Well I think the file that my counsel showed  
12:48:34 19 you would indicate that's right, that in December I was  
12:48:37 20 still considering it.  
12:48:38 21  
12:48:39 22 I think we're probably both - you had originally decided to  
12:48:44 23 shut it on 12 September but then you reviewed it and  
12:48:49 24 changed it later. There's no doubt that the decision got  
12:48:54 25 postponed to the following year, do you follow?---Yeah, I'm  
12:48:56 26 not quite sure I follow. You're saying that I had made the  
12:48:59 27 decision and Doug's view was correct?  
12:49:02 28  
12:49:03 29 You originally decided to shut it on 18 September but then  
12:49:08 30 didn't and the process got pushed off?---Okay.  
12:49:10 31  
12:49:11 32 I take you to Exhibit 361. In the course of preparation  
12:49:14 33 for this evidence did your counsel show you a series of  
12:49:18 34 emails written by Doug Fryer but said to be put together by  
12:49:25 35 Paul Sheridan going through a number of options about the  
12:49:28 36 way in which the unit could be closed, whether they had  
12:49:31 37 evidence to close it, what the options were, things of that  
12:49:34 38 sort?---No, that doesn't ring a bell at all.  
12:49:38 39  
12:49:38 40 It's not directed to you so it may be below the level that  
12:49:45 41 you need to get, but the evidence reveals is that  
12:49:48 42 subsequent to the decision to close the unit on the 18th  
12:49:51 43 there was a revisiting of the way in which that would be  
12:49:55 44 done?---That may well be the case, yes.  
12:49:58 45  
12:49:59 46 You were aware of the Covert Services Review going on, were  
12:50:00 47 you aware there was a review being conducted by Pope of the

.10/02/20

13572

LAY XXN

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

12:50:03 1 Covert Services Division?---No, that doesn't ring a bell.  
12:50:10 2  
12:50:11 3 If I can then quickly take you to Exhibit 362. This may be  
12:50:23 4 the document you were thinking of. It talks about - you'll  
12:50:29 5 see that this is to be, I presume it's a briefing to the  
12:50:37 6 Commissioner of Police in relation to the Covert Services  
12:50:40 7 Review recommendations and if you turn to the next page,  
12:50:44 8 "This is to brief the Chief Commissioner on the Covert  
12:50:48 9 Services Review findings and to seek endorsement of the  
12:50:50 10 nine recommendations contained below", do you see that? Is  
12:50:56 11 that a document you've seen before?---No, I don't recall  
12:50:58 12 it.  
12:50:59 13  
12:51:00 14 If we go through to p.052 at the top. It says, "5. To  
12:51:14 15 disband the SDU immediately without", and someone has  
12:51:17 16 written, "Without uncertain haste and consultation", I  
12:51:21 17 think. Is that your writing?---No, it's not.  
12:51:24 18  
12:51:24 19 It's not yours, all right?---So, Mr Chettle, it may be  
12:51:37 20 helpful to explain that, again this type of thinking and  
12:51:42 21 checking and challenging is generally done at that AC and  
12:51:47 22 DC level prior to a recommendation coming to the Chief  
12:51:51 23 Commissioner. So it's highly unlikely that I would step  
12:51:55 24 through a document like this.  
12:51:56 25  
12:51:57 26 Can I take you then to your step at Exhibit 363. This is a  
12:52:05 27 poor copy I think but it might be - can you make that  
12:52:10 28 bigger. It's from Graham Ashton to you dated 15 January of  
12:52:13 29 2013, obviously a month on from the last one. "I was  
12:52:17 30 wondering if you'd had the chance to discuss our decision  
12:52:20 31 to disband Source Development Unit with the TPA yet? Do  
12:52:25 32 this sooner or later because Doug Fryer says the decision  
12:52:29 33 is starting to filter out", do you see that?---Yes.  
12:52:32 34  
12:52:33 35 Do you recall getting that?---No.  
12:52:35 36  
12:52:35 37 Did you speak to the union as a result of that?---I spoke  
12:52:39 38 to Greg Davies probably, we'd have coffee on a monthly  
12:52:45 39 basis so I suspect that in one or more of those meetings it  
12:52:49 40 would be raised.  
12:52:50 41  
12:52:50 42 Did you get the Covert Services Review that was published  
12:52:55 43 by Mr Fryer and Mr Pope?---Not, not that I recall.  
12:53:00 44  
12:53:02 45 Then having raised the matter with the union, Mr Kennedy  
12:53:09 46 reacted strongly to the suggestions of imposing [REDACTED]  
12:53:14 47 [REDACTED] upon the [REDACTED] didn't they?---I do



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

12:53:19 1 have a recollection of [REDACTED] There was  
12:53:24 2 a lot of discussions about people in these high risk areas  
12:53:30 3 dealing with very, very difficult people, that it wasn't  
12:53:34 4 good management practice to leave people in positions for  
12:53:37 5 more than [REDACTED], so - - -  
12:53:39 6  
12:53:39 7 Would correspondence from Mr Kennedy at the union to Liz  
12:53:50 8 Cheligoy get to you?---Highly unlikely.  
12:53:53 9  
12:53:54 10 Thank you, I won't waste your time with it. Finally, let  
12:53:57 11 me suggest to you that the documents that are available to  
12:53:59 12 the Commission indicate that the recommendation made to you  
12:54:01 13 was that because of the findings in the Comrie Review and  
12:54:04 14 some organisational malpractice by the SDU, the unit should  
12:54:08 15 be shut, does that ring a bell?---Look, I can't - I cannot  
12:54:15 16 remember the exact detail of why it needed to be closed  
12:54:18 17 down, but again I come back to the piece of if senior  
12:54:23 18 management thought that there were issues there that needed  
12:54:26 19 to be addressed, it was their obligation to address them  
12:54:30 20 and there is really well-trodden processes and review  
12:54:35 21 procedures if things hadn't been done properly.  
12:54:39 22  
12:54:39 23 Let me put the proposition, that the purpose for the Comrie  
12:54:42 24 Review was to provide Command, police Command with  
12:54:47 25 effectively a barrier so they could say, "We didn't know  
12:54:50 26 about the problem, it's all the SDU's fault and don't  
12:54:54 27 worry, we fixed it", that was the whole purpose of this  
12:54:56 28 exercise, wasn't it?---Well, look, let me just say, no,  
12:55:04 29 that's not right.  
12:55:05 30  
12:55:06 31 You say that's not right because you - - -?---I'm just not  
12:55:10 32 quite sure how you can lay the blame at the SDU. There was  
12:55:14 33 a whole lot of processes and decisions that were made, so I  
12:55:20 34 don't accept that I or others were part of a broader  
12:55:27 35 discussion or conspiracy to close down the SDU and lay the  
12:55:31 36 blame at their feet.  
12:55:33 37  
12:55:33 38 If the Comrie Review has in it findings and conclusions  
12:55:39 39 that are demonstrably wrong, such as the SDU under  
12:55:42 40 reporting risk as I put before, you can understand why the  
12:55:46 41 handlers would have that view?---I do, yes.  
12:55:49 42  
12:55:49 43 Thank you.  
12:55:50 44  
12:55:50 45 COMMISSIONER: Yes Ms Enbom.  
12:55:52 46  
12:55:52 47 <RE-EXAMINED BY MS ENBOM:

.10/02/20

13574

LAY RE-XN



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

1  
12:55:53 2 Just one very short matter, Mr Lay. Could the operator  
12:55:56 3 please bring up document VPL.0005.0258.0001. Thank you.  
12:56:34 4 If the operator could please turn to the next page. Do you  
12:56:38 5 remember Mr Lay and Mr Winneke asking you some questions  
12:56:43 6 about this document?---I do.  
12:56:44 7  
12:56:45 8 There seemed to be a little bit of confusion about what was  
12:56:48 9 sent to Mr Bonighton. Do you see there that the document  
12:56:52 10 is stamped "copy"?---Yep, I do.  
12:56:54 11  
12:56:55 12 And it appears to be your letter to him of 25 July 2012  
12:57:04 13 enclosing the Gleeson report?---That's right.  
12:57:07 14  
12:57:07 15 And then there's a handwritten note, "Ron, please find  
12:57:11 16 attached the Comrie Report regarding human source  
12:57:15 17 management" and so on?---Yes.  
12:57:17 18  
12:57:18 19 That note is dated 6 August 2012?---Yes.  
12:57:20 20  
12:57:21 21 Do you think that page there is a copy of what you sent to  
12:57:24 22 Mr Bonighton?---I suspect it is, yes.  
12:57:26 23  
12:57:26 24 That is you sent to him - so you printed out the July  
12:57:31 25 letter and then wrote the note to him and enclosed the  
12:57:35 26 Comrie Report and then sent that bundle to him?---There's  
12:57:39 27 every chance that's exactly what happened.  
12:57:42 28  
12:57:43 29 Thank you. That's my only question, thank you.  
12:57:46 30  
12:57:46 31 COMMISSIONER: Yes. Any re-examination?  
12:57:53 32  
12:57:54 33 MR WINNEKE: I have nothing but Mr Chettle has one  
12:57:55 34 question.  
12:57:55 35  
12:57:55 36 MR CHETTLE: I have one question, Commissioner, that I  
12:57:57 37 forgot to ask. Did Mr Pope inform you that he had  
12:58:00 38 registered Ms Gobbo as a human source in 1999?---No, he did  
12:58:05 39 not.  
12:58:05 40 Thank you.  
12:58:05 41  
12:58:07 42 COMMISSIONER: Nothing arising?  
12:58:08 43  
12:58:09 44 MR WINNEKE: No Commissioner.  
12:58:09 45  
12:58:09 46 COMMISSIONER: Thank you very much Mr Lay, you are excused  
12:58:13 47 and free to go?---Thank you Commissioner.

.10/02/20

13575

LAY RE-XN

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

12:58:16 1 <(THE WITNESS WITHDREW)

12:58:16 2

12:58:16 3 COMMISSIONER: We'll adjourn now and resume as soon as we  
12:58:19 4 can with the next witness.

12:58:21 5

12:58:22 6 MR WINNEKE: Yes, Commissioner.

12:58:59 7

12:58:59 8 (Short adjournment.)

9

13:16:23 10 COMMISSIONER: There is an application for leave to appear  
13:16:25 11 by Mr Orman in relation to the next witness. Counsel  
13:16:28 12 assisting doesn't oppose. Assuming there's no - no one  
13:16:33 13 wants to be heard on the issue I'll grant leave to Mr Orman  
13:16:36 14 to appear in respect of the next witness. Before we hear  
13:16:39 15 from the next witness the court, the hearing room will be  
13:16:43 16 closed except to people who probably already know they're  
13:16:47 17 entitled to stay. So any members of the public should now  
13:16:53 18 leave. Unless you've got leave to appear in respect of  
13:16:56 19 this witness you should leave the hearing room.

20

21 (IN CAMERA HEARING FOLLOWS)

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

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

1           PROCEEDINGS IN CAMERA:

2  
3           (At this stage Mr S. Holt QC and Mr A. Purton appeared for  
4 Victoria Police, Mr A. Halphen appeared for PII [REDACTED] and  
5 Ms S. Martin appeared for ACIC.)  
6

13:17:02 7           COMMISSIONER: I now make the order that under s.24 of the  
13:17:07 8           Inquiries Act access to the inquiry during the evidence of  
13:17:10 9           PII [REDACTED], a pseudonym, commencing at 1.20, is limited to  
13:17:15 10          legal representatives and staff assisting the Royal  
13:17:17 11          Commission, the following parties with leave to appear in  
13:17:20 12          the private hearing and their representatives, namely the  
13:17:22 13          State of Victoria, Victoria Police, including Media Unit  
13:17:25 14          representatives, Director of Public Prosecutions and Office  
13:17:28 15          of Public Prosecutions, Commonwealth Director of Public  
13:17:29 16          Prosecutions, Ms Nicola Gobbo, SDU handlers, Australian  
13:17:32 17          Federal Police, ACIC, Chief Commissioner Ashton, PII [REDACTED],  
13:17:37 18          and the legal representatives of Mr Faruk Orman. Media  
13:17:40 19          representatives accredited by the Royal Commission are  
13:17:43 20          allowed to be present in the hearing room. The hearing is  
13:17:47 21          to be recorded but not streamed or broadcast until further  
13:17:50 22          order. Subject to any further order there's to be no  
13:17:53 23          publication of any material, statement, information or  
13:17:55 24          evidence given, including image and voice, made or referred  
13:18:00 25          to before the Commission which could identify or tend to  
13:18:03 26          reveal the real identity of the person using the pseudonym  
13:18:08 27          PII [REDACTED] or his whereabouts. A copy of this order is to  
13:18:12 28          be posted on the door of the hearing room.  
13:18:14 29

13:18:16 30                 Yes Mr Woods.

13:18:17 31  
13:18:17 32           MR WOODS: Thank you, Commissioner. PII [REDACTED], can you  
13:18:22 33           hear me?  
13:18:22 34

13:18:23 35           COMMISSIONER: PII [REDACTED] is now on the line. PII [REDACTED],  
13:18:25 36           can you hear me?---Yes, Your Honour.  
37

13:18:26 38           And can you hear counsel assisting, Mr Woods?---Yes.  
39

13:18:30 40           MR WOODS: Thank you.  
41

13:18:31 42           COMMISSIONER: Are you going to take the oath or  
13:18:32 43           affirmation?---The oath.  
44

13:18:35 45           If you could take the Bible in your right hand.  
13:18:37 46

13:18:41 47           MR HALPHEN: Before that's done, Commissioner, I apologise.

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

13:18:45 1 Having made those orders may I just announce my appearance  
13:18:47 2 on behalf of this witness.  
3  
13:18:49 4 COMMISSIONER: Yes, I have the appearances for this  
13:18:51 5 witness, thank you. Yes, take the Bible in your right  
13:18:54 6 hand. The oath will now be administered.  
13:18:58 7  
13:18:58 8 [REDACTED] PII, sworn and examined:  
9  
13:19:34 10 COMMISSIONER: Yes.  
13:19:35 11  
13:19:35 12 MR HALPHEN: Can you hear and see me, sir?---Yes.  
13  
13:19:39 14 COMMISSIONER: This is Mr King, your counsel, Mr Orman.  
13:19:46 15  
13:19:46 16 MR WOODS: Mr Halphen, Commissioner, on behalf of  
13:19:47 17 [REDACTED] PII.  
13:19:47 18  
13:19:48 19 COMMISSIONER: I'm sorry. Mr Halphen, I'm sorry.  
13:19:53 20  
13:19:53 21 MR HALPHEN: [REDACTED] PII, did you make an 18 page statement  
13:19:55 22 in relation to these proceedings?---Yes.  
23  
13:19:59 24 Have you got that statement with you and in front of  
13:20:02 25 you?---Yes.  
26  
13:20:06 27 Do your initials appear on each of the first 17 pages of  
13:20:11 28 that statement?---Yes.  
29  
13:20:14 30 And if you can go to p.18, do you see a signature on that  
13:20:19 31 page?---Yes.  
32  
13:20:23 33 Is that your signature?---Yes.  
34  
13:20:26 35 Have you recently read the entirety of that  
13:20:31 36 statement?---Yes.  
37  
13:20:32 38 Can I just take you, please, to p.17, specifically - - -  
13:20:38 39 ?---Yes.  
40  
13:20:39 41 - - - paragraph 68?---Yep.  
42  
13:20:41 43 Is it the case that you want to delete that paragraph  
13:20:45 44 entirely from the statement?---Yes, I do.  
45  
13:20:47 46 And with that deletion do you say that the statement is  
13:20:53 47 true and correct?---Yes.

.10/02/20

13578

[REDACTED] IN CAMERA



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

1  
13:21:02 2 I tender that statement, Commissioner.  
13:21:12 3  
13:21:12 4 #EXHIBIT RC1175A - Statement of PII [REDACTED]  
13:21:14 5  
13:21:15 6 #EXHIBIT RC1175B - (Redacted version.)  
13:21:17 7  
8 <CROSS-EXAMINED BY MR WOODS:  
9  
13:21:18 10 PII [REDACTED], is it correct that that statement - it just  
13:21:21 11 doesn't have a date on it. As I understand it, it was  
13:21:24 12 something that you signed towards the end of last year; is  
13:21:29 13 that correct?---Yes, that's right.  
14  
13:21:30 15 In December or November or you're not sure?---I'm not sure.  
13:21:34 16 It was done over a period of time because of the situation  
13:21:37 17 I'm in.  
18  
13:21:38 19 Yes, I understand. But it was completed and signed by you  
13:21:42 20 towards the end of last year?---Yes.  
21  
13:21:46 22 All right. Sorry, go ahead?---Yeah, but you understand I  
13:21:53 23 would have completed it today but by the time it got to me  
13:21:59 24 I don't know how long they had it for. Does that make  
13:22:03 25 sense?  
26  
13:22:04 27 Look, I think for our purposes that makes enough  
13:22:06 28 sense?---Okay.  
29  
13:22:07 30 What I'd like to ask you about firstly is, you met Nicola  
13:22:13 31 Gobbo through your associates PII [REDACTED] and PII [REDACTED]; is  
13:22:18 32 that right?---That's right.  
33  
13:22:18 34 That was around 2000, 2001?---That's right. 2001, 2002  
13:22:23 35 approximately.  
36  
13:22:24 37 Around that time, all right?---Yeah.  
38  
13:22:25 39 You say that you went to her apartment. Might that have  
13:22:28 40 been her barristers' chambers or was it her house?---It had  
13:22:31 41 her barristers' chambers upstairs. It was an apartment but  
13:22:35 42 she used it as an - it was her office.  
43  
13:22:37 44 Do you know where that was?---On the main street of the  
13:22:41 45 Magistrates' Court, the - - -  
46  
13:22:43 47 Okay?---Lonsdale I think, Lonsdale. Not where Heliotis



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

13:22:49 1 was, down the road I seen her.  
13:22:50 2  
13:22:50 3 I understand. When you say it was an apartment are you  
13:22:53 4 talking about a building that just had office - - -  
13:23:00 5 ?---Apartments in it.  
6  
13:23:01 7 They were bedrooms, kitchens, all of that sort of  
13:23:05 8 stuff?---It had a bedroom but she used it as an office.  
9  
13:23:07 10 I understand. You talk about the conversations that you  
13:23:10 11 observed with PII [REDACTED], PII [REDACTED] and Ms Gobbo as being not normal  
13:23:17 12 solicitor/client conversations?---Yes.  
13  
13:23:20 14 Of what nature were the conversations that you observed  
13:23:22 15 early on?---Well, they were talking, they were open about  
13:23:26 16 PII [REDACTED], what happens if they got caught with PII [REDACTED]  
13:23:31 17 PII [REDACTED]s, this and that. No one thought back that PII [REDACTED]  
13:23:36 18 PII [REDACTED]. Look, she was just being open and I turned  
13:23:39 19 around said to PII [REDACTED], "What's going on here? You're too  
13:23:42 20 open".  
21  
13:23:43 22 What was the response that you got from PII [REDACTED]?-- PII [REDACTED]  
13:23:47 23 guaranteed her. As soon as they guaranteed her I go  
13:23:52 24 "that's sweet".  
25  
13:23:53 26 From then on you had dinner once or twice a week with  
13:24:00 27 Ms Gobbo, PII [REDACTED] and PII [REDACTED]?---Yeah, there was a group  
13:24:05 28 of us, like a group of the boys used to go out once a week,  
13:24:05 29 some used to go two or three times, but I used to go once  
13:24:08 30 or twice a week, and she'd roll up to them.  
31  
13:24:11 32 Did you observe conversations of the same type that you  
13:24:13 33 were talking about a moment ago?---Yes.  
34  
13:24:16 35 At those dinners?---Yes.  
36  
13:24:19 37 I don't want to go into any more detail about those, just  
13:24:23 38 to place in time your eventual arrest. It was on PII [REDACTED]  
13:24:33 39 2003 that PII [REDACTED] shot dead in the PII [REDACTED]  
13:24:37 40 at the PII [REDACTED] does that recall to your  
13:24:39 41 memory?---That's right, yep.  
42  
13:24:40 43 That received very significant attention from the  
13:24:44 44 media?---Yep.  
45  
13:24:44 46 And an investigation ensued and you were aware at some  
13:24:47 47 stage the police were looking at you in relation to your

.10/02/20

13580

[REDACTED] XXN IN CAMERA

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

13:24:51 1 involvement in that?---Yep.  
2  
13:24:56 3 In the meantime, well, in the months following that, in  
13:25:00 4 PII [REDACTED] 2003 PII [REDACTED] was murdered, you agree with  
13:25:05 5 that?---Yes. [REDACTED]  
6  
13:25:06 7 And that murder - we're calling the individuals PII [REDACTED] and  
13:25:13 8 PII [REDACTED]. Do you know who those two people are?---Yeah, I  
13:25:17 9 do know who they are.  
10  
13:25:18 11 And they were both arrested very quickly after that murder,  
13:25:21 12 you recall that?---Yep, on the same day.  
13  
13:25:24 14 Essentially PII [REDACTED], firstly, rolled and implicated  
13:25:29 15 you?---Yep.  
16  
13:25:31 17 And later on PII [REDACTED] also rolled and implicated you; is  
13:25:39 18 that right?---That's right.  
19  
13:25:39 20 In your statement you say that you knew that Gobbo had  
13:25:42 21 acted for PII [REDACTED] and at paragraph 31 of that statement you  
13:25:47 22 say that you were aware that Gobbo was acting as a legal  
13:25:51 23 representative on their behalf, that's both PII [REDACTED] and  
13:25:54 24 PII [REDACTED]. "She would go and see them and then would report  
13:25:59 25 back to me and PII [REDACTED]"?---Yeah.  
26  
13:26:00 27 Did that reporting back to you and PII [REDACTED] also include any  
13:26:07 28 rolling that they were intending to do against other  
13:26:09 29 individuals?---Okay, PII [REDACTED], yes. PII [REDACTED], yes, we knew  
13:26:23 30 from day one. From the first night that he got arrested,  
13:26:26 31 we knew 100 per cent that he rolled.  
32  
13:26:28 33 Was that anything to do with Ms Gobbo or not?---Yes, yes.  
13:26:32 34 This is Mrs Gobbo I just said that, this is Mrs Gobbo.  
35  
13:26:37 36 Do you have a recollection of her telling you that?---Yes,  
13:26:40 37 me and PII [REDACTED]. Me first and then we told PII [REDACTED].  
38  
13:26:47 39 Was that face or face or on the phone?---No, no,  
13:26:50 40 face-to-face.  
41  
13:26:51 42 I take it most of these conversations would have been  
13:26:56 43 face-to-face conversations because of the risks of using  
13:26:59 44 telephones?---Because of who we were. All our phones were  
13:27:05 45 always bugged, and vehicles, our cars. So it was always  
13:27:07 46 face-to-face.  
47

.10/02/20

[REDACTED] IN CAMERA

13581



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

13:27:08 1 You say that she would keep you posted on the PII [REDACTED]  
13:27:10 2 murder and provide updates in relation to the likelihood of  
13:27:16 3 whether PII [REDACTED] was going to assist police, so that was an  
13:27:20 4 ongoing conversation?--Yes, she was keeping an eye on  
13:27:24 5 PII [REDACTED] because of my situation and keeping PII [REDACTED]  
13:27:28 6 informed.  
7

13:27:28 8 The Commission has got a lot of information about her  
13:27:31 9 representation of PII [REDACTED] that I won't go through for  
13:27:36 10 the current purposes, but suffice it to say you were aware  
13:27:41 11 during the process of PII [REDACTED] rolling of Gobbo's assistance  
13:27:48 12 to him in that process, or not?--Well, yes, yes, because  
13:27:55 13 Gobbo was going in, seeing him at the Custody Centre, and  
13:28:00 14 she was coming back to report to us, so yes, I'd say yes.  
15

13:28:05 16 Did she talk to you about whether or not she was  
13:28:07 17 encouraging or discouraging him in that process?--She was  
13:28:11 18 telling us she was discouraging him but I don't know what  
13:28:14 19 was going on there, apart from what's happened now.  
20

13:28:22 21 I'm going to try and be as brief as I possibly can be so  
13:28:27 22 I'm going to skip over some bits and pieces here and there  
13:28:30 23 in the chronology. But essentially it was on PII [REDACTED] and PII [REDACTED]  
13:28:33 24 PII [REDACTED] 2004 that PII [REDACTED] eventually completed and signed his  
13:28:38 25 statements. You remember him doing so?--Yes.  
26

13:28:45 27 Did Gobbo tell you at the time?--Yes, Gobbo told me, then  
13:28:48 28 I had a - Stuart Bateson come and see me.  
29

13:28:51 30 Okay. Some of the internal police records called ICRs we  
13:28:57 31 have Gobbo saying to her handlers that she is the reason  
13:29:00 32 that PII [REDACTED] became a witness, and just for the record  
13:29:04 33 that's ICR p.131. Was that your understanding, or has that  
13:29:09 34 come to be your understanding, that was Gobbo?--Always.  
35

13:29:13 36 Sorry, say that again?--Always known it was Mrs Gobbo,  
13:29:17 37 once it all came out.  
38

13:29:18 39 Once it came out, but not in the process of him doing so  
13:29:21 40 when she was reporting back?--Okay, I can tell you pretty  
13:29:24 41 about 2008, 2007 in a court case where something come up  
13:29:29 42 that a certain barrister said and I knew the only person  
13:29:33 43 who knew the answer was Gobbo, that's when I worked out  
13:29:35 44 that she was working both sides. So I knew back then.  
45

13:29:42 46 I'm going to take you to that later on, but might that not  
13:29:47 47 have been later during [REDACTED]'s committal in the

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

13:29:49 1 [REDACTED] matter?---Yes.  
2  
13:29:51 3 That was when you worked out that she was, you say, working  
13:29:53 4 with police?---Yes.  
5  
13:29:55 6 But back at this earlier time you had understood from what  
13:29:58 7 you've said that Ms Gobbo was in fact trying to dissuade  
13:30:02 8 him from giving evidence against you, rather than to  
13:30:04 9 persuade him to; is that right?---Yes, yes, she was trying  
13:30:07 10 to stop him from giving evidence. That was the whole deal.  
11  
13:30:11 12 Okay. As you came to find out soon after he made the  
13:30:14 13 statement, he made a statement against you on PII [REDACTED] 2004  
13:30:21 14 in relation - or both you and PII [REDACTED] and PII [REDACTED] in  
13:30:25 15 fact in relation to the PII [REDACTED] murders; is that  
13:30:30 16 right?---Yes, yes.  
17  
13:30:31 18 And you say at paragraph 28 of your statement, "In the lead  
13:30:35 19 up to my arrest I was provided with updates from Gobbo  
13:30:39 20 following the arrest of PII [REDACTED]. She was representing him.  
13:30:41 21 I was made aware by Gobbo that police would be coming for  
13:30:45 22 me. She said" - - - ?---Yes.  
13:30:47 23  
13:30:48 24 - - - "the delay in them arresting me was because PII [REDACTED]  
13:30:52 25 was still working out his deal." Is that the situation,  
13:30:55 26 that you knew they'd be coming?---Yes.  
27  
13:30:57 28 Did Bateson talk to you during that period of or time or  
13:31:01 29 only after your arrest?---Bateson came two weeks before  
13:31:04 30 they arrested me to offer me immunity on everything. And  
13:31:07 31 that's when I - he said to me within the two weeks you'll  
13:31:10 32 be arrested and Gobbo already knew the police was there.  
33  
13:31:16 34 Then it was a couple of weeks after that  
13:31:22 35 statement - - -?---To the day.  
36  
13:31:23 37 In fact it was a [REDACTED] perhaps I think, it was in PII [REDACTED].  
13:31:27 38 So PII [REDACTED] he makes a statement and PII [REDACTED] you're  
13:31:32 39 arrested, is that right, 2004?---Yeah. But Stuart Bateson,  
13:31:36 40 the day he saw me it was within the two weeks of being  
13:31:42 41 arrested, he said two weeks and he come in second week.  
42  
13:31:47 43 That was at PII [REDACTED]?---No, he met me at PII [REDACTED] to  
13:31:50 44 talk to me about a deal to roll over. And then I said no,  
13:31:52 45 I said, I'll see you in two weeks, and he arrested me in  
13:31:58 46 PII [REDACTED].  
47



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

13:32:04 1 On the same day as your arrest PII [REDACTED] and PII [REDACTED] were  
13:32:10 2 served with - you know what a [REDACTED] is, I take  
13:32:14 3 it?---Yes.  
4  
13:32:16 5 They were essentially being charged as PII [REDACTED]  
13:32:19 6 PII [REDACTED]?---Yep.  
7  
13:32:22 8 I want to go through some detail of the proceedings in a  
13:32:27 9 moment but, firstly, I want to ask you some details about  
13:32:30 10 Gobbo's representation of you, do you understand?---Yep.  
11  
13:32:35 12 PII [REDACTED] 2003, PII [REDACTED] and you had organised to PII [REDACTED]  
13:32:43 13 PII [REDACTED] on the day of the - or a PII [REDACTED], sorry, on the  
13:32:47 14 day of the PII [REDACTED] murder; is that right?---Yes.  
15  
13:32:51 16 And that was for the purposes of having an alibi?---That's  
13:32:55 17 right.  
18  
13:32:55 19 There was a phone call to Gobbo on the way to that PII [REDACTED]  
13:32:59 20 PII [REDACTED] and you say that was to further strengthen the alibi,  
13:33:04 21 that was the situation?---Yes.  
22  
13:33:05 23 And you make it clear in your statement - I won't go  
13:33:10 24 through it in detail but tell me if I'm wrong - that she  
13:33:13 25 rang back after the murder and said that by then she had  
13:33:17 26 worked out that she'd been used as part of the alibi; is  
13:33:21 27 that correct?---Yeah, she rang back the first time to say  
13:33:24 28 that Jim Valos said to her that PII [REDACTED] been murdered  
13:33:29 29 and then that's when she turned around, she come back  
13:33:32 30 again, and that's when she worked out what was going on.  
31  
13:33:36 32 You don't suggest that she knew about that beforehand,  
13:33:39 33 rather she worked it out afterwards?---She knew that PII [REDACTED]  
13:33:43 34 PII [REDACTED] was going to get knocked.  
35  
13:33:44 36 How did she know that?---Because I told her that PII [REDACTED]  
13:33:49 37 going after him. Everyone knew. She was (indistinct) to  
38 murders  
39  
13:33:51 40 Do you have a recollection of telling her?---Sorry?  
41  
13:33:54 42 Do you have a recollection of giving her that  
13:33:56 43 information?---Yeah, Gobbo - what you got to understand is  
13:33:59 44 this, this is - Gobbo, I'm not going to call her - Gobbo,  
13:34:03 45 out of everyone, I was the only one that knew the murders  
13:34:05 46 that were going down because PII [REDACTED] used to tell me. He'd  
13:34:12 47 ask for advice. I don't - to me it was whatever he did was



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

13:34:15 1 his business mainly, but Gobbo knew that I was very close  
13:34:17 2 to PII [REDACTED] and she'd always try to get stuff out of me and I'd  
13:34:21 3 say, "He's going to get popped", like PII [REDACTED] and all  
13:34:24 4 that, know that. I was - at the start I was privileged to  
13:34:27 5 all the murders because he let me know.  
6

13:34:31 7 It might be said that that's a pretty unlikely conversation  
13:34:34 8 to be having with a practising barrister. If that was said  
13:34:40 9 against you what would you say?---I say it's wrong because  
13:34:43 10 if I want the best alibi - the best alibi to ever have is a  
13:34:48 11 lawyer.  
12

13:34:48 13 All right?---When I say lawyer, barrister.  
14

13:34:55 15 Barristers are lawyers, so that's all right. When you're  
13:35:02 16 arrested you say that Gobbo attended without you needing to  
13:35:06 17 contact her, was that the situation?---Gobbo always  
13:35:12 18 attended. If I got arrested anywhere she'd lob up.  
19

13:35:16 20 Did you ask the police, the arresting officers, to contact  
13:35:21 21 Gobbo to come and represent you?---Yeah, I probably would  
13:35:25 22 have.  
23

13:35:26 24 Okay?---It's been so long, yeah.  
25

13:35:29 26 It might be that you asked the police for Gobbo to come  
13:35:33 27 along?---Yep. I'm not going to say outright, but I might  
13:35:38 28 have asked or she just lobbed up. I can't recall, it's  
13:35:42 29 been so long.  
30

13:35:43 31 On PII [REDACTED] 2004, I'm not expecting you to remember the  
13:35:45 32 dates, but the trial proceedings were commenced [REDACTED]  
13:35:47 33 [REDACTED] against [REDACTED], PII [REDACTED] and PII [REDACTED], that  
13:35:53 34 basically meant there wasn't [REDACTED]?---Yeah,  
13:35:55 35 that's right.  
36

13:35:56 37 Then what happened shortly after that is [REDACTED] and [REDACTED]  
13:36:00 38 [REDACTED] made an application to the Supreme Court,  
13:36:02 39 essentially that [REDACTED] so that you could go  
13:36:06 40 and have [REDACTED], do you  
13:36:07 41 remember that?---That's right, yes, I do.  
42

13:36:09 43 And your barrister in that application before Justice  
13:36:14 44 PII [REDACTED], I think it was, was Nicola Gobbo?---That's right.  
45

13:36:18 46 And [REDACTED] was representing PII [REDACTED]?---That's right.  
47

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

13:36:22 1 And PII [REDACTED] was representing PII [REDACTED]?-- PII [REDACTED],  
13:36:26 2 that's right.  
3  
13:36:26 4 And Coghlan and Horgan were both prosecuting?---Coghlan,  
13:36:35 5 yes, in that one Coghlan was there, yes.  
6  
13:36:37 7 And Mr Horgan?---Yes.  
8  
13:36:39 9 All right. Now, essentially what happened as a result of  
13:36:42 10 that is that [REDACTED] and you were [REDACTED] to the  
13:36:45 11 [REDACTED] to [REDACTED]; is that  
13:36:48 12 correct?---Yep, that's right. With PII [REDACTED] something.  
13  
13:36:51 14 That ran in PII [REDACTED] 2005, the committal?---Yep.  
15  
13:36:58 16 I just want to - you identify in your statement some early  
13:37:02 17 on suspicions about Nicola Gobbo and then later on you say  
13:37:07 18 when the penny dropped, and I think we might have touched  
13:37:09 19 on that a bit earlier?---Yeah.  
20  
13:37:11 21 I want to just ask very briefly about some of those early  
13:37:15 22 suspicions. You were taken, at the early stage - - -  
13:37:19 23 ?---At committal.  
24  
13:37:19 25 During the committal you're being represented by PII [REDACTED]  
13:37:23 26 PII [REDACTED]?---Yes, that's right.  
27  
13:37:25 28 Gobbo is his junior in that?---Yep.  
29  
13:37:29 30 This is PII [REDACTED] 2005. You're taken back to the Melbourne  
13:37:36 31 Custody Centre and what happened?---As I got out of the  
13:37:39 32 van, the screws handed me over a letter, over mail. We  
13:37:44 33 usually have our mails in the cell, when we go to the court  
13:37:47 34 or something we don't get our mails handed over to us, we  
13:37:51 35 usually get them back in our cells. But anyway, I got mail  
13:37:54 36 handed to me. I ended up - [REDACTED], PII [REDACTED] and PII [REDACTED] were in the  
13:37:58 37 [REDACTED] and I was reading the letter and it said  
13:38:00 38 - PII [REDACTED] sent me a letter saying to get rid of Gobbo  
13:38:07 39 because she was a police informant.  
40  
13:38:09 41 PII [REDACTED] wasn't someone you knew but you knew him through  
13:38:10 42 someone else?---No. I'd known of him. I'd heard - I know  
13:38:12 43 who he is but never spoken to the bloke. He sent me a  
13:38:15 44 letter to let me know that Nicola Gobbo was a registered  
13:38:17 45 police informant. Now I knew PII [REDACTED] did - PII [REDACTED] spent  
13:38:22 46 time with PII [REDACTED] and I said to him and PII [REDACTED], I said, "What's  
13:38:26 47 going on here? This bloke's saying that Gobbo's a



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

13:38:32 1 registered police informant in the 90"s. They said, "Don't  
13:38:35 2 worry about PII [REDACTED], he's off his head". So I said  
13:38:38 3 sweet.  
4  
13:38:39 5 In your statement you say, "The letter said words to the  
13:38:39 6 effect, in 92" - - - ?---Yeah, I said that.  
7  
13:38:40 8 - - - "Nicola was living with two blokes while studying to  
13:38:45 9 be a lawyer. She was done with speed and gave the blokes  
13:38:47 10 up and became a registered informer. Don't trust her, get  
13:38:50 11 rid of her." Is that generally the words you  
13:38:53 12 remember?---That's right, yeah. Like I said, yeah, 1992.  
13:38:56 13 I didn't go into the details of that, yeah, but that's what  
13:38:58 14 had happened.  
15  
13:38:59 16 You spoke to PII [REDACTED] and PII [REDACTED] about that letter?---Yep.  
17  
13:39:03 18 What did they say?---They said, "Don't worry about it, he's  
13:39:06 19 off his head."  
20  
13:39:09 21 Did you give it another thought?---No, because I was  
13:39:11 22 convinced that she was on my side and PII [REDACTED] he just  
13:39:18 23 makes - I just knew he was making it up for something to  
13:39:20 24 do. Because he had an argument with PII [REDACTED] so I thought  
13:39:22 25 he was making up stories just to get us all angry.  
26  
13:39:26 27 I take it you've heard in the media in the last year that  
13:39:29 28 he was pretty much on the money?---He was smack on the  
13:39:31 29 money.  
30  
13:39:35 31 If you'd known - sorry, go ahead?---I haven't heard about  
13:39:41 32 PII [REDACTED] but I've heard a lot about Gobbo, so he was on  
13:39:45 33 the money.  
34  
13:39:46 35 If you'd known at that stage during your committal that  
13:39:51 36 Gobbo had been assisting police, whether it's in 95, 99 or  
13:39:57 37 starting in, well, in fact it's - that she had been  
13:40:02 38 assisting police on two former occasions, would you have  
13:40:05 39 used her as your barrister?---No, she would have been  
13:40:08 40 sacked.  
41  
13:40:10 42 All right. So you've dismissed those suspicions at that  
13:40:17 43 stage?---I have.  
44  
13:40:18 45 PII [REDACTED] has given a statement to the Royal Commission.  
13:40:23 46 I don't know whether you've had an opportunity to see that,  
13:40:25 47 have you?---No, no.

.10/02/20

13587

[REDACTED] IN CAMERA

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

1  
13:40:26 2 Okay. I just want to take you through a couple bits of  
13:40:31 3 what he says briefly. For the record is  
13:40:37 4 COM.0095.0001.0001. When I'm reading these numbers they're  
13:40:40 5 just a document ID that I'm reading to the operator so it  
13:40:46 6 can come up on the screen in front of you?---Yep.  
7  
13:40:49 8 He says in 2005 he was briefed to appear - - - ?---Hang on,  
13:40:52 9 I can't see anything.  
10  
13:40:53 11 Okay. We might just give it a moment?---It's all small.  
12  
13:41:00 13 COMMISSIONER: You can see a document but it's too  
13:41:02 14 small?---Yeah. Like that's getting better but you need to  
13:41:04 15 split it up.  
13:41:06 16  
13:41:06 17 MR WOODS: How's that look now?---Hang on. Yep.  
18  
13:41:11 19 Okay. It might just take a bit of time to download or  
13:41:14 20 upload - - -  
21  
13:41:15 22 COMMISSIONER: No, it's there. It's there. You might just  
13:41:18 23 need to go to the specific parts so it can be brought up in  
13:41:22 24 big print.  
13:41:25 25  
13:41:26 26 MR WOODS: Paragraph 4.  
27  
28 COMMISSIONER: Is that big enough now?---Yeah, yeah.  
29  
13:41:27 30 MR WOODS: I'm just going to summarise what he says. 2005  
13:41:29 31 he gets the brief to appear on your behalf at the  
13:41:33 32 committal, that's correct?---That's right.  
33  
13:41:34 34 And he puts the dates down and he says that the outcome is  
13:41:38 35 you're all committed for murder?---Yeah, that's right.  
36  
13:41:41 37 Okay. Go over to the next page. Keep going down. Keep  
13:41:45 38 going down. Just up a little bit sorry. He says regarding  
13:41:49 39 the strength of the case against you - - - ?---Yes.  
40  
13:41:52 41 - - - there was a lot more evidence emanating from key  
13:41:55 42 witnesses PII [REDACTED] against PII [REDACTED] and PII [REDACTED] than against  
13:41:59 43 you?---Yep.  
44  
13:42:00 45 Is that something that he spoke to you about at the  
13:42:02 46 time?---Yeah, he spoke to me, because, yeah, he spoke to  
13:42:05 47 me, but yeah, and after the committal I asked him what are



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

13:42:08 1 my chances he said, "What's my chances of me being the  
13:42:12 2 President of the United States?" I said none. So there  
13:42:14 3 was no chance I'd be convicted.  
4  
13:42:16 5 He told you had a pretty good defence?---Yeah, I had a  
13:42:20 6 defence, yes.  
7  
13:42:21 8 Just scroll down a little bit more. Just leave it there.  
13:42:24 9 He says here, this is his statement to the Royal  
13:42:27 10 Commission, "In my view, and after cross-examining PII [REDACTED]  
13:42:32 11 at the committal, I was very confident that we would obtain  
13:42:35 12 an acquittal for PII [REDACTED] of the PII [REDACTED]. He  
13:42:42 13 even had a joking \$2 gentlemen's bet with Bateson who told  
13:42:48 14 him that I did believe they could obtain a conviction  
15 against my client on that evidence", and so that's  
13:42:50 16 something he expressed to you in a slightly different way  
13:42:53 17 later on; is that right?---Yes, that's right.  
18  
13:42:54 19 The bit that you're talking about, the what are your  
13:42:58 20 chances of becoming a president, you talk about at  
13:43:01 21 paragraph 36 of your statement?---Yes.  
22  
13:43:04 23 Despite all of this you actually did end up PII [REDACTED]  
13:43:09 24 PII [REDACTED]; is that right?---That's right.  
25  
13:43:12 26 I'm going to ask you some questions about the reasons why  
13:43:16 27 you decided to do so. In your statement you say, this is  
13:43:23 28 paragraph 37 and 38 and that might come up on the screen,  
13:43:26 29 "For reasons unknown to me, at the time Gobbo subsequently  
13:43:30 30 started putting pressure on me in an attempt to change my  
13:43:33 31 mind and plead guilty. This first became apparent in the  
13:43:38 32 time leading up to PII [REDACTED] decision to plead guilty.  
13:43:43 33 Gobbo came to see me in custody to advise me of the  
13:43:45 34 prospect that PII [REDACTED] might be pleading and might roll.  
13:43:49 35 She urged me to get in first before he does". Do you have  
13:43:52 36 an independent recollection of that conversation?---Yes, I  
13:43:55 37 do.  
38  
13:43:56 39 You say she encouraged you to plead guilty, this is at  
13:44:01 40 paragraph 38 of your statement?---Yes.  
41  
13:44:02 42 You repeated asked her to arrange for your senior barrister  
13:44:08 43 PII [REDACTED] to see you?---That's right.  
44  
13:44:10 45 So you could get some advice. And essentially she would  
13:44:11 46 tell you that he was too busy or not available or he had a  
13:44:14 47 case on, is that right?---Yes, always made up some excuse



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

13:44:17 1 about he was busy or he was up in a trial, always had  
13:44:19 2 something.  
3  
13:44:20 4 You say, "As a result I never got to obtain advice from  
13:44:24 5 PII [REDACTED]", is that the situation?---That's right.  
6  
13:44:26 7 There's some transcript from PII [REDACTED] committal in relation  
13:44:32 8 to the PII [REDACTED] charge. You gave evidence at that  
13:44:36 9 committal and in the trial?---Yep.  
10  
13:44:40 11 This is OPP.0002.0008.0016 and it's at p.40 of that  
13:44:50 12 document. Basically while that's coming up I'll put to you  
13:44:55 13 what was said. It indicates that in answer to questions  
13:45:00 14 from PII [REDACTED], who was representing PII [REDACTED] in that  
13:45:06 15 committal - so p.40 at the top of that document, right-hand  
13:45:14 16 corner of that document. I'll just bring it up now. It  
13:45:18 17 might take a second to come up on your screen?---Yes.  
18  
13:45:27 19 Down the bottom, 15 to 17. He says, "All right. When did  
13:45:31 20 the change of heart come about?" You say, "When PII [REDACTED]  
13:45:35 21 got up and said - made a statement. That's when I knew it  
13:45:38 22 was all over". He said, "He made that statement, what,  
13:45:41 23 against you?" You say, "Yes, that's right". Then he asks,  
13:45:45 24 "You knew that what was all over?" You say, "There was no  
13:45:49 25 way known that I could beat it". He says, "Beat what?"  
13:45:53 26 And you say your PII [REDACTED] and you say essentially the  
13:45:57 27 charge of murder against you; is that right?---Yes.  
28  
13:46:00 29 See, what I'm wanting to understand is - - - ?---The reason  
13:46:02 30 why I said that is I've already rolled, that's it. I was  
13:46:06 31 forced in to rolling. I already rolled. What's the point  
13:46:09 32 of giving him, telling him, I wasn't going - I PII [REDACTED]  
13:46:13 33 and the pressure of Gobbo, because I believed Gobbo out of  
13:46:17 34 all of it, so I couldn't sit there and say I was pressured  
13:46:20 35 into it, because I didn't know at the time. So I just left  
13:46:22 36 it at that. I used that, that I was beaten, that's it, get  
13:46:25 37 it over and done with. Ms Gobbo convinced me that it was  
13:46:27 38 all over for me.  
39  
13:46:29 40 What I want to understand is did Gobbo talk to you about  
13:46:32 41 the strength of the evidence against you?---Yes.  
42  
13:46:41 43 PII [REDACTED] rolled in about PII [REDACTED] 2006; is that right?---Yes.  
44  
13:46:47 45 And I think some evidence available to the Commission  
13:46:51 46 indicates that Bateson says that you were aware of that by  
13:46:56 47 around about PII [REDACTED] 2006, it appears to me. Would that

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

13:47:00 1 be right or you don't remember? You knew soon  
13:47:05 2 afterwards?---I knew soon afterwards, yes.  
3  
13:47:08 4 You know that PII [REDACTED] wrote a letter to the prosecutor  
13:47:12 5 Mr Horgan?---Yes.  
6  
13:47:13 7 In PII [REDACTED] 2006?---I knew that. I was the one that  
13:47:16 8 brought it up and I confronted PII [REDACTED] about it. Gobbo told  
13:47:20 9 me about that. I forgot about that.  
10  
13:47:28 11 The situation is that despite what you say in that  
13:47:30 12 statement, as you say in your statement to the Royal  
13:47:33 13 Commission, there was significant pressure brought to bear  
13:47:36 14 by Gobbo; is that right?---Yes, yes.  
15  
13:47:38 16 And just to be clear, did she talk about both PII [REDACTED]  
13:47:42 17 evidence and PII [REDACTED] evidence against you when she was  
13:47:44 18 putting that pressure on you?---Yes. What you've got to  
13:47:47 19 understand - I've got to explain this properly, right. At  
13:47:50 20 the end of the day I would have gone all the way through it  
13:47:53 21 but when she started - because I trusted Gobbo. Once she  
13:47:57 22 started telling me that PII [REDACTED] and PII [REDACTED] evidence  
13:48:00 23 against me was strong, because when I spoke to - when we  
13:48:03 24 had the Basha, or whatever we had, and I spoken to PII [REDACTED]  
13:48:08 25 PII [REDACTED], he goes, "Mate, you've got a strong chance of  
13:48:11 26 winning."  
27  
13:48:12 28 Right?---Gobbo couldn't get a hold of him and then she kept  
13:48:17 29 telling me that the case is strong against me.  
30  
13:48:20 31 Bearing in mind the committal was in PII [REDACTED] 2005 and - - -  
13:48:25 32 ?---Yep.  
33  
13:48:26 34 - - - PII [REDACTED] rolls in PII [REDACTED] 2006, do you recall any  
13:48:31 35 conversations with PII [REDACTED] after your committal?---No,  
13:48:37 36 that's the only one I recall because that was something  
13:48:40 37 that stuck in me head, what's the chances of me being the  
13:48:45 38 president of the United States, that's stays with you.  
39  
13:48:49 40 You might have already explained it sufficiently but what  
13:48:52 41 were the reasons that Gobbo gave to you as to why you had  
13:48:55 42 PII [REDACTED] and to assist the police?---Well, she turned  
13:49:01 43 around as if to mean, you've got to - okay, she said the  
13:49:07 44 case against you now is, PII [REDACTED] and PII [REDACTED] is strong.  
13:49:11 45 Right. And you're better off pleading guilty. This went  
13:49:13 46 on for about, I don't know six to eight months, maybe 12  
13:49:17 47 months, I'm not 100 per cent certain. And she just kept



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

13:49:22 1 putting pressure and pressure on me. I said no, no, no.  
13:49:24 2 Then she come in one day and said they're thinking about  
13:49:28 3 charging PII [REDACTED]. I go, "What?" They go, "They're going  
4 to charge PII [REDACTED]".  
5

13:49:29 6 This is a proceeds of crime charge?--Yeah, this is the  
13:49:32 7 proceeds of crime. And I said but PII [REDACTED] knows nothing about  
13:49:34 8 it. All PII [REDACTED] knows, right, PII [REDACTED] got a bank cheque off a  
13:49:38 9 legit company, that's it, PII [REDACTED] didn't know it was  
10 (indistinct), and she turned around and she goes, "I know  
13:49:44 11 everything. Do the right thing and make a statement,  
13:49:49 12 otherwise PII [REDACTED] will PII [REDACTED] a PII [REDACTED], PII [REDACTED] be  
13:49:52 13 locked up".  
14

13:49:53 15 And in fact Gobbo was representing PII [REDACTED] in relation to  
13:49:55 16 that charge as well; is that right?--Yeah, and PII [REDACTED] was  
13:49:58 17 screaming at the time. PII [REDACTED] was screaming that PII [REDACTED]  
13:50:00 18 innocent, PII [REDACTED] was innocent, and I said, "Just plead  
13:50:02 19 guilty". But what PII [REDACTED] was complaining to me, "Why should I  
13:50:05 20 plead guilty?" But me and Gobbo convinced PII [REDACTED]. She  
13:50:09 21 convinced me, so I convinced PII [REDACTED]. That was the only way  
13:50:13 22 Nicola knew that I could break, there was no way known I  
13:50:16 23 was going to leave PII [REDACTED] a PII [REDACTED]  
24

13:50:18 25 The reason you thought that that might eventuate is because  
13:50:22 26 of something Gobbo told you, you say?--Yes, it was Gobbo.  
13:50:25 27 She worked on me for over a year and I wouldn't give in,  
13:50:29 28 and then once PII [REDACTED] - PII [REDACTED] came into it and PII [REDACTED], that  
13:50:35 29 was, nah, that wasn't going to happen.  
30

13:50:36 31 I assume Purana were saying similar types of things to you,  
13:50:39 32 weren't they?--They all were, the police and the - but it  
13:50:41 33 is what it is but when she was saying it - I didn't care if  
13:50:43 34 the police said to me it to me because it didn't scare me,  
13:50:46 35 but when she used to tell me, because I trusted her that  
13:50:49 36 much, that used to worry me.  
37

13:50:52 38 What about Valos, did you speak to him about whether or not  
13:50:54 39 you should be pleading?--No, Valos - Gobbo kept him away  
13:50:58 40 from it all. Now that I understand, that's why she kept  
13:51:01 41 Valos away from me. Valos was in shock when he come back,  
13:51:05 42 that I PII [REDACTED] from holidays. He couldn't believe  
13:51:10 43 it.  
44

13:51:11 45 It seems just from the records of the timing of PII [REDACTED]  
13:51:17 46 rolling and then a visit to PII [REDACTED] Prison where you were at  
13:51:20 47 the time by Bateson and O'Brien, that you were struggling

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

13:51:24 1 with the idea or still tossing up the idea about whether or  
13:51:28 2 not to roll in - - - ?---Yes.  
3  
13:51:30 4 - - - PII when they came and visited you?---Yes. She  
13:51:33 5 just - what you got to understand is this: this is the  
13:51:37 6 easiest way to put it to you. I was offered [REDACTED],  
13:51:40 7 right, all charges go away as long as I roll if I get in  
13:51:46 8 before PII. Right. When Gobbo told me that he wrote a  
13:51:50 9 letter to the prosecution, to Geoff Horgan or whoever,  
13:51:54 10 right, that he wanted to be a Crown witness, okay, I was  
13:51:57 11 told before he was approached and I still said no. Because  
13:52:01 12 I knew that I could - you know, I had a strong case to win  
13:52:06 13 it.  
14  
13:52:06 15 Okay. PII gets in first anyway?---Yep.  
16  
13:52:13 17 You've then - you're having these conversations with  
13:52:18 18 Gobbo?---Yes.  
19  
13:52:18 20 The visit at PII is on PII 2006. It's your  
13:52:23 21 understanding that Gobbo had arranged that for you?---Yes.  
22  
13:52:30 23 It appears - - - ?---Jim O'Brien and Stuart Bateson.  
24  
13:52:32 25 Yes, that's right. I'm going to take you through some of  
13:52:35 26 the discussion that you had with those two because we've  
13:52:38 27 got a transcript of it?---Yep.  
28  
13:52:40 29 Do you have a recollection of - one of the things you were  
13:52:44 30 discussing with them is who was the best legal  
13:52:46 31 representative you could have to help put your PII  
13:52:49 32 together, do you remember that?---Yeah.  
33  
13:52:54 34 In fact what we might do, I just want to bring up some of  
13:52:57 35 the things that they said to you and what you said to them.  
13:53:00 36 This is VPL.0005.0062.0609. I want to go to p.81 I think  
13:53:15 37 it is of that - it should be in the bottom corner, p.81.  
13:53:19 38 There we go. You say to them, "Nicola, listen to this one,  
13:53:24 39 right. You've got to answer this one for me. Nicola and  
13:53:28 40 Jim", you're talking about Jim Valos there; is that  
13:53:32 41 right?---Yes.  
42  
13:53:32 43 "Would really like to convince me because Nicola knows,  
13:53:36 44 right, really I shouldn't be doing fucking PII years for  
13:53:41 45 nothing. She knows a fair bit about it and she's the one  
13:53:44 46 that convinced me to come in, as well as Jim Valos". Do  
13:53:50 47 you now have a recollection of Jim being part of giving you



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

13:53:54 1 advice on which you relied to assist the police and  
13:53:58 2 plead?---Jim - Nicola was the one - Valos really didn't  
13:54:03 3 want me to PII [REDACTED].  
4  
13:54:05 5 All right. You say there, "She's the one that convinced me  
13:54:07 6 to come in"?---Yeah, she's the one that convinced me to  
13:54:11 7 come in that day when they came in.  
8  
13:54:14 9 You say "Jim Valos always has", do you see that?---Yeah,  
13:54:18 10 but no, no. Jim Valos, right, knew that I was - on the day  
13:54:22 11 that I was talking to them that he never wanted me to PII [REDACTED]  
13:54:25 12 PII [REDACTED] He was quite surprised that I did PII [REDACTED]  
13:54:27 13 when he come back from holidays.  
14  
13:54:29 15 You go on to say in that paragraph, "Right, Nicola's the  
13:54:32 16 one who convinced me and she convinced PII [REDACTED] yesterday  
13:54:35 17 too. I don't know, but I trust her. Who can I get to put  
13:54:40 18 it together for me?" Do you see that?---Yep.  
19  
13:54:43 20 All right. Go to the next page. This will just move on  
13:54:48 21 the screen. You say - and Bateson says to you that he  
13:54:55 22 thinks Jim Valos is an honest solicitor and you said maybe  
13:55:02 23 he's not as strong as you wanted him to be; is that  
13:55:05 24 right?---Yeah, that's right, yeah, because he was pretty  
13:55:06 25 soft.  
26  
13:55:07 27 Then Bateson says, "But he's honest". And then Bateson  
13:55:10 28 tells you that he reckons Nicola is ultimately honest  
13:55:14 29 too?---Yes.  
30  
13:55:15 31 Do you remember Bateson putting Nicola's honesty on a few  
13:55:20 32 occasions to you?---Yes, but - - -  
33  
13:55:21 34 Go ahead?---Yes.  
35  
13:55:23 36 All right. Further down you say, "I'll be honest with you,  
13:55:28 37 I've got a gut feeling she'd rather help youse than help  
13:55:32 38 what's going out there". What did you mean by that?---What  
13:55:37 39 you've got to understand, that day - okay, when blokes  
13:55:40 40 like, or PII [REDACTED] and PII [REDACTED] used to come see and run things  
13:55:45 41 off me, because I was good at working out - if I felt there  
13:55:49 42 was something not right, people talking to him, I could  
13:55:52 43 work out something wasn't right and on that day something  
13:55:54 44 didn't feel right with me.  
45  
13:55:56 46 This is on the day of talking to Bateson and  
13:55:59 47 O'Brien?---Talking to Bateson something didn't feel right.



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

1  
13:56:02 2 When you say your gut feeling was that she'd rather them,  
13:56:07 3 what did you mean by that?---Yes. The whole place was  
13:56:11 4 working with her but I just didn't want to believe it. You  
13:56:11 5 know when you just put a blanket over something and you  
13:56:14 6 don't want to believe it? I was letting them know - Stuart  
13:56:18 7 Bateson knew how I think. I said to Stuart, I said to  
13:56:20 8 them, because it was both of them, right, and I just said  
13:56:24 9 to them, I go, "I just think she's working for you". I  
13:56:28 10 don't - like she's working for them, because certain  
13:56:30 11 questions she was telling me before when they come in to  
13:56:34 12 see me, only if you're working for the coppers.  
13  
13:56:38 14 Well, it was directly after you say that to them Bateson  
13:56:43 15 then reassures you, he says, "Well I don't know about that,  
13:56:46 16 but I think she's honest, mate". Do you recall him  
13:56:50 17 reassuring you about her honesty?---Yes, but you've got to  
13:56:54 18 understand - look, let's get something straight. Coppers  
13:57:01 19 are coppers, right. I've got to watch how I say it.  
13:57:06 20 Police are police, right. But I'm telling you now that the  
13:57:08 21 coppers that handled me, the only one that I believe was  
13:57:12 22 bent was Jim O'Brien, but otherwise the rest - look, I'm  
13:57:16 23 not pissing in your pocket - they did it by the book with  
13:57:20 24 me.  
25  
13:57:22 26 Yeah, no, no you don't need to piss in my pocket, I'm  
13:57:26 27 counsel assisting in the Royal Commission, so it's perhaps  
13:57:29 28 some others at the Bar table whose pocket you might have to  
13:57:32 29 piss in. But anyway. So to move on - - - ?---Yeah.  
30  
13:57:34 31 What I'm interested in, at this stage - - - ?---Yes, he did  
13:57:39 32 say it.  
33  
13:57:40 34 At this stage Bateson knew that Gobbo was acting as an  
13:57:43 35 agent of the police, all right?---Yes.  
36  
13:57:46 37 And he'd known for some significant time?---Yes.  
38  
13:57:50 39 He'd known that she'd started in September of the year  
13:57:52 40 before this occurred, about six months before, do you  
13:57:56 41 understand that?---Yep, yes.  
42  
13:57:58 43 He's saying to you here, in response to you saying that,  
13:58:02 44 "I've got a gut feeling she might want to help the police  
13:58:06 45 more than you", "Well, I don't know about that but I think  
13:58:09 46 she's honest, mate". Do you see that?---Yes. He did say  
13:58:13 47 it, yes.

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

1  
13:58:14 2 Now that you know that in fact he knew that she was a  
13:58:19 3 registered human source and was assisting police, you can  
13:58:22 4 see that what he was saying to you was something that was  
13:58:24 5 in fact dishonest, you agree?---That's right, yes.  
6  
13:58:28 7 Okay?---Yes, yes.  
8  
13:58:29 9 You then go on to say, "Can I ask this question? If  
13:58:35 10 whatever happens, I need someone I can trust. Nicola's the  
13:58:38 11 one. Like they come in" - and then we can't tell you what  
13:58:41 12 you say there, "they were convincing me that and they  
13:58:46 13 convinced PII [REDACTED] yesterday after what happened".  
13:58:50 14 O'Brien says to you, "I think it would be advantageous for  
13:58:54 15 you to someone independent". Do you see that?---Yes.  
16  
13:58:57 17 Do you remember O'Brien being less enthusiastic about Gobbo  
13:59:00 18 or was he just the same as Bateson?---Just the same as far  
13:59:04 19 as - what I can recall - oh - - -  
20  
13:59:06 21 What I'm saying is you can take those words two ways. He  
13:59:10 22 might be saying, "I think it would be advantageous for you  
13:59:14 23 to have someone independent (like Gobbo)" or "I think it  
13:59:19 24 would be advantageous for you to have someone independent,  
13:59:22 25 anyone not Gobbo"?---On that day - Jim O'Brien was more  
13:59:25 26 about going after PII [REDACTED] and Stuart Bateson was about  
13:59:29 27 the murders.  
28  
13:59:30 29 Yes, okay, I see?---Okay, so I'll put it that way. That's  
13:59:33 30 how I understood that day. That day Jim O'Brien couldn't  
13:59:35 31 care about the murders. And he never really spoke about  
13:59:38 32 Gobbo, only probably once. But Stuart Bateson was about  
13:59:40 33 the murders. That's all he was worried about.  
34  
13:59:42 35 Can we roll down the page a little bit. Bateson down the  
13:59:46 36 bottom says, "Well from my point of view that's all up to  
13:59:48 37 you. From my point of view I just want to say that ah, I  
13:59:53 38 think Nicola, ah", and then he pauses by the look of  
39 things?---Yes.  
40  
13:59:57 41 Now go to the top of the next page. We're just going to  
14:00:01 42 move the page up. It will just take a second. What  
14:00:06 43 happens next is you ask them for advice as to what they  
14:00:11 44 would do if they were in your position and you say to them,  
14:00:15 45 "Would you use Nicola?" Bateson says, "Oh". Then you say,  
14:00:26 46 "I'm PII [REDACTED], if you're PII [REDACTED] if I've told youse how  
14:00:31 47 upfront it is", and O'Brien says, "Alls you want is

.10/02/20

13596

[REDACTED] IN CAMERA



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

14:00:35 1 somebody who's going to act for you properly in your best  
14:00:41 2 interests and be honest". Do you see that?---Yep.  
3  
14:00:42 4 You say, "No one can know nothing", and of course you're  
14:00:46 5 keen that your associates don't know that you're in this  
14:00:49 6 process, is that what you're saying there?---Yep.  
7  
14:00:51 8 Okay. Now, I want to move down the page a bit. No one -  
14:01:02 9 go up the page, sorry. "Alls you want is somebody who's  
14:01:07 10 going to act for you properly and in your best interests  
14:01:10 11 and be honest". And you say, "And no one can know nothing,  
14:01:14 12 that's it". Bateson says, "And I think, I think she would  
14:01:21 13 do that". You see that?---Yes, I saw that.  
14:01:23 14  
15 And you were being reassured that Gobbo wouldn't talk to  
16 anyone?---That's right.  
17  
14:01:23 18 And then you agree with that. O'Brien says, "And keep  
14:01:26 19 their mouth shut". And you say, "She will keep her mouth  
14:01:31 20 shut", do you see that?---Yeah, I see that.  
21  
14:01:34 22 Moving down?---I forgot about all that.  
23  
14:01:38 24 All right. A couple of lines down Bateson says, "Can I  
14:01:45 25 just say this, you know, I do believe she's honest". You  
14:01:49 26 see he's said that to you on a number of occasions  
14:01:52 27 already?---Yeah, yeah.  
28  
14:01:54 29 He reiterates and says, "You know, I do believe that she",  
14:01:58 30 and then the sentence trails off. He says later, "That  
14:02:02 31 you're putting her in a difficult situation", you see  
14:02:06 32 that?---Yep.  
33  
14:02:07 34 And then the line under that you say, "Nicola goes", so  
14:02:11 35 it's something Nicola had said to you, "I'll fight for you  
14:02:15 36 the whole way". Is that something she'd said to you at  
14:02:18 37 that stage?---Yes, yep.  
38  
14:02:21 39 I want to go to the top of the next page. You say,  
14:02:24 40 "Right". She goes, "No, I want to fight for you". And she  
14:02:28 41 told PII [REDACTED] the same thing yesterday. When you say she  
14:02:31 42 wants to fight for you, was that if you were to plead not  
14:02:34 43 guilty or was that if you were to plead guilty and assist  
14:02:37 44 that she'd get you - - - ?---Plead guilty and assist me and  
14:02:40 45 get me the best deal she can get me.  
46  
14:02:43 47 Then Bateson reassures you again, he says, "Well, I mean

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

14:02:47 1 from my point of view I think Nicola is an honest  
14:02:50 2 barrister". So he said it to you again and again on that  
14:02:53 3 occasion, didn't he?---Yeah, yes.  
4  
14:02:55 5 All right. You now know that in fact that was quite  
14:02:58 6 incorrect?---Yeah.  
7  
14:02:59 8 That she was dishonest; is that right?---Yeah, that's 100 -  
14:03:03 9 yeah, I got played.  
10  
14:03:04 11 Okay, okay. As I say, it turned out that about six months  
14:03:13 12 prior to this she'd been registered by Victoria Police as a  
14:03:17 13 human source and that's something you found out some time  
14:03:21 14 in the last few years I assume?---Yeah, 2009 when - a  
14:03:28 15 certain case anyway, I found out. But I was never 100 per  
14:03:32 16 cent certain, I was 90 per cent smack on. But in the last  
14:03:35 17 couple of years it's all out there.  
18  
14:03:37 19 During the Lawyer X articles or when the High Court handed  
14:03:41 20 down it's decision?---When the High Court - when they  
14:03:46 21 started saying 3838 I got told straight away who that was  
14:03:50 22 and that's when I knew I'd been had.  
23  
14:03:55 24 Given what we've just been through in that transcript,  
14:03:59 25 would you have preferred it in hindsight that Victoria  
14:04:03 26 Police had said nothing to you about who your  
14:04:06 27 representative or perhaps steered you away from Gobbo given  
14:04:10 28 what those two men knew about what she was up to?---If I  
14:04:13 29 knew - if they told me what she was up to well there's no  
14:04:18 30 way known I would have listened to anyone.  
31  
14:04:21 32 What about if they didn't tell you what she was up to but  
14:04:27 33 just steered you away from her because they knew what she  
14:04:30 34 was up, would that have been preferable from your point of  
14:04:31 35 view?---Yes, she'd know where - I'm telling you, just get  
14:04:33 36 someone independent. They ought to have said to me get  
14:04:35 37 someone independent, and I wouldn't have thought that she  
14:04:38 38 was working with them or whatever. If they'd just turned  
14:04:44 39 around and said get yourself someone fresh, and that's it.  
40  
14:04:47 41 Not long after that meeting at [REDACTED] that we've just been  
14:04:52 42 through, what happened is some members of Victoria Police,  
14:04:55 43 so Gobbo's handlers - you know what handlers are?---Yep.  
44  
14:05:00 45 They took the transcript of that meeting to Nicola Gobbo  
14:05:03 46 and read through it with them. We've got a recording of  
14:05:06 47 it. It's pretty brief, pretty difficult to hear, but the



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

14:05:09 1 words of it will come up on the screen in front of you,  
14:05:13 2 okay?---Yeah.  
3  
14:05:15 4 I ask that be played now. That's RC496D. This is PII [REDACTED]  
14:05:24 5 so it's not long after that meeting at [REDACTED].  
14:06:25 6  
14:07:32 7 (Audio recording played to hearing.)  
14:07:32 8  
14:07:32 9 PII [REDACTED], I don't know how much of that you heard.  
14:07:34 10 Could you hear it?---I couldn't understand none of it.  
11  
14:07:37 12 You saw the words though?---The lady next to me is trying  
14:07:42 13 to get it to explode, to make it bigger for me.  
14  
14:07:44 15 That's all right. What we'll do is we'll just bring up  
14:07:47 16 that very bottom part of the transcript that's on that  
14:07:49 17 screen there?---Yeah.  
18  
14:07:50 19 Look, what happens is when she's reading back this -  
14:07:54 20 firstly, I take it no one told you that Victoria Police  
14:07:59 21 were [REDACTED] to be [REDACTED] of [REDACTED]  
14:08:02 22 with Bateson and O'Brien to show Nicola Gobbo; is that  
14:08:06 23 right?---No, no. I didn't know. Thank you for showing me  
14:08:11 24 that.  
25  
14:08:12 26 Much less so it was going to be shown to source  
14:08:17 27 handlers?---Yeah.  
28  
14:08:18 29 Yeah, okay. Did she ever give an indication to you that  
14:08:24 30 she'd read a transcript of your conversation with O'Brien  
14:08:26 31 and Bateson?---No.  
32  
14:08:29 33 I'm just going to read out the bottom part there. You  
14:08:31 34 heard a bit of a laugh towards the end of it, did  
14:08:34 35 you?---Yeah, I did, I did.  
36  
14:08:36 37 That's when she's reading out to her handlers, "'I'll be  
14:08:38 38 honest with you, I've got a gut feeling she'd rather help  
14:08:42 39 you than help what's going on out there', what an ironic  
14:08:46 40 thing for him to say", and when Bateson reassures her that  
14:08:49 41 you're honest, so that the two gentlemen and Ms Gobbo have  
14:08:54 42 a laugh about that, do you understand?---Yeah, that I'm  
14:08:57 43 honest, yeah.  
44  
14:08:59 45 She's being honest with you and that you're being  
14:09:02 46 encouraged to use Ms Gobbo, do you understand?---Yes.  
47

.10/02/20

13599

[REDACTED] IN CAMERA



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

14:09:06 1 What's your reaction to that having heard that they were  
14:09:11 2 laughing about those reassurances that were given to  
14:09:14 3 you?---That they think I was an informed crim. You work  
14:09:22 4 the rest out.  
5  
14:09:22 6 After the committal, which we were talking about not long  
14:09:25 7 ago, there were negotiations between you and the  
14:09:29 8 Crown?---Yep.  
9  
14:09:30 10 And those negotiations ended in PII 2006 that they would  
14:09:38 11 proceed with only the one charge, which was your  
14:09:40 12 involvement in PII PII but not PII  
14:09:45 13 PII ?---That's right.  
14  
14:09:46 15 And that the prosecution was going to concede that you  
14:09:49 16 should receive a discounted sentence because of the  
14:09:52 17 assistance that you'd given to the police,  
14:09:55 18 correct?---That's right, that's right.  
19  
14:09:56 20 As part of that deal you made several statements  
14:10:00 21 implicating a number of people in various criminal  
14:10:06 22 activities, correct?---That's right.  
23  
14:10:07 24 You gave evidence in a number of proceedings, one of them  
14:10:11 25 was the charge against PII for his part in the  
14:10:14 26 murder of PII, correct?---That's right.  
27  
14:10:17 28 What PII says, PII says about the period post  
14:10:21 29 the committal, and we touched on this a little bit earlier  
14:10:25 30 about - you said that Nicola was essentially keeping you  
14:10:31 31 and - you apart from PII do you understand, that was  
14:10:36 32 your evidence?---Yeah, that was the case.  
33  
14:10:38 34 I'm just going to bring up on the screen PII  
14:10:44 35 statement just to read only a couple of parts of that to  
14:10:47 36 you. You'll see at the top of that page there, if we could  
14:10:51 37 zero in on that, "At some time after PII I learned that  
14:10:54 38 my client had indeed rolled over, indicated an intention of  
14:10:58 39 PII, and made statements implicating  
14:11:03 40 PII. I was quite shocked twice over". And he says  
14:11:05 41 the two reasons are that you were very close to PII  
14:11:08 42 PII and the second was that Valos hadn't made any  
14:11:13 43 suggestion like that to him, do you understand?---Yes.  
44  
14:11:19 45 He says, "At no stage was I consulted or asked to speak to  
14:11:26 46 PII I was never asked for my opinion". That accords  
14:11:30 47 with you not being able to contact him; is that

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

14:11:32 1 right?---That's right, yes.  
2  
14:11:33 3 He says, "In answer to a question if it implies that I told  
14:11:36 4 him 'you're fucked', I did not say it". At any time did  
14:11:40 5 PII say those words to you or indicate to you that  
14:11:44 6 you were fucked, vis-à-vis the charge about  
14:11:51 7 PII?--PII I've never - after the  
14:11:52 8 committal never spoke - could never, I could never get hold  
14:11:52 9 of him because Gobbo always made up some sort of excuse.  
10  
14:11:59 11 Did you ever try and contact him separately to Gobbo,  
14:12:03 12 without going through Ms Gobbo?---No, I was always told to  
14:12:06 13 speak to PII you've got to go through her.  
14  
14:12:13 15 Is it correct though that PII, subsequent to the  
14:12:17 16 committal, did a Basha of PII, do you have a  
14:12:21 17 recollection of that?---Yep, yep.  
18  
14:12:23 19 PII 2006?---Yep.  
20  
14:12:26 21 So he did represent you on that occasion?---Yep.  
22  
14:12:33 23 He didn't indicate to you at that stage that you were in  
14:12:35 24 any particular trouble in relation to the charge?---No.  
25  
14:12:39 26 A couple of lines down. "Then Nicola told me that she was  
14:12:42 27 intending to do PII plea for the murder of PII! He  
14:12:48 28 says he immediately queried this as we both knew that she'd  
14:12:51 29 acted for PII in the past." Then he had a discussion  
14:12:55 30 with her about a conflict of interest that she had. Did  
14:13:00 31 she ever explain to you that she had a particular conflict  
14:13:03 32 of interest between your interests and other people she had  
14:13:09 33 or was representing and that she needed you to say, even  
14:13:12 34 despite that conflict of interest, it was okay for her to  
14:13:16 35 go ahead and represent you?---She never brought that up.  
36  
14:13:18 37 Sorry, say that again?---She never told me.  
38  
14:13:19 39 Okay. You gave evidence also against PII and PII  
14:13:37 40 and PII?---That's right.  
41  
14:13:40 42 I just want to bring up a bit of transcript from that.  
14:13:42 43 This is OPP.0002.0011.5744. It's at p.507-510. In that  
14:13:57 44 case your evidence was - this is 2009, I should say, when  
14:14:00 45 this one took place; is that right?---Yes, I remember the  
14:14:05 46 PII and PII, that's what he said.  
47

.10/02/20

13601

IN CAMERA



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

14:14:10 1 Perhaps if we can first go to 5774 at the top, so another  
14:14:15 2 three pages on from that one. You're asked a question,  
14:14:20 3 "What do you say is the sequence in your mind? You've  
14:14:25 4 already been arrested and rolled over. Well after about  
14:14:28 5 two weeks I was getting nagged by my barrister that I was  
14:14:32 6 told there was no way out of it, make a statement and to do  
14:14:37 7 a deal". This is your evidence; is that right?---Yeah,  
14:14:40 8 that PII [REDACTED] implicated me into the PII [REDACTED].  
9  
14:14:45 10 You were asked a question, "That's Nicola Gobbo", and you  
14:14:48 11 say, "Yeah, that's right". You were asked the question  
14:14:50 12 there, "Did you know that she was also the barrister for  
14:14:54 13 PII [REDACTED], were you told that?" And you say you found out  
14:14:58 14 about that later, was that the situation?---Yes.  
15  
14:15:01 16 Was that something she told you or you found out through  
14:15:04 17 other means?---No, she - I found out through other means  
14:15:08 18 but she ended up telling me as well.  
19  
14:15:10 20 Yes, okay?---When he got arrested in PII [REDACTED] or someone,  
14:15:18 21 someone in gaol told me straight away and Gobbo told me a  
14:15:22 22 few days later or something.  
23  
14:15:24 24 In fact you ended up in the same part of the prison as  
14:15:28 25 PII [REDACTED] as well, didn't you?---Yep.  
26  
14:15:33 27 Did you have discussions about Ms Gobbo during that time  
14:15:38 28 with PII [REDACTED]?---No, I didn't trust PII [REDACTED].  
29  
14:15:45 30 Okay?---When he made statements he used to modify them to  
14:15:49 31 suit himself to get better deals.  
32  
14:15:51 33 You say that you were suspicious of a number of people who  
14:15:54 34 were in [REDACTED] unit [REDACTED]?---Yes.  
35  
14:15:56 36 Because they were all looking for the best deal possible;  
14:15:59 37 is that right?---Yeah, and they knew that I had the intel  
14:16:01 38 so if they could get it they could get better deals. I've  
14:16:03 39 brought it up before, we should never have been [REDACTED]  
14:16:06 40 [REDACTED]  
41  
14:16:07 42 But also not an usual thing, I assume, in prison that  
14:16:10 43 everyone's looking for the best deal for themselves?---Yes.  
44  
14:16:14 45 Perhaps not everyone?---That's not everyone. If you're  
14:16:17 46 going to make a deal you might as well say as it is, don't  
14:16:21 47 make up stories as it goes on.

.10/02/20

13602

[REDACTED] IN CAMERA

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

1  
14:16:23 2 I'm just going to touch on a couple of bits quickly. The  
14:16:27 3 Commission has before it a lot of documents that set out  
14:16:32 4 what Nicola Gobbo was telling the police through her period  
14:16:36 5 as a registered informer where those things are put in  
14:16:41 6 these documents called ICRs and also transcripts of  
14:16:43 7 recordings, you understand?---Yep.  
8  
14:16:46 9 Now in due course your lawyers will no doubt get some  
14:16:50 10 significant submissions from the Commission about how your  
14:16:54 11 case might have been affected so I'm not going to go  
14:16:57 12 through all of those things now. But I just want to talk,  
14:17:02 13 take you through a couple of them. PII 2006, Gobbo  
14:17:07 14 was telling her handlers that you needed a push to decide  
14:17:12 15 to roll over and assist police. Now it might go without  
14:17:16 16 saying, but I take it she didn't tell you she was telling  
14:17:20 17 the police that?---Yeah.  
18  
14:17:22 19 She tells the police on PII 2006 that a  
14:17:25 20 heavy-handed approach to PII would not work well, you  
14:17:29 21 understand that?---Yep.  
22  
14:17:30 23 And what might she have meant by that, do you know?---By  
14:17:33 24 hassling me it won't, it won't budge me.  
25  
14:17:37 26 What's the sort of thing that would have budged  
14:17:40 27 you?--PII .  
28  
14:17:41 29 Are they the sorts of things that Nicola Gobbo was talking  
14:17:44 30 to you about?---Yep, PII - if PII was, say, a lot  
14:17:49 31 PII, then no. Because PII was just PII, there was  
14:17:52 32 no way known I was going to PII  
14:17:58 33 She knew how to break - she finally got, she worked it out  
14:18:01 34 and that's how she got me to break.  
35  
14:18:05 36 In PII 2006 Gobbo told her handlers of advice she was  
14:18:09 37 giving to you that she said - she told her handlers that  
14:18:13 38 what she'd said to you was that just giving up PII won't  
14:18:17 39 be enough, that she told you that you need to tell them  
14:18:19 40 about absolutely everything. Do you remember having a  
14:18:22 41 conversation like that with Nicola Gobbo?---Yes. Yeah, I  
14:18:25 42 had an argument with her over that. I said just give them  
14:18:30 43 PII that's it, and everyone else stays out of it. She  
14:18:33 44 goes, "No, you've got to give them the whole lot".  
45  
14:18:36 46 Was that part of your decision-making, to give them the  
14:18:38 47 statements that you gave? Did that influence your



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

14:18:41 1 decision?---Well I argued with her for at least two or  
14:18:46 2 three lines and at the end I just, I broke, that was  
14:18:49 3 enough. And I now agreed, yes.  
4  
14:18:51 5 In PII [REDACTED] 2006 she has a conversation with you on the  
14:18:56 6 telephone and she says that you've rung her, that you want  
14:19:00 7 her to speak to PII [REDACTED] and get his opinion that if you are  
14:19:07 8 "fucked"?---Yep.  
9  
14:19:09 10 If so, you're likely to assist Purana?---Yep.  
11  
14:19:12 12 Then she tells her police handlers that she thinks that  
14:19:15 13 PII [REDACTED] will agree with that analysis, i.e. that you are  
14:19:19 14 fucked, do you understand?---Yeah.  
15  
14:19:22 16 We've seen that PII [REDACTED] position is that's not the case  
14:19:26 17 and was never the case, you understand?---That's not the  
14:19:28 18 case.  
19  
14:19:28 20 She also says to them that she thinks you're very depressed  
14:19:32 21 and that you need a push to come on board totally. Did you  
14:19:36 22 find, it might go without saying in the condition you were  
14:19:41 23 in, the place you were in, but were you down at the  
14:19:43 24 time?---Yes, I was because, you've got to understand, what  
14:19:47 25 they did, they housed us like animals. The police  
14:19:55 26 controlled the gaols. I don't know how but they -  
14:19:55 27 Corrections says that they run the gaol. It wasn't true.  
14:19:58 28 At the start they were running this, they were telling them  
14:20:00 29 how to keep us housed because some bloke from America come  
14:20:05 30 down and gave them a lecture how to break us all. We  
14:20:12 31 weren't breaking until they PII [REDACTED]  
32  
14:20:14 33 Was that prison matter, the person from America had given  
14:20:17 34 them advise on that, was it?---No, I knew when I was  
14:20:21 35 outside. They had Kevin Sheedy - before Purana Task  
14:20:22 36 Force - it was in Oakleigh or something, Purana Task Force,  
14:20:27 37 they had Kevin Sheedy as a motivation speaker, some bloke  
14:20:31 38 from, retired FBI, to tell how to crack organised crime.  
14:20:31 39  
14:20:31 40 Kevin Sheedy was giving them that advice?---No, Kevin  
14:20:35 41 Sheedy was there to motivate the coppers.  
42  
14:20:37 43 I see?---Yeah.  
44  
14:20:40 45 So Sheedy's motivating them and someone from the States, as  
14:20:46 46 you understand it, was explaining how to encourage people  
14:20:48 47 to roll?---How to crack us. How to break us. That's the

.10/02/20

13604

[REDACTED] IN CAMERA

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

14:20:50 1 way the gaols were doing that system to us, they were  
14:20:58 2 (indistinct) our cells 11 o'clock at night.  
3  
14:21:00 4 Sorry, can you explain that?---They were kicking our cells  
14:21:01 5 - they were opening our doors, searching our cells at 11  
14:21:03 6 o'clock at night. Sugar all over the place, when they were  
14:21:07 7 searching our cells. They do that during the day or 5 or 6  
14:21:12 8 o'clock at night, they don't do it at 11 o'clock at night,  
9 but they were doing it to us.  
10  
14:21:14 11 Yes, I see. She has a meeting with the handlers, moving on  
14:21:22 12 a little bit, and I'm not taking you through all of this,  
13 as I say. But on PII 2006 she says, "But I can't tell  
14:21:26 14 him in the same way I wish I could tell" - she's talking  
14:21:30 15 about - "in the same way I wish I could tell PII but  
14:21:33 16 I'm even in a bigger problem with PII because Thomas is  
14:21:36 17 someone that PII can and will put in. I've got so many  
14:21:42 18 conflicts it's not funny any more". Have you heard those  
14:21:46 19 words before?---What do you mean by - I know who PII  
14:21:49 20 is.  
21  
14:21:49 22 PII, she's saying, is someone who could put you in.  
14:21:54 23 PII is someone she was acting for at that stage, do you  
14:21:57 24 understand?---Yeah. Who can her in?  
25  
14:22:02 26 I think what in fact she's saying is, "But I'm even in a  
14:22:06 27 bigger problem with PII because PII is someone that  
14:22:09 28 PII can and will put in". What's she's saying is that  
14:22:13 29 PII can you put you in, do you understand?---Yeah, but  
14:22:14 30 that - I didn't care about PII. I'd rather be done  
14:22:17 31 for PII than PII.  
32  
14:22:18 33 Yes, I understand. But in the end he did put you in for  
14:22:22 34 something, didn't he?---Yeah.  
35  
14:22:27 36 You understand that prior, in fact during this conversation  
14:22:32 37 and prior to it she'd been acting for PII for a number  
14:22:36 38 of years, do you understand that now?---Yes. Yep, yep, I  
14:22:40 39 do.  
40  
14:22:43 41 I might just skip forward a bit. The arraignment on the  
14:22:47 42 PII charge took place about a month after that in  
14:22:52 43 late PII 2006, you remember that?---Yep.  
44  
14:22:57 45 And Gobbo appeared on your behalf on that occasion, do you  
14:23:00 46 recall that?---Yes.  
47

.10/02/20

IN CAMERA

13605



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

14:23:04 1 There was a suppression order made in relation to that  
14:23:07 2 hearing, do you know that that was the case?---No, I can't  
14:23:14 3 - yeah, I understand the question but I can't recall.  
4  
14:23:16 5 But you understand that because of the sensitivity of the  
14:23:19 6 process that you were undertaking there was a desire to  
14:23:23 7 keep it out of the media for at least the meanwhile at that  
14:23:27 8 time?---Yes.  
9  
14:23:29 10 And after that, that afternoon after court Gobbo, perhaps  
14:23:34 11 despite that suppression order, is reporting the details of  
14:23:38 12 what happened to her police handlers?---Yep.  
13  
14:23:45 14 Following that arraignment she talks to her handlers and  
14:23:53 15 says to them that you need a welfare visit from Bateson to  
14:23:57 16 reassure you. Now this is on PII 2006. What  
14:24:04 17 reassurance did you need at that stage?---Because I was -  
14:24:09 18 just had enough. I wasn't going to roll. I said, "Oh  
14:24:12 19 well" - I knew it was wrong, I'd had enough.  
20  
14:24:16 21 Did Bateson come and reassure you or did you get any  
14:24:24 22 reassurance from him?---I can't recall, it's been so long.  
23  
14:24:28 24 On PII 2006 - now I understand this is a lot of  
14:24:32 25 stuff that's happening in the background that you weren't  
14:24:34 26 aware of at the time?---Yeah.  
27  
14:24:36 28 But Gobbo informs her handlers that she was going to visit  
14:24:39 29 you prior to your plea hearing, which was in the days after  
14:24:43 30 that, to reassure you. I know she didn't represent you on  
14:24:48 31 your plea but do you remember her reassuring you in the  
14:24:52 32 lead up to your plea?---Yes.  
33  
14:24:54 34 What reassurance was she giving you?---That she'd get me  
14:24:58 35 the best deal. I think it was - I can't remember the  
14:25:02 36 barrister, it was PII or something. He's at the PII  
37 PII  
38  
14:25:06 39 Was it PII ?-- PII, yes, he's at the  
14:25:13 40 PII now. She reassured that he'll get me the best  
14:25:18 41 deal. She'll make sure.  
42  
14:25:19 43 Did you understand that she was assisting in the  
14:25:21 44 preparation of your plea at that stage?---Yeah, she was  
14:25:23 45 assisting because after I got my sentence I said to her I  
14:25:27 46 don't want to appeal my sentence, I want to appeal my  
14:25:32 47 parole.

.10/02/20

13606

IN CAMERA

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

1  
14:25:32 2 All right?---She came back and said no, don't worry about  
14:25:37 3 it. You won't get it. When PII [REDACTED] says I would have got  
14:25:43 4 it, so I don't know. She told me.  
14:25:44 5  
14:25:44 6 This is after the plea?---Yeah.  
7  
14:25:45 8 Just going back to the plea. That happens on PII [REDACTED]  
14:25:48 9 2006 and, as you say, PII [REDACTED] represented you on that  
14:25:53 10 occasion?---Yes.  
11  
14:25:54 12 And what you pleaded to was counselling and procuring in  
14:26:00 13 PII [REDACTED] in that you'd PII [REDACTED] of the  
14:26:06 14 PII [REDACTED] in that PII [REDACTED]; is that right?---Yes.  
15  
14:26:09 16 That you'd PII [REDACTED]  
14:26:13 17 so that PII [REDACTED] and PII [REDACTED] would know where to find  
14:26:16 18 him?---That's right.  
19  
14:26:17 20 And that you'd agreed to assist PII [REDACTED] by providing  
14:26:23 21 an alibi at the time of the murder, which was the one we  
14:26:27 22 talked about earlier; is that right?---Yes.  
23  
14:26:29 24 The Crown accepted, and I just want to know if you have a  
14:26:33 25 recollection of this, that PII [REDACTED] was the target and that  
14:26:40 26 PII [REDACTED] was essentially - only on your plea, PII [REDACTED] was  
14:26:45 27 essentially PII [REDACTED] on that occasion?---That's  
14:26:48 28 right, yes.  
29  
14:26:52 30 You were sentenced on PII [REDACTED] 2006 by Justice  
14:26:58 31 PII [REDACTED]?---Yep.  
32  
14:26:59 33 And you got PII [REDACTED] years on the top and PII [REDACTED] on the bottom; is  
14:27:05 34 that right?---Yes.  
35  
14:27:07 36 And you - - - ?---No, no.  
37  
14:27:08 38 Go ahead?---PII [REDACTED] on top, PII [REDACTED] on the bottom.  
39  
14:27:14 40 No, I'm not sure that's right. I think it might have been  
14:27:18 41 - anyway, we can certainly look that up?---Yeah.  
42  
14:27:21 43 In any event, you got PII [REDACTED] on the bottom is - do you agree  
14:27:25 44 with that, your minimum?---Um, what you've got to  
14:27:29 45 understand - you know I had my sentence re-changed.  
46  
14:27:33 47 Yeah, go ahead?---I put in a petition of mercy. I got it.



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

1  
14:27:41 2 That was down the track from this?---Yes.  
3  
14:27:45 4 Okay?---So I can't - you'll have to check all of this. I'm  
14:27:50 5 probably giving you the dates that, when I got the petition  
14:27:53 6 of mercy, so.  
7  
14:27:55 8 No, that's all right, I understand. We can certainly check  
14:27:57 9 that?---It went straight over his head. Doesn't worry me,  
14:28:00 10 I did more than that anyway.  
11  
14:28:02 12 Yes, I understand. Just focusing on whatever the sentence  
14:28:07 13 was, how it was landed on by Justice PII or how it was  
14:28:11 14 analysed?---Yes.  
15  
14:28:13 16 What PII said in your sentencing was that your assistance,  
14:28:18 17 and I think at that stage you'd made PII statements, would  
14:28:22 18 that be about right?---Yep, yep.  
19  
14:28:25 20 Was undoubtedly important and highly relevant and wide  
14:28:28 21 ranging, you remember PII saying words to that  
14:28:32 22 effect?---Yes.  
23  
14:28:33 24 In fact Bateson gave evidence on your behalf at the plea,  
14:28:36 25 didn't he?---Yes.  
26  
14:28:37 27 What he was giving evidence to Justice PII about was the  
14:28:42 28 very significant assistance you'd given the police and that  
14:28:47 29 you were totally cooperative with the police in the  
14:28:50 30 process; is that right?---Yes.  
31  
14:28:54 32 Just in relation to the petition of mercy that you spoke  
14:28:58 33 about a moment ago?---Yes.  
34  
14:28:59 35 Were Bateson or anyone else from Purana assisting in  
14:29:03 36 relation to that petition of mercy?---Bateson wasn't, PII  
14:29:09 37 PII and PII assisted the prosecution for that  
14:29:16 38 petition of mercy with my lawyers.  
39  
14:29:18 40 Do you know when that occurred?---No, I'd be lying to you.  
14:29:22 41 All I know I did my time well over the time. It meant  
14:29:26 42 nothing because I still get extra time anyway.  
43  
14:29:32 44 Did you apply for any reward in relation to  
14:29:40 45 assisting?---That's what I got, the petition of mercy.  
46  
14:29:42 47 That was the reward, I see?---Yeah, that's why the

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

14:29:46 1 prosecution - they suggested it to PII [REDACTED]. I think it  
14:29:50 2 was Geoff - I don't know who it was, someone suggested it  
14:29:56 3 to them and they went for it, put it in and that's it.  
14:29:58 4 They did all the leg work for me.  
5  
14:30:00 6 How long after your sentencing was it?---It took - okay,  
14:30:02 7 after I finished all my trials.  
8  
14:30:04 9 Sorry, when you say all your trials, all the trials you had  
14:30:07 10 to give evidence in?---Yeah, all the murder ones.  
11  
14:30:11 12 Yes?---Right. That's when they started going for it and it  
14:30:14 13 took, I don't know, about a - just say I was supposed to  
14:30:18 14 get out today, about a year later, I got a (indistinct)  
14:30:22 15 about a year later. I did an extra PII [REDACTED] years more on  
14:30:27 16 my sentence anyway.  
17  
14:30:28 18 That wasn't further charges, that was just not getting  
14:30:31 19 parole?---No, because of who I was I wasn't going to PII [REDACTED]  
14:30:35 20 PII [REDACTED]  
21  
14:30:37 22 Sorry. No, no, we don't need to go there, I think I  
14:30:40 23 understand what you're saying?---I wasn't going to PII [REDACTED]  
14:30:45 24 PII [REDACTED] so the only way I can get out was that way there.  
25  
14:30:50 26 I see, I see. I understand what you're saying?---Do you  
14:30:51 27 understand?  
28  
14:30:54 29 Yes. Were you told about the potential of getting a  
14:30:57 30 petition of mercy up prior to you first being sentenced,  
14:31:00 31 you being sentenced by Justice PII [REDACTED]?---No, like I said,  
14:31:04 32 after I finished all my murders that's when they asked,  
14:31:06 33 they told me that they're going try the petition of mercy  
14:31:09 34 for me, after I completed all my cases.  
35  
14:31:12 36 Were you saying to them at that stage, "Look, I've done a  
14:31:16 37 pretty significant public service in giving all of this  
14:31:22 38 evidence, I want a benefit from it", or did they come up to  
14:31:24 39 you without you asking and offer that?---We basically  
14:31:26 40 worked, we worked it out together. They said something,  
14:31:28 41 then I said yes, then I just started pushing them after the  
14:31:31 42 cases.  
43  
14:31:33 44 Okay?---I think Horgan brought it up, Geoff Horgan, sorry.  
45  
14:31:39 46 With you or with your lawyers?---No, no lawyers. Geoff  
14:31:45 47 Horgan brought it up with Purana Task Force or PII [REDACTED]

.10/02/20

13609

[REDACTED] IN CAMERA



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

14:31:49 1 and brought it up with them.  
2  
14:31:50 3 Yes. This is what you were told?---Yeah, and once they  
14:31:55 4 finish, I had finished giving all the evidence, that's when  
14:31:58 5 they asked me that, "We're going to try to do this for  
14:32:01 6 you". And Geoff Horgan - and they did. They tried and  
14:32:06 7 they got it for me.  
8  
14:32:07 9 The records indicate that you spoke to Gobbo at some stage  
14:32:10 10 about a reward. Do you have a recollection of that?---Yes.  
11  
14:32:16 12 She told you to wait - were you told to wait to claim that  
14:32:23 13 reward by Gobbo?---Yes.  
14  
14:32:27 15 What did she say to you?---Well after the PII [REDACTED]  
14:32:32 16 murder, if you get a conviction you can apply for a reward.  
14:32:36 17 Wait until the five courts.  
18  
14:32:38 19 Did she say why you should wait though?---No, I can't  
14:32:42 20 recall.  
21  
14:32:46 22 The Commission's got pretty significant, extensive details  
14:32:51 23 of all the matters you gave evidence in so I'm not going to  
14:32:54 24 take you through all of them?---Yes.  
25  
14:32:56 26 In any event they were, for example, against PII [REDACTED]  
14:32:59 27 against PII [REDACTED] - well, PII [REDACTED] -  
14:33:04 28 PII [REDACTED], for example; is that right?---Yes.  
29  
14:33:09 30 You say that you worked out Gobbo's - the dual role that  
14:33:17 31 she was playing, at least to some degree, during the PII [REDACTED]  
14:33:24 32 committal for PII [REDACTED]; is that right?---Yep.  
33  
14:33:29 34 We're going to come to that in a moment. The ICRs, these  
14:33:35 35 records that the police keep, show that you were in very  
14:33:38 36 regular contact with Ms Gobbo from the time of your arrest  
14:33:44 37 until the PII [REDACTED] committal; is that right?---Yeah, the PII [REDACTED]  
14:33:49 38 or PII [REDACTED], yeah.  
39  
14:33:53 40 So PII [REDACTED] arrested on PII [REDACTED] 2007 for the PII [REDACTED]  
14:34:01 41 murder?---Yeah.  
42  
14:34:02 43 And the ICRs on that day, the police records show that what  
14:34:08 44 Gobbo told the police is that on the day of his arrest,  
14:34:13 45 PII [REDACTED] arrest for the PII [REDACTED] murder, you were asking her  
14:34:16 46 what was going on about PII [REDACTED]. Do you have a recollection  
14:34:19 47 of that?---I could have asked her.

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

1  
14:34:24 2 Yes?---Yes.  
3  
14:34:24 4 And then not long after that Gobbo herself is talking to  
14:34:30 5 PII, again this is something that she's reporting back to  
14:34:33 6 these police covertly?---Yes.  
7  
14:34:35 8 She's talking to PII PII's in custody. PII  
14:34:38 9 believes that you dumped Gobbo as a barrister well before  
14:34:45 10 you rolled. Do you understand what I'm saying  
14:34:49 11 there?---Yep, I understand 100 per cent.  
12  
14:34:54 13 Now that wasn't true, was it?---No.  
14  
14:34:56 15 She'd helped you through the process of rolling?---Yes.  
16  
14:35:00 17 The records also show that what she was saying to police is  
14:35:05 18 that you were playing that charade also, and I take that to  
14:35:09 19 mean that you were making sure that PII wouldn't find out  
14:35:17 20 that she played a role in you rolling, do you understand  
14:35:20 21 that?---That's not true.  
22  
14:35:23 23 What was - - - ?---I didn't care. She was representing - I  
14:35:27 24 didn't care if PII found out or didn't find out.  
25  
14:35:32 26 So did she ever say to you that it was important that PII  
14:35:35 27 didn't find out about her role in you assisting  
14:35:39 28 police?---No.  
29  
14:35:40 30 Did she ever discourage you from telling anyone about  
14:35:44 31 that?---No.  
32  
14:35:46 33 Did you know not to say anything about that because it  
14:35:49 34 might harm her?---Yes, I wouldn't say anything.  
35  
14:35:54 36 Right. You wouldn't say - - - ?---I wouldn't harm her.  
37  
14:35:56 38 You wouldn't say anything yourself but you weren't told by  
14:36:03 39 anyone not to say anything, is that your evidence?---No,  
14:36:05 40 that's right.  
41  
14:36:05 42 Just briefly, her visits to the prison, because we can see  
14:36:10 43 from the records that she was in regular phone and  
14:36:13 44 face-to-face contact with you. Did you notice anything  
14:36:16 45 different about the access Gobbo had to that part of the  
14:36:19 46 prison as opposed to other lawyers?---Yes, because where we  
14:36:26 47 were housed in like PII you have to give them notice.

.10/02/20

13611

IN CAMERA



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

14:36:29 1 We weren't getting notice. I'd be out in the yard and  
14:36:33 2 they'd say, "Your barrister's here". Barristers are  
14:36:37 3 supposed to give 24 hours notice to get in the place. But  
14:36:39 4 she was just coming in, which it didn't alarm me at the  
14:36:43 5 time, I was happy to see her.  
6  
14:36:47 7 She's just come in unannounced?---Yes.  
8  
14:36:50 9 Did you ever see that happening with other barristers or  
14:36:53 10 other solicitors?---No. Jim Valos had to give them notice  
14:36:56 11 when he was coming in to see me.  
12  
14:36:59 13 Might it be that Nicola Gobbo was there to see other people  
14:37:01 14 and thought she'd pay you a visit?---Other people, yes.  
14:37:04 15 She was there to see - look, from what I could understand  
14:37:05 16 from what was going on, she was coming to see, say,  
14:37:08 17 PII, right.  
18  
14:37:09 19 Yes?---And then she'd come and see me.  
20  
14:37:12 21 All right. And other people as well?---Other people as  
14:37:15 22 well. But it was no notice when we had to have notice.  
23  
14:37:20 24 What about if she was visiting PII, as you understood  
14:37:25 25 it, do you know if PII was getting 24 hours notice?---I  
14:37:28 26 know for a fact PII wasn't getting 24 hours notice  
14:37:32 27 because in the end PII in PII and  
14:37:36 28 there was no notice handed over that she was coming in.  
29  
14:37:39 30 Right. So your observation was that she was able to turn  
14:37:43 31 up when she wanted to?---That's right.  
32  
14:37:47 33 You don't know what arrangements though that she was making  
14:37:52 34 or Purana were making on her behalf I take it?---No, I  
14:37:56 35 don't.  
36  
14:37:56 37 In your statement at paragraph 44 you say that at some  
14:37:59 38 point you'd had enough of being a Crown witness and you  
14:38:02 39 were sick of the way you were being treated, "They didn't  
14:38:05 40 want me knocked so I was being held in conditions in  
14:38:08 41 custody which I found difficult. I told Gobbo that I had  
14:38:11 42 had enough and that I wanted to go back to court to get  
14:38:15 43 resentenced. She said no, she convinced me to keep going".  
14:38:19 44 Was that the situation?---Yes.  
45  
14:38:23 46 On PII 2007 there's one of these internal police  
14:38:30 47 documents, an ICRs, which records her conversation with

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

14:38:33 1 police. She says to them that she's spoken to you that  
14:38:37 2 day - no, sorry, I take that back. She says she's heard  
14:38:42 3 that "PII [REDACTED] is really down and is seriously contemplating  
14:38:45 4 telling Purana to get fucked". Was that your state of mind  
14:38:50 5 at some stage prior to giving evidence against PII [REDACTED]  
14:38:54 6 PII [REDACTED]?---Yes.  
7  
14:38:54 8 For the PII [REDACTED] matter?---Yes.  
9  
14:38:56 10 Did you talk to her about that on occasion?---What do you  
14:39:00 11 mean by - - -  
12  
14:39:00 13 About you being down and thinking about withdrawing your  
14:39:04 14 assistance?---Yeah, because she - Gobbo knew that once I  
14:39:07 15 made up my mind I wanted to withdraw it was done. I stick  
14:39:12 16 to it and that was it. It was pointless, what I did was  
14:39:16 17 pointless. I wasn't - I was housed like an animal. The way  
18 they had us was a (indistinct).  
19  
14:39:30 20 You understood though that if you were to do so before  
14:39:33 21 you'd given evidence in all the matters that you'd  
14:39:38 22 undertaken to you'd have to go back and be  
14:39:41 23 resented?---Yes, I knew that.  
14:39:41 24  
14:39:41 25 And despite that, that was something you were giving  
14:39:45 26 serious consideration to?---Yes.  
27  
14:39:47 28 At this stage the note says, "Asked why". Gobbo says, "She  
14:39:53 29 thinks it has something to do with PII [REDACTED] sentencing  
14:39:56 30 next week". Do you remember your frame of mind a week  
31 prior to PII [REDACTED] being sentenced for the PII [REDACTED]  
14:39:59 32 PII [REDACTED]?---No, I don't remember that. It could be, but I  
14:40:02 33 don't remember.  
34  
14:40:02 35 Do you remember there being, PII [REDACTED] being concerned  
14:40:07 36 about the amount that would be taken from PII [REDACTED] and saying  
14:40:12 37 that was unfair in comparison with other people who'd been  
14:40:16 38 through the same sort of proceeding?---Well, I can't answer  
14:40:21 39 that because all I know - I forced PII [REDACTED] into something that  
14:40:27 40 PII [REDACTED] still thinks till today - I think PII [REDACTED] still thinks that  
14:40:29 41 PII [REDACTED] innocent. PII [REDACTED] didn't know what I did with the money,  
14:40:34 42 so PII [REDACTED] was blinded to all that. I made PII [REDACTED] plead guilty to  
14:40:36 43 something I shouldn't have. But anyway, it is what it is.  
14:40:39 44 I don't know, I don't recall that.  
45  
14:40:41 46 She goes on - - - ?---I do know she argued with me that why  
14:40:46 47 should PII [REDACTED] pay the fine when she didn't know nothing about

.10/02/20

13613

[REDACTED] IN CAMERA



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

14:40:51 1 it.  
2  
14:40:51 3 PII [REDACTED] did or Gobbo did on her behalf?---No, PII [REDACTED] said to  
14:40:54 4 me and Gobbo said to PII [REDACTED] Just [REDACTED] and it's all  
14:40:58 5 over.  
6  
14:41:00 7 I see. What she went on to say is that she thinks that you  
14:41:06 8 need Purana to visit you to put you straight otherwise  
14:41:09 9 you're going to give it all in. Were you considering  
14:41:12 10 giving it all in at that stage?---Yes, yeah.  
11  
14:41:15 12 I take it Gobbo didn't say to you that she was going to  
14:41:20 13 encourage Victoria Police to send someone out to keep you  
14:41:23 14 on track?---No, no. Ms Gobbo never - if I never had Gobbo  
14:41:27 15 I wouldn't have been pleading guilty.  
16  
14:41:29 17 The handlers passed that information on to the Purana Task  
14:41:34 18 Force. Do you remember anyone from Purana coming out in  
14:41:37 19 the days prior to the PII [REDACTED] committal for the PII [REDACTED]  
14:41:42 20 matter?---They could have but I can't recall if it was  
14:41:45 21 about the - what conversation.  
22  
14:41:55 23 It's clear from records the Commission's got that  
14:41:58 24 throughout this period Ms Gobbo was acting on PII [REDACTED]'s  
14:42:04 25 behalf, attending court and giving him advice and that sort  
14:42:09 26 of thing. Is that something that was known to you at the  
14:42:11 27 time?---No, I found out later.  
28  
14:42:19 29 You then gave evidence in the PII [REDACTED] committal in PII [REDACTED] 2008  
14:42:25 30 from a remote location, correct?---That's right.  
31  
14:42:30 32 Then there was a trial which you also gave evidence, I  
14:42:35 33 think it was quite a long trial, in PII [REDACTED] 2009  
14:42:39 34 and he was found guilty following that before Justice  
14:42:41 35 PII [REDACTED]?---Yes.  
36  
14:42:46 37 What that judge said in sentencing him was that the case  
14:42:49 38 against PII [REDACTED] depended heavily on the evidence of  
14:42:54 39 PII [REDACTED], a PII [REDACTED] and PII [REDACTED].  
14:42:58 40 Were you in the witness box for a significant period of  
14:43:01 41 time in the murder trial?---Yes.  
42  
14:43:03 43 And you understood that your evidence was very significant,  
14:43:07 44 the very significant evidence against PII [REDACTED]?---Yes.  
45  
14:43:11 46 Now recently you'd have heard that PII [REDACTED] was released  
14:43:14 47 from custody prior to serving his time, did you know

.10/02/20

13614

[REDACTED] IN CAMERA

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

14:43:18 1 that?---Yes.  
2  
14:43:19 3 The basis on which he was released was that the DPP,  
14:43:27 4 essentially based on that extract that I took you to a  
14:43:30 5 moment ago where Gobbo, who was representing PII [REDACTED], had  
14:43:34 6 said to the police that they needed essentially to go out  
14:43:38 7 to prison and keep you on track, is that something you've  
14:43:41 8 understood prior to today?---Say that again, please?  
14:43:45 9 Sorry.  
10  
14:43:45 11 So the reason his matter - so he was appealing, saying that  
14:43:49 12 his case had been affected by this relationship between  
14:43:52 13 Nicola Gobbo and Victoria Police, you understand  
14:43:55 14 that?---Yes.  
15  
14:43:56 16 And what happened is in the end the appeal didn't need to  
14:43:59 17 proceed because the Director of Public Prosecutions  
14:44:02 18 conceded the appeal, essentially saying there doesn't need  
14:44:05 19 to be an appeal because we're conceding that this case was  
14:44:09 20 affected, do you understand that?---Yes.  
21  
14:44:11 22 And the reason that it was conceded that the case was  
14:44:14 23 affected was because of what Nicola Gobbo and Victoria  
14:44:18 24 Police were up to in that she was reporting back to the  
14:44:21 25 police that you needed to be kept on track by Victoria  
14:44:26 26 Police, did you understand your role in that being  
14:44:29 27 conceded?---Yes.  
28  
14:44:30 29 Yes, okay. You say in your statement that the penny drop  
14:44:43 30 moment, I think as you call it, was during PII [REDACTED]'s  
14:44:48 31 committals; is that right?---Yes, committal or trial but it  
14:44:53 32 was when PII [REDACTED] was representing him, yes.  
33  
14:44:59 34 You have a recollection of saying something like, "Why  
14:45:03 35 don't you ask Nicola"?---Yes.  
36  
14:45:05 37 Because there was something that you were being  
14:45:08 38 cross-examined that the only person who could possibly know  
14:45:11 39 was Nicola Gobbo; is that right?---That's right.  
40  
14:45:13 41 I've had a look through the transcripts. I think I might  
14:45:16 42 be able to identify it, if you can bring up  
14:45:21 43 OPP.0002.0008.0016. This is the PII [REDACTED] committal and  
14:45:27 44 this is at p.0052. That's just coming up now, it won't  
14:45:42 45 take a moment. The reason I'm bringing this to your  
14:45:50 46 attention is it doesn't appear that you use Ms Gobbo's name  
14:45:54 47 but you'll see at lines - so it's 0052. This is PII [REDACTED]

.10/02/20

13615

[REDACTED] IN CAMERA



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

14:46:15 1 2008.  
2  
14:46:16 3 COMMISSIONER: PII [REDACTED] 09, PII [REDACTED] 09 is the date on  
14:46:21 4 the - - -  
5  
14:46:22 6 MR WOODS: Sorry, so it is. You're being pressed by  
14:46:30 7 PII [REDACTED] in relation to something there, in relation to  
14:46:34 8 whether or not you're going to appeal, and he says, "Have  
14:46:38 9 you thought about appealing?" You say, "No, not really".  
14:46:42 10 This is line 9 on the left-hand side. "No, not really  
14:46:44 11 because I could get more". He says, "Have you discussed  
14:46:47 12 your appeal with anyone?" You say, "I spoke, my solicitor  
14:46:50 13 come and saw me once". He says, "Yes. Jim Valos, to  
14:46:54 14 discuss it with me, but then he started pushing me so I  
14:46:58 15 sacked him". Mr Horgan says, "I think these might be  
14:47:02 16 privilege matters". Then you say, "No, I could tell him, I  
14:47:05 17 can tell them, Mr Horgan, that's all right. He's already  
14:47:11 18 got that information". I might be wrong - is this where  
14:47:14 19 you're suspicious where the information came from or is it  
14:47:17 20 somewhere else?---Yes, because Gobbo was hassling.  
21  
14:47:20 22 Gobbo was hassling you?---Yeah, not to do it.  
23  
14:47:25 24 What about Valos' role here?---Valos' role, he come and saw  
14:47:31 25 me. I don't think that's the conversation. I don't think  
14:47:33 26 that's it.  
27  
14:47:34 28 What is the issue?---There was something said, right, and  
14:47:39 29 PII [REDACTED] said it to me and the only person that knew I said  
14:47:43 30 to him, "Why don't you ask Gobbo?" There's got to be where  
14:47:48 31 I said, "Ask Gobbo", or ask the person that you - no, I  
14:47:51 32 said Gobbo, I'm pretty sure I said Gobbo.  
33  
14:47:54 34 Do you remember what the actual issue was that only Gobbo  
14:47:56 35 would have known?---No, it was that long ago. No, it was a  
14:48:00 36 fair while back. I can't remember that.  
37  
14:48:01 38 You're confident that that was - - - ?---Yes.  
39  
14:48:04 40 - - - when you suddenly realised that she wasn't acting in  
14:48:07 41 your best interests?---Yes. That's when I realised she was  
14:48:10 42 working for the other side.  
43  
14:48:11 44 Perhaps working for the other side. That wouldn't  
14:48:14 45 necessarily indicate that she was working for the police  
14:48:21 46 though, would it?---The question that PII [REDACTED] asked me,  
14:48:23 47 right.

.10/02/20

13616

[REDACTED] IN CAMERA

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

1  
14:48:24 2 Yes?---Heard it from the coppers and from him. It was  
14:48:31 3 something the coppers - it was a question that came - the  
14:48:32 4 coppers did ask me once and that's when I realised when  
14:48:36 5 PII answered the question, that's when I knew that she  
14:48:39 6 was working with the jacks.  
7  
14:48:42 8 You say you ended the relationship with her quite quickly  
14:48:46 9 after that?---Yes, could have been a month - I did it nice  
14:48:53 10 and calm because I still owed [REDACTED].  
11  
14:48:58 12 You say at paragraph 56, "As stated above, all contact came  
14:49:03 13 to an end after certain questions were asked by PII [REDACTED]  
14:49:06 14 PII. She came to visit me after the hearing. It was the  
14:49:10 15 first time I'd seen her since the hearing". You were in a  
14:49:13 16 particular unit. You told her words to the effect, "I  
14:49:16 17 can't prove it, but I'm convinced you're working with the  
14:49:19 18 cops. Don't come and visit me any more"?---Yes.  
19  
14:49:22 20 What did Gobbo say in response to you saying those words to  
14:49:25 21 her?---Gobbo was convinced, Gobbo was pretty cocky because  
14:49:29 22 Gobbo knew after I rolled I had no power to destroy her.  
14:49:35 23 So she was a bit cocky. She goes, "No way, no way, no  
14:49:39 24 way". She tried to convince me that she wasn't but she had  
14:49:43 25 a smirk on her face because she knew I didn't have the  
14:49:47 26 power to put her away, it was all over.  
27  
14:49:49 28 Did you ever speak to her again?---No. Not that I can  
14:49:54 29 recall. If she tried to come in and see me, or whatever,  
14:49:59 30 maybe, but no. I was very angry at her because the smirk  
14:50:02 31 on her face, I will never forget it.  
32  
14:50:05 33 You've - sorry, go ahead?---I said to her, I said to Gobbo,  
14:50:08 34 this is what I said to her, I'm going to say as it is, I  
14:50:13 35 said, "Gobbo, at the end of the day what I did, I'll end up  
14:50:18 36 dying with a bullet, right, and if it's true about you,  
14:50:20 37 they'll find us. Eventually we'll all end up with a  
14:50:24 38 bullet". Because at the end of the day the underworld will  
14:50:27 39 find us all. It doesn't matter what they do. We can be as  
14:50:29 40 cautious as what we want, and I let her know, if it is true  
14:50:33 41 remember for the rest of my life, and I said it in court,  
14:50:33 42 I've got a target on me back and if it is true that you're  
14:50:37 43 working with the coppers, they'll be a target on your back.  
14:50:40 44 They'll find you eventually and they'll find me.  
45  
14:50:44 46 She simply denied it but you say with a smile; is that  
14:50:47 47 right?---A smirk.

.10/02/20

13617

[REDACTED] IN CAMERA



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

1  
14:50:48 2 A smirk?---Gobbo was always serious but she had a sort of  
14:50:50 3 smirk. But I don't - it is what it is.  
4  
14:50:54 5 This was an occasion where your memory is you actually  
14:51:02 6 spoke about it being Gobbo?---Yes.  
7  
14:51:04 8 Were you ever spoken to about claiming privilege if you  
14:51:08 9 were ever asked a question that would lead to you  
14:51:10 10 identifying her or her role in - - - ?---Yes.  
11  
14:51:14 12 - - - you rolling?---When I rolled I was taken, okay, when  
14:51:18 13 I rolled the [REDACTED] I was taken to a location. The  
14:51:23 14 location I found out later by the police in making  
14:51:26 15 mistakes, which I'm not going to say where it was. Then  
14:51:31 16 they took me to another - I was still at the same location  
14:51:33 17 that I found but they made sure that I wouldn't tell  
14:51:39 18 anyone, like when I speak to family, and I said, "Yep, no  
14:51:39 19 dramas". They took me to another police station where  
14:51:42 20 Gobbo met me to read the PII [REDACTED]'s murder case, and  
14:51:49 21 that's when she said, "When you're making statements you  
14:51:53 22 leave me out of it". I said, yep, no dramas, because she  
14:51:56 23 was the only one I could trust to represent me.  
24  
14:52:00 25 What about in the witness box, were you ever told not to  
14:52:04 26 mention her when you were actually giving oral  
14:52:06 27 evidence?---I was told never to tell Nicola Gobbo about my  
14:52:06 28 other statements. The only statement that Nicola Gobbo  
14:52:08 29 knew about was the PII [REDACTED], the one PII [REDACTED]. And  
14:52:10 30 all the others - Nicola Gobbo knew that I knew knowledge of  
14:52:14 31 it but never the details of it.  
32  
14:52:17 33 Okay. You talk about a retainer that you paid to Gobbo,  
14:52:27 34 and this is paragraph 18 of your statement?---Yes.  
35  
14:52:33 36 You say, "Gobbo was paid a regular retainer by me, whether  
14:52:37 37 or not I was facing any criminal charges. Payments were  
14:52:42 38 always in cash and made on a monthly basis. The amounts  
14:52:45 39 varied from 10,000 to 30,000 a month"?---Hang on, stop  
14:52:48 40 there. I paid 10 and 15, but some months it was 30 because  
14:52:52 41 I had PII [REDACTED] getting caught, so I had to pay their  
14:52:55 42 costs.  
43  
14:52:55 44 Okay. Some months it was 30, some months it was 15, some  
14:53:00 45 months it was 10?---Okay, my retainer was no more than 150  
14:53:02 46 a year approximately.  
47

.10/02/20

[REDACTED] IN CAMERA

13618



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

14:53:03 1 How did you agree on that figure?---Because that's  
14:53:05 2 something I said, "Will 10, 15 cover you?" If I know she's  
14:53:10 3 done, giving me more information for the month, or she's  
14:53:14 4 done more work for me, I'll always give her five grand  
14:53:19 5 more.  
6  
14:53:19 7 I just want to pause there. How did the retainer come  
14:53:21 8 about?---That's what I said I discussed with her that I'll  
14:53:23 9 give her.  
10  
14:53:23 11 When did you talk to her about it?---Early days when I  
14:53:27 12 first met her. I go, "Would you be happy with 10 to 15?"  
14:53:32 13 That's what PII used to do so with others so I did the  
14:53:35 14 same.  
15  
14:53:35 16 Who told you that PII and others used to pay Nicola Gobbo  
14:53:39 17 a retainer?---I've seen it. I've delivered money to her.  
18  
14:53:42 19 You had delivered money to her on behalf of Tony or  
14:53:44 20 others?---I did it for other lawyers, for Tony.  
21  
14:53:47 22 Is this for their legal fees for representing those  
14:53:51 23 individuals?---Yes, some were legal fees and some were for  
14:53:58 24 reasons that PII always paid.  
25  
14:54:01 26 I want to just zero in on Nicola Gobbo?---Yes.  
27  
14:54:06 28 Were you aware of PII paying her a retainer for  
14:54:09 29 anything other than just legal services?---I know that Tony  
14:54:16 30 was paying her money just for, per annum, for nothing.  
14:54:18 31 Sometimes services, sometimes for nothing. Just to keep  
14:54:20 32 her on board.  
33  
14:54:22 34 The reason I'm asking, you talk about her providing you -  
14:54:26 35 well the reason you would give her the money is so that - -  
14:54:30 36 - ?---She gave me information on other people.  
37  
14:54:32 38 Yes, information on other people, rather than legal  
14:54:35 39 representation. What I want to understand is did the 10  
14:54:39 40 grand or the 150 for you per annum, is it your evidence  
14:54:43 41 that that was for legal representation and information or  
14:54:48 42 was it just for information?---It was - I had her on call -  
14:54:52 43 this is the deal we made: 10 to 15,000 on call, I could  
14:54:57 44 ring her up 3 o'clock, 4 o'clock in the morning and she'll  
14:55:00 45 be there for me, and which she was. And whatever  
14:55:02 46 information she gave me about the police, right, for some  
14:55:04 47 reason she used to say to me, "I'm still at the pub, blah,

.10/02/20

13619

PII IN CAMERA

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

14:55:08 1           blah, blah, this copper says that PII [REDACTED], he got  
14:55:11 2           busted with - PII [REDACTED] handing over a PII [REDACTED]  
14:55:17 3           PII [REDACTED]". Stuff like that, she used to always come up with  
14:55:18 4           them. Now that I think about it, now I know where she was  
14:55:21 5           getting it. She used to give me enough evidence to keep me  
14:55:24 6           trusting her. As it turns out, she was getting bits off  
14:55:29 7           the coppers and handing it over to me to keep me even more  
14:55:33 8           closer to her, because Nicola needed me for the murders.  
14:55:39 9           She wasn't really worried about PII [REDACTED], she knew I knew  
14:55:39 10          about the murders more than PII [REDACTED]. Everyone says that PII [REDACTED]  
14:55:42 11          was involved in the murders. Gobbo knew PII [REDACTED] was involved  
14:55:45 12          in the murders. I knew all about it and I was involved in  
14:55:51 13          some of them, yes.

14           14  
14:55:51 15          Did you say Gobbo knew that PII [REDACTED] wasn't involved in the  
14:55:53 16          murders or was involved?---Yeah, she knew that I was  
14:55:54 17          going - me and PII [REDACTED] told me everything about the  
14:55:56 18          murders and then towards the end when I had PII [REDACTED] that's  
14:56:00 19          when I started to walk away. She knew, yeah. She was on a  
14:56:03 20          retainer. With me, 100 per cent.

21  
14:56:07 22          How did she pay the money to you, was it a lump sum per  
14:56:15 23          annum or was it in small amounts?---I paid her every  
14:56:19 24          month.

25  
14:56:19 26          How did you get the money to her?---I went up to her and  
14:56:21 27          gave it to her. I paid all my lawyers cash, bar Valos.

28  
14:56:26 29          Presumably it will be said on Ms Gobbo's behalf that any  
14:56:31 30          money that was paid to you was simply for legal  
14:56:35 31          representation for her to represent you and not for her  
14:56:41 32          providing you information, what do you say about that?---I  
14:56:45 33          can guarantee you Gobbo won't incriminate herself, she's a  
14:56:49 34          lawyer. You work it out. I'm sure there's more than one  
14:56:53 35          person who can say that she worked, gave them information.

36  
14:56:56 37          Did you ever pay money for legal fees, to her this is,  
14:57:01 38          through Jim Valos or to her clerk?---Jim Valos always got  
14:57:07 39          paid cheques. I paid Jim Valos what he wanted and what he  
40          did with it was his business, but Gobbo always got cash off  
14:57:17 41          me.

14:57:17 42  
14:57:17 43          The situation wasn't that Valos was to pay Gobbo  
14:57:21 44          separately?---Not that I know of. If they say that - I  
14:57:21 45          doubt it because I was still paying Gobbo cash. That  
14:57:26 46          wasn't the case. The deal was I pay her 10 to 15 a month.  
14:57:31 47          If she gave me good information I'd pay her 15, if it was



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

14:57:35 1 just - she gets a retainer of 10 and that was it.  
2  
14:57:38 3 All right. You were asked as to your knowledge about any  
14:57:43 4 unethical behaviour by Gobbo and you list a number of  
14:57:48 5 things that you say you recall at paragraph 59, do you see  
14:57:53 6 that?---Um, I'll get it now. Yep.  
7  
14:58:17 8 Now the first of those, I don't want you to talk about  
14:58:17 9 specific occasions but you talk about amphetamine use at  
14:58:17 10 casual gatherings, do you see that?---Yep.  
14:58:17 11  
14:58:17 12 Did you see that once or more than once?---Well I heard it  
14:58:21 13 and I'd seen it.  
14:58:22 14  
14:58:22 15 I don't want you to talk about the actual occasion?---I've  
14:58:25 16 seen it, that's it, yes.  
14:58:26 17  
14:58:27 18 Once or more than once?---Once, and heard it more than  
14:58:30 19 once.  
14:58:31 20  
14:58:31 21 Okay. All right. Without talking about when that occasion  
14:58:35 22 was, what did you see?---Speed under the table, [REDACTED].  
14:58:44 23  
14:58:45 24 [REDACTED] were using the same speed?---No, I [REDACTED]  
14:58:49 25 [REDACTED] she wanted speed. I cut it up on the plate and  
26 she snorted it.  
27  
14:58:55 28 Okay?---And there were people there. Get her to deny that  
14:58:57 29 one.  
14:58:58 30  
14:59:00 31 You say that, "She was knowingly dealing with proceeds of  
14:59:03 32 crime by acceptance of cash from me" and I take it that's  
14:59:07 33 what you just said a moment ago in your evidence about the  
14:59:09 34 retainer?---Yes. She knew exactly where my money was  
14:59:15 35 coming from.  
14:59:15 36  
14:59:16 37 You say, "Knowledge of the PII [REDACTED] alibi", that was  
14:59:21 38 after the event on your evidence, is that right?---Yes.  
14:59:22 39  
14:59:23 40 Tip-offs and conduct in relation to that person who's  
14:59:26 41 listed there and PII [REDACTED], do you see that?---Yep.  
14:59:30 42  
14:59:30 43 And that was part of the retainer, is that right, or is  
14:59:34 44 that a different time?---Yes. No. What you got to  
14:59:39 45 understand, whatever information she gave me was always  
14:59:43 46 part of the retainer. The retainer was ten grand, but she  
14:59:48 47 always got an extra, sometimes it was 12,000, sometimes it



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

14:59:53 1 was PII It depends on the information she gave me and who  
14:59:56 2 she looked after if her clients got busted.  
14:59:56 3  
14:59:57 4 The PII alibi we were talking about earlier and  
15:00:00 5 touched on just a moment ago?---She knew exactly  
15:00:02 6 afterwards.  
15:00:03 7  
15:00:03 8 You say in your statement and you've said in your evidence  
15:00:05 9 to the Commission today that she worked it out  
15:00:08 10 afterwards?---Yes.  
15:00:09 11  
15:00:09 12 That day and rang you and identified that she'd been used  
15:00:12 13 as an alibi, was that the situation?---Yeah, yeah. The way  
15:00:15 14 she said it, I knew what she was saying. I just laughed at  
15:00:19 15 her.  
15:00:19 16  
15:00:19 17 Did she express concern to you that she had been used as an  
15:00:24 18 alibi?---No, because I'd used her once before and she knew.  
15:00:28 19  
15:00:28 20 Moving on. Her conduct when representing - sorry,  
15:00:34 21 "Providing me with information she'd obtained from her  
15:00:36 22 other clients" you identify there and that's another thing  
15:00:41 23 that you say occurred?---Yeah.  
15:00:43 24  
15:00:47 25 It might be a bit difficult without you knowing all the  
15:00:50 26 pseudonyms but was PII one of them?---Yes.  
15:00:55 27  
15:00:55 28 PII?---Yes.  
15:00:58 29  
15:01:00 30 And others who were as you or - firstly,  
15:01:04 31 others in the same unit?---Yeah, there was another name  
15:01:08 32 there, PII  
15:01:11 33  
15:01:11 34 PII?---Yeah, that's it, that's how I'll put it.  
15:01:14 35  
15:01:15 36 PII or PII? I think PII was  
15:01:19 37 PII in some matters?---You say PII, people  
15:01:23 38 work it out. You say PII there's a few of them,  
15:01:26 39 you know what I'm talking about.  
15:01:28 40  
15:01:28 41 He had a PII who wasn't PII and he had a  
15:01:33 42 PII that was PII?---Yes, PII. Don't  
15:01:36 43 forget he had PII too. I don't know. I can  
15:01:41 44 contradict that.  
15:01:41 45  
15:01:41 46 Finally you say, "Her conduct in representing me, in  
15:01:46 47 particular pressuring and persuading me to plead guilty and

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

15:01:48 1 give evidence, persuading me to sign my statement about the  
15:01:51 2 PII [REDACTED] murders with the incorrect information in  
15:01:55 3 it"---Yes.

15:01:56 4  
15:01:56 5 "And other advice as detailed above", what was the  
15:01:59 6 incorrect information?---Now, I had - that's it, let's get  
15:02:02 7 something straight. I PII [REDACTED]

15:02:04 8  
15:02:04 9 Yes?---Right. Why would I kick up a stink - this is where  
15:02:08 10 I was going. PII [REDACTED] says, when PII [REDACTED], I had to go and  
15:02:19 11 see PII [REDACTED], I went to see PII [REDACTED], PII [REDACTED] was  
15:02:23 12 there and PII [REDACTED] was there. Right. The deal - I said to  
15:02:25 13 PII [REDACTED], "I'll find out where he is, but then this has got to  
15:02:30 14 stop". Sweet. So I found out where PII [REDACTED] was, I let  
15:02:34 15 him know, right. The week after PII [REDACTED] and PII [REDACTED] went  
15:02:38 16 there to stake out PII [REDACTED] because it was never  
15:02:41 17 supposed to happen there, supposed to see where he goes and  
15:02:44 18 then take care of him. Not in PII [REDACTED]. In their  
15:02:50 19 statement PII [REDACTED] said that I was there the week before  
15:02:53 20 with them, right.

15:02:57 21  
15:02:57 22 Yes, I understand?---I argued - do you understand what I'm  
15:03:00 23 saying?

15:03:01 24  
15:03:01 25 Yes?---I argued with Nicola, I said, "Why should I sign  
15:03:06 26 this statement when that is wrong? I wasn't there the week  
15:03:10 27 before planning the job with them. The deal was I give  
15:03:14 28 them the details, I give them PII [REDACTED], that is it. I don't  
15:03:17 29 care, you can supply the alibi. It doesn't worry me. I'm  
15:03:17 30 not going to go there and help them plan it".

15:03:17 31  
15:03:21 32 Yes?---Right. She's going, "Well at the end of the day  
15:03:23 33 you're PII [REDACTED], just cop it and sign it". I argued  
15:03:27 34 with her over that.

15:03:28 35  
15:03:28 36 Did you take her advice as to what, as to whether or not -  
15:03:30 37 - ?---We argued, we argued. Whatever location I was, we  
15:03:33 38 argued about it. I said but I'll tell you straight, as it  
15:03:37 39 is. I said, "PII [REDACTED]'s made up that story", I'm getting  
15:03:43 40 angry because this is what happened when I argued with him.  
15:03:46 41 PII [REDACTED]'s made up that story, PII [REDACTED] had to follow  
15:03:51 42 PII [REDACTED] why didn't I follow PII [REDACTED], right. I could have  
15:03:54 43 followed him and then there was no headaches, but no, I  
15:03:58 44 PII [REDACTED] so why would I argue that point. She's saying  
15:04:01 45 to me, "Just sign it and it will go away" and I ended up  
15:04:05 46 doing it. I signed something I shouldn't have signed.

15:04:08 47

.10/02/20

[REDACTED] IN CAMERA

13623



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

15:04:08 1 In fact what you have said on previous occasions is that  
15:04:12 2 you'd specifically said to those individuals, "Not in PII  
15:04:14 3 PII", is that right?---That's right.  
15:04:16 4  
15:04:17 5 So you say on her advice you signed that statement with  
15:04:22 6 that incorrect information in it?---Yes, if she wanted me  
15:04:26 7 to follow suit on PII and PII. Because it makes -  
15:04:30 8 "if we go to court" - "if we go to court", she was waffling  
15:04:33 9 on, "If we go to court, PII's story, PII story,  
15:04:38 10 and then you've changed your story, you can see what could  
15:04:42 11 happen, put doubt in the jury. Just sign it", and that was  
15:04:46 12 it. I signed it and I never agreed to it. I didn't want  
15:04:48 13 to sign it, and she knew that I was angry about that.  
15:04:51 14  
15:04:52 15 But it was described to you as part of the deal, was  
15:04:56 16 it?---Yeah.  
15:04:56 17  
15:04:57 18 Ms Gobbo has given evidence to the Royal Commission, you  
15:05:01 19 understand that?---Yep.  
15:05:02 20  
15:05:03 21 And she's described what you say about PII as  
15:05:09 22 unmitigated rubbish?---She's not going to incriminate  
15:05:16 23 herself, she's a lawyer, she's a barrister. She's very  
15:05:19 24 smart. I'll tell you what we'll do. Tell her to go on a  
15:05:22 25 lie detector, put both of us.  
15:05:25 26  
15:05:25 27 I'm not sure we'll have time for that, unfortunately but -  
15:05:29 28 - - ?---I'm more than happy to do it I can guarantee you.  
15:05:33 29 She won't. She'd just an ego (indistinct).  
15:05:33 30  
15:05:33 31 And she says that she never knew about the alibi regarding  
15:05:38 32 PII and the phone call that happened after  
15:05:42 33 that?---She'd say anything.  
15:05:44 34  
15:05:44 35 She says that she didn't advise you to sign statements that  
15:05:48 36 she herself - her view was that you were prepared to do  
15:05:52 37 that without her advice?---That's not true.  
15:05:56 38  
15:05:56 39 She says she possibly gave you advice that it was in your  
15:06:00 40 best interest to PII but it was only once you'd reached  
15:06:03 41 that point yourself?---No, joking.  
15:06:07 42  
15:06:08 43 Sorry? Do you understand what she's saying there though,  
15:06:10 44 that it was only after?---Yeah.  
15:06:12 45  
15:06:12 46 What do you say?---It's not true.  
15:06:15 47

.10/02/20

13624

IN CAMERA



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

15:06:15 1 Now, just finally, you were, when you were in the process  
15:06:22 2 of trying to work out who should advise you on the process  
15:06:28 3 of assisting police in PII [REDACTED], from the transcript  
15:06:31 4 we've taken you through you were clearly looking for  
15:06:35 5 someone independent of the police, is that right?---That's  
15:06:38 6 right.

15:06:38 7  
15:06:39 8 And were you looking for someone that you could  
15:06:42 9 trust?---Yes.

15:06:42 10  
15:06:43 11 And is it correct that what the gentleman in the room with  
15:06:47 12 you, Mr Bateson and Mr O'Brien, led you to believe was that  
15:06:50 13 Gobbo was both honest and independent?---Yes.

15:06:54 14  
15:06:55 15 And would you have used Nicola Gobbo had you not been told  
15:07:01 16 that she was - well, I withdraw that. Would you have used  
15:07:05 17 Gobbo if you'd known that she was assisting police in any  
15:07:08 18 manner whatsoever?---No.

15:07:10 19  
15:07:10 20 At any stage prior to her advising you?---No. No, what you  
15:07:13 21 got to understand is once I did work out she was working  
15:07:17 22 for the police, I asked Geoff Horgan to recommend me a  
15:07:21 23 lawyer and he did.

15:07:22 24  
15:07:22 25 And that was after the Lawyer X articles or after - -  
15:07:28 26 -?---No, well before.

15:07:29 27  
15:07:30 28 Or the High Court?---Well before it. Well before when I  
15:07:36 29 realised that she - I was 100 per cent certain she was  
15:07:38 30 working for the police. I asked PII [REDACTED] to ask Geoff  
15:07:42 31 Horgan to get me a lawyer and he recommended a lawyer for  
15:07:45 32 me.

15:07:45 33  
15:07:45 34 Who did he recommend?---PII [REDACTED].

15:07:48 35  
15:07:49 36 Was that around the time that the exchange took place with  
15:07:52 37 PII [REDACTED] in the PII [REDACTED] committal?---Could have been - - -

15:07:57 38  
15:07:57 39 You say that was the moment you worked out that she wasn't  
15:08:01 40 on your side?---Yeah, I worked out, yeah, yeah, because you  
15:08:03 41 got to remember, 2006 PII [REDACTED] was going around saying  
15:08:07 42 that she was a registered police informant. So it could  
15:08:11 43 have been when I heard PII [REDACTED] - it was when I - I heard about  
15:08:14 44 PII [REDACTED] but then when I heard what happened in court that's  
15:08:17 45 when I gave her the flick and I asked - - -

15:08:20 46  
15:08:20 47 So you spoke to Horgan and you were asking for Horgan, you

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

15:08:24 1 had already been sentenced at this stage?---Yeah, yeah, I'd  
15:08:29 2 been sentenced.  
15:08:29 3  
15:08:30 4 What did you need a lawyer for at that stage?---Because  
15:08:32 5 every time I was going to court about, like there's certain  
15:08:35 6 questions they asked me, right, if I was going to  
15:08:38 7 incriminate myself so I had to check with my lawyers.  
8  
15:08:42 9 I see?---Instead of using Gobbo, she just kept going,  
15:08:45 10 "You're sweet, you're sweet" and I didn't have any trust  
15:08:48 11 for her anymore so I got rid of her. I need another  
15:08:49 12 lawyer, I needed - I had an issue, if they hadn't given me  
15:08:52 13 [REDACTED] then I had to speak to a lawyer.  
15:08:55 14  
15:08:56 15 Thanks PII [REDACTED], I don't have any other questions?---Thank  
15:08:59 16 you.  
15:08:59 17  
15:08:59 18 COMMISSIONER: How long will your cross-examination be?  
15:09:03 19  
15:09:03 20 MR NATHWANI: I'll be about an hour.  
15:09:04 21  
15:09:04 22 COMMISSIONER: Right. Mr Holt?  
15:09:05 23  
15:09:05 24 MR HOLT: Only a few minutes, Commissioner, if anything.  
15:09:08 25  
15:09:09 26 COMMISSIONER: Does anyone else want to cross-examine? I  
15:09:14 27 wouldn't expect so. All right then. We might just have a  
15:09:16 28 ten minute break at this point before you start  
15:09:19 29 cross-examining, we've been going close to two hours.  
30  
15:09:23 31 We'll just have a ten minute break, PII [REDACTED]?---Thank  
15:09:26 32 you.  
15:09:26 33 (Short adjournment.)  
15:25:31 34  
15:25:32 35 COMMISSIONER: Yes [REDACTED], can you hear me?---Yes, I  
15:25:34 36 can.  
15:25:34 37  
15:25:34 38 Thank you. Yes, Mr Nathwani is going to ask you some  
15:25:37 39 questions now.  
15:25:37 40  
41 <CROSS-EXAMINED BY MR NATHWANI:  
42  
15:25:38 43 Can you hear me, PII [REDACTED]?---Yes.  
15:25:40 44  
15:25:42 45 I'm Ms Gobbo's barrister. Can we just start with - have  
15:25:46 46 you got a copy of your statement in front of you?---Yep.  
15:25:48 47



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

15:25:48 1 Paragraph 2 is where I'd like to start with you. You say  
15:25:51 2 that, "I remember she was friendly. The nature of the  
15:25:54 3 discussions was unusual. They were not normal  
15:25:58 4 client/lawyer conversations based on my experience of what  
15:26:00 5 you discuss with your lawyer and what you discuss with  
15:26:03 6 others in the presence of your lawyer. This caused me to  
15:26:06 7 later ask PII [REDACTED] if she could be trusted and he said she's  
15:26:15 8 guaranteed". Then at paragraph 7, you say again,  
15:26:18 9 "Conversations we had with her in the presence were not the  
15:26:21 10 things you would normally discuss with or in the presence  
15:26:25 11 of a lawyer". Okay. What you were talking about there is  
15:26:27 12 your criminal activities, do you agree with that?---Yes.  
15:26:30 13  
15:26:30 14 And not anything you'd necessarily been charged with but  
15:26:35 15 ongoing crime or different crimes that you were - -  
15:26:37 16 -?---Whatever the crimes were at the time.  
15:26:38 17  
15:26:39 18 What was that, sorry?---Whatever crimes we were doing at  
15:26:42 19 the time.  
15:26:42 20  
15:26:42 21 Exactly. So you hadn't been charged with them?---Yes. No,  
15:26:44 22 no, no, no.  
15:26:45 23  
15:26:45 24 You were talking about new criminal offences, for example,  
15:26:48 25 you might have been discussing the PII [REDACTED] murder, as  
15:26:52 26 an example, I'm not saying you did?---No.  
15:26:54 27  
15:26:54 28 That is the sort of thing you were discussing in her  
15:26:58 29 presence?---Yes.  
15:26:58 30  
15:26:58 31 When you were doing that, it was clear she wasn't sitting  
15:27:03 32 there as your lawyer, she was just someone you were talking  
15:27:07 33 to once PII [REDACTED] said she could be trusted and that's what  
15:27:09 34 happened?---Yeah, well PII [REDACTED] was talking about PII [REDACTED]  
15:27:12 35 PII [REDACTED], that's the reason why I'm saying there's things  
15:27:15 36 you don't talk in front of lawyers, and that's when PII [REDACTED]  
15:27:18 37 said - I said, "Youse are talking too openly in front of  
15:27:22 38 her" and he said she could be guaranteed. The lady that  
15:27:26 39 can be guaranteed is the lady that died, I can't remember  
15:27:26 40 her name, Lillian Lieder or something.  
15:27:29 41  
15:27:30 42 Can you go through some of the names of the people present  
15:27:30 43 when you would talk about this? You've obviously discussed  
15:27:32 44 PII [REDACTED], was PII [REDACTED] ever one of those who  
15:27:36 45 discussed criminal offending?---PII [REDACTED] always discussed  
15:27:40 46 things in front of Gobbo. One thing you have to  
15:27:43 47 understand, right - - -



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

15:27:43 1  
15:27:44 2 Hold on, slow down. Slow down. I just want names first, I  
15:27:46 3 didn't ask you questions about an explanation?---I can only  
15:27:49 4 give you, I can give you like, blokes like PII  
15:27:53 5 or PII We call PII  
15:28:03 6 don't ask me what his second name is. They were always  
15:28:06 7 different people. Then there was the PII  
15:28:08 8 PII s or something there. There was always different  
15:28:09 9 people. PII that's all I know, I don't know his second  
15:28:12 10 name.

15:28:14 11  
15:28:14 12 So basically anyone involved in the PII  
15:28:18 13 PII ?---Yeah.

15:28:19 14  
15:28:20 15 That's helpful, thank you. Now, let me just understand  
15:28:24 16 your account of what you broadly say is if it wasn't -  
15:28:27 17 Ms Gobbo was responsible for forcing you in effect to plead  
15:28:31 18 guilty to the PII murders, is that  
15:28:35 19 right?---That's right.

15:28:35 20  
15:28:36 21 That she made you sign a statement that included  
15:28:40 22 information that was wrong?---That's right.

15:28:44 23  
15:28:45 24 And you gave the example, didn't you, that it was, that  
15:28:49 25 PII and PII were saying that you were present  
15:28:53 26 the week before the shooting at PII and you're  
15:28:56 27 saying, "That's not true but I agreed to it anyway"?---They  
15:29:00 28 were planning it.

15:29:01 29  
15:29:01 30 Yeah, no, no, no. Listen to the question. What you're  
15:29:03 31 saying is that you were not at PII the week  
15:29:07 32 before, that's the truth, but you signed a statement saying  
15:29:11 33 you were?---Yes, that's right. She forced me into it.

15:29:14 34  
15:29:14 35 That's the truth, isn't it, obviously?---Yeah, but the week  
15:29:17 36 after, when the murder did happen - - -

15:29:20 37  
15:29:20 38 Slow down. Slow down. Listen?---Hang on a minute, don't  
15:29:23 39 put words in my mouth. Let me finish.

15:29:25 40  
15:29:25 41 No, listen to the questions?---Don't - - -

15:29:28 42  
15:29:28 43 PII ?---Well simplify the question please.

15:29:29 44  
15:29:30 45 Did you sign a statement saying, "I wasn't at PII  
15:29:36 46 PII the week before the murder"?---It could have been a  
15:29:40 47 week or two weeks before, yes, I did. I said to Gobbo that

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

15:29:45 1 PII says I was there, the plan a week before or two  
15:29:47 2 weeks, whatever the date, don't get hold of me on weeks  
15:29:51 3 before because you're trying to pin me down on dates.  
4  
15:29:54 5 No, I'm not?---Dates I can't remember.  
6  
15:29:55 7 Forget the date - - - ?---Hang on - - -  
15:29:55 8  
15:29:56 9 COMMISSIONER: Don't talk over each other. All right. It  
15:29:58 10 will be better if you - - - ?---Just calm down. I know -  
15:30:00 11 Gobbo knows how to fire me up.  
15:30:04 12  
15:30:04 13 Sorry, PII, you must calm down also. So just wait  
15:30:07 14 until the question is finished and then answer the  
15 15 question. Mr Nathwani, if you'd allow him to answer the  
15:30:10 16 question before you ask the next question. Because  
15:30:11 17 otherwise you talk over each other and it's going to take a  
15:30:17 18 lot longer than it needs to.  
15:30:20 19  
15:30:20 20 MR NATHWANI: When Mr Woods asked you questions before the  
15:30:23 21 break - - -?---Yes, she did.  
15:30:26 22  
15:30:27 23 COMMISSIONER: No, no, no. What did I say, PII? I  
15:30:27 24 said wait until he has asked the question. Now just wait  
15:30:29 25 until he's asked the question, please.  
15:30:29 26  
15:30:30 27 MR NATHWANI: You said that Ms Gobbo forced you or  
15:30:32 28 persuaded you to sign a statement that wasn't true, do you  
15:30:35 29 remember that?---Yes.  
15:30:37 30  
15:30:37 31 And you said what she had made you say, sign as true in the  
15:30:41 32 statement but isn't it that you were at PII, be  
15:30:45 33 it a week or two weeks before, yes?---That's right.  
15:30:48 34  
15:30:48 35 That's a lie, do you agree with that?---No, that's true.  
15:30:51 36  
15:30:51 37 Let's have a look at your statement?---Yep, don't forget I  
15:30:55 38 don't - - -  
15:30:55 39  
15:30:56 40 Let's have a look at your statement?---Yes.  
15:30:58 41  
15:31:00 42 You made loads and loads and statements but let's look at  
15:31:03 43 the PII murder one. MIN.5000.0008.0432. Right.  
15:31:18 44 Do you see that?---I don't see anything.  
15:31:22 45  
15:31:27 46 Can you see that?---Yes.  
15:31:29 47

.10/02/20

13629

IN CAMERA



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

15:31:29 1 Right. At the top it says, "Name: PII [REDACTED]", that's you,  
15:31:34 2 okay?---Yeah.  
15:31:35 3  
15:31:35 4 Look at the bottom of p.1 of 19, that's your signature, do  
15:31:40 5 you agree?---Yep.  
15:31:41 6  
15:31:41 7 Let's go right to the bottom. Your signature?---Yep.  
15:31:51 8  
15:31:52 9 And Mr Bateson's?---Yep.  
15:31:53 10  
15:31:54 11 11.10 am on PII [REDACTED]?---Yep.  
15:31:58 12  
15:31:59 13 Let's go - you can read as much as you want of it, but  
15:32:03 14 let's go to paragraph 29?---Yep.  
15:32:06 15  
15:32:07 16 Which is on - paragraph 29 is on p.7 of the document. All  
15:32:18 17 right. Now what you're saying here, this is about, just to  
15:32:21 18 help fill you in, this is a point where you're telling the  
15:32:26 19 police in the statement you're about to tell PII [REDACTED]  
15:32:30 20 PII [REDACTED] and PII [REDACTED] that you'd overheard that PII [REDACTED]  
15:32:34 21 was going to be at PII [REDACTED] okay? So read that to  
15:32:37 22 yourself?---That's right.  
15:32:37 23  
15:32:37 24 Read that to yourself. Do you need to read that or can I  
15:32:48 25 go on to the next paragraph?---Hang on a second. Yep.  
15:33:07 26  
15:33:08 27 Now read paragraph 30, read it out loud for us, will you?  
15:33:13 28  
15:33:13 29 COMMISSIONER: Do you want him to read the rest of  
15:33:16 30 paragraph 29?---I have read the statement of both - hang  
15:33:21 31 on, what are their names?  
15:33:22 32  
15:33:22 33 MR NATHWANI: PII [REDACTED] and PII [REDACTED]?---Yep, and I believe  
15:33:25 34 that I was at home.  
15:33:26 35  
15:33:26 36 No, read the bit you left out?---"Not go to PII [REDACTED].  
15:33:33 37 I didn't go to PII [REDACTED] that PII [REDACTED]."  
15:33:39 38  
15:33:40 39 Tell us - - -?---Right.  
15:33:41 40  
15:33:41 41 Hold on, wait for the question?---Yep.  
15:33:44 42  
15:33:45 43 You lied before the break?---No, I didn't because I told  
15:33:51 44 Gobbo during the conversations, well before I signed the  
15:33:53 45 statement, that I don't want to agree to that what PII [REDACTED],  
15:34:02 46 hang on I'll get their names, PII [REDACTED] and PII [REDACTED] discussed  
15:34:03 47 and she said, agreed with it.

.10/02/20

13630

[REDACTED] IN CAMERA



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

15:34:07 1  
15:34:07 2 Hold on. Stop there. Your evidence before the break and I  
15:34:11 3 can read it, I can play it back or you can make up another  
15:34:14 4 version?---You can say anything you want, but Gobbo warned  
15:34:17 5 me weeks before about that, what to do.  
15:34:20 6  
15:34:21 7 Listen to the question. You've given evidence lots of  
15:34:24 8 times, you know how this works. You said before the break  
15:34:27 9 that Ms Gobbo forced you to sign the statement agreeing  
15:34:30 10 with what PII [REDACTED] and PII [REDACTED] said. We've just shown you  
15:34:34 11 that statement?---Yep.  
15:34:35 12  
15:34:36 13 We've just shown you the statement and it shows what you  
15:34:39 14 say is a lie. Why did you lie - - -?---Whoa, whoa, whoa.  
15:34:45 15 Let me finish now. You've said your piece. Call me a  
15:34:49 16 liar, call me whatever you want. As we were discussing,  
15:34:51 17 we've talked about this case for a very long time before I  
15:34:54 18 started signing the statements and I knew exactly what to  
15:34:58 19 say not to implicate, right, Mrs Gobbo, but this, right, I  
15:35:03 20 had to leave that out because I had to blend the whole  
15:35:05 21 story in to suit the way Gobbo wanted it.  
15:35:08 22  
15:35:09 23 That doesn't make sense. Tell me why, show me the  
15:35:10 24 paragraph that you say shows, and take as long as you want,  
15:35:14 25 happy to have a break because I'm pretty sure you're not  
15:35:16 26 going to find it but you tell - - -?---I'm sure I'll find  
15:35:19 27 it because that's what I say there, right, okay? I'm  
15:35:23 28 telling the police that I was at home, that I wasn't there.  
15:35:26 29  
15:35:26 30 Yes, and your evidence to the Commissioner?---Okay.  
15:35:29 31  
15:35:29 32 On oath about 15 minutes ago, you do have a good memory,  
15:35:37 33 don't you, or have you forgotten it? But your evidence  
15:35:37 34 literally about 15 minutes ago?---15 minutes ago, yeah.  
15:35:40 35  
15:35:41 36 Was that Ms Gobbo forced you to sign a statement saying  
15:35:43 37 that you were at PII [REDACTED] the weekend  
15:35:46 38 before?---No, PII [REDACTED] and PII [REDACTED], don't go putting words  
15:35:52 39 in my mouth, let me finish and then you can say what you  
15:35:55 40 want. PII [REDACTED] and PII [REDACTED] say in their statements that I  
15:35:58 41 was there planning it with them when I wasn't. I was at  
15:36:02 42 home. Do you understand what that says? Okay. That's  
15:36:06 43 what I'm trying to explain to you, but you're trying to  
15:36:09 44 twist it to suit your client's - I'm not going to drag this  
15:36:14 45 out because the quicker we get it done. That's what I'm  
15:36:17 46 trying to tell you, okay? I was at home when PII [REDACTED] -  
15:36:22 47 PII [REDACTED] and PII [REDACTED], right, said that I was there planning

.10/02/20

13631

[REDACTED] IN CAMERA

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

15:36:26 1 it with them. No, I wasn't. I was at home. The day that  
15:36:29 2 the murder actually happened, that's when I set the alibi  
15:36:34 3 up for PII [REDACTED], yes.  
15:36:35 4  
15:36:36 5 We understand what you say is the truth?---I'm not a liar.  
15:36:38 6 Call me a liar, whatever you want, that's it.  
15:36:41 7  
15:36:41 8 I am going to say you're lying. I'm giving you an  
9 opportunity to ask why this - - - ?---You don't have to.  
10  
15:36:45 11 No, listen. Listen. You know how this works. This won't  
15:36:46 12 take as long - - - ?---Don't go telling me - I know how it  
15:36:50 13 works but don't be a smart arse about it. You're a lawyer,  
15:36:54 14 I'm a crim.  
15:36:54 15  
15:36:55 16 COMMISSIONER: Look, PII [REDACTED], you'll get through a lot  
15:36:58 17 faster if we just keep calm, listen to the question. Let  
15:37:04 18 the question be asked before you answer it, okay?---Yeah,  
19 okay.  
20  
15:37:05 21 And Mr Nathwani won't speak over you either. All right  
15:37:09 22 then. Let's proceed. I'll just make a general order that  
15:37:15 23 whenever those two names are mentioned they'll be redacted  
15:37:18 24 and the pseudonyms used.  
15:37:20 25  
15:37:20 26 MR NATHWANI: Thank you. I've given you I think four  
15:37:22 27 opportunities to explain why - - -?---Because I was at  
28 home.  
29  
15:37:26 30  
15:37:26 31 Listen. I've given you four opportunities I think to  
15:37:28 32 explain why before the break you have given evidence on  
15:37:32 33 oath to the Commission that Ms Gobbo forced you to write in  
15:37:36 34 your statement to the police in relation to the  
15:37:37 35 PII [REDACTED] murders that you in fact were at PII PII [REDACTED]  
15:37:41 36 PII [REDACTED] the week before the murder and you say that was a lie  
15:37:44 37 because you weren't. Now, do you want to deal with the  
15:37:48 38 fact that the statement doesn't suggest what you told us on  
15:37:52 39 oath before the break?---Well as far as I'm concerned  
15:37:57 40 that's my recollection, that's what I believe.  
15:38:02 41  
15:38:02 42 Let's also deal with your other - - -?---(Indistinct).  
43  
15:38:03 44 Let's deal with the rest of your recollection, shall  
15:38:04 45 we?---Yeah.  
15:38:06 46  
15:38:06 47 You've been shown two transcripts, I don't have them in



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

15:38:09 1 front of me but both of them relate to the committal  
15:38:12 2 hearings of PII [REDACTED] ?---Yes.  
15:38:14 3  
15:38:14 4 One was in relation to PII [REDACTED] the other was in  
15:38:18 5 relation to PII [REDACTED], all right?---Yes.  
15:38:20 6  
15:38:21 7 Reading your statement and listening to your evidence,  
15:38:24 8 you're quite clear the reason you pleaded guilty was  
15:38:28 9 because Nicola Gobbo forced you, is that right?---Yep, yes.  
15:38:31 10  
15:38:32 11 It had nothing to do with the fact that PII [REDACTED] was rolling  
15:38:35 12 and giving a statement against you, is that right?---Some  
15:38:42 13 of it, virtually - no, it didn't, because the way my  
15:38:45 14 barrister, PII [REDACTED], said it to me and all the others  
15:38:49 15 around the city were saying that I could beat it.  
15:38:51 16  
15:38:52 17 Right, okay. I haven't got the transcripts to hand but the  
15:38:54 18 first one you were shown by Mr Woods, you were asked about  
15:38:57 19 why you rolled and you said it was for the discount on  
15:39:00 20 sentence and because PII [REDACTED] had pleaded guilty, that  
15:39:04 21 wasn't true then, was it?---No, it was true.  
15:39:08 22  
15:39:08 23 Hold on?---You simplify that question because - in normal  
15:39:15 24 terms.  
15:39:15 25  
15:39:16 26 At the PII [REDACTED] committal?---Yep.  
15:39:18 27  
15:39:19 28 PII [REDACTED] asked you why you pleaded guilty and  
15:39:23 29 rolled?---Yep.  
15:39:23 30  
15:39:23 31 You've got that so far?---Yep.  
15:39:25 32  
15:39:26 33 Your answer was because you wanted a discount and reduced  
15:39:33 34 sentence and because PII [REDACTED] had implicated you, PII [REDACTED]  
15:39:38 35 had made a statement, okay?---Yes, but remember as well,  
15:39:41 36 your client, I had to leave your client out of it as well,  
15:39:45 37 remember.  
15:39:45 38  
15:39:46 39 That's fine?---I put - I couldn't leave her out. I had to  
15:39:51 40 leave her out, that was it, because if I didn't it was all  
15:39:54 41 over.  
15:39:54 42  
15:39:54 43 Bear with me. So the evidence you gave on that occasion,  
15:39:59 44 because you left Nicola Gobbo out, was a lie, do you agree  
15:40:02 45 with that?---Yes.  
15:40:04 46  
15:40:04 47 Right. So that's twice we've got you lying, let's look at

.10/02/20

13633

[REDACTED] IN CAMERA



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

15:40:08 1 the third time?---Got me on what? I'm not lying.  
15:40:11 2  
15:40:11 3 No, no, I want to go through - listen, you understand I am  
15:40:12 4 saying to say in the clearest terms you're about as  
15:40:16 5 dishonest as they come so I want you to answer to - -  
15:40:18 6 -?---Your client is as dishonest as they come.  
15:40:21 7  
15:40:21 8 I want you to answer to the allegations I make against you.  
15:40:24 9 In the 2009 transcript that you were shown, right, where -  
15:40:32 10 sorry, I almost said the prosecution, that's a slip, where  
15:40:36 11 Mr Woods took you through transcripts to see if he could  
15:40:41 12 find reference to Ms Gobbo in any of the PII [REDACTED] committals,  
15:40:44 13 okay. Do you remember that?---Yes.  
15:40:47 14  
15:40:47 15 And the best they could come up with, because I suggest  
15:40:50 16 they're not in any of the transcripts, was a reference to  
15:40:54 17 Jim Valos making you roll?---No. No.  
15:40:57 18  
15:40:57 19 Slow down. Did you read that transcript?---Yes. You're  
15:41:03 20 off your tree top. No, I didn't specifically say Gobbo was  
15:41:07 21 brought up, your client.  
22  
15:41:10 23 That's fine, but listen. When you answer - - - ?---They're  
15:41:10 24 not lies. Gobbo said it, PII [REDACTED] said it. It come from  
15:41:14 25 Gobbo, your client. Do you understand?  
15:41:17 26  
15:41:17 27 Let's go with what transcripts exist?---I don't care, you  
15:41:21 28 look for it. You get your pen and paper out and start  
15:41:24 29 looking.  
15:41:25 30  
15:41:26 31 It's been looked for and there isn't any, okay. Just bear  
15:41:31 32 with us?---You aren't going to - you're firing me up but  
15:41:33 33 you're not going to get anywhere because everything I've  
15:41:36 34 said is true and correct.  
15:41:37 35  
15:41:37 36 Okay, well let's have a look. So when you answered the  
15:41:39 37 question to PII [REDACTED] at the PII [REDACTED] committal,  
15:41:44 38 2009, and you discussed lawyers, you said it was Jim Valos  
15:41:47 39 that made you roll, now that's not true either, do you  
15:41:50 40 agree?---That's true. Jim Valos, whoa, whoa, whoa. Jim  
15:41:53 41 Valos said to me, "If you roll you roll". He was quite -  
15:41:55 42 he went on holidays and come back, he couldn't believe that  
15:41:58 43 I rolled. Now I can't remember exactly what happened, but  
15:42:01 44 Jim Valos, I do remember, when I did roll, Gobbo - he was  
15:42:04 45 on holidays and he come back, Gobbo made me roll. Jim  
15:42:09 46 couldn't believe that I rolled. Jim couldn't believe that  
15:42:10 47 I rolled. Why don't you ask him that question?

.10/02/20

13634

[REDACTED] IN CAMERA

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

15:42:13 1  
15:42:13 2 The truthful answer would have been, if you're telling the  
15:42:15 3 truth, Nicola Gobbo was responsible for making you roll,  
15:42:17 4 but you didn't say that at the committal. You would say,  
15:42:19 5 I'm helping you here, that's because you wanted to keep  
15:42:23 6 Nicola's name out of it, is that right?---I'd made a deal  
15:42:26 7 with Nicola Gobbo that I'd leave her out of it because  
15:42:29 8 that's what we said when she come and saw me.  
15:42:33 9  
15:42:33 10 So when you gave the answer in 2009 on oath, it was a  
15:42:37 11 lie?---No, it wasn't really because at the end of the day I  
15:42:39 12 kept her out of it. Everything I was saying was true and  
15:42:43 13 correct but I left her out of it. We'll leave it at that.  
15:42:44 14  
15:42:44 15 So it was a lie by omission, you didn't say - - - ?---It  
15:42:46 16 wasn't a lie.  
15:42:47 17  
15:42:47 18 You gave other names. I don't want to argue with you but  
15:42:48 19 you gave other names. You didn't say Nicola Gobbo, you  
15:42:51 20 said Jim Valos. That's a lie?---Jim Valos might have  
15:42:54 21 spoken to him but I left Gobbo out of it so how can that be  
15:42:58 22 a lie if I leave her out of it? It's not a lie as far as  
15:43:01 23 I'm concerned in all three of those questions. I just left  
15:43:02 24 her out of it.  
15:43:03 25  
15:43:03 26 Can I just ask you about, you described yourself just now  
15:43:06 27 as you're a crim and I'm the lawyer. In your world you  
15:43:12 28 weren't just any crim, you were right at the top of the  
15:43:14 29 underworld tree, do you agree with that?---Yes.  
15:43:17 30  
15:43:19 31 And as part of that it's a sin in your world to be a  
15:43:21 32 dog?---That's right. That's why I said before that a  
15:43:24 33 bullet will hit you eventually, and her. Let's get that  
15:43:29 34 straight.  
15:43:29 35  
15:43:30 36 Let's be clear, you committed the cardinal sin in the world  
15:43:33 37 you lived in?---Yes.  
15:43:34 38  
15:43:34 39 You've dogged on pretty much everyone?---Yeah, same as your  
15:43:38 40 client.  
15:43:38 41  
15:43:38 42 Right. Bear with me. And you say that's - - - ?---Same as  
15:43:39 43 your client.  
15:43:40 44  
15:43:40 45 You say that's all because of Nicola Gobbo?---Nicola Gobbo  
15:43:43 46 forced me into rolling, so yes. It's still wrong. She  
15:43:47 47 didn't put a gun to me head but it's still wrong me by



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

15:43:50 1 rolling, yes, yes, let's get that straight. That's why  
15:43:52 2 I've always said there's a target on me but eventually they  
15:43:56 3 will get me. But that is it, that's life. The same as  
15:43:58 4 your client, she forced me into it. She didn't force me  
15:44:01 5 into it, there was no gun pointed to me head. So at end of  
15:44:03 6 the day your client is in the same situation as me. And  
15:44:13 7 believe me, they will find us and then she'll have - her  
15:44:13 8 kids will have no mother.

15:44:14 9  
10 Let me help you with this. In your statement you talk  
15:44:15 11 about the night that you were arrested - sorry, let's stop.  
15:44:15 12 Let's start with when PII [REDACTED] is arrested, PII [REDACTED] 2003,  
15:44:20 13 okay?---Yes.

15:44:22 14  
15:44:24 15 Your evidence to the Commission is on that night, it's one  
15:44:27 16 of the first things you said in your evidence this morning,  
15:44:29 17 on that night you knew straight away, one, he had been  
15:44:32 18 arrested, and two, he was going to roll?---Yep.

15:44:35 19  
15:44:35 20 And that information had come from Nicola Gobbo?---Nicola  
15:44:39 21 Gobbo and PII [REDACTED]

15:44:41 22  
15:44:42 23 And it had come from Gobbo, because as you seem to suggest  
15:44:46 24 she was down at the police station representing  
15:44:49 25 PII [REDACTED]?---No, no. Whoa, whoa, whoa. Calm right down  
15:44:52 26 there, sir. What's your name again, sir?

15:44:54 27  
15:44:58 28 Nathwani?---Phami?

29  
15:45:01 30 Yes, go for Phami, it's a good pseudonym?---Or whatever you  
15:45:02 31 want to call yourself, I don't know. Gobbo come and told  
15:45:05 32 me. How she was down there that first night, I don't know  
15:45:10 33 but she knew the answer because the next day even PII [REDACTED]  
15:45:11 34 PII [REDACTED] knew about PII [REDACTED] rolling.

15:45:12 35  
15:45:13 36 You see, because Ms Gobbo didn't represent PII [REDACTED] for  
15:45:17 37 several days, the police evidence - - -?---What did I just  
15:45:21 38 say?

39  
15:45:21 40 Hold on, bear with me?---Gobbo come and told me, and how  
15:45:24 41 she found out.

15:45:25 42  
15:45:25 43 COMMISSIONER: PII [REDACTED], just wait. Let Mr Nathwani  
15:45:30 44 finish the question?---Go Nathwani.

15:45:33 45  
15:45:34 46 MR NATHWANI: Have you calmed down? The first time  
15:45:36 47 Ms Gobbo actually represents PII [REDACTED] is several days after



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

15:45:40 1 his arrest, it was Jim Valos who represented him at the  
15:45:43 2 police station and then at court the next morning,  
15:45:46 3 okay?---Yes.  
15:45:46 4  
15:45:46 5 She had had no contact with PII up to that point?---But  
15:45:49 6 how she found out, you ask her. I don't know how she found  
15:45:54 7 out but she told me, she told me and PII.  
15:45:57 8  
15:45:57 9 Let's have a look at what you say as well. On the night  
15:45:58 10 you were arrested you have a clear memory she was at the  
15:46:01 11 police station, right?---I wasn't arrested at night, I was  
15:46:05 12 arrested in the morning.  
15:46:06 13  
15:46:06 14 Okay. When you were arrested, all right?---Yep.  
15:46:09 15  
15:46:09 16 That fateful day in PII, they came to your house at  
15:46:13 17 PII your evidence in your signed statement was Nicola  
15:46:17 18 Gobbo was already on her way there, or may even have been  
15:46:20 19 there?---No. She could have been there later. Like I  
15:46:23 20 said, I can't recall. I did say I can't recall if she come  
15:46:26 21 that day or she come then I can't recall, but I'm pretty  
15:46:30 22 sure she did come, I think she come to the Custody Centre,  
15:46:34 23 no, not custody, PII Prison. What happened is I got  
15:46:38 24 arrested, they arrested me, transferred me straight to the  
15:46:42 25 Custody Centre. I was there no more than five minutes,  
15:46:46 26 then PII Prison. I can't recall if she come to PII  
15:46:50 27 Prison or there. Now I said that I can't recall if she did  
15:46:50 28 come down or not so you can say what you like. Go for it.  
15:46:53 29  
15:46:54 30 Let's have a look at paragraph 29, let's see if you really  
15:46:57 31 are saying "I can't recall". You can read, can't you?---I  
15:47:00 32 can read but what you're saying, right - - -  
15:47:03 33  
15:47:03 34 Have a look at paragraph 29 of your statement?---Yes. She  
15:47:09 35 attended the police station where I was - that's following  
15:47:14 36 my arrest.  
15:47:15 37  
15:47:16 38 That's a lie?---Whoa, whoa, that's not a lie. That's not a  
15:47:24 39 lie.  
15:47:24 40  
15:47:24 41 The police evidence - - -?---I can't recall if she, I know,  
15:47:28 42 I can't recall if she attended there or the prison, I can't  
15:47:31 43 recall, but she did come and see me.  
15:47:34 44  
15:47:34 45 Why do you say - - -?---It could have been at the police  
15:47:37 46 station or could have been - - -  
47

.10/02/20

13637

IN CAMERA

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

15:47:39 1 Slow down?---Yeah, go on.  
15:47:39 2  
15:47:40 3 Someone as expert as you at giving witness statements would  
15:47:43 4 know when you write paragraph 29, someone like me would  
15:47:47 5 point out that's a lie if it's not correct, okay? You've  
15:47:50 6 been cross-examined a lot?---I didn't - - -  
7  
15:47:52 8 Wait. So paragraph 29, explain to the Commissioner,  
15:47:54 9 because this is your evidence, right?---Yeah.  
15:47:57 10  
15:47:57 11 You say, "She attended at the police station where I was  
15:48:00 12 immediately taken to following my arrest without the need  
15:48:03 13 for me to contact her". So what you're saying or trying to  
15:48:05 14 suggest is she knew you were going to be pulled,  
15:48:10 15 right?---She knew anyway.  
15:48:11 16  
15:48:11 17 No, no, slow down. That's the impression you're trying to  
15:48:13 18 give. You tell me where that says I might be mistaken  
15:48:17 19 about the days?---I could be. I can't recall back then 20  
15:48:21 20 years ago. If you asked all these questions ten years ago  
15:48:25 21 I could tell you I'd be running rings around you because  
15:48:28 22 I'd remember, but this has been so long now that I can't  
15:48:31 23 remember a lot of things. A lot of this - this is all done  
15:48:34 24 over the phone.  
15:48:35 25  
15:48:35 26 Listen, it's not about running rings around me, it's about  
15:48:39 27 answering truthfully. Now the question which you - -  
15:48:40 28 -?---I am answering truthfully. Your client did come and  
15:48:42 29 see me. Now I can't recall whether it's the police station  
15:48:44 30 or the gaol.  
15:48:45 31  
15:48:46 32 Can you explain?---That's all I'm going to say. Leave it  
15:48:48 33 at that. You keep running around in circles. I did not  
15:48:51 34 lie. Your client came and saw me at the police station or  
15:48:55 35 the gaol, I can't recall. So keep going.  
15:48:57 36  
15:48:58 37 Can you explain to us why your statement says, "She  
15:49:01 38 attended the police station where I was immediately taken  
15:49:03 39 to following my arrest, without the need for me to contact  
15:49:06 40 her" - - -?---Because I can't recall, right.  
15:49:08 41  
15:49:08 42 If you can't recall why have you written that line in and  
15:49:12 43 then signed it at the end?---I know Gobbo come and saw me  
15:49:17 44 straight after I settled in when I was at the police  
15:49:19 45 station or the prison. I know she come and saw me to  
15:49:23 46 discuss what to do next.  
15:49:25 47



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

15:49:26 1 COMMISSIONER: I think we might move on to the next point  
15:49:29 2 now?---Is that enough?  
15:49:30 3  
15:49:30 4 MR NATHWANI: I just want to deal with bits of this. You  
15:49:32 5 say that Ms Gobbo is the one you think provided information  
15:49:35 6 about PII [REDACTED]'s PII [REDACTED]?---Yes.  
15:49:39 7  
15:49:39 8 Do you stand by that?---I believe I said.  
15:49:43 9  
15:49:44 10 Right?---She's the only one that knew certain things.  
15:49:47 11  
15:49:48 12 Really?---Hang on, what I mean by that, she knew exactly  
15:49:54 13 how much I give PII [REDACTED] and what I was doing.  
15:49:58 14  
15:49:58 15 Do you remember giving evidence out of your own mouth to  
15:50:01 16 the ACC?---I remember going there, I don't know what I  
15:50:04 17 gave.  
15:50:04 18  
15:50:05 19 Let's have a look at the notes of what you were saying.  
15:50:27 20 Ms Gobbo represented you at that hearing, do you agree?  
15:50:29 21 You had two hearings, PII [REDACTED] and PII [REDACTED]  
15:50:34 22 2004?---I'll say yes but I can't recall the days. But go  
15:50:38 23 on, you'll make out I wasn't there.  
15:50:41 24  
15:50:41 25 If we could bring up the court books. That's the ACC  
15:50:56 26 examination. Ignore the yellow. You see Mr Horgan in the  
15:51:00 27 top right corner. Just to put this in context. If we can  
15:51:03 28 make it small again for a moment. Go back up a couple of  
15:51:07 29 pages, the pages preceding it, keep going. Keep going,  
15:51:12 30 please. One more I think.  
15:51:19 31  
15:51:19 32 COMMISSIONER: You better make clear to him what this  
15:51:21 33 document is.  
15:51:22 34  
15:51:22 35 MR NATHWANI: Of course. PII [REDACTED], this is Ms Gobbo's  
15:51:25 36 notes that she took in her court book which include what  
15:51:28 37 you said in response to questions?---Yeah.  
15:51:32 38  
15:51:32 39 Okay. So this was the conference you had the day before  
15:51:36 40 you went to the ACC, all right. Let's go and have a look  
15:51:40 41 at what you are talking about over two days at the  
15:51:47 42 ACC?---Whose notes are these?  
15:51:48 43  
15:51:48 44 I just told you, Nicola Gobbo's?---She can write whatever  
15:51:52 45 she wants if she's working with the jacks.  
15:51:54 46  
15:51:54 47 Listen, there's a transcript I'm sure of this and if you're



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

15:51:57 1 going to say it's a lie then we can get the transcript and  
15:51:59 2 see what - just listen if you will?---Yeah, no worries.  
15:52:02 3  
15:52:02 4 You see at the top you take the oath, which you're obliged  
15:52:06 5 to do at those types of hearings?---Yeah.  
15:52:08 6  
15:52:09 7 She's advised you of your rights and obligations under the  
8 Act. In fact I bet you the Chief-Examiner did, whoever was  
15:52:16 9 responsible for it?---Yeah, all right (indistinct).  
10  
15:52:16 11 You must answer all questions, criminal offences,  
15:52:19 12 et cetera. "Privilege against self-incrimination can be  
15:52:21 13 claimed but you will still need to answer"?---Is this the  
15:52:25 14 first hearing?  
15:52:25 15  
15:52:26 16 This is the first hearing, PII [REDACTED]?---Okay.  
15:52:28 17  
15:52:28 18 So beginning, let's have a look at, Mr Horgan asked you  
15:52:31 19 about your, where you got your money from, okay?---Yep.  
15:52:35 20  
15:52:35 21 You agree that's a lie, that you don't tell him about your  
15:52:38 22 PII [REDACTED]?---No, I don't. I brought that up in the  
15:52:42 23 committal hearing where I told them at the time I couldn't  
15:52:45 24 tell them the truth.  
15:52:46 25  
15:52:47 26 So again, there you are on oath lying. Let's keep going  
15:52:52 27 through, okay?---The whole ACC was a lie, you know that.  
28  
15:52:55 29 Yes, of course I do?---And the whole Commission knows that.  
15:52:58 30 I was in fear of my life, there was no way - I wasn't  
15:52:58 31 rolling at the time, she knew that, she knew exactly. She  
15:53:02 32 was the one who instructed me how to say it.  
33  
34 So if we can go to the next page, please. You've made your  
15:53:05 35 - - - ?---So go for it. Actually, the ACC at the start.  
15:53:09 36  
15:53:09 37 On the left-hand side, please. Okay. "PII killed PII [REDACTED]  
15:53:17 38 2002." You were asked the question - - - ?---Never knew  
15:53:23 39 nothing about it. Like I said, I was in fear of my life, I  
15:53:26 40 wasn't going to give up anybody.  
15:53:26 41  
15:53:26 42 You agree that's a lie because you made statements  
15:53:29 43 implicating others?---Yes, I agree. There you go, I'm  
15:53:32 44 agreeing with you [REDACTED].  
15:53:33 45  
15:53:33 46 It then says, "I never heard anything from PII [REDACTED] about  
15:53:36 47 him being involved", again a lie, agreed?---Yes, I said

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

15:53:38 1 that, I brought that up in the committal trials. Not a  
15:53:41 2 problem, I brought that up. I was in fear of my life.  
15:53:43 3  
15:53:44 4 Let's keep scrolling down, please?---Yeah, it was a lie.  
15:53:47 5 Mate, she knows exactly what I said because I told her I  
15:53:50 6 had to lie because I'm in fear of my family's life.  
15:53:54 7  
15:53:54 8 "Was PII a paid hitman?" Answer, "Possibly". Again,  
15:53:59 9 not the truth?---Not the truth. He was.  
15:54:01 10  
15:54:01 11 "Who was behind him, PII? I don't know", that's a  
15:54:05 12 lie?---That's all a lie, yes. I agree, I've admitted that  
15:54:08 13 in court. Everything I said at the ACC, at the time I  
15:54:11 14 wasn't rolling. When I rolled I told the truth, end of  
15:54:15 15 discussion. You can keep going.  
15:54:16 16  
15:54:17 17 We will. We're going to talk about what you say about  
15:54:19 18 PII?---Go to the actual facts of what your  
15:54:22 19 client did, let's go to that. Don't admit - whatever the  
15:54:26 20 ACC comes up with is a lie. It wasn't a (indistinct) at  
15:54:28 21 all. I'm saying you're wasting time, move on.  
15:54:30 22  
15:54:35 23 "PII hothead"?---Yeah.  
15:54:36 24  
15:54:37 25 PII put", something, "Seed in his head"?---That's a lie,  
15:54:40 26 yes.  
15:54:40 27  
15:54:41 28 "He's a ." Yep, it's a lie?---Next.  
15:54:43 29 Mate, I know all this, I brought this up in trial. Let's  
15:54:48 30 go. Next.  
15:54:49 31  
15:54:49 32 Go to the bottom please. "I pay PII to PII  
15:54:52 33 PII 300 paid borrowed and \$300  
15:54:58 34 from ", all right?---It was all a lie.  
15:55:00 35  
15:55:01 36 Let's just look at what you're - - - ?---I told you it was  
15:55:02 37 all a lie. Yes, at the ACC, whatever you want to call it,  
15:55:06 38 it was all a lie. Gobbo knew that. She told me how to  
15:55:10 39 answer the questions.  
15:55:11 40  
15:55:11 41 Let's scroll to the next page, please. Money affairs, so  
15:55:14 42 you're now being asked about your financial affairs. You  
15:55:17 43 say PII, as PII, and PII  
15:55:24 44 to , reference to the  
15:55:28 45 okay?---Yep, that's a lie. I gave PII PII  
15:55:32 46 to make it look good with the coppers so  
15:55:37 47 they can't touch it. PII never knew anything about it.

.10/02/20

13641

IN CAMERA



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

15:55:39 1 That's a lie, yes. It's a lie. Next. Move on.

15:55:42 2

15:55:42 3 You were then asked about PII [REDACTED]'s death?---That's a  
15:55:47 4 lie. Like I said, I didn't roll at the time, I wasn't  
15:55:49 5 going to answer any questions. I answered them in the way  
15:55:52 6 Nicola Gobbo told me to. End of discussion. Next. I did  
15:55:54 7 lie. Move on. Next. I'm agreeing with you.

15:55:57 8

15:55:58 9 Let's go then to PII [REDACTED], because you just continue to  
15:56:01 10 lie on the PII [REDACTED], as you admit?---The ACC was all a lie  
15:56:04 11 because I hadn't rolled at the time and I wasn't prepared  
15:56:07 12 to put my life in danger, I was in gaol. As you seen what  
15:56:10 13 happened to PII [REDACTED].

15:56:11 14

15:56:11 15 Let's have a look at what you say on the - - -?---Yes, it's  
15:56:15 16 a lie, mate. Mate, whatever you say at the ACC I've  
15:56:19 17 admitted that in court.

15:56:20 18

15:56:20 19 I was going to ask if your name is on the screen?---Okay.

15:56:24 20

15:56:24 21 That's not a lie. Can we go to PII [REDACTED]. Day 2, okay.  
15:56:33 22 This is all about PII [REDACTED] okay, and PII [REDACTED]  
15:56:36 23 and [REDACTED], okay, [REDACTED] that PII [REDACTED]  
15:56:40 24 with?---PII [REDACTED] by the way.

15:56:42 25

15:56:43 26 So, let's look under specific employment, "Money  
15:56:48 27 arrangements with PII [REDACTED] Not that I recall. Large sums from  
15:56:51 28 PII [REDACTED] to PII [REDACTED] and backwards", okay. So Mr Horgan had  
15:56:55 29 information in front of him demonstrating, and they were  
15:57:00 30 PII [REDACTED] bank accounts, there was money coming in and out, do  
15:57:03 31 you remember that?---No, I don't remember that. That could  
15:57:05 32 be a lie, I don't know. .I'm not going to answer something  
15:57:08 33 I don't know. Anything that was at the ACC I had to cover,  
15:57:12 34 right. I had to make sure - I was in fear of my life and  
15:57:17 35 not say anything. If there is money transactions going  
15:57:20 36 between PII [REDACTED] and whoever, I can guarantee you I would  
15:57:24 37 have done it in a way that it was all done that it can't be  
15:57:26 38 PII [REDACTED] unless someone lagged.

15:57:29 39

40

15:57:30 41 Let's have a look at what you say and let's see if it's  
15:57:34 42 true?---If I transferred money into accounts it would have  
15:57:35 43 been PII [REDACTED] and it PII [REDACTED] - - -

44

15:57:35 45 Just slow down, okay. Listen to the question. I know you  
15:57:38 46 get angry. The quicker we get through this the quicker you  
15:57:43 47 can - - - ?---You're an imbecile. I lied at the ACC.



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

15:57:43 1 Let's see what you're saying because what you've said to  
15:57:44 2 the Commission?---Gobbo has got you trained like a puppet.  
15:57:48 3 Mate, PII [REDACTED] blokes are all dead.  
15:57:52 4  
15:57:52 5 Let's look, it says you using PII to PII [REDACTED] you say no.  
15:57:58 6 "Was he using PII [REDACTED] or you [REDACTED]?" Again you say  
15:58:01 7 no?---Yes, I admit that. It was ACC, I wasn't prepared to  
15:58:04 8 tell the truth because I didn't roll at that stage.  
15:58:06 9  
15:58:07 10 Okay. But bear with me because what you are saying is the  
15:58:08 11 evidence of PII [REDACTED] came from Ms Gobbo, and that's  
15:58:11 12 just not true. Let's see what you are saying here and what  
15:58:15 13 you've been asked. "Are you involved in PII [REDACTED]?"  
15:58:19 14 Answer, "No"?---No, that's a lie.  
15:58:21 15  
15:58:21 16 Probably the biggest lie you've told?---I said I lied,  
15:58:26 17 didn't I? What you told me.  
15:58:27 18  
15:58:27 19 Why in PII [REDACTED] of 2001, this is the next bit, two cheques for  
15:58:33 20 [REDACTED] paid from PII [REDACTED] to the PII [REDACTED] account, total  
15:58:35 21 [REDACTED]---Who is PII [REDACTED]?  
15:58:37 22  
15:58:37 23 It's PII [REDACTED]?---Yep.  
15:58:40 24  
15:58:40 25 Then the next question is PII [REDACTED] - - -?---I can't answer  
15:58:43 26 that. It could be, if I transferred money like that it has  
15:58:47 27 to be clean money.  
15:58:48 28  
15:58:48 29 You haven't listened to the question. I haven't even asked  
15:58:50 30 you anything yet, all right. You see there, PII [REDACTED] 2000, a  
15:58:55 31 cheque [REDACTED] signed by PII [REDACTED], payable to PII [REDACTED]  
15:59:02 32 PII [REDACTED], to a PII [REDACTED] and you deny it?---I don't  
15:59:06 33 know who they are.  
15:59:07 34  
15:59:07 35 You say, "I had acquired property in PII [REDACTED]", all  
15:59:11 36 right?---Sorry?  
15:59:11 37  
15:59:12 38 You're then asked - just look at the document?---I can't  
15:59:13 39 see it. I've got glasses on. Right, if you explode it, I  
15:59:20 40 could see it. "Look at the document." Now that's better.  
15:59:27 41  
15:59:27 42 Can you see?---Yeah, I can see it now. Now what are you  
15:59:31 43 saying?  
15:59:31 44  
15:59:31 45 It's pretty obvious, do you agree, you're being asked about  
15:59:36 46 specific cheques and transactions?---Hang on. This is  
15:59:39 47 Gobbo's - if you can prove it to me, this is all Gobbo's

.10/02/20

13643

[REDACTED] IN CAMERA

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

15:59:39 1 writing. Now I don't what she's written in here. How do I  
15:59:43 2 know this is not after? What I'm seeing here, what you're  
15:59:46 3 saying is true and correct, but at the time, if this is  
15:59:49 4 true and correct, I can see what I'm reading here. But how  
15:59:53 5 do I know if it's true or not? I don't know. This is  
15:59:56 6 Gobbo's writing.

15:59:56 7  
15:59:57 8 This is your chance to say that, "I was not asked this at  
16:00:02 9 the ACC", okay. Do you remember being asked at the ACC - -  
16:00:02 10 - ?---I can't recall. That's something like 19 years ago.  
16:00:03 11 Do you know what you ate 19 years ago on August the 15th?  
16:00:10 12 Probably curry.

16:00:12 13  
16:00:14 14 You seem to remember - what was that, probably  
16:00:15 15 what?---Probably curry. It means nothing.

16:00:15 16  
16:00:16 17 COMMISSIONER: Yes, look, PII [REDACTED] please you must not be  
16:00:25 18 offensive, all right. Now Mr Nathwani, as you well know,  
16:00:29 19 has a job to do and you're going to get away faster if you  
16:00:33 20 just let him ask the question, listen to the question and  
16:00:36 21 answer to the best of your ability, all right?---Yep.

16:00:39 22  
16:00:42 23 MR NATHWANI: Right, Mr Thomas, thanks for the racist  
16:00:44 24 insult. Let's carry on?---That wasn't racist by the way.

16:00:44 25  
16:00:50 26 Yeah, right. You should grow up. Let's deal with the  
16:00:53 27 next, the cheques. You are saying, you are giving evidence  
16:00:56 28 and you are being asked about your PII [REDACTED] through  
16:00:59 29 PII [REDACTED] account, do you agree with that?---Yes, I have  
16:01:01 30 been asked about that, but I don't know if it's true or  
16:01:04 31 correct. I can't remember the dates.

16:01:06 32  
16:01:06 33 You remember lots of particular details when it suits you,  
16:01:09 34 like when you're sticking the knife into Ms Gobbo?---Do I  
16:01:12 35 have to answer this?

16:01:12 36  
16:01:13 37 COMMISSIONER: Just wait until the question is  
16:01:15 38 asked?---Okay.

16:01:15 39  
16:01:16 40 MR NATHWANI: When you are being asked about things like  
16:01:19 41 this evidence which shows you were giving information about  
16:01:22 42 your PII [REDACTED] and PII [REDACTED], which shows you're  
16:01:25 43 lying in your statement, you don't like it, do you?---But  
16:01:28 44 in the ACC, yes, I did lie. I'm telling you the truth, I  
16:01:34 45 did, Mr Nathwani.

16:01:35 46  
16:01:35 47 That's not the question, okay. Do you agree the truth is



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

16:01:40 1 the person who was telling Geoff Horgan, the prosecutor,  
16:01:44 2 about PII [REDACTED] was you?---But Geoff  
16:01:53 3 Horgan, if this is the case Geoff Horgan would have been  
16:01:55 4 asking me questions that he already knew, right. How do I  
16:02:00 5 know? I can't recall what happened that day. You give me  
16:02:03 6 the transcript then we can discuss it, but I can tell you  
16:02:05 7 now, which I'm not going to deny it, on the first ACC when  
16:02:09 8 he was asking me certain things, I didn't lie. Yes, I did.  
16:02:14 9 It's been brought in court where I lied because I was in  
16:02:17 10 fear of my life. I wasn't rolling at that stage. You're  
16:02:19 11 right, yes, I did lie on those statements, on that one  
16:02:22 12 there at the ACC because I wasn't prepared to give anyone  
16:02:28 13 up. None of them. Most of the blokes lied to the ACC  
16:02:31 14 because we weren't giving up anybody. Yes, you are right.  
16:02:34 15 I'm agreeing with you 100 per cent.

16:02:34 16  
17 That's not the question. Look on the right-hand side page  
16:02:34 18 then. Let's just keep going. Do you see, PII [REDACTED] 2002,  
16:02:38 19 cheque to PII [REDACTED] [REDACTED] PII [REDACTED] 2003, cheque [REDACTED] paid  
16:02:45 20 to PII [REDACTED] from - - - ?---No, you better get the  
16:02:47 21 transcript. You want me to talk about this, get the  
16:02:50 22 transcript.

16:02:50 23  
16:02:51 24 COMMISSIONER: It's being - - -?---I'm sorry, I can't  
16:02:53 25 answer these questions if there's no transcript because  
16:02:56 26 these all don't make sense to me.

16:02:58 27  
16:02:59 28 MR NATHWANI: Did PII [REDACTED] buy a PII [REDACTED]?---Sorry?

16:03:02 29  
16:03:02 30 You heard me?---Yeah, PII [REDACTED] bought a PII [REDACTED] for  
16:03:06 31 PII [REDACTED].

16:03:07 32  
16:03:08 33 PII [REDACTED]?---Yes.

16:03:09 34  
16:03:09 35 Let's go to the next page, shall we? Right-hand side  
16:03:11 36 please, "PII [REDACTED] had"?---Yep.

16:03:15 37  
16:03:15 38 You were caught out because you had no declared income yet  
16:03:18 39 there you are rolling around in PII [REDACTED] that you  
16:03:22 40 say here you paid \$PII [REDACTED] for?---Yep.

16:03:26 41  
16:03:26 42 Let's look at what you then admit doing afterwards. Let's  
16:03:29 43 look in the middle, "PII [REDACTED]" - - - ?---I want to  
16:03:31 44 see a transcript. I want to see a transcript. Because I  
16:03:32 45 can assure you this is crap. I tell you why this is crap.  
16:03:37 46 I paid \$PII [REDACTED] for PII [REDACTED] and we put PII [REDACTED] down on  
16:03:44 47 paper. PII [REDACTED], all PII [REDACTED] knew was PII [REDACTED] So Gobbo



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

16:03:49 1 knew all this, yes. This is where I want to see it on a  
16:03:49 2 transcript because to me this doesn't make sense, okay.  
16:03:52 3  
16:03:52 4 Let's look at your PII [REDACTED] because what you  
16:03:54 5 actually don't realise - - - ?---There's 100 - can I just  
16:03:55 6 explain something to you, please. You are right, yes, the  
16:03:59 7 PII [REDACTED] was bought not for PII [REDACTED], the PII [REDACTED] was bought for PII [REDACTED]  
16:04:04 8 On paper, right, okay, PII [REDACTED] was owed PII [REDACTED], but he  
16:04:11 9 got that in cash, yes, and he wiped it off. So the PII [REDACTED]  
16:04:14 10 ended up physically only owing PII [REDACTED]  
16:04:17 11  
16:04:18 12 Actually, as it turns out, much of that it's in - just bear  
16:04:21 13 with me?---Mate, you're right. Yes, you're right, I agree  
16:04:23 14 with you.  
16:04:24 15  
16:04:24 16 No, no, you haven't heard the question. You say that  
16:04:27 17 Ms Gobbo basically gave information about PII [REDACTED]  
16:04:31 18 PII [REDACTED] but the truth is, if we read this and we're  
16:04:35 19 going to, your own mouth, you thought you were being smart  
16:04:36 20 but you actually admit PII [REDACTED] here?---Let's go  
16:04:39 21 through it, okay?---Yes, I admit PII [REDACTED], yes.  
16:04:43 22  
23 Bear with me?---Yes.  
24  
16:04:49 25 MR HALPHEN: Commissioner, given the - - -?---You can see  
16:04:51 26 I've got [REDACTED]  
16:04:54 27  
28 Just a minute, just a minute, PII [REDACTED]  
29  
30 COMMISSIONER: Just a minute, I'm wanting to hear from your  
31 counsel.  
32  
16:04:55 33 MR HALPHEN: Given the repeated requests for the actual  
16:04:58 34 transcript, I was wondering whether it does exist and it is  
16:05:02 35 here.  
16:05:02 36  
16:05:02 37 COMMISSIONER: Yes, yes. I am not sure of that. It's also  
16:05:08 38 difficult, I think Ms Martin is here for the ACIC. There  
16:05:12 39 are difficulties with ACC transcripts I know. What's the  
16:05:16 40 position with this one, do we have it? Has an order been  
16:05:20 41 made? Is there any problem making an order with respect to  
16:05:24 42 it? Can anyone help? Yes, Ms Martin.  
16:05:31 43  
16:05:32 44 MS MARTIN: Commissioner, in respect of this particular  
16:05:35 45 examination, I do believe I need to get instructions as to  
16:05:39 46 whether there would be an objection to providing a  
16:05:41 47 transcript if one exists, but we can seek instructions

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

16:05:46 1 pretty readily. So if I might just see whether or not we  
16:05:49 2 can get an answer. In the meantime, however, I believe  
16:05:53 3 that the Commission may have a transcript and if so, then  
16:06:00 4 consistent with the orders that have previously been made,  
16:06:02 5 there's an issue for the Commission to consider as to  
16:06:05 6 whether the release of that transcript would be consistent  
16:06:07 7 with the issues that need to be considered, such as - - -  
16:06:11 8  
16:06:12 9 COMMISSIONER: That's really what I was wanting to know, if  
16:06:14 10 we've got one and I can make an order in respect of it.  
16:06:17 11 It's in that category.  
12  
16:06:19 13 MS MARTIN: It is in that category  
14  
15 COMMISSIONER: Thanks Ms Martin, that helps.  
16  
16:06:20 17 MS MARTIN: But I would request an opportunity to obtain  
16:06:22 18 instructions as to whether there's any basis upon which my  
16:06:25 19 client would seek to object to the release of that  
16:06:28 20 transcript.  
16:06:28 21  
16:06:28 22 COMMISSIONER: Sure, or give me some further information.  
16:06:32 23 All right then. Mr Woods, do we have it?  
16:06:35 24  
16:06:35 25 MR WOODS: I'm looking for it. I've found a reference to  
16:06:37 26 the day before. I'm just looking for a number at the  
16:06:40 27 moment, we'll see if we can find it. It has been used in  
16:06:44 28 trials before as the witness suggests.  
16:06:45 29  
16:06:45 30 COMMISSIONER: Mr Nathwani, whilst that's looked for and  
16:06:48 31 Ms Martin tries to get instructions, it's a minefield area.  
16:06:52 32 Is there something else you can go on with?  
16:06:56 33  
16:06:56 34 MR NATHWANI: Yes, I can do.  
16:06:57 35  
16:06:57 36 COMMISSIONER: Thank you.  
16:06:57 37  
16:07:04 38 MR NATHWANI: PII [REDACTED], I want to look at everything that  
16:07:07 39 was going around at the time you pleaded guilty to see if  
16:07:11 40 it's true what you say, that Ms Gobbo was the one who  
16:07:14 41 pressured you into pleading guilty, all right? Okay. Can  
16:07:22 42 you hear me, PII [REDACTED]?---Yeah, I'm listening. I'm going  
16:07:26 43 to stay calm with you because I know what you're up to.  
16:07:28 44  
16:07:28 45 Okay. So Mr Bateson, you don't have any problems with  
16:07:31 46 Mr Bateson as you said, do you agree with that?---As far as  
16:07:35 47 I was concerned he was an honest copper.



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

16:07:38 1  
16:07:38 2 He was someone who you PII [REDACTED] of PII [REDACTED] for for  
16:07:43 3 PII [REDACTED]?---Nicola Gobbo PII [REDACTED] for me, PII [REDACTED] of  
16:07:46 4 PII [REDACTED]  
16:07:46 5  
16:07:46 6 And you also with Mr L'Estrange, he's someone else who you  
16:07:49 7 got on relatively well with?---I got along with all the  
16:07:53 8 police officers as police officers.  
16:07:55 9  
16:07:55 10 So a week or just after a week after the murder of PII [REDACTED]  
16:08:03 11 PII [REDACTED]?---Yep.  
16:08:04 12  
16:08:05 13 You, with Theo Magazis and Nicola Gobbo went to see  
16:08:09 14 Mr Bateson, do you agree with that?---Who?  
16:08:13 15  
16:08:14 16 Theo Magazis, a solicitor?---I can guarantee - Theo Magazis  
16:08:22 17 you're saying?  
16:08:23 18  
16:08:24 19 Magazis?---Is he a short little lawyer?  
16:08:30 20  
16:08:30 21 That doesn't really narrow it down?---I can assure you - is  
16:08:34 22 that another lawyer?  
16:08:35 23  
16:08:35 24 Yes, it's another lawyer?---I can guarantee you I never  
16:08:38 25 worked with that bloke. I can't recall that, I can  
16:08:39 26 guarantee I can't recall that, but anyway, go on.  
16:08:43 27  
16:08:43 28 Bateson has a note in his diary that on the - - -?---I  
16:08:46 29 can't recall it, I'm telling you. I can't recall it.  
16:08:48 30  
16:08:49 31 That you went to discuss potentially - Bateson's view is  
16:08:53 32 that you were already considering rolling as early as a  
16:08:56 33 couple of weeks after the murder?---Well why didn't I?  
16:09:02 34  
16:09:03 35 Let's go through why you didn't and when you eventually  
16:09:07 36 did, okay?---Yeah, go on.  
16:09:08 37  
16:09:08 38 You didn't at first because you were worried that PII [REDACTED]  
16:09:11 39 PII [REDACTED] would have you wiped out?---That's right, and like  
16:09:13 40 I said to the ACC that's why I lied. Yes, you're right.  
16:09:17 41  
16:09:19 42 On PII [REDACTED] 2004, I'm going to go through this in  
16:09:26 43 chronology, okay?---No dramas.  
16:09:28 44  
16:09:29 45 In other words in the order it happened?---Yes, one, two,  
16:09:33 46 three, four, five, six, seven, yes.  
16:09:35 47

.10/02/20

13648

[REDACTED] IN CAMERA



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

1 Mr Bateson's prepared a detailed chronology if anyone wants  
16:09:35 2 to follow it. I just want you to deal with the dates, I  
16:09:38 3 don't want you to bother yourself with the document. On PII  
16:09:42 4 PII 2004 you have a private conversation - - -  
16:09:45 5  
16:09:45 6 COMMISSIONER: We might be able to get that exhibit up if  
16:09:47 7 we can, thank you. Don't worry, you continue asking  
16:09:51 8 questions?---Yeah, you can ask the question.  
16:09:54 9  
16:09:55 10 MR NATHWANI: The chronology is VPL.0015.0001.0409.  
11  
16:10:13 12 COMMISSIONER: Anyway, while we're waiting why don't you  
16:10:15 13 just start.  
14  
16:10:16 15 MR NATHWANI: If we scroll down to PII 2004.  
16:10:20 16  
16:10:20 17 COMMISSIONER: I think we might need to make it bigger for  
16:10:25 18 the witness. Exhibit 252 it is.  
16:10:37 19  
16:10:37 20 MR NATHWANI: If we scroll a bit further down. I've got a  
16:10:45 21 wrong entry. It's from Mr Bateson's statement, on PII  
16:10:49 22 2004. Perhaps we can bring that up. Do you agree having a  
16:10:52 23 discussion with Mr Bateson, again when he was talking about  
16:10:56 24 you rolling over?---Stuart Bateson did discuss with me  
16:11:01 25 about me rolling over, yes, I remember that.  
16:11:04 26  
16:11:04 27 He recorded that conversation, okay?---Yep.  
16:11:07 28  
16:11:07 29 And do you agree at that stage Nicola Gobbo is not involved  
16:11:10 30 at all in the process?---Nicola Gobbo was always involved  
16:11:14 31 in my process.  
16:11:15 32  
16:11:16 33 PII 2004, before we come to it, this is when Mr Bateson  
16:11:20 34 comes to see you at PII, he basically says to you,  
16:11:23 35 doesn't he, "Time to roll otherwise you're going to be  
16:11:26 36 arrested and charged with the murders of PII  
16:11:30 37 PII", do you agree with that?---Yes, I also - - -  
16:11:31 38  
16:11:31 39 Do you agree Nicola Gobbo was involved at that  
16:11:34 40 meeting?---No, because Nicola Gobbo wasn't involved in that  
16:11:36 41 meeting but Nicola Gobbo knew about the meeting.  
16:11:38 42  
16:11:39 43 Okay. PII you're arrested for the murders of PII P  
16:11:46 44 PII?---That's right.  
16:11:47 45  
16:11:47 46 You tried to speak to Nicola Gobbo but can't. She's  
16:11:50 47 unavailable and so Valos comes to represent you for the

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

16:11:54 1 next day or two. There you go, do you see that?---Yeah, go  
16:11:58 2 on.  
16:11:58 3  
16:12:00 4 Then if we go to PII [REDACTED] 2004?---Yep.  
16:12:06 5  
16:12:08 6 You are - do you see that?---PII [REDACTED] received a call - - -  
16:12:15 7  
16:12:16 8 No, no, top one first, PII [REDACTED]. "Application made by the  
16:12:19 9 police", you were represented by Ms Gobbo, I think it was  
16:12:22 10 in front of Magistrate PII [REDACTED], and the magistrate orders  
16:12:24 11 that you can be questioned for eight hours about the murder  
16:12:27 12 of PII [REDACTED]?---PII [REDACTED], yes. I know there was a 464  
16:12:33 13 (indistinct) out on me, but yeah, go on.  
16:12:34 14  
16:12:34 15 You go along to that and you answer questions?---Yep.  
16:12:37 16  
16:12:38 17 Again, Gobbo not involved at the police station,  
16:12:40 18 agree?---No, but Gobbo knows that I was going there.  
16:12:43 19  
16:12:43 20 Let's have a look then on PII [REDACTED], look at the entry by  
16:12:49 21 both Bateson and L'Estrange. Bateson speaks to you in the  
16:12:53 22 presence of PII [REDACTED]?---On the PII [REDACTED]?  
16:12:56 23  
16:12:56 24 Yes?---The PII [REDACTED], yep.  
16:12:58 25  
16:13:00 26 Next entry, you can see - - -?---PII [REDACTED]  
16:13:02 27  
16:13:02 28 Hold on. You can see the next entry, L'Estrange is  
16:13:06 29 speaking to PII [REDACTED]. Do you see that?---Yeah, go on.  
16:13:18 30 Yeah, I saw that.  
16:13:19 31  
16:13:20 32 We then know you have the ACC hearings and in fact at the  
16:13:25 33 bottom, at those ACC hearings, we saw the notes, do you  
16:13:30 34 agree when the evidence stopped the police again asked you  
16:13:33 35 if you would be prepared to provide evidence?---I can't  
16:13:36 36 recall. But they might have, could be true, I can't  
16:13:39 37 recall. It's been so long.  
16:13:41 38  
16:13:41 39 Can we quickly go back to those Because at the bottom  
16:13:44 40 there's an entry I want to ask you about?---Yep. Is that  
41 Gobbo's entry?  
42  
16:13:50 43 Yes?---Listen, if it's Gobbo entry she's put it down,  
16:13:53 44 there's nothing I can do about it because I can't recall.  
16:13:56 45 I'm agreeing with you, Mr, what's your name again?  
16:14:01 46  
16:14:01 47 COMMISSIONER: Mr Nathwani it is?---Nathwani.



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

16:14:08 1  
 16:14:08 2 MR NATHWANI: There's an entry, perhaps I can just put it  
 16:14:11 3 to you. There's an entry at the bottom of the ACC stuff  
 16:14:16 4 where you say, "PII [REDACTED] and PII [REDACTED] killed", I want to get  
 16:14:19 5 this right, I think it was PII [REDACTED] is what you say, so  
 16:14:22 6 you're already saying - - -?---I could have said that,  
 16:14:25 7 don't forget Gobbo was present.  
 16:14:27 8  
 16:14:27 9 That's not the point. You're already opening your mouth,  
 16:14:30 10 telling people about the information?---No, I said that to  
 16:14:34 11 Gobbo.  
 16:14:34 12  
 16:14:34 13 Okay. Let's keep going then?---I'm saying to you I could  
 16:14:41 14 have said, I couldn't have said, I don't know. That's what  
 16:14:44 15 I'm trying to tell you, I can't recall if Bateson was  
 16:14:48 16 there, or whoever was there, but I know that Gobbo, I sat  
 16:14:50 17 in the foyer with her and I discussed things with her.  
 16:14:53 18 Yes, I did. Now I don't know what I did. I don't know  
 16:14:57 19 whether Bateson was there, or not, that's it. You might be  
 16:15:01 20 right, I don't know.  
 16:15:02 21  
 16:15:02 22 Let's slow down?---Why didn't I take [REDACTED] - I'm not  
 16:15:06 23 being smart, but why didn't I take the [REDACTED]? I would  
 16:15:09 24 have had no charges against me if I took it then but I  
 16:15:13 25 didn't. I wouldn't have done no gaol. But anyway, sorry  
 16:15:16 26 about that for interrupting you.  
 16:15:16 27  
 16:15:16 28 You would have done no gaol, we'll come back to that too,  
 16:15:19 29 okay?---Yep.  
 16:15:20 30  
 16:15:20 31 Let's go to PII [REDACTED] 2004. And before we do, let's just  
 16:15:25 32 remember what's happened by this stage. PII [REDACTED] - -  
 16:15:28 33 -?---Yeah.  
 16:15:29 34  
 16:15:29 35 PII [REDACTED] provided a statement implicating you?---Who is  
 16:15:32 36 PII [REDACTED] if you don't mind? Who's PII [REDACTED]?  
 16:15:35 37  
 16:15:35 38 You know who, PII [REDACTED]?---Okay, yeah. All right, all  
 16:15:39 39 right. I forgot all about that, sorry.  
 16:15:40 40  
 16:15:41 41 He's made a statement saying that you were involved in the  
 16:15:44 42 murder?---Yep.  
 16:15:45 43  
 16:15:45 44 Right. He has provided the statements, he's PII [REDACTED]  
 16:15:51 45 and we see on PII [REDACTED] just before, well months before  
 16:15:56 46 he's about to be sentenced, PII [REDACTED] PII [REDACTED], not  
 16:16:00 47 Ms Gobbo, is saying that - - -?---PII [REDACTED] let's get that



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

16:16:04 1 straight.  
16:16:04 2  
16:16:05 3 Okay, it doesn't matter who it is, it's not  
16:16:08 4 Ms Gobbo?-- PII .  
16:16:08 5  
16:16:08 6 PII is calling the police saying you want to talk to them  
16:16:12 7 on the quiet, yes?--Yeah, that's with Gobbo probably  
16:16:17 8 getting in my ear, I don't know. I can't answer that  
16:16:20 9 question, but I can guarantee Gobbo convinced me to roll.  
16:16:24 10  
16:16:24 11 Listen, PII was putting pressure on you, do you agree  
16:16:27 12 with that?--I was talking to PII probably about Gobbo.  
16:16:32 13 I can't answer that - I could have been saying to her, I  
16:16:34 14 can guarantee it, the only person that made me - PII  
16:16:38 15 could have been putting pressure on me and I wasn't  
16:16:42 16 agreeing, but Gobbo - - -  
16:16:43 17  
16:16:43 18 Okay two days later, as it so happened, L'Estrange comes to  
16:16:46 19 visit you, you don't tell him to go away, you have a chat  
16:16:49 20 with him because you're again considering rolling, do you  
16:16:51 21 agree with that?--How do I know what was getting discussed  
16:16:54 22 with Gobbo and PII, I don't know. There would be a  
16:16:57 23 reason for all that, but I can assure you it was Gobbo that  
16:17:01 24 made me roll. How do I know Gobbo didn't put pressure on  
16:17:02 25 PII, I don't know. I would be saying to you I do  
16:17:04 26 know but I don't know. So it's not a lie.  
16:17:07 27  
16:17:07 28 Slow down. Can you go to paragraph 37 of your statement.  
16:17:12 29 And we can blow it up so you can read it perfectly. I can  
16:17:19 30 read it word for word?--Go on, let's go. I'm more than  
16:17:21 31 happy to do this, let's go. Go ahead, I'm more than happy  
32 to listen to you.  
33  
34 For reasons - slow down, slow down. I can't understand  
16:17:28 35 you. You're mumbling, slow down?--I'm just going to read  
16:17:31 36 it now.  
16:17:33 37  
16:17:34 38 "Gobbo subsequently started putting pressure on me in an  
16:17:40 39 attempt to change my mind and plead guilty." Let me read  
16:17:44 40 it out and ask you the question, all right?--Yes.  
41  
16:17:44 42 "This first became apparent in the lead up to PII  
16:17:48 43 decision to PII. Gobbo came to see me in custody  
16:17:52 44 to advise me of the prospect of PII and  
16:17:56 45 he might roll. She urged me to get in first before he  
16:17:57 46 does." I'll stop there. Now just pause for a  
16:18:00 47 second?--Yeah, I have.

.10/02/20

13652

IN CAMERA

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

16:18:00 1  
16:18:01 2 PII [REDACTED] doesn't provide a statement to the police until  
16:18:03 3 PII [REDACTED] 2006, and just to help you more with the dates, in  
16:18:08 4 PII [REDACTED] 2006 he writes to the prosecution, so this is, so  
16:18:13 5 what I'm showing you now about rolling, and in your  
16:18:17 6 statement you're saying Gobbo only put pressure on you  
16:18:21 7 after PII [REDACTED] this is what you're saying, after PII [REDACTED]  
16:18:23 8 decision to plead guilty, okay. In fact here we are  
16:18:28 9 looking at material a year and a half?---Yeah, yeah.  
16:18:31 10  
11 Slow down?---Yeah, go on. Go on.  
12  
16:18:31 13 We're looking at material a year and a half, up to two  
16:18:36 14 years before and you're already talking about  
16:18:40 15 rolling?---Because Gobbo was pressuring me to start  
16:18:42 16 rolling, she was doing it nice and easy.  
16:18:44 17  
16:18:45 18 Why do you say in your statement, "Gobbo from the moment I  
16:18:48 19 was arrested started putting pressure on me to  
16:18:51 20 roll"?---Yeah, what I meant by that - no, no, no. Don't  
16:18:52 21 put - okay, fine, you can say what you want to say.  
16:18:55 22  
16:18:55 23 Do you want to change your statement again?---No, I'm not  
16:18:58 24 going to change my statement. You're misunderstanding what  
16:19:01 25 I'm saying. She started putting pressure on me very  
16:19:05 26 slowly, right. Then once she found out PII [REDACTED] had written  
16:19:08 27 a letter for the prosecution she started putting the acid  
16:19:12 28 on - the hard word on me to roll. Yes, she was putting  
16:19:15 29 pressure on me from day one. Yes, when she found out about  
16:19:29 30 PII [REDACTED] writing a letter to the prosecution - when she said  
16:19:30 31 about PII [REDACTED], right, then she started putting on pressure  
16:19:34 32 on me to get in first.  
16:19:36 33  
16:19:36 34 Right, okay. Let's now go on to what else was going on.  
16:19:39 35 Let's go back to the time line, the chronology. PII [REDACTED]  
16:19:47 36 2005?---Yeah.  
16:19:50 37  
16:19:52 38 You see there at the top - sorry, that was it?---Are these  
16:19:58 39 Stuart Bateson's notes?  
16:19:59 40  
16:20:00 41 It is the notes of quite a lot of Purana detectives,  
16:20:03 42 okay?---Yeah, yeah, yeah, no dramas. Yeah, I'm asking  
16:20:05 43 questions.  
16:20:05 44  
16:20:05 45 PII [REDACTED] you see pleads guilty, gets a sentence of PII [REDACTED] with a  
16:20:09 46 PII [REDACTED]?---Yes.  
16:20:10 47

.10/02/20

13653

[REDACTED] IN CAMERA



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

16:20:10 1 You would have been well aware of that, do you agree with  
16:20:13 2 that?---Yes, I did.  
16:20:14 3  
16:20:14 4 So PII 2005, do you agree that you were troubled by  
16:20:18 5 having a trial with PII and PII?---Yes.  
16:20:25 6  
16:20:26 7 Because you thought if you had a trial - -  
16:20:28 8 -?---(Indistinct).  
16:20:28 9  
16:20:29 10 Exactly. There was more chance of you being  
16:20:30 11 convicted?---Yes.  
16:20:30 12  
16:20:32 13 PII 2005. You make the application and you lose, do  
16:20:36 14 you agree with that?---Yes.  
16:20:37 15  
16:20:37 16 So there is another issue of evidence against you, you're  
16:20:40 17 now in a trial with PII and PII?---Yep.  
16:20:45 18  
16:20:45 19 PII 05, try and get bail. Do you see that?---Yep,  
16:21:01 20 Ms Gobbo did that, yep.  
16:21:02 21  
16:21:03 22 But refused, so all your options are starting to slow down.  
16:21:07 23 Now let's go then to a major event, PII 2005. PII  
16:21:13 24 PII found guilty of the murder of PII, do  
16:21:15 25 you see that?---Yep.  
16:21:17 26  
16:21:20 27 And then a major moment, PII 2006. There you go.  
16:21:32 28 Geoff Horgan, received fax or something from - Geoff  
16:21:36 29 Horgan, the prosecutor, received a letter from PII,  
16:21:40 30 wanted to do a deal?---Yep, yep.  
16:21:42 31  
16:21:43 32 Go to PII. Just there. Further approach by PII  
16:21:52 33 to give evidence for the Crown, Inspector Ryan advised,  
16:21:56 34 Overland informed, meeting with Horgan. Pausing there, you  
16:22:00 35 knew PII was thinking about rolling over?---Yeah, but I  
16:22:05 36 was still strong against not rolling. Yeah, I knew I could  
16:22:09 37 beat them because I tried to - you've got to understand Mrs  
16:22:12 38 Gobbo was saying to me to roll before PII.  
16:22:17 39  
16:22:18 40 Do you agree that you told PII that if PII  
16:22:23 41 rolled, you'd roll yourself?---No.  
16:22:26 42  
16:22:26 43 Right, okay. Give me one more minute and we'll come to  
16:22:30 44 something else?---Yeah, no dramas. You can come up with  
16:22:35 45 whatever you want. It's okay, fine.  
16:22:36 46  
16:22:36 47 In fact let's go to it, let's go to VPL.0005.0062.0079,



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

16:22:43 1 it's RC475. Bateson and a few other officers, different  
16:22:55 2 ones at different times, came to see you before you rolled,  
16:22:57 3 do you agree with that?---Yep, I don't know but I'll agree  
16:23:00 4 with what you're saying, yeah, go on.  
16:23:02 5  
16:23:02 6 Do you know that [REDACTED] so we know  
16:23:04 7 everything you [REDACTED]?---Nothing would surprise me, but go  
16:23:06 8 for it.  
16:23:07 9  
16:23:07 10 Okay, let's go to p.2. You see in the middle there, it  
16:23:14 11 says Bateson, "All I can say is that we had an offer on the  
16:23:18 12 table for you since day dot", do you see that?---Yes, I saw  
16:23:23 13 that.  
16:23:23 14  
16:23:23 15 Scroll down to p.3, I'm just going to jump through this.  
16:23:26 16 See if we can get through it. Keep going please,  
16:23:28 17 p.3?---Yep.  
18  
16:23:28 19 You say, "I want to assist"?---Yep.  
16:23:31 20  
16:23:32 21 "Okay, look, I want to assist, right, but at the time who  
16:23:36 22 are you going to believe, him or me? That's what I'm  
16:23:40 23 fucking stressing over. I'm being straight with  
16:23:40 24 you"?---Yeah, I agree with you. Yeah, I agree with you but  
16:23:42 25 don't forget Gobbo was always behind the scenes. So I  
16:23:45 26 don't know what you're on about, but yes, I agree with you.  
16:23:49 27 There you go, how does that sound? Let's go on, next.  
28  
16:23:51 29 You were - - - ?---No, I wasn't prepared to roll on Gobbo's  
16:23:54 30 instructions. She kept hassling me. So what I made sure  
16:23:57 31 is what Gobbo was telling me was to double-check with them  
16:24:01 32 if I was going to get a good deal and they'd look after me,  
16:24:03 33 that's fine, okay. I agree with what you're saying, but  
16:24:06 34 Gobbo was always behind the scenes. Let's go, next.  
16:24:08 35 You're right, let's go.  
36  
16:24:10 37 The truth is that PII [REDACTED] - - - ?---The truth is you can  
16:24:12 38 say what you like, but anyway, go on.  
16:24:14 39  
16:24:16 40 Are you going to keep talking over me, because you'll  
16:24:18 41 probably have to come back another day?---I apologise.  
16:24:20 42 Sorry, sir.  
16:24:20 43  
16:24:20 44 Do you agree you were basically, your problem was that they  
16:24:24 45 were believing PII [REDACTED] and it annoyed you?---No, no. I  
16:24:29 46 knew PII [REDACTED], I remember I was told that he wasn't credible  
16:24:35 47 so I knew that didn't worry me.

.10/02/20

13655

[REDACTED] IN CAMERA

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

16:24:36 1  
16:24:37 2 Let's go to p.5?---I knew the coppers might believe him  
16:24:46 3 just to get us all locked up.  
16:24:48 4  
16:24:49 5 In the middle you say, "If I fold over everyone will follow  
16:24:53 6 me." O'Brien says, "You know, just so". You say, "I'm  
16:24:55 7 confused. I'm fucked up", just so we're clear on that. "I  
16:24:59 8 just should" - - - ?---I see that.  
16:25:00 9  
16:25:00 10 Listen, "Just should have said from the start, I should  
16:25:03 11 have just got it out of my hair, that's it. Just so we're  
16:25:06 12 clear on this". You say, "Yeah"?---Yep.  
16:25:08 13  
16:25:08 14 You're saying there - let's go a bit further down,  
16:25:09 15 "(Indecipherable), right. You can say what you know and I  
16:25:12 16 know for a fact I'm already fucked there, I'm totally  
16:25:17 17 fucked", right, and that's - - -?---Yes, I agree with you.  
16:25:20 18 Yes, if that's on the recording I agree with you 100 per  
16:25:23 19 cent. What you've got to understand, these meetings would  
16:25:27 20 have been set up by Gobbo, Gobbo telling me to talk to  
16:25:30 21 them. That's all I can say to you. Yes, I agree with what  
16:25:33 22 I've just said there.  
16:25:33 23  
16:25:33 24 PII ?---I still would have gone to court because then  
16:25:39 25 I would have died a hero, not a goose like I am now for  
16:25:42 26 being a Crown witness.  
16:25:42 27  
16:25:42 28 You shouldn't have killed anyone, there we are?---I didn't  
16:25:48 29 PII by the way. I PII - I PII s,  
16:25:50 30 yes. I agree that what I get is what I deserve. Yes, I  
16:25:53 31 totally agree with you.  
16:25:53 32  
16:25:53 33 You say you're not guilty of murder despite pleading guilty  
16:25:56 34 to murder?---No, no, I'm PII yes, but I  
16:25:57 35 PII Do you understand? Yes, I am  
16:25:59 36 involved in murders, I PII  
37  
16:26:02 38 We understand?---It's a different heart, that takes a  
16:26:04 39 different heart to PII. But I admit it, yes,  
16:26:06 40 I am a murderer because I was involved in it, yes. I'm not  
16:26:10 41 denying it, yes.  
16:26:11 42  
16:26:11 43 You PII but don't have the heart to do it?---No, not  
44 these days, I never had.  
45  
16:26:17 46 MR HALPHEN: Commissioner - - -  
16:26:17 47



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

16:26:17 1 COMMISSIONER: That is not a useful question. Please move  
16:26:20 2 on?---Yes, thank you.  
16:26:21 3  
16:26:22 4 MR NATHWANI: You said if it's on the transcript it must be  
16:26:24 5 true. Let's go to p.26, I just asked you  
16:26:28 6 something?---Yeah, let's go.  
16:26:30 7  
16:26:35 8 "I know for a fact that PII, I said to PII if PII  
16:26:39 9 makes up a story I'm rolling by myself. I'm just going to  
16:26:42 10 fucking put my hand up, tell them what part I had in it and  
16:26:42 11 that's it. That's all I discussed with PII." Right.  
16:26:46 12 About three minutes ago I asked you if you ever told PII  
16:26:52 13 that if PII rolled you'd be rolling yourself, you said  
16:26:56 14 no. That's a lie?---Did I roll? Did I? I might have said  
16:26:58 15 that to PII, I can't recall, but did I roll? I rolled a  
16:27:01 16 long time after PII so it didn't happen if you think  
16:27:05 17 about it. Have a good look at it.  
18  
16:27:06 19 Let's go to p.31?---I might have said that to PII  
16:27:07 20 remember I can't recall. Like I said, this is 20 years  
16:27:10 21 ago. Yes, you're right. You are right, 100 per cent. But  
16:27:14 22 when did I roll? From the day that was made, didn't I roll  
16:27:18 23 a long time after that, after Gobbo putting pressure on me?  
16:27:22 24 So yes, you are right. Yeah, I am agreeing with you 100  
16:27:25 25 per cent, Mr Nathwani.  
16:27:27 26  
16:27:27 27 Let's go to p.31?---Yes, I agree with you, sir.  
16:27:33 28  
16:27:35 29 Okay?---This is all the same day, yes, I agree. It's all  
16:27:39 30 I can see it. Yes, it's true.  
16:27:41 31  
16:27:41 32 COMMISSIONER: Is there any way we can shorten this?  
33  
16:27:45 34 MR NATHWANI: I'm trying to bridge it  
35  
16:27:46 36 COMMISSIONER: Thank you.  
37  
16:27:45 38 MR NATHWANI: Look, I didn't call him - - - ?---I don't  
16:27:46 39 know what you're getting up to but whatever is there is  
16:27:49 40 true and correct. Gobbo has always been behind it, end of  
16:27:53 41 discussion. I agree with what you're saying, yes. What do  
16:27:55 42 you want to know?  
16:27:56 43  
16:27:58 44 Can you wait and just listen to the question, okay. Let's  
16:28:00 45 scroll down. Bateson says, "Talk to your lawyers about it,  
16:28:02 46 talk to your solicitors". O'Brien says, "I'm fucked up,  
16:28:06 47 right, I'm fucked up. Can I get my solicitors back up



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

16:28:10 1 here?" Bateson says, "If you want to, yeah, right, I get  
16:28:11 2 them back out here, talk to them". Scroll  
16:28:14 3 down?---(Indistinct) I talked to your client.  
16:28:16 4  
16:28:16 5 "Talk to them and make contact with us throughout", okay.  
16:28:19 6 "You're, you're really, we're not interested in halfway",  
16:28:25 7 okay. "I've not taken half in or half out, I know what  
16:28:30 8 you're up to, you don't understand me. When I give it -  
16:28:36 9 you don't want to go to gaol". You then go on.  
16:28:43 10  
16:28:43 11 COMMISSIONER: Mr Nathwani, could we not deal with these by  
16:28:47 12 way of written submissions in due course? I mean you've  
16:28:49 13 put the gist of it is, you've put this to him.  
16:28:53 14  
16:28:54 15 MR NATHWANI: He says that - do you agree that in fact when  
16:28:55 16 you were first asked you say Jim was the one who told you  
16:28:57 17 to roll, "Jim was the one who told me to be frank"?---Jim  
16:29:03 18 never told me - hang on. If that was said there, I can  
16:29:06 19 assure you, right, I've left Gobbo out of it because she  
16:29:09 20 always said not to (indistinct) her. I can guarantee it,  
16:29:12 21 without a doubt Gobbo was behind the scenes making sure  
16:29:14 22 that I rolled. Jim Valos, I'll never forget this, he was  
16:29:21 23 disappointed in me when I rolled. What's in the statement  
16:29:24 24 there, yes, I agree with you, yes, I do. But I can  
16:29:27 25 guarantee your lawyer, or who you represent, Mrs Gobbo is  
16:29:30 26 the one that forced me into rolling. But she didn't put a  
16:29:35 27 gun to me head so it's my fault as well, yes. But not Jim  
16:29:39 28 Valos. I don't have to protect Jim Valos. What I said  
16:29:42 29 there my head was fucked up, sorry about the language, but  
16:29:45 30 my head was all over the place. So I wasn't quite right  
16:29:50 31 frame of mind, but I can assure you that Mrs Gobbo was  
16:29:53 32 behind the scenes putting the pressure on me.  
16:29:55 33  
34 Can we go to paragraph - - - ?---Now, I - - -  
35  
16:29:56 36 Stop, stop?---Yes, I agree with you. What do you want to  
16:30:00 37 know? Yes, all this on this transcript is true and  
16:30:02 38 correct.  
39  
16:30:02 40 Can we go to p.35.  
16:30:02 41  
16:30:03 42 COMMISSIONER: All right, you've made your point. Thanks  
16:30:04 43 PII  
16:30:05 44  
16:30:05 45 MR NATHWANI: Commissioner, I'll only take him two or three  
16:30:08 46 entries over about the five transcripts. So let's go. At  
16:30:13 47 the top, Bateson says, "My advice to you is that you're

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

16:30:17 1 going to need to be frank and full or your solicitor's  
16:30:20 2 going to have to". You say, "Hang on, hang on, that's why  
16:30:22 3 I want you here, right, and that's why I want to tell him.  
16:30:23 4 Jim told me to be frank, I'm going to tell Jim straight  
16:30:27 5 out", right? Just hear me out, "Yeah, frank. Do you trust  
16:30:31 6 him, hey, do you trust him? Yeah, Jim's all right. Jim's  
16:30:34 7 the one who told me to fuckin' roll"?--No, that was Gobbo.  
16:30:39 8 Jim would never - Jim's never agreed me for rolling. He  
16:30:43 9 didn't he'll tell you.

16:30:44 10  
16:30:44 11 Why did you say that?--Anyway, but I was fucked up in the  
16:30:45 12 head. Yes, I admit that, but I was leaving Gobbo - I can  
16:30:47 13 assure it's Gobbo behind everything. Now that I agree,  
16:30:51 14 what that says is what it says. I left Gobbo out, Gobbo  
16:30:55 15 told me never to involve her because she was working with  
16:30:58 16 the jacks.

17  
16:31:00 18 COMMISSIONER: He's given this - - - ?--She was the  
16:31:01 19 smartest cookie of all. That's fine. Yes, what that says  
16:31:05 20 there is true and correct.

16:31:05 21  
16:31:05 22 COMMISSIONER: Thanks PII [REDACTED], it's okay. Look, he has  
16:31:06 23 made that point several times, you've asked him that  
24 several times, he's given the same answer.

25  
26 MR NATHWANI: I didn't call him to give evidence and So I  
16:31:08 27 should be allowed to deal with some of the allegations he  
16:31:15 28 makes.

16:31:15 29  
16:31:16 30 MR WOODS: Commissioner, could I quickly Interpose.  
16:31:17 31 Because the point has been made on a number of occasions  
16:31:20 32 that Mr Nathwani didn't call the man, we have now gone  
16:31:24 33 through evidence that shows both his client and Victoria  
16:31:27 34 Police were dealing with this man prior to his entering his  
16:31:31 35 plea to a charge of murder. On any view he didn't get  
16:31:34 36 independent representation and I think it's most  
16:31:37 37 inappropriate to suggest that there's some irrelevance or  
16:31:41 38 that he shouldn't have been called by counsel assisting.

16:31:44 39  
16:31:45 40 MR NATHWANI: That's not the suggestion, the suggestion is  
16:31:48 41 he's making allegations which obviously Ms Gobbo says isn't  
42 true and actually demonstrably by his own mouth in a number  
43 of transcripts?--No, it's not demonstrably.

44  
45 COMMISSIONER: Just a moment, PII [REDACTED] Just be quiet,  
46 PII [REDACTED]. Yes, I understand that but you've said this to  
16:32:14 47 him several times and he's given the answer that he was



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

16:32:14 1 keeping her out of it. We've gone over it several times.  
16:32:14 2 What more can we do, really?  
16:32:14 3  
16:32:14 4 MR NATHWANI: PII [REDACTED], do you agree that once you'd given  
16:32:14 5 your account to the police Mr Bateson asked you how you  
16:32:17 6 felt and you said "grouse"?--I could have. I could have,  
16:32:21 7 yes. I'm not going to deny that. I could have, I can't  
16:32:24 8 recall. If I say no - I can't recall. It is what it is.  
9  
16:32:25 10 COMMISSIONER: All right. That's your answer. Thank you,  
16:32:27 11 yes.  
16:32:28 12  
16:32:28 13 MR NATHWANI: Earlier you said about payments to your  
16:32:30 14 lawyers, you said you paid all your lawyers in cash apart  
16:32:33 15 from Jim Valos?--Jim Valos, he got cheques. Nicola Gobbo  
16:32:39 16 got all cash and (indistinct) and other lawyers.  
17  
16:32:41 18 How'd you pay PII [REDACTED]?--PII [REDACTED] was paid by  
16:32:45 19 cheques.  
20  
16:32:46 21 How about PII [REDACTED]?--PII [REDACTED] was paid by cheques.  
22  
16:32:53 23 So which lawyers do you say you paid in cash apart from  
24 Ms Gobbo, because earlier you said all the lawyers?--All  
16:32:58 25 the money went to Jim Valos and Jim Valos paid them.  
26  
16:32:59 27 No, that wasn't the question. Earlier you said all the  
16:33:01 28 lawyers apart from Jim Valos you paid in cash, so which  
16:33:06 29 other lawyers were you referring to, or were you yet again  
16:33:08 30 mistaken?--My PII [REDACTED]. The lawyers that  
16:33:10 31 represent me, I can't recall their names, the ones that  
16:33:13 32 represent me in my PII [REDACTED] charges, I paid them  
16:33:17 33 cash.  
34  
16:33:17 35 You say that PII [REDACTED] - - - ?--Was paid through Jim Valos  
16:33:22 36 and the money that went to Jim Valos was all money paid  
16:33:27 37 with cheques or from family, because the police were  
16:33:29 38 keeping an eye where the money was coming from.  
39  
16:33:32 40 I'm asking about - you say you never got any advice from  
16:33:36 41 PII [REDACTED] after the committal, do you agree with  
16:33:38 42 that?--Yes, never did. I got advice that - on that day -  
16:33:41 43 sorry, Mr - on the day after I got stand to trial, commit  
16:33:46 44 to trial, I asked him the questions what are my chances of  
16:33:52 45 being convicted and he turned around, "What's my chances of  
16:33:55 46 being the president of the United States?"  
16:33:56 47

.10/02/20

13660

[REDACTED] IN CAMERA



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

16:33:57 1 You said that. In PII 2006 he represented you in a Basha  
16:34:01 2 hearing?---Yes.  
3  
16:34:02 4 And just to put that in context, by then you'd spoken to  
16:34:05 5 the police on several occasions, okay, the conversations  
16:34:08 6 with Bateson and others in prison?---That's because of the  
16:34:11 7 pressure I was getting off Gobbo just to see where I was  
16:34:14 8 going to go if it didn't work out with the Basha. Yes, I  
16:34:18 9 agree with you, but I wasn't prepared to lie.  
16:34:20 10  
16:34:22 11 Wait for the question. Wait for the question. By then  
16:34:25 12 PII had rolled, PII had rolled, PII had been  
16:34:27 13 convicted, you'd lost your severance application - that's  
16:34:30 14 separate trial - you'd - did you not ask PII at that  
16:34:33 15 Basha hearing, "What are my chances"?---I can't recall.  
16:34:39 16 I'd be lying to you if I could. I'm pretty sure, right,  
16:34:45 17 PII wanted me to go all the way to the end.  
16:34:48 18 Because he knew the case. PII was a very - he  
16:34:52 19 didn't like the coppers, he knew that a lot of the evidence  
16:34:55 20 the coppers would be supplying weren't right and he didn't  
16:34:59 21 believe the witnesses. So I could be saying - PII  
16:35:02 22 PII - I can't recall. I know what happened at the  
16:35:05 23 committal but I can't recall at the Basha. That's being  
16:35:07 24 honest with you.  
25  
16:35:08 26 There's an ICR - - - ?-- PII was in shock, he was  
16:35:11 27 surprised as well that I PII  
28  
16:35:15 29 There's an ICR which you don't need to worry about this,  
16:35:19 30 Ms Gobbo talking to her handlers and on PII at 5.30 in  
16:35:24 31 the evening it says that you have lost faith in PII  
16:35:27 32 PII that you had no money?---No, that's not true. That  
16:35:29 33 could be something Gobbo could be making up. You got to  
16:35:32 34 remember Mrs Gobbo used to say things to me and then say  
16:35:35 35 things to the coppers. It makes sense now that what she  
16:35:38 36 was doing with me was playing her little games with both  
16:35:40 37 sides. She was playing games. Like if she was dead set  
16:35:42 38 working for the coppers, there wouldn't have been no  
16:35:45 39 murders. That doesn't make sense here. She enjoyed people  
40 getting murdered.  
41  
16:35:47 42 Let me finish the entry, okay. It says that you wanted to  
16:35:50 43 plead guilty, you want investigators to speak to him before  
16:35:53 44 he goes to court next week. The next entry is Gavan Ryan  
16:36:00 45 at Purana was told about it and he responded that he knew  
16:36:03 46 everything that had been said because he'd already spoken  
16:36:07 47 to you the Friday before. Do you ever remember a

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

16:36:09 1 conversation with Gavan Ryan where you're saying - - -  
16:36:12 2 ?---Yes, I do remember a conversation. I can't remember if  
16:36:14 3 it was that one there. Yes, I did speak to Gavan Ryan to  
16:36:17 4 find out what my outcome was. I wanted to make sure to see  
16:36:21 5 what the outcome was. Yes, I do, I remember speaking to  
16:36:25 6 Gavan Ryan. But what was it about? I can't recall.

7  
16:36:27 8 So you never explained to anyone, is that what you're  
16:36:29 9 saying, about PII [REDACTED]?---I complained that I wanted to  
16:36:34 10 speak to PII [REDACTED] and would not get - every time I  
16:36:37 11 asked to see him she gave me an excuse. Now it all makes  
16:36:42 12 sense why she gave me an excuse. But anyway, no, I wasn't  
16:36:43 13 prepared to roll. Why didn't I roll before when Nicola -  
16:36:45 14 okay - - -

16:36:46 15  
16:36:46 16 COMMISSIONER: All right, I think you've answered the  
16:36:47 17 question, yes.

16:36:48 18  
16:36:49 19 MR NATHWANI: Do you agree the sentence you got was a good  
16:36:52 20 deal for your involvement?---Yes, but not the parole. Yes.

21  
16:36:56 22 Because you were thinking PII [REDACTED] to PII [REDACTED] years, that's what you  
16:36:59 23 say in all these transcripts, do you agree with that?---If  
16:37:01 24 I didn't PII [REDACTED] - if I went to trial, yes. If I got  
16:37:05 25 found guilty, yes. I would have got that all day long.  
16:37:09 26 Yes, I agree with you.

27  
16:37:12 28 Do you know that in about 2008 I think it is, Ms Gobbo  
16:37:14 29 approached Bateson and said that you wanted to reopen or  
30 appeal your sentence because you felt you should have got a  
16:37:19 31 bigger discount?---Yes, and like I've always argued the  
16:37:21 32 point that - I was always happy with my sentence but I  
16:37:23 33 wasn't happy with my parole. Yes, I asked her if I wanted  
16:37:26 34 to appeal my parole and she said no, it won't work. Yes, I  
16:37:30 35 agree with you. Yes, I did complain about my parole.  
16:37:33 36 Everyone knew that my sentence I was happy with.

37  
16:37:35 38 COMMISSIONER: All right, thanks. I think you've answered  
16:37:39 39 the question. Yes.

40  
16:37:40 41 MR NATHWANI: As basic propositions you will deny - or let  
16:37:43 42 me put it this way - you were lying when you say that  
16:37:44 43 Ms Gobbo did drugs either in your presence or you were told  
16:37:47 44 about it?---I can assure you - I'll tell you something  
16:37:49 45 now - - -

46  
16:37:49 47 Listen, I just - - - ?---I tell you something, the people



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

16:37:51 1 who were there will testify in court. How's that sound?  
16:37:56 2 Let's go. Let's go. The people that were - - -  
3  
16:38:00 4 COMMISSIONER: You've put that, Mr Nathwani, and he's  
16:38:01 5 denied it. Yes.  
16:38:03 6  
16:38:03 7 MR NATHWANI: The suggestion that she was on a retainer by  
16:38:06 8 you again is absolutely rubbish?---I tell you it's 100 per  
16:38:11 9 cent certain, but go on, next.  
10  
16:38:14 11 The reason you PII [REDACTED] was because you were worried  
16:38:17 12 about a massive sentence and PII [REDACTED] was putting pressure  
16:38:20 13 on you to PII [REDACTED]?---It's what Mrs Gobbo was, um,  
16:38:24 14 putting pressure on me and putting pressure on PII [REDACTED] and  
16:38:27 15 getting to me. That didn't work, but when she did PII [REDACTED]  
16:38:31 16 PII [REDACTED], yes, that worked.  
16:38:31 17  
16:38:32 18 Last you said to police, just before you roll, you say, "I  
16:38:33 19 want to PII [REDACTED], looking to get the least amount  
16:38:37 20 of years, I'm fucked"?---I can't recall that. But if it  
16:38:41 21 says that, yes, I agree with you, but I can't recall that.  
22  
16:38:44 23 Of course you can't?---And I did get the least amount  
16:38:44 24 sentence, yes, I did. I got a good deal if I didn't go to  
16:38:46 25 trial, bar my parole.  
26  
16:38:50 27 Thank you PII [REDACTED]?---Thank you.  
28  
16:38:53 29 COMMISSIONER: Do we have any- - - ?---Say hello to your  
16:38:56 30 client for me.  
31  
16:38:57 32 Did we have any success finding the ACC transcript?  
16:39:03 33  
16:39:04 34 MR WOODS: No, I don't think we have that particular date  
16:39:07 35 which is PII [REDACTED].  
36  
16:39:08 37 COMMISSIONER: No. Mr Nathwani, if we do locate it one way  
16:39:10 38 or another, and if we're able to tender it, we can tender  
16:39:12 39 it and you can make the appropriate submissions on that as  
16:39:17 40 to inconsistencies. But the general tenor of the witness  
16:39:19 41 is that he admits that that was lies?---I lied on the day,  
16:39:29 42 yes, Your Honour.  
43  
16:39:31 44 All right then. Yes, Mr Holt?  
16:39:32 45  
16:39:32 46 MR HOLT: No cross-examination, Your Honour.  
47



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

16:39:35 1 COMMISSIONER: Any re-examination?  
16:39:35 2  
3 MR WOODS: None, Commissioner.  
4  
5 COMMISSIONER: No all right.  
6  
7 MR HALPHEN: None, Commissioner.  
8  
9 COMMISSIONER: Where do we go now?  
10  
16:39:36 11 MR WOODS: We just need to deal with one other matter  
16:39:37 12 briefly.  
13  
16:39:39 14 COMMISSIONER: It will have to be done in closed hearing,  
16:39:40 15 is that right?  
16:39:42 16  
16:39:42 17 MR WOODS: Yes, it will.  
18  
16:39:47 19 COMMISSIONER: We'll need to adjourn for a short time, I  
16:39:49 20 think.  
16:39:50 21  
16:39:50 22 MR WOODS: Yes, that's correct.  
23  
24 COMMISSIONER: All right, we'll have a short adjournment  
16:39:50 25 now.  
16:39:50 26  
27 (Short adjournment.)  
28  
29 (IN CONFIDENTIAL HEARING FOLLOWS)  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47