

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria
On Tuesday, 11 February 2020

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

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

Counsel for Victoria Police Mr S. Holt QC
 Ms C. Dawes

Counsel for State of Victoria Mr T. Goodwin

Counsel for Nicola Gobbo Mr R. Nathwani

Counsel for DPP/SPP Ms K. O'Gorman

Counsel for CDPP Ms A. Haban-Ber

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

Counsel for AFP Ms I. Minnett

Counsel for Chief
 Commissioner of Police Mr A. Coleman SC
 Mr P. Silver

Counsel for ACIC Ms S. Martin

09:39:12 1 COMMISSIONER: Yes, the appearances today are largely as
09:39:17 2 they have been. We have Mr Holt and Ms Dawes for Victoria
09:39:24 3 Police and Ms O'Gorman for the DPP. I understand we're
09:39:29 4 ready to connect. I don't have Ms Gobbo on the line
09:39:33 5 yet?---I am.
6
09:39:35 7 Are you? I can't see you though. Now I can see you.
8 Good. Thanks, Ms Gobbo. You're ready to go? I'll just
09:39:47 9 say, we will be having breaks pretty firmly at 11 for 15
09:39:52 10 minutes, then 12.30 to 1 for half an hour and then 3.15 for
09:39:58 11 15 minutes to enable Ms Gobbo to consult with her medical
09:40:01 12 practitioner. Yes, all right. Mr Chettle.
09:40:04 13
09:40:04 14 <NICOLA MAREE GOBBO, recalled:
09:40:09 15
16 <CROSS-EXAMINED BY MR CHETTLE:
17
18 Thank you, Commissioner. Can you hear me, Ms Gobbo---Yes.
19
09:40:10 20 Can I want to ask you a few general propositions first
09:40:13 21 about your relationship with the handlers. You know that
09:40:17 22 all the face-to-face meetings you had with the handlers
09:40:23 23 with you were tape-recorded?---Yes.
24
09:40:26 25 You know that they kept notes in relation to any telephone
09:40:32 26 conversations they may have had with you?---Yes.
27
09:40:37 28 The idea, as you understand, was to have a fully
09:40:42 29 accountable and transparent Unit?---Yep.
30
09:40:44 31 Right. You appreciated that the handlers were effectively
09:40:51 32 working for Sandy White?---Yes, of course.
33
09:40:56 34 He was the - I'll call him the controller, is that a term
09:41:00 35 you're used to?---Yes, yep.
09:41:01 36
09:41:01 37 All right. He attended a number of face-to-face meetings
09:41:07 38 with you, didn't he?---Yes, he did.
39
09:41:09 40 You only had, I suggest, one telephone conversation with
09:41:13 41 him, and I'll come to the details of that in a moment, but
09:41:17 42 the rest of the telephone - all the telephone calls you had
09:41:20 43 were with the designated handler, whoever had the phone at
09:41:25 44 the time?---Correct.
45
09:41:26 46 That started off as Mr Smith, primarily Mr Smith, then
09:41:29 47 Mr Green, Mr Anderson and Mr Fox were predominantly the

09:41:36 1 handlers, weren't they?---Um, I'm just getting the
09:41:40 2 pseudonyms, but yes.
3

09:41:42 4 Another one that started off as a handler and became a
09:41:47 5 controller was Mr Black. He came in as a handler after
09:41:51 6 Mr Smith and then became subsequently a controller?---Yep,
09:41:54 7 that's correct.
8

09:41:55 9 All right. In relation to what actually happened between
09:42:00 10 you and the SDU, there is a contemporaneous record that the
09:42:07 11 Commissioner can rely on in relation to determining what
09:42:11 12 transpired between you and them, do you agree that?---Yeah,
09:42:18 13 of course, to the extent that the notes were made at the
09:42:22 14 time, that's right.
15

09:42:23 16 You made some comments about that and I'll come to that
09:42:26 17 later on. You have given evidence about this, your
09:42:32 18 involvement with the SDU, on a number of occasions,
09:42:35 19 including in the Supreme Court and including in private
09:42:38 20 hearings with the Commission, correct?---Well, the private
09:42:44 21 hearings weren't evidence, um.
22

09:42:46 23 They are now?---Yes, I know what you mean.
24

09:42:50 25 They are now because you adopted them when you gave
09:42:52 26 evidence, do you follow?---Okay, yes.
27

09:42:59 28 Do you agree that your memory of events may have changed
09:43:03 29 over a period of time?---Um, I think, I think anyone would
09:43:11 30 have to say yes, of course, your memory is impacted by all
09:43:15 31 kinds of things.
32

09:43:16 33 It's a natural human tendency to try and recreate memories
09:43:21 34 from, and genuine memories, from notes or records that are
09:43:25 35 shown to you, you reconstruct your memory?---Yes, unless -
09:43:29 36 that's right, and unless there are - oh, as has been
09:43:33 37 apparent there are some things that stick out in my mind
09:43:36 38 and other things that I just can't recall and I think it's
09:43:40 39 wrong to try to come up with an explanation from being
09:43:44 40 shown notes or records.
41

09:43:45 42 If you don't remember, you don't remember, you don't make
09:43:48 43 it up, that sort of thing?---Correct, yeah.
44

09:43:53 45 All right. Now I want to put a number of - - - ?---And I
09:43:56 46 have to agree that, um, you know, the events that have
09:44:01 47 transpired since this time period and my mental state and

09:44:06 1 my emotional state of course have an impact upon my
09:44:11 2 recollection.
3

09:44:12 4 You have made some comments in the various, of more recent
09:44:18 5 times, about Sandy White, particularly in response to
09:44:24 6 questions asked by the Commissioner, do you recall doing
09:44:27 7 that?---Yep.
8

09:44:29 9 You've changed your position in relation to your attitude
09:44:32 10 to him, haven't you, over a period of time?---Um, in - I'm
09:44:38 11 not sure specifically what you mean.
12

09:44:40 13 Let me suggest to you that - you know Shane
09:44:45 14 O'Connell?---Yes.
15

09:44:46 16 And he's another police officer you don't have a lot of
09:44:49 17 regard for?---Um, understatement, but yes.
18

09:44:53 19 Yes, all right. But he spoke to you back in 2009 and 10, I
09:44:59 20 think it was, after you became a witness for Petra, didn't
09:45:04 21 you?---Yes. I would put him and, um, Sandy White in
09:45:10 22 completely different categories.
23

09:45:12 24 All right. Because in talking to him, and I'll come to it
09:45:15 25 later on, you describe Sandy White as, the word you use is
09:45:24 26 "beyond reproach" when you were talking to him?---Yes. I
09:45:29 27 don't take that back.
28

09:45:30 29 Because would you agree that the SDU as a Unit, and that
09:45:36 30 includes the handlers and the controllers, treated you
09:45:41 31 professionally?---Yep.
32

09:45:43 33 They treated you with respect?---Yeah, they did. They did
09:45:46 34 what they said they would do and they didn't leave me
09:45:51 35 feeling as I feel now, which is betrayed and used.
36

09:45:58 37 Not by the SDU, but what happened subsequent to your use by
09:46:03 38 them is what you're talking about?---Correct, yes.
39

09:46:06 40 The SDU as a Unit demonstrated that they were extremely
09:46:09 41 concerned and careful about your safety?---Yes, and the
09:46:13 42 promises that they made they kept.
43

09:46:16 44 And indeed, to put it in one sentence, for four years they
09:46:20 45 kept you from being exposed, they did the job that you
09:46:23 46 understood Victoria Police entrusted them with?---Yes.
47

09:46:30 1 You told them that there was a real probability or
09:46:37 2 possibility that you'd be seriously harmed and killed, or
09:46:40 3 killed, if you were compromised?---Yes, and they agreed
09:46:44 4 with that.
5
09:46:45 6 Yes, they accepted it and in fact adopted that the Mokbels
09:46:50 7 and others would kill you if they knew, firstly, you were
09:46:54 8 an informer, right?---Correct.
9
09:46:56 10 And even if you're doing your job as a lawyer and giving
09:47:00 11 clients advice as to what may be the best course in rolling
09:47:04 12 over against other people, that was frowned upon as well,
09:47:08 13 wasn't it, by those - - - ?---Yes.
14
09:47:11 15 And you were constantly in fear that if the people that you
09:47:15 16 associated with found out that you'd done that, that you'd
09:47:19 17 be killed?---Correct.
18
09:47:21 19 The handlers, on regular and numerous occasions, expressed
09:47:25 20 concern about your health and your welfare?---Yep.
21
09:47:30 22 And regularly spoke to you about resting, seeing doctors,
09:47:36 23 seeing specialists, doing what you could to look after
09:47:40 24 yourself?---Yes, they did.
25
09:47:44 26 On occasions they explained their expectations of what they
09:47:49 27 expected from you?---Yes.
28
09:47:52 29 They told you that - you told them and they told you that
09:47:58 30 you were not to commit crimes or behave in illegal
09:48:02 31 manners?---Correct, and specifically - one of the specifics
09:48:05 32 was in relation to, um, receiving cash and drugs.
33
09:48:11 34 Yes, there's been an issue - there's been evidence given by
09:48:15 35 PII [REDACTED] that he gave you cash, and I think PII [REDACTED]
09:48:19 36 might have said something similar, but you say that
09:48:22 37 handlers made it perfectly clear - you discussed that with
09:48:25 38 them, about what PII [REDACTED] - sorry, not what PII [REDACTED] - what
09:48:30 39 PII [REDACTED] was saying about giving you money, you raised that
09:48:34 40 with the handlers?---Yes. I did because I was concerned at
09:48:36 41 what I should do if he ever came up with money, but he
09:48:39 42 never did.
43
09:48:40 44 Indeed, you told them that you had never - you were the one
09:48:44 45 who told the handlers this is what he was saying and you
09:48:47 46 were the one who was saying it simply isn't
09:48:51 47 true?---Correct.

1
09:48:51 2 And the handlers were making it clear to you that that
09:48:54 3 would be receiving proceeds of crime and you shouldn't have
09:48:58 4 a bar of it?---Correct.
5
09:49:00 6 At all times, as far as you were aware, the handlers acted
09:49:04 7 in an ethical manner as far as you were concerned?---Yes.
09:49:07 8 Um, I really formed the view that, even in retrospect, that
09:49:11 9 they were doing their job and doing it pretty really.
10
09:49:17 11 I'll come to a little bit later but they spoke to you
09:49:21 12 regularly about not wanting privileged information?---Yes,
09:49:24 13 um, you know, different conversations with different people
09:49:28 14 at different times, but yes, it was a topic.
15
09:49:31 16 They also spoke to you regularly about conflict of interest
09:49:34 17 and who you should not act for?---Um, yep, yes.
18
09:49:39 19 All right. I'll come to some examples. These are just
09:49:43 20 general proposition, I'm trying to narrow the field down,
09:49:46 21 Ms Gobbo?---Yep.
22
09:49:47 23 You didn't, I take it, document any of your meetings with
09:49:51 24 the handlers, didn't tape-record or take any notes?---No.
09:49:55 25 No, they told me specifically not to.
26
09:49:57 27 Because as a matter of security don't put anything in your
09:50:00 28 books because it leaves you open to being
09:50:03 29 exposed?---Correct.
30
09:50:05 31 Now, I suggest to you that on no occasion did the handlers
09:50:14 32 seek information from you for the purposes of undermining
09:50:18 33 the defence of people you were currently representing, do
09:50:23 34 you agree with that?---Um, yeah, in general terms I do,
09:50:29 35 yes.
36
09:50:31 37 In general, the information you gave to the handlers
09:50:33 38 related to information that you heard from your -
09:50:39 39 predominantly from your social interaction with these
09:50:42 40 people?---Correct.
41
09:50:42 42 And on - - - ?---Can I add - and sorry - if it were the
09:50:47 43 case that, um, it was a particular client or someone else's
09:50:55 44 specific plan about, or instructions about a defence or a
09:51:00 45 trial matter, um, it just wasn't even a topic or it wasn't,
09:51:07 46 as in they might say, "Well, what are you working on?" I'd
09:51:11 47 say this topic but the detail of it just wasn't, it just

09:51:14 1 wasn't relevant to all the other stuff we were talking
09:51:17 2 about.
3

09:51:18 4 Because in general what they were focusing on was future
09:51:22 5 and ongoing crime?---Correct.
6

09:51:23 7 You told your handlers at various times what your
09:51:27 8 motivation was for being involved with the SDU?---Yes.
9

09:51:31 10 There were a number of different themes that emerged - you
09:51:35 11 changed your position or moved it slightly from time to
09:51:38 12 time because probably your motivations changed from time to
09:51:41 13 time?---That's a fair statement.
14

09:51:53 15 On the issue of privilege, I'll take you to a taped
09:51:59 16 conversation in a moment you had with, or questions you had
09:52:02 17 with Mr Winneke about an excerpt that was played to you in
09:52:06 18 relation to discussing privilege with the handlers and
09:52:09 19 whether or not there were, you could talk about matters and
09:52:13 20 what were privileged. Those sort of conversations happened
09:52:16 21 from time to time, didn't they?---Yes, they did.
22

09:52:19 23 Right. I want to remind you of one. You acted for a man
09:52:24 24 called Adam Ahmed?---Yes.
25

09:52:26 26 And apart from - Mr Ahmed was arrested in relation to the
09:52:31 27 Dublin Street premises?---Yes.
28

09:52:33 29 And then I think he got bail and was arrested in relation,
09:52:37 30 in Brighton in relation to drug matters?---Yeah, um, ah,
09:52:43 31 commercial drug trafficking while on bail and on parole for
09:52:49 32 commercial drug trafficking.
33

09:52:52 34 There's a police officer who was involved in arresting him
09:52:56 35 at Brighton whose name we're not using, but whose pseudonym
09:53:01 36 is Brown, do you follow?---Yes, I know who you mean. I
37 know who you mean.
38

09:53:06 39 Mr Ahmed told you that Mr Brown stole a quantity of cash
09:53:13 40 from him, didn't he?---Yeah, at some point, yes, he did.
41

09:53:20 42 And you told the SDU about that?---Yep.
43

09:53:28 44 That, at first blush, appears to be obviously privileged
09:53:32 45 because it's something you got Mr Ahmed, isn't it?---Yes,
09:53:35 46 at first blush it does, yes.
47

09:53:38 1 You had told Jack Vandersteen at the Magistrates' Court
09:53:43 2 about that before you told the SDU?---Yes.
3

09:53:46 4 Because he was, what, prosecuting or something at that
09:53:49 5 stage?---He was the, um, he was the OPP solicitor for the
09:53:58 6 committal mention or the filing hearing, um, and perhaps on
09:54:03 7 a bail application.
8

09:54:04 9 Right. You know, and you came to know, that the
09:54:11 10 information that you shared with the SDU about that alleged
09:54:15 11 theft of money by Mr Brown got shared with ESD because they
09:54:20 12 came to talk to you, didn't they?---Yes, at some point,
09:54:24 13 that's right.
14

09:54:24 15 You became angry with Mr White because you said that was
09:54:30 16 privileged and that's what led to that discussion about
09:54:33 17 privilege that Mr Winneke took you to?---Yes.
18

09:54:36 19 Mr White made it clear that he was operating under
09:54:40 20 instructions that intelligence in relation to corruption
09:54:46 21 had zero tolerance?---Yes, that's correct.
22

09:54:51 23 I'll play a little bit more of what you said to that in a
09:54:56 24 moment. You were concerned that your assistance to the
09:54:58 25 handlers was likely to be exposed through loose talk, if I
09:55:05 26 use that expression, by either police or lawyers?---Yes,
09:55:09 27 and I was - and/or, um, by reason of police accidentally,
09:55:17 28 um, omitting to black out certain parts of their diaries or
09:55:24 29 day book entries if called upon.
30

09:55:26 31 The discovery process was a constant theme, that if
09:55:29 32 documents are put forward you're involvement might be
09:55:32 33 exposed?---Yes.
34

09:55:34 35 But not just as a source. You were concerned to conceal
09:55:37 36 from others that you had assisted people to roll and make
09:55:44 37 statements, that was one of the topics you wanted to
09:55:49 38 conceal, wasn't it?---In general terms, yes. I didn't want
09:55:52 39 - especially when I had specifically either not told a
09:55:57 40 particular accused or had given them reason to think that I
09:56:03 41 didn't know that a person had assisted police, I couldn't
09:56:06 42 have it coming out that way.
43

09:56:08 44 PII [REDACTED] was probably the best example of that as you
09:56:13 45 were aware that many of the people you associated with
09:56:16 46 would want to know that PII [REDACTED] had been arrested and
09:56:20 47 was assisting police?---Correct.

1
09:56:24 2 You had extensive discussions about that with the
09:56:28 3 SDU?---Yes, we did.
4
09:56:29 5 And you explained that you had a real problem, you had to
09:56:37 6 keep close to these people or they'll think it's strange
09:56:41 7 that you're not talking to them?---It was going to
09:56:44 8 highlight the fact that something had gone on or something
09:56:47 9 was going on by suddenly not talking to them.
10
09:56:50 11 So you maintained contact and, indeed, some representation
09:56:55 12 or advice to people who you had informed - as a result of,
09:57:01 13 who were arrested as a result of PII [REDACTED]
09:57:05 14 assistance?---Yes.
15
09:57:06 16 As a method of protecting yourself?---Yes.
17
09:57:10 18 Now that again was constantly a topic of discussion with
09:57:16 19 various SDU personnel?---Yep, it was - I believed it was
09:57:21 20 equally of concern to them as it was to me.
21
09:57:26 22 Yep, all right. Now, the only person who knew you were
09:57:37 23 acting for, or everyone you were acting for was really you,
09:57:42 24 wasn't it? Although you may have on occasions told the SDU
09:57:46 25 you were acting for somebody, you didn't tell them all your
09:57:49 26 clients?---No, and it was really - I mean that changed over
09:57:53 27 time depending on who the particular handler was and how
09:57:57 28 much they asked and what they asked.
29
09:57:58 30 Right. Certainly Sandy White gave evidence here for quite
09:58:05 31 some time and in the course of being asked questions by
09:58:08 32 Mr Winneke the various amounts of money that you charged
09:58:12 33 your clients were put to him, you follow?---Okay, yes.
34
09:58:15 35 And he expressed to the Commissioner great shock at that
09:58:18 36 because he didn't know, but to look at that, there was no
09:58:22 37 way that the SDU could find out from your clerk who you
09:58:28 38 were acting for or how much you were charging them, was
09:58:32 39 there?---No, not without - not without a warrant or some
09:58:36 40 other lawful way, no.
41
09:58:38 42 Correct. All right. Now, did you - you said to Mr Gleeson
09:58:47 43 that you were an accomplished liar but did you ever tell
09:58:52 44 lies to the SDU?---No. Um, the only issue that was of,
09:58:58 45 um - it was extremely embarrassing more than anything else,
09:59:04 46 was the whole Dale relationship issue. But, um, no, I
09:59:11 47 probably - I was too scared to lie.

1
09:59:13 2 On that topic you mentioned, your initial position was that
09:59:17 3 you hadn't had a sexual relationship with Dale but there
09:59:22 4 were some nights where you were pretty drunk and you don't
09:59:27 5 know what happened?---Well, that was the beginning of it,
09:59:30 6 yes.
7
09:59:30 8 Subsequently, at the end, getting towards the end of 2008,
09:59:33 9 you admitted that you did have one sexual episode with
09:59:37 10 Mr Dale?---More than one, but yes.
11
09:59:41 12 The other thing you didn't do is you didn't tell the police
09:59:45 13 in your initial discussion, that is the SDU, in your
09:59:48 14 initial discussions with them?---Yep.
15
09:59:50 16 About being given bodgie phones, as it were, by some of
09:59:56 17 your clients. You know what I'm talking about?---No, I
10:00:01 18 didn't. Yes, yes.
19
10:00:03 20 But you did reveal that to the Petra investigators and then
10:00:06 21 to the SDU when they quizzed you about it?---Yeah, when I -
10:00:09 22 whenever anything specific was asked, I spoke.
23
10:00:14 24 You provided information that came, as you've said before,
10:00:19 25 from people you were predominantly socialising
10:00:24 26 with?---Yeah, I was - I basically was, became like a piece
10:00:29 27 of furniture in the room and people spoke openly in front
10:00:33 28 of me.
29
10:00:35 30 During the course of the trial that you acted for Robbie
10:00:40 31 Karam there were several co-accused who - they'd all go out
10:00:45 32 and have dinner together, wouldn't they, during the
10:00:48 33 trial?---Um, one - no, there was one co-accused who did and
10:00:54 34 there was an accused in another trial for an importation
10:00:58 35 that joined us.
36
10:01:00 37 I'm talking about Mannella. We can mention him. Was he
10:01:03 38 one?---Um, yes, but he wasn't in Mr Karam's trial. He was
10:01:09 39 in a separate importation trial.
40
10:01:10 41 But he would be socialising with you?---Yes.
42
10:01:14 43 Mr Higgs?---Yes.
44
10:01:19 45 At those discussions - this is an example of the
10:01:21 46 information that you provided - it became apparent that
10:01:26 47 they wanted to do something to disrupt one of the trials

10:01:31 1 that was being run?---Yes, yes, yes.
2
10:01:36 3 And indeed they asked you for advice as to what would
10:01:39 4 happen to a trial if one of the co-accused got
10:01:43 5 killed?---Yeah, there were all kinds of hypotheticals put
10:01:46 6 about, not as in planning kind of conversations, but more
10:01:54 7 along the lines of what would be the, um, consequences as
10:01:59 8 in what would cause a retrial, what would cause the jury to
10:02:03 9 be lost, those kind of questions.
10
10:02:05 11 John Higgs, it became apparent to you that John Higgs was
10:02:09 12 actively seeking a way to try and get to the jury in one of
10:02:12 13 the trials?---Um, I don't specifically recall that but I
10:02:17 14 wouldn't dispute it if there's a note about it.
15
10:02:20 16 There is, and the police took steps to deal with
10:02:23 17 that?---Right.
18
10:02:23 19 I'll come to another - one of the men on trial was a man
10:02:27 20 called Anton Clait, wasn't there?---Yes, yes.
10:02:32 21
10:02:32 22 And it became apparent after the event that this group had
10:02:35 23 been planning to have Mr Clait murdered?---Correct.
24
10:02:39 25 You were told, in the course of these social gatherings,
10:02:44 26 that a man called Matthew Johnson had been engaged to carry
10:02:48 27 out the killing but he went to the wrong place?---That's
10:02:51 28 right, I was told, um, afterwards. They were kind of
10:02:54 29 laughing about it.
30
10:02:55 31 They had discussions about who was going to pay for his
10:02:59 32 fees and things of that sort?---Yes, correct.
33
10:03:02 34 And they didn't want to pay him because he mucked it up,
10:03:05 35 things like that?---Yeah, and then when he got arrested for
10:03:09 36 some, um, stealing a car at a McDonald's drive-through and
10:03:15 37 actually rang me for advice because Mannella had given him
10:03:20 38 my phone number.
39
10:03:21 40 It was armed robbery and then aggravated burglary as a
10:03:25 41 result?---Yes.
42
10:03:25 43 That's when he went looking for Mr Clait but went to the
10:03:29 44 wrong house; is that right?---Yes, that's right.
10:03:31 45
10:03:31 46 Did you go out and see him or talk to him in prison?---Um,
10:03:35 47 I think I did on one occasion. Sorry, separate to - when

10:03:40 1 he rang from, I think it was - I've just got a memory it
10:03:44 2 was Prahran police station that rang, but I wasn't told
10:03:47 3 that his name was Matthew Johnson. He said his name was
10:03:51 4 something else.
5

10:03:52 6 All right. As I read the ICRs there was discussion amongst
10:03:58 7 your social group that messages had to be passed to him in
10:04:02 8 prison not to - to stay staunch and not put in the people
10:04:08 9 who had paid him to go and kill Mr Clait. Do you recall
10:04:13 10 that occurring?---Um, not specifically. But I don't, I
10:04:20 11 don't remember being asked to go and deliver that kind of
10:04:23 12 message to him.
13

10:04:23 14 All right?---Um, I'm fairly certain they had their own
10:04:29 15 mechanism by which to contact these people.
16

10:04:32 17 You were involved from time to time in facilitating contact
10:04:35 18 between, say, for example, Mannella and Karam?---Yes.
19

10:04:39 20 When one was in prison, the other one wasn't, things of
10:04:41 21 that sort?---Correct, yes.
22

10:04:43 23 And Karam told you to go and tell Mannella to keep his
10:04:47 24 mouth shut and stop talking, words to that effect?---Yes,
10:04:51 25 he did.
26

10:04:51 27 And so you did?---Yep.
28

10:04:54 29 And you told your handlers that you did, that's the
10:04:57 30 point?---Yes.
31

10:05:04 32 All right. Let me turn now to perhaps some different
10:05:07 33 topics. You've said a number of things about Sandy White,
10:05:13 34 as I said before, that I suggest to you were just not true.
10:05:16 35 Now the first one Mr Winneke touched on. You told the
10:05:21 36 Commissioner in one of the prehearing discussions that
10:05:30 37 Sandy White told you you'd end up in gaol or dead in the
10:05:33 38 gutter and I think you repeated it here, do you recall
10:05:37 39 that?---Yes, I had some, some discussion with him where
10:05:42 40 that, either I raised that or he raised that.
41

10:05:46 42 Let me say you have said that he terrorised you, he
10:05:51 43 frightened you, in answer to the Commissioner's question,
10:05:54 44 and at that very first meeting he said, "There's only two
10:05:57 45 places people like you end up, it's either dead or in the
10:06:00 46 gutter", sorry, "gaol or dead in the gutter"?---Yep.
47

10:06:05 1 Mr Winneke read to you some passages from the transcript of
10:06:10 2 a face-to-face meeting. Let me suggest to you that did not
10:06:14 3 happen at all in the first meeting and, when it did occur,
10:06:20 4 it was on the fourth meeting on 1 October and it was you
10:06:25 5 who said that, not Mr White. Now is that possible?---Oh,
10:06:30 6 anything's possible. I've not read, um, or had a chance to
10:06:35 7 look at any of this material.

8

10:06:37 9 See, what I want to do is just show you a - play you a - I
10:06:42 10 won't play you stuff, I'll show you some transcripts that I
10:06:45 11 hope will illustrate the point I'm making about how you've
10:06:50 12 recreated your memory. Could we bring up
10:06:59 13 VPL.0005.0037.0085. Right. You'll see in the middle of
10:07:07 14 the page Mr White says to you, "I can tell you that your
10:07:12 15 relationship with Tony and the others can only have one
10:07:15 16 ending. Well it can have two, but both of them", and then
10:07:19 17 you say, "I couldn't agree more because look at anyone,
10:07:23 18 look at anyone who's had any sort of relationship with
10:07:25 19 them. M'mm, yeah". You say, "It only ends two ways".
10:07:33 20 Mr White says, "It's a pretty solid past history of
10:07:36 21 outcomes for those people".

22

10:07:38 23 COMMISSIONER: One of two ways.

10:07:40 24

10:07:40 25 MR CHETTLE: Then over the page you say, "I think it can
10:07:42 26 be, I hope it won't be one of those two endings, the same
10:07:46 27 two you're thinking of, is gaol or is death". Do you see
10:07:51 28 that?---Yep.

29

10:07:52 30 Sp the words "gaol" and "dead" come from you, not him, for
10:07:57 31 starters, do you follow?---Yeah, I'd agree with that. It's
10:08:00 32 my, um - I mean the words have obviously come from me but
10:08:05 33 it's apparent that I'm, um, putting the words in his mouth
10:08:08 34 or interrupting him because he's thinking what I'm saying.

35

10:08:12 36 All right. Can I bring up the next one because -
10:08:20 37 VPL.0005.0137.0129. This is in the same conversation.
10:08:29 38 0129, a few pages later. There it is. You see you say,
10:08:43 39 "This I see is a way out of it all and not end up in either
10:08:47 40 gaol or dead". Do you follow that?---Yes.

41

10:08:53 42 That's you repeating the theme that's been raised in the
10:08:55 43 earlier passage, correct?---Yep .

44

10:08:59 45 That's all on 16 September of 2005. Can I take you forward
10:09:05 46 to 15 February 2006. So we're going forward about six
10:09:09 47 months, all right?---Yep.

1
10:09:10 2 To VPL.0005.0051.1102. Can we not blow it up if we can
10:09:30 3 avoid it. I understand - if we can highlight the bits that
10:09:34 4 Ms Gobbo says we'll be able to deal with that. You'll see
10:09:42 5 there about the fourth line down you say, "Remember what he
10:09:46 6 said to me? That you were being nice to me". He goes,
10:09:51 7 "'People like you end up in one of two places, dead or in
10:09:57 8 gaol', and I went yep", see that?---Yep.
9
10:10:00 10 That's a reference to the conversation you'd had six months
10:10:05 11 earlier, isn't it?---Yeah, it is, and it's my - you're
10:10:07 12 right, I've obviously said the words but if you go back to
10:10:10 13 the earlier conversation, um, when he says there's only two
10:10:16 14 places you end up, it's apparent that what I'm saying is he
10:10:20 15 doesn't disagree.
16
10:10:22 17 No, no, I appreciate that he's about to say something but
10:10:25 18 you're the one who comes up with the "dead" or in gaol",
10:10:29 19 correct?---Yep.
20
10:10:30 21 All right. Then look at what Mr Green says to you, "Did he
10:10:36 22 say that?" And you say, "Yes, he did, those were his
10:10:38 23 words", follow?---Yep.
24
10:10:40 25 And Mr Smith, who was there on the earlier occasion, says,
10:10:45 26 "I can't believe that that was what he said"?---Yep.
27
10:10:50 28 There's an example - and I'm not being critical, and it can
10:10:53 29 easily happen, but there's an example of how you can create
10:10:56 30 a memory that's not entirely accurate?---Yeah, I don't
10:10:59 31 disagree with you.
32
10:11:00 33 All right, thank you. At p.188 of the earlier discussions
10:11:12 34 you had with the Commissioner, and I don't need to pull it
10:11:15 35 up, but you said that Mr White accused you of being some
10:11:18 36 form of accessory or involved in a conspiracy, do you
10:11:23 37 remember saying that to the Commissioner?---Um, not
10:11:27 38 specifically but I don't - I'm not in a position to dispute
10:11:32 39 it.
40
10:11:32 41 You see, what happened was Mr Winneke took you to it. You
10:11:37 42 raised the issue of you being a conspirator or an accessory
10:11:42 43 or an aider and abettor in relation to the drug
10:11:45 44 importations and they argued with you about why you
10:11:48 45 weren't, remember that passage?---Yeah, yep, yes, I do.
46
10:11:53 47 In fact when you raised it they in fact said, "How on earth

10:11:59 1 are you? You're not agreeing", or words to that. It was
10:12:03 2 you being concerned that you might be?---Yeah, I was
10:12:06 3 getting, I was concerned that I would be coming across
10:12:11 4 Federal Police telephone intercept warrants and that
10:12:14 5 assumptions would be then made.
6
10:12:17 7 Yes. In fact, I'll perhaps touch on it later, that's
10:12:22 8 because you and Mr Karam were playing a silly game of
10:12:25 9 sending message on the phone designed to tease the police,
10:12:28 10 weren't you?---Well, yes. Yes.
11
10:12:30 12 While you were in court you and he were passing phone texts
10:12:34 13 to each other that you knew would excite the attention of
10:12:38 14 the Federal Police if they were monitoring their
10:12:41 15 phone?---Yeah, I mean - yes, I did, initiated by him, and I
10:12:43 16 didn't fail to respond to them, I, um - - -
10:12:45 17
10:12:45 18 You participated?---Was a party. Yes.
19
10:12:48 20 All right. On the topic of Karam, you've said to the
10:12:50 21 Commissioner in your evidence here, and you said in one of
10:12:54 22 the earlier hearings, that Sandy White was obsessed with
10:12:59 23 Karam, that he'd got away from him in the past and he was
10:13:02 24 one of his targets, do you remember saying something like
10:13:06 25 that?---Yeah.
26
10:13:06 27 Let me suggest, firstly, Karam was a drug importer, wasn't
10:13:10 28 he, that's what his business was?---Um, importer and
10:13:16 29 trafficker, yes.
30
10:13:18 31 His prime skills were bringing in container after container
10:13:22 32 for some fairly heavy people?---Yes.
33
10:13:25 34 And as you know, they're all Federal offences, aren't
10:13:29 35 they?---Yes, of course.
36
10:13:30 37 Mr White has never been involved in any prosecution or case
10:13:34 38 involving Mr Karam prior to the tomato tins, or the bills
10:13:41 39 of lading that you provided, because there was more than
10:13:43 40 one, weren't there?---Um, no, there was only one but there
10:13:47 41 was information in relation to other, um, containers.
42
10:13:51 43 Let me suggest there was documents provided that related to
10:13:55 44 a tobacco import that didn't ever lead to a prosecution
10:13:59 45 because it would light you up, do you remember that?---Oh
10:14:02 46 yes, I do. Not, not, I didn't think it was a bill of
10:14:06 47 lading but there were documents, you're right.

1
10:14:10 2 And I'm not going to go - the point of this - I'm not going
10:14:11 3 to go to the records, Ms Gobbo, because they do speak for
10:14:15 4 themselves, you understand?---Yep.
5
10:14:17 6 I put to you for some reason you're wrong when you say that
10:14:21 7 he was obsessed with Karam and that he had prior
10:14:23 8 involvement with him, it's just not true. Is it possible,
10:14:26 9 that you're wrong about that?---Yeah, I don't think, um -
10:14:29 10 maybe I didn't express myself, um, properly. I don't
10:14:34 11 think, I don't think he specifically - or, you know, I
10:14:39 12 don't know what involvement he had or hadn't had as a
10:14:43 13 Victorian Police Officer with Karam, um, but at some point
10:14:48 14 Karam was raised, um, by him as a person of general, of
10:14:54 15 general interest because he'd gotten away with so much.
16
10:14:58 17 That's a bit different to what you said before. Do you
10:15:01 18 agree at times you tend to editorialise or say things which
10:15:05 19 may not be true on the detail? Because you told the
10:15:09 20 Commissioner that he had a prior case with him and he got
10:15:12 21 away from him and he was obsessed with catching him, do you
10:15:15 22 remember saying that?---I think, I think that Mr Smith -
10:15:18 23 sorry, that Mr White at some point did say that, um, he'd
10:15:22 24 gotten away but I take it your point, he can't say that
10:15:26 25 he'd gotten away from him because it wouldn't have been him
10:15:31 26 investigating it.
27
10:15:32 28 Right. You said on 13 June this year to the Commissioner
10:15:38 29 that you were petrified of Mr White and he threatened to
10:15:41 30 burn you if you didn't trust him, all right, remember
10:15:44 31 saying that?---Yes.
32
10:15:46 33 That does not appear in any of the conversations that you
10:15:50 34 had with him, as you've agreed, that were
10:15:54 35 tape-recorded?---No.
36
10:15:56 37 He just didn't say that to you?---No, I think my - my
10:16:00 38 biggest fear, um, you know, if I - it's probably, look,
10:16:07 39 it's a bit embarrassing to admit but I think my biggest
10:16:11 40 fear of Mr White was, um, disappointing him.
41
10:16:13 42 You saw him as a father figure to some extent, didn't
10:16:17 43 you?---Yes, I did.
44
10:16:18 45 And you became, as I think you've said, somewhat dependent
10:16:23 46 on him?---Yep, yep, and probably trying to seek his
10:16:27 47 approval.

1
10:16:28 2 Correct. So you weren't petrified of him hurting you or
10:16:34 3 manipulating you or exposing you, you were petrified of
10:16:39 4 disappointing him?---Yeah, and worried about the, you know,
10:16:42 5 the overall picture of, um, I could trust - I mean I
10:16:47 6 remember having a conversation with him where he said, you
10:16:49 7 know, this is an unfair relationship and, um, trust is
10:16:53 8 something that, you know, by reason of the relationship,
10:16:57 9 um, trust is going to be an issue going forward.
10
10:17:02 11 Correct?---But over time, um, I thought that we had
10:17:07 12 established a degree of trust, even having regard to what I
10:17:11 13 was doing, um, but my biggest issue was, um, the other
10:17:20 14 people involved up the chain.
15
10:17:24 16 What was your issue with them?---Well, whether any of this
10:17:29 17 would come out or, um, who knew what when and, I mean,
10:17:35 18 look, from where I sit now I still don't know what
10:17:38 19 happened.
20
10:17:38 21 You've told the Commission - just on that example, do you
10:17:42 22 know Gavan Ryan?---Yes.
23
10:17:45 24 In one of the conversations you had with the Commissioner
10:17:47 25 you described one of your handlers going to the OPI hearing
10:17:51 26 with you. It was in fact Gavan Ryan who went around to
10:17:56 27 support you, wasn't it?---I think he was watching from
10:17:58 28 behind glass, yes. Sorry, in another room, I beg your
10:18:03 29 pardon.
30
10:18:04 31 You would have known he clearly knew of your role with
10:18:09 32 Victoria Police?---Yes, he did.
33
10:18:11 34 You told the Commissioner at p.55 of your transcript of 13
10:18:17 35 June of this year that Mr White said to you as far as
10:18:21 36 Mr Gatto was concerned you should take one for the team,
10:18:24 37 "If it's got to be done, it's got to be done, do what's
10:18:30 38 necessary", that referring to whether or not you should
10:18:32 39 sleep with Mr Gatto, remember that?---Yeah, there was a
10:18:36 40 joke about him. Um, ah, I can't recall specifically who
10:18:40 41 said it, whether it was him or someone else, but there was
10:18:43 42 a joke about that.
43
10:18:45 44 Let me suggest to you, you put the proposition to the
10:18:47 45 Commissioner that Mr White said that to you. I put to you
10:18:50 46 that he didn't and it doesn't appear on any of the
10:18:53 47 transcripts you had with him, you follow?---Well, I don't

10:18:56 1 disagree with that. It might not have been White, it might
10:19:01 2 have been one of the thousands of hours of phone
10:19:04 3 conversation with someone.
4

10:19:05 5 With somebody else, all right. But there's another point.
10:19:08 6 You've made a positive statement about something about
10:19:12 7 Mr White which may not be true, you agree?---Yep.
8

10:19:15 9 You said here, in response to the Commissioner immediately
10:19:19 10 after lunch the other day, that, "He put me in my place and
10:19:23 11 I was intimidated in the first meeting". Remember the
10:19:26 12 Commissioner asking you the question?---Yes.
13

10:19:28 14 And you spelt it out?---Yes, yep.
15

10:19:32 16 Let me again take you to some extracts from the first
10:19:38 17 meeting. You said to the Commissioner that it was bad cop
10:19:43 18 and worse cop, remember that?---Yep.
19

10:19:48 20 That you were petrified when you walked away and you
10:19:51 21 thought you might be charged, remember giving that
10:19:54 22 evidence?---Yeah, I was very - I was paranoid, yes.
23

10:19:57 24 Let me say the things you were saying about bad cop and
10:20:00 25 worse cop and that he was a hardened old policeman,
10:20:03 26 remember those - I'll quote it, get it out if I need to,
10:20:06 27 but you recall what you were saying?---Yeah, no, I don't,
10:20:10 28 um, I do recall. I think he was a, I don't mean that in a
10:20:16 29 bad way, he was a very old school, traditional, you know, a
10:20:20 30 policeman's policeman. It was - - -
31

10:20:23 32 Honest?---- - - evident that - yes, yes. But in a
10:20:26 33 trustworthy old-fashioned - - -
34

10:20:29 35 All right. Honest and trustworthy?---Yeah.
36

10:20:32 37 Let me play some of the things he said to you in the first
10:20:35 38 meeting. Can I have VPL.0005.0037.0127, please. It's 0127
10:21:09 39 at 0129. Two pages ahead. You'll see he says to you, when
10:21:22 40 it gets put up, "So you're happy with that? Yeah. If you
10:21:27 41 decide you're not happy, if you decide you've had enough,
10:21:30 42 if you decide it's not working, you stick your hand up and
10:21:33 43 say you want out, that's it, it's over", you follow?---Yep.
44

10:21:37 45 So he's not pressuring you into anything, is he?---No, not
10:21:43 46 if you take those words, no.
47

10:21:45 1 Then if we go to 01 - I'll a go backwards to 0116?---Sorry,
10:21:51 2 I still can't see this.
3
10:21:53 4 Okay. It didn't come up on your screen?---No, no.
5
10:21:57 6 All right. It's come up now I think, 0116?---Yep, now it
10:22:06 7 has. Thank you.
8
10:22:07 9 All right. The one we've just had, 0129, what I just read
10:22:23 10 to you, do you see, "If you decide you've had a" - line 4 -
10:22:27 11 "if you're not happy with it, if you decide you've had
10:22:29 12 enough"?---Yes.
13
10:22:30 14 That's when you go on to say, "Well I need some way out of
10:22:33 15 this so I'm not dead or in gaol"?---Yep.
16
10:22:37 17 Go backwards to 0116, a little bit earlier in this
10:22:41 18 conversation, right. "If you've had enough" - 0126, is it?
10:23:05 19 Okay. 0126. I'm sorry, Ms Gobbo. I occasionally write
10:23:10 20 down the wrong number with dyslexia. All right. In the
10:23:13 21 centre of that page, 0126. "You make the decision now
10:23:18 22 whether you want to continue it or not is entirely up to
10:23:22 23 you", all right?---Yep.
24
10:23:27 25 You've made that decision about 12 months ago, that is that
10:23:33 26 you continue to want to help the police, I take it?---More
10:23:36 27 or less, yep.
28
10:23:37 29 0140, this is getting towards the end of this first
10:23:41 30 meeting. "Hopefully you've got some direction", you see at
10:23:50 31 the top of the page?---Yep.
10:23:51 32
10:23:51 33 "I might feel like a great relief off your shoulders", says
10:23:57 34 someone else. "I do feel relieved, yep. I feel sick
10:24:02 35 talking about it and coming to grips with the fact that I'm
10:24:05 36 talking about it, but you know it's always a relief to be
10:24:09 37 able to talk to someone about something. Do you think I
10:24:13 38 need to worry about like ringing Mr Smith from my phone or
10:24:17 39 anything like that? No, no, no. We'll talk about it next
10:24:24 40 week". You see that?---Yep.
41
10:24:26 42 Then if we go over the page to 0142. That's the wrong
10:24:36 43 page. In any event, when you leave there's farewells, nice
10:24:48 44 to meet you, everybody leaves on a nice cordial note, you
10:24:51 45 follow?---Yes.
46
10:24:52 47 Mr Winneke touched on this - I'm not going to play it all

10:24:55 1 to you but I suggest there was a cordial conversation
10:24:58 2 without any threats whatsoever, all right?---Yeah, of
10:25:03 3 course.
4

10:25:04 5 Agree with that?---Yes. Look, I don't think, I don't, I
10:25:06 6 don't want anyone to think that, um, there was a specific
10:25:11 7 threat, um. It was more the kind of overtone of the entire
10:25:18 8 conversation and, you know, look from my point of view the
10:25:22 9 intimidation of being in a room with police.
10

10:25:27 11 Right?---And of course it's my subjective take on that.
12

10:25:33 13 Let's go to - I mean you agree that you told Shane
10:25:37 14 O'Connell that Sandy White was beyond reproach?---Yes.
15

10:25:43 16 That you said on 7 January of 2009 in talking to him, I can
10:25:55 17 give the reference if required, "But what we thought was
10:25:59 18 going to be confined to the Mokbel family, for example,
10:26:01 19 just snowballed in a massive way and then all of a sudden
10:26:05 20 there were people telling me about murders, bashings and
10:26:09 21 abduction, labs, pill presses and drug importations. It is
10:26:14 22 just what I thought was going to finish in a certain period
10:26:18 23 of time just went on and on and on. My instructions kind
10:26:22 24 of changed to stop asking these sorts of questions and stop
10:26:25 25 trying to find out, and even that, the info I was getting
10:26:30 26 was sufficiently valuable for the system to keep going the
10:26:33 27 way it's gone. Stress. It's not their fault, because I'm
10:26:37 28 the one who chose to do it". Do you agree that's what you
10:26:43 29 said to Mr O'Connell in one of your conversations on 7
10:26:47 30 January?---Yes, I think - yes, this is the, um, I think
10:26:50 31 this is the long conversation I had with him, um, where he,
10:26:55 32 he says that he doesn't know anything about any informing.
33

10:26:59 34 Anyway, you explain to him how it is, your history with the
10:27:03 35 SDU and how it is it went on, you follow?---Yes, yes.
36

10:27:07 37 I take it that was the truth when you told him that?---Yes,
10:27:11 38 yep.
10:27:11 39

10:27:11 40 Then on 9 February 09, and I'll give you - perhaps you can
10:27:16 41 have a look at this, it's 0100.0237.4947. This is one of
10:27:25 42 the transcripts you had of the conversations with
10:27:28 43 O'Connell, you follow?---Okay.
44

10:28:01 45 At the very top of the page, "Sandy White has never
10:28:05 46 forgiven me for something I said once which was there is no
10:28:10 47 person or situation that's not capable of being

10:28:13 1 manipulated. He keeps reminding me of that every time,
10:28:17 2 which reverses, but it's true enough", all right. "No,
10:28:25 3 that - and that I'm evil, that from a female point of view
10:28:27 4 it's not a great situation". I know there's some things
10:28:30 5 missed out of that by the dot, dot, dot you see
10:28:35 6 that?---Yeah, that's not transcribed properly.
7

10:28:36 8 No, I know. But it's the key bits at the top I want to ask
10:28:40 9 you about, Ms Gobbo?---Yes.
10

10:28:41 11 You said to him that there was not a situation that
10:28:44 12 couldn't be manipulated and he reminded you of that from
10:28:48 13 time to time?---Yes, yep, it became a, you know, um, kind
10:28:51 14 of point of humour.
15

10:28:53 16 It may have, but he wasn't - he wasn't, I'm suggesting,
10:28:58 17 manipulating you in the way in which you indicated to the
10:29:02 18 Commission, or may have indicated to the Commissioner
10:29:05 19 earlier, do you agree with that?---Um, I don't know. I
10:29:09 20 think that's a - I think that's a subjective thing. Um,
10:29:15 21 you know, maybe I'm not the person to ask whether did I
10:29:18 22 feel manipulated? Yes, I do. I feel manipulated by
10:29:21 23 everyone. But, you know, it's probably not the best
10:29:25 24 question to ask me because I'm not really - I can't be
10:29:27 25 objective to answer it.
26

10:29:30 27 You were asked some questions by Mr Winneke about a comment
10:29:33 28 you made about whether you said, "Who's next", after
10:29:41 29 [REDACTED] was dealt with, do you remember that?---Yeah,
10:29:44 30 this is where I thought it was in a car.
31

10:29:46 32 Yes. In fact what you said to the Commissioner was, "That
10:29:48 33 occurred in the context of being in the back seat of a car
10:29:52 34 with Sandy White waving a gun around"?---No, not waving a
10:29:55 35 gun around, he had a gun with him.
36

10:29:57 37 Can we have p.13341 of the transcript brought up. Sorry,
10:30:05 38 is that too hard? All right. I'll open it another way if
10:30:10 39 it's too hard?---I think this is the night at the Raddison.
40

10:30:35 41 What you said, "This is when they're in the car and they're
10:30:40 42 showing me a gun"?---Yes.
43

10:30:41 44 Sorry, that's what you said on that transcript?---Yep.
45

10:30:43 46 Now, firstly, can I take you to ICR, p.259 of the ICRs.
10:30:55 47 This is the entry Mr Winneke took you to for a start off.

10:31:09 1 About a third of the way down next to 17:30?---Yeah, I can
10:31:13 2 see it.
10:31:13 3
10:31:13 4 "Happy re arrests and asks the question who's next", all
10:31:18 5 right?---Yes.
6
10:31:19 7 Now that's not in the back of a car because it's a note
10:31:22 8 made on a telephone call for a start off, do you
10:31:25 9 follow?---Yeah, it appears to be, yes.
10
10:31:26 11 And then can I take you to four days later, to
10:31:35 12 VPL.0005.0111.0151. This is from a face-to-face meeting
10:31:51 13 you have?---Yep.
14
10:32:05 15 You'll see down the bottom Mr Green asks you about whether
10:32:10 16 someone's paid you \$50 and you make a reference to someone
10:32:14 17 else giving it to you, okay. Then you said, "Anyway, who's
10:32:18 18 next", see that?---Yep.
19
10:32:20 20 And which Mr White says, "I think we should let the dust
10:32:25 21 settle for a minute maybe", all right. It's clearly you
10:32:30 22 saying it to them in the context of a meeting that's not in
10:32:35 23 the back seat of a car with a pistol, isn't it?---Yeah, I,
10:32:43 24 um - look, doing the best I can with my memory I thought
10:32:49 25 that this conversation occurs when we're, you know,
10:32:52 26 admittedly I'm sleep deprived, I mean sleep deprived then.
10:32:57 27 I thought it was when we were on the way to the Raddison
10:33:03 28 where we kind of hid for a few hours until, um, 7 o'clock
10:33:06 29 the next morning when they drove me home.
30
10:33:10 31 Clearly you're wrong about your recollection; aren't
10:33:12 32 you?---Yep.
33
10:33:13 34 Because it's clear you've said it on the phone and in a
10:33:16 35 face-to-face meeting?---Yep.
36
10:33:18 37 All right. Again, on that very - can we have the SML,
10:33:23 38 source management log, the first one for the [REDACTED]
10:33:28 39 of 06 brought up, please. It's not on the list. You can't
10:33:32 40 get the source management log?
10:33:42 41
10:33:42 42 COMMISSIONER: What page is it, Mr Chettle?
10:33:44 43
10:33:44 44 MR CHETTLE: I don't know, Commissioner.
45
10:33:47 46 COMMISSIONER: [REDACTED] 06.
10:33:49 47

10:33:50 1 MR CHETTLE: [REDACTED] 06.
2
10:33:54 3 COMMISSIONER: [REDACTED].
4
10:33:55 4
10:33:56 5 MR CHETTLE: It's an entry about this specific topic. All
10:34:10 6 right. That helps. Sorry, I won't take you - it's been
10:34:17 7 redacted out of existence.
10:34:31 8
10:34:31 9 MR HOLT: There must be another version, Commissioner,
10:34:34 10 because we've had an unredacted version up on multiple
10:34:37 11 occasions.
12
10:34:37 13 COMMISSIONER: All right. We might not want that version
10:34:39 14 up on the screens.
15
10:34:41 16 MR CHETTLE: In any event, that is summarised - I'll read
10:34:43 17 to you, on the unredacted version for [REDACTED], "Agreed HS
10:34:53 18 can't speak to other suspects because conflicted", I'll
10:34:57 19 come to conflict later?---Yes.
10:34:58 20
10:35:00 21 "Asked by HS what target next? Told will let the situation
10:35:05 22 settle and see what occurs", all right?---Yep.
23
10:35:08 24 That's a notation about what's occurred in the very meeting
10:35:11 25 I've taken you to in the transcript, do you follow?---Okay.
26
10:35:16 27 Okay. All right. Just a very, very small point. You said
10:35:41 28 that the SDU said to you that you're top the ladder now,
10:35:45 29 you're the best informer ever and that no one will ever
10:35:49 30 beat you, do you remember saying things like that?---Yeah,
10:35:51 31 there was, um, it was a back and forth kind of ongoing joke
10:35:54 32 about, um, about my performance and my pressure that I put
10:36:00 33 on myself. Um, and the kind of analogy with a football
10:36:05 34 ladder because the handlers used to talk about football.
35
10:36:09 36 Right. Let me put this into simple terms. Let me suggest
10:36:13 37 that you regularly said to them you were the best informer
10:36:16 38 ever, you wanted to be the best informer ever, and it was
10:36:19 39 you saying those sort of things that they recorded. Again,
10:36:22 40 you wouldn't dispute that?---No, I just - I've got a
10:36:26 41 recollection it was kind of ongoing, um, conversation and I
10:36:32 42 wanted to, um, I wanted to do the best thing that I could
10:36:42 43 for Sandy White.
44
10:36:47 45 See, if we bring up the ICRs at p.958, please. This is the
10:37:00 46 first one. You'll see down the bottom of the page under
10:37:04 47 the issue of your health there's some entries and then you

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10:37:12 1 apparently - you see where it says, "She talks about how
10:37:18 2 she thinks often about ending this relationship with VicPol
10:37:20 3 on a significant date in her life", you see that?---Yes.
4

10:37:25 5 "General talk about this and she can end it whenever she
10:37:29 6 likes. It would be good to end it on good terms than not
10:37:32 7 and at her choosing. Talk about she cannot go on forever
10:37:37 8 because of health and safety issues", all right. Those are
10:37:39 9 discussions that you had - - - ?---Yes, sorry, when's this
10:37:41 10 from?
11

10:37:42 12 The date - June 07?---Right, yep.
13

10:37:45 14 So it's right bang in the middle of it, all right. Then if
10:37:49 15 we flip over the next page. You're told, "She could walk
10:37:56 16 away now feeling proud of her achievements. She says it's
10:38:00 17 not time to go yet. She has ambitions of being the best HS
10:38:07 18 VicPol has ever had and no one will be able to beat her".
10:38:11 19 It was explained to you the dangers of thinking like this
10:38:17 20 and it's an unnecessary ambition to have. Does that
10:38:20 21 reflect the conversation that you had with Mr Fox, you
10:38:22 22 agree?---Yes, on that - yeah, yep. It was a topic that was
10:38:27 23 brought up many a time and, look, if you're asking whether
10:38:30 24 I said those things or whether it was me saying it, it was.
10:38:34 25 It was - that was my thinking at the time.
26

10:38:40 27 You wanted to provide information in relation to Mr Gatto,
10:38:47 28 didn't you?---Um, I was asked about him.
29

10:38:51 30 Well, you said to the Commissioner that he was someone else
10:38:54 31 who was on Mr White's target list, do you remember
10:38:57 32 that?---Yes.
33

10:38:58 34 In general terms - - -?---Sorry, he was on a Victoria
10:39:05 35 Police target list.
36

10:39:05 37 He wasn't on Mr White's target list, was he, that's the
10:39:09 38 question?---I understood Mr White to be there on behalf of
10:39:12 39 Victoria Police.
40

10:39:13 41 Ms Gobbo, what happened, after - shortly after the PII
10:39:17 42 matter led to its conclusion SDU tried to effectively get
10:39:26 43 you to close down your relationship and move on with your
10:39:29 44 life, didn't they?---Um, yeah, but it wasn't - sort of but
10:39:35 45 it wasn't that simple.
46

10:39:36 47 I know. Because there were issues that we talked about

10:39:39 1 before, ongoing court cases that left you concerned that
10:39:42 2 you'd be exposed and you wanted to be looked after?---Yes.
3
10:39:45 4 The discovery process was going to cause you issues, you
10:39:48 5 thought?---Yeah, that's right. And I think, you know,
10:39:53 6 after PII became PII and then became someone else
10:39:58 7 and so forth.
8
10:40:02 9 Other people who got charged as a result of
10:40:09 10 PII?---Yeah, and then there was Mr Mokbel running
10:40:11 11 away.
12
10:40:17 13 Yes. The SDU to you, "Now that he's gone, he's out of your
10:40:20 14 life, it's time to move on", didn't they?---Yeah, and then
10:40:24 15 there was the issue of when he was found.
16
10:40:26 17 You were worried about what was going to happen when he
10:40:29 18 came back?---Yep.
19
10:40:30 20 And what he was going to say?---Um, yeah, what he would say
10:40:38 21 upon finding out about what had happened in terms of who
10:40:41 22 had been making statements against him and so forth, yes.
23
10:40:45 24 All right. It was made clear to you in no uncertain terms
10:40:49 25 that you were to have nothing to do with him if and when he
10:40:53 26 was captured and brought back?---Yeah, I think at some
10:40:55 27 point it was, um, I think it was Mr Fox, spent some
10:41:09 28 considerable time, um, writing out what I would say to him
10:41:13 29 in order to extricate myself from further contact with him.
30
10:41:20 31 It's recorded that you were told that if you get involved
10:41:21 32 in acting for him it would be "a relationship ending
10:41:23 33 event". That was the tone of it, wasn't it?---Yes, yep,
10:41:26 34 and then we went through a - I think there are pages in my,
10:41:27 35 um, in one of my court books about what I planned to say to
10:41:31 36 him and I did say those things and they were recorded.
37
10:41:34 38 It became an ongoing issue. When he did come back you
10:41:38 39 wanted to go out and see him and they told you not to. I'm
10:41:43 40 not going to go through all this because it's in the notes.
10:41:46 41 You had a history that they were trying to separate you
10:41:48 42 from him?---And ultimately, um, ultimately Mr Fox assisted
10:41:52 43 with that.
44
10:41:53 45 Right. And then along pops up Mr Karam. You were able to
10:41:57 46 provide information in relation to significant high grade
10:42:00 47 criminal activity in relation to him, which was too good to

10:42:05 1 ignore, wasn't it?---Yeah, I've got to say in fairness I
10:42:10 2 didn't know, you know, I didn't know when I was simply
10:42:14 3 repeating, you know, one, a few words from a conversation
10:42:17 4 over a dinner, that it was as useful as what it turned out
10:42:26 5 to be.
6

10:42:26 7 You knew that he was engaged in current and ongoing drug
10:42:31 8 importations, he talked about containers he'd lost,
10:42:36 9 containers coming in, the way he monitored through the dock
10:42:40 10 system?---Yes.
11

10:42:40 12 And you shared that with the SDU?---Yes, and I didn't know
10:42:46 13 until, um, however many months later that - because at some
10:42:52 14 point when Mr White did tell me that, um, that police or
10:42:58 15 Customs had been able to seize or intercept a number of
10:43:01 16 containers, um, prior to the tomato tin one.
17

10:43:06 18 That's true. Now, can I take you to ICR p.1432, please.
10:43:13 19 It's from 20 November 07, so we're going a few months down
10:43:17 20 the track?---Yep.
21

10:43:20 22 At this stage you have got an ambition of targeting
10:43:25 23 Mr Gatto, I suggest, on behalf of the SDU, one of the big
10:43:32 24 fish that you thought you could - there were a number of
10:43:34 25 advantages in chasing him, it would be good for your
10:43:37 26 business, you'd be able to get more clients and you'd be
10:43:40 27 able to help the SDU. Do you remember saying things like
10:43:44 28 that?---Well, yep, I'd be lying if I said I've got a
10:43:48 29 specific recollection of exact words but I don't dispute
10:43:51 30 any of that.
31

10:43:52 32 Thank you. If you go to 1432. I want you to look down the
10:43:55 33 bottom under the heading "SDU management"?---Yep.
34

10:43:59 35 There's talk about her feeling, of needing to continue to
10:44:01 36 get the big fish?---Yep.
37

10:44:04 38 "Told her she should not have these feelings and should
10:44:09 39 think about finishing this relationship when she can."
10:44:12 40 That's you wanting to get on and catch Gatto, isn't
10:44:17 41 it?---Right, yep.
42

10:44:17 43 "HS told", that's you, "she is not tasked into Gatto, not
10:44:23 44 obliged to do so and does not have to. She understands
10:44:26 45 this but has a feeling of need to finish things whilst she
10:44:29 46 is still talking to us". Do you accept that's a
10:44:33 47 conversation you had with Mr Fox?---Yep.

1
10:44:42 2 And then over the page to 1443. "If people see her and
10:44:53 3 speak to her then she'll tell us, but she's not being
10:44:57 4 tasked like Karam, Gatto and Docket Waters", et cetera.
10:45:02 5 She says, "Understood. So long as she knows she is not
10:45:04 6 tasked and can pull out at any time. She does understand
10:45:07 7 this". I take it you would agree that you had that
10:45:10 8 understanding?---Yep.
9
10:45:11 10 All right. Would it be fair to say, Ms Gobbo, that you
10:45:14 11 were an extremely enthusiastic informer?---Um, I think that
10:45:21 12 - yes, I think that's my personality. I either do
10:45:24 13 something 150 per cent or don't do it at all.
14
10:45:27 15 Indeed, so much so that you decided to provide your
10:45:32 16 handlers with a script for the cross-examination of ten of
10:45:38 17 Melbourne's leading lawyers in relation to money laundering
10:45:41 18 activities, remember that? You composed a document called
10:45:46 19 "Lawyers, drugs and money"?---Yeah, I don't think it was a
10:45:50 20 script of cross-examination. I think it was a list of, um,
10:45:54 21 of who's doing what.
22
10:45:56 23 With questions that they could be asked at the ACC when
10:46:00 24 they were called?---Yes.
25
10:46:01 26 I'm not going to bring it up because it names a whole lot
10:46:04 27 of people who don't deserve to be defamed. But you said to
10:46:14 28 the Commissioner a couple of days ago in your evidence that
10:46:18 29 you believed the police thought that all lawyers were money
10:46:23 30 launderers, remember saying that?---Yes, I mean that in the
10:46:26 31 context of, um, when Simon Overland was the Deputy
10:46:33 32 Commissioner in charge of Crime and Purana got the extended
10:46:38 33 powers and more detectives and the, um, the direction was
10:46:45 34 to try and stop the money, basically.
35
10:46:49 36 And because you knew that, that's what prompted you to
10:46:51 37 produce this "Lawyers, drugs and money" document?---Yep.
10:46:56 38
10:46:56 39 It went on for a number of pages?---Yes.
40
10:46:59 41 I'm not going to take you to it but for the transcript
10:47:04 42 that's on the ICRs p.675-6. It's produced on 5 March 07,
10:47:09 43 Commissioner. It's in the documents. Can I have - there
10:47:13 44 was a passage Mr Winneke played to you before lunch last
10:47:17 45 week and he suggested to you it was a conversation which
10:47:22 46 Mr White and Mr Smith were saying to you that you could
10:47:26 47 give them privileged information and then afterwards he

10:47:29 1 came back and said there may be another alternative view of
10:47:33 2 what that transcript says, do you follow? Remember that
10:47:36 3 piece?---Yep.
4

10:47:37 5 I need to have it brought back up, please. It's Exhibit
10:47:41 6 626 please. This is the clip, 28 October 05, that
10:47:49 7 Mr Winneke took you to and I need you to - and you agreed
10:47:54 8 with Mr Winneke, with his first interpretation as to what
10:47:59 9 it was, but let me take you to what it does say?---Is this
10:48:03 10 - sorry, this is, um, when I'm shown one bit of it and it's
10:48:07 11 actually pages long.
12

10:48:08 13 I agree. This is one - - - ?---Yes.
14

10:48:11 15 What we get, Ms Gobbo, is cherry picking out of thousands
10:48:17 16 of pages?---Yes.
17

10:48:18 18 I understand that. But this is the bit that was cherry
10:48:20 19 picked?---Yes.
20

10:48:22 21 So I'll take you to it?---Yep.
22

10:48:24 23 Mr Smith says to you, "I think I said to you last time if
10:48:27 24 you wish to talk about anything like, you're more, we're
10:48:31 25 more than happy to listen. But we're here in your interest
10:48:37 26 as well". So there's been a conversation at the previous
10:48:41 27 meeting about, "We'll listen to whatever you want to tell
10:48:45 28 us", see that?---Yes, yep.
29

30 And you say, "I know, but I can say when that stuff gets
10:48:49 31 privileged, um, I can't". So what you're saying to him is,
10:48:52 32 "Once it gets privileged I'm not going to tell you", all
10:48:55 33 right?---Yep.
34

10:48:56 35 And he says, "That's right, that's fine, I've got no
10:49:00 36 problem with that"?---Yep.
37

10:49:01 38 So he's actually agreeing with you that he doesn't want you
10:49:03 39 to tell him privileged things?---Yes, correct.
40

10:49:06 41 Then you go on to say, "All the things are, you know,
10:49:09 42 hearsay upon hearsay, what's, nothing completely, and it's
10:49:11 43 fucking hearsay". Well, that's really what a lot of the
10:49:14 44 stuff you're providing is, isn't it, what people tell you
10:49:19 45 other people have said?---Yep.
46

10:49:21 47 And the information you were supplying about PII

10:49:25 1 came from other people who were telling you what he was
10:49:28 2 doing, for example?---Yes, and from putting, you know, from
10:49:31 3 putting, from putting bits together in my own head from
10:49:35 4 reading something, hearing something, reading someone
10:49:39 5 else's brief, it was not from - it was never necessarily
10:49:43 6 someone sitting down confessing to me and me telling, um,
10:49:46 7 Mr Smith or Mr White.
8

10:49:48 9 Yes. You understand the difference between intelligence
10:49:54 10 and evidence?---Correct, yes.
11

10:49:56 12 What you were doing was transmitting intelligence that you
10:49:59 13 received basically, usually in a social setting?---Yes,
10:50:03 14 that's right.
15

10:50:05 16 But then this goes on, "If you're happy, regardless of the
10:50:07 17 privilege issue, you can make that call on your own without
10:50:11 18 any assistance from us, no problem". Now just stopping
10:50:12 19 there, what he's saying is, "On the privilege issue, you
10:50:16 20 think it's privilege, don't tell us, you make that call",
10:50:17 21 right?---Yes, that's right.
22

10:50:19 23 "And if you're happy to tell us something that is hearsay
10:50:21 24 from someone or something, I suggest you tell us and let us
10:50:24 25 worry about it", do you see?---Yes.
26

10:50:26 27 It's quite clear that that call is saying the opposite of
10:50:30 28 what Mr Winneke suggests - or that transcript is saying the
10:50:31 29 opposite of what Mr Winneke suggested, they're making it
10:50:33 30 clear, "Don't tell us privilege but tell us all the
10:50:37 31 hearsay" and "fucking hearsay that you're getting"?---Yes.
32

10:50:40 33 Right, thank you?---Because their position was that you
10:50:46 34 don't, that I couldn't know, and even though I would have
10:50:50 35 loved to know, that I couldn't know and couldn't be told
10:50:52 36 that, you know, some tiny little piece of what I might
10:50:56 37 think is irrelevant information could turn out to be of
10:50:59 38 great assistance to them. So they were very patient in
10:51:03 39 listening to a whole lot of rubbish. Um, a whole lot of -
10:51:06 40 I don't mean rubbish, but a whole lot of stuff that
10:51:09 41 probably was irrelevant and with some gold nuggets inside
10:51:14 42 it.
43

10:51:18 44 And you get to the gold nuggets - there were countless
10:51:21 45 conversations on given days?---Yes.
46

10:51:22 47 And the face-to-face meetings lasted for hours?---Yep.

1
10:51:25 2 Now, can I take you to PII [REDACTED] for a moment, please.
10:51:29 3 You said to the Commissioner that you had long discussions
10:51:32 4 with your handlers about how to avoid going to the police
10:51:36 5 station when he was arrested, remember that?---Yep.
6
10:51:41 7 It was made clear to you in a general sense that it was a
10:51:45 8 problem: how on earth are you going to go there to
10:51:48 9 represent him when you're the person who's given the
10:51:51 10 information that leads to him being arrested? That was the
10:51:54 11 problem, wasn't it?---Yep, yep.
10:51:55 12
10:51:55 13 And they had, by they, in particular Sandy White and
10:51:59 14 Mr Smith, spoke to you regularly about how you should not
10:52:03 15 go there and you shouldn't be involved?---Yes, yep.
16
10:52:09 17 But you were of the view that you were going - you were
10:52:11 18 going to be there because, firstly, you felt some degree of
10:52:16 19 responsibility for him?---Yes.
20
10:52:19 21 And secondly, if you don't go, your absence is going to
10:52:24 22 light you up more than if you do go?---Yes. Ah,
10:52:27 23 absolutely.
24
10:52:28 25 So that was your - and you expressed that a number of
10:52:31 26 occasions, that you had to go and you were going to be
10:52:34 27 there?---Yep.
28
10:52:35 29 So even when Mr White said to you that he didn't want you
10:52:38 30 there, you said to him, "I don't care, Mr White, I will be
10:52:42 31 there"?---That's right, because their preference was that I
10:52:50 32 not be there and I couldn't work out, um, a way to not be,
10:52:54 33 to avoid going but to not draw attention to myself.
34
10:53:00 35 Right. So you went and thereafter you appreciated that you
10:53:11 36 going caused big problems for the integrity of the evidence
10:53:14 37 that was subsequently obtained, you knew that?---Well,
10:53:21 38 yes, obviously I learnt that over time, yes. It became
10:53:23 39 very clear.
40
10:53:25 41 Now, different topic. You said a couple of days ago that
10:53:31 42 Mr White told you that Mr Fox in particular was months
10:53:35 43 behind in his diary. Remember saying something like
10:53:38 44 that?---Yes, that's right. At some point, um, he - my
10:53:46 45 understanding was that, um, that because of the volume of
10:53:50 46 information and the number of phone calls sometimes they
10:53:54 47 had to be swapped over so that they could catch up on

10:53:58 1 their, um, whatever the process was that they were doing to
10:54:02 2 record all this.
3
10:54:04 4 I don't have an argument with that. There's a different -
10:54:07 5 you know now what an Informer Contact Report is, ICR we
10:54:12 6 call them here?---Yeah - yes, I do now. I didn't know they
10:54:18 7 existed back then.
8
10:54:19 9 I agree, you wouldn't have known they existed back then.
10:54:22 10 But it's the process by which they record their contact
10:54:25 11 with you?---Yes, yes.
12
10:54:29 13 And there's no doubt, and I don't take issue with the fact
10:54:32 14 they may have had at times had to swap handlers because of
10:54:36 15 the heavy workload of dealing with you, you were a pretty
10:54:39 16 demanding source, weren't you?---Yes.
17
10:54:42 18 But what you're confusing, I don't take an issue with being
10:54:47 19 behind in the ICRs, but what I suggest to you, at no stage
10:54:51 20 did they ever say to you that they were behind in their
10:54:54 21 diaries, that's a different thing? Their diaries were
10:54:57 22 contemporaneous handwritten notes of conversations with
10:54:59 23 you?---Look, all I can say is that's my best recollection
10:55:04 24 of the conversation. I don't recall ever being told they
10:55:09 25 were even - I didn't even know an ICR existed let alone
10:55:13 26 what one was, so I wouldn't have been told that.
27
10:55:16 28 No, "catch up on our reports" would be the way it would be
10:55:20 29 put, not the diaries, you follow?---Yep.
30
10:55:23 31 You see, you suggested to Mr Winneke that the diary entries
10:55:28 32 were not a contemporaneous note. This is at
10:55:31 33 p.13428?---Yeah, I can remember that. I mean, look, at the
10:55:38 34 end of the day I can't say whether they were or not,
10:55:41 35 they'll speak for themselves.
36
10:55:42 37 Let me bring up if I could - and the note you were talking
10:55:44 38 about was a note made on 25 June 2007. This is the note
10:55:48 39 that Mr Winneke asked you about, about whether you'd been
10:55:51 40 in Sharon Cure's chambers, remember that?---Yes, yep.
10:55:54 41
10:55:54 42 On 3 July 07, a few days after that, you're having a
10:55:59 43 face-to-face meeting with, among other people,
10:56:02 44 Mr Fox?---Right.
45
10:56:03 46 Can I bring up VPL.0005.0136.0363, please. See at the top
10:56:17 47 of the page Mr Fox says, "Then you've just emptied my

10:56:21 1 diary, God". You said, "So get another one". He says,
10:56:27 2 "I'll have to. And you get him a decent pen", you say.
10:56:32 3 "Why?", asked Mr White. "Because the one, when he was on
10:56:34 4 the phone, what's wrong with that? I can hear him writing,
10:56:38 5 I can hear his scratching and obviously you need a decent
10:56:42 6 pen"---Yep.
7

10:56:43 8 It's pretty clear that you knew at the time that they were
10:56:46 9 making contemporaneous notes in their diaries, weren't
10:56:48 10 they? There's an example of it?---Look, I don't want to
10:56:51 11 argue with you but I can't say it was in their diaries. I
10:56:53 12 can remember sometimes people saying or handlers saying
10:56:57 13 they were writing on their palms or they were writing on
10:56:59 14 scraps of paper. So I don't dispute they were writing
10:57:02 15 things down, but I don't know where they were writing them.
16

10:57:05 17 Okay, let's take two things about that. When they were
10:57:07 18 sitting with you at face-to-face meetings you can hear on
10:57:11 19 the tapes Sandy White typing?---Yes, he was on a laptop.
20

10:57:15 21 And you can hear, as you could hear Mr Fox in the one's
10:57:21 22 he's at, scribbling his notes, see that?---Yes, because he
10:57:26 23 scratches.
24

10:57:27 25 Right. When they were on the phone you can't see what
10:57:29 26 they're doing. If you catch them and they're out somewhere
10:57:32 27 they'll have to write on whatever it is they've got, you
10:57:37 28 follow?---Yes, of course, that's right.
29

10:57:39 30 And that would then be transposed into their diaries, as
10:57:42 31 you'd imagine, as soon as possible, if they didn't have
10:57:43 32 their diary with them?---Yep, that's what I understood,
10:57:45 33 yep.
34

10:57:48 35 Different topic again, Ms Gobbo. Can you tell the
10:57:51 36 Commissioner why you went on the 7.30 Report?---Um, an
10:57:58 37 immense amount of frustration with, um, with the, I suppose
10:58:07 38 this entire nightmare, really. Um, but in particular the,
10:58:18 39 um, the way in which I have come to distrust police.
40

10:58:21 41 So what you did is - well you were aware at the time that
10:58:26 42 you, that show was aired, your lawyers were making
10:58:30 43 application for the Commissioner for you to be excused from
10:58:32 44 giving evidence?---Yes, correct.
45

10:58:38 46 So was it some attempt to put yourself back in the
10:58:41 47 limelight?---No. Um, I understood that, um, there was an

10:58:48 1 application to, um, excuse me from giving evidence on the
10:58:53 2 basis that, um, by reason of my circumstances I was not
10:58:58 3 able to. And but for being in the current position that
10:59:04 4 I'm in with someone to look after the kids, it would not
10:59:08 5 have been possible.
6
10:59:08 7 Do you want a break now, Commissioner?
8
10:59:10 9 COMMISSIONER: Yes, that's a good time for a break. We'll
10:59:13 10 have a 15 minute break, thank you.
11
12 (Short adjournment.)
13
11:18:30 14 COMMISSIONER: Yes, Mr Chettle.
11:18:31 15
11:18:32 16 MR CHETTLE: Commissioner, at p.13409 of the transcript
11:18:36 17 Mr Winneke cross-examined Ms Gobbo about a section of
11:18:40 18 evidence she gave to Justice Ginnane in relation to her
11:18:45 19 dealings with Sandy White and what happened is that passage
11:18:50 20 was not tendered and I've spoken to Mr Winneke, I just want
11:18:56 21 to give it an exhibit number.
11:18:59 22
11:18:59 23 MR WINNEKE: Commissioner, I think the entirety of the
11:19:02 24 evidence, of Ms Gobbo's evidence before Justice Ginnane
11:19:07 25 ought be tendered, so I'm content to tender it as an
11:19:11 26 exhibit, that is the transcript of the evidence she gave.
11:19:13 27
11:19:14 28 MR CHETTLE: I don't care about the others, I just want
11:19:16 29 that bit obviously.
11:19:17 30
11:19:17 31 COMMISSIONER: We'll do it all. Is there an A and a B?
11:19:21 32
11:19:21 33 MR WINNEKE: There will be, Commissioner. I suspect there
11:19:24 34 may well be a need to redact a considerable amount of it.
11:19:32 35 The evidence that she gave in our submission is - - -
11:19:35 36
11:19:35 37 COMMISSIONER: Sure.
11:19:35 38
11:19:37 39 #EXHIBIT RC1177A - (Confidential) Transcript of the Gobbo
11:19:38 40 evidence before Justice Ginnane
11:19:43 41
11:19:43 42 #EXHIBIT RC1177B - (Redacted version.)
11:19:49 43
11:19:49 44 COMMISSIONER: Just before you get into your stride, I
11:19:54 45 think I got a message you're going to be about another half
11:19:57 46 an hour, I'm just seeing whether we'll get another witness
11:19:58 47 in today. You'll be about half an hour?

11:19:58 1
11:20:00 2 MR CHETTLE: I hope.
11:20:01 3
11:20:02 4 COMMISSIONER: Right.
11:20:03 5
11:20:03 6 MR CHETTLE: I haven't sat down and timed it, Commissioner.
11:20:06 7
11:20:06 8 COMMISSIONER: No, no. Mr Holt, a couple of hours for you?
11:20:09 9
11:20:10 10 MR HOLT: Certainly no more than that, Commissioner, in
11:20:12 11 light of various concessions that have been made today.
11:20:15 12
11:20:15 13 COMMISSIONER: Yes. And then there will be some
11:20:17 14 re-examination?
11:20:20 15
11:20:20 16 MR NATHWANI: Half an hour to 45 minutes.
11:20:23 17
11:20:23 18 COMMISSIONER: Mr Winneke?
11:20:23 19
11:20:23 20 MR WINNEKE: No more than that, Commissioner.
11:20:25 21
11:20:25 22 COMMISSIONER: Yes, all right. It's going to be touch and
11:20:29 23 go I suppose. Touch and go, we might have a better idea by
11:20:35 24 lunch time.
11:20:36 25
11:20:36 26 MR CHETTLE: Thank you Commissioner. Ms Gobbo, I want to
11:20:38 27 take you to 2 May of 2007, which was the night you went and
11:20:43 28 had, to the Heritage Golf Club and got your pen from
11:20:47 29 Mr O'Brien, do you remember that night?---Yep.
11:20:50 30
11:20:50 31 In the course of giving your evidence you said that it was
11:20:53 32 a dreadful night, that you were severe pain and that you
11:20:58 33 had to sit and watch everybody else get drunk, remember
11:21:02 34 saying that?---Well they were all drinking, that's right.
11:21:05 35
11:21:05 36 No, but what you said was, "I had to watch everyone else
11:21:10 37 get drunk", "pissed" I think was the word you used?---Yes,
11:21:14 38 yep, well, sorry, there were a couple there that did appear
11:21:18 39 to be, um, drinking a lot, but I was not one of them.
11:21:22 40
11:21:22 41 Well do you know that that particular meeting was tape
11:21:25 42 recorded? And the quality of it is awful, but it is tape
11:21:30 43 recorded?---Yep.
11:21:31 44
11:21:32 45 You were picked up by Mr Anderson and Mr Green in a motor
11:21:36 46 car?---Yes.
11:21:37 47

11:21:45 1 And in the motor car you were telling Mr Anderson and
11:21:51 2 Mr Green that you had been out with Mr Karam and
11:21:55 3 Mr Mannella and you were drinking a drink called a Flaming
11:22:00 4 Lamborghini, does that ring any bells for you?---Um, not
11:22:07 5 specifically.
11:22:08 6
11:22:09 7 And you were discussing in the car the effect that
11:22:14 8 champagne has on you, does that ring any bells?---I've had
11:22:18 9 that conversation with them, yes.
11:22:19 10
11:22:19 11 That was in the car and as best as can be made out, on the
11:22:24 12 tape-recording on the way to the golf club, do you
11:22:27 13 follow?---Yeah, we were in traffic. It was a long drive.
11:22:31 14
11:22:31 15 Right. And, let me suggest to you that no one got "pissed"
11:22:37 16 because they had their cars there and they went home at the
11:22:40 17 end of the night in their cars?---Well I wouldn't know, I
11:22:44 18 wasn't - I don't know what happened at the end.
11:22:46 19
11:22:46 20 You know a little bit. They got you a taxi home, didn't
11:22:50 21 they?---Um, I don't recall if I got a taxi or was driven
11:22:57 22 but - - -
11:22:58 23
11:22:58 24 Let me suggest what there is of the tape suggests that as
11:23:02 25 you were leaving they put you in a cab and you expressed
11:23:06 26 surprise that they were leaving as well, that is Mr O'Brien
11:23:09 27 and the SDU, and that they weren't staying on, to which
11:23:14 28 Mr Anderson said to you, "No, no, we're all leaving too",
11:23:19 29 all right?---Right, yep.
11:23:21 30
11:23:22 31 Insofar as you might have given me the impression that this
11:23:26 32 was a boozy night by a group of police officers, you're not
11:23:30 33 saying that, are you?---No, not, not, not compared to the,
11:23:35 34 the really drunken nights I have seen with police in years
11:23:39 35 earlier than that. It was, it was quite professional in
11:23:42 36 terms of the presentation of the pen and so forth.
11:23:45 37
11:23:45 38 And their conduct was professional that night as
11:23:49 39 well?---Yeah, but they were never, these guys were never
11:23:55 40 sleazy or unprofessional in the way that other police, in
11:23:59 41 the way I've seen other police behave in my past.
11:24:03 42
11:24:03 43 On that issue of the pen, you had expressed to Sandy White
11:24:08 44 on occasion a desire to have an acknowledgement of
11:24:11 45 appreciation by Mr Overland, hadn't you?---Yeah, there'd
11:24:16 46 been a discussion about, or some handler had mentioned, um,
11:24:20 47 or it had become a joke about getting a plaque and if you

11:24:24 1 had a plaque where could you put it, because you couldn't
11:24:27 2 put it anywhere because someone might see it.
11:24:29 3
11:24:30 4 You wanted Mr Overland to acknowledge the fine work that
11:24:33 5 you'd done on behalf of Victoria Police?---Yeah, I wanted a
11:24:36 6 thank you.
11:24:36 7
11:24:37 8 And indeed there was some discussion about some tickets to
11:24:41 9 go and see Celine Dion with you, does that ring a
11:24:46 10 bell?---Not specifically but there were, um, they did buy
11:24:51 11 tickets to something that, um, that I already had tickets
11:24:55 12 to go to at some point.
11:24:57 13
11:24:58 14 The point about Mr Overland is that he couldn't, he
11:25:02 15 couldn't come and see you, or express, he wasn't coming to
11:25:06 16 see you, there were a number of reasons why that couldn't
11:25:09 17 happen, but Mr O'Brien made the presentation of
11:25:12 18 acknowledgement to you in his stead, that's what
11:25:16 19 happened?---Yeah, yep.
11:25:18 20
11:25:18 21 You clearly had been told that there was some plan or
11:25:21 22 arrangement to approach you while you were in hospital in
11:25:24 23 2004 with a view to recruiting you as a human source, do
11:25:29 24 you remember saying something about that?---Yeah, I, um,
11:25:32 25 was asked, sorry, I was made aware of there being some, um,
11:25:39 26 an ICR, sorry, an IR or police notes about that by my
11:25:45 27 lawyers last year.
11:25:45 28
11:25:46 29 Let me suggest - I think you've got the situation confused
11:25:50 30 and can I suggest to you there's no IR and there's no
11:25:52 31 notes. The evidence in relation to that amounts to
11:25:55 32 evidence from Sandy White that he has a vague recollection
11:25:58 33 of having a discussion with Jim O'Brien about whether or
11:26:01 34 not you might be able to be recruited, but it went nowhere,
11:26:06 35 all right. There was no plan or arrangement to get you
11:26:11 36 while you were in hospital, do you follow?---Right. That's
11:26:14 37 not my recollection of the, the, um, the email and
11:26:23 38 conversation I had with lawyers last year, but - - -
11:26:27 39
11:26:27 40 You've expressed your views about Sandy White in different
11:26:32 41 ways to the way you have today after you found out about
11:26:36 42 what you were told about that so-called hospital
11:26:40 43 plan?---Yes.
11:26:41 44
11:26:41 45 And it would have disappointed you to think that Sandy
11:26:44 46 White might have thought of doing something like that to
11:26:46 47 you?---Um, no devastated, not disappointed.

11:26:49 1
11:26:53 2 That's perhaps why you've gone off him a bit in the last
11:26:57 3 few months?---Well, I'd be surprised, um, I would - I think
11:27:02 4 what I was told, I said I was in part surprised and in part
11:27:07 5 not surprised, as in I would, I would like to think that my
11:27:11 6 judgment about him wasn't impaired, um, but in terms of
11:27:16 7 other police coming up with a plan like that, I'm not
11:27:19 8 surprised.
11:27:19 9
11:27:19 10 There was no, Ms Gobbo, let me assure you, there is no
11:27:23 11 evidence of any plan, implementation, there is nothing more
11:27:33 12 than a passing memory of a discussion, full stop,
11:27:35 13 okay?---Right.
11:27:35 14
11:27:36 15 OPI, you discussed from time to time with your handlers the
11:27:39 16 fact that you'd received summonses to attend the OPI,
11:27:48 17 right?---Yeah, I told them when I got one, yes.
11:27:50 18
11:27:51 19 Because your concern was that the questioning there was
11:27:53 20 going to expose you as an informer?---Yes.
11:27:58 21
11:27:59 22 You had real reservations about counsel assisting?---Yes.
11:28:04 23
11:28:05 24 Mr Livermore?---Yes.
11:28:06 25
11:28:06 26 In fact you reported that Mr Livermore was talking about
11:28:09 27 what he was going to do to you to Con Heliotis?---Yes,
11:28:14 28 correct.
11:28:15 29
11:28:15 30 In that sense you appreciate that it's an offence to
11:28:21 31 disclose that you've received OPI summonses?---Yes, it was
11:28:26 32 a real, it was a monumental headache about how to tell them
11:28:31 33 and who will I go to get permission to tell them in the
11:28:35 34 first place.
11:28:36 35
11:28:36 36 They made it clear to you they would not talk to you about
11:28:39 37 your evidence and that the only thing they were concerned
11:28:41 38 about was questioning that might, or things that might
11:28:44 39 expose you as a human source?---That's right, yep.
11:28:48 40
11:28:50 41 And that you would appreciate from all your years of going
11:28:53 42 there that if you've got a reasonable excuse you can
11:28:56 43 disclose the existence of an OPI summons?---Yes, yep.
11:28:59 44
11:28:59 45 The only reason you disclosed it was in order to ensure
11:29:06 46 your physical safety?---Yes.
11:29:07 47

11:29:07 1 And the concern you would be murdered unless steps were
11:29:10 2 taken to protect you?---Yes, because my fear was that I
11:29:14 3 might be asked a question and if I gave an honest answer
11:29:19 4 and didn't omit anything, that the fact of what I was doing
11:29:23 5 would come out or was likely to come out.
11:29:26 6
11:29:26 7 Or otherwise you had to commit perjury and you didn't want
11:29:30 8 to do that?---Yes.
11:29:31 9
11:29:31 10 I understand that. Can we bring up the ICRs at p.1043,
11:29:36 11 please. This is 22 July of 2007, all right. I'll bring
11:29:44 12 you up a conversation - if we go down to the heading "OPI"
11:29:48 13 at the bottom of the page. There's no problem with
11:29:53 14 bringing that up bigger, that section at the bottom, "OPI",
11:29:58 15 bottom half. This is Mr Fox again, all right?---Um, yep.
11:30:09 16
11:30:11 17 Told you that I have spoken to Gavan Ryan yesterday and he
11:30:14 18 mentioned his shock when you were asked questions about all
11:30:17 19 the police she knew. This was when he was down there and
11:30:21 20 you were asked these questions?---Yep.
11:30:23 21
11:30:24 22 "Passed feedback that her answers were long which is why
11:30:27 23 the hearing carried over to the next day. HS says there
11:30:31 24 were things she felt she had to say and explain so as to
11:30:34 25 show there is no ill-intent or corruption with her
11:30:35 26 actions", do you see?---Yeah, I don't know that, I don't
11:30:38 27 really know they're words that I'd used, but yep.
11:30:43 28
11:30:43 29 You discussed with him what had happened there and what
11:30:45 30 Mr Ryan was saying?---Yes.
11:30:47 31
11:30:50 32 You said that the flavour of the questions was because
11:30:53 33 she'd had a coffee or dinner with someone then this was
11:30:56 34 criminal intent and corruption and there was discussion
11:30:59 35 about how this was wrong, follow?---Yep.
11:31:02 36
11:31:02 37 Right. Then Mr Fox explained to you that he did not want
11:31:05 38 to talk specifically about the hearing, "The specific
11:31:08 39 questions and answers she gave are between her and the OPI,
11:31:12 40 only need to know about questions that she believes affects
11:31:15 41 her safety or compromise"?---That's right, and that's
11:31:19 42 because the very first questions I was asked in that
11:31:24 43 hearing, after swearing the oath, um, caused me the
11:31:28 44 difficulty.
11:31:29 45
11:31:29 46 As far as you're concerned you'd have no difficulty saying
11:31:32 47 you had a reasonable excuse for discussing it with your

11:31:36 1 handlers?---No, of course not. I, um, a legitimate lawful
11:31:40 2 excuse.
11:31:40 3
11:31:41 4 You were under the impression that Simon Overland was going
11:31:46 5 to fix the problem you were having with the OPI, did you
11:31:49 6 get that impression?---Um, not - I don't, I wouldn't use
11:31:55 7 the expression fix the problem, but my understanding was
11:31:58 8 that, um, that the Examiner, sorry, not, um, not counsel,
11:32:04 9 but um, Mr Fitzgerald had been made aware of my
11:32:09 10 circumstances.
11:32:09 11
11:32:09 12 And that was to happen at a higher level?---Yes, correct.
11:32:13 13
11:32:14 14 Thank you?---And that's why there was the, my, um, surprise
11:32:19 15 and difficulty when the first questions I got asked, um, I
11:32:25 16 can't remember precisely what they were, but it led to a
11:32:28 17 problem, I think one of the questions was, "Well, how many
11:32:31 18 police do you know or what are their names?"
11:32:35 19
11:32:36 20 I can understand that?---And me having a difficulty because
11:32:38 21 I didn't want to name handlers.
11:32:40 22
11:32:40 23 Correct, I understand your concern. Pushing on a little
11:32:44 24 bit because we have time constraints and I want to get
11:32:48 25 through if I can, all right?---Yep.
26
11:32:49 27 Are you okay, you're feeling up to keeping - - -?---Yes.
11:32:50 28
11:32:50 29 All right. I want to turn to the issue of Zaharoula Mokbel
11:32:54 30 now?---Yes.
11:32:55 31
11:32:55 32 You told Mr Anderson, you know who he is, if you have a
11:32:58 33 look at the - - -?---Yes.
11:32:59 34
11:32:59 35 That on the phone conversation that you had with him, that
11:33:02 36 there were holes in the brief, that it wasn't up to
11:33:05 37 standard and that the police couldn't prove deception, do
11:33:09 38 you remember that?---Yes.
11:33:10 39
11:33:10 40 Now, that's you telling the police about deficiencies in
11:33:16 41 the prosecution of your own client, isn't it?---No, this is
11:33:21 42 in relation to, I think this is in relation to the whole,
11:33:27 43 um, complicated, um, situation in relation to PII
11:33:33 44
11:33:34 45 Yes, I understand that. But dealing with - Zaharoula
11:33:37 46 Mokbel had been charged with fraud offences?---Yep.
11:33:40 47

11:33:41 1 I think it was a man called Manotti had filled in the form
11:33:46 2 and not her, remember that?--Something like that, yep.

11:33:48 3
11:33:49 4 As a result of which the brief, in your opinion, they
11:33:52 5 couldn't even prove any deception by her and that there
11:33:54 6 were holes in the brief, right, and I can take you to the
11:33:58 7 ICR where you tell Mr Anderson all this, but I'm trying to
11:34:02 8 get effectively - - -?---I haven't seen it but I accept
11:34:05 9 there would have been conversations about all of these
11:34:07 10 people with the bodgey loans.

11:34:13 11
11:34:14 12 When that was raised you had a meeting, a face-to-face
11:34:17 13 meeting with Sandy White and Mr Anderson on 5 March
11:34:21 14 2007?---Right.

11:34:22 15
11:34:22 16 This is, you raise it with Anderson and the evidence shows
11:34:25 17 that Anderson raised it with Sandy White and then they come
11:34:28 18 and talk to you about it, all right?---Right, yep.

11:34:31 19
11:34:31 20 Can I bring up VPL.0005.0127.0533. Okay. Now, this is you
11:35:17 21 and Mr White having your discussion about information that
11:35:20 22 leads to her being looked at for properties or give you
11:35:23 23 information about him, or property that he's acquired or
11:35:26 24 loans and so forth, I think you might be talking about the
11:35:30 25 man, some other person anyway, it's not Zaharoula?---I know
11:35:34 26 who it is, yep, yep.

11:35:36 27
11:35:47 28 Sorry, I apologise. 0354.

11:35:58 29
11:35:59 30 COMMISSIONER: 0354.

11:36:00 31
11:36:00 32 MR CHETTLE: I'm sorry, Commissioner I do this with my
11:36:03 33 notes at times and it's - no, that's not the bit. Exhibit
11:36:10 34 367. Yes. That 0005.0127.0354-6, sorry. Okay. Go over
11:36:47 35 the next page, please. There it is. "They ought to be
11:36:58 36 embarrassed, fancy putting together to prove that an
11:37:02 37 American Express card used or obtaining credit by deception
11:37:06 38 means mainly by saying she worked at Equity Corp, one would
11:37:07 39 have thought you need a little bit more than an application
11:37:10 40 form itself. No proof of handwriting, when it was filled
11:37:13 41 in, who signed it. Whether she signed it, whether it was
11:37:15 42 signed, who submitted it. The proof relied upon that she
11:37:19 43 didn't work at Equity Corp, that she didn't work is an
11:37:23 44 assertion in the summary that PII [REDACTED] said is in his
11:37:27 45 record of interview", right, so using the evidence of
11:37:31 46 someone else is evidence in a case?---Yep.

47

11:37:34 1 You say, "Not even admissible"?---Yes.
11:37:36 2
11:37:36 3 "No wonder Lewenberg is laughing. He said 'I'm giving you
11:37:41 4 this on one occasion, don't laugh'", and to which Mr White
11:37:44 5 said, "This is the hand-up brief", right?---Yep.
11:37:47 6
11:37:49 7 "What am I supposed to do, tell evidence that Coghlan's
11:37:54 8 crew need to go to get to fix it up or what I've done in
11:37:58 9 the past, destroy the police case. Should it work? What
11:38:02 10 am I doing anyway? We can get to her" and then you go back
11:38:04 11 to PII all right?---Right.
11:38:06 12
11:38:07 13 So here you are saying to Mr White, "Look I get this brief,
11:38:13 14 what am I supposed to do? Do I tell Coghlan's it's a joke
11:38:18 15 or what do I do? Do I destroy the police case", do you see
11:38:21 16 that?---Yep.
11:38:22 17
11:38:22 18 They're your two options. Then we go to p.0518 where you
11:38:32 19 come back to this. This is a long meeting. At this stage
11:38:36 20 that bit's raised, 0518. There we are. No, that's not it.
11:38:59 21 This is about, "Whether you tape this brief or not it's a
11:39:02 22 matter for you". See Mr White says that in the middle of
11:39:05 23 the page?---Yep.
11:39:06 24
11:39:07 25 "It doesn't matter to us at all. No." He says, "Now hear
11:39:11 26 me out. Look, you could take it on and you could perhaps
11:39:15 27 find some holes in it and maybe help them dramatically get
11:39:17 28 away with whatever it is they want to get away with, or you
11:39:20 29 could tell them to go elsewhere, but no in between, you
11:39:25 30 know, sort of taking it out and pointing out the defects to
11:39:28 31 us", do you see that?---Yep.
11:39:30 32
11:39:30 33 He's telling you, "Look, you can either take it as it is
11:39:36 34 and shoot holes in the police case, or you can send it to
11:39:38 35 someone else but you can't tell us to clear up the
11:39:41 36 defects", do you see that?---Yep.
11:39:43 37
11:39:44 38 And you say, "That's the point, I haven't done anything.
11:39:47 39 Just waiting to talk to you about it. Well if you want to
11:39:50 40 take it on, do you think it gives you a little bit more
11:39:54 41 credibility with them? You can say, 'No, I don't want to
11:39:57 42 do anything about it. I can't help you' and how are we
11:39:59 43 going to explain that to him? I don't have to explain it
11:40:02 44 to him, it's pretty simple, he owes me three and a half
11:40:09 45 grand". Who is that you're talking about? You don't know,
11:40:17 46 I assume?---I suspect it would have been PII
11:40:19 47

11:40:19 1 That's fairly cryptic, but what I want to suggest to you
11:40:23 2 happened, and there's been an analysis of this, is that you
11:40:26 3 point out the holes in the brief?---Yep.

11:40:28 4
11:40:28 5 And effectively Mr White says to you, "Use it if you want
11:40:33 6 to, but we're not going to fix it up for you"?---Yes, he
11:40:37 7 does say that.

11:40:38 8
11:40:38 9 COMMISSIONER: Mr Chettle, as I understand it Ms Gobbo is
11:40:41 10 not contesting what is recorded as being what is recorded.

11 11
12 MR CHETTLE: I understood that, Commissioner.

13
14 COMMISSIONER: So you can make submissions - - -
11:40:43 14

11:40:45 15
16 MR CHETTLE: Well, I need her - - -
17

18 COMMISSIONER: All right.
19

11:40:49 20 MR CHETTLE: I'm sorry, I'm trying to cut it short but the
11:40:52 21 propositions have been put from the other end that I want
11:40:55 22 to deal with.

11:40:57 23
24 COMMISSIONER: All right.

11:40:58 25
26 MR CHETTLE: You were played an extract, you remember the
11:41:00 27 extract of the evidence where you talk about 20 other
11:41:03 28 people in the same boat?---Yeah, I got cut off.

11:41:07 29
30 You did get cut off. It's clip 75 for 3 July 2007. Can we
11:41:14 31 bring up the transcript on VPL.0005.0136 at p.0122. All
11:41:38 32 right. You'll see - go back to the previous page if you
11:41:45 33 can, please, just to put it in context. Do you see
11:41:52 34 Mr White says to you, "Really important for the rest of it
11:41:56 35 you don't represent anyone. I'd hate to think a conviction
11:41:58 36 could be over turned because there's an allegation or a
11:41:59 37 suggestion or a bloody inquiry in relation to whether he
11:42:02 38 got completely unbiased, uncompromised defence. Who's ever
11:42:08 39 going to know about that?" See that, this is the bit that
11:42:11 40 got played. You say, "There's 20 other people in that
11:42:15 41 category" you say. He says, "I know. Don't you think we
11:42:19 42 haven't thought about this day-in/day-out". Let's keep
11:42:23 43 going from there if we could. "I fully expect you would",
11:42:25 44 that is that you think about it day-in/day-out, "More so
11:42:29 45 than it's an opportunity for you to break up. I hear what
11:42:32 46 you're saying. Yeah, but look at the people. No, you've
11:42:35 47 got, you've got a consistent course of conduct in this

11:42:39 1 respect and that you'd rather keep people close so you know
11:42:43 2 what they're doing and you can monitor what they're doing
11:42:45 3 and have some, and that's the survival thing, I understand
11:42:50 4 that, but why can't you say, 'No, just fucking, I'm not the
11:42:55 5 one that's going to keep threatening so'" - on it goes, do
11:43:01 6 you see that there?---Yeah.

11:43:02 7
11:43:02 8 What you're saying there is that 20 people in the same boat
11:43:06 9 are the crew I was asking you about before, the people that
11:43:10 10 you had provided information on but continued to talk to
11:43:13 11 despite the SDU saying to you that you shouldn't.

11:43:19 12 PII [REDACTED] gets arrested. As a result of him there are
11:43:24 13 half a dozen other people end up getting arrested, all
11:43:29 14 right? Are you with me?---Yep, yep.

11:43:32 15
11:43:32 16 And you maintain contact with them, despite having been
11:43:36 17 involved in providing information against them, because you
11:43:41 18 wanted to keep an eye on them or keep them close so you
11:43:44 19 could monitor what they were doing in relation to
11:43:51 20 you?---Yeah, as he said, it's survival.

11:43:53 21
11:43:54 22 The 20 other people that you're talking about and
11:43:56 23 discussing with Mr White are clearly the ones that you have
11:44:01 24 been involved in up until this point of time, isn't
11:44:05 25 it?---That's my, yeah, that's my, um, assumption from what
11:44:10 26 you've shown, yes.

11:44:11 27
11:44:11 28 I don't want to - let me suggest to you, you just heard the
11:44:16 29 Commissioner before tell me you're not disagreeing, the
11:44:19 30 ICRs are riddled with numerous examples of you, when told
11:44:24 31 by Mr White and the handlers, that you shouldn't act for,
11:44:29 32 you couldn't act for people who you've informed
11:44:36 33 on?---Correct, and the discussion sometimes, they were
11:44:43 34 sometimes brief and sometimes very long and convoluted
11:44:46 35 about what constituted appearing for someone, as in doing,
11:44:51 36 you know, as in for example, running a trial where, um, I
11:44:56 37 had provided information as opposed to standing up in a
11:45:00 38 filing hearing. There were all kinds of discussions about
11:45:04 39 this.

11:45:04 40
11:45:04 41 Cut it short, Faruk Orman is a classic example of that,
11:45:08 42 isn't it? You had numerous discussions about him?---Yes.

11:45:10 43
11:45:11 44 You even told the SDU that Robert Richter and Brian Rolfe
11:45:19 45 wanted you to appear in the trial, in the committal and the
11:45:23 46 trial, the committal and the trial for Mr Orman, didn't
11:45:26 47 he?---Yes, and I couldn't.

11:45:27 1
11:45:28 2 You said you couldn't because of the conflict you
11:45:30 3 had?---Yes.
11:45:30 4
11:45:31 5 You said the only thing you were involved in was a filing
11:45:34 6 hearing and you only did that because no one else was
11:45:36 7 available to do it and you got stuck with it?---Yep, and
11:45:40 8 then, and the informal conference, um, in chambers, that
11:45:45 9 was it.
11:45:45 10
11:45:47 11 And you explained that Mr Rolfe thought you can handle your
11:45:52 12 conflict issues by just being absent when PII [REDACTED] was
11:45:57 13 being cross-examined?---Yes.
11:45:58 14
11:45:58 15 Because you made it clear to him you had a conflict of
11:46:01 16 interest because of your prior involvement with PII [REDACTED]?---I
11:46:04 17 think he was sensible enough to not ask specifically about
11:46:08 18 the, the conflict.
11:46:10 19
11:46:10 20 Yes. But you told him that, according to - - -?---Yes, I
11:46:13 21 did.
11:46:14 22
11:46:14 23 And indeed, you went out and told Faruk Orman that you
11:46:17 24 couldn't act for him because of a conflict and you said to
11:46:20 25 the handlers he understood that and was happy about
11:46:23 26 it?---Um, yes, he was - he was, um, look, he was a more, I
11:46:32 27 think back then anyway, he was a more, a more sensible
11:46:36 28 individual.
11:46:37 29
11:46:37 30 Okay. I want to go - do you accept, I think you do, as a
11:46:42 31 general proposition that you would not be surprised that if
11:46:45 32 in the ICRs and the tape recorded conversations there are
11:46:48 33 repeated discussions about issues of legal professional
11:46:52 34 privilege and conflict?---Yes, of course, there would be.
11:46:55 35
11:46:55 36 Correct. Okay. So far as there are repeated - I withdraw
11:47:02 37 that. You certainly told your handlers that PII [REDACTED] had
11:47:09 38 a strong romantic interest in you, didn't you?---Yes.
11:47:12 39
11:47:12 40 And you told them that he tried to kiss you on a number of
11:47:17 41 occasions?---Yep.
11:47:18 42
11:47:18 43 And was that true?---Yep. There was a lot of, um, a lot of
11:47:26 44 flirting going on and, um, this is despite him PII [REDACTED]
11:47:31 45 PII [REDACTED] at the time, um, but nothing ever eventuated.
11:47:37 46
11:47:38 47 But that wasn't for lack of trying on his behalf?---That's

11:47:43 1 right, and that was something that he was, I understood
11:47:46 2 that he was quizzed on by, um, Dale Flynn and Jim O'Brien
11:47:51 3 and the actual informant when he got arrested.
11:47:54 4
11:47:54 5 Right, okay. All right. Well I'm not going to - I think
11:48:00 6 I'm not going to go through that. Can I take you to a
11:48:03 7 general topic. Can I suggest to you that you were asked on
11:48:06 8 several occasions to take advantage of the psychologist
11:48:11 9 that was being offered to you by the SDU and you did go and
11:48:14 10 see her on some occasions?---Yep.
11:48:17 11
11:48:18 12 Now, you didn't, the ICRs record that you weren't happy
11:48:22 13 with her and you thought she didn't know what she was doing
11:48:26 14 and she only had an arts degree, words to that
11:48:30 15 effect?---Something like that, yep. And, you know, in
11:48:32 16 fairness they didn't tell me what her actual name was or
11:48:36 17 what practice she worked for, for reasons to do with the
11:48:41 18 way they wreck things, so I couldn't make an informed
11:48:44 19 decision anyway.
11:48:45 20
11:48:46 21 Later on the ICRs reveal they tried to get you to a
11:48:50 22 psychiatrist, as distinct from a psychologist to help you
11:48:53 23 from time to time, do you agree with that?---Um - - -
11:48:58 24
11:48:58 25 Let me cut it short?---I can't specifically recall that,
11:49:01 26 but the records will speak for themselves.
11:49:03 27
11:49:04 28 I was about to say exactly that, Ms Gobbo. The records
11:49:07 29 show you were asked and you said no, you wouldn't have a
11:49:10 30 bar of it, do you follow?---Yeah, I, I, um, I know that I
11:49:15 31 talked at length to who, whoever was, um, on the other end
11:49:21 32 of the phone in that, that entire year when I could not get
11:49:25 33 an answer from a doctor about the nature of my pain and it
11:49:32 34 wasn't until I was actually diagnosed with neuralgia that I
11:49:41 35 had an understanding of what was wrong with me.
11:49:43 36
11:49:44 37 You gave some evidence to the Commissioner that you felt
11:49:47 38 constrained in talking to a psychologist because you
11:49:51 39 believed they'd feed it all back to the SDU, do you
11:49:52 40 remember saying something like that?---Yep.
11:49:53 41
11:49:54 42 Let me suggest to you there was no feedback to the SDU in
11:49:58 43 relation to any session you would have with her, save and
11:50:02 44 except for a monitoring of your suicide level.
11:50:06 45
11:50:06 46 MR NATHWANI: How can she answer that?
11:50:08 47

11:50:08 1 MR CHETTLE: Let me put it this way. There was never any
11:50:09 2 restriction on the terms of confidentiality in relation to
11:50:12 3 you talking to a psychologist. You don't know, I take
11:50:17 4 it?---I couldn't know, that's not the impression I had.
11:50:19 5
11:50:20 6 Right. And you had no knowledge then of any - you were
11:50:22 7 concerned that the psychologist would talk to the SDU, you
11:50:26 8 have no evidence that they did, that she did?---No - - -
11:50:31 9
11:50:31 10 MR NATHWANI: There is evidence that she did.
11:50:34 11
11:50:34 12 WITNESS: Yes, I - - -
11:50:36 13
11:50:36 14 MR CHETTLE: I think we're at cross-purposes, Mr Nathwani.
11:50:38 15 What I'm trying to suggest to you, the only feedback
11:50:42 16 related to your suicide risk and nothing else, you don't
11:50:46 17 know whether that's right, or not?
11:50:47 18
11:50:48 19 MR NATHWANI: I understand what Mr Chettle wants to do,
11:50:50 20 it's a submission.
11:50:51 21
11:50:52 22 COMMISSIONER: Yes, I think it's more for submissions.
11:50:54 23
11:50:54 24 MR CHETTLE: Where did you get the impression that they
11:50:56 25 were talking to her about what you said, or they might talk
11:51:00 26 to her about what you said to her, where did you get that
11:51:03 27 impression?---From her saying that she would have contact
11:51:06 28 with them after I left.
11:51:07 29
11:51:08 30 Is that it?---And from them saying to me, "We spoke", was
11:51:12 31 her name [REDACTED], from them saying, "We spoke to [REDACTED]" after
11:51:17 32 I saw her.
11:51:20 33
11:51:20 34 COMMISSIONER: The name should go?---Sorry.
11:51:21 35
11:51:22 36 MR CHETTLE: That's all right, Ms Gobbo, you're right but
11:51:25 37 we're taking the name out of the public stream, do you
11:51:28 38 follow?---Yep.
11:51:28 39
11:51:30 40 You see, that's the extent of it as far as you're
11:51:34 41 concerned?---Well I don't know that, I don't know the
11:51:36 42 details. I mean the - - -
11:51:38 43
11:51:38 44 All right?---No one was going, the handlers weren't going
11:51:41 45 to tell me, um, what she'd said or, I mean other than
11:51:46 46 saying they had spoken to her, I don't know what got
11:51:51 47 discussed.

11:51:52 1
11:51:52 2 The handlers expressed to you concern about your mental
11:51:55 3 state and whether you were overworked and stressed?---Yes.
11:51:57 4
11:51:58 5 They were worried about whether or not, as far as you knew,
11:52:02 6 about whether or not you were a suicide risk?---Yeah, and
11:52:04 7 there was a whole year of me telling, telling them that I
11:52:08 8 was, I basically went from, um, one form of specialist to
11:52:13 9 another trying to, um, trying to get my pain diagnosed and
11:52:19 10 I was told that it was, um, you know, an ear, nose and
11:52:25 11 throat problem, meaning my imagination, and that it was
11:52:28 12 stress and I think they responded to me talking about, you
11:52:32 13 know, the feedback I got from different doctors and then
11:52:35 14 eventually I got properly diagnosed.
11:52:38 15
11:52:38 16 Okay. Excuse me for one moment, I'll just check I've
11:52:57 17 covered what I want to cover. Yes. You were asked on
11:53:03 18 occasions whether you wanted to bail out or leave, I took
11:53:06 19 you to some examples of that before, didn't I?---Yep.
11:53:10 20
11:53:10 21 I suggest on one occasion you said you wanted the
11:53:12 22 excitement, you wanted to see people arrested, did you say
11:53:16 23 things like that?---There would have been all kinds of,
11:53:20 24 sorry, not would have been, there were all kinds of
11:53:23 25 conversations, particularly as time went on, where, you
11:53:27 26 know, if you look back at transcripts now, they won't seem
11:53:31 27 funny, but they seemed - there was a lot of general
11:53:36 28 chitchat and kind of banter at the time.
11:53:38 29
11:53:38 30 I suggest you said that you wanted the challenge and you
11:53:41 31 needed the excitement of being an informer, things like
11:53:45 32 that?---Well if that's - if it's written down I can't, I
11:53:50 33 can't recall it but I can't dispute it.
11:53:52 34
11:53:52 35 You went to Bali from time to time?---Yeah, usually once or
11:53:56 36 twice a year.
11:53:57 37
11:53:57 38 And the handlers would encourage you to do that for your
11:54:00 39 own stress relief and to, and to deal with the issues you
11:54:07 40 were facing?---Yep.
11:54:09 41
11:54:09 42 In fact they wanted you to go to Bali before PII [REDACTED] was
11:54:14 43 arrested but you didn't want to because you wanted to be
11:54:17 44 around in case he was arrested?---No, it was, a better way
11:54:22 45 - well, yes, but the other aspect of that was that I said
11:54:27 46 if I'm there, he will still ring, or it will be waiting
11:54:32 47 for, you know, when I do answer the phone and that running

11:54:36 1 away isn't going to solve the problem.

11:54:37 2
11:54:38 3 That's part of that conversation about how you can avoid
11:54:41 4 turning up for him?---Yeah, and as for Bali, I think they
11:54:45 5 at one point probably wished I'd go to Bali and stay there.

11:54:50 6
11:54:53 7 Okay. Well I won't take you to - one last thing?---Yep.

11:54:58 8
11:54:59 9 Mr Winneke asked you about whether or not you discussed
11:55:01 10 with your handlers about there being a Royal Commission,
11:55:05 11 remember those questions?---Not so much discussed, it was
11:55:10 12 a, it was a, um, again I don't want to make, suggest that
11:55:17 13 this, that any process of a Royal Commission is anything
11:55:20 14 other than very serious but it was said in the context of,
11:55:23 15 "If all of this comes out, I will be dead and you will be
11:55:27 16 facing a Royal Commission".

11:55:28 17
11:55:28 18 In fact what you said, "If this comes out I'll be dead and
11:55:32 19 you can enjoy the Royal Commission" was your quote to the
11:55:35 20 handlers, wasn't it?---Yep, yep.

11:55:36 21
11:55:36 22 That was in the context of your concern about what will
11:55:40 23 happen if you were exposed as a human source?---Yeah, and
11:55:44 24 if everything that had gone on, um, was, was, um, came out
11:55:51 25 or was judged in a particular way.

11:55:52 26
11:55:53 27 Thank you Ms Gobbo.

11:55:54 28
11:55:55 29 COMMISSIONER: Thanks Mr Chettle. Yes Mr Holt.

11:55:57 30
31 <CROSS-EXAMINED BY MR HOLT:

32
11:56:00 33 Thank you, Commissioner. Ms Gobbo, my name is Saul Holt
11:56:10 34 I'm counsel for Victoria Police and a number of current and
11:56:12 35 former members of Victoria Police. Can you see me
11:56:16 36 okay?---Um, no. I was just going to ask can the screen be,
11:56:20 37 the screen last week I could see the Commissioner and then
11:56:24 38 the Bar table, but today I can only see the Commissioner.
11:56:27 39 That's better, thank you. Yes, now I can.

11:56:30 40
11:56:30 41 MR HOLT: It may not be better, Ms Gobbo. Hopefully you
11:56:32 42 can see me now. Ms Gobbo, you'll understand we have time
11:56:36 43 constraints so I apologise in advance that I'm going to go
11:56:40 44 through things reasonably quickly, but please, if there's
11:56:44 45 anything that you feel like you need to add you can't feel
11:56:46 46 constrained in that regard, do you understand?---Yes, thank
11:56:48 47 you.

11:56:48 1
11:56:49 2 Can I rewind, Ms Gobbo, and this isn't an indication of how
11:56:53 3 long things will take. Can I rewind to 1993?---Yes.
11:56:56 4
11:56:56 5 When the search warrant was executed at the house that you
11:57:00 6 shared with Mr Wilson, do you recall that?---Yep, yep.
11:57:02 7
11:57:02 8 And when the search warrant was executed do you recall that
11:57:06 9 you were present, you arrived at the property at some
11:57:10 10 point?---No, I was, um, I was met at Melbourne University
11:57:15 11 by police officers and taken back to the property.
11:57:17 12
11:57:18 13 Yes, and there's evidence that it was in fact you who
11:57:21 14 identified where a significant quantity of drugs were found
11:57:24 15 in the house, is that correct?---Yep.
11:57:26 16
11:57:26 17 Had you tipped the police off about the fact that there
11:57:30 18 were drugs in the house prior to the search warrant?---Um,
11:57:36 19 I can't specifically recall. Part of me thinks yes, I did,
11:57:40 20 because of what I've now been told and reminded of, but I
11:57:45 21 can't, um, I can't specifically recall.
11:57:50 22
11:57:50 23 Can we have a look at Exhibit 15, please, which was the
11:57:53 24 admission affidavit to the Admissions Board which was
11:57:59 25 referred to in your evidence a few days ago. You recognise
11:58:02 26 that document, Ms Gobbo, as the affidavit to Board of
11:58:05 27 Examiners?---Yep.
11:58:07 28
11:58:07 29 Can we go to paragraph 10, please. Do you see that
11:58:16 30 describes the District Support Group executing the search
11:58:20 31 warrant?---Yep.
11:58:20 32
11:58:20 33 Finding the quantities of marijuana and amphetamines at the
11:58:24 34 house. You indicated you were embarrassed and shocked but
11:58:27 35 you note, "Five days earlier I had formed some suspicions
11:58:35 36 of Wilson and I reported him to the police"?---Yes.
11:58:37 37
11:58:37 38 Is that true, firstly in the sense that you having been the
11:58:39 39 person who reported him to the police?---I can't remember
11:58:42 40 specifically but I do, I do recall having a, an argument
11:58:50 41 with him before the police came, as in not that day but in
11:58:55 42 days leading up to it.
11:58:56 43
11:58:57 44 He had been living in the house for quite some period of
11:59:00 45 time before the execution of the search warrant?---Yes, we
11:59:02 46 were like ships in the night to a large degree, because he
11:59:08 47 was out at night and I was home at night.

11:59:11 1
11:59:11 2 No, but his drug use and drugs present in the house was
11:59:16 3 something which had been known to you for quite some period
11:59:19 4 of time?--No, not specifically. It wasn't until after,
11:59:23 5 after the police that, um, I learned the entire kind of
11:59:28 6 extent of what he was doing.
11:59:29 7
11:59:29 8 In any event, you, now that we see that affidavit made
11:59:34 9 closer to the time, you accept it was you who made the
11:59:38 10 Crime Stoppers call, or advised the police in some other
11:59:42 11 way?--Yeah, I, sorry, I can't - - -
11:59:45 12
11:59:45 13 You said it in your affidavit, Ms Gobbo, may we take it as
11:59:49 14 being true or not?--Yeah, well, I'm thinking my memory
11:59:53 15 would have been better then than it is now.
11:59:56 16
11:59:56 17 You've indicated that you showed them where the
12:00:00 18 amphetamine, the large quantity of amphetamines were in the
12:00:03 19 house?--Yes.
12:00:03 20
12:00:04 21 Once the charges were ultimately laid and determined you
12:00:09 22 faced a minor charge and received a no recorded
12:00:13 23 conviction?--Yes.
12:00:13 24
12:00:15 25 Whilst you may not have understood that then, certainly now
12:00:15 26 you would understand that's an entirely appropriate result
12:00:18 27 given that you had assisted the police both before and at
12:00:22 28 the time of the search warrant being executed?--Yeah, I
12:00:24 29 didn't understand it then.
12:00:26 30
12:00:26 31 But you would now I take it?--Yep.
12:00:28 32
12:00:28 33 No one who you engaged with in the course of that 1993
12:00:31 34 warrant, that is in terms of police officers, behaved in
12:00:35 35 any way inappropriately, did they?--No, I think, um, I
12:00:38 36 think in fairness I was, um - having regard to the
12:00:43 37 upbringing that I've had, I was, you know, um,
12:00:46 38 appropriately, when I say appropriately because the whole
12:00:51 39 point of, um, receiving a good behaviour bond is to be, um,
12:00:57 40 for want of a better expression, to have the, the life, you
12:01:02 41 know, to be scared by the consequences of being involved in
12:01:04 42 anything to do with taking drugs and they did that with me.
12:01:08 43
12:01:09 44 Again, Ms Gobbo, is the answer to my question none of the
12:01:13 45 police acted inappropriately, did they, the answer is yes,
12:01:17 46 none of the police acted inappropriately?--Um, no, I think
12:01:22 47 my recollection is that there were, I felt, what I'm saying

12:01:27 1 is I felt intimidated by their comments and by, um, the
12:01:32 2 intimidating me insofar as saying I would end up in Fairlea
12:01:37 3 Prison and that it was all mine and that kind of, um,
12:01:42 4 intimidatory tactics, but in terms of, you know, that's not
12:01:48 5 unusual for police, so was that appropriate in the
12:01:49 6 circumstances? Yes.
12:01:51 7
12:01:51 8 Let's then move forwards, so this is 1993 and you know now
12:01:57 9 that you were registered as an informer in 1995?---Yes.
12:02:01 10
12:02:02 11 But you didn't know that at the time?---No.
12:02:04 12
12:02:05 13 And that occurred because of conversations you started to
12:02:08 14 have with a police officer at the MCG, you recall
12:02:12 15 that?---Yeah, not specifically but, um, but I don't dispute
12:02:16 16 it.
12:02:18 17
12:02:18 18 No, but in any event as a result of some conversations with
12:02:20 19 a police officer you ended up agreeing, we can put it
12:02:23 20 neutrally, to assist the police in relation to
12:02:28 21 Mr Wilson?---Yep.
12:02:28 22
12:02:28 23 And specifically in relation to his drug trafficking and
12:02:31 24 firearms trafficking?---Yep.
12:02:33 25
12:02:33 26 And you did so over a period of some months, I think on the
12:02:39 27 records that we have about 12 conversations with police
12:02:43 28 officers where you gave information about Mr Wilson,
12:02:45 29 another person and firearms trafficking?---Yep.
12:02:47 30
12:02:49 31 And you expected and understood that that information was
12:02:52 32 being given anonymously?---Yep.
12:02:55 33
12:02:55 34 And you expected and understood that it would not be
12:02:57 35 disclosed as a result of that?---That's right, that it
12:03:01 36 would be confidential.
12:03:02 37
12:03:02 38 And the process, as we've heard it in the Commission in
12:03:05 39 respect of registering of informers at that point was that
12:03:09 40 it was simply a question of a police officer filling in a
12:03:12 41 form, giving it to their supervisor and it goes into an
12:03:18 42 envelope in a locked cabinet or safe, do you accept
12:03:20 43 that?---Yes.
12:03:20 44
12:03:21 45 And you'd understand, wouldn't you, that given that you
12:03:25 46 were giving assistance on the basis of an expectation of
12:03:28 47 anonymity, that formalising that, so that there was some

12:03:31 1 paperwork to confirm it down the track was a sensible thing
12:03:34 2 to do?---For the police, yes.
12:03:36 3
12:03:36 4 Yes of course. But ultimately for your protection as well,
12:03:39 5 right?---Yep, yep.
12:03:40 6
12:03:41 7 Thank you. While we've still got the admissions affidavit
12:03:45 8 up, could we go to paragraph 8, please. And we can see -
12:03:53 9 obviously this was a very, all affidavits are important,
12:03:57 10 right, because you're swearing to tell the truth?---Yep.
12:04:00 11
12:04:00 12 And you don't swear them without being confident that
12:04:03 13 they're true?---That's right.
12:04:04 14
12:04:05 15 And you were provided the instructions to those legal
12:04:09 16 representatives who were drafting this affidavit for
12:04:12 17 you?---Yeah, I can't, I um, I still don't, I don't remember
12:04:16 18 whether this was, um, done by someone at that law firm or
12:04:21 19 done by one of the solicitors who, um, acted for me in
12:04:25 20 relation to the bond.
12:04:26 21
12:04:26 22 So not my question. You would have given instructions
12:04:29 23 regardless of the identity of the solicitor?---Yeah,
12:04:32 24 presumably, yes.
12:04:33 25
12:04:33 26 Not even just presumably, it just has to be so, right, they
12:04:37 27 can't just make it up?---No, but what they choose to put in
12:04:41 28 there, obviously whoever is drafting it decides how to word
12:04:45 29 it and put it in there, in the same way that I would do if
12:04:48 30 I was drafting something now.
12:04:50 31
12:04:50 32 Of course. And then you made clear, as you would if you
12:04:52 33 were getting someone else to swear an affidavit, or you
12:04:56 34 would if you were swearing it, that you need to check the
12:04:57 35 affidavit to make sure its contents are true and
12:05:00 36 correct?---Yep.
12:05:01 37
12:05:01 38 Even more so in the context of an affidavit which is
12:05:08 39 intended to assist you to get admission into the
12:05:09 40 profession?---Yes.
12:05:10 41
12:05:10 42 Paragraph 8 it says that, "In July 1993 you formed a
12:05:14 43 friendship with a man Brian Wilson. Three months earlier
12:05:19 44 he offered to move in as a housemate in order to assist me
12:05:20 45 paying an mortgage", do you see that?---Yes.
12:05:21 46
12:05:22 47 Then we go to paragraph 9. You confirm that over the

12:05:27 1 period of time that he was with you, "I was very rarely
12:05:31 2 home at the same time as my housemate who did shift work as
12:05:35 3 a security guard. This pattern continued for most of the
12:05:39 4 four weeks we shared a house", do you see that?---Yes, I
12:05:42 5 think I moved in first.
12:05:43 6
12:05:43 7 I just asked you - - - ?---Sorry, sorry, yep.
12:05:47 8
12:05:47 9 Go to paragraph 17, please?---Yep.
12:05:50 10
12:05:53 11 Where you then say, "I ceased my association with my
12:05:58 12 housemate immediately he moved to Rye. I've not been in
12:05:59 13 trouble with the law since, with the exception of a fine",
12:06:02 14 do you see that?---Yep.
12:06:03 15
12:06:03 16 Those three paragraphs, I'll be corrected if I'm wrong,
12:06:07 17 contain the description in the affidavit for admission of
12:06:10 18 the nature of the relationship with Mr Wilson?---Yes.
12:06:15 19
12:06:15 20 As was noted the other day, what that admits, doesn't it,
12:06:19 21 is that Mr Wilson in fact moved back into your house later
12:06:22 22 for a lengthy period of time before this affidavit was
12:06:25 23 sworn?---Yes, I don't think it was, I don't know it was
12:06:29 24 lengthy but me moved back in, yes. Then I speak to the
12:06:33 25 police again to get him out.
12:06:34 26
12:06:35 27 The reason why that's not in your affidavit is because that
12:06:38 28 story would not help you to get admitted, right, so you
12:06:41 29 told the story you thought would?---No, I don't agree with
12:06:45 30 that. My recollection is that the most significant, um,
12:06:50 31 matter that had to be, that had to be explained was why I
12:06:55 32 had a, um, albeit a no conviction, why I had been to court.
12:07:01 33
12:07:01 34 Ms Gobbo, it's patent, isn't it, the story that affidavit
12:07:06 35 is trying to tell is a story of a very short association
12:07:09 36 with Mr Wilson, who came into your life for that period of
12:07:13 37 time and then association ceased following because that was
12:07:17 38 a good story to tell to try and get admitted. It's patent,
12:07:21 39 isn't it, I mean really?---I disagree with you, as I've
12:07:26 40 said.
12:07:27 41
12:07:27 42 Now you acknowledged when Mr Gleeson was asking you
12:07:31 43 questions to being a spectacularly good liar, you said that
12:07:36 44 that practice of being a spectacularly good liar ended you
12:07:40 45 thought in 2010 or 2011, do you recall that?---Yes. Yes,
12:07:45 46 yes.
12:07:45 47

12:07:46 1 2010 is the year in which, just in terms of significance of
12:07:50 2 events, that you've got the civil writ against Victoria
12:07:55 3 Police?---Settled in 2010, yes.
12:07:57 4
12:07:58 5 Commenced and settled in 2010?---No, it commenced in 2009.
12:08:01 6
12:08:01 7 I think that's wrong as a matter of record, Ms Gobbo. In
12:08:05 8 any event let's move on?---No, I'm sorry, it was issued in
12:08:11 9 late 2009.
12:08:12 10
12:08:13 11 We have the documents so we can deal with that in
12:08:18 12 submissions rather than taking the time showing you that
12:08:20 13 that's wrong. Can we turn back then to the statements of
12:08:22 14 PII [REDACTED]. You recall who PII [REDACTED] is, and if not
12:08:27 15 please check the document that you have?---Yes, I do, yep.
12:08:29 16
12:08:29 17 You had explained in this Commission and indeed you've
12:08:33 18 explained on previous occasions that you edited the
12:08:35 19 statements of PII [REDACTED]?---Yep.
12:08:37 20
12:08:38 21 And you did that for the purposes of checking for any
12:08:40 22 issues that might be inaccurate and therefore effect the
12:08:45 23 veracity of the statements?---Yes.
12:08:46 24
12:08:47 25 And you also checked them with another motive, that was to
12:08:50 26 ensure that nothing was in them that might implicate
12:08:53 27 you?---Secondary to making sure he got the greatest
12:08:57 28 discount, correct.
12:08:58 29
12:08:58 30 I understand. But both things were important, right, and
12:09:01 31 both required the statements to be read and edited and
12:09:04 32 understood?---Yep, yep.
12:09:05 33
12:09:06 34 Can we pull up then, please, the evidence that was given by
12:09:09 35 you before Justice Ginnane in 2016. VPL.0005.0009.1797.
12:09:18 36 It's now been tendered, Commissioner, but I didn't have a
12:09:22 37 note of that. It's only just been done.
12:09:22 38
12:09:23 39 COMMISSIONER: 1177 it is.
12:09:28 40
12:09:29 41 MR HOLT: Thank you. Can we go to p.374 of the transcript.
12:09:34 42 374, please. And to line 21. Now it says there, "You were
12:09:51 43 being asked questions and you were making submissions about
12:09:52 44 the evidence of somebody who you had previously acted for?
12:09:56 45 Correct, but I didn't know what the content of his
12:09:58 46 statements was". And it was then put, understandably quite
12:10:02 47 firmly back to you, "Didn't know the content of the

12:10:04 1 statement, do you want to maintain that?" Right. Do you
12:10:07 2 see that?---Yep.
12:10:09 3
12:10:09 4 Now, as you've just accepted from me, you had read and
12:10:15 5 edited his statements for two, from your perspective,
12:10:20 6 critical purposes, right?---Yes.
12:10:21 7
12:10:22 8 So you did know the content of his statement. You did know
12:10:25 9 the content of his statement?---Yeah, again I don't want to
12:10:30 10 argue with you but I think the way my reading of this is
12:10:34 11 I'm saying I didn't know what his statements were before he
12:10:37 12 made them, and then of course yes, I did read them. Then I
12:10:40 13 say I wasn't part of his statement making process as in
12:10:43 14 when he's sitting there and making the statement to the
12:10:47 15 police in the first place.
12:10:48 16
12:10:48 17 Ms Gobbo, you're just twisting yourself in knots. You were
12:10:50 18 being asked questions about making submissions about that
12:10:53 19 very person and your answer was, the first thing that came
12:10:56 20 into your mind, "I didn't know what the content of the
12:11:00 21 statements was". Now it's pretty straightforward,
12:11:03 22 Ms Gobbo, that was a clear and knowing lie before Justice
12:11:08 23 Ginnane, wasn't it?---No, I don't agree with that.
12:11:10 24
12:11:10 25 Well, why would you say you didn't know what the content of
12:11:13 26 his statements was when you did, and how is that not a lie
12:11:17 27 on oath?---I don't agree with you because that was not my
12:11:20 28 intention to lie to Justice Ginnane.
12:11:23 29
12:11:24 30 Did you know the content of his statement at the time you
12:11:26 31 were making the submissions in court?---Um, what
12:11:32 32 submissions are we talking about?
12:11:33 33
12:11:33 34 We're talking about the submissions that you've just been
12:11:37 35 taken to and you were making submissions on that person's
12:11:40 36 behalf, Mr Winneke took you to and you know that, Ms Gobbo.
12:11:44 37 At that the point in time you knew the content of
12:11:48 38 PII statement because you had edited them for two
12:11:51 39 critical perspectives from your perspective, right?---Hang
12:11:56 40 on, this is on PII application?
12:11:59 41
12:11:59 42 Yes?---Yes, sorry.
43
12:11:59 44 So having established that, at the time you made those
12:12:01 45 submissions you knew the content of the statements, yes,
12:12:04 46 because you'd edited them for two critical purposes? It's
12:12:07 47 not hard?---Yep.

12:12:08 1
12:12:09 2 And so when you said, "I didn't know the content of his
12:12:11 3 statement at that time", that's a clear lie on oath to
12:12:14 4 Justice Ginnane, can we agree?---Sorry, I'm just re-reading
12:12:24 5 this. Yeah, it appears that way.
12:12:34 6
12:12:34 7 Thank you. To Mr Gleeson last week you indicated that your
12:12:39 8 history of being a spectacularly good liar ended in 2010 or
12:12:44 9 2011. May we take it that it at least proceeded to the
12:12:48 10 time of the Ginnane proceedings?---No, I don't agree.
12:12:51 11
12:12:51 12 I see. One of the themes of your evidence when Mr Winneke
12:12:57 13 was asking you questions was, might I suggest, I'm doing
12:13:02 14 this in general terms please understand so we can hopefully
12:13:05 15 get through this?---Yes.
16
12:13:05 17 But one of the key themes was an acceptance by you
12:13:08 18 repeatedly that, firstly, before you were registered in
12:13:11 19 September of 2005 you had regularly and repeatedly breached
12:13:17 20 your obligations as a barrister to various clients, you
12:13:22 21 accepted that?---Breaches of confidentiality, yes.
12:13:25 22
12:13:25 23 Breaches of confidentiality, acting for people in
12:13:29 24 conflicted situations?---Yep.
12:13:31 25
12:13:31 26 Right. And that between 2005 and 2009 you repeatedly
12:13:35 27 accepted to Mr Winneke that again over that period of time
12:13:38 28 you repeatedly breached your ethical obligations as a
12:13:42 29 barrister to your clients?---Well I made those concessions.
12:13:46 30
12:13:46 31 That's exactly what I'm confirming. And it was at least
12:13:51 32 implicit and may have been explicit, in fact I think it was
12:13:52 33 explicit that throughout both of those periods you were
12:13:54 34 aware that you were breaching your obligations to your
12:13:58 35 clients?---Yep.
12:13:59 36
12:14:01 37 And you were aware throughout the course of both of those
12:14:03 38 periods that you were breaching obligations to your clients
12:14:07 39 in ways that if they came known might ultimately affect
12:14:10 40 their convictions and the fairness of their
12:14:12 41 convictions?---Potentially, yes.
12:14:14 42
12:14:15 43 You knew that at the time that you were doing them?---Yes.
12:14:20 44
12:14:20 45 Right. Now, do you recall, again by reference to the claim
12:14:24 46 that your spectacularly good lying stopped in 2010 or 2011,
12:14:30 47 do you recall that after the Lawyer X story broke, by which

12:14:34 1 I mean immediately after the Lawyer X story broke in April
12:14:38 2 of 2014?---Yep.
12:14:39 3
12:14:39 4 That police came and met with you, Mr Fontana and Tess
12:14:44 5 Walsh?---I was taken to them, yes.
12:14:46 6
12:14:47 7 Yes, but you spent quite a bit of time with them,
12:14:51 8 effectively nutting out the question of how on earth you
12:14:53 9 were going to be kept safe in light of the revelations that
12:14:57 10 had come out in the Lawyer X articles?---No offence but
12:15:00 11 that wasn't my, that was one concern, my other, um,
12:15:05 12 specific concern was how it happened.
12:15:06 13
12:15:07 14 Absolutely. How it had been leaked and you raised that on
12:15:10 15 multiple occasions during those conversations as well, I
12:15:13 16 entirely accept that. Can we have a look at the transcript
12:15:17 17 of that conversation please, VPL.0100.0134.0165. Yes,
12:15:31 18 thank you. If we can just - just run our eye over the top
12:15:42 19 paragraph, Ms Gobbo?---Yep.
12:15:44 20
12:15:44 21 You can see that there's discussion there about a number of
12:15:47 22 the names, Mokbel included, some of the gangland witnesses
12:15:50 23 we have been talking about. Essentially a discussion about
12:15:54 24 what you had been doing that had led to the Lawyer X story
12:15:58 25 coming out, do you see that?---Yep.
12:15:59 26
12:15:59 27 Can we zoom in on the paragraph that starts with the word
12:16:03 28 "um", and I'll read this to you. Firstly, these are your
12:16:08 29 words, "Um, you know, I'm pretty alarmed to see the people
12:16:12 30 jumping up and down saying, you know, send your complaint
12:16:14 31 to the Legal Services Commission or the Victorian Bar. I
12:16:15 32 can't imagine what's going to happen in that regard because
12:16:17 33 I don't know where that's coming from. I don't believe
12:16:20 34 there was anything done that was, I don't believe there was
12:16:24 35 anything done that was improper or inappropriate from my
12:16:26 36 point of view because I stand by the fact that I think if
12:16:28 37 you're talking to me in a social setting and you want to
12:16:29 38 brag about where you've got your pill press, where you've
12:16:32 39 got your new lab or what murder weapon you use to kill
12:16:35 40 someone, how on earth can that be considered privileged or,
12:16:37 41 you know, using them as examples"?---Yep.
12:16:39 42
12:16:40 43 Now, paraphrasing, effectively what you're saying there is,
12:16:43 44 "I can't understand what all the fuss is about, why would
12:16:46 45 anyone go and make a complaint about what I did because I
12:16:50 46 didn't do anything wrong"?---No, that's not what I'm
12:16:53 47 saying, this is because this is a reference to what's been

12:16:56 1 reported in the media in the day or days before I see them
12:17:00 2 and there's people jumping up and down saying, talking
12:17:04 3 about complaints and I'm obviously talking about the issue
12:17:08 4 of what's privileged and what's not.
12:17:10 5
12:17:10 6 You say, "I don't believe there was anything done that was
12:17:13 7 improper or inappropriate from my point of view"?---Yep.
12:17:17 8
12:17:17 9 Can I suggest that was one of two things, it was either a
12:17:19 10 deliberate lie to Mr Fontana and Ms Walsh or it was an act
12:17:25 11 of gross self-delusion, now, if it's either - - -?---Sorry,
12 12 but - - -
13 13
12:17:29 14 - - - which one would it be?---No, well neither. If you
12:17:32 15 want to ask me a question and only give me two options, the
12:17:37 16 answer is neither. My answer is obvious if you look at the
12:17:40 17 last line, I'm talking about that above paragraph in the
12:17:45 18 context of the issue of privilege.
12:17:46 19
20 20 I see.
21 21
12:17:47 22 MR NATHWANI: Can I just flag one issue. We have never
12:17:48 23 seen this transcript, so if Victoria Police could provide
12:17:50 24 it to us or in fact the Commission, it would be helpful.
12:17:53 25
12:17:53 26 COMMISSIONER: That is a reasonable request. No doubt
12:17:56 27 you're going to tender it.
12:17:56 28
12:17:56 29 MR HOLT: Yes, I'm going to tender it now, Commissioner.
12:17:59 30 We don't obviously provide documents to anyone without the
12:18:01 31 consent of the Commission. If that exists then we'll do
12:18:04 32 that of course.
33 33
34 34 COMMISSIONER: Yes.
35 35
12:18:05 36 MR HOLT: Thanks, and I'll tender the transcript,
12:18:06 37 Commissioner.
12:18:06 38
12:18:07 39 #EXHIBIT RC1178A - (Confidential) Transcript.
12:18:09 40
12:18:10 41 #EXHIBIT RC1178B - (Redacted version.)
12:18:12 42
12:18:12 43 I want to turn to a discrete topic, that is the Briars
12:18:16 44 draft statement that you made in Bali on the weekend which
12:18:20 45 included 26 May 2009. You know the statement I'm talking
12:18:23 46 about?---Yes.
12:18:24 47

12:18:24 1 That's the statement that was taken by Mr Iddles and by
12:18:27 2 Mr Waddell?---Yep.

12:18:28 3
12:18:29 4 Now, firstly, you'd agree that at the conclusion of that
12:18:34 5 weekend what had been prepared from your perspective was a
12:18:40 6 lengthy but still draft statement?---Yep.

12:18:42 7
12:18:42 8 It was still draft because there were lots of details that
12:18:45 9 still needed to be added in or nuted out either with
12:18:49 10 information from you or with information from the
12:18:51 11 police?---Yes, correct.

12:18:52 12
12:18:53 13 So from your perspective it was intended that there would
12:18:56 14 be a further process following that?---Absolutely, yes.

12:18:58 15
12:18:59 16 Now, in your statement to the Commission, we don't need to
12:19:05 17 bring it up, paragraph 22, you said that you have seen a
12:19:08 18 draft statement relating to Operation Briars and you say,
12:19:11 19 "I did not say that Mark Perry confessed to me"?---Yep.

12:19:15 20
12:19:15 21 Do you recall seeing that, you say, "I've never seen that
12:19:18 22 entry until I was shown it recently. It must have been
12:19:22 23 added without my knowledge"?---Yes.

12:19:23 24
12:19:23 25 You said, "I believe that Ron Iddles will confirm this".
12:19:27 26 May we take it that it was reported to you, what was
12:19:29 27 reported by The Australian, what Mr Iddles had said about
12:19:32 28 that issue?---Um, it must have been.

12:19:35 29
12:19:36 30 I see. That's why you chose to add the words "I believe
12:19:39 31 that Ron Iddles will confirm" that you did not say Mark
12:19:43 32 Perry confessed?---Um, yes, and because I, um, I'm just
12:19:55 33 trying to think of the chain of events of this. I was
12:19:58 34 initially asked about this specifically by my lawyers last
12:20:02 35 year. Um, and then we spoke about it again the week before
12:20:09 36 I gave evidence here. Um, and I can't remember if it was
12:20:16 37 what was reported in the media or other contact from
12:20:22 38 Mr Iddles.

12:20:23 39
12:20:23 40 Sorry, other contact from Mr Iddles, what do you
12:20:27 41 mean?---Well, I, um, received a, indirectly received a
12:20:31 42 message of support and encouragement from him.

12:20:34 43
12:20:34 44 Did that indirect message of support and encouragement from
12:20:38 45 Mr Iddles include a reference to this question of whether
12:20:42 46 the Mark Perry confession was included in the statement or
12:20:45 47 not?---Not specifically.

12:20:47 1
12:20:47 2 I see. So it must then have come from, been reported to
12:20:50 3 you what it had been reported he had said in the
12:20:55 4 media?---Yeah, it might have been from me being told or me
12:20:59 5 having read it, I can't recall specifically.
12:21:02 6
12:21:02 7 Can we go to the statement itself, please, which is Exhibit
12:21:05 8 260. Now, the Commissioner, when you were giving evidence
12:21:14 9 about this?---Yep.
12:21:16 10
12:21:17 11 Specifically suggested that we might identify what you say
12:21:19 12 you actually said and what we say you didn't, but as I read
12:21:22 13 the transcript that didn't occur. Can we please scroll
12:21:27 14 down. If we can scroll down, please, to the - keep going,
12:21:33 15 please. Yes, please pause there. And if we can - yes.
12:21:51 16 Now, do you see there we've got, obviously there are names
12:21:55 17 you'll understand we're not going to use?---Yes.
12:21:57 18
12:21:58 19 You had heard that a particular person had killed
12:22:01 20 Chartres-Abbott, can you see that?---Yes.
12:22:03 21
12:22:04 22 Did you say that to the police?---I can't recall at this
12:22:09 23 point.
12:22:10 24
12:22:11 25 It says, "To the best of my recollection this came about as
12:22:13 26 a result of a discussion I was privy to at the offices of
12:22:16 27 Jim Valos. Jim Valos is a lawyer who operates a practice
12:22:19 28 in Lonsdale Street, Melbourne", did you tell that to the
12:22:22 29 police?---I honestly, I can't, I - my best recollection is
12:22:29 30 sitting, um, next to, um, Mr Iddles, who was typing on a
12:22:36 31 laptop, um, I can't remember specifically what I did and
12:22:41 32 didn't say, um, on that occasion.
12:22:45 33
12:22:45 34 Well, "I'm aware that a person by the name of Mark Perry is
12:22:48 35 a suspect in the murder of Shane Chartres-Abbott", did you
12:22:53 36 say that to the police do you think?---I'm not sure. I'm
12:22:56 37 not going to suddenly say I can recall it if I can't.
12:22:59 38
12:22:59 39 Were you at the time aware that a person by the name of
12:23:02 40 Mark Perry was a suspect in the murder of Shane
12:23:05 41 Chartres-Abbott?---Presumably.
12:23:06 42
12:23:06 43 Right. But in any event that's just "I'm aware", right,
12:23:09 44 that's just an indication of hearsay or general knowledge
12:23:12 45 of a person as a suspect, nothing significant about
12:23:15 46 that?---No, that's right.
12:23:16 47

12:23:18 1 It says, "I'm also aware that Mark Perry is and has been a
12:23:23 2 client of Jim Valos", that was something presumably you
12:23:26 3 were aware of at the time?---Yes.
12:23:27 4
12:23:27 5 "Aware through Jim that Perry came to see him as a client
12:23:30 6 through a close friend of Jim's", who is named
12:23:32 7 there?---Yep.
12:23:32 8
12:23:32 9 Are you aware of that?---Well, yeah, but I can't say I have
12:23:38 10 a specific memory of saying this stuff.
12:23:41 11
12:23:41 12 No, no. But you were aware of it, it seems unlikely the
12:23:44 13 police were aware of it, so do you accept it would have
12:23:47 14 come from you to go into that statement?---Presumably.
12:23:50 15
12:23:50 16 Thank you. You noted that more often than that you would
12:23:54 17 go to Jim's office for conferences and then you say, "On
18 one occasion I went to Jim's and there was a guy present
12:23:57 19 who was introduced to me as Mark Perry"?---Yep.
12:24:00 20
12:24:00 21 Obviously that's right, there was an occasion when you went
12:24:03 22 to Jim's office and there was a person introduced to you as
12:24:06 23 Mark Perry?---Yeah, I, I don't know. Um, as I said I was
12:24:11 24 asked about this specifically by my lawyers last year in
12:24:15 25 the context of being told that, um, if the Royal Commission
12:24:22 26 wanted a specific answer and, um, having thought long and
12:24:27 27 hard about the issue of Mark Perry I have no recollection
12:24:32 28 of speaking to him.
12:24:34 29
12:24:34 30 You indicated to Briars investigators on an earlier
12:24:41 31 occasion that Mark Perry had been a client, you had given
12:24:44 32 some advice to Mark Perry on a previous occasion?---Yes.
12:24:47 33
12:24:47 34 So presumably you had met him at some point?---That's
12:24:50 35 right, I can't - when I was asked about this last year I
12:24:55 36 couldn't, I couldn't specifically remember having a
12:24:59 37 conversation with him, but I have, I do have some vague
12:25:04 38 recollection about the crimes compensation matter because
12:25:11 39 of the ugliness of the photos.
12:25:13 40
12:25:13 41 So there's no way that that was a matter that you would
12:25:17 42 have known, right, that you'd previously provided advice to
12:25:20 43 Mark Perry and that it was in respect to the crimes
12:25:23 44 compensation application as is recorded in the
12:25:26 45 statement?---Sorry, say that again.
12:25:26 46
12:25:26 47 That's something you knew at the time?---Yep.

1
12:25:29 2 I suggest the police wouldn't have known?---Yep.
12:25:31 3
12:25:31 4 That is that Mark Perry is someone you'd given advice to
12:25:34 5 previously and that it was about a crimes compensation
12:25:39 6 application by Perry's girlfriend, yes?---Yep.
12:25:41 7
12:25:41 8 So it seems that that must have come from you in the
12:25:43 9 statement?---Yep.
12:25:44 10
12:25:44 11 And again, if all you've heard is that hearsay account
12:25:48 12 about Mark Perry being a suspect there'd be no reason for
12:25:51 13 that detail to be given, would there?---Presumably not.
12:25:53 14
12:25:54 15 No. So I want to suggest that you did provide this detail,
12:25:57 16 you provided it precisely because you did in fact say to
12:26:00 17 Mr Waddell that Mark Perry had confessed to you, in the way
12:26:03 18 that you described in that statement, his involvement in
12:26:07 19 the Chartres-Abbott murder. Now that's right, isn't
12:26:11 20 it?---Well, look, having been asked about this numerous
12:26:17 21 times last year, you know, I sit back and I think can I
12:26:20 22 recall - it's something that you would think would stick in
12:26:23 23 your mind if you had that conversation with, um, a
12:26:26 24 particular person, having regard to the nature of it, and I
12:26:29 25 have no recollection of it.
12:26:30 26
12:26:30 27 I see. Well, if what you say in your statement is right,
12:26:34 28 that is that you didn't in fact say that Mark Perry had
12:26:38 29 confessed to the Chartres-Abbott murder in this statement,
12:26:42 30 right, if that was right, then in fact all you would have
12:26:44 31 said to the police about Mark Perry was that, was the
12:26:49 32 commonly known hearsay understanding that he was a suspect,
12:26:53 33 right?---Presumably, yes.
12:26:55 34
12:26:55 35 Nothing of any significance at all about Mark Perry,
12:27:02 36 yes?---Well I can't, I can't, I don't know what was
12:27:05 37 significant or not from an investigator's point of view.
12:27:07 38
12:27:08 39 The fact that you understood that he was a suspect is
12:27:10 40 hardly earth shattering, is it, Ms Gobbo?---No, presumably
12:27:15 41 it was publicly known, that's right.
12:27:16 42
12:27:17 43 So do you recall that following that draft statement, which
12:27:21 44 was taken in May of 2009?---Yep.
12:27:25 45
12:27:25 46 That over that period of time obviously you were no longer
12:27:28 47 being handled by the SDU?---Yep.

12:27:30 1
12:27:30 2 You had other persons who there are pseudonyms for but I'm
12:27:34 3 sure you'll recall them, police officers who were your
12:27:37 4 points of contact?---Yep.
12:27:38 5
12:27:38 6 And you were in extremely regular contact with them?---Yep.
12:27:41 7
12:27:41 8 That included text messages on almost a daily basis, in
12:27:46 9 fact on a daily basis?---Yeah, they required contact every
12:27:52 10 day.
12:27:52 11
12:27:53 12 Can we have a look please at VPL.0100.0237.0251.
12:28:01 13
12:28:01 14 COMMISSIONER: Just before we leave that earlier topic, you
12:28:03 15 were asked, you were asked about whether you received a
12:28:08 16 message from Mr Iddles and you said you received a message
12:28:12 17 of support and encouragement from him and you were asked if
12:28:15 18 that said anything about the, your statement about the
12:28:20 19 Chartres-Abbott murder and you said not specifically. Was
12:28:24 20 there anything said indirectly about it?---No, um the
12:28:29 21 message I received from him was along the lines of, um, you
12:28:33 22 know, "You've been treated appallingly by Victoria Police,
12:28:37 23 stay strong and just don't give up, don't give up hope".
12:28:40 24
12:28:41 25 So nothing was said about this matter directly or
12:28:44 26 indirectly?---No.
12:28:45 27
12:28:45 28 No, all right. Yes, thanks Mr Holt.
12:28:47 29
12:28:47 30 MR HOLT: I apologise, I just need a moment so I can find a
12:28:51 31 particular spot.
12:28:52 32
12:28:53 33 COMMISSIONER: Sure. We're almost at 12.30, so.
12:28:56 34
12:28:57 35 MR HOLT: That's probably sensible, we can do that now.
12:29:00 36
12:29:00 37 COMMISSIONER: We'll take the half hour break now so
12:29:03 38 Ms Gobbo can disconnect or whatever?---Thank you.
12:29:10 39
12:29:15 40 We'll be back at 1. Can I just say, Mr Holt, you'll recall
12:29:20 41 I think it was last week, there was a skirmish about
12:29:24 42 suppressing publication of various details and submissions
12:29:28 43 were put in by counsel assisting and they were put in I
12:29:33 44 think on Friday and Victoria Police and the other
12:29:37 45 applicants, or parties to that application, were supposed
12:29:39 46 to put their submissions in by 9 o'clock yesterday.
12:29:39 47

12:29:40 1 MR HOLT: Yes, Commissioner, they have now been filed.
2
3 COMMISSIONER: They have.
4
12:29:41 5 MR HOLT: Very recently this morning, yes.
12:29:44 6
12:29:45 7 COMMISSIONER: I don't know whether anyone else has, if
12:29:47 8 they haven't, well there's no extension of time so I
12:29:50 9 presume they're not filing anything if they haven't put
12:29:54 10 them in, we'll have to organise a time to hear that at some
12:29:56 11 convenient time.
12:29:56 12
12:29:57 13 MR HOLT: Can I indicate, Commissioner, the complexity
12:29:58 14 related to the question of affidavits that have been filed
12:30:00 15 in the Court of Appeal and how they might be accessed by
12:30:03 16 people because there were particular arrangements.
17
18 COMMISSIONER: Right.
19
12:30:05 20 MR HOLT: We're working through that. What we've done is
12:30:08 21 file submissions so at least the Commission has those.
12:30:11 22
12:30:12 23 COMMISSIONER: All right, we'll progress the hearing of
12:30:13 24 that at the time. Thank you.
12:30:14 25
12:30:14 26 MR WINNEKE: Commissioner, it may well be that ultimately
12:30:16 27 that issue can be dealt with on the papers.
12:30:20 28
12:30:20 29 COMMISSIONER: Maybe.
12:30:20 30
12:30:21 31 MR WINNEKE: And the question of when it would be dealt
12:30:24 32 with, assuming it's on the papers, that can be discussed in
12:30:28 33 due course.
12:30:28 34
12:30:29 35 COMMISSIONER: Sure, sure. All right, I mainly wanted to
12:30:32 36 make sure the submissions that were to be in have come in.
12:30:36 37
12:30:36 38 MR WINNEKE: Yes.
12:30:36 39
12:30:38 40 COMMISSIONER: We'll adjourn now until 1 o'clock.
41
12:30:41 42 <(THE WITNESS WITHDREW)
12:30:41 43
12:30:41 44 LUNCHEON ADJOURNMENT
45
46
47

1 UPON RESUMING AT 1.04 PM:

2
13:04:13 3 COMMISSIONER: Yes, Ms Gobbo, can you hear me?---Yes, I
13:04:16 4 can.

5
13:04:16 6 Yes, thanks Mr Holt.

7
13:04:18 8 <NICOLA MAREE GOBBO, recalled:

13:04:18 9
13:04:19 10 MR HOLT: Thanks Commissioner. Ms Gobbo, before the break
13:04:21 11 we were talking about the period following May 2009 and the
13:04:23 12 draft Briars statement?---Yep.

13 And you'd confirmed that you were having regular contact
13:04:26 14 with the people who were assigned as your effectively
13:04:30 15 de facto handlers over that period of time?---Yes.
13:04:33 16

17
13:04:35 18 There were a couple of other things going on, weren't
13:04:38 19 there? Firstly, over the weeks and months in 2009 that
13:04:42 20 followed the Briars, the taking of the draft Briars
13:04:45 21 statement, your dispute with Victoria Police over the terms
13:04:49 22 and conditions of witness protection became more and more
13:04:52 23 acrimonious?---Yes.

24
13:04:57 25 Those negotiations, at least from your perspective, were
13:05:00 26 going bad pretty rapidly and you were pretty unhappy about
13:05:06 27 it, to put it mildly?---Yes, that's an understatement.

28
13:05:10 29 Also at the same time, and we don't need to go into detail
13:05:16 30 at all, but as you were explaining very regularly to those
13:05:18 31 looking after you, your health was deteriorating
13:05:22 32 rapidly?---Yes.

33
13:05:24 34 And as a result of both of those things you made clear to
13:05:25 35 those handling you, I suggest, that you weren't in fact
13:05:27 36 going to finalise the Briars statement and give evidence in
13:05:31 37 relation to Briars?---Yeah, at some point I did but prior
13:05:38 38 to that there had been occasions where I had asked what was
13:05:42 39 happening with it and why there wasn't another meeting and
13:05:45 40 I was told it was not going to go anywhere.

41
13:05:47 42 Sure. In late October of 2009 there were articles in both
13:05:52 43 The Age and the Herald Sun which are before the
13:05:56 44 Commission?---Yes.

45
13:05:56 46 Which reported that Mark Perry was wanted and noted that
13:06:03 47 there was a million dollar reward in relation to evidence

13:06:07 1 that might lead to his apprehension, do you recall
13:06:11 2 that?---Not specifically but - - -
3
13:06:16 4 I want to show you a text message that you sent to one of
13:06:19 5 the people who were looking after you over that period of
13:06:21 6 time. If that could be brought up, please?---Yep.
7
13:06:31 8 The way this reads, Ms Gobbo, I'm sure you can figure it
13:06:34 9 out, is that this is at 1.05 pm on 25 October 2009?---Yep.
10
13:06:40 11 It's a text message that you send, on the records that we
13:06:43 12 have, to one of those people looking after you. It says,
13:06:46 13 "Good to see that VicPol have finally broken the story on
13:06:50 14 Mark Perry, the murderer I told Briars all about". Do you
13:06:53 15 see that?---Yep.
16
13:06:54 17 Do you accept that you sent that?---Yes.
18
13:06:57 19 And there's a note - - - ?---Actually, it sounds like what
13:07:00 20 I would write too.
21
13:07:01 22 Yes. And it says, "Read today's paper so you're up to
13:07:04 23 speed", do you see that?---Yep.
24
13:07:07 25 Towards the end, "How fucking funny it is to be so
13:07:14 26 instrumental yet treated with at best indifference.
13:07:17 27 Circus". Do you see that?---Yes.
28
13:07:19 29 Again, recognising the passage of time and the indications
13:07:20 30 of difficulty with memory that you have, being shown that
13:07:23 31 SMS do you accept that it is at least reasonably possible
13:07:27 32 that you in fact were the provider of the information about
13:07:29 33 the Mark Perry confession that we can see in the draft
13:07:35 34 statement?---It looks like it.
35
13:07:37 36 COMMISSIONER: Are you wanting to tender that?
13:07:39 37
13:07:39 38 MR HOLT: Yes, I tender that SMS, Commissioner.
13:07:42 39
13:07:43 40 #EXHIBIT RC1179A - (Confidential) Text message 25/10/09.
13:07:45 41
13:07:45 42 #EXHIBIT RC1179B - (Redacted version.)
13:07:48 43
13:07:48 44 Ms Gobbo, again in the interests of time I'm going to talk
13:07:51 45 to you now about the period of time in the lead-up or
13:07:54 46 before you became a registered informer in September 2005,
13:07:58 47 so the period leading up to that?---Yes.

1
13:08:00 2 There are fairly, with respect, you accepted from both
13:08:04 3 Mr Winneke and then in summary from me, from the late 90s
13:08:09 4 through until that point, if we take the registration in
13:08:11 5 2005 as a marker, that you have regularly and repeatedly
13:08:17 6 been breaching your ethical obligations to your client in
13:08:23 7 the different way that Mr Winneke took you through?---The
13:08:24 8 concessions I made I don't take back.
9
10 Thank you, I understand that. So I'm not going to go
13:08:29 11 through them in detail, but I just need to go through a
13:08:30 12 couple of the sort of periods or episodes or people
13:08:32 13 involved and just ask you some questions about those, do
13:08:34 14 you understand?---M'hmm.
15
13:08:35 16 Thank you. If we go back then to 1997, 1998. The first
13:08:42 17 sort of period that you were talking about with Mr Winneke
13:08:45 18 was a period that involved Wayne Strawhorn, you recall
13:08:48 19 that?---Yes.
20
13:08:50 21 And you've described him as being someone who, just by his
13:08:53 22 very presence, in essence intimidated you?---Yes.
23
13:08:59 24 And I'll read what you said about the reasons why you were
13:09:02 25 just effectively, as I understood your answers, just
13:09:06 26 answering whatever questions he asked you. You said, "The
13:09:09 27 difficulty at that point in my career and in terms of my
13:09:11 28 age was a genuine fear of not answering his questions
13:09:15 29 because to me he was a very powerful police
13:09:18 30 officer"?---Yes.
31
13:09:18 32 But you chose to meet him on pretty regular occasions,
13:09:23 33 didn't you?---Yeah, I did. Um, sorry, I was assume this
13:09:33 34 is,um, from um, meeting him with regard to a specific
13:09:34 35 client.
36
13:09:35 37 Yes, and - - - ?---Or is this a separate period of time?
38
13:09:38 39 No, no, over that whole period of time. I'm trying to deal
13:09:41 40 with things in summary form you'll understand?---Sorry.
41
13:09:44 42 What you indicated was that when Mr Strawhorn, because of
13:09:46 43 your view that he was intimidating and because you said you
13:09:51 44 were young and immature, effectively he would ask you
13:09:55 45 things and you'd just answer them?---Yes.
46
13:09:56 47 In answering them you wouldn't filter out confidential

13:10:00 1 information from clients or privileged information from
13:10:04 2 clients, you'd just answer because of those feelings you
13:10:07 3 had about Mr Strawhorn?---That's a fair statement, yep.
13:10:09 4
13:10:09 5 Specifically you said you did so not just out of this
13:10:14 6 intimidation you've identified by virtue of Mr Strawhorn or
13:10:16 7 the perception you had of him as a powerful police officer,
13:10:20 8 but you also said you did so in order to help other
13:10:24 9 clients?---Right, yep.
10
13:10:26 11 In particular, as I understood it, what you were saying was
13:10:28 12 there were people Mr Strawhorn was particularly interested
13:10:31 13 in, including, for example, John Higgs?---Right.
14
13:10:34 15 And you indicated - well, can I suggest that the upshot of
13:10:38 16 all of your evidence was that you were prepared to give
13:10:41 17 information regardless of confidentiality, regardless of
13:10:44 18 privilege, about some clients because you thought that that
13:10:47 19 might assist the position of other clients that you had.
13:11:01 20 Do you have anything you'd like to say - I'm sorry, go
13:11:03 21 on?---I'm trying to apply that to a specific person or case
13:11:09 22 but, um, I mean it's a fair statement.
23
13:11:14 24 All right, thank you. It's just that when Mr Winneke
13:11:17 25 described, I think in paraphrasing your explanation for why
13:11:21 26 you did this, at least initially - - - ?---Yep.
27
13:11:24 28 - - - suggested with Strawhorn it might have been
13:11:26 29 unknowingly and unwitting, I think you probably accept in
13:11:29 30 fairness it was pretty knowing and pretty witting at least
13:11:32 31 as time went on?---As time went on, yes, not at the
13:11:35 32 beginning, no.
33
13:11:36 34 Then in 1998?---Yes.
35
13:11:38 36 There's the point at which you come to be registered in
13:11:43 37 relation to the Asset Recovery Squad, you recall
13:11:45 38 that?---Yep.
39
13:11:45 40 And that's when you start dealing directly with
13:11:49 41 Mr Pope?---Right, yep.
42
13:11:50 43 That registration and that information you were given was
13:11:53 44 for a very particular purpose, wasn't it? That was the
13:11:57 45 allegation of money laundering and other associated
13:11:59 46 offences by Solicitor 1?---Yep.
47

13:12:01 1 And again if we can just step out for a moment the detail
13:12:06 2 of that. You've indicated that both Mr Strawhorn and, at
13:12:08 3 least prior to Mr Chettle's cross-examination, Mr White
13:12:10 4 were both police officers you found intimidating and that
13:12:15 5 was part of your explanation as to why you gave them
13:12:18 6 information which breached your obligations?---M'hmm.
7

13:12:21 8 You also describe a couple of police officers as being
13:12:24 9 effectively, I don't know whether this is your word or my
13:12:27 10 paraphrase, smooth, Mr Bateson and Mr De Santo were smooth
13:12:37 11 manipulators, do you recall that evidence?---Yep, and
12 clever and people who were good at their jobs, they were
13 clever investigators.
14

13:12:39 15 Mr Pope I don't think has ever been described as wither
13:12:42 16 smooth or intimidating. I'm just wondering, your
13:12:47 17 explanation in relation to giving information to Mr Pope as
13:12:49 18 a registered informer was that you found it hard to say no,
13:12:52 19 is that right, do you stand by that?---Um, I don't, I don't
13:13:02 20 specifically having a recollection of - if I was sitting
13:13:04 21 there I can remember talking to handlers in the most recent
13:13:07 22 time, I've got some recollection of talking to
13:13:10 23 Mr Strawhorn. I don't have a recollection of sitting down
13:13:13 24 and meeting Mr Pope and discussing details.
25

13:13:18 26 No one made you, did they, or intimidated you or smoothed
13:13:22 27 you into being an informer to Mr Pope in respect of the
13:13:24 28 Asset Recovery Squad issues about Solicitor 1, you've never
13:13:29 29 alleged that?---No, I was introduced to him from, um,
13:13:31 30 Strawhorn I think.
31

13:13:32 32 Right. And you said it's hard to say no, which kind of
13:13:36 33 makes it like, and tell me if I'm wrong, you're being
13:13:44 34 pressured to do it, there's some pressure on you to give
13:13:48 35 this information, you know, you're just the person who's
13:13:49 36 giving it?---Well you can take it that way, it doesn't have
13:13:53 37 to be that way. I - - -
38

39 I'm sorry, Ms Gobbo, please?---Yep, go on, sorry.
40

13:13:56 41 No, no, I wasn't saying please, as in please let me finish,
13:13:58 42 I just wanted to make sure you had - - - ?---No, I think,
13:14:05 43 um, it's only in recent years that I learned to not, not
13:14:10 44 speak at all where police are concerned.
45

13:14:12 46 I see. Ms Gobbo, can we just pause on that for a moment.
13:14:16 47 You do understand, don't you, that there are thousands of

13:14:19 1 criminal defence lawyers around Australia and the rest of
13:14:23 2 the Commonwealth world who every day deal with police
13:14:27 3 officers?---Of course.
4

13:14:27 5 And you understand that when you're dealing with a police
13:14:30 6 officer you're doing your job and they're doing
13:14:33 7 theirs?---Yes.
8

13:14:33 9 And the vast majority, at least one would hope, and I hope
13:14:38 10 that's an understatement, of defence lawyers around
13:14:42 11 Australia manage to not breach privilege and confidence
13:14:48 12 simply because a person's a police officer, do you
13:14:50 13 understand that?---Yes.
14

13:14:51 15 I just want to again perch on this notion that you
13:14:54 16 indicated that you found it hard to say no, which was why
13:14:57 17 you were giving this information to Mr Pope. Do you agree
13:15:00 18 with me though, and Mr Winneke I'm sure I think took you to
13:15:04 19 this piece of history, that the Commission has material
13:15:07 20 which indicates, from the AFP which indicates that you were
13:15:11 21 not just voluntarily but proactively, and almost
13:15:16 22 insistentlly, trying to become an informer for them on
13:15:20 23 exactly the same issues at the same time?---Yeah, I don't
13:15:24 24 dispute that.
25

13:15:24 26 The floppy disc that was handed over, did you understand
13:15:26 27 that that was likely to contain privileged confidential
13:15:29 28 client information or there was at least a risk of
13:15:35 29 that?---Yes, um, I probably didn't, um, understand the
13:15:42 30 specifics of, um, of, um, I hadn't considered the specifics
13:15:49 31 of it at the time but of course it would have.
32

13:15:54 33 Again, just perching on the periods relatively quickly
13:15:57 34 given the limitations on time that we have?---Yes.
35

13:16:01 36 I'll talk about what I'll call the Ceja period, that is the
13:16:04 37 period where you were dealing with Mr De Santo at
13:16:07 38 times?---Yes.
39

13:16:07 40 And again as I understand it Mr De Santo was the first of
13:16:10 41 the police officers who you described as being smooth and,
13:16:16 42 on your assessment with the benefit of post fact
13:16:19 43 assessment, manipulative in some way?---Yeah, a very, look
13:16:24 44 I, um, in fairness to him, a very, a very clever, um,
13:16:30 45 investigator, very shrewd, good at his job.
46

13:16:33 47 But at this stage were you still in that frame of mind

13:16:36 1 where it seems, and forgive me if this is a poor paraphrase
13:16:42 2 of your earlier evidence where we were talking about
13:16:44 3 Mr Strawhorn and Mr Pope, that you were still in a phase
13:16:47 4 where you just thought you'd tell the police whatever they
13:16:50 5 wanted to know?---No, different - I mean different mind-set
13:16:55 6 at the time.
7

13:16:55 8 Right?---Mr Strawhorn had far - he had a much stronger, no,
13:17:04 9 not stronger, that's not the right word, he had a much
13:17:07 10 greater reputation for, um, for being intimidatory and I
13:17:14 11 couldn't say the same in those words about Mr De Santo.
12

13:17:17 13 No. You explained to Mr Winneke that at least at some
13:17:21 14 point, and I understand that motivations shift over time
13:17:24 15 and are complex, but that at some time your motivation was
13:17:28 16 to be the gatherer and holder of information?---Ah, yes.
17

13:17:31 18 And you explained that you wanted to know everything about
13:17:34 19 every drug dealer from the top of the tree to the bottom of
13:17:37 20 the tree, basically?---Yes.
21

13:17:38 22 And that can't be like stamp collecting, that's got to be
13:17:42 23 because information is power, right, because it gives you
13:17:44 24 something that you can then use?---Yeah, that's right.
25

13:17:48 26 And the problem you have, might I suggest, it might
13:17:51 27 shortcut some matters, is that from your perspective that
13:17:55 28 pursuit was more important than placing the interests of
13:17:59 29 your client at the top of the list, as they should have
13:18:02 30 been?---Well, I think I've made that concession already,
13:18:09 31 yes.
32

13:18:10 33 Moving forward, we have the burglary, the Operation Gallop
13:18:14 34 burglary, you know what I'm talking about?---Yep.
35

13:18:19 36 And again the nature of the conflicts you were engaged in
13:18:21 37 there, and Mr Winneke's taken you through them in detail so
13:18:24 38 I don't need to, but were, as I think you've accepted,
13:18:24 39 patent and obvious?---Yes, I have (indistinct).
40

13:18:25 41 And you were acting for Dale and for the people involved,
13:18:29 42 other people involved in the operation, not at the behest
13:18:32 43 of any particular police officer but again, I suggest,
13:18:36 44 either because Mr Mokbel's telling you to or in this
13:18:39 45 pursuit of information for the purposes of your own
13:18:44 46 benefit?---Yeah, I don't think I said because a police
13:18:50 47 officer, um, told me to.

1
13:18:51 2 In particular over this period of time you indicated in
13:18:55 3 your evidence that you did it to please Tony, that is Tony
13:18:59 4 Mokbel?---Um, yes, in part, yes.
5
13:19:01 6 And you did it to please Dale, that is to breach the
13:19:04 7 confidences of your client and to act in circumstances of
13:19:07 8 conflict without any police officer telling you to?---Um,
13:19:11 9 broadly speaking, yes.
10
13:19:13 11 And you indicated, and I'll use the language that you used
13:19:16 12 in your evidence, and you did it to help De Santo, that is
13:19:19 13 you had a perception it would also help Ceja at the same
13:19:23 14 time?---Yes.
15
13:19:24 16 You said in your evidence, "I was being pushed in the
13:19:26 17 background by Tony Mokbel who wanted to find out as much as
13:19:30 18 he could about what police did and didn't know"?---Yep.
19
13:19:35 20 And for whatever reasons and whatever motivations you
13:19:37 21 complied with those requests?---Yes.
22
13:19:39 23 So even at this point in time again, without any police
13:19:42 24 intervention at all, you are engaging, at the behest of
13:19:47 25 people like Tony Mokbel and Paul Dale, in activities which
13:19:50 26 obviously are known to you would have resulted in conflicts
13:19:54 27 and breach of your ethical obligations to clients?---Yeah,
13:19:57 28 I think I said that to you today that, um, I concede the
13:20:00 29 breach of confidentiality.
30
13:20:02 31 Mr Dale in particular you acknowledged with Mr Winneke you
13:20:06 32 gave legal advice to on 9 October 2003?---Um, yes, if
13:20:15 33 you're talking about the bringing of the example of, um,
13:20:19 34 conspiracy, yes.
13:20:19 35
13:20:20 36 The Tripodi and Ahern considerations, if we can put it that
13:20:27 37 way?---Yes.
38
13:20:31 39 Your evidence on this was, "I think I thought I would be
40 able to get information out of him that would assist those
13:20:31 41 people for whom I was acting". Do you recall saying
13:20:32 42 that?---Yep, yep.
13:20:32 43
13:20:33 44 Again, you were effectively pretending to be Mr Dale's
13:20:36 45 lawyer in order to get information to benefit other
13:20:39 46 clients?---Well I wouldn't say pretending to be, I mean
13:20:46 47 gathering the case - that was like the beginning and end of

13:20:49 1 the conversation about, um, about anything he wanted to
13:20:51 2 tell me because he certainly wasn't telling me that, at
13:20:55 3 that point that he'd burgled a house.
4

13:20:57 5 At what point did he tell you he'd burgled a house or was
13:21:00 6 involved in the organisation of the burglary?---He didn't,
13:21:03 7 he didn't specifically, but as time went on it became
13:21:06 8 apparent because of an accumulation of facts and
13:21:12 9 information that it was, that he must have or that he did.
10

13:21:17 11 In any event, following - again, I know I've done no
13:21:19 12 justice to that period of time at all, but over that period
13:21:23 13 of time, right through until 2005 when you have the issue
13:21:30 14 with PII [REDACTED] and you end up being registered by the
13:21:34 15 Source Development Unit?---Yep.
16

13:21:35 17 You've made the concessions you've made about the nature of
13:21:38 18 your commitment or otherwise to your ethical obligations
13:21:41 19 for clients. What I now wanted to turn to is the nature of
13:21:46 20 your relationships with those clients and their associates
13:21:48 21 over that same period of time?---M'mm.
22

13:21:51 23 Because one might be left with the impression from the
13:21:54 24 evidence you gave before the Commission in answer to
13:21:56 25 questions from Mr Winneke that your socialisation,
13:21:59 26 enmeshing in the kind of private and criminal lives of
13:22:03 27 clients and associates and so on was as a function of the
13:22:07 28 encouragement of your handlers to do so. Was that the
13:22:10 29 impression you were trying to give or not?---No, um, there
13:22:13 30 had to be some socialising in the first place in order for
13:22:17 31 them to be able to encourage it or for me to be able to be
13:22:22 32 more useful, so yes, I mean I shouldn't have been spending,
13:22:28 33 um, as much time as I did with them before any of this
13:22:32 34 happened.
35

13:22:32 36 Let's just see if we can tease that out a little. Within
13:22:36 37 six months of becoming a solicitor and working for
13:22:39 38 Solicitor 1, can I suggest, and he's provided a statement
13:22:43 39 to this Royal Commission, that he was concerned about you
13:22:46 40 socialising with criminal clients outside of work hours,
13:22:49 41 including in restaurants, nightclubs and the Crown Casino,
13:22:53 42 what do you say to that? People like John Higgs, who he
13:22:58 43 named specifically, you were already socialising with them
13:23:02 44 within six months of becoming a solicitor?---Well I can't
13:23:07 45 dispute that. I can't - I've got no recollection of being
13:23:10 46 at the casino with that man but, um - - -
13:23:13 47

13:23:13 1 I'm not sure my question was casino specific. Were you
13:23:20 2 socialising with criminal clients within six months of the
13:23:23 3 beginning of your practice as a solicitor?---I would not
13:23:25 4 dispute what Solicitor 1 says, so probably, he's probably
5
6
13:23:31 7 You knew that John Higgs at that stage was at least a very
13:23:34 8 senior member of an outlaw motorcycle gang?---Um, not
13:23:38 9 specifically but I did know that he was a, um, he was a
13:23:46 10 significant, um, alleged criminal.
11
13:23:49 12 You knew that he was a significant criminal, let's not beat
13:23:52 13 around the bush about it, Ms Gobbo?---That's what I said.
13:23:55 14 I didn't know about the - I can't say about the motorcycle
13:23:58 15 gang but I don't dispute the other part.
16
13:24:01 17 From that point onwards you have, I suggest, been someone
13:24:06 18 who has socialised, crossed the line effectively into
13:24:10 19 socialising and being friends with your criminal clients,
13:24:14 20 right through from those early days in the late 90s, right
13:24:18 21 through until your registration in 2005?---Yeah, um, I
13:24:20 22 agree with that.
23
13:24:21 24 The dinners with the Mokbels which seemed, I thought, and I
13:24:26 25 may be wrong, that you were suggesting that maybe they had
13:24:30 26 occurred because of some sort of informal but nonetheless
13:24:37 27 legal meeting, had in fact been gatherings that had been
13:24:40 28 going on right back, as we understand it, to 2002?---Yeah,
13:24:43 29 that's right, they started from when, um, from around the
13:24:49 30 time of, um, Horthy Mokbel's suspended sentence onwards.
31
13:24:53 32 And these were not just discussions about legal matters,
13:24:57 33 these were (a) social gatherings with people you considered
13:25:02 34 to be friends, and (b) gatherings at which they openly
13:25:06 35 discussed criminal offending in front of you?---Correct.
36
13:25:09 37 Right. That means - we've heard the word trust a lot
13:25:13 38 raised in the last few days?---Yep.
39
13:25:16 40 Let's not beat around the bush about who we're talking
13:25:19 41 about here, these are the Mokbels, right. You understood
13:25:23 42 that they were highly organised and sophisticated
13:25:26 43 criminals?---Yes.
44
13:25:27 45 And you understood that they were responsible for
13:25:30 46 extraordinarily high levels of unlawful drugs, doing untold
13:25:34 47 damage to the community in Victoria?---Yep.

1

13:25:38 2 And you understood that they were in fact responsible,
13:25:41 3 either directly or indirectly, for extraordinary offences
13:25:46 4 of violence and also of attempts to interfere with the
13:25:49 5 course of justice in various ways, you understood all of
13:25:53 6 that?---The latter definitely, I don't know about - I don't
13:25:58 7 know about the violence.

8

13:25:59 9 Happy to go with serious drug trafficking and attempts to
13:26:07 10 pervert the course of justice?---Yep.

11

13:26:09 12 These were people, well before you became involved with the
13:26:12 13 SDU, that you were choosing as your friends, Ms Gobbo?---I
13:26:19 14 would say acquaintances. Um, I did actually have friends
13:26:22 15 then but they weren't there.

16

13:26:24 17 Can I suggest that what happened indeed had always
13:26:27 18 happened, but what became increasingly and blindingly
13:26:30 19 obvious, was that you were becoming part of the crew, that
13:26:36 20 is the criminal crew of the people that you were acting
13:26:37 21 for, not a lawyer discharging her obligations first and
13:26:40 22 foremost to the court?---Yeah, I think that's, um, a good
13:26:46 23 way to put it. That's the impression that they had and,
13:26:52 24 um, I couldn't work out a way to step back or get them to
13:26:56 25 understand that.

26

13:26:56 27 Ms Gobbo, we're talking about a decade or more of regular
13:27:01 28 increasing social interaction with some of Australia's
13:27:05 29 worst criminals where they told you about the appalling
13:27:08 30 things that they were doing well before you were recruited
13:27:10 31 to the SDU. Now you were not trying to get out of those
13:27:14 32 relationships, were you? You in fact liked them and
13:27:17 33 enjoyed them - I'm sorry, Commissioner, I apologise.

34

13:27:20 35 COMMISSIONER: Yes, she wants to answer.

13:27:23 36

13:27:23 37 WITNESS: Yes, sorry. I'm not, I don't want to sound
13:27:25 38 argumentative and make this take longer than necessary but
13:27:30 39 I don't agree that it was ten years of, um, the way you
13:27:33 40 phrase it, like ten years of constant, um, and sole
13:27:38 41 exposure to the worst criminals in Australia. Um, yes,
13:27:41 42 there were periods of time where, you know, I - it was in
13:27:47 43 the, in my interests in terms of, um, my self-esteem and,
13:27:56 44 um, achieving more and what I thought was important to
13:28:00 45 cultivate relationships with these people. But it wasn't
13:28:03 46 continuous over, um, day-in and day-out for ten years.

47

1
13:28:10 2 MR HOLT: Why would you ever have wanted to be friends with
13:28:13 3 Tony Mokbel?---I wouldn't say, um, friend but if I - well,
13:28:21 4 like every person, um, he does have some redeeming
13:28:25 5 features.
6
13:28:25 7 I see. Now, there were over that period again, and I'm
13:28:30 8 perching on matters briefly, I'm sorry, but there were -
13:28:34 9 you were using at times what are colloquially called burner
13:28:38 10 phones?---Yes, I've spoken about that.
11
13:28:42 12 Yes, I understand that. And they were provided to you by
13:28:44 13 people you knew to be criminals and associates of organised
13:28:47 14 criminals?---Yes.
15
13:28:51 16 You can well understand, and I think indeed you may have
13:28:54 17 said this before but I just want to confirm, you can well
13:28:58 18 understand the view of Victoria Police investigating these
13:29:01 19 serious organising criminals was that you were part of the
13:29:03 20 crew, that you'd crossed the line into being part of that,
13:29:07 21 rather than an independent legal representative?---Yes,
13:29:12 22 there were all kinds of assumptions made.
23
13:29:15 24 And specifically in terms of your relationship with
13:29:17 25 Mr Mokbel, as you explained to us a few days ago, you were
13:29:24 26 encouraged by him to act for both PII [REDACTED] and PII [REDACTED]
13:29:28 27 precisely with a view to preventing them from doing
13:29:31 28 anything that might hurt him?---Um, I thought it was
13:29:36 29 PII [REDACTED].
30
13:29:37 31 It may have been, I apologise. It's the underlying point
13:29:40 32 that matters?---Yes. I'm not disagreeing with what you're
13:29:44 33 making about all this, um, for Mr Mokbel it was PII [REDACTED]
13:29:49 34 but, um, Mr Williams it was PII [REDACTED] and PII [REDACTED]
35
13:29:54 36 All right. In any event, we can now I think, I hope,
13:29:59 37 positively say that by the time you get registered as a
13:30:03 38 human source in September of 2005 you had (a) been
13:30:08 39 breaching your professional obligations to clients for many
13:30:13 40 years, and (b) you're heavily enmeshed both socially with
13:30:20 41 serious criminal clients, including the receiver of
13:30:22 42 knowledge about their criminal activities?---Yeah.
43
13:30:25 44 Thank you. I just need to sidetrack from that for a moment
13:30:29 45 quickly to Mr Bateson. He was a person I think you also
13:30:32 46 described as being smooth, and were you indicating that as
13:30:36 47 a reason why you provided him improper information? I

13:30:39 1 couldn't quite understand what the purpose of that
13:30:42 2 was?--No, I'm not saying that that's the reason why.
3
13:30:44 4 Right?---He, um, is a man, as far as I'm concerned, is a
13:30:48 5 man of enormous integrity or unquestionable integrity
13:30:54 6 actually.
7
13:30:55 8 Thank you?---Um, that's not the reason. Um, he indicated,
13:31:03 9 um, a certain, I don't know, a degree of empathy for the
13:31:09 10 difficult circumstances that I found myself in with regard
13:31:12 11 to, um, PII [REDACTED]
12
13:31:16 13 Okay. Can I suggest there were effectively two categories
13:31:19 14 of communication you were having with Mr Bateson up to the
13:31:23 15 point at which you get registered with the SDU?---Yep.
16
13:31:26 17 The first were discussions that you were having with him
13:31:29 18 about other lawyers and in particular Solicitor 2?---Yes.
19
13:31:33 20 And the second was your involvement, at least on the face
13:31:37 21 of it, as a barrister in respect of the various gangland
13:31:42 22 witnesses that we've referred to whose names I don't need
13:31:45 23 to refer to again?---Yeah, that's a fair summary.
24
13:31:48 25 And they were the two categories, right?---Yeah.
26
13:31:50 27 Now, in relation to the first category, that is in relation
13:31:53 28 to Solicitor 2, Mr Winneke took you to conversations with
13:32:00 29 Mr Bateson where you on 25 May 2004 pass on information to
13:32:06 30 Mr Bateson that Solicitor 2 had breached the Legal Practice
13:32:10 31 Act and was using privilege to pass material between
13:32:13 32 Mr Williams and others?---Right.
33
13:32:16 34 And on 4 June he took you to an entry of Mr Bateson's which
13:32:23 35 notes you were effectively continuing to give the same kind
13:32:26 36 of information?---Right.
37
13:32:27 38 Now, firstly, you had assisted various criminal
13:32:35 39 clients/friends/acquaintances to communicate criminal
13:32:39 40 information, information about crimes between each other
13:32:43 41 under the guise of legal professional privilege before,
13:32:47 42 hadn't you?---Sorry, say that again.
43
13:32:50 44 You had previously, under the guise of legal professional
13:32:54 45 privilege, permitted people to effectively use you as cover
13:32:57 46 as a lawyer, your status as a lawyer, as cover for the
13:33:02 47 passing of information about crimes, one to the

13:33:04 1 other?---Prior to 04?
2

13:33:10 3 Well, I'm going to suggest right through this period,
13:33:12 4 Ms Gobbo. Is that something you've done, can we just deal
13:33:15 5 with it on that basis?---Yeah, I think I - not in those
13:33:19 6 words but, um, I did make that concession the other day. I
13:33:22 7 just can't think of - I'm trying to think of 04, before 04.
8

13:33:26 9 And indeed arguably every time you have dinner with the
13:33:29 10 Mokbels and you're present, did it occur to you that you
13:33:33 11 were in fact operating there as some form of legitimisation
13:33:37 12 or cover for conversations that you knew were about ongoing
13:33:39 13 criminal offences?---From their point of view?
14

13:33:41 15 Yes?---Yes.
16

13:33:43 17 Did that occur to you at the time?---Not, um, not in the
13:33:46 18 early days but as time went on, yes, it did.
19

13:33:49 20 Right. So you were aware that at least that was what you
13:33:53 21 considered was likely they were doing and you continued to
13:33:55 22 do it anyway?---Um, yes.
23

13:34:01 24 Thank you. Could we have up Exhibit 252, please, which is
13:34:06 25 Mr Bateson's diary chronology. While that's coming up,
13:34:11 26 Ms Gobbo, in answer to some questions from Mr Winneke about
13:34:14 27 why you provided that information to Mr Bateson?---Yes.
28

13:34:17 29 You said words to the effect, "I don't know how it came up,
13:34:19 30 he may have been asking me questions", do you recall
13:34:22 31 that?---Um, yep. Yep, go on.
32

13:34:27 33 Could we go to 22 May 2004, please. Is that possible? I
13:34:51 34 can just read it if you'll accept it from me. On 22 May
13:34:55 35 2004, that is before you provided that information about
13:35:00 36 Solicitor 2, you called Mr Bateson and said that you had
13:35:05 37 information about Solicitor 2 that you wished to pass on to
13:35:10 38 him?---Right. 22 May 2004?
39

13:35:15 40 Yes, 22 May. So can we come up to 22 May, please. I'm
13:35:21 41 sorry, May 2005. I apologise?---Okay.
42

13:35:30 43 Yes. Here we are. 22 May 2005, "Stated she also had
13:35:42 44 information re Solicitor 2 she wished to pass on.
13:35:45 45 Undertook to contact her tomorrow", do you see that?---Yes.
46

13:35:48 47 So you accept on the basis of those records kept by

13:35:51 1 Mr Bateson that in fact it was you who was positively
13:35:54 2 volunteering the information about Solicitor 2?---Yeah, in
13:35:57 3 May, by May 05, yep.
4

13:35:59 5 That's literally days before you say the things that
13:36:02 6 Mr Winneke took you to about her breaching the Legal
13:36:06 7 Practice Act and so on?---Yeah, I don't - my recollection
13:36:13 8 is that she was a topic before May 2005.
9

13:36:17 10 Now you were obviously here actively undermining Solicitor
13:36:22 11 2, yes?---Sorry, say that again.
12

13:36:27 13 You were obviously here actively undermining Solicitor
13:36:30 14 2?---Um, yes, that's one way of looking at it, yep.
15

13:36:35 16 Well, you're giving senior police officers information
13:36:38 17 about serious criminal offences that you say she's
13:36:41 18 committed?---Yep.
19

13:36:43 20 And as you explained to - - - ?---Sorry, which would - did
13:36:49 21 you say and that would undermine her? Yes, it would.
22

13:36:50 23 Yes. As you accepted with Mr Winneke, at least part of the
13:36:52 24 motivation to do so was a view that she was interfering in
13:36:56 25 some way in your relationship with Mr Tony Mokbel, a
13:36:59 26 relationship that you wished to continue?---Yeah, I - not
13:37:05 27 so much interfering. One of the big issues I did have is
13:37:10 28 that he somehow went from a very sensible individual who
13:37:17 29 provided certain instructions in relation to settling his
13:37:21 30 matters and, um, agreeing upon a certain amount of - a
13:37:27 31 certain sentence indication by the Crown to, to, um, almost
13:37:35 32 belligerently fighting back every single thing and what
13:37:39 33 happened happened.
34

13:37:41 35 Sure. But it wasn't just as that, as you explained to
13:37:44 36 Mr Winneke, you said to him part it was that you "wanted to
13:37:48 37 be liked by someone like Tony"?---Yeah, in general terms,
13:37:52 38 that's right.
13:37:52 39

13:37:52 40 Let's just be clear then. At least part of the motivation
13:37:55 41 for providing this information to a senior member of police
13:37:59 42 about Solicitor 2 was a desire to continue to have the kind
13:38:02 43 of special relationship that you had with Mr Mokbel?---Yes,
13:38:06 44 I think I said that.
45

13:38:08 46 Right?---That's not the sole motivation and it, um - - -
13:38:12 47

13:38:12 1 Yes?---And it wasn't, um, it wasn't - the sole issue wasn't
13:38:19 2 jealousy.
3

13:38:20 4 No, I understand. Not the sole issue. You appear for
13:38:25 5 Solicitor 2 later as you've told us?---Yep.
6

13:38:28 7 No police officer told you to do that?---No.
8

13:38:30 9 Your response to that when Mr Winneke asked you, but didn't
13:38:34 10 press as to why, was you were weak and pathetic with your
13:38:37 11 self-esteem. Forgive me, Ms Gobbo, I'm struggling with the
13:38:41 12 link. Can you explain to me how being weak and pathetic
13:38:45 13 with your self-seem caused you to act for a person who you
13:38:49 14 had informing on to the police when no one was otherwise
13:38:54 15 making you do that?---Is this - this is a period in
13:38:56 16 relation to the (indistinct)? Is that the appearance, to
13:38:59 17 put it into context, is that what you're referring to?
18

13:39:03 19 Yes, the appearances you did for Solicitor 2 that
13:39:05 20 Mr Winneke asked you about, I think you know the ones I
13:39:08 21 mean?---Yep. Well I'll try - my best recollection is that
13:39:10 22 she wanted to appear herself and, um, someone else, um,
13:39:18 23 advised her that, that she should not do that, um, and even
13:39:25 24 knowing that, even knowing full well that I shouldn't be
13:39:28 25 standing up, um, or acting for her in relation to
13:39:32 26 contesting charges, um, what I mean by weak and pathetic,
13:39:39 27 well such was my capacity to say no that I didn't say no
13:39:44 28 and that I, um, went and appeared for her.
29

13:39:49 30 Now, I want to come to your registration and the period of
13:39:56 31 time at the Source Development Unit. You'll be pleased to
13:40:00 32 know that because of the questions Mr Chettle's asked I can
13:40:03 33 do this reasonably quickly, because of some of the things
13:40:06 34 you've said today. But there are a couple of issues that I
13:40:10 35 need to deal with you about. It was asked of you by
13:40:14 36 Mr Winneke just after he'd been talking about feeling
13:40:17 37 intimidated by Mr White?---Yep.
38

13:40:20 39 It was asked of you whether or not if you'd been given a
13:40:24 40 chance to walk away by SDU you would have taken it, do you
13:40:27 41 recall that?---Yep.
42

13:40:30 43 The indication you gave was, "If Sandy White had told me
13:40:34 44 that, then yes"?---Right, yes. Yep.
45

13:40:39 46 Do you agree that's what you said?---Yep.
47

13:40:42 1 Well, in light of the evidence that Mr Chettle has taken
13:40:44 2 you to today, the example after example of Mr White giving
13:40:50 3 you the opportunity to leave, do you accept in fact that
13:40:55 4 you wouldn't have, regardless of what had been said to
13:40:59 5 you?---Um, probably not given that I was enmeshed with
13:41:03 6 everyone and everything at the time, no. Yes, I agree with
13:41:06 7 you.

8

13:41:06 9 And also in part because, as you've accepted, you were - my
13:41:11 10 word - in effect addicted to receiving, having and being
13:41:16 11 able to use information about all of these criminal
13:41:20 12 offences and activities and police methods and everything
13:41:24 13 else?---Um, earlier on, yes, I would agree with that. And
13:41:28 14 as time went on it became about trying to work out a way to
13:41:33 15 not, um, to not expose myself.

16

13:41:34 17 But as time went on it also became about this view that you
13:41:38 18 have, as you put it this morning, because of your
13:41:41 19 personality, to want to be the best?---Yes.

20

13:41:43 21 And want to continue on even when told by Sandy White, the
13:41:48 22 very person you said you might listen to, that you should
13:41:52 23 stop?---Yep, I accept that and I don't resile from it.

24

13:41:56 25 All right. Now at that early point where you were being
13:41:59 26 recruited, you've been asked by Mr Winneke about your
13:42:02 27 understanding, in effect, that the police, Victoria Police
13:42:05 28 and Purana in particular, had a strategy to target those in
13:42:10 29 the orbit of the Mokbel cartel, do you recall that?---Yes.

30

13:42:14 31 I'm going to use a slightly different word, but a word
13:42:17 32 that's been used in the Commission, the idea of targeting
13:42:20 33 people who were enabling the Mokbel cartel and other
13:42:26 34 serious criminal organised activity to occur?---Yep.

35

13:42:29 36 And there were such enablers, weren't there, you were very
13:42:33 37 familiar with who they were and what roles they had and
13:42:36 38 those sorts of things?---Yes.

39

40 And indeed, in terms of categories, the enablers included
13:42:38 41 professionals, lawyers and accountants who were breaching
13:42:40 42 their professional obligations in order to assist very
13:42:45 43 organise crime to carry out its very serious organised
13:42:49 44 criminal activity?---Yes.

45

13:42:51 46 Again, I won't go to the names either, but Mr Chettle took
13:42:55 47 you to or referred you to your Lawyers, drugs and money

13:42:57 1 where you named I think 20 people who might fall into that
13:43:00 2 category?---Yes.
3

13:43:00 4 You'd agree that at least up until some point, there were
13:43:04 5 certainly points where you fell into that category?---Yes.
6

13:43:06 7 You'd crossed the line and were becoming an enabler. As a
13:43:09 8 strategy for Victoria Police and Purana to target people
13:43:12 9 who were breaching their ethical obligations or who had
13:43:16 10 crossed the line into being crew and part of the team, in
13:43:19 11 effect, was a good strategy, per se?---Sorry, say that last
13:43:25 12 bit again? That was a good strategy - - -
13

13:43:28 14 How you do it is a different question, but targeting the
13:43:31 15 enablers of organised criminal activities, obviously a
13:43:34 16 sensible strategy?---Yes, and a fairly - I've got a
13:43:39 17 recollection that at some stage, um, when Mr Overland was
13:43:43 18 the Deputy Commissioner he, um, he spoke on that topic
13:43:47 19 himself.
20

13:43:48 21 Yes, absolutely. When you start dealing with the SDU,
13:43:55 22 other than the first meeting where the two police officers
13:43:58 23 who you met at the Magistrates' Court are present, from
13:44:00 24 that point onwards - - - ?---Yes.
25

13:44:03 26 - - - you're dealing with Mr White and the various
13:44:05 27 handlers that we've referred to, right?---Yes.
28

13:44:07 29 And you well understood that they were part of a particular
13:44:10 30 unit dealing with these sorts of activities?---Yes, and the
13:44:15 31 whole purpose was to keep it separate from anywhere else.
32

13:44:19 33 Now given, as we've been through over the last little
13:44:22 34 while, the fact that it was (a) true, and (b) obvious to
13:44:25 35 Victoria Police that you'd crossed the line to being
13:44:30 36 actually part of the criminal enterprise to some extent at
13:44:32 37 least?---M'mm.
38

13:44:36 39 In terms of managing you as a human source you
13:44:38 40 unquestionably had, didn't you, information that you could
13:44:42 41 give to Victoria Police that would be of use that wouldn't
13:44:44 42 breach your ethical obligations, just as a basic starting
13:44:48 43 proposition?---Yeah.
44

13:44:50 45 So, for example, if you hear, you're at a dinner and a
13:44:55 46 person you don't act for, have never acted for, says, "I'm
13:45:00 47 going to import a tonne of ecstasy next week", again, no

13:45:04 1 breach of any obligation to provide that information to
13:45:07 2 Victoria Police?---No, but even if I have acted for that
13:45:10 3 person and they say, and that's what they say they're going
13:45:14 4 to do, how is that privileged?
5

13:45:15 6 It may well be that so long as you don't continue to act
13:45:22 7 for that person, again, you're right, it may well be
13:45:25 8 possible to manage that so that you could give that
13:45:26 9 information. I think we're on the same page?---Okay.
10

13:45:27 11 The critical things, though, weren't they, in order to
13:45:30 12 ensure that this accepted highly unorthodox proposition
13:45:36 13 could work, was (a) that you not give privileged
13:45:38 14 information, you'd agree with that?---Yep.
15

13:45:40 16 (B) that you couldn't continue to act for people who you
13:45:44 17 were informing on?---No, I certainly couldn't be part of
13:45:48 18 some defence or defendant proceeding, correct.
19

13:45:51 20 Well, let's just be clear about that, because I've know
13:45:54 21 you've kind of qualified it in that way a few times, but we
13:45:58 22 have to be straightforward about this, don't we? You
13:46:00 23 couldn't act for anyone as a lawyer in any capacity once
13:46:03 24 you'd been informing on them to Victoria Police,
13:46:06 25 surely?---Well, again, and I'm not trying to justify this
13:46:09 26 as right or wrong, um, I'm only offering it as an
13:46:14 27 explanation, but, um, like, take for example the PII [REDACTED]
13:46:21 28 scenario, um, and I'm not talking about upon his arrest or
13:46:24 29 the advice giving or that process, but rather, um,
13:46:31 30 appearing for him at a filing hearing, um, you know, on the
13:46:35 31 face of it, because of my role, on one view, no, I
13:46:39 32 shouldn't have been there but on another view, um, in terms
13:46:42 33 of self-preservation, um, I guess in my mind, and based on
13:46:50 34 the conversation, conversations I had, um, I kind of
13:46:55 35 thought that that was acceptable as opposed to running a
13:46:59 36 defence for him.
37

13:47:00 38 I see. In any event, the two critical things were no
13:47:05 39 privilege and not acting, however we describe that term,
13:47:09 40 not acting for people you were informing on?---Yes.
41

13:47:12 42 And as Mr Chettle took you through, so I don't need to do
13:47:16 43 it, there are multiple examples through the course of the
13:47:19 44 materials, and it's by no means perfect, of course, and
13:47:22 45 there are failures along the way, but there are at least
13:47:26 46 multiple examples, aren't there, starting very early on in
13:47:31 47 this relationship where the handlers and controllers are

13:47:33 1 saying no privileged information and at various stages you
13:47:36 2 can't act for people that you've informed on?---Yes, we are
13:47:39 3 talking about that.

4
13:47:40 5 Yes, thank you. No, I understand that. But those are the
13:47:42 6 messages that you're getting from the handlers is the point
13:47:45 7 I'm making?---Yep.

8
13:47:46 9 As you accepted this morning?---Yes.

10
13:47:49 11 Of course, as you well understand, and PII [REDACTED] is the best
13:47:52 12 example easily, there were spectacular failures in the
13:47:56 13 application of those kinds of rules, right?---Yep.

14
13:47:59 15 Now that occurs - from the point at which that occurs, that
13:48:03 16 is that particular spectacular failure, you agreed with
13:48:07 17 Mr Chettle that it was effectively from about that point
13:48:10 18 onwards that the conversations are turning to, "How do we
13:48:14 19 exit you from this role within the Source Development
13:48:18 20 Unit"?---Yep.

21
13:48:19 22 And you indicated that, again by reference to various
13:48:23 23 examples, you were in effect resisting that (a) out of
13:48:28 24 safety concerns, but (b) also because you wanted to keep
13:48:31 25 going and do it really well and be the best informer
13:48:34 26 ever?---Yeah, well I was enmeshed in that, um, I'd kind of
13:48:40 27 gone from one group of people to another.

28
13:48:43 29 Mr Iddles in his statement to the Royal Commission has
13:48:47 30 indicated that you told him Bali that Sandy White would
13:48:53 31 constantly tell you not to breach privilege. Do you agree
13:48:53 32 that that's something you would have said to
13:48:55 33 Mr Iddles?---Um, probably. I mean, look, I - sorry, let
13:49:02 34 me put it a different way. I, um, think that Mr Iddles is
13:49:05 35 another one in the category of beyond reproach in terms of
13:49:09 36 honesty and if he's written that down I probably did say
13:49:12 37 it.

38
13:49:12 39 And you said it because it was true, that is you've said it
13:49:17 40 because Sandy White did constantly tell you not to breach
13:49:21 41 privilege?---Yeah, obviously I don't know the context, the
13:49:23 42 full context of that conversation, but I would have said
13:49:25 43 it, yes.

44
13:49:25 45 After Milad and Horty's arrest you were told by
13:49:30 46 Mr Anderson, pseudonym, "Don't act for the Mokbels"?---Yes,
13:49:34 47 um - - -

13:49:34 1
13:49:34 2 I understand the practical difficulties with that. The
13:49:37 3 point I'm making is that these were the messages that you
13:49:39 4 were getting from the handlers about how you were to manage
13:49:43 5 these issues?---Yeah, look, I don't dispute what you're
13:49:47 6 saying they said, um, the practical application of it
13:49:51 7 proved to be more difficult.
8
13:49:53 9 Understood. Once PII happens and the Rubicon is
13:49:56 10 crossed and it's what happens there happens, it's
13:50:00 11 effectively from that point onwards, isn't it, that the
13:50:04 12 focus from the SDU turns to trying to get you out of
13:50:08 13 it?---Um, also for a period of time, yes, and then there
13:50:13 14 are specific things that I'm tasked to do.
15
13:50:16 16 Can I deal with just a couple of really specific
13:50:18 17 matters?---Yes.
18
13:50:19 19 The first is Mr Karam and the work that you did in respect
13:50:22 20 of the tomato tins matter?---Yes.
21
13:50:25 22 So that's the topic I want to cover briefly?---Right.
23
13:50:27 24 You indicated that you did some legal work in respect of
13:50:30 25 those, the tomato tins matter, notwithstanding that you
13:50:34 26 were told, as you were taken to by one of your handlers,
13:50:38 27 that you shouldn't act for anyone in it, that's a fair
13:50:41 28 summary?---Yes.
29
13:50:42 30 But I just want to drill for a moment into the actual work
13:50:44 31 you did if we can. Firstly, I think you indicated you did
13:50:48 32 the 10A form at the committal, or you may have looked at
13:50:52 33 the 10A form?---I think I looked at it, yep.
34
13:50:56 35 You indicated you did a pretty decent chronology of the
13:50:59 36 brief early on?---Yeah, I think that was for, um, Pino
13:51:05 37 Acquaro.
38
13:51:06 39 But as I understood it you couldn't recall when the
13:51:07 40 evidence was given as to which clients that related to, it
13:51:12 41 was simply something you'd been asked to do by one of the
13:51:16 42 QCs involved in the case?---Yeah, that's right, and it was
13:51:19 43 shared by everyone, yes.
13:51:20 44
13:51:21 45 As well as some limited involvement in bail applications or
13:51:24 46 advice about bail early on, is that the sum total of your
13:51:28 47 involvement in the tomato tins importation, representation

13:51:30 1 in relation to the tomato tins importation, I'm
13:51:34 2 sorry?---Um, yeah, to the best of my memory, I did have a
13:51:40 3 number of meetings with Mr Karam and on at least one
13:51:45 4 occasion Mr Grace to ensure that I couldn't appear for him.
5
13:51:49 6 Understood. Did you - - - ?---And sorry, sorry, then there
13:51:53 7 was a - I know there was a, um, I had a cup of coffee with
13:51:58 8 Mr Karam and another QC who ended up doing his trial.
9
13:52:01 10 I understand. You didn't appear at his trial?---No.
11
13:52:04 12 No. I want to ask just a couple of very brief things about
13:52:12 13 PII [REDACTED] This morning, or it may have been earlier,
13:52:14 14 you, in talking about what happened and the kind of wicked
13:52:18 15 problem that you described having when you knew that he was
13:52:21 16 going to call you, but you also knew that you'd been the
13:52:24 17 person who put him there, you used the phrase which was you
13:52:27 18 said your role for the previous few months had been to
13:52:30 19 become his little best friend, do you recall that?---Yes.
13:52:34 20 Yeah, I used that phrase.
21
13:52:35 22 I want to suggest to you, again if we can avoid spending
13:52:40 23 the time with the documents, great, if we can't, no
13:52:45 24 problem. But can I suggest to you that in fact that in the
13:52:47 25 very very early meetings with the SDU handlers indicated
13:52:49 26 that you had a close personal relationship with that person
13:52:52 27 well prior to any purported encouragement by SDU handlers,
13:52:56 28 well prior to your registration in effect?---Yeah, look, I
13:52:59 29 don't dispute that because part of the reason I could be
13:53:02 30 valuable was because I was on friendly terms with people
13:53:06 31 like him.
32
13:53:07 33 Yes?---And what I did in the course of my period of time
13:53:13 34 was to get even closer and be more available to them.
35
13:53:18 36 Right. Now, you were asked some questions about - sort of
13:53:25 37 in a compendious form, about some of the police officers
13:53:27 38 who weren't your handlers or a controller?---Yes.
39
13:53:31 40 That you nonetheless had contact with during the time that
13:53:35 41 you were registered as a human source with the
13:53:40 42 SDU?---Right.
43
13:53:40 44 I'm talking here about Mr Bateson, Mr Coghlan, Mr Flynn and
13:53:44 45 Mr O'Brien?---Yes, correct. And there were others, there
13:53:48 46 were others who, um, who I couldn't recall when I was
13:53:55 47 specifically asked that question but a few names have

13:53:58 1 occurred to me since.
2

13:53:59 3 No, I understand that. But the point is that you were of
13:54:02 4 course given, that you were continuing to act as a
13:54:03 5 barrister?---Yes.
6

13:54:04 7 You were having the kind of ordinary, maybe not so
13:54:07 8 ordinary, but the kind of contact you'd had with police
13:54:11 9 officers as informants and those sorts of things in
13:54:14 10 relation to files that you'd always had?---That's right.
11

13:54:17 12 So that was entirely normal?---Yes.
13

13:54:20 14 If I suggest to you that the communications that you had,
13:54:22 15 directly with Bateson, Coghlan, Flynn and O'Brien over that
13:54:28 16 period of time were effectively when you were needing to
13:54:31 17 contact them because you were acting as a barrister or a
13:54:35 18 representative for a particular person, would you agree
13:54:37 19 with that?---Yes.
20

13:54:39 21 Thank you. Now, again, a couple of specific matters. The
13:54:45 22 meeting that was recorded with Mr Dale, obviously you know
13:54:47 23 the one I'm talking about, the meeting where you were
13:54:56 24 wired?---Um, I won't agree with that but I recorded, yes.
25

13:55:03 26 I'm sorry, I didn't mean that in any pejorative sense. I
13:55:07 27 hope you don't take it that way. The recorded conversation
13:55:11 28 with Dale which was to form the basis of the evidence that
13:55:13 29 you were going to give with respect to Petra?---Yes.
30

13:55:15 31 Right. You've explained to us that Mr Dale had written
13:55:17 32 some things down on a magazine?---The back page of, um, of
13:55:22 33 something that was lying on the table at the time.
34

13:55:24 35 Obviously enough what he wrote down, at least in your mind,
13:55:28 36 must have been significant because you raised it in your
13:55:31 37 statement and you've described it before, that
13:55:33 38 occurring?---Yes.
39

13:55:35 40 So what did he write?---Um, well the words "ACC" were one
13:55:42 41 thing.
42

13:55:43 43 Sure?---Um, and some names like, um - sorry, I'm just
13:55:53 44 looking at my chart.
45

13:55:54 46 Thank you?---PII [REDACTED] name, PII [REDACTED] name, um, I think
13:56:07 47 I definitely recall those two.

1
13:56:10 2 Anything else apart from names?---Not that I can
13:56:15 3 specifically recall now but I know I had a (indistinct)
13:56:21 4 when I sat with, um, investigators and listened to the
13:56:23 5 recording, um, multiple times and kind of filled in the
13:56:29 6 gaps.
7
13:56:30 8 With the magazine in front of you?---No, um, with, um,
13:56:37 9 with, um, with - we were filling in the inaudible parts of
13:56:43 10 the transcript, um, or sorry the draft transcript, and, um,
13:56:49 11 I was giving them an explanation for why certain - why
13:56:53 12 things sound like they do or why he's saying certain
13:56:57 13 things.
14
13:56:58 15 I understand. Just turning back to my question, did you
13:57:01 16 have the magazine with you?---No.
17
13:57:02 18 So you never had the magazine with you in front of
13:57:04 19 investigators?---No, I had it with me when I came back, um,
13:57:08 20 immediately upon returning from the meeting with him
13:57:11 21 because, um, Shane O'Connell [REDACTED] o. um. [REDACTED] the
13:57:17 22 [REDACTED] um, because I was told [REDACTED] and then,
13:57:23 23 um, I don't think I or them, in fairness, realised the
13:57:30 24 significance of what he'd said or what had happened.
25
13:57:32 26 It's just that the way you put it in your evidence was that
13:57:35 27 the investigators had, the impression at least we got, for
13:57:39 28 some inexplicable reason you couldn't understand, declined
13:57:44 29 to take the magazine. That doesn't sound quite like what
13:57:46 30 you're saying now; is that right?---No, I don't want to
13:57:50 31 give any, I don't want to have, be accused of giving anyone
13:57:55 32 the wrong impression. Um, when I came back immediately
13:57:59 33 after the meeting and Shane O'Connell, I can't remember who
13:58:03 34 else was there, but it was someone else, there was a
13:58:06 35 general, obviously [REDACTED] and then there's
13:58:11 36 some general conversation about what happened, and I'm
13:58:17 37 [REDACTED] um, but I think again, and maybe it
13:58:25 38 was the impression I gave them, which is I couldn't see the
13:58:28 39 big deal of what he'd said. It didn't seem to be of any
13:58:32 40 significance to me. It wasn't until weeks later that I was
13:58:35 41 telephoned and told that it was, um, of great significance
13:58:39 42 in the context of other evidence.
43
13:58:40 44 Right. Now, 2009, early 2009, you're deregistered and
13:58:48 45 moved over in effect to be managed by the Petra Task
13:58:51 46 Force?---Yes.
47

13:58:52 1 And you indicated in your evidence to Mr Winneke that you
13:58:55 2 thought at that point you could get on with your
13:59:01 3 life?--Well I hoped I could, yes.
4

13:59:05 5 You've described, and indeed the contemporaneous records of
13:59:09 6 the conversations that you have with the police officers
13:59:11 7 who you're interacting with from early 2009 right through
13:59:16 8 into at least 2014, but let's focus on the early period,
13:59:22 9 indicate (a) that you were unwell and becoming increasingly
13:59:26 10 unwell?---Yes, from March 09 onwards, that's correct.
11

13:59:31 12 And in 2010 there's the civil litigation with Victoria
13:59:34 13 Police. I know you say it started in 2009, can we at least
13:59:38 14 agree that it settled in 2010?---Yes.
15

13:59:40 16 And you obtained a very significant sum of money in
13:59:46 17 settlement for that?---Yes.
18

13:59:48 19 And you negotiated at the mediation that there be two
13:59:52 20 specific clauses, didn't you, one which permitted to be
13:59:55 21 able to contact Sandy White again, have communication with
13:59:58 22 the SDU?---Um, I can't recall specifically what the wording
14:00:04 23 was but - - -
24

14:00:05 25 Well not being allowed to - I'm sorry?---Go on.
26

14:00:08 27 Not being allowed to contact Sandy White was a concern to
14:00:11 28 you, it was something you wanted changed, you didn't like
14:00:14 29 it, after de-registration?---Yeah, I think - I can't recall
14:00:23 30 specifically what the, what the reason was, although I do
14:00:29 31 recall that over time I had questions about, um, you know,
14:00:34 32 who to ring if there was something of concern about, um, my
14:00:39 33 involvement or my, um, my name being left in documents that
14:00:45 34 I'd been assured it wouldn't have. And a concern that that
14:00:50 35 kept going because I was just, um, during the period of
14:00:54 36 time, um, kind of passed from police officer to police
14:01:00 37 officer as a kind of problem.
38

14:01:04 39 But with the greatest of respect you kind of were a problem
14:01:09 40 because every time you spoke a police officer, almost every
14:01:11 41 time you spoke to a police officer, you were continuing to
14:01:13 42 try to give them new information and intelligence, as if
14:01:17 43 you were still a registered human source. We've got the
14:01:19 44 records. Do you accept that?---Um, yes, and there's - I
14:01:22 45 mean the other side of that is that, um, on occasion I was
14:01:27 46 very concerned about something occurring that was going to
14:01:32 47 create a danger for me or a safety issue and being very

14:01:37 1 frustrated with the, um, the response I got.
2

14:01:42 3 No question. But we've seen, can I suggest, and again I
14:01:46 4 can take you through the detail if we need to, but from
14:01:50 5 Officer Richards - do you have the pseudonym list
14:01:53 6 there?---Um, I'm just getting that now. Sorry.
7

14:01:56 8 No, no, that's okay. Thank you. Do you know who I
14:02:08 9 mean?---Yes, now I do.
10

14:02:13 11 Thank you. He was someone who had been a person who was
14:02:17 12 one of your handlers toward the end of your time at the
14:02:21 13 SDU?---I don't remember him but I'll take your word for it.
14

14:02:26 15 I think a controller in fact, I'm corrected, and rightly.
14:02:30 16 In any event, he came in and became your contact person
14:02:33 17 only for a matter of a couple of months while John O'Connor
14:02:38 18 was on leave, does this ring a bell?---I can't say that
14:02:42 19 name.
20

14:02:45 21 You can't say John O'Connor?---Sorry, you can, his. Okay,
14:02:49 22 right. Yes, sorry
23

14:02:50 24 That's all right?---A couple of months or weeks.
25

14:02:51 26 Something of that order, I don't know the precise period of
14:02:54 27 time?---Look, I have a vague recollection of speaking to
14:02:58 28 him.
29

14:02:58 30 When you speak to Mr Richards, the things, can I suggest,
14:03:01 31 that you want to do are to start talking to him again about
14:03:05 32 crimes you're aware of, things that criminal associates
14:03:08 33 have told you, those sorts of things are suddenly bubbling
14:03:12 34 back up and being told to Victoria Police again, you kind
14:03:15 35 of can't help it?---Look, I don't - I can't, I can't
14:03:19 36 dispute that but I equally would say it would depend upon
14:03:24 37 how the conversation went and if there's a recording it
14:03:27 38 will speak for itself.
39

14:03:28 40 It will. And you also spoke about John O'Connor and how
14:03:33 41 frustrating it was dealing with him because he didn't - I
14:03:37 42 suggest because he didn't seem to want to listen to
14:03:39 43 anything you had to say?---Um, no, he could not answer a
14:03:44 44 single question about anything. That was my frustration
14:03:48 45 with him.
46

14:03:48 47 Right. Again, when you're dealing with Mr Buick, example

14:03:51 1 after example of you saying, talking again about a new
14:03:55 2 importation by Mr Karam, talking about things to do with
14:04:01 3 Mr Johnson, Matthew Johnson and the Carl Williams murder.
14:04:06 4 Again, Ms Gobbo, far from wanting to get on with your life,
14:04:11 5 every time you have an opportunity you're contacting police
14:04:14 6 officers and trying to give them the very information as
14:04:17 7 you were doing for years at the SDU?---I don't agree with
14:04:21 8 that in relation to Mr Buick. I had - you know, after the,
14:04:25 9 um, settlement, um, came into effect in September 2010, um,
14:04:31 10 any efforts that I made in relation to any aspect of my,
14:04:35 11 um, life in terms of, principally in terms of health, came
14:04:42 12 undone by virtue of, firstly, family circumstances and then
14:04:48 13 arguably within days of that Buick being on my doorstep
14:04:54 14 saying that I was being called as a witness and all of this
14:04:57 15 was back, back in issue insofar as would it come out and
14:04:59 16 who could I call and who could I speak to.

17
14:05:02 18 On 24 August 2011 in a recorded conversation you say to
14:05:06 19 Mr Buick, "I'm still here being told about crimes that
14:05:09 20 someone will be very interested in"?---If he says I said
14:05:14 21 that I would have.

22
14:05:16 23 It's recorded, so you'd accept the recording obviously
14:05:19 24 enough?---Yes, of course.

25
14:05:21 26 Thank you. Can we have a look, please - - - ?---Sorry, I
14:05:27 27 don't want to give, I don't want you to think that I'm, um,
14:05:33 28 trying to be argumentative but there was a whole period of
14:05:37 29 time when there was a lot of to-ing and fro-ing with
14:05:44 30 Mr Buick and then his boss up until Mr Ashton stepped in,
14:05:49 31 as I understand it, and I was not called as a witness. And
14:05:51 32 then there was a period of time when I did get on with my
14:05:55 33 life, when I had much less contact with anybody ever until
14:05:59 34 March 2014.

35
14:06:01 36 Well on 30 September 2011, as Mr Winneke took you
14:06:07 37 to?---Yes.

38
14:06:07 39 You caused your then solicitor to write to Mr Champion, the
14:06:12 40 Director of Public Prosecutions, and specifically offer to
14:06:16 41 make a statement in relation to the murder of the
14:06:19 42 Hodsons?---Yeah, do you know I, um, I actually read, or I
14:06:24 43 read what I think is the detail of that letter, um, in the
14:06:28 44 material that was published in The Age over the weekend and
14:06:32 45 I can, I mean I can recall the third letter or the second
14:06:37 46 letter that he wrote but, my God, was I shocked to read the
14:06:42 47 first one.

14:06:43 1 "Our client's prime motivation in doing so in making the
14:06:47 2 offer to assist is to seek payment of the reward for the
14:06:52 3 giving of the information." Ms Gobbo, is that the bit that
14:06:53 4 you now say that you were shocked about?---Yeah, I remember
14:06:55 5 the wording he uses. It's kind of - I mean it baffles me
14:07:00 6 because by virtue of, um, if that was what I was telling
14:07:04 7 him I would do and that was my motivation, all of this
14:07:08 8 would come out.

9

14:07:09 10 So why were you providing your solicitor with those
14:07:12 11 instructions?---Well I wasn't because he didn't know, that
14:07:14 12 he was another person that I was - I shouldn't stay, I
14:07:18 13 remained, um, I talk of my own personal level of shame and
14:07:26 14 embarrassment. To have let him down is particularly
14:07:30 15 mortifying.

16

14:07:31 17 Well, I'm not sure that relates to the question. Let me
14:07:36 18 try again?---Well that's what I'm saying, I would not have
14:07:39 19 said that, um, that to him.

20

14:07:44 21 But if it wasn't for the money then why on earth are you
14:07:48 22 offering to make a statement about the Hodson murders in
14:07:50 23 2011 when by all accounts you're saying, "I'm extremely ill
14:07:56 24 because of the way I've been treated by Victoria Police,
14:07:59 25 because of the decision to transition me to a witness, but
14:07:59 26 now, Mr Champion, I'd like to give a statement, please, but
14:08:02 27 by the way" - - - ?---No, hang on, no. You're saying
14:08:05 28 September 2011. No. Um, I was definitely not, um, I was
14:08:11 29 definitely not in hospital or unwell in September 2011.

30

14:08:17 31 But you were still presumably concerned about the risk to
14:08:19 32 your life if your history as an informer came
14:08:22 33 out?---Correct, and that's why I - - -

34

14:08:25 35 Desperately?---That's why doing the best I can I can't for
14:08:30 36 the life of me explain why I would have, it would appear,
14:08:37 37 have been specifically saying, "Let me make a statement so
14:08:47 38 I can, so all this can come out."

39

14:08:48 40 But there are multiple pieces of correspondence between
14:08:51 41 your representatives and the office of the Director of
14:08:55 42 Public Prosecutions specifically about you giving a
14:08:56 43 statement in relation to the Hodsons. Put the reward aside
14:08:58 44 for a moment?---Yes.

45

14:08:59 46 Is it actually your evidence before this Commission that
14:09:02 47 that was done without your instructions?---No, I did speak,

14:09:07 1 I did speak to Solicitor 1 about the topic. My only - the
14:09:11 2 only thing that, um, that assists my, um, memory in terms
14:09:18 3 of why it was being done is because, um, is me thinking
14:09:22 4 that that's around the time that there's a, um, a whole lot
14:09:27 5 of, or an issue about there being an Inquest and whether I
14:09:31 6 was prepared to give evidence in that context.
7

14:09:38 8 Just finally, Ms Gobbo. On Friday you were asked
14:09:43 9 questions, I think on Friday you were asked questions by
14:09:48 10 Mr Gleeson?---Yes.
11

14:09:49 12 About who you told that you were a police informer, do you
14:09:53 13 recall those questions?---Yes.
14

14:09:54 15 You know that you had told your sister in about 2010?---Um,
14:10:01 16 no, earlier than that.
17

14:10:03 18 In any event, after you'd been deregistered?---Yes.
19

14:10:06 20 And she provided you with some help (a) because you were
14:10:10 21 unwell, and (b) because in relation to the early stages of
14:10:14 22 the negotiations with Victoria Police about witness
14:10:16 23 protection?---Yeah, and the litigation.
24

14:10:19 25 I just want to clarify, in fairness to her?---Yep.
26

14:10:23 27 While you told her, you may have told her that you had
14:10:26 28 assisted the police for a long period of time, you
14:10:28 29 certainly didn't tell her that you had acted in a
14:10:31 30 conflicted way, breached privilege or in any other way
14:10:36 31 breached your professional obligations, did you?---No, we
14:10:39 32 didn't have, um, that kind of detail, no.
33

14:10:41 34 Thank you, Commissioner.
35

14:10:42 36 COMMISSIONER: Thank you. Yes Mr Nathwani.
14:10:44 37

38 RE-EXAMINED BY MR NATHWANI:
39

14:10:45 40 Ms Gobbo - - -
41

14:10:48 42 COMMISSIONER: Can I just say I think maybe we will get on
14:10:50 43 to another witness this afternoon. How much longer do you
14:10:54 44 think you'll be, Mr Nathwani?
45

14:10:56 46 MR NATHWANI: I could be up to an hour. I'll try and be
14:11:00 47 quicker but I could be up to an hour. And I think

14:11:03 1 Mr Winneke would be the same, so given that it would be -
14:11:06 2 and the break.
3

14:11:08 4 MR WINNEKE: I won't be any longer than that. We have
14:11:08 5 actually made arrangements for Mr Sheridan to get here
14:11:14 6 around 4 o'clock. It may well be we might be able to take
14:11:18 7 his evidence about that time or shortly thereafter.
14:11:21 8

14:11:22 9 MR HOLT: He's only got 20 minutes to go. It would be very
14:11:25 10 good if we could get him done, Commissioner, so we'll keep
14:11:27 11 him here just in case.
12

14:11:30 13 COMMISSIONER: Thank you. Yes, Mr Nathwani.
14:11:32 14

14:11:32 15 MR NATHWANI: Ms Gobbo, are you okay to carry on at this
14:11:36 16 stage?---Yep.
17

14:11:37 18 I know we have the next break at 3.15. Hopefully I'll be
14:11:40 19 done by then. Start please with what was earlier in the
14:11:44 20 piece characterised as a burglary. This is Sharon
14:11:45 21 Cure?---Yep.
22

14:11:46 23 Ms Cure's provided a statement that I think you should be
14:11:49 24 able to consider and respond to. Bear with me a moment.
25

14:11:59 26 COMMISSIONER: You perhaps should tender that. Have we
14:12:01 27 tendered that yet?
28

14:12:02 29 MR WINNEKE: No, Commissioner.
30

14:12:03 31 COMMISSIONER: No. We probably should tender that.
32

14:12:05 33 MR WINNEKE: I tender that.
34

14:12:05 35 COMMISSIONER: The further statement - is it a further
14:12:08 36 statement? I think it is, isn't it?
14:12:09 37

14:12:10 38 MR WINNEKE: No, it's not, Commissioner. It's a first
14:12:11 39 statement.
14:12:12 40

14:12:13 41 MR NATHWANI: I've only been disclosed one which is dated a
14:12:15 42 few days ago.
14:12:16 43

14:12:17 44 #EXHIBIT RC1180A - (Confidential) Statement of Sharon Cure.
14:12:18 45
14:12:18 46 #EXHIBIT RC1180B - (Redacted version.)
14:12:25 47

14:12:26 1 Ms Cure says the following, Ms Gobbo, for you to comment
14:12:29 2 on. She says in 2006 you took over a room in Crockett
14:12:32 3 Chambers when another member went on holiday or went
14:12:37 4 overseas. It was supposed to be a temporary arrangement
14:12:40 5 enabled by Mr Heliotis?---Yep.
6

14:12:42 7 She then goes on to say, "I believe I always locked my
14:12:46 8 chambers. I was sharing with another barrister in some of
14:12:50 9 2007. I cannot exclude the possibility that the door was
14:12:53 10 left unlocked". Do you have any comment to make about that
14:12:57 11 at all?---She's probably right.
12

14:13:02 13 She says there's a master key to all the rooms on the 7th
14:13:07 14 floor that was left in a power box cupboard in the small
14:13:10 15 hallway to the kitchen. That was well-known. Pausing
14:13:14 16 there. Was that well-known to you?---Oh, I mean my memory
14:13:19 17 back then would have been better than it is now but I can't
14:13:23 18 remember.
19

14:13:23 20 She talks about being briefed to represent Carl Williams,
14:13:26 21 being led by the late David Ross in 2006, in relation to
14:13:30 22 the Barbaro/Moran murders at the Cross Keys. She says
14:13:34 23 this, "Shortly after I was briefed Nicola Gobbo told me in
14:13:37 24 the reception area of Crockett Chambers that she'd been
14:13:41 25 talking to Carl. She may have told me that on more than
14:13:45 26 one occasion". She then says, "I did not discuss the case
14:13:48 27 with Ms Gobbo. I regarded her speaking with him as
14:13:51 28 unusual, if not improper, given she was not representing
14:13:54 29 him". Pausing there, do you recall at all saying to
14:13:58 30 Ms Cure that you'd been talking to Carl?---No, um, she was
14:14:02 31 the gossip, she was the one who raised it with me.
32

14:14:07 33 She then goes on to talk about representing Mr Williams at
14:14:09 34 his plea. I'm just seeing if there's anything else?---No,
14:14:16 35 this is the plea that was supposed to be, um, it was
14:14:20 36 supposed to be all hidden and secret because, um, he was
14:14:25 37 assisting police. But it was the worst kept secret in
14:14:29 38 Melbourne.
39

14:14:32 40 Sorry, I've been whispered at to my right, sorry Ms Gobbo.
14:14:37 41 The next comment that she says, because obviously she's
14:14:40 42 been asked about your evidence and has provided a statement
14:14:42 43 in response, she says this, "I did not say to Nicola Gobbo
14:14:45 44 at any time that I'd received a brief and 'you are all over
14:14:50 45 it'". What do you have to say that to?---Well it's my
14:14:55 46 recollection that she told me rather than me inquiring of
14:14:59 47 her.

1
14:15:00 2 She then says, "I raised with Mr Williams at one of our
14:15:04 3 early conferences the call charge records. In particular I
14:15:08 4 sought his instructions on the calls between Gobbo and
14:15:10 5 PII [REDACTED]. I was concerned about her involvement with
6 PII [REDACTED] at the time of the murders. I do not believe he
14:15:14 7 ever provided instructions on that issue. I do not
14:15:15 8 specifically recall the records of Ms Gobbo's visits to
14:15:20 9 PII [REDACTED] in prison". Pausing there. You've hear generally
14:15:23 10 what she - she says, "I did not discuss the Williams' case
14:15:26 11 with Gobbo at any time, nor is that likely given the
14:15:32 12 concerns I had about her involvement". She did not give
14:15:34 13 you permission to enter he chambers "when I was not there".
14:15:34 14 She did not invite you into her chambers when she was
14:15:37 15 there. "I do not believe she was ever in chambers with my
14:15:40 16 knowledge", in her chambers. What do you have to say about
14:15:43 17 that, Ms Gobbo?--Well I just - I stand by what I said.
14:15:47 18 I've got a recollection of standing in her chambers with
14:15:50 19 her talking about it. And I mean I understand she's hardly
14:15:55 20 going to - nobody's been asked or probably said anything
14:16:00 21 remotely kind or helpful about me at all but she's hardly
14:16:04 22 going to say that, she's hardly going to admit that she,
14:16:08 23 um, was the, was someone who enjoyed, um, gossiping about
14:16:16 24 all kinds of things back then.

25
14:16:18 26 The other matter that's been characterised throughout these
14:16:21 27 proceedings, particularly early in the piece, that this was
14:16:23 28 a burglary. No one's really paid attention to the elements
14:16:26 29 of the offence. Assuming that Ms Cure's right, obviously
14:16:32 30 an issue would be whether you had an intention to steal.
14:16:36 31 Is there anything you say or even that you admit now that
14:16:39 32 suggests you had an intention to steal anything from
14:16:41 33 Ms Cure's chambers?--Well, I mean I reject that assertion
14:16:45 34 entirely. Um, I've never stolen anything from anyone's
14:16:50 35 chambers or at all, full stop.

36
14:16:52 37 Okay. Next topic, Jeffrey Pope. You alluded to it but
14:16:58 38 Mr Winneke didn't go into it in detail but I will. Mr Pope
14:17:04 39 has given general evidence that he denies that you had a
14:17:13 40 affair with him, or had any sexual contact with him, what
14:17:13 41 do you say about that?--He's a liar.

42
14:17:15 43 His evidence to the Commission that he's previously given,
14:17:18 44 and I understand he'll be returning, is that in short he
14:17:21 45 was receiving information from you. Now pausing there,
14:17:23 46 dealing with some of Mr Holt's questions, as I will do
14:17:26 47 throughout a number of the people he represents?--Yes.

1
14:17:31 2 Did you force Mr Pope to sit there and listen to you?---No,
14:17:35 3 not at all.
4
14:17:37 5 Did you force Mr Pope to register you despite knowing that
14:17:41 6 you were a lawyer?---No, not at all.
7
14:17:43 8 Did you know Mr Pope registered you?---No, I knew - I found
14:17:46 9 that out when I heard about it in the media.
10
14:17:51 11 Did you force Mr Strawhorn, the corrupt police officer who
14:17:52 12 you were providing information to you, to receive
14:17:54 13 information from you even though he knew you were a
14:17:57 14 lawyer?---No, how could I? No.
15
14:18:00 16 Again, did you force Mr Strawhorn to pass you on to Mr Pope
14:18:06 17 as he did at the Emerald Hotel?---No, not at all.
18
14:18:09 19 Did you make these people listen to you?---No, I would not
14:18:13 20 even have had the ability to do that. Um, I mean, they're
14:18:16 21 police. Who am I?
22
14:18:18 23 These are questions I'll continue to ask you when we deal
14:18:23 24 with which police knew about your conflicts, which
14:18:26 25 prosecutors knew about your conflicts, which officers knew
14:18:26 26 about your use as an informer. We'll go through them as we
14:18:30 27 go through this. Just so you can fairly deal with the
14:18:34 28 suggestions put to you by Victoria Police?---Yes.
29
14:18:36 30 Mr Pope, let's pull up his affidavit. RC61, please. You
14:18:47 31 haven't seen this. Just to put this in context, Ms Gobbo.
14:18:51 32 This is - you'll see from the first line actually, "I'm
14:18:55 33 aware of the identity of the person referred to within
14:18:59 34 Victoria Police as Witness F. I became aware on 24 October
14:19:02 35 2011 that Witness F", which is you, "has made allegations
14:19:07 36 that she had a sexual relationship with me". This is in
14:19:10 37 relation to what you told Boris Buick?---Yes.
38
14:19:12 39 Can you read paragraph 4?---Yep. You mean to myself?
40
14:19:17 41 Yes?---Yes. Does it go over to the next page?
42
14:19:43 43 It does. And read paragraph 5 as well if you can,
14:19:48 44 please?---Yes, I've read it.
45
14:20:27 46 Generally speaking what do you say about that?---Um, well,
14:20:32 47 he's got, um, he's just told a stack of lies.

1
14:20:36 2 Okay. Then read paragraphs 6 and 7, please?---Um, no,
14:20:51 3 that's - there's some of what he says in paragraph 5 is
14:20:57 4 just, it's so absurdly ridiculous, um, and totally untrue.
14:21:03 5 I don't know where he could come up with that stuff from.
14:21:06 6 And obviously paragraph 7, um, I don't know, I can recall
14:21:13 7 where I was living at that time or one of two residences,
14:21:19 8 um, but this is not something that I would, um, would have
14:21:27 9 even any reason at all to make up let alone to, um, or to
14:21:32 10 imagine it happen when it didn't, or to make up so many
14:21:35 11 years after the event.
12
14:21:36 13 Just to assist you and look at his account based on your
14:21:41 14 own records, could I ask that your 1999 pocket diary be
14:21:45 15 brought up?---Yep. I mean this whole part about me
14:21:56 16 purportedly saying to him basically, "Would you like to go
14:22:01 17 on a holiday to Hawaii with me, I'll pay for you", it's
14:22:06 18 just, it's just ridiculous. I'll stop.
19
14:22:08 20 No, no, it's okay. Let me try and run through some dates
14:22:12 21 because I thought that it was on the system. It's not.
14:22:14 22 But there's a way I can do this. Just to put this in
14:22:21 23 context, Mr Pope sends an email at the end of September
14:22:25 24 1999 in effect saying that you'll be deactivated and he
14:22:30 25 won't be receiving any more information from you, and
14:22:34 26 there's an entry I think on 2 October that confirms the
14:22:37 27 same?---Yep.
28
14:22:39 29 His evidence, I remind everyone, and as literally as per
14:22:41 30 that affidavit. In your diary, on 26 May 1999 there's a
14:22:45 31 reference to his email address?---Yes.
32
14:22:48 33 At the bottom of the page is just his name Jeff Pope with a
14:22:53 34 tick?---Yep.
35
14:22:54 36 Next entry, 1 June 1999, it says "Call Jeff, 7 am", with a
14:22:59 37 tick?---Yes.
38
14:23:00 39 Then to put in context the holiday that he was referring to
14:23:03 40 then and he says he never spoke to you afterwards, 4 August
14:23:07 41 1999 you go to Los Angeles, followed by Hawaii, with your
14:23:14 42 now deceased mother?---Yes.
43
14:23:15 44 You returned to Australia on 17 August 1999?---Yep.
45
14:23:20 46 So after this period, according to Mr Pope, there should be
14:23:24 47 no more contact with him?---Yep.

1
14:23:26 2 There are entries on 22 August, 23 August, 28 August, 31
14:23:34 3 August, 2 September, 7 September, all relate to - entries
14:23:43 4 related to Mr Pope. Some say, "Call Mr Pope". Some say,
14:23:48 5 "Provide notes to him"?---Yes, this was - that was, sorry,
14:23:52 6 that was some law subject notes that he wanted for his
14:23:58 7 degree.
8
14:23:59 9 Then there's an entry on 14 December 1999?---Yes.
10
14:24:07 11 Then on 17 December 1999, there's a "Jeff Pope" with a tick
14:24:11 12 next to it which appears to straddle two days, there's a
14:24:15 13 "maybe overnight"?---Right, yep. Um, I'm not sure on that
14:24:20 14 one.
15
14:24:20 16 Are you able - - - ?---I don't have a recollection now but,
14:24:30 17 um, I can't see anything that sounds like - um, obviously I
14:24:32 18 did see him and the tick would mean that I had seen him or
14:24:35 19 that I've, I usually put in my diary a tick when I'd seen
14:24:41 20 someone or I had, um, when I've rung them, if it was a
14:24:46 21 reminder to return a phone call or a message.
22
14:24:51 23 The suggestion that Mr Pope stopped contact with you after
14:24:53 24 you returned from your holiday, or before you went on the
14:24:56 25 holiday in fact, because he says he doesn't speak to you
14:24:59 26 after that conversation, based on your diary, your record
14:25:03 27 at the time, what do you say about that?---Well it just
14:25:10 28 really confirms what I've said, which is that he's a liar.
29
14:25:13 30 The Commission has a number of text messages you sent later
14:25:16 31 in time to your sister?---Yes.
32
14:25:20 33 We've had one of them already read out, but there's a text
14:25:24 34 message sent on 26 August 2010?---I think this was when I
14:25:33 35 see him on television and I, I hadn't thought of or seen
14:25:39 36 him for a very long time and, um, I raised it with her.
37
14:25:43 38 You make reference to the person buying their home ten
14:25:50 39 years prior, so in about 2000, and you give an
14:25:54 40 address?---Right.
41
14:25:54 42 And it appears to refer to Mr Pope. Do you know where
14:25:59 43 Mr Pope lived in the year 2000?---Um, I may have. I don't
14:26:03 44 recall now but I may have.
45
14:26:04 46 And how would you have learnt that information?---From him.
47

14:26:16 1 In due course, Commissioner - Mr Chettle, as you probably
14:26:20 2 heard, wants it tendered.
3

14:26:22 4 COMMISSIONER: Yes. I was just waiting for an appropriate
14:26:25 5 break, unlike Mr Chettle.
14:26:30 6

14:26:31 7 MR NATHWANI: And in due course I will tender those, or
14:26:33 8 perhaps the entire diary. You'd made some observations
14:26:38 9 based on all of that material in relation to the propriety
14:26:41 10 of Mr Pope being involved in any decision-making in
14:26:44 11 relation to you?---Yes.
12

14:26:48 13 And in fact your future, your health, your safety, all of
14:26:51 14 the above. Do you want to spell out the concerns that you
14:26:53 15 may have or that you had?---Well obviously I didn't know
14:27:01 16 that he had been on the steering committee, let alone the
14:27:03 17 role that I now understand that he had, that he played in
14:27:05 18 relation to decisions, um, in relation to what happened to
14:27:10 19 me and how I was going to be treated or managed. Um, but I
14:27:17 20 think the biggest concern I have now is not that I had had
14:27:24 21 a brief fling with him when I was young and so long before
14:27:30 22 anything occurred, but the fact that the man for some
14:27:33 23 reason, well for a reason I don't understand and maybe
14:27:37 24 there's material that's been before the Commission that
14:27:42 25 puts it into a context, but for some reason he swears an
14:27:47 26 affidavit at that time in 2011, um, where he denies this,
14:27:54 27 um, which, you know, it's, you know, it's quite
14:27:57 28 embarrassing for me to have to give instructions to lawyers
14:28:01 29 about this topic and to answer the Commissioner's specific
14:28:05 30 questions about when and where things have happened and if
14:28:08 31 I could remember detail like that. Um, so my biggest
14:28:14 32 concern is that, um, it's just the outright lies. If he
14:28:18 33 lied about this, what else did he lie about in terms of the
14:28:21 34 way he managed me ?
14:28:22 35

14:28:23 36 I understand. Next topic. Mr Holt questioned you about
14:28:27 37 the Paul Dale and the - - -
38

14:28:28 39 COMMISSIONER: Do you want to tender those now?
14:28:32 40

14:28:33 41 MR NATHWANI: Yes please.
42

14:28:34 43 COMMISSIONER: So the diary - - -
14:28:36 44

14:28:36 45 MR NATHWANI: Entries for 26 May.
46

14:28:39 47 COMMISSIONER: 26 May 1999.

14:28:42 1
14:28:43 2 MR NATHWANI: 1 June, 4 August, 17 August, 22 August, 23
14:28:48 3 August, 28 August, 31 August, 2 September, 7 September, 14
14:28:55 4 December, 17 December.
5
14:28:59 6 COMMISSIONER: Right. Of 99.
14:29:00 7
14:29:02 8 #EXHIBIT RC1181A - (Confidential) Diary entries.
14:29:05 9
14:29:05 10 #EXHIBIT RC1181B - (Redacted version.)
14:29:08 11
14:29:08 12 MR NATHWANI: And the text message.
13
14:29:10 14 COMMISSIONER: 26 August 2010.
14:29:12 15
14:29:12 16 MR NATHWANI: From Ms Gobbo to her sister.
14:29:15 17
14:29:15 18 #EXHIBIT RC1182 - Text message from Ms Gobbo to her sister.
19
14:29:25 20 You were asked about when you saw Mr Dale, about the
14:29:28 21 document he wrote on?---Yes.
14:29:30 22
14:29:30 23 And you gave some information that you were looking at a
14:29:32 24 transcript and pointing out to investigators who were
14:29:34 25 filling in the material. Could we pull up
14:30:01 26 MIN.0001.0012.0600. Just before we go into this, the
14:30:06 27 genesis of this document was the investigators, O'Connell,
28 and others?---Yes.
29
14:30:12 30 Gave you the transcript, along with the recording, do you
14:30:12 31 recall that?---Yeah. I don't, um, I don't want to sound
14:30:16 32 pedantic but I don't recall being given it on my own. I
14:30:20 33 recall the only way I was allowed to listen to it was with
14:30:26 34 Mr Solomon and Mr Davey.
12:30:42 35
14:30:51 36 Okay. Whose handwriting is that on there?---That's my
14:30:51 37 handwriting.
14:30:51 38
14:30:51 39 Okay, if we can just scroll down?---Sorry, sorry, if you go
14:30:51 40 back to the cut off page. That is me saying to remind
14:30:52 41 myself to add into second statement - - -
14:30:55 42
14:30:55 43 Specifics?---Yes, that's right. Because there was going to
14:30:57 44 be the meeting, the meetings with Mr Davey and Mr Solomon,
14:31:02 45 um, were such that the intention thereafter was for there
14:31:07 46 to be a second statement to explain all this.
14:31:09 47

14:31:09 1 If we just scroll down a couple of pages.
14:31:12 2
14:31:12 3 COMMISSIONER: This is Exhibit 246.
14:31:15 4
14:31:15 5 MR NATHWANI: Thank you. So keep going. Right. Pause
14:31:20 6 there. So Dale says, you can see where your handwriting
14:31:27 7 is, "RB well and truly", you've got a pen, and you write
14:31:32 8 down what he's actually doing from your memory?---Yes.
14:31:35 9
14:31:35 10 You write down, "ACC on paper", there's a discussion about
14:31:39 11 what lawyer would go around without a pen or a business
14:31:42 12 card. So there's a discussion between you and him about
14:31:44 13 what to write on, and you've bracketed it at that point.
14:31:48 14 He's written down ACC as you've given evidence about,
14:31:54 15 right. If we go to the .0603 - if we go, sorry, to 0664.
14:32:07 16 Because you write notes all over it, but 0664?---Yes.
14:32:13 17 Yeah, that's right, because I wasn't allowed to keep a copy
14:32:18 18 of this transcript. They brought it with them and they
14:32:21 19 took it away.
14:32:22 20
14:32:23 21 Keep scrolling. I want p.62, so the next page. In fact
14:32:28 22 there it is. Do you see where it says track 01:01:49, you
14:32:34 23 say he wrote on paper and he writes two particular
14:32:37 24 names?---Yes.
14:32:37 25
14:32:37 26 You would have given evidence that it was PII [REDACTED] and
14:32:40 27 PII [REDACTED]?---Right.
14:32:41 28
14:32:41 29 Which investigator was sitting with you with this
14:32:45 30 recording?---Mr Solomon and Mr Davey.
14:32:46 31
14:32:46 32 Did they ask you for the piece of paper you were referring
14:32:50 33 to then?---No.
14:32:51 34
14:32:52 35 Would you have given it to them if they had asked?---Yep.
14:32:55 36
14:32:55 37 What was the purpose of these notes again?---The whole
14:32:58 38 purpose was to, well two reasons. One was to, um, try and,
14:33:04 39 um, fill in the gaps where the, um, recording was inaudible
14:33:11 40 because I knew my own voice so I was able to work out what
14:33:16 41 some of the words were from the background noise. And the
14:33:19 42 second was to clarify, um, the parts that, if you just look
14:33:21 43 at the transcript or know to listen to it, you can make
14:33:29 44 assumptions about the meaning of it that aren't correct
14:33:31 45 because you need to know that he was writing things down,
14:33:35 46 um, and so, and where the inaudibles are there are actually
14:33:41 47 words that you can hear when you listen to it. The whole

14:33:44 1 purpose was to get an accurate transcript and another
14:33:46 2 statement.

14:33:47 3
14:33:47 4 Right, thank you. We will now go to new topic. Obviously
14:33:51 5 part of the work of the Commission is looking into
14:33:55 6 convictions of affected people and in your statement you
14:33:59 7 make reference to providing a document to Peter Morrissey,
14:34:04 8 senior counsel, in relation to the Mokbel trial?---Yes.

14:34:10 9
14:34:10 10 And you make reference to a particular witness who you
14:34:15 11 provided, as you understand it, a statement to Mr Morrissey
14:34:20 12 to go to the credibility of that individual?---Yeah,
14:34:23 13 PII correct.

14:34:24 14
14:34:24 15 I was going to say PII. And that refers to some
14:34:28 16 notes you had in your court books, is that right?---Yes,
14:34:33 17 the notes that I took, um, when I saw him in the Custody
14:34:39 18 Centre, um, either the night or the morning after his
14:34:42 19 arrest, um, because when, um - - -

14:34:48 20
14:34:51 21 I think you discussed it with Mr Winneke where he makes an
14:34:54 22 allegation that he rubs his fingers together and he talks
14:34:57 23 about money, suggesting you were going to pass on the
14:35:00 24 message to be paid, when in fact your notes reflect he
14:35:04 25 talked about bucks?---Yes, money in a, in a
14:35:08 26 in a that the police don't find when
14:35:11 27 they search his house.

14:35:12 28
14:35:13 29 Your understanding, correct me if I'm wrong, is that your
14:35:16 30 statement was used in part in relation to a nolle
14:35:20 31 application to withdraw proceedings against Mr Mokbel in
14:35:24 32 relation to the murder of PII, is that right?---Yes,
14:35:26 33 my understanding is that upon receipt of that draft, that
14:35:31 34 statement, Mr Morrissey speaks to the Crown and the Crown
14:35:35 35 withdraw the charge against Mr Mokbel.

14:35:36 36
14:35:37 37 PII is a key witness in relation to other people who
14:35:40 38 are currently serving prison sentences?---Yes.

14:35:43 39
14:35:43 40 In relation to murder and other offences. Are you saying
14:35:46 41 that the information that you provided could assist in
14:35:49 42 relation to that affected person or affected people?---I
14:35:54 43 know, for example, um, , who is serving a sentence
14:35:58 44 based upon little other than the evidence of PII and
14:36:03 45 another individual who is in the same category of
14:36:07 46 credibility as PII, um, had, um, had, through his,
14:36:16 47 um, barristers and solicitors, um, gone through the whole

14:36:20 1 process of summonses in the Magistrates' Court and
14:36:23 2 subpoenas in the Supreme Court and was told that these
14:36:27 3 notes do not exist.

14:36:28 4
14:36:28 5 Okay?---And yes, in answer to your question, it, um, given
14:36:35 6 that what I say he said is just, um, all, it's all, all of
14:36:42 7 it's lies, yes, it would have made a difference to his
14:36:46 8 cross-examination.

14:36:46 9
14:36:46 10 Thank you. Next topic. The Commissioner asked you to
14:36:51 11 consider some names of the practice of effectively police
14:36:59 12 officers not appearing on briefs so they can't be
14:37:02 13 cross-examined about contact, an example may be Ms Kerley
14:37:06 14 in relation to you and PII [REDACTED]?---Yes.

14:37:09 15
14:37:10 16 And you were asked whether you knew of any other examples.
14:37:12 17 I only ask you because it's a matter that you've been asked
14:37:15 18 to consider. Are you aware of any other specific examples
14:37:20 19 as requested?---Um, I know the Commissioner asked me if I
14:37:27 20 could think of exactly, um, who, which police officer, um,
14:37:34 21 told me or talked to me about the issue of sending a police
14:37:41 22 officer in to a bail application on the basis, or a
14:37:46 23 subpoena return in circumstances where the officer would
14:37:50 24 not be perjuring themselves because they simply didn't know
14:37:54 25 that certain things existed and I can't think of
14:37:58 26 specifically a name, but what I would say is that the
14:38:01 27 practice of doing that continues by Victoria Police, um.
14:38:10 28 One example would be a murder trial that started in the
14:38:13 29 Melbourne Supreme Court last week where a main Senior
14:38:16 30 Sergeant, he is all over the investigation for at least 18
14:38:20 31 months, and, um, involved in various significant aspects of
14:38:24 32 the evidence, and he is, has not made a statement and is
14:38:29 33 not being called by the Crown.

14:38:31 34
14:38:31 35 Do you know the name of that Senior Sergeant?---Yes, Sol
14:38:35 36 Solomon.

14:38:35 37
14:38:35 38 Thank you. Right, next, Mr - - -

14:38:39 39
14:38:40 40 MR HOLT: Sorry, Commissioner, while there's a logical
14:38:42 41 break, could I ask you to look at 13771, line 4, it is just
14:38:48 42 a name that was used that should come out of the - 13771,
14:38:57 43 line 4, there's a name. It's immediately linkable biodata.
14:39:03 44 I'd be grateful if that could come out. I apologise for
14:39:05 45 interrupting.

14:39:06 46
14:39:06 47 COMMISSIONER: Yes, the name at line 4 should be removed

14:39:09 1 from the transcript and the live stream, thank you.

14:39:11 2
14:39:11 3 MR HOLT: Thank you, Commissioner.

14:39:13 4
14:39:14 5 COMMISSIONER: Yes Mr Nathwani.

14:39:18 6
14:39:18 7 MR NATHWANI: Next topic. You were asked about
14:39:20 8 PII allegation that he gave you cash. The way the
14:39:24 9 question was asked it was, "Did PII give you cash
10 for his solicitors, for you and other counsel?" I want to
14:39:30 11 break this down into individual so we can really focus.
14:39:30 12 Did PII give you cash to pay for his solicitors?---Um,
14:39:37 13 no, my recollection is that, um, when his solicitor was,
14:39:44 14 um, Mr Hargreaves, that he paid his solicitor because that
14:39:51 15 is the only way that that particular solicitor dealt with
14:39:55 16 fees. Um, Mr - if, um, if PII had given me, um, any
14:40:04 17 money, either, um - one thing, because of the nature of
14:40:11 18 what I was doing with Victoria Police, um, and whether it
14:40:16 19 was true or not, I thought they were watching everything I
14:40:19 20 did because that's the impression that, um, that Mr White
14:40:22 21 and Mr Smith gave me. I was only telling them, sorry, I
14:40:29 22 was definitely telling them and, um, concerned about the
14:40:34 23 prospect of ever receiving an amount of money that wasn't
14:40:39 24 for fees.

14:40:39 25
14:40:40 26 Next, you answered about yourself. The third one is other
14:40:43 27 counsel. For example, we know PII PII
14:40:48 28 PII, represented him in due course. Did you ever - -
14:40:51 29 -?---Yes.

14:40:51 30
14:40:52 31 - - - receive cash from PII to pay for his fees?---No.

14:40:58 32
14:40:58 33 What was that, sorry, I didn't hear you?---No, I didn't.

14:41:01 34
14:41:01 35 Thank you. Now, let's talk about PII please. And
14:41:06 36 I'll go through this quite quickly. PII, a colourful
14:41:12 37 character who gave evidence yesterday, he indicates you
14:41:14 38 were PII. It changes from between, I think, PII
14:41:21 39 to \$PII or PII to \$PII, and anywhere between PII grand
14:41:29 40 total to about PII. What do you want to say about
14:41:32 41 that?---That's just utter rubbish. It's just - I mean it's
14:41:37 42 unmitigated rubbish and it's, I mean leave aside the fact
14:41:42 43 that had that ever occurred it would be, definitively be
14:41:46 44 something that, um, Purana would know about by reason of
14:41:49 45 all of their surveillance, listening devices, telephone
14:41:52 46 intercepts, that I was coming across, and through their
14:41:55 47 investigation of him, but also it would have been something

14:41:59 1 that, um, that investigators would know about because in
14:42:04 2 the course of, um, acting for these people prior to my
14:42:08 3 registration, um, I am aware that I had been looked at from
14:42:13 4 the point of view of, um, of, um, not necessarily proceeds
14:42:19 5 of crime but, you know, in the category of all lawyers
14:42:23 6 involved in the gangland matters from the point of view of
14:42:28 7 receiving large amounts of undeclared cash.

14:42:30 8
14:42:30 9 He also made the allegation that you provided or he
14:42:34 10 suspected you provided information about PII [REDACTED]
14:42:38 11 PII [REDACTED] What do you want to say about that?---His
14:42:42 12 PII [REDACTED] ? I don't know - I don't know
14:42:46 13 anything about PII [REDACTED].

14:42:48 14
14:42:49 15 Trying to jog your memory. He appeared at a particular
14:42:53 16 hearing that you represented him on, a coercive hearing on
14:42:56 17 the - - -?---Right, yes.

14:42:57 18
14:42:58 19 - - - PII [REDACTED] 2004, later in time PII [REDACTED], this is
14:43:01 20 PII [REDACTED], just to remind you?---Yep, yes.

14:43:05 21
14:43:05 22 Was charged with money laundering a figure that ultimately
14:43:10 23 was reduced when he pleaded guilty and avoided
14:43:15 24 prison?---Right.

14:43:15 25
14:43:15 26 Did you provide any information to the police about PII [REDACTED]
14:43:18 27 PII [REDACTED]?---No, I thought her, I thought PII [REDACTED]
14:43:23 28 was, um, charged in relation to a, one of the [REDACTED]
14:43:29 29 that were all done by the same, um, [REDACTED] um,
14:43:33 30 [REDACTED] not in relation to [REDACTED]

14:43:37 31
14:43:37 32 Okay. Next allegation he makes against you is that you
14:43:41 33 forced him, or it was only because of you that he
14:43:45 34 rolled?---No, I reject that. He wanted to roll from early
14:43:48 35 on.

14:43:49 36
14:43:50 37 Did you persuade him to give evidence, he made PII [REDACTED]
14:43:55 38 statements relating to pretty much most of the gangland
14:44:00 39 murders?---No.

14:44:00 40
14:44:00 41 Did you persuade him over that time to give the information
14:44:03 42 he did in those statements?---No.

14:44:05 43
14:44:06 44 Did you persuade him to plead guilty?---No. And ultimately
14:44:11 45 I didn't, um, I wasn't the person who, um, who resolved
14:44:19 46 his, you know, his actual settlement and, um, he had a QC
14:44:24 47 who did all of that.

14:44:25 1
14:44:25 2 Which again was PII [REDACTED], PII [REDACTED]?---Yes, it was.
14:44:31 3
14:44:31 4 He suggests that you stopped PII [REDACTED], who was then his
14:44:36 5 lead counsel, from attending upon him to give him advice
14:44:38 6 about his case, what do you say about that?---Rubbish. Um,
14:44:42 7 the truth is PII [REDACTED] wouldn't go anywhere without money
14:44:48 8 upfront being in his solicitor's trust account, sorry, as
14:44:53 9 in PII [REDACTED] solicitor's trust account, and as was often
14:44:58 10 the case there wasn't any, or PII [REDACTED] wouldn't provide
14:45:01 11 it.
14:45:02 12
14:45:02 13 There's an ICR which you obviously reported to your
14:45:05 14 handlers in June 2006 that PII [REDACTED] had run out of
14:45:10 15 money?---Yep.
14:45:10 16
14:45:11 17 And in effect he had problems with PII [REDACTED], does that
14:45:14 18 assist you, is that what you're referring to?---Yes, it
14:45:17 19 accords with my memory that I - I didn't prevent, um,
14:45:22 20 PII [REDACTED] going near him, nothing of that sort, um,
14:45:25 21 PII [REDACTED] did - either he ran out of money or he was just
14:45:32 22 not prepared to provide any or couldn't get access to any
14:45:36 23 more from whoever was funding him because ultimately, I
14:45:39 24 mean, I was stupid enough to even help him get the PII [REDACTED]
14:45:45 25 PII [REDACTED] fee waived to enable him to fast track a PII [REDACTED]
14:45:48 26 PII [REDACTED]
14:45:49 27
14:45:49 28 MR HOLT: Commissioner, we're into a lot of biodata true.
14:45:54 29
14:45:54 30 COMMISSIONER: This is true.
14:45:55 31
14:45:55 32 MR NATHWANI: Next topic, we'll move on. The next one I
14:45:57 33 want to ask you about is Mr Karam. You were asked about
14:45:59 34 obtaining money or property by deception by - - -?---Right.
14:46:03 35
14:46:03 36 And your evidence was in short, "I was often briefed to do
14:46:08 37 a particular task and I did that", I'm paraphrasing?---Yes.
14:46:11 38
14:46:11 39 The example that Mr Winneke used, it has been reported
14:46:15 40 widely you took \$60,000 off Mr Karam, okay?---Yes.
14:46:19 41
14:46:20 42 Just about 50,000 of those dollars related to a trial you
14:46:24 43 represented him on?---Yes, a three month drug importation
14:46:29 44 trial.
14:46:29 45
14:46:29 46 What was the outcome?---He was acquitted by a jury.
14:46:32 47

14:46:32 1 Right, thank you. Mr Karam during that trial, obviously
14:46:38 2 you've been asked about passing on a bill of lading, I
14:46:41 3 don't think there's any dispute that wasn't a privileged
14:46:44 4 document?---No.
14:46:44 5
14:46:45 6 The ecstasy hall was recovered in mid-2007?---Yes.
14:46:50 7
14:46:50 8 Without any of the main protagonists being arrested for
14:46:54 9 another year. Are you able to help with why they weren't
14:46:58 10 arrested for another year?---My understanding is that the
14:47:02 11 police were still building a case against the, um, the
14:47:07 12 accused, I can't be sure of how many of the accused there
14:47:17 13 were because there were a number of people who ultimately
14:47:19 14 became Karam's co-accused who I'd never met before.
14:47:21 15
14:47:22 16 Did the police encourage you to meet Karam and his
14:47:24 17 associates over the next year and undertake surveillance
14:47:26 18 when doing so?---Absolutely, yes.
14:47:28 19
14:47:28 20 So in other words the police were using you yet again to
14:47:32 21 their ends?---Yes.
14:47:33 22
14:47:34 23 When you were asked by Mr Holt about involvement in tomato
14:47:38 24 tins, the police were actively involved in obtaining the
14:47:42 25 evidence they didn't have over the next year, is that
14:47:45 26 right?---Yes, they - - -
14:47:46 27
14:47:46 28 It's borne out by the ICRs?---Yep, they did things that I
14:47:50 29 was aware of and obviously once, um, once everyone was
14:47:54 30 arrested it became evident that they'd done other things as
14:47:59 31 well, a number of them.
14:47:59 32
14:48:00 33 Next, we go to the issue of manipulation and intimidation.
14:48:08 34 I had to remind myself of the meaning of manipulation by
14:48:12 35 the dictionary. Just to assist you it says, "To handle or
14:48:16 36 control in a skilful manner, or alternatively to control or
14:48:21 37 influence someone cleverly or unscrupulously". Let's
14:48:25 38 start, please, with the very first transcript you have with
14:48:27 39 the handlers. We have VPL.0005.0037.0014. All right.
14:48:38 40 Mr Chettle, just to put this into context, earlier said
14:48:41 41 that the reference to ending up one of two ways in the goal
14:48:46 42 or the gutter wasn't mentioned in that first conversation,
14:48:49 43 it was about four conversations on and it came from your
14:48:53 44 mouth, all right?---Right.
14:48:54 45
14:48:54 46 You've obviously always given evidence that your memory,
14:48:57 47 your recollection was that came from Sandy White?---That's

14:49:01 1 what I thought, yes.
14:49:02 2
14:49:02 3 Let's just have a look at this?---This is the very first
14:49:12 4 meeting, isn't it?
14:49:14 5
14:49:14 6 It is. The first thing to note is you obviously at the
14:49:18 7 beginning of this conversation ask if it's recorded and
14:49:22 8 you're assured it's not?---Yes, and then I find out that he
14:49:24 9 (indistinct).
14:49:24 10
14:49:24 11 What do you want to say about manipulation or control, or
14:49:30 12 influence, scrupulously or otherwise in relation to the
14:49:32 13 tactic of telling you one thing but doing another?---Well,
14:49:36 14 it speaks for itself, doesn't it? I've been lied to from
14:49:40 15 day one.
14:49:40 16
14:49:41 17 Let's go to p.71, please, of this document. Let's read
14:49:49 18 this, so you're talking about Mokbel, okay, "But we're
14:49:52 19 heading towards an adjournment for him, some sort of stay
14:49:56 20 application or something, we're heading in that direction.
14:49:59 21 I keep saying my poor mother's been listening to it since",
14:49:59 22 et cetera. All right, so you carry on talking about
14:50:03 23 it?---Yep.
14:50:03 24
14:50:03 25 You talk about, and I'm just jumping through bits, "He says
14:50:07 26 stupid things on the phone and my blood pressure, I reckon
27 if I had a blood pressure monitor on me it would go up
14:50:12 28 every time I look at the phone and it's him ringing",
14:50:16 29 okay?---Yep.
14:50:16 30
14:50:17 31 Sandy White says, "Yep", go to the next page. "But I'm
14:50:20 32 increasingly alarmed", you say, "About my own exposure and
14:50:23 33 assumptions making that, because I do care at the end of
14:50:26 34 the day what people think"?---Yep.
14:50:28 35
14:50:28 36 He then says this, "Well, I can tell you this with a great
14:50:32 37 deal of certainty and there's very little I wouldn't tell
14:50:37 38 you I suppose during the course of our relationship", you
14:50:41 39 try to interrupt and he says, "Depending on how long it
14:50:43 40 goes, but I can tell you that your relationship with Tony
14:50:45 41 and others only can have one ending, well, it can actually
14:50:49 42 have two, but both of them", stop there. There he is
14:50:53 43 telling you with certainty, so he's telling you he knows
14:50:57 44 better than you do?---Yep.
14:50:59 45
14:50:59 46 He's going to tell you the truth and your relationship with
14:51:02 47 Tony is going to end one of two ways, okay?---Yep.

14:51:05 1
14:51:06 2 You then say, "Couldn't agree more because look at anyone,
14:51:09 3 look at anyone who has had any sort of relationship with
14:51:13 4 him". Now you're referring to all those associated with
14:51:15 5 Mokbel. Sandy White says, "Yep". You then take up his
14:51:19 6 suggestion that it can have two endings?---Yeah.
7

14:51:21 8 You say, "It only ends one of two ways". He replies, "Yep,
14:51:25 9 yep, that's a pretty solid past history of outcomes for
14:51:29 10 people, okay? But", and you say, "But I think it can be,
14:51:33 11 but the thing I've got". And then you say this, "I think
14:51:36 12 it can be, I hope that it won't be one of those two
14:51:40 13 endings, the same two you're thinking of, gaol or
14:51:44 14 death"?---Yep.
14:51:45 15

14:51:45 16 You told him what you're thinking. What's his response,
14:51:48 17 does he say, "No, no, that's not the two responses I was
14:51:52 18 thinking of, Ms Gobbo". What does he say?---He says he
14:51:54 19 agrees, they're exactly what he was thinking. That's what
14:51:57 20 he was trying to say and I interrupted.
14:51:59 21

14:51:59 22 Exactly right. Let's then go to some other references
14:52:03 23 during this conversation. Page 99. Because you're
14:52:09 24 obviously talking throughout this, and if anyone wants to
14:52:13 25 take you to this they can, but you're talking about your
14:52:17 26 motivations, your health, you want to get out?---Yes.
14:52:20 27

14:52:20 28 You say this at p.99. He says in the middle of the page -
14:52:26 29 no, sorry, at the top of the page, "What would actually
14:52:29 30 have to occur for you to re-establish your reputation" and
14:52:32 31 you take offence it looks like to that. You say, "What do
14:52:38 32 you mean re-establish? Well, if your reputation is". You
14:52:40 33 say, "Yeah, yeah. How would get back to where you wanted
14:52:42 34 it to be, you know, certainly for you?" You then say,
14:52:46 35 "Stop their drug work but this would be the first
14:52:48 36 thing"?---Yep.
14:52:48 37

14:52:49 38 At that stage he's suggesting that your reputation was
14:52:52 39 damaged. Back then how would you have taken the suggestion
14:52:55 40 that the police thought that you were, your reputation was
14:52:59 41 damaged or you were criminally involved?---Um, well, I
14:53:02 42 would have been quite, obviously upset and offended and,
14:53:08 43 um, and wanting to do my, I guess wanting to do my best to
14:53:15 44 prove that that assumption was wrong.
14:53:17 45

14:53:17 46 Let's go to p.116. And you were taken to a bit of this by
14:53:28 47 Mr Chettle, but not all of it, I want to go through all of

14:53:31 1 it, okay?---Yes.
14:53:33 2
14:53:33 3 You were asked, "Are you happy with that" at the top, you
14:53:36 4 say, "Yep. If you decide you're not happy with it, if you
14:53:39 5 decide you've had enough, you decide it's not working, you
14:53:39 6 stick your hand up and say you want out, that's it, it's
14:53:42 7 over". Obviously he is saying there you can get out when
14:53:46 8 you want?---Right.
14:53:47 9
14:53:47 10 Your response is then this, "I could go away for six months
14:53:52 11 but that's just running away, it's not dealing with the
14:53:55 12 problem, not dealing with the issues". His response, he
14:53:58 13 doesn't say go away for six months, what does he
14:54:01 14 say?---Well, "It's not dealing with it because if you
14:54:04 15 disappeared I think there'd be some questions raised by
14:54:08 16 Tony, yeah, by Tony and the others, they would start to
14:54:12 17 assume", and it's obvious that what he's talking about is
14:54:15 18 the assumptions that are being made, I'd just have a red
14:54:20 19 light - - -
14:54:20 20
14:54:21 21 So reading between the lines, how did you interpret that he
22 was actually saying or suggesting you could just walk
14:54:26 23 away?---In reality, in practical terms, I can't.
14:54:28 24
14:54:28 25 Is that the message that was reinforced to you over the
14:54:31 26 period of your relationship?---Um, yes, it was and that was
14:54:37 27 certainly my frame of mind. There was one occasion where,
14:54:43 28 I can't remember specifically at what point or who raises
14:54:47 29 it, but there's a discussion about, um, getting some legal
14:54:53 30 advice or me getting legal advice and there's a kind of
14:54:58 31 consensus of, well who could I go to because who on earth
14:55:02 32 could I speak to that, that wouldn't talk about this, as in
14:55:07 33 amongst lawyers that I knew in, um, in Victoria?
14:55:10 34
14:55:11 35 Can we go to p.126 to 127, we'll start at 126. So in the
14:55:21 36 middle Mr White says, "Listen, to talk to you about that
14:55:25 37 particular family, the Mokbels, quite easily but I don't
38 think you'll achieve very much. The objective today was
14:55:29 39 really just sort of test the water with you, see where you
14:55:32 40 could be useful. Yep. And most of all make sure you're
14:55:35 41 comfortable, if you're comfortable to have another meeting
14:55:37 42 next week we've achieved our objective". He says, "There's
14:55:40 43 no reason to hurry this". You talk about your health, and
14:55:44 44 that backs up that you'd been talking about it earlier.
14:55:47 45 You're then asked, "Well hopefully you're actually going",
14:55:50 46 and it's unheard direction, and then they say, "It might
14:55:53 47 feel like a great relief off your shoulders. Yeah, I do

14:55:58 1 feel relieved". You say, "I feel sick talking about it.
14:56:03 2 Do you think I need to worry, like ringing persons from
14:56:07 3 your phones?" And then they discuss more about your
14:56:10 4 health. Now here again, do you agree what they're saying
14:56:13 5 is it might be a relief to get all this off your
14:56:16 6 shoulders?---Yes.
14:56:18 7
14:56:18 8 And were they dissuading you? I hear the shout that that
14:56:22 9 was Mansell, it was Mansell. Did Sandy White or any of the
14:56:26 10 others, Smith, jump up and say, "Actually, no, no"?---No,
14:56:31 11 of course not. Look, I know one of the criticisms made of
14:56:39 12 me now, I had been kind of indoctrinated into this, um,
14:56:47 13 position, and over time enmeshed into it and, um, whilst I
14:56:53 14 know what I was asked by Mr Holt earlier, um, at no point
14:56:59 15 did any of these people just say, "Okay, well it's finished
14:57:03 16 tomorrow, we're not going - give back the phone, we're not
14:57:06 17 going to speak to you any more".
14:57:07 18
14:57:08 19 In fact let's just deal with one issue straight away.
14:57:10 20 Mr Holt talks about you, in effect, being a - giving the
14:57:13 21 impression of you being a renegade just acting in conflict
14:57:17 22 and just providing information to Victoria Police. This
14:57:19 23 first meeting, the first substantive question you were
14:57:22 24 asked is, "Let's, tell me everything you know about Tony
14:57:26 25 Mokbel", right?---Yep.
14:57:26 26
14:57:27 27 In that meeting was two, one controller, one handler and
14:57:30 28 two members of Victoria Police, Mansell and Rowe?---Yes.
14:57:35 29
14:57:35 30 They all knew you acted for Tony Mokbel, do you agree with
14:57:38 31 that?---Yes, they did.
14:57:39 32
14:57:40 33 Yet the first question they asked was in effect, "Carry on
14:57:43 34 breaching your conflict towards that person"?---Yes, it
14:57:47 35 was.
14:57:47 36
14:57:47 37 That may put some of the questions Mr Holt asked you in
14:57:50 38 context in relation to his clients. Let's now then please
14:57:54 39 go to Mr Overland. You were asked by Mr Gleeson about your
14:58:02 40 statement that Overland was corrupt, evil and dishonest.
14:58:06 41 Okay?---Yep.
14:58:06 42
14:58:06 43 You weren't taken to any material. Obviously your
14:58:10 44 statement details you haven't had access to lots and at the
14:58:13 45 time you made those statements you would have known more
14:58:16 46 the statement of corrupt, evil and dishonest?---Yes.
14:58:19 47

14:58:20 1 I'm going to ignore the fact that the only person who
14:58:23 2 denies that he knew about you speaking to the SDU prior to
14:58:26 3 registration is him, okay?---Yep.
14:58:27 4
14:58:28 5 There's notes, Jim O'Brien has notes to the contrary, Sandy
14:58:32 6 White has notes to the contrary?---Right.
14:58:34 7
14:58:34 8 You were asked if there was any time you were made aware he
14:58:38 9 knew about your existence, okay?---Yes.
14:58:40 10
14:58:40 11 There's an entry in Sandy White's diary on 17 May which in
14:58:46 12 effect says, and I'll take you to an SML in due course, but
14:58:49 13 Sandy White meets with Overland and Overland is told that
14:58:53 14 you, Nicola Gobbo, are aware that Overland knows of your
14:58:58 15 existence as an informer, okay?---I've not seen that, I
14:59:04 16 take your word for it. I'm just saying I'm glad that there
14:59:08 17 is some record that accords with what I recall being told.
14:59:11 18
14:59:12 19 And if we can go to the SMLs please. What was being
14:59:17 20 discussed is Overland says, I want you to comment on this,
14:59:21 21 that you needed to be phased out, it was in your best
14:59:25 22 interest, okay. We'll come on to the exact detail, but let
14:59:29 23 's, I just want to ask you this first thing about what
14:59:32 24 Mr Overland says. Mr Overland's view was that he found out
14:59:36 25 about you being an informer in late September 2005, so not
14:59:40 26 long after you're registered, okay?---Right.
14:59:43 27
14:59:44 28 His evidence is it was the least worst option to make you
14:59:48 29 an informer?---Right.
14:59:51 30
14:59:52 31 In the least worst option being could have allowed you not
14:59:58 32 to be registered, could have allowed you to go away for a
15:00:01 33 period of time, basically every option available, he said
15:00:04 34 the least worst option was to make you an informer against
15:00:08 35 some of the most serious criminals in Melbourne, what do
15:00:10 36 you say about that?---Sorry, do you mean least worst option
15:00:14 37 from Victoria Police's point of view, or from my point of
15:00:17 38 view?
15:00:17 39
15:00:18 40 His evidence was both. He says it was in your health and
15:00:21 41 interests and everything that the least worst option for
15:00:23 42 you, as well as Victoria Police, was for you to be signed
15:00:26 43 up, what do you want to say about that?---Well, look where
15:00:30 44 we are now? Quite clearly it wasn't. Um, I mean I know
15:00:35 45 that nobody, including him, had a crystal ball to know what
15:00:41 46 would happen and where this could end, but - and I've
15:00:46 47 conceded where I've, you know, I've said what I've said,

15:00:50 1 um, in the course of giving evidence to the Commission,
15:00:54 2 but, um, you know, at all times, rightly or wrongly I
15:01:04 3 figured well, these are police and, um, Mr White, in whom I
15:01:08 4 had a great deal of trust and obviously I valued his
15:01:15 5 opinion, more so at the time, you know, my view was well
15:01:20 6 these are police and obviously they know what's going on
15:01:24 7 and if, unless they're saying to me, "Well you're
15:01:29 8 committing a crime" or they stopped talking to me, or don't
15:01:35 9 encourage me to speak to a particular person or whatever it
15:01:37 10 was, you know, obviously I wrongly assumed that, um, that
15:01:44 11 they were, they were steering the, they were driving the
15:01:49 12 bus is probably a better way to put it.

15:01:51 13
15:01:52 14 I'm going to flick you through some of the SMLs and then
15:01:57 15 ask whether what was recorded was being fed back to you.
15:01:59 16 Overland indicates that on 17 May his view was that there
15:02:03 17 should be some consideration to shutting you down,
15:02:06 18 okay?---Right.

15:02:06 19
15:02:06 20 In fact, we know you weren't shutdown for another two and a
15:02:11 21 half years?---Yep.

15:02:12 22
15:02:12 23 Now, as far as you're concerned were you receiving any
15:02:15 24 messages back that Mr Overland no longer wanted you to be
15:02:19 25 involved in the provision of information.

15:02:21 26
15:02:21 27 COMMISSIONER: You better say which year you mean, you said
15:02:25 28 the PII

15:02:26 29
15:02:26 30 MR NATHWANI: Sorry.

15:02:28 31
15:02:28 32 COMMISSIONER: PII

15:02:29 33
15:02:29 34 MR NATHWANI: 2006 was his evidence. It's after, just to
15:02:32 35 put it into context, it's after, after PII has been
15:02:37 36 arrested, it's after PII has - - -?---I know - - -

15:02:43 37
15:02:43 38 Hold on. After PII has been arrested, it's after Tony
15:02:47 39 Mokbel is out of the country, it's after the other Mokbels
15:02:51 40 have been arrested or implicated by this stage. That's the
15:02:55 41 time he says the least worst option in PII, 2006, based on
15:03:00 42 your health, was to phase you out, not based on anything
15:03:03 43 else, okay?---Right.

15:03:05 44
15:03:05 45 In fact did that occur?---No, it didn't.

15:03:08 46
15:03:08 47 Did you receive any messages back that Overland was saying

15:03:11 1 shut you down?---No, I didn't.
15:03:13 2
15:03:16 3 Were you tasked thereafter?---Yes, I was, yes.
15:03:20 4
15:03:21 5 If we can go to 18 November 2006 on the SMLs. I'm just
15:03:53 6 going to paraphrase it so you can see it. There's a
15:03:57 7 meeting there with Biggin, Sandy White and a couple of the
15:04:00 8 handlers, okay?---Yes.
15:04:01 9
15:04:02 10 There's a discussion about your deactivation, the duty of
15:04:05 11 care being present, so they're saying that because there's
15:04:09 12 a duty of care towards you they must maintain contact and
15:04:12 13 say deregistering is not possible at this time. You ought
15:04:16 14 to be told intelligence will not be acted upon or passed
15:04:21 15 on, do you see that?---Yes.
15:04:22 16
15:04:22 17 Then if we scroll to the next page, "Value. Source
15:04:28 18 continues to be high value source of regular intelligence
15:04:32 19 however this will now only be acted upon if extreme
15:04:37 20 circumstances exist". Trying to cast your mind back to
15:04:40 21 2006, was that the message you received?---I certainly got
15:04:43 22 the, if you go back the page, I got the first bit.
15:04:46 23
15:04:47 24 Yes?---I can't remember precisely when, but at some point
15:04:52 25 there was some discussion with some handler, or maybe - I
15:04:55 26 don't know whether it was a handler or a meeting, that, um,
15:05:01 27 that they couldn't act upon any intelligence, although they
15:05:05 28 didn't tell me, the impression, or sorry, my recollection
15:05:09 29 is that the reason they couldn't act upon it was because it
15:05:14 30 would, the expression used was it would light me up, as in
15:05:19 31 it would disclose me.
15:05:21 32
15:05:22 33 Let's go to 16 May 2007. I'm fast-forwarding a bit. This
15:05:28 34 is a year after Overland has said you should be shut
15:05:32 35 down?---Yep.
15:05:33 36
15:05:48 37 Sorry, 25 May 07?---Right.
15:05:51 38
15:05:51 39 My fault. There you go. Meeting between Biggin and
15:05:56 40 Overland?---Yes.
15:05:58 41
15:05:58 42 There's a briefing about the knowledge of Paul Dale?---Yes.
15:06:02 43
15:06:04 44 They're updated, just to put this in context, about a month
15:06:08 45 earlier Overland's authorised the handlers to speak to you
15:06:13 46 about Paul Dale and the Hodson murders, if we can go back
15:06:17 47 to the entry if anyone wants?---Yep.

15:06:19 1
15:06:20 2 It's in April 2007?---Yep.
15:06:22 3
15:06:23 4 Here we go, they discuss your psychological assessment and
15:06:27 5 ongoing viability and do you see there, it's agreed that
15:06:30 6 you're viable for Operation Petra investigations and also
15:06:33 7 in relation to Briars, because they talk about
15:06:36 8 Waters?---Yes.
15:06:36 9
15:06:37 10 Also agreed the OPI will not subpoena you, okay?---Right.
15:06:42 11 Quite clearly that didn't work.
15:06:44 12
15:06:44 13 We'll come on to that. Do you agree there that rather than
15:06:47 14 deactivating you and not really gaining any intelligence,
15:06:51 15 here we have Overland speaking to Biggin, basically saying
15:06:55 16 you're viable for Petra and to use you as such and also in
15:07:00 17 relation to Waters and others?---Yes, absolutely.
15:07:02 18
15:07:03 19 Right. Because we're dealing with the, what you say about
15:07:07 20 Mr Overland being dishonest, et cetera, et cetera. Let's
15:07:12 21 go to 12 July 2007. Okay. You see 12 July, the handler or
15:07:25 22 a controller is making inquiries of Overland, prohibiting
15:07:29 23 certain questioning of you at the OPI?---Yes.
15:07:31 24
15:07:32 25 All right. The next, if you look at 17 July, there's a
15:07:35 26 meeting, okay?---Yep.
15:07:37 27
15:07:38 28 "Discuss issues about the OPI hearing, possibility of your
15:07:44 29 compromise"?---Yep.
15:07:45 30
15:07:45 31 "Told the Chairman is aware of some assistance that you've
15:07:48 32 provided police and will ensure you're not put in a
15:07:51 33 self-compromising position"?---Yes.
15:07:54 34
15:07:54 35 There's an agreement to strategy. It's agreed that DDI
15:07:59 36 Ryan, Purana will be present at hearings in case there are
15:08:02 37 problems?---Yes.
15:08:02 38
15:08:03 39 Mr Ryan's evidence was he turned up to the OPI, didn't know
15:08:07 40 what he was doing there, despite being a Senior Detective,
15:08:10 41 and had no idea what, what the purpose of him being there
15:08:13 42 was. What do you say about that?---That's just rubbish.
15:08:16 43 He was, um, I knew that he knew about my role. Even if,
15:08:25 44 even if he blindly, someone tells him to go along to the
15:08:31 45 hearing and he doesn't even know who is being examined,
15:08:34 46 even if you accept that, which sounds ridiculous, once he
15:08:38 47 gets there and sees it's me, of course he knows what it's

15:08:42 1 about.
15:08:42 2
15:08:43 3 Let's just deal with Mr Ryan because he's one of those I
15:08:45 4 want to ask you about. We know that in 2004, 2005 you were
15:08:50 5 providing information to Stuart Bateson?---Yes.
15:08:53 6
15:08:54 7 Stuart Bateson's notes and his evidence reflect that
15:08:56 8 everything you told him he passed on to Gavan
15:09:00 9 Ryan?---Because he was his then boss, that's right.
15:09:02 10
15:09:03 11 Including an occasion where Mr Bateson tasked you to obtain
15:09:07 12 some information, yes?---Yes, yep.
15:09:09 13
15:09:11 14 Let's be clear: Mr Bateson was aware when you were
15:09:14 15 representing PII [REDACTED] that you'd been involved with PII [REDACTED]
15:09:20 16 PII [REDACTED], because you had a discussion with him about
15:09:23 17 it?---Yes.
15:09:23 18
15:09:24 19 So he knew you were acting in conflict there. Bateson then
15:09:27 20 knows that you acted for PII [REDACTED] when it comes to his
15:09:31 21 statements?---Correct.
15:09:32 22
15:09:32 23 And obviously must have known that PII [REDACTED] implicated
15:09:35 24 PII [REDACTED] so there you are, a police officer who knew you
15:09:38 25 were acting in conflict, do you agree?---Yes.
15:09:41 26
15:09:42 27 All of this obviously passed up to Gavan Ryan. Gavan Ryan,
15:09:44 28 are you aware, he was receiving the hot debriefs from your
15:09:49 29 handlers?---Yes, I, I, um, I didn't know about hot debriefs
15:09:58 30 until some time into that relationship with, um, my
15:10:02 31 handlers.
15:10:02 32
15:10:02 33 Did your handlers ever say, "Gavan Ryan was saying you've
15:10:05 34 acted in conflict and shouldn't be acting or shouldn't be
15:10:10 35 providing information on those people"?---No, not at all.
15:10:12 36
15:10:12 37 Did Gavan Ryan ever say some of the information appeared to
15:10:17 38 be privileged and so he shouldn't be receiving it?---No,
15:10:20 39 not at all.
15:10:21 40
15:10:21 41 It was never reported back to you, was it?---No.
15:10:23 42
15:10:24 43 Mr Bateson, did he ever say to you, "Sorry Ms Gobbo, you
15:10:28 44 can't act for PII [REDACTED] you can't act for PII [REDACTED] because you
15:10:33 45 acted in conflict"?---No, not at all. In fact if I, um,
15:10:37 46 using Mr Bateson as an example, it was actually the
15:10:41 47 opposite, which is, I'm not saying that he actively

15:10:45 1 encouraged me to do so, but rather that he didn't have an
15:10:51 2 objection, insofar as he at least knew that PII [REDACTED] was
15:10:57 3 being made aware of all of his options as opposed to just
15:11:01 4 one option.

15:11:02 5
15:11:03 6 Can we just do the same exercise whilst we're here with
15:11:07 7 Rowe, Mansell, O'Brien, okay?---Sorry, you're right. The
15:11:13 8 same thing applies.

15:11:14 9
15:11:14 10 I just want to spell it out though because you've been
15:11:17 11 cross-examined in a way which suggests you were acting in
15:11:20 12 conflict and these poor police officers really just had to
15:11:23 13 listen to you. I just want to go through whether or not
15:11:25 14 they understood your conflict. Now, when you represented
15:11:30 15 PII [REDACTED]?---Yes.

15:11:32 16
15:11:34 17 You call Rowe, is his evidence, and you're crying and you
15:11:38 18 tell him about the conflict you have with Tony
15:11:43 19 Mokbel?---Yes, this is, um, this is after he puts me on to
15:11:48 20 PII [REDACTED] for the first time, that's right.

15:11:51 21
15:11:51 22 Then what follows is you meet him at court for the hearing
15:11:54 23 and there's a further discussion between you, him and
15:11:57 24 Mansell?---Yes.

15:11:58 25
15:11:59 26 Does he say to you, "Look, you're acting in conflict, I
15:12:02 27 can't really be hearing about the issues between PII [REDACTED]
15:12:06 28 and Mokbel or the way Mokbel controls all those who work
15:12:09 29 for him"?---No, it's the opposite. They're really
15:12:13 30 interested in, um, and excited about it.

15:12:16 31
15:12:16 32 Did he tell you he went back to Jim O'Brien and told him
15:12:20 33 and they decided to come back and record you saying the
15:12:22 34 same?---I'm not surprised to hear that.

15:12:25 35
15:12:26 36 Jim O'Brien, when he finds out, then passes you on, or
15:12:30 37 refers you to Sandy White and that's how the meeting
15:12:32 38 between you, Sandy White, Smith, Rowe, Mansell comes up,
15:12:39 39 again, anyone saying, "You shouldn't be acting in
15:12:43 40 conflict"?---No, no.

15:12:44 41
15:12:44 42 "We don't want to hear from you"?---No.

15:12:46 43
15:12:47 44 In fact they sign you up, don't they?---Yep.

15:12:50 45
15:12:51 46 Did you make anyone sign you up?---No, and that's, I mean,
15:12:55 47 I don't know - it's probably, the challenge is probably

15:13:00 1 mine to try and put this into words, but, um, it was, um,
15:13:06 2 you know, it - at no point did anyone say any of these
15:13:11 3 police say, "Well, give us back a phone" or, "We're not
15:13:15 4 going to speak to you any more, we can't help you", or
15:13:18 5 anything like that. It was, um, it was a situation in
15:13:24 6 which, um, I don't have, I've obviously got the ability to
15:13:34 7 have hindsight now and a bit of maturity to look at it, but
15:13:37 8 they were doing their jobs and to them getting information
15:13:41 9 and solving crimes was obviously, um, a priority for them.
15:13:45 10 Um, I hope my safety was as well. Um, but, you know, they
15:13:51 11 were the ones in control, not me, um, you know, like you've
15:13:56 12 just asked, at no point could I, um, at no point could I
15:14:01 13 force them to do this and like, I think when I was, um,
15:14:05 14 being cross-examined by, um, by counsel the other day, that
15:14:12 15 it was kind of some suggestion that I, or the implication
15:14:16 16 was that I kept things going with PII [REDACTED] whereas my
15:14:21 17 recollection is that every time he kind of stumbled or
15:14:26 18 wanted reassurance, um, the investigators got me on the
15:14:32 19 phone to him straight away.

15:14:33 20
15:14:35 21 Thanks, I've got another ten minutes. I know you have to
15:14:37 22 have a break in about 30 seconds, perhaps we stop now.

15:14:41 23
15:14:41 24 COMMISSIONER: Sounds a good idea. We'll resume in 15
15:14:44 25 minutes.

15:14:45 26
15:14:45 27 (Short adjournment.)

15:34:43 28
15:34:43 29 COMMISSIONER: Yes Mr Nathwani.

15:34:44 30
15:34:44 31 MR NATHWANI: Ms Gobbo, I was asking you before I got
15:34:47 32 sidetracked about Mr Overland and your comments about him.
15:34:51 33 I was asking you about his decision, the least worst option
15:34:55 34 initially for you to become an informer, then by 17 May
15:34:59 35 2006 the least worst option was to deactivate you. Bearing
15:35:05 36 that second concept in mind let's now please turn to the
15:35:09 37 SMLs where we were, 24 July - - -

15:35:09 38
15:35:09 39 COMMISSIONER: Sorry, are you there, Ms Gobbo?---Yes.

15:35:11 40
15:35:11 41 The cameras mustn't be pointing the right way. I can only
15:35:16 42 just see the top of your head?---No, someone has propped it
15:35:18 43 up a little bit.

15:35:20 44
15:35:20 45 There we go, that's better.

15:35:20 46
15:35:21 47 MR NATHWANI: If we go to the SMLs 24 July 2007, so about a

15:35:24 1 year and a bit after Overland has given an instruction he
15:35:28 2 thinks you should be phased out?---Yes.
15:35:30 3
15:35:30 4 Let's have a look at the 24 July entry. You see at the
15:35:40 5 bottom there's a Crime Department meeting with Biggin, Jim
15:35:45 6 O'Brien, Gavan Ryan, O'Connell, Blayney and another. Go on
15:35:49 7 to the next page, because they're discussing your
15:35:52 8 viability. So these are all of those people who knew you
15:35:55 9 acted for Mokbel. There's evidence to suggest they knew
15:35:59 10 you either acted in conflict or potential of providing
15:36:04 11 privileged information?---Yes.
15:36:05 12
15:36:06 13 "Agreed value of human source as source is outweighed by
15:36:08 14 repercussions and risks to same. Agree to continue
15:36:10 15 deployment with no tasking, intel received to be assessed
15:36:16 16 on an individual basis and reach determination prior to any
15:36:16 17 dissemination. It was agreed by Sandy White, Tony Biggin
15:36:20 18 and Blayney to brief Overland", do you see that?---Yes.
15:36:24 19
15:36:24 20 So if we now go to 6 August 2007. This is a
15:36:37 21 meeting?---Yes.
15:36:37 22
15:36:37 23 Overland, Biggin, Blayney and Gavan Ryan again. Three
15:36:42 24 options available, deactivate you?---Yep.
15:36:45 25
15:36:45 26 Ongoing management with no tasking or turn you into a
15:36:49 27 witness. It was agreed at that stage that you shouldn't be
15:36:52 28 a witness, it's not an option as you'll be compromised,
15:36:55 29 deactivation was not an option by virtue of the fact that
15:36:59 30 ongoing communication will be required. Agreed you are to
15:37:02 31 be managed with no tasking and any intel to be risk
15:37:07 32 assessed with Mr Biggin prior to dissemination or action.
15:37:09 33 Just pausing there. Mr Overland appears to be agreeing to
15:37:12 34 in fact your continued use, although not to be tasked, and
15:37:18 35 not to be turned into a witness but continued relationship,
15:37:21 36 do you see that?---Yes.
15:37:22 37
15:37:22 38 What do you say about the consistency of that as compared
15:37:25 39 with his view that should be phased out for your best
15:37:29 40 interest a year earlier?---Obviously it's contradictory.
15:37:33 41
15:37:33 42 Does that help you with the comments you made about
15:37:35 43 Overland being dishonest, corrupt, I can't remember the
15:37:39 44 other phrase?---Evil.
15:37:41 45
15:37:41 46 Evil?---Yep. Um, well, that's why I made those comments
15:37:47 47 because, um, although I was heavily criticised for having

15:37:52 1 an opinion, um, on the basis that I'd never spoken to him,
15:37:56 2 my, um, my overall view of him was that, um - obviously
15:38:08 3 formed over time, but even if I go back to, um, when I was
15:38:15 4 made promises in relation to becoming a witness.
15:38:17 5
15:38:17 6 We'll come on to that. Sorry, I want to do this through
15:38:21 7 the chronology so it's my fault?---Sorry.
8
15:38:22 9 Just at this stage it's my fault because I did ask an open
15:38:26 10 question. In the same paragraph, the same meeting where
15:38:30 11 they're saying they're not going to task you?---Yes.
15:38:34 12
15:38:34 13 It says, "Discuss using you to speak to Petra and Briars
15:38:38 14 targets PII [REDACTED]
15:38:41 15 PII [REDACTED]", do you see that?---Yes.
15:38:42 16
15:38:42 17 In fact they're discussing tasking you against Waters, Paul
15:38:47 18 Dale, the Hodsons murder, do you see that?---Yes.
15:38:52 19
15:38:52 20 Again, how is that, do you see the inconsistency?---Yes.
15:38:58 21
15:38:58 22 You see there, just bear with me, sorry, you see there that
15:39:02 23 the reference is made that it's not viable that you ought
15:39:06 24 to be a witness, yep?---Yes.
15:39:07 25
15:39:08 26 Now, when it comes to the crunch in November/December 2008,
15:39:15 27 do you accept pressure was put on you to sign a statement
15:39:18 28 in relation to Paul Dale?---Yes.
15:39:21 29
15:39:25 30 Were you aware, did the handlers and controllers make you
15:39:27 31 aware that Overland, it was Overland's decision you become
15:39:32 32 a witness contrary to pretty much every handler,
15:39:37 33 controller, police officer he spoke to?---No, not at all.
15:39:41 34
15:39:41 35 When did you first become aware, if at all, that Overland
15:39:44 36 had in fact made the decision to turn you into a witness,
15:39:48 37 again, "As the least worst option to your health"?---Um,
15:39:56 38 specifically only in the course of this Royal Commission,
15:40:01 39 um.
15:40:01 40
15:40:02 41 What's your view on the suggestion the least worst option
15:40:06 42 for your health and safety was to turn you into a witness
15:40:09 43 against Paul Dale?---I mean that's, it's perverse, isn't
15:40:13 44 it, really? If my health, just say it's helpful, forget
15:40:21 45 about safety for a minute, if my health alone was the
15:40:25 46 primary concern for anyone, it wouldn't be making me a
15:40:28 47 witness.

15:40:28 1
15:40:29 2 Can I now, the final thing in relation to Mr Overland. You
15:40:35 3 were cross-examined by Mr Winneke on Friday where he was in
15:40:38 4 effect saying you represented one person, they rolled, the
15:40:40 5 next one rolled and he used the term dominos?---Yes.
15:40:44 6
15:40:44 7 Did you come up with that strategy?---Um, no, I - - -
15:40:51 8
15:40:52 9 Pause, stop there. Were you aware that in his IBAC
15:40:56 10 interview Simon Overland said when he took over one of the
15:41:01 11 first things he did at Purana was to gather intelligence
15:41:03 12 and then decide to locate the weak link in any operation,
15:41:07 13 make them roll and then get them to roll on the next one,
15:41:11 14 and the next one and the next one?---No, I wasn't.
15:41:14 15
15:41:14 16 So when Mr Winneke was asking you about dominos, are you
15:41:17 17 now aware of where the strategy may have come from?---Um, I
15:41:23 18 thought you said Mr Overland, although I've never been, um,
15:41:27 19 permitted to see or able to see what he said to IBAC.
15:41:31 20
15:41:31 21 Next topic, just two more to go you'll be delighted to
15:41:35 22 hear. Mr Pope, going back to him, turns out I missed
15:41:40 23 another diary, a 2000 diary, has numerous entries?---Sorry,
15:41:51 24 that was my - sorry.
15:41:52 25
15:41:53 26 That's okay. I'm just going to jump through a number of
15:41:56 27 entries that Mr Winneke has pointed out to me. If we go to
15:41:59 28 the 2000 diary, can we go to March the 9th, please.
15:42:12 29
15:42:13 30 COMMISSIONER: Is this the same diary?
15:42:15 31
15:42:15 32 MR NATHWANI: No, it's the next year. It's a new, new
15:42:18 33 diary.
15:42:18 34
15:42:19 35 COMMISSIONER: Yes.
15:42:19 36
15:42:24 37 MR NATHWANI: In fact rather than show you the document I
15:42:26 38 could just do this - yes, okay. Do you see on 9 March at
15:42:32 39 six o'clock?---Yes.
15:42:36 40
15:42:37 41 Okay. Let's go to the next page, please. 14 March,
15:42:44 42 six o'clock, do you see that?---Yes.
15:42:47 43
15:42:48 44 By the J of Jeff do you see it looks like an arrow, if you
15:42:53 45 follow all the way down - 5 o'clock, sorry?---Yes.
15:42:56 46
15:42:56 47 If you follow it down, you see there's an arrow that goes

15:43:00 1 down and it appears to be in the same red pen with a
15:43:03 2 question mark?---Yes.
15:43:03 3
15:43:04 4 Does that indicate what may or may not have occurred as far
15:43:08 5 as spending time with Mr Pope was concerned?---It may have
15:43:13 6 been that he was, that I was with him that night, but I
15:43:17 7 don't have, I don't specifically recall him ever staying
15:43:21 8 the night. I'm not sure. I mean obviously it means I had
15:43:25 9 some form of contact with him.
15:43:27 10
15:43:27 11 On the Saturday, on the other side, Saturday the 18th, do
15:43:30 12 you see the reference to "disc Jeff Pope"?---Yep.
15:43:34 13
15:43:35 14 Next page, please. 23 March, do you see at 3 o'clock,
15:43:43 15 "Jeff Pope", it looks like "disc", dish is what other
15:43:47 16 people are saying, it's your handwriting?---It's disc, I
15:43:52 17 never use the word dish.
15:43:54 18
15:43:54 19 I don't blame you?---No, not specifically about Jeff Pope.
15:43:59 20 Just in general I wouldn't use that.
15:44:02 21
15:44:02 22 Okay. Let's go to May - - -?---I don't know, sorry, I just
15:44:08 23 don't know what that, like that arrow can't be that, um, I
15:44:13 24 was with him because, um, at least it appears from the
15:44:19 25 diary that I, um, had dinner with a girlfriend that night.
15:44:23 26
15:44:23 27 The reason I'm taking you through this is because Mr Pope
15:44:30 28 you obviously say is lying. He gave us an affidavit where
15:44:30 29 he says he had contact with you on six occasions and we've
15:44:30 30 obviously gone through one where there's lots of references
15:44:35 31 to him?---Yes.
15:44:35 32
15:44:36 33 I just want to go to some more. If we go to Friday 12 May.
15:44:48 34 You see, 11 o'clock, "Lunch Jeff Pope"?---Yes.
15:44:53 35
15:44:54 36 Not ticked though and there are others ticked?---Yes.
15:44:59 37
15:44:59 38 We see at 2 o'clock you have lunch with Colin
15:45:02 39 Lovitt?---Yep.
15:45:02 40
15:45:03 41 Let's go then to the next page. Six o'clock, "Call Jeff
15:45:12 42 Pope", tick?---Yes.
15:45:13 43
15:45:17 44 Next entry, 9 June, please. 11 o'clock, on the right-hand
15:45:29 45 side, do you see that, it says, "Call Jeff Pope",
15:45:35 46 tick?---Yes.
15:45:35 47

15:45:39 1 July the 21st. And this is bearing in mind he says that,
15:45:46 2 what he said in his affidavit, it looks like 4 o'clock,
15:45:51 3 "Drink with Jeff Pope", do you see that?---Yep.
15:45:52 4
15:45:53 5 Do you see that, not ticked?---Yes.
15:45:56 6
15:45:57 7 If there's not a tick does that mean definitely you didn't
15:46:01 8 meet him or - - - ?---No, not necessarily. Um, there's
15:46:06 9 lots of things that don't have ticks, it doesn't mean it
15:46:12 10 didn't happen. Like I might have written it after the
15:46:15 11 event but, um, no, it doesn't mean that. There's lots of
15:46:20 12 things that happen that haven't got a tick.
15:46:23 13
15:46:24 14 Just to be clear, I don't need to go there, but on 29 July
15:46:26 15 it looks like you go back to America again, so 99 and 2000
15:46:30 16 you're off to America. That's just in relation to the
15:46:33 17 diary entries?---Yes.
15:46:33 18
15:46:35 19 Far more than six occasions, okay?---Yes.
15:46:38 20
15:46:40 21 Last topic bar one actually because I've just remembered
15:46:43 22 something Mr Chettle asked you.
15:46:44 23
15:46:45 24 COMMISSIONER: Is that an exhibit already, that diary?
15:46:47 25
15:46:47 26 MR NATHWANI: No, if we could tender that, please.
15:46:49 27
15:46:51 28 #EXHIBIT RC1183A - (Confidential) Diary entries.
15:46:55 29
15:46:56 30 #EXHIBIT RC1183B - (Redacted version.)
15:46:57 31
15:46:59 32 Thank you. You were asked about the notes of the handlers,
15:47:02 33 okay?---Yes.
15:47:03 34
15:47:04 35 When they were writing down, we could hear them writing
15:47:08 36 down, were you able to see what they were writing?---No, of
15:47:12 37 course not.
15:47:12 38
15:47:13 39 Were you able to see the final ICR and then be given an
15:47:17 40 opportunity to comment whether it accurately reflects what
15:47:21 41 you told them?---No, of course not.
15:47:22 42
15:47:22 43 Were you ever given the notes to sign to say, "Actually,
15:47:26 44 that's true"?---No, and looking at them, looking at
15:47:31 45 anyone's notes it's going to be their paraphrasing or their
15:47:35 46 interpretation of what got said.
15:47:36 47

15:47:37 1 And also subjective?---Correct.

15:47:39 2 Last matter, PII [REDACTED]?---Yes.

15:47:40 3
15:47:43 4
15:47:49 5 In the lead up to his arrest the handlers speak to you
15:47:52 6 about him, I'm not going to use dates?---Yep.

15:47:56 7
15:47:58 8 And during that conversation you provide information about
15:48:01 9 him and how he would respond to pressure when being
15:48:05 10 questioned, okay?---Yes.

15:48:07 11
15:48:08 12 The next day there is a meeting with Dale Flynn, Jim
15:48:14 13 O'Brien and two of the handlers, sorry, the controller and
15:48:19 14 the handler, who had spoken to you the night before, okay,
15:48:22 15 and the ICR records it as a meeting about tactical
15:48:26 16 decisions as far as his arrest and interview was concerned,
15:48:31 17 that's [REDACTED] Right.

15:48:32 18
15:48:32 19 It's been suggested by some that it wasn't anticipated you
15:48:38 20 would attend to represent him when he was finally arrested
15:48:41 21 at the police station, what do you say about that?

15:48:44 22
15:48:44 23 MR CHETTLE: No, that's not - - -

15:48:45 24
15:48:46 25 MR NATHWANI: No, it wasn't by your client. Mr O'Brien
15:48:49 26 said he didn't expect her to be there at all?---That's just
15:48:53 27 ridiculous, they knew that I was going to be there, they
15:48:57 28 knew he would call me.

15:48:58 29
15:49:00 30 On p.256 and 258, we don't need to go to the ICRs, it's for
15:49:04 31 anyone who wants to follow. There are references to one of
15:49:05 32 the handlers saying he will see you at the police station
15:49:08 33 and you shouldn't acknowledge his existence, okay?---That's
15:49:13 34 right.

15:49:13 35
15:49:14 36 So he obviously must have known the plan was for you to
15:49:17 37 attend?---Yes.

15:49:18 38
15:49:20 39 When you attended the police station, we obviously know Jim
15:49:24 40 O'Brien, Dale Flynn and others were well aware that you'd
15:49:27 41 acted for Mokbel, you were acting in conflict, both Flynn,
15:49:31 42 certainly Jim O'Brien knew that you'd provided the detail
15:49:34 43 to the location of PII [REDACTED] that PII [REDACTED] was
15:49:39 44 arrested in, okay?---Yep.

15:49:41 45
15:49:41 46 On that night, when you had contact with Jim O'Brien
15:49:44 47 firstly, did he say to you, "You shouldn't be here, go

15:49:47 1 home, you're acting in conflict"?--No, of course not.
15:49:49 2
15:49:51 3 When it came to Dale Flynn, did he say to you, "You're
15:49:55 4 acting in conflict, you shouldn't be here, go home"?---No.
15:49:59 5
15:50:00 6 In fact, did they actually have you on standby just in case
15:50:03 7 you needed to come back?---Yes, they did.
15:50:06 8
15:50:08 9 It's right, isn't it?---Yes.
10
15:50:09 11 We know there's a transcript, a recording, that during
15:50:12 12 which your handler receives a phone call from Jim
15:50:17 13 O'Brien?---That's right.
15:50:17 14
15:50:18 15 And the information relayed to you is, "You can now go
15:50:21 16 home, you can stand down", I think were the exact
15:50:24 17 words?---Yes, you've reminded me that someone said,
15:50:27 18 "Perhaps don't go too far because you might have to come
15:50:30 19 back".
15:50:30 20
15:50:30 21 What do you say to the suggestion it was a surprise to Jim
15:50:33 22 O'Brien that you were there?---Um, well, his memory must be
15:50:40 23 mistaken.
15:50:41 24
15:50:42 25 All right. Generally speaking, did any, did you force any
15:50:48 26 member of Victoria Police to listen to you, to task you, to
15:50:52 27 receive information, to pass on that information and to
15:50:54 28 then use it in the prosecutions of other people?---No,
15:50:59 29 absolutely not.
15:51:00 30
15:51:00 31 All right. Thanks Ms Gobbo. Mr Winneke, I'm sure will
15:51:03 32 have a bit for you.
15:51:05 33
15:51:05 34 COMMISSIONER: Yes. Yes Mr Winneke.
15:51:07 35
36 <RE-EXAMINED BY MR WINNEKE:
37
15:51:08 38 Thanks Commissioner. Ms Gobbo, you said in your evidence,
15:51:11 39 and I think you said it on a number of occasions, that you
15:51:14 40 don't want to give anyone the wrong impression, do you
15:51:18 41 recall saying that?---Yes.
15:51:19 42
15:51:19 43 Can I suggest to you that on a number of occasions during
15:51:22 44 the course of your evidence that is in fact what you have
15:51:24 45 done, do you accept that?---Um, not, not necessarily
15:51:32 46 intentionally but if I have, I have.
15:51:34 47

15:51:34 1 You recall that when Mr Chettle was asking you questions
15:51:38 2 what he sought to do was to correct what he perceived to be
15:51:42 3 an incorrect impression that you appeared to have given
15:51:45 4 with respect to his clients, certainly Mr White, do you
15:51:49 5 accept that he asked you about a number of matters and the
15:51:53 6 answers that you got appear to be quite different to the
15:51:59 7 answers that were given earlier on to the Commissioner last
15:52:04 8 year and certainly to me, do you accept that?---Yes.
15:52:07 9
15:52:07 10 What in fact you had said earlier on when you first spoke
15:52:12 11 to us was that in effect Mr White, one got the impression
15:52:16 12 from what you said about Mr White was that you were very in
15:52:20 13 awe or petrified of him I think was one expression that you
15:52:26 14 used?---Both would apply.
15:52:29 15
15:52:29 16 You also said that if you didn't do the right thing he
15:52:32 17 would burn you?---That was my concern, yes.
15:52:35 18
15:52:36 19 And you also said that it was a case of bad cop, worse cop,
15:52:40 20 right?---Yes.
15:52:41 21
15:52:41 22 And you also said that at one stage, and you were in the
15:52:47 23 back of the car and this was I think in answer to a
15:52:50 24 question about whether or not you'd said, "Who's next"
15:52:54 25 after [REDACTED] had been arrested?---Yes.
15:52:56 26
15:52:56 27 You said that you were in the back of a car and you were, a
15:53:01 28 gun was being obviously presented to you, do you recall
15:53:05 29 that?---Yes, yes.
15:53:08 30
15:53:08 31 Can I suggest to you that you gave those answers because at
15:53:12 32 the time you gave them you wanted to create an impression,
15:53:15 33 do you accept that?---Yes.
15:53:18 34
15:53:19 35 And when Mr Chettle asked you questions today, you gave,
15:53:24 36 can I suggest, quite different answers because when you
15:53:27 37 were asked those questions by Mr Chettle, for whatever
15:53:30 38 reason you wanted to give a different impression, do you
15:53:33 39 accept that?---Yes, and - yes, I do, but sometimes it
15:53:40 40 depends upon the way the question's asked because some
15:53:42 41 allow me to give some detail or expand and a lot are just,
15:53:47 42 um, closed questions.
15:53:49 43
15:53:49 44 Ms Gobbo, look, there is the truth and there is what is,
15:53:54 45 might be regarded as, well, lies or deliberately false
15:53:59 46 evidence, do you accept that?---Yes.
15:54:02 47

15:54:02 1 Just because Mr Chettle asked you questions doesn't mean
15:54:05 2 that you have to answer them in the way you think he wants
15:54:07 3 them to be answered, do you accept that?---Yes.

15:54:12 4
15:54:12 5 I mean, he's no longer a judge, you don't have to tell him
15:54:16 6 what you think he wants to hear.

15:54:18 7
15:54:19 8 MR CHETTLE: Commissioner, can I raise to that, she hasn't
15:54:23 9 accepted that she did answer the questions the way she
15:54:26 10 thought I wanted to answer them. I mean Mr Winneke puts
15:54:29 11 the - implicit in his proposition is she's saying yes to
15:54:34 12 me.

15:54:35 13
15:54:35 14 COMMISSIONER: Just to save time, Mr Winneke, would you
15:54:36 15 just rephrase it a little and ask it again.

15:54:39 16
15:54:39 17 MR WINNEKE: I'm trying to understand, Ms Gobbo, whether
15:54:41 18 you were telling the truth when you spoke to the Commission
15:54:43 19 earlier on in last year, do you say you were or not?---Yes,
15:54:48 20 I do.

15:54:49 21
15:54:50 22 And when you said, for example, when I was asking you
15:54:53 23 questions about Mr Karam, for example, I was suggesting to
15:54:57 24 you, well look, Mr Mokbel, Mr Karam wasn't a person who you
15:55:02 25 had to provide information against, he wasn't going to harm
15:55:05 26 you, and you said, "Well look, he was a character who
15:55:09 27 Mr White was desperate to get, he was on his hit list", do
15:55:13 28 you accept that?---Yes, I do, because it is still my
15:55:17 29 position that even though it's been pointed out to me that
15:55:22 30 Mr Karam was committing federal offences and Mr White had
15:55:27 31 nothing to do with federal offending, it is still my
15:55:30 32 position, and my best recollection, that Mr White raised
15:55:33 33 his name.

15:55:36 34
15:55:36 35 Right. And likewise with respect to Mr Gatto, the same
15:55:38 36 answer, you gave the same answer, effectively. I put the
15:55:42 37 same proposition to you and you said, "Well look, it was
15:55:45 38 something that I knew Mr White was very keen to, he was a
15:55:50 39 project" or something along those lines of Mr White's, do
15:55:54 40 you follow that?---Yes.

15:55:55 41
15:55:55 42 Are you now saying, "That's really not the case, I
15:55:58 43 understood that Victoria Police was after these people and
15:56:02 44 not so much Mr White", I mean what's the truth?---Well, can
15:56:10 45 we just, I use the, um, Mr White, um, ah, Karam example,
15:56:20 46 um, um, I accept that when Mr Chettle says, "Well, Mr White
15:56:28 47 can't have had a personal obsession with him, um, and he

15:56:32 1 can't, he in particular can't have, um, had Mr Karam, um,
15:56:38 2 you know get away from him before, because he's never been
15:56:42 3 a federal investigator and Karam has committed federal
15:56:46 4 offences", I get all of that. But it is, it is my, um,
15:56:50 5 position that Karam was a name raised by Mr White.
15:56:56 6
15:56:57 7 Do you say that because it was raised it meant that you
15:57:01 8 were then compelled to go after him and finish the project
15:57:08 9 which you couldn't do, because you were prevented from
15:57:11 10 doing so?---No, not compelled. Um, as in not forced or
15:57:19 11 compelled, but, um, obviously I wanted to continue to, um,
15:57:25 12 I don't know whether you use the word impress him or to,
15:57:29 13 um, you know, if I put my mind back in my mind-set then was
15:57:34 14 to, um, to um, please him I guess.
15:57:38 15
15:57:39 16 Right, okay. You were asked questions about the Briars
15:57:45 17 draft statement and you accept that that statement was
15:57:49 18 quite apparently a draft statement?---Yes.
15:57:52 19
15:57:52 20 When it left you in Bali, it hadn't been completed?---Yes,
15:57:57 21 it hadn't even been printed.
15:57:59 22
15:57:59 23 Right. And I'm not going to go into the details of matters
15:58:04 24 in the statement concerning Mr Perry. But you said, you
15:58:09 25 said, well look, in your statement I think, you believe
15:58:12 26 that Mr Iddles would confirm what you say about that
15:58:17 27 statement, that is that you didn't say what the statement
15:58:21 28 says about Mr Perry, right?---Correct.
15:58:24 29
15:58:24 30 And you say that you received indirectly a message of
15:58:28 31 support and encouragement from Mr Iddles, is that
15:58:31 32 right?---Yes.
15:58:31 33
15:58:35 34 How did you get that message from Mr Iddles?---Um, from a
15:58:40 35 journalist.
15:58:41 36
15:58:41 37 Right. Do I take it - - -?---Sorry, I can, um, I was going
15:58:49 38 to say, I can, I can - I think I would be able to provide
15:58:56 39 it to the Commission if you would like.
15:58:59 40
15:58:59 41 Can I understand this, that it was in relatively recent
15:59:02 42 times, perhaps shortly before the ABC article was shown, is
15:59:07 43 that right?---After it.
15:59:09 44
15:59:09 45 After that, yes, righto, okay. And you say that you can
15:59:15 46 provide that information to the Commission?---Um, with the
15:59:19 47 assistance of Victoria Police, yes.

15:59:20 1
15:59:22 2 Right?---I only say that then you can hear exactly what he
15:59:29 3 says and the way he says it. And that it's not my
15:59:33 4 interpretation of it or my subjective recollection of it.
15:59:36 5
15:59:36 6 You didn't hear it obviously from Mr Iddles but a message
15:59:39 7 was passed to you via the journalist from Mr Iddles?---It's
15:59:45 8 a voice recording for me.
15:59:47 9
15:59:47 10 Right, I see. Do you still have that?---Um, not, not
15:59:54 11 physically - - -
15:59:57 12
15:59:58 13 COMMISSIONER: Don't say anything that could - - -?---Okay,
14 sorry.
15
16:00:01 16 - - - reveal anything that shouldn't be known publicly.
16:00:08 17
16:00:09 18 MR WINNEKE: I don't want to reveal methodology,
16:00:11 19 effectively what you're saying is you can tell us about
16:00:13 20 this but you're concerned about, I understand there may be
16:00:16 21 issues about this, but you've heard - if we can put it this
16:00:21 22 way, you heard a message which was on a telephone, is that
16:00:26 23 right, and you listened to the message via the
16:00:29 24 telephone?---Yes.
16:00:29 25
16:00:31 26 And without giving details of the person whose telephone it
16:00:39 27 was, do you say that person was an employee of Victoria
16:00:45 28 Police?---Yes. Sorry, you mean the person who conveyed it
16:00:50 29 to me?
16:00:50 30
16:00:51 31 Yes?---No.
16:00:55 32
16:00:55 33 That was the journalist who played you a message from
16:00:59 34 Iddles?---Sent it to me, yes.
16:01:01 35
16:01:02 36 Sent it to you, righto?---Yes.
16:01:03 37
16:01:04 38 And it was, what, a message of support and
16:01:09 39 encouragement?---Yes. Um, that's if, it can be provided
16:01:14 40 if, um, it's sought.
16:01:17 41
16:01:17 42 COMMISSIONER: Thank you.
16:01:17 43
16:01:18 44 MR WINNEKE: Okay, all right.
16:01:19 45
16:01:20 46 COMMISSIONER: We'll get that then, thank you.
16:01:22 47

16:01:22 1 MR WINNEKE: Have you heard any other pieces of information
16:01:24 2 of that sort from people such as Mr Iddles or other police
16:01:31 3 officers?---No, not, he was the, um, he was the only one.
16:01:37 4
16:01:37 5 All right, okay. Now, you said to Mr Chettle that as far
16:01:48 6 as you were concerned the SDU did their job and they did it
16:01:53 7 pretty well?---Yep.
16:01:55 8
16:01:56 9 Insofar as you saying they did it pretty well, I take it
16:02:00 10 what you're referring to is the fact that they did not
16:02:06 11 disclose or it has never been disclosed up until the
16:02:11 12 completion of the litigation, that is by way of
16:02:17 13 confirmatory disclosure, that you were a human
16:02:21 14 source?---That's right.
16:02:22 15
16:02:25 16 So as far as you were concerned they did as much as they
16:02:29 17 could to protect you?---That's right. What, um, what I
16:02:34 18 understood, you know, what Mr White promised, he did.
16:02:41 19
16:02:41 20 Yes. So what you would say is that as a human source, he
16:02:45 21 did his job pretty well?---Yes.
16:02:51 22
16:02:51 23 From the perspective of a human source. What do you say as
16:02:55 24 to the way in which he did his job from the perspective of
16:02:59 25 a legal practitioner and a person who understands the
16:03:02 26 obligations of legal practitioners and the necessity for
16:03:12 27 appropriate disclosure if one is representing people
16:03:17 28 charged with criminal offences, what do you say there?
16:03:20 29
16:03:20 30 MR CHETTLE: Can I object to that question on two bases.
16:03:24 31 One, she couldn't possibly know what happened with the
16:03:27 32 material she provided us. Secondly, as to the issue of
16:03:30 33 disclosure, it's not Mr White's job to disclose things.
16:03:35 34 The evidence before you is quite specific about that.
16:03:37 35
16:03:38 36 COMMISSIONER: Perhaps if you could just clarify that a
16:03:40 37 little as to who's responsibility it is.
16:03:45 38
16:03:45 39 MR WINNEKE: Ms Gobbo, you said as far as you were
16:03:47 40 concerned the SDU, Mr White did his job very well,
16:03:51 41 right?---Yes.
16:03:52 42
16:03:52 43 You made it clear to Mr White that as far as you were
16:03:55 44 concerned what you were doing was wrong, ethically
16:04:01 45 wrong?---That was, yes, it was a constant, or not constant
16:04:06 46 but it was a topic that was brought up over and over again.
16:04:10 47

16:04:10 1 You knew that you were, for example, when it comes to
16:04:13 2 PII [REDACTED], as an agent of Victoria Police providing him
16:04:17 3 with legal advice, you knew that, and you knew that that
16:04:20 4 was wrong?---Yes, I felt guilty about that. I mean they
16:04:26 5 saw me upset from time to time in relation to this, this
16:04:30 6 exact issue.

16:04:31 7
16:04:31 8 Indeed, in October of 2005, in a discussion which I think
16:04:37 9 we've referred to, there was suggestions raised that you
16:04:41 10 could continue to provide information concerning PII [REDACTED]
16:04:45 11 but then you couldn't act for him for the greater good, do
16:04:51 12 you understand that?---Yep.

16:04:53 13
16:04:53 14 So it was well-known to you, and can I suggest it was
16:04:56 15 well-known to your handlers that it was not possible for
16:05:00 16 you to provide information about and then act for people,
16:05:05 17 act for those same people?---Um, that's right, I think. I
16:05:11 18 think I said this earlier, that, um, or made that, um,
16:05:15 19 concession earlier.

16:05:17 20
16:05:17 21 Indeed, there was another discussion which Mr Chettle took
16:05:23 22 you to whereby you spoke of having provided information
16:05:27 23 about and then advised or acted for somewhere in the region
16:05:34 24 of 20 people?---Yes.

16:05:36 25
16:05:37 26 So it was well-known to you, can I suggest, and it was
16:05:40 27 apparent to you that it was well-known to your handlers
16:05:42 28 that what was going on was wrong?---That's right, and
16:05:47 29 that's why I said earlier that I don't want, um, the
16:05:53 30 Commission to think that it was said as a joke about one
16:05:58 31 day there would be a Royal Commission, um, more or less
16:06:03 32 indicative of the fact that I had concerns about what I was
16:06:06 33 doing and what they were doing.

16:06:08 34
16:06:08 35 Can I suggest to you that you had discussions with Mr White
16:06:11 36 and other handlers which made it plain that they were going
16:06:16 37 to do what they could to ensure that your role would not
16:06:19 38 come to light?---That's right, from the - that's what I
16:06:24 39 meant when I said he did his job. He said he would make
16:06:28 40 sure that I didn't get revealed and as far as I know, um,
16:06:33 41 he's not the reason why it got made public.

16:06:36 42
16:06:36 43 Do you accept this proposition: if someone's appearing for
16:06:41 44 these people, who you're acting for and providing
16:06:45 45 information about, what should occur is that that
16:06:48 46 information, your involvement, your role, should get to a
16:06:52 47 judge so the judge could form a view as to whether or not

16:06:57 1 your role should be exposed, that is whether it's in the
16:07:02 2 public interest that your role be concealed or whether it's
16:07:06 3 in the interests of justice that it be revealed because of
16:07:10 4 the potential effect on the system of justice?---That's
16:07:16 5 right, it would be a matter of an argument about, or a
16:07:19 6 matter of submissions about public interest immunity at
16:07:23 7 some point, that's right.

16:07:24 8
16:07:25 9 And you knew, didn't you, that that did not go before a
16:07:29 10 judge, those matters did not go before a court at any time
16:07:32 11 when you were doing this job for Victoria Police?---Um, I
16:07:38 12 don't know that I could say I, I knew specifically or not,
16:07:44 13 but I assumed that, um, that no one was ever told.

16:07:48 14
16:07:49 15 And that's wrong, isn't it?---Yes, because as you rightly
16:07:54 16 point out it's a matter for, anything, that's arguably an
16:07:59 17 issue that, um, police wish to protect should ultimately be
16:08:04 18 a matter for a magistrate or a judge.

16:08:06 19
16:08:06 20 Right. Now, you were asked questions about whether it was
16:08:12 21 apparent or whether your handlers knew whether or not you
16:08:15 22 were charging or whether money was being paid to
16:08:18 23 you?---Yep.

16:08:18 24
16:08:19 25 Can I take you to the ICR at p.992, 5 July 2007. At p.992.
16:09:07 26 You'll see that there's discussion about a payment for
16:09:11 27 Ms Gobbo for the trial. "Hasn't paid yet. Talked about
16:09:14 28 going out with the boys on the weekend at the last night,
16:09:18 29 out before going inside"?---Sorry, um, where are you
16:09:22 30 reading from?

16:09:22 31
16:09:23 32 Top of the page?---Sorry, yes, sorry, yep.

16:09:27 33
16:09:27 34 Then under the heading "SDU management" there's a reference
16:09:31 35 to Mannella, then there's a reference to, "If there's any
16:09:35 36 payment by Rob for her trial cost the money should be taken
16:09:39 37 during business hours at her office and not after hours and
16:09:41 38 that was understood"?---Yep.

16:09:43 39
16:09:43 40 "We still want updates about Rob Karam and his thoughts
16:09:46 41 about current container and movements, understood"?---Yep.

16:09:50 42
16:09:51 43 Do you think it was apparent, as far as you were concerned
16:09:55 44 from your recollection of discussions with your handlers,
16:09:59 45 that they were aware that you would charge these
16:10:02 46 people?---Well that's obviously a conversation about him
16:10:06 47 paying money for his trial as opposed to money for

16:10:09 1 something else, so - but to answer your question in
16:10:12 2 relation to that example, yes.
16:10:14 3
16:10:15 4 Well, do you say that you told your handlers that you would
16:10:22 5 not charge fees to people in relation to whom you had
16:10:27 6 provided information?---No, I didn't - that was not said
16:10:31 7 specifically, no. I mean they knew, for example, they knew
16:10:36 8 that the, um, you know, countless phone calls and visits to
16:10:42 9 prisons to people such as, um, PII [REDACTED] and PII [REDACTED] was, um,
16:10:50 10 was being done for no, for no payment at all.
16:10:54 11
16:10:54 12 You were asked questions about whether you would receive
16:10:59 13 money from people such as PII [REDACTED] and do you recall
16:11:04 14 Mr Chettle asking you questions about that?---Yes.
16:11:06 15
16:11:06 16 And you saying that you certainly wouldn't do anything of
16:11:09 17 that sort?---No, um - that's right, I remember what he
16:11:14 18 asked, yes.
16:11:15 19
16:11:15 20 If we have a look at ICR p.241, this is an ICR of a
16:11:20 21 discussion between you and one of your handlers on 13 April
16:11:23 22 2006. You recall prior to PII [REDACTED] arrest there was
16:11:30 23 some discussions about whether or not he would pass to you
16:11:34 24 a PII [REDACTED] for PII [REDACTED]
16:11:37 25 to?---Yeah, I think it was PII [REDACTED].
16:11:40 26
16:11:40 27 It seemed to change but there's a discussion at the bottom
16:11:46 28 of p.241, it starts?---Right.
16:11:49 29
16:11:50 30 "Solutions discussed were, no problem unless" - so go back.
16:11:57 31 Halfway down the page, "Would not get source to give PII [REDACTED]
16:12:03 32 PII [REDACTED] to anyone else, rather just PII [REDACTED]
16:12:06 33 overnight. PII [REDACTED] from PII [REDACTED] possibly. Source has
16:12:11 34 arranged to meet with him at the [REDACTED] in Spring
16:12:15 35 Street, Melbourne", see that?---Yes.
16:12:16 36
16:12:17 37 And then there's a note under "DSU issue", "Source
16:12:20 38 concerned re leading us to his new premises". Keep going
16:12:24 39 down?---Right.
16:12:25 40
16:12:29 41 "Source asked about her legal standing re PII [REDACTED] from
16:12:33 42 PII [REDACTED]. Solutions discussed were, no problem unless
16:12:37 43 pulled over. Not on any brief, who cares? Question
16:12:41 44 breaking the law? No. Possible restraining order breach.
16:12:47 45 Proceeds of crime. No. And it could be PII [REDACTED] and
16:12:52 46 PII [REDACTED] or PII [REDACTED]", do you see that?---Yes.
16:12:56 47

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16:12:56 1 That would be something that you were saying to your
16:13:00 2 handlers, I assume, is that right?---This is, um, I presume
16:13:09 3 this is what, whoever it is has written down, um, after
16:13:16 4 the, after or during the conversation I have, um, about, um
16:13:22 5 - - -
16:13:22 6
16:13:23 7 About PII [REDACTED]?---Yeah, about what to do if he actually
16:13:27 8 ever PII [REDACTED], like this PII [REDACTED] to PII [REDACTED].
16:13:30 9
16:13:30 10 Right. Whether you'd be entitled to PII [REDACTED]?---No, not
16:13:35 11 entitled to PII [REDACTED], entitled to PII [REDACTED].
16:13:38 12
16:13:39 13 To PII [REDACTED] from him?---Yes.
16:13:41 14
16:13:41 15 Then further down, "Source does not truthfully know where
16:13:46 16 PII [REDACTED] came from. Protection needed? No, no protection
16:13:50 17 needed". That would be, what, in relation to
16:13:52 18 [REDACTED]---I don't know what they meant by that.
16:13:56 19
16:13:57 20 "Source doesn't truthfully know where PII [REDACTED] came from.
21 Source has too weak a heart to do the wrong thing and she
16:14:00 22 has a psychiatric condition, must have since she's talking
16:14:05 23 to the handlers!!"?---That's obviously a, I think, if this
16:14:13 24 is Mr Green, then that's, that's the kind of, I mean it's -
16:14:20 25 it looks really bad to read that now but it's something
16:14:24 26 that he would say as a joke.
16:14:26 27
16:14:26 28 Effectively you're saying to him, if it is Mr Green, I
16:14:31 29 don't know who it is, "But there's no problem in me PII [REDACTED]
16:14:34 30 PII [REDACTED]"?---No, that's not what I'm saying.
16:14:37 31
16:14:37 32 Are they saying that to you?---That's what they're saying
16:14:40 33 to me. I'm saying, um, you know, "This is what he's going
16:14:44 34 - this is what he's saying he's going to do, what should I
16:14:48 35 do if this happens?"
36
16:14:50 37 Yes?---And where it says, where it says, "It could be PII [REDACTED]
16:14:53 38 PII [REDACTED] and PII [REDACTED], you know, I think that's
16:14:58 39 me saying, "Well, this is probably what he would say if
16:15:01 40 there was an, if I requested an explanation", but, um, and
16:15:08 41 so - but I have to make that inquiry if I'm taking the
16:15:12 42 PII [REDACTED] um, for the purposes of going through a PII [REDACTED]
16:15:16 43 PII [REDACTED].
16:15:16 44
16:15:17 45 What about - - -?---Sorry.
16:15:19 46
16:15:19 47 "No problem unless pulled over"?---That's them saying, um,

16:15:24 1 there wouldn't be a problem unless you're pulled over and
16:15:30 2 presumably they mean a car search.
16:15:32 3
16:15:32 4 The reality is if you were to PII you'd be
16:15:36 5 committing a crime, wouldn't you?---That's one of the whole
16:15:38 6 reasons I raised it with them, that's right.
16:15:41 7
16:15:41 8 You knew that you would be committing a crime if you PII
16:15:43 9 PII?---Which is exactly why I'm asking them.
16:15:48 10
16:15:48 11 What about, "Source doesn't truthfully know where PII
16:15:53 12 came from"?---No, because I don't, I don't actually know,
16:15:56 13 um, if you follow on from the page before, um, I don't know
16:16:02 14 where he's getting PII but in previous conversations
16:16:06 15 or, um, with him, um, he had indicated that he was
16:16:13 16 anticipating, um, being PII from someone, um,
16:16:19 17 and he was also, he was also PII um, because he would
16:16:24 18 have, he would have, he would talk about having PII
16:16:28 19 and then PII as well.
16:16:30 20
16:16:30 21 The reality is if you were to PII and you knew this
16:16:34 22 full well you would be committing a crime because you would
16:16:37 23 have reason to suspect it was PII?---In
16:16:40 24 those circumstances, with him, yes.
16:16:42 25
16:16:42 26 Clearly, because I mean we're not going to go into the
16:16:45 27 details of the offences that he was awaiting plea for but
16:16:49 28 the sorts of offences which result in people having
16:16:51 29 PII, correct?---No, of course -
16:16:55 30 yes, I agree with you.
16:16:56 31
16:16:56 32 And he didn't have a job?---No, you took the words out of
16:17:00 33 my mouth. He was someone who in the time that I knew him
16:17:04 34 did not work.
16:17:04 35
16:17:29 36 And why wouldn't you be saying, "Look, I'd need an
16:17:29 37 PII?---The only time that, the only time they ever,
16:17:29 38 they ever raised the issue PII was in relation to,
16:17:29 39 um, being offered drugs.
16:17:29 40
16:17:29 41 It wouldn't make any difference. I mean if you PII
16:17:29 42 PII you would have reason to believe that it was PII
16:17:30 43 PII, either that, you'd be negligent about it, or
16:17:34 44 you'd be reckless about it, in which case in any of those
16:17:41 45 cases you'd be committing an offence?---That's precisely
16:17:43 46 why I raised it with them - - -
16:17:43 47

16:17:44 1 COMMISSIONER: Just a moment, Ms Gobbo, there's an
16:17:46 2 objection by your counsel.
16:17:47 3
16:17:47 4 MR NATHWANI: Just for clarity, if it's being suggested
16:17:50 5 that anyone who in effect acted for that individual,
16:17:54 6 received payment when acting for that individual, in effect
16:18:00 7 knew or suspected because he was up for drug offences ergo
16:18:04 8 that it was money laundering.
9
16:18:06 10 COMMISSIONER: Sorry, what's your point, Mr Nathwani?
16:18:08 11
16:18:08 12 MR NATHWANI: I'd just like clarification, because the
16:18:10 13 point was put rather generally.
14
16:18:12 15 COMMISSIONER: All right then.
16
16:18:14 17 MR WINNEKE: Commissioner, I'm talking about PII [REDACTED]
16:18:16 18 PII [REDACTED] in the circumstances described in that ICR.
19
16:18:21 20 COMMISSIONER: Yes.
16:18:24 21
16:18:25 22 MR CHETTLE: Commissioner, I didn't go, as you might
16:18:26 23 recall, to the entries in the ICRs because we all agreed
16:18:28 24 that the entries say what they say. Certainly Mr Winneke
16:18:31 25 is asking about some, but there are others, and Mr Winneke
16:18:33 26 will know it, multiple entries where this specific topic is
16:18:38 27 covered. It's not just this conversation.
28
29 COMMISSIONER: That's all a matter for submissions, isn't
30 it?
31
16:18:39 32 MR CHETTLE: The difficulty now is it's being put selective
16:18:42 33 and he's picked on a point that is not, the very issue has
16:18:47 34 been covered in other ICRs.
35
16:18:49 36 COMMISSIONER: You'll be able to make submissions on that,
16:18:51 37 Mr Chettle.
16:18:52 38
16:18:52 39 MR CHETTLE: It gets lost, Commissioner, because Mr Winneke
16:18:57 40 is not being fair about it, that's all I want to say.
16:18:59 41
16:19:00 42 MR WINNEKE: Commissioner, I was just dealing in
16:19:00 43 re-examination with a proposition which was put by
16:19:02 44 Mr Chettle and I'm putting it by way of one example.
45
16:19:06 46 COMMISSIONER: Yes.
47

16:19:07 1 MR WINNEKE: I'm entitled to do that in re-examination.
2

16:19:10 3 COMMISSIONER: Yes.
4

16:19:12 5 MR WINNEKE: You were asked questions by Mr Chettle. I
16:19:17 6 think he suggested in cross-examination that I asked you
16:19:22 7 about a matter wherein you said to handlers, or you asked
16:19:31 8 the question, "Why am I not encouraging or inciting",
16:19:38 9 right?---Yep.
10

16:19:39 11 Or conspiring. It was suggested I think by Mr Chettle that
16:19:43 12 was in relation to Mr Karam?---Yep.
13

16:19:47 14 What I put to you was questions that you were being asked
16:19:50 15 about your relationship, and this was leading up to the
16:19:54 16 arrest of PII [REDACTED] and it concerned PII [REDACTED], a
16:19:58 17 discussion on the [REDACTED] or thereabouts of PII [REDACTED]
18

16:20:03 18
16:20:04 19 MR HOLT: Can the date be taken?
20

16:20:07 21 MR WINNEKE: Take the [REDACTED].
16:20:09 22

16:20:09 23 MR HOLT: And where Mr Winneke said it again.
24

16:20:13 25 MR WINNEKE: Take that as well.
26

16:20:14 27 COMMISSIONER: Take out the number at 1304, line 17.
28

16:20:29 29 MR WINNEKE: Line 21 I think it is, Commissioner.
30

16:20:32 31 COMMISSIONER: And line 21.
16:20:33 32

16:20:34 33 MR HOLT: While we have a break, Commissioner, is there any
16:20:36 34 prospect of Mr Sheridan being finished?
35

16:20:39 36 COMMISSIONER: It doesn't look like it.
37

16:20:42 38 MR WINNEKE: I'm just about finished.
39

40 MR HOLT: My friend is saying there is.
41

16:20:44 42 COMMISSIONER: All right.
43

16:20:46 44 MR WINNEKE: There's another bit that we - - -
45

16:20:48 46 COMMISSIONER: But that should only take a short time. If
16:20:50 47 it's only 20 minutes left we should still finish him by 5.

16:20:54 1
16:20:54 2 MR HOLT: Thank you, Commissioner, I'm grateful.
3
16:20:57 4 MR WINNEKE: Can I suggest this to you, your question to
16:21:00 5 the handlers wasn't a question, a genuine question, it was
16:21:05 6 a rhetorical question, wasn't it?---Sorry, when are you
16:21:08 7 talking about?
8
16:21:10 9 When you said to Mr White, "Why am I not encouraging him" -
16:21:19 10 I'm not quoting it - words to this effect, "Why am I not
16:21:23 11 encouraging him, why am I not inciting him"?---Yes, it was
16:21:26 12 rhetorical.
13
16:21:28 14 Sorry?---Yes, it was a rhetorical question.
15
16:21:30 16 It was a rhetorical question. All right, thank you. Can I
16:21:38 17 ask you - you were asked questions by Mr Nathwani about
16:21:54 18 what you say occurred between you and your colleague
16:22:02 19 Ms Cure, Sharon Cure, right?---Yep.
20
16:22:05 21 And you have said in your evidence that she was saying
16:22:11 22 things like she had a statement from Carl Williams and that
16:22:20 23 you were mentioned in the statement and she was - you were
16:22:24 24 all over it, all over the statement, correct?---Yes, and I
16:22:28 25 think you then pointed out that she'd never had a statement
16:22:31 26 or hadn't had it at that time or something along those
16:22:34 27 lines.
28
16:22:34 29 Yes, correct. If we have a look at the statement that
16:22:38 30 she's provided, it's COM.0104.0001.0001. Whilst that's
16:22:51 31 coming up, it seemed to me that you were saying, "Look,
16:22:56 32 things" - no, that's the wrong one. 0104, not 0114. You
16:23:09 33 were saying, "Look, people were saying bad things about me
16:23:13 34 and I wanted to set the record straight about Ms Cure", is
16:23:17 35 that right, is that the gist of what you were saying?---No.
36
16:23:25 37 What Ms Cure says is that at the time that you say this -
16:23:33 38 you were saying she was saying things like she's got a
16:23:38 39 statement and Ms Gobbo's all through it or all over it, she
16:23:41 40 says, "I didn't have a statement from Mr Williams". Now do
16:23:45 41 you accept that?---I don't know at what point in time she's
16:23:50 42 talking about but at some point she did.
43
16:23:54 44 You had a discussion with your handlers about this?---Yep.
45
16:23:58 46 Didn't you? I took you to it?---Yes.
47

16:24:01 1 In that discussion with your handlers you make, what you
16:24:04 2 say is, and we can put it up on the ICR. If we have a look
16:24:12 3 at - sorry. What we do know is that Mr Williams entered a
16:24:23 4 plea of guilty on about 27th - ICR 935 - 27 April or
16:24:32 5 thereabouts and he was sentenced I think on 7 May?---Right.
6
16:24:40 7 This discussion that we have recorded in the ICR occurs on
16:24:46 8 25 June, right?---Yep.
9
16:24:52 10 Mr Williams purported to give, or gave evidence on his
16:24:58 11 plea, do you recall that?---Yes.
12
16:25:00 13 So it was well-known, when I say it was well-known, it was
16:25:03 14 certainly known about the circles in which you mixed that
16:25:08 15 Williams had given evidence and - - - ?---Yes, it was.
16
16:25:11 17 And indicated - right?---Yes, it was, it was known.
18
16:25:17 19 What we see here is that after the note that you were
16:25:22 20 looking around other counsel's offices yesterday, "She
16:25:26 21 found in Sharon Cure's office subpoenaed documents from
16:25:30 22 [REDACTED] Prison. She did the Williams' plea. She had a copy
16:25:35 23 of the statement when it was made and was going around
16:25:37 24 gossiping about it"?---Yes.
25
16:25:40 26 Certainly by 25 June it was well-known that Williams was
16:25:43 27 going to give evidence or had made a statement, wasn't
16:25:46 28 it?---Yes, I think so. The extent of it or the detail I
16:25:53 29 don't think but the fact that he had, yes.
30
16:25:55 31 And so can I suggest this to you, Ms Gobbo, if you at that
16:26:02 32 stage - what you then go and say is - it says here is, "HS
16:26:07 33 told her she shouldn't be doing this", that was last year,
16:26:12 34 do you see that, in brackets?---Yep.
35
16:26:14 36 Williams had made a statement last year, had he?---Sorry,
16:26:22 37 are you saying where it says, "HS told her she shouldn't be
16:26:27 38 doing that", meaning he told me that a year earlier?
39
16:26:31 40 That's what it appears to be, doesn't it? At least in
16:26:35 41 2006, she'd said something in 2006 about it. That couldn't
16:26:38 42 have occurred, could it?---No, not on your interpretation.
16:26:42 43 But that, um, there's no - I mean these guys didn't, I
16:26:49 44 might not have even been speaking to the same person the
16:26:53 45 year before that, that he'd be able to say last - - -
46
16:26:56 47 What the note says is, and I can tell you this, that the

16:27:00 1 handwritten note has the same notation, the "(last year)"
16:27:02 2 appears in the handwritten notes. It appears to be you're
16:27:05 3 saying, "I told her she shouldn't be saying things about
16:27:12 4 Williams' statement last year, and I told her this last
16:27:16 5 year", that's what they've recorded?---Okay.
6
16:27:19 7 That can't be right because Williams hadn't made a
16:27:22 8 statement the previous year?---In 2006?
9
16:27:25 10 Yes, do you accept that?---I don't know when he made his
16:27:28 11 statement or when he, um, first spoke to police and so on.
16:27:35 12 I don't know when that was.
13
16:27:39 14 So what you say is, to your handlers apparently, "She had a
16:27:44 15 copy of Carl's statement when it was made and was going
16:27:48 16 around gossiping about it". So you'd heard, had you, that
16:27:52 17 Ms Cure had a copy of Williams' statement?---I presume so.
16:27:57 18 I mean I can only assume these notes get made based on, you
16:28:01 19 know, a summary of what I've said.
20
16:28:04 21 Right?---Or a subjective summary of what I've said.
22
16:28:07 23 You've embellished in any event, even if that occurred,
16:28:11 24 you've embellished it by saying, "Not only that, Ms Cure
16:28:15 25 was saying, 'And you're all over it, and you're in the
16:28:18 26 statement'." That's the evidence that you've given to this
16:28:22 27 Commission, isn't it?---That's correct, I was told that I
16:28:25 28 was in it, that's right.
29
16:28:26 30 Can I suggest this to you, Ms Gobbo, if that was the case
16:28:29 31 back in 2007, if you were of the view that Ms Cure had been
16:28:35 32 gossiping or saying things to the effect that, "Ms Gobbo,
16:28:39 33 Nicola Gobbo was in statement of Carl Williams", you would
16:28:41 34 have said as much to your handlers, you would have been
16:28:44 35 screaming it from the roof tops?---I thought I had raised
16:28:53 36 that issue.
37
16:28:54 38 Well, you certainly didn't say anything like that, it
16:28:58 39 appears, to your handlers?---Look, I can't - I can't say
16:29:03 40 anything because I haven't read all this material. I
16:29:05 41 haven't seen all these notes.
42
16:29:07 43 You've been prepared in this forum, in effect, to have a go
16:29:13 44 at another barrister without really having any conviction
16:29:15 45 about the truth of what you were saying, can I suggest that
16:29:19 46 to you?---No, no, sorry, I don't agree with that.
47

16:29:22 1 And had you been - - -
2
16:29:24 3 COMMISSIONER: She hasn't finished her answer, thank you.
4
16:29:27 5 MR WINNEKE: Yes?---Um, I don't agree with that
16:29:32 6 characterisation. Um, all I can do is look, um, cast my
16:29:38 7 mind back to do the best I can to think about that person,
16:29:42 8 um, and think about the specifics that I've been asked
16:29:47 9 about.
10
16:29:48 11 All right. Let's have a look at Ms Cure's statement if we
16:29:51 12 can, because there's an email attached to it?---M'hmm.
13
16:30:00 14 0104.0001.0001. If we go to the third page I think it is.
16:30:18 15 Keep going. Keep going. What is attached is a
16:30:25 16 contemporaneous email from Ms Cure, or from Ms Cure to her
16:30:30 17 instructing solicitor, talking about how she endeavoured to
16:30:34 18 negotiate improved conditions, et cetera?---Yes.
19
16:30:38 20 Then paragraph 3, "Carl has signed a statement. We will
16:30:41 21 not receive a copy and it's highly sensitive and subject to
16:30:45 22 an ongoing investigation. It's proposed there be an
16:30:48 23 application for suppression in relation to the following
16:30:50 24 facts", do you see that? She didn't get the statement,
16:30:55 25 according to that?---Well she must have had some document
16:30:59 26 because - standing in her chambers.
27
16:31:02 28 Was that the same - I withdraw that. Go back to the bottom
16:31:07 29 of the statement then, p.3 of the statement. "I did not
16:31:14 30 ever invite, give Nicola Gobbo permission to enter my
16:31:18 31 chambers when I was not there. I did not invite her into
16:31:21 32 my chambers when I was there. I do not believe she was
16:31:25 33 ever in my chambers with my knowledge"?---Sorry, you say
16:31:29 34 the second-last paragraph, you said, "I did not invite her
16:31:32 35 into my chambers when I was not there"?
36
16:31:36 37 "When I was there"?---Well, that's just - I mean that's
16:31:38 38 absurd that she says I was never there with her ever.
16:31:41 39 That's just wrong.
40
16:32:04 41 Finally, Ms Gobbo, you were asked questions by Mr Nathwani
16:32:11 42 about the notes in your 2000 diary, and indeed - - -
16:32:17 43 ?---Yes.
44
16:32:18 45 - - - questions in your 1999 diary?---This is the Pope
16:32:22 46 issue?
47

16:32:23 1 Yes, the Pope thing?---Yes.
2

16:32:25 3 What you said I think in around October of 2011 to Mr Buick
16:32:31 4 is that you had, or you believed that you'd had a sexual
16:32:41 5 relationship with Mr Pope, right?---Yep.
6

16:32:48 7 Obviously the transcript speaks for itself. What you said,
16:32:54 8 as I understand it now, is that Mr Pope never stayed
16:32:58 9 overnight with you; is that right?---I don't believe so,
16:33:01 10 no.
11

16:33:02 12 Right. Have you said previously that if you had had sexual
16:33:11 13 intercourse with a person you'd be inclined to make a note,
16:33:14 14 whether it be cryptic or otherwise, in a diary deliberately
16:33:18 15 so?---Um, sometimes, yes.
16

16:33:24 17 Can I suggest that when one does read the notes it doesn't
16:33:28 18 appear from any of those notes that you've made a note
16:33:31 19 which does suggest that you'd had sexual relations with
16:33:34 20 Mr Pope?---Well not specifically, no.
21

16:33:39 22 Do you think that you might have had discussions, you might
16:33:44 23 have met with Mr Pope on a friendly basis and had
16:33:51 24 discussions, but not actually had sexual intercourse with
16:33:54 25 him? Do you think you might be wrong about that?---No, I
16:34:01 26 think that, um, I can tell you this, that at some point
16:34:06 27 last year I, um, I began to question my own recollection
16:34:13 28 about it.
29

16:34:14 30 M'mm?---But, um, I can't - because I can specifically
16:34:23 31 remember thinking, well, I can't remember a precise night,
16:34:28 32 lunch or occasion when I was asked by the Commissioner
16:34:30 33 those specific questions. But it's something that, um,
16:34:37 34 sticks in my head and I can't, what - I can't think of a
16:34:42 35 reason why I would make it up. There's just no logical
16:34:46 36 reason to it.
37

16:34:47 38 Right. But you can't actually bring to mind the occasion
16:34:51 39 where it occurred?---No, I can't. But equally I can't, um,
16:34:56 40 when it comes to anyone else from 25 years ago or 20 years
16:35:02 41 ago.
42

16:35:06 43 Did you ever say that you thought that the person who was
16:35:10 44 Mr Pope was the person who was at a mediation, at your
16:35:14 45 mediation?---Um, I'm not sure. I don't think so. I think
16:35:24 46 that my, the first time I'd seen him or heard his name
16:35:29 47 mentioned was seeing him, um, in relation to some sexual

16:35:32 1 offence inquiry on, doing a news thing on TV.
2

16:35:43 3 When you were asked questions about it, I think Mr Nathwani
16:35:46 4 put to you the proposition that you'd had a discussion, or
16:35:49 5 he put to you what Mr Pope had said in his affidavit to the
16:35:53 6 effect that there'd been a discussion about the possibility
16:35:56 7 of him coming with you over to the States or something like
16:36:01 8 that?---Yes, some rubbish, yep.
9

16:36:05 10 Well you note that the last occasion that - certainly one
16:36:11 11 of the last occasions Mr Nathwani referred to was a week or
16:36:14 12 so prior to you going to the United States, there were
16:36:17 13 drinks?---Correct. The only time I ever went there was
16:36:23 14 with my mother because it was her preferred, um, place of
16:36:26 15 travel and she was not well enough or fit enough to travel
16:36:30 16 by herself.
17

16:36:32 18 Did you ever stop off in Hawaii for a time before you
16:36:35 19 joined your mother?---Um, I think there was one, one
16:36:37 20 occasion where I went there for a couple of days before or
16:36:42 21 - it might have been either before or after.
22

16:36:44 23 All right?---And perhaps with or, I can't remember whether
16:36:47 24 my sister was there, um, but I've certainly never been
16:36:52 25 there with anyone other than family.
26

16:36:53 27 All right. Yes, thanks Commissioner.
28

16:37:07 29 COMMISSIONER: Yes, all right then. I understand we have
16:37:09 30 to have a private hearing with only - with very limited
16:37:15 31 people present. So we'll adjourn now. That will have to
16:37:19 32 be done - some of the technology has to be changed for
16:37:23 33 that. So if everyone else could leave the courtroom except
16:37:26 34 those involved.
35

16:37:29 36 MR WINNEKE: It should take no more than ten minutes,
16:37:31 37 Commissioner.
38

16:37:31 39 MR COLEMAN: Are we coming back for Mr Sheridan,
16:37:33 40 Commissioner?
41

16:37:34 42 COMMISSIONER: Yes, we are. We'll try and finish him
16:37:37 43 tonight. We'll just adjourn until we're able to do this
16:37:42 44 private hearing.
45

16:38:35 46 (CONFIDENTIAL IN CAMERA PROCEEDINGS FOLLOW)
16:38:37 47