

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

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Wednesday, 13 November 2019

Led by Commissioner:           The Honourable Margaret McMurdo AC

Also Present

|   |                                      |
|---|--------------------------------------|
| Counsel Assisting:                          | Mr C. Winneke QC<br>Ms M. Tittensor  |
| Counsel for Victoria Police                 | Ms R. Enbom SC<br>Ms K. Argiropoulos |
| Counsel for State of Victoria               | Mr C. McDermott                      |
| Counsel for Nicola Gobbo                    | Mr R. Nathwani                       |
| Counsel for DPP/SPP                         | Ms A. Martin<br>Ms K. O'Gorman       |
| Counsel for CDDP                            | Ms A. Haban-Beer                     |
| Counsel for Police Handlers                 | Mr G. Chettle<br>Ms L. Thies         |
| Counsel for John Higgs                      | Ms C. Dwyer                          |
| Counsel for AFP                             | Ms I. Minnett                        |
| Counsel for Chief<br>Commissioner of Police | Mr P. Silver                         |

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09:35:42 1 COMMISSIONER: The appearances are largely as they were  
09:35:45 2 yesterday, except that I note that Mr McDermott is here for  
09:35:48 3 the State of Victoria, Ms Martin for the DPP, at least  
09:35:53 4 initially on her own, and I think that's the only changes.  
5

09:35:59 6 Before the witness returns to the witness box, as  
09:36:02 7 Victoria Police were informed on Monday, Ms Enbom, I am  
09:36:09 8 publicly mentioning the current unsatisfactory aspects of  
09:36:12 9 Victoria Police's provision of material to the Royal  
09:36:15 10 Commission today. I think the quickest way to do it will  
09:36:19 11 be for me to go through the matters and I'll mention what  
09:36:25 12 we've been provided so far by Victoria Police by way of  
09:36:28 13 explanation and you can add to it if needs be.

14

15 MS ENBOM: Yes Commissioner.

16

09:36:33 17 COMMISSIONER: The first person is, I don't know whether  
09:36:37 18 I'm allowed to mention his name but I haven't been given a  
09:36:42 19 pseudonym, the first person on the list - can I mention his  
09:36:49 20 name?  
21

09:36:49 21

09:36:49 22 MS ENBOM: I'm not sure.

09:36:51 23

09:36:51 24 COMMISSIONER: I'm not sure I can either. This statement  
09:36:53 25 was requested on 23 May. It was due on 10 June and I've  
09:36:58 26 been told that given a request to address further matters  
09:37:03 27 which Victoria Police received on 21 October, the witness  
09:37:07 28 requires further time to finalise his statement, anticipate  
09:37:11 29 that it will be finalised in the week commencing 11  
09:37:14 30 November. Firstly, of course, the original statement  
09:37:16 31 wasn't provided and very often a supplementary statement is  
09:37:21 32 provided when further material is requested so it's not a  
09:37:24 33 satisfactory explanation. I don't know whether you want to  
09:37:28 34 add anything to that one.

09:37:29 35

09:37:29 36 MS ENBOM: That statement has been finalised, we're waiting  
09:37:32 37 on a Notice to Produce and it will be produced as soon as  
09:37:37 38 the notice arrives.

09:37:38 39

09:37:38 40 COMMISSIONER: I don't think we have been notified of that.  
09:37:42 41 A Notice to Produce will be issued today. Mr Jim Coghlan's  
09:37:47 42 statement was due on 10 June, requested 23 May. Victoria  
09:37:51 43 Police says that they should be finalised the week ending 8  
09:37:56 44 November but as yet still not produced.

09:37:59 45

09:38:00 46 MS ENBOM: That one has also been finalised and will be  
09:38:04 47 produced today upon receipt of a Notice to Produce.

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09:38:07 1  
09:38:07 2 COMMISSIONER: All right. Peter Lardner, again requested  
09:38:10 3 30 May for 6 June. Told by Victoria Police currently  
09:38:17 4 expect to finalise this statement this week.  
09:38:19 5  
09:38:20 6 MS ENBOM: It will be finalised next week, Commissioner.  
09:38:22 7  
09:38:22 8 COMMISSIONER: Next week. Kieran Walsh, requested 12 May  
09:38:31 9 2019, due 19 August 2019. Victoria Police says these  
09:38:36 10 witnesses are former members and working full-time in other  
09:38:39 11 roles. It's a slow progress with the statements,  
09:38:42 12 preparation is underway. We're not able to meet with him  
09:38:45 13 until 15 November, it seems unlikely the statement will not  
09:38:49 14 be finalised before late November. Is that still the  
09:38:52 15 position?  
09:38:52 16  
09:38:52 17 MS ENBOM: It is Commissioner.  
09:38:53 18  
09:38:53 19 COMMISSIONER: Can you do better?  
09:38:55 20  
09:38:57 21 MS ENBOM: We'll try. We'll try.  
09:38:57 22  
09:38:58 23 COMMISSIONER: Andrew Glow's statement requested 19 March,  
09:39:01 24 due 27 March. Told you currently expect to finalise a  
09:39:05 25 statement next week.  
09:39:05 26  
09:39:06 27 MS ENBOM: That's still the position, Commissioner.  
09:39:08 28  
09:39:09 29 COMMISSIONER: Paul Sheridan, we were told - this was a  
09:39:13 30 statement that was requested on 18 July, was due on 16  
09:39:16 31 August. We were told last night that it is now ready, is  
09:39:20 32 that correct?  
09:39:20 33  
09:39:21 34 MS ENBOM: That's correct.  
09:39:21 35  
09:39:21 36 COMMISSIONER: Yes. Shane O'Connell, requested on 19  
09:39:27 37 March, due on 27 March. We're told these witnesses are  
09:39:30 38 former members and working full-time in other roles. Slow  
09:39:35 39 progress. Current expectation statement may be finalised  
09:39:39 40 this week.  
09:39:40 41  
09:39:40 42 MS ENBOM: It's more likely to be next week, Commissioner,  
09:39:43 43 there's a lot of material I'm told in relation to him.  
09:39:46 44  
09:39:46 45 COMMISSIONER: You see, the reason I'm doing this is  
09:39:50 46 because it's our expectation that all witnesses and all  
09:40:01 47 evidence relevant to Terms of Reference 1 and 2 will be

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09:40:05 1 completed by 20 December and we can't do this without  
09:40:10 2 statements.  
09:40:10 3  
09:40:10 4 MS ENBOM: Yes, I understand that, Commissioner.  
09:40:14 5  
09:40:14 6 COMMISSIONER: Anyway, I'll just keep going through the  
09:40:16 7 list at the moment. Bernie Edwards, requested 3 October,  
09:40:21 8 due 11 October. "First conference with this witness has  
09:40:23 9 been scheduled this week. We will then be better placed to  
09:40:30 10 indicate when the statement will be finalised after the  
09:40:35 11 meeting." Has the meeting occurred yet?  
09:40:38 12  
09:40:39 13 MS ENBOM: Yes, I'm instructed it has.  
09:40:40 14  
09:40:40 15 COMMISSIONER: So what's the position?  
09:40:41 16  
09:40:43 17 MS ENBOM: I'll need to get some instructions about that.  
09:40:44 18 I'll speak to the person who met with the witness,  
09:40:45 19 Commissioner.  
09:40:45 20  
09:40:49 21 COMMISSIONER: Officer Pearce. A statement was requested  
09:41:00 22 on 30 October. Due 7 November. Victoria Police says, "Not  
09:41:06 23 currently in a position to provide an estimate but note  
09:41:09 24 that he is a priority one witness and will approach  
09:41:12 25 preparation of his statement accordingly". Any  
09:41:14 26 developments there?  
09:41:16 27  
09:41:16 28 MS ENBOM: Yes, there has been a development. There are  
09:41:19 29 some medical issues in relation to that witness. I'll need  
09:41:23 30 to get some more detailed instructions about that matter.  
09:41:26 31 We will write to the solicitors assisting the Commission  
09:41:30 32 today with those details.  
09:41:31 33  
09:41:31 34 COMMISSIONER: All right then. Finn McRae's statement was  
09:41:33 35 requested 12 August, due 20 August. We were told last  
09:41:38 36 night that it's now ready to produce, is that right?  
09:41:40 37  
09:41:42 38 MS ENBOM: That's correct.  
09:41:43 39  
09:41:47 40 COMMISSIONER: Lucinda Nolan, requested 17 October, due 24  
09:41:50 41 October. She's a former member of Victoria Police. We are  
09:41:55 42 told she is currently searching for relevant material,  
09:41:59 43 including diaries, which has delayed progress of her  
09:42:02 44 statement. She's travelling until mid-November, the  
09:42:07 45 statement is unlikely to be finalised until late November.  
09:42:09 46 Is there any development there?  
47



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09:42:11 1 MS ENBOM: I'm meeting her tomorrow morning, so I hope that  
09:42:14 2 we will be able to turn around a statement in a few days.  
09:42:17 3  
09:42:17 4 COMMISSIONER: Thank you. In addition to those priority  
09:42:21 5 statements, a further 34 statements of current and former  
09:42:28 6 Victorian Police officers remain overdue, some have been  
09:42:32 7 outstanding since March 2019 and many have been requested  
09:42:40 8 more than a dozen times. I know that you regularly, you  
09:42:41 9 that is Victoria Police, are regularly informed of this in  
09:42:45 10 weekly reminders from the Commission. It was 35 until last  
09:42:49 11 night when Glen Owen's statement we were told was now ready  
09:42:53 12 to be produced.  
09:42:54 13  
09:42:54 14 MS ENBOM: Yes.  
09:42:55 15  
09:42:55 16 COMMISSIONER: We need all those statements. Whilst we  
09:42:58 17 have prioritised as priority one, as 20 December looms  
09:43:05 18 obviously they're really all priority one statements now.  
19  
20 MS ENBOM: Yes.  
21  
09:43:07 22 COMMISSIONER: We need the statements to know whether they  
09:43:10 23 should be called and to finalise the hearing of evidence on  
09:43:14 24 Terms of Reference 1 and 2.  
09:43:16 25  
09:43:16 26 MS ENBOM: Yes, I understand, Commissioner. May I address  
09:43:19 27 two matters. The first is the date that the requests are  
09:43:25 28 made for statements. We're not responding to those  
09:43:30 29 requests on a first-in first-out basis. We are responding  
09:43:36 30 to the requests based on the priorities that we're given by  
09:43:41 31 the solicitors assisting. So there might be a request that  
09:43:44 32 was made in March, but we've been told that that statement  
09:43:50 33 is of the lowest priority and so it's at the bottom of the  
09:43:54 34 list. There may be requests, a request that was made in  
09:43:57 35 let's say late October but we're told that is a statement  
09:44:02 36 that is required immediately. So we put that to the top of  
09:44:05 37 the list. So the date of the request has little relevance  
09:44:15 38 in terms of delay in providing statements. We're providing  
09:44:21 39 them in the order that we're told to provide them.  
09:44:26 40  
09:44:26 41 COMMISSIONER: I don't know that's actually entirely  
09:44:29 42 accurate.  
09:44:31 43  
09:44:31 44 MS ENBOM: They're my instructions. I understand there are  
09:44:34 45 regular meetings between my instructors and the solicitors  
09:44:38 46 assisting in which the order is communicated and then we  
09:44:40 47 work to that order.

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09:44:42 1  
09:44:42 2 COMMISSIONER: Look, we could stand here arguing but the  
09:44:44 3 fact remains we're finishing hearing evidence on these  
09:44:49 4 matters at the end of December and until last night there  
09:44:53 5 were 11 priority statements and a further 35 other  
09:44:58 6 statements still outstanding and they've been requested,  
09:45:02 7 many of them, since March.  
09:45:04 8  
09:45:04 9 MS ENBOM: Yes, I understand that.  
09:45:06 10  
09:45:06 11 COMMISSIONER: All right.  
09:45:06 12  
09:45:07 13 MS ENBOM: Can I provide a little bit of context. As at  
09:45:11 14 today's date I'm instructed that we have prepared now over  
09:45:16 15 100 witness statements. That is, that has been a mammoth  
09:45:22 16 exercise. One single legal team has produced over 100  
09:45:28 17 witness statements in the course of a year. Those witness  
09:45:31 18 statements are not short. Some of them are over 50 pages.  
09:45:34 19 Mr McRae's is close to 90, perhaps 100 pages. The exercise  
09:45:42 20 for producing one witness statement is time consuming and  
09:45:45 21 difficult because it requires usually multiple conferences,  
09:45:51 22 not just one but multiple conferences. So we've conferred  
09:45:55 23 with 100 people, more than 100 people multiple times. We  
09:46:01 24 have searched for diaries, we've located diaries. Some  
09:46:04 25 witnesses have 15 diaries that are relevant to the period.  
09:46:07 26 We read the diaries which is not easy. We read the diaries  
09:46:11 27 to look for relevant material. We search Ringtail for  
09:46:14 28 relevant material. We search Loricated for relevant  
09:46:16 29 material. We read emails. So a huge amount of work goes  
09:46:20 30 into the preparation of one statement. We have now  
09:46:23 31 prepared in the course of 12 months over 100 of them.  
09:46:26 32  
09:46:26 33 COMMISSIONER: It doesn't seem to me a lot of statements to  
09:46:29 34 be prepared in the course of 12 months I'm sorry, Ms Enbom.  
09:46:32 35 Even you and your great advocacy can't really turn a sow's  
09:46:38 36 ear into a silk's purse.  
09:46:40 37  
09:46:40 38 MS ENBOM: With the greatest of respect, Commissioner, I  
09:46:44 39 find that criticism really difficult to accept.  
09:46:46 40  
09:46:46 41 COMMISSIONER: It's not a criticism. These police officers  
09:46:48 42 are people who are used to making statements as part of  
09:46:51 43 their job, everyday job for court proceedings and it really  
09:46:58 44 isn't necessary for the perfect statement that, that you  
09:47:05 45 consider is perfect at that point. It's more of interest  
09:47:13 46 to the Royal Commission to get a statement prepared and if  
09:47:18 47 it's necessary to make amendments later they can be made.

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09:47:21 1  
09:47:21 2 MS ENBOM: Yes.  
09:47:21 3  
09:47:22 4 COMMISSIONER: When we have absolutely nothing to go on  
09:47:25 5 after all this time it is very difficult for the Royal  
09:47:28 6 Commission to carry out and meet its Terms of Reference in  
09:47:31 7 a timely way.  
09:47:32 8  
09:47:32 9 MS ENBOM: Yes, I certainly accept that, Your Honour, and  
09:47:35 10 we have stopped preparing Rolls Royce witness statements.  
09:47:40 11 They were Rolls Royce standard at the start, they are no  
09:47:42 12 longer at that standard, but every witness in the  
09:47:45 13 circumstances of this Royal Commission is entitled to  
09:47:48 14 proper legal advice and legal assistance and we would not  
09:47:53 15 be doing our job if we didn't, if we didn't give them that  
09:47:57 16 proper assistance and it's not - - -  
09:47:59 17  
09:47:59 18 COMMISSIONER: You are also required to provide statements  
09:48:02 19 to the Royal Commission.  
09:48:04 20  
09:48:04 21 MS ENBOM: Some witnesses have decided not to do that,  
09:48:08 22 Commissioner. Ours haven't. Ours decided not to take the  
09:48:10 23 approach that was taken by a witness last week or the week  
09:48:13 24 before, which was not to provide a statement and just get  
09:48:15 25 in the witness box and surprise everyone. We've taken the  
09:48:18 26 opposite approach, which is to comprehensively review  
09:48:22 27 material and provide a detailed statement for the  
09:48:25 28 assistance of the Commission.  
09:48:27 29  
09:48:29 30 COMMISSIONER: But very tardily, very tardily.  
09:48:31 31  
09:48:31 32 MS ENBOM: The witnesses with respect could have said,  
09:48:33 33 "We're not going to prepare a statement" but none of them  
09:48:37 34 have taken that approach.  
09:48:38 35  
09:48:38 36 COMMISSIONER: We might have heard from them faster if that  
09:48:42 37 was the case.  
09:48:42 38  
09:48:43 39 MS ENBOM: Commissioner, moving to the completion of the  
09:48:50 40 evidence this year, just focusing on the witnesses for whom  
09:48:56 41 witness statements have been prepared, I don't know how  
09:49:01 42 it's envisaged that the evidence can be completed this  
09:49:04 43 year. I had a look this morning at the number of sitting  
09:49:07 44 days, there's 22 sitting days. There are at least 20  
09:49:11 45 witnesses who will be called, undoubtedly. There are - - -  
09:49:15 46  
09:49:15 47 COMMISSIONER: Well actually that's a matter for the Royal

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09:49:17 1 Commission.  
09:49:17 2  
09:49:17 3 MS ENBOM: It is, it is. But I can't accept that the delay  
09:49:23 4 in producing the last 30 witness statements of 130  
09:49:30 5 requested will be the cause of the evidence not finishing  
09:49:35 6 this year.  
09:49:36 7  
09:49:36 8 COMMISSIONER: It is the intention of the Commission to  
09:49:39 9 finish the evidence this year, we want the witness  
09:49:41 10 statements.  
09:49:41 11  
09:49:41 12 MS ENBOM: Yes, and we are working around the clock. It  
09:49:43 13 has taken a significant toll on the people working on those  
09:49:47 14 statements and we are continuing to work around the clock,  
09:49:51 15 seven days a week, 12 hours a day. We can't do any more,  
09:49:55 16 Commissioner.  
09:49:55 17  
09:49:55 18 COMMISSIONER: All right. If we could move on then to the  
09:49:58 19 PII issues. In terms of transcripts, there are 49  
09:50:03 20 outstanding in camera transcripts, including the [REDACTED]  
09:50:10 21 transcript and we haven't had updates as to how the PII  
09:50:17 22 request is going on those.  
09:50:21 23  
09:50:22 24 MS ENBOM: Commissioner, I confess I'm not across the  
09:50:24 25 status of the PII review.  
09:50:26 26  
09:50:27 27 COMMISSIONER: Could I then put you on notice that there  
09:50:29 28 are 49 outstanding in camera transcripts awaiting PII. As  
09:50:34 29 to the exhibits that have been tendered, there are 19  
09:50:38 30 exhibits the Commission has reviewed and provided the  
09:50:45 31 Commissioner's initial view, that's after Victoria Police  
09:50:48 32 have given their view. Then VicPol has not responded to  
09:50:54 33 that. They have sort of ended in a dead-end back at  
09:50:57 34 Victoria Police. We have to get these sorted as a matter  
09:51:00 35 of priority so that the report can be written in a way that  
09:51:06 36 is accessible to the public.  
09:51:09 37  
09:51:09 38 MS ENBOM: Yes.  
09:51:10 39  
09:51:10 40 COMMISSIONER: And also that counsel's submissions can be  
09:51:15 41 accessible to the public and to those who have a natural  
09:51:22 42 justice right to answer any adverse findings.  
09:51:29 43  
09:51:29 44 MS ENBOM: Yes.  
09:51:30 45  
09:51:30 46 COMMISSIONER: So the PII is a priority because we need to  
09:51:36 47 get that sorted out hopefully by the end of the year also.



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09:51:42 1 There are currently 278 exhibits for which Victoria Police  
09:51:46 2 have not provided any requested redactions by way of PII,  
09:51:52 3 including audio clips and transcripts which are being  
09:51:57 4 requested by the media and they are actually quite quick  
09:52:00 5 and easy to do. They're short and they won't take very  
09:52:04 6 long. Now, the Commission has received 89 of the 174 ICRs  
09:52:13 7 which are at various stages of the PII process, but very  
09:52:19 8 few have actually been published yet. Now there is a  
09:52:23 9 protocol which provides for when the Commission hasn't  
09:52:32 10 accepted Victoria Police's initial public interest immunity  
09:52:35 11 claims and that's not resolved, the process is then for it  
09:52:40 12 to go to the State of Victoria, represented by the  
09:52:43 13 Department of Justice and Community Safety for the purposes  
09:52:46 14 of an attempt to resolve the outstanding PII issues. "If  
09:52:50 15 no agreement is reached, the Commission is then to  
09:52:53 16 determine any PII claims at a hearing as soon as possible.  
09:52:58 17 If the Commission determines the PII claims are not a  
09:53:01 18 reasonable excuse within the meaning of the Act and the  
09:53:04 19 party claiming PII informs the Commission that it disputes  
09:53:08 20 that determination, the Commission will not publish the  
09:53:11 21 document for five working days to enable the party claiming  
09:53:13 22 PII to make urgent application to the Supreme Court." So  
09:53:16 23 we need to follow that protocol to start getting this  
09:53:19 24 material into the public domain and the reason for that is  
09:53:23 25 that we have to get these issues sorted before the report  
09:53:28 26 writing and submission writing.  
09:53:30 27  
09:53:30 28 MS ENBOM: Yes, yes.  
09:53:32 29  
09:53:34 30 COMMISSIONER: So if we could - - -  
09:53:37 31  
09:53:37 32 MS ENBOM: I'll find some time over the next few days to  
09:53:42 33 sit down with the PII team.  
09:53:44 34  
09:53:44 35 COMMISSIONER: We'll need to probably mention these matters  
09:53:46 36 again next week.  
37  
38 MS ENBOM: Yes.  
39  
09:53:47 40 COMMISSIONER: When we're in a position to.  
41  
42 MS ENBOM: Yes.  
43  
09:53:49 44 COMMISSIONER: And we'll let you know as to when we'll do  
09:53:52 45 that next week to see how we're progressing.  
09:53:56 46  
09:53:57 47 MS ENBOM: Thank you.

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09:53:57 1  
09:53:57 2 COMMISSIONER: Thanks Ms Enbom.  
09:53:58 3  
09:53:59 4 MS ENBOM: Thank you.  
09:54:11 5  
09:54:11 6 COMMISSIONER: Yes, the witness can return to the witness  
09:54:16 7 box. I confirm we're in open hearing.  
09:54:23 8  
09:54:23 9  
09:54:25 10 <PAUL ROWE, recalled:  
09:54:41 11  
09:54:41 12 COMMISSIONER: Yes, you can be seated if you'd prefer,  
09:54:44 13 Mr Rowe, whichever you prefer. Yes Ms Tittensor.  
09:54:48 14  
09:54:48 15 MS TITTENSOR: Thanks Commissioner. Mr Rowe, at the end of  
09:54:50 16 yesterday I was taking you through some investigation plan  
09:54:54 17 documents and briefings that were given by  
09:54:58 18 Mr O'Brien?---Yes.  
09:54:58 19  
09:55:00 20 And essentially at that point in time Operation Posse, the  
09:55:08 21 entire plan really was to get, to break down the Mokbel  
09:55:12 22 criminal cartel overall?---Yes.  
09:55:14 23  
09:55:14 24 And there were a number of ways in which that was to be  
09:55:17 25 done and that included, two of those things I pointed out  
09:55:21 26 to you yesterday, was to motivate two particular people by  
09:55:25 27 capturing them for offending and motivating them to assist  
09:55:30 28 Purana in effect to get the Mokbel cartel?---Yes.  
09:55:35 29  
09:55:37 30 Right. And both of those people had connections with  
09:55:40 31 Ms Gobbo, in fact she had nominated both of those people as  
09:55:45 32 potentially being able to assist?---What was the date of  
09:55:50 33 that investigation plan?  
09:55:51 34  
09:55:52 35 The investigation plan I think was drawn up in about  
09:55:55 36 October of 2005?---Yes.  
09:55:58 37  
09:56:01 38 The first of those people, PII [REDACTED], was represented by  
09:56:07 39 Ms Gobbo in 2005 and into 2006. He had some outstanding  
09:56:15 40 matters already?---Which person? Is that PII [REDACTED]?  
09:56:19 41  
09:56:28 42 If I refer to that person as PII [REDACTED]?---Yes.  
09:56:32 43  
09:56:32 44 You'll understand who I'm talking about?---Yes.  
09:56:35 45  
09:56:35 46 COMMISSIONER: I suppose we could use a pseudonym if that  
09:56:38 47 would make it easier? No, not happy with that.

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09:56:42 1  
2 MS ARGIROPOULOS: No, Commissioner. The way that we've  
3 been dealing with it is obviously - - -  
4  
09:56:45 5 COMMISSIONER: Are you happy with the way Ms Tittensor  
09:56:47 6 suggested, which is [REDACTED]?  
09:56:51 7  
09:56:52 8 MS ARGIROPOULOS: If it's done at a very high level and  
09:56:54 9 that's the way it's been done so far it should be  
09:56:58 10 (indistinct).  
09:56:59 11  
09:56:59 12 COMMISSIONER: We'll proceed that way.  
09:57:00 13  
09:57:01 14 MS ARGIROPOULOS: This witness perhaps doesn't realise in  
09:57:03 15 open hearing we don't even use that pseudonym for the  
09:57:07 16 person.  
09:57:07 17  
09:57:07 18 COMMISSIONER: I wasn't talking about that number  
09:57:10 19 pseudonym, I was talking about the pseudonym, the other  
09:57:12 20 pseudonym.  
09:57:14 21  
09:57:15 22 MS ARGIROPOULOS: I'm sorry, Commissioner, I think I was  
09:57:18 23 distracted by a number and I'm at cross-purposes now.  
09:57:23 24  
09:57:23 25 COMMISSIONER: If you're happy with [REDACTED] we  
09:57:26 26 can use that. I was going to suggest we used a different  
09:57:30 27 pseudonym.  
09:57:31 28  
09:57:31 29 MS ARGIROPOULOS: No, that's fine.  
09:57:33 30  
09:57:33 31 COMMISSIONER: The latest pseudonym.  
09:57:36 32  
09:57:36 33 MS ARGIROPOULOS: I'm sorry, Commissioner, I don't know  
09:57:39 34 what you're talking about now. I'm confused.  
09:57:42 35  
09:57:42 36 COMMISSIONER: I'm glad it happens to you sometimes too,  
09:57:46 37 Ms Argiropoulos.  
09:57:48 38  
09:57:49 39 MS ARGIROPOULOS: My understanding is that was for the  
09:57:51 40 purposes of that evidence only. I'm not, I'd need to seek  
09:57:56 41 instructions, just thinking on my feet I'm not comfortable  
09:57:59 42 with that - - -  
09:58:00 43  
09:58:00 44 COMMISSIONER: Are you happy with [REDACTED]?  
09:58:03 45  
09:58:03 46 MS ARGIROPOULOS: Yes.  
09:58:04 47



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09:58:05 1 COMMISSIONER: Yes, thanks.

09:58:06 2

09:58:06 3 MS TITTENSOR: I'll refer to - you understand who I'm

09:58:09 4 talking about when I say [REDACTED]?---I think

09:58:12 5 so.

09:58:12 6

09:58:12 7 All right. You understand that in that plan that I took

09:58:16 8 you to yesterday there was a second person mentioned who

09:58:20 9 had also been represented by Ms Gobbo?---Yes.

09:58:24 10

09:58:24 11 Who was in fact, she was in fact representing him at the

09:58:28 12 very time that you assisted to recruit her in

09:58:36 13 August/September 2005?---My understanding is that she was

09:58:39 14 but I don't believe I was aware of that at the time. I

09:58:43 15 don't think I'd ever heard of him to be honest.

09:58:47 16

09:58:47 17 When you went to court and you first discussed Ms Gobbo

09:58:50 18 coming on board, you remember that conversation?---Yes.

09:58:53 19

09:58:53 20 With Mr Mansell?---Yes.

09:58:55 21

09:58:55 22 She was due on that date to represent that person?---No.

09:59:00 23 We're talking about a different person, aren't we? In fact

09:59:05 24 we definitely are.

09:59:06 25

09:59:12 26 I don't know that I - - - ?---She was due to represent the

09:59:16 27 main Quills witness if we can put it that way.

09:59:19 28

09:59:19 29 Yes, that's who I'm talking about?---As opposed to the

09:59:23 30 PII [REDACTED].

09:59:24 31

09:59:25 32 I'm just getting confused about who we can name. She was

09:59:29 33 representing Mr Bickley?---Yes.

09:59:30 34

09:59:30 35 At the time that you were, you met her at court?---Yes.

09:59:33 36

09:59:34 37 That's the second target who was referred to in the

09:59:38 38 investigation plan yesterday?---Yes.

09:59:39 39

09:59:39 40 So we've got target number one, being PII [REDACTED] and target

09:59:44 41 number two being Mr Bickley?---Yes.

09:59:47 42

09:59:48 43 Right. At that point Ms Gobbo was, in 2005, representing

09:59:55 44 target number one, PII [REDACTED]. He had two matters

09:59:59 45 outstanding and was coming up to a plea hearing. He was

10:00:02 46 going to plead to those two matters?---My understanding is

10:00:06 47 she was but as I said I don't think I had ever heard of him

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10:00:11 1 at that point time, or certainly not that I knew who he  
10:00:13 2 was.  
10:00:14 3  
10:00:14 4 You may well have in that 16 September discussion that you  
10:00:17 5 were present at when she first met with the SDU, there was  
10:00:26 6 some discussion involving that person potentially being  
10:00:28 7 able to give information that might bring about the  
10:00:32 8 downfall of Mokbel. If that's in that conversation and you  
10:00:35 9 were present, you accept you might have known that at that  
10:00:38 10 stage?---Yeah, perhaps. I don't remember that particular  
10:00:45 11 person being mentioned, but I think there's a transcript so  
10:00:48 12 I'm happy to stand corrected.  
10:00:49 13  
10:00:50 14 All right. And then there was the target number two,  
10:00:56 15 Mr Bickley, we've just confusingly discussed?---Yes.  
10:01:00 16  
10:01:00 17 Now, she in essence, that's how she came to be recruited,  
10:01:06 18 is because she felt conflicted in relation to representing  
10:01:10 19 him and representing Mokbel at the same time?---Yeah,  
10:01:16 20 that's one of the reasons.  
10:01:17 21  
10:01:19 22 Although also at that time she represented another  
10:01:21 23 co-accused in that matter, [REDACTED] who made a statement  
10:01:24 24 against Mr Bickley?---Not at that point in time, I think  
10:01:29 25 that - no, no. I think she'd been approached, yes, I think  
10:01:37 26 she'd been approached. She tells us on that day she had  
10:01:40 27 been spoken to in relation to - - -  
10:01:41 28  
10:01:42 29 If the evidence before the Commission indicates that around  
10:01:45 30 the time August/September she represents and goes to court  
10:01:48 31 for [REDACTED] and that she assists him or advises him and he  
10:01:54 32 makes a statement, you would accept that?---Yes, I think -  
10:01:57 33 - -  
10:01:57 34  
10:01:57 35 And that statement he made implicated Mr Bickley?---Yes,  
10:02:00 36 and I think on her account she was using her representation  
10:02:06 37 of [REDACTED] to avoid representing Bickley, or at least that's  
10:02:10 38 what she said.  
10:02:11 39  
10:02:16 40 Now, there's some evidence before the Commission, I think  
10:02:22 41 there's some reference in your statement, to there being  
10:02:24 42 concerns whenever court proceedings were coming up in  
10:02:28 43 relation to, that related to matters associated with  
10:02:32 44 Ms Gobbo, there was concern that her role might be  
10:02:35 45 revealed, is that right?---Yes.  
10:02:38 46  
10:02:38 47 And in particular there were two aspects to that, one might



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10:02:43 1 be her role as an informer might be revealed, but there  
10:02:48 2 also seemed to be some concern that her role in  
10:02:51 3 representing people who became Crown witnesses might be  
10:02:54 4 revealed?---Yes. Well I know she was very concerned about  
10:03:03 5 it.  
10:03:03 6  
10:03:03 7 There were two aspects to those concerns about matters in  
10:03:07 8 relation to Ms Gobbo being revealed, do you accept  
10:03:13 9 that?---Yes, yes. Look, she, I mean the first aspect was,  
10:03:17 10 I would say primarily her concern.  
10:03:20 11  
10:03:20 12 Yes, being revealed as a human source?---No, that was our  
10:03:24 13 concern. Her concern was, you know, having represented  
10:03:28 14 people that ultimately provide information to police.  
10:03:31 15  
10:03:32 16 But nevertheless there were efforts by the police to  
10:03:38 17 conceal her involvement in both respects when those court  
10:03:42 18 proceedings developed, is that right?---Yes, to varying  
10:03:46 19 degrees.  
10:03:46 20  
10:03:48 21 The clients of hers that went on to become witnesses were  
10:03:54 22 spoken to in relation to how they might respond to  
10:03:58 23 questions during their evidence in relation to Ms Gobbo's  
10:04:01 24 representation and advice to them, was that right?---No.  
10:04:06 25  
10:04:07 26 Did you ever speak to any of those witnesses in relation to  
10:04:13 27 what they might say or claims they might make when giving  
10:04:20 28 evidence, if they were asked questions that might bring  
10:04:23 29 about a disclosure in relation to Ms Gobbo?---No way.  
10:04:26 30  
10:04:26 31 Were you aware that anyone else in the Police Force did  
10:04:31 32 that?---No, I can only speak to the people I dealt with,  
10:04:40 33 but there's no way.  
10:04:41 34  
10:04:44 35 PII [REDACTED], did you ever speak to him about his evidence and  
10:04:47 36 what he might say if asked certain questions in  
10:04:51 37 evidence?---No, I don't think I ever, you know which a  
10:04:55 38 little bit unusual, but I don't think I ever spoke to him  
10:04:58 39 directly about, you know, giving evidence. He was being  
10:05:02 40 managed or dealt with by other people, even though I was  
10:05:05 41 the informant.  
10:05:05 42  
10:05:06 43 Mr Bickley, did you ever speak to him about what he might  
10:05:09 44 say when he came to give evidence?---Only in a general  
10:05:13 45 sense as I do with all my witnesses.  
10:05:16 46  
10:05:16 47 Did you ever speak to him about what he might say about any

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10:05:19 1 legal representation he received?---No, no. You're talking  
10:05:28 2 in respect to Ms Gobbo, it would seem totally  
10:05:33 3 counterproductive to do so.  
10:05:35 4  
10:05:35 5 Why do you say that?---Well, you know, if our interest is  
10:05:40 6 to protect her as ultimately a human source, to then talk  
10:05:44 7 to someone else [REDACTED] about someone  
10:05:50 8 else, I think it probably goes against every principle, you  
10:05:56 9 know, of source management.  
10:05:57 10  
10:05:58 11 Sorry, I spoke over you. We're not just talking about her  
10:06:01 12 as a human source or necessarily talking to that witness  
10:06:03 13 about her as a human source, but talking to them about the  
10:06:06 14 fact that Ms Gobbo might be put in danger if it was  
10:06:09 15 revealed that she had represented them?---No.  
10:06:13 16  
10:06:13 17 Not as a human source but as a lawyer?---No, because I  
10:06:16 18 think, you know, even talking to them in those  
10:06:19 19 circumstances gives rise to questions as to, you know, why  
10:06:26 20 would we be wanting to protect her in that regard and the  
10:06:30 21 perception of these people that don't know her true status,  
10:06:34 22 to me that would be crazy.  
10:06:36 23  
10:06:37 24 And do you accept that that's not something that ought to  
10:06:40 25 have been hidden from the defence or hidden from the court,  
10:06:44 26 that she was a lawyer, she acted, she advised?---Yeah, I -  
10:06:50 27 you know, I know we discussed it, but I was always of the  
10:06:55 28 view that, you know, her role as a solicitor or, you know,  
10:07:03 29 lawyer, whatever, should have been the same as anyone in  
10:07:08 30 those circumstances, you know, she gives advice, people  
10:07:11 31 speak to police. To me, you know, trying to shy away from  
10:07:17 32 that then, as I said, raises questions about that second  
10:07:21 33 element.  
10:07:21 34  
10:07:21 35 So once you try and conceal her involvement as a lawyer, as  
10:07:25 36 you indicated, it raises questions about the propriety of  
10:07:29 37 her acting as a lawyer in the first place in that  
10:07:33 38 matter?---No, that's not what I mean. I mean why are you  
10:07:36 39 protecting her role as a lawyer, you know, what are you  
10:07:39 40 hiding, you know, and to me that always was going to raise  
10:07:44 41 more suspicion about her role as an informer.  
10:07:46 42  
10:07:47 43 Because it's not the, it's certainly not the usual thing  
10:07:50 44 that a lawyer's role in acting for a particular person  
10:07:53 45 would be hidden?---No, no.  
10:07:56 46  
10:08:00 47 MS ARGIROPOULOS: Excuse me, I apologise, if this is a

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10:08:03 1 convenient time for me to raise a concern. I'm instructed  
10:08:06 2 that an answer that was given a short time ago in the last  
10:08:11 3 15 minutes I'd seek to have removed from the live stream.  
10:08:15 4 It's at p.9171 35 but it's at line 43. I think I might  
10:08:29 5 need to mention the words that need to be removed as well,  
10:08:34 6 the reference to [REDACTED] discloses another  
10:08:39 7 person as, discloses a matter which we wouldn't ordinarily  
10:08:48 8 deal with in a public hearing.  
10:08:53 9  
10:08:54 10 COMMISSIONER: You say it's general methodology, you're  
10:08:56 11 saying?  
10:08:57 12  
10:08:57 13 MS ARGIROPOULOS: No, Commissioner. Could I perhaps hand  
10:09:03 14 up a note?  
10:09:27 15  
10:09:28 16 MS TITTENSOR: I can understand what my friend is saying in  
10:09:31 17 that regard and I have no objection to that removal.  
10:09:34 18  
10:09:34 19 COMMISSIONER: What should go out then, it's 9171 - - -  
10:09:42 20  
10:09:43 21 MS TITTENSOR: Just the words [REDACTED] I  
10:09:44 22 think.  
10:09:45 23  
10:09:45 24 COMMISSIONER: Just [REDACTED], is that all  
10:09:47 25 you want out?  
10:09:48 26  
10:09:49 27 MS ARGIROPOULOS: Thank you Commissioner.  
10:09:49 28  
10:09:50 29 COMMISSIONER: All right, the words [REDACTED]  
10:09:51 30 [REDACTED] at line 43 on p.9171 should be removed from  
10:09:56 31 the record and from the live stream if it's possible and  
10:10:00 32 also the use of the words similar circumstances in this  
10:10:04 33 discussion should also be removed.  
10:10:07 34  
10:10:07 35 MS ARGIROPOULOS: Thank you, Commissioner.  
10:10:16 36  
10:10:17 37 MS TITTENSOR: I've forgotten where I was, Mr Rowe.  
10:10:27 38 Perhaps I can move on to this. In terms of redacting notes  
10:10:32 39 for investigations, was there any protection of Ms Gobbo in  
10:10:37 40 the way that investigators's notes were redacted, either by  
10:10:43 41 virtue of her being a human source or by virtue of her role  
10:10:47 42 as a lawyer in advising people?---I'm aware that there was  
10:10:53 43 in relation to Operation Posse. I don't know whether my  
10:11:02 44 notes specifically were, I don't, I don't remember, but I  
10:11:06 45 suspect, you know, if Dale Flynn's notes were redacted that  
10:11:13 46 mine would have been in the same way.  
10:11:14 47



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10:11:14 1 When they were redacted was it to redact her, redact out  
10:11:21 2 her role as a lawyer advising or was it to redact out her  
10:11:25 3 role as a human source?---Well I suppose it depends, you  
10:11:32 4 know, the reference that we're talking about. I mean I  
10:11:35 5 know there was references in my diary to, certainly at  
10:11:41 6 least to her registered number or, you know, a meeting with  
10:11:44 7 her or whatever it might be, so that would have been  
10:11:46 8 redacted because she's a human source. If we're talking  
10:11:50 9 about, you know, circumstances surrounding PII [REDACTED], then  
10:11:56 10 they would be redacted, I think because of her speaking  
10:12:00 11 with him in the circumstances that she did.

10:12:02 12  
10:12:02 13 As a lawyer or purportedly as a lawyer?---Well yes, but  
10:12:07 14 it's not specifically because she's a lawyer. I think it  
10:12:10 15 was the timing of the events that she had concern about.

10:12:14 16  
10:12:15 17 In those notes where her involvement is redacted in that  
10:12:20 18 regard, she wasn't named by her source number, it was, it  
10:12:27 19 would have been her actual name?---Yes.

10:12:29 20  
10:12:29 21 Because she was being recorded ostensibly in the notes as  
10:12:35 22 attending to appear for PII [REDACTED]?---Yes.

10:12:39 23  
10:12:40 24 So those notes were being redacted on the basis of  
10:12:44 25 concealing her involvement as PII [REDACTED]'s legal  
10:12:50 26 representation on that occasion?---When you say concealing,  
10:12:54 27 I mean certainly it prevents the, you know, the  
10:13:01 28 distribution of those notes, if you like, concealing it  
10:13:04 29 within those notes.

10:13:05 30  
10:13:05 31 Who made that decision?---I actually don't know. I  
10:13:09 32 actually don't know. I remember discussing it, you know, I  
10:13:16 33 remember discussing it, which in itself is not unusual in  
10:13:19 34 terms of notes and redactions and, you know, what we need  
10:13:23 35 to redact and what we don't, you know, that's commonplace,  
10:13:27 36 but - - -

10:13:28 37  
10:13:28 38 So who was at, who was present when you were discussing  
10:13:33 39 it?---I don't know. I think it was just within our crew,  
10:13:36 40 you know, we all sat together and when it had to be dealt  
10:13:39 41 with or someone was paying attention to it, it came up in  
10:13:43 42 conversation, you know. I mean obviously as the informant  
10:13:44 43 I'm dealing with the, or certainly some of the material  
10:13:47 44 that was getting handed across, so whether I raised it or  
10:13:51 45 someone else raised it, I can't remember.

10:13:54 46  
10:13:55 47 Within your crew that included Mr Flynn?---Yes.

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10:13:58 1  
10:13:58 2 Yourself?---Yes.  
10:13:59 3  
10:13:59 4 Who else?---Liza Burrows.  
10:14:04 5  
10:14:04 6 She might have moved on by the time the court proceedings  
10:14:08 7 came?---Potentially, yep. Craig Hayes, Officer Evans.  
10:14:12 8  
10:14:13 9 What about Mr O'Brien?---He was our Senior Sergeant so he  
10:14:17 10 is across - - -  
10:14:19 11  
10:14:19 12 Would he have been involved in those discussions?  
10:14:27 13  
10:14:28 14 MS ARGIROPOULOS: I'm sorry, Commissioner. The witness has  
10:14:29 15 mentioned a person at line 44, that last person has a  
10:14:33 16 pseudonym, that's Officer Graham Evans.  
10:14:36 17  
10:14:37 18 COMMISSIONER: Yes, all right. So we'll remove that name  
10:14:42 19 from the record at line 44 and that person should be  
10:14:46 20 referred to as Officer Evans in future. Do you have a copy  
10:14:50 21 of Exhibit 81? Does the witness have a copy? It's been  
10:15:07 22 pointed out to me that might be confusing because of the  
10:15:11 23 use of the old pseudonyms to give him a copy of Exhibit 81.  
10:15:15 24  
10:15:15 25 MS ARGIROPOULOS: If I can indicate, Commissioner, that  
10:15:17 26 Mr Rowe has been provided with a Post-it Note with the old  
10:15:22 27 pseudonyms where they're being used, but I think it would  
10:15:26 28 be of assistance if he was otherwise provided with a copy  
10:15:29 29 of Exhibit 81 in the witness box.  
10:15:32 30  
10:15:32 31 COMMISSIONER: All right. Exhibit 81, but ignore number 3,  
10:15:36 32 number 4 and number 6 on that list because we're using  
10:15:40 33 different pseudonyms?---Yes.  
10:15:48 34  
10:15:48 35 Now that's clear.  
10:15:50 36  
10:15:51 37 MS TITTENSOR: Clear as mud, Commissioner. Apologies,  
10:16:01 38 Commissioner. I was asking you, Mr Rowe, about those  
10:16:12 39 people involved in the discussions in relation to redaction  
10:16:15 40 of notes?---Yes.  
10:16:16 41  
10:16:16 42 You can't recall one way or the other about Mr O'Brien, do  
10:16:20 43 you say?---No, it's possible but I don't think it was a  
10:16:22 44 formal meeting as such. It was just, you know, one of the  
10:16:25 45 things that comes up in conversation every second day.  
10:16:28 46  
10:16:28 47 Was there any communication with the SDU about what needed



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10:16:31 1 to be done?---Not from me.  
10:16:33 2  
10:16:34 3 Involving you?---No.  
10:16:36 4  
10:16:39 5 Were you aware of any discussions that were being had with  
10:16:42 6 the SDU about the need to protect Ms Gobbo and redact  
10:16:48 7 notes?---I think I'm aware now as part of this process that  
10:16:55 8 Dale Flynn had spoken to them about notes and redaction,  
10:16:59 9 but - - -  
10:17:01 10  
10:17:02 11 Did you attend any meetings yourself in that regard?---Not  
10:17:04 12 that I can recall, no.  
10:17:06 13  
10:17:09 14 When your notes were provided - sorry, were you the  
10:17:16 15 informant in relation to Operation Posse?---Yes. Well -  
10:17:25 16 yes, the main informant. Can I say that? For the main  
10:17:32 17 people, but there were other people charged by other people  
10:17:35 18 under the banner of Posse.  
10:17:37 19  
10:17:37 20 In essence you were compiling the brief of evidence, that  
10:17:40 21 was one of your responsibilities?---In relation to my  
22 accused there was multiple briefs.  
23  
24 In relation to the number of accused that you were  
25 responsible for?---Just only the accused I was responsible  
26 for.  
27  
10:17:47 28 And that included [REDACTED]?---Yes.  
10:17:53 29  
10:17:53 30 The person that was [REDACTED]?---Yes.  
10:17:56 31  
10:17:57 32 And Milad Mokbel?---Yes.  
10:17:58 33  
10:17:59 34 Mr Bickley?---No. Mr Bickley is a separate investigation.  
10:18:05 35  
10:18:06 36 And a number of others. Mr Barbaro?---I think it was  
10:18:11 37 Barbaro, Milad Mokbel, PII [REDACTED]  
10:18:16 38 PII [REDACTED].  
10:18:19 39  
10:18:19 40 Let's just say at least those people?---I think that's it,  
10:18:23 41 that's it.  
10:18:23 42  
10:18:23 43 You were responsible for compiling the brief of evidence in  
10:18:26 44 relation to that matter?---Yes.  
10:18:27 45  
10:18:27 46 You were responsible for gathering disclosure materials for  
10:18:32 47 provision to the OPP to provide to the defence?---Only some

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10:18:36 1 of it, yeah, only some of it.  
10:18:39 2  
10:18:39 3 Why do you say only some of it? Who else was responsible  
10:18:43 4 for gathering that material?---Well there was, and I'm not  
10:18:48 5 sure of the timing but there was a subpoena at some point  
10:18:51 6 in time in relation to I think information reports around  
10:18:54 7 Posse and Officer Graham Evans was doing that and in  
10:19:02 8 relation to the main witness's statements, Dale Flynn was  
10:19:09 9 doing that.  
10:19:10 10  
10:19:10 11 But ultimately they all came together and would go through  
10:19:13 12 to the OPP given that you were the informant?---No, I don't  
10:19:16 13 think I had any - the brief itself was a big task to put  
10:19:21 14 together and, you know, like the IRs, for example, there  
10:19:27 15 was hundreds of them but I don't think I did any of them or  
10:19:31 16 looked at any of them.  
10:19:32 17  
10:19:33 18 All right. At what point did that subpoena come along, can  
10:19:36 19 you remember?---No, I don't know.  
10:19:37 20  
10:19:37 21 Was that a subpoena prior to a bail application, a  
10:19:42 22 committal or a trial?---I think - and I'm not entirely  
10:19:57 23 sure, but I think it would have been prior to committal but  
10:20:00 24 I may have that wrong, bearing in mind there was no trials  
10:20:05 25 and they all resolved relatively quickly.  
10:20:08 26  
10:20:11 27 Aside from the subpoena you had the usual disclosure  
10:20:14 28 obligations?---Yes.  
10:20:15 29  
10:20:15 30 And you were responsible for those?---Yes.  
10:20:18 31  
10:20:19 32 And was there any reason why the subpoena handling was  
10:20:22 33 given off to Officer Evans and that you didn't handle  
10:20:26 34 that?---I think just the sheer volume of work we had at the  
10:20:30 35 time and I had, you know, heaps to do in relation to the  
10:20:37 36 brief and there was other people, there was other suspects,  
10:20:44 37 accused persons, to deal with and I think Officer Evans had  
10:20:52 38 basically more of a clean slate in terms of what he was  
10:20:58 39 dealing with and he had the time to be able to do it.  
10:21:01 40  
10:21:01 41 Was he aware at the time of Ms Gobbo's role as a human  
10:21:05 42 source?---I believe so, yes.  
10:21:06 43  
10:21:06 44 Were there any concerns when the subpoena was issued that  
10:21:09 45 it might encompass material that might reveal Ms Gobbo's  
10:21:13 46 role?---I'm sure it was a consideration. I mean any  
10:21:19 47 subpoena we look at through that filter, you know, if it

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10:21:23 1 involves an informer, so I'm sure, I'm sure it did. I  
10:21:29 2 can't put myself in his head but I'm sure it did.  
10:21:31 3  
10:21:32 4 Was there any advice taken in relation to that?---I don't  
10:21:35 5 know. I don't know. I don't know.  
10:21:40 6  
10:21:40 7 Do you know whether there were any communications between  
10:21:44 8 Officer Evans and the HSMU or SDU in relation to those  
10:21:49 9 matters?---I don't know definitively. I mean - I don't  
10:21:55 10 know definitively.  
10:21:56 11  
10:21:58 12 When notes were provided to you, I'm talking about police  
10:22:03 13 day books, diary notes for provision onwards to the OPP, to  
10:22:09 14 send on to defence, did they come to you redacted by the  
10:22:13 15 members they belonged to or did you do the redacting  
10:22:16 16 yourself?---No, I think it's not definitively always the  
10:22:25 17 case but certainly amongst your crew members it's the same  
10:22:29 18 now as it was then, people redact their own notes.  
10:22:32 19  
10:22:32 20 So they come to their own view as to what's relevant and  
10:22:37 21 what's not in order to redact?---Yes, I suppose they,  
10:22:40 22 they've taken the notes, they've recorded what they've  
10:22:43 23 recorded in there and ultimately they should make that  
10:22:46 24 first assessment, but it's also, you know, practicality in  
10:22:51 25 terms of time frame. Like, you know, you've got a brief  
10:22:56 26 service time frame, it's just not possible to do it all  
10:22:59 27 yourself.  
10:22:59 28  
10:22:59 29 I think you've given some evidence in the past in relation  
10:23:02 30 to this, but those notes were redacted and it wasn't made  
10:23:07 31 clear whether the redaction was made on the basis of  
10:23:11 32 relevance or public interest immunity, is that right?---No,  
10:23:13 33 no, it wasn't, because it wasn't specified either way.  
10:23:16 34  
10:23:17 35 It was simply redacted?---Yeah, which is - you know, which  
10:23:24 36 is, wasn't the process and I mean to a certain extent it's  
10:23:29 37 trying to be addressed now but it kind of still is.  
10:23:32 38  
10:23:33 39 Is it still the practice that members are responsible  
10:23:35 40 themselves in any particular case to determine what's  
10:23:39 41 relevant and therefore goes to the informant to go on or is  
10:23:43 42 there - - - ?---Sorry, I missed the start of that.  
10:23:45 43  
10:23:45 44 Okay. You say as an informant the notes come to you  
10:23:49 45 pre-redacted by the member they belong to?---Yes.  
10:23:51 46  
10:23:51 47 Is that still the case?---We encourage it, so yes.

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10:23:55 1  
10:23:55 2 So that member gets to determine what the relevance issues  
10:23:59 3 are in the trial?---Well, I mean probably not specifically,  
10:24:11 4 but I mean when we're redacting stuff as to relevance I  
10:24:15 5 think it generally, you know, falls under the same umbrella  
10:24:19 6 irrespective of what the matter is, you know.  
10:24:23 7  
10:24:23 8 Is it still the case that there's no distinction between  
10:24:27 9 PII and relevance when notes are redacted and provided to  
10:24:31 10 the OPP and to the defence?---I think there's a distinction  
10:24:44 11 between the two, yeah, I think definitely. I think  
10:24:47 12 relevance is the first consideration.  
10:24:48 13  
10:24:49 14 Yes, but in terms of what's presented to the defence and to  
10:24:52 15 the OPP are they able to say, "That's been redacted for  
10:24:55 16 relevance, that's been redacted for PII" or is it simply  
10:24:59 17 presented in the same blacked out state?---Well I mean  
10:25:08 18 notes in themselves I think is probably a little bit unique  
10:25:14 19 like, you know, for example, you know, the hand-up brief  
10:25:18 20 procedural forms on the front I know have changed now to  
10:25:22 21 include PII. So back then there was no specific reference  
10:25:26 22 to what you're going to make a PII claim on, on the 7A I  
10:25:32 23 think it was back then, but now there is, so they would be  
10:25:36 24 aware of that. Notes, notes are a little bit, I guess,  
10:25:44 25 different in the sense that the fact that they're redacted,  
10:25:47 26 you know, is demonstrating that there's some, some claim  
10:25:52 27 there.  
10:25:53 28  
10:25:53 29 So my question is, is the receiver of those notes, the OPP  
10:25:58 30 or the defence, can they look at that blacked out material  
10:26:02 31 and say, "That's been redacted for relevance or that's been  
10:26:05 32 redacted for PII", is there that distinction that they are  
10:26:08 33 able to make receiving that document?---I can only comment  
10:26:11 34 on myself. I've personally never made that distinction I  
10:26:15 35 don't think. I don't think.  
10:26:16 36  
10:26:16 37 So there is no way in which the defence upon reading those  
10:26:20 38 notes can understand where the notes have been redacted for  
10:26:26 39 PII or not?---Not simply by looking at the notes but I mean  
10:26:30 40 I've, it happens quite frequently where, whether it's  
10:26:34 41 outside of court or in, in the box or wherever, you'll have  
10:26:39 42 that conversation.  
10:26:39 43  
10:26:39 44 You understand there's an important distinction because  
10:26:42 45 blacking something out for PII means, "There's something  
10:26:46 46 under this that is relevant but we're claiming an immunity  
10:26:50 47 on it"?---Yes. Yeah, no, I understand that.

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10:26:55 1  
10:26:55 2 So it's important for the defence to understand the  
10:26:59 3 distinction between what's blacked out for relevance and  
10:27:02 4 what's blacked out for PII so they might know whether or  
10:27:05 5 not to challenge that, whether that immunity exists?---Yes,  
10:27:10 6 but I think, certainly at that time, and as I said there's,  
10:27:14 7 you know, I think in the light of these events, you know,  
10:27:19 8 disclosure is being viewed in a different light, but the  
10:27:23 9 practical process of that is the same, whether it's blanked  
10:27:27 10 out for relevance or PII, it's blanked out and, you know,  
10:27:31 11 as I said, quite often you would be asked, "What is that?  
10:27:35 12 It's just a phone number, it's just an address. No, that's  
10:27:39 13 methodology", whatever. It wasn't uncommon for that to  
10:27:42 14 happen.  
10:27:42 15  
10:27:42 16 But on its face you couldn't say one way or the other what  
10:27:45 17 it was blanked out for?---No, there wasn't a - - -  
10:27:49 18  
10:27:49 19 I'm asking you today - - - ?---A reference.  
10:27:52 20  
10:27:53 21 Today, what the practice is?---You know, I've probably only  
10:27:57 22 turned my mind to it over the last week to be honest and I  
10:28:01 23 haven't actually had to do it myself. As I said, the form  
10:28:05 24 has changed, you know, there is steps in place to provide  
10:28:12 25 training. I think there's a handbook on disclosure being  
10:28:16 26 developed so that, you know, the practical process, it's  
10:28:20 27 okay to understand, you know, our obligations, but it's  
10:28:23 28 probably more the practical aspect of it. I think in  
10:28:26 29 reality you would have to do an index or reference it in  
10:28:31 30 some manner to identify those distinct differences.  
10:28:37 31  
10:28:37 32 We've had some evidence from a number of witnesses that if  
10:28:43 33 a particular page has only material on it that was  
10:28:48 34 considered PII and therefore we don't want to disclose  
10:28:55 35 this, that that page would simply be omitted, you wouldn't  
10:28:58 36 get a redacted complete page, you'd just leave that page  
10:29:01 37 entirely out?---No, I think - I mean I myself have plenty  
10:29:06 38 of times served whole pages of statements blacked out or  
10:29:11 39 whole pages of notes that are blanked out.  
10:29:14 40  
10:29:15 41 Have you had any training in recent years in relation to  
10:29:18 42 dealing with conflicts of interest?---No, not ever.  
10:29:25 43  
10:29:28 44 If you were confronted today with a situation in which  
10:29:33 45 there was a clear conflict of interest in terms of a lawyer  
10:29:36 46 acting for a particular person, what would you do?---I  
10:29:39 47 think I'd do the same today as I've ever done, it's, you



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10:29:45 1 know, you raise it with the OPP. As far as I'm concerned I  
10:29:49 2 think it's the only thing you can do, you know, from an  
10:29:52 3 informant perspective.

10:29:54 4  
10:29:54 5 Did you ever raise Ms Gobbo's conflict with the OPP, the  
10:30:01 6 conflict being she was a human source in relation to a  
10:30:05 7 matter and therefore couldn't act as a lawyer in relation  
10:30:08 8 to a matter?---No, because that would disclose her as a  
10:30:13 9 human source.

10:30:14 10  
10:30:15 11 Did it ever occur to you that not disclosing it would  
10:30:19 12 therefore compromise the ability for any accused charged  
10:30:23 13 with an offence to receive an appropriate defence?--Well,  
10:30:35 14 you know, hindsight is really easy but I think at the time,  
10:30:39 15 you know, I think we were, there was things in place to try  
10:30:44 16 and, you know, deal with that aspect of it. I mean she was  
10:30:48 17 being managed daily and that was, you know, an issue. An  
10:30:58 18 issue that was unsuccessfully managed.

10:31:02 19  
10:31:02 20 It wasn't being managed because she continued to act for  
10:31:06 21 people that she'd informed on?--Well, it was, it was being  
10:31:10 22 managed. I think there's plenty of evidence of attempts to  
10:31:16 23 manage it. I think, you know, it should have extended  
10:31:24 24 further than simply, you know, directing her, encouraging  
10:31:30 25 her, you know, to acknowledge her obligations and  
10:31:37 26 responsibilities to make steps herself, I don't know - - -

10:31:40 27  
10:31:41 28 Did you ever say to her, "You simply cannot act for this  
10:31:44 29 person. We know you're the informer in this case, you  
10:31:48 30 simply cannot act for that person"?---No, but I didn't need  
10:31:51 31 to. There was others that were doing that daily, hourly,  
10:31:54 32 whatever it might be, like full-time role to manage her.

10:31:58 33  
10:31:59 34 And you're talking about the Source Development Unit but  
10:32:02 35 you were the informant in a number of cases?---Yes.

10:32:04 36  
10:32:04 37 That were being brought before the court. You as the  
10:32:07 38 informant knew that that case, that defence was being  
10:32:09 39 compromised by her appearing for that person. Did you ever  
10:32:12 40 say to her directly, "You cannot act for that person, we  
10:32:16 41 will have to disclose your role"?--Well firstly, I don't  
10:32:21 42 believe that, you know, it was ever concerned that the  
10:32:26 43 defence was being compromised. I mean by virtue of  
10:32:30 44 removing her from that environment, you know, I guess that  
10:32:36 45 was our, our means or attempt to ensure to the best we  
10:32:42 46 could that the defence, it wasn't compromised. But, you  
10:32:46 47 know, we had defined roles. My role was as an investigator

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10:32:52 1 and as an informant and in my mind I didn't need to say  
10:32:57 2 that to her because it had been said, it was being said, it  
10:33:00 3 was, you know, steps were taken. Sometimes they were  
10:33:06 4 successful, sometimes they weren't.  
10:33:07 5  
10:33:07 6 So you never said to her, "You cannot act in this  
10:33:14 7 case"?---I don't, I don't believe so. You know, maybe - -  
10:33:24 8 -  
10:33:24 9  
10:33:24 10 You know as part of your - - - ?---Maybe I did, I don't  
10:33:27 11 know.  
10:33:27 12  
10:33:28 13 Sorry, I hadn't let you finish the answer. You know as  
10:33:31 14 part of your Detective training that you cannot protect a  
10:33:36 15 human source in all cases, in some cases the court  
10:33:38 16 overrides that where a fair trial is to be given priority.  
10:33:46 17 That's part of your Detective training?---Yes, I think that  
10:33:50 18 is the, you know - - -  
10:33:51 19  
10:33:51 20 That's true?---Yeah, yeah, I think that's true. It takes a  
10:33:55 21 fair bit to get to that point, I've never had it.  
10:33:59 22  
10:34:00 23 True, it takes a fair bit to get to that point. But there  
10:34:02 24 is that point where you cannot guarantee ever that a human  
10:34:05 25 source will not be revealed if the fair trial, if the court  
10:34:09 26 determines a fair trial involves the revelation of that  
10:34:13 27 human source. Now, if the police - sorry, you agree with  
10:34:17 28 that proposition, that's been part of your training?---Well  
10:34:20 29 I think that's - whether it's part of my training or not,  
10:34:24 30 I'm not sure. I don't know that it's been to that extent.  
10:34:28 31 It may have been, I don't know.  
10:34:29 32  
10:34:30 33 We can go back to some old Detective Training School  
10:34:34 34 manuals in that regard but you would accept that  
10:34:36 35 proposition?---I accept the proposition. I mean going back  
10:34:39 36 to manuals, there's a lot in those manuals that you never  
10:34:43 37 look at.  
10:34:43 38  
10:34:44 39 The reality is if you get to that particular point the  
10:34:46 40 police have a choice, "We can either reveal the identity of  
10:34:50 41 this human source to allow the fair trial or we can  
10:34:53 42 withdraw the charges so that we protect the human source",  
10:35:00 43 that's the choice?---To be honest I'm not sure. I've never  
10:35:04 44 had it, I don't think I've ever turned my mind to it going  
10:35:09 45 that far. I don't know. I guess in practical terms you're  
10:35:12 46 probably right.  
10:35:13 47



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10:35:13 1 It makes sense to you, doesn't it?---Yeah, it does. It  
10:35:15 2 does.  
10:35:15 3  
10:35:16 4 Everyone who is charged with an offence deserves a fair  
10:35:19 5 trial, do you accept that proposition?---Yes, absolutely.  
10:35:22 6  
10:35:22 7 If that person can't get a fair trial without the  
10:35:26 8 revelation of the identity of a human source, the human  
10:35:30 9 source, if you're to proceed with the prosecution you must  
10:35:33 10 reveal the human source identity, do you accept that  
10:35:36 11 proposition?---Sorry, start again.  
10:35:39 12  
10:35:39 13 If in order to receive a fair trial the identity of a human  
10:35:44 14 source must be revealed?---Yes.  
10:35:45 15  
10:35:48 16 Then that must be done. If the police want to proceed with  
10:35:52 17 that trial?---Yes, if that's the decision that's ultimately  
10:35:56 18 made by the court, yes.  
10:35:57 19  
10:35:57 20 If the police don't want to reveal the identity of the  
10:36:00 21 human source they cannot proceed with the  
10:36:03 22 prosecution?---Yep.  
10:36:03 23  
10:36:03 24 Right. Was there ever any discussion within police about  
10:36:07 25 the fact that Ms Gobbo continued to act for people she  
10:36:14 26 shouldn't be acting, "We don't want to reveal her identity  
10:36:18 27 as a human source, therefore we just simply cannot continue  
10:36:21 28 with these prosecutions"?---I don't think personally I ever  
10:36:31 29 foresaw getting to that point of, you know, I guess that  
10:36:36 30 perception of unfairness. You know in my mind, you know,  
10:36:43 31 we did, we did everything we could, in my mind. Now I  
10:36:49 32 understand that that is probably not the reality now that  
10:36:52 33 we're sitting here today, or certainly we did everything we  
10:36:57 34 could but it wasn't sufficient, I understand that. But at  
10:36:59 35 no point in time did I ever think, "No, you know, this is  
10:37:03 36 horrendously unfair to these people and they can't get a  
10:37:07 37 fair trial but let's just bat on anyway". You know, even  
10:37:10 38 with PII [REDACTED], you know, even on that, even on that night,  
10:37:17 39 you know, maybe naively, I honestly thought that, you know,  
10:37:25 40 we were all, and including her, you know, trying as best we  
10:37:31 41 could to, you know, do the right thing by him and she - and  
10:37:36 42 I know you give me that look - well, and don't get me  
10:37:43 43 wrong, after everything I've heard in the last 12 months  
10:37:46 44 I've probably got that same look going on inside my head  
10:37:50 45 but, you know, they had a very interesting, unique  
10:37:54 46 relationship and underneath it all she genuinely wanted the  
10:37:58 47 best for him. Now I understand where that sits in the

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10:38:01 1 scheme of things. You know, I like to think that I do  
10:38:07 2 everything I can to be, to be fair to people.  
10:38:10 3  
10:38:10 4 Did it ever occur to you that Ms Gobbo genuinely wanted the  
10:38:15 5 best for herself before she wanted the best for any of her  
10:38:18 6 clients?---Well certainly more so in recent times.  
10:38:21 7  
10:38:23 8 All right. You were talking about that night and I think  
10:38:28 9 we all know what we're talking about, that's when PII [REDACTED]  
10:38:33 10 was arrested, is that right?---Yes.  
10:38:35 11  
10:38:36 12 From early 2006 through to PII [REDACTED] 2006 you were undertaking  
10:38:41 13 various investigative tasks relating to PII [REDACTED] targets,  
10:38:44 14 including that person?---Yes.  
10:38:45 15  
10:38:47 16 You're receiving regular briefings from Mr O'Brien and  
10:38:51 17 Mr Flynn in relation to those matters?---Yes.  
10:38:53 18  
10:38:53 19 They were receiving regular information through the SDU  
10:39:00 20 that was coming from Ms Gobbo?---Yes.  
10:39:02 21  
10:39:04 22 How was that information being disseminated?---Well, I  
10:39:14 23 think the majority of the time it came through either Jim  
10:39:20 24 O'Brien or Dale Flynn and to some extent, to varying  
10:39:26 25 degrees of detail it would come to us.  
10:39:29 26  
10:39:30 27 The majority of the time they would get the information  
10:39:32 28 from the SDU?---Yes.  
10:39:34 29  
10:39:35 30 It gets conveyed to you. Is it conveyed to you verbally, a  
10:39:39 31 shout across the office, "Go and follow this up", or is it  
10:39:42 32 conveyed to you in an email or in a document or on a  
10:39:46 33 Post-it Note, how is that done?---I think the vast majority  
10:39:50 34 of times just verbally. Just, you know, "This is what's  
10:39:54 35 happened, this is what we know, we need to do this".  
10:39:57 36  
10:39:57 37 They might get their hot debrief, we've heard about those  
10:40:01 38 from the SDU. Would they be yelling things across the  
10:40:04 39 office or verbally telling you what to do after the phone  
10:40:07 40 call or during the phone call?---I don't know. If it was  
10:40:10 41 Jim, for example, he might call Flynn into his office, he  
10:40:14 42 might come out and talk to him. You know, there were times  
10:40:18 43 where we would have crew meetings, you know, office  
10:40:22 44 meetings or whatever, where things might be discussed.  
10:40:25 45 But, you know, as those events of PII [REDACTED] unfolded,  
10:40:31 46 particularly over those days, there was a lot going on. It  
10:40:34 47 was basically just a, "I need you to do this" and then

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10:40:38 1 you'd start it and if you had a question you would ask  
10:40:41 2 someone to fill in the gaps.  
10:40:42 3  
10:40:45 4 Now, a lot of that information, in particular in that early  
10:40:49 5 part of 2006 through to PII [REDACTED] of 2006, related to trying to  
10:40:58 6 find PII [REDACTED]?---Yes.  
10:40:59 7  
10:40:59 8 You were aware that Ms Gobbo was providing information that  
10:41:03 9 was aimed at trying to find where that was?---Yes.  
10:41:05 10  
10:41:11 11 You're aware at that stage that that person had a PII [REDACTED]  
10:41:15 12 hearing coming up in relation to some PII [REDACTED]  
10:41:18 13 PII [REDACTED] charges?---I knew he was on PII [REDACTED].  
10:41:23 14  
10:41:23 15 And that Ms Gobbo was due to conduct his PII [REDACTED]?---I don't  
10:41:29 16 know. I knew he was on PII [REDACTED]. I knew they  
10:41:33 17 were, you know, PII [REDACTED]. Logic says that she would have  
10:41:38 18 represented him, but whether I actually knew or had thought  
10:41:41 19 about it in detail. I could have passed him in the street  
10:41:44 20 and I wouldn't have known who he was. He was just a name  
10:41:48 21 at that point in time.  
10:41:50 22  
10:41:51 23 MS ARGIROPOULOS: I'm sorry to interrupt, Commissioner.  
10:41:52 24 I'm very concerned about the level of bio data that's just  
10:41:55 25 come out in an open hearing about that person.  
10:41:57 26  
10:41:58 27 COMMISSIONER: Is it line 45?  
10:41:59 28  
10:42:00 29 MS ARGIROPOULOS: The combined effect of 32 onwards I  
10:42:03 30 suggest means it's very easy for somebody to identify who  
10:42:07 31 is being spoken of. I see what the Commissioner is saying.  
10:42:11 32 Perhaps from line 34 onwards, if that could come out of  
10:42:16 33 public stream and if counsel assisting wish to descend into  
10:42:20 34 this level of detail it should be done in closed hearing as  
10:42:23 35 we have been doing.  
10:42:25 36  
10:42:25 37 MS TITTENSOR: I'll endeavour to keep it a bit more  
10:42:29 38 general, Commissioner.  
10:42:29 39  
10:42:30 40 COMMISSIONER: Okay. So on line 34 from "after witness's"  
10:42:39 41 to 35 ending with a question mark, that should come out.  
10:42:55 42  
10:42:56 43 MS ARGIROPOULOS: 37 and 38 is probably okay.  
10:42:57 44  
10:42:57 45 COMMISSIONER: Yes.  
10:42:59 46  
10:43:00 47 MS ARGIROPOULOS: I think the whole question that

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10:43:01 1 commences, the question and answer at 40.  
10:43:05 2  
10:43:05 3 COMMISSIONER: Yes.  
10:43:06 4  
10:43:06 5 MS ARGIROPOULOS: Should come out.  
10:43:07 6  
10:43:08 7 COMMISSIONER: Probably from after the word "person" on  
10:43:11 8 line 40.  
10:43:11 9  
10:43:12 10 MS ARGIROPOULOS: Yes.  
10:43:12 11  
10:43:12 12 COMMISSIONER: Down to all of line 42.  
10:43:19 13  
10:43:19 14 MS ARGIROPOULOS: And then I think - - -  
10:43:20 15  
10:43:20 16 COMMISSIONER: And 44 I suppose.  
10:43:22 17  
10:43:22 18 MS ARGIROPOULOS: Yes, and that answer as well.  
10:43:25 19  
10:43:25 20 COMMISSIONER: Yes.  
10:43:27 21  
10:43:27 22 MS ARGIROPOULOS: Thank you, Commissioner.  
10:43:32 23  
10:43:33 24 COMMISSIONER: It probably could come in again at line 46  
10:43:35 25 after the full stop. I think you could probably leave that  
10:43:40 26 in.  
10:43:42 27  
10:43:43 28 MS ARGIROPOULOS: Yes. Yes, I agree with that.  
10:43:45 29  
10:43:47 30 COMMISSIONER: Yes, all right. It goes out from line 46,  
10:43:51 31 up until the full stop, and then - - -  
10:43:54 32  
10:43:54 33 MS ARGIROPOULOS: Thank you. And then of course after I  
10:43:58 34 start talking that ought come out as well.  
10:44:04 35  
10:44:04 36 COMMISSIONER: Probably what you've said, there's nothing  
10:44:06 37 in there that needs to come out, is there? You haven't  
10:44:15 38 repeated anything?  
10:44:16 39  
10:44:17 40 MS ARGIROPOULOS: No, that's true, thank you.  
10:44:19 41  
10:44:19 42 COMMISSIONER: All the passages that I've mentioned should  
10:44:22 43 come out of the transcript and out of the live stream,  
10:44:24 44 thank you.  
10:44:25 45  
10:44:25 46 MS TITTENSOR: Thanks Commissioner. Mr Rowe, after a  
10:44:30 47 certain period of time the PII [REDACTED] was



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10:44:34 1 located?---Yes.  
10:44:35 2  
10:44:36 3 Based on the information Ms Gobbo had provided and you were  
10:44:39 4 involved in preparing a search warrant application which  
10:44:42 5 Mr Flynn ultimately swore?---Yes.  
10:44:45 6  
10:44:45 7 You refer to that in paragraph 68 of your statement. If  
10:44:49 8 you could put up that document, VPL.0005.0035.1204. That  
10:45:10 9 is familiar to you as the relevant affidavit?---Yes.  
10:45:15 10  
10:45:15 11 If we scroll through that. That refers there to, on p.2,  
10:45:24 12 paragraph, the fifth paragraph, for the first time as  
10:45:28 13 between 21 September 2005 and 26 September 2005, a  
10:45:32 14 registered human source and the number ending in  
10:45:38 15 3838?---Yes.  
10:45:38 16  
10:45:39 17 And you knew that to be Ms Gobbo?---Yes.  
10:45:41 18  
10:45:43 19 Thereafter the affidavit refers to information that had  
10:45:46 20 been provided following that time. Sorry, during those two  
10:45:52 21 dates I just mentioned she had provided information that  
10:45:56 22 members of the Mokbel family are involved in the  
10:45:59 23 manufacture and trafficking of drugs of dependence and they  
10:46:02 24 have numerous people working for them, PII [REDACTED]  
10:46:06 25 PII [REDACTED]?---Yes.  
10:46:06 26  
10:46:06 27 And then it goes on and provides various pieces of  
10:46:11 28 information that had been supplied. That included  
10:46:21 29 information in that paragraph generally about the Mokbels  
10:46:25 30 that I just read out?---Yes.  
10:46:26 31  
10:46:27 32 And I can - just for the record, and you can accept this  
10:46:32 33 and check it later if you feel the need to, in PII [REDACTED]  
10:46:36 34 paragraphs there's reference to PII [REDACTED] and information  
10:46:40 35 that Ms Gobbo had provided. You would accept that?---Yes.  
10:46:43 36  
10:46:45 37 In three paragraphs there's specific information about  
10:46:48 38 Milad Mokbel. If we go to, for example, p.3, the third  
10:46:54 39 paragraph down. Do you see there, "On 9 December 2005 the  
10:47:02 40 registered human source stated Milad Mokbel had recently  
10:47:06 41 come into possession of 20 litres of chemicals"?---Yes.  
10:47:11 42  
10:47:11 43 It goes on. You would accept that likewise if my reckoning  
10:47:16 44 is right there are three paragraphs where she's provided  
10:47:19 45 specific information in relation to Milad Mokbel?---Yes.  
10:47:22 46  
10:47:22 47 There are four paragraphs, if we go down to the 11th

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10:47:26 1 paragraph of that page, for example, for the first one  
10:47:31 2 there's, it's the penultimate paragraph there, 12 January  
10:47:36 3 2006, "Registered human source gave some information in  
10:47:39 4 relation to Mr Cvetanovski"?--Yes.  
10:47:41 5  
10:47:41 6 You would accept that there are four paragraphs within the  
10:47:44 7 affidavit where she's provided information in relation to  
10:47:47 8 that person Mr Cvetanovski?--Yes.  
10:47:49 9  
10:47:51 10 There are PII paragraphs in relation to the PII  
10:47:55 11 PII following this?--Yes.  
10:47:59 12  
10:48:00 13 There's a paragraph there on the fourth page, if we can go  
10:48:06 14 to the fourth page and further down, there's a paragraph  
10:48:11 15 there where she provides some information in relation to  
10:48:16 16 Mr Karam somewhere, I think it may be the last paragraph.  
10:48:26 17 And another one in, another three paragraphs in relation to  
10:48:31 18 someone named Malkoun, do you accept those things?--Yes.  
10:48:36 19  
10:48:36 20 That was an affidavit, if we go to the last page, sworn by  
10:48:40 21 Mr Flynn and that's sworn before Mr O'Brien?--Yes.  
10:48:46 22  
10:48:47 23 I tender that document, Commissioner.  
10:48:49 24  
10:48:52 25 #EXHIBIT RC733A - (Confidential) Affidavit sworn by Flynn.  
10:48:53 26 21/04/06.  
10:49:05 27  
10:49:05 28 #EXHIBIT RC733B - (Redacted version.)  
10:49:12 29  
10:49:14 30 Superintendent Biggin has indicated on the night of the  
10:49:16 31 PII - - -  
10:49:41 32  
10:49:42 33 MS ARGIROPOULOS: Just at this moment, can I just remind  
10:49:44 34 the Commissioner of the application that had been made by  
10:49:47 35 the legal representatives of that person. I am concerned  
10:49:49 36 that they're not here today but the Commissioner would  
10:49:54 37 recall that the application that they made I anticipate may  
10:50:01 38 equally in future be made about the way this evidence is  
10:50:04 39 being approached today. You'll recall their application  
10:50:08 40 was that all evidence in relation to this person should be  
10:50:12 41 in closed hearing and where references were made to, for  
10:50:16 42 instance, a number on Exhibit 81, there was a concern that  
10:50:19 43 even that sort of identification of the person should be  
10:50:23 44 avoided because it creates a risk of that person being  
10:50:28 45 identified.  
10:50:29 46  
10:50:30 47 COMMISSIONER: There are orders that prohibit any evidence



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10:50:32 1 tending to identify them and they're in place and we're  
10:50:36 2 following those orders.  
10:50:37 3  
10:50:38 4 MS ARGIROPOULOS: Yes, but we're in public hearing now.  
10:50:40 5 This is being live-streamed.  
10:50:41 6  
10:50:42 7 COMMISSIONER: I'm trying to have as much of this material  
10:50:47 8 in public as possible and I'm trying to balance the  
10:50:51 9 competing interests and I'm certainly trying to protect  
10:50:55 10 this person and ensure that they are and their families are  
10:50:59 11 safe. I think we're managing to do that, thank you.  
10:51:04 12  
10:51:04 13 MS ARGIROPOULOS: Thank you Commissioner, I certainly don't  
10:51:06 14 want to be jumping up as frequently as I have been.  
10:51:10 15  
10:51:10 16 COMMISSIONER: You have a job to do, I understand.  
10:51:13 17  
10:51:13 18 MS ARGIROPOULOS: I'm concerned, particularly in the  
10:51:16 19 absence of that person's legal representatives, and in  
10:51:20 20 light of the application they have previously made.  
10:51:22 21  
22 COMMISSIONER: Thanks Ms Argiropoulos.  
23  
24 MS ARGIROPOULOS: Thank you Commissioner.  
25  
10:51:22 26 COMMISSIONER: We'll be as careful as we can be. The 15  
10:51:26 27 minute delay means it's not being streamed and there is a  
10:51:29 28 non-publication order and I'm satisfied that sufficiently  
10:51:35 29 balances the competing interests and I'm content to proceed  
10:51:39 30 as we are, taking all care.  
10:51:41 31  
10:51:42 32 MS TITTENSOR: Superintendent Biggin indicated that on the  
10:51:44 33 night of PII [REDACTED] he received a briefing in relation  
10:51:47 34 to Operation [REDACTED] phase 4 and 5 as per operation order  
10:51:55 35 notes, tactics and planning. I just wanted to understand,  
10:51:57 36 was there an operation order in existence?---I don't know  
10:52:04 37 specifically but I would imagine given what was going on in  
10:52:13 38 those few days that there would have been.  
10:52:15 39  
10:52:15 40 What is involved in an operation order, what does it look  
10:52:18 41 like? What does it contain?---It's basically just a, you  
10:52:25 42 know, a plan, if you like, so that people understand the  
10:52:31 43 general situation, circumstances. It covers logistics,  
10:52:36 44 personnel, you know, communications.  
10:52:43 45  
10:52:43 46 Who was to speak to who, who was to conduct interviews for  
10:52:47 47 example?---No, it doesn't go into that detail.



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10:52:50 1  
10:52:50 2 Obviously in Superintendent Biggin's notes and throughout  
10:52:53 3 your notes there are references in the days following as  
10:52:56 4 well to phase 4, phase 5, 5A and so forth which seemed to  
10:53:01 5 equate with, "Now we're going to send PII [REDACTED] off to talk  
10:53:07 6 to PII [REDACTED] and so forth"?---Yep.  
10:53:11 7  
10:53:12 8 So people seem to have an understanding of what phase 4 or  
10:53:16 9 what phase 5 and 5A and so forth are, they're recorded in  
10:53:21 10 people's notes?---Yes.  
10:53:22 11  
10:53:22 12 Where would we see a document that outlines all of that, is  
10:53:26 13 this the operation order?---I don't think it would because,  
10:53:31 14 you know, for there to be a phase 4, phase 3 has to go a  
10:53:36 15 certain way or to plan, so I think probably, you know, it  
10:53:42 16 was being taken one step at a time.  
10:53:45 17  
10:53:45 18 And clearly those phases occur after these arrests occur  
10:53:50 19 and things do essentially go to plan because on that night,  
10:53:53 20 as it turns out, PII [REDACTED] is motivated to PII [REDACTED] and that  
10:54:00 21 occurs and therefore we can go on to these other phases of  
10:54:04 22 the operation?---Yes, but I just mean once he is willing to  
10:54:10 23 PII [REDACTED] there was probably an operation order to cover, you  
10:54:12 24 know, the overall process going forward but in terms of the  
10:54:16 25 defined phases, stages, whatever they were, you know, that  
10:54:21 26 would be, you know, just as, as things progressed.  
10:54:28 27  
10:54:28 28 Who would hold that operation order? Where would we find  
10:54:32 29 that?---I don't know. Probably on the - not probably, but  
10:54:42 30 if it was going to be anywhere it would be on our computer  
10:54:46 31 system, you know, in the Purana drive, if you like.  
10:54:52 32  
10:54:52 33 We might call for that if it exists and perhaps it's in the  
10:54:57 34 material we already hold but we just aren't aware of it,  
10:55:00 35 but if Victoria Police could let us know one way or the  
10:55:03 36 other we'd be grateful.  
10:55:04 37  
10:55:04 38 COMMISSIONER: Thanks Ms Argiropoulos.  
10:55:07 39  
10:55:07 40 MS ARGIROPOULOS: We'll make those inquiries, thank you.  
10:55:12 41  
10:55:12 42 MS TITTENSOR: Now on the day of the arrests, according to  
10:55:17 43 your notes I think at 9 o'clock, or your diary indicates  
10:55:21 44 that Mr Flynn indicated to you, this might be put up on the  
10:55:27 45 screen if you like, Mr Flynn's notes on the day of the  
10:55:32 46 arrest. That day would possibly be the conclusion of  
10:55:39 47 Operation PII [REDACTED] in respect of that PII [REDACTED]?---Yes.

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10:55:42 1  
10:55:50 2 You had an awareness of how it was proposed to try and  
10:55:53 3 PII [REDACTED] once he's arrested at that stage, that  
10:55:58 4 that was the plan?---I know that was the ultimate goal.  
10:56:01 5  
10:56:01 6 Yes?---How that was going to occur, I don't know.  
10:56:04 7  
10:56:05 8 Had you been involved in any discussion as to how, how that  
10:56:09 9 might come about, what the procedure was going to be?---No,  
10:56:13 10 I think, you know, the actual practical process of that, I  
10:56:19 11 don't know. I mean in my head he was getting arrested for  
10:56:23 12 the PII [REDACTED], so that was the plan.  
10:56:26 13  
10:56:27 14 Had there been any discussion about who was going to be  
10:56:31 15 handling or dealing with him in the interview  
10:56:34 16 process?---No, not to me.  
10:56:35 17  
10:56:37 18 You weren't at work specifically at the time of the  
10:56:42 19 arrest?---No, I'd worked night shift the night before.  
10:56:45 20  
10:56:45 21 You were notified upon the arrest and you came into work  
10:56:49 22 then?---Yes.  
10:56:49 23  
10:56:50 24 Was it the plan for you to be the informant at that  
10:56:53 25 point?---I don't think there'd been any discussions.  
10:56:58 26  
10:57:00 27 You say at paragraph 69 of your statement you returned to  
10:57:04 28 work at 4.15?---Yes.  
10:57:07 29  
10:57:08 30 And if we go to your diary, when you arrive PII [REDACTED] and  
10:57:14 31 PII [REDACTED] were located in MDID interview rooms?---Yes.  
10:57:20 32  
10:57:20 33 They were on the 14th floor at St Kilda Road, is that  
10:57:24 34 right?---Yes.  
10:57:25 35  
10:57:26 36 You weren't involved in those interviews at that  
10:57:32 37 stage?---No, they'd been put on tape, is what we say, by  
10:57:38 38 others before I got there.  
10:57:39 39  
10:57:39 40 You were told they had been briefly put on tape and given  
10:57:43 41 their rights?---Yes.  
10:57:43 42  
10:57:43 43 At paragraph 70 of your statement you talk about a briefing  
10:57:46 44 you get from Flynn and Kelly?---Yes.  
10:57:49 45  
10:57:49 46 Was Kelly in your crew or was he from a separate Purana  
10:57:54 47 crew?---No, he was from a separate crew.



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10:57:56 1  
10:57:56 2 And just because of the number of people that needed to be  
10:57:59 3 involved, he was involved on that occasion?---Yes.  
10:58:02 4  
10:58:02 5 Did he have any continuing involvement at all?---His crew  
10:58:06 6 had their own PII targets, so they were doing their own  
10:58:10 7 investigations. It was all sort of, I guess overlapping  
10:58:17 8 but, yeah.  
10:58:18 9  
10:58:18 10 If we go to your diary, you get your briefing at 4.30 from  
10:58:24 11 Flynn and Kelly?---Yes.  
10:58:26 12  
10:58:27 13 And Mr Flynn is to look after PII who is in interview  
10:58:33 14 room 2, and Mr Kelly is to look after PII who is  
10:58:36 15 in interview room 1?---Yes.  
10:58:38 16  
10:58:38 17 You're told PII asked to speak to Ms Gobbo?---Yes.  
10:58:43 18  
10:58:43 19 There's a welfare check by Detective Inspector Ryan?---Yes.  
10:58:46 20  
10:58:49 21 What does a welfare check involve?---Just speaking to the  
10:58:53 22 person, checking for injuries, just basically - - -  
10:58:56 23  
10:58:56 24 Would he be checking to see that they were, that their  
10:59:02 25 legal representation was being arranged?---Not strictly  
10:59:07 26 speaking but some people, some people will who do a welfare  
10:59:12 27 check, they may ask that but really that's for the  
10:59:16 28 investigators.  
10:59:16 29  
10:59:16 30 What did you understand Detective Inspector Ryan's presence  
10:59:21 31 and involvement was on the night?---I say I don't know,  
10:59:28 32 just to assist, just another resource perhaps to assist  
10:59:33 33 Jim. I don't know.  
10:59:33 34  
10:59:34 35 He was aware of Operation PII and what was going  
10:59:38 36 on?---Yes.  
10:59:38 37  
10:59:41 38 He had previously been officer-in-charge of Purana, is that  
10:59:45 39 right?---I'm not sure what his rank was when he was there,  
10:59:50 40 I think he was the Senior Sergeant, I might have that  
10:59:52 41 wrong, Senior Sergeant and there was an Inspector above  
10:59:55 42 him, but I might have that wrong.  
10:59:56 43  
10:59:57 44 He from time to time relieved Mr O'Brien as  
11:00:00 45 officer-in-charge of Purana?---Yes.  
11:00:02 46  
11:00:03 47 We know that the PII put on interview between 15:56

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11:00:13 1 and 15:59 by Robinson and Johns, you record that in your  
11:00:20 2 notes?---Yes.  
11:00:21 3  
11:00:22 4 Not that you were involved but you were briefed on  
11:00:23 5 this?---Yes.  
11:00:23 6  
11:00:26 7 PII [REDACTED] is interviewed between 16:14 and 16:19 by Flynn  
11:00:31 8 and Farrah?---Yes.  
11:00:32 9  
11:00:32 10 Gobbo goes in to speak with [REDACTED] at the MDID at 16:25  
11:00:49 11 and then goes in to speak to PII [REDACTED] at interview 2  
11:00:57 12 between 16:43 and 17:50?---Yes.  
13  
11:01:00 14 So a significant period of time she's in with him?---Yes.  
11:01:03 15  
11:01:03 16 You then conduct a further interview with PII [REDACTED] between  
11:01:08 17 18:12 and 18:15, that's just a DNA interview?---Yes.  
11:01:13 18  
11:01:14 19 You don't put any substantive allegations?---No, because I  
11:01:18 20 think, I think it maybe had been done probably is why.  
11:01:24 21  
11:01:24 22 He'd just been put on tape and given his caution and rights  
11:01:28 23 earlier and you go back in at that point in time it seems,  
11:01:32 24 ask for DNA and don't put any substantive allegations at  
11:01:35 25 that point?---Yeah, perhaps because he already had  
11:01:41 26 indicated he wasn't, he'd said no comment. I'm not sure, I  
11:01:45 27 don't remember, but - - -  
11:01:47 28  
11:01:47 29 In any case you then take buccal swabs and  
11:01:52 30 fingerprints?---Yes.  
11:01:53 31  
11:01:53 32 And the fingerprints are taken by 18:25?---Yes.  
11:01:57 33  
11:01:58 34 PII [REDACTED] is then taken to the 16th floor with Mr O'Brien  
11:02:02 35 and Mr Flynn at 18:50?---Yes.  
11:02:07 36  
11:02:07 37 Did you see them go, or did you go with them?---I didn't go  
11:02:12 38 with them.  
11:02:15 39  
11:02:15 40 Did they all go together or was PII [REDACTED] taken up by  
11:02:20 41 someone else?---I don't remember. I don't remember.  
11:02:31 42  
11:02:32 43 You, whilst they're up on the 16th floor, conduct a further  
11:02:36 44 interview with PII [REDACTED] between 19:05 and  
11:02:43 45 19:14?---Yes.  
11:02:43 46  
11:02:44 47 Substantive allegations are put to him by you?---Yes.

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11:02:48 1  
11:02:49 2 You also do the DNA and fingerprints?---Yes.  
11:02:54 3  
11:02:56 4 After you do that what do you do? Do you go up to the 16th  
11:03:04 5 floor, Purana offices, what do you do?---No, I stayed down  
11:03:09 6 there. I was never part of that discussion with the  
11:03:13 7 witness.  
11:03:14 8  
11:03:14 9 That witness, we understand, is, discussions are going on  
11:03:21 10 in the conference room on the 16th floor?---Yes.  
11:03:24 11  
11:03:24 12 At that stage your desk or your Purana offices are up on  
11:03:28 13 the 16th floor, is that right?---Yes.  
11:03:29 14  
11:03:30 15 Did you go back up there after dealing with the  
11:03:33 16 PII [REDACTED]?---I don't believe so. I wouldn't have been able  
11:03:37 17 to leave that area. I was in the 14th floor, in the  
11:03:41 18 custody area, until I've finished with both of them.  
11:03:46 19  
11:03:47 20 You'll note there's a period of about 22 minutes between  
11:03:51 21 Ms Gobbo finishing speaking with PII [REDACTED] and then you're  
11:03:58 22 recommencing your DNA interview with him?---Yes.  
11:04:05 23  
11:04:05 24 Do you note that? Who did Ms Gobbo speak to after she  
11:04:11 25 finished speaking with PII [REDACTED]?---I have no idea.  
11:04:15 26  
11:04:16 27 Did she speak to you?---She may have, you know, in passing,  
11:04:24 28 but not a detailed conversation.  
11:04:27 29  
11:04:29 30 Were people waiting for her to come out of the room with  
11:04:34 31 PII [REDACTED] so that things could proceed?---Yeah, yeah. I  
11:04:37 32 mean that's what ordinarily happens, you know, whilst a  
11:04:41 33 legal representative talking to someone you might do some  
11:04:44 34 of your administrative stuff or, you know, prepare for the  
11:04:48 35 interview or do whatever else, and then once they come out  
11:04:51 36 you kick on.  
11:04:52 37  
11:04:53 38 Was Detective Flynn, Detective O'Brien, were they waiting  
11:04:56 39 around, waiting for her to come out. I just want to know  
11:05:00 40 who was there when she walks out of that room?---I actually  
11:05:03 41 don't know. There was quite a few of us down in the  
11:05:07 42 interview suites. You know, there was a fair bit going on,  
11:05:13 43 but I don't know whether they were there waiting or whether  
11:05:15 44 they were just around, I don't remember.  
11:05:18 45  
11:05:18 46 Do you know where she went following that?---I think  
11:05:24 47 eventually she is part of a conversation with those people



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11:05:29 1 and the witness but in the interim, I don't know. Like I  
11:05:34 2 wasn't - - -  
11:05:35 3  
11:05:35 4 Do you know if she left the station?---I have no idea. I  
11:05:38 5 was obviously focused on what I had to do and I wasn't, you  
11:05:45 6 know, following her around.  
11:05:45 7  
11:05:46 8 You indicate at 19:25 in your diary that PII [REDACTED], Flynn,  
11:05:53 9 O'Brien and barrister?---Yep.  
11:05:56 10  
11:05:56 11 Are in discussion re further interview?---Yep.  
11:05:59 12  
11:06:00 13 So you've got an awareness that Ms Gobbo had at least  
11:06:03 14 rejoined the party?---Yes.  
11:06:06 15  
11:06:07 16 How did you know that?---I think I was told that - I don't  
11:06:13 17 know at what stage, I was certainly told at some stage he  
11:06:19 18 was going to participate in another interview.  
11:06:23 19  
11:06:24 20 That comes after all of this?---Yes, perhaps - - -  
11:06:27 21  
11:06:28 22 How did you know Ms Gobbo rejoined to put it in your diary  
11:06:31 23 at 9.25 that Flynn, O'Brien and barrister were with the  
11:06:35 24 PII [REDACTED] witness?---I was probably told. I mean bearing in  
11:06:39 25 mind I'm probably thinking more about my 464 obligations  
11:06:44 26 and accounting for the time that we've got them as opposed  
11:06:47 27 to, you know, anything around that process.  
11:06:50 28  
11:06:51 29 You've got some recording there after 8 pm, it seems pizza  
11:06:57 30 and Coke are given to both of the people that have been  
11:07:00 31 arrested?---Yep.  
11:07:01 32  
11:07:02 33 Were you involved in doing that?---I don't know. I would  
11:07:11 34 doubt it because I had plenty I had to do myself.  
11:07:15 35  
11:07:15 36 It's apparent, and I'll use the pseudonym we're using at  
11:07:19 37 the moment, that SDU member Brennan was also present with  
11:07:26 38 Flynn, O'Brien and the barrister and had been present  
11:07:30 39 upstairs. Were you aware of that?---I'm just making sure  
11:07:38 40 I've got the right person. Well, that's news to me, if it  
11:07:45 41 was him.  
11:07:46 42  
11:07:46 43 Are you aware that that person was present on the  
11:07:49 44 night?---No.  
11:07:49 45  
11:07:56 46 It seems as though he arrived at the station at 18:35,  
11:08:05 47 prior to, prior to the witness being taken up to the 16th



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11:08:11 1 floor at 18:50?---You're not talking about someone else  
11:08:15 2 from that unit?  
11:08:17 3  
11:08:18 4 No, I'm talking about one of the SDU handlers who we know  
11:08:22 5 as Brennan?---No.  
11:08:23 6  
11:08:23 7 Was brought in that night and was in the room with Flynn,  
11:08:25 8 O'Brien and Ms Gobbo, at least for a short time?---No,  
11:08:29 9 that's news to me.  
11:08:30 10  
11:08:34 11 At 21:00 hours you were told by Mr Flynn about the PII [REDACTED]  
11:08:40 12 PII [REDACTED] now wanting to participate in an interview?---Yes.  
11:08:43 13  
11:08:45 14 You're told that he'd agreed to cooperate?---Yes.  
11:08:48 15  
11:08:49 16 Where were you when you had that conversation with  
11:08:52 17 Flynn?---I think down on the 14th floor.  
11:08:54 18  
11:08:54 19 At the very same time Ms Gobbo is around about there, the  
11:09:01 20 Purana office somewhere, is that right?---I don't know.  
11:09:04 21  
11:09:05 22 Did you see her leaving?---No, I don't think so.  
11:09:12 23  
11:09:12 24 Were you aware that she and Mr Flynn and the PII [REDACTED]  
11:09:19 25 spent a significant period of time in an interview room on  
11:09:24 26 the 14th floor together?---On the 14th floor, not the 16th.  
11:09:39 27  
11:09:39 28 To your knowledge - you remained on the 14th floor I take  
11:09:43 29 it?---Yep, yep.  
11:09:44 30  
11:09:44 31 Was the PII [REDACTED] brought down for further discussion  
11:09:48 32 with Flynn and Gobbo?---Not that I, not that I recall.  
11:09:53 33  
11:09:53 34 Did he remain, until he came down for the interview with  
11:09:57 35 you and Flynn did he remain on the 16th floor to your  
11:10:01 36 knowledge?---Yeah, to my knowledge he stayed up there and  
11:10:03 37 he came back down and we did the interview.  
11:10:06 38  
11:10:06 39 Did Ms Gobbo come back down on to the 14th floor to your  
11:10:10 40 knowledge at all?---I don't remember. I don't believe so  
11:10:13 41 but I don't remember.  
11:10:14 42  
11:10:16 43 Were you aware that there was an arrangement made for her  
11:10:20 44 to be escorted out by investigators?---No. I mean when you  
11:10:26 45 say escorted out, she would have to be, she can't wander  
11:10:32 46 around the building by herself.  
11:10:33 47

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11:10:34 1 You don't know who was involved in that?---No.  
11:10:36 2  
11:10:36 3 The PII [REDACTED] was interviewed again, put on tape from  
11:10:41 4 21:08 to 23:27?---Yes.  
11:10:45 5  
11:10:45 6 That occurs in the interview room on the 14th floor?---Yes.  
11:10:49 7  
11:11:01 8 Did you discuss with Mr Flynn the circumstances as to how  
11:11:10 9 PII [REDACTED] came to change his mind and PII [REDACTED]? You  
11:11:21 10 must have discussed that?---No, well I obviously knew they  
11:11:24 11 were talking to him. I knew that that was the goal, you  
11:11:29 12 know, after his arrest and I think he just - I think Dale  
11:11:33 13 just came down and said, "Yeah, we're going to do another  
11:11:37 14 interview for him" and I think effectively that's why Dale  
11:11:41 15 did it himself because I, I didn't really know what we were  
11:11:45 16 doing to be honest, I just sat there and listened.  
11:11:48 17  
11:11:48 18 Did you discuss with him Ms Gobbo's role in the  
11:11:52 19 process?---No, no.  
11:11:53 20  
11:11:53 21 Did you raise any concern as to Ms Gobbo's role in that  
11:11:57 22 process?---No.  
11:11:58 23  
11:11:59 24 Did you have any concern about her role in the  
11:12:02 25 process?---If you're talking about the, I mean her presence  
11:12:06 26 there or, you know, the specifics of what she was doing and  
11:12:09 27 saying, obviously I wasn't aware of that. You know, I know  
11:12:14 28 she wasn't supposed to be there. I know that.  
11:12:16 29  
11:12:17 30 You knew that the PII [REDACTED] was being taken up to the  
11:12:24 31 16th floor to have PII [REDACTED]  
11:12:28 32 PII [REDACTED] this is the culmination of Operation PII [REDACTED]?---He was  
11:12:32 33 going to be spoken to, yep.  
11:12:33 34  
11:12:34 35 You knew Ms Gobbo was in the room with O'Brien, with Flynn,  
11:12:38 36 involved in essentially that PII [REDACTED]?---Well, in the second  
11:12:42 37 part of it.  
11:12:44 38  
11:12:44 39 Yes?---To what, what discussion was had, what extent, what  
11:12:48 40 advice, I've got no idea.  
11:12:50 41  
11:12:50 42 But you knew she was there on the side of the  
11:12:56 43 police?---See, no, I wouldn't say that. Like I know  
11:12:59 44 that's, you know, you can look at it in that regard  
11:13:05 45 absolutely. You know, I'm - as I said earlier, you know, I  
11:13:13 46 was always of the view, you know, she was genuinely wanting  
11:13:18 47 to look out for that PII [REDACTED].



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11:13:20 1  
11:13:20 2 Right. You just said a moment ago though that you knew she  
11:13:25 3 wasn't supposed to be there?---Yeah, but I mean that's a  
11:13:29 4 different, that's a different consideration.  
11:13:31 5  
11:13:32 6 Why?---Well in terms of, you know, the obligations and our  
11:13:40 7 attempts to, you know, keep her out of it, manage that  
11:13:45 8 risk, conflict, all that stuff, yep, she wasn't supposed to  
11:13:50 9 be there.  
11:13:50 10  
11:13:51 11 She wasn't supposed to be there - sorry?---Given she was,  
11:13:54 12 and the way she, you know, the way she had her relationship  
11:14:00 13 with that PII [REDACTED] and the way she acted in my presence and  
11:14:04 14 that's all I can go on, you know, you know, even just  
11:14:12 15 little things about making sure he's, you know, was all  
11:14:16 16 right in custody and all that sort of stuff, you know, that  
11:14:20 17 was my, that was my perception of it, rightly or wrongly.  
11:14:24 18  
11:14:24 19 You knew she wasn't supposed to be there, and I think you  
11:14:28 20 just said there was a conflict, she was a police agent, she  
11:14:33 21 was the very reason that person had been arrested?---Yes,  
11:14:36 22 she was one of the reasons. There was a lot of things that  
11:14:39 23 - you know.  
11:14:39 24  
11:14:39 25 She was a significant reason that person was sitting there  
11:14:43 26 that night in custody?---She was the start of it. I'd  
11:14:47 27 describe it like that.  
11:14:48 28  
11:14:48 29 You knew for that reason she wasn't supposed to be  
11:14:51 30 there?---Yeah, well that's, that's what we all were under  
11:14:54 31 the impression of. I won't say we all, that's what I was  
11:14:58 32 under the impression of.  
11:14:59 33  
11:14:59 34 She's not supposed to be there?---She's not supposed to be  
11:15:03 35 there.  
11:15:03 36  
11:15:04 37 Was there any thought, discussion about, "What the hell is  
11:15:08 38 she doing here"?---You know, I don't know the extent of my  
11:15:11 39 thought processes. That was my understanding, she wasn't  
11:15:13 40 supposed to be involved and then she is.  
11:15:15 41  
11:15:16 42 Okay. Your understanding was she wasn't supposed to be  
11:15:20 43 involved, what gave you that understanding?---We had  
11:15:23 44 discussed it. We had discussed it.  
11:15:26 45  
11:15:28 46 Who had discussed it?---The investigators, as a crew we  
11:15:32 47 discussed, you know - - -



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11:15:33 1  
11:15:33 2 Prior to that night?---Yes, prior to that night. Like  
11:15:35 3 early days I think.  
11:15:36 4  
11:15:36 5 Because there was an awareness she's already representing  
11:15:39 6 this person it's likely he's going to seek her out  
11:15:43 7 again?---I'm not sure in what detail but, you know, there  
11:15:45 8 was certainly discussions in a general sense as to how, you  
11:15:49 9 know, how this was going to work and, you know, way back  
11:15:53 10 to, you know, can this even be done? How would it work?  
11:15:58 11 And, you know, the understanding was she was being, she was  
11:16:05 12 being told, you know, that she couldn't represent these  
11:16:09 13 people or she had to stay out of it. I think there was  
11:16:13 14 talk about her not answering the phone, all that sort of  
11:16:16 15 stuff.  
11:16:16 16  
11:16:16 17 And that's in the lead up to the night or the day of this  
11:16:19 18 arrest?---I believe so, yes.  
11:16:21 19  
11:16:21 20 This was with your crew?---Yeah, like just in general, like  
11:16:24 21 we sat in a small area. We'd just talk about stuff every  
11:16:28 22 day.  
11:16:28 23  
11:16:28 24 That would have involved Mr Flynn, Mr O'Brien, others on  
11:16:31 25 the crew?---Jim didn't sit with us, you know, and who was  
11:16:35 26 there at the time, I don't know. I remember talking about  
11:16:38 27 it and I think on probably a couple of occasions. Despite  
11:16:45 28 everything, you know, there's no point doing any of this if  
11:16:50 29 we thought it was all going to fall over. What would be  
11:16:53 30 the point? All those hours, all that effort, all that time  
11:16:56 31 away from home, lose it at court, whatever it is, like what  
11:17:02 32 is the point?  
11:17:03 33  
11:17:03 34 So there is some discussion in the lead up to this night or  
11:17:06 35 this date, "She's not supposed to be there. We have this  
11:17:09 36 discussion about how we avoid her being there because we  
11:17:14 37 know that this could potentially compromise it and this is  
11:17:17 38 all not worth it", right?---Potentially, yes.  
11:17:21 39  
11:17:21 40 All right. So on the night, unfortunately it all pans out,  
11:17:25 41 she does turn up, it's all potentially compromised. Who is  
11:17:30 42 discussing that?---Well, you know, I didn't discuss it. I  
11:17:40 43 didn't discuss it.  
11:17:41 44  
11:17:41 45 Everyone just said - - - ?---I can't talk for everyone. I  
11:17:46 46 can't talk for everyone. I had no doubt, I would like to  
11:17:49 47 think I had full confidence, you know, in the people I was

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11:17:52 1 working with and the other members involved that, you know,  
11:17:57 2 it was being addressed. My understanding is there were  
11:18:00 3 conversations with her outside of my, my role. My role was  
11:18:03 4 to process these two offenders.

11:18:07 5  
11:18:07 6 You get the briefing when you first arrive from Flynn and  
11:18:10 7 Kelly?---Yep.

11:18:11 8  
11:18:11 9 And they say to you, "Guess who's here? Gobbo is here  
11:18:19 10 advising PII [REDACTED]". Is it just no one raises any  
11:18:22 11 concern or is it just raised eyebrows with each  
11:18:25 12 other?---They didn't say "Guess who's here?" They just  
11:18:30 13 told me that that's who they'd spoken to.

11:18:30 14  
11:18:30 15 But you find out who's there. Are you  
11:18:32 16 surprised?---Ultimately that process has taken place  
11:18:34 17 without me being there. By that time it has gone through  
11:18:38 18 at least two levels of my supervision. You know, at that  
11:18:41 19 point in time I'm, you know, I guess I'm trying to keep a,  
11:18:48 20 a separation between, you know, "Yep, what I know is going  
11:18:52 21 on behind the scenes" but just what my role is then and I  
11:18:55 22 was just simply doing my, you know, the grunt work if you  
11:18:59 23 like, tasks of processing these two offenders. All the  
11:19:03 24 discussions around the issues and the strategy and the  
11:19:05 25 process and everything else had nothing to do with me.

11:19:08 26  
11:19:08 27 Did you have any discussions or do you know of any  
11:19:12 28 discussions that occurred as a result of Ms Gobbo turning  
11:19:15 29 up on that night?---Well I mean you mentioned - I don't  
11:19:20 30 know, but you mentioned the presence of, you know, handlers  
11:19:26 31 or whatever. I mean to me I go, well that, you know,  
11:19:31 32 clearly people were aware. I'm safe to assume they had  
11:19:36 33 discussions. But I don't know, not with me.

11:19:39 34  
11:19:40 35 You'd had the discussions prior to the night that  
11:19:44 36 everything might be compromised if she turns up on the  
11:19:48 37 day?---Well no, I didn't say that. I'm just saying we had  
11:19:51 38 turned our mind to it, you know, I had turned my mind to  
11:19:54 39 it.

11:19:55 40  
11:19:55 41 This is a risk?---I'm saying we're not going into this  
11:19:58 42 blindly and just hoping it all works out. You know, there  
11:20:01 43 were attempts throughout the whole process, as there is  
11:20:04 44 with any investigation, you know, you need to think of the  
11:20:07 45 end game otherwise, you know, what's the point? You've got  
11:20:10 46 to think of, you know, make sure our actions are  
11:20:13 47 appropriate and lawful and all that sort of stuff so that

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11:20:16 1 it's not a waste of time.  
11:20:18 2  
11:20:18 3 You considered the risk prior to that night?---Considered  
11:20:21 4 the risk and our understanding was it was being managed.  
11:20:23 5  
11:20:23 6 You considered the risk prior to the night. It might be an  
11:20:28 7 issue if she turns up?---I don't actually think I turned my  
11:20:32 8 mind to the fact that she was going to turn up. I think  
11:20:35 9 once you get there and she's there, okay, well that - - -  
11:20:39 10  
11:20:39 11 You've just given some evidence, "We'd discussed that risk  
11:20:42 12 and we thought it was being handled"?---I'm talking in a  
11:20:46 13 general sense, I'm not talking specific to that night.  
11:20:49 14 Bearing in mind I didn't know they were going to get  
11:20:51 15 arrested until 9 o'clock that morning.  
11:20:53 16  
11:20:54 17 That night she does turn up, she provides advice, initially  
11:20:59 18 this is someone that says no comment. After her  
11:21:02 19 involvement with O'Brien and Flynn he changes his mind and  
11:21:11 20 he becomes PII [REDACTED]?---Yes.  
11:21:13 21  
11:21:17 22 There had been an appreciation of a risk before that as to  
11:21:20 23 her involvement?---Yes.  
11:21:21 24  
11:21:24 25 Was there any advice sought once that risk had  
11:21:28 26 eventuated?---Not by me.  
11:21:31 27  
11:21:31 28 Are you aware whether anyone else took steps to get  
11:21:36 29 advice?---You know, I'm not aware specifically but at the  
11:21:44 30 same time, you know, you know, I had and, you know, I have,  
11:21:52 31 you know, confidence in those people that I was working  
11:21:55 32 with. I mean they, you know - I don't know.  
11:22:00 33  
11:22:02 34 All right. Now in the days following that there were the  
11:22:10 35 next phases of the operations. On [REDACTED] PII [REDACTED] 2006 your diary  
11:22:17 36 I think refers to phase 2 of Operation PII [REDACTED]?---Yep.  
11:22:23 37  
11:22:25 38 That day you're preparing an affidavit in relation to  
11:22:30 39 further targets as well and one of those is  
11:22:34 40 Mr Bickley?---Yes.  
11:22:34 41  
11:22:35 42 Someone else by the name of Shane Moran and also Milad  
11:22:40 43 Mokbel?---Yes.  
11:22:40 44  
11:22:42 45 And then later that night we have PII [REDACTED] talking with  
11:22:49 46 PII [REDACTED] and [REDACTED] and [REDACTED], is  
11:22:54 47 that right?---Yes.



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11:22:55 1  
11:22:55 2 MS ARGIROPOULOS: Commissioner, in the context in which  
11:22:57 3 it's used could I ask that the specific date that's  
11:23:00 4 referred to at line 24 be removed from the live streaming.  
11:23:04 5  
11:23:05 6 COMMISSIONER: I'm having trouble hearing you.  
11:23:06 7  
11:23:07 8 MS ARGIROPOULOS: I'm sorry, Commissioner. Within the  
11:23:08 9 context in which it's used could I ask that the specific  
11:23:11 10 date referred to at line 24 be removed from the live stream  
11:23:17 11 and the transcript, please.  
11:23:21 12  
11:23:22 13 MS TITTENSOR: Yes, it's the number, Commissioner.  
11:23:23 14  
11:23:24 15 COMMISSIONER: Yes, just the number. Take out the date,  
11:23:27 16 the number there on line 24, thanks, and on the streaming.  
11:23:32 17  
11:23:32 18 MS TITTENSOR: We then, the following day, Mr Rowe, see  
11:23:38 19 references to phases 3, 4 and 5 in your diary?---Yes.  
11:23:46 20  
11:23:49 21 There's calls by PII [REDACTED] to [REDACTED] arranging to  
11:23:55 22 meet?---Yes.  
11:23:56 23  
11:23:56 24 And so forth.  
11:23:57 25  
11:23:59 26 MS ARGIROPOULOS: Sorry, Commissioner, can you excuse me  
11:24:01 27 for a moment?  
11:24:02 28  
11:24:02 29 COMMISSIONER: Sure. If this is likely to take long  
11:24:23 30 perhaps we can take the midmorning break.  
11:24:26 31  
11:24:46 32 MS TITTENSOR: Perhaps that might be appropriate,  
11:24:48 33 Commissioner.  
11:24:48 34  
11:24:48 35 COMMISSIONER: We'll take the midmorning break.  
11:24:51 36  
11:24:51 37 (Short adjournment.)  
11:24:51 38  
11:48:56 39 MR WINNEKE: Commissioner, I've just been in communication  
11:48:58 40 with Ms Fayman, who is representing - perhaps I don't need  
11:49:07 41 to go into the details, I think the Commissioner knows.  
42  
11:49:11 43 COMMISSIONER: Yes.  
44  
11:49:13 45 MR WINNEKE: There are matters which she wishes to raise  
11:49:15 46 with the Commission. She'll be here very shortly. I've  
11:49:19 47 spoken to Ms Tittensor to see whether she can deal with the

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11:49:25 1 evidence in such a way that will preserve the position  
11:49:30 2 until Ms Fayman gets here. She's going to attempt to do so  
11:49:34 3 but it may well be that it will be difficult for her to do  
11:49:39 4 so. If she can't, it may well be - we're in your hands  
11:49:44 5 about it - we simply have to stop for a few minutes until  
11:49:47 6 she gets here, otherwise we keep going. But I simply say  
11:49:52 7 this: Ms Fayman has indicated that she would wish to  
11:49:57 8 preserve the situation as it is at present.  
9  
11:49:59 10 COMMISSIONER: She would wish?  
11  
11:50:01 12 MR WINNEKE: She wants to make some submissions.  
13  
11:50:03 14 COMMISSIONER: Yes, she wants to make submissions. She  
11:50:05 15 doesn't want to preserve the situation as it is at present.  
16  
11:50:09 17 MR WINNEKE: She doesn't want to preserve the position.  
11:50:11 18 I'm suggesting it may be appropriate that she has the  
11:50:15 19 opportunity but it's a matter for the Commission.  
20  
11:50:18 21 COMMISSIONER: I think we have to keep on going. Let's see  
11:50:22 22 if Ms Tittensor can just be particularly cautious until she  
11:50:27 23 arrives and we can hear the application.  
24  
11:50:29 24 MS TITTENSOR: Thanks Commissioner.  
25  
11:50:30 25  
11:50:32 26  
11:50:32 27 Mr Rowe, a short time after the period of time we've  
11:50:41 28 been discussing there were a number of arrests, including  
11:50:44 29 that of Milad Mokbel and Steve Cvetanovski or Zlate  
11:50:52 30 Cvetanovski; is that right?---Yes.  
31  
11:50:53 32 You were involved in the arrest of Milad Mokbel?---Yes.  
33  
11:50:58 34 Gave him his caution and rights?---Yes.  
35  
11:51:01 36 At what point did he first ask to speak to  
11:51:05 37 Ms Gobbo?---Pretty much straight away. If I can just check  
11:51:09 38 my notes. He was arrested at 6.30 and he asks to speak to  
11:51:44 39 her at 7.35.  
40  
11:51:46 41 Right. Had there been discussion in relation to what was  
11:51:55 42 to be done if Ms Gobbo was requested to provide advice to  
11:51:59 43 Milad Mokbel?---No, not that I know of.  
44  
11:52:04 45 You're aware that there had been such issues in the past  
11:52:08 46 considered by Purana?---In relation to - yes, [REDACTED] yep.  
47

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11:52:14 1 In relation to concerns about Ms Gobbo turning up to advise  
11:52:17 2 people in circumstances where she'd provided information as  
11:52:22 3 a human source against them?---Yes.  
4

11:52:25 5 In this case, in the days - - - ?---Maybe I'm not correct.  
11:52:30 6 I shouldn't say no, no, I wasn't. Maybe it was. I don't  
11:52:36 7 know.  
8

11:52:37 9 Maybe there was discussion about her turning up for Milad,  
11:52:41 10 is that what you're saying?---No, not turning up but, as I  
11:52:45 11 said, the understanding that she was going to be, you know,  
11:52:50 12 unavailable, her phone off or whatever it was. Now in my  
11:52:55 13 head that's a consistent position throughout all of this  
11:53:02 14 so, you know, I can't see any reason why, you know, the  
11:53:10 15 likes of Milad would be any different.  
16

11:53:15 17 It may well be the case that in terms of the days leading  
11:53:18 18 up to the arrest of Milad Mokbel there was some  
11:53:21 19 consideration given to, "What do we do if she turns  
11:53:29 20 up"?---Probably not in that way. I think the, more the  
11:53:32 21 consideration was to prevent her being able to, in a  
11:53:38 22 general sense, prevent them being able to speak to her so  
11:53:41 23 then there's no need to consider what happens when she  
11:53:44 24 turns up, because she's not supposed to.  
25

11:53:47 26 There's a number of ways in which that might come about and  
11:53:49 27 that might be, "Well, she doesn't have her phone  
11:53:52 28 on"?---Yeah, which was one of them I think.  
29

11:53:55 30 Were there any instructions that you know of given to her  
11:54:00 31 to say, "Switch your phone off"?---Well my understanding is  
11:54:03 32 that's what was happening, switch your phone off, be  
11:54:06 33 unavailable, don't answer the call, whatever it was.  
11:54:09 34

11:54:09 35 Where did you get that understanding from?---Well we had -  
11:54:12 36 it was told to me, we had - when I say discussed it, I mean  
11:54:15 37 I was aware of it so, you know, it was something that was  
11:54:20 38 relayed to us or relayed to me. I can't say when or by  
11:54:25 39 who.  
40

11:54:26 41 Was there a back-up plan, "If that doesn't work we're going  
11:54:32 42 to say to Milad Mokbel, 'I'm sorry, she can't represent  
11:54:36 43 you, she's conflicted in the matter'"?---Not that springs  
11:54:48 44 to mind. I suppose, you know, part of the back-up plan is  
11:54:54 45 for her to say that, which ultimately she did.  
46

11:55:01 47 When do you say she said that?---She said that to him when



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11:55:05 1 she - well, she told me she said that to him when she was  
11:55:10 2 at St Kilda Road, having spoken to him.  
3  
11:55:14 4 Just going through your diary, at 9.35 there's a request by  
11:55:18 5 Milad Mokbel to contact her?---Yes.  
6  
11:55:21 7 9.36 he speaks to her, he tells her he's arrested and would  
11:55:26 8 be taken back to St Kilda Road and Ms Gobbo asks then to be  
11:55:31 9 put on to a police member?---Yes.  
10  
11:55:34 11 You speak to Ms Gobbo?---Yes.  
12  
11:55:36 13 At 19:37?---Yep.  
14  
11:55:39 15 She requests the phone number to contact investigators on  
11:55:42 16 the crew and there's a mobile number given?---Yes.  
17  
11:55:44 18 Is that your number?---It may have been at the time, it may  
11:55:48 19 not have been.  
20  
11:55:49 21 Some other information in relation to one of the handler's  
11:55:57 22 diaries indicates that this was a number relevant to  
11:55:59 23 Operation Gosford for about a year or so later?---Yep.  
24  
11:56:04 25 It seems likely that would have been your mobile  
11:56:07 26 number?---Yes.  
27  
11:56:08 28 Did you maintain that number for quite some time?---We used  
11:56:13 29 to share them, we didn't have a work phone each so - for  
11:56:18 30 some time. It might have been the - like in relation to  
11:56:21 31 Operation Gosford we shared the contact number so that the  
11:56:25 32 same person didn't get - - -  
33  
11:56:29 34 Bombarded?---Yeah.  
35  
11:56:31 36 At 20:07 you speak with Ms Gobbo?---Yes.  
37  
11:56:34 38 What's that about?---Not sure.  
39  
11:56:53 40 Do we take it from some of your earlier evidence that you  
11:56:57 41 didn't say to her, "You shouldn't be turning up and  
11:57:01 42 advising"?---Yes.  
43  
11:57:02 44 You didn't do that?---No.  
45  
11:57:04 46 Okay. We get from - - - ?---But that had been done. I  
11:57:14 47 mean - - -

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1  
11:57:15 2 That had been done but nevertheless she was taking calls in  
11:57:18 3 relation to it. That was at least apparent to you at that  
11:57:23 4 stage?---She was taking calls, she was, yes.  
5  
11:57:28 6 That evening there's also a briefing, it may or may not be  
11:57:32 7 in your diary, but given to others in relation to  
11:57:35 8 Cvetanovski being arrested, that was another job that was  
11:57:39 9 going on that night?---Yeah, that was sort of going on a  
11:57:42 10 little bit independently of me.  
11  
11:57:45 12 Because you were taking care of the Milad Mokbel  
11:57:47 13 situation?---Yes.  
14  
11:57:49 15 He is taken back to St Kilda Road in the early hours of the  
11:57:54 16 morning?---Yes.  
17  
11:57:56 18 And by that stage Mr Cvetanovski had also been arrested and  
11:58:00 19 brought back to St Kilda Road?---Yes.  
20  
11:58:02 21 He had also asked to speak to Ms Gobbo for advice?---Yes.  
22  
11:58:09 23 You're aware in that confidential affidavit both - Ms Gobbo  
11:58:16 24 had provided information about both Milad Mokbel and  
11:58:19 25 Mr Cvetanovski?---Yes. I mean I still don't know what I  
11:58:43 26 can do to prevent it and I'm happy to hear.  
27  
11:58:51 28 Did you speak to any of your superiors on the night about  
11:58:54 29 what you could do to prevent it?---Well no, I mean in terms  
11:58:57 30 of her actions. She'd been told.  
31  
11:58:59 32 Yes?---But she obviously didn't listen.  
33  
11:59:02 34 Yes, and did you speak to your superiors about that?---They  
11:59:06 35 haven't decided - they were there, they were all working  
11:59:09 36 together.  
37  
11:59:09 38 Yes?---I didn't need to raise it like it was something that  
11:59:15 39 no one else was aware of. Everyone knew the circumstances.  
11:59:19 40 They were there.  
41  
11:59:20 42 Was there as an unspoken thing, or was it there it's an  
11:59:23 43 obvious concern, "Why don't we speak about this"?---Well I  
11:59:27 44 suppose the consideration is that, I guess from my  
11:59:36 45 perspective that that was being dealt with by, you know,  
11:59:40 46 other people, people that are managing her, that were  
11:59:44 47 managing that aspect of her involvement. Once that falls

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11:59:49 1 over and someone asks to speak to her and she accepts it,  
11:59:56 2 again, I don't know how I can prevent that occurring.  
12:00:07 3 Legally I'm speaking.  
4  
12:00:09 5 You could certainly have made known to those people who  
12:00:12 6 were seeking her advice that she's conflicted and may not  
12:00:15 7 act in their best interests, she's got duties owing to  
12:00:20 8 others?---I could do that but also, I mean, like I don't  
12:00:28 9 think I really can. I mean at that point in time to  
12:00:30 10 identify, you know, for example, Milad, at that point in  
12:00:36 11 time he doesn't know effectively what's occurred PII  
12:00:39 12 PII, and again in relation to her, you  
12:00:46 13 know, you raise that as a concern and then the obvious  
12:00:49 14 follow-up question is why? And I don't, I don't know how,  
12:00:55 15 how I would have navigated that.  
16  
12:00:57 17 All right?---The fallback position is that I can raise her  
12:01:03 18 conflict but ultimately, you know, she has to put that into  
12:01:07 19 place, which with Milad she does. So there is a process  
12:01:12 20 that you have to go through to get to that point to enable  
12:01:16 21 her to do that.  
22  
12:01:17 23 We'll do that. In your diary at 1.05 you're back at the  
12:01:22 24 station and Milad Mokbel is in an interview room on the  
12:01:27 25 MDID floor, 14th floor?---Yes.  
26  
12:01:28 27 If we go to Mr Jones' diary, he's present at the station  
12:01:37 28 that night, are you aware of that?---Sorry, I'm just trying  
12:01:48 29 to work out who that is. What number is he on the list?  
30  
12:01:58 31 Mr Jones is the controller of the SDU. You know who I'm  
12:02:03 32 speaking about?---Number 3?  
33  
12:02:08 34 COMMISSIONER: Yes.  
12:02:09 35  
12:02:09 36 MS TITTENSOR: Yes, sorry?---Yes.  
37  
12:02:12 38 At 1.09, according to Mr Jones' diary, Gobbo is speaking  
12:02:22 39 with him in the interview room on the 16th floor, were you  
12:02:25 40 aware of that?---No. Well, I don't believe so. I  
12:02:34 41 don't - - -  
42  
12:02:36 43 According to his diary this included discussion about  
12:02:40 44 "approach re Milad", the plan and there's a plan and it  
12:02:45 45 says, "Speak to Cvetanovski, advice as necessary. Speak to  
12:02:50 46 Milad, advice re conflict. Represent PII  
12:02:57 47 PII"?---Yep.



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1  
12:02:58 2 Right. He's having a discussion with Ms Gobbo at the  
12:03:01 3 station on that night?---Okay.  
4  
12:03:05 5 Your diary next at 1.30 indicates a briefing to Detective  
12:03:12 6 Inspector Ryan in relation to the execution of the warrants  
12:03:14 7 on the offenders that are in custody?---Yes.  
8  
12:03:18 9 That briefing, I take it, would have included that both had  
12:03:21 10 sought counsel from Ms Gobbo?---I don't know. Probably not  
12:03:26 11 but I don't know.  
12  
12:03:29 13 At 2 o'clock you spoke to Ms Gobbo?---Yes.  
14  
12:03:34 15 In relation to both Cvetanovski and Milad Mokbel?---Yes.  
16  
12:03:38 17 Was that by phone or in person?---I believe - I think by  
12:03:47 18 that point in time it's in person.  
19  
12:03:49 20 We know she had been at least at 1.09 already at the  
12:03:53 21 station it seems?---Yep.  
22  
12:03:56 23 At 2.10 you are discussing an interview plan with  
12:04:06 24 Mr Brennan and Mr Bourne?---Yes.  
25  
12:04:15 26 And at paragraph 89 of your statement you say that  
12:04:20 27 information was conveyed to you that Ms Gobbo was supposed  
12:04:22 28 to tell Milad that she couldn't advise him because of  
12:04:26 29 conflict?---Yep, which she does, or she tells me she does.  
30  
12:04:31 31 What about Mr Cvetanovski? The note in relation to  
12:04:39 32 Mr Jones indicated, it seems, that she was free to advise  
12:04:42 33 him?---Yes. The focus was definitely on Milad from that  
12:04:56 34 perspective, or certainly from my perspective. I don't  
12:05:09 35 know in relation to Cvetanovski.  
36  
12:05:12 37 Mr Jones' diary indicates a meeting with you and Detective  
12:05:17 38 Flynn around this time and it says, "Will not put details  
12:05:21 39 to suspect, just allegations". It seems you're having a  
12:05:26 40 discussion in relation to what might be said at this  
12:05:31 41 stage?---Yes, so I think that's probably - what time was  
12:05:34 42 that, sorry?  
43  
12:05:35 44 I think it's around about this time, 2.10?---Yeah, well  
12:05:39 45 I've got that I discussed the interview plan, so we're  
12:05:42 46 talking about what specific details of PII [REDACTED]  
12:05:50 47 involvement we would put to Milad as part of the interview

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12:05:51 1 at that point in time.  
2  
12:05:53 3 The suspect had already indicated he'll say no  
12:05:57 4 comment?---Yes. I don't know whether he did at that point  
12:05:59 5 in time but at some point in time he does, yes.  
6  
12:06:02 7 It says, "Stand by human source", being Ms Gobbo, "Meet  
12:06:06 8 with Cvetanovski, then meet with Milad Mokbel". At least  
12:06:14 9 in Mr Jones' diary he's recording Ms Gobbo meeting - well,  
12:06:20 10 Ms Gobbo as a human source meeting with Mr Cvetanovski and  
12:06:24 11 Milad Mokbel?---Well, you know, I'm not sure that it's in  
12:06:33 12 that context. I mean they're managing her as a human  
12:06:37 13 source so every time they meet with her it's in that  
12:06:42 14 context, but they're not talking about her meeting them,  
12:06:45 15 you know, as a human source. They're talking about, you  
12:06:48 16 know, the process of her as a solicitor/barrister, whatever  
12:06:54 17 you want to call it.  
18  
12:06:55 19 It's fraught, isn't it, you would agree?---It's really  
12:06:58 20 complicated, yep, yep.  
21  
12:07:00 22 At 2.28 you commence an interview with Milad Mokbel, you  
12:07:04 23 put his caution and rights. He requests again to notify  
12:07:08 24 Ms Gobbo and the interview's suspended a couple of minutes  
12:07:10 25 later?---Yep.  
26  
12:07:11 27 At 2.53 to 3.13 Ms Gobbo goes in to speak with Milad  
12:07:18 28 Mokbel, so that's for 20 minutes?---Yes.  
29  
12:07:22 30 Obviously more is said in 20 minutes than just simply, "I  
12:07:26 31 can't act for you because I'm conflicted"?---Well my  
12:07:29 32 understanding was he wasn't that happy about that, so I  
12:07:33 33 would imagine there would have been some - I mean, I don't  
12:07:37 34 know, I wasn't in the room.  
35  
12:07:39 36 So how do you get the understanding that he wasn't  
12:07:41 37 happy?---She told me.  
38  
12:07:43 39 When?---When she came out of that room.  
40  
12:07:45 41 Right. You had a conversation with her after she leaves  
12:07:47 42 the room?---Yes.  
43  
12:07:49 44 Who was with you?---I don't think anyone. It was just in  
12:07:52 45 the hallway outside the interview rooms.  
46  
12:07:56 47 It seems as though Mr Flynn had a conversation with her as

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12:08:00 1 she leaves the room as well?---Yep.  
2  
12:08:01 3 Would it be fair to say that Mr Flynn was with you?---I  
12:08:06 4 don't remember it that way. It's possible. I know I was  
12:08:10 5 waiting outside the room for her to finish because we were,  
12:08:13 6 you know, as we do, we wanted to start and we've got to  
12:08:17 7 stay there and I spoke to her pretty much straight away.  
12:08:22 8 Whether Dale was there or not I don't remember.  
9  
12:08:24 10 You have her coming out of the room at 3.13?---Yep.  
11  
12:08:29 12 If Mr Flynn has a diary entry at that time saying, "Meeting  
13 with Gobbo and Mokbel concludes. Gobbo stated Milad Mokbel  
12:08:35 14 wants to plead to traffick large commercial quantity of  
12:08:36 15 drug of dependence", it seems as though you might have been  
12:08:41 16 present at that point in time?---I don't remember that  
12:08:43 17 discussion with her. I know he told me later on that he  
12:08:47 18 wanted to plead up straight away. He didn't mention  
12:08:50 19 specific charges or anything. I don't remember her saying  
12:08:54 20 that to me so it's possible that shortly after or at the  
12:09:02 21 same time, but not the same conversation.  
22  
12:09:04 23 Well it seems as though she's had more of a discussion with  
12:09:08 24 Milad Mokbel than simply, "I can't act for you ", she's  
12:09:14 25 come out of there saying he wants to plead to the main  
12:09:18 26 charge that will be brought against him?---I can only go on  
12:09:21 27 what she said to me.  
28  
12:09:21 29 Certainly that's some information that's conveyed to you  
12:09:23 30 within a short period of time?---He conveyed it to me.  
31  
12:09:27 32 At 3.30 you speak with Detective Inspector Ryan and O'Brien  
12:09:32 33 and there was a decision to put off the interview of Milad  
12:09:36 34 until after the execution of a warrant against Mr Bayeh,  
12:09:40 35 which was occurring?---Yes.  
36  
12:09:44 37 Mr Flynn in his diary records that event as well, he was  
12:09:50 38 with you at that stage?---I don't have that written down,  
12:09:53 39 but I don't know.  
40  
12:09:54 41 You would accept that?---Yep.  
42  
12:09:56 43 If you're speaking with Detective Inspector Ryan and  
12:09:59 44 O'Brien about such matters, that Mr Flynn would likely be  
12:10:02 45 there anyway?---No, not necessarily.  
46  
12:10:04 47 If his diary notes reflect that you would accept that he



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12:10:07 1 was there?---Yep.  
2  
12:10:09 3 And if he'd just been told by Ms Gobbo, "Milad Mokbel says  
12:10:13 4 he wants to plead to large commercial quantity", that's  
12:10:16 5 something that would have been conveyed to your superiors,  
12:10:19 6 you would expect, at that time?---I'm not sure. I mean I  
12:10:25 7 would put - despite the obvious, you know, complicated  
12:10:27 8 circumstances I would put no weight in what someone says at  
12:10:32 9 that point in time on the night without really knowing the  
12:10:35 10 full circumstances of how he got there.  
11  
12:10:38 12 Well it's a pretty significant piece of information. If  
12:10:41 13 there's been an indication that one of the targets of  
12:10:44 14 Operation ██████, Milad Mokbel, has indicated straight up he  
12:10:49 15 wants to plead to the main charge, you don't think upon  
12:10:55 16 briefing your Inspectors that you might say that's the  
12:10:58 17 indication?---It's truly not significant. Like I would -  
12:11:04 18 as I said, I would put absolutely no weight in that  
12:11:09 19 whatsoever. He is just talking out of emotion, probably  
12:11:11 20 shock that he's even in that position. He didn't even know  
12:11:15 21 the circumstances. He didn't know that - well, as far as I  
12:11:20 22 know, he didn't know that the PII ██████ had, you know,  
12:11:26 23 done what he did. I would not even - it wouldn't even be  
12:11:34 24 in my mind.  
25  
12:11:35 26 So there were no discussions as far as you're aware that  
12:11:39 27 night about what might occur if he was to plead?---It's  
12:11:43 28 just way too early.  
29  
12:11:45 30 All right?---In any circumstance. Not just specific to  
12:11:49 31 this. Any circumstance. You know, at that point in time  
12:11:52 32 it really is - he hasn't even been interviewed yet. I  
12:11:58 33 mean, you know, we're months off even thinking about how a  
12:12:02 34 matter might resolve.  
35  
12:12:03 36 Your diary at 4.05 records speaking to Milad Mokbel after a  
12:12:08 37 request from same?---Yes.  
38  
12:12:10 39 "General conversation re Mokbel pleading guilty to  
12:12:13 40 charges"?---Yep.  
41  
12:12:14 42 "At first available opportunity"?---Yep.  
43  
12:12:16 44 "Advised same that no agreement can be made and his  
12:12:19 45 barrister would have to consult about recording of this  
12:12:22 46 conversation"?---His barrister?  
47

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12:12:46 1 It's the fact that you recorded that conversation with  
12:12:48 2 Milad Mokbel at that time; is that right?---I covertly  
12:12:51 3 recorded it.  
4  
12:12:52 5 Did you retain that recording?---Yes.  
6  
12:12:54 7 Do you know where that is?---No. You know, within the  
12:12:59 8 [REDACTED] or the Purana/[REDACTED] drive there was, you know, a  
12:13:04 9 subfolder that we kept covert recordings and I think I put  
12:13:09 10 it in there.  
11  
12:13:10 12 Mr Flynn was present with you during that conversation with  
12:13:13 13 Milad Mokbel?---No, I don't think he was. I think I was in  
12:13:17 14 there on my own.  
15  
12:13:18 16 If there's some notes of his in relation to that  
12:13:20 17 conversation about Milad Mokbel asking what penalty he  
12:13:24 18 might get for pleading guilty, Milad Mokbel indicating he  
12:13:29 19 didn't want a long drawn out trial, him being given advise  
12:13:33 20 that he might get seven with a five or a six with a four,  
12:13:37 21 reference to discussing the matter with the OPP. He's not  
12:13:40 22 giving evidence against others and not applying for bail  
12:13:42 23 the following day. Would you accept that those are matters  
12:13:46 24 that might have been raised in that meeting you had with  
12:13:49 25 Milad Mokbel?---It sounds right. What time is that entry?  
26  
12:13:53 27 I don't have a note of that with me but I assume it was a  
12:13:57 28 conversation you had. You were with him. I think that  
12:14:02 29 there might have been some reference in that note to  
12:14:04 30 recording as well?---If it's at the same time then maybe he  
12:14:10 31 wasn't present but it's possible that's it a separate  
12:14:12 32 conversation too, or a conversation with me.  
33  
12:14:14 34 So those are pretty specific things, advising about  
12:14:17 35 discussing with the OPP and advising about what sentences  
12:14:21 36 he might be looking at. Do you think that those matters  
12:14:24 37 might have been discussed with your superiors?---No, no.  
38  
12:14:31 39 You might have - - - ?---It's all probably just to, you  
12:14:36 40 know, fill him in in the process to a certain extent. I  
12:14:42 41 mean it was really of no consequence what he wants do in  
12:14:47 42 the future, you know, and I think, you know, people  
12:14:48 43 sometimes, or in his position, are looking for a concession  
12:14:51 44 as to what they're going to get or, you know, and the  
12:14:53 45 reference to the OPP is probably us just saying that's not  
12:14:57 46 something that we have any control over.  
47

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12:15:01 1 All right. Following that at 5.19 Mr Cvetanovski is  
12:15:04 2 interviewed?---Yes.  
3  
12:15:05 4 Is that a no comment?---Yes.  
5  
12:15:07 6 And Milad Mokbel is interviewed at 5.42?---Yes.  
7  
12:15:11 8 No comment?---Yes.  
9  
12:15:16 10 Skip over that next bit for now. Sorry, Commissioner, I'm  
12:15:36 11 just skipping over some notes. At paragraph 95 of your  
12:15:53 12 statement, if I can take you - you talk about the arrest of  
12:16:14 13 [REDACTED] on [REDACTED]?---Yes.  
14  
12:16:17 15 2006. You were the informant in that matter?---Yes.  
16  
12:16:22 17 He's persuaded on that day to assist police and  
12:16:26 18 subsequently makes a number of statements?---Yes.  
19  
12:16:30 20 I don't think your statement deals at all with the lead-up  
12:16:33 21 to his arrest; is that right?---No, I don't believe so.  
12:16:41 22 Maybe in a general sense, I don't know.  
23  
12:16:44 24 If we can go to your diary, I think it's RCMP.6511.  
12:16:56 25 Sorry, 0065.0001.0001. It might be at p.14. At 9.30 you  
12:17:11 26 have a briefing; is that right?---On what date, sorry?  
27  
12:17:19 28 Sorry, I'm going to take you to [REDACTED] 2006?---Yes.  
29  
12:17:27 30 There's a briefing involving the SDU?---Yes.  
31  
12:17:31 32 Mr Flynn and Mr O'Brien in relation to Operation  
12:17:34 33 [REDACTED]?---Yes.  
34  
12:17:35 35 And that's from 9.30 through to 11 o'clock?---Yes.  
36  
12:17:44 37 The SDU attendees - there's a number of SDU attendees, one  
12:17:53 38 of which is the controller Jones, and I'm not sure if we  
12:17:55 39 came up with a, if we have a form of pseudonym already for  
12:18:02 40 that. He was Stanton, as I understand it, in the old  
12:18:14 41 language, and yourself and - - -  
42  
12:18:20 43 COMMISSIONER: Would you tell us the number on the list of  
12:18:22 44 81, please, so we know who you're talking about?  
12:18:26 45  
12:18:27 46 MS TITTENSOR: Sorry, Commissioner, it's number 5.  
47

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12:18:29 1 COMMISSIONER: Thank you.  
12:18:29 2  
12:18:43 3 MS TITTENSOR: Mr Flynn's got an entry on that day at  
12:18:47 4 around that time, he says 9.15 the meeting commences,  
12:18:52 5 "Discussed human source and plan re [REDACTED]". Was there a  
12:18:57 6 written plan in relation to [REDACTED]?---No.  
7  
12:19:04 8 If we can bring up the ICRs please, p.320. If you can see  
12:19:15 9 down there at the lower part of the page there under the  
12:19:20 10 heading "[REDACTED] arrest tips".  
12:19:24 11  
12:19:25 12 MS ARGIROPOULOS: Sorry, Commissioner, could that be taken  
12:19:27 13 down from the large screen, please?  
14  
12:19:29 15 COMMISSIONER: Certainly.  
12:19:30 16  
12:19:30 17 MS TITTENSOR: It says, "Source asked for angles on gaining  
12:19:33 18 [REDACTED] assistance on arrest. Bail release so he can  
12:19:37 19 further his business idea, it's worth millions to him.  
12:19:41 20 Talk short and to the point. No threats like last time  
12:19:44 21 interviewed. He has a business idea, [REDACTED]  
12:19:49 22 like Wotif.com is to motels. Does not have Tony Mokbel's  
12:19:54 23 backing as previously promised", and then it goes on,  
12:19:57 24 "Operation Purana advised in briefing re same"?---Yep.  
25  
12:20:00 26 That is an entry in the ICRs the day before you have this  
12:20:03 27 briefing with the SDU?---Okay.  
28  
12:20:05 29 It seems likely that those matters were passed on at that  
12:20:12 30 briefing, you would accept that?---Yes.  
31  
12:20:20 32 You would have understood that the SDU had that information  
12:20:23 33 in relation to [REDACTED] by virtue of Ms Gobbo's  
12:20:28 34 relationship with him?---Yes. Yes, I would assume so.  
35  
12:20:42 36 The Commission's had some evidence in relation to a  
12:20:46 37 conversation Ms Gobbo had with members of the SDU on 9  
12:20:52 38 June, so this is the day after your briefing, and they have  
12:20:55 39 a discussion about [REDACTED] calling Ms Gobbo when he's  
12:21:02 40 arrested, issues that have cropped up in the past.  
12:21:06 41 Ms Gobbo is indicating she's got a vested interest in  
12:21:11 42 [REDACTED] not telling the truth in some respects because of  
12:21:16 43 the phone that she'd been handed from someone else to hand  
12:21:19 44 on to [REDACTED], and the SDU were telling her that Flynn  
12:21:26 45 would control that so that that information wouldn't get  
12:21:30 46 out?---M'mm.  
47

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12:21:31 1 Were you aware of that?---No, it doesn't ring a bell.  
2  
12:21:37 3 Were you aware of concerns as to Ms Gobbo's having  
12:21:42 4 participated and therefore potentially at least becoming a  
12:21:45 5 witness by handing phones between targets in Operation  
12:21:49 6 [REDACTED]?---It doesn't ring a bell specifically. You know, I  
12:22:07 7 accept that at times she, you know, would assist people in  
12:22:15 8 that regard, I guess.  
9  
12:22:17 10 It's not something that she withheld from the SDU or that  
12:22:23 11 seemed to have been withheld from Purana because there was  
12:22:27 12 directive in handing on the phone she'd obtained the phone  
12:22:31 13 number by texting herself the phone number. That number  
12:22:34 14 was handed on to Purana and there were instructions not to  
12:22:37 15 ask for CCRs to be put on briefs which included the date  
12:22:42 16 that Ms Gobbo had texted herself, because that would have  
12:22:45 17 revealed her, do you understand that? You understand the  
12:22:50 18 concept of what I've just explained to you?---Yeah, I  
12:22:52 19 understand the concept, yep.  
12:22:53 20  
12:22:53 21 It's not something that seems to have been withheld from at  
12:22:56 22 least Mr O'Brien at Purana in terms of instructions?---I  
12:22:59 23 accept that.  
24  
12:23:00 25 If there's any order for CCRs, make sure it's not that  
12:23:05 26 date?---Yes.  
27  
12:23:05 28 All right. You say you had no idea about that phone  
12:23:13 29 issue?---It doesn't ring a bell but, you know, it doesn't  
12:23:18 30 surprise me. I'm not saying it's not right, I accept that  
12:23:22 31 it is but it just doesn't - I just can't remember.  
32  
12:23:23 33 There was some discussion between the SDU and Ms Gobbo on  
12:23:26 34 that occasion, this is 9 June, about how she might go about  
12:23:32 35 advising [REDACTED] on the night. First of all, there's  
12:23:40 36 some discussion with her about the aim with [REDACTED] being  
12:23:43 37 that it's to get him [REDACTED] in the same sort of way that  
12:23:46 38 things had been going. There's discussion about how they  
12:23:51 39 would keep it quiet when he contacted her and she indicated  
12:23:55 40 that she could just speak to him and give him some advice  
12:23:58 41 on the phone and there would be no need for her to attend  
12:24:02 42 the station like there had been in the past?---Okay.  
43  
12:24:06 44 Was that the case ultimately, she simply just advised  
12:24:09 45 [REDACTED] over the phone?---I believe so, yes.  
46  
12:24:16 47 Ms Gobbo told the handlers that she would explain to

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12:24:19 1 [REDACTED], "You're already on bail, you're unlikely to get  
12:24:25 2 bail or if you do it's going to be ten months away and you  
12:24:28 3 need to think about your business"?---I don't know what she  
12:24:33 4 said to him.  
5  
12:24:34 6 Do you see any concerns in all of that?---Yeah. Well, I  
12:24:37 7 mean clearly it's the same, you know, thread, if you like.  
12:24:50 8 You know, I'm not sure to what extent, you know, I was  
12:24:57 9 aware of those discussions.  
10  
12:25:01 11 On the 13th of - - - ?---There had been a huge attempt over  
12:25:06 12 the previous month since, you know, August/September 05, to  
12:25:10 13 keep her away from him. She was adamant she wasn't going  
12:25:14 14 to represent him. That seems to fly in the face of that.  
15  
12:25:19 16 Purportedly the very reason she became an informer in the  
12:25:22 17 first place was because she was conflicted against this  
12:25:25 18 very person?---Well, I mean yes and no but, you know,  
12:25:31 19 evolving out of that was her, you know, distancing herself  
12:25:35 20 from him, stay away from him, not have contact and, you  
12:25:40 21 know, I think that was generally the case, clearly up until  
12:25:45 22 this point.  
23  
12:25:50 24 [REDACTED], as you indicate in your statement, on 13 June  
12:25:57 25 he's arrested for drug offences and he's on bail for those  
12:26:03 26 earlier ones from the previous year?---Yes.  
27  
12:26:04 28 That you arrested him for, Operation [REDACTED]?---Yes.  
29  
12:26:07 30 In paragraph 96 you say he indicates a willingness to  
12:26:09 31 cooperate shortly after he's arrested?---Yes.  
32  
12:26:12 33 But there's no notes in your diary in relation to  
12:26:14 34 that?---No.  
35  
12:26:14 36 Your diary indicates, if we take you through it, at 1.10 as  
12:26:21 37 soon as he's arrested and cautioned he asks to speak to  
12:26:24 38 Ms Gobbo?---Yes.  
39  
12:26:25 40 At 1.12 he used his phone to ring her?---Yes.  
41  
12:26:31 42 And she requests he contact her when he's taken back to the  
12:26:34 43 station?---Yes.  
44  
12:26:36 45 If we go to SDU material at the time, it indicates that the  
12:26:39 46 SDU are communicating with her about him being arrested.  
12:26:46 47 That's at 1.25. Then at 1.30 you lodge [REDACTED] in the

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12:26:52 1 interview room on the 16th floor?---Yes.  
2  
12:26:58 3 The 16th floor, is that somewhere that people get taken  
12:27:02 4 when there's going to be a pitch to them that they should  
12:27:07 5 come over and assist and become a witness? Rather than the  
12:27:11 6 interview rooms that you seem to use for your normal police  
12:27:15 7 interviews on the 14th floor?---I can't remember whether  
12:27:18 8 there was an interview room on the 16th floor. I might  
12:27:21 9 have just written that wrong.  
10  
12:27:23 11 COMMISSIONER: Conference room I think it might have been  
12:27:25 12 referred to?---Yeah, but we wouldn't have lodged him in the  
12:27:28 13 conference room for a welfare check. Like there's no  
12:27:31 14 security there so I might have just written that wrong.  
12:27:36 15  
12:27:36 16 MS TITTENSOR: That's at 1.30 he's lodged in an interview  
12:27:39 17 room somewhere?---Yep.  
18  
12:27:40 19 At 1.32 the SDU have records that they're telling Ms Gobbo  
12:27:44 20 to expect a call from [REDACTED] It's apparent from that  
12:27:49 21 that there's some communication going on between  
12:27:52 22 investigators and the SDU. Can you explain that?---No, I  
12:28:00 23 can't.  
24  
12:28:01 25 Were you having any contact back to the SDU?---No.  
26  
12:28:07 27 Do you know if Mr Flynn was?---No, I don't.  
28  
12:28:15 29 Who was in charge of investigations on that night?---Well I  
12:28:24 30 know Jim and Dale were both there because they ultimately  
12:28:31 31 speak to him. So I mean I guess ultimately they are.  
32  
12:28:34 33 Okay. 1.50 there's a welfare check by Detective Inspector  
12:28:39 34 Ryan, he's present again?---Yep.  
35  
12:28:41 36 Is he briefed in relation to Ms Gobbo do you know?---I  
12:28:44 37 don't know.  
38  
12:28:47 39 At 1.56 [REDACTED] speaks to Ms Gobbo?---Yes.  
40  
12:28:57 41 The investigators there all know she's a human source?---I  
12:29:01 42 wouldn't say all, but I did.  
43  
12:29:05 44 You did, Mr Flynn did, Mr O'Brien did?---Yes.  
45  
12:29:08 46 Mr Ryan did?---Yes.  
47

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12:29:14 1 Was there any discussion about any problems as to her  
12:29:18 2 advising him on that night?---No. Like, you know, like I  
12:29:41 3 appreciate what you're saying in relation to the SDU and  
12:29:43 4 their records. It sort of flies in the face a little bit  
12:29:47 5 of my, you know, recollection of those events. You know,  
12:29:59 6 and I don't know how this fits in but at some point of  
12:30:02 7 time, you know, I was told that she was not happy about not  
12:30:05 8 knowing [REDACTED] had been arrested. So I'm not sure how  
12:30:08 9 that, I'm not sure how that fits in.  
10  
12:30:11 11 You give [REDACTED] his phone to ring her as soon as he is  
12:30:17 12 arrested?---Yeah. No, I know.  
13  
12:30:19 14 She's clearly having discussions with the SDU in the days  
12:30:23 15 before he's arrested?---Yes.  
16  
12:30:25 17 And anticipating that fact and anticipating the fact that  
12:30:27 18 she's going to get the call to represent him and advise  
12:30:30 19 him?---Yeah, which again goes against what I say our, my  
12:30:39 20 understanding was. You know, as I said, there had been,  
12:30:41 21 you know, a lot put into her not representing him for all  
12:30:45 22 the reasons we all know. You know, I don't know.  
23  
12:30:51 24 Now 2.15 [REDACTED] speaks to her again on the phone for  
12:30:55 25 around 20 minutes?---Yes.  
26  
12:31:02 27 The SDU material indicates that around that time she calls  
12:31:08 28 them and tells them that [REDACTED] in tears, he's been  
12:31:12 29 left high and dry by the Mokbels and there's an indication  
12:31:16 30 from police that he'd get bail so he could look after  
12:31:19 31 himself?---I don't think he was ever in tears.  
32  
12:31:29 33 Do you know whether he was upset - well, clearly he would  
12:31:32 34 have been upset about his situation?---He was - yeah, he  
12:31:38 35 was concerned about his situation. He had a lot going on  
12:31:46 36 out, you know, in his life and he was very conscious of not  
12:31:56 37 returning to custody.  
38  
12:31:57 39 Yes, and he was someone who would have been in a difficult  
12:32:01 40 situation in respect of getting bail again because of - he  
12:32:06 41 was already on one count of bail for a serious drug  
12:32:11 42 offence?---Yes, but, you know, that's subject to us having  
12:32:21 43 sufficient evidence to charge him at that point in time.  
44  
12:32:25 45 Was he given to believe by the police that, "We'll give you  
12:32:32 46 bail if you assist us"?---No. I can't do that. Like - - -  
47



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12:32:38 1 "We won't object to bail if you" - - - ?---No, I can't do  
12:32:43 2 that either. Like, you know, it's, rightly so, frowned  
12:32:52 3 upon, as you'd expect, by courts. It's just not something  
12:32:56 4 that we can do.  
5  
12:32:57 6 Police might, if someone's cooperating, leave charging  
12:33:02 7 until later?---Yes, we can do that.  
8  
12:33:04 9 So therefore there's no need to consider bail?---Yep.  
10  
12:33:10 11 Was that the case in this instance, he was not charged at  
12:33:14 12 the time but there was some prospect of charges in relation  
12:33:17 13 to these new matters hanging over his head?---Yes and no.  
12:33:29 14 The issue with those charges was effectively it was just a  
12:33:33 15 conversation. So, you know, conspiracy charge, yeah, it's  
12:33:37 16 an agreement, but you need some sort of other, you know,  
12:33:41 17 corroborative evidence to show the intent of that agreement  
12:33:46 18 going forward and we didn't have that. My simply had a  
12:33:53 19 recorded conversation. So my view always was that it was  
12:33:57 20 insufficient to charge him.  
21  
12:33:59 22 That wasn't what was always held out to [REDACTED], though,  
12:34:01 23 was it?---Well I'd never get in that discussion with him.  
12:34:05 24 We'd just arrest him for those charges and - - -  
25  
12:34:08 26 We might come back to something around that later. But the  
12:34:12 27 formal record of interview takes place?---Yes.  
28  
12:34:14 29 The interview is suspended at 3.47 and [REDACTED] is taken  
12:34:19 30 into the conference room to speak with Flynn and O'Brien;  
12:34:24 31 is that right?---Yep.  
32  
12:34:25 33 About assisting the police?---Yes.  
34  
12:34:26 35 And then things flow from there?---Yes.  
36  
12:34:33 37 There's some indication in the ICRs the following day  
12:34:38 38 Ms Gobbo may have had some, or seems to have had some  
12:34:42 39 contact with [REDACTED]. She indicates that she's spent an  
12:34:46 40 hour with him the following day?---Okay.  
41  
12:34:54 42 Do you know whether Mr O'Brien had some contact with  
12:34:56 43 [REDACTED] the following day?---I don't know.  
44  
12:35:02 45 She indicated to her handlers about how [REDACTED] was  
12:35:05 46 coping and that he wanted his bail changed and that he was  
12:35:09 47 fine about helping. Now, he was on bail for the [REDACTED]



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12:35:15 1 matters?---Yes, he was.  
2  
12:35:17 3 And you're aware that subsequently on [REDACTED] Ms Gobbo  
12:35:22 4 appeared for him at a bail hearing where his bail was  
12:35:25 5 varied?---[REDACTED] of - - -  
6  
12:35:32 7 [REDACTED] 2006. You might have been on leave but as the  
12:35:35 8 informant you no doubt would have been made aware of  
12:35:38 9 that?---[REDACTED] 2006. In what way was it varied?  
10  
12:35:52 11 I can't tell you that?---Yeah, I don't know. I know there  
12:35:54 12 was a number of false starts, if you like, desires for him  
12:35:59 13 to vary it and ultimately, as far as my recollection goes,  
12:36:05 14 that never actually happened. There was talk of travel  
12:36:07 15 overseas and interstate and whatever else.  
16  
12:36:09 17 Nevertheless you would have been made aware of an  
12:36:12 18 appearance in relation to a bail variation application on  
12:36:15 19 [REDACTED] at which Ms Gobbo appeared for him?---That  
12:36:24 20 doesn't - - -  
21  
12:36:25 22 It might not ring a bell but you being the informant at the  
12:36:28 23 time, you would have been made aware?---Yeah, perhaps. I  
12:36:33 24 think I would have gone to be honest, but was it by  
12:36:38 25 consent?  
26  
12:36:39 27 I can't tell you the details?---I don't know.  
28  
12:36:42 29 [REDACTED] effectively on the night of his arrest made a  
12:36:46 30 can-say type of statement, is that right, a short  
12:36:49 31 statement?---Yes.  
32  
12:36:50 33 Saying what he could do in the future?---Yes.  
34  
12:36:52 35 He then went on to make a more detailed statement?---Yes.  
36  
12:36:56 37 Implicating Tony Mokbel?---Yes.  
38  
12:36:59 39 Someone by the name of Radi?---Yes.  
40  
12:37:02 41 And a number of others?---Yes.  
42  
12:37:05 43 Were there any statements taken from him dealing with the  
12:37:10 44 matters in relation to [REDACTED] that you'd brought him to  
12:37:16 45 question him about on 13 June?---No. I don't know how or  
12:37:29 46 why we would.  
47

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12:37:30 1 No?---No.  
2  
12:37:31 3 Ask for his assistance in relation to - as I understand it  
12:37:35 4 there was some communications involving him potentially  
12:37:38 5 using a pill press during that process; is that right?---In  
12:37:46 6 PII [REDACTED], is that what you're  
12:37:49 7 talking about?  
8  
12:37:50 9 Yes?---Yep. We didn't take a statement but I don't know  
12:37:59 10 why we would. I can't see the - - -  
11  
12:38:03 12 You didn't ask for him to become a witness at all in  
12:38:06 13 relation to those matters?---No, well the only person he  
12:38:11 14 would be a witness against would be PII [REDACTED] - this is  
12:38:16 15 going to get complicated.  
16  
12:38:19 17 Yes?---PII [REDACTED] who was obviously PII [REDACTED]  
12:38:23 18 PII [REDACTED], so - - -  
19  
12:38:28 20 All right?---Yeah, I don't know - the short answer is we  
12:38:33 21 didn't do it.  
22  
12:38:34 23 COMMISSIONER: I think there's an application at this  
12:38:36 24 point.  
12:38:36 25  
12:38:37 26 MS FAYMAN: Your Honour, I appear in relation to this  
12:38:39 27 matter. I seek to raise an objection in relation to this  
12:38:42 28 examination.  
29  
12:38:42 30 COMMISSIONER: Yes, could you just give me your name,  
12:38:45 31 please?  
12:38:47 32  
12:38:47 33 MS FAYMAN: Ms Fayman, Commissioner.  
34  
12:38:49 35 COMMISSIONER: Thank you, Ms Fayman. And the name of your  
12:38:50 36 firm, please?  
12:38:52 37  
12:38:55 38 MS FAYMAN: Fayman Lawyers.  
39  
12:38:56 40 COMMISSIONER: Fayman Lawyers, thank you. Do we have to  
12:38:58 41 hear this application in closed hearing?  
12:39:00 42  
12:39:00 43 MS FAYMAN: Yes, I would ask that it occur in closed  
12:39:02 44 hearing.  
45  
12:39:22 46 COMMISSIONER: Yes. It's necessary now for access to the  
12:39:27 47 Inquiry during this application to be limited to legal

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12:39:32 1 representatives and staff assisting the Royal Commission,  
12:39:35 2 the following parties with leave to appear and their legal  
12:39:40 3 representatives: namely the State of Victoria, Victoria  
12:39:44 4 Police, including media unit representatives, Graham  
12:39:48 5 Ashton, DPP and OPP, Commonwealth DPP, Nicola Gobbo, SDU  
12:39:53 6 handlers, Australian Federal Police, ACIC. Is there any  
12:40:05 7 application to be present by the affected persons' legal  
12:40:09 8 representatives who are here today? That's Orman and  
12:40:17 9 Higgs.  
12:40:20 10  
12:40:21 11 MS DWYER: I'm here on behalf of Mr Higgs. I don't need to  
12:40:25 12 remain for this application.  
13  
12:40:26 14 COMMISSIONER: No, I can't see that you would need to.  
12:40:34 15 Media representatives accredited by the Royal Commission  
12:40:36 16 are allowed to be present in the hearing room. I don't  
12:40:39 17 think there's anybody here representing media interests  
12:40:44 18 seeking leave to appear. A copy of this order is to be  
12:40:52 19 posted on the door of the hearing room.  
20  
21 (IN CAMERA HEARING FOLLOWS)  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
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UPON RESUMING IN OPEN COURT:

1  
2  
12:53:11 3 MS TITTENSOR: We are in open hearing, Commissioner,  
12:53:18 4 referring to the pseudonym we've just been discussing. A  
12:53:21 5 number of days after the arrest of Milad Mokbel Ms Gobbo  
12:53:25 6 appeared in court in relation to PII [REDACTED] and his  
12:53:28 7 PII [REDACTED]; is that right?---What date?  
8  
12:53:52 9 PII [REDACTED] after PII [REDACTED] arrest Ms Gobbo appears for  
12:53:58 10 PII [REDACTED], that's apparent from OPP  
12:54:04 11 records, do you accept that?---Yes.  
12  
12:54:06 13 You're the informant for both of those matters?---Yes.  
14  
12:54:10 15 Your diary indicates at 10.40 there's an application for a  
12:54:15 16 closed court in the afternoon. At 14:45 there's a filing  
12:54:19 17 hearing and suppression order in relation to both of those  
12:54:22 18 people?---Yes.  
19  
12:54:23 20 At 15:15 court concludes and you speak to Ms Gobbo in  
12:54:26 21 relation to PII [REDACTED]?---Yes.  
22  
12:54:30 23 And custody welfare issues?---Yes.  
24  
12:54:34 25 It must have been readily apparent to you that she's  
12:54:38 26 appearing for him on that occasion, representing  
12:54:42 27 him?---Yes.  
28  
12:54:46 29 You're aware that she had continued involvement with  
12:54:51 30 PII [REDACTED] following that time?---Yes, I'm  
12:54:54 31 aware that there was ongoing efforts to have her remove  
12:55:01 32 herself that ultimately weren't successful.  
33  
12:55:09 34 A couple of days later did you speak to her about providing  
12:55:11 35 the record of interview tapes in relation to  
12:55:15 36 PII [REDACTED]?---Yes.  
37  
12:55:19 38 That was you ringing her saying, "I've got some record of  
12:55:22 39 interview tapes, would you like them"?---Yeah, and I  
12:55:26 40 suppose that's probably a reasonable example of something  
12:55:29 41 that's relatively insignificant but nevertheless I've got  
12:55:32 42 an obligation I think under the Crimes Act to serve them  
12:55:37 43 within a certain amount of time. She's his legal  
12:55:41 44 representation, but you know, I have to deal with that  
12:55:43 45 aspect of it.  
46  
12:55:44 47 She's a barrister as opposed to a solicitor. You would

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12:55:47 1 usually do those things or serve those things upon a  
12:55:50 2 solicitor?---You would usually but these are not the usual  
12:55:55 3 circumstances.  
4  
12:55:56 5 Why wouldn't you have served them upon PII [REDACTED]  
12:56:03 6 solicitor, Mr Hargreaves was on the record representing  
12:56:06 7 him?---I'm not sure he was that early.  
8  
12:56:09 9 He had a number of matters outstanding in court and  
12:56:12 10 Mr Hargreaves was on the record representing him in  
12:56:15 11 relation to those matters?---Okay. I don't know.  
12  
12:56:17 13 And you were the informant in relation to those other  
12:56:19 14 matters, were you not?---No.  
15  
12:56:21 16 No?---No.  
17  
12:56:38 18 It's apparent that PII [REDACTED] went on to make a number of  
12:56:44 19 statements against various people over the course following  
12:56:49 20 that time?---Yes.  
21  
12:56:51 22 Was Mr Flynn primarily involved in that process?---Yes.  
23  
12:56:56 24 Were you involved in that process at all?---No, I don't  
12:56:58 25 believe so.  
26  
12:56:59 27 You didn't attend upon him at all during the statement  
12:57:01 28 taking process?---Not during the statement taking process I  
12:57:08 29 don't believe, no.  
30  
12:57:12 31 You were responsible for compiling the brief of evidence,  
12:57:15 32 getting everything together?---Yes.  
33  
12:57:19 34 It's apparent from evidence before the Commission that on 9  
12:57:24 35 June 2006 Ms Gobbo was provided with PII [REDACTED]'s draft  
12:57:29 36 statements, some listening device transcripts, do you know  
12:57:34 37 anything about that?---Only what I've heard as part of this  
12:57:38 38 process.  
39  
12:57:38 40 The evidence indicates or seems to indicate that the SDU  
12:57:42 41 had been provided with those documents, the draft  
12:57:46 42 statements, listening device transcripts and also a draft  
12:57:51 43 statement in relation to PII [REDACTED]. You were  
12:57:58 44 the sort of keeper of the brief and the materials in  
12:58:02 45 relation to that. Would Mr Flynn have done that without  
12:58:06 46 discussing it with you?---Yes.  
47

.13/11/19

9230

ROWE XXN



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12:58:09 1 And do you say that that was done, it was done without  
12:58:12 2 discussing it with you?---Yes, I think, you know, given  
12:58:21 3 Dale was dealing with the statement side of things and  
12:58:23 4 there was obviously multiple jobs and he had the best  
12:58:27 5 knowledge of PII [REDACTED]'s history, and I guess ultimately it  
12:58:46 6 was an important part of the process, so he was the most  
12:58:49 7 experienced - not the most experienced but, you know, he  
12:58:52 8 was the best person to do it. The only thing I really had  
12:58:55 9 any real interest in was the statements from PII [REDACTED] in  
12:59:00 10 relation to PII [REDACTED] and what I needed for my brief and I  
12:59:03 11 think I might have asked that we get them done early  
12:59:06 12 because it was going to be a long process, and I think  
12:59:09 13 that's the extent of my involvement.

14  
12:59:11 15 The evidence indicates that on occasion, on 9 June when the  
12:59:13 16 SDU show Ms Gobbo these statements and transcripts, that  
12:59:19 17 they're talking about sticky notes and her making comments  
12:59:22 18 and so forth and being free to mark up drafts. Are you  
12:59:30 19 aware that there were drafts of these statements coming  
12:59:33 20 back in with sticky notes or anything like that?---No, no.

21  
12:59:38 22 As an informant you've got duties of disclosure, often  
12:59:43 23 you'll get asked about draft statements. Were you aware  
12:59:46 24 that these draft statements existed?---Well, there's a  
12:59:51 25 couple of points to that. One is assuming that the  
12:59:55 26 statements relevant to me were part of that. I mean I was  
13:00:00 27 only interested in the PII [REDACTED], specific PII [REDACTED] statements of  
13:00:05 28 those PII [REDACTED] or whatever. All the other stuff - - -

29  
13:00:08 30 We're talking about a draft statement of PII [REDACTED]?---Yeah,  
13:00:15 31 but covering what? I think he made PII [REDACTED] statements or  
13:00:19 32 something. PII [REDACTED].

33  
13:00:21 34 Often there'll be requests in relation to not just the  
13:00:24 35 statement he makes in this current matter, you know that  
13:00:29 36 defence often request statements in other matters so that  
13:00:32 37 they can demonstrate someone's discredit or unreliability  
13:00:36 38 by that mechanism?---Yes, yes. And I think, it pops in my  
13:00:49 39 head that I think that did occur, they wanted all the  
13:00:51 40 statements, and I think there was, you know, some PII claim  
13:00:56 41 and process to, you know, oppose that. That's my  
13:01:04 42 understanding.

43  
13:01:04 44 Have you discussed at all which statements Mr Flynn  
13:01:09 45 provided to the SDU to show to Ms Gobbo?---No. Until I  
13:01:15 46 heard it as part of this I wasn't aware that that had  
13:01:18 47 occurred.



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1  
13:01:19 2 Have you had any - - - ?---I mean it's not - again, it's  
13:01:22 3 hard to separate her actual role but in terms of  
13:01:26 4 representatives wanting to see statements before they're  
13:01:29 5 signed by a police witness, it's not in itself unusual.  
6  
13:01:37 7 If the witness might be shown Exhibit 81, please.  
8  
13:01:44 9 COMMISSIONER: He's got a copy I think.  
13:01:45 10  
13:01:46 11 MS TITTENSOR: Sorry, you've got it. If you can have a  
13:01:49 12 look at number 33 on that list?---Yes.  
13  
13:01:52 14 Now that person also made a statement relevant to the PII [REDACTED]  
13:01:58 15 brief; is that right?--PII [REDACTED] brief. I'm happy to stand  
13:02:09 16 corrected but I think it was the PII [REDACTED] brief.  
17  
13:02:12 18 All right?---He made a statement and I used it on the  
13:02:15 19 PII [REDACTED] brief. I think it encompassed a lot of aspects, I  
13:02:24 20 think it was a separate statement in relation to drug  
13:02:26 21 dealing I think is what it encompassed.  
22  
13:02:30 23 You're aware at that time the witness was being advised by  
13:02:33 24 Ms Gobbo, that witness as well?---I'm not sure whether I  
13:02:38 25 did or not. I don't know.  
26  
13:02:41 27 Was there any discussion about Ms Gobbo acting in conflict  
13:02:44 28 in her representation of that witness?---No, like I'd had  
13:02:53 29 no involvement with him previously. I think I read the  
13:03:00 30 statement and there was something in there of relevance to  
13:03:04 31 my PII [REDACTED] brief and so I put it on. I think that was the  
13:03:08 32 extent of my involvement with him.  
33  
13:03:11 34 On 25 July 2006 Mr O'Brien records in his diary that he was  
13:03:17 35 told by an SDU handler - he's getting a briefing in  
13:03:23 36 relation to matters Ms Gobbo had told the SDU - that Milad  
13:03:28 37 Mokbel would be making a bail application on 8 August and  
13:03:32 38 that he would issue a subpoena in relation to all witnesses  
13:03:36 39 and informers?---Yep.  
40  
13:03:39 41 That would be something clearly of concern to  
13:03:45 42 investigators?---Well, I don't know whether I'd call it  
13:03:49 43 concern but it's of significance. I mean it's something we  
13:03:52 44 need to know about. There was a subpoena that arrived.  
13:03:55 45 Whether that's the one, I don't know.  
46  
13:03:57 47 Well, it would be something of particular significance

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13:04:00 1 given that Ms Gobbo was one of those informers?---Yeah, I  
13:04:06 2 suppose it had - I mean I don't want to say it had the same  
13:04:11 3 significance but it is a common thing you have to be  
13:04:14 4 mindful of, particularly after receiving a subpoena.  
5  
13:04:18 6 Right. We've been through some of these PII matters before  
13:04:22 7 but in order to ascertain whether there is an appropriate  
13:04:27 8 public interest to claim in relation to particular  
13:04:31 9 informers, you make the PII claim and you go and you speak  
13:04:35 10 to your lawyers about the circumstances that that person is  
13:04:39 11 an informer in, get your advice, and then the court makes a  
13:04:43 12 determination ultimately, would that be right?---Yes.  
13:04:52 13 Sorry, can you just go through that process again?  
14  
13:04:56 15 There's a process. You make your PII claim?---Yes.  
16  
13:04:59 17 Ultimately down the track the court determines whether the  
13:05:03 18 public interest exists?---Yes.  
19  
13:05:05 20 But to get to that stage you've got lawyers representing  
13:05:08 21 you?---Yes.  
22  
13:05:10 23 For them to be aware and to be able to advise you and to  
13:05:13 24 make representations to the court they need adequate  
13:05:17 25 instructions?---Yes.  
26  
13:05:19 27 They need to understand why and what you're claiming PII  
13:05:23 28 on?---Yes.  
29  
13:05:24 30 To do that in relation to claiming PII over Ms Gobbo's  
13:05:29 31 status as a human source you'd need to tell them about the  
13:05:32 32 circumstances of her being a human source?---Yeah, I'm not  
13:05:43 33 sure that would include identifying the person. I mean it  
13:05:49 34 might include in a general sense saying this relates to a  
13:05:53 35 human source.  
36  
13:05:59 37 This is a pretty special category of human source where  
13:06:02 38 you've got multiple conflicts running and risks associated  
13:06:10 39 with evidence potentially having been compromised?---But  
13:06:13 40 the process is the same.  
41  
13:06:15 42 Right?---The process is there and that's how it applies to  
13:06:20 43 any source.  
44  
13:06:21 45 If we go through your diary I think you see on the 26th and  
13:06:29 46 the 27th there's a review of statements, particular  
13:06:32 47 people's statements, one PII [REDACTED] and one being that



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13:06:36 1 PII [REDACTED] that I've just talked to you about at number  
13:06:41 2 33?---Sorry, what month is that?  
3  
13:06:43 4 26 and 27 July?---Yes.  
5  
13:06:54 6 You're reviewing that PII [REDACTED] at number 33 of  
13:06:59 7 that exhibit that I've just shown you?---Yes.  
8  
13:07:02 9 His statement, you're reviewing PII [REDACTED] statements and  
13:07:07 10 you're compiling a remand summary for Milad Mokbel?---Yes.  
11  
13:07:13 12 In anticipation of a bail hearing?---Yes.  
13  
13:07:18 14 So it seems quite clear that you've been advised at least  
13:07:22 15 from Mr O'Brien that that would be occurring, there's going  
13:07:27 16 to be a bail application in relation to Milad  
13:07:32 17 Mokbel?---Yes.  
18  
13:07:38 19 On 28 July 2006 in your diary there's a meeting at 11  
13:07:45 20 o'clock at the OPP with Andrew Tinney?---Yes.  
21  
13:07:50 22 Who's a Crown prosecutor?---Yes.  
23  
13:07:52 24 And Vaile Anscombe and Colleen Bell who were instructing  
13:07:57 25 solicitors?---Yes.  
26  
13:07:57 27 In relation to, well your diary says, "Re Mokbel bail app.  
13:08:04 28 PII and Supreme Court appeal"?---Yes.  
29  
13:08:07 30 Do you know if you attended that with anyone?---I don't  
13:08:10 31 know. I suspect I would have but I don't know.  
32  
13:08:13 33 Do you know what PII was discussed?---Like I don't from my  
13:08:38 34 memory. I mean I can probably, you know, suggest what  
13:08:45 35 would have been covered, you know, in the context of those  
13:08:48 36 charges on Milad.  
37  
13:08:51 38 Was there any discussion with them about Ms Gobbo's role as  
13:08:56 39 an informer?---No.  
40  
13:08:58 41 Was there any discussion with them about Ms Gobbo's role as  
13:09:01 42 a legal advisor?---No.  
43  
13:09:04 44 Did you ever have any discussion with anyone from the OPP  
13:09:08 45 or prosecuting for the OPP about those matters?---No, not  
13:09:12 46 in relation to being an informer. I think I'm at a meeting  
13:09:17 47 where her role as a legal representative and the conflict



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13:09:21 1 is discussed but not - - -  
2  
13:09:26 3 Not at this stage?---No, not at this stage and not ever.  
4  
13:09:30 5 Okay, all right. On 1 August 2006 you attend at a legal  
13:09:36 6 advisor's office with Mr O'Brien?---Yep.  
7  
13:09:39 8 There's a discussion of subpoena, LPP, PII re Operation  
13:09:45 9 [REDACTED] ---Yep.  
10  
13:09:47 11 Mr O'Brien's notes include a number of other people  
13:09:50 12 present, Dianne Thompson, Acting Inspector John Stevens and  
13:09:55 13 solicitor David Stevens. Do you know any of those  
13:09:58 14 people?---No.  
15  
13:10:00 16 These are, as opposed to OPP representatives, these are  
13:10:06 17 your own legal advisors?---Yes.  
18  
13:10:09 19 Was there any discussion with them about Ms Gobbo's role as  
13:10:12 20 an informer?---There wouldn't have been. I don't remember  
13:10:17 21 even the meeting, but I can guarantee there wouldn't have  
13:10:21 22 been.  
23  
13:10:21 24 Why?---Because we're just never going to reveal her  
13:10:25 25 identity.  
26  
13:10:26 27 You're never even going to get any advice as to whether we  
13:10:31 28 need to reveal her identity as a matter of law?---Well  
13:10:35 29 certainly I'm not.  
30  
13:10:36 31 Did you discuss with Mr O'Brien, "Are we getting this  
13:10:40 32 advice about whether we need to reveal her identity as a  
13:10:43 33 matter of law"?---No, I don't think - I don't think I  
13:10:51 34 turned my mind to it but that's in the context of, you  
13:10:54 35 know, that aspect of this whole thing, you know, was being  
13:10:59 36 managed that, yep, I was the informant but that wasn't my  
13:11:05 37 role, that wasn't for me to, you know, address  
13:11:08 38 specifically.  
39  
13:11:10 40 Did it occur to you that - - - ?---I mean bearing in mind  
13:11:14 41 that there'd been a whole level of assessment and risk  
13:11:19 42 assessment and consideration and approval, you know, to  
13:11:22 43 whatever level it went to before any of this occurred.  
44  
13:11:28 45 To what level do you say it did go to?---Well, at least  
13:11:34 46 Assistant Commissioner level but, you know.  
47

.13/11/19

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ROWE XXN

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13:11:43 1 On what basis do you say that?---I was present at meetings  
13:11:47 2 with people to Commander level. I know Jim O'Brien was  
13:11:51 3 briefing Simon Overland and I think he was an Assistant  
13:11:56 4 Commissioner at that point in time, you know.  
5  
13:11:59 6 All right. On 8 August the Mokbel bail application takes  
13:12:03 7 place, the Milad Mokbel bail application; is that  
13:12:06 8 right?---Yes.  
9  
13:12:07 10 The ICR for that day indicates that Ms Gobbo turned up at  
13:12:10 11 that application, do you recall that?---No.  
12  
13:12:15 13 She told the SDU that a remand summary was given to the  
13:12:20 14 defence and she wanted to be involved in checking documents  
13:12:23 15 before they went to the defence in future. That's highly  
13:12:29 16 unorthodox, you would agree?---It is but in respect to her  
13:12:35 17 that's not surprising or unusual.  
18  
13:12:39 19 As it turns out that seems to be what occurred in relation  
13:12:43 20 to a number of documents following that time?---Certainly  
13:12:46 21 some, yes.  
22  
13:12:48 23 Were you cross-examined at all at that bail  
13:12:51 24 application?---Yes.  
25  
13:12:53 26 Was there any revelation to the court that there might be  
13:12:57 27 any concern as to the admissibility of some of the evidence  
13:13:00 28 it was receiving?---No. No, I don't think I've ever had  
13:13:10 29 that concern.  
30  
13:13:12 31 Were you never concerned that a court case or the evidence  
13:13:16 32 in a court case might be inadmissible because of - or a  
13:13:21 33 court might, if it found out what was going on as between  
13:13:25 34 the police and Ms Gobbo, that the court might rule evidence  
13:13:29 35 inadmissible?---I always viewed it as, you know, a  
13:13:35 36 separation. Yep, she pointed us in a direction but then we  
13:13:39 37 went out and we investigated it, you know, we - you know,  
13:13:46 38 there was no evidence provided by her or used by her and  
13:13:49 39 that's the - and I'm not saying that that, you know, all  
13:13:53 40 these years later is necessarily correct, but that was my  
13:13:57 41 view of it.  
42  
13:13:59 43 Ultimately these people who were providing the statements  
13:14:02 44 were often being represented by her?---Yes.  
45  
13:14:05 46 And had been represented by her through the process of  
13:14:08 47 making the statements?---Yes. Generally yes.

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1  
13:14:16 2 And you're aware as an investigator that questions are  
13:14:19 3 often asked of those witnesses about the influence that was  
13:14:25 4 brought to bear upon them to get them to make the  
13:14:28 5 statement?---The influence are normally surrounding police  
13:14:33 6 not involving - - -  
7  
13:14:34 8 It may well. They want to know in what circumstances you  
13:14:43 9 came to make that statement?---Yes.  
10  
11 Who was there when it happened?---Yes, sometimes.  
12  
13:14:48 13 Whether you were offered any inducements or you felt any  
13:14:51 14 pressures or things like that, you agree with that?---Yeah,  
13:14:54 15 sometimes, yes.  
13:14:54 16  
13:14:55 17 Is it your own words or who might else have had influence  
13:14:58 18 over the words you put in the statement?---Yes, generally  
13:15:01 19 surrounding the police involved.  
20  
13:15:04 21 Generally?---Yeah.  
22  
13:15:10 23 But not always?---Oh, well.  
24  
13:15:12 25 In relation to some of these witnesses it might have been a  
13:15:14 26 concern that there were, you know, other gangland figures  
13:15:19 27 that may have had some influence over - you know, you might  
13:15:23 28 be saying this to protect that other person?---Well maybe,  
13:15:33 29 I don't know. You know, to a certain extent you present it  
13:15:39 30 on its merit, you know, someone's telling you something,  
13:15:42 31 they're aware of the facts, you know, you corroborate it to  
13:15:45 32 the best you can. I think it doesn't matter what process  
13:15:49 33 you follow, defence are going to suggest all sorts of  
13:15:52 34 things, you know, that's just part and parcel of the way it  
13:15:55 35 works.  
36  
13:15:55 37 I note the time, Commissioner.  
38  
13:15:57 39 COMMISSIONER: Yes, we'll adjourn until 2 o'clock.  
13:16:22 40  
13:16:29 41 <(THE WITNESS WITHDREW)  
13:16:29 42  
43 LUNCHEON ADJOURNMENT  
44  
45  
46  
47



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13:51:25 1 UPON RESUMING AT 2.03 PM:  
14:03:28 2  
14:03:29 3 COMMISSIONER: Yes, could you give me the copy of Exhibit  
14:03:32 4 81, please. I've added an additional name to that, number  
14:03:58 5 41. I'll just get my associate to show it to counsel at  
14:04:05 6 the Bar table. We're going to use that pseudonym in future  
14:04:20 7 for this person and the transcript of today, before it's  
14:04:23 8 published, will be amended with that person's new pseudonym  
14:04:28 9 on it. Does anybody else need to see this? There's  
14:04:52 10 probably no need to show it to persons affected, it's only  
14:04:56 11 those with standing leave, and to the witness, thanks. [REDACTED]  
14:05:03 12 [REDACTED] PII [REDACTED]. Yes.  
14:05:08 13  
14:05:08 14 MS TITTENSOR: Thanks Commissioner.  
14:05:10 15  
14:05:11 16 <PAUL ROWE, recalled:  
14:05:14 17  
14:05:14 18 MS TITTENSOR: Earlier, Mr Rowe, I indicated to you that  
14:05:16 19 there was an entry in the ICRs after the Milad Mokbel bail  
14:05:24 20 application of Ms Gobbo speaking with her handlers being  
14:05:27 21 concerned that defence were being given documents before  
14:05:30 22 her being shown them?---Yes.  
14:05:32 23  
14:05:36 24 You saw Ms Gobbo around about 6 October at a hearing in  
14:05:42 25 relation to Mr Barbaro, a bail hearing for him, is that  
14:05:47 26 right?---Is that 2006?  
14:06:12 27  
14:06:12 28 Yes?---6 October?  
14:06:14 29  
14:06:14 30 Yes?---I haven't got it in my diary.  
14:06:19 31  
14:06:20 32 Were you at a bail hearing that day in relation to  
14:06:22 33 Mr Barbaro?---It's not in my diary so that would be unusual  
14:06:29 34 if I was, but I'm happy to stand corrected.  
14:06:33 35  
14:06:33 36 If we can bring up the ICRs, p.453, please.  
14:06:41 37  
14:06:41 38 COMMISSIONER: Was that 153?  
14:06:45 39  
14:06:46 40 MS TITTENSOR: 453, sorry, Commissioner. You'll see there,  
14:06:54 41 if we can just scroll to the preceding page just so we can  
14:06:59 42 see what the date is and I'll double-check that date. It  
14:07:02 43 says 6 October there. If we can go up. You see there  
14:07:08 44 after 12:59, a couple of paragraphs down, that Ms Gobbo is  
14:07:12 45 reporting to her handlers that she saw you at court in  
14:07:15 46 relation to the Barbaro bail. She discussed PII [REDACTED]'s  
14:07:22 47 brief generally and believes that it included TI material

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14:07:25 1 of her conversations. She thought the brief would be  
14:07:29 2 checked and the handler was going to check about that. Do  
14:07:33 3 you see that?---Yes.  
14:07:34 4  
14:07:36 5 If we can go to the source management log, p.52?---I'm  
14:07:47 6 sorry, that's not how you worded it, but when it says I'm  
14:07:52 7 at court re the Barbaro bail, I'm not speaking to her about  
14:07:57 8 Barbaro's bail because she had nothing to do with Barbaro.  
14:08:01 9  
14:08:02 10 At least at that stage as far as you knew?---I don't think  
14:08:05 11 at any stage, different Barbaro.  
14:08:08 12  
14:08:09 13 Was this the Barbaro that was arrested back in May of  
14:08:12 14 2006?---Yep.  
14:08:13 15  
14:08:14 16 So if we can go to the source management log at p.52. This  
14:08:20 17 was certainly, that Barbaro was a PII [REDACTED] brief?---Yes.  
14:08:26 18  
14:08:35 19 Perhaps if we can go over to the next page. This is 13  
14:08:41 20 October 2006 and you see this is the source management log  
14:08:46 21 of the SDU?---Yes.  
14:08:47 22  
14:08:48 23 And you see - - -  
14:08:51 24  
14:08:51 25 MS ARGIROPOULOS: Excuse me, could that be taken down from  
14:08:53 26 the big screen.  
14:08:54 27  
14:08:55 28 COMMISSIONER: Thanks Ms Argiropoulos, yes.  
14:08:56 29  
14:08:57 30 MS TITTENSOR: You see there, "Detective Rowe, Operation  
14:08:59 31 Purana, is advised of Ms Gobbo's suggestions in relation to  
14:09:04 32 the PII [REDACTED] summary"?---Yes.  
14:09:06 33  
14:09:06 34 Do you accept that the SDU advised you of suggested  
14:09:11 35 corrections in relation to PII [REDACTED] summary?---I mean  
14:09:19 36 I'm assuming the summary is a reference to the summary of  
14:09:23 37 charges on the brief as opposed to - - -  
14:09:25 38  
14:09:26 39 Maybe that or it may be - this seems to have come, this  
14:09:35 40 entry is a week after the conversation she has with her  
14:09:38 41 handlers in relation to concerns about - - - ?---The PII [REDACTED]  
14:09:40 42 brief.  
14:09:40 43  
14:09:41 44 The Barbaro brief that she's had those concerns. Certainly  
14:09:48 45 there was material on that brief relating to  
14:09:54 46 PII [REDACTED]?---Yes, and assuming we're talking about the same  
14:09:57 47 circumstances I accept that she said that to them, but



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14:10:02 1 there was no changes ever made to the brief.  
14:10:04 2  
14:10:04 3 All right. But do you accept that the SDU are - well  
14:10:09 4 they're recording here that you have been advised of  
14:10:13 5 Ms Gobbo's suggested corrections in relation to a  
14:10:17 6 particular document relating to the PII [REDACTED] brief?---Yep, I  
14:10:21 7 recall them advising me about her thoughts on it and I  
14:10:24 8 think it's recorded in my notes on that day - - -  
14:10:28 9  
14:10:28 10 This is earlier, this is a different occasion, I believe,  
14:10:31 11 showing the entire brief, this is an earlier  
14:10:39 12 instance?---Can I just reference my statement so I can get  
14:10:43 13 the date that I need, please?  
14:10:46 14  
14:10:46 15 Sure. I think the date you're talking about, which I'll  
14:10:50 16 take you to shortly, is around 30 or 31 October?---Yep.  
14:11:48 17  
14:11:48 18 So in your statement if we go to paragraph 119 you refer to  
14:11:52 19 that entry in the ICRs?---Yes.  
14:11:55 20  
14:11:55 21 Relating to 6 October, do you see that?---Yep.  
14:11:58 22  
14:11:59 23 And you indicate you've got nothing in your diary about  
14:12:02 24 that and you don't have a recollection about it?---I don't  
14:12:09 25 have in my diary that I was at court for his bail  
14:12:12 26 application.  
14:12:12 27  
14:12:13 28 You don't have anything in your statement in relation to  
14:12:17 29 the SML entry on 13 October?---Yep. Well look, ultimately  
14:12:36 30 I accept that that's what's recorded in there, that they've  
14:12:39 31 spoken to me.  
14:12:42 32  
14:12:42 33 It appears as though Ms Gobbo has been given some sort of  
14:12:46 34 document in relation to PII [REDACTED] and that you've, and that  
14:12:50 35 she's suggested some corrections in relation to a  
14:12:52 36 particular document and as of 13 October you've been  
14:12:56 37 advised of her suggested corrections?---Yes, and it may  
14:13:00 38 either be a summary in relation to Barbaro's bail  
14:13:04 39 application or it may be the summary specific to PII [REDACTED].  
14:13:17 40  
14:13:17 41 It's a summary in relation to PII [REDACTED]  
14:13:20 42 because there was no full brief done for him, I think there  
14:13:24 43 was just charges and perhaps a summary and it may be that.  
14:13:28 44 But ultimately I accept she's told them, they've told me,  
14:13:31 45 but at no point in time were any changes made to anything  
14:13:35 46 based on her advice.  
14:13:36 47

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14:13:37 1 But she's getting access to material from investigators  
14:13:40 2 through the SDU before it goes to defence?--Well I mean  
14:13:45 3 ultimately that depends what it was. The full PII [REDACTED] brief,  
14:13:49 4 yes, but I mean ultimately PII [REDACTED] PII [REDACTED]. The  
14:13:54 5 summary, if it relates to his brief, I believe certainly in  
14:14:00 6 some capacity she was still acting for him at that point in  
14:14:04 7 time.

14:14:05 8  
14:14:05 9 All right?--The only variation on that would be if it was  
14:14:08 10 Barbaro remand summary but I don't think that would be the  
14:14:14 11 case.

14:14:15 12  
14:14:15 13 Following this, following 13 October you're aware that she  
14:14:18 14 was then given the five volume brief relating to  
14:14:24 15 PII [REDACTED], [REDACTED]  
14:14:27 16 and [REDACTED]?--She was given the brief. Whether it  
14:14:31 17 was all five volumes or not, I'm happy to stand corrected,  
14:14:35 18 I think I probably - - -

14:14:36 19  
14:14:37 20 If it's recorded in the SDU material that she's given five  
14:14:42 21 volumes to look through you would accept that?--I accept  
14:14:44 22 that.

14:14:44 23  
14:14:45 24 You know that that's provided with her and you know she  
14:14:48 25 makes various comments?--She does.

14:14:50 26  
14:14:50 27 You've seen that in the material you've been shown and in  
14:14:53 28 actual fact when you deal with this in your statement, they  
14:14:57 29 came back to you and said, "She said all these things about  
14:15:01 30 that brief"?--Yes.

14:15:01 31  
14:15:02 32 And you deal with that in your statement?--And I don't do  
14:15:07 33 anything, I don't make any changes.

14:15:09 34  
14:15:10 35 Did you regard that scenario as in any way  
14:15:30 36 appropriate?--Well I don't think I viewed it as  
14:15:32 37 inappropriate. I mean ultimately it's a brief that is  
14:15:35 38 served from the prosecution as the defence copy of the  
14:15:42 39 brief, you know. Look, I - whilst I acknowledge it's  
14:15:49 40 unusual, I'm not sure that I saw it as inappropriate. My  
14:15:56 41 understanding of the whole reason she was looking at it is  
14:16:01 42 because she was concerned about what would be in there from  
14:16:04 43 a, you know, in relation to her that may jeopardise her  
14:16:08 44 safety.

14:16:08 45  
14:16:09 46 Right. Sorry?--Then when it came back she was checking it  
14:16:15 47 like my supervisor would check it and that just wasn't the

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14:16:18 1 point of it.  
14:16:19 2  
14:16:19 3 This was someone who was a police agent, she was an  
14:16:22 4 informer?---She was an informer, yes.  
14:16:24 5  
14:16:25 6 She was being given access to this material and what you  
14:16:28 7 got, and the feedback you got back was this is effectively  
14:16:33 8 from a defence point of view, this is how you can improve  
14:16:36 9 aspects of this case?---Yes, she got - yep, she was an  
14:16:40 10 informer, she got access to it which I would argue she  
14:16:44 11 would be entitled to anyway by virtue of her representation  
14:16:48 12 of PII [REDACTED], but yes, she gave it back in those  
14:16:52 13 circumstances.  
14:16:52 14  
14:16:52 15 With feedback as to how it might be improved?---She did.  
14:16:56 16  
14:16:56 17 She then went on to advise a number of those people. She  
14:17:07 18 represented PII [REDACTED] on his plea the following  
14:17:11 19 year?---Yes.  
14:17:20 20  
14:17:21 21 And I'll take you to some material shortly in relation to  
14:17:25 22 Mr Barbaro, that she also went on to provide some advice to  
14:17:32 23 Mr Barbaro. You know she also went on to provide advice in  
14:17:36 24 relation to Milad Mokbel the following year?---Yes, I  
14:17:41 25 suppose from my perspective the purpose of providing that  
14:17:45 26 was not for that reason. So when it came back like that,  
14:17:49 27 to be honest I was a little bit offended. I was never  
14:17:55 28 going to make any of those changes, that's not what the  
14:17:58 29 purpose was and ultimately I didn't care what she thought.  
14:18:01 30  
14:18:09 31 At paragraph I think it's 77 of your statement you're  
14:18:26 32 dealing with Tony Hargreaves in respect of PII [REDACTED], is  
14:18:30 33 that right?---Yes.  
14:18:31 34  
14:18:31 35 He's the solicitor on the record?---Yes.  
14:18:34 36  
14:18:36 37 At paragraph 78 you're speaking with Ms Gobbo in relation  
14:18:42 38 to PII [REDACTED] in relation to pending  
14:18:48 39 proceedings?---Yeah, I think from memory if this is the  
14:18:53 40 incident, I believe it is, either I called Mr Hargreaves or  
14:19:02 41 he called me and then as a result of our conversation I  
14:19:06 42 think Ms Gobbo then contacted me to discuss a very similar  
14:19:10 43 thing, if I've got that, that incident right.  
14:19:15 44  
14:19:15 45 All right. Do we know what that's about? It appears as  
14:19:19 46 though there's a committal mention listed the following  
14:19:23 47 day, according to your statement, although your diary might



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14:19:26 1 indicate it's the same afternoon. It appears as though you  
14:19:29 2 might be having discussions with Ms Gobbo in the context of  
14:19:33 3 a court hearing which was occurring?---Just bear with me.  
14:20:10 4 Yes, so - from reading that, although I don't say it, I  
14:20:17 5 think that suggests that Tony Hargreaves called me to  
14:20:20 6 discuss charges in relation to the PII [REDACTED] and then I  
14:20:26 7 think from memory, and I told him, you know, what the  
14:20:28 8 circumstances were in relation to that for PII [REDACTED]  
14:20:31 9 PII [REDACTED] and then I think from memory she called  
14:20:36 10 to discuss the same thing, and again if it's - if my memory  
14:20:45 11 serves me correctly, I think that she wasn't necessarily  
14:20:48 12 content with what I'd told Mr Hargreaves and so she rang up  
14:20:52 13 to discuss basically the same thing.

14:20:54 14  
14:20:54 15 There was a committal mention held that afternoon and  
14:20:58 16 Ms Gobbo was appearing?---Yes. It seems to be discussions  
14:21:36 17 around what charges would and wouldn't form part of the  
14:21:41 18 presentment.

14:21:42 19  
14:21:42 20 MS TITTENSOR: All right. And then at paragraph 80 of your  
14:21:46 21 statement you indicate that Ms Gobbo goes on to appear for  
14:21:50 22 PII [REDACTED] on his plea?---Yes.

14:21:54 23  
14:21:56 24 You're not sure about whether or not she appeared on his  
14:21:59 25 sentence, but then you had some contact about a year later  
14:22:03 26 in relation, [REDACTED] in relation to [REDACTED]  
14:22:06 27 [REDACTED]?---Yes.

14:22:07 28  
14:22:07 29 I take it you accept that she, that was her profession, she  
14:22:13 30 was charging money for acting in that capacity?---Well I  
14:22:18 31 assume so.

14:22:19 32  
14:22:21 33 You wouldn't have expected that she would have been doing,  
14:22:25 34 working for PII [REDACTED] for free?---It wouldn't  
14:22:34 35 probably surprise me if that was the case, you know, as a  
14:22:38 36 favour to PII [REDACTED]. It wouldn't surprise me. I'm not  
14:22:42 37 saying that is the case but I wouldn't probably be that  
14:22:45 38 surprised if that was the case.

14:22:46 39  
14:22:46 40 You wouldn't have been surprised equally if she was  
14:22:49 41 charging money for representing various of the people that  
14:22:51 42 were arrested by Purana who she had been involved in  
14:22:55 43 informing upon?---I wouldn't be surprised. Same I wouldn't  
14:23:00 44 be surprised if she was doing it for nothing.

14:23:03 45  
14:23:03 46 If I can put up VPL.6030.0200.2830. It's an email. You  
14:23:41 47 see there there's an email there on 22 February from the



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14:23:46 1 Crown instructor to Ms Gobbo attaching a draft of a police  
14:23:55 2 summary in relation to PII [REDACTED]?---Yes.  
14:23:58 3  
14:23:58 4 And then if we scroll up, you can see there that she's  
14:24:09 5 providing some information in relation to one aspect of  
14:24:13 6 that summary, whether that's from her own knowledge or her  
14:24:19 7 clients, who knows?---Yes.  
14:24:20 8  
14:24:20 9 I tender that, Commissioner.  
14:24:22 10  
14:24:26 11 #EXHIBIT RC734A - (Confidential) Email attaching a draft.  
14:24:28 12 police summary re PII [REDACTED].  
13  
14:24:38 14 #EXHIBIT RC734B - (Redacted version.)  
14:24:39 15  
14:24:40 16 Then if we can go to VPL.6030.0200.3722. I think you're  
14:25:00 17 talking about the same police summary there. You see  
14:25:05 18 Ms Bell is indicating that she'll send the summary if you  
14:25:10 19 make some changes in relation to PII [REDACTED]  
14:25:15 20 working with him, sending her an amended copy and she'll  
14:25:21 21 send it on to Ms Gobbo?---Yes.  
14:25:22 22  
14:25:23 23 Then following that you say, "Yes, no worries, shouldn't be  
14:25:28 24 any changes, I think that should be fine". You say, "So  
14:25:32 25 send it off to Nicola? Yeah, I don't see why not". I  
14:25:36 26 think that leads into then following her suggesting some  
14:25:42 27 changes. I think her response suggesting the changes came  
14:25:48 28 on 1 March if we go back to that email?---As in for the  
14:25:49 29 years, yes.  
14:25:49 30  
14:25:49 31 I did that out of order.  
14:25:51 32  
14:25:53 33 #EXHIBIT RC735A - (Confidential) Email chain of February 07  
14:26:01 34 between Colleen Bell and Paul Rowe re  
14:26:04 35 police summary re PII [REDACTED].  
14:26:12 36  
14:26:13 37 #EXHIBIT RC735B - (Redacted version.)  
14:26:15 38  
14:26:16 39 WITNESS: Notwithstanding the circumstances, the  
14:26:18 40 prosecution and defence agree on summaries every day, all  
14:26:23 41 day every day.  
14:26:26 42  
14:26:27 43 MS TITTENSOR: Now, at some stage in 2006 Ms Gobbo started  
14:26:35 44 receiving threats, is that right?---Yes.  
14:26:37 45  
14:26:37 46 And there commenced an investigation by Victoria Police  
14:26:39 47 into those threats?---Yes.

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14:26:40 1  
14:26:41 2 You refer to this, if we keep up with your statement, from  
14:26:46 3 about paragraph 124?---100 and sorry?  
14:26:51 4  
14:26:51 5 124?---Yep.  
14:26:53 6  
14:26:56 7 So there commenced an investigation into those threats in  
14:26:59 8 around about late 2006?---Yes.  
14:27:02 9  
14:27:04 10 You become the primary investigator in relation to those  
14:27:07 11 matters on 26 February 2007 and remain the primary  
14:27:13 12 investigator until 30 June 2008, is that right?---I accept  
14:27:19 13 those dates. It was throughout that period, yes.  
14:27:22 14  
14:27:23 15 And you had taken over that investigation from Detective  
14:27:29 16 Hayes?---Yes.  
14:27:30 17  
14:27:31 18 And if you go to your diary on 26 February 2007 you  
14:27:38 19 indicate that you're briefed by Hayes re an investigation  
14:27:42 20 into threats to kill received by SMS by Nicola  
14:27:47 21 Gobbo?---Yes.  
14:27:48 22  
14:27:48 23 You agree to take the file over from Hayes due to his  
14:27:52 24 workload?---Yep.  
14:27:53 25  
14:27:53 26 There was an understanding I take it that these threats  
14:27:56 27 were arising or concern that those threats were arising by  
14:28:03 28 virtue of her role as a human source?---Yes.  
14:28:06 29  
14:28:07 30 And also by her role as someone that was representing  
14:28:12 31 individuals who were becoming witnesses against other  
14:28:16 32 figures?---Yes.  
14:28:18 33  
14:28:19 34 So necessarily in order to be conducting those  
14:28:23 35 investigations you needed that background knowledge of her  
14:28:26 36 role as a human source?---Yeah, it definitely assisted,  
14:28:31 37 yep.  
14:28:31 38  
14:28:32 39 So it wasn't - so you knew that she was a human  
14:28:36 40 source?---Yes.  
14:28:36 41  
14:28:36 42 And that figured in your investigation is all I'm  
14:28:40 43 saying?---Yeah, yes.  
14:28:42 44  
14:28:43 45 Equally Hayes before you knowing, having been the primary  
14:28:47 46 investigator in relation to that, necessarily needed to  
14:28:50 47 know that she was a human source and that potentially was

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14:28:53 1 the source of the threat?---I don't think, I don't think  
14:28:57 2 Craig knew at that point in time. He didn't know for a  
14:29:01 3 long time.  
14:29:01 4  
14:29:02 5 What makes you say that?---Because I sat next to him every  
14:29:06 6 day.  
14:29:06 7  
14:29:06 8 In what circumstances do you say he became aware?---I  
14:29:09 9 actually don't - I don't know. I don't know but it was a  
14:29:18 10 long time after I think we even left or ██████ had finished  
14:29:25 11 I think he like a lot of people just pieced the puzzle  
14:29:30 12 together.  
14:29:30 13  
14:29:30 14 How could he be conducting that investigation legitimately  
14:29:34 15 in relation to threats being received by Ms Gobbo absent  
14:29:37 16 the knowledge that the threats are coming potentially  
14:29:40 17 because she's a human source?---Well the reality is he  
14:29:43 18 didn't really conduct it. I think he had the initial first  
14:29:47 19 incident or whatever and then it was, it was handed over.  
14:29:51 20 So, you know, like he can answer that question as to when  
14:29:56 21 he knew. In my mind he didn't know for a long time.  
14:30:00 22  
14:30:02 23 At paragraph 130 of your statement you outline, I'm not  
14:30:07 24 going to take you through all of those, but you outline  
14:30:10 25 when various of the threats occur and so forth, is that  
14:30:17 26 right?---Yes.  
14:30:17 27  
14:30:18 28 And there are a number of those that occur in March of  
14:30:24 29 2007. So you've referred to the 18th, the 20th and 28  
14:30:28 30 March 2007?---Yep.  
14:30:29 31  
14:30:30 32 Her receiving new threatening messages?---Yes.  
14:30:33 33  
14:30:34 34 The way you would become informed of that would be through  
14:30:37 35 Flynn, not directly?---Generally through Flynn. I think  
14:30:42 36 there's times where I were told by the SDU and I think it's  
14:30:51 37 times when I was told directly by her because she couldn't  
14:30:54 38 get in contact with the SDU.  
14:30:55 39  
14:30:56 40 Is there a reason given why, given you're the primary  
14:30:58 41 investigator, she's just not coming straight to you?---I  
14:31:08 42 think, I think a period of time, there was discussion  
14:31:18 43 around the circumstances in which we were entitled to speak  
14:31:22 44 with her, have contact with her. You know, I think there  
14:31:26 45 was an attempt to keep things separate as best they could.  
14:31:30 46 I think it got to a point where it was, rather than Senior  
14:31:38 47 Detective level having contact with her it was going to go



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14:31:41 1 through supervisors and then that evolved to it being sort  
14:31:46 2 of impractical and it just, you know, wasn't working. We  
14:31:51 3 had to have direct contact with her in relation to, you  
14:31:55 4 know, the threats and so then, I don't know, we got  
14:31:59 5 approval on some level to do that.  
14:32:00 6  
14:32:01 7 I take it you were having - that became a difficulty later  
14:32:07 8 in the piece once she became a witness in terms of the  
14:32:11 9 contact with her, is that right, a witness for  
14:32:16 10 Petra?---Yes.  
14:32:16 11  
14:32:16 12 Prior to that there was no real restriction on your contact  
14:32:21 13 with her in relation to Operation Gosford?--No, I managed  
14:32:25 14 to speak to her in relation to the threats, I could speak  
14:32:29 15 to her.  
14:32:29 16  
14:32:29 17 If you needed to speak to her as a lawyer acting, you could  
14:32:34 18 speak to her?---Could speak to her, yes.  
14:32:36 19  
14:32:36 20 How often would you have contact with her from 26 February  
14:32:42 21 when you took over the investigation?---Well every time a  
14:32:50 22 threat occurred there was, you know, other contacts,  
14:32:55 23 contact with her surrounding, you know, the threats  
14:32:58 24 indirectly but more about the management of the threats and  
14:33:02 25 how we were going to, you know, assist with her safety but  
14:33:07 26 also it was really troublesome the process of identifying  
14:33:13 27 where the threats were coming from and by what means and so  
14:33:17 28 there was a lot of back and forward about phones and  
14:33:19 29 capturing evidence and all that sort of stuff, so.  
14:33:22 30  
14:33:22 31 I've taken you to three days in March, for instance, the  
14:33:26 32 first ones that you record in your diary, 18, 20 and 28  
14:33:29 33 March and you get notified by Flynn about those threats.  
14:33:35 34 Does that then involve you contacting Ms Gobbo and dealing  
14:33:37 35 with it?---Potentially. I mean I can check each one in my  
14:33:43 36 diary if you want?  
14:33:44 37  
14:33:44 38 Would you necessarily have recorded it in your diary every  
14:33:47 39 contact you had with Ms Gobbo about such matters?---I want  
14:33:52 40 to say yes but it's possible that some weren't.  
14:33:56 41  
14:33:56 42 Right?---But, you know, I needed to facilitate getting a  
14:34:00 43 copy of the threat, time, date, you know, all that sort of  
14:34:07 44 stuff.  
14:34:08 45  
14:34:08 46 So - - - ?---There was lots of contact throughout that  
14:34:10 47 time.

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14:34:11 1  
14:34:12 2 Because you were primary investigator Ms Gobbo was the  
14:34:16 3 victim in the matters?---Yes.  
14:34:17 4  
14:34:18 5 You built up quite some rapport with her over time?---Yes.  
14:34:23 6  
14:34:24 7 And you discussed matters with her beyond Operation  
14:34:28 8 Gosford?---Yes.  
14:34:29 9  
14:34:30 10 You sought her legal view on some cases that you had  
14:34:34 11 running?---A case, yes.  
14:34:35 12  
14:34:35 13 A case. Do you recall what that case was?---Yeah, it was a  
14:34:43 14 drug trial in relation to a PII [REDACTED].  
14:34:48 15  
14:34:49 16 There was a particular issue in relation to a  
14:34:52 17 warrant?---Yes.  
14:34:52 18  
14:34:53 19 Was there an issue in relation to whether a warrant holder  
14:34:59 20 had to be present?---Yes.  
14:35:00 21  
14:35:00 22 Was that a matter of Sumner?---Yes.  
14:35:03 23  
14:35:06 24 You, I won't take you to the emails unless we need to, but  
14:35:09 25 in essence you were not happy with some of the advice you  
14:35:15 26 were receiving from the OPP in the way that the case was  
14:35:19 27 running and you went and sought some advice from Ms Gobbo  
14:35:22 28 informally?---It wasn't so much I wasn't happy with their  
14:35:25 29 advice, I just thought there must be another way or an  
14:35:29 30 alternative view or some other way we could address the  
14:35:32 31 issue of the warrant, the validity of the warrant I think  
14:35:36 32 was what was at stake and, you know, a defence barrister's  
14:35:44 33 view in those circumstances may have been helpful.  
14:35:46 34  
14:35:47 35 You got her view and you relayed that back to the  
14:35:51 36 prosecutor?---I believe I did.  
14:35:53 37  
14:35:53 38 You might not necessarily have told the prosecutor where  
14:35:56 39 the view came from?---No, I don't think I would have.  
14:35:59 40  
14:36:01 41 Was it the case that as a result of rulings and matters in  
14:36:06 42 relation to Sumner that there were changes made to practice  
14:36:09 43 in that area?---Yeah, I think they amended the Drugs,  
14:36:15 44 Poisons Controlled Substances Act. I think it's the only  
14:36:16 45 Act that said that the police member named in the warrant  
14:36:18 46 had to be there. I think the whole of VicPol was of the  
14:36:24 47 opinion that, you know, we were covered under the

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14:36:26 1 Magistrates' Court Act, something like that. So they  
14:36:29 2 amended the Drugs Act.  
14:36:30 3  
14:36:31 4 You went through a process, you've identified that  
14:36:34 5 something was going wrong. It's been identified that  
14:36:37 6 something was going wrong in the process and police  
14:36:39 7 practice and even the legislation was changed as a  
14:36:43 8 result?---Yes.  
14:36:43 9  
14:36:43 10 And that's all appropriate?---That sounds like a loaded  
14:36:49 11 question but - - -  
14:36:50 12  
14:36:50 13 No, I'm just saying - - - ?---I think that's a normal  
14:36:54 14 course of things. In an ideal world we as Victoria Police  
14:36:57 15 would identify every issue ever known to man and we would  
14:37:00 16 address it before it becomes an issue. But the reality of  
14:37:06 17 it is that sometimes until something goes wrong you don't -  
14:37:09 18 you're not aware of it, And that's a pure example. I can  
14:37:11 19 think of others. And so things are put in place to correct  
14:37:14 20 it and address it.  
14:37:14 21  
14:37:15 22 And that's something that was, it was a defence that was  
14:37:16 23 run in court and it was litigated through the court  
14:37:20 24 processes to its resolution?---Yes, it was.  
14:37:24 25  
14:37:32 26 I've been jumping around a little bit and I'm going to do  
14:37:36 27 it again. We're back to Mr Bickley I think?---Yes.  
14:37:41 28  
14:37:41 29 There's a [REDACTED] added to the list there, you know  
14:37:46 30 who I'm referring to?---Yes.  
14:37:47 31  
14:37:49 32 You refer at paragraph 101 of your statement in relation to  
14:37:55 33 efforts being made to have Mr Bickley represented by  
14:38:01 34 lawyers other than Ms Gobbo?---Yes.  
14:38:03 35  
14:38:04 36 MS ARGIROPOULOS: Could I just approach my learned friend,  
14:38:07 37 Commissioner?  
14:38:07 38  
14:38:08 39 COMMISSIONER: Of course.  
14:38:26 40  
14:38:28 41 MS TITTENSOR: Commissioner, it might be that if we can  
14:38:30 42 just pause for a moment off the live stream. Mr Bickley's  
14:38:36 43 statement is still online so we might need to - sorry,  
14:38:41 44 Mr Rowe's statement is currently online so it might be if  
14:38:45 45 those that have access to that can take that down for now  
14:38:48 46 and we can make that amendment.  
14:38:51 47



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14:38:51 1 COMMISSIONER: Thanks for that, Ms Argiropoulos. Yes,  
14:38:52 2 we'll get that attended to straight away.  
14:38:56 3  
14:38:56 4 MS ARGIROPOULOS: I think that's part of the issue. What  
14:38:58 5 I've just raised with my learned friend, Commissioner, is I  
14:39:01 6 wasn't aware of the intention to [REDACTED] to  
14:39:05 7 [REDACTED] but the link had already  
14:39:09 8 been made if anybody is following proceedings, having  
14:39:14 9 either downloaded or had access to this statement while  
14:39:18 10 it's been published. As soon as any questions are asked  
14:39:22 11 [REDACTED] and [REDACTED], the  
14:39:24 12 [REDACTED] can be [REDACTED]. So I think  
14:39:29 13 perhaps some thought needs to be given to how this plays  
14:39:33 14 out in those circumstances.  
14:39:40 15  
14:39:40 16 MS TITTENSOR: I think we're - - -  
14:39:41 17  
14:39:42 18 COMMISSIONER: We'll get the statement down straight away.  
14:39:44 19  
14:39:44 20 MS TITTENSOR: Yes. And I think the reason we were taking  
14:39:46 21 this course in relation to this pseudonym was reputational  
14:39:53 22 more than - - -  
14:39:53 23  
14:39:54 24 COMMISSIONER: That's right.  
14:39:54 25  
14:39:55 26 MS TITTENSOR: - - - other reasons, Commissioner.  
14:39:56 27  
14:39:56 28 COMMISSIONER: Exactly, primarily reputational.  
14:40:02 29  
14:40:02 30 MS TITTENSOR: Yes. Now, you indicated at paragraph 101 of  
14:40:11 31 your statement, Mr Rowe, despite efforts to have Mr Bickley  
14:40:17 32 represented by other lawyers in the period from January  
14:40:19 33 2007 to May 2008 Ms Gobbo became involved in formally in  
14:40:26 34 providing advice to him, is that right?---Yes.  
14:40:28 35  
14:40:29 36 Can you recall who was involved in the efforts to have  
14:40:32 37 Mr Bickley represented by other lawyers?---It was the SDU.  
14:40:36 38  
14:40:36 39 Was it yourself and Mr O'Brien involved as well?---No,  
14:40:41 40 they, they were - I mean I obviously had contact with the  
14:40:47 41 representatives but I believe they arranged that, not  
14:40:59 42 nominated the person I think from memory.  
14:41:01 43  
14:41:02 44 We might have had a bit of evidence from Mr O'Brien about  
14:41:05 45 that anyway already. Now, you refer in your statement to  
14:41:11 46 Ms Gobbo becoming involved informally in providing advice  
14:41:15 47 to Mr Bickley. Do you consider there to be any difference

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14:41:20 1 to the situation if she's providing, to the appropriateness  
14:41:23 2 of her doing that, if it's on an informal or formal  
14:41:29 3 basis?---I mean strictly speaking probably not.  
14:41:42 4 Practically or in my thought processes I would say yes.  
14:41:52 5 The difficulty with this at times was her association with  
14:41:58 6 these people.  
14:41:59 7  
14:42:00 8 Yes?---You know, so they - I'm not saying this occurred,  
14:42:05 9 but they might go out for dinner, you know, and then, you  
14:42:12 10 know, immediately or otherwise she is their legal  
14:42:17 11 representative. The lines were blurred I understand on our  
14:42:21 12 side, the lines were blurred, you know, looking at it from  
14:42:24 13 the other way as well.  
14:42:25 14  
14:42:26 15 At paragraph 102 of your statement you refer that on 4  
14:42:30 16 January 2007 you were speaking to Ms Gobbo on the phone  
14:42:34 17 asking her about the status of Mr Bickley's upcoming  
14:42:37 18 committal?---Yes.  
14:42:38 19  
14:42:38 20 That was because you understood that she was advising him  
14:42:42 21 in a legal capacity at that stage?---It certainly suggests  
14:42:53 22 that. There was, I mean I'm mindful of - not being aware  
14:43:02 23 of the exact dates - there was complications with people  
14:43:09 24 representing him and who he was happy with and not happy  
14:43:11 25 with and she was in and out and - - -  
14:43:15 26  
14:43:15 27 We'll come to that. I don't think that's happened yet. At  
14:43:19 28 that stage, this is at the time when you're making the  
14:43:22 29 efforts or just prior to that?---Yep.  
14:43:23 30  
14:43:24 31 Your understanding was, because you're ringing Ms Gobbo to  
14:43:27 32 say, "Well what's going on with his upcoming committal",  
14:43:30 33 your understanding was she is providing him with legal  
14:43:33 34 advice at that stage?---Yes.  
14:43:35 35  
14:43:37 36 And then at paragraph 103 you talk about a meeting in  
14:43:44 37 relation to discussing new legal representation?---Yes.  
14:43:51 38  
14:43:54 39 In your diary there's a reference to, we'll just say to the  
14:44:02 40 police, to arranging new representation and electing to go  
14:44:07 41 straight hand up, direct presentment and foregoing  
14:44:13 42 committal?---On 9 January, is that?  
14:44:15 43  
14:44:20 44  
14:44:20 45 Yes. I'm just saying that because there's a desire that  
14:44:32 46 this, I'm not sure that Mr Bickley had at that stage  
14:44:35 47 formally signed statements, is that right, and this was all

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14:44:39 1 a process towards making him a witness, getting him to  
14:44:44 2 plead and becoming a witness?---No, I think it's the other  
14:44:49 3 way round. He'd signed statements, we'd taken statements  
14:44:53 4 throughout the latter part of 2006, I believe, and this was  
14:45:02 5 then about dealing with his outstanding matters so then he  
14:45:06 6 was free to be a witness.  
14:45:07 7  
14:45:07 8 All right?---Which again became a complication.  
14:45:10 9  
14:45:11 10 At paragraph 104 you indicate you speak with his new  
14:45:15 11 solicitor and that's Margaret McAuley?---Yes.  
14:45:19 12  
14:45:19 13 And you refer to the detail of that being in your diary but  
14:45:22 14 in summary it concerned a discount that he might  
14:45:25 15 receive?---Yes.  
14:45:26 16  
14:45:32 17 And your diary records discussion about how the matter  
14:45:37 18 might proceed, committal, reserve plea, et cetera. It  
14:45:40 19 hadn't been determined at that stage, is that right?---No,  
14:45:46 20 and I think he - no, it hadn't been determined. I mean I,  
14:45:58 21 I think his custodial sentence was the issue, he was  
14:46:01 22 adamant not go inside, we were adamant that he would go  
14:46:07 23 inside.  
14:46:07 24  
14:46:07 25 I think we're jumping a bit ahead. I don't think we've  
14:46:11 26 gotten to that point yet. This is Ms McAuley has just come  
14:46:17 27 on board?---Yep.  
14:46:18 28  
14:46:18 29 And there's discussion how the matter is going to proceed,  
14:46:21 30 and at that stage there's discussion about whether there's  
14:46:24 31 going to be a committal or reserve plea, do you accept  
14:46:28 32 that?---Yes, I accept that, but I think that's borne out of  
14:46:32 33 two things, one, I don't think she was overly familiar with  
14:46:35 34 the criminal stream, but secondly, you know, depending on  
14:46:40 35 Mr Bickley's position in relation to his outstanding  
14:46:45 36 charges, that would determine what was going to happen at  
14:46:49 37 his impending committal.  
14:46:50 38  
14:46:52 39 There's a number of entries in ICRs and the dates are in  
14:46:58 40 January, February and so on where Ms Gobbo was discussing  
14:47:02 41 her involvement with Mr Bickley and in essence indicating a  
14:47:10 42 displeasure with his new legal representation and how that  
14:47:15 43 came about. Were you aware of that?---I think Mr Bickley  
14:47:18 44 is - - -  
14:47:19 45  
14:47:19 46 Ms Gobbo is indicating both her own and it seems  
14:47:23 47 Mr Bickley's displeasure with his new legal representation.



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14:47:29 1 Were you aware of that?---I'm not aware of her displeasure,  
14:47:33 2 it doesn't make a heap of sense to me. I know he was.

14:47:37 3  
14:47:52 4 Were you aware that she was talking with the SDU about  
14:47:57 5 Mr Bickley and matters associated with his case?---Look, I  
14:48:14 6 don't know. I know she was in the mix thereabouts. To  
14:48:20 7 what extent that was coming back to me through them, I  
14:48:25 8 don't know.

14:48:26 9  
14:48:27 10 You've dealt with in your statement that you have this  
14:48:30 11 conversation with his new solicitor on the record at the  
14:48:33 12 end of January 2007. At paragraph 105 you note SDU  
14:48:46 13 material indicating Ms Gobbo was reporting that she was  
14:48:49 14 getting some pressure from Mr Bickley to continue to assist  
14:48:53 15 him?---Yep.

14:48:55 16  
14:49:07 17 That she was wanting to speak to you in relation to a bail  
14:49:11 18 variation for Mr Bickley?---Yes.

14:49:13 19  
14:49:14 20 Do you know if you had conversations with her around that  
14:49:17 21 time about those matters?---I don't remember ever speaking  
14:49:29 22 to her in relation to it. I note that ultimately he was  
14:49:32 23 granted bail on the same conditions, so I'll take from that  
14:49:38 24 that we didn't.

14:49:40 25  
14:49:41 26 You're told, according to paragraph 106, on 5 February that  
14:49:46 27 Ms Gobbo was going to seek to represent himself with  
14:49:52 28 informal help from her?---Yes.

14:49:55 29  
14:49:58 30 You understood that efforts were being made to discourage  
14:50:02 31 her from that course but they didn't seem to be  
14:50:06 32 successful?---Yes.

14:50:06 33  
14:50:06 34 That's again something that was just a constant?---Yes, it  
14:50:12 35 was.

14:50:12 36  
14:50:13 37 She did not ever seem to be ever dissuaded from  
14:50:18 38 representing people that she ought not be  
14:50:22 39 representing?---Well at times she was. That didn't always  
14:50:25 40 last. You know, there seemed to be - you know, she would  
14:50:29 41 come back into things.

14:50:30 42  
14:50:33 43 Was it your understanding that she was potentially  
14:50:35 44 compromising court proceedings by continuing to act in the  
14:50:40 45 way she did?---Look, I'm not sure that I necessarily  
14:50:57 46 considered she was compromising it. We just were mindful  
14:51:03 47 of the conflict and, you know, we were trying to limit

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14:51:09 1 that, reduce it, stop it.  
14:51:11 2  
14:51:11 3 If I can go to an email, please, VPL.6030.0200.3605. This  
14:51:23 4 is an email from the OPP solicitor Ms Heffernan to  
14:51:29 5 yourself?---Yes.  
14:51:29 6  
14:51:30 7 I won't take you right through it but in essence - and  
14:51:34 8 that's copied to Mr Flynn, is that right?---Yes.  
14:51:36 9  
14:51:37 10 And around this same time you understood that Mr Bickley  
14:51:40 11 had some concurrent [REDACTED] proceedings?---Yes.  
14:51:44 12  
14:51:46 13 And the OPP solicitor was having some contact with  
14:51:50 14 Mr Bickley's [REDACTED] in relation to what was going on  
14:51:54 15 with his charges?---Yes.  
14:51:56 16  
14:51:59 17 If you go down the page you'll see a sentence there, as  
14:52:04 18 part of the contact she'd had in relation to the  
14:52:10 19 [REDACTED] with [REDACTED]'s lawyer, it says this,  
14:52:14 20 "She did tell me something rather interesting. She said  
14:52:17 21 that Mr Bickley had offered to have Nicola Gobbo [REDACTED]  
14:52:21 22 [REDACTED] with [REDACTED]. This is very unusual.  
14:52:24 23 Normally it is a family member or friend who is proposed as  
14:52:27 24 [REDACTED]. They should have refused this offer. Should  
14:52:31 25 Nicola still be offered as [REDACTED], she would end up  
14:52:34 26 as [REDACTED] in [REDACTED]". She was  
14:52:39 27 involving herself on yet another level, is that the  
14:52:44 28 case?---Yeah, it would seem to be the case.  
14:52:46 29  
14:52:48 30 Was that your understanding of the level of contact or the  
14:52:51 31 level of relationship that she had with Mr Bickley at  
14:52:56 32 around that time?---I mean clearly it is but it also, you  
14:53:10 33 know, doesn't, you know, sit correctly in my mind given the  
14:53:16 34 history, how this started and her involvement and not  
14:53:21 35 wanting to represent him and all that sort of stuff. And  
14:53:26 36 then you look at this. I don't know. I don't have an  
14:53:30 37 explanation as to, you know, her thought processes.  
14:53:36 38  
14:53:37 39 She seemed to act in very contradictory ways depending on  
14:53:42 40 who she was talking to at various points in time, would you  
14:53:46 41 agree with that?---Yes.  
14:53:47 42  
14:53:47 43 She might say one thing for one purpose to someone else and  
14:53:52 44 a completely different thing to you for whatever other  
14:53:57 45 reason?---Perhaps, yep.  
14:53:58 46  
14:54:00 47 And this must have been apparent to you when matters such

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14:54:04 1 as this would occur?---Look, I don't think so because I  
14:54:15 2 know it was a point of frustration but, you know, through  
14:54:19 3 this process, you know, we're gathering all this material  
14:54:22 4 together and you look at it in one piece and you go, "Look  
14:54:26 5 at this", but throughout those times, you know, things are  
14:54:30 6 happening periodically, you're getting access to little  
14:54:33 7 snippets, you know, we certainly weren't fully across all  
14:54:38 8 the intricacies and issues. It's much easier to see it  
14:54:45 9 from that perspective now than it was back then.  
14:54:47 10  
14:54:48 11 At paragraph 108 you refer to a meeting that you had with  
14:54:53 12 Ms Heffernan from the OPP and the DPP Mr Coghlan, is that  
14:54:58 13 right?---Yes.  
14:54:59 14  
14:54:59 15 It's a meeting that you attended with Mr Flynn?---Yes.  
14:55:02 16  
14:55:03 17 You refer to having seen an OPP memorandum in relation to  
14:55:08 18 that meeting?---Yes.  
14:55:09 19  
14:55:15 20 COMMISSIONER: Do you want to tender that?  
14:55:17 21  
14:55:17 22 MS TITTENSOR: Yes I will, Commissioner.  
14:55:19 23  
14:55:19 24 #EXHIBIT RC736A - (Confidential) Email from Ms Heffernan to  
14:55:34 25 Flynn re Bickley.  
14:55:36 26  
14:55:37 27 #EXHIBIT RC736B - (Redacted version.)  
14:55:39 28  
14:55:39 29 If I can bring up an unredacted version at this stage, so  
14:55:45 30 just for our screens, of that document. It's  
14:55:57 31 COR.1000.0001.0159. Perhaps if we scroll through. You see  
14:56:12 32 there that's a memorandum dated 13 March 2007?---Yes.  
14:56:19 33  
14:56:20 34 To Mr Coghlan from Ms Heffernan in relation to  
14:56:24 35 Mr Bickley?---Yes.  
14:56:25 36  
14:56:25 37 Providing him with materials and requesting advice. It  
14:56:31 38 indicates that members of the Purana Task Force have  
14:56:34 39 requested a conference with him on 14 March at 9 am for  
14:56:39 40 advice in respect to the matters referred to above and that  
14:56:44 41 includes request for advice in relation to a conflict of  
14:56:50 42 interest?---Yep.  
14:56:51 43  
14:56:52 44 This advice then goes on to provide a background in  
14:56:56 45 relation to Quills and various arrests in relation to that  
14:56:59 46 matter?---Yes.  
14:56:59 47



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14:57:06 1 A reference to a conversation that Mr Bickley had had with,  
14:57:14 2 that had been the subject of PII [REDACTED], is  
14:57:18 3 that right?---Yes.  
14:57:19 4  
14:57:20 5 A reference to the number of statements Mr Bickley had made  
14:57:25 6 following his arrest?---Yes.  
14:57:27 7  
14:57:28 8 A reference to upon him, Mr Bickley, providing an  
14:57:34 9 undertaking that a warrant to arrest Tony Mokbel could be  
14:57:37 10 issued and Mr Radi and Mr Farachi could also be arrested  
14:57:44 11 and charged?---Yes.  
14:57:45 12  
14:57:46 13 There was some advice sought about the date range of the  
14:57:49 14 charge in relation to Mr Bickley [REDACTED]. Yes.  
14:57:54 15  
14:57:54 16 That related to the Quills matter?---Yes.  
14:57:56 17  
14:57:56 18 And some advice sought as to sentencing instructions. And  
14:58:14 19 finally, the memorandum highlights a likely conflict of  
14:58:18 20 interest in relation to Ms Gobbo who was apparently  
14:58:20 21 briefed. If we scroll through to that?---Yep.  
14:58:32 22  
14:58:38 23 There's reference in that regard to her representing Tony  
14:58:41 24 Mokbel?---Yes.  
14:58:42 25  
14:58:44 26 Do you agree that those matters were discussed at that  
14:58:47 27 meeting?  
14:58:52 28  
14:58:52 29 MS ARGIROPOULOS: I think the screen needs to be adjusted  
14:58:56 30 so the next page can be seen. Thank you.  
14:59:00 31  
14:59:00 32 MS TITTENSOR: Thanks?---Yes. I don't remember but it  
14:59:06 33 would seem that that's the case.  
14:59:09 34  
14:59:10 35 Your diary reflects that the DPP indicated the Crown  
14:59:17 36 submission would likely, in relation to Mr Bickley would  
14:59:20 37 likely be similar to that that the co-accused received  
14:59:25 38 [REDACTED]?---Yes.  
14:59:27 39  
14:59:27 40 And the co-offenders had received - there's periods of time  
14:59:34 41 mentioned there, seven years reduced [REDACTED] to  
14:59:37 42 three and a half years and they got 13 months  
14:59:40 43 non-parole?---Yes.  
14:59:40 44  
14:59:43 45 You note that without any assistance Mr Bickley would be  
14:59:46 46 looking at double figures in relation to the first charge  
14:59:49 47 and the PII [REDACTED] if that were to be

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14:59:52 1 charged?---Yes.  
14:59:53 2  
14:59:54 3 And that related to the PII [REDACTED] matter?---Sorry, I'm just  
15:00:00 4 trying to find the right date?---Yes.  
15:00:21 5  
15:00:24 6 So you're talking with the OPP about potentially there  
15:00:28 7 being an additional PII [REDACTED] charge for Mr Bickley which  
15:00:34 8 was related to the PII [REDACTED] matter and PII [REDACTED], is that  
15:00:39 9 right?---Yeah, well, I mean in a general sense, yes.  
15:00:45 10  
15:00:46 11 And then with the assistance you indicate in your diary,  
15:00:52 12 "We would withdraw the additional charge and he's looking  
15:00:55 13 at a similar sentence to what the co-accused  
15:00:58 14 received"?---He hadn't been charged so it wasn't withdrawn.  
15:01:01 15 I think the charge not proceeded with.  
15:01:03 16  
15:01:03 17 That might be what you recorded in your diary. In essence  
15:01:08 18 it might be that that's something that we can talk to him  
15:01:09 19 about. "You won't be charged with that additional  
15:01:13 20 PII [REDACTED] charge"?---Yeah, well I think we were just  
15:01:16 21 looking to deal with all the circumstances of his offending  
15:01:20 22 and him being a witness and, you know, put it all on the  
15:01:24 23 table and work out what the end result was.  
15:01:27 24  
15:01:27 25 If we can go to VPL.6030.0200 - - -  
15:01:34 26  
15:01:34 27 COMMISSIONER: Did you want to tender the email?  
15:01:36 28  
15:01:36 29 MS TITTENSOR: Yes Commissioner.  
15:01:37 30  
15:01:39 31 #EXHIBIT RC737A - (Confidential) Memo from Ms Heffernan to  
15:01:44 32 Paul Coghlan QC 13/3/07 raising possible  
15:01:47 33 conflict of interest.  
15:01:49 34  
15:01:50 35 #EXHIBIT RC737B - (Redacted version.)  
36  
15:01:56 37 If we can go to an email which contains an attachment.  
15:02:01 38 I'll show you the email first. It's VPL.6030.0200.3202.  
15:02:20 39 See there 15 March, it's an email from Ms Heffernan to you  
15:02:26 40 and Mr Flynn. The subject being a note re the conference  
15:02:31 41 with the DPP?---Yes.  
15:02:32 42  
15:02:33 43 There's an attachment indicating it's a file note of a  
15:02:37 44 meeting you had with the DPP on 14 March 2007?---Yes.  
15:02:40 45  
15:02:40 46 If we can go to that attachment, it's VPL.6030.0200.3203.  
15:02:57 47 This is the attachment that was sent to you with the



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15:03:00 1 email?---Yes.  
15:03:03 2  
15:03:04 3 It indicates that present for the conference with the DPP  
15:03:07 4 were Ms Heffernan, yourself and Mr Flynn?---Yes.  
15:03:13 5  
15:03:13 6 And that the DPP had read the materials that had been  
15:03:17 7 provided presumably referred to in that memo?---Yes.  
15:03:20 8  
15:03:25 9 If we can go to p.2. You see there it refers to the  
15:03:36 10 benefit that's going to flow to Mr Bickley if he pleads  
15:03:43 11 guilty and gives an undertaking and that includes that the  
15:03:46 12 PII [REDACTED] will not go ahead?---Yes.  
15:03:49 13  
15:03:50 14 And if we go down in relation to that heading, PII [REDACTED]  
15:03:55 15 PII [REDACTED], it indicates that the PII [REDACTED]  
15:04:03 16 PII [REDACTED] matter related to his arrest in, it says arrested  
15:04:09 17 June 2005 but I expect that should be June 2006?---Yes.  
15:04:17 18  
15:04:17 19 "Released without charge because started cooperating.  
15:04:21 20 PII [REDACTED]  
15:04:27 21 We don't want to disclose that though as Purana want to  
15:04:30 22 [REDACTED]?---Yes.  
15:04:33 23  
15:04:33 24 PII [REDACTED] made a statement in relation to PII [REDACTED] and  
15:04:38 25 has given an undertaking. There is also a transcript of  
15:04:42 26 the conversation and PII [REDACTED] is definitely talking about  
15:04:47 27 a PII [REDACTED]. So the PII [REDACTED]  
15:04:52 28 related to a PII [REDACTED], that's  
15:04:58 29 right?---Yes.  
15:04:58 30  
15:04:59 31 There was evidence from PII [REDACTED] in relation to that  
15:05:03 32 matter and there was also concern though that not to  
15:05:09 33 disclose the matter relating to a PII [REDACTED] because Purana  
15:05:14 34 wanted to [REDACTED]?---Yes.  
15:05:17 35  
15:05:17 36 [REDACTED]  
15:05:33 37 [REDACTED]  
15:05:34 38  
15:05:34 39 [REDACTED]  
15:05:36 40  
15:05:37 41 MS ARGIROPOULOS: Commissioner, in light of that evidence  
15:05:38 42 could I ask that those references [REDACTED] be removed  
15:05:42 43 from the live stream and the transcript. So the first is  
15:05:49 44 at line 45 on p.9256.  
15:05:55 45  
15:05:55 46 WITNESS: I mean - - -  
15:05:57 47



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15:05:58 1 MS ARGIROPOULOS: After the word "keep" if the remainder of  
15:06:00 2 that sentence could be deleted.  
15:06:02 3  
15:06:02 4 COMMISSIONER: Yes, line 45.  
15:06:04 5  
15:06:06 6 MS ARGIROPOULOS: Similarly at 9257, again after the word  
15:06:10 7 "keep" if those words could be deleted.  
15:06:13 8  
15:06:13 9 COMMISSIONER: Sorry?  
15:06:14 10  
15:06:14 11 MS ARGIROPOULOS: I'm now on p.9257 at line 10. And if I  
15:06:19 12 could ask for the - - -  
15:06:23 13  
15:06:26 14 COMMISSIONER: That's line 10 up to the question mark  
15:06:30 15 should be deleted.  
15:06:32 16  
15:06:33 17 MS ARGIROPOULOS: Yes, and then the questions and answers  
15:06:35 18 given from line 12 through to 15, please.  
15:06:44 19  
15:06:44 20 COMMISSIONER: Yes, lines 12 to 15 deleted, thank you.  
15:06:48 21  
15:06:48 22 MS ARGIROPOULOS: Thank you, Commissioner.  
15:06:53 23  
15:06:53 24 COMMISSIONER: Maybe we need to also take out, is it  
15:07:03 25 necessary to take out the reference to [REDACTED]?  
15:07:06 26  
15:07:07 27 MS ARGIROPOULOS: Yes.  
15:07:07 28  
15:07:07 29 COMMISSIONER: Line 18.  
15:07:08 30  
15:07:10 31 MS ARGIROPOULOS: In line 18, thank you.  
15:07:11 32  
15:07:11 33 COMMISSIONER: And also my use of the word, thank you.  
15:07:16 34  
15:07:17 35 MS ARGIROPOULOS: Thank you.  
15:07:34 36  
15:07:37 37 MS TITTENSOR: If we keep scrolling through that document,  
15:07:40 38 please. There's reference there in relation to the [REDACTED]  
15:07:47 39 [REDACTED] matter, you see that?---Yes.  
15:07:49 40  
15:07:51 41 And there's reference there in relation to the conflict of  
15:07:55 42 interest with Ms Gobbo?---Yes.  
15:07:57 43  
15:07:57 44 So it certainly seems to be the case that that conflict was  
15:08:02 45 discussed at that meeting?---Yes, and as I'm sitting here  
15:08:09 46 now it pops into my head that, you know, maybe that was  
15:08:14 47 going to force her hand to remove herself, but it's only

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15:08:20 1 occurred to me now but - I may not have that right.  
15:08:24 2  
15:08:25 3 So what's occurred here, this is a file note of, a  
15:08:29 4 contemporaneous file note of the meeting between the DPP,  
15:08:33 5 the instructing solicitor and the two of you from Purana.  
15:08:38 6 Conflict has been raised in the memo of the instructing  
15:08:42 7 solicitor and then it's noted that, "In the DPP's view  
15:08:45 8 Nicola plainly has a conflict due to her representation of  
15:08:51 9 Tony Mokbel. She also acted in the [REDACTED] matter PII  
15:08:54 10 PII [REDACTED]"?---Yes.  
15:08:55 11  
15:08:56 12 "Therefore the DPP's view is that she's entirely  
15:09:01 13 conflicted"?---Yes.  
15:09:02 14  
15:09:02 15 There's nothing ever stopping the police going to the DPP  
15:09:06 16 and raising conflicts of interest?---No, no there's not.  
15:09:12 17  
15:09:18 18 If we can continue to scroll through, please. If we just  
15:09:25 19 note there, you note there at 9.50 there's reference to a  
15:09:35 20 conference with yourself and Dale Flynn. It seems to be  
15:09:41 21 perhaps that might be after the meeting that you've had  
15:09:45 22 with the DPP as well, but there's a further conversation  
15:09:49 23 between yourself and the instructing solicitor and  
15:09:51 24 Mr Flynn?---Yes.  
15:09:52 25  
15:09:52 26 And you ask how the non-prosecution of the PII [REDACTED]  
15:09:56 27 matter ought to be dealt with?---Yes.  
15:09:59 28  
15:10:00 29 And she said she'd get back to you?---Yes.  
15:10:03 30  
15:10:03 31 She then has a conference with the DPP again and asks him  
15:10:09 32 how you're to deal with the PII [REDACTED] matter and  
15:10:12 33 Mr Bickley is to be told that he will get the benefit if he  
15:10:16 34 gives - sorry, that the benefit he gets if he gives an  
15:10:20 35 undertaking is that the presentment will allege [REDACTED]  
15:10:23 36 in [REDACTED] for the  
15:10:28 37 dates in [REDACTED], that's the Quills matter?---Yes.  
15:10:32 38  
15:10:33 39 The judge will no doubt give a significant discount in  
15:10:36 40 sentence due to his cooperation and undertakings, and that  
15:10:40 41 the PII [REDACTED] will not form a count on the  
15:10:46 42 presentment. That is to be told to Mr Bickley, "If you  
15:10:50 43 assist we're not going to proceed with the  
15:10:54 44 PII [REDACTED]"?---Yes.  
15:10:54 45  
15:10:58 46 I take it the DPP wasn't told that the evidence in relation  
15:11:01 47 to that PII [REDACTED] was possibly compromised because of

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15:11:05 1 Ms Gobbo's involvement?---No. No.  
15:11:10 2  
15:11:11 3 You'd agree with me there?---I agree that he wasn't told,  
15:11:17 4 yes.  
15:11:17 5  
15:11:27 6 Do you say you just didn't have any comprehension that  
15:11:30 7 there might be an issue if Ms Gobbo's involvement was to be  
15:11:36 8 known? Putting aside issues of her safety, do you say if  
15:11:42 9 you had have had that discussion with the DPP at that  
15:11:45 10 stage, you had no comprehension that he might have an issue  
15:11:49 11 with her involvement as a human source?---I don't know that  
15:11:57 12 I would have necessarily turned my mind to it simply  
15:12:00 13 because, you know, it was never a consideration that we  
15:12:03 14 were going to declare her to anyone.  
15:12:05 15  
15:12:05 16 Did you have any comprehension though, "If we do, if it's  
15:12:09 17 found out, putting aside safety concerns, if it's found out  
15:12:14 18 by the defence, by a court, by the DPP that she was a human  
15:12:19 19 source acting for people she's informing on that there  
15:12:25 20 might be any kind of repercussions to the prosecutions that  
15:12:29 21 are being run"?---I'm not sure, you know, whether I ever  
15:12:44 22 went to that extent. You know, a lot of these matters  
15:12:51 23 started with her but, you know, I think I viewed it that,  
15:12:57 24 although difficult and not perfect, we had tried to keep it  
15:13:01 25 separate as best as possible. So yeah, an investigation  
15:13:04 26 might start there but ultimately it is, you know, proven  
15:13:11 27 independently and so therefore that evidence is sound.  
15:13:14 28 Now, you know, as we sit here now I understand, you know,  
15:13:19 29 the difference.  
15:13:20 30  
15:13:20 31 Did it ever occur to you that these prosecutions might be  
15:13:24 32 compromised because of her involvement?---I mean - look, I  
15:13:32 33 don't think so. Like I - you know, I always thought we  
15:13:36 34 had, you know, managed the circumstances sufficiently, you  
15:13:48 35 know, different representatives, you know, evidence  
15:13:52 36 independently obtained, because I think the reality is if  
15:13:59 37 it was, you know, I think you even mentioned it earlier,  
15:14:04 38 you can never guarantee that someone's identity is not  
15:14:07 39 going to be known. In fact more often than not people find  
15:14:12 40 out one way or another. You know, it's sort of, there  
15:14:15 41 would be no point, if we thought that - - -  
15:14:20 42  
15:14:20 43 That seems to be the point of hiding it all, so that it  
15:14:24 44 wouldn't come out so you could maintain these prosecutions,  
15:14:26 45 that's the point. Things are getting covered up and  
15:14:29 46 redacted. It's being hidden so that this issue can't be  
15:14:34 47 litigated?---Well - - -



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15:14:35 1  
15:14:36 2 It's not simply just - - - ?---I disagree with that.  
15:14:40 3 There's her safety clearly. There's our own policy in  
15:14:44 4 relation to the identification of sources and, you know, in  
15:14:47 5 my mind, and yet maybe naively, that's where it ended.  
15:14:52 6 There's no, you know, no thought process that somehow, you  
15:14:59 7 know, the criminal justice process was, you know, going to  
15:15:05 8 be jeopardised or whatever. Like I still sit here and very  
15:15:10 9 comfortable that, you know, doing things properly and as  
15:15:16 10 best we could and fairly and mindful of all the  
15:15:20 11 circumstances is exactly, you know, what we did and I  
15:15:24 12 understand, you know, as we sit here now clearly that's not  
15:15:31 13 the case but, you know, I think our intent was pure at the  
15:15:38 14 time, although perhaps misguided.  
15:15:43 15  
15:15:46 16 Now you indicate at paragraph 109 on 19 March 2007  
15:15:53 17 Mr Bickley, you become aware, is refusing to cooperate due  
15:15:58 18 to the likely - - -  
15:16:00 19  
15:16:00 20 COMMISSIONER: Did you want to tender the email and  
15:16:02 21 attachment?  
15:16:04 22  
15:16:04 23 MS TITTENSOR: Yes Commissioner.  
15:16:04 24  
15:16:07 25 #EXHIBIT RC738A - (Confidential) Email of 15/3/07 to Rowe  
15:16:08 26 and Flynn and the attached file note  
15:16:11 27 dated 14/3/07 re a conference with  
15:16:14 28 Ms Heffernan, Rowe and Flynn.  
15:16:15 29  
15:16:15 30 #EXHIBIT RC738B - (Redacted version.)  
15:16:18 31  
15:16:19 32 On 19 March you become aware that Mr Bickley is refusing to  
15:16:24 33 cooperate due to the likelihood of a custodial  
15:16:27 34 sentence?---Yes.  
15:16:27 35  
15:16:31 36 You speak with someone at the SDU the next day and you ask  
15:16:37 37 to meet with Ms Gobbo in relation to Mr Bickley?---Yes.  
15:16:41 38  
15:16:43 39 Presumably because you wanted her assistance to help get  
15:16:46 40 Mr Bickley back on track?---No, I - well, I wanted him back  
15:16:52 41 on track but I think I wanted to talk through the issues,  
15:16:59 42 you know, with him effectively.  
15:17:02 43  
15:17:03 44 But to get to him you were going through Ms Gobbo?---No,  
15:17:06 45 well I mean she - I think he represented himself at the,  
15:17:11 46 whatever the hearing was, and then she's still informally,  
15:17:15 47 formally, however you want to phrase it, advising him.

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15:17:18 1  
15:17:19 2 Did you ring Ms McAuley?---No, I think he - I mean correct  
15:17:23 3 me if I've got the dates wrong but I'm not sure whether she  
15:17:27 4 was in the picture or yet whether he was not dealing with  
15:17:31 5 her.  
15:17:31 6  
15:17:31 7 Yes, I'm going to it chronologically. She was in the  
15:17:32 8 picture at the end of January 2007.  
15:17:35 9  
15:17:35 10 COMMISSIONER: If you look at the paragraph at 104 of your  
15:17:38 11 statement you'll see that?---Yeah, but I think in that mix  
15:18:12 12 he has an issue with her. I don't know when but he has an  
15:18:18 13 issue with her.  
15:18:19 14  
15:18:19 15 MS TITTENSOR: Do you call her and say, "Are you still on  
15:18:21 16 the record representing Mr Bickley"?---Well, assuming that  
15:18:30 17 I know she's not then no. I think - I don't know the date  
15:18:38 18 but there's, it turns pear-shaped between him and her.  
15:18:43 19 He's not happy with what - with her.  
15:18:48 20  
15:18:49 21 When you attempt to deal with Ms Gobbo are you attempting  
15:18:51 22 to deal with her in her role as a lawyer or in her role as  
15:18:55 23 a police agent?---Well there's all legal matters. We're  
15:19:02 24 talking about, you know, the likely custodial sentence, the  
15:19:07 25 indication from the OPP, the process of having to resolve  
15:19:14 26 these charges. I think at one point in time he was going  
15:19:17 27 to give, he was happy to be a witness but still wanted to  
15:19:20 28 fight his charges. These are legal matters, these are not  
15:19:24 29 come on - - -  
15:19:25 30  
15:19:25 31 This is four or five days after a meeting you've had with  
15:19:28 32 the DPP who said she's completely conflicted?---Yep.  
15:19:33 33  
15:19:34 34 And you're wanting to ring her to speak with her about  
15:19:38 35 those matters?---Well, if she's representing him and I've  
15:19:43 36 got to speak to legal representation, that's what I have to  
15:19:48 37 do.  
15:19:48 38  
15:19:49 39 It's all further complicated because you're also dealing  
15:19:53 40 with her as a victim in relation to Operation Gosford  
15:19:56 41 around this time?---Absolutely.  
15:19:57 42  
15:19:59 43 Did you speak to any of your superiors about this problem?  
15:20:04 44 Surely you were at that meeting with the DPP with Detective  
15:20:09 45 Flynn, you say in your statement you were talking, you  
15:20:13 46 informed Detective Flynn about this refusal to cooperate  
15:20:19 47 and you're wanting to speak with Ms Gobbo. What did you

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15:20:23 1 discuss with him about whether you should be contacting  
15:20:26 2 Ms Gobbo about Mr Bickley?---Well I just - I think I told  
15:20:41 3 him of the issues, the fact that I'd been told not to speak  
15:20:48 4 to her and that's, that's that. There was nothing else we  
15:20:53 5 could do.  
15:20:54 6  
15:20:54 7 All right. Ms Gobbo indicates to her handlers on 27 March  
15:21:02 8 that she'd spent a couple of hours with Mr Bickley, so it  
15:21:07 9 seems as though she's still having quite some contact with  
15:21:10 10 him at that stage. If we can go to an email chain on 28  
15:21:19 11 March 2007, VPL.6030.0200.3220. If we can scroll to the  
15:21:38 12 bottom of that. Ms Heffernan on 23 March is indicating  
15:21:58 13 that she'd left a message for Ms McAuley to call her but  
15:22:03 14 she wasn't answering and that she was going away but if  
15:22:05 15 anything came up to give her a ring?---Yes.  
15:22:08 16  
15:22:08 17 She was going away until Thursday the following week, that  
15:22:11 18 would make it until about, towards the end of March. You  
15:22:15 19 then appear to have had a conversation with her and you're  
15:22:18 20 passing on McAuley's details?---Yes.  
15:22:21 21  
15:22:22 22 If we can scroll up. This is Ms Heffernan reporting to you  
15:22:35 23 on contact she'd had on 28 March with Ms McAuley. She's  
15:22:43 24 indicating that she'll most likely brief Howard Mason and  
15:22:49 25 is aware of the conflict issues that would arise with  
15:22:53 26 Nicola Gobbo?---Yep.  
15:22:56 27  
15:23:00 28 And there's some further discussion there about what was  
15:23:05 29 going on in the case. I don't really need to take you  
15:23:08 30 through all of that?---Yep.  
15:23:09 31  
15:23:09 32 If we can continue scrolling up there. You see the  
15:23:14 33 following day there's another, there's an email from you  
15:23:20 34 back saying that all sounds good?---Yes.  
15:23:22 35  
15:23:22 36 "It's my understanding that the onus would be on Nicola  
15:23:25 37 Gobbo to excuse herself, is that correct? And if she  
15:23:28 38 doesn't, is it the case there would be very little we could  
15:23:32 39 do? The only reason I ask is that Mr Bickley has been very  
15:23:37 40 determined in wanting to use her"?---Yes.  
15:23:38 41  
15:23:41 42 What we understand from that is that you know you can  
15:23:43 43 discuss these matters with the DPP?---Yes.  
15:23:46 44  
15:23:51 45 If we go there, to Ms Heffernan's response, she says, "Hi  
15:23:57 46 Paul, all we can advise is that the DPP is of the view that  
15:24:02 47 a conflict plainly exists. When I raised that with



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15:24:06 1 Margaret she didn't dispute it. In fact it seems from her  
15:24:08 2 earlier email she's going to brief someone else"?---Yes.  
15:24:09 3  
15:24:09 4 "And if Nicola tried to act", and she doesn't think she  
15:24:14 5 would, but if she did, "She would have to seek the advice  
15:24:18 6 of the Ethics Committee of the Victorian Bar" and having  
15:24:21 7 read a number of their rulings re conflicts she is  
15:24:25 8 confident they would advise she can't act?---Yes.  
15:24:28 9  
15:24:28 10 Aside from getting the advice from the DPP it can also be  
15:24:32 11 raised with the instructing solicitor who has a choice in  
15:24:36 12 who to brief, do you accept that?---Yeah, I'm not sure that  
15:24:40 13 that would ever come from me, but from the OPP.  
15:24:43 14  
15:24:43 15 You've been told this on this occasion?---What, I've been  
15:24:47 16 told that I can speak to the instructing solicitor?  
15:24:49 17  
15:24:50 18 You know how things work. The instructing solicitor briefs  
15:24:52 19 the barrister that goes to court and on this occasion  
15:24:54 20 you've been told the instructing solicitor, the conflict  
15:24:59 21 has been raised with the instructing solicitor and she is  
15:25:02 22 going to brief someone other Nicola?---I think if you're in  
23 a similar circumstance where the police informant spoke to  
15:25:09 24 your instructing solicitor about the perceived conflict  
15:25:10 25 that you would have, I don't think you would have a great  
15:25:12 26 view of it. I think the appropriate action would be to go  
15:25:15 27 through the OPP. There's no way I'm going to dictate or  
15:25:19 28 suggest to an instructing solicitor, not in these  
15:25:22 29 circumstances, in any circumstances, who they should and  
15:25:24 30 shouldn't brief.  
15:25:24 31  
15:25:25 32 No, but there are steps that can be taken to - - - ?---The  
15:25:27 33 steps that can be taken it would appear convincingly that  
15:25:31 34 we've taken them. We've spoken to the OPP.  
15:25:33 35  
15:25:34 36 So these things can happen and you can speak with the OPP  
15:25:36 37 about these things. We can go to the OPP and we can raise  
15:25:36 38 it with the Crown instructor and we can talk about it with  
15:25:40 39 the Director of Public Prosecutions?---Yeah, and then  
15:25:43 40 ultimately it falls back to her.  
15:25:44 41  
15:25:45 42 And then they discuss it with the instructing  
15:25:49 43 solicitor?---They can.  
15:25:49 44  
15:25:50 45 And the instructing solicitor has been spoken to on this  
15:25:53 46 occasion and she seems to accept there is a conflict and,  
15:25:56 47 "I'm going to brief someone else"?---Yes. So is your

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15:25:59 1 criticism that we spoke to the OPP about a conflict?  
15:26:03 2  
15:26:03 3 I'm just asking you these questions. This is an  
15:26:05 4 appropriate way to go about - - - ?---Yep.  
15:26:08 5  
15:26:08 6 - - - dealing with a conflict?---It is.  
15:26:09 7  
15:26:10 8 And what can happen and if the conflict persists in this  
15:26:13 9 case, we can then look at the Ethics Committee because - -  
15:26:18 10 - ?---No, that's not what it says. She would have to seek  
15:26:21 11 advice.  
15:26:22 12  
15:26:22 13 Yes. And - - - ?---I think that's the whole issue with the  
15:26:27 14 whole process because it ultimately falls to the solicitor  
15:26:31 15 or the barrister or whoever it is.  
15:26:33 16  
15:26:33 17 The DPP knowing all of this can raise it with the court and  
15:26:36 18 can raise it with Ms Gobbo should she choose to appear,  
15:26:40 19 "Have you got advice from the Ethics Committee"?---I've  
15:26:44 20 never seen that happen ever. I've never seen it happen  
15:26:50 21 ever. I've been in plenty of matters where I could argue  
15:26:54 22 that there's a conflict. Never seen it.  
15:26:55 23  
15:26:56 24 Are you aware that members of Purana reported a particular  
15:26:59 25 solicitor for non-professional conduct to her - - - ?---I  
15:27:05 26 think that went - - -  
15:27:05 27  
15:27:06 28 To the Legal Services Board?---I think that went far and  
15:27:09 29 beyond just conflicts of interest to be fair.  
30  
15:27:12 31 All right. But there professional bodies - - - ?---I think  
15:27:12 32 we're talking about almost criminal conduct.  
15:27:15 33  
15:27:15 34 There are professional bodies to whom you can complain if  
15:27:19 35 you think someone is engaging in unprofessional  
15:27:24 36 conduct?---All I said was I've never seen it happen. When  
15:27:27 37 I have spoken to, you know, prosecutors about it, I think  
15:27:35 38 the only response I've ever had is, "It's a matter for  
15:27:44 39 them".  
15:27:44 40  
15:27:44 41 Yes, and you can speak to the DPP about the Ethics  
15:27:49 42 Committee?---No, I'm going to speak to the DPP about the  
15:27:51 43 Ethics Committee. I'm going to raise my concern with them  
15:27:52 44 and then ultimately what they then do with it, it's then in  
15:27:55 45 their court. To sort of paint it as, you know, the police  
15:27:58 46 have got control over all the ethics of, you know - - -  
15:28:01 47

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15:28:01 1 No, I'm not saying you've got control over it?---It's not  
15:28:04 2 accurate.  
15:28:04 3  
15:28:04 4 You have control over raising the issue?---Yeah, and which  
15:28:07 5 we did.  
15:28:08 6  
15:28:08 7 And getting advice about what we can do about the  
15:28:11 8 issue?---Yeah, which we did.  
15:28:12 9  
15:28:12 10 Which you do?---Yep.  
15:28:13 11  
15:28:14 12 And you do that on this occasion and you get told there are  
15:28:17 13 these processes that can occur now that we know this  
15:28:20 14 conflict exists?---None of them which have anything to do  
15:28:23 15 with me.  
15:28:24 16  
15:28:25 17 It starts with you raising the issue with the DPP, you'd  
15:28:29 18 agree with that?---It does, yep. And then I guess it's for  
15:28:34 19 them to raise it with the party concerned and then  
15:28:37 20 ultimately it still falls to the party concerned to address  
15:28:41 21 it themselves, which, as I said, is the whole issue with  
15:28:44 22 the whole thing.  
15:28:45 23  
15:28:45 24 You don't just keep the issue to yourself because you know  
15:28:48 25 that this can effect the fair trial that's going to proceed  
15:28:57 26 following that?---I know that that's the correct process if  
15:29:05 27 it's identified and if we raise it, yes.  
15:29:08 28  
15:29:08 29 Okay.  
15:29:09 30  
15:29:09 31 COMMISSIONER: I think we might have the afternoon break  
15:29:11 32 now if you've finished that topic.  
15:29:38 33  
15:29:38 34 (Short adjournment.)  
15:29:38 35  
15:48:01 36 MS TITTENSOR: Thanks Commissioner.  
15:48:01 37  
15:48:04 38 COMMISSIONER: Yes.  
15:48:05 39  
15:48:06 40 MS TITTENSOR: There's a couple of related emails I'll just  
15:48:08 41 quickly take you to and I'll tender those as one job lot,  
15:48:12 42 if I might. VPL.6030.0200.3929. If we just go to the top  
15:48:29 43 of that. You'll see that's the conversation that  
15:48:35 44 Ms Heffernan is reporting to you that we've been through on  
15:48:39 45 28 March 2007?---Yes.  
15:48:39 46  
15:48:41 47 And you've forwarded that on to Mr Flynn?---Yes.



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1  
15:48:45 2 And similarly you forward that on, if we go to  
15:48:52 3 VPL.6030.0200.3946, to Mr Kelly. Do you see that?---Yes.  
4  
15:49:09 5 I tender those documents, those three emails together,  
15:49:13 6 Commissioner.  
15:49:17 7  
15:49:19 8 #EXHIBIT RC739A - (Confidential) Email chain of 28/3/07  
15:49:29 9 between Ms Heffernan, Rowe, Kelly and  
15:49:35 10 Flynn.  
15:49:44 11  
15:49:45 12 #EXHIBIT RC739B - (Redacted version.)  
15:49:47 13  
15:49:47 14 Just in relation to that last one, I understand Mr Flynn  
15:49:50 15 was your supervisor?---He was.  
16  
15:49:52 17 Mr Kelly was someone on a different crew of the same rank  
15:49:56 18 as Mr Flynn?---Yes.  
19  
15:49:58 20 Can you explain why you were forwarding this to  
15:50:08 21 Mr Kelly?---Dale might have been on leave or Jason might  
15:50:13 22 have been upgraded or I think he had an investigation going  
15:50:24 23 where Mr Bickley was a potential witness I think as well.  
24  
15:50:29 25 All right?---So maybe more than one investigation.  
26  
15:50:32 27 Okay?---So I think just to make him aware of what was going  
15:50:36 28 on.  
29  
15:50:37 30 You'd had that back and forth with the Crown instructor  
15:50:40 31 about what might be done in relation to conflict Nicola  
15:50:44 32 Gobbo had?---Yes.  
33  
15:50:49 34 Was that knowledge applied in cases other than  
15:51:00 35 Mr Bickley's?---Over the break I was reflecting on that  
15:51:05 36 point. I think this action sort of is an escalation, if  
15:51:14 37 you like, in our attempts to force her hand I think. You  
15:51:21 38 know, and obviously I wasn't involved in the conversations  
15:51:25 39 but, you know, initially in relation to, you know, Posse  
15:51:29 40 there was instructions she was given, numerous discussions  
15:51:42 41 about her involvement and representation of people that  
15:51:45 42 ultimately fell down, and I think they were ongoing, and I  
15:51:50 43 think the same thing happened then in relation to  
15:51:54 44 Mr Bickley, that again it wasn't having the desired result  
15:51:57 45 and so I think, I think on reading this material this is  
15:52:03 46 then an attempt to, I guess, get her out of things  
15:52:10 47 definitively.

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1  
15:52:11 2 All right. So we've got this position as of late March in  
15:52:13 3 2007 where the desire, and you say it's not just your  
15:52:17 4 desire but it's the desire of others within Purana, is for  
15:52:21 5 Ms Gobbo not to have anything to do with these cases in  
15:52:24 6 which she was conflicted?---Yeah, well it was always the  
15:52:28 7 desire.  
8  
15:52:29 9 Right?---It just, even to this point, wasn't successful.  
10  
15:52:36 11 Right. Moving forward through matters. If we can go to  
15:52:46 12 ICR p.823. You become aware that someone by the name of  
15:53:02 13 Phillip Dunn QC represented Mr Bickley upon his  
15:53:07 14 plea?---Yes.  
15  
15:53:08 16 And Ms Gobbo starts reporting to the SDU that there's a  
15:53:17 17 request coming through for a character reference from her  
15:53:25 18 which she was clearly not wanting to do. Were you aware of  
15:53:31 19 that?---No, I didn't know about the character reference.  
20  
15:53:36 21 And you were aware though that there were efforts by  
15:53:43 22 representatives of Mr Bickley to get Ms Gobbo to give some  
15:53:47 23 evidence as to matters related to the [REDACTED] that had  
15:53:53 24 [REDACTED] Mr Bickley and [REDACTED]  
15:53:58 25 [REDACTED]---Sorry, say that again.  
26  
15:54:01 27 There were efforts by Mr Dunn to get Ms Gobbo to provide  
15:54:07 28 some evidence in relation to Mr Bickley [REDACTED]  
15:54:13 29 [REDACTED]?---No, that's not my understanding.  
30  
15:54:17 31 COMMISSIONER: If you have a look at the ICR up on the  
15:54:20 32 screen under the heading.  
33  
15:54:29 34 MS TITTENSOR: So you see that Phil Dunn accepted  
15:54:35 35 Ms Gobbo's reason for declining but Mr Bickley is also  
15:54:38 36 looking for support for the sequence of events with [REDACTED]  
15:54:42 37 [REDACTED] Mr Dunn has also requested a  
15:54:44 38 statement from Ms Gobbo for those events. She's again  
15:54:47 39 declining. She's discussed the areas to be covered in such  
15:54:51 40 a statement. These details can be adequately covered via  
15:54:59 41 police evidence but Mr Dunn was threatening to put pressure  
15:55:01 42 on Ms Gobbo by issuing a subpoena. Do you recall those  
15:55:04 43 issues?---Not in those terms. The way it was relayed to me  
15:55:11 44 was, as opposed to it being about [REDACTED],  
15:55:18 45 it was about the reasoning for his initial reluctance or  
15:55:25 46 delay in cooperating and he wanted Ms Gobbo to provide the  
15:55:38 47 context around that with respect to Solicitor 2 and her

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15:55:44 1 involvement in pressuring Mr Bickley to, I guess, protect  
15:55:56 2 other people.  
3  
15:55:57 4 And that was in relation to protecting her other client,  
15:56:01 5 Tony Mokbel?---Yeah, so - - -  
6  
15:56:05 7 And you talk about that in paragraph 111 of your  
15:56:07 8 statement?---Yeah, so Mr Dunn wanted Ms Gobbo to give  
15:56:13 9 evidence on Mr Bickley's behalf about the fact that  
15:56:17 10 Solicitor 2 would generally, and did specifically in these  
15:56:22 11 circumstances, pressure Mr Bickley not to assist the police  
15:56:29 12 to protect Tony Mokbel, if that makes sense.  
13  
15:56:32 14 Yes. If we scroll up in relation to that matter. I might  
15:56:47 15 not have it on the right line. Ms Gobbo in those  
15:56:50 16 circumstances could - because she had been representing  
15:56:53 17 Tony Mokbel, could just very easily have said, "I can't,  
15:56:58 18 I'm conflicted in that matter. I'm not giving any such  
15:57:01 19 evidence. I represent Tony Mokbel"?---I guess she could  
15:57:08 20 have, yeah. She could have done that at any time.  
21  
15:57:12 22 Is it the case that ultimately you indicated that you could  
15:57:17 23 give the evidence or accept Mr Dunn's submissions in  
15:57:20 24 relation to the particular matters from the Bar  
15:57:25 25 table?---Yes. Well I was aware of those circumstances and  
15:57:29 26 so I was happy to accept that.  
27  
15:57:32 28 And Ms Gobbo indicated she'd draft an email to Mr Dunn  
15:57:36 29 indicating your willingness to assist but would run that  
15:57:40 30 past you?---Yes.  
31  
15:57:41 32 If we can look at this email, VPL.6030.0200.5410. On 5  
15:58:01 33 May, you see that there, there's an email from Ms Gobbo to  
15:58:04 34 yourself with the subject being Mr Bickley's first  
15:58:08 35 name?---Yes  
15:58:12 36 "Dear Paul, please find attached notes re Mr Bickley which  
15:58:21 37 I propose to send to his counsel with the confirmation that  
38 you would not be in a position to dispute these matters  
39 were he to say them as part of his plea. I hope this will  
15:58:24 40 result in me not being subpoenaed. Can you please let me  
15:58:25 41 know what you think as soon as you can". If we can then go  
15:58:30 42 to VPL.6030.0200.5411, which we have on the screen now.  
15:58:40 43 There's that attachment, do you see that?---Yes.  
44  
15:58:44 45 That goes through various matters about Mr Bickley's arrest  
15:58:49 46 and remand in August of 2005?---Yes.  
47



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15:58:56 1 And then continues on?---Yes.  
2  
15:59:05 3 If we can keep on scrolling. Then it goes on to matters  
15:59:09 4 post bail; is that right?---Yes.  
5  
15:59:17 6 It doesn't indicate anything about Ms Gobbo's involvement  
15:59:22 7 with the police at all?---No.  
8  
15:59:25 9 In terms of her being conflicted in that manner?---No.  
10  
15:59:37 11 And certainly there's nothing in there about Ms Gobbo's  
15:59:41 12 involvement with the police in an operation which was  
15:59:50 13 designed to bring about the arrest of Mr Bickley [REDACTED]  
15:59:54 14 [REDACTED] subsequently, certainly nothing  
16:00:00 15 like that in this document, nothing like that was proposed  
16:00:04 16 to be told to the court?---Sorry, what was the phrase you  
16:00:07 17 used? Involved in a - - -  
18  
16:00:12 19 Her involvement in matters with the police, I'm just trying  
16:00:18 20 to read what I've said. Her involvement with the police in  
16:00:21 21 an operation which was designed to bring about the arrest  
16:00:24 22 of Mr Bickley so that [REDACTED]  
16:00:27 23 [REDACTED]?---Well, I mean we can spend an hour picking that  
16:00:34 24 apart but ultimately there was nothing mentioned in there  
16:00:39 25 about any of her involvement with police.  
26  
16:00:42 27 No. If we then go to VPL.6030.0200.5235. You see that  
16:01:05 28 you've responded on 7 May to Ms Gobbo, "Nicola, I've read  
16:01:11 29 the attached document. Agree with everything. One thing  
16:01:14 30 of note is that you refer in depth to conversation you  
16:01:17 31 personally with Mr Bickley which in my opinion may  
16:01:20 32 encourage Mr Dunn to proceed with the subpoena, i.e. you  
16:01:25 33 are the only person that could give this evidence. In any  
16:01:27 34 event I'd be more than happy for Mr Dunn to run this line  
16:01:33 35 as part of the plea. I would have no objections and in  
16:01:36 36 fact support this version of events"?---Yes.  
16:01:38 37  
16:01:39 38 "Let me know if you need anything else". She then responds  
16:01:43 39 to you, "Thanks, I'll play with the document and send it to  
16:01:46 40 him". Do you know what version of that document ultimately  
16:01:49 41 went to Mr Dunn?---No. I mean I assume that it's a  
16:01:56 42 reference into her conversation with Mr Bickley and my  
16:02:01 43 feedback, but I don't believe I ever saw it again.  
44  
16:02:07 45 Just slightly concerning that you've seen a document that  
16:02:11 46 you're potentially going to agree with it and she's going  
16:02:16 47 to send it on and say to Mr Dunn you agree with this line,

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16:02:20 1 but she's going to amend the document and send it on to  
16:02:23 2 Mr Dunn after you've agreed to it. Do you know if you saw  
16:02:27 3 any subsequent document or not?---I don't believe I did but  
16:02:33 4 when I'm saying "to run this line" I mean in the general  
16:02:35 5 sense of the delay and Solicitor 2's involvement. She's  
16:02:41 6 sending it to me, so I guess so, I accept the circumstances  
16:02:47 7 I would be willing to concede. Ultimately until I'm asked  
16:02:53 8 in the box it's of little consequence.  
9  
16:02:55 10 Did you ultimately give evidence on the plea?---Yes.  
11  
16:02:58 12 I tender those three documents, Commissioner, the email and  
16:03:03 13 attachment and the responding email.  
16:03:06 14  
16:03:07 15 #EXHIBIT RC740A - (Confidential) Email chain and attachment  
16:03:14 16 5/5/07 to 7/5/07.  
16:03:22 17  
16:03:22 18 #EXHIBIT RC740B - (Redacted version.)  
19  
16:03:33 20 We've earlier been through documents which indicate you had  
16:03:37 21 some specific sentencing instructions in relation to  
16:03:39 22 Mr Bickley?---Yes.  
23  
16:03:39 24 Ultimately he received a [REDACTED] sentence?---Yes.  
25  
16:03:43 26 Was there any change to sentencing instructions?---No. I  
16:03:49 27 think it was a surprise to everyone.  
28  
16:03:59 29 The plea hearing in relation to Mr Bickley occurred on 9  
16:04:02 30 May 2007, I think you say that in paragraph 112 of your  
16:04:07 31 statement?---Yes.  
32  
16:04:09 33 If we can go to VPL.6030.0200.5272. Do you see there it's  
16:04:23 34 an email of the following day, the subsequent day, 10 May  
16:04:28 35 2007 with a message to you to ring Ms Gobbo?---Yes.  
36  
16:04:35 37 Do you know what that was about?---No. Just let me check  
16:04:40 38 my diary. No. I assume I called her back. I may not  
16:05:00 39 have.  
40  
16:05:02 41 Do you think it related to Mr Bickley?---I don't know. I  
16:05:16 42 don't know.  
43  
16:05:16 44 All right. Ms Gobbo's contact with Mr Bickley you're aware  
16:05:23 45 continued following that time?---Yes. Yes. I think  
16:05:30 46 sporadically.  
47



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16:05:32 1 One of the people against whom Mr Bickley had made a  
16:05:36 2 statement was Tony Mokbel?---Yes.  
3  
16:05:42 4 So Mr Bickley's sentencing, as we see, or plea hearing at  
16:05:46 5 least, was 9 May 2007?---Yes.  
6  
16:05:49 7 About a month later, or less than a month later on 5 June  
16:05:52 8 2007 Tony Mokbel was arrested in Greece?---Yes.  
9  
16:05:56 10 There were then the arrests of other co-accused or other  
16:06:01 11 people [REDACTED]?---Yes.  
12  
16:06:04 13 Mr Radi and Farachi?---Yes.  
14  
16:06:10 15 It became clear at that point in time that Mr Bickley was  
16:06:13 16 certainly going to be called to live up to his undertaking  
16:06:16 17 to give evidence?---Yes.  
18  
16:06:22 19 Are you aware of whether Ms Gobbo had any concerns in  
16:06:26 20 relation to Mr Bickley revealing her involvement in  
16:06:31 21 providing advice to him during subsequent proceedings?---I  
16:06:37 22 think she had a general concern about her involvement with  
16:06:42 23 him, yes.  
24  
16:06:47 25 That concern extended to the point of people shouldn't be  
16:06:52 26 told that she was the one providing him with legal  
16:06:57 27 advice?---I'm not sure to what extent. I suspect it would  
16:07:09 28 include that.  
29  
16:07:10 30 Did it occur to you that Ms Gobbo might act inappropriately  
16:07:13 31 to avoid that occurring?---I don't know whether it did.  
16:07:30 32 Would it surprise me if she did? No. But I don't know.  
33  
16:07:34 34 If I can take you to paragraph 113 of your statement. You  
16:07:39 35 say, "Later that year on 1 November 2007 I spoke to  
16:07:43 36 Mr Bickley after Ms Gobbo had passed on certain information  
16:07:46 37 to him. This conversation is recorded in my diary"?---Yes.  
38  
16:07:55 39 If we go to your diary for that date, 1 November 2007 at  
16:08:06 40 6.30 pm?---Yes.  
41  
16:08:12 42 You speak to Mr Bickley re Operation Quills?---Yes.  
43  
16:08:18 44 He stated that he'd spoken to barrister Nicola  
16:08:22 45 Gobbo?---Yes.  
46  
16:08:22 47 And had been told there was a contract out on his



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16:08:24 1 life?---Yes.  
2  
16:08:25 3 "Was very concerned that he'd not been told by  
16:08:28 4 investigators and that he was now certain that Tony Mokbel  
16:08:31 5 was aware he was giving evidence"?---Yep.  
6  
16:08:36 7 You advised Mr Bickley that you were not aware of any such  
16:08:40 8 contract and you'd make some inquiries?---Yes.  
9  
16:08:44 10 You advised him of previous conversations surrounding  
16:08:47 11 Mr Mokbel's extradition and service of the hand-up brief,  
16:08:51 12 making it clear that he had provided evidence?---Yes.  
13  
16:08:54 14 And you stated you'd call him back as soon as you  
16:08:57 15 could?---Yes.  
16  
16:08:59 17 Ten minutes later at 18:40 you speak to Mr Flynn and ask  
16:09:04 18 him - it's either you asking Mr Flynn or Mr Flynn asking  
16:09:12 19 you to ring the SDU in relation to those concerns?---I  
16:09:16 20 think Dale Flynn was going to ring.  
21  
16:09:20 22 Okay. You're going to ring the SDU in relation to concerns  
16:09:25 23 with Ms Gobbo, and it says "human source 3838"?---I think  
16:09:30 24 Dale Flynn was going to ring.  
25  
16:09:33 26 Yes, but it's recorded there as "concerns with human source  
16:09:37 27 3838"?---As in discuss the above concerns of Mr Bickley  
16:09:44 28 that allegedly had come from Ms Gobbo and we wanted to  
16:09:48 29 confirm with her the veracity, substance of what he was  
16:09:57 30 saying.  
31  
16:09:57 32 If someone had your diary there, I just make this point to  
16:10:01 33 you, at 18:30 you're recording a conversation which  
16:10:04 34 involves speaking to barrister Nicola Gobbo?---Yes.  
35  
16:10:07 36 At 18:40, when you're following up those same concerns,  
16:10:11 37 it's recorded in your diary as, "We're going to follow up  
16:10:15 38 those concerns relating to human source 3838"?---Yes.  
39  
16:10:20 40 Ultimately if your diary was called upon no doubt you would  
16:10:24 41 have - - - ?---Panicked.  
42  
16:10:28 43 Redacted that second entry. In one entry she's referred to  
16:10:32 44 as a barrister, in the next entry she's referred to as  
16:10:35 45 human source 3838?---Yes, and, you know, it's probably, you  
16:10:42 46 know, my stuff up but probably also indicative of the  
16:10:49 47 complications.

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1  
16:10:50 2 Well it's the complications because it involves also  
16:10:52 3 ringing the Source Development Unit?---No, that's not what  
16:10:58 4 I mean. I just mean, you know, she's present in different  
16:11:03 5 scenarios and, you know, wearing different hats, if you  
16:11:13 6 like and, you know - you know, I don't know, it's a  
16:11:17 7 mistake.  
8  
16:11:17 9 Well we've got Mr Bickley reporting that he'd spoken to  
16:11:23 10 barrister Nicola Gobbo who said "there's a contract out on  
16:11:27 11 your life" and "we're going to follow this up by ringing  
16:11:30 12 the Source Development Unit so that they can speak to their  
16:11:34 13 source". So it's difficult to establish are we following  
16:11:39 14 this up as speaking to the barrister Nicola Gobbo that had  
16:11:44 15 reported the threat on Mr Bickley's life or are we  
16:11:49 16 following this up as speaking to a source who had been  
16:11:53 17 motivated to avoid Mr Bickley giving evidence? I know  
16:11:59 18 that's a very convoluted question because it's a very  
16:12:04 19 convoluted scenario?---The thought never crossed my mind  
16:12:11 20 that she's somehow trying to prevent him from giving  
16:12:16 21 evidence. I'll start with that. Secondly, you know, as we  
16:12:21 22 all know things lose their accuracy as they're told and  
16:12:29 23 clearly she's being - she's telling Mr Bickley what she has  
16:12:34 24 heard, if you accept that on face value, which as I just  
16:12:38 25 said I did, and then - yeah, she's hearing it from someone,  
16:12:44 26 relaying it to him, he's relaying it to me, and all I want  
16:12:48 27 to do is check that he had it - or she had it correct in  
16:12:52 28 the first instance, which ultimately she didn't.  
29  
16:12:55 30 She says - - - ?---Or the way he purported that she relayed  
16:12:59 31 it was not accurate. So it was simply a matter of just  
16:13:02 32 checking the original source of the information to see -  
16:13:07 33 because ultimately we would take action in relation to his  
16:13:10 34 safety and address whatever the issue was. The first thing  
16:13:12 35 you have to do is make sure it's actually based on, you know,  
16:13:16 36 accurate information.  
37  
16:13:17 38 All right. Yet you, following that, get a call back from  
16:13:21 39 Detective Flynn and he says, well that's just - it was a  
16:13:27 40 misunderstanding by Mr Bickley as to what Ms Gobbo conveyed  
16:13:31 41 to him?---Yes.  
42  
16:13:32 43 He had misunderstood something that she'd said as conveying  
16:13:37 44 to him that there's a contract out on his life?---Yes.  
45  
16:13:42 46 Did you ever speak to Ms Gobbo about how that might have  
16:13:46 47 come about, that he misunderstood that there was a contract

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16:13:50 1 out on his life based upon what she'd said?---I don't  
16:13:55 2 believe I did but I mean clearly members of the SDU did.  
3  
16:14:07 4 You then report on to Mr Bickley, do you?---Yes.  
5  
16:14:12 6 It's all a misunderstanding?---Yes, whatever - - -  
7  
16:14:17 8 What was his reaction?---I think he accepted that. I think  
16:14:24 9 the initial phone call, he was quite concerned, and then  
16:14:29 10 subsequent to that less so, I guess. I don't think we, you  
16:14:35 11 know, took any action. You know, he was challenging to  
16:14:41 12 deal with in relation to his own safety and steps and  
16:14:43 13 measures that he should take.  
14  
16:14:50 15 All right?---We didn't do anything so we were obviously  
16:14:52 16 satisfied that it was a misunderstanding.  
17  
16:14:54 18 Yes. Now following that he was due to give evidence at a  
16:15:00 19 committal hearing?---Yes.  
20  
16:15:01 21 That was a committal hearing in relation to Mr Radi?---Yes.  
22  
16:15:04 23 If we can have a look at some ICRs starting on 19 January  
16:15:08 24 2008, it's the 3838 ICRs p.1580. Do you see the date is 19  
16:15:42 25 January 2008?---Yes.  
26  
16:15:43 27 We have the time of 15:17?---Yes.  
28  
16:15:45 29 And then the second paragraph. Ms Gobbo is asking if  
16:15:49 30 Radi's committal is this week, she thinks someone should  
16:15:53 31 say something to Mr Bickley about when in court he doesn't  
16:15:56 32 have to mention her name. She says she hasn't seen  
16:16:00 33 him?---Yes.  
34  
16:16:01 35 If we then scroll to p.1582. This is now 20 January 2008,  
16:16:19 36 you see there's an underlined Radi court case?---Yes.  
37  
16:16:25 38 Radi's matter is listed on the Magistrates' Court Internet  
16:16:29 39 site. Stephen Shirrefs is just back from overseas. He  
16:16:34 40 will give Mr Bickley a hard time in the witness box.  
16:16:37 41 Ms Gobbo is inquiring if the defence have subpoenaed  
16:16:40 42 Mr Bickley's interview tape because of reference to talking  
16:16:41 43 to her in that?---Yes.  
44  
16:16:44 45 Later there's a phone call with you at 19:45 in relation to  
16:16:49 46 Ms Gobbo and it records that you're well aware of the  
16:16:54 47 Bickley issues and you've already spoken to him and will



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16:17:00 1 reiterate PII?---M'mm.  
2  
16:17:02 3 The interview of Mr Bickley is not yet being subpoenaed.  
16:17:06 4 They've subpoenaed his psych. records and this might slow  
16:17:10 5 things up and it's booked in for five days?---Yes.  
6  
16:17:13 7 Ms Gobbo is then advised what you'd said. So it's apparent  
16:17:18 8 from that that you're aware that there are concerns in  
16:17:22 9 relation to the Bickley issues, which I take it to be the  
16:17:27 10 mentioning of Ms Gobbo's name, and you've spoken to  
16:17:34 11 Mr Bickley about PII?---Yeah, which - firstly, yes, I was  
16:17:42 12 aware of all the issues surrounding him, you know, and her  
16:17:46 13 involvement from day one right through to this point in  
16:17:50 14 time. Firstly, I don't know how you would ever speak to a  
16:17:54 15 witness about PII, a civilian witness, but not in a million  
16:18:00 16 years would I speak to him about, you know, not mentioning  
16:18:06 17 her for, you know, a million different reasons. So while I  
16:18:13 18 acknowledge it's recorded there, I suspect - well there's  
16:18:20 19 probably a couple of explanations as to why it is.  
20  
16:18:22 21 Might you have spoken to him about claiming LPP?---No.  
22  
16:18:28 23 You wouldn't have spoken to any witness about claiming PII  
16:18:31 24 or LPP?---Never spoken to any witness, civilian witness  
16:18:36 25 about that. Not ever. I certainly wouldn't be speaking to  
16:18:42 26 one witness about the role of another one, you know, in  
16:18:49 27 these circumstances.  
28  
16:18:52 29 This would be about potentially - well, Mr Bickley didn't  
16:18:56 30 know certainly that Ms Gobbo was a human source so he's not  
16:19:00 31 going to give that up. The concern is that her role in  
16:19:06 32 advising him, providing him with legal advice is going to  
16:19:09 33 be given up, that's the concern?---Well I think the concern  
16:19:11 34 is - well, as far as I'm concerned the concern is the whole  
16:19:18 35 interaction from August 2005. Part of that is her  
16:19:23 36 representation of him. But as I said earlier, I mean  
16:19:27 37 firstly I'm not going to ever square a witness away, "Don't  
16:19:34 38 say this, do say that", like it's crazy. Because  
16:19:37 39 ultimately the material - the answer to the question is  
16:19:39 40 potentially recorded somewhere else anyway, but he's going  
16:19:42 41 to get asked in the witness box potentially what I've said  
16:19:44 42 to him and so then I'm relying on him to not put me in it,  
16:19:52 43 effectively. I just would never do it but the extension of  
16:19:56 44 that is, again, if you say to someone, "You can't mention  
16:20:03 45 her in her legal capacity", the question then becomes,  
16:20:08 46 "Why?" And just not in a million years would I ever do it.  
47

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16:20:14 1 All right. If we can scroll to 1583, please. This is 21  
16:20:24 2 January 2008. We might need to continue scrolling up. See  
16:20:31 3 down there it says "Radi committal". Ms Gobbo's asking in  
16:20:36 4 relation to the result of the committal because of another  
16:20:40 5 solicitor wanting to see her and she's noting that Radi  
16:20:47 6 will apply for bail at the end of the committal. There's a  
16:20:50 7 note there then at 17:50 that the SDU will ring you in  
16:20:55 8 relation to that committal?---Yes.  
9  
16:20:56 10 Do you recall having communication with the SDU during the  
16:20:59 11 course of the committal?---Yes.  
12  
16:21:02 13 The SDU ring you for a report?---Yes.  
14  
16:21:06 15 You told them that the defence were trying to ascertain who  
16:21:13 16 Radi - I think that should be Mr Bickley had obtained legal  
16:21:22 17 advice from at the pertinent time re his arrest in June of  
16:21:27 18 2006. It says there that Mr Bickley had replied with Theo  
16:21:34 19 Magazis?---Yes.  
20  
16:21:37 21 You report that he was asked re 2005 in relation to his  
16:21:41 22 plea and he had replied Margaret McAuley. "And when paused  
16:21:47 23 today for legal advice asked who he had spoken to and he  
16:21:49 24 said Phil Dunn QC"?---Yes.  
25  
16:21:54 26 You knew that that wasn't the entire truth?---I'm not sure  
16:22:02 27 that I'd put it like that. That was his reply. That was  
16:22:07 28 his answer. That's all I'm saying to them.  
29  
16:22:09 30 He's being asked who gets for legal advice at the time of  
16:22:12 31 his arrest in 2006. You knew very well that that was  
16:22:16 32 Ms Gobbo?---I'm not sure that I necessarily turned my mind  
16:22:22 33 to it specifically at that point in time.  
34  
16:22:24 35 You knew why the SDU were asking you these questions,  
16:22:27 36 they're concerned about Ms Gobbo's name being brought up in  
16:22:31 37 that very context?---Well they were concerned about her  
16:22:35 38 name. I think the words that they used were "her name  
16:22:40 39 coming up" in the committal. That's what they were  
16:22:44 40 concerned with.  
41  
16:22:46 42 They were concerned about it being revealed that Ms Gobbo  
16:22:49 43 was yet again giving someone legal advice and they'd gone  
16:22:52 44 on to become a Crown witness. Those are the very questions  
16:22:55 45 that were being asked, "Who were you getting legal advice  
16:22:58 46 from specifically at the time of your arrest in June 2006?"  
16:23:02 47 You knew very well because you were involved contacting

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16:23:05 1 Ms Gobbo at the time of his arrest?---As I said, all I'm  
16:23:12 2 doing here is relaying what he answered, what he said in  
16:23:16 3 terms of who he spoke to, that's his answering the  
16:23:21 4 questions.  
5  
16:23:21 6 You know that that witness is not giving full answers to  
16:23:26 7 the court?---How do I know that?  
8  
16:23:28 9 Well you knew. You knew at the time - - - ?---I can't get  
16:23:31 10 inside his head.  
11  
16:23:32 12 You knew the answer to that question is not the whole  
16:23:37 13 truth. He didn't give the whole truth, did he?---No, I  
16:23:42 14 dispute that. He's answering - again, I can't get inside  
16:23:45 15 his head. I don't know what you want me to say.  
16  
16:23:48 17 If he's asked the question, "At the pertinent time re your  
16:23:54 18 arrest in June 2006 who'd you get legal advice from?" and  
16:24:00 19 he replies, "Theo Magazis", it's a lie?---Well it's not.  
16:24:06 20 It's not if he thinks that. Theo Magazis was his solicitor  
16:24:12 21 from August/September 2005 all the way through.  
22  
16:24:18 23 It's certainly not the whole truth, is it?---But if that's  
16:24:21 24 his memory of it then it's - it's not a lie.  
25  
16:24:26 26 You knew what the defence were trying to get out, you knew  
16:24:29 27 that the defence were trying to ascertain who provided this  
16:24:33 28 person with legal advice?---Yes, and he's answering them.  
29  
16:24:39 30 And he's given three different names?---Yes.  
31  
16:24:41 32 None of whom are Nicola Gobbo?---I know, but all of who  
16:24:45 33 represented him.  
34  
16:24:46 35 And none of whom were police agents?---No, they're not  
16:24:49 36 police agents but all of them represented him. He had a  
16:24:52 37 revolving door of legal representation. You know, that's  
16:24:58 38 probably a question for him as to whether he's lying or  
16:25:01 39 not. I don't look at that and go, "He's lying". There was  
16:25:05 40 a myriad of people that represented him throughout this  
16:25:08 41 time.  
42  
16:25:12 43 If we can go to ICRs for 2958 p.2, please. This is 24  
16:25:33 44 January 2008. You were asked for another report. You see  
16:25:39 45 there at 17:50 - - - ?---Yes.  
46  
16:25:42 47 - - - you receive a call from the SDU and as it turns out



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16:25:49 1 that you were also asked questions about Ms Gobbo's legal  
16:25:52 2 advice?---Yes.  
3  
16:25:53 4 And you answer it in general terms that a number of  
16:25:58 5 solicitors were involved and then the defence didn't probe  
16:26:01 6 any further?---Yes.  
7  
16:26:02 8 You didn't mention barristers?---No. Well I use that as a  
16:26:08 9 generic term. I think you can - - -  
10  
16:26:12 11 You knew that the defence would be particularly interested  
16:26:14 12 if they had any idea of Ms Gobbo's involvement?---I don't  
16:26:22 13 know how I can answer that.  
14  
16:26:24 15 You knew certainly they would be very interested if they  
16:26:28 16 knew that she was involved as a police agent?---Yes.  
17  
16:26:30 18 And you didn't tell them that?---I would never tell them  
16:26:33 19 that.  
20  
16:26:34 21 You didn't tell that to the court and claim PII on  
16:26:38 22 it?---No, I didn't.  
23  
16:26:41 24 If we can go to p.17, please. This is 30 January 2008.  
16:26:55 25 There's a reference there to Mr Bickley at Radi's trial.  
16:27:00 26 We're talking about - it says, "Known issue. Covered  
16:27:09 27 reasonably well at committal but unlikely to plead guilty  
16:27:12 28 so will come up again" and that you're aware of the same.  
16:27:16 29 Now is that in relation to Ms Gobbo's identity coming up  
16:27:19 30 again at the trial?---Is that a conversation with me?  
31  
16:27:25 32 Perhaps if we can just scroll up. The other way, sorry.  
16:27:35 33 It may or may not have involved some communication with you  
16:27:39 34 but there seems to be a - - - ?---I think it's under the  
16:27:45 35 heading "Major incidents on the horizon" for the Herald  
16:27:57 36 Sun", so I think that's the SDU making a summary.  
37  
16:28:00 38 It's an SDU summary but - no, it's major incidents on the  
16:28:02 39 horizon for the human source?---It might be.  
40  
16:28:04 41 It might be. But it indicates at the end of that that the  
16:28:07 42 issue will come up again and you're aware of it, and the  
16:28:13 43 issue, I suggest, is Ms Gobbo's identification as  
16:28:15 44 Mr Bickley's legal advisor?---Well, yes, I think that's  
16:28:21 45 part of it. You know, there was wider issues around her  
16:28:25 46 and him.  
47

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16:28:27 1 Was there any advice taken about the withholding of  
16:28:30 2 Ms Gobbo's identity as a legal advisor taken?---Not that  
16:28:35 3 I'm aware.  
4  
16:28:46 5 In late May 2007, at paragraph 159 of your statement, you  
16:28:51 6 refer to Purana making urgent preparations in relation to  
16:28:55 7 the arrest of Mr Mokbel in Greece?---Yes.  
8  
16:28:59 9 And then material was being gathered because of tight  
16:29:02 10 deadlines in extradition proceedings?---Yes.  
11  
16:29:06 12 It was the case that Mr Mokbel might not have been able to  
16:29:11 13 be dealt with for charges that he wasn't extradited  
16:29:19 14 for?---Yes.  
15  
16:29:19 16 Purana were having trouble getting material from the AFP in  
16:29:23 17 relation to some of their outstanding proceedings?---Yes.  
18  
16:29:25 19 Mr Mokbel was ultimately arrested on 5 June 2007?---Yes.  
20  
16:29:30 21 And by 19 June 2007 you still didn't have the information  
16:29:35 22 on the outstanding charges from the AFP?---I believe so,  
16:29:38 23 yes.  
24  
16:29:39 25 You were aware that Ms Gobbo had a copy of the  
16:29:43 26 brief?---Yes.  
27  
16:29:43 28 In relation to those outstanding charges?---Yes.  
29  
16:29:46 30 And she had that copy of the brief because she represented  
16:29:49 31 Mr Mokbel?---Yes. I think I made the inquiry, I don't  
16:29:53 32 think I was aware she had it but I think I assumed she had  
16:29:56 33 it.  
34  
16:29:57 35 Yes, and you would have assumed because at the time that  
16:30:01 36 he'd fled the jurisdiction she had been representing  
16:30:06 37 him?---Yes.  
38  
16:30:07 39 And he had been arrested by the AFP in relation to matters  
16:30:13 40 associated with Operation Quills?---Yes.  
41  
16:30:16 42 And Ms Gobbo had appeared for him initially on those  
16:30:20 43 matters?---I know that there was - - -  
44  
16:30:24 45 Back in about October of 2005?---I don't know.  
46  
16:30:28 47 When you got the copy of Tony Mokbel's brief from Ms Gobbo

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16:30:34 1 were you dealing with her as a lawyer or as a police  
16:30:37 2 agent?---As his lawyer.  
3  
16:30:42 4 Yes?---Yes.  
5  
16:30:44 6 You were dealing with her as his lawyer obtaining his brief  
16:30:47 7 of evidence; is that right?---I was dealing with her as a  
16:30:49 8 lawyer who has a copy of the brief of evidence, yes.  
9  
16:30:52 10 Do you know whether she spoke to him to get privilege  
16:30:56 11 waived in order for that to occur?---Well I don't think the  
16:30:59 12 copy of the brief would be privileged. It's provided by  
16:31:02 13 the prosecution. She hadn't even looked at it from my  
16:31:05 14 memory.  
15  
16:31:07 16 Did you seek any advice in relation to that?---Well I spoke  
16:31:10 17 to Jim O'Brien.  
18  
16:31:14 19 Did you speak to anyone else?---No.  
20  
16:31:17 21 You sought permission from Mr O'Brien to obtain the brief  
16:31:20 22 in that way?---Yes.  
23  
16:31:22 24 You got the brief on 22 June and returned it on 18 July, is  
16:31:36 25 that right? I can take you to some emails that - - -  
16:31:39 26 ?---Yes.  
27  
16:31:40 28 If need be in relation to you arranging to return the  
16:31:43 29 brief?---Yes.  
30  
16:31:47 31 What form was the brief in? Was it a paper brief or was it  
16:31:52 32 an electronic brief?---No, it was a hard copy.  
33  
16:31:57 34 There's a conversation a number of years later that  
16:32:00 35 Ms Gobbo has with Mr Buick on 4 September 2011 where she's  
16:32:09 36 complaining about some matters that had been handed over to  
16:32:12 37 the defence in the Petra committal and that included things  
16:32:17 38 that had been provided to her by the police and one of  
16:32:21 39 those things was a laptop. There's a reference in that  
16:32:24 40 conversation to her having been provided with a laptop by  
16:32:28 41 Purana and her concern that if she's in the witness box  
16:32:34 42 getting cross-examined about these matters and she's asked  
16:32:37 43 about the computer, if she told the truth the answer would  
16:32:39 44 be that the laptop was for her to illegally,  
16:32:42 45 inappropriately and unlawfully hand over a hand-up brief  
16:32:47 46 that they copied and shouldn't have had access to. Now do  
16:32:50 47 you have any idea what that's about?---It's not about



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16:32:54 1 Quills. I just - - -  
2  
16:32:57 3 COMMISSIONER: If you've - sorry?---I went and picked up  
16:33:01 4 the hard copy and I think I photocopied it and then  
16:33:06 5 returned it.  
16:33:09 6  
16:33:10 7 MS TITTENSOR: Did you get it directly from Ms Gobbo or  
16:33:12 8 through the SDU or do you know if arrangements were made  
16:33:16 9 through the SDU?---I don't know. I got it directly from  
16:33:19 10 her because I went and picked it up from her chambers. I  
16:33:22 11 don't know whether she handed it to me or she left it for  
16:33:25 12 me.  
13  
16:33:31 14 COMMISSIONER: Have you finished that topic?  
16:33:32 15  
16:33:33 16 MS TITTENSOR: Yes, Commissioner.  
17  
16:33:35 18 COMMISSIONER: It's time to adjourn. Before we do, I think  
16:33:38 19 it's prudent to make the following order under the  
16:33:40 20 Inquiries Act. Subject to any further order there is to be  
16:33:44 21 no publication of any material, statements, information or  
16:33:46 22 evidence given, made or referred to before the Commission  
16:33:49 23 which could identify or tend to identify the real identity  
16:33:54 24 of a person using the [REDACTED] or his  
16:33:57 25 whereabouts.  
26  
16:33:59 26  
16:34:01 27 We're resuming on Monday at 9.30 with Mr Bickley  
16:34:05 28 giving evidence I understand, is that correct?  
29  
16:34:09 30 MR WINNEKE: Yes, Commissioner, I believe so.  
31  
16:34:11 32 COMMISSIONER: Yes, and it's expected his evidence will  
16:34:14 33 take about two hours?  
16:34:16 34  
16:34:16 35 MS TITTENSOR: I think so.  
36  
16:34:17 37 COMMISSIONER: We have to interpose him, I'm afraid.  
16:34:21 38 Mr Rowe, we won't need you before say 12 o'clock on Monday  
16:34:27 39 next. All right then.  
16:34:30 40  
16:34:31 41 MS TITTENSOR: Thanks Commissioner.  
42  
16:34:32 43 COMMISSIONER: We'll adjourn.  
16:35:01 44  
16:35:01 45 <(THE WITNESS WITHDREW)  
16:35:02 46  
16:35:05 47 ADJOURNED UNTIL MONDAY 18 NOVEMBER 2019