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12:44:44 1 PROCEEDINGS IN CAMERA:

12:44:44 2  
12:44:44 3 MR WINNEKE: Thanks, Commissioner. [REDACTED] you know who  
12:44:50 4 [REDACTED] is?---Yes.

12:44:51 5  
12:44:52 6 Came to your attention fairly early on in the scheme of  
12:44:55 7 things?---Yes, my third day at the MDID.

12:44:58 8  
12:44:59 9 Third day?---Yes.

12:44:59 10  
12:44:59 11 You were involved in the arrest I think of [REDACTED]  
12:45:03 12 arising out of [REDACTED] at [REDACTED] in [REDACTED] I  
12:45:08 13 think that's right, isn't it?---That's correct, yes.

12:45:10 14  
12:45:10 15 [REDACTED] was arrested and that subsequently, that was the  
12:45:15 16 culmination of Operation [REDACTED] is that right?---It was  
12:45:18 17 a reactive investigation. [REDACTED] was the reactive  
12:45:23 18 investigation, yes.

12:45:24 19  
12:45:24 20 Reaction to [REDACTED] and to the [REDACTED], is  
12:45:27 21 that right?---Correct, yes.

12:45:29 22  
12:45:32 23 Do you recall who was involved in that particular operation  
12:45:36 24 or those arrests, aside from [REDACTED]---At the time no  
12:45:47 25 one else was arrested.

12:45:48 26  
12:45:48 27 Subsequently I think [REDACTED] was charged, is that  
12:45:51 28 right?---Yes.

12:45:52 29  
12:45:54 30 Anyone else?---I think [REDACTED] was charged when [REDACTED]  
12:46:01 31 was charged, much, much - many years later.

12:46:03 32  
12:46:04 33 Yes. On the basis of the evidence of [REDACTED] as you  
12:46:09 34 understand it?---Correct, yes.

12:46:11 35  
12:46:12 36 And [REDACTED] was bailed, I think he was held in custody  
12:46:15 37 overnight and he was bailed the next day I think, wasn't  
12:46:18 38 he?---It was either the next day or very close to.

12:46:21 39  
12:46:21 40 Or very closely thereafter. And that enabled him then to,  
12:46:26 41 it appears, continue engaging in [REDACTED] activities.  
12:46:33 42 So it was alleged, I take it, is that right?---Yes.

12:46:37 43  
12:46:38 44 There was an operation which commenced in June of 2002,  
12:46:43 45 Operation [REDACTED], and it became apparent pretty quickly  
12:46:48 46 that [REDACTED] was involved in that as well?---Yes, it was  
12:46:51 47 linked to the [REDACTED] investigation right from the very

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12:46:54 1 start.  
12:46:54 2  
12:46:57 3 Then around that time I think ██████ commenced,  
12:47:00 4 Operation ██████?-- ██████ was a continuation of -  
12:47:06 5 Matchless was a continuation of ██████  
12:47:09 6  
12:47:09 7 Yes?---So ██████ were some ██████ that were  
12:47:14 8 lower stream and then ██████, was particularly on ██████  
12:47:17 9 ██████.  
12:47:18 10  
12:47:19 11 And that concerned a ██████ I think in ██████ between  
12:47:25 12 May and September of 2002, and ██████ between September  
12:47:28 13 ██████ is that right?---So the ██████ is  
12:47:33 14 incorrect, that's information we got from ██████ after  
12:47:37 15 2006.  
12:47:38 16  
12:47:38 17 Yes?---So we didn't know about that at the time, so  
12:47:41 18 ██████ was just ██████.  
12:47:43 19  
12:47:51 20 Then in October of 2002 you were conducting surveillance on  
12:47:55 21 ██████ as part of those operations ██████ and  
12:47:59 22 ██████?---Yes.  
12:48:00 23  
12:48:00 24 Is that right?---Yes.  
12:48:01 25  
12:48:01 26 In relation to ██████, much later on ██████ faced  
12:48:08 27 charges - he faced charges?---Yes.  
12:48:11 28  
12:48:11 29 ██████ and ██████ were ultimately charged with  
12:48:14 30 those offences and went to trial significantly later, is  
12:48:18 31 that correct?---Yes.  
12:48:19 32  
12:48:20 33 And indeed I think there were other people charged as well,  
12:48:23 34 correct?---So there were two streams of charging. There  
12:48:27 35 was the 2003 where possibly up to ██████ people were charged.  
12:48:37 36 The only ██████ that was charged at that stage was ██████  
12:48:41 37 ██████ and then there were subsequent charges as a result  
12:48:43 38 of ██████ evidence where ██████ others were charged,  
12:48:47 39 including ██████  
12:48:53 40 ██████  
12:48:58 41  
12:48:58 42 They went to committal in 2009, is that right?---Yes,  
12:49:01 43 that's correct.  
12:49:02 44  
12:49:03 45 Again, those people were largely charged on the basis of  
12:49:08 46 the evidence of ██████ to a significant degree?---There  
12:49:11 47 was a certain amount of evidence already available to us

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12:49:14 1 but [REDACTED] yes, was the reason they got charged, yes.  
12:49:17 2  
12:49:17 3 He was instrumental in those charges?---Yes.  
12:49:19 4  
12:49:20 5 The first time you understood that Ms Gobbo had a  
12:49:28 6 professional relationship or acted for [REDACTED] was in  
12:49:32 7 relation to a committal mention hearing I think in respect  
12:49:39 8 of the [REDACTED] charges and that was in [REDACTED] of  
12:49:42 9 2002?---Correct.  
12:49:43 10  
12:49:44 11 And thereafter it was apparent, without going into detail,  
12:49:47 12 that she developed a professional relationship at the very  
12:49:53 13 least with [REDACTED] and whenever he got into trouble he  
12:49:56 14 would be going to her and seeking advice, is that  
12:50:00 15 right?---Yes. Yes, I actually can't physically recall her  
12:50:05 16 attending on the night of his arrest in 2003, but I've  
12:50:09 17 since read emails which suggested she did appear on that  
12:50:14 18 night. If she and I spoke, I haven't recorded it and I  
12:50:18 19 can't remember it, so I wasn't involved in the interview so  
12:50:21 20 it was probably she was talking with the informant.  
12:50:23 21  
12:50:25 22 And then he having been arrested at that time he remained  
12:50:28 23 in custody I think until about [REDACTED] of 2005 or  
12:50:32 24 thereabouts?--- [REDACTED] yes.  
12:50:37 25  
12:50:37 26 [REDACTED]?---Yes.  
12:50:39 27  
12:50:40 28 We might come back to that. In any event - yes, okay. In  
12:50:47 29 the meantime it may well be that you were aware at the time  
12:50:52 30 that she had also acted for Horthy Mokbel, both in committal  
12:51:01 31 hearings in 2000, 2001, 2002, were you aware of that, or  
12:51:06 32 did you subsequently become aware of that?---No, not  
12:51:09 33 really.  
12:51:09 34  
12:51:09 35 You would have been aware that she was acting in 2002, 3  
12:51:18 36 and 4 for Tony Mokbel?---I certainly knew that she'd acted  
12:51:23 37 for Tony Mokbel previously, yes.  
12:51:25 38  
12:51:25 39 And she was acting for him in relation to Kayak charges,  
12:51:30 40 which had been brought I think by Mr Firth, who was the  
12:51:34 41 informant?---Yes. What she was acting for him, I thought  
12:51:38 42 there might have been some Commonwealth charges as well,  
12:51:41 43 but I'm not really sure, but I do, did know that she was  
12:51:45 44 acting for him in some capacity.  
12:51:49 45  
12:51:49 46 Were you aware she was acting for him in 2005 in relation  
12:51:52 47 to Commonwealth charges which ultimately went to trial in

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12:51:54 1 February 2006 at the time that Mr Mokbel exited?---That  
12:52:00 2 kind of came out during our conversations, yes.  
12:52:03 3  
12:52:05 4 Did you know that she'd acted for Kabalan Mokbel in 2003,  
12:52:10 5 2004, at least provided advice to him?---I can't remember  
12:52:17 6 that now. It's possible I knew it previously because it  
12:52:20 7 would relate to the [REDACTED] charges, but I can't remember  
12:52:25 8 her ever mentioning or speaking to me about Kabalan Mokbel.  
12:52:29 9  
12:52:38 10 Was it your understanding that [REDACTED] was involved in  
12:52:45 11 [REDACTED] for not just [REDACTED] but for other  
12:52:50 12 criminals in the underworld, for example, [REDACTED]  
12:52:54 13 [REDACTED]---Yes, that became evident during the [REDACTED]  
12:52:57 14 investigation.  
12:52:57 15  
12:53:02 16 You had a dealing with Ms Gobbo I think in March of 2003.  
12:53:08 17 Is that correct? Can we have a look at Mr Flynn's day  
12:53:15 18 book, VPL.0010.0007.0009, the first page is  
12:53:30 19 .0010.0007.0001. That's the first page. You'll see a  
12:53:53 20 reference there to Nicola Gobbo. Do you see that?---Yes, I  
12:53:58 21 do.  
12:53:58 22  
12:54:01 23 Do you know what date that was on?---No, I don't. It  
12:54:08 24 should be at the top of the page.  
12:54:10 25  
12:54:11 26 Yes, if we go to the top of the page. Right. In any event  
12:54:17 27 - - -  
12:54:17 28  
12:54:17 29 COMMISSIONER: Apparently it wasn't relevant.  
12:54:19 30  
12:54:20 31 MR WINNEKE: Apparently it wasn't relevant. In any event  
12:54:23 32 you say you spoke to her about a particular matter. Are  
12:54:28 33 you able to read that and tell us what that was about?  
12:54:34 34 That's at page - have you got your day books there?---I do.  
12:54:38 35  
12:54:38 36 Perhaps if you go to 192 of your day book of 2003?---I can  
12:54:43 37 refer to them, Commissioner?  
12:54:47 38  
12:54:47 39 COMMISSIONER: Of course. Of course.  
12:55:18 40  
12:55:19 41 MR WINNEKE: Yes, 18 March of 2003. There's a reference in  
12:55:23 42 your diary and your day book to a communication that you  
12:55:28 43 had?---Sorry, 18 March is a different page to what I'm  
12:56:02 44 looking at here.  
12:56:03 45  
12:56:05 46 Have you got your diary then?---Yep.  
12:56:07 47

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12:56:08 1 For 18 March 2003, which is p.192. I'm sorry about that,  
12:56:14 2 Mr Flynn.  
12:56:19 3  
12:56:20 4 COMMISSIONER: Is this the diary or the day book we're  
12:56:21 5 looking at at the moment?  
12:56:23 6  
12:56:24 7 MR WINNEKE: We're looking at the day book at the moment.  
12:56:26 8  
12:56:26 9 COMMISSIONER: At p.192, is that right?  
12:56:29 10  
12:56:30 11 MR WINNEKE: I might be mistaken about that, Commissioner.  
12:56:32 12  
12:56:33 13 COMMISSIONER: Okay.  
12:56:33 14  
12:56:34 15 WITNESS: Yes, I'm sorry - yes, I've got it on my diary and  
12:56:41 16 on the day book.  
12:56:43 17  
12:56:44 18 MR WINNEKE: Can you tell the Commissioner what the  
12:56:46 19 discussion was about on that day?---This was getting close  
12:56:50 20 to the [REDACTED] arrest phase and I had a committal mention  
12:56:55 21 date in relation to the person that I had arrested, Medici,  
12:57:03 22 on the second day of my job that Ms Gobbo was representing.  
12:57:07 23 So I got a colleague to go to court for me on that  
12:57:11 24 occasion.  
12:57:12 25  
12:57:12 26 Yes?---And it was just a discussion over whether a traffic  
12:57:17 27 charge should remain or be removed and a plea to a  
12:57:22 28 cultivation charge.  
12:57:23 29  
12:57:23 30 Yes?---And I instructed the colleague to say no, no, we're  
12:57:30 31 going to go ahead with the traffic charge and her comment  
12:57:33 32 was as is indicated in the notes.  
12:57:37 33  
12:57:39 34 It was reported to me that he can, what?---I can go and get  
12:57:45 35 f'd is the word.  
12:57:46 36  
12:57:47 37 That was a reference to you, she was saying that to  
12:57:50 38 you?---Yes, that's correct.  
12:57:50 39  
12:57:52 40 At that stage did you know her?---I'd only met her probably  
12:57:57 41 two or three occasions, so I certainly didn't know her  
12:58:01 42 well.  
12:58:01 43  
12:58:02 44 Would you have taken that as a friendly comment or a robust  
12:58:07 45 comment or what?---I certainly wasn't offended by it, I  
12:58:10 46 just laughed it off really. Probably a little bit  
12:58:13 47 surprised by it, it's not normally the type of language you

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12:58:16 1 would hear when you're discussing charges with a solicitor  
12:58:20 2 or a barrister but, yeah, I didn't - well, I suppose I took  
12:58:25 3 enough notice to write it in my diary and my day book, but  
12:58:28 4 it really didn't concern me much more than that.

12:58:30 5  
12:58:30 6 What I want to establish is whether that was an indication  
12:58:33 7 of a friendly relationship you had with her and that was  
12:58:38 8 delivered in that nature to you, or was it as far as you  
12:58:41 9 were concerned an indication that she was antagonistic  
12:58:46 10 towards you?---I wouldn't say she was antagonistic towards  
12:58:51 11 me, it was a throwaway line I presume that I recorded.

12:58:56 12  
12:58:56 13 Okay. In any event you weren't prepared to withdraw that  
12:58:57 14 charge and it proceeded, is that right?---Eventually she  
12:59:00 15 got away and I think the charge was - there was a lot of  
12:59:03 16 complications, there were other accused and things like  
12:59:06 17 that, but the cultivation charge was the one that  
12:59:08 18 proceeded.

12:59:08 19  
12:59:10 20 It was the one that proceeded and she got her way?---Yes.

12:59:13 21  
12:59:18 22 You then had communications with her subsequent to that in  
12:59:27 23 2003, is that right?---I can't remember the exact dates of  
12:59:45 24 our next communications.

12:59:47 25  
12:59:47 26 All right then. It's the case, is it, that she appeared  
12:59:53 27 for [REDACTED] on bail applications in [REDACTED] 2003, is  
13:00:00 28 that right?---Yes, there were [REDACTED] bail applications. There  
13:00:03 29 was one in [REDACTED] and one in [REDACTED] and I think, I  
13:00:07 30 don't have a good recollection of the first one, but my  
13:00:11 31 diary notes indicate she was there for the initial bail  
13:00:15 32 application and the subsequent hearing three or four days  
13:00:18 33 later, or the result, and then in [REDACTED] we had, that  
13:00:22 34 bail was refused and then we had a further bail application  
13:00:25 35 in [REDACTED] which was Con Heliotis was the, representing  
13:00:32 36 the [REDACTED] at that stage but I think she was there as -  
13:00:37 37 - -

13:00:37 38  
13:00:37 39 Junior counsel?---Correct.

13:00:38 40  
13:00:38 41 All right then. And on that occasion he was granted  
13:00:42 42 bail?---Yes.

13:00:43 43  
13:00:45 44 Subsequently you say it was your view that she developed a  
13:00:50 45 closer relationship with [REDACTED] than merely a  
13:00:54 46 professional relationship, is that right?---Yes.

13:00:57 47

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13:00:58 1 What basis do you have to say that? Is that something you  
13:01:02 2 knew of in 2003, 4 or was it subsequent to that?---It's  
13:01:06 3 certainly a sliding scale and as we moved progressively  
13:01:11 4 through this time it became, I became more confident that  
13:01:14 5 there was some type of relationship there, but initially it  
13:01:18 6 came back to, I think I had a coffee with them and with  
13:01:25 7 [REDACTED] and [REDACTED] with her, I think I spoke to  
13:01:31 8 them at one of the court cases, I just can't remember which  
13:01:34 9 one it was.

13:01:35 10  
13:01:35 11 That's in 2005?---Well - - -

13:01:44 12  
13:01:44 13 May 2005?---Yes, you're right, sorry.

13:01:47 14  
13:01:48 15 In September 2003 you were at the MDID with Paul  
13:01:53 16 Dale?---Yes, I was.

13:01:53 17  
13:01:54 18 Amongst other people?---Yes.

13:01:55 19  
13:01:55 20 Did you work with Mr Dale?---Yes, Paul Dale and I both and  
13:02:00 21 one other Sergeant. The three Sergeants, myself, Paul Dale  
13:02:04 22 and Graham Sayce each had our own crews and we all reported  
13:02:08 23 to Jim O'Brien. Yes, we did work together, we ran our own  
13:02:13 24 crews but when they needed assistance my crew would assist  
13:02:17 25 them and vice versa.

13:02:18 26  
13:02:18 27 You worked with them throughout 2002 and 2003?---Yes, he  
13:02:23 28 started I think at the MDID several months after me.

13:02:26 29  
13:02:26 30 Were you aware that he had an informer Mr Hodson?---Yes.

13:02:30 31  
13:02:32 32 Did you ever involve yourself in any investigations that he  
13:02:36 33 was involved in and utilise Mr Hodson?---Yes, I was  
13:02:40 34 involved in the arrest phase of certain operations. I  
13:02:45 35 wasn't involved in the handling or the information, but I  
13:02:49 36 can recall assisting Paul Dale with a number of arrests  
13:02:54 37 that I presume came from information from Mr Hodson.

13:02:58 38  
13:02:59 39 I think you make specific reference in your statement to  
13:03:03 40 the arrest of Hodson and Miehél I think on about 27  
13:03:08 41 September 2003?---Yes.

13:03:09 42  
13:03:10 43 And you were involved in the arrest stage or phase of that  
13:03:18 44 operation, is that right?---Correct, yes.

13:03:20 45  
13:03:22 46 You had discussions with Mr Dale over the weekend about,  
13:03:27 47 about that operation and the fact it had been compromised,

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13:03:30 1 is that right?---Yes, Mr Dale rang me at about ten o'clock  
13:03:33 2 that night on 27 September 2003 and asked me to go out to  
13:03:38 3 the Dublin Street address and assist other units there with  
13:03:45 4 the execution of a warrant. Then my duties changed during  
13:03:48 5 the course of that night and the next morning.  
13:03:49 6  
13:03:50 7 At that stage you did know Ms Gobbo, you'd had dealings  
13:03:55 8 with her?---Yes.  
13:03:55 9  
13:03:55 10 In the period of time you'd been there?---Yes.  
13:03:58 11  
13:03:58 12 About how many, approximately to the best of your  
13:04:02 13 recollection, people or investigations that you had been  
13:04:05 14 involved in where she had appeared for or was acting for  
13:04:09 15 persons who were charged?---2003 it wouldn't be many,  
13:04:17 16 perhaps five or six.  
13:04:18 17  
13:04:18 18 Yes?---It's a ballpark figure but I didn't, I think I've  
13:04:25 19 had a look and in the lead-up to 2005 I'd met her probably  
13:04:30 20 a dozen times.  
13:04:31 21  
13:04:31 22 All right then. You were aware that she ended up acting  
13:04:37 23 for a number of the people who had been arrested in that  
13:04:42 24 Gallop operation?---I know at some stage that she became, I  
13:04:50 25 presume she was acting for him, I knew she was close to  
13:04:53 26 Adam Ahmed. I actually don't know if I knew it in 2003. I  
13:04:59 27 think he was arrested in a subsequent investigation.  
13:05:01 28  
13:05:02 29 He was arrested in August of 2004 on a second  
13:05:08 30 occasion?---And I seem to link his relationship with her to  
13:05:11 31 that arrest, not so much the earlier one.  
13:05:14 32  
13:05:14 33 Yes?---Whether I thought there might have been some  
13:05:17 34 indication that she was with him or she rang him shortly  
13:05:21 35 after, I'm not sure, just that's how my memory, how I  
13:05:25 36 recall it.  
13:05:26 37  
13:05:26 38 Your recollection is she had developed a relationship with  
13:05:30 39 Ahmed, is that right, is that what you were  
13:05:36 40 saying?---That's certainly nothing that I had first-hand  
13:05:39 41 knowledge. I think that might have been suggested to me  
13:05:41 42 from someone on the floor at some stage, that they were  
13:05:45 43 closer than just client/legal practitioner.  
13:05:49 44  
13:05:51 45 So that's something that you would have been aware of -  
13:05:54 46 let's face it, one assumes that people within the Drug  
13:05:59 47 Squad don't walk around as silos and not communicate with



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13:06:02 1 each other about what's going on, I take it that's right,  
13:06:06 2 is it?---There are some things that we don't communicate  
13:06:09 3 with each other. There's a needs to know basis, and if  
13:06:13 4 other people don't need to know well they won't know so -  
13:06:16 5 you know, that will come back to sources and things like  
13:06:19 6 that.  
13:06:19 7  
13:06:19 8 I follow that. She wasn't a source at that stage?---No.  
13:06:22 9  
13:06:22 10 And somehow it's been conveyed to you by someone in the  
13:06:26 11 Drug Squad there was a feeling that she had developed a  
13:06:31 12 relationship with Adam Ahmed?---I think so, yes.  
13:06:34 13  
13:06:34 14 If we say that's somewhere after the arrest, which is in  
13:06:37 15 August 2004, perhaps going into 2005, by that stage you've  
13:06:42 16 come to the view that she'd developed a relationship over  
13:06:45 17 and above a professional relationship with [REDACTED]  
13:06:48 18 [REDACTED]-Yes.  
13:06:48 19  
13:06:48 20 So would it be fair to say that within the Drug Squad,  
13:06:52 21 certainly as far as you were concerned, there was a  
13:06:54 22 developing collegiate or corporate knowledge that Ms Gobbo  
13:06:58 23 was the sort of person who was prepared to enter into  
13:07:02 24 non-professional relationships with her clients?---Yeah, I  
13:07:05 25 suppose it could be put in that way. From my own  
13:07:08 26 recollection of my own opinion at the time, I certainly  
13:07:11 27 wasn't that interested in it, it really didn't - I didn't  
13:07:15 28 think at the time that it would affect me that much.  
13:07:18 29 Certainly the Adam Ahmed part would have just been a little  
13:07:22 30 bit of floor gossip that I disregarded.  
13:07:26 31  
13:07:26 32 Not completely but kept it in the back of your mind?---Yes,  
13:07:30 33 and because I was involved in [REDACTED] that was probably  
13:07:37 34 a little bit more real to me, yes. And of course the  
13:07:40 35 relationship I had with both of them extended over a period  
13:07:44 36 of time.  
13:07:44 37  
13:07:45 38 Would you have been aware, for example, that when Ahmed was  
13:07:49 39 arrested in August of 2004 her water bill was found in his  
13:07:54 40 car and were you aware at that stage that there was some  
13:08:00 41 connection between the two of them then?---That rings a  
13:08:05 42 bell. As I said, it's the 2004 arrest, which I didn't even  
13:08:11 43 know the date, that twigs my memory to their involvement.  
13:08:17 44  
13:08:23 45 You knew Sam Jennings, of course?---Yes.  
13:08:26 46  
13:08:26 47 And you understood that she had charged him originally or

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13:08:30 1 was involved in his prosecution arising out of  
13:08:35 2 Gallop?---She was the informant, yes.  
13:08:36 3  
13:08:36 4 And you were aware that Ahmed was arrested by an officer at  
13:08:40 5 [REDACTED] a fellow by the name of [REDACTED]?---In the 2004  
13:08:48 6 occasion?  
13:08:49 7  
13:08:49 8 Yes?---No, I wouldn't have known that.  
13:08:51 9  
13:08:52 10 In any event, you may have discussed that, you may have got  
13:08:59 11 that information through office gossip, perhaps from Sam  
13:09:03 12 Jennings?---I really have no idea where I heard that from.  
13:09:08 13 I just - I just remember that second occasion more than the  
13:09:12 14 first occasion is the link between the two.  
13:09:14 15  
13:09:16 16 All right then. Whilst we're dealing with connections that  
13:09:22 17 Ms Gobbo had. Was it your understanding that throughout  
13:09:26 18 the period of the ESD investigation there had been on  
13:09:32 19 occasions communications between Ms Gobbo on behalf of  
13:09:39 20 Mr Mokbel and Mr De Santo?---No.  
13:09:42 21  
13:09:42 22 Did you not know anything about Ms Gobbo's occasional  
13:09:50 23 discussions, relationship with Peter De Santo?---No, I did  
13:09:54 24 not.  
13:09:55 25  
13:09:55 26 When I say relationship, not personal relationship,  
13:09:58 27 discussions they had?---I knew Inspector De Santo was  
13:10:02 28 involved in the Ceja Task Force but I didn't know anything  
13:10:04 29 about communications between him and Ms Gobbo.  
13:10:08 30  
13:10:08 31 All right then. You didn't know, I take it you  
13:10:12 32 subsequently did, that Ms Gobbo was in effect pulled into  
13:10:21 33 that investigation by virtue of her previous relationship  
13:10:25 34 with Andrew Hodson with a view to seeing if there could be  
13:10:29 35 an investigation developed through the use of Terry Hodson  
13:10:36 36 to get evidence against Paul Dale?---So I wasn't aware of  
13:10:42 37 any of that at the time. It's only whatever has come out  
13:10:47 38 in the media since then that has been brought - that I'm  
13:10:51 39 aware of it.  
13:10:51 40  
13:10:51 41 Not just the media, you made a statement, did you, which  
13:10:54 42 ultimately went into a brief of evidence against Paul  
13:10:57 43 Dale?---I made a statement in relation to - I haven't  
13:10:59 44 looked at those statements for a long time, but I made a  
13:11:01 45 statement that related to the [REDACTED] investigation.  
13:11:03 46  
13:11:04 47 Yes?---I made a couple I think.

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13:11:05 1  
13:11:06 2 Indeed, ultimately there was an alleged connection between  
13:11:10 3 Mr Dale and that [REDACTED] operation?---Yes, that's right.  
13:11:14 4  
13:11:15 5 And that, through a process of ultimate, or through  
13:11:21 6 Mr Williams ultimately, you're aware of that?---Yes, I am  
13:11:26 7 aware of that.  
13:11:27 8  
13:11:37 9 In 2004, whilst you remained at the MDID, what you say is  
13:11:44 10 having examined your diaries and your day books you can  
13:11:49 11 find very little correspondence or communication between  
13:11:52 12 you and Ms Gobbo, is that right?---Yes. Our only, the only  
13:11:56 13 connection I could find was that I spoke to her at court.  
13:11:59 14 I'm not even sure if she was representing one of the  
13:12:02 15 accused, but it was in relation to a person by the name of  
13:12:06 16 Lesser, no one that's connected to the Purana  
13:12:09 17 investigations.  
13:12:10 18  
13:12:10 19 That's not to say that you hadn't spoken to her and  
13:12:12 20 maintained cordial relations with her in a professional way  
13:12:17 21 throughout that period but there's just nothing you have  
13:12:20 22 found in your diary?---That's correct. And I don't recall  
13:12:24 23 coming, coming into contact with her a lot during that  
13:12:31 24 period.  
13:12:32 25  
13:12:33 26 If we go to 15 September 2004, there is a note, is that in  
13:12:37 27 your day book or diary. Perhaps if we can put up  
13:12:42 28 VPL.0010.0007.0027?---Yes.  
13:12:59 29  
13:13:00 30 You saw Ms Gobbo at court, is that right?---Correct.  
13:13:02 31  
13:13:03 32 She gave you some information?---Well she didn't give me  
13:13:07 33 information, we just had a discussion. It wasn't like she  
13:13:11 34 was providing me information for me to go and investigate,  
13:13:14 35 we were just talking general crime business I suppose.  
13:13:20 36  
13:13:20 37 You had a discussion with her and part of the discussion  
13:13:24 38 involved Carl Williams and his history, is that  
13:13:27 39 right?---Yes.  
13:13:27 40  
13:13:28 41 Do you recall what it was about his history that she was  
13:13:32 42 talking about?---I suspect it was, I was the informant  
13:13:35 43 against Carl Williams back in the early 90s when I was  
13:13:41 44 initially at the Drug Squad and charged Carl with some, his  
13:13:46 45 connection to a lab back in those days which he received a  
13:13:49 46 short term of imprisonment so I suspect it was about that.  
13:13:52 47

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13:13:53 1 There was also reference to Lewis Moran?---Yep.  
13:13:55 2  
13:13:56 3 And she, in brackets you've mentioned a threat by Andrew  
13:14:01 4 Veniamin?---Correct.  
13:14:02 5  
13:14:02 6 And there's a discussion, at least there's reference to  
13:14:06 7 Tony Mokbel and cases pending, is that right?---Yes, that's  
13:14:09 8 correct.  
13:14:09 9  
13:14:10 10 Those were the gist of the discussions that you had?---Yes.  
11  
13:14:16 12 Is there any reason why you wouldn't have recorded that in  
13:14:19 13 your diary or your day book rather?---It's just - no  
13:14:25 14 specific reason that I can think of but the fact that she's  
13:14:29 15 just talking about these people I thought may have been of  
13:14:32 16 interest, that's all. So it's - - -  
13:14:35 17  
13:14:35 18 So there was a reason that you entered it. If it was  
13:14:39 19 simply a friendly discussion you wouldn't have made a note  
13:14:42 20 of it?---Writing a note like this into your day book, I  
13:14:46 21 don't know how much, if a lot of thought goes into it. We  
13:14:51 22 were talking there, you know generally police they like to  
13:14:54 23 make sure, I would like to make sure that I'm recording  
13:14:57 24 where I am, who I'm speaking with so that if anything ever  
13:15:00 25 comes up I can cover it. I've obviously ran into her, I've  
13:15:06 26 thought yep, I'll make a note I've spoken to her and I've  
13:15:09 27 just dot pointed the three things we spoke about. I really  
13:15:12 28 can't take it much further than that.  
13:15:13 29  
13:15:14 30 You were aware I take it that she had been acting for Carl  
13:15:17 31 Williams I think in relation to threats made against Stuart  
13:15:20 32 Bateson, would you have been aware of that at that  
13:15:24 33 stage?---That doesn't ring true to me now, but for all I  
13:15:30 34 know she might have mentioned that to me during that  
13:15:33 35 conversation but I can't recall that.  
13:15:35 36  
13:15:36 37 COMMISSIONER: Time for lunch. Adjourn until 2 o'clock,  
13:15:39 38 thanks.  
39  
13:15:40 40 <(THE WITNESS WITHDREW)  
13:15:41 41  
13:15:41 42 LUNCHEON ADJOURNMENT  
43  
44  
45  
46  
47

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13:15:41 1 UPON RESUMING AT 2.00 PM:  
2  
14:06:13 3 COMMISSIONER: Yes, thanks Mr Flynn. If you could return  
14:06:15 4 to the witness box.  
14:06:16 5  
14:06:17 6 <DALE FLYNN, recalled:  
7  
14:06:20 8 COMMISSIONER: Yes, Mr Winneke.  
9  
14:06:21 10 MR WINNEKE: Thanks Commissioner. That note that I was  
14:06:27 11 asking you about was in your diary in September of  
14:06:39 12 2004?---Yes.  
13  
14:06:40 14 Is it something you would have discussed with  
14:06:46 15 Mr O'Brien?---No, I doubt it at that stage.  
16  
14:06:49 17 You doubt it?---Yes.  
18  
14:06:52 19 Mr O'Brien's given evidence that some members within his  
14:06:59 20 crew had made suggestions to him that they were concerned  
14:07:05 21 about Nicola Gobbo, about the way in which she was  
14:07:07 22 associating, they felt, with criminal elements. Were you  
14:07:14 23 one of the people who had those concerns?---Not about her  
14:07:17 24 association with criminal elements, no.  
25  
14:07:20 26 No. Were you aware that other members of your crew were  
14:07:25 27 saying to Mr O'Brien, "Look, I'm not happy with Ms Gobbo, I  
14:07:31 28 think that there's something off about her" or anything  
14:07:36 29 like that?---Not that I can recall, no.  
30  
14:07:39 31 His view, his evidence was he was getting comments from a  
14:07:42 32 number of within his crew which were suggestive that she  
14:07:46 33 was engaging in improper or criminal conduct and he said,  
14:07:50 34 "Well, look, if you've got an issue about it, put it in an  
14:07:54 35 information report"?---I have a vague, very vague memory of  
14:08:01 36 it but I just don't have any details of it and I don't  
14:08:04 37 think it was anything that I was driving or someone from my  
14:08:07 38 crew was driving.  
39  
14:08:08 40 Yes, all right. Were you aware that at around August of  
14:08:15 41 2004 he was looking at the possibility of getting  
14:08:19 42 information to enable him to put a TI on her?---So I have a  
14:08:25 43 vague recollection of someone saying at some stage to do an  
14:08:30 44 intel probe on her. I can't take it any further than that,  
14:08:33 45 but that would be the first step.  
46  
14:08:35 47 Do you think there's something in your diary or day books

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14:08:38 1 about that?---There's nothing in my diary. There might  
14:08:42 2 have been a note in my day book just about an intel probe.  
3  
14:08:45 4 What's an intel probe?---An intel probe is just - so it's  
14:08:51 5 identifying a target and just having a preliminary look.  
14:08:55 6 So [REDACTED] or anything  
14:08:59 7 like that, it's just like a paper background in relation to  
14:09:03 8 a person.  
9  
14:09:04 10 All right. Sort of a gathering of information, a sort of a  
14:09:09 11 backgrounding in the initial stages or preliminary to  
14:09:13 12 looking into them in a more deliberate way?---Yeah, that's  
14:09:17 13 right. A very start to see is there something here or is  
14:09:20 14 there something not.  
15  
14:09:21 16 Do you think that might be around that period of time,  
14:09:24 17 around August/September of 2004?---I really don't know what  
14:09:30 18 time it was. I know it was well before 2005, the latter  
14:09:34 19 part of 2005. Whether it was 2004, 2005, I can't say.  
20  
14:09:39 21 There's been evidence that around August, or thereabouts,  
14:09:42 22 of 2004 there had been at least a discussion between Sandy  
14:09:49 23 White and Jim O'Brien about the possibility of utilising  
14:09:53 24 her as an informer, as a human source?---In 2004?  
25  
14:09:57 26 2004?---Yeah, I know nothing about that.  
27  
14:10:00 28 Were you aware that she'd been hospitalised in 2004?---I  
14:10:03 29 was aware that she, I think from her, later told me that  
14:10:08 30 she had suffered a stroke previously. So I don't think I  
14:10:10 31 was aware at the time.  
32  
14:10:12 33 Contemporaneously do you say you weren't aware?---Yes.  
34  
14:10:17 35 An intelligence probe, is that an official police document  
14:10:22 36 or procedure?---I'd expect that it'd be some sort of paper  
14:10:31 37 based result, like an offender profile I suppose. It would  
14:10:36 38 be similar to that. With just probably a few more  
14:10:40 39 enquiries made into it.  
40  
14:10:42 41 Does it go into a particular information resource such as  
14:10:45 42 Interpose - or Interpose wasn't operative at that time, was  
14:10:48 43 it?---No, it wasn't.  
44  
14:10:50 45 LEAP?---LEAP's been operating for - no, an intel probe  
14:10:55 46 wouldn't go into LEAP.  
47

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14:10:57 1 Where would it go?---It might just go to an investigator or  
14:11:00 2 a manager to have a look at and then if, depending what  
14:11:04 3 happens from there, if a subsequent investigation was going  
14:11:07 4 to take off, then it would go to that investigation crew.  
14:11:11 5 If not, it would just be filed.  
6  
14:11:13 7 Would it be shared with other units, for example, the  
14:11:16 8 Homicide Squad?---So now with our computerised systems  
14:11:20 9 everything would be linked.  
10  
14:11:21 11 Yes?---If one unit did an inquiry and someone else made an  
14:11:28 12 inquiry into the same person that would be linked unless  
14:11:31 13 there was reasons for it not to be linked, but back in  
14:11:35 14 those days I'm not sure if it was all paper based.  
14:11:37 15  
14:11:37 16 If someone had determined to conduct an intelligence probe  
14:11:40 17 would that be conducted by analysts?---Yes.  
18  
14:11:42 19 It would be, would it?---Yes.  
20  
14:11:44 21 But it would take someone to in effect set them off to do  
14:11:48 22 it?---Yes.  
23  
14:11:49 24 And there'd be a paper trail about it?---Yes, so if an  
14:11:54 25 analyst was assigned to do an intel probe, I'm not saying  
14:11:57 26 this has happened, I'm just speculating, but if there was  
14:12:01 27 someone that was coming to Mr O'Brien saying, "Look, we're  
14:12:05 28 concerned about her relationship with this" or "we're  
14:12:08 29 concerned about her relationship with that", that  
14:12:11 30 information would go to form part of the intel probe.  
31  
14:12:28 32 Can I ask you about some of the dealings that you had with  
14:12:31 33 Ms Gobbo in the earlier part of 2005 and that's at the  
14:12:36 34 stage where there's a committal proceeding in Operations  
14:12:42 35 [REDACTED] and [REDACTED]; is that right?---Yes.  
36  
14:12:44 37 And that stage Gobbo's appearing for [REDACTED] ---Yes.  
38  
14:12:49 39 The matter didn't proceed and it was listed I think in  
14:12:53 40 early March 2005, it was adjourned into May; is that  
14:12:57 41 right?---It proceeded.  
42  
14:12:59 43 Right?---So there was - - -  
44  
14:13:01 45 Okay, sorry go on?---There were a number of accused but  
14:13:06 46 [REDACTED] and I think [REDACTED], there was no committal  
14:13:13 47 for those two. There were committals and witnesses for

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14:13:18 1 other accused.  
2  
14:13:21 3 In effect their matter went directly to the [REDACTED]  
14:13:25 4 [REDACTED]?---Yes.  
5  
14:13:27 6 On the basis of a [REDACTED]?---Yes.  
7  
14:13:29 8 Did they enter a plea at that stage or not?---To be a  
14:13:32 9 hundred per cent I'd have to check my diary but I'm pretty  
14:13:36 10 sure they indicated they were going to plead on that date.  
14:13:40 11 It's in my statement.  
12  
14:13:43 13 In fact you had a discussion with [REDACTED] and [REDACTED]  
14:13:47 14 [REDACTED] during the committal proceeding; is that  
14:13:51 15 right?---I had a coffee with both of them and Ms Gobbo when  
14:13:57 16 there was a break, I think after the second day or  
14:14:00 17 something like that.  
18  
14:14:07 19 Did you keep notes of the discussion that you had during  
14:14:10 20 the course of that meeting?---Only what's in my diary.  
21  
14:14:14 22 I wonder if - you've got your diary there, have you?---Yes.  
14:14:18 23 Yes, I'll get it.  
24  
14:14:27 25 We're looking at [REDACTED] 2005, is that right?  
14:14:36 26 Commissioner, whilst I'm thinking about it I might tender  
14:14:39 27 those two earlier entries.  
28  
14:14:42 29 COMMISSIONER: This is the diary and the day book for 18  
14:14:45 30 March 2003, was that it?  
31  
14:14:48 32 MR WINNEKE: Yes, and also 17 September 2004.  
33  
14:14:53 34 COMMISSIONER: Was that diary and day book or just day  
14:14:57 35 book?  
36  
14:14:58 37 MR WINNEKE: Just day book.  
38  
14:15:00 39 COMMISSIONER: Day book that one, all right.  
14:15:08 40  
14:15:09 41 #EXHIBIT RC539A - (Confidential) Day book for 18/03/03.  
14:15:18 42  
14:15:19 43 #EXHIBIT RC539B - (Redacted version.)  
14:15:24 44  
14:15:28 45 #EXHIBIT RC540A - (Confidential) Diary for 18/03/03.  
14:15:35 46  
14:15:35 47 #EXHIBIT RC540B - (Redacted version.)

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14:15:40 1  
14:15:41 2 #EXHIBIT RC541A - (Confidential) Day book For 17/09/04.  
14:15:49 3  
14:15:51 4 #EXHIBIT RC541B - (Redacted version.)  
14:15:52 5  
14:15:53 6 MR WINNEKE: Do you have those entries?---Yes, I do.  
7  
14:15:55 8 And what have you recorded?---It's p.240 of my diary, I've  
14:16:01 9 made the entry at 15:30 hours, so 3.30 in the afternoon.  
10  
11 That's on what date?---That's [REDACTED], Monday [REDACTED].  
12  
14:16:07 13 Yes?---"Clear to coffee shop in Lonsdale Street. Spoke to  
14:16:11 14 solicitor Nicola Gobbo and [REDACTED] and [REDACTED]  
14:16:14 15 [REDACTED]  
16  
14:16:15 17 That's the only entry you've got?---Yes. I was there for  
14:16:18 18 20 minutes.  
19  
14:16:19 20 You recall having a discussion with him about his intention  
14:16:23 21 to plead?---No, not at that stage. The plea came through  
14:16:28 22 court hearings. That was indicated during the court  
14:16:31 23 hearings.  
24  
14:16:32 25 I'm sorry. Do you know what the discussion was  
14:16:34 26 about?---No, that was just a general - you know, there was  
14:16:39 27 nothing about the case. It was just a chat really.  
28  
14:16:43 29 Yeah, all right. Do you make it a habit of sitting down  
14:16:50 30 with barristers and their clients, people who you've  
14:16:55 31 charged, for discussions and coffee, is that something  
14:16:58 32 that's usual?---It's not uncommon although it's more on the  
14:17:05 33 prosecution side. In this instance I actually just left a  
14:17:07 34 meeting and a coffee with someone from the OPP.  
35  
14:17:10 36 Right?---So that's not uncommon, that's probably a little  
14:17:14 37 bit less uncommon with barristers or people on the defence  
14:17:17 38 side.  
39  
14:17:20 40 Do you believe that you may have had some preliminary  
14:17:22 41 discussions about the possibility of [REDACTED] providing  
14:17:28 42 assistance?---Not at that stage, no.  
43  
14:17:31 44 When do you think you did have discussions about that  
14:17:34 45 initially?---Sorry, I need to clarify. Assistance to who?  
46  
14:17:41 47 To the police about providing information about criminal

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14:17:45 1 activity?---Sorry, to Ms Gobbo or [REDACTED] Because  
14:17:50 2 certainly that would be something that I would raise with  
14:17:52 3 [REDACTED] probably from the day he's first arrested.  
4  
14:17:56 5 Yes?---But with Ms Gobbo, the best of my recollection is  
14:18:01 6 when she rang me in May talking about some [REDACTED]  
14:18:07 7 that [REDACTED] was going through.  
8  
14:18:09 9 Yes?---And also then she started talking about trying to  
14:18:13 10 resolve the matter.  
11  
14:18:14 12 If we can then move to that. She rings you with a view to  
14:18:19 13 resolving the matter. There's a discussion on 20 May; is  
14:18:24 14 that right?---Yes.  
15  
14:18:25 16 She contacted you to discuss whether [REDACTED] could  
14:18:29 17 negotiate a plea deal; is that right?---Just let me find  
14:18:36 18 it. Yeah, it was just - to the best of my recollection she  
14:18:45 19 was just like sounding me out on whether I would be open to  
14:18:53 20 trying to discuss a plea or something along those lines.  
21  
14:18:57 22 He'd already entered a plea as I understand it?---Yes,  
14:19:00 23 you're right. So it must have been, you know, a step  
14:19:04 24 further than that about what actually charges would we  
14:19:07 25 progress with and what we would drop and things like that.  
26  
14:19:11 27 Do you think it was at that stage or subsequently on 23 May  
14:19:16 28 where there was some suggestion that he might be able to  
14:19:18 29 provide some information? Have you got your diaries  
14:19:26 30 there?---Yes, I'm just reading through it, I'm sorry.  
31  
14:19:28 32 Okay?---The discussion on the 20th was just a lot about his  
14:19:38 33 health issues and general discussion around resolving the  
14:19:44 34 matter, but I kind of suggested that I'd need to speak to  
14:19:50 35 my managers and the OPP in relation to it.  
36  
14:19:54 37 Yes?---The discussion on the 23rd has a notation here that  
14:20:09 38 [REDACTED] is considering options and I've actually put in  
14:20:13 39 brackets "whether to assist police or not". I've actually  
14:20:18 40 made the note "doubtful". I didn't think it was a genuine  
14:20:21 41 offer at that stage.  
42  
14:20:22 43 Yes?---But it was certainly something that I would be very  
14:20:25 44 interested in.  
45  
14:20:26 46 That's on 23 May 2005?---That's correct, yes.  
47

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These claims are not yet resolved.

14:20:31 1 Was this a face-to-face discussion with Ms Gobbo or was it  
14:20:35 2 - - - ?---This is a telephone conversation with Ms Gobbo.  
3  
14:20:37 4 All right then. So she contacted you; is that  
14:20:39 5 right?---Yes, it was a follow-up call from the call she'd  
14:20:45 6 made on the 20th.  
7  
14:20:46 8 How many times do you think you had raised the possibility  
14:20:50 9 with [REDACTED] that he could well do himself a great  
14:20:54 10 service by providing information to you?---I remember we  
14:20:57 11 raised it on his [REDACTED] for the [REDACTED] arrest  
14:21:01 12 in 2002, but he shut us down very quickly.  
13  
14:21:05 14 Yes?---In 2003, for the [REDACTED] arrest, I can't remember  
14:21:13 15 a single occasion where I've arranged it with him.  
16  
14:21:17 17 Yes?---It's quite possible at that stage that the informant  
14:21:21 18 for the matter was having more day-to-day contact with him  
14:21:24 19 and he might have raised it.  
20  
14:21:26 21 Right?---But, you know, it's - I mean with [REDACTED]  
14:21:29 22 [REDACTED] it's a common course of discussion with  
14:21:32 23 people we charge that, you know, "You could help yourself  
14:21:36 24 out here if you assist us in some way".  
25  
14:21:38 26 Indeed, very early on in the process of registration when  
14:21:41 27 Ms Gobbo was speaking to her handlers one of the things she  
14:21:44 28 said was that [REDACTED] is very worried, "He could have  
14:21:48 29 sold all of them out, put everyone in gaol for a long time  
14:21:51 30 but wouldn't do it. He talks about this from time to time,  
14:21:54 31 mainly when spoken to by Detective Sergeant Dale Flynn of  
14:21:58 32 the MDID"?---Yes.  
33  
14:21:59 34 "He went through [REDACTED] family, [REDACTED]  
14:22:05 35 [REDACTED] and continuous pressure from [REDACTED]  
14:22:10 36 to [REDACTED] for them." That would seem to suggest  
14:22:13 37 that, certainly as far as Ms Gobbo's concerned, that had  
14:22:16 38 been discussed between you and [REDACTED] at least on more  
14:22:20 39 than two occasions or at least more than one occasion prior  
14:22:24 40 to the time that we're talking about?---Yes. I can't  
14:22:28 41 recall how many times I spoke to him about it.  
42  
14:22:30 43 Yes?---And I can't give you a specific occasion when I  
14:22:33 44 spoke to him about it, but I have no doubt that I did speak  
14:22:38 45 to him about it because it was the unusual situation with  
14:22:41 46 [REDACTED] where we obtained some evidence on [REDACTED]  
14:22:44 47 and others.

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1  
14:22:45 2 Yes?---But just didn't have enough to get us across the  
14:22:49 3 line, in particular electronic surveillance where the drugs  
14:22:51 4 were clearly [REDACTED] for these people, but to get across  
14:22:55 5 the line and charge them we needed [REDACTED] evidence to  
14:23:01 6 say, "Yes, [REDACTED] this person and this is what  
14:23:06 7 this conversation meant."  
8  
14:23:07 9 Did it occur to you that Ms Gobbo was acting for Tony  
14:23:11 10 Mokbel in proceedings which were before the Supreme Court  
14:23:13 11 and she was in effect saying to you, "I've got a client who  
14:23:18 12 would be prepared to give evidence and assist you in  
14:23:23 13 relation to another client that I've got", did that occur  
14:23:27 14 to you as being somewhat interesting?---To the best of my  
14:23:31 15 recollection that never even crossed my mind.  
16  
14:23:34 17 No?---And I say that because I think it was just telephone  
14:23:37 18 conversations where, you know, often things are said and  
14:23:40 19 promised but never delivered on.  
20  
14:23:42 21 Yes?---And until, you know, my role as the police officer  
14:23:46 22 eventually it's going to be the OPP that need to get  
14:23:49 23 involved in these kind of discussions.  
24  
14:23:51 25 Yes?---Until we get to a stage where, you know, well, let's  
14:23:57 26 go and speak to the OPP about it, that's when I really  
14:24:00 27 start thinking perhaps they're serious and then the other  
14:24:05 28 side of the thing is I did know that she had some  
14:24:09 29 involvement with Tony Mokbel. To what extent I wasn't  
14:24:11 30 sure. The evidence - although there was someone that we  
14:24:15 31 did eventually charge him with it, he probably wasn't my  
14:24:18 32 main concern at that stage, it was mainly more about Milad  
14:24:21 33 Mokbel and Jacques El-Hage.  
34  
14:24:24 35 I asked you before about Stuart Bateson?---Yes.  
36  
14:24:28 37 He's more or less a contemporary of yours although not  
14:24:38 38 necessarily in the same area, is that right?---Yes, that's  
14:24:39 39 correct. We did some training courses together and I know  
14:24:39 40 him, but I don't think we've ever actually worked in the  
14:24:43 41 same work area. The closest would have been Purana and I  
14:24:47 42 was coming in just as he was leaving.  
43  
14:24:49 44 The evidence that the Commission has is that Ms Gobbo was  
14:24:51 45 starting to provide him with information about other  
14:24:54 46 lawyers and about a money laundering matter in the period  
14:24:58 47 of say March of 2005 through to the period in which she was

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14:25:03 1 registered. Were you aware of that?---No.  
2  
14:25:06 3 You never had any discussions with him about that?---No.  
4  
14:25:09 5 Nor with Mr Ryan. Did you know Mr Ryan?---Mr Ryan - - -  
6  
14:25:13 7 Gavan Ryan?---Yes, I did know Mr Ryan and he was in charge  
14:25:17 8 of the Purana Task Force when I arrived there in November  
14:25:20 9 2005.  
10  
14:25:21 11 Yes?---There were no details of previous investigations  
14:25:28 12 provided.  
13  
14:25:29 14 Did you subsequently become aware that Ms Gobbo had been  
14:25:32 15 providing information to Stuart Bateson prior to being  
14:25:34 16 registered?---I don't think I become aware of that until  
14:25:37 17 these matters became public knowledge.  
18  
14:25:42 19 All right then. Operation Quills commences in early 2005;  
14:25:48 20 is that right?---Yes.  
21  
14:25:50 22 And towards 3 August 2005 that operation is continuing on;  
14:25:59 23 is that right?---That operation was run by the crew next to  
14:26:01 24 me.  
25  
14:26:01 26 Yes. Who was in charge of that crew?---Detective Sergeant  
14:26:06 27 Mansell, Steve Mansell and his crew.  
28  
14:26:08 29 Including Mr Rowe?---Yes, including Mr Rowe.  
30  
14:26:11 31 And who else?---Then Detective Senior Constable Craig Hayes  
14:26:19 32 and Detective Senior Constable Eliza Burrows.  
33  
14:26:22 34 You had a peripheral role in that investigation; is that  
14:26:26 35 right?---Similar to what I indicated earlier about  
14:26:30 36 Operation Gallop. When the arrest day came we all type of  
14:26:35 37 chip in and help out. So I assisted with some arrests and  
14:26:37 38 searches on that day in August 2005.  
39  
14:26:40 40 That was an offence of trafficking I think in MDMA and the  
14:26:43 41 target of that operation was **Mr Bickley** is that right, or  
14:26:48 42 one of the targets?---Yes, one of three I think, yes.  
43  
14:26:51 44 There was information which was produced during the course  
14:26:53 45 of that investigation which connected him to Tony  
14:26:57 46 Mokbel?---Yes. I think there was some surveillance  
14:27:02 47 evidence or something along those lines, but I'm not - - -

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1  
14:27:05 2 I think if we go to, for example, your diary on p.27, 6  
14:27:12 3 July 2005. Do you have that there?---I'm sorry, next  
14:27:23 4 diary.  
5  
14:27:45 6 Page 27?---Yes, I've got that.  
7  
14:27:47 8 At about 16:30 there's reference to - initially there was I  
14:27:53 9 think a conference with AFP; is that right?---Yes.  
10  
14:27:55 11 Regarding Operation Quills. It involved Commonwealth  
14:27:58 12 charges, is that right or not? There was a Commonwealth  
14:28:02 13 element to it, wasn't there?---Well there must have been to  
14:28:05 14 have the AFP there. There was, you're right. It's  
14:28:10 15 actually I think some of the charges Tony Mokbel was  
14:28:14 16 eventually convicted of.  
17  
14:28:15 18 There's a reference there to I think associates - - -  
14:28:19 19 ?---(Indistinct) Radi.  
20  
14:28:20 21 Tony Mokbel and there's a reference to Radi. There seems  
14:28:24 22 to be **Mr Bickley** although that's crossed out; is that  
14:28:28 23 right?---No, that's just probably my poor spelling and I've  
14:28:29 24 just - - -  
25  
14:28:30 26 **Mr Bickley** came up on surveillance; is that right?---Yes, so  
14:28:36 27 it indicates - well electronic surveillance commenced on  
14:28:41 28 Radi and **Mr Bickley** came up as sourcing chemicals.  
29  
14:28:46 30 If we go over the following page there's a reference again  
14:28:48 31 to Quills at about 20 past one, Operation Quills, and  
14:28:53 32 there's some people who see, I think, **Mr Bickley** meeting  
14:29:01 33 Mokbel at the Brunswick railway station car park; is that  
14:29:05 34 right?---That's correct, yes.  
35  
14:29:06 36 It's quite clear then that there's a connection between  
14:29:09 37 **Mr Bickley** Mokbel in the context of that Operation Quills;  
14:29:13 38 is that right?---That's correct, yes.  
39  
14:29:15 40 Then we move through to the arrest phase and you then have  
14:29:19 41 an involvement, as you say, in that arrest phase?---Yes.  
42  
14:29:22 43 If we go through to p.72 of your diary. Commissioner,  
14:29:29 44 perhaps they ought be tendered. I'm content to do it as we  
14:29:34 45 go through or as a job lot at the end. I'm in your hands  
14:29:39 46 about that, Commissioner.  
47

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14:29:40 1 COMMISSIONER: Right. All the ones that are relevant can  
14:29:44 2 perhaps be tendered together. So far I've got 21 March 05  
14:29:49 3 and 6 July 05.  
4  
14:29:51 5 MR WINNEKE: Yes.  
6  
14:29:56 7 COMMISSIONER: What are you wanting to do?  
8  
14:29:58 9 MR WINNEKE: I'll tender them when I get to the end at an  
14:30:01 10 appropriate time, Commissioner.  
11  
14:30:02 12 COMMISSIONER: All right.  
13  
14:30:03 14 MR WINNEKE: On the 15th, on the Monday, there's  
14:30:07 15 discussions about the arrest phase, is that right? If you  
14:30:13 16 go to p.72?---Yes, correct, and there's a briefing.  
17  
14:30:17 18 There's a briefing. I think there's a discussion with the  
14:30:19 19 OPP, is that right? There's a telephone call to Lucy  
14:30:37 20 Pallin at the OPP, is that right, 15 August, about three  
14:30:42 21 quarters of the way down?---No, that's for a totally  
14:30:48 22 unrelated matter.  
23  
14:30:50 24 Unrelated matter?---Yes.  
25  
14:30:51 26 There's a briefing Operation Quills with Mansell?---Yes.  
27  
14:30:54 28 Targets **Mr Bickley** Yes.  
29  
14:30:57 30 Then if we go over to p.74 we see the arrest phase; is that  
14:31:03 31 right?---Correct.  
32  
14:31:03 33 And indeed I think you arrest **Mr Bickley** is that  
14:31:06 34 right?---I do, yes.  
35  
14:31:07 36 And you offer him his rights?---Yes.  
37  
14:31:11 38 And at that stage he's asked if he wishes or who he wishes  
14:31:17 39 to call and he says, "I've got no idea"; is that  
14:31:21 40 right?---That's correct, yes.  
41  
14:31:24 42 You explain the process, et cetera, that the premises will  
14:31:28 43 be searched and so forth; is that right?---Yes, that's  
14:31:30 44 right.  
45  
14:31:34 46 He is subsequently interviewed by Mr Rowe, is that right,  
14:31:39 47 or Mr Mansell?---I don't know.

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1  
14:31:42 2 But in any event it appears from what you subsequently  
14:31:46 3 learn that he wanted to get in touch with Ms Gobbo?---I  
14:31:55 4 don't think I had any involvement with that.  
5  
14:31:57 6 I'm not suggesting you did?---I certainly get a call from  
14:32:01 7 Ms Gobbo later on complaining that she wasn't contacted on  
14:32:05 8 the night, but I think that's the first time that I was  
14:32:09 9 aware that they were trying to contact each other on the  
14:32:12 10 night.  
11  
14:32:13 12 Righto. Indeed, if we go to p.77 of your diary there's a  
14:32:21 13 reference to Nicola Gobbo calling you; is that  
14:32:24 14 right?---That's correct, yes.  
15  
14:32:24 16 She had a number of complaints which you've recorded in  
14:32:28 17 your diary?---Yes.  
18  
14:32:32 19 The first was that she was critical of you for not  
14:32:35 20 returning an earlier call that she had made about a  
14:32:39 21 particular defendant, I think a person by the name of  
14:32:44 22 George Cantor; is that right?---That's right, yes.  
23  
14:32:47 24 That's a person who was a target with respect to Operation  
14:32:52 25 Rakus; is that right?---He was arrest over Rakus, yes.  
26  
14:32:57 27 Is that R-a-k-o-s?---U-s. R-a-k-u-s.  
28  
14:33:00 29 Okay, all right. Perhaps I'll withdraw that at this stage.  
14:33:06 30 That was the first issue that she had to raise with  
14:33:09 31 you?---Yes.  
32  
14:33:12 33 She was complaining that she hadn't been contacted when  
14:33:18 34 **Mr Bickley** had been arrested a few days earlier, is  
14:33:23 35 that right?---Correct.  
36  
14:33:24 37 I think your note reads, "Re **Mr Bickley** DSC Rowe couldn't  
14:33:30 38 contact her on night, probably same reason"; is that  
14:33:33 39 right?---Yes, that's correct.  
40  
14:33:33 41 What does that mean?---So I worked out with the earlier  
14:33:37 42 call that the number that I had for Ms Gobbo was in fact  
14:33:39 43 incorrect. She'd changed her number. So although I  
14:33:43 44 haven't diarised it or - actually I haven't looked, but  
14:33:45 45 with the Rakus arrest, which is unrelated to this, I must  
14:33:49 46 have given an indication that I'd ring her or something and  
14:33:52 47 then tried to and couldn't get through, and then when she

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14:33:55 1 raised the issue of Detective Senior Constable Rowe not  
14:33:58 2 returning her call or contacting her on the night of Mr [REDACTED]  
14:34:01 3 [REDACTED] arrest, I presumed it was probably the same.  
14:34:04 4 He was using the wrong number, like I did.  
5  
14:34:08 6 Okay. Did you understand why she was upset about not being  
14:34:12 7 contacted in relation to Mr Bickley [REDACTED] It's hard to remember  
14:34:19 8 from this time ago but to the best of my recollection it  
14:34:22 9 was just simply because there was an indication that we  
14:34:28 10 would call back and we didn't.  
11  
14:34:30 12 Did you know where she'd got the information from that he'd  
14:34:34 13 been arrested?---No.  
14  
14:34:37 15 It's clear, as we've established, that he was connected to  
14:34:40 16 Mokbel?---Yes.  
17  
14:34:44 18 Subsequently one of the issues that led to her registration  
14:34:48 19 was a concern that she had, or one of the reasons which led  
14:34:53 20 her into the arms of Rowe and Mansell was about the concern  
14:34:57 21 that she had about having to do certain bidding of Tony  
14:35:02 22 Mokbel in circumstances where it put her into conflict; is  
14:35:05 23 that right?---Yes, I had a conversation with her subsequent  
14:35:07 24 to these dates where she expressed those to me and she must  
14:35:12 25 have had further conversations with them that I wasn't a  
14:35:15 26 part of.  
27  
14:35:18 28 Had you ever had any inkling before then that she was being  
14:35:23 29 put in this sort of position, or on a regular basis being  
14:35:25 30 put in that sort of a position?---No.  
31  
14:35:28 32 Did that ring true to you, that comment that she  
14:35:31 33 made?---That she was being put under pressure?  
34  
14:35:33 35 Yes?---I recall that discussion with her because it's the  
14:35:44 36 only time I've ever really seen her upset.  
37  
14:35:47 38 Yes?---But it might have been naïve at the time for me to  
14:35:53 39 think this way but I just thought she was someone that was  
14:35:56 40 under a lot of pressure and she was just having a small  
14:35:59 41 break down and I think I actually suggested to her you  
14:36:01 42 know, "You need to get away for a week" or something like  
14:36:03 43 that, and that's what I remember about it. I don't  
14:36:08 44 remember being distinctly shocked that she was being put  
14:36:12 45 under this pressure by a criminal group.  
46  
14:36:14 47 What I'm suggesting is obviously you'd been involved in

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14:36:18 1 operations, a significant number of operations where people  
14:36:21 2 had been arrested. Did you ever get the impression in any  
14:36:25 3 of the cases that you were involved in that Ms Gobbo was  
14:36:28 4 acting in a way which appeared to be contradictory to the  
14:36:35 5 rights or interests of any of the people she was  
14:36:38 6 representing?---Well, with the [REDACTED] matters there was  
14:36:42 7 an obvious conflict of interest in relation that she was  
14:36:45 8 representing [REDACTED]  
9  
14:36:47 10 Yes?---Sorry, [REDACTED] and [REDACTED]  
11  
14:36:54 12 Yes?---And there was a conflict there. I don't have any -  
14:37:00 13 I've looked, I haven't got any notes of discussing this. I  
14:37:03 14 actually thought I might have raised it with her and  
14:37:06 15 possibly someone at work but I can't back that up in any  
14:37:10 16 way. I don't have any notes, I've looked.  
17  
14:37:13 18 What, and suggested to her that you might have a difficulty  
14:37:15 19 acting for [REDACTED] as well as [REDACTED]?---As [REDACTED]  
14:37:19 20 [REDACTED], that's right. And I seem to recall that someone  
14:37:21 21 gave me advice, "It's a matter for her. It's just a matter  
14:37:24 22 for her to sort out."  
23  
14:37:26 24 In other words at the time you thought that it was  
14:37:29 25 sufficiently concerning for you to bring it to her  
14:37:33 26 attention and suggest to her that she might have  
14:37:35 27 difficulties?---I just raised it. I said, you know, here I  
14:37:39 28 am running an investigation where potentially one offender  
14:37:43 29 could give evidence against a higher level offender and  
14:37:46 30 that she's representing both.  
31  
14:37:49 32 Both?---I was concerned that the option of [REDACTED] giving  
14:37:53 33 evidence against a higher offender wouldn't be considered.  
34  
14:37:59 35 Yes. Because as you say, very often you would approach  
14:38:05 36 potential - and generally I suspect it will be the lower  
14:38:10 37 down offender and give them the option of giving evidence  
14:38:14 38 against the higher ups to benefit their own. Was that the  
14:38:17 39 position? I mean that's regular, is it?---That's common  
14:38:19 40 discussion that police would have with drug offenders.  
41  
14:38:21 42 Indeed, if you felt that that was open it may well put  
14:38:26 43 someone into a conflict situation because they mightn't be  
14:38:32 44 able to give the best advice to the person about getting  
14:38:35 45 them the best result?---Yes.  
46  
14:38:40 47 Did you ever raise that matter with any of your colleagues

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14:38:45 1 or superiors?---I really can't remember who I spoke to  
14:38:51 2 about it.  
3  
14:38:51 4 Yes?---I don't think I was concerned about it too much  
14:38:56 5 because [REDACTED] was pretty staunch, if you like, for want  
14:38:59 6 of a better word, in not assisting with - not wishing to  
14:39:05 7 indicate that he wanted to assist police [REDACTED]  
14:39:09 8 [REDACTED] investigations.  
9  
14:39:10 10 Yes?---But I just have a recollection of raising it and  
14:39:15 11 getting some advice, well, it's a matter for her, that's  
14:39:18 12 all.  
13  
14:39:18 14 Do you know who you raised it with?---I don't know.  
15  
14:39:21 16 There are occasions, I take it, if the police take the view  
14:39:26 17 that insofar as an investigation is concerned it could be  
14:39:32 18 affected, the proper carriage of an investigation, perhaps  
14:39:36 19 even the administration of justice may be affected, in such  
14:39:39 20 a circumstance it is open for investigators and/or - well,  
14:39:44 21 investigators to approach the OPP and say, "Look, we don't  
14:39:48 22 believe this person should be acting because there are  
14:39:52 23 problems with respect to the administration of  
14:39:54 24 justice"?---Yes, that would be a logical process to go and  
14:39:57 25 speak to the OPP.  
26  
14:39:58 27 Indeed, we've had evidence in this case particularly  
14:40:01 28 concerning Ms Gobbo and her involvement in the Dublin  
14:40:06 29 Street arrests where just that occasion arose. Were you  
14:40:11 30 aware of that?---No, I'm not.  
31  
14:40:13 32 I raised this with you before. I take it you would have  
14:40:17 33 been aware, and I asked you about Azzam Ahmed, she appeared  
14:40:23 34 for Azzam Ahmed?---Yes.  
35  
14:40:28 36 She also made applications for bail on the part of Abbey  
14:40:30 37 Haynes, were you aware of that?---No.  
38  
14:40:32 39 Colleen O'Reilly who was another target of that  
14:40:34 40 operation?---No, I wasn't aware of her involvement with  
41 that, those offenders, but it doesn't surprise me.  
42  
14:40:43 43 She was also, it appears, seeing Paul Dale as well. That  
14:40:50 44 was a situation - I mean were you aware of that at the  
14:40:54 45 time?---That she was seeing Paul Dale?  
46  
14:40:57 47 There's evidence that she was providing advice to him,

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14:41:01 1 potentially in an intimate relationship, at least a casual  
14:41:08 2 intimate relationship with him at that stage?---I was not  
14:41:10 3 aware of either of those two at the time.  
4  
14:41:13 5 You weren't - - -?---Not aware that she was providing  
14:41:16 6 advice to him at the time and not aware that they were in  
14:41:18 7 any form of relationship at that stage.  
8  
14:41:22 9 Equally, I think as to your knowledge about Mr De Santo  
14:41:27 10 approaching her or Mr Grigor approaching her with a view to  
14:41:30 11 putting Hodson in touch with them, you weren't aware of  
14:41:34 12 that at the time either?---No.  
13  
14:41:36 14 All of which would suggest that Ms Gobbo's idea of  
14:41:40 15 appropriate ethical behaviour is, if that's the case,  
14:41:44 16 pretty suspect?---I'd have to know more about what exactly  
14:41:49 17 was occurring to comment on that. I wasn't aware of any of  
14:41:51 18 those because I weren't part of those investigations with  
14:41:54 19 the exception of Operation Gallop where I assisted with the  
14:41:58 20 warrants.  
21  
14:41:59 22 All right then. In relation to that person who we  
14:42:06 23 mentioned concerning the Operation Rakus, you understood  
14:42:11 24 that she represented him; is that right?---I think she  
14:42:17 25 represented him at some stage.  
26  
14:42:19 27 Okay?---I can't take that much further.  
28  
14:42:27 29 All right then. The final thing, if we can go back to your  
14:42:31 30 diary, I was diverted for a moment. If we go back to your  
14:42:36 31 diary for the 17th. There was another matter that she  
14:42:39 32 raised and she was critical of a particular solicitor who  
14:42:46 33 was acting for three co-accused; is that right?---Correct.  
34  
14:42:52 35 And she alleged that that solicitor was acting for them for  
14:42:55 36 the purposes of protecting Tony Mokbel and that the  
14:43:01 37 solicitor was potentially perverting the course of  
14:43:05 38 justice?---Yes.  
39  
14:43:09 40 Is that right?---Yes.  
41  
14:43:10 42 In effect she was at that stage providing you with  
14:43:12 43 information about the potential criminal activities of  
14:43:15 44 another person?---Yes.  
45  
14:43:20 46 Did you speak to anyone about that?---Yes, I informed  
14:43:25 47 Inspector John Shawyer and Jim O'Brien.

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1  
14:43:33 2 If you can read your notes, without perhaps reading the  
14:43:36 3 name of the solicitor - it's Solicitor 2 I think, if you  
14:43:42 4 can insert that name when you read that?---From the dot  
14:43:49 5 point, is that right, about eight lines up? Is that where  
14:43:52 6 you want me to start?  
7  
14:43:54 8 Yes?---So there's two solicitors there. Do you want me to  
14:43:58 9 mention both or - - -  
10  
14:44:02 11 The first one, Mr Hargreaves, is fine?---Okay. So, "Gobbo  
14:44:13 12 arranged solicitor from Tony Hargreaves' office to speak to  
14:44:18 13 Mr Bickley All correct. Is now concerned as Solicitor 2  
14:44:22 14 is speaking to all three accused, Quills. Believes  
14:44:27 15 Solicitor 2 is working on behalf of Tony Mokbel and giving  
14:44:31 16 instructions. Stated Solicitor 2 is committing pervert the  
14:44:35 17 course of justice. I replied would investigate if had one  
14:44:42 18 of the three telling us what was being said, would look  
14:44:46 19 into."  
20  
14:44:46 21 Yes?---And then spoke, notified Shawyer and Jim O'Brien.  
22  
14:44:55 23 Commissioner, I might tender that record and the earlier  
14:44:58 24 records, so pp.27, 28, 72, 74.  
25  
14:45:14 26 COMMISSIONER: I've got 29 marked but you don't want 29?  
27  
14:45:18 28 MR WINNEKE: Did I miss 29?  
29  
14:45:20 30 COMMISSIONER: I don't know, it was just a page number that  
14:45:23 31 you did mention.  
32  
14:45:25 33 MR WINNEKE: No.  
34  
14:45:26 35 COMMISSIONER: Okay. 28, 72, 74.  
36  
14:45:30 37 MR WINNEKE: 74.  
38  
14:45:30 39 COMMISSIONER: Yes.  
40  
14:45:31 41 MR WINNEKE: 72 and 74, yes.  
42  
14:45:33 43 COMMISSIONER: Okay.  
44  
14:45:35 45 MR WINNEKE: And finally 77.  
46  
14:45:38 47 COMMISSIONER: Those five pages of Mr Flynn's diary 2005

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14:45:50 1 will be Exhibit 542A and B.  
14:45:55 2  
14:45:55 3 #EXHIBIT RC542A - (Confidential) Pages 27, 28, 72, 74 and  
14:45:57 4 77 of Dale Flynn's diary.  
14:45:57 5  
14:45:57 6 #EXHIBIT RC542B - (Redacted version.)  
14:46:00 7  
14:46:00 8 MR WINNEKE: Thanks Commissioner. Effectively what was  
14:46:02 9 being alleged was that there was a conflict of interest and  
14:46:07 10 indeed some serious conduct on the part of a solicitor for  
14:46:13 11 engaging in conduct which might be regarded as perverting  
14:46:16 12 the course of justice?---Yes.  
13  
14:46:18 14 Was one of the people arrested in the course of Operation  
14:46:21 15 [REDACTED] ---Yes, I believe so.  
16  
14:46:24 17 Ms Gobbo ended up appearing for [REDACTED] is that right?---I  
14:46:31 18 don't know.  
19  
14:46:32 20 Ultimately you're aware that Ms Gobbo subsequently gave  
14:46:39 21 advice, at the very least gave advice to  
14:46:51 22 Mr Bickley [REDACTED] I'm not sure if I was aware of that. I  
14:46:53 23 can't remember it but I don't doubt it.  
24  
14:47:14 25 Were you aware that subsequent to receiving advice from  
14:47:20 26 Ms Gobbo [REDACTED] provided a statement against  
14:47:25 27 Mr Bickley [REDACTED] -No.  
28  
14:47:26 29 No?---No. Is this at this stage, at this timing?  
30  
14:47:30 31 Yes?---No, I was not aware of that because this was another  
14:47:35 32 crew that was running this investigation. Once I help them  
14:47:39 33 out and provide the relevant statements that's my role in  
14:47:42 34 it. Of course it changes in late 2005 but at that stage I  
14:47:49 35 wasn't following the prosecution.  
36  
14:47:52 37 All right, thanks very much. If I can move on. It appears  
14:47:56 38 that Mr Bickley [REDACTED] about a couple of weeks later, a bail  
14:48:05 39 application is to be made on his behalf and Ms Gobbo's been  
14:48:07 40 engaged. You're aware of that subsequently I take  
14:48:13 41 it?---No, I don't have any knowledge around that. Again I  
14:48:16 42 don't argue against it but that's not something that was  
14:48:20 43 relevant to me.  
44  
14:48:21 45 You are aware, I take it, that Ms Gobbo spoke to Mr Mansell  
14:48:26 46 and Mr Rowe on the morning I think of 31 August and that  
14:48:32 47 led to the processes by which you ultimately had a

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14:48:37 1 discussion with Ms Gobbo on 15 September?---Yes. The  
14:48:45 2 discussion with her was on 16 September but I spoke to  
14:48:50 3 Detective Sergeant Mansell on 15 September and I'm aware  
14:48:53 4 that he'd obviously had conversations with her prior to  
14:48:55 5 that, I just actually don't know what dates they were.  
6  
14:49:00 7 In any event you're aware that she had spoken to him about  
14:49:03 8 being conflicted by representing Mr Bickley when she's  
14:49:07 9 representing Mokbel, about feeling appreciated by Mokbel to  
14:49:11 10 look after Mokbel's interests instead of Mr Bickley  
14:49:16 11 interests, the fact that if Rowe was cross-examined she  
14:49:22 12 wanted to know if there would be anything that might affect  
14:49:27 13 Mokbel's involvement. You subsequently became aware of  
14:49:31 14 that I take it?---No, not really. I'm listening to that  
14:49:35 15 and, as I said, I wasn't involved at that stage, so that  
14:49:39 16 was all occurring before I had any knowledge or part in  
14:49:42 17 those discussions.  
18  
14:49:44 19 You weren't aware, for example, that Mr O'Brien instructed  
14:49:48 20 Messrs Mansell and Rowe to tape-record conversations with  
14:49:52 21 Ms Gobbo which had occurred that morning on the 31st?---No,  
14:49:58 22 I wasn't aware of that .  
23  
14:50:00 24 That's news to you even now, is it?---Yes, it is.  
25  
14:50:06 26 It was during those discussions where the evidence suggests  
14:50:08 27 that Mansell suggested to Ms Gobbo that she should get on  
14:50:14 28 board?---Yes.  
29  
14:50:15 30 Are you aware that that suggestion had been made to  
14:50:20 31 Ms Gobbo?---I'm certainly aware that at some stage Steve  
14:50:24 32 Mansell had suggested to Ms Gobbo "get on board", exactly  
14:50:28 33 that terminology. But I just don't know the details or  
14:50:34 34 what court they were at. It makes sense that they were at  
14:50:35 35 a matter for Mr Bickley  
36  
14:50:37 37 Whilst those matters were occurring you had no idea that  
14:50:41 38 that was going on?---No.  
39  
14:50:45 40 The evidence indicates that Gobbo had said she would be  
14:50:48 41 willing to talk to you. That was never raised with  
14:50:51 42 you?---Only on the - not until the 15th of September. So  
14:50:55 43 when I had that discussion with Detective Sergeant Mansell,  
14:50:59 44 that's the first time that it was - I became aware of it  
14:51:03 45 and that's the first time I heard she was comfortable with  
14:51:07 46 me was the wordings I've written in my diary.  
47

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14:51:10 1 Did it make sense that she would be comfortable speaking to  
14:51:16 2 you from your dealings previously with her?---Well, we had  
14:51:21 3 no - we seemed to be getting on all right, so yeah, that  
14:51:27 4 makes sense to me.  
5  
14:51:29 6 It would be surprising though, I suspect, wouldn't it, that  
14:51:33 7 she was wanting to provide information?---Yes.  
8  
14:51:39 9 Albeit she certainly had contacted you on 17 August and  
14:51:43 10 provided you with information against a particular  
14:51:47 11 colleague or in relation to a particular colleague's  
14:51:49 12 conduct?---Yes, but I viewed the two as quite different.  
13  
14:51:55 14 Yes?---Because I think as I said in one of my previous  
14:51:58 15 answers, you know, just conversation in a foyer of a  
14:52:02 16 courtroom or outside somewhere about, you know, "I spoke to  
14:52:09 17 Carl Williams" or, "I did this", it's obviously been of  
14:52:13 18 interest enough for me to make a comment about it, but  
14:52:15 19 whether it ever goes any further or not is highly  
14:52:19 20 debatable. I probably make that entry thinking this will  
14:52:24 21 never go anywhere. When Detective Sergeant Mansell come to  
14:52:27 22 me and spoke to me that she was, you know, thinking about -  
14:52:27 23 wanted me to facilitate a meeting with the SDU, that's  
14:52:30 24 obviously well and truly at a higher level than those  
14:52:33 25 previous conversations.  
26  
14:52:35 27 But is it necessarily, because previously on the 17th she'd  
14:52:38 28 in effect suggested that a client of hers had been engaged  
14:52:44 29 in conduct which was by way of perverting the course of  
14:52:45 30 justice by using a solicitor?---Yes.  
31  
14:52:48 32 She's acting for Mokbel at the time and suggesting that  
14:52:52 33 he's engaged in criminal conduct?---I see the two as  
14:52:55 34 significantly different.  
35  
14:52:57 36 But how could that be so if she's acting for someone she's  
14:52:59 37 actually already providing information against?---Because  
14:53:03 38 part of the conversation about another solicitor might be  
14:53:05 39 just, you know, because they don't get along or they don't  
14:53:08 40 dislike each other or something like that. It's a little  
14:53:11 41 bit like when we were discussing before when we had  
14:53:13 42 discussions about pleas. It's all right to talk over the  
14:53:16 43 phone about it and things like that, but until someone  
14:53:21 44 comes up and says, "Right, in writing, this is what we're  
14:53:25 45 prepared to do. You want to take it to the OPP. It's  
14:53:29 46 really just talk.  
47

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14:53:31 1 When it's put into action, when something actually occurs,  
14:53:34 2 that's when it becomes a more significant matter?---Yes.  
3  
14:53:37 4 In this case when she actually came forward and started to  
14:53:41 5 officially provide information against the interests of her  
14:53:47 6 clients, that would be matter of some moment or  
14:53:50 7 significance to you, surely?---I'm sorry, are you referring  
14:53:53 8 to 17 August or 15 September?  
9  
14:53:56 10 I'm talking about subsequently?---Yes, that's right.  
11  
14:54:02 12 Were you at that stage, towards the end of August, aware  
14:54:06 13 that there were movements to get a crew of the MDID into  
14:54:11 14 Purana?---I believe there was already a crew there. One  
14:54:15 15 crew had already gone. I actually would have thought it  
14:54:20 16 was a few months before then, but I could be wrong with  
14:54:23 17 that.  
18  
14:54:23 19 You might be wrong about that. Specifically with respect  
14:54:26 20 to your crew, when did you understand that you were going  
14:54:31 21 over to Purana?---We started on 21 November.  
22  
14:54:38 23 Yes?---We had a couple of false starts. I think we were  
14:54:43 24 officially due to start there the week before, but for a  
14:54:46 25 reason that I don't know now I can't recall why it was put  
14:54:48 26 back a week. But the date my crew started there was 21  
14:54:52 27 November 2005.  
28  
14:54:56 29 If we can come to 15 September. You were asked by Mansell  
14:55:03 30 to assist Rowe with speaking to Nicola Gobbo meeting with  
14:55:14 31 Sandy White of the Dedicated Source Unit, is that  
14:55:15 32 correct?---Yes.  
33  
14:55:18 34 Do you say that's the first time that you heard or were  
14:55:21 35 aware that there was some talk of Ms Gobbo in effect coming  
14:55:26 36 on board and consummating the request or the suggestion  
14:55:31 37 that Mr Mansell had made earlier on?---Yes.  
38  
14:55:37 39 If we have a look at that diary entry there at 14:00. The  
14:56:06 40 effect was that Mansell was unable to attend and Gobbo was  
14:56:15 41 comfortable with you. A time to be arranged and you were  
14:56:18 42 to pick up Gobbo in South Melbourne and convey her to the  
14:56:22 43 [REDACTED] is that right?---Correct.  
44  
14:56:27 45 If we then go over the following page. Did you have  
14:56:32 46 discussions then with Ms Gobbo?---Yes.  
47

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14:56:36 1 Firstly, you spoke to Mansell; is that right?---Yes, that's  
14:56:46 2 correct. I spoke to him at midday.  
3  
14:56:48 4 You called Ms Gobbo; is that right?---No, so that reads to  
14:56:52 5 me that I received "RTC", received telephone call from  
14:56:56 6 Detective Sergeant Mansell. Received telephone call, so he  
14:56:58 7 had received a telephone call from Ms Gobbo and that  
14:57:04 8 indicated that she was available until 3 pm.  
9  
14:57:08 10 Yes?---I then made a call then to - - -  
11  
14:57:11 12 Mr Smith?---Yes, Officer Smith. I don't know why those  
14:57:18 13 officers changed but he was unavailable for an hour.  
14  
14:57:23 15 I take it you'd been communicating with or there'd been  
14:57:26 16 communication between you and the DSU?---No, not at that  
14:57:33 17 stage.  
18  
14:57:33 19 Well you made a telephone call to the DSU. How did you  
14:57:40 20 know to call Mr Smith?---I presume I was passing on what  
14:57:44 21 Steve Mansell had told me.  
22  
14:57:48 23 And unavailable for - - -?---For an hour.  
24  
14:57:51 25 Insufficient time to set up the meeting before 3 pm; is  
14:57:58 26 that correct?---Correct.  
27  
14:57:59 28 Then you contacted Ms Gobbo?---Yes.  
29  
14:58:02 30 She has a case conference with Mokbel and Robert  
14:58:06 31 Richter?---Correct.  
32  
14:58:07 33 Between 3 to 4?---Yes.  
34  
14:58:08 35 She's available after then?---Yes.  
36  
14:58:10 37 And available all weekend?---Correct.  
38  
14:58:14 39 And she spoke to Mokbel last night; is that right?---Yes.  
40  
14:58:18 41 "She has information we would be very happy about"?---Yes.  
42  
14:58:23 43 And a case conference on - what does that say?---Today.  
44  
14:58:30 45 "May assist"?---Yes.  
46  
14:58:32 47 What did you understand that to be? Are you able to expand

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14:58:35 1 on that?---She's providing information there that I  
14:58:38 2 probably didn't really want. I was only trying to  
14:58:42 3 facilitate a meeting but this is what she said to me over  
14:58:47 4 the phone, which I've made a note of. Then I've rang the  
14:58:51 5 SDU member and passed on further details.  
6  
14:58:53 7 In effect she was already in effect bubbling over with  
14:58:58 8 enthusiasm to provide information about Tony Mokbel it  
14:59:01 9 seems?---Yes.  
10  
14:59:07 11 Is there a further discussion at 2 pm?---I received a phone  
14:59:12 12 call from Detective Sergeant Mansell at 2 pm. Whatever  
14:59:17 13 prior commitment he had that made him unavailable for this  
14:59:21 14 meeting had either concluded or not occurred and he was now  
14:59:25 15 available to organise that introduction to the SDU members  
14:59:34 16 - or DSU I think it was then.  
17  
14:59:36 18 It was quite apparent to you then that what was going on  
14:59:39 19 here was that Ms Gobbo was about to make contact with the  
14:59:48 20 specialist human source unit within Victoria Police with a  
14:59:54 21 view to offering information to them apparently about Tony  
14:59:59 22 Mokbel?---She was being assessed for the possibility of her  
15:00:02 23 being a human source, yes.  
24  
15:00:06 25 Can I suggest to you that that telephone call must have  
15:00:08 26 struck you as being extraordinary because she was  
15:00:12 27 indicating that she's in a meeting or she has a meeting  
15:00:20 28 with senior counsel and Mr Mokbel and at the very same time  
15:00:27 29 she's willing to provide information about him, or  
15:00:30 30 potentially, that's what it seems to be, doesn't it?---Yes,  
15:00:33 31 it's not - I understand what you're suggesting but it's not  
15:00:37 32 - this conversation is not the one that sticks out in mind  
15:00:41 33 perhaps as initially the initial conversation I had with  
15:00:48 34 Steve Mansell. That's when I remember thinking, "Geez, a  
15:00:51 35 solicitor being assessed to be a human source". I mean  
15:00:53 36 it's very hard to go and think what was going through my  
15:00:56 37 mind in 2005.  
38  
15:01:00 39 I follow that?---As I read it now it's that first  
15:01:03 40 conversation where I thought this is interesting, this is  
15:01:05 41 something that's a little bit unusual. It's going to sound  
15:01:09 42 like a bit of a cop out but it's just an assessment at this  
15:01:12 43 stage. She's going to go off and she's going meet with  
15:01:16 44 some DSU members and it could completely stop and finish  
15:01:20 45 there.  
46  
15:01:20 47 It may well, but all I'm saying to you is that alarm bells

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15:01:25 1 would have been ringing because you had a discussion with  
15:01:27 2 her on 17 August in which suggests that Mokbel might be  
15:01:32 3 involved in perverting the course of justice. She's now  
15:01:35 4 having a personal discussion with you on 16 September,  
15:01:40 5 about a month later, in which she's in the context of  
15:01:43 6 having a meeting with her leader, Mr Richter, and her  
15:01:48 7 client, she's again suggesting she has information you'd be  
15:01:52 8 very happy to receive about - one assumes you got the  
15:01:56 9 impression about Mokbel?---Yes. Again I understand your  
15:01:59 10 point about alarm bells but the information at that time  
15:02:05 11 wasn't a great concern to me. I didn't really want to  
15:02:09 12 receive the information. I wasn't really concerned about  
15:02:11 13 the information at that stage. It was just about  
15:02:14 14 facilitating the meeting.  
15 15  
15:02:15 16 I follow that?---And whatever information come out of  
15:02:18 17 that, I knew the process, that she wouldn't be providing me  
15:02:24 18 with information, she'd be providing other people with  
15:02:27 19 information.  
20 20  
15:02:27 21 I'm not suggesting about that, I'm not suggesting that  
15:02:28 22 there's anything improper about it. What I'm suggesting is  
15:02:31 23 the very fact of it, that that's what's being proposed,  
15:02:35 24 that's what she's proposing, suggests that it is a most  
15:02:38 25 unusual event which is going on?---It was unusual but my  
15:02:48 26 recollection of why I thought it was unusual at the time is  
15:02:52 27 simply because she's a legal practitioner and not because  
15:02:54 28 of the actual information she was talking about.  
29 29  
15:02:56 30 Who acts for one of the most significant alleged drug  
15:03:00 31 producers around?---Yes.  
32 32  
15:03:05 33 And with the potential of providing information in relation  
15:03:09 34 to that person?---Yes. Well, yes, but as I've said, the  
15:03:12 35 information was not a major concern for me at that stage.  
36 36  
15:03:19 37 Did you have any discussions with anyone about that, did  
15:03:22 38 you speak, for example, to Mr O'Brien?---No, I don't think  
15:03:26 39 I have anything in my diary about that. So it's possible  
15:03:32 40 that I did but I don't have anything record ed.  
41 41  
15:03:35 42 The next thing occurs - you don't have any further  
15:03:42 43 involvement with what goes on on the 16th, is that right,  
15:03:45 44 the 17th?---That's correct.  
45 45  
15:03:47 46 Did you subsequently learn what had been discussed at that  
15:03:50 47 meeting?---So by reviewing my diaries, preparing to give

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15:03:55 1 evidence today, the next entry is 30 September in Friday,  
15:04:00 2 that's where it became clear to me that, you know, the  
15:04:04 3 course of action that subsequently occurred was commencing.  
4  
15:04:08 5 Yes?---Those intervening dates, there's nothing in my diary  
15:04:11 6 whatsoever.  
7  
15:04:12 8 No, I follow that?---Look, I was reasonably close with Jim  
15:04:17 9 O'Brien, he might have up dated me at some stage or  
15:04:22 10 something like that but I haven't made a note of it.  
11  
15:04:23 12 I follow that. Would you be prepared to say the likelihood  
15:04:24 13 is there would have been some discussion about it and you  
15:04:27 14 would have been interested to know what that was  
15:04:28 15 about?---Well, yeah, I would be. I know now, which I  
15:04:30 16 didn't know at the time, that there were previous  
15:04:32 17 discussions before 30 September. I had nothing to do  
15:04:35 18 those, I knew nothing about them. It goes back to, you  
15:04:40 19 know, you know when you need to know.  
20  
15:04:43 21 Yeah, I follow that. I wonder if we could have a look at  
15:04:50 22 the source management log - just before we do. It appears  
15:04:56 23 - perhaps if we go to the ICR number 1 at p.5. If we have  
15:05:18 24 a look at the bottom of that page there's reference, I  
15:05:21 25 asked you before - perhaps we move to the next page. Just  
15:05:41 26 leave that for the moment. There was a discussion about  
15:05:45 27 you, there was a suggestion that, as I suggested to you  
15:05:51 28 before, that he had been comfortable, that is [REDACTED]  
15:05:54 29 had been comfortable with speaking to you. You say that  
15:05:57 30 may well be right?---Yes.  
31  
15:05:58 32 Then there's a note in the source management log on 19  
15:06:02 33 September 2005 about a meeting between Acting  
15:06:08 34 Superintendent Hill, Senior Sergeant O'Brien, Detective  
15:06:13 35 Sergeant Mansell. If we have a look at that on the 19th.  
15:06:20 36 There was an agreement that MDID members to be told that  
15:06:23 37 she'd been assessed and is of no value. Members who have  
15:06:28 38 knowledge of Ms Gobbo of the intended approach were you and  
15:06:30 39 your team, Mansell and team, Wayne Cheesman and team, do  
15:06:34 40 you see that?---Yes.  
41  
15:06:39 42 Were you aware as to whether or not Mr Cheesman and his  
15:06:42 43 team did or didn't know?---I didn't think he had any idea  
15:06:47 44 so he wasn't a member of our unit and, yeah, that surprises  
15:06:55 45 me that his name's there.  
46  
15:06:58 47 There's a reference to a person by the name of Bullock, do

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These claims are not yet resolved.

15:07:02 1 you see that?---Yep.  
2  
15:07:04 3 Do you know that person?---I think that's Bruce Bullock who  
15:07:07 4 was an ex Victoria Police member that went to the ACC. I  
15:07:12 5 don't think he's no longer with them.  
6  
15:07:14 7 Have you ever had any discussions with him about Ms Gobbo  
15:07:16 8 and the provision of information to him by her?---No.  
9  
15:07:21 10 Do you have any idea as to why he might have been named as  
15:07:25 11 a person who was aware of the approach?---No, I have no  
15:07:29 12 idea. It's the first time I've ever heard of it.  
13  
15:07:35 14 Was it ever conveyed to you that Ms Gobbo had been assessed  
15:07:40 15 and was of no use?---No.  
16  
15:07:42 17 Were you aware that it was conveyed to any one of those  
15:07:43 18 people, for example, Mansell and his team - clearly it  
15:07:47 19 wouldn't have been Mansell, or perhaps it was. Do you know  
15:07:50 20 whether it had ever been conveyed to the MDID that she had  
15:07:54 21 been assessed and was of no use?---No, I have no  
15:07:58 22 recollection of that ever being made public across the MDID  
15:08:02 23 floor.  
24  
15:08:04 25 As far as you were concerned you were aware that there'd  
15:08:06 26 been an approach made, that you had played your part in the  
15:08:10 27 facilitation of that approach, ultimately it hadn't  
15:08:13 28 occurred, but as far as you knew she was going to be  
15:08:15 29 speaking to the DSU?---Yes, back on the 15th I know she was  
15:08:24 30 going to speak to the DSU on the 16th, yes.  
31  
15:08:27 32 You say you were never told that she'd been assessed and  
15:08:30 33 was of no value?---No.  
34  
15:08:33 35 You don't know if anyone else had been told that she'd been  
15:08:38 36 assessed as no value?---No. As I sit here that's a  
15:08:42 37 surprise to me, I hadn't heard of that before.  
38  
15:08:44 39 Then if you go to your diary - just excuse me. Do you know  
15:08:49 40 whether Purana was working with the ACC?---No, I don't.  
41  
15:08:59 42 At no stage did you become aware that Purana was working  
15:09:03 43 with the ACC and specifically Bruce Bullock?---No, I did  
15:09:07 44 not know that.  
45  
15:09:08 46 The next you hear about all this is on 30 September; is  
15:09:13 47 that correct?---Yes.

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1  
15:09:16 2 At that stage you were invited to a meeting on the 14th  
15:09:18 3 floor; is that right?---Yes.  
4  
15:09:20 5 Perhaps if we go back to p.117 of your diary?---Yes.  
6  
15:09:25 7 You get an update report from Unit 2; is that right?---Yes,  
15:09:32 8 so that's an update from Jim O'Brien, the officer-in-charge  
15:09:36 9 of Unit 2.  
10  
15:09:37 11 That's given to you, to Rowe, Burrows, regarding the  
15:09:41 12 possible Task Force investigation?---Yes.  
15:09:44 13  
15:09:44 14 Is that right?---Yes.  
15  
15:09:46 16 Did you understand that there was going to be a Task Force  
15:09:51 17 that you were going to be involved in?---Well, it was being  
15:09:55 18 considered, yes.  
19  
15:09:57 20 If we go to 230, you then go and have a conference with  
15:10:02 21 Commander Purton?---Yes.  
22  
15:10:03 23 Hill, Robert Hardy; is that right?---Correct.  
24  
15:10:07 25 O'Brien, Rowe and Burrows?---Yes.  
26  
15:10:09 27 And that is specifically in relation to the possible Task  
15:10:13 28 Force; is that right?---Yes, correct.  
29  
15:10:15 30 And that's a Task Force operation which in effect was going  
15:10:20 31 to be into Operation Quills?---It was a continuation of  
15:10:24 32 Operation Quills, that's right, that's what my diary  
15:10:27 33 indicates.  
34  
15:10:27 35 Then Mr Smith of the DSU turns up to that meeting; is that  
15:10:32 36 right?---Yes.  
37  
15:10:33 38 Then there quite a bit of information which is provided at  
15:10:38 39 that meeting. Can you summarise what information you were  
15:10:41 40 provided at that meeting?---Yes, I'll just read through my  
15:10:45 41 diary but there was discussions with [REDACTED]  
42  
15:10:50 43 Yes?---Issues about [REDACTED]. Concerns about his pending  
15:10:54 44 gaol sentences for [REDACTED] matters that he was on bail for.  
45  
15:10:58 46 Yes?---He didn't want to be in gaol for Christmas. [REDACTED]  
15:11:04 47 wanted him [REDACTED]

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1  
15:11:05 2 Just before you go on, you missed a line there which says,  
15:11:09 3 "Gao1 [REDACTED] to [REDACTED] years"?---He was concerned about the  
15:11:12 4 amount of time that he was going to spend in gaol.  
5  
15:11:15 6 And there's a reference to [REDACTED] to [REDACTED] years. You  
15:11:19 7 understood this information was coming from Smith and it  
15:11:22 8 was coming from Gobbo in effect?---Yes.  
9  
15:11:25 10 There's no question about that in your mind?---Correct.  
15:11:27 11  
15:11:27 12 Albeit it mightn't have been stated as much, it was pretty  
15:11:32 13 clear to you that the information was coming to Smith from  
15:11:34 14 Gobbo?---Correct.  
15  
15:11:35 16 And he's passing it on?---Yes.  
17  
15:11:38 18 The point being that you're brought up to this meeting with  
15:11:42 19 a view to the potential Task Force and it's going to be a  
15:11:45 20 significant extent based on the information provided by  
15:11:48 21 Ms Gobbo?---Yes. Well, this is the first I've become aware  
15:11:53 22 of it. At the end of it it talks about the Task Force size  
15:11:56 23 but, you know, this is my first exposure to it. So I was  
15:12:01 24 just getting an understanding of what the Task Force was  
15:12:03 25 about.  
26  
15:12:04 27 One of the things that had been conveyed was that he's had  
15:12:10 28 [REDACTED], there's [REDACTED], he's facing the  
15:12:15 29 prospect of [REDACTED] to [REDACTED] years in gaol?---Yes.  
30  
15:12:18 31 Mr O'Brien's given evidence that back in those days there  
15:12:22 32 was - it seemed to be the view was taken by the courts as  
15:12:31 33 far as he was concerned that penalties dished out for  
15:12:36 34 pills, amphetamines, MDMA, appeared to be lesser than the  
15:12:39 35 sorts of penalties which were handed out for heroin and  
15:12:42 36 those sorts of drugs. Was that your view?---I don't think  
15:12:47 37 I'd agree with that.  
38  
15:12:49 39 No?---I think it depends on a lot of different factors and  
15:12:52 40 the circumstances of each individual case.  
41  
15:12:55 42 Yes. In any event, when you read that, the [REDACTED] to [REDACTED]  
15:13:00 43 years, I mean that may well seem a realistic sort of  
15:13:06 44 penalty that [REDACTED] might have been facing?---I'd agree  
15:13:08 45 with that.  
46  
15:13:08 47 If that was something that had been advised to him by



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15:13:11 1 Ms Gobbo, who at that stage was a relatively experienced  
15:13:14 2 practitioner, that might have been reasonable  
15:13:17 3 advice?--Well, I just don't know the context of that  
15:13:22 4 comment. It might be that [REDACTED] just said, "Oh, I'm  
15:13:25 5 going to go to gaol for [REDACTED] to [REDACTED] years". I don't know  
15:13:29 6 if it was her advice or just his thoughts.  
7

15:13:31 8 I follow what you're saying. In any event, looking at that  
15:13:33 9 that might be a reasonable prediction?---Yes.  
10

15:13:36 11 Go on?---Didn't want to be in gaol for Christmas. [REDACTED]  
15:13:43 12 wanted him [REDACTED]. [REDACTED] owes  
15:13:50 13 to [REDACTED]. [REDACTED] reluctant to [REDACTED] for same.  
15:14:05 14 [REDACTED] has instructed [REDACTED] and [REDACTED] to  
15:14:10 15 [REDACTED] separately. After December 2003.  
15:14:16 16 [REDACTED] put pressure on [REDACTED] over the past  
15:14:20 17 three to four months. Last meeting [REDACTED]  
15:14:27 18 four to five weeks. [REDACTED] indicated that he had  
15:14:31 19 involvement [REDACTED] Human source states [REDACTED] at  
15:14:39 20 different location in same street. [REDACTED] believes  
15:14:43 21 [REDACTED]. Attempted to get [REDACTED] to  
15:14:48 22 pay solicitor fees.  
23

15:14:53 24 Solicitor 1 I think that might be?---Solicitor 1 told human  
15:14:57 25 source \$250,000 contract on [REDACTED] at his time of arrest  
15:15:03 26 by [REDACTED]. Believed he could roll on same. Initial  
15:15:08 27 [REDACTED] for [REDACTED]. [REDACTED] got involved. I don't  
15:15:16 28 this know whether this name - - -  
29

15:15:18 30 That's [REDACTED]?---" [REDACTED] taking some of Mokbel's gear  
15:15:25 31 without Mokbel knowing. Source believes [REDACTED] and  
15:15:30 32 [REDACTED] would have information that could put  
15:15:36 33 Mokbel" - - -  
34

15:15:37 35 Assuming put Mokbel behind bars or put Mokbel away or  
15:15:41 36 something like that?---Something like that, yep. It's  
15:15:42 37 just - - -  
38

15:15:43 39 Left off?---My rapid writing, yeah. "Human source states  
15:15:49 40 Mr Bickley [REDACTED] has something big on Tony Mokbel."  
41

15:15:51 42 Yes?---"Human source stated Tony Mokbel and Radi Karam met  
15:15:59 43 at her office last week, walked around block together.  
15:16:03 44 Source believes they are importing. Leave phones at  
15:16:08 45 office."  
46

15:16:09 47 Yes. Then Mr Smith?---Thank you, "Mr Smith to speak to

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15:16:15 1 human source over weekend. I will liaise with Mr Smith on  
15:16:20 2 Monday am. I will then liaise with ██████████ Cruze  
15:16:29 3 re ██████████. Consideration size of Task Force. Three  
15:16:50 4 sergeants and four member crews for each, one from each  
15:16:51 5 unit."

6  
15:16:51 7 I tender that entry, Commissioner. Pages 118 and 119.

8  
15:16:57 9 COMMISSIONER: Thank you.

15:16:58 10  
15:17:00 11 #EXHIBIT RC543A - (Confidential) Mr Flynn's diary  
15:17:05 12 pp.118-119.

15:17:09 13  
15:17:10 14 #EXHIBIT RC543B - (Redacted version.)

15:17:12 15  
15:17:13 16 MR WINNEKE: The initial plan was, if we go over to p.120,  
15:17:15 17 there was an initial plan that was to be put in place that  
15:17:21 18 there would be ██████████ meeting with ██████████ and the  
15:17:24 19 human source on Wednesday night?---Yes.

20  
15:17:28 21 The view was that if you were to meet up ██████████  
15:17:39 22 although not ██████████, at ██████████ you might be able to,  
15:17:43 23 in conjunction with Ms Gobbo or the human source, to sit  
15:17:47 24 there and have a discussion with ██████████ and get him to  
15:17:52 25 likewise come on board?---No, no. I don't know - that's  
15:17:59 26 not how I recall it.

27  
15:18:00 28 What do you recall?---I just thought at that stage that we  
15:18:09 29 were just trying to organise the human source or Ms Gobbo  
15:18:12 30 to meet with ██████████ just really to strengthen the  
15:18:15 31 relationship.

32  
15:18:17 33 What I suggest to you is that you were going to be the one  
15:18:23 34 who was going to be meeting with them as well because the  
15:18:29 35 evidence of the Commission is - perhaps if we go on it will  
15:18:35 36 become apparent. Unless I'm mistaken, I suggest what was  
15:18:38 37 going to occur was that because ██████████ was comfortable  
15:18:42 38 with you because he had in effect in the past put forward  
15:18:47 39 the suggestion to you and in conjunction with Ms Gobbo in  
15:18:53 40 discussions with you, that you would involve yourself in  
15:18:56 41 the meeting? This had been discussed between Ms Gobbo and  
15:19:05 42 the SDU and that was the suggestion that was coming from  
15:19:08 43 the SDU?---I don't - that's not how I recall it.

44  
15:19:11 45 Right?---It's, you know, it's possible it was raised and  
15:19:16 46 I've just forgotten it but I'm just not - this is a  
15:19:20 47 surprise to me.

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1  
15:19:21 2 Sorry?---This is a surprise to me. It was more about, you  
15:19:25 3 know, as we progressed it was more about [REDACTED] and his  
15:19:29 4 active activities, finding that.  
5  
15:19:33 6 Yes?---So I'm at a loss to - - -  
7  
15:19:40 8 As ultimately it occurred the idea then became to catch  
15:19:48 9 [REDACTED] engaging in ongoing criminal activities, but what  
15:19:53 10 I'm suggesting to you is before that plan came into play it  
15:19:56 11 was merely to arrange a [REDACTED] meeting between you, Gobbo  
15:19:58 12 and [REDACTED] and in that process encourage [REDACTED] to  
15:20:07 13 roll, in effect to provide evidence. You say that's news  
15:20:13 14 to you?---I'm not saying it didn't happen, it's a long time  
15:20:16 15 ago. As I stand here today it wasn't a question I was  
15:20:19 16 expecting and I just can't remember it.  
17  
15:20:22 18 Perhaps if we then go to p.122. You can see there's a  
15:20:29 19 discussion you have with Sandy White and a human source  
15:20:37 20 contact?---Yes.  
21  
15:20:44 22 Then down the bottom of the page at 19:25 it appears, or  
15:20:49 23 15, you receive a telephone call from Mr Smith, "Meeting  
15:20:55 24 with human source delayed from tomorrow night to Thursday  
15:21:04 25 night"?---That's correct.  
26  
15:21:05 27 Right. You take that to mean the meeting between Gobbo and  
15:21:13 28 [REDACTED]---Correct.  
29  
15:21:14 30 I'm suggesting to you that it may well be a meeting that  
15:21:17 31 you're going to be involved in. You take issue with that  
15:21:22 32 proposition or you can't accept that from your  
15:21:25 33 recollection?---It's just not ringing any bells, I'm sorry.  
34  
15:21:30 35 All right then. Perhaps if we then go to 123. There's  
15:21:45 36 another entry at 3.30, do you see that?---Yes.  
37  
15:21:50 38 Are you able to explain what that is?---On the 18th floor,  
15:21:53 39 is that the - - -  
40  
15:21:54 41 Yes?---"18th floor small conference room. Meeting re  
15:21:57 42 possible use of [REDACTED]  
43  
15:22:01 44 Yes?---Commander Purton, Detective Inspector Hardy and  
15:22:08 45 Hill, Sandy White, Smith, is it?  
46  
15:22:13 47 Yes?---And Detective Senior Constable Burrows.

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1  
15:22:16 2 So that was another option of [REDACTED] - - - ?---Yes.  
3  
15:22:20 4 - - - Mr Mansell with him being a [REDACTED]  
15:22:27 5 [REDACTED] is that right?---That's right. Yes,  
15:22:30 6 I think the plan was to effect some ongoing prosecutions  
15:22:35 7 for Tony Mokbel.  
8  
15:22:36 9 Yes, okay. Then if we then go to 124. You liaise with  
15:22:47 10 Smith, do you see that?---Yes.  
11  
15:22:54 12 Again that's a reference to this proposed meeting?---Yes.  
13  
15:22:59 14 With [REDACTED] delayed due to [REDACTED] travelling to [REDACTED]  
15:23:03 15 [REDACTED] for Tony Mokbel, "Human source will try and set  
15:23:11 16 up the following evening"; is that right?---I'm sorry, I  
15:23:14 17 must be looking at a different entry.  
18  
15:23:18 19 If you go to p.124 about halfway down?---On the 7th or the  
15:23:22 20 6th ?  
15:23:23 21  
15:23:23 22 6th of October, 16:30?---Yes. Yes, that's correct.  
23  
15:23:35 24 So still there's this planned meeting?---Yes.  
25  
15:23:37 26 It would be unlikely, if you're being included in all these  
15:23:43 27 communications about a proposed meeting, that it wasn't  
15:23:47 28 proposed that you be involved in the meeting, surely?  
15:23:50 29 Ms Gobbo could meet with [REDACTED] without you needing to  
15:23:54 30 be, knowing all about the details, surely?---It's possible.  
15:23:57 31 In preparing for it and when I've read over these entries  
15:24:00 32 I've just thought, no, this is just - I think it's  
15:24:05 33 strengthening the relationship.  
34  
15:24:06 35 All right. Then we go down to the 7th again. You receive  
15:24:09 36 a telephone call from Smith again, "Meeting not going to  
15:24:12 37 occur tonight and to try again next week"?---Correct.  
15:24:19 38  
15:24:19 39 Is that right?---Yes, correct.  
40  
15:24:23 41 It appears then that that idea goes away and ultimately  
15:24:29 42 [REDACTED] ends up [REDACTED] on about [REDACTED], are you  
15:24:32 43 aware of that?---I knew that there was reference to him  
15:24:35 44 being [REDACTED] yes.  
45  
15:24:39 46 Then the next you hear about things I think is on about -  
15:24:46 47 subsequent to that on the 28th of - perhaps I'll withdraw

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15:24:53 1 that. 28 October, would that be right?---So 28 October  
15:25:07 2 there was a court matter.  
3  
15:25:08 4 Yes?---Are you referring to that or are you referring to  
15:25:13 5 contact I had with the DSU?  
6  
15:25:16 7 When did you have contact with the DSU?---So I did speak to  
15:25:28 8 Mr Smith - sorry, I keep forgetting that one, at 12.30  
15:25:34 9 after court.  
10  
15:25:41 11 I want to ask you this: these communications and the  
15:25:49 12 provision of information by Ms Gobbo about [REDACTED] with  
15:25:57 13 a view to having [REDACTED] provide information, was a  
15:26:09 14 circumstance, as far as you were concerned, which was  
15:26:12 15 unusual; is that right?---That doesn't quite fit with me  
15:26:21 16 but that - speaking to an accused person, a human source  
15:26:29 17 with members from the Source Development Unit, that is  
15:26:33 18 unusual, yes, that's right.  
19  
15:26:36 20 I take it you would say that it was a surprising  
15:26:38 21 development. Indeed you do say that I think in your  
15:26:41 22 statement?---Well the surprising part - what I think I  
15:26:44 23 refer to in my statement is the fact that she was being  
15:26:47 24 considered and then ultimately used as a human source.  
25  
15:26:50 26 Yes?---But you've really got me thinking in relation to  
15:26:54 27 about this proposed meeting that I was supposed to be part  
15:26:56 28 of. It's just something that I can't remember at this  
15:26:59 29 stage and I'm trying to think, have I just forgotten about  
15:27:04 30 or - it's just something I haven't thought about for a long  
15:27:08 31 time.  
32  
15:27:09 33 In any event, the reason why, I take it you were surprised  
15:27:12 34 about her being a human source was, firstly, because she  
15:27:16 35 was a lawyer?---Yes.  
36  
15:27:18 37 And you hadn't heard of that occurring before?---No, I  
15:27:21 38 hadn't.  
39  
15:27:22 40 Secondly, because it appears that she was providing  
15:27:24 41 information which would be contrary to the interests or  
15:27:29 42 potentially to two of her clients, one of whom was  
15:27:32 43 [REDACTED] and the other of whom was either Tony Mokbel or  
15:27:37 44 other levels of the Mokbel clan?---Well, yes.  
45  
15:27:43 46 I take it another matter which would have occurred to you  
15:27:48 47 would be the potential legal issues which might arise given

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15:27:54 1 that unusual circumstance?---I think, you know, looking  
15:28:01 2 back at this time and in reflection, there was no doubt  
15:28:05 3 that legal professional privilege was something that came  
15:28:07 4 to my mind.  
5  
15:28:08 6 Yes?---That she's a legal representative and I was mainly  
15:28:17 7 focused about [REDACTED] so I didn't really think a lot  
15:28:21 8 about the wider scheme of the Mokbels and all that, but  
15:28:24 9 yes, that - they were included.  
10  
15:28:26 11 Once the operation started to involve potentially providing  
15:28:31 12 information against the interests of [REDACTED] that must  
15:28:34 13 have occurred to you as being somewhat unusual as  
15:28:37 14 well?---Yes.  
15  
15:28:39 16 I take it - I think as you go through the Police Force  
15:28:46 17 you're told at various points about this notion of conflict  
15:28:49 18 of interest, it's something that you're informed  
15:28:54 19 about?---Really hard for me to say when I was ever trained  
15:28:59 20 in relation to conflict of interest.  
15:29:00 21  
15:29:00 22 Is that right?---Certainly more about a legal professional  
15:29:03 23 privilege, I think that that's probably - I think it would  
15:29:09 24 have been raised at very early years, but certainly in  
15:29:13 25 later years at Detective Training School and things like  
15:29:15 26 that.  
27  
15:29:16 28 It may well be that you weren't trained in it, but it was  
15:29:20 29 something, given your views earlier on that you've  
15:29:21 30 expressed about Ms Gobbo appearing for [REDACTED] at the same  
15:29:24 31 time as Tony Mokbel in the [REDACTED]?---Yes.  
32  
15:29:27 33 It struck you as being a conflict situation?---Yes.  
34  
15:29:29 35 And concerned you?---Yes.  
36  
15:29:31 37 That must have been amplified significantly when it came to  
15:29:36 38 what was beginning to develop in this situation?---Yes.  
39  
15:29:39 40 One assumes as a detective you've got to - I mean it's not  
15:29:43 41 like playing chess, but you do have to look ahead to see  
15:29:46 42 the way in which things are going to play out?---Well, yes,  
15:29:49 43 you do. Ultimately when you start to put an investigation  
15:29:52 44 strategy in place it's no good putting all this work into  
15:29:56 45 it if at the end of the day it doesn't get up before the  
15:29:59 46 courts.  
47

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15:29:59 1 Yes. So you've always got to be looking ahead with a view  
15:30:02 2 to making sure that the plan is going to obtain evidence  
15:30:05 3 which can be put before the court?---Yes.  
4  
15:30:06 5 In an admissible and a legal way?---Yes.  
6  
15:30:13 7 Yes, I follow.  
8  
15:30:14 9 COMMISSIONER: We might take the afternoon break.  
10  
11 MR WINNEKE: Yes, thanks, Commissioner.  
12  
13 (Short adjournment.)  
14  
15:50:49 15 COMMISSIONER: Yes Mr Winneke.  
16  
15:50:51 16  
15:50:51 17 MR WINNEKE: Commissioner. If we could have a look at ICR  
15:50:58 18 p.21, 30 September. Ms Gobbo met with her handlers and she  
15:51:04 19 had a discussion with them and one of the things that she  
15:51:10 20 said was this, that she believes that ██████████ has respect  
15:51:14 21 for you and would speak to him in the right environment.  
15:51:20 22 She can't counsel ██████ to speak to you but if they met  
15:51:27 23 ██████████ in a social environment she could support him  
15:51:30 24 talking to you. She thinks that ██████ will not meet Flynn in  
15:51:34 25 ██████████ because he will suspect that the meeting  
15:51:37 26 will be recorded. She suggests that Flynn ██████████  
15:51:41 27 ██████████ her and ██████ whilst at dinner at a place like the  
15:51:47 28 ██████████ in ██████████ after he's had a couple  
15:51:51 29 of ██████████ and she believes in a relaxed environment ██████  
15:51:56 30 would talk to Flynn if this occurred. The following day  
15:52:00 31 Gobbo could recommend to ██████ that he talks to you about an  
15:52:04 32 adjournment regarding staying out until after Christmas,  
15:52:09 33 and the courtyard area of the ██████████ would be  
15:52:13 34 suitable and that's where she often does business and that  
15:52:17 35 was the scenario that was going to be arranged for next  
15:52:21 36 Wednesday, do you see that?---Yes, I see.  
15:52:22 37  
15:52:22 38 That's why I'm putting to you that your recollections are  
15:52:26 39 actually mistaken because that was the plan that was going  
15:52:28 40 to be put in place?---I don't know if it's mistaken in my  
15:52:32 41 mind. I don't remember, I can't recall this being  
15:52:35 42 delivered to me, or me being told me about it. Other  
15:52:39 43 people thought this might be a strategy we use and it never  
15:52:43 44 got to me. And it's possible it was mentioned and I've  
15:52:47 45 forgotten about it.  
15:52:48 46  
15:52:48 47 You've forgotten about it because your notes were

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15:52:51 1 insufficient to recall it some years now hence?---I have no  
15:52:57 2 notes whatsoever of this strategy.  
15:52:58 3  
15:52:58 4 Do you say you always take notes if significant matters are  
15:53:02 5 discussed?---Something like this I would expect to take  
15:53:06 6 notes.  
15:53:06 7  
15:53:06 8 Why would that be?---Well, that's just generally what I  
15:53:10 9 would do. It's obviously something that's going to - what  
15:53:13 10 I'm going to be doing in the next day or week or so, so I  
15:53:17 11 would put that in my notes. But, you know, I can't sit  
15:53:22 12 here and categorically say that it was told to me and I  
15:53:26 13 didn't take notes. That is a possibility as well.  
15:53:28 14  
15:53:29 15 The possibilities are that what in fact was planned is that  
15:53:33 16 there would be there a meeting, [REDACTED] meeting and it's  
15:53:38 17 referred to in your notes, you talk about [REDACTED]  
15:53:41 18 meeting?---Yes.  
15:53:41 19  
15:53:42 20 And the meeting will involve you, Gobbo and [REDACTED] and  
15:53:48 21 the desire is that you could, using your charm, get him to  
15:53:54 22 see the light. That's, I suggest, the likely  
15:54:01 23 scenario?---Reading from here that's right but I can't add  
15:54:04 24 any further.  
15:54:04 25  
15:54:04 26 I follow?---I was just going to ask where was the reference  
15:54:07 27 in my diary to the [REDACTED] meeting, that's all.  
15:54:10 28  
15:54:10 29 I'll take you to it. Just excuse me?---Yes, I've found it,  
15:54:30 30 it's on 3 October.  
15:54:32 31  
15:54:33 32 Yes.  
15:54:34 33  
15:54:34 34 COMMISSIONER: What page?  
15:54:35 35  
15:54:37 36 MR WINNEKE: Page 120, [REDACTED] meeting. That's on - -  
15:54:40 37 -?---3 October.  
15:54:41 38  
15:54:42 39 3 October. A few days after that and given the subsequent  
15:54:50 40 notes which are continually referencing the meeting which  
15:54:54 41 has been put off initially because [REDACTED] is going away for  
15:55:00 42 various reasons, what I'm suggesting to you is that is in  
15:55:04 43 fact what was going to occur?---Well, these notes don't  
15:55:08 44 help me because my reading of those notes it's [REDACTED]  
15:55:11 45 meeting between [REDACTED] and the human source alone, it  
15:55:13 46 doesn't necessarily indicate that I'm going to attend  
15:55:16 47 there.

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15:55:17 1  
15:55:17 2 It wouldn't make sense I suggest with respect because  
15:55:20 3 what's the point of Gobbo meeting ██████████ by ██████████? I  
15:55:24 4 mean the reality is she can meet him ██████████ or by  
15:55:28 5 ██████████. The real, the ace in the pack is you being  
15:55:33 6 there ██████████?---Yeah.  
15:55:34 7  
15:55:34 8 Do you see that?---Yeah, all I can say is either this is a  
15:55:38 9 strategy that was established and not passed on to me or  
15:55:41 10 I've just forgotten about it because - - -  
15:55:44 11  
15:55:45 12 All right?---I just can't remember any of this.  
15:55:49 13  
15:55:49 14 I follow that. Looking at what was suggested there, I  
15:55:53 15 suggest it's much more likely the proposition I'm putting  
15:55:59 16 to you?---Yes, that makes sense.  
15:56:00 17  
15:56:02 18 You've indicated that you were surprised by what was going  
15:56:07 19 on here but you've said, look, you dismissed the feeling of  
15:56:12 20 surprise after thinking through it in your mind and one,  
15:56:16 21 the first point you say in your statement is she was a  
15:56:18 22 smart and educated person who would know what information  
15:56:22 23 she could and could not provide. That's what you  
15:56:24 24 say?---Yes.  
15:56:25 25  
15:56:27 26 The fact is, what I suggest to you is that on any view of  
15:56:31 27 the world if she's providing information about a person for  
15:56:37 28 whom she's acting, without that person being aware of it,  
15:56:42 29 there's got to be alarm bells ringing?---I don't know if  
15:56:46 30 that's our - that was my understanding at the time.  
15:56:49 31  
15:56:49 32 You'd have to ask yourself, wouldn't you, how could it be  
15:56:52 33 right for this barrister, who is acting for a person  
15:56:56 34 overtly, to be providing information against him  
15:57:00 35 covertly?---I'll come back to an answer that I said earlier  
15:57:02 36 in relation to my understanding of legal professional  
15:57:06 37 privilege, that in relation to barristers it wasn't all  
15:57:10 38 barristers are totally off limits. My understanding was  
15:57:13 39 yes, there was some conversations in relation to legal  
15:57:17 40 professional privilege that had to remain confidential and  
15:57:20 41 that implied to me that there were others that did not have  
15:57:22 42 to be confidential and that could be passed on to us.  
15:57:25 43  
15:57:26 44 In any event you say, "As far as I was concerned, she was  
15:57:30 45 an educated person, a smart person and that put my mind at  
15:57:34 46 ease for one"?---Yes.  
15:57:35 47

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15:57:36 1 Secondly, she had a personal relationship with [REDACTED]  
15:57:40 2 and she may have received information in that way?---Yes.  
15:57:43 3  
15:57:44 4 At that time you also had information that she had a  
15:57:47 5 personal relationship with another [REDACTED],  
15:57:49 6 Mr Ahmed, Adam Ahmed?---Yeah, Adam Ahmed wasn't someone  
15:57:55 7 that I really concerned myself about so whether that went  
15:57:58 8 through my thought process or not, I would suggest that it  
15:58:01 9 didn't at that stage.  
15:58:02 10  
15:58:05 11 You say, "Well look, I'm dealing with the DSU and they have  
15:58:11 12 supposedly got expertise in handling human sources and  
15:58:15 13 receiving information, so they've got expertise"?---Yes,  
15:58:18 14 that's correct.  
15:58:18 15  
15:58:18 16 Did you ever raise that with any member of the DSU, your  
15:58:23 17 concerns or your surprise?---I've looked in my diary trying  
15:58:27 18 to find a reference where I might have raised or suggests I  
15:58:31 19 spoke about legal professional privilege both to the DSU  
15:58:36 20 and to my management but I can't find any entry.  
15:58:38 21  
15:58:38 22 Nowhere in your diary can you find any note to the effect  
15:58:41 23 that you had discussed your concerns or your surprise  
15:58:46 24 either with management, O'Brien, Mr Biggin or anyone  
15:58:55 25 else?---Correct.  
15:58:55 26  
15:58:56 27 You wouldn't necessarily note it in your diary though,  
15:58:59 28 would you, if you had that discussion?---It depends on what  
15:59:01 29 weight I place on the importance of it but, you know, I  
15:59:05 30 seem to recall that there were some discussions about legal  
15:59:08 31 professional privilege and it was her issue, but I just  
15:59:12 32 can't take that any further. I don't have it in my diary  
15:59:15 33 and I can't specifically say, "On this date I met this  
15:59:18 34 person and we discussed it".  
15:59:19 35  
15:59:19 36 All right. But the reality is you had never heard of a  
15:59:22 37 lawyer being used as a human source, correct?---Correct.  
15:59:26 38  
15:59:26 39 You'd been involved in criminal investigations for many  
15:59:29 40 years, even at that stage?---Correct.  
15:59:31 41  
15:59:31 42 You had never - and I take it you'd used plenty of human  
15:59:35 43 sources?---Yes.  
15:59:35 44  
15:59:36 45 The SDU was a new unit or relatively new unit?---Yes, they  
15:59:42 46 were.  
15:59:42 47

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15:59:42 1 Had you dealt with them before?---So I know I've dealt with  
15:59:47 2 them and sought advice from them about other investigations  
15:59:50 3 but I can't clarify whether it was before this or after.  
15:59:56 4  
15:59:56 5 But ultimately this was your investigation, you were in  
15:59:59 6 charge of the investigation and regardless of whether the  
16:00:04 7 source was being run by you or by the SDU, you were going  
16:00:08 8 to have to answer for it, weren't you?---Yes, that's  
16:00:11 9 correct.  
16:00:11 10  
16:00:11 11 You are the one who has to present the evidence before the  
16:00:14 12 court?---Yes.  
16:00:14 13  
16:00:14 14 It's all very well to say, "I'm just going to rely on what  
16:00:19 15 these people are doing", but ultimately the buck stops with  
16:00:23 16 the investigator or the person who presents the evidence  
16:00:26 17 before the court?---Correct.  
16:00:27 18  
16:00:27 19 Despite that we certainly see that there's no note and you  
16:00:30 20 have no recollection of raising your feeling of discomfort  
16:00:32 21 with or asking them, "Have you ever done this before with a  
16:00:36 22 lawyer who is providing information potentially against  
16:00:39 23 their own client"?---No. In preparing for this the obvious  
16:00:42 24 thing would be on that meeting on 30 September that the  
16:00:46 25 question gets asked then. I have no notation of it, I have  
16:00:50 26 no recollection of me asking it or anyone else asking it.  
16:00:53 27  
16:00:53 28 It might well have been obvious to ask that question then  
16:00:57 29 but it could have been asked at any time?---Yes.  
16:00:59 30  
16:01:00 31 You have access to legal advisers within the Victoria  
16:01:04 32 Police force?---Yes, we do.  
16:01:06 33  
16:01:06 34 And it's no difficulty at all to pick up the phone and ask  
16:01:09 35 a legal advisor a question?---No, it's not.  
16:01:14 36  
16:01:14 37 You might say, "Look, I don't want to expose a source", but  
16:01:17 38 you might also do it in a hypothetical way, do you agree  
16:01:20 39 with that?---Yes. I don't, going back to this time, this  
16:01:25 40 time line when I was a Detective Sergeant, I don't know if  
16:01:29 41 I fully was aware of all the services that were available  
16:01:31 42 to me, but - - -  
16:01:34 43  
16:01:35 44 Just hang on. Do you say that you wouldn't have been aware  
16:01:37 45 of the availability of seeking legal advice or advice about  
16:01:43 46 what was going on, or what was potentially going to  
16:01:48 47 happen?---I'm not sure. If I had any issues I'd just raise

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16:01:52 1 it up. Most of my legal issues that would have come around  
16:01:55 2 in those days would have been with prosecutors, either with  
16:01:59 3 police prosecutors or with the OPP.  
16:02:03 4  
16:02:03 5 Have you ever spoken to an in-house lawyer at  
16:02:07 6 VicPol?---Yes, I have. I hadn't till then I don't think  
16:02:13 7 but I have since.  
16:02:14 8  
16:02:15 9 Not in relation to any Purana investigations, is that  
16:02:18 10 right?---I don't think so.  
16:02:21 11  
16:02:21 12 Had you ever, in relation to questions of public interest  
16:02:26 13 immunity, taken it to a lawyer?---Yes.  
16:02:28 14  
16:02:29 15 If you did have an issue about public interest immunity,  
16:02:33 16 how would you deal with it? For example, if you had to  
16:02:36 17 hand over notes or if you were called upon to hand over  
16:02:40 18 notes which may have exposed a source or methodology, what  
16:02:44 19 process did you go through?---If I thought I needed legal  
16:02:48 20 advice, I'd ask for it in relation to it. I've actually  
16:02:49 21 been involved with a - this is all post these  
16:02:51 22 investigations, but been involved where I didn't want to  
16:02:56 23 answer certain questions about the source of information  
16:02:59 24 and provide relevant material. So in that case I go to our  
16:03:03 25 legal department, they have a look at it and speak to me  
16:03:06 26 about it and see whether they'll employ someone to come and  
16:03:10 27 give me further advice into it and that's occurred.  
16:03:12 28  
16:03:12 29 Is that as simple as picking up the telephone?---Certainly  
16:03:16 30 with our legal services department, yes, it is.  
16:03:18 31  
16:03:19 32 Were they in the same building, were they at St Kilda Road  
16:03:23 33 back then?---I actually don't know but I would presume  
16:03:25 34 where they are now, which is at the VPC.  
16:03:28 35  
16:03:29 36 You'd simply pick up the phone?---Generally it was more of  
16:03:32 37 a course at a Detective Sergeant level you'd just report up  
16:03:35 38 and discuss those matters, yes.  
16:03:35 39  
16:03:36 40 You'd report up to your Inspector?---Or Senior Sergeant.  
16:03:39 41  
16:03:40 42 Or Senior Sergeant?---Yes.  
16:03:41 43  
16:03:41 44 When you were at the MDID, what about then, if you had a  
16:03:46 45 PII issue?---Well, the process would be the same but I just  
16:03:53 46 can't recall ever having to go that far. As I said, any  
16:04:00 47 other issue has been dealt with through prosecutors.

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16:04:04 1  
16:04:06 2 So do you mean to say that in all of the time up until,  
16:04:09 3 certainly throughout the period at Purana, you had never  
16:04:16 4 raised the question with a legal advisor as to whether or  
16:04:20 5 not it was appropriate to redact diaries?---The redacting  
16:04:27 6 of diaries I think was just a general process that I don't  
16:04:32 7 think I ever sought legal advice in relation to redacted  
16:04:36 8 diaries.  
16:04:36 9  
16:04:37 10 Did you get advice?---If I was asked to provide diaries I  
16:04:41 11 would just redact them on my own.  
16:04:43 12  
16:04:44 13 How would you do that, what would you do?---In the, well in  
16:04:47 14 the olden days we used to photocopy them and then get a  
16:04:51 15 black texta and black everything out, black material out  
16:04:54 16 that was irrelevant, source related materials, anything to  
16:04:59 17 do with a human source. That's how we would do it.  
16:05:02 18  
16:05:02 19 Did you ever seek advice or did you simply black it out  
16:05:05 20 without seeking advice?---I can't ever recall seeking  
16:05:08 21 advice.  
16:05:09 22  
16:05:09 23 Is that right?---Yes.  
16:05:10 24  
16:05:11 25 So methodology, if something related as far as you were  
16:05:15 26 concerned to methodology, you would black it out and it  
16:05:18 27 wouldn't be a question of seeking legal advice about  
16:05:21 28 whether or not it was appropriate to do so, it would simply  
16:05:23 29 be done by you off your own bat?---Yes.  
16:05:26 30  
16:05:27 31 Human source, likewise, a black texta?---Without doubt,  
16:05:32 32 yes.  
16:05:32 33  
16:05:35 34 Ultimately - so you would be making a public interest  
16:05:43 35 immunity claim and providing documents on the basis of your  
16:05:46 36 assessment of what was the subject of PII and it wouldn't  
16:05:51 37 ever go any further?---I've had matters that have gone  
16:05:54 38 further. But I can remember an occasion where I've had to  
16:05:59 39 produce my diaries and produce my redacted notes and the  
16:06:02 40 court has had to review those.  
16:06:04 41  
16:06:04 42 Yes?---And was satisfied that the redactions were  
16:06:07 43 legitimate.  
16:06:08 44  
16:06:08 45 Do you know when that occurred, is that on more than one  
16:06:12 46 occasion?---The one I remember about was with Mr Shirrefs,  
16:06:19 47 who's cross-examined me on many occasions, but I can't

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16:06:21 1 remember which case it was for.  
16:06:23 2  
16:06:23 3 Do you know whether it related to [REDACTED] --I couldn't  
16:06:30 4 rule it out. He did a lot of those matters so it's  
16:06:33 5 possible.  
16:06:33 6  
16:06:33 7 It's possible?---Yes.  
16:06:34 8  
16:06:42 9 You see in some of the notes that we've got which have come  
16:06:47 10 up on the screen, there'll be a redaction, if you like, and  
16:06:51 11 it might say, I think we've said [REDACTED] or [REDACTED]  
16:06:56 12 whatever it might be on the black note. Do you see that  
16:06:59 13 there?---Yes.  
16:06:59 14  
16:07:01 15 Would you indicate in the redaction as to why it is that  
16:07:06 16 it's blacked out or would it simply be blacked out, what  
16:07:09 17 was the usual practice?---I would just black it out.  
16:07:12 18  
16:07:12 19 Just black it out, all right. And those notes would be  
16:07:14 20 handed over to whoever it was who was seeking them?---Yes.  
16:07:19 21  
16:07:21 22 You had a level of discomfort. We know Eliza Burrows was  
16:07:29 23 one of the people in the unit, is that right?---She came  
16:07:33 24 over to Purana and on to my crew for a very short period.  
16:07:37 25 She I think got a position somewhere else and left. She  
16:07:41 26 was there for a short time.  
16:07:42 27  
16:07:43 28 She was in the crew of Mansell and Rowe, is that  
16:07:48 29 right?---Correct.  
16:07:48 30  
16:07:50 31 She recalls that there were concerns about Gobbo's  
16:07:54 32 registration as a human source because of her profession  
16:07:57 33 and also because of concerns for personal safety and she  
16:08:01 34 said, at least she has in her statement, she also recalled  
16:08:06 35 discussions about how to manage the registration of  
16:08:09 36 Ms Gobbo as a human source. And she wasn't able to  
16:08:12 37 identify specific occasions but she certainly was of the  
16:08:15 38 view that there were discussions amongst crew members about  
16:08:19 39 the concerns of Ms Gobbo as a human source. Do you recall  
16:08:24 40 speaking to other troops about this concern that you  
16:08:30 41 had?---I can't take it any further than what I said before  
16:08:33 42 the break, is that I have a vague recollection that legal  
16:08:39 43 professional privilege was discussed and the consensus or  
16:08:44 44 the thought was that it's really a matter for her and it  
16:08:48 45 wasn't taken any further. But as I indicated before lunch,  
16:08:51 46 I can't back that up, I don't have diary entries or can  
16:08:55 47 give a specific date.

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16:08:56 1  
16:08:56 2 All right?---And I don't know if, I certainly don't  
16:09:01 3 remember ever talking to Eliza Burrows about it.  
16:09:04 4  
16:09:06 5 Just before I move on. Insofar as this redaction issue is  
16:09:11 6 concerned, did you ever receive any instructions from  
16:09:14 7 anybody about the process by which you redacted and whether  
16:09:18 8 that was the appropriate course to take?---Not that I can  
16:09:21 9 recall.  
16:09:21 10  
16:09:22 11 Is that what you instruct other detectives to do, generally  
16:09:27 12 detectives?---That was the process I was using so that's a  
16:09:33 13 fair assumption. I can't actually remember instructing  
16:09:37 14 people to do that but that's what I was doing, yes.  
16:09:40 15  
16:09:40 16 Is it a process that has always existed as far as you are  
16:09:46 17 concerned. Do you still do it, I understand you may not  
16:09:50 18 have the need to do it these days, but is it something you  
16:09:53 19 continuously did throughout your period as an  
16:09:58 20 investigator?---Yes.  
16:09:59 21  
16:09:59 22 Is it a process, for example, if you were making redactions  
16:10:02 23 in your diaries would you discuss it with anybody else as  
16:10:05 24 to whether that was an appropriate thing to do, for  
16:10:08 25 example, would you ask your senior officers about  
16:10:13 26 that?---Not that I can recall, no.  
16:10:14 27  
16:10:29 28 Have there been occasions - I take it insofar as  
16:10:33 29 Mr Shirrefs was concerned he obviously wasn't prepared to  
16:10:37 30 accept the redactions that you made in that particular  
16:10:39 31 case, is that right?---I just, I can't remember how it came  
16:10:42 32 about but he just, it got to a stage where there was a part  
16:10:46 33 of a redaction and I can't recall why it came out.  
16:10:50 34  
16:10:50 35 Yes?---I remember just producing it to the court.  
16:10:53 36  
16:10:54 37 Yes?---And - - -  
16:10:57 38  
16:10:57 39 Did you need to give evidence about it?---Not that I can  
16:11:01 40 recall.  
16:11:01 41  
16:11:02 42 Right. In any event you produced a redacted version and an  
16:11:05 43 unredacted version, is that right?---I produced the  
16:11:08 44 original document and the redacted document.  
16:11:11 45  
16:11:12 46 All right then.  
16:11:13 47

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16:11:13 1 COMMISSIONER: You might make p.120 also part of the last  
16:11:17 2 exhibit, I think that would be a good idea. You referred  
16:11:20 3 to that p.120 of the diary. We'll make that part of  
16:11:25 4 Exhibit 453, we'll include 120.  
16:11:30 5  
16:11:30 6 MR WINNEKE: I might say there are probably a number of  
16:11:33 7 others. Yes, 120, 121, 122, 123, 124. Thanks.  
8  
16:12:07 9 COMMISSIONER: We'll include then 117 to 124 as that  
16:12:13 10 exhibit.  
16:12:13 11  
16:12:13 12 MR WINNEKE: Yes, thanks Commissioner.  
13  
16:12:18 14 #EXHIBIT RC453 - (Part of) Pages 117-124 of Dale Flynn's  
16:12:20 15 diary.  
16:12:20 16  
16:12:20 17 You refer in your statement to the means by which  
16:12:23 18 information was disseminated to you by the SDU?---Yes.  
16:12:27 19  
16:12:27 20 And as far as you were concerned information did not come  
16:12:35 21 from the SDU in the form of written documentation, is that  
16:12:38 22 right?---I don't think I've ever received any written  
16:12:43 23 information reports or any other documents in relation to  
16:12:47 24 these investigations.  
16:12:48 25  
16:12:49 26 I take it then that the information invariably came  
16:12:54 27 verbally disseminated either directly to you or to you via  
16:12:59 28 Mr O'Brien or perhaps other members of Purana, is that fair  
16:13:05 29 to say?---Yes. Initially it was through directly from the  
16:13:08 30 SDU members.  
16:13:09 31  
16:13:09 32 Yes?---There was a significant break over December and  
16:13:13 33 January and when I returned it was being disseminated  
16:13:17 34 through Mr O'Brien, and I suspect on a few occasions when I  
16:13:23 35 received information from other members they had received  
16:13:25 36 it from Mr O'Brien and were just passing it on to me.  
16:13:29 37  
16:13:29 38 Okay. The information that you received thereby - aside  
16:13:40 39 from the fact that it was apparent to you that it came from  
16:13:46 40 Ms Gobbo?---Yes.  
16:13:47 41  
16:13:49 42 You weren't informed as to the circumstances in which she  
16:13:54 43 got the information?---No.  
16:13:55 44  
16:13:56 45 And so you weren't able to form a view about whether or not  
16:14:00 46 that information had been, or the circumstances whether  
16:14:06 47 they were appropriate or inappropriate transmissions of

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16:14:10 1 information as far as she was concerned?--I might get  
16:14:14 2 information like "the source met with [REDACTED] last night"  
16:14:19 3 and that would be it and then "this is the information".  
16:14:21 4  
16:14:22 5 Pretty innocuous?--Yes. So your comments are correct, I  
16:14:26 6 don't know in what circumstances the information was  
16:14:28 7 obtained.  
16:14:28 8  
16:14:29 9 All right. Equally, I mean I take it one of the issues  
16:14:33 10 that you have as an investigator is that you've got to make  
16:14:39 11 sure that you don't present to the court information which  
16:14:41 12 has been improperly obtained?--Yes, but there's a  
16:14:46 13 difference at this stage about receiving information,  
16:14:49 14 source related information, it's just information at this  
16:14:51 15 stage. It's not necessarily information that's going to be  
16:14:54 16 before the court.  
16:14:55 17  
16:14:55 18 Yes. But equally if you are able to pursue lines of  
16:14:59 19 inquiry because of information which has been improperly  
16:15:03 20 obtained that might well pollute that line of  
16:15:07 21 inquiry?--Yes.  
16:15:07 22  
16:15:07 23 That's something that you would be aware of?--Yes.  
16:15:09 24  
16:15:14 25 That might well be one of the problems with having this  
16:15:19 26 process of obtaining information from someone else. You  
16:15:22 27 don't know how the person gets the information?--Correct.  
16:15:25 28  
16:15:26 29 For example, as a hypothetical proposition, someone might  
16:15:30 30 break into somewhere they're not supposed to be, get  
16:15:34 31 information, pass it to the DSU and you get the  
16:15:37 32 information?--Yes.  
16:15:37 33  
16:15:37 34 You would never know as to whether or not that information  
16:15:40 35 had been properly obtained or not?--Correct. Well unless,  
16:15:43 36 you know, the DSU declared it, but generally they didn't,  
16:15:47 37 they just provided the information. And to be fair, that  
16:15:50 38 was my focus as well, is just getting the information and  
16:15:53 39 working out what I was going to do with it.  
16:15:56 40  
16:16:00 41 Obviously you would rely on the DSU to you would hope  
16:16:07 42 filter information?--Yes.  
16:16:08 43  
16:16:09 44 But insofar as it's simply a hot debrief, in other words it  
16:16:14 45 simply comes from Gobbo to the DSU to you, it's unlikely  
16:16:19 46 that there's been a careful process of analysing  
16:16:23 47 information to determine whether or not that information is

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16:16:25 1 in breach of LPP or not?---Well, I hadn't thought about  
16:16:31 2 that but that's probably a fair assumption.  
16:16:34 3  
16:16:34 4 All right then. If we can move forwards in time. It seems  
16:16:43 5 that Operation Posse developed and you were the subject of  
16:17:00 6 a briefing, I think in November, is that right, about what  
16:17:05 7 form that investigation was going to take?---Yes, I was.  
16:17:08 8 It was on 22 November and it was from both Mr O'Brien and  
16:17:12 9 Mr Ryan.  
16:17:13 10  
16:17:15 11 Did you make notes of that briefing?---I did.  
16:17:19 12  
16:17:19 13 I wonder if you could tell us about those notes?---So it  
16:17:44 14 occurred at 12.35.  
16:17:47 15  
16:17:48 16 COMMISSIONER: You're reading from?---22 November, Tuesday.  
16:17:50 17  
16:17:51 18 You're reading from your diary or day book?---I'm reading  
16:17:54 19 from my diary, Commissioner, p.173.  
16:17:57 20  
16:17:57 21 What date?---On 22 November.  
16:17:59 22  
16:18:00 23 Thank you?---2005. It reads, "Presentation by Detective  
16:18:10 24 Senior Sergeant O'Brien re Operation Posse. Principal  
16:18:13 25 targets, four Mokbel brothers. Criminal activities, drug  
16:18:18 26 manufacturing and trafficking, money laundering,  
16:18:22 27 legitimising illegitimate income and corruption of public  
16:18:27 28 officials". Then it's got, "Operational objectives,  
16:18:32 29 identify and [REDACTED] operated by [REDACTED] and [REDACTED]  
16:18:37 30 [REDACTED] by [REDACTED] Disrupt criminal activities. ID  
16:19:02 31 income. [REDACTED] Risk  
16:19:10 32 assessment extreme. DEA model, money laundering. ACC  
16:19:14 33 coercive powers". And that meeting, my next entry is at  
16:19:19 34 1.15.  
16:19:21 35  
16:19:25 36 MR WINNEKE: So that meeting went from, well, from 12.35  
16:19:30 37 through to 1.15, is that right?---Well, it's probably  
16:19:37 38 semantics but my next entry is at 13:15 so I can't exclude  
16:19:42 39 that it might have finished 10 or 15 minutes earlier.  
16:19:45 40  
16:19:45 41 I follow that. I tender that diary entry, Commissioner.  
16:19:50 42  
16:19:52 43 #EXHIBIT RC544A - (Confidential) Diary entry Dale Flynn.  
44 22/11/05.  
45  
16:19:53 46 #EXHIBIT RC544B - (Redacted version.)  
16:19:56 47

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16:19:56 1 In fact what I want to do, perhaps also you mentioned a  
16:20:01 2 meeting that you had with Ms Gobbo about a month before  
16:20:04 3 that on 14 October. You actually did make a fairly  
16:20:07 4 comprehensive diary entry about that meeting as well,  
16:20:09 5 didn't you?---Yes, I did.  
16:20:11 6  
16:20:11 7 That's the meeting where you felt she was in an emotional  
16:20:15 8 state. This is at p.146 of your diary?---Yes, 146 and 147,  
16:20:19 9 yes.  
16:20:20 10  
16:20:23 11 That's when you spoke to her outside court, is that  
16:20:29 12 right?---I actually think it might have been, we were in  
16:20:31 13 the County Court, Melbourne County Court and I think it  
16:20:35 14 might have been in one of those small conference rooms that  
16:20:38 15 are opposite the courts.  
16:20:39 16  
16:20:40 17 Yes. She spoke to you about her concerns?---Yes.  
16:20:46 18  
16:20:47 19 Concerning Tony Mokbel who was recently charged with  
16:20:50 20 incitement to import?---Yes.  
16:20:51 21  
16:20:51 22 By the AFP?---Correct.  
16:20:54 23  
16:20:55 24 And it's difficult to read that, is it Barwon Prison. He  
16:21:01 25 was in Barwon Prison on lock down, Gobbo's being - what  
16:21:07 26 does that say?---"Gobbo has been up each night to 01:00  
16:21:15 27 hours reading transcripts of interview. During interview  
16:21:18 28 Mokbel stated he was working as some type of UC. When  
16:21:22 29 asking questions and encouraging persons to import MDMA,  
16:21:27 30 powder."  
16:21:28 31  
16:21:28 32 She's telling you more or less either what's in the brief  
16:21:31 33 or what he's saying to her?---What he's saying in the  
16:21:35 34 transcript I think.  
16:21:35 35  
16:21:36 36 So what's in the brief?---Yes. "Prior to conversation had  
16:21:41 37 meetings with solicitor."  
16:21:43 38  
16:21:44 39 Solicitor 2?---"Solicitor 2." Next name okay?  
16:21:51 40 "Barrister."  
16:21:51 41  
16:21:52 42 Yes, and her?---"Where inciting conversation was discussed  
16:21:55 43 and approved."  
16:21:56 44  
16:21:56 45 Right?---"Gobbo states conversation and approval never  
16:22:00 46 happened. She believes Mokbel, possibly via Solicitor 2,  
16:22:05 47 will encourage her to make false claim that conversations

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16:22:09 1 did take place. Solicitor 2 to see Mokbel at prison today.  
16:22:14 2 Gobbo will see him tomorrow. She expects to hear from  
16:22:19 3 Solicitor 2 later tonight. Gobbo concerned for her welfare  
16:22:25 4 if she doesn't do what Mokbel requests. States she won't  
16:22:29 5 lie or commit criminal offences on his behalf. Stated she  
16:22:33 6 hadn't been paid by T Mokbel all year because she suspects  
16:22:38 7 cash, et cetera, proceeds of crime. Mokbel paying  
16:22:43 8 Solicitor 2 cash, et cetera. Gobbo stated she had also  
16:22:49 9 received request from AFP for statement. She sent them  
16:22:52 10 away to sort out privilege matters. Mokbel required  
16:22:57 11 independent legal advice in regards to his options of  
16:23:01 12 waiving privilege. Gobbo relatively upset and concerned  
16:23:06 13 about her own welfare, crying on several occasions.  
16:23:10 14 Advised to address one problem at a time and consider  
16:23:14 15 getting away for a week. Reply unable to do so re work and  
16:23:18 16 family commitments."  
16:23:21 17  
16:23:22 18 And you cleared court and then you spoke to Mr Smith?---I  
16:23:25 19 did.  
16:23:25 20  
16:23:25 21 And you advised about the above?---Yep.  
16:23:28 22  
16:23:28 23 Received telephone call from Gobbo whilst you were speaking  
16:23:31 24 to the same, is that right?---I'm not sure if that's me  
16:23:35 25 receiving a telephone call or Mr Smith receiving a  
16:23:38 26 telephone call. It was probably me.  
16:23:39 27  
16:23:39 28 Then you had a mobile phone call with Mr O'Brien and you  
16:23:42 29 advised as above?---Yep.  
16:23:44 30  
16:23:45 31 She at that stage was clearly providing you information  
16:23:52 32 about Mokbel?---Yes.  
16:23:54 33  
16:23:54 34 And information that again concerned a person for whom she  
16:24:01 35 was acting?---Yes.  
16:24:03 36  
16:24:05 37 And telling you in effect the effect of those discussions.  
16:24:18 38 It was apparent to you that she knew that you knew she was  
16:24:24 39 a human source?---Yes.  
16:24:26 40  
16:24:28 41 Did she say to you that she didn't know the names of her  
16:24:34 42 handlers. Do you recall that?---If she named her handlers?  
16:24:41 43  
16:24:42 44 Yes. There's a note - I withdraw that. There's a note in  
16:24:50 45 the ICRs at p.41 to this effect, that you contacted the DSU  
16:24:59 46 at 12.35. You'd had contact with Ms Gobbo. Gobbo asked if  
16:25:05 47 she could talk to Flynn. Gobbo stated she didn't know the

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16:25:09 1 full name of handlers and didn't know if they were  
16:25:11 2 investigators. She also mentioned FedPol request for  
16:25:14 3 statement. She became emotional about this and Flynn  
16:25:19 4 believes that she's quite stressed regarding this. And she  
16:25:22 5 volunteered she was feeling very tired because of lack of  
16:25:26 6 sleep through arrest of Mokbel. Stated she saw Dale Flynn  
16:25:30 7 this morning and was a bit teary and that little things can  
16:25:34 8 set her off?---I can't recall the comment about the names  
16:25:41 9 of the handlers but that's possible.  
16:25:42 10  
16:25:43 11 It appeared to you clearly that she was in an emotional  
16:25:47 12 state?---Yes.  
16:25:48 13  
16:25:49 14 And in that state she was providing information about her  
16:25:53 15 client?---Well, yes, she was.  
16:25:56 16  
16:25:56 17 Insofar as you might have had some comfort previously that  
16:26:00 18 she was a smart and educated person, that comfort might  
16:26:02 19 have been shaken somewhat, do you accept that?---I don't  
16:26:07 20 think that was a consideration I made at the time.  
16:26:10 21  
16:26:11 22 Okay. The operation - I tender those two entries,  
16:26:18 23 Commissioner.  
16:26:18 24  
16:26:20 25 COMMISSIONER: That's 146 to 147, is that right?  
16:26:22 26  
16:26:23 27 MR WINNEKE: Yes.  
16:26:23 28  
16:26:23 29 COMMISSIONER: On 28 October 05, is that right?  
16:26:26 30  
16:26:26 31 MR WINNEKE: Yes Commissioner.  
32  
16:26:31 33 #EXHIBIT RC545A - (Confidential) Diary entry Dale Flynn  
34 28/10/05.  
35  
36 #EXHIBIT RC545B - (Redacted version.)  
37  
16:26:37 38 Were you presented with by Mr O'Brien a fairly  
16:26:47 39 comprehensive investigation plan concerning Operation  
16:26:51 40 Posse?---I've seen it, yes.  
16:26:52 41  
16:26:52 42 It was a written document?---Yes, it was.  
16:26:54 43  
16:26:55 44 And the plan was, I suggest, it referred to a proactive  
16:27:06 45 targeted investigation into commercial level drug  
16:27:09 46 trafficking, would that be fair to say?---I can't remember  
16:27:13 47 the exact contents but that sounds correct, yes.

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16:27:16 1  
16:27:16 2 I wonder if we can put up this document, Commissioner,  
16:27:21 3 VPL.0100.0009.0001. If we can just scroll through that.  
16:27:44 4 Do you see that, it says, "Offence details, background  
16:27:47 5 information"?---Yes.  
16:27:48 6  
16:27:49 7 It as an assigned date on it, 17 October 2005. Do you see  
16:27:53 8 that?---Yes, I do.  
16:27:54 9  
16:27:54 10 And there's information there which clearly is information  
16:27:58 11 which comes from Ms Gobbo. Do you accept that?---Yes.  
16:28:02 12  
16:28:04 13 It talks about previous operations involving Tony Mokbel.  
16:28:09 14 There's information which includes information from a  
16:28:15 15 source as to Mokbel's concerns about Mr Bickley talking to  
16:28:19 16 the police, that the source has indicated Jamou and Lanteri  
16:28:23 17 are currently cooking. So clearly that's coming from  
16:28:27 18 Gobbo?---Ms Gobbo, yes.  
16:28:28 19  
16:28:28 20 The goal is the identification, investigation and complete  
16:28:31 21 dismantling of the Mokbel family criminal organisation. If  
16:28:35 22 we move down. It may well be that's redacted out. Keep  
16:28:42 23 going. We might have another version of this,  
16:28:58 24 Commissioner, which is perhaps - in fact it's been  
16:29:00 25 tendered.  
16:29:06 26  
16:29:07 27 COMMISSIONER: 467 I'm told.  
16:29:08 28  
16:29:08 29 MR WINNEKE: Perhaps we can put that exhibit up.  
16:29:16 30  
16:29:16 31 COMMISSIONER: At that stage we were allowed to know that  
16:29:19 32 it was for Operation Posse.  
16:29:21 33  
16:29:21 34 MR WINNEKE: Yes, thanks Commissioner. Just scroll down so  
16:29:26 35 Mr Flynn can see that. Keep scrolling through that. Do  
16:29:50 36 you see that there, in that shaded area, "Since the arrest  
16:29:53 37 of Mr Bickley [REDACTED] has been established,  
16:29:58 38 this indicates", et cetera?---Yep.  
16:29:59 39  
16:30:00 40 Clearly a reference to Gobbo?---Yes.  
16:30:02 41  
16:30:04 42 Information about [REDACTED] Cvetanovski. Keep going.  
16:30:21 43 Keep scrolling. Do you see that the identification, the  
16:30:34 44 goal is the identification?---Yep.  
16:30:39 45  
16:30:39 46 Firstly, identification, investigation, complete  
16:30:44 47 dismantling and utilise the continuing information provided

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FLYNN XXN - IN CAMERA

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16:30:49 1 by the registered human source?---Yes.  
16:30:50 2  
16:30:50 3 The expectation is that information would continue to come  
16:30:53 4 from Ms Gobbo?---Yes.  
16:30:54 5  
16:30:55 6 And the main investigative steps on p.4, do you see those?  
16:31:04 7 "In line with reliable source information attempt to  
16:31:08 8 recruit [REDACTED] --Yes.  
16:31:10 9  
16:31:12 10 "Increase his motivation by further investigation of  
16:31:15 11 current criminal activities of associates and  
16:31:18 12 himself"?---Yes.  
16:31:19 13  
16:31:20 14 So the idea is in effect to catch him again?---Yes.  
16:31:23 15  
16:31:24 16 And the same issues with respect to [REDACTED] --Yes.  
16:31:31 17  
16:31:35 18 And issues outside the scope, p.4, "Identify that human  
16:31:41 19 source management and handling is a major issue of  
16:31:44 20 consideration outside the scope of investigation but which  
16:31:47 21 needs the highest level of consideration", do you see  
16:31:49 22 that?---Yes.  
16:31:49 23  
16:31:50 24 "Wherever possible the SDU would handle all human sources  
16:31:54 25 who would conduct all relevant risk assessments"?---Yes,  
16:31:59 26 I've read that.  
16:32:01 27  
16:32:02 28 "Strategy developed will be constantly assessed by the Task  
16:32:04 29 Force manager in consultation with the manager of the  
16:32:10 30 Dedicated Source Unit. Covert Investigation Unit, Covert  
16:32:14 31 Surveillance Unit and TSU. All necessary steps will be  
16:32:18 32 taken to protect the identity of any human source in this  
16:32:21 33 investigation". Do you see that?---Yes, I do.  
16:32:21 34  
16:32:22 35 Commissioner, I note the time.  
16:32:23 36  
16:32:23 37 COMMISSIONER: 4.30, yes. We'll adjourn shortly. We're  
16:32:26 38 going to have a brief directions hearing. Mr Flynn, you're  
16:32:31 39 not needed any further today. You'll be needed again on  
16:32:35 40 Monday week, 30 September at 9.30 am, thank you?---Thank  
16:32:38 41 you, Commissioner.  
42  
16:32:39 43 <(THE WITNESS WITHDREW)  
44  
45 ---  
46  
47