

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Friday, 24 January 2020

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

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

Counsel for Victoria Police Ms R. Enbom SC
 Mr S. Frauenfelder

Counsel for State of Victoria Mr C. McDermott

Counsel for Nicola Gobbo Mr R. Nathwani

Counsel for DPP/SPP Ms K. O'Gorman

Counsel for CDPP Mr D. Holding

Counsel for AFP Ms I. Minnett

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

Counsel for Chief
 Commissioner of Police Mr A. Coleman SC

Counsel for Noel Ashby and
 Paul Mullett Ms J. Condon QC

09:41:11 1 COMMISSIONER: Yes, Ms Tittensor - first of all, I think
09:41:12 2 the appearances are the same as yesterday, save that we
09:41:15 3 have Mr McDermott for the State today.

09:41:17 4
09:41:18 5 <LUKE CORNELIUS, recalled:
09:41:19 6

7 MS TITTENSOR: Thanks, Commissioner.
8

09:41:20 9 Now, Mr Cornelius, I think we were dealing yesterday with -
09:41:26 10 we'd ventured up to the point in time where Ms Gobbo was to
09:41:30 11 be interviewed by Petra investigators, which occurred in
09:41:35 12 November of 2008?---Yes.

09:41:38 13
09:41:41 14 Now, that interview is discussed in the source management
09:41:47 15 log, 2958, at p.55, where the SDU controller has spoken
09:41:57 16 with Mr O'Connell after Ms Gobbo has been spoken to.
09:42:02 17 Information - if we can bring that up on the screen, you'll
09:42:06 18 see there, in the box down the bottom, Mr Cornelius, a
09:42:13 19 summary of that conversation, where the controller is given
09:42:18 20 a summary of information that Ms Gobbo had provided via
09:42:23 21 Senior Sergeant O'Connell, which included, as you would
09:42:28 22 accept, some pretty significant and important information
09:42:32 23 in relation to your investigation, is that correct?---Yes.

09:42:39 24
09:42:41 25 Ms Gobbo provided information that she was well aware of a
09:42:46 26 corrupt relationship between Mr Williams and Dale. She
09:42:52 27 admitted to investigators that she'd been a conduit between
09:42:57 28 Williams and Dale. She admitted that the mobile phones
09:43:00 29 that had been analysed were most likely to have been used
09:43:03 30 by her, they'd been provided by Azzam Ahmed and were used
09:43:09 31 by her to communicate with Dale, who also himself operated
09:43:13 32 what were called "safe phones" - I understand that to be
09:43:18 33 phones in false names - and so forth. And if we can go
09:43:23 34 over the page. You'll see it's significant information
09:43:30 35 continuing. Investigators feel that Ms Gobbo was used by
09:43:37 36 Dale and Williams, and also likely by Ahmed, for an alibi
09:43:41 37 at a later period of time. Do you understand - or did you
09:43:44 38 understand that Ms Gobbo had been, on the night of the
09:43:47 39 murder, out to dinner with Azzam Ahmed?---No, I didn't know
09:43:51 40 that and I don't recall being told about this alibi issue.

09:43:56 41
09:43:56 42 Did you ever get told about the alibi issue?---No. I know
09:44:03 43 that I made notes of what we were told at the subsequent
09:44:09 44 Petra briefing and so those notes, if you like, record, at
09:44:17 45 the time, what I was told by the investigators when we were
09:44:20 46 briefed.
09:44:21 47

09:44:21 1 All right. Perhaps if we can go to the next document.
09:44:25 2 It's a Petra Task Force appointment calendar, I think,
09:44:29 3 which perhaps contains your notes; VPL.0100.0001.5402, at
09:44:36 4 p.113. Those are your notes on a calendar
09:44:45 5 appointment?---Yes, they are.
09:44:46 6
09:44:49 7 You indicate "per briefing sheet", and I take it that means
09:44:53 8 you were briefed as per the update?---Yes.
09:44:57 9
09:44:59 10 When you get briefed as to the update, it's expanded upon
09:45:03 11 verbally, it's not simply you read the update, I take it -
09:45:08 12 - -?---Yes.
09:45:08 13
09:45:08 14 - - - the investigators are present to answer questions - -
09:45:11 15 -?---Indeed.
09:45:12 16
09:45:12 17 - - - that are asked and to expand upon issues?---Yeah, and
09:45:16 18 so the investigators may provide additional information in
09:45:19 19 response to questions that are asked or, indeed, they might
09:45:22 20 add additional information to what appears in the briefing
09:45:27 21 sheet and my practice was to make a note of what I regarded
09:45:32 22 at the time as being the key salient additional matters
09:45:37 23 that might have been disclosed in the course of the
09:45:39 24 briefing or, if I'd asked a question, the issue or the
09:45:43 25 response to that.
09:45:44 26
09:45:45 27 And what you considered salient at the time, although you
09:45:48 28 might not have recorded matters that you were told but
09:45:52 29 later on became apparently significant to you, would you
09:45:56 30 agree with that?---No, I'm not saying that. I mean, I
09:46:00 31 would record what I regarded as being salient. These notes
09:46:05 32 are not a verbatim record, I'm wanting to be clear about
09:46:09 33 that, but they are a record of the additional material that
09:46:13 34 was provided to us, they're a record of, obviously, what I
09:46:18 35 regarded as being worthy of recording at the time that I
09:46:21 36 made the note.
09:46:21 37
09:46:21 38 Yes. And my point is you don't record absolutely
09:46:26 39 everything that you were told, every topic that was spoken
09:46:30 40 about, is that right?---Well, I may not have, but the key
09:46:35 41 piece for me was that I was looking to record the most
09:46:38 42 salient points.
09:46:39 43
09:46:39 44 Yes. At that particular meeting, you regarded something as
09:46:46 45 important enough that you made a note of it?---Yes.
09:46:48 46
09:46:48 47 It might be that you were told something that, at that

09:46:51 1 meeting, you didn't think was important, but later on down
09:46:54 2 the track you might recall something that you were told in
09:46:58 3 an earlier meeting that you hadn't noted?---That may be so
09:47:02 4 and I might then have made a subsequent note of it.
09:47:04 5
09:47:05 6 Yes. In relation to Ms Gobbo, you've made notes in
09:47:08 7 relation to the - "re Watergardens phone call"?---Yes.
09:47:14 8
09:47:15 9 A corrupt relationship between Williams and Dale, is that
09:47:22 10 right?---Yes. So the first entry is "re Watergardens phone
09:47:26 11 call". The second entry is "corrupt relationship between
09:47:29 12 Williams and Dale" and then it goes on to say, "She denies
09:47:33 13 complicity in setting up meetings."
09:47:35 14
09:47:36 15 And then the next dot point you've covered there is covert
09:47:43 16 mobiles were used by her, phones from Ahmed?---That's
09:47:47 17 right.
09:47:47 18
09:47:49 19 Are there any relevant entries in relation to Ms Gobbo in
09:47:52 20 the notes thereunder, or are they other matters?---If you
09:47:57 21 could give me a moment, I might just review them. Yes.
09:48:13 22 No, they don't appear to relate to Ms Gobbo.
09:48:16 23
09:48:16 24 I tender that document, Commissioner.
09:48:18 25
09:48:26 26 #EXHIBIT RC999A - (Confidential) VPL.0100.0001.5402.
09:48:27 27
09:48:27 28 #EXHIBIT RC999B - (Redacted version.)
09:48:32 29
09:48:32 30 If we can then go to the Petra Task Force update for 24
09:48:36 31 November 2008. It's VPL.0100.0001.5402, at p.104. It's
09:48:51 32 the same document at p.104. That's a weekly update for the
09:49:03 33 following week, is that right?---Yes.
09:49:05 34
09:49:06 35 And is it the case - we see halfway down the page we're
09:49:12 36 dealing with the Watergardens phone call?---Yes.
09:49:16 37
09:49:16 38 And it gives an account of the interview of Ms Gobbo, that
09:49:20 39 it occurred on 17 November?---Yes - that's in the bold
09:49:27 40 text.
09:49:27 41
09:49:28 42 In the bold text?---Yes.
09:49:29 43
09:49:30 44 Does bold sometimes indicate that that's the new material
09:49:33 45 that's been added for that update since the last
09:49:37 46 update?---Yes.
09:49:37 47

09:49:41 1 So that indicates that she's confirmed the relationship
09:49:44 2 between Dale and Williams. She confirms she's assisted in
09:49:48 3 setting up meetings between them. She maintains she's not
09:49:51 4 aware of either person's involvement in the Hodson murders
09:49:54 5 and she'll consider providing a statement to Petra
09:49:57 6 investigators?---Yes.
09:49:58 7
09:49:58 8 And you've handwritten in the margin "further meeting" - is
09:50:02 9 it "Wednesday this week"?---It might be "Wednesday". I
09:50:06 10 think it's actually "mid this week".
09:50:08 11
09:50:08 12 "Mid this week"?---The same difference.
09:50:10 13
09:50:10 14 If we can just scroll up to see if there's any further
09:50:13 15 information. No, that's fine. I tender that document,
09:50:17 16 Commissioner.
09:50:17 17
09:50:18 18 #EXHIBIT RC 1000A - (Confidential) VPL.0100.0001.5402.
09:50:22 19
09:50:24 20 #EXHIBIT RC 1000B - (Redacted version.)
09:50:27 21
09:50:27 22 I don't know whether to cheer or not, Commissioner.
09:50:30 23
09:50:30 24 COMMISSIONER: No.
09:50:33 25
09:50:34 26 MS TITTENSOR: If we can go to the SML for 25 November
09:50:38 27 2008. You understand that, as I indicated yesterday, there
09:50:46 28 were meetings going on as between O'Connell and/or Smith
09:50:51 29 and the SDU about arranging matters with Ms Gobbo,
09:50:56 30 arranging interviews and so forth?---Yes, and I wasn't
09:50:58 31 aware of those meetings.
09:50:59 32
09:51:02 33 And as it continued, following the meeting with Ms Gobbo on
09:51:07 34 the 17th, there were continuing arrangements going on as
09:51:11 35 between the SDU and Ms Gobbo. You see halfway down that
09:51:18 36 page, there's an entry on 25 November "Petra". The
09:51:23 37 controllers indicated the understanding that's been
09:51:28 38 conveyed to them. Petra steering committee is Overland,
09:51:33 39 Moloney, Cornelius and OPI Director Ashton. That much you
09:51:39 40 would accept is right?---Yes.
09:51:41 41
09:51:41 42 And it goes on, "All aware of human source identity and
09:51:45 43 role"?---Well, I was certainly aware of Ms Gobbo's
09:51:48 44 identity, I'd always been aware of her identity within the
09:51:52 45 context of the Petra Task Force, and I understood her to be
09:51:57 46 a person of interest, as identified by Carl Williams in his
09:52:01 47 statement, and she'd remained a person of interest, as far

09:52:06 1 as I was concerned, over the course of the Petra
09:52:09 2 investigation to that point.
09:52:11 3
09:52:12 4 You understand the implication of that entry for the SDU is
09:52:17 5 that all understand that Ms Gobbo is a human source, that
09:52:21 6 is a registered human source and her role with the SDU,
09:52:25 7 that's the implication for that entry?---Yes, so I take it
09:52:29 8 from this entry that the person who prepared this entry
09:52:32 9 understood that, among others, I was aware that she was a
09:52:37 10 human source.
09:52:37 11
09:52:38 12 Yes?---I was not aware of that at that time.
09:52:41 13
09:52:42 14 And you understand that the person making that entry is
09:52:46 15 having communications with the investigators for the Petra
09:52:50 16 Task Force?---Yes.
09:52:50 17
09:52:55 18 If it's the case that investigators for the Petra Task
09:53:00 19 Force conveyed to the SDU that you were aware, amongst
09:53:07 20 those that were aware of Ms Gobbo's identity as a human
09:53:11 21 source, could you explain why they might be of that
09:53:16 22 understanding?---No, other than to think now that clearly
09:53:22 23 they were operating on the basis of an assumption.
09:53:27 24
09:53:36 25 You see further down that page, on 30 November 2008, the
09:53:44 26 controller from the SDU receives an update from one of the
09:53:49 27 handlers, whose initials are there, it's the initials of
09:53:53 28 the handler we're calling Mr Smith, that Paul Dale has
09:53:58 29 texted the human source, wanting to catch up. "Dale in ACC
09:54:02 30 hearing and states he uses false phones to hide
31 relationships with women, including the human source.
09:54:08 32 Discuss viability of human source carrying a recorder for
09:54:11 33 the meeting with Dale. Decided against, as human source
09:54:13 34 has stated she will not be a witness. Also risk issues re
09:54:19 35 Dale paranoia". And you'll see then the following day we
09:54:24 36 go - we have another entry, an update to the controller
09:54:31 37 from Smith. "Human source to go back to Petra. May get
09:54:36 38 asked to record meeting with Dale. Human source again
09:54:40 39 restates will not be a witness". Do you see that?---Yes.
09:54:44 40
09:54:48 41 If we go to the Petra Task Force update for that day - this
09:54:55 42 is 1 December - you see there Ms Gobbo's interview is
09:55:05 43 nominated. The text in bold indicates that Detective
09:55:09 44 Sergeant Solomon had spoken to Ms Gobbo on the 28th of
09:55:14 45 November and she was to ring Mr Davey that day to make a
09:55:19 46 further appointment?---Yes.
09:55:21 47

09:55:21 1 Consistent with the entry in the source management log,
09:55:26 2 that there was to be further conversation - -
09:55:29 3 -?---Certainly to the extent that there were to be further
09:55:32 4 conversations, but you keep saying this is - what we're
09:55:35 5 being told here is consistent with what's in the source
09:55:37 6 management logs and I feel I have to keep making the point
09:55:40 7 that I was not aware of these interactions between the
09:55:43 8 Petra investigators and the Source Development Unit, so I
09:55:48 9 have to say to you the communications that you're showing
09:55:50 10 to me between the Petra investigators and the members of
09:55:55 11 the Source Development Unit, it's news to me.
09:55:58 12
09:56:00 13 Have you not informed yourself in another way at any stage
09:56:07 14 since 2008, when this all occurred, to understand the
09:56:12 15 involvement of the SDU with Ms Gobbo?---No, I haven't, and
09:56:18 16 the reason for that is because I actually feel it would
09:56:23 17 have been inappropriate for me to access material which was
09:56:27 18 beyond my kin, because - at the time, because I was
09:56:31 19 concerned that that might contaminate my recollection of
09:56:35 20 events if, in the event, I was asked questions about them.
09:56:38 21
09:56:40 22 You were the head of the ESD until - was it late
09:56:47 23 2010?---No, until May 2010.
09:56:49 24
09:56:49 25 May 2010?---In fact, I started in southern metropolitan
09:56:55 26 region on 1 April 2010, so there was a period of transition
09:56:58 27 over the course of April to May between myself and Emmett
09:57:04 28 Dunne, who was acting as the Assistant Commissioner in ESD
09:57:08 29 and then was subsequently appointed to that role in ESD - I
09:57:13 30 think in May of 2010.
09:57:14 31
09:57:14 32 To that point, or even in matters thereafter that you were
09:57:19 33 involved in, because you remained involved in some matters
09:57:22 34 with Petra and so forth thereafter - - -?---No, I didn't.
09:57:27 35 My involvement with Petra, there were occasional emails,
09:57:33 36 that Emmett Dunne was also copied into, but Emmett had
09:57:39 37 assumed the Chairmanship role for Briars and Petra upon me
09:57:46 38 starting in southern metro. I had a number of passing
09:57:51 39 communications - I think between May and potentially as
09:57:56 40 late as August 2010, but in practical terms, my involvement
09:58:01 41 had ceased.
09:58:02 42
09:58:02 43 Did anything occur to you, during this relevant period in
09:58:08 44 time that we're examining, to indicate to you, "Well, this
09:58:13 45 situation in terms of Ms Gobbo's relationship with Victoria
09:58:16 46 Police needs to have - needs to be seriously looked into",
09:58:21 47 did that occur to you at any stage?---Yes, it did, and I

09:58:26 1 understood that the leadership of that was being undertaken
09:58:29 2 by Sir Ken Jones, because he, from the point of Carl
09:58:36 3 Williams' murder, took a much more active role both in
09:58:41 4 Petra, to a lesser extent Briars, and following the murder
09:58:47 5 of Carl Williams, Ken Jones determined that he would in
09:58:54 6 fact move to establish Task Force Driver, which ultimately
09:59:00 7 subsumed the work of both Petra, particularly, and also
09:59:04 8 Briars, and that was a piece of work that was being carried
09:59:08 9 forward by him with Jeff Pope and Doug Fryer.

09:59:13 10
09:59:13 11 Did you ever become concerned that cases might have been
09:59:16 12 affected by Victoria Police's relationship with
09:59:21 13 Ms Gobbo?---I did at the point where Steve Smith shared
09:59:27 14 with me some draft Terms of Reference that were being
09:59:31 15 proposed for Task Force Driver, and I think this was - it
09:59:38 16 may have been in about April 2010. I recall there being an
09:59:42 17 email that was circulated with those draft Terms of
09:59:46 18 Reference, and one of the issues identified in that, email
09:59:49 19 from memory, was a concern about the administration of
09:59:53 20 justice, or administration of justice issues, and my advice
10:00:01 21 or response, particularly to that Term of Reference, I
10:00:06 22 think caused me to send an email back to that email group,
10:00:11 23 which included Ken Jones, advice that administration of
10:00:15 24 justice issues should be raised with the DPP.

10:00:21 25
10:00:21 26 Is that dealt with in your statement?---No, it's not dealt
10:00:25 27 with in my statement because I - I guess, Ms Tittensor, I
10:00:33 28 have conducted ongoing searches and reviews of emails and a
10:00:42 29 significant number of emails, both sent by me and also sent
10:00:46 30 to me, were the subject of that search and certainly when I
10:00:51 31 found that email, I made it available to my lawyers and
10:01:00 32 it's been available for, obviously, disclosure to the
10:01:06 33 Commission from that point.

10:01:07 34
10:01:07 35 Is there any reason why you've not provided a supplementary
10:01:11 36 statement to indicate the matters you've just given
10:01:14 37 evidence about?---Well, I provided the email to my lawyers.
10:01:20 38 I expected that if there was a need for a supplementary
10:01:24 39 statement to be provided, I would have been advised of
10:01:28 40 that.

10:01:29 41
10:01:29 42 COMMISSIONER: Yes. I think it's obviously clear that we
10:01:31 43 need this email chain immediately. It may well be
10:01:35 44 disclosed with the tens of thousands of documents that have
10:01:37 45 been disclosed to us, but quite clearly it's very relevant
10:01:41 46 to the Terms of Reference of the Commission and thank you
10:01:44 47 very much, Mr Cornelius, for bringing it to the

10:01:48 1 Commission's attention.
10:01:51 2
10:01:51 3 MS ENBOM: We're on to it, Commissioner, right now.
10:01:53 4
10:01:54 5 COMMISSIONER: Thank you. You might also like to explain
10:01:57 6 why a supplementary statement wasn't prepared on the issue.
10:02:01 7
10:02:01 8 MS ENBOM: Yes, yes, once I have the answer.
10:02:04 9
10:02:04 10 COMMISSIONER: It's very concerning.
10:02:07 11
10:02:08 12 MS TITTENSOR: Now, clearly there's been consideration
10:02:12 13 given - or the Task Force wants a statement from Ms Gobbo
10:02:15 14 by this stage?---Yes - you're talking about the update from
10:02:22 15 November 2008?
10:02:24 16
10:02:24 17 Yes?---Yes.
10:02:25 18
10:02:26 19 Obviously, the notes record that the Task Force steering
10:02:32 20 committee is being told that she'll consider it at that
10:02:36 21 stage?---Yes.
10:02:37 22
10:02:39 23 What we understand, from the SDU notes, is that she's opted
10:02:43 24 out of that consideration, she doesn't want to?---Well, my
10:02:46 25 understanding, and this is reflective of what I was told at
10:02:51 26 the Task Force meetings, was that a further meeting was
10:02:54 27 going to be conducted with her so that we could further
10:02:59 28 explore with her the making of the statement, but my
10:03:02 29 expectation was that we would be looking for a statement
10:03:05 30 from her.
10:03:06 31
10:03:06 32 Yes, and that was the understanding of the entire
10:03:09 33 committee, the steering committee, at that point in
10:03:10 34 time?---Indeed.
10:03:11 35
10:03:11 36 "If we're ever to get a case up, we need this corroboration
10:03:14 37 of Carl Williams because we can't rely on him
10:03:19 38 alone"?---Yes, and my view ultimately was that, given that
10:03:21 39 this information had been disclosed to us, if, down the
10:03:24 40 track, she wasn't prepared to provide us with a statement,
10:03:27 41 I would have been looking to have her subpoenaed.
10:03:29 42
10:03:30 43 Yes. Now, do you understand or was it conveyed to you in
10:03:45 44 any way that there was significant opposition to the making
10:03:48 45 of that statement coming from elements within Victoria
10:03:51 46 Police?---No, I wasn't aware of that.
10:03:53 47

10:03:54 1 Was that - - -?---I understood that the wavering, for want
10:03:59 2 of a better description, was reflective of Ms Gobbo's
10:04:05 3 position.

10:04:06 4
10:04:11 5 If we can go to the information - ICRs at p.749. You'll
10:04:21 6 see there, under the heading "Source management" - this is
10:04:25 7 an entry, I think, on 1 December still - there's a
10:04:31 8 discussion by members of the Source Development Unit by
10:04:35 9 phone with O'Connell, of Petra, and they - it seems to be
10:04:41 10 about the possibility of a statement. They want to use
10:04:44 11 Ms Gobbo to show the close relationship between Dale and
10:04:47 12 Williams. They want to use her as a witness in the brief
10:04:51 13 against Mr Dale and they hope that that brief eventuates
10:04:55 14 and that they want Ms Gobbo to wear a tape-recording
10:05:00 15 device. They discuss the evidentiary problems with her not
10:05:04 16 being able to work again. It's advised that Ms Gobbo's
10:05:09 17 previous assistance may be cause to bring scrutiny on the
10:05:13 18 department generally and balance of risk - balance of value
10:05:18 19 versus risk. O'Connell admits that this may be a decision
10:05:23 20 that should be made by a person of higher authority, with
10:05:26 21 knowledge of all the facts, not just his narrow area. He
10:05:28 22 admits that use of a human source as a witness, and all the
10:05:33 23 ensuing problems, are only justified if the evidentiary
10:05:36 24 value is there?---Yes, I see that.

10:05:38 25
10:05:41 26 So clearly there's some discussion about the prospect of
10:05:46 27 this bringing scrutiny to Victoria Police and there's an
10:05:52 28 indication that O'Connell - or these kinds of decisions and
10:05:56 29 matters need to be taken up to people with higher authority
10:06:00 30 or a person with higher authority?---Yes, I see that.

10:06:03 31
10:06:04 32 Do you say that that higher authority did not involve you,
10:06:10 33 it did not involve the steering committee?---Well, no, I'm
10:06:14 34 not saying that. What I'm saying is that that is an issue
10:06:20 35 that I had no knowledge of at the time. So these - I mean,
10:06:30 36 just in terms of the chronology, if you like, I understand,
10:06:37 37 from reading subsequent Task Force updates, that Ms Gobbo
10:06:44 38 did ultimately provide a signed statement and that she was
10:06:50 39 then being treated as a witness. Now, that occurred while
10:06:54 40 I was on leave. I took leave from about mid-December
10:07:00 41 through to about the third week of January and I do
10:07:06 42 certainly understand and know that there was a Task Force
10:07:10 43 meeting over December/January where these issues may well
10:07:16 44 have been discussed.

10:07:17 45
10:07:18 46 I'll continue for now with this chronology. If we scroll
10:07:26 47 up, you see that there's discussion under the heading

10:07:30 1 "Source Management" at 14:00 about those kinds of matters,
10:07:36 2 about the matters to be raised with Gobbo later in the day,
10:07:40 3 at 18:37. If we keep on scrolling up. You see down the
10:07:49 4 bottom there there's a discussion - this records a
10:07:52 5 discussion that the handler has with Ms Gobbo. She says
10:07:55 6 there's zero chance of Mr Dale confessing to her. He's
10:08:00 7 always maintained the line that he's done nothing and so
10:08:03 8 forth, so they have a discussion about those kind of
10:08:08 9 matters. At 7.25 the handler has another discussion with
10:08:18 10 the controller. He's advised by the controller to make a
10:08:26 11 point-form list of criteria to be covered with Mr Overland
10:08:31 12 tomorrow in relation to the above situation and the
10:08:35 13 criteria required a list - presumably this is the wish list
10:08:40 14 from the SDU's point of view - that Gobbo does not become a
10:08:45 15 witness, she's not asked to make a statement at any stage,
10:08:48 16 that Petra agree to SDU handling on all Dale meetings, that
10:08:53 17 SDU facilitate taping and disseminate intelligence to
10:08:56 18 O'Connell, that Gobbo had said Dale already maintained that
10:09:03 19 he had nothing to do with it and that that was unlikely to
10:09:06 20 change and that Petra agree not to call Gobbo to any other
10:09:10 21 type of hearing in relation to Mr Dale. So it's apparent
10:09:13 22 that there had been arranged a meeting with Mr Overland -
10:09:17 23 perhaps he's the higher authority - for the following day.
10:09:20 24 Now, were you aware of Mr Overland making arrangements in
10:09:26 25 relation to these matters, in relation to ongoing
10:09:30 26 negotiations with Ms Gobbo at this stage?---No, I wasn't.
10:09:32 27
10:09:33 28 Is it something that you should have been aware of or the
10:09:36 29 steering committee should have been aware of?---Well, I
10:09:44 30 can't answer that question, other than to say that I would
10:09:47 31 have expected that ultimately our dealings with Ms Gobbo as
10:09:54 32 a witness ought to have been canvassed at steering
10:09:58 33 committee level and my understanding, based on the Task
10:10:01 34 Force updates that I reviewed when I came back from leave,
10:10:04 35 was that presumably that had happened and my understanding
10:10:08 36 of it, based on my knowledge at the time, was - and I found
10:10:11 37 it unsurprising - was that, yes, while I was away, the
10:10:19 38 board had had the opportunity to consider the statement and
10:10:23 39 had formed the view that Ms Gobbo was now being dealt with
10:10:28 40 as a witness.
10:10:29 41
10:10:34 42 All right. I'll move along. If we can just go to p.754,
10:10:41 43 please. We're on 4 December. You'll see there at 19:00,
10:10:55 44 under the heading "Source Management", there's a discussion
10:10:58 45 between the controller and the handler about Petra issues.
10:11:04 46 It's apparent from that that Deputy Commissioner Overland
10:11:08 47 has indicated that he wants Ms Gobbo as a witness and it

10:11:12 1 was to be discussed with Superintendent Biggin the
10:11:14 2 following morning?---Yes, I can see that.
10:11:17 3
10:11:19 4 If we can go to p.756?---And look, I might say that's a
10:11:26 5 view that's entirely consistent with mine. My view was,
10:11:31 6 following the November update to Petra, that Ms Gobbo was a
10:11:36 7 witness.
10:11:38 8
10:11:39 9 If you had known that Ms Gobbo was a human source, having
10:11:45 10 provided information to the Source Development Unit since
10:11:49 11 2005, what would your view have been?---Well, I would have
10:11:54 12 immediately recognised that there were significant problems
10:11:57 13 with that, because it is a long-standing and established
10:12:01 14 principle that using a human source as a witness is fraught
10:12:05 15 with danger, first and foremost because, by definition, if
10:12:11 16 you're using someone as a witness, you do, of course, have
10:12:13 17 to disclose their identity and - - -
10:12:16 18
10:12:17 19 When you say "identity", you mean identity and the fact
10:12:19 20 that they've been a human source?---Yes, both.
10:12:21 21
10:12:21 22 And you have to do that?---Yes. Certainly you ought
10:12:26 23 disclose it to the prosecuting entity. You may - it may be
10:12:32 24 open to you to make a PII claim in relation to disclosure
10:12:39 25 of the details in relation to the human source, but that's
10:12:44 26 a matter that you actually need to work through with the
10:12:47 27 prosecuting entity, so that if a PII claim is made, the
10:12:53 28 prosecutor is in a position to make a full disclosure to
10:12:58 29 the court, ultimately to allow the court to determine the
10:13:01 30 matter.
10:13:01 31
10:13:01 32 If you had been told at this stage this person that you
10:13:05 33 want as a witness to corroborate Mr Williams has been a
10:13:09 34 human source since 2005, she's a barrister, she has been a
10:13:16 35 barrister for significant organised crime figures during
10:13:19 36 that period of time, what would you have done?---Well, I
10:13:24 37 would have wanted to understand what's the extent of this
10:13:28 38 relationship? What are the risks involved? Ought she be
10:13:37 39 used as a witness? Is there a need for us to disclose any
10:13:42 40 matters which might have compromised prosecutions? They're
10:13:47 41 the sorts of things that I would have turned my mind to.
10:13:49 42
10:13:49 43 You would have wanted a comprehensive risk
10:13:52 44 assessment?---Indeed.
10:13:52 45
10:13:53 46 You would have been making some serious inquiries, I take
10:13:56 47 it, of Intelligence and Covert Support, HSMU, the SDU, as

10:14:02 1 to the nature of that relationship with Ms Gobbo?---Yes.
10:14:04 2
10:14:07 3 You would have wanted to understand whether she had been
10:14:12 4 acting for any of the people that she had been informing
10:14:16 5 on?---If there was any information that indicated that that
10:14:19 6 may have been the case, yes.
10:14:21 7
10:14:23 8 Would you have understood at this stage what Operation
10:14:26 9 Posse had been doing?---No.
10:14:28 10
10:14:28 11 That Operation Posse was part of Purana?---No, I wasn't
10:14:34 12 briefed about the details of Purana, nor indeed the
10:14:38 13 specific operations that were being conducted under it.
10:14:41 14
10:14:41 15 You knew Purana was a Task Force dealing with organised
10:14:47 16 crime?---Yes, in general terms.
10:14:49 17
10:14:49 18 And you knew Ms Gobbo represented people of that
10:14:56 19 ilk?---Yeah, but I didn't know that because of any briefing
10:14:59 20 that came to me from within Victoria Police, I knew that by
10:15:04 21 general reputation.
10:15:05 22
10:15:05 23 Yes. But you would have put two and two together and you
10:15:09 24 would have wanted some reassurance that what was going on
10:15:11 25 was all aboveboard, we've got our I's dotted, we've got our
10:15:18 26 T's crossed, we're not in any trouble here, if you're going
10:15:23 27 to use her as a witness in such circumstances?---If I was
10:15:25 28 apprised of information that triggered that level of
10:15:28 29 suspicion, yes.
10:15:29 30
10:15:30 31 As soon as you hear someone like Ms Gobbo, who has got an
10:15:33 32 association with these people, is being managed by the
10:15:37 33 Source Development Unit, who deals with the most highest
10:15:40 34 risk, high-value sources, that's going to trigger something
10:15:45 35 like that, isn't it?---I would have been making inquiries
10:15:48 36 about it, yes.
10:15:48 37
10:15:57 38 If we can move to 756, please. I'm now taking you to 5
10:16:06 39 December. The handler advises the controller of the risks.
10:16:11 40 The controller, it seems, is to be having a meeting with
10:16:15 41 Mr Biggin. This is all, we understand, going on at a
10:16:20 42 beachside location where the SDU are having a workshop.
10:16:24 43 Mr Overland is down in that area as well. There's some
10:16:31 44 notes there for the controller to brief Mr Biggin that
10:16:34 45 morning about issues associated with the course that's
10:16:40 46 being anticipated. You can see down that list some
10:16:47 47 significant ones right from the very beginning. There's a

10:16:52 1 risk she will be exposed as a source. Well, as you say, as
10:16:55 2 soon as she becomes a witness, necessarily she'll have to
10:16:59 3 be exposed as a source, that would be your
10:17:01 4 understanding?---Yes.

10:17:01 5
10:17:02 6 And the second one is there's a risk to the organisation if
10:17:07 7 long-term source role is exposed, they'll be a perception
10:17:11 8 of her passing on privileged information and police using
10:17:14 9 the same. Now, what you say is, "Well, as soon as I would
10:17:18 10 have heard that this person was a source, I would have
10:17:20 11 wanted to be looking into cases to reassure myself one way
10:17:24 12 or the other what's gone on"?---Yes.

10:17:27 13
10:17:28 14 And if it turned out an examination of the materials
10:17:33 15 demonstrated that she's been informing on people and then
10:17:36 16 representing them, you would have immediately been raising
10:17:40 17 alarm bells?---It would have been problematic, absolutely.

10:17:44 18
10:17:45 19 And we see in the third risk that's mentioned there,
10:17:49 20 there's a risk of a Royal Commission as a result of what's
10:17:52 21 gone on?---Yes.

10:17:53 22
10:17:53 23 These are the people that have been dealing with her since
10:17:58 24 2005, and they're the first three risks that they
10:18:02 25 anticipate in their list to brief Superintendent Biggin to
10:18:05 26 have this discussion with Mr Overland?---Yes.

10:18:07 27
10:18:08 28 Do you expect that such matters should have been raised
10:18:12 29 with the broader Petra steering committee?---Well, that may
10:18:15 30 be the case, but the other observation I'd make is when
10:18:19 31 people go into the Source Development Unit, they don't stop
10:18:23 32 being police officers. In my earlier evidence, I made the
10:18:26 33 point that every police officer understands, from their
10:18:30 34 earliest days in the academy, that there's a thing called
10:18:36 35 the right to silence, there's a thing called the right to
10:18:41 36 legal representation, we're taught about the police caution
10:18:45 37 and the rights that ought be extended - or have to be
10:18:48 38 extended to suspects on interview, and that includes the
10:18:51 39 right to access a lawyer. Now, these are things which are
10:18:55 40 known to police at every level, and I've given evidence
10:18:59 41 about that already. So while I take your point about it
10:19:03 42 being recognised here that, you know, we've got these
10:19:08 43 significance risks where actually those fundamental
10:19:14 44 principles may have been compromised and so we need to
10:19:16 45 brief up, well, the point I'm making is briefing up takes
10:19:19 46 you only so far. The best defence about these things going
10:19:23 47 wrong is the individual police, who have personal

10:19:27 1 obligations around this and who know from the earliest
10:19:31 2 stages in their career what those obligations look like,
10:19:34 3 ought to have been calling this out and recognising these
10:19:39 4 as being issues long before this piece had developed to the
10:19:44 5 point it's got to.

10:19:45 6
10:19:45 7 I don't think the Commission would disagree with you in any
10:19:51 8 respect in your sentiments there, Mr Cornelius, but the
10:19:53 9 issue we're dealing with now is that we've got to this
10:19:56 10 point in 2008, we've gotten to that point where police of
10:20:01 11 those levels have not called out those risks and they're
10:20:08 12 talking about briefing up and the organisation is in this
10:20:16 13 situation now, where they want to use this person as a
10:20:19 14 witness. If we can continue - - -?---I concede that, but I
10:20:23 15 make the point that, in relation to these matters, I was
10:20:25 16 not so briefed at that time.

10:20:27 17
10:20:27 18 All right. And my original question was: do you say that
10:20:33 19 you should have been briefed?---Well, I'd say that if I had
10:20:36 20 been briefed, I'm pretty confident that I would have taken
10:20:40 21 the opportunity to see to it that these risks were
10:20:43 22 addressed.

10:20:44 23
10:20:52 24 Perhaps I'll just take you to the end of this list. You'll
10:20:55 25 see that there's a number of other matters raised of
10:21:02 26 particular concern. Right down the bottom there, you'll
10:21:08 27 see they raise concerns, based upon, no doubt, their own
10:21:15 28 experience with this source over a number of years, that if
10:21:18 29 her role is divulged, it will jeopardise future
10:21:23 30 prosecutions, noting that Mokbel is currently on foot, and
10:21:28 31 spin-offs of that, and it will leave previous convictions
10:21:34 32 open to claims of being unsafe because of her involvement
10:21:37 33 and privilege issues. Now, clearly, these things have gone
10:21:41 34 on for a number of years, it's to the point where they know
10:21:47 35 that these risks exist, we've gotten previous convictions
10:21:49 36 on the basis of this material. It's apparent from those
10:21:54 37 entries that it's gone on without those matters having been
10:21:59 38 disclosed to courts or to accused and that we might have
10:22:05 39 these problems with these convictions that we've got and
10:22:07 40 these other cases we've got coming up. Now, it's gotten to
10:22:11 41 that point in time. Have you anything to say about the
10:22:15 42 culture of Victoria Police that it can get to this
10:22:19 43 stage?---These situations are a source of constant
10:22:34 44 frustration for me over my career as a police officer, and
10:22:38 45 more particularly as a police executive, and I would go
10:22:42 46 back to the point that the organisation, in terms of its
10:22:48 47 systems, processes, policy, expectations around practice,

10:22:52 1 can only take us so far. Fundamentally, practice and what
10:22:57 2 individual police, as police officers, decide to do in any
10:23:02 3 given moment, first and foremost, comes back to their
10:23:05 4 understanding of what their obligations are and where the
10:23:10 5 public interest lies and - - -

10:23:13 6
10:23:13 7 This is - sorry?---The point that I'm making is that
10:23:21 8 eternal vigilance is one of the things that allows us to
10:23:27 9 identify where things might be going awry, the trust but
10:23:31 10 verify approach, likewise, might be of assistance to us,
10:23:36 11 but ultimately, when you find people operating within units
10:23:40 12 that can become, if you like, a law unto themselves, it's
10:23:46 13 within that context where you see these sorts of behaviours
10:23:51 14 leading both the individuals, but also the wider
10:23:55 15 organisation, astray. And I guess the piece around
10:24:03 16 culture, whether it's police culture or culture in any
10:24:06 17 organisation, it does come down to leadership, it does come
10:24:12 18 down to setting clear expectations as to behaviour and
10:24:16 19 conduct, but it also does come down to ensuring that you
10:24:20 20 have the level of scrutiny that allows you to service and
10:24:25 21 test whether or not expectations as to lawful conduct in
10:24:29 22 fact is being carried through.

10:24:31 23
10:24:31 24 This is a broader issue than simply indicating that this is
10:24:35 25 a culture that's developed within this one unit. These
10:24:39 26 cases were conducted along with investigators who knew very
10:24:45 27 well what had gone on?--H'mm, indeed, and this is why, you
10:24:50 28 know, Victoria Police itself, over the years, has sought to
10:24:54 29 improve the frameworks within which this sort of work is
10:24:58 30 undertaken. So, you know, over the years, the
10:25:02 31 understanding of the need for a sterile corridor, the need
10:25:05 32 for qualified and competent and ethically attuned handlers,
10:25:13 33 the need for distance between the source and the
10:25:15 34 investigators, these are all things that we have sought to
10:25:20 35 reinforce within the context of the iterative changes that
10:25:25 36 have been made to policy frameworks and practice in this
10:25:30 37 place. It remains an ongoing piece of work and I just look
10:25:35 38 at all of this, and I look at the work of this Commission,
10:25:38 39 and I'm hoping ultimately that we do get to a point where,
10:25:42 40 you know, we do arrive at a framework that allows us to
10:25:48 41 keep the community safe but do that in accordance with
10:25:53 42 community expectation in the public interest but also do
10:26:01 43 that in a way, of course, which is lawful and ethical.

10:26:07 44
10:26:08 45 Would you accept that what this really speaks to is a lack
10:26:10 46 of understanding and respect for the Rule of Law on the
10:26:15 47 part of many that are conducting these cases in Victoria

10:26:20 1 Police?---No, I wouldn't draw that long a bow. I've been a
10:26:27 2 police officer for 30 years. I've worked with many
10:26:30 3 wonderful people in our profession, the vast, vast majority
10:26:34 4 of whom adhere very strongly to the principle of the Rule
10:26:39 5 of Law and recognise that we always have to conduct
10:26:43 6 ourselves in accordance with the highest standard and
10:26:46 7 ultimately a standard that will withstand scrutiny, will be
10:26:50 8 ethical, will be lawful and fair, so I would not tar the
10:26:57 9 policing profession with that brush, Ms Tittensor.

10:27:00 10
10:27:00 11 I'm not tarring the entire Police Force with that brush,
10:27:05 12 but it seems to be the case, in the dealings in relation to
10:27:10 13 Ms Gobbo, whenever we're dealing with situations where
10:27:14 14 these matters - where it comes to court, where there's the
10:27:18 15 opportunity to, and the legal obligation to disclose, it's
10:27:23 16 not taken, and we come to this situation in 2008 where
10:27:30 17 these things are being laid out very clearly for Command
10:27:35 18 and the opportunity again is not taken, and what does that
10:27:38 19 say for the leadership within Victoria Police at that point
10:27:41 20 in time?---Well, I mean, I can't speak for the entire
10:27:46 21 leadership of Victoria Police, I can only speak for my
10:27:49 22 part, and I've always sought to conduct myself ethically.
10:27:54 23 I've also, of course, always sought to conduct myself
10:27:58 24 within the law. But the key piece, for me, has always been
10:28:02 25 that focus on the public interest and subjecting
10:28:08 26 self-interest or personal motivations to the pursuit of the
10:28:13 27 public interest and, for me - I mean, you've seen me give
10:28:18 28 my evidence, you've been putting matters to me that I have
10:28:21 29 to say to you, while I've been sitting here in this witness
10:28:24 30 box, have been complete news to me and I find myself
10:28:29 31 wondering had I known then what I'm being shown now, what
10:28:34 32 would my response be, and I can only point to my track
10:28:39 33 record and my reputation in relation to how I respond to
10:28:46 34 matters that go to whether or not we've conducted ourselves
10:28:49 35 lawfully, and it's always been to call it out and challenge
10:28:55 36 it and seek to address it.

10:28:57 37
10:28:58 38 It seems as though, in a number of cases where these
10:29:02 39 matters come to the point where there ought to have been
10:29:08 40 disclosure, whether it's by virtue of just simple
10:29:11 41 disclosure rules or someone manages to draft a subpoena
10:29:15 42 that covers a situation where these matters ought to be
10:29:17 43 disclosed, the issues are narrowed to a point where
10:29:23 44 disclosure doesn't get made, so it gets hidden again.
10:29:27 45 Lawyers aren't told, the police's own lawyers aren't told
10:29:32 46 the circumstances, so that they can advise Victoria Police
10:29:38 47 appropriately. Why is that occurring?---Well, I think it -

10:29:45 1 this certainly highlights the need for us to create a much
10:29:51 2 greater understanding of what those disclosure obligations
10:29:57 3 mean across the organisation. I've had the benefit of
10:30:00 4 reading the Ginnane judgment and his analysis of fair
10:30:06 5 trial, based on the case studies that he considered in his
10:30:12 6 judgment. It's very clear to me that our approach to
10:30:21 7 meeting disclosure obligations, within the context of the
10:30:24 8 Rule of Law, certainly requires significant improvement.

10:30:28 9
10:30:29 10 Were you aware that there was this practice of providing
10:30:33 11 limited instructions to lawyers so that the desired outcome
10:30:37 12 or advice is obtained?---No. My expectation is that full
10:30:48 13 disclosure should be made, because otherwise you can't
10:30:51 14 get - you can't get that advice that would ultimately be of
10:30:55 15 benefit, not only to the organisation but also more
10:30:57 16 generally to the community.

10:30:59 17
10:31:06 18 COMMISSIONER: In terms of you setting out what was needed
10:31:09 19 in terms of a group like the SDU, the sterile corridor
10:31:13 20 you've mentioned, competent and ethically in-tune handlers,
10:31:20 21 what seems to have been missing here, do you think, was the
10:31:23 22 intensive supervision by somebody trained in the area above
10:31:26 23 the SDU and independent oversight?---Yeah, and I've long
10:31:34 24 been a strong advocate for independent oversight. I mean,
10:31:39 25 the best disinfectant, if you like, is daylight and I just
10:31:47 26 think in fraught areas such as these - I, for not one
10:31:54 27 minute, would want to seek to downplay the complexity of
10:31:59 28 what members and the challenges that members were seeking
10:32:02 29 to manage here, but that open and transparent framework
10:32:07 30 that might support the balancing of potentially competing
10:32:12 31 public interest considerations would be of significant
10:32:15 32 benefit to us, and independent oversight is a very healthy
10:32:21 33 way of supporting that process.

10:32:27 34
10:32:28 35 MS TITTENSOR: Has it been your experience, in respect of
10:32:31 36 disclosure issues, that there is perhaps a reticence or a
10:32:36 37 lack of trust in providing information to the courts to
10:32:39 38 allow the courts to make these appropriate
10:32:42 39 decisions?---Yes, and I can understand where that might
10:32:47 40 come from. I mean, the police grapevine is notorious and,
10:32:52 41 notwithstanding our best efforts to secure information, all
10:32:56 42 sorts of stuff gets bandied about in our organisation. The
10:33:01 43 same can be said for the Bar. I mean, the Bar is fuelled
10:33:04 44 by rumour and gossip and innuendo, and I can cite numerous
10:33:11 45 examples in my experience where we've briefed members of
10:33:14 46 the Bar and lawyers in relation to highly confidential
10:33:17 47 matters and then ultimately we find out that that

10:33:23 1 information gets trafficked more widely than it should. So
10:33:27 2 I guess police, knowing that, become concerned about the
10:33:32 3 extent of their disclosure to people who they might not
10:33:35 4 trust ultimately to maintain that confidence going forward.
10:33:39 5 So I think that, in part, might explain why police seek to
10:33:46 6 very tightly hold the most sensitive information, but the
10:33:50 7 view that I've got ultimately is that the entity which is
10:33:55 8 best placed ultimately to weigh these issues up is the
10:34:01 9 judicial authority and that can only work if we are
10:34:06 10 making - if we are fully discharging our disclosure
10:34:10 11 obligations.

10:34:11 12
10:34:11 13 In terms of that lack of trust, though, and a reluctance to
10:34:16 14 make the disclosure because you might have to go through a
10:34:19 15 lawyer to get to the court, the police had their trusted
10:34:24 16 lawyers?---Yes, and indeed, I think you'll find in the
10:34:28 17 notes that I've kept, reference has been made to when, for
10:34:33 18 example, we - I asked Finn McCrae to brief Mr Maguire. The
10:34:41 19 observation was made there that this was a person we could
10:34:45 20 trust and it was because Mr Maguire had a track record for
10:34:49 21 maintaining confidence.

10:34:50 22
10:34:50 23 And that's right. And also you had Mr McRae?---Yes.

10:34:55 24
10:34:55 25 I mean, you've got internal lawyers, you've got trusted
10:34:59 26 lawyers, but there was still this reluctance to go to those
10:35:04 27 lawyers, to provide those instructions to get that
10:35:07 28 advice?---Yeah, indeed, and you've asked me to reflect and
10:35:14 29 offer a possible explanation. I've given it, Ms Tittensor.

10:35:17 30
10:35:19 31 All right.

10:35:20 32
10:35:20 33 COMMISSIONER: Thanks very much, Mr Cornelius.

10:35:22 34
10:35:22 35 MS TITTENSOR: Yes, thanks, Mr Cornelius. If we can go to
10:35:28 36 the source management log, please, p.58. You'll see on 5
10:35:37 37 December there is a meeting between the controller,
10:35:45 38 handler, they meet with Superintendent Biggin re the issues
10:35:50 39 as to using the human source as a witness. The log
10:35:55 40 indicates that Mr Overland was present and had made clear
10:35:59 41 that Ms Gobbo's value as a witness was more important than
10:36:02 42 the perceived issues. The evidence of Mr Overland is that
10:36:09 43 he was well aware of the issues, at least insofar as they
10:36:11 44 were all listed in the SWOT analysis that was later written
10:36:17 45 by one of the handlers, and you've seen subsequently, as I
10:36:20 46 understand it, the SWOT analysis?---No, I haven't.

47

10:36:22 1 You haven't seen that at all?---I've never seen the SWOT
10:36:23 2 analysis.
10:36:23 3
10:36:24 4 Not even in your preparation for this hearing?---No.
10:36:26 5
10:36:27 6 No-one's asked you, "Is this a document that was ever shown
10:36:30 7 to you?"?---No, it's never been put to me, but I'm
10:36:34 8 confident that I've - I mean, I've never been shown a SWOT
10:36:39 9 analysis at the time - either at the time or subsequently.
10:36:43 10
10:36:48 11 It was a document that was directed to the steering
10:36:53 12 committee later in the piece. It's a document that's just
10:36:59 13 not been spoken about with you?---No.
10:37:01 14
10:37:02 15 It's a document that indicates similar sorts of issues to
10:37:06 16 those that I've just taken you through, that list, which
10:37:09 17 raises indications of risk?---I understand that to be the
10:37:13 18 case, but I've never seen the document, I was not shown it
10:37:15 19 at the time, nor, indeed, was it ever shown to me
10:37:22 20 subsequently.
10:37:22 21
10:37:24 22 All right. Now, you see here, in relation to the bottom of
10:37:29 23 that entry, that there's discussion - there's a decision
10:37:34 24 made that it's preferable for Petra to deploy Ms Gobbo in
10:37:38 25 case it becomes evidentiary, they need a break - a barrier
10:37:42 26 break between the SDU management and witness management.
10:37:46 27 Now, what this - - -?---I've got no idea what a "barrier
10:37:50 28 break" means.
10:37:52 29
10:37:52 30 What we understand - what becomes apparent, through an
10:37:55 31 analysis of the material, is it means that, "Once she
10:38:01 32 becomes a witness, we can say the SDU material is not
10:38:05 33 relevant, so we don't need to disclose it"?---On what
10:38:10 34 basis?
10:38:11 35
10:38:11 36 On a PII basis?---Well, I - - -
10:38:18 37
10:38:18 38 Either on a relevance basis or a public interest immunity
10:38:21 39 basis?---I don't understand how you could have that view.
10:38:23 40
10:38:24 41 That seems to be the view that continued on from this point
10:38:28 42 in time?---H'mm.
10:38:30 43
10:38:30 44 Now, that's not a view you say you hold with?---No and, as
10:38:36 45 I say, it's a term - it's a term that I've not heard of
10:38:41 46 before.
10:38:41 47

10:38:47 1 If we go to Mr White's diary, you'll see the entry there
10:38:52 2 that says, "Check diary". You see it refers to that
10:39:03 3 meeting. It says, perhaps in relation - a greater
10:39:08 4 explanation for the barrier break, "Agree deployment of
10:39:11 5 human source to be done by Petra to isolate activity re
10:39:15 6 Dale from the SDU in order to protect the historical
10:39:18 7 relationship with the SDU from discovery should Ms Gobbo
10:39:22 8 become a witness against Dale". So that there, in pretty
10:39:25 9 clear terms, explains what was meant by the "barrier
10:39:30 10 break"?---Yes, I can see that.
10:39:31 11
10:39:32 12 Now, I take it Mr Overland didn't make you aware of that
10:39:37 13 situation?---No.
10:39:38 14
10:39:39 15 Do you think that situation ought to have - you ought to
10:39:43 16 have been made aware of that situation?---Well, that's hard
10:39:47 17 to say, because I don't know what was in Simon's thinking
10:39:52 18 at this time. It's not something that he ever canvassed
10:39:56 19 with me. I'd go back and make the point that, reflecting
10:40:01 20 on the risks and issues that were - that you canvassed with
10:40:05 21 me earlier, which I understand, from you, were then picked
10:40:08 22 up in that risk document, these are matters which
10:40:17 23 certainly, in my view, could have been shared with me and
10:40:22 24 it would have allowed me to engage in Simon - with Simon in
10:40:28 25 some very active consideration of what an appropriate
10:40:31 26 response to it would look like.
10:40:35 27
10:40:35 28 I suggest there would have been some robust discussion if
10:40:38 29 you had been aware of some of these issues?---Yes. I'm
10:40:44 30 given to robust discussion at times, as is Simon.
10:40:47 31
10:40:47 32 Are these issues that should have been made known to the
10:40:50 33 steering committee when they were discussing whether or not
10:40:52 34 Ms Gobbo should be a witness?---In my view, they should
10:40:55 35 have been. I don't know whether they were because it's
10:40:58 36 evident that I wasn't at the steering committee meeting at
10:41:03 37 which presumably this issue - these issues were discussed
10:41:08 38 and I had no basis for querying any of that because I have
10:41:14 39 to say to you there was nothing in the Task Force updates
10:41:19 40 that I reviewed from my return from leave that indicated
10:41:23 41 that this had been an issue that had been discussed.
10:41:26 42
10:41:27 43 And no-one from - that was present at the discussion or
10:41:34 44 Task Force committee meetings whilst you were away said
10:41:38 45 there was a bit of a major issue in relation to
10:41:41 46 Gobbo?---No.
10:41:41 47

10:41:44 1 Do you find that strange? "How about that, Gobbo's been a
10:41:50 2 human source for three years"?---No, it wasn't ever
10:41:54 3 mentioned to me.
10:41:54 4
10:41:55 5 Do you find that strange?---Well, I can't answer that
10:42:00 6 question. I don't know what to make of it, Ms Tittensor.
10:42:06 7
10:42:09 8 All right. On 8 December 2008, there's another Petra Task
10:42:13 9 Force update. It's VPL.0100.0001.5402, at p.94, and if we
10:42:25 10 scroll through to the second page. You see the bolded
10:42:31 11 section with the updated information about Ms Gobbo. Now,
10:42:33 12 the day before that, she had tape recorded a conversation
10:42:37 13 with Mr Dale. This report indicates that she'd spoken to
10:42:43 14 investigators the day before. She confirmed she'd recently
10:42:47 15 spoken with Dale. He told her about attending a coercive
10:42:51 16 hearing. They had general discussions about the hearing
10:42:54 17 and discussion about Collins and Williams and that Dale had
10:42:59 18 been speculating about the evidence against him. Now, in
10:43:04 19 actual fact, she'd gone along, with the knowledge of Petra
10:43:08 20 investigators, and recorded that conversation. Were you
10:43:12 21 told at this meeting that she had recorded the
10:43:16 22 conversation?---I don't recall being told at that meeting.
10:43:20 23 I did later learn, and it might have been subsequent to
10:43:26 24 this, did later learn that she had recorded a conversation.
10:43:31 25
10:43:32 26 I just find it a bit odd that the investigators had
10:43:37 27 deliberately sent her along with a recording device to
10:43:40 28 record the conversation and that fact is not reported to
10:43:43 29 you. It's a pretty significant fact that she's gone along
10:43:47 30 with a recording device?---Yes.
10:43:49 31
10:43:49 32 Can you offer any explanation for why they might not tell
10:43:52 33 you that?---No, I can't and, as I say, it might - the fact
10:43:56 34 that I hadn't been told, or expressly told in this,
10:44:00 35 probably explains why I can't specifically recall the point
10:44:05 36 at which I became aware that that had occurred.
10:44:09 37
10:44:10 38 Now, you go away. Have you managed to establish at what
10:44:15 39 particular time you - - -?---So at that period, in December
10:44:21 40 2008, I had a - I spent a week in Hong Kong, I had a
10:44:26 41 commitment with my Masters program with the Australian &
10:44:32 42 New Zealand School of Government and then I took personal
10:44:35 43 leave. So as best I can work out, I was absent from
10:44:40 44 mid-December through to - I think I came back to work on
10:44:44 45 about 20 January.
10:44:46 46
10:44:47 47 I tender that document, Commissioner.

10:44:49 1
10:44:51 2 #EXHIBIT RC1001A - (Confidential) VPL.0100.0001.5402.
10:44:53 3
10:44:53 4 #EXHIBIT RC1001B - (Redacted version.)
10:44:55 5
10:44:55 6 Were you aware, before you went away, that there were steps
10:44:59 7 afoot to take a statement from Carl Williams?---Yes, I was.
10:45:02 8
10:45:05 9 There are a number of documents, as I understand it, memos,
10:45:10 10 from Mr Smith to Mr Overland, of the steering committee, in
10:45:14 11 relation to the debriefing of Mr Williams?---Yes.
10:45:20 12
10:45:20 13 Were those documents provided to the steering
10:45:22 14 committee?---I don't recall the documents being provided,
10:45:24 15 but I certainly recall the steering committee being briefed
10:45:27 16 that steps were being taken to secure further statements
10:45:39 17 from Williams.
10:45:40 18
10:45:40 19 Were you aware of the types of promises that were being
10:45:43 20 made in terms of securing Mr Williams' evidence; payment of
10:45:47 21 family expenses or tax bills and the like?---I wasn't aware
10:45:52 22 of the details. I certainly later learned that there was a
10:45:59 23 tax debt issue and I understood that had been managed by
10:46:03 24 Simon. As to other arrangements, I can't call those to
10:46:09 25 mind.
10:46:10 26
10:46:11 27 Were there documents recording those decisions? Are those
10:46:15 28 discussions had in relation to such matters, decisions in
10:46:19 29 relation to remuneration of witnesses or so forth, does
10:46:24 30 that occur at steering committee?---So the arrangements
10:46:28 31 that have been put in place for Ms Gobbo and for
10:46:34 32 Mr Williams were matters that Simon had carriage of. I
10:46:38 33 didn't have specific visibility of them, but I did later
10:46:49 34 become concerned about both sets of arrangements in
10:46:52 35 relation to both Mr Williams and Ms Gobbo, because I was
10:46:55 36 aware of a Queensland matter, which ultimately found its
10:46:58 37 way to the High Court - it was the Moti decision - that
10:47:03 38 raised serious questions and provided us with clear
10:47:06 39 guidance around ensuring that any payments to witnesses
10:47:10 40 would not cross the line and be characterised as
10:47:14 41 inducements which might undermine the credit of those
10:47:17 42 witnesses, so - - -
10:47:18 43
10:47:18 44 That was a situation where you had to start trying to
10:47:22 45 unwind some arrangements that had already been
10:47:25 46 made?---Indeed, and it was in the course of doing that that
10:47:28 47 I began to become aware of some of those details.

10:47:32 1
10:47:32 2 In the course of that, did you ever ask to see records of
10:47:35 3 the decisions that were made?---No.
10:47:37 4
10:47:36 5 Or documents recording decisions that were made by
10:47:39 6 Mr Overland?---No, I didn't, I simply was aware of their
10:47:43 7 existence and so - - -
10:47:47 8
10:47:47 9 When you say aware of the existence, you mean you're aware
10:47:53 10 of the existence of the decision, not of a document
10:47:55 11 recording the decision?---No, I was aware of the tenor of
10:47:58 12 the decision. I wasn't aware of any documents, nor did I
10:48:01 13 see any.
10:48:01 14
10:48:02 15 What was the practice in relation to documenting such
10:48:07 16 decisions? Was the practice to not document
10:48:09 17 decisions?---No, I don't think there wasn't a practice of
10:48:12 18 not documenting the decisions, and I would have expected
10:48:16 19 that those decisions would have been documented.
10:48:18 20
10:48:18 21 You understand that Mr Smith was examined about these
10:48:21 22 matters in subpoena argument for the Dale proceedings and
10:48:28 23 his evidence was that there were no documents in relation
10:48:30 24 to these?---Yeah. Well, I don't - I don't recall that.
10:48:35 25
10:48:37 26 You knew that Mr Smith was examined during those
10:48:40 27 proceedings?---When was that?
10:48:46 28
10:48:46 29 March 2010; the subpoena issues relating to the Dale
10:48:49 30 committal?---Yes, I was aware that there were subpoena
10:48:53 31 issues, but at that point, as I say, I was transitioning to
10:48:57 32 southern metro, so I don't think I was being briefed around
10:49:01 33 the detail in relation to that. They were matters that
10:49:04 34 Steve may well have been taking to Emmett. I don't know -
10:49:10 35 Mr Dunn, sorry.
10:49:12 36
10:49:12 37 I'll just take you briefly to a memo and SWOT analysis that
10:49:18 38 I've referred to. Mr Moloney's evidence in his statement
10:49:26 39 is that the steering committee made some decisions, but the
10:49:29 40 majority of decisions would ultimately rest with the head
10:49:32 41 of the Task Force. Is that your understanding of how these
10:49:36 42 Task Forces worked?---Certainly the day-to-day decisions
10:49:39 43 were being made by the head of the Task Force.
10:49:41 44
10:49:43 45 When you say the day-to-day decisions, do you distinguish
10:49:48 46 those from significant decisions that come along?---Yes.
10:49:50 47 So, for example, if there was a need to vary the Terms of

10:49:54 1 Reference for the Task Force, that would certainly be a
10:49:56 2 decision that would be made at Task Force - at the board of
10:49:59 3 management level.

10:50:00 4
10:50:00 5 If there's a decision to be made as to whether an important
10:50:04 6 witness should or should not be used, would that be a
10:50:08 7 decision for the Task Force or a decision for the head of
10:50:11 8 the Task Force?---Look, if, by that, you're referring to
10:50:17 9 the use of Ms Gobbo as a witness, well, I understood that
10:50:22 10 the Task Force steering committee would certainly determine
10:50:27 11 that. My understanding all along was Ms Gobbo initially
10:50:31 12 was a person of interest, our investigators spoke to her.
10:50:35 13 As a result of that interview with her, she's indicated
10:50:40 14 she's prepared to make a statement and from that point
10:50:44 15 she's provided the statement and the steering committee has
10:50:47 16 determined that she was a witness.

10:50:49 17
10:50:49 18 When it comes along to the steering committee, there's a
10:50:52 19 draft statement and there are all sorts of issues about
10:50:55 20 whether or not she should be made a witness or not because
10:50:59 21 of her source history. Now what I'm asking you is, is a
10:51:02 22 decision like that, as to, "Whether we should have her sign
10:51:05 23 a statement, become a witness", with all the issues that
10:51:08 24 might follow, is that a decision for the Task Force or is
10:51:11 25 that a decision for the head of the Task Force?---Well, the
10:51:17 26 - it was news to me that there were issues, for want of a
10:51:21 27 better description, about her becoming a witness, by that I
10:51:24 28 mean SDU related issues. I had no awareness of that at the
10:51:28 29 time. But I mean my understanding of it, in relation to my
10:51:37 30 role on the Task Force management committee, was that when
10:51:41 31 the investigators told us of the outcome of their interview
10:51:47 32 with her and that she had identified potential evidence, my
10:51:54 33 expectation was that she was a witness.

10:51:56 34
10:51:56 35 We get up to a point, of course you wanted her as a
10:51:59 36 witness, you didn't understand she was a source and there
10:52:03 37 are all these attendant difficulties?---Yep.

10:52:05 38
10:52:06 39 I understand that you're away?---H'mm.

10:52:09 40
10:52:09 41 What occurs is that there is a draft statement, "We
10:52:12 42 potentially have this person as a witness, but we're now
10:52:16 43 aware that she was a source and there are all these very
10:52:20 44 risky things going on in the background. We need to make a
10:52:24 45 decision about whether we actually want her to sign that
10:52:27 46 statement and become a witness". Now is that a decision
10:52:29 47 for Simon Overland by himself or is that a decision that

10:52:33 1 ought to be made by agreement with the steering
10:52:35 2 committee?---My view is that that's an issue which ought to
10:52:39 3 have canvassed at the Task Force steering committee.

10:52:42 4
10:52:42 5 Being canvassed, having a discussion, is it a vote exercise
10:52:47 6 at the steering committee or is it Mr Overland sitting
10:52:51 7 there saying, "Thank you, I've taken all your comments into
10:52:55 8 account and I decide" one way or the other?---Well it goes
10:52:59 9 back to the terms of the Task Force itself and the
10:53:07 10 authority that the steering committee has and, look, we
10:53:11 11 never got down to the point of having votes. Our decision
10:53:15 12 making was by consensus. But ultimately the most senior
10:53:21 13 person, if you like, was capable of determining an issue.

10:53:26 14
10:53:26 15 If a document is addressed for consideration by the
10:53:32 16 steering committee - - - ?---I would expect that it would
10:53:33 17 go to the steering committee.

10:53:34 18
10:53:35 19 Yes, thank you. If I can take you to Exhibit 518, please.
10:53:46 20 You see here it's - we call this - is this a dissemination
10:53:55 21 list or how is a document like this referred to within
10:53:58 22 Victoria Police?---I think I'd call it a Corro cover sheet.

10:54:02 23
10:54:02 24 Correspondence cover sheet. You'll see there it's a cover
10:54:06 25 sheet for some documents behind there. On 2 January, it's
10:54:14 26 gone to the Commander of Intelligence and Covert Support
10:54:19 27 Department for information and attention, but on the
10:54:21 28 authority of Biggin. So the Commander at that stage was
10:54:25 29 Mr Porter. The document's then been sent to Mr Moloney and
10:54:32 30 Mr Moloney has sent it on on 5 January 2009 to Deputy
10:54:38 31 Commissioner Overland for action by the Petra steering
10:54:41 32 committee. Do you see that?---Yes.

10:54:42 33
10:54:43 34 If we can go to the next page, please. You're
10:54:51 35 understanding of a document like that means it should land
10:54:53 36 with the Petra steering committee?---Yes.

10:54:55 37
10:55:01 38 The cover sheet in summary - - -?---And I should say, I've
10:55:05 39 not seen this document before.

10:55:07 40
10:55:07 41 Okay. Cover sheet indicates that the source, and clearly
10:55:15 42 it's Ms Gobbo is being spoken about, has been a source
10:55:20 43 since September 2005 and was formally registered as human
10:55:27 44 source 3838. It indicates that she's been responsible for
10:55:33 45 a number of investigations and is due for a reward. I'm
10:55:39 46 not sure, perhaps for whatever reason - anyway. There's a
10:55:44 47 comment down the bottom that there are a number of

10:55:47 1 organisational risks to Victoria Police. The SDU are
10:55:50 2 prepared to expand upon these to Task Force management.
10:55:54 3 And the purpose of the paper was to ensure that the
10:55:56 4 decision makers are in possession of relevant information
10:56:00 5 to allow for proper decisions to be made and that decisions
10:56:03 6 made today have long-term implications for Victoria Police.
10:56:08 7 Do you see that?---Yes.

10:56:09 8
10:56:10 9 Now, if we scroll to the next page. So you see the
10:56:17 10 dissemination that I was describing to you earlier. That's
10:56:20 11 gone from Mr Biggin to Mr Porter and then off to
10:56:24 12 Mr Moloney?---Yes.

10:56:24 13
10:56:25 14 And then if we can - this is the briefing note that's gone
10:56:32 15 to Mr Biggin and this is the SWOT analysis that I was
10:56:37 16 telling you about. Very similar concepts to the list
10:56:43 17 earlier. Here it indicates a possible, the weaknesses
10:56:48 18 indicate possible OPI Government review into legal and
10:56:52 19 ethical implications, disclosure of the long-term
10:56:55 20 relationship with the SDU. If we can continue up. Human
10:57:04 21 source credibility - and something like that would spark
10:57:08 22 your interest in relation to disclosure issues, would it
10:57:14 23 not, in terms of the value of such a witness if there are
10:57:17 24 credibility issues anyway?---Yes.

10:57:19 25
10:57:20 26 And you'd want to know what those, what exactly are those
10:57:24 27 credibility issues, "Whether they would be damaging to our
10:57:27 28 case"?---Yes.

10:57:28 29
10:57:32 30 Human source prior inconsistent statements. Again, that
10:57:35 31 goes to credibility issues?---(Witness nods.)

10:57:37 32
10:57:40 33 Noting that, the SDU re relationship with Dale and failure
10:57:44 34 to disclose the bogus mobile telephone number. Do you see
10:57:49 35 that?---Yes.

10:57:49 36
10:57:50 37 So what would happen if we have this break barrier
10:57:54 38 relationship with the SDU and we're not going to disclose
10:57:59 39 any of this relationship, even insofar as it relates to the
10:58:03 40 information that she's provided to the SDU in relation to
10:58:06 41 Dale, it means no one's ever going to learn that she's been
10:58:10 42 lying to the SDU about not having any other false phones
10:58:15 43 for a number of years?---Yes.

10:58:17 44
10:58:21 45 If we continue on in relation to the matters. Those
10:58:26 46 include things like judicial review of police actions in
10:58:29 47 tasking and deploying one of their own. Public interest

10:58:32 1 immunity. She was well connected in the Victorian legal
10:58:36 2 fraternity. "Source contact reports and covert recordings
10:58:44 3 being disclosed and OPI review, having a serving barrister
10:58:51 4 assisting police, consideration of unsafe verdicts and
10:58:51 5 possible appeals, prosecutions current, Mokbel and future",
10:58:55 6 and another reference to an OPI investigation. Now, you
10:59:02 7 would expect a document like this ought to have had some
10:59:06 8 very serious consideration by the Petra steering
10:59:10 9 committee?---Yes.

10:59:11 10
10:59:12 11 What would you have expected to have occurred if those on
10:59:16 12 the steering committee saw this document? Let's start with
10:59:21 13 what Mr Overland ought to have done, having seen this
10:59:25 14 document?---Well, I'm not going to speculate about what
10:59:30 15 people ought to have done. I mean it's evident that
10:59:33 16 Mr Overland clearly made a determination about this
10:59:36 17 document without it going to the Task Force, so the Task
10:59:40 18 Force - sorry, Task Force steering committee - so the Task
10:59:44 19 Force steering committee, I don't know, did they ever see
10:59:46 20 the document?

10:59:48 21
10:59:49 22 According to what the Commission has heard thus far,
10:59:55 23 no?---Well, so the steering committee members didn't have
10:59:59 24 the benefit of being able to review this document and, I
11:00:04 25 mean, I've already indicated what sort of concerns that it
11:00:07 26 would trigger for me and, speaking for myself, I would have
11:00:12 27 certainly taken active steps to see to it that the risks
11:00:17 28 identified in this document would have been addressed. The
11:00:20 29 other observation that I'd make is, look, this so-called
11:00:25 30 break point, or whatever it's called, I mean it's a bit of
11:00:29 31 a legal fallacy, isn't it? I don't understand what basis
11:00:35 32 there is for saying that adopting this approach is in some
11:00:43 33 way going to wash away your disclosure obligations.

11:00:46 34
11:00:46 35 What would you expect - if such a document had been
11:00:47 36 provided to the Petra Task Force steering committee on
11:00:51 37 which sat on OPI representative in Mr Ashton, what would
11:00:54 38 you expect Mr Ashton to have done?

11:00:58 39
11:00:58 40 MR COLEMAN: I object to that question. It is just pure
11:01:01 41 speculation. We've had evidence from Mr Ashton himself as
11:01:04 42 to what he would have done if he saw the document. The
11:01:07 43 evidence is that he didn't see the document, it didn't go
11:01:09 44 to the steering committee. It is not helpful to you in my
11:01:12 45 submission.

11:01:12 46
11:01:12 47 COMMISSIONER: He was asked what he should have done.

11:01:15 1
11:01:15 2 MR COLEMAN: That's not what the question was, and again
11:01:18 3 that would be speculation.
11:01:18 4
11:01:18 5 COMMISSIONER: Perhaps the question should be reframed as
11:01:21 6 to what he should have done.
11:01:21 7
11:01:21 8 MR COLEMAN: You have Mr Ashton's evidence, Commissioner,
11:01:23 9 as to what he says he would have done if he'd seen it, so
11:01:26 10 this doesn't assist you.
11:01:26 11
11:01:27 12 COMMISSIONER: Yes. We can think out what this witness
11:01:30 13 thinks he should have done had he seen it.
11:01:31 14
11:01:31 15 MR COLEMAN: But on what basis is this witness able to say
11:01:33 16 what Mr Ashton should have done?
11:01:33 17
11:01:33 18 COMMISSIONER: I'm allowing the question to be asked.
11:01:36 19 Thank you.
11:01:36 20
11:01:36 21 MS TITTENSOR: Perhaps I'll - what would you expect to
11:01:37 22 occur within the OPI if this document had have become
11:01:41 23 apparent to you?---Well I would have expected, as would I
11:01:45 24 [sic] that I would have picked up the loose thread and
11:01:48 25 started pulling it. I may well have moved from having a
11:01:53 26 wonderful Persian carpet to a pile of string, but it would
11:01:59 27 be a question of pulling the thread until you understood
11:02:01 28 all of the issues around it so that you're in a position to
11:02:05 29 make a lawful and ethical decision in response to it.
11:02:09 30
11:02:09 31 This would have set off a significant review within the
11:02:13 32 OPI, you would expect?---Yes, it ought to have.
11:02:15 33
11:02:16 34 The OPI, one of the primary things that they looked at
11:02:20 35 Victoria Police, and the reason that they were sitting on
11:02:24 36 these very committees, was problems associated with human
11:02:29 37 sources, or related to them?---So - no, the OPI was not
11:02:36 38 involved in a joint, these joint investigations with us
11:02:40 39 specifically because of issues around human sources, that's
11:02:43 40 not the case at all. OPI was working with us on these
11:02:49 41 committees because we had a shared interest in the pursuit
11:02:52 42 of the issues that were the subject of the investigation,
11:02:55 43 so by that I'm talking about both the IR 44 matter and also
11:03:00 44 the investigation into the murder of the Hodsons and
11:03:04 45 related murders.
11:03:06 46
11:03:06 47 Now, it was well understood that the OPI - sorry, human

11:03:13 1 sources provided one of the most significant risks to
11:03:16 2 Victoria Police as an organisation?--Generally, yes.
11:03:19 3
11:03:20 4 And the OPI had significant interest in maintaining
11:03:24 5 scrutiny over that area?---Yes.
11:03:26 6
11:03:27 7 And having seen a document like this, one would immediately
11:03:32 8 know that the OPI would be on to it and asking
11:03:35 9 questions?---I imagine they would.
11:03:36 10
11:03:39 11 You would, I take it, immediately recognising that this is
11:03:43 12 a significant risk for the organisation, "We've got
11:03:46 13 prosecutions in jeopardy, which include Mokbel", you'd be
11:03:52 14 going straight to the Chief Commissioner, wouldn't you,
11:03:54 15 "We've got an issue on our hands"?--Well, I'd need to be
11:04:00 16 apprised of the facts, but that would certainly be a
11:04:03 17 consideration, yes.
11:04:03 18
11:04:05 19 In relation to Briars, when Briars was set up there was a
11:04:12 20 management committee to advise the Chief Commissioner
11:04:15 21 because of, the concern was such that there was corruption
11:04:20 22 going on, that there might be a Royal Commission?---So it
11:04:23 23 was an advisory committee, it was not a management
11:04:27 24 committee, but certainly an advisory committee was
11:04:30 25 established.
11:04:30 26
11:04:30 27 There was significant concern that a Royal Commission might
11:04:35 28 result because of some concern about corruption and
11:04:40 29 associations with organised crime, is that
11:04:43 30 right?---Specifically police involvement in the gangland
11:04:47 31 matters.
11:04:47 32
11:04:47 33 And if there's this prospect of a Royal Commission or a
11:04:50 34 significant inquiry, that's something that the Chief
11:04:55 35 Commissioner needs to know about?---Yes, and I would
11:04:57 36 imagine that Christine would have deployed a similar
11:05:01 37 approach to that which she did with Briars.
11:05:03 38
11:05:03 39 And if you had seen this document, would you expect that
11:05:07 40 the Chief Commissioner would have been made aware of
11:05:13 41 it?---Yes, following assessment by the steering committee.
11:05:17 42
11:05:20 43 If it just goes to one person on the steering committee,
11:05:23 44 you would expect that that one person would go and make the
11:05:25 45 Chief Commissioner aware of it?---That may well have been
11:05:29 46 open to him.
11:05:30 47

11:05:31 1 You would expect that person to have done it?---Well, I
11:05:36 2 expect that this would have been shared with the steering
11:05:42 3 committee.
11:05:42 4
11:05:44 5 You would expect if this document had gone to Mr Overland,
11:05:47 6 it would have gone - it should have gone to the steering
11:05:49 7 committee - - - ?---Yes.
11:05:50 8
11:05:50 9 - - - for a start. And you expect that these issues should
11:05:55 10 have been elevated to the Chief Commissioner?---Well, I
11:05:58 11 would have expected that having had the opportunity to
11:06:01 12 consider the issues, and address the issues raised in this
11:06:05 13 document, we would have then been in a position to brief
11:06:07 14 the Chief Commissioner.
11:06:09 15
11:06:17 16 Now, when you come back from leave you get an update on 22
11:06:25 17 January. There's a Petra Task Force update, is that
11:06:27 18 right?---Yes.
11:06:28 19
11:06:28 20 I'll quickly take you to that. That's VPL.0100.0001.5402
11:06:36 21 at p.86. If we scroll up. We see, I think at p.88, if we
11:06:48 22 continue on, you see there's an interview of Witness F.
11:06:55 23 There was a statement obtained on 1 January and 2 January.
11:06:59 24 It was signed on 7 January. There were protection
11:07:05 25 arrangements under way. There'd been a request by Witsec
11:07:13 26 and the investigators for Ms Gobbo to prepare a letter
11:07:16 27 outlining her needs and requirements and that negotiations
11:07:19 28 were ongoing?---Yes.
11:07:21 29
11:07:21 30 And that's your update?---Yes.
11:07:23 31
11:07:23 32 And you say, "No one tells me about any of these other
11:07:27 33 issues"?---Yeah, that's right.
11:07:28 34
11:07:31 35 I tender that document, Commissioner.
11:07:33 36
11:07:34 37
11:07:34 38 #EXHIBIT RC1002A - (Confidential) VPL.0100.0001.5402.
11:07:36 39
11:07:36 40 #EXHIBIT RC1002B - (Unredacted version.)
11:07:39 41
11:07:40 42 If we can go to p.79 of that document. You see this is the
11:07:53 43 update of 27 January 2009?---Yes.
11:07:58 44
11:07:59 45 If we go to p.81. There's a further update that there'd
11:08:10 46 been some further meetings with Ms Gobbo and you're updated
11:08:14 47 about that?---Yes.

11:08:15 1
11:08:17 2 Now in between those times, in the records that appear to
11:08:24 3 contain Mr Overland's handwriting includes the letter
11:08:36 4 outlining her needs within that material. Is that
11:08:40 5 something that would have been shown or discussed to the
11:08:42 6 steering committee, can you recall that?---So I don't know
11:08:45 7 if it was discussed or shown at the steering committee, but
11:08:49 8 I certainly became aware that the negotiations between her
11:08:55 9 and Witsec were vexed, in the sense that she was not
11:09:01 10 willing to participate in the, if you like, standard
11:09:06 11 arrangements for people entering into the witness security
11:09:12 12 program and that she had her own particular demands, but at
11:09:20 13 that stage I, I wasn't across what those demands looked
11:09:24 14 like but I became aware of that later when I asked Finn
11:09:28 15 McCrae to secure the assistance of the VGSO in developing
11:09:33 16 the, what is called the Memorandum of Understanding or MOU
11:09:38 17 that would support her entry, or indeed any witness's entry
11:09:41 18 into the Witness Protection Program.
11:09:43 19
11:09:45 20 I tender that document, Commissioner.
11:09:46 21
11:09:48 22 #EXHIBIT RC1003A - (Confidential) Update 27/01/09, p.79.
11:09:52 23
11:09:52 24 #EXHIBIT RC1003B - (Redacted version.)
11:09:54 25
11:09:54 26 If we keep on scrolling, or go to p.74. You see within
11:10:10 27 this folder of materials there's a Petra Q and A. That was
11:10:16 28 something that was discussed at steering committee level,
11:10:20 29 is that right?---Yes. So I'm not sure - look, just looking
11:10:26 30 at this first page, I'm not sure what it relates to.
11:10:29 31
11:10:30 32 If we can continue on. It appears to be a document with
11:10:34 33 some discussion about media statements and what might be
11:10:37 34 said if you're asked particular questions?---Yes, I think
11:10:40 35 this was a draft media briefing or pack that had been
11:10:46 36 prepared in anticipation of - - -
11:10:48 37
11:10:48 38 The arrest of Mr Dale?---The arrest of Mr Dale, yes.
11:10:52 39
11:10:52 40 And it appears in a folder of documents that, it seems, was
11:10:56 41 collated by you?---Yes, I think this, this document was
11:11:00 42 presented to the steering committee meeting at which it was
11:11:04 43 provided, so I've appended it to that update.
11:11:08 44
11:11:09 45 I tender that document, Commissioner. We can continue to
11:11:18 46 scroll through it has some other questions and answers.
11:11:21 47

11:11:21 1 #EXHIBIT RC1004A - (Confidential) Update 27/01/09, p.74.
11:11:23 2
11:11:24 3 #EXHIBIT RC1004B - (Redacted version.)
4
11:11:26 5 Then if we go to p.65. This is the next update of 2
11:11:31 6 February. If we go to the following page we just see that
11:11:41 7 there's a bit of handwriting, I think, of yourself?---Yeah,
11:11:46 8 that's my handwriting.
11:11:47 9
11:11:48 10 I think there are preparations under way for the arrest of
11:11:51 11 Mr Dale?---Yes.
11:11:51 12
11:11:52 13 By this stage. I tender that document, Commissioner.
11:11:54 14
11:11:55 15 #EXHIBIT RC1005A - (Confidential) Update 2/02/09, p.65.
11:11:58 16
11:11:58 17 #EXHIBIT RC1005B - (Redacted version.)
11:12:01 18
11:12:05 19 If we go to p.56. You see this is the update for 9
11:12:13 20 February. Petra Task Force update. If we then go to p.59
11:12:19 21 where Witness F is dealt with. There's comments - there's
11:12:29 22 some bolded section there in relation to the MOU you've
11:12:34 23 just referred to?---Yes.
11:12:35 24
11:12:36 25 A further amended MOU, further meetings, and you've got a
11:12:41 26 handwritten note, "Transition to Witsec prepared" - what
11:12:46 27 does that say?---"Prepared to go into the program."
11:12:49 28
11:12:49 29 Okay?---So I, so I understand that note to mean that at
11:12:55 30 that Task Force update, at that point in time we'd been
11:12:58 31 given to understand that Ms Gobbo was, was at that point
11:13:02 32 prepared to go into the program.
11:13:03 33
11:13:06 34 I tender that document, Commissioner.
11:13:08 35
11:13:09 36 #EXHIBIT RC1006A - (Confidential) Petra Task Force
11:13:10 37 9/02/09, p.56.
11:13:10 38
11:13:11 39 #EXHIBIT RC1006B - (Redacted version.)
11:13:12 40
11:13:12 41 Then go to p.34. This is the update for 23 February 2009.
11:13:45 42 If we go to p.37 of that. There's the bolded section
11:13:58 43 you'll see there about further discussions. MOU continuing
11:14:05 44 to be amended and further negotiations required. And there
11:14:07 45 are efforts to be put into place to have further members
11:14:10 46 introduced to the witness to alleviate requirements for a
11:14:14 47 single member to have dealings with her?---Yes.

11:14:16 1
11:14:16 2 It was becoming difficult by this stage, is that
11:14:20 3 right?---Yes, because there were significant demands being
11:14:22 4 placed by Ms Gobbo on the individual that was handling her
11:14:28 5 and it was, if you like, a 24-7 job and so we were keen to
11:14:34 6 have additional people available to support that work.
11:14:38 7
11:14:39 8 Now - - -?---Because the piece here, Ms Tittensor, was
11:14:43 9 while Ms Gobbo was yet to be inducted into, or accepted
11:14:48 10 into the Witness Protection Program, the Task Force Petra
11:14:53 11 members, in concert with Jim Hart's people, were having to
11:14:58 12 work with [REDACTED] to provide security coverage for her.
11:15:02 13
11:15:03 14 If we were to - - -?---And that was, if you like, an
11:15:08 15 interim arrangement, but it went on, in my view, for far
11:15:12 16 too long.
11:15:13 17
11:15:14 18 On 27 February, according to some evidence in Mr Biggin's
11:15:18 19 statement, he met with AC Moloney in relation to Ms Gobbo.
11:15:26 20 He was directed by AC Moloney that the SDU was to resume
11:15:30 21 management of Ms Gobbo and the attempt to transition her
11:15:34 22 into the witness security program had been unsuccessful.
11:15:38 23 That was something that was being discussed at the Task
11:15:41 24 Force?---Well, I wasn't aware of the SDU involvement. My
11:15:47 25 understanding was that, always was that once she'd
11:15:52 26 transitioned, once she'd become a witness, signed her
11:15:56 27 witness statement, our efforts were focused on getting her
11:15:59 28 into the Witness Protection Program and while that was
11:16:02 29 pending it was the Task Force Petra members who were
11:16:05 30 managing her security arrangements.
11:16:07 31
11:16:07 32 As you'll see there on the next paragraph of Mr Biggin's
11:16:12 33 statement, paragraph 122, he, along with SDU members Black
11:16:20 34 and White, met with Inspector Smith and Senior Sergeant
11:16:25 35 O'Connell of the Petra Task Force. There was then a
11:16:28 36 meeting with Moloney and Inspector Wilkins and Mr Overland
11:16:36 37 was an apology, obviously meant to be there. Mr Biggin
11:16:45 38 says he's been shown the SML regarding that meeting which
11:16:49 39 contains notes of it, and it was agreed that rather than
11:16:52 40 have the SDU handlers manager Ms Gobbo, others who had an
11:16:57 41 appropriate level of training in handling would act as her
11:16:59 42 handlers. The SDU didn't want to get involved
11:17:01 43 again?---Well I don't know about that, but it was certainly
11:17:03 44 my understanding that we, we did secure two members with
11:17:10 45 appropriate training to assist us and from memory they were
11:17:14 46 members - am I allowed to say their names?
11:17:17 47

11:17:18 1 No?--Okay.
11:17:21 2
11:17:21 3 MS ENBOM: May I raise a PII claim?
11:17:23 4
11:17:23 5 COMMISSIONER: Of course.
11:17:23 6
11:17:24 7 MS ENBOM: Very quick one. Page 12374, line 16. I'm
11:17:32 8 instructed that it's important methodology in relation to
11:17:36 9 the Witness Protection Program there and if the, if the
11:17:42 10 letters in capitals in line 16 are removed, then the
11:17:46 11 problem goes away.
11:17:47 12
11:17:47 13 COMMISSIONER: All right then. So 12374, line 16, remove
11:17:52 14 the letters in capital.
11:17:54 15
11:17:54 16 MS ENBOM: Yes, please.
11:17:55 17
11:17:55 18 COMMISSIONER: From the transcript.
11:17:57 19
11:17:58 20 MS ENBOM: Thank you.
11:17:58 21
11:17:59 22 COMMISSIONER: Thank you.
11:18:09 23
11:18:10 24 MS TITTENSOR: Now, around this time the Briars Task Force
11:18:13 25 was reconvened, is that right?--Yes. So the Briars Task
11:18:20 26 Force was reconvened following the re-emergence of a person
11:18:25 27 of interest who was now prepared to provide a statement.
11:18:30 28
11:18:30 29 That's someone that wasn't, is not Ms Gobbo?--No, not
11:18:34 30 Ms Gobbo.
11:18:34 31
11:18:37 32 You became aware that, although, that Ms Gobbo was a person
11:18:46 33 that might be able to provide a witness statement in
11:18:49 34 respect of Briars?--Yes, Mr Waddell briefed us I think at
11:18:55 35 the end, it was at the end of a Petra steering committee,
11:18:58 36 and recommended that we re-establish the Briars Task Force
11:19:03 37 and subsequent to that, drew up an outline of an
11:19:10 38 investigation plan in which he identified that Ms Gobbo
11:19:19 39 might be in a position to provide a witness, or be a
11:19:24 40 witness in relation to that re-instigated Briars Task Force
11:19:30 41 investigation.
11:19:30 42
11:19:33 43 You deal with these matters from paragraph, sorry paragraph
11:19:38 44 95 of your statement. At paragraph 96 you say, "Part of
11:19:42 45 the the updated investigation plan was to get a statement
11:19:44 46 from Ms Gobbo" and then you were made aware at that time, I
11:19:49 47 take it, of the relevance of what the statement was to

11:19:52 1 be?---Yes.

11:19:53 2

11:19:54 3 And you made notes that part of the statement was to do

11:19:56 4 with matters relating to Perry?---Yes.

11:20:02 5

11:20:03 6 Now, Perry was one of the other targets?---Yeah, and I

11:20:07 7 think I made - - -

11:20:08 8

11:20:08 9 In Briars?---I think I made a notation in relation to that

11:20:12 10 on the Briars, the re-instituted Briars Task Force update

11:20:19 11 in April 2009.

11:20:21 12

11:20:21 13 You also knew that she had information related to

11:20:26 14 Waters?---Yes.

11:20:26 15

11:20:27 16 And you were made aware, I take it, of the nature of the

11:20:33 17 information that had been obtained by Mr Waddell and Iddles

11:20:36 18 back in January the previous year?---Yes, I think it was

11:20:40 19 about then that I became aware of that, that earlier

11:20:43 20 engagement.

11:20:44 21

11:20:47 22 Did you say, "How come I wasn't aware of this

11:20:50 23 before"?---Well, I guess it's at that point where I became

11:20:55 24 aware of who 3838 was and that was, that was as the Briars

11:21:03 25 Task Force was being re-instigated between March and April.

11:21:07 26 I can't recall specifically the moment when I became aware

11:21:13 27 of it, but I have a strong sense that it arose from a

11:21:17 28 conversation that I had with Steve Waddell in the lead up

11:21:21 29 to the re-establishment of the Briars Task Force.

11:21:25 30

11:21:25 31 That you were told that 3838 is Gobbo?---Yes.

11:21:28 32

11:21:28 33 That you were told, "We interviewed her back in January of

11:21:32 34 last year"?---Yes.

11:21:33 35

11:21:33 36 Did you say, "Why didn't I know this"?---I may have, but my

11:21:42 37 particular concern at that point was, well what - what does

11:21:51 38 she know and what is she going to assist us with? Because

11:21:55 39 I wasn't aware of what had been canvassed with her in the

11:21:58 40 earlier discussion between the investigators and I actually

11:22:06 41 had to go back to my notes to review, well, what was 3838's

11:22:11 42 involvement in the earlier Briars piece?

11:22:13 43

11:22:13 44 You presumably could just say to Waddell, "Explain it to

11:22:18 45 me"?---Yes, and the explanation I got from Waddell was that

11:22:25 46 she had been party to a conversation with Waters back in 07

11:22:31 47 and that that conversation appeared to indicate that Waters

11:22:38 1 had some involvement or knowledge of, with Lalor, of how
11:22:47 2 the person who murdered Chartres-Abbott had got his
11:22:51 3 address.
11:22:52 4
11:22:52 5 But also, significantly, Waddell and Iddles had been told
11:22:58 6 by her in January of 2008 that Perry had made an admission
11:23:02 7 to someone?---Yeah, but I can't recall the specific details
11:23:06 8 in relation to Perry. I must say, at the time I recall
11:23:10 9 being particularly concerned about the Lalor's/Water's
11:23:16 10 aspect, I didn't know much about the Perry side of - I
11:23:19 11 can't recall much about the Perry side of things.
11:23:22 12
11:23:22 13 In paragraph 97 of your statement you say that you made a
11:23:26 14 note in the briefing note?---Yes.
11:23:28 15
11:23:28 16 Which says - - ?---And I've just referred to that.
11:23:30 17
11:23:31 18 And it says, "Note, 3838 may give statement re advise from
11:23:36 19 Perry"?---Yes, and I go on to say I can't recall what
11:23:41 20 advice obtained from Perry related to.
11:23:42 21
11:23:43 22 You become aware that she's a human source?---Yes.
11:23:47 23
11:23:48 24 You know that has implications for Petra?---Well, no, I
11:23:51 25 didn't because my understanding of her as a human source
11:23:55 26 was that it was only in relation to the Briars matter.
11:24:00 27
11:24:00 28 And what gave you that understanding?---There was nothing
11:24:02 29 to indicate to me that she'd been a human source for Petra.
11:24:05 30
11:24:06 31 What was the purpose of her being a human source for
11:24:09 32 Briars?---Well I, I understood at the time that she'd been
11:24:16 33 registered as a human source 3838 because of the
11:24:20 34 information that she had originally provided in the early
11:24:24 35 days of Briars in relation to Lalor and Waters.
11:24:27 36
11:24:28 37 To Iddles and Waddell in the January 2008
11:24:33 38 conversation?---No, we knew - so there was this piece about
11:24:36 39 the meeting between 3838, Lalor and Waters back in 2007,
11:24:43 40 which was referenced in the Briars Task Force updates.
11:24:47 41
11:24:47 42 Yes?---And my understanding, having gone back and reviewed
11:24:52 43 those records, was that that person had been registered as
11:24:58 44 a human source as a result of providing us with the
11:25:02 45 information about that meeting between that person, Lalor
11:25:06 46 and Waters.
11:25:07 47

11:25:07 1 What was the reason - did you get any explanation about how
11:25:12 2 and why we come to sign this person up as a human
11:25:15 3 source?---No. I just assumed that that was, that was why
11:25:19 4 that person, why she'd been signed up as a human source.
11:25:22 5
11:25:22 6 With the Source Development Unit?---Yes.
11:25:24 7
11:25:26 8 You didn't get any explanation whatsoever beyond
11:25:29 9 that?---No.
11:25:29 10
11:25:29 11 Why not?---Well, I - because to me it made eminent sense
11:25:38 12 that she would have been signed up as a human source, given
11:25:41 13 that she'd provided that information in relation to Lalor
11:25:43 14 and Waters.
11:25:45 15
11:25:45 16 You might have then started questioning, "Well, we've had
11:25:49 17 Petra investigators talking to her as well, have they been
11:25:52 18 dealing with the Source Development Unit too"?---There was
11:25:55 19 nothing to indicate that they had been.
11:25:56 20
11:25:57 21 But did you ask any questions?---No, I didn't ask questions
11:26:00 22 about that. I had no reason for doing so.
11:26:02 23
11:26:05 24 Go to the Petra Task Force update, please, of 16 March
11:26:10 25 2009. This is the same document file VPL.0100.0001.5402 at
11:26:22 26 p.26. Now, around about this time Mr Overland was made
11:26:32 27 Chief Commissioner, is that right?---Yeah, I think so.
11:26:36 28
11:26:36 29 And you took over as head of the Petra Task Force as well
11:26:40 30 as - and you were already the head of the Briars Task
11:26:43 31 Force?---Yeah, and that was pending the arrival of Ken
11:26:47 32 Jones as the Deputy Commissioner.
11:26:49 33
11:26:49 34 Taking over that position as head of the - you're now head
11:26:53 35 of both Task Forces. You're the one making the day-to-day
11:26:57 36 and significant decisions. Do you think you should have
11:27:00 37 been told about Ms Gobbo's status as a human source and the
11:27:04 38 extent of her relationship with Victoria Police if you're
11:27:11 39 to make those decisions?---Well I was making the decisions
11:27:15 40 based on the information that I had both as a member of
11:27:20 41 both Task Forces to that point.
11:27:21 42
11:27:21 43 Yes. And do you think you ought - everyone else seems to
11:27:25 44 have known exactly what was going on but you. Do you think
11:27:28 45 you should have been told?---Told what?
11:27:32 46
11:27:33 47 Ms Gobbo's had a history as a human source with Victoria

11:27:36 1 Police since 2005, including providing significant
11:27:41 2 information in relation to organised crime figures.
11:27:44 3
11:27:45 4 MR COLEMAN: My learned friend said "everyone" knew what
11:27:48 5 was going on. If she means to include my client in that,
11:27:51 6 that's not the evidence, so it should be made clear that
11:27:54 7 that doesn't include Mr Ashton.
11:27:57 8
11:27:57 9 COMMISSIONER: "Everyone" might have been a bit of a
11:28:00 10 flourish.
11:28:02 11
11:28:04 12 MS TITTENSOR: It will depend on, to some extent.
11:28:08 13 Certainly Mr Overland knows what's going on, Mr Moloney
11:28:11 14 knows what's going on in terms of her relationship with the
11:28:14 15 Source Development Unit, and your investigators, from both
11:28:17 16 Petra and Briars, know what's going on. Do you think, if
11:28:22 17 you're the head of the steering committee, you should have
11:28:25 18 been filled in by this point in time?--Well I needed to
11:28:28 19 know what was relevant to the Terms of Reference for both
11:28:31 20 Briars and Petra. Insofar as Ms Gobbo's involvement with
11:28:37 21 Purana and other matters, they were not matters that I
11:28:40 22 needed to know about.
11:28:41 23
11:28:42 24 Well, what if they impacted - you said before, well, her
11:28:46 25 relationship with the SDU, with all these matters, would
11:28:49 26 necessarily have to be disclosed, "There might be matters
11:28:52 27 relevant that will be disclosed once charges are laid,
11:28:55 28 we're running these cases"?--Well, that was certainly the
11:28:59 29 case in relation to the people that we were contemplating
11:29:03 30 charges for in both Petra and ultimately in Briars.
11:29:07 31
11:29:07 32 Do you think you were deliberately not told about the
11:29:09 33 extent of the relationship?--No, I don't think, I don't
11:29:12 34 think that was the case. I think I was not told
11:29:17 35 information because people made the assessment that I
11:29:19 36 didn't need to know.
11:29:21 37
11:29:21 38 Because they didn't want you to know in case other
11:29:24 39 decisions - - -?--No, I'm not prepared to agree with that
11:29:29 40 proposition. I think they were being very clear about
11:29:35 41 tightly managing information on the need to know basis and
11:29:38 42 the Terms of Reference for both Briars and for Petra were
11:29:43 43 clear and the information and the engagement with 3838,
11:29:49 44 insofar as Purana and all of those other matters were
11:29:53 45 concerned, didn't fall within that remit.
11:29:56 46
11:29:56 47 I just took you to some evidence before which indicates

11:29:59 1 that your investigators in Petra were dealing with Ms Gobbo
11:30:03 2 through the SDU?---H'mm.
11:30:05 3
11:30:05 4 Do you think you should have known about that?---Well, I
11:30:08 5 think I should have known about that because my
11:30:11 6 understanding was that they were dealing directly with her.
11:30:15 7
11:30:16 8 And once you found out about that, you might have started
11:30:19 9 questioning, well, where does this, where does that thread
11:30:23 10 from your carpet go?---I might have, but I didn't find out
11:30:26 11 about that until today and yesterday.
11:30:30 12
11:30:32 13 COMMISSIONER: Is that a convenient time for the midmorning
11:30:34 14 break?
11:30:35 15
11:30:36 16 MS TITTENSOR: Yes, Commissioner.
11:30:37 17
11:30:37 18 COMMISSIONER: All right, thank you.
11:30:38 19
11:30:38 20 (Short adjournment.)
11:39:31 21
11:39:31 22 COMMISSIONER: Ms Enbom, given Assistant Commissioner
11:57:27 23 Cornelius' evidence earlier today about the email chain and
11:57:36 24 him providing that to his lawyers and it not being put into
11:57:40 25 a supplementary statement, I require the lawyers for
11:57:42 26 Victoria Police to review the taking of all witness
11:57:45 27 statements for the Royal Commission, to ensure that proper
11:57:48 28 disclosure has been made to the Commission of all relevant
11:57:51 29 documents, and to consider whether any further
11:57:53 30 supplementary witness statements are to be provided to the
11:57:57 31 Commission.
11:57:58 32
11:57:58 33 MS ENBOM: Yes.
11:57:58 34
11:57:58 35 COMMISSIONER: And if you could attend to that over the
11:58:00 36 long weekend, please.
11:58:01 37
11:58:01 38 MS ENBOM: Yes, I certainly will. May I just explain -
11:58:06 39 this appears to have happened in relation to this email. I
11:58:09 40 didn't take the witness statement, but we've tried to piece
11:58:11 41 it together. The email that Mr Cornelius referred to was
11:58:18 42 produced in August last year, so prior to the signing of
11:58:23 43 the witness statement, and what seems to have happened is
11:58:28 44 this: in paragraph 147 of the statement there is a
11:58:32 45 reference to emails. There is then a footnote, footnote
11:58:38 46 65, and it seems to me that the person preparing the
11:58:43 47 statement has probably inserted the wrong document

11:58:46 1 reference. It should have been the document reference that
11:58:51 2 I've just given Mr Winneke, the email produced in August
11:58:54 3 that Mr Cornelius referred to. That appears to be what has
11:58:59 4 happened.

5
11:58:59 6 COMMISSIONER: I'd still like a statement produced to
11:59:02 7 clarify the situation.

8
11:59:03 9 MS ENBOM: Yes.

10
11:59:04 11 COMMISSIONER: It is very, very concerning.

12
11:59:09 13 MS ENBOM: Yes, Commissioner.

14
11:59:12 15 MR WINNEKE: Commissioner, whilst we're dealing with
11:59:14 16 housekeeping matters, can I just raise another matter.
11:59:17 17 There are documents which are required to be produced
11:59:21 18 pursuant to various Notices to Produce, and we've been
11:59:24 19 getting documents as we've gone along. There are I think
11:59:27 20 about 600 documents which are in the works as far as Corrs
11:59:32 21 are concerned, Victoria Police are concerned. A letter was
11:59:34 22 written on 17 January indicating that what was proposed
11:59:39 23 with respect to those 600 documents would be that usual
11:59:43 24 protocols regarding removal and redaction of - or the
11:59:48 25 process which involved the removal of material which might
11:59:51 26 identify informers would be foregone and the documents
11:59:58 27 would simply be provided to the Commission on certain
12:00:00 28 conditions, on the basis the Commission agree with those
12:00:03 29 conditions, and we responded indicating that the Commission
12:00:07 30 was prepared to agree with those conditions, that is that
12:00:10 31 it would not be - they wouldn't be used. I don't need to
12:00:14 32 go into those details. But since then, apparently there's
12:00:18 33 been a change of view, as I understand it, on the basis
12:00:23 34 that a different view is taken with respect to some of the
12:00:26 35 documents and now it's not going to be that we're going to
12:00:30 36 get the documents in that pure form.

37
12:00:34 38 Commissioner, it may mean that we won't now get those
12:00:37 39 documents until next week. There's very little time to go.
12:00:42 40 We've got a lot of work to do, and we've got some time in
12:00:45 41 the next few days to look at materials, as well as
12:00:48 42 examining witnesses. We would very much like to have the
12:00:52 43 documents in accordance with the letter that was written on
12:00:54 44 17 January indicating that they were going to be provided
12:00:58 45 in that unredacted form. We would very much like to have
12:01:02 46 those documents so as we can examine them over the next few
12:01:05 47 days, when we have the opportunity to do so, rather than

12:01:08 1 when we've got witnesses and we're having to deal with
12:01:10 2 those matters.
3

12:01:11 4 I understand that there's concern on the part of
12:01:13 5 Victoria Police about that, but I'd like them to trust us
12:01:15 6 and to provide the documents on the basis they were
12:01:18 7 prepared to do so, so as we can use the time that we've
12:01:23 8 got, the limited time, to deal with them.
9

12:01:25 10 COMMISSIONER: Yes. Again, Ms Enbom, it's concerning that
12:01:27 11 we're still getting these documents at this very late stage
12

12:01:30 13 MS ENBOM: Yes, it's concerning, it's frustrating - it's
12:01:34 14 concerning and frustrating for everyone.
15

12:01:36 16 COMMISSIONER: Yes, very much so.
17

12:01:40 18 MS ENBOM: Yes. Upon becoming aware of this issue last
12:01:42 19 night, I am doing my absolute best to assemble a team of
12:01:45 20 police and lawyers to work all weekend to get these
12:01:48 21 documents across to the Commission - can I just finish -
12:01:51 22 across to the Commission. I understand that the bulk of
12:01:54 23 them will be produced without any PII review but there are
12:02:00 24 - some have been identified as documents that can't go
12:02:04 25 without at least human source names being redacted.
26

12:02:09 27 I've asked that there be a production by the end of
12:02:12 28 today, I've asked that there be a production by the end of
12:02:15 29 Saturday and I've asked that there be a production by the
12:02:18 30 end of Sunday. I'll be working all weekend to make sure
12:02:21 31 that this happens. I'm doing my absolute best,
12:02:29 32 Commissioner.
33

12:02:29 34 COMMISSIONER: I'm sure you are, but it's still not
12:02:31 35 satisfactory.
36

12:02:32 37 MS ENBOM: I know.
38

12:02:33 39 COMMISSIONER: It's not your fault, but it is most
12:02:35 40 unsatisfactory - - -
41

12:02:36 42 MS ENBOM: It is.
43

12:02:37 44 COMMISSIONER: - - - that the Commission is still getting
12:02:38 45 hundreds of documents at this late stage and, as you've
12:02:43 46 said, most of those documents won't need to have
12:02:48 47 retractions done, so they should be able to be provided

12:02:51 1 quickly.
2

12:02:52 3 MS ENBOM: Yes.
4

12:02:53 5 COMMISSIONER: And obviously the Commission needs to - the
12:02:56 6 Commission staff and lawyers need to use the next few days,
12:02:59 7 when there's a short break in the hearings, to absorb those
12:03:02 8 documents.
9

12:03:03 10 MS ENBOM: Yes.
11

12:03:03 12 COMMISSIONER: So I'd ask you and all your team to
12:03:07 13 absolutely prioritise the urgency of those documents and it
12:03:13 14 is a shame it hasn't already happened.
15

12:03:15 16 MS ENBOM: Yes. Thank you, Commissioner.
17

12:03:16 18 MR WINNEKE: Just before I let this go, as I understand it,
12:03:20 19 some of these documents are documents that are significant
12:03:23 20 documents which concern the evidence of witnesses who are,
12:03:28 21 I assume, yet to come, and perhaps also with witnesses who
12:03:30 22 have already gone.
23

12:03:32 24 COMMISSIONER: Yes.
25

12:03:33 26 MR WINNEKE: We would like to know when those documents
12:03:36 27 were identified, but in particular, if there are
12:03:39 28 significant documents of importance, and our learned
12:03:44 29 friends know which matters are of importance, we'd like to
12:03:47 30 have those as soon as we possibly can. If those documents
12:03:51 31 could be provided today, we'd very much appreciate it.
32

12:03:55 33 COMMISSIONER: Yes. Thank you.
34

12:03:56 35 MS ENBOM: I heard that, Commissioner.
36

12:04:01 37 COMMISSIONER: Thank you. Yes, Ms Tittensor.
38

12:04:03 39 MS TITTENSOR: Thanks, Commissioner. I'm told I need to
12:04:08 40 tender Petra Task Force updates of 23 February and 16 March
12:04:13 41 2009.
42

12:04:20 43 #EXHIBIT RC1007A - (Confidential) Petra Task Force update
12:04:20 44 23/02/09.
12:04:21 45

12:04:22 46 #EXHIBIT RC1007B - (Redacted version.)
12:04:27 47

12:04:27 1 #EXHIBIT RC1008A - (Confidential) Petra Task Force update
2 16/03/09.
3

12:04:30 4 #EXHIBIT RC1008B - (Redacted version.)
12:04:30 5

12:04:40 6 Mr Cornelius, you say you assumed that Ms Gobbo was
12:04:49 7 registered simply for the purposes of Briars?---Yes.
8

12:04:53 9 Someone that goes into the SDU, the whole idea of the SDU
12:04:57 10 is that they might be spoken to about all sorts of things.
12:05:05 11 The reason behind having the SDU is that a particular human
12:05:11 12 source might have information of various different kinds
12:05:15 13 that might be of use to various different departments
12:05:18 14 within Victoria Police, is that right? That's what - the
12:05:23 15 SDU debrief them when they get their hands on them?---That
12:05:26 16 wasn't my understanding at the time.
17

12:05:30 18 Who was it that gave you to understand that Ms Gobbo had
12:05:35 19 been registered simply for the purposes of Briars?---No-one
12:05:41 20 gave me that understanding, but I assume that she had been
12:05:44 21 registered as a result of providing the information in
12:05:47 22 relation to Briars.
23

12:05:57 24 Now on the Petra and Briars Task Force sat Danye Moloney,
12:06:02 25 is that right?---Yes.
26

12:06:02 27 And he came into those steering committees when he was
12:06:06 28 promoted in about November of 2008 to
12:06:12 29 Assistant Commissioner of Crime?---Yes.
30

12:06:13 31 And he had been promoted from the position of Commander of
12:06:17 32 Intelligence and Covert Services?---I don't remember that
12:06:21 33 being the case, but I'm prepared to take your word for it.
34

12:06:25 35 You would have known that at the time?---Yeah.
36

12:06:28 37 He'd been in charge of the department that was responsible
12:06:31 38 for the handling of Ms Gobbo?---Yes.
39

12:06:37 40 It would have been a simple thing to ask him what he knew
12:06:40 41 of Ms Gobbo's role?---Yes, but I didn't feel the need to
12:06:45 42 ask.
43

12:06:47 44 And clearly he didn't feel the need to fill you in?---No.
45

12:07:01 46 In paragraph 52 of your statement you deal with a Purana
12:07:09 47 matter and you say at paragraph 52, "Through my role at

12:07:15 1 Victoria Police I was generally aware that a Task Force
12:07:17 2 known as Task Force Purana had been established to
12:07:22 3 investigate the so-called gangland killings"?---Yes.
4

12:07:23 5 And I referred to that before. You knew that they dealt
12:07:27 6 with organised crime matters generally as well and they
12:07:30 7 were dealing with major drug matters as well?---Yes.
8

12:07:33 9 You say, "In May 2009 I became aware that Task Force Petra
12:07:39 10 had been approached by members of Task Force Purana to
12:07:42 11 arrange a meeting with Ms Gobbo" and another person, who
12:07:48 12 was a client of hers, and Purana members, is that
12:07:53 13 right?---Yes.
14

12:07:57 15 Now, at that stage Ms Gobbo is still, seemingly, having
12:08:03 16 contact with at least one client?---Yeah, it was evident to
12:08:07 17 me from that. I think I remember being told of this or
12:08:13 18 briefed about this by Smith, who was the lead investigator
12:08:21 19 of Task Force Petra at the time.
20

12:08:25 21 Did you understand, in that role, that she was working as a
12:08:29 22 legal practitioner?---I understood, from what Steve Smith
12:08:34 23 told me, that she was acting in the capacity of a legal
12:08:41 24 advisor for [REDACTED] and that she was assisting
12:08:48 25 [REDACTED] in discussions with Purana members.
26

12:08:56 27 Did you understand anything more than that in terms of
12:09:00 28 Ms Gobbo's history with Purana?---No, I just simply
12:09:07 29 understood that she was assisting a client in discussions
12:09:12 30 with police, in the same way that many other lawyers do so.
31

12:09:18 32 Did you understand that she was dealing with any other
12:09:21 33 clients around that time?---No.
34

12:09:32 35 Part of the issues with Ms Gobbo appeared to be the fact
12:09:39 36 that she wasn't able to continue to practice as a legal
12:09:45 37 practitioner anymore, but it seems as though in some
12:09:48 38 respects she was?---Yes, and I understood that was a
12:09:51 39 sticking point within the context of the negotiations of
12:09:56 40 the MOU. I mean my - over the course of 2009, I came to
12:10:03 41 understand - well, as best I could understand it -
12:10:06 42 Ms Gobbo's position appeared to be that she preferred an
12:10:11 43 approach to managing her security which was akin to, for
12:10:15 44 want of a better description, hiding in plain sight,
12:10:19 45 maintaining her usual activities so as not to raise
12:10:25 46 suspicion with others about her assisting us as a witness.
12:10:32 47 I had a very different view. I was of the view that the

12:10:36 1 safest course for her was to join the witness protection
12:10:43 2 program and have all of the protections associated with
12:10:50 3 that, because to my mind, that was the best way of securing
12:10:55 4 her safety. It was also the safest way for our members to
12:10:59 5 engage with her.
6

12:11:02 7 Now, at this stage you say, "I'm only aware of her role as
12:11:07 8 a human source with Briars"?---Yes.
9

12:11:11 10 "I know she's got an association with Petra"?---Of course
12:11:15 11 I'd known of her - - -
12

12:11:16 13 As a witness, she'd signed up as a witness by now?---Yes.
14

12:11:20 15 You might have already answered this in your earlier
12:11:23 16 things. Is it in April or May the following year when
12:11:28 17 these Terms of Reference come along, is that when you
12:11:31 18 understand that she's had this broader role as a human
12:11:35 19 source involving Purana?---I'm sorry, what are the terms of
12:11:41 20 - you're talking about the Driver Terms of Reference?
21

12:11:43 22 Yes, this issue that you spoke about before?---Yeah.
23

12:11:45 24 Where I think I'd asked you some questions about when you
12:11:48 25 came to an understanding that she'd had this broader
12:11:50 26 involvement as a human source?---Well, my understanding at
12:11:55 27 the time of the reference to administration of justice
12:12:00 28 related to the concerns that had been raised with me by - I
12:12:05 29 understood them to mean that they related to the concerns
12:12:08 30 that Mr Waddell had raised with me in relation to whether
12:12:11 31 or not she was acting as a client for Dale and, indeed,
12:12:18 32 Waters at the time that she was providing assistance to
12:12:23 33 both Briars and Petra.
34

12:12:27 35 MS ENBOM: Sorry to interrupt, Commissioner. I've got an
12:12:30 36 important PII claim.
37

12:12:31 38 COMMISSIONER: Yes, certainly.
39

12:12:32 40 MS ENBOM: It is going to be a little bit difficult to
12:12:35 41 explain in a cryptic way, but I'll do my best. Page 12385,
12:12:40 42 if we read the question and answer - - -
43

12:12:45 44 COMMISSIONER: What line?
45

12:12:46 46 MS ENBOM: Starting at line 9, if we start there, you'll
12:12:49 47 see there is a reference to another person and Mr Cornelius

12:12:51 1 was careful not to name that other person.
2

12:12:54 3 COMMISSIONER: Yes.
4

12:12:56 5 MS ENBOM: Then you'll see that the other person is then
12:12:59 6 identified at line 24 and when you read lines 24 and 25,
12:13:07 7 you can see what that person identified at line 24 was
12:13:11 8 doing.
9

12:13:11 10 COMMISSIONER: So it's really 24 and 25 that are the
12:13:14 11 problem?
12

12:13:15 13 MS ENBOM: If we take out the reference - the name at 24
12:13:19 14 and then the name at - - -
15

12:13:22 16 COMMISSIONER: 25.
17

12:13:23 18 MS ENBOM: Yes, 25, that's right.
19

12:13:26 20 COMMISSIONER: That will fix it?
21

12:13:27 22 MS ENBOM: Yes.
23

12:13:28 24 COMMISSIONER: All right. So at line 24, the first and
12:13:33 25 second name is removed and the name at 25 is removed.
26

12:13:38 27 MS ENBOM: Thank you, Commissioner.
28

12:13:42 29 COMMISSIONER: From the live streaming, if possible, as
12:13:47 30 well. Yes.
31

12:13:48 32 MS TITTENSOR: Just to be clear, when do you say you came
12:13:50 33 to understand that Ms Gobbo's role was more
12:13:56 34 problematic?---By "more problematic", what do you mean by
12:13:59 35 that?
36

12:13:59 37 That she'd been a human source for more than just
12:14:02 38 Briars?---Look, I became aware of that much later.
39

12:14:07 40 When?---Well, as recently as when these matters about her
12:14:18 41 being identified as Lawyer X.
42

12:14:24 43 So 2014?---Yes.
44

12:14:26 45 Did you speak to anyone about it then?---I recall having a
12:14:33 46 conversation with Finn McRae over a coffee, it was an
12:14:38 47 informal conversation, and I recall, if anything,

12:14:42 1 expressing surprise to Finn.
2

12:14:44 3 What did Mr McRae say to you?---Mr McRae, from memory,
12:14:49 4 shared a similar view, but I think Finn was being careful
12:14:54 5 about not discussing with me matters that he may well have
12:14:59 6 had carriage of.
7

12:15:01 8 Do you say you had no understanding of any involvement by
12:15:05 9 Ms Gobbo with Purana?---No.
10

12:15:07 11 As a human source or as a potential witness?---No, I had no
12:15:12 12 understanding of that.
13

12:15:15 14 And again, until when did you have an understanding of
12:15:20 15 Ms Gobbo potentially being a human source or potentially a
12:15:22 16 witness for Purana?---Look, my appreciation of that has
12:15:29 17 really only emerged as this Commission has conducted its
12:15:32 18 proceedings.
19

12:15:33 20 There was no inkling given to you that there might be some
12:15:36 21 issues associated with Ms Gobbo's role that go beyond
12:15:40 22 Petra, that go beyond Briars?---No, other than in the sense
12:15:43 23 that the Lawyer X issue was being trafficked broadly in the
12:15:50 24 media, that certainly did cause me to query what that was
12:15:54 25 about, but my understanding was that others within Victoria
12:16:03 26 Police were seized of and had carriage of those issues.
27

12:16:05 28 I'm going to take you through some documents that deal with
12:16:08 29 issues associated with Ms Gobbo's - attempts to get
12:16:13 30 Ms Gobbo into the witness protection program, Ms Gobbo's
12:16:15 31 threats to sue the police, the Dale committal, the ultimate
12:16:21 32 writ. Do you say at no stage within any of that you had
12:16:24 33 any cause for concern that this relationship with Ms Gobbo
12:16:27 34 extended beyond the terms of Briars and Petra?---No, I
12:16:30 35 don't recall having that sense at all.
36

12:16:37 37 Is there any possibility that you were aware of those
12:16:40 38 things and you now don't recall it?---Well, that's
12:16:45 39 possible, given the effluxion of time but, as I say, my
12:16:49 40 strong sense is that my awareness of her broader
12:16:53 41 involvement didn't become apparent to me until much later.
42

12:16:58 43 If you had become aware that she was involved with police
12:17:02 44 before those notes in your - from about September of 2007,
12:17:10 45 as 3838, you say that's around the time you believed she'd
12:17:15 46 been involved with the Briars Task Force from, do
12:17:18 47 you?---Yeah, but I didn't appreciate that until Phase 2 of

12:17:23 1 Briars.
2

12:17:24 3 But accepting what you say now, you say, "Well, my
12:17:27 4 assumption would have been that she was registered as a
12:17:31 5 human source for the purposes of assisting Briars from
12:17:33 6 around about that time, in September 2007"?---Yeah. It was
12:17:42 7 certainly news to me that she'd been registered in 2005 or,
12:17:46 8 indeed, in earlier times.
9

12:17:47 10 Any hint of anything - any time that was significantly
12:17:52 11 before September 2007, you would have been asking
12:17:57 12 questions?---If I'd been apprised of it, yes.
13

12:18:09 14 Now, you're aware of plans for Mr Waddell and Mr Iddles to
12:18:14 15 travel to Bali?---Yes.
16

12:18:18 17 You're aware that Mr Waddell had spoken to Mr Biggin and
12:18:22 18 Sandy White and obtained material from them for that
12:18:25 19 purpose?---No.
20

12:18:29 21 Not something you're aware of at the time?---No.
22

12:18:32 23 Did you subsequently become aware of that?---No.
24

12:18:35 25 Never?---No.
26

12:18:41 27 Did you subsequently become aware that there are potential
12:18:46 28 issues of disclosure of Ms Gobbo's role as a human source
12:18:49 29 in the proceedings for Briars because her whole statement
12:18:52 30 has been constructed on the basis of SDU
12:18:56 31 material?---Indeed. So upon Mr Waddell's return from Bali,
12:19:00 32 when he briefed me about the witness taking process with
12:19:07 33 Ms Gobbo, he indicated then that they would need to go back
12:19:12 34 to the Source Development Unit to source the tapes that I
12:19:17 35 presumed had been made when the Source Development Unit was
12:19:20 36 engaging with her in relation to the earlier Briars piece,
12:19:24 37 that piece that happened in April 2007.
38

12:19:28 39 So you didn't understand that Waddell and Iddles had
12:19:33 40 already access to SDU materials and they wanted further
12:19:36 41 access to SDU materials?---No, I didn't understand that. I
12:19:39 42 understood that Waddell hadn't - I mean Waddell asked me
12:19:43 43 ultimately to escalate the request for access to the SDU
12:19:50 44 material, which I did so.
45

12:19:55 46 All right?---So that's why I understood at the time that
12:19:59 47 he'd not had prior access to it. Otherwise why would he be

12:20:03 1 asking me to seek that access?
2

12:20:07 3 Well, the situation was he had had some access. He'd been
12:20:11 4 given access to ICRs that dealt specifically - there'd been
12:20:16 5 a name search conducted on the name David Waters and he'd
12:20:19 6 been given material from the SDU in relation to the hits
12:20:22 7 that had occurred on that material specifically?---He
12:20:25 8 indicated to me, in an email following his briefing of me
12:20:30 9 upon his return from Bali, that an earlier search had been
12:20:36 10 conducted, but a further search was required, but I didn't
12:20:39 11 understand that that search had taken place before they'd
12:20:43 12 gone to Bali.
13

12:20:45 14 All right. You authorised the trip to Bali?---Yes, I did.
15

12:20:49 16 She was in Bali with Petra investigators and
12:20:53 17 handlers?---Yes.
18

12:20:54 19 And the Briars investigators went over there to meet her
12:20:57 20 and take a statement?---Yes, that's right.
21

12:20:59 22 If we can go to - there's a Petra contact report,
12:21:06 23 VPL.0100.0237.2865. I'm not suggesting that you might have
12:21:14 24 been provided with this report, Mr Cornelius, but this is a
12:21:21 25 - probably contains a more expansive indication of a
12:21:24 26 summary of what was going on than might have been provided
12:21:27 27 to you?---Yes. I've not seen this report, but I did take
12:21:31 28 notes of both what Steve Smith and Waddell told me about
12:21:35 29 the interaction with this witness while they were in Bali.
30

12:21:39 31 This is a report that details the daily contact in Bali and
12:21:45 32 we see them travelling on the 22nd, Mr Smith arriving on
12:21:51 33 the 23rd, some general matters on the 24th. Well, on the
12:22:03 34 24th there's some discussion about what may be expected of
12:22:07 35 the Briars investigators. On the 25th Ms Gobbo is taken to
12:22:15 36 meet with Iddles and Waddell. There's some general
12:22:20 37 conversation. It was made clear that there's an
12:22:23 38 anticipated high level of danger if there's a statement
12:22:27 39 made. She accepted risks - her risks increased with her
12:22:33 40 involvement in Briars. Said unlikely to sign the statement
12:22:36 41 at this stage and need to think about it, and it notes
12:22:39 42 later she had dinner with investigators and was in a foul
12:22:43 43 mood and abused the waiters. Do you see that?---Yes.
44

12:22:47 45 Then the next day the Briars members attended and picked
12:22:51 46 her up and then dropped her off later, and this is a report
12:22:55 47 that's for Petra purposes, and there was some threats

12:23:01 1 received by Ms Gobbo later that day, is that right?---Yes.
2
12:23:04 3 And those threats are set out thereunder and you received
12:23:09 4 those in email form later on?---I was briefed about those
12:23:12 5 threats, yes.
6
12:23:14 7 If we go over to the 28th - the 27th, sorry. Ms Gobbo has
12:23:24 8 gone to meet the Briars members and is with them from
12:23:27 9 midday until 7 pm. There's a Smith discussion with
12:23:36 10 Ms Gobbo about issues, including the threats, whilst
12:23:41 11 speaking with and providing the information to Briars, and
12:23:44 12 one of the suspects for the threats is named, is that
12:23:51 13 right?---Sorry, I'm just - where are you on the page?
14
12:23:55 15 Sorry. It might not be in this document. I apologise. If
12:24:08 16 we can continue over to the next page. You see about the
12:24:14 17 fourth line down they speak about establishing suspects for
12:24:19 18 the threat and there's a potential that it might be
12:24:25 19 Mr Bayeh?---Yes.
20
12:24:28 21 They have some discussion about protection issues. Then
12:24:31 22 the following day Ms Gobbo is with Briars investigators
12:24:35 23 during the day and there's some changes made to - there's
12:24:41 24 attempts being made to change travel plans?---Yes.
25
12:24:46 26 I tender that document, Commissioner.
12:24:48 27
12:24:49 28 #EXHIBIT RC1009A - (Confidential) VPL.0100.0237.2865.
12:25:01 29
12:25:02 30 #EXHIBIT RC1009B - (Redacted version.)
12:25:08 31
12:25:08 32 If we can go to your handwritten notes, VPL.0005.0012.3547.
12:25:22 33 I think - if we can perhaps put up beside it your
12:25:30 34 statement, at paragraph 102, where, helpfully, you've typed
12:25:37 35 out the entry, is that right?---Yes.
36
12:25:51 37 Re 3838 on day 1 - this is a telephone conference you're
12:25:58 38 having with Mr Smith, who's in Bali?---Yes, that's right.
39
12:26:01 40 As to what's is going on, and this is a telephone
12:26:04 41 conference on 27 May?---Yes.
42
12:26:07 43 On day 1 he describes that there's been preliminaries. On
12:26:11 44 day 2, "Less than expected but growing in strength" and
12:26:17 45 "it's to be completed today". "Note, it will ID her as a
12:26:22 46 human source"?---Yes.
47

12:26:24 1 "Not a complete smoking gun but significant value"?---So to
12:26:29 2 be clear, the words there are "ID her as the source".
3
12:26:33 4 Does that say as "H source"?---No, it says "the".
5
12:26:42 6 It will ID her as the source for what?---That's the source
12:26:49 7 for - it goes back to that meeting with Lalor, Waters and
12:26:56 8 3838.
9
12:26:57 10 But that would be - if that's the interpretation of this,
12:26:59 11 if she's to make a statement, she'd be giving a direct
12:27:02 12 account of that?---Yes.
13
12:27:03 14 So necessarily she is being identified as a participant in
12:27:08 15 that conversation. Doesn't this only make sense if it's
12:27:12 16 IDing her as a human source?---No, this was - my
12:27:18 17 understanding, it was identifying her as the source of
12:27:22 18 information about the conversation. Now, of course, that
12:27:25 19 was going to be subsequently disclosed if she made a
12:27:28 20 statement.
21
12:27:29 22 What's the significance of identifying her as the source if
12:27:33 23 it's the very matters that she's going to give information
12:27:36 24 about in the statement?---I think it was making it clear
12:27:39 25 that - so the point I'm making here is that not too long
12:27:45 26 prior to that I only understood the person who was party to
12:27:49 27 that conversation as being 3838, I didn't appreciate, at
12:27:53 28 the time, that that was advised to us, that 3838 in fact
12:27:58 29 was Gobbo, and so this reference here is a reference to the
12:28:03 30 fact that, yes, it was Gobbo who was 3838 and it was Gobbo
12:28:07 31 who was the source of the information about that
12:28:11 32 conversation.
33
12:28:12 34 There's no real significance in that if she's giving an
12:28:15 35 account as a witness?---No, but it was of significance to
12:28:20 36 me because for me it was confirming this connection to 3838
12:28:25 37 being Gobbo and it was Gobbo who was actually party to that
12:28:29 38 conversation between Lalor and Waters back in April 2007.
39
12:28:35 40 Back in September 2007?---Yes, sorry.
41
12:28:38 42 But that's something that you'd been aware of for
12:28:41 43 months?---Yes.
44
12:28:42 45 When you got this new investigation plan, prior to that
12:28:47 46 you'd been aware of that in about March of 2009?---Yes, it
12:28:51 47 was between - I'd say that I became aware of it between

12:28:54 1 March and April.
2

12:28:55 3 So you'd been aware of the significance of - - -?---I
12:28:59 4 hadn't been aware of it - this occurred in May, so I'd be
12:29:03 5 saying a month, maybe a month and a half, later. But I've
12:29:07 6 noted it as being that it will ID her as the source and I
12:29:10 7 recall that being a reference back to that conversation.
8

12:29:14 9 So you say that's a "the", not a "H"?---Yes.
10

12:29:20 11 Following that it says, "Not a complete smoking gun but
12:29:25 12 significant value"?---Yes.
13

12:29:26 14 "To assess tomorrow for signature"?---Yes.
15

12:29:29 16 And there's an NB, "Received three death threats by text
12:29:33 17 over past 24 hours from SIM in false name"?---Yes.
18

12:29:39 19 Following on from that I note some yellow, Commissioner,
12:29:46 20 but I can't understand that that is privileged.
21

12:29:55 22 COMMISSIONER: Is there still a claim on that?
23

12:29:57 24 MS ENBOM: I'll get some instructions. I don't know off
12:30:02 25 the top of my head. Proceed on the basis it is privileged.
26

12:30:05 27 MS TITTENSOR: Sorry.
28

12:30:06 29 COMMISSIONER: We're proceeding on the basis it is
12:30:07 30 privileged at the moment. Ms Enbom is going to get
12:30:10 31 instructions as to whether it is still claimed as
12:30:13 32 privileged.
33

12:30:18 34 MS TITTENSOR: This briefing that you've just received, you
12:30:21 35 then go on to brief other people about that, is that
12:30:24 36 right?---Yes, I did.
37

12:30:25 38 Who did you brief?---I can certainly say. So the Chief of
12:30:33 39 Staff, the Chief Commissioner and Finn McRae.
40

12:30:37 41 And the Chief of Staff was Mr Wilson?---Yes, at that stage.
42

12:30:41 43 And the Chief Commissioner was Mr Overland?---Yes.
44

12:30:43 45 And you brief Finn McRae?---Yes.
46

12:30:46 47 About that information that you've received from

12:30:48 1 Smith?---Yes.
2

12:30:49 3 So the fact that - - -?---And the reason for doing so was
12:30:53 4 because of the threats and the reason for briefing those
12:30:58 5 people - and you see I also go on and say, "Discuss same
12:31:03 6 with Commander Hart", and that is because Commander Hart
12:31:06 7 was my Command colleague who was responsible for the areas
12:31:10 8 that were providing security for Ms Gobbo, so this briefing
12:31:16 9 was specifically to these threats have been received, we
12:31:22 10 need, obviously, to assess and understand those threats,
12:31:26 11 but we also need to make sure that we are escalating our
12:31:29 12 security coverage to ensure that she is protected
12:31:33 13 effectively as she comes back from Bali and upon her return
12:31:38 14 from Bali.
15

12:31:39 16 I might just say for the purposes of the transcript,
12:31:42 17 Commissioner, Mr Winneke examined Mr Overland in relation
12:31:46 18 to this memo and there was no claim for privilege, save for
12:31:50 19 the last perhaps three lines, the last dot point.
20

12:31:57 21 COMMISSIONER: Yes. Well, I suppose, strictly speaking, if
12:32:01 22 you want to examine about it, there is still a claim for
12:32:04 23 privilege at this stage. We can go into closed - - -
24

12:32:07 25 MS TITTENSOR: I think the privilege was abandoned, except
12:32:09 26 with respect to the last three points, in relation to the
12:32:14 27 examination of Mr Overland.
28

12:32:15 29 COMMISSIONER: Can you check that?
30

12:32:19 31 MS ENBOM: We can check that now. I assume that was last
12:32:21 32 year?
33

12:32:23 34 MS TITTENSOR: Yes, it was.
35

12:32:25 36 MS ENBOM: We might just quickly check the transcript.
37

12:32:28 38 COMMISSIONER: Do you want to return to this? Otherwise we
12:32:30 39 can deal with it in private hearing if need be.
40

12:32:35 41 MS TITTENSOR: It's okay, Commissioner.
42

12:32:36 43 I suggest you would have been briefing Mr Overland also.
12:32:39 44 He'd had a significant interest in Petra and Briars, is
12:32:45 45 that right?---It's evident here that the Chief was part of
12:32:49 46 the briefing that I provided.
47

12:32:50 1 The briefing wouldn't have been simply limited to the fact
12:32:53 2 that she's received the death threats, it would have
12:32:56 3 included the fact that it's in the context of a statement
12:32:59 4 being taken from her in relation to Briars over in
12:33:02 5 Bali?---Yes, that may be, but my distinct recollection is
12:33:05 6 the focus of the briefing was on the security threat, the
12:33:10 7 significantly elevated security threat for Ms Gobbo. The
12:33:12 8 other point I'd make is that this is a briefing to me from
12:33:16 9 Steve Smith. So he was head of Petra. I received a
12:33:20 10 subsequent and much more detailed briefing from Mr Waddell
12:33:24 11 in relation to the details about the statement. So if I
12:33:29 12 did say anything to Simon about the statement taking, and
12:33:33 13 this is - I mean, I actually don't recall what I said to
12:33:37 14 Simon about the statement, but I don't think it would have
12:33:39 15 been anything more than, "Process for getting statements
12:33:44 16 ongoing, you can expect more when I get a detailed briefing
12:33:48 17 from Waddell." But for me the key piece here was the
12:33:52 18 briefing in relation to the security threat for her.
19
12:33:57 20 I think that document may have already been tendered.
21
12:34:01 22 COMMISSIONER: Exhibit 946, I'm told, thank you.
23
12:34:06 24 MS TITTENSOR: Thank you, Commissioner.
25
12:34:10 26 On 29 May 2008, your investigators returned from Bali,
12:34:17 27 Mr Waddell and Mr Iddles. Mr Wilson's diary, the Chief of
12:34:23 28 Staff to Mr Overland, refers to his speaking with them.
12:34:27 29 They go straight from the airport into the Victoria Police
12:34:33 30 Centre and meet with him at 9.20. He records, "Spoke to
12:34:38 31 Waddell and Iddles re statement from 3838." He then spoke
12:34:42 32 to you at 10.40 re safety issues with 3838?---Yes.
33
12:34:46 34 And then he briefs the Chief Commissioner at half past
12:34:50 35 12?---Yep.
36
12:34:56 37 There are a number of issues that occurred thereafter, when
12:35:03 38 Waddell and Iddles returned, one being those protection and
12:35:07 39 threat issues, is that right?---Yes.
40
12:35:10 41 The other being SDU concerns in relation to Ms Gobbo
12:35:13 42 becoming a Briars witness?---I'm not aware of the SDU
12:35:17 43 concerns.
44
12:35:19 45 You became aware of SDU concerns about providing
12:35:23 46 information to Mr Waddell?---Yes.
47

12:35:27 1 And the purposes of providing - - -?---But to be clear, I
12:35:30 2 wasn't aware that SDU was concerned about her becoming a
12:35:34 3 witness, all I understood was that the SDU were reluctant
12:35:39 4 to provide to Mr Waddell the information that he'd asked of
12:35:42 5 them.
6

12:35:43 7 And what did you understand that reluctance was borne
12:35:48 8 of?---I understood that it was a fairly standard response
12:35:54 9 from SDU in relation to requests for any information from
12:36:00 10 entities outside of the SDU.
11

12:36:03 12 This is material that was necessarily going to have to be
12:36:07 13 disclosed if she becomes a witness?---Yes, and I made it
12:36:14 14 clear that I expected that Waddell's request would be
12:36:17 15 acceded to.
16

12:36:18 17 So you just thought that this was a standard objection that
12:36:21 18 was going on?---Yes.
19

12:36:22 20 Nothing out of the ordinary in this one?---No.
21

12:36:32 22 If I can take you to a document of 1 June,
12:36:42 23 VPL.0005.0012.3541. This is your notes recording a meeting
12:36:50 24 with Commander Hart and Mr Smith?---Yes, and Jeff Alway.
25

12:36:58 26 Where do Hart and Alway fit in?---So they were - they had
12:37:05 27 carriage of the witness security arrangements.
28

12:37:09 29 So this is a meeting on 1 June?---And Mr Alway was head of
12:37:15 30 the Witness Protection Unit.
31

12:37:21 32 You're receiving a briefing re 3838, that's right?---Yes.
33

12:37:28 34 She's been telling people that are involved in her security
12:37:33 35 that, "Anything I want, Simon does"?---Yes. So to be
12:37:38 36 clear, this is a record of what Steve Smith was telling us.
37

12:37:42 38 Yes. So this is a briefing from Steve Smith?---Yes.
39

12:37:50 40 There's a reference to the three threatening text messages,
12:38:03 41 is that right?---Yes.
42

12:38:16 43 I'm just looking, if we can continue on to the - I've got a
12:38:27 44 note from - I'll just continue to put some matters to you
12:38:53 45 and you may be prepared to accept them. There's some
12:38:59 46 issues listed. You can see on that second page "Issues
12:39:05 47 arising". Number 1, the need to do a full risk

12:39:09 1 assessment?---Yes.
2
12:39:10 3 And number 2, to investigate the death threats?---Yes.
4
12:39:16 5 And there's a reference there, 3838 - what does that say
12:39:31 6 beside that?---It says the wording is very similar to - I
12:39:41 7 think it's she's received - I'm paraphrasing here because
12:39:46 8 I'm struggling to read my writing, but my understanding was
12:39:50 9 - - -
10
12:39:50 11 It says the wording was very similar to when her car was
12:39:55 12 damaged?---Yes.
13
12:39:56 14 Probably done by Tony Bayeh?---Yes.
15
12:40:00 16 Possibly done by Tony Bayeh?---Possibly done by Tony Bayeh.
17
12:40:08 18 There's some concerns about the ongoing relationship with
12:40:13 19 Ms Gobbo in terms of the police relationship, is that
12:40:16 20 right?---Yes.
21
12:40:17 22 And her not signing the MOU?---Yes.
23
12:40:23 24 If we can continue up. You see that there's - immediate
12:40:32 25 needs include need to meet with Purana. Do you know what
12:40:38 26 that's about?---Sorry, where are you?
27
12:40:40 28 Immediate needs. You see there's an underlined
12:40:44 29 matter?---Yes. So I think the meeting with Purana may have
12:40:47 30 been in relation to the [REDACTED] matter.
31
12:40:52 32 And to meet with Briars?---Yes.
33
12:40:55 34 And the options there involving discussing calling her
12:41:03 35 bluff and thinking through the consequences of that?---Yes.
36
12:41:08 37 Do you know what the - so then you think about the
12:41:12 38 consequences of calling the bluff and one is concern for
12:41:18 39 self-harm?---Yes.
40
12:41:21 41 And the need for a psych assessment?---Yes.
42
12:41:25 43 And the other consequence is that she could go back to
12:41:30 44 Gatto?---Yes.
45
12:41:32 46 Do you know what that's about?---Look, I don't know the
12:41:34 47 specific details. I have a recollection that she may have

12:41:39 1 had an association with him in the past, but I can't call
12:41:45 2 to mind the specifics around that.
3
12:41:47 4 Would you have been asking about that?---Look, I may well
12:41:51 5 have, but I can't recall the particulars of it.
6
12:41:55 7 And going back to Gatto, do you know in what sense she
12:41:59 8 might go back to Gatto?---Sitting here now, I can't
12:42:02 9 remember.
10
12:42:03 11 You're aware that she had been informing on Gatto?---No.
12
12:42:08 13 Are you not aware of that now?---No, I don't recall ever
12:42:14 14 being aware of that.
15
12:42:17 16 The references - there's been a number of references to
12:42:21 17 Mr Bayeh. Were you aware that there was an investigation -
12:42:28 18 sorry, I see my friend standing up.
19
12:42:31 20 MS ENBOM: I've got a PII claim. It's the same one I
12:42:34 21 raised earlier. It is p.12397, line 29, if we can remove
12:42:41 22 the name at the start of line 29.
23
12:42:45 24 COMMISSIONER: Yes. The name is to be removed from line 29
12:42:48 25 from the transcript and the live streaming, thank you.
26
12:43:00 27 MS TITTENSOR: Commissioner, there's just a note to be
12:43:02 28 given to the witness so he understands what's going on.
29
12:43:14 30 COMMISSIONER: Right.
31
12:43:16 32 MS TITTENSOR: I'll show that note to my friend if she
12:43:19 33 needs to see it.
34
12:43:36 35 MS ENBOM: Thank you.
36
12:43:43 37 MS TITTENSOR: I tender that document, Commissioner.
12:43:46 38
12:43:47 39 #EXHIBIT RC1010A - (Confidential) Briefing 1/06 Smith, Hart
12:44:01 40 and Alway.
12:43:50 41
12:43:52 42 #EXHIBIT RC1010B - (Redacted version.)
12:43:53 43
12:43:55 44 COMMISSIONER: How should it be described, please?
12:43:56 45
12:43:58 46 MS TITTENSOR: A briefing on 1 June with Smith, Hart and
12:44:01 47 Alway.

1
12:44:03 2 Is it Always or Alway?---Alway.
3
12:44:11 4 There'd been a number of references to the suspect being
12:44:19 5 potentially Mr Bayeh in respect of the threats?---Yes.
6
12:44:22 7 Were you told that - at least from this, you understood
12:44:26 8 that her car, in the past, had been damaged?---Yeah, but I
12:44:30 9 don't recall any further details. My understanding from
12:44:35 10 that point was that this issue was then going to be the
12:44:38 11 subject of investigation and subsequent Task Force updates
12:44:44 12 then included references in relation to the conduct of that
12:44:47 13 investigation.
14
12:44:48 15 Did you come to understand that there'd been a previous
12:44:51 16 investigation in relation to numerous threats to Ms Gobbo
12:44:57 17 from 2006 to - - -?---No.
18
12:45:03 19 Named Operation Gosford? That doesn't ring a bell?---No.
20
12:45:07 21 The operation that started following this was Operation
12:45:11 22 Queazy, is that right?---Yeah, Operation Queazy was
12:45:14 23 initiated in response to these threats, from memory.
24
12:45:17 25 And no-one ever briefed you that in fact there'd been an
12:45:21 26 extensive investigation called Operation Gosford in
12:45:25 27 relation to numerous threats against Ms Gobbo for years and
12:45:28 28 years?---No.
29
12:45:33 30 Might that have been relevant when you were dealing with
12:45:37 31 issues of her safety?---Well, it might have been and if it
12:45:42 32 was, I would have expected that that might have been
12:45:46 33 identified in the risk assessment
34
12:45:49 35 Did you see a risk assessment?---Look, I do recall a risk
12:45:55 36 assessment was prepared. I didn't retain a copy of it
12:45:58 37 because risk assessments prepared by Witness Protection are
12:46:06 38 retained by them, but I recall a risk assessment being
12:46:10 39 prepared. I can't recall the specific content of it,
12:46:14 40 though.
41
12:46:15 42 Would you expect such a risk assessment to include the fact
12:46:18 43 that this is a person that's been registered as a human
12:46:22 44 source since 200t and informing against people such as Tony
12:46:27 45 Mokbel and Mick Gatto?---I might, but I don't - I'm not
12:46:34 46 responsible for preparing those risk assessments, that was
12:46:36 47 very much a matter for Mr Hart and his people.

1
12:46:39 2 You would think that things of that nature, though, would
12:46:42 3 impact upon the level of risks and where the risks might be
12:46:46 4 seen to come from?--Well, they may do, but that would be a
12:46:49 5 matter for the assessment by the Witness Protection team.
6
12:46:53 7 And you've been in policing for many years?---Yes.
8
12:46:56 9 You would expect a risk assessment for a witness such as
12:47:01 10 this might take into account the various sources of threat
12:47:06 11 to that witness?---And the note you've just shown me
12:47:10 12 records that my expectation was that there would be a full
12:47:13 13 risk assessment.
14
12:47:15 15 You would expect, though - I'm not suggesting you got it or
12:47:22 16 you know about it from this source - but you would expect
12:47:25 17 if that's the case, if someone is to do a comprehensive
12:47:28 18 risk assessment in relation to Ms Gobbo, you'd want to know
12:47:32 19 where the threats are coming from?---Yes.
20
12:47:34 21 And if she's been a human source since 2005, giving
12:47:38 22 information about the Mokbel cartel, including the three
12:47:42 23 Mokbel brothers, including Mick Gatto and others, you would
12:47:47 24 expect they're a source of threat to her?---I would expect
12:47:50 25 that the Witness Protection people would have hunted that
12:47:54 26 down. That's what the term "full risk assessment" means.
27
12:48:01 28 All right. If we go to your appointment calendar notes of
12:48:08 29 a Task Force Petra meeting on 1 June 2009 at 4 o'clock.
12:48:17 30 You see that it notes the attendees, is that right?---Yes.
31
12:48:23 32 Did you have a habit, if people did or didn't come, to
12:48:26 33 strike their names off such a document?---Yes, that was my
12:48:31 34 usual practice. It may not have always been the case, but
12:48:35 35 by and large, that was my practice.
36
12:48:38 37 So the attendees there include Mr Ashton, Mr Hollowood,
12:48:44 38 Mr Mololney, Smith, Wilkins and it's "per briefing
12:48:49 39 note"?---Yes.
40
12:48:52 41 There's discussion in relation to Ms Gobbo re the
12:48:57 42 protection and witness issues, is that right?---Yes, it
12:49:02 43 covers those matters.
44
12:49:11 45 And it says down the bottom that there's further thought re
12:49:17 46 - what does that say down the bottom, under the - -
12:49:20 47 -?---"Re dealing with this." This was about how to

12:49:23 1 facilitate the discussion with her, the introduction to the
12:49:29 2 Witness Protection Unit and then the discussions with her
12:49:32 3 around how she would transition into the witness protection
12:49:35 4 program.
5
12:49:37 6 I tender that document, Commissioner.
12:49:40 7
12:49:40 8 #EXHIBIT RC1011A - (Confidential) Appointment calendar and
12:49:46 9 notes of 1/6/06.
12:49:53 10
12:49:55 11 #EXHIBIT RC1011B - (Redacted version.)
12:49:58 12
12:49:58 13 If we can then go to the Task Force Briars notes at
12:50:03 14 VPL.0005.0012.0894. That earlier meeting was at 4 o'clock,
12:50:13 15 followed by the Briars meeting at 4.30, is that
12:50:17 16 right?---Yes.
17
12:50:17 18 You note there the attendees again. It refers there to
12:50:23 19 Ms Gobbo having made a 15-page statement?---Yes.
20
12:50:28 21 "Thinks will sign"?---Yes, and these notes are reproduced
12:50:33 22 at 105 of my statement.
23
12:50:35 24 Yes, thank you for that. You note that the statement
12:50:44 25 implicates Perry and Waters enough to prosecute
12:50:48 26 them?---Yes, sufficient to prosecute both of them.
27
12:50:54 28 But there are issues?---Yes.
29
12:50:58 30 She says - referring to the main witness?---Yes.
31
12:51:06 32 She is indicating that the main witness is
12:51:09 33 inaccurate?---Yes.
34
12:51:10 35 Is that right?---Yes
12:51:11 36
12:51:13 37 The latest version differs to her original version?---Yes.
38
12:51:16 39 So you're told, "We've got a problem because her original
12:51:21 40 story doesn't accord with her - the story she's currently
12:51:26 41 given"?---That's right.
42
12:51:29 43 Did you understand that her original story was that, "she
12:51:33 44 said Mr Perry had made an admission to them in relation to
12:51:39 45 the murder to someone else and her original story was
12:51:42 46 Mr Perry had made the admission directly to me"?---Yes. I
12:51:47 47 have a recollection of that. But, look, it was a long time

12:51:52 1 ago, but it certainly rings a bell.
2

12:51:55 3 That is a significant credit issue?---Yes.
4

12:51:58 5 And it might be the difference between the evidence being
12:52:02 6 admissible or not at all?---It might, and this is one of
12:52:06 7 the reasons why Waddell was keen to hold off on having her
12:52:12 8 sign her statement, because clearly there were some matters
12:52:17 9 that we needed to resolve.
10

12:52:23 11 And you see down the bottom there, there's a number of dot
12:52:27 12 points. "Asked for copies of IRs re Waters. Some IRs are
13 missing"?---Yes.
14

12:52:37 15 So it seems as though - - - ?---This is advice that Waddell
12:52:39 16 was providing us.
17

12:52:40 18 At 4.30 that night?---Yes.
19

12:52:43 20 He's got some IRs or he's got some reports from the Source
12:52:49 21 Development Unit, but he notes that some are missing, is
12:52:52 22 that right?---Yes.
23

12:52:53 24 So it seems as though you were aware that he already had
12:52:56 25 some reports from the Source Development Unit?---Yeah, but
12:53:01 26 I understood that this was - these were questions that he'd
12:53:09 27 asked in response to the information that had been provided
12:53:12 28 to him in the draft statement when he was in Bali.
29

12:53:17 30 So he's asked for some things and he's been given some
12:53:22 31 things, but some are missing. And then it says, "He's
12:53:25 32 asked for tapes but he's been refused"?---Yes.
33

12:53:27 34 So did you have - did you say, "Why are they giving you
12:53:31 35 some things about Briars but not other things about Briars?
12:53:35 36 If all that you understood the SDU had was about Briars,
12:53:38 37 what's the point"?---I had a sense that his request for
12:53:44 38 that material, some of it had been complied with and some
12:53:49 39 not, so clearly in this meeting it was, "Well, no, Steve's
12:53:54 40 to be provided with the information." It was followed up
12:53:57 41 with a detailed email from - Waddell, sorry, in which he
12:54:03 42 details, with some specificity, the specific names that
12:54:07 43 he's looking for.
44

12:54:09 45 Yes, I understand that and I'll come to it, but what I'm
12:54:11 46 saying here is you say, no, this was just a standard
12:54:14 47 objection by the SDU to providing material in relation to a

12:54:17 1 source to investigators, but really what you're being told
12:54:23 2 here is, "No, investigators are being given some
12:54:26 3 information by them but some is missing and we've asked for
12:54:30 4 specific tapes and we're not getting them"?---Yes.
5
12:54:34 6 That's not standard, is it?---Look, in my experience as a
12:54:38 7 police officer it's not unusual for you to not get
12:54:41 8 everything you want the first time you ask.
9
12:54:43 10 Did you say, "Well why are the SDU - what's the reason the
12:54:46 11 SDU might be wanting to hold back some material"?---I
12:54:49 12 didn't need to ask that because as a result of this meeting
12:54:53 13 I was able to go to Dannye Moloney and Tony Biggin and say,
12:54:59 14 "No, I want you to provide the material that Waddell is
12:55:01 15 still looking for."
16
12:55:03 17 I understand that, but didn't it give you cause for concern
12:55:06 18 about what might be held by the SDU if they're not wanting
12:55:10 19 to provide all of it?---No.
20
12:55:12 21 If it only related to one specific investigation?---Why
12:55:15 22 would I engage in speculation about that? It was just as
12:55:21 23 simple for me to say, "No, no, the Task Force and I require
12:55:23 24 what Waddell is looking for to be produced."
25
12:55:33 26 You go on, "Luke Cornelius to follow up with Tony Biggin to
12:55:38 27 access the human source tapes"?---Yes.
28
12:55:46 29 There is some concern about the source talking to
12:55:50 30 journalists?---Yes.
31
12:55:55 32 There is a concern about whether there's still a Briars
12:55:57 33 leak, is that right?---Yes.
34
12:56:03 35 And it notes that - - -?---So the question is, "Is there
12:56:06 36 still a leak and is it the same as the Briars leak?"
12:56:10 37
12:56:12 38 Yes. There was concern about a Briars leak still?---Yes.
39
12:56:17 40 It then goes on, "Note, 3838 was talking to PII [REDACTED] and
12:56:22 41 Mr Mokbel on the phone while talking to" - - -?---So just
12:56:28 42 to be clear about the Briars leak, it was evident to us,
12:56:32 43 from briefing that Ron Iddles had been giving us, that Nick
12:56:40 44 McKenzie was writing and preparing to write stories about
12:56:44 45 both Briars and Petra, but in particular about detailing
12:56:47 46 what the Briars investigation was about.
47

12:56:52 1 And Mr McKenzie had been pretty interested in that story
12:56:55 2 all the way along?---Yes.
3
12:56:59 4 From 2007 he'd been following it and asking lots of
12:57:02 5 questions?---Yes.
6
12:57:03 7 And he still was?---Yes.
8
12:57:06 9 We go on, "Note 3838 was talking to" - - -?---But I think
12:57:11 10 you'd appreciate that we have no discovery obligations in
12:57:15 11 relation to journalists who are wanting to write stories
12:57:18 12 that would compromise the conduct of ongoing
12:57:22 13 investigations.
14
12:57:32 15 You understand there's two people mentioned in that line
12:57:42 16 with the arrow starting with "note 3838"?---Yes.
17
12:57:48 18 The first you would have known was a very significant
12:57:52 19 witness for Victoria Police against Mr Mokbel and
12:57:58 20 others?---I didn't know the details around the information
12:58:01 21 that that person was providing.
22
12:58:03 23 Did you know that he was a very significant witness for
12:58:07 24 Victoria Police?---No.
25
12:58:08 26 Did you know that person's name?---I don't recall knowing
12:58:16 27 of that name prior to this briefing.
28
12:58:18 29 Did you ask about that person when you got this briefing?
12:58:23 30 Say, "Why am I being told about this"?---No, I don't recall
12:58:28 31 asking about it. I think my general sense was that that
12:58:30 32 person, and the other person, obviously, were of interest
12:58:35 33 to Purana, but I had no involvement in the Purana matters.
34
12:58:41 35 Just to be clear for the transcript, it says, "Note, 3838
12:58:46 36 was talking to", and I'll call that person a significant
12:58:51 37 Purana witness, "and Tony Mokbel on the phone while talking
12:58:55 38 to the Briars members"?---Yes.
39
12:58:58 40 "Before the threats arrived"?---Yes.
41
12:59:03 42 "Calls will be picked up on Arunta"?---Yes.
43
12:59:07 44 Arunta is the prison telephone system, so that's indicates
12:59:11 45 they're both calling her from prison?---Yes.
46
12:59:12 47 Or she's calling them, one or the other - or presumably

12:59:15 1 they're calling her, actually. "Threats similar to
12:59:20 2 Mr Bayeh"?---Yes.
3
12:59:25 4 "Need complete profile of her communications"?---Yes.
5
12:59:31 6 Did you ask for some detail about the threats and, "Why I'm
12:59:35 7 being told about concern about her contact with these
12:59:37 8 people"?---No, I don't recall doing so, but my expectation
12:59:40 9 was that these would be matters that would be pursued by
12:59:44 10 Jim Hart and his team, particularly by Jeff Alway, within
12:59:49 11 the context of scoping out the witness protection
12:59:52 12 arrangements.
13
12:59:58 14 Now, clearly at this stage, at this meeting - it is 4.30 in
13:00:03 15 the afternoon - Mr Waddell is at the briefing and he's
13:00:06 16 referring to problems getting some information out of the
13:00:10 17 SDU, do you accept that?---Yes.
18
13:00:17 19 On the same evening, at 5.30, so not long after this,
13:00:25 20 Mr Iddles is talking with the SDU, presumably about whether
13:00:30 21 we can get access, perhaps, to this information?---Yes.
22
13:00:34 23 If we can go to Mr Black's diary. It is
13:00:54 24 VPL.2000.0001.4676, at p.10. This is 1 June and you see
13:00:58 25 the name of the person from the SDU up the top?---Yes.
26
13:01:03 27 We refer to this person as "Mr Black". If we can just
13:01:08 28 scroll up so the name is not - thank you. It's down the
13:01:13 29 bottom now. Perhaps if we can just focus on that area.
13:01:21 30 The name is present down the bottom of the screen. Thanks.
13:01:25 31 So you see there that there's some discussion about the
13:01:29 32 concerns from the SDU - or a background of the events from
13:01:35 33 the SDU perspective, that they're now aware that Command
13:01:37 34 are wanting a statement from Ms Gobbo?---Yes.
35
13:01:41 36 Command is of the view that now she is a witness for Petra,
13:01:44 37 so she could be a witness for Briars?---Yes.
38
13:01:48 39 But SDU's view is that the circumstances are very
13:01:52 40 different. If she's pursued as a witness for Briars, her
13:01:57 41 role will be discovered and they're recommending back to
13:02:01 42 Command that they should not take a statement from her, all
13:02:04 43 right?---Yes, I can see that.
44
13:02:08 45 It is looked at from the Briars's perspective, that the
13:02:12 46 statement is still being requested, that there is concern
13:02:15 47 re disclosure of her role as a source and that, perhaps, is

13:02:22 1 consistent with your earlier note, "I note that it will ID
13:02:26 2 her as a source", it sounds very similar?--Well, my
13:02:31 3 evidence is that the advice was that it would identify her
13:02:36 4 as the source, and I understood that to be a reference to
13:02:39 5 that three-way conversation.
6

13:02:43 7 Mr Iddles understood very well her history as a human
13:02:47 8 source and his statement indicates that discussions with
13:02:54 9 her, and the way that they took the statement, it was going
13:02:58 10 to become - it was clear as day that she would be revealed
13:03:01 11 as a source, as a human source and - - -?---I wasn't
13:03:04 12 briefed about that.
13

13:03:07 14 So Mr Iddles, Mr Waddell, never told you about any of those
13:03:11 15 concerns?---Not those concerns about other issues, no.
16

13:03:21 17 I've just been handed a note. If I can just tender the
13:03:24 18 Briars meeting notes of 1 June 2009. Sorry, Commissioner.
19

13:03:34 20 COMMISSIONER: Right.
13:03:35 21

13:03:36 22 #EXHIBIT RC1012A - Briars meeting notes of 1/6/2009.
13:03:40 23

13:03:41 24 #EXHIBIT RC1012B - (Redacted version.)
13:03:46 25

13:03:46 26 MS TITTENSOR: You see there the concerns are outlined as
13:03:49 27 to why there's concern over disclosing her role as a
13:03:54 28 source, disclosure - she's had the dual responsibility of
13:04:00 29 giving legal advice to clients as well as being a source,
13:04:02 30 presumably. "Disclosure will initiate a Royal Commission,
13:04:07 31 with perceived unsafe verdicts. Current arrests that
13:04:12 32 Ms Gobbo was involved in may be subject to review" and
13:04:15 33 they're concerned about revealing their methodology, do you
13:04:18 34 see that?---Yes, I can see that.
35

13:04:20 36 The SDU's response is that a risk assessment should be
13:04:22 37 conducted regarding the evidentiary value of any possible
13:04:27 38 statement against the harm to Victoria Police and the
13:04:30 39 disclosure of her assistance. They want the issue
13:04:34 40 suspended for a number of weeks because Mr Biggin is on
13:04:37 41 leave. And the strategy for Ms Gobbo to become a witness
13:04:42 42 was strategic, to separate her two distinct roles, from
13:04:47 43 being a human source to that of a Crown witness. That is a
13:04:51 44 reference to that barrier break issue?---Yes.
45

13:04:54 46 And the process adopted severed the individual's role from
13:05:00 47 being a source to that of a witness?---Yes, I can see that.

1
13:05:03 2 You say none of those concerns were elevated to you?---No.
3
13:05:06 4 Do you find that surprising?---Yes, I do. I mean, if these
13:05:17 5 concerns were strongly held by the SDU members, they're
13:05:24 6 certainly matters that I would have appreciated knowing
13:05:26 7 about.
8
13:05:27 9 Do you find it surprising that your own members, your own
13:05:31 10 investigators, haven't told you about them?---All I can say
13:05:36 11 is I don't know why they didn't tell me. It may be that
13:05:39 12 they've assumed that I had a broader knowledge than I did,
13:05:44 13 but even if they did assume that I had that broader
13:05:48 14 knowledge, I would still have an expectation that these
13:05:52 15 concerns would have been communicated to me.
16
13:05:54 17 They're talking about Royal Commissions and potentially
13:05:58 18 unsafe verdicts and reviewing current arrests?---Indeed.
19
13:06:07 20 It suggests that they're aware that there are people
13:06:11 21 possibly sitting in gaol that perhaps ought not be - at
13:06:15 22 least for the matters that - on the evidence on which
13:06:22 23 they've been tried?---They were never matters that were put
13:06:26 24 to me.
25
13:06:27 26 If I can take you to an email of that evening from
13:06:31 27 Mr Waddell to yourself requesting the Gobbo material. This
13:06:35 28 is, I think, what you were talking about?---Yes.
29
13:06:37 30 This is at 8.10 that evening?---Yep.
31
13:06:42 32 Now, in this email, Mr Waddell explains that the SDU had
13:06:46 33 previously provided Briars with access to transcripts
13:06:51 34 relative to Gobbo's contact with Waters?---Yes.
35
13:06:54 36 He goes on, "I understand that because of the vast quantity
13:07:00 37 of material supplied by this source, that in order to
13:07:03 38 quickly provide the transcripts that I have, the unit
13:07:09 39 simply did a search on the name 'Waters' and provided me
13:07:12 40 with all contact reports containing that name. On
13:07:16 41 examining the material and after speaking to 3838, it
13:07:17 42 appears that we do not have all the relevant source contact
13:07:21 43 reports." He therefore seeks an additional search for
13:07:25 44 contact reports referring to the following, and he lists
13:07:29 45 various names and locations, is that right, not just
13:07:36 46 Mr Waters but Mr Lalor and various other people - -
13:07:42 47 -?---Yes, so it is close to - what is it? - 17, 18

13:07:46 1 different entities.
2
13:07:48 3 Yes, including the Wheat café. Did you understand that to
13:07:53 4 be the café under the chambers where Ms Gobbo had been
13:07:56 5 located?---No, I didn't - I don't recall knowing that.
6
13:08:01 7 It includes the name of a number of lawyers, doesn't
13:08:06 8 it?---Yes.
9
13:08:06 10 Mr Shirrefs QC and Ms Ristivojevic?---Sorry, where are you?
11
13:08:19 12 And Mr Valos?---Shirrefs, yes.
13
13:08:28 14 Did you start to think maybe there is a little bit more
13:08:31 15 going on. Mr Waddell is talking about the SDU having vast
13:08:36 16 quantities of material supplied by the source?---Well, I
13:08:41 17 understood that broadening the scope beyond simply
13:08:46 18 searching the name "Waters" to those additional entities,
13:08:51 19 yes, it would most likely surface significantly more
13:08:55 20 material. I mean, when I was presented with this list, I
13:08:59 21 could - I had the sense this is reflective of the vast
13:09:09 22 material that Waddell is talking about.
23
13:09:12 24 So you thought, "Oh well, maybe this is just the limit to
13:09:16 25 everything"?---Yeah. I had no reason to suspect that it
13:09:21 26 might be anything more than that.
27
13:09:23 28 Why would the - - -?---The context for this was I'd been
13:09:27 29 given to understand by Waddell that he'd asked for material
13:09:29 30 in relation to Waters, he's got some response to that and
13:09:35 31 has recognised that there's still a significant amount of
13:09:38 32 material that is outstanding and so he's had to broaden his
13:09:44 33 request to capture that.
34
13:09:47 35 Why would you need to do an additional search? Why not
13:09:50 36 just say, "Give me the rest", because it is all about
13:09:55 37 Briars?---I don't know the answer to that question.
38
13:09:57 39 When you start seeing a list like that, doesn't it give you
13:09:59 40 cause for concern that the SDU have been debriefing her and
13:10:03 41 obtaining intelligence about lots of matters?---I
13:10:06 42 understood all of these matters were linked back to the
13:10:09 43 Waters/Lalor piece.
44
13:10:12 45 But you're being told about vast quantities of material,
13:10:16 46 "we're limiting it, we're filtering out these names from
13:10:18 47 those vast quantities". Didn't that start to - didn't your

13:10:24 1 brain start to tick over and say, "Hang on a minute, there
13:10:27 2 might be something more going on"?--No, it didn't, because
13:10:31 3 when I saw Waddell come to me with this significantly
13:10:34 4 broadened request, I understood that that would be
13:10:38 5 capturing that additional material.
6

13:10:44 7 So what goes on under there is, "In addition, I believe I
13:10:49 8 appear to be missing the following source contact reports"
13:10:53 9 SCRs?---Yes.

10
13:10:55 11 "115, 116, 117", and that a meeting took place on 5
13:11:00 12 November 2008 between the source and Mr Waters where VRC
13:11:07 13 passes were discussed and hopefully a wider search might
13:11:10 14 pick those things up?---Yes, I can see that.
15

13:11:14 16 "And finally, I'm also seeking access to all recordings of
13:11:17 17 debriefs relative to the material identified above. I
13:11:21 18 understand that generally only personal debriefs were
13:11:24 19 recorded. However, I understand that at times phone
13:11:27 20 communication may have also been recorded"?---Yes.
21

13:11:31 22 "I'm seeking the material to complete the statement made by
13:11:33 23 3838 and to satisfy myself that the statement is based on
13:11:36 24 the best available evidence and there are no surprises down
13:11:39 25 the track"?---Yes. So the scope of that request, to my
13:11:42 26 mind, was consistent with the reference to a vast quantity
13:11:46 27 of material.
28

13:11:48 29 But doesn't that - I won't repeat myself. I tender that
13:11:52 30 document, Commissioner.

13:11:57 31
13:11:57 32 #EXHIBIT RC1013A - (Confidential) Email from Mr Waddell to
13:12:01 33 Luke Cornelius.
34

13:12:01 35 #EXHIBIT RC1013B - (Redacted version).
36

13:12:07 37 Now, we see that request moving through the system.
13:12:17 38 There's a file note from the HSMU re request for
13:12:21 39 assistance, dated 2 June 2009, at VPL.2000.0002.0403. Just
13:12:31 40 so you understand, you see the name down the bottom there.
13:12:36 41 That's someone we know as Mr Smith. Mr Smith is one of -
13:12:41 42 was one of Mr Gobbo's SDU handlers but he was on secondment
13:12:46 43 to the HSMU at the time, just so you understand
13:12:51 44 that?---Yes.
45

13:12:53 46 Mr Smith has made a file note about the request for
13:12:56 47 assistance. He'd been advised by Acting Commander Journing

13:13:03 1 - is it Journing?---Yes.
2
13:13:04 3 Acting Commander Journing was head of - - -?---Journing.
4
13:13:08 5 Sorry?---Journing.
6
13:13:09 7 Journing was head of the Intelligence and Covert Support,
13:13:15 8 is that right?---Yes, and I'd sent him an email in relation
13:13:17 9 to this issue.
10
13:13:18 11 "Re the request for assistance by Briars for copies of ICRs
13:13:23 12 and access to audio." It says, "Most material is still
13:13:26 13 held by the SDU. It appears as though they have already
13:13:31 14 had access to some material direct from the SDU, as the
13:13:35 15 current request from Waddell indicates knowledge of certain
13:13:38 16 ICRs and that a number had been missing." It notes that
13:13:46 17 Mr White, of the SDU, had been liaising directly with
13:13:51 18 Waddell re those matters, with the knowledge of
13:13:54 19 Superintendent Biggin. It then replicates the list that
13:14:00 20 Mr Waddell was after. That's the same list that was in the
13:14:04 21 email to you?---Yes.
22
13:14:06 23 It goes on, "SDU were advised of the above search criteria.
13:14:10 24 However, discussions are being held involving the CSR,
13:14:16 25 Superintendant Porter, Superintendent Biggin, the Acting
13:14:18 26 Commissioner of Crime and the Acting Commissioner of ESD,
13:14:22 27 which are to be finalised before any request for assistance
13:14:23 28 is actioned"?---It is not the Acting Commissioner of ESD.
29
13:14:28 30 Sorry, the Assistant Commissioner of ESD. I apologise. So
13:14:31 31 the Assistant Commissioner of Crime is Mr Moloney and the
13:14:35 32 Assistant Commissioner of ESD is you?---Yes, at that time.
33
13:14:39 34 So discussions are being held involving Porter, Biggin,
13:14:43 35 Moloney and yourself, which are to be finalised before the
13:14:46 36 request is actioned. Do you see that?---Yes.
37
13:14:54 38 It goes on, "This report is generated for filing within
13:14:58 39 HSMU. The copy of the email from Briars via Journing not
13:15:04 40 permitted to be retained, as per the instructions of
13:15:08 41 Porter." Could you shed any light on that?---No.
42
13:15:18 43 That document may have been tendered already, Commissioner.
44
13:15:21 45 COMMISSIONER: Exhibit 523. This is probably as good a
13:15:28 46 time as any to have the lunch break. Is that convenient
13:15:35 47 for you?

1
13:15:35 2 MS TITTENSOR: Yes, Commissioner.
3
13:15:36 4 COMMISSIONER: We'll adjourn until 2.00 - we'll be resuming
13:15:38 5 at 2.00 in closed hearing for a short session with a
13:15:43 6 witness - - -
7
13:15:44 8 MS TITTENSOR: Another witness.
9
13:15:45 10 COMMISSIONER: - - - using a pseudonym.
11
13:15:50 12 MS ENBOM: Commissioner, I note everyone is standing, so
13:15:51 13 it's a bit difficult, but should this witness - will this
13:15:54 14 witness resume after - - -
15
13:15:55 16 COMMISSIONER: Yes, I'm hoping that the examination of that
13:15:59 17 witness in closed hearing will be of fairly short compass,
13:16:06 18 so Mr Cornelius will resume his evidence after that.
19
13:16:10 20 MS ENBOM: Thank you, Commissioner.
13:16:32 21 <(THE WITNESS WITHDREW)
22
23 LUNCHEON ADJOURNMENT
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

1 UPON RESUMING IN OPEN COURT:

2
15:04:34 3 COMMISSIONER: Mr Cornelius can return to the witness box.

4
15:04:38 5 <LUKE CORNELIUS, recalled:

6
7 COMMISSIONER: Thanks, Ms Clark. Now, Ms Tittensor, I
15:04:51 8 understand Mr Nathwani is not going to be available on
15:04:53 9 Wednesday and he wants to cross-examine on a fairly small
15:04:56 10 limited area and that's all the cross-examination - - -

11
15:05:03 12 MS TITTENSOR: Yes, so thought we might interpose his
15:05:05 13 cross-examination now.

14
15 COMMISSIONER: That will complete his cross-examination.

16
17 MS TITTENSOR: Yes.

18
15:05:08 19 COMMISSIONER: Yes. So Mr Nathwani is going to ask you
15:05:10 20 some questions out of order now.

21
22 <CROSS-EXAMINED BY MR NATHWANI:

23
15:05:16 24 I just want to go - have you got a copy of your statement
15:05:17 25 in front of you?---Yes, I have.

26
15:05:21 27 Sorry, I haven't introduced myself, Mr Cornelius. I'm
15:05:23 28 counsel for Ms Gobbo?---How are you, Mr Nathwani?

29
15:05:26 30 I'm not bad. If we can go, please, to paragraph 87. You
15:05:31 31 refer to briefing the VGSO in late January or early
15:05:36 32 February 2009 in relation to the drafting of the Memorandum
15:05:40 33 of Understanding regarding Ms Gobbo's transition, in
15:05:43 34 effect, from source to a witness, okay?---Yes.

35
15:05:50 36 And you say, "From February 2000 onwards I would
15:05:53 37 periodically received updates regarding her proposed entry
15:05:57 38 into potential measures as a witness"?---Yes.

39
15:06:02 40 Did you give instructions to VGSO as to the contents of the
15:06:07 41 agreement?---No. I first, in terms of how those
15:06:14 42 instructions were issued, I approached the Director of
15:06:19 43 Legal Services, Mr Finn McRae, who then, upon my request
15:06:23 44 for assistance, engaged David Ryan from VGSO, who I think
15:06:30 45 on occasion worked with Isabelle Parsons, from memory, in
15:06:33 46 relation to then assisting in the preparation of the MOU.
15:06:38 47 I gave no specific instructions, other than to say that I

15:06:42 1 needed a VGSO advice and support in assisting Jim Hart and
15:06:48 2 his people in drawing up an MOU that would facilitate
15:06:54 3 Ms Gobbo's entry into the witness protection program.
4

15:06:57 5 And there were several iterations of that document, weren't
15:07:00 6 there?---There were numerous iterations.
7

15:07:02 8 And it was never formally signed?---I understand it wasn't
15:07:05 9 signed. It certainly wasn't signed while I remained
15:07:08 10 involved with Petra.
11

15:07:12 12 If I could ask the operator to bring up RC990, and this is
15:07:16 13 a version of the Memorandum of Understanding between the
15:07:21 14 Chief Commissioner Mr Overland, and Ms Gobbo, which I
15:07:25 15 assume you're referring to. You obviously, in your
15:07:27 16 statement, say that from February 2000 onwards you would
15:07:30 17 receive updates regarding any entry?---Yes.
18

15:07:34 19 Did you ever look at this document?---I looked at a number
15:07:36 20 of versions of it. I don't think I looked at each and
15:07:40 21 every single version of it.
22

15:07:42 23 Let's scroll down because on all the versions that I've
15:07:45 24 seen, the sections I'm going to take you to are the same
15:07:48 25 throughout, okay?---M'mm.
26

15:07:51 27 We're going to go to 4, please.
28

15:07:56 29 MS ENBOM: Commissioner, might I just approach Mr Nathwani?
30

15:07:58 31 COMMISSIONER: Certainly.
32

15:08:14 33 MR NATHWANI: Keep going down, please, operator. Keep
15:08:18 34 going, please. That's too far. Section 4. There we go.
15:08:31 35 "Places for provision of protection and assistance", okay.
15:08:35 36 This just details she was engaged as a witness, we see
15:08:39 37 sub-s.(a), for proceedings or coronial inquests in criminal
15:08:44 38 proceedings or coronial inquests in relation to the murder
15:08:45 39 of the Hodsons, do you see that?---Yes.
40

15:08:48 41 So Petra. And then (b), "The witness has made statements
15:08:51 42 to Victoria Police in relation to Paul Dale", another
15:08:54 43 person, and suspects in relation to Chartres-Abbott, so
15:08:59 44 Briars?---Yes.
45

15:09:00 46 So we've got Petra and Briars there?---Yes.
47

15:09:03 1 (c) "The witness may, subject to the performance by
15:09:07 2 Victoria Police of its obligations set out in this
15:09:10 3 agreement, including the schedule, provide other assistance
15:09:16 4 to Victoria Police in relation to other investigation or
15:09:21 5 inquiry." So "other investigation or inquiry by Victoria
15:09:25 6 Police in relation to, (i) current or ongoing
15:09:28 7 investigations being conducted by Purana, and/or (ii)
15:09:32 8 current or ongoing investigations being conducted by
15:09:32 9 Petra"?---Yes.

10
15:09:33 11 Did you see that clause?---Yes, I recall seeing a clause of
15:09:36 12 that nature.

13
15:09:37 14 That doesn't relate to Petra in the sense of being a
15:09:41 15 witness for Petra, do you agree with that?---Well, (c)(i)
15:09:46 16 doesn't, it pertains to Purana, but I wasn't aware or had
15:09:51 17 been briefed in relation to any assistance that she might
15:09:55 18 have or might be giving - might be proposed to give in
15:10:00 19 relation to Purana.

20
15:10:01 21 You've got a legal background to a degree?---M'mm.

22
15:10:05 23 We know (a) - so 4.1(a) clearly relates to being a witness
15:10:11 24 in criminal proceedings, agree with that?---Yes.

25
15:10:13 26 Ditto (b)?---Yes.

27
15:10:15 28 (C) doesn't talk about criminal proceedings such as a trial
15:10:18 29 or coronial inquest, it talks about an investigation, do
15:10:22 30 you agree with that?---Yes, I do.

31
15:10:23 32 And an inquiry by Victoria Police. It doesn't say an
15:10:26 33 inquiry by a court, so do you agree with that?---I agree
15:10:28 34 with that, yes.

35
15:10:29 36 So what's being discussed here is the provision by her of
15:10:32 37 intelligence, i.e. potentially acting as an informer?---No,
15:10:37 38 I don't read it that way. I didn't read it that way. The
15:10:42 39 Briars investigation was an ongoing investigation and we
15:10:46 40 were, at the time when this MOU was first drafted,
15:10:51 41 continuing to pursue lines of inquiry in relation to both
15:10:58 42 Petra and Briars. As to Purana, I had no knowledge in
15:11:03 43 relation to the Purana matters.

44
15:11:04 45 If you're being briefed on this document, why didn't you
15:11:08 46 ask any questions, "What do you mean Purana? Why's she
15:11:12 47 involved with Purana"?---I don't recall that question being

15:11:17 1 triggered in my mind at the time.
2

15:11:19 3 Because that would jump out to you, I guess, now, wouldn't
15:11:22 4 it?---Well, now it does, but it didn't back then.
5

15:11:25 6 So whoever drafted it, and you gave them the instructions,
15:11:29 7 went away and decided to include Purana and, just to be
15:11:33 8 clear, not on your instructions, but from someone
15:11:36 9 else?---No, I gave no instructions that Purana be included.
10

15:11:39 11 So where you say "I caused the VGSO to be briefed in late
15:11:44 12 Jan or early Feb in relation to the drafting of a
15:11:45 13 Memorandum of Understanding"?---Yes.
14

15:11:47 15 It appears that someone else was also speaking to them if
15:11:50 16 that is correct?---That may be the case. The day-to-day
15:11:55 17 discussions and negotiations were progressed then between
15:11:58 18 Dave Ryan and Isabelle Parsons, with Steve Smith from Task
15:12:05 19 Force Petra. I didn't have day-to-day involvement with
15:12:10 20 instructions and briefings that were then provided to the
15:12:14 21 VGSO solicitors.
22

15:12:16 23 Because you agree whoever drafted this appears to have some
15:12:18 24 kind of insight that she's been involved with Purana and
15:12:21 25 may continue to be involved with Purana?---Well, evidently
15:12:24 26 they did.
27

15:12:24 28 I agree with you there. Let's go just to your statement,
15:12:29 29 to just follow some of this through?---Can I just be clear,
15:12:31 30 though. I can't be certain that this is a version of the
15:12:34 31 MOU I've actually seen. I do know that I did retain a copy
15:12:39 32 of a version of an MOU that was provided to me on the
15:12:43 33 administrative file and so out of all caution, I would be
15:12:51 34 keen to understand whether that provision in fact was
15:12:55 35 included in the copy of the MOU that in fact I had.
36

15:13:00 37 So does Victoria Police have access to that?---Well, yes.
15:13:04 38 Victoria Police has access to my administrative file in its
15:13:08 39 entirety and I'm pretty sure, from memory, that a version
15:13:11 40 of the MOU is included on that file.
41

15:13:14 42 I'll leave Ms Enbom and Ms Tittensor, or one of them, to
15:13:19 43 deal with it or call for it and you'll be able to provide
15:13:23 44 more evidence, I'm sure, next week about it?---Sure. But
15:13:24 45 you have my answers in relation to the questions you've put
15:13:27 46 to me.
47

15:13:29 1 Yes. So let's go to paragraph 110 onwards, because what
15:13:33 2 you're talking about in your statement is it's at around
15:13:41 3 this stage that there's consideration being given by
15:13:44 4 Waddell to look again at Briars?---Sorry, I'm just catching
15:13:50 5 up with you, Mr Nathwani.
6

15:13:51 7 No worries?---Paragraph 110?

15:13:53 8

15:13:54 9 Yes. If you look at the preceding paragraph. Start at
15:13:57 10 109?---Yes.
11

15:13:57 12 You can see 1 June 2009, Waddell is asking to see the
15:14:00 13 source material, the SDU material, to decide whether or not
15:14:03 14 it is viable to use Ms Gobbo as a witness in Briars?---Yes.
15

15:14:09 16 And he's setting out what material he wants to use, and
15:14:11 17 just to be - your understanding, when you were in
15:14:14 18 communication with him, he wanted to know what would have
15:14:17 19 to be disclosed to the defence if she was to be used in
15:14:20 20 Briars?---Well, no, that was only one of his
15:14:24 21 considerations. As I recall it, Mr Waddell's primary
15:14:27 22 concern was that he would be in a position to review and
15:14:33 23 test the version of events that Ms Gobbo had provided to us
15:14:39 24 in her draft statement that was taken while she was in Bali
15:14:43 25 and compare that with any earlier versions that she might
15:14:46 26 have given to us in any earlier interactions that we might
15:14:50 27 have had with her within the context of Task Force Briars.
28

15:14:53 29 So just to put that in context, in paragraph 109 you say,
15:14:59 30 "DI Waddell outlined the materials he wanted to access and
31 stated that he was seeking this material 'to complete the
15:15:03 32 statement made by 3838'"?---Yes.
33

15:15:05 34 So he's obviously talking, he has knowledge of her being an
15:15:10 35 informer, because it doesn't say by Gobbo, "And to satisfy
15:15:13 36 myself that the statement is based upon the best available
15:15:14 37 evidence and there are no surprises down the track"?---Yes.
38

15:15:17 39 The surprises that you say he was saying are limited to
15:15:22 40 Briars, or more generally?---No, I understood that to be a
15:15:25 41 reference to the subject matter of his inquiry, which was
15:15:29 42 Briars.
43

15:15:31 44 So a request is made and then we see what follows is - 110,
15:15:37 45 "I recall that around this time DI Waddell informed me that
15:15:39 46 Victoria Police had been served with a subpoena from the
15:15:41 47 lawyers acting for Mokbel"?---Yes.

1
15:15:43 2 Just to put this into context, Mokbel was on trial or to be
15:15:47 3 tried for an allegation of murder relating to Lewis
15:15:51 4 Moran?---I didn't know the specifics of it, but I knew that
15:15:55 5 the subpoena had been issued as part of his preparation for
15:16:01 6 defence.
7
15:16:02 8 The subpoena was dated 1 June 2009 and returnable 1 July
15:16:06 9 2009 before Justice Kaye?---Yes.
10
15:16:08 11 If we could bring up the SMLs for 1 July 2009, please. So
15:16:13 12 this is the 2958 SMLs. There is an entry there. Can you
15:16:32 13 see it says - this is a source management log. This is
15:16:35 14 contact between Ms Gobbo's handlers and DDI Waddell in
15:16:40 15 relation to Briars, okay?---Yes.
16
15:16:41 17 As you can see, it appears that the SDU is saying they've
15:16:47 18 provided a document in relation to Ms Gobbo to Mr Waddell,
15:16:51 19 yes?---So where's that? Can you - - -
20
15:16:54 21 The first line. Do you see 1 July?---Yes, I'm with you.
22
15:16:57 23 So the person writing this is the handler, so you have to
15:17:00 24 look at from them writing it. Sorry, the controller. And
15:17:02 25 the controller has met with Waddell. The controller has
15:17:05 26 provided the document from the SDU to Waddell. "Informed
15:17:08 27 by Waddell that Rapke is aware that the human source is a
15:17:12 28 witness." That's a reference to the Director?---Yes.
29
15:17:16 30 Tony Mokbel defence team have subpoenaed Victoria Police
15:17:20 31 about any material that goes to the credit or otherwise of
15:17:22 32 a particular witness relating to the charge of murdering
15:17:27 33 Moran?---Yes.
34
15:17:28 35 Because that person was a witness against Mokbel in that
15:17:32 36 trial?---Yes.
37
15:17:33 38 "Briars, who attempted to fight the request, which could
15:17:36 39 encompass the SDU documents, i.e." - so that seems to be
15:17:41 40 saying Briars has tried to stop or fight the subpoena
15:17:44 41 disclosure request, which could include disclosure of her
15:17:47 42 informer documents, okay?---Well, my recollection, because
15:17:53 43 I did see a copy of the subpoena, which I retained on the
15:18:01 44 administrative file, from memory, there was a reference in
15:18:05 45 that subpoena not only to that person who is identified in
15:18:08 46 the third dot point but also to Ms Gobbo herself.
47

15:18:13 1 Right?---And my concern was that the terms of the subpoena
15:18:18 2 had the potential to disclose that Ms Gobbo was a witness
15:18:24 3 and was providing us evidence in relation to Briars, which
15:18:30 4 was an investigation which remained on foot, and we had
15:18:35 5 not, at that stage, publicly disclosed that that was the
15:18:39 6 case.
7

15:18:40 8 Okay. And you said that's on the administrative file, the
15:18:43 9 same one you say the MOU is on?---Yes.
10

15:18:45 11 So we can all note that?---Yes.
12

15:18:47 13 It says, "Briars have lodged a confidential affidavit
15:18:50 14 before judge", which must be Kaye, Judge Kaye, "who will
15:18:56 15 not entertain the same, insisting he runs a transparent
15:18:59 16 court and no secrets will be kept from officers of the
15:19:00 17 court." Pausing there, are you aware - did you ever see
15:19:04 18 the confidential affidavit?---No, I didn't, but I was aware
15:19:08 19 that we were seeking to have the fact that Ms Gobbo was a
15:19:13 20 witness in relation to Briars suppressed because of the
15:19:17 21 potential that it might compromise an investigation that
15:19:20 22 remained on foot.
23

15:19:21 24 So you're saying that the request to - the confidential
15:19:26 25 affidavit and the request to suppress anything was purely
15:19:28 26 the fact that Gobbo was a witness in Briars, as opposed to
15:19:32 27 Gobbo being an informer?---That's my position. That was my
15:19:35 28 understanding.
29

15:19:36 30 And do you have any documents in relation to that?---I have
15:19:39 31 briefing notes that I think relate to that, that were
15:19:44 32 included in the administrative file and which I think I've
15:19:48 33 referenced - I think there are references to them in Task
15:19:52 34 Force updates.
35

15:19:53 36 It then says, "Rapke advises the matter may have to go to
15:19:56 37 appeal or be withdrawn." So it appears that Waddell is
15:19:59 38 saying that Rapke says the matter has to go to appeal or be
15:20:02 39 withdrawn, okay?---I recall there being an issue.
40

15:20:05 41 And then it says Waddell to meet with you to discuss these
15:20:09 42 issues?---Yes.
43

15:20:12 44 Just pausing there, so Mr Waddell must have come to you to
15:20:18 45 discuss these issues that had arisen between him and
15:20:25 46 Mr Rapke and also him and the controller, do you agree with
15:20:29 47 that?---Well, I didn't know that there were issues with the

15:20:33 1 controller. My primary concern was that Waddell was
15:20:39 2 seeking to mitigate the risk of Ms Gobbo being identified
15:20:43 3 as a witness prior to us having settled that.
4

15:20:50 5 Who, to the best of your knowledge and recollection,
15:20:52 6 drafted the confidential affidavit?---Look, I think it was
15:20:59 7 Sol Solomon and Davey, from memory. I don't know - I can't
15:21:03 8 recall a confidential affidavit, but I can recall being
15:21:07 9 briefed that they gave oral evidence. I think that was -
15:21:13 10 come to think of it, I think I'm getting confused. I think
15:21:17 11 that was actually - they gave oral evidence at the Dale
15:21:23 12 bail application.
13

15:21:24 14 Here it appears to be saying that Mr Rapke is prepared to
15:21:27 15 withdraw the murder charge against Mr Mokbel, and just to
15:21:31 16 pause at that position - to either withdraw the murder
15:21:33 17 charge or go to appeal the decision. That murder charge
15:21:36 18 was one of the main - - -?---I'm not seeing anything that
15:21:40 19 references a withdrawal of the murder charge there.
20

15:21:43 21 "Rapke advises the matter may have to go to appeal or be
15:21:46 22 withdrawn"?---Yes, okay.
23

15:21:48 24 So it is obviously something significant for a Director to
15:21:53 25 take that view. Did you have any discussions with the
15:21:57 26 Director at the time about - - -?---I don't know about
15:22:00 27 that. The "appeal or be withdrawn", I'm wondering whether
15:22:04 28 that is a reference to withdrawing our claim for PII. I
15:22:11 29 have to say to you I can't recall.
30

15:22:15 31 Again, you've looked through some emails - - -?---I had no
15:22:18 32 involvement in any of the Purana prosecutions, nor indeed
15:22:22 33 did I ever discuss any of the Purana prosecutions with
15:22:25 34 Rapke. I did have a number of meetings with Rapke in
15:22:30 35 relation to Ms Gobbo as a witness, but that was within the
15:22:35 36 context of Petra - - -
37

15:22:37 38 And how about - - -?--- - - - never within the context of
15:22:40 39 Purana.
40

15:22:40 41 Did you have any conversations with Rapke, as the Director,
15:22:44 42 about Ms Gobbo as an informer?---No.
43

15:22:48 44 So to the best of your knowledge, on your evidence, he
15:22:50 45 didn't know that she was a registered informer during
15:22:56 46 2005-2009?---I don't think he would have known that from
15:22:59 47 me. He certainly understood from me that she was a witness

15:23:03 1 for both - originally Petra and then potentially for Briars
15:23:11 2 and he was also aware that she'd assisted us by covertly
15:23:16 3 recording a conversation, but in relation to her being - me
15:23:22 4 disclosing that she was a human source, to use your term,
15:23:27 5 to Mr Rapke, I certainly didn't make such a disclosure to
15:23:31 6 Mr Rapke.
7

15:23:32 8 Can we then go - considering that, can we go to paragraph
15:23:36 9 138 of your statement. At paragraph 138 you say, "I
15:23:46 10 attended a Task Force Petra meeting. My notes of the
15:23:49 11 meeting record we discussed writing a short letter back to
15:23:52 12 Ms Gobbo and that we would attach the witness MOU to go to
15:23:57 13 her lawyers", okay?---Yes, and I think that's where you'll
15:24:00 14 find a copy of the MOU on the administrative file.
15

15:24:05 16 Okay. So that's what, I'm sure, Ms Enbom and those
15:24:08 17 instructing her will be looking for. Paragraph 139, "On 26
15:24:13 18 February 2010, I sent an email to the Director of Public
15:24:17 19 Prosecutions, Mr Rapke, requesting a meeting in relation to
15:24:19 20 Witness F and the consequences of demands for a monetary
15:24:23 21 payment on her credibility"?---Yes.
22

15:24:27 23 140, "I subsequently met with Mr Rapke and his staff,
15:24:31 24 Mr Horgan" - it says "Mr Turnin". Is that meant to be
15:24:35 25 Mr Tinney?---Mr Tinney, yes.
26

15:24:37 27 Now a Supreme Court judge? I only ask because I know there
15:24:40 28 is two Judge Tinneys, but that is a reference to Mr Tinney
15:24:43 29 in the Supreme Court?---Yes.
30

15:24:46 31 You met them on 1 March to discuss Ms Gobbo's arrangements
15:24:51 32 and payments?---Yes.
33

15:24:54 34 "I do not recall Ms Gobbo's identity as a source being
15:24:58 35 disclosed or discussed during this meeting. I'm aware that
15:25:02 36 Mr McRae had initiated discussions with the DPP in around
15:25:05 37 January 2010 regarding this matter." Pausing there, what
15:25:08 38 was happening was a disclosure request was being made by
15:25:10 39 Mr Paul Dale and as a result, there was consideration given
15:25:14 40 to disclosing a schedule of payments made to Ms Gobbo over
15:25:20 41 the period of 2009, 2010 as part of the MOU?---Yep.
42

15:25:25 43 Can I show you, please, the schedule of payments that was
15:25:29 44 sent to Ms Gobbo around this time. If I could ask for
15:25:37 45 MIN.5000.0004.0594. Just to put this in context, if we
15:26:11 46 look at the date, 23 February 2010, this is three days
15:26:15 47 before you send an email to Mr Rapke requesting a meeting

15:26:17 1 about the costs, okay?---Yes.

2

15:26:19 3 And if we look at the letter, it's sent from Mr Ryan, who
15:26:23 4 you said was helping you, to solicitors acting for Ms Gobbo
15:26:26 5 at the time and it says, "We refer to our letter of 19 Feb"
15:26:30 6 and the email that day in relation to the witness summons.
15:26:33 7 "We enclose a copy of the chart of moneys which the
15:26:36 8 Chief Commissioner proposes to produce, without objection,
15:26:40 9 to the Magistrates' Court on 1 March 2010 in response to
15:26:41 10 the witness summons. We confirm this document is provided
15:26:43 11 to you for the sole purpose of taking instructions from
15:26:45 12 your client and providing and/or seeking advice in relation
15:26:49 13 to making any objection to the production of the document
15:26:52 14 on the grounds of PII", okay?---Yes.

15

15:26:54 16 Let's just go through it page by page, for you to
15:26:57 17 familiarise yourself with it. Does this look like the
15:27:02 18 document you showed Mr Rapke?---No. I didn't show a
15:27:07 19 document to Mr Rapke and I've not seen this document
15:27:13 20 before. It's never been provided to me. I was simply
15:27:17 21 aware that Ms Gobbo had been in receipt of payments and my
15:27:24 22 particular concern was that the payments met the, if you
15:27:29 23 like, subsistence test, for want of a better description,
15:27:33 24 as determined in the recent Moti decision and that any
15:27:36 25 subsistence payments that we were making going forward
15:27:41 26 wouldn't be in breach of that decision.

27

15:27:43 28 So you're saying you went along to this meeting to discuss
15:27:46 29 the issue of subsistence and you didn't take along anything
15:27:50 30 about what items in fact may or may not fall under the
15:27:52 31 category of that case law?---No, we didn't go to those
15:27:56 32 specifics.

33

15:27:56 34 So you met with the Director of Public Prosecutions, the
15:27:59 35 Senior Prosecutor prosecuting virtually all of the most
15:28:02 36 serious cases going on at the time and his junior in
15:28:05 37 virtually all those cases, and your evidence is that the
15:28:08 38 purpose of that meeting was to discuss what she was
15:28:12 39 claiming and whether there was any issue, but you did not
15:28:15 40 at all take along any information about - - -?---It was a
15:28:19 41 high-level discussion on the question of principle, it
15:28:23 42 certainly wasn't a meeting about this document and it
15:28:27 43 wasn't about us saying to Mr Rapke, "Here is the document
15:28:32 44 we're about to produce in court, let's go through it line
15:28:34 45 by line." The subject matter of that discussion, as I
15:28:38 46 recall it, was that we were having a discussion about the
15:28:43 47 potential exposure of us to criticism if we were making

15:28:49 1 payments to Ms Gobbo which exceeded the, for want of a
15:28:56 2 better description, subsistence test that the High Court
15:29:00 3 had determined in the Moti case.
4

15:29:02 5 Do you know who was responsible for the redacting of this
15:29:05 6 document?---No.
7

15:29:06 8 Can we just go, please, to look at a few entries. Go to
15:29:10 9 p.8 - sorry, the next page, 8 of 12. If we look at the
15:29:23 10 entry on 4 August 2009. Do you see there is reference to -
15:29:27 11 - -?---I'm sorry, I'm struggling to read that.
12

15:29:32 13 Do you see there is a reference to "handlers"?---Yes, I do.
14

15:29:37 15 And just to compare - let's have a look. If we can then go
15:29:42 16 further down to 21 August. There's a few entries. The
15:29:46 17 people aren't referred to as "handlers" there, they're
15:29:49 18 referred to as "members"?---Yes.
19

15:29:51 20 And then we see "handlers" referred to again?---I think to
15:29:56 21 be clear with you, Mr Nathwani, the first reference you
15:29:59 22 showed me actually said "investigators/handlers", it didn't
15:30:04 23 just refer to handlers exclusively.
24

15:30:06 25 Okay. I had more interest in the term "handlers", but
15:30:09 26 you're right, to be fair. So let's go to 12 September
15:30:18 27 2009, which is p.10 of 12, so two more pages down. Towards
15:30:30 28 the bottom, 12 September. We see again "car hire
15:30:35 29 investigator handlers", do you see that?---Yes.
30

15:30:42 31 Then p.11, the next page down, go to 28 September through
15:30:45 32 to 5 October. And again you see, 28 September 2009,
15:30:58 33 "vehicle hire handlers" and then 5 October 2009, "car hire
15:31:01 34 handlers, (f)", okay?---Yes.
35

15:31:04 36 So not investigators there at all?---Yep.
37

15:31:09 38 This schedule was a response - this schedule is evidence of
15:31:13 39 the honouring of the Memorandum of Understanding?---Well,
15:31:18 40 it may be, but again, Mr Nathwani, I've not seen this
15:31:22 41 document before, I haven't been briefed about its contents,
15:31:29 42 either at the time that it was created or at the time that
15:31:31 43 it was going to be used, for want of a better description,
15:31:35 44 so you're putting to me questions about a document that
15:31:40 45 I've not seen before and a level of detail that I've not
15:31:44 46 seen before.
47

15:31:45 1 I'm asking you, obviously, because you're involved with the
15:31:48 2 Memorandum of Understanding that refers to her continuing
15:31:51 3 to provide information to Purana and then the schedule of
15:31:53 4 costs paid in honour of that contract, where you're
15:31:59 5 discussing, a year later, with Mr Rapke, Mr Tinney and
15:32:02 6 Mr Horgan the schedule - not the schedule itself but the
15:32:06 7 payment of costs, so that's why I ask you. As I
15:32:09 8 understand, you're saying you have never seen this and you
15:32:11 9 can't help us with why reference to her handlers is
15:32:15 10 appearing on this document?---No, I can't. In relation to
15:32:17 11 the Petra context, there is one context within which I
15:32:22 12 might have appreciated or - there's an understanding that I
15:32:28 13 would have for handlers and that - I would have taken, if
15:32:33 14 I'd seen that document at the time, in relation to Petra, I
15:32:36 15 would have taken that to be a reference to the two people
15:32:40 16 who were brought into Petra to assist us in handling
15:32:44 17 Ms Gobbo. I can't give you their names because they're
15:32:47 18 subject to pseudonyms, but can I say that you understand
15:32:51 19 who I'm talking about.
20

15:32:52 21 I understand what you're saying. But do you agree, on one
15:32:55 22 reading of the Memorandum of Understanding and the schedule
15:32:57 23 together, it appears to indicate that Ms Gobbo was
15:33:00 24 providing information to Purana and had handlers?---No.
15:33:06 25 Again, as I say, I've not seen this document before, nor
15:33:13 26 the detail in it.
27

15:33:10 28 No, the question was looking at them together, do you agree
15:33:16 29 that's one conclusion you could - - -?---You could draw
15:33:19 30 that conclusion, but equally I would say, having literally
15:33:22 31 only just seen this document, I wouldn't be characterising
15:33:29 32 these matters as being Purana matters. They look, to me,
15:33:34 33 like they are the sorts of matters that I was being
15:33:39 34 informed about in relation to both Briars and Petra when it
15:33:43 35 came to the briefings that I was getting about the handling
15:33:49 36 - sorry, the engagement between the investigators and the
15:33:53 37 witness.
38

15:33:55 39 Thank you, Mr Cornelius.
40

15:33:58 41 COMMISSIONER: Thanks, Mr Nathwani. I think that is
15:34:00 42 probably a sensible time to adjourn for the afternoon.
15:34:04 43 We'll need you again on Wednesday morning at 9.30,
15:34:07 44 Mr Cornelius.
45

15:34:10 46 MR NATHWANI: Sorry, I haven't tendered anything yet.
47

15:34:16 1 COMMISSIONER: So it was just that?
2
15:34:17 3 MR NATHWANI: It was just that document.
4
15:34:19 5 COMMISSIONER: That was a letter dated 23 October 2010,
15:34:25 6 Dave Ryan, VGS0, and attached schedule of payments to
15:34:31 7 Nicola Gobbo, correct, that's what that exhibit is?
8
15:34:35 9 MR NATHWANI: Yes, thank you.
15:34:37 10
15:34:38 11 #EXHIBIT RC1015A - (Confidential) Letter dated 23/10/2010,
15:34:25 12 Dave Ryan, VGS0, and attached schedule
15:34:30 13 of payments to Nicola Gobbo.
15:34:46 14
15:34:46 15 #EXHIBIT RC1015B - (Redacted version.)
16
15:35:02 17 COMMISSIONER: We'll adjourn until 9.30.
15:35:34 18
15:35:35 19 <(THE WITNESS WITHDREW)
15:35:35 20
15:35:38 21 ADJOURNED UNTIL WEDNESDAY 29 JANUARY 2020
14:51:01 22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47