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These claims are not yet resolved.

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Thursday, 6 February 2020

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

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

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09:44:05 1 COMMISSIONER: Yes, the appearances are largely as they
09:44:07 2 were yesterday save that Mr Holt is appearing today with
09:44:11 3 Ms Dawes and we have Mr Goodwin for the State.
4

09:44:15 5 There's another application for leave to appear in
09:44:17 6 respect of Ms Gobbo's evidence from Mr Mullet and Mr Ashby.
09:44:23 7 Counsel assisting doesn't oppose. Unless anybody wants to
09:44:27 8 say anything to the contrary, I'll give leave to appear in
09:44:30 9 respect of Ms Gobbo to Mr Mullet and Mr Ashby.
10

09:44:34 11 The next thing, Ms Gobbo is on the phone waiting. We
09:44:40 12 had a slightly later start because of a few glitches, but I
09:44:45 13 understand that for Ms Gobbo's health it's thought that the
09:44:53 14 following times today will be best so we're starting now
09:44:57 15 at 9.45. We'll sit through to 11.15 with a 15 minute
09:45:03 16 break, then we'll sit through to 1.15 with a 30 minute
09:45:06 17 break and then from 1.45 to 3.15 and then at that point
09:45:18 18 we'll have a 15 minute break and then start Mr Moloney's
09:45:23 19 evidence. Is he here today?
20

09:45:28 20
09:45:29 21 MR HOLT: We've just been having discussions - - -
22

09:47:04 23 (Audio malfunction.)
24

09:47:23 25 COMMISSIONER: Testing, it's working again. Excellent.
09:47:27 26

09:47:28 27 MR NATHWANI: Can I say in relation to timings, obviously
09:47:31 28 medical practitioners involved have indicated it's likely
09:47:34 29 that Ms Gobbo will be able to do so on the basis and the
09:47:38 30 desire for her evidence to be completed by close of play
09:47:43 31 tomorrow for reasons you'll be aware of in the email sent
09:47:45 32 to you, they don't need to be elaborated in greater detail,
09:47:45 33 and on that basis of course we recognise everybody is
09:47:48 34 trying to finish and Mr Winneke of course hopes to finish
09:47:52 35 today or, if it trickles into tomorrow, but we ask everyone
09:47:57 36 focus their cross-examination as best they can to all
09:48:00 37 achieve the aim of completing tomorrow.
09:48:02 38

09:48:03 39 COMMISSIONER: Yes, to essentials, yes. Yes, Mr Nathwani.
09:48:07 40 Yes, Mr Winneke.
41

09:48:11 42 MR WINNEKE: Perhaps if answers were concise too that would
09:48:14 43 be good.
44

09:48:15 45 COMMISSIONER: Yes. Ms Gobbo, we're trying to finish your
09:48:19 46 evidence by close of hearings tomorrow and to do that if
09:48:23 47 you could answer as concisely as possible that would assist

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09:48:28 1 as well, thank you. Just do your best?---Yes, I'll try.
09:48:32 2
09:48:32 3 Thank you.
4
09:48:32 5 <NICOLA MAREE GOBBO,recalled:
09:48:32 6
09:48:34 7 MR WINNEKE: Ms Gobbo, I was asking you yesterday about a
09:48:37 8 period of time in early 2014 where you had a number of
09:48:43 9 discussions with people who were concerned to point out, or
09:48:47 10 at least to ask you whether you felt you might have had a
09:48:50 11 conflict. Do you recall I was asking you those sorts of
09:48:54 12 questions last night or yesterday?---Yes, I think you just
09:48:57 13 said 2014 but you meant 2004.
09:49:01 14
09:49:01 15 You're quite right. And I mentioned discussions that you
09:49:06 16 had with Mr Swindells, with Mr Bateson, with Mr Andy Allen,
09:49:11 17 a discussion with Mr Horgan. Now, at around that time can
09:49:19 18 I suggest to you that you were beginning to offer
09:49:24 19 information to members of Operation Purana. You had a
09:49:30 20 discussion with Mr Allen, Andy Allen on 9 April 2004 and
09:49:37 21 you were telling him that you would be speaking to a person
09:49:40 22 who may know where information from Purana was being
09:49:44 23 released to the media. Do you accept that?---Yeah, I can't
09:49:50 24 recall it but I don't, um, I'm not in a position to dispute
09:49:55 25 the detail.
09:49:56 26
09:49:56 27 Right. And was that in the context of a discussion that
09:50:02 28 you were having with him at a café in South
09:50:11 29 Melbourne?---Um, I think I met him in relation to, um,
09:50:18 30 [REDACTED] so that's probably right.
09:50:20 31
09:50:20 32 There was a café called the Wallflower café and there was
09:50:24 33 an arrangement for you to meet him there, correct?---I
09:50:30 34 don't recall specifically that café, but that would be
09:50:33 35 right.
09:50:33 36
09:50:34 37 You initially had a meeting with him a few days earlier
09:50:37 38 with the solicitor for [REDACTED], [REDACTED], do you
09:50:43 39 recall that, and there was a discussion about matters
09:50:50 40 concerning [REDACTED]?---Not specifically, but I'm not
09:50:53 41 disputing that that would have happened.
09:50:54 42
09:50:54 43 Then a couple of days later there was a communication
09:50:57 44 between you and Andy Allen. Do you know whether you
09:51:01 45 instituted that meeting or did he, that is did you call him
09:51:05 46 and ask for the meeting or did he call you?---I don't know.
09:51:10 47 Without looking at any notes or, um, diaries from that

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09:51:17 1 time, it would depend upon what happened at the meeting a
09:51:21 2 couple of days before as to whether I, um, had to get back
09:51:25 3 to him or had to go and - I had to wait for a phone call
09:51:29 4 from [REDACTED] I'm not sure.

09:51:31 5
09:51:31 6 It's not clear, that's why I'm asking you. What I can say
09:51:35 7 to you is that he's taken notes to this effect, that you
09:51:38 8 told him that you'd be speaking to a person who may have
09:51:41 9 some information about, about, information that was being
09:51:50 10 released to the media. There was a leak at Purana,
09:51:56 11 right?---Okay, yes. Sorry, Commissioner, there's a lot of,
09:52:03 12 I'm finding it hard to hear because there's a delay in the,
09:52:08 13 like there's an echo of my words coming across Mr Winneke.

09:52:13 14
09:52:14 15 COMMISSIONER: Right. Is there anything we can do about
09:52:16 16 that?---It wasn't there yesterday, Commissioner.

09:52:20 17
09:52:20 18 MR WINNEKE: Is it just this microphone, Ms Gobbo?---Um,
09:52:28 19 no, what I can hear is my, there's a - I can hear my own
09:52:32 20 words echoing where you are about half a second after I say
09:52:39 21 them. But whatever it is wasn't there yesterday or the day
09:52:49 22 before. Someone here suggested maybe turning the volume
09:52:57 23 down a little bit.

09:53:15 24
09:53:15 25 All right. Now, can you hear me, Ms Gobbo?---Yes, I can
09:53:20 26 hear you. The echo's gone, whatever you've done - - -

09:53:24 27
09:53:25 28 Excellent. On 3 May you had a discussion with Phil
09:53:30 29 Swindells and there's a note in your court book to this
09:53:36 30 effect - if we have a look at this, it's Exhibit 250 if
09:53:41 31 you'd like to see it. You had represented a person by the
09:53:46 32 Chimirri on a bail variation on that morning, do you
09:53:50 33 remember Mr Chimirri?---Chimirri, yes.

09:53:52 34
09:53:53 35 Later that day you were speaking with Mr Swindells about
09:53:57 36 [REDACTED], do you see that?---Right, yes.

09:54:00 37
09:54:00 38 Application to vary conditions of bail?---Yeah.

09:54:04 39
09:54:05 40 Later in the day you were speaking to Mr Swindells and you
09:54:10 41 make a note, if we keep going over the page. Right, do you
09:54:16 42 see the note there on the right-hand side?---Yes.

09:54:23 43
09:54:24 44 Swindells note, "What is happening? Reality difference
09:54:28 45 between Purana and Horgan" and then it appears that there
09:54:33 46 was a discussion about Mr Chimirri and what you say to him
09:54:37 47 is, apparently, "Shooter for the murder of Lewis

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09:54:44 1 Moran?"?---Yes, I said that - - -
09:54:47 2
09:54:48 3 Or did he say that to you?---I don't know. I'm reading
09:54:55 4 that - I mean it could be, um, it looks like he's rung me.
09:55:02 5
09:55:02 6 Yes?---From the note.
09:55:04 7
09:55:04 8 Yep?---Um, it looks like it's what he's asking me but I'm
09:55:19 9 not really sure.
09:55:20 10
09:55:20 11 Do you think it might have been something that you had
09:55:23 12 discussed with him, nonetheless given that on that very day
09:55:27 13 you'd acted for him and appeared in court, and you had a
09:55:32 14 discussion about whether or not he might have been the
09:55:34 15 shooter in the Lewis Moran murder, do you think that might
09:55:37 16 have been the subject of the discussion?---Well the note
09:55:40 17 above seems to suggest it's, there must have been a
09:55:46 18 discussion about - - -
09:55:47 19
09:55:48 20 ██████████?---Yeah, and the difference between what Purana,
09:55:53 21 Purana's position was and what the Crown's position was.
09:55:57 22 I'm just interpreting my own note.
09:55:59 23
09:55:59 24 Yes. Do you have any idea what that might be?---Um, having
09:56:04 25 regard to the point in time, my, um, my best assumption
09:56:14 26 would be that it's to do with the, the difference between
09:56:19 27 what the Crown were prepared to say in relation to the
09:56:25 28 facts and what the police were saying the evidence was, in
09:56:31 29 terms of the, um, that issue about whether, um, it was,
09:56:39 30 there was an intention to murder or a, um, or a lesser
09:56:44 31 intention by ██████████ and ██████████, but then the
09:56:49 32 next line, um - - -
09:56:53 33
09:56:53 34 It appears to be unrelated, doesn't it?---Yeah, it does and
09:56:56 35 I can, I just know, having, casting my mind back to, I mean
09:57:01 36 for the first time in 15 years, to Mr Chimirri, that is not
09:57:07 37 the kind of thing that he would say to me or he would have
09:57:11 38 openly discussed or mentioned, it's just that's not the
09:57:15 39 type of person he was or probably is. Which leads me to
09:57:20 40 think that may have been a question I was asked rather than
09:57:23 41 me raising it.
09:57:24 42
09:57:25 43 There's certainly a question mark there, but it does seem
09:57:28 44 to be something that was discussed in the meeting, in the
09:57:31 45 telephone call with Mr Swindells, doesn't it?---Well it
09:57:34 46 must have been because otherwise I wouldn't have written it
09:57:37 47 down.

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09:57:37 1
09:57:38 2 Yes. Do you think it might have been something that you
09:57:41 3 had learnt during your appearance for Mr Chimirri in the
09:57:46 4 morning for the bail variation?---No, because it's not - I
09:57:50 5 didn't have that kind of contact with or professional
09:57:57 6 relationship with Mr Chimirri. He was - at that point in
09:58:03 7 time he was, he was a very unstable lunatic. It's not the
09:58:07 8 kind of - I mean I don't mean that in a really critical
09:58:13 9 sense but he's not someone who would say anything other
09:58:16 10 than the bare minimum of what he had to say, so there
09:58:20 11 wouldn't have been - it's just not the kind of conversation
09:58:23 12 you'd ever have with him.
09:58:24 13
09:58:25 14 Is it what you're saying is there were some clients that
09:58:27 15 you had who might be prepared to share that sort of
09:58:30 16 information with you but he wasn't one of them?---Correct.
09:58:32 17
09:58:33 18 The reason why you're wondering about that is because had
09:58:39 19 it been someone else who might have been more prepared to
09:58:46 20 share information with you of that sort, you might have
09:58:48 21 been equally prepared to share that information with
09:58:51 22 Purana?---Perhaps, but the note might be that it's
09:58:54 23 something Swindells has asked me. And like looking back to
09:58:59 24 the contact that I had with Mr Chimirri, which was pretty
09:59:03 25 limited.
09:59:03 26
09:59:04 27 Yes?---Because I think acted for him when he was a very
09:59:09 28 young offender, and then he gradually escalated, um, in
09:59:16 29 terms of seriousness and - yeah, but that's not the kind
09:59:21 30 of, that's not something that he would have said to me or
09:59:24 31 even raised in conversation.
09:59:25 32
09:59:27 33 Whether or not he had been involved in a murder other than
09:59:31 34 a matter that you were then and there dealing with him
09:59:34 35 about?---That's right. My reading is it's more likely it
09:59:40 36 was something Swindells asked and that's why I've written a
09:59:43 37 note about it.
09:59:44 38
09:59:44 39 All right. Now, it seems that you take the view, certainly
09:59:53 40 in your letter that you wrote to Mr Fontana, that you
10:00:01 41 played a pivotal role in convincing ██████████ to roll over
10:00:08 42 on various other people, right?---A mild exaggeration
10:00:11 43 there, but yes.
10:00:12 44
10:00:13 45 A mild exaggeration. Do you say that that letter contains
10:00:18 46 other mild exaggerations or exaggerations?---Yes, because
10:00:23 47 what I - I think, um, what I haven't been asked, or haven't

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10:00:28 1 had a chance to say, is that the context in which I was
10:00:33 2 told by Victoria Police to write that letter hasn't been
10:00:36 3 explained and, you know, again whether I was being told the
10:00:43 4 truth or not is a matter, is not a matter for me to work
10:00:47 5 out.
10:00:47 6
10:00:48 7 Just stop there for a moment. You say you want to put on
10:00:51 8 record the context in which you were told to write the
10:00:54 9 letter and then you say whether you were told the truth or
10:00:57 10 not. Are you suggesting that there were members of
10:00:59 11 Victoria Police who told you certain things which led you
10:01:02 12 to have a belief with respect to the reasons to make that
10:01:06 13 statement or that letter, is that right?---Yes.
10:01:09 14
10:01:09 15 What were you told?---So at the time I wrote that letter I
10:01:14 16 was told that, um - so at the time I didn't have a, um, I
10:01:20 17 had a liaison person, a liaison officer.
18
10:01:24 19 Yes?---And that came about after, um, considerable problems
10:01:30 20 with, um, communication between myself and Victoria Police
10:01:35 21 if an issue arose which put, which I, when I needed to
10:01:41 22 speak to somebody - sorry, this is after, after the, um,
10:01:47 23 Dale ACC charge thing finishes and, um, Boris Buick tells
10:01:53 24 me that he's not allowed to have any communication with me
10:01:57 25 any more and I get a letter from his boss saying that, um,
10:02:01 26 the Chief Commissioner has determined that I'm not allowed
10:02:04 27 to ring any police officer from Victoria Police.
10:02:06 28
10:02:06 29 Right. If you can just focus on - - - ?---But then - - -
10:02:10 30
10:02:11 31 Perhaps you are getting to it but if you can - -
10:02:12 32 -?---Sorry.
10:02:13 33
10:02:14 34 - - - focus on the reason why you say you've made
10:02:17 35 exaggerations in that letter?---Yes, sorry. Eventually the
10:02:21 36 liaison person that I get moved to says, "So in order for
10:02:26 37 you to be, um, reimbursed from your expenses during the
10:02:33 38 time that you were assisting Victoria Police, and in order
10:02:36 39 to qualify for the, potentially for the most amount of, um,
10:02:44 40 rewards that were available" - - -
10:02:46 41
10:02:46 42 Yes?---And he explained to me there was a whole, million
10:02:50 43 dollar rewards for all kinds of murders.
10:02:52 44
10:02:53 45 Yes?---Or other charges.
10:02:54 46
10:02:54 47 Yes?---He said, "You need to write a letter to Steve

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10:02:58 1 Fontana and in the letter I want you to include what you,
10:03:03 2 what you could say would be your top ten things or people"
10:03:08 3 and I remember saying once, "Well it's - I don't know
10:03:12 4 because I was never told what, you know I could give one
10:03:17 5 bit of information and I was never told, um, one way or the
10:03:22 6 other whether that information led to A, B or C". It might
10:03:28 7 have been one little piece in the jigsaw, it might have
10:03:32 8 been a significant matter. I was never, I was never told
10:03:35 9 anything.
10:03:35 10
10:03:35 11 Can I just stop you there for a moment. What you were
10:03:37 12 asked to do - this is a letter you wrote to Steve Fontana
10:03:39 13 on 30 June 2015?---Yes.
10:03:41 14
10:03:41 15 The letter was designed to justify why you were entitled to
10:03:47 16 a monetary reward, is that correct?---Yes, and it was to go
10:03:52 17 before some Rewards Committee or some - some committee.
10:03:56 18
10:03:57 19 And you were asked to, to the best of your ability, write a
10:04:01 20 letter which sets out what you believe was the information
10:04:03 21 that you provided to Victoria Police which enabled them to
10:04:08 22 successfully prosecute people, is that correct?---Not, not
10:04:12 23 the information, but the, um, ten, to nominate ten people
10:04:19 24 is what he said to do.
25
10:04:21 26 Right?---And he said that it was going to be reviewed by,
10:04:24 27 um, Detective Inspector Paul Sheridan.
10:04:27 28
10:04:28 29 Yes?---He was going to be, he would be checking, um,
10:04:34 30 internally what was in the letter with their records.
10:04:37 31
10:04:37 32 Yes?---And that there would be a response within a month or
10:04:40 33 so.
10:04:41 34
10:04:41 35 All right. What I'd like you to explain to the Commission
10:04:44 36 is why it is you say you were led to believe, or you were
10:04:51 37 led to produce a letter which contained exaggerations, can
10:04:54 38 you explain that to the Commission?---Um, well, because in
10:05:02 39 terms of, um, I guess in terms of, um, my view about, or
10:05:11 40 my, um, thought about, for example, [REDACTED]
10:05:16 41
10:05:16 42 Yes?---I might think that I've done A, B and C about him.
10:05:21 43
10:05:21 44 Yes?---But internally or from VicPol's point of view it
10:05:28 45 might be completely different because they may have had
10:05:30 46 information - I'm just using him as an example.
47

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10:05:37 1 Yes?---I wasn't given or I wasn't privy to their entire
10:05:43 2 investigation about anyone.
3
10:05:44 4 Right?---So I might have thought that I was the, you know,
10:05:46 5 the amazing solution to a particular crime but in actual
10:05:52 6 fact I may have had nothing to do with it or very little
10:05:56 7 impact upon it and that was what I understood the whole
10:05:59 8 point was, to try and, um, beef up the most important
10:06:06 9 things and then for it to be reviewed by Sheridan.
10:06:09 10
10:06:11 11 Were you of the view that you were being asked to
10:06:15 12 exaggerate, was that what you were being asked to
10:06:20 13 do?---Well I was being asked to, um, put it at its absolute
10:06:27 14 highest.
10:06:27 15
10:06:27 16 Is it truthful to say that you played a pivotal role in
10:06:39 17 getting ██████████ to roll over, roll over on ██████████,
10:06:45 18 ██████████ and others, and withstanding undue pressure from
10:06:50 19 the ██████████ and ██████████ in getting him to stay
10:06:54 20 silent? Do you say that you played that pivotal
10:07:01 21 role?---Um, yes, but of course I now know that he indicated
10:07:08 22 he wanted to assist police from the minute he was arrested.
10:07:12 23
10:07:17 24 On what basis did you say that you played a pivotal
10:07:22 25 role?---Well because at one point, at one point, um, in the
10:07:27 26 negotiations he was, he indicated that, um, but for knowing
10:07:34 27 that he had someone to assist him, um, and someone who - I
10:07:39 28 mean he was smart enough to realise that he was going to be
10:07:43 29 putting me in a difficult position by reason of the fact
10:07:47 30 that I would know what he was doing and, um, not be able to
10:07:52 31 tell the people that I was supposed to be reporting to, um,
10:07:56 32 so he, um, he appreciated that fact, um, and in that sense,
10:08:06 33 um, I don't, I think pivotal probably is not necessarily
10:08:11 34 the right word but I thought that I had done something
10:08:14 35 significant in giving him the, I guess the strength to
10:08:20 36 follow through with what he wanted to do.
10:08:22 37
10:08:22 38 Do you think that you were also referring to the fact that
10:08:26 39 you had made sure that the statement that he signed
10:08:30 40 eventually was more credible than the statement that had
10:08:37 41 been presented to you in draft form?---Yes, because the
10:08:43 42 initial, part of his initial statement, um, contained an
10:08:47 43 obvious lie.
10:08:48 44
10:08:48 45 Do you think that part of your pivotal role was the
10:08:53 46 assistance that you gave to the police in ensuring that his
10:08:57 47 statement was credible?---Yes, and to ensure he got the

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10:09:04 1 maximum benefit, yes.
10:09:06 2
10:09:06 3 Right, okay. Now, on the [REDACTED]th - in [REDACTED] of 2004 you
10:09:15 4 appeared for [REDACTED] in relation to some outstanding
10:09:19 5 matters, is that right?---Um, this is a County Court
10:09:24 6 appearance?
7
10:09:25 8 Yes?---Yes
10:09:26 9
10:09:28 10 Then, as we indicate, or as I've discussed, he wasn't
10:09:37 11 prepared to sign statements until you'd seen them?---Um,
10:09:43 12 yes.
10:09:43 13
10:09:43 14 And then on [REDACTED] Mr Hatt came to your chambers with the
10:09:50 15 draft statements?---Yep.
10:09:54 16
10:09:55 17 Do you recall what form the statements were in?---No, not,
10:10:01 18 not now I don't, sorry. Do you mean were they, um, as in
10:10:07 19 paper or electronic?
20
10:10:09 21 Yes?---No, I don't, sorry
10:10:13 22
10:10:13 23 You've said subsequently that you amended the statements,
10:10:17 24 you've said that on a number of occasions. How did you
10:10:22 25 amend the statements?---Um, I don't, sorry, I'm trying to
10:10:30 26 think back to even Mark Hatt coming to my chambers that
10:10:38 27 day. I've got no specific memory of him coming back so I
10:10:42 28 can't - look, I assume I was - - -
10:10:44 29
10:10:44 30 Let's have a look at your court book, Ms Gobbo.
10:10:49 31 MIN.0001.0014.0002 at p.65. That's the page of the court
10:10:59 32 book which concerns [REDACTED], do you see that?---Yes, okay.
10:11:05 33 I'll just read it.
10:11:06 34
10:11:07 35 Yes?---Yep, that appears, that must be notes I've made
10:11:22 36 while I was talking to him or while he was there.
10:11:25 37
10:11:27 38 I asked you before, given that you have said, and I put it
10:11:32 39 to you that you have said on a number of occasions that you
10:11:35 40 made amendments to the statements or you, let's leave it at
10:11:41 41 that, how do you say that occurred?---I've got no specific
10:11:54 42 memory. I'm assuming from reading those notes that, um,
10:11:59 43 I've been given a paper copy, um, and read them and for me
10:12:04 44 to be able to say what paragraph 9, there's something wrong
10:12:08 45 with paragraph 9.
10:12:09 46
10:12:10 47 Yes?---Um, but, um, I'm sorry, I can't tell you that I've -

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10:12:15 1 I can't specifically say that I sat there and, um, hand
10:12:20 2 wrote over them or whether I was making these notes with
10:12:23 3 the statement, the draft statement next to me.
10:12:26 4
10:12:26 5 Right?---And then obviously I go, I must go and see
10:12:30 6 [REDACTED] to talk about what I'd been told.
10:12:35 7
10:12:36 8 Right. We understand that you speak to Mr Bateson.
10:12:39 9 Mr Bateson makes arrangements for you to attend the prison
10:12:43 10 the following day, we can see a note on the following day,
10:12:46 11 on [REDACTED] 2004, it appears that you do go out to the
10:12:51 12 prison and see [REDACTED]?---Yeah, that's right, because
10:12:59 13 back then you had to give a week's notice and Purana had
10:13:03 14 oversight of who visited who, so, um - - -
10:13:07 15
10:13:07 16 You got authorisation from Mr Bateson and it appears
10:13:12 17 there's a name there with a fax number, do you see
10:13:14 18 that?---Yes, yes. It would have been done, it would have
10:13:17 19 been done obviously urgently so I could go the next day.
10:13:22 20
10:13:22 21 You know there's an issue in the statement, one of the
10:13:25 22 issues is whether [REDACTED] knew there was going to be a
10:13:28 23 killing or whether he thought it was going to be a debt
10:13:31 24 collection, you understood that?---Yes, yes.
10:13:33 25
10:13:33 26 And if it was a debt collection then it might be said that
10:13:38 27 whoever was seeking the debt to be collected wasn't seeking
10:13:41 28 a murder but was seeking money, do you follow
10:13:46 29 that?---That's right, depending on what the instructions
10:13:47 30 were.
10:13:48 31
10:13:48 32 You understood the importance of [REDACTED] making it clear
10:13:53 33 that he knew there was going to be a murder because that
10:13:57 34 would then provide stronger evidence against the person who
10:14:01 35 was said to have called for the killing?---Ordered it, yes.
10:14:06 36
10:14:07 37 Do you follow that?---Yes.
10:14:08 38
10:14:08 39 You understood the significance of that?---Yes.
10:14:10 40
10:14:10 41 And you understood that Purana had, were building a case
10:14:15 42 against [REDACTED], and [REDACTED]?---Yes.
10:14:20 43
10:14:21 44 Right?---Yep.
10:14:21 45
10:14:21 46 So it was important that the statement made by [REDACTED]
10:14:26 47 reflected those matters as well as possible?---Yes, and

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10:14:32 1 they, um - I was told by Purana that, I can't recall
10:14:38 2 whether it was Bateson or Hatt, that they did not accept
10:14:43 3 that, um, some sentences that had been included in his
10:14:48 4 statement were, um, him telling the truth.
10:14:51 5
10:14:52 6 Yes, yes. Now, you make a telephone call to Mr Bateson on
10:15:00 7 [REDACTED] 2004 subsequent to you speaking to [REDACTED] it
10:15:06 8 seems?---Okay, yes.
10:15:08 9
10:15:09 10 Right. And according to Mr Bateson's notes you contacted
10:15:15 11 him and told him that the client would be - now he's
10:15:21 12 written, it appears to say "more" although that word's been
10:15:28 13 crossed out and what he's written is "truthful"?---Right.
10:15:32 14
10:15:33 15 Right?---Okay.
10:15:34 16
10:15:34 17 Do you recall saying to Mr Bateson that [REDACTED], you
10:15:39 18 having spoken to him, would be truthful or more
10:15:45 19 truthful?---Um, sorry, not - I can't specifically remember
10:15:49 20 the words but, um, I would have rung him, um, after, um,
10:15:57 21 either that day or the next day, after seeing, um,
10:16:00 22 [REDACTED].
10:16:01 23
10:16:01 24 Yes. Did you, when you first read the statement, did you
10:16:08 25 call or speak to Mr Bateson and when you were having a
10:16:11 26 discussion with him about going to visit [REDACTED] the
10:16:16 27 next day, that is on the [REDACTED], did you express scepticism
10:16:21 28 about certain aspects of your client's statement?---Um, I
10:16:29 29 don't - I don't have - sorry, I don't have a specific
10:16:32 30 recollection of, of what was in my mind then, but I know
10:16:37 31 that it's, I do know that at some point, I just can't
10:16:42 32 remember whether it was Hatt or Bateson, said that what
10:16:47 33 [REDACTED] had told them was not consistent with all of the
10:16:51 34 evidence that they had and that if he persisted in saying
10:16:55 35 that, they could not say that he was, um, that he was -
10:17:02 36 they couldn't support him having the maximum discount or
10:17:04 37 benefit.
10:17:05 38
10:17:05 39 Right, I follow that. Do you say that what would have been
10:17:11 40 appropriate would have been to read the statement and then
10:17:14 41 speak to your client before saying anything to the police
10:17:19 42 about your views as to the truth or otherwise of the
10:17:23 43 statement?---I don't, yeah, I don't disagree with that.
10:17:29 44 What I'm saying is I can't, I don't know from, I haven't
10:17:32 45 got a specific memory of what I said or what either Hatt or
10:17:37 46 Bateson said.
10:17:39 47

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10:17:40 1 Yes, all right?---Only that obviously after being allowed
10:17:43 2 to view the draft statement I went back and saw him.
10:17:48 3
10:17:48 4 Yes?---And I'm assuming that I didn't have a copy of it
10:17:53 5 with me, I only had those notes about the, about the
10:17:57 6 paragraphs that had issues.
10:17:59 7
10:17:59 8 If you told your handlers that you made amendments to the
10:18:03 9 statement, would that have been truthful?---Yes, it would
10:18:09 10 have been, yes.
10:18:10 11
10:18:10 12 All right. Now, it appears that - - -?---Sorry, I don't
10:18:16 13 know - what I just don't know is whether I hand wrote
10:18:20 14 amendments or whether, or whether Mr Hatt was writing
10:18:23 15 things down. I've got no, I'm sorry, I just can't remember
10:18:28 16 specifically who was writing what or doing what on that
10:18:30 17 day.
10:18:30 18
10:18:31 19 Did you make notes yourself and provide those to Mr Hatt,
10:18:36 20 is that possible?---Yes, it could have been.
10:18:39 21
10:18:40 22 Perhaps Post-It Notes?---Could have been, yes.
10:18:43 23
10:18:43 24 Is that something that you recall doing on occasions,
10:18:46 25 making notes about statements and providing them to the
10:18:51 26 police?---And sticking them on pages, yes.
10:18:54 27
10:18:54 28 Yes, all right?---Yes.
10:18:55 29
10:18:56 30 What about when you went to see ██████████, did you make
10:19:00 31 any handwritten notes and give them to him?---No, you
10:19:04 32 weren't allowed - you weren't able to.
10:19:06 33
10:19:06 34 Did you have a copy of the statement when you were with
10:19:10 35 ██████████ do you believe?---No, that's what I'm saying. I
10:19:12 36 don't, I don't think I was allowed to have it, I think
10:19:16 37 that's why I've written what I've written in that book.
10:19:19 38
10:19:19 39 Do you know that there were amendments made to the
10:19:22 40 statement and did you see a subsequent statement?---I don't
10:19:25 41 believe so.
10:19:26 42
10:19:26 43 Did you never see ██████████'s statement?---Sorry, there
10:19:30 44 was two questions. I know there were amendments, but I'm
10:19:35 45 not, I don't have any recollection of seeing the final
10:19:39 46 version.
10:19:41 47

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10:19:43 1 Ultimately I take it you saw the brief that was served in
10:19:46 2 relation to this matter, whether it be [REDACTED]'s brief
10:19:51 3 or whether it be other people who were charged as a
10:19:54 4 consequence, for example, [REDACTED]?---Um, well, they had
10:20:00 5 the [REDACTED], they were [REDACTED].
10:20:02 6
10:20:03 7 So you would have seen the statement?---Do you mean
10:20:08 8 [REDACTED]'s statement?
10:20:09 9
10:20:10 10 Yes?---No, not necessarily because at the point in time
10:20:13 11 that [REDACTED] elects to plead it's a, it's a brief of
10:20:19 12 evidence that's the same [REDACTED], um, and I
10:20:23 13 don't know how much additional material we did or didn't
10:20:26 14 have then because I don't know when the, I can't tell you
10:20:29 15 when the, um, committal mention was or how, whether it was
10:20:33 16 one of those cases where Purana got extra time.
10:20:37 17
10:20:37 18 Ultimately you saw the brief that [REDACTED] was served
10:20:41 19 with, didn't you?---I know I read the brief before, before
10:20:48 20 being able to talk in some detail to [REDACTED].
10:20:53 21
10:20:53 22 Yes, all right?---But what I'm trying to say is in those
10:21:00 23 days you often got partial service of a brief and then when
10:21:03 24 there was a lot of telephone intercept or listening device
10:21:08 25 product that required transcribing there were extensions
10:21:12 26 given to Purana by magistrates quite regularly, so I might
10:21:18 27 have only had half of it or three-quarters of it and I
10:21:22 28 remember with that particular case there were, there were
10:21:26 29 significant problems with the malfunctioning or alleged
10:21:29 30 malfunctioning of the listening device.
10:21:31 31
10:21:32 32 Ms Gobbo, subsequently when [REDACTED] was charged as a
10:21:36 33 consequence of the statement made by [REDACTED] you read
10:21:39 34 his brief, that is [REDACTED]?---Yes, okay.
10:21:52 35
10:21:52 36 You know who I'm talking about?---Yes, I was just looking
10:21:56 37 at the chart, yes.
10:21:57 38
10:21:57 39 So you would have read the statement made by
10:22:01 40 [REDACTED]?---Um, presumably.
10:22:02 41
10:22:03 42 Because [REDACTED] was [REDACTED] against [REDACTED],
10:22:07 43 correct?---Yeah, I'm not, I'm not trying to dispute whether
10:22:14 44 I did read it or didn't read it, I just tell you I have a
10:22:18 45 specific memory of sitting there and reading that
10:22:21 46 particular statement.
10:22:22 47

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10:22:22 1 That's all I was asking you, Ms Gobbo, whether you'd read
10:22:25 2 [REDACTED]'s statement. It's obviously you read
10:22:29 3 [REDACTED]'s brief when he was charged because you were
10:22:31 4 acting for him. So the answer is yes, is it not?---I
10:22:33 5 presume so, yes.
10:22:34 6
10:22:34 7 Okay. Now, we know that you were aware, having had that
10:22:45 8 involvement in the changing of the statement from the draft
10:22:49 9 statement to the statement that was ultimately signed and
10:22:52 10 put on to the brief, that that would be a matter of
10:22:57 11 relevance for the purposes of cross-examining [REDACTED],
10:23:02 12 for example, at committal?---Correct.
10:23:05 13
10:23:05 14 There was a draft statement. Then there were significant
10:23:08 15 changes to the statement, and you knew all about those
10:23:13 16 changes because you had been intimately involved in the
10:23:17 17 changes being made?---Yes.
10:23:20 18
10:23:21 19 You would have been aware of all of those factors and how
10:23:27 20 the statement came to be changed, correct?---Yes, it was
10:23:32 21 not an unusual process, yes.
10:23:33 22
10:23:33 23 It may not be, but nonetheless it would have created a
10:23:38 24 credibility issue for [REDACTED]?---Yes.
10:23:42 25
10:23:43 26 And it is something that any barrister worth his or her
10:23:49 27 salt cross-examining a witness at committal would be very
10:23:52 28 keen to find out about, correct?---Yes.
10:23:55 29
10:23:56 30 And it was a matter that you were aware of?---Yes.
10:24:00 31
10:24:00 32 Right. Now, you know that the statements made by
10:24:05 33 [REDACTED] implicated - he made, well at least as far as
10:24:11 34 you were aware two statements, but those particular
10:24:15 35 statements were used to implicate [REDACTED],
10:24:23 36 correct?---Yes.
10:24:24 37
10:24:24 38 [REDACTED], correct?---Yes.
10:24:28 39
10:24:28 40 And [REDACTED]?---Yep.
10:24:34 41
10:24:34 42 Did you know that there was a third statement that was in
10:24:38 43 the process of being made when you were acting for
10:24:43 44 [REDACTED] which was a statement concerning the death of
10:24:47 45 [REDACTED]?---Um, not that I - no. Um - - -
10:24:54 46
10:24:54 47 Well, you understood that [REDACTED] did have information

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10:25:00 1 of assistance to the police with respect to that murder,
10:25:03 2 didn't you?---Yes, and I, I, um - what I can, what I do
10:25:12 3 know with certainty is that, um, I would have made clear to
10:25:16 4 him that if he was going down that path to be, um, to be
10:25:20 5 open and frank with the police so that he would, um, he
10:25:26 6 would be entitled to the maximum benefit.
10:25:28 7
10:25:28 8 I understand that. I simply asked you the question whether
10:25:34 9 you knew he had information about that murder, now that's
10:25:37 10 correct, isn't it?---I assume so, yes.
10:25:40 11
10:25:40 12 Now, shortly after that you had your stroke and, as you
10:25:46 13 said yesterday, Mr Ahmed was of great assistance to you, he
10:25:51 14 took you to hospital?---Yes.
10:25:52 15
10:25:52 16 Is that right?---That day, yes.
10:25:54 17
10:25:56 18 During the period that you were in hospital, which I think
10:25:59 19 was - was it about four days?---Five.
10:26:05 20
10:26:05 21 Right. You were visited by Mr Mokbel?---Every criminal in
10:26:11 22 Melbourne came, yes, including Tony.
10:26:13 23
10:26:13 24 And which other criminals came?---Um, [REDACTED] -
10:26:20 25 sorry, sorry. Sorry, Commissioner.
10:26:26 26
10:26:26 27 COMMISSIONER: That's okay. Take that word from the
10:26:28 28 record?---Sorry Commissioner.
10:26:29 29
10:26:30 30 It's okay?---Sorry. [REDACTED], [REDACTED], the Mokbels.
10:26:38 31
10:26:39 32 MR WINNEKE: All three? Four?---I can't be sure.
33
10:26:44 34 Wives and partners?---I can just - I'm not sure. I can
10:26:49 35 just remember, um, on one occasion having to move out to
10:26:56 36 some area outside the room that I was in because there were
10:27:01 37 so many people.
10:27:02 38
10:27:02 39 All right, okay?---A lot of solicitors came, um.
10:27:06 40
10:27:06 41 Did any police visit you?---Um, I don't think so.
10:27:11 42
10:27:11 43 No, all right. Now, can I ask you - - -
10:27:22 44
10:27:22 45 COMMISSIONER: Did any police ring you, telephone
10:27:28 46 you?---Um, I'm, um, I'm not entirely sure, Commissioner. I
10:27:37 47 know that I rang Mr Bateson a couple of days after it, once

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10:27:41 1 I could speak again.

10:27:43 2

10:27:43 3 When you say after, when you were still in hospital?---Yes.

10:27:47 4 So I had the, um, I had the stroke on the morning of the

10:27:51 5 24th and by the, by about 24 hours later, or a day and a

10:28:01 6 half later I could speak again but a lot more slowly, so I

10:28:05 7 was sending text messages. So I just, I know I spoke to

10:28:11 8 Mr Bateson and I'd communicated with a whole lot of other

10:28:17 9 people like my clerk and solicitors because of things that

10:28:20 10 I had on that week that I couldn't do.

10:28:23 11

10:28:24 12 Thank you.

10:28:25 13

10:28:25 14 MR WINNEKE: Now, you rang him on the 27th and as I put to

10:28:30 15 you yesterday you told about him being in hospital, but you

10:28:34 16 also told him you were still acting for [REDACTED], do you

10:28:37 17 accept that?---Yeah, I can't dispute that.

10:28:39 18

10:28:40 19 When did you stop acting for [REDACTED]?---I don't think I

10:28:46 20 did anything else for him after coming home from hospital.

10:28:49 21

10:28:50 22 Right. If you had said to Mr Bateson that you were going

10:28:54 23 to continue acting for him, that was your intention at that

10:28:59 24 time, was there something that occurred which caused you to

10:29:02 25 stop acting for him?---No, I don't, I don't think so. I

10:29:08 26 think it was the - I think it was the case that I, um, that

10:29:16 27 I could not do, um, I couldn't do a plea for him because at

10:29:24 28 some point that would have been his next step and I, um, I,

10:29:32 29 um, had a slow return to, um, appearing in court again.

10:29:37 30

10:29:37 31 Do you think it was because by that stage you were acting

10:29:41 32 for [REDACTED]?---Um, not necessarily because I'm, I, um, I

10:29:52 33 don't know, I can't, I can't tell you precisely when he was

10:29:57 34 - - -

10:29:57 35

10:29:57 36 We understand the [REDACTED] for [REDACTED] wasn't until 2005 and

10:30:02 37 shortly after the arrest of [REDACTED], as a consequence of

10:30:05 38 the statement made by [REDACTED], you start acting for him,

10:30:10 39 don't you, on the very day he's arrested?---I think I was

10:30:15 40 already acting for him in relation to something else.

10:30:17 41

10:30:18 42 Yes, but I'm talking about the charge, the [REDACTED]

10:30:21 43 that resulted from the statement made by [REDACTED]. Do

10:30:25 44 you understand that that's what I'm talking about?---Yes,

10:30:28 45 yes.

10:30:28 46

10:30:28 47 Right. You know that obviously that, that conduct of yours

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10:30:34 1 in starting to act for him was improper, do you accept
10:30:40 2 that?---Yes.
10:30:41 3
10:30:42 4 Why did you do it?---In acting for ██████████, or do you
10:30:51 5 mean acting for ██████████?
10:30:54 6
10:30:54 7 Acting for ██████████?---I think the - well, I don't want to
10:31:03 8 make this sound like an excuse because it's an explanation,
10:31:07 9 not an excuse, but the reality is that I'd got myself into
10:31:11 10 a very, um, intractable position insofar as if I, um, said
10:31:17 11 to, had said to ██████████, with whom I accept I was too
10:31:22 12 close to, that was a part of the problem, part of my
10:31:26 13 problem I mean. Um, if I'd said to him, "I can't act for
10:31:30 14 you because I have a conflict", that would have, um,
10:31:34 15 identified what I'd done.
10:31:39 16
10:31:39 17 Now, at this stage you'd just had your stroke and it would
10:31:49 18 have been an opportunity for you to say, wouldn't it,
10:31:52 19 "Look, I'm really not well enough, I can't take on a murder
10:31:56 20 at this stage".
10:31:57 21
10:31:57 22 MR NATHWANI: We've been here yesterday.
23
24 MR WINNEKE: Yes, we have been.
25
10:31:59 26 MR NATHWANI: Several times and we've been repeating things
10:32:03 27 this morning.
10:32:04 28
10:32:04 29 COMMISSIONER: All right, we'll just move on as quickly as
10:32:06 30 we can.
10:32:07 31
10:32:08 32 MR WINNEKE: You went back to work on 2 August, is that
10:32:11 33 right?---I'm not sure exactly when - look, I know that, um,
10:32:16 34 you know, it was a time in my life where I had little
10:32:19 35 self-care and little insight into, um, you know, for a half
10:32:27 36 intelligent person it's pretty embarrassing to admit I had
10:32:30 37 little insight into the seriousness of what had happened.
10:32:34 38 I had all these tests done, I was told it was, um, a heart
10:32:40 39 defect that had been there since I was born.
10:32:43 40
10:32:43 41 We've got that. I've asked the question already, you've
10:32:48 42 answered the question already. You're back at work on 2
10:32:51 43 August. There's a telephone intercept VPL.0099.0113.2919
10:32:55 44 and you're speaking to a person, and there's discussions
10:33:01 45 about various things but if we can move it up. In any
10:33:08 46 event would it be reasonable to say that you were speaking
10:33:10 47 to someone and at that stage you referred to having a

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10:33:14 1 \$23,500 tax bill and other stuff and you needed to pay them
10:33:21 2 off and you said, "One day back and listening to everyone
10:33:26 3 else's shit", would that be consistent do you
10:33:29 4 think?---Yeah, I don't dispute that. I can't read where
10:33:33 5 you're actually saying.
10:33:34 6
10:33:35 7 Keep moving up. Keep going. Keep going. Okay, stop
10:33:49 8 there?---Yes, I can see it now, yep.
10:33:51 9
10:33:52 10 So you were talking about reading a brief, [REDACTED]'s brief,
10:33:56 11 you've given a lot of stuff back?---Yes.
10:33:58 12
10:33:59 13 Trials and things. "Just doing little stuff, says someone
10:34:04 14 will come into the city tomorrow and have a coffee." The
10:34:09 15 first, there's a note or there's a word which is blacked
10:34:13 16 out, do you think that might have been [REDACTED] calling
10:34:16 17 you?---Um, it could be, yep. I don't know exactly but it
10:34:28 18 could be.
10:34:29 19
10:34:30 20 Is it likely that you would have spoken to him about
10:34:34 21 [REDACTED]?---Yes, because he referred [REDACTED].
22
10:34:39 23 Right, okay?---What I didn't know then is he was [REDACTED]
10:34:42 24 to him.
10:34:43 25
10:34:45 26 Now, I tender that, Commissioner.
10:34:48 27
10:35:01 28 #EXHIBIT RC1161A - (Confidential) Telephone intercept
10:35:02 29 VPL.0099.0113.2919.
10:35:02 30
10:35:02 31 #EXHIBIT RC1161B - (Redacted version.)
10:35:15 32
10:35:15 33 It appears that at about this time the Major Drug
10:35:20 34 Investigation Division had created what is known as a
10:35:23 35 profile on you. If we have a look at this document,
10:35:27 36 VPL.0099.0113.2576. If we can just scroll through that so
10:35:36 37 Ms Gobbo can see that?---I've never one, this before.
10:35:42 38
10:35:42 39 Were you aware that at about that time you were a person of
10:35:48 40 interest to the MDID?---Um, not formally.
10:35:58 41
10:35:59 42 Did you believe informally that the police were looking
10:36:02 43 into your activities?---Yes.
10:36:04 44
10:36:09 45 Now, were you of the view at that stage, given your
10:36:15 46 discussions with a number of police officers, that you
10:36:18 47 could have been valuable to the police as a human

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10:36:26 1 source?---Sorry, can you say that again? Sorry, I was just
10:36:30 2 distracted reading it. Sorry, go on.
10:36:32 3
10:36:33 4 Do you want to read that?---I'm just, um, it's just a shock
10:36:37 5 reading that they, that they'd done this, with all the
10:36:41 6 detail they've got in there.
10:36:43 7
10:36:43 8 I follow that. You do say it doesn't surprise you that you
10:36:47 9 might have been regarded as a person of interest or a
10:36:50 10 suspect?---No, not necessarily because the, um, informally
10:36:57 11 a couple of police officers had, um, made some remarks to
10:37:03 12 me in and around home about, "I know what car you drive and
10:37:08 13 I saw" - you know, comments like, "I saw you sitting at a,
10:37:12 14 in broad daylight with Tony Mokbel" and, um, you know, the
10:37:17 15 insinuation was there was something else or something, um,
10:37:21 16 improper going on, from a couple of Drug Squad members
10:37:25 17 around that time.
10:37:26 18
10:37:26 19 Yes. So you did understand that you were a person of
10:37:30 20 interest - I'm sorry for interrupting you?---No, no, I
10:37:33 21 agree.
10:37:33 22
10:37:34 23 Did it occur to you that it would be useful for you to make
10:37:41 24 it known to police that you could well be a useful source
10:37:46 25 of information for them?---Not specifically.
10:37:52 26
10:37:52 27 Okay, all right. Now, we understand that - and I tender
10:37:56 28 that, Commissioner.
10:37:56 29
10:37:57 30 #EXHIBIT RC1162A - (Confidential) VPL.0099.0113.2576.
10:37:59 31
10:37:59 32 #EXHIBIT RC1162B - (Redacted version.)
10:38:00 33
10:38:01 34 That [REDACTED] - - -?---Sorry, Commissioner, does that mean
10:38:05 35 that all of the detail in that would be available publicly?
10:38:12 36
10:38:12 37 COMMISSIONER: No, it will be reviewed, that's why an A and
10:38:15 38 a B. The A is the one for the Commission and the B is the
10:38:18 39 one that will eventually get published?---Sorry, there's
10:38:23 40 just a lot of very personal information.
10:38:26 41
10:38:26 42 Your counsel will have input into that before it's
10:38:30 43 published?---Sorry.
10:38:32 44
10:38:32 45
10:38:33 46 MR WINNEKE: [REDACTED]
10:38:36 47 [REDACTED]

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10:38:41 1 [REDACTED]
10:38:43 2 [REDACTED]
10:38:44 3 [REDACTED]
10:38:51 4
10:38:53 5 Had you had discussions with him before he was charged
10:38:56 6 about whether he might be charged?---Um, I - I would assume
10:39:05 7 so.
10:39:06 8
10:39:06 9 Why do you assume that?
10:39:08 10
10:39:11 11 MR HOLT: Sorry, Commissioner.
10:39:12 12
10:39:12 13 WITNESS: Because - - -
10:39:13 14
10:39:13 15 COMMISSIONER: Just a minute, Ms Gobbo.
10:39:15 16
10:39:15 17 MR HOLT: The question at line 27 through to 31, it's
10:39:23 18 quintessential biodata that we mentioned - - -
10:39:28 19
10:39:28 20 COMMISSIONER: We'll take out from line 27 through to -
10:39:38 21 maybe we'll leave in [REDACTED] in line 27 and then we'll
10:39:43 22 take out the rest of it down to line 31.
10:39:49 23
10:39:49 24 MR HOLT: Thank you, Commissioner.
10:39:50 25
10:39:50 26 MR WINNEKE: Okay. And you know that he, after he was
10:39:56 27 charged he contacted you and wanted to speak to you upon
10:40:00 28 his arrest?---Yes. Yes, I did.
10:40:04 29
10:40:04 30 Mr Bateson rang you to let you know that he was in
10:40:09 31 custody?---Yes.
10:40:12 32
10:40:12 33 And I take it you didn't say to him, "Well look, I'm not in
10:40:20 34 a position to act for [REDACTED] as you know", or anything
10:40:26 35 like that, did you say anything like that to him?---Um, no.
10:40:32 36 I think in my mind, obviously wrongly, my greatest concern
10:40:38 37 was that if I, um, said anything it would, um, highlight or
10:40:44 38 reveal what I had done and the fact that I'd lied to all of
10:40:47 39 them behind their backs by omission or directly meant that
10:40:53 40 I could potentially be killed by them.
10:40:56 41
10:40:57 42 Had you mentioned that to Mr Bateson around the time that
10:41:00 43 [REDACTED] had appeared in the [REDACTED] for his
10:41:03 44 [REDACTED]?---Yes, I did. I had a breakdown, I was in tears at
10:41:07 45 the [REDACTED]. If my memory's right it was a location
10:41:12 46 outside of Melbourne and I was very emotional.
10:41:16 47

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10:41:16 1 Right. And did you have a discussion with Mr Bateson when
10:41:21 2 you were in that condition?---Yes, I did.
10:41:24 3
10:41:24 4 What do you believe you told him?---Um, I can't, I can't -
10:41:29 5 I would be lying if I, um, if I, if I said that I could say
10:41:35 6 exactly what I said, but I recall, um, I recall the, um,
10:41:42 7 seriousness of the situation hitting me insofar as the
10:41:47 8 circumstances in which that appearance - - -
10:41:51 9
10:41:51 10 I understand that. Are you able to recall the gist of what
10:41:54 11 you spoke to Mr Bateson about, even if you can't recall the
10:41:59 12 exact words, what did you convey to him?---That I was
10:42:04 13 scared and stuck.
10:42:05 14
10:42:06 15 Did he suggest to you that it might be better if you didn't
10:42:10 16 continue to have any involvement with [REDACTED]?---Not
10:42:14 17 that I recall.
10:42:15 18
10:42:16 19 Right. What about, was it suggested to you that you, by
10:42:22 20 any police officer, that you shouldn't have any involvement
10:42:25 21 in acting for [REDACTED]?---Not that I can recall, no.
10:42:31 22
10:42:31 23 Now, as we understand it, [REDACTED] and [REDACTED] - I'm
10:42:41 24 sorry, [REDACTED] and [REDACTED] were [REDACTED] in
10:42:45 25 the Supreme Court and there were issues about subpoenas and
10:42:50 26 disclosure with respect to the proceedings against those
10:42:55 27 [REDACTED] and at that stage you were acting for [REDACTED], is
10:42:58 28 that correct?---Yeah, I appeared for him in front of, um,
10:43:04 29 in the Supreme Court on that, whatever the application was
10:43:08 30 to try and have a committal.
10:43:09 31
10:43:09 32 Did you also appear before Justice [REDACTED] on [REDACTED]
10:43:13 33 2004 where Mr Bateson was giving evidence and [REDACTED] was
10:43:19 34 asking Mr Bateson, on behalf of [REDACTED], again whether
10:43:27 35 [REDACTED] had made other statements, whether signed or
10:43:31 36 unsigned or draft or something like that, do you recall
10:43:35 37 that?---No.
10:43:36 38
10:43:38 39 Well, that's the evidence that we've got, that that's what
10:43:42 40 [REDACTED] was seeking to do and he was seeking to find out
10:43:47 41 if there were any draft statements?---From [REDACTED]?
10:43:51 42
10:43:52 43 Yes, made by [REDACTED]. [REDACTED], I apologise?---Sorry,
10:43:56 44 that's why I got confused. I thought you were saying there
10:44:00 45 was some hearing in front of Justice [REDACTED] where - - -
10:44:02 46
10:44:04 47 Justice [REDACTED], [REDACTED] 2004 and there was argument

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10:44:07 1 about disclosure, right?---Okay.
10:44:08 2
10:44:08 3 Mr Bateson is giving evidence and [REDACTED] is asking him
10:44:12 4 questions along those lines, "Are there draft statements
10:44:16 5 that [REDACTED] has made", those sorts of issues?---Right.
10:44:19 6
10:44:19 7 That doesn't surprise you that a barrister would be seeking
10:44:21 8 that sort of information?---No, I usually put it in
10:44:24 9 subpoenas I drafted (indistinct).
10:44:26 10
10:44:27 11 Of course. You representing a person charged with murder
10:44:29 12 would want to know if any witness had made draft statements
10:44:34 13 because you'd want to find out if they've changed their
10:44:38 14 versions, right?---Of course.
10:44:38 15
10:44:39 16 [REDACTED] was asking questions about notes of police
10:44:42 17 members?---Yes.
10:44:43 18
10:44:44 19 And Mr Bateson was giving evidence about that, do you
10:44:47 20 recall that, you were there?---Sorry, that's my, that's my
10:44:52 21 - I can't recall being there but there's a note that I'm
10:44:56 22 there, obviously I was.
10:44:58 23
10:44:58 24 You were there. The evidence suggests you were there.
10:45:00 25 There's a transcript of it?---Okay, I don't, I don't recall
10:45:04 26 it specifically, but, if this is 04, I've got some issues
10:45:09 27 about 2000 - long-standing issues about parts of 2004, but
10:45:14 28 I'm not disputing what you're saying. Sorry, for
10:45:19 29 interrupting.
10:45:19 30
10:45:20 31 Right. If you were acting for [REDACTED] you would want to
10:45:26 32 be asking similar sorts of questions, wouldn't you?---Yes.
10:45:29 33
10:45:36 34 Now, after [REDACTED] stopped asking questions you were asked
10:45:43 35 if you wanted to ask any questions and you said no?---Okay.
10:45:49 36
10:45:49 37 Well do you think that you gave [REDACTED] value for money
10:45:55 38 when you appeared for him on that day?---I've got no
10:45:59 39 recollection of even being in this hearing, so I obviously
10:46:03 40 can't - - -
10:46:04 41
10:46:04 42 Let's assume you were and let's assume as a barrister you
10:46:07 43 had an obligation to ask questions about whether or not
10:46:10 44 there were draft statements pre-prepared by the [REDACTED]
10:46:16 45 [REDACTED] against your client, right?---Yes.
10:46:18 46
10:46:18 47 You knew, didn't you, that there were draft

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10:46:20 1 statements?---Yes. Well yes - - -
10:46:23 2
10:46:24 3 Because you had been intimately involved in the changing of
10:46:26 4 the statement, correct?---Yes.
10:46:27 5
10:46:27 6 How could you possibly act for ██████████ in that
10:46:31 7 circumstance?---Well obviously I had a huge conflict.
10:46:35 8
10:46:36 9 Right. And it's reasonable to say that you didn't carry
10:46:41 10 out your duty as a barrister on that day, did you?---No, I
10:46:48 11 accept there was a conflict, um, but in answer to your
10:46:52 12 earlier question about why I didn't raise the issue of the
10:46:56 13 draft statements, for the obvious reason I couldn't reveal
10:47:01 14 myself so that's why there was obvious conflict.
10:47:05 15
10:47:05 16 It's quite apparent, isn't it, that you weren't acting in
10:47:09 17 his best interest, you were acting in your own best
10:47:12 18 interest?---Yes, for fear of the consequences, yes.
10:47:15 19
10:47:15 20 And in the best interest perhaps of the police?---Um - I'm
10:47:24 21 assuming that, um, not being killed would have been my
10:47:28 22 priority, not the police.
10:47:29 23
10:47:29 24 Right. And you didn't obviously tell ██████████ that there
10:47:37 25 was a draft statement, you certainly didn't tell him about
10:47:41 26 that, did you?---No.
10:47:43 27
10:47:43 28 And if you didn't ask any questions about it, of the reason
10:47:50 29 you say you, the reason you would say you didn't ask any
10:47:54 30 questions about it is because to do so would potentially
10:47:57 31 expose your role in acting for ██████████?---Correct, I
10:48:04 32 could hardly ask Mr Bateson a question that I knew his
10:48:09 33 answer would have to be, um, to reveal myself.
10:48:12 34
10:48:12 35 Yes. Now - - -?---Sorry to interrupt. But, Commissioner,
10:48:23 36 can someone - the screen's gone all blurry again.
10:48:27 37
10:48:28 38 COMMISSIONER: Right, it's breaking up?---Sorry to
10:48:30 39 interrupt.
10:48:31 40
10:48:31 41 MR WINNEKE: Can you hear what I'm saying though,
10:48:34 42 Ms Gobbo?---Yes, now, now I can.
10:48:36 43
10:48:36 44 Right. You also appeared - - -
10:48:41 45
10:48:41 46 COMMISSIONER: I've lost the video, it doesn't matter. We
10:48:44 47 can continue. I've just lost the video, that's all.

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10:48:47 1
10:48:47 2 MR WINNEKE: You also appeared for [REDACTED] when he was
10:48:50 3 examined at a number of hearings before the Australian
10:48:54 4 Crime Commission in 2004?---I'm not allowed to answer that
10:48:58 5 question.
10:48:58 6
10:48:59 7 No, you can?---I don't think - um, my, um - yes, I did.
10:49:11 8
10:49:11 9 Yes?---Sorry, my lawyer's received a letter.
10:49:17 10
10:49:17 11 MR NATHWANI: Just to be clear for Ms Gobbo, ACIC emailed
10:49:24 12 us before her evidence and made it very clear prior to
10:49:26 13 discussions with counsel for the Commission that if she was
10:49:27 14 to reveal any information about ACC discussions with
10:49:31 15 anybody beyond three people she would be in breach of the
10:49:34 16 law, but I notice representations from counsel for ACIC
10:49:40 17 haven't raised any issues.
10:49:42 18
10:49:43 19 MR WINNEKE: It's been something that's been sorted out in
10:49:45 20 the last day or so.
10:49:47 21
10:49:47 22 COMMISSIONER: Yes, it's sorted.
10:49:48 23
10:49:48 24 MR WINNEKE: It's been sorted.
10:49:50 25
10:49:50 26 COMMISSIONER: Yes, counsel from ACIC is here and it's
10:49:53 27 sorted and Mr Winneke's entitled to ask you these questions
10:49:59 28 and you should answer them?---Sorry, I didn't want to be in
10:50:03 29 any more trouble than I'm in, sorry.
10:50:05 30
10:50:05 31 Sure. That's all right.
10:50:06 32
10:50:08 33 MR WINNEKE: And you appeared for him in [REDACTED] and
10:50:11 34 [REDACTED] of that year?---Yes.
10:50:13 35
10:50:15 36 In [REDACTED] he was being asked questions with respect to
10:50:21 37 matters concerning [REDACTED]?---Um - - -
10:50:27 38
10:50:28 39 Do you agree with that?---I'm not, I'm not in a position to
10:50:31 40 dispute, I just can't recall specifically what he was asked
10:50:34 41 when.
10:50:35 42
10:50:35 43 All right. You don't dispute it?---No, it will be in the
10:50:40 44 transcript, of course.
10:50:40 45
10:50:42 46 Also in the [REDACTED] period of 2004 you were involved in the
10:50:50 47 preparation for committal proceedings which were to occur

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10:50:54 1 in early [REDACTED] of the following year for, on behalf of
10:51:00 2 [REDACTED] and you also - correct, is that correct?---Um, yes,
10:51:07 3 I would have done his, whatever the Form 32 or Form 8A was,
10:51:12 4 the pre-committal stuff back then, yeah.

10:51:15 5
10:51:15 6 Perhaps to step back a bit, you'd appeared for him in the
10:51:19 7 application for a [REDACTED] of the [REDACTED] in the
10:51:21 8 Supreme Court, I think before Justice [REDACTED], and when he
10:51:27 9 was, they were given [REDACTED]. So it effectively moved
10:51:31 10 [REDACTED],
10:51:33 11 correct?---Yes.

10:51:34 12
10:51:35 13 And you'd appeared for him in that application in the
10:51:37 14 Supreme Court?---Yes, I remember, I remember that, yes.

10:51:40 15
10:51:41 16 Okay. And subsequent to that you wrote a fee in which you
10:51:52 17 charged [REDACTED] for preparing examination for senior
10:51:58 18 counsel at the committal who was acting for [REDACTED],
10:52:02 19 that is Mr Heliotis I think, is that right?---That would
10:52:06 20 have been right, yes.

10:52:07 21
10:52:07 22 And you charged - yes, you were briefed by, I think,
10:52:14 23 Solicitor 2 and you charged \$1650 to do that?---Yes. Yes,
10:52:26 24 it seems like not much for a large amount of work, but yes.

10:52:30 25
10:52:32 26 You also prepared a memorandum to give to Colin Lovitt on
10:52:39 27 behalf of the instructing solicitor who was to appear in
10:52:42 28 court at the committal for [REDACTED]. If we can put this
10:52:48 29 up so you can see it. It's MIN.5000.0002.4504?---Yes, I
10:52:58 30 remember that.

10:52:59 31
10:52:59 32 Can we scroll through to the final paragraph of the brief.
10:53:02 33 You see it's from Valos Black & Associates but Nicola Gobbo
10:53:07 34 is in brackets there?---Yeah, I did all the, um, memos to
10:53:13 35 counsel, yes.

10:53:13 36
10:53:16 37 You prepared memos to counsel?---Yep.

10:53:20 38
10:53:21 39 On behalf of the solicitors, is that right?---Yes, yep.

10:53:25 40
10:53:25 41 And the memo indicates that you had been briefed for the
10:53:30 42 client in relation to the [REDACTED] application but given your
10:53:33 43 previous involvement, up until the time, that is for
10:53:39 44 [REDACTED], up until the time he became a [REDACTED] witness it was
10:53:43 45 not viewed as appropriate if you appeared at the committal,
10:53:47 46 although you maintained a brief in the matter?---Yep.

10:53:51 47

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10:53:52 1 Right. And in the memorandum it refers to the fact that
10:53:56 2 disclosure had been sought and what had been received and
10:54:00 3 what you indicate is that not much useful material had been
10:54:05 4 obtained prior to committal. Keep scrolling through it.
10:54:10 5 And further material had been provided as a consequence of
10:54:13 6 the [REDACTED], that is the [REDACTED] subpoena, which was
10:54:18 7 listed and it included investigator diary notes and day
10:54:23 8 book entries and there was a comment that these could be
10:54:25 9 provided but there was little if anything of relevance in
10:54:28 10 them. Anything of interest had been blacked out. Do you
10:54:32 11 see that? Keep going up, sorry, keep going up. Keep
10:54:40 12 going. You've gone past, back to the previous page. Back
10:54:48 13 the other page, yes. Do you see that, "We're able to
10:55:01 14 provide counsel with a copy of these notes but counsel has
10:55:04 15 advised there is little if anything of relevance contained
10:55:07 16 therein, at least anything that may be of interest has been
10:55:11 17 blacked out", do you see that?---Yes, I'm, I was, um,
10:55:16 18 sorry, I was just reading the bit above about, it's
10:55:20 19 bringing back a memory of the not much material. Yes, go
10:55:24 20 on, sorry.

10:55:25 21
10:55:25 22 There was also a note that you made that under no
10:55:28 23 circumstances - can we go to the next page. Keep going.
10:55:34 24 Last page I think it is, or perhaps the one before the
10:55:39 25 last. In any event there's a note, you make a note that
10:55:42 26 under no circumstances would the client entertain any deal
10:55:45 27 whatsoever?---Yeah, they were - they were his instructions
10:55:54 28 at one point.

10:55:55 29
10:55:55 30 I tender that, Commissioner.

10:55:56 31
10:55:57 32 #EXHIBIT RC1163A - (Confidential) Memorandum
10:52:48 33 MIN.5000.0002.4504.

10:56:00 34
10:56:00 35 #EXHIBIT RC1163B - (Redacted version.)

10:56:03 36
10:56:07 37 WITNESS: Was there, um, a reference in that document to a
10:56:11 38 further witness summons?

10:56:14 39
10:56:14 40 MR WINNEKE: There may have been. Now, the committal
10:56:22 41 proceeding commenced on [REDACTED], I think, of 2005. Did you
10:56:30 42 attend the committal at all?---Um, I think I stuck my head
10:56:35 43 in there at one stage.

10:56:36 44
10:56:36 45 Right?---But I wasn't, I don't think I appeared at the
10:56:40 46 committal.

10:56:41 47

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10:56:41 1 Is it the case that you considered yourself to be unable to
10:56:47 2 appear in court for [REDACTED] at the committal?---Um, my
10:56:58 3 recollection is that he specifically, um, he had to have a
10:57:03 4 QC.

10:57:04 5
10:57:04 6 Right. But did you take the view that you couldn't appear
10:57:09 7 yourself, that is with Mr Lovitt?---Perhaps. I'm not sure
10:57:18 8 of whether that, that was the reason or the only reason or
10:57:22 9 whether it was a fee situation as well.

10:57:24 10
10:57:24 11 Right?---I'm not sure, sorry.

10:57:27 12
10:57:27 13 Right. You do note in the advice that you'd, or the
10:57:33 14 memorandum that given your previous involvement up until
10:57:37 15 the time that [REDACTED] became a witness, it was viewed as
10:57:41 16 not appropriate if you appeared at the committal, although
10:57:43 17 you remained, you maintained a brief. Now, can you explain
10:57:50 18 that?---Um, I, casting my mind back it would have been
10:57:59 19 because of, um, the instructing solicitors, um, reliance
10:58:07 20 upon me to obtain every instruction from his client and to
10:58:14 21 explain the process and type his memos.

10:58:18 22
10:58:18 23 Yes. There's no suggestion in the memo that you'd been
10:58:23 24 involved in plea negotiations and the statement
10:58:29 25 process?---Not specifically, no.

10:58:30 26
10:58:31 27 Had you told Mr Lovitt that?---No, I had told Mr Valos
10:58:38 28 though.

10:58:38 29
10:58:38 30 Right. And you hadn't obviously told [REDACTED]?---No,
10:58:49 31 because he would tell [REDACTED] and I'd be killed.

10:58:51 32
10:58:58 33 The transcript indicates, the transcript indicates that on
10:59:04 34 one occasion you were present during the course of the
10:59:10 35 first day of the committal. Is that transcript
10:59:15 36 incorrect?---No, I would have, um, look, I haven't got a
10:59:20 37 memory of actually being there but, um, I would assume that
10:59:26 38 I've been at court for something else at, in the same
10:59:30 39 building on the same day and I would have, I quite often
10:59:34 40 went into other courtrooms to find this, my solicitor, if
10:59:40 41 he was somewhere else.

10:59:41 42
10:59:42 43 But what you do say is that you were simply not appearing
10:59:45 44 on that brief and you weren't acting for [REDACTED] at that
10:59:48 45 time?---No, no.

10:59:53 46
10:59:53 47 All right. Now, on [REDACTED] of 2005 you had a discussion

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11:00:07 1 with Mr Bateson and he made a record of the telephone call
11:00:12 2 and he says that he received a call from you thanking him,
11:00:17 3 Mr Bateson, for keeping her name out of the committal
11:00:20 4 proceeding. Now do you recall making that telephone
11:00:23 5 call?---Not specifically but, um, but I don't dispute it.
11:00:28 6
11:00:29 7 And do you believe that he did take steps to ensure that
11:00:32 8 your name was kept out of the evidence?---Yes, I do.
11:00:37 9
11:00:39 10 How did you understand that occurred?---Because no one,
11:00:43 11 because nobody said anything to me, um, after the
11:00:46 12 committal, or during the committal.
11:00:48 13
11:00:48 14 All right. In addition to that - I gather you at some
11:00:56 15 stage read the transcript of the committal proceeding,
11:00:58 16 didn't you?---Um, I assume so.
11:01:00 17
11:01:01 18 You were turning each page with trepidation hoping that you
11:01:04 19 wouldn't see any reference to your involvement in changing
11:01:06 20 the statement?---That sounds like something I would say,
11:01:12 21 yes.
11:01:12 22
11:01:13 23 Did you have any discussion with Mr Bateson about how he
11:01:17 24 was able to keep your name out of the committal
11:01:22 25 proceeding?---Um, look I may have. I can't recall
11:01:25 26 specifically now.
11:01:26 27
11:01:26 28 Were you aware that your name had been taken out of the
11:01:31 29 notes, at least to some extent, police notes?---Not
11:01:38 30 specifically, but, um, I know that that was - - -
11:01:43 31
11:01:43 32 You assumed that would have been the case?---Yes, of
11:01:46 33 course, or that, or that, or that the police would not
11:01:50 34 refer to me in their, um, evidence during the committal.
11:01:54 35
11:01:54 36 All right. Now, did you also say to Mr Bateson that
11:02:02 37 Solicitor 2 had been badmouthing you to Williams, Carl
11:02:08 38 Williams, and others?---Probably.
11:02:11 39
11:02:12 40 And that Mr Heliotis wouldn't attend court if he wasn't
11:02:18 41 paid?---Um, look, I can't recall but if it's in
11:02:26 42 Mr Bateson's notes it's probably right.
11:02:28 43
11:02:28 44 Did you tell him that he was being paid \$5500 a day and he
11:02:33 45 wouldn't attend if he wasn't paid?---Um, I don't know
11:02:37 46 whether I would have said that or he's asked me or he knew
11:02:41 47 that, but, um - - -

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11:02:44 1
11:02:44 2 I'll just read the note out, "Also stated Solicitor 2
11:02:48 3 badmouthing her to Williams et al., Heliotis 55 a day.
11:02:54 4 Would not attend court if not paid. Also stated none of
11:02:56 5 the barristers involved could be trusted and that any
11:02:57 6 approaches to potential witnesses should not be made
11:03:01 7 through them. He stated that Leanne Warren's firm had
11:03:04 8 received a big backlash because of Steve Miles'
11:03:09 9 involvement". Do you recall saying things like that to
11:03:12 10 Mr Bateson?---Not specifically. Look I'd be lying if I
11:03:16 11 said I could remember a conversation like that.
11:03:18 12
11:03:18 13 Right. If he's made a note of that would you accept that
11:03:21 14 that's something that you've told him?---Well it's
11:03:24 15 something that we've had a conversation about. As to who
11:03:27 16 said what, um, I don't know, I was just, I was thinking
11:03:33 17 about what you asked about the 5500. It was certainly, I
11:03:37 18 don't know whether that was around the time that he
11:03:40 19 executed search warrants on Williams' various instructing
11:03:47 20 solicitors about trust funds, so - but I'm not disputing
11:03:51 21 what he's put in his notes as reflecting some part of a
11:03:54 22 conversation we had.
11:03:55 23
11:03:55 24 And reflecting what you said because he notes that you
11:03:58 25 stated?---Okay, well - - -
11:04:00 26
11:04:00 27 Okay. Apparently Mr Bateson was interested in your
11:04:07 28 comments about the lawyers. Did you understand that, that
11:04:11 29 he was interested in those comments?---Um, well I assume so
11:04:21 30 if he, if that's what, if he's put it down in notes it must
11:04:26 31 have been of significance to him.
11:04:28 32
11:04:28 33 Did you understand that there was a view around that time
11:04:31 34 that, that barristers were receiving and lawyers were
11:04:36 35 receiving money from criminals and there should be efforts
11:04:42 36 made to prevent that from occurring?---Yeah, there was a
11:04:46 37 big push by Simon Overland at the time to, um, to cut off
11:04:52 38 the access of the alleged gangland figures to, um, lawyers,
11:04:59 39 accountants and so forth.
11:05:01 40
11:05:02 41 Did you understand that, or was it your intention at about
11:05:06 42 that time to start providing information to Mr Bateson?---I
11:05:11 43 think I was already talking to him then.
11:05:13 44
11:05:14 45 What about?---I think I - looking at, because this is ■■■,
11:05:21 46 sorry, this is - - -
11:05:22 47

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11:05:23 1 [REDACTED] of 2005?-- [REDACTED] 05.
11:05:24 2
11:05:25 3 Yes?---I, um, I thought this is around the time that I had
11:05:30 4 a couple of cups of coffee with him.
11:05:32 5
11:05:32 6 Right. Yeah, I'll come to that. Do you believe that you
11:05:36 7 were already talking to him prior to the commencement of
11:05:38 8 the committal?---No, I can't be sure of when it started or
11:05:43 9 when he's made a note of it.
11:05:45 10
11:05:45 11 Yes?---And at some, I know at some point he said to me,
11:05:50 12 "I'm recording, making a recording of meetings" because he
11:05:56 13 was by himself.
11:05:57 14
11:05:58 15 Right. So you were aware when you sat with him one-on-one
11:06:03 16 he'd be recording you?---Yes.
11:06:05 17
11:06:05 18 And that any information you would be providing him would
11:06:08 19 be recorded and perhaps used?---Well not necessarily the
11:06:10 20 latter, but definitely that it would be recorded so that
11:06:13 21 there could be no allegations of impropriety.
11:06:16 22
11:06:17 23 What did you understand the point of sitting with
11:06:19 24 Mr Bateson and talking to him was?---Well whether - what I
11:06:26 25 don't know is what, what he was going to do with anything
11:06:29 26 that I had or hadn't said, um, in terms of the use he may
11:06:35 27 make of it or not.
11:06:36 28
11:06:36 29 Yes, all right. There's reference in a Purana document
11:06:40 30 that the Commission has to a discussion that he had, or to
11:06:44 31 a discussion about you?---Right.
11:06:48 32
11:06:48 33 And reference to the fact that you had admitted to
11:06:51 34 investigators that you were "facing financial difficulties
11:06:54 35 due to some of her more high profile clients not paying her
11:07:00 36 bills"?---Sorry, what?
11:07:01 37
11:07:01 38 Some of your more high profile clients not paying your
11:07:06 39 bills?---That was a constant issue with people like Tony,
11:07:10 40 but I wouldn't say financial hardship.
11:07:13 41
11:07:13 42 Do you think you might have had discussions like that with
11:07:20 43 Mr Bateson?---Not in those words, no. I would not have
11:07:23 44 used financial hardship.
11:07:25 45
11:07:26 46 "Financial difficulties due to some more high profile
11:07:31 47 clients", you can't recall that?---No.

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11:07:33 1
11:07:34 2 Do you think you might have made exaggerated comments to
11:07:37 3 that effect?---No, I was not, I was heavily geared at the
11:07:40 4 time with, um, loans and, um, and um, tax bills.
11:07:49 5
11:07:49 6 You were under pressure?---Yeah, but not, not anything, um,
11:07:55 7 like not anything out of the ordinary.
11:07:57 8
11:07:57 9 All right. Was it only Mr Bateson you were speaking to at
11:08:00 10 that time, that is of the police officers?---Yes.
11:08:04 11
11:08:04 12 Righto?---Yes, yes.
11:08:05 13
11:08:07 14 It was a matter of constant concern to you about your
11:08:10 15 involvement with [REDACTED], or that that involvement might
11:08:14 16 come out, you didn't want that to become known?---Correct.
11:08:18 17
11:08:20 18 Now, obviously what you did, you would say with respect to
11:08:26 19 [REDACTED], there was nothing wrong with doing that, that
11:08:29 20 was simply representing [REDACTED] and ensuring that his
11:08:33 21 best interests were looked after, is that right?---Well,
11:08:37 22 um, acting in accordance with his instructions of what he
11:08:39 23 wanted to do, yes.
11:08:40 24
11:08:41 25 Save that because of other people for whom you acted and
11:08:45 26 were acting for at that time you might have been
11:08:48 27 conflicted?---Correct.
11:08:48 28
11:08:48 29 Do you accept that?---Yes.
11:08:50 30
11:08:51 31 COMMISSIONER: Correct she said.
11:08:52 32
11:08:52 33 MR WINNEKE: Okay. Now, can I just put this proposition to
11:09:06 34 you: if you had said to any of these people, that is
11:09:12 35 [REDACTED] or [REDACTED], [REDACTED] has spoken to police.
11:09:21 36 [REDACTED] is determined to plead guilty and assist police.
11:09:26 37 I can't represent him any more because of that", that would
11:09:32 38 be something that they could understand, I assume, wouldn't
11:09:35 39 they, if you'd explained that to them?---Um, yeah. I'm not
11:09:42 40 saying they wouldn't understand it but that mightn't, their
11:09:45 41 response might be, was something I feared.
11:09:47 42
11:09:47 43 Look, the fact is you had the previous year acted for
11:09:53 44 Mr Moran, Lewis Moran?---Correct.
11:09:57 45
11:09:58 46 And that had resulted in Mr Veniamin coming to see you,
11:10:02 47 correct?---Correct, yes.

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11:10:05 1
11:10:05 2 He had been spoken to by Mr Rolfe, correct?---By, by
11:10:11 3 [REDACTED] first and then by his solicitor, yes.
11:10:14 4
11:10:14 5 And no doubt it had been made plain to him that you were
11:10:17 6 simply doing your duty as a barrister and Mr Veniamin was
11:10:23 7 out of order going around and making threatening statements
11:10:27 8 to you?---Yes, and that I would not be appearing for
11:10:29 9 Mr Moran again.
11:10:30 10
11:10:31 11 Right. So it had been made plain, certainly insofar as
11:10:36 12 that case is concerned, that you were doing your job as a
11:10:39 13 barrister?---I'm not disputing that. Whether that's
11:10:43 14 something that, um, that - I can't say that Mr Veniamin
11:10:49 15 would accept that and just move on from that the next day
11:10:52 16 and think everything is fine, but I don't dispute what
11:10:55 17 you're saying.
11:10:55 18
11:10:55 19 It was known that you had represented [REDACTED]. These
11:11:00 20 people, [REDACTED] and [REDACTED] and so forth, knew that you'd
11:11:04 21 represented [REDACTED]?---They knew I had been to see him
11:11:08 22 because they were telling me to make sure that I didn't let
11:11:13 23 him roll.
11:11:13 24
11:11:13 25 Right. And they knew he had rolled?---Yes.
11:11:15 26
11:11:15 27 You were telling him, I assume, "I didn't have anything to
11:11:20 28 do with that"?---Yep.
11:11:21 29
11:11:21 30 And at the, at the hearing in the out of town place, at
11:11:27 31 that stage he hadn't signed any statements, hadn't made any
11:11:33 32 statements, had he?---No, I think the out of town hearing
11:11:38 33 was the, the resolution of the other outstanding matters.
11:11:41 34
11:11:42 35 Right, exactly. And you say you were concerned at that
11:11:45 36 stage, he hadn't done anything at that stage, he hadn't
11:11:50 37 made a statement?---No, but he had been recorded talking to
11:11:53 38 police in involved.
11:11:54 39
11:11:55 40 You hadn't been involved, you could have stepped away at
11:11:59 41 that stage and not had nothing to do with it?---From
11:12:02 42 [REDACTED]?
11:12:02 43
11:12:02 44 Yes, do you accept that?---And then - well, yeah, but I, I
11:12:08 45 guess - - -
11:12:08 46
11:12:09 47 Do you accept that proposition?

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11:12:10 1
11:12:10 2 COMMISSIONER: Just let her answer the question,
11:12:12 3 please?---Yes.
11:12:13 4
11:12:13 5 Sorry, you wanted to say something?---Yes. No, I'll limit
11:12:18 6 myself to yes, Commissioner.
11:12:22 7
11:12:22 8 Thank you.
11:12:23 9
11:12:24 10 MR WINNEKE: Righto. Now, can I ask you this: is it
11:12:29 11 really the case that if you, if it had become known that
11:12:37 12 you had advised ██████████ or represented ██████████ at a
11:12:42 13 time when he advised the police, sorry, that he indicated
11:12:47 14 to police that he was prepared to plead guilty and assist,
11:12:50 15 that that would be, if that was known then these people
11:12:54 16 would no longer brief you, they wouldn't engage you any
11:12:58 17 more?---They might kill me first, but yes, that's a
11:13:05 18 possibility.
11:13:05 19
11:13:05 20 They might, but that's what you say. But is it really the
11:13:09 21 case that your concern was you wanted to stay in, you
11:13:12 22 enjoyed working with these people, you got paid significant
11:13:15 23 amounts of money, and that was the reason why you didn't
11:13:18 24 want it to be known that you had acted for ██████████?---No, I
11:13:24 25 don't agree that that's the, those are the specific only
11:13:29 26 reasons, no.
11:13:29 27
11:13:29 28 It was part of the reason, wasn't it?---Yes.
11:13:32 29
11:13:32 30 You wanted to be a part of it, you wanted to ingratiate
11:13:37 31 yourself with these people, do you accept that?---Yeah, I -
11:13:41 32 looking back I wanted to belong, I wanted to be the, the,
11:13:46 33 um, the holder of every bit of information about every drug
11:13:50 34 trafficker up and down the supply chain. Um, and income
11:13:57 35 wise those people were the worst people to, um, work for
11:14:00 36 because they paid their QC's and everybody else was left
11:14:06 37 waiting, but it was mostly my, um, pathetic as it sounds,
11:14:12 38 my, um, inability to say no and my, um, my need to be, I
11:14:20 39 guess to be wanted or to be valued or feel valued.
11:14:23 40
11:14:23 41 Right. And you were prepared, those feelings were stronger
11:14:26 42 than your obligations or what you regarded as your
11:14:33 43 obligations, or understood your obligations to the courts
11:14:37 44 and to the people you were representing, those important
11:14:40 45 legal obligations?---Well they were obviously compromised.
11:14:45 46
11:14:46 47 The Commission has evidence and there's tape recordings of

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11:14:52 1 you speaking to handlers and there are transcripts,
11:14:54 2 et cetera. And on a number of occasions you spoke to
11:15:00 3 handlers about the role that you had with respect to
11:15:05 4 ██████████ in which you said that you were instrumental in
11:15:08 5 rolling him and the fact that that had been hidden, you
11:15:11 6 don't take issue with that, do you?---No, that - no, I
11:15:16 7 would have said what I've said.
11:15:17 8
11:15:21 9 Indeed, I think on 16 September, around 2005, when you were
11:15:25 10 first being spoken to, that was a matter of great concern
11:15:28 11 to you, that that matter might come out?---Yes.
11:15:32 12
11:15:34 13 Right. And you'd had a number of discussions with your
11:15:37 14 handlers about that at around that time, both in September
11:15:42 15 and then later on in ██████████ of 2006?---Probably, yes.
11:15:49 16
11:15:49 17 And it was a particular concern at that time because there
11:15:52 18 was a trial before Justice ██████████ of ██████████ for the murder
11:15:57 19 of - for the ██████████ murder, ██████████ 2003 murder, and there
11:16:03 20 was a concern that you had that that information might get
11:16:06 21 out, right?---Yeah, what might happen, yes, and what might
11:16:11 22 happen as a consequence, yes.
11:16:12 23
11:16:12 24 And then subsequently there's a note to the effect in, or a
11:16:16 25 discussion in ██████████ of 2006 where you talk about changing
11:16:21 26 ██████████'s statements, do you accept that that's what you
11:16:24 27 told your handlers at the time?---Yeah, I don't, I can't
11:16:28 28 dispute it, Chris, because I don't - I, um, I might not
11:16:33 29 have a specific memory of it, but if it's there I would
11:16:37 30 have said it.
11:16:38 31
11:16:38 32 COMMISSIONER: Sorry, did you want to say something
11:16:41 33 else?---No, no, no.
11:16:42 34
11:16:42 35 Just before we break, there's been some suggestion that
11:16:45 36 police put pressure on you whilst you were in hospital or
11:16:48 37 around that time recovering from the stroke, suffering from
11:16:50 38 the stroke. Did you want to say anything about that?---No,
11:16:54 39 Commissioner, what I, what I learned, um, in talking to my
11:17:00 40 solicitors is that evidence has come out during the
11:17:03 41 Commission that there was a plan, um, by Victoria Police to
11:17:08 42 come and put pressure on me while I was in intensive care
11:17:12 43 at the time of my stroke.
11:17:14 44
11:17:14 45 But did that happen?---No, no.
11:17:16 46
11:17:16 47 It didn't happen, okay?---I can't remember any police

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11:17:20 1 visiting me then, no.
11:17:23 2
11:17:23 3 Thank you. Yes, we'll adjourn for 15 minutes.
11:17:27 4
11:17:27 5 (Short adjournment.)
11:17:28 6
11:37:30 7 COMMISSIONER: Yes, Ms Gobbo's on the line. Yes,
11:37:33 8 Mr Winneke?---Yes.
9
11:37:35 10 Thanks, Ms Gobbo.
11
11:37:37 12 MR WINNEKE: Thanks. Ms Gobbo, in [REDACTED] of 2005 there was
11:37:39 13 a committal proceeding for [REDACTED]?---Yes.
14
11:37:43 15 In relation to [REDACTED] concerning [REDACTED]
11:37:49 16 of [REDACTED]?---Sorry, yes, there was a - - -
17
11:38:06 18 I can't go into too much detail about that but you know
11:38:10 19 what I'm talking about, you know the [REDACTED] that
11:38:13 20 we're talking about?---Yes.
21
11:38:15 22 There was that committal proceeding in 2005, [REDACTED] was
11:38:18 23 the informant?---Yes, yes.
24
11:38:22 25 The committal was going to go for I think about four days
11:38:26 26 but it settled after two and [REDACTED] indicated that he
11:38:30 27 was going to take a particular course?---Yes, I don't think
11:38:33 28 that there was, um, there was ever going to be actual
11:38:38 29 cross-examination of anyone. I think it was to resolve the
11:38:41 30 charges.
31
11:38:43 32 Yes, yes. You had a discussion with [REDACTED] at some stage
11:38:49 33 after the committal proceeding, or it might have been
11:38:51 34 during the committal proceeding?---Um, yes, I would have
11:38:56 35 spoken to him a number of times.
36
11:38:57 37 Yeah. And on one occasion, and I'm putting to you material
11:39:01 38 that we know, at least that [REDACTED] has told us about, so
11:39:04 39 you can accept that?---I accept that, yes.
40
11:39:07 41 He says he's had a coffee with you and [REDACTED] and [REDACTED]
11:39:11 42 [REDACTED] and there was some talk in the discussion that
11:39:18 43 [REDACTED] may well cooperate with police.
44
11:39:25 45 COMMISSIONER: [REDACTED]?---[REDACTED].
46
11:39:29 47 MR WINNEKE: I'm sorry, yes?---Yes, if that's what

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11:39:31 1 [REDACTED]'s written down then I - - -
2
11:39:33 3 To be clear, you had discussions, a number of discussions
11:39:37 4 with [REDACTED] throughout 2005. On [REDACTED] 2005 you started
11:39:43 5 talking with him about potential cooperation by [REDACTED]
11:39:49 6 with the police, [REDACTED] 05?---Yes, and he's saying that -
11:39:54 7 what you said before, that there was some joint
11:40:00 8 conversation in which [REDACTED] was present where, and [REDACTED]
11:40:04 9 [REDACTED] where this was touched upon.
10
11:40:09 11 Yeah, okay?---Yes.
12
11:40:12 13 When you had that discussion with [REDACTED] on [REDACTED] do
11:40:20 14 you know - I withdraw that - with [REDACTED] about
11:40:23 15 [REDACTED]'s cooperation?---Yes.
16
11:40:25 17 I take it that would have been with [REDACTED]'s
11:40:28 18 instructions?---Yes, he, um, [REDACTED], um - probably the
11:40:38 19 best way to describe it is he wavered between a kind of
11:40:44 20 bravado about not being prepared to assist the police at
11:40:51 21 all, ever, under any circumstances, right to the other end
11:40:55 22 of the spectrum.
23
11:40:56 24 Yes?---And, um, I think what - I know what did occur to
11:41:02 25 him, um, as a result of his, the resolution of those [REDACTED]
11:41:07 26 [REDACTED] charges was that he was facing a significant amount
11:41:10 27 of gaol time.
28
11:41:12 29 You'd had discussions with him about the amount of gaol
11:41:15 30 time that he might be facing?---Yeah, a best estimate, yes.
31
11:41:28 32 Did you have a view about the sort of gaol time that he
11:41:32 33 might be facing in relation to those [REDACTED]
11:41:36 34 charges?---Yeah, [REDACTED].
35
11:41:38 36 Did you say - there's evidence that you had discussions
11:41:40 37 with the SDU suggesting that you'd mentioned to him
11:41:44 38 somewhere in the region of [REDACTED] years?---Yes.
39
11:41:48 40 So that was his belief - - - ?---And he had - - -
41
11:41:53 42 He believed that that's what he would be likely to
11:41:59 43 get?---Um, yes, I can't - look, I can't say whether it was
11:42:05 44 possibly more than that but he had the extra aggravating
11:42:08 45 factor of offences [REDACTED]
11:42:13 46 [REDACTED].
47

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11:42:16 1 Yes, I follow that. Around [REDACTED] that's when you start -
11:42:19 2 [REDACTED] 2005 - that's when you start to provide information
11:42:23 3 to Mr Bateson, do you accept that?---Yeah, I can't - I
11:42:27 4 don't know exactly when it was but I don't dispute whatever
11:42:31 5 notes, material you've got.
6
11:42:33 7 Righto. Do you think you might have also been providing
11:42:36 8 information to Mr Flynn at around that time prior to your
11:42:41 9 SDU registration?---Um, not, um, not specifically but I
11:42:51 10 know that, um, if I spoke to him and he asked me anything I
11:42:55 11 would have answered it.
12
11:42:57 13 What, even if it was information that you had about your
11:43:00 14 own clients?---Well he wasn't, he would never ask that kind
11:43:08 15 of specific question. Um, I think there was a general
11:43:13 16 assumption by the police that I was dealing with that I
11:43:17 17 knew far more about the criminal activity of those people
11:43:22 18 than they perhaps did.
19
11:43:30 20 You've indicated to us already that you accumulated
11:43:35 21 information, you were interested in gathering as much
11:43:37 22 information as you could. As you got a brief you kept that
11:43:41 23 information?---Yeah, I did, I kept - - -
24
11:43:44 25 And added to it?---Yeah, not - yes, not necessarily in the
11:43:49 26 way that you're saying it but what occurred over time was
11:43:52 27 that I did these long chronologies, um, where I broke down
11:43:56 28 a brief and, um, if you did enough of the same type of
11:44:03 29 drugs, as in amphetamine or, um, ecstasy cases - - -
11:44:07 30
11:44:07 31 You worked out who's who in the zoo and what they're doing,
11:44:12 32 and you had a great deal of knowledge about the intricacies
11:44:16 33 of the drug trade in Melbourne and who was doing what
11:44:19 34 ?---Yeah, you could match up the forensic analysis, one
11:44:24 35 brief to another.
36
11:44:27 37 And it was apparent to you that police officers you spoke
11:44:28 38 to were aware of your knowledge?---Yes, they made that
11:44:31 39 clear over time, yes.
40
11:44:33 41 Do you say that it wouldn't be - police officers would come
11:44:36 42 to you and ask you if you knew anything about certain
11:44:40 43 matters and you might provide that information if you knew
11:44:43 44 it?---Um, not exactly. I know at one point, um, two things
11:44:55 45 stick out. One, I was told that I was on a whiteboard at
11:44:59 46 the Drug Squad as like a dart board, um, in terms of bail
11:45:04 47 applications because they, they had a view that, um, I

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11:45:08 1 would ask them difficult questions or, um, reveal, put them
11:45:15 2 in a position where they might reveal things that they
11:45:19 3 didn't want to reveal so they had a policy of trying to
11:45:22 4 send a junior officer who couldn't answer the questions or
11:45:24 5 wouldn't be in a position where they had to mislead a
11:45:28 6 court. And the other thing that, the other, um, thing that
11:45:33 7 happened over, um, post-stroke into 05 was that, um, I kept
11:45:45 8 bumping into, um, I just can't remember his name, there was
11:45:51 9 a detective in the amphetamine crew who - at one stage I
11:45:57 10 thought he was following me because I kept seeing him at my
11:46:01 11 home address and it turned out that he was having a
11:46:03 12 relationship with the person who lived underneath me,
11:46:07 13 underneath my apartment.
14
11:46:08 15 Yes?---And he kept speaking to me and, um, kind of, um, I
11:46:14 16 guess taunting me about what he thought was going on and
11:46:17 17 saying things like, "I'm putting an IR in about this" and
11:46:22 18 "I'm going to make a report about that", which just made me
11:46:25 19 more paranoid I guess.
20
11:46:27 21 Right. Do you think you provided any information to people
11:46:29 22 other than Bateson and Flynn in that early part of
11:46:34 23 2005?---Um, I don't think so. Ah - - -
24
11:46:44 25 All right?---I don't think - but if there's some notes that
11:46:48 26 have, um, me speaking to police at that time I'm not in a
11:46:55 27 position to dispute it either.
28
11:46:57 29 COMMISSIONER: Do you remember who sent the junior officer
11:46:59 30 along, who said they would send a junior officer along and
11:47:06 31 they didn't know anything to be cross-examined at bail
11:47:10 32 applications or directions hearing?---Not specifically,
11:47:12 33 Commissioner, but it was not an uncommon practice
11:47:15 34 because - - -
35
11:47:16 36 Yes. That's all right. I just wondered if you remembered
11:47:20 37 who actually said it to you?---No, I'll - now I've turned
11:47:23 38 my mind to it I'll think about who - it's not the only time
11:47:30 39 it's been said but I'll have a think about it. Just make a
11:47:33 40 note.
41
11:47:33 42 And it was something that you noticed as occurring as you
11:47:37 43 were a barrister in the courts?---Yes.
44
11:47:40 45 Yes, okay. Thank you.
46
11:47:42 47 MR WINNEKE: Right. Now, I want to ask you about Solicitor

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11:47:48 1 2 and information that you provided to Mr Bateson.
11:47:52 2 Firstly, we know that on 10 May 2005 Solicitor 2 was
11:47:59 3 arrested by Purana detectives, including Detective Kerley,
11:48:05 4 and charged with possession of an unregistered firearm and
11:48:09 5 four counts of giving false evidence to the ACC. You
11:48:12 6 accept that?---Sorry, what date was that?
7
11:48:15 8 10 May 2005?---Yes.
9
11:48:18 10 And when she was arrested she called you and you attended
11:48:23 11 upon her at St Kilda Road; is that correct?---I don't
11:48:28 12 recall it but I'm - if there's a note that I did, yes, I
11:48:32 13 would.
14
11:48:32 15 You don't dispute that?---No, no, no, no.
16
11:48:37 17 Right. Now, is it the case that - we know that on 23 March
11:48:52 18 2005 Solicitor 2 had been - this is what you told Bateson,
11:48:58 19 that she'd been bad mouthing you to Carl Williams,
11:49:02 20 right?---Yes.
21
11:49:05 22 Was it the case that around that time, as far as you were
11:49:07 23 concerned, Solicitor 2 had become a lot closer to Tony
11:49:12 24 Mokbel?---Absolutely, yes.
25
11:49:16 26 Right. Did you take the view that she was in effect
11:49:26 27 providing, dealing with Mr Mokbel, rather than he would be
11:49:32 28 dealing with you, as had occurred in the past?---No, he had
11:49:40 29 - I don't recall him having less contact with me.
30
11:49:43 31 Yes?---It was more that, um, his - my ability to reason
11:49:52 32 with him and get common sense out of him appeared to become
11:49:57 33 extremely difficult.
34
11:49:58 35 Yes?---Um, and, you know, it became obvious over time what
11:50:05 36 had gone on because eventually, I can't remember when, but
11:50:10 37 Tony changed solicitors to her.
38
11:50:12 39 Right. So would it be fair to say when she came on to the
11:50:16 40 scene you didn't hear from Mr Mokbel as much as you had
11:50:20 41 previously?---No, um, I continued to, um, hear from him and
11:50:27 42 speak to him multiple times.
43
11:50:30 44 Right?---But his, um - look at one stage his, um, he was
11:50:38 45 very sensible about accepting the state of the evidence
11:50:41 46 against him and what, and giving me instructions, um, which
11:50:48 47 I took to a Crown prosecutor.

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1
11:50:50 2 Yes?---And then once she became involved some of his
11:50:54 3 instructions became quite insane.
4
11:50:58 5 Right. Can I ask you to have a look at an ICR. This is an
11:51:04 6 information contact report of 21 September 2005 on
11:51:13 7 p.9?---Sorry, what date?
8
11:51:15 9 I'll put this up, ICR, p.9, meeting number 2 with the SDU,
11:51:20 10 21 September 2005?---Yep.
11
11:51:31 12 Have a look at the very top of the page, "Previously Jim
11:51:38 13 Valos was Mokbel's solicitor, that was up until last year.
11:51:44 14 They were always righting over money that Mokbel
11:51:47 15 owed"?---Yes.
16
11:51:48 17 Jim Valos stopped dealing with him as a result Mokbel deals
11:51:51 18 with you. When he stopped engaging with Mr Valos he would
11:51:56 19 deal directly with you, correct, is that what you told
11:51:59 20 them?---No, well - no. When he, when, um, Mr Valos was his
11:52:08 21 solicitor he had very little dealings with Jim, it was
11:52:13 22 always me.
23
11:52:14 24 Right?---Um, his solicitor was more a post office box than
11:52:20 25 anything else.
26
11:52:21 27 Right, okay?---Then once he changed solicitors, um, he
11:52:26 28 would not deal with me in the same way as in he wasn't by
11:52:31 29 himself, he was more often than not with Carl or with other
11:52:37 30 people. And he - I don't recall the amount of telephone
11:52:39 31 calls being, um, any, necessarily any less. Like he used
11:52:45 32 to ring me almost every day, or multiple times.
33
11:52:48 34 Look, it appears that what you've told the handlers is,
11:52:52 35 "However since Solicitor 2 came on the scene Ms Gobbo
11:52:55 36 doesn't hear from Mokbel as much", that's apparently what
11:52:58 37 you've told them in the second meeting, do you see
11:53:01 38 that?---Yep, yep.
39
11:53:02 40 What you say is that in effect, what you're saying to them
11:53:06 41 is Solicitor 2 came on to the scene and more or less became
11:53:10 42 Mr Mokbel's first port of call, whereas previously that was
11:53:13 43 you?---No, I'm not - I don't, I'm not disputing that I've
11:53:20 44 said to them that he's not ringing us five times a day
11:53:24 45 instead of twice a day.
46
11:53:25 47 Right. But you don't hear from Mokbel as much?---Yes, I'm

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11:53:29 1 not disputing that.
2
11:53:31 3 Do you consider that there was, with the benefit of
11:53:34 4 hindsight, any jealousy on your part?---Um, I might - I'm
11:53:45 5 hesitating because I'm really thinking about your question.
6
11:53:48 7 Yes?---Um, to the extent that, um, you know, with the
11:53:58 8 benefit of hindsight and I can look back on my lack of
11:54:01 9 emotional maturity and, um, ah, my self-esteem being in
11:54:11 10 part relying upon feeling wanted and valued and needed.
11
11:54:15 12 Yes?---In that context, yes.
13
11:54:19 14 Yeah, all right. The reason I say that is because when one
11:54:24 15 examines the material and the material that - the things
11:54:28 16 that you told the SDU, it does appear to be the case that
11:54:31 17 Solicitor 2 was a prime target of some fairly vitriolic
11:54:36 18 information and vitriolic comments that you'd made, do you
11:54:40 19 accept that?---Oh yes. This is at a time when, um, the
11:54:47 20 first time that she starts telling everyone I'm a dog.
21
11:54:51 22 Do you say that that's when those vitriolic comments or
11:54:56 23 those sorts of comments are made and not other than in
11:55:00 24 relation to her saying that you're a dog?---Sorry, say that
11:55:06 25 again.
26
11:55:08 27 Do you say that it's only in relation to her, that is
11:55:11 28 Solicitor 2, describing you as a dog that you make
11:55:15 29 vitriolic comments or was it - were your comments to her
11:55:19 30 made - about her, I apologise - more general than that, not
11:55:24 31 simply with respect to her making comments about you?---No,
11:55:28 32 more general.
33
11:55:30 34 Right. You think that is perhaps as a result of what you
11:55:35 35 regard as your immaturity, insecurity and perhaps
11:55:39 36 jealousy?---Yeah, that's what I'm saying. You know,
11:55:43 37 looking back with hindsight, um, my level of, um, emotional
11:55:49 38 maturity was, ah, was hopeless in retrospect and, um, you
11:55:58 39 know, as pathetic as it is for me to admit, you know,
11:56:03 40 looking back I did derive some self-importance and some
11:56:07 41 feeling that I was, um, you know, relevant or validated by
11:56:12 42 reason of being wanted by people like Tony.
43
11:56:16 44 Yeah, righto. It's around May of 2005 that you start
11:56:25 45 providing information to Mr Bateson about Solicitor 2, do
11:56:32 46 you accept that?---Yes, he had a specific, um, I would say
11:56:40 47 - I don't want to say interest in her, I would say a

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11:56:43 1 specific level of hatred for her.
2
11:56:47 3 Did that coincide with the period in which Solicitor 2 had,
11:56:51 4 in effect, if I can put it this way, usurped your position
11:56:55 5 with respect to Mr Mokbel?---Yeah, I think it's - this is
11:57:03 6 also around the time that, um, I can't remember whether
11:57:07 7 it's Bateson tells me or it's somehow, some other - how I
11:57:14 8 learnt it but, um, they were having an intimate
11:57:19 9 relationship and, um - - -
10
11:57:23 11 What, Mokbel and Solicitor 2?---Yes.
12
11:57:27 13 And that made you angry?---Um, not angry in the sense of I
11:57:33 14 wanted to be in her position, but angry in the sense of, or
11:57:39 15 in the sense of, um, I couldn't get common sense out of him
11:57:44 16 any more.
17
11:57:45 18 All right. Now, on 19 May 2005 there was an arrangement
11:57:52 19 that you made with Mr Bateson and in the conversation you
11:57:55 20 made a comment about Solicitor 2 to the effect that it's
11:57:58 21 hard to get paid, that she doesn't have a trust account,
11:58:02 22 and it's hard to get paid by someone who doesn't have a
11:58:06 23 trust account?---Yep.
24
11:58:08 25 Did you meet with Mr Bateson on a number of occasions
11:58:11 26 throughout 2005?---Yes.
27
11:58:17 28 And you wanted, you told him on 22 May that you wanted to
11:58:20 29 pass on information about Solicitor 2, yes?---Yeah, I can't
11:58:28 30 - what I can't tell you from memory is how that came about
11:58:33 31 but I do recall that he was, he had a specific interest in
11:58:39 32 her from the point of view of, um, being able to cut off,
11:58:45 33 um, Williams', um, access to representation.
34
11:58:52 35 Right. You'd had a discussion with him on 23 March where
11:58:56 36 you rang and thanked him and during that discussion you
11:59:00 37 mentioned that Solicitor 2 had been bad mouthing you,
11:59:04 38 right?---This is what you asked me about earlier on, yes.
39
11:59:07 40 And then subsequent to that there's an arrangement to meet
11:59:11 41 and you start providing information about her and other
11:59:14 42 people, and the first occasion is 23 May 2005 where you
11:59:19 43 meet at the Emerald Hotel?---Right, yes.
44
11:59:22 45 Right. You told him on that occasion that you believed
11:59:25 46 Solicitor 2 was providing a message service between
11:59:29 47 Williams and those on the outside, including Tony Mokbel,

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11:59:34 1 who were using her LPP calls, do you recall telling him
11:59:39 2 that?---Not specifically but I'm, I wouldn't dispute what's
11:59:43 3 in his notes or recordings.
4
11:59:45 5 Righto. That's something that you'd done in the past, is
11:59:49 6 it not?---Yes.
7
11:59:53 8 You'd done the same thing?---Yep.
9
11:59:59 10 And you also told him that Solicitor 2 didn't use a trust
12:00:02 11 account and that was contrary to the legal practices?---Um,
12:00:08 12 again, I can't dispute what he's written down but, um, I -
12:00:14 13 my recollection is that that was not, there was nothing
12:00:18 14 wrong with that, um, as in because she was a young, I think
12:00:23 15 she was a relatively new practitioner in Victoria, um, she
12:00:31 16 had to use someone else's trust account. But I don't think
12:00:34 17 it was illegal or improper.
18
12:00:37 19 But nonetheless you felt that it was necessary for you to
12:00:40 20 tell Mr Bateson about that?---Well I can't - look,
12:00:46 21 obviously I can't, I can't sit here and say that what he's
12:00:50 22 written down is, like is a direct quote of what I've said.
23
12:00:54 24 Right?---Or he's - or whether he's asked a question and
12:00:58 25 I've said yes or no or I've said exactly those words.
26
12:01:02 27 Right?---But in general I'm not going to dispute - - -
28
12:01:05 29 You don't dispute - - - ?---No.
30
12:01:07 31 - - - that you were speaking to him and those sorts of
12:01:09 32 comments were being made?---Correct.
33
12:01:14 34 Likewise, I mean if you were telling him that she had been
12:01:20 35 using her telephone, LPP telephone as an opportunity to put
12:01:25 36 people in touch with each other, that is perhaps improperly
12:01:33 37 using the LPP calls, do you say that's something that would
12:01:39 38 have been extracted from you or would you have freely told
12:01:42 39 Mr Bateson that?---Um, not necessarily either of those.
12:01:51 40 Um, um, he made it clear that - he made it clear to me that
12:01:56 41 he was particularly interested in, um, her activities.
42
12:02:00 43 Yes?---And, um, I would have just answered whatever he
12:02:04 44 asked.
45
12:02:07 46 Did you tell him about the people who were, who you were
12:02:12 47 facilitating calls between, or had previously?---Um, no,

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12:02:18 1 no. Um, but I think I was cognisant of it.
2
12:02:24 3 Who had you permitted to speak using your professional
12:02:29 4 calls?---I can't think off the top of my head. Um, I know
12:02:38 5 that there were a couple of times after - I don't know if
12:02:43 6 I'm allowed to say, um, his name as in a name that we
12:02:47 7 haven't come across yet but, um - - -
12:02:52 8
12:02:52 9 Who did you permit this person to speak with?---Um,
12:02:57 10 [REDACTED]
11
12:02:59 12 Right. And the other person - yeah, all right. Perhaps
12:03:05 13 we'll leave that for the moment.
14
12:03:14 15 COMMISSIONER: She could write it down if you want the
12:03:16 16 information and pass it to Commission staff if you think
12:03:18 17 it's important?---No, Commissioner, I'm trying to - in
12:03:23 18 answer to his question I'm - one immediately springs to
12:03:29 19 mind of a time when somebody - - -
20
12:03:31 21 MR WINNEKE: It might be best not to say it?---Okay, sorry.
22
12:03:35 23 Given your concern. Listen, you continued to speak to
12:03:41 24 Mr Bateson throughout 2005. You spoke to him on 4 June and
12:03:47 25 you told him that you had information about Solicitor 2 you
12:03:51 26 wanted to pass on, do you accept that?---Yeah, I don't have
12:03:58 27 a memory of it but I'm not, again I don't dispute what he's
12:04:02 28 written down or what he's said.
29
12:04:04 30 You also started to tell him about property that George
12:04:10 31 Williams had and that she had a caveat, that is Solicitor 2
12:04:15 32 had a caveat on George Williams' property that was not
12:04:19 33 restrained?---Um, yes, I don't know - I obviously can't say
12:04:25 34 what he asked or - but I'm assuming from the, the, um,
12:04:33 35 notes or information that you've got that, um, he was
12:04:39 36 asking me things about her and I must have been acquiring
12:04:45 37 that information and then telling him.
38
12:04:47 39 In any event, you're telling this information about
12:04:51 40 Mr Williams' property, do you accept that?---Yes.
41
12:04:54 42 And Mr Williams was a client of yours at around that
12:04:58 43 time?---Um - - -
44
12:05:00 45 George Williams?---Yes, I think I was doing his, the first
12:05:05 46 drug prosecution or it was being withdrawn, yes.
47

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12:05:09 1 Did you tell him that there wasn't enough attention being
12:05:12 2 paid to restraining Mr Mokbel's assets?---Not that I can
12:05:18 3 recall.
4

12:05:19 5 If there's a note to that effect would you accept that
12:05:21 6 that's what you told Mr Bateson?---Yeah, I accept that it
12:05:26 7 would have come up in the conversation. But my
12:05:28 8 understanding is that there were recordings of all those
12:05:32 9 meetings.
10

12:05:34 11 Do you accept that at that time you were acting for
12:05:36 12 Mr Mokbel?---Yes.
13

12:05:38 14 All right. Do you agree that you spoke to Mr Bateson on 29
12:05:47 15 June 2005 and told him that George Williams had taken out a
12:05:52 16 loan against his home which may be dodgy in order to pay
12:05:57 17 legal fees? We've got a note to that effect taken by
12:06:02 18 Mr Bateson, do you accept that that's what you told him on
12:06:05 19 29 June 2005?---I've got no memory of it but I don't
12:06:13 20 dispute what he's written down. What I can't say is how it
12:06:17 21 got said or in what circumstances.
22

12:06:20 23 Did you write a fee, did you charge Mr Williams a fee for
12:06:27 24 doing work for him in that period of time for about \$14,000
12:06:33 25 for work relating to Carl and George Williams where
12:06:38 26 Solicitor 2 had been your instructor?---Um - - -
27

12:06:47 28 Do you want to see your fee book?---No, no, I'm trying to -
12:06:52 29 I'm trying to work out what, I'm trying to think - I'm not
12:06:56 30 disputing the fee. I'm trying to work out what it, whether
12:06:59 31 that was the Supreme Court, um, or the Supreme Court
12:07:02 32 hearing, um, that - the trial that got elevated to the
12:07:12 33 Supreme Court and then ended up being resolved, that was my
12:07:16 34 George Williams' involvement yes. I'm not disputing it,
12:07:23 35 I'm just trying to remember it.
36

12:07:24 37 In any event, you're not disputing it. The facts are
12:07:25 38 these: you accept that you speak to Mr Bateson, you tell
12:07:28 39 him that Williams has taken out a potentially dodgy loan in
12:07:32 40 order to pay legal fees and at that time you'd written a
12:07:35 41 fee on 28 April and you were waiting to be paid for \$14,000
12:07:40 42 work you'd performed, would that be reasonable?---I don't
12:07:44 43 dispute that.
44

12:07:45 45 Briefed to appear in a committal proceeding, including
12:07:48 46 preparation and conferences, \$14,000. Do you think that
12:07:51 47 the money or the dodgy loan might have been taken out to

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12:07:53 1 pay your fees?---Potentially. Maybe that's why I was
12:08:00 2 paranoid, that I was going to have a warrant executed on me
12:08:04 3 like everyone else had.
4
12:08:06 5 Do you think when you got your fees you declared or you
12:08:08 6 disclosed that they might have been the proceeds of some
12:08:12 7 improper transaction on the part of Mr Williams?---I don't
12:08:15 8 know, I wouldn't have received the funds myself. It would
12:08:19 9 have been my clerk. And when the funds are coming from an
12:08:24 10 alleged drug trafficker without a job the solicitor makes
12:08:27 11 those inquiries. I know I did when I had the direct
12:08:30 12 dealing with people that were in that situation.
13
12:08:32 14 Do you think there was any inconsistency in your position
12:08:36 15 in acting for Mr Williams, charging him fees and then
12:08:40 16 telling the police about a property he had or any loans
12:08:45 17 taken out by him?---Sorry, what was the start of the
12:08:54 18 question? Sorry.
19
12:08:55 20 Did you have a conflict, were you in a conflicted
12:08:58 21 situation?---Oh yes. Yes. I was trying to think - yes,
12:09:02 22 sorry, go on.
23
12:09:03 24 21 July did you have another discussion with Mr Bateson and
12:09:08 25 did you suggest to Mr Bateson that it might be worthwhile
12:09:13 26 having Solicitor 2, who was to be called before the ACC,
12:09:18 27 questioned about her obligations in relation to the source
12:09:20 28 of client funds?---Um, again I've got no specific memory of
12:09:30 29 the conversation I had but, um, but whatever the notes
12:09:35 30 Mr Bateson's made would reflect some part of the
12:09:38 31 conversation.
32
12:09:39 33 Right?---Um, I know that I was, um, ah, my memory in
12:09:47 34 general is that I had a number of meetings with him where,
12:09:51 35 um, he was asking me tactical questions about well, um, you
12:09:56 36 know, along the lines of, "Well what are ways that, um,
12:10:01 37 that we can implement the, um, the, um, directive of
12:10:10 38 Overland in terms of trying to track down the money?"
39
12:10:13 40 Right?---Or trying to stop the money.
12:10:15 41
12:10:15 42 I follow that. Effectively you're considering yourself as
12:10:18 43 a person who's assisting the police in tracking down
12:10:24 44 money?---Yeah, I'm - he was asking me ways to do it and I
12:10:28 45 was telling him.
46
12:10:29 47 Right. Effectively you're providing a service to Victoria

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12:10:34 1 Police?---Yep.
2
12:10:35 3 All right. Did you speak on 23 August 2005 and tell
12:10:40 4 Mr Bateson that Solicitor 2 was upset after her examination
12:10:44 5 and that she'd purchased a particular dog so LDs couldn't
12:10:49 6 be installed?---Um, probably. Again, I'm sorry, I'm
12:10:57 7 not - - -
8
12:10:58 9 What you say is if there are notes of that you can't
12:11:01 10 dispute it?---Correct.
11
12:11:02 12 But we'd have to take into consideration that we don't know
12:11:06 13 exactly the circumstances in which it came out?---Yes ,
12:11:08 14 that's right, and - - -
12:11:08 15
12:11:09 16 Likewise with respect to - - -
17
12:11:11 18 COMMISSIONER: Just a minute, she just wants to say
12:11:13 19 something else?---And I'm sorry, I was always led to
12:11:15 20 believe that there were digital recordings of all those
12:11:18 21 meetings. So, um, I'm at a loss to know why there's not a
12:11:23 22 - like the Commission doesn't have the audio or a
12:11:26 23 transcript of exactly who said what.
24
12:11:29 25 MR WINNEKE: We don't, Ms Gobbo, that's why I'm asking you,
12:11:32 26 right?---Sorry. Sorry, go on.
27
12:11:34 28 Do you accept that you had those conversations?---Yes.
29
12:11:37 30 Or conversations of that sort?---Yes, yes.
31
12:11:40 32 Did you speak George Williams' loan and Solicitor 2's
12:11:47 33 vehicle and were you asked to find out more
12:11:49 34 information?---Yes, if that's what the notes say, again I
12:11:51 35 don't dispute it.
36
12:11:52 37 Do you recall that Mr Bateson was tasking you on occasions
12:11:55 38 to find out more information?---That's my, as I said,
12:11:59 39 that's my general recollect, that he was asking me things,
12:12:02 40 yes.
41
12:12:03 42 On 1 September 2005 it's apparent that Mr Bateson had
12:12:09 43 attended court earlier on the day in relation to subpoena
12:12:14 44 arguments in a trial that Williams was then undergoing for
12:12:18 45 the murder of Marshall and you were concerned, you called
12:12:23 46 Mr Bateson and you were concerned about comments that
12:12:27 47 Solicitor 2 had made to the effect that she would be

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12:12:32 1 receiving unedited notes?---Yeah.
2
12:12:37 3 That would be consistent, wouldn't it, because you were
12:12:40 4 very concerned - - - ?---Yes.
5
12:12:41 6 - - - that your involvement might have come out?---Yes.
7
12:12:45 8 Yes, it was self-preservation, that's right. Wrong as it
12:12:48 9 was, it was - yes.
10
12:12:51 11 You were reassured by Mr Bateson that that would be
12:12:55 12 resisted, that is that Solicitor 2 would not be getting
12:13:00 13 those notes on behalf of her client?---Yeah.
14
12:13:05 15 Can I suggest that you told Mr Bateson on that day about a
12:13:09 16 run in that you'd had or a meeting that you'd had with the
12:13:13 17 Drug Squad which had ended in you crying and that was the
12:13:17 18 meeting that you'd had with Mansell and Rowe at the
12:13:22 19 Magistrates' Court when you were appearing for a person, I
12:13:26 20 think we're calling him [REDACTED]?---I thought he - yes, I
12:13:31 21 know what you're talking about. I thought he [REDACTED] a
12:13:34 22 [REDACTED]
23
12:13:35 24 You know who I'm talking about?---Yes, I do. Yes, I do.
25
12:13:38 26 Okay. You were wanting to make it clear to Mr Bateson that
12:13:52 27 she would not - that is, that you would not be involved in
12:13:55 28 any criminal activity. You were impressing that upon
12:13:58 29 him?---Yep.
30
12:14:00 31 Right. Now, that meeting that you'd had, that is with
12:14:06 32 Mansell and Rowe, you recall you'd been briefed to appear
12:14:11 33 for [REDACTED] at a bail application and [REDACTED] hadn't
12:14:19 34 appeared because the solicitor hadn't put in a gaol
12:14:21 35 order?---Yes.
36
12:14:22 37 13 September 2005 did you call Mr Bateson and tell him
12:14:25 38 about the meeting with Mansell at the MDID and you were
12:14:31 39 asking Mr Bateson if it was okay for her to tell the MDID
12:14:37 40 about you, about the fact that you'd been providing
12:14:39 41 information to Mr Bateson?---Yeah, I think, um, I think -
12:14:51 42 I've got a vague memory of, um, I don't know whether - I
12:14:58 43 can't remember whether it was Mansell or Rowe, um, asking
12:15:01 44 me who else I had had conversations with, um, or had I had
12:15:07 45 conversations with any other police. So that accords with
12:15:11 46 me ringing Mr Bateson and asking him if it's okay if I say
12:15:15 47 something.

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1
12:15:15 2 Yeah, I follow that. Now, you have your first meeting with
12:15:19 3 the SDU on 16 September 2005?---Yep.
4
12:15:25 5 Can I suggest that you continued to provide information to
12:15:28 6 the police, to the SDU about Solicitor 2, after you were
12:15:33 7 registered with the SDU, do you accept that?---Yes, yes.
8
12:15:41 9 You spoke to them on 16 September about Solicitor 2, you
12:15:48 10 spoke to them on 21 September about Solicitor 2, and then
12:15:53 11 again you spoke to them on 26 September 2005 about
12:16:00 12 Solicitor 2. You don't take any issue with that I take
12:16:03 13 it?---No, there were, um, that solicitor's name came up not
12:16:10 14 infrequently in many conversations because in the initial
12:16:15 15 stages, um, the debriefings included jumping from topic to
12:16:20 16 topic and person to person - - -
17
12:16:24 18 Yes, all right?---- - - depending upon, yeah, depending
12:16:26 19 upon what I said.
20
12:16:30 21 In that period of time Solicitor 2 was representing Carl
12:16:35 22 Williams in that murder trial that we mentioned just
12:16:38 23 before?---Yeah.
24
12:16:39 25 And you're also aware that at that time she received a
12:16:42 26 summons to give evidence in another trial relating to the
12:16:45 27 [REDACTED]?---Right, yes.
28
12:16:50 29 You understand that, you remember that?---Yep. Not
12:16:55 30 specifically but I - it's, um, yes, I can - I know who
12:17:02 31 you're talking about.
32
12:17:04 33 There were two other alleged, fairly heavy people alleged
12:17:07 34 to have killed that person?---Right, yes.
35
12:17:11 36 That is [REDACTED], okay?---Yep.
37
12:17:19 38 Do you know who they were?---Um, not off the top of my head
12:17:23 39 now, no, but I would have known then.
40
12:17:28 41 One of them was [REDACTED] we were talking about
12:17:30 42 yesterday?---Right.
43
12:17:31 44 Now, you are also aware that Solicitor 2 was concerned or
12:17:37 45 at least did not want to give evidence in that
12:17:43 46 proceeding?---That's correct.
47

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12:17:45 1 And there was a problem that arose for her at that time
12:17:51 2 because she was, it was sought to compel her to give
12:17:54 3 evidence and she was in effect refusing to do so. Do you
12:17:58 4 agree with that?---Yes.
5
12:18:01 6 She'd received a subpoena - - - ?---It was after - - -
7
12:18:04 8 - - - to testify, correct?---Yes, I think this - I think
12:18:10 9 this all was reported as well, I think it was in the media.
10
12:18:13 11 Yes, it was?---Certainly it was a well-known fact, yes.
12:18:16 12
12:18:16 13 And she called upon you to represent her?---Um, yes.
14
12:18:22 15 Do you remember that? Do you accept that?---Yeah, I can
12:18:28 16 remember speaking to - her speaking to myself and a number
12:18:34 17 of people about - - -
18
12:18:36 19 Yeah?---- - - about how not to appear, yes.
20
12:18:39 21 Look, if you want to - do you want to have a look at your
12:18:43 22 court book to refresh your memory or are you prepared to
12:18:46 23 accept you made notes in that court book?---No, no. I
12:18:51 24 would accept it, Chris.
25
12:18:55 26 She'd received a subpoena. You read the affidavit. The
12:19:00 27 matter was listed before Justice Teague and you took
12:19:02 28 instructions from her?---Yep.
29
12:19:08 30 You attended court to appear for her?---Yeah, I can't
12:19:10 31 dispute that. I've got no specific memory, but again, to
12:19:14 32 make it clear, if there's a record or evidence of me being
12:19:17 33 somewhere or appearing, yes, I accept it.
34
12:19:20 35 Do you accept that the concept of a barrister appearing for
12:19:23 36 a person in relation to whom they are providing information
12:19:27 37 about to the police is repugnant?---Yes.
38
12:19:33 39 Nonetheless, despite the fact that you were providing
12:19:37 40 information about her, you went to represent her in
12:19:40 41 court?---Yep.
42
12:19:42 43 Were you forced to do so because you felt you'd be killed
12:19:46 44 if you didn't?---To appear for her then?
45
12:19:49 46 Yes?---No, um - - -
12:19:52 47

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12:19:53 1 No?---No. Did I feel I couldn't say no? Yes, but not on
12:19:59 2 the basis of being killed.
3
12:20:00 4 The reasons that you've offered for not taking briefs in
12:20:05 5 other areas is because of a fear that you had of being
12:20:08 6 harmed, but in this case there was no fear of being harmed.
12:20:11 7 Do you agree with that?
12:20:13 8
12:20:13 9 MR NATHWANI: She said yes?---I just said that, yes.
10
12:20:16 11 MR WINNEKE: You could simply have refused the brief,
12:20:19 12 couldn't you?---Yeah, had I not been so weak and pathetic
12:20:23 13 in relation to my own self-esteem, yes, absolutely.
14
12:20:26 15 All right, okay. On 23 May 2006 you appeared for her again
12:20:33 16 on charges concerning possession of firearm and the ACC
12:20:39 17 offences, do you agree with that, at a committal mention
12:20:42 18 proceeding?---Um, yes.
19
12:20:46 20 All right. Did you have any concerns about - well, I
12:20:55 21 withdraw that. Did you consider going to the Ethics
12:20:59 22 Committee and seeking a ruling on the appropriateness of
12:21:02 23 what you were doing?---No, I think - no, I didn't.
24
12:21:09 25 Okay?---The committal - I think that I - I thought I might
12:21:16 26 have done a filing hearing too. She wanted to appear for
12:21:19 27 herself and, um, a QC said to her, "You can't appear for
12:21:25 28 yourself", get me to go and appear for her.
29
12:21:29 30 Right. And you did?---Yes, I did.
31
12:21:35 32 Can I ask you some questions about your introduction to the
12:21:40 33 SDU?---Yep.
34
12:21:45 35 On 30 June 2015, and I've taken you to this letter already,
12:21:51 36 this was the letter that you wrote to
12:21:57 37 Mr Fontana?---Fontana, yep.
38
12:21:58 39 You described how it came to be that you were an informer
12:22:05 40 and you say that, "During 2005 you became aware of high
12:22:09 41 level drug trafficking, money laundering, witness
12:22:14 42 tampering, firearm offences and a variety of other serious
12:22:16 43 criminal activities by virtue of the contact I had with
12:22:19 44 certain clients and their crews and supporters",
12:22:23 45 right?---Yep.
46
12:22:23 47 And given your associations with underworld figures these

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12:22:30 1 would have been issues that you were well aware of,
12:22:31 2 wouldn't you, prior to 2005?---Yes.
3
12:22:34 4 So why was it in 2005 you felt the need to assist
12:22:41 5 police?---I think there was a cumulative effect.
6
12:22:46 7 Right?---By the time - I mean looking back, I can't say
12:22:51 8 that it wouldn't have happened the year before, but I think
12:22:54 9 by the time we get to, you know, when it actually happened
12:22:58 10 and the day of, um, the morning of going to court for
12:23:03 11 [REDACTED], um, the - I can vividly remember thinking I
12:23:12 12 just can't keep going, I can't do this any more. Feeling -
12:23:15 13 I had wanted some way out.
14
12:23:20 15 Right?---And obviously the police was not the right way.
16
12:23:23 17 Right. By September 2005 you say certain events and
12:23:29 18 circumstances led you formally to starting work as a
12:23:32 19 registered informer. That's the way you described it,
12:23:37 20 "formally starting work"?---Are you saying in the letter?
21
12:23:42 22 Yes?---Yes, yep.
23
12:23:47 24 The reality is your work with Victoria Police had started
12:23:50 25 prior to that and you'd started providing information
12:23:53 26 certainly earlier in 2005 to Mr Bateson?---Yes, I think -
12:23:57 27 but I didn't, I told them, I told the SDU about that.
28
12:24:01 29 Yes?---I think that must be why I used the word "formally".
30
12:24:05 31 Do you accept that in effect what you were doing was
12:24:07 32 formalising an arrangement with police whereby you were
12:24:11 33 really acting as an agent of the police or a deputised
12:24:15 34 police officer?---Yes.
35
12:24:16 36 I take it - - - ?---And as - - -
37
12:24:19 38 Sorry, go on?---Sorry, yeah, and as time went on and people
12:24:25 39 became more complacent it became a running joke amongst all
12:24:33 40 of the SDU.
41
12:24:34 42 What was the joke?---Well, they were - you know, it was
12:24:38 43 this kind of ongoing joke about well, you know, "You're top
12:24:42 44 of the ladder now, best informer ever, no one will ever
12:24:47 45 beat you". I mean, look, you know, in hindsight it was to
12:24:51 46 obviously, um, boost, um, my self-esteem and to make me
12:24:58 47 feel more important about what I was doing and, you know,

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12:25:02 1 my type A personality was making me do more and more, um,
12:25:08 2 in a - you know, as I've said before, it's, um, looking
12:25:12 3 from where I am now it's a lifetime ago, or two lifetimes
12:25:17 4 ago.
5
12:25:17 6 Right. Now, you understood that the reason why or the main
12:25:23 7 reason why that Victoria Police wanted to utilise you as an
12:25:30 8 informer was to provide information about the Mokbels, the
12:25:36 9 Mokbel criminal family?---Um, yes. I don't know if that
12:25:44 10 was made clear, um, specifically at day one but it became
12:25:51 11 apparent over time, because they went from that family to,
12:25:56 12 they kept, um, you know, adding on different targets I
12:26:00 13 suppose is a way to put it.
14
12:26:03 15 The reality is when you first spoke to them one of the
12:26:06 16 first things that they said to you was essentially asking
12:26:08 17 you to tell them everything that you could about Tony
12:26:12 18 Mokbel?---Yeah.
19
12:26:13 20 And that's recorded, you accept that?---Yes, and they said,
12:26:17 21 "Don't hold back anything because if you do we'll know
12:26:20 22 you're lying, so tell us everything."
23
12:26:22 24 Right, well - - - ?---And I can remember, I can remember
12:26:25 25 saying like, "Well how long have you got? It's a lot of -
12:26:30 26 like what specifically do you want to know?"
27
12:26:33 28 "How many days, how long have we got"?---Yeah, I can
12:26:36 29 remember saying something like that.
30
12:26:37 31 And it was apparent to you from the discussion that you had
12:26:40 32 with them that the purpose of you assisting them was to
12:26:43 33 provide information which would get these people out of
12:26:46 34 your lives?---Yep.
35
12:26:48 36 And the way that would occur was that members of the Mokbel
12:26:53 37 family would be arrested, charged, convicted and gaoled and
12:27:00 38 preferably for as long as possible?---All things - all
12:27:06 39 things going to plan, yes, that was their intention.
40
12:27:09 41 That was their intention and that's what you understood
12:27:11 42 their intention to be. It wasn't hidden, was it?---Yes.
43
12:27:16 44 At that time you were acting for Tony Mokbel?---Yes.
45
12:27:22 46 Not only was it their intention to do that, that's what you
12:27:25 47 were wanting to achieve also. You wanted to have Mokbel

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12:27:28 1 and his family put away for as long as possible?---I wanted
12:27:32 2 them out of my - I wanted all of them out of my life.
3
12:27:39 4 Yes?---And of course, you know, looking back now, um, going
12:27:47 5 to them was just an insane, idiotic thing to do.
6
12:27:53 7 Yeah?---It was insane and idiotic and, um, wrong on so many
12:27:59 8 levels and what then transpired was, was, um, was just more
12:28:07 9 craziness.
10
12:28:08 11 But can I suggest to you, Ms Gobbo, that you'd been -
12:28:12 12 there's a history of you providing information to police
12:28:15 13 and wanting to provide information to police and we've been
12:28:18 14 through it over the last few days. There was nothing
12:28:22 15 entirely remarkable about this. The fact is you'd been
12:28:26 16 wanting to provide information for quite some time and
12:28:28 17 doing so?---In, um, in 05, yes.
18
12:28:34 19 Well, in - you'd started providing information back in 95,
12:28:38 20 then in 99, 2000, then 2002, 3, you're speaking to police
12:28:44 21 officers, 2004, 5 you're speaking to police
12:28:48 22 officers?---Sorry, sorry, sorry. I know 95, yes. Um,
12:28:53 23 limited about one thing, yes. And then the second one you
12:28:58 24 dealt with, and then, um, um, I don't know - I don't know
12:29:05 25 the 01, 02, 03 you said.
26
12:29:10 27 We've discussed you speaking to police officers and you
12:29:13 28 speaking to people like Mr Strawhorn and Mr De Santo and
12:29:18 29 other people and you say inadvertently having information
12:29:22 30 wheedled out of you but nonetheless you speaking to these
12:29:26 31 people?---Yes, yes. So now I know what you mean, yes.
32
12:29:36 33 Do you think if you had been discouraged, if the SDU
12:29:40 34 handlers had given you the opportunity to walk away or go
12:29:44 35 and get some advice and really take a second thought about
12:29:50 36 what you were doing, that would have been useful to you,
12:29:52 37 would you have taken that opportunity?---Um, coming from
12:29:59 38 Sandy White, yes, I would.
39
12:30:03 40 But - - - ?---But at some stage though, at some stage it
12:30:08 41 came up, there was a long discussion about, um, getting
12:30:15 42 advice and I can remember saying words to the effect of,
12:30:21 43 "Well, you know, who or where do you suggest I get that
12:30:24 44 advice from?" Like who could I possibly tell this to - - -
45
12:30:28 46 Yes?---- - - and trust that they won't say anything.
47

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12:30:32 1 About what, about you approaching the police to provide
12:30:35 2 information?--No, about me being an informer.
3
12:30:41 4 Yes. Was that about - but what I'm asking you about is
12:30:46 5 this: if it had been said to you, look, when you were
12:30:50 6 speaking to the MDID, "What you're doing is a very
12:30:55 7 significant step and it could have very serious
12:30:58 8 ramifications for you down the track, you really should go
12:31:01 9 away and think about it or speak to some trusted person",
12:31:06 10 would that have been worthwhile to you?---Yes.
11
12:31:09 12 Do you think you would have taken that opportunity or
12:31:11 13 not?---Um, I think I would have from, um, if put in that
12:31:17 14 context from, um, from the person in charge because I was
12:31:23 15 put in my place and intimidated by him.
16
12:31:26 17 Right. Well you say you were intimidated in the first
12:31:30 18 meeting that you had; is that right?---Oh yeah, yep.
19
12:31:36 20 If it had been suggested to you or if you'd have considered
12:31:40 21 this, "Look, why don't I see if I can come up with an
12:31:46 22 excuse. I'm not well, I've had a stroke. I was only 32.
12:31:49 23 I had a stroke last year. I need to take some time out and
12:31:52 24 go away", if you'd have offered that sort of an explanation
12:31:56 25 to the likes of Tony Mokbel, would he not have understood
12:31:59 26 that?---Um, possibly. I think putting - I think if I put
12:32:11 27 it a different way. Did I have the strength to stand up to
12:32:17 28 these people and to say that to them - because the fault
12:32:20 29 was on me, not him not understanding that.
30
12:32:26 31 The fault was on who and who not understanding?---I'm
12:32:31 32 saying the fault was on me not - what you just suggested,
12:32:35 33 you know, would Tony have understood that ?
34
12:32:38 35 Yes?---Conceptually, yes, he would, but I think the fault
12:32:38 36 is on me for not being strong enough or not having any
12:32:43 37 insight to be able to sit down and have contemplated saying
12:32:47 38 that to him or anyone else.
39
12:32:56 40 You see the point of this is on 16 September there was this
12:32:58 41 discussion and there was a discussion about whether there
12:33:01 42 were any ways out for you, and it just strikes me, can I
12:33:06 43 suggest this by way of a question, that there was an
12:33:09 44 obvious way out which would have been apparent to everyone,
12:33:12 45 that is you simply stop interacting with these people? Do
12:33:16 46 you accept that, that would have been an obvious way
12:33:20 47 out?---Um, yes, easier said than done but, yes, I accept

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12:33:25 1 that.
2
12:33:26 3 Maybe. Could there not have been a ruse, "Look, I'm not
12:33:32 4 well. I've had a stroke. I'm a young woman. I'm getting
12:33:36 5 out of this area of practice for the benefit of my health",
12:33:42 6 that's not a difficult thing to do, is it?--Well to me it
12:33:45 7 was then.
8
12:33:46 9 Why was that? I mean if what you're saying is, "I want to
12:33:47 10 get these people out of my life", there's one way to do it,
12:33:48 11 and one would thought an obvious way of doing it, and that
12:33:49 12 is to stop acting for them and, if you need an excuse, why
12:33:53 13 couldn't it be for health reasons? That would be a simple
12:33:57 14 reason, wouldn't it?
12:33:59 15
12:33:59 16 MR NATHWANI: Again, I understand - - -
17
12:34:01 18 MR WINNEKE: No, no, just - - -
19
12:34:03 20 COMMISSIONER: No - - -
12:34:04 21
12:34:04 22 MR NATHWANI: No, no, this is the same question that we
12:34:05 23 keep coming back to over and over again.
24
12:34:09 25 COMMISSIONER: I think it would be quicker if we just get
12:34:11 26 the answer and then we'll move on. All right.
12:34:12 27
12:34:13 28 MR NATHWANI: Or not repeat it.
12:34:13 29
12:34:14 30 COMMISSIONER: We'll just get the answer and move on.
12:34:18 31 Thanks, Mr Nathwani. Could you answer the question,
12:34:18 32 Ms Gobbo?---Sorry, can you say it again, please?
33
12:34:22 34 MR WINNEKE: I'm trying to understand why it was that you
12:34:24 35 didn't offer that as - why you didn't consider that and why
12:34:25 36 that didn't occur to you, because it's obvious? That's the
12:34:31 37 question. Can I suggest to you that was the obvious thing
12:34:34 38 to do if you wanted to get the Mokbels out of your
12:34:42 39 life?---In hindsight, yes, it was.
12:34:47 40
12:34:48 41 But even at the time you say it didn't occur to you?---No,
12:34:49 42 it didn't. And I'm - you know, my, um, my emotional
12:34:51 43 functioning, my maturity, my stupidity, my mistakes, you
12:34:56 44 know, I can't back away from any of that, but it's not -
12:35:00 45 and my wanting to please everyone, inability to say no, I
12:35:06 46 couldn't see the wood for the trees. I mean for me to have
12:35:10 47 thought that was a sensible thing to do shows that what

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12:35:14 1 you've just suggested, the kind of rational, logical, easy
12:35:19 2 solution was not apparent.
3
12:35:20 4 The alternative is that you weren't really concerned about
12:35:23 5 them but you simply wanted to be part of the police and
12:35:27 6 provide information?---No, that was not the - that was not
12:35:33 7 the plan.
8
12:35:34 9 Right?---I didn't sit down and contemplate that as the -
12:35:38 10 here's my grand plan for the future.
11
12:35:41 12 Can I just suggest to you it's a much more likely
12:35:45 13 explanation than, "I was concerned about them killing me",
12:35:48 14 and I put that to you quite squarely?---No, I don't, I
12:35:51 15 don't agree with that. People like Bateson had told me,
12:35:58 16 um, as did Jim O'Brien and others, that the people with
12:36:02 17 whom I was dealing with were very dangerous and that I
12:36:05 18 should be concerned about being killed by them.
19
12:36:09 20 Yes, okay. When you first began to speak to the police you
12:36:16 21 told them about a number of people who you believed would
12:36:20 22 have information sufficient to bring down the Mokbels,
12:36:22 23 correct?---Yes, in answer to what I was asked, yes, I did.
24
12:36:28 25 And firstly, you believe that [REDACTED] would be
12:36:37 26 one?---Yep.
27
12:36:37 28 Do you agree with that?---Yes.
29
12:36:39 30 [REDACTED] would be another person who could provide
12:36:42 31 information against Mr Mokbel?---Yeah, they were asking me,
12:36:49 32 from memory, about the, the kind of, um, if you put Tony in
12:36:56 33 the middle and then you go, work your way outwards, they
12:37:00 34 were asking about the first layer out, then the next layer
12:37:02 35 out in terms of people that were, um, that were doing
12:37:07 36 things for him.
37
12:37:09 38 Yes, okay?---Illegal things I mean.
39
12:37:13 40 It was apparent to you, can I suggest, in your discussions
12:37:15 41 with the SDU that you were acting for [REDACTED] at the
12:37:23 42 time; you made that clear to him, do you accept
12:37:29 43 that?---Yes. Yes, they knew that, yes.
44
12:37:32 45 And equally, did you say to them that [REDACTED] was a
12:37:37 46 person who would have sufficient information, that is
12:37:41 47 [REDACTED] would have sufficient information on Mokbel to

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12:37:47 1 assist putting him away for a long time?---Yeah, he's - I
12:37:53 2 don't know about exactly those words but at some point that
12:37:56 3 came up because, um, I think it was Bateson, or it could
12:38:02 4 have been Hatt, somebody from Purana expressed a view that
12:38:07 5 ██████████ would be an appalling witness and wouldn't - or
12:38:10 6 it might have been Jim O'Brien. Anyway, they expressed a
12:38:14 7 view that he would be an appalling witness and my view was
12:38:17 8 quite the opposite.
9
12:38:18 10 You told the SDU I think on 26 September that ██████████ and
12:38:22 11 ██████████ would both have sufficient information on Mokbel to
12:38:24 12 put him away for a long time?---Based on what I knew from
12:38:28 13 them, yes.
14
12:38:30 15 You were representing each of those people. You were
12:38:32 16 representing ██████████ you were representing ██████████
12:38:36 17 and you had represented ██████████?---Yes.
18
12:38:42 19 And indeed you still were?---Well that's what led me - that
12:38:48 20 was the beginning of this, yes.
21
12:38:50 22 Yeah. You were advising ██████████ certainly in the
12:38:54 23 background because he had - he was awaiting a ██████████
12:39:00 24 proceeding, correct?---Yeah, I don't know what stage he was
12:39:05 25 up to but I don't dispute any of this .
26
12:39:08 27 ██████████ was awaiting a ██████████?---Yeah, he was
12:39:12 28 wanting a further adjournment to stay out of gaol longer.
29
12:39:16 30 Right. And he was obviously facing serious charges, you
12:39:19 31 accept that?---Yeah, he knew he was going - he knew he was
12:39:24 32 going to gaol for a long time.
33
12:39:25 34 ██████████ had been charged with serious offences and you'd
12:39:28 35 appeared for him on ██████████, albeit the matter was
12:39:32 36 adjourned, correct?---For his ██████████, yes.
37
12:39:36 38 And you continued to advise him subsequent to that during
12:39:40 39 the period that you were an informer?---Yep.
40
12:39:44 41 You'd spoken to him I think on ██████████ and you'd
12:39:50 42 discussed that with your handlers and then you - do you
12:39:56 43 accept that?---Yes, I - yes.
44
12:39:59 45 Subsequently you spoke to him again I think on ██████████.
12:40:03 46 You were speaking to him about his brief of evidence, do
12:40:10 47 you accept that?---Yeah, I've got no recollection of the

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12:40:13 1 dates but if there's material that I met or spoke to
12:40:16 2 people, yes. I don't disagree with any of it.
3
12:40:21 4 You initially said to the SDU, indeed you'd said to the
12:40:32 5 MDID that you had a conflict acting for ██████████,
12:40:39 6 right?---Yeah, in relation to Mokbel, that's right.
7
12:40:41 8 Indeed that was one of the reasons why you had the tearful
12:40:44 9 episode on ██████████?---Yep.
10
12:40:48 11 Right. You'd read the remand summary. Did you listen to a
12:40:53 12 tape recording of an interview?---No, I, um - my
12:41:00 13 recollection is my, as was the practice those days, the
12:41:05 14 night before an application if you were lucky you got a
12:41:08 15 short summary of the allegations from the informant.
16
12:41:13 17 I see. In any event, on the basis of that short summary it
12:41:17 18 was apparent to you that you couldn't act in his best
12:41:20 19 interests because they were contrary to the interests of
12:41:22 20 Tony Mokbel?---Yeah, and Tony had jumped up and down about
12:41:28 21 me going to see him and getting him out.
22
12:41:33 23 Right. So that conflict of duties you say was significant
12:41:37 24 as far as you were concerned and caused you upset?---Yeah,
12:41:42 25 I wanted - I actually couldn't, I mean I - I accept that to
12:41:49 26 a rational person, it sounds ridiculous to even say this,
12:41:53 27 but I wanted a tram to hit me on the way to court that
12:41:58 28 morning because I could not work out how to not disappoint
12:42:02 29 anyone or how to not let anyone down and how to get out of
12:42:06 30 that mess without, without - or probably in a way that
12:42:12 31 meant I didn't have to stand up to anyone, which seems to
12:42:15 32 be what I have an inability to do.
33
12:42:19 34 Were you concerned about your professional obligations as a
12:42:22 35 barrister?---Obviously at times I was.
36
12:42:27 37 In that very investigation you'd appeared for a person by
12:42:32 38 the name of ██████████?---██████████, yes.
39
12:42:37 40 Yes. He'd made - - - ?---I don't - - -
41
12:42:41 42 Right?---Sorry, yes.
43
12:42:42 44 You accept that?---Yes, he, um - yes.
12:42:44 45
12:42:44 46 You told handlers, your handlers that he had made
12:42:51 47 admissions in his record of interview and that you had

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12:42:53 1 advised him to put his admissions in a statement form and
12:42:56 2 make a statement against [REDACTED], do you accept that?---I
12:43:03 3 can't remember specifically but, again, if it's - if
12:43:06 4 there's a note of it somewhere I don't disagree that it
12:43:10 5 would have been something we talked about.
6
12:43:12 7 That's the same [REDACTED] who you were representing?---Yes.
8
12:43:26 9 Do you accept that you became aware of the police plan, the
12:43:34 10 operation plan and that was to get [REDACTED] to roll and
12:43:39 11 cooperate with police?---Um, yes. At some point, yes.
12
12:43:49 13 Can I suggest to you it occurred fairly early on because in
12:43:53 14 the early days of your relationship with the handlers there
12:43:56 15 was a plan to have [REDACTED] into, [REDACTED]
12:44:07 16 Detective Flynn. The idea was to arrange [REDACTED]
12:44:12 17 meeting, you were going to be with [REDACTED] and then
12:44:15 18 Mr Flynn would turn up [REDACTED] and there'd be a meeting
12:44:18 19 between the three of you, do you recall that?---Not
12:44:23 20 specifically but I'm not, again I don't dispute it.
21
12:44:27 22 It sounds right?---Commissioner, there's something wrong
12:44:29 23 with the screen. It's not just normal fuzzy, something's
12:44:33 24 gone with it.
25
12:44:35 26 COMMISSIONER: Right. Okay, can you still hear? They'll
12:44:39 27 work on the screen but if you can still - - - ?---Yes.
28
12:44:43 29 We can still continue the cross-examination with
12:44:47 30 audio?---Yes.
31
12:44:48 32 MR WINNEKE: That was the initial plan but for various
12:44:50 33 reasons that didn't eventuate. Then the plan developed
12:44:53 34 somewhat and it was then the idea that he'd be arrested
12:44:58 35 whilst carrying out further offences and that would ensure
12:45:05 36 that there was an even greater incentive upon him to assist
12:45:17 37 police as much as possible?---I think over time it became
12:45:20 38 apparent that they knew, separate to or additional to
12:45:24 39 anything I was saying, that he was [REDACTED] again for
12:45:29 40 Tony and others.
41
12:45:30 42 So the plan developed and you understood that the plan was
12:45:32 43 to allow that to continue, for him then to be arrested and
12:45:37 44 then there would be a great deal of motivation on him to
12:45:40 45 assist police to make statements against other members of
12:45:43 46 the Mokbel family?---Yeah, at some - I think I learned
12:45:49 47 recently that there was a whole, um - I can't remember the

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12:45:54 1 wording for it, like a whole operation blueprint.
2
12:45:58 3 Yes?---Drawn up by Overland.
4
12:46:01 5 You became aware, whilst you might not have been aware of
12:46:04 6 the blueprint, you were certainly aware that that was what
12:46:07 7 was being proposed as time went on?---Yes, as time went on,
12:46:11 8 that's right.
9
12:46:12 10 Likewise, the same could be said for your understanding of
12:46:16 11 what was proposed for ██████████, that he would be caught
12:46:22 12 engaging in more offending and there would be a great deal
12:46:25 13 of pressure upon him to assist police when he was finally
12:46:29 14 caught?---Um, yeah, ultimately that's right where
12:46:37 15 ██████████'s concerned.
16
12:46:38 17 All right. And you were aware of that?---Yes.
18
12:46:40 19 All right. Now, can I just ask you this: I've asked you
12:46:46 20 previously about your interest in collecting information
12:46:52 21 and being a person who was in a position to tell other
12:46:55 22 people about the information that you had. You accept
12:47:02 23 that, I take it; is that right?---Yes.
24
12:47:08 25 Could we have a look at your court book and it's
12:47:13 26 MIN.0001.0014.0940. If we go to pp.2 and 3?---Sorry, what
12:47:22 27 date is it from?
28
12:47:27 29 It's an article in a court book which commences in December
12:47:30 30 of 2003. If we turn over the page. That's a 2006 article
12:47:38 31 but it's been pasted into a book, a court book commencing
12:47:44 32 in December of 2003. Do you accept that?---Yeah.
33
12:47:51 34 That article obviously contains a list of names and dates
12:47:55 35 concerning various Melbourne underworld killings?---Yes.
36
12:48:01 37 If we go to the next page. There's more, another article
12:48:07 38 there which has been placed into the book?---Oh yeah, this
12:48:13 39 was such a good list so you could get the chronology of
12:48:16 40 dates of who killed who when.
41
12:48:18 42 Yes?---In, um - yes, yep.
43
12:48:22 44 Can I ask you this: these are obviously more, they're
12:48:29 45 articles which have been written in 2006 but they've been
12:48:32 46 put back into a 2003 court book, right?---Yep.
47

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12:48:36 1 Is this the situation, that you would go back and use your
12:48:41 2 old court book for relevant periods, that is periods
12:48:44 3 relevant to these particular offences, and use these
12:48:53 4 articles as a reminder to you, but also then go through
12:48:56 5 your court books and, if you like, compare the information
12:49:05 6 to assist you in forming a repository of information about
12:49:12 7 these sorts of matters?---Yeah, I can't - I would only be
12:49:19 8 guessing if I tried to work out why they'd been slotted
12:49:23 9 back into the 03 book as opposed to any other year.
10
12:49:29 11 Yes?---But it was a very - um, because each time there was
12:49:36 12 a murder one of these came out and it was a really, um,
12:49:40 13 good way of being able to read a brief and look at what had
12:49:43 14 happened or who had done what at that time.
15
12:49:46 16 Yeah?---Allegedly.
17
12:49:47 18 Sorry, what appears to be the case is this: in 2006 you're
12:49:53 19 providing information to the SDU. What you've done is in
12:50:00 20 order to do that, in order to provide information to the
12:50:03 21 police, you've used these articles and used your court
12:50:09 22 books as a basis to pass on information, to provide
12:50:11 23 information, do you follow that?---Sorry, are you saying
12:50:18 24 that I sat down with a court book before I spoke to them or
12:50:24 25 - that's not - no, I didn't.
26
12:50:25 27 A process of bringing to mind instructions that you had
12:50:28 28 been given relevant to offences which had occurred and can
12:50:33 29 I suggest to you what you did was to pass that information
12:50:36 30 on to the police, including instructions or information
12:50:39 31 that you'd received, having received it from clients?---Um,
12:50:48 32 yeah, I don't want to sound like I'm quibbling with you but
12:50:52 33 in - that's one way of putting it, yes. I mean it was more
12:50:58 34 often than not me, um, me either being spoken to on the
12:51:03 35 phone or in person and being asked, um, about a particular
12:51:06 36 person or their activities with another person or what I
12:51:10 37 knew about it, um, and it was not really what I knew about
12:51:15 38 it from reading a brief or what was in a newspaper because
12:51:21 39 that was public knowledge. It was more the bits and pieces
12:51:24 40 I picked up from being able to link one case with another
12:51:29 41 or from conversations in the presence of these people.
42
12:51:32 43 I follow that. But what I'm asking you about is do you
12:51:35 44 think what you've effectively done is used information that
12:51:37 45 you'd received as a barrister in confidence and used that
12:51:40 46 information to pass on to police handlers, in other words
12:51:44 47 providing privileged information to handlers?---Um, well,

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12:51:53 1 not everything that - not everything that a particular
12:51:57 2 client says to me is privileged.
3
12:51:59 4 That may well be right. But if you're using your court
12:52:04 5 book as a source of information to pass on to police
12:52:08 6 there'd be a reasonable chance that information you've
12:52:11 7 learnt in the course of discussions with your clients would
12:52:14 8 be passed on to police officers?---Again, I don't want to
12:52:18 9 sound argumentative but I'm not - I don't recall ever going
12:52:21 10 to a meeting with handlers and having a court book with me
12:52:25 11 or reading court book entries to them.
12
12:52:27 13 No, I'm not suggesting you did that. But what I'm
12:52:31 14 suggesting is that you've put a lot of information together
12:52:36 15 and a lot of the information that is being passed on to
12:52:39 16 police has come out of instructions that you've been given
12:52:41 17 throughout the period of 2003 and thereabouts, do you
12:52:44 18 accept that's possible?---No, not through instructions.
12:52:49 19 From things that I heard in the presence of these people,
12:52:52 20 yes.
21
12:52:52 22 Right, okay. Can I just deal with what I might describe as
12:52:58 23 the story of [REDACTED] and what occurred with [REDACTED]
12:53:06 24 when you were a - - - ?---Sorry, the audio. Sorry,
12:53:09 25 Commissioner, the audio's cutting in and out.
12:53:13 26
12:53:13 27 COMMISSIONER: All right then. Is it working okay at the
12:53:18 28 moment?---You're clear.
29
12:53:20 30 I'm clear. So, Mr Winneke, could you ask a question, let's
12:53:23 31 see - - - ?---No, it's coming - sorry, Commissioner, it's
12:53:26 32 coming, um, it's like it's got static in it. I can hear
12:53:30 33 every second word.
34
12:53:32 35 We had a little bit of that earlier. They're working on
12:53:36 36 it. Let me know if you don't understand the question,
12:53:40 37 okay?---Okay.
38
12:53:44 39 MR WINNEKE: What I might do, we'll see if we can do this.
12:53:46 40 I want to play a clip to Ms Gobbo and see if she can hear
12:53:50 41 that. It's a clip of a discussion that Ms Gobbo had with
12:53:54 42 handlers about privilege and conflicts on 28 October 2005.
43
12:54:01 44 COMMISSIONER: All right. How was the audio when
12:54:04 45 Mr Winneke was speaking?---I can, um, it's kind of every
12:54:10 46 second word is clear but I can work out the gist of what
12:54:13 47 he's saying.

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1
12:54:13 2 So it's still bad, okay. Let's see how we go with this
12:54:18 3 clip?---I've got it in front of me to read, so.
4
12:54:22 5 Right.
12:54:27 6
12:55:12 7 (Audio recording played to hearing.)
12:55:12 8
12:55:12 9 WITNESS: Sorry, Commissioner, I can't hear this properly.
10
12:55:17 11 COMMISSIONER: Yes, sorry. It's not great quality?---I'm
12:55:20 12 getting every second word, sorry.
13
12:55:22 14 Yes. It's not great quality. The transcript is there so
12:55:26 15 if you can just follow the transcript and the audio.
16
12:55:31 17 MR WINNEKE: As I understand it the line needs to be reset,
12:55:35 18 is that right?
19
12:55:36 20 COMMISSIONER: No.
21
12:55:37 22 MR WINNEKE: She can't hear me?---Yeah, it's - I don't know
12:55:42 23 if it's just the recording but when, um, when it was being
12:55:46 24 played like every, it's like it's got static in the
12:55:50 25 transmission from the Commission to me.
26
12:55:53 27 COMMISSIONER: It's not a perfect recording.
28
12:56:00 29 MR WINNEKE: Can you hear me now, Ms Gobbo?---Yeah, it's
12:56:02 30 affecting what you're - me being able to hear you,
12:56:07 31 Commissioner, it's not just the recording.
32
12:56:11 33 COMMISSIONER: Okay, all right. We're going to keep
12:56:15 34 playing the audio transcript now. Do you want to keep
12:56:18 35 playing it or did you want to ask a question?
36
12:56:21 37 MR WINNEKE: If she can't hear it, Commissioner, there's
12:56:24 38 not much point, but if she can' hear me either - - -
12:56:25 39
12:56:26 40 COMMISSIONER: She can hear it but she's said it's static.
12:56:27 41 It's really a description of the tape that we're all - it's
12:56:29 42 not a good quality tape.
43
12:56:29 44 MR WINNEKE: Yes, but I think the real point is that she
12:56:32 45 can't hear you and I as well?---Now you're crystal clear.
46
12:56:37 47 COMMISSIONER: So let's play the tape. The tape is not

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12:56:39 1 very good quality?---No.
2
12:56:40 3 The transcript has been prepared I think by the police in
12:56:45 4 the black print and red print is what's been added in by
12:56:49 5 Commission people hearing it?---Okay.
6
12:56:52 7 So of course it's what you hear from the tape itself, just
12:56:55 8 so you understand that?---Yes.
9
12:56:56 10 I think Mr Winneke would like you to listen to the tape and
12:57:00 11 then he'll ask you some questions?---Okay, yep.
12
12:57:05 13 We'll continue with the tape.
12:57:08 14
15 (Audio recording played to hearing.)
16
12:59:19 17 MR WINNEKE: You could read the transcript I take it,
12:59:21 18 Ms Gobbo?---Yes.
19
12:59:24 20 You might need to turn that up. Can you hear me?---Yes,
12:59:32 21 yep.
22
12:59:34 23 Were you able to hear any of the audio?---Um, bits and
12:59:40 24 pieces. I can't - I couldn't hear where there's blanks.
25
12:59:44 26 Yes, I follow. There are blanks where there are crosses
12:59:50 27 which have been put there deliberately, is that what you're
12:59:54 28 talking about?---No, like after Mr White's says, "You could
12:59:59 29 withdraw from representing him because of a conflict like
13:00:01 30 that .. "
31
13:00:04 32 Yes?---I can't hear what I, I can't - tried hard to listen
13:00:05 33 to what I say, even knowing my own voice, but I can't hear
13:00:10 34 what I say.
35
13:00:11 36 I follow that. Can I suggest to you this: the gist of the
13:00:15 37 conversation is this, the handlers were saying to you,
13:00:18 38 "Look, you can tell us information which is privileged
13:00:21 39 information", right?---Yeah.
40
13:00:24 41 And leave it to them to work out what to do with it but you
13:00:29 42 were saying - now this is early on in the piece. Your
13:00:33 43 attitude at this stage is, look, you didn't want to be
13:00:36 44 asking [REDACTED] and being told things that might be
13:00:39 45 incriminating, do you accept that?---I don't think I'm
13:00:44 46 saying - I don't think I mean that. I think I mean here I
13:00:48 47 don't want to know, um, I don't want to put myself in a

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13:00:52 1 position where like, for example, where he's concerned,
13:00:57 2 once he's - if, for example, he told me he's, um, doing
13:01:05 3 some particular crime, then I've got a problem withstanding
13:01:08 4 up - I know it sounds ridiculous considering all of the
13:01:11 5 conflicts that are obvious.
6
13:01:13 7 No, I understand that?---That in my mind I'm thinking,
13:01:16 8 well, I don't want him, I don't want him to know, I don't
13:01:20 9 want him to be telling me he's done some other crime
13:01:23 10 because then how do I stand up in front of a judge and say,
13:01:27 11 "There's no evidence that he's committed another offence".
12
13:01:30 13 Exactly, I follow?---He's got some prospects for
13:01:32 14 rehabilitation or reform.
15
13:01:33 16 Exactly. That's the point I want to make. At this stage
13:01:35 17 of the relationship that was your attitude, right?---Sorry,
13:01:37 18 you cut out then.
19
13:01:39 20 At this stage, this earlier stage of the relationship that
13:01:41 21 was your attitude, you were - and this is 28 October 2005.
13:01:47 22 You were saying, "Well look, I don't want"- - - ?---I can't
13:01:54 23 hear you, sorry. I'm only getting every second word.
24
13:01:57 25 I'll stand back. If I stand back here is that
13:02:01 26 better?---No, it's the same.
27
13:02:02 28 If I stand back and speak to you are you still getting
13:02:05 29 every second word or are you getting it all?---Yeah, it's
13:02:08 30 like there's some interference.
31
13:02:12 32 This is no good, Commissioner.
33
13:02:14 34 COMMISSIONER: It isn't any good. We might have to have
13:02:17 35 the lunch break? Are you any better hearing me?---Yes,
13:02:25 36 when there's only a couple of words it's clear.
37
13:02:28 38 There was just one thing I wanted to ask you, and that was
13:02:31 39 you mentioned to Mr Winneke - - - ?---Now, I can't - sorry,
13:02:36 40 now I can't hear you properly either.
41
13:02:38 42 It's breaking up too, is it?---Sorry, yes.
43
13:02:40 44 You're not hearing every word now? No?---About every
13:02:45 45 third, Commissioner. It's about every third word.
46
13:02:48 47 All right. We'll have the lunch break and resume in about

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13:02:51 1 half an hour and hopefully we'll get that sorted out during
13:02:55 2 the break.

13:03:30 3

13:03:31 4 <(THE WITNESS WITHDREW)

13:03:32 5

6 LUNCHEON ADJOURNMENT

7

8

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13:31:45 1 UPON RESUMING AT 1.49 PM:
13:49:11 2
3 <NICOLA MAREE GOBBO, recalled:
4
13:49:12 5 COMMISSIONER: Yes, Ms Gobbo is on the line. Can you hear
13:49:15 6 me, Ms Gobbo?---Yes.
13:49:16 7
13:49:17 8 Apparently the communication problem was a breakdown with
13:49:20 9 the Internet connection at your end, so let me know if
13:49:24 10 there are any problems in the future. Just before we broke
13:49:30 11 I asked you, in answer to Mr Winneke, you said the first
13:49:34 12 meeting with the SDU people, the person in charge you felt
13:49:37 13 intimidated?---Yes.
13:49:40 14
13:49:40 15 Could you tell us who said what and why you felt that
13:49:44 16 way?---Um, my recollection is that, um, I think his name is
13:49:54 17 Sandy White, um, in the proceeding, he was a very, I would
13:50:04 18 describe him as a very old school, hard detective and he
13:50:09 19 came across that way, as a very, um, hard core police
13:50:15 20 officer, like it was his life, and he, he said words to the
13:50:21 21 effect of, "People like you end up in only one of two
13:50:25 22 places, prison or the gutter", as in the gutter meaning a
13:50:30 23 bullet in your head dead, and inferentially I, from the way
13:50:38 24 he spoke to me, um, I formed the view that he thought I had
13:50:44 25 committed criminal offences, um, or he suspected me of
13:50:49 26 committing criminal offences, um, and he, I don't know the
13:50:56 27 name, I haven't got the name of, um - I'm just writing a
13:51:03 28 name down to check it's a name I'm not allowed to say, a
13:51:08 29 pseudonym, sorry - and, um, Peter Smith was with him, um,
13:51:31 30 and was - they were not doing a good cop, what I would call
13:51:37 31 a good cop/bad cop routine, it was more bad cop and worse
13:51:46 32 bad cop. If they're - in doing their jobs, which I get, I
13:51:50 33 understand was to, um, to, um, get me to be as helpful as I
13:52:00 34 could be, and to not hold anything back, or to open up to
13:52:06 35 them, that was their intention, it had the desired effect,
13:52:13 36 because I initially walked away petrified of Mr White, and
13:52:20 37 to a lesser degree of Mr Smith.
13:52:23 38
13:52:24 39 And this was the first meeting you had with them, was
13:52:27 40 it?---Yes.
13:52:27 41
13:52:27 42 This conversation occurred?---Yep. I think, sorry,
13:52:32 43 Commissioner, I think also I, um, I was - I was really, I
13:52:37 44 was paranoid about being recorded, and um, where this would
13:52:42 45 end and what would happen and he, Mr White made it clear
13:52:48 46 that it wasn't my place to ask those questions and that it
13:52:52 47 was a relationship that, that, in which trust could only be

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13:52:57 1 earned and that by virtue of the nature of the relationship
13:53:02 2 they would never trust me no matter what and I, um, I know
13:53:08 3 over time I tried to, um, impress upon them that they could
13:53:12 4 trust me, as crazy as that sounds, um, and then I obviously
13:53:20 5 learned that even though he told me that he wasn't
13:53:25 6 recording me when I gave evidence in the Supreme Court, the
13:53:29 7 tape got played to me it is him saying "I won't record you"
13:53:35 8 and it's a recording. But it's the way he speaks and his
13:53:40 9 presence.

13:53:41 10
13:53:41 11 Did you have the apprehension if you didn't cooperate you
13:53:44 12 would be charged, or you might be charged or
13:53:48 13 investigated?---Yes.

13:53:49 14
13:53:49 15 Okay. Thank you. Yes Mr Winneke.

13:53:52 16
13:53:54 17 MR WINNEKE: Thanks, Commissioner. Just on that topic, we
13:53:59 18 have got, as you just indicated, audio recordings of the
13:54:04 19 communications that you had with Mr White and Mr Smith and
13:54:08 20 the various others?---Yeah.

13:54:11 21
13:54:11 22 Now, you can obviously, in listening to the audios you can
13:54:17 23 hear what's being said for the most the part, although
13:54:22 24 clearly there are gaps in the recordings and you may or may
13:54:25 25 not have seen some of the transcripts, you've certainly
13:54:28 26 heard some of the recordings, do you accept that?---Um,
13:54:31 27 I've heard two recordings.

13:54:33 28
13:54:33 29 Right?---And I haven't seen the transcripts.

13:54:40 30
13:54:40 31 You say that he was an intimidating person, is that
13:54:46 32 something that you say was because of what he was saying or
13:54:49 33 was it because of the way in which he was saying it, or was
13:54:53 34 there something else about it that you, which can't be seen
13:54:59 35 through the words on the page or the way in which it's
13:55:02 36 being said because you can hear what's being said and you
13:55:05 37 can hear, you can read what's being said if you read the
13:55:09 38 transcript. Do you say that there was something else which
13:55:12 39 gave you to feel as if you were being pressured or
13:55:17 40 something like that, intimidated?---Um, it was both of
13:55:22 41 those things, his physical presence, what he said, the way
13:55:26 42 he said it.

13:55:27 43
13:55:27 44 Right?---It was also the, um, the, um, the kind of - I kind
13:55:39 45 of felt that, um, that I couldn't, and again, you might say
13:55:46 46 this is ridiculous to say, but I kind of felt that I
13:55:50 47 couldn't walk away or would have difficulty walking away,

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13:55:55 1 um, after that, um. I walked away scared, um, or scared of
13:56:03 2 what might happen if I didn't meet their expectations.
13:56:08 3
13:56:08 4 Look I suppose what I'm getting at is this: if we can
13:56:13 5 listen to what he's saying, and insofar as there's a
13:56:19 6 transcript read what he's saying, does that really convey
13:56:23 7 what occurred in the meeting or was it the way in which he
13:56:27 8 approached you or he looked at you or things like
13:56:34 9 that?---Well there's always, um, the way someone looks at
13:56:39 10 you or their body language which you can't, as you know you
13:56:42 11 can't appreciate from an audio or a transcript.
13:56:46 12
13:56:46 13 Yes. But most of it is what is said to you, that's really,
13:56:51 14 you come out of the meeting, you say, having been, having
13:56:55 15 spoken about certain things and what I'm getting at is can
13:57:03 16 we look and listen to what's been heard and judge what
13:57:07 17 occurred in that meeting?---Yes, to a degree you can, yes.
13:57:10 18
13:57:12 19 COMMISSIONER: I just mention that tape that was just
13:57:14 20 played before the break is Exhibit 626A and the transcript
13:57:20 21 is 626B.
13:57:23 22
13:57:24 23 MR WINNEKE: Do I take it that there were, you go into a
13:57:29 24 room and you sit down and you start talking and we've got
13:57:34 25 more or less the transcript and the audio of what occurs
13:57:37 26 throughout the entirety of the meeting?---Um, I don't know,
13:57:43 27 I'm assuming it cover the whole meeting, yes.
13:57:46 28
13:57:46 29 You haven't, as I understand it, you haven't actually heard
13:57:49 30 the audio from start to finish so it's difficult for you to
13:57:52 31 say?---No, I've never - other than the audio that was
13:57:56 32 played to me in the Supreme Court and what you played
13:57:59 33 today, I've not heard any other recordings or read the
13:58:03 34 transcripts.
13:58:03 35
13:58:03 36 All right. Well, what you said was that he said to you
13:58:09 37 that you'd end up dead or - - - ?---In gaol.
13:58:15 38
13:58:15 39 - - - in gaol. Can I just read you the way in which that
13:58:19 40 comes about?---Yep.
13:58:21 41
13:58:21 42 There's a transcript, and this is at VPL.0005.0037.0085.
13:58:33 43 It's at p.72 of the transcript. But whilst that's coming
13:58:39 44 up, if I can just read it out. "But I'm increasingly
13:58:43 45 alarmed about my own exposure and assumption", then there's
13:58:47 46 a gap, "Making that", and then there's another gap,
13:58:49 47 "Because I do care at the end of the day what people

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13:58:53 1 think". And Mr White says, "Well I can tell you this with
13:58:56 2 a great deal of certainty and there's very little I
13:59:00 3 wouldn't tell you, I suppose, during the course of our
13:59:03 4 relationship ..." and you say something and it's either,
13:59:06 5 you're either cut off or it can't be heard and Mr White
13:59:10 6 then says, "Depending on how long it goes", you say, "Yep".
13:59:13 7 He says, "But I can tell you that your relationship with
13:59:16 8 Tony and the others only can have one ending, well, it can
13:59:20 9 actually have two, but both of them..." And you jump in
13:59:25 10 and say, "Couldn't agree more because look at anyone, look
13:59:28 11 at anyone who's had any sort of relationship with them".
13:59:33 12 And Mr White says, "Yeah". You say, "It only ends one of
13:59:36 13 two ways". He says, "Yeah, yeah, that's a pretty solid
13:59:40 14 past history of outcomes for people but". And you say,
13:59:44 15 "But I think it can be ..." Mr White says, "But the thing
13:59:48 16 I've got". You cut in, "I think it can be, I hope that it
13:59:52 17 won't be one of those two endings, the same two you're
13:59:56 18 thinking of, one is goal and two is death. Probably not in
14:00:01 19 that order", although - and that's what Mr White says. So
14:00:06 20 it may well be you're thinking of the same things but
14:00:09 21 you're the first person to say it?---No, he, he, maybe it's
14:00:16 22 not audible but he uses the word, he uses the expression
14:00:20 23 "in the gutter".

14:00:21 24
14:00:22 25 I follow. In any event you think that the word gutter is
14:00:28 26 mentioned somewhere?---By him, yep.

14:00:30 27
14:00:34 28 Okay, all right then. If I could just go back to that
14:00:37 29 transcript and audio that we were dealing with before
14:00:41 30 lunch. It may well be open to interpretation. I asked you
14:00:50 31 about whether, or perhaps I should ask you this: I think
14:00:57 32 you've said previously that your understanding was that the
14:01:03 33 handlers wanted all information from you, privileged or
14:01:06 34 otherwise. Now, is that the situation that you understood
14:01:13 35 to be the case or not?---Yeah, at some point, um, at some
14:01:22 36 point I was told, um - it depends on which handler because
14:01:30 37 they all have said different things and they have differing
14:01:36 38 understandings or knowledge of what had gone on before they
14:01:40 39 took over, but at one stage I was told, "You just tell us,
14:01:46 40 don't filter anything and it's for us to decide, um, what
14:01:53 41 is or isn't relevant or useful", um, and I do recall at
14:01:57 42 times saying "I can't answer that" or "I can't tell you
14:02:01 43 that because that would be privileged".

14:02:03 44
14:02:04 45 Yes?---And over time that dissipated.

14:02:09 46
14:02:09 47 Right. It may well be, and there might be another

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14:02:12 1 interpretation of the transcript that I put to you, that
14:02:16 2 the handlers were saying, "We're leaving it to you", in
14:02:19 3 effect saying to you, "If you say it's privileged don't
14:02:21 4 tell us, but we'll leave that up to you"?---Yep.
14:02:25 5
14:02:25 6 Do you agree with that?---Yes.
14:02:27 7
14:02:27 8 So that might have been the situation certainly as far as
14:02:32 9 you understood it in the early stages of the game?---Yeah.
14:02:37 10 At the outset things were very different to the way they
14:02:40 11 ended up.
14:02:41 12
14:02:41 13 Perhaps if we go back to the transcript, just to be fair so
14:02:44 14 as we get a clearer picture of it, and to the clip. If we
14:02:49 15 have a look at it, without - - -?---I would, um, I'd like
14:02:56 16 to read it.
14:02:58 17
14:02:58 18 Okay, by all means read it. Tell us when you've read that
14:03:24 19 first page?---I'm just trying to - is this the third or
14:03:35 20 fourth meeting?
14:03:36 21
14:03:36 22 It's about I think the fourth meeting, Ms Gobbo?---Okay.
14:03:39 23
14:03:41 24 Somewhere round that?---Okay.
14:03:42 25
14:03:42 26 It may well be there's a discussion and you say, "But I can
14:03:49 27 say when that stuff gets privileged, I can't" and Mr Smith
14:03:54 28 says, "That's right, that's fine, no problem with that.
14:03:57 29 And things that are, you know, hearsay upon hearsay". And
14:04:01 30 he says, "Well look, if you're happy, regardless of the
14:04:04 31 privilege issues, you make the call on your own without any
14:04:08 32 assistance from us, no problem. But if you're happy to
14:04:11 33 tell us something that was hearsay from someone, I suggest
14:04:16 34 you tell us that and let us worry about, let us worry about
14:04:20 35 that". So conceivably it's, "You make the call on
14:04:26 36 privilege, but hearsay upon hearsay, tell us what that is
14:04:30 37 and we'll make the call", right?---Yeah, there's obviously,
14:04:34 38 um, yes, there's obviously words that are not transcribed.
14:04:41 39
14:04:41 40 That may well be right?---And obviously there's been a
14:04:44 41 discussion before this date about this topic.
14:04:47 42
14:04:47 43 Yes?---But that, that's not inconsistent with my general
14:04:51 44 memory that at the beginning, in the early stages, times
14:04:58 45 when I would say, "No, I can't explain that or can't - I'm
14:05:02 46 not saying to say that because of A, B and C", and then,
14:05:07 47 yeah, over time, um - - -

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14:05:09 1
14:05:10 2 Over time things changed?---Yep.
14:05:12 3
14:05:13 4 For example, that was the fifth meeting on 28 October
14:05:17 5 2005?---Okay.
14:05:17 6
14:05:17 7 If we go then into the following year, to 9 June 2006, you
14:05:23 8 have a meeting again with Mr White and can I suggest to you
14:05:30 9 that what occurs is this: there's been a discussion about
14:05:35 10 Adam Ahmed, Mr White's keen to get information about, from
14:05:39 11 Adam Ahmed and you - initially you weren't prepared to
14:05:44 12 provide information that might be privileged. That's early
14:05:47 13 on in the piece in the relationship back in 2005. Do you
14:05:50 14 remember that?---Um, yeah, I - that's probably right.
14:05:57 15
14:05:57 16 And then this conversation occurs. Mr White says, "And he
14:06:02 17 said you wanted to tell us about that and then I think it
14:06:06 18 was, 'Adam doesn't want me to talk about it or Adam's not
14:06:10 19 prepared to talk about it unless he says it's okay'". And
14:06:13 20 you say, "Yeah, and ...". And Mr White says, "I don't want
14:06:18 21 to talk about it". And you then say, "And also, it was
14:06:21 22 back at a time when I was trying to actually not tell you
14:06:24 23 things that were privileged but I'm awake up to that now".
14:06:30 24 And Mr White says, "Is that, is that privileged?" And then
14:06:34 25 Mr Green who is there says, "Actually, there's a discussion
14:06:38 26 about can it be privileged" and you say, "Of course it is,
14:06:42 27 why isn't it? Why isn't any, like when I sit here and say
14:06:45 28 to you, 'This is exactly what [REDACTED] will tell you,
14:06:50 29 this is what he'll say to you', I mean all of what his
14:06:53 30 communication or mine with him is privileged but I'm way
14:06:58 31 past that now. Long past that". Now, can you explain
14:07:03 32 what, assuming that that transcript is correct, what does
14:07:07 33 that convey?---Well the words mean what they mean without
14:07:15 34 looking at it, without the context. Um, was this, I don't
14:07:20 35 know whether this is, by this time Mr Ahmed has, um, has,
14:07:28 36 um, [REDACTED] to - - -
14:07:36 37
14:07:37 38 MR HOLT: Commissioner, I think we might be getting into -
14:07:40 39 - -
14:07:40 40
14:07:41 41 WITNESS: Sorry.
14:07:42 42
14:07:42 43 MR WINNEKE: Can I ask you this.
14:07:43 44
14:07:43 45 COMMISSIONER: It's not your fault.
14:07:45 46
14:07:45 47 MR WINNEKE: Was the situation in the early days in the

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14:07:47 1 relationship with the handlers, you were conscious of your
14:07:52 2 obligations about legal professional privilege and you
14:07:53 3 tried to filter it so as you didn't pass that information
14:07:56 4 on, but as time went by you dropped that, or you dropped
14:08:01 5 your guard around that and simply told them everything,
14:08:05 6 privileged or otherwise?---Um, no, there were still things
14:08:16 7 that, there were still things I didn't tell them, but the,
14:08:24 8 um, the kind of the entire relationship became a lot more,
14:08:31 9 um, relaxed.
14:08:32 10
14:08:32 11 Right. If you are saying, "I'm way past that now", that
14:08:39 12 is, "I'm past the period of time when I wasn't telling you
14:08:42 13 things that I might otherwise have considered to be
14:08:47 14 privileged beforehand", it might suggest, certainly to some
14:08:51 15 degree, you're providing them with information which is
14:08:54 16 privileged?---Well, I can't say without looking at the
14:08:59 17 whole transcript or the conversations before that and
14:09:02 18 getting my mind back to where it was then.
14:09:05 19
14:09:05 20 All right. Can I ask you this: did you have a feeling
14:09:10 21 that, was it your understanding that the handlers who were
14:09:15 22 speaking to you were prepared to receive information that
14:09:19 23 was obviously privileged information?---Yes.
14:09:23 24
14:09:26 25 Or did it depend on the handler? Was it the same or did it
14:09:30 26 depend?---Some of them were far better than others in terms
14:09:35 27 of, um, interrupting me or asking for detail, depending on
14:09:42 28 who it was and what the topic was. Um, you know. One of
14:09:48 29 the things that was very frustrating was to change from one
14:09:51 30 person to someone else and to be repeating myself.
14:09:55 31
14:09:55 32 Yes, I follow that?---Um, so in the same context if the
14:10:00 33 person that I changed over to wasn't aware of the, you
14:10:05 34 know, the particular conversations prior to that person
14:10:10 35 taking over.
14:10:11 36
14:10:11 37 You'd have to repeat it?---Well not just repeat it, but it
14:10:15 38 would, the nuances of what I was saying wouldn't be,
14:10:20 39 wouldn't necessarily be understood.
14:10:22 40
14:10:23 41 All right, okay. Just prior to leaving that transcript of
14:10:26 42 28 October, the other thing that you were saying is in
14:10:32 43 [REDACTED] of 2005 it would cause you difficulties as a
14:10:37 44 barrister, as a lawyer, to ask [REDACTED] about, or to
14:10:45 45 speak to [REDACTED] about criminal matters or matters that
14:10:48 46 he was engaged in, then engaging in?---Yep.
14:10:52 47

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14:10:52 1 And you felt that that would be difficult because
14:10:54 2 subsequently if you had to stand up in court for him you'd
14:10:58 3 be hampered because you'd know things that, as a lawyer,
14:11:03 4 would prevent you from making the sorts of submissions that
14:11:06 5 you'd otherwise want to make?---Yeah, and not only that it
14:11:11 6 was not, I didn't have that kind of relationship with
14:11:15 7 [REDACTED] where I could sit down and ask him about
14:11:19 8 directly that criminal activity, that's not what happened.
14:11:21 9
14:11:21 10 Right. But is the reality of the situation that that
14:11:25 11 relationship changed and your preparedness to receive or
14:11:29 12 hear that sort of information changed likewise?---Um, yeah,
14:11:38 13 I mean it did because, um, when I first started, it was,
14:11:46 14 you know, things that I, information that I'd acquired from
14:11:51 15 reading so much material and doing so many drug cases and
14:11:55 16 bits and pieces that people said and then all of a sudden,
14:11:59 17 not all of a sudden, but, um, over time, um, I was
14:12:04 18 encouraged to be even more available, um, any time any of
14:12:10 19 these people wanted to speak in person because they would
14:12:14 20 never say anything on the phone.
14:12:15 21
14:12:15 22 Yes?---And to try and listen to two or three conversations
14:12:19 23 at once and, you know, um, get as much information as
14:12:25 24 possible.
14:12:25 25
14:12:25 26 Right. And then throughout that period of time, and can I
14:12:29 27 suggest it occurred between 28 October 2005 and earlier on
14:12:35 28 in 2006?---Yes.
14:12:37 29
14:12:39 30 It got to the stage where you were quite happy to hear
14:12:42 31 about what he was doing, criminal activities and the like,
14:12:45 32 and other people, and pass that information back to the
14:12:53 33 SDU, do you agree with that proposition?---Yes.
14:12:55 34
14:12:55 35 Yes, okay. And indeed, when you spoke to the handlers in
14:13:02 36 [REDACTED] of 2006 you had a discussion with them and, this is
14:13:13 37 prior to his arrest, and this was said, you said this,
14:13:18 38 "Because of - and if we go to clip 60, and we can put a
14:13:23 39 transcript up. Do you see that there, transcript in front
14:13:29 40 of you? And you're talking about the relationship and it's
14:13:33 41 quite apparent how it's changed and at the end of that you
14:13:37 42 say, "I'm almost or probably bordering on conspiring with
14:13:47 43 him where, you know, I sit down and have these
14:13:50 44 conversations with him and he's telling me about [REDACTED]
14:13:52 45 he's [REDACTED] and how much this and how much that, why am I
14:13:57 46 the equivalent of an aider and abettor?" It should be,
14:14:01 47 "Why am I not the equivalent of an aider and abettor" can I

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14:14:02 1 suggest because Mr Green says, "What are you doing to
14:14:07 2 assist?" You say, "Okay, forget about assisting but I'm
14:14:10 3 encouraging him, I'm inciting him, I'm conspiring with
14:14:15 4 him". Do you see that?---Yes.
14:14:17 5
14:14:17 6 It's quite apparent that the relationship or your attitude
14:14:19 7 has changed considerably, isn't it?---Sorry, I'm just
14:14:24 8 reading it.
14:14:29 9
14:14:30 10 MR CHETTLE: The redaction on that document is incomplete,
14:14:32 11 I just point out there are two errors in it.
14:14:36 12
14:14:37 13 MR WINNEKE: Yes, there's a name which obviously should be
14:14:40 14 Mr Green.
14:14:41 15
14:14:41 16 COMMISSIONER: Yes, all right. Don't mention the name of
14:14:47 17 the officer other than Sandy White that's listed there,
14:14:52 18 please?---Yes, I understand the other one's Mr Green, yes.
14:14:57 19
14:14:57 20 Thanks.
14:15:00 21
14:15:01 22 MR WINNEKE: Have you read that?---Yep.
14:15:02 23
14:15:02 24 Do you agree with the proposition that I make, that your
14:15:05 25 attitude to being in receipt of that sort of information
14:15:08 26 has changed considerably?---I don't think my, I don't think
14:15:17 27 my attitude to receiving it is different, because that
14:15:21 28 other conversation that you put to me is me saying, "I
14:15:24 29 can't sit down and actively ask these people", um, in the
14:15:31 30 sense that that's not how you acquire information, it's
14:15:34 31 more about being in their presence and, um, letting them
14:15:40 32 talk in front of you, and what I'm saying here is, or I'm
14:15:44 33 trying to express that my, like concern for myself is that
14:15:49 34 if I'm sitting down, for example, with [REDACTED], um, and
14:15:56 35 he's detailing how, when and why he's doing something, um,
14:16:03 36 I'm really trying to get their, I guess I'm trying to get
14:16:09 37 their, their confirmation that I'm, that I'm not doing
14:16:15 38 anything wrong but I still feel like I am.
14:16:18 39
14:16:19 40 I follow that. What you were saying before is you wouldn't
14:16:22 41 ask those sorts of questions, you didn't want to know the
14:16:25 42 answers, because that would cause you difficulty. But it
14:16:28 43 appears certainly by [REDACTED] 2006 that your relationship with
14:16:32 44 him has changed, do you agree with that?---By, yeah,
14:16:38 45 because by [REDACTED] 2006 he was, his - I was spending a lot
14:16:43 46 more time with him and we were a lot closer, yeah.
14:16:46 47

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14:16:47 1 You were encouraged to, weren't you?---Yes, of course, yep.
14:16:50 2
14:16:50 3 And your relationship became a lot closer?---Yep.
14:16:53 4
14:16:53 5 You met with him frequently?---Yes.
14:16:57 6
14:16:57 7 And you bonded with members of his family, we're not going
14:17:01 8 to go into details of the family but you bonded with
14:17:05 9 them?---Yeah, I had met them before but yes, closer, yes.
10
14:17:10 11 The relationship became closer?---Yep.
14:17:12 12
14:17:12 13 And that was something the police were aware of and they
14:17:16 14 certainly didn't discourage that, did they?---No, it was
14:17:20 15 the opposite, they encouraged it.
14:17:22 16
14:17:23 17 You thought that it would be useful if you arranged [REDACTED]
14:17:26 18 [REDACTED] so you could gather information about the
14:17:29 19 [REDACTED]?---No, um, they thought - we had
14:17:35 20 a discussion about there being [REDACTED].
14:17:37 21
14:17:38 22 Okay, yes?---And, um, their - I can't remember the context
14:17:44 23 in which the discussion came about of, um, being the
14:17:48 24 recipient of [REDACTED] because that would be a way of getting
14:17:54 25 telephone numbers.
14:17:54 26
14:17:54 27 Ms Gobbo, can you accept this proposition, that I'm putting
14:17:57 28 to you propositions which can be supported by the materials
14:18:00 29 that we have?---Yes, of course.
14:18:03 30
14:18:03 31 Do you accept that?---Yep.
14:18:04 32
14:18:05 33 And you did in fact arrange [REDACTED] and you were
14:18:11 34 the person who did receive the [REDACTED] and [REDACTED] the
14:18:16 35 [REDACTED], is that right?---Yeah, and I'm not, I'm really
14:18:21 36 not trying to be argumentative, but doing the [REDACTED] is not
14:18:27 37 [REDACTED].
14:18:29 38
14:18:31 39 Can I make this suggestion also: in the period of time
14:18:35 40 from September throughout the end of 2005, into 2006,
14:18:42 41 leading up till [REDACTED]?---Yes.
14:18:43 42
14:18:44 43 The material that has been provided by Victoria Police to
14:18:48 44 this Royal Commission suggests that you provided a
14:18:51 45 significant amount of information to Victoria Police about
14:18:56 46 [REDACTED] do you accept that?---Yep.
14:18:59 47

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14:19:00 1 Right. And that information that you provided included not
14:19:05 2 just information about his criminal activities, and you
14:19:09 3 accept that you provided information of that nature,
14:19:12 4 correct?---Yes.
14:19:13 5
14:19:13 6 You provided information of a personal nature about him,
14:19:17 7 including details about what he was doing at any particular
14:19:26 8 time, details about his finances, do you agree with
14:19:34 9 that?---Yeah, it was - that's right, it was, "Tell us
14:19:37 10 everything and let us work out what's wrong with it".
14:19:41 11
14:19:41 12 You told them what you considered would be helpful to them
14:19:45 13 about his vulnerabilities?---Yeah, we talked about that.
14:19:50 14
14:19:52 15 And you told him, you discussed with them, prior to his
14:19:58 16 arrest, means by which it would be possible to have him
14:20:07 17 assist police and cooperate once he was arrested?---Yep,
14:20:13 18 that was the subject of, yes, a long discussion, yes.
14:20:17 19
14:20:17 20 And towards the end of that period of time you were happy
14:20:20 21 to talk about seriously illegal conduct that he was
14:20:28 22 engaging in?---Yes.
14:20:29 23
14:20:32 24 You were having, still having conferences with him by way
14:20:36 25 of preparing his [REDACTED]?---Um, if you mean, um, getting him
14:20:45 26 to get [REDACTED], yes.
14:20:47 27
14:20:47 28 Yes. And if we accept what you've said to the handlers on
14:20:53 29 that occasion in [REDACTED] 2006, by your own assessment as a
14:21:01 30 criminal barrister, you might have been encouraging or
14:21:06 31 inciting him to engage in the conduct that he was engaging
14:21:10 32 in?---Possibly, I think that's why I'm asking them.
14:21:18 33
14:21:18 34 Well, what did you think as by that stage a relatively
14:21:22 35 experienced criminal barrister you might have been doing
14:21:25 36 which was in the nature of encouraging or inciting?---Well
14:21:29 37 I'm not - let's - the criminal activity that he was
14:21:35 38 committing was [REDACTED].
14:21:37 39
14:21:37 40 Right.
14:21:38 41
14:21:39 42 MR HOLT: Commissioner.
14:21:40 43
14:21:40 44 COMMISSIONER: Just a moment please, Ms Gobbo.
14:21:42 45
14:21:43 46 MR HOLT: Sorry, my friend has worked really hard to keep
14:21:45 47 this detail out. I'd be grateful if that word could come

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14:21:48 1 out at that point.
14:21:49 2
14:21:50 3 MR WINNEKE: Commissioner - - -
14:21:54 4
14:21:55 5 MR HOLT: Ms Clark isn't here, Commissioner, and I'm
14:21:57 6 conscious of the submissions she's made previously. All of
7 this was done previously and we're trying really hard to
14:22:03 8 allow it to be - - -
14:22:03 9
14:22:04 10 COMMISSIONER: Yes. Just remove the word [REDACTED]
14:22:06 11 from line 43 and the reference to that word thereafter,
14:22:11 12 thank you.
14:22:13 13
14:22:14 14 WITNESS: Sorry, Commissioner, if I'm, if I'm going to
14:22:18 15 answer a question about potentially conspiring or inciting
14:22:22 16 criminal offences I'll need, I'll try to make the answer
14:22:26 17 specific to the offence that I was aware of to answer the
14:22:30 18 question about me committing a crime with him, potentially.
14:22:36 19
14:22:36 20 COMMISSIONER: Yes Mr Winneke.
14:22:37 21
14:22:37 22 MR WINNEKE: What is it that made you wonder whether or not
14:22:41 23 you might have been encouraging or inciting him?--Well,
14:22:46 24 when he sits down and details, um, in the way that he did,
14:22:53 25 which was in riddles and half, um, half sentences and
14:22:59 26 little clues, because it was never, he was never
14:23:02 27 straightforward about anything, he was quite manic,
14:23:05 28 particularly depending upon whether he, as I later learned
14:23:09 29 or learned over time, he'd come out of a, how can I even
14:23:13 30 say it?
14:23:15 31
14:23:15 32 COMMISSIONER: You better not say that either but he had
14:23:18 33 had some [REDACTED], yes, thank you?--Yes. Um,
14:23:24 34 anyway, depending upon what state he was in, um, he would
14:23:29 35 talk, um, like - I can't even, I can't answer this without
14:23:34 36 referring to certain processes, Commissioner, that, um - -
14:23:41 37 -
14:23:41 38
14:23:42 39 MR WINNEKE: Perhaps if I can ask - - -
14:23:43 40
14:23:44 41 MR NATHWANI: It's been suggested in around about way that
14:23:47 42 she might be involved in some criminal conspiracy. To
14:23:50 43 fairly answer that question, as I highlighted yesterday,
14:23:54 44 there may be occasions to deal with certain matters in
14:23:57 45 private. She's in effect - - -
14:23:57 46
14:23:57 47 COMMISSIONER: I understand that. Maybe we will have to do

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14:24:00 1 that in your re-examination perhaps. Perhaps we can do it
14:24:03 2 in your re-examination. What do you say, Mr Winneke?
14:24:06 3
14:24:06 4 MR WINNEKE: I was going to just see if I could deal with
14:24:08 5 it in a different way.
14:24:10 6
14:24:10 7 COMMISSIONER: All right then. All right.
14:24:12 8
14:24:12 9 MR WINNEKE: When you made that comment I take it it was -
14:24:19 10 you say it was a question, you say, "Why am I not the
14:24:24 11 equivalent of an aider and abettor" and they say, "What are
14:24:27 12 you doing to assist?" You say, "Okay, forget about
14:24:31 13 assisting but I'm encouraging, I'm inciting, I'm
14:24:36 14 conspiring". If we focus on the first two words,
14:24:39 15 encouraging and inciting, might it be that by words or
14:24:43 16 actions of your own, such as words of encouragement, is
14:24:52 17 that what you were thinking about by things that you had
14:24:55 18 said to him suggesting that you agreed with what he was
14:24:59 19 doing?---No.
14:25:01 20
14:25:01 21 No?---No.
14:25:02 22
14:25:02 23 Okay?---First of all, I don't - I don't know whether what I
14:25:07 24 said, and I haven't, going by the transcript, I'm assuming
14:25:13 25 that the way I speak to Mr Green and Mr White is that I'm
14:25:21 26 asking it in the form of a question, um, I hadn't, because
14:25:27 27 they specifically said, "You can't", you know, "You're not
14:25:30 28 allowed to commit crimes while you're doing this and if a
14:25:34 29 situation arises where there's a need for [REDACTED]
14:25:39 30 then we can talk about that".
31
14:25:40 32 Yes?---So me sitting down with [REDACTED] was not me, um,
14:25:47 33 plotting and scheming with him about what he was doing, but
14:25:51 34 equally I wasn't sitting there saying, by virtue of
14:25:55 35 assisting the police, I wasn't sitting there saying, "No,
14:25:59 36 shut up, don't say one more word, don't tell me this".
14:26:03 37 Instead he would go to great length to impress and to show
14:26:08 38 me how intricate his knowledge was of certain [REDACTED]
14:26:13 39 [REDACTED]
40
14:26:15 41 Yes?---And to the extent that I'm sitting there, I'm not
14:26:18 42 actively encouraging him with my words but I'm equally not
14:26:23 43 saying, "Shut up, I'm not listening to this".
14:26:26 44
14:26:27 45 Yes, I follow that. Can I ask you this, I take it you
14:26:29 46 would accept that, firstly, as a barrister who is in the
14:26:32 47 process of preparing [REDACTED] and expecting to stand up in

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14:26:37 1 front of a judge and tell the judge things about the person
14:26:40 2 which would mitigate the criminality of their conduct.
14:26:44 3 Firstly, you wouldn't want to know about these sorts of
14:26:47 4 things, would you agree with that?---Yes, correct.

14:26:51 5
14:26:51 6 And secondly, as a barrister intending to represent a
14:26:55 7 person and present [REDACTED], you would be saying to a person,
14:26:59 8 "Now for heaven's sake keep your nose clean and stay away
14:27:06 9 from the likes of the Mokbels. It may well be that the
14:27:09 10 police are looking very closely at you. If you put a foot
14:27:14 11 wrong", that sort of stuff, that's what you would be saying
14:27:18 12 as an ethical barrister, wouldn't you?---We had those
14:27:22 13 discussions.

14:27:23 14
14:27:23 15 When did you have those discussions?---Well he got - as
14:27:26 16 soon as [REDACTED] we had many discussions along those
14:27:31 17 lines because at one stage he was very upset and concerned
14:27:35 18 that, about my movements on a particular day and it turned
14:27:39 19 out that he had [REDACTED] his, um, [REDACTED] or his [REDACTED]
14:27:46 20 [REDACTED] because [REDACTED] a - I
14:27:51 21 don't know if I can say this, Commissioner, [REDACTED]
14:27:55 22 [REDACTED].

14:27:57 23
14:27:57 24 Yes?---And what he had said was that he told the person
14:28:02 25 that he was supposed to [REDACTED] to about where he was,
14:28:06 26 that he was with me, and he was very concerned that he
14:28:10 27 created a problem for me.

14:28:11 28
14:28:11 29 Yes?---Um, but in, just in answer to the other part of your
14:28:15 30 question, um, in terms of doing his [REDACTED], I wasn't going to
14:28:21 31 be the person doing his [REDACTED] because, like many in that
14:28:25 32 circle, they didn't want anyone but a QC for the important,
14:28:30 33 what they regarded as the important things.

14:28:32 34
14:28:32 35 Right. Ultimately you did prepare the [REDACTED] though, didn't
14:28:35 36 you?---Um, no.

14:28:38 37
14:28:38 38 Did you not - - - ?---I think I - - -

14:28:40 39
14:28:41 40 Did you not as a, as a junior barrister or in the
14:28:45 41 background prepare [REDACTED]?---Um, I might have
14:28:50 42 done some, I might have cut and pasted some summaries that
14:28:56 43 I know that I would have done in relation to his briefs.

14:28:58 44
14:28:58 45 Yes?---And I know, I can recall having some discussions
14:29:03 46 with him about, um, about [REDACTED] and the way
14:29:08 47 in which they should be, he should be asking people to

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14:29:12 1 [REDACTED] and what they needed [REDACTED], um, for [REDACTED]
14:29:16 2 to be of [REDACTED].
14:29:19 3
14:29:19 4 So - - -?---And I also - - -
5
14:29:21 6 Sorry, go on?---I also remember, I also remember the great
14:29:24 7 discomfort I had, concern I had with the, the way in which
14:29:31 8 an [REDACTED] was obtained for his [REDACTED] so that he could
14:29:36 9 [REDACTED] until [REDACTED]
14:29:38 10
14:29:39 11 Right?---Because, um, because of what he told me about the,
14:29:45 12 his [REDACTED] with [REDACTED].
14:29:47 13
14:29:47 14 Right, okay. So you had concern about that. It wouldn't
14:29:53 15 have mattered whether you were a junior barrister, whether
14:29:56 16 you were actually making the [REDACTED], or indeed whether you
14:30:00 17 were appearing or going to a police station to provide him
14:30:05 18 advice, it wouldn't matter, would it? You simply couldn't
14:30:08 19 act for him in the circumstances which pertained as at
14:30:11 20 [REDACTED] 2006?---Yes, and I had that discussion with, um, with
14:30:18 21 my handlers.
14:30:19 22
14:30:19 23 Yes. You agree with me, you couldn't?---No, no.
14:30:24 24
14:30:24 25 Righto. Now, if we can then go to that discussion. That
14:30:28 26 was on, in [REDACTED], late [REDACTED] 2006. And this is clip 46,
14:30:35 27 Commissioner. We might play it, if we can.
28
14:31:01 29 (Audio recording played to the hearing.)
14:32:25 30
14:32:25 31 Now, can I suggest this to you, that what that conversation
14:32:32 32 reveals is that, firstly, it was expected by you that
14:32:44 33 [REDACTED] would call you when he was arrested, do you
14:32:50 34 accept that?---That I believed that would happen, yes.
14:32:53 35
14:32:53 36 Yes. And it was, it seems to be apparent that those who
14:32:57 37 you were talking to were at least concerned that that would
14:33:01 38 happen?---It was more than that, they, they knew that it
14:33:07 39 would happen.
14:33:08 40
14:33:08 41 Right. You were aware that it was improper for you to turn
14:33:18 42 up to the police station when he was arrested and advise
14:33:20 43 him, do you accept that?---Yeah, we had long discussions
14:33:25 44 about exactly that and how to avoid it.
14:33:27 45
14:33:28 46 Right. But as far as you were concerned you weren't going
14:33:31 47 to avoid it?---I couldn't think of a way to avoid it.

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14:33:37 1
14:33:37 2 Right. So the point is, you were going to turn up and
14:33:43 3 advise him?--Well, they - I had said to them, you've - by,
14:33:49 4 not in these words obviously, but by reason of what's gone
14:33:53 5 on, I had been encouraged to be, um, closer and closer to
14:34:00 6 him, expose some vulnerability on my part and vice versa
14:34:04 7 and then of course, the minute, you know, as a
14:34:10 8 hypothetical, if he is arrested, of course the first person
14:34:14 9 he will ring is me and if I don't answer the phone at that
14:34:18 10 point in time, it's just putting off the inevitable. He
14:34:22 11 will eventually speak to me.
12
14:34:23 13 Yes?--And the alternative was, okay, so don't answer the
14:34:26 14 phone. Where are you going to hide and for how long? And
14:34:29 15 if you, you know, if you don't speak to him then, um, at
14:34:38 16 some point you're going to have to. And then the other
14:34:43 17 issue was the problem of, um, of um, the questions other
14:34:50 18 people would ask about him.
19
14:34:53 20 Right. Putting those matters aside, the fact of the matter
14:34:57 21 is you had, with the police, or you had assisted the police
14:35:02 22 in orchestrating this situation to come about, do you
14:35:06 23 accept that?--By virtue of the information I'd provided,
14:35:14 24 yes.
25
14:35:16 26 And willingly provided, can I suggest?--Yeah, they didn't
14:35:21 27 hold a gun to my head, that's right.
28
14:35:24 29 The whole purpose - - -?--I think - - -
30
14:35:27 31 Sorry, go on?--I think the last line of what I say is,
14:35:30 32 it's a more eloquent way to put it.
33
14:35:39 34 In any event you were aware he was entitled to have a legal
14:35:42 35 practitioner who was independent of the police?--Yep, yep.
14:35:45 36
14:35:46 37 Who was not in effect an agent of the police?--That's
14:35:49 38 right.
39
14:35:49 40 And you were aware that by turning up and providing advice
14:35:52 41 to him you were in effect doing things which would have a
14:35:56 42 tendency to pervert the course of justice?--Potentially.
14:36:00 43
14:36:00 44 You were aware of that, weren't you?--That that could
14:36:07 45 happen, yes, but that was why it was spoken about in such,
14:36:12 46 in so many conversations, with so many people.
14:36:15 47

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14:36:16 1 And he was not going to get an independent lawyer if you
14:36:19 2 turned up and advised him?---No, he was, he was certainly
14:36:27 3 going to get all his options but, um, I wasn't going to
14:36:31 4 reveal what I'd done and, and that, it came to a head that
14:36:37 5 night because it was a, um, it was an awful night. It was
14:36:43 6 an awful night.
14:36:44 7
14:36:44 8 Do you accept you were in effect an agent of the police and
14:36:47 9 not an independent legal practitioner providing him with
14:36:51 10 legal advice?---Yes, I accept I was an agent of the police.
14:36:56 11
14:36:59 12 Do you also accept that you were not providing him with
14:37:02 13 independent legal advice?---Um, I - I don't know. I mean,
14:37:17 14 I'm not going to quibble over the word but I did have a
14:37:21 15 lengthy discussion with him about various options he had
14:37:24 16 available to him, um, but obviously, if someone else was
14:37:32 17 there would they have asked questions about me? Not
14:37:36 18 necessarily. Did I have a huge ethical problem? Yes,
14:37:40 19 absolutely.
14:37:41 20
14:37:41 21 Can I ask you about the events which occurred on the day of
14:37:45 22 his arrest.
14:37:46 23
14:37:46 24 COMMISSIONER: Just before you go there I'll just mention
14:37:49 25 that the tape and transcript of clip 46 is 492A and B
14:37:54 26 respectively and the transcript of [REDACTED] 2006 is Exhibit
14:38:01 27 547. Sorry, go on.
14:38:05 28
14:38:06 29 MR WINNEKE: Thanks, Commissioner. Now, I won't say this,
14:38:14 30 but on [REDACTED] you attended the prison to
14:38:20 31 visit two people, one of them was [REDACTED] and the other
14:38:25 32 was [REDACTED]?---Yep.
14:38:29 33
14:38:32 34 And you were told by your handlers to expect that
14:38:40 35 [REDACTED] may well be arrested [REDACTED]?---Yes.
14:38:47 36
14:38:51 37 And I suppose conceivably you could have turned your phone
14:38:57 38 off, couldn't you, and made yourself unavailable?---For
14:39:01 39 some period, yes. Actually, I think it was, by virtue of
14:39:11 40 where I was it would have been off for a number of hours.
14:39:15 41
14:39:16 42 I follow that. You couldn't have your phone in the prison
14:39:20 43 whilst visiting [REDACTED] and [REDACTED]. What I'm
14:39:23 44 suggesting is you could have turned our phone off and made
14:39:27 45 yourself unavailable for the [REDACTED], [REDACTED] and
14:39:30 46 the [REDACTED]?---Yeah, until at some point I would have had
14:39:33 47 to speak to him, yes. Because the concern, sorry, the

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14:39:40 1 concern that I had and they had was that by not speaking to
14:39:44 2 him it would make him suspicious.
14:39:48 3
14:39:50 4 Look, I follow that. You knew that he was, you knew that
14:39:57 5 he was going to be arrested and you made yourself available
14:40:00 6 to attend upon him and advise him, didn't you?---Yes, they
14:40:09 7 said, "He may well be arrested [REDACTED]" and then I think it
14:40:13 8 ends up happening the [REDACTED] or [REDACTED] that [REDACTED].
14:40:16 9
14:40:17 10 Right?---Um, I don't remember if it was a [REDACTED] or a
14:40:22 11 [REDACTED].
14:40:22 12
14:40:23 13 Can I ask you - go on?---No, it's all right.
14:40:25 14
14:40:26 15 Can I ask you what may seem like an obvious question. If,
14:40:30 16 for example, you were out of action for [REDACTED], you
14:40:34 17 didn't have your phone turned on and he was arrested,
14:40:36 18 couldn't get through to you, he might have spoken to
14:40:39 19 another legal practitioner and gotten legal advice from
14:40:42 20 that person, that's conceivable, isn't it?---Yes, I don't
14:40:45 21 think it would have made any difference in terms of what he
14:40:48 22 did, but that's right.
14:40:49 23
14:40:49 24 It may not have, but certainly that was an option for you.
14:40:54 25 He might have had the opportunity of independent legal
14:40:57 26 advice after he was arrested if he couldn't get through to
14:41:00 27 you?---You mean, if you mean advice from someone else, yes,
14:41:04 28 he could have. In actual fact he didn't ring anyone, he
14:41:08 29 knew what his rights were.
14:41:09 30
14:41:10 31 Right?---The reason, um, the biggest thing that was
14:41:18 32 discussed at length was, um, and I understand it was
14:41:22 33 discussed by police above or outside of the SDU, was the
14:41:28 34 potential, um, problems of what would happen if I didn't
14:41:35 35 speak to him, um, or at some point after or when he was
14:41:40 36 arrested, um, and then going on from that, um, because I
14:41:48 37 can remember them threatening me, well not - yeah,
14:41:52 38 threatening me about, um, once I was aware that he was
14:41:55 39 arrested or was going to be arrested, to ensure that I
14:41:59 40 didn't say anything to anybody else.
14:42:01 41
14:42:01 42 You say you were threatened?---Well they, I can remember
14:42:04 43 them saying, um, you know, words to the effect of, um, you
14:42:10 44 know, "It's police officers' lives that are in danger, so
14:42:13 45 you cannot, you're putting them in jeopardy if you say
14:42:18 46 anything about what's going to occur".
14:42:21 47

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14:42:21 1 Right?---But I can't, to be - I can't be absolutely certain
14:42:27 2 whether that was said prior to his arrest or whether it was
14:42:31 3 said prior to the [REDACTED] arrest a [REDACTED].
14:42:36 4 Sorry if I'm not meant to say that either, sorry.

14:42:40 5
14:42:40 6 All right.

14:42:44 7
14:42:44 8 COMMISSIONER: Do you want that removed?

14:42:45 9
14:42:46 10 MR HOLT: Yes, Commissioner.

14:42:47 11
14:42:47 12 COMMISSIONER: Take out the name in line 46, thank you.

14:42:50 13
14:42:50 14 MR WINNEKE: It might be suggested, Ms Gobbo, that you were
14:42:55 15 not a threatened participant in this business but a willing
14:42:59 16 participant. There's a note in the ICRs which records you
14:43:08 17 as having told the handlers, or spoken to the handlers in a
14:43:12 18 manner which they record as waxing ironic regarding the
14:43:16 19 imminent arrest of [REDACTED] and the fact you won't get
14:43:21 20 paid for representing him. What do you say about
14:43:26 21 that?---What can I say about someone's note about some,
14:43:31 22 presumably some inane conversation I've had? You know, the
14:43:35 23 reality is for all these people, all the amount of time
14:43:40 24 I've spent with them for the police, or more often doing
14:43:43 25 work for them, um, wasn't being, wasn't being billed or
14:43:50 26 wasn't being paid anyway, so I don't - that's just - I mean
14:43:54 27 it's not, I mean it's neither nor there from the point of
14:43:57 28 view of being a reason to turn up or not turn up for him.

14:44:00 29
14:44:02 30 Okay. It seems also that one of the handlers wrote in his
14:44:06 31 notes that you seemed happy and said, "Who's next?" Does
14:44:10 32 that suggest you're a willing participant in this crusade
14:44:16 33 against crime?---Is this when I'm in the car and they're
14:44:20 34 showing me a gun?

14:44:21 35
14:44:22 36 After the arrest and I think when you're on the way to the
14:44:25 37 police station?---I think this is, there was, I can
14:44:31 38 remember that, there being a conversation, it's in the car
14:44:34 39 with them, not on the way to the police station, it's on
14:44:38 40 the way to the Radisson, and the handlers, I know Mr,
14:44:49 41 Mr White and one other, um, had firearms, um, which they
14:44:56 42 hadn't shown me prior to then, um, and there was a
14:45:00 43 conversation in which I did say something like, "Who's
14:45:06 44 next?" As in, "Okay, you've done that person now, what's
14:45:10 45 next?" But not in the way you've made it sound.

14:45:13 46
14:45:13 47 If we go to p.259 of the ICRs we see that at 12.30 there

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14:45:25 1 was a telephone call that you make to the handlers and at
14:45:29 2 this stage you describe ██████████'s mental state, you've
14:45:36 3 obviously just come out of the prison. If we go up to the
14:45:39 4 previous page at the bottom of the page, the handler notes
14:45:43 5 that Ms Gobbo, "HS waxing ironic re imminent ██████████
14:45:49 6 arrest" - - -
14:45:50 7
14:45:51 8 MR HOLT: I was asking for it not to be zoomed in on.
14:45:54 9
14:45:55 10 MR WINNEKE: She won't get paid for representing him.
14:45:57 11
14:45:57 12 COMMISSIONER: Can you do it for Ms Gobbo's one so she can
14:46:01 13 see it.
14:46:03 14
14:46:05 15 MR WINNEKE: There's a telephone call at 15:04 - it's 258,
14:46:13 16 259, bottom 258, top of 259, "Telephone call HS. Advised
14:46:20 17 that ██████████ ██████████ in custody. No other details
14:46:23 18 given. Told to ignore handlers if sights at BSR", which is
14:46:28 19 St Kilda Road. "Told to text message and will meet the
14:46:29 20 handlers away from the building. 16:10, handler receives a
14:46:35 21 call. HS contacted by investigators, advised that ██████████
14:46:40 22 ██████████ in custody. ██████████ asking for Ms Gobbo,
14:46:44 23 who is en route to St Kilda Road, ten minutes off. She's
14:46:48 24 to ring later. Seems happy re arrests and asked the
14:46:52 25 question, 'Who's next?'" Certainly there's no suggestion
14:46:55 26 that you're in a car and guns are about?---No, I've got a
14:46:59 27 specific memory of being in a car on the way - - -
14:47:03 28
14:47:04 29 Can you just focus on my question, Ms Gobbo. Do you accept
14:47:06 30 that proposition, that if what you're saying to the
14:47:09 31 handlers is correct and it's been recorded, you're not
14:47:14 32 being confronted with a police officer with a gun?
14:47:18 33
14:47:19 34 MR NATHWANI: That's her explanation. She is trying to
14:47:23 35 explain.
14:47:24 36
14:47:24 37 MR WINNEKE: No, no, she's not answering the question.
14:47:26 38
14:47:26 39 COMMISSIONER: Ms Gobbo I'm sure is very capable of
14:47:28 40 answering the question herself. Ms Gobbo, do you want the
14:47:32 41 question asked again?---Yes please.
14:47:34 42
14:47:35 43 MR WINNEKE: Ms Gobbo, you know what I'm asking. The fact
14:47:38 44 is if you read that and you accept that it's halfway
14:47:41 45 accurate you're not being threatened and you're saying,
14:47:44 46 "Who's next"?---I didn't say I was being threatened and - -
14:47:47 47 -

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14:47:47 1
14:47:47 2 And there was no one with a gun.
14:47:49 3
14:47:49 4 COMMISSIONER: Just let her answer the question. You
14:47:52 5 didn't say you were being threatened and what were you
14:47:54 6 going to add?---I obviously can't comment on what some, um,
14:47:59 7 someone's written in their notes or written up the notes
14:48:05 8 however long later where it says, "Seems happy regarding
14:48:14 9 arrests" because that's certainly not my recollection of
14:48:18 10 it. But I'm not in a position to challenge what all these,
14:48:21 11 all the police have said and what they made notes of at the
14:48:25 12 time and, um, converted their, um, their day book entries
14:48:31 13 or diaries into ICRs.
14:48:32 14
14:48:33 15 All right?---Sorry, or IRs that become - however it gets
14:48:39 16 converted.
14:48:39 17
14:48:41 18 You went to the police station and you spoke with
14:48:43 19 [REDACTED] the [REDACTED]?---Yep.
14:48:47 20
14:48:48 21 At that stage they had already been put on tape. Had you
14:48:55 22 spoken to [REDACTED] over the phone before or not?---I can't
14:48:57 23 recall.
14:48:58 24
14:48:58 25 In any event, at the time that you'd spoken to [REDACTED] they
14:49:02 26 had already been put on tape and said no comment. Now,
14:49:08 27 subsequent, when you got there, you were with [REDACTED]
14:49:12 28 for about an hour and a half?---I don't know.
14:49:17 29
14:49:17 30 I withdraw that, I'll start again. You were with
14:49:20 31 [REDACTED] for around an hour after that?---Yeah, I,
14:49:27 32 obviously I don't know how long I was there for. I don't
14:49:30 33 dispute what people have notes of what time I got there and
14:49:34 34 left.
14:49:34 35
14:49:34 36 All right. Now, [REDACTED] has given evidence and he says,
14:49:48 37 he's asked to explain what happened, what his observations
14:49:52 38 were when you came through the door?---H'mm.
14:49:56 39
14:49:56 40 And he said, "She looked distressed", or, "She looked so
14:50:01 41 distressed. She was shaking her head from side to side
14:50:04 42 saying, 'No, I can't fix this, I can't fix this'. She sat
14:50:09 43 down and proceeded to cry and I pulled my chair around and
14:50:10 44 grabbed her hands and told her not to worry and she said,
14:50:12 45 'I can't fix this, it's [REDACTED], this is it'.
14:50:18 46 Now, do you think that that might have occurred?---I would
14:50:23 47 not - I did not say "I can't fix this".

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14:50:26 1
14:50:26 2 You disagree with that?---Absolutely.
14:50:28 3
14:50:28 4 All right. "And I said", that is [REDACTED] said, "'Look,
14:50:31 5 don't worry about it, I'm going to be okay'. And you said,
14:50:34 6 'No, you're not, you're not going to be okay, you don't
14:50:38 7 understand' and she went on to say that they know
14:50:41 8 everything and I said, 'What do you mean?'" Do you accept
14:50:45 9 that that was what was said?---No, that is just so, that is
14:50:50 10 so far-fetched from the reality. The only part that I
14:50:54 11 agree with is that I was, um, emotional, um, once I sat
14:51:00 12 down with him. I was actually more emotional when I left
14:51:06 13 than immediately upon being there.
14 14
14:51:09 15 Right?---No, I mean - you're in a, in a room in which the
14:51:15 16 assumption made by him, like everybody else, was that there
14:51:20 17 was some kind of recording device in the room or that
14:51:23 18 police were listening. So it's common practice to be very
14:51:28 19 careful what you say in those rooms. Um, that's not even
14:51:33 20 the type of words that he would say. Um, and there is no
14:51:38 21 way I could have said to him, or would have said to him,
14:51:42 22 "They know everything". That's kind of, that's more words
14:51:45 23 that he would have said to me, um, depending upon what he'd
14:51:51 24 been told by investigators between his arrest and that
14:51:55 25 point in time, but I don't know, I don't know what that was
14:51:58 26 or wasn't and it wouldn't have been on tape.
14:52:02 27
14:52:02 28 Yes, righto. What do you say that you said?---Um, I
14:52:14 29 understood that I had, um, I understood when I got there -
14:52:19 30 sorry, when I got to him, because I can't, I can't
14:52:22 31 precisely remember who I spoke to first or in what order I
14:52:26 32 saw what police officer.
14:52:28 33
14:52:28 34 Yes?---As in, you know, who came to the front or who I went
14:52:32 35 up in the lift with, I can't remember that.
14:52:34 36
14:52:34 37 See if you can recall what happened when you saw him and
14:52:37 38 spoke to him?---Um, what I was going to say was, someone
14:52:43 39 had indicated to me prior to me seeing him that he had
14:52:49 40 indicated, um, that he, he'd broken down and indicated that
14:52:55 41 he wanted to help the police or wanted to help himself
14:52:59 42 principally, but he, when I saw him, he was, um, he was - I
14:53:08 43 can't remember whether it was, whether it was the first
14:53:11 44 time or the second time because I saw him very briefly left
14:53:15 45 and then came back but - - -
14:53:17 46
14:53:18 47 There was a discussion that you had with him and I think

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14:53:20 1 the other person there as well, all up for about 45 minutes
14:53:24 2 or an hour or thereabouts, okay, do you accept
14:53:29 3 that?---Yeah, okay.
14:53:31 4
14:53:32 5 And you spoke to the other person I think for about 15
14:53:39 6 minutes, the record seems to suggest, then you spoke to
14:53:44 7 [REDACTED] for about 45 minutes, thereabouts.
14:53:47 8 Anyway?---Right.
14:53:48 9
14:53:48 10 Do you think you might have said something like, without
14:53:53 11 going into detail, but, "Everyone's affected" and
14:53:56 12 thereafter members of the family are mentioned. "There's
14:54:03 13 going to be a loss of property from proceeds of crime", I'm
14:54:07 14 paraphrasing?---Sorry, are you saying that I've said this?
14:54:11 15
14:54:12 16 I'm putting to you what the evidence of [REDACTED] is and
14:54:17 17 I'm trying to do it in a way which doesn't provide biodata,
14:54:22 18 right?---Yeah, okay, sorry.
14:54:24 19
14:54:24 20 If I can paraphrase and perhaps this is - if I'm not doing
14:54:30 21 it correctly - righto. So effectively people are going to
14:54:36 22 be affected. "There are going to be arrests, property will
14:54:40 23 be lost from proceeds of crime. I can't help you, you're
14:54:43 24 looking at [REDACTED] years minimum. You've got to do something",
14:54:46 25 right?---No, no.
14:54:47 26
14:54:47 27 I'm suggesting to you that was part of the discussion you
14:54:50 28 had with him?---No, I don't agree with any of that.
14:54:52 29
14:54:53 30 Righto. I take it - - -?---Can I tell you why?
14:54:59 31
14:55:00 32 Yes?---Can I tell you why that's just rubbish?
14:55:03 33
14:55:03 34 Yes?---First of all, if you're suggesting that, um, he has
14:55:08 35 said that I have, um, mentioned that property would be
14:55:13 36 confiscated or forfeited, that's just unmitigated rubbish.
14:55:19 37 He didn't have any property to be forfeited or to be
14:55:22 38 confiscated, he had nothing. So I don't know where that
14:55:26 39 would have come from, but it's not even, not something
14:55:29 40 that, um, it's not something I could have even said because
14:55:34 41 it just was nonexistent. Family affected, not something I
14:55:40 42 would say. Our conversation, whilst I don't have notes in
14:55:44 43 front of me, um, was along the lines of, "Well, you've got
14:55:51 44 a number of choices available to you, but leaving aside
14:55:54 45 what they do or don't have in terms of evidence, this is
14:55:58 46 your position". Um, and then what was the thing you said,
14:56:01 47 the last thing you said that, "You're looking at more, I

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14:56:04 1 can't help you, you're looking at [REDACTED] years".
14:56:07 2
14:56:08 3 [REDACTED] years, yes?---No, no, I would not - I didn't say that.
14:56:11 4
14:56:12 5 All right?---It's not even, I don't even think it was what
14:56:15 6 he said.
14:56:16 7
14:56:16 8 Can I ask you this: I take it you would have said to him,
14:56:20 9 "Look, you're on", without going into the details of the
14:56:23 10 charges already, "[REDACTED] very serious charges, one of which
14:56:26 11 was [REDACTED]"?---Yes.
14:56:28 12
14:56:28 13 "Now this is going to be a [REDACTED] very serious offence",
14:56:32 14 again without going into details, "[REDACTED]". You
14:56:38 15 would be looking at a very, very long sentence". I mean
14:56:40 16 those were the sorts - those would be the sort of things
14:56:41 17 that you would say, I assume, because that would be
14:56:44 18 true?---That's correct. But not, not the way he's just,
14:56:48 19 you've said that he said or that he's saying I said it.
14:56:52 20
14:56:52 21 All right. But the reality is that you accept you probably
14:56:55 22 would have said to him on a [REDACTED] charge of that sort,
14:56:58 23 whilst [REDACTED], looking at a very, very heavy
14:57:03 24 sentence?---Yes, and if I was putting a year on it there's
14:57:06 25 no way it would have been [REDACTED].
14:57:08 26
14:57:08 27 In any event, do you recall having discussions with the
14:57:11 28 handlers beforehand about the sorts of things that they
14:57:14 29 might be able to use in discussions with him which would
14:57:18 30 convince him that it is best for him to, in effect, provide
14:57:23 31 assistance?---Not specifically as I sit here now but I'm
14:57:29 32 not, but I'm not disputing that would have been something
14:57:34 33 they'd spoken to me about.
14:57:36 34
14:57:36 35 If there were discussions of that sort, you understood the
14:57:39 36 sort of things that would be said to him by others, I take
14:57:42 37 it?---Well this had been spoken about before that night, so
14:57:46 38 yes.
14:57:46 39
14:57:46 40 It may well be you might have said something along those
14:57:49 41 lines anyway?---Well they, that's right. They'd asked all
14:57:54 42 kinds of questions about him personally because there was
14:57:58 43 no filter on it, so they knew anyway.
14:58:00 44
14:58:01 45 All right. You were also told before you went there that
14:58:03 46 if you saw any handlers you would ignore them at the police
14:58:08 47 station?---It was standard practice that if I saw them

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14:58:11 1 anywhere ever I was to ignore them and pretend I didn't
14:58:14 2 know them.
14:58:14 3
14:58:15 4 So that is probably what was said to you prior to this
14:58:17 5 occasion?---Yeah, or words to that effect, yes.
14:58:21 6
14:58:21 7 You left the police station, it seems at around 5.45 having
14:58:24 8 had a discussion with [REDACTED],
14:58:28 9 correct?---Yeah, I can't - I agree, I would have spoken to
14:58:33 10 [REDACTED]
14:58:33 11
14:58:34 12 Right. And after you left the police station you contacted
14:58:37 13 your handlers and you mentioned to them that there were [REDACTED]
14:58:40 14 handguns to be found in [REDACTED], which had been
14:58:48 15 missed?---Probably.
14:58:48 16
14:58:48 17 Do you accept that?---If it's in a note somewhere, yep.
14:58:51 18
14:58:51 19 Okay. Now, then, as we understand what occurred is that
14:58:56 20 Mr O'Brien and Mr Flynn and one of your handlers, a person
14:59:01 21 by the name of Smith?---Yes.
14:59:04 22
14:59:04 23 Then spoke to [REDACTED] with a view to making their pitch
14:59:10 24 to get him to assist the police, do you understand
14:59:16 25 that?---That might, that might have been the order in which
14:59:19 26 it happened. I remember [REDACTED] saying to me that Jim
14:59:23 27 O'Brien threatened him by himself first.
14:59:25 28
14:59:25 29 Right?---But I can't, I mean I can't, I can only tell you
14:59:29 30 what I can remember.
14:59:30 31
14:59:31 32 Yeah, I follow that. Then it appears that [REDACTED] was
14:59:35 33 not prepared to go on discussing matters with him without
14:59:38 34 you being there, in other words he wanted you to come back,
14:59:41 35 do you recall that?---Yes, yep.
14:59:44 36
14:59:45 37 Therefore at about 7.15 you returned to the police station
14:59:47 38 for a second time, do you agree with that?---Yep.
14:59:50 39
14:59:51 40 Who do you recall seeing and speaking to when you got back
14:59:55 41 to the police station?---Um, I can't remember - I'd be
15:00:02 42 lying if I said I could remember specifically anyone. I
15:00:08 43 can, um, I can remember at some point being in there the,
15:00:14 44 or the boardroom with, um, there were a lot of police
15:00:18 45 sitting around the table, including Jim O'Brien.
15:00:21 46
15:00:21 47 Yes?---But most - what vivid, what is more vivid in my head

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15:00:28 1 is the memory of [REDACTED] saying that the reason why
15:00:34 2 he'd, um, I mean it's against my self-interest to admit
15:00:40 3 this but I'm going to say it anyway, he said to me that he
15:00:44 4 couldn't, um, he couldn't go ahead with what he was wanting
15:00:48 5 to do without checking with me first because, um, he was
15:00:53 6 scared and because he knew it would have implications upon
15:00:57 7 me, and by that I mean if he decided to do what Jim O'Brien
15:01:02 8 had suggested to him, which was taking the course that he
15:01:05 9 ultimately did, um, he felt, um, he wanted someone to talk
15:01:15 10 to, um, and he also was worried that, um, I would be - it
15:01:21 11 would cause trouble for me.

15:01:23 12
15:01:23 13 Okay. So you certainly do recall, I take it, going into a
15:01:29 14 room with [REDACTED] with - do you recall being in a room
15:01:33 15 with [REDACTED], Mr O'Brien, Mr Flynn and one of your
15:01:38 16 handlers, Mr Smith?---Yeah, I can - my memory is it was a
15:01:46 17 much, there were more police than that, but - - -

15:01:49 18
15:01:50 19 The evidence we've got is that was, initially there were
15:01:55 20 those people and then [REDACTED] said that he wanted to
15:01:58 21 speak to you and to Mr Flynn, just the two of you?---I
15:02:05 22 can't - - -

15:02:05 23
15:02:05 24 Is that right?---I can't, I can't, look as I said, I'd be
15:02:09 25 lying if I said I could specifically remember what order or
15:02:13 26 who was there, I can't.

15:02:14 27
15:02:15 28 Then what occurred is that there was a fairly lengthy
15:02:18 29 conversation between you, [REDACTED] and Flynn where there was
15:02:23 30 a discussion about whether [REDACTED] would in fact assist
15:02:30 31 police, do you agree with that?---Yeah, I can't, I don't
15:02:35 32 dispute that, no.

15:02:35 33
15:02:36 34 And the evidence of Mr Flynn is that, words to this effect,
15:02:40 35 or the effect of his evidence was that [REDACTED] needed a
15:02:44 36 push and you provided that push?---Sorry, can you say that
15:02:49 37 again?

15:02:49 38
15:02:50 39 That you assisted in having [REDACTED] ultimately agree to
15:02:59 40 assist police?---Sorry, who said who has written that or
15:03:06 41 said that?

15:03:07 42
15:03:07 43 The evidence of Mr Flynn. The effect of the evidence of
15:03:09 44 Mr Flynn is that you and he were in the room with
15:03:13 45 [REDACTED]?---Yep

15:03:14 46
15:03:14 47 And that you assisted in, if you like, persuading

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15:03:20 1 [REDACTED] that he should assist police?---Okay, well
 15:03:27 2 that's - Mr Flynn, I don't, I can't dispute what Mr Flynn
 15:03:31 3 says. It's not, um, it's not exactly my recollection of
 15:03:37 4 what I thought I did but, um, I can't - how am I supposed
 15:03:42 5 to say anything in relation to what Mr Flynn says?
 15:03:44 6
 15:03:45 7 Let's have a look at and listen to clip 48 then?---H'mm.
 15:03:50 8
 15:03:50 9 And we can play it if we can.
 10
 15:04:12 11 (Audio recording played to the hearing.)
 15:04:57 12
 15:04:57 13 Do you accept that he did need a bit of a push,
 15:05:05 14 Ms Gobbo?---Yeah, I don't - I'm not disputing that that's
 15:05:10 15 what's said, I don't know that, I still, um - and I don't,
 15:05:17 16 don't dispute that, um, that was a topic that I discussed
 15:05:21 17 with him, but did I push him in that direction? No. In
 15:05:28 18 fact that recording is consistent with my memory of being,
 15:05:34 19 I mean I was obviously in tears then when I spoke to him,
 15:05:39 20 um, and it's consistent with, um, what I said before, which
 15:05:43 21 was, um, which was [REDACTED], you know - I said it was not
 15:05:50 22 in my interest to tell you, but he, because it shows that,
 15:05:54 23 you know, I arguably didn't stand up for someone who was
 15:05:59 24 even more vulnerable and at risk when he was more worried
 15:06:04 25 about the risk or danger he would create for me by me
 15:06:07 26 knowing what he was doing and putting him in that position.
 15:06:10 27
 15:06:10 28 When you said "and he needed a bit of a push", can I
 15:06:13 29 suggest to you you were talking about [REDACTED] and you
 15:06:16 30 were talking about needed a bit of a push to come over the
 15:06:19 31 line and assist police?---Yeah.
 15:06:21 32
 15:06:22 33 Yep. Now, ultimately that's what he agreed to do during
 15:06:27 34 the course of this conversation that was going on between
 15:06:30 35 Mr Flynn and yourself and [REDACTED], do you accept
 15:06:34 36 that?---Sorry? Um - - -
 15:06:39 37
 15:06:40 38 After this conversation it was recorded, immediately
 15:06:45 39 afterwards, that Mr Flynn was prepared to assist police?
 15:06:50 40 I'm sorry, [REDACTED]?---Yep.
 15:06:53 41
 15:06:53 42 Right. Now, and you agree that he needed a bit of a
 15:06:58 43 push?---Yep.
 15:06:59 44
 15:06:59 45 And do you accept the proposition that he was pushed over
 15:07:03 46 the line during the course of this discussion?---Yes, um,
 15:07:09 47 whether that be - yes, but whether that be because I was

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15:07:13 1 there and telling, and saying to him, um, "I'll still talk
15:07:19 2 to you, I'll still support you, I'm not going to - I know
15:07:22 3 it was going to create problems for me but don't worry
15:07:25 4 about it."
5
15:07:26 6 Yes?---Or whether it's because of being in the room and all
15:07:29 7 that pressure being put on him. I'm not trying to walk
15:07:32 8 away from this but I'm not - all I'm saying is, um, needed
15:07:37 9 a bit of a push, yeah, he got a bit of a push, but from a
15:07:42 10 combination of things.
15:07:42 11
15:07:42 12 Yeah, okay. Now - - -
15:07:51 13
15:07:51 14 COMMISSIONER: So that is exhibit, the audio is 548B and
15:07:57 15 the redacted transcript 548D.
15:08:00 16
15:08:01 17 MR WINNEKE: Do you recall speaking to or seeing any
15:08:05 18 particular police officers after you left the
15:08:13 19 station?---Not off the top of my head, sorry, no.
15:08:16 20
15:08:17 21 Can I suggest to you that the following night you were
15:08:20 22 speaking with your handlers?---H'mm.
15:08:24 23
15:08:24 24 And you said that you wanted to be appreciated for what you
15:08:27 25 had done. Do you accept that if that's what was said,
15:08:32 26 effectively you were saying you had provided assistance to
15:08:35 27 police and you wanted them to appreciate it?---Yep.
15:08:38 28
15:08:38 29 Right. And the handlers told you that the investigators
15:08:42 30 were very happy and that you, were aware that you were the
15:08:48 31 person responsible for the break through, right?---Yep.
15:08:51 32
15:09:04 33 And effectively you wanted to be, you wanted to be thanked
15:09:08 34 by Mr O'Brien, you wanted Mr O'Brien to recognise what
15:09:11 35 you'd done?---Yeah, this is because they had spent so much
15:09:15 36 time trying to locate a facility and that's what we, what I
15:09:22 37 assisted with.
15:09:23 38
15:09:23 39 The plan that had commenced the previous year had come to
15:09:27 40 fruition and you wanted to be recognised for the part that
15:09:30 41 you'd played in that plan, do you accept that?---I wanted
15:09:34 42 to be appreciated, yes.
15:09:36 43
15:09:37 44 Now, down the track there was a dinner, I think it was 2
15:09:42 45 May 2007, you were taken to a dinner, a private dinner at a
15:09:49 46 golf club with members of the SDU and the head of the
15:09:52 47 Purana Task Force, Jim O'Brien, and you were presented with

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15:09:55 1 a pen as a token of thanks for what you'd done?---Yep.
15:10:03 2 What an awful night that was.
15:10:05 3
15:10:05 4 Right. And at that stage - - -?---I can remember - go on.
15:10:13 5
15:10:13 6 No, go on?---Yep. I can, I can remember, um, as was their
15:10:21 7 practice of not telling me where we were going in advance,
15:10:26 8 um, and going wherever we drove to, um, and then being, um,
15:10:36 9 in so much pain and so medicated I didn't eat anything and
15:10:41 10 barely drank, I don't think I drank anything, and I got a
15:10:47 11 silver pen and, um, you know watched them all get pissed
15:10:54 12 and thinking what, this is just insane.
15:10:57 13
15:10:57 14 I take it, I take it that what you're saying is that a
15:11:01 15 silver pen wasn't satisfactory recompense for the amount of
15:11:08 16 assistance you had provided to Victoria Police?---No, no,
15:11:10 17 no. I didn't need the pen. Um, it was never about the,
15:11:18 18 the item or monetary value. It was symbolic and that was
15:11:23 19 the point of it. It was the whole, I mean the whole thing
15:11:30 20 had just been, um - it was a nice gesture but it was just,
15:11:39 21 you know, you wouldn't do that kind of thing in the middle
15:11:42 22 of a week and, um, not with someone who is, by the end of
15:11:47 23 the day, too exhausted to do anything.
15:11:49 24
15:11:50 25 Do I take it that what you're really saying is it was,
15:11:53 26 whilst the thought was nice it was utterly insufficient or
15:11:56 27 insignificant when it came to what you had done by way of
15:12:00 28 assistance?---No. Um, it wasn't insignificant. For them
15:12:09 29 it was a big thing to do.
15:12:10 30
15:12:12 31 When you wanted thanks the night afterwards, was it - it
15:12:18 32 appears, and this might be unfair, but it appears you were
15:12:22 33 more concerned about wanting to be appreciated by the
15:12:27 34 investigators who you'd helped, that seemed to be more
15:12:31 35 significant to you than what might be regarded as an utter
15:12:36 36 failure in your obligations to a client as a legal
15:12:40 37 practitioner?---Well I can't dispute what's written down or
15:12:50 38 what people have said, no.
15:12:51 39
15:12:53 40 Now, I mean did you appreciate that what had occurred,
15:13:03 41 certainly insofar as you were concerned, was in total
15:13:06 42 disregard of the Rule of Law?---I think that my last line
15:13:12 43 in that, um, conversation - you know, it's a crass way of
15:13:20 44 putting it, but it sums it up, the ethics of it were all
15:13:26 45 wrong, I agree with that.
15:13:27 46
15:13:27 47 Can I suggest that it didn't stop with [REDACTED] because

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15:13:33 1 subsequently you then speak to handlers about what will
15:13:40 2 occur when [REDACTED] is going to get arrested, do you
15:13:44 3 recall that?---It doesn't, there's more after [REDACTED]
15:13:49 4 before [REDACTED].
15:13:50 5
15:13:50 6 Yes, we know that. We're not going to deal with that
15:13:54 7 because I mean what you're really referring to is the
15:13:57 8 conduct that occurs over the [REDACTED] and you
15:14:00 9 then turn up and provide legal advice to [REDACTED] other people,
15:14:04 10 correct?---Yeah, and the contact that I had with
15:14:10 11 [REDACTED], um, when he needs a bit of a, um, reassurance,
15:14:17 12 um, and he's hesitant to do something, they, they, um, pop
15:14:22 13 him on the phone on the way to doing something.
15:14:25 14
15:14:25 15 They effectively bring you in and get you to provide that
15:14:30 16 reassurance?---Yep, yep.
15:14:31 17
15:14:32 18 Again, you would accept that that is, again,
15:14:38 19 unacceptable?---At all levels, yes.
20
21 Wrong on every level, okay.
22
15:14:42 23 MR HOLT: Sorry, Commissioner, we're moving to a new topic,
15:14:45 24 can I just inquire, we have a witness here and presently
15:14:47 25 available but I understand that there may be a suggestion
15:14:50 26 that we might not need him.
15:14:51 27
15:14:51 28 COMMISSIONER: I understand there's a possibility if we
15:14:53 29 have a break shortly Ms Gobbo might be able to sit on.
30
15:14:57 31 Ms Gobbo, how are you feeling, are you able to sit on
15:15:00 32 if we have a break shortly?---I'm pretty - I'm pretty tired
15:15:02 33 but I'm pretty keen to try and going. If we could just
15:15:08 34 have a short break now I can keep going, Commissioner.
15:15:11 35
15:15:12 36 That's your preference?---Yes.
37
15:15:17 38 MR WINNEKE: Preference to keep going?
39
15:15:19 40 COMMISSIONER: Preference to keep going, have a short break
15:15:21 41 now and keep going.
15:15:24 42
15:15:26 43 MR HOLT: In which case might I stand Mr Sheridan down,
44 Commissioner.
45
46 COMMISSIONER: I suppose so. I'm a bit worried it might
47 not work in which case - - -

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1
15:15:27 2 MR HOLT: Why don't I keep him here until say 4 pm and we
15:15:30 3 can make an inquiry then?
15:15:31 4
15:15:32 5 COMMISSIONER: All right then. See how we're going then,
15:15:34 6 that's a good idea. We'll have a short break now, thank
15:15:35 7 you.
15:15:36 8
15:15:36 9 (Short adjournment.)
10
15:34:21 11 COMMISSIONER: Yes, Ms Gobbo, you can hear me all
15:34:26 12 right?---Yes, Commissioner.
13
15:34:27 14 Yes, thanks Mr Winneke.
15
15:34:30 16 MR WINNEKE: Thanks. Ms Gobbo, I was going to ask you some
15:34:33 17 questions about [REDACTED]?---Yes.
18
15:34:36 19 Leading up to the arrest of [REDACTED], [REDACTED] had a
15:34:46 20 discussion and a meeting - perhaps I'll withdraw that. You
15:34:52 21 had a telephone which was provided to [REDACTED] and that
15:35:03 22 phone was to be used as a means of communicating with
15:35:06 23 [REDACTED]. Do you recall that?---Sorry? I gave him a
15:35:12 24 phone?
25
15:35:13 26 You were involved in meetings - I withdraw that. You
15:35:18 27 passed a telephone on which was used for the purpose of
15:35:25 28 [REDACTED] and [REDACTED] communicating with each other?---Did I?
29
15:35:31 30 That's the evidence that we've got. You were involved in
15:35:34 31 the passing of a telephone to be used for those people to
15:35:39 32 communicate with each other, right. And this had been
15:35:47 33 communicated to the SDU but there was a problem which
15:35:51 34 occurred. What had occurred was this: you had texted to
15:35:56 35 your phone the number from that phone so there was then a
15:36:00 36 record of that phone which was going to be used between
15:36:05 37 [REDACTED] and [REDACTED] to carry out their transactions, if you
15:36:10 38 like, which would then have a record of your telephone
15:36:13 39 number, do you recall that now?---No, but - - -
40
15:36:19 41 All right, in any event - - - ?---Sorry, did I give this -
15:36:23 42 sorry, did I get this phone from SDU or did I get it from
15:36:27 43 somewhere else?
44
15:36:27 45 I think you got it from somewhere else. [REDACTED] provided
15:36:32 46 it, I think to you, and then it was passed on to
15:36:36 47 [REDACTED], right, and you - - - ?---I don't remember it

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15:36:39 1 but, go on.
2
15:36:41 3 You don't recall that.
4
15:36:42 5 COMMISSIONER: No, she doesn't.
6
15:36:44 7 MR WINNEKE: In any event, if there are records that
15:36:46 8 suggest that that occurred it may well be you don't recall
15:36:49 9 it. But do you accept that that occurred? You may not?
10
15:36:54 11 COMMISSIONER: I'm sure she can say she doesn't recall.
15:36:57 12 Do you dispute it, that's really, I suppose it? You don't
15:37:00 13 recall?--I'm not really in a position to dispute it,
15:37:06 14 Commissioner, if I can't remember it. It just sounds a
15:37:09 15 strange thing that I wouldn't remember, um, something that
15:37:12 16 significant. But anyway, sorry, it might come back to me.
15:37:16 17 Sometimes as you go on it brings back memory, it focuses my
15:37:21 18 mind to memories of things. Sorry, go on.
19
15:37:24 20 MR WINNEKE: We'll see how we go. The other thing that
15:37:26 21 occurred was this: in the lead up to ██████████'s arrest
15:37:33 22 your handlers asked you if you would be prepared or able to
15:37:36 23 provide them with some tips or information that they could
15:37:42 24 use to enable them to convince ██████████ to roll and
15:37:51 25 assist police, right?--Yeah, I don't dispute that. That
15:37:57 26 was quite - um, something that Mr White asked quite often
15:38:01 27 about lots of people.
28
15:38:05 29 The ICRs at p.320, it suggests that you were asked for
15:38:09 30 angles on getting his assistance on arrest and one of the
15:38:14 31 suggestions that you made was that he could be released on
15:38:18 32 bail so he could further a ██████████ that he
15:38:21 33 had and that would be of use to the investigators, that
15:38:29 34 information. Right?--No, I don't know, I don't know about
15:38:34 35 whether that makes sense because he, um, at the time of his
15:38:38 36 first arrest he was, um, my recollection is he had a
15:38:43 37 significant, um, ██████████ that ██████████.
38
15:38:48 39 He had a ██████████, it was going to be an ██████████
15:38:52 40 ██████████, it was going to be worth a lot of money and that
15:38:54 41 was a tip that you provided to the handlers, right, do you
15:38:58 42 accept that?--No, the ██████████ was already - - -
43
15:39:02 44 Let's put up the ICR, 320. See that under the heading
15:39:13 45 "█████████ arrest tips". Do you see that there where the
15:39:23 46 cursor is?--Yes, I've just got it.
47

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1 "Bail release so he can further his [REDACTED] worth
15:39:28 2 million to him. Talk short and to the point. No threats
15:39:29 3 like last time, he's got a [REDACTED]", and there it
15:39:33 4 is?---Yep.
5
15:39:36 6 Is that likely the information that you provided
15:39:49 7 them?---Yeah, the best I can say is that's a summary of
15:39:52 8 what we talked about, yes.
15:39:53 9
15:39:54 10 It seems that Purana was advised of that briefing?---Yes,
15:39:56 11 according to the note, yep.
12
15:39:59 13 And can I suggest to you that when you met with handlers
15:40:06 14 you had a discussion about [REDACTED] and the likelihood
15:40:08 15 that when he was arrested he would probably call you, do
15:40:15 16 you accept that?---Yep. This is, um, this is obviously
15:40:19 17 after he is [REDACTED] [REDACTED]
15:40:30 18 his own - - -
19
15:40:31 20 No, no?---Oh.
21
15:40:33 22 That will have to - - -
15:40:36 23
15:40:36 24 MR HOLT: It has to come out, Commissioner. There's a word
15:40:39 25 that just has to come out.
26
27 MR WINNEKE: No, this is before his arrest.
28
15:40:44 29 MR HOLT: So from line 34, I think the whole answer has to
15:40:47 30 go.
31
15:40:48 32 COMMISSIONER: Oh right, yes, that's true. That's true.
15:40:49 33 Yes, take out line 34 after the word "he is" and then the
15:41:02 34 rest of that - and the rest of line 38. Yes.
35
15:41:09 36 MR WINNEKE: So this is the - that arrest tip conversation
15:41:13 37 was on [REDACTED], do you see that?---Yes.
38
15:41:17 39 Then there was a discussion which occurred on [REDACTED], a
15:41:21 40 couple of days after that, which was taped. What I'm
15:41:25 41 putting to you is in effect matters that can be seen from
15:41:29 42 the tape recording and the transcript?---Yes.
43
15:41:34 44 The likelihood is that as far as you were concerned when he
15:41:38 45 was arrested he'd call you, right?---Yes.
46
15:41:42 47 One of the things that concerned you about what might occur

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15:41:48 1 when he was arrested is that your involvement in passing
15:41:53 2 the telephone might come out and might be referred to in a
15:42:00 3 statement, right?---Right.
4
15:42:02 5 Does that help you with any recollection?---No. But go on.
6
15:42:08 7 You were worried that there might be police who didn't know
15:42:11 8 about your involvement and they might include it in any
15:42:14 9 statement that he might make and Mr White told you that it
15:42:18 10 wouldn't come out and that, "Flynn would control that", in
15:42:25 11 other words - - - ?---Right.
12
15:42:26 13 - - - Dale Flynn would control what came out in the
15:42:28 14 statement?---Right.
15
15:42:29 16 No doubt that was something that might well have comforted
15:42:33 17 you?---Possibly. I can't remember the phone. So I'm not
15:42:38 18 disputing it. Go on.
19
15:42:39 20 All right then. Further in the discussion there was an
15:42:45 21 issue about what the ultimate aim was with respect to
15:42:49 22 [REDACTED] and Sandy White said, the ultimate aim was to
15:42:54 23 get him to roll, basically to get him to roll over,
15:42:57 24 right?---Yep, yep.
25
15:42:58 26 Those comments were made during the course of the
15:43:02 27 conversation on [REDACTED] and that was in the period of time
15:43:07 28 prior to his arrest, do you follow that?---Yes .
29
15:43:11 30 And so effectively there was a discussion about what would
15:43:15 31 occur and how you would participate in the arrest, whether
15:43:22 32 you would be unavailable for contact, whether you would
15:43:27 33 attend at the police station or, alternatively, whether you
15:43:31 34 could simply receive a telephone call from him and advise
15:43:34 35 him over the phone, do you recall that?---Not specifically
15:43:40 36 but I'm not disputing it.
37
15:43:42 38 Right. You accept that your recollection is that what I'm
15:43:48 39 putting to you is consistent with what occurred?---Yeah,
15:43:52 40 that's why I asked you before which arrest you were talking
15:43:56 41 about because I just - - -
42
15:43:58 43 Sorry, yes?---I'm not disputing what you're saying. I'm
15:44:01 44 not - if I can't remember I'm not in a position to dispute
15:44:05 45 it.
46
15:44:06 47 [REDACTED] was obviously arrested the [REDACTED] prior

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15:44:10 1 to you becoming a registered informer?---Yes.
2
15:44:12 3 In the operation that led to the [REDACTED] on [REDACTED]
15:44:16 4 [REDACTED]?---Yes.
5
15:44:19 6 This is the second arrest, after the investigation plan of
15:44:23 7 Purana's had come to fruition, and it was nearing the stage
15:44:27 8 whereby he would be arrested, right?---Yes, okay.
9
15:44:30 10 And the same issue arose as had occurred previously with
15:44:34 11 the other people, certainly [REDACTED], the question what
15:44:39 12 was would occur, what involvement would you have when he
15:44:43 13 was arrested, do you accept that?---Yes.
14
15:44:45 15 The first question is: who's he going to call? And the
15:44:49 16 answer is, "He's going to call Nicola", right?---Yes.
17
15:44:52 18 If you go to the police station there are going to be
15:44:55 19 problems because it'll be obvious that you were
15:45:01 20 involved?---Yep.
21
15:45:01 22 And that would need to be covered up in due course,
15:45:05 23 correct? When I say covered up, your involvement couldn't
15:45:09 24 become known because that would blow your cover, do you
15:45:13 25 accept that?---Yes, correct.
26
15:45:14 27 And the ultimate plan, can I suggest, was that you would
15:45:19 28 not attend at the police station but you would receive a
15:45:21 29 telephone call from him and provide advice over the
15:45:24 30 telephone?---Right.
31
15:45:27 32 Do you accept that?---Yes, as I say I've got no specific
15:45:31 33 recollection of the second arrest.
34
15:45:33 35 Right. But I take it you would accept this proposition,
15:45:39 36 that likewise with [REDACTED], you having been the person
15:45:42 37 who was providing information against him to police which
15:45:48 38 leads to the police's ability to arrest him again, you had
15:45:52 39 no business in providing legal advice to him?---No, and I -
15:45:58 40 like I said to you before, um, there's no excuse for the
15:46:06 41 complete lack of ethics.
42
15:46:07 43 Right, okay. You told handlers, you said to them the
15:46:14 44 advice you would give him was, "Look, you're [REDACTED]
15:46:18 45 [REDACTED], you're unlikely to get bail or, if you do, it'll be
15:46:22 46 ten months from now. Think about [REDACTED]. I'm the
15:46:24 47 best person to say to him you've asked me if they're going

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15:46:29 1 to provide any money for you, you've asked me if they've
15:46:33 2 going to support you, and I've told you that they're not",
15:46:37 3 referring to the Mokbels?---Right.
4
15:46:40 5 Can I ask you this: is that what occurred, was he
15:46:42 6 arrested, and did he telephone you?---I can't recall, I'm
15:46:45 7 sorry. Um, I'm assuming he did.
8
15:46:49 9 Look, there are diary entries and there's evidence to
15:46:54 10 suggest that that's what occurred. You wouldn't dispute
15:46:59 11 it?---No, I don't. I don't. I just - as I sit here now I
15:47:05 12 haven't got a clear recollection of that occurring, as I do
15:47:10 13 with [REDACTED], sorry.
14
15:47:12 15 Righto, okay.
16
15:47:13 17 COMMISSIONER: But it's not disputed and she agrees that
15:47:16 18 she had no excuse for the complete lack of ethics. So that
15:47:20 19 probably is really all that needs to be said about that
15:47:24 20 one.
21
15:47:24 22 MR WINNEKE: I think so, Commissioner. I want to move to a
15:47:26 23 different topic and that is the topic of [REDACTED]. Now in
15:47:30 24 [REDACTED] of 2006 you began speaking with the SDU and
15:47:35 25 investigators about [REDACTED] and assisting
15:47:39 26 police, right?---Right, yep.
27
15:47:47 28 The other thing that I'd like to ask you about is this, and
15:47:51 29 I just want to go back a little way. On [REDACTED] - perhaps I
15:47:57 30 won't give the date, but in [REDACTED] the previous year
15:48:00 31 there was a [REDACTED] for [REDACTED], right, do you
15:48:04 32 remember that?---Sorry, can you say that again, in
15:48:09 33 what - - -
34
15:48:10 35 Okay. So [REDACTED] had been committed to stand trial after
15:48:13 36 the committal which had taken place in [REDACTED] of 2005,
15:48:18 37 right?---Right.
38
15:48:23 39 Then in about - well, in [REDACTED] of 2005 there was a [REDACTED]
15:48:27 40 [REDACTED]?---Right, yep.
41
15:48:30 42 And it was in the Supreme Court and [REDACTED] was asking
15:48:35 43 the judge to [REDACTED], correct?---Right. Okay -
15:48:43 44 yep.
45
15:48:46 46 At that stage the [REDACTED] evidence against him was still
15:48:50 47 the evidence of [REDACTED], do you accept that?---This is

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15:48:59 1 before [REDACTED] becomes a witness?
2
15:49:03 3 Correct?---Yep, yep.
4
15:49:04 5 The primary evidence against him was the word of [REDACTED]
15:49:09 6 and clearly, as [REDACTED], his
15:49:14 7 evidence was always going to be perhaps suspect, do you
15:49:17 8 accept that? It had significant difficulties?---Yep, yep.
9
15:49:24 10 He, of course, was your former client, we know that?---Yep.
11
15:49:30 12 Do you accept that if [REDACTED] had been successful in
15:49:36 13 [REDACTED] it would have been less likely that he would
15:49:42 14 have been willing to assist the police the following
15:49:45 15 year?---Um, perhaps or perhaps - yeah, maybe, it depends.
16
15:49:50 17 Yes?---It depends on a whole lot of factors.
18
15:49:55 19 It does, but do you accept that as a factor on its own it
15:49:58 20 would have meant it was less likely that he would have been
15:50:00 21 inclined to assist?---On its own, yes, of course.
22
15:50:05 23 Other things being equal, which of course they never are.
15:50:09 24 But that fact alone would have been significant, do you
15:50:12 25 accept that?---If it was by itself, yes, of course.
26
15:50:15 27 Do you accept that you were at this stage seriously
15:50:17 28 conflicted in acting for [REDACTED] on his [REDACTED]
15:50:23 29 [REDACTED]?---Yes, I just - did I actually appear for him
15:50:28 30 in the [REDACTED]?
31
15:50:29 32 Yes, you did?---Okay. I - sorry, I've got no - I can't
15:50:36 33 remember.
34
15:50:36 35 Yeah?---I can usually remember [REDACTED].
36
15:50:41 37 Right. It was before Justice [REDACTED] We've got a transcript
15:50:43 38 if you want to see it but I'm trying to get through this
15:50:46 39 without taking too long. If there's any objection - if I'm
15:50:51 40 misstating the position no doubt - - - ?---No, no. No, I'm
15:50:54 41 trying to get my - I'm trying to put my brain into the time
15:50:59 42 frame that you're in and I'm trying to work out why - I
15:51:04 43 don't know, I can't even remember him [REDACTED]
15:51:10 44 because I can't understand how he could have thought he
15:51:14 45 [REDACTED], but anyway, go on.
46
15:51:16 47 Regardless of that, [REDACTED] was made. In

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15:51:19 1 representing a person who's making an [REDACTED]
15:51:23 2 one assumes that you would use your best endeavours to
15:51:27 3 [REDACTED] for him, right?---Yes.
4
15:51:33 5 You knew of the weakness, certainly with respect to
15:51:39 6 [REDACTED]'s evidence insofar as you had assisted the
15:51:42 7 police, or at least assisted [REDACTED] in making a
15:51:48 8 statement which was in draft less credible, but in final
15:51:52 9 form significantly more credible in the way that we've
15:51:55 10 discussed already, do you accept that?---Yeah.
11
15:51:59 12 Can I suggest to you that you did not seek to cross-examine
15:52:09 13 the informant about that particular deficiency with respect
15:52:15 14 to the evidence of [REDACTED]?---I think the transcript
15:52:22 15 will speak for itself because I can't remember any of that
15:52:25 16 [REDACTED].
17
15:52:29 18 COMMISSIONER: Okay.
19
15:52:30 20 MR WINNEKE: Do you accept this proposition, that if you
15:52:33 21 did know that particular weakness in the evidence of the
15:52:35 22 case against an accused person it's something that you
15:52:40 23 would, as a matter of course, discuss with your client and
15:52:45 24 at least ask them whether you wanted that point to be made
15:52:48 25 on a [REDACTED] to give them a better chance of
15:52:51 26 [REDACTED]?---No, not necessarily. I wouldn't sit down
15:52:56 27 with someone and get instructions like that for a [REDACTED]
15:53:00 28 [REDACTED].
29
15:53:00 30 Right. Would you use every endeavour to point out the
15:53:05 31 deficiencies in a Crown case on a [REDACTED] if your
15:53:09 32 client wanted desperately to [REDACTED]?---Yes, I'm -
15:53:16 33 yes, of course, and again without - I'm not going to
15:53:20 34 quibble with the transcript but I've got no specific memory
15:53:23 35 of what I did or didn't say about the strength or otherwise
15:53:26 36 of the Crown case.
37
15:53:27 38 Right?---But obviously my, um, my, um, knowledge of what
15:53:40 39 one of the Crown witnesses, or what the Crown witness had
15:53:43 40 done and not saying it is a problem.
41
15:53:46 42 And the fact is you didn't tell at any stage [REDACTED]
15:53:50 43 about that particular knowledge?---No.
44
15:53:56 45 At that stage you were also you were already providing
15:53:59 46 information to Mr Bateson as an informer, can I
15:54:05 47 suggest?---Um, is this - - -

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1
15:54:07 2 In [REDACTED] 2005? [REDACTED] 2005?---No, I don't remember
15:54:16 3 the Bateson dates off the top of my head but I can't
15:54:20 4 dispute it because the dates will speak for themselves,
15:54:23 5 yep.
6
15:54:24 7 Righto. In the weeks after this you were officially
15:54:28 8 registered and in your words "working for Victoria
15:54:31 9 Police"?---Yes.
10
15:54:34 11 As we've already pointed out, you were informing or
15:54:37 12 providing information about [REDACTED] from the start,
15:54:42 13 right?---Yes, he was on their radar. That's right.
14
15:54:46 15 You knew that police would be interested in him in a number
15:54:51 16 of ways, one as a person who may have information about
15:54:57 17 homicides, correct?---Um, are you saying I said that? Yes.
18
15:55:06 19 Right. And you would have been aware that he may also have
15:55:09 20 information that would be useful for police investigators
15:55:14 21 in the drug area as well?---Yeah, obviously I know that at
15:55:24 22 some point, I'm not sure precisely when, but yes.
23
15:55:28 24 On 17 February 2006 the evidence is, this is at p.157 of
15:55:33 25 the ICRs, that you told your handler that you had spoken to
15:55:36 26 Mr Bateson about [REDACTED] rolling?---Right.
27
15:55:43 28 And that handlers noted, or the handler's notes refer to
15:55:47 29 your previous association with [REDACTED], who was a
15:55:52 30 witness against [REDACTED], right?---Right.
31
15:55:54 32 And the handler's notes also refer to the fact that
15:55:59 33 [REDACTED] had rolled and was providing evidence against
15:56:06 34 people who included your current clients?---Right.
35
15:56:11 36 Including Mr Mokbel, was that one person that you were
15:56:15 37 concerned about?---Yes.
38
15:56:18 39 That you knew he might be providing information
15:56:24 40 about?---Yes, potentially he could provide information
15:56:27 41 about all kinds of people.
42
15:56:28 43 Right. I take it you were aware that ethically speaking it
15:56:35 44 really was not possible for you to act for or advise
15:56:40 45 [REDACTED]?---At what point - I thought we'd already - yes,
15:56:48 46 I agree with that.
47

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15:56:49 1 Okay?---Which time are you talking about now?
2
15:56:52 3 I'm talking about [REDACTED] 2006?---Yes.
4
15:56:56 5 At a point when it became apparent to you that [REDACTED]
15:56:59 6 might be prepared to assist police, right?---Right, okay.
7
15:57:04 8 You would have been well aware at that stage that ethically
15:57:07 9 speaking you couldn't act for him, do you accept that?---If
15:57:13 10 he wanted to do that.
11
15:57:18 12 Yes, you couldn't act for him because you had previously
15:57:22 13 acted for people who - a person who was now giving evidence
15:57:26 14 against him?---Yeah, I'm not disagreeing. I'm saying
15:57:30 15 there's another reason for not acting for him because he
15:57:32 16 would be giving evidence against someone else I was acting
15:57:35 17 for.
18
15:57:36 19 Right. Okay, so there's another reason?---Yep.
20
15:57:39 21 What you said to your handlers was that your belief was
15:57:43 22 that it would be wrong not to help him. Now that's
15:57:46 23 recorded in the ICR at p.157, right?---Yep.
24
15:57:52 25 Would you accept this proposition, that it had been
15:57:54 26 suggested to you by the handlers, by your handlers, that
15:58:01 27 you shouldn't act for him?---Yep.
28
15:58:05 29 But on the other hand you felt that it would be wrong for
15:58:09 30 you not to act for him?---Yeah, it was a - as I said
15:58:15 31 before, this was a topic that was discussed a number of
15:58:18 32 times, um, in meetings and on various long phone calls.
33
15:58:24 34 Yes?---And, um, you know, leaving aside the obvious, which
15:58:34 35 is that in the passage of time with hindsight it's much -
15:58:40 36 it's black and white.
37
15:58:41 38 Yes?---My, um, concern that they shared was having gotten
15:58:51 39 closer and closer to these people.
40
15:58:54 41 Yes?---What would wash for them if I was not available if
15:59:01 42 or when they were arrested.
43
15:59:03 44 Right. Well - - - ?---So if - - -
45
15:59:08 46 We know that [REDACTED] had already been arrested and he's
15:59:11 47 in custody?---Yeah. And with [REDACTED], um - yes, I've

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15:59:23 1 forgotten your precise question about [REDACTED] 2006, I
15:59:27 2 apologise.
3
15:59:28 4 The point that I was making to you is that your handlers
15:59:30 5 seemed to be suggesting to you that it would not be proper
15:59:32 6 or you should not be acting for [REDACTED]?---Yep.
7
15:59:36 8 Despite that you determined to do so?---Well that's
15:59:43 9 obviously what happened. As to what the ins and outs were
15:59:48 10 about working our way out of it or, um, not appearing for
15:59:55 11 him down the track, um, I'm not in a position to challenge
16:00:06 12 what's - what there are records or evidence of.
13
16:00:10 14 Right?---Um, and ultimately I don't.
15
16:00:13 16 Right. What you say is, "Look, I was forced, I had to act
16:00:20 17 for [REDACTED] because if I didn't act for him then I could
16:00:28 18 be harmed in some way"?---No, it was more that I felt a -
16:00:36 19 you know, I'd spent a lot of time getting, um, you know,
16:00:41 20 kind of, um, what's the right word? You know, making
16:00:46 21 myself so available, you know, and using him as an example,
16:00:51 22 every time he rang from prison, um, which was very
16:00:58 23 frequent, um, I'd make myself available. I spent a lot of
16:01:02 24 time seeing him in custody.
25
16:01:05 26 Yes?---And, you know, becoming closer and closer at the -
16:01:11 27 with the, um, encouragement - - -
28
16:01:17 29 Yes, all right?---- - - of SDU, and then, you know, what
16:01:23 30 logical reason have you got that you can actually explain
16:01:26 31 to someone, if you're going to tell them the truth, which
16:01:30 32 we weren't doing, when he gets arrested.
33
16:01:33 34 You could say to him, "Look, I acted for [REDACTED] and I
16:01:38 35 can't act for you", and that was well-known?---By that
16:01:43 36 stage.
37
16:01:43 38 Well it was. And it was something that everyone knew, the
16:01:47 39 court knew it, Justice [REDACTED] knew it. It was quite
16:01:52 40 simple?---Yes, but I - - -
41
16:01:59 42 And - sorry, go on?---I don't think, I don't think that
16:02:04 43 what was well-known was that I had known about him giving
16:02:09 44 evidence against people.
45
16:02:10 46 Right. And can I suggest this to you: if someone else
16:02:15 47 independent had decided to take up a brief for [REDACTED]

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16:02:21 1 and had pushed and pushed, it may well be that they could
16:02:25 2 have found out that you had in fact acted for ██████████
16:02:30 3 and you had been involved in encouraging ██████████ to
16:02:37 4 plead guilty and you had been involved in the amendments to
16:02:43 5 the statement, do you accept that?--Well all of that, all
16:02:47 6 of that could potentially have come out based on the
16:02:51 7 subpoena, the draft subpoenas or the subpoenas or summonses
16:02:55 8 that I drafted.

9
16:02:56 10 Yes?--You're right.

11
16:02:58 12 Do you accept that the reality is ██████████ was entitled to
16:03:04 13 a fiercely independent barrister who would push and push
16:03:07 14 and ensure that he or she got every available piece of
16:03:10 15 evidence to challenge the Crown case, which would include
16:03:13 16 the late change in the statement of ██████████, do you
16:03:18 17 accept that?--You mean push and push in a trial or a
16:03:25 18 committal, yes.

19
16:03:26 20 Absolutely. And you - - - ?--Yes, I agree with that.

21
16:03:31 22 - - - didn't do that and he didn't have the benefit of
16:03:34 23 that, do you accept that?--Yeah, I do. I'm not trying to
16:03:37 24 argue with you. I don't know whether, sure, I did his ██████████
16:03:41 25 ██████████ based on what you say, and I've already said I
16:03:46 26 can't say what I did or didn't say at that ██████████
16:03:49 27 about the strength of his case.

28
16:03:51 29 Yes?--Sorry, the case against him. I'm surprised that in
16:03:57 30 the, as time went on and, um, various subpoenas were issued
16:04:02 31 and summonses were returned at the Magistrates' Court and
16:04:06 32 the Supreme Court, that all of this didn't come out.

33
16:04:09 34 Yes.

16:04:12 35
16:04:13 36 MR HOLT: Sorry, Commissioner, might we stand Mr Sheridan
16:04:15 37 down? Things seem to be - he came at very short notice,
16:04:19 38 gave away a commitment but he can still make it if he
16:04:23 39 leaves now but he's anxious to make it if he can.

40
16:04:26 41 COMMISSIONER: Sure, sure.

16:04:27 42
16:04:28 43 MR HOLT: Thank you.

44
16:04:32 45 MR WINNEKE: At all times you were very concerned that
16:04:33 46 those notes did not come out, weren't you?--Yes.

47

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16:04:36 1 On [REDACTED] can I suggest that the records that the
16:04:43 2 Commission has reveals that you told a handler about the
16:04:47 3 murders and shootings that [REDACTED] would be able to talk
16:04:50 4 about?---Right, okay.
5
16:04:54 6 I'm not going to read them out but if you want to see them
16:04:58 7 I can put them up on the screen?---No, I've said before
16:05:03 8 what's in their notes - the only thing I could say is I
16:05:11 9 can't, I can't recall specifically. I'm not in a position
16:05:14 10 to challenge what's there.
11
16:05:16 12 Right. You mentioned to your handlers that you were seeing
16:05:22 13 Mr Bateson later that day?---Yes.
14
16:05:31 15 There was a discussion between you and the - I'm sorry,
16:05:35 16 there was a discussion between the SDU and investigators
16:05:38 17 about being careful about notes that were made by the
16:05:42 18 investigators concerning their contact with you. Now you
16:05:46 19 may not have been aware about that at the time, although
16:05:49 20 you might have been. Do you know?---No, I don't.
21
16:05:53 22 Did you have discussions about those types of issues with
16:05:56 23 your SDU handlers, that is the possibility that your name
16:06:01 24 might appear in the notes of investigators?---No.
25
16:06:07 26 You never had those discussions?---No. I was not, um, I
16:06:14 27 was not told specific things like that.
28
16:06:17 29 All right. Were you aware - and I suggest you were aware
16:06:24 30 that investigators did have a number of discussions with
16:06:27 31 [REDACTED] whilst he was in custody throughout the early
16:06:31 32 part of 2006?---Yeah, there were - at some point I
16:06:43 33 remember, um, reading transcripts of recordings made by
16:06:49 34 police when they spoke to him.
35
16:06:51 36 Yes?---Because my name was all through the transcripts.
37
16:06:55 38 Right. Well, can I suggest to you that there were
16:06:58 39 transcripts of conversations between Mr O'Brien, Mr Bateson
16:07:01 40 and [REDACTED] which were recorded in custody where he was
16:07:06 41 describing, or he was being asked questions about matters
16:07:10 42 that he was able to give evidence about and those
16:07:13 43 transcripts were ultimately provided to you?---Yeah, he had
16:07:18 44 a kind of - yes, he had a kind of - I think he was, um, it
16:07:27 45 was like them feeling out what he could and couldn't say.
46
16:07:31 47 Right. I'll come back to this shortly but those

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16:07:36 1 transcripts were provided to you, at least were shown to
16:07:43 2 you in a meeting that you had with your SDU handlers in
16:07:48 3 about ██████ of 2006, do you recall that?---Yeah, I - look,
16:07:57 4 I know I read them at some point.
5
16:08:00 6 Yes?---But I just can't remember exactly when.
7
16:08:04 8 All right. You understand that in order for ██████ to
16:08:11 9 be comfortable in rolling, if I can use that expression,
16:08:16 10 and assisting, then ██████ needed to be on side with the
16:08:24 11 idea, because obviously there would be certain
16:08:26 12 ramifications for him ██████, do you accept
16:08:32 13 that?---Yes, um, I think - is that at a point in time when
16:08:39 14 ██████'s on ██████?
15
16:08:41 16 Yes, that's right?---Yep, okay, yep.
17
16:08:44 18 At one stage it appeared that ██████ might have thrown a
16:08:49 19 spanner in the works because she was reluctant, for various
16:08:57 20 reasons, for ██████ to roll. I'm being a little bit
16:09:04 21 oblique but I'm trying to get this in public?---No, you're
16:09:08 22 right because ██████ ultimately - one of his big concerns
16:09:13 23 was that he didn't want ██████ and ██████ the
16:09:18 24 house, ██████ the money and the house.
25
16:09:25 26 It may or may not be the case but Mr Bateson had received a
16:09:30 27 telephone call from ██████ in early 2006?---Yes.
28
16:09:39 29 In which ██████ had told him that ██████ would not be
16:09:44 30 pleading guilty but would be, in effect, contesting the
16:09:52 31 charge, right?---Okay, yep.
32
16:09:55 33 At some stage after that you had a discussion with
16:10:00 34 Mr Bateson and indicated to him that you would speak to
16:10:07 35 ██████?---Right, okay.
36
16:10:12 37 And shortly thereafter it appears that Mr Bateson makes a
16:10:20 38 note that he'd been contacted by ██████ who was now
16:10:22 39 comfortable with the idea of ██████ cooperating, do you
16:10:28 40 follow that?---Yeah, I think - I don't dispute any of that.
16:10:32 41 I think this is because the - um, I'm trying to be careful
16:10:44 42 so, um, I think it's because the charges that he faced
16:10:52 43 included or meant that there was a potential for him to
16:10:57 44 lose the house and ██████ had also been - Purana had charged a
16:11:05 45 ██████ with ██████ offences or ██████
16:11:09 46 offences,
16:11:10 47

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16:11:10 1 MR HOLT: Sorry, Commissioner, we're just getting into a
16:11:12 2 lot of bio data at this point about very specific
16:11:19 3 [REDACTED].
4

16:11:19 5 MR WINNEKE: The essence of what she's saying is that a lot
16:11:22 6 of people - - -
16:11:22 7

8 MR HOLT: Generally speaking I've been uncomfortable for a
9 little while.
10

16:11:25 11 COMMISSIONER: Perhaps you could précis it, Mr Winneke.
16:11:28 12

16:11:28 13 WITNESS: Sorry, I'm trying to be careful and not say
16:11:32 14 anything.
15

16:11:32 16 COMMISSIONER: Yes. No, you're doing fine. Mr Winneke
16:11:35 17 will just précis it perhaps.
18

16:11:38 19 MR WINNEKE: Is the effect of the evidence this: you heard
16:11:39 20 from Mr Bateson that there could be a spanner in the works
16:11:44 21 and [REDACTED] might not be prepared to go along and
16:11:45 22 you communicated with [REDACTED] and smoothed things over and got
16:11:50 23 things back on track. That's the essence of what I'm
16:11:53 24 putting?---Yeah, quite probably. As I said, my
16:11:58 25 recollection is the issue was about [REDACTED] charges being
16:12:02 26 withdrawn and [REDACTED] being able to [REDACTED] and not
16:12:05 27 [REDACTED] of it.
28

16:12:07 29 Righto?---Which meant - and if he was pleading, that was
16:12:14 30 part of the problem that concerned him [REDACTED], which was
16:12:19 31 the loss of a [REDACTED].
32

16:12:26 33 If I can move forward to [REDACTED]. There was a mention in
16:12:36 34 the matter before Justice [REDACTED]?---Yes.
35

16:12:40 36 You understand that Solicitor 2 had previously acted for
16:12:45 37 [REDACTED] of the [REDACTED], [REDACTED] and [REDACTED],
16:12:49 38 right?---Yeah, yes.
39

16:12:54 40 One of the things that led to [REDACTED] deciding to come
16:12:59 41 forward and cooperate was the fact that [REDACTED] had
16:13:04 42 decided to do just that, do you remember that?---Yes.
16:13:09 43 Yeah, I remember him taking everyone by surprise
16:13:14 44 (indistinct).
45

16:13:15 46 As a consequence of that it was, it meant that Solicitor 2
16:13:21 47 was then not really able to involve herself either for

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16:13:25 1 [REDACTED] or [REDACTED] because she was conflicted out of
16:13:29 2 the matter, right? Do you remember that?---Not
16:13:36 3 specifically but I'm not - I don't object to what you're
16:13:39 4 saying.
5

16:13:40 6 I take it you would have been aware that Solicitor 2 had
16:13:46 7 found herself in that difficulty and had been called before
16:13:51 8 Justice [REDACTED] and had been spoken to about whether or not it
16:13:56 9 was possible for her to continue any involvement in the
16:13:58 10 matter?---I don't recall specifically, sorry.
11

16:14:05 12 Would you have been aware at the time?---Um, probably. I
16:14:14 13 can remember having my own, um, my own, um, um, dressing
16:14:23 14 down by Justice [REDACTED] about the same issue.
15

16:14:28 16 Yeah, righto. Just moving up, I'll come to that in a
16:14:35 17 moment. On [REDACTED] what we do know is that investigators,
16:14:40 18 that is Mr O'Brien and Mr Bateson, determined that they
16:14:46 19 wouldn't approach [REDACTED] any longer but what they
16:14:52 20 determined to do was to supply the transcripts of their
16:14:55 21 conversations that they'd had with [REDACTED] to you via the
16:15:00 22 SDU, right?---Right, yep.
23

16:15:04 24 And the idea was that you would then, with the handlers,
16:15:11 25 read through those transcripts and armed with the
16:15:14 26 information in those transcripts be able to go and speak to
16:15:18 27 [REDACTED] about, firstly, assisting police and, secondly,
16:15:31 28 what he might be able to say and what he ought say to the
16:15:34 29 police, do you agree with that?---I can remember seeing the
16:15:38 30 transcripts, um, um, I can't dispute what you're saying
16:15:47 31 because I just can't remember.
32

16:15:48 33 Right. In effect can I suggest to you that what was
16:15:53 34 occurring here is these transcripts were being shown to you
16:15:59 35 not as a legal advisor to [REDACTED], but as an agent of the
16:16:06 36 police to enable you to do the police bidding, that is to
16:16:11 37 get [REDACTED] to assist them in prosecuting [REDACTED]
16:16:18 38 [REDACTED]?---Right. Again, I can't dispute what I can't
16:16:22 39 remember, I'm sorry.
40

16:16:23 41 Right, okay. Can I tell you this or can I put this to you:
16:16:32 42 you were shown the transcripts of the conversations and you
16:16:38 43 read - - - ?---Yep.
44

16:16:40 45 - - - through them in a meeting with your handlers on [REDACTED]
16:16:43 46 [REDACTED] 2006?---Right.
47

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16:16:47 1 Now do you accept that [REDACTED] was not aware that that
16:16:50 2 had occurred, that you had been shown these transcripts of
16:16:54 3 his taped conversations with O'Brien and Bateson?---Right,
16:17:02 4 okay.
5

16:17:03 6 Well do you accept that?---Yes, I - I can't - I'm trying
16:17:09 7 to, I'm trying to, um, I'm trying to remember when this
16:17:15 8 happened. I can recall reading the - I can recall reading
16:17:19 9 those transcripts and there being a problem because they'd
16:17:23 10 blacked my name out, but the way my name was referred to it
16:17:27 11 was obvious who was being spoken about. Um, but I'm not
16:17:32 12 disputing what you say. I'm just trying to get, um, I'm
16:17:36 13 trying to unscramble my brain and get, um, the
16:17:42 14 (indistinct).
15

16:17:42 16 Can I suggest to you that you did see, later on you saw
16:17:46 17 edited versions of those where your name was blacked
16:17:49 18 out?---Right, yep.
19

16:17:50 20 But that was well down the track. What I'm suggesting to
16:17:53 21 you - - - ?---Okay.
22

16:17:54 23 - - - is that on this occasion it was well apparent to you
16:17:57 24 what had been said in the conversations because you were
16:18:01 25 able to read your own name and what [REDACTED] had said
16:18:04 26 about you?---Right, okay.
27

16:18:07 28 Because at one point he said in the discussion that he was
16:18:10 29 a bit concerned that you were more inclined to help the
16:18:15 30 police "than what was going on out there", words to that
16:18:21 31 effect?---Right.
32

16:18:22 33 Do you remember that?---No.
34

16:18:23 35 There was quite a bit of discussion about that with the
16:18:26 36 handlers when you read that?---No. Um, as I said, I can
16:18:29 37 remember reading those transcripts where my name had been
16:18:34 38 blacked out, but again, I'm not disputing what you're
16:18:36 39 putting.
40

16:18:37 41 Okay. Well the following day on [REDACTED] 2006 you and
16:18:50 42 Solicitor 2 were called before Justice [REDACTED] because she had
16:18:56 43 learned that there had been a planned joint conference
16:19:00 44 between you, [REDACTED], Solicitor 2 and [REDACTED] out
16:19:07 45 at the prison, do you recall that?---No, but - - -
46

16:19:11 47 You have no recollection of that? You mentioned before a

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16:19:16 1 dressing down that you got?---Yeah, I can remember, um,
16:19:22 2 yeah, I can remember, um, Justice [REDACTED] - I just can't
16:19:27 3 remember what it related to, um, but I'm not disputing what
16:19:33 4 you're saying so if you - the more I hear the more it
16:19:38 5 might, um, help me.
6
16:19:40 7 Ms Gobbo, it may well be late in the day but yesterday, for
16:19:43 8 example, you were asked questions about a particular matter
16:19:46 9 in your diary and there was a name of a person and you were
16:19:50 10 able to point out that back in 2006 there was a suppression
16:19:53 11 order in relation to that person and it occurred to you - -
16:19:56 12 - ?---Yes.
13
16:19:59 14 - - - quite readily, it appeared. Do you say that your
16:20:01 15 recollections about these matters are simply hazy and you
16:20:06 16 can't recall them?---No, I'm - I am trying my best.
17
16:20:09 18 Right?---Like, as I sit here now I can remember being in
16:20:15 19 front of Justice [REDACTED] at some point.
20
16:20:19 21 Yeah?---Relating to, um, relating to [REDACTED].
22
16:20:24 23 Yes?---Um, but I can't - and I thought I went to, I thought
16:20:31 24 there was an Ethics Committee issue that involved [REDACTED]
25
16:20:36 26 Yes, later on. Later on there was. There was an
16:20:41 27 allegation made by [REDACTED] that you were conflicted
16:20:43 28 all over the place and you sought an Ethics Committee
16:20:48 29 ruling about that?---I'm sorry, I'm not - I am not trying
16:20:51 30 to be unhelpful.
16:20:53 31
16:20:53 32 I withdraw that?---I just can't remember.
33
16:20:55 34 I withdraw that?---Go on.
35
16:20:57 36 I suggested you sought a ruling. The fact is [REDACTED]
16:21:00 37 had complained to the Ethics Committee?---Right, okay.
38
16:21:03 39 Do you remember that?---Yes, yes.
40
16:21:04 41 Justice [REDACTED] said to you on [REDACTED] that because of your
16:21:09 42 involvement with [REDACTED] you could not be involved in
16:21:14 43 the trial, in [REDACTED] proceeding, do you accept - - -
16:21:21 44 ?---Right.
45
16:21:22 46 Do you recall that?---I don't recall it but I'm not
16:21:24 47 disputing it, no.

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1
16:21:25 2 And you would have understood that what Justice ██████ was
16:21:29 3 saying to you was that you couldn't be involved in
16:21:34 4 providing advice to ██████ or acting for ██████ or
16:21:39 5 appearing for ██████ in any way related to the matters
16:21:47 6 that concerned ██████, that is the murder which had
16:21:51 7 occurred in ██████ the previous year?---Yep.
8
16:21:56 9 Do you accept that?---Yep.
10
16:21:59 11 Let's have a look at ICR p.257?---Is this ██████?
12
16:22:12 13 Yes, ██████ 2006?---Yep.
14
16:22:14 15 You'll see here - in fact if we just - just prior to that,
16:22:19 16 if we go to p.238, 13 April, p.238 if we might. The bottom
16:22:28 17 of p.238 there's a reference to a gaol conference. "Source
16:22:32 18 requested that the DSU gets the approval from Purana for
16:22:36 19 the source to attend a meeting at the gaol involving the
16:22:39 20 source, Solicitor 2, ██████ and ██████. Source
16:22:43 21 wanted the meeting to occur to stop gossip about ██████",
16:22:48 22 do you see that?---Yep. Yeah, I'm just - to stop the gaol
16:22:55 23 gossip about - yeah .
24
16:22:57 25 You see that. If we go to p.248 you'll see there's a note,
16:23:02 26 that's 18 April. "A joint conference cancelled due to lack
16:23:05 27 of staff at the prison." Obviously this is information
16:23:07 28 that is going to the handlers?---Sorry, yep, okay.
29
16:23:12 30 See that, "Called by source". There's a reference to
16:23:16 31 ██████?---Yep.
32
16:23:19 33 And then there's a reference to the gaol conference?---Yep.
34
16:23:22 35 Then if we move forward to 257, which is now ██████.
16:23:33 36 Just spoken to Vaile Anscombe at the OPP regarding the
16:23:40 37 ██████ matters. They've received copies of
16:23:43 38 letters forwarded from ██████ Prison with Solicitor 2
16:23:47 39 trying to arrange a meeting with ██████ and
16:23:50 40 Ms Gobbo. "Ms Gobbo advised Anscombe that this was done
16:23:56 41 without her knowledge or consent"?---Yes.
42
16:23:58 43 That wouldn't appear to be correct because it appeared that
16:24:02 44 you were involved earlier on in discussions about getting
16:24:04 45 the meeting going, doesn't it?---Yeah, obviously I told my
16:24:10 46 handlers about it but whether or not what is being referred
16:24:13 47 to here is, um, me being aware that she was arranging it

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16:24:19 1 whenever she sent the letters is different (indistinct).
2
16:24:26 3 All right. Then, "Just received a subpoena", it may well
16:24:30 4 have been a telephone call, "to attend the Supreme Court
16:24:33 5 before Justice ██████, to appear in five minutes regarding
16:24:37 6 ██████ and ██████" and Solicitor 2 had also been required
16:24:41 7 to attend. You were in a panic and you say you don't know
16:24:45 8 what it's about, do you see that?---Yeah, and I - - -
9
16:24:49 10 And immediately they contact - sorry, go on?---It must be a
16:24:52 11 message to go. It wouldn't have been a subpoena to go.
12
16:24:55 13 Yes, exactly, that's what I'm saying?---Yes.
14
16:24:57 15 Immediately there's contact with Mr O'Brien and he's
16:24:59 16 unaware of the matter. There's a note to the effect that
16:25:05 17 Solicitor 2 and ██████ are suspicious about your
16:25:09 18 loyalties because of the ██████ situation and you see the
16:25:13 19 quote, "She's for them, not for us" and "Solicitor 2
16:25:18 20 visited ██████ earlier today" and there's mention about
16:25:21 21 ██████ and Mick Gatto, do you see that?---Yep.
22
16:25:26 23 What I want to ask you about is this: Justice ██████ asked
16:25:29 24 you why you were seeing ██████ if you weren't acting and
16:25:37 25 - - - ?---Yep.
26
16:25:38 27 - - - you said to her that you were seeing him regarding
16:25:41 28 other matters, right?---Yeah, and I've probably - I mean,
16:25:44 29 again I've got - I don't have a specific recollection of
16:25:48 30 this - - -
31
16:25:49 32 Yeah?--- - - - appearance, um, but I don't - - -
33
16:25:54 34 And the judge - sorry, I interrupted you?---I don't think I
16:25:56 35 would have, I don't think I would have lied to her.
36
16:25:58 37 No?---Too scared to lie to her. Um, I think, I think that
16:26:07 38 what, that I was telling the truth, that I was seeing him
16:26:11 39 about something else, not about the murder trial.
40
16:26:14 41 Right. And the judge asked you if you knew about the
16:26:19 42 letter sent by Solicitor 2 and you said no?---Yep.
43
16:26:25 44 And I take it you wouldn't have wanted to have misled the
16:26:29 45 judge by suggesting that you didn't have any idea about the
16:26:33 46 meeting?---No, no. I don't think I would have - I don't
16:26:38 47 believe I - I mean specifically that judge too.

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1
16:26:42 2 Yes?--Would have been, I was going to say brave enough, or
16:26:48 3 stupid enough to even mislead her.
4
16:26:50 5 Right?---But I've got - I haven't got a memory of the - of
16:26:56 6 even this appearance, let alone that I got the call.
7
16:27:00 8 But you're not disputing it?---No, no, no.
9
16:27:04 10 All right. There's - - - ?---And I can't.
11
16:27:08 12 Sorry?---Even reading that part about the purpose of the
16:27:14 13 meeting was to quell friction caused by, to quell friction
16:27:19 14 caused by Purana, that, I can't - it doesn't, it doesn't,
16:27:26 15 um, remind me of what was going on at the time.
16
16:27:29 17 Right?---For there to be a dressing down by her about that.
18
16:27:34 19 But the judge was querying your conflict with witness
16:27:39 20 [REDACTED]?---Yeah, it seems that she's saying, "Well why are
16:27:43 21 you going there to see [REDACTED]."
22
16:27:47 23 Yes?---"If you're not acting in relation to her matter",
16:27:51 24 because she was doing the trial.
25
16:27:53 26 Yes?---And I don't think, just from what I'm reading
16:27:57 27 because I can't, I can't specifically recall any of this.
28
16:28:01 29 Yes?---Me saying well I was seeing him but not about this
16:28:06 30 trial.
31
16:28:07 32 What was made pretty clear to you was that as far as the
16:28:10 33 judge was concerned, because of your having acted for
16:28:15 34 [REDACTED] - - - ?---Yes.
35
16:28:17 36 - - - there was no possible basis that for you to be
16:28:21 37 involved in representing or advising or acting for or
16:28:25 38 appearing for [REDACTED] in a matter that [REDACTED] had
16:28:37 39 made a statement in?---Yes, that's right. She's talking
16:28:42 40 about in relation to the trial before her and, yes, I don't
16:28:47 41 disagree with that.
42
16:28:48 43 She wasn't aware, like you were, of the fact that not only
16:28:54 44 had you acted for him, you had been intimately involved in
16:28:57 45 the process of him changing statements and so forth. She
16:29:03 46 wouldn't have been aware of that, would she, or do you
16:29:07 47 think she might have been?---No, um, I don't - I highly

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16:29:12 1 doubt it at that point.
2
16:29:14 3 Right. But in any event that was another reason why you
16:29:17 4 should not have been providing any advice to [REDACTED], do
16:29:19 5 you accept that?---Yes, um, yeah, I'm not - look, I'm not
16:29:27 6 disagreeing with - - -
7
16:29:29 8 Okay?---- - - what you say.
9
16:29:32 10 My point I want to make is this: the judge had made it
16:29:34 11 perfectly clear to you that as far as she was concerned you
16:29:38 12 should not be involved?---Correct.
13
16:29:40 14 Can I suggest that what occurred was this: the very next
16:29:43 15 day you go out to visit [REDACTED]?---Yep.
16
16:29:53 17 Right?---Yep.
18
16:29:54 19 And one of the things that you do on that occasion, or if
16:29:59 20 not on that occasion, subsequently, is you advise or act
16:30:10 21 for or purport to advise [REDACTED] about him pleading
16:30:13 22 guilty and assisting police?---Right.
23
16:30:15 24 Do you accept that?---Well I'm - I don't, I can't - I don't
16:30:21 25 dispute what you're saying. I can only assume that the
16:30:25 26 mention before Justice [REDACTED] I'm assuming because it sounds
16:30:31 27 like it was arranged at the last minute, was a - I don't
16:30:35 28 know if the accused were present or on a video link.
29
16:30:38 30 Yes?---But I would assume that going out to see him the
16:30:43 31 next day was because he needed an explanation of what had
16:30:46 32 happened. Um, but I'm not arguing with your proposition
16:30:53 33 that I shouldn't be going anywhere near him in relation to
16:31:00 34 what - because of what Justice [REDACTED] had said.
35
16:31:02 36 Can I just - okay, sorry, I didn't mean to
16:31:06 37 interrupt?---Sorry, go on.
38
16:31:08 39 But the fact is she had made plain to you that you couldn't
16:31:11 40 have any involvement for ethical reasons. You were aware
16:31:15 41 of those ethical reasons. But can I suggest to you, you
16:31:20 42 disobeyed. Despite what she had said, effectively you
16:31:24 43 ignored that, you went out and you continued to advise
16:31:28 44 [REDACTED]?---That's one view of it, yes.
45
16:31:31 46 What's the other view, what's another view of it?---Well I
16:31:35 47 don't - I don't want to sound argumentative but I don't

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16:31:40 1 know what I went to see him for the next day or
16:31:42 2 specifically which thing it was in relation to.
3
16:31:48 4 But do you accept that subsequent to that you continued to
16:31:52 5 provide advice and speak to [REDACTED]; about his course of
16:31:59 6 action and pleading guilty and assisting police?---Yes, I
16:32:03 7 did keep talking to him.
8
16:32:05 9 I take it you accept, without wanting to labour this point,
16:32:08 10 that you had no business doing so, putting aside what
16:32:15 11 Justice [REDACTED] had said to you?---Yes, I think I've already
16:32:18 12 said, um, the entire ethics of all this were wrong.
13
16:32:26 14 Not only were you advising [REDACTED], but you also
16:32:32 15 purported to advise [REDACTED] in this period, do you
16:32:37 16 accept that?---Um, I know I saw him. I don't know what - I
16:32:45 17 have no recollection of specifically what about on whatever
16:32:48 18 date.
19
16:32:54 20 Can I put up this document, MIN.0002.0003.0568. Do you
16:33:11 21 know what that is?---Oh, this is a - it looks like [REDACTED]'s
16:33:16 22 handwriting.
23
16:33:17 24 Right. It's a document that you had in your possession, do
16:33:25 25 you accept that? It came from you?---Right, okay, yep.
26
16:33:30 27 It appears to have been written at a time when [REDACTED]
16:33:33 28 had rolled and [REDACTED] was providing instructions which
16:33:38 29 might have the effect of discrediting [REDACTED], right?
16:33:47 30 This is prior to [REDACTED] having agreed to make a
16:33:51 31 statement?---Sorry, are you saying these are his
16:33:56 32 instructions?
33
16:33:56 34 What do you say they are?---Oh, he would send this kind of
16:34:03 35 - these crazy documents that he would write and then
16:34:06 36 photocopy multiple times to all kinds of people, a number
16:34:10 37 of lawyers.
38
16:34:11 39 Right. And they came to you?---Yes.
40
16:34:14 41 And if you read the top line it's, "I believe if this is
16:34:19 42 done we will win", underlined?---Yeah, and then you keep
16:34:26 43 reading.
44
16:34:28 45 Keep going. Can we scroll down, right down to the bottom.
16:34:32 46 Keep going. At the bottom it says, "Show this letter to
16:34:41 47 Nicola, then destroy this letter, please", right? Who

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16:34:49 1 provided you with that letter?---I can't remember, um.
2
16:35:04 3 There are a number of things in it but he believes at p.1
16:35:08 4 that Mr Gatto could give evidence to assist in his defence.
16:35:13 5 If we go over to p.3 at the top it says, "Tell Nicola to
16:35:17 6 visit, to go and see [REDACTED] straight away and get him
16:35:25 7 to make a statement to either she or Purana". He wanted a
16:35:31 8 statement from [REDACTED] about when he was shot by [REDACTED].
16:35:38 9 Do you see that?---Yeah.
10
16:35:40 11 And it gives details about what [REDACTED] wants [REDACTED] to put
16:35:46 12 in his statement regarding the [REDACTED] - - - ?---Yes, that's
16:35:49 13 right.
14
16:35:50 15 - - - that [REDACTED] was [REDACTED], et cetera, when he [REDACTED]
16:35:53 16 [REDACTED], right?---Yeah, these are - this is, um, typical [REDACTED]
16:35:59 17 [REDACTED] He's kind of, "Do this, go here, do that",
16:36:05 18 without - so I'm not, there's no regard for whether these
16:36:09 19 people are even prepared to do it or who's acting for them,
16:36:15 20 or speak to their lawyer as to - - -
16:36:15 21
16:36:16 22 Do you think at the time that he asked this letter to be
16:36:18 23 given to you he believes that you're acting as his legal
16:36:25 24 advisor?---He's, he's, ah - in very loose terms, yes.
25
16:36:31 26 Well, you're acting - - - ?---It's more, no, it's
16:36:35 27 more - - -
28
16:36:36 29 - - - for him, in very loose terms, as a legal
16:36:38 30 advisor?---Well, yeah, it's him saying, "Go do this, go do
16:36:41 31 that. Go speak to this person". I mean it's not, um -
16:36:44 32 there's no way you would do half, or three quarters of
16:36:47 33 this. It's nonsensical.
34
16:36:49 35 Ms Gobbo, you had no business seeing him, do you accept
16:36:51 36 that, but you did nonetheless?---At this point?
16:36:57 37
16:36:58 38 Yeah?---Yeah, I agree that, um, that by virtue of Mr, um,
16:37:08 39 sorry, I've got to get the name, [REDACTED] and then
16:37:13 40 [REDACTED], I couldn't appear for him.
41
16:37:17 42 I tender that, Commissioner?---Can I have chance to read
16:37:22 43 that at some point?
44
16:37:24 45 COMMISSIONER: Yes, your lawyer will be given a copy and it
16:37:28 46 can get to you that way, Ms Gobbo.
16:37:31 47

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16:37:31 1 #EXHIBIT RC1164A - (Confidential) MIN.0002.0003.0568.
16:37:33 2
16:37:34 3 #EXHIBIT RC1164B - (Redacted version.)
16:37:37 4
16:37:37 5 MR WINNEKE: I take it when you said you've got no business
16:37:41 6 appearing for him, you've got no business advising him
16:37:45 7 either?---No, well you can't appear for someone unless you
16:37:52 8 get some instructions from them.
9
16:37:54 10 And if you're conflicted you can't advise and you can't
11 appear, it doesn't matter whether you appear or advise, if
16:37:56 12 you're conflicted you can't have any involvement in
16:37:57 13 providing legal advice or representation to such a person,
16:38:01 14 do you accept that proposition?---Yeah, I accept that
16:38:05 15 generally but, I mean looking at - I still don't accept
16:38:09 16 that these are instructions. I mean to say, "Go and see",
16:38:13 17 all this stuff about, "Go and see Gatto and get him to say
16:38:19 18 A, B and C", it's just madness.
19
16:38:22 20 Can we have a look at your court book, please, for [REDACTED]
16:38:27 21 2006, MIN.0001.0014.0784 at p.16. Can you read
16:38:57 22 that?---Yes, sorry, I had to mute you for a second, for a
16:39:03 23 minute. Um, [REDACTED] 06, yep.
24
16:39:10 25 Do you accept that it represents you, or at least it
16:39:14 26 reflects the fact that you went to him, you sat down with
16:39:17 27 him, you had your barrister's court book - - - ?---Yep.
28
16:39:23 29 - - - he told you about matters pertinent to his defence,
16:39:28 30 including matters about [REDACTED], "Victim, did he tell [REDACTED],
16:39:37 31 statement against", and that may well be [REDACTED], and
16:39:47 32 something in Sydney, do you see that?---Yes, yes. This is
16:39:55 33 - yes, yep.
34
16:39:57 35 Then if we go down the page there's references to a number
16:40:02 36 of things, including Bateson, and it's quite clear when you
16:40:07 37 read that that [REDACTED] is telling you or providing
16:40:11 38 information to you about matters pertinent to - - -
16:40:18 39 ?---It's all kinds of things he wants done or people spoken
16:40:21 40 to, like the reference to another barrister, Shane, is
16:40:27 41 because he wants him to appear for him.
42
16:40:29 43 Yes?---And so forth, yes.
44
16:40:31 45 What are you doing there, Ms Gobbo, seeing him?---Well,
16:40:35 46 it's on the basis of being a lawyer, as you've pointed out.
47

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16:40:40 1 Right. Can we go across to the other - there's a reference
16:41:06 2 - you're discussing with him matters concerning the death
16:41:10 3 of the Hodsons, Charlie Bezzina?---There's all kinds of
16:41:19 4 topics.
5
16:41:20 6 All sorts of topics there. It's clearly concerning the
16:41:24 7 death of the Hodsons and other matters there?---Yes, it
16:41:31 8 goes on all kinds of topics, it includes, um - - -
16:41:33 9
16:41:34 10 "Wants a minimum term imposed, general talk re rumours and
16:41:39 11 gossip"?---Rumours and gossip and the fact that he wrote a
16:41:42 12 letter to the judge herself.
13
16:41:45 14 If we go to the next page. Then there's reference to a
16:41:48 15 conference with [REDACTED] and there's reference to
16:41:52 16 information that he gives you which appears to be by way of
16:41:56 17 instructions, do you see that?---Yeah, I'm just reading
16:42:02 18 what he's said.
19
16:42:19 20 When you've finished that we'll go back to the previous
16:42:22 21 page?---Yep.
22
16:42:25 23 There's a note I think you make, there's a note here which
16:42:30 24 says, "Happy for [REDACTED] to help himself but he couldn't
16:42:33 25 do it because he couldn't live with himself"?---Yes.
16:42:37 26
16:42:37 27 "Wants a minimum term imposed." Do you think that's a
16:42:42 28 discussion about [REDACTED] course, whether [REDACTED]
16:42:50 29 might - or what he might do?---Well that - the paragraph
16:42:58 30 that begins with "Happy for" is [REDACTED] saying he's
16:43:02 31 happy for [REDACTED] to help himself, but what he's saying
16:43:08 32 is that there's no way he would do that because of the
16:43:11 33 reason he explains, and then "wants a minimum term" is
16:43:16 34 presumably himself wanting a minimum term, because that
16:43:18 35 wouldn't be, that wouldn't be [REDACTED].
36
16:43:21 37 Righto. In any event - I tender that, Commissioner.
38
16:43:28 39 COMMISSIONER: The court books have already been tendered
16:43:33 40 as a whole.
41
16:43:35 42 MR WINNEKE: I think it ought be tendered as an individual
16:43:38 43 exhibit.
44
16:43:40 45 COMMISSIONER: Yes.
16:43:40 46
16:43:40 47 #EXHIBIT RC1165A - (Confidential) MIN.0001.0014.0784 at

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16:38:43 1 p.16.
16:43:42 2
16:43:42 3 #EXHIBIT RC1165B - (Redacted version.)
16:43:45 4
16:43:45 5 MR WINNEKE: Righto. You do understand that [REDACTED]
16:43:50 6 did write a letter explaining that you had a conflict and
16:43:55 7 that you shouldn't be involved in advising
16:44:02 8 [REDACTED]?---Yeah, I think that, um - yes, I thought it was
16:44:07 9 a Roberta Williams' complaint. There were two complaints,
16:44:12 10 one from - - -
11
16:44:14 12 I think that was in 2007?---Right, sorry.
13
16:44:19 14 [REDACTED] had made a complaint in 2006 to the Ethics
16:44:23 15 Committee, the Bar Ethics Committee?---Yes.
16
16:44:26 17 And I think also the Law Institute, right?---Okay. I know
16:44:32 18 I had to - I can recall responding to - I can recall
16:44:42 19 responding to something, one of them in writing.
20
16:44:44 21 I follow that. Can I ask you this though: you certainly
16:44:48 22 didn't concede to the Ethics Committee, or to the Law
16:44:52 23 Institute, or whoever it was, that you had a conflict and
16:44:56 24 in fact [REDACTED] was probably right about what he was
16:44:59 25 saying, did you?---No, I can't - I can recall writing a
16:45:06 26 response.
27
16:45:08 28 It would have been misleading, wouldn't it, to suggest that
16:45:10 29 you weren't in a conflicted situation, if that's what you
16:45:13 30 did?---Well it would have been misleading by not saying I
16:45:19 31 was a police informer.
32
16:45:24 33 Just before I go on, do you accept that [REDACTED] was
16:45:41 34 advised by you on the subject of whether or not he should
16:45:47 35 plead guilty and assist police?---Did I speak to him about
16:45:57 36 that? Yes.
37
16:45:59 38 And provide him advice about that?---Um, yes.
39
16:46:04 40 And can I suggest to you that you encouraged him to plead
16:46:09 41 guilty and assist police?---No, I don't - I don't accept
16:46:16 42 that I encouraged him or pushed him over the line.
43
16:46:25 44 Do you accept that the thrust of the advice that you gave
16:46:27 45 him was that he should plead guilty and assist
16:46:37 46 police?---I'd only be - I can't - I haven't got a specific
16:46:42 47 recollection so I can't disagree with you.

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1
16:46:46 2 Yes, all right. Did you know that [REDACTED] wanted to know
16:46:54 3 and wanted - well, wanted to know what [REDACTED] had to say
16:46:59 4 about whether he should plead and assist police?---Yes,
16:47:05 5 Mr - - -
6
16:47:06 7 And you told your handlers that he wanted to know what
16:47:10 8 [REDACTED] had to say and if [REDACTED] effectively - I'm
16:47:14 9 paraphrasing - if [REDACTED] said he had no defence then
16:47:20 10 he'd plead guilty?---Yes, because [REDACTED] had read the
16:47:24 11 brief at the point in time of the committal proceeding.
12
16:47:28 13 And he also did a Basha hearing in relation to
16:47:32 14 [REDACTED]?---I wasn't aware of that.
15
16:47:36 16 Right. [REDACTED] has provided a statement saying that he
16:47:40 17 was never consulted about whether or not [REDACTED] should
16:47:45 18 plead guilty?---Yes, he was. He had a brief at the
16:47:50 19 Magistrates' Court. He just didn't - I don't think he
16:47:53 20 appeared.
21
16:47:56 22 Can I suggest to you - well certainly what he says is that
16:47:58 23 if he was consulted about whether he should plead guilty,
16:48:02 24 he would have said to him that he had a viable
16:48:07 25 defence?---He may well have said that. Knowing him - I
16:48:12 26 don't think he would have said that anyone never had a -
16:48:16 27 anyone didn't have a defence.
28
16:48:18 29 And that the case against him was effectively built on the
16:48:22 30 statements of [REDACTED] who were doing their level
16:48:26 31 best to get themselves the best deal that they possibly
16:48:29 32 could?---Well I can't - - -
33
16:48:33 34 Do you accept that?---I can't dispute what he may or may
16:48:36 35 not have said based upon what information he did or didn't
16:48:40 36 have. I can't - he's entitled to say whatever he said.
37
16:48:49 38 You told the handlers that [REDACTED] wanted to know what
16:48:52 39 [REDACTED] had to say, do you accept that?---Yeah, because
16:48:58 40 at one point I'm sure [REDACTED] was involved in the, um, in
16:49:06 41 the committal where Mr Heliotis appeared for Mr Williams.
42
16:49:12 43 He was in the committal in 2005, we're now talking about
16:49:16 44 2006, around the [REDACTED] of the year 2006?---Right.
45
16:49:23 46 Can we go to p.261, [REDACTED] 2006, and you tell the
16:49:36 47 handlers that [REDACTED] rang, "Wants Ms Gobbo to speak to

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16:49:46 1 barrister [REDACTED] and to get his opinion on whether [REDACTED]
16:49:51 2 is fucked. If so, likely to assist Purana. Ms Gobbo
16:49:54 3 believes [REDACTED] will affirm this. Ms Gobbo believes he
16:49:59 4 is very depressed and needs push to come on board totally".
16:50:04 5 Do you accept that that's what you told handlers?---No, I
16:50:07 6 accept that's what written there. I'm not trying to be
16:50:10 7 difficult but it's them paraphrasing whatever I've said and
16:50:17 8 I know they said to me that sometimes it took them two
16:50:21 9 months to put their scribbles into their reports. So I'm
16:50:25 10 not in a position to dispute what's written because I can't
16:50:29 11 - I don't have a memory of a particular conversation on a
16:50:34 12 date.

13
16:50:34 14 All right. Do you accept this - - - ?---The wording that's
16:50:39 15 used is the kind of wording that [REDACTED] would use.

16
16:50:44 17 Do you accept that if you were acting as an independent
16:50:48 18 barrister would properly act, you'd arrange a conference
16:50:54 19 for [REDACTED] to go and see [REDACTED] and have a discussion
16:51:00 20 with him about the strength of the case and the whys and
16:51:05 21 wherefores and what he should do?---Yeah, well it's not a
16:51:10 22 matter for me to arrange a conference for his QC. I
16:51:14 23 suspect that I - actually I suspect that, um - not I
16:51:19 24 suspect. Looking back there was a, I know there was a
16:51:23 25 financial problem with his representation.

26
16:51:26 27 Yes?---Including a QC.

28
16:51:28 29 Ms Gobbo, did you - - - ?---But I don't, I don't, I don't
16:51:31 30 dispute the proposition that you, um, are making about him
16:51:35 31 not having an independent representation.

32
16:51:38 33 What I'm suggesting to you is that [REDACTED] was very keen
16:51:44 34 to get the opinion of [REDACTED] and he wanted to know what
16:51:49 35 [REDACTED]'s view was. That appeared to be important to him
16:51:53 36 and that's the effect of the information that you're
16:51:56 37 passing to the handlers, do you accept that
16:51:59 38 proposition?---Yeah, I can't - I don't dispute that.

39
16:52:01 40 And that what should have occurred is that a conference
16:52:05 41 should have been arranged, whether it be over the telephone
16:52:07 42 or whether in person, and he should have had the benefit of
16:52:09 43 [REDACTED]'s opinion? Can I suggest that that is what
16:52:13 44 should have occurred, do you accept that
16:52:23 45 proposition?---Yeah, if you - well I can't dispute that,
16:52:27 46 um.

47

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16:52:27 1 If you accept what [REDACTED] has to say, that didn't occur
16:52:30 2 and [REDACTED] didn't get the benefit of [REDACTED]'s
16:52:39 3 opinion?---No, that's right. I accept whatever the
16:52:42 4 proposition is that he's saying in whatever he said in his
16:52:46 5 statement.
6
16:52:47 7 But what he did get was an agent of Victoria Police, can I
16:52:53 8 suggest to you, on the evidence that's available, you, who
16:52:58 9 were assisting police push him over the line. Do you agree
16:53:16 10 with that, Ms Gobbo?---Oh, sorry, no, I don't dispute that.
11
16:53:25 12 I just want to deal quickly with the statement process.
16:53:31 13 [REDACTED] ultimately made numerous statements and you at
16:53:38 14 one point in time went to St Kilda Road Police Station to
16:53:43 15 read the statements before they were signed, do you accept
16:53:46 16 that that occurred?---Yes, um - yes, go on.
17
16:53:52 18 And the evidence is that you wrote at least one Post-it
16:54:00 19 Note on one of the statements which referred to a
16:54:03 20 particular person and it's perhaps best if I don't use the
16:54:08 21 name - or maybe I can. One of the statements that he made
16:54:21 22 concerned the involvement in the murder of [REDACTED]
16:54:32 23 [REDACTED], do you accept that?---Sorry, I missed the
16:54:36 24 question. Sorry.
25
16:54:38 26 Are you aware that [REDACTED] made a number of statements
16:54:41 27 and amongst those statements were statements against [REDACTED]
16:54:48 28 [REDACTED] alleging that he was involved in the murder of [REDACTED]
16:54:51 29 [REDACTED]?---Yeah, I don't specifically recall that
16:55:01 30 individual statement but he did make [REDACTED] or so different
16:55:06 31 statements.
32
16:55:06 33 And do you accept also that he made a statement in relation
16:55:10 34 to [REDACTED]'s involvement in the murder of [REDACTED]
16:55:15 35 [REDACTED]?---Um, yeah, I don't - I don't have a specific
16:55:21 36 memory of the individual statements but I don't dispute
16:55:26 37 what you're saying.
38
16:55:29 39 Ultimately we know that [REDACTED] was convicted of that
16:55:36 40 murder on the basis of the evidence of [REDACTED]?---He was
16:55:45 41 - yes, not specifically or only [REDACTED] evidence.
42
16:55:52 43 Not solely you would say?---Yes.
44
16:55:53 45 You told, I think we've seen you recently telling the ABC
16:55:57 46 that he never should have been convicted?---No, not based
16:56:00 47 on the evidence they had.

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1
16:56:02 2 Right. And you had acted for their star witness, that is
16:56:05 3 [REDACTED]?---Um, I don't know was he their - I don't know -
16:56:13 4 I don't know the state of the evidence that was, um, led
16:56:16 5 against him.
6
16:56:18 7 Yes. You may not recall now - - - ?---Or - - -
8
16:56:20 9 I'm sorry, I interrupted you?---Or the, um or the extent to
16:56:25 10 which the, um, subpoenas were pursued in terms of, um,
16:56:33 11 disclosure by the Crown.
12
16:56:34 13 Right?---But I'm not going to have an argument with you so
16:56:37 14 I'm not disputing what you're putting.
15
16:56:41 16 You acted also, you were acting for [REDACTED] and you were
16:56:44 17 still visiting [REDACTED] whilst you were doing so?---Um,
16:56:51 18 yes, I don't know whether I knew specifically what he was
16:56:55 19 going to say about him at the time, but yes, I was.
20
16:56:59 21 And you told police that [REDACTED] was getting cold feet
16:57:03 22 when you were visiting him and he needed propping up, do
16:57:06 23 you accept that?---If that's written somewhere I may have
16:57:11 24 said that.
25
16:57:14 26 You know that because that's the basis upon which [REDACTED]
16:57:17 27 was [REDACTED] by the [REDACTED]?---Sorry,
16:57:21 28 can you say that again?
29
16:57:23 30 He was [REDACTED] of
16:57:27 31 information, of [REDACTED]?---I
16:57:32 32 have, um, I have read what's been in the media, um.
33
16:57:38 34 Right?---But again I'm not in a position to dispute what
16:57:41 35 you're saying.
36
16:57:42 37 And did you charge [REDACTED] for the benefit of representing
16:57:47 38 him or providing him with legal advice?---Um, at some point
16:57:53 39 yes, I did. I would have.
40
16:57:55 41 Yes. Commissioner, I was going to go on to a different
16:57:58 42 topic.
43
16:57:59 44 COMMISSIONER: Yes. That's all we're going to do today,
16:58:02 45 Ms Gobbo, so you're free to go now if you want and we'll
16:58:06 46 see you at 9.30 tomorrow?---Sorry, if I have been slower in
16:58:11 47 the last hour or so but, um, I'm really, really tired,

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16:58:14 1 Commissioner.
2
16:58:15 3 I'm sure you are.
4
16:58:17 5 MR WINNEKE: It's been a long day.
6
16:58:18 7 COMMISSIONER: And we do appreciate your efforts in sitting
16:58:20 8 the long hours in your present state of health. It's much
16:58:25 9 appreciated. Thank you and hopefully we'll see you at 9.30
16:58:29 10 in the morning.
16:58:31 11 <(THE WITNESS WITHDREW).
12
16:58:31 13 Mr Winneke, how much longer will you be?
14
16:58:35 15 MR WINNEKE: I would hope to finish and expect to finish
16:58:38 16 before lunch tomorrow.
17
16:58:40 18 COMMISSIONER: All right then. We may be able to sit until
16:58:43 19 4.40 tomorrow, I can't sit beyond that.
20
16:58:46 21 MR WINNEKE: Yes.
22
16:58:47 23 COMMISSIONER: But I know Mr Nathwani very much hoped to
16:58:51 24 finish her evidence today.
16:58:58 25
16:58:59 26 MR NATHWANI: I wished Mr Winneke to finish today.
27
16:59:02 28 COMMISSIONER: I'm sorry, you were hoping to finish the
16:59:03 29 evidence this week.
16:59:05 30
16:59:05 31 MR NATHWANI: I still hope that.
32
16:59:06 33 COMMISSIONER: Yes, okay.
16:59:07 34
16:59:08 35 MR NATHWANI: And Mr Holt has indicated he would try to
16:59:11 36 accommodate that in what time we have.
37
16:59:14 38 COMMISSIONER: All right. So cross-examination will be
16:59:16 39 just Mr Holt and Mr Chettle.
16:59:20 40
16:59:20 41 MR CHETTLE: Mr Holt and I have been talking about it, he
16:59:23 42 thinks it might be useful if I went first to try and help
16:59:27 43 with issues that can be narrowed down.
44
16:59:29 45 COMMISSIONER: How long do you think you would be?
16:59:31 46
16:59:32 47 MR CHETTLE: A couple of hours. I'm going to try and do it

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16:59:36 1 quickly but as you know, Commissioner, there's a bucket
16:59:41 2 load of material.
3
16:59:42 4 COMMISSIONER: Yes. I suppose, Mr Holt, you'd say it
16:59:47 5 depends on Mr Chettle's cross-examination.
16:59:50 6
16:59:50 7 MR HOLT: Mr Chettle's cross-examination - we've been
16:59:52 8 discussing it to try and not over lap - and that would deal
16:59:56 9 with a range of issues, but obviously it doesn't deal with
17:00:00 10 a range of other issues because we act for a number of
17:00:03 11 people that are in the SDU period where evidence has been
17:00:07 12 given and there are specific matters. We are anxious to do
17:00:07 13 our best to assist in all of this.
14
17:00:09 15 COMMISSIONER: Yes.
17:00:09 16
17:00:10 17 MR HOLT: It doesn't sound like we're going to have more
17:00:12 18 than about an hour, even less possibly.
19
17:00:16 20 COMMISSIONER: I don't even know whether Mr Chettle will
17:00:19 21 finish.
17:00:19 22
17:00:20 23 MR HOLT: That's unquestionably not enough.
24
17:00:22 25 COMMISSIONER: How much more time would be needed?
17:00:24 26
17:00:24 27 MR HOLT: It's difficult to say, Commissioner, but I would
17:00:26 28 have thought that I could cross-examine in a way that would
17:00:30 29 do justice to the issues, at least at a bare level for our
17:00:35 30 clients, in probably three hours, something of that kind.
17:00:38 31 That's with a lot of consolidation, which we've been doing.
32
17:00:41 33 COMMISSIONER: So then there's just the re-examination, two
17:00:42 34 lots of re-examination. Mr Nathwani, how long do you think
17:00:44 35 you will be?
17:00:45 36
17:00:46 37 MR NATHWANI: I will try and curtail it to this. If I was
17:00:47 38 given half an hour to finish tomorrow, I could do it in
17:00:51 39 half an hour. I would truncate it because I'm able to, so
17:00:55 40 is everyone else here. I just wish to stress and repeat
17:01:00 41 what you said on 4 December of limiting cross-examination
17:01:05 42 in these particular circumstances. You were aware, and I
17:01:06 43 can't possibly explain, that there are arrangements that
17:01:08 44 would have to by necessity change significantly from Monday
17:01:11 45 onwards.
46
17:01:11 47 COMMISSIONER: Yes, and obviously we'd have to see what's

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17:01:14 1 available. But we can at least look into the - it does
17:01:18 2 sound as though another day after tomorrow would complete
17:01:21 3 it and give everybody an opportunity to cross-examine in
17:01:26 4 respect to their clients, well, that is Victoria Police and
17:01:31 5 Mr Chettle in respect of their clients. So we can at least
17:01:36 6 make some inquiries to see whether that is feasible, both
17:01:42 7 from her medical people and you know the practicalities of
17:01:44 8 what's involved, particularly from her medical support
17:01:47 9 person who's been sitting in with her. So we'll have those
17:01:52 10 inquiries made overnight and see what can be done.

17:01:55 11
17:01:55 12 MR NATHWANI: Thank you, Commissioner.

17:01:56 13
17:01:56 14 COMMISSIONER: All right then, we'll adjourn until 9.30
17:01:59 15 tomorrow.

17:02:26 16
17:02:27 17 ADJOURNED UNTIL FRIDAY 7 FEBRUARY 2020

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