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1            PROCEEDINGS IN CAMERA:

2  
13:33:08 3            COMMISSIONER: You can stay, Mr Ryan. We need you?---I was  
13:33:18 4            hoping.

5  
13:33:18 6            No, no, you're not off the hook yet.

13:33:24 7  
13:33:24 8            Pursuant to the Inquiries Act access to the Inquiry  
13:33:28 9            during the evidence of Mr Ryan is limited to legal  
13:33:32 10          representatives and staff assisting the Royal Commission  
11          and the following parties with leave to appear in the  
13:33:35 12          private hearing and their legal representatives: State of  
13:33:38 13          Victoria, Victoria Police, DPP and OPP, Commonwealth  
13:33:41 14          Director of Public Prosecutions, Ms Gobbo, the SDU  
13:33:46 15          handlers, Stephen Asling, Pasquale Barbaro, Faruk Orman,  
13:33:51 16          [REDACTED] Media representatives accredited by the Royal  
13:33:55 17          Commission are allowed to be present in the hearing room.  
13:33:55 18          The hearing is to be recorded but not streamed or  
13:33:59 19          broadcast. Subject to any further order there is to be no  
13:34:02 20          publication of any material, statements, information or  
13:34:04 21          evidence given, made or referred to before the Commission  
13:34:09 22          which could identify or tend to identify the persons  
13:34:13 23          referred to as [REDACTED]  
24          or any member of the Source Development Unit or there  
13:34:20 25          whereabouts. A copy of this order is to be posted on the  
26          door of the hearing room.

27  
13:34:22 28          Mr Holt, do you have the undertaking, or perhaps,  
13:34:25 29          Mr Woods, do you have the undertaking that we need to get  
13:34:29 30          from Mr Stary? I think it's not to disclose anything that  
13:34:35 31          you've heard in the hearings to any other person without  
13:34:40 32          the permission of the Commission, I think it was something  
13:34:45 33          to that effect?

13:34:46 34  
13:34:47 35          MR HOLT: I think it was to that effect, Commissioner. I'm  
13:34:49 36          sorry, I didn't think we were going to get there until  
13:34:53 37          Mr White's evidence resumed.

13:34:55 38  
13:34:55 39          MR STARY: I'm aware of that, Commissioner, and I can give  
13:34:57 40          that verbally.

41  
13:34:59 42          COMMISSIONER: Thanks Mr Stary. That's all that's  
13:35:01 43          required.

13:35:02 44  
13:35:02 45          MR WOODS: Before we move back to what we were - we were  
13:35:07 46          talking about the days after Mr [REDACTED] murder but just  
13:35:11 47          before we go back to that part of the story, you've got

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13:35:17 1 your statement in front of you there?---Yes.  
2  
13:35:20 3 Paragraph 98 you say, "I recall I told Detective Sergeant  
13:35:23 4 Solomon and Detective Senior Constable Davey that Ms Gobbo  
13:35:27 5 was a human source. They wanted to put Ms Gobbo [REDACTED]  
13:35:31 6 [REDACTED]. I told them that she was a source so that they knew  
13:35:35 7 the risks of doing so. I don't recall when this discussion  
13:35:39 8 took place however it must have been after the Petra Task  
13:35:43 9 Force was established". Now that's your evidence; is that  
13:35:46 10 right?---Yes.  
11  
13:35:47 12 And did you record that part of your statement based on any  
13:35:53 13 particular notes or was it simply a memory that you  
13:36:01 14 had?---It's prompted by something in the media that Sol  
13:36:05 15 Solomon had said.  
16  
13:36:06 17 Okay?---And I thought - and I still think that I told them.  
18  
13:36:11 19 So you're aware I take it - well, talking about who those  
13:36:17 20 two individuals were and putting them into the story  
13:36:20 21 somewhat. Mr Davey was the lead investigator investigating  
13:36:26 22 the murder of the Hodsons; is that right?---Yes. Well,  
13:36:33 23 yes. It was whilst he was at the Homicide Squad.  
24  
13:36:40 25 Whilst he was there?---Yes. He would be the nominal  
13:36:42 26 informant. The crew would investigate it.  
27  
28 Nominal informant but also actively carrying out the  
29 investigation?---Yes, yes.  
30  
13:36:45 31 He reported to his then supervisor Detective Sergeant  
13:36:49 32 Solomon, is that your memory of it?---Yes.  
33  
13:36:53 34 Next up in the chain of command from them in Homicide was  
13:36:58 35 Senior Sergeant Shane O'Connell, would that have been right  
13:37:01 36 at the time?---No, it would have been Charlie Bezzina.  
37  
13:37:04 38 Where did Mr O'Connell sit?---He came - he was originally  
13:37:09 39 at Purana.  
40  
13:37:09 41 Yes?---Got promoted, left, and when we couldn't get Charlie  
13:37:15 42 to come to Petra.  
43  
13:37:17 44 Yes?---I asked for him, 'cause he then was Senior Sergeant.  
45  
13:37:23 46 So he was within Petra, Mr O'Connell?---Yes. He was  
13:37:27 47 originally Purana, then Petra.

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1  
13:37:30 2 So the investigation being undertaken by Davey and Solomon  
13:37:33 3 was under the auspices of Homicide, not under the auspices  
13:37:37 4 of Petra?---Well, the murder - the double murder happens.  
13:37:41 5 It's given and retained by Homicide.  
6  
13:37:44 7 Yes?---They're part of the investigative team.  
8  
13:37:46 9 Yes?---And then in - I think that was 04.  
10  
13:37:51 11 Yes?---Then in 07 Petra gets established and I asked that  
13:37:57 12 they come on board.  
13  
13:38:00 14 By the time that you were having the dealings with them  
13:38:03 15 where you recall telling them about her status, they would  
13:38:07 16 have been within Petra by that stage?---Correct.  
17  
13:38:13 18 In fact they would have - you would have been in charge of  
13:38:19 19 them ultimately at least within Petra at that stage?---Yes.  
13:38:23 20 It's a little complicated in that - - -  
21  
13:38:27 22 Because they're Homicide officers, I suppose; is that  
13:38:33 23 right?---I'm sorry, are you referring to the Homicide?  
24  
13:38:35 25 I'm talking about when you had the discussion with Solomon  
13:38:38 26 and Davey?---They were at Petra.  
27  
28 They were at Petra?---Yes.  
29  
13:38:41 30 Seconded or were they there full-time?---No, seconded.  
13:38:45 31 You're always seconded to Task Forces.  
32  
13:38:49 33 So you would have been their superior during their time at  
13:38:53 34 Petra at least while you were still there?---Yes.  
35  
13:38:58 36 [REDACTED] was conducting [REDACTED] in  
13:39:05 37 relation to these same issue, the [REDACTED]  
13:39:09 38 [REDACTED]?---I assume so, yes.  
39  
13:39:13 40 What Mr Solomon says in a statement he's made to the  
13:39:17 41 Commission was that - I'll read it, "When it came to us  
13:39:23 42 wanting to contact her we were instructed that they were  
13:39:26 43 not to make direct contact with her. We were instructed to  
13:39:30 44 submit a written list of queries or questions through our  
13:39:33 45 chain of command and wait for further instruction". Do you  
13:39:36 46 remember that happening, the list of questions they were  
13:39:38 47 able to ask Ms Gobbo?---No. Have you got a date on that?

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13:39:42 1 Because I may have not been - - -  
2  
13:39:45 3 No, I don't have a date on that?---Okay.  
4  
13:39:47 5 It may not matter so much if you don't have a  
13:39:50 6 recollection?---No.  
7  
13:39:50 8 Okay. "We would later receive a reply letting us know when  
13:39:56 9 and where she was available to see us and which of the list  
13:40:00 10 of topics we could discuss. We were under strict  
13:40:03 11 instruction not to divert from any of the matters listed  
13:40:06 12 and not to engage her in any discussion about other  
13:40:09 13 matters". Putting aside when this was, do you recall  
13:40:13 14 yourself having any discussion with these two, Solomon and  
13:40:16 15 Davey, about restrictions put on them?---No.  
16  
13:40:20 17 They say, or Solomon says, "We were also advised she will  
13:40:24 18 never be a witness". Is that a discussion you had with  
13:40:27 19 them?---No, I don't believe so.  
20  
13:40:33 21 After saying a number of other things he talks about that  
13:40:35 22 being an unusual situation that he hadn't experienced  
13:40:39 23 before, but then he says, "We were not made aware that she  
13:40:42 24 was a registered informer". So their evidence is at odds  
13:40:49 25 with yours. I should say Mr Davey says the same thing.  
13:40:54 26 Doing the best you can, do you allow for some possibility  
13:40:57 27 that in fact you didn't tell them that she was a registered  
13:41:00 28 informer but you said there was some other restriction on  
13:41:04 29 their ability to deal with her openly?---No, I'm  
13:41:08 30 comfortable that I told them that she was an informer.  
31  
13:41:12 32 Do you remember when and where that happened, or  
13:41:16 33 when?---Pretty sure when I was at Purana, called back to  
13:41:20 34 Purana.  
35  
13:41:21 36 Okay?---Because I'm just trying get the sequence right.  
37  
13:41:24 38 Yes?---Established Petra in March, stay there till Jim  
13:41:34 39 retires in August.  
40  
13:41:35 41 Yes?---That's it.  
42  
13:41:45 43 Can I suggest some of the witnesses who have given evidence  
13:41:48 44 to the Commission have said it would be an unusual thing to  
13:41:51 45 tell investigators the status of someone who is a human  
13:41:56 46 source and you can imagine the reasons they've given that  
13:42:00 47 evidence?---M'mm.

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1  
13:42:01 2 Might it be said in this situation it would have been an  
13:42:06 3 unusual thing for you to tell Solomon and Davey for that  
13:42:09 4 same reason, that she was a human source and needed to be  
13:42:13 5 protected?---It's certainly not a usual thing but I felt it  
13:42:20 6 necessary. Sol I've known my whole career. I just did a  
13:42:26 7 reference for him, he's great. Can I don't really know  
13:42:29 8 that well.  
9  
13:42:31 10 Do you recall when it was in this period of time while you  
13:42:34 11 were at Purana that you told them?---It would relate  
13:42:39 12 somewhere to - if there was [REDACTED] it would relate  
13:42:43 13 prior to that. That's the best I can give you.  
14  
13:42:46 15 Why would you tell them prior to [REDACTED]?---To  
13:42:49 16 prevent her going.  
17  
13:42:50 18 Okay, all right. Why would you want to prevent Gobbo  
13:43:05 19 [REDACTED]?---It's the same as the OPI, the  
13:43:11 20 possibility of her being a registered informer coming out  
13:43:14 21 in the subsequent issues and safety issues that would  
13:43:16 22 present.  
23  
13:43:17 24 But you accept, don't you, that as an independent and  
13:43:23 25 [REDACTED] it would be inappropriate for Victoria Police  
26 to in effect stymie [REDACTED], that would be  
13:43:29 27 a wrong thing to do, wouldn't it?---Yes, but I don't do  
13:43:35 28 that.  
29  
13:43:36 30 Right?---I mean it's up to them.  
31  
13:43:38 32 Up to who?---It's up to the [REDACTED].  
33  
13:43:41 34 As I understood your evidence a little while ago you were  
13:43:44 35 saying you wanted to prevent Gobbo from having to [REDACTED]  
13:43:47 36 [REDACTED]?---That's right.  
37  
13:43:48 38 That's why you told Solomon and Davey?---That's correct.  
39  
13:43:51 40 What I'm asking is isn't preventing Gobbo having to [REDACTED]  
13:43:56 41 interfering with [REDACTED]?---It depends, because  
13:44:00 42 we're the people who ask for [REDACTED] to be used.  
43  
13:44:03 44 You're the people who ask for [REDACTED] to be  
13:44:07 45 used?---Yeah, and we present them, I think I went through  
13:44:09 46 this the other day, with summaries, et cetera, for them to  
13:44:11 47 use.

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1  
13:44:13 2 Then they shared with you the [REDACTED]  
13:44:15 3 [REDACTED]?---Yes.  
4  
13:44:16 5 Did you have officers [REDACTED] as  
13:44:22 6 well?---Yes. It's normal practice to have someone go  
13:44:25 7 there.  
8  
13:44:25 9 That would have been someone from Petra given the  
13:44:30 10 investigation happening into the Hodsons?---Yes.  
11  
12 Do you know who that was?---No.  
13  
13:44:32 14 The [REDACTED], I don't know whether  
13:44:35 15 you remember on this particular occasion, but it was the  
13:44:38 16 usual course that you'd simply be provided with [REDACTED]  
13:44:40 17 [REDACTED], Petra would be?---I just can't remember that  
13:44:48 18 but it sort of makes logical sense, doesn't it?  
19  
13:44:52 20 Do you remember receiving [REDACTED] at any time  
13:44:55 21 during your time at Purana or Petra?---Not me personally  
13:45:00 22 but I'm aware that - - -  
23  
13:45:03 24 But you're aware that's the process?---Crews, crews get  
13:45:07 25 them.  
26  
13:45:07 27 You accept that what [REDACTED] was at the time was to  
13:45:11 28 [REDACTED]?---Yes.  
29  
13:45:16 30 Given that's the case, do you have any reflection on  
13:45:20 31 whether it was a correct or incorrect thing to do to have  
13:45:22 32 some influence on [REDACTED]  
13:45:26 33 [REDACTED]?---Well, we influence them in the first place by  
13:45:31 34 providing them with the information and the [REDACTED]  
13:45:34 35 [REDACTED].  
36  
13:45:35 37 So they're providing - they're essentially providing you a  
13:45:39 38 service really; is that right?---Yes.  
39  
13:45:41 40 And because they're providing a service to Victoria Police,  
13:45:44 41 it's appropriate for Victoria Police to explain to them how  
13:45:47 42 you'd like that service to be carried out?---Well, I  
13:45:50 43 wouldn't say carried out.  
44  
13:45:52 45 Conducted?---Well you give them the information and they're  
13:45:56 46 off and running.  
47

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13:45:58 1 Yeah. And then if there's a particular witness, [REDACTED]  
13:46:03 2 [REDACTED]  
13:46:05 3 [REDACTED], do you have some say in that?---Yes.  
4  
13:46:08 5 And in fact in a situation - - - ?---But they don't have to  
13:46:11 6 accept it.  
7  
13:46:12 8 They don't have to accept it. But in the situation that  
13:46:14 9 existed - - - ?---I'm talking to Solomon and Davey, not to  
13:46:17 10 [REDACTED].  
11  
13:46:18 12 I understand. But you're saying you tell Solomon and Davey  
13:46:23 13 that for the express purpose, to make sure that they can do  
13:46:31 14 what they can to make sure she's [REDACTED],  
13:46:35 15 is that right?---No. It goes back to the summary. If they  
13:46:38 16 were preparing a summary and they were providing one on  
13:46:41 17 [REDACTED], they simply don't provide it.  
18  
13:46:43 19 I see?---You know, and then look, the - I think I said  
13:46:47 20 before, Mr Horgan used to do the cross-examination or the  
13:46:51 21 examination I think you call it.  
22  
13:46:53 23 Yes. And he would then prosecute a lot of the crimes that  
13:46:59 24 Purana was prosecuting?---Yes, that's correct.  
25  
13:47:01 26 Sometimes they were the same matters that the ACC had  
13:47:04 27 conducted hearings into?---Correct, yes.  
28  
13:47:08 29 Was there ever any discussion about Victoria Police's  
13:47:12 30 practice of using the same prosecutor who'd act as counsel  
13:47:16 31 assisting in the ACC? Do you remember any conversations  
13:47:19 32 about that?---No, no. We had the same judge, we had the  
13:47:22 33 same prosecutor.  
34  
13:47:23 35 Well, the judge, I should say, in a criminal matter  
13:47:29 36 prosecuted in the courts in Victoria wouldn't be sitting as  
13:47:33 37 an ACC Commissioner in the usual course?---No.  
38  
13:47:36 39 In fact it was the prosecutor who was the same person, Mr  
40 Horgan?---Yes.  
41  
13:47:40 42 But not a particular judicial officer, because the person  
13:47:43 43 convening the ACC hearing wouldn't have been that Victorian  
13:47:46 44 judge who was hearing the criminal matter?---Correct.  
45  
13:47:49 46 Do you know in relation to these [REDACTED]  
13:47:52 47 whether or not that was Mr Horgan who was - - - ?---No. I

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13:47:56 1 know he did several. I can't tell you for sure if he did  
13:47:59 2 that.  
3  
13:48:00 4 But you do have a recollection of him appearing on a number  
13:48:04 5 of occasions in ACC matters concerning the same matters  
13:48:09 6 that there then prosecuted that he appeared as a prosecutor  
13:48:10 7 in?---I can't say definitively but I'd say it's a pretty  
13:48:16 8 fair chance.  
9  
13:48:17 10 Where we got to on Friday is we started talking about the  
13:48:21 11 [REDACTED] murder and the arrest of [REDACTED] and  
13:48:28 12 [REDACTED] following that. There's a document that can be  
13:48:35 13 brought up on I think only the three screens at the moment,  
13:48:41 14 which is - we talked about your practice of taking  
13:48:47 15 handwritten notes and then putting those into your formal  
13:48:50 16 police diary, you recall that?---Yes.  
17  
13:48:52 18 So the document I'm asking for to be brought up is a  
13:48:55 19 document that had some redactions made to it to put  
13:49:00 20 [REDACTED] and I think [REDACTED] name on it. It's  
13:49:09 21 VPL.0005.0148.0001. The document that will be brought up  
13:49:17 22 is a 14 November 2003 note of yours. I brought it up on  
13:49:22 23 the screen in front of you on Friday. The version I had  
13:49:27 24 had redactions and some was difficult to read. What I've  
13:49:30 25 asked to have done to that document over that document is  
13:49:36 26 to replaced the redacted matters with the names of  
13:49:40 27 [REDACTED] and [REDACTED]. If you could just scroll to only  
13:49:43 28 the top paragraph of that page, please, the operator. Just  
13:49:56 29 reminding where we were last week, we were looking at that  
13:50:01 30 document and this was the note before, it says that it was  
13:50:06 31 a meeting on Friday 14 November 2003 and you can take it  
13:50:10 32 from me that's what it says on the page before, you accept  
13:50:13 33 that?---Yes.  
34  
13:50:14 35 And that it was a Purana meeting and it was attended by  
13:50:18 36 Mr Allen, Mr Swindells, you, Mr Robertson, is it?---Yes,  
13:50:25 37 there's a Robertson, yes. They're Sergeants.  
38  
13:50:28 39 Mr Trichias, Yvonne, Mr Nichols, Mr Wilson and  
13:50:34 40 Mr Buick?---Yes.  
41  
13:50:35 42 Remember that?---Yes.  
43  
13:50:37 44 Okay. Then after that list of attendees at the meeting the  
13:50:42 45 first thing it goes into is this page here which says,  
13:50:45 46 "Tactical 4LDs to be" - what's that word there?---Inserted.  
47

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13:50:52 1 "Inserted. Veniamin quiet on phone"; is that  
13:50:55 2 correct?---Correct.  
13:50:55 3  
13:50:55 4 "Gobbo - Mokbel and Williams"; is that right?---Yes.  
5  
13:51:00 6 Underneath " - [REDACTED]"?---Yes.  
7  
13:51:05 8 Then line from Gobbo saying, "Wanted to see Mokbel ASAP  
13:51:12 9 after witness visit", do you accept that?---Yes.  
13:51:14 10  
13:51:14 11 [REDACTED] agree with that?---Yes.  
12  
13:51:21 13 Then the letters APM, can you tell me what they are?---It's  
13:51:25 14 an acronym used in Victoria Police. It's A district Port  
13:51:29 15 Melbourne. So they would have met in Port Melbourne.  
16  
13:51:31 17 I see, okay. "Calls seem to be social" is the next note;  
13:51:36 18 is that right?---Yes. Yes.  
19  
13:51:39 20 "Gobbo - [REDACTED] [REDACTED] and then "SPU", Special  
13:51:47 21 Projects Unit who you gave evidence about last week, "ESD,  
13:51:52 22 re calls being pulled re lawyer/client privilege". That's  
13:51:56 23 the balance of that note; is that right?---Yes.  
24  
13:52:01 25 Just to go in to consider what was happening around this  
13:52:05 26 note being prepared or this meeting taking place. On [REDACTED]  
13:52:10 27 [REDACTED] 2003, that was when the [REDACTED] murders  
13:52:18 28 took place; is that right?---Yes.  
29  
13:52:20 30 On [REDACTED] 2003 [REDACTED] was brought in for questioning at  
13:52:30 31 St Kilda police station, Homicide?---Yes.  
32  
13:52:33 33 And was represented by Gobbo when that occurred. Were you  
13:52:36 34 aware of that?---No. I wasn't at Purana then.  
35  
13:52:40 36 Questioned by Bateson, does that assist?---No, I'll put you  
13:52:44 37 in the picture if I could.  
38  
13:52:46 39 Yes, go ahead?---The job - the murder was give to Homicide.  
13:52:51 40 It was given to Roly Legge's crew. Bateson was a Sergeant  
13:52:57 41 on that crew. They stayed at Homicide with that murder  
13:53:01 42 until - - -  
43  
13:53:01 44 Later on that year?---August I think, something like that.  
45  
13:53:04 46 Around the time of [REDACTED]'s murder?---It was before  
13:53:08 47 [REDACTED] s murder.

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1  
13:53:09 2 Okay. When it was brought in to Purana?---Correct. It was  
13:53:15 3 an obvious one for us to do  
4  
13:53:17 5 I understand why?---It was just internal politics.  
6  
13:53:21 7 Yes. Had you known that Gobbo had been representing  
13:53:25 8 [REDACTED] when he came in for questioning?---No, I mean I  
13:53:29 9 was at the Arson Squad then.  
10  
13:53:32 11 Did you learn that later on?---No.  
12  
13:53:35 13 That she'd assisted?---No.  
14  
13:53:38 15 The Commission understands that at the time that that  
13:53:42 16 interview took place it was known by Victoria Police that  
13:53:50 17 Williams' alibi for the [REDACTED] murder was that he and  
13:53:55 18 [REDACTED] had been seeing [REDACTED] to get  
13:53:59 19 some [REDACTED]?---M'mm.  
20  
13:54:04 21 That's something that's become fairly common knowledge. Is  
13:54:07 22 that something you knew at the time, the alibi - - -  
13:54:09 23 ?---Look, it was mentioned somewhere to me, yep.  
24  
13:54:12 25 Mentioned - - - ?---He could do with it.  
26  
13:54:14 27 - - - recently or at the time?---Oh, I would say at the  
13:54:18 28 time.  
29  
13:54:23 30 In fact what they said is that they learnt about the  
13:54:25 31 shooting through a phone call from Nicola Gobbo?---Okay.  
32  
13:54:30 33 Were you aware of that?---No.  
34  
13:54:37 35 Then a couple of months after, which is the murder we were  
13:54:40 36 talking about earlier, was the [REDACTED] murder occurs on [REDACTED]  
13:54:44 37 [REDACTED] 2003 and you gave evidence last week that [REDACTED]  
13:54:49 38 were arrested pretty much immediately after that occurred  
13:54:52 39 for the reasons you gave evidence about?---Correct.  
40  
13:54:57 41 So [REDACTED], being the next day - I asked you a question  
13:55:01 42 about this last week - Gobbo attends the Remand Centre, the  
13:55:08 43 Custody Centre, sorry, to meet with [REDACTED] So the day  
13:55:15 44 after. You gave evidence last week about being aware of  
13:55:19 45 them both being brought in and seeing them both brought in  
13:55:24 46 and you remember her dealing with [REDACTED] but no strong memory of  
13:55:27 47 her dealing with [REDACTED] is that right?---Is this on the [REDACTED] ?

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RYAN XXN - IN CAMERA

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13:55:31 1  
13:55:31 2 This is the day - that was the [REDACTED] I was just talking  
13:55:34 3 about then, that was her evidence?---Yeah, yeah.  
4  
13:55:35 5 But what I'm talking about now is the next day when Gobbo  
13:55:39 6 attends and has a conference with [REDACTED] were you aware  
13:55:42 7 of that?---No. I was - I would still be at work I think.  
8  
13:55:54 9 Then we've got information that on [REDACTED] 2003, so  
13:55:58 10 about a week and a bit later, Gobbo visited [REDACTED] and you were  
13:56:07 11 aware, broadly speaking - you were aware of her providing,  
13:56:12 12 her visiting [REDACTED] on the day of the murder for a start, that's  
13:56:17 13 right?---I think so, yeah.  
14  
13:56:19 15 You gave evidence last week about the day they were brought  
13:56:21 16 in, you remembered her - - - ?---Did I?  
17  
13:56:25 18 I might have misunderstood your evidence. What do you  
13:56:28 19 remember about her dealings with [REDACTED] --On the [REDACTED]h.  
20  
13:56:31 21 Immediately - at any time, the first time she was dealing  
13:56:34 22 with [REDACTED] after the murder of [REDACTED]?---All I  
13:56:41 23 remember is her running to see Mokbel all the time around  
13:56:46 24 that time, and Williams.  
25  
13:56:51 26 What about her specifically assisting with Witness [REDACTED]  
13:56:55 27 Because you say in your statement that not long after this  
13:56:59 28 you're aware that she was representing [REDACTED] and as I  
13:57:03 29 understood your evidence last Friday you had understood or  
13:57:05 30 your recollection was that she was visiting [REDACTED] very soon  
13:57:08 31 after the murder of [REDACTED]. Have I misunderstood  
13:57:13 32 your evidence there?---I don't dispute she acted for him.  
13:57:19 33 It's just when and where and the passage of time. It's 16  
13:57:23 34 years ago.  
35  
13:57:24 36 I understand. You were giving evidence last week about  
13:57:26 37 the, observing the interviews?---M'mm.  
38  
13:57:30 39 Right? I didn't take it to mean that you saw Gobbo in  
13:57:36 40 either of those interviews, yeah, okay?---No.  
41  
13:57:38 42 But you do recall that she was acting for him, for [REDACTED] from  
13:57:45 43 an early stage?---Yes.  
44  
13:57:50 45 As you've just said - I can say that Ms Gobbo's own records  
13:57:55 46 indicate around this period of time she was frequently  
13:57:57 47 meeting both Carl Williams and Tony Mokbel, okay, and she

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RYAN XXN - IN CAMERA

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13:58:01 1 was also meeting with [REDACTED] around this period of time.  
13:58:07 2 You've already said you're aware of her meeting with  
13:58:10 3 Williams and Mokbel. Were you aware of her meeting with  
13:58:14 4 [REDACTED] around this period as well?---It's possible.  
13:58:16 5 Like I can't be more definitive than that. I mean you'd -  
13:58:21 6 you're in the office and they're at a different location.  
13:58:24 7  
13:58:24 8 I understand that, but in this period of time these  
13:58:27 9 gentleman were under surveillance though, weren't they,  
13:58:33 10 Williams and Mokbel?---Yes. [REDACTED] would have been from  
13:58:37 11 time to time. But it's not a 24 hour deal.  
12  
13:58:39 13 No, I understand. But you've also given evidence that  
13:58:45 14 you're aware that she was flat out visiting or meeting with  
13:58:48 15 both Mokbel and Williams?---She seemed to visit everyone.  
16  
13:58:51 17 Specifically during this period of time?---Yes.  
18  
13:58:53 19 Following the [REDACTED] murder and the arrest of [REDACTED]  
13:58:56 20 she was meeting Mokbel and Williams a lot?---Yes.  
21  
13:58:58 22 That was something that would have been reported to  
13:59:00 23 you?---Yes. That's where this - it's gone. It relates.  
24  
13:59:05 25 That's right. It can be brought back up because I'm going  
13:59:09 26 to ask some questions about it. The Commission's got  
13:59:15 27 records of Gobbo visiting [REDACTED] again on 11 November,  
13:59:21 28 so this is just before this note was taken. Are you aware  
13:59:25 29 of any visits between Gobbo and [REDACTED] around this time,  
13:59:31 30 visits of Gobbo to [REDACTED] --No. I mean I don't  
13:59:39 31 remember if I was told or not told.  
32  
13:59:41 33 If the records - - - ?---I don't dispute her diary. I'm  
13:59:44 34 just - I don't know if anyone told me.  
35  
13:59:47 36 As you sit here you don't remember?---That's right.  
37  
13:59:49 38 Okay, I understand that. Much later on, in February 2006,  
13:59:56 39 [REDACTED] spoke to the police and made a statement that  
14:00:01 40 when he was [REDACTED] he'd passed a  
14:00:08 41 message through Ms Gobbo for Carl and Tony, Carl Williams  
14:00:14 42 and Tony Mokbel, where he rubbed his fingers together and  
14:00:15 43 indicated for Tony to pay his mother for the proceeds of  
14:00:19 44 murder of [REDACTED]. Are you aware of that  
14:00:21 45 occurring, that [REDACTED] was - - - ?---I don't remember  
14:00:24 46 that.  
47

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RYAN XXN - IN CAMERA

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14:00:25 1 This is in the years afterwards?---Yes. It's 2006 you  
14:00:28 2 said.  
3  
14:00:28 4 Yeah, that's right. Have you heard that since, that he was  
14:00:32 5 insisting on his payment being made to his mother?---I  
14:00:39 6 remember a dispute he had with us in relation to asset  
14:00:45 7 seizure.  
8  
14:00:46 9 Yes?---I don't remember anything about his mother.  
10  
14:00:49 11 You don't remember specifically him discussing a payment to  
14:00:52 12 his mother?---Yeah.  
13  
14:00:54 14 In any event it's in his statement?---Okay. That was the  
14:01:02 15 statement taken in February, was it?  
16  
14:01:04 17 In February 2006, that's right. The day before the meeting  
14:01:12 18 that's on the screen there was an application made to the  
14:01:15 19 Magistrates' Court to question [REDACTED] in relation to the  
14:01:19 20 [REDACTED] murders and on that occasion the application  
14:01:26 21 is successful and Gobbo appears for [REDACTED] in that  
14:01:31 22 application. Now you're aware firstly of an application  
14:01:34 23 being made to question [REDACTED] about the [REDACTED]  
14:01:40 24 murders?---I would have been aware at the time, yes.  
14:01:44 25  
14:01:44 26 I take you would have also been aware at the time that  
14:01:46 27 Gobbo was acting for [REDACTED] in that appearance?---It  
14:01:50 28 would have been mentioned, it might not. It's just a  
14:01:53 29 barrister at court, you know.  
30  
14:01:56 31 The interview that was conducted on that occasion, just so  
14:02:00 32 the process is clear, this is an application that's made to  
14:02:03 33 court for an individual to be taken out of custody and  
14:02:06 34 questioned, that's right?---Yes.  
35  
14:02:07 36 And that they're taken to, generally speaking, taken out of  
14:02:11 37 the custody facility and taken to a police station or the  
14:02:14 38 like?---Yeah, they're generally taken back to the Homicide  
14:02:17 39 Squad.  
40  
14:02:19 41 The questioning happens there and then they're taken back  
14:02:24 42 into custody afterwards?---Yes. There's usually a time  
14:02:28 43 frame.  
44  
14:02:30 45 Under the orders of the Magistrates' Court it has to  
14:02:35 46 happen?---Yes.  
47

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RYAN XXN - IN CAMERA

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14:02:35 1 I understand. The information that's understood is that  
14:02:37 2 whilst it wasn't in the formal interview that was  
14:02:41 3 conducted, at some point [REDACTED] provided information  
14:02:44 4 that implicated both Carl Williams and [REDACTED] in those  
14:02:51 5 [REDACTED] murders, and that was when Victoria Police  
14:02:56 6 learnt of their involvement in those murders, is that  
14:03:00 7 right, or it was confirmed by [REDACTED] I should say?---I  
14:03:06 8 don't recall that.  
9  
14:03:07 10 That information came from [REDACTED] didn't it?---I don't  
14:03:10 11 recall that. I assume Stewie Bateson would have been doing  
14:03:17 12 the interview.  
13  
14:03:18 14 But just on that point, it was a pretty important moment  
14:03:21 15 that you had, and I think we might have talked about this  
14:03:23 16 last week, when [REDACTED] and [REDACTED] were arrested. Because of the  
14:03:32 17 insurmountable evidence against them for the [REDACTED]  
14:03:34 18 [REDACTED] murder, it was a watershed moment because you had  
14:03:39 19 at least one individual, and probably two individuals, who  
14:03:43 20 were pretty keen to assist to get benefit for themselves;  
14:03:48 21 is that right?---This is - - -  
22  
14:03:50 23 I'm back in 03?---Okay. Carl Williams was always a suspect  
14:03:56 24 as the organiser.  
25  
14:03:57 26 Yes?---You're just confusing me a bit with dates.  
27  
14:04:01 28 Prior to [REDACTED] arrest following the [REDACTED]  
14:04:08 29 murder, whilst he might have been a suspect it was a pretty  
14:04:13 30 important turn of events that [REDACTED] at least was willing to  
14:04:16 31 implicate various people, including Carl Williams, do you  
14:04:18 32 agree with that?---Yes, but was that in a court  
14:04:22 33 admissible - like a statement or something?  
34  
14:04:26 35 No, no. At this stage what I'm simply doing is asking  
14:04:28 36 about the information that he was prepared to give to  
14:04:32 37 assist the police?---Okay, yes.  
38  
14:04:34 39 It was a very positive turn for Victoria Police because it  
14:04:37 40 was going to mean that you might have some admissible  
14:04:40 41 evidence against these people once they were  
14:04:45 42 prosecuted?---Yeah, it's a process of getting information  
14:04:47 43 from him and then getting him to roll.  
44  
14:04:50 45 As you said on Friday, he was reluctant at first?---Yeah,  
14:04:57 46 the key thing with him was his family. Williams knew where  
14:05:04 47 they lived, which was [REDACTED] somewhere.

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RYAN XXN - IN CAMERA

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1  
14:05:09 2 On the day that he was taken out of custody and questioned  
14:05:13 3 it's understood that he was, besides the formal interview,  
14:05:18 4 recorded formal interview process, that he was also  
14:05:23 5 [REDACTED], this is [REDACTED], and it was in that  
14:05:28 6 [REDACTED], either before [REDACTED], after  
14:05:32 7 [REDACTED], on the way to Homicide, on the way  
14:05:36 8 from Homicide, he was [REDACTED] and that was where  
14:05:40 9 he implicates Carl Williams and [REDACTED] in the  
14:05:45 10 [REDACTED]s and says that Tony Mokbel was also  
14:05:47 11 involved. Do you have a recollection of that?---Yeah, I  
14:05:50 12 have a recollection of that based on media somewhere.  
13  
14:05:55 14 Yes?---Someone's printed it. I would have known at the  
14:06:01 15 time.  
16  
14:06:01 17 Yeah, okay. But if that information is provided by other  
14:06:04 18 Victoria Police witnesses who were more involved on the  
14:06:07 19 ground than you were, you wouldn't dispute it?---Correct.  
20  
14:06:14 21 Just with that in mind, as we look at the meeting minutes  
14:06:17 22 of this particular date on 14 November, it's clear that  
14:06:22 23 those in the room were - well, firstly, they were involved  
14:06:28 24 in trying to solve already at this stage the [REDACTED]  
14:06:36 25 murders?---Yeah, that was the one that sent tremors through  
14:06:42 26 government and which led to the Task Force getting, going  
14:06:46 27 from 13 to 55.  
28  
14:06:50 29 There were listening devices that were being used and  
14:06:55 30 Veniamin was being quiet on the phone, that's  
14:07:00 31 correct?---Correct, yep.  
32  
14:07:00 33 And in fact the reason that's noted there is because it  
14:07:03 34 would have been a lot more beneficial for the investigation  
14:07:06 35 if Veniamin wasn't being quiet on the phone?---Yeah,  
14:07:13 36 absolutely.  
37  
14:07:14 38 That's inevitable I suppose. The next note is that you're  
14:07:16 39 talking about a link between Gobbo, Mokbel and Williams.  
14:07:21 40 Do we take it that this is indicating that the surveillance  
14:07:25 41 that was being carried out was showing that she was having  
14:07:28 42 a lot to do with those two characters?---Yes. As I said,  
14:07:33 43 we only did it once, unless someone else did it, but it  
14:07:40 44 would seem almost logical that this is at the time.  
45  
14:07:44 46 Yes, okay. Do you know why [REDACTED] is listed there  
14:07:48 47 amongst Mokbel, Williams and Gobbo?---Because she'd seen

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RYAN XXN - IN CAMERA

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14:07:55 1 him.  
2  
14:07:55 3 Okay. That was obviously something known to you which is  
14:07:59 4 why you wrote it in the note?---No, this is a briefing  
14:08:04 5 given to me by the tactical Sergeant, I think that's  
14:08:10 6 [REDACTED]  
7  
14:08:11 8 It's essentially explaining to those in the room what the  
14:08:16 9 surveillance was demonstrating, firstly through the LDs and  
14:08:22 10 secondly through the - - - ?---No, the LDs, we would have  
14:08:25 11 had LDs in but the four LDs I'm referring to are ready to  
14:08:32 12 go but we haven't got them in.  
13  
14:08:35 14 Given the questioning of [REDACTED] had happened the day  
14:08:40 15 before - - -  
14:08:41 16  
14:08:42 17 MS ENBOM: Commissioner.  
14:08:43 18  
14:08:43 19 MR WOODS: Sorry, [REDACTED]  
20  
14:08:45 21 COMMISSIONER: Yes, that will have to be removed from the  
14:08:47 22 record.  
14:08:52 23  
14:08:52 24 MR WOODS: Given that it happened the day before, can we  
14:08:55 25 assume that that would have been the topic, one of the  
14:08:58 26 topics of conversation in this meeting as well, which was  
14:09:01 27 what [REDACTED] had been explaining the day before to  
14:09:06 28 police?---Yeah. Was Bateson in that list that you had?  
29  
14:09:10 30 No, he's not?---Can you read it out again? I'll know if  
14:09:14 31 one of the crew were there.  
32  
14:09:16 33 If we can just bring up the page before for Mr Ryan. It's  
14:09:23 34 quite a long list, it's probably quicker for you to look at  
14:09:26 35 it rather than for me to read it to you. You'll see Buick  
14:09:32 36 over on the right-hand side?---No, none from Bateson's crew  
14:09:35 37 there.  
38  
14:09:36 39 Mr Buick though?---He wasn't on - Buick, I can't see Buick.  
40  
14:09:42 41 On the right-hand side?---Oh sorry, yeah. He wasn't on  
14:09:46 42 Bateson's crew.  
43  
14:09:58 44 If you can just bear with me a moment, Mr Ryan. The  
14:10:04 45 Commission understands that Mr Buick was at the hearing,  
14:10:07 46 [REDACTED]'s hearing the day before?---Okay.  
47

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RYAN XXN - IN CAMERA



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14:10:10 1 So the hearing we've just gone through. He was ultimately  
14:10:16 2 the informant in relation to [REDACTED] ---That's right.  
14:10:20 3 There was - Buick charged one and someone from Bateson's  
14:10:26 4 crew charged the other.  
5  
14:10:29 6 Yeah?---You don't get to sign informations very often so  
14:10:35 7 you share it around.  
8  
14:10:37 9 So Bateson and Buick were both the informants as we  
14:10:39 10 understand it?---Okay.  
11  
14:10:54 12 Mr Buick, who's been there at the evidence the day before,  
14:10:57 13 is then at this meeting with you and others the next day.  
14:11:00 14 There's a note there saying that "Gobbo wanted to see  
14:11:03 15 Mokbel ASAP after [REDACTED] visit". Are you able to  
14:11:09 16 explain to the Commission what the meaning of that note  
14:11:12 17 is?---Yeah, that she wanted to see him and I'm assuming she  
14:11:21 18 wanted to give him information. This is where we always  
14:11:25 19 thought she was an intermediary.  
20  
14:11:27 21 Yes, I understand. That's the concern that's being  
14:11:29 22 expressed there, that she's an intermediary?---Yes.  
23  
14:11:34 24 She's essentially involved in some of this criminal  
14:11:37 25 activity?---It certainly looked like it. She was visiting  
14:11:41 26 multiple crooks and then seemingly - well, go for a walk  
14:11:48 27 and talk with the hand over the face.  
28  
14:11:54 29 And then she visits Carl and [REDACTED] according to the  
14:12:00 30 notes, so by this stage this has happened, visited Carl and  
14:12:04 31 [REDACTED] in Port Melbourne. That's also part of the  
14:12:07 32 briefing that's provided to those in the room?---Sorry,  
14:12:10 33 could you just - yes, yes.  
34  
14:12:11 35 Then "the calls seem to be social". Now as I understand  
14:12:15 36 the note that's a reference to the calls that are being  
14:12:19 37 monitored?---Yes.  
38  
14:12:20 39 And the calls between Gobbo and those gentleman appear to  
14:12:26 40 be social rather than criminal transactions taking place;  
14:12:34 41 is that right?---That's possible but it's also possible  
14:12:36 42 that - the phone lines we had, we didn't have her line off,  
14:12:45 43 okay.  
44  
14:12:46 45 Yep?---Never had it off. We had Carl's eight phones off  
14:12:51 46 and we had I think [REDACTED] phones off. He was an  
14:12:57 47 [REDACTED] remember [REDACTED]

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RYAN XXN - IN CAMERA

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1  
14:13:01 2 Yes, the Commission's heard some evidence about  
14:13:05 3 that?---Okay. The calls, I'm guessing a bit here, would be  
14:13:08 4 Carl, [REDACTED] talking to whoever they talk to, and they  
14:13:12 5 may well talk to her.  
6  
14:13:14 7 But Gobbo's name appears directly before that and directly  
14:13:18 8 after that as well, so she was a person of interest who was  
14:13:21 9 potentially having these phone calls?---It's just a dot  
14:13:23 10 point, you know, it's just the next point.  
11  
14:13:26 12 I understand?---Yes, they could have spoken to her on the  
14:13:29 13 phone and it could be social. It could also be Carl and [REDACTED]  
14:13:34 14 talking in it social. They talk in code and it took a long  
14:13:38 15 time to break the code.  
16  
14:13:40 17 It was SPU and ESD's usual procedure not to collect - to  
14:13:54 18 filter out potentially calls; is that right?---Correct,  
14:13:56 19 yes.  
20  
14:13:56 21 That was an expectation that you had, that those privileged  
14:13:59 22 calls wouldn't be passed between the ESD and - or those  
14:14:01 23 taking the, recording the calls and the investigators; is  
14:14:06 24 that right?---Yeah, that's common practice.  
25  
14:14:08 26 You gave evidence on Friday about the use of SPU and ESD  
14:14:14 27 due to resources, sometimes you'd need to use ESD superior  
14:14:20 28 resources I think it was; is that right?---They had less  
14:14:22 29 lines but when there was - all the lines that SPU  
14:14:27 30 were - - -  
31  
14:14:27 32 Just for overflow?---Yeah, exactly.  
33  
14:14:32 34 Given the fact that, as you say, it was the usual practice  
14:14:35 35 for those calls to be filtered out by SPU and ESD, I  
14:14:42 36 suggest that rather than this note recording the fact that  
14:14:49 37 that was the case, it's in fact those in the room talking  
14:14:53 38 about the fact that those calls, because there was silence,  
14:14:57 39 because it all seemed to be social, because Veniamin was  
14:15:01 40 being quiet, et cetera, in fact the intention was to get  
14:15:04 41 your hands on the legally privileged calls rather than not  
14:15:08 42 get the legally privileged calls?---You can't get them.  
14:15:16 43 You can't get them. You're just not allowed.  
44  
14:15:21 45 You can't get them because of the decision of the person  
14:15:23 46 who is filtering out the calls, who we talked about last  
14:15:26 47 week, who's not a lawyer; is that right?---Correct.

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1  
14:15:31 2 The reason you wanted to pull the calls was because you  
14:15:36 3 wanted to find out what was being missed because these  
14:15:42 4 privileged calls were otherwise being filtered out, do you  
14:15:48 5 accept that?--No. The wording I think is getting you.  
14:15:52 6 SPU ESD re calls being pulled.  
7  
14:15:55 8 Yes. That was the usual practice?---The pull is they're  
14:15:57 9 pulling the calls.  
10  
14:15:58 11 Yes?---Okay, not us. Once they pull them that's it, you  
14:16:05 12 can't get them. An SPU person would probably explain it  
14:16:12 13 better but we don't get them.  
14  
14:16:14 15 Do you have any recollection or any documents you've seen  
14:16:18 16 in the process of putting your statement together of there  
14:16:20 17 being a direction to provide any of those calls that  
14:16:23 18 otherwise wouldn't be passed over to Purana that would be  
14:16:27 19 filtered out?---A direction? Like an order?  
20  
14:16:31 21 Do you remember it happening?---No.  
22  
14:16:38 23 So you don't remember any practice or it happening on any  
14:16:42 24 occasion that anyone went back to ESD or SPU and said, "Can  
14:16:48 25 we have a look at some of those calls you filtered  
14:16:52 26 out"?---No, but I would say there must be an internal  
14:16:57 27 process at SPU.  
28  
14:16:58 29 Yes?---And on occasion a call may have been released.  
30  
14:17:07 31 Yes?---By - after going through the process at SPU. That's  
14:17:14 32 about all I can help you with.  
33  
14:17:16 34 Given the factors that are talked about in the note above,  
14:17:22 35 being Gobbo's frequent contact with each of these  
14:17:25 36 individuals who are known criminals, I assume that there  
14:17:29 37 was - and you've given evidence that there was a concern  
14:17:33 38 that she might have been implicated in some of this  
14:17:36 39 criminal activity, was there ever a discussion to your  
14:17:40 40 knowledge that we should be able to look at these calls  
14:17:44 41 because they're not going to be privileged because she is  
14:17:46 42 part of their criminal enterprise?---No, there's certainly  
14:17:50 43 a discussion about, at early days about getting an  
14:17:56 44 intercept on her phone but we never formally pushed it  
14:18:00 45 because we felt we didn't have enough.  
46  
14:18:02 47 Do you know who made that decision not to push it all the

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14:18:05 1 way?---It would have been either Andy Allen, myself or Phil  
14:18:11 2 Swindells.  
14:18:11 3  
14:18:11 4 And ultimately you would have had to have a court issue the  
14:18:15 5 warrant anyway, wouldn't you?---Yeah, I think - I can't  
14:18:18 6 remember who it goes to. But you don't get a barrister's  
14:18:25 7 phone easily. I haven't tried. I just imagine because of  
14:18:35 8 the possibility of calls, et cetera, that, you know, you've  
14:18:41 9 got to go the extra yard to get it off.  
10  
14:18:44 11 COMMISSIONER: Can I just ask you this, you said that SPU  
14:18:48 12 and ESD held back calls, you never received the calls,  
14:18:52 13 investigators never received the calls where there was  
14:18:55 14 lawyer/client privilege, but you did say that it was  
14:18:59 15 possible a call from time to time may have been released.  
14:19:03 16 Were you ever aware of such a call being released?---Yes,  
14:19:09 17 but I don't know if it relates to this period or what  
14:19:12 18 warrant. What happens is there must be an internal process  
14:19:16 19 and all of a sudden it will pop up on the - when you go to  
14:19:20 20 the warrant [REDACTED] it's got a [REDACTED]  
14:19:25 21 and you know [REDACTED] this is the person that  
14:19:29 22 actually does it.  
14:19:30 23  
14:19:30 24 MR WOODS: Yes?---Then they'll go back to where they were  
14:19:33 25 the day before and then realise this one's popped up, so  
14:19:37 26 they go and listen to and it'd be inconsequential. The  
14:19:43 27 persons that listen to the call [REDACTED] and they don't  
14:19:48 28 just listen to one warrant. They get every warrant. So  
14:19:52 29 they might be talking - Carl Williams might be talking to  
14:19:57 30 someone, and then the next call they get might be something  
14:20:00 31 to do with Sex Crime Squad. Does that answer your  
14:20:05 32 question?  
33  
14:20:06 34 COMMISSIONER: Well, in part. So there was a process where  
14:20:11 35 you could ask for these calls that had been withheld for  
14:20:16 36 lawyer/client privilege?---No, it's the people in SPU that  
14:20:23 37 make that decision.  
38  
14:20:24 39 Yes?---And then release the call.  
40  
14:20:28 41 I see?---I think. Someone from SPU could explain it better  
14:20:34 42 than me.  
43  
14:20:34 44 I understand then. There was no process for the  
14:20:38 45 investigator to say, "You withheld this call for client  
14:20:42 46 privilege, we'd like to see it", you couldn't do  
14:20:44 47 that?---You can't.

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1  
14:20:45 2 That's okay. Someone in SDU overseeing the [REDACTED]  
14:20:53 3 [REDACTED] doing their work would occasionally have a look and  
14:20:56 4 say, "No, that one's okay, that one can go out"?---Correct.  
5  
6 That's how the system worked?---Yes.  
7  
14:21:01 8 Thank you.  
14:21:02 9  
14:21:03 10 MR WOODS: Just to round off talking about this note.  
14:21:04 11 Given the things that go before that line about the calls  
14:21:09 12 being pulled and the association that Gobbo has with each  
14:21:14 13 of those individuals, can I suggest that one of the  
14:21:19 14 interpretations that's possible of that final line is that  
14:21:24 15 what in fact was happening was the SPU were going to be  
14:21:27 16 asked to go back and listen to potentially privileged calls  
14:21:33 17 again to ensure that they were indeed privileged and  
14:21:38 18 shouldn't be handed across to Purana?---I doubt that. I  
14:21:44 19 would doubt that.  
20  
14:21:47 21 As this was the usual course for SPU and ESD to pull those  
14:21:51 22 calls I'm going to suggest as well that there's no reason  
14:21:55 23 to record, in this particular note, that that was the case  
14:22:01 24 because it was the usual course anyway, so it must mean  
14:22:04 25 something else?---No, no, it just means calls are being  
14:22:09 26 pulled in the sequence, that's all. I think you're - I'm  
14:22:13 27 not trying to be smart, but you're looking deeper than what  
14:22:17 28 I am, you know.  
29  
14:22:19 30 I'm just trying to understand why it was - - - ?---It's a  
14:22:23 31 fact, they're telling me a fact that some calls have been  
14:22:25 32 pulled.  
33  
14:22:26 34 There's also frustration expressed that some of these  
14:22:29 35 people were being quiet on the phones and that the calls  
14:22:32 36 only seemed to be social, so you'll understand the reason  
14:22:35 37 why I'm asking you these questions?---Yeah, yeah. I mean  
14:22:37 38 it's actually - - -  
39  
14:22:39 40 I'm not putting this by way of criticism, I'm just trying  
14:22:42 41 to understand it?---No, no. In my experience with phones,  
14:22:48 42 unless the person's a complete dill, they don't talk about  
14:22:51 43 crimes on the phone. What you get is intel, where they're  
14:22:54 44 going, who they're meeting, stuff like that. The fact that  
14:22:57 45 they're quiet is normal.  
46  
14:23:00 47 But here you've got a person who you think might be

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14:23:04 1 implicated in some of this criminal activity that's being  
14:23:07 2 carried out, which is why I say I'm not putting it by way  
14:23:11 3 of criticism if it was the fact because wouldn't she just  
4 be in the same boat as any of these other individuals that  
14:23:13 5 are named in the note, i.e. a participant in criminal  
14:23:16 6 activity? That was one of the fears you had at the time,  
14:23:19 7 wasn't it?---Oh yeah, it was certainly a fear that she was  
14:23:23 8 an intermediary, that she was a barrister and she had - she  
14:23:28 9 could visit clients or even non-clients.

10  
14:23:39 11 That's 14 November, just to make it clear. Ms Gobbo's  
14:24:07 12 diary, which I won't get brought up on the screen, makes it  
14:24:10 13 clear that on 11 November, so shortly before this, and it  
14:24:14 14 appears to be what's being reflected in that middle dot  
14:24:18 15 point about visiting Carl and [REDACTED] at 8 pm. At a 2 pm  
14:24:26 16 on 11 November her diary says, "Visiting Tony. Gaol? PPP,  
14:24:34 17 CF, Port Phillip prison. [REDACTED], conference with  
14:24:40 18 [REDACTED] and "plus Nick". And then later on at 8 pm that  
14:24:45 19 day it says the words, "Carl and [REDACTED]". As I say,  
14:24:53 20 that won't be a document that's known to you, but given its  
14:24:58 21 timing and it's reference to the visit that she has to Carl  
14:25:01 22 and [REDACTED] that's in that note, it would be fair to  
14:25:05 23 assume that there was surveillance being conducted at that  
14:25:08 24 time and that's what that note is a reference to?---Yes.

25  
14:25:13 26 At this early stage of Ms Gobbo's representation of  
14:25:18 27 [REDACTED] were there any concerns being passed to you  
14:25:22 28 regarding possible conflicts that she had between  
14:25:29 29 clients?---Yes.

30  
14:25:30 31 And were those conflicts coming from the OPP or coming from  
14:25:34 32 within Victoria Police?---Just within the Task Force.

33  
14:25:37 34 Can you explain what those concerns were?---She's visiting  
14:25:42 35 [REDACTED] and she's visiting [REDACTED]

36  
14:25:44 37 Yes. I understand that as we sit here now but what I want  
14:25:48 38 to understand a bit is about the conversations that  
14:25:51 39 happened at the time. There were conversations at the  
14:25:53 40 time?---Yes.

41  
14:25:54 42 Do you remember who those conversations were with that you  
14:25:56 43 had?---They'd be general, you know, within the Task Force.

44  
14:26:02 45 If we look at some of those names that are above there on  
14:26:06 46 the diary. Do you remember conversations being had with  
14:26:08 47 any of those individuals about conflicts that she had, or

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14:26:12 1 potentially had?---I don't remember specific conversations.  
14:26:15 2 I just remember in general.  
3  
14:26:18 4 Do you remember anyone you spoke to about that issue?---No.  
5  
14:26:25 6 But you do recall conversations to that effect occurring in  
14:26:30 7 late 2003 as to the individuals that she - - - ?---Yeah,  
14:26:35 8 she seemed to be a rule unto herself in that she was  
14:26:39 9 visiting people in gaol. She'd bob up at meetings and go  
14:26:43 10 for a walk and talk.  
11  
14:26:46 12 Was there a discussion about how that conflict of interest  
14:26:48 13 might be handled by Victoria Police?---No, it was just  
14:26:52 14 accepted.  
15  
14:26:54 16 Was there any discussion or investigation as to whether or  
14:26:58 17 not any of these individuals knew about the conflicts that  
14:27:01 18 she had?---I'd say [REDACTED] would because they were all  
14:27:10 19 part of the [REDACTED] crew.  
20  
14:27:12 21 Is that a guess?---It's an educated guess I suppose.  
22  
14:27:17 23 Okay?---But they'd be looking for support, financial  
14:27:24 24 support through Williams.  
25  
14:27:31 26 You've got - what the Commission understands happened after  
14:27:34 27 this sort of November/December/January/February 2004 period  
14:27:38 28 is that Gobbo was then assisting [REDACTED] in information  
14:27:47 29 he had indicated he was prepared to provide to assist  
14:27:50 30 solving other murders; is that right?---I don't recall her  
14:27:55 31 specifically but I knew it was - if I go back to his  
14:28:02 32 arrest. We knew at some point he would roll. It's just  
14:28:05 33 when.  
34  
14:28:07 35 And it was 22 March 2004, according to Mr Bateson, that he  
14:28:16 36 spoke to Gobbo about [REDACTED] providing a can-say  
14:28:23 37 statement implicating others in crimes, was that something  
14:28:26 38 that was reported to you around that time?---Yes.  
39  
14:28:28 40 That he was ready to do so?---Yes, but that was reported to  
14:28:31 41 me more than once and it's a big step for a life-long crook  
14:28:39 42 to start, you know, implicating others whilst his family  
14:28:45 43 was on the outside.  
44  
14:28:48 45 Okay. But in any event you don't dispute what Mr Bateson  
14:28:51 46 says, which is on 22 March he and Ms Gobbo have a  
14:28:54 47 conversation?---If he says that based on his diary, yes, I

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14:28:58 1 don't dispute it.  
2  
14:28:59 3 In your statement at paragraph 25 you say you attended a  
14:29:12 4 meeting at the OPP with Geoff Horgan, Vaile Anscombe,  
14:29:20 5 Mr Buick, Mr Allen and Mr Bateson about the prosecution of  
14:29:24 6 [REDACTED] You don't recall what was  
14:29:28 7 discussed at the meeting however you do recall that this  
14:29:32 8 was one of a number of meetings that you attended with the  
14:29:34 9 OPP about [REDACTED] You've been able to record that in your  
14:29:42 10 statement simply because there's a diary note of it; is  
14:29:46 11 that right?---That's right, yes.  
12  
14:29:49 13 And the discussions that Victoria Police was having with  
14:29:51 14 the OPP at the time, were they in relation to how and which  
14:29:58 15 evidence should be obtained in relation to these  
14:30:00 16 individuals? Sorry, you can answer that. Why were you  
14:30:10 17 meeting with them through this period?---I assume the  
14:30:13 18 committal was coming up.  
19  
14:30:14 20 Yes?---And they would discuss, you know, normal things that  
14:30:21 21 occur when you have an OPP meeting prior to a committal.  
22  
14:30:28 23 Because Mr Bateson was in the room on this occasion and a  
14:30:33 24 couple of days before he'd had that discussion with  
14:30:36 25 Ms Gobbo in relation to [REDACTED] providing a can-say  
14:30:42 26 statement, I assume the Commission can expect that what was  
14:30:47 27 discussed in that meeting in part was [REDACTED] now being  
14:30:52 28 able to assist the police?---It would be reasonable to  
14:30:57 29 suggest that, yes. But I don't know what date he signed  
14:31:05 30 it.  
31  
14:31:06 32 No, no, I understand?---That's the key.  
33  
14:31:08 34 The discussion with Bateson about his willingness to  
14:31:11 35 provide a can-say happened on the 22nd and this was a  
14:31:14 36 meeting on the 25th is what I'm saying?---Yep.  
37  
14:31:17 38 Okay. Given what was being discussed in the meeting minute  
14:31:28 39 that's in front of you some time before, was there  
14:31:32 40 discussions in any of these meetings with the OPP about  
14:31:37 41 concern that Ms Gobbo herself might be implicated in some  
14:31:41 42 of these criminal activities?---I don't recall.  
43  
14:31:44 44 You don't know. Do you know whether the potential for  
14:31:50 45 conflict was something that had at least been raised with  
14:31:55 46 you or by you before this meeting, was something that was  
14:31:58 47 discussed with the OPP at the time?---I don't recall at the

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14:32:03 1 time.  
2  
14:32:05 3 Do you recall as you sit here now having discussions with  
14:32:08 4 the OPP at any stage about conflicts that Ms Gobbo  
14:32:15 5 had?---No. I go to court to give evidence.  
6  
14:32:20 7 Yes?---Or for a sentence and that's about it.  
8  
14:32:28 9 These are meetings leading up to those events?---Sorry, I  
14:32:32 10 should have gone on. When you go to court you see who's  
14:32:36 11 sitting there acting for the defence team, if I can put it.  
12  
14:32:39 13 Yes. What you're saying is you weren't there during trials  
14:32:43 14 to see who was acting - - - ?---No, or lead-up, you know,  
14:32:48 15 committal.  
16  
14:32:48 17 Applications and return dates?---Yes, because I was running  
14:32:53 18 - at that stage I had one side of the Task Force.  
19  
14:32:55 20 But you were supervising individuals whose job it was to go  
14:32:59 21 to court?---Correct, yes.  
22  
14:33:00 23 Were they reporting to you that it was a strange thing that  
14:33:03 24 Ms Gobbo was acting for a number of these associated  
14:33:07 25 individuals?---I can't directly remember that but I know  
14:33:10 26 from my own - - -  
27  
14:33:15 28 You recall discussions to that effect?---No. Well, the  
14:33:19 29 fact that she was visiting so many people was of concern.  
30  
14:33:23 31 Yes?---You know, because we look at it slightly  
14:33:30 32 differently. The fact that she was visiting other people,  
14:33:33 33 other crooks, you know might be, "You know, keep your mouth  
14:33:36 34 shut", or it might be the opposite, you know. You don't  
14:33:39 35 know.  
36  
14:33:40 37 You had suspicions?---You know, we suspected she was  
14:33:46 38 relaying information from Williams.  
39  
14:33:50 40 The people in the room at this OPP meeting, I assume it  
14:33:55 41 would have been common knowledge to them that Ms Gobbo had  
14:33:59 42 been representing ██████████ when he was taken from custody  
14:34:03 43 and questioned the November before?---I assume - - -  
44  
14:34:08 45 It would have been, I assume it would have been those  
14:34:10 46 individuals who appeared?---Sorry?  
47

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14:34:13 1 I assume it would have been at least one of those  
14:34:15 2 individuals who appeared at that questioning?---At the  
14:34:17 3 questioning?  
4  
14:34:18 5 Well, sorry, someone from the OPP had conducted the  
14:34:21 6 questioning in November - sorry, sorry, sorry?---The  
14:34:28 7 application I think you're talking.  
8  
14:34:32 9 I've misstated it. I'm talking about the appearance that  
14:34:34 10 was made in November before the Magistrates' Court on the  
14:34:36 11 same day to get the ability to take [REDACTED] out of  
14:34:39 12 custody to take him to Homicide to question him?---Someone  
14:34:43 13 from that group would have been there.  
14  
14:34:45 15 Okay?---They were assigned to us.  
16  
14:34:46 17 Right. In Mr Allen's diary of the same day - so that can  
14:35:00 18 come off the screen.  
19  
14:35:01 20 COMMISSIONER: Do you want to tender that?  
14:35:04 21  
14:35:04 22 MR WOODS: If I could tender that, yes.  
23  
14:35:06 24 COMMISSIONER: What's the date of that, please?  
14:35:08 25  
14:35:08 26 MR WOODS: That is, I think it's the 14th, let me just find  
14:35:14 27 it. It's 14 November 2003, Commissioner.  
28  
14:35:18 29 COMMISSIONER: Thank you.  
14:35:19 30  
14:35:19 31 #EXHIBIT RC325 - Document dated 14/11/03.  
14:35:27 32  
14:35:28 33 MR WOODS: We were talking about the meeting that you talk  
14:35:30 34 about in your statement with the OPP on 25 March. That was  
14:35:42 35 a couple of days or a few days before the murder of Lewis  
14:35:48 36 Moran at the Brunswick Club; is that right?---That's  
14:35:51 37 correct.  
38  
14:35:55 39 Mr Allen's diary of this particular meeting that we're  
14:35:59 40 talking about says - in fact I might get this brought up on  
14:36:03 41 the screen. It's VPL.0005.0118.0001. I'm not sure whether  
14:36:16 42 we need a page number for that. In any event, his notes  
14:36:21 43 says, "To [REDACTED] N Gobbo to be advised of urgency of  
14:36:26 44 this situation re can-say and to progress same. OPP to be  
14:36:31 45 briefed".  
46  
14:36:32 47 COMMISSIONER: What date is that? It looks as though - - -

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14:36:35 1  
14:36:35 2 MR WOODS: This should be an entry of 25 March 2004.  
3  
14:36:44 4 COMMISSIONER: It looks like 27, doesn't it?  
14:36:47 5  
14:36:47 6 MR WOODS: Then if you look at the left-hand column.  
7  
14:36:51 8 COMMISSIONER: Thursday 25th, yes, I see. Yes.  
14:36:57 9  
14:36:58 10 MR WOODS: I'm not sure whether that should be on  
14:37:00 11 everyone's screen. It does have some redactions. Do you  
14:37:04 12 see that, [REDACTED] Nicola Gobbo to be advised re  
14:37:09 13 urgency of his situation re can - say and to progress same,  
14:37:10 14 OPP" - that might need to come down from the other screens,  
14:37:17 15 I'm sorry. You want it on the screen, sorry. I wasn't  
14:37:21 16 sure who was standing behind me saying that then, I thought  
14:37:26 17 it might been a representative of the police.  
14:37:26 18  
14:37:27 19 COMMISSIONER: Yes, it's unusual that people are wanting it  
14:37:29 20 up rather than down. Yes, if that can be put on the DPP's  
14:37:34 21 screen, please.  
14:37:39 22  
14:37:40 23 MR WOODS: [REDACTED] N Gobbo to be advised of  
14:37:44 24 urgency of his situation re can-say and to progress same.  
14:37:48 25 OPP to be briefed". Firstly, that's a note from the same  
14:37:52 26 meeting, do you agree with that?---It certainly looks like  
14:38:03 27 it.  
28  
14:38:03 29 That was one of the issues of discussion at that meeting as  
14:38:06 30 we understand it. Mr Bateson's chronology that he's  
14:38:10 31 provided to us says that on 10 July 2004 there's a visit  
14:38:17 32 arranged with the prison staff and this was a visit -  
14:38:23 33 sorry, I should say by Ms Gobbo to go and see [REDACTED] in  
14:38:30 34 prison and you understood in this period of mid-2004 she  
14:38:35 35 was now actively assisting [REDACTED] in providing the  
14:38:39 36 statement that he had agreed to make, you agree with  
14:38:41 37 that?---If it's in Bateson's diary, yes.  
38  
14:38:47 39 Bateson's notes show that on 11 July 2004, that he spoke to  
14:38:51 40 Ms Gobbo and said that [REDACTED] was worried about his  
14:38:55 41 sentence, Gobbo said that [REDACTED] was worried about his  
14:39:00 42 sentence. [REDACTED] said he'll be truthful and at that  
14:39:08 43 stage was Bateson reporting to you his conversations that  
14:39:11 44 he was having in relation to [REDACTED] statement? Was  
14:39:17 45 that a regular event or not?---He certainly would provide  
14:39:21 46 updates to me but that's normal.  
47

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14:39:43 1 In Ms Gobbo's diary it shows that there's a meeting on 7  
14:39:47 2 April 2004 at 1 pm with A Allen, Purana, it's a conference.  
14:39:57 3 Mr Allen's diary shows that at 12.30 that day that he's  
14:40:02 4 with you re, "rendezvous re Nicola Gobbo to MMC, meet  
14:40:11 5 Nicola Gobbo and Karen Ingleton", who's the solicitor, "re  
14:40:18 6 issues re [REDACTED] Ryan with notes. Also discussed  
14:40:22 7 Droyle objectives and result of [REDACTED]". Do you  
14:40:28 8 remember having a conference with Mr Ryan, Ms Gobbo and  
14:40:33 9 Ms Gobbo's instructing solicitor Ms Ingleton?---No, I  
14:40:37 10 don't, but I've subsequently found the notes.  
11  
14:40:40 12 So you accept that that meeting took place on 7 April  
14:40:43 13 2004?---Yeah, you've got my notes so if it says 7 April it  
14:40:48 14 is.  
15  
14:40:48 16 I might get someone just to have a look through those in  
14:40:52 17 the meantime. Going through the statement taking process  
14:41:07 18 with [REDACTED] Mr Bateson has told the Commission that on 12 July  
14:41:12 19 he and Mr Hatt attend [REDACTED] Prison and one of the  
14:41:16 20 things that they attended to that day was [REDACTED] making  
14:41:21 21 some changes to the statement that he was making  
14:41:24 22 implicating [REDACTED] in his involvement in the murders of  
14:41:28 23 [REDACTED]. Do you understand that there was a stage of  
14:41:34 24 [REDACTED] getting his statement right and making various  
14:41:38 25 changes to it?---Yes.  
26  
14:41:40 27 Bateson says that on 13 July 2004 he and Hatt went to [REDACTED]  
14:41:48 28 [REDACTED] Prison and that was the day that [REDACTED] signed  
14:41:50 29 the relevant statement and read-backs were recorded, and  
14:41:53 30 you'd accept his timing of that?---Yes, yes.  
31  
14:42:13 32 In the lead up to the signing of that statement are you  
14:42:18 33 aware that Ms Gobbo had expressed - firstly, been shown the  
14:42:25 34 statement, the draft statement, and had expressed  
14:42:28 35 scepticism about the contents of [REDACTED] draft  
14:42:32 36 statement?---No.  
37  
14:42:33 38 You didn't hear that?---Well, I don't remember it is  
14:42:38 39 probably the correct answer.  
40  
14:42:40 41 Sure. The read-backs were recorded on that day. Can you  
14:42:46 42 bring up just on the witness's, mine and the Commissioner's  
14:42:52 43 screen, MIN.0001.0012.0260. This is a copy of Ms Gobbo's  
14:43:19 44 notes of that same day when [REDACTED] signs the statements  
14:43:24 45 and they're recorded via read-backs. You probably don't  
14:43:33 46 have a precise recollection of exactly what [REDACTED]  
14:43:39 47 statement said but broadly speaking, as you look at those

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14:43:43 1 notes in front of you, as far as you can see, at least on  
14:43:46 2 that first page, are they broadly consistent with what  
14:43:52 3 [REDACTED] statement was?---Well I haven't read his  
14:43:57 4 statement since 04 so.  
5  
14:44:01 6 No. But I assume you remember the most significant aspects  
14:44:05 7 of it about where people were and what they were doing and  
14:44:09 8 what they were involved in?---Not really, you know,  
14:44:12 9 like - - -  
10  
14:44:13 11 So this doesn't trigger any memories at all for you?---I'd  
14:44:17 12 have to read it thoroughly. Can you give me a sec?  
14:44:21 13  
14:44:23 14 Yes, go ahead.  
14:44:46 15  
14:44:46 16 MS ENBOM: Commissioner, perhaps I can raise a matter while  
14:44:47 17 Mr Woods is occupied and the witness is occupied. We're in  
14:44:52 18 a closed hearing and I haven't been able to quickly go back  
14:44:57 19 and have a look at the orders that have been made. I  
14:45:00 20 notice that Mr Orman is now in the hearing room. I'm not  
14:45:03 21 sure if that's permitted.  
22  
14:45:06 23 COMMISSIONER: His legal representatives were permitted.  
14:45:10 24  
14:45:11 25 MS ENBOM: Yes, on an undertaking I think. My concern is  
14:45:14 26 that we do have slips occasionally. We had one about five  
14:45:17 27 minutes ago and I wouldn't want - that's a concern.  
28  
14:45:23 29 COMMISSIONER: Yes, all right. What do you say?  
14:45:27 30  
14:45:27 31 MR WOODS: Firstly, it was my first slip all year.  
32  
14:45:31 33 COMMISSIONER: I don't think that's true, Mr Woods.  
14:45:34 34  
14:45:34 35 MR WOODS: I thought it was. Well, I should say, there's  
14:45:40 36 two aspects of it. Firstly, Mr Orman is obviously an  
14:45:43 37 interested person.  
38  
14:45:46 39 COMMISSIONER: That's right.  
14:45:47 40  
14:45:49 41 MR WOODS: But the leave that's been given to others is  
14:45:52 42 restricted to their lawyers. On one view it can be managed  
14:45:55 43 through an order that would catch Mr Orman as well. The  
14:45:58 44 issues that I'm moving on to certainly directly affect him.  
14:46:07 45 I don't immediately take any particular issue with Mr Orman  
14:46:09 46 being in the room, Commissioner.  
47

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14:46:11 1 COMMISSIONER: Yes. Ms Wallace?  
14:46:14 2  
14:46:15 3 MS WALLACE: Commissioner, I've just spoken to Mr Orman and  
14:46:20 4 he'd be prepared to give a similar undertaking if it was  
14:46:23 5 required in relation to what takes place in this hearing.  
14:46:26 6 My submission would be that he is an affected person, the  
14:46:29 7 questions directly relate to him and he's been granted  
14:46:32 8 leave as an affected person to be represented and  
14:46:35 9 effectively present throughout the process.  
10  
14:46:43 11 COMMISSIONER: Yes, okay.  
14:46:44 12  
14:46:45 13 MS WALLACE: Specifically in relation to what counsel  
14:46:47 14 assisting has just said about this particular line of  
14:46:49 15 questioning going directly to the matters that have been  
14:46:51 16 raised in other courts as well.  
17  
14:46:56 18 COMMISSIONER: Yes, it's difficult, isn't it? If he  
14:46:58 19 weren't here and you asked to discuss these issues with him  
14:47:04 20 to get proper instructions and so forth, it would be hard  
14:47:07 21 to resist that. If he wasn't here - - -  
14:47:10 22  
14:47:10 23 MS WALLACE: Yes, Commissioner.  
24  
14:47:12 25 COMMISSIONER: - - - if he hadn't been released from  
14:47:13 26 custody, say, for example, like others in similar positions  
14:47:17 27 and you needed to discuss his case with him you would ask  
14:47:22 28 the Commission for a variation of the undertaking to allow  
14:47:25 29 you to do that.  
14:47:26 30  
14:47:27 31 MS WALLACE: Yes, Commissioner.  
32  
14:47:27 33 COMMISSIONER: I would think that would be permitted.  
14:47:29 34  
14:47:30 35 MS WALLACE: Yes, Commissioner.  
36  
14:47:31 37 COMMISSIONER: That's the difficulty, isn't it? I'll just  
14:47:34 38 see what Ms Enbom - or Mr Holt?  
14:47:39 39  
40 MS ENBOM: I think Mr Holt wants to deal with it.  
41  
42 MR HOLT: I think I'll deal with it, Commissioner, simply  
43 because it's an issue that goes across the board.  
44  
45 COMMISSIONER: Yes, I asked Ms Enbom because she raised the  
46 issue.  
47

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1 MR HOLT: No, and I apologise for interrupting in the  
2 course of something Ms Enbom had dealt with.

3  
4 COMMISSIONER: No, discourtesy to you.

5  
6 MR HOLT: The issue of course, Commissioner, is that these  
14:48:01 7 arrangements for these kinds of hearings with the orders  
14:48:01 8 that have been made have been done on a very particular  
14:48:01 9 basis which is for legal representatives who are subject to  
14:48:01 10 undertakings to be made. The point the Commissioner makes  
14:48:03 11 about the capacity to take instructions on particular  
14:48:06 12 issues is with respect entirely correct. But the point is  
14:48:08 13 that there's a layer of protection in all of that, which is  
14:48:11 14 the presence of legal practitioners subject to undertakings  
14:48:14 15 and the ability to control the flow of information about  
14:48:16 16 matters which we think everybody accepts are matters of  
14:48:22 17 genuine risk to persons. Our respectful submission would  
14:48:25 18 be that there would be no interference at all with  
14:48:28 19 Mr Orman's capacity to participate in these proceedings  
14:48:31 20 through his chosen legal representatives who are present  
14:48:34 21 and who have given undertakings. And indeed as the  
14:48:36 22 Commissioner indicates for those legal representatives then  
14:48:38 23 to seek to discuss matters with him with the benefit of  
14:48:42 24 transcript once that has been reviewed, for example, to  
14:48:45 25 allow matters to be proceeded with. There's no sense in  
14:48:48 26 which given that he's represented here there could be any  
14:48:49 27 difficulty with a process of that kind. The risks are real  
14:48:53 28 and they've been, the nature of the private hearings or the  
14:48:57 29 non-public hearings now contains media and legal  
14:49:01 30 representatives subject to undertakings and our respectful  
14:49:04 31 submission is they ought not go further than that, given  
14:49:08 32 that there are remedies for Mr Orman or others to have  
14:49:12 33 instructions taken if they need to. It's just in our  
14:49:14 34 respectful submission a step that goes beyond the capacity  
35 which has worked so well in the last few weeks, with  
14:49:17 36 respect, to allow these more sensitive issues to be  
14:49:20 37 discussed with slips and I accept what our learned friend  
14:49:23 38 says that it's his first, but there are numbers and we're  
14:49:27 39 all guilty of them, which raise genuine questions.  
14:49:30 40 Certainly Mr Orman would already have knowledge of at least  
14:49:33 41 one identity but not necessarily of others and those are  
14:49:36 42 very important matters which the Commissioner has placed at  
14:49:40 43 the front of the orders the Commissioner has made. So our  
14:49:44 44 respectful submission is matters should proceed in the way  
14:49:45 45 that they have been proceeding without any further moves in  
14:49:48 46 that direction.  
14:49:48 47

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14:49:49 1 COMMISSIONER: Thank you. Are there any other submissions?  
14:49:53 2  
14:49:54 3 MR McDERMOTT: Commissioner, I'm sorry, I don't have  
14:49:56 4 instructions although I would note at a global level there  
14:49:57 5 is a difference between an undertaking given by a lawyer  
14:50:02 6 and an undertaking given by Mr Orman. I say nothing about  
14:50:05 7 the undertaking Mr Orman would give but I do note that  
14:50:05 8 there is obviously a difference.  
14:50:06 9  
14:50:07 10 COMMISSIONER: There is obviously a difference between a  
14:50:08 11 lawyer's undertaking and a non-lawyer's undertaking, yes.  
14:50:13 12 Any other submissions from anyone?  
14:50:17 13  
14:50:18 14 MR WOODS: Commissioner, the order that's been made is "the  
14:50:20 15 following parties with leave to appear in the private  
14:50:22 16 hearing and their legal representatives". So the current  
14:50:27 17 order, as made, encompasses Mr Orman staying in the room.  
14:50:32 18 It's a private hearing. He's prepared to give the  
14:50:36 19 undertaking, he's directly affected by the issues we're  
14:50:39 20 going through. In my submission he should be allowed to  
14:50:42 21 stay.  
14:50:42 22  
14:50:42 23 COMMISSIONER: Yes, obviously a non-lawyer's undertaking  
14:50:45 24 isn't regarded as highly as a lawyer's undertaking but your  
14:50:51 25 submission is he should be allowed to stay?  
14:50:54 26  
14:50:54 27 MR WOODS: Yes, Commissioner.  
14:50:55 28  
14:50:55 29 COMMISSIONER: Yes. All right then. It's a finely  
14:51:01 30 balanced issue but in the end it is - is there anything - -  
14:51:07 31 -  
14:51:07 32  
14:51:08 33 MR WOODS: Commissioner, we need to take a break at some  
14:51:10 34 stage.  
14:51:10 35  
14:51:11 36 COMMISSIONER: Yes, we'll need to take a break, 10 minutes  
14:51:14 37 or so. Could I have a copy of the order, please. Look, I  
14:52:43 38 think - I've decided after carefully considering the issue,  
14:52:48 39 and it is very finely balanced but the order I made should  
14:52:52 40 be varied so that Mr Orman is not permitted to, that only  
14:53:00 41 his legal representatives are to be present during this  
14:53:05 42 closed hearing and I will vary it accordingly. My reasons  
14:53:10 43 for that are that I'm conscious of the nature of the  
14:53:19 44 legislation requiring these orders to be made and the  
14:53:22 45 serious consequences to those to whom that legislation is  
14:53:27 46 relevant should there be a non-intentional lapse in the  
14:53:40 47 giving of evidence by the use of pseudonyms or other



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14:53:43 1 matters.

2

14:53:47 3 Of course I would be very happy to entertain any  
14:53:51 4 application from Mr Orman's legal representatives to vary  
14:53:59 5 their undertaking so that they could discuss relevant  
14:54:02 6 aspects of the evidence with him. So, Mr Orman, I'm afraid  
14:54:05 7 you'll have to leave the hearing room at this point.

8

14:54:11 9 So the order will be varied so it is the following  
14:54:14 10 parties: the lawyers of the following parties with leave  
14:54:22 11 to appear in the private hearing and their legal  
14:54:25 12 representatives. Those words will be added "the lawyers of  
14:54:33 13 the following parties with leave to appear in the private  
14 14 hearing" and "their legal representatives" will be taken  
14:54:39 15 out and it will be the State of Victoria, et cetera.

14:54:39 16

14:54:41 17 MS WALLACE: Given what Your Honour's ruling has been would  
14:54:45 18 it be prudent to make the application to vary the  
19 undertaking for myself and my instructor for the purposes  
20 that Mr Orman's now effectively outside of the hearing.

21

22 COMMISSIONER: Yes.

23

14:54:49 24 MS WALLACE: If contemporaneous instructions regarding this  
14:54:52 25 witness are required that we would have leave to be able to  
14:54:55 26 - - -

14:54:55 27

14:54:55 28 COMMISSIONER: Yes. In fact I should probably vary it  
14:54:57 29 forthwith really. The undertaking will be varied so that  
14:55:01 30 you can discuss matters that emerge in this hearing  
14:55:06 31 directly relevant to his case. So it will be varied, your  
14:55:11 32 undertaking is varied to allow you to do that.

14:55:15 33

14:55:15 34 MS WALLACE: Would that also commute to my instructor as  
14:55:18 35 well?

14:55:18 36

14:55:18 37 COMMISSIONER: Yes, the legal team. And so if he's outside  
14:55:22 38 and one of you wants to go out and get some instructions  
14:55:26 39 that can happen and come back in again. I realise it is  
14:55:30 40 inconvenient but there is legislation governing this matter  
14:55:34 41 which is very particular.

14:55:36 42

14:55:36 43 MS WALLACE: Yes Commissioner.

14:55:37 44

14:55:37 45 COMMISSIONER: And the consequences potentially from any  
14:55:43 46 slip or breach, even an inadvertent one, could be very  
14:55:48 47 serious.

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14:55:48 1  
14:55:49 2 MS WALLACE: Just for clarity sake, it was really intended  
14:55:50 3 only to be for the second portion of this witness's  
14:55:53 4 evidence where I understand the matters will be limited  
14:55:55 5 specifically to Mr Orman but I understand the  
14:55:58 6 Commissioner's ruling.  
14:55:59 7  
14:55:59 8 COMMISSIONER: I see, I didn't realise that.  
14:56:02 9  
14:56:02 10 MS WALLACE: It was essentially just for this portion that  
14:56:05 11 is coming. I understand counsel assisting that may have  
14:56:07 12 been why he supported my application given it is going to  
14:56:11 13 be a very limited aspect that relates directly to Mr Orman.  
14:56:14 14  
14:56:14 15 COMMISSIONER: I see. Well I haven't been told that. Is  
14:56:15 16 that right, that there's just - you're now coming to a  
14:56:19 17 portion of the evidence that relates specifically to  
14:56:21 18 Mr Orman and then you'll finish that and Mr Orman can  
14:56:24 19 leave?  
14:56:25 20  
14:56:25 21 MR WOODS: I had thought I would be there by now but  
14:56:29 22 there's a bit to go until we get there unfortunately.  
14:56:33 23  
14:56:33 24 COMMISSIONER: A bit till we get there, all right. Well  
14:56:33 25 I'll make that order then for the time being and then  
14:56:35 26 you'll tell me, Mr Woods, when you're getting to the  
14:56:38 27 relevant part with Mr Orman and then I can allow him to  
14:56:42 28 come in for that part.  
14:56:43 29  
14:56:43 30 MR WOODS: There is a natural part in the story where  
14:56:45 31 [REDACTED] drops away, [REDACTED] is implicating Mr Orman  
14:56:49 32 comes up and of course Mr Orman knows [REDACTED] identity.  
14:56:55 33 Presumably the others as well, but certainly [REDACTED] and  
14:57:00 34 so if there were to be a slip during that it would be only  
14:57:04 35 telling someone who already knows because they gave  
14:57:07 36 evidence against him.  
14:57:09 37  
14:57:09 38 MR HOLT: Commissioner, that sounds sensible with respect.  
14:57:11 39 If there would be a break so we can have a discussion and  
14:57:15 40 just ensure that works for that limited period of time.  
14:57:19 41  
14:57:20 42 COMMISSIONER: We were going to have an afternoon break  
14:57:21 43 anyway and we're pretty much there. Let's have a break and  
14:57:25 44 see if we can work out some orders. It seems to me from  
14:57:28 45 what I've heard then, if we're dealing specifically, and  
14:57:31 46 it's been organised this way, with a portion of the  
14:57:34 47 evidence that deals with Mr Orman then it's entirely

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14:57:37 1 sensible for Mr Orman to be present for that short period.  
14:57:40 2  
14:57:40 3 MR WOODS: Yes.  
14:57:40 4  
14:57:41 5 COMMISSIONER: You can indicate when it's starting and when  
14:57:44 6 it's finishing.  
14:57:45 7  
14:57:45 8 MR WOODS: Yes, I will.  
14:57:46 9  
14:57:46 10 COMMISSIONER: I'll revoke the orders I just made, we'll  
14:57:50 11 have the break and then I'll revise the position once we  
14:57:53 12 have a little bit more information.  
14:57:54 13  
14:57:55 14 MR WOODS: Thank you, Commissioner.  
14:57:56 15  
14:57:56 16 COMMISSIONER: We'll adjourn for 10 minutes.  
14:58:17 17  
14:58:18 18 (Short adjournment.)  
15:09:57 19  
15:16:13 20 COMMISSIONER: Yes.  
15:16:13 21  
15:16:14 22 MR HOLT: Yes Commissioner, I had a conversation with our  
15:16:16 23 learned friend Mr Woods about the prospects of Mr Orman  
15:16:18 24 being able to be present for a portion. It wouldn't be a  
15:16:21 25 difficulty in respect of [REDACTED] because he already knows  
15:16:25 26 who [REDACTED] is. The difficulty is our learned advises,  
15:16:28 27 and we understand why, that he will be taking the witness  
15:16:29 28 in that context through a number of ICRs which then leads  
15:16:33 29 to the question of the handlers and that's a genuine  
15:16:36 30 concern. Whilst I had hoped to be able to assist the  
15:16:39 31 Commission with an accommodation, our position with respect  
15:16:41 32 is that Mr Orman ought remain excluded on the basis that  
15:16:46 33 the Commissioner - - -  
15:16:47 34  
15:16:47 35 COMMISSIONER: No, I can understand that. Does anyone else  
15:16:49 36 want to say anything at this point?  
15:16:52 37  
15:16:52 38 MR CHETTLE: Can I support Mr Holt in relation to that  
15:16:54 39 application?  
15:16:54 40  
15:16:55 41 MR WOODS: Commissioner, I can't guarantee, no matter how  
15:16:59 42 much caution I employ - - -  
15:17:00 43  
15:17:00 44 COMMISSIONER: It may not be human error. Yes, I'm sorry,  
15:17:04 45 Ms Wallace and Mr Orman, we're back to where we are before.  
15:17:08 46 I'm not sure whether I've got the current orders in. Did I  
15:17:12 47 make the current order? I revoked the old one but I think

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15:17:17 1 I might have left it open-ended as to where we were going  
15:17:21 2 next. It will be back to the variation to the undertaking  
15:17:25 3 to allow you and others of Mr Orman's legal representatives  
15:17:29 4 to discuss with him anything relevant that arises, that  
15:17:35 5 will be a variation to your particular undertaking.

15:17:38 6  
15:17:38 7 MS WALLACE: Yes Commissioner.

15:17:39 8  
15:17:39 9 COMMISSIONER: The order is pursuant to s.24 of the  
15:17:41 10 *Inquiries Act* access to the inquiry during the remaining  
15:17:45 11 evidence of this witness is limited to legal  
15:17:48 12 representatives and staff assisting the Royal Commission,  
15:17:51 13 the following parties with leave to appear in the private  
15:17:53 14 hearing and their legal representatives: the State of  
15:17:56 15 Victoria, Victoria Police, including media unit  
15:17:58 16 representatives, the DPP and the OPP, the Commonwealth  
15:18:02 17 Director of Public Prosecutions, Ms Nicola Gobbo, the SDU  
15:18:06 18 handlers, the legal representatives of the following  
15:18:08 19 parties with leave to appear, Stephen Asling, Pasquale  
15:18:13 20 Barbaro, Faruk Orman and [REDACTED] media representatives  
15:18:18 21 accredited by the Royal Commission allowed to be present in  
15:18:21 22 the hearing room. The hearing is to be recorded but not  
15:18:24 23 streamed or broadcast. Subject to any further order there  
15:18:29 24 is to be no publication of any material, statements,  
15:18:32 25 information or evidence given, made or referred to before  
15:18:35 26 the Commission which could identify or tend to identify the  
15:18:39 27 persons identified to as [REDACTED], [REDACTED]  
15:18:43 28 [REDACTED] any member of the Source Development Unit or  
15:18:47 29 their whereabouts. A copy of this order is to be posted on  
15:18:52 30 the hearing room door.

15:19:02 31  
15:19:03 32 MR WOODS: Commissioner, before the break I asked, in  
15:19:08 33 closed session, the witness some questions about  
15:19:13 34 conversations that he recalls having with Mr Solomon and  
15:19:15 35 Mr Davey. There are two statements from each of those  
15:19:21 36 gentlemen who there's been a bit of back and forth about  
15:19:25 37 PII claims in particular. Now, one of the claims in  
15:19:33 38 relation to Mr Davey's second statement, I'll give you the  
15:19:37 39 dates in a moment, remains unresolved in relation to ACC  
15:19:41 40 matters. What's proposed is that the matters that are  
15:19:45 41 unresolved will be redacted in the versions that I'm about  
15:19:48 42 to tender to be put on the web page and in the meantime  
15:19:51 43 those claims, those issues relating to the ACC will be  
15:19:55 44 negotiated or decided by you but in the meantime we can get  
15:20:03 45 that information on the web page is what I'm proposing. So  
15:20:06 46 if I could tender notionally, because I don't have hard  
15:20:09 47 copies of them with me, the statement of Sol Solomon of 14

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15:20:14 1 June 2019. Sorry, I'll do them in order. Solomon, 15  
15:20:20 2 January 2019. Would it assist if I gave numbers for those  
15:20:27 3 documents? I think it would.  
15:20:28 4  
15:20:28 5 COMMISSIONER: It probably would, yes, to getting on the  
15:20:30 6 website I would say.  
15:20:30 7  
15:20:31 8 MR WOODS: COM.0041.0002.0001. Will these be tendered as a  
15:20:47 9 bundle or as individual exhibits?  
15:20:49 10  
15:20:49 11 COMMISSIONER: We're doing two from Solomon.  
15:20:52 12  
15:20:52 13 MR WOODS: And two from Davey.  
15:20:54 14  
15:20:54 15 COMMISSIONER: Are they in separate forms?  
15:20:57 16  
15:20:57 17 MR WOODS: Yes, they are all quite separate documents so  
15:20:59 18 perhaps four exhibits.  
15:21:01 19  
15:21:01 20 #EXHIBIT RC326A - (Confidential) Document number  
15:20:31 21 COM.0041.0002.0001 dated 15/1/19.  
22  
15:21:12 23 #EXHIBIT RC326B - Redacted version.  
15:21:12 24  
15:21:12 25 COMMISSIONER: That one is finalised, isn't it?  
15:21:14 26  
15:21:15 27 MR WOODS: Yes, all but the last one that I'll read to you  
15:21:17 28 are finalised. 327A is 14 June 2019.  
15:21:28 29  
15:21:28 30 #EXHIBIT RC327A - (Confidential) Document number  
15:21:30 31 COM.0041.0004.0003 dated 14/6/19.  
15:21:48 32  
15:21:48 33 #EXHIBIT RC327B - Redacted version.  
15:21:53 34  
15:21:53 35 MR WOODS: Then 328A, confidential statement of or  
15:21:58 36 confidential version of the statement of Cameron Davey of  
15:22:03 37 14 February 2019. And that's IBAC.0006.0001.0001.  
15:22:15 38  
15:22:16 39 #EXHIBIT RC328A - (Confidential) Document number  
15:22:07 40 IBAC.0006.0001.0001 dated 14/2/19.  
15:22:22 41  
15:22:22 42 #EXHIBIT RC328B - Redacted version but not final.  
15:22:30 43  
15:22:31 44 MR WOODS: The next one is final. The next one isn't  
15:22:34 45 final.  
15:22:35 46  
15:22:35 47 COMMISSIONER: 328B is the redacted.

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15:22:37 1  
 15:22:38 2 MR WOODS: And 329A is dated 13 May 2019 redacted version  
 15:22:46 3 of - that's the confidential version of Mr Davey's  
 15:22:52 4 statement of that date, COM.0041.0002.0002.  
 15:23:00 5  
 15:23:01 6 #EXHIBIT RC329A - (Confidential) Document number  
 15:22:53 7 COM.0041.0002.0002 dated 13/5/19.  
 15:23:04 8  
 15:23:04 9 #EXHIBIT RC329B - Non-final redacted version.  
 15:23:08 10  
 15:23:08 11 MR WOODS: We'll attend to sorting out the final version of  
 15:23:11 12 that document.  
 15:23:11 13  
 15:23:12 14 COMMISSIONER: 326A, the confidential first Solomon  
 15:23:14 15 statement is 15 January 2019, is it?  
 15:23:18 16  
 15:23:19 17 MR WOODS: 15 January 2019, that's correct.  
 15:23:21 18  
 15:23:21 19 COMMISSIONER: Thank you. Yes, so they can go on the  
 15:23:24 20 website now, or the redacted versions can go on the website  
 15:23:29 21 now.  
 15:23:30 22  
 15:23:30 23 MR WOODS: Yes. Thank you. Mr Ryan, we might leave those,  
 15:23:51 24 Ms Gobbo's notes of that date. In effect they speak for  
 15:23:54 25 themselves, they're dated and coincide with the meeting  
 15:23:57 26 that we spoke about a moment ago. The next document I want  
 15:24:00 27 to take you to is another meeting of 14 July 2004, this one  
 15:24:06 28 was, this is in your diary. For the operator,  
 15:24:13 29 VPL.0005.0120.0001 at p.9. What's going to come up on  
 15:24:22 30 yours, mine and the Commissioner's screen is a meeting that  
 15:24:25 31 you attended with Mr Bateson and you met with Vaile  
 15:24:32 32 Anscombe of the OPP and this appears to be when [REDACTED]  
 15:24:38 33 statement implicating [REDACTED] in the [REDACTED]  
 15:24:42 34 murders was provided to the OPP, so p.9 of that document.  
 15:24:48 35 If that could be brought up on the far screen as well.  
 15:25:03 36 It's just above that, the second-last redaction. Can you  
 15:25:10 37 just read - something Bateson, do you see that?---Is this  
 15:25:15 38 from 14/7?  
 15:25:19 39  
 15:25:20 40 Yes, that's correct?---What line?  
 15:25:21 41  
 15:25:22 42 Two lines above the second-last redaction on the page?---Oh  
 15:25:28 43 yeah, "Cleared Bateson", I'm at the Melbourne Magistrates'  
 15:25:33 44 Court.  
 15:25:33 45  
 15:25:34 46 Yes?---And then, "Clear with Bateson 13:00, OPP spoke to  
 15:25:39 47 Vaile Anscombe and drop off statements re" - - -

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RYAN XXN - IN CAMERA

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15:25:42 1  
15:25:42 2 I take it that says [REDACTED] underneath?---Yes.  
15:25:46 3  
15:25:46 4 So the statement had been made the day before and this is  
15:25:52 5 when that statement was provided to the OPP, you agree with  
15:25:56 6 that?---Yes.  
15:25:57 7  
15:25:59 8 The two of you spoke on that occasion it's understood to  
15:26:07 9 Mr Horgan about the timing of the charges that would fall  
15:26:11 10 out of [REDACTED] statement. Now, are you aware of that  
15:26:15 11 conversation taking place?---I was aware we had a  
15:26:20 12 conversation, yes.  
15:26:21 13  
15:26:21 14 And it would have been around this time?---Yes. Vaile  
15:26:27 15 Anscombe is a solicitor from memory from the OPP.  
15:26:30 16  
15:26:30 17 Yes. If you could scroll through to the next page of that  
15:26:34 18 same document. Now, on the 16th, that is not the first  
15:26:39 19 entry, it's down the bottom, that's the one. This is a  
15:26:42 20 meeting between Mr Horgan, Mr Coghlan, Mr Anscombe, Allen,  
15:26:50 21 Bateson, you and O'Connell, is that correct?---Yes.  
15:26:56 22  
15:26:56 23 This was to discuss the charging of [REDACTED] based on  
15:26:59 24 [REDACTED] evidence against him, do you agree with  
15:27:03 25 that?---I don't specifically remember.  
15:27:07 26  
15:27:07 27 But given the timing being a couple of days after and given  
15:27:11 28 the discussion with Mr Anscombe two days before, this was  
15:27:17 29 the issue that you were meeting these individuals about at  
15:27:19 30 the time, you'd agree with that?---It would be about the  
15:27:23 31 statement. I'm not sure - he implicated [REDACTED] didn't he?  
15:27:28 32  
15:27:29 33 Well - - - ?---It's such a long time ago.  
15:27:31 34  
15:27:31 35 I understand. In fact, just so you're aware, there's a  
15:27:36 36 number of issues I'm going to be taking you through where  
15:27:39 37 these individuals implicated a number of people in a number  
15:27:42 38 of crimes. I'm restricting what I'm asking you at the  
15:27:45 39 moment to [REDACTED] implication of [REDACTED] ---Okay.  
15:27:48 40  
15:27:49 41 For the [REDACTED] murders?---Okay.  
15:27:53 42  
15:27:53 43 That was the statement that was made and read-backs  
15:27:56 44 recorded a couple of days before this?---Okay.  
15:27:59 45  
15:28:03 46 It was a week or so after this that Ms Gobbo had a stroke.  
15:28:07 47 Now you're aware that that occurred?---Yes.

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RYAN XXN - IN CAMERA

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15:28:10 1  
15:28:10 2 In mid-2004?---I knew she had a stroke, I wasn't sure on  
15:28:14 3 the timing.  
15:28:15 4  
15:28:16 5 So it was 24 July and she's hospitalised for a fairly brief  
15:28:22 6 period after that. Now, were you aware at the time that  
15:28:27 7 she had the stroke that that had occurred or is it  
15:28:30 8 something you found out later on?---No, I was aware at the  
15:28:34 9 time.  
15:28:34 10  
15:28:34 11 I take it you were aware because you knew she was  
15:28:37 12 representing ██████████ at the time?---I knew she was  
15:28:40 13 representing various people in the underworld that we were  
15:28:43 14 interested in.  
15:28:44 15  
15:28:44 16 Including ██████████ ---Yes.  
15:28:46 17  
15:28:46 18 For the matters that we spoke about earlier?---Yes.  
15:28:49 19  
15:28:49 20 In your statement you say on, "██████████ 2004 ██████████ was  
15:28:56 21 arrested". So that's a little less than a month after  
15:29:00 22 Ms Gobbo's stroke and that arrest it's understood was for  
15:29:06 23 his role that had been described by ██████████ in the  
15:29:09 24 ██████████ murders, does that accord with your  
15:29:13 25 memory?---Yes.  
15:29:13 26  
15:29:16 27 You say at paragraph 33 of your statement, "I believe that  
15:29:20 28 Ms Gobbo acted for ██████████ in relation to this  
15:29:23 29 charge"?---In paragraph?  
15:29:24 30  
15:29:24 31 33 of your statement?---Yes. Yes, I remember writing that.  
15:29:28 32  
15:29:28 33 In fact, it was known to you from early on Gobbo was acting  
15:29:38 34 for ██████████ for his role in the ██████████ murders, is  
15:29:43 35 that right?---Yes. When I say acting, she was part of the  
15:29:47 36 defence team.  
15:29:48 37  
15:29:48 38 Part of the legal team?---Yes.  
15:29:49 39  
15:29:53 40 In fact he, ██████████ attempted to obtain bail at one  
15:29:59 41 stage, I don't necessarily need to bring this up on the  
15:30:01 42 screen, but we've got a statement that Mr Bateson swore on  
15:30:06 43 8 April 2005 opposing ██████████ getting bail. You know  
15:30:16 44 about less than a year after his arrest, but in any event  
15:30:19 45 he's trying to get bail and it's a statement that Bateson  
15:30:23 46 swore and was witnessed by you?---2005, is it?  
15:30:27 47

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RYAN XXN - IN CAMERA



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15:30:27 1 2005, April 2005?---Okay, yeah.  
15:30:29 2  
15:30:30 3 And then Mr Bateson in a chronology that he's provided to -  
15:30:36 4 have you seen Mr Bateson's chronology by chance?---I saw  
15:30:40 5 the first three or four pages and I agreed at the time that  
15:30:44 6 it was consistent with everything that was going on at that  
15:30:47 7 time.  
15:30:47 8  
15:30:48 9 And I asked you that at the start of your evidence?---You  
15:30:52 10 did, yes.  
15:30:52 11  
15:30:53 12 What he says is on 4 June 2005, so a couple of months after  
15:30:57 13 that statement where Bateson was opposing bail for [REDACTED]  
15:31:00 14 [REDACTED]---Yep.  
15:31:01 15  
15:31:01 16 That he met with Nicola Gobbo in South Melbourne. Gobbo  
15:31:05 17 discussed a solicitor, again I think it was the solicitor  
15:31:08 18 we were talking about last week that she obviously didn't  
15:31:12 19 like, and she discussed Tony Mokbel, she discussed George  
15:31:16 20 Williams, and that Bateson says in his chronology that he  
15:31:21 21 came back and reported to you the conversation that she,  
15:31:24 22 that he had had with Nicola Gobbo in South Melbourne on  
15:31:27 23 that occasion and as I understand it you gave evidence last  
15:31:30 24 week that Bateson certainly did have conversations with you  
15:31:33 25 around this period, is that right?---That's correct.  
15:31:35 26  
15:31:38 27 On [REDACTED] 2005 Gobbo appeared for [REDACTED] at a mention  
15:31:45 28 and Mr Horgan and Mr Tinney were prosecuting and it was  
15:31:51 29 before Justice King and it was to set timetables for  
15:31:58 30 trials. Bateson was there. Was this the sort of thing  
15:32:01 31 that would be reported to you if Bateson had gone to court  
15:32:04 32 for an individual, to observe an individual like [REDACTED]  
15:32:07 33 at a mention, he'd report to you, "This is what I did today  
15:32:10 34 and this is what happened in court"?---Yes, if I was not on  
15:32:13 35 leave, yes.  
15:32:14 36  
15:32:17 37 Is it the case that now that you knew, so you'd known for  
15:32:22 38 some time since pretty much the day of his arrest that  
15:32:27 39 Gobbo had acted for [REDACTED] and you knew that Gobbo had  
15:32:32 40 assisted [REDACTED] implicating [REDACTED] and now Gobbo was  
15:32:39 41 representing [REDACTED] to your knowledge, that you would  
15:32:44 42 have felt at least a level of discomfort about that  
15:32:46 43 situation at the time?---Yes.  
15:32:48 44  
15:32:49 45 And do you recall that as you sit here now?---No, it's an  
15:32:57 46 OPP thing. It's for them to work out.  
15:33:00 47

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15:33:00 1 Did you have discussions with the OPP about how they would  
15:33:03 2 work that out?---No.  
15:33:04 3  
15:33:05 4 Did the OPP have discussions with you what they might do  
15:33:08 5 about it?---No.  
15:33:09 6  
15:33:09 7 There was no discussion between Victoria Police and the OPP  
15:33:13 8 to your memory about what should be done?---Certainly I  
15:33:14 9 don't tell Geoff Horgan what to do.  
15:33:17 10  
15:33:17 11 No, I understand that. Do you remember him raising it with  
15:33:20 12 you as an issue?---No.  
15:33:22 13  
15:33:23 14 You understand though that a person who's charged with a  
15:33:28 15 criminal offence can expect the lawyer representing them,  
15:33:35 16 in dealing with that criminal offence, not to have assisted  
15:33:39 17 the person that had implicated them in the criminal  
15:33:44 18 offence, do you agree with that as a correct  
15:33:46 19 statement?---Yes, I do.  
15:33:47 20  
15:33:47 21 In that hypothetical situation you'd be pretty upset if you  
15:33:52 22 knew that your lawyer had in fact assisted someone who was  
15:33:55 23 putting you in, you'd agree with that?---Yes. It is what  
15:34:01 24 it is. You know, like I said the other day, you know, we  
15:34:07 25 just don't get involved in telling lawyers who to  
15:34:10 26 represent.  
15:34:11 27  
15:34:12 28 Have you had a chance to reflect on that position since  
15:34:16 29 this Commission's been undertaking its work, that perhaps  
15:34:19 30 if someone had have got involved in it things wouldn't have  
15:34:23 31 gone down the track they've gone down?---I don't know. I  
15:34:27 32 just hope that in the future that part of a lawyer's duty  
15:34:34 33 gets strengthened.  
15:34:35 34  
15:34:36 35 You accept though the police can't sit idly by in the  
15:34:40 36 criminal justice system and just assume someone else is  
15:34:44 37 going to do something about a conflict like this?---It is a  
15:34:48 38 difficulty, you know, highlighting something like that.  
15:34:54 39 It's always been a - like, I had struggles with a  
15:34:59 40 particular prosecutor who turned up drunk, you know. So  
15:35:03 41 you sort of bat through it and that's just how it was.  
15:35:11 42  
15:35:11 43 A drunk - - - ?---It's a different thing, I understand.  
15:35:14 44  
15:35:14 45 I won't explore that then. But my question though is that  
15:35:23 46 it would be appropriate for Victoria Police to do something  
15:35:27 47 in the circumstances that we've just discussed rather than

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RYAN XXN - IN CAMERA

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15:35:30 1 to sit idly by and assume that someone else will deal with  
15:35:34 2 it when you haven't even had the discussion - - - ?---In  
15:35:38 3 2019, yes.  
15:35:38 4  
15:35:40 5 Even in 2005?---We didn't do it.  
6  
15:35:41 7 The criminal justice system wasn't different then?---I  
15:35:45 8 don't know if it is or isn't, I've been out of it for 11  
15:35:49 9 years.  
15:35:49 10  
15:35:49 11 COMMISSIONER: I know you're not in the Force longer but I  
15:35:55 12 would hope, Mr Ryan, that these days if there was a drunk  
15:35:57 13 prosecutor the police informant might have something to say  
15:36:03 14 about it to someone?---Yeah, he eventually moved on.  
15  
15:36:03 16 I would hope these days it wouldn't be tolerated?---It was  
15:36:07 17 then but - - -  
15:36:08 18  
15:36:08 19 I understand the pecking order which I think is your  
15:36:12 20 point?---Yes. Yes, it's difficult, you know they're the  
15:36:16 21 boss.  
15:36:16 22  
15:36:17 23 MR WOODS: From the answers you've given to my questions  
15:36:22 24 though, you accept that Gobbo did have a conflict between  
15:36:25 25 when she was acting for [REDACTED] because of - - - ?---You  
15:36:28 26 should either be acting - I get the premise, you should  
15:36:31 27 either be acting for [REDACTED] or [REDACTED] not both.  
15:36:34 28  
15:36:34 29 I understand. Are you aware on occasions on which Victoria  
15:36:38 30 Police did in fact take an interest in who was representing  
15:36:41 31 who and actually did something about it and said, "We're  
15:36:46 32 not comfortable" - - - ?---In this Purana time?  
15:36:49 33  
15:36:49 34 At any time. "We're not comfortable with that person, that  
15:36:54 35 lawyer representing that client because of a conflict  
15:36:56 36 they've got"?---I don't remember any, no. I can't speak  
15:37:05 37 for others, but myself.  
15:37:06 38  
15:37:06 39 You don't think you've ever taken that point or been aware  
15:37:09 40 of the point being taken?---No, no.  
15:37:11 41  
15:37:12 42 You accept that the situation is different, of course,  
15:37:15 43 where the two individuals, in this situation it's [REDACTED] and [REDACTED]  
15:37:20 44 but two hypothetical individuals in that situation, where  
15:37:23 45 both know that the same lawyer has represented both, is  
15:37:30 46 different to where the two individuals or the second  
15:37:32 47 individual doesn't know, do you accept that's a different

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15:37:34 1 situation?---They both know. That's - look - - -  
15:37:37 2  
15:37:38 3 No, no, I'm not talking about these two individuals?---Oh,  
4 okay.  
5  
15:37:41 6 I'm saying it is different when the second individual, the  
15:37:45 7 one that comes later in time, has been disclosed to by  
15:37:51 8 their lawyer, their lawyers says to them, "By the way, I  
15:37:54 9 acted for that other person in this particular situation.  
15:37:57 10 I should tell you all the things about it and then you can  
15:37:58 11 make an informed decision about whether you want me to act  
15:38:01 12 for you"?---Yes.  
13  
15:38:02 14 That's different to where the lawyer doesn't say  
15:38:04 15 anything?---Yes. Is that hypothetical?  
16  
15:38:06 17 Yes, that's hypothetical?---Okay.  
18  
15:38:08 19 Bringing it down to this situation, you don't know at any  
15:38:11 20 stage whether or not Nicola Gobbo told ██████████ that she  
15:38:14 21 had assisted ██████████ making the statements against  
15:38:18 22 ██████████, you don't know the answer to that, do you?---I  
15:38:21 23 don't, no.  
15:38:22 24  
15:38:25 25 Do you accept that in the situation where a lawyer has  
15:38:30 26 acted in that way and the justice system has played itself  
15:38:35 27 out in relation to the second individual, in this case  
15:38:38 28 ██████████, that there's a risk of a substantial miscarriage  
15:38:42 29 of justice because of that conflict of interest the lawyer  
15:38:45 30 had?---For ██████████ you mean?  
15:38:47 31  
15:38:48 32 Yes?---A miscarriage of justice for him?  
15:38:51 33  
15:38:51 34 Yes. There's that potential?---Yes.  
15:38:53 35  
15:38:59 36 In February 2006 you returned to Purana, and I'm referring  
15:39:06 37 here to paragraph 47 of your statement. And what you say  
15:39:16 38 there is you were advised that, ██████████ had sent a  
15:39:22 39 letter to the DPP, the letter made it obvious that he  
15:39:26 40 wanted to 'roll over'. Shortly after this I returned to  
15:39:30 41 Purana to take charge of the roll over of ██████████. I  
15:39:33 42 subsequently was also in charge of the roll over of ██████████  
15:39:37 43 and the information gleaned from them. Most of the  
15:39:40 44 information related to murders. This was handed to the  
15:39:43 45 respective Purana Task Force crew that had previous  
15:39:52 46 carriage of a particular murder and that includes the  
15:39:56 47 ██████████ murders" and that went to Detective Sergeant

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RYAN XXN - IN CAMERA

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15:39:59 1 Bateson's crew. Now that's correct?---Yes, that's correct.  
15:40:02 2  
15:40:07 3 Your diary, and I don't think I need to bring this up on  
15:40:11 4 the screen, we'll see. On 19 February 2006, so just after  
15:40:16 5 that occurred you returned to Purana. Bateson called you  
15:40:19 6 and told you that Gobbo had contacted him to say [REDACTED]  
15:40:23 7 was thinking about rolling and that seems to be consistent  
15:40:25 8 with what you say in your statement, that you were managing  
15:40:29 9 that process once it became clear that [REDACTED] might  
15:40:32 10 roll?---Yes.  
15:40:32 11  
15:40:35 12 Now, your diary says that you told - - - ?---That was a  
15:40:42 13 long process.  
15:40:42 14  
15:40:43 15 Of course, yes. I understand. And there was a fair bit of  
15:40:45 16 back and forth in the process too?---Yes.  
15:40:47 17  
15:40:47 18 There was reluctance at times and not so much at other  
15:40:51 19 times, is that right?---Correct.  
15:40:52 20  
15:40:53 21 In your diary, I might get this bit brought up, this is  
15:40:57 22 VPL.0005.0120.0020 is the document. And I'm after p.22  
15:41:05 23 which is the third page of that document. This can be only  
15:41:11 24 on the Commissioner's, mine and the witness's screens. So  
15:41:19 25 this is your diary of 19 February 2006. And there's a  
15:41:23 26 reference in it once it comes up on the screen to you  
15:41:27 27 talking to Mr Overland, Mr Horgan and Mr O'Brien in  
15:41:32 28 relation to this proposal or the fact that [REDACTED] was  
15:41:39 29 thinking about rolling. It's downloading. I might get the  
15:41:47 30 hard copies. Some of these documents are a bit large which  
15:42:07 31 is why they take a bit of time to come down. The date is  
15:42:11 32 19 February 2006. What I might do is take it out of here  
15:42:32 33 and pass it to you. If you're able to, when you see a  
15:42:47 34 shaded bit there - that might be it on the screen.  
15:42:51 35  
15:42:51 36 COMMISSIONER: Almost. We had a glimpse.  
15:42:53 37  
15:42:53 38 MR WOODS: When you see the shaded name of that individual  
15:42:55 39 there I think each time it is [REDACTED] in place of that  
15:43:00 40 name?---Okay.  
15:43:02 41  
15:43:05 42 Unfortunately now I don't have a copy in front of me. But  
15:43:09 43 can you read what you see there about Mr Bateson's  
15:43:16 44 conversation with you and then your conversation with  
15:43:18 45 Overland, Horgan and O'Brien?---So at 12:00 you're talking  
15:43:25 46 about? You haven't got it.  
15:43:27 47

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15:43:27 1 It's a different page that one, I'm after p.22 of that  
15:43:31 2 document for the operator, 022. As in the VPL number  
15:43:38 3 ending in 0022. Yes, here we go. Now, firstly the date of  
15:43:58 4 that is 19 February 2006, that's right?---Yes.  
15:44:01 5  
15:44:03 6 Contacted at home by Detective Sergeant Bateson. There's a  
15:44:09 7 person completing a statement re another person. Then the  
15:44:12 8 entry after that, "Rung by Detective Sergeant Bateson".  
15:44:19 9 It's not much of a rest day for you so far I can see. "He  
15:44:25 10 has received a call from barrister Nicola Gobbo and [REDACTED]  
15:44:31 11 [REDACTED] may want to talk to police. Advised AC Overland and  
15:44:38 12 Geoff Horgan re same. Also spoke to Jim O'Brien, advised  
15:44:42 13 him. Bateson, Hatt to meet Gobbo" and I can't get that  
15:44:47 14 next word?---And solicitor.  
15:44:49 15  
15:44:49 16 "And solicitor at 18:20 hours"?---18:30.  
15:44:53 17  
15:44:54 18 30 hours, and what's that last word?---Monitor situation.  
15:44:57 19  
15:44:57 20 Monitor situation, okay. Then at 19:10, "Rung at home by  
15:45:03 21 Detective Sergeant Bateson, has spoken to Nicola Gobbo" and  
15:45:07 22 what's that word?---Jim.  
15:45:09 23  
15:45:10 24 "And they advise that [REDACTED] is willing to cooperate."  
15:45:16 25 And then the next day there's further discussion. That is  
15:45:25 26 a - so do you recall that when it became clear to you that  
15:45:33 27 [REDACTED] was willing to roll, that was a matter of some  
15:45:37 28 note and that you contacted Overland, Horgan and O'Brien  
15:45:42 29 about it?---Yes.  
15:45:43 30  
15:45:46 31 So by that date, it might go without saying but I'll ask  
15:45:51 32 anyway, you were aware that [REDACTED] at least at this  
15:45:55 33 stage had said he was going to roll?---Yes.  
15:45:57 34  
15:45:57 35 And that he was being represented by Gobbo in that  
15:46:01 36 process?---Yes.  
15:46:01 37  
15:46:03 38 Was it Hatt that was to be the person on the ground  
15:46:06 39 eventually who would deal with that process?---About?  
15:46:12 40  
15:46:13 41 Managing the obtaining of the statement?---No, I was in  
15:46:18 42 charge of - - -  
15:46:19 43  
15:46:20 44 You were overseeing it?---Yes.  
15:46:21 45  
15:46:22 46 Who were the individuals who were dealing with it?---It  
15:46:25 47 depended on the crime.

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RYAN XXN - IN CAMERA

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15:46:26 1  
15:46:26 2 I see. He gave a number of statements in relation to a  
15:46:29 3 number of issues?---Yes.  
15:46:30 4  
15:46:31 5 On 20 February 2006 Bateson met with DPP Coghlan, Horgan,  
15:46:38 6 Overland, Ryan and Kerley to discuss [REDACTED] desire to  
15:46:43 7 cooperate with the police and that's a matter in  
15:46:48 8 Mr Bateson's statement and his chronology and then on 19  
15:46:53 9 March 2006 Bateson visited [REDACTED] Prison and there's  
15:46:57 10 visitation records there of Ms Gobbo visiting [REDACTED] and  
15:47:06 11 then on 23 March 2006 Bateson and O'Brien attend on [REDACTED]  
15:47:13 12 [REDACTED] and Ms Gobbo is the person there to represent him. The  
15:47:21 13 next document I want to take you to is on 19 April 2006 and  
15:47:29 14 - well in fact before we go to that trouble, I can just  
15:47:32 15 explain to you, because this actually comes from  
15:47:35 16 Mr Bateson's chronology. 19 April 2006 it is decided that  
15:47:39 17 Purana wouldn't continue to deal directly with [REDACTED]  
15:47:42 18 but would contact him via his barrister, Nicola Gobbo.  
15:47:46 19 "Decided they wouldn't reach out to him directly and that  
15:47:49 20 contact would be through that channel. They agreed that  
15:47:52 21 they would provide an edited transcript of a recording of a  
15:47:56 22 conversation with [REDACTED] to Gobbo for her to put to  
15:48:01 23 [REDACTED] for his instructions." Do you recall that  
15:48:03 24 happening?---No.  
15:48:04 25  
15:48:04 26 Do you recall a decision being made not to deal with  
15:48:07 27 [REDACTED] directly but only do it through his  
15:48:10 28 barrister?---No, because we dealt with him.  
15:48:12 29  
15:48:12 30 You dealt with him at times?---No, when we got him out.  
15:48:16 31 Yeah, that's - I don't remember that.  
15:48:19 32  
15:48:19 33 Okay?---That's in Bateson's diaries?  
15:48:21 34  
15:48:22 35 Yes, that's in Bateson's diary. I should say it doesn't  
15:48:23 36 have a reference to you in it, but as you were managing the  
15:48:25 37 process I thought you might have a memory of there being a  
15:48:31 38 moment where it was "decided we won't deal with him  
15:48:33 39 directly, we'd only do it through his lawyer Nicola  
15:48:37 40 Gobbo"?---I don't remember that.  
15:48:38 41  
15:48:39 42 Your diary of that same day, 19th of the 4th 2006, says  
15:48:44 43 that you spoke to Geoff Horgan about a different individual  
15:48:47 44 and that you then spoke to Bateson and Kerley regarding  
15:48:51 45 both [REDACTED] Just confirming, if I can,  
15:48:55 46 that they were reporting to you throughout this  
15:48:59 47 period?---Yes.

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RYAN XXN - IN CAMERA

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15:48:59 1  
15:48:59 2 And you were explaining where things were at with witness -  
15:49:03 3 - - ?---Back in February we had [REDACTED]  
15:49:07 4  
15:49:08 5 Yes?---At a secure location taking multiple statements.  
15:49:11 6  
15:49:11 7 Yes?---That was my prime task at that - that went on for  
15:49:16 8 quite a while.  
15:49:17 9  
15:49:17 10 Yes?---That was February.  
15:49:19 11  
15:49:20 12 The task with [REDACTED] doing the same thing was overseen  
15:49:24 13 by you?---Yes.  
15:49:25 14  
15:49:25 15 The day-to-day running of it was Mr Bateson and Ms Kerley,  
15:49:32 16 is that right?---Yes. She was then a Detective Senior  
15:49:37 17 Constable on his team.  
15:49:40 18  
15:49:40 19 Just as an aside, at this same stage, and you'll appreciate  
15:49:44 20 as we work through the documents there's a lot of different  
15:49:48 21 things in relation to a lot of different individuals that  
15:49:50 22 were happening all at once, you'd know that a lot better  
15:49:54 23 than we do?---Yeah, it's pretty hard to - you're juggling  
15:49:57 24 all the time.  
15:49:58 25  
15:49:58 26 Of course, of course. Mr Buick's day book on PII [REDACTED]  
15:50:03 27 2006, and this is about someone we are calling [REDACTED].  
15:50:07 28 Now you probably have no idea who that is right now but  
15:50:10 29 I'll write it down for you.  
15:50:11 30  
15:50:12 31 COMMISSIONER: We can show him the card.  
15:50:15 32  
15:50:15 33 MR WOODS: There's a flash card. You already know who he  
15:50:20 34 is?---No.  
15:50:21 35  
15:50:21 36 COMMISSIONER: No, he said he didn't know who he is. We'll  
15:50:22 37 show him the card?---I said yes but it was to something  
15:50:26 38 else.  
15:50:26 39  
15:50:27 40 MR WOODS: Have a look at the card?---Thank you. Yes.  
15:50:28 41  
15:50:29 42 This is [REDACTED] 2006. Buick's day book says at 15:00,  
15:50:36 43 "Inspector Ryan requested to be on standby re Operation  
15:50:40 44 Posse"?---Yes.  
15:50:41 45  
15:50:41 46 This is the date as we understand it that that person was  
15:50:44 47 arrested?---Yes, yes.

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RYAN XXN - IN CAMERA



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15:50:45 1  
15:50:45 2 And you were involved in that process too?--Yes, I  
15:50:48 3 provided all the men, all the Homicide people I had working  
15:50:52 4 for me on [REDACTED] statement and [REDACTED] were diverted to PII [REDACTED]  
15:50:58 5 the crime scene.

15:51:00 6  
15:51:00 7 I understand, okay?-- [REDACTED]

15:51:02 8  
15:51:02 9 And then it says at 22:00, "Briefed by Inspector Ryan re  
15:51:08 10 Operation Posse, [REDACTED] is in custody. And then [REDACTED]  
15:51:12 11 Operation Posse target address", et cetera, et cetera. So  
15:51:16 12 your role in a similar fashion as it was with some of the  
15:51:20 13 other issues we've talked about was to oversee these things  
15:51:25 14 happening at this same time, in relation to [REDACTED] and  
15:51:27 15 Operation Posse, the arrest?--No, Jim O'Brien was entirely  
15:51:31 16 in charge of that operation. I was just assisting him with  
15:51:34 17 providing men.

15:51:35 18  
15:51:35 19 I see?--To do - [REDACTED] the crime scene.

15:51:39 20  
15:51:39 21 That was that discrete task in relation to the crime  
15:51:42 22 scene?--That's it.

15:51:43 23  
15:51:46 24 That just, that was by the by. I'm moving back to [REDACTED]  
15:51:52 25 [REDACTED] On 15 June 2006 Bateson's records say that he advised  
15:51:59 26 you that [REDACTED] wanted to see Bateson and wanted to tell  
15:52:04 27 him everything. Now you weren't the acting head of Purana  
15:52:10 28 until a few days later from the records or the information  
15:52:14 29 you've provided to the Commission. Why was it given that  
15:52:18 30 was the case that Bateson was reporting that to you?--He  
15:52:24 31 probably knew I was coming.

15:52:25 32  
15:52:25 33 Okay, sure. And I should say in the other records it does  
15:52:30 34 appear that after leave, so for example, just as a general  
15:52:34 35 proposition, when the ICRs show that there's information  
15:52:36 36 provided to you, there does seem to be a lag period  
15:52:40 37 sometimes between O'Brien getting back from leave when you  
15:52:43 38 were acting in his position and information still being  
15:52:46 39 provided to you directly?--I think I've slightly got it,  
15:52:51 40 misled you there. I was - when [REDACTED] rolled.

15:52:58 41  
15:52:59 42 Yes?--I was seconded back to Purana.

15:53:02 43  
15:53:02 44 Yes?--And even though I was a Detective Inspector and Jim  
15:53:07 45 was Acting Detective Inspector he was in charge of the Task  
15:53:10 46 Force and I actually worked in the Task Force doing the  
15:53:15 47 roll overs. I stayed there when [REDACTED] rolled over and from

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15:53:20 1 memory I stayed there until about June and they had a send  
15:53:27 2 off.  
15:53:27 3  
15:53:27 4 Specifically to manage that process of the rolling?---Yes,  
15:53:31 5 yes. And then I went to another Task Force called Task  
15:53:37 6 Force 400.  
15:53:38 7  
15:53:40 8 There's a number of records, I probably don't need to take  
15:53:45 9 you to all of them. I might move forward in time. What we  
15:53:55 10 have is a copy of a 19th of July 2006 statement from  
15:54:01 11 [REDACTED] that is his statement where he implicates Faruk  
15:54:07 12 Orman in the murder of Victor Peirce and if that could be  
15:54:11 13 brought up on the Commissioner's, the witness's and my  
15:54:14 14 screen. It's OPP.0002.0007.0200. It appears, once this  
15:54:23 15 comes up, this is his statement, it's a signed version of  
15:54:27 16 it and it's Mr L'Estrange who is the witness of it. Now  
15:54:35 17 just having a look at the start of that statement, I take  
15:54:38 18 it you were familiar with the statement once it was made  
15:54:40 19 and signed at the time?---I would have been, yes.  
15:54:44 20  
15:54:45 21 Are you aware that there were, between this and Mr Orman's  
15:54:51 22 trial, a number of different versions of statements? I  
15:54:53 23 don't need to take you through each of them. If I could  
15:54:57 24 put as a general proposition [REDACTED] position changed  
15:55:01 25 in relation to a number of things between this first  
15:55:03 26 statement and the trial of Mr Orman. Are you aware that he  
15:55:08 27 signed different statements?---No - I don't remember.  
15:55:10 28  
15:55:11 29 You don't recall that?---What's - what's the date? Was I  
15:55:14 30 still in the Force then?  
15:55:16 31  
15:55:16 32 They were, they were all while you were still in the  
15:55:19 33 Force?---Okay.  
15:55:19 34  
15:55:20 35 They were all prior to your retirement. I'm not asking  
15:55:23 36 whether you remember the precise changes but just the fact  
15:55:27 37 there were changes in his statements?---I don't remember  
15:55:29 38 that.  
15:55:29 39  
15:55:30 40 Subsequent statements signed, do you remember more than one  
15:55:32 41 statement?---No.  
15:55:33 42  
15:55:34 43 So - - - ?---It's the responsibility of the Sergeant in  
15:55:37 44 charge of the, or the crew, if they need to get whatever  
15:55:42 45 they need to get. They don't report to me on every single  
15:55:45 46 thing they do.  
15:55:46 47

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RYAN XXN - IN CAMERA

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15:55:46 1 No, I understand that. I would assume though if there were  
15:55:49 2 significant changes to a statement which changed the  
15:55:53 3 landscape of a particular case that might be the sort of  
15:55:56 4 thing that would be reported to you?---Yes.  
15:55:57 5  
15:55:58 6 So the records show that on 19 July - I'd like to tender  
15:56:04 7 that statement before I move on, Commissioner, that is a 19  
15:56:07 8 July 2006 statement of [REDACTED]  
15:56:11 9  
15:56:23 10 MS ENBOM: Commissioner, that's a document we haven't had  
15:56:25 11 access to. If we could please have access to that.  
15:56:29 12  
15:56:29 13 COMMISSIONER: That will be a confidential exhibit for the  
15:56:32 14 moment.  
15:56:32 15  
15:56:33 16 MR WOODS: There will be a police record of it, it's a  
15:56:35 17 police document.  
15:56:36 18  
15:56:36 19 COMMISSIONER: Sure.  
20  
21 MR WOODS: I just haven't found this one on the system.  
22  
15:56:37 23 COMMISSIONER: Sure. But it's tendered as a confidential  
15:56:38 24 statement at the moment.  
15:56:39 25  
15:56:40 26 MR WOODS: I'm sorry, yes it is.  
15:56:41 27  
15:56:41 28 COMMISSIONER: It will be 330A and assuming there are some  
15:56:44 29 redactions that they'll be 330B.  
15:56:48 30  
15:56:14 31 #EXHIBIT RC330A - (Confidential) Statement of [REDACTED].  
32 dated 19/7/06.  
33  
15:56:51 34  
15:56:51 35 #EXHIBIT RC330B - Redacted version.  
15:56:53 36  
15:56:53 37 MR WOODS: There certainly will be redactions to it. So  
15:56:58 38 the same date that he signed this statement implicating  
15:57:03 39 Faruk Orman, [REDACTED] was moved from [REDACTED] where he'd  
15:57:10 40 been and was given less restrictions. It appears to be as  
15:57:14 41 a result of the assistance that he was giving police. Is  
15:57:16 42 that something you knew about at the time?---I think so,  
15:57:19 43 yeah. I don't have a direct memory of it now but it's - -  
15:57:23 44 -  
15:57:23 45  
15:57:23 46 It rings a bell?---They all wheel and deal.  
15:57:27 47

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RYAN XXN - IN CAMERA

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15:57:30 1 Okay. And then not long after this, and this is in -  
15:57:34 2 you've got a diary note of it, I won't take you to it,  
15:57:38 3 [REDACTED] is sentenced and he's sentenced on the basis of  
15:57:42 4 the assistance that he's provided to the police and he's  
15:57:46 5 given a non-parole period of [REDACTED] years and time served is of  
15:57:53 6 [REDACTED] days. So given the serious matters that he was  
15:58:05 7 sentenced in relation to, he received a serious benefit for  
15:58:08 8 the information he provided to police in relation to not  
15:58:10 9 just Orman, but a number of other people as well?---Yes.  
15:58:13 10  
15:58:14 11 As part of that it was expected that the statements he had  
15:58:17 12 given, he would give evidence in line with those statements  
15:58:20 13 in those trials which were to proceed forthwith?---Yes, and  
15:58:24 14 if he didn't give the evidence he could be resentenced.  
15:58:27 15  
15:58:27 16 He could be resentenced, yes?---Yes. He wanted two.  
15:58:33 17  
15:58:34 18 Wanted two?---Years.  
15:58:35 19  
15:58:35 20 Two years?---That's where the negotiations started.  
15:58:39 21  
15:58:40 22 And some might - - - ?---It's a bit light.  
15:58:43 23  
15:58:44 24 - - - think [REDACTED] years was a fair benefit that he got in the  
15:58:47 25 circumstances of - - - ?---Well he knew that [REDACTED] got [REDACTED]  
15:58:52 26  
15:58:52 27 Yes?---And he would have been hoping to get less.  
15:58:55 28  
15:58:56 29 Yes. Okay?---But [REDACTED] had got in before him.  
15:59:02 30  
15:59:02 31 Yes. And the way the system works there is a benefit if  
15:59:05 32 you're prepared to assist the police?---Yep.  
15:59:07 33  
15:59:08 34 Otherwise people probably won't assist police?---Yep, he  
15:59:12 35 rolled because [REDACTED] rolled.  
15:59:14 36  
15:59:15 37 COMMISSIONER: And the greater the benefit the earlier you  
15:59:17 38 get in?---Yes, exactly.  
15:59:20 39  
15:59:23 40 MR WOODS: There's an entry in your diary on 11 October  
15:59:26 41 2006 that you've had contact from, and I just want to get  
15:59:35 42 the name of the handler right. Officer Anderson. I don't  
15:59:44 43 know whether you've got - it's not in your statement I  
15:59:47 44 don't think but that you get contact from, in fact it  
15:59:52 45 should be brought up this one, this the diary that finishes  
15:59:57 46 in 0020. Sorry, 0020 and I'm after p.0040. I must say I  
16:00:11 47 don't have a problem with it being on everybody's screens,

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RYAN XXN - IN CAMERA

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16:00:15 1 I'm just not sure whether - there's redactions in it. So  
16:00:23 2 the answer is no, but it's not a no from me. Okay. That's  
16:00:32 3 the page. Now, I'm after 11 October, so down the bottom of  
16:00:39 4 that screen. Unfortunately this one's redacted but I'll  
16:00:46 5 read to you what it says. It says that there's, "Contact  
16:00:50 6 from Officer Anderson. HRS to meet with Faruk Orman". In  
16:01:00 7 fact I need to get you an unredacted version. Just let me  
16:01:05 8 pass this to you?---It will be RHS I think.  
16:01:09 9  
16:01:09 10 Yes. RHS, I'm sorry. I should say, the version of this  
16:01:15 11 that is on this system is an unredacted version. I'd  
16:01:20 12 prefer if it's possible that the unredacted version could  
16:01:23 13 be brought up on the witness's screen. The number appears  
16:01:28 14 to be the same on the version on the screen and on the  
16:01:31 15 printed out copy, so I'm not quite sure how that's happened  
16:01:35 16 but seeing as I'm not bringing it up on other screens I  
16:01:39 17 think it would be appropriate that - yes, here we go.  
16:01:52 18 There's two pages I'm handing you. They're the same as the  
16:01:57 19 one on the screen, the black part is just shaded.  
16:02:01 20 Remembering that you're not to use that handler's name and  
16:02:04 21 in place it should be Officer Anderson. You have contact  
16:02:08 22 from Officer Anderson?---Is it 40 or 41?  
16:02:12 23  
16:02:12 24 I think it's the bottom of 40 and the top of 41?---Okay.  
16:02:15 25  
16:02:15 26 It should start at 8.55?---Yep.  
16:02:20 27  
16:02:20 28 So you see that?---Yes.  
16:02:22 29  
16:02:35 30 COMMISSIONER: Do we have the unredacted version? It's up  
16:02:39 31 now, thank you. There's some instructions being sought  
16:03:09 32 about a PII claim. I think it's safe at least to say that  
16:03:12 33 there was a conversation with that handler about a  
16:03:18 34 registered source meeting with Faruk Orman on that  
16:03:23 35 occasion, you agree with that?---Yes.  
16:03:24 36  
16:03:27 37 All right, we might move on from that whilst those  
16:03:30 38 instructions are sought. If you could just hand those  
16:03:33 39 pages back to me. Are you aware of any discussions when  
16:03:39 40 [REDACTED] was implicating Mr Orman, whether there were  
16:03:47 41 discussions within Purana about whether Gobbo should be  
16:03:50 42 representing [REDACTED] at that time? Can you recall any  
16:03:56 43 such conversations?---No.  
16:03:59 44  
16:03:59 45 You remember you gave evidence earlier that you have  
16:04:02 46 general, non-specific memories of discussions about whether  
16:04:06 47 or not she could be representing each of these

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RYAN XXN - IN CAMERA

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16:04:09 1 individuals?---H'mm.  
16:04:09 2  
16:04:10 3 But just not a specific one about that issue?---Yeah, as I  
16:04:15 4 said a few times, she just seems to bob up everywhere.  
16:04:22 5  
16:04:27 6 Is it a significant memory for you when you realised that  
16:04:31 7 Nicola Gobbo was now going to represent Faruk Orman? Do  
16:04:42 8 you remember when you found that out?---It gets covered by  
16:04:48 9 the press, you know.  
16:04:49 10  
16:04:49 11 I understand. But do you have an independent recollection?  
16:04:53 12 The reason I ask is I can imagine it would be a significant  
16:04:56 13 thing in your mind to find out that lo and behold she's  
16:05:00 14 popped up again after [REDACTED] after [REDACTED] now she's here  
16:05:05 15 representing Orman?---Yeah, is this for the murder?  
16:05:09 16  
16:05:09 17 Specifically in relation to the Victor Peirce matter?---He  
16:05:13 18 was charged - can you just - I just need a sequence if you  
16:05:17 19 can.  
16:05:17 20  
16:05:18 21 Okay. Mid-2007 in relation to the Peirce murder but what  
16:05:25 22 I'm saying is in late 2006 it appears that you had a  
16:05:31 23 knowledge from the SDU that she was looking after Orman in  
16:05:36 24 relation to different matters?---Well, there was talk about  
16:05:39 25 a Queensland affray.  
16:05:41 26  
16:05:41 27 Yes, that's right?---I don't know if she was representing  
16:05:44 28 him in Queensland for that.  
16:05:46 29  
16:05:47 30 She was?---Okay.  
16:05:48 31  
16:05:48 32 But do you have a memory now that she was representing him  
16:05:51 33 in that?---Only when I read the diaries for the Commission.  
16:05:54 34  
16:05:54 35 Your diaries indicate that you knew it at the time?---It  
16:05:59 36 doesn't actually say it like that.  
16:06:01 37  
16:06:01 38 That's all right?---It says - I read my diaries as she's  
16:06:05 39 giving information that he's got to go to an affray trial  
16:06:09 40 in Queensland. I don't know if she's representing him or  
16:06:12 41 not. I would assume she's from Victoria, that she  
16:06:19 42 wouldn't, is that right? I don't know.  
16:06:21 43  
16:06:21 44 No, no, that's in fact - well, the Commission understands  
16:06:27 45 she did act for him in each of those matters?---Okay.  
16:06:29 46  
16:06:30 47 Then moving ahead, on 14 January 2007 your diary has an

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16:06:35 1 entry that you attended an informer management lecture on  
16:06:39 2 the 10th floor St Kilda Road, Melbourne?---Yes.  
16:06:41 3  
16:06:42 4 Lecture was given re Purana and informers. Do you remember  
16:06:45 5 what that was about?---Yeah, that's - I think it was called  
16:06:49 6 HSMU Human Source Management Unit course. Now that's,  
16:06:58 7 that's a course that I think from memory was a week where -  
16:07:04 8 - -  
16:07:04 9  
16:07:05 10 MR HOLT: Excuse me, Commissioner.  
16:07:21 11  
16:07:21 12 MR WOODS: There's a PII claim made over the fact there was  
16:07:24 13 a course.  
16:07:25 14  
16:07:25 15 COMMISSIONER: It was a training course in this  
16:07:27 16 field?---For lower level.  
16:07:27 17  
16:07:28 18 Lower level yes, all right.  
16:07:30 19  
16:07:30 20 MR WOODS: 20 February 2007, so a month after that course,  
16:07:39 21 the summary of extracts - so the summary of extracts is a  
16:07:43 22 document, just so you're aware, that Mr Orman has been  
16:07:46 23 given and it's similar to a number of other potentially  
16:07:50 24 affected people have been given as a result of what  
16:07:55 25 happened in the Supreme Court, Court of Appeal and High  
16:07:58 26 Court ultimately last year and it's by way of disclosure  
16:08:01 27 and so they've been given the story as it's told through a  
16:08:06 28 number of documents to the effect that, in the way that  
16:08:10 29 their cases may have been affected. When I say summary of  
16:08:13 30 extracts, that's what that individual has. Now, it  
16:08:18 31 indicates, and it's based on the source documents, that on  
16:08:22 32 20 February 2007 Ms Gobbo was looking at another brief for  
16:08:29 33 Orman and told her handlers that and this was in relation  
16:08:32 34 to a different matter, another shooting. Now you're aware  
16:08:37 35 that there was another matter that he was facing, a  
16:08:39 36 Victorian matter, other than the Victor Peirce matter?---Is  
16:08:44 37 this Orman?  
16:08:44 38  
16:08:45 39 Yes?---I don't now but I assume I did then.  
16:08:47 40  
16:08:49 41 The entry says that you were running the investigation.  
16:08:55 42 Does that help you recall?---No, just the name of the  
16:08:58 43 victim would help.  
16:09:00 44  
16:09:00 45 [REDACTED]?---Yes.  
16:09:03 46  
16:09:03 47 Do you remember Mr Orman being implicated in that?---Yes.

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16:09:09 1 Yes, I think I do.  
16:09:10 2  
16:09:10 3 That was another matter that [REDACTED] had assisted police  
16:09:14 4 in relation to solving?---Yes. That was an old murder in  
16:09:18 5 [REDACTED] from memory.  
16:09:19 6  
16:09:19 7 Yes. All right. Then on 8 May 2007 Bateson says he  
16:09:27 8 contacts you to say that Gobbo had spoken to him. This is  
16:09:32 9 Bateson, and had asked Bateson to come and collect two  
16:09:36 10 bottles of wine from Gobbo. The bottles were to be a  
16:09:39 11 present to Bateson from [REDACTED] a present from [REDACTED]  
16:09:43 12 to Bateson for his wedding and that Bateson rang you about  
16:09:47 13 it to check if that was okay?---Yep.  
16:09:49 14  
16:09:50 15 I assume you remember that?---Yep.  
16:09:52 16  
16:09:52 17 What was the substance of that conversation? Gobbo had  
16:09:55 18 said this is something he wanted to do?---It was just  
16:09:58 19 whether he accepted it or not, because he was - that's not  
16:10:03 20 the type of thing we'd normally get. You normally get some  
16:10:08 21 hate mail.  
16:10:08 22  
16:10:09 23 It was the fact at this stage it was in Victoria Police's  
16:10:12 24 interests to keep [REDACTED] happy though, wasn't  
16:10:15 25 it?---Yeah, of course.  
16:10:15 26  
16:10:18 27 And you said it was okay and the note that we have says  
16:10:22 28 that you said it was okay in the interests of ongoing  
16:10:26 29 witness relationship which would be consistent with what  
16:10:28 30 you've just said?---Yep. How did he get them from gaol  
16:10:32 31 though?  
16:10:33 32  
16:10:33 33 I think the bottles were being collected from  
16:10:36 34 Ms Gobbo?---Okay.  
16:10:36 35  
16:10:36 36 Who was holding them for him?---I got it.  
16:10:39 37  
16:10:39 38 According to the documents anyway?---Okay, okay.  
16:10:41 39  
16:10:42 40 I take it that was, that is a pretty rare event, it's not  
16:10:47 41 something you've seen before or since?---I don't remember  
16:10:51 42 anything like that ever before from a witness.  
16:10:53 43  
16:10:57 44 About a week before Orman's arrest, so this is on 14 June  
16:11:01 45 2007, Bateson's chronology tells us that Mr Hatt was  
16:11:06 46 talking to Ms Gobbo on the phone and Gobbo told Hatt that  
16:11:11 47 [REDACTED], who is the flash card we spoke about before, you



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16:11:15 1 saw before, ██████ told Hatt that he knew that ██████  
16:11:20 2 had made statements against Orman. Now, is it troubling or  
16:11:29 3 was it troubling at the time that there was talk within the  
16:11:32 4 prison that other prisoners knew that ██████ had  
16:11:37 5 implicated someone who hadn't yet been arrested? Do you  
16:11:40 6 remember it happening, do you remember that  
16:11:42 7 conversation?---No, I don't remember the conversation but  
16:11:46 8 it gets out in prison remarkably quickly, that type of  
16:11:50 9 information.

16:11:50 10  
16:11:50 11 That wasn't an uncommon occurrence then?---Yeah, they - it  
16:11:56 12 gets out, loose lips.

16:12:01 13  
16:12:01 14 Your diary on the same day shows that Mr Hatt called you  
16:12:04 15 and discussed ██████ wanting to be moved immediately,  
16:12:08 16 essentially because of this issue that had been discovered.  
16:12:11 17 Now do you remember ██████ asking to be moved because it  
16:12:14 18 had been discovered that he was providing assistance?---Um,  
16:12:19 19 I remember him, I remember getting a call from someone to  
16:12:23 20 say that he'd, he needed to be moved because of threats or  
16:12:30 21 whatever.

16:12:31 22  
16:12:32 23 Okay?---I assume that that's the same time.

16:12:35 24  
16:12:35 25 Then the next day there's a meeting between Mr Trichias,  
16:12:41 26 Mr Iddles, Mr Flynn and Mr Hatt and there's a discussion  
16:12:45 27 where the entry that we have says, and this is in fact in  
16:12:52 28 your diary, it says, "██████████ (Ryan)" and then goes  
16:12:56 29 through various other witnesses, including ██████ where it has  
16:13:00 30 Mr Hatt's name next to it. Given the evidence you've given  
16:13:03 31 earlier, I assume what this is doing is recording who had  
16:13:07 32 responsibility for managing the process of rolling or the  
16:13:10 33 giving of information by these individuals, is that  
16:13:13 34 right?---Yeah, it's more - once they've given the  
16:13:16 35 information they become very needy and want things, you  
16:13:23 36 know, so you have, there's a particular person who can deal  
16:13:27 37 with those requests and say yes or no.

16:13:30 38  
16:13:30 39 They're presumably pretty nervous after they've given the  
16:13:36 40 information as well, aren't they?---Some of them want  
16:13:38 41 really simple stuff and some of them want more complicated  
16:13:41 42 things.

16:13:41 43  
16:13:41 44 Some want stuff for themselves and some want stuff for  
16:13:46 45 their families who are on the outside, is that  
16:13:48 46 right?---Correct.

16:13:48 47

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16:13:48 1 [REDACTED] in particular was particularly concerned through  
16:13:50 2 this period about his own family, do you recall  
16:13:54 3 that?---Yes, and the assets.  
16:13:55 4  
16:13:56 5 Orman was arrested on 22 June 2007 and this was his arrest  
16:14:09 6 specifically for his involvement in the murder of Victor  
16:14:13 7 Peirce. That accords with your recollection, it was around  
16:14:15 8 that time?---June 07?  
16:14:17 9  
16:14:17 10 June 2007?---I was at Petra.  
16:14:19 11  
16:14:20 12 No, I know you were at Petra but you had been managing this  
16:14:24 13 process in the background and then moved over to Petra, you  
16:14:28 14 would have been aware at least of his arrest at the time I  
16:14:32 15 assume?---I'd managed the process when he rolled over and  
16:14:36 16 when I was, during the various times I was relieving Jim,  
16:14:41 17 but I wasn't managing the process of arrests, et cetera,  
16:14:46 18 until I came back.  
16:14:47 19  
16:14:48 20 And we'll get there in due course. Are you aware that on  
16:14:51 21 his arrest he raised particular issues about the conditions  
16:14:54 22 that he was being kept in, do you know anything about  
16:14:58 23 that?---No.  
16:14:58 24  
16:14:59 25 Has that been reported to you since by anyone?---No.  
16:15:01 26  
16:15:08 27 Specifically shortly after his arrest he was calling  
16:15:11 28 Ms Gobbo and was explaining to her that he'd been in 24  
16:15:15 29 hour lock down, did you know anything about that state of  
16:15:17 30 affairs?---No, I was at Petra.  
16:15:20 31  
16:15:21 32 So there was literally no sharing of information of these  
16:15:24 33 issues so far?---They go through - the rule of thumb is you  
16:15:29 34 go through whoever is in charge at that time.  
16:15:32 35  
16:15:32 36 The reason I ask is as I was indicating earlier it does  
16:15:35 37 appear from some of the ICRs when you fill in for  
16:15:38 38 Mr O'Brien and he gets back there still seems to be a few  
16:15:43 39 days sometimes afterwards where things are still reported  
16:15:45 40 to you rather than to Mr O'Brien. There does seem to be  
16:15:48 41 some lag time. Do you remember that happening, you got  
16:15:51 42 things even though you were back in the Petra seat rather  
16:15:55 43 than the Purana seat?---No, I don't.  
16:15:58 44  
16:15:58 45 I might take you to some examples later on?---Okay.  
16:16:01 46  
16:16:03 47 On 29 June Gobbo tells Bateson that she's not going to act

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16:16:08 1 for Orman and we understand that's because she believes at  
16:16:14 2 that stage that she has a conflict of interest?---Is that  
16:16:17 3 June 07?  
16:16:17 4  
16:16:18 5 Yes, it is, 29 June 2007. I know that you're at Petra at  
16:16:22 6 the time?---Yep, yep.  
16:16:23 7  
16:16:24 8 But given your familiarity with the issues before you went  
16:16:27 9 back to Petra, I just want to ask was that, the fact of  
16:16:31 10 that conflict, something that was reported to you?---I  
16:16:37 11 don't remember that, no.  
16:16:38 12  
16:16:40 13 All right. Now on 30 August 07 we've got an ICR and it's  
16:16:50 14 returning a call to 3838 and 3838 is saying, "Please ask  
16:16:57 15 Gavan Ryan to see if nobody objects to her representing  
16:17:02 16 [REDACTED] next week". Do you remember conversations of  
16:17:08 17 that effect coming to you from handlers?---If it's on their  
16:17:11 18 log I accept it.  
16:17:12 19  
16:17:12 20 Was it unusual that you would be asked something like that  
16:17:15 21 or is that the sort of thing you would be asked through the  
16:17:18 22 handlers regularly, specifically about her representing a  
16:17:22 23 particular person, whether you took any issue with it?---I  
16:17:25 24 just don't remember. I just don't.  
16:17:29 25  
16:17:29 26 That's all right. She says in the same conversation she  
16:17:36 27 has not appeared for anyone else connected to [REDACTED]  
16:17:40 28 so it should be okay, so it should not be a problem for her  
16:17:43 29 to [REDACTED]?---I've said that, have I?  
16:17:48 30  
16:17:48 31 No, no, this is her reporting to that person?---Okay.  
32  
16:17:51 33 So she's saying, the way the ICR reads is that she's saying  
16:17:55 34 to the handler that she wants to [REDACTED]  
16:17:58 35 [REDACTED] and  
16:18:02 36 she's asking the handler whether that could be run by you  
16:18:06 37 to see if you took any exception to her representing [REDACTED]  
16:18:10 38 [REDACTED] and she says, "I haven't represented anyone else in  
16:18:13 39 relation to [REDACTED], so would Gavan Ryan have any  
16:18:17 40 issue with me doing so?" What I'm asking is do you have a  
16:18:21 41 recollection of that happening?---No.  
16:18:22 42  
16:18:22 43 She goes on in that ICR to say that she says that no one  
16:18:26 44 knows about her involvement with [REDACTED] rolling so it  
16:18:29 45 should not be a problem. That's what she said to her  
16:18:32 46 handlers. Again, do you know that there was any issue at  
16:18:37 47 the time with Nicola Gobbo making sure that people didn't

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16:18:40 1 find out about her representation of [REDACTED] implicating  
16:18:44 2 Faruk Orman?---I don't remember that.  
16:18:51 3  
16:18:51 4 No?---I don't remember that.  
16:18:52 5  
16:18:54 6 There's a corresponding entry in your diary of the same  
16:18:59 7 day, this is the diary ending 0020 and it's at p.0069. If  
16:19:08 8 that could be brought up on the screen, simply to say that  
16:19:11 9 that same handler rang you on that day. It doesn't mention  
16:19:15 10 the level of detail about what Ms Gobbo asked the handler  
16:19:18 11 to speak to you about, but certainly that the handler rang  
16:19:21 12 you. Now, are you able to say whether or not the handler  
16:19:24 13 raised any of these issues as he was requested to by  
16:19:29 14 Ms Gobbo?---Now?  
16:19:33 15  
16:19:33 16 Yes?---I just can't remember.  
16:19:35 17  
16:19:35 18 If you can go to the page of your diary, I just want to  
16:19:40 19 take you to the corresponding entry. It's p.69 of that  
16:19:44 20 document. So that shouldn't be on everyone's screen, just  
16:19:54 21 the witness's and mine.  
16:19:58 22  
16:19:58 23 COMMISSIONER: Do you want it, Mr Chettle?  
16:20:01 24  
16:20:02 25 MR CHETTLE: No, thank you Commissioner.  
16:20:05 26  
16:20:05 27 MR WOODS: You'll see there, from that handler?---H'mm.  
16:20:11 28  
16:20:13 29 And Horthy and Milad Mokbel and the reason I'm asking I say  
16:20:19 30 it doesn't have the same detail as - I'm sorry, there is a  
16:20:29 31 PII claim over that apparently. But, look, in any event I  
16:20:34 32 want to ask whether or not - can I ask is there an issue  
16:20:39 33 asking the witness about the conversation that was had  
16:20:44 34 regarding the [REDACTED]  
16:20:46 35 [REDACTED]?  
16:20:52 36  
16:20:52 37 MS ENBOM: I'm sorry, Commissioner, I didn't quite hear  
16:20:55 38 that.  
16:20:56 39  
16:20:56 40 MR WOODS: I just want to know if there's a PII claim, so  
16:20:59 41 whether or not there's a claim made that I can't ask  
16:21:02 42 questions about Ms Gobbo representing individuals [REDACTED]  
16:21:08 43 [REDACTED]. In fact [REDACTED] in particular.  
16:21:12 44  
16:21:12 45 COMMISSIONER: Surely not.  
16:21:13 46  
16:21:14 47 MS ENBOM: I don't know the answer to that. There is a lot

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16:21:16 1 of shading.  
16:21:17 2  
16:21:17 3 COMMISSIONER: Yes, but surely about Horty and Milad  
16:21:19 4 Mokbel, that's what this - - -  
16:21:21 5  
16:21:21 6 MS ENBOM: There's shading over - - -  
16:21:23 7  
16:21:23 8 COMMISSIONER: I can see why they have shading over the  
16:21:25 9 next bit perhaps, but if it's about the Mokbels and  
16:21:29 10 representing the Mokbels that's not a PII claim in the  
16:21:32 11 circumstances surely. Can't possibly be.  
16:21:37 12  
16:21:37 13 MS ENBOM: Are you referring there Commissioner to the  
16:21:39 14 entry at 11.05?  
16:21:41 15  
16:21:41 16 MR WOODS: That's the one I'm asking about.  
16:21:44 17  
16:21:44 18 MS ENBOM: There's a PII claim, I don't know the basis of  
16:21:47 19 it.  
16:21:47 20  
16:21:47 21 COMMISSIONER: It's obviously because it's about, if you  
16:21:50 22 read it, it's got a name.  
16:21:52 23  
24 MS ENBOM: Yes.  
25  
16:21:52 26 COMMISSIONER: And someone rolling, obviously that name  
16:21:55 27 might be the PII claim but not the first part about Horty  
16:21:58 28 and Milad Mokbel.  
16:21:59 29  
16:22:00 30 MR WOODS: Commissioner, it might not matter. The witness  
16:22:01 31 has said, as I understand his evidence, that he doesn't  
16:22:05 32 remember the issue being reported to him. The diary entry  
16:22:10 33 shows that he did receive a phone call from the handler and  
16:22:13 34 that at least one of those individuals is named there. So  
16:22:16 35 perhaps it can't be taken further and we might need to  
16:22:19 36 negotiate the PII claim separately rather than to slow down  
16:22:24 37 the hearing.  
16:22:24 38  
16:22:25 39 COMMISSIONER: All right then.  
16:22:26 40  
16:22:43 41 MR WOODS: Just as a general proposition - you can take  
16:22:45 42 that down from the screen now, operator. As a general  
16:22:48 43 proposition do you recall over any of this period during  
16:22:52 44 her registration by the SDU and your time in Purana or  
16:22:57 45 Petra, requests being made through others, from her, about  
16:23:01 46 whether or not she can or should represent particular  
16:23:04 47 individuals that came to you?---I don't, I don't remember

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16:23:10 1 any.  
16:23:11 2  
16:23:12 3 Would you have found it unusual if she did ask  
16:23:15 4 that?---Yeah, yeah.  
16:23:16 5  
16:23:16 6 Would you remember it if you got a request?---I might have  
16:23:19 7 at the time but I don't think 12 years later.  
16:23:22 8  
16:23:22 9 Okay?---It's a bit hard.  
16:23:25 10  
16:23:25 11 All right. Now you know that, and you've given some  
16:23:28 12 evidence that indicates that eventually [REDACTED] got cold  
16:23:34 13 feet about giving evidence in relation to Mr Orman's  
16:23:39 14 participation, alleged participation in the murder of  
16:23:44 15 Victor Peirce, do you agree with that?---Yes.  
16:23:46 16  
16:23:46 17 Was that reported to you while you were at Petra or was it  
16:23:50 18 reported to you while you were back, after you were back at  
16:23:54 19 Purana?---It was a continual thing. It related to the  
16:24:06 20 seizure of - I don't know if we actually seized it, but the  
16:24:11 21 house, his house and his wife was giving him instructions  
16:24:17 22 as to get a better deal, if I could put it that way.  
16:24:22 23  
16:24:22 24 Yes?---And that was a series of things that was raised by  
16:24:29 25 him I think with the people that he was dealing with at  
16:24:37 26 that time and also the Asset Recovery crew. They weren't  
16:24:42 27 called Asset Recovery then they were called something else.  
16:24:45 28 So it was an ongoing thing that went for a while.  
16:24:51 29  
16:24:52 30 There was a stage as I've said where he got cold feet and  
16:24:56 31 you say that there was a process that was gone through.  
16:24:59 32 Your diary, this is the diary that finishes in 0107 at  
16:25:06 33 p.180, the entry I want to take you to is 27 September 2007  
16:25:11 34 and this is your own attendance at [REDACTED] Prison with  
16:25:17 35 Mr Bateson. Now firstly do you remember that  
16:25:22 36 happening?---I went with Bateson to where? Prison?  
16:25:28 37  
16:25:28 38 I might have given you the wrong number just then. Is that  
16:25:31 39 VPL.0005.0120.0107? 0005.0120.0107. That's it. And I'm  
16:25:59 40 after p.180 of that document?---Is this 09.05 you're  
16:26:42 41 talking about?  
16:26:43 42  
16:26:43 43 The page of your diary, it's 283 on your diary, 0180 on the  
16:26:49 44 top right-hand side.  
16:26:49 45  
16:26:49 46 COMMISSIONER: He's asking for the time entry, 09.05.  
16:26:57 47

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16:26:57 1 MR WOODS: Sorry, yes. Can the shaded version be brought  
16:27:04 2 up on the screen? I've got the same number in my notes and  
16:27:10 3 in the printout that I've got but it's just not the  
16:27:13 4 redacted version. There might be an \_S?---I've got the  
16:27:20 5 relevant diary here.  
16:27:21 6  
16:27:21 7 You've got it in front of you?---Yeah.  
16:27:23 8  
16:27:28 9 The version that's been handed to me has shading over the  
16:27:32 10 very issue I am firmly of the belief that it's not PII but  
16:27:40 11 there might well be some issues within the shading that are  
16:27:43 12 PII. Given the time, it might be that we have that  
16:27:48 13 discussion after the close of play today.  
16:27:52 14  
16:27:53 15 COMMISSIONER: Could you just very quickly show it to  
16:27:55 16 Ms Enbom. If it's plainly not PII there's obviously some  
16:28:02 17 mistakes here. Just finish this point at least. The last  
16:28:18 18 entry has shading over Horty and Milad Mokbel who are  
16:28:23 19 obviously potentially affected persons doesn't make sense  
16:28:27 20 to me.  
16:28:27 21  
16:28:28 22 MR WOODS: There might be a way I can deal with it,  
16:28:31 23 Commissioner. You've got your original entry there?---Yes.  
16:28:34 24  
16:28:34 25 That date indicates that - does that show you were at  
16:28:40 26 [REDACTED] Prison at that time?---Yes.  
16:28:42 27  
16:28:42 28 You spoke to [REDACTED]?---Yes.  
16:28:44 29  
16:28:44 30 Sorry, a prison? The name [REDACTED] should be struck from the  
16:28:49 31 record I think.  
16:28:50 32  
16:28:50 33 COMMISSIONER: Of course.  
16:28:55 34  
16:28:57 35 MR WOODS: And that you spoke to [REDACTED] about his move  
16:29:00 36 to a different part of the prison, is that right?---Yes.  
16:29:03 37  
16:29:04 38 And there were safety concerns he had about other prisoners  
16:29:07 39 within that prison, is that right?---Yes.  
16:29:09 40  
16:29:10 41 And then you say that, "He will give evidence as per  
16:29:18 42 statements, no problem", is that right?---Yes.  
16:29:21 43  
16:29:21 44 So is it the case that this was after he was perhaps  
16:29:27 45 cooling off in relation to his implication of Orman, but  
16:29:31 46 you and Bateson went into prison, you spoke to him about a  
16:29:34 47 move to another part of the prison and he said, "Okay, I'll

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16:29:39 1 give evidence, no problem, in line with my  
16:29:42 2 statements"?---Yeah, he goes up and down, yeah.  
16:29:45 3  
16:29:46 4 That's what happened on that day, that was because you and  
16:29:48 5 Bateson visited him. It happened, he gave that indication  
16:29:53 6 when you and Bateson visited him on that day?---Yes.  
16:29:56 7  
16:29:59 8 All right.  
16:30:01 9  
16:30:01 10 COMMISSIONER: I think that the witness has had a long day,  
16:30:03 11 he's had a funeral, it's probably fair enough to - is this  
16:30:08 12 a convenient time for you?  
16:30:09 13  
16:30:09 14 MR WOODS: Yes, it is.  
16:30:10 15  
16:30:10 16 COMMISSIONER: Have you finished that topic?  
16:30:12 17  
16:30:12 18 MR WOODS: Yes.  
16:30:12 19  
16:30:13 20 COMMISSIONER: How much longer do you think you'll be?  
16:30:15 21  
16:30:16 22 MR WOODS: I would have thought about an hour.  
16:30:17 23  
16:30:18 24 COMMISSIONER: And cross-examination?  
16:30:24 25  
16:30:27 26 MR NATHWANI: An hour.  
27  
16:30:29 28 COMMISSIONER: Victoria Police, any cross-examination?  
16:30:29 29  
16:30:31 30 MS ENBOM: There'll be re-examination.  
16:30:31 31  
16:30:31 32 MR CHETTLE: I suspect I'll have half an hour.  
16:30:32 33  
16:30:32 34 COMMISSIONER: Right. We'd probably be safe to have  
16:30:35 35 Mr White back then, if we start at 9.30 - - -  
16:30:38 36  
16:30:39 37 MR WOODS: Available from 11.30 to be safe, all right.  
16:30:45 38  
16:30:45 39 COMMISSIONER: 11.30 to be safe. You'll arrange that,  
16:30:47 40 Mr Holt.  
16:30:47 41  
16:30:48 42 MR HOLT: He's not our witness, Commissioner.  
16:30:50 43  
16:30:50 44 COMMISSIONER: Mr White?  
16:30:51 45  
16:30:51 46 MR CHETTLE: I'll do what I can.  
16:30:53 47



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16:30:53 1 COMMISSIONER: Sorry, Mr White, thank you.  
16:30:55 2  
16:30:55 3 MR HOLT: We'll assist if we can, Commissioner.  
16:30:57 4  
16:30:57 5 COMMISSIONER: No, that's all right. Thank you. All right  
16:30:59 6 then we'll adjourn until 9.30 tomorrow morning.  
7  
16:31:28 8 <(THE WITNESS WITHDREW)  
16:31:29 9  
16:31:29 10 ADJOURNED UNTIL WEDNESDAY 14 AUGUST 2019  
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