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1 PROCEEDINGS IN CAMERA:

2
12:42:07 3 COMMISSIONER: Of course the non-publication order applies
12:42:11 4 to all hearings, including public hearings.

12:42:14 5
12:42:17 6 MR WOODS: I still won't be using that person's, name,
12:42:20 7 somewhat ironically, but the person who is known as [REDACTED]
12:42:23 8 [REDACTED] do you see who that is on the sheet in front of
12:42:27 9 you?---Yes.

10
12:42:29 11 You're aware, and I can take you to the detail if that
12:42:34 12 would assist and we might do it in due course, but you're
12:42:37 13 aware that Ms Gobbo assisted that person in implicating
12:42:42 14 Mr Orman in the murder of [REDACTED]?---Yes.

15
12:42:51 16 I want to take you to p.928. Before we do that, you were
12:42:57 17 one of the handlers who was involved in handling Ms Gobbo
12:43:03 18 during the lead up to Mr Orman's committal, you agree with
12:43:08 19 that?---The audio just cut out.

20
12:43:11 21 Sorry?---I didn't hear what you said.

22
12:43:14 23 One of the - I might put it another way. One of the
12:43:17 24 individuals that Ms Gobbo was talking about in her
12:43:19 25 discussions with you was Faruk Orman?---Yes

26
12:43:23 27 And another of the individuals she was talking about from
12:43:26 28 time to time was [REDACTED]?---Yes.

29
12:43:30 30 At p.928 of the 3838 ICRs - that'll be brought up on your
12:43:38 31 screen in a moment, Mr Fox. What Ms Gobbo explained to you
12:43:45 32 down the bottom of that page is that Orman is not going to
12:43:50 33 cope in gaol, that's the opinion of Mr Gatto and another
12:43:55 34 man. "Orman is an obsessive compulsive re cleanliness and
12:44:03 35 he has a short temper. He also needs people around him
12:44:06 36 always, therefore if he's isolated and left in messy
12:44:11 37 conditions, the human source is positive that he will not
12:44:13 38 cope". That's something Ms Gobbo told you?---Yes.

39
12:44:16 40 And that's something you explained to Mr O'Brien?---Yes, in
12:44:18 41 relation to what Gatto and Kaya thought.

42
12:44:22 43 And in relation to what Ms Gobbo thought as well, you don't
12:44:27 44 make that distinction, do you? She said it and she said
12:44:31 45 that two other people agreed with it?---She agrees, yep.

46
12:44:40 47 Were you aware when she was giving you that information

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12:44:42 1 that she'd actually acted for Mr Orman before and had a
12:44:46 2 psychologist's report that disclosed those details to
12:44:49 3 her?---No.
4

12:44:53 5 At p.932, this is ICR 85 and it's 23 June 2007, so it's the
12:45:04 6 day after that last one, Alistair Grigor has rung. It
12:45:10 7 might be at the top I think. No, it's not. Did I say
12:45:16 8 p.932? Keep scrolling down. There we go. 23rd of the 6th
12:45:27 9 2007, 13:48. You know Alistair Grigor is a
12:45:33 10 solicitor?---Yes.
11

12:45:33 12 Had rung, he'd spoken to Orman. Orman wants Gobbo to come
12:45:37 13 down and see him and represent him. She's thinking of
12:45:41 14 taking on the case and you've told her that's her choice,
12:45:45 15 you agree with that?---Yes. At that stage, yes, that's
12:45:48 16 what I told her.
17

12:45:50 18 You weren't standing in the way of her representing an
12:45:54 19 individual in these circumstances but I take it you were
12:45:58 20 aware at that stage that that relationship might cause
12:46:02 21 issues about information later on and you might have to
12:46:05 22 consider carefully how to use that information?---Yes, I've
12:46:10 23 only taken over management some, what, a week at that
12:46:14 24 stage.
25

12:46:15 26 Yes?---And I don't think I had a full grasp of everything
12:46:19 27 at that stage, which probably explains that entry.
28

12:46:22 29 Yes, I see?---My attitude to that changes, as you know,
12:46:27 30 from later ICRs.
31

12:46:29 32 We'll come to some of those. Okay, p.1242, which is ICR
12:46:35 33 101 and it's on the 24th of the 9th 2007, so it's a few
12:46:42 34 months later. Again, this is one of your ICRs. It says
12:46:45 35 there, "Faruk Orman. Probably Richter will be representing
12:46:48 36 him. Human source is reading the brief because Brian Rolfe
12:46:52 37 has asked her to do some prep. for the committal". You
12:46:56 38 understood that she was retained on a professional capacity
12:47:00 39 on Mr Orman's behalf at that stage?---No.
40

12:47:07 41 When she said to you she's reading the brief because the
12:47:11 42 solicitor has asked her to do some prep. for the committal,
12:47:14 43 you thought that wasn't her representing or advising
12:47:17 44 Mr Orman, is that your evidence?---Yeah, not necessarily.
45

12:47:20 46 What did you think that meant? Or what do you think it
12:47:23 47 means now as you're sitting here or what might you have

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12:47:29 1 thought that it meant?---Sitting here now I'd probably
12:47:31 2 agree with you, but back then if you'd just been asked to
12:47:35 3 have a read of a brief, I don't know that I understood that
12:47:42 4 was a professional engagement.
5
12:47:45 6 I don't want to come across as flippant but it couldn't
12:47:49 7 have been anything other than a professional engagement.
12:47:52 8 It wouldn't have been your assumption that barristers would
12:47:55 9 be reading briefs for anything other than professional
12:47:58 10 reasons I suggest to you?---I agree with that, yes.
11
12:48:01 12 Heliotis may do the committal but the problem there is that
12:48:05 13 he'll want the human source to be his junior and so you can
12:48:08 14 see there that she's saying that would be a problem for her
12:48:13 15 working on the matter if Heliotis was as well, do you see
12:48:17 16 that?---Yes.
17
12:48:18 18 And you quite rightly have reinforced that she cannot do
12:48:22 19 the Faruk committal, that's what you said to her?---Yes.
20
12:48:26 21 I should say, this isn't leading to her representing him in
12:48:29 22 the committal either, she didn't represent him in the
12:48:31 23 committal. But the reason you've said that she can't do
12:48:34 24 the committal was because of the work that she'd done
12:48:39 25 assisting ██████████ implicating Mr Orman, that's why you
12:48:44 26 were saying that, you agree?---Yes. It says there she
12:48:47 27 knows she's conflicted.
28
12:48:50 29 That's something that you've reinforced to her?---That's
12:48:52 30 right.
31
12:48:53 32 She will do the prep in the background but that's it and
12:48:55 33 she says that's understood. Now we did touch on this a
12:48:59 34 little while ago but was it your understanding that
12:49:01 35 preparing in the background or appearing in court, the
12:49:05 36 conflict would be any different either way? I mean I know
12:49:13 37 you're just recording what she's saying here?---Yes.
38
12:49:16 39 You say that you understand that. When you say
12:49:20 40 "understood" in that entry, is that because you're relying
12:49:24 41 on her judgment there or are you thinking about it yourself
12:49:27 42 and thinking, "That all sounds fine to me"?---I'm relying
12:49:32 43 on her judgment. She says, "I'll just do prep in the
12:49:35 44 background". I probably did not fully understand, you
12:49:41 45 know, if she as a barrister thinks that's fine, then I
12:49:48 46 understood that.
47

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12:49:49 1 Okay?---Does that make sense?
2
12:49:51 3 I understand what your evidence is. Then later on she's
12:49:59 4 talking about - I won't take you to all of these entries,
12:50:02 5 but you might recall she says she's not sure how to avoid
12:50:07 6 representing Mr Orman but she's open to ideas. You recall
12:50:11 7 her saying words to that effect?---Yes.
8
12:50:16 9 Then p.1289, this is ICR 104 of the 11th of October 2007.
12:50:27 10 "General talk re Faruk Orman and brief. She still cannot
12:50:34 11 believe why Gatto's trial transcript is on the brief. It's
12:50:38 12 not introduced by anyone and she cannot see how it can be
12:50:41 13 tendered as evidence". Can I suggest to you at this stage
12:50:45 14 she's explaining to you a deficiency or a problem with the
12:50:50 15 brief of evidence, that's what she's saying?---Yes.
16
12:50:54 17 She tells you what his defence is going to be, do you agree
12:50:58 18 with that, at that stage?---Yes.
19
12:51:02 20 And she says that taking away ██████████'s statements, she
12:51:05 21 believes the police do not have any other evidence to put
12:51:07 22 him there, she tells you that?---Yes.
23
12:51:09 24 She tells you another matter and then you verbally
12:51:12 25 disseminate that information to Mr Ryan of Purana, you
12:51:15 26 accept that?---Yeah, I'm just reading the parts. That's
12:51:27 27 what's written there. I'd like to look at my diary in
12:51:34 28 relation to that too.
29
12:51:36 30 Go ahead, I might do the same thing?---What's the date?
31
12:51:40 32 11 October 2007. You'll see it's a similar situation to
12:52:38 33 the last entry we looked at in similar circumstances where
12:52:42 34 it has a cut and paste of the information "General talk re
12:52:48 35 Faruk Orman and brief"?---I'm just trying to - what time is
12:52:52 36 it?
37
12:53:01 38 COMMISSIONER: 11.31 is the time?---Yes, I've found 11.31,
12:53:07 39 yes.
40
12:53:08 41 MR WOODS: The doc ID is 2000.0001.3206?---Yes.
42
12:53:17 43 I think we'll see similar to the last occasion, there is a
12:53:22 44 cut and paste of the information and not a cut and paste of
12:53:33 45 the dissemination, that's something that's been added to
12:53:37 46 the ICR that's not in the diary, do you see that?---Yes, so
12:53:42 47 in my diary there's - the column on the right-hand side

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12:53:46 1 doesn't indicate that anything was disseminated, yes.
2
12:53:50 3 That's correct. Again, the same issues apply to this
12:53:55 4 electronic entry as the previous one, which is the case
12:53:59 5 that, as I suggested to you earlier, you might well add to
12:54:03 6 the ICR when you had verbally disseminated something, do
12:54:08 7 you agree with that?---I could add to it but the diary's
12:54:17 8 the most accurate, yes. I can read forward if I speak to
12:54:24 9 Gavan, it will be recorded.
12:54:25 10
12:54:25 11 You talk about verbal dissemination to Mr Flynn later on.
12:54:29 12 What I'm suggesting to you is that you would not have
12:54:32 13 written in your entry of the ICR that you verbally
12:54:37 14 disseminated this information to Gavan Ryan unless you did
12:54:41 15 so?---I can't agree with that, no.
16
12:54:47 17 You wrote something in the ICR that's potentially untrue,
12:54:51 18 that's your evidence, is it?---No. As I said, it's
12:54:57 19 inconsistent with my behaviour and at times where I've
12:55:03 20 looked into it deeply, I've found there's anomalies where
12:55:08 21 it does say in the ICR that I've disseminated, but not in
12:55:12 22 the diary. Whereas in lots of other places it's a mirror,
12:55:18 23 it's a copy.
24
12:55:18 25 The ICR was a formal record of the SDU, you accept
12:55:23 26 that?---Yes, I do.
27
12:55:23 28 You had to take great care in completing the ICR when you
12:55:27 29 did so?---Yes, to the best of my ability.
30
12:55:30 31 You had to make sure it was accurate to the best of your
12:55:33 32 ability?---Yes.
33
12:55:35 34 And you did so, you accept that?---I tried my best, yes.
35
12:55:39 36 COMMISSIONER: Have you finished on that topic?
12:55:43 37
12:55:43 38 MR WOODS: Yes.
39
12:55:45 40 COMMISSIONER: Could I ask, if you could go to the ICR at
12:55:47 41 11:10:07 at 11.31 where it commences. That's at 2875.
12:55:54 42 You'll see halfway down the page it says, "Updated HS with
12:56:00 43 what Dale Flynn will be serving tomorrow at court re
12:56:05 44 Kaban Mokbel trial". Is that in your diary?---The 11th?
45
12:56:12 46 Yes, same date?---Yes, I'm looking there. Yes, it is.
47

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12:56:23 1 Is the next one, "Action: verbally disseminated above
12:56:28 2 information to Dale Flynn, Purana", is that in your
12:56:32 3 diary?---Yes, from the 11.31 entry?
4
12:56:36 5 Yes?---Yes, it is.
6
12:56:38 7 All right. Then over the page to the next one, 2876.
12:56:47 8 There's an action, "Verbally disseminated above information
12:56:52 9 to Gavan Ryan, Purana Task Force". Is that in your
12:56:55 10 diary?---No, as I've just been explaining, no, that one is
12:57:01 11 not.
12
12:57:01 13 Thank you.
12:57:02 14
12:57:05 15 MR WOODS: There's just a few more matters. Hopefully I
12:57:08 16 can finish this topic before the lunch break, Mr Fox, that
12:57:13 17 will be in about 15 minutes just so you know. It's the ICR
12:57:19 18 105 on 17 October 2007. This is another one of your ICRs.
12:57:31 19 I'm after an entry, and I'm sorry I don't have a page
12:57:34 20 reference for it, where you've said to Ms Gobbo that she
12:57:39 21 should try not to be part of Faruk Orman's defence and she
12:57:43 22 knows that she shouldn't be?---Yes.
23
12:57:54 24 I might just ask if that can come up. So it's the 17th of
12:57:57 25 the 10th 2007. I think you might need to scroll just one
12:58:28 26 more up. That's the 16th. In any event, I might have to
12:58:34 27 come back to that. There are a number of entries, I've
12:58:37 28 taken you to one of them already, where there's a
12:58:41 29 discussion about her not being part of Orman's
12:58:48 30 defence?---Yes.
31
12:58:50 32 You'll remember those discussions. On the 26th of the 10th
12:59:03 33 2007, and this is ICR 106 - 26th of the 10th 2007 - there's
12:59:17 34 a discussion, "Human source confirms that she has to go on
12:59:23 35 Monday re Faruk Orman's subpoena hearing. It's a 20 minute
12:59:28 36 administrative hearing only re handing over usual defence
12:59:32 37 subpoena documents. After this she'll have no further part
12:59:35 38 in the case. Brian Rolfe and Robert Richter both left her
12:59:39 39 in the lurch re this. Rolfe did not even bother to turn up
12:59:50 40 to work today". You accept that he found herself, despite
12:59:53 41 you telling her not to have anything to do with Mr Orman's
12:59:56 42 matter and she assuring you that she wouldn't, in this
12:59:59 43 entry she's saying she has to do it, you agree with
13:00:03 44 that?---That's what she's saying, yes.
45
13:00:09 46 She's upset about Mr Richter and Mr Rolfe leaving her in
13:00:14 47 the lurch, you see that?---Yes.

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1
13:00:19 2 There would be no suggestion that either of those two
13:00:23 3 gentlemen would know the real reason why she's got problems
13:00:27 4 turning up on Mr Orman's behalf, you agree with that?---No.
5
13:00:35 6 There's an assurance that she won't have any further part
13:00:39 7 in the case after that. Then on the 5th of the 11th 2007,
13:00:44 8 and this is ICR 108, and this is another of yours?---Sorry,
13:00:56 9 Mr Woods, can I just clarify my last answer?
10
13:00:59 11 Yes, go ahead?---What I meant by, so by saying no I meant
13:01:05 12 that my understanding was Rolfe knew that she was
13:01:08 13 conflicted in that matter.
14
13:01:12 15 Okay, that was your understanding of the situation?---Yes.
16
13:01:15 17 Okay, I understand your evidence. I'm looking for an entry
13:01:23 18 further down the page. I don't have the time here. Keep
13:01:27 19 going. There's a discussion about Orman further down.
13:01:39 20 Keep going, keep going. There we go. Just go back up a
13:01:44 21 little bit. "Ringing partly because Rolfe is away and
13:01:50 22 human source is the fallback point of contact re Orman."
13:01:53 23 So that's a phone call that she's received from Mick Gatto
13:01:58 24 and you understand he was an associate or a friend of Faruk
13:02:02 25 Orman's?---Yes.
26
13:02:05 27 She says, "Also he could be fishing for information from
13:02:09 28 her re Orman's brief to know what, if any, evidence relates
13:02:13 29 to him". Further down, "Human source acknowledges that she
13:02:17 30 knows she cannot represent Orman at any trial because of
13:02:21 31 her conflict with [REDACTED]. She says that both Gatto and
13:02:28 32 Rolfe know this", and that's consistent with what you were
13:02:31 33 saying a moment ago, at least in relation to Mr Rolfe, you
13:02:34 34 agree with that?---Yeah, that's one of the entries that I
13:02:37 35 remember, yes.
36
13:02:43 37 Page 1381, I think I do have page references for the next
13:02:48 38 few. The same document. This is ICR 109, 9 November 2007.
13:02:52 39 There's an entry there about [REDACTED] and she says she's
13:02:57 40 heard that [REDACTED] is really down and seriously
13:02:59 41 contemplating telling Purana to get fucked. Further down,
13:03:05 42 "[REDACTED] is talking about going back to court to get
13:03:08 43 resentenced and not giving evidence against Faruk Orman".
13:03:13 44 You understand the situation is that he's sentenced on the
13:03:16 45 basis that - he had previously been sentenced on the basis
13:03:19 46 that he would provide that assistance, you agree with
13:03:22 47 that?---Yes.

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1
13:03:22 2 And a witness in that situation who changes their mind
13:03:25 3 needs to go back to court to get resentenced because they
13:03:28 4 haven't given assistance, you accept that?---Yes.
5
13:03:30 6 She says further down, "She thinks that he needs a Purana
13:03:36 7 visit", and she's talking here about [REDACTED], "to put him
13:03:40 8 straight, otherwise he's going to have to give it all in".
13:03:44 9 She told you that?---Yes.
10
13:03:49 11 You verbally disseminated the above information to Gavan
13:03:53 12 Ryan at Purana, you accept that?---That's what it says
13:03:59 13 there. I think I've checked my diary on that and that's
13:04:07 14 correct, yeah. I thought it was Dale Flynn but - do you
13:04:11 15 want me to check my diary?
13:04:16 16
13:04:16 17 You can go ahead and check your diary if that
13:04:20 18 assists?---Yes.
19
13:04:36 20 9 November 2007?---Yep. So the entry, if you can just
13:04:42 21 scroll up a little bit. The entry's - - -
22
13:04:48 23 The page there - - -
24
13:04:49 25 COMMISSIONER: 18:30, 9 November 06?---Yes. I've recorded
13:04:53 26 in my diary that I've passed that to Gavan, yes.
13:04:57 27
13:04:57 28 MR WOODS: You used the, "Advised I will tell Gavan Ryan"
13:05:01 29 in your diary?---Yes.
30
13:05:03 31 But in the ICR - sorry, it's the same words. So it's a cut
13:05:10 32 and paste?---Yes.
33
13:05:11 34 All right. So you accept, at least in this regard, that
13:05:15 35 that's something you did pass on to Gavan Ryan?---Yes.
36
13:05:22 37 Page 104, that must of the 2958 ICRs, 18 March 2008.
13:05:41 38 There's an entry there, so at p.104, that she's passed on
13:05:47 39 to you some information about Mr Orman's committal but, as
13:05:52 40 I've said a moment ago, and you would have known at the
13:05:55 41 time, she wasn't actually acting for him in court in his
13:05:59 42 committal, you accept that?---Yes.
43
13:06:01 44 And what the Commission understands from the documents
13:06:04 45 provided to it is that she was in fact assisting in the
13:06:10 46 background with the preparation of Mr Orman's committal but
13:06:15 47 not appearing in court. Do you understand that that was

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13:06:20 1 her approach to that matter?---I can't recall but if it's
13:06:26 2 written in an ICR or somewhere then I would have at the
13:06:30 3 time but I can't recall now.
4
13:06:33 5 5 May 2008 is another entry of yours, it's p.269 at 15:34.
13:06:46 6 269. There is an entry there. Let me just see. We might
13:07:14 7 have to go down a page perhaps. Here we go. "She states
13:07:19 8 that the Thursday matter was for Grigor and he can unbrief
13:07:23 9 her in preference of the Orman thing. She does not know
13:07:29 10 how to get out of it, talk about how she knows she cannot
13:07:35 11 do it". Again, both she and you have had a discussion
13:07:39 12 there about a conflict that she would have for Mr Orman,
13:07:43 13 you accept that?---Yes, and she's talking about unbriefing
13:07:46 14 her, so I don't understand that, how you can be unbriefed
13:07:50 15 and then briefed.
16
13:07:51 17 One would assume, I expect you to agree, that it means the
13:07:54 18 brief would be taken away from her?---Right.
19
13:07:56 20 Do you accept that? That's the natural meaning of that
13:07:59 21 phrase?---Unbriefed, I would also - it's like not acting
13:08:06 22 any more.
23
13:08:06 24 Yes?---If you're briefed you're formally acting, I would
13:08:12 25 have thoughts like that.
26
13:08:14 27 Okay, I see. Then at p.361, 27 May 2008. Keep going down.
13:08:34 28 From memory I think this is about halfway up the page.
13:08:43 29 There is a phrase that's used in this page somewhere - I
13:08:46 30 apologise for not being able to take you to it - where
13:08:50 31 Ms Gobbo tells you that the prosecution wouldn't have known
13:08:56 32 half the things about Orman if she hadn't explained them to
13:09:01 33 the SDU. I might have to have a look for that over the
13:09:08 34 break. There you go. "Purana wouldn't have known half the
13:09:13 35 stuff about Orman if she did not tell them". That's
13:09:16 36 something you explained, do you accept that?---I'd have to
13:09:19 37 read the context of that, if you can go to it.
38
13:09:23 39 Yes, if we can go up a bit. Just so you understand, she'd
13:09:28 40 represented Mr Orman in a couple of other matters prior to
13:09:32 41 this and this is one relating to a matter in Queensland.
13:09:39 42 It's an affray I think she was representing him in up there
13:09:42 43 around this time. But then she goes on to speak more
13:09:48 44 broadly, clearly not about the Queensland matter because
13:09:51 45 she's talking about Purana further down?---Yes, she's
13:09:56 46 talking about Mr Orman's dad.
47

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13:09:59 1 Yes?---Yes.
2
13:10:00 3 And she's explaining that Purana wouldn't have ever known
13:10:06 4 half the stuff about Mr Orman if she did not tell them. Do
13:10:10 5 you accept that's what she said?---Yeah, I wonder if that's
13:10:13 6 in the context of Mr Orman's dad.
7
13:10:16 8 Yeah, okay. Perhaps the conflicts speak for themselves.
13:10:36 9 The instance that we spoke about a little while ago being
13:10:44 10 Ms Gobbo explaining that [REDACTED] needed to be encouraged
13:10:52 11 by Purana to continue his original intention to give
13:10:59 12 evidence against Mr Ryan, that was the substance of a
13:11:06 13 concession that was made by the Director of Public
13:11:10 14 Prosecutions and accepted by the Court of Appeal in
13:11:12 15 Mr Orman's matter recently. Firstly, are you aware of
13:11:16 16 Mr Orman's release from custody recently?---Yes.
17
13:11:23 18 Did you read the decision of the Court of Appeal at the
13:11:26 19 time?---Yes.
20
13:11:29 21 You saw that it was a concession that was made on the basis
13:11:34 22 of that conflicted relationship that Ms Gobbo had and the
13:11:41 23 active steps she took to try and encourage [REDACTED] to
13:11:47 24 implicate or continue to implicate her current client at
13:11:51 25 that stage, Mr Orman, you agree with that?---Yes.
26
13:11:57 27 I suggest to you that each of those factors, being the
13:12:01 28 previous representation - well, in fact we might do them
13:12:05 29 individually. You knew about her previous representation
13:12:08 30 of [REDACTED]?---By then I did, yes.
31
13:12:16 32 By then, what you're talking about is by the time that you
13:12:19 33 were having the discussion with Ms Gobbo on 9 November 2007
13:12:26 34 you knew it, because she'd been talking about her conflict
13:12:29 35 position by then, you accept that?---Are we in closed
13:12:34 36 hearings now?
37
13:12:36 38 Yes, we are. We are in closed hearings?---We're in closed
13:12:38 39 hearings, yeah. I understood that she had a role in
13:12:42 40 [REDACTED] becoming a formal police witness, yes.
41
13:12:48 42 Yes?---Did I know that she'd acted for him? I can't be
13:12:55 43 certain but I don't disregard it.
44
13:12:58 45 You knew she had a conflict of interest though in
13:13:01 46 representing Mr Orman because you were talking about it on
13:13:04 47 all those occasions I've just taken you to, you accept

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13:13:07 1 that?---Yes, I do.
2
13:13:08 3 And you knew, because she told you, that her view was that
13:13:13 4 [REDACTED] needed to be encouraged to continue with his
13:13:19 5 intention, which was to implicate Mr Orman, you knew
13:13:22 6 that?---[REDACTED], yes, was having second thoughts and she
13:13:33 7 relayed that to me and I passed that on to Purana Task
13:13:36 8 Force.
9
13:13:36 10 Not just having second thoughts, she said that Purana
13:13:39 11 needed to visit him to put him straight, that was what she
13:13:43 12 said to you?---Yes.
13
13:13:44 14 And so what I'm ultimately suggesting to you is that you
13:13:47 15 knew each of the elements on which this appeal was,
13:13:55 16 firstly, conceded by the DPP and, secondly, accepted by the
13:13:59 17 Court of Appeal, do you understand what I'm saying?---That
13:14:04 18 I knew all the elements - - -
19
13:14:07 20 Each of the elements that I've just taken you to, you knew
13:14:11 21 about on 9 November 2007?---The parts you took me to in the
13:14:20 22 ICRs, yes, I did know that.
23
13:14:26 24 Commissioner, that - - -
25
13:14:28 26 COMMISSIONER: When you filled out these ICRs what time
13:14:31 27 frame after the actual events are we talking about?---It
13:14:38 28 will be written on the bottom of the ICRs.
29
13:14:40 30 But weren't the ICRs a living document? Certainly there's
13:14:44 31 a date at the end and it's often many months
13:14:49 32 afterwards?---Yes, that would be - - -
33
13:14:50 34 Weren't you preparing the ICRs from the time that you did
13:14:56 35 the work?---The diaries, yes, so the diary were a living
13:15:04 36 contemporaneous document. Sometimes the ICRs were done
13:15:09 37 weeks to some months later.
38
13:15:12 39 What I'm asking you is the ICRs weren't all done in one go,
13:15:17 40 were they?---No.
41
13:15:18 42 Weren't the ICRs a living document?---Definitely.
43
13:15:21 44 So what I'm asking you is you could have filled these ICRs
13:15:25 45 some of them the next day, some of them months later, is
13:15:28 46 that the position?---As a whole? So if your question is
13:15:35 47 was I filling the ICRs out you know on a daily basis, no.

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13:15:40 1 I would keep my diary contemporaneous and maybe sit down a
13:15:47 2 week later or a month later and complete whole ICRs and
13:15:51 3 submit that.
4

13:15:52 5 So you completed the ICRs in one go always, is that your
13:15:58 6 evidence? The date on them, for example, the date on the
13:16:01 7 last one you were taken to, it was signed off - you have
13:16:07 8 signed off at the end on 11 June 2008 and - - - 11 June,
13:16:15 9 yes.
10

13:16:16 11 And it relates to matters that started on 25 May. So does
13:16:25 12 that mean that you would have done or completed the whole
13:16:27 13 document from whoa to go on 11 June, or would you have
13:16:33 14 started it some time before?---I may have started it a few
13:16:37 15 days beforehand, yep.
16

13:16:38 17 What about when we sometimes see the dates on some of
13:16:42 18 these ICRs as many months later, is that the same position,
13:16:45 19 that you would have done it all within a week or a
13:16:49 20 month?---Yeah, so - - -
21

13:16:51 22 Has it been done over months? What do we understand by
13:16:54 23 that?---The dates that you see are months in advance, so
13:16:59 24 that would be I would have compiled that ICR within, say, a
13:17:04 25 week before submitting it, or a week and a half, two weeks
13:17:08 26 maybe, yeah. From my diary.
27

13:17:12 28 I'm still trying to find out from you, are you telling me
13:17:15 29 you did it all in one sittings or not? You would have done
13:17:19 30 it over - - - ?---No, I did it in between other operational
13:17:22 31 jobs I had, priorities, yeah.
32

13:17:25 33 Okay, all right. Thanks for that. All right, we'll
13:17:29 34 adjourn until 2 o'clock, thanks.
35

13:17:35 36 <(THE WITNESS WITHDREW)
13:17:38 37
38 LUNCHEON ADJOURNMENT
39
40
41
42
43
44
45
46
47

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13:55:18 1 UPON RESUMING AT 2.02 PM:
14:02:49 2
14:02:50 3 COMMISSIONER: Can you hear me, Mr Fox?---Yes, I can.
4
5 Thank you.
14:02:53 6
14:02:54 7 <OFFICER FOX, recalled:
14:02:55 8
14:02:56 9 MR WOODS: We might be able to go into open session in a
14:03:00 10 moment I think but just before we do that, Mr Fox, we were
14:03:06 11 talking before lunch about some other entries in your diary
14:03:11 12 and some discrepancies between the diary and the ICRs. You
14:03:16 13 remember we went through some of those instances?---Yes.
14:03:19 14
14:03:21 15 Over lunch I just had a look at one of those entries and I
14:03:25 16 just wanted to clarify because I wasn't entirely sure the
14:03:29 17 evidence was clear. This is an entry we were talking about
14:03:35 18 a little while ago where you see that in relation to the
14:03:43 19 general talk with Faruk Orman and she can't believe why
14:03:49 20 Gatto's trial transcript is on the brief. The phrase at
14:03:54 21 the bottom is, "Action - verbally disseminated above
14:04:00 22 information to Gav Ryan, Purana Task Force". If you go to
14:04:01 23 the diary those final words aren't there, you see
14:04:05 24 that?---I've got nothing on the screen.
14:04:07 25
14:04:07 26 It will happen any second now?---Is that referring to my
14:04:15 27 diary?
14:04:15 28
14:04:15 29 What will come up on the screen is a diary on the left and
14:04:20 30 ICR on the right?---Thank you.
14:04:21 31
14:04:22 32 Just for that particular entry, you'll see it's
14:04:27 33 highlighted, the text, "Verbally disseminated above to Gav
14:04:33 34 Ryan", see that, the bottom half of the right-hand side of
14:04:36 35 the screen?---Yes.
14:04:37 36
14:04:37 37 That's in relation to the Faruk Orman information?---Yes.
14:04:42 38
14:04:42 39 Go to the left-hand side of the screen you'll see the
14:04:45 40 "verbally disseminated above to Gav Ryan" doesn't appear in
14:04:49 41 your diary, you see that?---That's correct.
14:04:50 42
14:04:50 43 If you go to the entry above that, there's information
14:04:55 44 about Kaban Mokbel and Dale Flynn, do you see that
14:05:00 45 entry?---Yes.
14:05:00 46
14:05:00 47 Again, in the ICR you've recorded that you've verbally

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14:05:06 1 disseminated that information to Dale Flynn, who is the
14:05:09 2 subject of some of that conversation with Ms Gobbo, you see
14:05:14 3 that in the top right?---Yes.
14:05:15 4
14:05:15 5 And then on the left-hand side in your diary you don't have
14:05:20 6 those words, "Verbally disseminated above to Dale Flynn",
14:05:26 7 is that right?---Yes.
14:05:27 8
14:05:27 9 Have you had a chance to reflect on those entries over
14:05:30 10 lunch and what your practice was in relation to recording
14:05:34 11 this information in the ICRs, or you're confident that the
14:05:39 12 evidence you've given to date is correct?---So in relation
14:05:42 13 to the Dale Flynn I have an entry later on, disseminating
14:05:47 14 that information.
14:05:48 15
14:05:49 16 So let's go down there, you can tell the operator how far
14:05:53 17 down to go on the left-hand side. There's another
14:05:59 18 conversation at 15:18, another conversation at 15:29.
14:06:04 19 Another conversation at 17:06. Where's the dissemination
14:06:16 20 to Dale Flynn?---Yep, keep going.
14:06:20 21
14:06:21 22 Friday 12 October 2007?---There it is there, 15:48.
14:06:26 23
14:06:26 24 15:48. "Spoke to Dale Flynn re overnight [REDACTED] for
14:06:32 25 3838. Carrie Hicks, Melbourne CIU", that individual, "Dale
14:06:42 26 will send emails. Hang off emailing just for a minute.
14:06:45 27 Need to make one phone call." If we go back to the
14:06:47 28 right-hand side of the screen, the entry that you say that
14:06:49 29 that relates to in the ICRs is, "Updated human source with
14:06:53 30 what Dale Flynn will be serving tomorrow at court re
14:06:56 31 Kabalan Mokbel". You say that is the dissemination on the
14:07:00 32 left of the information you received on the right?---Yeah,
14:07:03 33 can I just look at my diary without the blackouts just in
14:07:08 34 case - - -
14:07:10 35
14:07:10 36 You've got a hard copy?---Yes, I have.
14:07:12 37
14:07:13 38 Sure. Go ahead?---What was it, 16 - scroll to the date.
14:07:21 39
14:07:21 40 The 11th I think. 11 October. Just while, when you're
14:07:37 41 about to do that I'll give you an opportunity to do it.
14:07:41 42 The evidence you've just given, you accept that entry about
14:07:45 43 dissemination to Dale Flynn the next day didn't attach to
14:07:49 44 the information you were just looking at on the right-hand
14:07:52 45 side of the screen, do you accept that?---Yes, it would
14:07:54 46 appear, yes.
14:07:55 47

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14:07:55 1 Go ahead and have a look?---So there's an entry I've got at
14:08:39 2 13:13 on the same day, 11 October.
14:08:42 3
14:08:44 4 Let's just scroll up to that. So we've got - 13:30 did you
14:08:49 5 say?---Yes.
14:08:52 6
14:08:52 7 If the operator could bring it up.
14:09:03 8
14:09:03 9 COMMISSIONER: Has it been blacked out on the screen?
14:09:08 10
14:09:09 11 MR WOODS: Okay. Was it you that carried out the
14:09:13 12 redactions to this document?---No.
14:09:15 13
14:09:16 14 Do you know who carried out the redactions?---No.
14:09:19 15
14:09:20 16 What we see at 15:29, are you saying it's an entry after
14:09:34 17 that?---The 13:30.
14:09:39 18
14:09:39 19 Before that, okay. Can you just keep going up. I want to
14:09:42 20 see the time stamp of that first - okay, 11:31 am is when
14:09:47 21 you have that conversation with Ms Gobbo. It seems to be
14:09:51 22 not a very incredibly short conversation but it goes on for
14:09:57 23 some time by the look of things, you'd accept that, she
14:10:00 24 imparts a fair bit of information in it?---It goes two half
14:10:07 25 pages, so probably one more page.
14:10:10 26
14:10:10 27 So the entry underneath on your diary, "HS will ring me
14:10:16 28 before 6 pm tonight after Docket turns up", do you see
14:10:21 29 that?---Yes.
14:10:21 30
14:10:21 31 Does the entry underneath that relate to a different human
14:10:25 32 source or does it relate to Ms Gobbo?---The entry
14:10:32 33 underneath that doesn't relate to - it talks about an
14:10:38 34 update in my diary.
14:10:40 35
14:10:41 36 It's saying you're updating your diary at that stage, I
14:10:45 37 see?---I'll be making an entry, I'll be writing the 11:31
14:10:49 38 conversation.
14:10:50 39
14:10:50 40 I understand. The entry under that, does that relate to
14:10:53 41 Ms Gobbo?---The entry after that is 13:30, where I speak to
14:10:58 42 Dale Flynn.
14:10:59 43
14:10:59 44 What does it say about Dale Flynn, can you read that entry
14:11:03 45 to me?
14:11:04 46
14:11:04 47 COMMISSIONER: Read the whole entry, the time and the

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14:11:06 1 entire entry?---It says 13:30, "Spoke to Dale Flynn,
14:11:11 2 updated re Bayeh. Also spoke to Jason Kelly re Bayeh and
14:11:18 3 Operation (indistinct)".
14:11:18 4
14:11:19 5 So what you're saying there is that the information that's
14:11:23 6 obtained from Ms Gobbo, "Updated HS with what Dale Flynn
14:11:28 7 will be serving tomorrow at court re Kabalan Mokbel. PII of
14:11:37 8 PII statements for [REDACTED]. These PII have already been
14:11:37 9 served in previous hearings, nothing new. Police expect a
14:11:42 10 fight later on", et cetera, et cetera. That's, I'm
14:11:45 11 suggesting to you, a different matter. You'd agree with
14:11:47 12 that?---Yes, it is but if I'm speaking to Dale there, and
14:11:55 13 I've just finished typing my notes in relation to that
14:12:01 14 11:31 entry, then I've put in my ICR that I've updated him,
14:12:06 15 then I would say I have.
14:12:06 16
14:12:07 17 The entry where you say, and you've read the words to the
14:12:11 18 Commissioner, that you updated regarding Bayeh, in fact
14:12:15 19 what you're saying is that that's only part of the story,
14:12:19 20 in fact you were updating as to these other matters as
14:12:23 21 well?---Could be. I have no specific recollection, but it
14:12:29 22 could be.
14:12:29 23
14:12:30 24 Can I suggest to you that had you have been updating him
14:12:32 25 about those other matters you would have recorded it in
14:12:36 26 your diary?---I should have yes, or I probably may have
14:12:41 27 just entered it in the ICR.
14:12:43 28
14:12:45 29 No, you would have is what I'm saying. You would have
14:12:46 30 entered it in your diary had you verbally disseminated that
14:12:50 31 information to Dale Flynn?---I should have. My normal
14:12:55 32 practice is I would have.
14:12:57 33
14:12:57 34 With respect - - - ?---But I can't, I can't remember when
14:13:01 35 I, when I updated the ICR.
14:13:06 36
14:13:06 37 With respect, Mr Fox, it's difficult to determine what your
14:13:10 38 usual practice is given the state of your evidence. You
14:13:12 39 say that you do one particular thing but the documents that
14:13:16 40 we've gone through today are replete with you doing
14:13:21 41 something quite different, would you accept that?---No.
14:13:23 42
14:13:28 43 Just finishing off the topic about Mr Orman and Ms Gobbo's
14:13:36 44 representation of him in the matters that we spoke about
14:13:40 45 before lunch. There was a committal for Mr Orman in the
14:13:45 46 Victor Peirce matter in March 2008. Are you aware of that
14:13:51 47 occurring?---I can't recall. If it's in my diary or ICRs

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14:14:02 1 yes, I would have been.
14:14:04 2
14:14:04 3 You were handling Ms Gobbo in the second half of March
14:14:08 4 2008, so I'd suggest to you that you were aware of that.
14:14:11 5 What I want to put to you is that even after that
14:14:15 6 Magistrates' Court, or the appearance that I was talking to
14:14:18 7 you about earlier where the solicitor and Mr Richter were,
14:14:23 8 Ms Gobbo seemed to think leaving her in the lurch to do the
14:14:28 9 appearance, after March 2008 Ms Gobbo appeared firstly in
14:14:32 10 the Supreme Court in Mr Orman's matter in relation to
14:14:37 11 Victor Peirce on 13 August 2008 before Justice Curtain and
14:14:42 12 Mr Silbert was for the DPP. Were you aware that she
14:14:47 13 appeared on that occasion, 13 August 2008?---If it's
14:14:53 14 written in my ICR or diary I would have been, but I can't
14:14:56 15 recall now.
14:14:56 16
14:14:57 17 Are you aware that on 11 November 2008 Ms Gobbo appeared in
14:15:03 18 relation - on behalf of Mr Orman in the same matter, the
14:15:07 19 Victor Peirce matter before Justice Cummins with Tinney for
14:15:11 20 the DPP on the 11th of the 11th 2008, were you aware of
14:15:16 21 that?---No, but if it's written in my ICR or diary I would
14:15:20 22 have been, but I can't recall.
14:15:22 23
14:15:22 24 Then finally, are you aware that she appeared in the same
14:15:25 25 matter before Justice Cummins with Mr Horgan for the DPP
14:15:29 26 and Mr Cashen for Mr Benvenuto on 10 December 2008, were
14:15:36 27 you aware of that?---No, I can't recall. I find it hard to
14:15:42 28 believe that she would be after instructions of not to do
14:15:46 29 it.
14:15:47 30
14:15:47 31 And her assurances to that effect too, you would agree with
14:15:50 32 that?---Yes.
14:15:50 33
14:15:52 34 If the operator could bring up - - -
14:15:56 35
14:15:56 36 MR CHETTLE: Before you leave that do you want him to check
14:16:00 37 his diaries for those dates? It's not there.
14:16:03 38
14:16:03 39 MR WOODS: Yes, that's probably not a bad idea. 13 August
14:16:11 40 2008?---So 13 August 2008 I wasn't even at work.
14:16:41 41
14:16:41 42 Okay, sure. And then 11 November 2008?---Same.
14:16:50 43
14:16:51 44 And 10 December 2008?---It would appear I wasn't handling
14:17:49 45 3838 at that time.
14:17:50 46
14:17:50 47 I believe that's right?---No, there's nothing in my diary.

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14:17:54 1
14:17:54 2 But as you say it does come as a significant surprise to
14:17:58 3 you given the conversations you had with Ms Gobbo in the
14:18:00 4 time that you were handling her, that she appeared on those
14:18:04 5 three occasions in that matter?---Yes.
14:18:06 6
14:18:07 7 Moving on to a slightly different topic now, Mr Fox. If
14:18:10 8 the operator can bring up 935 of 3838 ICRs, please. This
14:18:23 9 once it's up is a 25 June 2007 entry. It's an entry of
14:18:30 10 yours. And it's only a week or a little bit more than a
14:18:39 11 week after you first became Ms Gobbo's handler?---Yes.
14:18:44 12
14:18:44 13 If you could scroll down the page a bit. There's an entry
14:18:50 14 there "Carl Williams", do you see that?---Yes.
14:18:52 15
14:18:53 16 The entry says that, "Human source was looking around other
14:18:57 17 counsel", I suggest that should read counsel,
14:19:02 18 c-o-u-n-s-e-l?---Yes.
19
14:19:08 20 "Offices yesterday, Saturday", do you see that?---Yes.
14:19:08 21
14:19:09 22 She said she found in Sharon Cure's office subpoenaed
14:19:12 23 documents from ██████ Prison, do you see that?---Yes.
14:19:14 24
14:19:15 25 Cure did Carl Williams' plea and she says she found a list
14:19:21 26 of phone records from ██████ Prison obtained under subpoena
14:19:25 27 about ██████ and the phone records detail daily contact
14:19:28 28 with the human source and Purana numbers. I should say,
14:19:31 29 Commissioner, this can be in open session. I don't think I
14:19:35 30 need to go into closed session again.
31
32 ---
33
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