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1 PROCEEDINGS IN CAMERA:

2
12:45:55 3 MR CHETTLE: Commissioner, on that note I mentioned in open
12:45:56 4 hearing a date on the [REDACTED] and I think mentioning that
12:45:59 5 date has been prohibited and that's what made me realise it
12:46:04 6 was in public hearing. I should ask the date, the [REDACTED] of
12:46:08 7 April, be taken out of the record.

8
9 COMMISSIONER: I think it's just the date we've taking out
12:46:09 10 recently, the [REDACTED] so we'll take the date out.

11
12:46:14 11
12:46:15 12 MR CHETTLE: That will solve the problem I think.

13
12:46:17 14 COMMISSIONER: All right, that date out of the live
12:46:19 15 streaming if it's not too late. Those are in place with
12:46:21 16 the media coming back in now. All right, now we can
12:46:24 17 continue.

18
12:46:25 18
12:46:25 19 MR CHETTLE: All right. Back to this diary note. It's a
12:46:27 20 reference to the plan leading up to what's going to happen
12:46:30 21 on the arrest of [REDACTED] do you follow?---Yes.

22
12:46:35 23 A discussion has occurred between two handlers, do you know
12:46:48 24 what I'm talking about?---I think so.

25
12:46:51 26 Yeah, all right. And with Mr Jones. "Big picture is the
12:46:57 27 Mokbel cartel. [REDACTED] is one inquiry re same.
12:47:04 28 Investigators intend to use [REDACTED] as a witness if he
12:47:08 29 agrees", and that was one of the possibilities, was that he
12:47:11 30 was going to become, assist the police in a number of ways
12:47:17 31 and you might need the assistance of the SDU?---Yes.

32
12:47:19 33 That was why you got one of the members of the SDU there
12:47:22 34 for when he was being arrested?---Yes, I believe so.

35
12:47:31 36 They were going to task [REDACTED] to visit [REDACTED], [REDACTED]
12:47:34 37 [REDACTED] and [REDACTED], that was the plan, to see whether
12:47:38 38 he would gather evidence to implicate them?---Yes.

39
12:47:42 40 Again, that's all part of the reason you need SDU
12:47:45 41 assistance for that?---Yeah, well I think they were going
12:47:48 42 to manage that aspect of his assistance.

43
12:47:52 44 Their speciality?---Yes.

45
12:47:57 46 That's why the note says, "Purana requested SDU assist in
12:48:01 47 that deployment", and that's correct, isn't it?---Yes.

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12:48:03 1 "Discussed the need for independent oversight of management
12:48:08 2 of 3838", and that's an SDU issue, not for you. "Agreed.
12:48:14 3 Tactical decisions re 3838 will be made in accordance with
12:48:18 4 investigators". That's your job?---Yes.
5
12:48:20 6 And that's the sterile corridor in action, isn't it? You
12:48:24 7 make the tactical decisions about use, they give you the
12:48:27 8 assistance and advice. There's nothing tricky about
12:48:39 9 it?---No, no, but I'm just thinking in practical terms.
12:48:47 10 Are you talking tactical decisions about her use? I mean I
12:48:50 11 would say that that's totally the SDU.
12
12:48:53 13 Okay, all right. But the way they use her, you're going to
12:49:00 14 tell them what you want, is that what they're saying, with
12:49:03 15 investigators?---I think there's probably, you know, a
12:49:13 16 cooperation there.
17
12:49:14 18 Yes?---I mean you can ask her to do whatever you like but
12:49:17 19 unless she has the ability to do it, it doesn't work. So I
12:49:22 20 think it has to go both ways and there has to be a
12:49:26 21 consideration between both parties as to, yep, the
12:49:28 22 direction of the investigation from the investigators'
12:49:31 23 point of view, but, you know, her safety, risks, all that
12:49:34 24 sort of stuff from the SDU point of view, so I think it has
12:49:38 25 to go both ways.
26
12:49:41 27 On the night of [REDACTED] arrest did you see the SDU members
12:49:48 28 at the Purana headquarters? You don't remember?---I don't
12:49:54 29 know whether I did.
30
12:49:56 31 Right, okay?---Like maybe but I don't know whether it's
12:50:04 32 that time or another time, I'm not sure.
33
12:50:06 34 The point I'm trying to make with you, Mr Rowe, is you
12:50:12 35 wouldn't dispute the fact that SDU members raised their
12:50:20 36 concerns about problems with Ms Gobbo from a - effectively
12:50:27 37 ethical issues, with the investigators, or discussed them
12:50:33 38 with you?---Well you know at what extent, I don't think I
12:50:39 39 ever discussed them with them. Did they discuss them with,
12:50:43 40 you know, the supervisors? I would accept that they
12:50:46 41 probably did, yes.
42
12:50:48 43 Because you certainly were aware of the issues?---Well we
12:50:51 44 were aware of them just by virtue of the circumstance.
45
12:50:55 46 The issue becomes one of managing conflict of interest as
12:50:59 47 far as she's concerned?---Yes, it does.

.19/11/19

9516

ROWE XXN - IN CAMERA

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1
12:51:04 2 It's clear from everything you've said that you regarded
12:51:07 3 conflict as being a problem for the lawyer to
12:51:12 4 manage?---Yes. Strictly speaking, yes.
5
12:51:17 6 Were you following the - at earlier times Justice King in
12:51:22 7 the Supreme Court dealt with issues specifically raised in
12:51:25 8 relation to Ms Gobbo and actually said as much, that it was
12:51:30 9 a question for her to manage, not for the courts, or the
12:51:36 10 police?---I think - - -
11
12:51:37 12 Were you aware of that?---No, I'm not aware of him saying
12:51:40 13 that but that's certainly what I've always been told. In
12:51:47 14 my experience ultimately it falls to the person to do
12:51:49 15 themselves.
16
12:51:51 17 Last topic. You had quite some contact with Ms Gobbo over
12:51:55 18 the years?---Yes.
19
12:51:56 20 She could be prone to exaggeration and excitement?---Yes,
12:52:06 21 at times.
22
12:52:07 23 She would vent from time to time?---She would definitely
12:52:10 24 vent.
25
12:52:10 26 She could say things that were - - -
27
12:52:12 28 COMMISSIONER: So we can go out of closed hearing now?
12:52:16 29
12:52:16 30 MR CHETTLE: Yes, sorry Commissioner.
31
12:52:20 32 COMMISSIONER: Yes. Was anyone else wanting to raise any
12:52:22 33 issues in cross-examination or re-examination that need to
12:52:23 34 be in closed hearing? All right, we're out of closed
12:52:29 35 hearing now.
12:52:31 36 ---
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1 PROCEEDINGS IN CAMERA:

2
3 COMMISSIONER: Yes Mr Winneke.

4
5 MR WINNEKE: Thank you, Commissioner. Mr Bateson, thanks
6 for producing that supplementary statement. I take it you,
7 in the time since we've seen you had access to certain
8 materials and you went through those materials with a view
9 to addressing some issues that you thought needed to be
10 addressed in your supplementary statement?---Correct.

11
12 And I'll come to the issues that you raise in your
13 statement as we go through. But I take it what you've done
14 is gone back and looked at transcripts of hearings that had
15 occurred in 2005, 2006 with a view to refreshing your
16 recollection about what had occurred with respect to the
17 redaction of notes, for example?---Some of that, yes. The
18 primary focus is it was around, you know, who Ms Gobbo had
19 represented and when and who knew about that I guess was
20 one of the major focuses.

21
22 The point that you make is, "Look, insofar as I might be
23 criticised for not doing anything about what may be
24 perceived as a conflicted situation that she was in, I
25 wasn't the only person who knew about this because the
26 prosecution was aware of this and the judge was aware of
27 this as well"?---Yeah, I think that was the point I made
28 last time when giving evidence and I guess what I wanted to
29 do with the supplementary statement is actually illustrate
30 that with some evidence.

31
32 I see that. What I want to do, and we covered a bit of
33 ground last time, I don't want to go back over that ground,
34 I just want to recapitulate in relation to a couple of
35 matters. You said previously that you first dealt with
36 Ms Gobbo, you initially thought subsequent to the murder of
37 Marshall but it became apparent that you'd seen or you'd
38 met Ms Gobbo in July, I think it was 4 July in 2003?---Yes.

39
40 Following, yes, following the murders of Jason Moran and
41 Pasquale Barbaro?---Correct.

42
43 As I understand it because of the victim of that, or one of
44 the victims of that crime, Jason Moran, there was a fairly
45 concerted effort to find out what Carl Williams was up to
46 at the time of the murders and to see what he and his
47 associates were doing because the view was taken fairly

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14:12:50 1 early on that it was likely, or at least possible that he
14:12:54 2 was involved in that murder?---Yes.
14:12:57 3
14:12:59 4 And so what you say is the focus was upon him pretty early
14:13:03 5 on and his associates, including [REDACTED] and then you
14:13:10 6 came to focus upon [REDACTED] and [REDACTED] as time went
14:13:17 7 on?---Correct.
14:13:17 8
14:13:19 9 You also spoke to, as I understand it, Tony Mokbel
14:13:28 10 immediately or in the following day, do you recall
14:13:34 11 that?---Did I go to a house.
12
14:13:35 13 I think you did?---I think in Brunswick.
14:13:37 14
14:13:37 15 I think you did, yes. Have you got your day books
14:13:42 16 there?---I have.
14:13:43 17
14:13:43 18 You might as well get them out. If you can get your day
14:13:48 19 book out which covers that period.
14:13:53 20
14:13:53 21 COMMISSIONER: Just while the witness is doing that, I
14:13:56 22 didn't give the second statement an exhibit number when it
14:14:01 23 was mentioned by Ms Enbom earlier today so we'll make it C
14:14:06 24 in confidential form and D in public form of Exhibit 269,
14:14:12 25 which is the previous statement of Mr Bateson.
14:14:14 26
14:14:15 27 #EXHIBIT RC269C - (Confidential) Supplementary statement of
14:14:17 28 Stuart Bateson.
14:14:17 29
14:14:18 30 #EXHIBIT RC269D - (Redacted version.)
14:14:43 31
14:14:45 32 MR WINNEKE: Is that book numbered or not?---Numbered?
14:14:50 33
14:14:50 34 Is it numbered?---No.
14:14:51 35
14:14:52 36 All right?---What would you like - yes, I see an entry here
14:15:13 37 about Mr Mokbel.
14:15:14 38
14:15:14 39 Maybe if we can put up an exhibit, Commissioner. In fact
14:15:20 40 it's not an exhibit but a document which is numbered
14:15:28 41 OPP.0040.0001.0001. If we can go to p.690 I think it is of
14:15:43 42 that document. It's a document which isn't numbered on
14:15:47 43 each page. Whilst we're going there, if you go back to the
14:16:01 44 previous day, the 21st, that is the day of the murders, you
14:16:07 45 spoke I think in the evening at 7.20, you went to Carl
14:16:12 46 Williams' address, is that right?---Sorry, what time?
14:16:18 47

.19/11/19

9531

BATESON XXN - IN CAMERA

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14:16:18 1 Yeah, 19:20?---21:25 I think I see that there.
14:16:29 2
14:16:29 3 I've got 19:20?---Yeah, but I've just got his address
14:16:37 4 recorded and over the page at 21:25 on that - - -
14:16:42 5
14:16:42 6 I see. You call a number at, at 10.18, is that right, and
14:16:51 7 then someone answers and - - - ?---Yeah, that should be
14:16:59 8 22:18.
14:17:00 9
14:17:01 10 Yes. Do you speak to him on that day?---No, I don't think
14:17:04 11 I did.
14:17:05 12
14:17:05 13 In any event, the following day at about midday you speak
14:17:11 14 to Tony Mokbel outside his house?---Yes, I believe so.
14:17:15 15
14:17:16 16 And you ask him about his whereabouts the previous day in
14:17:20 17 the morning?---Yes.
14:17:23 18
14:17:25 19 In your day book there at 7 to 7.30 there's a reference to
14:17:36 20 - it appears to be Nicola Robba, R-o-b-b-a. Do you think
14:17:43 21 that's what you wrote?---Yeah, it does look like an R to me
14:17:50 22 but I expect we're talking about one and the same.
14:17:53 23
14:17:53 24 I think we're talking about the same person because you put
14:17:56 25 in an information report about that?---Do I? Okay.
14:17:59 26
14:18:00 27 Effectively what Mokbel tells you is that at 7 to 7.30 he
14:18:06 28 left to go to the airport and ultimately told you that he
14:18:10 29 took Nicola Gobbo at the airport at 7.30, or at 7 o'clock
14:18:13 30 on that morning, that is the previous day, is that right?
14:18:19 31 The morning of the murders?---We'd probably have to look to
14:18:21 32 the IR to confirm that if you've got that.
14:18:23 33
14:18:24 34 "Left to the airport, straight back home, got home at 8 to
14:18:28 35 8.30, back to bed. Went out again between 1 and 2
14:18:32 36 o'clock". There was a car that he was driving and there
14:18:35 37 was registration number plates, et cetera, which you
14:18:37 38 took?---Yes.
14:18:38 39
14:18:38 40 That appears to be a conversation you had with him. Then
14:18:41 41 if we go to your diary - I withdraw that, the information
14:18:45 42 report. The IR, have we been able to get that - I'm going
14:18:56 43 to tender the file, obviously we want to tender one which
14:19:02 44 works. We'll do that a moment. In the meantime if we can
14:19:06 45 go to the IR VPL.0100.0142.0150. Can we put that up?
14:19:37 46 That's the information report that was submitted the
14:19:40 47 following day and the information accuracy, source

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14:19:48 1 reliability, Mr Mokbel, you've scored him an E, which is
14:19:53 2 not particularly reliable?---Yes.
14:19:55 3
14:19:56 4 And possibly true is the accuracy scale. If we can scroll
14:20:05 5 up the page. You set out a conversation with Mokbel. Did
14:20:11 6 you know, it may well be that you didn't know Gobbo's name
14:20:14 7 at that time, would that be right, if you've written down
14:20:18 8 Robba or you didn't hear him properly?---I certainly don't
14:20:21 9 remember meeting her prior to that, so maybe I didn't.
14:20:24 10
14:20:24 11 Maybe you didn't, or maybe you didn't hear him correctly,
14:20:27 12 but certainly by the time you put in the IR it was apparent
14:20:31 13 to you at least who he was talking about?---Is that a
14:20:35 14 little bit further, is it?
14:20:38 15
14:20:38 16 "Conducting a drive by of his address, at the front of the
14:20:42 17 address was Tony Mokbel"?---You need to scroll down on
14:20:47 18 mine.
14:20:47 19
14:20:47 20 You converse with him about the investigation?---Yes, I've
14:20:51 21 got Nicola Gobbo there, so, yeah.
14:20:56 22
14:20:56 23 In any event, "Woke up at 7, 7.30 at his home address", he
14:21:01 24 was alone at this point, he went and picked up his
14:21:04 25 barrister, Nicola Gobbo, and conveyed her to the airport so
14:21:08 26 she could catch a plane to Hawaii, he comes home, returns
14:21:14 27 to bed and went out at 1 or 2 o'clock. I mean you didn't
14:21:17 28 drive-by there coincidentally, it was a targeted drive-by I
14:21:24 29 assume?---To go and speak to - yes, it would have been
14:21:27 30 targeted, yep.
14:21:28 31
14:21:30 32 If you scroll down, it seems - if we keep going, you've
14:21:34 33 added to that information report because it was updated on
14:21:38 34 4 September 2003. Clearly you weren't, in view of the fact
14:21:45 35 that you'd regard him as an unreliable purveyor of
14:21:51 36 information, you weren't going to let it sit there so you
14:21:54 37 went off to see if you could verify the information that
14:21:59 38 he'd provided, was that the purpose of that?---That update
14:22:03 39 is added by Detective Senior Constable Sheather so I
14:22:05 40 imagine that task may have been allocated to him.
14:22:05 41
14:22:06 42 He was allocated the task of going off and confirming
14:22:09 43 whether or not Mokbel had left at about that time?---I
14:22:11 44 would say so, yes.
14:22:12 45
14:22:12 46 In any event, by the time that was done the cameras had
14:22:17 47 rolled over and it wasn't possible to verify what he was

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14:22:19 1 saying or not?---That's what he says here, yes.
14:22:22 2
14:22:23 3 I tender that IR, Commissioner.
14:22:26 4
14:22:28 5 #EXHIBIT RC770A - (Confidential) IR re Tony Mokbel
14:22:29 6 22/6/03.
14:22:34 7
14:22:35 8 #EXHIBIT RC770B - (Redacted version.)
14:22:37 9
14:22:37 10 Do you know whether Ms Gobbo was ever asked to confirm
14:22:41 11 whether or not that was the case? Do you have a note of
14:22:43 12 that or not?---I don't think I have a note, I haven't seen
14:22:47 13 a note unless you can take me to it.
14:22:49 14
14:22:50 15 No, I can't. Obviously it was a matter of some interest
14:22:53 16 otherwise it wouldn't have been sought to be confirmed,
14:22:57 17 albeit if it was of greater interest it might have been
14:23:00 18 done earlier in which case the information might have been
14:23:03 19 obtainable?---Yes, true. We should have got there before
14:23:06 20 that date. We had a lot of information coming in at that
14:23:10 21 point and I think you're quite right in saying that we
14:23:12 22 didn't believe that Tony Mokbel would be a realistic person
14:23:16 23 to be the shooter.
14:23:17 24
14:23:17 25 No, no. I take it that's right. Then when you - you move
14:23:28 26 on a little bit further into this investigation, you get a
14:23:32 27 few people in to speak to them. If you've got your book
14:23:39 28 there, your day book, you'd obviously contacted Carl
14:23:49 29 Williams because you get a call the following, in fact
14:23:51 30 later on in that day from Theo Magazis?---Yes.
14:24:01 31
14:24:01 32 Who is Carl Williams' solicitor and you arrange to meet up
14:24:05 33 with Carl the following day?---Yeah, so that's Theo
14:24:13 34 Magazis.
14:24:13 35
14:24:13 36 Magazis, sorry?---But I got that wrong.
14:24:15 37
14:24:16 38 In any event you got it right if you go over a couple of
14:24:19 39 pages because you see him at 1.15 it seems on 23 June and
14:24:27 40 he's described in your notes at 1.15 as the
14:24:32 41 solicitor/barrister. Arrives with Carl and George Williams
14:24:37 42 and then it's then that you get that information, if you go
14:24:40 43 over the page, about ██████████ pathology in Prahran,
14:24:46 44 et cetera, et cetera. See that?---Yes, I do.
14:24:48 45
14:24:48 46 He's given what appears to be quite clearly information
14:24:55 47 which would amount to an alibi, if you like, he wasn't able

.19/11/19

9534

BATESON XXN - IN CAMERA

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14:24:59 1 to be involved in shooting these people because he was over
14:25:02 2 the other side of town?---Correct.

14:25:04 3
14:25:07 4 And he didn't meet up with anyone and he hasn't got a
14:25:10 5 mobile phone he says. You probably found that a bit hard
14:25:14 6 to swallow I assume?---Yeah, I think so. He had multiple
14:25:21 7 at the time I think as I remember it.

14:25:22 8
14:25:22 9 You got details of his car, et cetera. Then as time goes
14:25:27 10 on a little bit more information comes to light. Have we
14:25:31 11 got it now? We have. No, that's not the one. No, it's
14:25:45 12 0040.0001.0001. In any event we'll keep rolling on.
14:25:55 13 That's 008, yes. Then if we move on to 4 July. By this
14:26:20 14 stage you've got wind I think that [REDACTED] needed to be
14:26:31 15 spoken to and on 4 July he comes in to see you and I
14:26:41 16 touched on this briefly last time we were here, and he was
14:26:45 17 with Nicola Gobbo?---Yes, he was. I haven't just quite
14:26:53 18 found the name yet but yes, that's correct.

14:26:56 19
14:26:56 20 If you go to 4 July?---Yes, yes, got it. Got it.

14:27:09 21
14:27:12 22 His story lines up with Williams', they went to Carl's
14:27:17 23 mum's place in Essendon. Got there at 8.30, waited for him
14:27:21 24 to get ready and left the house after 9 am, travelled to
14:27:31 25 [REDACTED] used CityLink and he arrived at 9.50 am, there
14:27:36 26 was a [REDACTED] for [REDACTED] and Carl and [REDACTED] were on a diet,
14:27:41 27 left at 10.20 am. Albeit it's not referred to in that
14:27:46 28 note, in your diary which I took you to last time you do
14:27:50 29 make reference to the fact that he comes in with Nicola
14:27:53 30 Gobbo?---Yeah.

14:27:54 31
14:27:55 32 Now, what he also tells you on that day is that he'd spoken
14:28:02 33 to Nicola that morning. If you turn over the page - do you
14:28:08 34 accept, do you understand that?---Yeah, I think we may have
14:28:11 35 already known that, we'd got the phone records by that
14:28:15 36 stage I think.

14:28:15 37
14:28:15 38 Do you think you had the phone records?---I'm not sure but
14:28:19 39 we may have, we may have. I'd have to have a look at the
14:28:23 40 IR. Is the IR available?

14:28:25 41
14:28:25 42 I don't have an IR for this date and the IR that we went to
14:28:29 43 previously doesn't make any reference to it. Do you think
14:28:33 44 there'd be another IR which deals with this?---Yeah, I've
14:28:37 45 seen an IR with [REDACTED] alibi.

14:28:43 46
14:28:57 47 And so you knew from reasonably early on that Gobbo had

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14:29:03 1 been in communication with Carl Williams and [REDACTED] on
14:29:07 2 the morning of the murder?---Yes.
14:29:09 3
14:29:10 4 And you knew, indeed if not then fairly shortly afterwards,
14:29:14 5 that it was suggested that she had in fact told them of the
14:29:20 6 murder?---I don't know if I knew it shortly after then.
14:29:30 7 I'm not sure about that.
14:29:32 8
14:29:32 9 Right. The Commission has information, I can't put my
14:29:35 10 finger on it immediately, as I understand it it's
14:29:38 11 suggested, and it may well be in a document I take you in
14:29:42 12 due course, that Gobbo had heard from a solicitor by the
14:29:45 13 name of Valos about the shooting and she had then contacted
14:29:52 14 [REDACTED] who was with Carl Williams?---Yeah, I do have a memory
14:29:55 15 of that.
14:29:55 16
14:29:56 17 Yes?---I'm just not quite sure when I became aware of it.
14:29:59 18
14:29:59 19 All right. Did you ever speak to Ms Gobbo about that
14:30:09 20 series of events about those telephone calls?---I think she
14:30:13 21 confirms it.
14:30:14 22
14:30:14 23 Did she, yes?---While she was there with Carl Williams and
14:30:17 24 I think you'll see that in the information report.
14:30:20 25
14:30:20 26 Yes. There is an information report, you're quite right.
14:30:27 27 If we can go to VPL.0100.0142.0510?---It's not the one.
14:30:59 28
14:31:03 29 I've been given the wrong number. Just excuse me. Down
14:31:11 30 the track I think you got CCR records, didn't you, to
14:31:16 31 confirm the time of those calls and - - - ?---We
14:31:21 32 definitely, I'm not sure when we got them, that would have
14:31:23 33 been a priority for us once we established Carl Williams'
14:31:27 34 and other persons of interests' phone numbers, we got those
14:31:31 35 CCRs.
14:31:32 36
14:31:33 37 Yes?---You know primarily to, although the contact of who
14:31:37 38 they contacted would have been important, it would have
14:31:40 39 been more important to see whether their phone, what towers
14:31:44 40 their phones were hitting.
14:31:45 41
14:31:45 42 Equally, I mean if these people are saying that they were
14:31:52 43 on the other side of town, they weren't available, they
14:31:55 44 heard about the murder through being told by Ms Gobbo, the
14:31:59 45 inference being of course they're trying to put across they
14:32:03 46 knew nothing about any of this and ultimately you've
14:32:07 47 established otherwise?---Yeah.

.19/11/19

9536

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14:32:08 1
14:32:08 2 Wouldn't it have been at least of some significance to work
14:32:12 3 out exactly what Ms Gobbo was doing on the day, perhaps get
14:32:15 4 a statement from her and find out how it came to be that
14:32:19 5 she's communicating, how she gets the information?---Look
14:32:23 6 possibly. I mean it was pretty busy days in those days
14:32:27 7 after the murders.
14:32:27 8
14:32:28 9 I'm not being critical?---But from my point of view we
14:32:31 10 accepted their account of what they did on that day.
14:32:34 11
14:32:34 12 Yes?---To be true, and we accepted that they were actually
14:32:38 13 on the other side of town and they did make a call to
14:32:41 14 Nicola Gobbo or the reverse, whatever it was, we accepted
14:32:44 15 that to be true. So we didn't necessarily see that as a
14:32:50 16 material fact, I don't think, at that point.
14:32:52 17
14:32:52 18 Yes?---Yeah, we - it fitted with the working theory that
14:33:00 19 Carl Williams and [REDACTED] weren't the shooters and
14:33:04 20 someone else was.
14:33:06 21
14:33:06 22 What they had done, whether or not you accepted it or
14:33:09 23 otherwise, it seems clear enough that they had deliberately
14:33:13 24 set up an alibi, or set up a scenario whereby they happened
14:33:18 25 to be out of the vicinity at the time it occurred?---Yeah,
14:33:21 26 I always thought they did that deliberately, yes.
14:33:24 27
14:33:24 28 And that was your view and in some way or another it may
14:33:28 29 well be, I'm not suggesting deliberately, but Ms Gobbo was
14:33:32 30 tied up in that transaction, or those events?---Certainly
14:33:38 31 it was important from the phone call point of view where
14:33:40 32 they were when they made that or received that phone call,
14:33:43 33 so yes.
14:33:43 34
14:33:44 35 And equally what they said, the way in which they said it,
14:33:47 36 whether they were surprised or those sorts of things, they
14:33:50 37 would be the sorts of things you might be interested in if
14:33:55 38 you were - - - ?---Yeah, look, I guess if when I spoke to
14:34:02 39 Carl and Nicola would confirm those phone calls, if I got
14:34:08 40 the sense that there was something amiss then perhaps I
14:34:14 41 would have taken that statement, but it certainly seemed to
14:34:17 42 me at that time that it was, it was pretty straightforward
14:34:22 43 what they had done and I accepted that.
14:34:24 44
14:34:25 45 I mean at that time, and subsequently, certainly in the
14:34:27 46 latter part of 2003, there was a fair degree of suspicion
14:34:31 47 about Nicola Gobbo?---Yeah, I guess within Victoria Police,

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14:34:39 1 you know, I only came to really, as you probably can see by
14:34:45 2 notes, I really only came to understand that as I moved
14:34:48 3 deeper into the Moran/Barbaro investigation.

14:34:53 4
14:34:53 5 Yes. So as you moved deeper into the investigation you
14:34:58 6 started seeing connections?---Yes.

14:35:00 7
14:35:01 8 Between these characters and Nicola Gobbo which had
14:35:04 9 occurred, it seems, and started to occur to other members
14:35:09 10 of Purana in the latter part of 2003, as Ms Gobbo popped up
14:35:17 11 repeatedly in events involving these people, Williams, █████
14:35:23 12 et cetera?---I think I said this last time, but she was
14:35:28 13 definitely a part of that small cadre of lawyers that
14:35:35 14 seemed to pop up all the time.

15
14:35:37 16 Yeah?---And she was part of that group.

14:35:37 17
14:35:37 18 I'm not simply talking about the cadre of lawyers that
14:35:41 19 popped up, I'm talking about a lawyer, perhaps there's
14:35:44 20 another lawyer you're thinking of in particular, a
14:35:47 21 solicitor, who seemed to align herself quite closely, at
14:35:52 22 least that was the perception of police, with criminals, I
14:35:55 23 think you know who I'm talking about?---I do, but not only
14:35:58 24 her, there's at least two others that I can think of that
14:36:02 25 not only showed up all the time but were also seen
14:36:06 26 socialising with the group.

14:36:07 27
14:36:08 28 Yes?---Yeah.

14:36:09 29
14:36:10 30 All right. Indeed, as we move along into the murder of
14:36:18 31 Marshall, Ms Gobbo again seemed to figure in that in a
14:36:26 32 factual sort of a way because of the way in which she came
14:36:31 33 to be instructed?---Yeah.

14:36:34 34
14:36:35 35 You know what I'm saying?---Yes.

14:36:36 36
14:36:36 37 Because ultimately you went to the jury, or Mr Horgan went
14:36:41 38 to the jury in that case of Marshall by saying that
14:36:44 39 Williams was in effect the puppeteer, he was the person who
14:36:47 40 was calling the shots and it was sought to convince the
14:36:53 41 jury, ultimately successfully, that he was the person who
14:36:59 42 was, who had commissioned the murder of Marshall and had
14:37:04 43 engaged █████ and, sorry █████ and █████ to carry it out?---Yes.

14:37:11 44
14:37:11 45 And he had, so it was put by Mr Horgan, arranged for
14:37:17 46 lawyers, and indeed had communicated directly with Ms Gobbo
14:37:20 47 to do that?---Yeah, I think there was some, I can't

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14:37:25 1 remember now, I seem to have read it over the last week,
14:37:29 2 there was some talk of him ringing Theo and then speaking
14:37:33 3 to Nicola as well. I can't remember, but that certainly
14:37:37 4 aligns with my recollection.
14:37:38 5
14:37:39 6 You seem to be reading the same material I have. But in
14:37:43 7 his address to the jury effectively Mr Horgan was saying
14:37:46 8 that Williams had engaged, had sorted out the lawyers and
14:37:51 9 had sorted out Nicola Gobbo to go and see, he was arranging
14:37:55 10 for Nicola Gobbo to see, I think, [REDACTED] and, sorry, [REDACTED] at the
14:38:02 11 filing hearing on the Monday?---Yeah, and another lawyer
14:38:08 12 that I was referring to before, yeah, and I think I
14:38:12 13 remember reading that. I'm not sure if I can say their
14:38:16 14 name. Can I say their name?
14:38:18 15
14:38:19 16 I know who you're talking about.
14:38:20 17
14:38:20 18 COMMISSIONER: We're in closed hearing, it should be
14:38:25 19 fine?---So Grant is the other lawyer, Sean Grant, and he
14:38:28 20 certainly was at the christening of Dhakota, as was Theo
14:38:34 21 Magazis. So Theo shows up as well, Sean Grant is involved
14:38:39 22 and I remember some reference in the transcripts or the
14:38:43 23 material I've read over the last week where it says that I
14:38:46 24 think Carl in a phone call perhaps makes reference to "I've
14:38:50 25 organised" - - -
14:38:50 26
14:38:51 27 "I've organised Nicola to appear at the filing hearing for
14:38:56 28 [REDACTED] and I've got Sean going down for [REDACTED]?---Correct. I feel
14:39:01 29 that's correct.
14:39:01 30
14:39:02 31 There was an issue in the trial about that. The point I'm
14:39:04 32 making is that Nicola Gobbo is tied up factually in the
14:39:08 33 transaction of events which occur around the Marshall
14:39:14 34 murder. It may or may not be that she's deliberately, it
14:39:19 35 seems that Williams has engaged her to turn up. But
14:39:26 36 nonetheless she is involved in a series of events which
14:39:34 37 affect the outcome of the trial? They're factual matters
14:39:42 38 which are run in the trial?---Yeah, I have a memory of that
14:39:47 39 being put in the trial.
14:39:48 40
14:39:48 41 I'm sorry?---I have a memory of that being put by
14:39:52 42 Mr Horgan.
14:39:52 43
14:39:53 44 You've read the transcript in recent days, it must be quite
14:39:56 45 apparent to you that that was - - - ?---Did I read it in a
14:39:59 46 phone call or something else? I don't know. I'm not sure
14:40:02 47 that that had much impact but possibly.

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14:40:05 1
14:40:06 2 Mr Magazis gave evidence for the defence at the trial to
14:40:12 3 say how he said the engagement of lawyers occurred?--Did
14:40:18 4 he? I do remember Theo Magazis being called, [REDACTED]
14:40:22 5 [REDACTED].
14:40:23 6
14:40:23 7 Yes, he did?-- [REDACTED]
14:40:25 8 [REDACTED]
14:40:29 9 [REDACTED]
14:40:33 10 [REDACTED]
14:40:33 11 [REDACTED]
14:40:33 12 [REDACTED]
14:40:36 13 [REDACTED]
14:40:41 14 [REDACTED]
14:40:44 15
14:40:45 16 But the point being Nicola Gobbo was a figure, and if you
14:40:49 17 look at the addresses, she figures quite significantly in
14:40:53 18 the addresses of both Mr Heliotis for Mr Williams and
14:40:56 19 Mr Horgan for the Crown. She was involved in the events
14:40:59 20 which were ventilated in the trial?--I think that's fair.
14:41:03 21 I'm not sure I'd put the significant in there but I think
14:41:07 22 it's fair to say she was mentioned.
14:41:08 23
14:41:09 24 I follow that. But nonetheless a point which was made
14:41:14 25 quite strongly by the Crown and defended sufficiently, at
14:41:17 26 least to the extent that it was felt appropriate to [REDACTED]
14:41:18 27 [REDACTED]
14:41:19 28 [REDACTED]
14:41:23 29 [REDACTED]
14:41:23 30 [REDACTED]
14:41:29 31
14:41:32 32 So in any event then there's another aspect in which Nicola
14:41:42 33 Gobbo ends up tied in with these events and not just as a
14:41:48 34 lawyer but potentially as a witness and potentially as a
14:41:53 35 person who might even be accused of being involved, and
14:41:57 36 that is when [REDACTED] initially makes his statement. He
14:42:07 37 suggests in his statement that Gobbo had been engaged by
14:42:14 38 him to pass on a message to Mokbel and to Williams to the
14:42:18 39 effect that they were to pay his, that is [REDACTED] money
14:42:24 40 owing to him for carrying out the [REDACTED] on [REDACTED]
14:42:29 41 correct?--Yes, I guess that's fair. He says that he made
14:42:33 42 some hand signals about money through the - he expected her
14:42:39 43 to pass on that message.
14:42:40 44
14:42:42 45 He said she did and it was set out in his statement?--I'm
14:42:45 46 not sure that he said that she did, did he?
14:42:48 47

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9540

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14:42:49 1 Ultimately I'll come to this in due course, but she got
14:42:52 2 pretty upset about it and when the statement came out you
14:42:55 3 had to go and pacify her about it?--Correct.
14:42:57 4
14:42:58 5 You were contacted at that stage by her handlers, there was
14:43:01 6 a meeting set up I think on 18 March 2006 after [REDACTED] finally
14:43:06 7 made a statement?---I'm not sure if I was contacted by the
14:43:09 8 handlers or through Jim O'Brien, I don't recall. You might
14:43:15 9 be able to point me to who it was.
14:43:18 10
14:43:18 11 In any event if you add up all of those factors, you've got
14:43:21 12 someone on any view who should not be involved in any way
14:43:27 13 as a lawyer for any of these parties?--Well, I don't know
14:43:35 14 about that. Certainly all those facts were known to the
14:43:40 15 OPP.
14:43:41 16
14:43:41 17 I'm not - can I say this, I'm not casting blame at anyone.
14:43:46 18 I'm simply saying do you accept the proposition that if
14:43:51 19 you've got someone, firstly, who's involved in telephone
14:43:56 20 calls with alleged murderers at the time that they're
14:44:02 21 engaged in conduct which amounts to a deliberate
14:44:05 22 alibi?---Yeah.
14:44:05 23
14:44:06 24 Who's engaging in, being engaged by another one of the
14:44:12 25 murderers subsequently, in effect to provide legal counsel
14:44:17 26 for at least one of the parties, and then subsequently is
14:44:23 27 alleged to have passed on messages, you're really in a
14:44:28 28 situation where on any view that person should not be
14:44:31 29 involved?--Well, you know, through reading the transcript
14:44:36 30 over the last few days, I mean it becomes clear she
14:44:40 31 couldn't have acted in a contested trial, but there
14:44:43 32 certainly seems to be some confusion around whether she
14:44:47 33 could have acted at a plea.
14:44:49 34
14:44:49 35 Yes?---Including a ruling apparently from the Ethics
14:44:53 36 Committee.
14:44:53 37
14:44:53 38 Yes?---I'm not certain what she should and shouldn't have
14:45:00 39 done. I don't know, Mr Winneke.
14:45:05 40
14:45:05 41 Can I suggest this: certainly as far Purana was concerned,
14:45:13 42 Purana was prepared to cut her a fair degree of slack to
14:45:19 43 enable her to continue to involve herself in these
14:45:22 44 transactions, both acting for people and if not acting for
14:45:26 45 people in public, advising them behind the scenes?---I
14:45:36 46 don't think I'd agree with the summation that we'd cut her
14:45:40 47 a fair bit of slack. She was chosen by those particular

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14:45:44 1 clients. We didn't fight that in any way. So I'm not sure
14:45:51 2 that we gave her slack.
14:45:53 3
14:45:54 4 Well you did fight the involvement of Solicitor 2?---Did we
14:45:59 5 or did the OPP?
14:46:00 6
14:46:03 7 I suggest both of you did. Ultimately you charged her,
14:46:09 8 didn't you, or at least Purana charged her with
14:46:13 9 offences?---We charged her, I believe she got a contempt of
14:46:17 10 court charge, she got a possession of a firearm charge.
14:46:22 11 That's it I think.
14:46:23 12
14:46:23 13 Did you have any involvement in assisting the Legal
14:46:28 14 Services Board in - - - ?---Yes, sorry, Nigel L'Estrange
14:46:35 15 had something to do with that. They made some inquiries
14:46:38 16 with us I think and we provided some information to assist
14:46:41 17 them.
14:46:41 18
14:46:41 19 Right. I might come back to that in due course. What I
14:46:47 20 suggest to you is that there was ample basis for you to say
14:46:50 21 to, I know you say, "It's not a matter for us", it's ample
14:46:54 22 basis for you to say, whether it be Geoff Horgan or anyone
14:46:59 23 else, or the judge, "Look, we're not comfortable with this
14:47:02 24 person acting for these people because we think she's too
14:47:07 25 much involved in the events"?---In the circumstances that
14:47:14 26 arise I reckon Geoff Horgan SC would probably say, "Stuart,
14:47:20 27 you let me worry about those sorts of things, you stick to
14:47:23 28 what you have to do".
14:47:24 29
14:47:26 30 He may. Did you ever say anything like that to him?---No,
14:47:28 31 I don't recall saying that.
14:47:29 32
14:47:29 33 Do you know whether anyone else said anything like that to
14:47:32 34 him?---No, I don't.
14:47:33 35
14:47:33 36 Insofar as Solicitor 2 is concerned, it appears that
14:47:37 37 Mr L'Estrange prepared an affidavit in circumstances where
14:47:41 38 I think she had, as a solicitor, subpoenaed, whether it be
14:47:47 39 CCRs or material from Purana, and an affidavit was prepared
14:47:54 40 with a view to preventing her from getting access to that
14:47:57 41 material on the basis that it was asserted in the affidavit
14:48:00 42 that she wasn't of good character and she associated with
14:48:05 43 criminals?---I'm not sure, you may have have to take me to
14:48:11 44 that to confirm the content. Certainly I can tell you what
14:48:16 45 our view of Solicitor 2 was and we certainly had the view
14:48:20 46 that she was doing things that were aimed to pervert the
14:48:28 47 course of justice and corrupt our investigations.

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14:48:33 1
14:48:34 2 Whereas would it be fair to say on the contrary Ms Gobbo
14:48:39 3 was, if anything, providing assistance to your
14:48:43 4 investigations?---I'm not sure that assistance is right,
14:48:48 5 but we didn't have any, any evidence to suggest that she
14:48:54 6 was corrupting or perverting our investigations.
14:48:56 7
14:48:59 8 Perhaps if we can have a look at VPL.6024.0200.855 and the
14:49:14 9 last number is cut off. 8553. That was an affidavit that
14:49:54 10 you referred to, a confidential affidavit prepared by Nigel
14:49:58 11 L'Estrange. Do you know whether it was filed or not?---I
14:50:05 12 don't have any idea. Did I refer to it somewhere or did
14:50:11 13 you just - did you bring it up?
14:50:13 14
14:50:14 15 I brought it up, you appeared to know about it?---I don't
14:50:17 16 know that I knew about it but I knew Nigel had some
14:50:21 17 involvement with the Legal Services Board and **Solicitor 2** so I'm
14:50:25 18 not sure if I knew about the confidential affidavit.
14:50:26 19
14:50:27 20 But he's in your team, isn't he?---Yes.
14:50:29 21
14:50:30 22 He's a junior Detective under you?---Yes.
14:50:33 23
14:50:33 24 He's prepared a, "Confidential affidavit as the nominated
14:50:37 25 representative of the Chief Commissioner with respect to a
14:50:40 26 claim for public interest immunity to be made on 22 August
14:50:43 27 2005 at the Melbourne Supreme Court in relation to
14:50:46 28 telephone intercept material sought by the defence under a
14:50:48 29 subpoena for production", do you see that? He's part, part
14:50:56 30 of his duties is involved into investigations in relation
14:50:59 31 to the death of Mark Moran, Jason Moran, Pasquale Barbaro
14:51:04 32 and Michael Marshall?---You might have to scroll down.
14:51:06 33
14:51:06 34 Do you see that, paragraph 4? "Makes the affidavit in
14:51:10 35 response to the subpoena which was issued by Carl Anthony
14:51:13 36 Williams, the defendant, on 5 August 2005, addressed to the
14:51:18 37 Chief Commissioner of Police." It would be reasonable to
14:51:20 38 say, wouldn't it, that you were aware about this material
14:51:23 39 or this affidavit?---I probably would have, I probably
14:51:27 40 would have been I'd reckon.
14:51:29 41
14:51:29 42 And then if we go over the page, paragraph 12, we see that,
14:51:36 43 "The release of hard copies of this material to Solicitor 2
14:51:41 44 is resisted by investigators due to concerns with her
14:51:44 45 professionalism, ethical behaviour and criminal
14:51:48 46 associations. It is believed the release of these hard
14:51:50 47 copies could pose a risk to the material coming into

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14:51:51 1 possession of third parties with criminal connections which
14:51:54 2 in turn could jeopardise the privacy and safety of third
14:51:58 3 persons recorded on the telephone intercept material". And
14:52:00 4 then there's a, thereafter is set out allegations or
14:52:07 5 assertions about - - - ?---Why that is, yep.
14:52:14 6
14:52:14 7 - - - why that is. But the point that I make is that the
14:52:25 8 assertion is that there is concern about, and Victoria
14:52:28 9 Police are prepared to take action if they take the view
14:52:32 10 there are concerns about professionalism, ethical behaviour
14:52:38 11 and criminal associations, prepared to take action and
14:52:41 12 willing to do so if it's in the interests of the
14:52:45 13 investigation to do so, the prosecution?---Yeah, I think
14:52:51 14 that's probably fair, if we have the intelligence, which we
14:52:57 15 didn't, by which we can back up those sorts of claims.
14:53:00 16
14:53:00 17 Yes. Ultimately, and I think there was action taken
14:53:12 18 against Solicitor 2 at VCAT, by the Legal Services Board
14:53:20 19 and Victoria Police assisted the Legal Services Board in
14:53:26 20 pursuing that action by providing this affidavit, amongst
14:53:31 21 other material?---That may well have been. I'm not sure
14:53:35 22 what - you're probably better off asking Nigel about that.
14:53:38 23 Certainly I know that Nigel was assisting the Legal
14:53:44 24 Services Board in their action.
14:53:45 25
14:53:48 26 In any event, if a view is taken by members of Victoria
14:53:59 27 Police that the lawyer oughtn't be involved in a proceeding
14:54:06 28 or is engaging in conduct which is improper, then it's
14:54:11 29 apparent that steps can be taken to do something about it,
14:54:15 30 to Victoria Police. You'd accept that proposition?---I
14:54:19 31 would accept that proposition. I think what needs to go
14:54:22 32 along with that is that we actually have to have some
14:54:26 33 demonstrable intelligence to back up those claims.
14:54:30 34
14:54:30 35 I follow that. I tender that affidavit. As to whether
14:54:33 36 that affidavit was served do you know or not?---I don't.
14:54:41 37
14:54:42 38 It may well be that once the contempt charge was found
14:54:53 39 proven there was no need to serve it, is that your
14:54:57 40 recollection or not?---Well I think also at this stage, I
14:55:02 41 don't know where the dates fit in, but she was also
14:55:06 42 directed by the judge not to have any further dealings
14:55:11 43 because of her conflict, so that may well have been around
14:55:15 44 that same time, I'm not sure.
14:55:18 45
14:55:20 46 We'll come to that in due course. There was a hearing on
14:55:23 47 30 March, the following year, at which you were present I

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14:55:27 1 think and gave evidence in relation to another matter where
14:55:30 2 Justice King made it clear to Solicitor 2 because she had
14:55:36 3 previously acted for both Carl Williams and [REDACTED] that
14:55:40 4 she couldn't participate in the trial for either of
14:55:43 5 them?---No, she couldn't participate in the contested
14:55:46 6 trial.

14:55:46 7
14:55:47 8 Whether it be contested or otherwise, what she said is,
14:55:50 9 "You can't be involved and the file has to go to another
14:55:53 10 firm of solicitors"?---Yes.

14:55:55 11
14:55:56 12 And I think you were present at the hearing, as I suggest,
14:55:59 13 when that occurred?---Yeah, maybe. I certainly know that
14:56:04 14 to be the reason anyway.

14:56:05 15
14:56:09 16 COMMISSIONER: Was it the affidavit of Nigel L'Estrange, is
14:56:12 17 that right?

14:56:13 18
14:56:13 19 MR WINNEKE: It is, Commissioner. It's an unsigned
14:56:15 20 affidavit of Nigel L'Estrange dated 22 August 2005.

14:56:20 21
14:56:20 22 COMMISSIONER: Unsigned and unsworn.

14:56:22 23
14:56:22 24 MR WINNEKE: That's the version I've got in any event. It
14:56:25 25 seems to be unsworn because it was relied upon by His
14:56:29 26 Honour Judge Bowman in a matter before VCAT on 6 August
14:56:33 27 2007 in an unsworn statement, which leads me to the view,
14:56:37 28 Commissioner, that it wasn't ever sworn.

14:56:40 29
14:56:41 30 #EXHIBIT RC771A - (Confidential) Unsigned affidavit of
14:56:16 31 Nigel L'Estrange dated 22/8/05.

14:56:42 32
14:56:43 33 #EXHIBIT RC771B - (Redacted version.)

14:56:50 34
14:56:54 35 In addition to the materials that were available in the
14:57:01 36 course of the trial, the Marshall trial which we've been
14:57:04 37 discussing which occurred in September and October and I
14:57:09 38 think into November of 2005?---Yes.

14:57:11 39
14:57:12 40 Albeit it wasn't, it appeared not to have been known, or at
14:57:17 41 least it wasn't in evidence, in fact Ms Gobbo went and
14:57:21 42 visited [REDACTED] in custody the day after the murder on [REDACTED]
14:57:28 43 [REDACTED] 2003. Do you accept that?---I don't have a memory
14:57:37 44 of it being led and I think last time I was here you asked
14:57:42 45 me about that and I said I didn't think I remembered.

14:57:45 46
14:57:45 47 Yes?---So it seems to follow.

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14:57:47 1
14:57:47 2 It may well be that that factually didn't find it's way
14:57:51 3 into the trial in 2005, but it became very apparent
14:57:54 4 certainly to investigators when ██████████ made his
14:57:59 5 statement early the following year in 2006?---Yes.
14:58:02 6
14:58:03 7 What I suggested to you previously was though, it would
14:58:07 8 have been known who was visiting these characters after the
14:58:11 9 murders, surely?---I don't know. I would have thought, I
14:58:21 10 would have thought there was probably an IR created if we
14:58:24 11 did know.
14:58:26 12
14:58:26 13 During the course of the trial, and I think around the time
14:58:30 14 of this evidence, and I haven't got the transcript but it's
14:58:34 15 only my recollection of reading it, someone went down and
14:58:36 16 checked out the records at the Melbourne Custody Centre and
14:58:40 17 it became apparent I think that Mr Grant had been in to
14:58:45 18 see, or at least it was considered Mr Grant had been in to
14:58:47 19 see ██████████ on the Sunday. Were you aware of that? Do
14:58:53 20 you recollect that or not?---I don't.
14:58:54 21
14:58:54 22 We don't have those records and you don't have a
14:58:57 23 recollection of that?---I don't.
14:58:59 24
14:58:59 25 All right. What we do know is that Ms Gobbo went to see
14:59:03 26 ██████████ the following day and ultimately she then starts
14:59:06 27 to act for ██████████ on or about the 13th when you get your
14:59:12 28 464B application to take him away and interview him?---Yes.
14:59:17 29 Look I accept that ██████████ says that and I think she says
14:59:21 30 that too, doesn't she?
14:59:22 31
14:59:22 32 Yes?---No, I don't take issue with it.
14:59:24 33
14:59:25 34 Okay. And ultimately I think you, one of the things that
14:59:30 35 you got a search warrant for down the track was to get a
14:59:34 36 hold of that, any notes that she had, may have made
14:59:39 37 subsequent to ██████████ making that assertion in his
14:59:46 38 statement?---Did we? I thought that was to get statements
14:59:51 39 that were false for Carl got ██████████ and ██████████ to write,
14:59:59 40 wasn't that the purpose of that?
41
15:00:02 42 That was another one?---Did I do the first one?
15:00:05 43
15:00:10 44 I think I'll come back to it because ultimately what occurs
15:00:14 45 after you speak to Ms Gobbo on 18 March I think I've
15:00:20 46 suggested, there was efforts made to get a hold of those
15:00:24 47 notes. And indeed those notes were obtained pursuant to a

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15:00:29 1 warrant and kept with the court. No recollection of
15:00:34 2 that?---I don't actually.
15:00:36 3
15:00:36 4 Okay, all right then. If we have a look at
15:00:56 5 VPL.0005.0148.0001. These are notes of Gavan Ryan on 14
15:01:05 6 November 2003. If we can go to - starting there?---Yep.
15:01:24 7
15:01:26 8 That's a meeting involving various people, do you see that?
15:01:32 9 You're not there?---Yep.
15:01:34 10
15:01:35 11 Swindells, Ryan, it looks like Robertson, Trichias, Pearce,
15:01:50 12 Mr Buick and others. If we go over the page. Now it seems
15:02:00 13 that there were various things discussed, tactical, LDs,
15:02:08 14 then Gobbo, Mokbel, Williams, and obviously [REDACTED]
15:02:22 15 Then, "Wanted to see Gobbo, Gobbo wanted to see Mokbel".
15:02:31 16 An arrow from, "Gobbo wanted to see Mokbel ASAP after
15:02:37 17 [REDACTED] visit". Now that's a reference to the visit on
15:02:42 18 [REDACTED] as we understand it. "Visited Carl [REDACTED]
15:02:51 19 [REDACTED] at Port Melbourne. Calls - said to be social. Gobbo
15:02:59 20 obviously [REDACTED] SPU, ESD and calls being
15:03:06 21 pulled re lawyer/client privilege" and then it goes on.
15:03:12 22 Now, in view of the assertion made by [REDACTED] in his
15:03:23 23 statement that may well assume some significance, do you
15:03:27 24 accept that?---Yeah, I accept that.
15:03:31 25
15:03:32 26 Now, do you know whether you ever have a discussion with
15:03:37 27 Mr Ryan about that and about possibly finding out from
15:03:40 28 Ms Gobbo or speaking to Ms Gobbo about those matters,
15:03:44 29 putting the acid on her to find out what was going
15:03:49 30 on?---No. I don't recall that and it seems like something
15:03:53 31 I'd take a note of or do an IR on if I was tasked to do it.
15:03:59 32
15:03:59 33 You don't have a note or recall being tasked about
15:04:03 34 it?---No.
15:04:03 35
15:04:04 36 Save that you do have a recollection of speaking to
15:04:07 37 Ms Gobbo when she was in tears complaining to you about the
15:04:10 38 fact that that statement had been taken, that is [REDACTED]
15:04:13 39 [REDACTED] statement had been taken without her being told about
15:04:16 40 it?---Sorry, this is, what date are these notes?
15:04:20 41
15:04:21 42 These notes are 14 November 2003?---Yeah, and I think that
15:04:25 43 when she's, that's much later than 2006.
15:04:29 44
15:04:29 45 Yes, much later?---Yes.
15:04:31 46
15:04:31 47 What I'm asking you is do you know whether any

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15:04:33 1 investigation was done with a view to finding out, after
15:04:38 2 [REDACTED] made his statement, to finding out the veracity
15:04:43 3 of what he had said in his statement?-- [REDACTED]
4
15:04:49 5 Yes?--I don't know, I'd have to have a look for it. Not
15:04:54 6 necessarily in my notes but through the IRs. I don't know,
15:04:59 7 I don't have a recollection of it as I sit here.
15:05:02 8
15:05:03 9 All right. What I'd like to do, and I briefly covered this
15:05:24 10 last time but what I want to do is ask you a couple of
15:05:29 11 questions about the process by which [REDACTED] came to make
15:05:37 12 his statements. You know we've covered this and you've
15:05:41 13 dealt with it to some extent in your supplementary
15:05:45 14 statement and indeed your earlier statement, you follow
15:05:47 15 that?--Yes.
15:05:48 16
15:05:49 17 The process, as we understand it, occurred whereby it
15:05:57 18 became apparent to you, certainly by 13 November of 2003,
15:06:03 19 that you might well get [REDACTED] on side?--Look I think
15:06:09 20 that was apparent for us on the night of his arrest but I
15:06:14 21 think it might have been becoming clearer - what date do
15:06:20 22 you say it - - -
15:06:22 23
15:06:22 24 There was a 464B - - - ?---Yes, yes.
15:06:25 25
15:06:25 26 - - - application on 13 November?---Yep, yep, yep.
15:06:28 27
15:06:29 28 Ms Gobbo at that stage was acting for him?---Yes.
15:06:33 29
15:06:33 30 I think she'd appeared for him at the hearing and and it
15:06:40 31 then becomes apparent as time goes on that he is wanting to
15:06:44 32 make a statement?---Yes.
15:06:46 33
15:06:49 34 And you're obviously concerned to ensure that the statement
15:06:53 35 is as accurate as it can be?---Yes.
15:06:57 36
15:07:01 37 And there's discussions had between, as I understand it,
15:07:16 38 yourself and the OPP. There was a committal mention on 22
15:07:21 39 March in 2004. You had discussions with her about the
15:07:26 40 can-say statement?---Yes.
15:07:28 41
15:07:28 42 Right?---Yep.
15:07:29 43
15:07:33 44 And then there was a meeting between yourself and Mr Horgan
15:07:37 45 and you told him about the discussion and then the next
15:07:42 46 thing occurred was that you and Mr Buick went to visit
15:07:48 47 [REDACTED] in prison, I think that was on 5 April. You were

.19/11/19

9548

BATESON XXN - IN CAMERA

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15:07:53 1 then going away, you had five weeks off and then Mr Buick
15:07:57 2 in effect took over and Mr Swindells, do you accept that,
15:08:05 3 and you came back from leave on or about 18 May. If you
15:08:12 4 want your diary to confirm that by all means?---You have?
15:08:17 5
15:08:17 6 I do?---I mean do you - I can do it but I accept you've
15:08:21 7 done it.
15:08:22 8
15:08:22 9 I'm suggesting you were away and you came back and you
15:08:25 10 returned to duty about 18 May, by that stage there had been
15:08:29 11 a meeting, you refer to it in your statement, there had
15:08:32 12 been a meeting with the OPP and at that stage it was agreed
15:08:36 13 that there would be a proposal put that if [REDACTED] pleaded guilty
15:08:41 14 to the murder of [REDACTED] and gave evidence in relation to
15:08:44 15 [REDACTED] and [REDACTED] he would be [REDACTED] in relation to
15:08:48 16 those murders?---I think that's probably correct.
15:08:51 17
15:08:52 18 Ultimately that's what occurred?---Yep.
15:08:54 19
15:08:54 20 But obviously you had to get him over the line?---Yes.
15:08:57 21
15:08:59 22 And then there's the other charges that had to be dealt
15:09:03 23 with and they were at [REDACTED] and I think you went out to
15:09:07 24 [REDACTED] and Ms Gobbo was there and Mr Horgan was there and
15:09:10 25 there were discussions had and at that stage it became
15:09:14 26 clear to you that he would plead guilty and it's likely
15:09:23 27 that he would assist?---Yes.
15:09:25 28
15:09:26 29 Okay. It was at that time that Ms Gobbo said to you that
15:09:30 30 she was concerned about her welfare?---At [REDACTED], yes.
15:09:34 31
15:09:34 32 At [REDACTED]. And then there was a statement taking process
15:09:46 33 which commenced I think around 20 June. There were draft
15:09:49 34 statements prepared. Do you accept that?---Yes.
15:09:53 35
15:09:55 36 There were two statements completed. There was the
15:09:58 37 [REDACTED] statement, I think which was taken on 22nd and
15:10:02 38 23rd of June. And the [REDACTED] statement, that is [REDACTED]
15:10:09 39 [REDACTED]'s statement was taken 25 to 29
15:10:15 40 June, thereabouts?---I don't recall the dates but I'm
15:10:18 41 willing to accept that if you're reading from notes.
15:10:21 42
15:10:23 43 On 8 June I think in your statement at paragraph 53?---The
15:10:30 44 first one?
15:10:31 45
15:10:31 46 First one. You had those statements in draft and you'd
15:10:37 47 spoken to Mr Horgan about the plea deal and there was some

.19/11/19

9549

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15:10:41 1 discussion about the plea being scheduled after he gives
15:10:46 2 evidence for the Crown in the committal proceeding in the
15:10:50 3 [REDACTED] murder?---Yes.
15:10:51 4
15:10:51 5 The agreement was to put Nicola off and Mr Horgan agreed
15:10:57 6 that he'd speak to Ms Gobbo?---Yes.
15:11:00 7
15:11:02 8 Then the drafts of the statements were taken out for
15:11:08 9 [REDACTED] to sign on 9 June, correct?---9 June 2004?
15:11:35 10
15:11:35 11 Yes?---I don't think they were taken out that day. Isn't
15:11:38 12 that the day we arrest Carl for the Condello murder?
15:11:43 13
15:11:44 14 Just excuse me. Have you got your day book there?---I've
15:12:13 15 just got the chronology that I prepared.
15:12:15 16
15:12:15 17 Perhaps if you grab your day book?---For 9 June?
15:12:19 18
15:12:19 19 I'm sorry, 9 July?---9 July, sorry.
15:12:23 20
15:12:24 21 Did I say June?---Yes, that's correct. Sorry.
15:12:32 22
15:12:35 23 This is VPL.0005.0058.0058, sorry, 0014. 0005.0058.0014.
15:13:38 24 It's all redacted. Commissioner, I'm afraid I've got a
15:13:55 25 document which is shaded and it's of the same number.
15:14:19 26
15:14:21 27 COMMISSIONER: It would make a good T-shirt.
15:14:25 28
15:14:26 29 MR WINNEKE: Yes, it would.
15:14:38 30
15:14:38 31 WITNESS: I have it here in front of me anyway.
15:14:41 32
15:14:41 33 MR WINNEKE: Okay. So what it says is your, "At [REDACTED] re [REDACTED]
15:14:54 34 review of statements. [REDACTED] enters Government functions area".
15:15:00 35 And then there's an arrow, [REDACTED] Allowed to read
15:15:03 36 statements to see if true", correct?---Yes.
15:15:06 37
15:15:07 38 "Accept. Won't sign before going to Nicola for
15:15:14 39 approval"?---Yes.
15:15:15 40
15:15:16 41 "Wanted the last two lines of paragraph 52 added. Nothing
15:15:20 42 deleted." And then there's some material which is
15:15:25 43 irrelevant, being personal details associated with him, is
15:15:30 44 that right?---Yes.
15:15:30 45
15:15:33 46 And I asked you about that previously. I just wasn't
15:15:38 47 certain about what you meant by "wanted the last two lines

.19/11/19

9550

BATESON XXN - IN CAMERA

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15:15:42 1 of paragraph 52 added" because if you show him a statement
15:15:47 2 which is in draft form, he obviously wants more to be added
15:15:53 3 I assume, is that right?---No. So I guess why I'm
15:15:58 4 referring to that, I think it should be the last two
15:16:01 5 sentences, but I'm not positive, I'd have to have a look.
15:16:05 6 So we add those last two sentences, so the statement is now
15:16:10 7 in a fuller form, if you like, and identify those as the
15:16:13 8 changes that he wanted to make.

15:16:15 9
15:16:15 10 Right, okay. And so those two sentences are added there
15:16:22 11 effectively and once they're added he's happy with
15:16:29 12 it?---Yes.

15:16:31 13
15:16:31 14 Okay. And so that which had been prepared before wasn't
15:16:35 15 satisfactory, then he adds those last two
15:16:43 16 sentences?---Sentences or lines, but yes. I thought it was
15:16:47 17 actually sentences when I looked at it but I've got in my
15:16:50 18 notes lines. I'm not sure.

15:16:52 19
15:16:52 20 You're quite right, the last two lines of paragraph 52
15:16:57 21 added, nothing deleted. Then if we go over the page, I
15:17:01 22 don't know if we're having any joy. So that's 16?---It has
15:17:11 23 to go the other way.

15:17:14 24
15:17:14 25 That's the page we've been looking at?---Yes.

15:17:17 26
15:17:23 27 And then if we then go to p.112, it seems that on the same
15:17:33 28 day, later on in the afternoon, you've contacted Geoff
15:17:38 29 Horgan. And it says "arrest", is that right?---Yeah, I
15:17:44 30 don't know. Did I arrest someone earlier on that day? Or
15:17:49 31 did someone get arrested on that day?

15:17:53 32
15:17:53 33 It doesn't appear to be the case, does it?---I might have
15:17:56 34 got, I might have got notification that someone was
15:18:01 35 arrested but it's obviously unrelated to [REDACTED]

15:18:06 36
15:18:06 37 You've updated him about, about [REDACTED] ---Yep.

15:18:10 38
15:18:11 39 And about the fact that he's not going to sign the
15:18:18 40 statement until Nicola's approved of it?---Correct.

15:18:22 41
15:18:23 42 And then the next note is, "Nicola with contact
15:18:29 43 details"?---Yes.

15:18:30 44
15:18:30 45 And then, "Sunday morning speak to Nicola Gobbo regarding [REDACTED]
15:18:38 46 wanting her to read statement prior to signing"?---I don't,
15:18:45 47 I don't know that that happened Sunday morning.

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15:18:47 1
15:18:47 2 That was the plan, was it?---Maybe it was the plan, that
15:18:50 3 she was going to read them Sunday morning.
15:18:52 4
15:18:52 5 Then you say, "Able to read then Saturday arvo on Sunday
15:18:58 6 morning". Do you know - - - ?---It's probably all Sunday
15:19:02 7 morning I suspect, even though it doesn't look like it.
15:19:04 8
15:19:05 9 Or Sunday morning, okay. Then you contact someone at the
15:19:09 10 Custody Centre?---Yep.
15:19:12 11
15:19:14 12 And there's a telephone - is that relevant to these events
15:19:23 13 or not?---I don't know actually, I don't know why - he
15:19:36 14 certainly wasn't in the Custody Centre there, and that
15:19:39 15 looks like the number for the Custody Centre. It probably
15:19:43 16 meant something to me at the time, it doesn't now.
15:19:45 17
15:19:45 18 Then the following day there's notes that you've recorded.
15:19:54 19 "On 10 July at 2 pm Mark Hatt attends the office of Nicola
15:20:00 20 Gobbo and allowed the same to read statements"?---Yes.
15:20:03 21
15:20:05 22 And, "Rang by Nicola Gobbo". I assume you called by Nicola
15:20:12 23 Gobbo?---Yes.
15:20:13 24
15:20:13 25 "Asked if I could speed up the process of new visitor
15:20:17 26 clearance"?---Yes.
15:20:20 27
15:20:21 28 And she, "Also expressed scepticism of no payment and not
15:20:28 29 knowing it was murder and she'll visit [REDACTED] in the morning",
15:20:36 30 right?---Yes.
15:20:39 31
15:20:41 32 So one assumes then that whatever changes have been made to
15:20:46 33 the statement the previous day, and bearing in mind those
15:20:51 34 changes apparently had been made, it appears to be the
15:20:56 35 changes that were made suggest to the reader that [REDACTED] was not
15:21:08 36 going to be in receipt of payment and didn't know that
15:21:11 37 there was going to be a murder?---No. Have you got the
15:21:18 38 statement that we can have a look at?
15:21:20 39
15:21:21 40 We've got the statement. I'm simply going on what we've
15:21:25 41 established so far?---So I think the last two lines
15:21:27 42 indicate that he realised on the day it was going to be a
15:21:31 43 murder.
15:21:31 44
15:21:31 45 Right?---And he just thought he had to go along with it to
15:21:36 46 make sure no one else got hurt or something like that, I
15:21:39 47 can't remember exactly what it was. So I think the

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15:21:42 1 scepticism was expressed around, well, it sounds like,
15:21:49 2 surely he knew it was a murder right from the start.
15:21:53 3
15:21:53 4 Right. In any event that was something that she was
15:21:58 5 sceptical about and those two points you agree what you
15:22:05 6 say, you agree with the scepticism that she had?---Yes, I
15:22:11 7 shared that scepticism.
15:22:13 8
15:22:16 9 A visit was arranged with prison staff and Ms Gobbo was
15:22:20 10 advised about that and then on Sunday 11 July, that is the
15:22:24 11 following day, you have a discussion with Ms Gobbo and she
15:22:29 12 tells you, obviously having seen him, that he was worried
15:22:33 13 about sentence and seizure of assets and will be truthful
15:22:41 14 and as we established last time, it looks as if you've
15:22:45 15 crossed out "more truthful"?---No, just looking at that
15:22:49 16 now, I think I might have started to write "more
15:22:54 17 forthcoming" and crossed out the "more" and the "for" and
15:22:58 18 then just written "truthful".
15:22:59 19
15:22:59 20 So "will be more forthcoming" perhaps and you've crossed it
15:23:03 21 out and you've said "will be truthful"?---Yep.
15:23:07 22
15:23:09 23 So effectively what she's saying to you is that, "He will
15:23:13 24 now be truthful, whereas up until now he hasn't been
15:23:19 25 truthful with you, he's now going to be truthful when you
15:23:22 26 see him" and that's what she's established from
15:23:28 27 him?---Yeah. I guess it's not that he's told us a complete
15:23:37 28 pack of lies, it's at the point where we shared our
15:23:41 29 scepticism around the murder, yes.
15:23:44 30
15:23:44 31 In any event what she's saying is that she's spoken to him
15:23:47 32 and, "If you come and see him now he'll be more
15:23:51 33 truthful"?---Yeah, he'll truthful I guess. The way I read
15:23:56 34 it now all these years later is that he'll probably admit
15:24:00 35 that he knew it was going to be a murder.
15:24:03 36
15:24:04 37 Then the next thing is on 12 July, that is the Monday
15:24:09 38 morning I take it, you're at the office. You ring Geoff
15:24:14 39 Horgan regarding a bail application, "Instructed Nigel to
15:24:23 40 see someone about that bail application, expressing our
15:24:26 41 desire for statements regarding [REDACTED] murder"?---Yes.
15:24:32 42
15:24:33 43 So who is expressing the desire?---So [REDACTED] was an
15:24:39 44 associate of [REDACTED].
15:24:40 45
15:24:40 46 Yes?---We found a large amount of chemicals, you know, for
15:24:45 47 methamphetamine use or making methamphetamine. We arrested

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15:24:50 1 him and, you know, we wanted to get a statement from him
15:24:55 2 ultimately so, yeah, nothing to do with the Gobbo, [REDACTED]
15:25:01 3 scenario.
15:25:01 4
15:25:01 5 Then you go and see, you go and see [REDACTED] again and then some
15:25:10 6 changes are made to the [REDACTED] statement regarding his
15:25:15 7 belief?---Yes. So that was just simply that I kind of
15:25:18 8 thought it was going to be a murder, I think she says in
15:25:22 9 those - - -
15:25:22 10
15:25:22 11 Look, I think you accept you did last time, without
15:25:27 12 labouring the point, these are significant changes, not
15:25:30 13 insignificant changes at all?---Well they were certainly
15:25:35 14 something that will go towards his credit, yeah.
15:25:39 15
15:25:39 16 If you want the fellow to be believable, you want his
15:25:43 17 credit to be good, as unimpeachable as possible?---Yeah.
15:25:48 18
15:25:50 19 Insofar as [REDACTED]'s statement is concerned there was the
15:25:55 20 indemnity type change at the introduction of the statement,
15:25:59 21 is that right?---Yes.
15:26:00 22
15:26:07 23 On that occasion he wasn't prepared to sign the
15:26:12 24 statement?---No. We went back to, as you see on the
15:26:17 25 following day, we went to [REDACTED] police station to print
15:26:23 26 out an update because we didn't have access to printers in
15:26:26 27 the prison, so we went back to update those.
15:26:31 28
15:26:32 29 Yes?---And print them out for him.
15:26:34 30
15:26:34 31 Right. You contacted - and then you gave, you're back then
15:26:42 32 to see [REDACTED] again?---So then what happened, I think what we,
15:26:49 33 we said, "Have you read the statements", he was happy, he
15:26:52 34 again wanted Nicola Gobbo to see them. I rang her and told
15:26:56 35 her about the changes.
15:26:57 36
15:26:57 37 Yes?---To the statement.
15:26:59 38
15:27:00 39 Yes?---And then she got a message back to me the next
15:27:02 40 morning that he was happy to sign them.
15:27:05 41
15:27:05 42 She'd then spoken to him and he's right to sign the
15:27:10 43 statement and there's a reference to wanting to give mobile
15:27:14 44 number to a solicitor for security clearance, Anthony
15:27:22 45 Brand, is that right?---Yeah, I think she wanted to see if
15:27:30 46 I could help.
15:27:31 47

.19/11/19

9554

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15:27:31 1 She wanted you to get Anthony Brand's security clearance so
15:27:38 2 he could see Mr Gatto, is that right?---"Anthony wants see
15:27:46 3 Mr Gatto. Wanted to see where" - oh okay, yeah. So I
15:27:52 4 think the way I read that note now, although I have no
15:27:54 5 memory of it from back then, that Anthony Brand had a
15:27:58 6 security clearance in process.
15:28:01 7
15:28:01 8 Yes?---And they wanted me to find out what's happening with
15:28:06 9 it and I'd promised to see where it is at and ring him
15:28:10 10 back.
15:28:11 11
15:28:13 12 So in effect Ms Gobbo was passing that message on, "Can you
15:28:17 13 see if you can help Anthony Brand out to get a security
15:28:21 14 clearance, he wants to see Mr Gatto"?---I'm not sure to
15:28:24 15 help, it's more so just to check where it was in the
15:28:27 16 process.
15:28:27 17
18 See what was going on?---Yep.
19
15:28:29 20 Okay, all right. Now, insofar as the other statement, do
15:28:39 21 you know whether he was prepared to sign that statement,
15:28:42 22 the [REDACTED] statement?---Yeah, I took it that that meant
15:28:46 23 both.
15:28:46 24
15:28:46 25 Both?---Yep.
15:28:47 26
15:28:47 27 So he wasn't prepared to sign any of the statements at that
15:28:51 28 stage?---Which stage, sorry?
15:28:55 29
15:28:58 30 On 12 July when you, having photocopied the statement at
15:29:02 31 [REDACTED] and then gone back out to the prison, he was happy
15:29:06 32 with the statements, he read both statements?---Yeah, he
15:29:11 33 still wanted Nicola, his barrister, to be advised of the
15:29:15 34 changes.
15:29:16 35
15:29:18 36 All right. Can I just, I'm going to go on to another area,
15:29:30 37 Commissioner, perhaps it's time to - - -
15:29:31 38
15:29:31 39 COMMISSIONER: We'll have the afternoon break, thanks.
15:30:07 40
15:30:08 41 (Short adjournment.)
15:44:23 42
15:44:24 43 COMMISSIONER: Yes Mr Winneke.
15:44:25 44
15:44:26 45 MR WINNEKE: Thanks Commissioner. What I want to do is
15:44:28 46 just to play a couple of extracts of meetings between
15:44:35 47 Ms Gobbo and her handlers so as you can respond to some of

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15:44:41 1 the things that she says to her handlers, if you wouldn't
15:44:44 2 mind. The first one, Commissioner, is clip 77?---What date
15:44:50 3 is this?

15:44:50 4
15:44:51 5 This is 16 September 2005, the first day that Ms Gobbo
15:44:56 6 speaks to her handlers at the SDU or the DSU.

7
15:45:06 8 (Audio recording played to the hearing.)

9
15:48:10 10 All right. The transcript's more or less accurate. There
15:48:15 11 might be some inaccuracies about it, but the thrust of what
15:48:19 12 she's saying, I suggest, is that she is in fear that it
15:48:24 13 will become apparent that she had met with police, that
15:48:30 14 she'd spoken to the police, she'd edited statements before
15:48:33 15 they got sworn and served, that sort of stuff. That's what
15:48:38 16 she's saying?---Yes.

15:48:39 17
15:48:40 18 Bear in mind this is [REDACTED] 2005 coming up to the
15:48:48 19 trial of [REDACTED] for the murder of [REDACTED]
15:48:53 20 and the main witness in that trial is [REDACTED] and what
15:48:58 21 she's saying there is, "I'm petrified that my role in
15:49:03 22 editing the statements will come out" and she says that
15:49:08 23 she's been protected by police so far. If I can stop
15:49:15 24 there. After the committal, I think on 23 March 2005,
15:49:22 25 earlier this year she in fact rang you and thanked you for
15:49:28 26 effectively keeping her name out of the committal, do you
15:49:31 27 accept that?---I accept she did that. I haven't got the
15:49:34 28 date right in front of me but I accept she did it.

15:49:36 29
15:49:37 30 Right. And she's saying, "Well look, in the Magistrates'
15:49:46 31 Court the police protected me with the first round of
15:49:48 32 subpoenas but now we're at the Supreme Court stage and a
15:49:52 33 judge might rule differently to a magistrate" and it that
15:49:55 34 happens she's fucked. Now, that appears to be what she's
15:50:00 35 saying. You accept that?---I accept, yeah, listening to it
15:50:05 36 it seems a fairly accurate transcript.

15:50:08 37
15:50:12 38 Can I suggest to you that the information or that which she
15:50:17 39 states, that is her involvement in the process of the
15:50:25 40 taking of the statements, is something that is relevant to
15:50:33 41 an upcoming trial?---Well I'm not sure that she's accurate.
15:50:40 42 I would never have used the word "editing", I think she's
15:50:44 43 overstating that. And ultimately she represented him and
15:50:50 44 provided him with advice, as any barrister would, and I
15:50:54 45 think I explained my belief about that last time, how he
15:50:58 46 was always going to become a Crown witness, it didn't
15:51:02 47 matter who was representing him.

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15:51:03 1
15:51:03 2 I follow. That may be the case, that he might always have
15:51:07 3 become a Crown witness, that may not be the case, who
15:51:10 4 knows, but what I'm suggesting to you is this, that if you
15:51:13 5 have someone who is involved in the way in which she
15:51:18 6 suggests that she was involved, it's a relevant matter for
15:51:21 7 people who are seeking to attack the credit of the witness
15:51:24 8 to put to him?---Look, I would accept that if that was true
15:51:30 9 but, you know, we would never say, and I would never say
15:51:34 10 she edited the statements.
15:51:35 11
15:51:35 12 You may not say that?---So the notes that I put before the
15:51:39 13 magistrate.
15:51:39 14
15:51:40 15 Yes?---Indicated and I think Mr Lovitt cross-examines me or
15:51:47 16 makes some assertions in court that it's ridiculous that
15:51:50 17 just the names of the barrister's crossed out in terms of
15:51:54 18 the appearance at [REDACTED], so I'm not sure that we ever
15:51:58 19 disguised the fact that he'd sought advice.
15:52:02 20
15:52:04 21 So you take issue with the proposition that she has had an
15:52:07 22 involvement in editing the statements?---Yeah.
15:52:10 23
15:52:10 24 All right. Perhaps if we can play another clip. And this
15:52:20 25 one is clip 78, Commissioner, 26 September 2005.
26
15:52:25 27 (Audio recording played to the hearing.)
28
15:58:39 29 Again, she's expressing the same things. Now you say,
15:58:43 30 "Well look, I disagree with the proposition that she
15:58:46 31 altered the statements", I take it?---Yeah.
15:58:48 32
15:58:50 33 What is clear though, isn't it, that on the day that you
15:58:56 34 take the statements out, that is 9 July, take the
15:59:00 35 statements out for [REDACTED] to sign, he's not satisfied with the
15:59:06 36 statements and he adds two lines to paragraph 52 and he's
15:59:15 37 satisfied with it then. Then the statements go to Gobbo on
15:59:21 38 the 10th with Mr Hatt?---Yep.
15:59:24 39
15:59:24 40 She expresses scepticism about them and she says, "I'll go
15:59:29 41 and see this fellow", you arrange for her to go and see him
15:59:33 42 the following day and then the statements are altered in a
15:59:36 43 way which concern what he has to say about the matter, or
15:59:45 44 his belief as to what was occurring or going to occur, do
15:59:50 45 you accept that?---Yes.
15:59:50 46
15:59:51 47 Can I suggest to you that she recognises an issue which

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15:59:56 1 must have been apparent to you, and that is she was
15:59:59 2 factually involved in the process whereby those statements
16:00:03 3 were changed?---No, I'm not sure that I accept that in that
16:00:10 4 wording. You know, I think I'd word it in such a way that
16:00:15 5 it seems apparent that she provided advice which then
16:00:19 6 resulted in him altering his statement.
16:00:22 7
16:00:22 8 Just a minute. He's added statements, added lines to the
16:00:26 9 statement on the night?---Yeah.
16:00:28 10
16:00:29 11 Says, "Righto there it is, I'm happy with that but I want
16:00:32 12 Nicola to see it". Right? She sees it?---Yep.
13
16:00:36 14 And says she's not happy with it, she expresses scepticism
16:00:41 15 about it, she goes and sees him and the statement is then
16:00:43 16 changed again?---I'm sure that she said she's not happy
16:00:48 17 about it. She expressed scepticism about it which I
16:00:51 18 shared.
16:00:51 19
16:00:52 20 Whether or not you shared it, she's expressed scepticism
16:00:54 21 about it and then he having been satisfied on the 9th, then
16:00:59 22 changes it following her scepticism when she sees him or
16:01:05 23 after she says him, do you accept that?---There's, what do
16:01:09 24 I call it, a slight alteration.
25
16:01:15 26 That's what you call it?---That's his belief.
16:01:15 27
28 MR CHETTLE: Before the timing runs out, on that document
16:01:15 29 in front of him, the paragraph where it reads "Mr White" at
16:01:18 30 the top and the name, it says, "Because the minute [REDACTED]
16:01:21 31 rings him", that's fine on the transcript but on the
16:01:25 32 tape-recording itself the [REDACTED] was not properly
16:01:29 33 substituted, the real name was in there.
34
35 MR WINNEKE: I didn't - if that's the case - - -
36
16:01:31 37 MR CHETTLE: The only reason I mention it, if it goes out
16:01:34 38 as an exhibit it needs to have that corrected before it
16:01:37 39 goes out to the website.
16:01:38 40
16:01:39 41 COMMISSIONER: Thank you for that.
16:01:44 42
16:01:45 43 MR WINNEKE: Whether or not you call it a slight
16:01:48 44 alteration, it is an alteration which enhances his
16:01:51 45 credibility I suggest to you?---"Some changes made to
16:01:54 46 [REDACTED]'s statement re his belief."
16:01:58 47

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16:01:58 1 Yes. Right. And concerning his credibility. We're
16:02:03 2 agreeing with that proposition, aren't we?---I guess so. I
16:02:10 3 always thought he must have known beforehand. Did I know,
16:02:15 4 did I have evidence to prove that he did? No.

16:02:20 5
16:02:22 6 After Ms Gobbo speaks to him you've got better evidence,
16:02:26 7 haven't you?---Yeah, I guess so, yeah.

16:02:33 8
16:02:34 9 Mr Bateson, look, the reality is, and you know full well
16:02:38 10 when the likes of Mr Lovitt and Mr Heliotis are trying to
16:02:42 11 find out how this fellow comes to make his statement and
16:02:45 12 are chipping away at him, all of these little things are
16:02:48 13 significant?---Yeah, I think they pursued that pretty well
16:02:52 14 at committal.

16:02:52 15
16:02:53 16 These sorts of issues, I suggest to you, are significant
16:02:56 17 and they are relevant and they are material which defence
16:03:02 18 ought be able to examine upon?---I'm not sure that - I
16:03:09 19 think everything is a balancing act. So if what I've got
16:03:13 20 in my diaries or my notes was redacted at the time,
16:03:17 21 obviously that balance fell in favour of retaining those
16:03:20 22 redactions because I gave that evidence before the
16:03:23 23 magistrate or the, in time the judge. I think, you know, I
16:03:30 24 guess that's a call for a magistrate or a judge I think.

16:03:33 25
16:03:33 26 What you've said to this Commission before is that as far
16:03:37 27 as you were concerned the only thing that was ever taken
16:03:40 28 out was a name. In other words, the name was the important
16:03:44 29 thing that had to be protected, not what the name did or
16:03:48 30 the barrister did, just the name?---Well that might be the
16:03:51 31 case, I'm not contradicting myself now. But, you know, if
16:03:56 32 it was redacted it was redacted on the basis and argued in
16:04:00 33 front of the magistrate or the judge.

16:04:01 34
16:04:02 35 All right. I mean ultimately, I've asked you this before,
16:04:05 36 but in Mr Purton's diary there was a Task Force Purana
16:04:12 37 meeting, progress meeting on 12 July, that is the day
16:04:17 38 before the statement was signed and Mr Overland, Mr Purton,
16:04:25 39 Wilson, Gavan Ryan, Whitmore I think it was - I don't know
16:04:30 40 who that is, and someone else was there. It says this,
16:04:33 41 [REDACTED] final read of [REDACTED]'s statements today. Shown to
16:04:40 42 Gobbo. One thing to change. Didn't know it's going to be
16:04:43 43 a murder - NG, that's ridiculous". Now, I asked you about
16:04:50 44 this before and you said you'd never use that word, right,
16:04:55 45 do you accept that?---Yep.

16:04:57 46
16:04:58 47 But you're the only person who spoke to Ms Gobbo about her

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16:05:03 1 impression of [REDACTED] statement before it was
16:05:07 2 changed?---I think so, yes.
16:05:08 3
16:05:08 4 So if that person, Mr Purton gets the impression that that
16:05:14 5 was her response, it's coming from you?---Well, have you
16:05:19 6 ever played the game of Chinese whispers?
16:05:22 7
16:05:22 8 All right, I follow what you're saying. Bearing in mind
16:05:25 9 that if you're the person, one assumes you've spoken to
16:05:29 10 him?---To Mr?
16:05:31 11
16:05:32 12 To whoever it is, Purton, or Ryan or whoever it might be.
16:05:37 13 Ryan or Purton?---I think I said last time I didn't speak
16:05:41 14 to Mr Purton, but I would have spoken to Gavan Ryan, who
16:05:43 15 would have passed it on to perhaps to Mr Whitmore who would
16:05:46 16 have passed it on - - -
16:05:46 17
16:05:47 18 If Whitmore and Ryan were there, it's probably not a case
16:05:52 19 of Chinese whispers. It's,"Stuart told me that this is
16:05:55 20 what Nicola said"?---I'm not sure, they probably know
16:05:57 21 better what they said. But I think there's also a chance
16:06:01 22 that one of them said it's ridiculous.
16:06:04 23
16:06:04 24 It's in inverted commas. We'll put it up.
16:06:16 25 VPL.0005.0067.0005. Whilst that's coming up, what they
16:06:32 26 were saying is, look - okay, here it is. Just excuse me.
16:06:51 27 "Today shown to Gobbo, one thing to change, didn't I know
16:07:00 28 it's going to be a murder. NG that's ridiculous"?---NG or
16:07:08 29 NO?
16:07:09 30
16:07:09 31 NG, Nicola Gobbo?---Is it? I'm not sure. I'm not sure if,
16:07:15 32 "No, that is ridiculous".
16:07:17 33
16:07:18 34 It says, "Shown to Gobbo. I think one thing to change,
16:07:21 35 didn't know it's going to be a murder"?---That looks as
16:07:24 36 just much like an O as a G to me.
16:07:27 37
16:07:27 38 All right. In any event - it looks like there's a stroke
16:07:42 39 going down but who knows?---Who's diary note is that?
40
16:07:47 41 Purton's diary note of a meeting that he has with Simon
16:07:50 42 Overland, JW, GR and S?---What did Mr Purton say?
16:07:57 43
16:07:57 44 What I'm putting to you is - - -
16:07:59 45
16:07:59 46 COMMISSIONER: Mr Winneke asks the questions?---I'm sorry.
47

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16:08:02 1 MR WINNEKE: There's a helpful exercise being done just
16:08:06 2 then by way of comparison. In any event, look, putting
16:08:13 3 that aside, what I'm suggesting to you is - you say well
16:08:17 4 look ultimately it was for the magistrate or the judge to
16:08:20 5 make the decision, not for you, that's what you say?---Well
16:08:26 6 look, I think, you know, on the basis of me redacting a
16:08:32 7 name, really serious concerns for her welfare, I shared her
16:08:39 8 view that she may well be killed. Remember we are dealing
16:08:42 9 with murderers, who murdered at will, sometimes just for
16:08:46 10 money. So I shared her view that her safety might be at
16:08:49 11 risk if they knew she wasn't doing what they expected her
16:08:54 12 to do.

16:08:54 13
16:08:54 14 What you do is you redact her name?---Correct.

16:08:57 15
16:09:03 16 The discussion goes on, if we can just put the transcript
16:09:07 17 up. At this stage it appears that she hasn't spoken to you
16:09:13 18 because in the transcript it says, "Have you spoken to
16:09:18 19 Stewie Bateson about those specific matters", that is how
16:09:23 20 would respond if he's asked questions which might expose
16:09:27 21 her role in it. And she says, "No, not recently because
16:09:32 22 you told me not to talk to him". Do you follow that? If
16:09:39 23 we go to - if we just put that last transcript up so as
16:09:50 24 Mr Bateson can see what I'm putting to him. This is number
16:09:56 25 78, the transcript which goes with number 78. If we keep
16:10:08 26 going down the page. "Have you spoken to Stewie Bateson
16:10:23 27 about those specific matters?" If you just perhaps go,
16:10:27 28 scroll in the opposite direction again. Do you see that,
16:10:31 29 the issues that she's concerned about?---Yes.

16:10:34 30
16:10:35 31 "I hope that Stuart does protect me, he has so far. All
16:10:40 32 it's going to take is for an open-ended question in front
16:10:43 33 of a jury, 'Did anyone see the statement before you signed?
16:10:44 34 Did you get legal advice?', unless he's advised to claim
16:10:49 35 privilege or police are really careful about in what they
16:10:53 36 tell him that he should and shouldn't say. And I'm not
16:10:56 37 saying illegal, there's nothing illegal about it". So
16:11:00 38 effectively they're saying, "Well, look, have you spoken to
16:11:02 39 Stewie about it? Perhaps you should speak to him about
16:11:05 40 it", and she says, "Well, look, I've been told not to speak
16:11:07 41 to him", right. Do you accept that that's what the gist of
16:11:12 42 the discussion is?---Yes.

16:11:14 43
16:11:14 44 And effectively they then go on and say, well, that she
16:11:21 45 should speak to you about it?---Yes.

16:11:24 46
16:11:25 47 Apparently she does because the ICR at p.19 on 1 October

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16:11:34 1 evidences a meeting between Ms Gobbo and - in any event,
16:11:51 2 spoke to handlers and she says that she had spoken to
16:11:57 3 Senior Detective Stuart Bateson, there is it here, "last
16:12:04 4 week re some routine matter", and Bateson made the comment,
16:12:09 5 "'I can't talk to you about the other stuff now', leading
16:12:12 6 her to believe he is aware of your status" and she's not
16:12:19 7 concerned that you know about this. Do you see
8 that?---Yes.

9
16:12:20 10 If we can take that ICR down. Can I suggest to you that
16:12:28 11 she would have had a discussion with you about that along
16:12:31 12 the lines of that which was suggested in the transcript
16:12:34 13 that we've seen?---No, I don't think so. I mean I don't
16:12:41 14 see, am I meant to be seeing where that is recorded
16:12:44 15 somewhere? Am I missing it?

16:12:47 16
16:12:47 17 No. It's not - what we see there is what we see, but what
16:12:53 18 I'm suggesting to you is that Ms Gobbo would have had a
16:12:56 19 discussion with you about her concern that [REDACTED] might,
16:13:03 20 during the course of the trial, blurt out that she had been
16:13:08 21 involved in the statement taking process?---I have no note
16:13:17 22 or no memory of that happening.

16:13:19 23
16:13:19 24 No, you may not, but would it be fair to say that you were
16:13:22 25 concerned to protect Ms Gobbo?---I agree that her safety
16:13:29 26 was at risk if it became known she had represented [REDACTED]
16:13:35 27 against the wishes of Mokbel and Williams.

16:13:37 28
16:13:38 29 Right. If [REDACTED] was asked a question, "Tell me about
16:13:42 30 what occurred in the day or so before the statement was
16:13:46 31 made?" He might be inclined to say, "Look, I was provided
16:13:48 32 with the statement. In that statement I said words to the
16:13:52 33 effect that I didn't think there was going to be a murder
16:13:54 34 take place, I didn't think I was going to get paid any
16:13:57 35 money, but I said I wasn't going to sign it until Ms Gobbo
16:14:00 36 saw it. She saw it. It came back to me and there were
16:14:04 37 then changes made with suggestions that I should accept
16:14:08 38 that there was going to be a murder take place". That
16:14:10 39 conceivably could occur if he was asked an open question,
16:14:14 40 couldn't it?---Yes.

16:14:15 41
16:14:15 42 And that would be the truth?---Yeah. Absolutely, yeah.

16:14:18 43
16:14:18 44 Do you think you might have spoken to [REDACTED] and
16:14:21 45 suggested that he might be best not to say anything like
16:14:24 46 that?---No.

16:14:24 47

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16:14:25 1 Would you think that there would have been any discussion
16:14:28 2 about that at all?---I certainly don't remember any
16:14:31 3 discussion. I don't know whether that's all the
16:14:33 4 transcripts I've read lately or not.
16:14:35 5
16:14:35 6 Yes?---I have some memory of that kind of thing being a
16:14:41 7 concern with [REDACTED]
16:14:43 8
16:14:43 9 Yes?---But I don't have it for [REDACTED]
16:14:47 10
16:14:49 11 Do you say that as far as you were concerned you didn't
16:14:52 12 give him any instructions about claiming legal professional
16:14:57 13 privilege or not needing to answer questions about that
16:14:59 14 aspect of the statement taking process or anything like
16:15:02 15 that?---No, I don't.
16:15:03 16
16:15:04 17 Okay. In another conversation that she has with her
16:15:15 18 handlers, and this is at VPL.0005 - I don't have a clip
16:15:22 19 with this one - 0005.0087.0068 at p.380, she's having a
16:15:36 20 discussion with one of her handlers whose name is
16:15:46 21 Mr Brennan and the conversation goes like this, at p.380,
16:15:53 22 "Bear in mind", at the bottom of the page, like the", and
16:15:56 23 Brennan says, "Sometimes. Relationship I had with Stuart
16:16:00 24 Bateson. H'mm. Is because when I first had dealings with
16:16:04 25 him, and I mean let's be frank about it, he thought I was a
16:16:09 26 stooge for Carl". And Mr Brennan says, "Yeah". And she
16:16:14 27 says, "And Purana, shared by a lot at Purana, and I said to
16:16:18 28 him I wasn't and that I would prove that, that wasn't the
16:16:22 29 case. And part of proving that, that wasn't the case, was
16:16:26 30 then dealing with [REDACTED] in the way that I did and not telling
16:16:29 31 anybody about it". Do you see that?---Yes.
16:16:33 32
16:16:33 33 So effectively what she's saying to her handlers is that,
16:16:39 34 "I wanted to prove myself to Purana, to Stuart Bateson, and
16:16:44 35 part of the way in which I'd do that was to deal with [REDACTED] in
16:16:50 36 the way in which I did and not tell anyone about it". Now,
16:16:55 37 if that's true, it's a little bit troubling, do you accept
16:17:00 38 that?---I'm not reading it in a troubling fashion, I read
16:17:06 39 it to say well she thought that I thought, and others in
16:17:10 40 Purana shared this view, that she would have corrupted the
16:17:14 41 process somehow by going back to Mokbel or Williams and
16:17:19 42 potentially [REDACTED] being murdered before he could give
16:17:23 43 evidence. So she's acting in a way which is consistent
16:17:28 44 with a barrister and in an honest fashion. She keeps that
16:17:33 45 to herself, she acts in the best interests of her client
16:17:36 46 and that is the way she proves that she's not a stooge for
16:17:41 47 Carl and Tony and that she is in fact acting as a

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16:17:44 1 barrister.

16:17:44 2
16:17:45 3 That's one way of looking at it, but I mean obviously we're
16:17:48 4 looking at it with the benefit of all that we've seen about
16:17:52 5 this woman and her desire to impress people, her desire to
16:17:56 6 assist police and help police and one can't help but get
16:18:00 7 the impression that she's a person who wants to impress and
16:18:04 8 be liked and she's doing that with police and she appears
16:18:11 9 to have repeatedly done it and she's doing it with you, and
16:18:16 10 she says, "The way in which, part of the way to prove it
16:18:18 11 was to deal with [REDACTED] in the way in which I did", and as she's
16:18:22 12 been talking about?---Maybe it illustrates the difference
16:18:25 13 in our own biases, yours and mine, because I see it a
16:18:29 14 different way.

16:18:30 15
16:18:30 16 It may well be. It may well be. It may well be there are
16:18:33 17 two ways of looking at it, but on one view it's a troubling
16:18:37 18 view if you accept the proposition that in effect she's
16:18:40 19 using this person to prove a point to you?---I don't accept
16:18:44 20 that.

16:18:44 21
16:18:44 22 You may not, but if it was the case, hypothetically, if
16:18:50 23 that was the case it would be troubling?---I don't know how
16:18:54 24 acting as a proper barrister, providing advice, keeping the
16:18:59 25 confidentiality of a client and acting in the best interest
16:19:02 26 of her client is troubling.

16:19:04 27
16:19:06 28 What if she's, for example, representing Carl Williams at
16:19:13 29 the same time?---Is she?

16:19:16 30
16:19:16 31 She certainly providing advice to Carl Williams at around
16:19:20 32 this time?---I don't know about that. As I think I tried
16:19:25 33 to lay out in the supplementary statement, you know, it's a
16:19:31 34 really confusing issue around acting in the best interests
16:19:35 35 and when clients are clients and it appeared to me reading
16:19:40 36 everything over the last week that it was difficult for
16:19:43 37 Supreme Court judges and the OPP and the Director and the
16:19:46 38 Ethics Committee to work out. I'm not sure that I can give
16:19:49 39 you a clear answer.

16:19:50 40
16:19:50 41 You don't know what the Ethics Committee was told, do
16:19:53 42 you?---I don't know what the Ethic Committee was told.

16:19:55 43
16:19:55 44 One thing the Ethics Committee was told was that she didn't
16:19:59 45 act for [REDACTED] in relation to the murders of [REDACTED] and
16:20:05 46 [REDACTED]?---Well, she didn't in a trial, she acted in - I
16:20:10 47 don't know, I don't know that I'm disagreeing with that.

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16:20:13 1
16:20:13 2 She did, because we've just been through it all. She acted
16:20:16 3 for him insofar as advising him with respect to the case
16:20:22 4 against him, with respect to the statement that he's made,
16:20:25 5 she has acted for him in relation to those murders?---Yeah.
6
16:20:28 7 If you're the Ethics Committee and you're told that she's
16:20:31 8 never acted for this fellow in relation to this particular
16:20:34 9 murder, you might be inclined to accept her?---Is that what
16:20:39 10 they were told?
11
16:20:40 12 Yes, too right it was?---She didn't act for them in the
16:20:43 13 [REDACTED] and [REDACTED]?
14
16:20:44 15 Yes?---So I don't mean to be splitting hairs, but I'm just
16:20:48 16 trying to think through this. So I think what you're
16:20:51 17 putting to me, that she lied to the Ethics Committee.
18
16:20:55 19 Yes?---But if she represented [REDACTED] in the plea at
16:21:02 20 [REDACTED] advises him in making his plea to the murder of
16:21:08 21 [REDACTED] is it a lie that she didn't act for him?
16:21:13 22 I don't know. I mean this is where it came down to that
16:21:16 23 splitting hairs when they were talking about she could act
16:21:19 24 for him - she couldn't act for him in the contested trial,
16:21:21 25 this is [REDACTED] but she could act for him in a plea and
16:21:27 26 that's where it all gets - - -
27
16:21:29 28 Can I stop you there. When she starts acting for [REDACTED]
16:21:32 29 there are charges laid against him, correct?---For the
16:21:36 30 murder of [REDACTED].
31
16:21:38 32 The murder of [REDACTED], and the process is, a
16:21:45 33 process is then undergone, and ultimately whereby he ends
16:21:50 34 up offering to plead to the murder of [REDACTED] and
16:21:56 35 gets [REDACTED] in relation to [REDACTED] other murders?---An
16:22:01 36 undertaking not to be prosecuted.
37
16:22:03 38 An undertaking not to be prosecuted. To suggest that she
16:22:07 39 is not involved in acting for him and advising him around
16:22:10 40 those matters is, if it's not an outright lie, it's only
16:22:14 41 half the truth?---I'm not sure. I agree she acted in
16:22:18 42 advising him through that process, I'm not saying that
16:22:21 43 didn't happen. All I guess I'm trying to explore is
16:22:25 44 whether that was a lie to the Ethics Committee, if indeed
16:22:29 45 that was what was said.
46
16:22:30 46
16:22:31 47 Anyhow, you don't need to answer that question. Can I play

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16:22:38 1 you one more clip, clip 79. This is a conversation that
16:22:42 2 she has on ██████████ 2006. Obviously in all of these clips
16:22:49 3 it's quite apparent that she is an agent of Victoria
16:22:52 4 Police, she's an informer, okay, because all of these clips
16:22:57 5 have occurred during the period that she's a human source.
16:23:01 6 This is on ██████████ 2006.

16:23:08 7
16:23:09 8 (Audio recording played to the hearing.)

16:23:21 9
16:23:21 10 Perhaps I can stop that clip just for the moment. I'll
16:23:28 11 come to this tomorrow, but you know that you went and saw,
16:23:33 12 down the track you went and saw ██████████ and you taped the
16:23:38 13 conversation with him and there were discussions had with
16:23:45 14 you and ██████████ and during the course of that there was a
16:23:49 15 discussion about Ms Gobbo, do you recollect that?---Yes.

16:23:53 16
16:23:53 17 And one of the things expressed during the course of that
16:23:57 18 discussion on the part of ██████████ was perhaps ██████████'s
16:24:03 19 view was that Ms Gobbo was more interested in helping the
16:24:06 20 police. You recall that part of it?---Well that's a
16:24:10 21 section of it. I think what he was actually referring to
16:24:13 22 there is she'd rather help the police than what's going on
16:24:18 23 out there, being the likes of Carl Williams and Tony
16:24:21 24 Mokbel.

16:24:21 25
16:24:22 26 In any event, I'm just setting the scene. If we then play
16:24:26 27 the clip.

16:24:27 28
16:24:27 29 (Audio recording played to the hearing.)

30
16:28:19 31 You did say you had a gut feeling.

16:28:24 32
16:28:25 33 COMMISSIONER: I thought it must have been beans for
16:28:28 34 breakfast.

16:28:29 35
16:28:29 36 MR WINNEKE: I thought that had been taken out,
16:28:33 37 Commissioner. In any event. Look, what she's saying
16:28:40 38 again, and this is coming from a barrister's perspective,
16:28:44 39 is she's making the same point and this is on the day that
16:28:49 40 she has been shown these recordings or allowed to read
16:28:55 41 these recordings?---The transcripts, yep.

16:28:57 42
16:28:59 43 Transcripts rather. That she's making the point, again
16:29:05 44 she's saying, "It's got my amendments on it, I've made
16:29:08 45 amendments to the statement" and she points out that that's
16:29:12 46 a critical thing from a defence barrister's point of view
16:29:15 47 to be able to cross-examine about that?---Does she? Can

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16:29:18 1 you point that bit out?
16:29:20 2
16:29:20 3 Yes. If you go to - you might have been distracted - if
16:29:26 4 you just go down. Keep going. Right there. "From the
16:29:38 5 defence barrister's point of view that's a critical thing
16:29:41 6 to cross-examine about, who made the changes"?---Sorry,
16:29:44 7 whereabouts are we?
16:29:45 8
16:29:45 9 Under the red. She's purporting to be a barrister. In
16:30:04 10 fact at this stage she's an agent of police, she's a State
16:30:08 11 operative if you like, but she's saying, she's making the
16:30:13 12 point that from a defence barrister's point of view those
16:30:16 13 sorts of changes to the statements about significant
16:30:19 14 matters are significant when it comes to challenging a
16:30:23 15 person's credit. Now, do you accept that proposition?---I
16:30:31 16 accept she said that, yeah.
16:30:32 17
16:30:36 18 That's information that is in the hands of Victoria Police
16:30:41 19 at that time and do you accept that that is important
16:30:49 20 information that ought be available to the defence?---I can
16:30:57 21 see the point but I'm not sure that it wasn't, was it?
22
16:31:00 23 Do you say it was available, do you?---I'm not sure that it
16:31:04 24 wasn't in my notes.
16:31:05 25
16:31:05 26 It was in your notes and I suggest those notes weren't made
16:31:09 27 available to the defence?---I'm not sure about that. I
16:31:14 28 thought they got 500 or 600 pages of notes. I would have
16:31:18 29 thought that was part of it.
16:31:19 30
16:31:19 31 I note the time, Commissioner.
16:31:21 32
16:31:21 33 COMMISSIONER: Yes, all right then. We'll adjourn until
16:31:52 34 9.30 tomorrow.
35
16:31:53 36 <(THE WITNESS WITHDREW)
16:31:54 37
16:31:56 38 ADJOURNED UNTIL WEDNESDAY 20 NOVEMBER 2019
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