

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Friday, 29 March 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor Ms P.A. Neskovic QC Mr S. Mukerjea
Counsel for Victoria Police	Mr S. Holt QC Ms R. Enbom Ms K. Argiropoulos Mr B. Murphy QC Mr M. McLay
Counsel for State of Victoria	Dr C. Button SC Mr L. Brown
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Mr C. Caleo QC Mr P. Doyle Ms K. O'Gorman
Counsel for Police Handlers	Mr G. Chettle Ms L. Theis

09:43:41 1 COMMISSIONER: Mr Winneke, I've been told that a number of
10:21:32 2 media groups have lodged an application to amend the
10:21:38 3 non-publication order made on 27 March and it might be
10:21:44 4 appropriate to mention that now and discuss when we're
10:21:48 5 going to deal with it.
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10:21:49 7 MR WINNEKE: Yes. Ms Neskovicin is going to deal with that.
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10:21:52 9 COMMISSIONER: Ms Neskovicin.
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10:21:54 11 MS NESKOVICIN: Commissioner, Mr Otter from McPherson Kelly
10:21:56 12 representing the media parties is present in the hearing
10:22:01 13 room.
10:22:01 14
10:22:02 15 COMMISSIONER: Yes. Would Mr Otter come forward please.
10:22:06 16 Perhaps stand near a microphone. Yes.
10:22:06 17
10:22:07 18 MR OTTER: Thank you Commissioner.
10:22:09 19
10:22:10 20 COMMISSIONER: How do we spell your name, Mr Otter?
10:22:13 21
10:22:15 22 MR OTTER: O-t-t-e-r.
10:22:15 23
10:22:15 24 COMMISSIONER: Thank you Mr Otter. Yes, when were you
10:22:18 25 proposing to have the application dealt with?
10:22:22 26
10:22:22 27 MR OTTER: I was just speaking with my friend earlier.
10:22:26 28
10:22:27 29 MS NESKOVICIN: Perhaps if I might.
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31 COMMISSIONER: Yes, Ms Neskovicin.
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10:22:29 33 MS NESKOVICIN: I have had a discussion with Mr Otter
10:22:32 34 suggesting that the matter, subject to the Commission's
10:22:35 35 convenience, be set down for 10 am next Tuesday.
10:22:37 36
10:22:38 37 COMMISSIONER: Yes. Is that suitable to other parties?
10:22:42 38 Has anyone else got an interest in it? No. All right
10:22:47 39 then. Is it necessary to serve any other people of this?
10:22:56 40
10:22:57 41 MS NESKOVICIN: Commissioner, the solicitors assisting the
10:23:00 42 Commission have taken steps to notify other interested
10:23:02 43 parties who are directly affected by the making of the
10:23:06 44 order.
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46 COMMISSIONER: Yes.
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10:23:06 1 MS NESKOVCIN: We have not yet had a response as to whether
10:23:09 2 or not they will appear but in my submission there will be
10:23:12 3 ample time for them to make arrangements if they wish to do
10:23:13 4 so. We will make arrangements for the solicitors assisting
10:23:17 5 to notify them of the hearing date, 10 am on Tuesday.
10:23:19 6
10:23:19 7 COMMISSIONER: Yes. Would 9.30 am be suitable, that way we
10:23:31 8 might lose a little bit less of Commission hearing time.
10:23:34 9
10:23:35 10 MS NESKOVCIN: Yes.
10:23:35 11
10:23:35 12 COMMISSIONER: Would 9.30 am be suitable? All right then.
10:23:35 13 The application to amend the non-publication order made on
10:23:40 14 27 March 2019 will be heard at 9.30 next Tuesday. I
10:23:47 15 understand the lawyers assisting the Commission will ensure
10:23:52 16 that all interested parties are served with notice of that.
10:23:56 17
10:23:56 18 MS NESKOVCIN: Thank you, Commissioner.
10:23:58 19
10:23:58 20 COMMISSIONER: Yes, thank you. Thank you Ms Neskovicin.
10:24:01 21 Thank you Mr Otter. Yes.
10:24:07 22
10:24:08 23 MR WINNEKE: Commissioner, there are a couple of matters
10:24:09 24 that need to be dealt with before the evidence of Assistant
10:24:18 25 Commissioner Paterson resumes. Part of the discussion
10:24:20 26 involves matters which may encroach upon matters of public
10:24:26 27 interest immunity and in order to have those matters
10:24:28 28 discussed, and so as to avoid in effect the issues of
10:24:36 29 public interest immunity coming into the public domain by
10:24:39 30 virtue of having the discussions, it's appropriate that
10:24:41 31 there be a short closure of the hearing room to enable that
10:24:45 32 to occur. It shouldn't be too long. The discussion
10:24:49 33 shouldn't be too long, Commissioner, but it necessitates
10:24:52 34 the closure of the room.
10:24:53 35
10:24:55 36 COMMISSIONER: So who should be present for the private
10:25:00 37 hearing? Is it solely counsel, lawyers and staff assisting
10:25:05 38 the Commission and - - -
10:25:07 39
10:25:08 40 MR WINNEKE: Commissioner, it would certainly be the
10:25:11 41 lawyers, counsel and the staff assisting the Commission.
10:25:14 42 The question is which parties and it may well be Mr Holt
10:25:17 43 has some concerns about that. As far as the Commission is
10:25:20 44 concerned, I would have thought that it would be
10:25:22 45 appropriate at the very least that the Commissioner's
10:25:25 46 lawyers, Mr Holt and his representatives, as to the
10:25:28 47 remainder of the - - -

10:25:31 1
10:25:31 2 COMMISSIONER: State of Victoria would obviously have an
10:25:33 3 interest.
10:25:34 4
10:25:34 5 MR WINNEKE: I would have thought so and certainly
10:25:36 6 Mr Chettle.
10:25:38 7
10:25:38 8 COMMISSIONER: Yes, and what about Ms Gobbo's lawyers?
10:25:41 9
10:25:41 10 MR COLLINSON: It's hard to know at this point. We'd be
10:25:45 11 reluctant to be kicked out of the room prematurely. PII
10:25:50 12 claims of course involve a balancing of all sorts of
10:25:53 13 interests and it's not hard to see that Ms Gobbo might have
10:25:56 14 an interest in these matters. But we're not going to
10:26:01 15 intervene with unnecessary submissions if that proves to be
10:26:07 16 something we're not particularly focused upon.
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18 COMMISSIONER: Yes.
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10:26:20 20 MR COLLINSON: My junior, I don't think I'll say it on the
10:26:23 21 record, my junior told me something about what the subject
10:26:26 22 matter is and from the way he described that it did sound
10:26:30 23 like Ms Gobbo has an interest but I don't want to say any
10:26:34 24 more in open court.
10:26:36 25
10:26:36 26 COMMISSIONER: All right, thank you. I'm satisfied under
10:26:39 27 s.24 of the *Inquiries Act* that the conduct of this
10:26:46 28 proceeding will be more efficient and effective if access
10:26:53 29 to the Royal Commission proceedings are temporarily limited
10:26:57 30 to counsel and their instructing solicitors and staff
10:27:04 31 assisting the Royal Commission. And you'll want
10:27:10 32 Mr Paterson present too?
10:27:12 33
10:27:13 34 MR HOLT: I was just going to ask.
10:27:15 35
10:27:15 36 COMMISSIONER: And Mr Paterson. And that all other people
10:27:18 37 now leave the hearing room and I cause a copy of this order
10:27:25 38 to be posted on the door of the hearing room. So in terms
10:27:31 39 of recording, the proceedings will be recorded but they
10:27:34 40 will not be streamed.
41
10:27:40 42 All right then, so everyone who is not in the category
10:27:44 43 I have mentioned is now required to leave the courtroom.
10:27:48 44
10:27:49 45 MR HOLT: Can I confirm that the order you made in relation
10:27:54 46 to streaming means that it won't be streamed into the media
10:27:59 47 room either for present purposes?

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COMMISSIONER: Yes.

MR HOLT: I'm grateful, thank you.

(IN CAMERA PROCEEDINGS FOLLOW)

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10:47:34 1 UPON RESUMING IN OPEN COURT:

10:47:43 2
3 COMMISSIONER: Yes, the hearing is now open and the
4 streaming is now resumed on the 15 minute delay basis that
5 we've been operating on. Thank you.
6

10:47:44 7 MR HOLT: Commissioner, I apologise, might I raise an issue
10:47:46 8 which should be raised in open court before the evidence
9 starts because I think it might become an issue today.
10:47:50 10 Commissioner raised yesterday this question of ranks and
10:47:52 11 whether the current suppression orders cover those.
12

13 COMMISSIONER: Yes.
14

10:47:56 15 MR HOLT: We've had instructions overnight from those
10:47:58 16 representing my clients in respect of those proceedings,
10:47:58 17 and there is, as the Commissioner anticipated might be the
10:48:02 18 case, in fact there is no order that prohibits the
10:48:04 19 publication of rank. What there were are orders that
10:48:07 20 prohibit, that ensure the redaction of certain documents to
10:48:10 21 the extent that they include rank because in that
10:48:13 22 particular context rank may have identified the person.
10:48:16 23 Our respectful submission is that there is nothing in those
10:48:20 24 orders which requires rank not to be referred to in the
10:48:22 25 context of this hearing and there is no other reason that
10:48:25 26 we advance as to why that should be done, and on that basis
10:48:28 27 we would accede to and respectfully say as appropriate an
10:48:32 28 amendment to the order that Your Honour made yesterday such
10:48:35 29 that it removes reference to rank.
30

10:48:37 31 COMMISSIONER: Right. I take it, Mr Winneke, you're happy
10:48:37 31 for me to make that amendment?
10:48:58 32

10:49:00 33
10:49:00 34 MR WINNEKE: Yes, I am, Commissioner.
10:49:01 35

10:49:02 36 COMMISSIONER: Thank you. I've just had the order removed
10:49:04 37 from the door. So the order made on 28 March, which
10:49:08 38 included, that's order 1(b) which stated publication is
10:49:19 39 prohibited of any material that would identify police
10:49:23 40 members as being handlers or controllers of human sources,
10:49:24 41 or any information that would enable their identity to be
10:49:28 42 ascertained including the publication of images, initials
10:49:34 43 and ranks, is now amended to read including the publication
10:49:38 44 of images and initials with the words "and ranks" removed.
10:49:43 45 I have amended that and initialled it and I'll have that
10:49:46 46 now replaced on the door of the hearing room. Thank you.
10:49:56 47 Of course you're on your former affirmation, thanks

10:49:59 1 Mr Paterson. Mr Chettle.
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10:50:01 4 <NEIL JOHN PATERSON, recalled:
10:50:03 5
10:50:04 6 MR CHETTLE: Mr Paterson, yesterday I was asking you some
10:50:06 7 questions about the nature of the character and integrity
10:50:10 8 of this group. From your inquiries it was a group that was
10:50:13 9 working exceptionally hard?---Yes, that's correct.
10:50:16 10
10:50:16 11 And the group as a whole represented a cohesive, hard
10:50:21 12 working and totally professional group of police
10:50:24 13 officers?---Probably not to the point that I can say that
10:50:29 14 or challenge it, Mr Chettle. They weren't reporting to me
10:50:32 15 as a group of people. I certainly know many of the
10:50:34 16 officers that were working there but, you know, in terms of
10:50:38 17 their, that particular question, their inline supervisors
10:50:45 18 would be in a best position to give you the answer to that.
10:50:47 19 But I have nothing to challenge that.
10:50:49 20
10:50:49 21 All right. Let me - I asked you about some commendations
10:50:53 22 that Mr Jones had yesterday?---It would probably assist me
10:50:57 23 if I had the list of the names again, Commissioner.
10:50:59 24
10:51:00 25 Just give you back the list of the pseudonyms.
10:51:03 26
10:51:03 27 COMMISSIONER: Yes, does someone have a copy of that? And
10:51:06 28 I would appreciate one as well, an updated one. Do we need
10:51:16 29 copies made? We need quite a few copies apparently. It
10:51:21 30 looks as though this is going to be the final one for a
10:51:24 31 while.
10:51:24 32
10:51:25 33 MR CHETTLE: Yes, there's about ten names on this one.
10:51:30 34
10:51:30 35 COMMISSIONER: The Commission staff are just organising
10:51:33 36 some copies to be made.
10:51:35 37
10:51:36 38 MR CHETTLE: Do you know who Mr Jones was?---Yes, I do.
10:51:39 39
10:51:39 40 He is the one I want to ask you about. Without revealing,
10:51:44 41 can I suggest this is the terms of the commendation he
10:51:49 42 received in 2011. I'm going to ask you listen to the
10:51:54 43 commendation and ask whether you agree with it and the
10:51:56 44 sentiments it expresses. "Detective Senior Sergeant Jones
10:51:58 45 has been a member of Victoria Police Force for over 30
10:52:01 46 years, has contributed to investigative and covert policing
10:52:06 47 fields for 25 of those years. During this time he has

10:52:10 1 provided a consistently superior level of policing,
10:52:13 2 particularly in the areas of drug and homicide
10:52:17 3 investigations. Detective Sergeant Jones has been
10:52:20 4 commended on numerous occasion for his dedication to duty,
10:52:24 5 leadership and investigative works. Through the
10:52:28 6 introduction of high level methodologies in undercover and
10:52:33 7 human source operations he has brought continued
10:52:36 8 development to the investigative expertise of Victoria
10:52:41 9 Police. He is recognised in the Australian law enforcement
10:52:43 10 as an expert in the field of human sources and continues to
10:52:48 11 operate at a highly proficient level in the field. He has
10:52:51 12 consistently displayed distinguished service throughout his
10:52:55 13 career and is highly regarded by peers and superiors for
10:53:00 14 his ethics, integrity, dedication and professionalism.
10:53:05 15 Late in 2004 Detective Senior Sergeant Jones was seconded
10:53:09 16 to the Intelligence and Covert Support Department to set up
10:53:14 17 and trial a Source Development Unit where he remains
10:53:19 18 today." Do those sentiments express your understanding of
10:53:23 19 the nature of the character of the man I'm talking
10:53:26 20 about?---Yes, I certainly know the individual and I'm aware
10:53:29 21 of the process that would have gone through to approve
10:53:33 22 those words and I am in no position to challenge those
10:53:38 23 words, they align with my understanding of that individual.

10:53:41 24
10:53:41 25 Do you accept that what I've just read to you, subject to
10:53:44 26 the change of name obviously, is the commendation he
10:53:48 27 received in 2011? I can show it to you?---I haven't seen
10:53:53 28 it before but I'm happy to accept your proposition,
10:53:57 29 Mr Chettle.

10:53:58 30
10:53:58 31 COMMISSIONER: That was 2011?

10:54:00 32
10:54:00 33 MR CHETTLE: 2011. Now, you talked about line supervisors.
10:54:08 34 Some criticism was made in the various reports about the
10:54:11 35 absence of permanent inspectors with the unit, are you
10:54:16 36 aware of that?---Yes, I am.

10:54:18 37
10:54:19 38 But there were a large number of inspectors who had held
10:54:23 39 that position of Inspector over the period 2005 to 2009,
10:54:27 40 were there not?---I'm not aware of that, Mr Chettle.

10:54:30 41
10:54:31 42 Can I give you some names and you can tell me - do you know
10:54:34 43 a man Inspector Hardy?---No, I don't.

10:54:36 44
10:54:37 45 Inspector Glow?---Yes, I do and I'm aware that he was there
10:54:42 46 for a period of time.

10:54:42 47

10:54:43 1 Inspector Thomas?---No, I don't know who that is.
2
10:54:46 3 Ian Thomas I think his name is?---He was a Superintendent,
10:54:50 4 Acting Commander, so he would have been not over that unit
10:54:54 5 but a higher level manager in the Command, or in the
10:54:58 6 department.
10:54:58 7
10:54:58 8 Inspector Maclean?---Yes, I'm aware of who that is but I
10:55:02 9 don't believe he held a position over that particular unit.
10:55:05 10
10:55:07 11 Inspector Coshau?---Again, I'm aware of who the individual
10:55:11 12 is but I don't believe they held an Inspector position over
10:55:14 13 that particular unit.
10:55:16 14
10:55:16 15 Inspector John O'Connor?---Yes, he did. He followed
10:55:22 16 Mr Glow into that particular unit as the Inspector.
10:55:25 17
10:55:25 18 Is O'Connor still a police officer?---Yes he is, he is now
10:55:30 19 a Superintendent.
10:55:31 20
10:55:31 21 There was, you made reference yesterday to the HSMU which
10:55:36 22 was a separate unit for supplying effectively a registry
10:55:41 23 support for the SDU?---As it was back then, that's correct.
10:55:46 24
10:55:47 25 That was where the officer in charge of registrations was
10:55:52 26 located, if I can put it that way?---There wasn't such a
10:55:56 27 term but, yes, there was a - - -
10:55:57 28
10:55:58 29 There's a name for it?---There was a Senior Sergeant in
10:56:01 30 charge of that unit who reported to an Inspector. The
10:56:04 31 Inspector had broader responsibilities than that particular
10:56:07 32 unit but the Senior Sergeant was in charge of the HSMU and
10:56:16 33 Inspector had oversight. It was a different name of a
10:56:20 34 division, of an area, and had oversight of that and others.
10:56:22 35
10:56:23 36 Inspector Porter, is that a name - Porter?---Walker?
10:56:27 37
10:56:27 38 Porter. P-o-r-t-e-r?---No, he was a Superintendent.
10:56:31 39
10:56:31 40 Superintendent Porter?---He was in charge of the division
10:56:35 41 immediately prior to me taking over the State Intelligence
10:56:39 42 Division.
10:56:39 43
10:56:39 44 Finally, Detective Inspector McWhirter?---Mr McWhirter I
10:56:45 45 understand was an Inspector in Intelligence and Covert
10:56:50 46 Support. I think he was a staff officer at some point to
10:56:54 47 whoever was the Commander at a point in time.

10:56:57 1
10:56:57 2 Whoever they are, these are all gentlemen who are superior
10:57:02 3 in rank to the members in the unit?---Yes, but as I've
10:57:05 4 indicated many of them wouldn't have had - in their role as
10:57:09 5 an Inspector wouldn't have had any direct line control over
10:57:13 6 that particular unit. I have identified two names there
10:57:16 7 that certainly did at a period of time.
10:57:19 8
10:57:19 9 My instructions are, and there will be evidence I think at
10:57:22 10 some later stage, that those names are all people who had
10:57:26 11 awareness of the identity of 3838 as she then was?---I'm
10:57:32 12 unaware of that.
10:57:33 13
10:57:33 14 You wouldn't know. Has there ever been a comprehensive
10:57:37 15 list compiled by the Victoria Police as to who actually
10:57:40 16 knew of her employment as an informer?---No, I'm not aware
10:57:43 17 of such a list but such a list may have been compiled in
10:57:47 18 context of either the Comrie or Kellam reviews but I'm not
10:57:52 19 aware of such a list.
10:57:53 20
10:57:53 21 As a matter of security you would not be surprised if the
10:57:57 22 unit itself kept a list or an idea of who knew and who
10:58:01 23 didn't know about her?---I would expect that they would.
10:58:04 24
10:58:04 25 Certainly other people such as Mr Biggin, Mr Moloney,
10:58:09 26 Mr Pope, all had line or knowledge of what was going on to
10:58:14 27 some extent at the unit?---At various points of time that
10:58:17 28 is correct.
10:58:17 29
10:58:17 30 And obviously most importantly Assistant Commissioner
10:58:21 31 Overland?---He would have had some involvement but he
10:58:27 32 wouldn't have had direct line at the start. I think he was
10:58:30 33 the Assistant Commissioner for Crime which was a separate
10:58:34 34 command but he clearly had knowledge of these particular
10:58:37 35 events.
10:58:38 36
10:58:38 37 What I'm trying to put in summary form is that there's
10:58:40 38 material in the possession of the police that demonstrates
10:58:42 39 he had knowledge and conferences with source members, SDU
10:58:47 40 members about Gobbo's involvement with them?---That's
10:58:51 41 correct.
10:58:51 42
10:58:57 43 Mr Biggin is still a police officer - no, he retired,
10:59:01 44 didn't he, Mr Biggin?---Yes, he has been retired for some
10:59:05 45 time.
10:59:05 46
10:59:05 47 He was the Superintendent as you've explained overseeing

10:59:08 1 this unit in a sense?---That's correct. My understanding
10:59:12 2 is he was the Superintendent over that division at the time
10:59:16 3 of its commencement, at the time that the pilot and then
10:59:21 4 the subsequent commencement of the unit occurred.
10:59:24 5
10:59:29 6 And he was still there when the unit was shut down and I
10:59:32 7 think we discussed that yesterday?---Can you just, sorry
10:59:36 8 Mr Chettle?
10:59:36 9
10:59:37 10 He was still there when the unit was shut down, this was
10:59:40 11 the ten minutes' notice I asked you about yesterday?---My
10:59:43 12 understanding is Mr Biggin was still the Superintendent in
10:59:47 13 Command, although wasn't the Superintendent over that
10:59:49 14 particular, the division where that unit existed at that
10:59:54 15 time.
10:59:54 16
10:59:54 17 I put to you yesterday - well, in the Comrie report there's
10:59:58 18 only one footnote in the whole thing and it's a footnote
11:00:03 19 that refers to what is said to be a response by Mr Biggin
11:00:07 20 dated May of 2012, are you aware of that footnote?---I have
11:00:13 21 read the Comrie report but - - -
11:00:15 22
11:00:15 23 It's the only footnote in the whole thing as far as I can
11:00:18 24 see?---I can't recall the footnote.
11:00:21 25
11:00:22 26 Have you sighted that so-called document that Comrie refers
11:00:25 27 to?---No, I haven't.
11:00:26 28
11:00:26 29 I know you have been asked to get a lot of things, but it
11:00:29 30 surely would be available, wouldn't it?---I should imagine
11:00:32 31 it would be. The records from that period of time should
11:00:35 32 all be kept, so it should be something that can be found,
11:00:39 33 Mr Chettle.
11:00:39 34
11:00:40 35 Could I ask that you look to see if you could locate for
11:00:44 36 the Commission the document referred to, p.5 of the Comrie
11:00:54 37 report, "Response provided to this review by Superintendent
11:00:57 38 Anthony Biggin, 9/5/12". That will be on the transcript.
11:01:02 39
11:01:02 40 COMMISSIONER: Can we get that up on the screen?
11:01:06 41
11:01:06 42 MR CHETTLE: No. That's what I'm trying to get,
11:01:09 43 Commissioner?---I'm not aware of whether or not it has
11:01:12 44 already been provided to the Commission obviously. In any
11:01:14 45 event, Mr Chettle, I note the number of people here in the
11:01:18 46 room taking note of that and we will endeavour to discover
11:01:21 47 and disclose that document.

11:01:23 1
11:01:23 2 Certainly it will be relevant to the members of the unit,
11:01:26 3 won't it?---It may well be.
11:01:28 4
11:01:28 5 Yes, all right. One of the things that was apparent with
11:01:34 6 Mr Comrie was that he based his report on the retrospective
11:01:39 7 application of policies that didn't exist at the time that
11:01:43 8 the unit was dealing with Gobbo?---That's correct. I think
11:01:46 9 his Terms of Reference were indeed to do just that, to say
11:01:51 10 at that point in time would the current policy of 2012
11:01:56 11 prevent the situation that arose with Ms Gobbo in the
11:02:00 12 earlier years.
11:02:02 13
11:02:02 14 But in relation to looking at the issue of fairness
11:02:06 15 effectively to those who operated in that period of time,
11:02:10 16 2005 to 2009, the application of the retro scope is a bit
11:02:17 17 unfair, isn't it?---Well again as I say, I think all he was
11:02:21 18 asked to do in context of that aspect was to apply the 2012
11:02:26 19 policies to the past practice. It wasn't - I know he has
11:02:31 20 raised a number of issues throughout his report and clearly
11:02:35 21 quite a number of recommendations, but it was in context
11:02:40 22 of, my belief is it's in context of any further work to the
11:02:44 23 policy that was required at that stage to ensure that it
11:02:46 24 wasn't possible to do it again.
11:02:49 25
11:02:49 26 I understand that side of it. But he does make strong
11:02:54 27 criticisms of certain aspects of the behaviour of the
11:02:57 28 members of the unit?---Yes, that is apparent from reading
11:03:02 29 the report.
11:03:03 30
11:03:03 31 Based on policies that didn't exist at the time. It does
11:03:07 32 smack of unfairness, doesn't it, surely?---I think
11:03:11 33 Mr Comrie also had other documents available to him other
11:03:16 34 than just an exercise of comparing the 2012 policy to the
11:03:22 35 practice that occurred. His report identifies that he has
11:03:26 36 quite a number of other documents available but he also
11:03:29 37 goes on to note that the documents provided to him quite
11:03:35 38 clearly weren't complete, a complete set of documents, and
11:03:38 39 hence his first recommendation, which was the compiling of
11:03:43 40 the whole source documents that related to Ms Gobbo in one
11:03:47 41 location which subsequently led to Loricated.
11:03:52 42
11:03:53 43 That was the point I touched on yesterday. He based his
11:03:55 44 whole report on the assumption that the entire file was the
11:03:59 45 bundle of Interpose documents that he received?---Yes, so
11:04:02 46 it's quite clear that Mr Comrie had - - -
11:04:05 47

11:04:06 1 The answer is yes or no.
11:04:07 2
11:04:08 3 MR HOLT: No, Commissioner.
11:04:10 4
11:04:10 5 MR CHETTLE: I simply ask the question whether in fact that
11:04:13 6 is the case he based it on the documents he got from
11:04:15 7 Interpose and collected in 2009?---There is no doubt that
11:04:19 8 Mr Comrie based his report on those documents, that's
11:04:22 9 correct, the documents that he had.
11:04:25 10
11:04:28 11 COMMISSIONER: Sorry, could I just interrupt for a minute.
11:04:31 12 This doesn't have, the one that has been photocopied is
11:04:35 13 supposed to be the up-to-date one doesn't have the ranks on
11:04:39 14 it. We want one with the ranks on it, don't we?
11:04:41 15
11:04:42 16 MR HOLT: I would have thought that should be done. I
11:04:45 17 should say we only received those instructions moments
11:04:49 18 before coming into the Commission but that can be done now.
11:04:52 19
11:04:52 20 COMMISSIONER: We'll try again.
11:04:54 21
11:04:55 22 MR CHETTLE: To assist, Commissioner, you can put Senior
11:04:58 23 Sergeant next to Jones and Senior Sergeant next to Currie
11:05:02 24 and they are the two Senior Sergeants?---So Currie and
11:05:06 25 Jones are Detective Senior Sergeants. My understanding is
11:05:08 26 that the remainder of that group were Detective Sergeants
11:05:12 27 at that particular time.
11:05:13 28
11:05:14 29 Thank you. A document that evolved over a period of time
11:05:24 30 through Covert Source Management was called an
11:05:28 31 Acknowledgement of Responsibilities document?---That's
11:05:31 32 correct.
11:05:31 33
11:05:32 34 Both Mr Comrie and Kellam, Justice Kellam, proceeded on the
11:05:40 35 basis that there was no AOR for Gobbo, did they not?---I
11:05:45 36 believe that's the case, that it couldn't be discovered
11:05:50 37 that there was indeed one and they proceeded on that basis.
11:05:54 38
11:05:55 39 Back at the time, 2005 to 2009 when the policies were in
11:06:01 40 place at that stage, AORs could be read and acknowledged on
11:06:06 41 tape to a witness, to a source not necessarily
11:06:16 42 signed?---There has been many versions of policy and
11:06:19 43 without me going back to the policy that's relevant at that
11:06:23 44 time just to ensure, I can't state that with fact,
11:06:27 45 Mr Chettle, but you may well be right but I would need to
11:06:30 46 refer to other documents to refresh my memory of the policy
11:06:35 47 in place because the policy did change through the life of

11:06:39 1 the SDU as you are aware.
11:06:42 2
11:06:42 3 Again, as I put to you yesterday, organic evolution. The
11:06:48 4 Commission has been provided with documents from
11:06:54 5 Mr Currie's diary that refer to the AOR and to the
11:07:00 6 reinforcing of the AOR with 3838 as she then was?---I don't
11:07:09 7 doubt it, I have not received those documents but I don't
11:07:12 8 doubt that the documents have been provided or that they
11:07:15 9 refer to that.
11:07:16 10
11:07:18 11 You see, if there was an AOR in existence the criticisms
11:07:26 12 made by Comrie in that respect would not be valid, would
11:07:30 13 they?---That's correct. If they had discovered reference
11:07:36 14 to the AOR or evidence of the actual AOR, either in a
11:07:42 15 document form or another form, then no such criticism could
11:07:45 16 or should have arisen.
11:07:47 17
11:07:47 18 And of course yesterday you explained the way you run an
11:07:52 19 inquiry and the requirements in relation to consultation
11:07:55 20 with staff and your expectations as to the way in which
11:08:00 21 people would be dealt with. Do you understand that not one
11:08:04 22 member of the SDU was asked a question by Comrie?---Yes,
11:08:09 23 Mr Comrie's report was done on the papers, so to speak, on
11:08:14 24 documents that he had access to but he did not speak to any
11:08:18 25 member of the SDU as part of his review. My understanding
11:08:23 26 is that was in accordance with the Terms of Reference.
11:08:26 27
11:08:27 28 Are these Terms of Reference contained in a letter
11:08:29 29 somewhere, are they?---I'm not 100 per cent sure but I
11:08:33 30 think he kind of states at the start of his report, on the
11:08:36 31 basis of which he is conducting his review.
11:08:39 32
11:08:39 33 He makes adverse findings without giving the people he's
11:08:43 34 making the adverse findings an opportunity to comment there
11:08:47 35 on, which is against the whole way in which the Police
11:08:51 36 Force was supposed to operate at that time, wasn't it?---So
11:08:55 37 there's a couple of - it's not a simple answer I can give
11:08:58 38 to that question, Mr Chettle. Yesterday when I referred to
11:09:01 39 the consultation I referred to consultation in terms of
11:09:06 40 changes to employment structures and things like that when
11:09:11 41 you undertake a review that may touch on either the
11:09:15 42 enterprise bargaining agreement that was in place or the
11:09:20 43 CPSU agreement. That does require an aspect of
11:09:24 44 consultation. I'm not aware as to whether the people who
11:09:27 45 undertook the component of that review did or did not
11:09:30 46 consult, but if they didn't consult I'm not aware of any
11:09:34 47 information that they informed themselves on to take such a

11:09:37 1 view.
11:09:38 2
11:09:39 3 You talked about angst, upset, issues that arose when the
11:09:45 4 unit was shut down?---Absolutely.
11:09:48 5
11:09:52 6 The Comrie report at p.52 made exactly the same
11:09:58 7 recommendation as the committee that Pope ran in 2012 about
11:10:04 8 shutting down the unit, did it not, or do you need to look
11:10:10 9 at it?---I would need to look at both documents but I don't
11:10:14 10 doubt it. I think you're talking about the covert services
11:10:18 11 review.
11:10:18 12
11:10:18 13 That one?---When you talk to the Pope document.
11:10:20 14
11:10:20 15 Yes?---And one of the recommendations out of that was the
11:10:25 16 closure of the Source Development Unit and there is a - I'd
11:10:29 17 need to refresh my memory in terms of Comrie's
11:10:34 18 recommendation.
11:10:34 19
11:10:34 20 Paragraph 52, "I consider the ongoing failings by handlers
11:10:37 21 and controllers in respect to ensuring timely submission
11:10:38 22 and checking and validating contact reports for recognised
11:10:43 23 high risk sources for which they were responsible should
11:10:47 24 cause Victoria Police to reconsider the capacity of such
11:10:51 25 persons to be entrusted to undertake these critical roles",
11:10:56 26 which is saying sack them, isn't it?---No, I don't read
11:10:59 27 that in terms of saying the unit should be closed. I think
11:11:03 28 it's talking about the particular people of the unit.
11:11:06 29
11:11:07 30 The methods of the unit?---But clearly out of that has
11:11:12 31 occurred the covert services review, we've talked about
11:11:15 32 that document yesterday. We understand or I understand
11:11:17 33 that a recommendation of that was the closure of the unit
11:11:21 34 which was supported by and enacted by the Chief
11:11:25 35 Commissioner of the day.
11:11:25 36
11:11:29 37 Both Comrie and following - the comments of Mr Comrie are
11:11:33 38 picked up to a large extent and endorsed by Justice Kellam
11:11:37 39 on occasions?---Yes, Mr Kellam, I think he, most of
11:11:45 40 Mr Kellam's recommendations were already Comrie
11:11:47 41 recommendations although he had a number of administrative
11:11:51 42 type recommendations at the end.
11:11:52 43
11:11:53 44 Can I put the general proposition that there was criticism
11:11:56 45 as to the state of the files and records maintained by the
11:12:00 46 unit?---Yes, that's correct.
11:12:01 47

11:12:04 1 There was criticism that they were so-called dispersed all
11:12:07 2 over the place and they should have been kept in one
11:12:10 3 central place?---That's correct.
11:12:11 4
11:12:15 5 Were you aware that that was in fact the case and what
11:12:19 6 Comrie and Justice Kellam were referring to weren't the
11:12:23 7 records maintained by the unit?---No, that's not my
11:12:26 8 understanding.
11:12:28 9
11:12:28 10 Evidence will be given by the three members who I said are
11:12:33 11 serving members whose reputation you've already endorsed
11:12:37 12 that that in fact is the case. Does that cause you some
11:12:40 13 concern?---No, it doesn't cause me concern. I am aware of
11:12:44 14 the work that was undertaken in Loricated. There are
11:12:47 15 aspects of that work that were not centrally stored at that
11:12:52 16 stage for IT reasons because of limited capacity. I'm
11:13:00 17 trying not to go too far with my comments there,
11:13:03 18 Mr Chettle.
11:13:03 19
11:13:03 20 I understand you can't put certain things on it, all
11:13:07 21 right?---Those issues subsequently to that period of time
11:13:12 22 were solved from an IT perspective that allowed us to do
11:13:17 23 further work.
11:13:18 24
11:13:19 25 Loricated didn't exist at the time that Gobbo was managed
11:13:23 26 in the source unit?---Well Loricated was a database created
11:13:28 27 later on. Interpose existed but the capacity of that
11:13:31 28 system was limited.
11:13:32 29
11:13:33 30 Interpose was used in the Homicide Squad first but it
11:13:36 31 wasn't used at SDU until 2010?---I think it was prior to
11:13:42 32 2010. It came - - -
11:13:45 33
11:13:45 34 Can I tell you it wasn't there, can I suggest to you it
11:13:49 35 wasn't there when Gobbo was being managed?---No, I can't
11:13:55 36 agree with that proposition.
11:13:56 37
11:13:57 38 You mentioned Loricated. Is it your understanding that
11:14:02 39 some of the ICRs that now exist on the Loricated system
11:14:09 40 have been recreated by the Loricated team from diaries and
11:14:15 41 things of that sort?---No, that's not my understanding.
11:14:20 42
11:14:20 43 You don't understand that?---No, I don't believe that to be
11:14:23 44 true.
11:14:24 45
11:14:25 46 Well, I'll leave that for someone else then. Can I ask you
11:14:29 47 this then: were you aware that SDU ran a stand-alone

11:14:34 1 computer which was encrypted, which had a complete record
11:14:39 2 of its dealings with Gobbo contained in it?---I am aware
11:14:43 3 that there was a stand-alone computer that was used to
11:14:48 4 record quite some detail. What I'm not able to confirm for
11:14:54 5 you, and I have no awareness, of whether that computer
11:14:58 6 actually contained everything as you suggest.

11:15:00 7
11:15:01 8 On the assumption that it did, and the evidence will be
11:15:04 9 that it did, that would have been the central record that
11:15:08 10 should have been looked at by firstly Comrie?---I agree
11:15:12 11 with your proposal.

11:15:13 12
11:15:21 13 Mr Comrie made findings in relation to the concept of legal
11:15:28 14 professional privilege. He said that it was open to the
11:15:31 15 conclusion that they deliberately sought legally
11:15:37 16 professionally privileged information and that they
11:15:40 17 targeted strategic information from clients. They are the
11:15:45 18 concerns he expressed as possibilities?---Yes, he certainly
11:15:48 19 expressed those views. Whether it was exactly those words
11:15:53 20 or not - but that view, yes.

11:15:54 21
11:15:56 22 There was no reference to the concept of confidentiality in
11:16:00 23 anything that Mr Comrie published, was there?---No, I don't
11:16:04 24 believe there was.

11:16:04 25
11:16:04 26 The issue of confidentiality arose squarely in the Kellam
11:16:11 27 report?---That's correct.

11:16:12 28
11:16:15 29 Now, there was criticism, and it was raised yesterday in
11:16:20 30 the questioning of Mr Winneke, of breaches of the law or
11:16:25 31 apparent breaches of the law in discussing Gobbo,
11:16:30 32 discussing with her handlers the fact that she'd been
11:16:33 33 served with a notice to attend at either, I think it was
11:16:37 34 either IBAC or OPI or ACCC, the Crime Commission?---I'm not
11:16:44 35 sure that Mr Winneke put it to that extent but rather it
11:16:47 36 related to information from one of those arenas. Yes, that
11:16:51 37 was put to me yesterday.

11:16:52 38
11:16:54 39 And Mr Comrie makes reference to the fact that effectively
11:16:59 40 the source might have got the view that they were endorsing
11:17:03 41 criminal behaviour by talking to her about it?---One of his
11:17:08 42 findings was that it may amount to the Commission of a
11:17:13 43 criminal offence.

11:17:14 44
11:17:14 45 And that the source would get the impression that they were
11:17:16 46 endorsing criminal behaviour and discussing - -
11:17:21 47 -?---Correct, I think that's exactly what Comrie said.

11:17:24 1
11:17:24 2 The legislation at the time contemplated that there can be
11:17:27 3 a reasonable excuse to disclose the fact that you've been
11:17:31 4 served with a notice, did it not?---Listen, I haven't
11:17:34 5 reviewed the former OPI Act in any recent time but I
11:17:37 6 certainly don't doubt your - - -
11:17:39 7
11:17:39 8 Mr Comrie in fact referred to that in the course of
11:17:42 9 outlining the legislation but didn't thereafter refer to
11:17:45 10 the concept at all. What I want to put to you is you
11:17:51 11 currently run human sources or are responsible for human
11:17:56 12 sources now?---Correct.
11:17:56 13
11:17:57 14 If some human source was to go to a place of compulsion and
11:18:01 15 reveal that they were a human source, that would cause some
11:18:05 16 concern to the Police Force, wouldn't it?---That's correct.
11:18:07 17
11:18:08 18 Do you understand that in this case Gobbo revealed to her
11:18:12 19 handlers that she'd been given a notice and she was
11:18:16 20 concerned that her being an informer would come out at that
11:18:21 21 Commission?---Listen I don't doubt that at all. I haven't
11:18:26 22 had opportunity to look at the particular contact reports
11:18:29 23 but that could well have been the discussion that occurred
11:18:33 24 or was referred to in source contact reports.
11:18:35 25
11:18:36 26 But thereafter the handlers went what was then Assistant
11:18:42 27 Commissioner Overland and raised their concern with him
11:18:44 28 about just that issue and he spoke directly to the ACCC or
11:18:50 29 police integrity or whoever it was?---The OPI?
11:18:54 30
11:18:54 31 OPI?---I don't know that information at all.
11:18:57 32
11:18:57 33 Would there be a record, would that be the sort of thing
11:19:01 34 that wouldn't get documented anywhere?---I'm sorry, there
11:19:04 35 was some noise down here.
11:19:07 36
11:19:07 37 If that occurred, if a handler causes the Assistant
11:19:11 38 Commissioner to be alerted to the fact there is a real
11:19:14 39 security risk here, can you contact whoever is in charge of
11:19:18 40 the relevant board and draw their attention to the problem,
11:19:23 41 so that the issue goes away?---That may well have occurred,
11:19:27 42 I have no direct knowledge of whether it did or didn't, but
11:19:29 43 that could be a reasonable expectation that that would have
11:19:32 44 occurred.
11:19:32 45
11:19:32 46 These are examples that I'm just suggesting to you as a
11:19:35 47 general view of criticisms that are made in the reports

11:19:38 1 which could have been clarified had they been asked to the
11:19:42 2 people who did it?---Yes, you're correct. I'm very aware
11:19:48 3 of the principles of procedural fairness and natural
11:19:51 4 justice. Those principles haven't applied to the Comrie
11:19:56 5 process and I'm not in a position to understand or to say
11:20:03 6 why he was given the Terms of Reference he was.

11:20:07 7
11:20:08 8 From what we said yesterday they weren't applied in the
11:20:11 9 determination to shut the unit down by the covert
11:20:15 10 intelligence report, Pope's report as I call it?--Again as
11:20:19 11 I've said I'm not possessed of the information as to
11:20:24 12 exactly what did and didn't occur with that.

11:20:27 13
11:20:27 14 Can I turn perhaps to something that's a little bit less
11:20:33 15 relevant but nonetheless - in your statement you make
11:20:38 16 reference to what you say is the registration that took
11:20:45 17 place with Gobbo.

11:20:47 18
11:20:47 19 COMMISSIONER: Paragraph number please, Mr Chettle?

11:20:49 20
11:20:49 21 MR CHETTLE: I'm trying to turn it up now, Commissioner.
11:20:59 22 3.98. It's your narrative of what you've reconstructed
11:21:08 23 occurred from the documents, do you follow? I take it
11:21:11 24 that's the position, isn't it, Mr Paterson?---Yes - sorry,
11:21:16 25 can you state that proposition again?

11:21:17 26
11:21:17 27 What you've set out in this statement here as to what
11:21:20 28 occurred on 16 September is your narrative of what you
11:21:24 29 reconstruct from the records available to you?---Yes, it's
11:21:27 30 reconstructed, I'd probably nuance it just a little bit
11:21:32 31 differently, in that I've taken instruction from people who
11:21:35 32 have read a whole lot of documents and I haven't
11:21:38 33 necessarily read all of the documents. This is such a
11:21:41 34 document that I have read and I can confirm that I have
11:21:43 35 read that as part of this statement.

11:21:44 36
11:21:46 37 An application was made to register as a source. That was
11:21:51 38 subsequent to a meeting that took place on 7 September,
11:21:55 39 wasn't it, with then Mr Hill?---My understanding,
11:22:02 40 subsequent to the 16th, which was a meeting between two
11:22:07 41 detectives, Rowe and Mansell.

11:22:09 42
11:22:10 43 Sorry, I'm going back before that. Go back to paragraph
11:22:14 44 3.93?---Yes.

11:22:15 45
11:22:15 46 You make reference to a discussion with Acting
11:22:20 47 Superintendent Robert Hill?---That's correct.

11:22:21 1
11:22:21 2 He lodges the RFO?---Correct.
11:22:27 3
11:22:27 4 So it would be clear that her registration as an informer
11:22:30 5 was being sought by a Detective Acting Superintendent
11:22:35 6 Hill?---That's correct.
11:22:36 7
11:22:36 8 Again, on the food chain, if I can call it that, up the
11:22:42 9 list, higher in the Command chain than any of my
11:22:46 10 clients?---Absolutely, and in a different Command to the
11:22:49 11 Source Development Unit.
11:22:51 12
11:22:51 13 But a senior police officer?---Absolutely, yes.
11:22:53 14
11:22:53 15 He's still a senior police officer?---Yes, Mr Hill is now
11:22:59 16 an Assistant Commissioner.
11:23:00 17
11:23:00 18 As you've set out there, the idea was that SDU would have a
11:23:04 19 meeting in order to assess her suitability to be a
11:23:09 20 source?---That's correct.
11:23:11 21
11:23:11 22 The assessment process takes some time, doesn't it?---Yes,
11:23:16 23 it's not a one-off meeting. In that you say we've covered
11:23:24 24 all of our requirements in terms of the assessment, it can
11:23:27 25 often take a number of meetings and may take a couple of
11:23:30 26 weeks or so for the assessment period.
11:23:32 27
11:23:33 28 What is clear is that she was given the number 3838 on 16
11:23:43 29 September, is that your understanding?---I'm not so sure
11:23:53 30 about that. You could well be right. What I can say is
11:23:57 31 the process is that subsequent to that meeting you would
11:24:04 32 enter details on the Interpose record and through the first
11:24:10 33 entry on Interpose into the human source system it would
11:24:15 34 generate a unique number or identifier and I'm not sure
11:24:20 35 what date that occurred on.
11:24:22 36
11:24:22 37 Are you saying that's what would happen now?---No, that's
11:24:25 38 what would happen - - -
11:24:26 39
11:24:26 40 Then?---Then is my understanding.
11:24:28 41
11:24:28 42 Someone would get the number there.
11:24:30 43
11:24:31 44 MR HOLT: Commissioner, I apologise for interrupting.
11:24:31 45 Those documents with the names on them have already just
11:24:34 46 been handed out. I'm instructed by the live stream there's
11:24:39 47 the potential they could be seen at a particular end of the

11:24:43 1 Bar table. I just wonder if people might be cautious about
11:24:44 2 keeping those documents turned over. I'm not sure if
3 that's so but I just wanted to - - -
4
5 COMMISSIONER: Yes. It's a good point.
6
11:24:46 7 MR HOLT: I'm told by the Commission staff that's not so.
11:24:50 8 I apologise for interrupting but I wanted to make sure.
11:24:52 9
11:24:52 10 COMMISSIONER: That won't be picked up.
11:24:57 11
11:24:57 12 WITNESS: So, Mr Chettle, back then, keeping in mind - so
11:25:05 13 2005, the Interpose system wasn't the system in use at that
11:25:09 14 particular time for this.
11:25:11 15
11:25:11 16 MR CHETTLE: Yes?---So they would have had a unique number
11:25:16 17 identified. I'm not so familiar with how that number was
11:25:21 18 identified and when it was allocated. It would have been
11:25:24 19 on the same day or very soon to that day.
11:25:26 20
11:25:27 21 I don't want to get into details of trade craft or things
11:25:31 22 that might cause you to be upset about practices, but the
11:25:35 23 assessment process involves some minor investigations to
11:25:46 24 tech's credibility, can I put it that way?---That's
11:25:48 25 correct.
11:25:48 26
11:25:49 27 What you said before is that it might take a period of time
11:25:52 28 to complete an assessment as to whether or not someone
11:25:55 29 could properly be used as a source?---That's correct.
11:25:57 30
11:25:59 31 Insofar as there is criticism by anyone, whether it be
11:26:04 32 Comrie or Kellam, of the fact that the risk assessment took
11:26:09 33 until November, that fails to understand that the
11:26:13 34 assessment process would take some time after the initial
11:26:17 35 meeting, doesn't it?---Well I think it fails to take into
11:26:21 36 account not only that but the policy that was in place at
11:26:24 37 the time.
11:26:24 38
11:26:25 39 Good, all right. So again, putting it bluntly, any
11:26:28 40 criticism of the unit because of that time, they wouldn't
11:26:33 41 understand what was really happening?---That may well be
11:26:38 42 correct.
11:26:38 43
11:26:38 44 Thank you. Of course, that's the sort of thing as to what
11:26:50 45 policies were being used and what the process was could
11:26:54 46 have been easily clarified by asking somebody at the
11:26:57 47 unit?---Absolutely.

11:26:58 1
11:27:12 2 Have you sighted documents in relation to any briefings of
11:27:16 3 Mr Overland in particular in relation to the particular
11:27:20 4 risks associated with putting Gobbo into Petra as a
11:27:24 5 witness?---No, I have not.
11:27:26 6
11:27:27 7 You know that that was an issue?---Yes, I do.
11:27:30 8
11:27:31 9 And certainly some questions were asked to you by
11:27:35 10 Mr Winneke about concerns expressed by the SDU members, the
11:27:42 11 Senior Sergeant in particular, about the risks associated
11:27:47 12 with transferring her into the Petra witness scheme as
11:27:53 13 distinct from a source scheme, do you recall those
11:27:56 14 questions yesterday?---Yes, I wouldn't characterise it as a
11:28:00 15 witness scheme, but transferring her as a witness, that
11:28:03 16 those concerns were raised.
11:28:05 17
11:28:07 18 Documents will speak for themselves but you would expect
11:28:10 19 that those concerns would have been documented in some
11:28:13 20 way?---I believe they were documented, I just haven't read
11:28:16 21 them.
11:28:16 22
11:28:17 23 Have you seen them?---You asked me the question, I haven't
11:28:19 24 read them. I believe they were documented and I think
11:28:22 25 there may be documents that have already been provided to
11:28:26 26 the Commission I'm not sure.
11:28:27 27
11:28:27 28 I think they have been, in fact I'm sure. Senior Sergeant
11:28:30 29 Currie was, do you understand was the man who put the
11:28:33 30 paperwork together?---Not sure who, which Senior Sergeant
11:28:36 31 did it, but - - -
11:28:38 32
11:28:38 33 You know Mr Currie, don't you?---Of course I do, yes.
11:28:41 34
11:28:42 35 All right. I want to suggest to you that it was, the
11:28:52 36 documents revealed that there was a careful and considered
11:28:56 37 plan to transfer, for the transition of Gobbo from SDU to
11:29:03 38 Petra, that indeed - have you got your list of names there,
11:29:11 39 please?---I do.
11:29:11 40
11:29:17 41 Detective Sergeants Griffin and Lloyd, the last two names
11:29:22 42 on that list, do you know who they are?---Yes, I do.
11:29:25 43
11:29:26 44 Griffin and Lloyd were enlisted, I think is the word, to
11:29:34 45 manage the transition into witness phase?---Yes, they were
11:29:39 46 to manage Ms Gobbo as a witness after her de-registration.
11:29:47 47

11:29:49 1 And documentation would exist, in fact can I put it this
11:29:53 2 way - what I want to suggest to you is that Mr Currie
11:29:59 3 prepared an extensive document of a SWOT analysis, does
11:30:08 4 that make - - - ?---I'm aware of what a SWOT analysis is.
11:30:12 5
11:30:13 6 Strengths, weaknesses?---Opportunities and threats. Again
11:30:16 7 I haven't seen such a document, it may well exist.
11:30:20 8
11:30:20 9 It would be good policing to do so, wouldn't
11:30:23 10 it?---Absolutely.
11:30:23 11
11:30:23 12 Are you aware of any meeting he might have had with Danye
11:30:28 13 Moloney in relation to that process?---No, I'm not.
11:30:31 14
11:30:32 15 Again, records - I can perhaps give the Commission a -
11:30:40 16 Commissioner, if I put up the document I'm looking at it
11:30:46 17 will actually defeat one of your orders. It has the real
11:30:48 18 names of the police officers that I've mentioned. If I can
11:30:51 19 read for the transcript 20090314, page 144 of Currie's
11:30:59 20 notes, material provided to the Commission. Can I show
11:31:04 21 this to Mr - - -
11:31:05 22
11:31:06 23 COMMISSIONER: Yes. If we get that document up it's going
11:31:08 24 to have the real name on, so that's not such a good idea.
11:31:14 25
11:31:14 26 MR CHETTLE: No, I can't. I'll summarise it orally.
11:31:18 27
11:31:18 28 MR HOLT: I'm grateful to my friend.
11:31:20 29
11:31:20 30 COMMISSIONER: Sorry, this is from Currie's diary, is it?
11:31:26 31
11:31:27 32 MR CHETTLE: Detective Senior Sergeant Currie's diary for -
11:31:37 33 - -
11:31:37 34
11:31:37 35 COMMISSIONER: And perhaps if you can give us - - -
11:31:40 36
11:31:41 37 MR CHETTLE: It's the electronic diary and it's page 144 at
11:31:45 38 the top, Commissioner. It's electronic diary for 2009.
11:31:50 39
11:31:50 40 COMMISSIONER: And actually, it might help if, although we
11:31:53 41 won't put it up on the screen, if you could give the
11:31:56 42 electronic reference to it so that - - -
11:32:01 43
11:32:01 44 MR CHETTLE: It's 2 March 2009. The electronic reference
11:32:08 45 is on the bottom of the page? 20090314 doc. You've got
11:32:19 46 different numbers I'm told.
11:32:21 47

11:32:21 1 COMMISSIONER: Is that enough information for those at the
11:32:24 2 Bar table to access it electronically if they need to?
11:32:30 3
11:32:30 4 MR CHETTLE: I'm looking at Currie's electronic diary.
11:32:34 5
11:32:34 6 MR WINNEKE: Commissioner, it's not the code I think that
11:32:36 7 we're operating on. We know the document, we've got it in
11:32:41 8 the system, and it's got a particular code but it's not
11:32:44 9 that one.
11:32:45 10
11:32:45 11 MR CHETTLE: All right. You'll be able to find it from
11:32:52 12 [REDACTED]?---We
11:32:54 13 have to stop the transmission.
11:32:55 14
11:32:56 15 MR CHETTLE: I apologise for that.
11:32:57 16
11:32:57 17 COMMISSIONER: Yes, strike that from the record.
11:33:11 18
11:33:11 19 MR CHETTLE: Can I perhaps - the simply way, Commissioner,
11:33:13 20 could I have this particular page shown to the witness.
11:33:16 21
11:33:16 22 COMMISSIONER: Yes, all right then, thank you.
11:33:18 23
11:33:18 24 MR CHETTLE: That will be the easy way. Do you recognise
11:33:37 25 that as an entry from an electronic diary of
11:33:42 26 Mr Currie?---Yes, that's what it is, yes.
11:33:43 27
11:33:44 28 Can I take you to a meeting at 10.30 that day?---Whichever
11:33:51 29 day this is, it doesn't refer to a date, but, yes.
30
11:33:55 31 You've got to go back to get the date?---10.30 on the
11:33:56 32 document, yes.
11:33:57 33
11:33:57 34 On 2 March 2009. You'll see that it refers to a meeting at
11:34:03 35 St Kilda Road with Moloney and other officers?---Yes.
11:34:07 36
11:34:10 37 That's Danye Moloney who was what rank at that
11:34:14 38 stage?---What was the date again?
11:34:16 39
11:34:16 40 March 2009?---I believe he would have been an Assistant
11:34:24 41 Commissioner at that stage, I believe.
11:34:26 42
11:34:27 43 Do you recognise the other names there?---I recognise a
11:34:36 44 number of them. I'm not so sure of one of them. No, no, I
11:34:43 45 remember who that is now. So I recognise all of those
11:34:46 46 other names, yes.
11:34:48 47

11:34:48 1 Included is Biggin and Mr Jones as well. You'll see Jones
11:34:53 2 at the end and initials?---Yes, that's correct.
11:34:56 3
11:34:56 4 And there was discussion with Command in relation to the
11:35:01 5 seconding of Witness F to Petra and the two officers I
11:35:06 6 mentioned before are therein named, aren't they?---Yes,
11:35:12 7 Griffin and Lloyd, that's correct.
11:35:14 8 Directions were made as to meetings being recorded, Witsec
11:35:17 9 to be involved, steering committees involved, things of
11:35:23 10 that nature?---Yes, that's correct, Mr Chettle.
11:35:30 11
11:35:31 12 And there it is reported yet again that she wouldn't have a
11:35:36 13 bar of, she didn't want to be involved with
11:35:40 14 Witsec?---That's correct.
11:35:40 15
11:35:41 16 And that's not the only time - is it your understanding
11:35:42 17 that she simply refused to be involved with Witsec at any
11:35:46 18 stage?---That's correct.
11:35:48 19
11:35:50 20 Expressing opinions that she thought the police leaked and
11:35:53 21 so she wasn't going to participate. I'm not going to go
11:35:58 22 into the details of any Witsec material. She didn't want
11:36:01 23 to have a bar - she didn't want them?---That's correct.
11:36:04 24
11:36:06 25 I take it - perhaps if you can hand that back. Kellam is
11:36:13 26 critical of the Unit for not having any transition plan for
11:36:20 27 the movement of Gobbo to Petra, do you remember that in the
11:36:27 28 report?---I think I'd need to refresh my memory again but
11:36:31 29 I'm certainly aware that observations were made about the
11:36:34 30 transition plan. At that particular period of time there
11:36:37 31 was no requirement to do that. We've subsequently included
11:36:44 32 that in policy and we've done significant improvements from
11:36:47 33 that period of time off those learnings.
11:36:50 34
11:36:50 35 I accept that's the position now?---But I have no doubt,
11:36:53 36 the proposition you're putting to me, that matters were
11:36:57 37 discussed, a plan was put in place.
11:37:02 38
11:37:02 39 Yes. And criticism of the failure to do it is just
11:37:06 40 ill-founded, if that be the case?---If that criticism has
11:37:11 41 been made, that there was a failure and it had not been
11:37:15 42 done, that may well be the case, yes.
11:37:17 43
11:37:17 44 Thank you. Do you recall Mr Comrie making the assumption
11:37:30 45 that because there was a gap in the Loricated, in the
11:37:36 46 documents that he had on Interpose, I'm sorry - withdraw
11:37:42 47 Loricated - in the documents he had there was a gap in the

11:37:45 1 ICRs for a couple of weeks, he drew the assumption that
11:37:49 2 they had not been lodged, do you remember that?
11:37:52 3
11:37:52 4 MR WINNEKE: Commissioner, I think it would be fair, if
11:37:54 5 Mr Chettle is going to ask questions about Mr Comrie making
11:37:59 6 assumptions, that the words that he used be put.
11:38:02 7
11:38:02 8 COMMISSIONER: I think it would be a lot tighter, thank
11:38:05 9 you.
11:38:05 10
11:38:05 11 MR CHETTLE: I was trying to do it in a general sense.
11:38:09 12 Page 12 of his report?---Commissioner, do you mind if I
11:38:13 13 refer to my report?
11:38:16 14
11:38:16 15 COMMISSIONER: You've got a copy? It might be quicker?---I
11:38:16 16 do, Commissioner.
11:38:16 17
11:38:16 18 MR WINNEKE: I'm conscious, Commissioner, that there are
11:38:20 19 embargoes on the use of the report and it's difficult, but
11:38:24 20 nonetheless that's the case, and it's not clear to me
11:38:27 21 whether that's a part of the report which has found its way
11:38:34 22 into the public domain via the decision of Justice Ginnane.
11:38:37 23 Steps have to be taken to regularise this situation as soon
11:38:40 24 as possible, but we can't breach orders.
11:38:44 25
11:38:44 26 COMMISSIONER: That's right, Mr Winneke.
11:38:44 27
11:38:44 28 MR CHETTLE: That's why my question was so vague, I was
11:38:47 29 trying to avoid doing just this. I think I can do it
11:38:51 30 another way, Commissioner. I'll just ask you to read the
11:38:53 31 first bullet point, last sentence, page 12?---You're
11:39:30 32 referring to page 12 of the Comrie report?
11:39:33 33
11:39:33 34 Yes. You'll see that there are - I just - - - ?---Halfway
11:39:37 35 down the page, up the top of the page there are two bullet
11:39:41 36 points, none down the bottom.
11:39:44 37
11:39:44 38 I'm asking you to read the first bullet point, the last
11:39:49 39 sentence of it?---I have read that.
11:40:02 40
11:40:03 41 All right. You yourself took steps of recent times to
11:40:11 42 enable two of my clients to have access to the Loricated
11:40:15 43 database in order to assist this Commission, have you
11:40:18 44 not?---That's correct.
11:40:19 45
11:40:20 46 As at the moment they are doing exactly that down at
11:40:24 47 Spencer Street?---That's correct.

11:40:26 1
11:40:29 2 If Mr Comrie, I put it in the neutral and general sense, if
11:40:33 3 Mr Comrie made assumptions that documents hadn't been,
11:40:38 4 what's the word, hadn't been submitted, if documents hadn't
11:40:47 5 been submitted to the system, a simple way of checking that
11:40:53 6 would be to ask whether there's any explanation for the
11:40:56 7 absence of ICRs for that period of time, wouldn't
11:41:00 8 it?---That's correct.
11:41:01 9
11:41:02 10 And you wouldn't, I take it, be surprised if at that very
11:41:08 11 period of time there were ICRs submitted but there are
11:41:12 12 other reasons as to why they weren't in the material
11:41:15 13 provided to Comrie?---That could absolutely be the case.
11:41:18 14
11:41:19 15 What I want to suggest to you is that he jumps to
11:41:22 16 conclusions that are adverse to the Unit when other
11:41:25 17 explanations are open and he didn't ask?---Again, your
11:41:33 18 assumption put to me may well be correct. I wasn't
11:41:36 19 possessed of the information that formed what Mr Comrie had
11:41:41 20 in his mind or the documents he had in his mind to draw
11:41:44 21 those conclusions but I understand your proposition and I'm
11:41:48 22 not in a position to take issue with it.
11:41:51 23
11:41:51 24 But insofar as if your understanding of Mr Currie as a
11:41:57 25 competent and experienced police officer, you would accept
11:42:00 26 any explanation he was able to give you in relation to the
11:42:03 27 point made about those missing ICRs?---I know Mr Currie
11:42:07 28 well. If he gave me an explanation in context of those
11:42:10 29 matters, I would hear it and understand it and assess it.
11:42:16 30
11:42:17 31 And you would expect it to be true?---Yes, I certainly
11:42:20 32 would.
11:42:21 33
11:42:22 34 All right. Mr Comrie proceeded on the basis, and I think
11:42:45 35 this is something I've touched on - go to page 7 if you
11:42:48 36 would, please. The last paragraph on page 7?---The three
11:43:05 37 line paragraph?
11:43:06 38
11:43:07 39 Yes, "The entire Human Source file is constructed and
11:43:10 40 maintained on an IT application called Interpose", right,
11:43:14 41 that one. It was to those documents he applied his
11:43:23 42 retroscope, the policies that existed in 2012?---That's my
11:43:28 43 understanding, yes.
11:43:29 44
11:43:30 45 And if his assumption that what he is looking at is the SDU
11:43:38 46 file in relation to Gobbo, his whole report is flawed,
11:43:44 47 isn't it, if that wasn't in fact the case?---I think he

11:43:48 1 actually formed that view, that it wasn't indeed the case.
11:43:53 2
11:43:54 3 The point, Mr Paterson, is this: he's assumed he's got the
11:43:59 4 SDU file?---Yes, that's right.
11:44:00 5
11:44:00 6 And he makes criticisms of it?---Yes.
11:44:02 7
11:44:02 8 And if it's not the SDU file his report is not worth the
11:44:06 9 paper it's written on?---If it's not the full file that's a
11:44:10 10 fair proposition.
11:44:11 11
11:44:16 12 All right. As a matter of - I don't want again get into
11:44:23 13 policy terribly much but I don't think this will be
11:44:27 14 terribly controversial. The experience of single police
11:44:31 15 officers handling one source was one of the problems that
11:44:35 16 led to the creation of the Source Development Unit in the
17 first place because issues of corruption can arise if
11:44:42 18 someone has too close a relationship with a source, is that
11:44:44 19 a fair proposition?---Yes, it is.
11:44:46 20
11:44:47 21 And one of the policies that developed and was used by the
11:44:51 22 SDU was to rotate handlers under the supervision of
11:44:57 23 controllers to minimise that risk?---That's my
11:45:01 24 understanding.
11:45:02 25
11:45:04 26 Forget about what the case is now, that was your
11:45:06 27 understanding of what the position was back then?---I
11:45:10 28 believe that to be the case.
11:45:10 29
11:45:18 30 Criticism of that process by Comrie would indicate a lack
11:45:23 31 of understanding of the principles underlying covert source
11:45:27 32 management, wouldn't it?---I guess the best way that I feel
11:45:36 33 I can answer you, Mr Chettle, is to say various practices
11:45:40 34 have been in place at various times in our history. I'm
11:45:46 35 unaware of Mr Comrie's experience in this covert space. I
11:45:51 36 know he has a long history in Victoria Police but practices
11:45:57 37 change and that was a practice that was in place at a
11:46:03 38 particular time and for good reason.
11:46:06 39
11:46:06 40 And it was subject to documentation. I mean, Mr Jones
11:46:11 41 wrote papers, as you'd be aware, on the way this all should
11:46:15 42 operate?---Yes, I am.
11:46:18 43
11:46:06 44 Again, the point I'm trying to make ver simply is the
11:46:08 45 criticism of the way in which processes operated like that
11:46:13 46 could be ill-informed and biased is what I'm coming
11:46:17 47 to?---There's - yes, that is correct.

11:46:20 1
11:46:25 2 When something gets written down in the Police Force it
11:46:28 3 tends to become fact, doesn't it?
11:46:31 4
11:46:31 5 COMMISSIONER: That's a pretty - - - ?---It's a very broad
11:46:33 6 statement I can't agree with.
11:46:36 7
11:46:36 8 MR CHETTLE: It's a risk, isn't it, that people tend to
11:46:38 9 assume something in writing is a fact? The truth of it
11:46:41 10 becomes disassumed and it moves on?---Again I'd - - -
11:46:43 11
11:46:43 12 MR HOLT: Sorry, we've got well past legitimate questioning
11:46:46 13 of this witness. I know he's the first witness who's here
11:46:49 14 but he's being asked questions about things that occurred
11:46:54 15 when he wasn't there, reports written by other, and we're
11:46:55 16 now into essentially psychology.
11:46:55 17
11:46:56 18 COMMISSIONER: It's a very broad - - -
11:46:57 19
11:46:57 20 MR CHETTLE: I'll withdraw it.
21
22 COMMISSIONER: It's too broad a question.
23
11:46:59 24 MR CHETTLE: I'll withdraw it and put it this way.
11:47:00 25 Whatever conclusions and facts Comrie came to for whatever
11:47:04 26 reason were adopted by Kellam?---A number of Mr Comrie's
11:47:11 27 recommendations were adopted by Kellam. I don't think it's
11:47:15 28 correct to say all his conclusions contained in his report
11:47:18 29 were.
11:47:18 30
11:47:18 31 Not all were, but a number of were?---Yes, that's correct.
11:47:23 32
11:47:23 33 Including the two I put before, that privileged information
11:47:26 34 was deliberately sourced and strategic information tasked,
11:47:30 35 those two conclusions in particular?---I would need to go
11:47:33 36 back to Kellam again and have a look to confirm that but
11:47:40 37 there are many documents, and I wasn't - - -
11:47:42 38
11:47:43 39 COMMISSIONER: It's all right, Mr Paterson. That's really
11:47:45 40 something that's more for an address, isn't it?
11:47:48 41
11:47:49 42 MR CHETTLE: Yes, Commissioner.
11:47:50 43
11:47:50 44 COMMISSIONER: And the documents will speak for themselves
11:47:52 45 if that's the point. It's very hard to ask this witness
11:47:54 46 that, especially when, at the moment, both those documents
11:47:56 47 are subject to suppression orders.

11:48:00 1
11:48:00 2 MR CHETTLE: Yes. Commissioner, obviously I anticipate
11:48:03 3 that at some stage members of the unit will be giving
11:48:06 4 evidence and I don't want it suggested that I haven't
11:48:10 5 raised the concerns that they will be making when they give
11:48:13 6 evidence.
11:48:13 7
11:48:13 8 COMMISSIONER: Understood, Mr Chettle.
11:48:16 9
11:48:17 10 MR HOLT: This witness is not the author of the Comrie
11:48:19 11 report. We take no Browne v Dunn point in respect to that.
11:48:22 12
11:48:22 13 COMMISSIONER: No, no, that's right.
11:48:23 14
11:48:23 15 MR CHETTLE: I would invite the police to call the witness,
11:48:29 16 the man who wrote the Comrie report. I'd be delighted if
17 the Commission would call him and if I knew that I would
11:48:33 18 save my questioning for him.
11:48:33 19
11:48:35 20 MR HOLT: That's not a question we can answer but it might
11:48:37 21 be one that our friends can, but we don't know.
11:48:41 22
11:48:41 23 MR CHETTLE: All right, I'll move to a different topic.
11:49:14 24
11:49:16 25 Can I ask you, as was reported in Justice Ginnane's
11:49:22 26 judgment, there was a suggestion in that judgment there
11:49:24 27 were tape recordings in existence of the conversations or
11:49:28 28 some of the conversations between Gobbo and police?---I'm
11:49:32 29 aware of that.
11:49:33 30
11:49:34 31 And it's clear that that is the case, there are some tape
11:49:37 32 recordings in existence?---Yes.
11:49:39 33
11:49:40 34 In order to assess whether or not there was a breach of
11:49:50 35 legal professional privilege/confidence or targeting
11:49:54 36 strategic evidence by the unit, you'd need to know or
11:50:01 37 understand what it was she said to the unit, wouldn't
11:50:03 38 you?---Yes.
11:50:04 39
11:50:06 40 You'd need to know whether or not the material she supplied
11:50:09 41 was in fact legally professionally privileged or
11:50:13 42 confidential?---Yes.
11:50:14 43
11:50:15 44 You'd need to know whether in fact that was disseminated,
11:50:19 45 and to what extent, by the unit?---To breach it, yes.
11:50:24 46
11:50:24 47 Well, there may be, for example, if the unit received -

11:50:31 1 that's the whole idea in part of the sterile corridor, the
11:50:36 2 way they handle the source unit, if they received
11:50:43 3 information that shouldn't be disseminated, they
11:50:48 4 don't?---Yes, it can be quarantined.
11:50:49 5
11:50:49 6 You'd need to know whether the Source Development Unit had
11:50:53 7 in place any systems, policies or procedures designed to
11:50:57 8 deal with the issues of LPP in particular?---That's
11:51:00 9 correct.
11:51:00 10
11:51:09 11 Do you understand that the complete electronic diaries of
11:51:13 12 the members are available on this Loricated
11:51:18 13 system?---That's my belief.
11:51:19 14
11:51:20 15 Do you have - I think the position - there was some concern
11:51:24 16 about Mr Jones because he's no longer a member of the
11:51:27 17 Police Force, was there not?---I'm not aware of a concern
11:51:31 18 relating to Mr Jones.
11:51:32 19
11:51:33 20 Indeed, do you understand he's now been given access to the
11:51:37 21 Loricated database?---Yes, that's correct.
11:51:39 22
11:51:41 23 So it would follow that he should be able to access and get
11:51:44 24 his complete diaries for the period the Commission is
11:51:49 25 concerned with?---I believe that to be the case.
11:51:51 26
11:51:51 27 Is there a problem with copying those diaries or do we have
11:51:55 28 to stick to electronic form? Sorry, is that concerning an
11:52:00 29 issue?
11:52:00 30
11:52:01 31 MR HOLT: It is not Assistant Commissioner Paterson's role
11:52:09 32 to determine whether things can be copied in particular
33 circumstances. That's a matter which Mr Chettle's
11:52:10 34 instructors have done and will continue to raise no doubt
11:52:10 35 with us, but it's not a matter for evidence. It's not a
11:52:14 36 matter for evidence to ask a witness who has said he is not
11:52:17 37 the person responsible for operation, for Task Force Landow
11:52:21 38 as to what documents can be copied in circumstances,
11:52:23 39 whereas my friend knows there's underlying discussion about
11:52:26 40 that going on. It's just not a matter for evidence. It's
11:52:30 41 a matter my friend can raise with the Commission if he
11:52:31 42 wishes to and I'm happy to address it if so, but it's not a
11:52:35 43 matter of evidence.
11:52:36 44 COMMISSIONER: Mr Chettle?
11:52:37 45
11:52:37 46 MR CHETTLE: I understand he is the man I should be asking
11:52:40 47 because he's the man in charge, from the AC point of view,

11:52:43 1 of the Commission.
11:52:43 2
11:52:43 3 COMMISSIONER: Mr Holt says that's not correct, he's not in
11:52:46 4 charge of Loricated and the material on it. Is that right,
11:52:50 5 Mr Paterson?--Commissioner, I am in charge of Loricated
11:52:56 6 and access to it, however decisions made in context of the
11:53:02 7 Royal Commission are the responsibility of Deputy
11:53:09 8 Commissioner Steednam and there are differences in the way
11:53:11 9 some decisions are made.
11:53:13 10
11:53:14 11 MR CHETTLE: Could I put this proposition, and maybe I can
11:53:16 12 move on, because it's not going to take long. You could
11:53:19 13 understand how it would assist this Commission if Senior
11:53:23 14 Sergeant Jones, the man who probably was the most important
11:53:26 15 operator at the SDU, was able to get a copy of his
11:53:30 16 diary?--We have put in place facilities and the
11:53:36 17 opportunity for that to fully occur, for him to be availed
11:53:42 18 of access so that he can access all of that material at a
11:53:46 19 secure location and refresh his memory on all of his
11:53:52 20 material.
11:53:52 21
11:53:53 22 What you're saying is he's allowed to look at it on the
11:53:56 23 computer?--As are the other two members that we just spoke
11:54:00 24 about.
11:54:00 25
11:54:00 26 Correct, yes. But that's - there's a massive amount of
11:54:06 27 material, isn't there?--There is a considerable amount of
11:54:08 28 material and whilst the identity of 3838 is now well-known,
11:54:19 29 the material itself is not well-known and there are
11:54:25 30 security risks in context of the material as a whole that
11:54:29 31 need to be managed.
11:54:33 32
11:54:33 33 What I'm asking about is the diaries that he
11:54:38 34 wrote?--Source - - -
11:54:38 35
11:54:39 36 I understand the risks but he understands them as well. He
11:54:42 37 wrote them, didn't he?--And - - -
11:54:44 38
11:54:45 39 This is what the difficulty is. Can I put this as bluntly
11:54:47 40 - we are in the position of trying to present a full
11:54:51 41 statement of the dealings of the unit with Ms Gobbo to the
11:54:53 42 Commission. Those diaries are essential, you would
11:54:56 43 understand, for that to occur?--And that is why we have
11:54:59 44 made them available, but even making all of that material
11:55:04 45 also available to the Royal Commission has required a
11:55:09 46 security overlay to the way that is done to the access and
11:55:16 47 things. The reasons are not to doubt Mr Jones's integrity.

11:55:23 1 It is about the security of the information contained
11:55:27 2 therein even. If he was a present officer in Victoria
11:55:35 3 Police it wouldn't be done in that way, as it is not done
11:55:38 4 for the other two, for valid reasons, Mr Chettle.
11:55:41 5
11:55:42 6 Well Mr Currie has his diary because he kept them, he kept
11:55:46 7 his own diaries and he had in possession copies of his
11:55:49 8 diaries so he has been able to answer a notice?---There is
11:55:51 9 a difference.
11:55:55 10
11:55:57 11 Not to allowed to keep them? He's in possession of them.
11:56:00 12
11:56:00 13 MR HOLT: Commissioner, this is not an issue for evidence.
11:56:03 14 It just is not an issue for evidence.
11:56:05 15
11:56:05 16 COMMISSIONER: No.
11:56:05 17
11:56:07 18 MR HOLT: The Commissioner is well aware of the security
11:56:10 19 considerations that are in place in relation to these
11:56:11 20 materials. We are not even allowed to copy them, and with
11:56:12 21 respect, if Mr Chettle has an issue with this it can be
11:56:15 22 dealt with in another forum in another way.
11:56:17 23
11:56:18 24 COMMISSIONER: Yes. Mr Chettle - sorry. Yes, Mr Winneke.
11:56:18 25
11:56:20 26 MR WINNEKE: If I can just interrupt. The Commission is
11:56:26 27 concerned to hear answers to some of these questions
11:56:28 28 because clearly the Commission is interested in getting
11:56:31 29 material before it in an expeditious manner.
11:56:35 30
11:56:35 31 COMMISSIONER: Yes.
11:56:35 32
11:56:36 33 MR WINNEKE: And if the fact that material is being
11:56:38 34 withheld, for whatever reason, from witnesses which
11:56:41 35 prevents them from making statements and assisting the
11:56:42 36 Commission it's a matter for concern. Clearly this witness
11:56:45 37 has some control over that matter and if he's able to be
11:56:47 38 asked these questions it may well elucidate why there are
11:56:51 39 delays and it may well alleviate those delays. Certainly
11:56:55 40 as far as I'm concerned I've no objection to this going on
11:56:58 41 for a little bit longer to establish whether there can be a
11:57:02 42 degree of unblocking of what appear to be blocked pipes at
11:57:07 43 the moment.
11:57:07 44 COMMISSIONER: Yes. As you know, Mr Winneke, the
11:57:10 45 Commission has been frustrated for some many weeks now in
11:57:14 46 trying to get a lot of this material too and it has
11:57:18 47 certainly slowed down the progress of this Commission and

11:57:20 1 is making it very difficult for us to meet the timeframes
11:57:23 2 that we presently have set. So it is of concern. I
11:57:27 3 appreciate, Mr Holt, that you're doing all you can and
11:57:32 4 that - - -

11:57:32 5
11:57:33 6 MR HOLT: With respect to our learned friend Mr Winneke,
11:57:33 7 there are two separate issues that have been raised. The
11:57:38 8 first is the issue that's raised by the questioning, which
11:57:41 9 is not in fact the issue that Mr Winneke is referring to.
11:57:44 10 The issue raised by the questioning is access to material
11:57:48 11 which is held on the Loricated database. The material
11:57:53 12 which is held on the Loricated database has been provided
11:57:54 13 in electronic form to the Commission and also to
11:57:57 14 Mr Chettle's clients in a secure environment and not able
11:58:01 15 to be copied. The line of questioning gives rise to none
11:58:04 16 of the issues that our learned friend Mr Winneke has
11:58:06 17 raised. In terms of those other issues, and with respect
11:58:08 18 we well understand the frustration of the Commission, and
11:58:11 19 I'm grateful for the Commissioner's indication you
11:58:14 20 understand how hard matters are being worked on. Not
11:58:18 21 everything is occurring perfectly, but much is occurring in
11:58:20 22 a context which is extraordinarily difficult and we are
11:58:22 23 happy to assist the Commission and continue to do so in a
11:58:24 24 way that we can. This process over the last two or three
11:58:27 25 days has assisted that enormously in terms of identifying
11:58:31 26 where particular issues are of most significance to the
11:58:31 27 Commission, because an extraordinary number of requests
11:58:35 28 have been made, we don't mean that critically, for the
11:58:38 29 Commission to do it its job, we understand that. But the
11:58:41 30 work that's being required behind the scenes to ensure that
31 is done if enormous. But I don't want there to be, with
11:58:44 32 respect, any suggestion that Mr Chettle's clients are not
11:58:46 33 having access to the Loricated database. The complaint
11:58:50 34 which is being made is that copies cannot be made of
11:58:53 35 documents therein and the security concerns that underlie
11:58:57 36 that are legitimate and they're reflected in security
11:58:59 37 arrangements that the Commission has made. The two issues
11:58:59 38 are separate and the second that our Mr Winneke raises, and
11:59:04 39 the Commissioner raises, is plainly, with respect,
11:59:07 40 legitimate and we will deal with that as it need to, but it
11:59:10 41 ought be divorced from this particular question. There is
11:59:13 42 no material not being given in terms of the material which
11:59:16 43 is on Loricated, it's simply being done in a secure
11:59:20 44 fashion, Commissioner.

11:59:21 45
11:59:21 46 MR CHETTLE: That's not my complaint, Commissioner. My
47 complaint is not that we haven't been given access to

11:59:28 1 Loricated, that wasn't my question, the issue is I
11:59:29 2 anticipate the Commission will want a statement of my
11:59:32 3 clients' involvement with Gobbo. This is going to take an
11:59:36 4 enormous amount of time. We're trying to work out how to
11:59:40 5 prepare a statement that will cover the field from start to
11:59:44 6 finish. It requires predominantly Mr Jones' diaries as a
11:59:53 7 matter of some central record. He's the man who was the
11:59:54 8 controller throughout the relevant period. Others are
11:59:55 9 relevant but he's the most relevant. I anticipate that it
11:59:59 10 will take, to do this electronically it will take us a
12:00:04 11 year to get a statement admissible form for - - -
12:00:05 12
12:00:05 13 COMMISSIONER: You mean if he doesn't copies of his
12:00:07 14 diaries?
12:00:07 15
12:00:08 16 MR CHETTLE: Yes. We need to be able to work this into a
12:00:11 17 statement. He'll give all the undertakings in the world
12:00:11 18 about preserving integrity be we need to be able to prepare
12:00:13 19 material. To say we can prepare a statement from the
12:00:17 20 Loricated database - I've got two men working down there
12:00:20 21 full-time trying to put some material together now. This
12:00:23 22 is what this questioning is about, to try and unblock the
12:00:26 23 line so we can help you. That's what we're trying to do.
12:00:29 24
12:00:29 25 COMMISSIONER: What you're wanting to ask this witness then
12:00:32 26 is whether you can have - if Mr Jones can have hard copies
12:00:37 27 of his diaries?
12:00:39 28
12:00:40 29 MR CHETTLE: That's what I was trying to come to, can he
12:00:44 30 implement a way that we can get a hard copy of the diary?
12:00:47 31
12:00:48 32 COMMISSIONER: All right. Is there a difficulty with that?
12:00:48 33 As you've heard, Mr Chettle, the Commission doesn't have
12:00:51 34 access to hard copies of this material?---Yes, there is an
12:00:55 35 issue with that, Commissioner.
12:00:59 36
37 MR CHETTLE: Well I can do no more with that, Commissioner.
38
12:00:59 39 COMMISSIONER: It might mean this Commission is going to
12:01:03 40 take a very long time to reach a conclusion, unfortunately.
12:01:07 41
42 MR CHETTLE: You'll understand when I get a notice - - -
43
44 COMMISSIONER: That's what we have to work with.
45
46 MR CHETTLE: We get a notice that says, "Please give us a
12:01:08 47 statement", I'd ask the Commission to bear in mind time

12:01:10 1 limits when we do them. Anyway, I'll move on to something
12:01:13 2 else.
12:01:14 3
12:01:17 4 On that note, Mr Paterson, Mr Jones, Mr Currie and
12:01:21 5 Mr Bourne, the three members we've been - you know who I'm
12:01:26 6 talking about, Jones?---That's correct.
12:01:28 7
12:01:28 8 Currie?---Yes.
12:01:29 9
12:01:29 10 And Bourne. Currie and Bourne currently to your knowledge
12:01:33 11 are down there, Spencer Street?---Yes, we've provided them
12:01:37 12 with facilities and access.
12:01:38 13
12:01:38 14 And you've given it now to Jones as well?---Yes, that's
12:01:41 15 correct.
12:01:41 16
12:01:46 17 They're three of the members that you've expressed your
12:01:48 18 views about today and yesterday?---Yes, that's correct.
12:01:51 19
12:01:51 20 If they have all - and will give evidence and identify what
12:01:56 21 they describe as gross errors in the Comrie report, that
12:01:59 22 would be a matter of some concern to Victoria Police, would
12:02:02 23 it not?---It should be and if they - keep in mind, though,
12:02:07 24 that the Comrie report was a review on the papers, so it
12:02:10 25 was limited, and if there are gross errors in that, that's
12:02:13 26 a problem.
12:02:14 27
12:02:14 28 Yes. Of course they've only just, like everybody, got
12:02:21 29 access to this stuff. It's only been fairly recently
12:02:22 30 granted access to people?---That's correct. The
12:02:27 31 recommendations, save for, I think there's six, have been
12:02:33 32 implemented and they, I don't think, are grave errors in
12:02:37 33 terms of the recommendations.
12:02:38 34
12:02:39 35 They don't argue with the fact that things need to be
12:02:42 36 improved and changes can be made. They're talking about
12:02:45 37 the factual things which I've been raising some of with you
12:02:49 38 today?---Correct.
12:02:51 39
40 You understand what I mean?---Correct.
41
12:02:52 42 They'll come along and give that evidence. I don't want it
12:02:54 43 said that I haven't raised it with you. All right. I
12:03:15 44 think I can move on. Ultimately I'll be putting to this
12:03:29 45 Commission the proposition that it was totally unfair to
12:03:31 46 sack the unit, as it were, without having spoken to them
12:03:34 47 before that decision was made. That is something you'd

12:03:37 1 agree with, wouldn't you?---As I've said, I'm not in a
12:03:40 2 position to be in possession of the facts that the decision
12:03:44 3 makers had at that stage. I wasn't included in the
12:03:47 4 decision making, nor aware of the facts and circumstances
12:03:51 5 that they considered.
12:03:52 6
12:03:52 7 If the propositions that I put to you are right, you would
12:03:57 8 expect them to be spoken to, they're men of integrity,
12:04:00 9 hard-working, trying to do their jobs and suddenly are out
12:04:03 10 of a job?---I have agreed with you in context of the
12:04:07 11 personal characteristics of those people. I am not
12:04:10 12 familiar with the information that the decision makers had
12:04:14 13 as to why they may or may not have consulted or came to
12:04:18 14 their final conclusion.
12:04:22 15
12:04:22 16 COMMISSIONER: Yes, I think we can move on.
12:04:24 17
12:04:25 18 MR CHETTLE: I'm moving on, Commissioner. I'm putting the
12:04:27 19 proposition that I'm going to put to you later. You are
12:04:29 20 familiar with the portion in Mr Comrie's report where he
12:04:36 21 compares the compilation of ICRs. I don't have to take you
12:04:42 22 it, you'll remember this. He compares the ICRs with taking
12:04:48 23 material from Gobbo with a running sheet from a divisional
12:04:52 24 van, do you remember that?---I don't, but that wouldn't be
12:04:55 25 a fair assumption if that was - - -
12:04:56 26
12:04:56 27 It would be infantile, wouldn't it? It would be a
12:04:57 28 completely false comparison?---Yes, it's very different.
12:04:59 29
12:05:01 30 COMMISSIONER: These submissions might be better made after
12:05:04 31 12 April.
12:05:06 32
12:05:06 33 MR CHETTLE: I will. That proposition is all I want.
12:05:07 34
12:05:08 35 COMMISSIONER: It's not supposed to be published,
12:05:10 36 Mr Chettle.
12:05:11 37
12:05:12 38 MR CHETTLE: Yes, I follow. Yes, okay. Thank you. Can I
12:05:15 39 deal with Assistant Commissioner Pope. He's no longer a
12:05:19 40 member of the Police Force?---That's correct.
12:05:21 41
12:05:24 42 In your statement you refer to an ongoing examination or
12:05:28 43 investigation that's going into other relationships that
12:05:31 44 Ms Gobbo might have had with police officers?---I have.
12:05:34 45
12:05:35 46 Is he the subject of that investigation?---I'm unaware.
12:05:39 47

12:05:40 1 Are you aware of whether he has in fact completed an
12:05:43 2 affidavit in relation to his involvement with Ms Gobbo?---I
12:05:47 3 believe that there is an affidavit that was prepared in
12:05:50 4 other proceedings that may have related to that. I haven't
12:05:53 5 been briefed on it. I'm aware of its existence.
6
12:05:56 7 Are you aware of whether or not his employment was
12:05:59 8 terminated by Chief Commissioner Ashton?---That's
12:06:03 9 absolutely not my belief that his employment was
12:06:06 10 terminated. He left Victoria Police for another senior
12:06:12 11 position in another organisation.
12:06:13 12
12:06:13 13 He went somewhere else?---Yes, he left Victoria Police and
12:06:17 14 continued in employment in another organisation.
12:06:20 15
12:06:21 16 You were asked yesterday about the steering committee.
12:06:25 17 There was a steering committee, or a committee I suppose is
12:06:28 18 the right term, that dealt with the issue of compensation
12:06:31 19 or payment to her in the course of the legal action that
12:06:34 20 she brought against Victoria Police?---I'm not aware that
12:06:38 21 it was a steering committee. I'm aware that there was
12:06:40 22 litigation that occurred. The litigation was settled and
12:06:43 23 it was subject to a confidentiality agreement.
12:06:46 24
12:06:46 25 I'm not asking about the terms of it, I'm asking about
12:06:49 26 whether or not there was somebody in charge of organising,
12:06:52 27 from the police side of it, of looking at that issue?---The
12:06:58 28 Director of Legal Services would be such a person and I
12:07:02 29 assume that they took on that role.
12:07:04 30
12:07:05 31 Is that Fin McCrae?---That's correct.
12:07:08 32
12:07:08 33 Do you know whether or not Mr Pope had any involvement in
12:07:10 34 that at all?---No, I don't.
12:07:12 35
12:07:12 36 All right. Are Mr Pope's diaries and notes and things
12:07:18 37 still available at Victoria Police?---I believe they are.
12:07:21 38
12:07:26 39 And could, upon request, be provided to the
12:07:31 40 Commission?---If they're available. They would have been
12:07:34 41 collected by the Landow Task Force and would be part of the
12:07:37 42 material that's been made available to the Royal
12:07:39 43 Commission.
12:07:39 44 My final proposition: have you had cause to look at the
12:07:48 45 evidence given by my clients to Kellam?---No. My
12:07:55 46 understanding is that that hasn't ever been made available
12:08:01 47 to Victoria Police.

12:08:02 1
12:08:02 2 They're annexures to the Kellam report, aren't there, as I
12:08:06 3 understood it?---I'm not aware of - that if that's the
12:08:09 4 case.
5
12:08:09 6 You haven't seen them?---No.
12:08:10 7
12:08:11 8 In which case I won't have any further questions. Thank
12:08:13 9 you.
12:08:13 10
12:08:13 11 COMMISSIONER: Thank you. Some questioning from counsel
12:08:15 12 for the DPP, Mr Doyle?
12:08:18 13
12:08:18 14 MR DOYLE: Yes, Commissioner. I seek leave to ask a few
12:08:21 15 questions of Mr Paterson just to clarify his evidence on
12:08:24 16 two topics. I've raised both these topics with counsel
12:08:28 17 assisting and I don't understand there is any objection.
12:08:30 18 to - - -
19
12:08:30 20 MR WINNEKE: There's no objection, I've spoken to Mr Doyle.
12:08:34 21
12:08:34 22 COMMISSIONER: Yes, thank you. I'll give you leave to
12:08:36 23 cross-examine, Mr Doyle. Thank you.
24
25 <CROSS-EXAMINED BY MR DOYLE:
26
12:08:39 27 Mr Paterson, you gave evidence on Wednesday that as part of
12:08:43 28 Task Force Landow Victoria Police is assessing documents
12:08:45 29 that are relevant to individuals that Ms Gobbo
12:08:50 30 represented?---That's correct.
12:08:51 31
12:08:53 32 The method is this, isn't it, that if material is
12:08:56 33 identified that's relevant it's assessed for public
12:09:01 34 interest immunity?---I'm probably not the person to speak
12:09:04 35 to you about the steps that are being undertaken. It is
12:09:07 36 not within my remit to oversight that work and neither do
12:09:11 37 they report to me. But there will be information available
12:09:14 38 in Victoria Police of the steps that are being undertaken
12:09:19 39 but I'm not fully appraised of those steps.
12:09:23 40
12:09:23 41 I see. But can you say very broadly that the strategy
12:09:28 42 involved is to assemble in one lot all of the material
12:09:32 43 that's relevant to an individual and then when it's ready
12:09:35 44 send it to the Office of Public Prosecutions?---That's
12:09:38 45 correct.
12:09:38 46
12:09:38 47 That has occurred, namely a bundle of material has been

12:09:41 1 sent, with respect to one individual?---That's my
12:09:44 2 understanding, yes.
12:09:44 3
12:09:45 4 It's then intended that the Director will assess that
12:09:47 5 material in order to discharge her disclosure
12:09:50 6 obligations?---And I understand that's exactly what she has
12:09:58 7 already done.
12:09:58 8
12:09:58 9 I just wanted to clarify, have you got your statement there
12:09:58 10 still, Mr Paterson?---Yes, I do.
12:10:00 11
12:10:00 12 If you wouldn't mind turning please to paragraph 8.27. Is
12:10:18 13 the work that I've just described the kind of work that you
12:10:21 14 refer to there as being conducted by Victoria Police's
12:10:24 15 senior advocacy team?---Yes, that's correct.
12:10:26 16
12:10:27 17 And you say halfway through that paragraph: "The SAT is
12:10:32 18 continuously providing information to the OPP"?---Yes,
12:10:39 19 that's right.
12:10:39 20
12:10:39 21 And what you mean by that, I suggest, is that this process
12:10:44 22 of examining and assembling information for provision to
12:10:48 23 the OPP is an ongoing process?---That's correct.
12:10:50 24
12:10:51 25 And there's continuous communication between the Office of
12:10:54 26 Public Prosecutions and Victoria Police as to the progress
12:10:56 27 that's being made there?---Yes, that's right.
12:10:58 28
12:10:59 29 But otherwise you don't intend to suggest that it's
12:11:04 30 proceeding in any way other than the way I've
12:11:07 31 described?---That's correct.
12:11:07 32
12:11:12 33 Secondly, you gave evidence on Wednesday that you believe
12:11:15 34 that those involved in the litigation before Justice
12:11:19 35 Ginnane knew of the registration of Ms Gobbo as early as
12:11:24 36 1999?---That's correct.
12:11:27 37
12:11:28 38 And the basis for your belief was a reference to that date
12:11:32 39 in the Kellam report?---Correct.
12:11:33 40
12:11:34 41 And you were taken by counsel assisting after the lunch
12:11:37 42 break, I think on Wednesday, to that part of the report, or
12:11:41 43 a part of the report?---That's correct.
12:11:42 44 Which was an annexure?---Yes.
12:11:45 45
12:11:45 46 Which involved a reference to that date?---Yes.
12:11:49 47

12:11:50 1 If you assume for a moment that that's the reference you
12:11:53 2 were thinking of, if that annexure was not before Justice
12:11:59 3 Ginnane there's no other basis that you've got, is there,
12:12:04 4 to suppose that those involved with the litigation
12:12:07 5 necessarily knew of that registration as early as
12:12:14 6 1999?---No, I couldn't agree with that. My understanding
12:12:18 7 is that the Director of Public Prosecutions was in
12:12:22 8 possession of a full copy of that report much earlier than
12:12:25 9 the litigation period and obviously a copy of the report
12:12:28 10 had also been provided to the Government much earlier than
12:12:32 11 that.
12:12:32 12
12:12:33 13 Just dealing with the litigation for a moment. You had no
12:12:37 14 involvement in preparing any affidavit?---Not in that part
12:12:43 15 of the litigation. I did later on in context of some
12:12:49 16 safety and welfare considerations but that was later on in
12:12:53 17 the process I believe.
12:12:54 18
12:12:54 19 And that affidavit didn't involve you exhibiting annexures
12:12:58 20 to the Kellam report?---No, absolutely not.
12:13:02 21
12:13:02 22 And you had no responsibility for reviewing the evidence to
12:13:07 23 be provided to the court in those proceedings that were
12:13:11 24 initiated before Justice Ginnane?---I certainly was aware
12:13:17 25 of some of the evidence. It wasn't up to me to review it
12:13:22 26 and approve it or not or any other aspect of it.
12:13:25 27
12:13:26 28 So you're not in a position to say from your own personal
12:13:30 29 knowledge that the annexures to Mr Kellam's report were put
12:13:33 30 before Justice Ginnane in those proceedings?---No, I take
12:13:37 31 no issue with your proposition. I am aware the Kellam
12:13:40 32 report is there. I'm not aware whether the annexures were
12:13:43 33 there or not in front of Justice Ginnane.
12:13:46 34
12:13:47 35 And similarly you're aware at that the Kellam report had
12:13:51 36 earlier been provided to the Director of Public
12:13:53 37 Prosecutions?---Correct.
12:13:54 38
12:13:54 39 And indeed was the catalyst for the entire
12:14:00 40 litigation?---Yes, that's right.
12:14:01 41
12:14:01 42 After Mr Champion, the Director as he then was, conducted
12:14:10 43 his own internal review?---That's my understanding.
12:14:10 44 But again you weren't responsible for what material from
12:14:14 45 the Kellam report was originally sent to the
12:14:16 46 Director?---Not at all.
12:14:17 47

12:14:17 1 And you can't say from your own personal knowledge if at
12:14:22 2 any time; and, if so, when annexure B to the Kellam report
12:14:26 3 was sent to the office?---No, not at all. I think there's
12:14:29 4 some mention in my statement of it being provided to the
12:14:31 5 Director but I've not seen the copy that was given to the
12:14:35 6 Director so I can't confirm whether it contained the
12:14:39 7 annexures or not.
12:14:40 8
12:14:40 9 Yes, thanks Mr Paterson. I've got nothing further,
12:14:43 10 Commissioner.
12:14:44 11
12:14:44 12 COMMISSIONER: Thanks Mr Doyle. Was there anyone else
12:14:47 13 wanting to cross-examine or apply for leave to
12:14:50 14 cross-examine? Mr Holt, if you'd like to re-examine.
12:14:55 15
12:14:55 16 MR HOLT: Yes, only a few minutes, Commissioner.
12:14:55 17
12:14:55 18 MR COLLINSON: I just want to make, I've perhaps made this
12:14:58 19 clear Commissioner- - -
12:14:58 20
12:14:58 21 COMMISSIONER: Yesterday. Yes, you were given leave.
12:15:01 22
12:15:01 23 MR COLLINSON: We're just reserving our position until we
12:15:05 24 have access to some documents.
12:15:05 25
12:15:06 26 COMMISSIONER: You're reserving to another time. Yes,
12:15:06 27 that's already recorded. Thanks Mr Collinson. Yes,
12:15:12 28 Mr Holt.
12:15:12 29
12:15:12 30 <RE-EXAMINED BY MR HOLT:
12:15:12 31
12:15:14 32 Thank you, Commissioner. Just three topics, Assistant
12:15:18 33 Commissioner Paterson. Yesterday and indeed again today
12:15:23 34 you were asked questions about the recommendations in the
12:15:25 35 Comrie report or the - sorry, the conclusion in the Comrie
12:15:27 36 report that there may have been concern about offences
12:15:30 37 being committed in the context of information being
12:15:33 38 provided about OPI hearings. Do you recall that
12:15:33 39 evidence?---That's correct, yes.
12:15:33 40
12:15:33 41 There was a question asked I think, if I've got it wrong I
12:15:38 42 apologise, by the Commissioner about what steps might or
12:15:40 43 might not have been taken to investigate those suggestions
12:15:43 44 at least at the possibility of the commission of offences
12:15:47 45 in respect of the OPI?---Correct.
12:15:48 46
12:15:48 47 Can I ask you just to have a look quickly please at

12:15:50 1 paragraph 8.15 of your statement on p.65?---Yes.
12:15:57 2
12:15:58 3 That notes, as we can all see, that on 6 August 2012 former
12:16:02 4 Chief Commissioner Ken Lay provided a copy of Mr Comrie's
12:16:07 5 report to the Office of Police Integrity?---That's correct.
12:16:10 6
12:16:11 7 Please say if you don't know from your own knowledge, but
12:16:14 8 do you know why that referral occurred, why that copy of
12:16:17 9 the report was given?---It would be something natural of a
12:16:20 10 nature of that type to provide it to an over sighting body
12:16:24 11 over sighting our integrity given some of the issues that
12:16:27 12 were raised in it by Mr Comrie.
12:16:28 13
12:16:29 14 Thank you. Please forgive me I'm wrong about this but is
12:16:33 15 it then right that at some point in the years following the
12:16:35 16 OPI became integrated into the new organisation known as
12:16:41 17 IBAC?---Yes, one closed, one started. I believe that some
12:16:44 18 staff were common to both organisations.
12:16:46 19
12:16:47 20 If we then come down to paragraph 8.18 of your statement on
12:16:52 21 the same page. We see there a note following the
12:16:55 22 conclusion of Operation Loricated, I'm sorry, the review of
12:17:01 23 Operation Loricated and the commencement of Operation
12:17:04 24 Bendigo?---Correct.
12:17:05 25
12:17:06 26 Victoria Police notifying IBAC about the use of Ms Gobbo
12:17:06 27 use as a human source in 2014?---Correct.
12:17:08 28
12:17:11 29 You were asked some questions yesterday by our learned
12:17:14 30 friend Mr Winneke about essentially, as I understood it,
12:17:19 31 current access to the Loricated database and essentially to
12:17:24 32 the intelligence and material that Ms Gobbo had provided
12:17:27 33 that is still recorded in the Loricated database. Do you
12:17:29 34 recall those questions?---Yes.
12:17:30 35
12:17:30 36 You were taken to the Operation Loricated closure report,
12:17:34 37 though it hasn't yet been tendered, but you were given a
12:17:37 38 copy of it, do you recall that?---Yes, that's right.
12:17:39 39
12:17:39 40 And you were taken in particular to a part of that document
12:17:42 41 called Attachment B which is called the Dissemination
12:17:45 42 Report?---Correct.
12:17:46 43
12:17:46 44 Or Dissemination Proposal I think, I'm sorry?---Yes.
12:17:53 45
12:17:55 46 It maybe that there wasn't any confusion about the answer,
12:17:55 47 but there at least was in my head so could you assist us.

12:17:56 1 Was that a dissemination plan in respect of the
12:18:00 2 dissemination of information contained within the Loricated
12:18:03 3 database generally within Victoria Police, or within the
12:18:06 4 Loricated team that was in fact, to use your language,
12:18:09 5 acquitting the objectives of the Loricated Task
12:18:12 6 Force?---It's the second of your propositions. It was
12:18:15 7 never available to anyone else broader in Victoria Police,
12:18:19 8 nor has it been.
12:18:19 9

12:18:20 10 I think we can then deal with the second part of this topic
12:18:22 11 in this way. That material then, the reconstructed human
12:18:25 12 sources file for Ms Gobbo which is contained in the
12:18:30 13 web-based solution called the Loricated database, firstly,
12:18:34 14 where is that presently housed?---It's housed on a secure
12:18:38 15 drive within the Human Source Management Unit.
12:18:40 16

12:18:41 17 Right. Absent permission from you - and we'll explain how
12:18:45 18 that might, talk about how that might come in a moment -
12:18:48 19 absent permission from you, Assistant Commissioner, could
12:18:52 20 anybody else in Victoria Police at present access that
12:18:55 21 database for the purposes of obtaining intelligence or
12:18:59 22 material of the kind that we saw obtained from the
12:19:01 23 database?---No.
12:19:02 24

12:19:02 25 If anyone wanted to get access to that database and needed
12:19:05 26 to come through you, so to speak, to get it, what process
12:19:11 27 would you undertake to determine whether or not that person
12:19:13 28 ought get access?---Yes, so I would undertake an assessment
12:19:16 29 of who they were and why they required access and
12:19:20 30 understand those factors. If I was to consider granting
12:19:25 31 access then I'm going to be considering matters of how and
12:19:31 32 where that would occur in terms of the security of that
12:19:32 33 information. It may also be, depending on who, something
12:19:39 34 that I consult my Deputy Commissioner on in terms of
12:19:43 35 assisting my decision making. But I am the gatekeeper and
12:19:50 36 I've just made a decision in context of three of
12:19:57 37 Mr Chettle's clients and those decisions have been made
12:20:01 38 taking into account the factors that I would consider and
12:20:04 39 absolutely appropriate that those people have access, but
12:20:06 40 there is no broader access being granted to that within
12:20:10 41 Victoria Police.
12:20:10 42

12:20:11 43 Just so that we can tie a ribbon around that. Can you
12:20:16 44 conceive of any circumstances in which investigators
12:20:18 45 generally in Victoria Police dealing with matters unrelated
12:20:21 46 to Ms Gobbo and this Royal Commission and so on, would be
12:20:24 47 given by you access to the Loricated database and the data

12:20:28 1 and intelligence held within it?---I can't consider, don't
12:20:30 2 believe I can consider, find such a scenario in my head
12:20:37 3 that that would be allowed.
12:20:38 4
12:20:38 5 Just one final topic. You were asked some questions this
12:20:40 6 morning by my learned friend Mr Chettle about Interpose and
12:20:43 7 when Interpose came in to the organisation and when it was
12:20:46 8 then deployed in various places, do you recall those
12:20:49 9 questions?---Yes, I do.
12:20:50 10
12:20:50 11 Would you go please to p.12 of your statement and to
12:20:56 12 paragraph 3.44. If I can just pick the eyes out of this
12:21:11 13 for a moment. There's a new intelligence IT system named
12:21:15 14 Interpose brought in in 2005?---That's correct.
12:21:18 15
12:21:19 16 The system contained a human source management module
12:21:22 17 introduced in 2007?---Correct.
12:21:25 18
12:21:26 19 But you've noted that it wasn't included as a, a
12:21:28 20 requirement to use it wasn't included as a policy update
12:21:31 21 until 28 April 2011?---That's correct.
12:21:33 22
12:21:34 23 If you can assist, please do, if you can't, please say so.
12:21:36 24 Are you able to say to what extent and over what time it
12:21:40 25 became used in a human sources context between the
12:21:43 26 availability of the module in 2007 and the requirement that
12:21:46 27 it be used in April of 2011?---It was a slow uptake across
12:21:52 28 the organisation for the use of that particular component.
12:21:58 29 Either yesterday or the day before I was taken through some
12:22:01 30 timelines of my role as the Superintendent in charge of the
12:22:06 31 State Intelligence Division. I came in there in late 2010.
12:22:11 32 One of the things I considered very early on was the fact
12:22:15 33 that there wasn't a policy requirement in place that
12:22:18 34 mandated its use, for a number of reasons, and we commenced
12:22:24 35 that policy process which went through a process, that I
12:22:28 36 partly described yesterday, and that policy became approved
12:22:33 37 and in policy on 28 April mandating its use, and so from
12:22:38 38 that date forward everyone had to use it as their system.
12:22:41 39
12:22:42 40 And you've said I think, I don't have your words
12:22:45 41 immediately to hand, but you said I think that the uptake
12:22:48 42 appeared to have been slow?---That's correct.
12:22:50 43
12:22:50 44 Can you say, and if you can't say please say so, can you
12:22:54 45 say whether or not Interpose was being used or not being
12:22:57 46 used, that module, during the course of the handling of
12:23:00 47 Ms Gobbo?---I can't. I had a memory that it may have been

12:23:06 1 towards the end of it but that could be wrong. I could be
12:23:10 2 thinking about the subsequent upload of documents or some
12:23:15 3 documents into the Interpose system.
12:23:17 4
12:23:17 5 And to be clear, and in fairness to Mr Chettle's clients,
12:23:21 6 what you made clear is there was no policy directive
12:23:25 7 requirement that it be used over that period of
12:23:27 8 time?---That's correct.
12:23:28 9
12:23:28 10 That's the re-examination, may it please the Commissioner.
12:23:32 11
12:23:33 12 COMMISSIONER: Thank you. Mr Winneke.
12:23:39 13
14 <FURTHER CROSS-EXAMINED BY MR WINNEKE:
15
16 Thanks, Commissioner. Just a few questions, Assistant
12:23:40 17 Commissioner. You were asked by Mr Chettle whether to your
12:23:43 18 knowledge there was a document which was by way of a list
12:23:46 19 of names of people who knew about Ms Gobbo and her status
12:23:50 20 as a human source. You say that you don't know whether or
12:23:53 21 not there was such a document?---That's right.
12:23:56 22
12:23:58 23 Have you heard that issue being raised before, as to
12:24:04 24 whether or not there was a list, is that something which
12:24:06 25 has been discussed amongst those in preparation for giving
12:24:09 26 your evidence for the Royal Commission?---No.
12:24:12 27
12:24:17 28 If a person is a human source clearly it is necessary for
12:24:21 29 that information or knowledge to be confined very much to
12:24:27 30 as few people as possible?---Correct, it would only be on a
12:24:33 31 need to know basis.
12:24:34 32
12:24:34 33 A need to know basis. In this case - I'm sorry, in any
12:24:40 34 case it would be practice, would it not, for a note to be
12:24:44 35 made or a record to be made of each person who is aware of
12:24:47 36 the informant status?---Not necessarily. It's the way that
12:24:57 37 a person transitions into becoming a human source.
12:25:01 38
12:25:01 39 Yes?---I partly described the difference between a sterile
12:25:05 40 corridor and a partial sterile corridor.
12:25:08 41
12:25:08 42 Yes?---There's very few complete sterile corridors exist
12:25:12 43 because they must have firstly most likely been assessed by
12:25:19 44 investigators by the approach of someone to provide
12:25:21 45 information, and then they may be handed over so that those
12:25:25 46 original investigators will know the identity but will then
12:25:29 47 probably have nothing further to do with that individual if

12:25:32 1 they're handed over to another team.
12:25:34 2
12:25:35 3 Yes?---That's not broad practice in the organisation but
12:25:37 4 certainly it is with a high risk source.
12:25:41 5
12:25:41 6 Yes?---So those names of the people that were originally
12:25:48 7 involved with her would be recorded in the system, so they
12:25:53 8 would know.
12:25:54 9
12:25:54 10 Yes?---But I don't know of a procedure in place at that
12:25:58 11 time of maintaining a list. I can certainly see the
12:26:09 12 efficacy of such a matter because it goes to the heart of
12:26:12 13 the safety of the individual.
12:26:13 14
12:26:13 15 Yes. In the case of Ms Gobbo we understand it was a
12:26:16 16 partial sterile corridor situation and as time went on it
12:26:21 17 appears that a considerable number of people did become
12:26:24 18 aware of her status, you accept that?---Yes.
12:26:26 19
12:26:26 20 And there may be evidence in due course that that list of
12:26:30 21 people was approaching, if not exceeding, three figures, is
12:26:35 22 that something that you're aware of?---No, not at all,
12:26:38 23 Mr Winneke. Not at all.
12:26:40 24
12:26:40 25 If that was the case that would be a rather extraordinary
12:26:45 26 circumstance in terms of a human source?---Yes, it would
12:26:48 27 be. I consider that in my current role and that would be -
12:26:52 28 I cannot imagine a situation where that would be acceptable
12:26:57 29 to me if it was a three figure number.
12:26:59 30
12:27:00 31 In your current role it would be alarming?---Yes, it would.
12:27:03 32
12:27:03 33 All right. In any event if there is such a list, a
12:27:11 34 document which contains a compilation of names within the
12:27:14 35 system within the materials held by Victoria Police that
12:27:20 36 will no doubt be another piece of homework that you've got.
12:27:23 37 Would you be in a position to at least issue some orders
12:27:27 38 that that is looked for?---Absolutely.
12:27:28 39
12:27:29 40 Thanks very much. You were asked questions about an AOR,
12:27:41 41 an Acknowledgement of Responsibilities. That's a very
12:27:45 42 important concept insofar as a human source is concerned
12:27:51 43 because it in effect sets the guidelines or the boundaries
12:27:55 44 as to the appropriate behaviour of the human source, what
12:27:57 45 that person can and can't do?---Yes, that's correct.
12:28:03 46
12:28:04 47 Insofar as the situation existed in about 2005, that was a

12:28:08 1 fairly generic document and in effect it was a, not to
12:28:14 2 belittle it, but a tick box document, certain things had to
12:28:18 3 be said, for example, you're not allowed to engage in
12:28:21 4 illegal behaviour and commit offences and so forth?---Yes,
12:28:27 5 it was a list of conditions that were given to the human
12:28:29 6 source and reinforced through the relationship.
12:28:33 7
12:28:34 8 Yes. It's your understanding in this case there has been
12:28:40 9 no written document found within any of the materials being
12:28:49 10 searched by those looking into it now?---That's my
12:28:52 11 understanding.
12:28:52 12
12:28:52 13 Is it your understanding also that an officer or officers
12:28:55 14 were tasked with the job of sitting down and listening to
12:29:00 15 various recordings to determine whether the recitation, the
12:29:07 16 verbal recitation of an AOR was capable of being heard at
12:29:13 17 any stage?---Yes, and I believe no such record can be
12:29:18 18 found.
12:29:18 19
12:29:18 20 Right. You understand the job took a considerable period
12:29:26 21 of time by way of listening to hours of tapes?---I
12:29:29 22 understand it was a thorough assessment and no record of
12:29:32 23 the type could be found.
12:29:35 24
12:29:38 25 Let's just assume that it was considered appropriate to
12:29:41 26 register a human source who had confidentiality and/or
12:29:47 27 legal professional privilege obligations, one would assume
12:29:54 28 that the Acknowledgement of Responsibility, if people were
12:29:59 29 concerned about the prospect that information might be
12:30:03 30 obtained in conflict of that person's obligations, the
12:30:07 31 Acknowledgement of Responsibilities would certainly or
12:30:09 32 should certainly contain such things as, "You are not to
12:30:12 33 provide information that you receive from your clients
12:30:16 34 which might be subject of LPP", firstly, that would be an
12:30:23 35 appropriate Acknowledgement of Responsibility, would it
12:30:27 36 not?---It would be, that's absolutely right.
12:30:29 37
12:30:30 38 And likewise, "You're not to provide us with information
12:30:33 39 and we don't want to have information which is given to you
12:30:38 40 in confidence", is that what you'd expect?---Absolutely,
12:30:41 41 that is exactly what is expected with development of our
12:30:42 42 policies over the years.
12:30:43 43
12:30:43 44 Yes?---As you're aware, the first requirement in policy
12:30:47 45 came with the updates to policy from the Comrie review
12:30:51 46 which was at a date in 2014.
12:30:54 47

12:30:54 1 That's September 2014?---That's correct.
12:30:56 2
12:30:56 3 As I understand it. That's the first time there was any
12:30:59 4 reference in any Victoria Police policies concerning human
12:31:03 5 sources to people with those sorts of obligations?---That's
12:31:08 6 my understanding, yes.
12:31:09 7
12:31:09 8 Prior to that there had never been a document which made
12:31:13 9 reference to human sources with those obligations?---That's
12:31:16 10 correct.
12:31:16 11
12:31:16 12 One would expect also if people were considering these
12:31:20 13 issues that an Acknowledgement of Responsibility might
12:31:23 14 include, for example, "It is expected that you are not
12:31:25 15 going to appear for people about whom you're providing
12:31:31 16 information to us", that is to the police?---That's an
12:31:35 17 absolutely reasonable prospect. What I can say is that
12:31:39 18 since the 2014 inclusion in policy, that that same policy
12:31:43 19 commenced an Ethics Committee, which the Assistant
12:31:48 20 Commissioner chairs, and that Ethics Committee must obtain
12:31:51 21 legal advice. So I could imagine if it was ever
12:31:54 22 contemplated that a registration would be approved for any
12:31:59 23 purpose, that the Acknowledgement of Responsibilities that
12:32:03 24 would be delivered would be something that would also be
12:32:09 25 the subject of the appropriate level of legal advice to
12:32:12 26 guide the wording in that document so that it was very
12:32:15 27 clear and not left to hypothesis as to whether anyone
12:32:21 28 understood the obligations.
12:32:22 29
12:32:22 30 The reality is most junior police officers, axiomatically
12:32:30 31 they're obliged to be told, for example, of a person's
12:32:33 32 right to silence because anyone, Constable, Senior
12:32:36 33 Constable who goes and arrests a person is obliged to tell
12:32:40 34 them of their rights?---Yes, someone that they're
12:32:43 35 arresting, that's correct.
12:32:43 36
12:32:44 37 Their right to see a legal practitioner?---That's correct.
12:32:47 38
12:32:48 39 It follows, one assumes, that police officers at the most
12:32:51 40 junior level have for many years understood that, they're
12:32:55 41 not to listen in to communications between people who are
12:32:59 42 arrested and their lawyers?---That's correct.
12:33:00 43
12:33:01 44 One would assume that these matters, albeit they weren't
12:33:04 45 part of any written policy back in 2005, certainly would
12:33:07 46 have been apparent to people of the rank of Sergeant,
12:33:12 47 correct?---I recall those being very apparent as a

12:33:17 1 Constable. You'd often have a client who was under arrest
12:33:22 2 in a police station, a lawyer visiting to speak with their
12:33:25 3 client, and they were always afforded, and it was well
12:33:28 4 understood, that that communication was private and you
12:33:30 5 wouldn't be in the room for that communication.
12:33:32 6

12:33:32 7 Yes. You were asked questions about difficulties which may
12:33:43 8 arise - perhaps I'll speak generally and perhaps
12:33:49 9 currently - difficulties which may arise if a human source
12:33:55 10 is called to attend before one of the numerous
12:33:59 11 organisations which have compulsory powers to compel people
12:34:02 12 to give evidence. Are there any instructions given to
12:34:08 13 handlers as to what they would do if they get wind of such
12:34:15 14 a circumstance these days?---Yes. Our policies cover an
12:34:20 15 aspect of that.
12:34:21 16

12:34:21 17 Yes?---They do.
12:34:23 18

12:34:23 19 Without going into the policies, one would assume that the
12:34:29 20 policy wouldn't be to engage in any subterfuge or to lie to
12:34:35 21 the people who are compelling them to give
12:34:37 22 evidence?---That's absolutely correct. They would be told
12:34:40 23 to answer truthfully and correctly. We're very aware that
12:34:46 24 the recordings of any of those sort of proceedings and the
12:34:50 25 transcripts are subject to their own security and
12:34:55 26 suppression requirements under the various Acts of those
12:34:58 27 bodies that have that power.
12:34:59 28

12:34:59 29 The expectation is that the bodies that have power and are
12:35:02 30 asking the questions would be entitled to get truthful
12:35:04 31 answers from human sources or indeed handlers of human
12:35:12 32 sources or indeed anyone else, if you knew that a person
12:35:14 33 was a human source, that would be the expectation?---That
12:35:15 34 is a clear expectation. If you're in one of those areas
12:35:18 35 giving evidence on oath or affirmation, that you would be
12:35:21 36 telling the truth, and if that is the truth, that would be
12:35:24 37 what you informed that body.
12:35:27 38

12:35:27 39 And Victoria Police would be confident enough to assume
12:35:29 40 that those bodies would respect the powers, the obligations
12:35:38 41 of confidentiality and that information would be kept
12:35:41 42 within the four walls of those particular
12:35:45 43 organisations?---Yes, and I should imagine that we would
12:35:48 44 also be confident that if they were required to be
12:35:54 45 transmitted in any other way to anyone else, that they
12:35:56 46 would recognise the significant issue with that and that
12:36:02 47 they may well approach Victoria Police and seek some

12:36:05 1 consultation if that were to occur.
12:36:07 2
12:36:07 3 Right. Again speaking hypothetically, it would not be
12:36:13 4 usual or it would not be proper, for example, if a person
12:36:15 5 approached a handler, that information was then conveyed -
12:36:19 6 a source conveyed it to a handler, the handler conveyed it
12:36:24 7 to senior members of the Police Force, that senior members
12:36:28 8 of the Police Force would then approach the body with
12:36:33 9 compulsive powers to in effect attempt to influence them in
12:36:37 10 the way in which they carried out their task, that would
12:36:40 11 not be a proper way of going about it, one assumes?---I
12:36:43 12 can't say what was proper back then, the different bodies.
12:36:47 13 I know what our procedures are today and there is no
12:36:50 14 requirement for that approach to be made because of our
12:36:54 15 procedures that are in place today.
12:36:55 16
12:36:56 17 Yes?---And our understanding, you know, we work very
12:36:59 18 closely with a number of these organisations that have
12:37:03 19 those powers and there wouldn't be a need for that.
12:37:06 20
12:37:06 21 You say you're not too sure what the situation was back in,
12:37:10 22 say, for example 2007 or thereabouts?---That's right. A
12:37:14 23 number of these types of powers and arrangements were quite
12:37:19 24 new in that period of time.
12:37:21 25
12:37:21 26 They were quite new, yes. But you're not suggesting that
12:37:28 27 the newness of them meant that the way in which Victoria
12:37:32 28 Police would have approached it would have been any
12:37:34 29 different?---There may well have been a reason for
12:37:37 30 different approaches to it back then that may relate to the
12:37:41 31 newness of legislation, people's understanding of it, the
12:37:45 32 relationships that existed between different organisations
12:37:47 33 at that time and indeed a level of concern that may have
12:37:51 34 existed over any subsequent disclosure. I'm satisfied, as
12:37:57 35 the accountable officer today, that I understand the
12:38:00 36 various pieces of legislation to a degree that those
12:38:05 37 organisations operate on. I know the relationships between
12:38:07 38 those organisations of Victoria Police and, you know, I'm
12:38:12 39 satisfied that any source handler or human source that
12:38:18 40 appeared before any of those bodies should be answering
12:38:23 41 absolutely truthfully and that that information would be
12:38:25 42 understood by the receiving body for what it was and the
12:38:28 43 importance of that information and that it would be dealt
12:38:34 44 with accordingly.
12:38:35 45 COMMISSIONER: You're saying that there's no need now for
12:38:40 46 the handler or anyone above the handler level to
12:38:45 47 communicate with the compelling body about the fact that a

12:38:51 1 human source is to give evidence, but does the procedure,
12:38:57 2 as it is in current place, prohibit that?---No, it doesn't.

12:39:03 3
12:39:03 4 So there is communication between various arms of the
12:39:07 5 police services and investigating bodies so that they may
12:39:11 6 or may not communicate that?---There is considerable
12:39:19 7 engagement with each of the bodies that have those types of
12:39:23 8 powers. I could potentially imagine a situation arising
12:39:29 9 now where as a senior officer in Victoria Police who is -
12:39:35 10 who could be in possession of that type of information
12:39:39 11 seeking confirmation, if it was some particularly high
12:39:44 12 level complex issue, and depending on my knowledge of what
12:39:49 13 was occurring in the other organisations' investigations,
12:39:55 14 that there might be some high level communication. It's
12:40:07 15 neither - you know, the policy does not state that it
12:40:07 16 cannot occur, nor that it should occur. I am confident in
12:40:14 17 the maturity of both Victoria Police and the agencies we
12:40:15 18 deal with that they would recognise the complexity of any
12:40:18 19 information like that that they would receive and that they
12:40:21 20 would approach us if they need to use that information.
12:40:25 21 But there's nothing in the policy that would prevent a
12:40:28 22 discussion between a senior officer of Victoria Police and
12:40:31 23 a senior officer of such an organisation.

12:40:34 24
12:40:36 25 So, for example, putting it into the context with which
12:40:40 26 this Commission's concerned, so say, for example, a human
12:40:45 27 source is compelled to give evidence at one of these
12:40:50 28 bodies, there'd be - it would be assessed on the particular
12:40:54 29 facts of the situation there whether somebody senior in
12:40:59 30 Victoria Police should inform the body that this person is
12:41:04 31 a human source?---If we knew about it.

12:41:07 32
12:41:10 33 If you knew about it?---Because we may not know about it.
12:41:13 34 If it came to light via the human source/handler
12:41:16 35 relationship somehow, it's an extremely rare situation, I'm
12:41:21 36 not aware of any other such situation ever arising in our
12:41:26 37 history, then I could imagine if it became apparent there's
12:41:30 38 nothing preventing a communication from our organisation to
12:41:33 39 that organisation around a level of risk, for instance, to
12:41:39 40 say if that became - needed to be used in some way in some
12:41:44 41 other forum or became public, that that would create a
12:41:47 42 significant risk that would need to be managed.

12:41:52 43
12:41:53 44 Thank you. Yes Mr Winneke.
12:41:55 45 MR WINNEKE: Yes, thanks. I'll leave that issue. Can I
12:41:59 46 ask you about a question that I've raised before and one of
12:42:10 47 the questions that you've taken on notice, and that is at

12:42:13 1 this stage the Royal Commission has still not been provided
12:42:16 2 with notice as to how many people are in custody
12:42:19 3 potentially as a result of the conduct of Ms Gobbo. Are
12:42:24 4 you able to answer that question now?---I'm not,
12:42:29 5 Mr Winneke, but I have had several conversations with other
12:42:34 6 people in Victoria Police to convey to them both the
12:42:36 7 frustration of the Royal Commission.

12:42:38 8
12:42:38 9 Yes?---And indeed my frustration and to ensure that it
12:42:43 10 happens as quickly as possible and to make the - absolutely
12:42:48 11 the appropriate people available for that exercise to
12:42:51 12 occur. I understand that other inquiries may also be
12:42:56 13 undertaken by the Royal Commission through the Department
12:43:00 14 of Justice, but in any event we're absolutely getting on
12:43:02 15 with that work and the frustrations have been well and
12:43:07 16 truly conveyed.

12:43:08 17
12:43:08 18 Righto. You'll appreciate that the frustrations have
12:43:11 19 arisen from the fact that this matter has been raised now
12:43:16 20 for in excess of a month and those questions have been
12:43:19 21 asked, that's why the frustration arises?---Mr Winneke, I
12:43:24 22 completely understand the frustration. It's not something
12:43:27 23 I direct responsibility for. I've made that clear. Since
12:43:31 24 being notified by the Commission when I was sitting in this
12:43:34 25 location I've certainly undertaken what I said I would
12:43:39 26 undertake.

12:43:39 27
12:43:39 28 Yes, thanks very much. Another issue which is akin to
12:43:42 29 that, Mr Chettle was asking you about the access that has
12:43:49 30 been given to his clients to Loricated, to the Loricated
12:43:54 31 database. It appears that one of his clients had documents
12:43:58 32 in his own possession in the nature of diaries, both
12:44:01 33 handwritten diaries and electronic diaries. Whether or not
12:44:05 34 he should have that's a matter that we're not particularly
12:44:08 35 concerned about. But he was able to access those diaries
12:44:14 36 and refresh his memory as to matters which go back now
12:44:17 37 quite a number of years. Is it the situation that others
12:44:20 38 who have not got access to their own diaries, in order for
12:44:26 39 them to look at those diaries have to attend and sit in
12:44:30 40 front of a computer screen at Victoria Police headquarters
12:44:35 41 and go through them, is that the situation?---I never had
12:44:37 42 the opportunity to correct or take issue with the
12:44:40 43 proposition because there was other discussion occurring
12:44:43 44 when Mr Chettle put that.

12:44:45 45 Yes?---The proposition he put is not correct.

12:44:48 46
12:44:48 47 What's the correct situation? Can they get access to these

12:44:52 1 documents to enable them to efficiently and effectively
12:44:57 2 cooperate with the Royal Commission?---Absolutely, and that
12:45:01 3 is happening. The proposition that Mr Chettle put was that
12:45:04 4 Senior Sergeant Currie has access to his diaries. There's
12:45:08 5 some confusion I think existing about what a diary is and
12:45:12 6 what is a diary isn't.
12:45:13 7
12:45:13 8 Right?---He will have access to his official police diary
12:45:19 9 in context of source contact reports, which was diarising
12:45:22 10 their daily activity, he does not have access to those and
12:45:28 11 it is those documents that he needs to make a statement.
12:45:34 12 Since Mr Chettle first asked me to facilitate access for
12:45:39 13 his clients, that has been expeditiously done.
12:45:43 14
12:45:43 15 Yes?---And full access is granted to the people we spoke
12:45:48 16 about earlier on.
12:45:49 17
12:45:49 18 Yes?---They are not hard copy access. They have full
12:45:52 19 access at the times that they need and at a secure
12:45:57 20 location. For one of them, who's no longer a police
12:46:02 21 officer, at a location close to his home, and the others
12:46:07 22 that are still police officers, we have given them adequate
12:46:13 23 and very good accommodation and access to that so that they
12:46:17 24 can complete a statement for the Royal Commission.
12:46:19 25
12:46:20 26 Putting aside the contact reports and so forth, the actual
12:46:28 27 diaries, whether they be handwritten diaries or electronic
12:46:32 28 diaries made by the members themselves over a period of
12:46:37 29 time, from say 2005 through to 2009, if they had handed
12:46:41 30 those diaries in to Victoria Police are they able to have
12:46:44 31 access to hard copies of those diaries for their own
12:46:48 32 purposes to assist them in preparing to give
12:46:50 33 evidence?---Yes, so Mr Jones, if he had a hard copy diary
12:46:54 34 it would have very little of relevance to this aspects in
12:47:00 35 it.
12:47:01 36
12:47:01 37 Yes?---And copies of his hard copy could be made and
12:47:04 38 provided to him. I don't know that's what he's after
12:47:07 39 though.
12:47:07 40
12:47:08 41 No, I follow?---This is matters contained in source contact
12:47:11 42 reports which diarises certain things which are held
12:47:16 43 electronically in the Loricated database. As I've
12:47:20 44 indicated, they hold a vast amount of material of which the
12:47:23 45 Royal Commission is in possession of and if they were to
12:47:26 46 exist in a hard copy and taken home or whatever, that would
12:47:31 47 create an unacceptable security risk for a number of

12:47:34 1 reasons.
12:47:34 2
12:47:35 3 Right. Can I ask you this - - -
12:47:35 4
12:47:35 5 MR CHETTLE: Can I interrupt. I hesitate because that
12:47:39 6 wasn't what I was - - -
12:47:40 7
12:47:41 8 COMMISSIONER: Mr Chettle, could you just wait until
12:47:43 9 Mr Winneke is finished. I'll give you an opportunity to
12:47:45 10 say something later.
12:47:46 11
12:47:47 12 MR WINNEKE: Just so we can get an idea about this. There
12:47:51 13 are informer contact reports. There's a finite number of
12:47:55 14 those; is that right?---Yes, that's correct.
12:47:58 15
12:47:58 16 Are you able to say the total number of those that
12:48:01 17 exist?---I'm not. There's two numbers and I'll explain
12:48:07 18 why.
12:48:07 19
12:48:07 20 Yes?---There is a number that deals with the actual number
12:48:12 21 of hard copy documents.
12:48:14 22
12:48:14 23 Yes?---Noting that a hard copy source contact report often
12:48:19 24 covered a larger period of time than one day.
12:48:22 25
12:48:23 26 It might cover a period, say, of up to a week, ten days or
12:48:29 27 even two weeks in some cases?---Yes.
12:48:31 28
12:48:31 29 And each might include individual contacts, whether it be
12:48:34 30 telephone or otherwise, perhaps up to 40 or something along
12:48:38 31 those lines, maybe even more?---Correct.
12:48:40 32
12:48:40 33 And that will be recorded in that one document which might
12:48:43 34 be up to about 40 pages long, would that be fair to
12:48:48 35 say?---That's correct.
12:48:48 36
12:48:49 37 Is it the case there are, all up, about 220 of those or are
12:48:54 38 there more?---It's around that figure, yes.
12:48:56 39
12:48:56 40 All of those informer contact reports would be able to fit
12:49:00 41 into a couple of lever arch folders, is that fair to
12:49:06 42 say?---I've not seen them printed up, Mr Winneke, so I
12:49:10 43 can't make that estimation. There are some big documents.
12:49:12 44
12:49:12 45 I understand that but we lawyers deal with lots and lots of
12:49:15 46 folders and lots of document, you've got four behind
12:49:20 47 you?---Indeed.

12:49:20 1
12:49:21 2 I understand that it would take two of those folders to
12:49:24 3 print out and present those ICRs in a form that could be
12:49:29 4 given to a person with instructions that they are to be
12:49:33 5 very, very careful with those folders. Is that possible to
12:49:36 6 do?---No, it's not.
12:49:37 7
12:49:37 8 It's not. That's because of the security issues; is that
12:49:40 9 correct?---Yes, that's right.
12:49:41 10
12:49:41 11 Righto, okay. Can I just ask you - I've only got one more
12:49:52 12 topic, Commissioner. There were questions asked about
12:49:56 13 whether or not the handlers did or didn't seek from
12:50:05 14 Ms Gobbo information which might have been the subject of
12:50:09 15 legal professional privilege or confidential information.
12:50:13 16 In an ideal world a handler would say to Ms Gobbo, for
12:50:20 17 example, "Righto, what information do you have for me", and
12:50:23 18 Ms Gobbo might say something and then what should occur is
12:50:26 19 the handler would say, "Hang on, where did you get that
12:50:30 20 information from?" That's a fairly simple thing to do and
12:50:35 21 a note would be made of that. "Righto, what's the next
12:50:38 22 piece of information that you've got? Where did that
12:50:41 23 information come from", and so on. Then it would be
12:50:46 24 possible to go through that information and form a
12:50:49 25 relatively educated view, if you knew about confidentiality
12:50:54 26 and legal professional privilege, about what information
12:50:58 27 could or could not go further on outside the sterile
12:51:03 28 corridor, if you like, or the partial sterile corridor of
12:51:07 29 the SDU, do you accept what I say?---I do.
12:51:10 30
12:51:10 31 In an ideal world that's what should happen?---Correct.
12:51:13 32
12:51:16 33 Then when an information contact report is assessed, at
12:51:20 34 some stage thereafter it would be possible to go through
12:51:23 35 the information and say, "Well look, this information
12:51:25 36 should be able to go to the police, the investigators" and
12:51:31 37 it would be put into a document which is called an
12:51:34 38 information report, am I right?---That's correct.
12:51:36 39
12:51:36 40 And it could be put into that report so that the
12:51:39 41 information which was considered to be confidential or
12:51:45 42 legal professional privilege simply didn't go into
12:51:50 43 it?---Correct.
12:51:50 44
12:51:51 45 In this case you've obviously had the opportunity to go
12:51:55 46 through a lot of the materials I take it?---I've been
12:51:58 47 through none of the source contact reports or the IRs.

12:52:01 1
12:52:01 2 None of it?---None of it at all. That is the job of Task
12:52:06 3 Force Landow that they're acquitting at the moment.
4
12:52:09 5 Okay, let's talk hypothetically.
12:52:09 6
12:52:10 7 COMMISSIONER: You've got more than enough other things to
12:52:12 8 do.
12:52:14 9
12:52:14 10 MR WINNEKE: I understand that. One of the problems that
12:52:19 11 has been suggested and has been reported in a number of
12:52:22 12 cases is that in this process often there were telephone
12:52:32 13 communications almost immediately after the contact with
12:52:34 14 Ms Gobbo, which communications were with the investigators,
12:52:39 15 is that your understanding?---Sorry, I'm a little unsure of
12:52:43 16 what you're saying. Whose contact with Ms Gobbo?
12:52:46 17
12:52:46 18 Let's say a handler has contact with Ms Gobbo?---Yes.
12:52:49 19
12:52:49 20 It's a long conversation, lots of information is given in
12:52:53 21 the conversation. There may or may not be notes made. You
12:52:57 22 would expect that there would be decent notes made of the
12:53:00 23 conversation, correct?---Subsequent to the conversation,
12:53:02 24 yes.
12:53:02 25
12:53:03 26 Or at the time of the conversation, whether it be - - -
12:53:06 27 ?---Potentially that's right, yes.
12:53:07 28
12:53:07 29 If then there's a notation that an investigator was called
12:53:11 30 and updated with information, that would be concerning,
12:53:14 31 wouldn't it, because it would mean it would be difficult to
12:53:17 32 know what information was then passed on to the
12:53:21 33 investigator?---It would absolutely concern me today
12:53:25 34 because you should - there's clear guidance around verbal
12:53:31 35 dissemination in our current policies that were not in
12:53:35 36 those policies at that time, to make it very clear.
12:53:37 37
12:53:37 38 Yes?---But, yes, given the last series of questions you've
12:53:40 39 asked me in context of legal professional privilege and our
12:53:45 40 opportunity to quarantine that, in terms of any
12:53:47 41 communication from a handler to an investigator, then it
12:53:52 42 would be important to understand exactly what was conveyed
12:53:55 43 to an investigator by the handler.
12:53:59 44
12:54:00 45 Because in a sense it really doesn't matter what
12:54:02 46 information comes in to the SDU, it's a question of what
12:54:06 47 then goes out and is then utilised, that's the important

12:54:09 1 issue, isn't it, to a great extent?---Yes.
12:54:12 2
12:54:12 3 It would have been an important issue back then given that,
12:54:15 4 as we understand it, even the most junior officers know
12:54:18 5 about the importance of the right to silence, the right to
12:54:21 6 speak to a lawyer, et cetera?---I think what's apparent to
12:54:24 7 me, and I'm not yet aware of why things happen, but it's
12:54:30 8 apparent to me that people didn't understand or didn't have
12:54:33 9 that apprehension in these circumstances, and I'm not yet
12:54:38 10 aware as to why that's the case.
12:54:40 11
12:54:40 12 All right. That's all I've got, thanks Commissioner.
12:54:46 13
12:54:46 14 COMMISSIONER: Mr Chettle, you wanted to say something?
12:54:49 15
12:54:49 16 MR CHETTLE: I did, Commissioner. When I asked about
12:54:52 17 diaries I was asking about diaries, not informer contact
12:54:56 18 reports. What's emerged from Mr Winneke's re-examination
12:55:00 19 is that the witness and I were on total different length.
12:55:02 20
12:55:03 21 COMMISSIONER: Are you asking for leave to ask more
12:55:05 22 questions?
12:55:07 23
12:55:08 24 MR CHETTLE: If I could please.
12:55:09 25
12:55:10 26 MR HOLT: Commissioner, could I just raise an issue.
12:55:12 27 Mr Holding, Michael John Holding, is the first witness,
12:55:14 28 resides in Cairns, he's been here for two days. We've been
12:55:16 29 trying to ascertain times as we go. I'm not being critical
12:55:18 30 of anybody but I had no expectation that we wouldn't get
12:55:21 31 him on before lunch. He has the only flight back to Cairns
12:55:23 32 for the weekend at 3.30. I understand he'll be short but I
12:55:26 33 also understand we may need to have a brief conversation.
12:55:27 34
12:55:27 35 COMMISSIONER: Are you asking us to have a short
12:55:28 36 adjournment and then continue with his hearing?
12:55:31 37
12:55:31 38 MR HOLT: I would be grateful. I understand he won't take
12:55:33 39 long. I'm conscious of what the Commission has said about
12:55:37 40 welfare of witnesses; he's been here for two days waiting
12:55:40 41 to go.
12:55:40 42
12:55:40 43 COMMISSIONER: I'm prepared to do that, is that a
12:55:42 44 difficulty for anybody else?
12:55:44 45 MR WINNEKE: No, it's not. I don't know how long Mr
12:55:46 46 Chettle's got.
12:55:46 47

12:55:47 1 MR CHETTLE: One minute, and this witness will be finished
12:55:49 2 if that's possible.
12:55:51 3
12:55:52 4 COMMISSIONER: Thank you.
5
12:55:54 6 <FURTHER CROSS-EXAMINED BY MR CHETTLE:
12:55:54 7
12:55:55 8 MR CHETTLE: Assistant Commissioner, these police officers
12:55:58 9 at SDU went from handwritten diaries to electronic diaries
12:56:04 10 in 2007, were you aware of that?---It's around that period
12:56:06 11 of time and I'm aware that they went from hand written to
12 12 electronic.
12:56:07 13
12:56:07 14 What I was seeking, to make it perfectly clear, when I
12:56:10 15 asked you about Jones' diary was not any contact reports, I
12:56:14 16 understand all the contact reports, I was asking for both
12:56:17 17 his written and electronic diaries for the period 2005 to
12:56:20 18 2009. Did you understand that's what I was asking about,
12:56:25 19 not contact reports?---Okay, yes.
12:56:27 20
12:56:28 21 Is there any problem with him having access to those
12:56:31 22 documents in hard copy form?---The electronic records?
12:56:34 23
12:56:34 24 Yes, the electronic diaries?---The electronic diaries
12:56:38 25 contain much of the information that's in the source
12:56:42 26 contact reports. It was the way it was done. So there is
12:56:45 27 an issue with the electronic diary aspect, Mr Chettle. I'm
12:56:48 28 not trying to be difficult.
12:56:49 29
12:56:49 30 All right. I'll have to talk to Mr Holt.
12:56:52 31
12:56:52 32 COMMISSIONER: I think we've gone as far as we can go
12:56:56 33 there.
12:56:56 34
12:56:57 35 MR CHETTLE: That's all I wanted, Commissioner.
12:56:58 36
12:56:59 37 COMMISSIONER: Thank you, Mr Paterson, for your patience
12:57:02 38 and your evidence. It's obviously been difficult for you
12:57:06 39 because you were nominated by Victoria Police to speak
12:57:10 40 about many things that aren't within your personal
12:57:13 41 knowledge so it's been a difficult task for you giving
12:57:15 42 evidence over three days now.
12:57:16 43
12:57:17 44 MR HOLT: Sorry, I apologise for interrupting. Assistant
12:57:25 45 Commissioner Paterson was nominated by the Royal Commission
46 as being the witness to give this evidence on behalf of
12:57:26 47 Victoria Police. I think - - -

12:57:26 1
12:57:27 2 COMMISSIONER: At the request of Victoria Police. At the
12:57:29 3 request of Victoria Police he was the person that Victoria
12:57:32 4 Police nominated to the Royal Commission and we accepted
12:57:34 5 that.
12:57:35 6
12:57:36 7 MR WINNEKE: That's correct.
12:57:36 8
12:57:37 9 MR HOLT: I don't wish to have a discussion about that now,
12:57:40 10 thank you.
12:57:40 11
12:57:41 12 COMMISSIONER: Yes. We do appreciate that. You've been
12:57:42 13 given a lot of homework to do and I'm sure you understand
12:57:46 14 from your comments, as does Mr Holt, that time is of the
12:57:51 15 essence and we know that you and Mr Holt are doing all you
12:57:57 16 can to assist the Royal Commission and I would expect
12:58:01 17 that's also true of the organisation behind you and the
12:58:05 18 instructing solicitors. Thank you Mr Paterson. You'll
12:58:10 19 probably be needed again?---Yes.
12:58:11 20
12:58:12 21 So I won't excuse you, thank you.
12:58:13 22
23 <(THE WITNESS WITHDREW)
12:58:15 24
12:58:15 25 COMMISSIONER: A short adjournment for you to speak to
12:58:17 26 Mr Holding and then we're going to - - -
12:58:21 27
12:58:22 28 MR WINNEKE: Mr Woods is going to take Mr Holding but he'll
12:58:25 29 need to have a short conversation with him. I think it
12:58:29 30 ought to be done before lunch if we're prepared to keep
12:58:31 31 going, and I certainly think we should.
12:58:33 32
12:58:33 33 COMMISSIONER: I think the suggestion is that we'll just
12:58:34 34 have a short adjournment now to deal with that and then
12:58:37 35 we're going to go on with Mr Holding. It's been a long
12:58:41 36 morning but if everyone's prepared to do that I'll do it to
12:58:45 37 try and accommodate Mr Holding's convenience.
12:58:54 38
12:58:55 39 MR NATHWANI: Commissioner, can I just raise one issue.
40
41 COMMISSIONER: Yes.
42
12:58:57 43 MR NATHWANI: We were only provided with a number of the
12:59:00 44 witness statements from the police officers likely to be
12:59:00 45 called at about 12.30 yesterday. I know Mr Collinson is
12:59:04 46 not here and I need to discuss it with him. Was that the
12:59:07 47 submissions we made as far as Acting Commissioner Paterson

12:59:10 1 was concerned are alive as far as the following witnesses
12:59:15 2 are concerned. I understand there's an issue with
12:59:18 3 Mr Holding, and it's not our fault and we will try and
12:59:21 4 accommodate it, but I hear that we've already had Assistant
12:59:26 5 Commissioner Paterson indicate the issues of procedural
12:59:30 6 fairness and fair justice, natural justice. Well we may
12:59:33 7 need some time before we can properly cross-examine.
12:59:37 8
12:59:37 9 COMMISSIONER: When you were given Mr Holding's?
12:59:41 10
12:59:41 11 MR NATHWANI: 12.30 yesterday and then later last night
12:59:43 12 more.
12:59:43 13
12:59:43 14 COMMISSIONER: Yes, but you've been given some order that
12:59:48 15 they're going to be called in?
12:59:50 16
12:59:51 17 MR NATHWANI: We were given some notice, not by Victoria
12:59:53 18 Police but by counsel assisting the Commissioner, that they
12:59:59 19 would be called at some point.
13:00:00 20
13:00:01 21 COMMISSIONER: Yes. Well all I can say is do your best and
13:00:04 22 if you have an application later to have a witness recalled
13:00:08 23 I'll deal with that then.
13:00:09 24
13:00:10 25 MR NATHWANI: Thank you.
13:00:10 26
13:00:10 27 COMMISSIONER: All right then. We'll adjourn until I hear
13:00:15 28 that you're ready to resume, and we'll then resume with
29 Mr Holding.
13:01:25 30
13:01:25 31 (Short adjournment.)
32
13:18:33 33 COMMISSIONER: Yes Mr Woods.
13:18:34 34
13:18:34 35 MR WOODS: Commissioner, the next witness is Mr Holding but
13:18:38 36 just very briefly before he is called there are a few
13:18:41 37 documents I want to tender. As the Commission knows the
13:18:43 38 next few witnesses run through a story starting in 1993 and
13:18:48 39 there's some documents relevant to Ms Gobbo's legal
13:18:52 40 admission and entry into the profession that I'm seeking to
13:18:55 41 tender. I'll ask that they're brought up on the screen
13:18:59 42 just very briefly as I go through them. The first is
13:19:06 43 LAB.0001.0001.0007. That is a 26 February 1996 affidavit
13:19:15 44 of George Stogdale verifying articles. And just before
13:19:20 45 that's given an exhibit number it does remind me that there
13:19:23 46 was a document yesterday that wasn't tendered which was to
13:19:27 47 be RC11. I'll just pause there. RC11 was the final IBAC

13:19:34 1 letter that Mr Winneke took the witness to yesterday,
13:19:37 2 that's VPL.0005.0013.0575.
13:19:47 3
13:19:47 4 COMMISSIONER: That was tendered yesterday as Exhibit 11.
13:19:50 5
13:19:51 6 MR WOODS: It was tendered. I have a note from someone
13:19:53 7 saying it wasn't.
13:19:55 8
13:19:56 9 COMMISSIONER: I thought it was, it's on my list.
13:19:57 10
13:19:59 11 MR WOODS: Good. Back to where we were. This I believe
13:20:02 12 would be RC12, the one I've just referred to, the affidavit
13:20:06 13 verifying articles.
13:20:07 14
13:20:08 15
13:20:09 16 #EXHIBIT RC12 - Affidavit verifying articles,
13:19:03 17 LAB.0001.0001.0007
13:20:11 18
13:20:12 19 The next document the code is LAB.0001.0001.0016 and that's
13:20:19 20 28 February 96, transcript of results, which is something
13:20:23 21 that's sent to the Legal Admissions Board as part of the
13:20:26 22 process.
13:20:28 23
13:20:28 24
13:20:29 25 #EXHIBIT RC13 - Transcript of results,
13:20:15 26 LAB.0001.0001.0016.
13:20:30 27
13:20:31 28 The next document is LAB.0001.0001.0008. That's a 31
13:20:41 29 January 1997 application for admission.
13:20:45 30
13:20:45 31
13:20:45 32 #EXHIBIT RC14 - Application for admission,
13:20:33 33 LAB.0001.0001.0008.
13:20:47 34
13:20:47 35 MR WOODS: The next is LAB.0001.0001.0002 and that is
13:20:56 36 Ms Gobbo's affidavit of disclosure to Board of Examiners of
13:21:01 37 4 February 1997.
13:21:04 38
13:21:05 39
13:21:06 40 #EXHIBIT RC15 - Affidavit of disclosure to Board of
13:20:49 41 Examiners, LAB.0001.0001.0002.
13:21:08 42
13:21:08 43 The next is LAB.0001.0001.0006, that is a 25 February 1997
13:21:16 44 affidavit of George Stogdale as to the service of articles.
13:21:20 45
13:21:21 46
13:21:22 47 #EXHIBIT RC16 - Affidavit of George Stogdale,

LAB.0001.0001.0006

And then there's just three more. LAB.0001.00001.0003, that's 25 February 1997 affidavit of Ms Gobbo in support of her admission.

#EXHIBIT RC17 - Affidavit of Ms Gobbo, LAB.0001.00001.0003.

The second-last is LAB.0001.0001.0009, that's a 17 March 1997 Board of Examiners certificate.

#EXHIBIT RC18 - Board of Examiners certificate, LAB.0001.0001.0009.

Finally, LAB.0001.0001.0001, that is a 7 April 1997 Supreme Court admission order.

#EXHIBIT RC19 - Supreme Court admission order, LAB.0001.0001.0001

Thank you, Commissioner. Now with that done I call Michael Holding.

COMMISSIONER: Thank you.

<MICHAEL HOLDING, sworn and examined:

MR HOLT: Mr Holding, your full name is Michael John Holding?---Yes.

You're a former member of Victoria Police?---That's correct.

You now live in Cairns employed as a contract scheduler?---That's correct.

In relation to this proceeding have you prepared a statement, a copy of which you'll find there in front of you?---Yes.

Dated 27 March 2019?---Yep.

If I can indicate, Commissioner, the statement number is

13:23:13 1 VPL.0014.0009.0001. Mr Holding, do you confirm the
13:23:20 2 contents of that statement are true and correct?---I
13:23:22 3 believe it's the same one, yes.
13:23:25 4
13:23:26 5 Thank you, please answer any questions. I'm sorry, I
13:23:29 6 should tender the statement.
13:23:30 7
13:23:31 8
13:23:32 9 #EXHIBIT RC20 - Statement of Michael Holding,
13:23:14 10 VPL.0014.0009.0001.
13:23:37 11
13:23:37 12 COMMISSIONER: Yes, Mr Woods.
13:23:39 13
14 <CROSS-EXAMINED BY MR WOODS:
15
13:23:40 16 Mr Holding, how long were you a police officer for?---25
13:23:43 17 years.
13:23:43 18
13:23:43 19 And when did you cease being an officer?---2003.
13:23:49 20
13:23:51 21 As Mr Holt said you currently work in the construction
13:23:54 22 industry, is that right?---That's right.
13:23:56 23
13:23:57 24 Now, you were a Sergeant of Victoria Police in
13:24:05 25 1993?---That's correct.
13:24:06 26
13:24:06 27 And that's the focus or an event during that period is the
13:24:10 28 focus of the statement that you've provided to the
13:24:13 29 Commission?---That's correct.
13:24:14 30
13:24:14 31 Now, it's correct - sorry, the group that you were with was
13:24:19 32 the A District Support Group in August 93, is that
13:24:22 33 correct?---That's right, yes.
13:24:23 34
13:24:23 35 What was their role?---Well to provide support to A
13:24:30 36 District which was Russell Street, Collingwood, Carlton,
13:24:33 37 that area there. So we were on secondment from our police
13:24:38 38 stations. So it's usually given the blokes that were
13:24:42 39 looking at going into the CIB, like the crime orientated,
13:24:47 40 but we provided support to the district.
13:24:49 41
13:24:49 42 Were there groups or a group within which you worked?---You
13:24:52 43 had a crew, yes, so I had a crew.
13:24:54 44
13:24:55 45 Who was in your crew? You can look at your statement if
13:24:59 46 you need to?---Yeah. Peter Trichias I think.
13:25:01 47

13:25:01 1 Yes. If you can't remember them all, that's okay?---C
13:25:08 2 Wilson, Damien Delaney I think. But I'm not sure, like
13:25:13 3 they changed over the period.
13:25:15 4
13:25:15 5 All right. Now I'm going to ask you about some information
13:25:19 6 that came to you from Crime Stoppers in 1993. If I could
13:25:24 7 ask for document VPL.0005.0007.0129 to be brought up on the
13:25:33 8 screen, please. This is a letter, just stay on that page,
13:25:46 9 that was sent to you as a result of Operation Yak which is
13:25:49 10 the substance of your statement, is that correct?---That's
13:25:52 11 correct, yep.
13:25:52 12
13:25:53 13 It's after the event and it's commending you and as I
13:25:59 14 understand it others got similar commendation letters, is
13:26:01 15 that right?---That's right, yep.
13:26:02 16
13:26:02 17 Victoria Police had received information from Crime
13:26:04 18 Stoppers, was it you that received that information
13:26:07 19 initially?---Yes, it was.
13:26:08 20
13:26:09 21 Commissioner, there's an issue, as I understand it, that's
13:26:12 22 been raised by Victoria Police as to the gender of the
13:26:16 23 person who provided the information to Crime Stoppers. I'm
13:26:21 24 unaware of the basis of that being a PII claim. I'd be
13:26:26 25 interested if it's still pressed because it's really only
13:26:29 26 going to narrow down the person to 50 per cent of the
13:26:33 27 population so I don't think it's particularly relevant.
13:26:35 28
13:26:35 29 COMMISSIONER: Are you pressing it, Mr Holt?
13:26:38 30
13:26:39 31 MR HOLT: It's a standard way in which these sorts of
13:26:41 32 issues are protected across all proceedings. It simply
33 reduces the risk from people who knew each other at the
13:26:43 34 time. So it's pressed, there's a redacted version of the
13:26:45 35 document. It can't considerably make any difference to the
13:26:49 36 Commission's work if it is simply put in neutral terms.
13:26:51 37
13:26:52 38 COMMISSIONER: I think you're going to need to know that it
13:26:54 39 wasn't - - -
13:26:55 40
13:26:56 41 MR HOLT: That's clear from other material. That's not
13:26:59 42 done by way of reference to gender, that's clear from the
13:27:03 43 rest of the material that's provided. So there's no issue
13:27:05 44 with that in terms of that as a legitimate reason for doing
13:27:09 45 so.
13:27:09 46
13:27:09 47 MR WOODS: Well I'm in the Commissioner's hands but - - -

1
13:27:09 2 COMMISSIONER: I think in the circumstances we don't really
13:27:11 3 want to waste time. I don't think it matters. Can we
13:27:14 4 assume it was a person and not a dog?
13:27:17 5
13:27:18 6 MR WOODS: Assume it was a person and it wasn't
13:27:20 7 Ms Gobbo?---No.
13:27:20 8
13:27:22 9 And that information related to a man by the name of Brian
13:27:26 10 Wilson and you understood that he was a hotel bouncer at
13:27:31 11 the time, is that correct?---That's correct, yes.
13:27:34 12
13:27:34 13 And that he was the partner of Nicola Gobbo?---That's
13:27:38 14 correct.
13:27:38 15
13:27:39 16 Was the only source of the information that you received
13:27:41 17 from that individual that we're talking about, the Crime
13:27:46 18 Stoppers person?---Yes, it was.
13:27:47 19
13:27:48 20 Didn't get it from anywhere else?---No.
13:27:50 21
13:27:50 22 And the address that was indicated to you through that
13:27:53 23 information was 250 Rathdowne Street, Carlton?---In
13:27:56 24 Rathdowne Street, yes.
13:27:57 25
13:27:58 26 Were you given the address?---Um, I would have been, yes,
13:28:01 27 and we would have done relevant checks.
13:28:03 28
13:28:03 29 And those checks indicated to you that the house was owned
13:28:08 30 by Nicola Gobbo at the time?---I believe so, yes.
13:28:11 31
13:28:14 32 Now, as a result of receiving that information did you meet
13:28:19 33 with that person who provided the information to Crime
13:28:26 34 Stoppers?---Yes, I did.
13:28:27 35
13:28:28 36 Where did you meet them, do you remember?---Um, look it's a
13:28:38 37 long - it's 25 years ago.
13:28:40 38
13:28:40 39 That's all right, if you don't remember?---I could say
13:28:43 40 maybe it was at our office but I couldn't, I'm under oath
13:28:47 41 so I don't - - -
13:28:47 42
13:28:48 43 No, I understand. I understand. You gained rapport with
13:28:52 44 the person, is that correct?---Yes, I did.
13:28:53 45
13:28:54 46 As a result of that information surveillance was carried
13:28:57 47 out. Was the surveillance carried out before or after the

13:29:00 1 warrant was obtained, do you know?---It would have been
13:29:02 2 before because we - like obviously if you're going to get a
13:29:07 3 search warrant you've got to go to your superiors and do
13:29:14 4 all your checks because the last thing you want to do is go
13:29:15 5 to the wrong address.
13:29:15 6
13:29:15 7 It was about a couple of weeks the surveillance went
13:29:17 8 for?---It was a couple of weeks.
13:29:19 9
13:29:19 10 There was some mobile surveillance carried out on Brian
13:29:23 11 Wilson, is that correct?---There was, yes.
13:29:24 12
13:29:25 13 You may have already said it, I might have missed it, but
13:29:28 14 in any event the information that you obtained from that
13:29:31 15 person was what, about Brian Wilson?---That Brian Wilson
13:29:35 16 was dealing amphetamines.
13:29:37 17
13:29:41 18 Now, what did the surveillance demonstrate to you and the
13:29:45 19 officers who were carrying it out?---Well, we identified
13:29:50 20 that he did in fact reside at that address.
13:29:54 21
13:29:54 22 Yes?---We identified him and his vehicle. I think he might
13:30:00 23 have had two vehicles but as I said it was a long time ago.
13:30:03 24
13:30:04 25 I understand?---And that they, we believed that they were
13:30:07 26 the occupants of the house and we had to be, you know, we
13:30:11 27 had to be certain. You know, you've got to be certain - if
13:30:14 28 you're going to execute a warrant, you have to be certain
13:30:17 29 you've done all your relevant checks.
13:30:20 30
13:30:21 31 What about the sale of drugs from the premises? You've
32 placed him there and you've placed him with the car and
13:30:24 33 you've got some mobile surveillance, what did you
13:30:25 34 observe?---I don't think that we observed any sales from
13:30:29 35 the premises but I think my understanding was that it was
13:30:32 36 perhaps taking place when he was working.
13:30:36 37
13:30:36 38 All right. And you chose a Friday, 3 September, to be the
13:30:42 39 appropriate day to execute a warrant on the premises, is
13:30:45 40 that right?---I don't know if it was a Friday but yes, we
13:30:49 41 did.
13:30:49 42
13:30:49 43 You don't dispute it was a Friday?---We chose a date and -
13:30:53 44 yes.
13:30:53 45
13:30:53 46 The warrant was executed by you?---Yes.
13:30:55 47

13:30:56 1 Sergeant Ashton?---Yes.
13:30:57 2
13:30:57 3 Sergeant Delaney, Sergeant Frede?---They were Senior
13:31:04 4 Constables. No, Damien Delaney and Jason - - -
13:31:04 5
13:31:05 6 Senior Constable and Constable and Constable
13:31:10 7 Sklavonous?---Con, yes.
13:31:11 8
13:31:11 9 Constable Wilson?---C Wilson, yes.
13:31:15 10
13:31:16 11 Constable Trichias?---Yes.
12
13:31:17 13 And Constable Randoe?---Yes.
13:31:18 14
13:31:18 15 It was executed about 4.30 in the afternoon of that
13:31:21 16 day?---I believe so, yes.
13:31:22 17
13:31:22 18 And there was peaceful entry given to the property, is that
13:31:27 19 right?---That's right.
13:31:28 20
13:31:29 21 Do you have any independent recollection of going into that
13:31:35 22 property on that day?---Yes, I've got like - some things I
13:31:37 23 have a really clear recollection of and then others is - -
13:31:40 24 -
13:31:40 25
13:31:41 26 That's quite understandable?---Obviously we, you go there
13:31:46 27 hoping to find, um, drugs, what we were looking for and
13:31:52 28 that's - - -
13:31:52 29
13:31:53 30 And did you find drugs?---We did, yes.
13:31:56 31
13:31:56 32 What drugs do you remember were found on the
13:31:58 33 premises?---Well we went in there, there was a fairly
13:32:01 34 strong smell of marijuana.
13:32:02 35
13:32:02 36 As in burning marijuana?---As in like green marijuana, and
13:32:05 37 especially if it's the head of the plant which was like the
13:32:08 38 highly sought after material on the plant to smoke and
13:32:13 39 that's always got the higher THC. A strong smell of that
13:32:19 40 and there was a 20 litre drum of it, of just marijuana
13:32:22 41 heads sitting behind the TV.
13:32:23 42
13:32:24 43 In the living area?---In the living area, so really like
13:32:26 44 that stuck in my mind the whole time, yep.
13:32:28 45
13:32:29 46 And who was present at the commencement of the search, as
13:32:33 47 in the occupants of the house, not the police?---Definitely

13:32:37 1 Brian Wilson. I believe Nicole Gobbo was there but I'm
13:32:42 2 not, like 100 per cent certain.
13:32:44 3
13:32:44 4 Was she there during any period of that afternoon?---I
13:32:48 5 believe so but - - -
13:32:50 6
13:32:50 7 And do you remember her providing any assistance to the
13:32:53 8 police?---No.
13:32:54 9
13:32:54 10 During that raid?---No.
13:32:55 11
13:32:56 12 All right. What about Ms Gobbo assisting the police as to
13:33:03 13 the location of drugs within the house, do you remember
13:33:06 14 anything about that?---None, none. We'd been searching the
13:33:09 15 house and obviously the marijuana and the 20 litre drum it
13:33:13 16 was just like in your face but we were, like I had a belief
13:33:17 17 that there was amphetamines there, we all did, and we'd
13:33:20 18 been searching for a fair while and hadn't found which any,
13:33:27 19 which again there's got to be something here which - and we
13:33:32 20 eventually - I'm not sure who it was but we found like a
13:33:37 21 large bag of what we believed was amphetamine in the
13:33:40 22 laundry behind a vent.
13:33:41 23
13:33:41 24 And did it turn out to be amphetamine?---It did.
13:33:44 25
13:33:47 26 So you don't have any recollection of Ms Gobbo assisting in
13:33:50 27 that, the location of that?---Well - - -
13:33:53 28
13:33:53 29 If other officers were to say that she did assist would you
13:33:56 30 be able to contradict them or you just don't know?---Look
13:33:59 31 it's a long time ago and that wasn't - I'm pretty sure she
13:34:03 32 was there but I don't want to say she was definitely there
13:34:07 33 when I don't have that complete clear recollection. Those
13:34:10 34 other things I remember, like obviously finding a big bag
13:34:14 35 of speed, being a policeman, fairly excited about it, to
13:34:17 36 get it. That's what we were there for.
13:34:21 37
13:34:21 38 It's quite understandable. All right. But do you have a
13:34:26 39 memory of meeting Ms Gobbo at all?---Yes.
13:34:29 40
13:34:29 41 And it might have been somewhere else other than in the
13:34:33 42 house?---That's correct, yes.
13:34:34 43
13:34:35 44 Now the amphetamines that were seized had a street value of
13:34:38 45 \$82,000. Is that about right?---That's what we worked it
13:34:43 46 out to be, yes.
13:34:43 47

13:34:44 1 And Ms Gobbo and Mr Wilson at least were taken into
13:34:48 2 custody, do you remember that?---Yes.
13:34:51 3
13:34:52 4 She was interviewed. Were you involved in any
13:34:57 5 interview?---I don't think so, not with her, no. I'd
13:35:03 6 imagine there would have been a policewoman there present
13:35:05 7 for the interview because if - like you always try and have
13:35:09 8 a woman present if you have a female suspect.
13:35:11 9
13:35:11 10 I see?---Or you'd get one in from Russell Street or
13:35:17 11 something.
13:35:17 12
13:35:17 13 Paragraph 18 of your statement which you have in front of
13:35:20 14 you, you talk about going to Melbourne University to speak
13:35:24 15 to Ms Gobbo?---Yes.
13:35:25 16
13:35:25 17 After the execution of the warrant?---Yes.
13:35:27 18
13:35:27 19 Do you have a memory of that?---I have a memory of that but
13:35:32 20 like it's not a clear memory, but I'm positive we went up
13:35:35 21 there and spoke to her.
13:35:37 22
13:35:37 23 When you say we, do you know who else you went with?---It
13:35:40 24 would have been someone off our crew.
13:35:42 25
13:35:42 26 Do you know what you were talking to her about?---No, I
13:35:45 27 can't recall.
13:35:45 28
13:35:46 29 Is that unusual, someone who is not a police officer, can
13:35:51 30 you explain to me whether it would be usual to go and visit
13:35:54 31 someone who has been the subject of a warrant being
13:35:59 32 executed at their property?---As I said, it's 25 years ago,
13:36:04 33 I have a really strong recollection we went there, but as
13:36:07 34 far as who was with me and what we discussed, I honestly -
13:36:12 35 - -
13:36:12 36
13:36:13 37 You just don't know. But was it unusual?---No, I wouldn't
13:36:16 38 think so.
13:36:17 39
13:36:17 40 You have two diary entries that you refer to?---Yes.
13:36:20 41
13:36:20 42 I assume you've had access to these diaries and have seen -
13:36:24 43 - - ?---I have copies of pages, yes.
13:36:26 44
13:36:26 45 You have copies there, good. At paragraph 20 of your
13:36:30 46 statement on 28th of the 9th 1993 you say, "20:30 returned
13:36:36 47 to office, spoke to Nicola Gobbo on phone re defendant

13:36:41 1 Brian Wilson"?---Yes.
13:36:42 2
13:36:42 3 Was that providing, was that Ms Gobbo providing information
13:36:46 4 about Brian Wilson or is it something you simply can't
13:36:50 5 recall?---I believe, I think Wilson gave pretty much a no
13:36:56 6 comment record of interview so I think we were trying to -
13:36:59 7 thought that she might be able to assist us further in
13:37:02 8 regards to taking a statement off her in regards to what he
13:37:06 9 was actually doing.
13:37:08 10
13:37:08 11 All right?---As I keep saying to you, 25 years ago, it's
13:37:13 12 hard to - - -
13:37:15 13
13:37:15 14 No, no, that's quite understandable. I'm not taking issue
13:37:18 15 with that?---I don't want to say anything that's not
13:37:21 16 correct.
13:37:21 17
13:37:22 18 The next day, a couple of days later on 30 September, at
13:37:24 19 14:00 you spoke to Nicola Gobbo at office, is that the
13:37:28 20 police - - - ?---That was at the DSG office which was at
13:37:30 21 Russell Street.
13:37:31 22
13:37:31 23 Was she there?---Yes.
13:37:32 24
13:37:33 25 You commenced to take a statement in relation to Brian
13:37:35 26 Wilson?---Yes.
13:37:36 27
13:37:36 28 Was that a statement where she was assisting police in
13:37:39 29 their prosecution of Brian Wilson?---Well I wanted her to
13:37:44 30 assist us, yes, I think that was the general, was to get
13:37:46 31 her in there and maybe see if she could - - -
13:37:49 32
13:37:49 33 You spoke to her for about an hour and a half and after
13:37:53 34 that she left and she said she wanted to talk to her
13:37:56 35 solicitor?---Yes.
13:37:57 36
13:37:57 37 Did the statement go anywhere, did you end up getting a
13:38:01 38 statement?---No, I don't believe we did.
13:38:03 39
13:38:10 40 You made some observations of Ms Gobbo of your own?---Yes.
13:38:16 41
13:38:17 42 And you set them out at paragraph 23. Can you just read
13:38:21 43 that couple of sentences of paragraph 23, please, read them
13:38:24 44 out loud?---Yes. "From my dealings with Ms Gobbo I found
13:38:27 45 her to be very confident and opinionated. I felt that she
13:38:32 46 thought the process was like a game."
13:38:34 47

13:38:34 1 Is that an observation of your dealings with Ms Gobbo
13:38:37 2 during the warrant execution or is it in your dealings
13:38:40 3 after the warrant execution and before she appeared in
13:38:44 4 court?---No, the whole way through.
13:38:46 5
13:38:46 6 All right?---Yep.
13:38:47 7
13:38:49 8 Paragraph 24, you say you didn't register her as an
13:38:54 9 informant and that's correct, isn't it?---Yes.
13:38:56 10
13:38:56 11 Can I suggest to you that given your observations and your
13:39:00 12 dealings with her she wouldn't have been the sort of person
13:39:03 13 you would want to register as an informant?---Well with an
13:39:07 14 informant you've got to, you know - informants have,
13:39:11 15 they're doing it for a reason if they're going to dob on
13:39:14 16 someone, it's like they don't like them, they see some sort
13:39:19 17 of gain for themselves, revenge or - - -
13:39:22 18
13:39:22 19 What about this person in particular?---Well, I must admit
13:39:26 20 that Ms Gobbo and I didn't really hit it off and, you know,
13:39:32 21 I don't know, like I'd been a policeman probably for 15
13:39:36 22 years or so then and like I think I'm a good judge of
13:39:40 23 character, her and I weren't really, she thought it was a
13:39:43 24 bit of a game and I had no reason to register her as an
13:39:49 25 informant.
13:39:49 26
13:39:49 27 I understand?---So I found her to be - she was, yeah, she
13:39:55 28 was pretty opinionated, yeah, most definitely.
13:39:58 29
13:39:58 30 I'm just going to get one final document up on the screen
13:40:03 31 it is VPL.0002.0002.0102.
13:40:17 32
13:40:17 33 #EXHIBIT RC21 - Letter of commendation sent to
34 Mr Holding re Operation Yak dated
13:40:19 35 8/12/93.
13:40:19 36
13:40:19 37 I went through a flurry of tendering documents at the start
13:40:26 38 and then forgot to tender everything afterwards,
13:40:28 39 Commissioner.
13:40:28 40
13:40:28 41 COMMISSIONER: What was that last document, how would you
13:40:30 42 describe that?
13:40:32 43
13:40:32 44 MR WOODS: That was, I'll tell you. It's
13:40:41 45 VPL.0005.0007.0129.
13:40:43 46
13:40:43 47 COMMISSIONER: A letter from the Chief Superintendent to

13:40:46 1 Mr Holding, congratulatory letter.
13:40:50 2
13:40:51 3 MR WOODS: That's right, of 8 December 93. Thank you,
13:40:57 4 Commissioner. Is it correct that this document is a record
13:41:08 5 of what Ms Gobbo was charged with and what Mr Wilson was
13:41:13 6 charged with?---It appears to be, yep.
13:41:16 7
13:41:20 8 #EXHIBIT RC22 - LEAP printout of charges of Gobbo and
9 Wilson following raid on 250 Rathdowne
13:41:22 10 Street, Carlton in 1993.
13:41:22 11
13:41:23 12 MR WOODS: Thank you, Commissioner. And you weren't the
13:41:25 13 informant in relation to those charges, I take it?---I
13:41:27 14 wasn't, no.
13:41:28 15
13:41:30 16 And you weren't responsible for deciding what to charge
13:41:33 17 Ms Gobbo with?---Um, probably, yes. Like it would have
13:41:39 18 been a discussion but it was - if someone was the informant
13:41:43 19 in the case, it was their case, you didn't say "you're not
13:41:46 20 charging" - you'd say "maybe you should charge them with
13:41:50 21 this" but you certainly wouldn't - - -
13:41:55 22
13:41:56 23 All right?---You wouldn't interfere, like if they said, "We
13:41:59 24 want to charge them with this", well we'd have a discussion
13:42:03 25 and - - -
13:42:03 26
13:42:03 27 The ultimate decision is for the informant is what I take
13:42:07 28 you to be, saying is that right?---Basically, yes.
13:42:09 29
13:42:09 30 I'll just check if there's anything else. Did you have a
13:42:13 31 view about what Ms Gobbo should have been charged with
13:42:17 32 given your role in the raid?---I would have liked to have
13:42:23 33 charged her with trafficking drugs.
13:42:25 34
13:42:25 35 All right?---She's the owner/occupier of the house, like
13:42:29 36 under the drug and controlled substances Act she was deemed
13:42:34 37 to be in possession of everything found in the house until
13:42:37 38 the contrary was proven.
13:42:38 39
13:42:38 40 Did you make that view known to your other officers?---Yes,
13:42:42 41 we probably all of us had that view.
13:42:44 42
13:42:45 43 Do you have a recollection of that though? I don't want
13:42:48 44 you to speculate. If you have a recollection of it then -
13:42:51 45 - - ?---I'm not speculating but that's what we would have
13:42:54 46 liked to have charged her with but you've got to look at
13:42:58 47 everything and the police department was pretty, unless you

13:43:00 1 thought you were going to have a win they were sort of
13:43:03 2 loath to authorise anything else. But as I said to you
13:43:05 3 before, 25 years ago, it's up there, that's what she got
13:43:13 4 charged with so maybe - - -
13:43:14 5
13:43:14 6 But you had also had dealings with her in the period after
13:43:18 7 the raid and before she appeared in court?---Yep.
13:43:21 8
13:43:21 9 And you were taking a statement from her?---Yes.
13:43:23 10
13:43:23 11 And that statement was about Wilson?---Well we were going
13:43:27 12 to try and take a statement, yes.
13:43:29 13
13:43:30 14 Try and take a statement about Wilson?---Yep, yep.
13:43:32 15
13:43:33 16 Is it the case that the potential of her giving assistance
13:43:36 17 might have reduced the charge?---No.
13:43:38 18
13:43:39 19 No?---What, those charges that are up here?
13:43:41 20
13:43:41 21 Yes?---No.
13:43:43 22
13:43:44 23 When a charge was being considered and she was talking to
13:43:47 24 the police in between the period of the raid and the period
13:43:50 25 of appearing in court, I take it the reason for dealing
13:43:55 26 with a potentially accused person in those situations is to
13:43:59 27 try and get some kind of information that is going to
13:44:03 28 assist the police and the quid pro quo is that there's a
13:44:07 29 benefit to the accused person, is that why the discussions
13:44:10 30 were happening at that time?---Look, I don't, I can't
13:44:14 31 recall that. But I wouldn't - like she's been charged with
13:44:18 32 possession of the cannabis.
13:44:20 33
13:44:20 34 And you thought she should have been charged with
13:44:22 35 trafficking?---Well, yes.
13:44:25 36
13:44:26 37 Okay?---Not that I probably, we probably didn't have the
13:44:29 38 evidence but in my view if you've got, um, you know if that
13:44:34 39 marijuana's in the house like that, you're living with the
13:44:37 40 other person, I'm sure, like my wife and I talk about
13:44:42 41 everything, so, nearly everything.
13:44:46 42
13:44:46 43 They are all the questions I have.
13:44:50 44
13:44:50 45 COMMISSIONER: Anybody wanting to apply for leave to
13:44:55 46 cross-examine?
13:44:55 47

13:44:55 1 MR NATHWANI: Yes, please.
13:44:56 2
13:44:56 3 COMMISSIONER: Yes Mr Nathwani.
13:44:57 4
5 <CROSS-EXAMINED BY MR NATHWANI:
6
13:44:58 7 Just a few questions. Can we start with the surveillance
13:45:01 8 undertaken prior to arriving at the address of Ms Gobbo on
13:45:06 9 3 September. Was Ms Gobbo the target of any of the
13:45:10 10 surveillance you undertook?---No, I don't think so.
13:45:13 11
13:45:14 12 Is it possible that she was seen on any of the surveillance
13:45:18 13 that you undertook?---I couldn't answer that, I just can't
13:45:22 14 remember.
13:45:22 15
13:45:22 16 Going forward to the actual search, you were given a list
13:45:26 17 of names of people who were present with you?---H'mm.
13:45:29 18
13:45:29 19 One name not said to you was the name Jeff Pope. Was he
13:45:33 20 present?---I couldn't tell you. Unless he's on the list or
13:45:39 21 it's in his diary or something, I couldn't help you there,
13:45:42 22 sorry.
13:45:42 23
13:45:46 24 You were just asked some questions about the fact that she
13:45:51 25 was charged, that's Ms Gobbo, with possession simple as
13:45:55 26 opposed to trafficking, okay?---Yes.
13:45:58 27
13:45:58 28 Looking at paragraph 21 of your statement?---H'mm.
13:46:02 29
13:46:02 30 You say this: "I recall that the evidence we had against
13:46:05 31 Ms Gobbo in relation to drug trafficking charges was not
13:46:08 32 strong"?---Exactly.
13:46:10 33
13:46:10 34 Do you see that?---Yep.
13:46:11 35
13:46:11 36 Do you think that may, I'm just exploring with you why if
13:46:15 37 the view of you and your colleagues was she should have
13:46:18 38 been charged with trafficking, does that help jog any
13:46:21 39 memory as to why she wasn't charged with trafficking?---Um,
13:46:32 40 I suppose Wilson was the main target right from the start.
13:46:36 41
13:46:36 42 Understood?---Yes.
13:46:37 43
13:46:37 44 You spoke about other colleagues who also formed the view
13:46:41 45 that she should have been charged with trafficking. Was
13:46:44 46 Trevor Ashton one of those?---I couldn't recall.
13:46:48 47

13:46:51 1 You have set out that in effect you wouldn't have used her
13:47:00 2 as an informer, I think that's the impression we were
13:47:03 3 getting from you, is that fair?---No.
13:47:05 4
13:47:05 5 No?---No, I wouldn't think so.
13:47:07 6
13:47:08 7 Going forward can I ask you this, if you go to paragraph
13:47:10 8 29?---Yep.
13:47:11 9
13:47:11 10 You say, "I believe that Trevor Ashton either registered or
13:47:15 11 had intentions to register Ms Gobbo as a human source at a
13:47:18 12 later stage"?---H'mm.
13:47:19 13
13:47:20 14 Do you know where you got that belief from? Did you speak
13:47:24 15 to Mr Ashton?---I can't recall - to be honest I can't
13:47:29 16 recall. I certainly didn't have sort of any further
13:47:33 17 contact with her as such.
13:47:36 18
13:47:36 19 So can I just, because I'm jumping around?---Yep.
13:47:39 20
13:47:40 21 You say at paragraph 16 certain facts that you were aware
13:47:43 22 of as far as Ms Gobbo were concerned, one, that she was the
13:47:48 23 girlfriend of Mr Wilson, agreed?---Yes.
13:47:50 24
13:47:51 25 And as associated with that, the fact that Wilson, as you
13:47:55 26 then later found out, was a drug dealer?---Yes.
13:47:57 27
13:47:57 28 She was there associated with someone with criminal
13:48:03 29 interest to you the police, agreed?---Yes.
13:48:04 30
13:48:04 31 Two, that she was studying law?---Yes.
13:48:08 32
13:48:08 33 At that stage were you aware she had intentions to seek
13:48:11 34 admission as a solicitor, I mean you globally, either you
13:48:16 35 yourself or you as a Police Force and your colleagues at
13:48:21 36 the search?---We knew if she got charged it would be
13:48:25 37 difficult obviously for her to be admitted to the Bar. I
13:48:28 38 don't know if that's the correct term.
13:48:30 39
13:48:31 40 There'd be difficulties for her making disclosures to the
13:48:35 41 admissions?---I imagine there would be, yes.
13:48:36 42
13:48:36 43 Also do you agree you were aware, you said in your
13:48:39 44 statement she was related to a member of the judiciary at
13:48:43 45 the time?---Yes.
13:48:44 46
13:48:44 47 Do you think those three factors influenced the decision or

13:48:49 1 the view, I'm trying to jog your memory in relation to
13:48:53 2 paragraph 29?---H'mm.
13:48:55 3
13:48:55 4 As to why Mr Ashton was interested in registering Ms Gobbo
13:48:59 5 as a human source from such an early stage?--Well, I don't
13:49:05 6 know but obviously he must have spoken to her and formed
13:49:08 7 the view that she might have had some, she might have told
13:49:12 8 him something that I wasn't aware of.
13:49:14 9
13:49:14 10 Can I ask you, because you say obviously you didn't hit it
13:49:17 11 off with Ms Gobbo from the outset?---No.
13:49:19 12
13:49:20 13 Your contact with her?---Yes.
13:49:21 14
13:49:21 15 Can we go through your contact with her. 3 September you
13:49:25 16 obviously have some contact with her?---Yes.
13:49:28 17
13:49:28 18 You can't remember for how long, you can't even remember if
13:49:31 19 she was there, okay. What follows is looking at your diary
13:49:35 20 entries, 28 September you then speak to her and then 30
13:49:41 21 September. Are they the three occasions that you had
13:49:44 22 contact with her?---I think so.
13:49:46 23
13:49:46 24 And of course as we know one of them you're not sure you
13:49:49 25 had much contact with her on 3 September?---No, well - - -
13:49:52 26
13:49:53 27 You formed the opinion based on speaking to her and trying
13:49:56 28 to get a statement from her and giving evidence against her
13:50:00 29 then partner, is that right?---That I formed my opinion of
13:50:03 30 her?
13:50:03 31
13:50:03 32 Yes?---No, I formed my opinion of her on 3 September.
13:50:08 33
13:50:08 34 Hold on, because as you say, you say "I'm not sure whether
13:50:12 35 she was present at the premises at the time of the search",
13:50:16 36 help us with the conversations you might have been having
13:50:19 37 with her to form that opinion?---I can't remember. Like,
13:50:22 38 she's loud, she's opinionated and I - you know, that was my
13:50:29 39 impression of her from the start and I can't say - - -
13:50:32 40
13:50:33 41 As far as assisting your memory because as you've said you
13:50:36 42 can't remember quite a lot. The sum total of the documents
13:50:39 43 you referred to were your police diary?---That's correct.
13:50:42 44
13:50:42 45 And letter of commendation, that's it?---Yes.
13:50:46 46
13:50:46 47 Thank you very much.

13:50:47 1
13:50:48 2 COMMISSIONER: Thank you Mr Nathwani. Anyone else want to
13:50:50 3 ask any questions? Mr Holt, did you have any
13:50:52 4 re-examination?
13:50:53 5
13:50:53 6 MR HOLT: No re-examination, thank you.
13:50:55 7
13:50:55 8 COMMISSIONER: All right, I think you can be excused.
13:50:58 9
13:50:58 10 MR WOODS: Just one question, sorry. I was just waiting to
13:51:01 11 see what had happened?---Got a plane to catch.
13:51:04 12
13:51:04 13 Was Pope part of the ADSG or any of the DSG that you were
13:51:09 14 involved in?---He was but I'm not sure if he was there at
13:51:12 15 that time because the staff sort of rotated through.
13:51:15 16
13:51:15 17 You have a recollection of him being involved?---I know
13:51:17 18 Jeff Pope, yep.
13:51:18 19
13:51:18 20 You have a recollection of him being involved in the ADSG
13:51:23 21 in 1993 when you were there?---I couldn't give you an exact
13:51:27 22 date but he was at the ADSG.
13:51:30 23
13:51:30 24 When did you finish with the A team in the DSG?---I'd have
13:51:35 25 to look at my statement to be honest with you.
13:51:38 26
13:51:38 27 Go ahead?---So I think I went, must have been 1994. I
13:51:46 28 virtually went from there back to Shepparton.
13:51:50 29
13:51:50 30 I see. Okay, thank you?---Thank you.
31
13:51:56 32 <(THE WITNESS WITHDREW)
13:51:56 33
13:51:57 34 COMMISSIONER: You'd probably all appreciate a bit of a
13:52:01 35 lunch break I'd imagine. What time, Mr Winneke, would you
13:52:04 36 like to resume?
13:52:06 37
13:52:07 38 MR WINNEKE: Just excuse me, Commissioner.
13:52:11 39
13:52:12 40 COMMISSIONER: And let us know who the next witness is too,
13:52:15 41 please.
13:52:15 42
13:52:15 43 MR WINNEKE: Commissioner, it's up to you but if we could
13:52:20 44 perhaps have 50 minutes or less, but 50 minutes for lunch
13:52:26 45 if that's satisfactory to everyone?
13:52:31 46
13:52:31 47 COMMISSIONER: Who is the next witness?

13:52:33 1
13:52:33 2
13:52:37 3
13:52:42 4
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13:52:51 9
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13:52:54 11
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13:56:07 14
13:56:07 15
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MR WINNEKE: Mr Trichias I believe.

COMMISSIONER: What if we resume at 2.30, is that sufficient time?

MR WINNEKE: I think half past two will be all right.

COMMISSIONER: Is that all right with you, Mr Holt?

MR HOLT: Yes, thank you Commissioner.

COMMISSIONER: We'll resume at 2.30.

LUNCHEON ADJOURNMENT

13:56:08 1 UPON RESUMING AT 2.37 PM:
2
14:37:47 3 COMMISSIONER: Perhaps before we start I shouldn't mention
14:37:49 4 a matter of police officer Segrave.
14:37:54 5
14:37:55 6 MR WOODS: Segrave, yes.
14:37:56 7
14:37:57 8 COMMISSIONER: Who I'm told has been served with a notice
14:37:59 9 to attend. Commission's counsel intended to call him
14:38:06 10 sequentially next week. I am told that he will be on leave
14:38:11 11 next week.
14:38:12 12
14:38:12 13 MR WOODS: That's as we understand it. Yes, we've been
14:38:16 14 told that he'll be on leave.
14:38:18 15
14:38:18 16 COMMISSIONER: Two points to make. Firstly, when I was
14:38:20 17 told this I was prepared to have the sequence of witnesses
14:38:24 18 changed to accommodate him and to have him called earlier
14:38:30 19 today, but I'm informed by the counsel who'll be taking
14:38:35 20 that witness that we would not finish the evidence today by
14:38:38 21 any means, he'll be quite a long witness. So there's no
14:38:43 22 point in starting his evidence today out of sequence.
23
14:38:45 24 The second point is the fact that he's on leave is not in
14:38:49 25 itself reasonable grounds to explain why a witness is not
14:38:55 26 meeting a notice to attend. So they are the two points I
14:38:59 27 want to make.
14:39:00 28
14:39:01 29 MR HOLT: Commissioner, can I indicate in terms of Segrave,
14:39:04 30 when his statement was prepared his leave arrangements were
14:39:07 31 already in place. Plainly the notice to require the
14:39:11 32 statement to be prepared, as with all notices it's been
14:39:13 33 really recent, so it's not a question of recently arranged
14:39:16 34 leave and notice was given to the Commission of that. I
14:39:16 35 think in fairness there was every expectation that
14:39:19 36 Mr Segrave would be able to give evidence in this
14:39:22 37 Wednesday, Thursday, Friday period that we've had and times
14:39:25 38 have blown out to some extent.
14:39:27 39
14:39:27 40 COMMISSIONER: Yes. Mr Paterson was a lot longer than
14:39:29 41 anybody expected I think.
14:39:30 42
14:39:31 43 MR HOLT: So there was that expectation and I think we're
14:39:32 44 probably only out on that expectation by about an hour or
14:39:34 45 two as a result of things that have gone longer than
14:39:38 46 expected. So I apologise that we're in this position. We
14:39:39 47 had given as early notice as we possible could. We accept

14:39:40 1 of course in the ordinary course that going on a holiday is
14:39:42 2 not a reasonable excuse for failing to appear but
14:39:45 3 Mr Segrave has been here since the notice to appear
14:39:47 4 required him to be here, which was on the 27th. He's been
14:39:50 5 waiting to give evidence or available close by.
14:39:52 6

14:39:52 7 COMMISSIONER: No one asked to interpose him during
14:39:54 8 Mr Paterson's evidence, which we could have done if I'd
14:39:58 9 been asked.

14:39:59 10
14:39:59 11 MR HOLT: And I apologise. With the benefit of hindsight I
14:40:01 12 should have done that. I should say, Commissioner, through
14:40:03 13 the course of Mr Paterson's evidence we were trying to
14:40:06 14 ascertain how long it would take, and every indication at
14:40:10 15 every point was we might be only another half hour, even
14:40:11 16 this morning, when it looked okay, and I should have been
14:40:15 17 more pressing with that and I apologise I wasn't. He's on
14:40:19 18 a family driving holiday, we're told, and we may be able to
14:40:23 19 make arrangements to have him in a location to give, for
14:40:25 20 example, evidence by of video link. I'm just trying to
14:40:27 21 make these inquiries now but that might be difficult.
14:40:29 22

14:40:30 23 COMMISSIONER: It might be difficult if it's going to be a
14:40:32 24 long time giving evidence. Ms Tittensor, do you have any
14:40:36 25 estimate as to how long he'd be? I know these barristers'
14:40:40 26 estimates, as we've found over the last three days, aren't
14:40:42 27 always accurate but - - -
14:40:43 28

14:40:44 29 MS TITTENSOR: We will be as quick as we possibly can but
14:40:46 30 there are a number of documents to get through. That's
14:40:49 31 probably what will hold us up, Your Honour. I need to also
14:40:55 32 assess some of the redactions. I'm not sure if we've got
14:41:01 33 the redactions through yet in relation to the documents to
14:41:04 34 be put to Mr Segrave.
14:41:05 35

14:41:05 36 COMMISSIONER: Which was probably another reason why he
14:41:08 37 couldn't have been called this week.
14:41:10 38

14:41:11 39 MS TITTENSOR: I'm not 100 per cent sure if they have come
14:41:13 40 through. They may have by now and it might be that I just
14:41:16 41 need to catch up, Commissioner.
14:41:19 42

14:41:20 43 COMMISSIONER: Anyway, would this be an appropriate witness
14:41:22 44 to have evidence from video link? It would probably be
14:41:26 45 difficult, wouldn't it?
14:41:27 46

14:41:28 47 MS TITTENSOR: Depending on the technology. If we can put

14:41:31 1 documents up through the screen that he can see it's
14:41:37 2 potentially a viable alternative, Your Honour.
14:41:40 3
14:41:40 4 MR HOLT: We could ensure he had a bundle of documents also
14:41:43 5 if that would assist also.
14:41:44 6
14:41:45 7 COMMISSIONER: They might be too secure to print, Mr Holt.
14:41:48 8
14:41:49 9 MR HOLT: If those documents are appropriately redacted I
14:41:52 10 don't think they would be. I understand the point the
14:41:55 11 Commissioner makes. I can only really make those
14:41:58 12 inquiries, Commissioner.
14:41:59 13
14:41:59 14 COMMISSIONER: Make the inquiries and see where we are
14:42:02 15 later in the week. When does his period of leave finish?
14:42:06 16
14:42:06 17 MR HOLT: It's a two week period of leave commencing on
14:42:10 18 Monday, so it's a fortnight. I understand that we have
14:42:13 19 this availability of this courtroom only for two or
14:42:15 20 possibly three days next week.
14:42:16 21
14:42:16 22 COMMISSIONER: I think that can easily be extended.
14:42:19 23
14:42:19 24 MS TITTENSOR: I'm told we can't have the room on
14:42:22 25 Wednesday, Commissioner.
14:42:24 26
14:42:24 27 COMMISSIONER: But Thursday?
14:42:29 28
14:42:30 29 MS TITTENSOR: Inquiries are being made.
14:42:32 30
14:42:32 31 COMMISSIONER: Right. Apparently it's not available on
14:42:35 32 Wednesday but I think it's generally available. Maybe some
14:42:38 33 days it isn't.
14:42:40 34
14:42:40 35 MR HOLT: Thank you Commissioner.
14:42:42 36
14:42:42 37 COMMISSIONER: He is not yet excused from attending and
14:42:47 38 we'll - I'll deal with any application by way of
14:42:54 39 demonstrating reasonable grounds when it's brought.
14:42:58 40
14:42:58 41 MR HOLT: Thank you Commissioner.
14:43:00 42
14:43:00 43 COMMISSIONER: Yes.
14:43:01 44
14:43:03 45 MR WOODS: Thank you, Commissioner. Just before
14:43:04 46 Mr Trichias comes into the witness box, I've just been
14:43:08 47 handed a document by Victoria Police's representatives that

14:43:12 1 - the last date of it is 19 February 2019, and it's
14:43:16 2 relevant to Mr Trichias. It doesn't appear to have been
14:43:19 3 provided beforehand. I only got it about three minutes
14:43:22 4 ago. It may not be relevant. I might ask Ms Tittensor to
14:43:26 5 have a look at it while I'm leading the evidence, but it's
14:43:31 6 probably something I'm going to tender so I might need a
14:43:34 7 moment after asking him some questions. But in the
14:43:37 8 meantime we might call him.
14:43:39 9

14:43:39 10 COMMISSIONER: Yes.
14:43:41 11

14:43:42 12 MR COLLINSON: Commissioner, on a similar issue, I
14:43:45 13 understand Mr Gibson is being called this afternoon. He
14:43:49 14 refers to a diary of his dealings with Ms Gobbo and
14:43:57 15 Mr Ashton. No one has shown us the diary. We're going to
14:44:02 16 do our best to try to cross-examine in accordance with the
14:44:05 17 Commissioner's suggestion the witnesses we can, but my
14:44:09 18 reason for rising is simply to say can we please see the
14:44:13 19 relevant diary, and why haven't we seen it before now?
14:44:20 20

14:44:20 21 COMMISSIONER: Mr Holt, can you assist here? I'm just
14:44:24 22 looking for the statement. What was the name of the
14:44:26 23 witness again, because I didn't happen to be given that
14:44:28 24 order?
14:44:29 25

14:44:29 26 MR COLLINSON: Mr Gibson. The diary - he's probably
14:44:31 27 referred to in the statement but it's more obviously
14:44:34 28 referred to in these documents created by Task Force
14:44:41 29 Landow, the headed police member veteran contact. There's
14:44:45 30 one for him. I've got one of these ID numbers, I could
14:44:49 31 bring it up on the screen if the Commissioner were
14:44:52 32 assisted.
14:44:53 33

14:44:54 34 MR WOODS: If it assists I have a copy right here that I'd
14:44:57 35 be very happy to hand my learned friend with Victoria
14:45:01 36 Police's say so.
14:45:01 37

14:45:02 38 MR HOLT: Commissioner, we've been providing, on an ongoing
14:45:05 39 basis, redacted versions of material which are acceptable
14:45:10 40 for disclosure to the Royal Commission. We certainly
14:45:12 41 haven't been engaging in the task of providing those to
14:45:16 42 other parties at the Bar table. I should be clear because
14:45:18 43 there's more than an implicit criticism. We have received
44 a very significant number of requests to prepare witness
14:45:25 45 statements of the course of the last two weeks numbering
14:45:25 46 above 40. Some of those have required three or five day
14:45:29 47 turnarounds and all of those have required assessment of

14:45:32 1 underlying document that span a period of 26 years. They
14:45:36 2 have also required careful PII analysis and that process is
14:45:41 3 one which I can say an extraordinary amount of work is
14:45:45 4 going into at very short notice. I well understand why
14:45:47 5 people want to have documents. The process that we're
14:45:51 6 attempting to go is as quick as we can humanly do it in
14:45:55 7 respect of those matters. I'm bound to say there are
14:45:56 8 people who are working far harder than they should in order
14:45:57 9 to be able to obtain this material over this period of
14:46:00 10 time, but the essence of the position in relation to the
14:46:02 11 underlying documents is we are as we can, and we are
14:46:05 12 getting closer and closer to the crest of the wave in terms
14:46:09 13 of being able to get ahead of it so that the Commission can
14 14 function with better notice than is currently given to the
14:46:12 15 parties, redacted documents, and those documents once
14:46:15 16 they're with the Commission they are being given on the
14:46:18 17 basis that we would expect them to be used publicly if they
14:46:22 18 need to be and therefore they can be provided to other
14:46:24 19 parties.
14:46:24 20
14:46:24 21 COMMISSIONER: Thanks Mr Holt.
22
23 MR HOLT: I should say, I have a copy I can give to my
14:46:25 24 learned friend of a particular witness.
14:46:25 25
14:46:27 26 MR COLLINSON: I should say, we're speaking here of a
14:46:31 27 document that the work has been done to produce it so it's
14:46:34 28 simply in fact that it has landed in our camp. We'll take
14:46:38 29 it up with our friends just to try to ensure we don't have
14:46:41 30 that kind of obstacle in the future.
14:46:43 31
14:46:43 32 COMMISSIONER: Yes, thank you Mr Collinson. Mr Woods.
14:46:46 33
14:46:46 34 MR WOODS: Thank you, Your Honour. I call Peter Trichias.
14:46:50 35
14:46:52 36 MR HOLT: I can indicate, Commissioner, my learned friend
14:46:56 37 Ms Argiropoulos will be taking the next few witnesses this
14:47:01 38 afternoon.
14:47:01 39
14:47:01 40 COMMISSIONER: Thank you Mr Holt. Swear the witness.
14:47:09 41
14:47:09 42 <PETER WAYNE TRICHIAS, sworn and examined:
14:47:20 43
14:47:21 44 MS ARGIROPOULOS: Thank you Commissioner. Mr Trichias,
14:47:23 45 your full name is Peter Trichias?---That's correct.
14:47:25 46
14:47:26 47 And what's your current rank and position?---Acting

14:47:30 1 Inspector as the Local Area Commander at Knox which is
14:47:34 2 Eastern Region Division 2.
14:47:35 3
14:47:36 4 You've made a statement to this Royal Commission in
14:47:40 5 relation to events that occurred in 1993?---I have.
14:47:43 6
14:47:45 7 There's a copy of a document in front of you?---Yes.
14:47:48 8
14:47:49 9 Do you recognise that to be the statement that you made in
14:47:52 10 relation to these proceedings?---Yes, it is.
14:47:58 11
14:47:58 12 And that statement is dated 27 March 2019?---Yes, that's
14:48:03 13 correct.
14:48:03 14
14:48:04 15 Are the contents of that statement true and correct?---It
14:48:08 16 is.
14:48:08 17
14:48:08 18 I'd seek to tender the statement.
14:48:13 19
14:48:14 20 #EXHIBIT RC23 - Statement of Peter Trichias.
14:48:20 21
22 <CROSS-EXAMINED BY MR WOODS:
23
14:48:21 24 Mr Trichias, you're an Acting Inspector of Police; is that
14:48:24 25 correct?---That's correct.
14:48:24 26
14:48:24 27 You were asked for a statement, the one you've just
14:48:27 28 identified, on 20 March 2019?---That's correct, last
14:48:31 29 Friday.
14:48:31 30
14:48:34 31 The first things I want to ask you is in relation to the
14:48:39 32 surveillance and then execution of a warrant at Ms Gobbo's
14:48:44 33 house in Rathdowne Street?---Yes.
14:48:47 34
14:48:47 35 You've got a limited memory, understandably, after all this
14:48:51 36 time; is that correct?---That's correct.
14:48:52 37
14:48:52 38 And there's a document that you rely on in particular, if I
14:48:55 39 could ask that that be brought up on the screen, it's
14:49:00 40 VPL.0005.0007.0123. This is a letter of commendation
14:49:17 41 titled "Good worked performed during Operation Yak" and
14:49:21 42 it's addressed to you, is that correct?---That's correct.
14:49:23 43
14:49:24 44 And this was essentially congratulating you for the work
14:49:26 45 that was performed in relation to the surveillance and then
14:49:28 46 the execution of a warrant and eventual charges that came
14:49:30 47 out of Operation Yak, is that correct?---It was actually

14:49:32 1 congratulating the whole team, but that's correct.
14:49:33 2
14:49:33 3 That's right. And there was one of these letters for each
14:49:35 4 of the team?---Yes, that's correct.
14:49:36 5
14:49:37 6 All right. You were a Constable with the Alpha District
14:49:42 7 Support Group at the time; is that right?---Yes, I was.
14:49:44 8
14:49:44 9 Mr Holding was your crew Sergeant, the gentleman we heard
14:49:50 10 from earlier?---Yes, he was.
14:49:51 11
14:49:52 12 You were part of the surveillance team that conducted
14:49:54 13 surveillance on the property as well?---That's correct.
14:49:55 14
14:49:56 15 Do you remember where you carried out the surveillance
14:49:57 16 from?---No, I don't have a memory of that.
14:49:59 17
14:50:00 18 The target of that surveillance was a Mr Brian
14:50:03 19 Wilson?---That's correct.
14:50:03 20
14:50:06 21 The people that you carried out that surveillance with
14:50:09 22 were - I'll name them altogether and you can tell me
14:50:13 23 whether I'm right or wrong - Ashton, Holding, Delaney,
14:50:16 24 Frede, Sklavonous, Wilson and Randoe; is that right?---I
14:50:22 25 don't have a memory of all those people being involved, but
14:50:24 26 I do have a memory of Suzanne Wilson, my Sergeant, would
14:50:30 27 have been Michael Holding, and also my other crew member
14:50:30 28 Damian Delaney.
14:50:33 29
14:50:33 30 The warrant that was obtained after the surveillance was
14:50:35 31 executed on 3 September 1993, do you accept that that's the
14:50:38 32 case?---I do accept that.
14:50:39 33
14:50:40 34 You were there; is that right?---I was.
14:50:42 35
14:50:42 36 Do you have a memory of executing the warrant at all?---No.
14:50:45 37 Look, I do have a memory of the actual warrant being
14:50:48 38 executed but not the exact details, no.
14:50:50 39
14:50:50 40 I understand. Do you remember whether it was forced entry
14:50:55 41 or you were - - - ?---From memory I believe it would have
14:51:00 42 been peaceful entry.
14:51:01 43
14:51:01 44 Do you remember who was there when you entered the
14:51:04 45 premises?---Brian Wilson.
14:51:05 46
14:51:05 47 All right. Do you recall how the drugs were found in the

14:51:12 1 premises?---No, I don't have a clear recollection of that.
14:51:16 2
14:51:16 3 Do you remember Nicola Gobbo being at the premises during
14:51:19 4 that execution of warrant?---I recall that she did come to
14:51:23 5 the premises at a particular stage during the search, but I
14:51:26 6 would have been focused on Brian Wilson.
14:51:29 7
14:51:29 8 I understand. Do you have an independent recollection of
14:51:32 9 seeing her there?---I do.
14:51:33 10
14:51:35 11 It's correct that Nicola Gobbo eventually pleaded guilty to
14:51:40 12 use and possess of both amphetamine and cannabis; is that
14:51:44 13 correct?---That's correct.
14:51:44 14
14:51:45 15 You were the informant, do you know?---No.
14:51:46 16
14:51:58 17 After the raid, and I'm restricting myself here to the next
14:52:03 18 three to four years, do you have any contact with Nicola
14:52:07 19 Gobbo over that period of time?---Look, I don't believe I
14:52:09 20 had any contact with her after that particular raid. I may
14:52:12 21 have seen her at court during the process but no other
14:52:15 22 recollection of her at all.
14:52:16 23
14:52:16 24 You say in your statement - you were asked by the Royal
14:52:18 25 Commission to provide a statement in relation to the
14:52:21 26 matters we've just talked about?---That's correct.
14:52:23 27
14:52:23 28 But also further involvement, and you offer in your
14:52:26 29 statement to provide a further statement down the track; is
14:52:29 30 that right?---That's correct.
14:52:30 31
14:52:31 32 I just want to ask a couple of questions about that later
14:52:34 33 period of time. What was your role when you had contact
14:52:40 34 with Nicola Gobbo later on?---I don't believe I had contact
14:52:45 35 with her later on.
14:52:45 36
14:52:46 37 You don't have any memory of meeting her?---No.
14:52:48 38
14:52:48 39 I'm now talking about in the 2000s?---No, look I may have
14:52:53 40 seen around the court precinct but I don't have an
14:52:56 41 independent recollection of actually seeing her.
14:52:58 42
14:52:58 43 What about talking to her on the phone?---I can't answer
14:53:02 44 that. I don't know.
14:53:03 45
14:53:03 46 You don't know?---No.
14:53:05 47

14:53:08 1 Is it possible?---As I said, I can't answer that, I'm not
14:53:10 2 sure.
14:53:10 3
14:53:12 4 What were the operations that you were involved in in the
14:53:16 5 mid-2000s, where were you placed?---In the 2000s - I was at
14:53:21 6 the Purana Task Force at about 2004.
14:53:24 7
14:53:25 8 Yes. Were you aware of Nicola Gobbo's involvement with
14:53:29 9 members of the Purana Task Force?---Not at that stage, no.
14:53:36 10
14:53:37 11 When did you find out about that involvement?---I don't
14:53:38 12 have an exact recollection but when it came out down the
14:53:40 13 track, probably during my time at the Briars Task Force.
14:53:43 14
14:53:44 15 When would have that have been?---Around 2007, 2008.
14:53:49 16
14:53:49 17 So 2007, 2008 you understood that she was having contact
14:53:51 18 with people within the Purana Task Force or had been having
14:53:54 19 contact?---Well, I wasn't aware of the exact contact but I
14:53:57 20 was aware that she did have some contact.
14:53:58 21
14:53:59 22 When did you first become aware that she was a human
14:54:02 23 source?---I don't have an exact recollection of that at
14:54:07 24 all.
14:54:08 25
14:54:08 26 Well, could you - I'll press you on it.
14:54:10 27
14:54:11 28 MS ARGIROPOULOS: Your Honour - I'm sorry, Commissioner, if
14:54:13 29 I can just interrupt. Mr Trichias has turned his statement
14:54:18 30 around in a very short time period in order to assist the
14:54:21 31 Commission in relation to the investigation of these
14:54:23 32 earlier events in which he was involved. He's not had the
14:54:26 33 opportunity within the limited time available to review his
14:54:29 34 notes and other records that relate to the later period
14:54:35 35 during which he was at Purana and Briars Task Force and
14:54:38 36 it's for those reasons that the statement is expressed the
14:54:42 37 way that it is, that it's limited to the earlier period,
14:54:45 38 and that he will provide a further statement which answers
14:54:48 39 the questions that my learned friend is asking of him now.
14:54:54 40 So in my submission there's some unfairness in terms of the
14:54:57 41 specific questions being asked at this stage.
14:55:00 42
14:55:00 43 COMMISSIONER: Is that specified in the statement,
14:55:02 44 Ms Argiropoulos?
14:55:03 45
14:55:03 46 MS ARGIROPOULOS: It is specified in the statement.
14:55:05 47

14:55:05 1 COMMISSIONER: Yes. Could you just take me to that?
14:55:07 2
14:55:07 3 MS ARGIROPOULOS: It's in paragraph 3 of the statement, is
14:55:09 4 the indication that this statement is limited to his
14:55:12 5 involvement in dealings between Ms Gobbo and Victoria
14:55:16 6 Police in 1993.
14:55:17 7
14:55:17 8 COMMISSIONER: Right.
14:55:18 9
14:55:19 10 MS ARGIROPOULOS: And paragraph 4 contains the - - -
14:55:20 11
14:55:21 12 COMMISSIONER: All right, thank you.
14:55:22 13
14:55:22 14 MS ARGIROPOULOS: - - - reference to the subsequent
14:55:24 15 statement.
14:55:24 16
14:55:24 17 COMMISSIONER: Yes, all right then.
14:55:25 18
14:55:26 19 MR WOODS: Your Honour, that might be fair if we were
14:55:29 20 having a casual conversation with the witness. He is a
14:55:32 21 witness in a Royal Commission. This is an inquiry. He has
14:55:35 22 been asked in his statement to provide a much more
14:55:41 23 expansive statement. I understand that he hasn't yet done
14:55:46 24 so and we very much appreciate his offer to do so. I'm
14:55:49 25 simply asking him a couple of questions about that later
14:55:51 26 period of time. If he can't recall, he can simply say he
14:55:55 27 can't recall. But Victoria Police don't control that part
14:55:57 28 of the process. They were asked the question, they've
14:55:59 29 chosen not to answer it, and they've said, "We're not
14:56:05 30 answering it now, we'll answer it later on". That's okay.
14:56:07 31 We accept that they'll answer it later on but it's
14:56:08 32 appropriate that I can ask the witness a couple of
14:56:11 33 questions about his later contact with Ms Gobbo.
14:56:13 34
14:56:13 35 COMMISSIONER: You can do your best. You can try. Yes.
14:56:16 36
14:56:17 37 MR WOODS: All right. I'm not sure you did answer the
14:56:18 38 question - you may well have - when you became aware that
14:56:23 39 Ms Gobbo was a human source?---As I said, I don't recall.
14:56:25 40
14:56:25 41 All right. Were you surprised when you found out?---I
14:56:31 42 can't answer that.
14:56:31 43
14:56:32 44 Because you simply don't know?---I don't know at this
14:56:34 45 stage.
14:56:34 46
14:56:34 47 Were you involved in any way with tasking Ms Gobbo to visit

14:56:38 1 potential prosecution witnesses in prison?---No.
14:56:43 2
14:56:43 3 No?---No.
14:56:43 4
14:56:44 5 Did you have any conversations with her after this 1993
14:56:47 6 period until now, have you had any contact with her through
14:56:50 7 that period?---I can't recall. I can't answer that.
14:56:53 8
14:56:56 9 Were you aware or are you aware as you sit here now that
14:57:00 10 that was something that Victoria Police was tasking
14:57:03 11 Ms Gobbo to do, namely to visit potential prosecution
14:57:06 12 witnesses in prisons?---No.
14:57:08 13
14:57:08 14 You have no knowledge of that?---No.
14:57:10 15
14:57:12 16 I think that might be all. Just give me a moment. Look,
14:57:17 17 the document that we were handed a moment ago, I might
14:57:20 18 tender that. You did a search for some diary notes in the
14:57:35 19 process of preparing for today?---This matter, that's
14:57:40 20 correct.
14:57:40 21
14:57:40 22 Were you able to find any?---Only my day book notes.
14:57:43 23
14:57:44 24 Yes. You've provided those?---I have.
14:57:46 25
14:57:46 26 To the police?---I have.
14:57:47 27
14:57:50 28 Do you have a copy of those with you?---I do.
14:57:53 29
14:57:53 30 We might have a look at those in a moment. But in the
14:57:56 31 meantime they're all the questions I have.
14:57:59 32
14:57:59 33 COMMISSIONER: Yes. Any cross-examination?
14:58:02 34
14:58:03 35 MR NATHWANI: Just a few.
14:58:03 36
14:58:03 37 COMMISSIONER: Yes.
38
39 <CROSS-EXAMINED BY MR NATHWANI:
40
14:58:05 41 It's on the basis, Commissioner, that I understand
14:58:09 42 Mr Trichias will be returning in due course to deal with
14:58:13 43 later matters, it's just in relation to this - - -
14:58:16 44
14:58:16 45 COMMISSIONER: This 1993 period, yes.
14:58:17 46
14:58:17 47 MR NATHWANI: Precisely. I just want to ask you generally

14:58:19 1 about the search and your memory because I know you can't
14:58:22 2 recollect much. During the execution of the search warrant
14:58:25 3 you remember some of those present. Do you remember that
14:58:27 4 Mr Jeff Pope was present?---I don't have a recollection of
14:58:30 5 that.
14:58:31 6
14:58:31 7 Was he a member of your team at the time or was he a member
14:58:35 8 of Sergeant Ashton's crew?---Not of my team. I can't
14:58:39 9 answer whether he was a member of Sergeant Ashton's crew.
14:58:42 10
14:58:42 11 You told us you were the person dealing with
14:58:45 12 Mr Wilson?---That's correct.
14:58:45 13
14:58:46 14 Are you able to help with who found the drugs in the
14:58:50 15 property?---I can't answer that.
16
14:58:51 17 So not you?---No. If my primary role was to look after
14:58:55 18 Brian Wilson, that would have been my primary role. Others
14:58:59 19 would have been tasked with searching the premises.
14:59:01 20
14:59:02 21 Are you aware of where the drugs were found eventually
22 within that property?---I would have been made aware at
23 that time.
24
14:59:03 25 How about now?---No, not an independent recollection.
14:59:05 26
14:59:06 27 Do you recall at what stage Ms Gobbo arrived? Had she
14:59:11 28 arrived prior to or after the finding of the drugs?---I'm
14:59:14 29 not sure, I can't answer that.
14:59:17 30
14:59:19 31 My guess about most questions about that period is you're
14:59:22 32 likely to struggle unless you have some notes or briefs or
14:59:25 33 - - - ?---That's correct.
14:59:26 34
14:59:26 35 As far as you're concerned the material you referred to to
14:59:30 36 refresh your memory was your day book?---Yes.
14:59:34 37
14:59:35 38 Again, you've got that on you?---I do.
39
14:59:38 40 It's available for inspection certainly at least by the
14:59:38 41 Commission, as I understand it?---Yes.
14:59:39 42
14:59:39 43 We might hopefully see it at some stage. Other records
14:59:43 44 kept were floppy discs back in the day?---There would have
14:59:47 45 been floppy discs back in the day. This is pre computer,
14:59:49 46 hard drive basically.
14:59:49 47

14:59:50 1 Your understanding is they've been disposed of?---They
14:59:52 2 have. I don't have them.
14:59:53 3
14:59:54 4 Were any attempts made to locate briefs of evidence in
14:59:56 5 relation to these proceedings back in 93?---My
14:59:59 6 understanding is Task Force Landow tried to locate the
15:00:02 7 brief.
15:00:02 8
15:00:04 9 As I understand it, you don't recall any contact, just the
15:00:09 10 one question beyond your statement, between 1993 and - - -
15:00:13 11 ?---No.
12
15:00:14 13 - - - up to present really with Ms Gobbo?---No.
15:00:17 14
15:00:17 15 Right. Thank you.
15:00:18 16
15:00:18 17 COMMISSIONER: Yes.
15:00:21 18
15:00:22 19 MR WOODS: There's one matter arising. I just wanted to
15:00:26 20 make a formal call for those day book and diary notes, Your
15:00:30 21 Honour, because we don't appear to have a copy of them.
15:00:32 22
15:00:33 23 COMMISSIONER: Are they different to the ones we were
15:00:34 24 given, the notes we were given?
15:00:36 25
15:00:36 26 MR WOODS: That was the - the document that I identified
15:00:38 27 just prior to the witness entering the box was Operation
15:00:42 28 Landow's contact with the witness.
15:00:43 29
15:00:43 30 COMMISSIONER: Yes.
15:00:46 31
15:00:47 32 MR WOODS: But as I understand the witness's evidence he's
15:00:50 33 actually located some diary notes from the time so I want
15:00:51 34 to call for them and put them into the system. I just make
15:00:54 35 that formal call and I'm sure we can arrange that with our
15:00:59 36 learned friends when the witness has left.
15:01:00 37
15:01:00 38 COMMISSIONER: All right then.
15:01:08 39
15:01:08 40 MR WOODS: I might ask that he hand them over
15:01:12 41 now?---They've actually been provided to the lawyers,
15:01:14 42 Corrs. Copies were provided to them.
15:01:14 43
15:01:14 44 When did you provide those?---Would have been a couple of
15:01:16 45 weeks I would assume. Whenever it was requested.
15:01:19 46
15:01:20 47 MR HOLT: We'll just check that, Commissioner.

15:01:22 1 COMMISSIONER: Thank you.
15:01:23 2
15:01:24 3 MR WOODS: In the process of doing so I think Victoria
15:01:26 4 Police should understand that it's the Royal Commission's
15:01:30 5 intention to share those documents with others at the Bar
15:01:32 6 table, which is a simple matter of fairness. So they
15:01:37 7 should consider that when they're looking at the documents.
15:01:40 8
15:01:40 9 COMMISSIONER: Right. Ms Argiropoulos, anything further?
15:01:45 10
15:01:47 11 MS ARGIROPOULOS: I have no re-examination, Your Honour.
15:01:48 12 In relation to the call for diaries, I understood there
15:01:51 13 weren't any diary notes from this period but those
15:01:54 14 inquiries will now be made having regard to the evidence
15:01:58 15 that's been given.
15:01:59 16
15:01:59 17 COMMISSIONER: Thanks Ms Argiropoulos. Yes, you're excused
15:02:04 18 for the time being. You might apparently be producing
15:02:09 19 another statement and so you may have to come back again
15:02:11 20 Mr Trichias, thank you.
15:02:14 21
22 <(THE WITNESS WITHDREW)
15:02:18 23
24 COMMISSIONER: Yes.
25
15:02:18 26 MR WOODS: Commissioner, there's a witness who we might
15:02:20 27 call slightly out of order due to some personal
15:02:24 28 circumstances that concern us, that we want to release him
15:02:26 29 as quickly as possible, and that's Mr Gibson, if he's here,
15:02:30 30 that is. We might call him now. So his name is John
15:02:35 31 Gibson.
15:02:39 32
15:02:39 33 COMMISSIONER: Yes. Mr Gibson, go into the witness box?
15:02:42 34 Oath or affirmation?---Oath, thank you.
15:02:47 35
15:02:47 36 Yes, thank you.
15:02:49 37
15:02:49 38 <JOHN GIBSON, sworn and examined:
15:03:05 39
15:03:06 40 MR WOODS: Mr Gibson, just to explain to you, we've been
15:03:09 41 hearing from some witnesses that are relevant to the 1993
15:03:13 42 period and we're going to continue on with them. We're
15:03:16 43 interposing you this afternoon. You're relevant to a
15:03:22 44 period in 1995, so slightly out of sequence?---Okay.
15:03:26 45
15:03:26 46 And I'll ask you some questions. It's nothing that need
15:03:28 47 trouble you but I'll be asking about those events in 1995.

15:03:33 1 Sorry, we haven't tendered your statement yet. I'll let
15:03:36 2 your counsel do that.
15:03:37 3
15:03:37 4 COMMISSIONER: Yes, Ms Argiropoulos.
15:03:39 5
15:03:39 6 MS ARGIROPOULOS: Thank you Commissioner. Mr Gibson, could
15:03:43 7 you tell the Commissioner your full name, please?---John
15:03:46 8 Thomas Gibson.
15:03:47 9
15:03:47 10 Mr Gibson, were you previously employed by Victoria
15:03:50 11 Police?---Correct.
15:03:51 12
15:03:51 13 During what period were you so employed?---1978 to 19 - I'd
15:03:59 14 need to refer to my notes, I can't even remember that to
15:04:02 15 tell you the truth. 2009.
15:04:03 16
15:04:04 17 Did you retire as a Detective Sergeant in 2009?---Yes.
15:04:08 18
15:04:09 19 Mr Gibson, you've made a statement to the Royal
15:04:13 20 Commission?---Yes, I have.
15:04:14 21
15:04:15 22 If you can have a look at the document in front of you. Do
15:04:17 23 you recognise that to be the statement that you've made in
15:04:20 24 relation to these matters?---Yes, it is.
15:04:24 25
15:04:25 26 You see your signature on the last page, that statement is
15:04:28 27 dated 27 March 2019?---Correct.
15:04:31 28
15:04:32 29 And are the contents of your statement true and
15:04:34 30 correct?---Yes.
15:04:34 31
15:04:36 32 Commissioner, I tender the statement of John Thomas Gibson.
15:04:39 33
15:04:40 34 #EXHIBIT RC25 - Statement of John Gibson.
15:04:43 35
15:04:44 36 #EXHIBIT RC24 - Letter of commendation to Mr Trichias.
15:04:50 37
15:04:51 38 COMMISSIONER: Thanks Ms Argiropoulos.
15:04:53 39
40 <CROSS-EXAMINED BY MR WOODS:
41
15:04:54 42 Sorry for jumping the gun there, Mr Gibson, I'll get back
15:04:57 43 to where I was. As I say, I want to ask you some questions
15:05:02 44 about your dealings with Nicola Gobbo in 1995. Do you have
15:05:05 45 an independent recollection of those events?---Only after
15:05:08 46 referring to my police diary.
15:05:10 47

15:05:10 1 When referring to your police diary can you picture in your
15:05:14 2 mind some of these events that occurred?---No, I actually
15:05:17 3 can't.
15:05:17 4
15:05:18 5 No memory at all?---No.
15:05:19 6
15:05:19 7 Do you have a memory of meeting Nicola Gobbo?---No.
15:05:21 8
15:05:21 9 I want to talk about an event on 12 July 1995 and I'm going
15:05:26 10 to bring up Mr Ashton's diary first, just to trace through
15:05:31 11 what he says about the event. That's VPL.0005.0007.0097.
15:05:46 12 I might have got something wrong then. In any event
15:05:47 13 Mr Ashton's diary is - just give me a moment. It begins
15:06:01 14 VPL.0005.0007.0090. These are some extracts of Trevor
15:06:18 15 Ashton's day book from the 93 period and then the 95
15:06:22 16 period. I want page 97 of those to be brought up, please.
15:06:35 17 On 12 July - and you've reviewed your diary for these
15:06:38 18 purposes?---Yes.
15:06:39 19
15:06:39 20 On 12 July at 2.45 pm Trevor Ashton of the A District
15:06:48 21 Support Group attended the SRS office with her. Firstly,
15:06:52 22 SRS is the Special Response Squad?---Correct.
15:06:55 23
15:06:56 24 That's where you were at the time?---Yes.
25
15:06:56 26 What was your role there?---I was a team leader, a
15:06:58 27 Detective Sergeant in charge of Team 1.
15:06:59 28
15:07:00 29 What was the role, for those who don't understand what
15:07:03 30 Special Response Squads are, people probably like me, what
15:07:06 31 was the role of the Special Response Squad?---It was a
15:07:09 32 reasonably newly put together squad to deal with aggravated
15:07:14 33 burglaries, being home invasions. They were - institutions
15:07:19 34 were not being robbed at that stage because of security and
15:07:23 35 homes were being targeted.
15:07:25 36
15:07:25 37 Okay. Specifically to do with the use of weapons?---Yes.
15:07:30 38
15:07:31 39 On this occasion on 12 July - I'm taking this from your
15:07:34 40 statement which I understand you have a copy of in front of
15:07:37 41 you at paragraph 9 - you spoke to Sergeant Ashton and
15:07:41 42 Ms Gobbo about a gun trafficking inquiry and that Ms Gobbo
15:07:46 43 nominated a suspect, Brian Wilson?---Yes.
15:07:48 44
15:07:49 45 That's taken from your records, is it?---My diary, yes.
15:07:53 46
15:07:53 47 I think you and I will both have trouble understanding the

15:07:57 1 text in front of us from Mr Ashton's diary, but in any
15:08:01 2 event it's got there 14:30, about two-thirds of the way
15:08:05 3 down, "VicRoads, to convey Gobbo to St Kilda Road". I
15:08:13 4 think that might be a slightly later occasion but back to
15:08:17 5 your statement at paragraph 9. You say you'd never heard
15:08:21 6 of Brian Wilson before this meeting and you cannot recall
15:08:24 7 anything about him?---That's correct.
15:08:26 8
15:08:27 9 That contact from Mr Ashton to you would be, I take it, a
15:08:32 10 usual contact when someone in Mr Ashton's position has
15:08:36 11 information relating to gun trafficking, they'd come to
15:08:39 12 someone like the SRS; is that right?---Not necessarily.
15:08:43 13 The investigation that we're talking about may have been
15:08:48 14 outside the capabilities of the A District Support Group
15:08:54 15 and they may have been in need of assistance.
15:08:57 16
15:08:57 17 I see. You go on to say, well, it might have been Senior
15:09:01 18 Sergeant Rix who nominated you, you can't remember who it
15:09:04 19 was, but someone nominated you to deal with Sergeant
15:09:08 20 Ashton?---Yes.
15:09:08 21
15:09:08 22 Was Sergeant Ashton someone you already knew before that,
15:09:12 23 do you know?---No, not that I can recall.
15:09:15 24
15:09:16 25 Did you have any contact with him afterwards?---Only by
15:09:17 26 phone and attending his office in the next couple of days.
15:09:20 27
15:09:20 28 Just to do with this particular matter?---Yes.
15:09:22 29
15:09:22 30 All right, I see. You talk about the greater capabilities
15:09:25 31 that the SRS have?---M'hmm.
15:09:28 32
15:09:28 33 Moving on, you say at paragraph 12, "After the meeting I
15:09:33 34 informed my supervisor Senior Sergeant Rix what the
15:09:36 35 informer had told us. I would not necessarily have
15:09:40 36 revealed the identity of the informer to him". What was it
15:09:44 37 the informer had told you?---Only by my notes, something to
15:09:48 38 do with a Mr Brian Wilson dealing in guns and that's all I
15:09:52 39 can recall.
15:09:52 40
15:09:52 41 All right. Do you remember the sort of guns or the number
15:09:55 42 of guns or anything like that?---No, not at all.
15:09:58 43
15:09:58 44 So it was just the fact - so Ms Gobbo had simply told you
15:10:00 45 that Brian Wilson was selling guns?---Yes, or dealing in
15:10:04 46 guns.
15:10:04 47

15:10:04 1 Dealing in guns, okay. All right. 13 July, which is the
15:10:10 2 next day, you received a phone call from Ms Gobbo; is that
15:10:14 3 correct?---Yes.
15:10:14 4
15:10:16 5 Again, you don't recall the substance of it. I'm certainly
15:10:21 6 not being critical of that, it being 1995. And your notes
15:10:26 7 show that after the call you spoke to a Malloch, is that
15:10:29 8 someone who you worked with?---He was one of my Detective
15:10:34 9 Senior Constables.
15:10:34 10
15:10:34 11 And you conducted a drive-by surveillance of that property
15:10:39 12 at 250 Rathdowne Street, Carlton?---Correct.
15:10:42 13
15:10:44 14 And I take it that was because that was the address that
15:10:44 15 Ms Gobbo had said "this is where it's happening"?---I would
15:10:48 16 assume that after that phone call that that address had
15:10:50 17 been given to us by Gobbo.
15:10:51 18
15:10:58 19 After conducting the surveillance you were dispatched to
15:11:01 20 the Lilydale Court for a different job and when you
15:11:03 21 returned to the office later that day you had a telephone
15:11:06 22 conversation with Sergeant Ashton about the gun trafficking
15:11:10 23 inquiry into Brian Wilson. So you followed it up after the
15:11:14 24 surveillance with Mr Ashton, that's correct?---Correct.
15:11:17 25
15:11:17 26 Then your next contact - I'm looking here at paragraph 16 -
15:11:24 27 was 14 July, so the next day, 10.30 am, DSC Malloch again,
15:11:29 28 and you attended the A District Support Group and that's
15:11:32 29 where Sergeant Ashton was, that's correct?---Correct.
15:11:35 30
15:11:35 31 The reason you visited there was because of this gun
15:11:37 32 trafficking allegation about Wilson?---Yes.
15:11:39 33
15:11:44 34 The next day - sorry, the next day it looks like you
15:11:47 35 weren't there. Sorry, no, that's wrong. Paragraph 18, on
15:11:54 36 15 July your diary shows that you were on duty at 1 pm.
15:11:58 37 Again, had some conversation regarding Wilson and then two
15:12:05 38 days later on 17 July is the last reference that you have
15:12:10 39 to Brian Wilson in your diary, so can you help the
15:12:14 40 Commissioner as to what happened with that information that
15:12:18 41 Nicola Gobbo gave you about gun trafficking?---I can't
15:12:22 42 specifically recall the actual details of the trafficking.
15:12:25 43 My assumption is by reading my diary that we were assisting
15:12:29 44 A District DSG with resources, manpower and weaponry.
15:12:36 45
15:12:37 46 I might just, for identification purposes, ask you to bring
15:12:40 47 up on the screen VPL.0005.0020.0038. This is a copy of

15:12:50 1 your diary. Just scroll through it. Can you just have a
15:12:53 2 look. That's a copy of your diary which includes
15:12:57 3 information that we've just spoken about?---Yes, correct.
15:13:00 4
15:13:01 5 That's the diary that you relied on in the preparation of
15:13:03 6 your statement?---Correct.
15:13:04 7
15:13:09 8 I tender that, Commissioner.
15:13:12 9
15:13:26 10 COMMISSIONER: Did we tender Ashton's diary, the extract at
15:13:28 11 page 97?
15:13:29 12
15:13:30 13 MR WOODS: We didn't. I thought I might tender that
15:13:32 14 through Mr Ashton when he's here.
15:13:34 15
15:13:34 16 COMMISSIONER: I see. Then it's RC26 then.
15:13:37 17
15:13:38 18 #EXHIBIT RC26 - Diary.
15:13:40 19
15:13:41 20 MR WOODS: Finally, could you bring up document
15:13:48 21 VPL.0005.0028.0377. In the process of engaging with the
15:13:58 22 Royal Commission the Victoria Police have established
15:14:02 23 Operation Landow and as part of that they contacted you to
15:14:06 24 talk to you about this period of contact that you had with
15:14:10 25 Nicola Gobbo; is that correct?---Correct.
15:14:12 26
15:14:12 27 And have you seen a copy of that document before?---Yes, as
15:14:16 28 of yesterday.
15:14:16 29
15:14:17 30 That's a record of simply their contact with you during
15:14:21 31 that period in the lead-up to you providing a statement; is
15:14:26 32 that correct?---Well as composed by - - -
15:14:32 33
15:14:32 34 As composed by someone else?---Someone else, yes.
15:14:36 35
15:14:36 36 Yes, I understand. I'm not seeking to challenge you on
15:14:38 37 anything in it, I just want to tender that as a document.
15:14:42 38 But with caveat, that it was the conversation that was had
15:14:46 39 with you and recorded by the person having the conversation
15:14:52 40 with you, not by you?---Yes, and not totally accurate.
15:14:55 41
15:14:57 42 You've had a chance to read it?---Yes.
15:14:59 43
15:14:59 44 Do you challenge anything in it that's not accurate?---Only
15:15:03 45 several minor things.
15:15:03 46
15:15:03 47 We might as well have a look at them?---The second page,

15:15:13 1 that Ashton helped them, being us.
15:15:15 2
15:15:15 3 COMMISSIONER: Which dot point is it, please?---Sorry,
15:15:19 4 Commissioner?
15:15:19 5
15:15:19 6 Which dot point are you referring to?---There are no dot
15:15:23 7 points on the document.
15:15:25 8
15:15:25 9 MR WOODS: Look on the screen. You might be looking at
15:15:31 10 different documents. Have a look at the one on the screen
15:15:34 11 and compare it to the one in front of you. Just the first
15:15:36 12 page of it. It just might be a different version?---No, no
15:15:41 13 dot points on this one either, just dots.
15:15:44 14
15:15:45 15 COMMISSIONER: Just dots. I'm sorry, I call them dot
15:15:47 16 points.
17
18
19 MR WOODS: Go to the third last one?---The third last one,
20 yes
21
15:15:48 22 COMMISSIONER: The second page, is that right?
15:15:50 23
15:15:50 24 MR WOODS: We'll just bring that up.
15:15:52 25
15:15:52 26 COMMISSIONER: Okay. Thank you.
15:15:53 27
15:15:54 28 MR WOODS: That says, "Ashton helped them with Operation
15:15:58 29 Fargo but that was purely from a manpower point of view.
15:16:00 30 He believes he probably would have asked him to help
15:16:03 31 because he introduced 3838 around the same they needed
15:16:07 32 assistance with Operation Fargo". You take issue with
15:16:11 33 something there, I take it?---I take issue with that I
15:16:12 34 believed in that sentence from the beginning that he
15:16:16 35 believes, I don't agree with.
15:16:18 36
15:16:19 37 The person's misunderstood what your position is
15:16:21 38 there?---Yes.
15:16:21 39
15:16:22 40 And what do you believe, what was the situation?---We had
15:16:24 41 several operations from the Special Response Squad.
15:16:28 42 Operation Fargo was one at the time and it was not unusual
15:16:32 43 to seek assistance from District Support Groups, local CIU
15:16:37 44 areas and that, but that wasn't due to him talking about
15:16:41 45 3838.
15:16:44 46
15:16:45 47 I see. Are there any others while we're looking at that

15:16:49 1 document?---I suppose it's semantics but - - -
15:16:54 2
15:16:55 3 That's all right, you've got a table full of lawyers
15:16:57 4 here?---The last paragraph, Cunningham. It states that "at
15:17:03 5 17:30 on 4/3/19 to arrange with WW and BP", initials of
15:17:10 6 Landow operators, "to pick up his diary. Initially he
15:17:16 7 denied having the diary". I made a very small joke that I
15:17:20 8 set it on fire but it was a joke and that doesn't read like
15:17:24 9 this.
15:17:25 10
15:17:25 11 So perhaps Mr Cunningham didn't have the same sense of
15:17:28 12 humour that you have?---No, he didn't.
15:17:32 13
15:17:33 14 All right. Is there anything else there, Mr Gibson?---No.
15:17:36 15
15:17:36 16 Thank you. I tender that document.
15:17:39 17
15:17:39 18 #EXHIBIT RC27 - Operation Landow contact summary for
15:17:45 19 witness John Gibson.
15:17:45 20
15:17:45 21 Before I try and crack any jokes I think I better sit down,
15:17:51 22 Mr Gibson. Thank you.
15:17:54 23
24 <CROSS-EXAMINED BY MR COLLINSON:
25
15:17:55 26 Just one matter if the Commissioner pleases. Could the
15:17:55 27 screen operator bring back Exhibit 26, which is
15:18:04 28 VPL.0005.0020.0038. If the witness could be shown the next
15:18:15 29 page, which is 0039. Mr Gibson, you'll see in about the
15:18:26 30 seventh line on that page - well, start a little earlier.
15:18:32 31 Do you see where it begins the words "with Sergeant Trevor
15:18:36 32 Ashton"?---Yes.
15:18:37 33
15:18:37 34 And it continues "A DSG and informer Nicola Gobbo"?---Yes.
15:18:43 35
15:18:44 36 And to the same end further down the page where we are at
15:18:51 37 the 13 July entry, there's also a description of Ms Gobbo
15:18:56 38 as an informer?---Correct.
15:18:58 39
15:18:59 40 I realise you don't have much recollection beyond your
15:19:02 41 notes, Mr Gibson, but would it be - you do say in your
15:19:08 42 statement that you weren't aware, you think at this time,
15:19:11 43 that Ms Gobbo had been registered as a police informer
15:19:16 44 because you say that if you had been aware of that you
15:19:19 45 would have put her informer number in your notes, do you
15:19:23 46 recollect that your statement?---Yes, if Sergeant Ashton
15:19:28 47 had have informed me that Gobbo was a registered informer I

15:19:31 1 certainly wouldn't have used her full name in my notes, so
15:19:34 2 I don't know whether she was registered or not.
15:19:36 3
15:19:37 4 Yes. But you have used the expression "informer". Is it
15:19:39 5 fair to say that that would have been a description given
15:19:42 6 to you by Sergeant Ashton?---Most likely.
15:19:48 7
15:19:48 8 No further questions.
15:19:52 9
15:19:52 10 COMMISSIONER: Ms Argiropoulos.
15:19:53 11
15:19:54 12 MS ARGIROPOULOS: I have no re-examination, Commissioner.
15:19:57 13
15:19:57 14 MR WOODS: The witness can be excused.
15:19:58 15
15:19:59 16 COMMISSIONER: Thank you very much Mr Gibson, you're
15:20:01 17 excused and free to go. We don't need him back at this
15:20:04 18 stage?
15:20:04 19
15:20:04 20 MR WOODS: No, we don't.
15:20:05 21
15:20:06 22 COMMISSIONER: Thanks Mr Gibson.
15:20:11 23
24 (Witness excused.)
25
15:20:13 26 <(THE WITNESS WITHDREW)
15:20:13 27
15:20:15 28 MR WOODS: The next witness is Trevor Ashton.
15:20:46 29
15:20:46 30 <TREVOR JOHN ASHTON, sworn and examined:
15:21:03 31
15:21:03 32 COMMISSIONER: Ms Argiropoulos.
15:21:04 33
15:21:04 34 MS ARGIROPOULOS: Thank you, Commissioner. Mr Ashton, your
15:21:08 35 full name is Trevor John Ashton?---Yes, it is.
15:21:11 36
15:21:11 37 What is your current rank and position at Victoria
15:21:15 38 Police?---I'm an Inspector of police and I'm attached To
15:21:20 39 Professional Standards Command.
15:21:20 40
15:21:21 41 You've made a statement in relation to this Royal
15:21:25 42 Commission?---Yes, I have.
15:21:26 43
15:21:26 44 And if you could have a look at the document in front of
15:21:29 45 you. Do you recognise that to be the statement that you
15:21:31 46 made on 21 March 2019?---Yes, it is.
15:21:40 47

15:21:41 1 Are the contents of that statement true and correct?---They
15:21:44 2 are indeed.
15:21:44 3
15:21:44 4 Commissioner, I tender the statement of Trevor John Ashton.
15:21:48 5
15:21:48 6
15:21:49 7 #EXHIBIT RC28 - Statement of Trevor Ashton.
15:21:52 8
15:21:53 9 COMMISSIONER: Thanks Ms Argiropoulos. Yes Mr Woods.
15:21:55 10
11 <CROSS-EXAMINED BY MR WOODS:
12
15:21:56 13 Thank you Commissioner. Mr Ashton, you are an Acting
15:22:03 14 Superintendent of Conduct and Professional Standards, is
15:22:05 15 that correct?---I was.
15:22:06 16
15:22:07 17 You were. What are you now?---Back to Inspector.
15:22:10 18
15:22:12 19 How long have you been a police officer for?---41 years.
15:22:15 20
15:22:17 21 You were a Sergeant with Victoria Police in 1993?---Yes, I
15:22:22 22 was.
15:22:23 23
15:22:23 24 And you've provided your diary and day books of the
15:22:27 25 relevant contact that you had with Nicola Gobbo in that
15:22:31 26 period?---Yes, I have.
15:22:33 27
15:22:33 28 I've got to get the right number because there is a
15:22:37 29 redacted and non-redacted version. I think the version
15:22:40 30 ends in 0004. If I can bring up VPL.0002.0002.0004.
15:22:56 31 That's the cover page that's been put on top of those notes
15:23:01 32 that you've provided, is that right?---Correct.
15:23:03 33
15:23:06 34 We're going to spend some time looking at those, I might
15:23:11 35 formally tender that now, Commissioner. It is the day book
15:23:15 36 and official diary of Trevor Ashton.
15:23:17 37
15:23:18 38
15:23:18 39 #EXHIBIT RC29 - Day book and diary of Trevor Ashton.
15:23:23 40
15:23:23 41 During the period of August 1993 you were with the A
15:23:30 42 District Support Group, is that correct?---Correct.
15:23:31 43
15:23:31 44 You had a crew under you, is that correct?---I did indeed.
15:23:35 45
15:23:36 46 Can you explain how many people were in your
15:23:39 47 crew?---Through memory the DSG consisted of three

15:23:45 1 Sergeants, and three members of personnel of other ranks,
15:23:48 2 Senior Constables, and basically it was a training ground I
15:23:52 3 suppose for those members to be taught methodologies of
15:23:55 4 investigations to move through to areas of crime and become
15:23:58 5 qualified detectives.
15:24:00 6
15:24:00 7 I see. And there was some information the Commission has
15:24:03 8 heard about earlier today that came through that as I
15:24:06 9 understand it Mr Holding was the first person to receive
15:24:10 10 that information and you know about that?---Crime Stoppers
15:24:13 11 information?
15:24:14 12
15:24:14 13 Yes?---Correct.
15:24:15 14
15:24:15 15 And as a result of that - I should ask you, are you aware
15:24:22 16 of that information coming from any other source?---No, I'm
15:24:25 17 not.
15:24:25 18
15:24:25 19 And you learned that there was allegations of drug dealing
15:24:28 20 that was occurring at 250 Rathdowne Street,
15:24:32 21 correct?---Correct.
15:24:32 22
15:24:33 23 And that was a property that was owned by Nicola Gobbo at
15:24:36 24 the time?---I don't know who it was owned by but I knew the
15:24:40 25 address and I knew Ms Gobbo was a resident there at.
15:24:44 26
15:24:45 27 Indeed because of that allegation and some surveillance
15:24:47 28 Operation Yak was established?---Correct.
15:24:50 29
15:24:52 30 And there was, after the surveillance a warrant was
15:24:54 31 executed as the Commission has heard a little bit about
15:24:58 32 today. Now you were present at the execution of that
15:25:01 33 warrant on 3 September 93?---I was.
15:25:04 34
15:25:04 35 Do you have an independent recollection of it?---A vague
15:25:07 36 independent recollection, yes, I do.
15:25:09 37
15:25:10 38 Do you remember the individuals that the police members
15:25:15 39 spoke to at the property on that day?---The police members
15:25:18 40 present?
15:25:19 41
15:25:19 42 No, who the police members spoke to, who was at the
15:25:22 43 property?---I beg your pardon, a gentleman called Brian
15:25:26 44 Wilson. He was the main target and at that stage I can't
15:25:29 45 recall other persons being present at that stage.
15:25:31 46
15:25:32 47 At a later stage in the day?---Ms Gobbo.

15:25:34 1
15:25:34 2 So she wasn't there when you first gained access to the
15:25:37 3 property?---Not that I recall.
15:25:38 4
15:25:39 5 Do you remember her arriving?---No, no, I don't.
15:25:42 6
15:25:44 7 In your statement you say, this is paragraph 11 of your
15:25:49 8 statement, you say, "At approximately 19:30 a search of
15:25:54 9 Ms Gobbo's room was conducted and you say a small quantity
15:25:57 10 of drugs was located in her room concealed in a cigarette
15:26:01 11 packet in a chest of drawers. Ms Gobbo was present with
15:26:05 12 myself and another one or two members of my team when the
15:26:08 13 search was undertaken"?---Correct.
15:26:10 14
15:26:10 15 Do you have a memory of that or did you use your day
15:26:14 16 book?---No, I have a memory of that.
15:26:15 17
15:26:16 18 Can you describe in any more detail than is there, was the
15:26:21 19 cigarette packet given to you or did you find it or where
15:26:23 20 did it come from?---Through memory we found it and it was
15:26:28 21 in one of the top drawers. That's as best I can recall.
15:26:30 22
15:26:31 23 Was Ms Gobbo in the room at the time?---She was indeed.
15:26:34 24
15:26:34 25 Do you remember the conversation that was had with her
15:26:36 26 after that cigarette packet was located?---Non-specific,
15:26:42 27 no.
15:26:42 28
15:26:43 29 If we could scroll slowly up through the document that's on
15:26:47 30 the screen, perhaps enlarge it a bit on the way. Keep
15:26:51 31 going. Keep going. All right. So the notes that we're
15:27:02 32 seeing here?---Yes.
15:27:03 33
15:27:04 34 Are these notes from before, during or after the execution
15:27:08 35 of the warrant?---They'd be pre the execution of the
15:27:12 36 warrant. As you can see there's a time there of 12.05, I
15:27:15 37 mention of target Wilson and obviously I'd suggest strongly
15:27:22 38 there's a bit of surveillance done on Wilson's movements
15:27:25 39 that afternoon.
15:27:26 40
15:27:26 41 Certainly that's the understanding of the documents we've
15:27:29 42 received at the Commission. If you could scroll down a bit
15:27:33 43 further. That's it. Can you take us to the point where
15:27:37 44 you start taking notes from after the execution of the
15:27:41 45 warrant, is it further down?---You'll see the entry of
15:27:46 46 17.25, entry to the premises.
15:27:48 47

15:27:49 1 You note Brian Wilson there, is that because he was
15:27:52 2 there?---Correct.
15:27:52 3
15:27:52 4 "19:30, Gobbo Nicola", does that assist you with what time
15:27:57 5 she arrived at the premises?---That's roughly the time I
15:28:00 6 would have been with her, yes.
15:28:02 7
15:28:02 8 You say there "bedroom" and I assume that's the evidence
15:28:05 9 you've just referred to of being in there and conducting
15:28:09 10 part of the search, is that correct?---Correct.
15:28:11 11
15:28:11 12 You move down, Exhibit 16, what's that word there, it
15:28:15 13 starts with a P?---I would suggest that's the word
15:28:18 14 "purchase".
15:28:18 15
15:28:19 16 "Purchased April 93, \$100 ten grams"?---Correct.
15:28:22 17
15:28:23 18 Can you help us with what that means?---I would suggest
15:28:26 19 that was the purchase price of methamphetamine at the time.
15:28:30 20
15:28:30 21 Who would have told you that or who did tell you
15:28:34 22 that?---Her.
15:28:34 23
15:28:34 24 Next, Exhibit 17, you've got "speed amphetamine", is that
15:28:38 25 correct?---Correct.
15:28:38 26
15:28:38 27 That was still referring to the cigarette packet?---I would
15:28:41 28 assume.
15:28:42 29
15:28:42 30 Keep scrolling down. "Brian and myself", so that's a
15:28:46 31 conversation you had with Mr Wilson. Now moving down -
15:28:49 32 sorry, that's not, that's a conversation you had with
15:28:52 33 Ms Gobbo, is that correct?---Yes, that's correct.
15:28:54 34
15:28:55 35 What was that referring to?---If you could just take it up.
15:28:57 36
15:28:57 37 Yes, take it up a little bit, I moved a bit too quickly
15:29:01 38 there. "Brian and myself"?---I can only but assume that
15:29:08 39 would have been information passed to me which resulted in
15:29:12 40 me locating a couple of kilo of methamphetamine within the
15:29:15 41 laundry of the premises.
15:29:16 42
15:29:16 43 The words "Brian and myself", is that correct or might that
15:29:21 44 be a bit later on?---No, that refers to Brian and myself
45 but he wouldn't have been present during that search. In
15:29:24 46 fact I think through memory he was handcuffed in the lounge
15:29:28 47 of the unit.

15:29:29 1
15:29:30 2 COMMISSIONER: Sorry, so Exhibit 17, speed and amphetamine,
15:29:34 3 does that relate to the speed and amphetamine you found, a
15:29:38 4 large quantity you found in the house or a small quantity
15:29:41 5 found in her room?---I can't recall, Commissioner, I do
15:29:45 6 apologise.
15:29:46 7
15:29:46 8 You assume "Brian and myself" relates to Exhibit 17?---Yes.
15:29:50 9
15:29:50 10 Thank you.
15:29:51 11
15:29:51 12 MR WOODS: On that point it's correct, tell me if I'm
15:29:54 13 wrong, my understanding is that the small amount of
15:29:57 14 amphetamine and cannabis found in the cigarette packet in
15:30:01 15 Ms Gobbo's room were separate and distinct from a much
15:30:05 16 larger quantity found?---They were indeed, and mind you I
15:30:09 17 didn't locate cannabis on Ms Gobbo.
15:30:12 18
15:30:14 19 If you could keep moving down through that. The interview
15:30:17 20 was suspended at either 7 or 8 or 1 or 2. Sorry, "Brian's
15:30:24 21 drug", up the top, can you tell me what that means?---No,
15:30:28 22 look, I've got - as I said I can remember the movements
15:30:33 23 that took place, the location of the drugs in regards to
15:30:37 24 specifics of Brian, Brian's drugs, of conversation, hand
15:30:42 25 over property, no, I can't recall.
15:30:44 26
15:30:45 27 Can you read the next word? Is that
15:30:53 28 "conversation"?---Correct, yes.
15:30:54 29
15:30:54 30 And then what's the word - just keep reading those words as
15:30:58 31 we go?---"Hand over property".
15:31:00 32
15:31:00 33 What does that refer to?---I can't recall.
15:31:02 34
15:31:03 35 I want to show you a document. Just before I do so, what's
15:31:18 36 the words underneath "hand over property", "sub"
15:31:23 37 something?---I'm not really sure.
15:31:25 38
15:31:25 39 This is your - - - ?---That's definitely my scribble, yes.
15:31:29 40 I'm not sure to be honest. I think it might say "sale of
15:31:33 41 phone" or something.
15:31:34 42
15:31:34 43 You don't recall what that means?---No, I don't.
15:31:36 44
15:31:36 45 Then the word underneath that?---"Prices".
15:31:39 46
15:31:39 47 "Prices", okay. These were notes for you to then compile

15:31:43 1 and put into your official diary afterwards?---Transcribed,
15:31:47 2 yes.
15:31:47 3
15:31:48 4 Then "suspend", I assume that means this was a formal
15:31:52 5 interview that was taking place and you suspended it at
15:31:55 6 that time?---Quite correct.
15:31:56 7
15:31:56 8 What's the time there, it looks like an am?---I think, I
15:32:00 9 think that's 1.38 am the following morning.
15:32:03 10
15:32:03 11 This was a significant period of time that had taken place
15:32:07 12 during this execution of a warrant, is that unusual or is
15:32:09 13 that about - - - ?---No, no. You've got a significant
15:32:13 14 quantity of drugs that have been located and seized so, no,
15:32:18 15 not at all.
15:32:18 16
15:32:19 17 I understand. After that you've got some notes that appear
15:32:22 18 to be a continuation of a conversation, "\$200 per week, 270
15:32:27 19 per week, 350 each PM", I assume that's per month, "MCG,
15:32:35 20 \$100 per week". Can you explain what those words
15:32:40 21 means?---I'm not really quite sure on the \$200, 270, 350
15:32:41 22 per month. My recollection is that her \$100 per week was
15:32:48 23 working part-time at the MCG, Melbourne Cricket Ground.
15:32:53 24
15:32:53 25 You knew she was working at the MCG indeed because later on
15:32:58 26 you saw her at the MCG a few times?---At the time I didn't
27 know, no.
28
15:33:00 29 At a later time?---Later on, yes.
15:33:01 30
15:33:01 31 She has clearly told you there she works at the MCG and she
15:33:05 32 makes \$100 a week there?---Correct.
15:33:07 33
15:33:07 34 Can I take it the references above are references to the
15:33:10 35 mortgage payments on the house?---Yes, I would assume so.
15:33:15 36 I can't recall specifically.
15:33:16 37
15:33:17 38 I assume these sort of questions would be the normal
15:33:20 39 questions one would ask when a significant amount of drugs
15:33:23 40 are found in the house as to where is the income coming
15:33:25 41 from?---Absolutely, but I can't give you an exact answer in
15:33:30 42 regards to that but I would assume.
15:33:31 43
15:33:31 44 That is the most likely explanation?---Yes.
15:33:33 45
15:33:34 46 Then that concluded, so again that seems to be a further
15:33:37 47 conversation in a formal capacity that concluded at 2.03

15:33:41 1 am, is that correct?---Correct.
15:33:43 2
15:33:44 3 Just going back to the events earlier, I was talking about
15:33:49 4 a larger amount of drugs that were found later in the
15:33:52 5 search. Where were they located?---The two bags of
15:33:59 6 amphetamine?
15:33:59 7
15:34:00 8 Yes?---They were located in a laundry in vents that had
15:34:04 9 been disguised, air vents up in the walls, and they'd been
15:34:09 10 cut and placed in there and the bags were inside a cavity,
15:34:13 11 one either side of the laundry.
15:34:15 12
15:34:16 13 Would photographs have been taken of all of this out of
15:34:20 14 interest?---I would assume so, I can't recall.
15:34:22 15
15:34:22 16 How did you find those drugs?---Information obtained.
15:34:25 17
15:34:26 18 Information obtained from who?---Ms Gobbo.
15:34:28 19
15:34:28 20 Do you remember her telling you about that?---Yes, I do.
15:34:30 21
15:34:31 22 Was that following finding the cigarette packet with the
15:34:33 23 speed in it?---Yes.
15:34:35 24
15:34:37 25 Do you recall how long you'd been talking to her before you
15:34:40 26 located the cigarette packet with the speed in it?---No, I
15:34:44 27 don't.
15:34:44 28
15:34:45 29 Do you remember whether she was willing or unwilling or
15:34:48 30 tentative in any way of taking you to the air vents where
15:34:52 31 the amphetamine was?---Willing.
15:34:55 32
15:34:55 33 All right. Now moving down those notes to 94 - sorry, I
15:35:07 34 have a different version. There's some words - yes, so you
15:35:11 35 say - just scroll up a little bit, sorry, back to where we
15:35:18 36 were. There are some words in this document, the version
15:35:23 37 that I've got is unfortunately a little bit different to
15:35:26 38 the version you've got there. You accept that the words
15:35:29 39 "assist re Wilson" are found in your diary?---If you go
15:35:33 40 back up a little bit, yes.
15:35:35 41
15:35:35 42 Yes?---There they are right there.
15:35:38 43
15:35:38 44 Sorry, so they are?---Yes.
15:35:39 45
15:35:39 46 Do you have a recollection of what that means?---No, look I
15:35:42 47 don't, it was one of two things as I explained in my

15:35:45 1 statement. It was either one of two things, Ms Gobbo
15:35:48 2 wanted to assist in regards to further information on
15:35:53 3 Wilson and/or me assisting in regards to the processing of
15:35:55 4 Wilson. Obviously the property was an administrative
15:35:59 5 requirement on all of us to ensure it was correctly tagged
15:36:04 6 and logged.
15:36:04 7
15:36:04 8 Are you aware that following this date and before her
15:36:07 9 entering a plea at the Magistrates' Court that indeed she
15:36:10 10 did attend on police and they commenced the process of
15:36:13 11 taking a statement from her against Mr Wilson?---No, I have
15:36:17 12 no recollection of that.
15:36:17 13
15:36:18 14 If you take it that is what occurred that might help the
15:36:21 15 Commissioner understand that those words mean that she was
15:36:24 16 willing to assist with evidence against Mr Wilson?---I
15:36:27 17 don't know, that's my writing, that's my words. I cannot
15:36:31 18 specifically recall exactly what that refers to, whether it
15:36:36 19 be her assisting at a later stage in regards to Wilson or
15:36:40 20 assisting Sergeant Holding and his team in processing
15:36:43 21 Wilson.
15:36:44 22
15:36:44 23 In any event whatever it means it's correct, isn't it, that
15:36:48 24 this is something she said to you, this offer of
15:36:51 25 assistance, that happened just after the conclusion of that
15:36:53 26 second part of the interview?---No, I can't recall that.
15:36:56 27
15:36:57 28 If you look at the page you seem to be chronological and
15:37:00 29 you say, you write before conclusion of interview the
15:37:03 30 things that were said and then afterwards you have a line
15:37:08 31 after the conclusion saying "assist re Wilson", so it's
15:37:13 32 inevitable, isn't it, that she told you that
15:37:14 33 afterwards?---Not at all. I mean as I said to you before,
15:37:15 34 I have a reasonable recollection of what transpired but in
15:37:18 35 regards to whether or not she wanted to provide in regards
15:37:22 36 to Wilson or that's me assisting in the processing of
15:37:27 37 Wilson, I can't recall.
15:37:29 38
15:37:36 39 Moving on. In your statement - I should ask, were you the
15:37:41 40 informant in relation to the charges that arose out of
15:37:45 41 that?---No.
15:37:45 42
15:37:48 43 Did you have any involvement in the framing of the charges
15:37:50 44 that came out of Operation Yak, i.e. who was charged with
15:37:57 45 what?---No. No, I wasn't.
15:38:00 46
15:38:00 47 Do you remember discussions about that?---No, I don't.

15:38:03 1
15:38:04 2 Is it unusual given the events that transpired on that day
15:38:08 3 and your notes of the events that there were different
15:38:10 4 charges between the two individuals, Wilson and Gobbo?---In
15:38:16 5 regards - no, I mean - - -
15:38:18 6
15:38:18 7 I'm talking about a property in which that amount of
15:38:20 8 amphetamine is found and only one, two people living in the
15:38:25 9 property and only one charged with trafficking. Would it
15:38:27 10 be usual for police to charge both and then proceed with
15:38:31 11 both charges?---A lot depends on circumstance I suppose and
15:38:36 12 what's located and what's provided at the scene, what we
15:38:40 13 locate, what we investigate and all that, so no.
15:38:43 14
15:38:44 15 Is one of those circumstances whether one of the people is
15:38:46 16 willing to assist the police?---I wouldn't say that, no.
15:38:49 17 Again it is circumstantial and it's up to us to deliver
15:38:53 18 understandings on charges and as to how that happened 25,
15:38:57 19 26 years ago I can't recall.
15:38:59 20
15:38:59 21 You'd accept though, wouldn't you, it's not unusual in a
15:39:02 22 circumstance such as that if one of them, one of these
15:39:05 23 accused is willing to assist against the other accused,
15:39:08 24 that there might be different charges against them?---I
15:39:10 25 don't know. I wasn't privy to conversation in regards to
15:39:14 26 Wilson and Holding's team so I don't know what was relayed
15:39:18 27 in regards to admissions and all that so I don't know.
15:39:20 28
15:39:22 29 I understand that. I'm talking as a general principle
15:39:25 30 that's not an unusual thing?---It's not an unusual thing,
15:39:26 31 no.
15:39:26 32
15:39:30 33 You then saw - I'm going to go to paragraph 19 of your
15:39:36 34 statement which I think you've got in front of you?---Yep.
15:39:38 35
15:39:48 36 This is moving on from after the execution of that warrant.
15:39:52 37 "Between 93 and 95 part of my role involved undertaking
15:39:55 38 plain clothes duties at the MCG focusing on licensing and
15:39:59 39 public order"?---Correct.
15:40:00 40
15:40:03 41 And during that period of time that you talk about you
15:40:06 42 recall seeing Ms Gobbo on at least two or three occasions,
15:40:10 43 is that correct?---Correct.
15:40:12 44
15:40:13 45 And was this, did you simply recognise her there or was it
15:40:19 46 an arranged meeting the first time or how did it
15:40:21 47 happen?---I had to be prompted in regards to the meetings

15:40:24 1 with Ms Gobbo at the MCG and I cannot recall.
15:40:28 2
15:40:28 3 Do you have any independent recollection of seeing her at
15:40:30 4 the MCG ever?---Yes, yes, when I was prompted, yes, I
15:40:34 5 recalled meeting Ms Gobbo at the MCG or seeing her at the
15:40:38 6 MCG. Whether it was by chance I bumped into her or whether
15:40:42 7 it was a prearranged meeting through telephone
15:40:46 8 conversation, I can't recall.
15:40:47 9
15:40:47 10 In any event the meetings did have some formality to them
15:40:51 11 because you had another officer with you and you took
15:40:54 12 Ms Gobbo aside at one stage and had private conversations
15:40:57 13 with her. These were conversations for the purposes of
15:41:00 14 eliciting information that was useful to the police, the
15:41:03 15 conversations you had with her at the MCG?---I would
15:41:06 16 assume.
15:41:07 17
15:41:07 18 Yes, all right. Now, your day book and diary records show
15:41:15 19 the shifts were, the 4th, 12th, 18th and 25th of September
15:41:20 20 and 9 July 1995 and you think, as I understand it, that
15:41:27 21 they were the days that you worked there but not all the
15:41:29 22 days you saw Ms Gobbo, is that correct?---Correct.
15:41:32 23
15:41:39 24 Those dates obviously are after the execution of the
15:41:43 25 warrant on Ms Gobbo's house and prior to her pleading
15:41:49 26 guilty to the charge at the Melbourne Magistrates' Court on
15:41:52 27 29 November, that follows, doesn't it? If you accept she
15:41:58 28 pleaded guilty on 29 November?---Yep.
15:42:01 29
15:42:01 30 And that the days you worked were all in
15:42:03 31 September?---Correct.
15:42:03 32
15:42:04 33 They were after the execution of the raid and they were
15:42:06 34 before her plea of guilty?---Yep.
15:42:09 35
15:42:11 36 Now, followings the events of 1993 you continued to have
15:42:17 37 contact - - -
15:42:18 38
15:42:18 39 COMMISSIONER: I'm not sure if you tendered the diary but
15:42:20 40 you want that tendered?
15:42:22 41
15:42:22 42 MR WOODS: I do.
15:42:23 43
15:42:24 44
15:42:25 45 #EXHIBIT RC29 - Day books and diaries from 1993 to 1995 as
15:42:29 46 redacted.
15:42:36 47

15:42:36 1 MR WOODS: I'd ask that document VPL.0005.0007.0088 be
15:42:46 2 brought up on the screen. Do you recognise that document,
15:42:59 3 Mr Ashton?---When it was brought to my attention, yes, I
15:43:03 4 do.
15:43:04 5
15:43:04 6 I'm going to suggest to you that that's a document that's
15:43:08 7 in part completed by you, in part completed by someone else
15:43:12 8 which was registering Nicola Gobbo as a human source, do
15:43:16 9 you accept that?---I do.
15:43:17 10
15:43:17 11 And that that registration occurred at some stage - it says
15:43:23 12 at the top G395, does that indicate to you that it was 1995
15:43:28 13 that it occurred?---Correct.
15:43:29 14
15:43:30 15 I just wanted to check, in the bottom table, the bottom
15:43:37 16 square on that first page, it says, "She was charged with
15:43:43 17 possess amphet last year as a result of the criminal that
15:43:48 18 was living with her. Is quite reliable and seeking a
15:43:51 19 career as a solicitor". Now, the last year, if that's
15:43:58 20 correct, this would have been a 1994
15:44:01 21 document?---Absolutely.
15:44:01 22
15:44:02 23 I'm just looking at that and reading it as 95. Do we take
15:44:07 24 it was 95 and not 94 because of the code?---Yes, 95. I
15:44:11 25 mean to help the Commissioner. The G, the month per year
15:44:16 26 goes in alphabetical order, so for argument's sake January
15:44:23 27 is A, if you work your way through to July, you've got your
15:44:30 28 registered informer as being G.
15:44:31 29
30 I was just handed a note to that effect so I was learning
15:44:31 31 it from two different places at once. And the 3 is the
15:44:32 32 third, is that correct?---That I can't explain.
15:44:35 33
15:44:35 34 The third informer of that month?---One would assume the
15:44:40 35 third informer, yes.
15:44:41 36
15:44:41 37 I tender that document, Commissioner.
15:44:43 38
15:44:44 39
15:44:45 40 #EXHIBIT RC30 - Registration of Nicola Gobbo as a human
15:44:52 41 source.
15:44:52 42
15:44:52 43 It's your recollection - perhaps not your recollection. If
15:44:56 44 you could just go back to the document, please. Your
15:45:00 45 review of that document shows you or says to you that you
15:45:05 46 only completed the reliability and contact members section
15:45:09 47 of the document, is that right?---Correct.

15:45:12 1
15:45:12 2 And that's based on the handwriting on the
15:45:14 3 document?---That's my handwriting, yes.
15:45:16 4
15:45:16 5 Are you aware of who completed the balance of the
15:45:19 6 document?---No, I'm not.
15:45:20 7
15:45:20 8 Can you narrow it down?---No, I can't because I have no
15:45:23 9 recollection of it.
15:45:24 10
15:45:32 11 You continued to have contact with Ms Gobbo through 95 and
15:45:39 12 96, is that correct?---Incorrect.
15:45:41 13
15:45:41 14 Okay, when did you - - - ?---I wasn't at - I was back in
15:45:45 15 uniform in 1996.
15:45:46 16
15:45:46 17 When was your next contact with her after this document was
15:45:49 18 filled out?---I don't know. I have no - - -
15:45:54 19
15:45:54 20 Did you have contact with her?---I did, I have no
15:45:57 21 recollection, it's in my statement and that statement has
15:45:59 22 been compiled upon notes being located, my diary and that
15:46:04 23 of day books.
15:46:05 24
15:46:08 25 The Magistrates' Court appearance happened on 29 November
15:46:13 26 93 and in 96 Ms Gobbo became an articulated clerk and you say
15:46:25 27 in this document works part-time. I assume simply because
15:46:29 28 of the years in the document you're referring to a
15:46:31 29 different job rather than the one she had in 1996, is that
15:46:35 30 right?---I've no - what document are you referring to at
15:46:41 31 the moment?
15:46:41 32
15:46:42 33 I'm not referring to a document, I'm telling you that
15:46:46 34 Ms Gobbo started as an article clerk in 1996?---No idea.
15:46:50 35
15:46:51 36 No,no, I'm not asking you to have any idea. I'm telling
15:46:51 37 you that that's the case and I'm going to ask you some
15:46:54 38 questions based on that?---Sure.
39
15:46:55 40 The assistance she was providing to you, did it continue
15:46:58 41 throughout 1996?---I've got no idea at all, no. No, I
15:47:02 42 never had any contact with Ms Gobbo after July, August of
15:47:07 43 95, July of 95.
15:47:09 44
15:47:09 45 Okay. We might talk a bit more about that period then.
15:47:17 46 Just before I go there, was Jeff Pope part of your team in
15:47:23 47 any period between 93 and 95?---Yes, he was.

15:47:26 1
15:47:26 2 What was his role?---He was one of my ORs, other ranks.
15:47:31 3
15:47:32 4 Other rank meaning?---Team players, Senior Constable.
15:47:35 5
15:47:35 6 I see, okay. What was your relationship with him, was it
15:47:39 7 purely work or would you have a social relationship with
15:47:41 8 him or a bit of both?---No, professional.
15:47:43 9
15:47:44 10 Who was in his group?---Who was in his group?
15:47:47 11
15:47:47 12 Yes?---Do you mean who was in my group?
15:47:50 13
15:47:51 14 Well, who was the group of people that he was
15:47:53 15 overseeing?---He didn't. I oversaw them.
15:47:56 16
15:47:56 17 Okay?---I was his Sergeant.
15:47:57 18
15:47:58 19 So who else was in his cohort that were under you?---It is
15:48:03 20 drawing a long bow there's a bit of movement amongst
15:48:07 21 people.
15:48:07 22
15:48:07 23 That's all right, who do you remember?---Thompson, Neil
15:48:12 24 Thompson, Jason Frede, Con Sklavonous, Brendan Randoe and -
15:48:24 25 yeah, I don't know after that. I'd have to refresh my
15:48:27 26 memory.
15:48:28 27
15:48:28 28 Okay. Rod Arthur recalls - - - ?---He was one of my
15:48:35 29 people.
15:48:35 30
15:48:35 31 Sorry?---He was one of my people as well, thank you.
15:48:38 32
15:48:38 33 He recalls three meetings, two with just you and Nicola
15:48:44 34 Gobbo and him, sorry, the three of you?---Yep.
15:48:50 35
15:48:50 36 And one with the two of you, Nicola Gobbo and Jeff Pope.
15:48:54 37 Do you remember that meeting?---No, I don't.
15:48:56 38
15:48:57 39 Do you recall essentially handing Nicola Gobbo as an
15:49:01 40 informant from your group over to Jeff Pope at any
15:49:05 41 stage?---I have no recollection of that.
15:49:07 42
15:49:07 43 Is it something you can dispute or - - - ?---I have no
15:49:11 44 recollection of it so I can't dispute it. I just have no
15:49:14 45 recollection.
15:49:14 46
15:49:16 47 Was Pope stationed in Carlton later on in 1995, do you know

15:49:21 1 that, when he moved?---Um, I'm not sure, I don't know.
15:49:25 2
15:49:25 3 What were your movements in 95?---Through memory I
15:49:30 4 finalised my second stint at the DSG and then I went on to
15:49:36 5 staff officer for the Regional Assistant Commissioner.
15:49:40 6
15:49:41 7 Where were you physically working from then?---The VPC, the
15:49:45 8 Victorian Police Centre.
15:49:46 9
15:49:46 10 Paragraph 23 of your statement, again you've got that in
15:49:49 11 front of you?---Yep.
15:49:50 12
15:49:51 13 You say you can't remember why Ms Gobbo was registered, "I
15:49:56 14 think it was due to the substantial nature of the
15:49:59 15 information she was providing". So in 1995 the
15:50:05 16 information, which you don't know what it was, but it was
15:50:08 17 of a substantial nature, you stand by that
15:50:11 18 statement?---Yeah, look I do, yes.
15:50:13 19
15:50:13 20 Indeed you wouldn't have registered her
15:50:17 21 otherwise?---Correct.
15:50:17 22
15:50:17 23 Do you remember whether the information related to Brian
15:50:20 24 Wilson?---Yes, I think there was an involvement with Brian
15:50:26 25 Wilson, yes, I think - yes.
15:50:28 26
15:50:29 27 Paragraph 25 of your statement you talk about your day book
15:50:34 28 on 12 July 1995 and you say you met with Ms Gobbo and
15:50:39 29 accompanied her to the St Kilda Road police station where
15:50:42 30 you met DS John Gibson and DSC Brian Millic from the
15:50:49 31 Special Response Squad. "Based on my day book notes I
15:50:53 32 assume that I picked Ms Gobbo up from VicRoads and
15:50:57 33 transported her to St Kilda Road." Can you assist as to
15:51:01 34 why it would have been collecting her from VicRoads?---I
15:51:05 35 have no absolutely recollection of that, picking her up
15:51:08 36 from VicRoads if in fact I did. I have no recollection of
15:51:12 37 taking her down to meet with Detective Sergeant Gibson at
15:51:16 38 the Special Response Squad.
15:51:17 39
15:51:17 40 Do you accept that that's not exactly at but pretty close
15:51:21 41 to her property at 250 Rathdowne Street?---Yes, walking
15:51:24 42 distance, a couple of hundred metres.
15:51:27 43
15:51:27 44 On 12 July 95 you met and spoke with Nicola Gobbo, is that
15:51:38 45 correct?---I have no recollection of it but my day book
15:51:41 46 indicates that, yes.
15:51:42 47

15:51:43 1 And on 13 July you had another conversation with Ms Gobbo
15:51:48 2 and that's again recorded in your day book, is that
15:51:51 3 correct?---It is indeed, yes.
15:51:53 4
15:51:53 5 This would be part of, we assume in retrospect, part of the
15:51:58 6 substantial information that she was registered to
15:52:01 7 provide?---Correct.
15:52:02 8
15:52:02 9 And then on 15 July she provides further information to you
15:52:06 10 in relation to Brian, we take it that's Brian Wilson, would
15:52:09 11 that be a fair assumption?---That's a fair assumption, yes.
15:52:13 12
15:52:13 13 And Gavin, do you know what Gavin's surname was?---No, I
15:52:21 14 don't.
15:52:21 15
15:52:22 16 On 18 July, a couple of days later, your day book records a
15:52:22 17 conversation that you had with Ms Gobbo. The note refers
15:52:23 18 to Gavin again and there's a reference to, "Detective
15:52:26 19 Sergeant Gibson attending a milk bar which I recall was
15:52:30 20 Gary's milk bar which I recall Ms Gobbo had provided
15:52:34 21 information about"?---Correct.
15:52:35 22
15:52:36 23 As you sit here now do you remember what Gary's milk bar
15:52:40 24 was?---No.
15:52:40 25
15:52:41 26 Do you remember what the information was?---Through memory
15:52:45 27 I think it was packets of stolen cigarettes moving through
15:52:48 28 the premises.
15:52:48 29
15:52:49 30 That was information Ms Gobbo gave you?---I believe so,
15:52:51 31 yes.
15:52:52 32
15:52:54 33 And then the next contact was about a week later, on 24
15:52:59 34 July you had another conversation with Ms Gobbo and this
15:53:03 35 time she was talking to you - I'm sorry, there's some
15:53:10 36 confusion in your notes that I think you've now clarified
15:53:14 37 about some of the registration numbers are quite similar to
15:53:16 38 each other?---Absolutely.
15:53:17 39
15:53:17 40 And there's one that might have been a mis-recording of her
15:53:21 41 and in fact it was another informer?---And as I've made
15:53:24 42 mention in 29, yes.
15:53:26 43
15:53:26 44 I understand. So on 26 July your day book records
15:53:32 45 information about the movement of stolen cigarettes through
15:53:35 46 Gary's milk bar and you recall that that was further
15:53:40 47 information to what she'd given you on 18 July, is that

15:53:43 1 right?---That's correct.
15:53:43 2
15:53:44 3 Do you remember what her association with Gary's milk bar
15:53:46 4 was?---No, I don't.
15:53:47 5
15:53:48 6 Do you remember what association she had with any
15:53:50 7 individual who might have been involved in the movement of
15:53:53 8 cigarettes through the milk bar?---No, I don't.
15:53:55 9
15:53:56 10 All right. Now, your day book also records Ms Gobbo
15:54:03 11 providing the name of Darren Lars and you don't have any
15:54:07 12 idea who that is or what it relates to?---No idea at all.
15:54:10 13
15:54:10 14 But the fact that it was important enough to write in your
15:54:13 15 day book, can we assume that that was further information
15:54:15 16 she was providing you as a source?---Yep, absolutely.
15:54:16 17
15:54:17 18 On 31 July you have a further conversation about, and she
15:54:22 19 tells you that Brian and Gavin have had a huge rift. There
15:54:28 20 was nothing happening, it appears that you contacted DSC
15:54:28 21 Paul Pretty at the Special Response Squad on that day and
15:54:32 22 that was the last contact you had with her, is that
15:54:35 23 correct?---That's correct.
15:54:37 24
15:54:48 25 Just a couple more things. Are you aware that following
15:54:53 26 your involvement with Ms Gobbo there was an Operation Scorn
15:54:58 27 established, do you know anything about that?---No, I
15:55:00 28 don't.
15:55:00 29
15:55:04 30 Finally, there's a document I want to bring up
15:55:22 31 VPL.0005.0028.0362. As part of the Victoria Police's
15:55:26 32 engagement with the Royal Commission they've established
15:55:29 33 Operation Landow and they've located current and former
15:55:34 34 members of Victoria Police who might have relevant evidence
15:55:37 35 in relation to these historical issues and someone from
15:55:43 36 there contacted you and this is a note of the various
15:55:47 37 contacts that were had with you over that period, is that
15:55:50 38 correct?---Correct.
15:55:51 39
15:55:57 40 They first advised you on 15 January 2019 that their
15:56:03 41 investigations have revealed that in 1995 yourself and
15:56:10 42 Mr Argall registered 3838 as an informer. Was that the
15:56:15 43 first time that you were aware that Ms Gobbo had been
15:56:18 44 registered as an informer other than by you in 1995?---Yes,
15:56:23 45 it was, yeah.
15:56:24 46
15:56:24 47 That news hadn't filtered up to you about a period in the

15:56:28 1 2000s?---No, no idea whatsoever, no.
15:56:31 2
15:56:33 3 Indeed, that being 15 January, the solicitors assisting
15:56:39 4 Victoria Police wrote to the Royal Commission on 25 January
15:56:42 5 advising it of that earlier registration. They're all the
15:56:48 6 questions I have, thank you?---Thank you.
15:56:50 7
15:56:51 8 COMMISSIONER: Mr Nathwani.
15:56:52 9
10 <CROSS-EXAMINED BY MR NATHWANI:
11
15:56:54 12 I note the time, I certainly hope to finish this witness
15:56:59 13 today in particular given the fact I was only given the
15:57:02 14 notes of his day book literally as he started his evidence,
15:57:07 15 and on that basis subject to your view I'd like to come
15:57:11 16 back on Monday.
15:57:11 17
15:57:12 18 COMMISSIONER: I don't think it will take long, will it?
15:57:12 19 We can have a short adjournment if you like. Do you want
15:57:17 20 ten minutes to look at it?
15:57:17 21
15:57:17 22 MR NATHWANI: The notes as they are, are not the most
15:57:19 23 legible. I think the witness himself struggled to read his
15:57:22 24 own handwriting on occasion. We were given this, as I've
15:57:26 25 said, about half an hour ago, literally as he began his
15:57:32 26 evidence.
15:57:32 27
15:57:33 28 COMMISSIONER: Yes I know, but we have so many witnesses to
15:57:35 29 get through, Mr Nathwani.
15:57:36 30
15:57:36 31 MR NATHWANI: No, I understand that. The Commission will
15:57:39 32 of course understand that the frustration the Commission
15:57:41 33 have in receiving the material is even worse as far as we
15:57:46 34 are concerned. We are literally at the bottom of the food
15:57:48 35 chain. I understand if you want me to start of course I
15:57:52 36 can but it may be we won't finish this witness.
15:57:54 37
15:57:54 38 COMMISSIONER: What if I gave you a 15 minute adjournment
15:57:57 39 to read and then you - - -
15:58:00 40
15:58:00 41 MR NATHWANI: No, I'd rather - I'm happy to start in
15:58:07 42 general and see where we get to.
15:58:09 43
15:58:09 44 COMMISSIONER: I would expect the cross-examination of this
15:58:12 45 witness won't be long.
15:58:13 46
15:58:14 47 MR NATHWANI: We'll see.

15:58:18 1
15:58:18 2 COMMISSIONER: Do you want to start and then if you want an
15:58:21 3 adjournment then you can have an adjournment?
15:58:23 4
15:58:24 5 MR NATHWANI: Thank you. As you know I've just received
15:58:28 6 your notes?---Apparently so.
15:58:45 7
15:58:47 8 In December of last year did you give any thought to the
15:58:51 9 fact that Lawyer X or informant 3838 was in fact a person
15:58:56 10 you'd registered back in 1995?---No, I didn't. Allow me to
15:59:00 11 qualify if I may.
15:59:02 12
15:59:02 13 Of course?---To the Commissioner. Back in
15:59:05 14 November/December of last year I was actually performing
15:59:06 15 the role of the Superintendent at Professional Standards
15:59:09 16 and a fellow Superintendent actually put out an email of
15:59:14 17 welfare should people have had contact over the course of
15:59:17 18 the periods of their career, if they had contact with 3838
15:59:22 19 to actually notify me so I could notify him. I'm the one
15:59:24 20 who actually put that email out to my fellow members,
15:59:27 21 fellow Inspectors and Senior Sergeants, "Should you have
15:59:30 22 concern", completely oblivious to I actually had her
15:59:34 23 registered some 25 years ago. And it wasn't only until
15:59:37 24 January I was alerted to the fact I had her registered. I
15:59:39 25 have no recollection of that. It results in me being here
15:59:43 26 today.
15:59:43 27
15:59:43 28 Can we pull up the document, I think it was
15:59:49 29 VPL.0005.0007.0088, which was the registration form?---Yep.
16:00:00 30
16:00:01 31 As I understand it you say your handwriting, we can see it
16:00:04 32 from there, is the response into the section "reliability"
16:00:08 33 where it says "very good"?---Yes.
16:00:09 34
16:00:10 35 Also where it says contact members and it's highlighted for
16:00:13 36 us Sergeant Ashton, and it has a phone number I assume for
16:00:16 37 you and also Sergeant Argall, is that right?---Absolutely,
16:00:20 38 yes.
16:00:21 39
16:00:21 40 Am I right in saying you would not have completed those
16:00:24 41 sections unless the other sections had been completed
16:00:27 42 first? So in other words by the time you filled in "very
16:00:29 43 good" and your contact details the rest of that document
16:00:32 44 was already complete?---Look, this is - no disrespect this
16:00:36 45 is 25 years ago. I can't remember how it actually took
16:00:40 46 place. As I said I have absolutely no recollection of this
16:00:44 47 document being in existence.

16:00:46 1
16:00:46 2 Pro forma documents that you've filled in in the past, did
16:00:47 3 you fill in the sections "very good" not knowing who you're
16:00:50 4 writing about?---I would assume it had have been fully
16:00:54 5 completed and handed to me.
16:00:55 6
16:00:55 7 I think that must be right?---Thank you.
16:00:57 8
16:00:57 9 Am I right in saying then at the time you were registering
16:01:01 10 Nicola Gobbo as an informer you knew, one, she was a law
16:01:06 11 student?---Yep.
16:01:07 12
16:01:07 13 Two, that she was living with a known criminal?---Yes.
16:01:10 14
16:01:11 15 And pausing there, going back to the search on 3 September
16:01:15 16 93, as I understand it you also were aware by then she was
16:01:20 17 providing at least some intelligence on him at the very
16:01:23 18 least by saying the drugs are in the vent and they're
16:01:28 19 his?---Correct.
16:01:29 20
16:01:29 21 You also knew, didn't you, that she was related to a
16:01:33 22 judicial member, a relative of hers was a judge at the
16:01:40 23 time?---Look, I can't go there because I can't remember. I
16:01:43 24 would assume, yes.
16:01:45 25
16:01:45 26 You certainly became aware of it during your contact with
16:01:49 27 her 94/95, do you agree with that?---Yes.
16:01:53 28
16:01:55 29 At the bottom it says you also were aware, I'm asking you
16:01:59 30 that she was intending to become a solicitor,
16:02:02 31 agreed?---That's correct, yes.
16:02:03 32
16:02:04 33 Do you therefore agree that a decision was made by someone,
16:02:08 34 be it you or otherwise, that she potentially could be a
16:02:12 35 good asset?---Yes, otherwise we wouldn't have bothered
16:02:16 36 registering her.
16:02:18 37
16:02:18 38 Understood. And do you agree it was you who was involved
16:02:20 39 in recruiting her?---I've never disputed that, thus the
16:02:25 40 registration, yes.
16:02:26 41
16:02:26 42 I'm not criticising. It must have been fairly unique to be
16:02:33 43 in the position of recruiting someone as an informant who
16:02:37 44 is all of those factors, someone who is a law student,
16:02:41 45 intending to practice the law, related to someone within
16:02:44 46 the law and also a partner of a known criminal?---And your
16:02:48 47 question being, I'm sorry?

16:02:49 1
16:02:50 2 Why then when you were first asked about it, do you say,
16:02:53 3 and this is in January of this year, that beyond the search
16:02:59 4 warrant on 3 September you had no further contact with
16:03:03 5 her?---It was 26 years ago, 1993.
16:03:08 6
16:03:09 7 And then you were told - again, I go back. How many times
16:03:14 8 then, because it may be a relevant fact for this inquiry,
16:03:18 9 have you recruited or sought to recruit someone who is in a
16:03:22 10 relationship with a drug dealer - - -
16:03:26 11
16:03:26 12 COMMISSIONER: I think you have already asked that
16:03:28 13 question.
16:03:29 14
16:03:29 15 MR NATHWANI: No, I said how many times. Because the
16:03:30 16 response is so long ago of course it doesn't live in his
16:03:34 17 memory.
16:03:35 18
16:03:35 19 COMMISSIONER: I think he conceded it was very unusual, he
16:03:37 20 has already conceded that. I think we can move on?---I'm
16:03:40 21 not disputing it.
16:03:42 22
16:03:42 23 MR NATHWANI: Were you trying to under play your contact
16:03:46 24 with Ms Gobbo in recruiting her when first contacted by
16:03:49 25 Task Force Landow?---Absolutely not.
16:03:50 26
16:03:51 27 It's fair to you that once you were then told about what
16:03:53 28 Mr Argall commented, you were told that Argall's memory of
16:04:00 29 meetings with Gobbo with you, that's when you seem to
16:04:04 30 recall some more information?---Yes.
16:04:05 31
16:04:05 32 And that jogged your memory, is that right?---When that
16:04:09 33 information was provided, yes, absolutely.
16:04:10 34
16:04:11 35 Going to the search then please. There was surveillance
16:04:13 36 prior to undertaking the search of the address of Nicola
16:04:17 37 Gobbo, do you agree?---I do.
16:04:19 38
16:04:19 39 Was she the target of that?---No, Wilson was the target.
16:04:22 40
16:04:22 41 Was she involved or was she seen on any of the
16:04:27 42 surveillance?---No idea, no. Can't remember.
16:04:28 43
16:04:28 44 The search itself, it's right, isn't it, that of the people
16:04:32 45 who was present Jeff Pope was also present?---I can't
16:04:35 46 recall.
16:04:35 47

16:04:36 1 Maybe you can help me then with an entry just for
16:04:39 2 clarification and this is on - my pagination is cut off at
16:04:45 3 the top. This is from a record shown earlier to you about
16:04:49 4 a conversation you had with someone from Landow on 15
16:04:52 5 January. This is what you say, I'll read it to put it into
16:04:56 6 context, you recall you located a small amount of
16:04:59 7 amphetamine in 3838's bedroom and had a conversation with
16:05:01 8 her. You were then directed to the laundry where
16:05:04 9 approximately two kilos of amphetamines were located. If
16:05:08 10 it helps, this is VPL.0005.0028.0364.
16:05:17 11
16:05:17 12 COMMISSIONER: This is the Landow document on the second
16:05:19 13 page, third page.
16:05:22 14
16:05:23 15 MR NATHWANI: Three of nine. You then say other members on
16:05:28 16 this crew.
16:05:30 17
16:05:30 18 COMMISSIONER: Seven dot points down.
16:05:32 19
16:05:32 20 MR NATHWANI: I was just reading the preceding bullet point
16:05:35 21 about what was located and what you can recall where it was
16:05:38 22 located. He said other members on his crew were Jeff Pope,
16:05:41 23 Neil Thompson, Delaney, Tim Argall and Rod Arthur. Is that
16:05:42 24 saying he was present at the search or are you saying that
16:05:45 25 he was just a member of your crew at the time?---They were
16:05:49 26 members of my crew. I can't recall those members that were
16:05:51 27 present at the time.
16:05:52 28
16:05:53 29 Understood. During the search, and I'm jumping around and
16:05:56 30 that's because of your notes, was it your usual practice to
16:06:01 31 record important information like where someone had pointed
16:06:06 32 out drugs within a property?---Yes, yep.
16:06:08 33
16:06:08 34 Is there any reason, and there's no criticism, I'm just
16:06:11 35 asking, is there any reason why in your notes there's no
16:06:14 36 particular reference to Gobbo pointing out amphetamines in
16:06:17 37 the vent?---No, there's not at all, no.
16:06:20 38
16:06:20 39 Is that a memory of yours?---It's a memory.
16:06:24 40
16:06:24 41 Because it's not recorded anywhere that I can see?---No,
16:06:27 42 it's not.
16:06:27 43
16:06:27 44 Understood. Going then through those notes, and this is -
16:06:34 45 sorry to jump around - VPL.0002.0002.0007. It's towards
16:06:49 46 the bottom of the page, please. We see there, Exhibit 16,
16:06:54 47 I can't read that very well, "purchase" I think it says

16:06:58 1 "April 93, \$100 for ten grams" and then next, Exhibit 17,
16:07:02 2 "speed, amphetamine, Brian and myself". We then go to the
16:07:05 3 next page. Do you see there it says "Brian's
16:07:10 4 drugs"?---Yes, I do.
16:07:12 5
16:07:12 6 I'm trying to jog your memory. Was that Nicola Gobbo
16:07:16 7 saying to you those were Wilson's drugs?---I can't recall.
16:07:19 8
16:07:20 9 If you look at the conversation earlier, so going back up
16:07:24 10 then to 7.30, let's just go through the sequence. You say
16:07:28 11 "Gobbo Nicola, bedroom, Exhibit 16". It appears, sir,
16:07:32 12 you're asking her about specific items and an answer there
16:07:35 13 is "purchase April 93, \$100 ten grams". Just pausing
16:07:39 14 there. Were you the person dealing with Nicola
16:07:42 15 Gobbo?---Yes, I was.
16:07:43 16
16:07:43 17 It's likely do you agree that the information you were
16:07:45 18 receiving at this stage is from her?---Quite likely, yes.
16:07:48 19
16:07:49 20 To follow it through, "Exhibit 17, speed and amphetamine",
16:07:54 21 answer below "Brian and myself". It then says "Brian's
16:07:57 22 drugs" which is the following on from the day book,
16:07:59 23 "conversation, hand over property", something about phones
16:08:02 24 we think. So again, just looking at the sequence of how
16:08:06 25 you set out your notes because you're the person who writes
16:08:09 26 them?---Correct.
16:08:09 27
16:08:10 28 It's fair to say it looks as though it is Nicola Gobbo
16:08:14 29 saying to you "it's Brian's drugs"?---I would assume, I
16:08:17 30 can't answer that really.
16:08:18 31
16:08:19 32 Understood. So let's then go further down, "Suspended 1.38
16:08:23 33 am 4 September", is this in her police interview?---Yes, it
16:08:26 34 is.
16:08:26 35
16:08:27 36 Dealing with the police interview, at any stage do you
16:08:29 37 recall if you put to her that she pointed out where these
16:08:32 38 drugs were located?---I wasn't the informant, I wasn't
16:08:35 39 present during the conversation.
16:08:36 40
16:08:36 41 Understood. This is an officer coming back to you and
16:08:39 42 telling you what was said during the interview, is that
16:08:42 43 right?---I can't recall. It may have well have been direct
16:08:46 44 conversation with Ms Gobbo outside of interview.
16:08:50 45
16:08:50 46 I'm not going to push further because we understand your
16:08:53 47 evidence as far as "assist re Wilson" is concerned?---Thank

16:08:58 1 you.

16:08:58 2

16:09:10 3 What follows, do you agree, is then you going to see
16:09:15 4 Ms Gobbo, looking at the chronology, at the MCG?---I didn't
16:09:22 5 go and see her.

16:09:23 6

16:09:25 7 To be fair to you, on occasion when you saw her it was with
16:09:32 8 Mr Argall, is that right?---Yes, I believe so.

16:09:34 9

16:09:35 10 Because it jogged your memory when asked by Landow, I'm
16:09:39 11 just going to read out what he says about seeing Ms Gobbo
16:09:42 12 at the MCG. He says this: "I can't remember if I was
16:09:46 13 permanently assigned to Sergeant Ashton's crew or I was
16:09:49 14 just working with him temporarily. Some time shortly
16:09:54 15 before or soon after we arrived at the football match.
16:09:56 16 Ashton told me we needed to go and meet someone" and then
16:09:59 17 he details going to see Nicola Gobbo. Do you agree it was
16:10:05 18 you pre-arranged to go and see Ms Gobbo with a view to
16:10:09 19 recruiting her and treating her as an asset?---I can't
16:10:11 20 dispute what that conversation was about but I have no
16:10:15 21 recollections of pre-arranging meetings with Ms Gobbo at
16:10:19 22 the MCG.

16:10:19 23

16:10:20 24 My basic counting on your statement you seem to have met
16:10:23 25 her on about 11 or 12 occasions over a period?---That would
16:10:27 26 be roughly correct, yes, I suppose.

16:10:29 27

16:10:35 28 Were you aware whilst you were involved with Ms Gobbo of
16:10:39 29 intimate relationships with members of the Police
16:10:43 30 Force?---Absolutely not, no.

16:10:44 31

16:10:44 32 For example, Mr Argall indicates he on occasion had an
16:10:48 33 intimate relationship with Ms Gobbo. That would be news to
16:10:51 34 you?---Absolutely, would be.

16:10:52 35

16:10:52 36 As a handler of an informer how would you have treated that
16:10:57 37 back at the time?---Would have been taken straight off the
16:11:00 38 case, would have been removed immediately. First I've
16:11:03 39 heard of it.

16:11:03 40

16:11:13 41 In your statement you don't detail meeting Ms Gobbo on the
16:11:20 42 steps of the Melbourne Magistrates' Court on I think three
16:11:24 43 occasions. Do you have any memory of doing that?---No, I
16:11:27 44 don't.

16:11:28 45

16:11:28 46 You were in the company of Mr Arthur?---No idea. I cannot
16:11:36 47 recall it.

16:11:37 1
16:11:37 2 May have happened, didn't happen?---May have happened, I
16:11:40 3 cannot recall it.
16:11:41 4
16:11:41 5 And again so you can't help us with what was being
16:11:44 6 discussed at the time?---No idea.
16:11:46 7
16:11:46 8 I just want to read to you what Mr Arthur says about it
16:11:51 9 just to try and jog your memory again. He says, "I was
16:11:54 10 first introduced to Ms Gobbo at short notice by Sergeant
16:11:58 11 Trevor Ashton. The meeting took place outside the
16:12:01 12 Melbourne Magistrates' or the old Melbourne Magistrates'
16:12:05 13 Court which was part of the same complex as the Russell
16:12:06 14 Street police station. That meeting lasted around five
16:12:08 15 minutes. I remember being told that Ms Gobbo was a law
16:12:10 16 student and that her dad was a judge". Did you tell your
16:12:14 17 colleague that she was a law student and, rather
16:12:18 18 incorrectly, that her dad was a judge?---I can't dispute
16:12:21 19 that if that's what Mr Arthur's stated. I have no
16:12:25 20 recollection of that conversation.
16:12:26 21
16:12:27 22 Why was that relevant to the issue of using her as an
16:12:31 23 asset?---Again I have no recollection of the conversation
16:12:33 24 at all. I've got no - that's the first I've heard of me
16:12:38 25 meeting Ms Gobbo at the Melbourne Magistrates' Court on the
16:12:40 26 steps.
16:12:41 27
16:12:41 28 He goes on, "Some months later I remember meeting Ms Gobbo
16:12:44 29 with Mr Ashton on a second occasion at short notice. I
16:12:45 30 believe this meeting also took place outside the old
16:12:48 31 Melbourne Magistrates' Court". He then goes on again, "I
16:12:51 32 remember meeting Ms Gobbo on a third occasion at short
16:12:56 33 notice with Mr Ashton and Jeff Pope. I believe the purpose
16:13:00 34 of this meeting was to introduce Gobbo to Pope as he was
16:13:01 35 transferring to the Carlton police station. I believe this
16:13:05 36 meeting also took place outside the Melbourne Magistrates'
16:13:10 37 Court. Happened in the late afternoon. I recall that Pope
16:13:12 38 was in uniform which I believe means he had already
16:13:16 39 transferred to Carlton by the time". Asking you then, does
16:13:20 40 that jog a memory at all?---No.
16:13:22 41
16:13:22 42 Common practice to meet sources outside the Magistrates'
16:13:26 43 Court?---I have no recollection of it.
16:13:28 44
16:13:35 45 Your decision to register her as an informer, was that just
16:13:39 46 your decision or in consultation with others?---I can't
16:13:43 47 recall. I cannot recall at all.

16:13:46 1
16:13:46 2 Back in 95 was it - I'm just asking generally because I
16:13:51 3 don't know the answer, about whether or not it was the
16:13:53 4 decision of an individual officer, an investigator made
16:13:56 5 that decision about registering an informant or if in fact
16:14:00 6 the practice was there was a group decision?---I understand
16:14:03 7 exactly what you're saying, sir. Again, this is simply
16:14:07 8 based on assumption and one would imagine I would have
16:14:10 9 spoken hierarchy about the information being provided, thus
16:14:15 10 the common sense approach to have her registered.
16:14:18 11
16:14:19 12 Would you have informed the hierarchy of the factors that
16:14:21 13 made her an attractive asset that we discussed?---Again
16:14:24 14 that's an assumption, yes.
16:14:26 15
16:14:26 16 Thank you?---Thank you, sir.
16:14:28 17
16:14:30 18 COMMISSIONER: Would the informer necessarily know that he
16:14:32 19 or she was registered? Was that discussed with
16:14:36 20 them?---Without a doubt, yes.
16:14:37 21
16:14:37 22 It was, okay?---Yes ma'am.
16:14:39 23
16:14:39 24 Anything arising from that, Mr Nathwani?
16:14:42 25
16:14:42 26 MR NATHWANI: No, thank you.
16:14:44 27
16:14:44 28 COMMISSIONER: Any other cross-examination? All right.
16:14:49 29
16:14:50 30 MR WOODS: Just one thing, sorry Commissioner. How would
16:14:53 31 she have known about her registration?---Conversation.
16:14:58 32
16:14:58 33 So you just would have told her?---Well yeah, I mean,
16:15:02 34 according to my notes again, of which I have no
16:15:06 35 recollection, one would assume when apparently I picked her
16:15:08 36 up from VicRoads down here in Lygon Street and later down
16:15:14 37 to the SRS and spoke with Mr Gibson, she was present and
16:15:19 38 would have been informed that she was being registered as
16:15:21 39 an informer based on assumption.
16:15:22 40
16:15:22 41 But as the system stood at the time you wouldn't have
16:15:26 42 registered a person without telling them I take
16:15:28 43 it?---Absolutely not, no.
16:15:30 44
16:15:30 45 Thank you. Nothing further.
16:15:31 46
16:15:31 47 COMMISSIONER: Ms Argiropoulos?

16:15:32 1
16:15:33 2 MS ARGIROPOULOS: I have no re-examination.
16:15:33 3
16:15:34 4 COMMISSIONER: Mr Nathwani, did you want to reserve your
16:15:36 5 right to cross-examine later or can I let the witness be
16:15:39 6 excused?
16:15:40 7
16:15:41 8 MR NATHWANI: I think he can be excused.
16:15:42 9
16:15:43 10 COMMISSIONER: Thank you Mr Nathwani. Thank you Mr Ashton,
16:15:45 11 you're excused, you're free to go.
16:15:48 12
13 (Witness excused.)
14
16:15:48 15 <(THE WITNESS WITHDREW)
16:15:48 16
16:15:49 17 COMMISSIONER: Probably no point starting another witness
16:15:51 18 now.
16:15:52 19
16:15:52 20 MR WINNEKE: No, Commissioner, no point - look, there's no
16:15:56 21 point.
16:15:57 22
16:15:57 23 COMMISSIONER: All right then.
16:15:59 24
16:16:00 25 MR WINNEKE: Unless you were desperate to keep going on a
16:16:03 26 Friday afternoon I think we're really not in a position to
16:16:06 27 call any further witnesses today in any event.
28
29 COMMISSIONER: Mr Collinson.
16:16:13 30 MR COLLINSON: Commissioner, in order to perhaps to avoid
16:16:15 31 some of the relative chaos this afternoon from Ms Gobbo's
16:16:21 32 counsel team, I know now who the witnesses are for Monday.
16:16:27 33
16:16:27 34 COMMISSIONER: You're ahead of me, I haven't been told yet.
16:16:30 35 I'll be told shortly.
16:16:32 36
16:16:33 37 MR COLLINSON: Apparently whenever we ask the Commission
16:16:36 38 for documents they say you need to ask the police and then
16:16:39 39 we bounce back and forth, but we simply need the documents
16:16:42 40 that the witnesses refer to in their witness statements.
16:16:45 41
16:16:46 42 COMMISSIONER: Yes.
16:16:46 43
16:16:47 44 MR COLLINSON: Before Monday so that we can participate
16:16:50 45 more efficiently.
16:16:52 46
16:16:52 47 COMMISSIONER: That's not an unreasonable request,

16:16:54 1 Mr Collinson. So who should be responsible, could we sort
16:16:58 2 that out now?
16:16:59 3
16:17:00 4 MR COLLINSON: It might be the Victoria Police. We don't
16:17:05 5 care who gives us the documents.
16:17:07 6
16:17:08 7 MR HOLT: I indicated earlier this afternoon once we were
16:17:13 8 able to provide the final redacted version to the Royal
16:17:16 9 Commission they agreed that they we would take the view of
16:17:17 10 providing it.
16:17:17 11
16:17:17 12 COMMISSIONER: I think it makes sense actually. If the
16:17:19 13 Commission is calling the witnesses I think they should
16:17:22 14 probably provide the material to Ms Gobbo's team.
16:17:27 15
16:17:27 16 MR WINNEKE: Commissioner, that's absolutely correct. Once
16:17:29 17 the material is provided in a form and we're informed about
16:17:33 18 the manner in which it can be provided certainly,
16:17:39 19 Commissioner, we will do so. There's been a degree of, I
16:17:44 20 wouldn't have said chaos, maybe, but nonetheless - can I
16:17:52 21 say this: there have been requests for a significant
16:17:55 22 number of statements, there's no doubt about that. Those
16:17:58 23 requests have been made for some time.
16:18:00 24
16:18:00 25 COMMISSIONER: To Victoria Police.
16:18:01 26
16:18:03 27 MR WINNEKE: To Victoria Police. We accept that there's a
16:18:05 28 lot of work to be done. We accept also that our learned
16:18:13 29 friends for Victoria Police are doing their best. It's our
16:18:15 30 expectation, Commissioner, that things will go smoothly,
16:18:21 31 it's our hope, and I would imagine that by Monday
16:18:25 32 Mr Collinson will have any notes or any documents that will
16:18:29 33 be relevant to his cross-examination of any witnesses.
16:18:33 34
16:18:33 35 COMMISSIONER: I think he'd like them before Monday.
16:18:36 36
16:18:37 37 MR WINNEKE: Certainly well before Monday he'll have them.
16:18:39 38
16:18:40 39 COMMISSIONER: Can you tell us what witnesses are going to
16:18:41 40 be called on Monday?
16:18:45 41
16:18:46 42 MR WOODS: I can, Commissioner.
16:18:47 43
16:18:48 44 MR HOLT: Might I approach my friend briefly?
16:18:51 45
16:18:51 46 COMMISSIONER: I hope that's not secret.
16:18:59 47

16:18:59 1 MR WOODS: I understand. I'm grateful to Mr Holt. There
16:19:03 2 will be Mr Arthur, Mr Argall, a Mr Blayney, and then four
16:19:16 3 other witnesses, the first of which there needs to be an
16:19:20 4 application made in relation to so I won't name. The other
16:19:23 5 three are Wolf, Segrave and Pope. Now some of those are
16:19:29 6 quite brief witnesses, as some of them have been today, so
16:19:33 7 it might be we can finish in a day or two.
16:19:36 8
16:19:37 9 COMMISSIONER: Yes, all right. So now, does everybody who
16:19:40 10 wants copies of those statements have them yet? You have
16:19:44 11 all those statements. Does the Commission have all those
16:19:50 12 statements yet?
16:19:51 13
16:19:51 14 MR WOODS: We don't have Pope.
16:19:54 15
16:19:55 16 MR HOLT: Just because it's the only time I'll be able to
16:19:57 17 say this, he's not our witness.
16:20:00 18
16:20:00 19 MR WOODS: That's correct, yes.
16:20:06 20
16:20:07 21 COMMISSIONER: You are blameless, Mr Holt.
16:20:08 22
16:20:09 23 MR HOLT: For a moment, Commissioner. I'll take it when I
16:20:12 24 can.
16:20:12 25
16:20:12 26 MR WOODS: Argall as well, he's otherwise represented and
16:20:15 27 we've been in contact with his counsel to let them know
16:20:19 28 when we expect him and that will now be Monday.
16:20:21 29
16:20:22 30 COMMISSIONER: There may or may not be statements from
16:20:25 31 those people?
16:20:25 32
16:20:25 33 MR WOODS: There is one from Mr Argall.
16:20:27 34
16:20:28 35 COMMISSIONER: There is a statement from Argall, I've seen
16:20:30 36 that one, yes. Mr Pope may not prepare a statement
16:20:33 37 beforehand?
16:20:34 38
16:20:35 39 MR WOODS: As we understand it he has some difficulty doing
16:20:37 40 so. He's indicated that he's got some difficulties in
16:20:44 41 doing so.
16:20:45 42
16:20:45 43 COMMISSIONER: He may come without a statement and just
16:20:48 44 give his evidence.
16:20:49 45
16:20:49 46 MR WOODS: He may, yes, that's right.
16:20:50 47

16:20:50 1 COMMISSIONER: Any material the Commission legal team has
16:20:54 2 will be provided to Mr Collinson. I don't know whether
16:21:01 3 anybody else wants it. Mr Chettle, you want it?
16:21:05 4
16:21:05 5 MR CHETTLE: Certainly Mr Pope I do, yes.
16:21:09 6
16:21:10 7 DR BUTTON: Commissioner, for the State of Victoria we
16:21:11 8 would likewise invite the Commission staff to, once the
16:21:13 9 document are available, to circulate them rather than put
16:21:17 10 them across the Bar table.
16:21:18 11
16:21:19 12 COMMISSIONER: Yes. It probably should be given to the DPP
16:21:20 13 as well I suppose. Everybody who has been given leave to
16:21:24 14 cross-examine on this aspect of things should have copies.
16:21:28 15 It may be that it will be sent electronically. That's
16:21:31 16 suitable to everybody? Yes.
16:21:35 17
16:21:35 18 MR WOODS: We expect that each of the statements of each of
16:21:38 19 these witnesses insofar as they're provided, and any
16:21:41 20 documents that they refer to and particular documents
16:21:44 21 Victoria Police have drawn our attention to most usefully
16:21:48 22 in relation to this period we'll be providing to all of
16:21:52 23 those at the Bar table unless Victoria Police tells us
16:21:54 24 otherwise.
16:21:55 25
16:21:55 26 COMMISSIONER: And that's if you have the documents.
16:21:57 27
16:21:57 28 MR WOODS: The ones we have.
16:21:59 29
30 COMMISSIONER: The ones you have.
31
16:22:00 32 MR CHETTLE: On the question of Mr Pope, Commissioner, you
16:22:02 33 may recall that I asked Mr Paterson whether or not
16:22:07 34 Mr Pope's diaries were available and he indicated that they
16:22:10 35 were and it would seem to me if Mr Pope is coming as a
16:22:14 36 witness it would be useful if Mr Pope's diaries could be
16:22:18 37 provided to the Commission.
16:22:19 38
16:22:20 39 MR HOLT: They have been provided.
16:22:22 40
16:22:22 41 MR CHETTLE: If they have, if they could be made available
16:22:25 42 at least to me.
16:22:27 43
16:22:27 44 COMMISSIONER: To everybody I guess. If the Commission
16:22:29 45 team has them they'll provide them to everybody before
16:22:32 46 Monday.
16:22:34 47

16:22:34 1 MR HOLT: We'll communicate with the Royal Commission about
16:22:37 2 the review of those documents and ensure the right version
16:22:39 3 is given. But I can confirm that the documents have been
16:22:44 4 received.

16:22:44 5
16:22:44 6 COMMISSIONER: We'll adjourn now until ten o'clock on
16:22:46 7 Monday.

16:23:24 8
16:24:05 9 ADJOURNED UNTIL MONDAY 1 APRIL 2019

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