

This document has been redacted for Public Interest Immunity claims made by Victoria Police.  
These claims are not yet resolved.

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria  
On Wednesday, 5 February 2020

Led by Commissioner:       The Honourable Margaret McMurdo AC

Also Present

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

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09:20:46 1 COMMISSIONER: This is an application concerning the manner  
09:20:49 2 in which certain aspects of Ms Gobbo's evidence can be  
09:20:54 3 given publicly. Mr Winneke, you're appearing I think with  
09:21:05 4 Mr Mukerjea.  
5  
09:21:07 6 MR WINNEKE: Yes.  
7  
09:21:07 8 COMMISSIONER: Mr Holt for Victoria Police. Ms Clark for  
09:21:16 9 [REDACTED].  
10  
09:21:18 11 MR HOLT: Commissioner, can I confirm, the indication was  
09:21:18 12 we'd be starting today in private.  
13  
09:21:27 14 COMMISSIONER: I'm just taking the appearances.  
09:21:31 15  
09:21:32 16 MR HOLT: It's just the name associated with - - -  
17  
09:21:34 18 COMMISSIONER: You want that name redacted?  
09:21:36 19  
09:21:36 20 MR HOLT: Yes.  
21  
09:21:37 22 COMMISSIONER: That name will go out, and out of any live  
09:21:39 23 stream. Ms Clark is appearing for a person. We've got  
09:21:44 24 appearances for DPP Mr Doyle, Commonwealth DPP  
09:21:49 25 Ms Haban-Beer, and Ms Martin for the ACIC and Mr Croft for  
09:21:57 26 the Herald and Weekly Times, Seven Network and Nationwide  
09:22:04 27 News.  
09:22:04 28  
09:22:05 29 MR NATHWANI: Sorry, Commissioner, I also have a passing  
09:22:08 30 interest in this.  
31  
09:22:09 32 COMMISSIONER: Mr Nathwani, you were right up the top and I  
09:22:11 33 missed you. How could I have done that?  
09:22:15 34  
09:22:16 35 MR NATHWANI: It's happened many times before.  
36  
09:22:18 37 COMMISSIONER: They're the appearances. Is it necessary to  
09:22:20 38 have the hearing in private, bearing in mind that I  
09:22:25 39 understand it's likely to be adjourned?  
40  
09:22:28 41 MR WINNEKE: Can I just say this: it may well be, for the  
09:22:30 42 purposes of a discussion that we're going to have for the  
09:22:33 43 next few minutes, there ought be a non-publication order as  
09:22:38 44 to this discussion for reasons which will become apparent  
09:22:42 45 during the course of the discussion. So that would be - I  
09:22:48 46 would submit that that would be appropriate.  
47

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09:22:51 1 COMMISSIONER: It shouldn't be streamed and issue a  
09:22:53 2 non-publication order?  
09:22:55 3  
09:22:55 4 MR WINNEKE: It shouldn't be streamed.  
5  
09:22:56 6 COMMISSIONER: Is there any problem with members of the  
09:22:58 7 public being here?  
09:22:59 8  
09:22:59 9 MR WINNEKE: I don't think so, Commissioner.  
09:23:03 10  
09:23:03 11 MR HOLT: If it's to be a private hearing it should be a  
09:23:06 12 private hearing. Obviously media to remain.  
13  
09:23:09 14 COMMISSIONER: So it should be a private hearing?  
09:23:11 15  
09:23:11 16 MR HOLT: Yes.  
17  
09:23:13 18 COMMISSIONER: Pursuant to s.24 of the Inquiries Act access  
19 to the inquiry during the directions hearing commencing at  
09:23:16 20 9.20 am is limited to legal representatives and staff  
09:23:18 21 assisting the Royal Commission, the following parties with  
09:23:20 22 leave to appear in the private hearing and their legal  
09:23:23 23 representatives: State of Victoria, Victoria Police,  
09:23:25 24 including Media Unit representatives, DPP and OPP, the  
09:23:30 25 CDDP, Ms Gobbo, SDU handlers, ACIC. The legal  
09:23:34 26 representatives of the following parties with leave to  
09:23:36 27 appear: The person represented by Ms Clark, Herald and  
09:23:53 28 Weekly Times, Seven Network and Nationwide News. Media  
09:23:54 29 representatives accredited by the Royal Commission are  
09:23:58 30 allowed to be present in the hearing room. The hearing is  
09:24:01 31 to be recorded but not streamed or broadcast. I think the  
09:24:07 32 suppression orders that are in place should be enough about  
09:24:09 33 non-publication.  
34  
09:24:12 35 MR WINNEKE: Yes, Commissioner.  
36  
09:24:13 37 COMMISSIONER: A copy of the order is to be posted on the  
09:24:16 38 door of the hearing room.  
39  
40 (IN CAMERA HEARING FOLLOWS)  
41  
42  
43  
44  
45  
46  
47

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1           UPON RESUMING IN OPEN HEARING:  
2  
10:00:01 3           COMMISSIONER: We're now in open hearing. The appearances  
10:00:04 4           are as they were yesterday. We seem to have the link but  
10:00:07 5           Ms Gobbo's just not there at the moment. We'll contact our  
10:00:16 6           person at the hearing room and see what's happening.  
10:00:19 7           Hopefully she's not far away. I was told she was there a  
10:00:28 8           few minutes ago.  
9  
10:00:41 10          You're right, Ms Gobbo? Sorry, I can't hear you. Are you  
10:00:44 11          muted at your end?---Sorry, Commissioner, yes.  
12  
10:00:47 13          That's great, thank you very much. We'll aim to have a  
10:00:50 14          break about 11.30 but if you need one earlier than that let  
10:00:56 15          me know, okay?---Thank you.  
16  
10:00:58 17          Thank you. Yes, Mr Winneke.  
10:01:00 18  
10:01:00 19          <NICOLA MAREE GOBBO, recalled:  
20  
10:01:05 21          MR WINNEKE: Thanks Commissioner. Ms Gobbo, I want to ask  
10:01:08 22          you about a sequence of events which commenced with the  
10:01:11 23          burglary on a house in Dublin Street in Oakleigh on Grand  
10:01:16 24          Final night in 2003. You know about those events?---Yes, I  
10:01:19 25          do.  
26  
10:01:21 27          During that evening did you receive a call from a person  
10:01:27 28          who you knew or had heard of before?---Yes, I did.  
29  
10:01:34 30          That person was called Haykel; is that right?---Jason.  
31  
10:01:40 32          Yeah, Jason. What did he tell you?---He wanted to know if  
10:01:49 33          - he wanted to know if I had heard anything about what had  
10:01:56 34          happened in relation to a burglary and/or people being  
10:02:03 35          arrested.  
36  
10:02:04 37          Right. Had you - - - ?---And he was - - -  
38  
10:02:10 39          Sorry?---And he was - I knew him to be a runner for Tony  
10:02:14 40          Mokbel so my understanding of why he was ringing was it  
10:02:17 41          would have been him ringing on behalf of or for Tony.  
42  
10:02:24 43          Your understanding, what, was based on the fact of your  
10:02:28 44          knowledge of the connection; is that right?---Yes, correct,  
10:02:30 45          and the only prior kind of contact I'd had with Jason was  
10:02:37 46          him being a kind of - almost like a servant for Tony. He  
10:02:44 47          would do all his running around and message delivering.

.05/02/20

13129

GOBBO XXN

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1  
10:02:47 2 Right. What did you - did he ask you to contact the police  
10:02:55 3 and find out, get some information; is that right?---I  
10:03:02 4 think he - I can't recall precisely what he said but it was  
10:03:05 5 in relation to whether or not I had heard what had happened  
10:03:09 6 in relation to a burglary, because I'd never heard of that  
10:03:13 7 house or the people before that night.  
8  
10:03:16 9 Yeah. Had you - did he mention any names at all save for  
10:03:22 10 mentioning the house or the fact that a burglary had been  
10:03:27 11 conducted?---I can't recall specifically now, sorry.  
12  
10:03:33 13 Is it the case that he suggested that you should contact  
10:03:35 14 the police and you said that that wouldn't be  
10:03:40 15 wise?---Um - - -  
16  
10:03:43 17 Something to that effect?---Yeah, I probably - I know I  
10:03:47 18 have been asked about this on a previous occasion. I think  
10:03:54 19 my memory was probably better then and I've probably got -  
10:03:56 20 there are probably notes in my court book about this.  
21  
10:03:59 22 Yes. In any event, you'd say, look, whatever notes you'd  
10:04:02 23 taken, whatever you've said before is probably  
10:04:05 24 right?---Correct. My memory would have been better about  
10:04:08 25 the specifics of what he asked and what I've written down  
10:04:12 26 is most likely more accurate than me - - -  
27  
10:04:19 28 In any event, it appears that there had been a pill  
10:04:22 29 operation going on in that house. The house had been the  
10:04:24 30 subject of observation by the MDID by a team of detectives  
10:04:31 31 led by Paul Dale, with whom David Miechel worked, is that  
10:04:39 32 your understanding?---Yes, later on that all became  
10:04:42 33 apparent, yes.  
34  
10:04:43 35 At some stage it became apparent later on in the day that,  
10:04:47 36 or in the days thereafter, that the burglary had been  
10:04:50 37 committed by Terry Hodson and David Miechel?---Yes.  
38  
10:04:55 39 During that evening, or indeed in the morning, did you get  
10:04:58 40 a call from Paul Dale?---Yes, I did, in relation to a  
10:05:04 41 number of people that he had arrested who had apparently  
10:05:07 42 asked to speak to me.  
43  
10:05:09 44 Right?---You knew Dale before because I think you'd been  
10:05:14 45 involved in matters where he was either the informant or  
10:05:18 46 was the detective who'd been investigating these matters;  
10:05:24 47 is that right?---Yes, he was from the crew with the Drug

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10:05:28 1 Squad that was, I understood to be in charge of MDMA and  
10:05:35 2 amphetamine, and I'd done a number of bail applications in  
10:05:40 3 which he was involved.  
4

10:05:42 5 And you'd cross-examined him and - on one occasion I think  
10:05:47 6 the previous year - there'd been a sort of an antagonist  
10:06:01 7 cross-examination of him, is that right?---That would be an  
10:06:03 8 understatement, yes.  
9

10:06:05 10 And I think there'd been press reporting about him and  
10:06:05 11 matters had been put to him and it was suggested that he  
10:06:08 12 was over-egging his case on the bail application; is that  
10:06:11 13 right?---Yes. Yes, he was - I think from memory there was  
10:06:14 14 a reference to him being less than honest and forthcoming  
10:06:20 15 and I had a number of arguments with him in relation to the  
10:06:24 16 production of material prior to a committal proceeding or  
10:06:28 17 pursuant to witness summonses for production.  
18

10:06:32 19 And in any event, he calls you in the morning and he puts  
10:06:36 20 in touch, or at least he puts some people on the telephone,  
10:06:40 21 and over the course of the morning I think you speak to  
10:06:44 22 three people, Azzam Ahmed, Colleen O'Reilly and Abbey  
10:06:53 23 Haynes; is that right?---Yes.  
24

10:06:55 25 You went on to represent each of those people?---Yes.  
26

10:07:00 27 Did you advise each of those people, provide legal advice  
10:07:04 28 to each of those people?---At different times, yes. So in  
10:07:12 29 relation to Colleen and Abbey my principal involvement was  
10:07:21 30 in bail applications.  
31

10:07:22 32 Yes?---And the - but the overriding instructions from the  
10:07:29 33 principal offender, Ahmed, was to protect the girls. I  
10:07:37 34 later understood both of them to be significant to him for  
10:07:40 35 different reasons.  
36

10:07:41 37 Yes?---And then I was Con Heliotis' junior in relation to  
10:07:47 38 his application.  
39

10:07:47 40 For bail?---And then down - yes, and then down the track  
10:07:52 41 Abbey sought my advice on a number of occasions about  
10:07:57 42 options that she had available to her because she did not  
10:08:01 43 want to go to prison.  
44

10:08:03 45 One of those options was to implicate Azzam  
10:08:09 46 Ahmed?---Correct.  
47

.05/02/20

13131

GOBBO XXN

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10:08:09 1 And you felt that it was appropriate to advise her in that  
10:08:13 2 regard having already acted for Azzam Ahmed?---Subject to  
10:08:16 3 speaking to both of them, yes.  
4

10:08:17 5 And what, you spoke to Mr Ahmed and said, "Look, I'm going  
10:08:22 6 to advise Abbey Haynes to implicate you"; is that right?---  
10:08:27 7 Not in those words, but yes.  
8

10:08:29 9 You didn't think you were in a conflicted situation and it  
10:08:32 10 wouldn't be possible for you to act for either or both of  
10:08:36 11 them?---Absolutely there's an obvious conflict, unless  
10:08:39 12 there's no objection by both parties and they've got other  
10:08:44 13 advice, which both of them had, from solicitors.  
14

10:08:47 15 You'd have to be fully open and frank with each of them and  
10:08:52 16 tell them what the situation was and explain to them the  
10:08:55 17 difficulty that you were in before you went on and  
10:08:58 18 continued to act for both of them, wouldn't you?---Correct.  
19

10:09:01 20 And at the very least you would say, "Look, I certainly  
10:09:05 21 didn't ask Mr Ahmed if he felt that it was okay for me to  
10:09:11 22 advise Ms Haynes", in the way in which you were suggesting  
10:09:17 23 she should act, that is by making a statement against  
10:09:20 24 him?---Well he had an absolute belief that no matter what  
10:09:23 25 anyone said to her she would never do that, she would never  
10:09:26 26 take up that option.  
27

10:09:28 28 Yes?---Because she had - I think from memory she was  
10:09:33 29 represented initially by Jim Valos and then she went to  
10:09:38 30 David Grace.  
31

10:09:40 32 Right. Did you seek to get a ruling from the Ethics  
10:09:45 33 Committee at the Bar as to whether it was appropriate to  
10:09:51 34 continue acting or not?---No, not on that occasion.  
35

10:09:54 36 Did you know of the existence of the Ethics  
10:09:56 37 Committee?---Um, yes, I'd been referred to it in relation  
10:09:58 38 to another client at one stage.  
39

10:10:04 40 Right. Do you think it would have been appropriate to get  
10:10:07 41 an advice from the Ethics Committee?---Oh, in hindsight,  
10:10:12 42 yes. In hindsight there's a lot of things that I would  
10:10:16 43 have done differently.  
44

10:10:17 45 In addition to that it became apparent to you fairly soon  
10:10:21 46 afterwards that the Ethical Standards Division were  
10:10:26 47 interested in the conduct of the police who'd been

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10:10:31 1 involved, that is, firstly, Mr Miechel and, secondly,  
10:10:34 2 Mr Dale?---Yes, um, there were media reports fairly soon  
10:10:39 3 after in relation to Miechel.  
4  
10:10:42 5 Yes?---And I had a very - I had a very dim view of him for  
10:10:47 6 a number of reasons.  
7  
10:10:50 8 Regardless of whether you had a dim view of him, did you  
10:10:52 9 know that ESD was involved and were investigating  
10:10:57 10 him?---Yes, over the next - over the next weeks it became  
10:11:00 11 apparent and I obviously had other information by way of  
10:11:05 12 instructions.  
13  
10:11:13 14 You received a telephone call from a Mr De Santo; is that  
10:11:19 15 right?---Yes, at some - yes, I did.  
16  
10:11:23 17 Was that out of the blue, that call from Mr De Santo, as  
10:11:26 18 far as you can recall?---Yes, it was.  
19  
10:11:28 20 And he had been aware that you had previously acted for  
10:11:32 21 Andrew Hodson; is that right?---Yes, because Andrew had  
10:11:37 22 obtained bail when the Ceja Task Force, which De Santo was  
10:11:43 23 involved in, we'd been called to courts to confirm that,  
10:11:49 24 the indefinite delay with regard to major Drug Squad  
10:11:54 25 prosecutions.  
26  
10:11:57 27 He asked you if you could use him - he contacted you  
10:12:03 28 because of your knowledge of Andrew, with the hope that you  
10:12:05 29 might be able to put him in touch with Terry  
10:12:09 30 Hodson?---That's correct.  
31  
10:12:11 32 At that stage you were aware that Terry Hodson was an  
10:12:15 33 informer?---Yes, I was. It was a well-known - - -  
34  
10:12:21 35 Well, as far as you were concerned he was an informer and  
10:12:25 36 you'd worked that out during the course of acting for other  
10:12:28 37 people on behalf of - well, I think to a particular -  
10:12:36 38 Pidoto, a fellow called Pidoto, another one called Waheed;  
10:12:44 39 is that right?---Yes, it had been revealed in police diary  
10:12:47 40 notes extensively the year before.  
41  
10:12:50 42 There's been evidence that you had a discussion with  
10:12:52 43 Mr Miechel about that. In discussion during the course of  
10:12:54 44 a hearing in effect you and he had - or you confirmed with  
10:12:57 45 him or you said to him, "Look, I know who your informer  
10:13:01 46 is"?---Correct, because it was in his diary notes.  
47

.05/02/20

13133

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10:13:04 1 I think you say that you'd had a discussion with Tony  
10:13:07 2 Mokbel in about 2002 and he'd said to you that Hodson was  
10:13:12 3 an informer?---Correct.  
4  
10:13:17 5 You met with Mr Hodson and his son Andrew at the Celtic  
10:13:26 6 Club; is that right?---Yes.  
7  
10:13:28 8 You had a discussion with them?---Yes.  
9  
10:13:36 10 Did you think that that was appropriate given that you were  
10:13:39 11 acting for the people who were charged with Operation  
10:13:45 12 Gallop offences, that is the people who were allegedly in  
10:13:50 13 control of the drug operation which Mr Hodson had allegedly  
10:13:54 14 burgled?---Over time that became apparent but when I first  
10:14:00 15 sat down with Terry that day I didn't know - I didn't know  
10:14:10 16 what I learnt in the days and weeks to come.  
17  
10:14:13 18 I think - don't you suggest, or haven't you suggested  
10:14:17 19 before, that on the first occasion that you met him he  
10:14:20 20 suggested to you that police had been involved in this  
10:14:24 21 burglary?---Terry, yes.  
22  
10:14:29 23 Yes. So it would have been apparent to you from the very  
10:14:32 24 outset that the police, who were in effect charging the  
10:14:38 25 clients who you were acting for, were said to have been  
10:14:42 26 involved in the burglary?---Yes. Sorry, I thought you  
10:14:45 27 meant Andrew, but yes, that's correct.  
28  
10:14:50 29 Did you feel as if it was appropriate to provide advice or  
10:14:54 30 even have discussions with Mr Hodson about these  
10:14:57 31 matters?---Well he - no, but he wasn't contacting me for  
10:15:04 32 that reason. He was seeking, he made it clear he was  
10:15:07 33 seeking advice over what he should do in anticipation of  
10:15:12 34 being arrested and needing to show exceptional  
10:15:15 35 circumstances for bail.  
36  
10:15:18 37 Did you suggest to him that what he really ought to do was  
10:15:21 38 to go and speak to a legal practitioner other than  
10:15:24 39 yourself?---I did, and he - I did. In fact he ends up, or  
10:15:30 40 the next meeting I think Andrew's solicitor, Andrew's then  
10:15:35 41 solicitor, which was Jim Valos, came and met with us.  
42  
10:15:41 43 Right. Why would you even consider meeting with him?  
10:15:47 44 Given that your acting for other people and you're  
10:15:50 45 receiving instructions from the other people, how could it  
10:15:53 46 even be appropriate to meet with him?---Well in retrospect  
10:15:57 47 I shouldn't have but it was partly because of Mr De Santo

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10:16:04 1 and me wanting to, I suppose, wanting to - - -  
2  
10:16:10 3 Wanting to help police?---Well wanting to help him, yes.  
4  
10:16:20 5 You wanted to help Mr De Santo, is that what you're  
10:16:23 6 saying?---Yes.  
7  
10:16:28 8 Isn't your interest, your first responsibility, to your  
10:16:30 9 clients, not to the police?---Yes, correct.  
10:16:42 10  
10:16:42 11 Do you believe that you acted inappropriately?---Looking  
10:16:44 12 back there was, there were a lot of things that were, um,  
10:16:47 13 that were, um, at best confused, um, and at worst, yes,  
10:16:54 14 totally inappropriate.  
15  
10:16:55 16 On any view, Ms Gobbo, you're prepared to concede that  
10:16:59 17 you're - and I'm going to come to Mr Dale in a moment, but  
10:17:03 18 on any view your continued involvement with all of these  
10:17:06 19 characters in this transaction was, for a barrister,  
10:17:09 20 absolutely wrong?---Yes, and I was also wrong because I was  
10:17:17 21 doing the solicitor's job as well as a barrister, which I  
10:17:21 22 shouldn't have been doing.  
23  
10:17:23 24 Well, another reason?---Yes, I agree with that.  
25  
10:17:25 26 Did you know it was wrong at the time?---Um, yes, of course  
10:17:31 27 I did.  
28  
10:17:32 29 Well why did you continue to do it?---Well, I mean I, I, I  
10:17:38 30 don't want to come across as making excuses, but where my  
10:17:44 31 mind was then, um, was obviously quite different to where I  
10:17:50 32 can look, how I can look at it from this point in my life.  
33  
10:17:55 34 Where was your mind then? I mean you'd studied law, you'd  
10:18:00 35 studied ethics, you'd done very well, you knew about what  
10:18:03 36 was ethically right and ethically wrong; that's right,  
10:18:08 37 isn't it?---Yes, of course.  
38  
10:18:09 39 So what is the explanation? Was it a desire to help the  
10:18:12 40 police?---Well it was a combination, I think. It was a  
10:18:16 41 desire to want to, um, help Mr De Santo and to - you know,  
10:18:24 42 I know it sounds pathetic, but to live up to what I thought  
10:18:30 43 his expectations were of me and the pressure that he had, I  
10:18:33 44 felt, that he had put on me, whether that's right or wrong,  
10:18:36 45 that's the way I felt. I was also being pushed in the  
10:18:40 46 background by Tony Mokbel, who wanted to find out what, as  
10:18:43 47 much as he could about what police did and didn't know,

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10:18:47 1 because initially I didn't know it was his operation, but I  
10:18:51 2 learned that over time. Um, he wanted to know how much the  
10:18:56 3 police knew, um, Dale wanted to know if Tony wanted to kill  
10:19:00 4 him because he'd burgled a place that belonged to Tony.  
10:19:07 5 Um, so, yeah, it was all - there was - I felt pressure from  
10:19:12 6 all around and, you're right, I should have walked away  
10:19:16 7 from all of them.

8

10:19:17 9 Look, the reality is you weren't operating as a legal  
10:19:20 10 practitioner, you weren't operating as a barrister, you  
10:19:23 11 were operating as an accumulator of information either for  
10:19:27 12 yourself or for other people, isn't that the  
10:19:33 13 situation?---Yeah, I can't disagree with that.

14

10:19:39 15 If you wanted to, or if you were concerned about the  
10:19:42 16 position that you were in, there were people who you could  
10:19:45 17 have spoken to, surely?---You know, I have looked back over  
10:19:53 18 that period of time and I was, as - once I became an  
10:19:59 19 informer, as to who I could have gone to and I didn't feel  
10:20:02 20 that there was anyone who, in whom I could trust to not say  
10:20:11 21 anything to anybody else.

22

10:20:11 23 Ms Gobbo, you weren't - well, at this stage you weren't a  
10:20:16 24 registered informer. We're talking about - - - ?---I know,  
10:20:18 25 we're talking about the year - - -

26

10:20:21 27 2003, two years prior to becoming a registered informer,  
10:20:24 28 albeit you'd been an informer on previous occasions. I  
10:20:29 29 mean you say, "Look, perhaps I'm making excuses". It does  
10:20:36 30 sound like that, with respect. You knew what you were  
10:20:39 31 doing was wrong?---Yeah, but I'm not trying to make excuses  
10:20:44 32 and I don't want to come across that way. You know,  
10:20:48 33 emotionally where was my head? Completely different to  
10:20:52 34 where it is now.

35

10:20:53 36 Yeah?---Could I see my way through the - it's not a good  
10:20:58 37 expression to use, but could I see my way out of the forest  
10:21:03 38 through the trees back then? No, I couldn't. And was I  
10:21:07 39 accumulating information and, um, and on one level trying  
10:21:14 40 to impress people around me? Yes, I was.

41

10:21:18 42 It does appear to be that you were very keen to have as  
10:21:21 43 much information as you could and tell the next person  
10:21:24 44 about how much information you had?---Yes, that's a fair  
10:21:32 45 statement.

46

10:21:32 47 Regardless of your obligations, your professional

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10:21:35 1 obligations as a barrister?  
10:21:49 2  
10:21:49 3 COMMISSIONER: That's probably comment. Perhaps move on.  
4  
10:21:53 5 MR WINNEKE: All right. Mr Dale contacted you I think in  
10:22:03 6 the weeks that followed and you met with him on 9 October;  
10:22:08 7 is that right?---Yes.  
8  
10:22:10 9 You met with him at O'Connell's, a hotel in South  
10:22:15 10 Melbourne?---Yes, that's correct.  
11  
10:22:16 12 Had you met with him before, out of the court setting, or  
10:22:22 13 not?---No.  
14  
10:22:26 15 Did you understand that he wanted some advice from  
10:22:33 16 you?---Um, I'm pretty sure that he had - by that stage he  
10:22:43 17 had - I can't remember whether he'd been suspended or not  
10:22:47 18 by then but he, and I can't recall specifically what had  
10:22:52 19 been spoken about in the media, but he was concerned - we  
10:22:57 20 must have had a conversation about him being concerned  
10:23:01 21 about being charged in a conspiracy because I can remember  
10:23:05 22 taking him a photocopy of Tripodi and Ahern.  
23  
10:23:09 24 And you were sitting in the hotel with these cases when he  
10:23:13 25 arrived?---Yeah, I was highlighting them. I can remember  
10:23:16 26 having a yellow highlighter.  
27  
10:23:18 28 So it was - all right. It was apparent to you that he  
10:23:24 29 wanted your legal advice about the position that he might  
10:23:26 30 be in?---Yes.  
31  
10:23:29 32 You understood that at that stage there were investigations  
10:23:35 33 into the police and the suggestion that they'd been  
10:23:37 34 associated, that is Miechel and Dale had been associated  
10:23:39 35 with Hodson in the burglary, so not just Miechel and  
10:23:43 36 Hodson, but perhaps Dale also?---That was what had been  
10:23:50 37 speculated in the media and, of course, Dale was very fast  
10:23:52 38 to assure me that that wasn't the case.  
39  
10:24:01 40 So it would have been quite clear to you at that stage that  
10:24:06 41 for you to provide legal advice to Mr Dale, which is quite  
10:24:10 42 apparently what he wanted - well, I'll ask you that  
10:24:16 43 question. Was it apparent to you that he wanted your legal  
10:24:20 44 advice?---No, he wanted information, not legal - he did  
10:24:26 45 want to know how, what police would have to prove or what  
10:24:30 46 the prosecutors would have to prove to be able to charge  
10:24:32 47 him with conspiracy, but most of all he wanted information.

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1  
10:24:37 2 Yeah. Well, you had with you a case concerning the law of  
10:24:42 3 conspiracy and you must have had an idea when you went down  
10:24:48 4 there that he was wanting advice about that, about that  
10:24:52 5 issue, that legal issue?---Yes, that was what was - that  
10:24:57 6 was what was initially spoken about, yes.  
7  
10:25:02 8 Again, I take it you would accept, and without wanting to  
10:25:05 9 labour this point, for you to do that, for you to meet with  
10:25:09 10 him was completely wrong as far as your role as an officer  
10:25:14 11 of the court, do you accept that?---Yes, I do. If you're -  
10:25:25 12 if in fact it's simply him saying, "All I want is legal  
10:25:29 13 advice", yes, it is wrong.  
14  
10:25:32 15 In any case, Ms Gobbo, you've acted for people he's  
10:25:36 16 charged, or at least his team's charged, you've been  
10:25:39 17 involved with Hodson, you've been involved with De Santo,  
10:25:43 18 who's potentially investigating Dale, for you to go down  
10:25:46 19 and start speaking to him was just beyond the pale, can I  
10:25:51 20 suggest?---Yeah, I guess in retrospect I saw it was a way  
10:25:56 21 of - well, first of all I didn't necessarily think he  
10:26:00 22 simply wanted to get a photocopy of a court case, and I  
10:26:03 23 think I thought that I would be able to get information out  
10:26:06 24 of him that would assist those people for whom I was  
10:26:10 25 acting.  
26  
10:26:13 27 Or Mr De Santo?---Yes, and I concede that's the wrong  
10:26:17 28 motivation.  
29  
10:26:19 30 All right. Now, Ms Gobbo, you had a fair bit to drink that  
10:26:29 31 night and you slept with Dale that night or he stayed with  
10:26:33 32 you?---I was blind, blind drunk to the point of literally  
10:26:39 33 blacking out.  
34  
10:26:43 35 All right?---For the second time in my entire life.  
36  
10:26:53 37 You met with - I think I discussed with you yesterday you  
10:27:01 38 met De Santo at the races on Derby Day of that year, 2003,  
10:27:06 39 and you made some comment to him about Dale probably  
10:27:11 40 wanting legal advice or something to that effect; is that  
10:27:15 41 right?---Um, I can't - I think I said to you yesterday I  
10:27:21 42 can't recall specifically being at the races on that day in  
10:27:24 43 that year but I wouldn't dispute it because in those years,  
10:27:29 44 up until 2003, I would have been at the races, but from 04  
10:27:35 45 onwards I wouldn't have been.  
46  
10:27:36 47 I think you met with Dale again in October, is that right?

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10:27:44 1 It might have even been prior to the Derby Day. But you  
10:27:49 2 met him on a couple of occasions I think in October of  
10:27:54 3 2003?---Yes.  
4  
10:27:55 5 You went overseas for a period of time, I think to Bali  
10:28:00 6 around that time?---Um, no, Thailand. But I did.  
7  
10:28:05 8 You had discussions with Mr Dale about a telephone that he  
10:28:09 9 could use to be in communication with you which might not  
10:28:13 10 be his regular phone; is that right?---Yes, he was  
10:28:17 11 absolutely paranoid and his belief was that my telephone  
10:28:22 12 was being intercepted by police.  
13  
10:28:25 14 I think you made a suggestion that a particular phone  
10:28:30 15 [REDACTED], [REDACTED] phone, would be a useful phone for him to  
10:28:34 16 have?---I can't recall if I said an [REDACTED] phone but I had  
10:28:40 17 access to other phones that were prepaid so - I'm not  
10:28:47 18 disputing what you're saying, I just can't remember saying  
10:28:52 19 anything specific about [REDACTED] to him.  
20  
10:28:55 21 Did you at that stage - I think I discussed with you  
10:28:59 22 yesterday the person who's previously been described as one  
10:29:05 23 of the [REDACTED]. You know who I'm talking  
10:29:12 24 about?---Yes.  
25  
10:29:12 26 Who assisted you with your [REDACTED] and telephones?---Yes.  
27  
10:29:17 28 Did he work for a [REDACTED]?---Yes. Either he did  
10:29:20 29 or [REDACTED] did.  
30  
10:29:22 31 Right. He gave you phones, and we discussed this  
10:29:25 32 yesterday, phones which weren't registered in your name and  
10:29:29 33 you used them for the reasons that you explained  
10:29:31 34 yesterday?---Correct, and I've given evidence about that  
10:29:35 35 before, yes.  
36  
10:29:36 37 And you suggested that Dale perhaps ought to have one of  
10:29:41 38 these phones and you could communicate with him in the same  
10:29:44 39 sort of way?---I don't - I don't recall me suggesting that  
10:29:47 40 to him. My recollection is that he had - that he had an  
10:29:54 41 alternative phone number, or he had alternative phone  
10:29:58 42 numbers and email addresses.  
43  
10:30:00 44 In any event, you did have discussions with him and I think  
10:30:03 45 you also had discussions with a person who I've mentioned  
10:30:06 46 yesterday, Timothy Argall; is that right?---Yes.  
47

.05/02/20

13139

GOBBO XXN

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10:30:12 1 I'm not going to go into detail about all that because it's  
10:30:16 2 been dealt with elsewhere, but what did continue to do was  
10:30:20 3 to communicate with Dale up until the time that he was  
10:30:23 4 arrested on 5 December 2003?---Yes, he rang me when he was  
10:30:30 5 arrested.

6  
10:30:32 7 I think you gave him - he rang you when he was being  
10:30:37 8 interviewed; is that right?---Yes, I think he, um, after he  
10:30:45 9 was cautioned he tried to ring Tony Hargreaves and  
10:30:49 10 couldn't, couldn't get through to him, so he spoke to me  
10:30:51 11 and then I rang Tony.

12  
10:30:53 13 Did you give him some advice?---I would have.

14  
10:30:58 15 Some legal advice?---Yes, I would have.

16  
10:31:00 17 Yeah, all right. As to how to approach the process that he  
10:31:05 18 was facing in the short-term?---Yeah, I don't want to - I'm  
10:31:10 19 not trying to be difficult but I can't, I can't recall  
10:31:15 20 specifically what I said, but I mean I highly doubt that  
10:31:18 21 he, in his position, would have needed to ask anything  
10:31:21 22 specific about what to say or do.

23  
10:31:24 24 In any event he was offered - do you accept this  
10:31:27 25 proposition, that he rang you in your capacity as a  
10:31:31 26 lawyer?---Yes.

27  
10:31:40 28 You visited him when he was in custody I think on two  
10:31:44 29 occasions?---Yes, correct.

30  
10:31:48 31 And on one of the occasions he gave you some notes; is that  
10:31:56 32 right?---Yes. I took notes and he gave me some, yes.

33  
10:32:01 34 Were those notes, I'm not going to - well, were those notes  
10:32:05 35 with respect to the matters that he had been charged  
10:32:10 36 with?---Um, no. They were, my memory is they were about  
10:32:15 37 all the operations in which Hodson was involved.

38  
10:32:19 39 Right. What did you do with those notes?---Um, made a copy  
10:32:28 40 and gave them to his solicitor, as he requested.

41  
10:32:32 42 So he requested you, having given you those notes, to  
10:32:35 43 provide them to Tony Hargreaves, who was his solicitor; is  
10:32:41 44 that right?---Yes, well he became his solicitor, that's  
10:32:43 45 right.

46  
10:32:45 47 Did he ask you to take a copy of the notes and keep a copy

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10:32:52 1 yourself?---Yeah, he said to use them for anyone that - for  
10:33:00 2 anyone that they may assist because they related to Hodson  
10:33:05 3 being an informer and Hodson's role.  
4  
10:33:08 5 Were they instructions, his instructions to his  
10:33:15 6 solicitor?---You mean the content of the notes?  
7  
10:33:18 8 Well, yeah?---Or him handing them to me?  
9  
10:33:22 10 No, the content of the notes. Were they matters that he  
10:33:25 11 wanted you to give to his lawyer because, for whatever  
10:33:29 12 reason, he felt that it was appropriate for his lawyer to  
10:33:32 13 have them?---Yes, in terms of being able to, to attack, um,  
10:33:39 14 Hodson's credibility down the track, yes.  
15  
10:33:41 16 One assumes that at that stage - well, I withdraw that.  
10:33:48 17 Did you keep notes of your discussion with Mr Dale?---I  
10:33:53 18 think I made notes in my court book, yes.  
19  
10:33:56 20 What you say is that the notes were with a view to  
10:34:01 21 attacking the credibility of Hodson?---Yes, my best memory  
10:34:08 22 of the content of those pages is that they were operation  
10:34:14 23 by operation, as in Drug Squad operation, and they were - a  
10:34:22 24 number that I'd been involved in in terms of getting bail  
10:34:25 25 for each of the major accused, and they all involved  
10:34:28 26 Hodson.  
27  
10:34:29 28 Yeah, all right?---And ultimately I kept those - I kept  
10:34:36 29 those notes. Sorry, I kept a copy of those notes. I don't  
10:34:41 30 think they were of any use whatsoever. And years,  
10:34:45 31 obviously years later when the Petra Task Force were  
10:34:49 32 talking to me, um, and seeking a witness statement, um, I  
10:34:56 33 remembered that I had notes and they asked for them, um,  
10:35:01 34 and after some, um, reluctance on my part, I was, um, and  
10:35:08 35 again I shouldn't have done it, but I was convinced, um, to  
10:35:11 36 hand them over.  
37  
10:35:12 38 Convinced by whom?---Um, I can't remember if it was, um,  
10:35:23 39 Sol Solomon and Cameron Davey and Shane, um - oh, sorry, I  
10:35:32 40 just can't think of his surname.  
41  
10:35:34 42 O'Connell?---Yes, sorry. Thank you.  
43  
10:35:37 44 You'd previously given them to your handlers at the SDU; is  
10:35:42 45 that right?---It was for them to give to them, yes.  
46  
10:35:46 47 You say you understood it was very wrong to do so?---In -



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10:35:52 1 yes, yes.  
2  
10:35:53 3 Did you understand at the time that it was very wrong to do  
10:35:55 4 so?---Yes, I can remember sitting there and thinking that,  
10:35:59 5 you know, that it is wholly inappropriate and then  
10:36:07 6 encouraging, and I'm not saying - again, please don't think  
10:36:10 7 that I'm saying this as some excuse, I simply want to point  
10:36:13 8 out that it wasn't me saying, "I've got them and you - I  
10:36:18 9 shouldn't hand them over and you can't have them". There  
10:36:22 10 was a lot of, um, encouragement and requests by them to  
10:36:25 11 have them.  
12  
10:36:27 13 All right?---But ultimately I shouldn't have.  
14  
10:36:31 15 You accept that. And you accept that you knew at the time  
10:36:35 16 that you shouldn't have handed them over because as far as  
10:36:37 17 you were aware they'd been provided to you in the belief  
10:36:40 18 that you were either a lawyer or going to provide them to  
10:36:42 19 Mr Dale's lawyer?---Yes, and for the other purpose that I  
10:36:45 20 mentioned, correct.  
21  
10:36:53 22 Do you think your keeping these notes was a part of your  
10:36:57 23 desire to accumulate information just generally, to be the  
10:37:02 24 repository of information?---Um, partly that and partly not  
10:37:08 25 knowing whether they might come in handy at some point. I  
10:37:13 26 - over time I accumulated an enormous amount of Drug Squad  
10:37:20 27 operations and chronologies that I put in my computer and  
10:37:24 28 eventually I could match up, you know, the top of the tree  
10:37:28 29 in one operation would be the bottom of the tree in another  
10:37:33 30 operation.  
31  
10:37:39 32 Ultimately you continued to communicate with Mr Dale after  
10:37:45 33 he was released on bail I think around the middle of  
10:37:47 34 December 2003?---Yeah, I'm not sure, um, when he was  
10:37:54 35 released but I know that - um, I know that he - I must have  
10:38:01 36 had some contact either with him or, um, either directly or  
10:38:08 37 indirectly because I was invited to his get out of gaol  
10:38:14 38 welcome home party, which I didn't attend, and then going  
10:38:17 39 forward into the next year, um, he was - we reached an  
10:38:24 40 agreement where he would provide copies of statements from  
10:38:29 41 his brief of evidence, because his brief was coming from  
10:38:32 42 ESD, and conversely the statements that were received in  
10:38:39 43 relation to the three accused from the house.  
44  
10:38:42 45 Yes?---Which were being prepared by the MDID.  
46  
10:38:46 47 Yes?---Were being shared with him.

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1  
10:38:49 2 Again, utterly inappropriate?---Um, well, yes, except that  
10:38:55 3 they'd all given permission, but yes.  
4  
10:38:58 5 Well permission - what, who gave you permission?--Well the  
10:39:04 6 solicitor for Ahmed, um, O'Reilly and Haynes was the  
10:39:13 7 recipient of the documents and the copier of the documents  
10:39:18 8 and he was, he was fully aware of and in agreement with  
10:39:28 9 that course of action.  
10  
10:39:30 11 Yes?---And as was Dale's solicitor.  
12  
10:39:35 13 Ms Gobbo, you yourself understood that your position in  
10:39:40 14 this was untenable and what you were doing was improper, do  
10:39:46 15 you accept that proposition?---I do, and I think that, um,  
10:39:50 16 going forward, that part of what the reasons why what  
10:39:56 17 happened and what put me on the path that I ended up on in  
10:40:02 18 2005 is because of being so, so far off the right track and  
10:40:13 19 out of my depth in - and out of control in 2004.  
20  
10:40:20 21 Yeah?---Sorry, 2003, 2004.  
22  
10:40:22 23 Yes. Did you meet with Mr De Santo in January of 2004, on  
10:40:31 24 20 January 2004, and provide him with information in  
10:40:35 25 relation to a number of matters?---I don't have a specific  
10:40:42 26 memory of it but, um, yes, I would have.  
27  
10:40:49 28 You would have met with him?---Yes. Sorry, I'm assuming  
10:40:54 29 that there's some confirmation that I did by way of his  
10:40:59 30 statement or some evidence, so I'm not arguing that I  
10:41:03 31 didn't. All I'm saying is I don't have a specific memory  
10:41:06 32 of it.  
33  
10:41:08 34 We've got evidence that you had a meeting with Mr De Santo  
10:41:17 35 on about, or around the latter part of January of 2004, and  
10:41:23 36 provided information concerning a number of matters, one of  
10:41:34 37 which was a suggestion that you made to him that Mr Dale -  
10:41:41 38 there was \$500,000 taken by Dale and others prior to the  
10:41:46 39 ESD arrival?---Yes.  
40  
10:41:55 41 In any event, so information that you had gleaned from your  
10:42:00 42 examination or from your discussions with either Azzam  
10:42:05 43 Ahmed, Colleen O'Reilly, Abbey Haynes or Paul Dale or  
10:42:09 44 someone else, do you know?---I can't, I can't recall  
10:42:14 45 specifically. I don't even know whether I would have had,  
10:42:19 46 um, the - any part of the hand-up brief of evidence by then  
10:42:24 47 or whether it came out of the summary, but it was evident

.05/02/20

13143

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10:42:27 1 from the beginning that there was drugs and money missing.  
2  
10:42:30 3 There's also discussions with you talking to him about a  
10:42:33 4 matter of McCabe which was a matter, a police officer  
10:42:38 5 Mr De Santo was interested; is that right?---Yes, the name  
10:42:43 6 Jimmy McCabe rings a bell.  
7  
10:42:46 8 A person who was subsequently prosecuted I think by ESD, is  
10:42:50 9 that right, do you recall providing that sort of  
10:42:52 10 information?---I just recall the name. Sorry, I can't  
10:42:55 11 remember the detail of him.  
12  
10:42:58 13 Yes?---Was he a - I think - the best I can remember of him  
10:43:04 14 was he was some mad gambler.  
15  
10:43:07 16 Did you also provide information in relation to the person  
10:43:11 17 I think yesterday I described as the PII [REDACTED] in  
10:43:17 18 the matters against Waters and others?---Sorry, can you  
10:43:21 19 just say that again?  
20  
10:43:23 21 Yeah. You recall I - I mentioned yesterday a PII [REDACTED]  
10:43:49 22 [REDACTED] who was a co-accused with a number of [REDACTED]  
10:43:53 23 [REDACTED]. I'm not going to ask you the names, I've  
10:43:56 24 mentioned one of them, right?---Yeah, I know - I'm sorry, I  
10:43:58 25 now - sorry, I've just computed that in my head. I know  
10:44:01 26 who you're talking about now. Sorry, yes.  
27  
10:44:04 28 The evidence that we've got is that you spoke to him about  
10:44:06 29 that matter, provided information to Mr De Santo about  
10:44:15 30 matters concerning that person. Would that be consistent  
10:44:19 31 with your recollection?---Um, I don't have a specific  
10:44:25 32 recollection of this, of this conversation with Mr De Santo  
10:44:32 33 but - - -  
34  
10:44:33 35 Yes?---Um, I don't dispute it because I would have answered  
10:44:36 36 whatever he asked.  
37  
10:44:38 38 And there was some suggestion of unhappiness with the  
10:44:41 39 particular ESD officer who was investigating that matter,  
10:44:46 40 do you know who that person was?---Not off - - -  
41  
10:44:52 42 Mr PII [REDACTED]?---Oh PII [REDACTED], yes, now I remember, yes.  
43  
10:44:58 44 Do you recall having discussions with Mr De Santo about  
10:45:01 45 that particular matter, amongst other matters, in January  
10:45:05 46 of 2004?---Not in detail but I, I'm not saying that I  
10:45:11 47 didn't, I didn't do so.

.05/02/20

13144

GOBBO XXN

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1  
10:45:16 2 No, okay. Would that be an example of you providing  
10:45:24 3 information, having discussions with police officers  
10:45:30 4 potentially or probably contrary to your obligations as a  
10:45:34 5 barrister?---Yes. Depending on what I said, yes, you're  
10:45:40 6 right. Yes, I agree.  
7  
10:45:57 8 Around this time were you associated with a number of  
10:46:10 9 people who were suspects for a number of shootings and  
10:46:14 10 murders?---Yes.  
11  
10:46:19 12 Well, obviously at that stage you were - I think we  
10:46:28 13 discussed yesterday the fact that you had provided legal  
10:46:32 14 advice for Mr Williams and that you had at least been to  
10:46:35 15 one social function that he had had, correct?---Yes. As  
10:46:44 16 I've said before, regrettably the only one I went to and  
10:46:48 17 what a mistake it was. When you say associated with, I -  
10:46:54 18 in early - because you're talking about early 2004 or - - -  
19  
10:47:00 20 At that - - - ?---Some time in - - -  
21  
10:47:02 22 2003 to 2004. I'm just going to take you to a couple of  
10:47:07 23 matters in particular?---Yep.  
24  
10:47:08 25 I'm obviously going to have to be a bit careful about the  
10:47:12 26 way in which I do it. In 2003 in June, on the particular  
10:47:31 27 day that you were going overseas, the evidence that we have  
10:47:40 28 is that - and this is the morning in which there was a  
10:47:44 29 double murder take place, you know the matter I'm talking  
10:47:46 30 about?---Yes. Yes, I do, yes.  
31  
10:47:49 32 You were going overseas that day?---Yes, I was at the  
10:47:53 33 airport with my mum, yes.  
34  
10:47:55 35 Were you dropped to the airport by Tony Mokbel?---Yes,  
10:48:00 36 because I lived not far from him and I can recall being  
10:48:06 37 stuck at the airport for hours because our flight was  
10:48:10 38 delayed.  
39  
10:48:12 40 Right. What, he dropped you to the airport and you met  
10:48:14 41 your mother at the airport; is that right?---I think so,  
10:48:18 42 yes.  
43  
10:48:23 44 He lived near you or did you - I take it you weren't living  
10:48:28 45 with him; is that right?---No, we were living - I was  
10:48:31 46 living in an apartment that I had bought and he was - he  
10:48:38 47 had had his bail conditions changed to reside in Port

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10:48:43 1 Melbourne and although the addresses looked quite separate  
10:48:48 2 on - like they were completely different numbers in the  
10:48:53 3 street, but unbeknownst to me the basement car park was  
10:49:06 4 interlinked, from the small six unit apartment building  
10:49:12 5 that I was part of, to the giant building that he was part  
10:49:15 6 of. So he could always tell when my car was home or not  
10:49:18 7 home.

8  
10:49:19 9 All right. That morning, what, he came over to your place  
10:49:25 10 and took you to the airport or had you been together during  
10:49:28 11 the night?---No, we wouldn't have been together during the  
10:49:31 12 night. I suspect it was more because we would have - my  
10:49:38 13 mother and I would have been coming from total opposite  
10:49:41 14 parts of Melbourne and in Tony's case I presume, I'm only  
10:49:52 15 assuming, but he quite often on - drove out that way  
10:49:58 16 because he would spend time with his family who were in a  
10:50:02 17 suburb near the airport.

18  
10:50:03 19 Right?---But for the record, I never spent the night at  
10:50:11 20 Tony's apartment ever, so - nor he in mine ever.

21  
10:50:16 22 All right, thank you. On that morning you spoke twice with  
10:50:24 23 people who - well, firstly, how did you learn about the  
10:50:29 24 murders, do you recall?---So - I can remember being stuck  
10:50:35 25 at the - when I say stuck at the airport, we had gone  
10:50:38 26 through passport and Immigration and then the flight was  
10:50:43 27 delayed by a number of hours and I can remember sitting  
10:50:46 28 there and receiving a phone call from, um, I think it was,  
10:50:54 29 um - I nearly said his name, sorry. I think it was from

10:50:59 30 [REDACTED].  
31

10:51:01 32 Right?---Sorry, [REDACTED] I beg your pardon.

10:51:05 33 [REDACTED].

10:51:05 34  
10:51:07 35 MR HOLT: Can I approach my friend? The witness has done  
10:51:09 36 exactly the right thing but I think I'll just deal with it  
10:51:12 37 this way. Sorry, Commissioner, in light of the matters  
10:51:26 38 that were discussed this morning obviously Ms Gobbo just  
10:51:28 39 needs to be updated about some matters, and as do the  
10:51:32 40 parties with standing leave at the Bar table. I note  
10:51:34 41 there's been a proposal which is fine with us indicated by  
10:51:39 42 Mr Woods. No one's seen it, it's come in the last few  
10:51:43 43 minutes.

44  
10:51:48 45 [REDACTED]  
10:51:59 46 [REDACTED]  
10:52:02 47 [REDACTED]

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10:52:05 1  
10:52:08 2  
10:52:12 3  
10:52:17 4  
10:52:17 5 MR HOLT: Commissioner, in order to avoid the obvious  
10:52:19 6 difficulty with that, if the live transcript could be  
10:52:24 7 edited. It would only need to be the words, the relevant  
10:52:30 8 words at line - in fact it's probably the whole of lines 36  
10:52:34 9 and 37 on p.13144, the relevant words.  
10:52:36 10  
10:52:36 11 COMMISSIONER: Yes, all right. We'll just take out lines  
10:52:46 12 36 and 37 at 13144 and then from Mr Winneke's discussion,  
10:53:02 13 is that - - -  
10:53:02 14  
10:53:03 15 MR HOLT: Probably for safety, Commissioner, yes. It  
10:53:05 16 doesn't specifically - - -  
17  
10:53:11 18 COMMISSIONER: All right. We'll take out Mr Winneke's  
10:53:13 19 discussion starting at line 47 on that page, going over to  
10:53:17 20 line 5 on the next page.  
10:53:20 21  
10:53:21 22 MR HOLT: Thank you, Commissioner.  
23  
10:53:22 24 COMMISSIONER: I think that takes care of it.  
10:53:23 25  
10:53:24 26 MR HOLT: Obviously we're now moving into a situation where  
10:53:27 27 bio data will become the concern. So everyone's aware of  
10:53:32 28 that.  
10:53:32 29  
10:53:33 30 MR NATHWANI: Sorry to jump up. Could I ask that Ms Gobbo  
10:53:35 31 be provided not just that name, but the others now, because  
10:53:38 32 it may assist going forward with her giving evidence for  
10:53:41 33 this to happen in an open environment. So I'm sure that's  
10:53:44 34 been done for the one name, but could all of the names be  
10:53:46 35 sent to her, so she's got them?  
10:53:46 36  
10:53:47 37 COMMISSIONER: Yes, I wouldn't mind having them either.  
38  
39 MR NATHWANI: Me neither.  
40  
10:53:50 41 WITNESS: I've got - Commissioner, I've got five names  
10:53:55 42 but - - -  
43  
10:53:56 44 COMMISSIONER: Are they the new five names?---One of them -  
45 - -  
46  
10:54:00 47 Just a tick, Ms Gobbo. They're changing so much I'm not

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10:54:03 1 really up with it?---No, I was just going to say, I think  
10:54:06 2 that the names that I've got, one of them's changed again  
10:54:09 3 today, so I'm not sure whether the list is going to change  
10:54:12 4 again.  
5  
10:54:13 6 Yes, just be patient, Ms Gobbo, and we'll find out. So  
10:54:20 7 where are we at? Does Ms Gobbo have the latest pseudonym  
10:54:25 8 list or is it being given to her? She has something, she  
10:54:31 9 tells us, I just want to know if she's got the latest  
10:54:35 10 one?---Yes, it's been done - the one that was in front of  
10:54:38 11 me is being amended right now, Commissioner.  
12  
10:54:41 13 Okay.  
14  
10:54:43 15 MR WINNEKE: All right.  
16  
10:54:43 17 COMMISSIONER: All right. Has everyone at the Bar table  
10:54:50 18 got it, those with standing leave?  
19  
10:54:55 20 MR NATHWANI: No.  
21  
10:54:56 22 COMMISSIONER: No. Also could someone do that, one of your  
10:54:58 23 instructors can perhaps do that and that can be handed up  
10:55:01 24 and then we'll continue.  
25  
10:55:03 26 MR WINNEKE: Yes, thanks.  
10:55:03 27  
10:55:03 28 COMMISSIONER: Thanks.  
29  
10:55:04 30 MR WINNEKE: You get a call from [REDACTED]?---Yes.  
31  
10:55:06 32 And what does he tell you?---Um, he rings to tell me have I  
10:55:13 33 heard the news that there's been a murder.  
34  
10:55:19 35 Right?---And that Jason Moran's been killed.  
36  
10:55:23 37 Did he tell you anything else?---Um, he may have said that  
10:55:32 38 it was at Auskick, I just can't recall now exactly the  
10:55:37 39 detail he told me.  
40  
10:55:38 41 Right?---I didn't necessarily think much of it at the time,  
10:55:44 42 um, it wasn't until I came back from that trip with my  
10:55:51 43 family that I was contacted and asked about, um, the timing  
10:55:57 44 of the phone call, um, and unbeknownst to me the police  
10:56:02 45 wanted to know, um, wanted to confirm that I'd spoken to  
10:56:07 46 him and how long it had been for and they wanted my phone  
10:56:10 47 records because it had something to do with an alibi for

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10:56:14 1 him.  
2  
10:56:15 3 Right. How many telephone calls do you recall having with  
10:56:18 4 [REDACTED] on the morning of that day?---I think there were  
10:56:24 5 two.  
6  
10:56:26 7 So the first call is [REDACTED] ringing you to say that there'd  
10:56:29 8 been a murder, potentially it was at Auskick, and did he  
10:56:34 9 say who he was with?---Um, I can't - sorry, I can't recall  
10:56:42 10 now if he did but I would have - I know what I - I would  
10:56:47 11 have - the detail that I gave to Purana upon my return from  
10:56:52 12 that trip would have been the, would have been more  
10:56:56 13 detailed than what I can remember now about those calls.  
14  
10:56:58 15 Right. Do you believe that you spoke to any other person,  
10:57:04 16 a solicitor, for example, about - on that morning as well  
10:57:08 17 about what had occurred?---Oh, I also spoke to Jim Valos.  
18  
10:57:13 19 Right. What was that about?---Um, well he, he - at that  
10:57:19 20 time he would, he usually went to Auskick and he lived very  
10:57:22 21 close to there, so it was me telling him what I'd been  
10:57:27 22 told.  
23  
10:57:28 24 Right?---And asking if he was - either I was aware of it or  
10:57:34 25 was okay.  
26  
10:57:35 27 Right. You say that there were two calls with [REDACTED].  
10:57:38 28 What was the second call?---Um, I can't recall - I'm sorry,  
10:57:44 29 I can't recall the detail of it. Um, ah, I just remember  
10:57:52 30 that when - as soon as I got back, in fact I might have had  
10:57:56 31 a phone call while I was away about it, but as soon as I  
10:58:01 32 got back Purana, someone from Purana wanted to speak to me  
10:58:04 33 about the, about my location and the receipt of those phone  
10:58:09 34 calls.  
35  
10:58:10 36 Right. Did you understand that [REDACTED] was with  
10:58:18 37 [REDACTED] at the time that you were speaking to  
10:58:23 38 him?---Yes.  
39  
10:58:23 40 [REDACTED]?---Yes, he was.  
41  
10:58:29 42 Were you told where they were?---I may have been. I'm  
10:58:34 43 sorry, Chris, I just can't remember, but - - -  
44  
10:58:38 45 Right. In any event you say that you spoke to someone from  
10:58:41 46 Purana, what, immediately you got back from overseas?---Um,  
10:58:46 47 I can't remember how quickly after I got back but I know



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10:58:49 1 that I got a phone message or a phone call asking me to go  
10:58:52 2 down there.  
3  
10:58:53 4 Yep?---Go down to St Kilda Road, um, in relation to those  
10:58:59 5 phone calls, um, and I didn't - I mean I didn't realise or  
10:59:07 6 know at the time that [REDACTED] or [REDACTED] had - sorry,  
10:59:17 7 sorry, sorry.  
8  
10:59:18 9 COMMISSIONER: We'll take that from the transcript?---I'm  
10:59:22 10 sorry, Commissioner.  
11  
10:59:23 12 It's okay. You're not the first to make these mistakes. I  
10:59:28 13 understand your doing best in this respect and I appreciate  
10:59:30 14 that. Don't worry, it's fine?---Yes, sorry. So I just  
10:59:34 15 lost my train of thought because I'm trying to remember not  
10:59:37 16 to say the names. Um, yes, I don't think that I realised  
10:59:43 17 the significance of why Purana wanted that information from  
10:59:46 18 me when I attended St Kilda Road. I can't remember how  
10:59:54 19 many days after I got back it was but - and I did not know  
11:00:03 20 at the time that the suggestion or suspicion was that both  
11:00:08 21 of those people had been involved in the murder.  
22  
11:00:15 23 MR WINNEKE: You did know certainly on 4 July because  
11:00:19 24 didn't you go with [REDACTED] to speak to Mr Bateson at  
11:00:22 25 Purana when he was called in to speak to him?---Yes, ah, I  
11:00:28 26 don't know the date but, yes, I did.  
27  
11:00:32 28 Right. Did you go down there as his legal  
11:00:35 29 representative?---Um, I think he was being spoken to as a  
11:00:39 30 person of interest as opposed to a suspect.  
31  
11:00:41 32 Right. And did you go down there as his legal  
11:00:44 33 representative?---I assume so, yes.  
34  
11:00:49 35 Did he ask you to attend with him to speak to  
11:00:57 36 Purana?---Yes, I - um, I'm sorry, I just can't remember  
11:01:00 37 whether - I don't think he was arrested or under caution  
11:01:03 38 then but he was, um, he was the sort of guy who wouldn't go  
11:01:07 39 anywhere without someone with him where police were  
11:01:11 40 concerned.  
41  
11:01:12 42 You knew that he was a person of interest in relation to  
11:01:14 43 that murder?---Yes, and I think I was described as the same  
11:01:18 44 when they spoke to me and it concerned those two phones  
11:01:21 45 that I'd received at the airport.  
46  
11:01:23 47 Right, okay. Do you think that you might have received a

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11:01:33 1 call from Mr Valos and that you found out about it and then  
11:01:37 2 made the telephone calls that you've spoken about, or at  
11:01:40 3 least the first telephone call to [REDACTED] or was it the  
11:01:44 4 other way around?--Sorry, I'm not, I'm not sure. I don't  
11:01:49 5 want to say - I don't want to guess. I just can't be  
11:01:55 6 certain of which way it was but I would say that my - the  
11:02:01 7 detail that I would have given about this previously is  
11:02:05 8 probably more accurate than what my memory is now of that  
11:02:08 9 specific call on that date.  
10  
11:02:09 11 Yes, I follow that. You subsequently - we understand that  
11:02:29 12 subsequent to that there was a murder in [REDACTED] of  
11:02:38 13 2003?--Yes, I know the murder you're talking about.  
14  
11:02:41 15 There were two people arrested on the night of that murder  
11:02:45 16 and they were - - - ?--I know who they are, yes.  
17  
11:02:51 18 [REDACTED].  
11:02:53 19  
11:02:54 20 MR HOLT: This is now going to tend to identifying people,  
11:02:56 21 Commissioner, and I object to that being made in terms of -  
22 - -  
23  
11:03:00 24 WITNESS: I don't even have [REDACTED] on my list, sorry.  
25  
11:03:05 26 MR WINNEKE: Commissioner, this is an area that we dealt  
11:03:07 27 with last year with Mr Overland. It was dealt with in a  
11:03:16 28 public way and I'm doing no more than that which I did last  
11:03:21 29 year.  
11:03:21 30  
11:03:21 31 MR HOLT: With respect, that doesn't answer the submission.  
11:03:24 32 The submission is that it tends to identify a person and  
11:03:26 33 that's in breach of a number of orders. Despite what's  
11:03:32 34 happened previously, that's my submission.  
35  
11:03:44 36 COMMISSIONER: It might be easier to go - - -  
37  
11:03:46 38 MR WINNEKE: I'll see if I can keep going.  
11:03:48 39  
11:03:49 40 MR HOLT: Can I ask that line 10 of 13149 be removed then,  
11:03:53 41 Commissioner.  
42  
11:03:58 43 MR WINNEKE: Commissioner, I'll see if I can keep going but  
11:04:03 44 it's going to be very difficult to present this evidence in  
11:04:08 45 a way which is satisfactory without doing it in private and  
11:04:13 46 I don't want to do it in private if I can avoid it. This  
11:04:18 47 matter needs - I foreshadowed this morning, this matter

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11:04:23 1 needs to be dealt with sooner rather than later but I'll  
11:04:26 2 see if I can do it - - -  
3  
11:04:29 4 COMMISSIONER: All right. The application is to remove the  
11:04:31 5 names at line 10, so I assume that we're talking about new  
11:04:36 6 pseudonyms, are we?  
7  
11:04:41 8 MR WINNEKE: I understood that we were using new pseudonyms  
11:04:43 9 and that was going to solve the problem.  
10  
11:04:47 11 MR HOLT: I'm not sure how that understanding would have  
11:04:48 12 been reached. Commissioner, the pseudonyms that are being  
11:04:51 13 used are a significant step. It's the linking of those  
11:04:54 14 with bio data that creates the tendency to identify people.  
11:05:00 15 So these are to not be burnt, if I can use the vernacular,  
11:05:04 16 these pseudonyms, then it needs to be done without links to  
11:05:06 17 significant bio data which will otherwise relatively  
11:05:10 18 immediately tend to identify the people who are otherwise  
11:05:13 19 protected by the pseudonyms.  
20  
11:05:16 21 MR WINNEKE: Commissioner, I hear what's said.  
22  
11:05:18 23 COMMISSIONER: I'm just trying to understand the  
11:05:20 24 application. Is the application to remove the names on  
11:05:23 25 line 10?  
11:05:24 26  
11:05:25 27 MR HOLT: Yes.  
28  
11:05:26 29 COMMISSIONER: And then when it's repeated after that, is  
11:05:28 30 that right?  
11:05:28 31  
11:05:29 32 MR HOLT: Sorry, Commissioner, I hadn't picked up it had  
11:05:32 33 been repeated. I apologise.  
34  
11:05:34 35 COMMISSIONER: Yes, line 14.  
11:05:36 36  
11:05:36 37 MR HOLT: Yes, Commissioner, thank you.  
38  
11:05:40 39 COMMISSIONER: That will mean there will have to be new  
11:05:42 40 pseudonyms, is that right?  
11:05:43 41  
11:05:43 42 MR HOLT: No, Commissioner. If that's taken then we're  
11:05:46 43 intact. It's the linking of those with the bio data so  
11:05:53 44 that hasn't yet been done in relation to those names. If  
11:05:54 45 they're taken from the live stream - - -  
46  
11:05:55 47 COMMISSIONER: Take out 13149, line 10, and the name in

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11:06:00 1 line 14. Yes, all right then. We'll go on.  
2  
11:06:09 3 MR WINNEKE: We'll try. When did you hear about that  
11:06:21 4 murder occurring?---Um, I can't remember - I can't remember  
11:06:28 5 now if it was that night or the following day.  
6  
11:06:34 7 Right?---Or even who rang me, but I know that I went to - I  
11:06:41 8 know that I spoke, I spoke to the, those - the two that had  
11:06:49 9 been arrested, I spoke to their solicitor, and then I went  
11:06:51 10 to the Custody Centre, I think it was on the Sunday.  
11  
11:06:56 12 Right. Did you also speak to Carl Williams?---Um, most  
11:07:00 13 probably, yes.  
14  
11:07:01 15 Was he the first person who contacted you to inform you of  
11:07:05 16 the murder, or was it the solicitor you mentioned?---I'm  
11:07:12 17 not sure. It may well have been, um, Carl Williams. Um, I  
11:07:19 18 just know that somebody rang and told me and then, um, it  
11:07:23 19 was late on a Saturday night and so the - I don't think I  
11:07:28 20 went to the Custody Centre until the Sunday and it had been  
11:07:33 21 outside the hours of normal - because Sundays they have  
11:07:37 22 family, family are allowed to visit accused there, um, and  
11:07:40 23 I went there by myself and then subsequently with the,  
11:07:46 24 that, those two accused's solicitor.  
25  
11:07:47 26 Right. Was there any discussion about which of the accused  
11:07:59 27 you would see?---Um, do you mean with Mr Williams or with,  
11:08:07 28 um, with Mr Magazis?  
29  
11:08:15 30 Firstly with Mr Williams?---I don't want to guess and I'm  
11:08:18 31 not sure of exactly what he said to me. Um, but it - it  
11:08:25 32 was probably both, both people.  
33  
11:08:30 34 Right. You saw - we know you saw one of the people?---Um,  
11:08:40 35 yes.  
36  
11:08:43 37 Not both, or did you see both?  
11:08:45 38  
11:08:46 39 COMMISSIONER: There's no problem her using the names now,  
11:08:48 40 is that right?  
11:08:48 41  
11:08:48 42 MR HOLT: No, there is, Commissioner, because it will now  
11:08:51 43 link it to this event because of the way in which the  
11:08:54 44 evidence has been - - -  
45  
11:08:56 46 COMMISSIONER: Yes.  
47

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11:08:58 1 MR WINNEKE: I certainly wouldn't be leading the names.  
11:09:01 2 I'd be using a pseudonym although I understand - that's why  
11:09:04 3 we provided the pseudonyms.  
4  
11:09:07 5 COMMISSIONER: When I said the names, I meant the  
11:09:13 6 pseudonyms. There's no problem using the pseudonyms now.  
7  
11:09:19 8 MR WINNEKE: I understand from what Mr Holt's saying I  
9 can't use the pseudonyms.  
10  
11:09:19 11 COMMISSIONER: Because there is. No.  
12  
11:09:20 13 MR WINNEKE: I'd be interested to know what I can, I'd be  
11:09:22 14 interested to know what Mr Holt says I can do in public  
11:09:25 15 which wouldn't breach a suppression order.  
11:09:27 16  
11:09:27 17 MR HOLT: Commissioner, the orders are that evidence,  
11:09:29 18 material can't be published that would tend to identify  
11:09:33 19 certain persons. So that's the question. It's not for me  
11:09:36 20 to determine whether that's going to do it but with respect  
11:09:40 21 it patently is, and that's why the detail of these matters  
11:09:44 22 with Mr Bateson, for example, were dealt with in private  
11:09:49 23 hearings, with the transcripts then reviewed and made  
11:09:50 24 available and the press able to report subject to not  
11:09:52 25 having a tendency to identify a particular person. That's  
11:09:54 26 the difficulty, Commissioner.  
27  
11:09:56 28 COMMISSIONER: Yes.  
11:09:57 29  
11:09:57 30 MR NATHWANI: Sorry, I feel I have to get involved. We've  
11:10:00 31 now had four interruptions in about 15 minutes and it's  
11:10:04 32 just not appropriate.  
33  
11:10:05 34 COMMISSIONER: No. If we're going to have any prospect of  
11:10:08 35 finishing Ms Gobbo's evidence in a reasonable time it looks  
11:10:11 36 as though we're going to have to go into private hearing,  
11:10:17 37 doesn't it?  
11:10:17 38  
11:10:18 39 MR WINNEKE: Well, Commissioner, I'd rather not.  
40  
11:10:19 41 COMMISSIONER: No, I'd rather not too, but I do want to  
11:10:21 42 hear Ms Gobbo's evidence. You want to persevere for a  
11:10:25 43 while and see how you go?  
44  
11:10:28 45 MR WINNEKE: I'll see how I go. The person who you saw you  
11:10:52 46 understand later made a statement, some considerable time  
11:10:56 47 later made a statement about what had occurred during the

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11:10:59 1 course of the conference that you had with him?---They both  
11:11:05 2 did.  
3

11:11:09 4 The person who you saw on that day, who you visited on the  
11:11:15 5 Sunday, right?---Oh, yes, yes, yes. Okay, yes.  
6

11:11:19 7 That person made a statement subsequently to police when he  
11:11:27 8 decided to in effect roll and assist police, make a  
11:11:32 9 statement?---Yes, he made a number of statements and I  
11:11:36 10 think the statement - is the statement you're talking about  
11:11:40 11 the one to Nigel L'Estrange?  
12

11:11:44 13 Yes?---Yes.  
14

11:11:45 15 And that's a statement that you I think subsequently  
11:11:47 16 discussed with - you found out about it in early 2006 and  
11:11:51 17 you were most upset about it and you wanted to see  
11:11:54 18 Mr Bateson about it?---Yeah, I ended up (indistinct) over  
11:12:01 19 the publication of it, correct. I know - this is the  
11:12:04 20 statement in which that particular accused who becomes a  
11:12:09 21 witness makes up a huge number of lies about me.  
22

11:12:14 23 Well, there was a suggestion that he had said to you or  
11:12:20 24 made some motion with his fingers suggesting - or asking  
11:12:24 25 you to pass a message on to [redacted] - sorry, to [redacted]  
11:12:28 26 [redacted] and [redacted] to [redacted] to [redacted]  
11:12:31 27 [redacted], effectively asking you to pass on the message to  
11:12:34 28 them to [redacted] for the job that he'd  
11:12:39 29 just done?---Yes, and it gets - it ends up, I recall the -  
11:12:43 30 what you're referring to, because it ends up being the  
11:12:47 31 statement is, um, is protected and suppressed I think and  
11:12:53 32 it ends up being, somehow The Herald & Weekly Times end up  
11:12:59 33 with it and it gets published and the headline is that I am  
11:13:04 34 an accessory after the fact to murder, which leads me to  
11:13:07 35 sue them for defamation.  
36

11:13:09 37 Yes, I follow?---Because there is a reference in my notes  
11:13:13 38 to that person referring to money, but it is not the  
11:13:17 39 [redacted] - it's not the [redacted] for a  
11:13:22 40 [redacted], it's the money that the police don't find in the  
11:13:25 41 [redacted].  
42

11:13:32 43 Yes?---Sorry, I don't even know if I'm allowed to say that  
11:13:37 44 because that's in the notes that the police take from my -  
11:13:41 45 I think I am allowed to say it because the Commission has  
11:13:44 46 the notes now, but it's in the notes that get taken under  
11:13:47 47 the warrant.

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1  
11:13:48 2 All right. Now, having had discussions with that person  
11:13:58 3 and I assume, I take it, instructions, had you?---Yes, I  
11:14:03 4 took notes in my court book.  
5  
11:14:09 6 Did you speak to anyone subsequent to speaking to that  
11:14:15 7 particular person?---I can't recall now who I spoke to or  
11:14:22 8 when but it would have included, um, his solicitor.  
9  
11:14:29 10 Right?---Um, they had the same - both of them had the same  
11:14:33 11 solicitor. Um, and of course Carl Williams.  
12  
11:14:38 13 So fairly shortly after this conference with this person  
11:14:43 14 did you go and see Carl Williams and Tony Mokbel?---Yeah, I  
11:14:50 15 - I don't know if it was the same, the same day, but I can  
11:14:54 16 recall being summonsed to a coffee place in Port Melbourne  
11:14:58 17 and both of them being there.  
18  
11:15:00 19 And do you recall what was discussed following, well, when  
11:15:05 20 you were summonsed and you got to speak to them?---Yeah, I  
11:15:09 21 - I can recall the substance of the conversation but I'm  
11:15:13 22 not sure if it was, I just don't know if it was the day  
11:15:18 23 you're talking about or another day, but principally they  
11:15:22 24 both, um, were concerned about the evidence against both  
11:15:28 25 the accused.  
26  
11:15:29 27 Yes?---Both people that had been arrested.  
28  
11:15:32 29 Yes?---They were concerned that one of those accused, um,  
11:15:37 30 would roll because they had the view, particularly Carl,  
11:15:41 31 that he was a, um, a weak and pathetic human being and that  
11:15:45 32 he would roll. So they wanted - their grand plan was for  
11:15:49 33 me to see him, um, and ensure that he did not, um, make a  
11:15:57 34 statement or assist police and that if he went down that  
11:16:00 35 path, to obtain a [REDACTED] report that would show  
11:16:07 36 that he was [REDACTED] or could not be relied upon, so that if  
11:16:11 37 he became a witness they could discredit him.  
38  
11:16:16 39 Right. Did you think that at that stage the position that  
11:16:19 40 you were getting into or that you were in was untenable,  
11:16:23 41 that you were then getting yourself into a very difficult  
11:16:27 42 situation?---Yes, I did and that, um, that increased, um,  
11:16:32 43 exponentially over time.  
44  
11:16:38 45 Did you seek any advice about that from any trusted  
11:16:41 46 colleagues?---Um, I did at least on one occasion I can  
11:16:49 47 recall. Um, but the advice that I got wasn't particularly

.05/02/20

13156

GOBBO XXN

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11:16:53 1 helpful.  
2  
11:16:55 3 Without going into the name of who it was at this stage,  
11:16:59 4 what was the advice?---Well, it was, um, to, um, try to say  
11:17:07 5 no and to not, um, answer calls or not to, um, have any  
11:17:17 6 conversations with certain people, um, either on the basis  
11:17:22 7 that they could call their solicitor instead of me, um, but  
11:17:28 8 at the same time the particular person I sought advice  
11:17:32 9 from, um, was, because of who he was acting for, asking me  
11:17:40 10 to go and sit down with these people because, um, his  
11:17:43 11 actual words were, "Somebody needs to get instructions from  
11:17:47 12 them and that's the role of a junior".  
13  
11:17:50 14 Look, can I ask you this: it was apparent to you at this  
11:17:56 15 time that, can I suggest, that you were being used by  
11:18:01 16 people who were potentially implicated in murders?---Yes,  
11:18:07 17 it became - yes, around that time because this is when, um,  
11:18:12 18 the murders hit, ah, well were happening fairly often.  
19  
11:18:18 20 Right. Your involvement to the extent that we've discussed  
11:18:26 21 so far, your knowledge of the matters to the extent that  
11:18:28 22 we've discussed so far, meant that you were potentially a  
11:18:31 23 witness, do you accept that?---Potentially, yes. Yes, I  
11:18:37 24 do.  
25  
11:18:38 26 Potentially, at least it might have been said of you that  
11:18:42 27 you were potentially complicit?---Well if you accept the  
11:18:51 28 rubbish and lies that a particular witness says to Nigel  
11:18:55 29 L'Estrange in his statement, yes, that's correct.  
30  
11:18:58 31 I mean that - were you aware of the suggestion that that  
11:19:04 32 was going to be a suggestion prior to that statement coming  
11:19:06 33 out or not?---Um, I don't think so, no. I don't think so.  
11:19:16 34 I just, um, look, I just remember being, um, seeing that  
11:19:24 35 person in custody and then making those, making those notes  
11:19:28 36 through that, through the glass of the Custody Centre and  
11:19:31 37 then not really thinking about the content of those notes  
11:19:34 38 until whatever date it was, whenever it happened that, that  
11:19:40 39 Jim O'Brien came with a search warrant.  
40  
11:19:42 41 And then going off and speaking to Carl Williams and Tony  
11:19:46 42 Mokbel and being asked those sorts of questions and given  
11:19:51 43 those sorts of instructions that you mentioned  
11:19:54 44 before?---Yes.  
45  
11:19:56 46 I mean ultimately when that matter did come to trial you  
11:20:02 47 figured, albeit you weren't a lawyer in the proceeding, you



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11:20:07 1 were, you figured in the proceedings because allegations  
11:20:10 2 were made that Mr Williams was the mastermind and he was  
11:20:13 3 manipulating legal representation for these  
11:20:19 4 people?---Sorry, which trial? Sorry.  
5  
11:20:22 6 I'm talking about the trial in relation to that murder that  
11:20:25 7 we've been discussing, the latter murder, the [REDACTED]  
11:20:29 8 murder?---Yes, but, sorry, I'm not trying to be difficult,  
11:20:33 9 but whose trial?  
10  
11:20:35 11 Carl Williams' trial for that person's murder in the  
11:20:45 12 opening and closing address of the prosecutor,  
11:20:48 13 Mr Horgan?---Um, I don't know, I wasn't a part of that.  
11:20:51 14 I'm not trying to be difficult or argue but I just don't  
11:20:55 15 know what was in the opening, but I'm not disputing if I  
11:20:58 16 was put in there.  
17  
11:21:00 18 Let me put it this way, Ms Gobbo: these two matters, the  
11:21:07 19 allegations leading to charges being laid against these  
11:21:11 20 people in relation to these two murders, the [REDACTED] murder  
11:21:14 21 and then the murder in [REDACTED] can I suggest to you that  
11:21:19 22 you had no business being involved in the representation or  
11:21:22 23 providing legal advice to any of these people? You were  
11:21:36 24 conflicted, do you accept that?---Yes.  
25  
11:21:38 26 You were potentially a witness in both?---Potentially, yes,  
11:21:46 27 although - again, I'm not trying to argue with you but, um,  
11:21:55 28 I mean I'm genuinely not trying to argue with you but  
11:21:58 29 nobody asked me for a witness statement until, sorry, until  
11:22:01 30 Tony Mokbel gets charged.  
31  
11:22:03 32 Right. But putting aside the fact that nobody asked you  
11:22:06 33 for a witness statement, you yourself must have been aware  
11:22:09 34 that you were far too close to the facts in both of these  
11:22:13 35 matters and it simply was untenable for you to execute your  
11:22:17 36 duties independently as a legal practitioner in acting for  
11:22:22 37 any of these people?---Correct, and I was also - I was also  
11:22:26 38 paranoid - not paranoid, sorry, that's not the right word.  
11:22:30 39 I was also concerned that the way in which these people  
11:22:38 40 were talking over intercepted phones, the assumption would  
11:22:43 41 be made that I was a party to their conspiracy or their  
11:22:47 42 murders.  
43  
11:22:49 44 Yes. So you were concerned about being - at least an  
11:22:55 45 allegation being made that you were complicit in these  
11:22:57 46 murders, a co-conspirator?---Well know that I had - yes,  
11:23:03 47 that I knowledge of it or was involved and I know that that

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11:23:06 1 was a subject that I spoke to, um, Stuart Bateson about.  
2  
11:23:11 3 You spoke to Mr Bateson about that, did you?---About my  
11:23:17 4 concern about being misrepresented in, if there were  
11:23:21 5 intercepted calls in which assumptions were made. Because  
11:23:25 6 when I first started speaking to Bateson he openly admitted  
11:23:30 7 to me that he, um, initially had a particular view or  
11:23:35 8 suspicion that I wouldn't act in the best interests of  
11:23:46 9 [REDACTED]  
10  
11:23:48 11 Right. Ultimately, and I think you've said this to  
11:23:51 12 handlers, you were keen to prove to Mr Bateson that you  
11:23:56 13 weren't in any way complicit or in any way a lackey for  
11:24:04 14 Carl Williams?---Correct, and more so that it's absurd -  
11:24:13 15 that it was absurd to think at the time that the extent to  
11:24:17 16 which they, he and others spoke to me, um, did not mean  
11:24:24 17 that they would tell me about their plans to murder  
11:24:27 18 someone.  
19  
11:24:30 20 In any event, for that reason it would have been apparent  
11:24:33 21 to you again that for you to be involved in representing  
11:24:37 22 any of these people, advising them what to do, was just  
11:24:42 23 wrong. You shouldn't have done it, do you accept  
11:24:46 24 that?---Yes, and I'm fortunate that I end up in hospital  
11:24:51 25 when I did because that took me out of the equation in  
11:24:54 26 relation to a couple of people.  
27  
11:25:01 28 By that stage you'd already provided advice to one of these  
11:25:10 29 people about the course that he might take?---Yes, he was  
11:25:18 30 already - he'd already indicated that was a course he  
11:25:22 31 wanted to pursue and, um, and we spoke about that.  
32  
11:25:28 33 Not only did you speak about it, you saw a draft version of  
11:25:34 34 the statement that that person had made?---Yeah, there was  
11:25:38 35 some to-ing and fro-ing because he wanted to be able to  
11:25:41 36 achieve the most significant discount or benefit that he  
11:25:47 37 could for himself, um, upon a plea and there was a part of  
11:25:52 38 his statement that, um, Stuart Bateson did not believe was  
11:25:57 39 truthful.  
40  
11:25:59 41 And you had a discussion with Mr Bateson about that, we've  
11:26:03 42 heard evidence about a discussion you had with him I think  
11:26:05 43 on or around [REDACTED] of 2004 - [REDACTED]?---That sounds  
11:26:12 44 about right, yes.  
45  
11:26:13 46 Well, [REDACTED]. I think on [REDACTED], a Saturday,  
11:26:17 47 Mr Hatt came along with copies of this witness's

.05/02/20

13159

GOBBO XXN

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11:26:21 1 statement?---Um, that would be - I'm not trying to  
11:26:30 2 challenge what you're saying, I just can't recall  
11:26:32 3 specifically that date or occasion.  
4  
11:26:35 5 Right?---But it would - sorry, it would be right because  
11:26:40 6 it's close to when I got sick.  
7  
11:26:49 8 Mr Hatt came to your chambers, did he, with copies of the  
11:26:52 9 statements? There were two statements in relation to both  
11:26:55 10 of the murders that we've been alluding to?---Ah, I can't  
11:27:01 11 recall specifically but he would have, yes.  
12  
11:27:03 13 And in particular, in relation to the second statement,  
11:27:06 14 that is - the statement concerning the second murder, you  
11:27:11 15 expressed your view that some of the matters in the  
11:27:15 16 statement were wrong or were ridiculous or something to  
11:27:24 17 that effect, do you accept that?---Yeah, I've got a  
11:27:27 18 recollection that there had been some, a discussion with  
11:27:33 19 Mr Bateson along the lines of me trying to ascertain what  
11:27:42 20 he would say in terms of whether the witness had been, you  
11:27:48 21 know, made full and frank admissions to him and him saying  
11:27:54 22 to me there's parts that, where he's not telling the truth.  
23  
11:27:58 24 In particular that he didn't, this is the witness, where he  
11:28:02 25 didn't believe that there was going to be a murder take  
11:28:04 26 place or something along those lines, is that your  
11:28:07 27 recollection?---Um, something jolts my memory about him  
11:28:18 28 saying at one point that he - something along the lines he  
11:28:21 29 thought it was a [REDACTED], not a murder.  
30  
11:28:24 31 Yes?---Just to be clear, we're talking about the second of  
11:28:29 32 the murders, not the first.  
33  
11:28:31 34 Yes, correct. The second of the murders?---And that, um,  
11:28:38 35 that's just completely contradicted by the, um, evidence  
11:28:43 36 of, the evidence that the police had.  
37  
11:28:47 38 I take it you understood that the police wanted to, or the  
11:28:51 39 police case was or was going to be that Mr Williams had in  
11:28:57 40 effect caused the murder or engaged these people to carry  
11:29:02 41 out a murder?---Yes, when the - it was fairly obvious when  
11:29:08 42 the brief of evidence was served, correct.  
43  
11:29:10 44 And did you understand that that was the position of the  
11:29:14 45 police?---Um, yes, from the - you mean from the material  
11:29:24 46 served or from the accused?  
47

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11:29:27 1 From your understanding, doesn't matter where it came from,  
11:29:31 2 was your understanding at the time that you saw the draft  
11:29:33 3 statement that the police's allegation was that Williams  
11:29:42 4 had engaged these people to carry out a murder?---Yes, by  
11:29:48 5 that point I, um, I knew that and I, um, also, um, formed  
11:29:56 6 the view that, ah, well, not necessarily the view but I had  
11:30:01 7 my own suspicions about Williams himself being involved  
11:30:04 8 because of what he'd said to me.

9

11:30:08 10 Again, you're potentially a witness, you accept that?---Um,  
11:30:13 11 yes.

12

11:30:16 13 Do you accept that with that knowledge you had no business  
11:30:19 14 being involved in this process?---Um, from looking back  
11:30:25 15 now, yes.

16

11:30:27 17 And when you saw the statement you expressed the view,  
11:30:30 18 based on what you believed to be the case, that the witness  
11:30:34 19 statement, the draft witness statement was not fully  
11:30:37 20 truthful?---Yes, based upon what Bateson had said to me and  
11:30:43 21 what I understood the evidence to show.

22

11:30:47 23 And did you express that view to either Mr Hatt and/or  
11:30:52 24 Mr Bateson prior to going out and speaking to the witness  
11:30:56 25 or the client, the person who you were purportedly acting  
11:31:02 26 for, did you do that? Did you express that view to the  
11:31:05 27 police?---I - I can't, I've got - sorry, I don't know  
11:31:10 28 exactly without looking at my notes but I do remember  
11:31:14 29 going, at some point going back to him, to the accused, and  
11:31:19 30 saying, "This is what you - obviously in order for you to  
11:31:30 31 get the most significant benefit, um, by going down this  
11:31:34 32 path, you want the police to be saying A, B and C and  
11:31:37 33 they're not prepared to say that because they say this is,  
11:31:41 34 um, this is a bunch of lies".

35

11:31:44 36 Right. I note the time, Commissioner.

37

11:31:48 38 COMMISSIONER: All right. We'll take a 20 minute break.

11:31:51 39

11:31:51 40 MR HOLT: I'm sorry, Commissioner, there's just a matter I  
11:31:53 41 need to raise very briefly, but I'd be grateful if the live  
11:31:58 42 stream could be off. I don't need other orders to be made,  
11:32:00 43 just while I raise it, it will become obvious what I mean.

11:32:00 44

11:32:01 45 WITNESS: Commissioner, do you want me to mute this?

11:32:03 46

11:32:04 47 MR HOLT: Yes, it doesn't need to be - - -

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1  
11:32:06 2 COMMISSIONER: Yes, please, and if you want to have a break  
11:32:08 3 now you can?---Thank you.  
4  
11:32:15 5 MR HOLT: Commissioner, before stating this can I say I  
11:32:16 6 well understand the difficulties with reporting these  
11:32:20 7 matters in light of the orders that are made, but a post by  
11:32:24 8 Ms Mills of *The Age* at 11.26 am, in our respectful  
11:32:29 9 submission draws the link which we've been attempting not  
11:32:31 10 to have drawn in particular because it may well have been  
11:32:34 11 missed that the use of the pseudonym was taken from the  
11:32:37 12 transcript at that particular point in time and the live  
11:32:41 13 stream. So that name and particular murder have been  
11:32:43 14 linked in that and we'd be very grateful if it could be  
11:32:47 15 taken down.  
16  
11:32:48 17 COMMISSIONER: From The Age?  
11:32:49 18  
11:32:50 19 MR HOLT: Yes.  
20  
11:32:50 21 COMMISSIONER: I expect that will be passed on to  
11:32:52 22 representatives of The Age.  
23  
11:32:54 24 MR WINNEKE: I haven't seen it, I don't know what it is.  
11:32:56 25 But obviously it's a matter for - if the police take the  
11:32:59 26 view that it's in breach of an order, I suppose they've got  
11:33:02 27 certain courses to take.  
11:33:04 28  
11:33:05 29 MR HOLT: I don't want to take any courses, Commissioner.  
11:33:08 30 These are difficulties matters to report, I accept that.  
11:33:10 31  
11:33:10 32 COMMISSIONER: It's noted. The media people will speak to  
11:33:14 33 the media people from The Age and we'll let you know what  
11:33:17 34 happens.  
11:33:17 35  
11:34:06 36 MR HOLT: Thank you, Commissioner.  
37  
11:34:07 38 COMMISSIONER: All right, we'll adjourn now.  
11:34:07 39  
40 (Short adjournment.)  
41  
12:05:29 42 COMMISSIONER: Yes Mr Winneke.  
12:05:30 43  
12:05:32 44 MR WINNEKE: Thanks Commissioner. Now, I want to ask you  
12:05:39 45 about some events around March of 2004. At that stage you  
12:05:48 46 were acting for Tony Mokbel in various proceedings, is that  
12:05:54 47 right?---Um - - -

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12:06:01 1  
12:06:01 2 March of 2004?---March - yes, I'm just trying to remember  
12:06:06 3 which cases, prosecutions he had on at that point in time.  
12:06:09 4 Yes, I was.  
12:06:10 5  
12:06:10 6 All right. Was he on bail at that stage?---Yes, he was,  
12:06:19 7 yes.  
12:06:19 8  
12:06:20 9 Now, in the previous year we discussed yesterday that you'd  
12:06:24 10 been representing Lewis Moran in relation to bail  
12:06:28 11 applications?---Just one bail application, correct.  
12:06:32 12  
12:06:32 13 And a variation subsequently, I think?---I don't - - -  
12:06:41 14  
12:06:41 15 You recall he was granted bail in 2003, then there was a  
12:06:46 16 variation of his bail conditions because of the potential  
12:06:49 17 that the bail conditions that he was on might put him at  
12:06:53 18 risk, is that right?---Yes, I can't - yes, I can recall  
12:06:57 19 there being a bail variation, I can't recall appearing at  
12:07:01 20 it though.  
12:07:02 21  
12:07:02 22 Right. You recall that you'd spoken to Mr Swindells about  
12:07:06 23 the approach made by Mr Veniamin?---Yes, him and Andy Allen  
12:07:15 24 spoke to me outside the Magistrates' Court one day. I  
12:07:17 25 think it was on the day of the bail variation.  
12:07:20 26  
12:07:22 27 You understand that [PII] was murdered on [PII]  
12:07:27 28 2004?---I wasn't sure of the date, yes.  
12:07:30 29  
12:07:34 30 You know, I take it, that [PII] people were ultimately  
12:07:37 31 convicted in relation to that murder?---Um, yes.  
12:07:44 32  
12:07:44 33 Right. One of them was a person by the name of [PII]  
12:07:50 34 [PII]?---Yes.  
12:07:51 35  
12:07:52 36 Another of them was a person who turned out to be a [PII]  
12:08:00 37 [PII] in another trial that [PII] was charged as an  
12:08:07 38 accused person in and convicted of, and that was the murder  
12:08:11 39 of [PII]?---Yes.  
12:08:13 40  
12:08:13 41 Sorry, he was acquitted of that murder, I apologise?---Yes.  
12:08:17 42  
12:08:17 43 You know - and you know the witness that I'm talking about  
12:08:21 44 who gave evidence in that proceeding against  
12:08:26 45 [PII]?---Yes. I think so, yes.  
12:08:33 46  
12:08:34 47 Have you got the sheet there?---I've got a list of names in

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12:08:39 1 front of me, yes.  
12:08:40 2  
12:08:40 3 And if you go to the number 30 in the column in the  
12:08:44 4 left-hand side you'll see a name - - -?---I don't, I don't  
12:08:49 5 have that. Hang on, I'm just being passed it, yes. Yes, I  
12:08:54 6 know who you're talking about.  
12:08:55 7  
12:08:55 8 Right, okay?---But sorry, you said PII people were  
12:09:01 9 convicted of his murder.  
12:09:02 10  
12:09:02 11 PII?---Yes, who's the PII one?  
12:09:07 12  
12:09:07 13 There was another person who was PII to the person who  
12:09:14 14 you've just identified on the list?---Yes. Yes, sorry, I  
12:09:18 15 get it, yes.  
12:09:18 16  
12:09:19 17 Do you know the person I'm talking about?---Yes, yes.  
12:09:21 18  
12:09:21 19 Those PII people, right?---Yes.  
12:09:25 20  
12:09:26 21 Now, you know that that particular person later became a  
12:09:40 22 PII in PII?---Yes.  
12:09:44 23  
12:09:46 24 And that Task Force investigated the alleged involvement of  
12:09:50 25 police or former police officers in the murder of  
12:09:53 26 PII, who was killed on PII of 2003?---Yep.  
12:10:00 27  
12:10:02 28 You had or you subsequently provided a draft statement to  
12:10:07 29 police in 2009 in relation to your association with David  
12:10:14 30 Waters and others who were suspected in the involvement of  
12:10:19 31 that murder?---Um, yes, this is the draft that's done with  
12:10:29 32 Mr Iddles.  
12:10:30 33  
12:10:31 34 Yes, correct. And indeed, in your, the statement that you  
12:10:39 35 provided to the Royal Commission yesterday, you make  
12:10:41 36 mention of that statement and in particular you refer to a  
12:10:46 37 paragraph in the statement where it was suggested that one  
12:10:50 38 of the people accused of that murder confessed to you,  
12:10:55 39 that's PII?---That's correct, because, um, last  
12:11:02 40 year, I can't remember exactly when, but, um, my  
12:11:08 41 solicitors, um, contacted me in the location that I was in  
12:11:13 42 and, um, asked me if I could read a copy of that draft  
12:11:20 43 statement and whether, um, what I could say about its  
12:11:24 44 accuracy.  
12:11:24 45  
12:11:25 46 Yes. Do you have a copy of the statement?---No, I don't.  
12:11:31 47

.05/02/20

13164

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12:11:32 1 Were you ever given a copy of the statement or shown a copy  
12:11:35 2 of the statement?---No. I asked for, I asked - sorry, do  
12:11:39 3 you mean at the time or do you mean last year when I was -  
12:11:42 4 - -  
12:11:42 5  
12:11:42 6 No, in 2009?---No, I wasn't. Um, what happened was that  
12:11:48 7 the statement was taken, um, on a laptop computer that  
12:11:54 8 police were typing and there was some issue over whether or  
12:11:59 9 not, um, Mr Iddles would include the material from the,  
12:12:07 10 from SDU, or what information he had or didn't have from  
12:12:11 11 there. It wasn't - I can remember that coming up as a  
12:12:15 12 topic of conversation and him, um, being in two minds about  
12:12:19 13 whether that would all need to go into the statement or  
12:12:21 14 not.  
12:12:22 15  
12:12:22 16 Yes?---And then, um, it was left in the, as a draft  
12:12:27 17 statement that needed, um, that had a lot of gaps in it and  
12:12:32 18 he needed to speak to, um, to Sandy White.  
12:12:37 19  
12:12:37 20 Yes. Just whilst we're - - -?---And - - -  
12:12:43 21  
12:12:45 22 Go on, keep going?---And subsequently I made a number of  
12:12:49 23 requests, um, from, to various police, I think they were  
12:12:54 24 the Petra Task Force at the time, about what had happened  
12:12:58 25 to that statement and what was to come of it and nobody  
12:13:02 26 seemed to be able to assist me. And then the first time I  
12:13:05 27 saw a copy of it was when, when it was, I think it was  
12:13:12 28 given to my solicitors last year in the course of this  
12:13:16 29 Commission.  
12:13:17 30  
12:13:17 31 And you had never seen a copy of it before?---No.  
12:13:21 32  
12:13:21 33 Do you recall ever having a discussion with any person or  
12:13:25 34 any police officer about whether you had personally heard  
12:13:32 35 [REDACTED] make the confession that you've referred to in  
12:13:35 36 your statement?---No, not at this point, no.  
12:13:38 37  
12:13:39 38 When did you first hear it said that [REDACTED] had made a  
12:13:43 39 confession to you?---When it was reported in the Herald Sun  
12:13:47 40 I think.  
12:13:48 41  
12:13:48 42 That was news to you then, was it?---Yeah. I just can't  
12:13:54 43 remember whether this was someone telling me what had been  
12:13:57 44 reported or it was my solicitors, um, emailing me last year  
12:14:04 45 during the Commission.  
12:14:05 46  
12:14:05 47 Right. When the statement - - -?---Or, or sorry, if it was



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12:14:09 1 a report of that being, coming up at the Commission, sorry.  
12:14:13 2  
12:14:13 3 When the statement was being taken, you say it was being  
12:14:17 4 typed out on a computer?---A laptop, yes.  
12:14:20 5  
12:14:20 6 And who was doing that, was it Mr Iddles or was it  
12:14:24 7 Mr Waddell or someone else?---Um, I'm pretty sure it was  
12:14:31 8 Ron Iddles.  
12:14:33 9  
12:14:33 10 Right. Can you recall that or is that - do you have a  
12:14:40 11 picture in your mind's eye of that occurring or is it only  
12:14:45 12 a vague recollection?---No, I can remember the, I can  
12:14:48 13 remember being in a room with, um, with Mr Iddles, Steve  
12:14:56 14 Waddell, and a couple of other police officers.  
12:14:59 15  
12:15:00 16 Yes?---But it wasn't done just on one day, it was done over  
12:15:04 17 - I'm sure there was more than one day.  
12:15:06 18  
12:15:06 19 Yes?---And I can recall having a very brief one-on-one  
12:15:16 20 discussion with Mr Iddles before he left, but the statement  
12:15:21 21 itself was left on the basis that it would need, there  
12:15:24 22 would need to be a decision made about whether the SDU  
12:15:28 23 material that they tasked me to do was going to go into the  
12:15:31 24 statement or not and that it would need to be amended, um,  
12:15:36 25 down the track.  
12:15:37 26  
12:15:37 27 Right. Now, when you were making the statement, when they  
12:15:40 28 were speaking to you over those number of days and you were  
12:15:45 29 making the statement, did you have access to any notes of  
12:15:51 30 the SDU members at the time, were they discussed with you  
12:15:57 31 or were they shown to you?---Um, no, I don't, I don't think  
12:16:05 32 they had them. I think what, my best recollection is me  
12:16:10 33 saying to Ron Iddles that SDU would have notes of this and  
12:16:15 34 he should speak to them.  
12:16:17 35  
12:16:17 36 Right. You were asked in 2009 to cast your mind back and  
12:16:23 37 provide as much information as you could about your  
12:16:28 38 knowledge of Mr Waters, for one?---Correct. Yes.  
12:16:37 39  
12:16:37 40 Mr Lalor?---Yes.  
12:16:38 41  
12:16:38 42 And other people who the police named and whose names find  
12:16:44 43 their way into your statement?---Yes.  
12:16:46 44  
12:16:46 45 And one of those people who you were asked about was the  
12:16:50 46 person whose name you've just identified on the list of  
12:16:54 47 names that you've been shown, correct?---Yes. Sorry,

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12:16:58 1 Commissioner, the screen has just gone a little, um,  
12:17:02 2 blurry, it's not clear any more.  
12:17:04 3  
12:17:04 4 COMMISSIONER: Right, your vision of me?---Yes.  
12:17:09 5  
12:17:09 6 Or your vision of Mr Winneke?---All of it, I can only see  
12:17:14 7 blurriness. It's just like it's out of focus. Sorry,  
12:17:19 8 that's better.  
12:17:20 9  
12:17:20 10 Okay, thanks for that. All right?---Sorry - yeah, that's  
12:17:24 11 better, thank you.  
12:17:25 12  
12:17:25 13 You can hear okay?---Yes.  
12:17:27 14  
12:17:27 15 Good.  
16  
12:17:28 17 MR WINNEKE: Perhaps if we can have a look at Exhibit 260  
12:17:32 18 so you can see it, Ms Gobbo. Do you see that, have you got  
12:17:46 19 that statement in front of you?---Yes, I do, thank you.  
12:17:49 20  
12:17:49 21 There's reference to firstly a number of police officers,  
12:17:52 22 one that we've spoken to, there's reference to Steven  
12:17:55 23 Campbell and David Waters?---Yes.  
12:17:56 24  
12:18:00 25 You're being asked questions about those people?---Yes.  
12:18:03 26  
12:18:03 27 You were asked about the fact you'd acted for  
12:18:07 28 Mr Waters?---Yes.  
12:18:07 29  
12:18:07 30 Keep going down the statement there. There are a number of  
12:18:12 31 other references in there. You can see reference to  
12:18:15 32 Solicitor 1 and also that <sup>PII</sup> [REDACTED] I was talking  
12:18:19 33 about before?---Yes, I'm just reading that bit now.  
12:18:22 34  
12:18:22 35 Yes. You talk about the Canada Hotel?---Yes.  
12:18:30 36  
12:18:30 37 It's a long and discursive - - -?---Sorry, I'd forgotten,  
12:18:36 38 I'd totally forgotten about the reference in 2008. I'd  
12:18:41 39 forgotten about that. Um, sorry, go on. I beg your  
12:18:46 40 pardon.  
12:18:46 41  
12:18:47 42 You'd forgotten that investigators for Briars came and saw  
12:18:51 43 you in your chambers in respect of that murder?---Yeah, I'd  
12:18:56 44 completely forgotten that, sorry.  
12:18:58 45  
12:18:58 46 Do you recall what that was about?---No, not - I can't even  
12:19:04 47 remember them coming so, um, sorry, no, I can't.

.05/02/20

13167

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12:19:09 1  
12:19:10 2 You've forgotten about it. That brings it back to your  
12:19:14 3 recollection but you can't remember what occurred in that  
12:19:16 4 meeting?---That's right, I can't - I, um, I can remember  
12:19:20 5 meeting Waddell before the, um, the taking of the statement  
12:19:28 6 in 2009, so I just can't remember what was said in 2008.  
12:19:34 7  
12:19:34 8 Yes. You effectively say, the statement says, "On 14  
12:19:40 9 January 2008 investigators from Task Force Briars came and  
12:19:44 10 saw me at my chambers in respect of the murder of Shane  
12:19:50 11 Chartres-Abbott in June 2003. As a consequence I'm now  
12:19:53 12 making this statement". Are you able to say how it was a  
12:19:56 13 consequence of the investigators from Briars coming to see  
12:20:00 14 you in 2008 that you end up making the statement?---No,  
12:20:03 15 well that's not - I think as I said, just to make clear,  
12:20:06 16 I've never seen this statement. I have never signed it and  
12:20:11 17 I've never seen a final version of this statement. The one  
12:20:15 18 I saw with Mr Iddles, like it was double spaced and had a  
12:20:18 19 lot of parts missing because it needed, it needed, um, the  
12:20:24 20 gaps filled in basically. But I wouldn't say that's  
12:20:27 21 correct where it says, "As a consequence I am now making  
12:20:31 22 this statement" because it wasn't as a consequence of that  
12:20:34 23 visit, it was as a consequence of the, the matters that I  
12:20:40 24 was tasked to do by SDU in, I don't know whether it was 06  
12:20:45 25 or 07.  
12:20:47 26  
12:20:48 27 Now, can we just keep going through that page. There's  
12:20:53 28 reference to, do you see on the first line of that page  
12:20:58 29 there's a reference to the person I've been asking you  
12:21:01 30 about?---Yes, I do.  
12:21:02 31  
12:21:05 32 And you were asked to recall as much as you could about  
12:21:12 33 that particular person?---Yes.  
12:21:15 34  
12:21:15 35 And you say that you met him when you acted for [PII]  
12:21:22 36 [PII] in [PII] or [PII] right?---Yes, I believe that I was  
12:21:27 37 introduced to him as [PII].  
12:21:33 38  
12:21:35 39 You'd seen him with Waters and Campbell together at the  
12:21:39 40 Canada Hotel on at least one occasion, you say?---I think  
12:21:44 41 so, yes. I also, sorry, I'd also seen him at the request  
12:21:53 42 of, I think the pseudonym I've now got is [PII], after  
12:22:00 43 [PII] was in custody.  
12:22:03 44  
12:22:03 45 Right. You saw him at the request of [PII], yes. On  
12:22:23 46 how many occasions?---Um, once, once that I can remember,  
12:22:29 47 um, and I may have, I may have seen him, um - kind of

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12:22:40 1 unofficially because he may have been, the way the visits  
12:22:44 2 were done where [REDACTED] was, was in a kind of open room  
12:22:49 3 where basically you could have contact with anyone who was  
12:22:53 4 in the same unit as him who happened to be in the room at  
12:22:57 5 the same time.  
12:22:58 6  
12:22:58 7 Right. So you think unofficially you saw him?---I can  
12:23:03 8 recall going and specifically asking to see him as a result  
12:23:07 9 of a conversation with [REDACTED]  
12:23:10 10  
12:23:10 11 Right. That's one occasion?---Yep, and - - -  
12:23:14 12  
12:23:14 13 Just before you go on, on that occasion when you went to  
12:23:18 14 the prison, you asked to speak to him and you saw him  
12:23:23 15 officially, if you like?---Yes, yes, yes.  
12:23:26 16  
12:23:27 17 Right. Now, we understand that that's in around August of  
12:23:30 18 2006. Do you say that you went to see him, I am sorry, I  
12:23:36 19 withdraw that. What you say is you saw him unofficially  
12:23:40 20 because of the nature in which visits occurred?---Yeah, I  
12:23:44 21 just can't be sure whether I saw him more than once.  
12:23:47 22  
12:23:47 23 Yes?---But I think, I'm pretty sure he was out on a visit,  
12:23:53 24 um, or [REDACTED], um, [REDACTED] was at the same time as [REDACTED]  
12:24:01 25 at some point.  
12:24:01 26  
12:24:02 27 Right. And you had a discussion with him?---Yes.  
12:24:07 28  
12:24:08 29 Do you recall what that discussion was about?---Not, um,  
12:24:13 30 not in - not in specific word for word details, but I can  
12:24:20 31 remember that, um, [REDACTED], um, drove me insane, you  
12:24:27 32 know, almost, um, to the point of exasperation over the  
12:24:32 33 phone because he wanted to help, um, he wanted to help the  
12:24:39 34 person that we're talking about.  
12:24:41 35  
12:24:41 36 Yes?---And - - -  
12:24:44 37  
12:24:44 38 When you say he wanted to help him, what do you mean by  
12:24:48 39 that?---Well he wanted to - I think it was the, what I  
12:24:52 40 think, it was the usual, um, conversations that occurred  
12:24:56 41 between people on remand, a comparison of their  
12:25:00 42 circumstances and, um, what deals they're getting and it  
12:25:05 43 was at [REDACTED]'s, um, urging that, "Could you please go  
12:25:11 44 and speak to him and see if you can help him in any way".  
12:25:14 45  
12:25:15 46 And how could you help him?---Well it was - again my  
12:25:20 47 recollection is, um, I wasn't, I'm not going to use the

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12:25:29 1 word sketchy but it's vague about the specific detail, but  
12:25:34 2 I know it was with respect to what he was facing and who  
12:25:40 3 was acting for him and what the state of the evidence was  
12:25:43 4 and what deal he was going to get, but I don't, I don't  
12:25:47 5 recall it going very far.

12:25:48 6  
12:25:49 7 Did you provide him with any information or were you  
12:25:51 8 getting information from him?---Um, I, um, my only  
12:26:01 9 recollection of seeing, um, him is thinking what a maniac,  
12:26:05 10 what a lying lunatic, but I don't know even if I have any  
12:26:10 11 notes of that in a court book somewhere.

12:26:13 12  
12:26:13 13 Right. Do you recall - you understand that subsequently  
12:26:16 14 during the trial in which he gave evidence against the  
12:26:25 15 people who were charged with [REDACTED] PII  
12:26:29 16 your name came up and he offered your name as a reason why,  
12:26:32 17 something that you had said, as a reason why you decided -  
12:26:37 18 sorry, why he decided to come forward and talk to police  
12:26:40 19 about the matters that he subsequently gave evidence about.  
12:26:43 20 You know that, don't you?---Um, I think I have had, been  
12:26:51 21 told that was what was reported in the media.

12:26:53 22  
12:26:54 23 Yes?---But I didn't, I didn't know that's precisely what  
12:26:58 24 was said at the trial, but, um, but I'm not surprised.

12:27:02 25  
12:27:02 26 You say you're not surprised, why do you say you're not  
12:27:06 27 surprised?---Because he, um, and [REDACTED] PII [REDACTED] PII were not even  
12:27:11 28 making sense when I saw them. They, um, one of them had  
12:27:16 29 [REDACTED] I think and lived, quite literally, and it was  
12:27:20 30 all the kind of convoluted conversation in riddles and half  
12:27:26 31 codes and, um, and I got the, the other end of the  
12:27:31 32 discussion from, or the other end of the, kind of version  
12:27:36 33 from [REDACTED] who, um, I just took what he said with a  
12:27:42 34 grain of salt because it was what one accused was, sorry,  
12:27:45 35 what one alleged murderer was saying to someone else  
12:27:51 36 inside, um, inside a prison.

12:27:52 37  
12:27:54 38 Now, the visit that we've got which I've referred to in  
12:28:00 39 August 2006 is recorded in prison records and also in your  
12:28:05 40 diary?---Yes.

12:28:06 41  
12:28:07 42 Do you say that you saw this particular person before that  
12:28:13 43 occasion or was it after that occasion that you saw him in  
12:28:16 44 the unofficial way?---Look I'm not sure, sorry.

12:28:22 45  
12:28:23 46 Right. Do you say it was on an occasion when you went to  
12:28:26 47 visit [REDACTED] or was it when you went to visit another

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12:28:32 1 person?--Well Mr - at one stage [REDACTED] and [REDACTED]  
12:28:36 2 were in the same section.  
12:28:38 3  
12:28:38 4 Yes?--And then they were put into different sections. Um,  
12:28:44 5 so I'm sorry, I can't be certain whether it was on a day  
12:28:47 6 when I was seeing one or other or both of them. I'm sorry.  
12:28:51 7  
12:28:52 8 If you add up the number of times that you've seen one or  
12:28:55 9 both of them over the years it would be quite a few times I  
12:28:58 10 take it?--And especially, especially during the period,  
12:29:05 11 um, after [REDACTED] is, um, remanded in custody because he  
12:29:11 12 was so dependent upon speaking to me.  
12:29:15 13  
12:29:16 14 Is it the case that you might have seen that particular  
12:29:18 15 person we've been talking about but not naming on more than  
12:29:23 16 one occasion unofficially, if you like?--Yes, I think  
12:29:27 17 that's what I said. I just don't know whether it was  
12:29:31 18 before or after that, the August official visit.  
12:29:35 19  
12:29:35 20 Yes?--But nothing - I mean I don't recall anything of  
12:29:43 21 consequence being said, um, or sought by him. I just  
12:29:47 22 remember thinking it was just a total waste of my time.  
12:29:50 23  
12:29:50 24 Do you think when you did speak to that person, on whatever  
12:29:55 25 occasion it was, you might have exchanged gossip with him  
12:29:59 26 about what certain other people were intending to do with  
12:30:03 27 respect to either rolling or giving evidence or assisting,  
12:30:09 28 do you think you might have exchanged that sort of gossip  
12:30:11 29 with him?--Um, are you talking about the, in the August  
12:30:18 30 visit?  
12:30:19 31  
12:30:19 32 That visit or other visits, before or after August?--I  
12:30:23 33 don't know.  
12:30:24 34  
12:30:24 35 Is that the sort of thing that you would do when you were  
12:30:29 36 speaking to these people, discuss with them what other  
12:30:33 37 people might be doing, whether they were going to be  
12:30:35 38 assisting police, whether they were going to be rolling,  
12:30:38 39 those sorts of issues?--No, it was quite the opposite. I  
12:30:42 40 wouldn't be telling people that because that was the whole,  
12:30:45 41 that was the whole point of not coming unstuck in having  
12:30:48 42 done that.  
12:30:50 43  
12:30:50 44 It's just that Mr, that particular person said it was  
12:30:53 45 something that you said which caused him to come forward  
12:30:59 46 and take the step of telling police, or giving them  
12:31:02 47 information about a murder that he'd been involved

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12:31:05 1 in?---I'm surprised to hear that considering how many  
12:31:10 2 murders he was involved in and the length of his criminal  
12:31:14 3 offending and what happened to him in the end.  
12:31:17 4  
12:31:17 5 That may be, but it certainly, from that it might be  
12:31:21 6 suggested that you may have told him something, for  
12:31:24 7 example, that someone else might get in first and therefore  
12:31:31 8 that caused him to do just that, to get ahead of the game  
12:31:35 9 if you like. Do you think you might have said something  
12:31:37 10 like that?---No, probably - I don't know, I would have to  
12:31:41 11 look at my, um, if I've made any notes that might jog my  
12:31:46 12 memory of what got said.  
12:31:47 13  
12:31:48 14 Well look, what we do know is that you went on 13 August  
12:31:54 15 2006 to see him officially and you told your handlers about  
12:32:05 16 it, the discussion that you'd had with him, right? And if  
12:32:12 17 we have a look at ICR - - -  
12:32:14 18  
12:32:14 19 COMMISSIONER: Just before we leave that, did you just want  
12:32:17 20 to clarify with Exhibit 260 which parts she precisely says  
12:32:25 21 she didn't tell Mr Iddles about in the statement.  
12:32:29 22  
12:32:32 23 MR WINNEKE: Perhaps I should do that. I'll do that now.  
12:32:33 24  
12:32:34 25 WITNESS: Sorry, Commissioner, you've gone out of focus  
12:32:38 26 again. Sorry, the statement's on the screen.  
12:32:42 27  
12:32:42 28 COMMISSIONER: All right, thank you.  
12:32:51 29  
12:32:52 30 MR WINNEKE: If we just keep scrolling down, bottom of p.2.  
12:32:57 31 There we are, now if we see that. We see that, "On one  
12:33:02 32 occasion I went to Jim's", that's a reference to Jim Valos,  
12:33:06 33 "There was a guy present who was introduced to me as Mark  
12:33:10 34 Perry. I cannot recall now if I was there to provide  
12:33:13 35 advice to Perry, although I recall that I have provided  
12:33:18 36 advice to him previously". Now, is that right, had you  
12:33:22 37 spoken to him previously?---Not that I can recall, no. I  
12:33:34 38 accept the bit about acting for his brother is correct, but  
12:33:36 39 not him, no.  
12:33:37 40  
12:33:37 41 You knew him, is that right? Had you ever spoken to him  
12:33:43 42 before?---No. I don't recall ever meeting him. This is  
12:33:47 43 the, my solicitor's asked me about this last year and I,  
12:33:52 44 um, you know, doing the best I can to cast my mind back  
12:33:56 45 that far, I can't recall, um, having a meeting with him or  
12:34:01 46 speaking to him face-to-face and, um, having regard to what  
12:34:06 47 is said to have been said by him, it's - it kind of made me

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12:34:13 1 second-guess myself about not being able to remember, so  
12:34:16 2 the best thing - the best or most accurate thing I can say  
12:34:20 3 is I can't remember ever meeting him.  
12:34:22 4  
12:34:22 5 Right. Clearly they've asked you or it would seem that  
12:34:32 6 those taking the statement from you have asked you about  
12:34:35 7 Mr Perry. That would seem to be the case?---Yes.  
12:34:39 8  
12:34:39 9 Otherwise you'd be suggesting that this, all of this has  
12:34:43 10 simply been put in there without any reference to you at  
12:34:47 11 all because from what you're saying, you say that you'd  
12:34:52 12 never met this fellow at all?---I've got no recollection of  
12:34:56 13 meeting him and like that detail, for example, I prepared a  
12:35:02 14 Form 8A for him and wrote the invoice, et cetera.  
12:35:06 15  
12:35:06 16 That must have come from you?---Yes, but I don't recall  
12:35:11 17 Mr Iddles having that detail when he came to see me.  
12:35:15 18  
12:35:16 19 But what you've said in your statement is you believe you  
12:35:19 20 gave advice in respect of crimes compensation by his  
12:35:26 21 girlfriend.  
12:35:31 22  
12:35:31 23 COMMISSIONER: I think she's saying she didn't say that in  
12:35:33 24 the statement to, this isn't her statement - - -  
12:35:36 25  
12:35:36 26 MR WINNEKE: I just want to clarify. Is that the  
12:35:40 27 case?---Yeah, what I'm saying is I, I don't remember ever,  
12:35:44 28 like when I made that, the draft statement in 2009, there  
12:35:48 29 is no way I would have been able to know or recall a date  
12:35:54 30 from 11 November 2002. That must have been, I must have  
12:35:59 31 been told that or it must have been in the course of the  
12:36:03 32 statement me saying to, um, Iddles or Waddell, "I know that  
12:36:07 33 I acted for his brother and I did A, B and C for his  
12:36:13 34 brother" and it must have, you know, in the course of  
12:36:15 35 making a statement, saying, um, I acted for him and, yes, I  
12:36:23 36 can only assume they've gone to my clerk or gone and got  
12:36:27 37 some records.  
12:36:27 38  
12:36:28 39 They had material from the SDU, sorry, for cutting across.  
12:36:31 40 Do you recall that they had, that they had material which  
12:36:34 41 they assisted you in your recollections with?---I don't  
12:36:38 42 remember them having the material. I remember them, um, I  
12:36:44 43 can remember saying to Mr Iddles, in particular, that I had  
12:36:48 44 been tasked to do certain things by, um, the SDU.  
12:36:54 45  
12:36:54 46 Right?---And, um, and that there were, that there were  
12:36:59 47 details of, um, sorry, that SDU had a lot of details about,



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12:37:05 1 um, the tasking that they'd given to me, without going into  
12:37:09 2 detail about my recollection of that.  
12:37:11 3  
12:37:12 4 Yes?---And I'm sorry, but I don't remember Mr Iddles  
12:37:17 5 having, um, in front of him any material where, which  
12:37:22 6 indicated that, the detailed knowledge of the matters that  
12:37:28 7 I'd been tasked to do. I can recall talking to him in  
12:37:31 8 general terms and him, and me saying, "Go and check,  
12:37:34 9 because they'll have a lot of material about A, B and C".  
12:37:39 10  
12:37:40 11 What you say is you did act for his brother, you prepared a  
12:37:45 12 Form 8A for him and you invoiced that on 11 November 2002,  
12:37:50 13 right?---Yes. And presumably they got that reference from  
12:37:53 14 a fee book or somehow, but what I'm trying to say to you is  
12:37:58 15 that in 2009 when I'm making this statement there's no way  
12:38:02 16 I could have accessed that, bearing in mind the  
12:38:05 17 circumstances in which I was in in 2009, there's no way I  
12:38:09 18 could have accessed any record that would have been able to  
12:38:11 19 tell me that to tell them that.  
12:38:15 20  
12:38:16 21 Did you have discussions over the telephone or discussions  
12:38:19 22 with people who were handling you, if you like, about  
12:38:22 23 details that they'd previously asked you about?---No, I can  
12:38:27 24 remember asking what was happening with this statement and  
12:38:32 25 being kind of, I can't remember specifically what excuse  
12:38:36 26 was given to me, but I was fobbed off for a while and then  
12:38:41 27 at some point I was told it wasn't going anywhere and that  
12:38:44 28 was the end of it.  
12:38:44 29  
12:38:45 30 Right, okay. I take it you have always had access to your  
12:38:51 31 fee books?---No, I haven't.  
12:38:54 32  
12:38:55 33 When did you - did you not have access to your fee books at  
12:38:59 34 around this time?---No, of course not, because this is,  
12:39:04 35 this statement is taken in another country in 2000 and - -  
12:39:07 36 -  
12:39:07 37  
12:39:08 38 I follow that, but you were there for a period of time and  
12:39:12 39 you came back, you came back to Australia. When you came  
12:39:14 40 back to Australia I take it you had access to your fee  
12:39:20 41 books?---Yes, well I- not until some time in 2010 when I'm  
12:39:31 42 home from hospital, yes, yes.  
12:39:32 43  
12:39:41 44 It may well be that your fee books are in the safe of your  
12:39:46 45 clerk, is that right?---I think so. I - um, the current  
12:39:54 46 one, the fee book that was, you know, that wasn't complete  
12:39:58 47 at the time I ceased practising went to my clerk and I'm

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12:40:01 1 not sure whether the first one was with my clerk or the  
12:40:05 2 Royal Commission got it from my home. Sorry, I can't  
12:40:08 3 remember.  
12:40:09 4  
12:40:09 5 All right, okay?---All I'm saying is that in the time of  
12:40:15 6 making this statement I, um, I couldn't access it, so -  
12:40:22 7 what I'm saying is I don't know how they got the detail of  
12:40:25 8 the date.  
12:40:25 9  
12:40:26 10 Presumably it's come from some note of yours and  
12:40:31 11 potentially it's come from your clerk or your fee  
12:40:36 12 book?---Or the instructing solicitor, yes.  
12:40:38 13  
12:40:40 14 The evidence that we have establishes clearly that  
12:40:43 15 investigators did have SDU records with them concerning  
12:40:48 16 David Waters when they came to see you in Bali and when  
12:40:51 17 they returned to Australia they went back to the SDU and  
12:40:58 18 sought more records with respect to other names,  
12:41:03 19 right?---Yes. Sorry, um, sorry Commissioner, you're out of  
12:41:06 20 focus again.  
12:41:07 21  
12:41:08 22 COMMISSIONER: Yes, okay. Thanks for that. We'll continue  
12:41:10 23 anyway, don't worry?---Sorry, go on.  
12:41:14 24  
12:41:14 25 You'll probably be going back to Exhibit 260 I think.  
12:41:18 26  
12:41:18 27 MR WINNEKE: When you examined the statement, when you read  
12:41:20 28 it, when it was first shown to you did you find other parts  
12:41:23 29 of the statement which you believe you didn't speak to  
12:41:30 30 investigators about?---I can't recall specifically now but  
12:41:34 31 I do remember, um, being asked by Mr Murphy about this  
12:41:44 32 statement last year, I think it was at the request of the  
12:41:47 33 Royal Commission, and looking at it and saying, "There's, I  
12:41:51 34 couldn't have said this and I can't remember this  
12:41:53 35 information".  
12:41:54 36  
12:41:54 37 All right?---And I can't remember, you know, normally you  
12:41:59 38 can put your mind back and I might not be able to remember  
12:42:03 39 what somebody actually said to me on a particular day but I  
12:42:08 40 can remember the fact of the meeting or the fact of  
12:42:09 41 talking, of actually seeing the person.  
42  
12:42:11 43 Yes?---And what I can say about the person who's named in  
12:42:15 44 here is that I can't remember ever meeting him.  
12:42:19 45  
12:42:19 46 Right. So you're surprised to see that in your  
12:42:22 47 statement?---Yes.

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12:42:22 1  
12:42:23 2 What about [REDACTED]?---Oh no, I, I definitely had done  
12:42:29 3 some work for [REDACTED]  
12:42:30 4  
12:42:30 5 Can we have a look at p.10, the bottom of p.10. Now, you  
12:42:42 6 see there there's some material in italics which indicate  
12:42:46 7 that there are missing information reports regarding a  
12:42:50 8 particular person telling Docket that Iddles had been in  
12:42:59 9 Ms Gobbo's office, do you see that?---Yep.  
12:43:01 10  
12:43:02 11 Now did you discuss that with either of the investigators  
12:43:08 12 in Bali?---Can I just read the bit above?  
12:43:13 13  
12:43:13 14 Yes?---Please. Just to try and get my head where this is.  
12:43:58 15 Can you scroll up, please, a little bit? Thanks. Yes,  
12:44:25 16 sorry. So I forget what the question was, Chris.  
12:44:30 17  
12:44:31 18 What I'm suggesting to you is that were giving them  
12:44:34 19 information, there was information available to the  
12:44:37 20 investigators who were taking your statement because as I  
12:44:39 21 put to you before they'd already been to the SDU and taken  
12:44:44 22 with them material to Bali about Docket Waters. During the  
12:44:49 23 course of the narrative there was a suggestion by you that  
12:44:53 24 there should be information in various information reports  
12:44:58 25 or information contact reports which they don't have and  
12:45:01 26 that they should go back and see if those information  
12:45:05 27 reports or ICRs could be gathered from the SDU, that's what  
12:45:10 28 I'm suggesting?---Yeah, I agree with that because my  
12:45:14 29 recollection is that, um, is that in the course of talking  
12:45:18 30 to Mr Iddles and him typing, me saying to him a couple of  
12:45:23 31 times, um, there's more detail about particular things that  
12:45:30 32 SDU had tasked me to say or do in relation to Waters, in  
12:45:35 33 particular.  
12:45:35 34  
12:45:35 35 Yes?---And, um, them or Mr Iddles, sorry, not having the  
12:45:42 36 detail of those conversations, because - - -  
12:45:45 37  
12:45:46 38 Here is the note in the statement, the draft  
12:45:49 39 statement?---Yes, because - some of the SDU instructions  
12:45:53 40 about Waters were very specific, as in, from memory I can  
12:45:59 41 recall being told or asked, sorry, tasked to go and meet  
12:46:04 42 him and [REDACTED]  
12:46:06 43  
12:46:06 44 Yes?---With me not knowing what the significance of it was.  
12:46:09 45  
12:46:09 46 Yes?---But it turning out to be significant somehow.  
12:46:13 47

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12:46:13 1 Well, I think in particular it referred to information  
12:46:17 2 about that witness that we were talking about before,  
12:46:20 3 didn't it? That was some of the information that you [REDACTED]  
12:46:22 4 [REDACTED] speak to him about and the fact that he was going  
12:46:25 5 to be charged?--Um, I don't know specifically. I can't  
12:46:31 6 recall specifically but I'm not - I'm not disputing that.  
12:46:37 7 There's a reference above to stormy, or storeman, that  
12:46:45 8 rings a bell with what I was tasked to say.

12:46:48 9  
12:46:48 10 If we go to p.12 of the statement at the top you'll see  
12:46:53 11 some more italics. Do you see that?---Yes.

12:47:00 12  
12:47:02 13 Keep going down to the bottom of that page. Bottom of the  
12:47:06 14 statement, keep going to the end of the statement. Do you  
12:47:15 15 see that? There's an underlined section there, quite  
12:47:19 16 obviously indicating that there's more detail to be  
12:47:22 17 provided regarding the relationship between Waters and that  
12:47:26 18 person?---Yes.

12:47:28 19  
12:47:28 20 One gets the impression that the document that is being  
12:47:31 21 prepared and that we've got here is a draft document which  
12:47:36 22 has - is still yet to be completed?---That's correct, and  
12:47:42 23 that's, that's not even the version that I saw it in,  
12:47:46 24 because the one I saw didn't have the italics and  
12:47:50 25 underlinings. It was, the only version I saw was the  
12:47:54 26 electronic version.

12:47:55 27  
12:47:55 28 What, and you saw the electronic version on the computer of  
12:47:58 29 Mr Iddles or Mr Waddell?---As he - I was sitting next to  
12:48:03 30 him as he was typing.

12:48:04 31  
12:48:04 32 Right.

12:48:05 33  
12:48:05 34 COMMISSIONER: Which one, Iddles or Waddell?---I can recall  
12:48:08 35 Iddles typing.

12:48:10 36  
12:48:11 37 MR WINNEKE: Did you understand why it was that the  
12:48:13 38 statement wasn't taken from you and your signature put on  
12:48:16 39 it when you were in Bali?---Um, sorry, I didn't know we  
12:48:27 40 could say the location, sorry.

12:48:29 41  
12:48:29 42 I don't believe that's a problem?---Um, my understanding  
12:48:34 43 was because it wasn't complete and they needed to go and,  
12:48:40 44 um, access further material, um, which I know to be notes  
12:48:47 45 or recordings or debriefings with SDU and come back to me  
12:48:51 46 at some point.

12:48:53 47

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12:48:53 1 Right?---But the last thing that, um, Ron Iddles said to me  
12:48:57 2 was to, um, to not do it, to not be a witness.  
12:49:01 3  
12:49:01 4 Did he say why?---Yes, he said he believed it would burn me  
12:49:08 5 and not to trust them.  
12:49:12 6  
12:49:13 7 When you say burn you, the effect of it was if you were a  
12:49:17 8 witness it would become apparent that you'd been a human  
12:49:21 9 source?---Words to that effect, yes. That's the way I  
12:49:24 10 interpreted it. It was given in a, I want to make it  
12:49:28 11 clear, it wasn't given in a, um, a nasty fashion. It was,  
12:49:33 12 I interpreted it as, um, kind of fatherly type advice of,  
12:49:39 13 um, not to, not to trust Overland, um.  
12:49:46 14  
12:49:46 15 When you say that, effectively, as I understand it what  
12:49:50 16 he's saying to you is, "Look, if you, if you sign this  
12:49:54 17 statement and give evidence about, about the matters that  
12:49:58 18 are set out in the statement, obviously you're going to be  
12:50:01 19 asked about your recollection, the process of making the  
12:50:06 20 statement", correct?---Yes, and the whole SDU thing will  
12:50:10 21 come out.  
12:50:11 22  
12:50:11 23 And it would come out. And it was made clear to you, was  
12:50:15 24 it, that Force Command, including Mr Overland, was very  
12:50:19 25 keen to prosecute these people and that they - - - ?---Yes.  
12:50:22 26  
12:50:23 27 - - - would be very keen to use you as a  
12:50:25 28 witness?---Correct.  
12:50:26 29  
12:50:27 30 And what you're saying is, well look Mr Iddles said to you,  
12:50:30 31 in effect, that would certainly not be in your interests,  
12:50:37 32 despite the fact that they'd be very keen to have these  
12:50:41 33 people prosecuted?---In a nutshell, yes. He was looking  
12:50:45 34 out for me.  
12:50:46 35  
12:50:46 36 All right. You were aware of those matters as at the time  
12:51:00 37 you made that draft statement and you were, those matters  
12:51:04 38 would have been apparent to you in any event, I take it,  
12:51:09 39 regardless of whether Mr Iddles told you or not?---Um, yes.  
12:51:21 40 Because at the time that, around the time that this  
12:51:24 41 statement's taken, um, what, the ongoing, um, dispute, for  
12:51:32 42 want of a better word, is that I keep saying to, um,  
12:51:38 43 Victoria Police, or to the people that were, um,  
12:51:43 44 purportedly looking after me, that there is, I couldn't see  
12:51:49 45 a way that they could, that I could be called as a witness  
12:51:52 46 without all this stuff coming out and I kept being told,  
12:51:57 47 "No, don't worry about it, you know, we'll, we'll protect

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12:52:01 1 you".  
12:52:01 2  
12:52:02 3 Right?---And by the time, sorry, by the time I have this,  
12:52:06 4 um, conversation, this meeting with, um, with Mr Iddles,  
12:52:13 5 um, I think in my mind I'd resigned myself to the fact that  
12:52:21 6 it appeared that there was no way any of it was going to be  
12:52:25 7 able to be held back and that I couldn't make a statement  
12:52:28 8 that was only going to have half of the facts in it.  
12:52:31 9  
12:52:32 10 Right. Subsequently you appear, certainly in 2012, you  
12:52:38 11 were writing letters to Victoria Police indicating that you  
12:52:41 12 wanted to be a witness and you wanted to give evidence. Do  
12:52:45 13 you recall - - -?---Yes, this is in relation to the, um,  
12:52:52 14 this I think is in relation - are you talking about the  
12:52:56 15 letters that I wrote to, or the letter that was written to  
12:52:59 16 John Champion?  
12:53:00 17  
12:53:00 18 That was one of them and I think also a letter to Kieran  
12:53:05 19 Walshe?---Yes, because this is at a time when, um, starting  
12:53:12 20 from - so post the, post the settlement of my civil action  
12:53:17 21 in 2010.  
12:53:19 22  
12:53:20 23 Yes?---Um, then - sorry, from early 2011, despite the terms  
12:53:26 24 of settlement, um, I was harassed by Boris Buick within 48  
12:53:34 25 hours of my mother dying, with him saying I had to be, I  
12:53:38 26 was going to be called as a witness against Paul Dale and  
12:53:41 27 that I would need to go into witness protection.  
12:53:43 28  
12:53:43 29 In the latter part of 2011 you were very keen not to be  
12:53:46 30 called as a witness?---There was - yes, there were a number  
12:53:52 31 of meetings in - discussions, sorry, in 2011 in relation to  
12:54:03 32 whether or not I could be called to give evidence in  
12:54:05 33 circumstances in which the matters that are now before this  
12:54:10 34 Commission would not be made public.  
12:54:13 35  
12:54:13 36 Right?---And all kinds of people had all kinds of crazy  
12:54:17 37 suggestions - and I say crazy because one of them was  
12:54:21 38 completely ridiculous. Um, because I kept saying if I give  
12:54:28 39 evidence this will all come out and I don't want anyone to  
12:54:33 40 think I'm not happy to give evidence, I will, but what are  
12:54:36 41 you going to do to protect all this stuff?  
12:54:39 42  
12:54:39 43 Right?---And one of the crazy suggestions in 2011 was,  
12:54:43 44 "Well what we can do to protect you", this is the  
12:54:47 45 Commonwealth DPP with Boris Buick, "Is we'll get Mr Dale's  
12:54:51 46 barrister to tell us what questions he wants to ask in  
12:54:55 47 cross-examination and we can make sure that they're, that

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12:54:58 1 he doesn't ask anything that might reveal any of this"  
2  
12:55:03 3 Right?---And as absurd as that might sound to you that is  
12:55:06 4 what was said in a meeting at the Commonwealth DPP and I  
12:55:10 5 nearly fell off - I was just shocked at how stupid that  
12:55:15 6 was. And I remember telling my then solicitor afterwards  
12:55:19 7 and him, him writing letters. Sorry, that was Solicitor 1  
12:55:24 8 for the record.  
12:55:25 9  
12:55:26 10 Yes. Solicitor 1 wrote a letter to Mr Champion, I think -  
12:55:30 11 you alluded to that before?---Yes.  
12  
12:55:33 13 In which you offered to provide information and you were  
12:55:35 14 seeking to access a reward that would be available to a  
12:55:40 15 person who provided information that led to the conviction  
12:55:45 16 of the murders - a conviction for the murders of the  
12:55:50 17 Hodsons, is that right?---I can't remember the detail in  
12:55:54 18 the letter, but that would be right, what he wrote in the  
12:55:58 19 letter would be right.  
20  
12:55:59 21 The effect of it was, is that shortly after the civil  
12:56:04 22 litigation in which you recovered an amount of money, a  
12:56:08 23 significant amount of money, one of the terms of that was  
12:56:12 24 you wouldn't be called to give evidence in any future  
12:56:15 25 proceeding, shortly after that, a number of months after  
12:56:21 26 that, Solicitor 1 wrote to the State DPP in effect offering  
12:56:26 27 you up as a provider of information and seeking a million  
12:56:32 28 dollar reward?---No, that's not what happened. You're  
12:56:35 29 right, the settlement was executed in September 2010 and  
12:56:41 30 one of the terms of settlement was that Victoria Police  
12:56:43 31 would go their way, I would go another way, as in there  
12:56:49 32 would be a parting of ways. They would not bother me or  
12:56:52 33 call me as a witness in any proceeding in relation to Paul  
12:56:55 34 Dale at all, ever again, and - so that was the end of  
12:57:02 35 September 2010.  
12:57:03 36  
12:57:03 37 I think I misled you, it was in January or thereabouts -  
12:57:09 38 was it in the latter part of 2011 or 2012 that you were  
12:57:13 39 seeking access to the reward?---Yes, because that's - it's  
12:57:18 40 not a couple of months later, it's a long way later and  
12:57:24 41 after a whole year of being harassed by Boris Buick and  
12:57:28 42 introduced to more witness protection people and [REDACTED]  
12:57:36 43 [REDACTED] people, and more lies and rubbish that  
12:57:39 44 I'm told about what will and won't happen, and in the - and  
12:57:43 45 I'm told I'll get a witness subpoena to give evidence,  
12:57:47 46 because I'm going to be called in the prosecution of, um,  
12:57:51 47 Paul Dale with respect to his - - -

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12:57:55 1  
12:57:56 2 The ACC charges?---Yes, that's right.  
12:57:58 3  
12:57:59 4 Wasn't it made clear to you that it was proposed that you  
12:58:02 5 wouldn't be called - in the latter part of 2011 it was made  
12:58:07 6 clear to you that the Commonwealth DPP was not going to  
12:58:11 7 call you as a witness against Paul Dale in that  
12:58:15 8 proceeding?---So what I recall happening is that I, um, I  
12:58:21 9 was, um, very, um, concerned is an understatement, about  
12:58:31 10 the prospect of being, of actually being called because I  
12:58:35 11 had been served with a witness summons to attend court.  
12:58:38 12  
12:58:39 13 And you went along and you had a meeting with the  
12:58:42 14 Commonwealth DPP. You were with Mr Buick and you made it  
12:58:49 15 clear your health was such it would be detrimental for you  
12:58:52 16 to be called, you couldn't be called to give evidence,  
12:58:55 17 correct?---Yes, that was in early 2011.  
12:58:57 18  
12:58:58 19 No, it was in around August of 2011?---Yes, there were a  
12:59:02 20 couple of meetings throughout 2000 and - - -  
12:59:06 21  
12:59:07 22 MR NATHWANI: Sorry, it happened a lot yesterday. It's  
12:59:09 23 starting to happen a lot now.  
12:59:11 24  
12:59:11 25 MR WINNEKE: It didn't happen a lot yesterday.  
12:59:13 26  
12:59:14 27 COMMISSIONER: Don't talk over each other and we'll let the  
12:59:17 28 witness answer the question.  
29  
12:59:23 30 MR NATHWANI: Thank you.  
12:59:23 31  
12:59:24 32 MR WINNEKE: Sorry, Ms Gobbo, I can't see you. Keep  
12:59:27 33 going?---So my, I'm not disputing that I had a meeting with  
12:59:30 34 the Commonwealth DPP, but the, my mind-set at the time was  
12:59:37 35 that, you know, um, end of September 2010 I thought  
12:59:45 36 finally, um, that's the end of this nightmare, I can get on  
12:59:49 37 with my life or try and get on with my life and the focus  
12:59:52 38 was on, frankly it was on improving my health and, um, then  
12:59:59 39 my mum got sick and, um, she died in February of 2011 and a  
13:00:08 40 couple of days later the Buick stuff starts with, "No,  
13:00:12 41 you're going to be a witness. I'm going to call you".  
13:00:15 42 Then there are a whole lot of meetings with him throughout  
13:00:19 43 2011 and, at least one with the DPP, and with solicitors  
13:00:23 44 from the DPP and Buick and witness protection people and I  
13:00:28 45 can't even - God knows who else. And then by, um, whatever  
13:00:37 46 date the committal was due to start, it was literally the  
13:00:40 47 night, the night before the committal I was told, I can't



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13:00:44 1 remember who rang me and told me, but I was told that  
13:00:48 2 Mr Ashton had spoken to the Commonwealth Director, as in  
13:00:56 3 the Commonwealth Director, and that I was not going to be  
13:00:59 4 called as a witness.  
13:01:00 5  
13:01:00 6 Right. That must have been a relief?---Um, yes, it was.  
13:01:06 7  
13:01:07 8 Right. Now, a few months after that you instructed  
13:01:14 9 Solicitor 1 to write to the State DPP seeking a  
13:01:18 10 reward?---No.  
13:01:19 11  
13:01:19 12 And providing information?---I think because by then he was  
13:01:24 13 acting for the Hodsons and there was an issue of, um - like  
13:01:30 14 I might have the timing not right about this because I  
13:01:34 15 can't, I just can't recall in which order this happened,  
13:01:38 16 but there was a, um, he was making submissions in relation  
13:01:43 17 to having an Inquest for the murder of the Hodsons. Um,  
13:01:49 18 and he sought my assistance in that regard, um, and there  
13:01:56 19 was also the, um, the issue of me being able to, um, assist  
13:02:08 20 with respect to, um, the notes that Mr Dale had written,  
13:02:16 21 um, during the recording.  
13:02:18 22  
13:02:18 23 Right?---And did anyone want those notes, because the  
13:02:24 24 whole, the whole - one of the issues about me being called  
13:02:29 25 as a prosecution witness in those ACC charges was the  
13:02:32 26 potential for the revelation of all of this to come out.  
13:02:36 27  
13:02:36 28 Yes?---And I can't, I can't remember who my, who Solicitor  
13:02:44 29 1 spoke to in particular, um, I can't remember now what he,  
13:02:50 30 who he spoke to or - but one of the issues was the, um,  
13:02:56 31 whether the production of the magazine that Dale had  
13:03:00 32 scribbled on that day would assist the prosecution in  
13:03:05 33 relation to those charges without me giving evidence.  
13:03:07 34  
13:03:08 35 Right. And you gave him instructions that you had the  
13:03:11 36 magazine with the notes on it and that if you provided a  
13:03:16 37 statement with the magazine with the notes, you would then,  
13:03:21 38 or you would be in a position to give evidence about it and  
13:03:24 39 then get a reward, correct?---Um, yeah, I assume so, yes.  
13:03:31 40  
13:03:33 41 And what happened to the magazine with the notes on  
13:03:37 42 it?---Um, it was - I kept it in, um, I did know where it  
13:03:43 43 was until, um, the most recent house move that I made, um,  
13:03:50 44 after I gave evidence in front of Justice Ginnane.  
13:03:54 45  
13:03:54 46 And the Commission asked you to produce those notes and you  
13:03:57 47 can't find them?---No, a couple of searches have been done

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13:04:03 1 and the best explanation I can give is that when the most  
13:04:09 2 recent move, which I did by myself, um, from my former -  
13:04:16 3 well from one house to another suburb, um, it got, they got  
13:04:22 4 thrown out.  
13:04:22 5  
13:04:23 6 Right. These were pretty significant notes, weren't  
13:04:28 7 they?---Well, by then, arguably yes and no because no one  
13:04:37 8 had wanted them by then.  
13:04:38 9  
13:04:39 10 Why didn't you provide them to the police?---Well, no one  
13:04:42 11 asked for them.  
13:04:44 12  
13:04:46 13 When - - -?---I went back on the day, I went back to police  
13:04:48 14 on the day of the Dale meeting with it in my hand and said,  
13:04:54 15 because obviously - I don't know what I can say about the  
13:05:00 16 actual recording of the conversation, but, um, I went back  
13:05:04 17 and, to police immediately after that meeting and I had it  
13:05:12 18 in my hand and said, and said, um, that what he had said  
13:05:16 19 had to be, um, had to be understood in the context of some  
13:05:22 20 scribbles and I remember thinking, I wonder why no one  
13:05:27 21 wanted the, it was the back page of a Saturday or Sunday  
13:05:33 22 magazine.  
13:05:33 23  
13:05:33 24 Do you recall what they said?---The notes, yes, because  
13:05:37 25 they, because when, um, in 2000 and - sorry, I just can't  
13:05:49 26 remember what year it was, but when I had meetings with the  
13:05:53 27 Petra investigators, it was Mr Solomon and Mr Davey, um,  
13:06:00 28 with respect to my proposed evidence against Dale, we had  
13:06:06 29 to go through the transcript of the recording, um, a number  
13:06:11 30 of times with me making amendments on a copy of the  
13:06:15 31 transcript as to what was actually being said. Um, and  
13:06:22 32 when you go through the transcript of the conversation,  
13:06:25 33 some parts had been, um, were said to be inaudible, when  
13:06:29 34 you listen to it ten times you can work out what's being  
13:06:34 35 said, um, and then I was able to tell them that, you know  
13:06:40 36 particular points in the transcript, that's when he had  
13:06:43 37 written a certain word or a certain name on that back of  
13:06:46 38 that magazine.  
13:06:47 39  
13:06:47 40 Why wasn't that referred to in your statement?---Sorry, why  
13:06:52 41 wasn't - - -  
13:06:53 42  
13:06:53 43 It referred to in your statement?---That process?  
13:06:57 44  
13:06:58 45 No, the notes that had been written by Mr Dale?---Well, the  
13:07:03 46 first statement was taken and then there was going to be a  
13:07:06 47 second statement which was after reading, going through the

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13:07:12 1 - sorry, listening to the recording with a transcript in  
13:07:15 2 front of us, um, that was done over a couple of days in  
13:07:21 3 2009, um, with, I remember, um, Davey and, Mr Davey and  
13:07:31 4 Mr Solomon being there.  
13:07:32 5  
13:07:32 6 Yes?---And then they were going to go, they were coming -  
13:07:37 7 they were going back to Melbourne and they were going to  
13:07:41 8 put that into the form of an additional, a supplementary  
13:07:45 9 statement and that was like the Iddles statement, it never  
13:07:48 10 went anywhere.  
13:07:49 11  
13:07:49 12 Can I just ask you this and focus on this, you say that  
13:07:53 13 Mr Dale wrote some notes on the back of a magazine or the  
13:07:57 14 back of a paper when you were having this discussion with  
13:08:00 15 him on 6 or 7 December 2008, correct?---Yes.  
13:08:05 16  
13:08:05 17 And you say those notes were significant because they were,  
13:08:09 18 what, some sort of a message to you?---Well, like for  
13:08:15 19 example, when - in the actual conversation I don't think he  
13:08:19 20 says, um, I can't remember exactly what was on the notes  
13:08:24 21 but when he says things like, um, when he's referring to  
13:08:28 22 the ACC he doesn't actually say the words ACC, he scribbles  
13:08:32 23 that on a piece of paper.  
13:08:33 24  
13:08:34 25 Right?---But it's apparent when you listen to the audio  
13:08:38 26 recording, um, and you can tell from the way there are  
13:08:43 27 pauses in the conversation or where he says, "Have you got  
13:08:46 28 a pen", you can tell there's something being written down.  
13:08:49 29  
13:08:49 30 Right, okay. That, you say is significant, it may well be,  
13:08:56 31 but it wasn't something that you told investigators at the  
13:08:59 32 time that you made your first statement, is that  
13:09:01 33 correct?---Yes, it was.  
13:09:02 34  
13:09:02 35 It was?---Yes, it was. I didn't imply the fact that there  
13:09:06 36 were notes.  
13:09:07 37  
13:09:08 38 Did the police ask you for the notes?---No, they didn't and  
13:09:11 39 nor did Shane O'Connell when I returned with the recording  
13:09:14 40 on the day it was made.  
13:09:15 41  
13:09:16 42 All right, okay. Commissioner, what time are we breaking?  
13:09:24 43  
13:09:24 44 COMMISSIONER: Not until 1.30, if you can go on until then.  
13:09:29 45  
13:09:30 46 MR WINNEKE: Are you happy to continue, Ms Gobbo, I just  
13:09:32 47 want to move back to an area I was covering and I was

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13:09:34 1           distracted, I'm afraid?---Yes.  
13:09:38 2  
13:09:39 3           Are you right?---Yes, yes.  
13:09:40 4  
13:09:40 5           I was asking you about the person on the, the [PII]  
13:09:46 6           [PII], do you know who I'm talking about?---Yes, yes, I  
13:09:49 7           do, I think, yes.  
13:09:50 8  
13:09:51 9           You had spoken to him on [PII] 2006 and you might have  
13:09:54 10          seen him on either side of that date unofficially,  
13:09:58 11          correct?---Yes, I know who you're talking about, yes.  
13:10:00 12  
13:10:02 13          When you spoke to that person, you went back and mentioned  
13:10:10 14          to your handlers that you had seen him, right, and if we  
13:10:16 15          have a look at - - -?---Yes.  
13:10:17 16  
13:10:17 17          The ICR at p.392, which is the one I was going to take you  
13:10:21 18          to before. If we have a look at those notes. Can we move  
13:10:46 19          in the other direction. Right there. Do you see there is  
13:10:49 20          a note about [PII] called complaining about [PII],  
13:10:55 21          [PII] called complaining about [PII]?---Um, yep.  
13:11:03 22          Um - - -  
13:11:04 23  
13:11:04 24          Right, do you see that there?---Yes. Yes, I do, yes.  
13:11:10 25  
13:11:10 26          And then you see - - -?---Sorry, I was just translating who  
13:11:14 27          these people were - yes, yes.  
13:11:16 28  
13:11:16 29          And then the note underneath that is that you saw the  
13:11:22 30          [PII] re her pending trial, no details  
13:11:29 31          given?---Yes.  
13:11:29 32  
13:11:31 33          Now, what was the pending trial that you were seeing him  
13:11:35 34          about?---Um, I'm not sure - sorry, I'm not sure which  
13:11:45 35          gangland murder it was, presumably one of them.  
13:11:48 36  
13:11:50 37          Do you say that you were seeing him about a gangland murder  
13:11:56 38          that you were involved in in around [PII] 2006?---That I  
13:12:04 39          was involved in?  
13:12:05 40  
13:12:05 41          Yes. As a legal practitioner?---Um, look, I can't remember  
13:12:14 42          which murder it was but my recollection is, um, not  
13:12:19 43          inconsistent with what's written above that with, um, one  
13:12:23 44          person complaining about the other person, they were  
13:12:25 45          driving me crazy on the phone.  
13:12:27 46  
13:12:27 47          Right. But what's the note about that particular person

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13:12:31 1 underneath and why did you see him and why did you tell  
13:12:36 2 your handlers that you were seeing him regarding a pending  
13:12:39 3 trial?---Well, first of all, to answer your question, I  
13:12:43 4 told them everything. So they, there was no filtering of,  
13:12:48 5 um, not telling them because, well I can't remember exactly  
13:12:53 6 what point in time, but their attitude was, "Tell us  
13:12:56 7 everything and we will work out what is relevant or what  
13:13:00 8 can be disseminated, don't hold back anything because we'll  
13:13:05 9 know if you're not telling us".

13:13:07 10  
13:13:07 11 Right?---So in answer to your question of why I would have  
13:13:11 12 told them, I would have told them, um, everything about who  
13:13:16 13 I, what my movements were that day or who I was seeing.

13:13:19 14  
13:13:19 15 Yes?---Obviously it's a typo, "her pending trial".

13:13:27 16  
13:13:27 17 Right. It's not relating to your trial, you say you've  
13:13:33 18 told the handlers it's relating to a trial that you were  
13:13:35 19 engaged to appear in which is coming up?---No, I'm not.  
13:13:40 20 No, I'm not. That's why I'm saying to you, it's - the note  
13:13:44 21 says - this is some, this is a handler who is writing a  
13:13:51 22 note months afterwards, because they told me that they had  
13:13:54 23 so much information that they were months behind in doing  
13:13:57 24 their official diaries and ICRs, but maybe this is one  
13:14:02 25 that's more efficient, I don't know. So what it says is,  
13:14:06 26 "Saw such and such re her pending trial", it's a typo of  
13:14:11 27 "her", it must be "his" because I was never involved in a  
13:14:14 28 murder trial, let alone for any of these people, so it must  
13:14:18 29 be his pending trial and I don't know whether I have, I  
13:14:22 30 don't know from that note whether I've said, some - what  
13:14:29 31 I've said to that person or what that person said to me.

13:14:32 32  
13:14:32 33 Right?---Or whether the assumption that's made by the  
13:14:36 34 person writing the notes is that, that, um, that that's  
13:14:40 35 what we discussed or that, that the reason the person's on  
13:14:44 36 remand is because they're charged with a murder, I'm sorry,  
13:14:47 37 I just - I'd just be guessing, I don't know.

13:14:50 38  
13:14:51 39 Let's just assume that you're speaking to your handler and  
13:14:54 40 the handler is taking contemporaneous, a contemporaneous  
13:14:58 41 record of the communication that you have with him,  
13:15:03 42 right?---Yes.

13:15:03 43  
13:15:04 44 Let 's go up to the page a bit. There's a discussion which  
13:15:07 45 occurs on Saturday the [REDACTED] of the [REDACTED], at 13:05. "Called  
13:15:13 46 by source, called back". Then there's a discussion,  
13:15:15 47 there's quite a bit of detail about Carl Williams,

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13:15:17 1 et cetera. Then there's - - - ?---Yes.  
13:15:19 2  
13:15:19 3 - - - discussions about other people, David McCulloch, Adam  
13:15:25 4 Ahmed, another person, reason for Carl Williams  
13:15:27 5 distributing a letter, et cetera, and then there's these  
13:15:31 6 notes that I'm talking about?---Sorry, I'm just reading the  
13:15:34 7 above bit, yes.  
13:15:35 8  
13:15:35 9 Then there's further information about Karl Khoder  
13:15:39 10 underneath and there's a bit of detail about that,  
13:15:43 11 including a dollar amount of money, do you see that?---Yes.  
13:15:46 12  
13:15:47 13 And further information about Cvetanovski and a dollar  
13:15:51 14 amount of money there, right?---Yes.  
13:15:53 15  
13:15:54 16 If we assume that whoever is taking the notes is taking a  
13:15:57 17 contemporaneous record of the communication, what you've  
13:16:01 18 said about the person we've been discussing, the [REDACTED]  
13:16:06 19 [REDACTED] is not much, that is you've seen him regarding a  
13:16:09 20 pending trial but there were no details given,  
13:16:12 21 right?---Yep.  
13:16:12 22  
13:16:14 23 Now, you say you tell them everything?---Well I didn't hold  
13:16:19 24 back anything that, that they were interested in, not at  
13:16:22 25 all.  
13:16:22 26  
13:16:23 27 All right. Could we have a look at your court book which  
13:16:26 28 is Exhibit RC255 at MIN.0001.0014.0784 at p.53?---Sorry,  
13:16:41 29 just to be clear, I might be at cross-purposes with you.  
13:16:44 30 When it says, um, "regarding her trial".  
13:16:49 31  
13:16:49 32 Yes?---I'm interpreting that to be his trial, not my trial,  
13:16:54 33 because I wasn't, I was never involved in that trial.  
13:16:57 34  
13:16:58 35 Right. But I think you were involved in trials at various  
13:17:02 36 stages, but it appears to be, assuming there's a faithful  
13:17:06 37 recording of what you've told the handler, the handler's  
13:17:11 38 recorded that you saw this person regarding a pending  
13:17:14 39 trial. No details were sought because it was a matter  
13:17:17 40 perhaps concerning a trial that you were involved in?---No,  
13:17:21 41 and what I'm saying to you is it would have been his trial,  
13:17:26 42 because I never had even a copy of the brief of evidence  
13:17:30 43 for a murder trial that he was charged with.  
13:17:32 44  
13:17:32 45 Righto, okay. Let's have a look at - so you're not acting  
13:17:36 46 for him, you're not - - -?---No.  
13:17:38 47

.05/02/20

13187

GOBBO XXN

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13:17:39 1 Right, okay. Let's have a look at your court book. What  
13:17:45 2 we see is that it's headed with the date and his  
13:17:51 3 name?---Yep.  
13:17:51 4  
13:17:51 5 Do you see that?---Yep.  
13:17:52 6  
13:17:53 7 It's got [REDACTED] in brackets. "[REDACTED] to go" in brackets. Now  
13:17:58 8 that's a reference to a sentence that he's been given and  
13:18:01 9 an amount of time that he's got left to serve.  
13:18:06 10  
13:18:07 11 MR HOLT: Could that detail be taken out, Commissioner.  
13:18:09 12  
13:18:09 13 COMMISSIONER: Yes, we'll need to take that out.  
13:18:13 14  
13:18:13 15 MR HOLT: Just the numbers, Commissioner.  
13:18:15 16  
13:18:15 17 COMMISSIONER: The numbers on line 24, p.13185, be removed  
13:18:21 18 from the live stream and the transcript.  
13:18:23 19  
13:18:23 20 MR WINNEKE: Right. You've got there, you've got the name  
13:18:28 21 of a solicitor who appears to be the person's solicitor,  
13:18:33 22 right?---Yes.  
13:18:33 23  
13:18:33 24 You've got the name of the [REDACTED], that is - and that  
13:18:37 25 person, the [REDACTED] solicitor?---I think - yeah, I think  
13:18:43 26 you were using the expression [REDACTED] before.  
13:18:46 27  
13:18:47 28 If I've got too close Mr Holt will tell me.  
13:18:51 29  
13:18:51 30 MR HOLT: And he has and I'm grateful to Ms Gobbo. If that  
13:18:54 31 could be - - -  
13:18:54 32  
13:18:54 33 COMMISSIONER: We'll take out that term on 41, on line 41  
13:19:00 34 on 13185.  
13:19:02 35  
13:19:02 36 WITNESS: Sorry, I've got a big note in front of me  
13:19:06 37 reminding myself to say [REDACTED].  
13:19:09 38  
13:19:09 39 MR WINNEKE: I've got lots of notes but not that one.  
13:19:13 40 You've got a reference to two detectives from Purana, Peter  
13:19:17 41 Trichias and Grant Kelly?---Yes.  
13:19:19 42  
13:19:20 43 And one of those detectives was a Detective who had  
13:19:25 44 reasonably close contact with the witness, with the person  
13:19:28 45 we're talking about?---Yes, I think - yeah, he was - yes, I  
13:19:36 46 think that's right.  
13:19:37 47

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13:19:37 1 Then there's a reference to [REDACTED], tape to - - -?---I  
13:19:46 2 don't think you can say his - there's a suppression on his  
13:19:53 3 - he was suppressed in a trial I did. Anyway.  
13:19:55 4  
13:19:56 5 Anyway, you've written that information down and there's -  
13:19:58 6 - -  
13:19:58 7  
13:19:59 8 MR HOLT: I think as a matter of safety, I'm not aware of  
13:20:02 9 that suppression order, Commissioner.  
13:20:03 10  
13:20:03 11 COMMISSIONER: I don't think any names have been mentioned.  
13:20:05 12  
13:20:06 13 MR HOLT: I don't think so. I think it's the first time  
13:20:08 14 which is why we mightn't be aware of it. For safety it can  
13:20:09 15 be taken out.  
13:20:10 16  
13:20:10 17 COMMISSIONER: But nothing has been mentioned to take it  
13:20:13 18 out.  
19  
13:20:14 20 MR WINNEKE: I think that is a name, Commissioner.  
13:20:14 21  
13:20:14 22 COMMISSIONER: [REDACTED]?---It is a name of a person who  
13:20:18 23 gave - - -  
13:20:19 24  
13:20:20 25 MR WINNEKE: You don't need to say any more, Ms Gobbo.  
13:20:24 26  
13:20:24 27 COMMISSIONER: All references to that name can be taken out  
13:20:26 28 of the transcript, thanks. I'm just getting to the point  
13:20:29 29 we can finish this and then we'll adjourn.  
13:20:31 30  
13:20:32 31 MR WINNEKE: Yes. That person was a client of yours,  
13:20:33 32 wasn't he?---No, he was a Crown witness in a trial where  
13:20:39 33 he, he pleaded guilty to a murder and got a massive  
13:20:43 34 sentence and then gave evidence for the Crown and my client  
13:20:46 35 was acquitted.  
13:20:47 36  
13:20:47 37 Right. There was a reference to a tape to the witness.  
13:20:53 38 "Gave to person", the [REDACTED] I'm talking about.  
13:21:02 39 "Tape to the [REDACTED], gave to [REDACTED]", which would  
13:21:06 40 be [REDACTED], do you agree with that?---Yeah. Yeah,  
13:21:11 41 I'm just trying to work out whether the reference to the  
13:21:14 42 man that I don't think should be, whose name might be, is  
13:21:17 43 suppressed, um, is - I'm trying to work out whether that  
13:21:27 44 reference "tape to" and so forth is because of the  
13:21:30 45 following line because I had a whole lot of information  
13:21:33 46 then about the, what went on during the [REDACTED] trial  
13:21:39 47 or the [REDACTED] - - -

.05/02/20

13189

GOBBO XXN



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13:21:41 1  
13:21:41 2 You're asking about Mr O'Brien, because Mr O'Brien was an  
13:21:44 3 investigator involved in the [REDACTED] trial?---I don't  
13:21:49 4 know if you can say I'm asking about it or he's saying to  
13:21:55 5 me, "Jim O'Brien was involved in that".  
13:21:57 6  
13:21:57 7 In any event you're writing this information in your court  
13:22:00 8 book?---Yes, yep.  
13:22:02 9  
13:22:03 10 There's the word "solicitor" and then again the [REDACTED] of  
13:22:05 11 the [REDACTED]?---Yes, and I think that was a question  
13:22:09 12 about who, whether, um, whether he should have a different  
13:22:15 13 solicitor or who could act for him or something along those  
13:22:19 14 lines.  
13:22:19 15  
13:22:20 16 Right. There are dates there. [REDACTED] of 2006, [REDACTED]  
13:22:24 17 [REDACTED] 2007, are they court dates, are they?---Um, I'm only  
13:22:36 18 guessing but I assume so based on the date that I'm taking  
13:22:40 19 these notes one must be a mention date or a committal date.  
13:22:43 20  
13:22:43 21 Right. And then there's a reference to the Court of  
13:22:46 22 Appeal, [REDACTED], appeal against conviction and  
13:22:50 23 sentence one assumes?---Yes, I think he - I think what that  
13:22:54 24 means is that he has an appeal or is lodging an appeal.  
13:23:02 25  
13:23:02 26 Do you know why you were having these discussions with the  
13:23:06 27 [REDACTED]?---Sorry, do I know why I was?  
13:23:15 28  
13:23:16 29 Yes, what was the purpose of getting this  
13:23:21 30 information?---Um, well I presume that on [REDACTED] 2006,  
13:23:26 31 um, as I said before, I can't remember if this is the first  
13:23:30 32 time I see him or I've met him previously unofficially, but  
13:23:37 33 I'm sitting down with him trying to, um, answer whatever  
13:23:42 34 his queries are and my recollection is it's because he's  
13:23:46 35 had many lengthy discussions with [REDACTED], um, about  
13:23:54 36 what I - you know, between those two about what I can and  
13:23:59 37 can't achieve or what I might be able to help him with.  
13:24:03 38  
13:24:03 39 Right?---So the notes, reading these notes doesn't really  
13:24:07 40 help me because it looks like, um, it looks like me writing  
13:24:13 41 down well that's who his solicitor is, that's who the  
13:24:17 42 [REDACTED]'s solicitor is, then the next line, that's who the  
13:24:22 43 - - -  
13:24:22 44  
13:24:22 45 We can see?---(Indistinct) each of them, just the bit  
13:24:27 46 about, um, tape to someone to give to [REDACTED], I  
13:24:35 47 presume that's a reference to the, something that I -

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13:24:40 1 because that witness whose name is not being mentioned, um,  
13:24:44 2 I had - - -

13:24:47 3  
13:24:48 4 MR HOLT: Commissioner, I'm sorry, I'm just concerned about  
13:24:50 5 if that person's name is suppressed the data that's going  
13:24:55 6 along with it at the moment would tend to identify it. We  
13:24:57 7 just don't know that at present. I just think this  
13:25:00 8 explanation is likely to provide that information.

13:25:00 9  
13:25:00 10 WITNESS: Sorry, Commissioner. I do know that when, when,  
13:25:03 11 um, Mr Heliotis and I did that murder trial, that that  
13:25:07 12 person's name, um, was definitely protected because, um, of  
13:25:14 13 the circumstances in which he gave evidence.

13:25:16 14  
13:25:16 15 COMMISSIONER: Yes, all right.

13:25:17 16  
13:25:17 17 MR HOLT: I don't want to talk about the detail of it if  
13:25:22 18 that's the case, Commissioner, until we know.

13:25:22 19  
13:25:24 20 COMMISSIONER: Yes.

13:25:24 21  
13:25:25 22 MR WINNEKE: The last matter I want to ask you about on  
13:25:28 23 that page, it looks like "TM, Queensland or not at the time  
13:25:31 24 of [REDACTED]'s murder", do you see that?---Yes.

13:25:33 25  
13:25:34 26 Now, that was on [REDACTED] of 2003 that murder,  
13:25:42 27 correct?---Yes.

13:25:43 28  
13:25:45 29 I'm sorry, 2004, I apologise. Now, you know that the  
13:25:55 30 person, the [REDACTED] was also a person who [REDACTED]  
13:25:59 31 to [REDACTED]'s murder and gave evidence against  
13:26:06 32 other people, including [REDACTED]?---Yes, I learnt that  
13:26:11 33 later on, yes.

13:26:12 34  
13:26:16 35 Were you, or has it ever been suggested that you were with  
13:26:20 36 Mr Mokbel at or around the time that money was handed over  
13:26:27 37 to the [REDACTED] with respect to that murder?---No.

13:26:34 38  
13:26:35 39 Have you ever heard that been said?---No, but, um, you  
13:26:42 40 know, having read the statement that that witness made to  
13:26:47 41 Nigel L'Estrange and the - just garbage that's in it that's  
13:26:53 42 not corroborated by anything, I'm not, I wouldn't be  
13:26:56 43 surprised if he said something like that.

13:26:59 44  
13:27:00 45 Are you able to explain how that note comes to be in your  
13:27:04 46 court book, why it was recorded - do you know?---Well, I  
13:27:10 47 don't, I don't know specifically but it would be something

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13:27:13 1 that, um, that he has said or asked which has caused me to  
13:27:18 2 write that down and it looks like - it looks like it's a  
13:27:23 3 question of was he, um, was he, was Tony Mokbel, um, in  
13:27:31 4 Queensland or not as of PII [REDACTED] 2004?  
13:27:38 5  
13:27:38 6 Right. Were you concerned about what the witness might say  
13:27:43 7 regarding Mokbel and the PII [REDACTED] murder?---No, um.  
13:27:51 8  
13:27:52 9 No?---I didn't know, um, at all that he, um, was going to  
13:27:58 10 or in fact could say anything at all about Tony Mokbel.  
13:28:01 11  
13:28:02 12 Right?---Being involved in either of those murders and, um,  
13:28:08 13 my understanding is that the, you know, this is something I  
13:28:13 14 had an argument with my handlers over, or Purana over, that  
13:28:17 15 Tony shouldn't have been extradited based on those two  
13:28:21 16 murder charges.  
13:28:21 17  
13:28:22 18 Is there any reason why you wouldn't have referred to the  
13:28:24 19 details of this conversation in discussions with your  
13:28:28 20 handler which you apparently had shortly after the date of  
13:28:30 21 this, or the time of this meeting?---Well, I don't know  
13:28:36 22 whether I did, so - what I mean by that is that, um, just  
13:28:44 23 to be able to explain, the different handlers worked  
13:28:47 24 differently, so some took, um, incredibly detailed notes,  
13:28:53 25 um, very, very specific, and some didn't. I don't know who  
13:28:58 26 it was I was talking to on that particular occasion, um,  
13:29:03 27 and sometimes they asked a lot of questions and sometimes  
13:29:06 28 they didn't ask many at all, um, and I don't want to, I  
13:29:13 29 don't want the impression to be wrong, that is that I'm  
13:29:16 30 trying to hide something from them, it would be - I'm  
13:29:20 31 assuming it's me saying there's nothing of, nothing of  
13:29:23 32 significance because look what I've written down, does any  
13:29:27 33 of that mean anything in particular? One thing - - -  
13:29:31 34  
13:29:31 35 One assumes it must mean something to you - I apologise, I  
13:29:37 36 thought you had finished, go on?---What I'm saying is  
13:29:41 37 sometimes when you write some things down, in particular I  
13:29:45 38 don't appreciate the significance of them of where they fit  
13:29:48 39 into a police investigation. As often was the case with my  
13:29:51 40 handlers, I didn't know that something was as valuable as  
13:29:56 41 what was at the time and investigators don't necessarily  
13:30:00 42 tell you that, but what I think has happened is, when I  
13:30:04 43 speak to that, whoever the handler was on that afternoon,  
13:30:09 44 and I'm presumably updating him on everything that's  
13:30:15 45 happened since the last time I've spoken to him, this  
13:30:18 46 wouldn't have rated, um, very highly in terms of, well what  
13:30:23 47 was it about? I mean look at the notes, it's not really

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13:30:26 1 about anything.  
13:30:27 2  
13:30:27 3 What if this particular well-known criminal asked you  
13:30:34 4 whether Tony Mokbel was in Queensland or not at around the  
13:30:37 5 time of [PII]'s murder, that was of no  
13:30:41 6 significance?---No, but I don't know whether he's asking  
13:30:43 7 that or he's telling me that that's a question in the brief  
13:30:48 8 of evidence. I'm only guessing what that note means at  
13:30:51 9 this point in time.  
13:30:51 10  
13:30:52 11 Right?---I mean ultimately I, you know, post this time, I  
13:30:58 12 learned down the track that Tony gets charged with the  
13:31:01 13 murder of [PII] and that it's basically, the only  
13:31:06 14 evidence is this particular witness, um, and that it's, um,  
13:31:11 15 it's kind of a, leave aside what the full brief of evidence  
13:31:16 16 is, it's kind of, um, a very weak case.  
13:31:21 17  
13:31:21 18 Thanks.  
13:31:21 19  
13:31:21 20 COMMISSIONER: We'll take the next 20 minute break now,  
13:31:24 21 thank you.  
13:31:25 22  
13:31:25 23 (Short adjournment.)  
13:52:58 24  
13:53:13 25 COMMISSIONER: Yes, Ms Gobbo, you're there?---Yes, I'm  
13:53:17 26 here, Commissioner.  
13:53:17 27  
13:53:17 28 The picture is breaking up a little, it's digital breaking  
13:53:22 29 up, but it's all right to proceed?---It's become clear  
13:53:25 30 again from my end.  
13:53:26 31  
13:53:27 32 Not so good from mine but never mind, it's better now.  
13:53:32 33  
13:53:32 34 MR WINNEKE: Ms Gobbo, I was asking you about Paul Dale.  
13:53:34 35 Do you accept that in the period from February to May you  
13:53:38 36 socialised with him, 2004, I apologise?---Yes, but - yes.  
13:53:48 37  
13:53:49 38 Do you accept that during that period you used telephones  
13:53:54 39 or a telephone in particular which was not in your  
13:54:00 40 name?---Yes, I've said that before, yes.  
13:54:02 41  
13:54:02 42 And I think there's a name Valersky or something like  
13:54:08 43 that?---I didn't connect it so I've got no idea, but I've  
13:54:14 44 heard the name before.  
13:54:15 45  
13:54:15 46 The phone was provided to you by whom?---I'm not sure where  
13:54:19 47 that one - precisely who that came from.

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13:54:22 1  
13:54:22 2 Do you accept that you acted as a conduit, if you like,  
13:54:27 3 between Carl Williams and Paul Dale, in other words you put  
13:54:31 4 Dale in touch or on phones, on to a phone to speak to  
13:54:34 5 Williams?---Yeah, there was one night where, um, not in a  
13:54:42 6 planned way, I was speaking to Dale and Williams rang me  
13:54:48 7 and when, um, Dale heard me answer the phone he asked if he  
13:54:53 8 could speak to Carl and I handed him the phone.  
13:54:56 9  
13:54:56 10 Right. Was that on more than one occasion?---Um, I don't  
13:55:03 11 think so. I can specifically recall, I can specifically  
13:55:07 12 recall one, um, one occasion that happening.  
13:55:11 13  
13:55:11 14 Can I suggest to you that on or around 27 February there  
13:55:20 15 was an occasion when Mr Dale was with you and he spoke to  
13:55:23 16 Carl Williams?---Yes, I didn't dispute that.  
13:55:28 17  
13:55:28 18 And then on a later occasion, around 4 or 5 May, there was  
13:55:34 19 an occasion when Paul Dale contacted George Williams and  
13:55:40 20 asked Carl and/or George Williams to get, to speak to  
13:55:47 21 you?---Well, yeah, I - I assume I learned about that from  
13:55:53 22 George or Carl.  
13:55:54 23  
13:55:54 24 Right. Do you know what that was about?---Um, May 2004?  
13:56:02 25  
13:56:02 26 Yes?---Um, no, not, not specifically, no.  
13:56:07 27  
13:56:10 28 And - - -?---Sorry, May 2004? Um, sorry, I'm just trying  
13:56:18 29 to, um, put in, in context, um, whether - - -  
13:56:26 30  
13:56:26 31 Can I give you some context?---Yes, sorry.  
13:56:29 32  
13:56:29 33 There was an allegation that Paul Dale met with Carl  
13:56:32 34 Williams at Hillside on around 6 or 7 May of 2004, the  
13:56:37 35 murder of the Hodsons occurred on 16 May 2004 and the  
13:56:42 36 suggestions or allegations were being made that you were a  
13:56:46 37 conduit through whom Paul Dale arranged a meeting with Carl  
13:56:54 38 Williams at around that time. Do you understand those  
13:56:56 39 allegations?---Yes, is this about the building site?  
13:57:01 40  
13:57:01 41 The building site, yes?---Yes. Yes, there is, um, there  
13:57:07 42 was some - I don't want to, um, I don't want to just guess  
13:57:16 43 but my recollection is there was some conversation with,  
13:57:22 44 um, one of them about where, it was either where Dale was  
13:57:29 45 going to be or where Williams was going to be, um, on a  
13:57:34 46 particular day or a particular week and they managed to  
13:57:39 47 find each other in that time.

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13:57:41 1  
13:57:42 2 Right. You were asked questions about your involvement  
13:57:47 3 with Williams and Dale by the handlers, your handlers,  
13:57:54 4 around 2007, do you recall that?---Um, in general terms,  
13:58:02 5 yes.  
13:58:02 6  
13:58:03 7 And you recall subsequently when it became apparent, when  
13:58:06 8 it was discovered that you'd been using burner phones, if  
13:58:12 9 you like, at about that time and was speaking to Williams  
13:58:14 10 and/or Dale at about that time, that was significant  
13:58:18 11 information as far as Petra was concerned?---Yes, I recall  
13:58:23 12 having meetings with Petra in I think it was 2007. Um, and  
13:58:35 13 then, um, asking me, asking me about them and me talking to  
13:58:41 14 them about it.  
13:58:42 15  
13:58:42 16 Right. And you hadn't given that information previously to  
13:58:46 17 your handlers, or anyone else, correct?---Um, I don't think  
13:58:50 18 so.  
13:58:52 19  
13:58:53 20 And you'd been asked by your handlers quite specifically  
13:58:56 21 about the telephone numbers that you had been using, all of  
13:59:00 22 the telephone numbers that you had been using, and you  
13:59:03 23 didn't tell them about these telephone numbers, or this  
13:59:06 24 telephone number in particular?---I don't think I was in a  
13:59:11 25 position to know what the number was because I didn't have  
13:59:13 26 that phone at the time.  
13:59:15 27  
13:59:15 28 Yes. Did you tell them that you'd been using false  
13:59:19 29 phones?---Um, not at - at some point, yes, but I can't  
13:59:25 30 remember precisely when.  
13:59:27 31  
13:59:27 32 Was it the case that you only told them after you'd been  
13:59:31 33 confronted with evidence that police had gathered that you  
13:59:34 34 had been using burner phones?---Um, I'm not sure. Um, when  
13:59:51 35 I, whenever I was, um, asked something specific, and I must  
13:59:58 36 say as time went on - I'm not disagreeing with your  
14:00:02 37 proposition but, um, what I would say is as time went on  
14:00:08 38 the detail that I provided them was, was, um, in far  
14:00:14 39 greater specificity than at the beginning and what I mean  
14:00:17 40 by that is, like the first couple of debriefings were along  
14:00:22 41 the lines of, "Well tell us everything you know about a  
14:00:25 42 particular person" and then, then they would come back and  
14:00:30 43 sometimes they would ask specific questions about specific  
14:00:33 44 people and, like for example, during the time between 05  
14:00:40 45 and 07, I saw Dale a couple of times, um, and it wasn't a  
14:00:47 46 fact that I hid from them but if they didn't ask specific  
14:00:52 47 details, um, then I didn't provide any. Not, not, not

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14:00:55 1 about, um, not about hiding something from them but if, um,  
14:01:04 2 I recall seeing him and having a coffee with him in Queen  
14:01:09 3 Street at one stage and saying something to the handler  
14:01:12 4 that I was talking to and him saying, "Did he say anything  
14:01:15 5 of significance" and me saying, "No, not that I know of"  
14:01:21 6 and that was the end of the discussion, which is partly why  
14:01:24 7 by the time 07 rolls around and he's ringing and wanting to  
14:01:28 8 speak to me, it's partly why the recording ends up taking  
14:01:32 9 place.

14:01:32 10  
14:01:32 11 Were you concerned that you might have been implicated in  
14:01:35 12 the murder of the Hodsons?---Yes, over time, um, it became  
14:01:43 13 apparent to me that, um, that - you know, it may be that  
14:01:48 14 someone, or there may be investigators or anyone else who  
14:01:52 15 might not believe that I did not know.

14:01:55 16  
14:01:56 17 Right. When did you first have those concerns?--Well  
14:02:02 18 obviously after the murder.

14:02:03 19  
14:02:03 20 Right. So immediately after the murder you were concerned  
14:02:05 21 that it might be alleged that you had put Dale into contact  
14:02:11 22 with Williams, who had perhaps then commissioned the  
14:02:17 23 murder, murders?---No, no, not immediately after, because  
14:02:20 24 immediately after I didn't know any more than anyone else  
14:02:23 25 did about, about the circumstances of the murder.

14:02:27 26  
14:02:27 27 Right?---It was as, as time went on and, um, you know, as  
14:02:34 28 events unfolded with people making statements and, um,  
14:02:40 29 briefs of evidence being served and more and more  
14:02:43 30 information, um, becoming public, um, you know for example,  
14:02:49 31 in 2003/2004 I didn't know that, um, Williams had been  
14:02:57 32 involved in the number of murders that he had been involved  
14:03:01 33 in or that, you know, that Veniamin was as dangerous as he  
14:03:05 34 was. It was as time went on that became apparent or I was  
14:03:09 35 informed of that.

14:03:10 36  
14:03:10 37 Do you know when the last time was that you used the burner  
14:03:14 38 phone that you'd been communicating with Paul Dale on,  
14:03:19 39 leading up to the time of the murders?---No, I've got no  
14:03:24 40 idea.

14:03:24 41  
14:03:24 42 Was it shortly after the murders or prior to the  
14:03:30 43 murders?---I've literally got no idea, sorry.

14:03:34 44  
14:03:37 45 Was there a reason that you know of that you stopped using  
14:03:42 46 that telephone?---Presumably it ran out of credit.

14:03:46 47

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14:03:53 1 On the night of the Hodson murders you were out to dinner  
14:03:59 2 with Azzam Ahmed, is that correct?---No, we were in, um, he  
14:04:05 3 came into my chambers in William Street that afternoon.  
14:04:10 4  
14:04:10 5 Yes?---Um, late that afternoon, and I'd been at home and  
14:04:18 6 then went into work, and then at some point late in the,  
14:04:25 7 late in the day, um, bearing in mind that he had a, um, had  
14:04:32 8 a curfew that he had to be respectful of for his bail  
14:04:36 9 conditions, um, we, I can't remember whether we drove or  
14:04:42 10 walked up Little Bourke Street to Chinatown and ate and  
14:04:46 11 then I went back to chambers and I think he went home.  
14:04:51 12  
14:04:52 13 You were the first person notified of the murders prior to  
14:04:56 14 the police by Andrew Hodson, is that correct?---Yes, he  
14:05:00 15 rang looking for, um, he rang looking for Mr De Santo's  
14:05:05 16 number.  
14:05:05 17  
14:05:06 18 Right. Do you know where you were when you received that  
14:05:09 19 telephone call?---Um, not off the top of my head, no.  
14:05:17 20  
14:05:17 21 Okay. Has it been suggested that, that you were assisting  
14:05:30 22 Azzam Ahmed, who might need an alibi?---Sorry, you cut out  
14:05:37 23 for a minute there. Can you repeat that?  
14:05:39 24  
14:05:40 25 Are you aware of an assertion that - I withdraw that. Are  
14:05:45 26 you aware of Azzam Ahmed informing or passing information  
14:05:54 27 to Abbey Haynes to the effect that she might need to have  
14:05:59 28 or she ought to secure herself an alibi at the time where  
14:06:04 29 the murders, or at least a murder of Terry Hodson was being  
14:06:09 30 planned?---I have heard that, um, I just can't remember  
14:06:17 31 when, or whether I read it or heard it from someone.  
14:06:20 32  
14:06:20 33 You're aware that she'd been told by Azzam Ahmed that  
14:06:25 34 something was going to happen and it would be wise for her  
14:06:27 35 to be in public vision when it was going to happen on the  
14:06:32 36 night that the Hodsons were murdered, you're aware of  
14:06:36 37 that?---Yeah, I just can't remember when, when or how I  
14:06:41 38 was, learned of that. It might have been reading his  
14:06:44 39 statement, reading, either Abbey's statement or maybe -  
14:06:50 40 sorry, I just can't remember exactly when. I can tell you  
14:06:57 41 I remember talking about it with a friend of mine who is  
14:07:01 42 not connected with the, with any of this or a lawyer and  
14:07:08 43 saying to him how, um - mentioning how furious I was that  
14:07:19 44 me thinking that, that that meal that night had nothing to  
14:07:25 45 do with anything and was just, um, was just unplanned and  
14:07:31 46 spontaneous, it was actually him, um, using me behind my  
14:07:36 47 back and how disgusted I was.



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14:07:38 1  
14:07:38 2 So you felt that he had used you to provide himself with an  
14:07:45 3 alibi, that was a feeling that you had?---Well when I heard  
14:07:48 4 or read about it later on, yeah, I was, I was, um, pretty  
14:07:53 5 angry.  
14:07:54 6  
14:07:54 7 That was when you read, you say you read Abbey Haynes'  
14:07:58 8 statement?---I don't, I don't want to give the impression  
14:08:03 9 I'm guessing, but it would have been, it had to have been  
14:08:07 10 either, um, Abbey's statement or maybe Carl's statement.  
14:08:15 11 I'm just - sorry, I just don't know when. It would have  
14:08:18 12 been some - it was some time, a long time after.  
14:08:22 13  
14:08:22 14 Do you recall being very concerned when you became aware  
14:08:26 15 that Carl Williams was going to make a statement concerning  
14:08:31 16 the death of, or the deaths of Terry and Christine  
14:08:38 17 Hodson?---Very concerned, no.  
14:08:39 18  
14:08:40 19 Were you concerned that Carl Williams might in some way  
14:08:43 20 implicate you?---No, I was - I assumed that he would put,  
14:08:49 21 use my name and, um, insert me into whatever he might say,  
14:08:56 22 as per my experience of, um, of Mr, um, Andrews' statement.  
14:09:07 23 I was concerned with what may be accurate or not accurate.  
14:09:12 24  
14:09:16 25 You were interviewed by Homicide investigators or at least  
14:09:20 26 spoken to by Homicide investigators Charlie Bezzina and  
14:09:24 27 Cameron Davey on 1 July 2004?---Yes, um, when you say  
14:09:32 28 interviewed, I know they recorded it but it wasn't a, it  
14:09:37 29 wasn't a cautioned interview.  
14:09:41 30  
14:09:42 31 And you were asked about your own knowledge of whether or  
14:09:48 32 not Mr Hodson had been an informer?---If that's what I was  
14:09:57 33 asked, I don't dispute that. I just can't specifically  
14:10:00 34 remember what I was and wasn't asked. I can remember  
14:10:06 35 having that, I can remember having a lengthy discussion  
14:10:09 36 with Charlie Bezzina about the extent to which the Drug  
14:10:15 37 Squad had used Hodson and about how well-known it was to,  
14:10:20 38 um, anyone who had been arrested and charged in which, um,  
14:10:27 39 there'd been drug trafficking involving Hodson. Because  
14:10:31 40 Bezzina said that the impression he'd been given was that  
14:10:35 41 it was a very well kept secret and that nobody knew and I  
14:10:39 42 can remember saying that's just again examples of why that  
14:10:45 43 was just rubbish.  
14:10:46 44  
14:10:47 45 Do you know it's been suggested or at least the idea has  
14:10:51 46 been floated that in some way you were involved in passing  
14:10:57 47 information reports, IRs concerning Hodson to Tony Mokbel,

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14:11:02 1 what do you say about that?---No, I didn't.  
14:11:05 2  
14:11:05 3 Did you ever see any information reports provided by Paul  
14:11:10 4 Dale to you?---No, but there were information reports  
14:11:15 5 floating around, um, prior to that, to that - call it an  
14:11:23 6 incident back then, there were information reports floating  
14:11:27 7 around concerning Hodson prior to that date.  
14:11:30 8  
14:11:30 9 When you were speaking to Davey and Bezzina you were asked  
14:11:36 10 about whether any of your clients were aware of whether or  
14:11:41 11 not Mr Hodson was an informer?---Is this the, is this the,  
14:11:48 12 um - - -  
14:11:49 13  
14:11:49 14 The taped discussion, put it that way?---The recorded - - -  
14:11:52 15  
14:11:52 16 Yes, the recorded conversation?---I think that there's, um,  
14:11:56 17 I think that the tape was lost because it was the subject  
14:11:59 18 of subpoena and no one could find it.  
14:12:01 19  
14:12:01 20 Right. Have you seen the transcript of the tape or the  
14:12:06 21 videotape in recent times?---I've never seen it.  
14:12:09 22  
14:12:10 23 Did you know it exists?---No, I thought that there was no,  
14:12:14 24 no, um, no - well the last I heard they couldn't locate the  
14:12:21 25 video.  
14:12:21 26  
14:12:24 27 Have you read the transcript?---Never.  
14:12:27 28  
14:12:29 29 Do you agree that you were asked questions as to whether or  
14:12:33 30 not your clients, such as Tony Mokbel, were aware of  
14:12:39 31 Mr Hodson's status as an informer?---Yes, because the fact  
14:12:44 32 of the extent of knowledge in the criminal world about him  
14:12:51 33 being an informer was significant.  
14:12:56 34  
14:12:56 35 Do you recall during that conversation, if I can put it,  
14:13:01 36 not using your own words, but expressing dissatisfaction  
14:13:05 37 about working as a criminal barrister?---Not specifically,  
14:13:13 38 but - - -  
14:13:13 39  
14:13:13 40 For these particular, for people such as Mr Mokbel?---Yeah,  
14:13:19 41 I'm not - if I've said that I don't, I'm not surprised, I  
14:13:24 42 don't dispute it.  
14:13:25 43  
14:13:25 44 Right. Do you recall them suggesting to you that if you  
14:13:31 45 had any information that you might be in a position to  
14:13:35 46 provide, that the police, they would accept it in an  
14:13:41 47 anonymous way, that is they wouldn't attribute information

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14:13:44 1 to you?---Not specifically, but I - again I'm not trying to  
14:13:53 2 dispute what you say, I'm just saying I can't remember  
14:13:56 3 specifically what Bezzina asked or didn't ask. I couldn't  
14:14:01 4 even remember the date he was there.

14:14:03 5  
14:14:03 6 I suggest to you that they did, that they indicated to you  
14:14:07 7 that they'd be prepared to accept information from you  
14:14:11 8 anonymously, or without attributing you, right?---What I'm  
14:14:16 9 saying, Chris, I don't dispute it. If it's on the tape it  
14:14:20 10 would be better than my memory is now of when it happened  
14:14:26 11 20 years ago or however long it is.

14:14:29 12  
14:14:29 13 Did you ever do that, did you ever speak to either  
14:14:32 14 Mr Bezzina or Mr Davey and offer them information in an  
14:14:36 15 informal way?---Um, I know I spoke to Bezzina a couple of  
14:14:50 16 times socially, um, but what we spoke about, or the detail,  
14:14:55 17 I can't remember, um, on occasions where I saw him, um,  
14:15:05 18 either bumped into him around the court precinct or in a  
14:15:09 19 social setting. I don't remember ever seeing Davey  
14:15:13 20 anywhere but Bezzina I had spoken to, um, on previous  
14:15:20 21 occasions.

14:15:21 22  
14:15:21 23 Right, okay. By that time you had, I suppose, informally  
14:15:26 24 been providing information to a number of police officers,  
14:15:30 25 even if it could only be described as it being wheedled out  
14:15:33 26 of you, do you accept that?---Yes, yes, and I, um, you  
14:15:40 27 know, as time progresses from, um, you know, through 2004  
14:15:47 28 to the lead up to September 2005, um, I think looking at  
14:15:58 29 it, my mind-set back then was I'm out of my depth, really  
14:16:02 30 stuck, I need to, I need to go to the police. They're the  
14:16:07 31 people that can, you know, sort this out and they're the  
14:16:12 32 people I need to talk to and that's how it - you know,  
14:16:17 33 unbeknownst to me that planned by them a year before, but  
14:16:20 34 that's, that's what happened.

14:16:21 35  
14:16:22 36 All right. Now what I want to do is I want to briefly, if  
14:16:26 37 I can, take you through some events and do it in such a way  
14:16:32 38 that I don't breach any orders. Can you have a look at the  
14:16:36 39 list in front of you. You've got some names there, I think  
14:16:41 40 the four names that I've given you?---Yes.

14:16:45 41  
14:16:46 42 In fact I won't, I won't mention, we won't mention the  
14:16:50 43 names. I asked you before about the murder which occurred  
14:16:53 44 in 2000 and, or murders which occurred in 2003,  
14:17:00 45 right?---Yes.

14:17:00 46  
14:17:16 47 COMMISSIONER: There's some discussion between counsel at

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14:17:18 1 this point, Ms Gobbo?---That's all right.  
14:17:30 2  
14:17:30 3 MR WINNEKE: I discussed with you before those murders,  
14:17:37 4 correct, the ones that occurred in 2003, firstly [REDACTED] and  
14:17:41 5 then secondly [REDACTED], right?---Yes.  
14:17:43 6  
14:17:44 7 And you initially spoke to one of the witnesses who later  
14:17:50 8 made, one of the people who later made a witness statement,  
14:17:53 9 correct?---Yes.  
14:17:55 10  
14:17:55 11 Is it the case that you might have spoken to that person  
14:17:58 12 perhaps on two occasions, once on remand and then  
14:18:02 13 subsequently or was it only once that you spoke to that  
14:18:05 14 person?---Are we talking about the person that I - - -  
14:18:10 15  
14:18:10 16 On the Sunday, the person you spoke to the Sunday who later  
14:18:14 17 made a statement?---Yes.  
14:18:15 18  
14:18:16 19 Suggesting that you had in some way been - right?---Yes.  
14:18:20 20 Sorry, what was the question?  
14:18:22 21  
14:18:22 22 Did you speak to that person on one occasion or more than  
14:18:26 23 one occasion subsequent to his arrest?---Um, I think if  
14:18:37 24 we're talking about - sorry, I'm confused. Are we talking  
14:18:44 25 about the person I visited on [REDACTED] 06 or are we  
14:18:47 26 talking about - - -  
14:18:48 27  
14:18:48 28 No, [REDACTED] 2003?---Yes, yes.  
14:18:52 29  
14:18:52 30 The murder happens, the next day you say you had a  
14:18:56 31 discussion with Williams, you went down to see this person  
14:18:59 32 in custody, correct?---Yes. I, um, I thought that I saw  
14:19:05 33 both accused either on that day or I saw one and the  
14:19:14 34 solicitor saw the other, because we went together. Sorry,  
14:19:18 35 I just can't - and then, um, subsequently, um, subsequently  
14:19:29 36 we, myself and their solicitor went back to the Custody  
14:19:33 37 Centre.  
14:19:33 38  
14:19:34 39 Yes. Now, on [REDACTED] you then appeared for the other  
14:19:43 40 one, there were two arrested, do you understand that, you  
14:19:46 41 see one on the Sunday?---Yes, yes.  
14:19:48 42  
14:19:48 43 Correct?---Yes.  
14:19:49 44  
14:19:49 45 On [REDACTED] you appear for the other one in an  
14:19:53 46 application by police to interview him in - too much? And  
14:20:04 47 they wanted to interview him in relation to murders that

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14:20:07 1 had occurred in [PII] of that year, the double murders,  
14:20:10 2 correct?---This is the 464 application?  
14:20:13 3  
14:20:13 4 464 application?---Yes.  
14:20:15 5  
14:20:17 6 All right?---Yep. Sorry, this is [PII] ?  
14:20:26 7  
14:20:27 8 Yes, correct?---Yep.  
14:20:28 9  
14:20:28 10 Four days after that Williams, Carl Williams was arrested  
14:20:33 11 in relation to threatening to kill or alleged threats to  
14:20:37 12 kill Mr Bateson and his partner or girlfriend,  
14:20:41 13 correct?---Yep.  
14:20:41 14  
14:20:41 15 And you attended at the police station to listen to the  
14:20:44 16 tapes containing the threats?---Yeah, Theo Magazis and I  
14:20:50 17 were set up when we came down to listen to those tapes.  
14:20:53 18  
14:20:54 19 Okay. The answer is yes?---Sorry, I just have a - yes,  
14:20:58 20 yes.  
14:20:58 21  
14:20:58 22 Then you appeared for Carl Williams on a remand hearing the  
14:21:01 23 following day?---Um, I don't recall whether I did or not  
14:21:08 24 but - - -  
14:21:09 25  
14:21:09 26 Do you accept that?---Yes, yes. This is in relation to him  
14:21:14 27 being remanded in custody over the alleged threat.  
14:21:17 28  
14:21:17 29 Yes?---Yes.  
14:21:20 30  
14:21:21 31 Now, can I suggest to you that in, you attended the  
14:21:27 32 daughter's christening where you make a speech on 5  
14:21:30 33 December, we've established that, correct?---5 December 03  
14:21:35 34 or 04?  
14:21:36 35  
14:21:37 36 03?---Right, okay. Now are we talking a year later?  
14:21:43 37  
14:21:44 38 We're talking 03 still?---No, you said threat to kill  
14:21:48 39 Bateson was 17 November 04.  
14:21:51 40  
14:21:51 41 If I said that I'm mistaken, I apologise. 03?---Sorry, I  
14:21:57 42 thought you said the 464 was 04.  
14:22:02 43  
14:22:02 44 I did but I was mistaken. So [PII] 03 is the 464  
14:22:06 45 application in relation to the murder, correct? Then we  
14:22:09 46 have [PII] later, I said [PII] 2003, Williams was  
14:22:12 47 arrested in relation to the threat to kill

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14:22:16 1 Bateson?---Right, yes.  
14:22:17 2  
14:22:18 3 You involve yourself as a lawyer in that, do you accept  
14:22:21 4 that?---Um, yes, although you're not giving me a chance to  
14:22:29 5 explain that, but yes.  
14:22:30 6  
14:22:31 7 Right. The following February, 2004, you appeared for Carl  
14:22:38 8 Williams at a committal mention arguing that he ought have  
14:22:43 9 leave to cross-examine, that is Williams ought have leave  
14:22:48 10 to cross-examine Bateson in committal proceedings?---Um, I,  
14:22:58 11 I've got no specific memory of going to a committal  
14:23:01 12 mention, but if there's a record that I did I don't dispute  
14:23:05 13 it.  
14:23:05 14  
14:23:05 15 I think it's recorded in newspaper recordings at the time.  
14:23:09 16 In any event, you then, on 22 March you're present at court  
14:23:16 17 and you spoke to Bateson about the 464 witness and his  
14:23:23 18 preparedness to assist?---Yep.  
14:23:29 19  
14:23:29 20 Right. You're aware that he'd previously been interviewed  
14:23:34 21 in relation to the murder of [REDACTED] and [REDACTED]?---Um, hang  
14:23:37 22 on, sorry to interrupt, but, um, you say that the 464  
14:23:43 23 application was [REDACTED] 03.  
14:23:46 24  
14:23:46 25 Correct?---And that now you're asking on 22 March 04.  
14:23:51 26  
14:23:51 27 Yes?---That I'm talking about - okay.  
14:23:57 28  
14:23:57 29 There's a court hearing on that day?---Yep.  
14:23:59 30  
14:23:59 31 A committal mention and you have a discussion with  
14:24:02 32 Mr Bateson, right, about the prospect of that witness  
14:24:07 33 assisting police in their investigations into the murders  
14:24:12 34 of [REDACTED] and [REDACTED], and others?---Okay, yes.  
14:24:17 35  
14:24:17 36 Correct?---I've got no memory of it, I'm sure there's  
14:24:22 37 records that would - I don't dispute it.  
14:24:24 38  
14:24:24 39 Mr Bateson says that's what occurred. Now, when you spoke  
14:24:28 40 to him you would have been aware that he would implicate  
14:24:30 41 Carl Williams?---Um, I can't - I can't be sure, depending  
14:24:42 42 upon what information I had at that point, um. I mean the  
14:24:47 43 likely answer is yes, but not necessarily because, um,  
14:24:54 44 police officers informed me of that. It would be more  
14:24:56 45 likely because of the way that Carl's been behaving.  
14:25:00 46  
14:25:00 47 Right?---You know, Carl, Carl up to that point had been

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14:25:04 1 making, trying to make sure that, um, well effectively  
14:25:08 2 standing over me to make sure [REDACTED] didn't speak to the  
14:25:14 3 police.  
14:25:15 4  
14:25:15 5 MR HOLT: That needs to be taken from the record.  
14:25:17 6  
14:25:17 7 COMMISSIONER: Take that name out?---Sorry, sorry.  
8  
14:25:21 9 It's all right.  
14:25:21 10  
14:25:22 11 MR WINNEKE: One assumes you had spoken to Mr Bateson with  
14:25:24 12 instructions from your client?---From, um, [REDACTED] yes.  
14:25:30 13  
14:25:33 14 I take it you also would have been aware at the time that  
14:25:37 15 if he did make a statement he would implicate  
14:25:49 16 [REDACTED]?---Not necessarily because I didn't know  
14:25:51 17 [REDACTED] had anything to do with, um, that murder at all.  
14:25:58 18  
14:25:58 19 Are you talking about the PII [REDACTED] or the PII [REDACTED]?---The  
14:26:04 20 PII [REDACTED].  
14:26:05 21  
14:26:05 22 Right. Were you aware that he would implicate [REDACTED] in  
14:26:08 23 the PII [REDACTED] murders?---No. I don't know - I didn't know what  
14:26:13 24 he was going to say about [REDACTED].  
14:26:15 25  
14:26:17 26 Now, is it the case that on a number of occasions  
14:26:21 27 thereafter you had discussions with people concerning the  
14:26:26 28 potential conflict that you may have in acting for  
14:26:31 29 [REDACTED]?---Yes.  
14:26:37 30  
14:26:39 31 Who did you have discussions with about that potential  
14:26:42 32 conflict?---Um, [REDACTED] himself, Mr Bateson, um,  
14:26:59 33 [REDACTED]'s solicitor. I know, I don't want to say a  
14:27:06 34 name, but I know that he did have one solicitor I did speak  
14:27:10 35 to but I'm not sure whether that was the solicitor who  
14:27:13 36 ultimately instructed on his plea. Um - - -  
14:27:21 37  
14:27:21 38 All right. So those names, any others?---Um, well  
14:27:27 39 obviously I would have had, I know I had conversations  
14:27:30 40 with, um, with, um, Tony Mokbel and Carl Williams because I  
14:27:37 41 was lying to them about my knowledge of what [REDACTED] was  
14:27:43 42 doing or not doing.  
14:27:44 43  
14:27:47 44 Right. Did you speak to Andy Allen, the head of Purana, on  
14:27:51 45 9 April 2004 when you had a meeting with him at the  
14:27:55 46 Wallflower café in Clarendon Street?---I must have. I  
14:28:00 47 don't, I'm sorry, I don't want to sound like I'm disputing

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14:28:04 1 it, I just can't remember specifically meeting him.  
14:28:07 2  
14:28:07 3 There's evidence that you did meet with him and evidence  
14:28:09 4 that he raised your potential conflict?---Yes.  
14:28:15 5  
14:28:16 6 You don't dispute that?---No, no, I can't. I'm, um, I know  
14:28:20 7 that in, um, by around March/April 04 [REDACTED] was at the  
14:28:31 8 point of, um, what used to be called like a can-say  
14:28:37 9 statement about what he could or couldn't say in terms of,  
14:28:41 10 um, becoming a witness and I had a number of concerns about  
14:28:47 11 being involved, um, with him, um, because I was concerned  
14:28:53 12 about being killed.  
14:28:54 13  
14:28:55 14 Right. On 28 April there's an entry in your court book  
14:29:00 15 which suggests that you had a meeting with a senior Crown  
14:29:10 16 Prosecutor, and there's a note in inverted commas, "Who do  
14:29:14 17 I act for and do I have a conflict"?---28 April, yes.  
14:29:18 18  
14:29:18 19 2004, and there's a note of a discussion with  
14:29:21 20 Mr Horgan?---Yes.  
14:29:21 21  
14:29:22 22 Do you recall it being, you being questioned about who you  
14:29:26 23 acted for and whether you had a conflict?---Um, not  
14:29:32 24 specifically but the note suggests that that's - it sounds  
14:29:35 25 like something that Geoff Horgan would have asked.  
14:29:38 26  
14:29:39 27 Did you feel as if you had a conflict?---Yes, I - I know, I  
14:29:43 28 know that there are, um, it was a subject of conversations  
14:29:48 29 and not outside of my, um, contemplation that I did have a  
14:29:53 30 conflict but I couldn't work out a way of getting away  
14:29:59 31 from, um, [REDACTED] in a way that didn't, um, didn't reveal  
14:30:06 32 what he was doing to everybody else.  
14:30:08 33  
14:30:09 34 Right. Did you speak to Mr Swindells on 4 May 2004 about a  
14:30:18 35 conflict?---Um, I can't recall specifically but if that's  
14:30:25 36 something that is in evidence I wouldn't dispute it.  
14:30:30 37  
14:30:30 38 There's a note in your court book to the effect of, in a  
14:30:33 39 discussion - that you said that you had no issue re  
14:30:37 40 conflict, Mokbel, Williams and [REDACTED], right? So did you  
14:30:44 41 have that discussion with him at that time?---Um, yes, I'm  
14:30:51 42 just not sure precisely what the note means but - I'm  
14:30:57 43 assuming that, um, what I mean by that is that, um, I mean  
14:31:02 44 Mokbel's got nothing to do with anything because he wasn't,  
14:31:05 45 he wasn't charged or arrested for any of it, um.  
14:31:08 46  
14:31:08 47 Was he a suspect?---Um, I don't know at that point whether



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14:31:14 1 he was or not. I don't know when he, I don't know when  
14:31:20 2 [REDACTED] decides to implicate him and then he becomes a  
14:31:24 3 suspect. I don't think that [REDACTED] ever said anything  
14:31:27 4 about him.

14:31:28 5  
14:31:28 6 The reality is you were well aware that you had a conflict  
14:31:31 7 at that stage and what you're saying is, "I couldn't do  
14:31:35 8 anything about it because I was concerned"?---It's not, not  
14:31:38 9 that simple. What I'm saying is, um, I was well aware I  
14:31:43 10 had a big problem because I had, um, Tony Mokbel and Carl  
14:31:51 11 Williams, um, trying to, well, actually, not trying to,  
14:31:59 12 pressuring me to make sure that [REDACTED] did not make a  
14:32:02 13 statement and that he didn't give evidence, um, and to  
14:32:06 14 destroy him in some way, shape or form so they were quite  
14:32:10 15 content to, they thought that I was seeing him and  
14:32:13 16 reporting back to them and that they could control me.

14:32:16 17  
14:32:16 18 Yes?---Um, I did at one point, um, speak to, um, a QC that  
14:32:24 19 I'd been a junior to a lot, a number of times about um  
14:32:29 20 getting away from, um, Mr Mokbel and Mr Williams and his  
14:32:33 21 suggestion was to approach them and ask to be put on a  
14:32:37 22 retainer so you would only be doing their work and he was  
14:32:42 23 quite serious about that, so I tried that and they laughed  
14:32:46 24 their heads off at me.

14:32:47 25  
14:32:47 26 Ms Gobbo, on 24 July you had a stroke. That was the  
14:32:50 27 perfect opportunity for you to get out, can I suggest.  
14:32:53 28 That was the perfect opportunity?---You are right.

14:32:57 29  
14:32:57 30 Right?---Pity I didn't see it then.

14:33:02 31  
14:33:02 32 If you were concerned at that stage that you needed to get  
14:33:04 33 out, that was the perfect opportunity?---Yep, and - - -

14:33:07 34  
14:33:08 35 Can I suggest to you that what you're saying is not  
14:33:10 36 correct, if you were so concerned you would have taken that  
14:33:13 37 opportunity like a flash?---Um, no, it's not - I don't want  
14:33:19 38 to argue with you, but it's not that simple.

14:33:22 39  
14:33:22 40 All right. Why?---Because after my, um, after I recovered  
14:33:28 41 the ability to speak again, um, I was, um, told by my  
14:33:37 42 neurologist that he couldn't, um, he couldn't necessarily  
14:33:44 43 ascertain how much, um, damage the stroke had done unless  
14:33:50 44 or until I was doing the same, having the same level of  
14:33:56 45 intensity or conversations that I had beforehand.

14:33:59 46  
14:33:59 47 Is that right?---And - pardon?

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14:34:02 1  
14:34:02 2 I'm sorry, go on. Go on?---As in what, what was pointed  
14:34:09 3 out to me, and I'm - I want to make it clear, I'm not  
14:34:14 4 offering this as a, as a cop out excuse because I generally  
14:34:18 5 agree with your proposition, but in my mind at the time it  
14:34:22 6 wasn't as simple as, "Oh yeah, I'll just stop working". I  
14:34:26 7 had huge financial commitments and loans, I didn't have  
14:34:31 8 income protection insurance. Sure, my fault, because I'd  
14:34:34 9 put acting for these people ahead of having of actually  
14:34:37 10 getting the - having the underwriter meeting, which the  
14:34:39 11 joke is on me about that. No one pointed me in the  
14:34:42 12 direction of, of counselling or, um, talking to anyone,  
14:34:49 13 which, you know, in - that came later on down the track.  
14:34:54 14 Um, I didn't have a family member that I could turn to at  
14:35:00 15 the time or anyone suggesting that, you know, that stress  
14:35:02 16 might have been the cause of it all and, um, in fact it was  
14:35:09 17 - the cause of it was suggested to be something completely  
14:35:12 18 different but, you know, as time went on and in retrospect  
14:35:16 19 I think it was stress, or at least in my mind it was  
14:35:21 20 stress. Um, you know, what can I say, if my, um, if it  
14:35:30 21 happened now, it would be a different story to it happening  
14:35:34 22 then.  
14:35:34 23  
14:35:34 24 You were phoned, or you phoned Stuart Bateson on 27 July,  
14:35:39 25 three days after your stroke, and told him that you were  
14:35:42 26 still acting for ██████████?---No, I recall ringing him  
14:35:50 27 from the hospital that I was in and saying, "This is what's  
14:35:54 28 happened to me, I won't be doing his plea".  
14:36:00 29  
14:36:02 30 He has made a statement to the effect that you told him you  
14:36:07 31 were still going to be acting for ██████████?---No, I  
14:36:11 32 didn't. I didn't and I subsequently did not act for him.  
14:36:13 33  
14:36:13 34 MR HOLT: Sorry, Commissioner, can I just draw your  
14:36:15 35 attention to p.12303, line 15. That starts with a name and  
14:36:22 36 then continues to the end of the sentence.  
14:36:27 37  
14:36:27 38 COMMISSIONER: Line, which line was it?  
14:36:31 39  
14:36:32 40 MR HOLT: Line 15, Commissioner, which starts with a name  
14:36:33 41 and then continues to the end of sentence. I just don't  
14:36:37 42 know whether that's a matter of public knowledge and for  
14:36:40 43 obvious reasons until we confirm that I'd be grateful if  
14:36:44 44 that could be removed. It's not in the public knowledge  
14:36:47 45 but known to the person to whom it's said to relate.  
14:36:53 46  
14:36:53 47 COMMISSIONER: See what counsel assisting says?

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14:36:57 1  
14:36:58 2 MR HOLT: Can I just approach my friend? I may be wrong,  
14:37:01 3 Commissioner.  
14:37:12 4  
14:37:12 5 COMMISSIONER: I think we'll need to adjourn. We had said  
14:37:15 6 about 2.30 for Ms Gobbo's evidence, so we're there. I  
14:37:19 7 think we better adjourn until 9.30 tomorrow for Ms Gobbo's  
14:37:23 8 evidence, unless you just want to finish something off.  
14:37:26 9  
14:37:26 10 MR WINNEKE: Can I just put this one line, Mr Bateson has a  
14:37:29 11 record in his notes to the effect that, "Nicola Gobbo,  
14:37:32 12 [REDACTED] Hospital, is going to continue to represent  
14:37:36 13 [REDACTED]", that's what you told him, and, "There will be  
14:37:39 14 a new solicitor, [REDACTED]", but you're going to  
14:37:43 15 continue to represent him?---I don't know, maybe I was  
14:37:50 16 going to continue to, um, to the point of, um, completing  
14:37:54 17 the resolution of his plea because by that stage it had  
14:37:58 18 been done, he'd done his papers. The police had been back  
14:38:03 19 and seen him, but I was never going to appear at his plea  
14:38:06 20 hearing and that, Stuart Bateson was made aware of that.  
14:38:11 21  
14:38:11 22 Right?---In relation to the solicitor, I'm, um, my  
14:38:17 23 recollection is that, um, that I tried, I referred him, he  
14:38:25 24 couldn't stay with the solicitor he was with because, um,  
14:38:29 25 of the conflict, so the solicitor I recommended, um, I  
14:38:37 26 can't remember whether she had a conflict or she couldn't  
14:38:40 27 do it for some reason, but the solicitor he ends up with  
14:38:44 28 was her partner, so at least, um - and in what you asked  
14:38:50 29 before, one of the, it sounds easy to say now in hindsight,  
14:38:56 30 "Why don't you just pack it all up, stay in hospital and  
14:39:00 31 walk away", but of course, regrettably, because of the  
14:39:03 32 impact that all of this has had on my life irreparably, and  
14:39:13 33 have on the lives of my children and family, is - I didn't  
14:39:16 34 want, I didn't feel that I could walk away and let people  
14:39:19 35 down and I, and I felt trapped and should have, would have,  
14:39:25 36 could have is a nice way to put it now, but it isn't what  
14:39:30 37 happened, and do I regret it? Yes, every day.  
14:39:34 38  
14:39:34 39 Thanks.  
14:39:34 40  
14:39:34 41 COMMISSIONER: We'll adjourn until 9.30 tomorrow.  
14:39:38 42  
14:39:39 43 MR HOLT: Sorry, Commissioner, I should withdraw that  
14:39:40 44 request that was made before, I now understand having  
14:39:44 45 spoken to my friend.  
14:39:44 46  
14:39:45 47 COMMISSIONER: We'll adjourn Ms Gobbo until 9.30 and we'll

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14:39:48 1 have a half an hour adjournment I think is needed for the  
14:39:52 2 transcribers. We certainly won't be resuming before 3. If  
14:39:57 3 you could get Mr McRae here. We won't be resuming before 3  
14:40:05 4 and as soon as we can thereafter.

5

14:40:31 6 <(THE WITNESS WITHDREW)

14:40:32 7

14:40:32 8 LUNCHEON ADJOURNMENT

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1 UPON RESUMING AT 3.10 PM:  
15:12:44 2  
15:12:44 3 COMMISSIONER: Yes, Mr McRae is in the box. Yes,  
15:12:49 4 Mr Chettle.  
15:12:49 5  
15:12:50 6 MR CHETTLE: Commissioner, I know I said I'd finished but  
15:12:52 7 when I got out last night I'd missed a couple of documents.  
8  
15:12:56 9 COMMISSIONER: Okay. All right then.  
15:12:57 10  
15:12:57 11 <FINDLAY GERARD MCRAE, recalled:  
15:13:04 12  
13 MR CHETTLE: Can I have VPL.6027.0025 - there it is, up  
15:13:05 14 already, thank you. You'll see, Mr McRae this is an email  
15:13:07 15 from you to Jeff Pope about the terms of engagement of  
15:13:10 16 Mr Comrie?---Yes.  
17  
15:13:11 18 Your suggestion is that you have Steve Gleeson work on this  
15:13:14 19 file and settle the terms as he will be the VicPol support  
15:13:17 20 person, see that?---Yes.  
21  
15:13:19 22 I think I raised that briefly with you yesterday?---Yes.  
23  
15:13:21 24 I'll tender that email, Commissioner. It's an email from  
15:13:27 25 Finn McRae to Jeff Pope on 24 November.  
15:13:30 26  
15:13:30 27 #EXHIBIT RC1143A - (Confidential) Email from Finn McRae to  
15:13:28 28 Jeff Pope 24/11.  
15:13:32 29  
15:13:33 30 #EXHIBIT RC1143B - (Redacted version.)  
15:13:35 31  
15:13:36 32 Can I have 6027.0019.9768, please. Again, this is an email  
15:13:42 33 from Mr Pope to Mr Gleeson with a copy to you?---Yes.  
34  
15:13:50 35 In relation to "the terms to Jeff". And it seems like  
15:13:53 36 there's been an earlier email about providing Pope with the  
15:13:56 37 Terms of Reference. "Steve, I'm happy with this. My only  
15:14:00 38 comment would be to insert into the Term of Reference two  
15:14:03 39 control measures", and he sets out the sorts of things he  
15:14:07 40 thinks should be in the Terms of Reference?---Yes.  
41  
15:14:10 42 That is in response to an email from Mr Gleeson to Mr Pope  
15:14:14 43 on 2 February saying that you'd advised him, you'd told him  
15:14:18 44 that you'd spoken to Pope about it, see that?---Yes.  
45  
15:14:23 46 This is all about setting up the terms, isn't it?---Yes.  
47

.05/02/20

13210

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15:14:29 1 I'll tender that one as well, Commissioner.  
15:14:31 2  
15:14:32 3 #EXHIBIT RC1144A - (Confidential) Response to email from  
15:14:13 4 Mr Gleeson to Mr Pope 2/2.  
15:14:33 5  
15:14:34 6 #EXHIBIT RC1144B - (Redacted version.)  
15:14:36 7  
15:14:36 8 If I can go to the next one, VPL.0100.0040.0700. Again,  
15:14:43 9 this is an email from Gleeson to you and to Mr Pope about  
15:14:50 10 seeking some guidance?---Yes.  
11  
15:14:54 12 Perhaps I'll just take you to that one. This is on 28 May,  
15:14:59 13 we're coming forward a little bit more from the earlier  
15:15:02 14 ones. "The absence of the Petra file does not help in  
15:15:07 15 addressing the Terms of Reference requiring consideration  
15:15:10 16 of the process whereby a human source may transition to  
15:15:13 17 become a witness", see that?---Yes.  
18  
15:15:15 19 I think you saw, when Mr Comrie rendered his bill, that the  
15:15:19 20 Terms of Reference had changed from what was proposed on 7  
15:15:22 21 February. We went through that yesterday?---Yes.  
22  
15:15:24 23 It's clear that by 28 May there's been the alteration that  
15:15:27 24 was picked up later on to make the Petra transformation of  
15:15:31 25 a witness an issue?---Yes.  
26  
15:15:33 27 All right. "I assume that this Petra steering group would  
15:15:40 28 contain the relevant decision-making rationale for the  
15:15:44 29 steering group be determined that the source would be  
15:15:45 30 utilised as a witness. From the review of the contact  
15:15:48 31 reports it seems that the steering group was made up of",  
15:15:52 32 and it names the members. "It seems that in May 07 Simon  
15:15:56 33 approved SDU asking 3838 about the Hodson members".  
15:16:04 34 Mr Overland has approved discussions between the source and  
15:16:10 35 the SDU about a particular topic, right, that was drawn to  
15:16:14 36 your attention?---In the email - whatever is in the email,  
15:16:18 37 yes.  
38  
15:16:18 39 Then in February 08 she made a statement to Petra about the  
15:16:22 40 matters. I think that in fact is wrong, but that's what it  
15:16:29 41 says. And, "On the 25th of November 08 the Petra steering  
15:16:35 42 committee met and as best as I can glean with the SDU docs.  
15:16:39 43 and determined that would be she used as a witness.  
15:16:41 44 Firstly, I want to validate this, that was the date this  
15:16:45 45 decision was made. From prior conversations with Luke  
15:16:50 46 Cornelius he seems to recall becoming involved in early  
15:16:54 47 2009 when Witsec issues were grappled with". Didn't have

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15:17:05 1 his diary. "It would be helpful to see what information  
2 was provided to the steering group, who made the decision?  
3 From what I can gather the Director Legal Aid did not  
15:17:06 4 become" - - - ?---Director Legal, that's me.  
5  
15:17:10 6 Didn't become involved until mid-2009. Witsec first became  
15:17:14 7 involved in mid-January. And the decision had been made.  
15:17:19 8 "I also don't know if the steering group was fully aware of  
15:17:20 9 the prior contact of 3838 and the nature and the extent of  
15:17:22 10 the matters that 3838 had been providing information  
15:17:25 11 on"?---The prior conduct of 3838.  
12  
15:17:27 13 That's the informing conduct with the SDU?---I presume so.  
14  
15:17:33 15 "It's clear that there were tensions between DSU and the  
15:17:38 16 investigators and that the Petra steering group was the  
15:17:41 17 final arbiter, however in the absence of this file it's  
15:17:43 18 difficult to fully consider the process." Then this last  
15:17:46 19 paragraph. "Do you suggest that I speak to either Luke or  
15:17:50 20 Graham at the steering group, as both Danye Moloney and  
15:17:56 21 Simon are no longer in the job", right?---Yes.  
22  
15:17:59 23 So that's a specific - pointing out the problem about not  
15:18:02 24 working out what the steering group knew, assuming that it  
15:18:05 25 was the steering committee group who made the decision, and  
15:18:08 26 asking whether he could speak to Luke Cornelius or Graham  
15:18:12 27 Ashton?---Yes.  
28  
15:18:13 29 And we know that he was told he couldn't, we saw that  
15:18:18 30 yesterday?---I don't know.  
31  
15:18:21 32 Mr McRae, you've seen multiple entries where he's been, "In  
15:18:26 33 accordance with directions I haven't spoken to them".  
15:18:28 34 Remember we took you to that yesterday?---Yes.  
35  
15:18:31 36 So it's in response to this document that the instruction  
15:18:34 37 that he is not allowed to speak to Ashton or Cornelius  
15:18:39 38 obviously was given, and it's a document sent to you?---I  
15:18:44 39 can't remember a blanket instruction that he wasn't allowed  
15:18:46 40 to speak to anyone.  
41  
15:18:47 42 Well, I don't want to go back over what I did yesterday.  
15:18:51 43 You must recall that yesterday you saw - - - ?---I recall  
15:18:54 44 what you showed me yesterday, yes.  
45  
15:18:56 46 When he said, "In accordance with what I've been told I  
15:18:58 47 haven't spoken to them". That's what he said, right?---In

.05/02/20

13212

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15:19:03 1 that document, yes.  
2  
15:19:04 3 Yes, all right. I'll tender that email, Commissioner.  
15:19:08 4  
15:19:09 5 #EXHIBIT RC1145A - (Confidential) VPL.0100.0040.0700.  
15:19:10 6  
15:19:10 7 #EXHIBIT RC1145B - (Redacted version.)  
15:19:12 8  
15:19:12 9 On this same topic can I pull up VPL.0099.0048.0007. This  
15:19:26 10 is a file note that Mr Gleeson made in relation to his  
15:19:31 11 Petra file inquiries, do you follow?---Yes.  
12  
15:19:36 13 On 16 May he emailed Jeff Pope to obtain an update in  
15:19:40 14 locating the file and he said he should try Clive Rust  
15:19:44 15  
15:19:45 16 MR HOLT: I think we've been through this and it's been  
15:19:47 17 exhibited.  
15:19:49 18  
15:19:49 19 MR CHETTLE: Not this one, we haven't.  
15:19:50 20  
15:19:51 21 MR HOLT: I think we have very recently.  
22  
23 MR CHETTLE: It's not this one, Commissioner. It actually  
24 has more - - -  
25  
15:19:54 26 COMMISSIONER: Let's do it.  
15:19:56 27  
15:19:56 28 MR CHETTLE: There was a Petra maintained by the then AC  
15:19:59 29 ESD Luke Cornelius, and this included a number of  
15:20:01 30 documents. Then if we go down to the - the middle of the  
15:20:06 31 page. On 24 June 10 Doug Fryer collected these documents  
15:20:10 32 and took them to Peter Lardner. "Files were extracted and  
15:20:14 33 copied to enable VGS0 to provide legal advice and the  
15:20:17 34 contents of the file were replaced and returned to ESD.  
15:20:22 35 Subsequent to this ESD commenced a Petra related  
15:20:26 36 investigation and needed to access the material." Now, do  
15:20:30 37 you know anything about an ESD investigation into  
15:20:33 38 Petra?---I can't recall.  
39  
15:20:34 40 Doesn't ring any bells?---No.  
15:20:36 41  
15:20:38 42 "I went to the AC's office and retrieved the files and  
15:20:41 43 provided them to the appointed investigator. It was then  
15:20:44 44 noted that the various contents were missing and files  
15:20:48 45 appear to be in a different format, now in an ESD type of  
15:20:52 46 format, with a shoelace. Can't account for how they got  
15:20:56 47 like this or where the missing portions now are. Graham



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15:21:02 1 Ashton has advised that if the files cannot be accounted  
15:21:05 2 for, an investigation, probably with the OPI, will be  
15:21:08 3 commenced". Now was that brought to your attention?---I  
15:21:10 4 can't recall.  
5  
15:21:11 6 All right. I'll tender that file note.  
7  
15:21:14 8 COMMISSIONER: I think Mr Holt was right, it was tendered  
15:21:17 9 as Exhibit 1055 I think.  
15:21:19 10  
15:21:20 11 MR CHETTLE: By me?  
12  
15:21:21 13 COMMISSIONER: Not by you, no. It was by you, Mr Chettle.  
15:21:25 14  
15:21:26 15 MR CHETTLE: I tendered - I thought yesterday,  
15:21:28 16 Commissioner, I - - -  
15:21:28 17  
15:21:29 18 COMMISSIONER: 16 May 11, Gleeson file note, Petra file  
15:21:32 19 inquiries.  
15:21:34 20  
15:21:35 21 MR CHETTLE: I must have. Sorry. I withdraw the tender  
15:21:39 22 then.  
23  
15:21:39 24 COMMISSIONER: Yes.  
15:21:40 25  
15:21:40 26 MR CHETTLE: I did at page - your associate drew to my  
15:21:43 27 attention at p.13089 of the transcript, I cross-examined on  
15:21:47 28 a document, 0100.0001.0389, which were Mr Gleeson's summary  
15:21:56 29 of the Petra files and it was pointed out that although I  
15:22:02 30 cross-examined on it for some time I forgot to tender it.  
31  
15:22:12 32 COMMISSIONER: I don't know what to say.  
15:22:14 33  
15:22:16 34 MR CHETTLE: I just seek to tender the document that I  
15:22:20 35 asked questions about at p.13089 and did not tender.  
36  
15:22:22 37 COMMISSIONER: You're tendering it now?  
15:22:24 38  
15:22:24 39 MR CHETTLE: Yes.  
15:22:26 40  
15:22:26 41 #EXHIBIT RC1146A - (Confidential) Gleeson summary of Petra  
15:22:33 42 files.  
15:22:28 43  
15:22:28 44 #EXHIBIT RC1146B - (Redacted version.)  
15:22:31 45  
15:22:31 46 MR CHETTLE: It's called Gleeson summary of Petra files.  
47

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15:22:34 1 COMMISSIONER: All right.  
15:22:34 2  
15:22:35 3 MR CHETTLE: Very briefly then. The next one,  
15:22:41 4 0100.0058.0407. This is an email chain that starts at the  
15:22:47 5 top with you, to Gleeson, suggesting that he have an early  
15:22:50 6 coffee with Jeff Pope in response to meeting, pencilling in  
15:22:55 7 updates and meetings with you?---Yes.  
8  
15:22:57 9 And then at the bottom of the email chain Gleeson writes to  
15:23:02 10 Pope and copies you in about having Paterson sign off on  
15:23:06 11 the document because Pope was away, do you see that?---Yes.  
12  
15:23:09 13 On the back of it, if you follow it through to the next  
15:23:12 14 page, the second half of the email - the one I'm, you'll  
15:23:20 15 see there's an email from, in the terms of the initial risk  
15:23:24 16 assessment they are from Gleeson Steve, Monday 30 April  
15:23:28 17 2012, to somebody, and it's been redacted out but I suspect  
15:23:32 18 it's Comrie.  
19  
15:23:34 20 COMMISSIONER: Sorry, you suspect it's who?  
15:23:37 21  
15:23:38 22 MR CHETTLE: Neil Comrie, because the name is Neil. You  
15:23:40 23 see it's sent to Mr Comrie. The one I've got is redacted.  
15:23:49 24 The one on the screen isn't. That's fine. And it is to  
15:23:53 25 Neil. "On review of the high-risk informer file required  
15:23:58 26 by Victoria Police I have identified a process issue of  
15:24:02 27 concern. In brief, when handlers meet with informers the  
15:24:06 28 conversations that occurred are Officer Black  
15:24:09 29 The handler later prepares a typed synopsis of the taped  
15:24:15 30 conversation" - no, we're not looking at the same  
15:24:18 31 document?---Yeah, I can't see that.  
32  
15:24:19 33 Keep going up if you would. It's the other way. There it  
15:24:23 34 is. 0406. What I'm reading is - see the "Neil" in the  
15:24:28 35 middle of the page? Rather than read it, Commissioner,  
15:24:31 36 I'll just tender it. It's in relation to the process and I  
15:24:35 37 can make submissions about it in due course. It's an email  
15:24:41 38 chain in April 2012  
15:24:44 39  
15:24:44 40 #EXHIBIT RC1147A - (Confidential) Email chain 04/12.  
15:24:46 41  
15:24:46 42 #EXHIBIT RC1147B - (Redacted version.)  
15:24:48 43  
15:24:48 44 MR HOLT: Commissioner, there's a reference there to  
15:24:52 45 Officer Black . As the Commissioner  
15:24:52 46 knows, we have a claim in respect of that is and I'd ask  
47 that those words be taken - - -

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1  
15:24:52 2 COMMISSIONER: You'll no doubt be PIIing the whole  
15:24:55 3 document. Was this read out, was it?  
15:25:03 4  
15:25:03 5 MR HOLT: It was read out, Commissioner, and that's the  
15:25:05 6 only reason I'm saying it.  
7  
15:25:06 8 COMMISSIONER: Sorry, what line are we at?  
15:25:13 9  
15:25:13 10 MR HOLT: It's line 32, Commissioner.  
11  
15:25:21 12 COMMISSIONER: The last three words in that line are taken  
15:25:25 13 out for the time being.  
15:25:27 14  
15:25:27 15 MR HOLT: Thank you, Commissioner.  
15:25:28 16  
15:25:30 17 MR CHETTLE: As to where - yesterday I asked you questions  
15:25:33 18 about Mr Pope providing the file, the Petra files to  
15:25:39 19 Mr Gleeson and you said you didn't remember. Remember I  
15:25:42 20 asked you - - - ?---Yes.  
21  
15:25:43 22 There's an email on that topic. Can I bring up,  
15:25:49 23 0100.0058.0091. It's the next one, Andrew, I'm sorry.  
15:25:56 24 Yes, there we are. You'll see that Mr Gleeson writes on 19  
15:26:00 25 June to you and to someone called Jennifer Forsythe. Who's  
15:26:05 26 she?---She would have been my staff officer.  
27  
15:26:08 28 All right. "Petra content summation. My notes of is  
15:26:11 29 attached, in attached document. Re the Petra steering  
15:26:15 30 group material. When doing the review I was working up at  
15:26:18 31 Justice and delivered to me were two incomplete volumes of  
15:26:22 32 material which came to me from Jeff Pope on 15 June 2012",  
15:26:26 33 see that?---Yes.  
34  
15:26:29 35 Then he says he couldn't store them so they were then  
15:26:31 36 returned to your EA, someone called Francis?---Yes.  
37  
15:26:36 38 So the files that we're talking about, the Petra files,  
15:26:39 39 ended up back in your safe?---Briefly.  
40  
15:26:41 41 All right. What did do you with them?---Nothing.  
42  
15:26:44 43 All right. I'll tender that email, Commissioner.  
15:26:48 44  
15:26:48 45 #EXHIBIT RC1148A - (Confidential) VPL.0100.0058.0091.  
15:26:50 46  
15:26:50 47 #EXHIBIT RC1148B - (Redacted version.)

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15:26:52 1  
15:26:52 2 Finally, you recall I suggested to you yesterday that  
15:26:55 3 Mr Gleeson was briefing Mr Kellam and Mr Kirkham about -  
15:27:01 4 prior to the Kellam inquiry going on?---Yes.  
5  
15:27:06 6 Can I bring up the last document, 0100.0058.0154. This is  
15:27:18 7 an email from Robert Sutton to Stephen Leane. Robert  
15:27:23 8 Sutton is described as the Director of Operations at IBAC,  
15:27:27 9 you'll see at the bottom?---Yes.  
10  
15:27:29 11 Steve Leane, what position's he hold?---He would have been  
15:27:34 12 head of Ethical Standards.  
13  
15:27:38 14 "Following up from our telephone conversation, Kellam and  
15:27:40 15 Kirkham are now on board regarding the above matter. They  
15:27:40 16 are getting their heads around the material and we  
15:27:42 17 requested a background briefing from Steve Gleeson", and  
15:27:46 18 then they go to say Lardner might be useful and then they  
15:27:50 19 talk about availability, see that?---Yes.  
20  
15:27:51 21 I tender that as well, Commissioner.  
15:27:53 22  
15:27:53 23 #EXHIBIT RC1149A - (Confidential) VPL.0100.0058.0154.  
15:27:55 24  
15:27:55 25 #EXHIBIT RC1149B - (Redacted version.)  
15:27:57 26  
15:27:57 27 I apologise. That's it, thank you.  
28  
15:27:59 29 COMMISSIONER: Yes.  
15:28:01 30  
31 <CROSS-EXAMINED BY MR COLEMAN:  
32  
15:28:01 33 Mr McRae, I know you've been in the box for a long time so  
15:28:06 34 I don't have many questions for you. You were asked some  
15:28:10 35 questions yesterday by Mr Chettle about Exhibit 846 and  
15:28:13 36 that was a document of 7 November which had a handwritten  
15:28:16 37 note of Mr Ashton dated 29 November in which Mr Ashton  
15:28:21 38 wrote, "Encouraged AC Intel Covert to review HSM re F". Do  
15:28:27 39 you remember that document?---Yes.  
40  
15:28:28 41 And it was dated 29 November. You said at transcript  
15:28:35 42 13081, "Well I think the use of his language is a little  
15:28:38 43 inaccurate. It's to engage Mr Comrie and Mr Gleeson to  
15:28:41 44 conduct the review"?---Yes.  
45  
15:28:43 46 Remember saying that?---Yes.  
47

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15:28:44 1 The genesis of what became the Comrie report was out of the  
15:28:49 2 meeting of 3 November 2011, wasn't it?---Yes.  
3  
15:28:52 4 And that was the meeting attended by yourself,  
15:28:56 5 Mr Cartwright and Mr Ashton?---Yes.  
6  
15:28:57 7 And that's the meeting where I think you've given evidence  
15:29:00 8 to Mr Winneke that Mr Ashton asked you to come up and  
15:29:04 9 discuss certain paragraphs of the Maguire advice?---Yes.  
10  
15:29:10 11 Including paragraph 54?---Yes.  
12  
15:29:12 13 And that's the paragraph which dealt with possible  
15:29:15 14 collateral effects of Ms Gobbo being an informer on other  
15:29:18 15 prosecutions, including those of Mr Mokbel?---Yes.  
16  
15:29:22 17 And it was in that context, wasn't it, that Mr Ashton  
15:29:25 18 suggested that an independent review be established to find  
15:29:29 19 out what had happened?---I believe it would have been, yes.  
20  
15:29:34 21 And after that Mr Ashton, I want to suggest, had no further  
15:29:39 22 role in establishing the independent review and what became  
15:29:44 23 the Comrie review?---Yes.  
24  
15:29:46 25 That's right, isn't it?---Yes.  
15:29:48 26  
15:29:48 27 He stood back from that because of his being involved in  
15:29:51 28 sitting on the Petra and Briars steering committees?---I  
15:29:55 29 can't remember at that stage, that we'd formalised it to  
15:29:59 30 that extent but that may have been in his mind, yes.  
31  
15:30:01 32 In any event, he had no further role in establishing or  
15:30:04 33 setting up the independent review, did he?---Yes.  
34  
15:30:07 35 For example, he had no role in appointing Mr Gleeson as the  
15:30:11 36 officer to assist, that was your decision, wasn't  
15:30:13 37 it?---That was my suggestion to Tim Cartwright.  
38  
15:30:16 39 Mr Ashton had no role in making that decision?---I can't  
15:30:20 40 remember whether I suggested it at that early stage. I  
15:30:22 41 think it came later.  
42  
15:30:23 43 I think it came after the meeting, didn't it?---Yes.  
44  
15:30:26 45 Nor did he have any role in appointing Mr Comrie?---No.  
46  
15:30:29 47 Mr Ashton had no role in drafting or settling any of the

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15:30:33 1 Terms of Reference?---Not that I recall.  
2  
15:30:35 3 For the review, did he?---No.  
4  
15:30:37 5 Indeed, Mr Chettle has taken you today to quite a few  
15:30:40 6 emails passing between yourself and Mr Gleeson and others  
15:30:43 7 and yesterday he took you to another chain of emails which  
15:30:46 8 became Exhibit 11422 with respect to the Terms of  
15:30:55 9 Reference, and you may have noted, and I want to suggest  
15:30:56 10 that Mr Ashton was not copied into any of those emails?---I  
15:30:59 11 didn't see him copied.  
12  
15:31:00 13 He also had no role in what documents Mr Gleeson sought to  
15:31:05 14 look at for the purposes of conducting his review, did  
15:31:08 15 he?---No.  
16  
15:31:09 17 And he had no role in deciding who Mr Gleeson spoke to or,  
15:31:14 18 indeed, if he spoke to anyone for the purposes of the  
15:31:17 19 preparation of what became the Comrie report, did he?---No.  
20  
15:31:22 21 For example, he didn't have any role as to whether or not  
15:31:24 22 Mr Gleeson spoke to him about the matters which would give  
15:31:29 23 rise to the Comrie report, that was a matter for  
15:31:31 24 Mr Gleeson?---It was a matter for Mr Gleeson.  
25  
15:31:33 26 So you'd agree, wouldn't you, that it can't be said that in  
15:31:37 27 any way, having regard to those matters, or generally  
15:31:40 28 having regard to your knowledge, that Mr Ashton did  
15:31:42 29 anything to try and cover up what had happened with respect  
15:31:45 30 to Ms Gobbo's role as an informer?---In no way was there  
15:31:52 31 any action or indication that Mr Ashton wanted to cover up  
15:31:55 32 anything.  
33  
15:31:55 34 No, indeed, he was actively involved in and facilitated  
15:32:02 35 disclosure of the relevant matters to the Commonwealth  
15:32:05 36 Director of Public Prosecutions with respect to the Dale  
15:32:06 37 prosecution that was ongoing at the time, didn't he?---Yes.  
38  
15:32:10 39 Including the access for those prosecutors to the SDU SMLs  
15:32:15 40 and source logs?---Without hesitation.  
41  
15:32:18 42 Yes. Thank you.  
43  
15:32:19 44 COMMISSIONER: Thanks Mr Coleman. Yes Mr Holt.  
45  
46  
47

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1           RE-EXAMINED BY MR HOLT:

2

15:32:23 3           Mr McRae, you've obviously been taken through a large  
15:32:27 4           number of topics over the course of the last few days over  
15:32:30 5           the course of a couple of weeks. You've provided a very  
15:32:34 6           lengthy statement to the Royal Commission. Beyond the  
15:32:36 7           matters that you've specifically altered or amended in your  
15:32:41 8           statement, do you stand by the content of your statement  
15:32:43 9           and the detail obviously that hasn't been able to be gone  
15:32:47 10          into in this hearing?---I do.

11

15:32:50 12          Just on the last topic that our learned friend Mr Coleman  
15:32:53 13          was asking you questions about. They were obviously  
15:32:56 14          questions, unsurprisingly, tailored specifically about  
15:33:01 15          Mr Ashton and whether Mr Ashton had at any stage, in your  
15:33:05 16          dealings with him, interfered with or sought to limit the  
15:33:09 17          scope of or avoid the disclosure of material associated  
15:33:14 18          with the handling of Ms Gobbo by Victoria Police, you'll  
15:33:17 19          recall those questions?---Yes.

20

15:33:18 21          Can we just extend that slightly. Of any of the people who  
15:33:24 22          were involved, and you've been asked questions about,  
15:33:26 23          particularly by Mr Chettle, so I mean here Mr Pope,  
15:33:30 24          Mr Cartwright, any of the people in your division, from  
15:33:35 25          your perspective in terms of decision-making around the  
15:33:37 26          Comrie review and the decisions that followed, did you see  
15:33:40 27          a hint of a suggestion that anybody was trying to limit the  
15:33:45 28          investigation of or the proper discovery of what had  
15:33:49 29          occurred in relation to Ms Gobbo?---No, we just forged  
15:33:52 30          ahead.

31

15:33:53 32          Right. I want to take you to some of the key issues that  
15:33:56 33          you've been asked questions about. Obviously we won't be  
15:34:01 34          going through all of them. But can I take you back to the  
15:34:04 35          civil litigation which Ms Gobbo was engaged in with  
15:34:08 36          Victoria Police and two Chief Commissioners in 2010.  
15:34:12 37          You'll recall that?---Yes.

38

15:34:14 39          In answer to questions from our learned friend Mr Winneke,  
15:34:17 40          I think yesterday, you indicated that up and until the  
15:34:22 41          point at which you received the advice from very senior  
15:34:25 42          counsel, as you've described, that defending the case was  
15:34:31 43          untenable and that it should be settled. Up until that  
15:34:33 44          point did you have any meaningful intention of settling the  
15:34:37 45          matter?---No.

46

15:34:38 47          And had there been a trial - I think you said yesterday,

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15:34:41 1 "We were gearing up for a big trial"?---Yes.  
2  
15:34:43 3 How would you have dealt with issues such as the discovery  
15:34:47 4 of human source materials and those sorts of things?---My  
15:34:50 5 plan was to put it all on to Ringtail and it would have  
15:34:54 6 been a massive trial and we would run it in the normal way.  
7  
15:35:00 8 Was it any - - - ?---And taken advice.  
9  
15:35:02 10 Was it any part of the decision to settle that proceeding,  
15:35:06 11 any part of the decision at all to settle that proceeding  
15:35:09 12 to avoid an examination of the circumstances of Ms Gobbo's  
15:35:13 13 relationship with Victoria Police historically?---Not at  
15:35:15 14 all.  
15  
15:35:16 16 All right. Now, more specifically in relation to the civil  
15:35:21 17 settlement, you were asked some questions by Mr Chettle  
15:35:24 18 yesterday which took the form of reading to you passages  
15:35:27 19 from the witness statement of Sir Ken Jones, do you recall  
15:35:30 20 that?---Yes.  
21  
15:35:31 22 And those passages of witness statement from Sir Ken Jones,  
15:35:37 23 I think it fair to say, suggested two things: firstly, that  
15:35:41 24 the civil settlement was a sham and, secondly, that it was  
15:35:47 25 done for the purposes precisely of attempting to avoid any  
15:35:50 26 scrutiny of Ms Gobbo, and indeed went further and suggested  
15:35:53 27 it was to find a shady way to pay her some money,  
15:35:57 28 effectively. I just want to be clear, what do you say to  
15:36:00 29 those allegations as to the settlement?---They're  
15:36:03 30 incorrect.  
31  
15:36:04 32 What Mr Chettle didn't put to you in respect of Sir Ken  
15:36:07 33 Jones' materials was that in evidence he made clear that,  
15:36:12 34 and confirmed the view that he was, to use his words, kept  
15:36:16 35 in the dark about the process of the civil writ and the  
15:36:21 36 civil settlement and he attributed a nefarious motive to  
15:36:25 37 that, keeping in the dark. He specifically named you as  
15:36:27 38 someone who had kept him in the dark. Again, it wasn't put  
15:36:30 39 to you, but let's just deal with it. Do you recall a  
15:36:34 40 whiteboard meeting, if I can call it that?---Yes.  
41  
15:36:37 42 And the whiteboard printout that has become an exhibit in  
15:36:40 43 this hearing?---Yes.  
15:36:41 44  
15:36:41 45 You may recall, just to avoid bringing it up, you may  
15:36:44 46 recall that it specifically notes the relationship that  
15:36:46 47 Ms Gobbo had been a human source from 2005 to 2009?---Yes.



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1  
15:36:50 2 And it specifically noted that that hadn't been included in  
15:36:54 3 the writ?---Yes.  
4  
15:36:55 5 What do you say about whether or not Mr Jones was present  
15:36:57 6 at that meeting?---He was present at the meeting.  
7  
15:37:00 8 And by Mr Jones we're talking here about Sir Ken  
15:37:03 9 Jones?---Yes.  
10  
15:37:03 11 There have also been shown in the course of the Commission  
15:37:06 12 inquiry emails that show Mr Jones being briefed about  
15:37:10 13 matters associated with the civil settlement. Again, would  
15:37:13 14 that surprise you? Mr Jones being kept in the loop in  
15:37:18 15 effect with the progress of the civil claim, for example,  
15:37:20 16 the existence and outcome of a directions hearing?---I  
15:37:24 17 wouldn't be surprised.  
18  
15:37:25 19 All right. It was also referred to but are you aware of  
15:37:31 20 material suggesting that Mr Jones was in fact a person from  
15:37:35 21 Victoria Police who by telephone, on the day of the  
15:37:37 22 mediation itself, authorised the clause which said that  
15:37:42 23 Ms Gobbo wasn't to be a witness?---I'm not surprised  
15:37:44 24 because he was in charge of the Crime Department.  
25  
15:37:47 26 Right, thank you. On the same topic, that is the  
15:37:52 27 settlement of the civil proceedings, you were asked some  
15:37:55 28 questions about an inquiry that was undertaken by the  
15:37:57 29 Victorian Ombudsman, do you recall those questions?---Yes.  
30  
15:38:02 31 Again, to be clear about your role, it came out sort of  
15:38:05 32 piecemeal yesterday, you were a witness called under order  
15:38:08 33 by the Victorian Ombudsman to the hearing?---Yes.  
34  
15:38:10 35 And, again, I think you indicated this yesterday, but as a  
15:38:14 36 witness in those circumstances were you in a position to  
15:38:17 37 tell anyone or talk to anyone else at all about the fact  
15:38:21 38 that you had been subpoenaed, summonsed to give evidence,  
15:38:25 39 or the content of the summons?---No  
40  
15:38:28 41 Indeed, would it have been a criminal offence for you to do  
15:38:31 42 so?---Yes.  
43  
15:38:32 44 Did that position remain so right the way through and  
15:38:35 45 including your response to the letter from the Ombudsman  
15:38:37 46 that we saw yesterday?---Yes.  
47

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15:38:38 1 Which set out the draft bits of the report that you were to  
15:38:41 2 refer to?---Yes.

3

15:38:44 4 You said in answer to a question by Mr Chettle, and in fact  
15:38:48 5 it had two parts - it may have been Mr Winneke, I  
15:38:51 6 apologise - that had two parts. You were asked whether  
15:38:53 7 that report was published and came to any conclusions and  
15:38:56 8 you said no. It's certainly true, isn't it, that it was  
15:39:00 9 never published?---It was never published.

10

15:39:02 11 Provided to the parliament, was that your understanding,  
15:39:04 12 but not in fact published?---I can't recall.

13

15:39:08 14 All right. In any event, do you recall, as I think is now  
15:39:11 15 a matter of record, that that investigation by the  
15:39:16 16 Victorian Ombudsman concluded that there was no improper  
15:39:20 17 purpose for the settlement of the civil proceedings?---Yes.

18

15:39:24 19 Just drilling into a little bit of the detail about how the  
15:39:27 20 civil proceedings were managed from Victoria Police's  
15:39:32 21 perspective. You've explained your role in it as the head  
15:39:34 22 of the department and your civil litigation person at VGSO  
15:39:39 23 and counsel and so on, but you were asked a number of  
15:39:43 24 questions by our learned friend Mr Winneke about the  
15:39:47 25 material or information that was provided to or told to  
15:39:51 26 counsel who were briefed when there was a specific request  
15:39:54 27 for information about the nature of Nicola Gobbo's  
15:39:58 28 relationship with Victoria Police, do you recall  
15:40:00 29 that?---With the various parts of Victoria Police, yes.

30

15:40:02 31 Yes, thank you. Now, Mr Nathwani, our learned friend,  
15:40:08 32 yesterday - perhaps I can fairly put it this way -  
15:40:11 33 summarised or paraphrased statements that have been  
15:40:14 34 provided to the Royal Commission from those counsel who  
15:40:16 35 were briefed by VGSO on behalf of Victoria Police, do you  
15:40:19 36 recall that?---Yes.

37

15:40:20 38 In fact one of those counsel, Ms Orr, specifically said  
15:40:24 39 that she recalled being briefed with the specific fact that  
15:40:30 40 Nicola Gobbo had been a human source for Victoria Police in  
15:40:32 41 May of 2010?---Yes.

42

15:40:35 43 Would that surprise you that she had been briefed in those  
15:40:37 44 terms?---I'd expect that she would have been, yes.

45

15:40:39 46 Then in terms of information that was provided, we've heard  
15:40:43 47 evidence, and it's referred to specifically, if you need

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15:40:45 1 it, at paragraph 4.25 of your statement at sub-paragraph  
15:40:54 2 (b), that your understanding in relation to material to be  
15:40:59 3 gathered and provided by Superintendent Lardner was that  
15:41:03 4 senior counsel was to be provided with access to the Human  
15:41:05 5 Source Unit summary document and you believed that to be a  
15:41:08 6 reference to the source management log?---Yes.  
7  
15:41:10 8 Now from your perspective ought there have been any  
15:41:13 9 limitation on counsel's access to the source management  
15:41:18 10 log?---Of course not.  
11  
15:41:19 12 And would you ever have directed or suggested anything to  
15:41:22 13 the contrary?---No.  
14  
15:41:24 15 All right. Now, the VGS0 letter in which the request by  
15:41:30 16 counsel for a briefing about the entirety of, or a thorough  
15:41:37 17 briefing about the nature of Ms Gobbo's relationship with  
15:41:39 18 Victoria Police was dated 21 May 2010. You can take that  
15:41:43 19 from me, or you may recall it?---The initial briefing  
15:41:49 20 that - - -  
21  
15:41:49 22 The letter from VGS0 that specifically says counsel were  
15:41:53 23 seeking a briefing?---Yes, I take that from you, yes.  
24  
15:41:56 25 You said the way in which this came out was a bit jumbled  
15:41:59 26 in terms of order, but you made a number of references to  
15:42:02 27 the 21 June 2010 meeting?---Yes.  
28  
15:42:05 29 In which the heads of, if we could put it that way, or  
15:42:09 30 representatives of Purana, Briars, Petra and the SDU were  
15:42:14 31 brought together effectively in order to assist the Civil  
15:42:19 32 Litigation Division to understand what had gone on to  
15:42:21 33 permit that kind of material to be given?---Yes.  
34  
15:42:24 35 And as will be obvious, that's about four weeks or a month  
15:42:30 36 after, in fact precisely a month after the letter from the  
15:42:32 37 VGS0 which raises the question of that briefing with  
15:42:35 38 counsel?---Yes.  
39  
15:42:35 40 You weren't obviously present at the briefing with  
15:42:38 41 counsel?---No.  
42  
15:42:43 43 Just briefly, you gave some evidence, and for the record  
15:42:48 44 it's referred to specifically at 4.36 of your statement,  
15:42:53 45 about briefing the Office of Police Integrity during the  
15:42:58 46 course of the civil settlement process but before the  
15:43:02 47 mediation had actually taken place?---Yes.

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1  
15:43:05 2 I think you indicated that it was something you'd never  
15:43:08 3 done before or since in the context of a piece of civil  
15:43:12 4 litigation Victoria Police was involved in?---Yes.  
5  
15:43:14 6 What was your purpose, Mr McRae, in bringing in the  
15:43:17 7 oversight body for Victoria Police and providing them with  
15:43:21 8 information about the civil settlement?---I wanted full  
15:43:27 9 transparency of what we were doing and I was interested in  
15:43:31 10 if they had any comments or input into that process.  
11  
15:43:35 12 All right. I think, as you indicated yesterday, the  
15:43:38 13 material that was provided, though you couldn't be  
15:43:42 14 absolutely precise about what the documents were, included  
15:43:46 15 a VGSO advice which stated that Nicola Gobbo had been a  
15:43:49 16 human source for Victoria Police?---Yes, of course.  
17  
15:43:51 18 Right. Just rolling forward then, please, to November of  
15:44:02 19 2011 and the events that followed that. You were asked a  
15:44:10 20 lot of questions in a lot of detail about some very short  
15:44:14 21 periods within that period of time. What I'd like to do is  
15:44:19 22 just to work through it at a relatively high level as to  
15:44:21 23 the steps that you took, that you were involved in, and  
15:44:24 24 then we'll drill into a couple of topics you've been asked  
15:44:27 25 some specific questions about, okay. Firstly, and this was  
15:44:28 26 a topic that Mr Coleman touched on a moment ago, firstly,  
15:44:33 27 in that initial meeting with Mr Cartwright and Mr Ashton  
15:44:39 28 you understood that there was no hesitation from anybody in  
15:44:43 29 the room in ensuring that the Commonwealth Director of  
15:44:47 30 Public Prosecutions had immediate and unfettered access to  
15:44:50 31 the source management log?---Well my notes were that it was  
15:44:54 32 in process that day.  
33  
15:44:56 34 In fact, as we understand it, they were looking at it that  
15:44:59 35 afternoon?---Yes.  
36  
15:44:59 37 So presumably that would give you some confidence about  
15:45:02 38 that?---Yes, yes.  
15:45:03 39  
15:45:05 40 And that that included both the member of counsel who was  
15:45:08 41 briefed and the solicitor for the Commonwealth Director of  
15:45:12 42 Public Prosecutions?---I didn't know about the - well, if  
15:45:16 43 you're talking about Ms Breckweg, I thought that she was a  
15:45:20 44 prosecutor.  
45  
15:45:21 46 I see, yes, thank you. In any event, the very first thing  
15:45:25 47 that's done once the Maguire advice is received and

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15:45:28 1 discussed by you and Mr Ashton and Mr Cartwright, or in  
15:45:31 2 fact even before then, is that the acute issue, which is  
15:45:34 3 the Dale proceedings, are dealt with by full access to the  
15:45:38 4 material that shows everything that had been going on to  
15:45:41 5 the Commonwealth Director of Public Prosecutions?---As far  
15:45:42 6 as I was aware.  
7

15:45:44 8 Thank you. We then come to the commissioning of the Comrie  
15:45:49 9 review and, as you indicated, your view was that it  
15:45:53 10 required someone independent of Victoria Police, that is  
15:45:59 11 not a current serving member?---That was Tim Cartwright's  
15:46:02 12 view.  
13

15:46:03 14 I see. That turned out - - - ?---Because that's something  
15:46:06 15 we would do as a matter of course if we thought there was a  
15:46:09 16 risk, we would bring someone from outside.  
17

15:46:14 18 Again, because it was sort of made more than a hint of that  
15:46:18 19 yesterday, was Mr Comrie in any sense brought in as a  
15:46:22 20 rubber stamp or someone who would simply say, "Everything's  
15:46:27 21 okay here"?---I think anyone who's ever met Neil Comrie  
15:46:32 22 would find that a very odd concept, that he would rubber  
15:46:37 23 stamp anything.  
24

15:46:38 25 You then obviously ensured that there was a person who  
15:46:40 26 could do the leg work, if we can put it that way, for  
15:46:44 27 Mr Comrie's report?---Yes.  
28

15:46:46 29 And that person was Mr Gleeson?---Yes.  
30

15:46:48 31 Yesterday our learned friend Mr Chettle put to you a couple  
15:46:51 32 of lines out of Mr Gleeson's IBAC transcript, do you recall  
15:46:55 33 that?---Yes.  
34

15:46:59 35 What I'd like to do is to - which was about the way in  
15:47:02 36 which Mr - which was effectively about Mr Comrie's role and  
15:47:09 37 how limited or otherwise it might have been, do you recall  
15:47:11 38 that?---Yes.  
39

15:47:12 40 What I'd like to do is to read you the process as  
15:47:17 41 Mr Gleeson describes it in his witness statement where he  
15:47:24 42 describes speaking almost daily with Mr Comrie about the  
15:47:29 43 direction and specifics of the review and issues that  
15:47:33 44 arose, obtaining his advice on the review process and how  
15:47:36 45 he might approach the out of scope issues. He explains  
15:47:39 46 that he, that is Mr Gleeson, wrote the report section by  
15:47:41 47 section discussing them with Mr Comrie as they were

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15:47:44 1 written. Mr Comrie introduced him to key contacts with  
15:47:47 2 overseas investigative bodies and that Mr Comrie later, in  
15:47:50 3 a block, in effect, assessed and finalised the report as a  
15:47:54 4 whole. You may or may not have any comment to make about  
15:47:58 5 that, but what, if anything, do you say about the propriety  
15:48:02 6 or not of that kind of an oversight process from  
15:48:05 7 Mr Comrie?---I had full confidence in the working of Steve  
15:48:08 8 Gleeson to Mr Comrie and Mr Comrie's billing is, we found,  
15:48:14 9 almost embarrassing, that he would charge us so little for  
15:48:19 10 such a comprehensive report.  
11  
15:48:22 12 That takes us then to the development of the Terms of  
15:48:27 13 Reference of the Comrie review and you've been taken in  
15:48:34 14 some level of detail, both by our learned friend Mr Winneke  
15:48:38 15 and by Mr Chettle, through the iteration of those Terms of  
15:48:42 16 Reference through Mr Gleeson and Mr Pope and Mr McRae and  
15:48:47 17 others - you're Mr McRae?---Yes.  
18  
15:48:49 19 Other people, do you recall that?---Yes.  
20  
15:48:51 21 Tell me this: given your knowledge of the people that were  
15:48:55 22 allocated to this review, that is Mr Gleeson and Mr Comrie,  
15:49:00 23 was there any doubt in your mind that almost regardless of  
15:49:03 24 what the Terms of Reference said, if significant issues  
15:49:06 25 were found they would be identified and appropriately  
15:49:08 26 notified?---Yes, I was fully confident of that, but I also  
15:49:15 27 thought the Terms of Reference were broad enough to cover  
15:49:18 28 whatever they uncovered.  
29  
15:49:25 30 Did you have any sense, directly, indirectly, inferentially  
15:49:29 31 or otherwise, that the people involved in the development  
15:49:31 32 of the Terms of Reference, specifically here Mr Pope and  
15:49:33 33 Mr Gleeson, were trying in some way to limit what the  
15:49:37 34 Comrie review looked at so as to hide things from  
15:49:40 35 people?---No, I would have objected to that if that was the  
15:49:43 36 case.  
37  
15:49:43 38 All right. And then we know, and we'll go through it in a  
15:49:47 39 touch more detail in a moment, we know that as Mr Gleeson  
15:49:51 40 goes through the process that he identifies what we've come  
15:49:54 41 to call the out of scope issues?---Yes.  
42  
15:49:57 43 They might have been out of scope or Comrie but they're  
15:50:01 44 well and truly in scope for this Royal Commission,  
15:50:03 45 right?---That's an accurate statement, because Mr Comrie  
15:50:06 46 wasn't there to deal with possible conduct issues.  
47

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15:50:09 1 What Mr Gleeson does, as we understand it, is he identifies  
15:50:12 2 those issues, investigates them, writes them up in an out  
15:50:16 3 of scope report to Mr Pope, which is then shared with you  
15:50:19 4 and other members of Command?---Yes.  
5  
15:50:24 6 Again, is that consistent with the behaviour that you would  
15:50:26 7 expect of Mr Gleeson?---Of course.  
8  
15:50:28 9 And that you would have expected of him when you allocated  
15:50:31 10 - - - ?---And his obligations.  
11  
15:50:33 12 Did Mr Pope in any way resist the provision of that out of  
15:50:36 13 scope material to anybody else, and in particular here to  
15:50:39 14 the Office of Police Integrity?---No.  
15  
15:50:43 16 Because ultimately, as we've heard - or not even ultimately  
15:50:46 17 because that makes it sound like a long time - the out of  
15:50:50 18 scope issues were provided to and separately briefed on to  
15:50:57 19 the Office of Police Integrity?---Yes  
20  
15:50:59 21 Which was your oversight body at the relevant time?---Yes.  
22  
15:51:07 23 Your involvement in that, based on what we understand from  
15:51:13 24 your statement and the evidence that you've given, was to  
15:51:16 25 arrange a meeting with Mr Gleeson and the Director of Legal  
15:51:20 26 at the OPI?---Yes.  
27  
15:51:21 28 And as you've noted, as you note in your statement, the  
15:51:26 29 reason for you doing that directly with Mr Gleeson to the  
15:51:30 30 OPI was effectively in order to bypass a number of people  
15:51:35 31 who were still in senior positions at Victoria Police; is  
15:51:38 32 that right?---Yes.  
33  
15:51:38 34 Why was that? Why were you going straight to the OPI and  
15:51:41 35 actually bypassing people in Command at that point in  
15:51:45 36 time?---I was trying to avoid conflicts.  
37  
15:51:47 38 Right. And why was that, in terms of what you  
15:51:50 39 knew?---Because it opened questions more broadly in terms  
15:51:54 40 of the ranks. We weren't closing those conduct issues to  
15:51:59 41 any rank.  
42  
15:52:00 43 I see. So any suggestion that your conduct, or the conduct  
15:52:03 44 of Mr Gleeson, was designed to somehow protect Command,  
15:52:07 45 what would you say to that, particularly in light of that  
15:52:10 46 approach that you and he made to the Office of Police  
15:52:12 47 Integrity?---No, it was a full disclosure.

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These claims are not yet resolved.

1  
15:52:19 2 You were asked some questions yesterday by our learned  
15:52:22 3 friend Mr Chettle about the actual detailed work that  
15:52:26 4 Mr Gleeson did on the review and, in particular, how he  
15:52:32 5 went about trying to get information about what had gone on  
15:52:36 6 and where the documentation was in relation to the SDU, do  
15:52:39 7 you recall that?---Yes.  
8  
15:52:40 9 It seems from the emails and things that we've seen, that  
15:52:43 10 you were being briefed on occasion by Mr Gleeson about  
15:52:46 11 those kinds of issues, do you recall that?---Yes, I was  
15:52:51 12 discussing matters with him, yes.  
15:52:53 13  
15:52:54 14 How often, how sort of directly involved were you with  
15:52:57 15 those requests he was making with various parts of the  
15:53:00 16 organisation?---He didn't call me in to facilitate requests  
15:53:03 17 but we were discussing matters.  
18  
15:53:05 19 Again, the impression one might have got from the questions  
15:53:08 20 that were asked yesterday was that no attempt was made by  
15:53:12 21 Mr Gleeson to obtain material from the SDU holdings or to  
15:53:17 22 even identify whether there were holdings beyond those that  
15:53:21 23 were contained on the Interpose file, you recall that from  
15:53:24 24 yesterday?---Yes.  
25  
15:53:25 26 I'd like to just take you to a couple of documents if we  
15:53:28 27 can, please. Could we first please have a look at  
15:53:38 28 VPL.0100.0040.0057.  
29  
15:53:53 30 COMMISSIONER: Is this a new document?  
15:53:55 31  
15:53:55 32 MR HOLT: Yes, I think it is, Commissioner.  
15:54:13 33 0014.0092.0001. I'm sorry, I'm sorry. Yes, no, that is  
15:54:17 34 the one. 057. Again, Mr McRae, I know much of this  
15:54:23 35 doesn't involve you but given the cross-examination  
15:54:27 36 yesterday there are some documents I want to take you to.  
15:54:30 37 You see this is an email from Mr Gleeson which is  
15:54:33 38 confirming his access to Interpose, to be able to access  
15:54:44 39 the material that had been migrated to Interpose?---Yes.  
40  
15:54:45 41 I tender that email, Commissioner  
15:54:48 42  
15:54:49 43 #EXHIBIT RC1150A - (Confidential) VPL.0100.0040.0057.  
15:54:50 44  
15:54:51 45 #EXHIBIT RC1150B - (Redacted version.)  
46  
15:54:54 47 Can we then, please, go over to VPL.6137.0074.3079. It's



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These claims are not yet resolved.

15:55:06 1 an email from - this is an email, it's appropriately  
15:55:23 2 redacted - in fact it's from the person at HSMU who was  
15:55:28 3 allocated to be Mr Gleeson's contact person for the  
15:55:31 4 provision of information?---Yes.  
5  
15:55:32 6 And it's to a person who we are referring to as Officer  
15:55:51 7 Green. Because a suggestion was put to you yesterday that  
15:55:55 8 in effect Mr Chettle's clients had been kept in the dark.  
15:55:59 9  
15:56:00 10 MR CHETTLE: I'm getting verbed. I didn't put that.  
15:56:02 11 What I suggested is Mr Gleeson did not speak to any of my  
15:56:06 12 clients. That's all.  
13  
15:56:07 14 COMMISSIONER: Thanks, Mr Chettle. Pay back time,  
15:56:09 15 Mr Chettle.  
16  
15:56:10 17 MR CHETTLE: Yes.  
18  
15:56:11 19 COMMISSIONER: Yes, Mr Holt.  
20  
15:56:12 21 MR HOLT: Thank you, Commissioner. Can you see here that  
15:56:13 22 in response to inquiries at this point that are clearly  
15:56:15 23 being generated by Mr Gleeson's, it's fair to say dogged  
15:56:21 24 attempts to get information about where this material lay,  
15:56:28 25 that a request is made from the HSMU person to the person  
15:56:32 26 we're talking about who's Officer Green?---Yes.  
27  
15:56:39 28 You may or may not know this, but Officer Green was in fact  
15:56:42 29 one of the people at the SDU at the time of Ms Gobbo's  
15:56:46 30 handling?---I'm not aware of that.  
31  
15:56:48 32 Thank you. I tender that email, Commissioner.  
15:56:51 33  
15:56:52 34 #EXHIBIT RC1151A - (Confidential) VPL.6137.0074.3079.  
15:56:54 35  
15:56:54 36 #EXHIBIT RC1151B - (Redacted version.)  
37  
15:56:56 38 That was 7 February 2012. Then on 8 February 2012,  
15:57:12 39 VPL.6025.0006.4029. We can see here an email, if we go  
15:57:23 40 down to the bottom of it, again from the reply to that,  
15:57:29 41 which is that person Mr Green, forwarding the email on to a  
15:57:32 42 person who we've come to know as Sandy Whit,e saying to  
15:57:36 43 that person that, "The HSMU contact will call him as there  
15:57:40 44 is a review in progress. I mentioned that all the info  
15:57:44 45 will probably be on the SML and they are uploaded", do you  
15:57:47 46 see that?---Yes.  
47

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15:57:49 1 You'd be aware that - sure that Sandy White was the person  
15:57:51 2 who was involved?---Yes.  
3  
15:57:52 4 At least to some extent with Ms Gobbo's handling and would  
15:57:57 5 be aware of the location of various documents?---Yes.  
6  
15:57:59 7 I tender that, Commissioner.  
15:58:00 8  
15:58:00 9 #EXHIBIT RC1152A - (Confidential) VPL.6025.0006.4029.  
15:58:02 10  
15:58:02 11 #EXHIBIT RC1152B - (Redacted version.)  
15:58:04 12  
15:58:04 13 Can we then go to 15 March 2012, please,  
15:58:13 14 VPL.6072.0004.2104. Again, I'm referring to this because  
15:58:22 15 this is one of those occasions on which you were being  
15:58:24 16 updated by Mr Gleeson by email?---Yes.  
17  
15:58:27 18 Do you see that? And just drawing your attention to the  
15:58:31 19 fourth paragraph, "In terms of progress through this file  
15:58:36 20 what a slog. As much as I didn't want to I'm now reading  
15:58:40 21 the entire thing front to back and cannot see any  
15:58:43 22 alternative to this", do you see that?---Yes.  
23  
24 "Interpose records, daily conversations with this source.  
15:58:48 25 Seven days per week. To date I have reduced thousands of  
15:58:51 26 pages of contact reports to a summarised account of  
15:58:54 27 significant issues of about 60 pages and am about halfway  
15:58:58 28 through the file", do you see that?---Yes, I recall the  
15:59:00 29 amount of work he did.  
30  
15:59:01 31 Then the second to final paragraph says, "Once I get  
15:59:04 32 further through the file I will again need to pick the  
15:59:07 33 brains of the Source Unit personnel in regard to procedural  
34 and operational practices in places. Will keep you both  
15:59:12 35 posted in regard to developments"?---Yes.  
36  
15:59:14 37 Again, does that suggest to you in any way that Mr Gleeson  
15:59:17 38 wasn't interested in finding things out, albeit via the  
15:59:20 39 person who'd been told - - - ?---My understanding was that  
15:59:23 40 he was in contact with SDU personnel.  
41  
15:59:29 42 Can we have a look then please at 19 March 2012,  
15:59:34 43 VPL.6072.0004.1732.  
44  
15:59:37 45 COMMISSIONER: I suppose you wanted to tender that?  
15:59:40 46  
15:59:41 47 MR HOLT: I apologise, Commissioner, I tender that.

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These claims are not yet resolved.

1  
15:59:44 2 COMMISSIONER: Sorry, could I have the other one back for a  
15:59:46 3 minute, please.  
15:59:48 4  
15:59:48 5 #EXHIBIT RC1153A - (Confidential) VPL.6072.0004.2104.  
15:59:49 6  
15:59:51 7 #EXHIBIT RC1153B - (Redacted version.)  
15:59:53 8  
15:59:59 9 MR HOLT: If we can go to that next email again, please,  
16:00:02 10 I'd be grateful. Now we can see here an email dated 19  
16:00:08 11 March 2012 from Mr Gleeson to Mr Sheridan and copied to  
16:00:13 12 Mr Paterson, do you see that?---Yes.  
16:00:15 13  
16:00:16 14 "Paul, I've been tasked to work with Neil Comrie to look at  
16:00:22 15 a couple of aspects of the 3838 matter. I need to get a  
16:00:26 16 better understanding of some of the SDU file management and  
16:00:29 17 governance arrangements and Neil Paterson has suggested I  
16:00:33 18 talk to you. Could you please give me a call when able".  
16:00:37 19 Do you see that?---Yes.  
20  
21 Again, does that in any way suggest that Mr Gleeson was  
16:00:38 22 blind to the need to understand precisely the way in which  
16:00:39 23 SDU worked, including how it's information was  
16:00:43 24 recorded?---Yes.  
25  
16:00:44 26 Can we go then, please, to 9 May 2012. I tender that,  
16:00:52 27 Commissioner.  
16:00:53 28  
16:00:54 29 #EXHIBIT RC1154A - (Confidential) VPL.6072.0004.1732.  
16:00:55 30  
16:00:56 31 #EXHIBIT RC1154B - (Redacted version.)  
16:00:58 32  
16:00:58 33 9 May 2012, VPL.6072.0051.7429. 6072.0051.7429 is the  
16:01:36 34 email. The document follows at 7430 and following. Thank  
16:01:44 35 you. This is the email from Mr Biggin to Mr Gleeson with  
16:02:15 36 the document we've seen, which is a relatively detailed  
16:02:19 37 response to questions raised by Superintendent Gleeson  
16:02:22 38 regarding 3838?---I'm aware of that document.  
39  
16:02:26 40 Can we go over the page, please, assuming it's part of the  
16:02:29 41 same document, which I'm hoping that it is. 7430. Could  
16:02:39 42 we go over, please, for these purposes, to the third page  
16:02:43 43 of that document. I apologise, it's not numbered. And to  
16:02:46 44 the answer to question A9 on the next page, please. I'll  
16:02:52 45 read out A9. "As discussed" - this is from Mr Biggin, who  
16:02:56 46 you'd understand had been the Superintendent responsible  
16:02:58 47 for this area at least at some of the relevant time?---Yes.

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1  
16:03:01 2 And he has given evidence in this Commission?---Yes.  
3  
16:03:04 4 That he consulted with Sandy White at least to some aspects  
16:03:08 5 of this response. You may not be aware of that?---I wasn't  
16:03:11 6 aware of that, no.  
16:03:12 7  
16:03:13 8 In any event, "As discussed during the management of this  
16:03:14 9 human source two systems were used, the initial manual  
16:03:16 10 system called the Z Drive used by the Source Development  
16:03:18 11 Unit which necessitated physically conveying source data to  
16:03:23 12 the Human Source Management Unit on a disc or other  
16:03:28 13 electronic means. This resulted in numerous occasions in  
16:03:29 14 the data being lost or misplaced. There was no suggestion  
16:03:33 15 the data was misused but due to its sheer volume was not  
16 16 properly added by the Human Source Management Unit to the  
17 17 main file resulting in numerous audits conducted to rectify  
16:03:44 18 the data integrity issues", do you see that?---Yes.  
19  
16:03:47 20 So you can see, in fact Mr Gleeson is clearly asking for  
16:03:48 21 and getting responses about the way in which documents were  
16:03:52 22 managed at the SDU at the relevant time?---Yes.  
23  
16:03:54 24 That's been tendered I think, Commissioner, that document.  
16:03:58 25 I may need to just get the exhibit number for you but I'm  
16:04:00 26 certain it's been tendered.  
27  
16:04:02 28 COMMISSIONER: Thanks.  
16:04:04 29  
16:04:04 30 MR HOLT: Can we then go please to 15 May 2012,  
16:04:08 31 VPL.6159.0048.0831. Thank you. I can tell you, Mr McRae,  
16:04:28 32 and for the record that the email at the top is from - the  
16:04:43 33 top email is to the person at HSMU and from a person who we  
16:04:50 34 are using the pseudonym Richards for, so you might want to  
16:04:54 35 look at Exhibit 81, but who we can tell you was a person at  
16:04:58 36 the SDU at a time when Ms Gobbo was in fact being managed,  
16:05:01 37 or at least for a part of that period of time?---Yes, yes.  
38  
16:05:09 39 It appears, he says, "We'll take a bit longer due to  
16:05:14 40 handwritten diaries six years ago", but in any event we can  
16:05:18 41 see there if we scroll down that this appears to be a  
16:05:22 42 response to the various and repeated concerns that  
16:05:24 43 Mr Gleeson has raised about the state of the Interpose file  
16:05:27 44 and his inability to reconstruct what occurred, do you see  
16:05:31 45 that?---You need to give me a chance to read it.  
46  
16:05:35 47 Sure?---Yes.

.05/02/20

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1  
16:05:50 2 My learned friend Mr Chettle reminds me, I think it was  
16:05:54 3 tendered during Mr Richards' evidence and it was his  
16:05:57 4 response?---Yes.  
5  
16:05:58 6 You can see there that in response to queries that appear  
16:06:00 7 to have come ultimately to him as someone who was in fact  
16:06:04 8 at the SDU at the relevant time, he's answering those  
16:06:08 9 responses but at no stage does he appear to be saying, "But  
16:06:12 10 there's a stand alone computer that you can go and find all  
16:06:15 11 this material on if you want to go and find it"?---No.  
12  
13 That document has been tendered I'm confidently told by  
16:06:29 14 Mr Chettle, but I'll confirm it, Commissioner. Can we then  
16:06:29 15 please have a look at 13 May 2012 VPL.0100 - - -  
16:06:34 16  
17 COMMISSIONER: It might have been by a different number,  
16:06:34 18 but never mind, we'll find it.  
16:06:37 19  
16:06:38 20 MR HOLT: Thank you Commissioner. VPL.0100.0040.0923.  
16:06:55 21 Now, again this is an email from the person at the HSMU who  
16:07:02 22 is Mr Gleeson's contact point to Mr Gleeson about 3838  
16:07:06 23 matters, do you see that?---Yes.  
16:07:08 24  
16:07:08 25 And what's clear, I suggest, just scan your eye through it,  
16:07:14 26 I don't want to take you through the entire thing because  
16:07:17 27 it's a long document, is it appears to be detailed  
16:07:20 28 responses that have been obtained by that person from  
16:07:25 29 people, including Mr Richards and others, about specific  
16:07:28 30 queries that Mr Gleeson has about documents and how they  
16:07:32 31 were maintained and where they might be found?---Yes.  
16:07:36 32  
16:07:36 33 Specifically Mr Richards we can see in the second paragraph  
16:07:39 34 there is being offered as a person who might be able to  
16:07:45 35 assist and in fact the HSMU person is noting that he's at a  
16:07:48 36 place with him for the next nine days?---Yes.  
16:07:51 37  
16:07:51 38 Do you see that? And so we can see that the blue texts are  
16:07:55 39 the responses where staff, including staff who are either  
16:07:59 40 at or were previously at the SDU at the relevant time, are  
16:08:02 41 answering specific queries for Mr Gleeson?---Yes.  
16:08:05 42  
16:08:13 43 Yes, thank you. I tender that. I'm told it's 615,  
16:08:18 44 Commissioner, and I'm grateful for that indication. I'm  
16:08:20 45 sorry, the earlier one was Exhibit 615.  
16:08:22 46  
16:08:23 47 COMMISSIONER: And the one before that was 613.

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16:08:25 1  
16:08:25 2 MR HOLT: Thank you Commissioner. This one hasn't - - -  
16:08:26 3  
16:08:26 4 COMMISSIONER: This one hasn't been tendered?  
5  
16:08:29 6 MR HOLT: I don't think so, Commissioner.  
16:08:34 7  
16:08:35 8 COMMISSIONER: It has been tendered? That's 613 on the  
16:08:41 9 screen at the moment.  
16:08:42 10  
16:08:42 11 MR HOLT: Thank you Commissioner, 613.  
16:08:43 12  
16:08:43 13 COMMISSIONER: The one before was 615, but the one before  
16:08:46 14 that we haven't found yet, is that right?  
16:08:49 15  
16:08:50 16 MR HOLT: No, Commissioner, I think that needs to be  
16:08:52 17 tendered.  
16:08:53 18  
16:08:53 19 COMMISSIONER: Which one? That's 19 March 12. There was  
16:08:56 20 an email Biggin to Gleeson.  
16:08:58 21  
16:08:58 22 MR HOLT: Yes, that's certainly been tendered,  
16:09:00 23 Commissioner. That has been tendered.  
16:09:01 24  
16:09:02 25 COMMISSIONER: We haven't got the exhibit number for that  
16:09:04 26 one yet.  
16:09:06 27  
16:09:07 28 MR HOLT: Now, 25 May 2012, VPL.0100 - - -  
16:09:16 29  
16:09:16 30 COMMISSIONER: Just a minute. Sorry, can we just have that  
16:09:18 31 one up again please, I'm just not sure whether the latest  
16:09:22 32 one is tendered.  
16:09:27 33  
16:09:27 34 MR HOLT: I didn't have a note of it being tendered,  
16:09:30 35 Commissioner.  
16:09:30 36  
16:09:30 37 COMMISSIONER: No.  
16:09:35 38  
16:09:48 39 MR HOLT: Thank you. Commissioner, we think that the  
16:09:50 40 Biggin/Gleeson email in fact has been produced as Exhibit  
16:09:54 41 589 but has a duplicate VPL number because it came from a  
16:09:58 42 different email box. I think it's Exhibit 589 for all  
16:10:02 43 intents and purposes.  
16:10:09 44  
16:10:09 45 COMMISSIONER: I don't think so. I've got that as an email  
16:10:15 46 5 February 08, but I might be wrong. Anyway.  
16:10:18 47

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16:10:18 1 MR HOLT: We'll confirm that, Commissioner.  
16:10:23 2  
16:10:23 3 COMMISSIONER: So the last one tendered was, the last  
16:10:27 4 exhibit referred to was Exhibit 615, is that right?  
16:10:30 5  
16:10:30 6 MR HOLT: I think so, Commissioner, yes.  
7  
8 COMMISSIONER: Yes, correct.  
9  
16:11:04 10 MR HOLT: We think maybe 586 for that one, for the Biggin  
16:11:10 11 report.  
16:11:15 12  
16:11:16 13 COMMISSIONER: Maybe, I'm not convinced. Anyway, I guess  
16:11:19 14 they'll be tracked down.  
16:11:20 15  
16:11:21 16 MR HOLT: We'll track it down, Commissioner.  
16:11:22 17  
16:11:22 18 COMMISSIONER: Thank you.  
16:11:22 19  
16:11:24 20 MR HOLT: Could we have a look, please, then at  
16:11:28 21 VPL.0100.0040.0691. Again, what we see here is an email  
16:12:15 22 from Mr Gleeson, this one's to his contact at HSMU, along  
16:12:21 23 with John O'Connor who at that stage was the Inspector in  
16:12:24 24 charge of the SDU specifically, copied to Mr Pope, you and  
16:12:27 25 Mr Comrie, do you see that?---Yes.  
16:12:29 26  
16:12:30 27 And it's an exchange about Mr Gleeson looking for, if we  
16:12:35 28 look at the middle email, the availability of audio  
16:12:39 29 recordings, paper copies of AORs for 3838. "Can you please  
16:12:42 30 identify recordings which contain the same and let me know,  
16:12:45 31 thanks", do you see that?---Yes.  
16:12:47 32  
16:12:49 33 Again that's gone to, at that point, the Inspector in  
16:12:52 34 charge of the SDU?---Yes.  
16:12:54 35  
16:12:54 36 I tender that email, Commissioner.  
16:12:56 37  
16:12:56 38 #EXHIBIT RC1155A - (Confidential) Email from Mr Gleeson  
16:11:26 39 VPL.0100.0040.0691.  
16:12:58 40  
16:12:58 41 #EXHIBIT RC1155B - (Redacted version.)  
16:13:01 42  
16:13:01 43 If I can then go to 31 May, VPL.6072.0051.7819. Again this  
16:13:33 44 is an email chain, initially from Mr Gleeson to Mr Biggin,  
16:13:40 45 copied to Mr Sheridan and then a reply from Mr Biggin which  
16:13:43 46 also copies in Mr O'Connor, again, about documents. In  
16:13:49 47 particular if we look at the second paragraph of the

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16:13:52 1 original email from Mr Gleeson we can see it says, "Further  
16:13:55 2 to your knowledge within the SDU holdings is there a copy  
16:13:58 3 of what you indicate was provided to Petra in the file you  
16:14:04 4 mention below". Again we're seeing Mr Gleeson making  
16:14:07 5 inquiries directly of the HSMU with an expectation that  
16:14:10 6 materials will be provided that he's doggedly searching  
16:14:14 7 for?---Yes.

16:14:14 8  
16:14:14 9 I tender that email, Commissioner.

16:14:16 10  
16:14:17 11 #EXHIBIT RC1156A - (Confidential) Email chain  
16:13:05 12 VPL.6072.0051.7819.

16:14:18 13  
16:14:18 14 #EXHIBIT RC1156B - (Redacted version.)

16:14:20 15  
16:14:22 16 Can we go, please, to VPL.6072.0004.3829. This is an email  
16:14:38 17 from Mr Gleeson back to a person called Christopher Corbel  
16:14:42 18 about a query, we'll come to the document that Mr Gleeson  
16:14:45 19 is commenting on in a moment but it says, "Thanks Chris",  
16:14:48 20 and this is enlightening, "I've been assured on at least  
16:14:51 21 two other occasions when I've asked that the HSMU knew if a  
16:14:53 22 hard copy file existed. No hard copy file exists and all  
16:14:56 23 that is available is a collection of audio recordings and  
16:15:00 24 administrative papers. HSMU even checked certain safes  
16:15:02 25 when I was down there and produced certain recordings and  
16:15:05 26 so forth but no sequential hard copy file. Given the  
16:15:08 27 potential extent of human error evident in the table shown  
16:15:10 28 to you", and he goes on to talk about potential  
16:15:15 29 recommendations that he might make. Again knowing  
16:15:18 30 Mr Gleeson does that sound like the kind of detailed and  
16:15:23 31 continuing inquiries he would make to try and identify all  
16:15:25 32 the relevant material?---Yes.

16:15:26 33  
16:15:26 34 I tender that email, Commissioner.

16:15:28 35  
16:15:30 36 #EXHIBIT RC1157A - (Confidential) Email chain with.  
16:14:24 37 attachment VPL.6072.0004.3829.

16:15:31 38  
16:15:31 39 #EXHIBIT RC1157B - (Redacted version.)

16:15:33 40  
16:15:33 41 Specifically that had replied to an email that had been a  
16:15:37 42 response that had been given to Mr Gleeson on 6 June 2012,  
16:15:42 43 VPL.6072.0004.3832. Again, without reading the whole  
16:15:56 44 thing, can you have a quick look through it, you can see it  
16:15:59 45 purports at least to be a description of exactly the  
16:16:01 46 question of where records were kept and how the SDU  
16:16:06 47 functioned at the relevant period of time that was provided



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16:16:09 1 to Mr Gleeson.  
16:16:22 2  
16:16:22 3 COMMISSIONER: Was this attached to the email of 12 June?  
16:16:25 4  
16:16:25 5 MR HOLT: Yes, it was, Commissioner.  
16:16:26 6  
16:16:26 7 COMMISSIONER: Thank you.  
16:16:28 8  
16:16:29 9 MR HOLT: You can see at 1, "Prior to Interpose use IMU and  
16:16:34 10 DSU had stand alone databases running Microsoft Access to  
16:16:36 11 set some fields and creates files"?---Yes.  
16:16:36 12  
16:16:37 13 "For this file DSU would deliver ICRs, et cetera, on an  
16:16:41 14 external portable hard drive. IMU would then sort through  
16:16:44 15 the files and upload or complete the IMU database with the  
16:16:49 16 information. The external portable hard drive would then  
16:16:49 17 be returned to the DSU", do you see that?---Yes.  
16:16:52 18  
16:16:53 19 I tender that response from Mr Corbel.  
16:16:57 20  
16:17:00 21 #EXHIBIT RC A - (Confidential) Response from Mr Corbel.  
16:17:00 22  
16:17:03 23 #EXHIBIT RC B - (Redacted version.)  
16:17:05 24  
16:17:05 25 Finally, on 19 July 2012, VPL.6072.0008.6903.  
16:18:05 26  
16:18:06 27 COMMISSIONER: The attachment was to be a separate exhibit,  
16:18:08 28 is that right?  
16:18:09 29  
16:18:10 30 MR HOLT: It can be, Commissioner.  
16:18:11 31  
16:18:11 32 COMMISSIONER: Or not. I've tendered it at the moment as  
16:18:14 33 part of the email.  
16:18:15 34  
16:18:15 35 MR HOLT: I think it can be, it makes sense to be read  
16:18:19 36 together.  
16:18:20 37  
16:18:20 38 COMMISSIONER: That's 1157A and B.  
16:18:27 39  
16:18:27 40 MR HOLT: 6078.0008.6903. Commissioner, it doesn't appear  
16:18:42 41 to be coming up in the system. I'll describe the document  
16:18:44 42 and then we'll arrange its tender later, rather than  
16:18:49 43 delaying matters if that's convenient. I was going to  
16:18:51 44 refer you to an email from a person whose, we're using the  
16:18:57 45 pseudonym Officer Peter Smith, he's again someone who was  
16:19:00 46 present at the SDU at the relevant time, to Mr O'Connor,  
16:19:04 47 and also to a person, Officer Wolf, who was also relevantly

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16:19:12 1 present in relation to Ms Gobbo. And that email from  
16:19:20 2 Officer Peter Smith reads - - -  
16:19:22 3  
16:19:22 4 COMMISSIONER: And the date please?  
16:19:23 5  
16:19:24 6 MR HOLT: I apologise, Commissioner, 19 July 2012.  
16:19:26 7  
16:19:26 8 COMMISSIONER: 9 July?  
16:19:28 9  
16:19:28 10 MR HOLT: 19 July, 14:41:31 headed "ex HS 3838", it refers  
16:19:38 11 to that person's first name. "I have checked the audio" -  
16:19:41 12 sorry, it refers to Mr O'Connor's first name. This is from  
16:19:45 13 that person who had been the handler, "I have checked the  
16:19:47 14 audio meetings conducted on 16/09, 21/09, 26/09, 1/10 and  
16:19:54 15 28/10/2005. I have been unable to locate the delivery of  
16:19:56 16 the AOR. My notes are saved in the L drive located, drive  
16:20:04 17 at the below link. Last week I spoke to Sandy White,  
16:20:08 18 currently on leave re this, and his recollection is that  
16:20:09 19 this HS was shown the AOR document but refused to sign it.  
16:20:14 20 Without further audio analysis I am unable to take this any  
16:20:14 21 further. I have obtained a blank copy of the AOR version  
16:20:18 22 of late 2005 which is attached"?---Yes.  
16:20:20 23  
16:20:20 24 Ultimately, Commissioner, we'll identify that document so  
16:20:23 25 that it can be - we've found it. I tender that email.  
16:20:28 26  
16:20:28 27 MR CHETTLE: This was tendered through John O'Connor.  
16:20:32 28  
16:20:32 29 COMMISSIONER: You think it's already tendered?  
16:20:34 30  
16:20:35 31 MR CHETTLE: I believe so. He gave evidence about getting  
16:20:37 32 them in to search for the AOR and the blank form AOR was  
16:20:43 33 tendered as well.  
16:20:49 34  
16:20:49 35 MR HOLT: Can I continue while those assisting find that,  
16:20:54 36 Commissioner, just in the interests of time?  
16:20:55 37  
16:20:55 38 COMMISSIONER: Sure.  
16:20:55 39  
16:20:56 40 MR HOLT: Thank you. Again, Mr McRae, taking you through  
16:21:00 41 that sort of relatively limited but potted history is it  
16:21:03 42 consistent with your knowledge of Mr Gleeson and the way in  
16:21:05 43 which he approaches the finding of material and identifying  
16:21:08 44 the truth of matters?---Yes, he, he was very comprehensive  
16:21:12 45 in trying to locate the documents because of the sequential  
16:21:18 46 issues that he was having.  
16:21:20 47

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16:21:20 1 Does it appear in fact that some of the people who had been  
16:21:24 2 involved in Ms Gobbo's handling were involved in the  
16:21:27 3 requests for information and clarification and  
16:21:29 4 identification of the location of materials?---I understood  
16:21:31 5 that there were conversations happening.

16:21:34 6  
16:21:34 7 And specifically in relation to the AOR, inquiries were  
16:21:37 8 made that resulted in Mr Sandy White and others being  
16:21:40 9 spoken to about whether an Acknowledgement of  
16:21:44 10 Responsibilities had been done and if so when and in what  
16:21:46 11 form?---Yes.

16:21:47 12  
16:21:47 13 Thank you. Can we move forward in the sequence then please  
16:21:53 14 to the steps that are taken after the out of scope material  
16:21:57 15 becomes known to you?---Yes.

16:21:58 16  
16:21:58 17 And by Mr Gleeson. Firstly, I'm not sure whether you knew  
16:22:02 18 it or not, perhaps you can assist us with that, Mr Lay in  
16:22:06 19 fact writes to the OPI and briefs them in person about the  
16:22:14 20 Comrie Review but specifically about the - specifically  
16:22:18 21 about the out of scope issues that Mr Gleeson had raised,  
16:22:21 22 that is the issues of concern in July of 2012?---Yes.

16:22:27 23  
16:22:28 24 And then, as we've already noted, you went with Mr Gleeson  
16:22:32 25 to the OPI and made a disclosure to them about, A, the  
16:22:37 26 Comrie Review and, B, the out of scope issues?---Yes.

16:22:39 27  
16:22:39 28 And you took Mr Gleeson?---Yes.

16:22:40 29  
16:22:41 30 Is it your recollection that Mr Gleeson was anything other  
16:22:45 31 than forthright about the concerns that he had about the  
16:22:47 32 handling of 3838?---Yes, he was forthright.

16:22:49 33  
16:22:50 34 Anything held back from your perspective from the oversight  
16:22:53 35 body by Mr Gleeson?---Not at all.

16:22:55 36  
16:22:56 37 We then go to the meeting with the Director of Public  
16:22:58 38 Prosecutions on 1 June 2012, you'll recall being asked  
16:23:00 39 about that meeting?---Yes.

16:23:02 40  
16:23:02 41 And you've given evidence that the Director was told on  
16:23:06 42 that occasion, effectively her basic status, that is that  
16:23:12 43 she had been a human source for Victoria Police for a  
16:23:14 44 period of time?---Yes.

16:23:14 45  
16:23:14 46 That that may raise issues in relation to conflicts?---Yes,  
16:23:17 47 well he raised the conflict.

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16:23:19 1  
16:23:19 2 All right. And your note, as you identified to Mr Doyle  
16:23:22 3 when he was asking you questions some time ago, has a  
16:23:25 4 specific reference to Mokbel in it?---Yes.  
16:23:27 5  
16:23:27 6 It was suggested by Mr Winneke, though not as I recall it  
16:23:30 7 by Mr Doyle, it seemed to be suggested by Mr Winneke that  
16:23:33 8 by an analysis of your file note and Mr Gardiner's file  
16:23:36 9 note, maybe you didn't actually tell the Director of Public  
16:23:42 10 Prosecutions on that occasion that she had been a human  
16:23:45 11 source providing assistance and information to Victoria  
16:23:48 12 Police for a period of time, what do you say to  
16:23:50 13 that?---That was the point of the meeting. But it was  
16:23:53 14 focused on safety of course.  
16:23:55 15  
16:23:55 16 But in terms of that status?---Yes. It was a disclosure of  
16:24:00 17 status.  
16:24:00 18  
16:24:03 19 Now, if we move then ahead to, I'm sorry, in terms of the  
16:24:13 20 Office of Police Integrity, the oversight body, were you  
16:24:16 21 aware that Mr Gleeson had in fact given the OPI, John Nolan  
16:24:20 22 at the OPI, a preliminary briefing in March 2012, even  
16:24:23 23 before the out of scope issues started to become  
16:24:26 24 obvious?---I think I was.  
16:24:27 25  
16:24:28 26 Again would you have been involved in the decision making  
16:24:30 27 to ensure that the oversight body was involved and engaged  
16:24:33 28 in this process?---We would have discussed it but I  
16:24:37 29 wouldn't have authorised it because I didn't have that  
16:24:40 30 authority.  
16:24:40 31  
16:24:40 32 You've indicated that in September 2012, and I don't think  
16:24:44 33 this is beyond doubt, there was a second meeting with the  
16:24:47 34 DPP which followed the out of scope issues having been  
16:24:51 35 identified by Mr Gleeson?---Yes.  
16:24:54 36  
16:24:55 37 And in particular you were taken to documents that showed  
16:24:58 38 that part of the purpose of that discussion was  
16:25:01 39 specifically around the Mokbel extradition?---Yes.  
16:25:04 40  
16:25:04 41 Why did you feel the need to tell the DPP, brief the DPP  
16:25:07 42 about the Mokbel extradition in the context of Gobbo  
16:25:12 43 specifically at that point?---Because Mokbel was still  
16:25:14 44 before the courts.  
16:25:15 45  
16:25:15 46 Do you know how prescient it was, how soon it was coming  
16:25:20 47 up?---I think there was a Court of Appeal matter, but it

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16:25:22 1 was Steve Gleeson who raised that as an issue.  
16:25:25 2  
16:25:26 3 And indeed you would have seen in his out of scope material  
16:25:30 4 that the extradition of Mokbel was one of the things that  
16:25:32 5 he identified?---Yes, I didn't know particularly what the  
16:25:35 6 facts were, because Mr Gleeson had those facts, but he  
16:25:39 7 advised that we should ensure that that disclosure  
16:25:43 8 occurred.  
16:25:44 9  
16:25:44 10 Again, given who Mr Gleeson is, at that meeting was, again  
16:25:50 11 was he being from your perspective being anything other  
16:25:55 12 than forthright with the Director of Public  
16:25:56 13 Prosecutions?---Mr Gleeson - you'd have to ask him because  
16:25:58 14 my memory and my notes are very sanitised in terms of I  
16:26:02 15 talk about other activities.  
16:26:04 16  
16:26:04 17 Yes?---But Mr Gleeson does not and did not hold back in his  
16:26:09 18 briefings.  
16:26:09 19  
16:26:10 20 Now in 2013 Operation Loricated was commissioned initially,  
16:26:18 21 in terms of its first phase, to, as the police say, acquit  
16:26:22 22 the first recommendation of the Comrie Review, which was to  
16:26:25 23 reconstruct the 3838 file properly?---Yes.  
16:26:27 24  
16:26:27 25 Was there any doubt in your mind that that was an essential  
16:26:31 26 process even though it was going to take a period of  
16:26:34 27 time?---It had to occur, it was a precursor to put the file  
16:26:37 28 back together.  
16:26:38 29  
16:26:39 30 Now, can I ask you please, just have a look at paragraph  
16:26:47 31 7.5 of your statement. Again, just looking in terms of  
16:27:01 32 priorities, you've noted there a steering committee meeting  
16:27:03 33 occurred on 6 June 2013?---Yes.  
16:27:06 34  
16:27:07 35 You weren't taken to it specifically, but following that  
16:27:10 36 reconstruction or the process of it, does it note, "Agreed  
16:27:13 37 that legal issues (for example past trials conducted  
16:27:17 38 unfairly) currently represents the greatest risk" and that  
16:27:21 39 you and DF, who we assume is Doug Fryer, have briefed the  
16:27:25 40 DPP on the issue, do you see that?---Yes.  
16:27:27 41  
16:27:28 42 Then there's a description of the process that you intended  
16:27:30 43 would follow from then on?---Yes.  
16:27:31 44  
16:27:32 45 I think you've previously accepted that this whole process  
16:27:35 46 ultimately, probably with the benefit of hindsight, maybe  
16:27:38 47 even at the time, probably took too long, is that fair?---I

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16:27:41 1 never expected it to take a year.  
16:27:43 2  
16:27:43 3 Thank you. But in terms of the goals, does that accurately  
16:27:47 4 set out what from your perspective were the goals?---Yes.  
16:27:51 5  
16:27:52 6 You then discussed at some length yesterday putting  
16:27:55 7 together the multi-disciplinary teams through Bendigo to  
16:28:00 8 work up the five case studies that have been referred  
16:28:02 9 to?---Yes.  
16:28:03 10  
16:28:03 11 Did the topics for the five case studies, by which I mean  
16:28:07 12 the people who were the subject of each of the case  
16:28:09 13 studies, had they come out of the work that Mr Gleeson had  
16:28:12 14 done?---I got them to revisit, partially, yes, but I got  
16:28:18 15 them to revisit that in the light of the materials that  
16:28:22 16 were provided through Loricated.  
16:28:25 17  
16:28:25 18 You indicated to Mr Winneke that effectively once you got  
16:28:29 19 the case studies and the conclusions on them you didn't  
16:28:32 20 accept them, you didn't sign off on them?---That's correct.  
16:28:35 21  
16:28:35 22 Why was that?---Because I wasn't confident in the  
16:28:38 23 conclusions that the team had come up with.  
16:28:39 24  
16:28:40 25 The conclusions effectively, putting the major matter to  
16:28:43 26 one side, the conclusions effectively were that there was  
16:28:46 27 really nothing wrong?---That's right.  
16:28:48 28  
16:28:48 29 And you weren't prepared to accept that?---I wasn't  
16:28:51 30 comfortable with that.  
16:28:52 31  
16:28:52 32 You were asked by Mr Winneke whether the wrong questions  
16:28:55 33 were asked and that might have led to that being a problem  
16:28:59 34 with the way the case studies were done. If we can have a  
16:29:00 35 look, please, at VPL.6023.0142.1671. If it's easier we can  
16:29:22 36 look at paragraph 7.23 of your statement while that is  
16:29:25 37 coming up at p.46?---Yes.  
16:29:33 38  
16:29:33 39 We can see there a flowchart that you've described in your  
16:29:38 40 statement as effectively guiding the preparation of work on  
16:29:40 41 those case studies. Do you see that? Over on p.46?---Yes.  
16:29:55 42 I can't read it.  
16:29:56 43  
16:29:57 44 I apologise, I've given, I must have given the wrong number  
16:30:00 45 for that. It's all right, we'll refer to that flowchart, I  
16:30:03 46 don't need to take you through it in detail, other than to  
16:30:07 47 note at the top, "Considerations at all times was the

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16:30:10 1 information provided to the police from 3838's clients. 2.  
16:30:13 2 How was the information used by Victoria Police? 3. Did  
16:30:18 3 the information have an impact on a court outcome"?---Yes,  
16:30:22 4 the three steps, yes.  
16:30:22 5  
16:30:22 6 And then a range of sub processes below that?---Yes.  
16:30:28 7  
16:30:28 8 Thank you. In any event, following that there were two  
16:30:32 9 relatively quick succession meetings with the Director of  
16:30:34 10 Public Prosecutions that you've told us about?---Yes.  
16:30:36 11  
16:30:37 12 Firstly on 28 October 2014, which you've described as just  
16:30:41 13 an update on the progress of the case studies?---Yes.  
16:30:44 14  
16:30:44 15 Rather than substantive material being given?---Yes.  
16:30:46 16  
16:30:46 17 And then an email that followed I think only a few weeks  
16:30:50 18 later, do you recall that, four weeks later on 25 November  
16:30:54 19 2014?---Sending the names?  
16:30:56 20  
16:30:56 21 Yes?---Yes.  
16:30:57 22  
16:30:58 23 And without going to the document, we saw that prior to  
16:31:02 24 that meeting you had given the Director of Public  
16:31:05 25 Prosecutions, after an exchange with Mr Gardiner, just a  
16:31:08 26 list of the names of the case studies?---Yes.  
16:31:10 27  
16:31:10 28 In preparation for the meeting?---Yes.  
16:31:12 29  
16:31:12 30 And then you've described in your evidence that at that  
16:31:16 31 meeting you physically had the case studies with  
16:31:20 32 you?---Yes.  
16:31:20 33  
16:31:20 34 And when we say that, there are three parts, aren't there,  
16:31:23 35 to the case studies? There's the issue cover sheet,  
16:31:26 36 there's a legal conflict report effectively?---Yes.  
16:31:30 37  
16:31:30 38 And then the appendices which are the underlying  
16:31:34 39 documents?---Yes.  
16:31:34 40  
16:31:35 41 They include ICR extracts and those sorts of things?---Yes,  
16:31:39 42 A4 binders.  
16:31:40 43  
16:31:40 44 A4 binders for each of them?---Yes.  
16:31:43 45  
16:31:43 46 And you had those with you?---No, I didn't take the A4  
16:31:46 47 binders, I only took the executive summaries but I

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16:31:48 1 described the A4 binders.  
16:31:48 2  
16:31:49 3 Mr Leane, Stephen Leane, was the police officer present  
16:31:51 4 with you on this occasion?---Yes.  
16:31:52 5  
16:31:53 6 In his statement he describes you offering the folders,  
16:31:56 7 sorry, offering the case studies over physically?---Yes.  
16:32:00 8  
16:32:00 9 And the DPP indicating they didn't require them at that  
16:32:03 10 time?---Yes.  
16:32:03 11  
16:32:03 12 Is that your memory of it?---Yes.  
16:32:05 13  
16:32:06 14 But you've indicated, although there was some challenge at  
16:32:10 15 least to this, that you read at least portions of those  
16:32:13 16 case studies to the Director and Mr Gardiner?---Yes.  
16:32:16 17  
16:32:16 18 Now, just perhaps to see whether we can identify that as  
16:32:20 19 having occurred, can we have a look, please, at the email  
16:32:25 20 that was sent from Mr Gardiner to you, which we have as  
16:32:30 21 VPL.0100.0001.0864. This is the one - the whole document  
16:32:48 22 starts at 0848 but the email is at 0864. As that's coming  
16:33:08 23 up - it's already been tendered so I'll just read the  
16:33:12 24 portion to you from Mr Gardiner. "Following that meeting a  
16:33:16 25 matter was discussed earlier this week by the Director's  
16:33:19 26 committee. In brief the Director believes that at present  
16:33:21 27 the PPS has no duty of disclosure to the defence in any of  
16:33:25 28 the five case studies you sent us", do you see that?---Yes.  
16:33:27 29  
16:33:27 30 "Largely as a consequence of the uncertainty about the  
16:33:29 31 nature, extent or timing of X's behaviour on those  
16:33:32 32 matters"?---Yes.  
16:33:33 33  
16:33:33 34 Does that give you any confidence in your own memory that  
16:33:37 35 you in fact read portions of the case studies to the  
16:33:41 36 Director and Mr Gardiner?---I read portions of the  
16:33:44 37 executive summaries.  
16:33:46 38  
16:33:46 39 All right, thank you?---I don't need that to remind me.  
16:33:49 40  
16:33:49 41 COMMISSIONER: That was Exhibit 1137.  
16:33:52 42  
16:33:52 43 MR HOLT: Thank you Commissioner. Now, again, just  
16:33:57 44 perching on some pieces of the history very briefly.  
16:34:01 45 You've described in your statement corresponding a meeting  
16:34:07 46 with IBAC on a number of occasions in an attempt to get  
47 them effectively to widen the nature of their interest and



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16:34:10 1 inquiry into the matter?---Yes.  
16:34:10 2  
16:34:10 3 You briefed the Government and the opposition in  
16:34:13 4 2014?---Yes. Sorry, Mr Cartwright did.  
16:34:16 5  
16:34:17 6 I'm sorry, yes. And you gave the Karam case study in  
16:34:22 7 particular which related to Inca and Agamas to the  
16:34:27 8 Commonwealth Director of Public Prosecutions, and met with  
16:34:28 9 them about that, do you recall?---We described it to them,  
16:34:32 10 we didn't give them the case study. The case study after  
16:34:35 11 the Kellam report was delivered by the State DPP to the  
16:34:38 12 Commonwealth.  
16:34:38 13  
16:34:39 14 Now, and you referred the matter to the Legal Services  
16:34:42 15 Commissioner in terms of Ms Gobbo's conduct in 2015?---I  
16:34:45 16 briefed the Legal Services Commissioner, it wasn't a formal  
16:34:49 17 referral.  
16:34:49 18  
16:34:50 19 You've indicated that you made an attempt to provide the  
16:34:54 20 hard copy folder binders of the case studies to IBAC during  
16:34:58 21 your evidence?---Yes.  
16:34:58 22  
16:34:59 23 But did you understand, indeed has been asked of you today,  
16:35:02 24 that Mr Gleeson had been working with IBAC to ensure they  
16:35:05 25 had access to relevant information?---Yes. My  
16:35:08 26 understanding is they had the case studies in any event  
16:35:12 27 from Monique Swain. I didn't know that at the time. My  
16:35:15 28 issue wasn't so much about delivery of the case studies as  
16:35:19 29 making sure that they were looking at this point because it  
16:35:23 30 was my view that there should be evidence called because  
16:35:25 31 the paper reviews were very difficult.  
16:35:28 32  
16:35:28 33 Now, the Kellam review was released on 6 February 2015 to  
16:35:33 34 Victoria Police?---Yes.  
16:35:34 35  
16:35:35 36 And you'll just have to trust me on those dates, but I'll  
16:35:39 37 be corrected if I'm wrong, in accordance with one of the  
16:35:42 38 recommendations it was delivered by Victoria Police to the  
16:35:44 39 DPP on 12 February 2015?---Yes.  
16:35:47 40  
16:35:47 41 And then meetings followed with the DPP about what approach  
16:35:50 42 the Director would take on those issues?---Yes.  
16:35:53 43  
16:35:53 44 Can we have a look, please, at VPL.0005.0003.2612. This is  
16:36:17 45 a file note on the progression of the Kellam report on 21  
16:36:23 46 May 2015. I just wanted to note what's said in relation to  
16:36:27 47 the case studies. "JC indicated that the Commonwealth DPP

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16:36:31 1 have completed their review of the Robby Karam case and  
16:36:34 2 have indicated there were no further issues requiring  
16:36:37 3 review, there being no miscarriage of justice"?---Yes.  
16:36:40 4  
16:36:40 5 That followed them actually having the case study including  
16:36:43 6 the annexures to it?---That was out of the Kellam reports.  
16:36:45 7  
16:36:46 8 Thank you. Noted that the Commonwealth DPP had informed  
16:36:48 9 VicPol that no VicPol documents were required for its  
16:36:51 10 review?---Yes.  
16:36:52 11  
16:36:52 12 "JC", that's Mr Champion, "Indicated that the case studies,  
13 the case reviews were under way and due shortly. He said  
16:36:56 14 Sue McNicol SC would be conducting the review and he would  
16:37:01 15 await her advice"?---Yes.  
16:37:02 16  
16:37:02 17 "At this stage there is no indication of a miscarriage of  
16:37:05 18 justice. Mr Champion was of the view that any further work  
16:37:09 19 by Victoria Police for the DPP was not necessary. He  
16:37:12 20 indicated that he did not require the chronologies or  
16:37:12 21 executive studies from the case studies at this  
16:37:16 22 time"?---Yes.  
16:37:17 23  
24 "Hence it is not proposed to engage two QCs as mentioned in  
16:37:19 25 the Kellam report to prepare any further material for the  
16:37:21 26 DPP"?---Yes.  
16:37:22 27  
16:37:22 28 I tender that file note, Commissioner, if it hasn't been -  
16:37:26 29 - -?---There was another point there, Mr Holt, that was  
16:37:30 30 raised yesterday about the [REDACTED] case study.  
16:37:34 31  
16:37:35 32 Sorry, that name needs to be taken - - -  
16:37:37 33  
16:37:37 34 COMMISSIONER: Yes, that name will have to be taken from  
16:37:40 35 the transcript and the streaming.  
16:37:42 36  
16:37:42 37 MR HOLT: The major case study, which I'll come to in a  
16:37:48 38 moment if that assists. I tender the file note,  
16:37:54 39 Commissioner.  
16:37:54 40  
16:37:55 41 #EXHIBIT RC1158A - (Confidential) File note.  
16:37:56 42  
16:37:56 43 #EXHIBIT RC1158B - (Redacted version.)  
16:37:58 44  
16:37:58 45 Mr Winneke seemed, I may have this wrong, but he seemed to  
16:38:04 46 be critical of your evidence where you said that  
16:38:08 47 Mr Champion was indicating that their preliminary

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16:38:11 1 indication was that there was no miscarriage?---Yes, some  
16:38:14 2 confusion there, yes.  
16:38:15 3  
16:38:15 4 His indication was, that is Mr Winneke's indication to you  
16:38:18 5 was that how could he possibly have made that assessment  
16:38:22 6 because you still haven't given him the major case study,  
16:38:25 7 if you can put it that way?---Yes.  
16:38:27 8  
16:38:28 9 Your answer in the transcript was, "He had the Kellam  
16:38:30 10 report which had the base facts of those case studies in  
16:38:34 11 it"?---Correct.  
16:38:35 12  
16:38:35 13 That seemed to be disputed by Mr Winneke, but is it in fact  
16:38:38 14 your recollection that the Kellam review had the, not only  
16:38:42 15 the base facts but a pretty extensive analysis of that?---I  
16:38:47 16 think it's the first case study cited in the Kellam review,  
16:38:51 17 it's used as the base of the Kellam review. I think if you  
16:38:54 18 go to p.21 there's some comments from, quotations from  
16:39:00 19 Ms Gobbo about her impact on that matter.  
16:39:02 20  
16:39:02 21 In fact, again in the interests of time not going through  
16:39:05 22 it in detail, it's Exhibit 113, Commissioner, the Kellam  
16:39:10 23 report. As well as multiple references to the base facts  
16:39:15 24 of that major case study, in addition did appendix D to the  
16:39:20 25 Kellam report include specific extracts from ICRs and other  
16:39:24 26 Victoria Police holdings that made good the patent  
16:39:29 27 difficulties with that case study?---Yes.  
16:39:31 28  
16:39:32 29 And as well as that major case study, the Kellam review  
16:39:36 30 also included numbers of references supported in appendix D  
16:39:41 31 by extracts from ICRs of the issues that underlay in effect  
16:39:45 32 all of the other case studies which have become - - -?---I  
16:39:48 33 imagine it all came from our case studies and before that  
16:39:51 34 Mr Gleeson's excellent work.  
16:39:52 35  
16:39:53 36 Thank you. Now, just finally. It seemed to be suggested  
16:40:01 37 yesterday that Mr Gleeson's involvement, by Mr Chettle,  
16:40:04 38 that Mr Gleeson's involvement with IBAC as a source of  
16:40:09 39 information, not in a registered sense, but a source of  
16:40:12 40 information, someone who was assisting them to get their  
16:40:15 41 heads around the material was in some way an improper joint  
16:40:18 42 investigation or something of that sort, do you have any  
16:40:20 43 difficulty with Mr Gleeson being asked to assist IBAC in  
16:40:24 44 this regard?---No, what Mr Gleeson and Mr Lardner did was  
16:40:28 45 put together a full chronology of everything they knew,  
16:40:30 46 which was attached to the letter from Mr Lay, and it  
16:40:33 47 started from at that time 1999 and provided the location of

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16:40:40 1 every document that we had at that time.  
16:40:42 2  
16:40:43 3 Now, final topic, Mr McRae. You were asked some questions  
16:40:49 4 by Mr Winneke a couple of days ago about the advice from  
16:40:54 5 Mr Hanks, dated 14 September 2016, in respect of the AB  
16:41:00 6 litigation, it's VPL.0005.0003.2121. As that's coming up  
16:41:09 7 can I just confirm a couple of things with you. In terms  
16:41:13 8 of the decision to take the AB litigation in the, before  
16:41:19 9 Justice Ginnane in the Supreme Court, and indeed every step  
16:41:24 10 along the way that was then taken, was that taken with the  
16:41:26 11 benefit and consideration of legal advice?---Yes.  
16:41:29 12  
16:41:29 13 And from how senior counsel were you taking - - -?---From  
16:41:33 14 senior counsel.  
16:41:33 15  
16:41:33 16 Now at one point, particularly in relation to the High  
16:41:36 17 Court, specifically in relation to the decision to go to  
16:41:39 18 the High Court and seek special leave, was the advice on  
16:41:42 19 prospects relatively pessimistic?---Yes.  
16:41:45 20  
16:41:45 21 Having that relative pessimistic advice but also having the  
16:41:49 22 question of the issue of risk to Ms Gobbo's life, did you  
16:41:54 23 seek additional advice to ensure that it was proper to  
16:41:57 24 proceed?---Yes, I wasn't comfortable that, um, the agency  
16:42:01 25 could move forward without an advice from the head of the  
16:42:05 26 VGS0 addressing whether it was within model litigant  
16:42:11 27 guidelines to proceed.  
16:42:12 28  
16:42:12 29 And you got advice that it was?---Yes.  
16:42:14 30  
16:42:14 31 And proceeded?---Yes.  
16:42:15 32  
16:42:15 33 Thank you. Now, can we go to paragraph 51, please, of the  
16:42:20 34 memorandum of advice. Thank you, just pause there. Now,  
16:42:44 35 this was the part of the advice that was shown to you by  
16:42:48 36 Mr Winneke relatively early in the proceedings, which  
16:42:51 37 basically suggested that if the major case study facts were  
16:42:54 38 as they were, then in the absence of additional or a  
16:43:00 39 considerable increase in risk caused by a disclosure to  
16:43:03 40 that person, the Chief Commissioner would have no real  
16:43:05 41 prospect of resisting disclosure to that person, do you see  
16:43:08 42 that?---Yes.  
16:43:08 43  
16:43:08 44 Now, if we go to 51.5, I am sorry, 51.4 and 5, "In those  
16:43:19 45 circumstances the Chief Commissioner might properly take  
16:43:21 46 the view it would be appropriate to seek an early  
16:43:23 47 resolution and the Chief Commissioner would in those

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16:43:25 1 circumstances would place additional information before the  
16:43:27 2 court consisting of that major case study, the additional  
16:43:32 3 risk assessment referred to in 51.1 and invite the court to  
16:43:35 4 do the balancing exercise", do you see that?---Yes.  
16:43:38 5  
16:43:38 6 Are you aware that following the receipt of that advice in  
16:43:40 7 fact an updated risk assessment in the form of a  
16:43:43 8 confidential affidavit from Superintendent Brigham was in  
16:43:47 9 fact obtained and provided?---Yes.  
16:43:48 10  
16:43:49 11 And we can pull that up please. It's VPL.0008.0001.0442.  
16:44:01 12 While that's coming up, can you confirm that precisely as  
16:44:07 13 that advice anticipated, the Supreme Court proceeding was  
16:44:12 14 run on the basis of that major case study as being the  
16:44:16 15 example most warranting, obviously warranting disclosure to  
16:44:19 16 be balanced against the risk to Ms Gobbo's life?---Yes, we  
16:44:22 17 took it at its highest.  
16:44:24 18  
16:44:26 19 Now, while the AB litigation - - - ?---And I think we all  
16:44:34 20 would have withdrawn from the case if we hadn't taken it at  
16:44:39 21 its highest.  
16:44:39 22  
16:44:40 23 While the AB litigation was going on in fact the Karam  
16:44:43 24 appeal is going on in the Court of Appeal?---Yes.  
16:44:45 25  
16:44:45 26 It raised this very question, the very question of Nicola  
16:44:48 27 Gobbo as a human source?---Yes.  
16:44:49 28  
16:44:49 29 At the same time that the AB litigation is proceeding that  
16:44:53 30 Karam litigation is proceeding in the Court of  
16:44:56 31 Appeal?---Yes.  
16:44:56 32  
16:44:56 33 And in order to facilitate that appeal continuing, did the  
16:45:01 34 Chief Commissioner of Police, A, permit the Commonwealth  
16:45:04 35 Director of Public Prosecutions access to the Loricated  
16:45:08 36 database, the relevant entries in that?---We invited them  
16:45:11 37 in. We took them to police headquarters for 313, 311, the  
16:45:20 38 new police headquarters.  
16:45:21 39  
16:45:21 40 And ultimately even though the AB litigation is going on,  
16:45:24 41 the Chief Commissioner of Police also ultimately agrees on  
16:45:28 42 strict undertakings for Karam's own counsel and solicitor  
16:45:32 43 to have access to relevant portions of the Loricated  
16:45:36 44 database?---With appropriate undertakings, yes. All to  
16:45:38 45 deal with the risk.  
16:45:39 46  
16:45:39 47 One of those undertakings was they couldn't tell their own

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16:45:43 1 clients?---Yes, very unusual.  
16:45:45 2  
16:45:45 3 But nonetheless disclosure was being made to the legal  
16:45:48 4 representatives of both parties in the appeal?---Yes.  
16:45:51 5  
16:45:51 6 Now, can we just go through please to paragraph 24 of that.  
16:46:02 7 Under the heading, "Risk to 3838 should 3838's role as a  
16:46:06 8 human source be disclosed to the person who is the subject  
16:46:08 9 of the major case study", I don't need to take you through  
16:46:12 10 the risk assessment but is that the affidavit that then  
16:46:14 11 followed to address the issues raised in the Hanks'  
16:46:19 12 advice?---Sorry, I'm being distracted. Can you repeat  
16:46:22 13 that?  
16:46:22 14  
16:46:23 15 Looking at paragraphs 24 and following, given the Hanks'  
16:46:28 16 advice that you'd earlier seen, do you understand that to  
16:46:31 17 be the updated risk assessment that addressed that issue  
16:46:34 18 and allowed the strategy for the AB litigation to be  
16:46:37 19 settled?---Yes, and one of the other factors that I hadn't  
16:46:46 20 considered, or hadn't had to deal with along the way, or we  
16:46:49 21 hadn't, I should say, was the fact that there were now  
16:46:52 22 children involved.  
16:46:53 23  
16:46:54 24 Thank you. Excuse me, Commissioner. That's the  
16:47:02 25 re-examination.  
16:47:02 26  
16:47:03 27 COMMISSIONER: I'll just mention that missing exhibit.  
16:47:05 28  
16:47:05 29 MR HOLT: I'm sorry, Commissioner, I should tender that  
16:47:08 30 affidavit, I neglected to do that, the confidential  
16:47:11 31 affidavit of Mr Brigham. Commissioner, do you intend to  
16:47:24 32 start with Mr Moloney? I'm conscious of the time.  
16:47:26 33  
16:47:26 34 COMMISSIONER: No, of course not.  
16:47:28 35  
16:47:28 36 MR HOLT: Thank you, I'm grateful.  
16:47:30 37  
16:47:35 38 #EXHIBIT RC1159A - (Confidential) Affidavit of Mr Brigham.  
16:47:36 39  
16:47:36 40 #EXHIBIT RC1159B - (Redacted version.)  
16:47:49 41  
16:47:49 42 COMMISSIONER: Much earlier in your examination there was a  
16:47:52 43 document nobody could find, it seems that it is part of  
16:48:04 44 586. It was an attachment to the email of Biggin to  
16:48:11 45 Gleeson of 9 May.  
16:48:12 46  
16:48:12 47 MR HOLT: That's what our records indicate, Commissioner,

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16:48:15 1 as well.  
16:48:16 2  
16:48:16 3 COMMISSIONER: It's part of Exhibit 586.  
16:48:18 4  
16:48:19 5 MR HOLT: Thank you Commissioner.  
16:48:19 6  
16:48:20 7 COMMISSIONER: Yes Mr Winneke.  
16:48:21 8  
9 <RE-EXAMINED BY MR WINNEKE:  
10  
16:48:22 11 Just a couple of matters. One of the concerns that  
16:48:25 12 Mr Gleeson had when he examined, was examining material was  
16:48:31 13 that investigators, Petra investigators hadn't been spoken  
16:48:36 14 to with a view to him dealing with what ultimately was the  
16:48:43 15 second Term of Reference, that is the transition of  
16:48:45 16 Ms Gobbo from source to witness?---Yes.  
16:48:48 17  
16:48:48 18 Do you understand that?---Yes.  
16:48:49 19  
16:48:52 20 And indeed, I think he sent an email, and I'm not too sure  
16:49:03 21 whether we exhibited all of this or at all, to you, but can  
16:49:07 22 we have a look at VPL.6072.0051.6839. It's an email in  
16:49:26 23 which - I might have taken you to it, 28 May 2012, he  
16:49:30 24 writes to you and to Jeff Pope noting, "The absence of the  
16:49:36 25 Petra file document doesn't help in addressing the Term of  
16:49:39 26 Reference requiring consideration of the process whereby  
16:49:41 27 human source may transition to become a witness"?---Yes.  
16:49:44 28  
16:49:44 29 And, "I assume that this Petra steering group file would  
16:49:49 30 contain the relevant considerations and decision making  
16:49:50 31 rationale for the steering group who determined that the  
16:49:52 32 source would be utilised as a witness"?---Yes.  
16:49:55 33  
16:49:55 34 Ultimately as we know Mr Gleeson did get the Petra  
16:50:03 35 file?---Yes.  
16:50:03 36  
16:50:04 37 Subsequently, but at that stage he hadn't got it. Now, if  
16:50:08 38 we scroll down the email. You say to Steve, "Please  
16:50:16 39 arrange a meeting with Neil, Graham, Jeff and myself  
16:50:19 40 regarding the file". Now, it appears that you did arrange  
16:50:25 41 a meeting - or did you arrange a meeting?---I can't recall.  
16:50:28 42  
16:50:28 43 You don't recall. In any event the note of Mr Gleeson of  
16:50:34 44 31 May 2012, and I think this was tendered, it's p.230 of  
16:50:40 45 his PB13, says that questions, "Where take this given that  
16:50:47 46 Petra steering committee involved, ESD, Crime DC, OPI,  
16:50:51 47 intel covert support, Overland, Ashton, Cornelius, Moloney

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16:50:57 1 and Biggin". You recall I put that note of Steve Gleeson's  
16:51:01 2 to you, right. This is a discussion that he has apparently  
16:51:05 3 had with Neil and it says, "Beyond scope of what I was  
16:51:10 4 engaged to provide direction required. Suggest meet with  
16:51:14 5 Ken Lay and Finn, not to include Jeff Pope given potential  
16:51:19 6 involvement in arrangements to obtain direction".  
16:51:23 7 Subsequently what we do know is that Neil Comrie and Steve  
16:51:35 8 Gleeson apparently did not speak to Petra investigators  
16:51:38 9 because if we have a look at Exhibit 1125, I wonder if that  
16:51:44 10 could be put up. If we go to p.4 of the letter - it says  
16:52:01 11 here, "In accordance with instructions provided at the  
16:52:03 12 outset of this review there has been no consultation with  
16:52:07 13 investigators from Task Force Petra"---Yes.

16:52:10 14  
16:52:10 15 Now, what Mr Comrie appears to be saying is from the outset  
16:52:15 16 there were instructions not to consult with investigators  
16:52:18 17 from Task Force Petra?---Yes.

16:52:20 18  
16:52:21 19 And apparently, despite the concerns that Mr Gleeson had  
16:52:25 20 and the questions, the request that he had to speak to at  
16:52:31 21 least Graham Ashton and, well, "The arrangement of the  
16:52:35 22 meeting with Neil, Graham, Jeff and myself regarding the  
16:52:39 23 file", apparently still there was no authorisation if you  
16:52:43 24 like or instruction for him to speak to the investigators.  
16:52:49 25 Now, do you know why that never occurred?---I don't think  
16:52:55 26 it would have inhibited his inquiries in regard to locating  
16:52:59 27 the file. He was trying to find the minutes, the steering  
16:53:03 28 committee minutes.

16:53:03 29  
16:53:03 30 Right. What we do know ultimately - - -?---I think that's  
16:53:07 31 probably - I wasn't aware of that, but I think it's  
16:53:11 32 probably to do with interviewing the Petra people.

16:53:14 33  
16:53:14 34 It may well be but given what we do know from the Petra, or  
16:53:20 35 at least the file, the two files that we've got, it appears  
16:53:25 36 that there are no minutes of the meeting of 5 January and  
16:53:33 37 we are left here in much the same position as  
16:53:37 38 Mr Gleeson?---Yes.

16:53:37 39  
16:53:37 40 Would have been left when he looked at the file?---Yes.

16:53:40 41  
16:53:40 42 And obviously would have been perhaps better off, would you  
16:53:46 43 accept this proposition, had he been able to speak to  
16:53:49 44 Graham Ashton about those matters and perhaps Luke  
16:53:53 45 Cornelius about those matters back in 2011, if not  
16:53:56 46 Mr Moloney, because he might then have got a better idea,  
16:54:01 47 given recollections would have been much fresher - -



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16:54:03 1 -?---That seems to be a prohibition against speaking to the  
16:54:07 2 investigators.  
16:54:08 3  
16:54:08 4 Yes, I understand that?---It's not a prohibition against  
16:54:12 5 speaking to Luke or any of the others.  
16:54:14 6  
16:54:14 7 Indeed, what that email suggests is that he was asking for  
16:54:19 8 you to arrange a meeting with Graham Ashton?---I think I'm  
16:54:24 9 suggesting call them all in together so we can find out -  
16:54:29 10 we would have been trying to find out who is the  
16:54:32 11 secretariat and where is that file.  
16:54:35 12  
16:54:35 13 Right. There doesn't appear to have been any, we can't  
16:54:38 14 find any notes in the, of Mr Gleeson's or indeed in the  
16:54:43 15 Comrie Review which suggest that Mr Gleeson had spoken to  
16:54:47 16 Mr Comrie, Luke Cornelius, Danye Moloney, Paul Hollowood,  
16:54:53 17 Stephen Smith, about what had occurred with the transition  
16:54:57 18 of Ms Gobbo from source to witness, do you follow that?---I  
16:55:00 19 think any notes of meetings he would have would be in his,  
16:55:04 20 in his diaries.  
16:55:07 21  
16:55:10 22 Okay?---He'd make notes in his diary, as far as I'm aware.  
16:55:16 23  
16:55:17 24 It appears that he spoke to Mr Cornelius, although  
16:55:19 25 Mr Cornelius apparently wasn't there at the critical  
16:55:22 26 time?---At the meeting where it was supposedly tabled, yes.  
16:55:26 27  
16:55:27 28 Where it was supposedly made?---Yes.  
16:55:29 29  
16:55:30 30 It does appear that the analysis of that process, if the  
16:55:33 31 second Term of Reference was to find out what the  
16:55:35 32 decision-making process was, to find out what was taken  
16:55:38 33 into consideration - - -?---It was certainly a gap for us  
16:55:41 34 and I know that that was part of the consideration of our  
16:55:47 35 referral to OPI, that there was that gap.  
16:55:50 36  
16:55:50 37 Yes?---And there was, there was an unanswered question for  
16:56:00 38 us about that meeting, yes.  
16:56:02 39  
16:56:02 40 Obviously what that perhaps would have required, would it  
16:56:04 41 not, would be having questions asked of those very senior  
16:56:11 42 police officers at that time?---Not by Steve Gleeson, no,  
16:56:13 43 that's why we gave it to OPI.  
16:56:15 44  
16:56:16 45 So was it your expectation that OPI would conduct an  
16:56:19 46 vehicles?---To be frank I had no expectations of OPI at  
16:56:24 47 that time but I thought they were the appropriate body to

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16:56:26 1 look at it.  
16:56:26 2  
16:56:26 3 It certainly is a pity that those questions weren't asked  
16:56:30 4 of those people, whether it be by Victoria Police or OPI,  
16:56:35 5 way back then?---I'm not discounting what Mr Gleeson did.  
16:56:39 6 He - but I know that he was very cognisant of conflict of  
16:56:45 7 interest, so he wouldn't have been dealing - once he formed  
16:56:50 8 a view that someone had a conflict of interest, meaning  
16:56:53 9 they were at that meeting, he would have cut them out of  
16:56:57 10 the process and he, and our decision at the time was to go  
16:57:02 11 to OPI.  
16:57:03 12  
16:57:03 13 Right?---And it wasn't an easy decision.  
16:57:07 14  
16:57:07 15 I tender that email, Commissioner, of 28 May VPL.6072.0051  
16:57:16 16 - it's already been tendered, thanks.  
16:57:21 17  
16:57:21 18 COMMISSIONER: We'll find out the exhibit number.  
16:57:23 19  
16:57:24 20 MR WINNEKE: Commissioner, there was a document that I  
16:57:26 21 referred to VPL.0005.003.5877 which is a VGSO memorandum  
16:57:35 22 dated 23 April 2014. And I think, like Mr Chettle, I  
16:57:47 23 failed to tender it.  
16:57:48 24  
16:57:50 25 COMMISSIONER: We'll remedy that now.  
16:57:52 26  
16:57:53 27 #EXHIBIT RC1160A - (Confidential) VGSO memorandum 23/4/14.  
16:57:54 28  
16:57:55 29 #EXHIBIT RC1160B - (Redacted version.)  
16:57:56 30  
16:57:58 31 Thanks Commissioner. Thanks Mr McRae?---Thank you.  
16:58:02 32  
16:58:03 33 COMMISSIONER: Thanks Mr McRae?---Thank you.  
16:58:04 34  
16:58:04 35 You're free to go, thanks very much for your  
16:58:09 36 attendance?---Thank you.  
37  
16:58:10 38 <(THE WITNESS WITHDREW)  
16:58:10 39  
16:58:10 40 We'll adjourn until tomorrow morning at 9.30 with Ms Gobbo  
16:58:45 41 and Mr Moloney will be available in the afternoon, thank  
16:58:48 42 you Mr Holt.  
16:58:49 43  
16:58:50 44 MR HOLT: Yes, Commissioner.  
16:58:53 45  
16:58:53 46 ADJOURNED UNTIL THURSDAY 6 FEBRUARY 2020  
47