

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Wednesday, 8 May 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting: Mr C. Winneke QC
Mr A. Woods
Ms M. Tittensor
Ms P.A. Neskovic QC

Counsel for Victoria Police Mr S. Holt QC
Ms R. Enbom
Ms K. Argiropoulos

Counsel for State of Victoria Ms C. McCudden

Counsel for Nicola Gobbo Mr P. Collinson QC
Mr R. Nathwani

Counsel for DPP/SPP Ms K. O'Gorman

Counsel for Person ■ Mr D. Gurvich QC
Ms E. Clark

10:09:38 1 COMMISSIONER: Yes, could I take appearances again today,
10:09:40 2 please. I think there are some changes. Mr Winneke.
10:09:43 3
10:09:44 4 MR WINNEKE: Commissioner, I appear to assist.
10:09:48 5
10:09:48 6 COMMISSIONER: Thank you Mr Winneke.
10:09:50 7
10:09:50 8 MS NESKOVCIN: I also appear to assist the Commission. I
10:09:52 9 understand Mr Holt and persons representing another
10:09:57 10 individual have an application to make to Your Honour.
10:10:00 11
10:10:00 12 COMMISSIONER: Yes. Thank you Ms Neskovcin.
10:10:02 13
10:10:02 14 MR COLLINSON: I appear with Mr Nathwani for Ms Gobbo.
10:10:05 15
10:10:06 16 COMMISSIONER: Thank you.
10:10:06 17
10:10:07 18 MR GURVICH: Commissioner, I appear with my learned friend
10:10:10 19 Ms Clark on behalf of the person known as Person ■.
10:10:13 20
10:10:13 21 COMMISSIONER: Thanks Mr Gurvich. Mr Holt.
10:10:16 22
10:10:17 23 MR HOLT: I appear with Ms Enbom and Ms Argiropoulos for
10:10:23 24 Victoria Police.
10:10:25 25
10:10:26 26 MS McCUDDEN: Commissioner, Ms McCudden. I appear for the
10:10:28 27 State.
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10:10:28 29 COMMISSIONER: Thanks Ms McCudden.
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10:10:30 31 MS O'GORMAN: Commissioner, I appear for the DPP.
10:10:32 32
10:10:32 33 COMMISSIONER: Thank you. I understand the first couple of
10:10:34 34 applications today will have to be in closed court. Is
10:10:39 35 everyone in agreement with that? In closed hearing rather.
10:10:42 36 Is everyone in agreement with that?
10:10:45 37
10:10:45 38 COUNSEL: Yes.
10:10:45 39
10:10:48 40 COMMISSIONER: I therefore order that pursuant to s.24
10:10:52 41 *Inquiries Act* access to the Inquiry is limited to legal
10:10:57 42 representatives and staff assisting the Royal Commission
10:10:59 43 and the following parties with leave to appear in the
10:11:04 44 private hearing and their legal representatives, namely the
10:11:07 45 State of Victoria, Victoria Police, the Director of Public
10:11:10 46 Prosecutions and Office of Public Prosecutions, Nicola
10:11:13 47 Gobbo and Person ■. I ask that all other people now leave

10:11:16 1 the hearing room.
10:11:18 2
10:11:18 3 MR HOLT: Sorry, Commissioner, the name that the
10:11:20 4 Commissioner just used ought be taken from the record - - -
10:11:24 5
10:11:25 6 COMMISSIONER: Yes, all right.
10:11:27 7
10:11:28 8 MR HOLT: - - - on the application to be made.
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10:11:55 16 MR GURVICH: No Commissioner.
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10:11:56 18 COMMISSIONER: Thank you. Non-publication order is made in
10:11:59 19 relation to the transcript. The proceedings are to be
10:12:01 20 recorded but not streamed and a copy of this notice is to
10:12:04 21 be placed on the courtroom door.
10:12:07 22
10:12:07 23 MR HOLT: Commissioner, in terms of the parties in respect
10:12:09 24 of whom leave is granted to stay in the closed hearing,
10:12:13 25 we've discussed the issue with our learned friends for
10:12:16 26 Ms Gobbo and I think there's an agreement that they would
10:12:18 27 not seek to be present and we would ask that they not be in
10:12:22 28 light of issues - - -
10:12:22 29
10:12:22 30 COMMISSIONER: Hang on, bring that back, please. In
10:12:27 31 respect of the application concerning Person ■,
10:12:32 32 Mr Collinson, you and Mr Nathwani don't want to be present?
10:12:35 33
10:12:36 34 MR NATHWANI: It's not that we don't want to be present.
10:12:38 35 We're asked to leave.
10:12:39 36
10:12:39 37 COMMISSIONER: You're not submitting you should be entitled
10:12:41 38 to be present? I think we're going to deal with that now.
10:12:46 39 We'll deal with that now. I'll alter the order to take out
10:12:50 40 reference to Nicola Gobbo.
41
10:12:52 42 The following parties with leave to appear in the private
10:12:55 43 hearing and their legal representatives are permitted to
10:12:58 44 remain in the courtroom, namely, the State of Victoria,
10:13:01 45 Victoria Police, Director of Public Prosecutions, the
10:13:02 46 Office of Public Prosecutions, Person ■ and, of course,
10:13:07 47 legal representatives and staff assisting the Royal

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12:19:54 1 UPON RESUMING IN OPEN HEARING:
12:24:11 2
12:24:11 3 COMMISSIONER: Yes, Ms Tittensor.
12:24:12 4
12:24:13 5 MS TITTENSOR: Commissioner, I understand that Mr Kruger is
12:24:15 6 at the other end of the video link. He's already been
12:24:20 7 sworn. Whether he needs to be resworn I'm perhaps in your
8
12:24:25 9
12:24:26 10 COMMISSIONER: Perhaps remind him he's on his former oath.
12:24:30 11
12 12 <KRUGER, recalled:
13
12:24:30 14 COMMISSIONER: Mr Kruger, please sit down. I remind you
12:24:32 15 you're on your former oath?---Yes.
16
12:24:36 17 Thank you.
12:24:36 18
12:24:37 19 MR HOLT: Can I just confirm, Commissioner, that his face
12:24:38 20 is not being live streamed? Thank you for that.
12:24:46 21
22 MS TITTENSOR: That's the case.
23
24 COMMISSIONER: It is the case?
25
12:24:46 26 MS TITTENSOR: Yes, he's being streamed into this room but
12:24:49 27 not out of this room as I understand.
28
29 COMMISSIONER: Thank you.
30
12:24:57 31 MS TITTENSOR: Mr Kruger, you've been provided, have you,
12:24:59 32 with some extra entries from your diaries that have
12:25:03 33 recently been provided to the Commission?---Yes, I have.
12:25:05 34
12:25:05 35 I just want to take you back quickly to some of the
12:25:11 36 evidence you'd already given to the Commission. You agreed
12:25:16 37 in your evidence on the last occasion that you had a
12:25:19 38 general independent recollection of your relationship with
12:25:22 39 Ms Gobbo during the period of time that we've been dealing
12:25:25 40 with, is that right?---Yes.
12:25:27 41
12:25:27 42 And on the last occasion there were notes tendered of a
12:25:31 43 conversation that you'd had with police investigators in
12:25:33 44 relation to this matter earlier this year?---The contact
12:25:37 45 report, yes.
12:25:38 46
12:25:38 47 Yes. You were first contacted by members of the Landow

12:25:45 1 Task Force on 12 February, is that right?---Around about
12:25:49 2 that date, yes.
12:25:50 3
12:25:50 4 And the information that you provided at that stage was
12:25:55 5 without the aid of any diary notes?---That's correct.
12:25:58 6
12:25:59 7 You gave a general recollection of your having - you
12:26:04 8 recalled on that occasion that you'd been involved in
12:26:08 9 relation to Operation Carron?---Yes.
12:26:10 10
12:26:11 11 You told them in relation about your relationship with
12:26:16 12 Ms Gobbo that you'd established a rapport with her, that
12:26:19 13 you didn't judge her and, "I was just like I always am,
12:26:24 14 friendly"?---Pretty much, yeah. Yep.
12:26:26 15
12:26:26 16 You told them that you'd met her on some further occasions
12:26:30 17 regarding Carron but they were only work-related and no
12:26:34 18 social meetings?---Yes.
12:26:35 19
12:26:36 20 And you told them on those occasions she provided you with
12:26:41 21 information about her employer laundering money through his
12:26:45 22 trust account?---Yes.
12:26:46 23
12:26:47 24 And you told them that you didn't really know much about
12:26:49 25 that activity or how to investigate it and essentially
12:26:53 26 because of that you sought some advice and then you
12:26:57 27 referred her off to the Asset Recovery Squad?---As I recall
12:27:01 28 it, yes.
12:27:01 29
12:27:01 30 And you didn't at that stage register her at the Drug
12:27:05 31 Squad?---No.
12:27:06 32
12:27:07 33 You said to the investigators then that you would have made
12:27:11 34 notes of your meetings with her in your diaries?---Yes.
12:27:14 35
12:27:14 36 And then you said you'd give some further thought to the
12:27:19 37 circumstances and then spoke with them again some time
12:27:21 38 later, is that right?---That's correct.
12:27:24 39
12:27:25 40 When you spoke to them again you told them that you
12:27:29 41 believed that you possibly found out about her being
12:27:31 42 processed for an arrest in 1993, either directly from her
12:27:36 43 or through Mr Strawhorn?---Yeah, I don't recall. I recall,
12:27:41 44 as I said, hearing something about it but was speculating
12:27:45 45 as to where that came from, that's correct.
12:27:47 46
12:27:47 47 But your belief when you spoke to investigators earlier

12:27:50 1 this year was it was one or the other, it was either her or
12:27:54 2 it was Mr Strawhorn?---Yeah, if that's what I've said well
12:27:58 3 that's, at that time that's the best, probably the best
12:28:01 4 assumption I could come up with, that's correct.
12:28:04 5
12:28:04 6 Then you told them at that stage that the person that you'd
12:28:07 7 handed her over to at the Major Fraud Squad or the Asset
12:28:13 8 Recovery Squad was Jeff Pope?---Yes.
12:28:15 9
12:28:15 10 Those were all things that you remembered before having a
12:28:18 11 look through your diary?---Yes.
12:28:20 12
12:28:21 13 And you again said in your evidence on the last occasion
12:28:24 14 that you'd over time built up quite a friendly rapport with
12:28:29 15 Ms Gobbo?---That's correct.
12:28:31 16
12:28:31 17 Do you still maintain that all your contact with Ms Gobbo
12:28:35 18 was of a friendly, non-judgmental nature?---Yes.
12:28:39 19
12:28:43 20 You were asked questions on the last occasion about how it
12:28:47 21 was that Ms Gobbo came to be making allegations to you
12:28:50 22 about her employer as you record it in that information
12:28:55 23 report dated 21 July 1998 that was tendered on the last
12:29:01 24 occasion?---Yeah.
12:29:02 25
12:29:03 26 Your indication to the Commission last time was that it
12:29:06 27 would have been that at some stage concerns were raised by
12:29:11 28 her to you about what she believed was criminal practice
12:29:17 29 within the organisation she worked for, is that
12:29:19 30 right?---Yes, yes.
12:29:20 31
12:29:20 32 The evidence essentially you were giving was that it was
12:29:24 33 something that she was bringing to you?---She volunteered
12:29:26 34 as far as I recall it, that's correct.
12:29:29 35
12:29:31 36 You told the Commission on the last occasion that you were
12:29:34 37 here that when Ms Gobbo started calling you about having
12:29:37 38 that meeting on 21 July, you definitely would have been
12:29:44 39 having conversations yourself with people back at the
12:29:46 40 office about it?---Yeah, yep. No reason why not, yes.
12:29:52 41
12:29:52 42 And you gave evidence on the last occasion that you
12:29:55 43 distinctly remembered having such a conversation with Wayne
12:29:59 44 Strawhorn?---Yes.
12:30:00 45
12:30:02 46 That would be so, you would be aware or you would have been
12:30:06 47 aware at the time that there were particularly strong

12:30:09 1 feelings about Ms Gobbo's employer by a number of people
12:30:12 2 working in the Drug Squad?---No.
12:30:15 3
12:30:15 4 You say you had no idea that there were strong feelings
12:30:18 5 about her employer?---I don't, I don't recall ever being
12:30:23 6 told. So my initial meeting with Nicola was, as I said, it
12:30:31 7 might be proven to be different from the diary entries but
12:30:35 8 my recollection is my first meeting it was the service of
12:30:38 9 the brief and I can't recall anything negative being spoken
12:30:44 10 about her employer.
12:30:45 11
12:30:45 12 When you joined the Drug Squad did you become aware of an
12:30:49 13 operation named Phalanx which resulted in the rest of a man
12:30:55 14 named John Higgs and others?---I had heard that name
12:30:59 15 before, yes.
12:31:00 16
12:31:01 17 You would have been aware that there was quite some
12:31:03 18 controversy involving that operation, there having been a
12:31:08 19 theft from Drug Squad offices?---Yeah. Look I think that
12:31:12 20 operation concluded prior to my commencement. I stand to
12:31:16 21 be corrected but, yes, but I understand in relation to the
12:31:19 22 theft what you're talking about.
12:31:20 23
12:31:21 24 This would have been all knowledge of yours once you joined
12:31:24 25 the Drug Squad?---Yep.
12:31:25 26
12:31:26 27 That this operation has just happened, there's been
12:31:29 28 recently a theft in the Drug Squad offices, you would have
12:31:32 29 been aware of that at the time?---It was, how do you put
12:31:39 30 it, I was never briefed about it, but yeah, there would
12:31:42 31 have been talk about it and you would have overheard
12:31:46 32 things, caught up on things, yeah.
12:31:48 33
12:31:48 34 Those matters were going through the courts at the time
12:31:50 35 that you were at the Drug Squad?---Possibly, I don't know.
12:31:54 36 Possibly.
12:31:54 37
12:31:54 38 Ms Gobbo's employer was representing the main target of
12:31:58 39 that operation as well as numerous other people that the
12:32:01 40 Drug Squad represented over time?---Yeah, not to my
12:32:04 41 knowledge, sorry.
12:32:06 42
12:32:06 43 Were you aware that some detectives were particularly
12:32:09 44 interested in trying to bring down Ms Gobbo's
12:32:14 45 employer?---No.
12:32:15 46
12:32:15 47 That they were interested in obtaining incriminating

12:32:21 1 evidence against him?---No.
12:32:24 2
12:32:30 3 Your diaries, you've had an opportunity to go back through
12:32:34 4 the diaries that have been or the entries that have been
12:32:36 5 provided to you more recently?---Yes.
12:32:38 6
12:32:39 7 And they show you starting at the Drug Squad in late April
12:32:42 8 1997?---Yeah, yep.
12:32:46 9
12:32:47 10 Then within two months of that you had commenced working on
12:32:51 11 Operation Carron?---Yes.
12:32:52 12
12:32:52 13 And a large part of your activities that year related to
12:32:56 14 that operation?---That's correct.
12:32:57 15
12:32:58 16 Including things like travelling to Sydney to liaise with
12:33:02 17 the NCA and so forth?---Yes.
12:33:04 18
12:33:04 19 Prior to the end of that operation you were nominated as
12:33:06 20 the informant?---That's correct.
12:33:09 21
12:33:09 22 And that involved - - - ?---I think, can I, sorry, can I
12:33:13 23 interrupt there. I don't, it was definitely obviously
12:33:17 24 prior to the end of the operation but I'm not sure at what
12:33:21 25 stage I was nominated as informant. So just so we're all
12:33:24 26 clear, it would have been earlier than days before the
12:33:27 27 conclusion, it would have been some time before the
12:33:31 28 conclusion, yeah.
12:33:31 29
12:33:33 30 Nevertheless you were nominated as the informant by the end
12:33:36 31 of the operation?---That's correct.
12:33:37 32
12:33:39 33 On the day of the arrests, that being 18 November 1997,
12:33:44 34 your diary reflects that Mr Strawhorn was directing matters
12:33:48 35 essentially?---Um, I'll have to - can I open those entries?
12:33:54 36
12:33:54 37 Yes, sure. 18 November 97?---You'll have to bear with me
12:33:59 38 because they're password protected.
12:34:15 39
12:34:16 40 Should be page number 74 up the top?---Sorry, that broke up
12:34:21 41 then, page number?
12:34:23 42
12:34:23 43 Page 74 up the top?---Yeah, just bear with me. I'm trying
12:34:28 44 to work out how I get into them. Is it possible to put it
12:34:34 45 up on the screen?
12:34:36 46
12:34:36 47 We can't unfortunately at the moment?---Okay, sorry.

12:34:40 1
12:34:44 2 In any case, I'll read out some things to you and if
12:34:47 3 there's any disagreement I'm sure there'll be some
12:34:52 4 objection?---Thank you.
12:34:54 5
12:34:54 6 At 11.45 your diary indicates there is a rendezvous with
12:35:00 7 Detective Strawhorn outside the Hilton Hotel?---Yeah.
12:35:03 8
12:35:03 9 Where \$14,000 buy money was received in relation to target
12:35:09 10 Reid. At midday you were on standby waiting for a call
12:35:14 11 from Detective Strawhorn at a little past - - - ?---Sorry,
12:35:18 12 can I stop there. This audio is really breaking up badly
12:35:22 13 and I'm sort of getting every third word at the moment.
12:35:25 14
12:35:25 15 COMMISSIONER: That's not very good. All right then. What
12:35:29 16 can we do about this? It might be better if you were
12:35:33 17 further back from the microphone perhaps?---It's your end,
12:35:38 18 Commissioner.
12:35:38 19
12:35:38 20 Yes, I'm just wondering whether that's affecting it because
12:35:42 21 we're not getting your face properly. That's
12:35:45 22 better?---Okay.
12:35:48 23
12:35:49 24 MS TITTENSOR: Can you hear me now?---Yes, I can, yes.
12:35:51 25
12:35:51 26 I'll continue on. If there's any difficulties just let me
12:35:55 27 know.
12:35:55 28
12:35:55 29 COMMISSIONER: I don't know if that was a different camera
12:35:57 30 doing it. Did you shift position?---No, no, the
12:36:02 31 microphone's in the same spot.
12:36:04 32
12:36:05 33 MS TITTENSOR: He might have been leaning forward a moment
12:36:09 34 ago.
12:36:09 35
12:36:09 36 COMMISSIONER: I'm told it was refreshed, whatever that
12:36:12 37 might mean. It does seem to be a better picture from our
12:36:15 38 end. How is it from your end?---Yeah, it's good.
12:36:17 39
12:36:18 40 Perhaps if you could read the diary entries again from the
12:36:21 41 beginning. It was p.76?
12:36:24 42
12:36:25 43 MS TITTENSOR: Page 74 at the top. At 11.45 you're
12:36:29 44 rendezvousing with Detective Strawhorn at the Hilton,
12:36:33 45 receiving \$14,000 buy money for target Reid. At midday
12:36:38 46 you're on standby waiting for a call from Detective
12:36:41 47 Strawhorn and a little past 3 o'clock Detective Strawhorn

12:36:44 1 calls for people to move in and after that it seems that
12:36:48 2 arrests are affected. All right. So I'm just putting to
12:36:51 3 you that your diary seems to indicate that Detective
12:36:54 4 Strawhorn is directing matters on the day of the
12:36:57 5 arrest?---Yep, that's fair at least.
6
12:37:02 7 As far as you're concerned at least?---Yes.
12:37:02 8
12:37:03 9 After that you're involved in records of interview and so
12:37:05 10 forth?---Okay, yep.
12:37:06 11
12:37:06 12 The following day your diary indicates, have you got your
12:37:11 13 diaries there now?---No, sorry, I will - if you give me -
12:37:20 14 I've just been sent another text with a password that might
12:37:25 15 allow me to open it.
12:37:29 16
12:37:30 17 Perhaps I'll push on. If there's any objection I'm sure it
12:37:34 18 will be raised.
12:37:36 19
12:37:36 20 COMMISSIONER: Perhaps let him try and open it. Those
12:37:40 21 passwords are notoriously complicated, as we all know.
12:37:55 22
12:37:56 23 WITNESS: We're in.
12:37:58 24
12:37:58 25 MS TITTENSOR: I'm now taking you to an entry that has p.76
12:38:06 26 at the top, 19 November?---I'm just scrolling down. Yes, I
12:38:34 27 have that.
12:38:34 28
12:38:35 29 Your diary on that day indicates that at ten o'clock you
12:38:39 30 attend the Melbourne Magistrates' Court in relation to
12:38:43 31 remand and bail for the defendants that have been
12:38:48 32 arrested?---Yes.
12:38:48 33
12:38:49 34 And that you speak there to Leon Parker from the
12:39:00 35 OPP?---Yes, yes, I see that.
12:39:02 36
12:39:03 37 And that three of the accused are remanded for a status
12:39:07 38 hearing on 3 December, is that right?---Yep, yep.
12:39:11 39
12:39:12 40 Leon Parker at the OPP was the solicitor working in the
12:39:16 41 drug section handling the matter, is that right?---I don't
12:39:19 42 recall Mr Parker. I can see his name written here but I
12:39:22 43 don't recall who he was. Obviously he's from the OPP, so.
12:39:27 44
12:39:27 45 The following day you were involved with one of the other
12:39:31 46 defendants in relation to an extradition back to South
12:39:36 47 Australia?---Yes.

12:39:36 1
12:39:37 2 And thereafter a lot of your time is spent in preparation
12:39:42 3 of the brief of evidence?---Yes.
12:39:44 4
12:39:45 5 On 3 December you attend the court for the status hearing?
12:39:58 6 If you go - - - ?---Sorry, yes, Wednesday, yep.
12:40:02 7
12:40:03 8 At 9.50 your diary indicates that you were at the court for
12:40:07 9 the status hearing in relation to Operation Carron?---Yep.
12:40:10 10
12:40:10 11 You go back to the office and do some more brief
12:40:14 12 preparation and then later that afternoon you go, at 14:40
12:40:19 13 you attend at the OPP Lonsdale Street, Melbourne, re
12:40:23 14 meeting for current situation re Operation Carron?---Okay.
12:40:30 15
12:40:30 16 Do you recall if Mr Strawhorn attended that OPP meeting
12:40:34 17 with you on that day?---No, I don't.
12:40:36 18
12:40:38 19 It's apparent from later diary entries throughout 1998 that
12:40:43 20 he's attending other meetings with the OPP in relation to
12:40:47 21 these matters, is that right?---In my diary?
12:40:50 22
12:40:50 23 Yes?---Yep, if it's there, yeah.
12:40:53 24
12:40:56 25 I wonder if you can be shown - perhaps this one can be put
12:41:01 26 up on the screen - a letter dated 4 December. Now, do you
12:41:13 27 agree that this is a letter sent to you from the
12:41:17 28 instructing solicitor of Mr Reid indicating obviously his
12:41:26 29 firm's representation of Mr Reid?---I will assume that's
12:41:33 30 the case. It doesn't actually anywhere nominate the legal
12:41:36 31 firm and I think - sorry, I've got that.
12:41:39 32
12:41:40 33 You might see where it has Solicitor 1, we're using a
12:41:44 34 pseudonym?---My apologies, yes.
12:41:46 35
12:41:46 36 Do you see in the last substantive paragraph that it
12:41:53 37 nominates the contact person at the office being Nicola
12:41:57 38 Gobbo?---Yes.
12:41:57 39
12:41:57 40 If we scroll down further?---Sorry, can I just ask what
12:42:02 41 date that was again?
12:42:03 42
12:42:04 43 4 December?---4 December, yep.
12:42:05 44
12:42:09 45 You see a similar letter there, although I think we only
12:42:17 46 have the first page of that letter, in relation to his firm
12:42:21 47 representing another person for whom you are the case

12:42:26 1 officer, do you see that?---Yeah, I'm just going through
12:42:32 2 and working out who - Person ■, yep.
12:42:35 3
12:42:37 4 Now throughout this period your diary very generally refers
12:42:41 5 a lot to you being at the office and doing brief
12:42:45 6 preparation in relation to that operation?---That would be
12:42:48 7 correct, yes.
12:42:49 8
12:42:51 9 If we can then put on the screen - - -
12:42:54 10
12:42:54 11 COMMISSIONER: Do you want to tender that?
12:42:56 12
12:42:57 13 MS TITTENSOR: Yes, I will. Thank you, Commissioner.
12:42:59 14
12:42:59 15
12:43:02 16 #EXHIBIT RC94 - Letter from Solicitor 1 to Kruger.
12:43:11 17
12:43:13 18 MS TITTENSOR: Just generally in relation to you being the
12:43:15 19 informant in the matter or the case officer preparing the
12:43:18 20 matter, that would indicate that you were the one having
12:43:20 21 contact with the instructing solicitors and also having
12:43:24 22 contact with the OPP in relation to developments of that
12:43:29 23 case through the court process, is that right?---Yeah,
12:43:33 24 that's a fair comment, yes.
12:43:34 25
12:43:35 26 If we can put up on the screen Exhibit RC83. This is, as
12:43:45 27 you'll see, a fax from the OPP to Wayne Strawhorn?---Yep.
12:43:51 28
12:43:52 29 Dated not too long after the letters to you?---Yes.
12:43:57 30
12:43:58 31 Of 4 December?---Yep.
12:44:00 32
12:44:00 33 It's a fax, as you'll see if we scroll through, containing
12:44:06 34 a number of letters sent by Ms Gobbo's employer through to
12:44:12 35 the OPP which are then in turn forwarded by the OPP to
12:44:17 36 Detective Strawhorn?---Yeah.
12:44:21 37
12:44:23 38 Now, the correspondence includes, or to the OPP which has
12:44:29 39 been forwarded on, attaches a letter sent by Solicitor 1,
12:44:33 40 Ms Gobbo's employer, to his client, to the firm's client,
12:44:38 41 Mr Reid?---Right.
12:44:40 42
12:44:40 43 That correspondence indicates that Mr Reid had been seeking
12:44:45 44 through counsel, whom had been briefed, to negotiate his
12:44:49 45 case with the DPP?---Okay.
12:44:51 46
12:44:51 47 But that police had informed the prosecution that they

12:44:54 1 would only be interested to speak to Mr Reid and to
12:44:58 2 consider his proposal as to bail and other matters if he
12:45:01 3 was able to assist police in their inquiries. It goes on
12:45:05 4 to - - - ?---Right.
12:45:06 5
12:45:07 6 It goes on to say, the only inquiry police were interested
12:45:10 7 in was evidence that Mr Reid may provide concerning the
12:45:14 8 activities of Solicitor 1, Ms Gobbo's employer?---Okay.
12:45:20 9 Sorry, it's really hard to read. Who has made that
12:45:25 10 assumption, sorry?
12:45:27 11
12:45:27 12 If we go back to the - keep going back, please?---So the
12:45:43 13 police - hang on. Mr Punshon. Who's Mr Punshon?
12:45:49 14
12:45:49 15 Mr Punshon is counsel briefed by Solicitor 1 for
12:45:55 16 Mr Reid?---Righto, yep. Yeah, okay, yep. Yep, I
12:46:08 17 understand it.
12:46:08 18
12:46:08 19 Do you agree that the police were at this time making
12:46:12 20 concerted efforts to try and obtain evidence against
12:46:16 21 Solicitor 1?---Not that I recall.
12:46:21 22
12:46:21 23 It would seem very odd that Solicitor 1 would write to
12:46:27 24 their client and the OPP in such terms if that were not the
12:46:31 25 case, do you agree?---Yep, yep, I do.
12:46:33 26
12:46:34 27 Do you say that you were being kept in the dark about such
12:46:39 28 matters?---That's very hard, it's very hard to answer. I
12:46:45 29 didn't know - I don't have any recollection of it and I -
12:46:48 30 so I didn't know about this letter. If that's being kept
12:46:53 31 in the dark I don't know. It's a very broad term.
12:46:56 32
12:46:56 33 You had been to the OPP and had discussions with them about
12:47:01 34 these matters previously, your diary entry reveals
12:47:05 35 that?---About Carron, not about Solicitor 1, have I?
12:47:09 36
12:47:09 37 Well, about Carron you had been and had discussions with
12:47:12 38 the OPP?---Yeah.
12:47:14 39
12:47:14 40 Is that right?---Yeah, yep, it says there that name you
12:47:18 41 mentioned before.
12:47:20 42
12:47:20 43 Do you say you had no knowledge of it or you may have had
12:47:23 44 knowledge and you just don't know now?---I say I had no
12:47:28 45 knowledge of it. I had no knowledge of it because it
12:47:32 46 doesn't - no, I had no knowledge of it. That's the best I
12:47:36 47 can answer.

12:47:36 1
12:47:38 2 Perhaps if you can move forward in your diary entries to 7
12:47:46 3 January 1998?---Yep.
12:47:49 4
12:47:50 5 It should have p.84 at the top?---Yes.
12:47:53 6
12:47:55 7 At 12.45 does that indicate that you and a colleague go to
12:48:01 8 Port Phillip Prison to attempt to visit Mr Reid and another
12:48:05 9 of his co-accused re inquiries?---Yes.
12:48:09 10
12:48:10 11 And you couldn't visit them because of a lock
12:48:15 12 down?---That's what it says here, yes.
12:48:16 13
12:48:16 14 If you go to 9 January?---Yep.
12:48:20 15
12:48:21 16 Further down the page and just over that page?---Yep.
12:48:24 17
12:48:25 18 Top of the next page. Does that indicate at 14:10 on that
12:48:31 19 day that you again went to Port Phillip Prison?---Yep.
12:48:36 20
12:48:36 21 This time with a different colleague, to try and visit Reid
12:48:40 22 and another co-accused again?---Yes.
12:48:43 23
12:48:45 24 You waited in a particular area to try and visit him for
12:48:51 25 almost two hours. By 16:00 you were informed that those
12:49:01 26 prisoners were unable to be located?---Yes, yep.
12:49:04 27
12:49:05 28 There is no indication of there having been any
12:49:07 29 notification to solicitors acting that you were trying to
12:49:10 30 visit their clients?---Not according to my diary. I still
12:49:13 31 don't know why we were there.
12:49:15 32
12:49:15 33 Is it the case that you were attempting to speak to them
12:49:19 34 without their lawyers?---I'm not sure. I don't even recall
12:49:24 35 those visits to Port Phillip Prison.
12:49:26 36
12:49:27 37 If you were doing that who would have given you the
12:49:30 38 authority to go to speak to those people knowing that there
12:49:33 39 are lawyers acting without notifying the lawyers
12:49:38 40 acting?---Yeah, that is, I'd have to think back now to what
12:49:43 41 the process was. It's - yeah, I'm not sure what the
12:49:52 42 process would have been then. Um, I've - and when it
12:49:58 43 changed. You would probably need permission, I would think
12:50:02 44 you would need permission from their legal representation,
12:50:05 45 but you would have to get their agreement, the prisoner
12:50:09 46 themselves.
12:50:09 47

12:50:09 1 It would be quite an odd thing if they had solicitors on
12:50:14 2 the record for you to be visiting clients without knowledge
12:50:17 3 of their lawyers?---I don't know - no, I don't know.
12:50:21 4
12:50:23 5 In the days after that you're again spending time preparing
12:50:28 6 the brief in relation to Carron, is that right?---Yeah,
12:50:31 7 sorry, I haven't - yes.
12:50:35 8
12:50:36 9 In the midst of preparing the brief, you've got a diary
12:50:40 10 entry on 23 January that you attend at the offices of
12:50:44 11 Solicitor 1 and you hand Ms Gobbo some material relating to
12:50:47 12 the case?---23rd, yes. Yes.
12:50:59 13
12:51:00 14 Sorry, I've just been asked for a page number?---89.
12:51:04 15
12:51:04 16 Page 89 at the top. And then p.91 at the top, on 29
12:51:14 17 January you attend at the Melbourne Magistrates' Court for
12:51:17 18 the committal mention in relation to a number of the
12:51:19 19 accused that had been arrested in Operation Carron?---Yep.
12:51:23 20
12:51:24 21 And those included clients being represented by Ms Gobbo
12:51:29 22 and the firm of Solicitor 1?---Yep, yep.
12:51:33 23
12:51:38 24 Now if you'd turn to the following page, p.92 at the
12:51:43 25 top?---Yep.
12:51:44 26
12:51:44 27 To 2 February 1998?---Yes.
12:51:49 28
12:51:51 29 The entry at 08:00 in the morning, 8 o'clock in the
12:51:59 30 morning?---Yep.
12:52:00 31
12:52:00 32 You're on duty, including brief preparation for Operation
12:52:08 33 Carron, is that right?---That's correct.
12:52:09 34
12:52:09 35 Then following that at 12:50 you clear the office with
12:52:12 36 Detective Senior Sergeant Bowden re meeting with solicitors
12:52:16 37 re Operation Carron, metro area?---Yep.
12:52:21 38
12:52:21 39 And that meeting, it seems, goes to 15:00?---Back at the
12:52:27 40 office at 15:00, so yeah, some time just prior to that I
12:52:31 41 would assume.
12:52:32 42
12:52:33 43 So a meeting in the order of two hours?---Yep, yep.
12:52:36 44
12:52:39 45 There are no further notes of that meeting?---I don't know.
12:52:43 46 Not that I have.
12:52:45 47

12:52:46 1 That diary entry has only recently been obtained by the
12:52:52 2 Commission. Were you aware of that diary entry on the last
12:52:55 3 occasion you gave evidence?---No.
12:52:58 4
12:52:59 5 Where in the metro area did that meeting take place?---I -
12:53:04 6 I don't ever remember leaving the office with Detective
12:53:08 7 Senior Sergeant Bowden so I've got no idea what that
12:53:10 8 meeting's about.
12:53:11 9
12:53:12 10 You have no idea what that meeting is about?---No.
12:53:14 11
12:53:14 12 Are you able to say why your diary contains no note about
12:53:18 13 the content of that meeting?---No.
12:53:20 14
12:53:21 15 Have you become aware that the Commission has obtained
12:53:25 16 other evidence of what occurred at that meeting?---I have
12:53:29 17 been told that, um, along the lines that when that refers
12:53:39 18 to solicitors that it was Nicola Gobbo.
12:53:42 19
12:53:42 20 Who has given you that information or have you made
12:53:46 21 yourself aware of that information?---No, that came from
12:53:49 22 Corrs I believe.
12:53:50 23
12:53:51 24 If there's evidence before the Commission that at the
12:53:55 25 meeting attended by you and Detective Senior Sergeant
12:54:02 26 Bowden and Ms Gobbo, that Ms Gobbo was told by you, and
12:54:08 27 when I say you I mean you and Detective Senior Sergeant
12:54:12 28 Bowden, that her employer was a crook and should be in gaol
12:54:16 29 or at least not practising law, what would you say to
12:54:20 30 that?---I don't recall a conversation ever like that.
12:54:23 31
12:54:24 32 If she was told that her name was mentioned on tapes, that
12:54:29 33 there was reference in that regard to OPP solicitor Leon
12:54:34 34 Parker, that mud sticks and she should get a raincoat soon,
12:54:38 35 what would you say to that?---No, I wouldn't - I'd say I
12:54:42 36 don't recall that conversation. It doesn't sound like a
12:54:46 37 conversation I would have.
12:54:48 38
12:54:48 39 If she was told that there was an ongoing investigation and
12:54:51 40 there was reference to getting evidence from clients, if
12:54:56 41 she was told that she would be offered protection for
12:55:00 42 assistance re particular files, if she was told that no one
12:55:05 43 would believe she had no knowledge or could not have known
12:55:09 44 and if she was told that there was knowledge of her having
12:55:13 45 priors, what do you say about those matters?---I can't
12:55:19 46 comment because I don't recall ever having that
12:55:21 47 conversation. It just seems in the environment in the

12:55:24 1 circumstance that I was always of the opinion and still of
12:55:28 2 - my position that it was my only knowledge of her employer
12:55:34 3 and the best way to put it was suspicious or suspect
12:55:41 4 behaviour was by what was volunteered initially by her.
12:55:44 5
12:55:45 6 This is a meeting that occurs in February of 1998?---Yep.
12:55:49 7
12:55:49 8 That information report where you had that meeting with her
12:55:51 9 was not until July of 1998?---Has it been - I'm not trying
12:55:56 10 to be difficult but has it been confirmed that meeting was
12:56:00 11 with Nicola Gobbo?
12:56:02 12
12:56:02 13 Which meeting are you referring to?---The 2nd of February
12:56:06 14 98?
12:56:07 15
12:56:07 16 The Commission has evidence that that is the case?---Okay,
12:56:11 17 yep. I don't remember the meeting. I don't ever remember
12:56:16 18 leaving the office with Mark Bowden.
12:56:18 19
12:56:18 20 Your diary seems to indicate otherwise, you would
12:56:22 21 agree?---Absolutely. Absolutely.
12:56:23 22
12:56:23 23 The reference in the evidence, in the note that the
12:56:26 24 Commission has in relation to there being an ongoing
12:56:29 25 investigation and getting evidence from clients you would
12:56:32 26 agree seems to be consistent with what was occurring in the
12:56:36 27 few months before in relation to what Mr Reid was being
12:56:40 28 told about his proposal only being accepted if he would
12:56:44 29 give evidence against his solicitor?---I don't have any
12:56:48 30 recollection of that. I don't even remember ever
12:56:51 31 eventually meeting Mr Reid.
12:56:53 32
12:56:53 33 It seems to be also consistent with the fact that you are
12:56:57 34 trying to attend on Mr Reid and another client of Solicitor
12:57:01 35 1 in custody without their lawyer?---Yeah, yeah, I agree
12:57:06 36 with that, that's what it says and there's no indication
12:57:09 37 that a solicitor or lawyer has been notified of that visit,
12:57:12 38 yes.
12:57:12 39
12:57:12 40 Do you agree that if Ms Gobbo was told those things in
12:57:15 41 February of 1998, that would be an absolutely extraordinary
12:57:19 42 thing to have occurred?---Yeah, I do. Yeah, I do.
12:57:26 43
12:57:26 44 It would be threatening conduct towards a junior
12:57:32 45 solicitor?---I don't - yeah, I don't know, is that
12:57:36 46 threatening conduct? I don't know. Sorry, I don't recall
12:57:40 47 that conversation ever taking place. I don't recall this

12:57:43 1 particular meeting, so, um - - -
12:57:45 2
12:57:46 3 Would you agree that the nature of the things that I've
12:57:48 4 just outlined to you would be - - - ?---Yeah.
12:57:51 5
12:57:52 6 - - - effectively threatening to ruin her career unless she
12:57:56 7 assisted police to bring down her employer?---Can you read
12:58:01 8 me back the comments again, please?
12:58:03 9
12:58:05 10 That she was being mentioned on tapes?---Okay, can we break
12:58:10 11 it down? What tapes are we referring to?
12:58:12 12
12:58:12 13 We just have some notes, unsure, but the implication is
12:58:17 14 tapes in relation to drug matters. She was being mentioned
12:58:21 15 on tapes?---Okay.
12:58:21 16
12:58:22 17 Mud sticks, she should get a raincoat. There's an ongoing
12:58:26 18 investigation. There's evidence from clients, she wants -
12:58:31 19 no one would believe she had no knowledge or could not have
12:58:34 20 known and she's got priors?---I don't - it doesn't, I can't
12:58:39 21 elaborate on it, I'm sorry.
12:58:43 22
12:58:43 23 If she's being told those things it is effectively a threat
12:58:50 24 to ruin career unless she assists the police.
12:58:51 25
26 MR HOLT: Sorry, Commissioner, may I be heard on two
12:58:51 27 matters? It's been suggested to the witness on a couple of
12:58:54 28 occasions that there is evidence - as I recall it matters
12:58:56 29 have been put to witnesses, nothing in fact has either been
12:59:00 30 tendered nor accepted and on that basis I don't want the
12:59:03 31 witness to be misled into the suggestion that there might
12:59:07 32 be evidence of some sort beyond puttage having been done.
12:59:10 33 The second aspect is this witness has been asked now on a
12:59:12 34 number of occasions to comment on matters - on what
12:59:13 35 something might mean for a conversation he has given
12:59:16 36 evidence that he doesn't recall and that is effectively
12:59:19 37 inviting speculation on a hypothetical - - -
12:59:22 38
12:59:22 39 COMMISSIONER: He was an experienced Detective. I think he
12:59:24 40 is entitled to be asked that if those words were said what
12:59:29 41 would be the effect of them, what would he understand as an
12:59:33 42 experienced Detective at the time of the effect of them.
12:59:36 43
44 MR HOLT: Thank you Commissioner. In respect to the first,
12:59:37 45 I think it is important that it not be suggested that there
12:59:39 46 is some body of evidence.
12:59:41 47

12:59:41 1 COMMISSIONER: That has yet been tendered.
12:59:42 2
12:59:43 3 MR HOLT: That he obviously hasn't yet seen.
12:59:45 4
12:59:46 5 MS TITTENSOR: Your Honour, I will tender the diary entry
12:59:48 6 by Nicola Gobbo dated 2 December 1998.
12:59:52 7
12:59:52 8 MR HOLT: Can we have a look at that?
12:59:56 9
10 COMMISSIONER: Sure.
11
12:59:57 12 MS TITTENSOR: There's no PII issues.
12:59:59 13
13:00:00 14 MR HOLT: That's, with respect, for us to assess. In the
13:00:04 15 first instance, Commissioner. I don't mean it's for us to
13:00:07 16 make a ruling, of course. I mean it's for us to assess in
13:00:11 17 accordance with the protocol that's been agreed.
13:00:14 18
13:00:14 19 MS TITTENSOR: As I understand that protocol relates to
13:00:18 20 documents from - - -
13:00:20 21
13:00:20 22 COMMISSIONER: From Victoria Police, yes.
13:00:21 23
13:00:21 24 MR HOLT: No, I understand, Commissioner. I'm sorry. This
13:00:22 25 is a document we've never seen and it's now going to be
13:00:26 26 tendered. I wonder if I might just look at it. It plainly
13:00:30 27 needs redacting in terms of some matters in terms of which
13:00:34 28 the Commissioner has already made orders.
13:00:34 29
13:00:34 30 COMMISSIONER: The document is a copy of the diary note of
13:00:38 31 Nicola Gobbo on what date?
13:00:41 32
13:00:42 33 MS TITTENSOR: 2 February 1998.
13:00:56 34
13:00:56 35 MR HOLT: Thank you, Commissioner. It will need to be
13:00:59 36 redacted in terms of orders the Commissioner has made but
13:01:02 37 otherwise I have no objection.
13:01:04 38
13:01:05 39 #EXHIBIT RC95A - Unredacted.
13:01:11 40
13:01:20 41 COMMISSIONER: Can the witness be shown this on the screen?
13:01:24 42 I don't suppose that's possible?
13:01:27 43
13:01:27 44 MS TITTENSOR: Perhaps it is can be read out to him word
13:01:30 45 for word but there may be - Solicitor 1's name may be
13:01:36 46 mentioned in the document.
13:01:38 47

13:01:38 1 MR HOLT: And the witness's name is mentioned.
13:01:40 2
13:01:41 3 MS TITTENSOR: Sorry.
13:01:42 4
13:01:43 5 MR HOLT: I'm content for it to be read and the witness
13:01:45 6 would understand that I've seen it and I trust my friend of
13:01:49 7 course to read it accurately.
13:01:51 8
13:01:51 9 COMMISSIONER: Yes. Ms Tittensor, you can read it out
13:01:53 10 using the pseudonyms as necessary. The redacted copy will
13:02:00 11 be 95B.
13:02:02 12
13:01:11 13
13:01:13 14 #EXHIBIT RC95B - Redacted copy of RC95A.
13:02:06 15
13:02:07 16 MS TITTENSOR: I'll read it out word for word, Mr Kruger.
13:02:09 17
13:02:09 18 COMMISSIONER: Using pseudonyms.
13:02:11 19
13:02:12 20 MS TITTENSOR: Using pseudonyms. 2 February 1998, it has
13:02:15 21 your name and it has Senior Sergeant Mark Bowden. The
13:02:22 22 first point, the initials of Solicitor 1 "is a crook,
13:02:26 23 should be in gaol but if not at least not practising
13:02:30 24 law"?---Sorry, can you go again from that first line after
13:02:33 25 the pseudonyms? Sorry.
13:02:35 26
13:02:36 27 "Solicitor 1 is a crook, should be in gaol, but if not at
13:02:41 28 least not practising law - 2. Am I aware of anything - 3.
13:02:50 29 Am I involved in anything - 4. My name is mentioned on
13:02:55 30 tapes, DPP Leon Parker, et cetera. Mud sticks. Get a
13:03:02 31 raincoat soon - 5. Ongoing investigation. - 6. Evidence
13:03:07 32 from clients. - 7. Happy to protect me for my assistance
13:03:12 33 re particular files. - 8. No one will believe I had no
13:03:16 34 knowledge or could not have known. - 9. Indicated he was
13:03:20 35 aware of my priors"?---Yeah, I'm sorry, I don't recall that
13:03:27 36 conversation. Um, I don't think I would ever be in a
13:03:31 37 position to say those things in relation to protection.
13:03:33 38 I'd been a Detective I think for all of four, five months.
13:03:37 39
13:03:37 40 You were present at this meeting with a Senior Detective
13:03:43 41 Sergeant, is that right?---I don't recall being present at
13:03:47 42 a meeting with Mark Bowden and Nicola Gobbo. If you've
13:03:52 43 established that from my diary, if you've established from
13:03:54 44 my diary that that meeting, when I've left the office and
13:03:57 45 the meeting with solicitors that say re Carron is Nicola
13:04:02 46 Gobbo, I accept that. But I don't, I don't recall the
13:04:05 47 meeting and I don't recall what was said during the course

13:04:07 1 of that meeting.
13:04:08 2
13:04:09 3 I suggest that what occurred at this meeting is something
13:04:11 4 you could not possibly forget having occurred?---What's
13:04:19 5 that? Can I ask what occurred?
13:04:22 6
13:04:22 7 If such matters were put to Ms Gobbo at a meeting like
13:04:25 8 this, that you were present at, I suggest you could not
13:04:29 9 possibly have forgotten that they occurred?---Well if that
13:04:32 10 occurred like you said then I have forgotten, so I
13:04:35 11 apologise. I don't recall anything like that ever being
13:04:39 12 said to Nicola.
13:04:40 13
13:04:40 14 Do you honestly expect the Commission to accept that you've
13:04:43 15 got no memory of such conduct by you and your
13:04:51 16 superior?---Well I have to because that's the only answer I
13:04:53 17 can give, I'm sorry.
13:04:55 18
13:05:03 19 Can you now inform the Commission as to the circumstances
13:05:09 20 in which Ms Gobbo came to attend the meeting with you on 21
13:05:15 21 July 1998 and provide you with information in relation to
13:05:19 22 her employer?---Standby.
13:05:41 23
13:05:41 24 You created an information report on 21 July?---Yes.
13:05:45 25
13:05:46 26 It contains significant information?---Yes.
13:05:49 27
13:05:49 28 Unusual information, very unusual information to be coming
13:05:55 29 from a solicitor in relation to her employer. How did that
13:05:58 30 meeting come about?---It's always been my recollection that
13:06:03 31 that meeting evolved from the first time that I was given
13:06:07 32 information about her employer.
13:06:11 33
13:06:11 34 And how was that? How did she come to broach with you that
13:06:17 35 she had such information about her employer?---Again, my
13:06:21 36 recollection is that we had a good rapport, she felt
13:06:25 37 comfortable with disclosing that to me.
13:06:27 38
13:06:35 39 How did you know on 21 July that you were meeting Ms Gobbo
13:06:40 40 about her employer?---I don't - I don't know how.
13:06:51 41
13:06:51 42 You've got memories of raising it with colleagues in the
13:06:54 43 office before you go to that meeting?---Before I went to
13:07:00 44 it?
13:07:00 45
13:07:00 46 Yes. That's the evidence you've given?---Can you - can we
13:07:05 47 go back over that again so you can refresh what I've said

13:07:08 1 there? Prior to going to that meeting.
13:07:11 2
13:07:11 3 Prior to going to that meeting you're aware what the
13:07:15 4 meeting is going to be about. You've given evidence that
13:07:17 5 you have a distinct memory about raising it with at least
13:07:21 6 Wayne Strawhorn?---Okay. So it would have been, it would
13:07:28 7 have been the case of informing someone that we were going
13:07:31 8 to the meeting, yes, and what it would have been about.
13:07:35 9 I'm just not sure, um - I think if we go back up to the
13:07:42 10 17th, it looks like that meeting is going to be - trying to
13:07:46 11 arrange for that meeting for some time.
13:07:49 12
13:07:49 13 Do you agree that her approaching you for that meeting is
13:07:53 14 completely at odds with her diary entry that I've just read
13:07:59 15 out to you?---Absolutely, yes.
13:08:01 16
13:08:01 17 That in fact it was you and Mr Bowden that went to her?---I
13:08:07 18 don't - I don't recall that happening, but there is
13:08:11 19 definitely two different - yes, two different versions of
13:08:15 20 events.
13:08:15 21
13:08:15 22 And neither do you recall it happening that you've gone to
13:08:20 23 the prison to try and speak with clients?---No, I don't.
13:08:23 24
13:08:24 25 And it seems odd that she's been told that there's this
13:08:29 26 investigation about her employer and that you're trying to
13:08:34 27 get evidence indeed from his clients?---That's right,
13:08:37 28 because I wouldn't have known anything about an
13:08:39 29 investigation against her employer, how would I be privy to
13:08:45 30 that? And was there an investigation against her employer?
13:08:49 31 I don't know.
13:08:50 32
13:08:50 33 Thank you Commissioner.
13:08:51 34
13:08:51 35 COMMISSIONER: Mr Collinson, do you have any questions?
36
37 MR COLLINSON: Just a few if the Commissioner please.
13:08:53 38
39 <CROSS-EXAMINED BY MR COLLINSON:
40
13:08:58 41 Could the operator bring up, please, Exhibit 94.
13:09:08 42
13:09:08 43 COMMISSIONER: I don't know that it's on the - it has only
13:09:11 44 been tendered this morning, just a little while ago, so it
13:09:14 45 may not be on the screen.
13:09:16 46
13:09:16 47 MR COLLINSON: Yes, I see.

13:09:17 1
13:09:17 2 COMMISSIONER: Would you like a copy of it, Mr Collinson,
13:09:20 3 have you got a copy?
13:09:22 4
13:09:22 5 MR COLLINSON: I don't have a hard copy. I think I can do
13:09:25 6 this from recollection.
13:09:26 7
13:09:27 8 COMMISSIONER: Yes, we can probably put it on the document
13:09:30 9 camera.
13:09:44 10
13:09:44 11 MR COLLINSON: I think I can just read it out to you,
13:09:47 12 Mr Kruger?---Yes.
13:09:49 13
13:09:49 14 The letter, the document that's Exhibit 94 is a letter from
13:09:55 15 Solicitor 1 dated 4 December 1997 addressed to you at the
13:10:02 16 Drug Squad?---Yeah.
13:10:03 17
13:10:04 18 And it refers to a committal hearing involving - it refers
13:10:17 19 to a committal mention involving Mr Peter Reid on 29
13:10:21 20 January 1998?---Yes.
13:10:24 21
13:10:26 22 Is it likely you would have attended that committal mention
13:10:30 23 on that date?---Um, possibly. I'll have a look, hang on.
13:10:38 24 Sorry.
13:10:38 25
13:10:38 26 I think it's the tenor of your evidence - - -
13:10:40 27
13:10:41 28 COMMISSIONER: He's just going to check his diary,
13:10:43 29 Mr Collinson?---Just the date again, sorry? 29th.
13:10:49 30
13:10:50 31 MR COLLINSON: 29 January 1998. I think I can assist you
13:10:56 32 in that p.91 of your diary has an entry for 9.40 am which
13:11:05 33 reads, "At Melbourne Magistrates' Court re committal" -
13:11:11 34 you'll read that?---Bear with me, sorry. Yeah, at
13:11:26 35 Melbourne - that's at 9.40, "at Melbourne Magistrates'
13:11:29 36 Court re committal mention for defendants", yep.
13:11:31 37
13:11:31 38 Yes, thank you. You agree therefore, don't you, that it's
13:11:35 39 likely you did attend that committal mention for Mr Reid on
13:11:39 40 29 January?---Yep.
13:11:42 41
13:11:42 42 And do you have any recollection as to whether Ms Gobbo was
13:11:47 43 there on that occasion?---No, I don't, no.
13:11:51 44
13:11:51 45 I think it's the tenor of your evidence on the earlier
13:11:55 46 occasion that Ms Gobbo was a fairly friendly sort of
13:11:59 47 person?---I had a really good rapport with her, yes.

13:12:01 1
13:12:02 2 Now, the diary note that Ms Gobbo has made is dated about
13:12:07 3 three days, three or four days later on 2 February 1998.
13:12:13 4 Do you understand the time line I'm putting to you?---Yep,
13:12:17 5 I do, yeah.
13:12:18 6
13:12:18 7 What I want to suggest to you is, isn't it possible that
13:12:23 8 following your seeing Ms Gobbo at the committal mention for
13:12:26 9 Mr Reid on the 29th, an arrangement was made to meet her on
13:12:31 10 2 February by you?---That's speculation but it's probable
13:12:36 11 if I did, if I did speak to her on the 29th that would -
13:12:41 12 yeah.
13:12:41 13
13:12:45 14 Are you aware that on 2 February 1998 Ms Gobbo was still a
13:12:51 15 first year solicitor?---No, no, I wouldn't have known that.
13:12:55 16
13:12:57 17 Counsel assisting the Royal Commission, Ms Tittensor, read
13:13:01 18 out what the diary note states as to things that appear to
13:13:07 19 have been said by her by either you or Senior Sergeant
13:13:11 20 Bowden, you recollect that?---That it was read out?
13:13:15 21
13:13:15 22 Yes?---Yeah, yep.
13:13:16 23
13:13:16 24 And you said you have no recollection of those things being
13:13:19 25 said?---That's correct.
13:13:20 26
13:13:22 27 What I want to suggest, and you were aware obviously at
13:13:26 28 this time, that is 2 February 1998, that Ms Gobbo had a
13:13:30 29 role in acting as the solicitor for Mr Reid?---Yeah, yep.
13:13:38 30 Well only from what my entries in my diary, yeah.
13:13:40 31
13:13:41 32 And you would have known I think just from observation that
13:13:44 33 she was clearly a very young solicitor?---Yeah, I suppose.
13:13:49 34 That's - that's subjective. I don't, it's not something
13:13:54 35 that crossed my mind, that she's a very young solicitor.
13:13:59 36
13:13:59 37 Yes. I won't go back over the things that Ms Tittensor
13:14:03 38 read out from the file note, but do you agree that if those
13:14:06 39 things were said by you or Senior Sergeant Bowden on that
13:14:10 40 occasion it would be deeply inappropriate
13:14:13 41 conduct?---Absolutely - definitely inappropriate comments
13:14:20 42 because basically there's disclosure of - you've talked
13:14:23 43 about tapes and all this sort of stuff in there, um, you've
13:14:28 44 mentioned a name whose name I don't know, I don't recall
13:14:31 45 that person. Um, and so I don't know whether that person
13:14:34 46 was a suspect in something and so, yeah, it would be
13:14:38 47 totally inappropriate to be, if anything was revealed about

13:14:41 1 any ongoing operations.
13:14:42 2
13:14:42 3 That's not really my point, Mr Kruger. I won't go over the
13:14:46 4 detail but what the note essentially suggests is that
13:14:51 5 Ms Gobbo's boss, Solicitor 1, is a crook?---Yep. Right.
13:14:56 6
13:14:56 7 And then her assistance is asked in relation to
13:15:03 8 investigations and it's suggested to her that whoever the
13:15:08 9 speaker is as between you or Senior Sergeant Bowden is
13:15:13 10 aware of her prior drug conviction. Do you hear those
13:15:18 11 things I have just put to you?---Yeah, yeah I do, yep.
13:15:21 12
13:15:21 13 I would suggest to you that would be deeply intimidatory
13:15:24 14 things to say to a young solicitor?---Agreed.
13:15:27 15
13:15:27 16 In respect of her employer?---Yeah, it would be, yes.
13:15:30 17
13:15:30 18 You accept that?---Yep.
13:15:31 19
13:15:32 20 No further questions.
13:15:33 21
13:15:33 22 COMMISSIONER: Thank you. Mr Holt?
13:15:35 23
13:15:36 24 MR HOLT: No questions, Commissioner.
13:15:40 25
13:15:41 26 COMMISSIONER: Ms McCudden.
13:15:42 27
13:15:42 28 MS McCUDDEN: No.
13:15:42 29
13:15:43 30 COMMISSIONER: Ms O'Gorman.
13:15:44 31
13:15:44 32 MS O'GORMAN: No.
13:15:44 33
13:15:45 34 COMMISSIONER: Any re-examination?
13:15:45 35
13:15:46 36 <RE-EXAMINED BY MS TITTENSOR:
13:15:46 37
13:15:47 38 Just arising out of one of those last points. Mr Kruger,
13:15:50 39 when you spoke to police detectives earlier this year one
13:15:57 40 of the things you told them was that you believed that
13:16:00 41 Ms Gobbo was doing articles at the time that you dealt with
13:16:03 42 her, is that right?---Yep, yep. I think that's why she was
13:16:08 43 at that employer, I think. I don't understand the system,
13:16:11 44 so.
13:16:12 45
13:16:12 46 Your understanding was if she wasn't doing articles she was
13:16:15 47 at least a very junior solicitor?---No, because I don't

13:16:20 1 understand - sorry, I still don't understand the system,
13:16:23 2 what it means to do articles so that would have been
13:16:25 3 information I got from her.
13:16:28 4
13:16:28 5 You understand that articles is the, at that stage was
13:16:31 6 effectively a year of training before you qualify as a
13:16:36 7 solicitor?---No, I thought it was something you did before
13:16:39 8 you became a barrister, sorry.
13:16:40 9
13:16:47 10 Nothing further, Commissioner.
13:16:49 11
13:16:49 12 COMMISSIONER: Yes. Thanks very much Mr Kruger, you're
13:16:53 13 free to go for the time being?---Thank you, Commissioner.
13:16:57 14
13:16:57 15 You can terminate the video link.
16
13:16:59 17 <(THE WITNESS WITHDREW)
13:17:01 18
13:17:04 19 We'll adjourn now. Just before we adjourn, did you want to
13:17:09 20 tender that statement of David Foster, Ms Tittensor?
13:17:13 21
13:17:13 22 MS TITTENSOR: Yes I will, Commissioner. For the
13:17:16 23 transcript reference it's a statement of David Justin
13:17:22 24 Foster, the code is VPL.0014.0023.0001.
13:17:30 25
13:17:30 26
13:17:32 27 #EXHIBIT RC96 - Statement of David Foster.
13:17:40 28
13:17:40 29 COMMISSIONER: We will adjourn now and resume at perhaps 10
13:17:48 30 past 2.
13:17:49 31
13:17:50 32 MR WINNEKE: Yes, Commissioner.
13:17:51 33
13:17:52 34 COMMISSIONER: Ten past 2, thank you.
13:17:53 35
13:17:54 36 MR WINNEKE: Just before - what needs to be dealt with,
13:17:57 37 Commissioner, is the argument in relation to anonymisation
13:18:01 38 of operations. That seems to be the last matter we can
13:18:04 39 deal with today.
13:18:05 40
13:18:05 41 COMMISSIONER: And perhaps some other matters relating to
13:18:08 42 Mr De Santo's evidence that was claims for redaction.
13:18:13 43
13:18:13 44 MR WINNEKE: I think those matters are probably best held
13:18:16 45 over until tomorrow I think, Commissioner, in relation to
13:18:19 46 that matter.
13:18:20 47

13:18:20 1 COMMISSIONER: I thought they perhaps could be dealt with
13:18:23 2 today to save time tomorrow.
13:18:25 3
13:18:26 4 MR WINNEKE: Aspects of it can't be.
13:18:28 5
13:18:29 6 MR HOLT: Sorry, Commissioner, the reference to that
13:18:31 7 witness's name should be struck from the live streaming.
13:18:35 8 You made an order to protect him.
13:18:38 9
13:18:38 10 COMMISSIONER: Yes, all right then. The witness who will
13:18:40 11 be called tomorrow, it should be referred to as the witness
13:18:43 12 to be called tomorrow rather than the name of the witness.
13:18:46 13
13:18:46 14 MR WINNEKE: In any event, Commissioner, perhaps we can
13:18:48 15 consider that over lunch.
13:18:49 16
13:18:50 17 COMMISSIONER: Sure.
13:18:50 18
13:18:50 19 MR WINNEKE: And I think the matter that can be determined
13:18:53 20 after lunch is the argument with respect to anonymisation.
13:18:56 21
13:18:57 22 COMMISSIONER: That's right. That's how I understand it.
13:19:00 23
13:19:01 24 MR WINNEKE: That Ms Neskovcin is dealing with.
13:19:03 25
13:19:03 26 COMMISSIONER: Yes, thanks. We'll adjourn until 10 past 2.
13:19:33 27
13:19:33 28 LUNCHEON ADJOURNMENT
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14:08:47 1 UPON RESUMING AT 2.15 PM:

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14:15:41 3 MS NESKOVCIN: Thank you, Commissioner. If I could raise
14:15:44 4 the Chief Commissioner's application to anonymise
14:15:48 5 references to Operations and target names.

14:15:51 6
14:15:52 7 COMMISSIONER: Yes, I think that will have to be in closed
14:15:54 8 court. Is that so?

14:15:54 9
14:15:55 10 MR HOLT: It should be, Commissioner.

14:15:56 11
12 COMMISSIONER: It should be in closed court. All right
14:15:56 13 then, pursuant to s.24 of the *Inquiries Act* access to the
14:16:00 14 Inquiry is limited to legal representatives and staff
14:16:03 15 assisting the Royal Commission and the following parties
14:16:04 16 with leave to appear in the private hearing and their legal
14:16:08 17 representatives. No, I don't think that would include
14:16:12 18 Ms Gobbo, is that right?

14:16:16 19
14:16:17 20 MR NATHWANI: The only reason I'd asked to be here is
14:16:19 21 obviously we have a whole body of material which refers to
14:16:21 22 all the operation names, a large number of the people. A
14:16:24 23 number of the people I assume are to be anonymised are also
14:16:29 24 those who she's represented. It might be helpful for us to
14:16:32 25 know.

14:16:32 26
14:16:33 27 COMMISSIONER: It might be helpful to the Commission.

14:16:35 28
14:16:35 29 MR HOLT: Yes. And, Commissioner, we may get to a point
14:16:37 30 where we'd ask for our learned friends to be excluded but I
14:16:41 31 don't think it needs to be for the whole hearing and we'll
14:16:42 32 try and avoid that if possible.

14:16:42 33
14:16:42 34 COMMISSIONER: All right. The following parties with leave
14:16:44 35 to appear in the private hearing and their legal
14:16:45 36 representatives: State of Victoria, Victoria Police,
14:16:48 37 Director of Public Prosecutions and the Office of Public
14:16:49 38 Prosecutions and Nicola Gobbo. A copy of this order is to
14:16:55 39 be posted on the door of the hearing room and the rooms
14:16:58 40 into which the hearing is being transmitted.

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42 (N CAMERA PROCEEDINGS FOLLOW)
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ADJOURNED UNTIL THURSDAY 9 MAY 2019