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1 PROCEEDINGS IN CAMERA:

2
10:09:01 3 MR WOODS: Mr Green, when we were in open session I was
10:09:05 4 asking you some questions about the motivations of Ms Gobbo
10:09:08 5 from that early period of time. You, as I understood it,
10:09:12 6 was saying that the focus of both Ms Gobbo and Victoria
10:09:15 7 Police was on ██████████ and not ██████████, is that what you
10:09:19 8 were wanting to say?---Yep. My recollection when I started
10:09:26 9 handling the source was that the main priority was to try
10:09:32 10 and find ██████████ was conducting his activity.

11
10:09:39 12 You're aware though that in those early discussions where
10:09:43 13 ██████████ became the focus, the reason that ██████████
10:09:47 14 became the focus is that he was the key to implicating the
10:09:52 15 ██████████?---That's right, yes. He was making what we
10:09:58 16 believed, or Purana believed that he was generating a lot
10:10:02 17 of income for them by his activity, yep, and helping them
10:10:08 18 to survive, yep.

19
10:10:09 20 So the focus on him was in fact a larger play to dismantle
10:10:15 21 the ██████████, you agree with that?---Yes. Yes, that's
10:10:19 22 correct, yep.

23
10:10:24 24 Mr O'Brien's diary indicates that early in that year of
10:10:34 25 2006 when ██████████ was arrested, that she was providing
10:10:43 26 information to you about ██████████ So you accept that
10:10:47 27 that's the case and you were passing it on to
10:10:50 28 Mr O'Brien?---Yes, that's right.

29
10:10:53 30 Essentially the plan that was being played out was to catch
10:10:59 31 ██████████ red-handed in the process of ██████████ or ██████████
10:11:06 32 to ██████████ and so that then he could be encouraged to roll on
10:11:11 33 his criminal associates?---Yes, that's my understanding,
10:11:15 34 yep.

35
10:11:17 36 The first three face-to-face meetings you weren't at but
10:11:22 37 the transcripts show that in those meetings Ms Gobbo told
10:11:29 38 the handlers at each of those meetings that ██████████ was
10:11:33 39 her client. Do you agree that that was the case?---Yes.

40
10:11:38 41 You knew in your dealings with Ms Gobbo that ██████████ was
10:11:42 42 her client as well?---Yeah, I think he was on at least ██████████
10:11:47 43 or ██████████ of ██████████ for the same thing, yeah.

44
10:11:50 45 I think that's right. She was acting for him in relation
10:11:53 46 to the ██████████ and ██████████ charges, are you aware of
10:11:58 47 those operations?---Yeah, I've heard the names, I'm not

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10:12:01 1 quite sure of the specifics, but yes, that's fair to say.
2
10:12:07 3 The nature of the professional relationship, and we'll just
10:12:11 4 focus on that part of the relationship between Ms Gobbo and
10:12:13 5 [REDACTED] for a moment, the lawyer/client nature of that
10:12:18 6 relationship was something that was important for the SDU
10:12:21 7 to know about, you agree?---Yes.
8
10:12:25 9 And the reason it was important to be known was so that
10:12:30 10 breaches of, for example, legal professional privilege
10:12:32 11 could be avoided?---That's correct.
12
10:12:35 13 And that conflicts of interest could be avoided?---Yes.
14
10:12:44 15 What played out after a few ideas early on of introductions
10:12:50 16 or chance meetings with Mr Flynn, between [REDACTED] and
10:12:55 17 Mr Flynn, was that there was information provided about the
10:13:00 18 location of [REDACTED] do you agree?---Yeah, ultimately, yes,
10:13:07 19 yep.
20
10:13:09 21 And ultimately that led to the arrest of [REDACTED] and his
10:13:14 22 [REDACTED]---That's correct, yep.
23
10:13:17 24 And that was on [REDACTED] 2006?---Yep.
25
10:13:24 26 I just want to bring up your diary for that day to
10:13:30 27 understand a couple of aspects of how it played out. What
10:13:34 28 the Commission's got - have you got your hard copy diaries
10:13:38 29 with you?---Yeah. What was that date again, sorry?
30
10:13:41 31 [REDACTED] 2006 and for the operator this is 122 of the
10:13:46 32 consolidated diaries. If that could come up on the
10:13:52 33 Commissioner's, mine and the witness's screen. It's up to
10:13:55 34 others whether or not it appears on their screens I think.
10:14:01 35
10:14:02 36 MR CHETTLE: Commissioner, I'd like it on my screen.
37
10:14:04 38 COMMISSIONER: It's a closed hearing so that shouldn't be
10:14:06 39 an issue, should it?
10:14:10 40
10:14:11 41 WITNESS: Yes.
10:14:12 42
10:14:12 43 MR WOODS: On the screen there in front of you - is that
10:14:15 44 the correct date down the bottom there, Saturday [REDACTED]
10:14:17 45 2006?---Yep, that's correct.
46
10:14:19 47 19:20, stand-by, you're there to assist Officer White -

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10:14:24 1 sorry, Officer Smith?---Yes, yeah.
2
10:14:29 3 At 18:00, sorry?---Okay, yep, Smith, White, yep, gotcha,
10:14:40 4 yep.
5
10:14:41 6 You have the list there of the pseudonyms?---Yeah, I do,
10:14:42 7 yeah. I've just got to get used to the process, sorry,
10:14:44 8 yes.
9
10:14:46 10 I don't have the list in front of me but I think I remember
10:14:48 11 them. Yeah, you're right.
12
10:14:49 13 Then you have 19:20?---Yep.
14
10:14:50 15 You've got on duty, St Kilda Road?---Yep.
16
10:14:57 17 Again to assist Officer Smith re 3838?---Yep.
18
10:15:01 19 Re arrest of [REDACTED] --Correct, yep.
20
10:15:05 21 The reason that Smith - had Smith asked you to come along,
10:15:12 22 do you have a memory of that?---Yeah, yep.
23
10:15:15 24 Okay?---We [REDACTED] generally, yep.
25
10:15:18 26 The reason that you were asked to come along was to assist
10:15:22 27 Smith in relation to Ms Gobbo?---Yes, that's correct.
28
10:15:27 29 And the reason that that had occurred is because [REDACTED]
10:15:33 30 was being arrested that day and Ms Gobbo was going to
10:15:36 31 attend?---Yep. Yes, yes, she was going to attend, correct.
32
10:15:44 33 What had happened that day, it's not in your diary because
10:15:47 34 it wasn't your phone call, but at about 4 pm that day it
10:15:51 35 was the handlers who called Ms Gobbo and told her that
10:15:58 36 [REDACTED] and his [REDACTED] had been
10:16:02 37 arrested?---Yep.
38
10:16:02 39 Did you know that that had happened?---Yeah, I did
10:16:06 40 eventually, yep.
41
10:16:08 42 The records show that that was some time, half an hour to
10:16:12 43 about an hour, before the Purana investigators called
10:16:17 44 Ms Gobbo, did you know that was the case?---I take your
10:16:21 45 word on that, yep.
46
10:16:25 47 And that on their arrest, and the Commission has video

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10:16:30 1 footage of this which I take it is pretty normal for these
10:16:33 2 sorts of arrests, sure enough both [REDACTED] and [REDACTED]
10:16:39 3 quite separately when they're read their rights say that
10:16:44 4 they want Ms Gobbo as their legal representatives?---Okay,
10:16:47 5 yep.
6
10:16:48 7 That was your understanding of the situation?---I would
10:16:52 8 imagine so, yep.
9
10:16:54 10 Okay. Prior to his arrest, in fact in the week before in a
10:17:05 11 face-to-face meeting that you were not at, what Ms Gobbo
10:17:08 12 had said was that when [REDACTED] was arrested the only
10:17:11 13 person he was going to call or ask to be called to look
10:17:17 14 after him was Ms Gobbo. Did you know that that was the
10:17:22 15 case?---Yeah, I believe that was the case, yep.
16
10:17:27 17 It appears that upon attending - upon their arrest and
10:17:34 18 their attendance at St Kilda Road there's initially no
10:17:37 19 comment interviews given by [REDACTED] and [REDACTED] Were
10:17:45 20 you aware of those interviews taking place?---Yeah, I
10:17:48 21 assume they would have been interviewed, yeah.
22
10:17:50 23 Did you observe any interviews?---No.
24
10:17:55 25 After the no comment interview Ms Gobbo attends and I take
10:17:59 26 it that you saw Ms Gobbo attend?---In the building?
27
10:18:06 28 Yes?---Yeah, I think I did, yep, briefly.
29
10:18:09 30 So you're there at 6 o'clock. That "stand-by to assist",
10:18:16 31 does that mean you were at St Kilda Road or you only arrive
10:18:19 32 at St Kilda Road at 19:20?---Yeah, I'm not - I'm not sure
10:18:24 33 exactly what time we got to St Kilda Road.
34
10:18:27 35 Okay?---But more than likely it would be closer to the
10:18:30 36 19:20 I think than the 18:00, yeah.
37
10:18:33 38 I see, all right?---Maybe White's diary would have
10:18:39 39 more - - -
40
10:18:40 41 The records indicate that Gobbo spent some time with
10:18:43 42 [REDACTED] in private between about 5.30 and about 5.45 that
10:18:51 43 day. Did you know that she'd spent time with him
10:18:55 44 privately?---Yeah, yeah, I knew that. As part of the
10:18:57 45 understanding of what took place that night, yep.
46
10:19:00 47 And that there was a pitch made to [REDACTED] to assist the

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10:19:04 1 police in implicating his criminal associates at about
10:19:10 2 6.50 pm. You're aware that that pitch was made?---Is that
10:19:14 3 by Jim O'Brien?
4

10:19:16 5 Yes, by the investigators?---Yep, yep, yep.
10:19:19 6
10:19:19 7 The records show that Ms Gobbo then re-attends at 7.15 that
10:19:24 8 evening. Are you aware that that happened after the pitch
10:19:29 9 was made to him?---I'm not 100 per cent sure on the exact
10:19:33 10 minute by minute there.
11

10:19:35 12 Do you have - we might just tease that out a bit. Do you
10:19:38 13 have an independent recollection of that evening at
10:19:42 14 all?---Yeah, I do.
15

10:19:43 16 Do you know just - so we can understand physically where
10:19:47 17 you remember being in relation to where these events were
10:19:49 18 occurring, was it an open floor plan, was there a
10:19:55 19 boardroom, were they offices, can you explain to the
10:19:58 20 Commissioner what your memory of the lay-out was?---My
10:20:03 21 recollection is I was standing in a corridor away from the
10:20:10 22 activity that was going on by the investigators.
23

10:20:12 24 Yes?---And I'm not - I vaguely remember maybe seeing her
10:20:23 25 very briefly at some stage when she was going to or from an
10:20:30 26 activity she had.
27

10:20:34 28 Were you receiving updates from those involved as to where
10:20:37 29 the discussions stood at a particular time?---Not
10:20:41 30 particularly, no, no. But I knew that discussion - I knew
10:20:50 31 that she had spoken to her client.
32

10:20:54 33 Yes?---And we wanted to get away from the building with her
10:21:06 34 after she'd done whatever she was going to do and get her
10:21:10 35 safely away from the building because there was concerns at
10:21:14 36 that point for her safety.
37

10:21:17 38 You say that was after she'd spoken to her client, you
10:21:20 39 wanted to make sure she was safe to get away?---Yes.
40

10:21:24 41 Mr Flynn has given evidence, and it might be you're not
10:21:27 42 able to comment on it given you being in the hallway, but
10:21:32 43 he's given evidence that Gobbo in fact assisted on that
10:21:37 44 evening by giving [REDACTED] a push towards assisting the
10:21:41 45 police by implicating his associates, is that your
10:21:44 46 recollection of the conversation that night?---I don't know
10:21:46 47 what she - I've got no idea what she said to her clients.

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1
10:21:51 2 Yep?--Other than whatever the best legal advice she could
10:21:56 3 give at the time. I did - I do recall that we spoke at
10:22:09 4 length about things afterwards, after we left the building
10:22:14 5 - after I left the building with Smith, yep.
6
10:22:20 7 You talk about her giving what you would have understood to
10:22:23 8 be the best legal advice to her clients. Because of the
10:22:28 9 things that we've spoken about earlier today you understand
10:22:31 10 that she was in a conflicted position of doing that?---Yes.
11
10:22:35 12 Because she'd in fact implicated this gentleman in the
10:22:39 13 criminal activity?---Yeah. My personal feeling then was we
10:22:44 14 were entering uncharted waters.
15
10:22:50 16 I think you might not have been alone then?---Yep.
17
10:22:56 18 Do you recall - because these were uncharted waters, and
10:22:59 19 I think there's, a few people who were there on that
10:23:02 20 evening have spoken about their shock, or words to that
10:23:05 21 effect, of Ms Gobbo turning up. I take it you weren't
10:23:09 22 shocked because you knew she was going to turn up because
10:23:13 23 Smith had told you she would, is that right?---My
10:23:16 24 understanding was that the plan was that she wasn't going
10:23:19 25 to get involved and then I'm not sure how it happened but I
10:23:23 26 think she was - I think she was insistent that she wanted
10:23:37 27 to turn up despite our belief that she shouldn't and then
28 - - -
29
10:23:40 30 Do you know who told her not to turn up?---I'm pretty sure
10:23:45 31 White and I assume - well, Smith would have been handling
10:23:49 32 her mostly. I'm not sure what happened in the meeting but
10:23:53 33 I do recall that our plan would be for her to not turn up
10:23:59 34 and to get someone else. But whatever happened she turned
10:24:05 35 up and, yep, and that's why I felt we were in uncharted
10:24:10 36 waters there because it wasn't going our way.
37
10:24:12 38 You understand though, because I took you to it a moment
10:24:16 39 ago, that the people who called Ms Gobbo immediately after
10:24:18 40 the arrest and before the investigator did was the
10:24:26 41 SDU?---To do what, sorry?
42
10:24:27 43 To tell Ms Gobbo that [REDACTED] and [REDACTED] had been
10:24:31 44 arrested?---Oh, yeah, yeah, possibly, yep.
45
10:24:35 46 Can I suggest to you that that doesn't fit particularly
10:24:39 47 neatly with your understanding that she was told that you

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10:24:45 1 didn't want her there?---My understanding was she was going
10:24:49 2 to turn up anyway.
3
10:24:50 4 She was going to turn up anyway. Do you know that anyone
10:24:56 5 told her not to turn up is the question?---Maybe not on the
10:25:01 6 night, but certainly previously I understand that was the
10:25:03 7 plan, for her not to turn - - -
10:25:03 8
10:25:03 9 Do you know who it was that told her not to turn up?---I
10:25:07 10 think Smith and White.
11
10:25:11 12 White's given evidence that when she turned up he was
10:25:16 13 considering arresting her. Is that a discussion that he
10:25:18 14 had with you?---No. I can understand why he would feel
10:25:24 15 that way, yep, because it was not what we wanted to happen.
16
10:25:29 17 The reason you didn't want it to happen is you were deeply
10:25:33 18 concerned about the admissibility or the use of the
10:25:35 19 evidence that was gleaned from [REDACTED] because of this
10:25:38 20 serious conflict that his lawyer had, that's why, isn't
10:25:41 21 it?---My thoughts are we were concerned about the conflict
10:25:50 22 aspect that had arisen there, and also her safety and what
10:25:57 23 exit plan we could put in place to get her away from all
10:26:01 24 this.
25
10:26:01 26 Yes?---The more she got involved in these things - like a
10:26:06 27 part of that issue also is the fact that [REDACTED] and his
10:26:11 28 offsider wanted to talk to her. That's where it started
10:26:18 29 getting off the chart.
30
10:26:21 31 But one of the reasons I'm suggesting it was going off the
10:26:24 32 chart was because you well knew that this was going to be
10:26:30 33 causing serious issues for the criminal justice system as
10:26:36 34 from this moment onwards when she turned up purportedly to
10:26:40 35 represent [REDACTED] when she'd implicated him, do you
10:26:45 36 accept that or not?---Yeah, yep.
37
10:26:47 38 About six weeks after the arrest you have a face-to-face
10:26:50 39 discussion with Ms Gobbo and you're talking about what
10:26:59 40 happened on that evening and the way it's played out since.
10:27:02 41 Now by this stage, six weeks later, a number of arrests
10:27:06 42 have occurred. Do you recall that a number of arrests
10:27:10 43 occurred during [REDACTED] 2006?---That's correct, yes.
44
10:27:13 45 They were people arrested because [REDACTED] had rolled on
10:27:16 46 them?---I assume so, yep.
47

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10:27:19 1 There's an audio transcript. Now I should say these
10:27:22 2 haven't generally been the greatest quality but we'll see
10:27:26 3 how we go with this one?---Okay.
4

10:27:30 5 The name of [REDACTED] has been removed at a couple of spots
10:27:37 6 where you see these ... but the operator might play it
10:27:42 7 now?---Okay.
10:27:44 8

10:28:52 9 (Audio recording played to hearing.)
10:28:52 10

10:28:53 11 If you can stop the recording there. That might have
10:28:56 12 been difficult to hear over the line but were you able to
10:28:59 13 follow those words on the screen?---Yes. Yep, yep.
14

10:29:02 15 If you can bring that up on the big screen and take it to
10:29:07 16 the top of it. I just want to ask a couple of - about a
10:29:10 17 couple of aspects of this exchange. Did you see - just
10:29:16 18 scroll down. There's a little bit where Ms Gobbo - keep
10:29:20 19 going, keep going. Where you say to her, because of this
10:29:28 20 situation where he's been - she's assisted the police in
10:29:33 21 identifying where [REDACTED] was happening, he's been
10:29:36 22 arrested, he's rolled on others, and you say, "Oh well, you
10:29:40 23 know, has anyone been gipped, robbed, hard done by or not
10:29:47 24 ended up where they deserve to be", and Ms Gobbo says,
10:29:52 25 "Yes, I'm all of those categories". What I want to ask is
10:29:56 26 whether you saw any irony in the fact that Ms Gobbo was the
10:30:00 27 one who said that she'd been gipped, robbed and hard done
10:30:04 28 by in this process of [REDACTED] being implicated and
10:30:08 29 arrested?---Yes, I see the irony in that, yep.
30

10:30:11 31 Do you think she was hard done by in this
10:30:18 32 process?---Overall, of the entire experience?
33

10:30:25 34 No, just in relation to [REDACTED] and the arrest that had
10:30:28 35 happened six weeks before?---Okay. I don't see how she was
10:30:31 36 hard done by, no.
37

10:30:33 38 You say to her just up a bit in the transcript, you say,
10:30:37 39 "Just the whole way, the whole, the whole act has been
10:30:41 40 played out brilliantly". What is it that you're describing
10:30:46 41 as the "act" there?---I guess the fact that [REDACTED] has
10:30:51 42 helped the downfall of the [REDACTED].
43

10:31:02 44 By the word "act" can I suggest that what you're in fact
10:31:06 45 indicating there is what Ms Gobbo had been purporting to
10:31:13 46 do, which was to assist [REDACTED] but in fact covertly, in
10:31:18 47 the background, assisting the police. Might that have been

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10:31:21 1 the act that you were talking about?---That would be - I
10:31:25 2 think I was speaking about the whole thing generally. That
10:31:29 3 would have been part of the act, absolutely.
4

10:31:33 5 When you say, "And, you know, some people might think
10:31:36 6 that's not good but at the end of the day it's worked
10:31:39 7 remarkably well, are there any losers in it?" The people
10:31:45 8 you're referring to as those who might not think it's a
10:31:48 9 good thing are, can I suggest, people who might think that
10:31:51 10 there's been some abuse of process that's happened because
10:31:54 11 of the dual role that Ms Gobbo was playing? Is that what
10:31:57 12 you mean by the people who might think that that's not
10:31:59 13 good?---No, I think I would have been referring to the fact
10:32:04 14 that they'd arrested for breaking the law, they would think
10:32:07 15 that's good, because these guys normally break the law
10:32:13 16 every day and get away with it.
17

10:32:15 18 I see that but what I'm interested in is the context in
10:32:17 19 which you've asked that question. They've said, "The whole
10:32:18 20 act has been played out brilliantly"?---Yep.
21

10:32:20 22 And then say "brilliantly" again. She says, "Yeah, it
10:32:22 23 has". Then you say, "And you know some people might think
10:32:24 24 that's not good, but at the end of the day", et cetera, et
25 cetera?---Yep.
26

10:32:29 27 The fact is the people that you've just identified are
10:32:31 28 people who were never going to find out about Ms Gobbo's
10:32:35 29 dual role, do you agree?---Yep. Well hopefully.
30

10:32:38 31 What I'm suggesting to you is that in fact the people that
10:32:41 32 you might think, that might not think it's a good thing are
10:32:45 33 in fact people who might learn about this state of affairs
10:32:50 34 and the dual role that Ms Gobbo was playing. Do I accept
10:32:53 35 that that's what you were saying there?---No. No, I don't.
36

10:33:00 37 Do you accept that you were saying, you were in fact
10:33:03 38 identifying the strategy as not being good, or people
10:33:06 39 thinking the strategy might not be good because just before
10:33:10 40 it you'd said, "The whole act has been played out
10:33:15 41 brilliantly", and you go on to say, "And you know some
10:33:19 42 people might think that that's not good". So do you accept
10:33:23 43 you might have been talking about the strategy of using Ms
10:33:25 44 Gobbo in the way she had been used?---I think I was talking
10:33:28 45 about the end result of what had happened, yeah.
46

10:33:31 47 You also talk about people, just at the bottom of that

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10:33:35 1 screen, people ending up "where they deserved to be", do
10:33:40 2 you see those words?---Yep, yes.
3
10:33:44 4 You understand the reason or the method by which these
10:33:47 5 people have ended where you understand they deserved to be
10:33:51 6 is by the utilisation of information Ms Gobbo gave in the
10:33:55 7 first instance?---About their criminal activity, yeah.
8
10:34:03 9 Just in relation to the way that Ms Gobbo was dealing with
10:34:09 10 [REDACTED] prior to this arrest happening, she talks to you
10:34:16 11 in one of the ICRs that I don't need to necessarily take
10:34:22 12 you to, but she says she's using the cock tease approach
10:34:25 13 with [REDACTED] to keep [REDACTED] close. Do you recall her
10:34:29 14 using words to that effect?---Yes. Yes, I do.
15
10:34:34 16 Your understanding is that she was using that approach with
10:34:38 17 [REDACTED] in order to be able to implicate him?---That was
10:34:45 18 part of the method, yes, yep.
19
10:34:53 20 There was no doubt in your mind that she had a pre-existing
10:34:56 21 lawyer/client relationship with [REDACTED] prior to the
10:35:02 22 arrest on [REDACTED] 2006?---Yes, I understand that, yep.
23
10:35:19 24 In dealing with or in considering [REDACTED] situation,
10:35:24 25 along with the situation of I think seven or so other
10:35:28 26 individuals, the High Court looking at these events has
10:35:33 27 said, "Victoria Police were guilty of reprehensible conduct
10:35:37 28 in knowingly encouraging EF", Nicola Gobbo, "to do as she
10:35:44 29 did and were involved in sanctioning atrocious breaches of
10:35:49 30 the sworn duty of every police officer to discharge all
10:35:50 31 duties imposed upon them faithfully and according to law,
32 without favour or affection, malice or ill-will. As a
10:35:59 33 result the prosecution of each convicted person", and that
10:36:00 34 includes in the judgment [REDACTED] "was corrupted in a
10:36:03 35 manner which debased fundamental premises of the criminal
10:36:06 36 justice system". I want to ask, firstly, have you read
10:36:12 37 that passage before?---Yes, I have, yeah.
38
10:36:16 39 I'm interested in that passage as against what you said,
10:36:19 40 albeit many years before, that people have not ended up
10:36:25 41 where they - no one's ended up where they didn't already
10:36:28 42 deserve to be. It's that precise set of facts and that
10:36:37 43 expression there - I mean the High Court's obviously not
10:36:40 44 aware of precisely what you said to her on that day, but
10:36:44 45 it's that set of events leading up to [REDACTED] and then
10:36:47 46 following on from then that the High Court's described as a
10:36:51 47 corruption of the criminal justice system. Now, do you

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10:36:57 1 understand in retrospect why these events can be viewed or
10:37:05 2 have been viewed that way by the High Court?---I understand
10:37:09 3 that the decision that the High Court's made based on the
10:37:18 4 information it was given, I absolutely understand why they
10:37:21 5 came to that - to make that statement. I've got my own
10:37:25 6 belief on that but certainly it's not nothing like what
10:37:31 7 they've decided.

8

10:37:32 9 And what's your belief?---I don't believe that the matters
10:37:36 10 have been explained fairly right at the very beginning when
10:37:43 11 I've only just recently found out what, for example, what
10:37:46 12 the Comrie report said that we were doing, and I believe
10:37:50 13 that it has, a completely unbalanced view was started for
10:37:58 14 other purposes, rather than court matters, and then these
10:38:02 15 reports have been taken out of their context and then used
10:38:07 16 in areas where the people that wrote the reports probably
10:38:10 17 never believed they would end up.

18

10:38:13 19 Just focusing your attention on [REDACTED] and the events
10:38:16 20 we've just gone through and the conversation that happened
10:38:21 21 between you and Ms Gobbo afterwards?---Yep.

22

10:38:23 23 You don't accept that what had occurred in relation to
10:38:26 24 [REDACTED] was a corruption of the criminal justice
10:38:29 25 system?---I don't - I didn't feel that that's what was
10:38:36 26 happening at the time, no.

27

10:38:37 28 Even though you've accepted that she was working as an
10:38:42 29 agent of the police, you've accepted that?---Yes.

30

10:38:44 31 And you've accepted that she had a conflict of
10:38:48 32 interest?---Yes, yep.

10:38:48 33

10:38:49 34 You've accepted that the conflict of interest was something
10:38:51 35 that you knew about?---Yes.

36

10:38:52 37 And there's no indication that Ms Gobbo was told that, "We
10:38:59 38 will not have you at the station this evening, Nicola", or
10:39:03 39 when she attended at the station there was no ability for
10:39:07 40 her to talk to either of those gentleman, do you accept
10:39:10 41 that that was the case?---I'm sorry, I missed the - - -

42

10:39:14 43 Ms Gobbo was not told not to turn up on [REDACTED] ---That's
10:39:19 44 correct, on the day she wasn't, no.

45

10:39:25 46 So taking each of those factors into account, can you now
10:39:28 47 see the problem and the possible corruption of the criminal

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10:39:32 1 justice system that happens as a result of that?---Yes, I
10:39:38 2 can understand that, yep.
3
10:39:41 4 Just in relation to [REDACTED], and I'm not talking about
10:39:44 5 the other people, you'd accept that that's a fair
10:39:47 6 description that the High Court has given just in relation
10:39:49 7 to [REDACTED]---I understand - yes, I understand why they
10:39:57 8 made that decision.
9
10:40:00 10 Yes?---But I think it's a little, yeah, I think there's a
10:40:04 11 bit - it's not quite that simple.
12
10:40:08 13 Can you explain just in relation to [REDACTED], given the
10:40:12 14 conflict the interest she had that that you knew about, why it's
10:40:15 15 not that simple in relation to [REDACTED] 2006?---I think,
10:40:22 16 whilst I understand the conflict of interest aspect to it,
10:40:26 17 I believe that whatever instructions she gave her client on
10:40:29 18 the day would have been in that person's interests, best
10:40:37 19 interest.
20
10:40:38 21 The client was there because of information she'd given the
10:40:40 22 police, you agree?---Yep.
23
10:40:43 24 So do you stand by that answer that the advice that she was
10:40:46 25 giving was in his best interests?---The advice that she
10:40:56 26 gave him at the police station that night, yes.
27
10:40:59 28 Which was what?---Well I don't know.
29
10:41:05 30 So you don't know the advice?---No, I don't.
31
10:41:09 32 You accept that the result of what occurred that night was
10:41:14 33 well and truly in Victoria Police's interests?---As well as
10:41:20 34 [REDACTED], the end result.
35
10:41:22 36 You believe that in [REDACTED] as well. But what I'm
10:41:25 37 asking is about Victoria Police's interests. Do you accept
10:41:29 38 that the result of it was really a perfect playing out of
10:41:33 39 the Operation [REDACTED] design?---Yes.
40
10:41:36 41 Which was to demolish this cartel?---Yes, I agree with
10:41:44 42 that, yep. And I also add to that that I think it was in
10:41:46 43 his best interests too.
44
10:41:48 45 All right. There's a transcript, it might even be the same
10:41:56 46 transcript, it's on [REDACTED] and it's VPL.0005.0104.0260 and
10:42:07 47 it's at p.396 onwards. I'm reminded, and I'm grateful, to

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10:42:25 1 tender that last portion of transcript that was played, and
10:42:31 2 for the record it was ██████████ 2006. It was a face-to-face
10:42:36 3 discussion with Ms Gobbo. It's Mr White and Mr Green and
10:42:42 4 Ms Gobbo were present. The VPL can be seen at the top
10:42:45 5 there which is VPL.2000.0002.4230, the audio. The
10:42:56 6 transcript is VPL.0005.0097.0536 at p.387.
7
10:43:07 8 COMMISSIONER: The tape will be 567A. That's already been
10:43:13 9 - 568 I'm sorry. 568A. That's already been redacted
10:43:24 10 sufficiently, there won't be need to be a further redaction
10:43:28 11 before it's published?
10:43:30 12
10:43:30 13 MR WOODS: I believe so. I think Victoria Police should be
10:43:33 14 given an opportunity to - - -
10:43:34 15
10:43:35 16 MR HOLT: That appears to be the case, Commissioner. I
10:43:37 17 didn't have a reference to it previously but we'll do that
10:43:39 18 very quickly.
19
10:43:40 20 COMMISSIONER: I'll give it an A and B number just in case
10:43:43 21 but there may not be a 568B.
10:43:46 22
10:43:47 23 #EXHIBIT RC568A - (Confidential) VPL.2000.0002.4230 audio.
10:43:48 24
10:43:49 25 #EXHIBIT RC568B - (Redacted version.)
10:43:52 26
10:43:52 27 #EXHIBIT RC568C - VPL.0005.0097.0536 at p.387, transcript.
10:43:57 28
10:43:58 29 #EXHIBIT RC568D - (Redacted version.)
10:44:01 30
10:44:02 31 MR WOODS: I don't propose to play any more audio but I
10:44:09 32 might bring it up on the screen. ██████████ appears to have
10:44:11 33 been a very long meeting, it might even have been eight
10:44:14 34 hours or more I think, but there's an A and B to the
10:44:16 35 transcript and to the audio. Now, there's a conversation
10:44:23 36 that happens here, and I might just read through it.
10:44:28 37 Ms Gobbo says, "Out of, ██████████'s scammed it out of
10:44:34 38 ██████████. ██████████ rings me and tells me I've just seen
10:44:43 39 ██████████ and he's on his way to see you in relation to ██████████.
10:44:47 40 ██████████ drives ██████████ a ██████████ with a ██████████ on,
10:44:52 41 shows me ██████████. Keeps on driving. Then later on,
10:44:56 42 about two weeks later". There's a pause, "Intercepted,
10:44:59 43 which is ██████████ phone or ██████████'s phone. Either of
10:45:07 44 them or maybe - there's a very ugly conversation - this is
10:45:16 45 when ██████████ and ██████████ are in the car together and ██████████
10:45:20 46 grabs ██████████ physically hurting him 'cause ██████████ is
10:45:25 47 accusing ██████████ of lying about ██████████ went to

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1 and [REDACTED] says, "Fuck, well, fuck you, ring her', meaning
10:45:29 2 me". White says, "M'mm". Ms Gobbo says, "To see where the
10:45:32 3 [REDACTED] went to". Then there's a discussion about where this
10:45:38 4 [REDACTED] went. Then she says, "I'm not saying bring me into
10:45:42 5 it, but I'm saying there'll be a phone call, ah". You say,
10:45:49 6 "At that moment?", you ask her. She says, "Yep. And the
10:45:52 7 fact that once again [REDACTED] tricks him and scams him into
10:45:56 8 giving him [REDACTED] for [REDACTED]". So she's talking there about
10:46:01 9 [REDACTED]. "Anyway, it's [REDACTED] and he's divided it
10:46:08 10 out". Keep scrolling down. You say, "Yeah, I just wonder
10:46:12 11 if the best way to bring up some of these is". Then
10:46:15 12 there's an exchange. Then you say, "Yeah, after you've
10:46:19 13 seen the statement, the official, you know, you could go
10:46:22 14 down and say, you know, 'I'll look'." Just pausing there.
10:46:27 15 You recall that the topic of conversation during this part
10:46:29 16 of the discussion was the contents of statements that
10:46:35 17 [REDACTED] was making to implicate other people, do you
10:46:39 18 recall that?---No, I don't. Sorry.
19
10:46:48 20 You say, as I say at the top there, "After you've seen the
10:46:52 21 statements, the official, you know", et cetera. Keep
10:46:55 22 scrolling down?---Yep.
23
10:46:58 24 Just pause there. You say, "I suppose is to, like, say,
10:47:01 25 for example, what you, you've mentioned there is it's not
10:47:04 26 really - in some of the early ones there, there's not a lot
10:47:07 27 of talk about the pressure and the harassment he was
10:47:10 28 under". Now what I'm suggesting, and you might remember
10:47:15 29 it, is that the early ones you're talking about are the
10:47:19 30 early statements?---Okay, yeah.
31
10:47:22 32 Then you say at the top of the next page, "Your advice to
10:47:26 33 him could be or maybe it would be ... harassment and
10:47:32 34 pressure. Remember how that happened. That will help,
10:47:36 35 help with". Is this jogging your memory about what was
10:47:39 36 under discussion at the time?---Are we talking about
10:47:45 37 [REDACTED] making statements?
38
10:47:47 39 It appears to be the case?---Yeah, okay. Yep, yeah, yep.
40
10:47:53 41 And what the contents of those statements might be?---Yep.
42
10:47:57 43 Okay. Then Ms Gobbo says, "Yeah, I don't want to go too
10:48:02 44 much into that ... remember when this happened, remember
10:48:06 45 when that happened, because I don't want him to suddenly
10:48:13 46 start thinking well hang on, yeah, she knew that, she knew
10:48:17 47 that, she knew that". You say, "Oh, yeah, but you would be

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10:48:21 1 saying it to him 'cause it will look better in the plea".
10:48:24 2 And it keeps going on. Then you can scroll down to the
10:48:27 3 bottom of that page. She says, "Oh, that's the other thing
10:48:31 4 he's left out". So it appears - - -?---Oh, okay, yeah.
5
10:48:35 6 It appears she's going through these statements and she's
10:48:39 7 giving you assistance about things that should be in or
10:48:41 8 shouldn't be in them, does that assist you?---I remember
10:48:44 9 her thinking about things that he may have left out of the
10:48:50 10 statement that she may have had a better memory of or
10:48:54 11 something, yeah.
12
10:48:55 13 Do you know who gave you the statements to show to Ms Gobbo
10:48:59 14 at this face-to-face meeting?---Did we have the actual
10:49:05 15 statements?
16
10:49:06 17 It appears so?---Oh, okay.
18
10:49:07 19 As the Commission understands it what's occurred is that
10:49:12 20 Mr Flynn has provided a number of statements to Mr White
10:49:17 21 and Mr White and you have taken them into this
10:49:20 22 meeting?---Oh right, okay.
23
10:49:23 24 With [REDACTED]---Righto, okay.
25
10:49:27 26 Did you know that?---I don't recall that. I don't remember
10:49:29 27 that, no.
28
10:49:30 29 But you don't - - -?---We were clearly talking about the
10:49:33 30 statement from the way I read that, yep.
31
10:49:37 32 Okay?---And she's trying, obviously she's trying to recall
10:49:41 33 to the best of her memory things that may have happened
10:49:48 34 that [REDACTED] should have included in his statement that
10:49:55 35 he obviously hadn't.
36
10:49:56 37 Yeah, okay. It's apparent from the transcripts that what
10:49:59 38 you and Mr White have brought into this face-to-face
10:50:03 39 meeting are [REDACTED] statements, [REDACTED]
10:50:09 40 statements and listening device material. Does that
10:50:12 41 trigger your memory?---No. It surprises me we would have
10:50:18 42 listening device material, but yeah. Transcripts you mean,
10:50:23 43 yeah, maybe.
44
10:50:24 45 That's right?---No, look, I don't - I don't know, I'd have
10:50:27 46 to probably, I wouldn't want to but it's probably worth
10:50:33 47 listening to the whole recording.

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1
10:50:34 2 We won't do that now. I'm sure there'll be other things
10:50:39 3 for you to do?---No, please. No.
4
10:50:43 5 She says, "He's left out the fact that on [REDACTED] -
10:50:48 6 remember how he gave me Milad's faulty number". You say,
10:50:52 7 "Oh yeah". All I'm wanting to identify is that the nature
10:50:52 8 of the conversation here is that she is reading through
10:50:54 9 [REDACTED] statements and explaining to you items that
10:50:57 10 need to be, in her view, addressed?---She's obviously
10:51:02 11 remembered that [REDACTED] and [REDACTED] thing.
12
10:51:06 13 Yes?---And yeah, something that happened on [REDACTED].
14
10:51:09 15 Yes?---I don't know, did we actually change anything
10:51:18 16 or - - -
17
10:51:19 18 Well I'm not actually up to that point at the moment. I'm
10:51:22 19 actually just asking about - so we know that the statements
10:51:26 20 were handed over to Mr White and the statements were then
10:51:37 21 shown to Ms Gobbo and Ms Gobbo has pointed out deficiencies
10:51:43 22 in those statements to you and Mr White in this meeting.
10:51:46 23 That's the point I'm wanting to take you to?---Yep. It
10:51:48 24 sounds like - yep, I understand.
10:51:51 25
10:51:51 26 So far you understand?---Yes, yep, yep.
27
10:51:54 28 In this environment that she was sitting in with her human
10:51:58 29 source handlers she was acting as an agent of police at
10:52:02 30 this stage, you agree with that?---Yeah, yes.
31
10:52:07 32 You and the SDU didn't have a role in putting together the
10:52:12 33 statements for the Purana Task Force; is that
10:52:17 34 correct?---No. Actually I'll also say she's trying to act
10:52:21 35 in her client's best interests at that point by including
10:52:27 36 things in the statements that may, clearly she thought that
10:52:30 37 may help him.
38
10:52:31 39 So she's acting in both Victoria Police's and the client's
10:52:35 40 best interests at the same time?---At that point I would,
10:52:37 41 that's how I - that's my take on it, yep. If he was
10:52:44 42 getting threatened by [REDACTED] and was getting ripped off by
10:52:47 43 them, then I guess that would help him, I don't know how,
10:52:50 44 but that might help him in his position.
45
10:52:53 46 You'd accept that a conversation of this nature would need
10:52:57 47 to be disclosed to those individuals that were implicated

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GREEN XXN - IN CAMERA

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10:53:01 1 in the statements?---If that was used in the statement,
10:53:08 2 yeah, I guess - that would happen in so much as I guess if
10:53:17 3 it was included in [REDACTED] statement and then it would
10:53:21 4 have gone out to anyone that was charged based on his
10:53:25 5 statement, so I don't know if - - -
6
10:53:29 7 Just on a slightly different issue. What about the nature
10:53:32 8 of the relationship between Ms Gobbo and [REDACTED], did you
10:53:35 9 see that as the sort of thing that would need to be
10:53:44 10 disclosed to either [REDACTED] or people that he
10:53:48 11 implicated?---I don't know.
12
10:53:54 13 If this dual role that we were talking about that Ms Gobbo
10:53:58 14 was playing, acting purportedly in Victoria Police's
10:54:02 15 interests and [REDACTED] interests at the same time, did
10:54:05 16 you see that as something that an accused person in
10:54:08 17 [REDACTED] position would need to know about to be dealt
10:54:11 18 with fairly by the legal system?---I guess somewhere in
10:54:22 19 there is a PII issue. But I'm not sure how to answer that.
20
10:54:30 21 Was that one of the issues that was discussed between you
10:54:32 22 and the other members of the SDU, about the difficulties
10:54:34 23 that might arise because of that dual role that she was
10:54:37 24 playing?---Yes.
25
10:54:44 26 We can see that early on about Tony Mokbel's trial Mr White
10:54:52 27 says to you, "Don't talk to her about the trial"?---Yep.
28
10:54:55 29 That's clearly a conversation generally of that
10:54:59 30 nature?---Yep.
31
10:54:59 32 Do you recall other conversations with any specificity
10:55:03 33 along those lines, about the problems that might arise for
10:55:06 34 the prosecution of people that Ms Gobbo was
10:55:11 35 implicating?---Yeah, that was discussed along the way, yep.
36
10:55:17 37 Do you know whether legal advice was discussed, the
10:55:22 38 obtaining of legal advice to try and satisfy yourselves
10:55:25 39 that something untoward wasn't happening?---I don't know if
10:55:30 40 we ever got any legal advice. I don't know if it was
10:55:33 41 discussed or not, I can't remember.
42
10:55:35 43 Can I take you to - sorry, go ahead?---Possibly. I don't
10:55:41 44 recall. But I know, I'm pretty sure we didn't get any
10:55:44 45 specific legal advice about this, no.
46
10:55:46 47 I want to take you to the ICR that relates to this meeting

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10:55:50 1 and it's at p.325. That will come up on your
10:55:56 2 screen?---Okay. Was it the [REDACTED] of the [REDACTED]?
3
10:56:01 4 Yes, it is. So obviously what you understand is the
10:56:03 5 situation, that after the face-to-face you take notes
10:56:10 6 during it and you distil them into ICRs, that's what
10:56:14 7 happened?---Yeah. Yep, that's correct, yep.
8
10:56:22 9 There's a DSU issue down further. "Source has calculated
10:56:28 10 that on her present charge rates she's racked up an account
10:56:34 11 for the Victoria Police around the 1.4 million mark". Do
10:56:38 12 you remember her saying that to you?---I do recall that. I
10:56:41 13 think it was said maybe more than once too.
14
10:56:44 15 Was she joking or serious?---I thought it was joking. She
10:56:48 16 never actually asked for money, interestingly, but for what
10:56:57 17 we handled her. I don't know, that's just a figure she's
10:57:02 18 plucked out of the air I guess.
19
10:57:04 20 You say next that [REDACTED], the heading "[REDACTED] draft
10:57:09 21 statements"?---Yeah.
22
10:57:11 23 "Source read all statements made by [REDACTED] to Dale Flynn
10:57:16 24 of Purana. Very impressed with the detail and
10:57:19 25 thoroughness. Source commented on a number of minor
10:57:23 26 corrections." That's your note of what happened during
10:57:26 27 that meeting?---Yep.
28
10:57:27 29 Your diary note I just want to, which is at p.0175 of the
10:57:35 30 consolidated diary. If you have your hard copy there, it
10:57:41 31 will com up on the screen anyway, but it's [REDACTED] 2006.
10:57:45 32 It's the phrase "the source commented on minor
10:57:51 33 corrections"?---Right.
34
10:57:52 35 What I want to do, this appears to be your notes of when
10:57:59 36 Ms Gobbo is commenting - all right, do you see that?---Yep,
10:58:06 37 I do. All right, yeah, got it.
38
10:58:09 39 You'll see, without using his name, it's [REDACTED]
10:58:12 40 statements?---Oh yeah.
41
10:58:14 42 What's that first word, "Some are signed"?---"Some are
10:58:19 43 signed", then question mark.
44
45 Then "are they to be served"?---Yep
46
10:58:27 47 These are things that Ms Gobbo is asking you?---Yeah, yep,

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10:58:35 1 I think so.
2
10:58:38 3 That is to say his name or will he called
10:58:41 4 [REDACTED] ---Okay, yep, yep.
5
10:58:42 6 Then you'll see as we go down, "Statement [REDACTED]", is that on
10:58:46 7 the left-hand side?---Yep, yes.
8
10:58:50 9 Third paragraph, then there's a note of paragraph
10:58:54 10 17?---Yes, yep.
11
10:58:54 12 [REDACTED] in [REDACTED], 1990. No detail". She says to you,
10:59:00 13 "There's more detail in the [REDACTED] brief, LD material", that's
10:59:05 14 something she explained to you?---Yes.
15
10:59:06 16 Then at paragraph 22, "My or Mr Employer", I think it might
10:59:16 17 be, "Number 2"?---Yes.
18
10:59:18 19 [REDACTED], sorry?---Yes.
20
10:59:21 21 Then the word "corroborate"?---Yes.
22
10:59:27 23 Then another reference. Then paragraph 24. I won't take
10:59:34 24 you through each of them, but what I'm saying is as she
10:59:38 25 went through these statements, and if the operator could
10:59:42 26 keep scrolling down, you'll see paragraph 65. So 65, just
10:59:48 27 as an example, "[REDACTED] 05 for [REDACTED]. Should say had not
10:59:53 28 told [REDACTED] why he was in hospital. He told them it was for
10:59:59 29 [REDACTED]. Did not tell hospital he was in because he did not
11:00:03 30 want visitors", et cetera. Again she's explaining various
11:00:06 31 things that need to be put into the statement. Now keep
11:00:10 32 scrolling down?---Yep.
33
11:00:12 34 Then there's a [REDACTED] statement that she goes through.
11:00:15 35 She explains corrections or inclusions that need to be
11:00:20 36 made, you agree?---Yep, yep. I think it's not so much
11:00:25 37 corrections, I think it's more that's what she's
11:00:28 38 remembering and I think it would probably be to [REDACTED]
11:00:33 39 favour that they were made, but yep.
40
11:00:35 41 You've accepted in the setting in which she's sitting at
11:00:41 42 the moment she's acting as an agent for the police because
11:00:47 43 she's dealing with her handlers, you agree with that?---I
11:00:49 44 agree with that and trying to improve his outcomes.
45
11:00:53 46 She's wanting to improve outcomes for both police and
11:00:54 47 [REDACTED] ---Yes, yep, that's - yep. I think it was

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11:00:57 1 impressed on [REDACTED] at the outset, probably by Purana
11:01:03 2 detectives, that it's important to say the truth or include
11:01:07 3 as much as you can remember.
4
11:01:08 5 Yes. And then the handlers - - - ?---I take these as like
11:01:13 6 memory prompts.
7
11:01:14 8 Then the handlers, with Ms Gobbo, go through those
11:01:17 9 statements and see what she's able to add to them, that's
11:01:20 10 what's happening here?---Yep, if there's anything startling
11:01:24 11 there, yep, that's right.
12
11:01:25 13 If you keep scrolling down, the operator. Just before we
11:01:40 14 go on to these. Are you aware that the evidence that was
11:01:45 15 against [REDACTED] for the [REDACTED] arrest might not
11:01:51 16 be admissible because of the dual role that Gobbo was
11:01:54 17 playing, is that something that occurred to you at the
11:01:56 18 time?---No.
19
11:02:04 20 Wasn't that one of the reasons why there was a level of
11:02:12 21 discomfort about her attending on [REDACTED]---The level of
11:02:15 22 discomfort was, that was his - would be part of it, yeah.
23
11:02:22 24 Part of your discomfort was as a result of that issue as
11:02:26 25 well, wasn't it?---Yep, it would have been preferable that
11:02:29 26 someone else was there representing him, yes.
27
11:02:32 28 Then she moves on to statement [REDACTED] You can just scroll
11:02:36 29 through fairly slowly. Sorry, did you want to say
11:02:39 30 something?---No, no, that's the statement, I'm fine with
11:02:41 31 it.
32
11:02:41 33 Then there's more to statement [REDACTED] keep scrolling through.
11:02:45 34 Page 3. Page 37 she asks questions. Then there's [REDACTED]
11:02:48 35 [REDACTED] statement, p.12. We're a number of pages into your
11:02:55 36 notes of these references of hers. Keep scrolling through.
11:02:59 37 They go on and on. What I'm wanting to put to you is in
11:03:06 38 the ICR you use the phrase "the source commented on minor
11:03:11 39 corrections"?---Yes.
40
11:03:13 41 What I'm suggesting is that these aren't minor corrections,
11:03:18 42 she was spending an awful lot of time going through the
11:03:21 43 detail of these statements with you, do you agree with
11:03:23 44 that?---Yeah, I do, but I don't know that it changed much
11:03:26 45 at all.
46
11:03:27 47 I'm not so interested in what it changed, I'm interested in

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11:03:32 1 the process of Mr Flynn providing the statements to
11:03:37 2 Mr White and then the controller and handler sitting down
11:03:40 3 in a meeting with a human source who is providing
11:03:42 4 assistance in the nature that she did here?---Yes.
5
11:03:49 6 You accept that something can be tainted because of how it
11:03:52 7 looks, just the same as something can be tainted because of
11:03:57 8 the tangible result?---No. I wouldn't agree with that
11:04:01 9 statement.
10
11:04:02 11 Do you understand that if you're standing in front of a
11:04:05 12 decision - if a decision maker has the obligation to make a
11:04:11 13 decision about something that affects your interests, you
11:04:13 14 wouldn't want them to have any particular bias against you
11:04:20 15 or for the other side, you accept that?---Yeah, I'd accept
11:04:25 16 that.
17
11:04:26 18 You'd accept that whether or not that bias is a real thing
11:04:28 19 or maybe just an imagined thing might not matter so much,
11:04:31 20 if it doesn't look like the person is unbiased then that
11:04:35 21 might be a problem?---I take this as helping [REDACTED] In
11:04:52 22 fact, this activity I thought would be actually helping
11:04:56 23 him.
24
11:04:57 25 What I'm wanting to focus on though is that you've been at
11:05:00 26 pains a couple of times to ask the question whether or not
11:05:03 27 any of these changes filtered through to be made to the
11:05:07 28 ultimate statements that were made, and I'm not necessarily
11:05:11 29 interested in that at this stage, what I'm interested in is
11:05:16 30 - - - ?---Yep, okay.
31
11:05:18 32 - - - the way this appears, given that she is sitting there
11:05:21 33 with her handlers and she's acting as an agent of the
11:05:24 34 police in this meeting, that in itself is problematic,
11:05:31 35 whether or not it came into a statement, and I'm just
11:05:34 36 asking whether you accept that as a proposition?---I
11:05:37 37 understand the point you're making but I don't agree with
11:05:42 38 it.
39
11:05:43 40 Okay?---Yep.
41
11:05:55 42 We might need to tender - I'm not sure how we're doing the
11:06:01 43 tender of the transcripts, whether or not I should tender
11:06:05 44 that part of it. I think I should. That's [REDACTED] 2006 and
11:06:14 45 it was at p.396 onwards and the transcript will show where
11:06:19 46 I went to.
47

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11:06:21 1 COMMISSIONER: This is the transcript, not the diary, we're
11:06:27 2 talking about?
11:06:29 3
11:06:29 4 MR WOODS: I'll move to the diary in a moment, that's
11:06:32 5 right.
11:06:32 6
7 COMMISSIONER: This is the second [REDACTED] one?
8
9 MR WOODS: That's correct.
10
11:06:32 11 COMMISSIONER: But this time it's page - why don't we put
11:06:33 12 all the pages into the - no, it's all right. What are the
11:06:46 13 pages?
11:06:47 14
11:06:47 15 MR WOODS: It started at p.396 and I'll just have to
11:06:51 16 identify the last page I went to. I can do that in due
11:06:56 17 course. It's just a portion of about four pages there.
11:06:59 18
11:06:59 19 #EXHIBIT RC569A - (Confidential) Transcript [REDACTED] 06,
11:07:00 20 pp.396.
11:07:00 21
11:07:02 22 #EXHIBIT RC569B - (Redacted version.)
11:07:13 23
11:07:21 24 MR WOODS: I don't need to tender the ICR because that's
11:07:23 25 already tendered.
26
11:07:24 27 COMMISSIONER: Yes.
11:07:25 28
11:07:25 29 MR WOODS: That page of the diary at p.175, 0175, and it
11:07:40 30 was down to that red print which was about five pages down.
11:07:47 31 Keep going down. Down to 0178.
32
11:07:58 33 COMMISSIONER: Sorry, that's the diary of Mr Green on [REDACTED]
11:08:01 34 [REDACTED] 2006.
11:08:04 35
11:08:04 36 MR WOODS: That's correct.
37
11:08:06 38 COMMISSIONER: From pages, are we going - - -
11:08:08 39
11:08:10 40 MR WOODS: Pages 175 to 178.
41
11:08:16 42 COMMISSIONER: Where do you get those numbers from?
11:08:18 43
11:08:18 44 MR WOODS: The top left-hand side is a consolidated -
11:08:21 45 what's happened because - - -
46
11:08:22 47 COMMISSIONER: I see, those numbers on the left-hand side.

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11:08:29 1
11:08:29 2 MR WOODS: Yes. The VPL reference, for those who are using
11:08:31 3 them, it ends in 4937 and so it would be 4934 onwards.
4
11:08:41 5 COMMISSIONER: Yes.
11:08:42 6
11:08:43 7 #EXHIBIT RC570A - (Confidential) Transcript ██████/06,
11:08:45 8 left-hand corner reference 0175-0178.
11:08:45 9
11:08:45 10 #EXHIBIT RC570B - (Redacted version.)
11
11:08:58 12 MR WOODS: Just before we move on from ██████, Mr Green,
11:09:02 13 you understand that because of the nature of the
11:09:04 14 conversation that you were having with her about these
11:09:07 15 statements on ██████, that Ms Gobbo on that occasion was
11:09:15 16 operating in a capacity where she was able to influence the
11:09:19 17 evidence that ██████ was giving to implicate other
11:09:24 18 people, sorry, the evidence that he might subsequently give
11:09:32 19 pursuant to his statements?--Yeah, by making them more
11:09:36 20 accurate, yes.
21
11:09:38 22 Yes, that's right. She was suggesting things to be
11:09:40 23 included or changed and in that way was influencing what
11:09:48 24 was - was attempting to influence what would be in the
11:09:54 25 statements, do you agree?---In a positive way, yes, yep.
11:09:56 26
11:09:56 27 They were making them more accurate, you say, and that was
11:09:59 28 making them more accurate according to Ms Gobbo?---Well
11:10:02 29 providing that - I would imagine that ██████ would read
11:10:06 30 the final draft before he signed anything, so I imagine
11:10:11 31 he - - -
32
11:10:12 33 Did ██████ know that this meeting between Ms Gobbo and
11:10:15 34 the human source handlers was occurring?---Probably not.
35
11:10:22 36 You understand that when statements are given by a person
11:10:28 37 who implicates others, those statements are then provided
11:10:34 38 to the defence of the people that they're
11:10:36 39 implicating?---Yes, yep.
11:10:37 40
11:10:37 41 One of the things that you would have experience of is
11:10:41 42 counsel asking questions about how a particular statement
11:10:45 43 was drafted?---Well I don't specifically but I'm aware that
11:10:54 44 that would happen, yeah.
45
11:10:55 46 Have you ever been challenged in a witness box about the
11:10:59 47 preparation of a witness statement?---No.

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1
11:11:01 2 Have you seen it happen before with other police
11:11:04 3 officers?---I've heard of it happening, particularly once
11:11:07 4 disclosure became popular, yep.
5
11:11:12 6 Because of this process playing out between the SDU and
11:11:19 7 Ms Gobbo, it's the case, you would assume, that those
11:11:24 8 people that [REDACTED] was implicating would have no
11:11:29 9 knowledge that this conversation had happened between Gobbo
11:11:32 10 and the handlers; that's correct, isn't it?---Yep, that's
11:11:36 11 correct, yep.
12
11:11:38 13 So they wouldn't be in a position to ask questions about
11:11:43 14 where these various parts of the statements came from
11:11:47 15 should they have filtered through to the statements that
11:11:49 16 were ultimately signed?---No, in the normal circumstances I
11:11:54 17 guess the legal representation would deal with the
11:11:59 18 informant directly if there was something they thought
11:12:02 19 would assist their client in normal circumstances.
20
11:12:07 21 Sorry, can you say that again, I didn't follow that?---If
11:12:10 22 this was to happen without a source angle to it, if this
11:12:16 23 was to happen and a barrister was able to assist their
11:12:20 24 client by sitting down with the informant and saying,
11:12:23 25 "Listen, he's forgotten to include this in his statement
11:12:29 26 and this in his statement and that will make him look
11:12:34 27 better", I imagine that would be directly between the
11:12:37 28 informant and the barrister representing the client,
11:12:38 29 ultimately signed off by the client. So, yeah, this is
11:12:42 30 unusual, correct, by the fact that the barrister in this
11:12:48 31 case is also a source.
32
11:12:49 33 And there was no prospect of your notes ever being
11:12:52 34 disclosed to anyone because PII would have been claimed in
11:12:58 35 relation to those because it was the SDU dealing with the
11:13:02 36 source, do you agree?---Yeah, yep.
37
11:13:05 38 There was no need to claim PII in relation to these notes
11:13:08 39 because no one was ever told about Ms Gobbo's involvement
11:13:11 40 with assisting the police in relation to [REDACTED], do you
11:13:16 41 agree?---Yes.
42
11:13:22 43 I'm ready to move into open hearing, Commissioner. I'm not
11:13:26 44 sure what time the morning break usually is but it might be
11:13:31 45 about now.
46
11:13:32 47 COMMISSIONER: We can take it now. Yes, all right, we'll

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11:13:34 1 have a short mid-morning break. We'll resume in open
11:14:10 2 hearing.

3
4 (Short adjournment.)

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15:47:26 1 PROCEEDINGS IN CAMERA:

15:47:26 2
15:47:27 3 COMMISSIONER: Yes, we're now in closed hearing.

15:47:30 4
15:47:30 5 MR COLLINSON: If the Commissioner pleases. Mr Green, just
15:47:33 6 one last topic. It's some questions relating to [REDACTED].
15:47:37 7 You know who that is, of course, don't you?---Yes.

15:47:40 8
15:47:40 9 Can I ask you to go, please, to ICR 20, p.169. This is
15:48:02 10 your ICR and you'll see in terms of dates that on that page
15:48:09 11 it's [REDACTED] 2006?---Yes.

15:48:12 12
15:48:15 13 About three-quarters of the way down the page you see
15:48:18 14 another heading, "DSU issue"?---In a minute. Yes, yep.

15:48:26 15
15:48:26 16 And it says under that heading, "Source feeling worn out,
15:48:31 17 discussed diet and welfare issues, i.e. having a break.
15:48:36 18 Source mentioned if/when time of arrest takes place to
15:48:40 19 discussion source's position. Source believes she should
15:48:44 20 be present to represent her client". Do you see
15:48:48 21 that?---Yes.

15:48:49 22
15:48:52 23 It's plain from this passage, isn't it, that in this
15:48:56 24 discussion you're having with Ms Gobbo she's indicating an
15:49:00 25 intention to be present on the arrest of [REDACTED] ---Yes.

15:49:07 26
15:49:08 27 Indeed, to be present as his barrister or legal
15:49:16 28 advisor?---Yep. H'mm.

15:49:18 29
15:49:18 30 You probably know these dates but this is still a couple of
15:49:23 31 months before the actual arrest of [REDACTED] That occurs
15:49:25 32 on [REDACTED] 2006. In fact I think at this stage, of
15:49:30 33 course, the location of [REDACTED] hasn't been
15:49:34 34 identified. Does that match your recollection of
15:49:37 35 events?---Yep. It does.

15:49:39 36
15:49:40 37 There's nothing - what I want to suggest to you is that
15:49:44 38 when Ms Gobbo conveyed this intention to you on [REDACTED]
15:49:49 39 2006 you didn't raise a concern with her that she might do
15:49:53 40 that?---Not at that stage, no.

15:49:57 41
15:49:58 42 There's nothing I can see that suggests you discussed this
15:50:02 43 specific issue with Mr White, is that - do you have a
15:50:06 44 recollection one way or the other?---Generally after I
15:50:14 45 received a call from her you would pretty much every time
15:50:18 46 call Mr White and looking at the time of day, I may well
15:50:23 47 have even been in the office for that call.

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15:50:25 1
15:50:25 2 It does seem to be a - it seems to be a Sunday?---Sunday,
15:50:30 3 is it? No, I wouldn't have been, I probably would have
15:50:35 4 waited until Monday morning and talked to him about it,
15:50:38 5 unless it was urgent. But yeah, I would have waited till
15:50:41 6 the next day.
15:50:42 7
15:50:43 8 I mean in your mind-set, I want to suggest that your
15:50:47 9 mind-set, we want to distinguish between what you may now
15:50:54 10 know about as a result of the Royal Commission and
15:50:56 11 preparing your statements for the Royal Commission compared
15:51:00 12 to how you thought back in [REDACTED] 2006 and I want to
15:51:04 13 suggest to you that back in [REDACTED] 2006 you probably
15:51:07 14 didn't really, in your own mind, have any basis for a
15:51:13 15 concern that Ms Gobbo would be the legal advisor on the
15:51:15 16 arrest of [REDACTED]---That's where it was starting from,
15:51:21 17 yeah, and if she's commented along those lines I would have
15:51:25 18 just made a note of it, as you can see I have, and that's
15:51:28 19 the extent of it, yep.
15:51:30 20
15:51:30 21 I mean it wouldn't have even been a particularly
15:51:33 22 significant piece of information, I suggest, to pass on to
15:51:36 23 Mr White?---Yeah, I would agree with that.
15:51:40 24
15:51:41 25 Could I take you then to ICR 21.
15:51:44 26
15:51:44 27 COMMISSIONER: Just before we leave that, could you have a
15:51:46 28 look at 174. Mr White has signed this ICR as the
15:51:52 29 controller, so he would have read that at that time,
15:51:56 30 wouldn't he?---Yes.
15:51:58 31
15:51:58 32 Thank you.
15:52:01 33
15:52:04 34 MR COLLINSON: Going to the next ICR which is ICR 21,
15:52:09 35 p.177. It's the same sort of point but further along in
15:52:21 36 the time line, Mr Green. You'll see this is [REDACTED] 2006
15:52:29 37 and do you see in the middle of the page "DSU
15:52:32 38 issues"?---H'mm.
15:52:32 39
15:52:33 40 This is your conversation with Ms Gobbo. "Discuss source
15:52:36 41 wanting to take a week off after the Tony Mokbel trial but
15:52:39 42 does not want to be away when [REDACTED] arrested. Source
15:52:44 43 feels she needs to control the information flow at the time
15:52:48 44 of the arrest of [REDACTED]---Yep.
15:52:52 45
15:52:52 46 Now, do you have any recollection of this discussion with
15:52:56 47 Ms Gobbo?---Yes, I do, yep.

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15:52:59 1
15:52:59 2 And again I suggest you didn't in the conversation with
15:53:03 3 Ms Gobbo raise any objection to her attending at the time
15:53:09 4 of the arrest of [REDACTED] as his legal advisor?---Not at
15:53:14 5 that stage, no.
15:53:15 6
15:53:18 7 I suggest also you don't have any recollection of raising
15:53:23 8 this issue with Mr White around this time, that this was
15:53:30 9 Ms Gobbo's intention?---I would have, because it's a DSU
15:53:38 10 issue at that point, I think I would have mentioned it to
15:53:44 11 White. Again, I wouldn't have rung him straight away on
15:53:50 12 the Sunday looking at that, I would have probably in our
15:53:53 13 discussions, like we had regular meetings, office meetings
15:53:58 14 with, as far as all the sources were concerned, but I would
15:54:02 15 have discussed with him the phone calls I got from her over
15:54:05 16 the weekend.
15:54:06 17
15:54:06 18 Put it this way, you didn't have any discussion with
15:54:09 19 Mr White about a problem you both foresaw if Ms Gobbo were
15:54:14 20 to attend the arrest of [REDACTED] as his legal advisor?
15:54:22 21 You don't as you sit there in the witness box remember, "We
15:54:25 22 had this problem and we talked about the problem", is that
15:54:29 23 right?---I don't recall it being a significant issue prior
15:54:33 24 to the arrest.
15:54:36 25
15:54:36 26 Yes. I mean I'll go a little further?---The pending
15:54:41 27 arrest, yep.
15:54:41 28
15:54:41 29 I would suggest to you we can delete the word
15:54:44 30 "significant", can't we? From your point of view I would
15:54:47 31 suggest it wasn't seen as an issue at the time by
15:54:52 32 you?---Yes. No, it wasn't seen as an issue.
15:54:55 33
15:54:56 34 And you don't have a recollection of Mr White suggesting to
15:55:00 35 you it presented an issue or a problem?---Not at that
15:55:05 36 stage, no.
15:55:05 37
15:55:06 38 When you say, you've said a couple of times at that stage,
15:55:10 39 do you mean by that there does become a moment where you've
15:55:15 40 got a clear recollection of it seeming to be a problem for
15:55:18 41 Ms Gobbo to attend at the arrest of [REDACTED]---Yeah, I
15:55:22 42 think once, once it actually - once the premises he was
15:55:31 43 [REDACTED] out of became known then it was actually going to
15:55:35 44 happen and that's when we started considering all these
15:55:39 45 issues as what may or may not occur.
15:55:44 46
15:55:44 47 I think Mr Woods asked you questions about this, but what's

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15:55:48 1 your summary as to what you recollect personally
15:55:51 2 participating in by way of about, a discussion about an
15:55:55 3 issue with Ms Gobbo attending the arrest of [REDACTED] as
15:55:59 4 his legal advisor? Can you remember anything at
15:56:08 5 all?--Not, not specifically, no. I remember thinking that
15:56:13 6 there would be a reason why I would, but I don't remember
15:56:17 7 sitting in the office or nutting it out. We probably did
15:56:22 8 but I don't have a recollection of it.
15:56:26 9
15:56:26 10 And you don't have a recollection of discussing it being a
15:56:30 11 problem for Ms Gobbo to assume that role with
15:56:36 12 Mr White?---Yeah, I do remember it at the, at the time, on
15:56:45 13 the night, or in the, you know, in discussions before, but
15:56:51 14 I don't remember it being a clear, I don't know, what would
15:56:57 15 you call it, a direction or anything like that, no.
15:57:00 16
15:57:00 17 Indeed, wouldn't it have been a decision for Purana,
15:57:05 18 really? I mean they're the people, the part of Victoria
15:57:08 19 Police arresting [REDACTED], wouldn't it be something - -
15:57:11 20 -?---Yeah.
15:57:12 21
15:57:13 22 - - - for them to make a decision about, not the
15:57:16 23 handlers?---That's right, like I may have spoken to Purana
15:57:20 24 about it.
15:57:21 25
15:57:21 26 But you don't have any - - - ?---I don't, I don't know.
15:57:25 27
15:57:26 28 ICR 27, which is a little further along, p.241. You'll see
15:57:41 29 this is [REDACTED] 2006. This is getting quite close,
15:57:46 30 Mr Green, to the arrest of [REDACTED] on [REDACTED], you can
15:57:49 31 see that?---Yep.
15:57:51 32
15:57:51 33 And at this stage one can see from this ICR that Ms Gobbo
15:58:01 34 has supplied some information about the location of [REDACTED]
15:58:04 35 [REDACTED] being near a [REDACTED], do you
15:58:09 36 recollect that?---Yes, I do, yep.
15:58:11 37
15:58:12 38 And that's recorded on p.243. But going back to p.241,
15:58:19 39 just to clarify a matter that's come up with at least one
15:58:24 40 witness, do you see a couple of lines down from the top it
15:58:30 41 says, "Source worried that the cock tease approach will not
15:58:34 42 last much longer at keeping [REDACTED] close"?---Yes.
15:58:38 43
15:58:38 44 That was referring to the fact, wasn't it, that Ms Gobbo
15:58:43 45 had developed a sort of semi-romantic relationship with
15:58:48 46 [REDACTED] in the months leading up to this date?---Yes,
15:58:54 47 that's my recollection, yep.

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15:58:56 1
15:58:56 2 And she reported about that feature of the relationship on
15:59:02 3 a regular basis to the handlers, didn't she?---Yeah, in
15:59:07 4 general terms, yeah.
15:59:08 5
15:59:08 6 And indeed, I want to suggest to you that the handlers
15:59:15 7 encouraged Ms Gobbo to have that kind of relationship with
15:59:19 8 [REDACTED]---I didn't encourage her to have that
15:59:28 9 relationship with anyone.
15:59:29 10
15:59:30 11 I should be clear I don't mean a sexual relationship. I
15:59:33 12 simply mean that she should get close to him and not
15:59:38 13 totally rebuff romantic advances, to adopt what's sometimes
15:59:45 14 described indeed as a cock tease approach, that's something
15:59:49 15 I suggest the handlers encouraged?---No, I didn't encourage
15:59:52 16 that.
15:59:53 17
15:59:53 18 All right. When did you first become aware that Ms Gobbo
16:00:01 19 did in fact attend at the arrest of [REDACTED]---On the
16:00:06 20 night.
16:00:07 21
16:00:08 22 Were you at St Kilda Road when the arrest occurred?---Yep.
16:00:13 23 Yes, I was, yep.
16:00:14 24
16:00:16 25 It ended up being a disastrous decision, didn't it, from a
16:00:21 26 number of perspectives? One perspective being the risk to
16:00:26 27 the life of Ms Gobbo as a result of undertaking that
16:00:30 28 role?---Of turning up at St Kilda Road, yes. That was
16:00:35 29 probably our primary concern at that point.
16:00:37 30
16:00:37 31 Yes. I mean I won't take you through the ICRs but the
16:00:42 32 problem that you became informed about by Ms Gobbo in the
16:00:46 33 days following the arrest of [REDACTED]---Yep.
16:00:50 34
16:00:51 35 Included that she was supposed to, as a perceived member of
16:00:56 36 the [REDACTED] crew, report to senior members of the [REDACTED]
16:01:01 37 crew if one of the soldiers had been arrested, do you
16:01:06 38 recall that?---Yep. Yep, I recall that.
16:01:08 39
16:01:08 40 And of course she hadn't done that, had she?---That's
16:01:12 41 right, yeah.
16:01:12 42
16:01:12 43 And not only that, she had had a role in giving advice to
16:01:18 44 [REDACTED] about whether or not he should make a decision to
16:01:22 45 assist police, do you recollect that?---I don't know what
16:01:26 46 advice she gave him but certainly that's the outcome, yeah.
16:01:28 47

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GREEN XXN - IN CAMERA

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16:01:30 1 As a result of that effectively Ms Gobbo put her life in
16:01:36 2 the goodwill of [REDACTED] because if [REDACTED] ever decided
16:01:42 3 to alert members of the [REDACTED] clan to the fact that
16:01:47 4 Ms Gobbo had advised him, that could be a death sentence
16:01:52 5 for Ms Gobbo, couldn't it?---Good point, yes, that's right.
16:01:55 6
16:01:55 7 And that was something that you were told about, I suggest,
16:01:59 8 in ICRs that occurred subsequently recording your
16:02:03 9 conversations with Ms Gobbo?---Yes.
16:02:06 10
16:02:07 11 Just finally, do you recall that Ms Gobbo felt somewhat
16:02:15 12 traumatised about providing information about the location
16:02:19 13 of [REDACTED]---Yeah, yep.
16:02:22 14
16:02:22 15 She felt a deep sense of guilt about doing that, didn't
16:02:26 16 she?---Correct, yeah. Very much, yep.
16:02:28 17
16:02:28 18 No further questions.
16:02:31 19
20 <CROSS-EXAMINED BY MR HOLT:
21
16:02:33 22 Mr Green, my name is Saul Holt I'm one of the barristers
16:02:36 23 for Victoria Police. Can you hear me okay?---Yes, loud and
16:02:39 24 clear.
16:02:39 25
16:02:39 26 I just have one topic I want to deal with and that is your
16:02:43 27 secondment to the Drug Task Force that commenced in June of
16:02:46 28 2007, do you know what I'm talking about?---Yes.
16:02:49 29
16:02:50 30 Just to remind us all of the dates, you agree that the bill
16:02:54 31 of lading was handed by Nicola Gobbo to the SDU on 5 June
16:02:58 32 2007?---Yes.
16:02:59 33
16:03:00 34 Then your secondment at the Drug Task Force, or DTF as
16:03:03 35 we've been calling it, starts on about 10 June
16:03:07 36 2007?---Yeah, the start of that week, that's right, yep.
16:03:10 37
16:03:11 38 And when Mr Woods was asking you questions he seemed to be
16:03:14 39 exploring the idea or the question of whether or not that
16:03:18 40 was fortuitous or whether it was in some way planned to put
16:03:24 41 you into a secondment in light of your role with Ms Gobbo
16:03:28 42 as a handler. You understand what I'm saying?---Yes.
16:03:31 43
16:03:31 44 Great. Now, if you've got your second statement, the one
16:03:36 45 that deals with this issue?---Yes.
16:03:38 46
16:03:38 47 And just have a look at paragraph 4. You note there that

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16:03:42 1 in May 2007 you apply for a 3 month secondment opportunity
16:03:47 2 within the Crime Department, do you see that?---Yep, yes.
16:03:49 3
16:03:49 4 Then you say, "I was told an opportunity existed at the DTF
16:03:53 5 due to leave commitments leading to short staffing issues
16:03:57 6 at this rank level", do you see that?---Yes.
16:04:00 7
16:04:00 8 Do I understand that correctly to mean that it wasn't some
16:04:03 9 general opportunity for a secondment, in fact you became
16:04:06 10 aware of a specific opportunity in May at the DTF?---Yep.
16:04:12 11
16:04:12 12 Now, can I get you to have a look, please, if we can bring
16:04:16 13 it up, at the referee report that was referred to before,
16:04:20 14 that's Exhibit 571?---H'mm.
16:04:23 15
16:04:23 16 And it's, if it's needed it's VPL - that's the other
16:04:32 17 document, if the referee report could come up. I'm sorry,
16:04:38 18 Commissioner, we don't need to be in closed hearing for
16:04:41 19 this, I apologise, I hadn't realised we still were.
20
16:04:46 21 ---
16:04:46 22
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PROCEEDINGS IN CAMERA:

16:12:48 1
16:12:48 2
16:12:49 3 MR CHETTLE: You were asked by Mr Collinson questions about
16:12:52 4 whether or not there was a big deal or big issue made in
16:12:56 5 your presence about her attendance at [REDACTED] arrest.
16:13:01 6 Do you remember those questions?---Yes, yep.
16:13:04 7
16:13:05 8 Do you have any recollection of any conversation involving
16:13:09 9 Mr White where he indicated to her he didn't want her to
16:13:15 10 come but she said she was coming anyway?---Yes.
16:13:18 11
16:13:19 12 As far as she was concerned, it didn't matter what you
16:13:25 13 said, she was going to go and that's why you knew she was
16:13:28 14 going to turn up?---That's correct, yep.
16:13:30 15
16:13:31 16 All right. You were asked some questions about p.165 of
16:13:38 17 the ICRs in relation to an entry on [REDACTED] 06 about
16:13:44 18 what you disseminated, if anything, to Purana. Do you
16:13:49 19 remember those questions about - - - ?---Yes.
16:13:52 20
16:13:52 21 Do you have your diary for [REDACTED] 06 at about 16:48?
16:13:57 22 Is there a diary entry that might throw light on what was
16:14:02 23 disseminated? And can I tell you, Mr Green, every time you
16:14:06 24 move papers it's like a thunderstorm in here?---Sorry,
16:14:12 25 okay. I'm sorry.
16:14:12 26
16:14:13 27 That's all right.
16:14:13 28
16:14:14 29 COMMISSIONER: It wakes everybody up, Mr Green, don't worry
16:14:17 30 about it, keeps them on their toes?---I apologise. What
16:14:25 31 was the date again?
16:14:25 32
16:14:29 33 MR CHETTLE: [REDACTED]/06, at about 16:48 is my reference to the
16:14:34 34 ICRs?---What was the time again, sorry?
16:14:41 35
16:14:41 36 About 16:48?---Yep, got it, okay.
16:14:46 37
16:14:46 38 I haven't got it. Tell us, what does it say in relation to
16:14:49 39 what was disseminated, if anything?---Okay. It doesn't say
16:15:00 40 specifically. The line above it says, "Source confident of
16:15:05 41 TM conviction" and then there's, then it says, "Mentioned
16:15:10 42 every meeting now" with a question mark. Then there's a
16:15:15 43 line separating that, a blank line and then it's got, "JOB
16:15:20 44 updated". I'm not convinced - the fact that Tony's
16:15:26 45 confident about beating his trial is hardly a matter I
16:15:33 46 would care about at that stage, as opposed to something
16:15:37 47 further up here. I'm just looking at [REDACTED], he would

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16:15:42 1 have far more - [REDACTED], I know at that stage they were
16:15:57 2 more interested in that than anything to do with Tony.
16:16:00 3
16:16:01 4 All right. I take it - all right, we'll leave that topic
16:16:06 5 where it is. Thank you. In relation to Mr Higgs and his
16:16:12 6 involvement, at the time of the tomato import, or sorry, at
16:16:22 7 the time the bill of lading was handed over you've said
16:16:27 8 there was a trial going on at the time?---H'mm.
16:16:31 9
16:16:31 10 Were you aware that Mr Higgs, the ICRs show Mr Higgs
16:16:36 11 planning on disrupting or having - - - ?---Yeah.
16:16:40 12
16:16:41 13 - - - having the jury thrown out in that trial?---Yep,
16:16:44 14 that's correct.
16:16:44 15
16:16:45 16 Do the ICRs indicate that at the time he was talking about
16:16:50 17 that he was then placed under surveillance?---That's
16:16:55 18 correct.
16:16:55 19
16:16:55 20 And that's in [REDACTED] of 07, is it not?---That's right, yep.
16:17:01 21
16:17:04 22 Apart from Ms Gobbo, as far as - I'm not going to get
16:17:09 23 specific here, and I'm being deliberately vague, but were
16:17:13 24 there various sources of Mr Higgs, other than Ms Gobbo at
16:17:19 25 that time?---Yeah, there was - - -
16:17:27 26
16:17:27 27 I don't want you to tell - - - ?---There was. I understand
16:17:30 28 and I'm being careful too. Yes, there was.
16:17:33 29
16:17:33 30 You know what I'm talking about?---Yes, I do.
16:17:37 31
16:17:37 32 And there were other people, other things that were helping
16:17:40 33 you?---Yes.
16:17:41 34
16:17:42 35 You were asked about - you said there were a number of
16:17:46 36 discussions about imports involving Mr Higgs and Mr Karam
16:17:51 37 from earlier in the year, you remember - and it was put - -
16:17:57 38 - ?---I'm not sure Higgs was involved but certainly
16:17:59 39 Mr Karam's always involved.
16:18:01 40
16:18:02 41 We'll come to, perhaps I'll take you to some ICRs if I can
16:18:08 42 very, very quickly?---Yep.
16:18:10 43
16:18:11 44 [REDACTED] of that year, p.647. This is an ICR by
16:18:19 45 Mr Anderson, not yourself?---Okay, yep.
16:18:22 46
16:18:23 47 If you have a look at p.647 at 21:49 under the heading

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16:18:32 1 "Robbie Karam"?---Yeah.
16:18:33 2
16:18:34 3 Fourth dot point, did Ms Gobbo inform you that they were in
16:18:37 4 the process of arranging another container
16:18:41 5 importation?---That's correct.
16:18:41 6
16:18:41 7 And then I'll take you through to the next volume. If you
16:18:45 8 flip to volume 2, p.769. This is [REDACTED], as I said, 07.
16:19:13 9 You'll see, I've got it in front of you now on the
16:19:16 10 screen?---H'mm, you do.
16:19:17 11
16:19:18 12 You see the last dot point under Robbie Karam, "3838
16:19:23 13 believes this meeting will have something to do with an
16:19:26 14 importation of a container" which details she didn't know
16:19:27 15 about at that stage?---That's correct.
16:19:29 16
16:19:30 17 We go forward now to [REDACTED] which is p.781. Under the
16:19:42 18 heading - that doesn't look like the right page. 781.
16:19:48 19 Under the heading "Mannella Giuseppe" you'll see he was
16:19:52 20 going to Sydney with Higgs and Sensori?---Yep.
16:19:56 21
16:19:57 22 There's reference to Mr Higgs being up to no good?---Yep.
16:20:00 23
16:20:03 24 I mean - - - ?---Yeah.
16:20:06 25
16:20:06 26 Then you go forward to p.808, which is [REDACTED]---H'mm.
16:20:14 27
16:20:15 28 Did it indicate under "Robbie Karam" there that he's having
16:20:20 29 dinner with Mannella and then he's going to Sydney in
16:20:23 30 relation to another importation?---That's correct.
16:20:26 31
16:20:27 32 On [REDACTED] - if I can take you to an entry on p.816, it's
16:20:39 33 a slightly different point but related while I'm going
16:20:42 34 through it. Under the heading of "Robbie Karam" he's gone
16:20:46 35 to Sydney with Mannella that night?---Yep.
16:20:48 36
16:20:48 37 Someone called David left some documents with Tony
16:20:53 38 Sergi?---Yep.
16:20:53 39
16:20:53 40 She wasn't aware of the status of that importation?---Yep.
16:20:57 41
16:20:58 42 But Karam has a number of importations going at the time
16:21:01 43 apparently?---Yep, I've got an idea who the David is too
16:21:04 44 for what it's worth, but yeah.
16:21:08 45
16:21:08 46 Don't - - - ?---A relation.
16:21:10 47

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16:21:10 1 All right. On that point, you'll see again,
16:21:15 2 Mr Anderson has told her that she's not to be a messenger
16:21:19 3 in this criminal activity?---Yep.
16:21:21 4
16:21:22 5 Including with Horthy and Milad?---Yep.
16:21:24 6
16:21:24 7 Then we go forward on a similar vein to p.856 on [REDACTED] 07.
16:21:33 8 A big entry there for Robbie Karam with various telephone
16:21:37 9 numbers?---Yep.
16:21:37 10
16:21:38 11 The third-last dot point, "Advised if 3838 continued to be
16:21:43 12 involved with the importation with Karam and Mannella
16:21:46 13 contrary to the instructions of SDU it could result in a
16:21:51 14 relationship ending event"?---Correct.
16:21:53 15
16:21:53 16 And that was repeated and she said that she wouldn't get
16:21:57 17 involved in any relationship ending events?---H'mm.
16:22:02 18
16:22:02 19 But go down the page, having said that, to the entry for
16:22:08 20 Mannella?---H'mm.
16:22:09 21 "
16:22:09 22 Karam, Mannella, Sergi and Dagher are downstairs talking
16:22:16 23 about crazy stuff and have gone to lunch. They have been
16:22:19 24 discussing the importation. 3838 not in possession of
16:22:22 25 details"?---Yep.
16:22:25 26
16:22:28 27 Throughout all this, I'm not going to go through it,
16:22:30 28 there's other things happening with her where they are
16:22:33 29 trying to disrupt a trial and Matthew Johnson gets involved
16:22:39 30 with Anton Clait, that's all happening at the same time, is
16:22:42 31 it not?---That's correct, yep.
16:22:43 32
16:22:43 33 Then at p.868, for the point on [REDACTED], you'll see in
16:22:50 34 italics, "Received a message from 3838" on 12:31?---Sorry.
16:22:57 35
16:22:58 36 868 is the page number?---Yeah, I've got it, yep.
16:23:01 37
16:23:01 38 There's a message being received from her that Higgs has
16:23:06 39 attended at the trial, not to approach jurors?---Yes.
16:23:09 40
16:23:10 41 Higgs was unable to identify any juror who was unable to
16:23:13 42 follow jurors. This looks like Pell, but "this plan
16:23:18 43 failed", do you follow that?---Yes, I'm aware of that.
16:23:20 44
16:23:21 45 "Claims Higgs stated he's a good friend of the judge's
16:23:25 46 husband and is remaining at the court to intimidate the
16:23:29 47 judge" and then the point I made about him being subject to

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16:23:33 1 surveillance as a result of his activities?---Yeah, that's
16:23:35 2 right, I remember that.
16:23:36 3
16:23:36 4 And finally I think - no, we get to May, June after that
16:23:44 5 and we're covered. All right, thank you. Now, you'll
16:23:52 6 recall you were asked about a reward application, an email
16:23:56 7 that related to you preparing some documents for a reward
16:24:00 8 application and you were shown what you believed to be
16:24:05 9 something you prepared?---Yeah.
16:24:06 10
16:24:06 11 I think it was Exhibit 574, I don't need you to take you to
16:24:11 12 that. Can I ask for the Wye River agenda to be brought up
16:24:16 13 which is Exhibit 352, it's VPL.6025.0009.5092. I'm sorry I
16:24:28 14 haven't done this earlier but I only got notice of it in
16:24:32 15 cross-examination, Commissioner.
16:24:32 16
16:24:32 17 COMMISSIONER: Have you got the numbers? Would you like
16:24:35 18 them again? Once more.
16:24:35 19
16:24:38 20 MR CHETTLE: 6025.0009.5092. Thank you?---Yep.
16:24:59 21
16:25:00 22 You attended the Wye River management conference?---H'mm.
16:25:05 23
16:25:05 24 You'll see that agenda was prepared by Mr Fox I think and
16:25:09 25 it's 16 July 2009?---Yep.
16:25:11 26
16:25:11 27 Which is a few days before your Exhibit 574, the document
16:25:17 28 you prepared?---Yep.
16:25:19 29
16:25:19 30 On that email that Mr White sent you. If you go forward to
16:25:23 31 the second page, to the agenda?---H'mm.
16:25:27 32
16:25:29 33 You're shown as being present obviously?---Yep, yep.
16:25:33 34
16:25:34 35 Keep going. Okay. The proposed point, 8, the proposed
16:25:39 36 timetable for the first day of this meeting, reward
16:25:43 37 application for Ms Gobbo?---Yep.
16:25:46 38
16:25:47 39 Looking at that document you were shown by Mr Woods, and
16:25:52 40 Exhibit 574, is that a document that would have been
16:25:56 41 generated as a result of what occurred at that conference a
16:26:00 42 few days earlier?---Yeah, just to consolidate from all the
16:26:03 43 different handlers what's - what would be considered in
16:26:06 44 such an application, yeah.
16:26:08 45
16:26:08 46 Although you got to that stage the reward application
16:26:13 47 didn't proceed, is that your understanding?---Yeah, that's

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16:26:17 1 correct.
16:26:17 2
16:26:17 3 Do you know why it didn't proceed?---No.
16:26:20 4
16:26:21 5 I want to ask you about some matters that were raised
16:26:26 6 yesterday. You talked about the threats that she received
16:26:31 7 and Mr Woods asked you some questions about those and about
16:26:34 8 her being called a dog, do you recall those
16:26:38 9 questions?---Yes, yes.
16:26:38 10
16:26:39 11 Firstly, do you know whether or not she'd been receiving
16:26:43 12 threats before she became registered with the SDU?---I'm
16:26:52 13 not sure. I don't recall.
16:26:54 14
16:26:54 15 The ICRs, I'll leave that for them?---Yep.
16:26:59 16
16:26:59 17 If people knew she was an informer, as distinct from a dog
16:27:04 18 in the sense that you described it, what would have been
16:27:08 19 the consequences for her?---I would have been at the
16:27:13 20 Coroner's Court.
16:27:14 21
16:27:14 22 Do you believe that the references to dog have anything to
16:27:17 23 do with her being a registered source?---No.
16:27:20 24
16:27:21 25 You were asked about Mr Bayeh and you said he was suspected
16:27:25 26 to be the man behind the threats to her?---Yeah, that's
16:27:29 27 right.
16:27:29 28
16:27:30 29 What happened to the threats when Mr Bayeh went to
16:27:33 30 gaol?---They stopped.
16:27:35 31
16:27:35 32 All right. Yes, you were asked some questions about
16:27:39 33 conflict of interest and you were told that at one stage
16:27:44 34 Mr White considered having her arrested, things of that
16:27:48 35 sort, do you recall those questions?---Yep.
16:27:50 36
16:27:51 37 As far as conflict of interest was concerned, did you have
16:27:54 38 a view about what you could do about a lawyer's conflict
16:27:58 39 and whose responsibility it was?---We couldn't stop her
16:28:06 40 from doing what she wants to do, but the client wanted her
16:28:11 41 and I guess ultimately, I don't know exactly who she is
16:28:15 42 acting for and where exactly who in the zoo we had. It's
16:28:22 43 up to her to make those sorts of decisions and those calls.
16:28:26 44
16:28:27 45 Again, you were asked questions early this morning about
16:28:37 46 what information, I think it's to do with the topic that
16:28:40 47 was disseminated, whether - sorry. What was disseminated

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16:28:47 1 to Purana about your conversations and you said that it
16:28:50 2 wasn't a matter relevant before a court. What I'm trying
16:28:53 3 to remind you of is there was an exchange between you and
16:28:57 4 the Commissioner where the Commissioner reminded you this
16:29:00 5 isn't a court it's a Royal Commission and asked you to
16:29:02 6 answer the question. Do you remember that exchange?---Yes,
16:29:05 7 I do.

16:29:05 8
16:29:05 9 When you were referring to "not relevant to the matters
16:29:09 10 before the court", were you referring to this hearing or
16:29:12 11 were you referring to the matters for which her clients
16:29:16 12 were on trial at the time?---The matter for which her
16:29:19 13 clients were on trial.

16:29:20 14
16:29:20 15 Okay?---Yep.

16:29:22 16
16:29:22 17 Thank you. There were questions asked of you in relation
16:29:40 18 to Mr Steve Smith's statement about how he became aware
16:29:47 19 that Ms Gobbo was a source. Do you remember those
16:29:49 20 questions?---Yes, I do.

16:29:51 21
16:29:51 22 And it was put to you that you might have told him and you
16:29:55 23 denied that?---Absolutely.

16:29:57 24
16:29:57 25 Can I take you on this very issue to how he knew. Can I
16:30:02 26 take you firstly to Exhibit 450, which is a diary entry
16:30:08 27 made by Mr White on [REDACTED] 2008.

16:30:23 28
16:30:23 29 COMMISSIONER: It's 4.30 now, I think we'll adjourn.

16:30:26 30
16:30:26 31 MR CHETTLE: All right, thank you. I have very little
16:30:29 32 left.

16:30:31 33
16:30:32 34 COMMISSIONER: How long will you be in re-examination?

16:30:36 35
16:30:36 36 MR WOODS: If a very quick proposition is accepted then
16:30:40 37 only about a minute, but if not I might have to spend about
16:30:44 38 five minutes.

16:30:48 39
16:30:49 40 COMMISSIONER: We'll sit on.

16:30:50 41
16:30:50 42 MR CHETTLE: If that exhibit, Exhibit 450 - look, it's been
16:30:57 43 tendered, to save time I'll read you the relevant part of
16:31:00 44 the diary entry made by Mr White for [REDACTED] 08. He had a
16:31:08 45 briefing - he met with the Petra Task Force. Perhaps I
16:31:13 46 should ask you this: the Steve Smith, Detective Steve
16:31:18 47 Smith who was at the Drug Task Force, was he the same Steve

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16:31:22 1 Smith who ended up at Petra?---Yes, that's right.
16:31:26 2
16:31:26 3 On that date Mr White met with the Petra Task Force,
16:31:30 4 someone by the name of [REDACTED] and Mr O'Connell and
16:31:35 5 Mr Black. The note reads, "[REDACTED] aware of HS identity as
16:31:40 6 a result of a corruption information report to ESD re
16:31:44 7 someone called [REDACTED], and then later on, "DDI Smith
16:31:51 8 does not know the identity of human source". That's as at
16:31:55 9 22 July, all right?---H'mm.
16:31:58 10
16:31:59 11 I ask you to accept the first of these steps is that as at
16:32:03 12 22 July you were being told that he didn't know. Then I
16:32:10 13 want to take you to the source management log which is
16:32:12 14 Exhibit 284 on 3 October of that year. That's p.57 -
16:32:29 15 sorry, no, forget the page number, it won't accord with
16:32:33 16 yours. The date is 3 October 08. It's the second entry
16:32:39 17 for that date. No, the other one, 2958. I'm sorry
16:33:01 18 Mr Skim. There it is, thank you. Raise that up a bit if
16:33:36 19 you could, please. You'll see according to the source
16:33:40 20 management log Mr White's received a call from Detective
16:33:43 21 Inspector Smith, the man we're talking about, who was at
16:33:46 22 the Drug Task Force with you?---Yep, that's correct.
16:33:49 23
16:33:49 24 And then there's some issue that I don't need to take you
16:33:53 25 to but if we go down to the last point?---H'mm.
16:34:00 26
16:34:00 27 There was a query how Steve Smith knew of the identity of,
16:34:07 28 knows of the identity of Gobbo?---Yep.
16:34:10 29
16:34:10 30 And does the log indicate that he was told by Mr O'Connell
16:34:14 31 and Mr Overland?---Yep.
16:34:18 32
16:34:19 33 That's all?---Absolutely.
16:34:21 34
16:34:21 35 All right, thank you. You told Mr Woods that you didn't
16:34:37 36 mention the specific container number when you told Customs
16:34:43 37 about the information that led them to the tomato cans, do
16:34:47 38 you remember that?---That's correct, yep.
16:34:48 39
16:34:48 40 Was there any concern about if they had the specific
16:34:53 41 container number it would expose her as a source?---If too
16:34:59 42 much detail was given then the source of that information
16:35:03 43 can only come from one place, like the bill of lading, and
16:35:08 44 that would indicate that obviously a person has read the
16:35:13 45 bill of lading, so therefore it would then follow that,
16:35:16 46 yes, there is a source involved if too much detail is given
16:35:21 47 over.

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16:35:22 1
16:35:22 2 You've indicated after this initial meeting where the
16:35:25 3 general material about tomato cans was given there was a
16:35:29 4 subsequent - - - ?---Yep.
16:35:29 5
16:35:30 6 - - - there was a subsequent meeting?---Yes.
16:35:32 7
16:35:32 8 At that subsequent meeting were you shown a list of vessels
16:35:36 9 or containers they were going to check?---That's correct,
16:35:38 10 yep.
16:35:39 11
16:35:39 12 And you knew they had the right one?---That's correct. I
16:35:45 13 believe they conducted further investigations into the
16:35:50 14 smaller list and they were able to identify other
16:35:55 15 inconsistencies and that gave them a very definite period
16:35:59 16 in the end, out of their own resources, of what to look at,
16:36:03 17 yep.
16:36:04 18
16:36:04 19 And finally, you indicated that prior to the tomato cans
16:36:10 20 being located and the drugs in them discovered, AFP had
16:36:13 21 told you they weren't interested in becoming
16:36:16 22 involved?---That's correct.
16:36:16 23
16:36:17 24 And the details of that are set out in your statement at
16:36:20 25 paragraph 16 for 20 June 2007?---Yep. That's correct.
16:36:26 26
16:36:26 27 Thank you, Commissioner.
16:36:29 28
16:36:29 29 COMMISSIONER: Yes Mr woods.
16:36:30 30
31 <RE-EXAMINED BY MR WOODS:
32
16:36:32 33 I'll be quite brief, Commissioner. Mr Green, just one
16:36:34 34 final issue. Shortly after your arrival at the Drug Task
16:36:41 35 Force do you recall there being conversations where other
16:36:44 36 members of the Drug Task Force were discussing intercepting
16:36:48 37 Ms Gobbo's phones?---I believe that was discussed, yep
16:36:51 38
16:36:51 39 And that the reason for them wanting to do so was to assist
16:36:56 40 them in the tomato tins importation investigation?---They
16:37:01 41 thought it would, yes.
16:37:02 42
16:37:02 43 And you reported that proposal to Mr White, is that
16:37:10 44 correct?---Yeah, I would have passed that back, yes.
16:37:13 45
16:37:13 46 And in Mr Biggin's statement he says he had a conversation
16:37:17 47 with Mr White about that issue and you wouldn't take

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16:37:21 1 exception to that?---No, I wouldn't.
16:37:23 2
16:37:23 3 Thank you. Commissioner, just before the witness goes, he
16:37:31 4 is in a position to assist the Commission in relation to
16:37:35 5 another source that meets the Terms of Reference of the
16:37:40 6 Commission. He hasn't been asked to provide a statement in
16:37:43 7 that regard yet but we'll certainly be asking for that in
16:37:50 8 the first course - sorry.
16:37:52 9
16:37:52 10 MR CHETTLE: He does deal with it in his first statement.
16:37:55 11
16:37:55 12 MR WOODS: Well there's some particular documents I need to
16:37:58 13 be, speak broadly about it for now, there's some particular
16:38:02 14 documents that we'd like the witness's evidence in relation
16:38:04 15 to. In the first instance we might ask for a directed
16:38:08 16 statement about that and then to be followed up, perhaps,
16:38:12 17 if required in a short hearing, not about Ms Gobbo but
16:38:16 18 about another source.
16:38:17 19
16:38:17 20 COMMISSIONER: Yes, I'm afraid that means that you might be
16:38:21 21 needed back again before the Commission about another
16:38:23 22 related matter, we'll see what unfolds. For the time being
16:38:28 23 you're free to go, thank you?---Thank you Commissioner.
16:38:31 24
16:38:31 25 Thanks Mr Green.
16:38:33 26
27 (Witness excused.)
28
16:38:34 29 <(THE WITNESS WITHDREW)
16:38:34 30
16:38:34 31 COMMISSIONER: We'll adjourn now until 9.30 tomorrow
16:38:37 32 morning.
16:38:57 33
16:38:59 34 ADJOURNED UNTIL WEDNESDAY 9 OCTOBER 2019
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