

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

IN CAMERA PROCEEDINGS:

06:37:49 1  
06:37:49 2  
06:37:50 3 WITNESS: Could I just ask what time we are finishing?

06:37:53 4  
06:37:53 5 COMMISSIONER: We're finishing shortly after 3.30, so  
06:37:56 6 you're nearly there.

06:37:58 7  
8 MR WOODS: Quite soon.

9  
10 COMMISSIONER: Quite soon, yes.

11  
06:37:58 12 MR WOODS: I should point out Mr Orman's practitioners have  
06:38:02 13 leave to participate in the hearing.

06:38:04 14  
06:38:04 15 COMMISSIONER: Yes, they were mentioned in the order as  
06:38:06 16 being allowed to stay.

06:38:08 17  
06:38:08 18 MR WOODS: Thank you. At paragraph 22 of your statement  
06:38:20 19 you talk about the murder - I should say the reason we're  
06:38:26 20 in closed session is I'm going to be asking questions about  
06:38:31 21 [REDACTED] you know who those [REDACTED]  
06:38:36 22 people are?---Yes.

06:38:36 23  
06:38:37 24 And some associated issues and they're subject to various  
06:38:41 25 suppression orders, so the Commission as a matter of course  
06:38:44 26 goes into private hearing for these matters. That's what  
06:38:47 27 all the cloak and dagger is about?---Okay.

06:38:50 28  
06:38:51 29 You talk about the murder of [REDACTED] at paragraph  
06:38:57 30 22 of your statement. Do you recall that murder  
06:39:02 31 occurring?---Yeah.

06:39:04 32  
06:39:05 33 Were you present that day in the Purana offices?---The  
06:39:12 34 sequence is that I came in at 6 o'clock pm because we were  
06:39:15 35 working on another suspect.

06:39:17 36  
06:39:18 37 You'd started only about a month and a half before in  
06:39:21 38 September 03, that's right?---Yes, yes.

06:39:24 39  
06:39:24 40 Keep going?---This might take a while.

06:39:27 41  
06:39:27 42 That's all right?---Okay, I came in and I went to the  
06:39:34 43 listening device rooms, we would have [REDACTED]

06:39:37 44  
06:39:38 45 [REDACTED]  
06:39:39 46 Yes?---And it was clear that [REDACTED] and [REDACTED] were in a car and they  
06:39:46 47 were talking about waiting to see someone and it was

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06:39:52 1 obvious they had guns and they had a police scanner.  
06:40:00 2  
06:40:00 3 So they could be heard using the scanner?---Yeah. So we  
06:40:06 4 knew something was up because they'd never done that  
06:40:11 5 before. The lead up to that is important in that they'd  
06:40:17 6 tried to source a clean car, what we call a clean car.  
06:40:21 7  
06:40:21 8 Yes?---And that car was given to [REDACTED] and he went to put some  
06:40:28 9 fuel in it and noticed that [REDACTED] and  
06:40:33 10 wasn't working. Checked that and found the [REDACTED] device  
06:40:37 11 in that car.  
06:40:38 12  
06:40:38 13 Yes?---And we subsequently retrieved it, all that sort of  
06:40:43 14 stuff and so when I came in on the 25th of October I was  
06:40:50 15 surprised that they were talking about essentially killing  
06:40:54 16 someone when they were in [REDACTED]'s car. You know, it seemed  
06:41:00 17 extraordinary.  
06:41:01 18  
06:41:01 19 Where they'd found a tracker?---No, this was - they got rid  
06:41:07 20 of the clean car, if I can put it that way, and now they  
06:41:11 21 were using [REDACTED]'s car which had a [REDACTED] listening  
06:41:16 22 device in it. So I asked where they were and they - [REDACTED]  
06:41:22 23 [REDACTED]  
06:41:26 24  
06:41:26 25 I should say the Commissioner is aware of the general  
06:41:29 26 events of that day through other witnesses?---Oh okay.  
06:41:32 27  
06:41:32 28 No, that's okay, it's still useful information. In any  
06:41:36 29 event what we understand to have been the case, and you can  
06:41:39 30 tell me if I'm wrong, is that [REDACTED] but the  
06:41:43 31 LD continued?---Correct.  
06:41:45 32  
06:41:45 33 Whilst a general location or area was known, the precise  
06:41:49 34 location wasn't known and the murder was heard but not  
06:41:53 35 observed and with great frustration it wasn't able to be  
06:41:57 36 stopped?---Correct.  
06:41:58 37  
06:41:59 38 Prior to it?---Correct, yes.  
06:42:00 39  
06:42:01 40 Quite shortly after [REDACTED] and [REDACTED] were both apprehended?---Yes.  
06:42:08 41  
06:42:08 42 And they were brought into custody the same day?---Yes.  
06:42:13 43  
06:42:17 44 You observed the interviews of both individuals, is that  
06:42:23 45 right?---I don't recall [REDACTED] being interviewed, he just  
06:42:28 46 carried on a treat so he was taken directly to another  
06:42:37 47 squad because he was screaming and carrying on.

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RYAN XXN - IN CAMERA

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06:42:39 1  
06:42:40 2 Did you see any interaction between him and Nicola Gobbo  
06:42:42 3 that day?---No.  
06:42:43 4  
06:42:45 5 Now tell me about ■■■?---■■■ was in a room with, I can't  
06:42:49 6 remember who he was with, he was with two detectives and  
06:42:53 7 speaking to them.  
06:42:54 8  
06:42:55 9 He was more, well he was calmer than ■■■ had been, that's  
06:43:02 10 fair to say?---Oh yeah, much calmer.  
06:43:04 11  
06:43:05 12 And he was looking like he might be prepared to talk but  
06:43:09 13 was a bit reluctant, is that a fair description?---Oh yeah.  
06:43:13 14  
06:43:14 15 And he traced the famous initials on the table but didn't  
06:43:20 16 say who it was, is that right?---Correct, yeah.  
06:43:23 17  
06:43:23 18 Did you watch all that occur?---Yeah.  
06:43:25 19  
06:43:25 20 Was this on a remote screen or through a window?---It was  
06:43:31 21 in the Homicide Squad interview rooms, which I was very  
06:43:35 22 familiar with, there's a window where you can watch  
06:43:37 23 through. It's where the video, there's an actual cameraman  
06:43:42 24 who works the camera in case they move around, and then you  
06:43:46 25 can watch next to him. You can also watch it in the  
06:43:49 26 kitchen from memory, the Homicide kitchen.  
06:43:54 27  
06:43:56 28 That indication and the drawing of Mr Williams' initials on  
06:44:04 29 the table, I assume was a pretty significant or potentially  
06:44:09 30 going to be a pretty significant break-through in relation  
06:44:13 31 to the underworld killings?---Yeah, that was part of it.  
06:44:17 32 There was also the phone call that ■■■ made to Williams on  
06:44:21 33 the way to ■■■s house where they were cleaning where he  
06:44:25 34 tells, makes a call and says, "That horse you told me  
06:44:29 35 about, it was scratched", which was code for "I've done the  
06:44:33 36 job".  
06:44:33 37  
06:44:33 38 You basically had ■■■ and ■■■ cold on this - - - ?---Yes, yes,  
06:44:41 39 I don't know of any other case in Australia where we had a  
06:44:45 40 listening device in a car when they do a hit.  
06:44:47 41  
06:44:47 42 All of those factors together, given the significant  
06:44:50 43 murders that had happened leading up to it, were together a  
06:44:54 44 very significant break-through in stopping, hopefully, the  
06:44:59 45 underworld killings?---Yeah, we knew - am I allowed to say  
06:45:03 46 his name, the one he - - -  
06:45:04 47

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06:45:04 1        ■ or ■?---No, the letters he drew.  
06:45:09 2  
06:45:09 3        Yes, Carl Williams, you're allowed to say those?--We  
06:45:12 4        strongly suspected that he was involved as the procurer.  
06:45:15 5  
06:45:15 6        Yes?--But you know suspecting and evidence are two  
06:45:19 7        different things.  
06:45:20 8  
06:45:20 9        But there's some reluctance from ■ at that stage and he's  
06:45:24 10       only drawing the initials on the table?---It's his family,  
06:45:32 11       that's what it comes down to.  
06:45:34 12  
06:45:34 13       Can you explain that?--He's worried about his family.  
06:45:37 14       Williams is out. His family, he knows where his family  
06:45:41 15       lives, all that sort of stuff. The threats, the normal  
06:45:45 16       stuff that goes on in the underworld.  
06:45:46 17  
06:45:47 18       Mr Bateson, was he in attendance on that day?--Yes, yep.  
06:45:51 19  
06:45:55 20       You say at paragraph 24 that you believe Bateson would have  
06:45:59 21       told you that Gobbo was acting for that particular  
06:46:03 22       individual ■?---Yes, that's in early 2004.  
06:46:05 23  
06:46:09 24       And were you concerned at that early stage about whether  
06:46:14 25       Ms Gobbo might have any conflicts in relation to firstly  
06:46:20 26       ■?---No.  
06:46:21 27  
06:46:23 28       Did you know that she'd been talking with ■  
06:46:27 29       following the murder?--No. I don't recall that.  
06:46:33 30  
06:46:33 31       All right. If you knew that she'd been talking to ■ who  
06:46:37 32       at that stage wasn't assisting, as I understand it, but was  
06:46:41 33       - sorry, if you knew she had had a discussion with ■, who  
06:46:46 34       wasn't assisting, and was now having a discussion with ■,  
06:46:50 35       who was assisting, would that have caused you a concern  
06:46:54 36       about conflict?--He's assisting in that he's going CW,  
06:46:59 37       that's it. Does it concern me that she's talking to both?  
06:47:04 38       It's up to them.  
06:47:06 39  
06:47:06 40       What about as things moved on though?--Isn't it up to them  
06:47:12 41       who they have as their choice barrister or solicitor? Not  
06:47:16 42       me.  
06:47:16 43  
06:47:17 44       Provided those individuals know that there is a conflict,  
06:47:19 45       what if they are not told, the police would have some  
06:47:23 46       obligation to make sure there wasn't a conflict?--I don't  
06:47:25 47       know of any obligation on us to - how can we tell a crook

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06:47:29 1 who to have as his lawyer? I've never done that.

06:47:34 2

06:47:34 3 We might be at cross-purposes. I'm talking about the

06:47:37 4 situation where the crook doesn't know that their lawyer

06:47:39 5 has a conflict of interest but the police do know?---Yeah.

06:47:45 6

06:47:45 7 And the lawyer's not telling them?---I don't know if she is

06:47:49 8 or isn't, so how am I - - -

06:47:51 9

06:47:51 10 Let's just deal with the hypothetical very briefly before

06:47:55 11 we adjourn. You say that in that situation the police have

06:47:59 12 no obligation to make sure that the wheels of justice are

06:48:03 13 running properly? They can just sit there and watch the

06:48:07 14 conflict occur?---That's the lawyers know the conflict, not

06:48:11 15 us, so they have to, they have to make the judgment not - -

06:48:15 16 -

06:48:15 17

06:48:15 18 If the lawyer is not doing it and you know they have a

06:48:18 19 conflict, you know they're conflicted, you know the client

06:48:21 20 doesn't know, you don't just stand back, do you?---You

06:48:24 21 could potentially tell the lawyer who would most likely

06:48:28 22 tell you where to go in very explicit terms. That's what

06:48:33 23 happens, you know, when you're dealing with people like

06:48:36 24 this.

06:48:36 25

06:48:38 26 Are you aware of situations where the police have taken

06:48:42 27 active steps to make sure that lawyers aren't acting for

06:48:47 28 particular clients because of conflicts? Are you aware of

06:48:50 29 that occurring?---No, I can't recall anything like that.

06:48:52 30

06:48:53 31 You're aware that in 2003 the police went to the DPP to

06:48:57 32 stop Gobbo acting for Mr Hodson?---No. Was that Purana?

06:49:04 33

06:49:05 34 No, I'm just asking, I'm talking about Victoria

06:49:08 35 Police?---Okay. No, I'm not aware of that.

06:49:11 36

06:49:11 37 So you've never taken any role in identifying or doing

06:49:15 38 anything about a particular conflict of interest a lawyer

06:49:19 39 might have, is that right?---Yeah.

06:49:21 40

06:49:21 41 That's because it's not the police's remit as far as you're

06:49:25 42 concerned?---The way I look upon it, lawyers know if

06:49:27 43 they've got a conflict or not and they self-police as I

06:49:31 44 understand it. So I would be told where to go in most

06:49:37 45 explicit terms by some of these people if I suggested - - -

06:49:41 46

06:49:41 47 Moving out of the hypothetical and looking at Ms Gobbo in

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06:49:45 1 particular though where she was giving information in  
06:49:47 2 relation to clients of hers?---Yes.  
06:49:49 3  
06:49:49 4 That's a slightly different situation?---Yes, that is.  
06:49:51 5  
06:49:51 6 In that situation where you know she's not telling the  
06:49:54 7 clients, would you feel an obligation to do something about  
06:49:57 8 it then?---Possibly, yeah.  
06:49:59 9  
06:50:01 10 They're not getting a fair deal, are they, if their own  
06:50:04 11 lawyer is giving information?---It depends. If you're  
06:50:09 12 talking - are you talking [REDACTED] and [REDACTED] here or it's a  
06:50:14 13 hypothetical?  
06:50:14 14  
06:50:14 15 I'm now talking, we were talking completely hypothetical  
06:50:19 16 about a lawyer, now we're talking about Nicola Gobbo but  
06:50:21 17 still in general about her not being - you were saying a  
06:50:25 18 lawyer can't be told by the police who they can and can't  
06:50:29 19 act for but I'm now talking about a lawyer who is an active  
06:50:34 20 human source who is providing information about her own  
06:50:37 21 clients?---Yeah.  
06:50:37 22  
06:50:38 23 Not your regular lawyer?---Yep.  
06:50:39 24  
06:50:39 25 It's a lawyer who is actively providing information about  
06:50:42 26 her own clients, who clearly has a conflict of interest and  
06:50:46 27 clearly isn't telling her clients about that conflict of  
06:50:49 28 interest?---Yeah.  
06:50:49 29  
06:50:50 30 Would you have an obligation in those circumstances to do  
06:50:53 31 something about it?---I think the SDU would.  
06:50:54 32  
06:50:55 33 It would be the SDU's role?---Yeah.  
06:50:57 34  
06:50:59 35 Even though Purana is the receiver of the information?---I  
06:51:01 36 don't get a list of every client that every barrister  
06:51:05 37 represents, you know, you don't, you don't know. It is a  
06:51:09 38 big assumption - if I could just finish.  
06:51:11 39  
06:51:11 40 Go ahead?---It is a big assumption to suggest that I know  
06:51:14 41 who is representing who about every case that we dealt  
06:51:17 42 with.  
06:51:17 43  
06:51:18 44 Let's just take Tony Mokbel. It was well-known prior to  
06:51:22 45 Ms Gobbo's registration that she had and continued to act  
06:51:26 46 for Tony Mokbel, that was known to you?---Um, continued up  
06:51:33 47 till when?

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06:51:34 1  
06:51:35 2 When she was registered Ms Gobbo was acting for Tony  
06:51:39 3 Mokbel. His trials were happening in early 2006?---I'm  
06:51:43 4 trying to get my sequence.  
06:51:44 5  
06:51:45 6 Yes. Sure?---When did he flee? I think it was 06.  
06:51:48 7  
06:51:49 8 March 2006?---Yes. So she would have been, yes.  
06:51:53 9  
06:51:53 10 But what I'm saying is that her representation of Tony  
06:51:56 11 Mokbel was a matter that was known to you in September 2005  
06:52:03 12 because he was actively being prosecuted by Purana at the  
06:52:07 13 time?---I don't know - I know he was, I know we were - if I  
06:52:14 14 could just say I know we were investigating him, but I  
06:52:17 15 don't know if the courts, I don't know had we charged him  
06:52:22 16 with anything at that point.  
06:52:24 17  
06:52:24 18 COMMISSIONER: We might have to continue this conversation.  
06:52:26 19  
06:52:26 20 MR WOODS: We might have to.  
06:52:27 21  
06:52:28 22 WITNESS: I'm getting confused.  
06:52:29 23  
06:52:30 24 COMMISSIONER: We'll adjourn now but I understand you would  
06:52:32 25 like to go to a funeral on Tuesday morning?---That's  
06:52:35 26 correct, yes.  
06:52:36 27  
06:52:36 28 So we have another witness who isn't going to the funeral,  
06:52:43 29 a police officer using the pseudonym Paige, is that right,  
06:52:52 30 who we will start with Tuesday morning at 9.30?  
31  
32 MR WOODS: Yes.  
33  
06:52:55 34 COMMISSIONER: We'll start with him at 9.30. We expect to  
06:52:56 35 finish with him perhaps by lunchtime?  
36  
37 MR WOODS: Yes, we do.  
38  
06:52:58 39 COMMISSIONER: So you would like to continue with this  
06:53:01 40 witness in the afternoon. Is that okay for you to come  
06:53:03 41 back in the afternoon?---Yeah, yeah.  
06:53:05 42  
06:53:05 43 Not before 2 o'clock?---Yeah, that's okay. Roughly how  
06:53:09 44 long after that because I'll make some other arrangements  
06:53:13 45 if it's possible.  
06:53:13 46  
06:53:14 47 Yes, yes, yes. Probably wouldn't be more than a day and a

.09/08/19

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RYAN XXN - IN CAMERA

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06:53:19 1 half at the most, would it? Tuesday and Wednesday at the  
06:53:22 2 most, even with cross-examination?  
06:53:24 3  
06:53:25 4 MR WOODS: For Mr Ryan?  
06:53:26 5  
06:53:26 6 COMMISSIONER: Yes, for Mr Ryan, Tuesday afternoon and  
06:53:28 7 Wednesday.  
06:53:29 8  
06:53:30 9 MR WOODS: I hope to be finished on Tuesday afternoon I  
06:53:32 10 think, it would depend on cross-examination?---That's okay.  
06:53:35 11  
06:53:35 12 Tuesday, possibly Wednesday?---Both are okay.  
06:53:37 13  
06:53:37 14 Tuesday afternoon, possibly Wednesday. We'll adjourn now  
06:53:41 15 until 9.30 on Tuesday.  
16  
06:54:07 17 <(THE WITNESS WITHDREW)  
06:54:07 18  
06:54:07 19 ADJOURNED UNTIL TUESDAY 13 AUGUST 2019  
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