

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria
On Monday, 11 November 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Ms M. Tittensor
Counsel for Victoria Police	Mr S. Holt QC Ms K. Argiropoulos
Counsel for State of Victoria	Mr T. Goodwin
Counsel for Nicola Gobbo	Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDPP	Ms A. Mitchelmore SC
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for John Higgs	Ms C. Dwyer
Counsel for Faruk Orman	Mr M. Koh
Counsel for AFP	Ms I. Minnett
Counsel for Chief Commissioner of Police	Mr P. Silver
Counsel for ACIC	Ms J. Greenham

09:42:03 1 COMMISSIONER: Yes. Well I think the appearances are
09:42:05 2 largely as they were when we last sat, except we have
09:42:13 3 Mr Goodwin for the State, Ms Mitchelmore and Ms Astrid
09:42:19 4 Haban-Beer for the Commonwealth DPP. And I think otherwise
09:42:24 5 the appearances are the same.
6
09:42:25 7 Mr Buick, if you could return to the witness box, and
09:42:28 8 we are in open hearing at the moment, yes.
09:42:31 9
09:42:31 10 <BORIS BUICK, recalled:
09:42:38 11
09:42:39 12 MS TITTENSOR: Just one transcript correction or amendment
09:42:43 13 which has occurred since last week, I have had some
09:42:45 14 communication with the Commonwealth DPP. Mr Buick, I took
09:42:50 15 you to a meeting that occurred between yourself,
09:42:55 16 Mr Lebusque, Ms Gobbo and the Commonwealth DPP on 24 August
09:42:58 17 2011, do you recall that?---Yes, I do.
09:43:01 18
09:43:01 19 I went through some transcript of that conversation because
09:43:05 20 that was recorded with you?---Yes.
09:43:06 21
09:43:06 22 Following that meeting you, Mr Lebusque and Ms Gobbo left
09:43:10 23 and there was some further conversation between you, do you
09:43:13 24 recall that?---I don't recall that but I accept that.
09:43:16 25
09:43:16 26 I think I took you through some of the transcript last
09:43:19 27 week. This was a conversation in which you were asking
09:43:21 28 Ms Gobbo to clarify some comments she'd made during the
09:43:26 29 Commonwealth DPP meeting to Ms Breckweg?---Yes.
09:43:30 30
09:43:30 31 The transcript indicates that Ms Breckweg was with you
09:43:34 32 after you all left the meeting at the Commonwealth DPP but
09:43:39 33 I just wanted to clarify with you that wasn't the case,
09:43:42 34 Ms Breckweg didn't come with you, it was just the three of
09:43:46 35 you, you, Mr Lebusque and Ms Gobbo having that
09:43:51 36 conversation?---Yes, I accept that.
09:43:52 37
09:43:53 38 Just for the purposes of the transcript, the earlier
09:43:56 39 question was at transcript reference 8848 line 30 which
09:44:01 40 indicated that Ms Breckweg was there but that is not the
09:44:05 41 case.
09:44:07 42
09:44:07 43 COMMISSIONER: Thank you.
09:44:10 44
09:44:11 45 MS TITTENSOR: At the end of the last part of your
09:44:16 46 examination we were going through the meeting with
09:44:21 47 Mr Maguire on 21 September 2011?---Yes.

09:44:24 1
09:44:25 2 This is where there was the agenda in your day book?---Yes.
09:44:29 3
09:44:31 4 There was some discussion about likely defence tactics and
09:44:35 5 the relevance of SDU material?---Yes.
09:44:39 6
09:44:40 7 And there's some notes I think I took you to from the VGS0
09:44:45 8 solicitors that indicate that you were concerned that there
09:44:49 9 was not going to be cross-examination in relation to
09:44:56 10 Ms Gobbo being a source, a human source?---Sorry, that's in
09:44:59 11 the VGS0 notes?
09:45:01 12
09:45:01 13 Yes?---Yes.
09:45:01 14
09:45:02 15 You accept that you were, you were concerned that she
09:45:05 16 wouldn't be cross-examined as to her having been a human
09:45:10 17 source?---That she would be cross-examined, yes.
09:45:12 18
09:45:12 19 You didn't want that to happen?---I don't know that I
09:45:15 20 didn't want it to happen but it raised a concern.
09:45:17 21
09:45:19 22 If Mr Elms' notes, one of the solicitor's notes says, "BB -
09:45:26 23 isolate F as a witness - public interest to proceed - XX"
09:45:32 24 which is cross-examination, "On potential source arrow
09:45:35 25 shouldn't proceed", that reflects your view that you should
09:45:42 26 protect her from cross-examination as to being a
09:45:45 27 source?---Pursuant to a PII claim.
09:45:48 28
09:45:54 29 Have you got your day books there?---I've got a number of
09:45:57 30 them. What date?
09:45:58 31
09:45:59 32 We're now on to 22 September 2011 and it might be brought
09:46:03 33 up on the screen in any case. It's the RCMPPI document at
09:46:09 34 p.228. You'll see that on the screen there for you,
09:46:18 35 Mr Buick?---Yes.
09:46:19 36
09:46:19 37 You have a meeting with Mr Frewen and Mr Fryer in relation
09:46:24 38 to Ms Gobbo, this is pre steering committee at 8.15 and
09:46:30 39 then - - - ?---Yes.
09:46:31 40
09:46:31 41 Following that is that at 9.30?---Yes.
09:46:33 42
09:46:34 43 You then attend the steering committee meeting?---Yes.
09:46:37 44
09:46:41 45 "Advised SC re recent contact with F", and SC being
09:46:48 46 steering committee I take it?---Yes, that's right.
09:46:51 47

09:46:53 1 And then, "Assistant Commissioner Ashton and Finn McRae to
09:46:59 2 speak to the Commonwealth DPP re same. Enquiries at
09:47:05 3 office". So I take it what would have been conveyed to
09:47:10 4 that steering committee was concerns raised in the meeting
09:47:15 5 the day before that were discussed with Mr Maguire?---Most
09:47:18 6 likely.
09:47:19 7
09:47:19 8 Would there be any reason why those matters wouldn't be
09:47:23 9 discussed with the steering committee?---No.
09:47:26 10
09:47:31 11 The risk to Ms Gobbo was considered manageable by Victoria
09:47:38 12 Police until such time there was advice that there had to
09:47:41 13 be disclosure of the material which would expose her, would
09:47:44 14 you agree with that?---Just repeat that assertion.
09:47:48 15
09:47:48 16 The risk to Ms Gobbo was considered manageable by Victoria
09:47:52 17 Police until such time that there was advice that there had
09:47:56 18 to be disclosure of material that would expose her as a
09:47:58 19 human source?---I'm not - I'm actually not confident to say
09:48:04 20 that the risk management of Nicola Gobbo at any stage was
09:48:12 21 thought to be in hand, but certainly her being exposed as a
09:48:16 22 human source would escalate the risk.
09:48:18 23
09:48:18 24 Yes. Is it the case that an examination of the nature of
09:48:27 25 the information that was likely to have to be disclosed is
09:48:32 26 what caused Victoria Police to determine ultimately that
09:48:35 27 she shouldn't be permitted to give evidence?---I'm not sure
09:48:40 28 that's the reason that was actually articulated in writing.
09:48:44 29
09:48:45 30 It might not have been articulated in writing but was that
09:48:48 31 the reason?---Look, that was a decision made, articulated
09:48:55 32 by Doug Fryer in consultation I believe with Ms Ashton so
09:49:00 33 perhaps it's a question best for them.
09:49:01 34
09:49:06 35 On 27 September 2011 we've got some VGS0 file notes, there
09:49:12 36 was a meeting between Mr Maguire and the VGS0 solicitors.
09:49:17 37 I'm not saying you were there but I'm filling you in,
09:49:21 38 because as a result of that meeting other things occurred,
09:49:24 39 right?---Right.
09:49:25 40
09:49:25 41 At that meeting Mr Maguire took the solicitors through what
09:49:29 42 he'd discovered and raised some serious concerns after his
09:49:32 43 review of materials?---Yes.
09:49:33 44
09:49:34 45 And the notes indicated, we can put these up on the screen
09:49:39 46 if need be, VGS0.5000.0051.0034. And there's two sets of
09:49:48 47 notes, I think the other ones end in 0038, one will be

09:49:57 1 Mr Elms' notes and the other one I presume Ms Jarrett's
09:50:02 2 notes. If we go through those notes they indicate,
09:50:05 3 according to Mr Maguire's review of the materials, there
09:50:10 4 wasn't a natural break between the Human Source Unit or the
09:50:15 5 SDU and Petra and that was the basis upon which previously
09:50:20 6 there'd been non-disclosure, do you understand that?---At
09:50:24 7 the time, no.
09:50:25 8
09:50:27 9 Did you come to understand that that was the basis upon
09:50:30 10 which there was not to be any disclosure of the SDU
09:50:34 11 material in relation to the earlier prosecution of Mr Dale
09:50:38 12 and Mr Collins?---No.
09:50:42 13
09:50:43 14 Did you understand that at any time, there was this concept
09:50:46 15 of this break barrier or a break so therefore the police,
09:50:50 16 therefore there was a justification to just disclose Petra
09:50:57 17 material and not SDU material?---No, I wasn't aware of that
09:51:00 18 rationale.
09:51:01 19
09:51:01 20 This appears to have been something that is discussed in
09:51:05 21 Mr Maguire's memo ultimately and in some of these
09:51:09 22 conferences. Do you accept that you would have known that
09:51:12 23 through this time?---Possibly.
09:51:15 24
09:51:15 25 So Mr Maguire raises the concerns, that first one that
09:51:20 26 there's not a natural break between the Human Source Unit
09:51:24 27 and Petra, that Gobbo had been acting for Mokbel and Gatto.
09:51:30 28 Her version that she was only informing on a corrupt cop
09:51:34 29 and Petra came to her was a lie, that people would find out
09:51:38 30 criminal associations. The consequences if the PII was
09:51:42 31 revealed, there would be agitation by lawyers about what
09:51:47 32 she'd done against her former clients and that was of
09:51:51 33 course the concern that would arise, do you understand
09:51:54 34 that? Once it was discovered through disclosure in the
09:51:59 35 Dale proceeding - - - ?---I acknowledge that concern.
09:52:04 36
09:52:04 37 There were other clients affected potentially?---I
09:52:13 38 acknowledge that concern.
09:52:13 39
40 That would have a flow on effect to other cases?---Yes.
41
09:52:15 42 Mr Maguire noted there was reference to Mokbel in the logs
09:52:17 43 and that he could appeal his sentence for not having proper
09:52:18 44 representation. There was reference to Victoria Police
09:52:21 45 running the Mokbel prosecution knowing Ms Gobbo was
09:52:24 46 informing on clients and they didn't have proper
09:52:28 47 representation and there is reference in those notes to

09:52:33 1 advising Mr Frewen and yourself and to setting up a
09:52:38 2 meeting. Now, those are types of concerns that were raised
09:52:41 3 in subsequent meetings with yourself and with some of your
09:52:45 4 superiors, do you accept that?---I don't recall being a
09:52:52 5 party to terribly many meetings post this meeting where
09:52:57 6 those matters were raised with me. I've got no doubt they
09:53:01 7 were raised with more senior members. But I - yeah, I
09:53:07 8 don't believe I was involved in post this meeting meetings.
09:53:11 9
09:53:11 10 So there was this one where we have the agenda on the
09:53:16 11 21st?---Yes.
09:53:16 12
09:53:17 13 And now I've just taken you to one - on the 21st it was
09:53:22 14 determined that Mr Maguire needed to go through and gather
09:53:25 15 lots of materials and review it?---Yes, I recall that.
09:53:28 16
09:53:29 17 He seems to have done that by this meeting on the 27th that
09:53:33 18 he has with the solicitors, and then there's reference to
09:53:34 19 setting up a meeting with Mr Frewen and yourself. Around
09:53:40 20 this time also, I'll take you to a, just to do this in a
09:53:47 21 chronological order, on the same day, 27 September, you
09:53:51 22 have another conversation or another meeting with
09:53:54 23 Ms Gobbo?---I've got that page open. With Ms Gobbo did you
09:54:00 24 say?
09:54:00 25
09:54:01 26 Yes?---Yes.
09:54:01 27
09:54:02 28 If I can take you to that transcript VPL.0100.0068.0953.
09:54:28 29 You accept in the course of your conversations with
09:54:31 30 Ms Gobbo you were interested to find out all you could
09:54:35 31 about the situation or her knowledge of the Hodson murders
09:54:40 32 and the Operation Gallop burglary and so forth?---Subject
09:54:46 33 to some fairly tricky restrictions, yes. I was keen to
09:54:51 34 know. My ability to pursue that was tricky.
09:54:53 35
09:54:54 36 You had some operational orders as to what you could do in
09:54:59 37 that regard with Ms Gobbo?---Broadly.
09:55:03 38
09:55:03 39 COMMISSIONER: Ms Tittensor, did you want to tender the
09:55:06 40 VGS0 notes of 27 September?
09:55:08 41
09:55:08 42 MS TITTENSOR: Yes, I will tender that. Thank you
09:55:12 43 Commissioner.
09:55:13 44
09:55:15 45 #EXHIBIT RC687A - (Confidential) VGS0 file note 27/9/11.
09:55:16 46
09:55:16 47 #EXHIBIT RC687B - (Redacted version.)

09:55:18 1
09:55:18 2 MS TITTENSOR: I think to be fair at some stage, and it
09:55:20 3 might be coming up in another meeting, you referred to
09:55:23 4 those restrictions with Ms Gobbo but nevertheless she
09:55:26 5 wanted to volunteer information?---As always.
09:55:30 6
09:55:30 7 It was hard to stop her?---It was.
09:55:32 8
09:55:33 9 If we go to p.11 on this transcript. You'll see if you
09:55:43 10 just have a general read through, if we keep on scrolling.
09:55:58 11 There was a reference, there's a reference in that
09:56:00 12 transcript to pills and ecstasy and throwing a bag over the
09:56:05 13 back of the fence. Would that indicate to you a discussion
09:56:09 14 about Operation Gallop?---Yes.
09:56:12 15
09:56:15 16 If we go to p.26. Scroll through that material. You see
09:56:30 17 there's a reference to a Posse witness there on the
09:56:34 18 page?---Yes.
09:56:35 19
09:56:36 20 And I think it says, "I'm responsible for getting", it says
09:56:43 21 Paul a third time but if we read through that material it
09:56:47 22 might indicate to you that the transcriber might have that
09:56:52 23 name Paul wrong and it should be instead the name of the
09:56:55 24 Posse witness?---I'm not sure, sorry.
09:56:58 25
09:56:58 26 I'll take you through it. It goes on and Ms Gobbo
09:57:02 27 indicates that she's, as I said, responsible for getting
09:57:05 28 that person a third time. She's telling you that she was
09:57:09 29 responsible for getting - sorry, she refers to being at
09:57:18 30 St Kilda Road on the night of his arrest and sitting at the
09:57:22 31 board table with Jim O'Brien, do you see that?---Yes.
09:57:25 32
09:57:25 33 On the night that he got pinched. And that that person,
09:57:29 34 and we're using his correct name now, didn't want to assist
09:57:36 35 at that point and that she had pushed him over the line and
09:57:39 36 it was awful scene because Mr O'Brien was there and that
09:57:43 37 person was crying saying, "I can't do this, I can't do
09:57:47 38 this, and I won't do this unless you promise to look after
09:57:51 39 and support me" and it was now six years down the
09:57:55 40 track?---Yes.
41
09:57:55 42 And she was still supporting this person?---Yes.
09:57:58 43
09:57:58 44 Did you know about those matters?---At the time?
09:58:03 45
09:58:04 46 Yes?---No.
09:58:05 47

09:58:06 1 Had you known before this time that she had any involvement
09:58:08 2 on that night in advising that person?---No.
09:58:10 3
09:58:13 4 You were aware at this time that that person went on to
09:58:17 5 make many, many statements against people?---I didn't
09:58:22 6 realise it was many, many. I realise certainly that he'd
09:58:28 7 made a number of statements.
09:58:30 8
09:58:30 9 Including against the Mokbels?---That's the only one I'm
09:58:34 10 aware of.
09:58:36 11
09:58:36 12 Mokbels and their associates generally?---I accept that.
09:58:39 13
09:58:39 14 And that in actual fact at this time there was, as revealed
09:58:44 15 in the Maguire advice and Maguire conferences, there was
09:58:51 16 concern about the Mokbel prosecution that was currently
09:58:54 17 underway?---Yes.
09:58:55 18
09:58:56 19 When you received this information, Ms Gobbo telling you
09:59:00 20 about her involvement with Purana in pushing this person
09:59:05 21 over the line, did you raise any concerns with
09:59:08 22 anyone?---No.
09:59:08 23
09:59:09 24 Is there a reason for that?---Look, this is going to be an
09:59:15 25 answer I fear I'm going to be repeating a lot. In my
09:59:19 26 conversations with Nicola Gobbo, to me there was a lot of
09:59:24 27 white noise. There was things that she would say that I
09:59:29 28 wasn't able to do something with, there were some things
09:59:32 29 she was saying that I wasn't fully across. A large number
09:59:37 30 of things she was talking about were historical, I
09:59:41 31 understood were in hand. Others were managing. I was
09:59:48 32 trying to confine my role with her, amongst all this white
09:59:53 33 noise, to just have her give evidence at the matters that I
09:59:57 34 was running.
09:59:59 35
10:00:01 36 This may have been historical in the sense that it occurred
10:00:04 37 a number of years ago, but there were still people in gaol
10:00:09 38 and prosecutions on foot in relation to that matter. Was
10:00:11 39 there a reason for you not to go and raise some concerns if
10:00:16 40 this had in fact occurred?---Well, I've just provided a
10:00:22 41 multi point answer to that question, so no.
10:00:25 42
10:00:25 43 You considered it white noise?---Yes. That's not all I
10:00:33 44 said. I put a number of realities to you. That was one of
10:00:36 45 them, white noise. There were a number of other factors
10:00:39 46 that I've just articulated to you.
10:00:41 47

10:00:42 1 That it was someone else's job?---That it was in hand.
10:00:46 2 There were things she was talking about that I didn't fully
10:00:49 3 understand. And apart from one matter that we may or may
10:00:54 4 not come to, I didn't raise any of the matters that she
10:01:04 5 raised with me in these conversations. There's only one
10:01:07 6 matter that I reported on or that I briefed up on.
10:01:10 7
10:01:10 8 And what was that matter?---The Jeff Pope matter.
10:01:13 9
10:01:15 10 And that was because there might be some organisational
10:01:19 11 embarrassment in relation to that?---That's not my thinking
10:01:24 12 at the time.
10:01:25 13
10:01:26 14 When you say these matters, this matter in particular was
10:01:29 15 in hand, how was it in hand? This had clearly been
10:01:35 16 something that had been kept under wraps for six years.
10:01:39 17 There was a prosecution on foot where clearly the evidence
10:01:42 18 might be tainted. How was it in hand?---That was my
10:01:47 19 thinking at the time. And when I talk about white noise, I
10:01:53 20 also experienced and believe that Nicola Gobbo was prone to
10:02:03 21 significant exaggeration and overstatement. So that's the
10:02:09 22 context and within that context I didn't take matters
10:02:15 23 further. As I say on nothing, on the many, many hours of
10:02:19 24 conversations you may now put to me, there was only one
10:02:23 25 matter I reported up and I've given you my reason as to why
10:02:28 26 I didn't.
10:02:29 27
10:02:38 28 Following this Ms Gobbo goes on to describe to you in this
10:02:42 29 document the information she had gotten that led to that
10:02:46 30 person's arrest, do you accept that? She's telling you
10:02:51 31 here about having provided information which led to the
10:02:59 32 identification of where the [REDACTED] was located?---That
10:03:01 33 appears to be what she's talking about, yes.
10:03:04 34
10:03:05 35 That's pretty significant, wouldn't it be, if she's
10:03:08 36 provided the information that's led to his arrest and then
10:03:12 37 assisted Purana in pushing him over the line, as a
10:03:17 38 lawyer?---Well, it is significant.
10:03:24 39
10:03:26 40 At p.47 of that document you're indicating to Ms Gobbo that
10:03:31 41 you'd ask for legal advice about the application of the
10:03:36 42 Witness Protection Act, is that right?---Yes.
10:03:39 43
10:03:39 44 And you were waiting for a response in relation to that.
10:03:43 45 You tell her you really didn't want her to give evidence
10:03:46 46 and you believed you could get around everything without
10:03:49 47 calling her. Was that the case?---I'm not sure if that's

10:03:56 1 the case. It may be what I said to her.
10:03:58 2
10:04:02 3 Was it the case that you didn't want her to give
10:04:05 4 evidence?---No, I wanted her to give evidence.
10:04:08 5
10:04:09 6 But that's just what you were saying to her?---Yes.
10:04:12 7
10:04:13 8 If we go to your day book briefly, p.232 for 28 September.
10:04:25 9 I tender that transcript - I think I'm tendering them all
10:04:29 10 as a bundle.
10:04:30 11
10:04:31 12 COMMISSIONER: I think they've been tendered as a bundle
10:04:33 13 and you were going to at the end identify all the relevant
10:04:36 14 pages you wanted.
10:04:39 15
10:04:40 16 MS TITTENSOR: I hope I'm identifying the pages as I go
10:04:43 17 through on the transcript so hopefully that will be done.
10:04:45 18
10:04:46 19 COMMISSIONER: Hopefully your instructors are making a list
10:04:49 20 of all those and they can be confirmed at the end.
10:04:50 21
10:04:51 22 MS TITTENSOR: Thanks Commissioner. On 28 September,
10:04:52 23 recalling that Mr Maguire had had a meeting with the
10:04:56 24 solicitors the day before raising his concerns as to what
10:05:00 25 he'd discovered on his review of the material?---Yes.
10:05:03 26
10:05:06 27 And that there was reference to setting up a meeting with
10:05:10 28 yourself and Mr Frewen?---Yes.
10:05:11 29
10:05:12 30 It seems that's occurred on the following day, 28
10:05:15 31 September, do you have some notes there that indicate you
10:05:18 32 attended the VGS0 for a meeting?---Yes.
10:05:22 33
10:05:22 34 In relation to Dale's ACC matters and subpoena?---Yes.
10:05:27 35
10:05:27 36 And your day book lists the various people in attendance,
10:05:33 37 including yourself, Mr Frewen, Mr Maguire, Ms Jarrett,
10:05:39 38 Mr Le Grande, Mr Elms and Paul Sheridan?---Yes.
10:05:43 39
10:05:49 40 At that meeting, if we can go to VGS0.5000.0051.0031, it
10:06:02 41 seems apparent that there was a draft advice at that stage
10:06:12 42 by Mr Maguire, very much in a similar form to what the
10:06:18 43 ultimate draft was. It might be that - I'm not sure if
10:06:23 44 I've got the right file note for the draft advice.
10:06:27 45 Mr Maguire discusses with the, as I've told you, the
10:06:32 46 solicitors prior to this meeting the ramifications to other
10:06:34 47 cases beyond Dale?---Yes.

10:06:36 1
10:06:39 2 There was an indication of not disclosing the memo
10:06:44 3 material, that is Mr Maguire's memo to the DPP, Ms Breckweg
10:06:50 4 at the DPP yet and that Frewen was to speak to Mr Pope and
10:06:56 5 Mr Ashton about the memo?---Yes.
10:06:58 6
10:06:59 7 You recall these things occurring at that stage?---No, I
10:07:02 8 accept that they did.
10:07:03 9
10:07:03 10 There's another VGS0 file note by Ms Jarrett at
10:07:11 11 VGS0.5000.0051.0014. And there's reference to matters,
10:07:18 12 including the defence being entitled - sorry, that's the -
10:07:21 13 I have them the wrong way around. That's the draft advice.
10:07:28 14 If we go to the - there's reference in any case to the file
10:07:34 15 notes about defence being entitled to the ICRs, that they'd
10:07:40 16 likely ask for documents in relation to other contacts with
10:07:43 17 police where she may be informing on clients. Do you
10:07:48 18 recall there being a discussion of the case of Javi in the
10:07:54 19 context that informer privilege will be given up if it goes
10:07:57 20 to demonstrating the innocence of an accused?---I don't
10:08:00 21 recall that conversation.
10:08:01 22
10:08:01 23 But you would accept that there were such conversations
10:08:04 24 about legal principles involved in disclosure?---Yes.
10:08:07 25
10:08:10 26 There was notes about it being difficult to hide Ms Gobbo's
10:08:14 27 involvement with other clients. There's a quote in the
10:08:17 28 notes, "It's messy, can't predict what will happen, for
10:08:22 29 example the effect on Mokbel". It's apparent from the
10:08:27 30 notes that Mr Maguire suggested the matter be referred to
10:08:30 31 Mr Pope and Mr Ashton and that, Mr O'Connor, I assume that
10:08:39 32 to be John O'Connor, was to review the SDU log to make sure
10:08:47 33 that references to it in the Maguire memo were correct and
10:08:54 34 there was a further meeting set down for 3 October.
10:08:54 35
10:08:54 36 MS ARGIROPOULOS: Sorry, Commissioner, I think the document
10:08:57 37 on the screen is the wrong one if you're trying to refer to
10:08:59 38 what he's being asked about this in a different date.
10:08:59 39
10:09:00 40 COMMISSIONER: The right one was up a little while back.
41
42 MS ARGIROPOULOS: It was.
43
10:09:05 44 COMMISSIONER: Just before this document came up.
10:09:05 45
10:09:06 46 MS TITTENSOR: I think the 0031 at the end was the right
10:09:11 47 one. Do you accept, if we scroll through, if you have a

10:09:17 1 look at that memo on the screen, you accept those matters
10:09:21 2 were being discussed with yourself - - -
10:09:23 3
10:09:24 4 COMMISSIONER: It's a file note of 28 September 11.
10:09:27 5
10:09:27 6 MS TITTENSOR: 28 September, Commissioner?---If they're all
10:09:32 7 in there as you've put it, I accept it.
10:09:35 8
10:09:38 9 Do you recall that there was a draft advice from Mr Maguire
10:09:48 10 tabled and discussed at that meeting and there was
10:09:51 11 reference to that document to go to Mr Pope and
10:09:57 12 Mr Ashton?---I don't recall that but I don't dispute that
10:10:00 13 that conversation occurred.
10:10:01 14
10:10:06 15 If you have a look at your day book for that date?---Yep,
10:10:11 16 I've got that open.
10:10:12 17
10:10:12 18 It certainly says, "Frewen to speak to Breckweg, not to
10:10:16 19 disclose memo material"?---Yes.
10:10:17 20
10:10:18 21 So you've got a reference in your own notes to there being
10:10:21 22 a memo?---Yes.
10:10:22 23
10:10:22 24 And presumably the police have access and have read that
10:10:26 25 memo through the course of that meeting?---No doubt.
10:10:30 26
10:10:30 27 And that your notes also say, "Frewen to speak to Assistant
10:10:35 28 Commissioner Pope and Ashton re memo"?---Yes.
10:10:37 29
10:10:38 30 So presumably armed with the memorandum he's going to speak
10:10:41 31 to those gentlemen?---Yes.
10:10:43 32
10:10:43 33 COMMISSIONER: Do you want to tender the file note of 28
10:10:45 34 September?
10:10:46 35
10:10:46 36 MS TITTENSOR: I tender the file note, Commissioner, and I
10:10:50 37 tender the draft advice.
10:11:03 38
10:11:04 39 #EXHIBIT RC688A - (Confidential) VGSO file note 28/9/11.
10:11:05 40
10:11:06 41 #EXHIBIT RC688B - (Redacted version.)
10:11:08 42
10:11:09 43 #EXHIBIT RC689A - (Confidential) Draft advice of
10:11:13 44 Mr Maguire.
10:11:16 45
10:11:16 46 #EXHIBIT RC689B - (Redacted version.)
10:11:18 47

10:11:18 1 MS TITTENSOR: If we can scroll up on the notes that are on
10:11:23 2 the screen at the moment.
10:11:25 3
10:11:26 4 COMMISSIONER: Did you want the advice or - - -
10:11:28 5
10:11:29 6 MS TITTENSOR: Sorry, I meant the file notes. I've just
10:11:35 7 been asked a question from the Bar table. Do you see the
10:11:36 8 last three entries there, that Mr Maguire's suggestion is
10:11:40 9 that it's to go to Mr Pope and Mr Ashton?---Yes.
10:11:43 10
10:11:43 11 And that's reflected in your file note that you've made in
10:11:46 12 your diary?---Yes.
10:11:47 13
10:11:47 14 And that Mr O'Connor is to review the log to make sure that
10:11:50 15 the memo is correct?---Yes.
10:11:52 16
10:11:55 17 And then there's to be a meeting Monday morning after
10:11:59 18 10 am?---Yes.
10:12:00 19
10:12:03 20 The following Monday I'd suggest is 3 October?---That's
10:12:07 21 right.
10:12:07 22
10:12:09 23 If we go to your day book for 3 October, which is p.235 I
10:12:23 24 think of the RCMPPI document. 235. We're after one for 3
10:12:45 25 October. Have you got an entry there on 3 October?---I do.
10:12:53 26
10:12:53 27 At 14:00?---14:00, yes.
10:12:55 28
10:12:56 29 And there's another meeting there with Maguire, the VGSO
10:13:04 30 solicitors, Mr Frewen, Mr Sheridan and yourself
10:13:07 31 again?---Yes.
10:13:08 32
10:13:10 33 There's reference to the advice from Maguire to the effect
10:13:19 34 that the SDU material is relevant?---Yes.
10:13:23 35
10:13:25 36 That the first draft of the memo of advice has gone to
10:13:30 37 Assistant Commissioner Ashton?---Yes.
10:13:31 38
10:13:32 39 That Frewen will speak to Ashton again and Sheridan will
10:13:36 40 speak to Pope?---Yes.
10:13:37 41
10:13:38 42 Is that because the lines of authority is Frewen to Ashton
10:13:45 43 in the Crime Department?---Yes, that's right.
10:13:47 44
10:13:48 45 And Sheridan to Pope in another division?---Intel Covert
10:13:53 46 Support Command.
10:13:53 47

10:13:55 1 And that Mr Frewen won't speak to Ms Breckweg until after
10:14:00 2 the assistant commissioners have been spoken to?---Yes.
10:14:03 3
10:14:03 4 That Mr Sheridan will make inquiries to documents behind
10:14:07 5 the log?---Yes.
10:14:08 6
10:14:09 7 That is behind the source management log?---Yes.
10:14:11 8
10:14:12 9 And what that's referring to are the contact reports, the
10:14:15 10 informer contact reports, is that right?---I'm not sure.
10:14:19 11 But I accept that if that's the case.
10:14:21 12
10:14:22 13 Do you know how those things work in relation to human
10:14:25 14 sources, that there are source contact reports or informer
10:14:30 15 contact reports created in relation to meetings?---Yes.
10:14:35 16
10:14:36 17 Have you had any experience with that?---Yes.
10:14:37 18
10:14:37 19 And then there's a source management log maintained by a
10:14:41 20 controller?---Yes. I wasn't aware of the source management
10:14:44 21 log but I'm certainly aware of the creation of contact
10:14:47 22 reports and from time to time the generation of IRs from
10:14:51 23 those contact reports.
10:14:52 24
10:14:52 25 You would have been aware at this stage, but where there's
10:14:55 26 reference to the log that that's what they were referring
10:14:58 27 to, that that's the material that Mr Maguire was given
10:15:01 28 access to in order to provide his advice?---Yes.
10:15:03 29
10:15:04 30 Just given access to the log, not the materials behind the
10:15:07 31 log?---Yes.
10:15:08 32
10:15:10 33 And that there's reference there to the documents not being
10:15:14 34 collated until the assistant commissioners are spoken
10:15:17 35 to?---Yes.
10:15:18 36
10:15:18 37 Why was that?---Not sure.
10:15:20 38
10:15:28 39 Can you pose any reason why that might be, that we're not
10:15:33 40 going to go about collecting all these documents that we
10:15:36 41 might need to disclose until the assistant commissioners
10:15:45 42 have been spoken to about it?---No.
10:15:47 43
10:15:48 44 Following that meeting you refer to, at 15:10, is it a
10:15:56 45 conversation you're having with Mr Frewen?---It must be.
10:16:00 46
10:16:01 47 And it says, "I need to speak to F re consequences of

10:16:06 1 disclosure"?---Yes.
10:16:07 2
10:16:08 3 Is that Mr Frewen telling you or you telling
10:16:12 4 Mr Frewen?---Probably me having to have the conversation.
10:16:16 5
10:16:16 6 You telling Mr Frewen that, "I need to go and speak to
10:16:20 7 Ms Gobbo about all this"?---Or perhaps Mick Frewen telling
10:16:24 8 me I needed to, one or the other.
10:16:26 9
10:16:33 10 The following day there's another meeting between the
10:16:38 11 lawyers, Mr Frewen and yourself, is that right, on 4
10:16:48 12 October at 2 pm?---Was there?
10:16:57 13
10:17:02 14 Perhaps there's a VGS0 file note, VGS0.5000.0051.0027. Do
10:17:17 15 you see that on the screen now?---Yes.
10:17:19 16
10:17:21 17 It relates to the Dale subpoena issue. File note of
10:17:25 18 Ms Jarrett?---Yes.
10:17:26 19
10:17:26 20 On 4 October indicating that there's a meeting with
10:17:29 21 yourself, Mr Frewen, Mr Maguire, Mr Le Grande, Mr Elms and
10:17:33 22 of course Ms Jarrett who is the author of that file
10:17:37 23 note?---Yes. I don't have a note of that myself but I
10:17:42 24 accept that I was there.
10:17:43 25
10:17:43 26 There's a reference there to Mr O'Connor indicating that
10:17:52 27 advice details are okay apart from a few days and reference
10:17:58 28 to Ms Gobbo giving information daily and something about
10:18:05 29 three to four times a week. Do you see that?---Yes.
10:18:09 30
10:18:11 31 There was discussion at that meeting about whether to
10:18:15 32 disclose matters to Ms Breckweg and the defence?---Yes.
10:18:22 33
10:18:23 34 There was discussion again of the case of Javi?---I accept
10:18:30 35 that.
10:18:30 36
10:18:33 37 There's a reference, you'll see there halfway down the
10:18:38 38 page, "Defence will say she had conflicted duties, suggest
10:18:41 39 she's done for Dale, no difference to other clients, acting
10:18:47 40 for him and ratting on him"?---Yes.
10:18:51 41
10:18:52 42 Underneath that there's an indication that you said that
10:18:57 43 Gobbo refused to act for Dale when Dale was in prison on
10:19:02 44 burglary charges. She was acting for Andrew Hodson in a
10:19:06 45 separate matter?---Yes.
10:19:07 46
10:19:07 47 She maintains she didn't act for him even after she told

10:19:12 1 him she couldn't?---Yes.
10:19:13 2
10:19:15 3 Where was the source of that information for you?---That
10:19:19 4 she didn't act for him?
10:19:20 5
10:19:21 6 That she didn't act for him?---That was her assertion and
10:19:29 7 we pursued that in one way by executing a search warrant on
10:19:38 8 her clerk's records to try and identify whether there was a
10:19:46 9 record of having acted for Paul Dale and/or Andrew/Terry
10:19:54 10 Hodson.
10:19:55 11
10:19:56 12 All that was going to reveal potentially was whether she'd
10:20:00 13 charged a fee through the clerk to Mr Dale?---That would
10:20:06 14 have revealed that, yes.
10:20:09 15
10:20:09 16 It revealed that she hadn't charged a fee to him
10:20:12 17 ultimately?---That's right.
10:20:13 18
10:20:15 19 Were you aware that the SDU material indicated numerous
10:20:18 20 examples of her, of there being some suggestion that she
10:20:23 21 was in fact providing him with legal advice?---No.
10:20:26 22
10:20:28 23 That she had discussion with her handlers that she might
10:20:33 24 claim LPP when she was called to the OPI?---I wasn't aware
10:20:38 25 of that.
10:20:38 26
10:20:38 27 That she had provided her handlers with Paul Dale's written
10:20:42 28 instructions that had been provided to her whilst he was in
10:20:45 29 custody?---I wasn't aware of that.
10:20:47 30
10:20:48 31 These are all matters that would have had some
10:20:51 32 significance, would you expect?---Yes.
10:20:53 33
10:20:53 34 In terms of any defence run by Mr Dale as to his belief in
10:21:02 35 her providing him with legal advice?---Yes.
10:21:05 36
10:21:14 37 Did you ever go back to the SDU and ask whether there was
10:21:19 38 any such material that might bear upon whether there was
10:21:25 39 any LPP that might be operating?---No, I didn't make that
10:21:29 40 request but I was assured a number of times, particularly
10:21:33 41 by Sandy White, that Nicola Gobbo hadn't provided them with
10:21:40 42 any information in relation to a person who had engaged her
10:21:47 43 for legal advice or for whom she was acting in current or
10:21:54 44 pending court matters and she makes the same assertion.
10:22:03 45 I'm a bit more reticent to accept her assertion but I did
10:22:11 46 accept Sandy White's assertion.
10:22:13 47

10:22:13 1 When did you make those inquiries of Sandy White?---I think
10:22:18 2 when I've initially come across to Driver and was seeking
10:22:24 3 to learn more about the history and the context of the
10:22:29 4 relationships, dynamics, I had a couple of conversations, I
10:22:34 5 believe, with Sandy White who assured me that that was the
10:22:40 6 case.
10:22:41 7
10:22:41 8 Did you have any conversations around this time, around the
10:22:44 9 time that you're getting these concerning reports from
10:22:48 10 Mr Maguire, as to the contents of simply the log?---No.
10:22:56 11
10:22:58 12 Did you take a hold of this - you've had a copy of this
10:23:02 13 advice which is saying whilst ultimately the assertion of
10:23:09 14 LPP might fail, there's disclosure that needs to be made so
10:23:13 15 defence can challenge it, that's ultimately what the advice
10:23:16 16 was?---Yes.
10:23:16 17
10:23:18 18 Did you go back to Sandy White and say, "Hang on a minute,
10:23:21 19 you told me these things in the past, I'm learning
10:23:25 20 differently"?---No.
10:23:26 21
10:23:26 22 Why not?---Because as you've seen these matters are now in
10:23:31 23 the hands of AC Pope, AC Ashton, Doug Fryer, Mick Frewen
10:23:42 24 and they're undertaking considerations on the advice and
10:23:47 25 making decisions on the advice.
10:23:49 26
10:23:49 27 Ultimately the charges relating to Ms Gobbo were withdrawn,
10:23:57 28 is that right?---Sorry?
10:23:59 29
10:23:59 30 Ultimately the charges laid against Mr Dale for misleading
10:24:05 31 the ACC which relied upon the evidence solely of Ms Gobbo
10:24:10 32 were withdrawn?---There were a number of charges that were
10:24:14 33 withdrawn, yes.
10:24:15 34
10:24:17 35 But the prosecution was still run on the basis of the
10:24:20 36 recording?---The recording.
10:24:22 37
10:24:23 38 Made with Ms Gobbo?---Yes.
10:24:24 39
10:24:24 40 The defence still had a claim for a potential defence of
10:24:32 41 LPP in relation to that recording?---Yes.
10:24:34 42
10:24:34 43 Was there any, ever any examination undertaken of the SDU
10:24:40 44 materials in relation to that aspect of it, that there's
10:24:45 45 potentially this LPP breach behind it?---Only by
10:24:49 46 Mr Maguire.
10:24:50 47

10:24:53 1 Regardless of Ms Gobbo being there, that defence was still
10:24:56 2 potentially open, is that right?---My recollection is - - -
10:25:01 3
10:25:01 4 And the defence still ran that?---Well no, my recollection
10:25:03 5 is they abandoned that argument.
10:25:06 6
10:25:11 7 It was a defence that they were still running around this
10:25:14 8 stage, around the time of the committal, they were
10:25:18 9 potentially going to run a no case, is that right?---For
10:25:21 10 committal that's probably right, by the time it got to
10:25:26 11 trial they didn't pursue that.
10:25:27 12
10:25:27 13 The SDU materials indicated that potentially there was
10:25:33 14 this, that Victoria Police held material which suggested
10:25:36 15 there might be an argument that there was this privileged
10:25:42 16 or confidential conversation going on, there was that
10:25:47 17 potential for that defence?---That's why I asked for the
10:25:50 18 advice.
10:25:50 19
10:25:54 20 You would understand that even withdrawing Ms Gobbo as a
10:25:58 21 witness didn't mean that you had, you had any lesser
10:26:03 22 disclosure obligations in relation to other defences that
10:26:08 23 still might be at play in relation to the material before
10:26:11 24 the court?---Yes.
10:26:12 25
10:26:13 26 Did anyone ever think, well, this material still might
10:26:18 27 provide a defence in relation to that recording potentially
10:26:25 28 being the subject of privilege?---It's probably articulated
10:26:29 29 in Gerard Maguire's advice.
10:26:31 30
10:26:32 31 I don't know that Mr Maguire considered the question itself
10:26:38 32 of what would be left if Ms Gobbo was withdrawn, as opposed
10:26:44 33 to the whole prosecution being withdrawn?---I'm not sure,
10:26:47 34 no.
10:26:47 35
10:26:51 36 Is it your evidence there was just simply no consideration
10:26:54 37 of disclosure of any of the SDU material once Ms Gobbo was
10:26:57 38 withdrawn as a witness?---I don't recall that being
10:27:09 39 discussed but that's probably believed to have been the
10:27:15 40 effect of withdrawing her as a witness.
10:27:27 41
10:27:28 42 All right. If I go back to this file note. As I've just
10:27:38 43 been through with you, Mr Maguire's advice was that whilst
10:27:43 44 he believed that Mr Dale, on the material that he'd seen,
10:27:47 45 would fail on an argument that LPP existed over the
10:27:51 46 recording, documents still had to be disclosed so that he
10:27:56 47 could run that defence?---That's what I just said.

10:27:59 1
10:28:01 2 Yes. And what I was just putting to you was that argument
10:28:06 3 existed regardless of whether Ms Gobbo was a witness or
10:28:10 4 not?---I don't know if that's the case.
10:28:12 5
10:28:18 6 You indicated, according to these notes, that if there had
10:28:23 7 to be disclosure then the prosecution needed to be pulled,
10:28:27 8 that was your view?---Well, I don't know that it was my
10:28:32 9 view. It was probably - - -
10:28:34 10
10:28:35 11 We might be able to scroll down?---I was probably
10:28:42 12 articulating Victoria Police's view.
10:28:46 13
10:28:46 14 If you see at the bottom of that page?---I have no doubt
10:28:50 15 I've said that, I don't think it's accurate to say it was
10:28:54 16 necessarily my view. I think it was Victoria Police's view
10:28:57 17 that the prosecution would need to be pulled.
10:28:59 18
10:29:00 19 You appeared to be expressing a view, if you look further
10:29:06 20 down on the next page there, that you didn't think the log
10:29:08 21 was relevant. Was that your view? Mr Maguire is
10:29:17 22 responding to that view saying that, "The Boris Buick view
10:29:22 23 is based on a functioning break barrier and that didn't
10:29:26 24 work because Ms Gobbo was informing on Mr Dale before she
10:29:30 25 became a witness", do you see that?---Yes.
10:29:32 26
10:29:35 27 There was then discussion about the nature and the extent
10:29:38 28 of the disclosure and the need to speak to Mr Pope and
10:29:42 29 Mr Ashton about sourcing documents and that would take
10:29:47 30 months and you posit two months, question mark, do you see
10:29:50 31 that? Third up from the bottom of the page?---I see that,
10:29:57 32 yes. That's a fair guess.
10:29:59 33
10:29:59 34 And Mr Sheridan indicating that it would, also indicating
10:30:04 35 it would take a while, it was like a spider's web?---Yes.
10:30:11 36
10:30:14 37 We then have the Maguire advice which was provided to
10:30:20 38 Victoria Police?---Yes.
10:30:21 39
10:30:21 40 I'm not going to take you through that. We've seen that
10:30:24 41 before and you've seen that advice?---Yes. Not initially
10:30:28 42 but I did come to see it.
10:30:31 43
10:30:31 44 Were you not given a copy of that advice?---No, not
10:30:36 45 initially.
10:30:36 46
10:30:37 47 It appears as though police have been given a copy of the

10:30:41 1 draft advice as at 28 September, which you've seen
10:30:45 2 references to in your notes?---I have seen references to
10:30:47 3 that. I don't think - I may have been - I don't think I
10:30:49 4 was provided with a draft of that. I was ultimately
10:30:52 5 provided with a copy of the actual advice but it wasn't
10:30:55 6 immediate.
10:30:55 7
10:30:55 8 In any case the advice is largely consistent I think with
10:30:59 9 the large advice and the types of issues within the advice
10:31:03 10 you accept were discussed at the meetings?---Yes.
10:31:06 11
10:31:07 12 Including the jeopardy that her revelation as a human
10:31:13 13 source might bring upon other prosecutions and other cases
10:31:16 14 and convictions?---Yes.
10:31:17 15
10:31:21 16 On 6 October you wrote a memo to the Task Force, is that
10:31:27 17 right, VPL.6031.0020.9920? I should tender that last file
10:31:38 18 note, Commissioner, of the VGS0.
10:31:43 19
10:31:44 20 COMMISSIONER: What date was that one?
10:31:45 21
10:31:47 22 MS TITTENSOR: 4 October.
10:31:47 23
10:31:50 24 #EXHIBIT RC690A - (Confidential) VGS0 file note 4/10/11.
10:31:52 25
10:31:53 26 #EXHIBIT RC690B - (Redacted version.)
10:32:01 27
10:32:02 28 On 6 October - do you see this memo on the screen
10:32:05 29 here?---Yes.
10:32:05 30
10:32:06 31 And this is a memo that you have written for the Task
10:32:10 32 Force, to the officer-in-charge of the Driver Task
10:32:12 33 Force?---Yes.
10:32:13 34
10:32:15 35 Who was that?---Mick Frewen.
10:32:17 36
10:32:17 37 You indicate, I think I've got - p.6, that the purpose of
10:32:24 38 that document was for consideration by the Driver Task
10:32:28 39 Force steering committee, so that was a document to be
10:32:31 40 lifted up to the steering committee?---Not all my memos and
10:32:34 41 reports made their way to the steering committee but that
10:32:37 42 was the intention.
10:32:38 43
10:32:39 44 And what you were doing, what you were seeking from this
10:32:44 45 document was a less rigid regime of security or protection
10:32:53 46 for Ms Gobbo, is that right?---Yes.
10:32:54 47

10:32:55 1 So that she might agree to go into some sort of
10:32:59 2 protection?---Yes.
10:33:00 3
10:33:04 4 If we run through just quickly. Page 1 you're dealing with
10:33:09 5 the current prosecution and providing a background to the
10:33:12 6 reader of the document?---Yes.
10:33:14 7
10:33:15 8 Page 2 you refer to there's going to be an Inquest in the
10:33:20 9 future?---Yes.
10:33:20 10
10:33:21 11 So Ms Gobbo, you anticipate, will be relevant for
10:33:25 12 that?---Yes.
10:33:25 13
10:33:27 14 You refer to there having been litigation?---Yes.
10:33:30 15
10:33:30 16 Do you see that?---I do.
10:33:31 17
10:33:32 18 And then further on there's human source considerations on
10:33:38 19 p.4?---Yes.
10:33:39 20
10:33:39 21 Paragraph 31, you say, "Ordinarily claims of public
10:33:44 22 interest immunity would be mounted to protect this human
10:33:46 23 source related information however if it is relevant to any
10:33:48 24 defence Dale may raise that his conversation with Gobbo on
10:33:57 25 7 September 2008 was a privileged conversation between
10:33:59 26 client and lawyer it may have to be disclosed to Dale's
10:34:04 27 defence"?---Yes.
10:34:05 28
10:34:05 29 "This would have to have the effect of outing Ms Gobbo as a
10:34:10 30 human source"?---Yes.
10:34:10 31
10:34:11 32 "It has further become apparent that Gobbo as a registered
10:34:14 33 human source has provided valuable intelligence to Victoria
10:34:18 34 Police about a large number of high level
10:34:18 35 criminals"?---Yes.
10:34:18 36
10:34:19 37 "Should any material related to the scenario articulated in
10:34:21 38 the paragraph immediately above have to be disclosed,
10:34:24 39 Gobbo's safety will be placed in greater danger. It is
10:34:28 40 apparent that no material relative to Gobbo's status as a
10:34:33 41 registered human source was prepared for disclosure or
10:34:33 42 argument pursuant to any of the several subpoenas issued
10:34:37 43 during the course of the Dale murder prosecution although
10:34:40 44 it should be noted that at the time of the withdrawal of
10:34:44 45 the murder charge against Dale material was prepared in
10:34:47 46 response to a further subpoena." You go on in p.4 in
10:34:51 47 relation to prosecutorial considerations, "In light of the

10:34:56 1 inherent dangers to both Witness F, Ms Gobbo and Victoria
10:35:00 2 Police, relating to the revelation of Ms Gobbo as a former
10:35:03 3 registered human source, consideration has been given to
10:35:06 4 seeking to discontinue the Commonwealth prosecution against
10:35:10 5 Dale"?---Yes.
10:35:10 6
10:35:11 7 In that paragraph you're referring to dangers to both
10:35:15 8 Ms Gobbo?---Yes.
10:35:16 9
10:35:17 10 And dangers separately to that to Victoria Police?---Yes.
10:35:21 11
10:35:22 12 And do we take it that you're referring there to the
10:35:25 13 dangers around the consequences for other cases, other
10:35:29 14 convictions and other prosecutions?---That was less of my
10:35:33 15 concern at the time. I acknowledge that is actually, apart
10:35:39 16 from safety, that is the primary concern but I wasn't
10:35:45 17 cognisant of the likely undermining of all these
10:35:49 18 prosecutions back then. My concern was more, fairly
10:35:53 19 naively, around the notion of the methodologies with human
10:36:00 20 sources. So safety first, methodology second, and I really
10:36:04 21 wasn't focusing on the unlikely undermining of these other
10:36:09 22 prosecutions.
23
10:36:10 24 It's apparent in the meetings beforehand, whilst there
10:36:14 25 clearly are concerns raised about Ms Gobbo's safety as a
10:36:18 26 consequence, it's quite apparent from Mr Maguire's advice
10:36:22 27 and matters that are raised at these meetings that the
10:36:27 28 effect of her outing as a human source on other convictions
10:36:31 29 was a consideration that was being discussed?---I certainly
10:36:34 30 acknowledge the significance of that risk, better now than
10:36:37 31 I did then.
10:36:38 32
10:36:39 33 That's in effect what you are referring to when you refer
10:36:44 34 to the inherent dangers to both Ms Gobbo and Victoria
10:36:48 35 Police, the danger to Victoria Police was the potential
10:36:52 36 overturning of convictions or jeopardising prosecutions on
10:36:56 37 foot?---Do you want me to answer the same question again
10:37:00 38 the same way?
10:37:01 39
10:37:01 40 Do you accept that?---That wasn't at the forefront of my
10:37:04 41 mind at this time.
10:37:06 42
10:37:06 43 When you are referring to an inherent danger to Victoria
10:37:10 44 Police?---Yes.
10:37:10 45
10:37:11 46 That's the danger to Victoria Police, isn't it?---No, the
10:37:14 47 danger at the forefront of my mind was less so about

10:37:21 1 jeopardising prosecutions, more so about methodology and
10:37:24 2 reputational harm.
10:37:25 3
10:37:25 4 And what would reputational harm be?---The fact that
10:37:30 5 Victoria Police had been running a lawyer as a human
10:37:37 6 source, placing her at great risk, and having been left to
10:37:44 7 manage that mess.
10:37:46 8
10:37:47 9 What about Victoria Police running a barrister as a human
10:37:51 10 source against her clients?---I've told you already that
10:37:54 11 wasn't at the forefront of my mind at that time, in part
10:37:58 12 because of the assurances I was given that she wasn't
10:38:01 13 providing information against clients with whom she was
10:38:04 14 having conversations relevant to a current criminal matter
10:38:09 15 or a prosecution.
10:38:10 16
10:38:11 17 But she'd told you that she had been. Some of these
10:38:15 18 conversations I've taken you through - - - ?---Which is in
10:38:19 19 conflict to other times where she says she hasn't, and
10:38:23 20 there were more times she says she didn't than she may well
10:38:29 21 have said she did. But I was of the mind-set that she
10:38:32 22 hadn't been providing information on clients in relation to
10:38:38 23 the matters that they were engaging her for legal advice
10:38:42 24 on. I accept that that's not the case but that was my
10:38:45 25 mind-set at the time.
10:38:46 26
10:38:46 27 You had your own experience of Mr Orman's case where she'd
10:38:51 28 been clearly conflicted in that case and you knew about
10:38:54 29 that from your own experience?---I didn't appreciate her
10:38:58 30 involvement in that matter other than those two
10:39:04 31 appearances. So no, I wasn't aware of that conflict at the
10:39:09 32 time. I accept now that there was a conflict but I wasn't
10:39:12 33 aware of it at the time.
10:39:14 34
10:39:15 35 You've had a conversation with her where she's claimed,
10:39:21 36 prior to this conversation, she's claimed to you that,
10:39:27 37 "You've just come back from the High Court and I'm
10:39:29 38 responsible for that"?---Yes, and as I have said already
10:39:32 39 she did have a tendency to over state and exaggerate and I
10:39:38 40 was quite surprised she was making that claim.
10:39:40 41
10:39:41 42 Except some of it seemed to be borne out by what Mr Maguire
10:39:44 43 was telling you from the source management log?---He didn't
10:39:48 44 touch on - I don't believe he touched on the Orman matter.
10:39:51 45
10:39:52 46 He touched on issues that would give you reason to consider
10:39:56 47 that maybe she was telling the truth in terms of her having

10:39:59 1 had these troubling relationships with Victoria Police and
10:40:05 2 her clients?---It didn't occur to me in relation to the
10:40:10 3 Orman matter. I recall his memo focused predominantly on
10:40:14 4 the Mokbel prosecution/prosecutions.
10:40:17 5
10:40:18 6 And Mr Mokbel being a client of Ms Gobbo's?---Yes, that is
10:40:21 7 clear, yes. But that of itself, I think, is a hollow
10:40:40 8 statement, that Mokbel was a client of Gobbo's and
10:40:45 9 therefore it precludes her from providing any relevant
10:40:49 10 information.
10:40:51 11
10:40:51 12 It might preclude her from providing relevant information
10:40:56 13 and continuing to represent him?---I agree with that
10:41:00 14 totally.
10:41:00 15
10:41:03 16 You indicate yourself and I've just taken you through a
10:41:08 17 passage where you are saying to the reader of this document
10:41:11 18 that it's become apparent that Gobbo as a human source has
10:41:16 19 provided valuable intelligence to Victoria Police about a
10:41:19 20 large number of high level criminals?---Yes, that's right.
10:41:22 21
10:41:22 22 So you accept that?---I do.
10:41:24 23
10:41:26 24 But it didn't occur to you to accept Ms Gobbo when she
10:41:30 25 said, "I was doing it against my clients"?---Well, as I
10:41:36 26 say, that of itself doesn't necessarily lead to a conflict
10:41:44 27 unless and until, as you put it in the very next question,
10:41:47 28 she seeks to disengage once providing that information.
10:41:52 29
10:41:52 30 You accept that she had provided information against a
10:41:55 31 large number of high level criminals and what she has added
10:41:58 32 to that through her conversations with you during that year
10:42:01 33 was, "Well in relation to this [REDACTED] witness, I was the one
10:42:05 34 that identified the [REDACTED] that got him arrested in the
10:42:08 35 first place and then I went in and I was with Jim O'Brien
10:42:13 36 and pushing him over the line while he was crying"?---Yes.
10:42:16 37 I've answered that question.
10:42:17 38
10:42:21 39 All right. I tender that document, Commissioner.
10:42:24 40
10:42:31 41 #EXHIBIT RC691A - (Confidential) Buick memo to Ms Gobbo
10:42:32 42 6/10/11.
10:42:32 43
10:42:33 44 #EXHIBIT RC691B - (Redacted version.)
10:42:41 45
10:42:41 46 If we can go to a transcript of 11 October 2011,
10:42:48 47 VPL.0100.0068.0321. This was a meeting where you brought

10:43:03 1 someone named Gary with you, is that right?---Yes.
10:43:06 2
10:43:07 3 Gary, I think you explained to Ms Gobbo, had some
10:43:11 4 involvement in reviewing the evidence in the Gallop
10:43:15 5 matter?---That's right.
10:43:15 6
10:43:15 7 And that was the reason you brought him?---That was part of
10:43:18 8 the reason, yes.
10:43:19 9
10:43:20 10 In case Ms Gobbo disclosed a matter of interest in relation
10:43:24 11 to those investigations?---I think that was the assurance I
10:43:27 12 gave her. It was probably more to the point that Jason
10:43:33 13 Lebusque wasn't available, who was my preferred person, and
10:43:37 14 she was meeting Gary for the first time, so that's probably
10:43:41 15 why I gave her the assurance.
10:43:44 16
10:43:44 17 At p.9 of that document you're indicating at this point
10:43:52 18 that you're not allowed to deal with her as a source
10:43:55 19 formally or informally?---Yes.
10:43:58 20
10:43:59 21 Or with a view to trying to have her become a witness in
10:44:02 22 other matters?---Yes.
10:44:03 23
10:44:03 24 That was something that you were trying to change within
10:44:07 25 Victoria Police as well, is that right?---I wrote a report
10:44:11 26 for that to be considered.
10:44:13 27
10:44:14 28 If we scroll through to p.11. Ms Gobbo is offering to sign
10:44:17 29 a bit of paper so that so long as she's not made seriously
10:44:24 30 ill, or as she puts it, "Fucked over in any way", she
10:44:28 31 wouldn't sue anyone?---That's what she's saying, is it?
10:44:31 32
10:44:32 33 Yes. Do you see the first substantive paragraph there
10:44:37 34 where the cursor is?---Yet another example of an occasion
10:44:43 35 where I might not necessarily fully accept what she's
10:44:45 36 saying.
10:44:45 37
10:44:46 38 Yes. Because there are a number of conditions within that
10:44:47 39 statement in any case and she'd already demonstrated - - -
10:44:52 40 ?---Absolutely.
10:44:53 41
10:44:54 42 - - - what she might do. Gary was happy, said that would
10:44:58 43 be a good start in response to that. At p.15 there's some
10:45:08 44 discussion about the Witness Protection Act and not being
10:45:12 45 able to protect her unless she was on the program, do you
10:45:16 46 see that?---Yes.
10:45:16 47

10:45:17 1 At p.21 you're reporting about a decision about whether the
10:45:23 2 prosecution would still proceed is still to be made, you're
10:45:27 3 waiting on advice from the Commonwealth about the viability
10:45:30 4 of proceeding without her as a witness?---Yes.
10:45:32 5
10:45:33 6 At p.22 you see there's a reference there to the tape still
10:45:49 7 going in?---Yes.
10:45:50 8
10:45:50 9 And that not being the end of the problem. That's talking
10:45:53 10 about the tape-recording of 7 December 2008 I
10:46:00 11 assume?---With Paul Dale?
10:46:01 12
10:46:01 13 With Paul Dale?---Yes.
10:46:02 14
10:46:02 15 You're mentioning it might still be a problem depending on
10:46:06 16 how far they dig down about the history and that sort of
10:46:10 17 stuff?---Yes.
10:46:10 18
10:46:10 19 It seems as though you're still contemplating that there
10:46:14 20 might still be issues about disclosure in relation to that
10:46:17 21 tape going in?---No doubt.
10:46:18 22
10:46:21 23 Regardless of the fact of Ms Gobbo being called, there were
10:46:24 24 still concerns about disclosure?---Absolutely.
10:46:28 25
10:46:29 26 Were you saying there that it was up to defence to dig down
10:46:35 27 to try and unearth this stuff and it's not a responsibility
10:46:40 28 of the police knowing what defence they might be relying
10:46:45 29 upon to disclose material?---That's a lot in one line. No,
10:46:52 30 I knew it was inevitable that material would be disclosed
10:46:55 31 if these matters, sorry, I knew it was inevitable that
10:46:59 32 matters would have to be declared certainly in the context
10:47:03 33 of a PII claim. I wasn't aware at this stage of the depth
10:47:09 34 of information, the depth of the records and the
10:47:13 35 sensitivities necessarily, certainly they're certainly
10:47:19 36 sensitive, but the depth of the sensitivities of the
10:47:20 37 information. But I knew that to proceed, issued with a
10:47:22 38 subpoena, and one was on foot, one had been issued in
10:47:26 39 relation to the murder matter, would lead to Victoria
10:47:28 40 Police having to provide information to the court to
10:47:30 41 consider in a PII claim. I'm well aware of that. How many
10:47:34 42 times do I make mention of that in my reports?
10:47:36 43
10:47:38 44 Do you ever consider though that there doesn't necessarily
10:47:41 45 need to be a subpoena? If you're aware of a defence being
10:47:46 46 run or what might be a defence and it's clear from the
10:47:53 47 materials that you were anticipating in this case that

10:47:56 1 Mr Dale would be claiming LPP over that conversation. If
10:48:01 2 you're aware of material that's relevant to that, you don't
10:48:05 3 need a subpoena, you have to disclose, if that material is
10:48:09 4 held by Victoria Police?---No, I don't agree that you have
10:48:11 5 to disclose. There's material that you would, in the
10:48:15 6 absence of a subpoena, still seek to restrict release of
10:48:19 7 based on a PII claim.
10:48:21 8
10:48:22 9 You might make a PII claim but it still needs to be out
10:48:27 10 there, potentially for disclosure for the court to make a
10:48:31 11 determination about?---Yes, yes, I agree with that.
10:48:34 12
10:48:34 13 You don't need a subpoena for that. You shouldn't have to
10:48:37 14 rely upon the defence targeting something with a subpoena
10:48:40 15 that you know is relevant to a defence?---No, I agree with
10:48:44 16 that. But practically speaking in these serious matters
10:48:48 17 you wait for a subpoena because it's the subpoena that
10:48:51 18 brings it to the court for the court to determine what's
10:48:54 19 in, what's out.
10:48:56 20
10:48:56 21 This is the most basic - this was anticipated to be a major
10:49:03 22 plank of the defence, that this conversation that was
10:49:06 23 recorded was covered by LPP?---Yes.
10:49:08 24
10:49:09 25 Why would you be waiting for a subpoena when you knew there
10:49:12 26 was potentially material which ought be disclosed and you
10:49:16 27 need to make the claim for PII?---Well as I said, I had no
10:49:21 28 idea what the records were that went to this point. I was
10:49:28 29 of the view that this wasn't a privileged conversation
10:49:31 30 because she hadn't acted for Paul Dale.
10:49:37 31
10:49:37 32 But you had Mr Maguire saying, "Whilst that might be the
10:49:41 33 ultimate determination, it might be unsuccessful, you still
10:49:45 34 have to disclose"?---That's why I asked, pursued the legal
10:49:50 35 advice.
10:49:50 36
10:49:52 37 At p.33 of this conversation you indicate that even if this
10:49:59 38 case goes away you've still got the Inquest in the
10:50:04 39 offing?---Very well run Inquest it was too.
10:50:08 40
10:50:09 41 I think you were missing a witness. At p.50 you have some
10:50:18 42 conversation with Ms Gobbo about getting the records from
10:50:21 43 her barrister's clerk and this was what we were discussing
10:50:25 44 before?---Yes.
10:50:26 45
10:50:26 46 That was to indicate that she hadn't charged a fee for
10:50:30 47 Mr Dale?---Yes.

10:50:31 1
10:50:31 2 Back when he was arrested for the burglary back in December
10:50:35 3 03?---Yes.
10:50:36 4
10:50:38 5 And she indicated that you might want to ask for
10:50:42 6 information about the Terry Hodson fee that she'd charged
10:50:48 7 around that time as well?---Yes.
10:50:49 8
10:50:51 9 Because you understood that she had provided some advice to
10:50:55 10 Terry Hodson around that time?---She said she did and I
10:50:58 11 think we've discovered a record to that effect, I'm not
10:51:02 12 sure.
10:51:03 13
10:51:03 14 That she had been contacted - are you aware she had been
10:51:06 15 contacted by Mr De Santo at ESD because he knew of her
10:51:11 16 connection through Andrew Hodson, to put ESD in touch with
10:51:16 17 - - - ?---I don't recall at the time. I've heard
10:51:18 18 Mr De Santo's evidence and I follow that that's occurred.
10:51:23 19
10:51:24 20 Was that the first time you became aware of that through
10:51:27 21 this process?---I knew that there was an involvement back
10:51:32 22 then with either Andrew or Terry or both.
10:51:37 23
10:51:38 24 Or both. As we understand it, it was because of her
10:51:41 25 earlier involvement with Andrew that the contact was made
10:51:45 26 with her to facilitate contact with Terry and the ESD?---I
10:51:51 27 don't think I was aware of that, I may have been but I
10:51:56 28 don't think I was. I knew that part of the motivation for
10:51:59 29 Terry, I understand, I don't know this, I understand part
10:52:05 30 of the motivation for Terry in rolling was to protect his
10:52:07 31 children who were facing criminal charges unrelated to him,
10:52:11 32 I think.
10:52:12 33
10:52:14 34 In your day book on 17 October 2011, in the afternoon you
10:52:26 35 speak with Ms Gobbo?---Yes.
10:52:27 36
10:52:28 37 Re a letter concerning her security?---Yes.
10:52:32 38
10:52:33 39 You'd informed her of the likelihood of disclosure should
10:52:37 40 she give evidence?---Probably.
10:52:39 41
10:52:40 42 And there was a letter subsequently emailed to you a number
10:52:43 43 of days later in relation to safety concerns?---Yes.
10:52:46 44
10:52:49 45 If we can put up on the screen VPL.6031.0015.7702. You see
10:53:10 46 down the bottom there on 19 October, Ms Gobbo was enclosing
10:53:18 47 a letter as discussed. She toned it down that morning.

10:53:25 1 And you passed it along to Mr O'Connor?---Straight away,
10:53:29 2 yes.
10:53:29 3
10:53:31 4 We have a letter dated 17 October 2011. It may or may not
10:53:37 5 be the actual letter that was sent to you but
10:53:44 6 MIN.5000.0001.6946. This is a letter dated 17 October,
10:54:00 7 which is a number of days earlier, I only say that as it
10:54:05 8 might not reflect exactly what you were provided because
10:54:09 9 she had indicated she had toned it down before sending and
10:54:12 10 this is a copy we have from Ms Gobbo's - - - ?---Is it the
10:54:17 11 pre tone down?
10:54:18 12
10:54:18 13 I don't know?---Yes, I don't know.
10:54:20 14
10:54:20 15 You might be able to recognise whether this is a - it looks
10:54:32 16 like it's the same letter. Perhaps we can go to - the VPL
10:54:40 17 version is VPL.0002.0001.1599. It looks like this is the
10:54:47 18 same version. In any case, that's a letter from Ms Gobbo
10:54:57 19 in relation to her health concerns and safety
10:55:01 20 concerns?---Yes.
10:55:01 21
10:55:02 22 Being addressed. Is that right?---Yes.
10:55:05 23
10:55:05 24 I tender those documents, Commissioner, the email and the
10:55:09 25 letter.
10:55:09 26
10:55:12 27 #EXHIBIT RC692A - (Confidential) Email chain 19-20/10/11.
10:55:20 28
10:55:20 29 #EXHIBIT RC692B - (Redacted version.)
10:55:24 30
10:55:25 31 #EXHIBIT RC693A - (Confidential) Letter from Ms Gobbo to
10:55:26 32 Mr Buick 17/10/11.
10:55:32 33
10:55:33 34 #EXHIBIT RC693B - (Redacted version.)
10:55:37 35
10:55:37 36 If we can go to an email from Ms Breckweg dated 19 October
10:55:44 37 2011. It's VPL.6071.0073.6622. If we can scroll to p.2.
10:56:05 38 You see there there's an email from Ms Breckweg?---Yes.
10:56:10 39
10:56:11 40 This refers to there being an agreement with Mr Hargreaves
10:56:17 41 about not issuing a subpoena in relation to certain
10:56:21 42 documents if he's able to use previously supplied documents
10:56:26 43 and gets prosecution notes in relation to the present
10:56:31 44 prosecution?---Yes, I recall this.
10:56:32 45
10:56:34 46 Ms Breckweg attaches a copy of the prosecution disclosure
10:56:39 47 policy which outlines that material should be disclosed,

10:56:43 1 what material should be disclosed to the defence?---Yes.
10:56:46 2
10:56:46 3 It includes documents that inform the defence of the
10:56:51 4 prosecution's case against them, any information affecting
10:56:52 5 the credibility of any prosecution witness, any unused
10:56:55 6 material, that is material not used in the prosecution case
10:56:58 7 but which may run counter to the prosecution case or may
10:57:01 8 assist the defence in advancing a defence?---Yes.
10:57:03 9
10:57:05 10 And it notes that the disclosure obligation is ongoing.
10:57:10 11 Are these principles that you're aware of?---Yes.
10:57:13 12
10:57:16 13 You were aware of your obligation to disclose as per those
10:57:24 14 dot points listed in Ms Breckweg's email?---Yes.
10:57:27 15
10:57:29 16 You're aware that the obligation to disclose was an ongoing
10:57:33 17 one, it didn't stop at any stage?---Yes.
10:57:35 18
10:57:36 19 And even after conviction, should you become aware of
10:57:39 20 something after conviction?---Yes, I accept that.
10:57:42 21
10:57:44 22 This wasn't something that was confined simply to the
10:57:47 23 Commonwealth, this was, these are general principles in
10:57:49 24 relation to disclosure?---Yes.
10:57:51 25
10:57:57 26 Ms Breckweg goes on, she'd be grateful if you'd read over
10:58:01 27 the document and ensure any documents in possession of
10:58:03 28 Victoria Police that fall within this policy are identified
10:58:06 29 and a list of the documents and a copy of the documents
10:58:10 30 provided to the Commonwealth DPP as a matter of urgency. A
10:58:15 31 copy of the list of documents and the documents must be
10:58:18 32 made available to be provided to the defence save where
10:58:21 33 there's a claim of PII or LPP in respect of the entire
10:58:26 34 document?---Yes.
10:58:26 35
10:58:26 36 And she notes that the CDPP may seek clarification about
10:58:31 37 the nature of claims that are made. That document, if we
10:58:40 38 go to p.1, is forwarded from Frewen, Mr Frewen to
10:58:51 39 Mr Fryer?---Yes.
10:58:51 40
10:58:51 41 Do you see that?---Yes.
10:58:52 42
10:58:55 43 He'd spoken to Ms Breckweg, the bottom line is that they
10:59:02 44 needed to provide all the material in relation to Gobbo and
10:59:06 45 Dale pertaining to her credibility and in brackets he says,
10:59:11 46 "Basically everything I would assert"?---Yes.
10:59:14 47

10:59:17 1 Ms Breckweg recommended getting all the decision makers
10:59:21 2 together to resolve it, what to hand over and the future
10:59:24 3 direction of the matter and there was a recommendation
10:59:27 4 about a meeting at the CDPP with a number of people the
10:59:32 5 following week, including Mr Fryer, Mr Ashton, Mr Pope,
10:59:36 6 Mr Frewen, Mr McCrae and yourself?---Yes.
10:59:39 7
10:59:41 8 Mr Fryer then forwards that to Mr Ashton and he says,
10:59:47 9 "Graham, the Gobbo witness issues are heating up with the
10:59:50 10 DPP. If the below is correct it would appear all needs to
10:59:57 11 be declared re her history. This is a problem for
11:00:00 12 discussion please"?---Yes.
11:00:02 13
11:00:02 14 Commissioner, I note the time, it's 10.59 or shortly - a
11:00:08 15 minute's silence.
11:00:10 16
11:00:10 17 COMMISSIONER: There will be something broadcast at 11.
11:00:20 18 Here we go.
19
11:00:37 20 (One minute's silence observed.)
11:04:12 21
11:04:12 22 COMMISSIONER: Ms Tittensor, thank you.
11:04:17 23
11:04:19 24 MS TITTENSOR: So you'll see the rest of that email,
11:04:25 25 Mr Ashton then instructs Mr Fryer to set up a meeting and
11:04:29 26 to ensure that Mr Kirne at the CDPP can be there?---Yes.
11:04:36 27
11:04:39 28 I tender that email, Commissioner.
11:04:41 29
11:04:44 30 #EXHIBIT RC694A - (Confidential) Email chain around
11:04:45 31 19/10/11 between Ms Breckweg from CDPP
11:04:52 32 and Victoria Police.
11:04:56 33
11:04:57 34 #EXHIBIT RC694B - (Redacted version.)
11:04:59 35
11:05:06 36 On 21 October, if we go to your day book, is it the case
11:05:12 37 that you attended for the steering committee
11:05:17 38 meeting?---Yes.
11:05:18 39
11:05:18 40 Other attendees included Mr Ashton, Mr Pope, Mr Dunne,
11:05:22 41 Mr Fryer and Mr Frewen?---Yes.
11:05:23 42
11:05:24 43 And no doubt there would be discussion about the matters
11:05:30 44 that have gone before that we've just been discussing, the
11:05:34 45 Maguire advice, the requirement for disclosure and so
11:05:38 46 forth?---Probably.
11:05:39 47

11:05:39 1 Do you recall that there was discussion in relation to
11:05:43 2 concerns regarding the jeopardy of other
11:05:47 3 prosecutions?---No.
11:05:48 4
11:05:49 5 Do you say that those things would or would not have been
11:05:52 6 discussed?---They may have been.
11:05:54 7
11:06:03 8 Do you recall that being a particular concern for a number
11:06:06 9 of people in the hierarchy, the effect of all of this on
11:06:10 10 other prosecutions?---No.
11:06:14 11
11:06:17 12 Do you say that the concern you recall is simply about
11:06:23 13 Ms Gobbo's safety and there was no real concern about the
11:06:26 14 jeopardy that other prosecutions might be placed in?---I
11:06:31 15 can't speak for each of those people that were present at
11:06:35 16 the meeting but it's possible that collectively they, we
11:06:42 17 weren't cognisant of that risk to prosecutions. I don't
11:06:45 18 know that they will have had access to or been briefed on
11:06:52 19 the depth of the contact reports and the source management
11:06:57 20 holdings. It's possible but I just don't seem to recall
11:07:01 21 that as being at the forefront of conversations about the
11:07:04 22 complexities with Nicola Gobbo.
11:07:07 23
11:07:08 24 All right then. If we can go to - does your day book
11:07:14 25 indicate at 2 o'clock that afternoon that with Mr Lebusque
11:07:19 26 you met with Ms Gobbo again?---Yes.
11:07:22 27
11:07:22 28 If we can go to that conversation transcript. It's
11:07:26 29 VPL.0100.0068.0545.
11:07:31 30
11:07:31 31 COMMISSIONER: This is 21 October?
11:07:33 32
11:07:34 33 MS TITTENSOR: 21 October 2011.
11:07:35 34
11:07:36 35 COMMISSIONER: Yes.
11:07:36 36
11:07:44 37 MS TITTENSOR: If we go to p.5 of that document. You'll
11:07:55 38 see at the top there that you indicate that you're still
11:07:59 39 waiting on the advice from the Commonwealth?---Yes.
11:08:01 40
11:08:02 41 On written advice from the Commonwealth and that was the
11:08:05 42 advice as to the viability of a prosecution in the absence
11:08:08 43 of Ms Gobbo as a witness?---Yes.
11:08:09 44
11:08:10 45 If we scroll to p.6. Halfway down the page you're being,
11:08:22 46 you're discussing that issue there. Irrespective of what
11:08:27 47 their position is going to be, it's possible that Victoria

11:08:30 1 Police will ask the Commonwealth DPP not to proceed and
11:08:34 2 Ms Gobbo asks why and your response is, "Because for
11:08:40 3 reasons that I'm not fully across, because I haven't been
11:08:44 4 fully briefed and I haven't read all the material,
11:08:47 5 examination of you or the production of documents by us
11:08:50 6 relating to you has the potential to jeopardise other
11:08:53 7 prosecutions"?---Yes.
11:08:54 8
11:08:57 9 So it's apparent - that's your first response to Ms Gobbo
11:09:01 10 when she asks, "Why might Victoria Police ask the
11:09:06 11 Commonwealth not to proceed in this case?" Your first
11:09:10 12 response to her is - - - ?---My first response to her is,
11:09:14 13 "Because for reasons that I'm not fully across" and so on.
11:09:17 14
11:09:17 15 "I haven't been fully briefed but the examination of you
11:09:20 16 and the production of documents by us relating to you has
11:09:25 17 the potential to jeopardise other prosecutions", that's
11:09:28 18 your first response?---Yes.
11:09:29 19
11:09:29 20 That would indicate that there's been conversations prior
11:09:32 21 to that with the hierarchy that that was a concern within
11:09:39 22 Victoria Police, there was going to be other prosecutions
11:09:41 23 jeopardised if this all came out?---These were
11:09:44 24 conversations amongst the hierarchy?
11:09:46 25
11:09:47 26 This would seem to indicate that. Earlier that day you'd
11:09:51 27 attended at a steering committee meeting with Ashton, Pope,
11:09:55 28 Dunne, Fryer and Frewen. You're discussing Victoria Police
11:10:03 29 potentially asking the DPP not to proceed, Ms Gobbo is
11:10:08 30 asking why, and you're talking - your first response is
11:10:09 31 about the potential for jeopardy to other
11:10:11 32 prosecutions?---Yes, I see that.
11:10:13 33
11:10:13 34 Should we infer that that's, that had been discussed
11:10:17 35 between you and the hierarchy in Victoria Police?---That
11:10:22 36 seems likely.
11:10:22 37
11:10:31 38 It appears at this stage, if we scroll, that a phone rings
11:10:37 39 and someone takes a call. It might be you. If we scroll
11:10:41 40 up. It appears as though you take a call there?---Yes.
11:10:48 41
11:10:48 42 If we go to p.10 I think you come off the phone and start
11:10:55 43 talking again. There's discussion about, "Your
11:11:03 44 relationship or your situation with Paul is not the
11:11:06 45 concern, you think you can overcome that"?---Yes.
11:11:09 46
11:11:09 47 "It's your relationship with other people over the years

11:11:12 1 and what other people have recorded in relation to your
11:11:14 2 engagements you've had with them, how they've recorded them
11:11:18 3 and what they've recorded and the impact that might have on
11:11:23 4 those convictions"?---Yes.
11:11:24 5
11:11:24 6 That's the concern?---Yes.
11:11:25 7
11:11:26 8 Gobbo says, "If people were to find out" and you say, "Yes,
11:11:29 9 that's right". Gobbo says, "I might sound like I'm half
11:11:33 10 retarded asking this 'cause I kind of, what happened in
11:11:41 11 2009 that you're only considering this now? What
11:11:46 12 happened?" Ms Gobbo's indicating she kept raising this in
11:11:52 13 2009 with the people that she was dealing with. She
11:11:56 14 mentions a number of names there?---Yes.
11:11:58 15
11:12:00 16 Mr Allway, Rod Wilson, Kieran Walsh and the list goes on
11:12:05 17 and, "Nobody ever had the common sense that you've got
11:12:08 18 now". What she was indicating was that these types of
11:12:11 19 matters were always an issue and why is it now just coming
11:12:15 20 up?---That does seem to be what she's saying.
11:12:19 21
11:12:21 22 You say, "I don't know why it didn't dawn on people back
11:12:25 23 then or if it did whether they ignored it". Do you
11:12:31 24 understand now whether it dawned on people back then or
11:12:35 25 whether it was something that was ignored?---I don't know.
11:12:38 26
11:12:45 27 At p.13, if we go to p.13 - you see there's a long passage
11:13:06 28 in the middle of the - - - ?---Yes, I've read that.
11:13:10 29
11:13:11 30 - - - page by Ms Gobbo?---Yes.
11:13:12 31
11:13:12 32 She's discussing this issue and she finishes off by saying,
11:13:17 33 "But isn't all this based on the assumption that if
11:13:20 34 somebody asks me a question it comes out"?---Yes.
11:13:22 35
11:13:23 36 And you say, "Not just that, based on the assumption that
11:13:26 37 material relevant to your credit will be asked for" and
11:13:30 38 Ms Gobbo, "But you haven't got a subpoena". You respond,
11:13:34 39 "That's right but the Commonwealth have this disclosure
11:13:37 40 principle or disclosure philosophy which is broader than
11:13:41 41 ours". Now, is that right or do you accept that the
11:13:47 42 Commonwealth disclosure policy was based on legal
11:13:52 43 principles that equally applied to the running of State
11:13:54 44 prosecutions?---No, I accept that.
11:13:57 45
11:13:58 46 You accept that the Commonwealth disclosure principles
11:14:01 47 equally apply to State prosecutions?---Yes.

11:14:04 1
11:14:06 2 Was it the case that Victoria Police at that stage were
11:14:12 3 applying disclosure principles more narrowly than they
11:14:16 4 should have been?---No, not more narrowly but I've come to
11:14:21 5 learn having worked in a number of joint Commonwealth/State
11:14:27 6 Task Forces that the Commonwealth have a different approach
11:14:31 7 in that they'll produce all relevant material with a brief
11:14:38 8 of evidence. Victoria Police tend to produce a brief of
11:14:43 9 evidence because of a tight time frame surrounding arrest
11:14:48 10 and brief service and thereafter compile disclosable
11:14:53 11 material. Whereas because of the nature of the charges the
11:14:58 12 Commonwealth often pursues they have the time to compile
11:15:01 13 that material before or with the brief being served.
11:15:05 14 Whereas it tends to be our practice that we serve the brief
11:15:09 15 and then we collate, compile disclosable material. That's
11:15:13 16 the difference. Not the principles, just the timing.
11:15:15 17
11:15:17 18 You don't seem to be talking about a timing issue here,
11:15:19 19 what you're saying here is, "The Commonwealth have this
11:15:22 20 disclosure philosophy that's broader than ours so they'll
11:15:28 21 give them more than what we would"?---No, not more. It's
11:15:35 22 not about more, it's about the timing.
11:15:37 23
11:15:37 24 If we go to p.37 you'll see reference to Mr Mokbel, Tony
11:15:45 25 Mokbel being in the papers lately. Do you see that?---Yes.
11:15:50 26
11:15:51 27 And your reference there being, "You've got to swear
11:15:56 28 affidavits properly"?---I've got to swear to your
11:16:06 29 affidavits properly, yes.
11:16:07 30
11:16:07 31 You understand that was a reference to, you were making
11:16:10 32 there a reference to Mr Mokbel's seeking to withdraw his
11:16:16 33 plea on the basis of incorrectly sworn affidavits?---I
11:16:23 34 don't recall that but I don't dispute that that was an
11:16:25 35 issue.
11:16:26 36
11:16:26 37 That was something that we understand was going on at that
11:16:30 38 very time and you would accept you having said that in that
11:16:34 39 context would mean that you're aware of it?---Probably.
11:16:37 40
11:16:46 41 At p.41 there's reference to an article in which Ms Gobbo's
11:17:01 42 drug prior had been raised. Do you recall conversation
11:17:04 43 about that?---I do now.
11:17:05 44
11:17:07 45 She refers in that part there to assisting police back in
11:17:13 46 1993 in order to get a bloke out of the house which was
11:17:19 47 hers?---Yes.

11:17:20 1
11:17:21 2 And you respond about the bloke who's now overseas in PNG,
11:17:30 3 Papua New Guinea?---Yes.
11:17:32 4
11:17:32 5 It seems as though you had some prior knowledge of that, is
11:17:35 6 that right?---I think I recently learnt of that.
11:17:37 7
11:17:38 8 When you say recently learnt, as of this time?---I must
11:17:43 9 have. If I've known - I don't recall now who was in Papua
11:17:49 10 New Guinea, but can you just go back to that paragraph
11:17:51 11 again. I might have the wrong scenario in my mind. Yes,
11:18:07 12 I'm not sure, sorry.
11:18:08 13
11:18:13 14 At p.42 - I might say I think - sorry. At p.42 do you see
11:18:26 15 there you're asking Ms Gobbo whether she'd provided any
11:18:32 16 information to the SDU about any high ranking people such
11:18:39 17 that it might be embarrassing?---Yes.
11:18:42 18
11:18:42 19 Talking about lawyers or politicians or police?---Yes.
11:18:45 20
11:18:47 21 Then she refers, if we scroll through, to a document which
11:18:53 22 she said she'd - if we keep scrolling up - she refers in
11:19:00 23 that context to a document that she previously provided to
11:19:05 24 police entitled, "Lawyers, drugs and money", do you see
11:19:09 25 that?---Yes.
11:19:09 26
11:19:11 27 If we keep on scrolling on p.44 she said she'd kept all
11:19:16 28 these documents because she wanted a reward. You recall
11:19:22 29 this conversation?---I don't but I can read it.
11:19:25 30
11:19:25 31 I think you will. It's in this context, this is the lead
11:19:29 32 in to her making the assertion that she had a sexual
11:19:33 33 relationship with Mr Pope?---Yes, I do recall that
11:19:35 34 unfortunately.
11:19:36 35
11:19:37 36 So if you - it's in this context she says, "I've kept this
11:19:43 37 document about lawyers drugs and money because I want a
11:19:47 38 reward in the future". She's talking about people getting
11:19:51 39 a million dollars and so forth?---Yes.
11:19:53 40
11:19:53 41 Then if we keep on scrolling up. In that same paragraph
11:19:56 42 she's talking about the reward. She goes on, "Do you know
11:20:01 43 who the Assistant Commissioner was who I only found out
11:20:05 44 after the event who was overseeing my handling when I was
11:20:06 45 being looked after by Petra? It was Jeff Pope for a while,
11:20:09 46 wasn't it?" And then she goes on to ask you, "Would you
11:20:14 47 think it was appropriate if I had a sexual relationship

11:20:17 1 with you, that you look after that committee? How's that
11:20:21 2 for a confession for you. Have a look at Boris's face, I
11:20:25 3 wish I could take a photo of that". It's that conversation
11:20:28 4 that you're having with her. Have you got anything
11:20:31 5 embarrassing to say about anyone or have you said that in
11:20:36 6 the past that leads into that assertion by her that she's
11:20:40 7 had this relationship with Mr Pope?---Yes.
11:20:42 8
11:20:43 9 And then Mr Lebusque makes a joke about having to rename a
11:20:49 10 document, "Sex and police" or something like that?---Yes.
11:20:51 11
11:20:54 12 This is, you say, the only thing you reported up in
11:20:58 13 relation to any concerns that were raised in conversations
11:21:02 14 with Ms Gobbo?---Apart from the safety issues, I'm pretty
11:21:06 15 sure it is.
11:21:07 16
11:21:07 17 You didn't report up any assertions that Ms Gobbo had made
11:21:12 18 in relation to inappropriate relationships with police and
11:21:17 19 clients?---Inappropriate relationships with police?
11:21:22 20
11:21:22 21 She'd indicated to you that she'd had a hand in Mr Orman's
11:21:27 22 conviction?---Yes.
11:21:28 23
11:21:28 24 She'd indicated to you that in relation to that [REDACTED]
11:21:31 25 witness she'd been involved in providing the evidence that
11:21:35 26 got him arrested and then gave him legal advice along with
11:21:40 27 Purana detectives which pushed him over the line?---Yes.
11:21:43 28
11:21:44 29 You didn't report those types of concerns up, but you did
11:21:48 30 report up concerns about her safety and this concern about
11:21:53 31 the relationship - - - ?---Allegation.
11:21:56 32
11:21:56 33 This allegation that she'd made about the relationship with
11:22:00 34 Mr Pope?---Yes. Just on that though, all of these
11:22:07 35 recordings I would upload on to Interpose. So it's not
11:22:19 36 something you can hide from and an assertion like that I
11:22:24 37 would like to have, not to have been party to that
11:22:30 38 conversation but it having been conveyed to me I felt
11:22:34 39 obliged to not just record, as I did, for all the
11:22:37 40 conversations but to report on it.
11:22:39 41
11:22:40 42 So why did you feel obliged to report on that conversation
11:22:44 43 specifically in relation to that aspect?---Well she's
11:22:49 44 making an allegation that Jeff Pope was in a conflicted
11:22:56 45 position when she was - - -
11:23:00 46
11:23:00 47 In relation to decision making about her?---Yes.

11:23:03 1
11:23:04 2 What about her allegations that she was making about other
11:23:07 3 conflicted positions?---I didn't believe she did play a
11:23:10 4 hand in the - I've already said to you I didn't believe
11:23:12 5 that she did play a hand in the Orman - I didn't believe at
11:23:16 6 the time I should say that she did play a hand in the Orman
11:23:21 7 matter. And in relation to the other matter, the other
11:23:24 8 unnamed witness matter, I didn't necessarily believe or I
11:23:34 9 didn't understand the extent of her role and I thought she
11:23:39 10 was exaggerating to some degree, although I did know, I did
11:23:44 11 come to know, that she was involved in the decision by that
11:23:50 12 client, that witness, to make a statement for other
11:23:53 13 investigators.
11:23:57 14
11:23:58 15 Did it matter one way or the other whether you 100 per cent
11:24:06 16 believed her? You wouldn't necessarily have 100 per cent
11:24:12 17 believed her when she made these assertions about Mr Pope
11:24:16 18 either but you reported those?---Yes, I did. It's a bit
11:24:20 19 like the Brigginslaw test, the level of percentage, it was
11:24:22 20 greater for that than it was for the other matters.
11:24:25 21
11:24:26 22 But her assertions in relation to those other matters may
11:24:29 23 well have been relevant as to her credibility should she
11:24:34 24 come to hit the witness box?---Well I think you conflated
11:24:39 25 two issues there. I was well aware there were concerns
11:24:41 26 around her hitting the witness box, as you put it, and the
11:24:46 27 exposure of her as a human source for a whole lot of
11:24:49 28 reasons. I think that's a different issue to what I
11:24:52 29 regarded of what she was saying in these various meetings I
11:24:56 30 was having with her when I'm just trying to keep her alive
11:25:02 31 and on course to give evidence.
11:25:05 32
11:25:14 33 On 26 October 2011 in your day book there's a reference to
11:25:29 34 - - - ?---What date sorry?
11:25:30 35
11:25:30 36 Sorry, 26 October 2011. You have a reference to having
11:25:45 37 received or the Commonwealth having received advice from
11:25:50 38 counsel?---Yes.
11:25:52 39
11:25:52 40 And that's in relation to that issue as to the viability of
11:25:59 41 proceeding without Ms Gobbo?---I'm not sure.
11:26:05 42
11:26:05 43 I think once we go through some material that
11:26:08 44 follows?---Okay.
11:26:08 45
11:26:09 46 That becomes apparent, as opposed to at that stage they
11:26:13 47 being provided with the Maguire advice?---Right.

11:26:16 1
11:26:17 2 On 27 October, at 10.30 in the morning there's a briefing
11:26:27 3 with Frewen re the Commonwealth advice on Dale and
11:26:31 4 Gobbo?---Yes.
11:26:31 5
11:26:34 6 That, I'd suggest, indicates you're talking about advice
11:26:38 7 that you've gotten from the Commonwealth re Dale and
11:26:41 8 Gobbo?---That I've got?
11:26:43 9
11:26:44 10 Well, or that the police have received?---Are you going to
11:26:51 11 show me that advice?
11:26:53 12
11:26:53 13 I don't necessarily have that advice but I'm just
11:26:55 14 suggesting to you that there's some - you did receive some
11:26:59 15 advice at some stage about the viability of proceeding
11:27:01 16 without Gobbo?---From the Commonwealth?
11:27:02 17
11:27:03 18 Or the Commonwealth got that advice themselves from counsel
11:27:06 19 and then discussed it with you, is that right?---Okay. I
11:27:09 20 don't recall that but I don't dispute that.
11:27:11 21
11:27:11 22 You've got a note in your day book here, "Briefed by DI
11:27:16 23 Mick Frewen re CDPD advice on Dale and Gobbo"?---Yes.
11:27:20 24
11:27:21 25 Later that day you attend a steering committee meeting, is
11:27:25 26 that right, 15:30?---Yes.
11:27:27 27
11:27:32 28 If we go to some notes of Mr Ashton for that day,
11:27:39 29 GLA.0001.0001.0093 at 112. There's some notes from that
11:27:49 30 steering committee meeting you'll see there and the various
11:27:54 31 attendants. He notes in there that, "Krista at the DPP and
11:28:00 32 the written advice", refers to that, "12 charges can
11:28:04 33 proceed without Witness F. Down 10"?---Yes.
11:28:12 34
11:28:14 35 So it seems apparent that that's been the advice that's
11:28:18 36 been filtered through at least from the DPP?---Yes.
11:28:22 37
11:28:22 38 He then refers to a written advice. It may or may not be
11:28:25 39 that you had seen that, is that right?---Yes, I don't
11:28:30 40 recall it.
11:28:30 41
11:28:35 42 On 28 October 2011 you have another meeting with Ms Gobbo.
11:28:44 43 It's VPL.0100.0068.0794.
11:28:53 44
11:28:53 45 COMMISSIONER: Did you want to tender the 27 October 2011
11:28:58 46 notes?
11:28:58 47

11:28:59 1 MS TITTENSOR: Yes, Commissioner.
11:29:00 2
11:29:00 3 COMMISSIONER: Who's are they?
11:29:02 4
11:29:03 5 MS TITTENSOR: Mr Ashton's.
11:29:07 6
11:29:07 7 #EXHIBIT RC695A - (Confidential) Notes of Mr Ashton
11:29:08 8 27/10/11.
11:29:08 9
11:29:09 10 #EXHIBIT RC695B - (Redacted version.)
11:29:17 11
11:29:18 12 If we go to p.3. You'll see down the bottom there, you're
11:29:30 13 referring to the Commonwealth DPP written advice?---Yes.
11:29:34 14
11:29:36 15 And that, "They can still run on a dozen of the 23 charges
11:29:41 16 without you as a witness"?---Yes.
11:29:43 17
11:29:43 18 If we go to p.7. You're referring - if we scroll up - the
11:29:56 19 Assistant Commissioner of Crime, Graham Ashton, is meeting
11:30:01 20 with the Commonwealth the next week?---Yes.
11:30:04 21
11:30:12 22 If we go through, scrolling through, you don't know what
11:30:17 23 representation he would make at that stage if he's not to
11:30:21 24 proceed at all or to proceed without you. You don't know,
11:30:24 25 you're telling her this, you don't know what the
11:30:27 26 Commonwealth's view would be, and to bear in mind that the
11:30:29 27 Commonwealth don't know the history. How familiar they
11:30:32 28 need to be made and whether it impacts on a decision, you
11:30:35 29 can't predict, it's a tricky situation?---Yes.
11:30:38 30
11:30:39 31 There's reference there to conveying it in the measure of
11:30:42 32 risk and having to deal with these sorts of issues to a
11:30:45 33 lesser degree before. Ms Gobbo refers, if we scroll up,
11:31:00 34 that she feels like she made her position clear at that
11:31:05 35 meeting and I suggest she's referring to the earlier
11:31:10 36 meeting that we've discussed on 24 August?---I guess so.
11:31:13 37
11:31:14 38 Where she attended at the Commonwealth DPP?---Yes.
11:31:17 39
11:31:18 40 You say, "At that point in time I don't know if they were
11:31:21 41 aware". Ms Gobbo says, "I rang her the day after, told her
11:31:29 42 straight out I was an informer". Do you see that?---Yes.
11:31:32 43
11:31:37 44 She then came up with an idea that Mr Hargreaves might
11:31:43 45 provide a list of questions that she might be asked and you
11:31:47 46 say, "Oh, that's where that idea came from". Do you see
11:31:53 47 that?---Yes.

11:31:54 1
11:31:55 2 It seems as though Ms Gobbo is telling you that she'd rung
11:32:00 3 someone at the Commonwealth DPP and told them that she was
11:32:03 4 an informer?---Yes.
11:32:04 5
11:32:04 6 Did you make any inquiries about that?---I don't recall
11:32:07 7 doing so.
11:32:07 8
11:32:09 9 You don't recall making any inquiries to determine exactly
11:32:13 10 what the nature of the information was, if any, that
11:32:18 11 Ms Gobbo had conveyed to anyone at the DPP?---No. It's an
11:32:26 12 inherently tricky scenario dealing with an informer who
11:32:30 13 tells you they've told someone they're an informer, to go
11:32:35 14 to that person and say, "Did Nicola Gobbo tell you she was
11:32:41 15 an informer", if she hadn't, I have.
11:32:43 16
11:32:43 17 You might indicate that you understand your witness has
11:32:46 18 contacted you and had a discussion about issues and have it
11:32:53 19 that way obliquely?---It's an inherently tricky situation.
11:32:57 20
11:32:57 21 She was providing you with some information about a
11:33:02 22 discussion about a list of questions that might be provided
11:33:07 23 for some reason by the defence?---Yes.
11:33:09 24
11:33:10 25 Do you recall what that issue was?---No.
11:33:12 26
11:33:12 27 It seems as though it had been something that you'd been
11:33:15 28 aware of prior to that because of your response, "Oh,
11:33:19 29 that's where that idea came from"?---Yeah, I think it goes
11:33:22 30 back to the subpoenas. I don't know. I'm not confident in
11:33:25 31 saying this, but I think it goes back to the subpoenas were
11:33:28 32 issued for the murder investigation, some discussions that
11:33:36 33 Tony had had with the prosecutors but I'm not certain.
11:33:39 34
11:33:39 35 If we continue scrolling over to p.10. Ms Gobbo indicates
11:33:46 36 that she didn't tell her the names of the cases or
11:33:49 37 anything, "But one thing I did say was there's a massive
11:33:53 38 prosecution on foot with the Commonwealth DPP at the moment
11:33:57 39 which wouldn't be on foot but for me"?---Yes.
11:33:59 40
11:34:00 41 Your response is, "You told her that?" Ms Gobbo, "Yeah".
11:34:04 42 And she says something?---Yes. Unpleasant.
11:34:11 43
11:34:11 44 Unpleasant about the person at the Commonwealth DPP?---Yes.
11:34:15 45
11:34:15 46 At p.15, now she was indicating to you at this point that
11:34:30 47 she was an informer in relation, and you'd had this

11:34:34 1 discussion with her before, that she was an informer in
11:34:37 2 relation to that Commonwealth tomato tins
11:34:40 3 prosecution?---Yes.
11:34:40 4
11:34:42 5 Did you understand that she represented anyone in those
11:34:45 6 prosecutions?---No.
11:34:46 7
11:34:47 8 Did you come to understand that?---Here I have.
11:34:50 9
11:34:52 10 Earlier than this process did you make any inquiries?---No.
11:34:56 11
11:35:02 12 Now at p.15 you indicate that there'd been a decision made
11:35:09 13 last night that she'd been spoken to by someone relating to
11:35:13 14 her protection?---Yes.
11:35:17 15
11:35:18 16 And then if we scroll through to p.17, you said that person
11:35:22 17 would take Ms Gobbo's position back to the steering
11:35:25 18 committee and then there'd be some discussion there about
11:35:28 19 whether there was some room for flexibility and there were
11:35:31 20 arrangements that they could come to?---Yes.
11:35:33 21
11:35:36 22 If we go to p.20. There's discussion, further discussion
11:35:43 23 about the Commonwealth matter about 30 blokes being charged
11:35:48 24 with importation, four different operations, and there's
11:35:52 25 discussion about the names of some of those operations,
11:35:57 26 Bootham and Inca and so forth?---Yes.
11:35:59 27
11:36:01 28 At p.22 referring to that matter, you see there people
11:36:13 29 have, you're talking about people having an appreciation of
11:36:15 30 that, okay. "The decision makers have an appreciation of
11:36:19 31 that whereas I don't think they did in the past and to
11:36:23 32 their credit the way the SDU people kept things so tight,
11:36:29 33 maybe that impacted upon people's decisions about or
11:36:32 34 appreciation of the risk." So you're indicating there that
11:36:38 35 perhaps people hadn't realised the level of the information
11:36:44 36 that she'd provided in the past but they were now
11:36:47 37 appreciating that?---That seems to be what I'm saying.
11:36:50 38
11:36:55 39 And that there were very serious prosecutions at risk,
11:37:01 40 aside from her safety. You would have understood
11:37:10 41 that?---Not as well as I understand it now.
11:37:14 42
11:37:15 43 If we go to p.36. There's a reference on that page, if we
11:37:29 44 can scroll through, to Mr Mokbel wanting to change his
11:37:36 45 plea. We might have skipped over it or I might have the
11:37:50 46 wrong page reference. We'll come back to that if we need
11:37:54 47 to. There we go, at the top of the page. You see there

11:37:59 1 it's a comment by yourself, "Tony's wanting to change his
11:38:03 2 plea"?---Yes.
11:38:03 3
11:38:03 4 And again, an indication you were aware at the time of the
11:38:07 5 proceedings on foot in relation to Mr Mokbel?---They
11:38:11 6 certainly were. This is after he'd been arrested in
11:38:16 7 Greece.
11:38:16 8
11:38:16 9 This is well after he had been arrested in Greece. Earlier
11:38:20 10 that year he had entered a plea of guilty. After the issue
11:38:24 11 in relation to the affidavits had come up he sought to
11:38:29 12 changed his plea?---I don't recall that but I don't dispute
11:38:31 13 that.
11:38:31 14
15 And these were proceedings that were going on and it's
11:38:32 16 apparent from a number of entries that you appear to have
11:38:33 17 known about that at the time?---Yes.
11:38:35 18
11:38:38 19 If we can go to transcript of 2 November 2011, VPL.0100.
11:38:45 20
11:38:45 21 COMMISSIONER: We might have the midmorning break I think.
11:38:47 22
11:38:48 23 MS TITTENSOR: Yes Commissioner.
11:39:17 24
11:39:18 25 (Short adjournment.)
11:39:18 26
12:00:57 27 COMMISSIONER: Yes Ms Tittensor.
12:00:58 28
12:00:59 29 MS TITTENSOR: Thanks, Commissioner. Mr Buick, I was
12:01:01 30 asking some questions or I took you to some transcripts
12:01:04 31 before where you were having discussions with Ms Gobbo
12:01:06 32 about potentially your interest in matters to do with Dale
12:01:13 33 and Operation Gallop and so forth?---Yes.
34
12:01:18 35 And Ms Gobbo was really wanting to talk to you about those
12:01:24 36 matters and was indicating - - - ?---Well, she was
12:01:28 37 suggesting she may wish to talk about those matters.
38
12:01:31 39 Yes. You were indicating you were hampered somewhat in
12:01:35 40 that regard?---Yes.
41
12:01:36 42 Do you recall having some conversation with her where she
12:01:40 43 was suggesting that she might go to other people to see if
12:01:42 44 she could have some sway there?---I don't recall that but I
12:01:47 45 don't dispute that that's what she said.
46
12:01:50 47 Were you aware that around this time, around October 2011,

12:01:55 1 Ms Gobbo, through a lawyer, was writing to the State DPP
12:02:02 2 indicating a preparedness to assist authorities in relation
12:02:06 3 to the matter, albeit that the lawyer didn't reveal who the
12:02:11 4 person was who might assist? Were you aware that that was
12:02:16 5 happening?---I do recall there was something like that
12:02:18 6 going on.
7
12:02:19 8 In the background?---Yes, or that she was asserting that
12:02:23 9 that was going on in the background.
10
12:02:25 11 Were you getting some communication through from the State
12:02:28 12 DPP or the OPP's office indicating, "We're getting letters
12:02:32 13 from a particular lawyer indicating that they've got a
12:02:34 14 witness that might assist in that regard"?---I don't recall
12:02:38 15 specifically. It's possible.
16
12:02:41 17 Were you given to believe from Ms Gobbo or did you learn -
12:02:47 18 do you recall that you might have learnt through that
12:02:50 19 matter that that lawyer was indicating in those letters
12:02:54 20 that the prime motivation for this person to assist was to
12:02:57 21 seek payment of a reward?---Again, it's possible. I don't
12:03:04 22 specifically recall.
23
12:03:12 24 Whilst all these concerns were going on in terms of safety
12:03:14 25 and disclosure and so forth, there was still in the
12:03:17 26 background a desire for Ms Gobbo to continue to
12:03:24 27 assist?---If safety could be assured, yes.
28
12:03:29 29 If we could go to the transcript of 2 November 2011,
12:03:33 30 please. VPL.0100.0068.0133. Earlier, you'll recall at an
12:03:57 31 earlier meeting you'd discussed that someone from Witness
12:04:01 32 Protection would come along to speak with Ms Gobbo and they
12:04:04 33 would take matters back to the steering committee. There's
12:04:09 34 some discussion about whether there could be some
12:04:12 35 flexibility?---Yes.
36
12:04:14 37 If we go to p.21. You'll see that that person from Witness
12:04:22 38 Protection has joined?---Is he unnamed?
39
12:04:28 40 I'm not sure if that's an unknown or not?---Everyone's
12:04:32 41 unnamed except for me.
42
12:04:35 43 COMMISSIONER: It's a good default position I think.
12:04:39 44
12:04:39 45 MS TITTENSOR: I won't name him for now and we'll determine
12:04:42 46 that. In any case, that person attended; is that
12:04:46 47 right?---Yes.

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There was some discussion about, following that about what Ms Gobbo's concerns were. If we go to p.43. In the meantime I think that there'd been some discussion about what would occur should she give evidence and her role be exposed, because at that stage it was still anticipated she might be called to give evidence?---Yes.

Then there was some discussion by you, "If it is exposed we need to have things in place and ready"?---Yes.

And Ms Gobbo is asking, "What if it happens on Tuesday next week, and what would happen?" You're talking about the risk escalating considerably and Ms Gobbo indicating that she wouldn't go home and you indicating that, "Whatever happens you have to agree with what's happening because we can't really abduct you"?---Yes.

Then at p.55 you ask Ms Gobbo if there's anything else she wanted to ask the officer that was present and her indication was that her concerns at that stage were really more medical than anything else?---Yes.

She referred to emailing something about that and said she didn't want it to be construed as a demand list, it was just a list in relation to promote discussion?---Yes, I see that.

If we go to p.55. There's a reference to what's to occur to the prosecutor deciding first whether the material is relevant and then if there was a need for a PII claim?---What page, sorry? We're on 55.

58. So you're having a discussion about the process that was to occur. It's got to be relevant first, it'll be for the prosecutor to decide relevance. If they say it's relevant then there'll need to be a PII claim?---Yes.

If we go to p.64. Ms Gobbo indicates that the escalation could occur, that is to her risk, through another witness, it's not just by virtue of her giving evidence?---Yes.

Because other people had knowledge of things that might impact upon issues in the case?---Yes.

Including yourself by that stage?---Yes.

12:07:44 1 Issues bearing upon Ms Gobbo's credibility, potentially her
12:07:49 2 reliability and privilege issues?---Yes.
3
12:08:00 4 Did you ever disclose any of that knowledge yourself in the
12:08:07 5 course of proceedings that followed in your evidence, your
12:08:13 6 knowledge of issues associated with Ms Gobbo's credit or
12:08:16 7 issues associated with potential breaches of LPP by
12:08:23 8 her?---I don't think I was questioned about that.
9
12:08:27 10 Well, if you weren't questioned about it, you had some
12:08:31 11 knowledge in that regard, did you make any disclosure of
12:08:36 12 it?---No. Other than in a great many reports you've taken
12:08:48 13 me to and the advice that I sought some time prior to this.
14
12:08:52 15 I'm talking about to defence?---No.
16
12:08:56 17 Or to the court?---No, I don't think so. I don't think we
12:09:05 18 got to that point. I think had the subpoenas remained on
12:09:12 19 foot the time would have come for that to be dealt with,
12:09:16 20 but it hadn't.
21
12:09:18 22 Again, that's relying on subpoenas as opposed to your
12:09:21 23 obligations of disclosure?---Yes, subject to what I said
12:09:25 24 earlier about matters you'd raised with the prosecution for
12:09:28 25 them to consider relevance and then consider the next step
12:09:31 26 of PII.
27
12:09:33 28 At p.69 there's, I think the Witness Protection officer is
12:09:42 29 leaving and there had been an earlier reference to him
12:09:45 30 having Witsec applications in his backpack, do you recall
12:09:51 31 that, and Ms Gobbo is telling him to bring his backpack the
12:09:54 32 next time?---I see that.
33
34 So there was some talk of progressing matters at that
35 meeting?---Yes.
36
12:10:11 37 I know how things turned out but at that meeting there was
12:10:14 38 some talk of progressing matters?---As in the prosecution
12:10:16 39 you mean?
40
12:10:18 41 No, of terms upon which she might go into some form of
12:10:19 42 protection?---There were some assertions, words to that
12:10:21 43 effect, but I think they were very hollow. [REDACTED]
12:10:27 44 [REDACTED]
12:10:32 45 [REDACTED]
12:10:36 46 [REDACTED]
12:10:40 47 [REDACTED].

12:10:45 1 That was explored as well. Again, that's something that
12:10:48 2 she may well have asserted her potential interest in but it
12:10:53 3 was never going to happen.
4
12:10:55 5 If we go to p.105. One of the witnesses against Mr Dale
12:11:03 6 was also the main witness in relation to Mr Orman; is that
12:11:08 7 right?---Yes.
8
12:11:13 9 There's a reference to that witness being [REDACTED] of the
12:11:16 10 [REDACTED] to give evidence at the committal?---Yes.
11
12:11:24 12 Ms Gobbo was saying why was that happening and it was
12:11:28 13 explained that he was being video linked from a different
12:11:32 14 location, not like [REDACTED] Yes.
15
12:11:36 16 You say he was an important witness and relevant to other
12:11:38 17 matters and in that regard what you're referring to is
12:11:44 18 Mr Orman, he had another proceeding coming up?---And some
12:11:49 19 other matters as well.
20
12:11:52 21 You say to Ms Gobbo, you say, "He's not a shit bag, he's an
12:12:03 22 important witness", do you see that?---Yes.
23
12:12:05 24 "He's relevant to other matters and I don't want to
12:12:10 25 jeopardise those other matters"?---Yes.
26
12:12:14 27 You say, "He's coming [REDACTED] to be with people that
12:12:19 28 he knows and likes"?---Yes.
29
12:12:21 30 And you refer there to [REDACTED] Yes.
31
12:12:28 32 And that's [REDACTED]?---Yes.
33
12:12:30 34 Had there been objection at the Orman trial in relation to
12:12:37 35 the murder of Peirce in relation to this witness being
12:12:42 36 supervised whilst he gave evidence by people that were
12:12:47 37 familiar with the case?---I believe there was.
38
12:12:52 39 Did the judge indicate that he should be with someone that
12:12:54 40 was independent in that trial?---I don't recall but it's
12:13:00 41 possible, someone independent or no one at all.
42
12:13:04 43 Was he placed with someone independent or was he placed
12:13:08 44 with someone from Purana who knew him and was familiar with
12:13:12 45 him for the Orman trial?---For the Orman trial or - - -
46
12:13:16 47 For the Orman trial?---I don't recall. I think for the

12:13:22 1 most part it was the small number of, for want of a better
12:13:27 2 term, handlers - they were investigators, but they were
12:13:32 3 handling him - were the ones involved in his movement in
12:13:36 4 and out of [REDACTED] But I do recall that there
12:13:44 5 was a direction by the judge in the Orman trial that a
12:13:50 6 particular person not be present. I don't recall who it
12:13:53 7 was.
8
12:13:54 9 Well wasn't it more broad than that, that there should be
12:13:59 10 someone independent with the witness?---That may have been
12:14:01 11 a direction, I don't recall.
12
12:14:04 13 But in this case you were [REDACTED] to be with
12:14:07 14 someone that he knew and he liked?---Yes.
15
12:14:14 16 If we go then to p.109, you told Ms Gobbo that you'd call
12:14:19 17 her the following day after the Commonwealth had looked at
12:14:21 18 the material. Was it your understanding that the
12:14:24 19 Commonwealth were going to view some of the
12:14:29 20 material?---What's the date, sorry?
21
12:14:30 22 2 November?---I don't recall what the material is that the
12:14:45 23 Commonwealth were going to look at.
24
12:14:48 25 Perhaps the next document will shed some light. If we go
12:14:51 26 to an email from Ms Breckweg of 2 November 2011,
12:15:00 27 VPL.6079.0045.3915. If we can go to p.3 of that document.
12:15:14 28 You'll see Ms Breckweg is emailing, she's confirming that
12:15:19 29 she and the prosecuting counsel, Mr Beale, would attend at
12:15:22 30 Victoria Police to look through and determine the relevance
12:15:24 31 of the Gobbo disclosure documents that had been identified
12:15:28 32 in the meeting with Mr Maguire?---Yes.
33
12:15:31 34 If we scroll through that. You respond that the relevant
12:15:36 35 documents aren't in the possession of the Crime Department
12:15:39 36 and you've copied in Mr O'Connor, who's in charge of the
12:15:42 37 Unit who possesses the documents?---Yes.
38
12:15:49 39 That's forwarded to Mr Sheridan as well?---Yes.
40
12:15:54 41 And then Mr Sheridan has received it. They might need to
12:15:59 42 fine-tune the time for Friday. He's not sure what time
12:16:11 43 Mr O'Connor will be available to walk them through the
12:16:14 44 document, which presumably might be the log that had been
12:16:16 45 referred to by Mr Maguire?---I presume so.
46
12:16:21 47 If we keep on scrolling there. It's been forwarded on to

12:16:27 1 other people, Fryer and Frewen, by yourself?---Yes.
2
12:16:34 3 Mr Fryer then emails back Mr Sheridan and copies in
12:16:41 4 Mr Frewen, yourself, Mr O'Connor and Graham Ashton. The
12:16:48 5 Driver steering committee had just met and discussed the
12:16:55 6 Gobbo human source management file over the weekend.
12:17:05 7 Mr Fryer indicates that he'd read Mr Maguire's advice of 4
12:17:11 8 October 2011 and the memo had highlighted to him and to the
12:17:16 9 steering committee that there is much that they didn't know
12:17:18 10 about the source's tasking and activities but ironically at
12:17:22 11 the same time they were trying to cover all areas of risk,
12:17:24 12 liability and credibility as a witness and he sought the
12:17:27 13 approval of - sorry, to ensure the Driver Task Force are
12:17:34 14 fully aware of the complex issues he seeks approval for
12:17:39 15 Buick, Frewen and himself to have access to the log which
12:17:43 16 Maguire had inspected and that the DPP were to
12:17:48 17 inspect?---Yes.
12:17:49 18
12:17:49 19 Is that right?---Yes.
20
12:17:49 21 And then Mr Sheridan responds that he doesn't support that
12:17:54 22 access and he would discuss it further if Mr Fryer
12:18:01 23 wished?---Yes.
24
12:18:04 25 Do you understand why you and the other members were denied
12:18:10 26 access to that material?---No.
27
12:18:14 28 Do you understand it was because of concerns that you might
12:18:17 29 be able to give relevant evidence in the witness box?---I
12:18:21 30 don't know what the concern was.
31
12:18:24 32 Is that a likely inference?---It's possible. Just - are
12:18:31 33 you going to move on from this document?
34
12:18:33 35 Sorry?---Are you going to move on from this document now?
36
12:18:37 37 I will shortly, yes?---I just want to - - -
38
12:18:40 39 Is there something you want to say?---Yes, right back to
12:18:42 40 the start of it.
41
12:18:43 42 Yes?---You routinely criticise me for failing to disclose
12:18:48 43 and - just a bit further up - I say the documents are in
12:18:59 44 possession of the Crime Department and I defer to the area
12:19:02 45 where the documents might well be held. And I routinely
12:19:05 46 conduct myself in that manner.
47

12:19:07 1 Yes. I tender that email, Commissioner.
2
12:19:17 3 COMMISSIONER: Yes.
12:19:19 4
12:19:21 5 #EXHIBIT RC696A - (Confidential) Email chain from
12:19:22 6 Ms Breckweg to Boris Buick and others in
12:19:28 7 the Driver steering committee 2/11/11.
12:19:40 8
12:19:41 9 #EXHIBIT RC696B - (Redacted version.)
12:19:46 10
12:19:49 11 MS TITTENSOR: I accept what you say, you've forwarded that
12:19:55 12 back to Ms Breckweg. You say someone else in Victoria
12:19:58 13 Police has got the documents and that's what I've taken you
12:20:01 14 through, someone in your division, in the Crime Department,
12:20:03 15 has said, "Well can I and can Mr Buick and Mr Frewen please
12:20:08 16 see these documents as well because there are complex
12:20:10 17 issues associated with them"?---Yes.
18
12:20:12 19 The answer has been, "No, you can't see them"?---Yes, and
12:20:17 20 you'll ask someone else about their reasoning for that,
12:20:22 21 perhaps not me.
22
12:20:23 23 They might be reviewing further documents. If we can now
12:20:25 24 go to an email of 3 November 2011, VPL.0005.0013.1153.
12:20:48 25 You'll see that's an email from Mr Fryer to yourself and
12:20:53 26 Mr Frewen and it copies in Mr Ashton, Mr Pope, Mr Sheridan,
12:20:57 27 Mr O'Connor there?---Yes.
28
12:21:00 29 The subject is the Maguire memo?---Yes.
30
12:21:06 31 It refers to the Commonwealth DPP attending the building
12:21:10 32 that day to consider issues surrounding Ms Gobbo's
12:21:14 33 management file, in brackets SML, and other matters which
12:21:20 34 may impact on PII disclosure and credibility?---Yes.
35
12:21:26 36 The second paragraph notes that Mr Sheridan was not in
12:21:30 37 favour of Driver staff viewing the SML, the reason being
12:21:35 38 that unlike the DPP, investigators they may be questioned
12:21:39 39 in the box about their knowledge?---Yes.
40
12:21:41 41 That seems to make clear that that's the reason for you not
12:21:44 42 having access to that material, because you might be asked
12:21:47 43 relevant questions in the witness box?---That's what he
12:21:51 44 says.
45
12:21:53 46 Is that a practice that applies more broadly within
12:21:58 47 Victoria Police when, that investigators are cocooned from

12:22:06 1 information so that they are not in a position to answer
12:22:09 2 relevant questions when a matter comes to court?---There
12:22:14 3 are some very genuine reasons why that might happen. As an
12:22:19 4 investigator I may never know the identity of an informer.
12:22:23 5 So I'm cocooned from the identity of an informer. But the
12:22:27 6 management of the information that the informer gives to a
12:22:30 7 handler that is passed on to me as intelligence might well
12:22:33 8 be used, but there will be occasions where I don't know who
12:22:37 9 an informer is. If you want to call that cocoon if you
12:22:41 10 wish, but it's an appropriate practice.

11

12:22:44 12 In this case you knew that Ms Gobbo was an informer, you
12:22:46 13 didn't need to be cocooned from that?---I'm not talking
12:22:50 14 about Ms Gobbo as an informer. I'm giving you an example
12:22:55 15 of where police might be, as you like to put it, cocooned.
12:22:59 16 There are often or at times legitimate reasons for that.
12:23:01 17 I'm not suggesting that this necessarily is but you asked
12:23:04 18 me a question about are we cocooned. I gave you an example
12:23:09 19 of where we might be appropriately cocooned.

20

12:23:12 21 Do you say that this was an appropriate example?---You'll
12:23:15 22 need to ask the person making this assertion.

23

12:23:18 24 At paragraph 3 there's an indication that Mr Fryer and
12:23:25 25 Mr Sheridan have an agreed view that the Maguire advice,
12:23:36 26 whilst some of it is highly speculative and worst-case
12:23:40 27 scenario, it is based on facts gleaned from the source
12:23:45 28 management log. It's proposed that the DPP be fully
12:23:47 29 briefed on various status held by Ms Gobbo, that they read
12:23:53 30 the advice and only then if it's deemed necessary be
12:23:57 31 allowed to view specific or relevant areas of the source
12:24:01 32 management log because full exposure might place them in a
12:24:03 33 difficult position in the future?---I see that.

34

12:24:07 35 Do you understand what was meant by that?---No.

36

12:24:10 37 Was that a reference to their own prosecutions which were
12:24:13 38 on foot at the time?---I don't know.

39

12:24:20 40 Paragraph 4, there's some background. It's noted that in a
12:24:24 41 meeting held over a month ago with all the parties the
12:24:28 42 source management log, PII and human source information was
12:24:32 43 discussed as matters that may impact on the current
12:24:36 44 prosecution and it was agreed that Maguire would review the
12:24:39 45 SML and provide advice. It goes on in paragraph 5. It's
12:24:44 46 the view of Mr Ashton and Fryer that if the DPP were to
12:24:49 47 view any of the material discoverable, and that it must be

12:24:51 1 presented to the defence, then request that they only
12:24:55 2 proceed on charges which don't require Ms Gobbo as a
12:24:57 3 witness?---Yes.
4
12:25:03 5 The rationale stated in that document is the unacceptable
12:25:07 6 risk to Ms Gobbo and a duty of care to ensure that it
12:25:11 7 didn't occur?---Yes.
8
12:25:17 9 There's an indication from Mr Fryer that he would like you
12:25:20 10 present at 1 o'clock to assist in the discussions?---Yes.
11
12:25:24 12 Do you know if you were present then to assist in
12:25:27 13 discussions?---On the 3rd?
14
12:25:29 15 Yes?---No, I was heavily involved in another complicated
12:25:36 16 matter.
17
12:25:40 18 Do you know what occurred at those - - - ?---Oh actually,
12:25:44 19 sorry. I got a phone call after 4.45 from Superintendent
12:25:53 20 Fryer, updated about the CDPP meeting at 15:00.
21
12:26:02 22 Yes?---But I don't have detail as to what I was told.
23
12:26:09 24 Do you have any recollection of what occurred?---No, but I
12:26:12 25 got a call thereafter from John O'Connor re above as well,
12:26:17 26 but again I don't have a note as to what was discussed.
27
12:26:22 28 I tender that email, Commissioner.
12:26:24 29
12:26:28 30 #EXHIBIT RC697A - (Confidential) Email of 3/11/11.
12:26:37 31
12:26:38 32 #EXHIBIT RC697B - (Redacted version.)
12:26:40 33
12:26:40 34 If we can go to an email or Ms Breckweg dated 4 November
12:26:46 35 2011, VPL.6031.0016.9197. This is an email from
12:27:08 36 Ms Breckweg to yourself and Mr Sheridan copying in
12:27:12 37 Mr Fryer, Ms Argitis, and Mr Kirne at the Commonwealth DPP,
12:27:18 38 and Mr Frewen?---Yes.
39
12:27:21 40 It outlines the types of documents the prosecution
12:27:24 41 considered should be disclosed in accordance with the
12:27:26 42 policy, subject to PII claims?---Yes.
43
12:27:32 44 It has regard to Mr Dale's likely defence being client
12:27:41 45 legal privilege and credit of Ms Gobbo?---Yes.
46
12:27:43 47 It indicates, "The document should include information

12:27:45 1 indicating Ms Gobbo encouraged Dale or any other criminal
12:27:50 2 associates to believe their communications were protected,
12:27:53 3 information indicating Ms Gobbo was a perpetrator of or
12:27:53 4 party to any criminal activity?---Yes.
5
12:27:56 6 "Information indicating Ms Gobbo lied to investigators and
12:27:58 7 handlers"?---Yes.
8
12:28:01 9 Or handlers. And she indicated that they wanted those
12:28:04 10 documents by 4 pm that day?---Yes.
11
12:28:11 12 I tender that document, Commissioner.
12:28:13 13
12:28:15 14 #EXHIBIT RC698A - (Confidential) Email from Ms Breckweg to
12:28:18 15 Boris Buick and Paul Sheridan, 4/11/11.
12:28:25 16
12:28:26 17 #EXHIBIT RC698B - (Redacted version.)
12:28:27 18
12:28:27 19 That document is timed at just after midday, 12.03. If we
12:28:33 20 can go to an email from Mr Ashton of the same date at
12:28:36 21 1.03 pm, VPL.6031.0017.1009. Mr Ashton emails the various
12:28:53 22 people at the Commonwealth DPP, Mr Pope, yourself and so
12:29:01 23 forth. He copied in Mr Cartwright?---Yes.
24
12:29:07 25 The email formally advises that the position of Victoria
12:29:10 26 Police is that the Dale proceedings should only proceed on
12:29:14 27 the counts that don't rely on the evidence of
12:29:17 28 Ms Gobbo?---Yes.
29
12:29:18 30 And the reason being the risk to her posed by the
12:29:21 31 disclosure obligations?---Yes.
32
12:29:25 33 It refers to Ms Breckweg's request for a comprehensive list
12:29:29 34 from the Gobbo source file to enable disclosure. It
12:29:34 35 advises that it would take some days to complete the list
12:29:37 36 properly, that he couldn't look at the file himself and
12:29:42 37 that he relied upon advice, do you see that?---Yes.
38
12:29:45 39 It notes that if they only proceeded on the non-Gobbo
12:29:49 40 matters next week he took it that Ms Breckweg's request
12:29:54 41 might not be necessary, and if it was still necessary they
12:29:57 42 would need an adjournment to respond appropriately?---Yes.
43
12:30:08 44 I tender that email, Commissioner.
12:30:10 45
12:30:11 46 #EXHIBIT RC699A - (Confidential) email 4/11/11 from Ashton
12:30:18 47 to Ms Breckweg and others at the CDP,

12:30:23 1 copied to Pope and Buick.

12:30:28 2

12:30:28 3 #EXHIBIT RC699B - (Redacted version.)

12:30:30 4

12:30:30 5 The next document is VPL.6031.0017.0408. It's at 3.38 pm,
12:30:39 6 from Ms Breckweg to Mr Ashton and others, including
12:30:42 7 yourself?---Yes.

8

12:30:45 9 She refers that she's writing to confirm discussions that
12:30:51 10 afternoon. The prosecution intend to call Ms Gobbo to give
12:30:55 11 evidence at the committal proceedings still?---Yes.

12

12:30:58 13 And in the meantime can Victoria Police prepare a list of
12:31:02 14 documents which would fall within the categories previously
12:31:05 15 highlighted?---Yes.

16

12:31:07 17 If any PII arguments are unsuccessful and the information
12:31:12 18 that would be released would endanger Ms Gobbo the
12:31:15 19 prosecution would then consider withdrawing her as a
12:31:18 20 witness?---Yes.

21

12:31:20 22 Are you aware whether or not the Commonwealth DPP were
12:31:24 23 provided with the Maguire advice?---No, I'm not aware.

24

12:31:30 25 Are you aware whether they were taken through the entirety
12:31:32 26 of the source management log?---No, I'm not aware.

27

12:31:36 28 Who do you understand was present when the Commonwealth DPP
12:31:39 29 attended to be shown the material?---Was there some
12:31:44 30 reference to that in one of the earlier emails? I thought
12:31:50 31 there was. It wasn't me. I'm not sure who it was.

32

12:31:53 33 That earlier email indicated that they would like you
12:31:56 34 present at 1 pm to assist discussions. You say you weren't
12:31:59 35 there?---I unavailable thankfully.

36

12:32:03 37 You received an update from Superintendent Fryer later that
12:32:06 38 day. Do you know?---No, sorry, I don't know.

39

12:32:11 40 It's understood from Mr Ashton's statement that he asked
12:32:16 41 for a list to be prepared over the weekend so it would be
12:32:19 42 ready by the following Monday in accordance with that
12:32:22 43 request by the Commonwealth DPP?---Yes.

44

12:32:27 45 Then on Monday 7 November he had a meeting with
12:32:32 46 Mr Sheridan. He was provided with a document which had
12:32:38 47 been prepared by Mr O'Connor, or Mr O'Connor's unit, over

12:32:43 1 the weekend and that came with a cover letter from
12:32:46 2 Mr Sheridan. If we can bring that up, VPL.00 - - -
12:32:50 3
12:32:50 4 COMMISSIONER: Do you want to tender the email first of 4
12:32:53 5 November?
12:32:54 6
12:32:55 7 MS TITTENSOR: Sorry, yes. Thank you, Commissioner.
12:32:56 8
12:32:57 9 #EXHIBIT RC700A - (Confidential) Email 4/11/11 Ms Breckweg
12:33:00 10 to Ashton, CC'd to others at the CDP
12:33:05 11 and Boris Buick.
12:33:14 12
12:33:14 13 #EXHIBIT RC700B - (Redacted version.)
12:33:20 14
12:33:21 15 If we can go to the cover letter with the report,
12:33:27 16 VPL.0010.0001.0001 at p.75. You'll see there there's a
12:33:44 17 cover letter to the Assistant Commissioner from Mr Sheridan
12:33:48 18 in relation to those matters?---Yes.
19
12:34:01 20 If we can continue on further. This gives a summation of
12:34:16 21 what has been able to be ascertained over the course of the
12:34:20 22 weekend in relation to Ms Gobbo's source management file,
12:34:26 23 that she'd been an active human source for three years and
12:34:29 24 four months. The analysis of intelligence holdings by the
12:34:37 25 SDU indicate that there were 319 information reports
12:34:40 26 disseminated to various investigators based on information
12:34:45 27 she'd supplied to handlers. There were 172 contact reports
12:34:53 28 varying in length from two to 30 pages, each of which
12:34:59 29 related to a week long period, do you see that?---I do.
30
12:35:03 31 That the majority of those two documents pertained to
12:35:08 32 Ms Gobbo's contact with the following 164 criminal
12:35:12 33 solicitors or former members of Victoria Police, and it
12:35:15 34 there lists the 164 people. If you have a scroll through
12:35:23 35 that, do you see that?---Yes.
36
12:35:29 37 If we scroll through that document, please. You understand
12:35:39 38 there are some very significant names on that list in terms
12:35:43 39 of the criminal world?---Yes.
40
12:35:49 41 It indicates at the end of that list, "It's difficult to
12:35:54 42 assess the clear intention of the contact between the
12:35:57 43 parties however the SDU believes that in the main contact
12:36:01 44 between the parties is driven by the fact that Ms Gobbo was
12:36:08 45 a practising solicitor at the time of the contacts and that
12:36:10 46 her counsel was sought formally or informally pertaining to
47 the legal status of the persons involved, for example

1 pending charges, negotiations with investigating police,
12:36:17 2 plea opportunities, receiving and passing on of
12:36:20 3 information, et cetera". It indicates that Ms Gobbo was
12:36:24 4 suspected of being on the periphery of criminal matters
12:36:27 5 throughout her time as a human source, although nothing was
12:36:29 6 ever proven?---Yes.

7
12:36:31 8 It indicates that there was deceptive behaviour with her
12:36:34 9 source handlers. She was deceptive in that she had failed
12:36:40 10 to disclose acting as a conduit for communications between
12:36:43 11 Mr Dale and Mr Williams, who were using false mobile
12:36:48 12 phones, and in November of 2008 she'd admitted that she'd
12:36:54 13 had knowledge of those false mobile phones when she was
12:36:58 14 spoken to by Petra?---Yes.

15
12:37:00 16 Was that a document that you ever saw?---I don't recall. I
12:37:12 17 don't recall.

18
12:37:18 19 It would certainly increase concerns about the potential to
12:37:22 20 jeopardise other convictions that had been achieved by
12:37:25 21 Victoria Police?---Among other concerns, yes.

22
12:37:37 23 I'll tender those documents, Commissioner.

12:37:40 24
12:37:41 25 #EXHIBIT RC701A - (Confidential) Cover letter and report
12:37:44 26 prepared by John O'Connor 6/11/11 on
12:37:56 27 those whom Gobbo had provided information
12:37:59 28 to police about.

12:38:08 29
12:38:09 30 #EXHIBIT RC701B - (Redacted version.)

12:38:14 31
12:38:17 32 If we can go to your day book for 8 November. First of
12:38:26 33 all, do you have any notes on 7 November indicating what
12:38:30 34 went on on that day in relation to the committal or
12:38:34 35 Ms Gobbo?---Yeah, there was some - a confidential affidavit
12:38:41 36 raised, suppression order.

37
12:38:57 38 Do you know what the confidential affidavit related
12:39:00 39 to?---Not off the top of my head. You've surely got a
12:39:03 40 copy.

41
12:39:04 42 I'm not so sure. Do you know if it related to the
12:39:11 43 withdrawal of Ms Gobbo as a witness or if it related to any
12:39:16 44 PII claim that was being made?---I'm not sure. Gerard
12:39:29 45 Maguire was present at court, Gary Livermore, Alex
12:39:34 46 Lewenberg, Chris Beale, Tim Walsh.

47

12:39:36 1 On 8 November, according to your day book, you have a
12:39:38 2 meeting at 7 in the morning with Mr Ashton, Mr Sheridan,
12:39:43 3 Mr Fryer, Mr Frewen, in relation to withdrawing Ms Gobbo as
12:39:47 4 a witness?---Yes.
5
12:39:53 6 Was it on that day that there was an agreement that that
12:39:56 7 should be the course taken?---An agreement? I don't know
12:40:01 8 about an agreement. There was a decision and I conveyed
12:40:05 9 that decision to her at 9.05.
10
12:40:07 11 Sorry, after that meeting there was a decision made in
12:40:09 12 relation to Victoria Police wanting to withdraw her as a
12:40:13 13 witness?---Yes.
14
12:40:15 15 And of course it didn't all come down to Victoria Police
12:40:19 16 because the Commonwealth DPP were involved in that
12:40:22 17 decision?---Sorry, was that a question?
18
12:40:29 19 Yes?---Well that's right, the CDPP had been asserting for
12:40:33 20 some time that they regarded her as a witness in their
12:40:38 21 Commonwealth matter who ought to be called.
22
12:40:40 23 That material that had been compiled over the weekend which
12:40:44 24 listed the 164 names and those other matters in that memo
12:40:49 25 that I've just taken you to?---Yes.
26
12:40:51 27 That was compiled as a result of a request by the
12:40:53 28 Commonwealth to provide us with a list?---Yes.
29
12:40:58 30 Do you know if that was ever provided to the
12:40:59 31 Commonwealth?---I don't know.
32
12:41:10 33 If we can go to a memorandum of Mr Fryer of 8 November,
12:41:15 34 it's VPL.0100.0136.0001. This is a memorandum from
12:41:27 35 Mr Fryer to Mr Ashton requesting Ms Gobbo be withdrawn as a
12:41:33 36 prosecution witness in relation to Mr Dale?---Yes.
37
12:41:38 38 Is it the case that this meeting occurred at 7 in the
12:41:44 39 morning, there was a decision made that she would be
12:41:47 40 withdrawn as a witness, and then this memo was written to
12:41:51 41 formalise that?---I'm not sure.
42
12:41:54 43 If it's the same date, this memo is dated 8 November, you
12:42:00 44 would expect it was written after the 7 o'clock
12:42:02 45 meeting?---By Doug Fryer?
46
12:42:04 47 Yes?---Yeah, I assume so.

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12:42:20 5
12:42:25 6
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12:42:54 20
12:42:58 21
12:43:03 22
12:43:08 23
12:43:11 24
12:43:17 25
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12:43:49 35
12:43:52 36
12:43:55 37
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12:44:03 40
12:44:06 41
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12:44:09 43
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12:44:14 46
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That document notes Ms Gobbo's significant history with Victoria Police dating back to, it says at least 2005, providing invaluable information regarding criminal activity, resulting in a significant, or a large number of significant arrests and convictions. Do you see that in paragraph 2?---Yes.

There's been considerable speculation in both organised crime and legal circles on whether Ms Gobbo has been providing information to the police?---That's certainly the case.

The information always involves serious and organised crime?---Yes.

At paragraph 3 there's reference to there being an impasse regarding witness protection?---Yes.

There doesn't appear to have been any further discussion with Ms Gobbo, subsequent upon that last conversation I took you to, where Ms Gobbo had said to the Witness Protection person to bring his backpack with the application next time. Do you know if there was anything intervening?---I don't think there was.

If we go to paragraph 5. The Commonwealth DPP and Victoria Police cannot fully protect Ms Gobbo from being exposed as a police source under cross-examination irrespective of public interest immunity claims?---Yes.

Paragraph 7 refers to the real likelihood of death or significant injury to Ms Gobbo?---Yes.

And paragraph 8 asks Mr Ashton to formally request the withdrawal of Gobbo as a witness knowing at some stage she would be asked either at committal or trial about her historic involvement with the police?---Yes.

Was that a document you had a hand in or that you saw at any stage?---I had no hand in that document.

Do you know if you saw it at any stage?---I think I've seen it subsequently.

I tender that document, Commissioner.

12:44:16 1 COMMISSIONER: Yes, who's signature is on the bottom?
12:44:19 2
12:44:20 3 MS TITTENSOR: It's Mr Fryer.
4
12:44:22 5 COMMISSIONER: Thank you.
12:44:23 6
12:44:24 7 #EXHIBIT RC702A - (Confidential) Memorandum from Fryer to
12:44:26 8 Ashton 8/11/11 re Nicola Gobbo being a
12:44:31 9 witness in the prosecution of Paul Dale.
12:44:36 10
12:44:37 11 #EXHIBIT RC702B - (Redacted version.)
12:44:44 12
12:44:45 13 MS TITTENSOR: If we can go to a letter from Mr Ashton to
12:44:50 14 Mr Kirne at the Commonwealth DPP. It's VPL.0010.0001.0001
12:45:01 15 at p.89. You'll see there that Mr Ashton indicates that
12:45:13 16 there's been some discussions with the Commonwealth DPP
12:45:16 17 already that morning in which Mr Fryer has explained
12:45:19 18 concerns in relation to the witness?---Yes.
19
12:45:21 20 And he wanted to formalise that request?---Yes.
21
12:45:29 22 He indicates in that letter he'd been generally aware of
12:45:33 23 the circumstances around Ms Gobbo but not until the
12:45:36 24 previous day had he become fully aware of the potential
12:45:40 25 risk were she to become a prosecution witness and that
12:45:44 26 placement in Witness Protection hadn't been able to be
12:45:47 27 agreed upon?---Yes.
28
12:45:48 29 And seeks, because the risk can't be mitigated, the
12:45:54 30 withdrawal of Ms Gobbo as a prosecution witness?---Yes.
31
12:46:00 32 I tender that document, Commissioner.
12:46:02 33
12:46:03 34 #EXHIBIT RC703A - (Confidential) Letter from Mr Ashton to
12:46:13 35 Mr Kirne, Deputy Director Commonwealth
12:46:16 36 DDP 8/11/11.
12:46:23 37
12:46:23 38 #EXHIBIT RC703B - (Redacted version.)
12:46:26 39
12:46:30 40 If we can go to a letter to Ms Gobbo of the same date,
12:46:39 41 VPL.0010.0001.0001 at p.86. That's a letter - you refer in
12:46:54 42 your statement to hand delivering a letter to Ms Gobbo on 9
12:46:57 43 November?---Yes.
44
12:46:58 45 Do you accept that this is the letter?---Is it from Doug
12:47:03 46 Fryer?
47

12:47:04 1 Scroll through?---Yes.
2
12:47:09 3 It expresses concerns about her status as a witness which
12:47:15 4 had been discussed, it says it had been discussed with
12:47:16 5 yourself and the Witness Security Unit. It refers to her
12:47:22 6 earlier letter dated 17 October?---Yes.
7
12:47:28 8 And other general matters and that Victoria Police had
12:47:33 9 advised the CDPD that day of an unacceptable risk
12:47:38 10 surrounding her status as a witness and they'd reluctantly
12:47:42 11 agreed to withdraw her as a witness based on that
12:47:45 12 advice?---Yes.
13
12:47:46 14 It goes on that there's to be no further contact with
12:47:49 15 yourself and her central point of contact was to be with
12:47:51 16 Mr O'Connor?---Yes.
17
12:47:58 18 I tender that document, Commissioner.
12:48:00 19
12:48:02 20 #EXHIBIT RC704A - (Confidential) letter from Fryer to
12:48:03 21 Gobbo 8/11/11 and delivered on 9/11/11.
12:48:14 22
12:48:14 23 #EXHIBIT RC704B - (Redacted version.)
12:48:17 24
12:48:17 25 That was a letter dated 8 November but it was hand
12:48:19 26 delivered by you to Ms Gobbo the following day?---Yes.
27
12:48:24 28 COMMISSIONER: Delivered on the 9th, thank you.
12:48:29 29
12:48:36 30 MS TITTENSOR: There's a transcript - I haven't given
12:48:38 31 myself the VPL number of the transcript of 9 November. I'm
12:48:44 32 not sure if - here we go. No, it should be 9 November. If
12:49:08 33 I can put it to you generally anyway, Mr Buick. There's a
12:49:11 34 transcript of 9 November where you hand deliver the letter
12:49:15 35 to Ms Gobbo. You tell her that the letter makes no
12:49:22 36 reference to anything other than her being a witness and
12:49:26 37 that it doesn't talk about any of the other stuff. Do you
12:49:31 38 recall that or do you accept that you discussed that with
12:49:34 39 her?---I accept that.
40
12:49:36 41 There's reference in the conversation to three witnesses
12:49:40 42 being called, that they had been asked a bit about
12:49:45 43 instructions given to Ms Gobbo around the issue of client
12:49:49 44 legal privilege, which is obviously what their main ground
12:49:52 45 is going to be, so you have a discussion with Ms Gobbo
12:49:56 46 about questions that had been asked at the committal around
12:50:01 47 issues that might be concerning?---Yes, and I have some

12:50:03 1 relevant notes about that matter in my day book too.
2
12:50:06 3 I might ask you about those. The VPL number for this is
12:50:13 4 VPL.0099.0031.0001. You're having a discussion with her
12:50:27 5 about the issue of LPP and you understand at that time that
12:50:35 6 that's what the defence's main ground is going to
12:50:39 7 be?---Yes. Over the recording?
8
12:50:41 9 Yes?---Yes.
10
12:50:42 11 Despite Ms Gobbo not being a witness, that was still an
12:50:46 12 issue?---Yes. Well in fact when she was a witness Tim
12:50:53 13 Walsh said it wasn't an issue. Once she was withdrawn as a
12:50:57 14 witness Tim Walsh said it was an issue, yes.
15
12:51:02 16 It had been anticipated as an issue from earlier that
12:51:05 17 year?---Yes.
18
12:51:10 19 There was still concern because Ms Gobbo's status might be
12:51:15 20 revealed through other witnesses?---Yes, and that's exactly
12:51:20 21 where it went with the very first witness at the committal,
12:51:27 22 Cam Davey, exactly where it went.
23
12:51:30 24 There was no revelation there about her prior involvement
12:51:34 25 with Victoria Police?---Because she made a PII claim.
26
12:51:38 27 Do you know whether that PII claim involved her status as a
12:51:42 28 human source with Victoria Police?---No, Tim didn't pursue
12:51:45 29 it once the claim was made.
30
12:51:50 31 Did Victoria Police indicate, "We have very relevant
12:51:54 32 material in relation to these matters" to the defence?---To
12:52:02 33 who, sorry?
34
12:52:03 35 To the defence or to the court "but we're making a claim of
12:52:06 36 PII"?---My note says PII claim was made, as it ought to
12:52:23 37 have been.
38
12:52:23 39 The PII, it was asserted, but never made in court; is that
12:52:28 40 right?---This is in the committal.
41
12:52:31 42 Sorry, in the committal but was the court provided with the
12:52:35 43 material to make a decision about whether there was a
12:52:40 44 public interest existing for the claim?---No, not by us.
12:52:45 45 There had been a body of material provided to the court by
12:52:49 46 Petra, which is great discussions with Tony Hargreaves
12:52:55 47 about whether he can utilise that material or not, and I

12:52:59 1 think that material touched on the issue at hand.
2
12:53:03 3 There was certainly never any informer management file or
12:53:09 4 SMLs that were provided to the court?---Not that I'm aware
12:53:12 5 of.
6
12:53:27 7 If we can go to an email from 2 March 2012. It's
12:53:36 8 VPL.6031.0004.5221. There's reference in this - this is an
12:54:04 9 email from yourself to a Martin Hardy and Mr Frewen in
12:54:09 10 relation to seeking to use some OPI material?---Yes. This
12:54:20 11 is a fairly sensitive issue.
12
12:54:24 13 So you're seeking to use some OPI material which would bear
12:54:29 14 on the question of - or to rebut the LPP assertion in
12:54:34 15 relation to the recording?---Yes.
16
12:54:36 17 So you understood at this particular point in time on 2
12:54:39 18 March 2012 that that was still an issue?---Yes.
19
12:54:50 20 I tender that email, Commissioner.
12:54:53 21
12:54:54 22 #EXHIBIT RC705A - (Confidential) Email from Buick to Martin
12:54:56 23 Hardy, CC'd to Frewen, 2/3/12.
12:55:10 24
12:55:11 25 #EXHIBIT RC705B - (Redacted version.)
12:55:13 26
12:55:15 27 Can we go back to where we were, thanks. It indicates
12:55:20 28 there Mr Dale's Supreme Court is set down to commence on 20
12:55:27 29 August 2012. It's anticipated he will argue that the 7
12:55:30 30 December conversation he had with Ms Gobbo, which was audio
12:55:33 31 recorded, is subject to LPP and therefore inadmissible, and
12:55:38 32 the prosecution is going to argue that it's not subject to
12:55:40 33 privilege?---That's right, that's what the prosecution was
12:55:43 34 going to argue.
35
12:55:43 36 In those circumstances any material held by the police that
12:55:47 37 indicated that there might have been some privilege
12:55:55 38 existing would be disclosable, subject to a PII
12:56:02 39 claim?---Yes.
40
12:56:05 41 Was the court in the Supreme Court trial ever made aware
12:56:09 42 that this material existed?---The OPI material?
43
12:56:15 44 Sorry, that Victoria Police possessed material which
12:56:18 45 indicated that there might be an argument about that or a
12:56:24 46 legitimate argument brought in relation to that December
12:56:27 47 2008 recording?---Sorry, the court was well aware this was

12:56:33 1 an argument, or going to be a potential argument.
2
12:56:36 3 Was the court made aware that there was material held by
12:56:40 4 Victoria Police which might assist the defence in running
12:56:45 5 that argument?---I'm sorry, I'm not quite sure what you're
12:56:53 6 asking because the court was possessed of Paul Dale's
12:56:56 7 assertion that it was privileged.
8
12:56:58 9 Yes?---And our material suggested it wasn't.
10
12:57:05 11 Well, the indication from Mr Maguire's advice was that
12:57:10 12 whilst the defence might fail there was an argument there
12:57:12 13 to be made; is that right?---By the defence?
14
12:57:17 15 There was an argument that could be made and therefore
12:57:19 16 disclosure should be made?---Of course.
17
12:57:22 18 Was the court ever told that Victoria Police held
12:57:25 19 information which defence might use to raise that
12:57:28 20 argument?---What information do you mean, sorry?
21
12:57:31 22 The information upon which Mr Maguire based his advice that
12:57:37 23 there ought to be disclosure?---Insofar as we're containing
12:57:48 24 this to the Dale matter, I believe all material was
12:57:53 25 provided or, if not provided, subject to an argument. And
12:57:59 26 indeed, much of the material relating to Nicola Gobbo as a
12:58:08 27 witness of credit was not relevant once she was withdrawn
12:58:12 28 as a witness.
29
12:58:16 30 Issues in relation to Ms Gobbo's credit still raised their
12:58:20 31 head during that trial, that's right, isn't it?---Her
12:58:24 32 credit as a witness? She wasn't a witness.
33
12:58:29 34 Do you recall Mr Steward in his final address in that trial
12:58:37 35 referring to Ms Gobbo as Mr Dale's ex-lover, lawyer, friend
12:58:42 36 and confidante who he trusted?---I don't recall that
12:58:46 37 specifically but I don't dispute that he used that
12:58:49 38 colourful language.
39
12:58:51 40 Do you recall in relation to Mr Dale telling Ms Gobbo that
12:58:54 41 his solicitor Tony Hargreaves told him it was not in his
12:58:58 42 best interests to speak to anyone about the matter, that
12:59:00 43 Mr Steward referred to Ms Gobbo as the baroness of
12:59:06 44 treachery when she told him that the reality was he was
12:59:10 45 entitled to talk to a lawyer about it, referring to
12:59:15 46 herself?---Sorry, you're taking this from his closing
12:59:16 47 address to the jury?

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12:59:19 Yes, that those were issues within the trial?---I don't
12:59:21 know that Mr Steward's final address necessarily spoke to
12:59:24 all issues that were dealt with at trial. I think he might
12:59:27 have taken some liberties.

12:59:29 There was an attack mounted on the credit of the assertions
12:59:38 in relation to - - - ?---There were lots of attacks made on
12:59:43 everything. That's just another one.

12:59:49 In any case, was there any material put before the Supreme
12:59:54 Court in relation to the holding by Victoria Police of
12:59:57 material in relation to Ms Gobbo's human source file?---No.
13:00:03 Sorry, I wish you'd have asked that question first, we
13:00:06 would have got there much quicker. No, no material
13:00:09 relating to her as a human source was provided to the court
13:00:13 or the defence in this prosecution.

13:00:15 And there was no PII claim therefore made over it?---Well
13:00:18 there were PII claims made by witnesses on their feet.

13:00:23 But in relation to that material there was no indication
13:00:26 that it existed and that there was a PII claim being
13:00:29 made?---I don't believe so. As my email indicates,
13:00:35 acknowledging Victoria Police held that material, during
13:00:38 the course of my investigation I certainly didn't hold any
13:00:41 of that material.

13:00:43 Yes, but those obligations are on Victoria Police and you
13:00:46 as an informant, knowing about the existence of the
13:00:51 material, can't simply say it's held by some other area of
13:00:55 Victoria Police?---No, and I didn't seek to do that. And
13:00:57 you've seen my emails and my conversations with people
13:01:01 during the course where I've reached out to the Source
13:01:06 Development Unit about matters known to them and not to me
13:01:09 as an investigator.

13:01:12 Why would you say in this case that defence didn't receive
13:01:19 that material or that the court weren't advised that this
13:01:28 material exists "but we want to claim PII over it"?---I
13:01:32 wasn't aware, you know, of the body - that list of however
13:01:39 many names, information she apparently - - -

13:01:42 164?---I wasn't aware of that and by the time I'm cognisant
13:01:47 of the depth of her involvement with Victoria Police as an
13:01:51 informer she's withdrawn as a witness and probably therein
13:01:57 lies the reason as why she was withdrawn as a witness.

1

13:02:01 2 Do you believe you should have been made aware of those
13:02:03 3 matters?---No.

4

13:02:04 5 Why not?---Look, there's a very good reason why you keep
13:02:10 6 matters about high-risk informers away from people unless
13:02:16 7 there is specific need for them to know.

8

13:02:19 9 You know the principles though that lie in the background
13:02:22 10 of informer privilege indicate that it doesn't always
13:02:27 11 survive where a fair trial can't be achieved?---I agree
13:02:31 12 with that.

13

13:02:32 14 And how can that be achieved if people aren't being given
13:02:36 15 the information or the court's not being given the
13:02:39 16 information?---Had she continued as a witness in this
13:02:43 17 prosecution that material would have been provided to the
13:02:46 18 court subject to a PII claim.

19

13:02:51 20 Some of those issues in relation to which you ought to
13:02:57 21 disclose existed even without Ms Gobbo being a witness, do
13:03:02 22 you accept that?---I'm just waiting for your instructions.
13:03:15 23 Sorry, do you want to ask that question?

24

13:03:18 25 No, I've asked the question. Some of the issues survived
13:03:25 26 Ms Gobbo's withdrawal as a witness, for example, the issue
13:03:30 27 of whether that conversation was privileged or not?---Yes,
13:03:40 28 that's right, but it turned on the fairly narrow issue as
13:03:44 29 to whether she had been a lawyer for Paul Dale or not, and
13:03:48 30 we said not.

31

13:03:50 32 And there was material there that suggested that there was
13:03:53 33 an argument that the defence might run saying yes?---If a
13:03:59 34 defence were going to run an argument that he was speaking
13:04:02 35 to his lawyer, we didn't agree with that.

36

13:04:06 37 So you didn't provide the material upon which they could
13:04:09 38 found that argument?---I think I've already answered that.
13:04:13 39 We provided material that was relevant to whether or not
13:04:18 40 Nicola Gobbo was or wasn't a lawyer of a Paul Dale's. Your
13:04:24 41 desire for me to say I should have provided information
13:04:28 42 that she had been informing on Tony Mokbel as well as being
13:04:34 43 relevant to Paul Dale, I don't agree with.

44

13:04:36 45 Well her assertions as to not being a lawyer for Mr Dale,
13:04:43 46 the credibility of those assertions might be undermined if
13:04:56 47 she's doing the same thing in relation to other clients, if

13:04:57 1 she's informing on other clients, do you accept that?---No,
13:04:59 2 I don't accept that speculation.
3
13:05:01 4 All right. In 2012 there was a prosecution on foot, a
13:05:06 5 second one, for Mr Orman in relation to the murder of Paul
13:05:10 6 Kallipolitis?---Yes.
7
13:05:13 8 There were subpoenas issued which specifically related to
13:05:19 9 Ms Gobbo in those proceedings?---Yes.
10
13:05:21 11 If we can go to an email of 2 March 2012,
13:05:32 12 VPL.6031.0004.5686. You'll see there there's an email
13:05:48 13 there from - - - ?---Tony Hupfeld.
14
13:05:56 15 If might go to the back of that email, there might be a
13:05:57 16 second page I think explaining. Sorry, yes, there's an
13:06:01 17 email there from Tony Hupfeld to yourself attaching two
13:06:06 18 subpoenas?---Yes.
19
13:06:07 20 Tony Hupfeld was the nominated informant in that
13:06:12 21 matter?---Yes.
22
13:06:12 23 You had been involved in that investigation for a long time
13:06:15 24 yourself?---Quite some time earlier, yes.
25
13:06:18 26 Were you ever the informant or you were the supervisor of
13:06:21 27 Mr Hupfeld as the informant?---I was gone by this stage,
13:06:26 28 so.
29
13:06:26 30 But you had some significant knowledge of that matter and
13:06:29 31 that prosecution?---Yes.
32
13:06:31 33 Were you a witness in that matter as well?---I presume so.
13:06:35 34 I'd made a statement. It was relying on the same witness.
35
13:06:46 36 I tender that email, Commissioner.
13:06:48 37
13:06:49 38 #EXHIBIT RC706A - (Confidential) Email from 2/3/12, Tony
13:06:58 39 Hupfeld to Boris Buick, attaching two
13:07:01 40 subpoenas in the Orman trial.
13:07:10 41
13:07:10 42 #EXHIBIT RC706B - (Redacted version.)
13:07:12 43
13:07:13 44 If we can go to VPL.6031.0004.5687. This is the first
13:07:26 45 subpoena attached to the email there. If you see that,
13:07:31 46 that's a subpoena dated 24 February 2012?---Yes.
47

13:07:38 1 To the Chief Commissioner of Police Subpoena Management
13:07:41 2 Unit?---Yes.
3
13:07:43 4 In the matter of Faruk Orman?---Yes.
5
13:07:47 6 If we can go to p.5. You see there there's a schedule - -
13:07:57 7 - ?---Yes.
8
13:07:57 9 - - - of the matters requested. Item number 1 is, "A copy
13:08:03 10 of all information reports and/or intelligence products
13:08:06 11 held by Victoria Police containing information or
13:08:08 12 references to the following", and it's got including the
13:08:13 13 date the report was submitted, the date and time received,
13:08:16 14 supervisor who verified the information report, and it goes
13:08:19 15 on. If we go down the list you'll see at Item (f),
13:08:30 16 "Meetings and/or discussions between Nicola Gobbo" and it
13:08:32 17 lists there the main witness against Mr Orman?---Yes.
18
13:08:35 19 Between 1 April 2002 and 31 March 2009?---Yes.
20
13:08:42 21 If we continue on to (g). Also disclosures by Nicola Gobbo
13:08:50 22 to that person between 1 May 2002 and 2 May 2008 of
13:09:00 23 information concerning the murders of Dibra, Kallipolitis
13:09:06 24 and Peirce?---Yes.
25
13:09:11 26 If we go to p.7 there and Item 6. No, maybe it's Item 6.
13:09:27 27 Up. It's requesting a copy of all statements made by that
13:09:44 28 particular witness?---Yes.
29
13:09:50 30 I think we might have the - there's another one which
13:09:54 31 includes the copy of draft statements or incomplete
13:09:56 32 statements made by that particular witness?---Yes.
33
13:10:00 34 You see that - - - ?---Point 6.
35
13:10:02 36 Item 6 there. Copy of draft statements or incomplete
13:10:06 37 statements made by that witness in relation to the murder
13:10:08 38 of Mr Kallipolitis?---Yes.
39
13:10:15 40 We know that you had one such copy of a draft statement
13:10:18 41 from that witness with Ms Gobbo's notes on it?---Yes.
42
13:10:23 43 Do you know if that was ever provided?---No.
44
13:10:27 45 Are you saying no, it was never provided or no, you don't
13:10:31 46 know?---I don't believe it was provided. I believe - I
13:10:36 47 might be mistaken, but I believe the extent of the draft

13:10:39 1 statement was some Post-It Notes on the original statement
13:10:42 2 where she makes some assertions about the lawyer, him
13:10:45 3 getting the lawyer wrong, which wasn't put into - the
13:10:53 4 statement wasn't amended based on the red Post-it Note that
13:10:59 5 he'd had his lawyers confused.
6
13:11:01 7 There was another Post-it Note on that page which indicated
13:11:04 8 there was a version of that statement with Ms Gobbo's
13:11:09 9 handwriting in red have made alterations?---Yes.
10
13:11:14 11 Remember there was another Post-It note from Mr Bateson to
13:11:18 12 you indicating the alterations in red pen on that statement
13:11:18 13 of Ms Gobbo's?---I don't recall ever seeing a statement
13:11:21 14 that Nicola Gobbo had written on.
15
13:11:29 16 In any case - - - ?---But it would be my practice to retain
13:11:32 17 that had I had a copy of a statement that had been amended.
13:11:39 18 In fact that is the case with another witness who makes a
13:11:45 19 very detailed statement about his relationship with Paul
13:11:49 20 Dale and then sought to make an amendment at the end. Both
13:11:53 21 copies were retained. I'm not sure if that's going to be
13:11:57 22 something that you canvass with me.
23
13:11:58 24 That's the appropriate way of going about it?---Yes.
25
13:12:01 26 Do you know if all your colleagues at Purana engaged in
13:12:05 27 that?---I don't know.
28
13:12:11 29 [REDACTED]
13:12:25 30 [REDACTED]
13:12:28 31 [REDACTED]
32
13:12:30 33 [REDACTED]
13:12:34 34 [REDACTED]
35
13:12:43 36 [REDACTED]
37
13:12:47 38 I tender that subpoena, Commissioner.
13:12:49 39
13:12:50 40 #EXHIBIT RC707A - (Confidential) First subpoena attached to
13:12:53 41 Exhibit 706.
13:12:59 42
13:13:00 43 #EXHIBIT RC707B - (Redacted version.)
44
13:13:09 45 If can you go to an email of 2 March 2012, it's
13:13:15 46 VPL.6031.0004.1843. Perhaps if we can go down the bottom
13:13:31 47 of that email. You see there the email to you, "Attached

13:13:47 1 are Gobbo's specific requests in the Orman
13:13:50 2 subpoena"?---Yes.
13:13:51 3
13:13:51 4 "Can you confirm for me that VicPol does not possess this
13:13:55 5 material", and it summarises a number of matters that I've
13:13:59 6 just taken you through in that subpoena?---Yes.
7
13:14:02 8 Do you know whether Mr Hupfeld was aware of Ms Gobbo's
13:14:06 9 status as a human source?---I don't know.
10
13:14:09 11 Do you know whether Mr Hupfeld was aware of her
13:14:16 12 representation of that witness?---I don't know.
13
13:14:21 14 If we can forward that - - - ?---When you say
13:14:25 15 representation of that witness ?
13:14:26 16
13:14:27 17 Representation of the main witness who's referred to in the
13:14:31 18 subpoena that I've - in Items 1(f) and 1(g)?---Yes, I don't
13:14:37 19 think he was around at the time that the statements were
13:14:40 20 being made.
21
13:14:50 22 You then forward that email on to Mr Bateson?---Yes.
23
13:14:54 24 You indicate to him, "Tony Hupfeld has been issued with a
13:14:59 25 fishing expedition subpoena re his upcoming Orman murder
13:15:04 26 trial for Kallipolitis. He's replicated below sections
13:15:07 27 relevant to my request. At first glance I would guess that
13:15:10 28 VicPol possesses no material relating to discussions
13:15:14 29 between Gobbo and that witness" and in brackets "(because
13:15:19 30 they would be privileged) and certainly none relating to
13:15:22 31 disclosures by Gobbo to that witness". Do you see
13:15:30 32 that?---Yes.
33
13:15:34 34 Did you consider this to be a fishing expedition
13:15:39 35 subpoena?---Well I do when it asks about an OCE examination
13:15:45 36 that didn't occur. It seems to be a fairly scatter gun
13:15:49 37 approach.
38
13:15:50 39 The first one asked for meetings - intelligence products
13:15:59 40 held by Victoria Police containing information or reference
13:16:02 41 to meetings and/or discussions between Ms Gobbo and that
13:16:06 42 witness?---Yes.
43
13:16:08 44 That's not particularly scatter gun, that's pretty
13:16:12 45 specific?---I don't dispute that there were relevant
13:16:15 46 matters requested in the subpoena.
47

13:16:18 1 Were you aware that Mr Bateson had had conversations with
13:16:24 2 that witness in which they discussed that witness's use of
13:16:28 3 Ms Gobbo as a lawyer?---No.
4
13:16:33 5 Were you aware - - - ?---Well, sorry, I was aware that that
13:16:38 6 witness had utilised Ms Gobbo as a lawyer.
7
13:16:42 8 Yes?---Yes. And that's the context in which she was giving
13:16:45 9 him advice around the making of his statements and whether
13:16:49 10 or not there was real benefit for him in his plea
13:16:52 11 negotiations.
12
13:16:53 13 Mr Bateson had knowledge of Ms Gobbo's status as a human
13:17:02 14 source by Victoria Police back at the time that she was
13:17:06 15 representing this witness?---I heard that evidence here.
16
13:17:12 17 And do you accept that evidence?---Yes.
18
13:17:16 19 Accepting that evidence, Victoria Police would have
13:17:21 20 relevant material to disclose wouldn't you think?---If it
13:17:27 21 was documented, yes.
22
13:17:39 23 You say in that email, "At first glance I would guess
13:17:45 24 VicPol possesses no material relating to discussions
13:17:47 25 between Ms Gobbo and that witness", not because you don't
13:17:50 26 have it, but because it would be privileged?---As between
13:17:54 27 Ms Gobbo and the witness.
28
13:17:56 29 So how would Victoria Police possess privileged
13:18:02 30 conversations between those two people and then not be able
13:18:06 31 to reveal it?---I would think we wouldn't possess the
13:18:09 32 material.
33
13:18:09 34 That doesn't seem to be what you're saying?---No, no.
13:18:14 35 You've got that wrong. If there were conversations between
13:18:18 36 Ms Gobbo and the witness, for example, over either a visit
13:18:21 37 or an Arunta telephone call, Victoria Police wouldn't
13:18:27 38 possess that. It wouldn't be provided to us by the prison.
13:18:31 39 It would be withdrawn from TI material, so we wouldn't
13:18:36 40 possess it.
41
13:18:37 42 If the situation was this, that Purana, Mr Bateson or
13:18:45 43 Mr O'Brien had had discussions with Ms Gobbo about that
13:18:55 44 witness, those matters would be able to be disclosed or
13:19:00 45 should be disclosed?---If we possessed such material, yes.
46
13:19:06 47 If those investigators had provided the SDU with

13:19:14 1 transcripts of conversations between them and their witness
13:19:20 2 for the purposes of her then influencing the witness in
13:19:25 3 some way - - - ?---Sorry, transcripts of conversations
13:19:28 4 between who?
5
13:19:31 6 Between investigators and that witness?---Yes.
7
13:19:34 8 When he was deciding whether or not to assist
13:19:37 9 police?---Yes.
10
13:19:39 11 Through the mechanism of the SDU they provided Ms Gobbo
13:19:44 12 with transcripts of their conversations, so a secret way of
13:19:51 13 getting to her transcripts of conversations between
13:19:55 14 ostensibly her client and the police?---Sorry, are you
13:19:59 15 asking me a question or telling me that's what happened?
16
13:20:04 17 I'm telling you that's what happened?---Was I aware that
13:20:07 18 happened, no.
19
13:20:08 20 If that happened that ought to have been disclosed?---Yes,
13:20:17 21 if it - - -
22
13:20:20 23 Yes?---If it fits the request, yes.
24
13:20:23 25 And certainly even if it doesn't fit the request these are
13:20:26 26 all matters that might influence the reliability and
13:20:30 27 credibility of the main witness against Mr Orman. If the
13:20:40 28 person representing him at the time that he becomes a Crown
13:20:43 29 witness is someone that's a police agent, that would be
13:20:46 30 something that defence would likely want to cross-examine
13:20:49 31 about?---Yes.
13:20:51 32
13:20:58 33 COMMISSIONER: I think it's lunchtime. Are you finished
13:21:00 34 with this email yet or are you still going?
13:21:04 35
13:21:05 36 MS TITTENSOR: I think I've finished with this email,
13:21:07 37 Commissioner. I might just figure out what's at the top of
13:21:10 38 that email.
39
13:21:12 40 COMMISSIONER: It's 2 March I think.
13:21:14 41
13:21:15 42 MS TITTENSOR: You'll see briefly there that Mr Bateson
13:21:18 43 responds that neither he nor his team have generated any
13:21:24 44 intelligence product?---Yes. There's a relevant email I
13:21:27 45 composed in relation to this as well which I trust you'll
13:21:30 46 go to.
47

13:21:31 1 And if I don't, I'll trust that you'll point me in that
13:21:34 2 direction.
3
13:21:35 4 COMMISSIONER: Perhaps we'll do that after the lunch break.
13:21:39 5
13:21:40 6 #EXHIBIT RC708A - (Confidential) Email chain commencing on
13:21:42 7 2/3/12, Hupfeld to Buick.
13:22:13 8
13:22:14 9 #EXHIBIT RC708B - (Redacted version.)
10
13:22:22 11 We'll adjourn until 2 o'clock.
13:22:26 12
13:22:27 13 <(THE WITNESS WITHDREW)
13:22:28 14
15 LUNCHEON ADJOURNMENT
16
17
18
19
20
21
22
23
24
25
26
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34
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13:58:22 1 UPON RESUMING AT 2.08 PM:
14:08:54 2
14:08:54 3 <BORIS BUICK, recalled:
14:09:02 4
14:09:03 5 COMMISSIONER: Yes Ms Tittensor.
14:09:04 6
14:09:05 7 MS TITTENSOR: Thanks Commissioner. Just briefly finishing
14:09:09 8 off with that last email, Mr Buick, I think - you see there
14:09:20 9 Mr Bateson's response and he confirms that neither, that
14:09:25 10 his team nor he had generated any intelligence product as
14:09:29 11 described?---Yes.
14:09:30 12
14:09:31 13 He doesn't, what he doesn't do is indicate whether he's
14:09:34 14 aware of Victoria Police holding such intelligence records,
14:09:38 15 is that right?---He doesn't.
14:09:40 16
14:09:40 17 He avoids answering that question?---I'm not certain.
14:09:48 18
14:09:50 19 If we go up to the top of that email. There's a response
14:10:02 20 from Gerard to yourself, clearly that email has been
14:10:06 21 forwarded to him. He says, "Thanks for that. We will need
14:10:09 22 to check to see what transcripts were supplied as part of
14:10:11 23 the Orman response as I've only seen one and that was a
14:10:15 24 bundle of materials not to be produced. The issue of diary
14:10:18 25 entries remains however and will need to be addressed. He
14:10:23 26 will ring Tony to discuss shortly". So we see that?---I
14:10:26 27 do.
14:10:27 28
14:10:30 29 Now, just as an aside, were you aware that there was still,
14:10:34 30 that there were approaches to Mr Orman still by 2011
14:10:42 31 seeking his assistance in relation to other prosecutions,
14:10:45 32 for example, Mr Gatto?---Mr Orman?
14:10:47 33
14:10:47 34 Yes?---No. I'm not surprised though.
14:10:51 35
14:10:53 36 You weren't involved in investigations and those matters in
14:10:57 37 relation to Mr Orman at that time?---That's right.
14:11:00 38
14:11:00 39 In 2011?---That's right.
14:11:04 40
14:11:05 41 If we can go to an email of 9 March 2012 from yourself to
14:11:11 42 Mr Maguire and Mr Hupfeld. It's VPL.6031.0004.3803. You
14:11:25 43 see there it indicates from the 2007 subpoena issued in
14:11:32 44 relation to Mr Orman's trial in relation to the murder of
14:11:39 45 Peirce?---Yes.
14:11:39 46
14:11:43 47 It goes on, "As I understand, Tony, the transcripts have

14:11:47 1 been provided. As you can see from the response and Stuart
14:11:50 2 Bateson's email I forwarded a moment ago" - and that was
14:11:54 3 the one we've just been through?---Yes.
14:11:55 4
14:11:56 5 "There are no notes beyond the transcripts relating to that
14:12:00 6 particular witness and Ms Gobbo or investigator and
14:12:05 7 Ms Gobbo contact"?---Yes.
14:12:07 8
14:12:07 9 Do you see that? So it appears as though in this email
14:12:12 10 you're indicating on the basis of Mr Bateson's email,
14:12:18 11 Victoria Police don't hold any notes beyond these
14:12:22 12 transcripts which seem to be attached relating to contact
14:12:26 13 between that witness and Ms Gobbo or investigators and
14:12:32 14 Ms Gobbo?---Yes.
14:12:33 15
14:12:39 16 You understood though that there was contact between
14:12:44 17 investigators and Ms Gobbo in relation to that particular
14:12:52 18 witness?---In the context of what I spoke to earlier, about
14:13:02 19 her giving advice in the making of his statements pursuant
14:13:07 20 to his plea arrangement or deal?
14:13:09 21
14:13:09 22 Yes?---Yes.
14:13:09 23
14:13:10 24 And were they provided?---In relation to which subpoena?
14:13:17 25
14:13:18 26 Well were they provided at the time of the Peirce murder
14:13:21 27 trial or the Kallipolitis trial?---I can't recall. I would
14:13:27 28 think so. I would think that if I had contact - well, I
14:13:34 29 don't know that I had - - -
14:13:37 30
14:13:37 31 Given that Mr Bateson was the person that was in charge of
14:13:41 32 coordinating that witness's contact with police and that a
14:13:48 33 number of other police had contact with that witness, do
14:13:51 34 you know - - - ?---Yes.
14:13:51 35
14:13:52 36 - - - whether those notes were all provided?---I don't
14:13:55 37 recall.
14:13:56 38
14:13:56 39 If they were, if their notes were called upon and provided
14:14:01 40 who would have been responsible for their redaction? Would
14:14:04 41 it have been the informant in charge or the investigators
14:14:09 42 themselves?---I think I addressed this a week or so ago.
14:14:13 43 Routinely investigators would take it upon themselves to do
14:14:16 44 some redacting of their own notes relative to matters of
14:14:22 45 relevance and then provide them to the informant who would
14:14:27 46 collate them together.
14:14:29 47

14:14:29 1 If there were particular issues of relevance in a case, for
14:14:34 2 example, it was now pretty clear by virtue of that subpoena
14:14:38 3 that the defence were interested in contact between
14:14:44 4 Ms Gobbo and that particular witness, presumably because
14:14:48 5 they thought that they might be able to run an attack on
14:14:51 6 that witness's reliability or credibility because of that
14:14:55 7 contact, would the members redacting their own notes be
14:15:02 8 made aware of those issues?---Perhaps not.
14:15:05 9
14:15:08 10 And you would accept that that would be a failing in the
14:15:12 11 process that was being adopted at that
14:15:15 12 stage?---Potentially.
14:15:16 13
14:15:20 14 It's an important thing, if those members or any police are
14:15:25 15 to be redacting notes it's very important that those
14:15:28 16 members are aware of what's relevant in issue in the
14:15:34 17 trial?---You ask, generally ask for member's notes at the
14:15:42 18 outset. It's one of the first things you do well before
14:15:45 19 issues around what's going to be an issue at trial is going
14:15:50 20 to be and ordinarily notes that members produce, subject to
14:15:55 21 only relevance, it's not a significantly controversial
14:16:07 22 task.
14:16:08 23
14:16:08 24 It can be if one's appreciation of relevance differs from
14:16:12 25 another?---Absolutely.
14:16:14 26
14:16:15 27 And you might understand that - - - ?---I'll give you a
14:16:18 28 really good example.
14:16:19 29
14:16:20 30 Sure?---My references to Gobbo being present at Orman's
14:16:25 31 subpoena argument, for example, when I had no idea that she
14:16:29 32 was a human source in relation to Faruk Orman, meant that I
14:16:36 33 might have, I didn't, but I might have excluded that as
14:16:42 34 relevance, or others might, but it's clearly relevant, but
14:16:49 35 at the time you don't necessarily and not everyone
14:16:52 36 certainly appreciates the relevance of what's going to be
14:16:54 37 in issue when you get to the nub of a trial.
14:16:58 38
14:17:02 39 All right. If we can scroll further up. You see there the
14:17:12 40 response from Mr Hupfeld, thanking you. He's going to have
14:17:20 41 to supply the statement that the witness made about Mr Dale
14:17:22 42 unless you had any PII objections to it?---Yes.
14:17:25 43
14:17:25 44 And asked you to supply a copy and advice in relation to
14:17:29 45 your PII intentions?---Yes.
14:17:31 46
14:17:33 47 That witness had supplied a further statement at that stage

14:17:38 1 or - - - ?---About Paul Dale?
14:17:41 2
14:17:41 3 Yes. Or had that just simply not been provided to Orman by
14:17:46 4 that stage?---Yeah, I'm not sure.
14:17:48 5
14:17:51 6 I tender that email, Commissioner.
14:17:55 7
14:17:56 8 #EXHIBIT RC709a - (Confidential) Email of 9/3/12 Buick to.
14:18:00 9 Hupfeld and Maguire attaching
14:18:03 10 transcript.
14:18:07 11
14:18:07 12 #EXHIBIT RC709B - (Redacted version.)
14:18:09 13
14:18:09 14 If we can go to an email from yourself to the SDU
14:18:14 15 officer-in-charge of 5 March 2012. It's
14:18:24 16 VPL.6031.0023.3118. Do you see that there?---Yes.
14:18:34 17
14:18:36 18 I'm not sure if this is one of the emails you were
14:18:39 19 referring to?---This is the email.
14:18:40 20
14:18:40 21 This is the email you were referring to before?---I
14:18:43 22 apologise to counsel for Victoria Police, I thought it was
14:18:46 23 an email from me to Tony Hupfeld but it's from me direct to
14:18:52 24 the Source Development Unit.
14:18:53 25
14:18:53 26 This is an email you have sent to the officer-in-charge of
14:18:57 27 the SDU, subject subpoena re Gobbo?---Yes.
14:19:00 28
14:19:00 29 That's on 5 March at 10.01. And you indicate there that on
14:19:08 30 11 April 2012 Faruk Orman was facing trial in relation to
14:19:13 31 the 2002 murder of Paul Kallipolitis and that the informant
14:19:17 32 was Mr Hupfeld?---Yes.
14:19:19 33
14:19:20 34 You indicate you were formally the lead investigator and
14:19:23 35 Hupfeld is aware of your recent contact with Ms Gobbo and
14:19:26 36 that's in relation to her being a witness in the Dale
14:19:29 37 matter?---Yes.
14:19:29 38
14:19:31 39 You attach the subpoena that I took you to before with the
14:19:37 40 schedule 1(f) and 1(g)?---Yes.
14:19:40 41
14:19:41 42 For his reference, and ask him to confirm whether any such
14:19:45 43 documents exist. You say, "Clearly PII will be claimed
14:19:49 44 should any such documents exist. Investigators who dealt
14:19:53 45 with Ms Gobbo in relation to the particular witness over
14:19:56 46 this time", you nominate yourself and Bateson and O'Brien
14:20:02 47 as possessing no such documents?---Yes.

14:20:10 1
14:20:13 2 Had you made some inquiries with Mr O'Brien to be able to
14:20:16 3 say that in that email?---Look I think, as I described
14:20:25 4 earlier when you do that scan or that request across the
14:20:30 5 board for notes, that may be how I learnt that he didn't
14:20:37 6 have notes relevant to my request.
14:20:41 7
14:20:41 8 Sorry, you may have learnt that he didn't have notes by
14:20:44 9 what way?---Well, when you are preparing material you ask
14:20:53 10 all investigators or police involved, because of course you
14:20:58 11 ask for notes from the people who first attend the scene at
14:21:02 12 a murder for example, not always investigators and I'd say
14:21:06 13 I would have included Jim O'Brien in that request and you
14:21:11 14 don't get notes back from everybody because not everybody
14:21:17 15 possesses relevant notes. I think that's probably how I
14:21:20 16 formed that view, or I may indeed have asked him but I just
14:21:25 17 don't recall.
14:21:25 18
14:21:25 19 Mr O'Brien had retired I think back in 2007. Do you recall
14:21:29 20 whether you contacted him to make that inquiry?---There was
14:21:35 21 a time when I did recover Jim O'Brien's diaries and day
14:21:43 22 books, took possession of them. But I don't think it was
14:21:49 23 at this time.
14:21:49 24
14:21:50 25 Was this at a later time when inquiries and reviews
14:21:56 26 commenced?---I think so.
14:21:58 27
14:21:58 28 Maybe in 2014?---Sounds about right.
14:22:01 29
14:22:04 30 I tender that email, Commissioner.
14:22:06 31
14:22:08 32 #EXHIBIT RC710A - (Confidential) Email of 5/3/12 Buick to
14:22:16 33 SDU officer-in-charge re subpoena 1 re
14:22:22 34 Gobbo.
14:22:24 35
14:22:24 36 #EXHIBIT RC710B - (Redacted version.)
14:22:26 37
14:22:27 38 I think I've taken you to some notes earlier in relation to
14:22:33 39 yours and Mr Hatt's visiting that particular witness back
14:22:37 40 in June of 2007 and Mr Hatt in particular having some
14:22:43 41 dealings with Ms Gobbo in relation to those matters?---Yes.
14:22:46 42
14:22:46 43 Do you know if those materials were disclosed?---I believe
14:22:55 44 so.
14:22:55 45
14:23:10 46 If we can go to VGS0.5000.0010.7035. It's an email, if we
14:23:24 47 go down the bottom, from Neil Paterson to - I'm not sure if

14:23:37 1 there's a person there that has a pseudonym or not?---Yes,
14:23:40 2 they will have.
14:23:42 3
14:23:43 4 COMMISSIONER: I don't know that they - perhaps they should
14:23:46 5 have, whether they do I'm not so sure?---They'll have one
14:23:56 6 when they come to talk about the next person.
14:23:58 7
14:23:59 8 MS TITTENSOR: This is a particular witness that worked in
14:24:01 9 the Human Source Management Unit, is that right?---Yes.
14:24:05 10
14:24:06 11 Mr Paterson emails him on the afternoon of 5 March. Down
14:24:15 12 the bottom it's got those, the summaries of those two
14:24:21 13 matters in the schedule of the subpoena relating to
14:24:24 14 Ms Gobbo?---Looks like it's cut straight out of my email.
14:24:28 15
14:24:28 16 And it seems to have the PDF file attached with the
14:24:33 17 subpoena as well?---Yes.
14:24:34 18
14:24:36 19 Mr Paterson instructs that person to, "Please arrange with
14:24:39 20 the VGSO to brief Gerard Maguire in this urgent matter and
14:24:44 21 to keep him informed of the progress"?---Yes.
14:24:46 22
14:24:47 23 That member of the HSMU then emails Shaun Le Grand who is a
14:24:55 24 solicitor at the VGSO?---Yes.
14:24:57 25
14:24:57 26 It says, "Please see attached. The recommendation is for
14:25:00 27 Gerard to be briefed. The file is not to be otherwise
14:25:03 28 forwarded"?---Yes.
14:25:04 29
14:25:04 30 You became aware of the VGSO and counsel involvement in the
14:25:09 31 matter?---I'm not sure.
14:25:13 32
14:25:15 33 I tender that email, Commissioner.
14:25:17 34
14:25:19 35 #EXHIBIT RC711A - (Confidential) Email chain March 2012
14:25:25 36 commencing with Neil Paterson.
14:25:41 37
14:25:41 38 #EXHIBIT RC711B - (Redacted version.)
14:25:49 39
14:25:49 40 If we can go to an email from that member of the HSMU to
14:25:54 41 Le Grand the following day, 6 March 2012. It's
14:26:01 42 VGSO.5000.0033.0154. You see down there that member
14:26:12 43 outlines various issues as he sees them to identify
14:26:17 44 documents related to disclosures by Ms Gobbo to VicPol
14:26:24 45 members ICSD only. Does that indicate Covert Services
14:26:31 46 Division only?---Yes.
14:26:32 47

14:26:34 1 So we're limiting it to the SDU?---Yes. Department.
14:26:42 2
14:26:44 3 "Crime will have to coordinate a response separately." So
14:26:48 4 they'll do their own thing, we'll look after this division
14:26:55 5 it seems to be saying?---It seems to be.
14:26:57 6
14:27:00 7 "I'm almost certain reading between the lines that members
14:27:03 8 such as Stuart Bateson, Boris, et cetera, must have had
14:27:07 9 some communications directly with Ms Gobbo where that
14:27:12 10 particular witness was mentioned. I think Boris might have
14:27:15 11 to think a little more laterally about notes and recordings
14:27:20 12 in existence. I'll leave that to them." Do you know
14:27:24 13 anything about those matters and whether they were inquired
14:27:29 14 about?---No, this is the first time I've seen this. I
14:27:34 15 thought I was thinking fairly laterally.
14:27:37 16
14:27:45 17 "I will prepare a secure redacted document reviewing by
14:27:49 18 Gerard. From today it's clear he's seen a comprehensive
14:27:53 19 log related to the Dale matters. Discussions with Crime
14:27:56 20 must be held without any reference to human sources or
14:28:01 21 Gobbo dealing with members of the ICSD. This knowledge
14:28:06 22 won't assist them or impact upon their response to the
14:28:10 23 subpoena." It doesn't appear that there's an appreciation
14:28:16 24 that members of Purana well knew, or many of them well knew
14:28:21 25 of Ms Gobbo's role, is that right?---I believe so.
14:28:25 26
14:28:28 27 "I will have Crime coordinate a response to their side via
14:28:35 28 Neil Paterson who is Acting Assistant Commissioner at the
14:28:39 29 ICSD. As stated there's no point or necessity in the Crime
14:28:43 30 Department members being aware of our involvement. I'm
14:28:47 31 investigating whether we have already been down this path
14:28:50 32 with another subpoena linked to Petra, something rings a
14:28:54 33 cord with me. I'm aware of a list of entities that has
14:28:59 34 been put together that may be affected by VicPol dealings
35 with Gobbo. I may be able to determine how many live
14:29:05 36 matters could be impacted by a disclosure. It may not be
14:29:11 37 as extensive as first thought. Irrespective any disclosure
14:29:14 38 will hurt us significantly. See you tomorrow." It seems
14:29:20 39 to be apparent that people are aware that live matters or
14:29:28 40 other prosecutions being run might be impacted upon
14:29:31 41 disclosure of such documents relating to Ms Gobbo?---You'll
14:29:37 42 need to ask Chris about that.
14:29:40 43
14:29:40 44 Do you accept that that's apparent on a plain reading of
14:29:44 45 that document about discussions of live matters being
14:29:48 46 impacted upon a disclosure?---Yeah, I'm not sure what
14:29:51 47 matters he's referring to.

14:29:53 1
14:29:53 2 Do you know if someone came back to you and said, "Can you
14:29:57 3 have a think about this more laterally, Mr Buick"?---I
14:30:02 4 don't recall that.
14:30:03 5
14:30:04 6 Are you aware why there needed to be a separation of
14:30:07 7 responses between crime and ICSD?---No.
14:30:13 8
14:30:21 9 I tender that email Commissioner.
14:30:23 10
14:30:24 11 #EXHIBIT RC712A - (Confidential) Email of 6/3/12 to Shaun
14:30:30 12 Le Grand.
14:30:30 13
14:30:30 14 #EXHIBIT RC712B - (Redacted version.)
14:30:32 15
14:30:39 16 If we can go to document VGS0.5000.0033.0363 and item
14:30:53 17 number 4. This appears to be a rendering of an account by
14:30:59 18 Mr Maguire. Part of that account indicates that he's had
14:31:04 19 email communications with the member of the HSMU, yourself
14:31:07 20 and Hupfeld and telephone discussions with yourself and
14:31:12 21 Hupfeld and preparing draft affidavits in support of PII
14:31:17 22 claims?---Yes.
14:31:18 23
14:31:18 24 Do you recall being involved in such discussions with
14:31:22 25 Gerard Maguire through this period?---Not specifically.
14:31:28 26 I've had a bit to do with Gerard over the journey. I can't
14:31:33 27 specifically recall conversations in relation to this
14:31:37 28 matter over a multitude of other matters.
14:31:41 29
14:31:41 30 Do you recall whether there was any need to disclose or
14:31:47 31 potentially disclose and claim PII in relation to HSMU held
14:31:52 32 material in relation to Ms Gobbo and that witness?---I
14:31:56 33 don't recall that specifically but that's clearly what
14:32:01 34 Gerard Maguire's first memo touches on in terms of need to
14:32:07 35 consider PII. That's the material.
14:32:09 36
14:32:10 37 That's the memo back in relation to Dale?---Yes.
14:32:12 38
14:32:14 39 I'm asking you about interactions with him in relation to
14:32:17 40 Kallipolitis?---I don't specifically recall that.
14:32:21 41
14:32:25 42 I tender that document, Commissioner.
14:32:26 43
14:32:27 44 COMMISSIONER: Does it have a date?
14:32:29 45
14:32:30 46 MS TITTENSOR: The date is 3 June 2012.
14:32:31 47

14:32:35 1 #EXHIBIT RC713A - (Confidential) Memorandum of attendance
14:32:36 2 from Mr Maguire 3/6/12.
3
14:32:43 4 #EXHIBIT RC713B - (Redacted version.)
14:32:45 5
14:32:46 6 WITNESS: I hope I've had those conversations with him
14:32:49 7 though because he was charged for them.
14:32:53 8
14:32:59 9 MS TITTENSOR: If we can go to emails dated 13 March 2012.
14:33:04 10 VPL.6031.0023.3261. I think that's an email down the
14:33:20 11 bottom that we saw earlier?---Yes.
14:33:25 12
14:33:26 13 The start of an email trail. You emailing the SDU
14:33:31 14 officer-in-charge. John O'Connor from the SDU has
14:33:37 15 obviously been - I think he was the officer-in-charge, is
14:33:42 16 that right, of the SDU?---I believe so. That fits.
14:33:45 17
14:33:47 18 He sends back that response to the HSMU, copying in
14:33:53 19 yourself saying, "Boris, the attached has been forwarded to
14:33:56 20 the officer-in-charge of the HSMU for follow up"?---Yes.
14:34:01 21
14:34:02 22 So what the SDU did was send it on to the HSMU to follow
14:34:09 23 up?---Yes.
14:34:10 24
14:34:12 25 And then you respond to Mr O'Connor at the SDU and say,
14:34:18 26 "Thanks. The HSMU have gotten back to us and don't have
14:34:21 27 anything". That's the response that you get back?---Yes.
14:34:29 28 Must have been.
14:34:29 29
14:34:31 30 But it's quite apparent that the SDU had substantial
14:34:36 31 holdings in relation to those matters. You would have been
14:34:41 32 aware of that?---Well I presume that they will have. Well,
14:34:48 33 look, there is a difference though between the SDU and the
14:34:52 34 Human Source Management Unit. I wasn't certain at the time
14:34:55 35 exactly how they each operated but I would have anticipated
14:34:58 36 there would have been material held by the SDU, it doesn't
14:35:02 37 follow necessarily that material would have been held by
14:35:05 38 the Human Source Management Unit.
14:35:06 39
14:35:06 40 What this is indicating is you've forwarded this on to the
14:35:10 41 SDU to say, "Here you go, we've got this subpoena issue, it
14:35:14 42 needs to be dealt with"?---Yes.
14:35:16 43
14:35:16 44 You knew that they had relevant holdings?---I presume so,
14:35:21 45 yes, that's why I sent the email.
14:35:23 46
14:35:23 47 The SDU forward it to HSMU and you and the HSMU's response

14:35:31 1 is, "We don't have anything"?---Seems to be.
14:35:34 2
14:35:35 3 Did you query that and say, "Look, I know that the SDU has
14:35:38 4 relevant material, how can that possibly be"?---I don't
14:35:42 5 recall. I may have. There may be other emails around this
14:35:46 6 issue. Do you have the email I've got, because I allude to
14:35:52 7 the fact they've gotten back to us.
14:35:54 8
14:35:54 9 I'm not sure that I do. I'll take you through what we
14:36:00 10 have. I tender that email, Commissioner.
14:36:11 11
14:36:12 12 COMMISSIONER: It's already tendered, isn't it? I think
14:36:14 13 that's - - -
14:36:17 14
14:36:17 15 MS TITTENSOR: I'm not sure this one is, Commissioner.
14:36:22 16
14:36:24 17 COMMISSIONER: That email chain. This one starts on 5
14:36:28 18 March.
14:36:28 19
14:36:28 20 MS TITTENSOR: The bottom email in it had been tendered
14:36:32 21 earlier but the chain hadn't been.
14:36:32 22
14:36:32 23 COMMISSIONER: I thought the chain was tendered.
14:36:36 24
14:36:36 25 MS TITTENSOR: I'm not sure that it was.
14:36:39 26
14:36:39 27 COMMISSIONER: It was. Email from Buick to SDU O'Connor,
14:36:44 28 so I think the whole chain has been tendered as 710A and B.
14:36:54 29
14:36:55 30 MS TITTENSOR: I'm not sure that the top of that chain was
14:36:57 31 caught by the earlier email, Commissioner.
14:37:00 32
14:37:00 33 COMMISSIONER: All right then.
14:37:02 34
14:37:03 35 #EXHIBIT RC714A - (Confidential) Email 13/3/12 Buick to
14:37:08 36 O'Connor.
14:37:14 37
14:37:15 38 #EXHIBIT RC714B - (Redacted version.)
39
14:37:24 40 MS TITTENSOR: If we can go to a VGS0 document on 15 March
14:37:30 41 2012. It's VGS0.5000.0033.0215. There seems to be, you'll
14:37:59 42 see what this is in terms of an objection schedule to
14:38:03 43 matters. You might be familiar with such a
14:38:06 44 document?---Yes.
14:38:06 45
14:38:07 46 Various things that are called for. It indicates there
14:38:18 47 that there's been a request for copies of notes, diary

14:38:23 1 entries, day book entries and so forth in relation to
14:38:26 2 Mr O'Brien, Mr Bateson, Ms Kerley, Mr L'Estrange, Mr Hatt,
14:38:31 3 Mr Hupfeld and yourself?---Yes.
14:38:33 4
14:38:35 5 There's an objection made in relation to that request being
14:38:39 6 too vague and too onerous and the witness make, makes a
14:38:45 7 statement and it is investigated and corroborated, that
14:38:48 8 makes up the brief?---Yes.
14:38:49 9
14:38:51 10 If we can go to p.4 I think of that document. Just scroll
14:38:59 11 up. You'll see there that in relation to item 1(g), if we
14:39:12 12 go to that first, "Disclosures by Ms Gobbo to the
14:39:17 13 particular witness". The response is, "Well, we don't have
14:39:22 14 any"?---Yes.
14:39:22 15
14:39:23 16 1(g). And then the one above that, 19(f), meetings and/or
14:39:29 17 discussions between Ms Gobbo and that witness between 2002
14:39:34 18 and 2009 had been referred to you?---Yes.
14:39:40 19
14:39:40 20 And there was an objection in relation to that matter, it
14:39:43 21 was subject to PII?---I see that.
14:39:45 22
14:39:47 23 Do you know what the PII objection was?---No.
14:39:54 24
14:40:06 25 Presumably this had been something that had been, you had
14:40:11 26 been involved in providing instructions for?---I think this
14:40:16 27 is what's generated my emails because I've been provided a
14:40:23 28 copy with the subpoena and then I've made those inquiries
14:40:27 29 of the Source Development Unit, so I think that's the
14:40:32 30 extent of my involvement.
14:40:37 31
14:40:37 32 All right. If we then go to p.7, item 6. Just for
14:40:51 33 completeness, there's a copy of draft statements or
14:40:55 34 incomplete statements made by that witness in relation to
14:40:58 35 the murder of Mr Kallipolitis and there's an indication
14:41:02 36 that there are none?---Yes.
14:41:04 37
14:41:07 38 Then if we go to p.11 and [REDACTED]. [REDACTED]
14:41:15 39 [REDACTED]
14:41:19 40 [REDACTED]
14:41:20 41
14:41:20 42 And there's a PII claim in respect of that as well?---Yes.
14:41:23 43
14:41:25 44 You don't know anything about that?---No, I didn't, well I
14:41:28 45 might be mistaken. I knew about OPI examinations [REDACTED]
14:41:32 46 [REDACTED]
14:41:35 47

14:41:37 1 I tender that document, Commissioner.
14:41:38 2
14:41:41 3 #EXHIBIT RC715A - (Confidential) Instructions to the VGS0
14:41:45 4 re the subpoena objection schedule.
5
14:41:49 6 #EXHIBIT RC715B - (Redacted version.)
14:41:53 7
14:41:54 8 It appears to be the case that there were, there was legal
14:41:58 9 argument going on throughout that year in relation to
14:42:01 10 disclosure of various matters. Mr Shirreffs was appearing
14:42:06 11 on behalf of Mr Orman. Were you involved in those
14:42:08 12 proceedings at all?---No.
14:42:09 13
14:42:14 14 Do you know what became of the PII application or PII claim
14:42:20 15 that was made in respect of schedule number 1(f)?---I
14:42:26 16 don't. I know that the prosecution was withdrawn.
14:42:30 17
14:42:30 18 Do you know why that was, on what basis there was a
14:42:34 19 withdrawal?---No, I don't recall. I don't recall.
14:42:44 20
14:42:45 21 Do you know if it related to concerns over disclosure of
14:42:49 22 material?---No, I wouldn't think so. I know that the OPP,
14:42:57 23 because I was around at the time that the OPP decided not
14:43:01 24 to proceed against Vendetti, but I'd gone by the time they
14:43:08 25 were dealing with Orman. And I can say with some confident
14:43:19 26 memory that the Kallipolitis investigators weren't blessed
14:43:23 27 with the ACC/TI material, or the TI saturation that was in
14:43:33 28 place when piece was killed. There was no such saturation
14:43:36 29 when Kallipolitis was killed.
14:43:38 30
14:43:38 31 Do you know if there was any PII or confidential affidavit
14:43:49 32 made in respect of Ms Gobbo's, material related to Ms Gobbo
14:43:56 33 in that prosecution of Kallipolitis before it was
14:43:59 34 withdrawn?---I don't know.
14:43:59 35
14:44:06 36 Following the advice by Mr Maguire back in 2011 in relation
14:44:12 37 to the Dale matter?---Yes.
14:44:14 38
14:44:15 39 Did you become aware of Mr Gleeson being appointed to
14:44:21 40 conduct, along with Mr Comrie, an investigation?---No.
14:44:26 41
14:44:26 42 In relation to the handling of Ms Gobbo?---No.
14:44:28 43
14:44:28 44 Did you become aware of a report in June 2012 in relation
14:44:32 45 to those matters?---No.
14:44:33 46
14:44:37 47 Operation Loricated, do you know when you became aware of

14:44:41 1 that?---You'd have to remind me what it was - - -
14:44:47 2
14:44:47 3 It was a collection of SDU material related to the handling
14:44:51 4 of Ms Gobbo?---Collection of SDU material?
14:44:54 5
14:44:54 6 Yes?---No, I don't know. I became involved in another
14:45:01 7 operation called Bendigo.
14:45:03 8
14:45:03 9 And what was your role in Bendigo?---That was sourcing not
14:45:10 10 - sorry, I'll use a better term. That was locating
14:45:14 11 material held on Interpose that investigators held in
14:45:18 12 relation to Nicola Gobbo, as opposed to any material that
14:45:24 13 might be held by Intel Covert Support Command, because we
14:45:29 14 didn't have access to that material.
14:45:32 15
14:45:33 16 And what was the idea of Bendigo, what was the purpose of
14:45:36 17 it?---I think, I'm not certain, but I just know that they
14:45:43 18 wanted to pull together all relevant material in relation
14:45:46 19 to Nicola Gobbo and they asked me to source some material.
14:45:53 20
14:45:53 21 Are you aware that they were looking at a number of
14:45:56 22 different examples of prosecutions that may or may not have
14:45:59 23 been impacted by the involvement of Ms Gobbo?---That wasn't
14:46:04 24 - I wasn't briefed to that effect.
14:46:06 25
14:46:10 26 Your location from October 2003 to August of 2014, you were
14:46:15 27 Acting Inspector and performing the role of staff officer
14:46:19 28 to the Assistant Commissioner of Crime, is that
14:46:21 29 right?---Yes.
14:46:21 30
14:46:22 31 Was that Mr Cartwright?---No.
14:46:25 32
14:46:25 33 Who was that?---What period, sorry?
14:46:27 34
14:46:27 35 October 2003 to August 2014, sorry, 2013 to August
14:46:35 36 2014?---It was either Steven Fontana or Tess Walsh.
14:46:39 37
14:46:41 38 As well as doing that role you had a role in relation to
14:46:45 39 the Inquest in relation to the Hodsons?---Yes.
14:46:47 40
14:46:48 41 And that took place in 2014?---Yes.
14:46:55 42
14:46:55 43 If I can go to an email from yourself on 28 March 2012,
14:47:01 44 VPL.6069.0051.4768. 2014, yes. If we can go - do you see
14:47:24 45 that there that's an email from yourself to Mr Fontana, and
14:47:29 46 you copy of that to Mr Frewen and Ian Campbell, Inspector
14:47:33 47 Campbell?---Yes.

14:47:34 1
14:47:34 2 Subject Witness F, being Ms Gobbo?---Yes.
14:47:39 3
14:47:39 4 You note your earlier involvement in October 2010 in the
14:47:45 5 Driver Task Force team 4?---Yes.
14:47:47 6
14:47:50 7 And that you are responsible for a number of
14:47:54 8 investigations, all of which related to Mr Dale?---Yes.
14:47:57 9
14:47:58 10 His involvement in the Dublin Street burglary, the
14:48:02 11 investigation into the murder of the Hodsons, investigation
14:48:05 12 in relation to misconduct in public office?---Yes.
14:48:08 13
14:48:09 14 And the investigation and preparation for the prosecution
14:48:11 15 for the ACC matters?---Yes.
14:48:13 16
14:48:16 17 You note there that Ms Gobbo was intimately involved as a
14:48:20 18 witness and equally possibly an active party in relation to
14:48:24 19 each of those matters?---Yes, we talked about that last
14:48:28 20 time.
14:48:28 21
14:48:33 22 If we scroll further up. You talk about your dealings with
14:48:40 23 her, the matters relating to Mr Pope, having you attending
14:48:49 24 at a steering committee meeting?---Yes.
14:48:51 25
14:48:51 26 At which the Gobbo disclosure in relation to him was
14:48:54 27 discussed, which was denied at that stage by Mr Pope and at
14:48:57 28 which he stood down from the committee in light of the
14:49:01 29 potential conflict of interest?---Yes.
14:49:04 30
14:49:04 31 And then following that the withdrawal of Ms Gobbo as a
14:49:08 32 witness?---Yes.
14:49:10 33
14:49:10 34 You then go on to note that today you've been briefed by
14:49:17 35 Mr O'Connell as to the following and it relates to Herald
14:49:23 36 Sun journalist Anthony Dowsley in recent days contacting
14:49:28 37 Mr Solomon and telling him that Ms Gobbo said she had
14:49:33 38 previously had a sexual relationship with Pope. Do you see
14:49:38 39 that?---Yes.
14:49:39 40
14:49:40 41 There was reference to Mr Dowsley speaking to Mr Pope and
14:49:44 42 being told that Mr Ashton had intervened and arranged the
14:49:49 43 withdrawal of Ms Gobbo as a witness and that Solomon had
14:49:52 44 provided, Solomon provided no information to Mr Dowsley, he
14:50:00 45 diarised the contact and briefed Mr O'Connell?---Yes.
14:50:02 46
14:50:08 47 And you note down the bottom there that Ms Gobbo was listed

14:50:12 1 as a witness in the forthcoming Inquest?---Yes.
14:50:14 2
14:50:18 3 So that's something that had occurred on that day, 28 March
14:50:22 4 2014. I tender that, Commissioner.
14:50:29 5
14:50:32 6 #EXHIBIT RC716A - (Confidential) Email of 31/3/14.
14:50:38 7
14:50:38 8 #EXHIBIT RC716B - (Redacted version.)
14:50:47 9
14:50:47 10 Just have a look at the top of that document. A number of
14:51:00 11 days later, or within some amount of time after that, were
14:51:06 12 you spoken to about issues concerning the leaking of
14:51:11 13 Ms Gobbo's role as a human source to Mr Dowsley at the
14:51:13 14 Herald Sun?---Yes.
14:51:15 15
14:51:16 16 When you were spoken to about that did you speak to the
14:51:21 17 people who were asking you the questions about Ms Gobbo
14:51:26 18 herself being suspected of distributing information reports
14:51:30 19 that were believed to have been stolen or suspected to have
14:51:33 20 been stolen by Mr Dale?---Yes.
14:51:35 21
14:51:37 22 Did you indicate that the investigation could prove that
14:51:42 23 Mr Mokbel received the information reports via fax?---Yes.
14:51:46 24
14:51:47 25 And that the belief was that Ms Gobbo had faxed those
14:51:50 26 information reports to Mr Mokbel?---Yes.
14:51:52 27
14:51:57 28 Did you also indicate further that Ms Gobbo was listed as a
14:52:04 29 witness at the Inquest due to commence on 19 May?---Yes.
14:52:08 30
14:52:09 31 But she didn't wish to give evidence?---Yes.
14:52:11 32
14:52:29 33 If you have a look at your day book on 1 April 2014. Is
14:52:38 34 there a reference there to a second article in the Herald
14:52:49 35 Sun? Do you recall that?---I don't recall it. I haven't
14:52:52 36 got my day book for that period, I know I've got a lot but
14:52:55 37 I haven't got that period. It's here but I just don't have
14:53:00 38 it with me here.
14:53:03 39
14:53:04 40 We might be able to put it on the screen, it's an RCMP
14:53:07 41 document at 287?---I'm on rec leave. A lot of notes for
14:53:31 42 someone on rec leave.
14:53:32 43
14:53:33 44 Do you see just underneath your notation of rec leave
14:53:36 45 you've got, "Second F article in Herald Sun"?---Yes.
14:53:41 46
14:53:41 47 And it seems to be that there's a flurry of contact in

14:53:45 1 relation to that matter?---Yes, I agree with that.
14:53:48 2
14:53:55 3 If we go to your day book on, over the page I think, 16
14:54:05 4 April. There's again a reference to speaking with
14:54:16 5 Mr Frewen I think in relation to the Herald Sun
14:54:19 6 article?---Yes.
14:54:19 7
14:54:19 8 In relation to Ms Gobbo?---Yes.
14:54:21 9
14:54:22 10 Further down the page you see there there's reference to
14:54:29 11 speaking with Mr Lardner, Mr Gleeson and the F time
14:54:34 12 line?---Yes.
14:54:34 13
14:54:34 14 Do you know what that was about?---No, I don't recall that.
14:54:37 15
14:54:39 16 If we can go - - - ?---F time line? I assume it's a time
14:54:43 17 line not dissimilar as to I detailed to Mr Fontana.
14:54:48 18
14:54:48 19 If we can have a look at an email dated 16 April 2014,
14:54:54 20 VPL.6072.003.0933. Do you recall that Mr Lardner had some
14:56:20 21 involvement in Operation Bendigo?---No. I only dealt with
14:56:32 22 Monique Swain, Inspector Monique Swain.
14:56:34 23
14:56:34 24 It's apparent from this email from Mr Lardner to
14:56:37 25 Mr Trichias and also Ranasinghe, someone by the name of
14:56:44 26 Ranasinghe?---Yes.
14:56:45 27
14:56:46 28 That Mr Lardner indicates to Mr Trichias that as per the
14:56:52 29 discussion he'd been tasked to prepare a document in
14:56:55 30 relation to Ms Gobbo's involvement with Victoria Police.
14:56:57 31 This includes a chronology for the respective
14:57:00 32 investigations. He asks Trichias to facilitate a search of
14:57:08 33 Purana holdings in relation to Ms Gobbo?---Yes.
14:57:10 34
14:57:11 35 Provide a chronology of any direct involvements of Purana
14:57:14 36 members with Ms Gobbo?---Yes.
14:57:16 37
14:57:16 38 And provide an electronic catalogue of the documents
14:57:19 39 contained within Purana that relate to any direct
14:57:22 40 involvement Purana members had with Ms Gobbo?---Yes.
14:57:25 41
14:57:26 42 And, "If such documents do not already exist in some other
14:57:30 43 form then please create them in an Excel spreadsheet". It
14:57:35 44 may be that that was the time line that was being discussed
14:57:39 45 with you. Do you know if that was the case?---I don't
14:57:42 46 recall, sorry.
14:57:43 47

14:57:45 1 If we go to p.1 there. There's an attached spreadsheet and
14:57:59 2 then Mr Gleeson refers to the discussion with Trichias,
14:58:04 3 understanding that there may be difficulties determining
14:58:07 4 the origin of SDU information to Purana?---Yes.
14:58:10 5
14:58:11 6 Indicates searches under other pseudonyms and registered
14:58:15 7 numbers and refers to instances of information being passed
14:58:19 8 verbally from the SDU to Purana personnel. Do you see
14:58:23 9 that?---Yes.
14:58:24 10
14:58:24 11 There was an appreciation at that stage that the
14:58:28 12 information that was coming from the SDU to Purana was
14:58:32 13 happening on a verbal basis as opposed to a written
14:58:36 14 basis?---Yes. Is that totally accurate though? I thought
14:58:45 15 Jim O'Brien took some pretty detailed notes but I'm not
14:58:51 16 certain.
14:58:51 17
14:58:52 18 I think he may have taken some diary notes as well but
14:58:57 19 there's been some evidence of hot debriefs - - - ?---Yes.
14:59:00 20
14:59:00 21 - - - occurring. And that might simply be that not
14:59:04 22 everything that was told to Mr O'Brien made its way into an
14:59:07 23 information report?---Yes.
14:59:08 24
14:59:08 25 Or necessarily a diary note. I tender that document,
14:59:16 26 Commissioner.
14:59:16 27
14:59:17 28 #EXHIBIT RC717A - (Confidential) Email chain from 1/4/14 to
14:59:24 29 16/4/14 re Nicola Gobbo and chronology
14:59:32 30 of Purana contact with her.
14:59:38 31
14:59:39 32 #EXHIBIT RC717B - (Redacted version.)
14:59:44 33
15:00:09 34 If I can go quickly to your day book entry on 30 April
15:00:17 35 2014. It's p.289. No, over the other side. You're making
15:00:42 36 I think some inquiries in relation to the Inquest, is that
15:00:46 37 right?---Yes.
15:00:49 38
15:00:52 39 At 16:20 you're having contact - sorry, above that there's
15:01:00 40 some contact with someone at the VGS0 in relation to
15:01:04 41 matters, including the matter of F?---Yes.
15:01:08 42
15:01:08 43 Is that Ms Gobbo? Does that say inducements?---Yes.
15:01:12 44
15:01:13 45 Do you know what that's about?---Am I allowed to say the
15:01:18 46 rest of the letters?
15:01:19 47

15:01:19 1 Do those rest of the letters represent certain
15:01:22 2 witnesses?---Yes.
15:01:23 3
15:01:26 4 We won't ask you who they are but do you know generally
15:01:30 5 what that's about?---Not really, no.
15:01:33 6
15:01:36 7 Does that relate to the Inquest in some way?---Must have.
15:01:44 8
15:01:45 9 At 16:20 you're having contact with Peter Lardner in
15:01:53 10 relation to something about Petra?---Yes.
15:01:55 11
15:01:57 12 Do you know what that was about?---Petra location on the
15:02:08 13 drive, 15th floor material. My oversight. 15th floor
15:02:18 14 material? No, I'm not sure.
15:02:20 15
15:02:20 16 In the entry underneath that, over on the right-hand side,
15:02:24 17 there's a reference to Jim O'Brien's diary, speaking to
15:02:34 18 Hough?---Houghy, yes. Superintendent Hough, yes.
15:02:37 19
15:02:38 20 "Re dot points from"?---Yesterday.
15:02:47 21
15:02:47 22 "Yesterday to Tim Cartwright"?---Yes.
15:02:49 23
15:02:50 24 Do you know what that was about?---No.
15:02:51 25
15:02:51 26 You were seeking Mr O'Brien's diary at about that point of
15:02:56 27 time?---Yes. I had been asked to collect his diaries. I
15:03:02 28 thought in the context of Bendigo.
15:03:07 29
15:03:09 30 Did you know for what purpose they wanted his diaries
15:03:13 31 specifically?---I think for the build of the
15:03:19 32 Lardner/Gleeson document.
15:03:21 33
15:03:21 34 If we can go to your day book of 1 May 2014, it's p.290.
15:03:35 35 Do you see there at 16:00 it appears as though you speak to
15:03:40 36 Mr O'Brien?---Yes.
15:03:41 37
15:03:41 38 And then you have a conversation with him?---Yes.
15:03:47 39
15:03:49 40 And there listed is, "Steve Mansell, Paul Rowe"?---Yes.
15:03:54 41
15:03:55 42 "Outside Melbourne Magistrates' Court"?---Yes.
15:03:57 43
15:03:58 44 "Upset and crying"?---Yes.
15:03:59 45
15:03:59 46 "Wanting to distance herself from crooks"?---Yes.
15:04:03 47

15:04:03 1 "She made the decision"?---Yes.
15:04:04 2
15:04:05 3 "Any ethical decisions are for her"?---Any ethical issues
15:04:10 4 are for her.
15:04:11 5
15:04:11 6 Sorry, "Any ethical issues are for her"?---Yes.
15:04:12 7
15:04:12 8 "Handed over to SDU right from the get-go"?---Yes.
15:04:15 9
15:04:16 10 "Spoke to her personally twice thereafter"?---Yes.
15:04:18 11
15:04:18 12 He thereafter lists some SDU personnel names?---Yes.
15:04:24 13
15:04:27 14 One's Green, I think is the next one Wolf, Richards and
15:04:35 15 White?---I'd accept that.
15:04:36 16
15:04:37 17 It says, "Diary entry would reflect what I was told by SDU.
15:04:41 18 Met her personally on two occasions. Diaries at a police
15:04:47 19 station"?---Yes.
15:04:48 20
15:04:48 21 And then underneath that, "Email and call to Peter Lardner
15:04:53 22 re above"?---Yes.
15:04:54 23
15:04:54 24 That's a conversation you had with Mr O'Brien?---Yes.
15:04:58 25
15:04:58 26 And he was explaining to you how Ms Gobbo came to be a
15:05:03 27 human source?---Yes.
15:05:03 28
15:05:05 29 And you - - - ?---On that occasion.
15:05:07 30
15:05:07 31 Sorry?---On that occasion.
15:05:09 32
15:05:10 33 Was all that information new to you?---It was.
15:05:13 34
15:05:14 35 And you conveyed that information to Peter Lardner?---I
15:05:17 36 did.
15:05:18 37
15:05:21 38 On 6 May 2014, p.291, at 9 am you're speaking to Mr Hough,
15:05:37 39 Finn and Mr Le Grande and that says, "Re Purana community
15:05:41 40 contact"?---Yes.
15:05:42 41
15:05:42 42 Is that anything to do with this matter?---I don't want to
15:05:52 43 guess.
15:05:52 44
15:05:53 45 Okay. Underneath that you speak to Mr Lardner, Mr Gleeson
15:06:01 46 re Petra holdings?---Yes.
15:06:03 47

15:06:12 1 If we go to 9 May 2014. At 11.30 there's a reference - is
15:06:38 2 that a reference to Tony and Milad being aware of Gobbo
15:06:42 3 being Lawyer X and pursuing appeals?---Yes.
15:06:45 4
15:06:45 5 And you advised Inspector. We might need to get out of
15:06:53 6 there. Following that advised Inspector Swain re
15:06:58 7 above?---Yes.
15:06:59 8
15:07:02 9 How did you become aware, is that someone's called you to
15:07:07 10 advise you that that was the case in relation to the
15:07:09 11 Mokbels becoming aware of Ms Gobbo?---That's come from
15:07:13 12 Corrections' intelligence.
15:07:14 13
15:07:14 14 They were discussing Ms Gobbo's role as Lawyer X and that
15:07:20 15 might provide a successful avenue for appeal?---I think by
15:07:24 16 that stage they certainly were.
15:07:25 17
15:07:30 18 At 14:55 there's reference over the right-hand side you'll
15:07:36 19 see there to Mr O'Brien bringing his diaries?---Yes.
15:07:39 20
15:07:40 21 Or Jim O'Brien - - - ?---Diaries Tuesday.
15:07:43 22
15:07:44 23 - - - will drop off his diaries. He accessed his diaries
15:07:47 24 from somewhere and was bringing them in?---Yes.
15:07:50 25
15:07:51 26 On 12 May 2014, 293, at midday there's an entry of you
15:08:01 27 receiving a call from Ron in relation to a particular
15:08:06 28 witness in another matter that was running around that
15:08:10 29 time?---Not to be named?
15:08:11 30
15:08:12 31 Sorry?---Not to be named?
15:08:13 32
15:08:13 33 Not the witness, but that was a murder of [REDACTED],
15:08:19 34 is that right?---Yes.
15:08:20 35
15:08:20 36 There was a reference to a call from Ron Iddles and that
15:08:25 37 the Crown Prosecutor had, in that matter had rung Ron
15:08:29 38 Iddles, is that right?---Yes.
15:08:31 39
15:08:32 40 Are you aware that there was an issue in relation to
15:08:34 41 Ms Gobbo that had been raised in the course of that
15:08:37 42 trial?---I didn't think so. There may have been, I don't
15:08:40 43 recall that.
15:08:40 44
15:08:40 45 And that that particular witness had indicated at some
15:08:43 46 stage that the reason he'd come forward was because of
15:08:47 47 information that had been conveyed to him by Ms Gobbo?---I

15:08:51 1 don't think I was aware of that.

15:08:53 2

15:09:04 3 If we can go to an email of 14 May 2014. It's
15:09:12 4 VPL.6031.0018.1591. I think you've given some evidence, or
15:09:29 5 in your statement perhaps, about a conversation that you
15:09:31 6 had with Ms Gobbo around this period of time?---Yes.

15:09:34 7

15:09:36 8 We see in this chain of emails that you had a conversation
15:09:42 9 using a form of words, "Advised by VGS0 in relation to the
15:09:46 10 VicPol position"?---Yes.

15:09:48 11

15:09:50 12 That the witness list at that stage included Ms Gobbo, the
15:09:55 13 Chief Commissioner submitted she ought not be called
15:09:58 14 because of concerns for her safety?---Yes.

15:09:59 15

15:10:00 16 Mr Dale's representatives wanted her called and the Coroner
15:10:05 17 was yet to rule but it was considered unlikely she'd be
15:10:09 18 called?---Yes.

15:10:10 19

15:10:10 20 And that you'd be seeking a suppression order?---Yes.

15:10:13 21

15:10:13 22 Now she wasn't ultimately called to give evidence at the
15:10:15 23 Inquest, is that right?---That's right, yes.

15:10:16 24

15:10:16 25 That meant that she couldn't be examined about various
15:10:20 26 aspects of her involvement in relation to the Hodson
15:10:23 27 murders and other matters?---That was a natural
15:10:25 28 consequence.

15:10:25 29

15:10:25 30 Or her involvement with Mr Dale or Mr Williams or
15:10:29 31 Mr Mokbel?---Anything. She wasn't going to be called so
15:10:32 32 she couldn't be questioned.

15:10:35 33

15:10:35 34 Do you know whether the Coroner was given information about
15:10:44 35 those matters that was held by the SDU? We know that
15:10:50 36 Ms Gobbo spoke about such matters to her handlers at the
15:10:54 37 SDU, about matters bearing upon those issues. Do you know
15:11:01 38 if SDU holdings, given Ms Gobbo's absence, were provided to
15:11:06 39 the Coroner?---No.

15:11:07 40

15:11:07 41 Do you know why not?---Well again, because she wasn't
15:11:13 42 called.

15:11:15 43

15:11:15 44 She wasn't called but there was potentially this material
15:11:19 45 that was held that might assist the Coroner in making some
15:11:24 46 sort of determination as to her involvement?---If I recall
15:11:31 47 the difficulty of trying to engage with the Coroner about a

15:11:40 1 number of matters without directly spelling them out
15:11:45 2 because of concerns by the Coroner about them being
15:11:53 3 possessed of information that would compel matters be
15:11:59 4 raised that might have put people at risk. There's a
15:12:04 5 couple of other witnesses that was relevant to as well at
15:12:12 6 this time for this Inquest.
15:12:15 7
15:12:16 8 When you say things were handled carefully, does that mean
15:12:21 9 the Coroner wasn't given the full picture as to Ms Gobbo's
15:12:25 10 role with Victoria Police?---That's certainly the case,
15:12:28 11 yes.
15:12:29 12
15:12:29 13 The Coroner was told that the reason why she wasn't to be
15:12:33 14 called was because of concerns about her safety?---I accept
15:12:37 15 that.
15:12:37 16
15:12:38 17 The Coroner was no doubt aware at that point in time about
15:12:42 18 the allegations in the media, at least, that she might have
15:12:46 19 been this person known as Witness X or Lawyer
15:12:53 20 X?---Presumably.
15:12:54 21
15:12:56 22 And there was an affidavit put before the Coroner in
15:12:59 23 relation to the Victoria Police position, do you know?---I
15:13:02 24 don't recall. There may have been.
15:13:05 25
15:13:05 26 I think that there was I'm reliably informed?---I'm not
15:13:11 27 sure.
15:13:12 28
15:13:12 29 We might have a look at that. Finally in relation to this
15:13:22 30 part, Mr Buick, if you can have a look at this document,
15:13:27 31 it's a report of Ms Swain of 6 December - - -
15:13:31 32
15:13:32 33 COMMISSIONER: Did you want to tender that email chain?
15:13:34 34
15:13:34 35 MS TITTENSOR: Yes Commissioner.
15:13:35 36
15:13:38 37 #EXHIBIT RC718A - (Confidential) Email chain culminating on
15:13:40 38 14/5/14.
15:13:40 39
15:13:46 40 #EXHIBIT RC718B - (Redacted version.)
15:13:46 41
15:13:50 42 If we can go to a report dated 6 December 2015. It's
15:13:54 43 VPL.0100.0109.0001 at p.248. You see there there's a
15:14:21 44 reward application on foot at December 2015?---Yes.
15:14:28 45
15:14:29 46 If we can go to p.252. It's apparent I think that you were
15:14:37 47 consulted in relation to that application, is that right?

15:14:48 1 Do you understand that to be the case, that you were
15:14:50 2 consulted in relation to that report?---I don't recall, I'm
15:14:53 3 just reading paragraphs 12, 13, 14.
15:14:55 4
15:14:55 5 Maybe if we go to the top of that it might make it clearer.
15:14:59 6 Sorry, the top of the letter. Back to where we were. Do
15:15:12 7 you recall this application being made?---Not really.
15:15:15 8
15:15:16 9 Do you recall if you were consulted in relation to the
15:15:19 10 consideration of it?---I don't recall. I thought I might
15:15:25 11 have.
15:15:26 12
15:15:26 13 If we can go to, I think it's the fifth page of that
15:15:31 14 document, it should be 252. There's a reference there at
15:15:38 15 paragraph 12 you'll see to the particular witness in the
15:15:41 16 Orman matter?---Yes.
15:15:42 17
15:15:45 18 And Ms Swain indicates that she'd spoken to yourself, who
15:15:48 19 stated that Ms Gobbo acted for that particular witness and
15:15:54 20 did not provide information in relation to that witness's
15:15:58 21 offending?---Yes.
15:15:59 22
15:16:00 23 It goes on, similar to an earlier gangland witness, the
15:16:06 24 legal advice she provided to her client may have assisted
15:16:10 25 in him making a decision to plead and assist police by
15:16:14 26 becoming a witness in the gangland trials. However, this
15:16:18 27 was all in the scope of her duties as a legal
15:16:21 28 representative and not as a source?---Yes.
15:16:23 29
15:16:25 30 Some of the information that you had been provided by
15:16:30 31 Ms Gobbo, not necessarily in relation to - well, Ms Gobbo
15:16:35 32 had indicated to you that she'd been, played a significant
15:16:40 33 role in that Orman conviction?---She claimed to.
15:16:42 34
15:16:43 35 She gave you an account of assisting police specifically in
15:16:50 36 rolling the Posse witness?---Yes. Again it was a claim she
15:16:57 37 made.
15:17:00 38
15:17:05 39 Did you ever go back to the SDU and question any of those
15:17:08 40 matters at any stage? She'd made significant claims to
15:17:17 41 you. It's apparent from some of the documents and the
15:17:20 42 withdrawal of her as a witness that she did play a
15:17:25 43 significant role for Victoria Police. Did you ever go back
15:17:29 44 and question anyone from the SDU around that time and say -
15:17:34 45 - - ?---As I say, I did have a number of conversations with
15:17:38 46 at least Sandy White and I detailed what his response was.
15:17:48 47

15:17:49 1 Did you have those conversations with Sandy White following
15:17:52 2 Ms Gobbo making the claims to you that she did, that she
15:17:58 3 had a significant role to play in relation to securing
15:18:01 4 convictions for Victoria Police?---I can't put a specific
15:18:04 5 time on it, but it would have been around that time.
15:18:07 6
15:18:07 7 Around the time that she was making the claims to
15:18:10 8 you?---Possibly.
15:18:11 9
15:18:12 10 And did you discuss Ms Gobbo's claims with Mr White?---I
15:18:17 11 don't recall specifically what I discussed with him but I
15:18:22 12 do recall his response being that it was his view that
15:18:28 13 information that she provided to the Source Development
15:18:32 14 Unit was not information she'd gleaned in the context of
15:18:35 15 providing advice to a client she was acting for in a live
15:18:42 16 prosecution.
15:18:42 17
15:18:43 18 Which was at odds with what she was telling you?---It's at
15:18:48 19 odds with what she was claiming, what she was bragging
15:18:51 20 about.
15:18:51 21
15:18:55 22 Thanks Commissioner.
15:18:59 23
15:19:00 24 #EXHIBIT RC719A - (Confidential) Report 6/12/15.
15:19:02 25
15:19:03 26 #EXHIBIT RC719B - (Redacted version.)
27
15:19:18 28 HIS HONOUR: Have you finished with the witness?
15:19:21 29
15:19:21 30 MS TITTENSOR: Yes, I think, Commissioner, I'll sit down.
15:19:25 31
15:19:25 32 COMMISSIONER: Okay, all right. Mr Nathwani, do you want
15:19:27 33 to start now or would you prefer the break?
15:19:30 34
15:19:31 35 MR NATHWANI: I'd prefer the break, please.
15:19:52 36
15:19:52 37 COMMISSIONER: All right, we'll have a short break.
15:19:54 38
15:19:55 39 (Short adjournment.)
15:19:55 40
15:35:19 41 MS TITTENSOR: Commissioner, as is always the case I've
15:35:21 42 just been asked to clarify two short matters and then I
15:35:24 43 really will sit down.
15:35:26 44
15:35:27 45 If I can ask for this email to be put on the screen,
15:35:33 46 VPL.6031.0021.0743. Mr Buick, this is an email from
15:35:44 47 yourself on 24 October 2011 to Ms Breckweg, copying in

15:35:49 1 Mr Frewen; is that right?---Yes.
2
15:35:50 3 It explains that you had told Ms Gobbo, a barrister who had
15:35:59 4 been briefed for Mr Dale, and her expressing some concerns
15:36:02 5 to you in which she believes the barrister, Mr Walsh, might
15:36:12 6 potentially be conflicted?---Yes.
7
15:36:14 8 I tender that email.
15:36:15 9
15:36:16 10 #EXHIBIT RC720A - (Confidential) Email 24/10/11 Buick to
15:36:25 11 Breckweg.
15:36:29 12
15:36:30 13 #EXHIBIT RC720B - (Redacted version.)
15:36:32 14
15:36:32 15 WITNESS: Sorry, will all of that email go in?
15:36:35 16
15:36:36 17 MS TITTENSOR: There's an A and a B so there'll be some
15:36:39 18 redactions to that email?---Goodo.
19
15:36:42 20 COMMISSIONER: Before it's published.
15:36:44 21
15:36:45 22 MS TITTENSOR: Before it's published, if you have any
15:36:46 23 particular concerns?---No concerns, I'm hoping that the
15:36:49 24 second-last paragraph goes in.
25
15:36:51 26 COMMISSIONER: You'd like it to go in. We'll note that.
15:36:55 27
15:36:55 28 MS TITTENSOR: Just for the record, whilst you say that,
15:36:57 29 that's the paragraph that reads perhaps more relevantly,
15:37:01 30 "From Friday's meeting Ms Gobbo is adamant and will say
15:37:05 31 that she's never breached a client's privilege in relation
15:37:08 32 to Mr Dale or any other client"?---That's right.
33
15:37:11 34 "Any admissions made to her about criminal offending were
35 not made in the context of providing legal advice about
15:37:16 36 that offending"?---That's what she told me and that's what
15:37:17 37 I passed on.
38
15:37:18 39 Yes. You had serious reason to doubt Ms Gobbo's
15:37:25 40 credibility though by that stage?---Certainly.
41
15:37:35 42 In relation to a similar topic, or getting back to the
15:37:40 43 Inquest, around the time of the Inquest there was a
15:37:43 44 suggestion at some point that the police relied in their
15:37:50 45 submission upon a communication that supposedly had
15:37:54 46 occurred or was captured on a Federal listening
15:37:57 47 device?---Yes.

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15:37:57 Do you recall that?---I do.

15:37:58 And it was a communication supposedly between Ms Gobbo and
15:38:03 Tony Mokbel in which there was reference to "our mutual
15:38:08 friend Pauline"?---Yes.

15:38:12 That was relied upon in a police submission?---Yes.

15:38:17 Counsel assisting and the Coroner requested the original
15:38:22 evidence in relation to that?---Yes.

15:38:25 And it was determined that there was no such original
15:38:28 evidence?---That's right.

15:38:29 And you made a statement to that effect?---Yes.

15:38:32 Are you aware if there's been any change to that state of
15:38:38 affairs in relation to that piece of evidence?---No change
15:38:41 to the best of my knowledge.

15:38:43 Thanks Mr Buick.

15:38:44 COMMISSIONER: Thank you. Yes Mr Nathwani.

15:38:47 <CROSS-EXAMINED BY MR NATHWANI:

15:38:47 Mr Buick, just a few questions. Can I ask you that Exhibit
15:38:50 RC679A be brought up, please.

15:38:55 COMMISSIONER: Yes.

15:38:56 MR NATHWANI: It's the transcript, just to put it in
15:38:58 context, of 21 October 2011. It's where Ms Gobbo makes a
15:39:03 disclosure about Mr Pope. If we can go straight to p.44,
15:39:09 please, of that document. 44 at the bottom. Not 0044, but
15:39:25 44. It's the wrong document. Can I give you the VPL
15:39:47 instead? VPL.0100.0068.0545. If we go to p.44 at the
15:40:06 bottom, please. As you can see there Ms Gobbo at the
15:40:20 bottom, can you see the first paragraph, she says, "Do you
15:40:24 know who the Assistant Commissioner was who I only found
15:40:26 out after the event who was overseeing my handling when I
15:40:32 was being looked after by Petra, it was Jeff Pope for a
15:40:33 while, wasn't it?" This is where the disclosure is made.
15:40:36 If we can go back to how this conversation comes about. I
15:40:40 don't think we've had a detailed look at this. If we can
15:40:45 turn back, please, to questions you asked Ms Gobbo a few

15:40:56 1 pages earlier. If we can go to - sorry, bear with me.
15:41:04 2 Page 42 at the top. You at the top, "Have you, have you
15:41:11 3 provided any information to SDU? To who? To Sandy White?
15:41:16 4 Yeah, yeah. Or any of his people? Yep. That would
15:41:18 5 embarrass any high ranking lawyers", not there's a ranking
15:41:23 6 system of course, but she says, "High ranking lawyers
15:41:26 7 meaning? Any, any". Your colleague says, "High profile
15:41:31 8 maybe". You say, "High profile lawyers, yes". You then
15:41:34 9 ask, "Politicians and/or police". If you follow it through
15:41:39 10 that's how she then makes the disclosure about Mr Pope.
15:41:42 11 You obviously then, it's the one matter that you reported
15:41:45 12 up?---Yes.
13
15:41:46 14 Because of the issue of potential conflict and concerns -
15:41:50 15 well, you tell us exactly why you reported it up?---Well,
15:41:53 16 the potential conflict given the position that Mr Pope held
15:41:57 17 and it's a fairly serious allegation that she makes.
18
15:42:04 19 Right. Were you involved at all in the investigation of
15:42:09 20 that allegation?---No.
21
15:42:13 22 You were aware Mr Pope provided an affidavit?---I accept
15:42:16 23 that.
24
15:42:17 25 Did you ever see it?---No.
26
15:42:19 27 Were any other queries raised with Ms Gobbo as to any
15:42:22 28 further evidence from her in relation to it?---Not by me.
29
15:42:26 30 Because you were obviously liaising or a point of contact
15:42:29 31 for police with Ms Gobbo at the time, do you agree with
15:42:32 32 that?---I was a point of contact with her because I was
15:42:37 33 managing her as a witness, which is a different
15:42:41 34 relationship than as a source handler.
35
15:42:43 36 I understand. We'll come on to some of the issues you had
15:42:48 37 with her in the next topic, which won't be very long. If
15:42:51 38 you could then go to p.45 please. At the bottom, last
15:42:56 39 answer. She says, "Now that never came, I stopped talking
15:43:00 40 to Sandy or I got cut from talking to Sandy before somebody
15:43:05 41 told me that Jeff Pope was the Assistant Commissioner in
15:43:09 42 charge of the steering committee or replaced somebody.
15:43:14 43 Anyway, his name, I got told it. And I thought Jeff Pope,
15:43:16 44 that sounds familiar, Jeff Pope. Where do I know that name
15:43:20 45 from? Then I saw him on TV and I went and said to" a
15:43:22 46 family member "oh my God", right?---Yes.
47

15:43:26 1 She's talking about a period earlier. We can see I think
15:43:29 2 at the bottom of that transcript, that page, 21 October
15:43:35 3 2011 is the discussion, do you see that?---Yes.
4
15:43:37 5 On the bottom left. Did you make any inquiries of her as
15:43:41 6 to any messages she may or may not have sent her sister to
15:43:41 7 corroborate what she was saying there?---No.
8
15:43:44 9 If I read you a text message she sent to her sister on 26
15:43:49 10 October 2010, so a year earlier. It says this, "Boy oh boy
15:43:55 11 do I have a claim. Just saw the story on the news about
15:43:59 12 VicPol being unable to explain how all those kiddies at
15:44:04 13 risk got placed with sex offenders. 'It's a terrible
15:44:08 14 mistake', said Assistant Commissioner Jeff Pope, also
15:44:12 15 famous for sitting on the steering committee which decided
16 my fate. I remember him quite clearly from my
15:44:20 17 alcohol-fling days. Definitely him. Multiple times. He
15:44:21 18 was married at the time. Perhaps I should write to Slimy
15:44:25 19 or leave it to Four Corners instead". So that appears to
15:44:29 20 be a reference, do you agree, to what she's telling you a
15:44:32 21 year later?---It appears to be.
22
15:44:34 23 To the best of your knowledge were any investigations made
15:44:37 24 of not just her telephone, but diaries in relation to her
15:44:40 25 contact with Jeff Pope?---Not that I'm aware of.
26
15:44:45 27 Did you have any involvement in the investigation as to
15:44:48 28 whether or not there was any truth in what Ms Gobbo had
15:44:52 29 alleged to you?---No.
30
15:44:53 31 Can we move on to another topic then, please, just
15:44:57 32 generally. You've expressed opinions of Ms Gobbo and it's
15:45:01 33 fair to say, and you correct me if I'm wrong, that they are
15:45:04 34 based upon your dealings with her primarily in
15:45:14 35 2011?---Primarily.
36
15:45:14 37 Because that's when you had the most contact with
15:45:19 38 her?---Yes.
39
15:45:20 40 You can just confirm her position in 2011. By that time
15:45:23 41 she had engaged in litigation with Victoria Police?---Yes.
42
15:45:28 43 And that had been settled?---Yes.
44
15:45:30 45 If we go through all the transcripts - I'm trying to do
15:45:33 46 this without going through all the transcripts you'll be
15:45:36 47 happy to hear - it's obvious at times there are concerns

15:45:41 1 from the police about discussing matters with her in case
15:45:44 2 she may take any type of action?---Yes.
3
15:45:48 4 And so on occasions there's references to her saying,
15:45:51 5 "Don't worry, I won't sue you. I can write a piece of
15:45:57 6 paper and say I won't sue you"?---Yes.
7
8 The second issues that appear that are relevant to you
15:45:58 9 consideration of her in 2011 is that throughout the period
15:45:59 10 she was telling you of her physical health illnesses?---She
15:46:02 11 was.
12
15:46:03 13 And that was something that was of concern to you?---Yes.
14
15:46:05 15 In fact you sent an email I think in 2012 when it's decided
15:46:10 16 she'll no longer be a witness that you say, "Look, I can't
15:46:14 17 talk to you, I'm not allowed to pick up the phone. Good
15:46:16 18 luck with your health"?---Yes.
19
15:46:18 20 Because it was a major concern as far as she was concerned,
15:46:23 21 and one that you were aware of?---Yes.
22
15:46:26 23 Also 2011, around the time you first approached her, not
15:46:30 24 long after the charges against Mr Dale have led to the ACC,
15:46:34 25 her mother had died?---Yes.
26
15:46:36 27 Literally days earlier?---That's right.
28
15:46:38 29 Before the filing of the charges?---If not a day.
30
15:46:42 31 She had also been the subject of death threats, that's
15:46:46 32 Ms Gobbo?---Yes.
33
15:46:48 34 Again, a concern of hers throughout the discussions you
15:46:51 35 have with her?---Yes.
36
15:46:54 37 There was also concerns that she held that the Commonwealth
15:46:59 38 didn't have concerns - didn't care necessarily about her
15:47:03 39 safety and wanted to press on with the case and would
15:47:06 40 reveal her status as an informer?---That may have been her
15:47:10 41 concern. I don't share that concern necessarily.
42
15:47:14 43 She certainly had concerns that she would be revealed as an
15:47:17 44 informer and the likely impact on her health and
15:47:20 45 safety?---Yes.
46
15:47:22 47 So it's fair to say she was fairly reluctant in the

15:47:27 1 circumstances to be a witness against Paul Dale?---Yes.
2
15:47:29 3 Given those factors?---Yes.
4
15:47:31 5 Heightened by the fact, of course, that a previous witness,
15:47:35 6 or two previous witnesses against Mr Dale, were both
15:47:38 7 deceased?---Yes.
8
15:47:38 9 And both murdered?---Murdered.
10
15:47:41 11 So you agree all of those matters were all relevant and
15:47:45 12 live issues for Ms Gobbo when you handled her?---Yes.
13
15:47:50 14 And made the observations you did?---Yes.
15
15:47:51 16 Thank you.
17
15:47:52 18 COMMISSIONER: Mr Nathwani, the text message you mentioned,
15:47:54 19 are you in a position to tender that in some form?
20
15:47:57 21 MR NATHWANI: I'm not at this stage but we will produce it.
22
15:48:02 23 COMMISSIONER: Where is it? Is it on a phone or - - -
15:48:05 24
15:48:05 25 MR NATHWANI: I understand they've been sent to the
15:48:07 26 Commission.
27
15:48:08 28 COMMISSIONER: They have been sent to the Commission?
15:48:10 29
15:48:10 30 MR NATHWANI: A phone download, certainly the information I
15:48:13 31 have from an electronic system which is all coded so I
15:48:17 32 hope - - -
33
15:48:18 34 COMMISSIONER: We might be in a position to tender that
15:48:20 35 later then.
15:48:21 36
15:48:21 37 MR NATHWANI: The difficulty, and it's my fault, is that
15:48:27 38 because it's a whole phone download, extracting one text
15:48:31 39 message into a separate document has been beyond my
15:48:33 40 capabilities today.
41
15:48:35 42 COMMISSIONER: All right. We'll look into it, thank you.
15:48:37 43 Mr Chettle I think. It's Victoria Police's witness. I
15:48:47 44 don't think there's any other applications to cross-examine
15:48:51 45 as far as I'm aware. It's you and then back to
15:48:54 46 Ms Argiropoulos.
15:48:56 47

1 <CROSS-EXAMINED BY MR CHETTLE:

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15:48:57 3 Can I have the email that mentioned Tim Walsh, and I don't
15:49:02 4 think Ms Tittensor tendered it, the last email that came
15:49:03 5 up.

6

15:49:04 7 COMMISSIONER: The last email was tendered.

8

15:49:06 8
15:49:07 9 MR CHETTLE: 720, is it?

10

15:49:08 11 COMMISSIONER: Yes.

15:49:10 12

15:49:10 13 MR CHETTLE: I didn't get the note of it so I apologise.

14

15:49:12 15 COMMISSIONER: 720 it is.

15:49:14 16

15:49:15 17 MR CHETTLE: Could we have 720 up, please. The second
15:49:17 18 paragraph that you wanted to - that's what you've been
15:49:20 19 saying today about her saying on occasions that she wasn't
15:49:25 20 giving privileged information on her clients?---Yes.

21

15:49:28 22 You said to Ms Tittensor that you had reasons, obviously
15:49:31 23 good reasons to have issues about her credibility. Did you
15:49:34 24 have any issues about the credibility of Sandy White?---No.

25

15:49:41 26 Did you discuss with him that issue of legal professional
15:49:45 27 privilege on more than one occasion or only once?---I
15:49:48 28 believe it was more than one occasion.

29

15:49:50 30 Did he make it clear to you that the SDU were aware of the
15:49:53 31 issue and took steps to ensure they didn't get legally
15:49:58 32 professionally privileged information?---Yes.

33

15:50:03 34 Finn McRae at some stage said something similar at a
15:50:07 35 meeting you were at. You were taken to some notes I think
15:50:10 36 where he - - - ?---Yes, that's right .

37

15:50:13 38 - - - said that she didn't provide information on her
15:50:16 39 clients?---Yes.

40

15:50:16 41 Were you at that meeting or was that a meeting you weren't
15:50:20 42 at?---Oh, I - - -

43

15:50:22 44 No idea?---No, sorry.

45

15:50:24 46 There's a difference, isn't there, between legally
15:50:27 47 professionally privileged information you might receive

15:50:31 1 from a client and providing non-legally privileged
15:50:35 2 information against somebody who is your
15:50:38 3 client?--Absolutely.
4
15:50:39 5 The problem of conflict arises, as you agree, when she goes
15:50:44 6 on to act for people that she's provided information for,
15:50:48 7 she puts herself in a position of conflict?--That's right.
8
15:50:53 9 Did you see that as a problem for her or a problem for the
15:50:57 10 police?--It's essentially a problem for her but police
15:51:03 11 bear the consequences of that if the wrong decision is
15:51:08 12 made.
13
15:51:08 14 If she goes on and acts for them she puts at risk
15:51:12 15 convictions?--Yes.
16
15:51:18 17 Sandy White has told the Commissioner that he was so
15:51:21 18 concerned about her trying to do that that he thought of
15:51:24 19 arresting her, but he didn't have a power of arrest for
15:51:27 20 doing so. You haven't heard that in the course of this
15:51:29 21 Commission?--No.
22
15:51:32 23 Can I take you to the Maguire advice, which is
15:51:42 24 VPL.0005.0003.2968.
25
15:51:49 26 COMMISSIONER: Is this the draft one or the final one?
15:51:51 27
15:51:52 28 MR CHETTLE: The final one I believe. This was an exhibit
15:51:55 29 annexed to Mr Paterson's statement.
30
15:51:59 31 COMMISSIONER: Yes.
15:51:59 32
15:52:00 33 MR CHETTLE: As I understand it.
34
15:52:00 35 COMMISSIONER: That's right.
15:52:01 36
15:52:06 37 MR CHETTLE: You did get this at some stage I take it?--At
15:52:10 38 some stage later I did.
39
15:52:11 40 There it is on the screen in front of you. I take it you
15:52:16 41 don't know whose writing it is on the document?--No.
42
15:52:19 43 SLG probably stands for Steve Gleeson, doesn't
15:52:23 44 it?--Possibly.
45
15:52:24 46 Possibly, all right. Well, if I take you through a number
15:52:27 47 of the paragraphs. Firstly, did you have anything to do

15:52:31 1 with preparing a briefing note that went to Mr Maguire in
15:52:38 2 order to provide the advice he gave?---No.
3
15:52:40 4 Did you ever see it before it went?---No.
5
15:52:43 6 Do you know who prepared it?---No, sorry.
7
15:52:45 8 If there are clear errors in the factual situation set out
15:52:51 9 by Mr Maguire it's nothing to do with you is what I'm
15:52:56 10 trying to say?---I hope so.
11
15:53:00 12 Go to paragraph 17, which is on p.4. It may also have been
15:53:11 13 the case that during 2006 the source handlers were
15:53:13 14 receiving and passing on information not only in relation
15:53:17 15 to ongoing criminal activity by Mokbel and others - - -
15:53:21 16
15:53:22 17 MS TITTENSOR: Commissioner, I've just been informed that
15:53:24 18 there might be some issue with the current live feed, that
15:53:28 19 it might be going out in real time as opposed to the
15:53:33 20 15-minute delay because of some issue.
15:53:35 21
15:53:35 22 VOICE (from body of court): It's been fixed.
23
15:53:37 24 COMMISSIONER: We have a 15-minute delay in place?
15:53:39 25
15:53:40 26 VOICE (from body of court): Yes.
27
15:53:40 28 COMMISSIONER: Yes, all right then.
15:53:41 29
15:53:42 30 MS TITTENSOR: Sorry about that, Commissioner.
31
15:53:44 32 COMMISSIONER: No, thank you. Better to be sure.
15:53:46 33
15:53:46 34 MR CHETTLE: Thank you. All right. Not only in relation
15:53:51 35 to ongoing criminal activity by Mokbel, but also as to the
15:53:56 36 manner in which their respective defences were being
15:54:00 37 conducted, do you see that?---Yes.
38
15:54:02 39 Ongoing criminal activity is what I was talking to you
15:54:05 40 about a moment ago?---Yes.
41
15:54:06 42 Did you ever see anything that suggested that the
15:54:09 43 respective defences, the manner of the defences of her
15:54:12 44 client were being targeted or in any way looked at?---No.
45
15:54:17 46 And then Mr Maguire says, "There is a suggestion that on 7
15:54:21 47 April 2006 handlers gave the source instructions concerning

15:54:26 1 whether an adjournment on behalf of Mokbel might be made",
15:54:31 2 see that?---Yes.
3
15:54:32 4 I don't know where he gets that from perhaps, but if I can
15:54:35 5 take you to the - can we put up a page of the ICRs, p.228
15:54:49 6 of the ICRs for 7 April 2006. This will have to just go on
15:55:02 7 the screen of the witness and yourself, Commissioner,
15:55:04 8 because we're in an open hearing.
9
15:55:06 10 COMMISSIONER: Yes, sure.
15:55:08 11
15:55:09 12 MR CHETTLE: Do you have a page 229 up in front of
15:55:12 13 you?---Not just yet.
14
15:55:13 15 Okay. That's not it. Page 228 at the top of the page.
15:55:46 16 Have you got a heading that says "Management issue"?---I
15:55:50 17 do.
15:55:50 18
15:55:51 19 "Discussion with controller Sandy White", re the witness
15:55:55 20 we've been talking about?---Yeah, another witness, but yes.
21
15:55:59 22 "Adjournment and possible reason for same. She's worried,
15:56:04 23 genuinely worried her health and to be advised next meeting
15:56:09 24 that it's our priority. If the witness's matter is
15:56:11 25 adjourned it's an advantage to the investigation but
15:56:15 26 handler is concerned re deceiving the court and HS to be
15:56:21 27 advised not to do so if claiming reason is her health", do
15:56:25 28 you see that?---I do.
29
15:56:27 30 That's the entry on 7 April that relates to anything about
15:56:30 31 an adjournment, do you follow?---That's correct.
32
15:56:32 33 Firstly, it doesn't relate to Mr Mokbel, does
15:56:36 34 it?---Indirectly.
35
15:56:38 36 It's not an adjournment in Mokbel's case?---No.
37
15:56:41 38 Indeed, it's not a direction that she was given
15:56:47 39 instructions about whether to adjourn the case?---That's
15:56:50 40 correct.
41
15:56:59 42 Where that information came from is a mystery to you I take
15:57:02 43 it?---It is.
44
15:57:03 45 Then if I go to paragraph 18, "During 2006 the Units made
15:57:18 46 payments to and on behalf of the source". Do you know
15:57:21 47 where that came from?---No, sorry.

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15:57:23 2 Did you ever see any evidence of any payments made to her
15:57:25 3 in cash or otherwise?---No.
15:57:27 5 COMMISSIONER: Go back to the earlier document if we could,
15:57:30 6 please. Thank you.
15:57:31 7
15:57:32 8 MR CHETTLE: Sorry, yes, I'm back to the paragraph 18.
15:57:42 9 Further, it goes on to, "These payments continued until
15:57:45 10 January 2009"?---I see that.
15:57:52 12 There isn't any evidence of that and again it's a mystery
15:57:55 13 to you how that found its way into a legal advice?---Yes.
15:58:04 15 At paragraph 25 Mr Maguire makes the factual assertion that
15:58:08 16 the management of the Unit were concerned that the source
15:58:15 17 may in fact be engaging in illegal activities, such as drug
15:58:20 18 trafficking, [REDACTED] Did you ever see
15:58:24 19 anything to suggest that that was the case?---No.
15:58:29 21 Clearly the next bit's right, they were constantly
15:58:33 22 concerned about her being identified as a police
15:58:36 23 informant?---Yes.
15:58:37 25 That's what you'd expect them to do, isn't it?---Yes.
15:58:40 27 I think at one stage when you are dealing with Ms Gobbo you
15:58:43 28 actually say to her - look, you give your opinion about
15:58:47 29 something, but you said, "I'm not Victoria Police, I'm just
15:58:51 30 doing my job". Do you remember you said like that in the
15:58:55 31 course of - - - ?---I accept that.
15:58:57 33 That's the position of the SDU as well, that's their job,
15:59:00 34 to look after a source and keep them safe?---That's right.
15:59:02 36 The ultimate decision in relation to the use of sources is
15:59:06 37 made by people above the Unit?---Yes.
15:59:15 39 At paragraph 29, there's a further reference to the
15:59:33 40 provision of further financial reward and assessment of the
15:59:37 41 information provided in respect of Dale and Carl
15:59:40 42 Williams?---Yes.
15:59:43 44 Is the copy you have, is the provision of further financial
15:59:47 45 reward highlighted on the screen in front of you?---No, the
15:59:51 46 whole documents highlighted.

15:59:54 1 I see, you can't tell?---No.
15:59:54 2
15:59:55 3 COMMISSIONER: It's yellow, the whole document is yellow.
15:59:57 4
15:59:58 5 MR CHETTLE: In the version that's provided to me,
16:00:00 6 Commissioner, the passages that I'm in fact referring to
16:00:05 7 have been highlighted.
8
16:00:07 9 COMMISSIONER: That was handy for you, wasn't it?
16:00:09 10
16:00:09 11 MR CHETTLE: Yes, it was. But it's shaded, but it follows
16:00:12 12 it makes it difficult to know why there's a different
16:00:15 13 document for you and for me. Why would it be yellow? I'm
16:00:25 14 sorry to inquire.
15
16:00:28 16 COMMISSIONER: I don't know, I thought it might have been a
16:00:30 17 curious Victorian practice of providing advices on yellow
18 paper.
19
16:00:32 20 MR NATHWANI: It's to demonstrate privileged information.
16:00:32 21
16:00:33 22 MR HOLT: It's the document management protocol for the
16:00:36 23 Commission which says that if there's legal professional
16:00:42 24 privilege claim made it's to be in yellow, but we have
16:00:45 25 since waived privilege in respect of this document.
16:00:45 26
16:00:45 27 COMMISSIONER: Thanks. That complains it.
16:00:46 28
16:00:47 29 MR CHETTLE: Could the document be provided to the
16:00:49 30 Commission in un-yellow form?
16:00:51 31
16:00:52 32 MR HOLT: It has been.
16:00:53 33
16:00:54 34 MR CHETTLE: Thank you. Because when one looks at the
16:00:55 35 document the highlighted areas are of interest. We haven't
16:00:58 36 highlighted it, that's the way it came to us. But you can
16:01:02 37 follow why we're interested in it.
38
16:01:04 39 COMMISSIONER: All right then. Perhaps you'll call for
16:01:06 40 that document so we'll see a document at some stage that
16:01:10 41 has shaded bits, is that right, shaded bits but - a
16:01:15 42 document that's white, not yellow and has some shaded bits?
16:01:18 43
16:01:19 44 MR CHETTLE: Yes, and had some highlighted or - - -
16:01:19 45
16:01:19 46 COMMISSIONER: Perhaps we should tender that.
16:01:21 47

16:01:22 1 MR CHETTLE: - - - marked up areas. Yes, thank you,
16:01:24 2 Commissioner.
16:01:28 3
16:01:28 4 I skipped a paragraph but I'll go back. Paragraph 21,
16:01:36 5 please. According to the advice on 27 February 2007 the
16:01:50 6 source was targeted to meet with Paul Dale as part of the
16:01:54 7 Hodson murder investigations. As noted in the log the
16:01:58 8 instructions given to the source by handlers was "any
16:02:03 9 meeting was to be in business hours and consistent with
16:02:05 10 professional contact"?---Yes.
11
16:02:07 12 Right. Can I take you to what actually did happen on 27
16:02:12 13 February 2007 at p.661 of the ICRs. This one can go up on
16:02:28 14 everyone's screen this time. Have you got that now?---Not
16:02:34 15 yet. I do now.
16
16:02:39 17 All right. This is an ICR, obviously, for 27 February 07
16:02:47 18 at 19:29. It's a phone call to the source, you see
16:02:51 19 that?---Yes.
20
16:02:52 21 Under the heading "Paul Dale" she reports, "Paul Dale has
16:02:57 22 been in contact with 3838 and is insisting on seeing her as
16:03:02 23 soon as possible"?---Yes.
24
16:03:02 25 "States that she feels sick at the thought of doing so.
16:03:05 26 Dale has been communicating via text messages. Hasn't seen
16:03:08 27 him for at least a year and she's concerned because he may
16:03:11 28 be involved with the death of two informers. 3838 relived
16:03:17 29 a couple of stories relating to Dale in the past. She
16:03:20 30 described him as a drunk. She states that Dale has
16:03:22 31 requested sex from her. She is concerned that Dale may be
16:03:27 32 aware that she's a human source. He may have some idea of
16:03:31 33 her role with another witness", do you see that?---Yes.
16:03:35 34
16:03:36 35 "May have a message to pass on to Carl Williams. She's
16:03:38 36 concerned that the OPI will be watching if they meet.
16:03:42 37 Suggested to 3838 that she shouldn't meet with Dale outside
16:03:45 38 of normal business hours and should be in a normal
16:03:48 39 professional capacity, not at night, due to the concerns
16:03:51 40 she raised"?---Yes.
41
16:03:53 42 It's not a tasking, is it?---No.
43
16:03:55 44 It's in fact telling her that she shouldn't meet with him
16:03:59 45 and if she does, do it where she's safe?---Yes.
46
16:04:02 47 Makes a difference, doesn't it, to the advice that she

16:04:05 1 got?---It does.
2
16:04:07 3 Thank you. I'll continue. I'm finished with that advice,
16:04:37 4 Commissioner. I formally call for whatever brief was
16:04:41 5 provided to Mr Maguire. We have written to both, my
16:04:46 6 instructor has written both to the police and to the
16:04:48 7 Commission requesting any briefing paper that might exist.
16:04:54 8 I'll put it on the record that I would like the paper that
16:04:57 9 led to that advice.
16:04:59 10
16:05:45 11 In the course of the material that you saw, did you
16:05:54 12 see anything provided to Mr Maguire that related to
16:05:57 13 Mr Overland's role in giving direction to the SDU?---No.
14
16:06:00 15 Because he'd just, as I understand it, just resigned as -
16:06:04 16 left as Chief Commissioner in 2011?---I'm not certain,
16:06:10 17 sorry, when that was.
18
16:06:11 19 Or 2012. It was around about this time he goes and Ashton
16:06:16 20 comes in - Ken Lay comes in?---Yes, Ken Lay initially.
21
16:06:19 22 And then Mr Ashton after that?---I think Mr Cartwright for
16:06:23 23 a short period of time possibly.
24
16:06:30 25 Did you have conversations with Mr Sheridan in relation to
16:06:34 26 your involvement with Nicola Gobbo?---Probably. I
16:06:41 27 certainly had some conversations about endeavours to seek
16:06:46 28 material in his capacity with intel Covert Support Command.
29
16:06:51 30 What material were you seeking?---We've touched on it but
16:06:57 31 there was material we were endeavouring to access relating
16:07:05 32 to her status as a human source and there was some
16:07:08 33 discussion about whether that would be provided to us or
16:07:11 34 not.
35
16:07:12 36 There was the email you saw where he said he didn't want to
16:07:16 37 provide a log to the police?---Yes.
38
16:07:18 39 Is that what you're referring to?---Yes, that's right. And
16:07:21 40 beyond that, of course, Mr Sheridan later came across to
16:07:30 41 Crime Command. I may well have had conversations with him.
42
16:07:35 43 Did you ever have any discussions with him about the
16:07:38 44 disbandment of the SDU?---No.
45
16:07:39 46 Or with Mr Fryer for that matter?---No.
47

16:07:48 1 In your role at Driver did you get access to all the
16:07:54 2 documentation that Petra had put together as part of their
16:07:57 3 investigation?---I believe I had access to all their
16:08:04 4 material but I didn't get anywhere near canvassing all that
16:08:11 5 material.
6
16:08:12 7 You were asked some questions by Ms Tittensor about a topic
16:08:16 8 that went to Paul Dale providing some documents to
16:08:22 9 Ms Gobbo, written instructions when she was in gaol, and
16:08:24 10 that they, said Ms Tittensor, were provided to the SDU
16:08:30 11 members, do you remember that?---Yes.
12
16:08:33 13 Were you ever told in fact what the SDU were told, was that
16:08:36 14 Paul Dale had handed over some operational documents to
16:08:39 15 Ms Gobbo and then they asked to see those operational
16:08:43 16 documents?---I don't recall that.
17
16:08:45 18 That when they saw that, what they were, in fact his
16:08:49 19 handwritten notes, they were not disseminated save for one
16:08:53 20 occasion when Shane O'Connell had a look at them to ensure
16:08:57 21 that they weren't, but they were what SDU said they
16:09:01 22 were?---I don't recall that but I don't dispute it.
23
16:09:04 24 You certainly didn't see or have access to any of those
16:09:10 25 written notes that Ms Gobbo took from the prison from Paul
16:09:14 26 Dale?---No.
27
16:09:28 28 Unfortunately I want to play you just a few, or take you to
16:09:31 29 a few of the transcripts, if I could, of the conversations
16:09:37 30 you had with Ms Gobbo. Can we have VPL.0100.0068 p.0255,
16:09:47 31 please. This is a transcript of the conversations you had
16:10:19 32 with her and if you look at the bottom you're talking about
16:10:22 33 material that had been intermingled in relation to what was
16:10:27 34 being requested, as I understand it, by a subpoena for
16:10:31 35 Petra?---Yes, I see that.
36
16:10:41 37 Right. Somehow she's saying, "So a lot of stuff there that
16:10:47 38 would have included recordings of me saying stuff about
16:10:51 39 other things and my 3838 stuff intermingled in all of
16:10:55 40 this", do you see all that?---Yes.
41
16:10:57 42 As I understand what she was saying, "Look, the material
16:11:03 43 that would have had to be provided was 3838 stuff, plus
16:11:05 44 stuff I did Petra", their notes and things of that
16:11:08 45 sort?---Yes.
46
16:11:10 47 Did you see the material that was being requested from

16:11:12 1 Petra?---I reviewed the subpoena material that was
16:11:21 2 prepared, subject to a number of subpoenas, including
16:11:23 3 material that was being prepared at the time the
16:11:27 4 prosecution fell over so that it wasn't actually delivered.
5
16:11:31 6 The point I'm trying to raise is what was going to be
16:11:34 7 discovered and provided was 3838 material as well as other
16:11:38 8 material that she got from Petra. Do you know that to be
16:11:40 9 the case?---I don't know that to be the case but I would
16:11:44 10 have thought it would be unavoidable.
11
16:11:51 12 In answer to a subpoena, that you would expect there to be
16:11:52 13 material that came from the Source Development Unit,
16:11:57 14 provided presumably by HSMU, that related to her informer
16:12:01 15 days?---Yes.
16
16:12:02 17 To your knowledge there was no big conspiracy to conceal
16:12:06 18 material if it was properly called for?---That's right.
19
16:12:10 20 Then if we go over to p.257, 0257, and there was a -
16:12:26 21 they've got material - she said some disparaging things
16:12:33 22 about the VGSO as you might remember. "They were all over
16:12:36 23 it. I mean they've got material and the list of what has
16:12:39 24 been and what hasn't been provided. That's all they've
16:12:42 25 got", see that?---Yes.
26
16:12:44 27 That's what you say and then she says, "Can you get a copy
16:12:48 28 and tell me". You said, "I think there's 38 volumes of
16:12:52 29 material"?---Yes.
30
16:12:53 31 This is the material that had been put together in answer
16:12:56 32 to a subpoena?---That's right.
33
16:13:00 34 Keep going down if you would, please. Keep going. I'm
16:13:08 35 looking for a reference - perhaps to the top of the
16:13:11 36 previous page. Sorry. Stop. Back up. Well I can't find
16:13:27 37 it. There's a reference to VGSO and what was handed over
16:13:31 38 in response to the Petra subpoena?---Yes.
39
16:13:34 40 And that's the fact, isn't it?---Yes.
41
16:13:37 42 Do you know who it was at VGSO who did that?---No, sorry.
43
16:13:41 44 COMMISSIONER: It's up at the top of the page now. You see
16:13:43 45 line 8, "All over that, they know what has gone over and
16:13:47 46 what hasn't gone over".
16:13:49 47

16:13:49 1 MR CHETTLE: Yes, thank you. That was VGS0. Thank you,
16:13:52 2 Commissioner, I knew I'd seen it somewhere. At p.0265,
16:13:56 3 please. She talked about Ahmed's bail application I think,
16:14:12 4 see there, she makes reference to acting for Adam
16:14:17 5 Ahmed?---Yes.
6
16:14:18 7 "And the more important conflict, which I really didn't
16:14:22 8 want to give evidence about, but if I have to, I have to,
16:14:26 9 this is something Petra are aware of but it's not detailed
16:14:30 10 in my statement", all right?---Yes.
11
16:14:32 12 So it's something she's told them but she hasn't put it in
16:14:36 13 the statement?---Yes.
14
16:14:37 15 "And it's, the more important conflict was Abby Haynes
16:14:41 16 because I was the one that convinced her to make a
16:14:44 17 statement", and there's some missing words, but effectively
16:14:48 18 she made a statement that inculpated others involved in the
16:14:51 19 Dublin Street premises?---Yes.
20
16:14:54 21 That's what happened, Abby Haynes did make a statement that
16:14:57 22 put in a lot of people, didn't she?---She did.
23
16:15:01 24 Keep going, please. "And I said to Dale, 'I've got a
16:15:04 25 conflict'. I couldn't say to him why. I was aware of what
16:15:08 26 Abby Haynes was doing. At that stage one of the things
16:15:11 27 that Dale had contacted me about was whether or not Abbey
16:15:14 28 had rolled"?---Yes.
29
16:15:16 30 She's making it clear to you that she told Dale that she
16:15:20 31 couldn't act for him because of the conflict she had
16:15:23 32 because of the people she acted for back at the start of
16:15:28 33 it?---That's right.
34
16:15:28 35 Not only Abby Haynes and Adam Ahmed, but she told you there
16:15:33 36 were issues with the Hodsons as well?---Yes.
37
16:15:35 38 It was in that regard that you were able to find that she
16:15:38 39 had rendered fee slips for the Hodsons but not for Paul
16:15:44 40 Dale when you went to her clerk's office?---Yes.
41
16:15:48 42 Can you go to p.280, please. Keep going down the page.
16:16:02 43 "You know, given his defence is going to be 'she's my
16:16:07 44 lawyer'" - do you see you point out to her what Dale's
16:16:10 45 going to be claiming?---Yes.
46
16:16:12 47 And she says, "That's just ridiculous"?---Yes.

16:16:16 1
16:16:16 2 "That is just ridiculous". Then she goes on to other
16:16:23 3 things. What I was looking for, if you can go back up
16:16:27 4 again if you could, please. Further up. The top of the
16:16:31 5 page. The bottom of the previous page - sorry, I've got
16:16:41 6 the wrong bottom of the page. Page 35. There it is. She
16:16:45 7 told you, what she's saying to you here, "I don't believe I
16:16:49 8 was actually tasked. I certainly don't remember being told
16:16:52 9 to say anything to him or to lead him down one path", do
16:16:56 10 you see that?---I do.
11
16:16:57 12 Again, I took you to the issue before when Maguire
16:17:01 13 suggested she was tasked to go and see him and then when
16:17:03 14 you go and look at the documents it's not quite that at
16:17:07 15 all?---That's right.
16
16:17:08 17 Here she's telling you that she had no recollection of
16:17:11 18 being tasked against Dale at all?---Yes.
19
16:17:19 20 At 290 she explained again, I suggest to you, that she
16:17:28 21 could not - keep going down the page - she says, "I could
16:17:32 22 not act for him in respect of - but he always understood
16:17:41 23 that he was in custody for the burglary, that it would be",
16:17:45 24 and I suggest she's saying you had to go to the Police
16:17:49 25 Association to act for him or get Tony Hargreaves to
16:17:54 26 act?---That's right.
27
16:17:55 28 "But it couldn't be me, so no one is ever going to
16:17:58 29 believe", right. Do you see that?---I do.
30
16:17:59 31 And in fact, that's what happened, isn't it, to your
16:18:00 32 knowledge, the Police Association did fund him and Tony
16:18:03 33 Hargreaves represented him?---Yes.
34
16:18:14 35 At 0337, please. Go back to the previous page. 0332 I'm
16:18:34 36 sorry. She puts to you a hypothetical, "What if someone
16:18:39 37 said to me would it help my court case if the co-accused
16:18:42 38 was killed and some one asked for an answer hypothetically,
16:18:45 39 I hypothetically say in response, 'Are you for real?',
16:18:49 40 because I really don't want to have, be asked these
16:18:52 41 questions, are you real? Hypothetically the answer is yes,
16:18:56 42 such and such is ready to go, spin up the money. Easy now.
16:19:00 43 That's a difficult hypothetical. You have to make a
16:19:04 44 judgment about whether or not that was just shit talk or
16:19:07 45 whether it was a possibility", do you see that?---Yes.
46
16:19:10 47 What she's putting to you as a hypothetical - do you have

16:19:13 1 any recollection that during the course of a trial
16:19:18 2 involving Karam, Mannella and others a man called Anton
16:19:25 3 Clait was, there was plan to kill him in order to get an
16:19:31 4 adjournment of the case?---No, sorry.
5
16:19:34 6 That Matty Johnson was engaged to go to the house and he
16:19:38 7 went to the wrong one?---No.
8
16:19:39 9 You didn't hear about that?---No, sorry.
10
16:19:42 11 Indeed, she disclosed to the police that there was this
16:19:48 12 plan to kill Clait and that he was put - protective steps
16:19:53 13 were taken?---Right.
14
16:19:57 15 That's all news to you?---It is as I sit here.
16
16:20:00 17 "I always have to err on the side of caution because if it
16:20:04 18 turned out to be serious and I've done nothing, I'm not
16:20:08 19 incriminated, but I would not want to be not saying
16:20:13 20 anything". What she's saying is she'd do the right
16:20:17 21 thing?---Yes.
22
16:20:18 23 She told you at one stage that she'd been to see the Leader
16:20:22 24 of the Opposition and then the then Premier at the time in
16:20:24 25 relation to the issues she had with the Police
16:20:27 26 Department?---I recall that.
27
16:20:28 28 I take it you didn't follow up on that?---No.
29
16:20:34 30 Ted Baillieu, or maybe he never became Premier, he was just
16:20:40 31 Leader of the Opposition, wasn't he? He did. He did
16:20:40 32 become the Premier. All right. I can never forget him.
16:20:45 33 That's at 0338 for the transcript, Commissioner. She
16:20:51 34 explained to you at 0347 that current criminal activity was
16:20:57 35 not legally professionally privileged, 0347. See that? If
16:21:07 36 you go down to - "You see who you see in your chambers,
16:21:11 37 okay, and then they're seeking advice from you, okay, yep.
16:21:15 38 And then sorry, let me finish first. 'Cause you bump into
16:21:19 39 them at the races and again he tells you things in the
16:21:23 40 context of which they're saying may or may not incriminate
16:21:26 41 them in criminal offending. It is likely to be seen that
16:21:29 42 any conversation after the first conversation is going to
16:21:32 43 attach privilege", to which you ask, to which you said,
16:21:36 44 "How could it? Where's the line?" She says, "It's pretty
16:21:40 45 ambivalent but in the mind of the client it's not for the
16:21:45 46 lawyer to decide because - and therefore it's for the
16:21:48 47 client to assert as well. Yes, that's exactly right. If

16:21:52 1 the client doesn't assert it then there isn't any. Yes".
16:21:59 2 That sort of conversation was one you had with her more
16:22:02 3 than once, wasn't it?---It was.
4
16:22:05 5 She told you that there'd been a judgment of the Chief
16:22:09 6 Justice in relation to whether or not the tape-recorded
16:22:12 7 conversation with Dale was privileged, do you remember
16:22:16 8 that?---Yes.
9
16:22:17 10 And perhaps at 0352, you confirmed your views would be the
16:22:30 11 same as hers. Then she says, "It would be a Marilyn Warren
16:22:35 12 test. When she listens to the recording between me and
16:22:39 13 Dale, you know, like it says in the judgment, there's just
16:22:41 14 no way this is privileged". That relates to a ruling the
16:22:45 15 Chief Justice gave in relation to a bail application of
16:22:49 16 Mr Dale, does it not?---I believe so.
17
16:22:53 18 In the course of that the Chief Justice made comment that
16:22:56 19 Nicola repeats to you?---Yes.
20
16:23:03 21 At the trial that you were taken to this morning when
16:23:09 22 Mr Steward waxed eloquent about the Queen of treachery or
16:23:13 23 whatever she was?---Yes.
24
16:23:14 25 There was a ruling made by Justice Hollingworth in relation
16:23:17 26 to the - the tape was played and admitted into evidence,
16:23:21 27 wasn't it?---It was.
28
16:23:30 29 Were you aware that Adam Ahmed - perhaps I better - - -
30
16:23:35 31 COMMISSIONER: Yes, I think that names needs to be - - -
16:23:38 32
16:23:38 33 MR CHETTLE: No, he's not a name that needs to be blocked
16:23:41 34 out, Commissioner. But what I'm about to say might.
35
16:23:45 36 COMMISSIONER: I'm not sure about that.
16:23:47 37
16:23:48 38 MR CHETTLE: I've mentioned him today about three times.
39
16:23:51 40 COMMISSIONER: [REDACTED]
16:23:57 41
16:23:58 42 MS TITTENSOR: Commissioner, your last comment might now
16:24:01 43 need to be blanked out even if it's correct or not correct
16:24:06 44 I think.
16:24:06 45
16:24:06 46 MR CHETTLE: Your comment, Commissioner, yes.
47

16:24:09 1 COMMISSIONER: Remove that comment. I just know that it
16:24:11 2 has been PIIed a lot, that name.
16:24:15 3
16:24:16 4 MR CHETTLE: I've had a fair bit to do with him over the
16:24:19 5 course of the running. She told you that the person I've
16:24:28 6 just referred to made a statement to the police - sorry,
16:24:33 7 I'm not sure - this is what I need to clear. Excuse me,
16:24:37 8 Commissioner. Mr Holt's concerned that I should do this in
16:24:51 9 closed hearing.
10
16:24:53 11 COMMISSIONER: You can't just refer to the person - we now
16:24:58 12 know who we're talking about.
16:25:00 13
16:25:01 14 MR CHETTLE: I might have to delete some of that in the
16:25:03 15 transcript, and I'll have a look at the transcript tonight
16:25:05 16 and try and fix it. I don't want to cause problems that I
16:25:09 17 don't have to.
18
16:25:10 19 COMMISSIONER: Yes.
16:25:10 20
16:25:10 21 MR CHETTLE: There's an issue that arose, Commissioner, in
16:25:14 22 relation to man who does have a pseudonym, and who's a
16:25:18 23 police officer who the name that we know - - -
24
16:25:21 25 COMMISSIONER: It would be nice if we could finish with
16:25:24 26 this witness today. Are you going to be very long?
16:25:28 27
16:25:29 28 MR CHETTLE: [REDACTED] Yes, I've still got a bit to go,
16:25:32 29 commissioner. I'd be more than 15 minutes.
30
16:25:36 31 COMMISSIONER: I'd be happy to sit on until five to finish.
16:25:39 32 Do you think we need to go into closed court?
16:25:42 33
16:25:43 34 MR CHETTLE: I'll try and avoid this. Do you have the
16:25:44 35 list?---I do.
36
16:25:46 37 Have a look at item 12B. You'll see there's a man who we
16:25:49 38 know as [REDACTED] Yes.
39
16:25:51 40 Do you know anything about that man's involvement with
16:25:53 41 alleged offences?---As in offending?
42
16:25:59 43 The allegations that \$20,000 went light?---I've a vague
16:26:06 44 recollection of it.
45
16:26:09 46 The issue of whether that's legally professionally
16:26:12 47 privileged or not has arisen in this Commission?---Right.

1

16:26:15 2 About passing on information about that man, about [REDACTED]
16:26:18 3 [REDACTED] Right.

4

16:26:19 5 What I wanted to put to you is that the client effectively
16:26:26 6 waived privilege in relation to that matter by confirming
16:26:29 7 the matters to the police themselves. Were you aware - - -
16:26:31 8 ?---I wasn't aware of that but I accept that.

9

16:26:34 10 To try and do this cryptically then. If you go to the
16:26:37 11 transcript at p.0359, you see at the top of the page,
16:26:57 12 "Police tried to see him, we told him to go jump", you see
16:27:01 13 that?---Yes.

14

16:27:02 15 She says, "It's unfortunate". Now go down. "What happened
16:27:12 16 last time as a consequence of" - read it to yourself rather
16:27:17 17 than me read it out. You can see it?---Yes.

18

16:27:22 19 And the last three words. See that?---Yes.

20

16:27:24 21 So she's clearly discussing with you the fact that that
16:27:27 22 particular person has made a - done something to assist in
16:27:31 23 relation to the earlier matter?---Yes.

24

16:27:33 25 Thank you. Is that cryptic enough, Commissioner?

26

16:27:37 27 COMMISSIONER: I think so.

16:27:39 28

16:27:59 29 MR CHETTLE: You had a conversation with her, and I perhaps
16:28:02 30 don't need to take you to the transcript, about the bosses
16:28:05 31 of the Police Force for some unknown reason shutting down
16:28:09 32 Sol Solomon and Petra?---They had, yes.

33

16:28:14 34 And at 0443 and 4 you say that to her?---Yes.

35

16:28:21 36 You never discovered why it was that they were shut
16:28:24 37 down?---No.

38

16:28:32 39 Did you know about what happened to the SDU, that they were
16:28:34 40 shut down? They came in one day and - - - ?---I knew less
16:28:39 41 about that and I didn't know about it until I've heard
16:28:42 42 evidence here.

43

16:28:43 44 A similar thing happened, to your knowledge, to Sol Solomon
16:28:47 45 and Davey and the Petra crew?---Yes.

46

16:28:54 47 She told you at - can I have 0467 brought up, please. She

16:29:02 1 made it clear that she had lots of complaints about the way
16:29:07 2 she was treated by a lot of people in the Police
16:29:09 3 Force?---Yes.
4
16:29:10 5 In particular she had issues with Shane O'Connell?---She
16:29:19 6 did mention that.
7
16:29:19 8 And the Petra crew. Can I get you to this. Can you go
16:29:27 9 down the page, please. "What I've said to him, I've been
16:29:32 10 misquoted" - this is in relation to something that's been
16:29:37 11 said to a newspaper man, do you follow?---Yes.
16:29:39 12
16:29:40 13 "I wouldn't people that were minding me two years ago or a
16:29:46 14 year ago to think that they were the ones that I had an
16:29:48 15 issue with, because what they were doing was following
16:29:51 16 orders". That's what I touched on with you before, that's
16:29:57 17 what the SDU were doing, wasn't it?---Yes.
18
16:30:01 19 You had a discussion with her at p.550, and I think
16:30:10 20 Ms Tittensor took you to this during the course of her
16:30:15 21 cross-examination. You'll see in the centre of the page
16:30:18 22 you say, "Look, Victoria Police will be asking the
16:30:22 23 Commonwealth DPP not to proceed, for reasons you're not
16:30:27 24 fully across, that there are production of documents
16:30:30 25 relating to you that has the potential to jeopardise other
16:30:35 26 prosecutions"?---Yes.
27
16:30:39 28 You don't know what documents you were talking about at
16:30:42 29 that stage?---Not really.
30
16:30:45 31 You were aware of the fact that she'd been providing
16:30:48 32 information in relation to Mokbel?---Yes.
33
16:30:50 34 And that he had tried to revive his appeal process?---Yes.
35
16:30:57 36 Could that be what you were talking about, Mokbel for
16:31:01 37 starters?---Yeah, possibly.
38
16:31:10 39 I'll give you another - at 0576, again you might remember
16:31:21 40 this as a topic, you have a discussion with her about how
16:31:24 41 there'd been a ruling in the Supreme Court that meant that
16:31:29 42 investigators could no longer use compulsory hearings as a
16:31:34 43 means of obtaining evidence and use them in trials?---Yes.
44
16:31:36 45 But that change of position occurred in about 2010, 2011.
16:31:44 46 Prior to that police as a matter of course had been using
16:31:48 47 compulsory powers as a means of assisting

16:31:51 1 investigations?---That's right.
2
16:31:52 3 Have you read the briefing paper in relation to Operation
16:31:56 4 Posse?---No.
5
16:31:58 6 Again, it wouldn't surprise you that if that document it
16:32:02 7 says, "We can use either the OPI or the ACC as a tool to
16:32:08 8 obtain evidence if we need to to help us with our
16:32:12 9 investigation"?---Yes.
10
16:32:13 11 That all changed when the Supreme Court said, "No, you
16:32:16 12 can't do that any more"?---That's right.
13
16:32:32 14 There was a time she asked you to, she suggested to you the
16:32:37 15 way to fix a problem with a document that was problematic
16:32:43 16 was to have you destroy, wasn't there? Do you remember?
16:32:46 17 And you said, "No, we have to keep everything and be fully
16:32:50 18 transparent"?---I would have said that. I would have said
16:32:53 19 that.
20
16:32:58 21 0287 please. You'd been talking to her about a document
16:33:11 22 that was problematic. If you could go down the page,
16:33:16 23 please. See the second-last entry for her. Ms Gobbo, "So
16:33:30 24 whatever this piece of paper is, rip it up. It can't be
16:33:35 25 confirmed and it doesn't exist. That's my solution. Chuck
16:33:39 26 it out". Now that's an unethical proposition, isn't
16:33:43 27 it?---If it's a relevant piece of paper, yes.
28
16:33:45 29 You say, "Well". Then she says, "Don't keep it". Keep
16:33:49 30 going. "I'm only tied to the stuff. Yeah, yeah, I know".
16:33:54 31 Then you say, "Look, these are documents that relate to the
16:33:57 32 management of a high profile, you know, a high risk
16:34:00 33 individual and you've got to be kept for accountability.
16:34:06 34 See if you don't document things like contacts with people
16:34:09 35 you know, like we are tonight, we can end up in a
16:34:13 36 relationship, you know, people might assume that" - I can't
16:34:15 37 read what's underneath that. "When I say relationship, I
16:34:20 38 mean. I know what you mean. A corrupt relationship. No,
16:34:25 39 no, I get it. I get it. It's still, I think it's -
16:34:27 40 there's one rule. Evidence that only one time I've ever
16:34:30 41 said to Paul said things that when it was tape-recorded so
16:34:33 42 there's no issues". Keep going. What you're saying there,
16:34:48 43 as I record it, is that you keep records in order to be
16:34:52 44 transparent and ensure that there's no corrupt relationship
16:34:56 45 and that everything that's said and done is properly
16:34:59 46 documented?---That's right.
47

16:35:02 1 In that sense you do what you understand the SDU do, it's
16:35:08 2 their job to properly document everything in order to see
16:35:12 3 there's transparency?---That's right.
4
16:35:13 5 You've handled sources yourself I think you said
16:35:17 6 earlier?---Yes.
7
16:35:18 8 Did you do any courses in relation to source
16:35:22 9 handling?---Very basic.
10
16:35:24 11 Without giving a figure?---A very basic initial course I
16:35:28 12 think.
13
16:35:29 14 You know what ICRs are?---Yes.
15
16:35:30 16 And they're designed to achieve what you were talking about
16:35:35 17 there, transparency of what's been said?---Yes.
18
16:35:38 19 You make the point yourself, just because she said it and
16:35:41 20 it gets written down, doesn't mean it's necessarily
16:35:44 21 true?---Absolutely.
22
16:35:45 23 She was prone to flamboyancy, wasn't she?---Yes.
24
16:36:00 25 Can I go to p.0932, please. The large quote. There it is.
16:36:29 26 "And for what it's worth", do you see that there?---Yes.
16:36:32 27
16:36:33 28 "And for what it's worth the SDU rarely ask me to do
16:36:38 29 anything and there were some specific people that I did
16:36:44 30 that I was told to say certain things to. I don't know how
16:36:50 31 but I wasn't told and I wasn't told to see and try and say
16:36:54 32 this, this or that, you know, because it's going to like
16:36:57 33 make him implicate himself on an LD. Yeah. I wasn't told
16:37:02 34 that bit, I'm just bright enough to work that out", do you
16:37:09 35 see that?---Yes.
36
16:37:10 37 Firstly she's saying she wasn't tasked very much?---That's
38 right.
39
16:37:13 40 But she was asked to pass some information on in the hope
16:37:15 41 of stirring the possum, as it were?---Yes.
42
16:37:18 43 Did you have anything to do with Briars?---No.
44
16:37:26 45 Just bear with me, Commissioner, and I'll just check that
16:37:33 46 I'm not going to miss anything. Ms Tittensor suggested to
16:37:42 47 you that on the basis of the Maguire advice you should have

16:37:47 1 been aware that there were things held by the SDU that were
16:37:51 2 relevant to the prosecution of Dale, do you remember
16:37:55 3 questioning along those lines?---Yes.
4
16:37:58 5 As you sit here now are you aware of any such document that
16:38:01 6 was relevant to the Dale prosecution?---No.
7
16:38:07 8 You did have access to obviously some of the SDU material,
16:38:12 9 at least in the Petra days, because they'd been produced as
16:38:18 10 part of the 38 volumes. Did you go through it?---38
16:38:25 11 volumes? I would have gone through spreadsheets and
16:38:31 12 schedules but I don't recall the material now.
13
16:38:38 14 At one stage, according to Exhibit 705, you were seeking
16:38:43 15 whether or not you could use some material in relation to
16:38:44 16 what Argall said to the OPI?---Yes.
17
16:38:46 18 You were planning to use it to rebut the proposition that
16:38:51 19 Dale was saying that Gobbo was his lawyer?---Yes.
20
16:38:57 21 Had you read what Argall said to the OPI?---Yes.
22
16:39:01 23 Did he throw a different light on whether or not she was
16:39:09 24 Dale's solicitor, or Dale's lawyer? What I'm trying to do
16:39:14 25 in summary form, what was it he said that you wanted to
16:39:17 26 get?---I don't recall specifically but it supported our
16:39:20 27 position.
28
16:39:21 29 That she wasn't his lawyer?---Yes.
30
16:39:24 31 Did it have to do with sexual activity?---I think they were
16:39:30 32 matters that arose in that context.
33
16:39:38 34 The email in relation to - the last matter I think. The
16:39:41 35 email in relation to Mr Dowsley, if it's Exhibit 716,
16:39:47 36 please. You'll see that that was CC'd to Peter
16:40:02 37 De Santo?---Yes.
38
16:40:03 39 Can you tell me why?---No, sorry. I know that Peter
16:40:14 40 De Santo had had some contact with Nicola Gobbo in the
16:40:22 41 early days but I'm not certain why.
42
16:40:24 43 In 2014?---No, I'm not sure.
44
16:40:27 45 Were you aware that she was - in the HSMU documents she was
16:40:34 46 registered apparently as an informer by Mr Pope from 1999
16:40:39 47 through to 2008?---No.

1

16:40:42 2 Did you ever know whether or not she'd been involved in
16:40:46 3 providing, informing for the ESD?---No.

4

16:40:52 5 Was De Santo still at ESD at this stage?---No, he's at
16:40:57 6 Crime at this stage.

7

16:40:58 8 He's back at Crime at this stage?---Yes.

9

16:41:00 10 Why you sent it to him you don't know?---Did I send it to
16:41:04 11 him?

12

16:41:05 13 You copied it to him. I'm sorry, Ian Campbell copied it to
16:41:09 14 him. I apologise. You sent it to Frewen?---Yes.

15

16:41:12 16 You don't know why it would be going - - - ?---Well yes,
16:41:22 17 Peter De Santo sat over the division that Ian Campbell
16:41:25 18 worked for. So it's his Superintendent.

19

16:41:27 20 Commissioner, as part of Exhibit 717 there's what's called
16:41:32 21 the Lardner/Gleeson document referred to. It's a
16:41:39 22 chronology or list of deals with SDU's involvement with
16:41:42 23 Ms Gobbo. Can I formally call for it? I haven't seen it.

24

16:41:47 25 COMMISSIONER: You're asking for a copy of that part of
16:41:50 26 Exhibit 717, is that right?

27

16:41:53 28 MR CHETTLE: I haven't seen it and I'd like to see it
16:41:56 29 before - I don't presume I'll ask this witness any
16:41:59 30 questions about it but I will probably be asking someone
16:42:02 31 else.

32

16:42:02 33 COMMISSIONER: All right. You can be provided overnight or
16:42:05 34 whatever.

35

16:42:06 36 MR CHETTLE: Thank you. Finally, did Mr Pope in any of the
16:42:12 37 conversations you had with him ever tell you that he'd
16:42:15 38 registered her as a source?---No.

39

16:42:18 40 COMMISSIONER: Just to clarify, 717 was an email chain,
16:42:23 41 including a chronology of Purana contact with Ms Gobbo, is
16:42:29 42 that the right document we're talking about?

43

16:42:32 44 MR CHETTLE: I don't believe it's Purana. It's called the
16:42:35 45 Lardner/Gleeson document, which I think - or the witness
16:42:37 46 called it the Lardner/Gleeson document which I think was a
16:42:37 47 chronology of the dealings with the Police Force generally,

16:42:42 1 SDU more than Purana.
16:42:42 2
16:42:43 3 MS TITTENSOR: I think there was a request for it.
4
16:42:46 5 COMMISSIONER: Anyway, it's that chronology.
16:42:49 6
16:42:50 7 MR CHETTLE: That's the document I'm after. Yes, thank
16:42:53 8 you.
9
10 COMMISSIONER: That's all you've got. Yes, thanks
16:42:54 11 Mr Chettle. Yes Ms Argiropoulos.
16:42:58 12
13 RE-EXAMINED BY MS ARGIROPOULOS:
14
16:42:59 15 Mr Buick, I don't have very many questions for you, but if
16:43:03 16 I can ask you firstly about some questions you were asked
16:43:06 17 about several days ago now concerning Faruk Orman. Do you
16:43:14 18 recall being taken to an ICR, ICR 85, where Ms Gobbo told
16:43:21 19 her handlers that Orman is an obsessive compulsive re
16:43:30 20 cleanliness and he also needs people around him, thereafter
16:43:33 21 if he's isolated and left in messy conditions the human
16:43:37 22 source is positive that he won't cope?---Yes.
23
16:43:39 24 You recall being taken to that and your evidence was that
16:43:42 25 you couldn't recollect whether you'd been told that
16:43:44 26 information or not?---That's right.
27
16:43:46 28 You said at transcript 8637, "A bit of it is factually
16:43:53 29 inaccurate so it certainly wouldn't have been of assistance
16:43:56 30 to me"?---Yes.
31
16:43:58 32 Do you recall saying that?---I do.
33
16:44:01 34 What part of that is factually inaccurate?---I've executed
16:44:05 35 a number of search warrants at both Faruk Orman's mother's
16:44:10 36 and father's homes and he's not obsessive compulsive about
16:44:18 37 cleanliness to any degree. I'm not seeking to be
16:44:24 38 disparaging, but representation upon execution of those
16:44:29 39 warrants was not a person who's obsessive compulsive about
16:44:34 40 cleanliness at all. On the contrary. And I'd also say
16:44:37 41 he's not a person who seeks out or requires company.
16:44:41 42 Reluctantly, to his credit, he's actually quite an
16:44:45 43 isolationist, which has held him in good stead in terms of
16:44:50 44 trust that people have in him.
45
16:44:52 46 The search warrants that you refer to, were they warrants
16:44:55 47 executed in the course of the Peirce murder

16:44:57 1 investigation?---Both the Peirce murder investigation and
16:45:04 2 also an investigation in relation to his father having made
16:45:06 3 a disclosure about the service of a summons, I think we
16:45:13 4 executed a warrant in relation to that as well.
5
16:45:16 6 All right. In any event your evidence is that you didn't
16:45:19 7 do anything about this information if you had received it,
16:45:23 8 is that correct?---Absolutely.
9
16:45:28 10 If I can turn now to these various transcripts that you've
16:45:33 11 been taken to of conversations that you had with Ms Gobbo
16:45:36 12 in 2011. Those transcripts weren't available to you at the
16:45:41 13 time that you made your statement in May of this
16:45:43 14 year?---That's right.
15
16:45:45 16 In your statement however you refer in paragraph 36 to the
16:45:49 17 fact that you had contact with Ms Gobbo in relation to her
16:45:52 18 role as a prosecution witness during 2011?---Yes.
19
16:45:58 20 You say in your statement that you documented this contact
16:46:01 21 in Interpose and that a number of the contacts were
16:46:06 22 recorded and those recordings were also uploaded on to
16:46:10 23 Interpose?---That's right.
24
16:46:13 25 What was the purpose of these conversations with Ms Gobbo
16:46:16 26 from your perspective?---It was about, well, ensuring that
16:46:20 27 she was going to give evidence in the Dale matter and also
16:46:27 28 they were focused on her safety and welfare, because she
16:46:32 29 was at risk.
30
16:46:39 31 If I can turn now to your role in relation to the Dale
16:46:43 32 proceedings, the charges of giving false evidence to the
16:46:49 33 ACC?---Yes.
34
16:46:50 35 You've been taken to, and there's been tendered during your
16:46:53 36 evidence, a number of cover sheets or memos that you've
16:46:57 37 drafted where you've briefed up your superiors about
16:47:00 38 various issues that arose?---Yes.
39
16:47:03 40 And a number of those documents were addressed to the
16:47:06 41 officer-in-charge of Driver Task Force?---Yes.
42
16:47:10 43 And so who was the officer-in-charge at that time, was that
16:47:14 44 your Inspector Mick Frewen?---Yes, that's right.
45
16:47:17 46 And on occasions they were briefed up to your
16:47:19 47 Superintendent, Doug Fryer?---That's right.

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16:48:04
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16:48:18

There's one of those memos which hasn't been tendered by counsel assisting. If I could just ask for this document to be brought up. It's VPL.6031.0016.4135. In the interests of time, while that's being found I might move on to another topic, Commissioner, and come back to that. Just briefly, Mr Buick, you've been asked some questions today by counsel assisting about the Orman/Kallipolitis murder proceedings?---Yes.

16:48:19
16:48:25

And Mr Hupfeld was the informant in that matter?---That's right.

16:48:25
16:48:28

Do I understand that to mean that he actually signed the charge of murder?---Yes.

16:48:29
16:48:32

So was he also responsible then for the proceedings once they went through the committal process and beyond?---Yes.

16:48:37
16:48:42

You were shown today Exhibit 715 which was an instructions to VGS0 document in relation to a subpoena?---Yes.

16:48:46

You recall seeing that document?---Yes.

16:48:50

Did you have any role in preparing that document?---No.

16:48:55
16:48:59

And apart from the very limited issue which the document recorded as having been referred to you?---Yes.

16:49:02
16:49:05

Do I take it that that's really the extent of your involvement in those subpoena issues?---Yes.

16:49:16
16:49:21
16:49:24
16:49:32
16:49:35
16:49:40

I think that document's still being located so I'll just ask you about the final topic I have and this relates back to the Dale committal and you've been taken to various documents which evidence the decision-making process whereby Victoria Police ultimately asked the DPP to withdraw Ms Gobbo as a witness?---Yes.

16:49:44
16:49:50

Did you yourself have any say in the course that Victoria Police ultimately took in that respect?---No.

16:49:54
16:49:58
16:50:02
16:50:07
16:50:13

What was your personal view as the informant as to whether or not Ms Gobbo should be called?---Well my view at the time, which is different today, was that she could have been called with security maintained and with the matters concerning police methodology, protection maintained with

16:50:22 1 comprehensive PII claims.
2
16:50:26 3 And you've suggested that would not necessarily be your
16:50:30 4 same view today knowing what you now know about the
16:50:35 5 circumstances?---That's right.
6
16:50:37 7 I think that document is now up on the screen in front of
16:50:41 8 you. Do you see that that's a further memo that's been
16:50:46 9 drafted by you? If we can turn to the second page, you'll
16:50:50 10 see it's got your name and signature?---Yes.
11
16:50:56 12 Does this document relate to security issues during the
16:51:01 13 Dale committal were Ms Gobbo to be called as a
16:51:04 14 witness?---Yes.
15
16:51:07 16 That document is dated 27 October 2011?---Yes.
17
16:51:12 18 Commissioner, I tender that document please.
16:51:16 19
16:51:18 20 #EXHIBIT RC721A - (Confidential) Memorandum of Mr Buick re
16:51:25 21 security of Ms Gobbo at the Paul Dale
16:51:27 22 committal if called 27/10/11.
16:51:33 23
16:51:35 24 #EXHIBIT RC721B - (Redacted version.)
16:51:35 25
16:51:36 26 Does that go up to the email that's attached to it as well,
16:51:40 27 Operator, or is that the top of the document? I won't ask
16:51:43 28 for it to be brought up on screen but if I could just refer
16:51:45 29 to VPL.6031.0016.4134. That's an email from Mr Frewen to
16:51:54 30 Superintendent Fryer attaching both that document and
16:52:00 31 another memorandum that you referred that we've already
16:52:04 32 tendered as Exhibit 691. Do you have a recollection of
16:52:07 33 those documents being provided by Mr Frewen?---Yes.
34
16:52:11 35 To Superintendent Fryer?---Yes.
36
16:52:13 37 And they were for the purposes of being considered by the
16:52:18 38 steering committee?---That's right.
39
16:52:20 40 Thank you, Commissioner.
41
16:52:22 42 COMMISSIONER: Thanks Ms Argiropoulos. Yes Ms Tittensor.
16:52:24 43
16:52:25 44 MS TITTENSOR: Thanks Commissioner.
16:52:28 45
46 RE-EXAMINED BY MS TITTENSOR:
47

16:52:30 1 Mr Buick, as an investigator - we've been through this -
16:52:34 2 there's an obligation to provide appropriate disclosure in
16:52:38 3 a case?---Yes.
4
16:52:39 5 And as you've indicated, you rely heavily upon what you're
16:52:42 6 told by others in relation to what they hold?---Yes.
7
16:52:43 8 And might be appropriately disclosed?---Yes.
9
16:52:45 10 You were asked some questions by Mr Chettle in relation to
16:52:48 11 some of the SDU material. I just want to take you through
16:52:51 12 a couple of the matters. What would your response have
16:52:57 13 been if you had have been told by Mr White that the purpose
16:53:02 14 of Ms Gobbo's original registration was to provide
16:53:07 15 information which would bring down a current client of
16:53:10 16 hers, including by using other clients of hers, would you
16:53:16 17 have thought that that might be significant?---Can you just
16:53:20 18 put that again, sorry?
19
16:53:21 20 If the original purpose of Ms Gobbo's registration was to
16:53:24 21 provide to the police information about a current client of
16:53:27 22 hers, to bring down that current client and also using
16:53:32 23 other clients of hers?---No, not if the provision of that
16:53:39 24 information was outside the lawyer/client confidential
16:53:43 25 conversation.
26
16:53:43 27 Would you have had any concern at all if she continued to
16:53:46 28 represent those clients she was informing on?---Yes, that
16:53:50 29 is a concern.
30
16:53:51 31 And that's not something that Mr White made clear to
16:53:54 32 you?---I don't believe so.
33
16:53:57 34 If Ms Gobbo had told the SDU that she had initially
16:54:01 35 respected legal professional privilege but had thrown it
16:54:05 36 out the window, that might have concerned you?---Yes.
37
16:54:10 38 If she - - - ?---That's the contrary assertion that she
16:54:16 39 made to me.
40
16:54:17 41 Yes, but if it's an assertion she made to the SDU that
16:54:22 42 would be something that would be concerning?---If I knew
16:54:24 43 about it, yes.
44
16:54:25 45 Did they tell you about that?---No.
46
16:54:26 47 If there had been discussions by the SDU with Ms Gobbo

16:54:30 1 prior to the arrest of that [REDACTED] witness about problems
16:54:34 2 that might be associated with her going on to represent
16:54:38 3 that person, that is that she'd helped police arrest the
16:54:43 4 person she was going to represent and that Ms Gobbo
16:54:45 5 described in response to that the general ethics of the
16:54:49 6 whole situation as being fucked, that might have been
16:54:53 7 something concerning to you?---Had I been aware of it, yes.
8
16:54:56 9 If Ms Gobbo then went on to advise not only that Posse
16:55:00 10 witness, but various people arrested as a result of that,
16:55:03 11 that would have been something concerning to you?---Well
16:55:06 12 look, it's a tricky situation for a lawyer to navigate
16:55:09 13 around but, yes, it flows that it would be a concern.
14
16:55:16 15 If in - - - ?---It's not beyond the realms of possibility
16:55:20 16 of course for clever and appropriately ethical lawyers to
16:55:23 17 navigate themselves around those sorts of issues but
16:55:27 18 perhaps it was beyond Nicola Gobbo.
19
16:55:31 20 And for police to consider the impact of the potential
16:55:32 21 compromising of the cases that they were bringing to
16:55:34 22 court?---Yes.
23
16:55:35 24 If you had been told that Mr White discussed with Ms Gobbo
16:55:40 25 in mid-2007 concerns about her representing people leading
16:55:47 26 to convictions being overturned because of an allegation or
16:55:50 27 suggestion or an inquiry into whether the person got a
16:55:54 28 completely unbiased defence and Ms Gobbo responding, "Who's
16:55:59 29 going to ever know about that and there are already 20
16:56:03 30 people in that category", that would have been something
16:56:05 31 very concerning to you?---You're saying it was put, was it,
16:56:08 32 to - - -
33
16:56:09 34 Yes?---Yes, if that's what was said then that sounds
16:56:13 35 concerning to me.
36
16:56:15 37 At the very least you would have gone and got legal advice
16:56:19 38 about what you needed to do about those matters?---I would
16:56:22 39 have - I believe I would have.
40
16:56:25 41 You would have been concerned not only in relation to the
16:56:28 42 prosecution you were conducting, and the disclosure in that
16:56:32 43 prosecution, but also in relation to those 20 other people
16:56:35 44 who had potentially received compromised defences?---As it
16:56:39 45 follows.
46
16:56:39 47 You were asked some questions in relation to Mr Argall's

16:56:44 1 OPI evidence and I just want to suggest to you that in that
16:56:48 2 evidence Mr Argall had indicated that both he and Mr Dale
16:56:53 3 had sought legal advice from Ms Gobbo?---I don't dispute
16:56:58 4 that.
5
16:57:00 6 I can take you to that evidence if need be but you don't
16:57:05 7 dispute that?---I don't dispute that.
8
16:57:08 9 Finally, if we can bring up a document VPL.0100.0244.0001.
16:57:14 10 I took you earlier on to the Pauline call?---Yes.
11
16:57:20 12 I just want you to confirm is this the statement that you
16:57:23 13 were referring to?---It is.
14
16:57:24 15 I tender that document, Commissioner.
16
16:57:38 17 COMMISSIONER: Statement of Boris Buick 21 February 15, is
16:57:42 18 it?---21 February 15, that's right, Commissioner.
16:57:44 19
16:57:45 20 #EXHIBIT RC722A - (Confidential) Statement of Boris Buick
16:57:40 21 21/02/15.
16:57:47 22
16:57:48 23 #EXHIBIT RC722B - (Redacted version.)
16:57:50 24
16:57:50 25 MS TITTENSOR: Commissioner, there are still some further
16:57:52 26 questions for this witness about another matter that we
16:57:55 27 can't do in the present circumstances.
28
16:57:57 29 COMMISSIONER: That's right, that will take a little while,
16:57:59 30 will it?
16:58:01 31
16:58:01 32 MS TITTENSOR: It might take a half an hour or so.
33
16:58:04 34 COMMISSIONER: I'm sorry, I did try to get you finished
16:58:06 35 today, Mr Buick?---I knew that was coming, Commissioner.
36
16:58:10 37 Did you? Yes, I had forgotten about that. I think it's
16:58:14 38 just too much to sit on for everybody now so we'll resume
16:58:19 39 with that at 9.30 tomorrow and that will be a closed
16:58:22 40 hearing. The next witness is to be?
16:58:25 41
16:58:25 42 MS TITTENSOR: Mr Hayes.
43
16:58:27 44 COMMISSIONER: There will be a submission in respect to how
16:58:30 45 Mr Hayes' evidence is taken too which we can deal with in
16:58:34 46 the closed hearing tomorrow morning. All right then, we'll
16:59:18 47 adjourn until 9.30, thank you.

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<(THE WITNESS WITHDREW)

ADJOURNED UNTIL TUESDAY 12 NOVEMBER 2019