

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

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria  
On Thursday, 12 December 2019

Led by Commissioner:           The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Mr S. Holt QC
Counsel for State of Victoria	Mr T. Goodwin
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDDP	Mr D. Holding Ms A. Haban-Beer
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for John Higgs	Ms C. Dwyer
Counsel for AFP	Ms I. Minnett
Counsel for Chief Commissioner of Police	Mr A. Coleman SC Mr P. Silver

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09:37:39 1 COMMISSIONER: Yes, the appearances are largely as they  
09:37:42 2 were yesterday. I think Ms Tittensor will be taking the  
09:37:45 3 next witness for the Commission. Mr Goodwin for the State  
09:37:49 4 and there are some applications for leave to appear in  
09:37:52 5 respect of this witness from Mr Ashby, Mr Mullett, Mr Orman  
09:37:58 6 and Mr Higgs. I understand the Commission has no problem -  
09:38:04 7 - -  
09:38:04 8  
09:38:05 9 MS TITTENSOR: We don't have any objection, Commissioner.  
10  
09:38:07 11 COMMISSIONER: Can be granted leave - think that it's  
09:38:08 12 appropriate. Are there any contrary submissions?  
09:38:12 13  
09:38:13 14 MR HOLT: No, Commissioner.  
15  
09:38:14 16 COMMISSIONER: All right then, I'll grant leave to appear  
09:38:15 17 in respect of Mr Ashby, Mr Mullett, Mr Higgs and Mr Orman  
09:38:19 18 in respect of this witness. Yes, all right then.  
09:38:24 19  
09:38:25 20 MR COLEMAN: Commissioner, can I just say in respect to the  
09:38:27 21 matter I raised yesterday before we adjourned.  
22  
09:38:29 23 COMMISSIONER: Yes.  
09:38:30 24  
09:38:30 25 MR COLEMAN: About access to materials and statements. My  
09:38:33 26 solicitors will write to the solicitors for the Commission.  
27  
09:38:35 28 COMMISSIONER: Yes.  
09:38:35 29  
09:38:36 30 MR COLEMAN: And detail our position and I can then address  
09:38:38 31 it orally at an appropriate time if necessary, if that's  
09:38:41 32 suitable to the Commissioner.  
33  
09:38:42 34 COMMISSIONER: Hopefully by then you'll have the statements  
09:38:44 35 you're requesting, assuming that they're relevant.  
09:38:48 36  
09:38:49 37 MR COLEMAN: Thank you. And in any event, we'll put our  
09:38:50 38 position in writing as I said.  
39  
09:38:52 40 COMMISSIONER: Thanks Mr Coleman. Mr Nathwani, I think you  
09:38:55 41 or Mr Collinson was going to give us a report on the  
09:38:58 42 position of Ms Gobbo's statement and - - -  
43  
09:39:04 44 MR WINNEKE: Commissioner, just two things. I've been  
09:39:06 45 speaking to Mr Collinson about that. I'm happy for  
09:39:09 46 Mr Collinson to address that, save that we're in  
09:39:12 47 discussions and it may well be that as a result of those

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09:39:15 1 discussions we can - - -  
2  
09:39:17 3 COMMISSIONER: Say something more useful later?  
4  
09:39:19 5 MR WINNEKE: Yes.  
6  
09:39:19 7 COMMISSIONER: All right then.  
8  
09:39:20 9 MR WINNEKE: The other thing, insofar as the provision of  
09:39:23 10 statements, the Commission has a position with respect to  
09:39:26 11 statements which I've mentioned yesterday - sorry,  
09:39:29 12 previously when Mr Coleman made application to be provided  
09:39:33 13 with statements. The position is that when witnesses are  
09:39:41 14 about to give evidence, or shortly prior to giving  
09:39:43 15 evidence, statements will be provided to enable  
09:39:45 16 cross-examination to occur.  
17  
09:39:46 18 COMMISSIONER: Yes.  
19  
09:39:47 20 MR WINNEKE: Unfortunately with respect to Mr Nolan's  
09:39:51 21 statement the Commission didn't get it until yesterday.  
09:39:53 22 It's now been provided, as I understand it. As to further  
09:39:56 23 statements, when - - -  
24  
09:39:57 25 COMMISSIONER: We'll have to deal with them on a case by  
09:40:00 26 case basis.  
27  
09:40:04 28 MR WINNEKE: Case by case basis, yes.  
29  
09:40:05 30 COMMISSIONER: Yes. That seems appropriate. And when you  
09:40:07 31 say we're going to hear later about Ms Gobbo's position,  
09:40:10 32 how much later are we talking about?  
33  
09:40:13 34 MR WINNEKE: I'm having discussions with Mr Collinson.  
09:40:14 35 I've spoken to him this morning about it. Later on in the  
09:40:17 36 day.  
37  
09:40:18 38 COMMISSIONER: Excellent. All right, thank you. Now we  
09:40:19 39 can get on with the next witness.  
40  
09:40:22 41 MR HOLT: I appear for Assistant Commissioner Cornelius,  
09:40:23 42 may it please the Commissioner.  
43  
09:40:28 44 COMMISSIONER: Yes. And I understand Mr Cornelius is going  
09:40:31 45 to take the oath. Yes, thank you.  
09:40:34 46  
09:40:35 47 <THOMAS DONALD LUKE CORNELIUS, sworn and examined:

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09:40:47 1  
09:40:49 2 COMMISSIONER: Yes Mr Holt.  
09:40:51 3  
09:40:51 4 MR HOLT: Thank you, Commissioner. Assistant Commissioner,  
09:40:52 5 your full name is Thomas Donald Luke Cornelius?---Yes.  
6  
09:40:56 7 You're known as Luke Cornelius?---Yes.  
8  
09:41:01 9 For the purposes of this Royal Commission, Assistant  
09:41:04 10 Commissioner, have you prepared a statement dated 20  
09:41:06 11 September 2019 and signed by you?---Yes.  
12  
09:41:09 13 Do you have a copy of that statement here with you in the  
09:41:10 14 Commission?---Yes.  
15  
09:41:17 16 Just some minor corrections to make, Commissioner. Can I  
09:41:21 17 take you, Assistant Commissioner, to paragraph 16 of your  
09:41:25 18 statement on p.2?---Yes.  
19  
09:41:29 20 Where there you set out at paragraph 16 the dates that you  
09:41:34 21 had roles firstly with Task Force Briars investigations  
09:41:39 22 management committee and then in relation to the Task Force  
09:41:41 23 Petra investigation management committee?---Yes.  
24  
09:41:45 25 In (b), which relates to Task Force Petra, your statement  
09:41:51 26 presently notes that your role there as Chair of Task Force  
09:41:55 27 Petra IMC was between June 2008 and May 2010. Should June  
09:42:02 28 2008 be crossed out and replaced with April 2007?---Yes.  
09:42:08 29 So I became a member of the Petra Task Force IMC from 24  
09:42:12 30 April 2007.  
31  
09:42:15 32 Commissioner, are you content if Assistant Commissioner  
09:42:19 33 Cornelius notes that in the statement?  
34  
09:42:21 35 COMMISSIONER: Makes that amendment, yes. If you've got a  
09:42:24 36 pen there can you make that amendment, or we can give you a  
09:42:26 37 pen?---Thank you.  
38  
09:42:28 39 MR HOLT: You can make the amendment on the version,  
09:42:31 40 Assistant Commissioner, that you have there, thanks.  
41  
09:42:33 42 COMMISSIONER: So June 20, 2008 is taken out and replaced  
09:42:37 43 by 24 April 2007, is that right?  
44  
09:42:39 45 MR HOLT: Yes. Thank you, Commissioner. If he could  
09:42:44 46 initial that, Commissioner?  
47



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09:42:45 1 COMMISSIONER: Yes, thank you.  
09:42:46 2  
09:42:46 3 MR HOLT: Then, Assistant Commissioner, could I take you to  
09:42:48 4 p.125, please - I'm sorry, paragraph 125 of your statement  
09:42:57 5 on page - it's in fact at the top of p.22, the part I would  
09:43:04 6 like to take you to. Footnote 49 there refers to a meeting  
09:43:14 7 minute - a meeting invitation. Is the meeting invitation  
09:43:21 8 that's referred to in VPL in 49 a blank one, whereas in  
09:43:25 9 fact there is one which also contains your notes on it  
09:43:28 10 which has been produced to the Commission?---Yes.  
11  
09:43:31 12 And is it your preference that that footnote in fact refer  
09:43:31 13 to the one that has your notes on it?---Yes.  
14  
09:43:34 15 And I'll give the VPL just for the record. I've indicated  
09:43:35 16 it doesn't need to be brought up, Commissioner. The VPL it  
09:43:37 17 ought replace that in footnote VPL.0005.0012.3359.  
09:43:49 18 Finally, Commissioner - - -  
19  
09:43:50 20 COMMISSIONER: It would probably be better then if the  
09:43:53 21 Commissioner could take out the VPL number that's there in  
09:43:56 22 footnote 49 and replace it with that one.  
23  
09:44:00 23  
09:44:01 24 MR HOLT: I'll read it out again.  
25  
09:44:03 26 COMMISSIONER: Yes. Please slowly, Mr Holt.  
09:44:04 27  
09:44:09 28 MR HOLT: It's not within me but I'll try, Commissioner.  
09:44:09 29 VPL.0005.0012.3359.  
30  
09:44:17 31 COMMISSIONER: Thank you. If you could initial that, thank  
09:44:19 32 you.  
33  
09:44:22 33  
09:44:23 34 MR HOLT: This doesn't require a change, Commissioner, but  
09:44:26 35 just an explanation. Footnote 36, which is on p.22 - it's  
09:44:39 36 not, sorry. Footnote 36, which is on p.18, there's a  
09:44:47 37 footnote noted in the document, no footnote appears at the  
09:44:51 38 bottom. That, we have confirmed and confirmed with counsel  
09:44:57 39 assisting, is a formatting error. So there is no secret  
09:45:02 40 missing footnote, it's just a formatting error, but in case  
09:45:03 41 people were concerned about that there is nothing which  
09:45:04 42 should otherwise be there.  
43  
09:45:04 44 COMMISSIONER: Sorry, I'm just not quite following.  
09:45:07 45  
09:45:08 46 MR HOLT: Commissioner, if you look at p.18 you'll see  
09:45:10 47 footnote 37 is there.

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1  
09:45:13 2 COMMISSIONER: Yes.  
09:45:13 3  
09:45:14 4 MR HOLT: If you go one page back, the previous one is 35.  
5  
09:45:16 6 COMMISSIONER: Yes.  
09:45:18 7  
09:45:18 8 MR HOLT: Which means there appears to be a missing 36.  
9  
10 COMMISSIONER: I see. There is no footnote 36.  
11  
09:45:20 12 MR HOLT: It's just a formatting error but it appears in  
09:45:23 13 the body of the text.  
14  
09:45:25 15 COMMISSIONER: Understood.  
09:45:25 16  
09:45:25 17 MR HOLT: Thank you. Now subject to those changes,  
09:45:26 18 Assistant Commissioner, is your statement true and correct  
09:45:30 19 to best of your knowledge and belief?---Yes.  
20  
09:45:33 21 I tender that, Commissioner. We have a shaded and redacted  
09:45:36 22 form presently, so if that can be tendered as A and B.  
23  
09:45:39 24 COMMISSIONER: That's ready to go public, is it, the  
09:45:40 25 redacted version?  
09:45:41 26  
09:45:41 27 MR HOLT: There is just one issue in relation to a name  
09:45:43 28 that ought to have been taken out. It will be able to be  
09:45:47 29 published by the end of the day, subject to that issue and  
09:45:51 30 subject to, Commissioner, you being content with the PII  
09:45:53 31 claim. So I'm not sure of the status of that, I apologise.  
09:45:57 32  
09:45:57 33 #EXHIBIT RC898A - (Confidential) Statement of Luke  
09:46:00 34 Cornelius.  
09:46:00 35  
09:46:00 36 #EXHIBIT RC898B - (Redacted version.)  
09:46:02 37  
09:46:03 38 MR HOLT: Assistant Commissioner, just very briefly so that  
09:46:06 39 your evidence can be contextualised for those who haven't  
09:46:10 40 read your statement. Can you confirm that you were the  
09:46:15 41 Assistant Commissioner of the Ethical Standards Division,  
09:46:17 42 ESD as we know it, between December 2005 and May  
09:46:23 43 2010?---Yes.  
44  
09:46:23 45 Then from May 2010 until October 2015 you moved to become  
09:46:27 46 the Assistant Commissioner of what's called Southern Metro,  
09:46:30 47 which is effectively southeastern Melbourne?---Yes.

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1  
09:46:33 2 Then from October 2015 to April 2019 you were the Assistant  
09:46:39 3 Commissioner leading the response to the Victorian Equal  
09:46:42 4 Opportunity and Human Rights Commission report into sex  
09:46:46 5 discrimination and related issues in Victoria  
09:46:50 6 Police?---Yes.  
7  
09:46:50 8 From that point, April 2019, you've returned I think to  
09:46:53 9 your substantive role in southeastern?---No, from April of  
09:46:58 10 this year I've been the Assistant Commissioner of northwest  
09:47:00 11 metropolitan region.  
12  
09:47:02 13 I apologise. So again, for present purposes, your direct  
09:47:06 14 involvement as an Assistant Commissioner in terms of  
09:47:08 15 matters relating to things this Commission is concerned  
09:47:12 16 about in effect ceased in May of 2010?---That's correct.  
17  
09:47:16 18 Thank you, Commissioner, that's the evidence-in-chief.  
19  
09:47:18 20 COMMISSIONER: Yes Ms Tittensor.  
09:47:21 21  
22 <CROSS-EXAMINED BY MS TITTENSOR:  
23  
09:47:22 24 Mr Cornelius, you're a very experienced police  
09:47:25 25 officer?---I've been a police officer for just over 30  
09:47:27 26 years.  
27  
09:47:29 28 You're also a qualified lawyer?---Yes, but I've never  
09:47:33 29 practised in that capacity.  
30  
09:47:34 31 You were admitted to practise as a barrister and solicitor  
09:47:37 32 in the ACT Supreme Court; is that right?---I am.  
33  
09:47:40 34 And you were admitted in 1999?---Yes.  
35  
09:47:43 36 And when you came to Victoria Police you joined as the  
09:47:47 37 Commander of their Legal Services department in  
09:47:50 38 2003?---Yes.  
39  
09:47:50 40 No doubt coming to that position in part due to your legal  
09:47:58 41 qualifications?---Yes.  
42  
09:48:02 43 You, in that position, covered a number of areas of legal  
09:48:05 44 services within Victoria Police, including police  
09:48:08 45 prosecutions?---Yes.  
46  
09:48:11 47 Civil litigation?---Yes.

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1  
09:48:13 2 Freedom of Information and the Privacy Unit?---Yes.  
3  
09:48:17 4 Did that area cover also the seeking of external legal  
09:48:22 5 advice by Victoria Police?---Yes.  
6  
09:48:27 7 What was the process if investigators or Task Forces wanted  
09:48:33 8 to seek legal advice, did that involve your  
09:48:36 9 department?---Yes, in the sense that I instructed the  
09:48:44 10 Assistant Government Solicitor who led what was called the  
09:48:47 11 Legal Advisor's Office, the Chief Commissioner's Legal  
09:48:51 12 Advisor's Office, which was, if you like, an outpost of the  
09:48:55 13 Victorian Government Solicitors Office that was based in  
09:48:59 14 the Victoria Police Centre.  
15  
09:49:02 16 Were Victoria Police keeping a record of all the legal  
09:49:05 17 advice that was being sought by various investigators,  
09:49:11 18 squads, Task Forces?---Records were certainly kept by my  
09:49:17 19 office in relation to matters that were raised with the  
09:49:22 20 Victorian Government Solicitors Office and I'm also aware  
09:49:25 21 that the Victorian Government Solicitors Office, the Chief  
09:49:28 22 Commissioner's legal advisor likewise maintained records.  
09:49:33 23 I'd have to say, though, that at that time not all requests  
09:49:38 24 for legal advice came through my office. There were a  
09:49:40 25 number of other lawyers who were, if you like, attached to  
09:49:46 26 particular Task Forces or areas within Crime Department and  
09:49:52 27 I didn't have visibility of the day-to-day operation in  
09:49:56 28 relation to the seeking of legal advice from those lawyers.  
29  
09:50:00 30 And was one of those departments - one of those Task Forces  
09:50:04 31 Purana?---Yeah, I understood that Purana did have access to  
09:50:12 32 lawyers but I had no visibility of the work that they were  
09:50:15 33 undertaking.  
34  
09:50:16 35 So was there an inefficiency in a way because you don't  
09:50:21 36 know if they were doubling up on legal advice that you  
09:50:24 37 might have already had?---That inefficiency could well have  
09:50:29 38 been there.  
39  
09:50:29 40 Was there any particular reason why Purana would bypass the  
09:50:33 41 internal police systems in terms of seeking legal  
09:50:36 42 advice?---I can't recall there being a reason.  
43  
09:50:40 44 Was there any endeavour to try and bring them back in so  
09:50:47 45 that Victoria Police maintained a record of what legal  
09:50:49 46 advice was being sought?---Look, it was certainly my view  
09:50:52 47 that it would be preferable for all advice to be sought and

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09:50:58 1 managed through my office, however that was not achieved  
09:51:04 2 until after I'd left that role and those arrangements were  
09:51:07 3 later put in some place some time down the track when Finn  
09:51:12 4 McRae became Director of Legal Services.  
5  
09:51:14 6 Was there a resistance to that course?---I'm not aware of  
09:51:17 7 any resistance.  
8  
09:51:18 9 There were efforts made towards that course?---It was  
09:51:22 10 certainly my medium to long-term plan, however it didn't  
09:51:28 11 come to fruition as I was in that role for only two years.  
12  
09:51:32 13 You transferred in December 2005 to the position of  
09:51:38 14 Assistant Commissioner of the Ethical Standards  
09:51:42 15 Department?---I was promoted to that role, yes.  
16  
09:51:44 17 Yes. Now the Ethical Standards Department was a department  
09:51:48 18 of Victoria Police overseeing the professional and  
09:51:54 19 ethical standards of members of Victoria Police?---Yes.  
20  
09:52:00 21 Did it have a particular mandate? Did it just investigate  
09:52:05 22 concerns that came its way or was it out there promoting  
09:52:11 23 ethics and integrity and professional standards amongst the  
09:52:14 24 members?---To put it simply, there were three key areas of  
09:52:18 25 focus for Ethical Standards Department. The first was to  
09:52:22 26 receive and investigate and deal with complaints from  
09:52:26 27 citizens. The second was to undertake investigations into  
09:52:36 28 reasonable suspicion of corrupt or criminal or unethical  
09:52:41 29 conduct on the part of Victoria Police members. And the  
09:52:45 30 third was to engage in ethical health prevention and uplift  
09:52:54 31 and education and risk mitigation activities.  
32  
09:53:00 33 Risk mitigation, I suppose if you come across an area where  
09:53:04 34 there's not necessarily some deliberate unethical illegal  
09:53:10 35 behaviour going on but become aware that things are being  
09:53:14 36 handled inappropriately or things might be sliding by where  
09:53:17 37 people are unaware of the risk that they're taking, what  
09:53:23 38 did the Ethical Standards Department have to do with those  
09:53:27 39 kinds of areas?---Well that actually wasn't specifically  
09:53:30 40 within our remit. The Corporate Management Review Division  
09:53:35 41 had a standing brief in relation to critically reviewing  
09:53:39 42 risk within the organisation and conducting audits and  
09:53:44 43 assessments as to whether those risks were being  
09:53:48 44 effectively managed and they would also regularly undertake  
09:53:51 45 reviews of the effective operation of units that had been  
09:53:56 46 identified as a result of a risk profile, units that  
09:54:00 47 merited that attention. If as a result of that work it was

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09:54:05 1 identified in the course of one of those reviews that there  
09:54:08 2 were particular matters of concern in relation to the  
09:54:11 3 behaviour or conduct of individual members of the Victoria  
09:54:15 4 Police, those matters were referred to us.  
5  
09:54:20 6 But if you in your own work came across some areas where  
09:54:26 7 the conduct being engaged in by members was ethically  
09:54:30 8 suspect, you'd have an obligation to follow that up I take  
09:54:34 9 it?---Yes.  
10  
09:54:40 11 How did the role of the ESD interact with the role of the  
09:54:43 12 OPI?---Well the OPI, when I came into the role of ESD, had  
09:54:51 13 only recently been established and my position in relation  
09:54:56 14 to the OPI as our oversight body always was that we would  
09:55:01 15 do everything we could to support the work of OPI, that we  
09:55:06 16 would play an open hand with them, if you like, that we  
09:55:10 17 would play an open hand with them if you like, and that we  
09:55:10 18 would be responsive to any requests for assistance or  
09:55:13 19 information that they might make of us.  
20  
09:55:19 21 If you became aware of matters which required oversight,  
09:55:27 22 and perhaps more oversight than the ESD could offer, was it  
09:55:30 23 your obligation to report that on?---Well I was governed by  
09:55:33 24 the provisions of the legislation as it applied at the  
09:55:38 25 time, so in relation to some particular matters I was  
09:55:42 26 obliged as a matter of course to report misconduct to OPI.  
09:55:48 27 So, for example, if there were allegations of impropriety  
09:55:52 28 of the part of Assistant Commissioners, Deputy  
09:55:56 29 Commissioners, or indeed the Chief Commissioner, I had an  
09:55:59 30 obligation to report that to OPI. But notwithstanding  
09:56:03 31 that, we had a standing obligation of disclosure, hence my  
09:56:09 32 reference to adopting an open hand or playing an open hand  
09:56:13 33 in relation to OPI. OPI was afforded the opportunity to  
09:56:20 34 see everything that we saw in ESD and it was open to them  
09:56:22 35 at any time to ask us questions in relation to it or seek  
09:56:27 36 further information in relation to any of those matters.  
37  
09:56:39 38 Mr Ashton was at that time at the OPI; is that right?---I  
09:56:45 39 think Mr Ashton came to the OPI after I'd started in ESD.  
09:56:50 40 I can't remember the exact timing of it, but he was  
09:56:53 41 certainly there for much of my time while I was at ESD.  
42  
09:56:56 43 Had you had interactions with Mr Ashton prior to going to  
09:57:01 44 Victoria Police?---No.  
45  
09:57:06 46 Had you had any interactions with  
09:57:10 47 Mr Overland?---Mr Overland was for a time my immediate



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09:57:12 1 supervisor, and also my supervisor once removed while I was  
09:57:17 2 at the Federal Police.

3  
09:57:19 4 In what position at the Federal Police?---Initially Simon  
09:57:24 5 was my immediate supervisor when I was the head of his  
09:57:28 6 local business services group, which in effect was his  
09:57:31 7 business manager, while he was the Chief Operating Officer  
09:57:36 8 for the AFP. And I had that role with him for about a year  
09:57:43 9 until I went and served in East Timor on attachment to the  
09:57:47 10 United Nations and then I was promoted out of that role  
09:57:50 11 into the Director of People Strategies which was a direct  
09:57:57 12 report to the head of human resources who reported to Simon  
09:58:01 13 as the Chief Operating Officer.

14  
09:58:03 15 All right. So you went to the UN for about five or six  
09:58:08 16 months in 2001?---Yes.

17  
09:58:10 18 So the year - so May to September 2001, so it was the year  
09:58:16 19 immediately prior to that that you were directly supervised  
09:58:21 20 by Mr Overland; is that right?---Yes.

21  
09:58:23 22 And then you came back in 2001 and you were supervised once  
09:58:27 23 removed by Mr Overland?---Yes.

24  
09:58:32 25 And for how long were you supervised once removed once you  
09:58:34 26 back?---Until he left the Federal Police to join the  
09:58:41 27 Victoria Police early in 2003.

28  
09:58:45 29 When you came over to Victoria Police did you have any  
09:58:50 30 referees?---Yes, I had three referees.

31  
09:58:54 32 Was Mr Overland one of them?---He was but he was not able  
09:58:57 33 to be used because he was on the selection panel for the  
09:59:00 34 position of Commander Legal Services for which I'd applied.

35  
09:59:06 36 So he was a referee but he was taken off and he was on your  
09:59:10 37 panel?---Yes, together with seven other people.

38  
09:59:20 39 Police members have obligations in relation to diary and  
09:59:24 40 record keeping?---Yes.

41  
09:59:27 42 Diaries are checked by supervisors to ensure that they're  
09:59:33 43 adequately kept; is that right?---Yes, they are.

44  
09:59:36 45 As Assistant Commissioner were you responsible for checking  
09:59:39 46 any diaries yourself?---I didn't personally check diaries  
09:59:45 47 of my direct reports. That was more a requirement for

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09:59:51 1 members at OR level.  
2  
09:59:54 3 When you say OR level, what do you mean by that?---I'm  
09:59:57 4 talking about members who are not officers.  
5  
10:00:01 6 Would Superintendents and Inspectors have diaries that were  
10:00:05 7 checked?---Yes, they may do.  
8  
10:00:07 9 Who would check a Superintendent's diary?---I would on  
10:00:11 10 occasion if there was a need to, but it wasn't my normal  
10:00:14 11 practice to review the diaries of my Superintendents.  
12  
10:00:20 13 They were available for review if you needed?---Yes.  
14  
10:00:24 15 Your Superintendent, or one of them at ESD, was Mr Wilson;  
10:00:28 16 is that right?---Yes.  
17  
10:00:28 18 Did you ever review his diary?---No.  
19  
10:00:34 20 You could have if you wanted to?---I could have if I wanted  
10:00:37 21 to but I never felt the need to.  
22  
10:00:41 23 Now you understand there's good reason for keeping  
10:00:44 24 diaries?---Yes.  
25  
10:00:47 26 What do you say those reasons are?---Well I'd say there are  
10:00:50 27 good reasons for keeping records generally and that  
10:00:55 28 ultimately is to allow any police officer who keeps such  
10:01:02 29 records to give an account of their conduct.  
30  
10:01:05 31 It's a contemporaneous record of what you've been doing at  
10:01:07 32 any particular time; is that right?---By and large they  
10:01:10 33 are, yes.  
34  
10:01:11 35 It assists your recollection when you're called upon for  
10:01:16 36 it?---I'm sorry, can you ask the question again?  
37  
10:01:19 38 A diary would assist your recollection if you're called  
10:01:22 39 upon to account for what you're doing at a particular time  
10:01:25 40 or what you were doing at a particular time?---They may do,  
10:01:28 41 in addition to any other records that you might have made  
10:01:31 42 at the time.  
43  
10:01:31 44 Yes. At paragraph 18 of your statement you say that you  
10:01:38 45 have limited independent recollection of events that you  
10:01:43 46 detail below and you've relied heavily on your review of  
10:01:50 47 available records in making your statement; is that



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10:01:52 1 right?---Yes, that's right, given that these are matters  
10:01:54 2 that occurred over 12 years ago.  
3  
10:01:56 4 And you stopped regularly keeping a diary in June of 2006  
10:02:00 5 and you ceased entirely using your diary in July of  
10:02:04 6 2006?---Yes.  
7  
10:02:12 8 You say that your records in relation to the Petra and  
10:02:16 9 Briars Task Forces are limited to the update papers which  
10:02:19 10 were prepared by the Detective Superintendent or the  
10:02:23 11 Detective Inspector that was responsible for that  
10:02:25 12 particular investigation team?---No, I don't say that.  
13  
10:02:33 14 "My records in relation to the Petra and Briars Task Forces  
10:02:38 15 are limited to the Task Force update papers which were  
10:02:40 16 prepared by the Detective Superintendent or Detective  
10:02:43 17 Inspector responsible for the leading investigation  
10:02:45 18 team"?---Yes, I say that but you'll note in the following  
10:02:49 19 paragraph I go on to say that I had access to other records  
10:02:53 20 that I maintained, including notations that I made on the  
10:02:56 21 administrative files that I raised in relation to each of  
10:02:59 22 those investigations.  
23  
10:03:01 24 You say your decision to stop keeping a diary was based on  
10:03:04 25 the highly sensitive nature of those investigations?---Yes,  
10:03:09 26 both investigations were classified as highly protected and  
10:03:13 27 it is a fundamental principle of information security  
10:03:18 28 management that you don't carry records pertaining to  
10:03:21 29 highly protected matters, that you don't carry those  
10:03:27 30 outside of the bounds of your office.  
31  
10:03:29 32 Did your investigators stop keeping diaries of those highly  
10:03:33 33 sensitive matters?---I don't know. I understand that my  
10:03:35 34 members continued to maintain diaries, but I didn't have  
10:03:41 35 access to those diaries so I didn't know what they were  
10:03:44 36 recording.  
37  
10:03:44 38 Well you could have had access if you wanted to?---I could  
10:03:47 39 have if I wanted to.  
40  
10:03:49 41 What's the justification if investigators who are closer to  
10:03:53 42 the action having access to very sensitive material  
10:03:56 43 themselves are still keeping diaries but the people in  
10:04:00 44 command are not keeping diaries?---Well I'd expect that  
10:04:03 45 they would be applying the same information management  
10:04:06 46 security principles that I was applying and that would be  
10:04:09 47 that entries in diaries would be anodyne and not include

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10:04:15 1 detailed references to highly protected matters and that  
10:04:18 2 highly protected matters would instead be retained in  
10:04:21 3 documentation that would be kept on the investigation file.  
4  
10:04:27 5 Did you discuss with anyone your decision to stop keeping a  
10:04:30 6 diary?---I don't recall doing so.  
7  
10:04:33 8 Were you aware that others in Command were ceasing to keep  
10:04:37 9 diaries?---I don't know.  
10  
10:04:45 11 Did you keep a diary in relation to matters unconnected  
10:04:48 12 with these sensitive Task Force matters?---No.  
13  
10:05:05 14 You worked at the AFP for some time obviously before coming  
10:05:09 15 to Victoria Police in 2003?---Yeah, for just over 14 years.  
16  
10:05:14 17 At some point you worked in areas including intelligence  
10:05:18 18 and drug operations?---Yes.  
19  
10:05:20 20 Did you ever deal with matters related or associated with  
10:05:25 21 Mr Mokbel or Mr Williams?---No.  
22  
10:05:26 23 Did you ever deal with any matters connected with  
10:05:29 24 Ms Gobbo?---No.  
25  
10:05:31 26 You certainly came to have some knowledge of Ms Gobbo; is  
10:05:36 27 that right?---I did.  
28  
10:05:40 29 At paragraph 61 of your statement you're referring to a  
10:05:50 30 particular point in time in 2006; is that right?---Yes.  
31  
10:05:59 32 And you indicate that you don't believe at around that time  
10:06:03 33 that you would have been told that Ms Gobbo was a human  
10:06:08 34 source for a number of reasons and one of those reasons was  
10:06:11 35 that in 2006 you would have regarded it as extraordinary to  
10:06:16 36 use a barrister as a human source?---Yes.  
37  
10:06:19 38 And I take it in particular a criminal defence  
10:06:22 39 barrister?---Yes.  
40  
10:06:24 41 Because you would recognise that such a situation would be  
10:06:28 42 fraught?---It would be fraught with risk, yes.  
43  
10:06:33 44 If you had have known anything of the kind in your role as  
10:06:38 45 Assistant Commissioner of ESD you would have been obliged  
10:06:40 46 to do something about it?---Well I would certainly asked  
10:06:44 47 some questions about it.

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1  
10:06:45 2 What sort of questions would you have asked?---Well first  
10:06:48 3 and foremost I would have wanted to understand whether any  
10:06:51 4 of the information that was being provided to us was  
10:06:55 5 subject to legal professional privilege.  
6  
10:06:58 7 Would you have wanted to understand whether the particular  
10:07:02 8 lawyer continued to act for clients she was informing  
10:07:09 9 on?---Yes.  
10  
10:07:10 11 That was an obvious risk that might be associated with a  
10:07:12 12 defence barrister providing information to Victoria  
10:07:15 13 Police?---Yes.  
14  
10:07:15 15 You would expect anyone of a senior enough rank to be alive  
10:07:20 16 to such a risk?---Well, not just anyone of a senior rank,  
10:07:25 17 in fact the issue about legal professional privilege and  
10:07:33 18 the privilege that exists between a client and a lawyer is  
10:07:36 19 something that's widely known in policing at many ranks.  
20  
10:07:41 21 And it's something that you become attuned to from the very  
10:07:45 22 early stages because you're giving people warnings when  
10:07:53 23 they're arrested. You're giving people their caution and  
10:07:57 24 rights?---Indeed, and one of the fundamental rights that  
10:08:01 25 we're required under legislation and in long-standing  
10:08:04 26 practice is to afford suspects an opportunity to speak to a  
10:08:08 27 lawyer.  
28  
10:08:08 29 Yes, and not just a lawyer, an independent  
10:08:12 30 lawyer?---Indeed.  
31  
10:08:12 32 In private?---Yes.  
33  
10:08:14 34 And in private means that when a lawyer - if someone's  
10:08:19 35 arrested and a lawyer comes in to speak to them the police  
10:08:23 36 have to withdraw from the room and they're not meant to be  
10:08:27 37 standing by the door eavesdropping?---Yes. Nor do police  
10:08:30 38 suggest to suspects the details of a lawyer that they might  
10:08:33 39 use.  
40  
10:08:34 41 Yes. Equally that situation might be fraught because there  
10:08:39 42 might be thought to be some conflict acting or the lawyer  
10:08:43 43 might not be acting in their client's best interests in  
10:08:47 44 order to drum up new business with the police?---Yes, and  
10:08:50 45 these are long-standing and widely known principles which  
10:08:53 46 are understood and appreciated by police in pretty much  
10:08:57 47 every western jurisdiction.

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1  
10:09:07 2 You would have wanted to know at that point in time in 2006  
10:09:10 3 that there was significant oversight of any such  
10:09:16 4 arrangement. If a lawyer was a source for any particular  
10:09:20 5 reason, you would have wanted to know that there was  
10:09:23 6 significant oversight and definite boundaries or parameters  
10:09:29 7 associated with that and that legal advice had been  
10:09:32 8 taken?---Yes, if indeed that was happening.  
9  
10:09:39 10 Another reason you say at paragraph 61 that you wouldn't  
10:09:47 11 have known back in 2006 that Ms Gobbo was an informer was  
10:09:52 12 because at that stage she was on your radar as a person of  
10:09:56 13 interest?---Yes, she was.  
14  
10:09:58 15 And can you explain a bit more about that?---Well, in my  
10:10:02 16 first year at ESD I'd become aware that Ms Gobbo was  
10:10:09 17 regularly associating with or being identified as someone  
10:10:13 18 who was associating with police officers who - and former  
10:10:20 19 police officers who we believe were engaged in corrupt or  
10:10:23 20 unlawful behaviour.  
21  
10:10:25 22 Did you have anyone in particular in mind?---Well I  
10:10:28 23 certainly became aware in a detailed sense of Ms Gobbo's  
10:10:34 24 relationship within the context of our dealings in relation  
10:10:37 25 to a member by the name of Richard Shields.  
26  
10:10:45 27 That was just but one person for whom she came on to your  
10:10:53 28 radar as a person of interest?---Yes. I was also aware  
10:10:55 29 that she had some connection with Paul Dale and I was aware  
10:10:58 30 of the Paul Dale matters because prior to my arrival at  
10:11:02 31 ESD, and immediately after, there were ongoing legal  
10:11:06 32 proceedings involving the dealing with the resolution of a  
10:11:14 33 show cause notice that the Chief Commissioner had issued to  
10:11:18 34 Paul Dale.  
35  
10:11:21 36 When had that occurred?---I think that had occurred in  
10:11:24 37 about 2003, 2003 to 2004, but there were ongoing  
10:11:30 38 proceedings, as I understood it, where that notice was  
10:11:33 39 being disputed.  
40  
10:11:35 41 And you had some background knowledge of the Paul Dale  
10:11:39 42 matter?---Only in the sense that the notice had been  
10:11:45 43 issued. I had no involvement in issuing the notice. But I  
10:11:50 44 was aware that it occurred while I was the Director or  
10:11:54 45 Commander of Legal Services because I was aware that there  
10:11:57 46 was - it was being contested in the Supreme Court.  
47

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10:12:02 1 And you had some knowledge through that process though of  
10:12:05 2 Ms Gobbo's involvement with Mr Dale. What was the link  
10:12:10 3 there?---Well the concern was that Mr Dale had been  
10:12:16 4 associating with Ms Gobbo, who was reputed to be a lawyer  
10:12:20 5 who was representing some very significant criminals in the  
10:12:23 6 State at that time.  
7  
10:12:25 8 You knew, I take it, that Mr Dale was a suspect for the  
10:12:33 9 Hodson murders?---I wasn't aware of that in any detail  
10:12:40 10 until I became a member of the - and was involved in  
10:12:44 11 discussions with Simon Overland in relation to the  
10:12:48 12 establishment of the - sorry, my membership of the Petra  
10:12:55 13 Task Force.  
14  
10:12:58 15 Without the detail though, having that background with the  
10:13:00 16 Legal Services Department, the suspension notice, I take it  
10:13:04 17 you would have had some background and some knowledge that  
10:13:07 18 he was - - - ?---I understood that Mr Dale was a person of  
10:13:09 19 interest in relation to, if you like, a safe house being  
10:13:15 20 the subject of a burglary.  
21  
10:13:18 22 The Operation Gallop matter?---Yeah, but I wasn't aware of  
10:13:22 23 any particular details in relation to that operation.  
24  
10:13:24 25 And you had an awareness there of associations, well  
10:13:30 26 concerns about his associations with criminals himself?---I  
10:13:34 27 was aware that that was covered in his show-cause notice.  
28  
10:13:39 29 And equally, you say in paragraph 61 of your statement that  
10:13:50 30 part of your concern in relation to Ms Gobbo was her  
10:13:52 31 association with criminals, not just on a professional  
10:13:56 32 level, but on a less than professional level; is that  
10:14:00 33 right?---Yes.  
34  
10:14:01 35 And when you're talking about her close relationships with  
10:14:05 36 criminals, you're talking about people like Mokbel and  
10:14:08 37 Williams and others?---I was aware that she, from reports  
10:14:15 38 in the media, that she was representing criminals of  
10:14:18 39 particular notoriety. As to whether it was particularly on  
10:14:22 40 my radar, whether it was Williams or Mokbel or other  
10:14:27 41 criminals, I can't recall that.  
42  
10:14:28 43 You would have known it was high level gangland - - -  
10:14:32 44 ?---Yes.  
45  
10:14:32 46 - - - criminals of the type that were being investigated  
10:14:35 47 by Purana?---Yes.

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1  
10:14:38 2 In about March of 2006 Mr Mokbel had fled the jurisdiction  
10:14:44 3 during a trial proceeding which got some publicity?---Yes,  
10:14:47 4 I was aware of that.  
5  
10:14:48 6 You would have been aware of Ms Gobbo's representation of  
10:14:51 7 him at that time?---I can't recall being aware of the  
10:14:56 8 specifics of who Mokbel's legal team was at that time.  
9  
10:15:11 10 I just want to ask you some questions about the timing of  
10:15:15 11 when you learned things about Ms Gobbo's involvement. At  
10:15:20 12 paragraph 36 of your statement you're talking about phase  
10:15:25 13 one of Briars; is that right, or your knowledge as at phase  
10:15:34 14 one of Briars?---You're referring me to paragraph 36?  
15  
10:15:38 16 Yes. Essentially at paragraph 36 you're saying you're now  
10:15:40 17 aware of certain things, indicating that you weren't aware  
10:15:43 18 of those matters back in phase one of Briars?---Yes, that's  
10:15:48 19 right.  
20  
10:15:48 21 So you say, "I'm now aware of Ms Gobbo's involvement", in  
10:15:56 22 the first phase of Briars, and that's up until about late  
10:16:01 23 2008; is that right?---Yes.  
24  
10:16:04 25 And you're now aware that she was providing information to  
10:16:09 26 the SDU about two key suspects which was being disseminated  
10:16:12 27 to Task Force Briars investigators. Now those two key  
10:16:16 28 suspects being Peter Lalor and David Waters?---Yes.  
29  
10:16:20 30 When you say that in your statement you say, "I wasn't  
10:16:23 31 aware at all during that period of time up until late 2008  
10:16:28 32 that Ms Gobbo was responsible for providing that  
10:16:30 33 information"?---No, not in the first phase.  
34  
10:16:37 35 Can you think of any reason why investigators, who were  
10:16:40 36 reporting to you, were well aware of that source of  
10:16:43 37 information being Ms Gobbo and not telling you or not  
10:16:48 38 making that clear to you?---Well I was aware that there was  
10:16:52 39 a source who had provided us with information in phase one  
10:16:55 40 of Briars and that source had been identified to me as a  
10:16:59 41 person identified as 3838.  
42  
10:17:04 43 I'm just asking you, though, can you think of any reason  
10:17:07 44 why those reporting to you, the investigators, would be  
10:17:11 45 well aware of who that source was and that somehow you  
10:17:14 46 weren't?---Well, I don't know what my investigators knew  
10:17:20 47 about the source but I can say to you that my



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10:17:22 1 investigators, when they spoke to me about the source,  
10:17:25 2 always identified that source as 3838.  
3  
10:17:34 4 Did you know the source was a woman?---No.  
5  
10:17:36 6 Never a slip about a she or a her?---No.  
7  
10:17:49 8 You say also in that paragraph you're now aware that  
10:17:54 9 Ms Gobbo was interviewed by Task Force Briars investigators  
10:17:56 10 in January of 2008?---Yes.  
11  
10:18:02 12 Do you say you weren't made aware of that when it occurred  
10:18:05 13 at the time?---Yes, I do say that.  
14  
10:18:10 15 Do you find that an extraordinary thing, that your  
10:18:14 16 investigators would have an interview with Ms Gobbo - they  
10:18:18 17 learnt some significant information, or they received some  
10:18:21 18 significant information from her during that interview,  
10:18:23 19 you'd agree?---Well I've subsequently come to understand  
10:18:27 20 that that was the case. At the time I didn't know that.  
21  
10:18:30 22 Is there any reason why you would not be told about  
10:18:34 23 that?---Well I was told pretty much on a weekly basis  
10:18:42 24 about, of what was occurring in the Briars investigation  
10:18:45 25 and what I was told was encapsulated in the weekly updates  
10:18:49 26 that were provided to the Briars IMC.  
27  
10:18:52 28 Those weekly updates were supplemented with verbal updates;  
10:18:57 29 is that right?---Yes, and on occasion when information was  
10:19:01 30 provided to me, in addition to what was provided in those  
10:19:04 31 weekly summaries, I'd make a notation of that information  
10:19:08 32 on those summary documents.  
33  
10:19:11 34 And can we be confident that all of those documents and all  
10:19:14 35 of those notations that you've made are available?---Yes,  
10:19:18 36 they are.  
37  
10:19:19 38 That none have gone missing?---No, none have gone missing.  
39  
10:19:24 40 That you've noted everything additional that you were ever  
10:19:29 41 told about this investigation?---Look, I have noted  
10:19:31 42 everything that pricked my interest or that I identified as  
10:19:35 43 being of relevance to my role.  
44  
10:19:44 45 Can you think of any reason why your investigators would go  
10:19:47 46 and interview Ms Gobbo, get pretty significant information  
10:19:49 47 from her, and not tell you about it?---No, I can't, I can't

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10:19:55 1 answer that question. I don't know what they were  
10:19:57 2 thinking.  
3

10:20:04 4 At paragraph 75 you say you don't recall becoming aware  
10:20:08 5 that source 3838 was Ms Gobbo during the first phase of  
10:20:11 6 Briars?---Yes.  
7

10:20:15 8 Now when you say you don't recall, do you account for the  
10:20:17 9 possibility that perhaps you were told?---I think it highly  
10:20:22 10 unlikely because if I had been told I expect that my  
10:20:28 11 response would have been the same as what my response was  
10:20:33 12 in the second phase of Briars when that information did  
10:20:38 13 become apparent to me.  
14

10:20:41 15 We'll come to that. In relation to Petra at paragraph 49,  
10:20:54 16 you say became aware in the course of preparing your  
10:20:57 17 statement about some matters related to Ms Gobbo, that she  
10:21:04 18 met with Petra Task Force investigators in February and  
10:21:08 19 March of 2008?---Yes.  
20

10:21:11 21 And do you say you weren't told about that either?---No.  
10:21:16 22 My recollection, and also the notes that I kept in relation  
10:21:22 23 to the Task Force updates were provided at the Petra IMC,  
10:21:28 24 indicated to me that the first occasion upon which the  
10:21:33 25 Petra investigators spoke to Gobbo was in November of 2008.  
26

10:21:43 27 So the position is we have Briars investigators going to  
10:21:48 28 speak with Ms Gobbo in January of 2008 and then Petra  
10:21:52 29 investigators going to speak with Ms Gobbo in February and  
10:21:55 30 March of 2008 and you say none of those investigators told  
10:21:59 31 you a thing about it?---Yes, that's my evidence.  
32

10:22:12 33 In paragraph 84 of your statement you're referring to a  
10:22:20 34 period of time in which Ms Gobbo had transitioned from  
10:22:24 35 being a source to a witness; is that right?---No, I'm not  
10:22:28 36 talking about that.  
37

10:22:29 38 Well, you're referring to returning from leave as at 22  
10:22:34 39 January - - - ?---So, Ms Tittensor, to be clear, I never  
10:22:41 40 regarded Nicola Gobbo as a source in the Petra inquiry.  
10:22:47 41 She was a person of interest who subsequently became a  
10:22:51 42 witness after she was spoken to by our investigators in  
10:22:56 43 November of the previous year and agreed to provide us with  
10:23:00 44 a statement.  
45

10:23:01 46 All right. But as we understand things now, as you  
10:23:06 47 understand things now, she was a source prior to



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10:23:09 1 that?---Well my understanding over the course of the Petra  
10:23:11 2 investigation was that she was a person of interest, not a  
10:23:14 3 source. My understanding of her status in the Briars  
10:23:19 4 investigation, in phase two of that investigation, was  
10:23:26 5 that, yes, she had provided us with information as a human  
10:23:32 6 source on an earlier occasion.  
7  
10:23:34 8 You know now that prior to her signing those statements she  
10:23:39 9 was a source for Victoria Police, a registered human  
10:23:42 10 source?---I know that now.  
11  
10:23:43 12 Right. Now you say at that period of time you returned  
10:23:50 13 from leave on 22 January 2009 to find that Ms Gobbo had  
10:23:56 14 signed a statement?---Yes.  
15  
10:23:59 16 Were you told anything about the process that occurred for  
10:24:07 17 her to come to sign that statement?---No.  
18  
10:24:12 19 When did you go on leave?---I went on leave I think the end  
10:24:15 20 of December.  
21  
10:24:17 22 Do you know what date?---I can't recall, I can't recall the  
10:24:22 23 date but it was towards the end of December.  
24  
10:24:28 25 After Christmas?---I can't recall.  
26  
10:24:32 27 Do you know if before you'd gone on leave there'd been  
10:24:35 28 moves made or there were moves happening to get the  
10:24:39 29 statement from Carl Williams?---Yes.  
30  
10:24:45 31 Do you know, following upon the taking of the statement  
10:24:48 32 from Carl Williams, that they were taking the statement  
10:24:50 33 from Ms Gobbo?---I understood both of those events were  
10:24:55 34 occurring or were planned to occur about that time.  
35  
10:24:58 36 So you knew that there was a statement in the wind for  
10:25:01 37 Ms Gobbo?---Yes.  
38  
10:25:03 39 Did you know at that stage that there were any issues in  
10:25:06 40 the background or resistance to that course?---No.  
41  
10:25:11 42 None of that was made clear to you?---No.  
43  
10:25:14 44 None of that was raised with you at any time?---No.  
45  
10:25:28 46 At that point in time what was your understanding of  
10:25:30 47 Mr Moloney's involvement in Petra and Briars?---I think

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10:25:36 1 from - so let's be clear, at what time are you talking  
10:25:39 2 about?  
3  
10:25:40 4 The end of 2008?---I think at that time Mr Moloney was -  
10:25:45 5 was he the Assistant Commissioner of Crime?  
6  
10:25:47 7 Yes?---Yep.  
8  
10:25:49 9 So what was his involvement? Had he joined the management  
10:25:52 10 committees?---Yes.  
11  
10:25:55 12 Was he having some involvement in those processes, in  
10:25:59 13 obtaining those statements?---Yes, but I wouldn't have  
10:26:06 14 thought directly because the Briars and Petra Task Forces  
10:26:11 15 were not reporting to him.  
16  
10:26:14 17 In terms of the operations of those management committees,  
10:26:19 18 were they open processes where people were free to discuss  
10:26:22 19 issues?---Yes.  
20  
10:26:23 21 Did you ever get the feeling that things were being held  
10:26:25 22 back?---No.  
23  
10:26:30 24 If there were serious issues going on in the background  
10:26:34 25 that some members on the committee were well aware of and  
10:26:37 26 you weren't told about, what would you say about  
10:26:42 27 that?---Well I don't know what you mean by "serious  
10:26:45 28 issues".  
29  
10:26:46 30 Well if there's some debate going on about the problems  
10:26:49 31 with transitioning a human source, such as Ms Gobbo, to a  
10:26:54 32 witness and various members of the committee knew about  
10:26:58 33 that and are having that debate between themselves and it  
10:27:03 34 wasn't raised with you, what does that say to you?---Well  
10:27:08 35 I'd regard that as a serious matter and it would certainly  
10:27:13 36 be a matter that I would have had an interest in.  
37  
10:27:21 38 COMMISSIONER: So what was the serious matter,  
10:27:23 39 transitioning or not telling you?---Well, the transitioning  
10:27:28 40 issue, if there were concerns or issues about transitioning  
10:27:34 41 what some were describing now as a human source to being a  
10:27:39 42 witness, well that's a serious matter, and I would have  
10:27:43 43 expected to have been made aware of it.  
44  
10:27:45 45 Thank you.  
10:27:46 46  
10:27:46 47 MS TITTENSOR: You'd want a serious risk assessment done,

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10:27:48 1 wouldn't you?---Yes.  
2  
10:27:52 3 And there are various risks that are accounted for in any  
10:27:55 4 risk assessment?---Yes.  
5  
10:27:56 6 The risk to the source themselves?---Yes.  
7  
10:27:59 8 And the risk to the organisation?---Yes.  
9  
10:28:11 10 At paragraph 97 of your statement you're dealing with the  
10:28:16 11 second phase of Briars. Briars had wound up for a time at  
10:28:23 12 the end of 2008 and had got some new beginnings in early  
10:28:30 13 2009; is that right?---Yes.  
14  
10:28:35 15 A fresh witness, not Ms Gobbo, but someone else potentially  
10:28:41 16 became available?---Yes. From about - that individual was  
10:28:48 17 identified to us as being available and potentially  
10:28:51 18 providing us a statement, if memory serves, from about  
10:28:55 19 mid-March.  
20  
10:28:56 21 And then came the idea that Ms Gobbo was a witness for  
10:29:00 22 Petra, so now she might be a witness for Briars?---No, I  
10:29:05 23 wouldn't put it in those terms. My recollection was that  
10:29:11 24 Ms Gobbo was identified potentially as a witness to me by  
10:29:17 25 Mr Waddell, because Mr Waddell, upon the resumption of the  
10:29:26 26 Briars Task Force, for the phase two Task Force, undertook  
10:29:29 27 a case review, a review of the earlier investigation, and  
10:29:33 28 in the course of that identified that Gobbo may be a  
10:29:38 29 potential witness.  
30  
10:29:40 31 He knew that very well because he and Mr Iddles had been to  
10:29:44 32 visit her back in January of 2008. She was always a  
10:29:47 33 potential witness if that was the case?---Well he may well  
10:29:49 34 have known that very well but the first time I became aware  
10:29:53 35 of that was when Mr Waddell shared that information with me  
10:29:57 36 in March 2009.  
37  
10:29:59 38 And what did you say when you found that out?---Well I was  
10:30:03 39 surprised.  
40  
10:30:05 41 How did you react?---Well I wanted Mr Waddell to, within  
10:30:14 42 the context of the case review, clearly identify for me  
10:30:20 43 what evidence Ms Gobbo might provide so that that might be  
10:30:25 44 considered by the re-established Briars Task Force.  
45  
10:30:29 46 Did you say, "How on earth was I not aware of this a year  
10:30:35 47 ago"?---I can't recall that, saying that to Mr Waddell.

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1  
10:30:38 2 Did you say, "How long have you known she was a source  
10:30:43 3 for"?---Yeah, I don't recall having that conversation with  
10:30:48 4 Mr Waddell.  
5  
10:30:49 6 Did you have that conversation with anyone?---Well, yes, I  
10:30:52 7 did because ultimately when the nature of the evidence that  
10:30:59 8 Ms Gobbo indicated she was prepared to provide to us  
10:31:03 9 following the Briars investigators meeting with her in May,  
10:31:07 10 it was apparent at that point that there were some  
10:31:10 11 questions, both about the quality of her recollection, but  
10:31:16 12 also about whether or not her evidence might disclose or  
10:31:23 13 might raise an issue about legal professional privilege.  
14  
10:31:29 15 Let's just get back to when you first find out she's a  
10:31:33 16 human source. That would have come as some surprise to  
10:31:36 17 you?---Yes, but it emerged over the course of that period  
10:31:40 18 from 16 March into April because when she was first flagged  
10:31:47 19 with me it wasn't immediately apparent to me that she was a  
10:31:50 20 source. She was being discussed with me as a witness.  
21  
10:31:53 22 Well at some point it did become apparent to you and did  
10:31:57 23 you start asking questions, "Who else knows? What is she a  
10:32:01 24 source for? Who has she been providing information  
10:32:04 25 about"?---Well I understood at that stage, and that was  
10:32:08 26 also based on advice that Mr Waddell had given me, that she  
10:32:14 27 had been a source in relation to the Briars related  
10:32:18 28 matters.  
29  
10:32:19 30 He gave you to understand that her, the limit of her  
10:32:25 31 providing information or assistance to Victoria Police was  
10:32:27 32 just Briars?---Yes.  
33  
10:32:30 34 You already knew that she had been assisting police in  
10:32:34 35 relation to Dale in relation to Petra?---Yes, as a witness.  
36  
10:32:40 37 Did it give you any cause for concern that maybe she'd been  
10:32:43 38 providing other information in relation to that  
10:32:45 39 investigation?---No, not at that stage because I had -  
10:32:49 40 there was no information disclosed to me by Waddell, either  
10:32:53 41 in his conversations with me or indeed in his email  
10:32:57 42 communications to me, that what she was giving evidence  
10:33:01 43 about was in relation to anything other than the Briars  
10:33:05 44 matter.  
45  
10:33:06 46 But isn't that just a natural question, what else, what  
10:33:09 47 else is there? She's been signed up by Victoria Police, a

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10:33:13 1 criminal defence barrister, as a source. You knew that she  
10:33:16 2 was being handled by the - had been handled by the Source  
10:33:20 3 Development Unit?---I knew that she'd been - well I  
10:33:23 4 presumed that she was being handled by the Human Source  
10:33:28 5 Unit because of the reference to her as 3838.  
6  
10:33:31 7 Yes?---And my recollection, based on what I knew from the  
10:33:35 8 phase one investigation in relation to 3838, that that  
10:33:40 9 person was being handled by a senior member in the Human  
10:33:48 10 Source Management Unit.  
11  
10:33:48 12 By that you know she was being handled by the Source  
10:33:52 13 Development Unit?---Yes.  
14  
10:33:56 15 That Unit handles the most high value, high risk sources  
10:34:00 16 known to Victoria Police?---Yes, it does.  
17  
10:34:03 18 Did you say, "Well when was she signed up"?---No, I didn't  
10:34:09 19 ask that question because I presumed that based on the  
10:34:12 20 information I had to hand that it was in relation to the  
10:34:14 21 Briars matter.  
22  
10:34:15 23 So you just made that assumption, you didn't say, "Well  
10:34:20 24 there's a risk here for Victoria Police. I need to know a  
10:34:25 25 bit more. This has been going on under my nose for almost  
10:34:30 26 a year and all of a sudden I'm finding this out. What else  
10:34:33 27 is there"?---Well indeed those questions were asked and it  
10:34:35 28 led to me, on Steve Waddell's request, seeking access to  
10:34:39 29 the SDU tapes and logs that would have been kept in  
10:34:43 30 relation to their dealings with her.  
31  
10:34:45 32 Well, we'll come to that. But ultimately all that was  
10:34:49 33 requested was specific information related to Briars, it  
10:34:52 34 wasn't all of the information that was requested, was  
10:34:55 35 it?---Well it only related to Briars because that's what I  
10:34:58 36 understood she'd been giving us information about.  
37  
10:35:03 38 There would have been no need to limit the request to  
10:35:06 39 specific topics to the SDU, would there, if that's all the  
10:35:09 40 information? You would have just requested, "We want to  
10:35:14 41 see all the information, please"?---Well I had no reason to  
10:35:18 42 believe that there was any other information.  
43  
10:35:20 44 All right. Your earlier evidence was that you would have,  
10:35:31 45 back in 2006, found it extraordinary for a barrister to be  
10:35:36 46 a human source?---Yes.  
47

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10:35:38 1 And you would have started appropriate - you would have  
10:35:41 2 started inquiries?--Well I would have asked questions.  
3  
10:35:45 4 Now who you have asked questions of?---Well I would have  
10:35:49 5 asked those questions both of Rod Wilson, but I would have  
10:35:54 6 also asked those questions of my colleagues who were  
10:36:00 7 responsible for running the Human Source Unit.  
8  
10:36:04 9 So who at the Human Source Unit did you speak to?--When?  
10  
10:36:11 11 Well, you learned this in March or April of 2009, that  
10:36:15 12 Ms Gobbo was a human source. Apparently she was a human  
10:36:20 13 source back in January, at least, of 2008?---So I spoke to  
10:36:25 14 both, Rod Journing and also to Danny Moloney.  
15  
10:36:28 16 Immediately?---That was upon Mr Waddell sending me through  
10:36:32 17 the email setting out what he was seeking from the SDU.  
18  
10:36:36 19 That was months later after he and Mr Iddles had come back  
10:36:41 20 from Bali and they were seeking further information from  
10:36:44 21 the SDU; is that right?---I was aware that they had asked  
10:36:47 22 for access to the tapes and that it had been denied to  
10:36:50 23 them.  
24  
10:36:50 25 There was some resistance from the SDU?---Yes.  
26  
10:36:54 27 That's months later?---Yes.  
28  
10:36:56 29 What happened March/April 2009 when you find out this  
10:37:00 30 extraordinary situation, that a criminal defence barrister  
10:37:05 31 is a human source?---In March and April I still didn't know  
10:37:08 32 what it was that she might be giving evidence about because  
10:37:11 33 what had been indicated to me at that point was that the  
10:37:15 34 Briars investigators had a desire to speak with her and so  
10:37:21 35 arrangements were made to do so ultimately in May. I did  
10:37:26 36 not understand the detail, the tenor, or the content of  
10:37:32 37 what evidence she was proposing to provide until after  
10:37:36 38 those Briars investigators had spoken to her in May.  
39  
10:37:39 40 Based on your earlier evidence you would have wanted to  
10:37:42 41 understand what the risks were, what the parameters were in  
10:37:48 42 Victoria Police signing up this defence barrister as a  
10:37:50 43 human source, you said that earlier?---Yes, but I - at that  
10:37:55 44 stage I didn't have any basis upon which to scope out those  
10:37:59 45 concerns. That would only become apparent to me after the  
10:38:03 46 investigators had spoken to her.  
47



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10:38:06 1 No, you learn in March or April of 2009 a defence barrister  
10:38:11 2 is a human source. You are the Assistant Commissioner of  
10:38:15 3 the ESD?---Yes.

4  
10:38:16 5 And you've already indicated, "I would have made inquiries  
10:38:21 6 about the appropriateness of that straight away"?---And my  
10:38:24 7 understanding at that time was that the information, the  
10:38:28 8 extent of the information that she had provided to us was  
10:38:31 9 solely in relation to Briars.

10  
10:38:33 11 At a time when she'd also just signed a statement in  
10:38:36 12 relation to the Paul Dale matter, you knew that?---Well I  
10:38:40 13 knew she'd signed a statement in relation to Paul Dale and  
10:38:44 14 that was in relation to some very specific avenues of  
10:38:48 15 inquiry that we'd pursued in relation to her over the  
10:38:51 16 course of the Petra investigation.

17  
10:38:56 18 Did you make any inquiries at that stage whatsoever to find  
10:38:59 19 out if that was the limit to her informing to Victoria  
10:39:03 20 Police?---No, because I had no basis upon which to believe  
10:39:07 21 that she'd been providing information to us about other  
10:39:10 22 matters.

23  
10:39:10 24 You don't have an inquiring mind, "I just want to check the  
10:39:17 25 risks associated with what's going"?---Well as I understood  
10:39:20 26 it the risks related only to the information that was in  
10:39:23 27 front of me, and that was that she'd provided earlier  
10:39:26 28 information to us as a human source in relation to the  
10:39:28 29 Briars investigation.

30  
10:39:36 31 You say at paragraph 61 of your statement that once a human  
10:39:40 32 source becomes a witness it would be entirely orthodox to  
10:39:43 33 disclose their use as an informer?---Yes.

34  
10:39:46 35 So do you say, "Well, at that point in time I knew we were  
10:39:51 36 going to have to disclose her use as an informer to  
10:39:54 37 Mr Dale"?---Yes.

38  
10:39:56 39 Did you take any advice on that at that point in time, in  
10:39:59 40 March or April of 2009?---What advice might I have sought?

41  
10:40:06 42 Well, what's the risk here to our Dale prosecution or to  
10:40:10 43 Ms Gobbo if we now have to disclose she's been a human  
10:40:13 44 source for Victoria Police in relation to other police  
10:40:18 45 members or former police members?---Well, we disclosed  
10:40:22 46 Ms Gobbo as both a witness, and we also disclosed the  
10:40:28 47 information about a tape recording she'd made of a

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10:40:33 1 conversation with - - -  
2  
10:40:34 3 There was no disclosure about her being a human source, was  
10:40:37 4 there?---Well at that stage. At that stage in relation to  
10:40:42 5 Dale's arrest and his bail hearing, that predated the point  
10:40:48 6 in time at which I became aware that she was a source in  
10:40:51 7 relation to Briars.  
8  
10:40:53 9 Were you aware that the intention for Petra was to never  
10:40:57 10 disclose her status as a human source?---That's certainly  
10:41:04 11 not my awareness or understanding. The bottom line is that  
10:41:10 12 we were under a positive obligation to disclose all matters  
10:41:15 13 relevant to Ms Gobbo.  
14  
10:41:22 15 Did you say to yourself at that point in time, "Look, it's  
10:41:26 16 apparent to me now that Victoria Police have signed up a  
10:41:28 17 criminal defence barrister as a human source. We need to  
10:41:31 18 understand if there's not just any risk associated with  
10:41:35 19 this signing up, but what if they've done it before, what  
10:41:39 20 if there are other lawyers on the books? We need to  
10:41:42 21 understand the risk here". Did you do anything like  
10:41:44 22 that?---No, those considerations weren't raised with me or  
10:41:51 23 considered by me.  
24  
10:41:53 25 Did you have any discussions with the OPI to say, "Look, we  
10:41:57 26 might have some risk here, you might need to look at these  
10:42:00 27 matters"?---Well OPI were aware of the same information  
10:42:07 28 that I was insofar as they had access to and were attending  
10:42:12 29 both the Briars and the Petra IMCs.  
30  
10:42:16 31 Did you discuss it with anyone from the OPI, that, "We've  
10:42:20 32 got a human source on the books - we've got a lawyer on the  
10:42:23 33 books"?---I didn't have discussions in relation to Briars  
10:42:27 34 or Petra with people outside of the IMC meetings.  
35  
10:42:32 36 Mr Ashton and Mr Nolan attended some of those IMC meetings.  
10:42:37 37 Did you discuss it with either of those two men?---Well  
10:42:40 38 they were aware of these developments as much as I was.  
39  
10:42:45 40 Well, did you discuss it with them, that there are risks  
10:42:48 41 associated with this?---Well I certainly recall within the  
10:42:51 42 context of the Petra matters that we had a very clear and  
10:43:01 43 shared understanding about our obligations in relation to  
10:43:04 44 disclosure for that matter. In relation to Briars, well,  
10:43:10 45 there was no consideration from my perspective of any  
10:43:15 46 concerns being raised with me in relation to phase one of  
10:43:19 47 the Briars investigation. In relation to phase two of the



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10:43:22 1 Briars investigation, we certainly considered the issues  
10:43:30 2 pertaining to Ms Gobbo once it became apparent to us that  
10:43:34 3 she was a provider of information in the guise of 3838.  
10:43:40 4 But as I say, that wasn't apparent to me until 2009.  
5  
10:43:49 6 In 2009 you find out this extraordinary circumstance that  
10:43:53 7 we've got a criminal defence barrister as a human source.  
10:43:58 8 You're learning the same information as Mr Ashton you  
10:44:02 9 say?---Yes.  
10  
10:44:02 11 So Mr Ashton was aware of it at this point of time?---Yes.  
12  
10:44:06 13 He and his organisation have obligations in relation to the  
10:44:09 14 independent oversight of Victoria Police?---Yes.  
15  
10:44:11 16 One of the major issues, major organisational issues facing  
10:44:16 17 Victoria Police was human source management. It had gone  
10:44:21 18 very wrong in the past?---Yes, yes.  
19  
10:44:23 20 It was the subject of numerous inquiries by the OPI and  
10:44:28 21 before that, human source management?---Yes.  
22  
10:44:32 23 In 2006 into 2007 there was another OPI inquiry called  
10:44:37 24 Operation Eagle, you're aware of that one?---I don't recall  
10:44:41 25 Operation Eagle.  
26  
10:44:44 27 Well, you're aware that the OPI had ongoing concerned with  
10:44:49 28 human source management within Victoria Police because of  
10:44:51 29 the risk associated with it?---Yes.  
30  
10:44:56 31 Was there any discussion with you and Mr Ashton along the  
10:45:00 32 lines of, "Well now we know there's a lawyer on the books,  
10:45:03 33 a human source, we need to look into this"?---No.  
34  
10:45:09 35 Was there anything to say, "We need to have a look at the  
10:45:13 36 SDU to ensure that they've got any, they've got rigorous  
10:45:19 37 oversight, that they've got appropriate boundaries in  
10:45:22 38 relation to such matters"?---That was certainly the case in  
10:45:24 39 response to Waddell's request to me, that I escalate his  
10:45:29 40 request for access to the SDU tapes.  
41  
10:45:31 42 No, no, no, I'm talking about oversight of the SDU to say,  
10:45:36 43 "Are you sure you've got appropriate mechanisms in place to  
10:45:40 44 assess the risks here?" You're just simply trying to pull  
10:45:44 45 the information out of the SDU. The question is should  
10:45:48 46 they have that information?---Yeah, well, I needed to pull  
10:45:52 47 that information out of the SDU so that I would then be

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10:45:55 1 able to make an assessment.  
2  
10:45:57 3 Once you'd got - we'll come back to it. The answer is that  
10:46:03 4 you never instituted any inquiries to check what the  
10:46:08 5 situation was with the SDU?---No, I didn't.  
6  
10:46:14 7 Did you ever contact the officer-in-charge of the SDU and  
10:46:18 8 say, "What's going on"?---No, I didn't.  
9  
10:46:21 10 The Inspector in charge of the SDU and say, "What's going  
10:46:24 11 on"?---No.  
12  
10:46:25 13 You're aware that they were desperately trying to get the  
10:46:28 14 message across to you during that period of time, "Do not  
10:46:31 15 sign her up"?---No, I wasn't aware of that.  
16  
10:46:34 17 That totally went over your head, did it?---It was never  
10:46:38 18 raised with me.  
19  
10:46:53 20 You've indicated that you're aware that Ms Gobbo had some  
10:46:57 21 association with Mr Shields; is that right?---Yes.  
22  
10:47:03 23 The source management log - do you know what the source  
10:47:08 24 management log is?---Yes, but I've never seen one.  
25  
10:47:11 26 You've seen it for the purposes of this inquiry?---No.  
27  
10:47:15 28 Perhaps we can put up the source management log p.8,  
10:47:19 29 please. Did you have someone working at the SDU for you by  
10:47:24 30 the name of Inspector Feltham?---No, I can't remember that.  
31  
10:47:29 32 This is, I think, shortly prior to you commencing at the  
10:47:35 33 SDU - sorry, at the Ethical Standards Department but  
10:47:39 34 there's some indication there, you'll see on 2 December of  
10:47:43 35 2005, that Acting Superintendent Cowlshaw, who was the  
10:47:52 36 officer-in-charge of the SDU at that time, has indicated to  
10:47:58 37 the controller at the SDU that Inspector Feltham of ESD - -  
10:48:02 38 - ?---Look, I'm sorry, I do know Inspector Carl Feltham,  
10:48:07 39 that's how you pronounce his name.  
40  
10:48:10 41 Sorry?---Inspector Carl Feltham certainly worked at ESD.  
42  
10:48:17 43 Yes. Now it's apparent that at around about this time  
10:48:20 44 Mr Feltham is wanting a background check done in relation  
10:48:23 45 to Ms Gobbo's relationship with Mr Shields and Acting  
10:48:34 46 Superintendent Cowlshaw has told him not to investigate  
10:48:36 47 her and as a consequence there's some concern that Feltham

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10:48:42 1 might realise that she's a human source. Now is that any -  
10:48:48 2 do you recall any of that information being passed on to  
10:48:51 3 you at any stage?---No.  
4

10:49:03 5 You've indicated that you had some knowledge in relation to  
10:49:08 6 the death of the Hodsons, is that right, that was one of  
10:49:14 7 the investigation files that you would have  
10:49:18 8 inherited?---Well the investigation of the Hodsons was  
10:49:21 9 being investigated in Crime Department, it wasn't an ESD  
10:49:27 10 investigation.  
11

10:49:28 12 All right. If you can just quickly put up the document,  
10:49:36 13 it's an OPI running sheet, IBAC.0008.0001.0132 at p.12.  
10:49:48 14 You'll see here this is an OPI running sheet, that the OPI  
10:49:53 15 have received the ESD file from yourself in relation to the  
10:49:59 16 matter and it's the ESD file in relation to the concerns  
10:50:02 17 regarding the death of Terrence and Christine  
10:50:06 18 Hodson?---Yes.  
19

10:50:06 20 Do you see that? That appears to have been a file that  
10:50:14 21 you've had?---Well that file may well have been an  
10:50:18 22 oversight file. It was the practice of ESD in relation to  
10:50:23 23 police related deaths to maintain an oversight arrangement  
10:50:30 24 or role in relation to the conduct of homicide  
10:50:35 25 investigations being conducted in Crime Department. I  
10:50:39 26 can't remember, based on that ESD file number, specifically  
10:50:42 27 what it related to but I'm assuming here that that was an  
10:50:46 28 oversight file.  
29

10:50:53 30 It's a running sheet dated 19 May 2006 but referring to a  
10:50:57 31 report from Assistant Commissioner Walshe to the ESD  
10:51:04 32 Assistant Commissioner Cornelius dated 29 December 2005.  
10:51:15 33 Now would you expect that file to have contained material  
10:51:18 34 related to the death of the Hodsons obviously?---Well I  
10:51:25 35 don't know. I mean just reading that entry, if indeed a  
10:51:30 36 request had been made for us to make an approach to OPI to  
10:51:35 37 access their hearing powers, then, yes, ordinarily those  
10:51:42 38 requests were managed through ESD. There was, while I was  
10:51:45 39 at ESD, a particular office within ESD that was responsible  
10:51:50 40 for liaison with the Office of Police Integrity and so any  
10:51:55 41 requests from investigators for OPI to consider using their  
10:52:00 42 hearing powers would have been coordinated through that  
10:52:03 43 office.  
44

10:52:04 45 This is a report - do you know where Assistant Commissioner  
10:52:09 46 Walshe was located at that stage?---I'm not sure. I  
10:52:18 47 thought - so from memory, I mean I took over from Assistant

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10:52:26 1 Commissioner Walshe on my promotion to ESD.  
2  
10:52:29 3 That might explain it?---I'm trying to remember where  
10:52:31 4 Assistant Commissioner Walshe was at that time.  
5  
10:52:34 6 It might be a hand-over because it's around about the time  
10:52:37 7 you're starting at ESD?---Yes.  
8  
10:52:40 9 And it indicates that Victoria Police are attempting to  
10:52:45 10 have coercive hearings of a number of suspects; is that  
10:52:49 11 right?---I can see that.  
12  
10:52:50 13 And the report lists persons of interest and viable  
10:52:54 14 suspects in that regard?---Yes.  
15  
10:52:59 16 You might - were you aware or did you become aware at some  
10:53:03 17 stage that Ms Gobbo had been interviewed by Homicide,  
10:53:09 18 Mr Davey and Mr Bezzina, back in July of 2004?---No, I'm  
10:53:13 19 not aware of that.  
20  
10:53:16 21 Do you expect that she might have been on that list of  
10:53:19 22 persons of interest or viable suspects?---I don't know.  
23  
10:53:28 24 You might expect that someone like Azzam Ahmed would have  
10:53:32 25 been on that list?---I don't know.  
26  
10:53:41 27 You're aware of Operation Khadi?---Yes.  
28  
10:53:46 29 Those are the allegations related to members at the  
10:53:50 30 [REDACTED] police station?---Yes.  
31  
10:53:52 32 One of which was Mr Shields?---Yes.  
33  
10:53:55 34 You say in your statement in February and March you were  
10:53:58 35 involved in the finalisation of a s.68 notice for  
10:54:01 36 him?---Yes.  
37  
10:54:01 38 And that's a notice of a proposed dismissal?---Yes.  
39  
10:54:04 40 Now a number of the grounds for his proposed dismissal  
10:54:07 41 featured Ms Gobbo?---Yes.  
42  
10:54:10 43 One being his having an inappropriate relationship with  
10:54:13 44 her?---Yes.  
45  
10:54:15 46 Her arranging free tickets for the races?---Yes.  
47



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10:54:19 1 And giving him lessons for a law course?---Yes.  
2  
10:54:26 3 We understand that on or around 24 March Mr Wilson served  
10:54:30 4 that notice on Mr Shields and I take it he would have  
10:54:36 5 reported that to you?---Yes.  
6  
10:54:39 7 Ms Gobbo reported to her handlers about having seen  
10:54:44 8 Mr Shields at that particular point in time and discussed  
10:54:49 9 with her handlers what she thought that was all about. She  
10:54:53 10 refers to someone having made a complaint about him. He'd  
10:54:58 11 called her that morning, having been suspended, and she  
10:55:03 12 believed it all went back to his having a problem with a  
10:55:06 13 particular member at PII [REDACTED] that had arrested a client of  
10:55:10 14 hers called Azzam Ahmed. You remember the association of  
10:55:14 15 that particular member who arrested Mr Ahmed, we're not  
10:55:21 16 mentioning his - we're calling him [REDACTED]?---I certainly  
10:55:23 17 remember those details being set out in the notice.  
18  
10:55:30 19 Ms Gobbo told her handlers that she didn't like that  
10:55:33 20 particular member because he'd put her name and details in  
10:55:38 21 the hand-up brief. In fact I think a water bill of hers  
10:55:44 22 had been found in Mr Ahmed's car at the time of his arrest  
10:55:48 23 and that had been included in the hand-up brief. Were you  
10:55:50 24 aware of that?---No, I'm not aware of that.  
25  
10:55:54 26 Ms Gobbo told her handlers that Mr Ahmed, her client, had  
10:55:58 27 alleged a theft by the member but he'd chosen not to report  
10:56:02 28 the matter. Now, Operation Khadi was also examining that  
10:56:11 29 allegation; is that right?---Yeah, look, I can't remember  
10:56:15 30 the precise details of Khadi other than recalling that it  
10:56:20 31 related to allegations of misconduct involving members at  
10:56:25 32 [REDACTED] police station. I do have a recollection that it  
10:56:27 33 was looking at the disappearance, for want of a better  
10:56:31 34 description, of moneys connected to when a person was  
10:56:34 35 arrested or the subject of a search warrant. But I can't  
10:56:39 36 remember the precise details of it.  
37  
10:56:43 38 Now you're aware or you would have become aware that there  
10:56:47 39 was an allegation of theft of money from the same person by  
10:56:50 40 others at the Dublin Street burglary in Operation  
10:56:57 41 Gallop?---I've got a general recollection of it but I can't  
10:57:00 42 recall the specifics.  
43  
10:57:03 44 An allegation of something in the order of \$700,000 or  
10:57:07 45 \$900,000 being stolen around that time?---Yeah, I recall  
10:57:11 46 that being about the sum, yes.  
47

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10:57:20 1 Did you become aware that Mr Wilson and Ms Gobbo, some days  
10:57:26 2 after the service of the s.68 notice, both ended up in the  
10:57:34 3 same corporate box at an AFL match?---No.  
4  
10:57:38 5 Not something that was reported to you at the time?---No.  
6  
10:57:42 7 That Mr Wilson was there at the invitation of journalist  
10:57:47 8 John Sylvester?---No.  
9  
10:57:50 10 And that there was apparently some conversation about  
10:57:54 11 Mr Shields between Mr Wilson and Ms Gobbo at that  
10:57:58 12 time?---No, I can't recall that.  
13  
10:58:08 14 In about, or by about June of 2006 there was some seeking  
10:58:15 15 of the assistance of the OPI in relation to Operation  
10:58:18 16 Khadi, you understand that?---That may be the case but, as  
10:58:23 17 I say, I can't, I can't recall the details of it.  
18  
10:58:28 19 That the ESD wanted to use the compulsory questioning  
10:58:31 20 powers offered by the OPI, including in relation to  
10:58:35 21 Ms Gobbo?---That may well have been the case. We would, on  
10:58:41 22 occasion, ask OPI for assistance in that nature.  
23  
10:58:49 24 Mr Wilson's diary, and I can open it up and take you to it  
10:58:55 25 if we need to, but he indicates that he sends an Operation  
10:58:59 26 Khadi brief to you for sign off and then later on that day  
10:59:02 27 there's a joint agency agreement signed off as between the  
10:59:05 28 OPI and the ESD and perhaps I'll bring the joint agency  
10:59:09 29 agreement - there first of all is Mr Wilson's diary anyway.  
10:59:15 30 Do you see there he sends the brief to you for sign  
10:59:19 31 off?---Yes.  
32  
10:59:20 33 And then it goes to Inspector Attrill?---Yes.  
34  
10:59:23 35 And then later on there's reference to the agency agreement  
10:59:25 36 being signed off?---Yes.  
37  
10:59:28 38 This is 5 June 2006. Then if we go to the joint agency  
10:59:35 39 agreement. VPL.0005.0147.0063. If we go to the final page  
10:59:59 40 you'll see signatures. This is an agreement signed as  
11:00:08 41 between yourself and Mr Ashton?---Yes.  
42  
11:00:12 43 Do you see that?---Yes.  
44  
11:00:13 45 If we go back to the first page, it gives an outline of  
11:00:16 46 what it's all about. There's the arrest of [REDACTED] on 16  
11:00:23 47 August, do you see that? Sorry, the arrest of - - -

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1  
2 COMMISSIONER: Just a minute, just a minute, please. Yes,  
11:00:35 3 Mr Holt.  
11:00:35 4  
11:00:37 5 MR HOLT: I wonder if we could just not zoom in on this.  
11:00:41 6 It's readable at the Bar table but it makes it, once it's  
7 bigger it can probably be read in the public gallery and it  
11:00:47 8 has names that non-publications have been made in respect  
11:00:47 9 of.  
10  
11:00:48 11 COMMISSIONER: All right then. Yes, so just keep it small  
11:00:51 12 and we'll all squint.  
11:00:54 13  
14 MR HOLT: I think that's the best way.  
15  
16 COMMISSIONER: That's okay.  
17  
11:00:55 18 MR HOLT: Thanks Commissioner.  
19  
11:00:56 20 COMMISSIONER: Yes, sorry I interrupted the questioning but  
11:00:58 21 we couldn't all talk at once.  
11:01:00 22  
11:01:01 23 MS TITTENSOR: It's the arrest of Mr Ahmed by ██████████ in  
11:01:04 24 the first paragraph there?---Sorry, who's ██████████?  
25  
11:01:11 26 COMMISSIONER: He can be given Exhibit 81 and we'll have a  
11:01:16 27 look. What number is it? Number 12B. If you have a look  
11:01:34 28 at 12B on the list you'll see ██████████'s real name.  
11:01:44 29  
11:01:44 30 WITNESS: Yes, I see that.  
31  
11:01:46 32 COMMISSIONER: Thank you.  
11:01:46 33  
11:01:47 34 MS TITTENSOR: There's an arrest by ██████████ of Mr Ahmed on 16  
11:01:51 35 August 2004. If we have a look in the third paragraph  
11:02:05 36 there's a reference to Ms Gobbo who is representing  
11:02:08 37 Mr Ahmed and an approach to ██████████ by David Waters and  
11:02:16 38 Peter Alexander - sorry, no, Mr Campbell, sorry?---Are you  
11:02:24 39 talking about paragraph 1.3?  
40  
11:02:26 41 Yes?---Yes, I've read that paragraph.  
42  
11:02:28 43 Making a comment about Ms Gobbo doing ██████████ a favour and  
11:02:32 44 you understand that was related to apparently her not  
11:02:35 45 bringing up the theft allegation in court, do you  
11:02:41 46 understand that?---Yes.  
47

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CORNELIUS XXN



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11:02:45 1 There's reference there to the money from Ahmed belonging  
11:02:48 2 to Mr Mokbel, who was unhappy about it?---You're referring  
11:02:56 3 to paragraph 1.4?  
4  
11:02:59 5 Yes?---Yes, I can see that.  
6  
11:03:05 7 The nature of the investigation was in relation to an  
11:03:08 8 attempt to pervert the course of justice?---Yes.  
9  
11:03:11 10 And there was joint investigators, Mr Wilson from the ESD  
11:03:17 11 and Mr Kapetanovski from the OPI?---Yes.  
12  
11:03:23 13 If we scroll up. They're responsible for the overall  
11:03:32 14 conduct of the matter. If we keep on going. Keep on  
11:03:44 15 going. Ultimately I think it says, if we keep going, that  
11:03:52 16 they are to report to the senior management of their  
11:03:55 17 agencies, and I take it that meant you and Mr Ashton?  
11:03:59 18 You'll see there at 8.1?---Yes.  
19  
11:04:12 20 You would have been aware at this stage of Mr Ahmed's  
11:04:16 21 relevance to the Hodson investigation as well, would you  
11:04:20 22 have?---No.  
23  
11:04:22 24 No. Something you would have been unaware of at that  
11:04:27 25 stage?---I don't recall being aware of any connection  
11:04:29 26 between Ahmed and the Hodsons at that stage.  
27  
11:04:37 28 The evidence before the Commission indicates that on the  
11:04:40 29 same day, 5 June, there was an Inspector Wilson, a  
11:04:45 30 different Wilson, at the SPU that was contacted by  
11:04:51 31 Superintendent Masters from the ESD, do you recall Phil  
11:04:55 32 Masters at the ESD?---Yeah, Phil Masters ran our special  
11:05:00 33 projects area in ESD.  
34  
11:05:05 35 One of his equivalents, or one of the other special  
11:05:13 36 projects or in the actual Special Projects Units was  
11:05:16 37 Mr Wilson. Do you know Mr Wilson?---Yes, yes.  
38  
11:05:19 39 The evidence before the Commission indicates that Mr Wilson  
11:05:21 40 was contacted by Mr Masters in relation to Ms Gobbo,  
11:05:29 41 putting some telephone intercepts on in relation to  
11:05:31 42 Ms Gobbo on the same day, and it's apparent from an entry  
11:05:38 43 of Mr White, the controller at the SDU later on, that the  
11:05:42 44 reason that he was seeking to do that was because what was  
11:05:48 45 wanting to be - sorry, what they wanted to do was summons  
11:05:52 46 Ms Gobbo to the OPI and see what happened on her phone, you  
11:05:55 47 understand that?---I understand that.

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1  
11:06:02 2 Mr Masters thought there might be some possibility that  
11:06:04 3 Purana would have Ms Gobbo's phones intercepted, so he  
11:06:10 4 thought he'd make some inquiries before he set about doing  
11:06:15 5 it himself, all right?---You're putting that to me?  
6  
11:06:23 7 Yes?---Yes.  
8  
11:06:23 9 As we understand it, based on some of the material before  
11:06:26 10 the Commission?---Yes.  
11  
11:06:27 12 Now it appears as though when he made those inquiries it  
11:06:31 13 set in train a number of events and then contact was made  
11:06:35 14 with Mr Biggin, who was then perhaps standing in for  
11:06:40 15 Mr Moloney as the Commander of Intelligence and Covert  
11:06:49 16 Support, and Mr Biggin has made contact with Mr Overland.  
11:06:52 17 So as a result of this inquiry about some surveillance on  
11:06:57 18 Ms Gobbo, it set in train a number of communications, all  
11:07:04 19 right?---Yeah, I accept that.  
20  
11:07:13 21 That's all occurred, we understand, on 5 June. Then on 6  
11:07:17 22 June, if we could bring up your diary. You're familiar  
11:07:22 23 with this entry in your diary?---Yes.  
24  
11:07:28 25 You have a regular one-on-one - - - ?---Yes, with Phil  
11:07:32 26 Masters.  
27  
11:07:32 28 With Phil Masters. And you say that on this occasion at  
11:07:38 29 the one-on-one, Mr Wilson, that is Superintendent Rod  
11:07:43 30 Wilson, your ESD investigator, and Mr Overland attended a  
11:07:47 31 dual regular meeting with Superintendent Masters?---Yes.  
32  
11:07:52 33 Your diary entry makes it pretty apparent that you spoke,  
11:07:56 34 all four of you spoke together in relation to Operation  
11:08:00 35 Khadi?---Yes.  
36  
11:08:00 37 If we can go to Mr Wilson's diary. He records at the same  
11:08:09 38 time a meeting between yourself as the AC, Mr Overland and  
11:08:15 39 Mr Masters, do you see that?---Yes.  
40  
11:08:19 41 There's discussion about the intention to conduct a  
11:08:24 42 coercive hearing in relation to Ms Gobbo. Do you accept  
11:08:27 43 that took place?---You're asking me whether I recall that  
11:08:31 44 discussion at that meeting?  
45  
11:08:32 46 Whether you recall it or whether you accept it took place  
11:08:35 47 at that meeting?---I don't recall the details of that

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11:08:41 1 meeting. I'm certainly more than happy to agree that the  
11:08:48 2 meeting took place. The conversation may well have  
11:08:52 3 included a discussion about a proposed coercive hearing  
11:08:55 4 involving Nicola Gobbo.  
5  
11:08:59 6 That's certainly what's indicated in this diary note, isn't  
11:09:02 7 it?---Yes.  
8  
11:09:04 9 And what's also indicated in that diary note is that you,  
11:09:10 10 Mr Masters and Mr Wilson were briefed by Mr Overland about  
11:09:16 11 Gobbo and her involvement as a human source?---Yeah, I  
11:09:21 12 don't accept that.  
13  
11:09:25 14 That's clearly what this diary entry indicates?---Yes, but  
11:09:30 15 I have absolutely no recollection of the second half of  
11:09:38 16 that entry, "Briefed by Simon re Gobbo and involvement as a  
11:09:42 17 human source. Need to speak to (redacted) to coordinate  
11:09:51 18 issues". I've got no recollection of that.  
19  
11:09:55 20 The redacted, I can tell you, is Mr White of the Source  
11:10:02 21 Development Unit?---Yeah, I know who that refers to.  
22  
23 And you would have understood at that time what the Source  
24 Development Unit did?---Yes.  
25  
11:10:04 26 Again, as I indicated earlier, you would have understood as  
11:10:07 27 of 2006 that the Source Development Unit was running the  
11:10:09 28 most high value, high risk human sources known to Victoria  
11:10:13 29 Police?---Yes.  
30  
11:10:18 31 That diary entry clearly indicates that you became aware at  
11:10:22 32 that meeting that Ms Gobbo was a human source?---Well I  
11:10:25 33 don't accept that. The diary entry may in fact be a  
11:10:29 34 conflation of two conversations. I'm certainly prepared to  
11:10:32 35 accept and acknowledge that there was a discussion  
11:10:36 36 involving myself and the three other parties and it may  
11:10:39 37 well have touched on the conduct of a coercive hearing  
11:10:42 38 involving Nicola Gobbo. But I am very clear that I don't  
11:10:51 39 recall, and I think it highly unlikely, that I was party to  
11:10:55 40 a conversation about Gobbo involvement as a human source  
11:11:01 41 and needing to speak to a key person from the Source  
11:11:07 42 Development Unit.  
43  
11:11:07 44 Because you say you would have found it extraordinary if  
11:11:12 45 that was the case?---Yes.  
46  
11:11:17 47 You would have known the implications of it at that point

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11:11:21 1 of time if that was the case?---Yes.  
2  
11:11:24 3 The Source Development Unit - Mr Overland was heavily  
11:11:28 4 involved in Purana at that particular point in time, you're  
11:11:32 5 aware of that?---Yes.  
6  
11:11:34 7 And you would have made that connection?---I would have,  
11:11:36 8 yes.  
9  
11:11:45 10 You would have wanted to know that there were significantly  
11:11:48 11 boundaries in place and advice had been taken?---Yes.  
12  
11:11:50 13 And you would expect that someone like Mr Overland would be  
11:11:54 14 well aware of those risks and have taken extreme measures  
11:12:00 15 if he was at all to contemplate using someone like Ms Gobbo  
11:12:04 16 as a human source?---Well I don't know what you mean by  
11:12:07 17 extreme measures, but I would have expected that he would  
11:12:10 18 have taken significant care.  
19  
11:12:13 20 What do you mean by significant care?---Well, having regard  
11:12:16 21 to the risks and the effective management of those risks.  
22  
11:12:22 23 You well understood that Ms Gobbo was representing numerous  
11:12:26 24 people that the Purana Task Force were investigating?---I  
11:12:31 25 knew she was representing key underworld figures but as to  
11:12:35 26 exactly who she was representing at what time, I can't  
11:12:40 27 recall that for you.  
28  
11:12:42 29 If we can go to the source management log. You recall the  
11:12:47 30 end of that last diary entry indicated that there was a  
11:12:51 31 need to speak to Mr White to coordinate issues, do you  
11:12:57 32 recall that?---Yes.  
33  
11:12:58 34 And that was to coordinate issues in relation to any  
11:13:02 35 coercive hearing that was to take place, you would  
11:13:04 36 understand that that was the import of the entry?---No, I  
11:13:10 37 don't - I don't make that connection.  
38  
11:13:12 39 Well, it spoke initially about the coercive hearing  
11:13:15 40 involving - that the ESD wanted to conduct of  
11:13:19 41 Ms Gobbo?---Yes.  
42  
11:13:19 43 It then spoke about her being a human source?---Well Rod's  
11:13:24 44 diary entry does, yes.  
45  
11:13:25 46 And then it speaks of a need to speak to the SDU in  
11:13:30 47 relation to coordinating issues?---Well clearly that's

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11:13:34 1 something that Rod has identified, yes.  
2  
11:13:44 3 With that in mind we get the source management log, which  
11:13:45 4 is a conversation between Mr Wilson and Sandy White at the  
11:13:54 5 Source Development Unit on the same day?---You're talking  
11:13:58 6 about the entry on 6 June 2006?  
7  
11:14:01 8 I am?---Yes.  
9  
11:14:02 10 You'll see there it reads, "Advised by Super Wilson ESD  
11:14:07 11 that he is aware of source ID", and you understand that  
11:14:11 12 this is Ms Gobbo's source management log?---Yes.  
13  
11:14:14 14 "Informed by Assistant Commissioner Overland after being  
11:14:18 15 referred to same by Superintendent Biggin when inquiry made  
11:14:21 16 re putting telephone intercept on source phone. ESD  
11:14:26 17 working with the OPI re investigation of Richard Shields  
11:14:29 18 and ██████████ of the ██████████ police. Had attended to  
11:14:36 19 subpoena human source to OPI hearings and compel to answer  
11:14:40 20 questions. Then see what occurs on the telephone  
11:14:43 21 intercept. Advised by Overland to contact SDU re same.  
11:14:46 22 Advised Wilson will consider appropriate course of action  
11:14:49 23 and meet with same. Informed by Wilson that Cornelius and  
11:14:56 24 Masters are also now aware of the source identity ". Do  
11:15:01 25 you see that?---Yes, I can see that.  
26  
11:15:03 27 That's a contemporaneous note of Mr Wilson and Mr White's  
11:15:09 28 conversation back on the 6th?---Well it's a note presumably  
11:15:13 29 made by Mr White of a conversation that he's had with  
11:15:19 30 Mr Wilson.  
31  
11:15:21 32 Yes. It's a contemporaneous note?---I'm prepared to accept  
11:15:24 33 that, yes.  
34  
11:15:24 35 Mr Wilson is clearly of the view, having left that meeting  
11:15:28 36 on the same day with yourself and Mr Overland and  
11:15:32 37 Mr Masters, that you were present when that information was  
11:15:36 38 conveyed?---Well, Mr White has recorded in this note that  
39 that was what he'd been given to understand by Mr Wilson.  
40  
11:16:21 41 If we can move to Mr White's diary, VPL.0100.0096.0261. At  
11:16:33 42 17:45 we have the recording of this - - -  
43  
11:16:38 44 COMMISSIONER: This is also 6 June.  
11:16:40 45  
11:16:41 46 MS TITTENSOR: It deals with the same issues. There's a  
11:16:44 47 call with Rod Wilson of the ESD. It records there the



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11:16:51 1 joint agreement between the ESD and the OPI in relation to  
11:16:55 2 the Brighton matters?---Yes.  
3  
11:17:00 4 It records the intention to use coercive powers to  
11:17:04 5 interview Ms Gobbo in relation to her knowledge of  
11:17:08 6 Mr Shields and [REDACTED] and the consideration of a  
11:17:12 7 telephone intercept on Ms Gobbo's phone and that there'd  
11:17:17 8 been an inquiry with Tony Biggin in relation to that matter  
11:17:22 9 in case Purana already had an intercept up, do you see  
11:17:26 10 that?---Yes.  
11  
11:17:31 12 There's a reference then to having spoken to Overland, or a  
11:17:37 13 conversation with Mr Overland, and meeting with the same.  
11:17:44 14 Then it goes on, "Luke Cornelius and Phil Masters were  
11:17:48 15 present", do you see that?---Yes, I can see that.  
11:17:52 16  
11:17:52 17 "Luke Cornelius and Phil Masters present. Assistant  
11:17:56 18 Commissioner stated that 3838 was registered as a human  
11:18:00 19 source. Also stated that the DSU were working on an exit  
11:18:05 20 strategy". Do you see that?---Yes, I can see that.  
21  
11:18:09 22 Again, it's a contemporaneous note that you were present  
11:18:12 23 when Assistant Commissioner Overland told Mr Wilson that  
11:18:19 24 Ms Gobbo was a human source?---Well it's a contemporaneous  
11:18:21 25 note made by Sandy White of what he had been told by  
11:18:40 26 Mr Wilson about a conversation that Mr Wilson had had with  
11:18:45 27 myself, Simon Overland and Phil Masters, and I've already  
11:18:50 28 said to you in my earlier evidence that I believe looking  
11:18:58 29 at Rod Wilson's diary entry that it's a conflation of two  
11:19:04 30 separate conversations, of a conversation with myself and  
11:19:07 31 the others in relation to an OPI examination of Ms Gobbo,  
11:19:12 32 and then a further conversation that Rod Wilson may have  
11:19:16 33 had with Simon Overland in relation to Ms Gobbo's status as  
11:19:21 34 a human source.  
35  
11:19:23 36 Did you hear or have you received any briefing on  
11:19:26 37 Mr Wilson's evidence from last week?---Only that my  
11:19:32 38 attention has been drawn to his diary entry.  
39  
11:19:36 40 You understand that the effect of Mr Wilson's evidence last  
11:19:41 41 week was that he accepts that you were present at the  
11:19:45 42 meeting when this information was conveyed by Mr Overland?  
11:19:48 43  
11:19:49 44 MR HOLT: With respect, that's not an entirely fair  
11:19:52 45 characterisation of Mr Wilson's evidence. Which commenced  
11:19:55 46 with Mr Wilson saying, "That's what his diary indicates but  
47 my recollection is that when Simon told me that Ms Gobbo



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11:20:01 1 was a human source only I was present when he said that",  
11:20:02 2 and then Mr Wilson was taken to the other documents that  
11:20:05 3 have now been told and he accepted something as a matter of  
11:20:07 4 inference. But to suggest that that's the final  
11:20:09 5 conclusion, or the only one in which things were put to  
11:20:14 6 this witness is not fair in my respectful submission, given  
11:20:16 7 that that was what Mr Wilson said about the very diary  
11:20:20 8 entry which this witness is being cross-examined on.  
9

11:20:22 10 COMMISSIONER: All right.

11:20:23 11  
11:20:23 12 MS TITTENSOR: Mr Wilson accepted that these were  
11:20:27 13 contemporaneous records of his conversations and didn't  
11:20:32 14 question the accuracy of these records of his conversation  
11:20:34 15 with Mr White?---Well, that may well be the case for  
11:20:39 16 Mr Wilson but I'm taking a very different view.

17  
11:20:42 18 His own diary and Mr White's diary have a very different  
11:20:48 19 view than yours; is that right?---Well I stand by my  
11:20:53 20 evidence.

21  
11:20:53 22 You would understand that the SDU were very keen to be  
11:20:56 23 aware of exactly who might know of Ms Gobbo's identity as a  
11:21:02 24 human source?---Yes.

25  
11:21:05 26 So they would be very inquiring as to, "Well, who was there  
11:21:09 27 when you were told? Who else knows"?---That may well be  
11:21:15 28 the case but you've also got to allow for this may be a  
11:21:21 29 case of Chinese whispers.

30  
11:21:45 31 Following on from that there were some discussions and  
11:21:52 32 arrangements that were going on in relation to how there  
11:21:55 33 might be some furthering of the investigation in relation  
11:21:58 34 to Ms Gobbo, all right?---Following on from what, sorry?

35  
11:22:04 36 Sorry, following on from that there were some further  
11:22:09 37 discussions as between various people in relation to how to  
11:22:15 38 handle the situation in relation to Ms Gobbo being a human  
11:22:18 39 source and what was to be done?---I'm sorry, I'm not clear  
11:22:21 40 about what you're asking me about. Following on from what?

41  
11:22:24 42 Following on from Mr Wilson's contact with Mr White at the  
11:22:29 43 SDU, there was obviously going to be some consideration as  
11:22:35 44 to how do we handle this situation, we've got the OPI  
11:22:38 45 wanting to compulsorily question someone that's a human  
11:22:46 46 source, there are issues associated with that, do you  
11:22:49 47 understand?---I understand from reading Mr White's entry in

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11:22:51 1 the source management log that there were some concerns on  
11:22:56 2 his part that presumably needed to be managed.  
3  
11:22:59 4 Do you also understand from Mr Wilson's diary that the very  
11:23:03 5 reason that Simon Overland got involved in this with  
11:23:06 6 Mr Biggin was, "There are clearly going to be some issues  
11:23:09 7 because we've got a human source here and we want to  
11:23:12 8 conduct a compulsory hearing of her"?---Well that may well  
11:23:15 9 be the case but you'd need to ask Simon Overland and Rod  
11:23:20 10 Wilson about that.  
11  
11:23:21 12 All right. Apparently they deliberately came to your  
11:23:25 13 meeting. You were having a one-on-one meeting with  
11:23:28 14 Mr Masters and along come Mr Wilson and Mr Overland to join  
11:23:31 15 that meeting for a specific purpose?---Yeah, and I stand by  
11:23:35 16 the evidence I've given about that.  
17  
11:23:37 18 All right. Nevertheless, Mr Overland has indicated to  
11:23:40 19 Mr Wilson, "You need to coordinate these issues with the  
11:23:45 20 SDU, there needs to be some discussions"?---Well that may  
11:23:49 21 well be the case.  
22  
11:23:52 23 Did you understand why you were getting involved in this if  
11:23:58 24 - why Mr Overland might have come along to tell you part of  
11:24:01 25 the story?---Well I've got no - as I've said in my  
11:24:04 26 statement, and as I'm saying to you now, I've actually got  
11:24:07 27 no - I've got no recollection of the details of that  
11:24:13 28 conversation. I'd say, though, that it is unsurprising to  
11:24:17 29 me that Simon Overland would have been party to a  
11:24:20 30 conversation about the conduct of an investigation with OPI  
11:24:29 31 insofar as it might have required some coordination between  
11:24:34 32 Phil Masters' part of the world and the SPU. But beyond  
11:24:42 33 that I'm - my memory fails me. I cannot recall the details  
11:24:51 34 as to what was canvassed at that meeting beyond what I've  
11:24:56 35 outlined to you today.  
36  
11:24:58 37 Mr Overland was clearly coming along to this meeting not  
11:25:03 38 for the purposes of talking about what telephone intercepts  
11:25:07 39 were going to get up, he was coming along to this meeting  
11:25:11 40 to divulge that there are some issues here because  
11:25:13 41 Ms Gobbo's a human source and there's going to be a  
11:25:17 42 coercive hearing, and that was the plan?---It may well have  
11:25:20 43 been a discussion about the need to coordinate how the  
11:25:23 44 investigation being led by Rod Wilson was going to be  
11:25:29 45 managed, but beyond that I'd be speculating.  
46  
11:25:32 47 Why would Mr Overland divulge to your investigator, your

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11:25:39 1 Superintendent, this information and keep it from you?---I  
11:25:43 2 don't know. You'd need to ask him that question.  
3  
11:25:47 4 Can you think of a reason?---Well I think it goes back to  
11:25:53 5 an observation you made earlier and that was that when it  
11:25:58 6 comes to the management of human sources, and in particular  
11:26:01 7 the identification of human sources, the identity of a  
11:26:04 8 human source ought be very tightly held and not shared  
11:26:08 9 widely.  
10  
11:26:10 11 But you were supposed to, along with the OPI, you signed  
11:26:13 12 this joint agreement, you were being reported to about this  
11:26:18 13 investigation, there was a planned OPI hearing for  
11:26:24 14 Ms Gobbo?---Yes.  
15  
11:26:25 16 You needed - you would have needed to know this  
11:26:28 17 information?---I wouldn't have needed to know that Ms Gobbo  
11:26:33 18 was a human source.  
19  
11:26:37 20 Would you have needed to know in your role at the ESD that  
11:26:41 21 Ms Gobbo was a barrister who was a human source?---In the  
11:26:49 22 sense that that would be potentially concerning, yes. But  
11:26:54 23 it wasn't disclosed to me at that time.  
24  
11:26:57 25 Do you think it might have been deliberately withheld from  
11:26:59 26 you then?---No, I don't think that.  
27  
11:27:15 28 You might accept that following on from Mr Overland's  
11:27:21 29 instructions to Mr Wilson to have some contact with  
11:27:25 30 Mr White at the SDU, that's what he does, he has some  
11:27:29 31 contact with Mr White at the SDU to discuss the  
11:27:31 32 issue?---Yes.  
33  
11:27:33 34 And then there are some further - there's some further  
11:27:38 35 thinking about "how do we handle this situation", all  
11:27:42 36 right? As you might expect, that's what Mr Overland  
11:27:44 37 wanted?---I gather that's what's occurred.  
38  
11:27:52 39 There's some meetings and some discussions between various  
11:27:56 40 people and it's clear from Mr Wilson's diary that  
11:28:02 41 Mr Swindells is going to be brought in to make the  
11:28:05 42 introduction of Mr Attrill to Ms Gobbo for a discussion at  
11:28:12 43 some point in time?---Yeah, I'm not aware of that.  
44  
11:28:15 45 You know that Mr Swindells came from Purana?---Yeah, I  
11:28:21 46 recall he came from Purana.  
47

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11:28:22 1 And the reason he was to be brought in was because he had  
11:28:25 2 some prior relationship with Ms Gobbo?---No, I don't recall  
11:28:31 3 that.  
4

11:28:33 5 But what's also clear from Mr Wilson's diary, in big  
11:28:38 6 capitalised letters, is that Mr Swindells was not to be  
11:28:44 7 told that Ms Gobbo was a human source?---Well that may well  
11:28:50 8 be the case but I'm not aware of that.  
9

11:28:53 10 All right. He makes a point in his diary of noting that  
11:28:57 11 Swindells was not told that, okay?---I accept that.  
12

11:29:05 13 On 15 June 2006 - if we could just bring up Mr White's  
11:29:10 14 diary. I think it can be, at least in this form, brought  
11:29:33 15 up on all the screens.  
16

11:29:40 17 MR HOLT: Commissioner, if it could just not be zoomed I'd  
11:29:43 18 be grateful. It has some sensitive information.  
19

11:29:46 20 MS TITTENSOR: We're over the right-hand side of the page,  
11:29:50 21 about halfway down, if you're looking there, Mr Cornelius.  
11:29:53 22 It's about 13:40, do you see that?---Yes.  
23

11:29:57 24 This is Mr White, the controller at the SDU, recording a  
11:30:01 25 meeting with Mr Wilson and Mr Attrill in relation to the  
11:30:04 26 Brown inquiries?---Yes.  
27

11:30:09 28 He expresses some concern in relation to Mr Attrill being  
11:30:15 29 informed of the ID of Ms Gobbo "(too many)", do you see  
11:30:26 30 that?---Yes.  
31

11:30:27 32 That's just harking back to what I indicated to you before,  
11:30:29 33 the SDU are keen to keep a lid on how many people know of  
11:30:35 34 the identification of the source, you'd understand  
11:30:38 35 that?---Yeah, to the extent that I didn't know that she was  
11:30:41 36 a source at that time, that was proving effective.  
37

11:30:59 38 At that point in time there's apparently been some  
11:31:04 39 suggestion that Mr Ashton at the OPI be informed about the  
11:31:07 40 matter. There's opposition to that and it was all agreed  
11:31:10 41 that that was not to occur, that the OPI was not to be told  
11:31:13 42 that Ms Gobbo was a source, do you see that?---Well I'm  
11:31:18 43 just struggling to read the writing.  
44

11:31:20 45 Okay. It's about the third dash down.  
46

11:31:24 47 COMMISSIONER: It might save time if you can translate it,

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11:31:28 1 if you're able.  
11:31:29 2  
11:31:30 3 MS TITTENSOR: Third dash down it says, "Oppose suggestion  
11:31:34 4 that Graham Ashton, OPI, be informed. Agreed. OPI not to  
11:31:37 5 be told human source a source"?---Yes, I can see that.  
6  
11:31:42 7 There's an update. It just says, "Update re intel from  
11:31:56 8 human source. Primarily corroborated re other material",  
11:32:01 9 and there is an information report by Mr Attrill, I think  
11:32:06 10 the next day, in relation to that information. If we  
11:32:11 11 quickly skip to that you'll see there the SDU has provided  
11:32:17 12 Mr Attrill and Mr Wilson with some information which  
11:32:24 13 Mr Attrill has then put into an information report. Do you  
11:32:26 14 see that?---I can see that information report, yes.  
15  
11:32:30 16 If we can just skip back to the diary. "Informed Rod  
11:32:48 17 Wilson and Mr Attrill that the human source may assist  
11:32:51 18 voluntarily but doesn't want to give evidence. Advised of  
11:32:55 19 risk of human source if before the Chief Examiner, it can't  
11:32:59 20 happen". And then over the page it's agreed that Gobbo  
11:33:05 21 will be spoken to as a witness and not as clandestine  
11:33:11 22 meetings and the SDU would smooth the way to that, and  
11:33:15 23 there's reference then to her being able to assist in  
11:33:17 24 relation to Adam, and that's another name for Azzam Ahmed.  
11:33:24 25 And then it says, "Advised that Azzam Ahmed has  
11:33:28 26 intelligence in relation to the theft of \$700,000 to  
11:33:32 27 \$900,000 from Operation Gallop", and that at least at that  
11:33:37 28 stage is unwilling to talk, do you see that?---Yes, I can  
11:33:39 29 see that.  
30  
11:33:42 31 Perhaps that might be an opportune moment for the break,  
11:33:45 32 Commissioner.  
33  
11:33:45 34 COMMISSIONER: Yes, just before we break, could ask I you,  
11:33:48 35 Mr Cornelius, you mentioned at the beginning of your  
11:33:52 36 evidence you had an open hand policy with the OPI when you  
11:33:56 37 were at ESD?---Yes.  
38  
11:33:57 39 So were there regular meetings between you and the  
11:33:59 40 OPI?---Yeah, Mr Ashton and I met regularly on an at least  
11:34:05 41 monthly basis, at which he had the opportunity to ask  
11:34:09 42 questions of me in relation to current matters that ESD had  
11:34:14 43 on hand. He also on occasion would make requests of me for  
11:34:21 44 access to information or ask me to source information.  
11:34:24 45 Likewise, if I had matters which might be assisted by OPI's  
11:34:32 46 assistance, I would flag those matters with Mr Ashton. And  
11:34:37 47 then over and above that there may, there were, you know,

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11:34:41 1 ad hoc requests or correspondence exchanged between myself  
11:34:47 2 and Graham Ashton.  
3

11:34:50 4 So, in essence, a regular monthly meeting and then an as  
11:34:56 5 needs basis in between?---Yes. And we would also report to  
11:35:01 6 OPI as and when complaints came in to ESD and OPI could on  
11:35:08 7 any occasion come and ask us questions about those  
11:35:11 8 complaints.  
9

11:35:12 10 Okay then. Fine. We'll adjourn now for the morning break.  
11  
12 (Short adjournment.)  
13

11:57:04 14 COMMISSIONER: Yes Ms Tittensor.  
15

11:57:08 16 MS TITTENSOR: Thanks Commissioner. Now, Mr Cornelius, you  
11:57:15 17 would have been aware, I take it, of the intention to have  
11:57:19 18 Ms Gobbo called before the OPI, that was part of the plan  
11:57:23 19 and the strategy of this operation from the get-go?---Are  
11:57:29 20 you talking in relation to the - - -  
11:57:31 21  
11:57:31 22 Operation Khadi?---Operation Khadi, yes.  
11:57:35 23

11:57:35 24 If I can just bring up a Wilson diary entry of 16 June  
11:57:44 25 2006, RCMPPI.0118.0001.0001 at p.55. This is, as you see,  
11:57:58 26 Mr Wilson's diary there. The blank is Mr White from the  
11:58:03 27 SDU. Sorry, it can be - there's a conversation that's  
11:58:17 28 being had there between Mr Wilson and Mr White about OPI  
11:58:23 29 powers and legal professional privilege, do you see  
11:58:27 30 that?---Yes.  
11:58:27 31

11:58:28 32 And then following on from that a conversation between  
11:58:30 33 Mr Wilson and Mr Kapetanovski about those same sort of  
11:58:35 34 matters. And then after that conversation - - - ?---By  
11:58:40 35 those sort of matters what I'm seeing is - - -  
11:58:43 36  
11:58:43 37 "Spoke to John Kapetanovski re above", so OPI  
38 powers?---Yes.  
39

11:58:50 40 And professional legal privilege, and then "- none should  
11:58:56 41 be given but claim can be made" and then advised and  
11:58:59 42 there's another blank which is Mr White?---Yes.  
11:59:01 43

11:59:02 44 Do you recall having any discussion with Mr Wilson about  
11:59:05 45 any issues that might be associated with calling someone  
11:59:08 46 like Ms Gobbo to give evidence in relation to matters  
11:59:15 47 relating to her client?---No.



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11:59:18 1  
11:59:18 2 Is that something that would have occurred to you might be  
11:59:20 3 an issue?---No, because my expectation would have been that  
11:59:27 4 if client, if client legal professional privilege had  
11:59:31 5 arisen in the course of a coercive examination, Ms Gobbo  
11:59:36 6 would have been in a position to flag those concerns in the  
11:59:40 7 hearing so that any client privilege matters could be  
11:59:45 8 addressed and assessed in that context.  
11:59:48 9  
11:59:48 10 It's not something that you would have wanted to know about  
11:59:51 11 beforehand?---No, because the conduct of coercive hearings  
11:59:59 12 are a matter for OPI, not for me.  
12:00:02 13  
12:00:04 14 I guess one of the reasons the ESD wanted the OPI involved  
12:00:10 15 in this matter was because of it's ability to coercively  
12:00:16 16 examine people?---Yes.  
12:00:17 17  
12:00:17 18 And coercively examine people in a way where they might not  
12:00:21 19 voluntarily be providing such information - - -?---Yes.  
12:00:24 20  
12:00:25 21 - - - to Victoria Police. Was it your concern in relation  
12:00:27 22 to Ms Gobbo that she wouldn't voluntarily cooperate with  
12:00:31 23 Victoria Police?---I may well have had that concern, hence  
12:00:37 24 the need for us to consider seeking OPI's assistance in the  
12:00:41 25 conduct of a coercive hearing.  
12:00:44 26  
12:00:54 27 It seems as though later that day that Ms Gobbo's had a  
12:01:00 28 meeting with her, the SDU handler and controller and there  
12:01:07 29 was some discussion with her that evening in relation to  
12:01:12 30 the Shields matter but also in relation to the Dublin  
12:01:17 31 Street matter and she raises with them issues of legal  
12:01:21 32 professional privilege, telling them then that - well she's  
12:01:32 33 telling them about things that Mr Ahmed had raised with her  
12:01:35 34 and that she'd never used it on a plea and she'd never  
12:01:40 35 raised it with the police because it was nothing to do with  
12:01:43 36 anyone and Mr White seemed to be disputing that that was  
12:01:48 37 the case, that there was any privilege that attached and  
12:01:51 38 she said, "Hang on, I can't go and raise someone's  
12:01:54 39 privileged instructions. Unless they give me permission I  
12:01:57 40 can't do it". So just so that you understand, it seems as  
12:02:02 41 though she's telling them on the one hand, "I can't go and  
12:02:08 42 raise privileged instructions", such as those Mr Ahmed had  
12:02:13 43 given her but at the same time she's telling them about it,  
12:02:16 44 do you understand that?---Yes, but I don't accept that as a  
12:02:19 45 proposition.  
12:02:20 46  
12:02:20 47 Sorry, what don't you accept?---Well, it would have been

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12:02:23 1 open to her in the context of a coercive hearing to have  
12:02:26 2 flagged an issue potentially raising client privilege and  
12:02:32 3 so address that with the Examiner. The Examiner might then  
12:02:34 4 have been in a position to allow her to take instructions.  
12:02:37 5  
12:02:38 6 So it would be an issue that she could flag in the context  
12:02:42 7 of an OPI hearing?---Yes, and I would have expected that as  
12:02:47 8 a lawyer she would have understood that.  
12:02:49 9  
12:02:50 10 Yep. And if there was no hearing, she could, but rather  
12:03:00 11 there was just a conversation with your investigators,  
12:03:04 12 would you want them to be alive to the issue that they  
12:03:08 13 might be receiving information that was privileged?---Well,  
12:03:12 14 I would, but I don't see why that was even a consideration,  
12:03:17 15 given that pursuing a coercive hearing would have achieved  
12:03:22 16 the expected outcome that we were looking for from, from  
12:03:28 17 considering asking OPI to provide us with that assistance  
12:03:31 18 in the first place.  
12:03:32 19  
12:03:32 20 All right. So it was something that the OPI would bear in  
12:03:38 21 mind but if it were to be the case, "Okay, we're not going  
12:03:43 22 to go down the route of an OPI hearing, we're just going to  
12:03:47 23 speak to her", it's something you would want to be aware  
12:03:51 24 of?---Yeah, but I mean why would we get to that if it had  
12:03:56 25 already been canvassed with us by the investigators that it  
12:03:59 26 was a good idea to conduct a coercive hearing with her?  
12:04:03 27  
12:04:07 28 I'll just show you now the diary entry in relation to  
12:04:14 29 Mr Swindells becoming involved. This is 19 June 2006, it's  
12:04:20 30 Wilson's diary entry, RCMPPI.0118.0001.0001. You see there  
12:04:31 31 on 19 June 2006 Mr Wilson's speaking with Mr White about  
12:04:37 32 Operation Khadi and indicates that the witness, that is  
12:04:45 33 Ms Gobbo, is prepared to speak to Swindells and then  
12:04:50 34 Mr Wilson goes and speaks to Swindells and briefs him about  
12:04:53 35 the matter and clearly indicates in his diary that informer  
12:04:58 36 status is not divulged to Mr Swindells, do you see  
12:05:03 37 that?---Yes.  
12:05:04 38  
12:05:05 39 Now, as of 19 July 2006 Ms Gobbo reports to her handlers  
12:05:17 40 that she's had some contact with Mr Swindells and she was  
12:05:21 41 seeing him the following day. She indicates to her handler  
12:05:28 42 that she could tell them that, tell the investigators that  
12:05:35 43 - sorry. Sorry, the handler told Ms Gobbo that she could  
12:05:42 44 tell Mr Ahmed, that is Azzam Ahmed?---Sorry, you've lost  
12:05:49 45 me.  
12:05:49 46  
12:05:50 47 Sorry, I might just take you to the ICR. This is p.361 we

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12:05:56 1 should be on if we can. If we can move up the screen.  
12:06:04 2  
12:06:04 3 MR HOLT: There are really problematic names in large  
12:06:08 4 handwriting on that, Commissioner.  
12:06:10 5  
12:06:10 6 COMMISSIONER: All right then. So don't enlarge it thanks.  
12:06:13 7  
12:06:14 8 MS TITTENSOR: Sorry, we're on 19 July, are we? We can  
12:06:19 9 just move up. We can keep going. There we go. See down  
12:06:38 10 the bottom of the entry there, Ms Gobbo reports to her  
12:06:42 11 handlers that she's seeing Swindells tomorrow at 9.15 and  
12:06:48 12 it's said there, "Re Ahmed. Ms Gobbo can tell him that  
12:06:52 13 investigators are talking to everyone or everybody so no  
12:06:56 14 problem for them to approach him and it's up to him whether  
12:07:00 15 to help investigators or not", and it notes he's doing 17  
12:07:04 16 years and he has appealed his sentence, do you see  
12:07:09 17 that?---Yes.  
12:07:09 18  
12:07:09 19 That might be something to be borne in mind if police are  
12:07:12 20 trying to get someone to cooperate, a good time is when the  
12:07:18 21 sentence might be affected by it, is that right?---Well  
12:07:23 22 that might be the case but I must say looking at this, I'm  
12:07:28 23 actually concerned it looks like what we might be talking  
12:07:31 24 to Mr Ahmed about it being telegraphed to him ahead of us  
12:07:36 25 doing so.  
12:07:36 26  
12:07:36 27 That might be a concern as well?---I'm just making the  
12:07:41 28 observation that it's not particularly good investigative  
12:07:44 29 practice to telegraph to people that you're about to  
12:07:47 30 interview or speak to what you're going to ask them  
12:07:51 31 questions about.  
12:07:52 32  
12:07:53 33 No.  
12:07:54 34  
12:07:54 35 COMMISSIONER: Yes, that's true.  
12:07:58 36  
12:07:58 37 MS TITTENSOR: I think we'd all agree with that. So we  
12:08:03 38 have that indication and we have the handlers conveying to  
12:08:06 39 Ms Gobbo, "This is something that you can tell Mr Ahmed"  
12:08:11 40 and it's understood Ms Gobbo has been representing  
12:08:17 41 Mr Ahmed, she in fact appeared for him on his plea?---I  
12:08:21 42 don't know that but it may well be the case.  
12:08:24 43  
12:08:24 44 To put you in the picture?---Yes.  
45  
12:08:26 46 The following day, p.364, you'll see there that she reports  
12:08:33 47 on the visit from Mr Swindells, that he came to her office,

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12:08:40 1 he didn't take a note, so she thought he might be recording  
12:08:44 2 her. She notes it was an inquiry in relation to ██████ but  
12:08:47 3 it was all a bit non-specific and non-committal and so she  
12:08:51 4 was believing at that stage that ██████<sup>P</sup> was the focus of  
12:08:54 5 the investigation in relation to the missing money?---Yes,  
12:09:00 6 I can see that.

12:09:00 7  
12:09:02 8 Now, on 21 July of 2006 there was a meeting with the OPI  
12:09:10 9 investigators, as you might appreciate there'd been  
12:09:14 10 meetings from time to time between ESD and OPI  
12:09:17 11 investigators where there would be, where there was a joint  
12:09:20 12 operation going on?---Yes, so who was at that meeting?

12:09:23 13  
12:09:24 14 I'll take you to that. So we've got an information report  
12:09:28 15 that's submitted in relation to that meeting a few days  
12:09:31 16 later which will help us along. But what's apparent by the  
12:09:36 17 time of this meeting is that the plan in relation to  
12:09:43 18 interviewing Ms Gobbo had changed. The plan, according to  
12:09:47 19 the ESD, was that, "We don't want a coercive hearing any  
12:09:51 20 more, we're just going to speak to her informally". And  
12:09:54 21 you might recall that that was the effect of one of those  
12:09:56 22 earlier conversations between Mr White from the SDU,  
12:10:00 23 Mr Wilson, and Mr Attrill. Do you recall that?---Yes.

12:10:05 24  
12:10:06 25 So this needed to be conveyed to the other investigators  
12:10:10 26 within the joint agency Task Force. Now, that had  
12:10:14 27 occurred, that meeting with Mr White had occurred over a  
12:10:17 28 month previously but it hadn't been conveyed yet to the OPI  
12:10:21 29 that this was the plan. And in the meantime there'd been  
12:10:26 30 some discussions with Ms Gobbo going on in any case. So  
12:10:29 31 she had been alerted already to the fact of what was going  
12:10:33 32 on, there was some ESD investigation in relation to this  
12:10:36 33 matter, and you see that through the ICRs that I've just  
12:10:39 34 shown you?---Yes, and I have to say I'm far from happy  
12:10:45 35 that, the conduct or proposals of proposed course of an ESD  
12:10:50 36 investigation are evidently being telegraphed to a person  
12:10:54 37 who themselves is the subject of that investigation.

12:10:59 38  
12:11:00 39 So do you say that Mr Attrill and Mr Wilson had engaged in  
12:11:06 40 this line of investigation without telling you what was  
12:11:09 41 going on?---Well, I have to say this is the first time I've  
12:11:13 42 seen any of this material, so it's news to me,  
12:11:16 43 Ms Tittensor.

12:11:17 44  
12:11:19 45 Do you say that Mr Wilson and Mr Attrill just kept this  
12:11:23 46 from you?---I will simply say that I don't ever recall  
12:11:29 47 being briefed about these considerations.

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12:11:34 1  
12:11:34 2 I'll just take you to the information report of the 25th.  
12:11:39 3 It's an information report dated, you'll see here, 25 July  
12:11:44 4 2006 and it relates to a meeting that took place on 21 July  
12:11:48 5 2006 where Mr Attrill, the author of the information  
12:11:55 6 report, and Superintendent Wilson met with John  
12:12:00 7 Kapetanovski, Michael Davson and Steven Parker from the OPI  
12:12:04 8 in relation to Operation Khadi. Do you see that?---Yes.  
12:12:07 9  
12:12:12 10 The intention of the ESD in relation to meeting with  
12:12:16 11 Ms Gobbo was discussed at length. It says there in the  
12:12:20 12 first paragraph?---Yes.  
12:12:22 13  
12:12:23 14 It notes there in the information report - now is this an  
12:12:27 15 information report you would have had access to?---No, I  
12:12:31 16 didn't have access to information reports unless they were  
12:12:35 17 provided to me or referred to in a briefing.  
12:12:39 18  
12:12:42 19 It goes on that the circumstances surrounding this avenue  
12:12:47 20 of inquiry at this early stage of the investigation  
12:12:50 21 followed receipt of certain information which cannot be  
12:12:52 22 disclosed?---I'm sorry, where are you?  
12:12:54 23  
12:12:54 24 The last sentence of the first paragraph?---Yes, I see  
12:12:57 25 that.  
12:12:57 26  
12:12:57 27 They're talking about an intention to meet with Ms Gobbo  
12:13:02 28 and that's a matter that's discussed at length and they go  
12:13:06 29 on to, seemingly indicate, "Well, that's because it's taken  
12:13:11 30 this turn because of some things we can't tell you about".  
12:13:16 31 Do you see that?---Yes.  
12:13:17 32  
12:13:24 33 We know, it seems to be the case, that it's taken that turn  
12:13:29 34 because of the fact of Ms Gobbo being a human source, and  
12:13:34 35 those investigators were aware of that?---So where's that,  
12:13:40 36 sorry?  
12:13:41 37  
12:13:41 38 That seems to be the inference to be drawn from that last  
12:13:45 39 sentence there, "The circumstances surrounding this avenue  
12:13:48 40 of inquiry at this early stage in the investigation  
12:13:51 41 followed the receipt of certain information which cannot be  
12:13:54 42 disclosed". So the certain information which cannot be  
12:13:59 43 disclosed, it's to be inferred, knowing what we know now,  
12:14:05 44 that that's the fact that Ms Gobbo's a human source. So -  
12:14:09 45 - - ?---Well it's an inference but it's not stated there.  
12:14:12 46 I wouldn't say that it's conclusive.  
12:14:16 47



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12:14:16 1 All right. It goes on, "There was some frustration and  
12:14:22 2 disagreement expressed by the OPI concerning the proposed  
12:14:26 3 meeting with Ms Gobbo as the OPI expressed their intention  
12:14:29 4 to serve a subpoena on the witness and bring her before a  
12:14:33 5 coercive hearing, they believed any prior meeting may  
12:14:36 6 jeopardise the element of surprise with questions that  
12:14:38 7 would be put to her by the OPI at the hearing. That is  
12:14:43 8 Gobbo would have some indication of what was likely to be  
12:14:45 9 asked at a future hearing and the surprise element would  
12:14:48 10 have been sacrificed". They'd already taken that course  
12:14:56 11 and she had already been spoken to by the SDU about the  
12:14:59 12 matter?---And I've already offered an observation about  
12:15:02 13 that.  
12:15:02 14  
12:15:03 15 And those things were going on without the knowledge of the  
12:15:06 16 OPI, they hadn't even had a chance to say, "No, no, no, we  
12:15:10 17 still want to pursue this coercive hearing option"?---Yes,  
12:15:13 18 I can see that.  
12:15:14 19  
12:15:26 20 There's a prepared list of questions to be put to Ms Gobbo  
12:15:30 21 at the meeting which they had, it seems, scheduled for  
12:15:35 22 early the following week, that was made available to the  
12:15:40 23 OPI so that they could have at least some input at that  
12:15:44 24 particular point centering around the allegations of  
12:15:48 25 attempting to pervert the course of justice in relation to  
12:15:51 26 various people, including ██████████, Mr Shields, Mr Waters,  
12:15:56 27 Mr Campbell, Mr Alexander and others, do you see  
12:15:59 28 that?---Yes.  
12:15:59 29  
12:16:01 30 And ultimately the OPI said, "Well we don't want certain  
12:16:04 31 questions being asked about a couple of the people on your  
12:16:08 32 list there". Now, you would have surely been told that the  
12:16:14 33 plan was changing in relation to Ms Gobbo - this has been  
12:16:19 34 over a month that this plan had changed?---No, I've got no  
12:16:23 35 recollection of being told that there'd been a change of  
12:16:27 36 plans.  
12:16:27 37  
12:16:27 38 The joint agency agreement indicated that management of the  
12:16:31 39 agencies were to be kept informed?---Yes.  
12:16:33 40  
12:16:33 41 Do you say that that just didn't happen?---I don't recall  
12:16:36 42 it happening.  
12:16:37 43  
12:16:37 44 Do you account for the possibility it did happen and you've  
12:16:40 45 just forgotten?---Well, this does relate to something that  
12:16:45 46 occurred in 2006 so I may have forgotten it, but I have to  
12:16:49 47 say I've always regarded the conduct of coercive hearings



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12:16:54 1 by the OPI as being a matter for them. We may on occasion  
12:16:58 2 have sought to explore with them how best to conduct those  
12:17:02 3 hearings but ultimately that's always a matter for the OPI.  
12:17:05 4  
12:17:05 5 This was a matter being taken out of their hands, wasn't  
12:17:09 6 it?--Well, I mean, I can see the material you've shown me  
12:17:15 7 but I hold with the view that I've just expressed about our  
12:17:19 8 position in relation to OPI and how they might conduct  
12:17:26 9 coercive hearings.  
12:17:26 10  
12:17:27 11 The OPI had been recruited into this operation for the very  
12:17:30 12 purpose of using the coercive hearings. The fact is your  
12:17:35 13 investigators were now going back to the OPI to say, "We  
12:17:38 14 don't want a coercive hearing, at least for Ms Gobbo".  
12:17:42 15 Surely you would have been told about that?---I don't  
12:17:46 16 recall being told about it. I think if I had been told  
12:17:49 17 about it I'd remember it.  
12:17:50 18  
12:17:51 19 It's around this time that you stopped taking diary  
12:17:54 20 entries, is that right?---Yes.  
12:17:55 21  
12:17:56 22 When was the last date of your - - - ?---I think from  
12:17:59 23 memory July 2006.  
12:18:00 24  
12:18:01 25 Do you know when in July?---No, I can't recall.  
12:18:08 26  
12:18:08 27 Do you have your diaries present with you?---Look, I've  
12:18:12 28 provided my diary to my lawyers to assist in the  
12:18:19 29 preparation of the statement. I don't have access to that  
12:18:21 30 diary.  
12:18:23 31  
12:18:23 32 Perhaps we might find out when the last entry is in the  
12:18:28 33 diary, but that can - - -  
12:18:31 34  
12:18:31 35 MR HOLT: They are here, Commissioner, we'll just get to  
12:18:35 36 them.  
12:18:35 37  
12:18:35 38 COMMISSIONER: Thank you.  
12:18:49 39  
12:18:49 40 WITNESS: Thank you. 21 July 2006.  
12:19:09 41  
12:19:09 42 MS TITTENSOR: Is your last entry?---Yes.  
12:19:11 43  
12:19:12 44 And is there any entry in relation to anything to do with  
12:19:16 45 this matter?---On that date, no.  
12:19:23 46  
12:19:23 47 Prior to that? Perhaps we can maybe have a look during a

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12:20:11 1 later break, Mr Cornelius?---No, happy to do that but I'm  
12:20:17 2 keen to review the entries so that I can be clear that I'm  
12:20:21 3 not missing anything.

12:20:26 4  
12:20:26 5 COMMISSIONER: When did you recommence keeping diary notes  
12:20:29 6 or have you never recommenced?---No, I don't keep diary  
12:20:33 7 notes. My practice is as I've outlined in my statement. I  
12:20:38 8 will make contemporaneous notes in relation to meetings or  
12:20:40 9 in relation to matters as and when they occur and then the  
12:20:44 10 notes are retained on the file relevant to that issue.

12:20:47 11  
12:20:48 12 Thank you.

12:20:48 13  
12:20:49 14 MS TITTENSOR: Do you know if you kept any notes in  
12:20:51 15 relation to Khadi, in relation to a Khadi file or you don't  
12:20:55 16 know?---No, I don't, I don't recall keeping any notes in  
12:21:00 17 relation Khadi and if there were any notes in relation to  
12:21:03 18 Khadi they would have been maintained on that investigation  
12:21:08 19 file.

12:21:08 20  
12:21:08 21 On 24 July, so three days after the meeting that Mr Attrill  
12:21:14 22 and Mr Wilson had had with the OPI, Mr Attrill and  
12:21:20 23 Mr Swindells go and meet with Ms Gobbo, all right?---Yes.

12:21:25 24  
12:21:27 25 There's then a report to Mr Wilson in relation to what  
12:21:32 26 occurred at that meeting and there's also a written  
12:21:38 27 summary, there was an audio recording we understand taken  
12:21:41 28 of that meeting and there was also a written summary, some  
12:21:46 29 parts seem to be a little bit verbatim but other parts  
12:21:50 30 summarising what happened at the meeting. Now, it's  
12:21:53 31 apparent from the diary entries and from the summary that  
12:21:58 32 Ms Gobbo was raising concerns during that meeting with  
12:22:02 33 Mr Attrill and Mr Swindells about subpoenas being issued  
12:22:08 34 for notes and other matters, she was raising serious  
12:22:11 35 concerns about whether she might be called to give evidence  
12:22:14 36 at the OPI. There was discussion of matters in relation to  
12:22:18 37 her client Mr Ahmed. There was discussion with  
12:22:22 38 investigators about what approach might work in relation to  
12:22:26 39 securing his assistance. During the course of that  
12:22:31 40 discussion Ms Gobbo refers to throwing privilege out the  
12:22:36 41 door. She refers to the fact that she shouldn't have been  
12:22:39 42 speaking to them about the things that she was that day  
12:22:42 43 because they were privileged. There's an oblique reference  
12:22:47 44 to the fact that it seems as though they came to talk to  
12:22:51 45 her with knowledge of things that she'd previously told  
12:22:56 46 other people, being the SDU. And she indicates, "Actually  
12:23:02 47 I talked about privileged things with somebody else who I

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12:23:05 1 thought wouldn't be telling anybody but clearly they have".  
12:23:10 2 And Mr Attrill responded to her that they were there  
12:23:13 3 because he was told that she would speak to them and  
12:23:17 4 Ms Gobbo asked by who. And then he said he'd have to speak  
12:23:21 5 to Mr Wilson further about that. So - and then those  
12:23:26 6 matters are then reported to Mr Wilson following that  
12:23:30 7 meeting. All right?---Yes.

12:23:32 8  
12:23:34 9 So it seems apparent from the summary of that conversation  
12:23:41 10 that the ESD investigators were having a conversation with  
12:23:44 11 Ms Gobbo where she was indicating that she was crossing  
12:23:48 12 professional and ethical boundaries?---Yes, I can see that.

12:23:53 13  
12:23:55 14 Would you expect there to be any report about that passed  
12:24:00 15 along the lines?---Well if they'd appreciated the import of  
12:24:06 16 what she was saying, but I go back to my observation  
12:24:09 17 earlier, that is in fact a coercive hearing would have  
12:24:12 18 provided a much more controlled and accountable environment  
12:24:15 19 in which to address those issues.

12:24:17 20  
12:24:17 21 That might be so, but it seems to be the case that  
12:24:20 22 everyone's very concerned about the types of questions that  
12:24:23 23 ordinarily get asked about at coercive hearings, especially  
12:24:28 24 who have you been talking to about these matters. That's  
12:24:32 25 one of the questions you might get asked upfront at a  
12:24:36 26 coercive hearing, and if she tells a coercive hearing,  
12:24:38 27 "I've been speaking to my police handlers", there might be  
12:24:43 28 a few issues, do you appreciate that?---Well there might be  
12:24:48 29 but that would provide an environment in which that could  
12:24:53 30 be disclosed.

12:24:55 31  
12:24:55 32 Yes, and then the OPI might have a few questions about  
12:24:59 33 those matters?---They may well.

12:25:00 34  
12:25:00 35 Yes. So you can understand why certain people might not  
12:25:04 36 want that to happen?---That may be the case.

12:25:08 37  
12:25:11 38 If we can go to the ICRs at p.366, please. You see there  
12:25:33 39 it's the same date, it's 11 past 11 in the morning and  
12:25:39 40 Ms Gobbo is reporting to her handlers on the visit that's  
12:25:42 41 just occurred. She indicates she's very upset that  
12:25:49 42 Inspector Attrill knew about certain facts and she believed  
12:25:54 43 that the controller, Mr White, and the handler, Mr Green,  
12:26:00 44 must have spoken to the Inspector and therefore that he  
12:26:03 45 must be aware of her role and that they were going back to  
12:26:10 46 report to Mr Wilson, who Ms Gobbo said she knew and she at  
12:26:18 47 least knew him from that corporate box at the AFL. It's

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12:26:23 1 noted there, ideally from them they wanted her to make a  
12:26:27 2 statement in relation to Mr Ahmed. There were no  
12:26:30 3 guarantees that she wouldn't be - - - ?---I'm sorry, where  
12:26:33 4 is the reference to the box and the AFL.  
12:26:36 5  
12:26:36 6 There was an aside from me, in brackets you see who  
12:26:41 7 Ms Gobbo knows?---Yes.  
12:26:43 8  
12:26:44 9 And an aside from me is she at least knows him from that  
12:26:47 10 context of having had contact with him earlier when they  
12:26:53 11 both were in the same box at the AFL?---Yes.  
12:26:56 12  
12:26:58 13 Ideally for them they want a statement from Ms Gobbo in  
12:27:02 14 relation to Ahmed. They gave no guarantee she wouldn't be  
12:27:06 15 called before the OPI. She's adamant she can't be  
12:27:10 16 cross-examined in that forum because of her role. And she  
12:27:13 17 was told by the controller and handler that they're trying  
12:27:16 18 to head off any OPI hearing for her. She noted that  
12:27:22 19 Mr Swindells said nothing and the other Inspector did all  
12:27:25 20 the talking and if we keep on scrolling. She wants the  
12:27:34 21 handler to advise the controller, Mr White, that upset is  
12:27:37 22 not the word. She believes she's now in a worse position  
12:27:41 23 because of trying to do the right thing and she's upset and  
12:27:46 24 crying uncontrollably. And you'll see in the entry below  
12:27:50 25 that, she's asking how the ESD knew about the \$20,000.  
12:28:01 26 She's adamant that the controller has to explain this to  
12:28:04 27 her. And then there's an entry in relation to the  
12:28:07 28 controller advising the handler to tell her that ESD aren't  
12:28:11 29 aware of what assistance she's given and that they'll met  
12:28:14 30 with her and discuss the matter further. All right?---Yes,  
12:28:18 31 I can see that.  
12:28:18 32  
12:28:22 33 If we can go to Mr White's diary VPL.0100.0096.0321. This  
12:28:36 34 is the same date in the afternoon, 15:30. Mr White returns  
12:28:45 35 to the office. A few lines down you see there a brief re  
12:28:54 36 3838 and the [REDACTED]/Attrill issue?---Yes.  
12:28:59 37  
12:28:59 38 He then calls Mr Biggin and updates him. They need to find  
12:29:04 39 out how the ESD are documenting files. So there's some  
12:29:09 40 concern about what's being documented on the file, possibly  
12:29:15 41 in relation to the contact with Ms Gobbo. He then has a  
12:29:21 42 conversation with Mr Wilson of ESD. He's critical in  
12:29:26 43 relation to Attrill disclosing to Ms Gobbo that he knew she  
12:29:31 44 was assisting, that is assisting police. There's then a  
12:29:37 45 suggestion that Assistant Commissioner Overland approach  
12:29:42 46 Graham Ashton at the OPI and brief him and requests there's  
12:29:45 47 no further action in relation to Ms Gobbo?---Yeah, I can



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12:29:48 1 see that, but can I just ask, I thought in an earlier diary  
12:29:52 2 entry from Rod Wilson that he'd put in bold that he hadn't  
12:29:56 3 disclosed that Ms Gobbo was a human source?  
12:30:01 4  
12:30:01 5 That was to Mr Swindells?---Right.  
12:30:03 6  
12:30:04 7 It's clear from an earlier entry I took you to that  
12:30:08 8 Mr Attrill was present at a meeting with Mr Wilson and  
12:30:12 9 Mr White where in that meeting?---Yes.  
12:30:15 10  
12:30:15 11 Mr White was critical because too many people were coming  
12:30:18 12 to know of that?---Yes, I understand that. Thank you.  
12:30:21 13  
12:30:22 14 So its suggested at this meeting, after what's occurred,  
12:30:26 15 that Mr Overland now needs to approach Graham Ashton at the  
12:30:31 16 OPI and brief him and request that there's no further  
12:30:34 17 action in relation to Ms Gobbo. And they agree that they  
12:30:37 18 need to meet with Superintendent Biggin. You'll see there  
12:30:42 19 that Mr White then records a call to Mr Biggin. He updates  
12:30:46 20 him as to what's occurred and they arrange to meet the  
12:30:50 21 following day?---Yes.  
12:30:51 22  
12:30:54 23 If we can go to Mr Wilson's diary, RCMPPI.0118.0001.0001 at  
12:31:07 24 12.30 that day. It seems as though he's briefed you about  
12:31:16 25 the issue relating to Ms Gobbo?---Well, the diary doesn't  
12:31:22 26 say "re the issue re Gobbo", it says "re issue re Gobbo".  
12:31:28 27  
12:31:28 28 Yes?---That may well be the case but I've got no  
12:31:35 29 recollection about what he's briefed me about, it may well  
12:31:38 30 have been in relation to our ongoing interest in Ms Gobbo  
12:31:41 31 in terms of her association with any number of people who  
12:31:45 32 were people of interest to us.  
12:31:47 33  
12:31:47 34 What other matters were going on around this time in  
12:31:50 35 relation to Ms Gobbo?---Well I think we still had the  
12:31:55 36 Richard Shields piece on foot and also certainly I had in  
12:32:02 37 mind that Ms Gobbo was also of interest within the context  
12:32:06 38 of the Khadi piece, but I can't today remember any of the  
12:32:11 39 specifics about it.  
12:32:12 40  
12:32:12 41 That's the same operation, Khadi?---Yes.  
12:32:15 42  
12:32:15 43 [REDACTED], Shields, it's the same operation?---Yes, yes.  
12:32:18 44  
12:32:18 45 All right?---Yep.  
12:32:19 46  
12:32:21 47 There's just been this meeting with Ms Gobbo the day



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12:32:25 1 before, she's very upset about the possibility of OPI  
12:32:29 2 hearings, she's thrown legal professional privilege out the  
12:32:33 3 window, alarm bells are going off. The ESD go and have a  
12:32:40 4 conversation, or Mr Wilson's having a conversation with the  
12:32:43 5 head of the SDU about what's going on. They're talking  
12:32:47 6 about the fact that Assistant Commissioner Overland now  
12:32:52 7 needs to go to Mr Ashton and explain to him, and brief him  
12:32:57 8 about what's going on and pulling Ms Gobbo out of the  
12:32:59 9 investigation. You don't think that might have been the  
12:33:01 10 subject of what Mr Wilson was briefing you about?---I don't  
12:33:04 11 think it was because if I'd been told about these issues  
12:33:09 12 back then, I think I'd remember it. I'd also make this  
12:33:13 13 observation, I would have thought that if those concerns  
12:33:18 14 were being expressed, I would have thought that those  
12:33:21 15 matters would have been raised with me so that I would be  
12:33:23 16 the one having the conversation with the Office of Police  
12:33:29 17 Integrity.

12:33:29 18  
12:33:29 19 Exactly?---However it's clear that instead the issues are  
12:33:33 20 being addressed via Simon Overland.

12:33:38 21  
12:33:38 22 But you would certainly be involved in any conversation  
12:33:42 23 with the OPI about pulling Ms Gobbo from the  
12:33:46 24 investigation?---I would expect so, yes.

12:33:48 25  
12:33:48 26 Yes. You would expect Mr Wilson to be briefing you on  
12:33:51 27 these issues though, wouldn't you? You're his supervisor,  
12:33:55 28 you're the direct line of report, you would expect that if  
12:33:59 29 Mr Overland's going to go to Mr Ashton and Mr Wilson knows  
12:34:04 30 about it, that you're going to be in the loop too?---Yes.

12:34:07 31  
12:34:07 32 It's likely, very likely, probable, that this is what he's  
12:34:12 33 talking to you about at 12.30 immediately after he's  
12:34:15 34 getting this report from Attrill, that she's really  
12:34:20 35 upset?---Well, as I've said to you, I've got no  
12:34:23 36 recollection of it.

12:34:23 37  
12:34:25 38 Do you think that Mr Wilson would not brief you about such  
12:34:29 39 a thing?---Well you'd need to ask Rod Wilson that.

12:34:34 40  
12:34:34 41 Mr Wilson's pretty confident that he would have briefed you  
12:34:38 42 about such a thing?---As I say, I've got no recollection of  
12:34:41 43 it.

12:34:41 44  
12:34:45 45 And you don't have any diary notes from that day?---No.

12:34:49 46  
12:34:53 47 If he had have briefed you about it, it wouldn't make sense

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12:34:58 1 by that stage you didn't know Ms Gobbo was a source, is  
12:35:00 2 that right?--Well if he had briefed me about it I would  
12:35:04 3 have been raising the same points that I've raised today in  
12:35:08 4 my evidence, and that is why are we talking about not  
12:35:12 5 proceeding with the examination, the coercive hearing,  
12:35:16 6 because the coercive hearing would actually provide an  
12:35:20 7 appropriate forum in which to address these issues.

12:35:23 8  
12:35:24 9 It doesn't make - assuming he did brief you, it would only  
12:35:29 10 be in circumstances where you'd have to know that Ms Gobbo  
12:35:31 11 was a source?--Um, well, yeah. As I say, I've got no,  
12:35:40 12 I've got no recollection of it. And I certainly don't  
12:35:44 13 recall being told by Rod Wilson that she was a human  
12:35:48 14 source.

12:35:48 15  
12:35:48 16 If he's briefing you about this concern and, "We need to  
12:35:52 17 avoid her being called before the OPI, we need to get" - -  
12:35:56 18 - ?--I'm saying to you that I certainly don't recall  
12:36:01 19 receiving a briefing in that vein.

12:36:03 20  
12:36:03 21 Do you accept though that if he was to brief you in that  
12:36:06 22 vein, it could only be in the knowledge that you knew that  
12:36:11 23 the reason she can't be called before the OPI was because  
12:36:13 24 she's a source?--I don't know how many times I can answer  
12:36:19 25 this question for you, but I'm standing by the view that  
12:36:25 26 I've got, I've got no recollection of being told this and I  
12:36:29 27 also don't follow the premise you're putting to me.

12:36:35 28  
12:36:36 29 If we're going to get Mr Overland to approach Mr Ashton and  
12:36:41 30 request that there be no further action in relation to  
12:36:44 31 Ms Gobbo, there'd need to be a serious explanation, right,  
12:36:48 32 do you get that?--Yes, and I also don't understand why  
12:36:51 33 it's being Simon Overland being asked to do it and not me.

12:36:57 34  
12:36:58 35 We're going by these notes. If there's going to be an  
12:36:59 36 approach by the police to the OPI to say, "Please do not do  
12:37:03 37 anything further in relation to Ms Gobbo, pull her from  
12:37:05 38 your investigation", there would have to be a pretty good  
12:37:09 39 explanation for that?--Well it would be and I certainly  
12:37:12 40 don't recall ever being given such an explanation.

12:37:15 41  
12:37:15 42 You accept that though - and, "If we're going to go down  
12:37:19 43 that route, you would have to understand that the reason  
12:37:22 44 we're asking Mr Ashton to pull her from the investigation  
12:37:26 45 is because she's a human source". Those that are going to  
12:37:29 46 make that request would have to be aware of those  
12:37:32 47 circumstances?--Well they'd need to provide very good

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12:37:36 1 reasons to OPI.  
12:37:36 2  
12:37:37 3 And in the circumstances that I've taken you through, that  
12:37:40 4 would have to be because she's a human source?---Well it  
12:37:42 5 could be for any number of reasons but I've got - I've told  
12:37:47 6 you time and again, I've got no recollection of being told  
12:37:50 7 by Rod Wilson or anyone else at that stage that Ms Gobbo  
12:37:55 8 was a human source.  
12:37:55 9  
12:38:01 10 If you were to go and have such a meeting with Mr Ashton,  
12:38:07 11 you'd have to understand the basis for asking Ms Gobbo to  
12:38:12 12 be pulled from the investigation?---Yes.  
12:38:14 13  
12:38:14 14 You'd expect to be asked for an explanation?---Yes.  
12:38:19 15  
12:38:19 16 And you'd expect to be given an honest answer?---Indeed.  
12:38:24 17  
12:38:25 18 And the honest answer in these circumstances is, "We want  
12:38:30 19 you to pull her because she's a human source"?---I don't  
12:38:33 20 know that, you're putting that to me. I'm saying that I  
12:38:35 21 have no recollection of ever being told that, and I've  
12:38:38 22 certainly never had a discussion in that vein with  
12:38:42 23 Mr Ashton.  
12:38:42 24  
12:38:43 25 If we can have a look at Mr Wilson's diary for 25 July  
12:38:49 26 2006. So this is later that day, he's briefed you at 12.30  
12:39:00 27 and then later that day at 17:00 Mr Wilson's at the Crime  
12:39:07 28 Department, he's having a meeting with Superintendent  
12:39:10 29 Biggin. The two blanked out names, one is Mr White and one  
12:39:15 30 is a handler that we know by the name of Smith. Do you  
12:39:19 31 know the handlers from the SDU or did you at the time?---I  
12:39:23 32 knew one of them, I knew Mr White.  
12:39:26 33  
12:39:26 34 Mr White being the controller and you'll see a name there  
12:39:30 35 of Mr Smith on the list?---Do you have the number for me?  
12:39:41 36  
12:39:41 37 COMMISSIONER: Number 4.  
12:39:42 38  
12:39:42 39 MS TITTENSOR: Number 4?---No, I don't know that person.  
12:39:49 40  
12:39:50 41 All right. At 17:00 Mr Wilson is at the Crime Department  
12:39:57 42 meeting with Superintendent Biggin, with Mr White, Mr Smith  
12:40:01 43 re Gobbo. ESD are happy to withdraw Ms Gobbo from the  
12:40:06 44 investigation. There's a need to brief Overland and deal  
12:40:11 45 with Ashton at the OPI on the issue. Do you see  
12:40:15 46 that?---Yes, I see that.  
12:40:17 47

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12:40:17 1 For him to be reporting there that the ESD are happy to  
12:40:20 2 withdraw Ms Gobbo from the investigation, presumably that  
12:40:24 3 would have to be with your say so?---Presumably, but this  
12:40:30 4 is absolute news to me.  
12:40:32 5  
12:40:33 6 He's briefed you earlier in the day, presumably he has - -  
12:40:37 7 - ?---Well he's had - so his diary entry records that he's  
12:40:42 8 had a meeting with me and briefed me in relation to  
12:40:45 9 Ms Gobbo.  
12:40:45 10  
12:40:46 11 Yes. Do you accept if he's going to a meeting later that  
12:40:49 12 day and indicating ESD are happy to withdraw Ms Gobbo from  
12:40:54 13 the investigation, that that's something that he would have  
12:40:56 14 discussed with you?---As I've said to you I've got no  
12:40:59 15 recollection of that, that conversation and I think if it  
12:41:04 16 had been put to me I would have wanted to be part of the  
12:41:08 17 further discussions. But it's evident from this that I was  
12:41:12 18 not.  
12:41:12 19  
12:41:13 20 You've had a discussion with him earlier that day re Gobbo  
12:41:16 21 issue. He's then gone to this meeting. He said, "Okay,  
12:41:21 22 ESD are happy to withdraw Ms Gobbo from the  
12:41:24 23 investigation"?---I can see that is what Rod Wilson has  
12:41:27 24 recorded in his diary.  
12:41:28 25  
12:41:28 26 If we can go to - and you note there the need to brief  
12:41:35 27 Mr Overland and for him to deal with Mr Ashton on the  
12:41:40 28 issue. Would that indicate to you also that Mr Wilson has  
12:41:44 29 also likely discussed that issue with you?---Well, I don't  
12:41:50 30 know.  
12:41:53 31  
12:41:53 32 Do you have any recollection of what Mr Wilson told you  
12:41:56 33 about the issue re Gobbo?---No.  
12:41:59 34  
12:42:03 35 Do you accept that it's probable that he discussed with you  
12:42:07 36 the need for Overland to brief, or to deal with  
12:42:10 37 Ashton?---No.  
12:42:10 38  
12:42:11 39 It's not likely, not probable?---No.  
12:42:13 40  
12:42:14 41 All right. If we can go to Mr White's diary please,  
12:42:20 42 VPL.0100.0096.0324. You see at the top of the page there  
12:42:30 43 it records this meeting with Mr Biggin, Mr Wilson and  
12:42:36 44 Mr Smith. And Mr White being the reporter, the area of the  
12:42:45 45 diary. He's indicating that he's been given the  
12:42:48 46 information that you've been briefed about the matter.  
12:42:52 47 Agrees Assistant Commissioner Overland to speak to Graham

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12:42:57 1 Ashton OPI re the issue and advise not to pursue. Do you  
12:42:59 2 see that?---I can see that that's what Mr White has  
12:43:04 3 recorded in his diary.  
12:43:05 4  
12:43:05 5 And presumably recorded that in his diary on the basis of  
12:43:10 6 what he has been told by Mr Wilson on the basis of what  
12:43:13 7 he's been told or discussed with you?---I don't accept your  
12:43:16 8 last proposition.  
12:43:17 9  
12:43:17 10 It's complimentary to Mr Wilson's diary that I've just  
12:43:21 11 taken you through?---It's Chinese whispers again.  
12:43:25 12  
12:43:25 13 Mr Wilson has recorded, "ESD happy to withdraw her from  
12:43:31 14 investigation, need to brief Overland and deal with Ashton  
12:43:34 15 on the issue" and at the same time Mr White's recording  
12:43:41 16 that Luke Cornelius has been briefed, he agrees that  
12:43:45 17 Overland to speak to Ashton, OPI re issue, advise not to  
12:43:50 18 pursue?---Well that is what Mr White has recorded in his  
12:43:55 19 diary.  
12:44:11 20  
12:44:13 21 It then goes on to record that Mr Biggin is to speak to  
12:44:19 22 Simon Overland re the same, to gauge if the information in  
12:44:23 23 relation to the human source ID, that is Ms Gobbo's ID, can  
12:44:27 24 be limited to only Graham Ashton at the OPI and what will  
12:44:32 25 the staff think if the investigation or Ms Gobbo's  
12:44:35 26 involvement in the investigation is stopped. Do you see  
12:44:38 27 that?---Yeah, and that's a very good question.  
12:44:41 28  
12:44:42 29 Certainly people would be asking questions if all of a  
12:44:45 30 sudden we're pulling a witness out of an  
12:44:48 31 investigation?---Yes.  
12:44:49 32  
12:44:49 33 And you would be asking the same questions?---I would be.  
12:44:54 34  
12:44:54 35 Do you recall ever asking those questions?---No.  
12:44:57 36  
12:45:03 37 Is it the case that you might not have asked those  
12:45:05 38 questions because you were told the answers?---No, that's  
12:45:09 39 not the case at all.  
12:45:10 40  
12:45:12 41 It goes on, "Agreed will not pursue the Ahmed investigation  
12:45:18 42 because will further highlight Ms Gobbo's assistance  
12:45:21 43 police". Then, "Mr Wilson is to supply the recording of  
12:45:25 44 the Attrill/Swindells matter with Ms Gobbo and the summary  
12:45:31 45 of the notes that he did", all right. Do you see that?---I  
12:45:36 46 can see that's what Mr White has recorded.  
12:45:38 47



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12:45:42 1 Would you accept that someone like Mr White would make an  
12:45:45 2 accurate contemporaneous recording of a meeting like  
12:45:49 3 this?---Yes.  
12:45:49 4  
12:45:49 5 And similarly with Mr Wilson?---Yes, I'd expect so.  
12:45:57 6  
12:46:02 7 You don't expect that they would be recording or reporting  
12:46:07 8 matters inaccurately?---Well, I'd make this observation,  
12:46:11 9 Mr White's diary entries are certainly more fulsome than  
12:46:15 10 Mr Wilson's diary entries and I take you back to  
12:46:19 11 Mr Wilson's diary entry in relation to his briefing about  
12:46:21 12 me and it certainly doesn't go into the level of detail  
12:46:24 13 that is recorded here in Mr White's entry. So I stand by  
12:46:32 14 my evidence and that is I certainly do not recall Wilson,  
12:46:37 15 Mr Wilson at any stage canvassing these issues with me.  
12:46:43 16  
12:46:45 17 Yet he appears to be reporting to other people that he has  
12:46:50 18 canvassed these issues with you and you're agreeing with a  
12:46:54 19 course of action?---Well, that's what Mr White is recording  
12:47:01 20 in his diary.  
12:47:04 21  
12:47:14 22 If we can then go to Mr Biggin's diary please for the  
12:47:19 23 following day, 26 July, RCMP.0075.0001.0001. Earlier in,  
12:47:33 24 at page - maybe earlier in the day. Sorry, it's the next  
12:47:40 25 page. You'll see there on that, that's Mr Biggin's  
12:47:45 26 recording of the meeting on the 25th with Mr Wilson,  
12:47:49 27 Mr White, Mr Smith, do you see that?---Yes.  
12:47:51 28  
12:47:52 29 "Re Ms Gobbo, ESD OPI issues, planning and strategy." And  
12:48:03 30 then he's recorded that he needs to, that he's spoken with  
12:48:06 31 a particular Inspector, or done something in relation to,  
12:48:12 32 to seeing Mr Overland the following day re 3838 and the  
12:48:16 33 OPI?---Yes.  
12:48:16 34  
12:48:17 35 Then if we can go to the next page. Yes, there it is  
12:48:27 36 there. So this is the 26th of July. He records a meeting  
12:48:34 37 with Mr Overland in relation to 3838 and OPI hearings and  
12:48:43 38 he's briefing the same to speak to Graham Ashton re the  
12:48:48 39 same. It's not in the public interest for her to be placed  
12:48:52 40 before the hearings. Do you see that?---I can see that.  
12:48:56 41  
12:48:57 42 So as had been discussed at the meeting with Mr Wilson the  
12:49:01 43 day before, Mr Biggin is meeting Mr Overland, having a  
12:49:05 44 discussion about - Mr Overland then speaking to Mr Ashton  
12:49:11 45 about pulling Ms Gobbo from hearings, okay?---I can see  
12:49:17 46 that entry, yes.  
12:49:17 47

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12:49:22 1 And you would be well aware that Mr Ashton would want some  
12:49:25 2 significant explanation if that was to be the case?---I  
12:49:28 3 imagine he would want that.  
12:49:30 4  
12:49:35 5 If we can go to, back to Mr White's diary,  
12:49:43 6 VPL.0100.0096.0325. On the left-hand side of the page,  
12:49:48 7 this is the same date, the 26th, he has a conversation with  
12:49:55 8 Mr Biggin. "Mr Biggin has spoken to Mr Overland, he's  
12:50:00 9 meeting with Graham Ashton in relation to the issue  
12:50:04 10 tomorrow AM, that is tomorrow morning, will request no  
12:50:07 11 further action re 3838 and the investigators at VicPol,  
12:50:12 12 being the primaries, and OPI not being interested". Do you  
12:50:16 13 see that?---I can see that entry.  
12:50:19 14  
12:50:23 15 Do you understand the effect of that entry?---So the second  
12:50:31 16 part, can you read that to me again, please?  
12:50:33 17  
12:50:34 18 "Will request NFA", we understand that to be no further  
12:50:38 19 action, "Re 3838" and it says, "Invest VicPol primary - OPI  
12:50:46 20 not interested". So that we understand to mean that VicPol  
12:50:53 21 would be the primary investigators and the OPI drops off  
12:50:56 22 perhaps?---I take OPI not interested to mean OPI not  
12:51:00 23 interested, but that entry doesn't make sense to me because  
12:51:04 24 my sense of what you've been presenting to me as we've been  
12:51:11 25 pursuing this course is that in fact OPI remained very  
12:51:15 26 interested.  
12:51:15 27  
12:51:15 28 They had been and that's why there would need to be some  
12:51:19 29 significant explanation you would think?---I would think  
12:51:21 30 so, yes.  
12:51:22 31  
12:51:22 32 But in any case what's apparent from that entry, you'd  
12:51:25 33 agree, is that Mr Overland is meeting with Mr Ashton the  
12:51:29 34 following morning and he would speak to him about the  
12:51:31 35 matter?---Yes.  
12:51:33 36  
12:51:34 37 And that he would be requesting of Mr Ashton that there be  
12:51:37 38 no further action in relation to Ms Gobbo?---Yes.  
12:51:43 39  
12:51:49 40 If we can go to Mr Ashton's diary of the next morning,  
12:51:56 41 RCMP.0097.0001.0001. Do you see there that Mr Ashton  
12:52:04 42 records the meeting the following morning was with  
12:52:06 43 Mr Overland and yourself?---Yes, in relation to Operation  
12:52:10 44 Air.  
12:52:10 45  
12:52:11 46 Yes. Do you say that means that, "I was never there and  
12:52:17 47 never part of any discussion in relation to

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12:52:19 1 Ms Gobbo"?---No, I may well have been present at that  
12:52:23 2 meeting.  
12:52:24 3  
12:52:25 4 Do you recall any discussion in relation to asking the OPI  
12:52:29 5 to drop off Ms Gobbo in relation to Operation Khadi?---No.  
12:52:33 6  
12:52:35 7 Do you say that that didn't happen in front of you?---I'm  
12:52:39 8 saying I've got no recollection of that conversation.  
12:52:45 9  
12:52:47 10 You would expect if Mr Overland is asking Mr Ashton to back  
12:52:53 11 off an investigation which is part of a joint agency  
12:52:57 12 agreement that you've signed with Mr Ashton, you would be  
12:52:59 13 there?---Yes, but what was Operation Air in relation to?  
12:53:04 14  
12:53:05 15 I'm not sure about those matters?---Because this is a  
12:53:11 16 discussion between Simon Overland and Luke Cornelius and  
12:53:16 17 Graham Ashton, it's his entry, re Operation air.  
12:53:19 18  
12:53:19 19 Yes. The point I make is that the previous day Mr Overland  
12:53:26 20 indicates, "Yes, I'm going to have a discussion with Graham  
12:53:29 21 Ashton about the Operation Khadi matters tomorrow" and that  
12:53:32 22 there was a meeting with Mr Ashton at that very time, all  
12:53:37 23 right?---Well, this is a reference to a meeting about  
12:53:40 24 Operation Air, not Khadi.  
12:53:43 25  
12:53:44 26 Do you accept that you may well have spoken about Operation  
12:53:48 27 Khadi at this meeting and that Mr Ashton just simply may  
12:53:51 28 not have noted it in his diary?---No.  
12:53:54 29  
12:53:54 30 You don't accept that?---No.  
12:54:02 31  
12:54:03 32 All right. Well let's move on. If we can go to  
12:54:09 33 Mr Wilson's diary of the same date, RCMPPI.0118.0001.0001.  
12:54:21 34 You've had that meeting with Mr Ashton at 10 am and at  
12:54:27 35 11.30 am Mr Wilson gets a briefing by you re Gobbo issue,  
12:54:34 36 "OPI want to coercively question her re Dale and Hodson"  
12:54:39 37 and Mr Attrill is then briefed. Do you accept that you had  
12:54:42 38 a discussion with Mr Ashton and Mr Overland in relation to  
12:54:46 39 the Gobbo issue?---I accept that I had a discussion with  
12:54:50 40 them in relation to Operation Air. You might want to check  
12:54:55 41 to see whether Operation Air was their operation name in  
12:55:00 42 relation to the Dale/Hodson matter.  
12:55:02 43  
12:55:02 44 No, it wasn't?---Well I don't know.  
12:55:05 45  
12:55:05 46 Do you accept that you had a discussion with Mr Ashton and  
12:55:08 47 Mr Overland that morning on the basis of this material that

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12:55:12 1 I'm putting before you, about the Gobbo issue?---Well I may  
12:55:17 2 have, but as I've said to you all along I've got no  
12:55:21 3 recollection of it.

12:55:21 4  
12:55:28 5 All right. You've come back from this meeting with  
12:55:31 6 Mr Ashton and you've briefed Mr Wilson about the Gobbo  
12:55:35 7 issue and what he's recording is that you're telling him  
12:55:39 8 the OPI want to coercively question her re Dale and Hodson  
12:55:44 9 and then he's saying Attrill briefed, either by you or - -  
12:55:49 10 - ?---Yeah, that's a reflection of my understanding of what  
12:55:52 11 was proposed and that was that Ms Gobbo was to be  
12:55:55 12 coercively questioned.

12:55:57 13  
12:55:59 14 All right. If we can go to - - - ?---Where as I understand  
12:56:03 15 it, what you've been putting to me so far is that there are  
12:56:06 16 efforts here to avoid her being coercively questioned.

12:56:09 17  
12:56:10 18 Well coercively questioned at least insofar as Operation  
12:56:14 19 Khadi is concerned but it might be the OPI might consider  
12:56:18 20 the murder of the Hodsons to be significantly more serious  
12:56:21 21 than Operation Khadi, you would understand that?---Yes, as  
12:56:27 22 would I.

12:56:27 23  
12:56:28 24 If we can go to Mr Biggin's entry of 27 July 2006 at 13:30.  
12:56:40 25 Mr Biggin speaks to Mr Overland and Mr White. Do you see  
12:56:48 26 that, "Re Ms Gobbo and the OPI", and the OPI, and then,  
12:56:56 27 "Hearing re Operation Gallop issues"?---Yes, I see that.

12:57:01 28  
12:57:03 29 So similarly there's been a discussion, Mr Overland's come  
12:57:08 30 back from that meeting and he's reported to Mr Biggin and  
12:57:14 31 Mr White in relation to issues to do with Ms Gobbo. And is  
12:57:22 32 similarly reporting matters related to the Dale/Hodson  
12:57:26 33 matter?---So the Operation Gallop issues I take it is a  
12:57:30 34 reference to the Dale/Hodson matter.

12:57:32 35  
12:57:32 36 Yes. Operation Gallop was the Dublin Street burglary which  
12:57:37 37 is where that all started?---Yes.

12:57:41 38  
12:57:46 39 Now, Mr White in his statement to the Commission indicated  
12:57:51 40 that he was told by Mr Overland that he'd briefed Graham  
12:57:58 41 Ashton at the OPI concerning the source. He refers in his  
12:58:07 42 statement to being informed that Mr Overland had spoken to  
12:58:11 43 Ashton and told him that Ms Gobbo was a human source and  
12:58:15 44 requested that she not be called to a compulsory hearing  
12:58:19 45 because this could compromise her. He says that at  
12:58:23 46 paragraph 151 of his statement albeit it appears as though  
12:58:27 47 he's mistakenly said 27 April, rather than 27 July

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12:58:31 1 2006?---Yes, I can see that.

12:58:37 2

12:58:37 3 At paragraph 152 he's told, he says, "I was then told that

12:58:44 4 there may be a time in the future when she might be called

12:58:47 5 to a compulsory hearing in relation to the suspected

12:58:51 6 involvement of Mr Dale in the killing of the Hodsons. That

12:58:55 7 Dale had stolen an information report known as IR 44 and it

12:59:04 8 was believed that it had been leaked to gangland

12:59:09 9 identities, Mokbel and Williams who were suspected of

12:59:12 10 ordering the killings"?---Yes, I can see that.

12:59:14 11

12:59:14 12 And then he went on to then indicate that that caused he

12:59:21 13 and some of his unit to speculate as to what Ms Gobbo's

12:59:24 14 motivation might be for assisting the police?---I can see

12:59:28 15 that speculation.

12:59:29 16

12:59:31 17 Now, those matters, I'll just take you to his notes, those

12:59:37 18 matters are borne out by contemporaneous notes that he

12:59:40 19 took. So I'll just take you to those. At 13.30 you see

12:59:58 20 there he's at the Crime Department for a meeting with

13:00:02 21 Superintendent Biggin and Mr Overland in relation to 3838

13:00:06 22 and the OPI issue. Do you see that?---Yes.

13:00:10 23

13:00:12 24 This is the same date, 27 July. You can see that there.

13:00:27 25 And he reports that the Assistant Commissioner - or what's

13:00:33 26 told to him at that meeting is that, "The Assistant

13:00:36 27 Commissioner", that is Mr Overland, "Has met with Graham

13:00:40 28 Ashton at the OPI. The OPI are happy to drop off the

13:00:45 29 PII [REDACTED] Shields issue. There's no requirement to examine

13:00:49 30 Ms Gobbo re the same. Belief that Ms Gobbo, human source,

13:00:55 31 and Paul Dale had a relationship. They want to examine

13:01:00 32 Ms Gobbo in the future re IR, leaked IR 44, belief that

13:01:05 33 human source may have been the conduit between Mokbel and

13:01:08 34 Williams and Dale in relation to that IR leading to the

13:01:14 35 killing of the Hodsons. That Ms Gobbo believes that,

13:01:20 36 Ms Gobbo's believes that Dale was involved in the burglary,

13:01:23 37 I think that code there means Oakleigh. There's a belief

13:01:28 38 that Tony Mokbel and Carl Williams ordered the killing and

13:01:31 39 Mr Fitzgerald is to conduct an inquiry". It's then agreed

13:01:36 40 that Ms Gobbo is to be told that there's to be no OPI

13:01:39 41 hearing in relation to [REDACTED], et cetera. "At a time in the

13:01:44 42 future she can be pre-warned in relation to an OPI hearing

13:01:47 43 in relation to Mr Dale and that Ms Gobbo might speak to the

13:01:54 44 handlers in relation to those matters. That there's a

13:01:58 45 trust issue in relation to informing Ms Gobbo of the

13:02:04 46 hearing before it happens and it appears to be the case

13:02:07 47 that only the handler Smith was to be told about those



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13:02:10 1 matters". And then you'll see underneath that Mr White has  
13:02:17 2 a conversation with the handler Smith and updates him in  
13:02:20 3 relation to Assistant Commissioner Overland's information  
13:02:25 4 and there is some speculation there about her motive, "Is  
13:02:29 5 she informing because of guilt being involved in relation  
13:02:33 6 to leaking matters leading to the murder of the Hodsons and  
13:02:38 7 has she ever mentioned the Hodsons?" Do you see  
13:02:42 8 that?---Yes, I can see that.

13:02:43 9  
13:02:44 10 So Mr Overland's come back from that meeting possessed with  
13:02:48 11 all of that information and relayed that information to  
13:02:55 12 Mr White and Mr Biggin and it appears to be the case that  
13:02:59 13 you were present at that meeting with Mr Overland and  
13:03:02 14 Mr Ashton as well?---Well I was certainly at a meeting  
13:03:07 15 that's recorded in Graham Ashton's diary but, as I say,  
13:03:14 16 I've got no recollection at all of this information.

13:03:17 17  
13:03:18 18 And in summary form, Mr Wilson records being told of the  
13:03:23 19 same type of information as was being reported to Mr White.  
13:03:28 20 Do you accept that?---Yes, but, again, the point that I  
13:03:32 21 would make, and that I stand by, is that it may well have  
13:03:36 22 been that the subject matter at that meeting involving  
13:03:42 23 myself, Ashton and Overland referenced the Dale/Hodson  
13:03:48 24 issue, but I've got no recollection whatsoever of this  
13:03:52 25 other information.

13:03:53 26  
13:03:54 27 Do you think it might be that your recollection is simply  
13:03:57 28 faulty?---Well, we're talking about meetings that occurred  
13:04:02 29 in 2006, Ms Tittensor, so when I'm saying to you that I've  
13:04:07 30 got no recollection of this information, I'm saying to you  
13:04:11 31 I've got no recollection of it.

13:04:12 32  
13:04:12 33 Do you allow for the possibility that you were informed of  
13:04:16 34 these matters back in 2006?---I think it quite unlikely  
13:04:20 35 because if I'd been informed of these matters it would have  
13:04:24 36 certainly triggered some quite significant questions in my  
13:04:29 37 mind.

13:04:29 38  
13:04:29 39 Well looking back now you know that it certainly should  
13:04:33 40 have triggered those things, is that right?---Yes,  
13:04:35 41 certainly.

13:04:36 42  
13:04:38 43 And it seems to be the case though that it didn't trigger  
13:04:41 44 those things with Mr Overland or Mr Ashton, or anyone else  
13:04:45 45 for that matter?---Well that may be the case.

13:04:47 46  
13:04:55 47 Do you have concerns about those last recordings made by

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13:05:01 1 Mr White that even in relation to the Hodson matters that  
13:05:07 2 Ms Gobbo's to be pre-warned of any hearing?---Yeah, I do.  
13:05:11 3 I just think pre-warning people ahead of a hearing being  
13:05:15 4 conducted is entirely inappropriate.  
13:05:16 5  
13:05:20 6 It also seems to be the case that there's some discussion  
13:05:23 7 that, there was some agreement that Ms Gobbo is going to  
13:05:27 8 be, or might be spoken to by the handlers in relation to  
13:05:30 9 those issues, even in advance of any hearing?---Well that  
13:05:34 10 may well be what the handlers were hoping for or expecting,  
13:05:39 11 but this is news to me.  
13:05:42 12  
13:05:42 13 This seems to be part of the agreement or discussions with  
13:05:46 14 Mr Overland and Mr Biggin?---Well that's, that's what is  
13:05:53 15 recorded in Mr White's diary.  
13:05:55 16  
13:05:56 17 You later go on to be a part of a joint committee with  
13:06:01 18 Mr Overland and Mr Ashton in relation to these very  
13:06:04 19 issues?---Task Force Petra.  
13:06:05 20  
13:06:06 21 Task Force Petra?---Yes.  
13:06:07 22  
13:06:08 23 Are you given any understanding about these matters at all  
13:06:11 24 in the course of - - - ?---No. My involvement in Task  
13:06:15 25 Force Petra, as outlined in my statement, commenced on 24  
13:06:20 26 April when I received a briefing that I've provided to the  
13:06:27 27 Commission, together with Carl Williams' then unsigned  
13:06:32 28 statement attached to it.  
13:06:33 29  
13:06:34 30 Would you have expected to be informed about historical  
13:06:38 31 matters or knowledge that Mr Overland might have known  
13:06:42 32 about at that point in time?---No.  
13:06:48 33  
13:06:48 34 You wouldn't have expected him to fill you in on these  
13:06:52 35 kinds of things?---No.  
13:06:53 36  
13:06:53 37 Why not?---Because the briefing I received at the first  
13:06:56 38 meeting of the Petra IMC contained the information that I  
13:07:02 39 needed to know. I didn't have a sense that there was other  
13:07:05 40 information that I ought to have known that I hadn't been  
13:07:09 41 briefed about.  
13:07:10 42  
13:07:11 43 I'm not asking you whether you had a sense that there might  
13:07:14 44 be, but if you've got the SDU dealing with a human source  
13:07:20 45 back prior to that joint investigation beginning, might you  
13:07:25 46 have wanted to know about that?---Well if I didn't know  
13:07:27 47 about it how could I have an expectation of it?

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13:07:31 1  
13:07:31 2 Looking back in hindsight from now, would you expect that  
13:07:35 3 Mr Overland would have filled you in on these kinds of  
13:07:38 4 things?---The benefit of hindsight is a wonderful thing, I  
13:07:43 5 dealt with these issues on the basis of the information  
13:07:45 6 that was available to me at the time.  
13:07:47 7  
13:07:48 8 Are you unhappy, do you have any problem with the fact that  
13:07:51 9 you weren't filled in on these things at the time?---I've  
13:07:57 10 been a police officer for over 30 years, I've got over my  
13:08:03 11 emotions, Ms Tittensor, a long time ago.  
13:08:05 12  
13:08:05 13 Do you see any problem with the fact that you were not told  
13:08:08 14 about these kinds of things?---I don't know whether the  
13:08:13 15 issues that are recorded in the diary entry that Mr White  
13:08:17 16 has made here had in fact been canvassed with Mr Overland,  
13:08:23 17 so I don't know what he would have been in a position to  
13:08:26 18 tell me about either way.  
13:08:27 19  
13:08:32 20 All right. It's apparent following that that Ms Gobbo is  
13:08:41 21 advised by her handlers, I won't take you to the entry, but  
13:08:45 22 she's told by the handlers that there will be nil  
13:08:49 23 investigation/OPI involvement re PII later that  
13:08:55 24 afternoon?---Well she may well have been told that.  
13:08:58 25  
13:09:00 26 Consistent with their entries?---Yes.  
13:09:02 27  
13:09:02 28 And the meetings that have occurred?---Yes.  
13:09:04 29  
13:09:05 30 Can only have been done if that's what had occurred with  
13:09:09 31 the OPI, you would think?---You would think.  
13:09:11 32  
13:09:17 33 There's still some discussion with her between she and the  
13:09:22 34 handlers about upset over what's occurred and the possible  
13:09:26 35 compromise through the ESD at a face-to-face meeting that  
13:09:35 36 subsequently occurs between them. That entry indicates  
13:09:40 37 that the source, Ms Gobbo, was advised that Mr Overland had  
13:09:44 38 stated that her involvement in the investigation re Shields  
13:09:49 39 and PII was finished and that there was no statement to  
13:09:53 40 be taken from her and she will not be brought before the  
13:09:57 41 OPI over that matter. So that's what she's told  
13:10:01 42 face-to-face in a meeting later that day, right?---Yes, I  
13:10:07 43 note that.  
13:10:07 44  
13:10:18 45 She was told that Mr Attrill was probably aware that she  
13:10:23 46 had assisted police in relation to two major gangland  
13:10:30 47 witnesses who had become, major gangland figures who had



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13:10:37 1 become Crown witnesses for the police, so that's what she  
13:10:42 2 was given to understand in relation to Mr Attrill's  
13:10:45 3 knowledge of her assistance to the police, all right. Now,  
13:10:53 4 did you - I take it you continued to follow or have some  
13:10:57 5 involvement in Operation Khadi?---Yes, I imagine so, but I  
13:11:04 6 can't recall the resolution of it.

13:11:07 7  
13:11:08 8 You would have known - - - ?---I know that Mr Shields was  
13:11:11 9 ultimately exited from the organisation. I can't recall  
13:11:15 10 how the matters were resolved in relation to [REDACTED]

13:11:20 11  
13:11:20 12 Well if we - I might take you quickly to an email from  
13:11:29 13 Mr Attrill to Mr Davson of the OPI. It seems as though -  
13:11:38 14 so the discussion with Mr Ashton and Mr Overland and  
13:11:44 15 yourself had occurred back in late, on 27 July 2006 and  
13:11:50 16 after which it was agreed that Ms Gobbo's going to go away.  
13:11:55 17 By 4 September it's apparent - sorry, if we can just - it's  
13:12:03 18 apparent that the OPI investigators themselves are still a  
13:12:07 19 bit in the dark about what's going on with Ms Gobbo. First  
13:12:11 20 of all, they were told, "Well we're not going to have a  
13:12:15 21 coercive hearing" and then they were not given any  
13:12:17 22 information about the meeting that was to take place. So  
13:12:22 23 it seems here Mr Attrill then conveys to them - so this is  
13:12:34 24 4 September. They're then, only then getting an  
13:12:39 25 explanation for what's going on with Ms Gobbo. Essentially  
13:12:44 26 that he talks about his concerns that arose from a meeting  
13:12:49 27 with Ms Gobbo. There are matters being raised that can't  
13:12:55 28 be disclosed in the report, that she'd raised issues in  
13:13:00 29 relation to privilege and hearsay. Effectively, if we move  
13:13:07 30 up the screen a bit, however you'll see there, "Agreed to  
13:13:11 31 allow me to give her" - sorry. You'll see in that  
13:13:27 32 paragraph at the top of the second page references to  
13:13:34 33 Mr Ahmed and there appears to be essentially an offer for a  
13:13:42 34 quid pro quo, that she'd speak to witnesses or potential  
13:13:46 35 witnesses for them as long as she wasn't going to be called  
13:13:48 36 as a witness herself. And it was noted that a decision  
13:13:56 37 must be reached at senior level between Victoria Police and  
13:13:59 38 that the OPI were to ensure that the issues were fully  
13:14:04 39 discussed before any further approach to Ms Gobbo. So what  
13:14:08 40 he was essentially saying is that, "It's above my head now,  
13:14:13 41 it's some more senior people need to get involved". It's  
13:14:18 42 apparent that the senior people had already been involved  
13:14:20 43 and decisions had already been made?

13:14:23 44  
13:14:23 45 MR COLEMAN: Can I object to that. Can we scroll to the  
13:14:26 46 top of this document, please. What this is, is this  
13:14:32 47 records, if one looks - can we go to the top of the

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13:14:35 1 document, please. This is an email which says, "Here is  
13:14:38 2 the substance of the meeting with Gobbo as summarised in an  
13:14:41 3 IR", then there's a 24 July reference. It's not clear to  
13:14:45 4 me how my learned friend then draws that this is post that  
13:14:48 5 date.  
13:14:49 6  
13:14:49 7 COMMISSIONER: I think I'll allow Ms Tittensor to develop  
13:14:53 8 the argument, but you've made your point.  
13:14:57 9  
13:14:57 10 MS TITTENSOR: I'm putting that as of 4 September 2006  
13:15:01 11 there is a report of the 24 July 2006 conversation. Do you  
13:15:09 12 see that?---I'm sorry, what is the date of this email?  
13:15:14 13  
13:15:15 14 The email you'll see at the top of the screen is 4  
13:15:18 15 September?---Yes.  
13:15:19 16  
13:15:19 17 There's a report there of the conversation that had  
13:15:23 18 occurred with Ms Gobbo of 24 July?---Yes.  
13:15:25 19  
13:15:27 20 It's apparent that in the time that had passed since then  
13:15:33 21 the OPI investigators hadn't been filled in on what was  
13:15:36 22 going on?---Well, I don't know that. I don't know what  
13:15:41 23 they'd been told.  
13:15:42 24  
13:15:42 25 Okay. All right. If we can continue with the screen.  
13:15:47 26 You'll see Mr Attrill is indicating that after the  
13:15:54 27 conversation, sorry, the third-last paragraph there you'll  
13:16:00 28 see, "Gobbo stated she would meet with Ahmed but then  
13:16:05 29 changed her mind until a decision had been made whether she  
13:16:08 30 was required to make a statement or appear at the hearing".  
13:16:13 31 That you might understand is she was offering earlier in  
13:16:18 32 that paragraph to assist in relation to introductions with  
13:16:24 33 other, to other potential witnesses. Now, Mr Attrill  
13:16:28 34 indicates that he and Swindells had returned to the office,  
13:16:31 35 discussed the issues that Ms Gobbo had raised with  
13:16:37 36 Superintendent Wilson. He's indicating that he's got a  
13:16:43 37 belief that Ms Gobbo has concerns for her safety. He's of  
13:16:48 38 the view that if she's required to make a statement for the  
13:16:51 39 investigation or appear before the hearing and this became  
13:16:53 40 public knowledge, or was conveyed in any way to persons  
13:16:57 41 having criminal connections it would have serious  
13:17:00 42 consequences for her and then he goes on, "A decision must  
13:17:03 43 be reached quickly at a senior level between Victoria  
13:17:06 44 Police and the OPI to ensure that the issues raised in this  
13:17:10 45 report are discussed fully before any further approach is  
13:17:13 46 made to Ms Gobbo". Now what I'm suggesting to you is that  
13:17:17 47 those matters had already been discussed and dealt with at



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13:17:21 1 senior levels between Victoria Police and the OPI?---Well I  
13:17:25 2 don't recall them being discussed with me.  
13:17:26 3  
13:17:29 4 Do you accept on the evidence that they were?---No.  
13:17:31 5  
13:17:34 6 Do you allow for the possibility that they were?---Well  
13:17:40 7 again, I think I've said previously I think it highly  
13:17:44 8 unlikely.  
13:17:45 9  
13:17:49 10 COMMISSIONER: Have you finished with that topic?  
13:17:51 11  
13:17:52 12 MS TITTENSOR: Yes Commissioner.  
13:17:52 13  
13:17:52 14 COMMISSIONER: It's time to adjourn.  
13:17:54 15  
13:17:54 16 MR HOLT: Sorry, can I raise an issue in relation to  
13:17:56 17 Mr Jones' evidence for tomorrow?  
18  
19 COMMISSIONER: Yes.  
20  
13:17:58 21 MR HOLT: We've communicated with the Commission about our  
13:18:00 22 concerns in relation to the breadth of Mr Jones' statement.  
23  
13:18:03 24 COMMISSIONER: You have.  
13:18:04 25  
13:18:04 26 MR HOLT: And suggested perhaps some possible ways through  
13:18:06 27 that. I have been discussing matters with those assisting  
13:18:11 28 the Commission, I'm just conscious now of the time.  
13:18:12 29  
13:18:12 30 COMMISSIONER: Mr Jones isn't represented so I have to get  
13:18:16 31 a response from him about that.  
13:18:17 32  
13:18:18 33 MR HOLT: And I understand that hasn't been able to happen  
13:18:22 34 yet for obvious reasons but I simply wanted to ensure the  
13:18:23 35 issue wasn't being overlooked.  
13:18:23 36  
13:18:23 37 COMMISSIONER: Yes, well no doubt it will be discussed if  
13:18:25 38 necessary when the statement is to be tendered tomorrow,  
13:18:30 39 such as - if that's the way it is, that's the way it is.  
13:18:34 40 He's unrepresented so it's very difficult.  
13:18:37 41  
13:18:37 42 MR WOODS: The current intention I should say,  
13:18:39 43 Commissioner, the concern that is raised by Victoria Police  
13:18:42 44 are matters of relevance. The current intention is I'm  
13:18:45 45 simply not going to take him to any areas that I deem to be  
13:18:50 46 irrelevant and if Victoria Police want to cross-examine him  
13:18:53 47 on those things they can. We haven't got him for long.

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13:18:56 1  
13:18:56 2 COMMISSIONER: I think we'll just let things develop. We  
13:18:59 3 can't really do anything in the absence of Mr Jones who is  
13:19:01 4 not legally represented.  
13:19:03 5  
13:19:03 6 MR HOLT: I understand the position, Commissioner, and  
13:19:04 7 we'll have to deal with things as we go. I understand  
13:19:09 8 progress has been made but the concerns remain.  
13:19:11 9  
13:19:12 10 COMMISSIONER: Yes, we'll deal with them as necessary.  
13:19:12 11 While you're on your feet, Mr Holt, can you assist with  
13:19:16 12 Operation Air?  
13:19:18 13  
13:19:18 14 MR HOLT: I can't, Commissioner. Inquiries have been and  
13:19:18 15 we haven't been able to identify that. I think it is an  
13:19:24 16 OPI operation. We struggle to assist.  
17  
18 COMMISSIONER: An OPI one by the sound of it. Mr Coleman,  
13:19:25 19 can you make inquiries?  
13:19:25 20  
13:19:26 21 MR COLEMAN: Mr Ashton was asked questions by counsel  
13:19:29 22 assisting as to the nature of that operation.  
23  
24 COMMISSIONER: Yes.  
25  
13:19:30 26 MR COLEMAN: He confirmed it had nothing to do with  
13:19:33 27 Ms Gobbo and nothing to do with the other persons of  
13:19:36 28 interest, as I understand it. The question was asked by  
13:19:40 29 Mr Winneke to Mr Ashton.  
13:19:41 30  
13:19:42 31 COMMISSIONER: If you can make some inquiries, both you and  
13:19:45 32 Mr Holt over lunchtime to see if we can run that one down,  
13:19:50 33 thanks, as to what it related to.  
13:19:51 34  
13:19:52 35 MR COLEMAN: Yes.  
13:19:52 36  
13:20:12 37 COMMISSIONER: We'll adjourn until 2 o'clock. Thank you.  
13:20:17 38  
13:20:18 39 <(THE WITNESS WITHDREW)  
13:20:19 40  
13:20:19 41 LUNCHEON ADJOURNMENT  
42  
43  
44  
45  
46  
47

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13:57:17 1 UPON RESUMING AT 2.00 PM:  
2  
3 <THOMAS DONALD LUKE CORNELIUS, recalled:  
4  
14:06:54 5 COMMISSIONER: Mr Cornelius - sorry, you had something to  
14:06:57 6 say?  
14:06:58 7  
14:06:59 8 MR COLEMAN: I was just going to inform you about Operation  
14:07:01 9 Air.  
10  
14:07:02 11 COMMISSIONER: Thank you.  
14:07:02 12  
14:07:02 13 MR COLEMAN: As Mr Ashton said in his evidence, it was an  
14:07:06 14 investigation by the OPI into the Victorian Armed Offenders  
14:07:09 15 Squad, and I've informed Mr Winneke that there is a public  
14:07:13 16 report of the OPI in 2008 in relation to the operation.  
17  
14:07:17 18 COMMISSIONER: Thank you. And I understand it did touch on  
14:07:21 19 identifying knowledge of criminality by or with Paul Dale  
14:07:25 20 and others.  
14:07:26 21  
14:07:27 22 MR COLEMAN: I haven't read the report. That's not my  
14:07:30 23 understanding.  
24  
14:07:30 25 COMMISSIONER: It wasn't directly into him but it did  
14:07:32 26 relate to identifying knowledge of criminality by or with  
14:07:36 27 him.  
14:07:37 28  
14:07:37 29 MR COLEMAN: I'm not sure that that's right, Commissioner.  
30  
14:07:40 31 COMMISSIONER: Well if it's not I guess I'll be corrected.  
14:07:43 32 That was the information I was given over the lunch break.  
14:07:46 33  
14:07:47 34 MR COLEMAN: Yes. I've informed Mr Winneke the public  
14:07:49 35 report is there.  
36  
14:07:51 37 COMMISSIONER: Thanks, Mr Coleman, appreciated.  
38  
14:07:53 39 Before Ms Tittensor starts, Mr Cornelius, could I ask  
14:07:59 40 you, as the former head of the Ethical Standards Department  
14:08:03 41 of Victoria Police, do you see any difficulty, public  
14:08:08 42 perception wise, in the very substantial Victoria Police  
14:08:10 43 Media Unit hosting drinks tonight for media reporters,  
14:08:14 44 including those reporting on this Royal Commission, at the  
14:08:18 45 height of the Commission's investigation into the most  
14:08:20 46 senior levels of Victoria Police, which I understand may be  
14:08:24 47 attended by senior Victoria Police members, some of whom

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14:08:28 1 have recently or are still giving or to evidence before the  
14:08:30 2 Commission?--Well I received an invitation to that  
14:08:34 3 function and I'm not attending it. So that's - - -  
4  
14:08:39 5 That's your personal assessment?--That's my assessment of  
14:08:42 6 it because, of course, I'm giving evidence before the  
14:08:45 7 Commission, so I felt it would be inappropriate for me to  
14:08:47 8 attend.  
9  
14:08:48 10 Yes?--As to other people attending, well Victoria Police  
14:08:55 11 Command covers a broad range of activities across the whole  
14:08:59 12 of the Victorian Police Force and engagement with media is  
14:09:07 13 an important part of us being able to discharge our  
14:09:10 14 functions.  
15  
14:09:11 16 I understand that?--I would expect that those of my  
14:09:13 17 colleagues who are attending tonight would appreciate the  
14:09:17 18 boundaries and would have the experience and good sense to  
14:09:19 19 manage those and not canvass issues that are subject of  
14:09:23 20 consideration by your Commission.  
21  
14:09:27 22 Thank you. Yes Ms Tittensor.  
14:09:34 23  
14:09:34 24 MS TITTENSOR: Mr Cornelius, just to finish off that last  
14:09:37 25 topic. Do you understand that there was a final report in  
14:09:40 26 relation to Operation Khadi in November of 2006?--There  
14:09:44 27 may have been but I can't recall it.  
28  
14:09:48 29 And that that final report made a number of references in  
14:09:56 30 relation to the involvement of Ms Gobbo in a number of the  
14:10:00 31 allegations that were being investigated, do you know that  
14:10:08 32 to be the case?--As I say, I can't recall the contents of  
14:10:11 33 the report.  
34  
14:10:11 35 You would accept that the report made no reference to any  
14:10:17 36 interview of Ms Gobbo?--As I say, I don't recall the  
14:10:21 37 contents of the report so I'm not in a position to express  
14:10:28 38 a view on it.  
39  
14:10:29 40 The Briars Task Force commenced in 2007?--Yes.  
41  
14:10:38 42 If I can bring up a chronology for the Briars Task Force.  
14:10:42 43 IBAC.0008.0001.0027 please. This is a chronology prepared,  
14:11:04 44 is it, for the purposes of the OPI for some matters that  
14:11:12 45 arose during the course of Operation Briars, do you  
14:11:15 46 understand that?--Yes, I prepared this chronology at  
14:11:19 47 Graham Ashton's request and I provided it to him by hand on

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14:11:24 1 3 October 2007.  
2  
14:11:28 3 Mr Ashton, was he involved in an investigation in relation  
14:11:31 4 to matters arising out of Briars?---Yes, he'd briefed me on  
14:11:37 5 14 September about an investigation that he gave me to  
14:11:42 6 understand the OPI had been undertaking for some time.  
7  
14:11:51 8 Did that relate to media leaks?---Yes.  
9  
14:11:55 10 And media leaks that were occurring in the course of  
14:11:57 11 Briars?---Well it related not only to media leaks but also  
14:12:03 12 to efforts to compromise the effective conduct of Operation  
14:12:11 13 Briars by disclosing to targets of Operation Briars the  
14:12:17 14 intent and direction of that investigation.  
15  
14:12:21 16 Was Mr Ashton involved in that investigation?---He gave me  
14:12:25 17 to understand that he was.  
18  
14:12:33 19 Did you see any issue with Mr Ashton being involved in that  
14:12:37 20 investigation given the fact that he was involved in the  
14:12:41 21 management of Briars itself?---No.  
22  
14:12:47 23 You don't see that there might be any conflict arising in  
14:12:51 24 his being involved in the management committee of Briars  
14:12:55 25 and then investigating leaks from Briars?---No.  
26  
14:13:01 27 You don't see any conflict?---No, and in fact I saw it as,  
14:13:05 28 when he briefed me about it on 14 September, I saw it as  
14:13:08 29 being entirely within keeping of the remit of his  
14:13:11 30 organisation.  
31  
14:13:13 32 Did you see any problem with him being, as an oversight  
14:13:17 33 body, being involved in the Briars investigation?---No.  
34  
14:13:25 35 You don't see that he can maintain, or that the OPI could  
14:13:30 36 maintain independent oversight over the conduct of Victoria  
14:13:34 37 Police when they're in fact part of the investigation  
14:13:37 38 themselves?---No, and I was satisfied that the terms of the  
14:13:46 39 joint agency agreement covering the conduct of the  
14:13:51 40 operation covered those issues.  
41  
14:13:53 42 Do you understand that IBAC operate on a different model  
14:13:58 43 these days?---Yes.  
44  
14:13:59 45 Do you understand the reason for that?---Well, I understand  
14:14:03 46 that IBAC have the operational capacity, capability and  
14:14:09 47 statutory framework to allow them to operate a lot more



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14:14:12 1 independently and effectively than the OPI was able to back  
14:14:17 2 in 2007.  
3  
14:14:19 4 Do you see at least from a perception point of view, if not  
14:14:22 5 from an actual point of view, there might be a problem with  
14:14:25 6 maintaining independent oversight over the very people that  
14:14:28 7 you're meant to be overlooking if you're actually involved  
14:14:31 8 in the operational management of matters with  
14:14:37 9 them?---That's a problem that is alive for every oversight  
14:14:41 10 body because when you in fact look under the bonnet of  
14:14:44 11 oversight bodies, whether they're in Queensland, New South  
14:14:51 12 Wales or Western Australia, for example, all of them have  
14:14:53 13 police officers who are seconded to those agencies who in  
14:14:55 14 fact undertake investigations into police misconduct.  
15  
14:14:57 16 You would have expected if someone like Mr Ashton had  
14:15:00 17 become - if he'd been let know that someone like Ms Gobbo  
14:15:05 18 was a human source, that he would have immediately been  
14:15:07 19 asking those same questions that you said you would have  
14:15:10 20 been asking as Assistant Commissioner of ESD?---Well that's  
14:15:14 21 a matter for Graham and - - -  
22  
14:15:17 23 I'm asking you. You would expect that to be the  
14:15:20 24 case?---Well, in - I don't know what Graham knew and I  
14:15:29 25 don't know the extent of his knowledge in relation to  
14:15:31 26 Ms Gobbo's assistance to us.  
27  
14:15:33 28 Listen to my question. What I'm saying is if someone like  
14:15:36 29 him in his position became aware that a criminal defence  
14:15:40 30 barrister was a human source?---M'mm.  
31  
14:15:43 32 You would expect him to be making very serious inquiries  
14:15:48 33 about what was going on?---I would have, I would have  
14:15:51 34 expected him to make inquiries, yes.  
35  
14:15:53 36 And you would have expected balloons to go up at the OPI to  
14:16:00 37 say, "We need to understand what's going on"?---That might  
14:16:04 38 have been their response, yes.  
39  
14:16:05 40 You would expect that to be their response?---Well again,  
14:16:08 41 I'm not aware of what information they were apprised of at  
14:16:12 42 the time, so any response I give to that would be  
14:16:14 43 speculation on my part. But I'd expect them to be turning  
14:16:18 44 their mind to the sorts of issues that I'd turn my mind to.  
45  
14:16:22 46 You knew that the OPI were interested in human source risks  
14:16:27 47 within Victoria Police?---Yes, that was evident from their

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14:16:31 1 annual reports.  
2  
14:16:33 3 We see here that in terms of the conduct of Operation  
14:16:39 4 Briars, in late January you receive a verbal briefing from  
14:16:42 5 Deputy Commissioner Overland in relation to possible police  
14:16:46 6 involvement in the murder of Chartres-Abbott?---Yes.  
7  
14:16:48 8 And, "The possibility that we may establish a Task Force to  
14:16:51 9 investigate", and the matter at that stage was pending a  
14:16:55 10 statement from someone which was under preparation and  
14:16:58 11 consideration?---Yes.  
12  
14:17:00 13 That was someone, if you've got the list before you, that  
14:17:05 14 we know as PII [REDACTED]. You'll see at number 30?---Yes.  
15  
14:17:21 16 On 9 February you have a further briefing with Mr Overland  
14:17:24 17 about the Task Force, the need to establish a Task  
14:17:27 18 Force?---Yes.  
19  
14:17:30 20 And that's where Mr Wilson goes on from that point of time  
14:17:37 21 to become involved?---Yes.  
22  
14:17:38 23 Then on 20 February 2007 you again meet with Deputy  
14:17:43 24 Commissioner Overland to discuss the establishment of  
14:17:48 25 Briars, it's got a name by that stage?---Yes.  
26  
14:17:54 27 You also discuss the establishment of a reference group to  
14:17:57 28 advise the Chief Commissioner in relation to the management  
14:18:00 29 of government and media issues?---Yes.  
30  
14:18:06 31 That reference group ended up having Mr Costigan as a  
14:18:11 32 member; is that right?---Yes.  
33  
14:18:12 34 That was due to concern that it might be that potential  
14:18:17 35 police involvement in a murder might lead to a Royal  
14:18:21 36 Commission?---That was one of the concerns. The other key  
14:18:24 37 concern was to have the benefit of his advice in relation  
14:18:28 38 to how we manage appropriate briefing to government.  
39  
14:18:41 40 Mr Nolan's diary at that stage records that there was an  
14:18:47 41 attendance in relation to yourself and Mr Overland and  
14:18:52 42 Mr Moloney and Mr Ashton at that stage?---An attendance  
14:19:00 43 where?  
44  
14:19:00 45 At the OPI, I take it, or he's got a notation of a meeting  
14:19:06 46 involving himself, Mr Ashton, Mr Overland, yourself and  
14:19:12 47 Mr Moloney?---On what date was that?

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1  
14:19:19 2 I understand this was 20 February. I think Mr Winneke took  
14:19:22 3 Mr Ashton to it. 20 February. Mr Ashton was taken to it  
14:19:29 4 the other day. Now the following day, 21 February,  
14:19:35 5 Mr Ashton's given evidence that he stopped taking diary  
14:19:39 6 notes. Do you know if there was any discussion at that  
14:19:42 7 meeting about the need to take special precautions in  
14:19:47 8 relation to these kinds of investigations?---I don't recall  
14:19:51 9 that being the topic of discussion at that meeting, but I  
14:19:56 10 certainly do recall when Simon Overland briefed me to  
14:20:01 11 establish Briars, and in fact an express reference was made  
14:20:05 12 to this in his memo to me, that this Task Force needed to  
14:20:12 13 operate under the principles of the highest level of  
14:20:16 14 confidence and operate strictly on what was called a need  
14:20:21 15 to know basis.  
16  
14:20:29 17 You've prepared that chronology I take it with the  
14:20:33 18 assistance of some documentation. Can you remember what  
14:20:35 19 that would have been?---Yes. So it's the documentation  
14:20:39 20 that I retained on the Briars administrative file that I  
14:20:45 21 opened at the commencement of the Task Force, and also it's  
14:20:51 22 drawn from notations that I made on other related files.  
23  
14:20:59 24 I might just take you to the Briars joint agency agreement.  
14:21:05 25 That's dated 22 March 2007, VPL.0005.0012.0610. You recall  
14:21:17 26 this agreement?---Yes.  
27  
14:21:19 28 If we skip to the last page we'll see - sorry, this can be  
14:21:25 29 on - you'll see your signature and Mr Ashton's  
14:21:32 30 signature?---Yes.  
31  
14:21:33 32 Dated 22 March 2007?---Yes.  
33  
14:21:40 34 This defines the - well, it indicates that there was to be  
14:21:45 35 an operations management group consisting of Mr Overland,  
14:21:49 36 yourself and Mr Ashton; is that right?---Yes.  
37  
14:21:52 38 And if we scroll through, you see that there at the top.  
14:22:03 39 And the operations management group responsibilities  
14:22:07 40 included maintaining coordination of the operation and  
14:22:11 41 enhancing cooperation and information sharing between the  
14:22:14 42 agencies?---Yes.  
43  
14:22:19 44 If we move up. "We note that the operation draws on  
14:22:29 45 information from a human source and as such the  
14:22:35 46 communication of the information regarding the operation  
14:22:41 47 will be strictly controlled"?---Yes

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14:22:42 1 The human source at that stage, as at 22 March 2007, do you  
14:22:45 2 know if that was Ms Gobbo or was that the witness?---No, it  
14:22:50 3 was PII [REDACTED].  
4  
14:22:52 5 Right. Under the aim and the scope it refers there to  
14:23:08 6 specifically PII [REDACTED], that's PII [REDACTED] I take it?---Yes.  
7  
14:23:19 8 Was there, at that stage, any other known human source  
14:23:23 9 involved in the operation? I just want to understand - - -  
14:23:30 10 ?---No, not to my knowledge.  
11  
14:23:32 12 Potentially if that's a reference to human source and then  
14:23:35 13 a reference to PII [REDACTED], possibly two different  
14:23:37 14 people?---I can categorically say to you it was one and the  
14:23:41 15 same person.  
16  
14:23:42 17 It goes on to say that the operations management group will  
14:23:46 18 meet weekly and be informed by written briefing paper by  
14:23:51 19 the Operations Commander, and that at that stage initially  
14:23:55 20 was Mr Wilson?---Yes.  
21  
14:23:56 22 We see variously in people's diaries and so forth - we see  
14:24:01 23 in this document at least operations management group as  
14:24:08 24 the committee in essence; is that right?---Yes.  
25  
14:24:10 26 You're the Chair in relation to Briars?---Yes, I was.  
27  
14:24:16 28 So does that mean you have responsibilities aside from the  
14:24:20 29 other two on the committee, document management?---Yes, and  
14:24:26 30 I raised that administrative file to that end.  
31  
14:24:32 32 In terms of document management, were you tightly  
14:24:37 33 controlling who was getting what?---No, that was under the  
14:24:41 34 day-to-day direction of Superintendent Rod Wilson.  
35  
14:24:46 36 At a meeting there would be this written briefing paper.  
14:24:48 37 What would happen to the written briefing papers following  
14:24:52 38 the meetings?---Well the written briefing papers were given  
14:24:57 39 to each of the members of the OMG and my understanding was  
14:25:03 40 each of them retained their copy. My practice was to  
14:25:06 41 retain my copy, together with the notes that I'd made on  
14:25:10 42 it, and I'd place it on the Briars administrative file.  
43  
14:25:17 44 They weren't collected at the end of every meeting or  
14:25:20 45 anything like that?---The briefing papers weren't, no.  
46  
14:25:23 47 Were they given to you in advance of meetings or emailed or



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14:25:27 1 anything of that nature, or were they handed out at the  
14:25:31 2 meeting?---No, they weren't emailed. They were handed out  
14:25:35 3 at the meeting.  
4

14:25:37 5 In other documents sometimes we see these meetings referred  
14:25:40 6 to as IMCs, investigation management committees; is that  
14:25:45 7 right?---Yes.  
8

14:25:45 9 Or JMCs, joint management committees?---I don't remember  
14:25:52 10 JMC but certainly IMC was a term that was used.  
11

14:25:55 12 In some diaries we see BoM, board of management?---Yes.  
13

14:25:59 14 And in others we see steering committee?---Yes. I'd take  
14:26:03 15 those terms to be all a reference to the OMG as referred to  
14:26:07 16 in this agreement.  
17

14:26:07 18 So if we see a Briars OMG or IMC or BoM or steering  
14:26:15 19 committee, it's referring to a meeting like this?---I'd say  
14:26:17 20 so, unless the context of that entry indicated otherwise.  
21

14:26:30 22 On 5 March 2007, if we go to Mr Wilson's diary, RCMPI.0118.  
14:26:43 23 0001.0001. You see he's spoken to yourself in relation to  
14:26:48 24 the terms of the reference of Briars, discussed the  
14:26:51 25 established of a reference group and need to consider legal  
14:26:54 26 assistance re document management, PII?---Yes.  
27

14:26:57 28 Do you know what PII matters were being anticipated at that  
14:27:00 29 point in time?---Look, I think it was given the likely  
14:27:05 30 significance of the investigation. At that stage we had an  
14:27:09 31 expectation that there may well be public interest immunity  
14:27:14 32 issues arise and so we were keen to make sure that we had  
14:27:18 33 arrangements in place to provide support to that, rather  
14:27:25 34 than at the end of the investigation, as the investigation  
14:27:28 35 unfolded.  
36

14:27:30 37 That was potentially because you had someone like PII  
14:27:35 38 involved and there was some concern to - that there might  
14:27:40 39 be PII issues in relation to PII?---Yes, but it was  
14:27:44 40 also allowing for the possibility that PII issues might  
14:27:49 41 arise at other stages of the investigation.  
42

14:27:53 43 And that's if other human sources, for example, became  
14:27:55 44 involved?---Potentially, or if disclosure might raise  
14:28:02 45 issues in relation to other unrelated investigations or  
14:28:08 46 investigations which at the time of disclosure remained on  
14:28:12 47 foot.



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1  
14:28:13 2 This was something that was a sensible thing to do at the  
14:28:17 3 start of any operation is, "To consider what we might need  
14:28:22 4 to disclose at the end of an operation"?---Yes.  
5  
14:28:27 6 So that you get ahead of issues and you can do things in an  
14:28:30 7 appropriate manner from the very get-go?---Yes.  
8  
14:28:33 9 Sometimes you might become aware of issues on the run and  
14:28:37 10 it would be incumbent upon you to seek advice as issues  
14:28:42 11 crop up?---Yes.  
12  
14:28:44 13 If an issue were to crop up you don't just not deal with  
14:28:49 14 it, would you agree with that?---Well you seek to identify  
14:28:53 15 it and address it as it arises.  
16  
14:28:59 17 If you were involved in an investigation and an issue arose  
14:29:04 18 in relation to a human source becoming inappropriately  
14:29:13 19 involved in an investigation, you wouldn't not deal with  
14:29:16 20 it, you would seek legal advice?---Yes.  
21  
14:29:32 22 Around about the same time, or not long after this, we have  
14:29:36 23 the commencement of the Petra Task Force; is that  
14:29:38 24 right?---Yes. From memory the Petra Task Force commenced  
14:29:41 25 on the - or my involvement in it commenced on 24 April  
14:29:50 26 2007.  
27  
14:29:51 28 And you refer to that I think at p.38 of your  
14:29:56 29 statement?---Paragraph 38?  
30  
14:29:57 31 Paragraph 38, you say 23 April it commenced?---Yes.  
32  
14:30:05 33 That's to - Briars is to look into the murder of Shane  
14:30:08 34 Chartres-Abbott and Petra is to investigate the murders of  
14:30:12 35 Christine and Terrence Hodson?---Yes.  
36  
14:30:17 37 That was established upon at least a draft statement being  
14:30:19 38 taken by Carl Williams?---Petra, yes.  
39  
14:30:22 40 Being taken from Carl Williams I should say?---Yes.  
41  
14:30:28 42 At paragraph 41 of your statement you talk about the Task  
14:30:35 43 Force being created and a Task Force management committee  
14:30:41 44 being established and being responsible for the overall  
14:30:43 45 conduct of the operation and to monitor its  
14:30:46 46 progress?---Yes.  
47

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14:30:47 1 Now to do you'd need to be kept informed of what the  
14:30:50 2 investigators were doing at particular stages?---Yes, and  
14:30:53 3 we were so informed by the weekly updates that were  
14:30:56 4 provided to the meetings of the IMC.  
5  
14:31:00 6 Which were supplemented verbally?---Well, certainly there  
14:31:05 7 was verbal advice given as well and my practice was to, if  
14:31:12 8 that verbal advice provided further information or required  
14:31:17 9 me to do some follow up activity, I'd make a note of that  
14:31:21 10 on the summary.  
11  
14:31:27 12 The management committee of Petra consisted of Mr Overland  
14:31:31 13 as Chair on this occasion?---Yes.  
14  
14:31:34 15 Yourself, Mr Ashton?---Yes.  
16  
14:31:37 17 And Mr Ryan as well?---Yes.  
18  
14:31:39 19 Was it unusual to have an investigator also on the  
14:31:44 20 committee?---Well he was, if you like, ex officio and his  
14:31:51 21 role was to present the investigation summary to us.  
22  
14:31:53 23 He was working with the investigators?---Yes.  
24  
14:31:57 25 And also, once we get to it, he's within the terms of the  
14:32:03 26 joint agency agreement that's signed, he's on the official  
14:32:06 27 committee?---Yes.  
28  
14:32:09 29 That wasn't the case for Briars, you didn't have the  
14:32:11 30 investigator as part of the official committee?---No, but  
14:32:14 31 the investigator attended each meeting.  
32  
14:32:17 33 Now it appears that by the end of around 2008 Assistant  
14:32:23 34 Commissioner of Crime is having some involvement with the  
14:32:25 35 Petra Task Force; is that right?---Yes.  
36  
14:32:32 37 I'll just take you to the joint agency agreement in  
14:32:34 38 relation to Petra. That's VPL.0005.0012.2435. Now this  
14:32:50 39 joint agency agreement, if we go to the last page. I think  
14:33:02 40 we can probably have it on the other screens. This joint  
14:33:07 41 agency agreement is signed by Deputy Commissioner Overland  
14:33:14 42 and Mr Ashton on 25 June 2007?---Yes.  
43  
14:33:17 44 So it's not executed until some months after the  
14:33:22 45 commencement of that Task Force?---Yes.  
46  
14:33:26 47 And do you understand that it was executed in order to

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14:33:30 1 overcome some legislative issues that were associated with  
14:33:33 2 getting telephone intercepts on to phones?---I don't recall  
14:33:39 3 that. I wasn't party to the negotiation of this agreement.  
4

14:33:43 5 Did you become aware of any concerns within the OPI about  
14:33:48 6 involvement in joint agency agreements with Victoria  
14:33:51 7 Police?---I was aware that OPI had some difficulties with  
14:33:57 8 its legislative framework and that there was a need both  
14:34:02 9 for them to have our assistance in relation to matters and  
14:34:07 10 we likewise had occasion to seek their assistance.  
11

14:34:12 12 Did you become aware though that there were some differing  
14:34:15 13 views within the OPI about whether they should engage in  
14:34:18 14 such agreements because of their responsibilities to  
14:34:20 15 maintain independent oversight?---No, I wasn't aware of  
14:34:24 16 those views. I think, though, one observation I'd make  
14:34:37 17 about this agreement is there is a distinction drawn in the  
14:34:40 18 Petra agreement in relation to the respective roles of the  
14:34:43 19 agencies and their focus. So I think from memory in the  
14:34:48 20 Petra agreement, it's provided that OPI have a particular  
14:34:54 21 focus on the IR 44 matter and that Victoria Police has a  
14:34:58 22 particular focus on the investigation into the murder of  
14:35:02 23 the Hodsons.  
24

14:35:04 25 Did that play out in reality? Did you separate - you  
14:35:10 26 weren't getting briefings that sort of separated those  
14:35:12 27 issues and Mr Ashton wasn't leaving the meetings for  
14:35:15 28 particular issues?---No, no, that wasn't the case at all,  
14:35:18 29 but I just noted that when I was preparing the statement  
14:35:21 30 and I reviewed both of these agreements, I noted the  
14:35:25 31 distinction between the two agreements.  
32

14:35:27 33 If we can go to paragraph 3.1 in the agreement. You see  
14:35:46 34 that it's dark but the heading is "Oversight of the Petra  
14:35:51 35 Task Force" and 3.1 is, "The OPI has oversighted the  
14:35:55 36 Victoria Police investigation of the Hodson murders since  
14:35:58 37 16 May 2004"?---Yes.  
38

14:36:00 39 "At some future point the OPI will conduct a formal review  
14:36:04 40 of the Homicide Squad and the Petra Task Force". So to  
14:36:07 41 that point in time the OPI had been separately overlooking  
14:36:11 42 Victoria Police?---That was my understanding.  
43

14:36:15 44 And that 3.2, "A steering committee has been formed to  
14:36:18 45 monitor the progress of Petra. The Assistant Director of  
14:36:24 46 Police Integrity, Mr Graham Ashton, attends all steering  
14:36:31 47 committee meetings in an oversight capacity"?---Yes.

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1  
14:36:34 2 It goes on and indicates who's on the steering  
14:36:40 3 committee?---Sorry, Ms Tittensor, I think that there were  
14:36:44 4 several iterations of this agency agreement so it was also  
14:36:47 5 updated over time.  
6  
14:36:50 7 I'm not sure that we've got any further iterations of this  
14:36:53 8 agreement but we'll make some inquiries along those  
14:36:58 9 lines?---Yes.  
10  
14:36:59 11 What do you understand was changed within the  
14:37:03 12 agreement?---Well if it's not in this agreement - I just  
14:37:05 13 wonder if I could have a moment.  
14  
14:37:08 15 Sure?---If you could just scroll to the start of the  
14:37:10 16 document. Yep, scroll down. Sorry, up. Yeah, down. Keep  
14:37:22 17 going. Yeah, keep going. Stop. Stop, stop. Yeah, keep  
14:37:39 18 going. Stop. Yes, this is the - it is in this agreement,  
14:37:53 19 I'm sorry, so I'm referring you to 6.1 and 6.2.  
20  
14:37:58 21 Yes, so the OPI had been investigating the unauthorised  
14:38:04 22 disclosure of IR 44?---Yes.  
23  
14:38:09 24 And Victoria Police had been investigating the  
14:38:13 25 murders?---Yes.  
26  
14:38:14 27 And there were some linkages seen between those two  
14:38:18 28 things?---That's correct.  
29  
14:38:19 30 And in fact part of the murder investigation was whether IR  
14:38:25 31 44 had contributed to the murders?---Yes.  
32  
14:38:39 33 Was the document management in relation to Petra any  
14:38:43 34 different than it was in relation to Briars? Did you take  
14:38:47 35 away your own notes or did you have to leave them  
14:38:51 36 behind?---No, I retained my notes on the administrative  
14:38:54 37 file that I raised.  
38  
14:38:56 39 Do you know - from time to time there were people other  
14:38:59 40 than those formally on the management committee that were  
14:39:03 41 attending these meetings; is that right?---Yes. So  
14:39:07 42 invariably the lead investigator would attend. On occasion  
14:39:12 43 he might attend with a colleague.  
44  
14:39:15 45 You might have sometimes people such as Mr Hollowood attend  
14:39:21 46 meetings for resourcing purposes or the like?---Yes, and  
14:39:25 47 that depended on who was in the Chair at any given time as

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14:39:30 1 well. So personnel changed as people were on leave.  
2  
14:39:37 3 In relation to Petra, it was understood from the very  
14:39:41 4 beginning that Ms Gobbo was a person of interest to the  
14:39:46 5 investigation?---Yes, she'd been nominated in the statement  
14:39:51 6 that Carl Williams provided.  
7  
14:39:57 8 Yes?---As clearly being a person who was of interest to us.  
9  
14:40:04 10 You say in your statement at paragraph 45 that Petra's  
14:40:07 11 interest in her was as a person of interest because of the  
14:40:09 12 nomination of her, at least at that stage, in the draft  
14:40:13 13 statement you had of Mr Dale?---Yes.  
14  
14:40:16 15 Insofar as she might perhaps be able to corroborate  
14:40:21 16 information from Carl Williams that Paul Dale had contacted  
14:40:28 17 Williams to assist him in securing a hitman?---Yeah, that  
14:40:34 18 was the theory.  
19  
14:40:35 20 So the first meeting of the Petra Task Force committee  
14:40:41 21 received a statement, or the draft statement, unsigned  
14:40:45 22 statement from Carl Williams?---Yes, it was attached to the  
14:40:47 23 first briefing paper.  
24  
14:40:48 25 And if we can bring that up, please. VPL.0005.0012.2497.  
14:41:01 26 If we can go to p.15 of 22 of that document. You see in  
14:41:11 27 the paragraph towards the top, that's the reference that  
14:41:14 28 you make in your statement to Ms Gobbo potentially being  
14:41:18 29 involved?---Sorry, did you say at p.15?  
30  
14:41:22 31 Oh look, it's got - I did that for the benefit of the  
14:41:29 32 screen?---I see.  
33  
14:41:30 34 It's just that we've got double-sided so there's extra  
14:41:35 35 pages that are actually in the statements?---So which part  
14:41:37 36 of the statement are you directing my attention to?  
37  
14:41:41 38 The paragraph towards the top, you see Ms Gobbo's  
14:41:45 39 name?---Yes.  
40  
14:41:47 41 And that's the first instance of how Ms Gobbo might be able  
14:41:50 42 to corroborate Mr Williams at a particular PII [REDACTED]  
14:42:00 43 Mr Williams was when he got a call from Ms Gobbo and she  
14:42:03 44 put Mr Dale on the phone?---Yes.  
45  
14:42:05 46 So there was a conversation at that point and Mr Williams  
14:42:08 47 put that at some time between January and March of 2004; is



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14:42:14 1 that right?---Yes.  
2  
14:42:15 3 Then if we go to p.17, but it's p.10 of the statement. It  
14:42:35 4 might be the wrong page we've got up but there was a second  
14:42:38 5 reference to Ms Gobbo. That might be it there - where  
14:42:46 6 there was a meeting with Williams and her telling him to  
14:42:49 7 contact Mr Dale shortly after Mr Dale was suspended?---Yes.  
8  
14:42:58 9 So you have that interest in Ms Gobbo at the outset?---Yes.  
10  
14:43:03 11 The Petra Task Force update of that day,  
14:43:17 12 VPL.0100.0046.2264, indicates that you've got this  
14:43:18 13 statement from Mr Williams and you're hoping he's going to  
14:43:21 14 sign it that very day. Sorry, if we can - 2264. I might  
14:43:45 15 have the wrong - in any case, that's your recollection, is  
14:43:50 16 that right? It was unsigned at the first meeting and you  
14:43:54 17 were hoping he would sign it?---Yeah, and I understand, if  
14:43:57 18 memory serves, it was in fact signed on the 24th.  
19  
14:44:04 20 I think perhaps if we can a look back at that document, it  
14:44:11 21 might be if we scroll down it, I think this might be a  
14:44:14 22 version where the - perhaps if we can scroll the other way.  
14:44:26 23 The other way. That's all right. I think I've seen a  
14:44:37 24 version of - no, it's the wrong one - of this document, of  
14:44:42 25 the Petra Task Force document from that day which has your  
14:44:45 26 handwriting on it indicating that "Task Force will meet  
14:44:48 27 with OPI investigators in relation to Dale and Ms Gobbo",  
14:44:52 28 do you recall that?---I'd like to see the document, I'm  
14:44:56 29 sorry.  
30  
14:44:56 31 All right. I'll have to do that during a break. We'll  
14:44:59 32 come back to that. It had two notations, as I recall it.  
14:45:05 33 The first was "Task Force will meet with OPI investigators  
14:45:08 34 re Dale and Nicola Gobbo" and then "to brief for hearing  
14:45:12 35 with NG", which I take to mean Nicola Gobbo?---Yes, I do  
14:45:16 36 have a recollection of a notation of that ilk but, again,  
14:45:20 37 I'd like to see the document.  
38  
14:45:22 39 Yes, all right. We'll come back to that. Now the  
14:45:25 40 intention, as you understood it at the time, though, was to  
14:45:27 41 bring Ms Gobbo before the OPI?---Look, that was one aspect  
14:45:36 42 of the strategy. The other piece for us at that time was  
14:45:41 43 in fact to go through the entirety of Mr Williams'  
14:45:45 44 statement with a view to developing an investigation plan  
14:45:49 45 that would allow us to thoroughly investigate each and  
14:45:52 46 every one of the assertions that he made in that statement,  
14:45:57 47 and that meant that quite a significant amount of

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14:46:01 1 investigative work was required to seek to corroborate, or  
14:46:08 2 indeed discount, every aspect of what was being asserted by  
14:46:13 3 Mr Williams.  
4

14:46:16 5 COMMISSIONER: I think the document you're looking for is  
14:46:18 6 869B with Mr Cornelius' handwriting on it.  
14:46:23 7

14:46:24 8 MS TITTENSOR: All right, thanks Commissioner. We might  
14:46:26 9 try that one. Here we go. If we see there, there'll be  
14:46:35 10 down the bottom there's that indication, "Statement from  
14:46:39 11 Carl Williams", thank you, Commissioner. "Carl Williams  
14:46:42 12 has spoken to investigators, completed a statement. He's  
14:46:47 13 not signed it. Considerable negotiations have taken place  
14:46:50 14 between the Williams' defence team relative to the signing  
14:46:54 15 of this statement. These negotiations continued and it's  
14:46:56 16 hopeful he'll sign it today"?---Yes.  
17

14:46:59 18 If we can continue up. There's the notation at the bottom  
14:47:03 19 of that?---Yes, that's my handwriting and it says, "TF to  
14:47:08 20 meet with OPI investigators viz Dale and Nicola Gobbo to  
14:47:17 21 brief for hearing with NG."  
22

14:47:20 23 And you understand that to be Nicola Gobbo?---Yes.  
24

14:47:24 25 So the intention at that stage was, "We're going to bring  
14:47:26 26 Nicola Gobbo before the OPI"?---That was one of the things  
14:47:31 27 we were considering. I don't know that we'd concluded that  
14:47:34 28 that was what we were going to do at that stage.  
29

14:47:37 30 Mr Ashton, I take it, was present at this very first  
14:47:41 31 meeting of the Task Force?---Yes, yes.  
14:47:42 32

14:47:43 33 And it's pretty clear from your notation there is to brief  
14:47:48 34 the OPI investigators for hearing of Nicola Gobbo?---Yes.  
35

14:48:06 36 You refer at paragraph 47 to Mr Williams' evidence, on the  
14:48:14 37 evidence contained in his statement losing significant  
14:48:17 38 probative value after his plea hearing?---Yes.  
39

14:48:23 40 And the judge at his plea hearing describing his evidence  
14:48:29 41 as - really in less than flattering terms, do you recall  
14:48:35 42 that?---Yes.  
43

14:48:39 44 At that stage were you of an understanding as to how the  
14:48:44 45 investigation might be kicked off? There would have been  
14:48:49 46 some move to have investigators go off "and see where we  
14:48:52 47 might get some other information, some other intelligence

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14:48:56 1 that would assist us in this inquiry"?---Yeah, and that's  
14:49:00 2 reflected in subsequent Task Force briefings where you  
14:49:05 3 start to see mapped out the extent of the inquiries that we  
14:49:12 4 undertook to review each aspect of Carl Williams'  
14:49:16 5 statement.

6  
14:49:20 7 And that would have been the same in relation to Task Force  
14:49:26 8 Briars, I take it? The investigators would be setting out  
14:49:32 9 to see "whether we could get other sources of information  
14:49:36 10 that might be of assistance to" - - - ?---To corroborate  
14:49:41 11 the information that had been provided to us by PII [REDACTED].  
12

13 And one of the places they go is to existing IRs "to see if  
14:49:44 13 there's any intelligence out there that we can follow  
14:49:50 14 up"?---That may have been the case.  
14:49:54 15

16  
14:49:56 17 But that's a sensible thing that investigators would do,  
14:50:01 18 they'd see, "Have we already got something that we can  
14:50:04 19 follow up"?---Yes.  
20

21 And one of the places they would also go is to the Human  
14:50:05 21 Source Management Unit to see if they had any information  
14:50:10 22 that might assist or any sources that might assist?---Well  
14:50:13 23 I don't know about that. I don't recall specifically the  
14:50:17 24 SDU being referenced in those briefings.  
14:50:21 25

26  
14:50:26 27 Might they have been? It would be a logical place for  
14:50:31 28 investigators to go, wouldn't it?---Not necessarily. I  
14:50:38 29 think certainly given - well, if you look at Petra, which  
14:50:42 30 had the context of the earlier investigations that had been  
14:50:45 31 conducted in Crime Department, I would have expected that  
14:50:49 32 the investigators, and I understood in fact that the  
14:50:53 33 investigators for Petra did in fact go back and canvass  
14:50:58 34 with their colleagues from Crime Department in relation to  
14:51:01 35 the ground that they had already covered in relation to the  
14:51:05 36 Hodson murder inquiry.  
37

38 But the murder inquiry in relation to Briars was pretty  
14:51:09 38 new?---Yes, and that had its genesis from the witness/human  
14:51:13 39 source that gave rise to that inquiry.  
14:51:21 40

41  
14:51:24 42 And that was - like Mr Williams, that human source was  
14:51:28 43 someone, or both of them were going to require very  
14:51:33 44 significant corroboration if a case was ever to get  
14:51:36 45 up?---That was my understanding.  
46

47  
14:51:38 47 It was going to be - especially after the sentencing judge

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14:51:44 1 described Mr Williams' evidence in the way she did, was  
14:51:47 2 going to make it very, very difficult to get up any  
14:51:50 3 prosecution without having some very strong corroborating  
14:51:53 4 evidence?---We could not have proceeded on the basis of  
14:51:57 5 Carl Williams' statement alone.  
6  
14:51:58 7 And similarly PII [REDACTED] had significant credibility  
14:52:02 8 issues?---I understood that was the case.  
9  
14:52:07 10 So you were going to be - it was clearly very important for  
14:52:10 11 that investigation, that was a very new investigation, to  
14:52:13 12 see "what other sources of information might we already  
14:52:17 13 have that we can go to"?---Yeah, but my recollection too  
14:52:22 14 was that the statement provided by that individual gave us  
14:52:25 15 quite a number of avenues of inquiry to pursue.  
16  
14:52:32 17 That same day as this Petra matter is happening -  
14:52:39 18 Mr Waddell, you understand, was one of the investigators  
14:52:41 19 for Briars?---Yes.  
20  
14:52:44 21 He was off talking to some people from the Source  
14:52:48 22 Development Unit, you wouldn't be surprised about that I  
14:52:50 23 take it?---I don't recall knowing that but I'm not  
14:52:54 24 surprised by it.  
25  
14:52:55 26 No, it's a line of inquiry that - it might have even come  
14:52:58 27 up at some point from the steering committee, "Have you  
14:53:04 28 spoken to the Source Development Unit to see what can  
14:53:08 29 happen there"?---I don't recall that conversation being at  
14:53:11 30 an IMC meeting.  
31  
14:53:15 32 If we can go to Mr Black's diary - - - ?---But to be  
14:53:18 33 straight with you, Ms Tittensor, I don't recall, given the  
14:53:24 34 effluxion of time, the details of many of the conversations  
14:53:29 35 at IMCs. I've been able to recall detail where I've made a  
14:53:33 36 note relevant to it, but sitting here talking to you today,  
14:53:36 37 can I remember what was discussed between us at a steering  
14:53:39 38 committee on a date in 2007 in terms of who said what to  
14:53:43 39 whom and who suggested what, unless it's recorded in the  
14:53:46 40 minutes or unless I've made a notation to it, I can't sit  
14:53:51 41 here and say to you that I can recall it.  
42  
14:53:53 43 Or unless someone else has made a note?---Or someone else  
14:53:59 44 may have made a note.  
45  
14:54:00 46 And that's why record keeping is very important?---Indeed.  
47



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14:54:03 1 If we can look at Mr Black's diary, it's COM.0025.0003.0021  
14:54:16 2 at p.1 24. This is Mr Black, and if you look at that list  
14:54:24 3 you'll see him at number 9?---Yes.  
4

14:54:33 5 Do you know Mr Black or Officer Black?---The name rings a  
14:54:39 6 bell but I don't know him particularly.  
7

14:54:46 8 So it seems as though on this day, this is his diary for 24  
14:54:51 9 April 2007, there's a meeting with he and another SDU  
14:54:59 10 handler whose name you see there, and that is number 1 on  
14:55:07 11 that list. You see at 8.10 in the morning there's a  
14:55:20 12 meeting at Blue Train Café in Southbank with Detective  
14:55:25 13 Inspector Waddell, Mr Black and Officer Anderson and they  
14:55:30 14 have a discussion. It says "general only re SDU assistance  
14:55:34 15 existing sources and possibility to recruit to. Nothing  
14:55:42 16 specific re HS. But 3838 into their stated targets". Do  
14:55:48 17 you see that?---Yeah, I can see that reference.  
18

14:55:52 19 So there's some discussion, it seems, or some idea that  
14:55:56 20 Ms Gobbo might - and also I failed to read the highlighted  
14:56:02 21 bit, it's a meeting for the purposes of Operation  
14:56:06 22 Briars?---Yes.  
23

14:56:08 24 So there's some indication that Ms Gobbo might be of some  
14:56:13 25 value to that operation?---Well, I don't know about it  
14:56:17 26 being a reference to Ms Gobbo. I see the reference to  
14:56:21 27 3838.  
28

14:56:21 29 Yes, well - - - ?---Who I now know to be Ms Gobbo.  
30

14:56:26 31 Yes. In relation to that meeting Ms Gobbo's number has  
14:56:29 32 come up as "no specific re HS but 3838 into their stated  
14:56:44 33 targets". So there's some discussion about 3838 or  
14:56:47 34 Ms Gobbo by name, who knows, at that meeting with Detective  
14:56:51 35 Inspector Waddell?---Yes.  
36

14:56:53 37 Were you aware at that particular point in time of any  
14:56:59 38 association that Ms Gobbo might have with that  
14:57:01 39 investigation?---In relation to Briars?  
40

14:57:04 41 Briars?---No.  
42

14:57:14 43 Were you aware - you gave some evidence earlier today in  
14:57:19 44 relation to Ms Gobbo's - your knowledge of Ms Gobbo's  
14:57:23 45 association with particular members who were seen as  
14:57:30 46 suspect or corrupt?---Yes.  
47



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14:57:32 1 You're aware that there'd been a number of trials in  
14:57:36 2 relation to police or former police, such as  
14:57:43 3 Mr Waters?---Yes.  
4

14:57:45 5 And I think he'd been acquitted at trial in 2005  
14:57:49 6 perhaps?---Yes.  
7

14:57:52 8 And he'd been acquitted alongside Mr Saunders and Campbell  
14:57:58 9 and Alexander?---Yes.  
10

14:57:59 11 And were you aware that Ms Gobbo had a relationship with  
14:58:02 12 Mr Campbell?---I wasn't aware of that relationship.  
13

14:58:05 14 Were you aware of an association in all of that with  
14:58:08 15 Ms Gobbo and those - they were some of the police I take it  
14:58:12 16 you were referring to?---Yes, I was aware there was some  
14:58:15 17 sort of relationship between Dale and Ms Gobbo.  
18

14:58:19 19 But were you aware, more so than that, I think your  
14:58:24 20 statement refers not simply to your surprise because of her  
14:58:29 21 association with one particular police, but you refer to  
14:58:33 22 plural, close relationship with police officers plural at  
14:58:36 23 paragraph 61(c)?---Yeah, so the other police officer was  
14:58:40 24 Richard Shields.  
25

14:58:42 26 Did you have any idea of her association with  
14:58:45 27 Mr Waters?---No.  
28

14:58:47 29 When did you first become aware of her association with  
14:58:50 30 Mr Waters?---I think that was much later, possibly as late  
14:58:57 31 as 2008, as the Briars investigation had run its course in  
14:59:05 32 phase one.  
33

14:59:07 34 So is this surprising to you that very early on in the  
14:59:11 35 investigation one of the investigators is discussing  
14:59:20 36 seemingly Ms Gobbo with the SDU?---Yes, it's the first I've  
14:59:28 37 heard of this.  
38

14:59:33 39 Do you know how that came about, that Mr Waddell comes to  
14:59:36 40 speak with the SDU?---No, I don't.  
41

14:59:45 42 That's something that was done without your  
14:59:47 43 knowledge?---Yes.  
44

14:59:53 45 If I can bring up - - - ?---But can I say to you,  
14:59:55 46 Ms Tittensor, the investigators in both Briars and Petra  
15:00:02 47 pursued hundreds of lines of inquiry and sought to speak to

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15:00:07 1 many people about different people. I had no expectation,  
15:00:12 2 nor was I in a position, to have a line of sight on every  
15:00:17 3 one of those interactions.  
4  
15:00:18 5 This wasn't just speaking to anyone, this was speaking to  
15:00:23 6 the Source Development Unit though?--Well that may well  
15:00:25 7 have been the case but I'm saying to you that I don't  
15:00:28 8 recall, in fact I'm pretty confident that I wasn't briefed  
15:00:32 9 on it.  
10  
15:00:34 11 If we can go to the SML for 16 May 2007, please. See the  
15:00:50 12 third box down there? This is the SML which is maintained  
15:00:55 13 by the controller Mr White most often, unless he's on  
15:01:00 14 leave. It says he's got a message from Detective Inspector  
15:01:05 15 Ryan of Petra?---Yes.  
16  
15:01:06 17 That Assistant Commissioner Overland has approved the SDU  
15:01:09 18 speaking to Ms Gobbo about her knowledge of the Hodson  
15:01:12 19 murders?---Yes, I can see that.  
20  
15:01:16 21 Detective Inspector Ryan is clearly aware of Ms Gobbo's  
15:01:21 22 status as a human source?---I take it from this that he  
15:01:27 23 was, yes.  
24  
15:01:28 25 Assistant Commissioner Overland is clearly aware of  
15:01:31 26 that?---Yes.  
27  
15:01:31 28 And they're both on that joint management committee with  
15:01:36 29 you?---Yes.  
30  
15:01:38 31 Do you say this was done without your knowledge?---Ye.  
32  
15:01:42 33 Do you have anything to say about that?---No.  
34  
15:01:46 35 Do you find it disappointing?---No.  
36  
15:01:51 37 Do you find it unusual?---No.  
38  
15:01:57 39 You don't find it unusual that you're meant to be involved  
15:02:01 40 in a joint management committee advising the course of an  
15:02:04 41 investigation that you're not told material such as  
15:02:09 42 this?---No.  
43  
15:02:12 44 Do you find it unusual that you're discussing at that  
15:02:14 45 earlier meeting the possibility of calling Ms Gobbo to an  
15:02:17 46 OPI hearing "but now we're going behind the scenes to have  
15:02:20 47 a chat to her"?---No.

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1  
15:02:24 2 You don't think that that would inform your view of the  
15:02:28 3 course of the investigation?---Well as I understood it we  
15:02:32 4 were pursuing multiple lines of inquiry in relation to  
15:02:35 5 Ms Gobbo before we went anywhere near her. I recall my  
15:02:41 6 focus, or my particular interest in the early days of  
15:02:45 7 Petra, was in relation to understanding and getting a  
15:02:50 8 handle on the use of phones and the relevance of those  
15:02:54 9 phones to possible contact between Dale and others who were  
15:03:02 10 the subject of the investigation into the Hodson murders.  
11  
15:03:09 12 That wasn't your only focus. You would have been  
15:03:13 13 interested in - - - ?---Yes.  
14  
15:03:15 15 Ms Gobbo is the potential conduit between Mr Williams and  
15:03:17 16 Mr Dale?---Yes.  
17  
15:03:21 18 You wouldn't have been interested in the fact that the lead  
15:03:24 19 investigator is going off the plan, and Mr Overland's going  
15:03:28 20 off the plan, "That we're going to have an OPI hearing and  
15:03:31 21 we're just going to speak to her through the SDU"?---Well I  
15:03:36 22 don't agree with you that there was a plan on 24 April that  
15:03:41 23 there would be a hearing involving Nicola Gobbo. But my  
15:03:48 24 note on that file note, it's certainly not determinative of  
15:03:52 25 the matter.  
26  
15:03:52 27 No, well it's not determinative but it indicates that that  
15:03:55 28 was, you know, that you were going to be briefing OPI  
15:03:59 29 investigators for a hearing with Nicola Gobbo?---My  
15:04:02 30 evidence to you was it was a consideration.  
31  
15:04:12 32 So you don't find it surprising at all that this is going  
15:04:15 33 on without your knowledge and you're sitting on this  
15:04:18 34 management committee?---No, because I didn't have an  
15:04:22 35 expectation that I would know the identity of a human  
15:04:26 36 source. I do have an expectation that I'd be told  
15:04:30 37 information relevant to the pursuit of the investigation.  
38  
15:04:39 39 If we can - if you look further down there on 21 May 2007  
15:04:45 40 you see that there's a meeting between Ms Gobbo, the human  
15:04:54 41 source, Officer Anderson, who was one of those participants  
15:04:58 42 in the meeting with Waddell earlier, and the controller  
15:05:03 43 Mr White, and she is debriefed re her knowledge of Paul  
15:05:08 44 Dale's relationship with Carl Williams and the involvement  
15:05:14 45 in the Dublin Street burglary and the theft of the IRs.  
15:05:18 46 And she provides intelligence in relation to Adam Ahmed.  
15:05:25 47 Now that is very substantial information in relation to the

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15:05:30 1 investigation?---Yes, and I was never briefed about it.  
2  
15:05:33 3 Don't you find that extraordinary?---Well, I relied on the  
15:05:39 4 investigators to give us the weekly updates in their  
15:05:44 5 briefings and I don't recall this content ever being  
15:05:50 6 canvassed in those briefings.  
7  
15:05:52 8 Mr Overland has permitted this to occur. Presumably he's  
15:05:55 9 getting some feedback about it?---Well presumably he is.  
10  
15:06:00 11 If you look a couple of boxes down you'll see the very next  
15:06:06 12 day, 22 May, the SDU brief Detective Inspector Ryan in  
15:06:12 13 relation to their debrief and then Ryan was to brief Deputy  
15:06:16 14 Commissioner Overland?---Yes, I see that.  
15  
15:06:21 16 Do you say Mr Overland - so you come along to the meeting,  
15:06:25 17 there's a weekly update done by the investigator, and  
15:06:28 18 that's Mr Ryan?---Yes.  
19  
15:06:29 20 And it's not in there?---It's not in there.  
21  
15:06:32 22 But Mr Overland knows about it. Does he provide a verbal  
15:06:36 23 update?---No.  
24  
15:06:38 25 Does he tell the rest of the committee what's going  
15:06:40 26 on?---No, I don't recall him telling the rest of the  
15:06:42 27 committee, or indeed myself, about this information.  
28  
15:06:46 29 How can that committee be in an informed position, how can  
15:06:52 30 Mr Ashton be providing any oversight if the committee is  
15:06:55 31 not being informed of very fundamental facts?---Well,  
15:07:00 32 you're identifying these as fundamental facts. I  
15:07:04 33 understood that I was receiving briefings from the  
15:07:08 34 investigation team in relation to pertinent developments in  
15:07:11 35 the investigation.  
36  
15:07:12 37 Do you think it was pertinent that Ms Gobbo's been  
15:07:15 38 debriefed in relation to the relationship between Carl  
15:07:18 39 Williams and Paul Dale?---It's potentially pertinent but I  
15:07:23 40 relied on the investigators to make an assessment as to  
15:07:27 41 what ultimately they put in the briefing paper.  
42  
15:07:32 43 If we can go to ICR p.844, please. This is 21 May. This  
15:07:51 44 is part of the debrief that the handlers had that night.  
15:07:55 45 You'll understand they go through numerous topics and the  
15:07:59 46 debrief in relation to Paul Dale is here. You see Mr White  
15:08:10 47 indicates that they want to talk to her specifically in

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15:08:13 1 relation to Paul Dale. She then describes that she has a  
15:08:17 2 bizarre using friendship with Paul Dale and she provides  
15:08:20 3 legal advice for free, do you see that?---Yes.  
4  
15:08:25 5 That might have been something pretty significant for later  
15:08:27 6 down the track do you think?---Yes.  
7  
15:08:30 8 When Mr Dale is claiming that there might be some privilege  
15:08:34 9 attaching to some communications that they have?---Yes.  
10  
15:08:43 11 She then goes on to describe her understanding of the  
15:08:49 12 burglary, Mr Dale ringing her in relation to the various  
15:08:54 13 people related to that. You know who Abby Haynes was? She  
15:09:07 14 was one of the people at the Dublin Street address?---Yes.  
15  
15:09:11 16 Abby Haynes was one of Ms Gobbo's clients. She was advised  
15:09:15 17 to make a statement to police to better her cause. Then  
15:09:19 18 later she didn't want to sign it because she was now with  
15:09:22 19 Tony Mokbel and then Ms Gobbo later convinced her to sign  
15:09:27 20 the statements following her arrest for another matter, do  
15:09:33 21 you see that?---Yes.  
22  
15:09:36 23 And then it goes on. If we can just keep on scrolling up.  
15:09:41 24 You see the names of the various people that are being  
15:09:44 25 spoken about. Keep on going. We're talking now about Tony  
15:09:52 26 Mokbel was aware of the burglary on the morning and her  
15:09:54 27 getting a call in relation to those matters. We're then  
15:09:59 28 talking about Adam Ahmed being introduced to her by Tony  
15:10:05 29 Mokbel in 2003. If we keep on going up. We're talking  
15:10:12 30 about the money that Mr Ahmed had said was present at the  
15:10:18 31 house. That Waters and Campbell - so those are two names  
15:10:24 32 associated with some other investigations that you're  
15:10:26 33 interested in, seemingly had some knowledge about money  
15:10:31 34 being taken, and so forth. If we can keep on going. You  
15:10:48 35 see it's quite substantial information that's been obtained  
15:10:51 36 from Ms Gobbo in that debrief?---Yes, I can see that.  
37  
15:10:55 38 Keep on going. Stopping there. She's asked about her  
15:11:06 39 knowledge of the information reports. She's speaking about  
15:11:10 40 Andrew Hodson being interviewed. You would have been aware  
15:11:15 41 on the night of the murders that Andrew Hodson had in fact  
15:11:20 42 contacted Ms Gobbo before he contacted the police?---No, I  
15:11:24 43 wasn't aware of that.  
44  
15:11:25 45 Did you become aware of that subsequently?---I became aware  
15:11:29 46 of that more recently.  
47



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15:11:40 1 You're aware that Ms Gobbo was out to dinner with Azzam  
15:11:47 2 Ahmed on the night of the murder?---No.  
3  
15:11:49 4 Did you subsequently become aware of that?---I'm becoming  
15:11:52 5 aware of it as we speak.  
6  
15:11:56 7 Something reasonably significant - you would have become  
15:12:01 8 aware of the statement of Abby Haynes at some point in  
15:12:06 9 time, I take it?---Look, I never saw her statement and I  
15:12:09 10 can't recall having an awareness of its contents.  
11  
15:12:12 12 You understand the significance of Abby Haynes' statement  
15:12:14 13 was that she said, "I was told a number of weeks before the  
15:12:18 14 Hodsons were murdered that they were to be murdered. I was  
15:12:22 15 told a couple of days before they were murdered that I  
15:12:26 16 needed an alibi on Saturday night and I was given a phone  
15:12:30 17 call or received a text message shortly after to say that  
15:12:33 18 the job was done"?---Yeah, I can't recall the details of  
15:12:37 19 it.  
20  
15:12:37 21 Pretty significant information?---Yes.  
22  
15:12:40 23 If Ms Gobbo is out with Azzam Ahmed, the person that was  
15:12:44 24 giving her that information?---Yes.  
25  
15:12:59 26 We see somewhere on p.846 that when Mr Dale was suspended  
15:13:05 27 she met him at a pub to discuss the matter and she provided  
15:13:08 28 him with a number of judgments to assist him, you see that  
15:13:14 29 up the top there?---Yes.  
30  
15:13:16 31 Then further on we see her indicating that she gave a copy  
15:13:24 32 - sorry, that Dale had supplied her with some notes whilst  
15:13:28 33 he was in custody and that the notes had been given to  
15:13:30 34 Mr Hargreaves, who represented Mr Dale?---Yes.  
35  
15:13:35 36 Again, pretty significant information in the context of  
15:13:38 37 someone who was later claiming a privileged  
15:13:42 38 relationship?---Yes.  
39  
15:13:49 40 There's some information here about Ms Gobbo being with  
15:13:54 41 Mr Ahmed on the night of the murder. There's some  
15:13:59 42 discussion in the interview about an interview, I think she  
15:14:06 43 might refer to him by the name of Charlie, but you'll see  
15:14:10 44 that down the bottom, she was interviewed by Mr Bezzina  
15:14:16 45 about Terry being an informer. Do you see that down the  
15:14:20 46 bottom, "Discussed the fact that Charlie had put to  
15:14:24 47 Ms Gobbo that Terry was an informer". If we continue on.

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15:14:34 1 There's some discussion about further matters. There's  
15:14:42 2 reference in the course of this, you see, to various  
15:14:47 3 significant figures. Further down we talk about - sorry, a  
15:14:58 4 period of time where Ms Gobbo was not as close to  
15:15:03 5 Mr Mokbel, that a particular gangland figure had been  
15:15:06 6 arrested, that Mr Williams had requested that Ms Gobbo go  
15:15:09 7 to see him in custody, how Ms Gobbo had assisted that  
15:15:13 8 person to roll over and that that plea occurred around the  
15:15:19 9 time of the murder of the Hodsons. As to her having a  
15:15:25 10 stroke in 2004, and as things developed. You'll see just  
15:15:30 11 some very significant names that are all mentioned in the  
15:15:33 12 course of this conversation, all bound up, do you see that?  
15:15:39 13 Williams, the various Williams' names, Karam, Mokbels, Mark  
15:15:48 14 Smith, John Higgs, and so forth?---Yes, I can see that.  
15  
15:15:55 16 As I indicated to you before, on 22 May there's a briefing  
15:16:01 17 given to Detective Inspector Ryan about that debrief and  
15:16:05 18 then Ryan, it's indicated, was to brief  
15:16:13 19 Mr Overland?---Yeah, that's in the source management log.  
20  
15:16:15 21 Yes?---Yes.  
22  
15:16:17 23 Then we see on the 24th that Ms Gobbo has reported feeling  
15:16:23 24 guilty in relation to the Hodson murders because she told  
15:16:27 25 people he was an informer and offers to meet with Mr Dale  
15:16:32 26 and wear a wire?---Yes, I can see that.  
27  
15:16:37 28 Is that something you were ever told about?---Well I was  
15:16:40 29 made aware of the option of tasking a person, who was  
15:16:53 30 Gobbo, and she was then known to me as 3838, to have an  
15:16:59 31 induced conversation to record a conversation with Paul  
15:17:05 32 Dale. But that was much later in 2008. I'm sorry, I think  
15:17:15 33 I'm confused here.  
34  
15:17:17 35 In late - - - ?---I'm not aware of this Paul Dale piece. I  
15:17:23 36 first became aware of a person identified as 3838 in the  
15:17:28 37 Briars investigation in September.  
38  
15:17:32 39 Yes, and what you've just indicated - - - ?---2008.  
40  
15:17:36 41 - - - in late 2008 you became aware of 3838's involvement  
15:17:41 42 in being tasked to conduct a conversation with Paul  
15:17:45 43 Dale?---Yes.  
44  
15:17:48 45 In what context did you learn that?---Well that was within  
15:17:52 46 the context of a Briars Task Force meeting.  
47

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15:17:57 1 But this was - Paul Dale is associated with Petra?---Yeah,  
15:18:05 2 this is back in 2000 and - so this entry is talking about a  
15:18:11 3 much earlier interaction.  
4  
15:18:13 5 Yes, but what I'm just interested in is that you say in  
15:18:16 6 late 2008 you became aware of someone known as 3838 being  
15:18:25 7 tasked, going to be tasked, or prospectively to be tasked  
15:18:29 8 in relation to Mr Dale?---Well there were several steps to  
15:18:32 9 it. First I was made aware in the context of a Task Force  
15:18:37 10 briefing of the existence of a person called 3838 who had  
15:18:40 11 had a meeting, or been at a meeting, with - it's in my  
15:18:48 12 statement somewhere - with Lalor and Waters and then at  
15:18:58 13 that meeting it was decided that we would make an approach  
15:19:08 14 to the source handler with a view to facilitating an  
15:19:14 15 induced conversation.  
16  
15:19:16 17 With Mr Dale?---No, I think it would have been with  
15:19:20 18 Mr Waters. I'm sorry, I got confused.  
19  
15:19:23 20 COMMISSIONER: Paragraph 70 it is.  
15:19:25 21  
15:19:25 22 WITNESS: Yes, paragraph 70  
15:19:28 23  
15:19:28 24 MS TITTENSOR: Yes, but what you were talking about in this  
15:19:30 25 context, wearing a wire for Dale, and what you've just  
15:19:33 26 given evidence of a few moments ago was that you were told  
15:19:37 27 in late 2008 that 3838 was to be tasked to tape - -  
15:19:42 28 -?---No - - -  
29  
15:19:43 30 You do know that Ms Gobbo did tape Mr Dale?---No, that was  
15:19:47 31 where I was confused. I first became aware that there was  
15:19:52 32 a person called 3838 in the Briars investigation in  
15:19:55 33 September 2008.  
34  
15:20:01 35 So you say you were - insofar as you knew that 3838 was to  
15:20:07 36 be tasked to tape anyone, it wasn't Mr Dale it was  
15:20:11 37 Mr Waters?---Yes.  
38  
15:20:24 39 I think we're on the right page here. We're now another  
15:20:27 40 day later on 25 May. There's a meeting with the controller  
15:20:33 41 of the Source Development Unit with Superintendent Biggin  
15:20:36 42 and Deputy Commissioner Overland in relation to Ms Gobbo.  
15:20:42 43 There's a briefing there in relation to Ms Gobbo's  
15:20:45 44 knowledge of Paul Dale's involvement in the stolen  
15:20:49 45 information reports, Dublin Street burglary and the Hodson  
15:20:54 46 murders?---Yes.  
47

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15:20:55 1 So it seems as though it's not just gone through Mr Ryan,  
15:20:59 2 it's gone straight from Mr White to Mr Overland?---Yes, I  
15:21:03 3 can see that.  
4

15:21:06 5 They there have an update in relation to her ongoing  
15:21:10 6 viability. It's agreed that she's viable in relation to  
15:21:15 7 Operation Petra investigation and in relation to Waters, so  
15:21:19 8 that's Waters and co. That relates to Briars?---Yes.  
9

15:21:25 10 It's agreed between them all that she's a viable human  
15:21:28 11 source for Petra and Briars?---Yes.  
12

15:21:31 13 At that stage it's also now agreed that the OPI will not  
15:21:34 14 subpoena her in relation to matters?---Yes, I can see that.  
15

15:21:42 16 Were you told anything about that?---I'm sorry?  
17

15:21:45 18 Were you told anything about that?---No.  
19

15:21:49 20 If we can go to Mr White's diary of that same meeting,  
15:21:57 21 VPL.0100.0096.0646. You see that there's a meeting between  
15:22:07 22 - this is the same meeting, we've just seen a summary of  
15:22:09 23 it. It occurs between 14:00 and 15:00, between Mr White,  
15:22:16 24 Mr Overland and Mr Biggin in relation to Ms Gobbo. As the  
15:22:21 25 summary or the SML had indicated, there's an update in  
15:22:26 26 relation to Ms Gobbo's involvement in IR 44 and Mr Dale.  
15:22:31 27 There's an outlining of the exit strategy that at that  
15:22:37 28 stage had been proposed in relation to Ms Gobbo. We know  
15:22:39 29 in hindsight that she'd had quite some significant  
15:22:43 30 involvement in Operation Posse and the arrests in that, in  
15:22:49 31 relation to that had been made and it was on the cards that  
15:22:52 32 they were going to exit her, but now it seems as though  
15:22:57 33 she's become viable for Petra and Briars so things are  
15:23:02 34 looking differently, do you understand that now?---Yes, I  
15:23:05 35 do.  
36

15:23:07 37 So they're looking at, so they're outlining her viability  
15:23:10 38 in relation to various people: Adam Ahmed, Mr Waters and  
15:23:18 39 Mr Dale?---Yes. I'm not sure what is meant by the term  
15:23:29 40 viability.  
41

15:23:31 42 Well, I think we understand that in terms of her ongoing  
15:23:35 43 viability remaining registered as a human source, her  
15:23:39 44 viability to be a source of information for Victoria  
15:23:42 45 Police?---Oh I see.  
46

15:23:49 47 It's noted there that the SDU objective is, or has been to

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15:23:53 1 end the relationship without bitter recriminations either  
15:23:56 2 way. The human source objectives have been met, which is  
15:24:01 3 to get the Mokbels out of her life. So by this stage  
15:24:09 4 you'll understand that there'd been numerous arrests. It's  
15:24:21 5 agreed that the human source is viable, there's going to be  
15:24:26 6 ongoing SDU management and that the SDU will monitor the  
15:24:32 7 OPI requests for Ms Gobbo to be subpoenaed for compulsory  
15:24:37 8 hearings and they seem to agree that it's not necessary for  
15:24:41 9 any hearing to occur because she's willing to assist, do  
15:24:48 10 you see that?---Yes, I see that.  
11  
15:24:53 12 If we go to ICR 862 at - this is 28 May 2007, so a number  
15:25:07 13 of days later. They're discussing the notes that Ms Gobbo  
15:25:09 14 said she still possessed, notes that she received from  
15:25:15 15 Mr Dale during a professional visit whilst he's in custody  
15:25:20 16 and she'd passed them over to his solicitor and kept a copy  
15:25:24 17 for herself. She'd located those notes and was making  
15:25:28 18 arrangements to provide those to the police and she's  
15:25:34 19 considering the ethical implications of handing over those  
15:25:39 20 documents. Then you'll see a few lines down at 12:59 the  
15:25:45 21 documents there are ready to be collected?---Yes, I see  
15:25:48 22 that.  
23  
15:25:49 24 One moment there's ethical implications about it, the next  
15:25:53 25 over go the notes?---Yes. This is the first time I've been  
15:26:00 26 made aware of this.  
27  
15:26:02 28 Does it surprise you?---Yes, it does.  
29  
15:26:14 30 Does it indicate that there needed to be some significant  
15:26:17 31 oversight and scrutiny occurring in relation to informer  
15:26:19 32 management?---Yes, it does.  
33  
15:26:21 34 And that wasn't happening?---Well, I'm wondering at how  
15:26:27 35 those ethical implications were in fact assessed. It  
15:26:31 36 doesn't appear to me that they were.  
37  
15:26:43 38 If we can go to the SML on 28 May 2007 at p.112. We see,  
15:26:54 39 if we just go back up to the - there's a monthly source  
15:27:00 40 review. We see these occurring mostly monthly in the  
15:27:03 41 source management log. She's currently at that stage  
15:27:05 42 involved in the Karam trial. If we continue up. She  
15:27:15 43 remains at high risk by virtue of gangland associates and  
15:27:19 44 her assistance being provided to the police. She remains  
15:27:25 45 high value, particularly in regard to corruption issues and  
15:27:28 46 murder investigations involving serving and ex-police and  
15:27:33 47 also it was anticipated that Mr Mokbel might be arrested in



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15:27:37 1 the near future and would attempt to contact her and that a  
15:27:42 2 decision would have to be made in relation to her having  
15:27:45 3 any involvement in that. Do you see that?---Yes, I do.  
4  
15:27:50 5 Do you understand Mr Mokbel had been a significant client  
15:27:54 6 of hers for many years?---Yes.  
7  
15:27:58 8 Do you see any issues there in relation to the fact that  
15:28:02 9 they're making, "We'll have to make a decision about  
15:28:05 10 whether she gets involved with Mr Mokbel again", because it  
15:28:10 11 seems if she does have involvement it's going to be at the  
15:28:14 12 behest or on behalf of the police as a police agent?---Yes,  
15:28:18 13 that might be one interpretation of it.  
14  
15:28:20 15 It's certainly a concerning - - - ?---Yes. I guess the  
15:28:26 16 observation that I would make is that had Mokbel then  
15:28:32 17 indeed reached out to her, well I would have expected that  
15:28:37 18 the Source Development Unit would have then recognised the  
15:28:43 19 very serious ethical concerns associated with using a human  
15:28:49 20 source who was representing themselves as an individual's  
15:28:53 21 lawyer to obtain information about that individual.  
22  
15:28:57 23 Maybe if I can just fill you in on what happened a year  
15:29:01 24 earlier in relation to Operation Posse?---M'mm.  
25  
15:29:04 26 Ms Gobbo had been signed up for the very purpose of  
15:29:09 27 bringing down Mr Mokbel and his cartel at a time when  
15:29:14 28 Mr Mokbel was her client. That's the purpose for which she  
15:29:18 29 was put on the books by Victoria Police?---Right.  
30  
15:29:20 31 She continued to represent Mr Mokbel?---Yes.  
32  
15:29:23 33 The plan was to use other clients of hers to have them  
15:29:31 34 arrested on further matters to motivate them to give  
15:29:34 35 evidence to help bring down the Mokbels?---Yes.  
36  
15:29:37 37 That happened?---Yes.  
38  
15:29:38 39 On the night that that happened she gave them advice to  
15:29:43 40 assist police?---What was that advice?  
41  
15:29:52 42 She was in a room with one of the detectives arresting,  
15:29:56 43 we're calling him PII [REDACTED], who became, who went on to  
15:30:01 44 make about [REDACTED] statements in relation to Operation Posse,  
15:30:05 45 she was in the room for an hour with one of the lead  
15:30:08 46 investigators convincing him that he should roll?---M'mm.  
47

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15:30:12 1 That's the situation?---Yes.  
2  
15:30:18 3 All right. We're now a year on?---Yes.  
4  
15:30:29 5 Do you think the Ethical Standards Department or the OPI  
15:30:33 6 might have had some concerns in relation to that  
15:30:36 7 situation?---Yes.  
8  
15:30:39 9 As soon as they became that a criminal defence barrister  
15:30:42 10 was on the books for Victoria Police, any investigation of  
15:30:45 11 those matters was going to lead to that being revealed  
15:30:49 12 potentially?---Yes, it's something that I would have been  
15:30:51 13 very interested in.  
14  
15:30:52 15 You've got some very significant criminals in gaol and I  
15:30:57 16 guess just look where we are today?---Yes.  
17  
15:31:03 18 Is that an appropriate time, Commissioner?  
19  
15:31:06 20 COMMISSIONER: It is. Just before we break, Mr Cornelius,  
15:31:08 21 back in 2005 as an Assistant Commissioner did you have a  
15:31:13 22 PA, an executive assistant, administrative assistants of  
15:31:19 23 any kind?---Well I became an Assistant Commissioner in  
15:31:22 24 December 2005, and that was into the role at ESD, and I had  
15:31:25 25 a personal assistant and a staff officer.  
26  
15:31:28 27 Thank you. Yes, all right, we'll take the afternoon break.  
28  
29 (Short adjournment.)  
30  
13:20:21 30  
15:54:47 31 COMMISSIONER: Yes Ms Tittensor.  
15:54:49 32  
15:54:50 33 MS TITTENSOR: Thanks Commissioner. Now, Mr Cornelius, if  
15:54:55 34 we can bring up the SMLs for 11 July 2007, please. You'll  
15:55:08 35 see on 11 July 2007 that, in the blue box there on the  
15:55:18 36 screen, Ms Gobbo is referred to as RS at this time, she's  
15:55:26 37 referred to as registered source rather than human source,  
15:55:30 38 states, "She has been served with a summons from the OPI to  
15:55:35 39 give evidence at a hearing", do you see that?---Yes.  
15:55:37 40  
15:55:37 41 "She's extremely concerned about her identity being  
15:55:40 42 revealed. States that will be asked about the Hodson  
15:55:41 43 information reports. States she will accept fines or  
15:55:45 44 convictions rather than be identified as a human source".  
15:55:49 45 Do you see that?---Yes.  
15:55:50 46  
15:55:51 47 Were you aware that she'd been summoned to the OPI?---I was

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15:55:56 1 aware at that time that OPI were contemplating calling her  
15:56:04 2 for a hearing.  
15:56:05 3  
15:56:06 4 It seems as though she's actually been served with a  
15:56:09 5 summons?---Yes.  
15:56:10 6  
15:56:10 7 You would have been aware of it by that stage?---Yes.  
15:56:13 8  
15:56:15 9 So there would have been some discussion as to service of  
15:56:20 10 the summons on her?--Well, so to be clear, I don't recall  
15:56:31 11 her being referred to as 3838 at that point. I certainly  
15:56:37 12 knew in 07 that OPI were planning to conduct a number of  
15:56:44 13 hearings. I'm struggling to remember whether I actually  
15:56:48 14 recall that Gobbo at that point was, was on the, was on my  
15:56:55 15 radar. I can't recall.  
15:56:59 16  
15:57:00 17 You would have been told about OPI hearings coming up, I  
15:57:03 18 take it?---Yeah. So again, I'd need to go back to the IMC  
15:57:14 19 minutes for Briars or Petra just to be clear about that,  
15:57:19 20 but I do recall there were a number of references in the  
15:57:24 21 Briars minutes over the course of 2007 to contemplated  
15:57:31 22 hearings being conducted by the OPI.  
15:57:33 23  
15:57:33 24 This was a Petra one?---Yes, sorry, likewise with Petra.  
15:57:40 25  
15:57:41 26 You see there on 12 July 2007, it indicates that inquiries  
15:57:48 27 were being made via Deputy Commissioner Overland re  
15:57:54 28 prohibiting certain questioning of the source at the OPI  
15:57:57 29 that would reveal her role as a source?---I can see that  
15:58:00 30 reference.  
15:58:00 31  
15:58:04 32 Then I might take you to a 16 July 2007 Petra Task Force -  
15:58:12 33 - - ?---I don't understand on what basis Deputy  
15:58:15 34 Commissioner Overland could prohibit certain questionings  
15:58:17 35 by OPI.  
15:58:19 36  
15:58:20 37 Well the only way that that might be done would be  
15:58:24 38 communications with the OPI?---Yes, potentially.  
15:58:28 39  
15:58:29 40 Yes. Perhaps if we can bring up 16 July 2007, I think a  
15:58:37 41 VPL code has been given to the - 16 July 2007 Petra Task  
15:58:47 42 Force update. Now, if we just flip over the page briefly.  
15:59:12 43 You'll see it's got - is that your handwriting  
15:59:20 44 there?---Yes, that's my handwriting.  
15:59:23 45  
15:59:23 46 Gerard Wragg who was an AFP officer, is that right?---Yes.  
15:59:30 47

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15:59:30 1 If we can then just go back to the first page. You'll see  
15:59:32 2 it indicates there under the third heading "Office of  
15:59:38 3 Police Integrity hearings", hearings to be conducted on 19  
15:59:41 4 and 20 July?---Yes.  
15:59:42 5  
15:59:42 6 You would have understood I take it who was to be  
15:59:47 7 examined?---Yes, I imagine I would have known that at the  
15:59:51 8 time. I can't recall that today.  
15:59:53 9  
15:59:54 10 Not something that would have been kept from you?---No.  
15:59:58 11  
15:59:59 12 And you'd expect that after those hearings have been  
16:00:02 13 conducted you'd receive a report on what happened?---Yeah,  
16:00:06 14 I would have expected that Graham at least would have  
16:00:10 15 filled us in on what happened at the hearings.  
16:00:13 16  
16:00:13 17 Was it the case that investigators attended at these  
16:00:17 18 hearings and understood what happened?---They may have but  
16:00:21 19 I don't recall having specific knowledge of that.  
16:00:24 20  
16:00:27 21 If we can go to Mr White's diary, please, for 17 July 2007.  
16:00:34 22 It's VPL.0100.0096.0075. You'll see there there's a  
16:00:59 23 meeting with, that Mr White has with her and there's a  
16:01:05 24 number of initials there and they're all members of the  
16:01:08 25 Source Development Unit. They're handlers and other  
16:01:12 26 controllers at the Source Development Unit?---Whereabouts  
16:01:16 27 on that page are you directing me?  
16:01:18 28  
16:01:18 29 It's on the top of left-hand side, 12.45 SDU meet with a  
16:01:21 30 number of initials there?---I can see the initials.  
16:01:23 31  
16:01:23 32 Take it from me that they're all members of the SDU?---Yes.  
16:01:26 33  
16:01:26 34 In relation to 3838. Indicates they're to meet tonight.  
16:01:33 35 There's issues in relation to the OPI subpoena. Ms Gobbo  
16:01:37 36 is concerned she'll be asked questions that could  
16:01:41 37 compromise her. They've spoken, or have spoken to Gavan  
16:01:45 38 Ryan who had spoken to Simon Overland. Agreed that  
16:01:48 39 Ms Gobbo would not be asked questions about what policemen  
16:01:52 40 she'd spoken to. And then it indicates that Mr Fitzgerald  
16:01:57 41 has been told that Ms Gobbo is a human source, effectively.  
16:02:02 42 And then it was agreed the need to ask Mr Ryan if Ms Gobbo  
16:02:07 43 can be told Mr Fitzgerald is the Chairman. Ms Gobbo is to  
16:02:14 44 be told that there are three options, the first is to say  
16:02:17 45 nothing at all, which she has been threatening to do. The  
16:02:21 46 second appears to be to answer all questions except those  
16:02:25 47 that might compromise her and then ask for the matter to be

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16:02:29 1 stood down and seek advice from the SDU. And the third is  
16:02:33 2 to be advised that the Chairman could receive limited  
16:02:37 3 intelligence in relation to her assistance to police and  
16:02:42 4 concern that answers might be documented and may compromise  
16:02:47 5 her at a later date and that she's especially concerned,  
16:02:53 6 she's concerned in relation to death threats, do you see  
16:02:56 7 that?---Yes.

16:02:56 8  
16:03:02 9 Similarly if we can go to the SML, p.118. It records a  
16:03:15 10 meeting with Ms Gobbo, so this is the planned meeting that  
16:03:20 11 night?---Which entry are you referring to?

16:03:22 12  
16:03:22 13 Right down the bottom?---Yes.

16:03:24 14  
16:03:26 15 You'll see that there's a meeting that night between the  
16:03:30 16 three people that Mr White had been talking with, the three  
16:03:35 17 members of the SDU?---Yes.

16:03:37 18  
16:03:37 19 Mr White, it appears, is not present at this meeting but  
16:03:41 20 he's had a meeting earlier in the day with the three of  
16:03:45 21 those people. So they discussed - at this meeting with  
16:03:49 22 Ms Gobbo, they discussed the issue in relation to the OPI  
16:03:51 23 hearing and the possibility of compromise of her. And they  
16:03:56 24 told her that the Chairman is aware of some assistance that  
16:04:00 25 Ms Gobbo had provided police and will ensure that she's not  
16:04:04 26 put in any self compromising position. She agreed to a  
16:04:09 27 strategy. It was agreed that Detective Inspector Ryan  
16:04:13 28 would be present at the hearings in case of problems. And  
16:04:18 29 they discussed issues in relation to her becoming a witness  
16:04:22 30 and some other matters that were occurring around that time  
16:04:26 31 in relation to Mr Karam and what turned out to be the  
16:04:30 32 tomato tins container. All right?---Yes.

16:04:36 33  
16:04:36 34 Now, around about that time in relation to Posse matters,  
16:04:44 35 there's some meetings going on between other senior  
16:04:49 36 management where, one of which Mr Blayney is present at  
16:04:55 37 with Mr Overland and he's recorded in his diary the need  
16:04:58 38 for hypothetical legal opinion and he's given evidence to  
16:05:05 39 the Commission that that related to concerns or growing  
16:05:08 40 concerns that Purana and Posse had been using a lawyer,  
16:05:13 41 which he eventually learned to be Ms Gobbo, and that she  
16:05:17 42 was being used against her clients. Did you have any idea  
16:05:22 43 of any of that going on in the background?---No.

16:05:24 44  
16:05:34 45 The following day, 18 July 2007, Mr White has a discussion  
16:05:41 46 with Mr O'Brien. Do you understand Mr O'Brien was the head  
16:05:43 47 of the Purana Task Force at the time?---Jim O'Brien?



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16:05:47 1  
16:05:48 2 Jim O'Brien?---Yes.  
16:05:49 3  
16:05:51 4 And you'll see that this is 17 July, so the following day,  
16:05:56 5 after the meeting with Ms Gobbo and after the meeting that  
16:06:00 6 Mr Blayney had had with Mr Overland and others. Mr White,  
16:06:07 7 meeting with Mr O'Brien, is discussing the possibility of  
16:06:11 8 Ms Gobbo now being a witness. "Advised against the same.  
16:06:16 9 Mr O'Brien is suggesting that if it's inevitable that she's  
16:06:21 10 going to be compromised then we should use her as a witness  
16:06:25 11 while we can. Mr White advised that he doesn't believe  
16:06:31 12 she's necessarily going to be compromised and her value as  
16:06:35 13 a witness needs to be balanced or weighed against the  
16:06:39 14 political fall out from the legal fraternity, i.e. will it  
16:06:45 15 impact on the conviction of PII [REDACTED]", who was the main  
16:06:49 16 [REDACTED] was discussing with you earlier, "And others".  
16:06:52 17 And it was agreed that they needed legal advice in relation  
16:06:56 18 to the fall out and that her value as a witness would be  
16:07:01 19 limited to Mr Karam, the Tony Mokbel material was limited  
16:07:06 20 and would make little difference. Then following that  
16:07:14 21 Mr White records a meeting with Gavan Ryan in relation to  
16:07:18 22 Ms Gobbo and the OPI examination. And it's recorded there  
16:07:26 23 that he will be present. He will contact the SDU if  
16:07:33 24 Ms Gobbo is compromised or at serious risk. And it's okay  
16:07:37 25 to tell Ms Gobbo about the Chairman and the Examiner's  
16:07:42 26 names and it appears as though she'd already been advised  
16:07:51 27 of that the night before in any case, prior to the meeting,  
16:07:56 28 at least in relation to the Chairman. Again, were you  
16:07:59 29 aware that Mr Ryan was to be present at the OPI hearing  
16:08:04 30 because all of these issues were going on in the  
16:08:07 31 background?---Not because of all of these issues were going  
16:08:09 32 on in the background. I had no awareness of that, but I'm  
16:08:15 33 not surprised that he might have been at the hearing.  
16:08:17 34  
16:08:17 35 Do you recall receiving any update from him about what went  
16:08:21 36 on at the hearing?---No.  
16:08:23 37  
16:08:29 38 If we can go to Mr Wilson's diary, RCMPI.0118.0001.0001.  
16:08:41 39 It seems as though that day, this is 18 July, 2007, the day  
16:08:46 40 before the hearing is scheduled, Mr Overland is indicating  
16:08:49 41 to Mr Wilson, "We're putting Ms Gobbo up before the OPI  
16:08:53 42 tomorrow, or witness 3838". She's being subpoenaed for  
16:09:00 43 Petra issues. Now, of course, Mr Wilson knows what, that  
16:09:07 44 she's a source and that if there's any issues in relation  
16:09:11 45 to Briars, Mr Overland would brief the next meeting, the  
16:09:16 46 next board of management the following Monday?---Yes.  
16:09:19 47

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16:09:22 1 If he's intending to brief the board of management if  
16:09:26 2 anything comes up that's relevant to Briars, he will be  
16:09:32 3 briefing them in relation to Ms Gobbo who is potentially a  
16:09:40 4 source?---Well, I don't, I don't know what any issues re  
16:09:48 5 Briars might relate to.  
16:09:50 6  
16:09:50 7 Well it had been thought that - perhaps I'll just leave  
16:09:56 8 that there. It was understood that Ms Gobbo might have  
16:10:01 9 some relevance to Briars, I take it, by that point in  
16:10:04 10 time?---Well, I wasn't aware that Ms Gobbo at that stage  
16:10:09 11 had any relevance to Briars.  
16:10:13 12  
16:10:25 13 Ms Gobbo was called before the OPI the following day. It  
16:10:31 14 does not appear that there is any reporting of that in any  
16:10:35 15 subsequent Petra minutes. Can you explain why or what  
16:10:44 16 happened?---No.  
16:10:44 17  
16:10:45 18 Would you have not said, "We were holding some OPI hearings  
16:10:49 19 on 19 and 20 July, what happened"?---Well I can't recall  
16:10:55 20 asking that. I can't particularly recall these hearings  
16:11:00 21 being on my radar. My recollection of the OPI hearings  
16:11:08 22 being on my radar was when, in the context of Briars, was  
16:11:13 23 when we received a briefing in September 2007 in relation  
16:11:20 24 to 3838. I think it was 10 September 2007.  
16:11:26 25  
16:11:26 26 I might tender that 16 July 2007 update, Commissioner. I  
16:11:31 27 failed to do that. It was VPL.0100.0046.2698.  
16:11:39 28  
16:11:40 29 #EXHIBIT RC899A - (Confidential) 16/7/07 update.  
16:11:41 30  
16:11:42 31 #EXHIBIT RC899B - (Redacted version.)  
16:11:45 32  
16:11:47 33 Nevertheless, you would have had this 16 July 2007 update  
16:11:53 34 which says, "We're having OPI hearings over these two  
16:11:56 35 days", you come along the next week and surely the question  
16:11:59 36 is, "Well what happened at those hearings"?---Well, it may  
16:12:04 37 have been a question but I don't recall it being an issue.  
16:12:08 38  
16:12:10 39 Mr Ashton knew by this stage that Ms Gobbo was a human  
16:12:15 40 source. It seems as though everyone else on the committee  
16:12:17 41 by this stage knew that Ms Gobbo was a human source and - -  
16:12:22 42 - ?---By what stage?  
16:12:23 43  
16:12:24 44 By this stage, by the stage that this OPI - - - ?---Of  
16:12:27 45 these hearings. Are you talking about in July 2007?  
16:12:31 46  
16:12:31 47 It seems as though Mr Ashton may well have been informed

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16:12:34 1 the year before?---Yes.  
16:12:35 2  
16:12:36 3 He accepts at least by this stage, 19 July 2007, he's  
16:12:40 4 told?---Yep.  
16:12:41 5  
16:12:41 6 On that day he says?---H'mm.  
16:12:44 7  
16:12:44 8 In his capacity as an assistant director of the OPI?---Well  
16:12:50 9 I had no awareness that she was a human source at that  
16:12:53 10 stage.  
16:12:53 11  
16:12:54 12 Everyone else on the committee knew she was a human source.  
16:12:58 13 Mr Ryan, Mr Overland, Mr Ashton. You say no idea?---No  
16:13:02 14 idea. My first, my records in relation to Ms Gobbo as a  
16:13:12 15 human source was first referenced in relation to 3838 in a  
16:13:19 16 Briars update on 10 September 2007.  
16:13:23 17  
16:13:24 18 Mr Ryan is quite confident that he was speaking at Petra  
16:13:30 19 steering committee meetings by this time about Ms Gobbo and  
16:13:34 20 her status as a human source?---Well, no, my understanding  
16:13:39 21 of Ms Gobbo's status always within the Petra Task Force  
16:13:44 22 steering committee was that she was a person of interest  
16:13:47 23 and was then a witness after she'd signed her statement.  
16:13:51 24  
16:13:54 25 Mr Ryan's evidence to the Commission was quite specifically  
16:13:58 26 that she was being discussed and her status was being  
16:14:03 27 discussed as a human source at Petra meetings?---No, it  
16:14:07 28 wasn't.  
16:14:07 29  
16:14:15 30 Similarly, it appears as though everyone on the Briars side  
16:14:21 31 of things, including the investigators, also knew of  
16:14:24 32 Ms Gobbo's status as a human source and everyone but you,  
16:14:28 33 you say?---That may be the case but it wasn't the case for  
16:14:31 34 me at that point.  
16:14:32 35  
16:14:33 36 Because you would have done something about it?---I would  
16:14:36 37 have asked some questions about it.  
16:14:38 38  
16:14:48 39 At that point in time, if we can go to the source  
16:14:53 40 management log, p.119 for 19 July. You'll see it records  
16:15:00 41 that Ms Gobbo gives evidence re Dale and the information  
16:15:04 42 report 44 investigation at the OPI hearing. She's asked  
16:15:10 43 questions about her associations with police and is very  
16:15:13 44 angry. So it seems as though whatever had been told to  
16:15:19 45 Mr Fitzgerald was not enough to indicate or was not enough  
16:15:26 46 to stop him from asking questions which Ms Gobbo thought  
16:15:30 47 would compromise her?---It sounds like Mr Fitzgerald did

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16:15:33 1 his job.  
16:15:34 2  
16:15:42 3 You'd find it concerning that there was some attempt in the  
16:15:46 4 context of a double execution murder investigation that  
16:15:53 5 there was some attempt to restrict the questioning of  
16:16:02 6 Ms Gobbo at such a hearing?---Yes.  
16:16:04 7  
16:16:11 8 If we can go to the Petra Task Force update for 23 July  
16:16:15 9 2007, please. VPL.0100.0046.2149. Maybe I've got the -  
16:16:34 10 perhaps that might be a version that has your handwriting  
16:16:38 11 on it, but there is an unredacted version which is - I  
16:16:47 12 won't worry about that. My point with that was that  
16:16:50 13 there's no mention at all in that meeting, it seems, of the  
16:16:57 14 OPI hearings and I just wanted to understand why that might  
16:17:02 15 be?---Well, I can't explain it to you. These, these  
16:17:11 16 minutes were taken, prepared by [REDACTED], they aren't  
16:17:16 17 my notes.  
16:17:16 18  
16:17:16 19 No?---And I've not seen these minutes before.  
16:17:22 20  
16:17:23 21 Do you understand that those minutes were taken for those  
16:17:29 22 meetings?---Yeah, I was aware [REDACTED] was taking minutes,  
16:17:33 23 but I did not see them.  
16:17:35 24  
16:17:37 25 That's a meeting following the OPI hearings, it starts at  
16:17:46 26 16:30 and finishes at 16:45?---Yes.  
16:17:50 27  
16:17:52 28 Is it the case that Briars was scheduled for 4 o'clock,  
16:17:57 29 Petra for 4.30, something like that?---Yeah, mostly the one  
16:18:02 30 came after the other, or vice versa.  
16:18:05 31  
16:18:06 32 Do you know if there were Purana Task Force briefings  
16:18:10 33 scheduled around the same time?---No, I don't know that.  
16:18:13 34  
16:18:13 35 But certainly insofar as you were concerned you were in  
16:18:16 36 Briars and Petra and those two meetings were scheduled one  
16:18:20 37 after the other?---Yes.  
16:18:21 38  
16:18:21 39 And they tended to go, well, was this common, a 15 minute  
16:18:26 40 meeting?---Look, I mean the meetings went for as long as  
16:18:30 41 was required. Some were short, some were longer.  
16:18:33 42  
16:18:41 43 If we go to the source management log for 6 August 2007,  
16:18:46 44 please. You'll see there's another meeting, this is not a  
16:19:08 45 meeting that you were at but it's a meeting involving  
16:19:12 46 Deputy Commissioner Overland, Superintendent Biggin and  
16:19:17 47 Blayney, and Detective Inspector Ryan in relation to



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16:19:21 1 Ms Gobbo and also the controller at the SDU who is taking  
16:19:28 2 those notes or putting those into the source management  
16:19:31 3 log, and they're having a meeting at that stage on 6 August  
16:19:34 4 2007 in relation to her ongoing management. There's a  
16:19:39 5 discussion about three options being available, whether  
16:19:41 6 they're going to deactivate her, ongoing management with no  
16:19:48 7 tasking or make her a witness. It's agreed that it's not  
16:19:51 8 an option to make her a witness as she'll be compromised.  
16:19:55 9 Deactivation was not an option because they needed to have  
16:19:59 10 ongoing communication with her in relation to court issues,  
16:20:03 11 re Mokbel trials. And it was agreed that she was to be  
16:20:07 12 managed with no tasking and any intelligence to be assessed  
16:20:11 13 by Mr Biggin prior to dissemination or any  
16:20:15 14 actioning?---Yeah, none of those matters were known to me.

16:20:17 15  
16:20:18 16 It's discussed at that meeting, you'll see in the next  
16:20:21 17 paragraph, "Using Ms Gobbo to speak to targets in relation  
16:20:24 18 to both Petra and Briars to PII [REDACTED]  
16:20:28 19 PII [REDACTED]" and it's agreed that any strategy  
16:20:33 20 was to be risk assessed prior to implementation, do you see  
16:20:38 21 that?---Yes.

16:20:39 22  
16:20:39 23 That was something that was being discussed within Petra  
16:20:42 24 and Briars, I take it, by that stage, using the human  
16:20:47 25 source to, 3838 to PII [REDACTED]?---Well at that  
16:20:52 26 stage it wasn't being discussed at IMC level. My first  
16:20:59 27 awareness, for example, of 3838, a person called 3838 being  
16:21:04 28 used in that capacity was at the 10 September 2007 meeting.

16:21:10 29  
16:21:10 30 All right. There had been some discussion within the  
16:21:17 31 Briars Task Force by that stage [REDACTED] information to  
16:21:25 32 assist or disseminate information to assist that  
16:21:30 33 investigation so that [REDACTED] might be  
16:21:33 34 [REDACTED]?---Well that - I have a note that is suggestive  
16:21:38 35 of that that I made on 10 September 2007, Briars Task Force  
16:21:46 36 update.

16:21:47 37  
16:21:50 38 On about 22 June 2007 there were concerns about media  
16:21:55 39 leaking in Briars, so by the mid year, is that  
16:21:59 40 right?---Yes.

16:22:00 41  
16:22:00 42 And if we can go to the update for that,  
16:22:08 43 VPL.0100.0048.1555.

16:22:52 44  
16:22:52 45 MR HOLT: Commissioner, it's a Task Force update that  
16:22:59 46 shouldn't be on the screens.

16:23:01 47



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16:23:01 1 COMMISSIONER: This is Exhibit 870, so it's been up before.  
2  
16:23:06 3 MR HOLT: If it could be (indistinct).  
16:23:08 4  
16:23:08 5 COMMISSIONER: Sure, sure. Just on the witness's screen  
16:23:12 6 and my mine and Ms Tittensor's screen.  
16:23:16 7  
16:23:18 8 MS TITTENSOR: If we scroll through. There's a reference  
16:23:31 9 up the top to Kit Walker, aka Mr Lalor, interview has been  
16:23:39 10 suspended on advice from yourself, is that right?---Yes.  
16:23:42 11  
16:23:42 12 And that there's some sort of review going on in relation  
16:23:45 13 to that?---Yes.  
16:23:46 14  
16:23:47 15 Further down under "media", it indicates that Age  
16:23:57 16 journalist Nick McKenzie has got some information or has  
16:24:01 17 been sniffing around in relation to the matter and had  
16:24:03 18 spoken with Ron Iddles again, is that right?---Yes.  
16:24:07 19  
16:24:09 20 He indicates, it indicates that he seemed to know about  
16:24:13 21 Petra and working on the Hodson murders?---Yes.  
16:24:16 22  
16:24:16 23 And he knew about the investigation of the vampire and  
16:24:19 24 targets, including Mr Waters, Mr Lalor and, was it  
16:24:25 25 Mr Saunders at that stage?---Yeah, it was evident to me  
16:24:28 26 that he knew far too much.  
16:24:31 27  
16:24:31 28 And that he'd been speaking to Mr Iddles about those things  
16:24:36 29 and that that was being reported back to you?---Yes.  
16:24:38 30  
16:24:43 31 And this was - I tender that document, Commissioner. It  
16:24:50 32 might already been tendered.  
16:24:51 33  
16:24:51 34 COMMISSIONER: It's already been tendered, I think it's  
16:24:55 35 870.  
16:24:56 36  
16:24:56 37 MS TITTENSOR: In fact I think the chronology that I took  
16:24:59 38 you to before, it's IBAC.0001.0001.0473, 22 June down the  
16:25:10 39 bottom, refers to that meeting?---Yes.  
16:25:13 40  
16:25:14 41 And you refer to a briefing by Superintendent Wilson about  
16:25:18 42 media interest?---Yes.  
16:25:20 43  
16:25:21 44 And McKenzie being aware of Task Force Petra and Task Force  
16:25:26 45 Briars?---Yes.  
16:25:27 46  
16:25:33 47 If we go to the Task Force update for 30 July. There's

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16:25:50 1 further reference there to the Kit Walker issue. Is that  
16:25:57 2 sort of all tied up in the media leaking?---Yes, there was  
16:26:00 3 a great deal of interest in the Kit Walker investigation.  
16:26:04 4  
16:26:04 5 And that's somehow tied up in the Briars  
16:26:08 6 investigation?---Yes.  
16:26:08 7  
16:26:27 8 If we can scroll - - - ?---I'm sorry, before you do so, I  
16:26:31 9 think it's important that you check this briefing just to  
16:26:33 10 make sure that the identities of the whistle blowers who  
16:26:38 11 are referenced in this briefing are in fact not named.  
16:26:42 12  
16:26:42 13 Yes, I won't be mentioning any names in that regard and I'm  
16:26:47 14 not sure that they're in there. They may or may not  
16:26:50 15 be?---Yes, thank you.  
16:26:51 16  
16:26:51 17 There is a reference to whistle blowers but I don't think  
16:26:54 18 there's a reference to any names there?---I just thought I  
16:26:58 19 should alert you to it.  
16:26:59 20  
16:27:03 21 So if we continue on. If we can scroll up. You've got  
16:27:17 22 some notes there, is that right, some notes that you've  
16:27:24 23 made down the bottom?---Yes.  
16:27:25 24  
16:27:29 25 Now I think that there's perhaps a typed version of your  
16:27:33 26 notes. If I can ask it to be brought up on the screen. Is  
16:27:39 27 that a typed version of what your notes say?---Yes, it is.  
16:27:41 28  
16:27:42 29 If we scroll through that document I think there's a typed  
16:27:47 30 version of various notes that you've made on a number of  
16:27:50 31 your - - - ?---Yes.  
16:27:52 32  
16:27:52 33 - - - reports, is that right?---Yes.  
16:27:53 34  
16:27:54 35 Do you know what they were, why they were typed up, was  
16:27:58 36 that for a particular reason?---Yeah, they were typed up  
16:28:01 37 because these records were, are called for as part of the  
16:28:08 38 discovery process for the various proceedings, civil  
16:28:13 39 proceedings that were brought between Mullet and Nixon and  
16:28:17 40 also in relation to preparation of material for disclosure  
16:28:26 41 in the course of the Ashby/Mullet/Linnell trials.  
16:28:33 42  
16:28:33 43 So I just want to ask you about one part of this note in  
16:28:38 44 particular. So it seems as though you've identified a  
16:28:42 45 number of notes in this document from various dates that  
16:28:45 46 relate to the sort of Kit Walker media leaking or leaking  
16:28:51 47 issue?---Yes.

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16:28:52 1  
16:28:52 2 And this is one of them. It indicates that there's -  
16:29:00 3 there's a Ron Iddles' view, there's phone calls between  
16:29:04 4 Lalor and Waters. "Concern that the OPI approach will have  
16:29:08 5 a major impact and spook the players"?---Yes.  
16:29:11 6  
16:29:12 7 Then to the side, "Info to [REDACTED], viz", and I take that  
16:29:21 8 means via, or that, "PII [REDACTED] may be talking", so it's at  
16:29:24 9 that stage there's some discussion about [REDACTED]  
16:29:28 10 information that PII [REDACTED] might be talking?---Yes.  
16:29:32 11  
16:29:34 12 "You need to be careful." Then, "Given the hearing in  
16:29:39 13 relation to a number of others", and then it refers to,  
16:29:45 14 "Seeding a story in the media. Prefer [REDACTED]  
16:29:52 15 viz female visitors - lawyer", do you see that?---Yes.  
16:29:56 16  
16:29:57 17 It seems to be the case that the committee at this stage is  
16:30:03 18 talking about [REDACTED] some information via a lawyer or  
16:30:10 19 female visitor in relation to PII [REDACTED] talking, is that  
16:30:14 20 right?---Yeah, I'm not sure whether this, this relates to  
16:30:22 21 what Ron Iddles was relaying to us about what Nick McKenzie  
16:30:26 22 had been telling him, so there may have been a mix of that.  
16:30:30 23 Also, I mean I guess what I, I need to see these notes in  
16:30:37 24 the context of the briefing document that they relate to so  
16:30:40 25 that I can make sense of it.  
16:30:42 26  
16:30:42 27 All right. Now I can understand the typed version or we  
16:30:46 28 see the typed version, if we can perhaps go back to your  
16:30:50 29 handwritten version?---Yep.  
16:30:57 30  
16:31:16 31 I just want to understand, it seems to be that there's some  
16:31:19 32 discussion about [REDACTED] through female  
16:31:26 33 visitors, a lawyer, in relation possibly to PII [REDACTED]  
16:31:31 34 talking and that would be talking, I assume, to the  
16:31:36 35 police?---Yes. I don't know what the reference to the  
16:31:41 36 lawyer is there. And the - - -  
16:31:51 37  
16:31:52 38 Given that not too long after this we've got this  
16:31:56 39 discussion - - - ?---I think this relates to female  
16:32:01 40 visitors to the, PII [REDACTED].  
16:32:07 41  
16:32:07 42 Well, yes. We've got some talk about [REDACTED] of  
16:32:11 43 information in relation to PII [REDACTED] talking?---Yep.  
16:32:14 44  
16:32:14 45 And we've got some information about, "[REDACTED]  
16:32:21 46 viz female visitors" and then reference to a lawyer, an  
16:32:30 47 arrow and a lawyer?---Yes.

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16:32:31 1  
16:32:32 2 That's 30 July. On 6 August there's some discussion about  
16:32:38 3 the meeting that I've just taken you to with Mr Overland -  
16:32:42 4 the meeting about Ms Gobbo's ongoing use by the SDU,  
16:32:46 5 there's discussion there about possibly using her for  
16:32:51 6 Operation Petra and Briars in relation to targets to  
16:32:54 7 PII [REDACTED]. So that's within about a  
16:32:57 8 week of this there's some discussion about using her for  
16:33:01 9 PII [REDACTED]?---Yeah. I think that's, that's  
16:33:05 10 made somewhat clearer in my notes on 10 September 2007.  
16:33:11 11  
16:33:11 12 We'll come to that shortly. But I just want to understand,  
16:33:16 13 so if this is the foundation we start talking about [REDACTED]  
16:33:20 14 or [REDACTED] some [REDACTED] on 30 July, Mr Overland seems  
16:33:26 15 to be talking about using Ms Gobbo for that purpose a week  
16:33:29 16 later at another meeting with the SDU?---Yeah, well I don't  
16:33:34 17 know that it's Ms Gobbo. My notes in this entry talk about  
16:33:37 18 a female visitor.  
16:33:39 19  
16:33:39 20 Yes?---And then I've got an arrow under that, "A lawyer".  
16:33:44 21  
16:33:44 22 Yes. If we can go to the ICRs for 31 August 2007, p.1178.  
16:34:06 23 I apologise, I lost track of the time, Commissioner.  
16:34:09 24  
16:34:09 25 COMMISSIONER: It is 4.30, if you just wanted to go on to  
16:34:12 26 finish the topic you could, obviously we're not going to  
16:34:16 27 finish this witness today. Would you prefer to adjourn now  
16:34:19 28 or do you want to just finish off a line of questioning?  
16:34:22 29  
16:34:23 30 MS TITTENSOR: There's a little bit further to go on this  
16:34:26 31 line of questioning, Commissioner. I can go for a little  
16:34:31 32 longer if the witness is happy to go a little longer.  
16:34:33 33  
16:34:34 34 COMMISSIONER: Just to finish off this line of questioning?  
16:34:37 35  
16:34:37 36 MS TITTENSOR: Sure.  
16:34:37 37  
16:34:38 38 COMMISSIONER: How long, 15 minutes?  
16:34:41 39  
16:34:41 40 MS TITTENSOR: Yes Commissioner.  
16:34:43 41  
16:34:43 42 COMMISSIONER: Is that all right with you,  
16:34:46 43 Mr Cornelius?---Yes.  
16:34:47 44  
16:34:47 45 We'll sit another 15 minutes.  
16:34:50 46  
16:34:50 47 MS TITTENSOR: I'll take you through some of these matters



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16:34:53 1 reasonably quickly so we can get to that 10 September  
16:34:57 2 document you've spoken about, Mr Cornelius. Just to lay  
16:34:59 3 some of the background here. You'll see on 31 August  
16:35:04 4 Ms Gobbo is reporting to her handlers that she's had a  
16:35:07 5 visit at her office from Mr Waters?---Yes, I can see that.  
16:35:13 6  
16:35:14 7 He'd asked if, he'd come unannounced at that stage, he  
16:35:19 8 asked if she'd been called to the OPI. She denied that by  
16:35:22 9 saying that she couldn't say whether she or she hadn't or  
16:35:26 10 who she might have been there to represent, it seems as  
16:35:30 11 though those kind of answers had been previously discussed  
16:35:34 12 with her. And there's some further discussion there about  
16:35:39 13 matters to do with that visit and you'll see down the  
16:35:43 14 bottom there that's verbally disseminated to Ron Iddles,  
16:35:48 15 Operation Briars?---Yes, I can see that.  
16:35:50 16  
16:35:50 17 Mr Iddles knew that Ms Gobbo was a source around this time  
16:35:54 18 as well. Did you know that?---No, I didn't know that.  
16:35:59 19  
16:36:02 20 That evidence was then passed to Mr Wilson, from Mr Iddles  
16:36:09 21 to Mr Wilson it seems, or that information. If we can go  
16:36:17 22 to the source management log for 6 September. There's the  
16:36:24 23 controller, Mr White, meets with Mr Iddles in relation to  
16:36:27 24 Briars. There's a request to use Ms Gobbo to pass  
16:36:31 25 information to Mr Waters to PII [REDACTED]  
16:36:36 26 PII [REDACTED] and Mr Iddles is to send a script  
16:36:40 27 in the email. Do you see that?---Yes.  
16:36:43 28  
16:36:50 29 I'll just summarise to you. On 8 September 2007, ICR  
16:36:57 30 p.1202, Ms Gobbo reports having a call from Mr Waters in  
16:37:04 31 the morning. There's a reference to him potentially  
16:37:10 32 referring her a client. There's reference to his wanting  
16:37:13 33 to see her and you'll see there that he's at a building  
16:37:18 34 site in Kent Street in Richmond?---Yes.  
16:37:21 35  
16:37:22 36 Just noting that address. Over the page, she then reports  
16:37:30 37 on the meeting that she's had. The meeting is all about  
16:37:38 38 the OPI summons. Her name had apparently come up. She  
16:37:42 39 goes on to mention that Mr Lalor was present as well on  
16:37:47 40 site about halfway down that passage. And there's  
16:37:53 41 reference to the second-last dot point, to going back to  
16:37:57 42 the OPI on Wednesday and she suspects that he will come and  
16:38:02 43 see her after the hearing for advice about being charged.  
16:38:07 44 Do you see that?---Yes.  
16:38:11 45  
16:38:15 46 The source management log for that date, if we skip back to  
16:38:18 47 there, outlines the information down the bottom there that



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16:38:25 1 there's an update from the handler. Mr Iddles intelligence  
16:38:30 2 and request re tasking of Ms Gobbo per his email and this  
16:38:34 3 is the information that they want Ms Gobbo to be passing  
16:38:40 4 on, that PII [REDACTED] is to be charged with another murder in  
16:38:43 5 the next two to three weeks, that he's made a statement  
16:38:47 6 implicating Docket and Lalor in the preparation of the, it  
16:38:52 7 says of the murder, and is prepared to give evidence that  
16:38:55 8 it had something to do with a [REDACTED] and so on. All  
16:38:59 9 right?---Yes.

16:39:00 10  
16:39:00 11 If we can go to 10 September Briars Task Force update, it's  
16:39:06 12 VPL.0100.0048.1578. This is the document you were talking  
16:39:17 13 about earlier, is that right? If we can go over the  
16:39:22 14 page?---Yes.

16:39:23 15  
16:39:23 16 It's got your notes on it?---Yep.

16:39:27 17  
16:39:30 18 Now, there is a typed version of this as well?---It's in my  
16:39:39 19 statement as well.

16:39:40 20  
16:39:40 21 It's also in your statement. It notes that you were told  
16:39:47 22 of the meeting between Waters, 3838 and Lalor?---Yes.

16:39:54 23  
16:39:55 24 It notes a strategy involving running the information about  
16:40:02 25 PII [REDACTED] rolling through 3838 via Sandy White?---Yes.

16:40:10 26  
16:40:13 27 Now, it's apparent, isn't it, that Ms Gobbo's real name was  
16:40:18 28 being used in the course of that meeting and on two  
16:40:22 29 occasions you've scrubbed out her name and replaced it with  
16:40:27 30 3838?---No, I have not scrubbed out her name. My  
16:40:30 31 recollection is that I only ever heard a number and that  
16:40:33 32 I've misheard the number and written in the correct number,  
16:40:37 33 which was 3838.

16:40:39 34  
16:40:40 35 Do you have an actual recollection of that or might you be  
16:40:43 36 wrong about that?---Look, I've got a strong, I've got a  
16:40:48 37 strong recollection of it. The other piece is that it's  
16:40:54 38 not my practice to write down the name of a human source  
16:40:57 39 anyway. I'd only ever use a registered number.

16:41:01 40  
16:41:01 41 That might be the reason why you've so heavily scratched it  
16:41:06 42 out is because you made that mistake of writing in the name  
16:41:10 43 of a human source?---No, I would have scratched it out  
16:41:13 44 because I've written the wrong number, and if anything the  
16:41:16 45 scratching out is more of a doodle than anything else.

16:41:19 46  
16:41:19 47 Do you honestly say that?---Yes, I do.

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16:41:22 1  
16:41:22 2 You do realise that the correct number is actually in the  
16:41:26 3 document itself, it says above that "tasking of  
16:41:29 4 3838"?---Yes, and it's probably while the conversation was  
16:41:33 5 occurring that I've cast my eye back up the document and  
16:41:37 6 seen 3838 and so recognised my mistake.  
16:41:40 7  
16:41:42 8 When do you say you scrubbed it out, at the meeting?---Yes,  
16:41:45 9 at the meeting.  
16:41:46 10  
16:41:46 11 And you honestly say you have a recollection of doing  
16:41:49 12 that?---Yeah, I've got, I've got a strong recollection of  
16:41:51 13 it.  
16:41:52 14  
16:41:52 15 And there's no way at that meeting that Ms Gobbo's name was  
16:41:56 16 mentioned and that you've scrubbed out her name and put  
16:41:59 17 3838?---My strong recollection is her name wasn't mentioned  
16:42:03 18 at the meeting.  
16:42:04 19  
16:42:04 20 Could you be wrong about that?---Well, ultimately how  
16:42:09 21 certain can I be of something that occurred that long ago?  
16:42:13 22 But I can say to you my strong sense, my strong  
16:42:16 23 recollection is that I didn't write her name down, I've  
16:42:20 24 written an incorrect number which I've overwritten with a  
16:42:23 25 correct number.  
16:42:23 26  
16:42:24 27 Is it a strong sense or are you certain?---I'm saying that  
16:42:30 28 I'm, I have a strong sense.  
16:42:33 29  
16:42:34 30 It would have been an extraordinary situation to find out  
16:42:37 31 at that particular point in time that 3838 was a lawyer,  
16:42:40 32 you would have done something about it then?---Yes,  
16:42:43 33 certainly.  
16:42:43 34  
16:42:44 35 You would have had some concerns about discussions  
16:42:47 36 potentially being confidential?---Yes.  
16:42:50 37  
16:42:51 38 And it would have caused you to question what was going  
16:42:54 39 on?---Yes.  
16:42:54 40  
16:42:55 41 You would have had some serious discussions with  
16:42:57 42 Mr Overland at that point in time?---Yes.  
16:42:59 43  
16:43:02 44 If I can bring up a document IBAC.0010.0001.0529 at p.151.  
16:43:27 45 You see this is another version of the same document, same  
16:43:32 46 date, with some different handwriting down the  
16:43:35 47 bottom?---Yes, I recognise that as Simon Overland's

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16:43:37 1 handwriting.  
16:43:37 2  
16:43:38 3 Do you see there, "I asked you to note earlier the  
16:43:41 4 reference to Kent Street in Richmond?---Yes, I see that.  
16:43:45 5  
16:43:45 6 And do you see there it's reporting, he's written or noted  
16:43:49 7 at this meeting, "Saturday, Richmond, Kent Street, Lalor,  
16:43:55 8 Gobbo on site, met on site, conversation about OPI  
16:44:01 9 hearings"?---Yes, I can see that.  
16:44:03 10  
16:44:03 11 Do you see that Mr Overland has, it appears, referred to  
16:44:09 12 the name Gobbo?---Yes, he has.  
16:44:12 13  
16:44:12 14 It's apparent that Ms Gobbo was being discussed by name at  
16:44:15 15 that meeting, isn't it?---Well, not necessarily. If  
16:44:19 16 Mr Overland knew who 3838 was it's likely that he's written  
16:44:24 17 down her name.  
16:44:25 18  
16:44:25 19 If you've got - - - ?---Because he knew it.  
16:44:28 20  
16:44:28 21 If you've got every other person at that meeting knowing  
16:44:32 22 that it's Ms Gobbo, you've got Mr Overland writing on the  
16:44:37 23 record there that it is Ms Gobbo?---Well, sorry, if people  
16:44:41 24 had been referring to a human source by name at a meeting  
16:44:45 25 that I was involved in I'd take exception to it.  
16:44:50 26  
16:44:50 27 You scrubbed it out. Do you not see - - - ?---I've  
16:44:54 28 scrubbed out the incorrect number.  
16:44:56 29  
16:44:57 30 You honestly say that?---Yes.  
16:44:59 31  
16:44:59 32 You didn't scrub out a name?---No.  
16:45:01 33  
16:45:01 34 Because it was a serious mistake to write a name?---I've,  
16:45:06 35 I'm very sure I didn't write down a name. I've written  
16:45:09 36 down an incorrect number, which I've corrected.  
16:45:12 37  
16:45:13 38 It just so happens that Mr Overland has written the  
16:45:16 39 name?---And that may well be because that name was known to  
16:45:19 40 him.  
16:45:20 41  
16:45:22 42 Will that do for today, Commissioner?  
16:45:24 43  
16:45:24 44 COMMISSIONER: It will. Now 870, I think, 870 is this the  
16:45:35 45 A version of this Task Force, I'm not sure if that's the  
16:45:41 46 one that has this witness's handwriting on or not?  
16:45:46 47

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16:45:47 1 MS TITTENSOR: I'll tender - - -  
16:45:49 2  
16:45:49 3 COMMISSIONER: We should perhaps tender - - -  
16:45:51 4  
16:45:51 5 MS TITTENSOR: Yes, I should tender a number of those  
16:45:53 6 documents I've just referred to. I think the IBAC  
16:45:58 7 chronology may have already been tendered, the Briars Task  
16:46:04 8 Force update - - -  
16:46:05 9  
16:46:05 10 COMMISSIONER: Wait on. The IBAC chronology, we don't  
16:46:08 11 think it has been tendered.  
16:46:10 12  
16:46:10 13 #EXHIBIT RC900A - (Confidential) IBAC chronology.  
16:46:12 14  
16:46:13 15 #EXHIBIT RC900B - (Redacted version.)  
16:46:14 16  
16:46:15 17 MS TITTENSOR: Briars Task Force update 30 July 2007 to the  
16:46:23 18 board of management. Sorry, there are two of the Briars  
16:46:43 19 Task Force updates. One is a version with Mr Cornelius's  
16:46:46 20 handwriting, another with Mr Overland's handwriting.  
16:46:50 21  
16:46:50 22 COMMISSIONER: Isn't that dated 10 September 07?  
16:46:53 23  
16:46:53 24 MS TITTENSOR: Yes Commissioner.  
16:46:54 25  
16:46:57 26 COMMISSIONER: The one that is tendered we presume doesn't  
16:47:00 27 have anyone's handwriting on it, is that right?  
16:47:03 28  
16:47:04 29 MS TITTENSOR: It may or may not.  
16:47:05 30  
16:47:05 31 COMMISSIONER: Okay, assuming it doesn't, the one with  
16:47:08 32 Mr Cornelius's handwriting will be 901.  
16:47:12 33  
16:47:12 34 #EXHIBIT RC901A - (Confidential) Briars Task Force update  
16:46:16 35 with Cornelius's handwriting 30/7/07.  
16:47:14 36  
16:47:14 37 #EXHIBIT RC901B - (Redacted version.)  
16:47:17 38  
16:47:18 39 COMMISSIONER: And the one with Mr Overland's handwriting  
16:47:21 40 will be 902.  
16:47:25 41  
16:47:25 42 #EXHIBIT RC902A - (Confidential) Briars Task Force update  
16:46:16 43 with Overland's handwriting 30/7/07  
16:47:26 44  
16:47:26 45 #EXHIBIT RC902B - (Redacted version.)  
16:47:29 46  
16:47:29 47 COMMISSIONER: All right then. Thank you. Obviously,

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16:47:35 1 Mr Cornelius, we haven't finished with you I'm afraid.  
16:47:39 2 We'd always expected it would take two days and we were  
16:47:44 3 longer with Mr Ashton than we thought. There's a  
16:47:47 4 possibility next Friday that we might be able to fit you  
16:47:50 5 in. I don't know whether you're available then?---I'll  
16:47:54 6 make myself available, Commissioner.  
16:47:56 7  
16:47:56 8 Through your lawyers we'll be in touch with you. Otherwise  
16:48:00 9 next year commencing on 21 January, are you available at  
16:48:04 10 that point, you're not planning to be away?---Again I'll  
16:48:06 11 make myself available. I'd prefer to have it done before  
16:48:10 12 Christmas but I'm in your hands.  
16:48:12 13  
16:48:12 14 It's probably not going to happen unless we can finish it  
16:48:17 15 next Friday and there are other possibilities too. We have  
16:48:18 16 a witness from overseas tomorrow and he won't be in the  
16:48:21 17 country next year. So we'll play it by ear and keep you  
16:48:25 18 informed through your lawyers?---Thank you Commissioner.  
16:48:27 19  
16:48:28 20 Mr Collinson, you had something to tell me?  
16:48:30 21  
16:48:30 22 MR COLLINSON: We said we would update in the course of the  
16:48:33 23 day.  
24  
25 COMMISSIONER: Yes, you did.  
26  
16:48:33 27 MR COLLINSON: Can I say these two things, Commissioner.  
16:48:37 28 Firstly, it is not Ms Gobbo's intention to put on a witness  
16:48:43 29 statement for the purpose of any evidence that she might in  
16:48:49 30 certain circumstances give at this Royal Commission. As to  
16:48:55 31 whether circumstances may have changed such that Ms Gobbo  
16:49:00 32 might under certain conditions give evidence, there are  
16:49:04 33 some sensitive associated issues which I have been in  
16:49:09 34 discussion with senior counsel assisting the Commission on  
16:49:14 35 and I'm not able to say any more about what those might be,  
16:49:20 36 but they are certainly matters that I'm keeping in close  
16:49:23 37 contact with senior counsel on. That's the most I think we  
16:49:28 38 can say, Commissioner, at this point.  
16:49:30 39  
16:49:31 40 COMMISSIONER: All right, I'll just say, Mr Collinson, at  
16:49:33 41 this stage I'm acting on the assumption that we'll be able  
16:49:42 42 to start hearing her evidence on 29 January next year by  
16:49:45 43 telephone from wherever she is in short bursts to  
16:49:52 44 accommodate any health concerns and so forth.  
45  
46 MR COLLINSON: Yes.  
47



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16:49:55 1 COMMISSIONER: So we'll work on that basis for the time  
16:49:57 2 being and if there's a change to that, if you could let me  
16:50:02 3 know if it's through hearings or otherwise counsel  
16:50:05 4 assisting.

16:50:07 5  
16:50:08 6 MR COLLINSON: We certainly will.

16:50:09 7  
16:50:09 8 COMMISSIONER: Otherwise we'll proceed on that basis and if  
16:50:13 9 there's any reason why that may not be possible, I will  
16:50:19 10 certainly hear from you on her behalf on 29 January on the  
16:50:24 11 reasonable excuse question. Yes, thank you. All right  
16:50:34 12 then, we'll adjourn until 9.30 tomorrow morning.

13  
16:51:00 14 <(THE WITNESS WITHDREW)

16:51:00 15  
16:51:01 16 ADJOURNED UNTIL FRIDAY 13 DECEMBER 2019

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