

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

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Wednesday, 14 August 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 Ms R. Enbom Ms K. Argiropoulos
Counsel for State of Victoria	Mr C. Goodwin
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDP	Ms R. Avis
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for John Higgs	Ms C. Dwyer
Counsel for Faruk Orman	Mr M. Koh
Counsel for Pasquale Barbaro	Mr C. Wareham
Counsel for Stephen Asling	Mr R. Stary

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03:27:12 1 UPON RESUMING IN OPEN HEARING:

03:27:12 2  
03:27:13 3 MR NATHWANI: Let's just go through some other examples not  
03:27:15 4 relating - if we can go to ICR 94 p.1079, please. Sorry,  
03:27:30 5 these are back to 3838, ICR 94 p.179 in the paginated  
03:27:36 6 bundle.

03:27:48 7  
03:27:48 8 COMMISSIONER: What was the page again in the paginated  
03:27:51 9 bundle?

03:27:52 10  
03:27:53 11 MR NATHWANI: 1079, Commissioner. I just want to ask you  
03:28:01 12 about some entries. The middle of the page [REDACTED], do  
03:28:05 13 you see that?---Yes.

03:28:06 14  
03:28:08 15 Dale Flynn, you remember [REDACTED], do you?---He's the - -  
03:28:14 16 -

03:28:14 17  
03:28:14 18 He's at Dublin Street?---Yes.

03:28:15 19  
03:28:17 20 And at this stage there was interest in trying to [REDACTED]  
03:28:22 21 to [REDACTED] in effect, do you agree?---Yes.

03:28:26 22  
03:28:26 23 And [REDACTED] in relation to the prosecutions of  
03:28:31 24 Miecchel and Dale potentially?---That wasn't - - -

03:28:35 25  
03:28:36 26 And Mokbel. It was in relation to drugs and also - -  
03:28:40 27 -?---Was that done by ESD?

03:28:42 28  
03:28:43 29 Possibly. Let's go through what's written here. [REDACTED],  
03:28:48 30 who she [REDACTED], had rung her after - this is by your  
03:28:52 31 colleague, do you see that?---It's not the right screen I  
03:28:56 32 don't think.

03:28:57 33  
03:28:57 34 No, sorry, your reference is 2665. The VPL page reference  
03:29:09 35 is 2665. Our page number is 1079.

03:29:24 36  
03:29:24 37 COMMISSIONER: That's it. The right one is up now.

03:29:35 38 PII [REDACTED]

03:29:36 39  
03:29:40 40  
03:29:43 41  
03:29:46 42  
03:30:03 43 PII [REDACTED]

03:30:05 44

03:30:09 45

03:30:11 46

03:30:22 47

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RYAN XXN

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03:30:23 1  
03:30:24 2  
03:30:28 3  
03:31:05 4  
03:31:06 5  
03:31:11 6  
03:31:14 7  
03:31:16 8  
03:31:20 9  
03:31:22 10  
03:31:23 11  
03:31:26 12  
03:31:26 13  
03:31:27 14  
03:31:31 15  
03:31:33 16  
03:31:34 17  
03:31:43 18  
03:31:45 19  
03:31:45 20  
03:31:47 21  
03:31:48 22  
03:31:52 23  
03:31:54 24  
03:31:58 25  
03:32:00 26  
03:32:00 27  
03:32:03 28  
03:32:11 29  
03:32:15 30  
03:32:15 31  
03:32:20 32  
03:32:23 33  
03:32:28 34  
03:32:31 35  
03:32:40 36  
03:32:44 37  
03:32:51 38  
03:32:57 39  
03:33:03 40  
03:33:22 41  
03:33:25 42  
03:33:25 43  
03:33:30 44  
03:33:34 45  
03:33:37 46  
03:33:40 47

PII [Redacted]

PII [Redacted]

PII [Redacted]

PII [Redacted]

PII [Redacted]

PII [Redacted]

PII [Redacted]

PII [Redacted]

PII [Redacted]

PII [Redacted]

PII [Redacted]

PII [Redacted]

PII [Redacted]

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03:33:43 1  
03:33:44 2  
03:33:49 3  
03:33:49 4  
03:33:51 5  
03:33:51 6  
03:33:53 7  
03:33:55 8  
03:33:59 9  
03:33:59 10  
03:34:00 11  
03:34:03 12  
03:34:03 13  
03:34:06 14  
03:34:12 15  
03:34:16 16  
03:34:19 17  
03:34:21 18  
03:34:25 19  
03:34:30 20  
03:34:32 21  
03:34:32 22  
03:34:32 23  
03:34:35 24  
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03:34:39 26  
03:34:42 27  
03:34:45 28  
03:34:45 29  
03:34:48 30  
03:34:49 31  
03:34:52 32  
03:34:58 33  
03:35:08 34  
03:35:15 35  
03:35:29 36  
03:35:48 37  
03:35:49 38  
03:35:50 39  
03:35:51 40  
03:35:51 41  
03:35:54 42  
03:35:57 43  
03:35:57 44  
03:36:00 45  
03:36:02 46  
03:36:02 47

PII

PII

PII

PII

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PII

PII

MR NATHWANI: Could I just ask one question?---Could I just say there's a difference informer/witness.

COMMISSIONER: I know. I know Mr Ryan, I know?---Okay. I'm sure you know.

Perhaps you should tell Victoria Police.

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03:36:05 1  
03:36:06 2 MR HOLT: Commissioner, with respect we understand the  
03:36:07 3 distinction. We're trying to be careful and when matters  
03:36:10 4 are raised without notice it's very difficult for us to  
5 deal with.  
6  
7 COMMISSIONER: Yes Mr Holt.  
8  
03:36:13 9 MR HOLT: And we owe a duty of care to these people.  
03:36:15 10  
03:36:16 11 COMMISSIONER: Yes Mr Holt. You wanted one more question.  
03:36:17 12  
03:36:17 13 MR NATHWANI: You were saying that your view was that she  
03:36:19 14 was doing best by her client in negotiating on behalf of  
03:36:23 15 her client, that's as I understood your answer?---That's a  
03:36:28 16 possibility.  
03:36:29 17  
03:36:29 18 If that's right - - - ?---Can I just finish?  
19  
20 Yes, of course?---That's a possibility  
21  
03:36:32 22 If that's right don't you agree it's particularly unusual  
03:36:33 23 it's coming via her handlers?---Yes.  
03:36:36 24  
03:36:37 25 Because the proper way would be for counsel to come direct  
03:36:41 26 to you or by the solicitor and do it that way?---Yes.  
03:36:46 27  
03:36:46 28 Doesn't that indicate quite clearly what was happening here  
03:36:51 29 was you were receiving information that was privileged and  
03:36:53 30 not particularly bothered by it?---I just don't view it as  
03:36:59 31 privileged for some reason. I just view it as information  
03:37:03 32 that they've given me and I've, as I said before, the SDU  
03:37:08 33 were to filter things is my understanding.  
03:37:11 34  
03:37:11 35 Okay.  
03:37:13 36  
03:37:13 37 COMMISSIONER: All right, we'll adjourn now until 2  
03:37:15 38 o'clock.  
39  
03:37:16 40 <(THE WITNESS WITHDREW)  
03:37:17 41  
03:37:17 42 LUNCHEON ADJOURNMENT  
43  
44  
45  
46  
47

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03:37:18 1 UPON RESUMING AT 2.00 PM:  
2  
04:25:02 3 COMMISSIONER: We're still in open session now?  
04:25:06 4  
04:25:06 5 MR WOODS: We are.  
6  
04:25:06 7 COMMISSIONER: Yes. Yes Mr Nathwani.  
04:25:08 8  
04:25:08 9 <GAVAN RYAN, recalled:  
04:25:11 10  
04:25:11 11 MR NATHWANI: If we could go back, please, to ICR 94.  
04:25:15 12 Rather than take you back to different documents I just  
04:25:18 13 want to look at each ICR, there's specific issues I want to  
04:25:22 14 address. Just now moving our focus to the OPI. If we go  
04:25:27 15 to 1085, which is VPL number ending in 2671. I'm going to  
04:25:44 16 ask you more generally about the OPI but whilst we're going  
04:25:47 17 through the documents we might as well just flag relevant  
04:25:50 18 entries. At the bottom there you can see that Ms Gobbo is  
04:25:55 19 discussing the OPI, do you see that?---Yes.  
20  
04:26:00 21 What she's saying there is, "She says in her mind this  
04:26:05 22 would have prevented some of the sweeping questions she was  
04:26:10 23 asked, 'like tell me about police you know'", do you see  
04:26:14 24 that?---Yes.  
25  
04:26:14 26 Which was what she was asked on the first time she attended  
04:26:19 27 the OPI, do you remember that?---Yes.  
28  
04:26:21 29 Then we go over to the next page, please. It says at the  
04:26:24 30 top, they discussed this question, "She was assured it was  
04:26:28 31 not going to be asked. It having been asked this left her  
04:26:34 32 very vulnerable about having to reveal us", and she's  
04:26:37 33 talking about the handlers there, do you agree with  
04:26:39 34 that?---Yes.  
35  
04:26:39 36 Then goes through dealing about having representation there  
04:26:43 37 the next time?---Yes.  
38  
04:26:47 39 If we carry on through then, please, to the next page, 14  
04:26:52 40 August 2007. So that's the "call from 3838, says she's  
04:27:03 41 pissed off", do you see that?---Yes.  
42  
04:27:06 43 "Contact liaison at the OPI has just rung and told her has  
04:27:10 44 to go"?---Yes.  
45  
04:27:13 46 A bit further down she says she's annoyed at the OPI and  
04:27:18 47 has half a mind to call on a solicitor to represent her, do

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04:27:22 1 you see that?---Yes.  
2  
04:27:24 3 And talk about her blood pressure, medical appointment.  
04:27:30 4 Then the next entry at 6.10 in the evening, "Returns call  
04:27:34 5 to her. She has to come Tuesday. She's upset about it".  
04:27:39 6 Discussion about her diary and then on the next page it  
04:27:48 7 says, "Human source wants reassurances if Gavan there".  
04:27:52 8 That's a reference to you, do you agree with that?---Yes.  
9  
04:27:54 10 She's then happy to go without representation is what she's  
04:27:58 11 saying, do you see that?---Yes.  
12  
04:27:59 13 Otherwise she'll have a barrister there and mentions two  
04:28:02 14 potential barristers who she might consider represent  
04:28:06 15 her?---Yes.  
16  
04:28:07 17 She then wants to say on tape at the end of the hearing  
04:28:12 18 she's received a death threat since the hearing, do you see  
04:28:15 19 that?--Where is that?  
20  
04:28:17 21 After the names of the two barristers?---Yes.  
22  
04:28:19 23 "She wants to say on tape" - - - ?---Yes.  
24  
04:28:21 25 "She wants an assurance from the OPI that if the  
04:28:24 26 suppression order is lifted she wants to be represented at  
04:28:27 27 a hearing to determine it should be before it's released",  
04:28:32 28 do you see that?---Yes.  
29  
04:28:34 30 We'll come back to this, I just want you to have this in  
04:28:37 31 mind rather than keep coming back to the documents, what  
04:28:40 32 she appears to be saying is that she's concerned about her  
04:28:43 33 evidence from the OPI being made available?---Yes, she's  
04:28:47 34 trying to control the situation, yes.  
35  
04:28:49 36 Let's now move on then, please, to the next ICR, because  
04:28:54 37 there's more about the OPI and then some other bits and  
04:28:56 38 pieces. If we go to ICR 95, p.1101. Entry on the 16th -  
04:29:14 39 there we are. Do you see that at the top?---Yes.  
40  
04:29:17 41 "OPI advised that Gavan Ryan will be there in another  
04:29:21 42 room"?---Yes.  
43  
04:29:21 44 "He's available if she needs to call a time out"?---Yes.  
45  
04:29:26 46 The handlers are saying that she should take her diary  
04:29:30 47 along, "discussion that she needs to tell the truth", and

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04:29:33 1 that she saw Mr Livermore who was counsel assisting I think  
04:29:36 2 and he avoided her, do you see that?---Yes.  
3  
04:29:40 4 Then let's move on, please, to 1106, the day of the  
04:29:45 5 hearing. In fact 1105. So 1105 on 17 August, 11.39. This  
04:30:00 6 is the day that she attends but before it appears, do you  
04:30:04 7 see that?---11.39?  
8  
04:30:06 9 Yes. It says she's had a terrible night, one and a half  
04:30:10 10 hours sleep in total, been up vomiting. Do you see  
04:30:14 11 that?---Yes.  
12  
04:30:16 13 Then a discussion about potentially getting legal  
04:30:18 14 representation. Then let's go through to 17 August at 1.35  
04:30:23 15 in the afternoon, so the next page. Call from Dale Flynn.  
04:30:29 16 He calls the handlers. He's just been called by Ms Gobbo,  
04:30:35 17 who was in tears, and she wanted to speak to you about the  
04:30:39 18 hearing?---Yes.  
19  
04:30:41 20 Then the note, "She called a time out at the OPI hearing  
04:30:46 21 about being asked who she has spoken to about these  
04:30:49 22 hearings", do you see that?---That's at 15.10, is it?  
23  
04:30:54 24 13.35, a note by the handlers. Then 15.10 she's called  
04:31:01 25 back and she wants to pass on her thanks to you, do you see  
04:31:04 26 that?---She calls the handlers back, yes.  
27  
04:31:08 28 This is after. Let's put this in context. This is now  
04:31:11 29 ever at hearing. She's spoken to you, she's reporting back  
04:31:14 30 to the handlers that she was very upset and you were very  
04:31:17 31 good with her?---Yes.  
32  
04:31:19 33 This may ring a memory with you watching what was happening  
04:31:22 34 there, that Fitzgerald had threatened her with  
04:31:24 35 perjury?---Yes.  
36  
04:31:26 37 Discussions - I'm going a bit further down - that  
04:31:29 38 Fitzgerald called her a liar, "doesn't know why", do you  
04:31:33 39 see that?---Which line?  
40  
04:31:38 41 So it's - - - ?---Talk to - - -  
42  
04:31:41 43 Yeah, "Talked about Fitzgerald calling her a liar", midway  
04:31:45 44 down?---Yes.  
45  
04:31:46 46 Then there was a discussion about respectable or accepted  
04:31:51 47 counsel as far as VicPol were concerned to represent her,

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04:31:53 1 do you see that?---Yes.  
2  
04:31:55 3 Three names provided?---Yes.  
4  
04:32:06 5 Let's go to p.1111. If you want to, I'm not asking you to,  
04:32:21 6 but what she's doing is continually telling the handlers in  
04:32:25 7 this passage about the OPI and what she says in the middle  
04:32:29 8 is this, "Talk about the opinion that matters the most in  
04:32:35 9 that building", in other words the OPI, "is Gavan Ryan.  
04:32:39 10 Therefore intimated she would not lie to disappoint him.  
04:32:42 11 Not in her interests re the credibility she's earned with  
04:32:47 12 us and Purana", do you see that?---Yes.  
13  
04:32:50 14 What she appears to be saying is she didn't want to  
04:32:52 15 disappoint you and not want you to consider that she wasn't  
04:32:55 16 credible, do you agree that's how it reads  
04:32:57 17 certainly?---Yes.  
18  
04:33:00 19 Then what it goes on to say is she's earned credibility  
04:33:04 20 with Purana?---Yes.  
21  
04:33:07 22 That's because Purana were in effect tasking her to obtain  
04:33:12 23 information, some of which was privileged, agree?---No.  
24  
04:33:15 25 Right. We'll come back to those. But let's go through  
04:33:20 26 with a few more examples of material provided to you. Now  
04:33:25 27 at p.1119 on 21 August 2007. You see in the middle of the  
04:33:43 28 page there's a name in bold, Mr [REDACTED]?---Yes.  
29  
04:33:51 30 As I understood your evidence last week it was that it was  
04:33:55 31 unusual for a police officer to be present at the ACC,  
04:33:59 32 agreed?---At the OPI?  
33  
04:34:01 34 Yes, sorry, the OPI?---Yes.  
35  
04:34:03 36 How about the ACC?---No. As I understand it it's  
04:34:09 37 reasonably common. I didn't personally go.  
38  
04:34:12 39 As you were saying, and I think this is right again, you  
04:34:16 40 would be in collaboration to some degree with the ACC about  
04:34:20 41 information provided to them to then question a  
04:34:22 42 witness?---Yeah, you'd provide a brief.  
43  
04:34:25 44 Right?---We had a specific crew do that.  
45  
04:34:27 46 Here you're being told that [REDACTED] was worried about what  
04:34:34 47 they were going to ask?---Who - I don't know who he is.

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1  
04:34:36 2 Well the ACC certainly did and that handler certainly  
04:34:40 3 thought it was sufficient to pass on to you, do you see  
04:34:43 4 that, "Verbally disseminated above information to Gavan  
04:34:48 5 Ryan"?---Yes, I see that but I don't know who he is.  
6  
7 Again, any question there that you're receiving information  
04:34:52 8 about what he's told his legal advisor about going to a  
04:34:56 9 private hearing?---Sorry, what are you asking me?  
10  
11 She's obviously, on the face of it, appears to be  
04:35:00 12 representing [REDACTED]. He's obviously told - he's only  
04:35:03 13 allowed to tell his legal advisors about hearings like the  
04:35:07 14 ACC?---I don't know if she is or isn't. And I don't know  
04:35:11 15 about him, just not a familiar name at all.  
16  
17 So if you received that information that wouldn't cause you  
04:35:17 18 to question anything?---No. It's just not a familiar name  
04:35:18 19 at all.  
20  
21 Let's keep going. If we go to p.1117, so go backwards.  
04:35:21 22 You say you can't remember, was your evidence, about being  
04:35:44 23 asked whether it was okay for Gobbo to represent [REDACTED]  
04:35:47 24 [REDACTED]. I want you to have a look at the entry  
04:35:52 25 in relation to Roula Mokbel, 20 August 2007, okay. There's  
04:35:56 26 a discussion. Grigor is the solicitor. Has a meeting with  
04:36:05 27 Roula Mokbel about [REDACTED]. He, as you see from the second  
04:36:12 28 line, is filling in Ms Gobbo about what was discussed.  
04:36:16 29 "Client wants to know what [REDACTED] might be about."  
04:36:21 30 Grigor's then providing information about their concerns,  
04:36:25 31 or Roula Mokbel's concerns, which are privileged I hope you  
04:36:29 32 accept?---Where are you up to?  
33  
34 On that first - - - ?---I got up to "who is Bonnie".  
04:36:39 35  
36 Okay, keep reading that?---Yes.  
04:36:43 37  
38 "Grigor is saying it's about the family and properties in  
04:36:45 39 Bonnie Doon", do you see that?---Yes.  
40  
41 Pausing, because of course at this stage you can provide  
04:36:51 42 material to [REDACTED] about what to be asked about and what  
04:36:54 43 not to be asked about, okay?---Yes.  
44  
45 Let's follow it through. "Roula wants to have a chat with  
04:37:02 46 Ms Gobbo before [REDACTED]", do you see that, top of the  
04:37:05 47 next page?---Yes.

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1  
04:37:09 2 "Will only talk to Gobbo"?---Yes.  
3  
04:37:13 4 "Roula wants to talk [REDACTED]  
04:37:16 5 [REDACTED], do you see  
04:37:20 6 that?---Yes.  
7  
04:37:21 8 "Trusts no one else but the human source Ms Gobbo", do you  
04:37:27 9 see that?---Yes.  
10  
04:37:31 11 She then, Ms Gobbo, talks about ringing [REDACTED] to confirm  
04:37:35 12 whether it's appropriate she [REDACTED]?---Yes.  
13  
04:37:41 14 Then says, if you go further down, "Human source thinks it  
04:37:44 15 may be in our interest to find out what Roula wants to say  
04:37:47 16 to her"?---Sorry, what - "HS thinks" - okay, yes.  
17  
04:37:53 18 Next line, "Wants me to check with whoever to see if this  
04:37:56 19 is a problem"?---Yeah.  
20  
04:37:57 21 "Told her I do not see a problem but will check"?---Yes.  
22  
04:38:02 23 The next entry is it's disseminated to you?---Yes.  
24  
04:38:06 25 Were there any questions asked about whether you thought it  
04:38:09 26 was appropriate?---No. As I've said a few times, I  
04:38:12 27 expected the SDU to filter anything that was privileged.  
28  
04:38:16 29 Forget what you expected. If you received a phone call  
04:38:20 30 saying here's what Roula Mokbel's saying to an informer who  
04:38:23 31 represents her, is it okay to then [REDACTED],  
04:38:29 32 because it looks like they check with you, what's your  
04:38:33 33 response?---At the time?  
34  
04:38:34 35 Yes?---I don't know what the response was at the time.  
36  
04:38:37 37 Was it unusual to be receiving these sorts of  
04:38:40 38 calls?---Yeah, it would be.  
39  
04:38:45 40 Because that's now - Milad Mokbel, I suggest to you  
04:38:54 41 Zaharoula Mokbel also - you agree looking now with  
04:38:56 42 hindsight that appears to be privileged information?---In  
04:39:02 43 hindsight, yes, it could be.  
44  
04:39:05 45 And a conflict. She's giving information to you - - -  
04:39:06 46 ?---I read somewhere - you went so quick for me.  
47

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04:39:07 1 Take your time. You can read it?--No. You go quick and I  
04:39:10 2 read slow I suppose is the best way to put it.  
3  
04:39:13 4 That's my fault?---No, it's not your fault. It's just - I  
04:39:19 5 read somewhere that she'd asked whether there was a  
04:39:24 6 conflict, whether it was okay to [REDACTED].  
7  
04:39:28 8 Yes?---Is that right? Is that for this date or this person  
04:39:33 9 ?  
10  
04:39:33 11 Yes?---So - - -  
12  
04:39:35 13 She seems to be asking - she says, "It may be in our  
04:39:40 14 interest to find out what Roula wants to say to her. Then  
04:39:43 15 wants me to check", that's the handler. So wants the  
04:39:46 16 handler to check with whoever to see if this is a problem.  
04:39:50 17 So she's raised the issue of have they got a  
04:39:50 18 problem?---Okay, I get you.  
19  
04:39:52 20 The next entry is it's disseminated to you?---Yeah, it's  
04:39:56 21 got here, "Told her do not see a problem but will check."  
22  
04:40:00 23 So then there's the check?---Yes.  
24  
04:40:02 25 Which I would say is with you?---Yes, that's what it says.  
26  
04:40:07 27 Do you have any notes, do you know, of that?---I'd have to  
04:40:09 28 have a look at the diary.  
29  
04:40:11 30 It's something we'll have to look at.  
31  
04:40:13 32 COMMISSIONER: Do you want him to do that, Mr Nathwani?  
04:40:16 33  
04:40:16 34 MR NATHWANI: No, I think we can check his notes over time.  
04:40:18 35 I understand they were served on counsel assisting the  
04:40:23 36 Commission relatively recently. I tried to make the  
04:40:25 37 inquiry but I think there's quite a lot of to consider, so  
04:40:28 38 rather than waste lots of time it's something we can  
04:40:31 39 consider and see where we are later on in time. Unless of  
04:40:37 40 course you would be assisted by that, Commissioner?  
04:40:38 41  
04:40:39 42 COMMISSIONER: It's just that you've got him here now, if  
04:40:41 43 you want to see what he had in his diary on 20 August.  
04:40:48 44  
04:40:48 45 MR NATHWANI: I don't have the diaries so we're more than  
04:40:50 46 happy - - -  
47

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RYAN XXN

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04:40:50 1 COMMISSIONER: What form are his diaries in and can he have  
04:40:52 2 them, please, because they're coming up a few times in this  
04:40:56 3 cross-examination?  
04:40:57 4  
04:40:57 5 MR WOODS: Commissioner, there's two blue official police  
04:41:00 6 diaries that we're aware of but then there's also the  
04:41:02 7 handwritten notes that are separate. The documents that  
04:41:05 8 are being handed to him are the two blue official diaries.  
9  
04:41:08 10 COMMISSIONER: Right.  
04:41:09 11  
04:41:09 12 MR HOLT: The diaries are here in court, Commissioner. Can  
04:41:11 13 I also indicate, if it assists, that Mr Ryan's statement  
04:41:14 14 sets out where there are entries which correspond to  
04:41:17 15 disseminations, if that assists our friend.  
16  
04:41:22 17 COMMISSIONER: All right. I suppose you should check your  
04:41:24 18 diary for 20 August 07 and perhaps the next day, just  
04:41:29 19 around there.  
04:41:43 20  
04:41:43 21 WITNESS: What date in August?  
04:41:44 22  
04:41:45 23 MR NATHWANI: 21 August.  
24  
04:41:46 25 COMMISSIONER: Try the 20th, that was the date the  
04:41:49 26 conversation was on.  
04:41:50 27  
04:41:51 28 MR NATHWANI: Sorry, yes.  
29  
04:41:55 30 COMMISSIONER: Most recently spoken to.  
04:42:00 31  
04:42:01 32 WITNESS: Nothing on the 20th. Nothing on the 21st.  
04:42:07 33  
04:42:07 34 MR NATHWANI: Can I just ask you this because I understand  
04:42:09 35 from Mr Woods' questioning there were some entries that  
04:42:13 36 weren't in your diary.  
37  
04:42:15 38 COMMISSIONER: The handwritten notes that you prepared your  
04:42:18 39 diary - - - ?---Yes, I can explain that if you wish.  
04:42:19 40  
04:42:21 41 You've already explained that, your process. Could you  
04:42:23 42 have a look at the handwritten notes to see if there's  
04:42:26 43 anything on those around that period?---I can have a look  
04:42:29 44 but I suspect that the handwritten notes finish a year  
04:42:32 45 before that.  
46  
04:42:33 47 A year before that?---But I can check for you.

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1  
04:42:39 2 At this stage you were only using the diary?---Correct,  
04:42:41 3 yes.  
4  
04:42:42 5 There's no need to check because you did that make clear in  
04:42:44 6 your earlier evidence.  
04:42:46 7  
04:42:47 8 MR NATHWANI: There's no entry?---No.  
9  
04:42:50 10 Let's then go, please, to p.1122 and into your diary on 21  
04:42:56 11 August, we'll do this at the same time?---Sorry, which  
04:43:00 12 date?  
13  
04:43:01 14 Look in your diary for the next day, 21 August, and we'll  
04:43:02 15 all move to, on the screen - - - ?---There's no entry in my  
04:43:06 16 diary.  
17  
04:43:06 18 No, no. Let's have a look what's been discussed. In fact  
04:43:16 19 if we go to p.1121. Up to the top, please. There you go.  
04:43:36 20 This is on 21 August?---Yes. I'll just look at - if you  
04:43:43 21 just bear with me I'll just check the day after. Sometimes  
04:43:47 22 they - no, there's nothing there.  
23  
04:43:56 24 If you read the entry. She sees Roula Mokbel?---Yes.  
25  
04:44:04 26 And then discusses what was discussed during that  
04:44:11 27 conference, do you agree, if you look there?---Just give me  
04:44:14 28 time to read it.  
29  
04:44:15 30 Yes?---Yes.  
31  
04:44:32 32 So again, appears to be a discussion about [REDACTED]  
04:44:35 33 that will or won't be given by [REDACTED]  
04:44:38 34 [REDACTED]?---Yes.  
35  
04:44:41 36 Privileged?---In hindsight, yes.  
37  
04:44:48 38 The last entry, "Told there should be no issue re Roula",  
04:44:54 39 because it's discussing representation, do you see  
04:44:56 40 that?---Which entry?  
41  
04:44:58 42 The last bullet point above. It says, "If she's prevented  
04:45:03 43 from representing Roula", the one underneath that says - -  
44 - ?---"Told her" - - -  
45  
04:45:07 46 "There should be no issue re" - - - ?---That's by the  
04:45:07 47 handler, is it?

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RYAN XXN

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1  
04:45:11 2 Yes. "Action" - can you help with who it's verbally  
04:45:15 3 disseminated to?---Yes.  
4  
04:45:17 5 Who's it to?---Me.  
6  
04:45:18 7 Any notes, diary entries?---No, none.  
8  
04:45:23 9 COMMISSIONER: I think the point Mr Holt was making that in  
04:45:26 10 paragraph 88 of his statement, if you want to check your  
04:45:29 11 statement, Mr Ryan, he's given the diary entries - am I in  
04:45:35 12 the right year here, yes - for the times that his diary  
04:45:40 13 records that he received information from the SDU on those  
04:45:43 14 dates. So if they're not - I suppose we can assume, but  
04:45:48 15 you might want to check it.  
04:45:51 16  
04:45:51 17 MR NATHWANI: Of course.  
18  
04:45:51 19 COMMISSIONER: That those are the dates that he's made an  
04:45:53 20 entry about in his diary about receiving the SDU  
04:45:57 21 information.  
22  
04:45:58 23 MR HOLT: It's also at paragraphs 52, Commissioner, and 56  
04:46:02 24 as well just for different periods of time. They're  
04:46:04 25 separated out so there are three tranches of entries at the  
04:46:09 26 same time.  
27  
04:46:11 28 COMMISSIONER: 52 and 56 did you say?  
29  
04:46:13 30 MR HOLT: Yes.  
31  
04:46:14 32 MR NATHWANI: Just dealing with that. As I understand it  
04:46:15 33 you were saying in relation to the notes you wouldn't  
04:46:18 34 include something in notes that was already known to you;  
04:46:24 35 is that so?---Yes, I did say that.  
36  
04:46:31 37 You're also quite clearly wary of your notes being  
04:46:36 38 disclosed?---Yes.  
39  
04:46:37 40 By that mean, and I'll be fair to you, you were aware that  
04:46:39 41 if you recorded an informer's details or anything that  
04:46:43 42 could be revealed or could come out, so you were acutely  
04:46:45 43 aware that your notes or diary entries could be seen in the  
04:46:49 44 future?---Yes.  
45  
46 Or subpoenaed?---Yes.  
47

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RYAN XXN

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04:46:50 1 There's a few examples of legal professional privilege not  
04:46:54 2 appearing in your notes?---Yes, I agree with that.  
3  
04:46:56 4 Was there a deliberate decision not to include them?---No,  
04:46:59 5 that's not right. I don't, I just don't do that.  
6  
04:47:01 7 Turn then please to p.1122. We see at the top feedback  
04:47:17 8 given from [REDACTED], "She will be able to represent  
04:47:22 9 Roula Mokbel", do you see that?---Yes.  
10  
04:47:25 11 Did you authorise or discuss her representing Roula  
04:47:29 12 Mokbel?---No. I don't authorise a barrister to do  
04:47:33 13 anything.  
14  
04:47:34 15 She's asked, as we've seen through the run, whether or not  
04:47:38 16 there's any issue. It appears there's then a discussion  
04:47:43 17 with you, or the information is disseminated. You don't  
04:47:46 18 have any notes to reflect what was discussed?---No.  
19  
04:47:49 20 Then the next day the answer comes back, "Yep, you can  
04:47:53 21 represent her". You also asked about the same sort of  
04:47:56 22 issue with Milad Mokbel. I'm asking you because obviously  
04:48:02 23 part of Purana's - as we've heard it was Operation Posse  
04:48:06 24 and the Mokbel crew?---M'hmm.  
25  
04:48:09 26 Were you being asked about the legitimacy of Nicola Gobbo  
04:48:13 27 representing people [REDACTED] whilst providing  
04:48:18 28 information to - - - ?---By handlers you're talking about?  
29  
04:48:21 30 Yes?---I don't recall that.  
31  
04:48:22 32 How about by anyone else?---No, no one else.  
33  
04:48:34 34 Let's go, please, to ICR 96, p.1130. A bit lower down  
04:48:54 35 where it says "Tony Mokbel", thank you. Just read that to  
04:49:05 36 yourself. Okay?---No, I'm still going. Down to HS, the  
04:49:43 37 third last para. Yep.  
38  
04:49:58 39 You see there's a line there that says, "Talk about any  
04:50:01 40 [REDACTED] that Mokbel might [REDACTED] with the [REDACTED]"?---Which  
04:50:04 41 line again? I've read it but - - -  
42  
04:50:06 43 It's above, "Human source cautions VicPol that Mokbel is  
04:50:11 44 totally unreliable"?---Sorry, you're just going a bit quick  
04:50:14 45 for me.  
46  
04:50:15 47 Sorry. If you look about four bullet points from the

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RYAN XXN



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04:50:18 1 bottom?---Yeah, I've got it. It's in yellow now.  
2  
04:50:20 3 We see at the bottom it's disseminated to you?---Yes.  
4  
04:50:24 5 Okay. Looking at your statement, there's no diary entry  
04:50:27 6 that matches, okay?---Yeah, what date is it?  
7  
04:50:31 8 This is 22 August 07. There doesn't seem to be one until  
04:50:38 9 the 29th?---No, there's not one. That's just general  
04:50:42 10 information I suppose.  
11  
04:50:44 12 Let's keep going then to p.1142, 23 August, no diary  
04:50:50 13 entry?---20 - - -  
14  
04:50:53 15 COMMISSIONER: 1142 did you say?  
04:50:55 16  
04:50:56 17 MR NATHWANI: 1142, the same ICR. 23 August at 22:19?---I  
04:51:07 18 doubt that they'd ring me at that time at night.  
19  
04:51:12 20 Is there an entry in your diary the next day? We know the  
04:51:16 21 answer to that because it's not in your - there isn't a  
04:51:20 22 diary entry until the 29th?---Okay.  
23  
04:51:28 24 Read that to yourself?---Which one, the - - -  
25  
04:51:31 26 The Mokbel entry, "Call from Tony Mokbel, he was  
04:51:34 27 weird"?---Yeah.  
28  
04:51:36 29 Read that to yourself?---Yep.  
30  
04:52:11 31 Okay?---I'm only half way. Okay.  
32  
04:52:30 33 She's talking there about advice she's giving about why  
04:52:35 34 PII [REDACTED] might not be called, do you agree, in the  
04:52:48 35 middle?---Yeah, I know that. I see it. I'm not sure what  
04:52:51 36 it's actually referring to.  
37  
04:52:54 38 "She has told Tony it is because of", it's her advising  
04:52:58 39 why, do you agree with that?---Sorry, I'm a bit lost here.  
04:53:14 40 Tony's case you're talking about?  
41  
04:53:17 42 Yes?---He's in Greece, isn't he?  
43  
04:53:21 44 Okay. Let's pause and see what's going on at this time.  
04:53:24 45 Around the time he fled there were moves afoot to charge  
04:53:29 46 him with murder, do you agree with that, of [REDACTED]  
04:53:37 47 [REDACTED]?---Yeah. PII [REDACTED]

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1  
04:53:45 2       Yep?---But it would have been a gradual process of  
04:53:55 3       collecting more evidence other than ██████████,  
04:53:59 4       so, yes, there would be an investigation into what  
04:54:02 5       PII ██████████ had said but then there's not an immediate  
04:54:07 6       arrest, if you know what I mean.  
7  
04:54:08 8       I understand. Where we are at this stage, let's look where  
04:54:12 9       we are at this stage, he's not in the country, do you  
04:54:13 10      agree?---Yes  
11  
04:54:15 12      Purana want him back?---Yes.  
13  
04:54:18 14      Extradition?---Yes.  
15  
04:54:19 16      Part of the extradition warrant is that he's to be charged  
04:54:23 17      with murder?---Yes.  
18  
04:54:24 19      Also still got drugs cases outstanding and convicted in  
04:54:28 20      absence?---That's right, yeah. I might get this slightly  
04:54:31 21      wrong, Commissioner, but the process for extradition is  
04:54:38 22      done by the Attorney-General, the Federal Attorney-General  
04:54:41 23      in Canberra, and we were advised that if we didn't charge  
04:54:49 24      him with the murders, I think there's ██████████ murders, based on  
04:54:53 25      PII ██████████ evidence - - -  
26  
04:54:56 27      MR HOLT: Sorry, Commissioner, I just raise with our  
04:55:01 28      learned friend, those words haven't been referred to in  
04:55:04 29      open hearing, they've only been referred to in closed  
04:55:07 30      hearing, even the pseudonyms. They've only been referred  
04:55:10 31      to I think twice in the last few minutes. If they can be  
04:55:12 32      taken from the transcript. They wouldn't have known that,  
04:55:15 33      so I understand that's why occurred.  
34  
04:55:16 35      COMMISSIONER: Those words relating to the identity, the  
04:55:21 36      pseudonymised identity, should be removed from the  
04:55:26 37      transcript.  
38  
04:55:27 39      MR HOLT: Thank you, Commissioner.  
40  
04:55:29 41      WITNESS: The process is, as I understand it, when you're  
04:55:30 42      telling the country from where they're coming from the  
04:55:36 43      charges, you can't - if you didn't tell them he'd be  
04:55:40 44      charged with murder, you then - when he comes back and then  
04:55:45 45      you decide you're going to charge him with murder, you have  
04:55:49 46      to go back to Greece to effectively get their permission so  
04:55:52 47      that he can be charged with murder.

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1  
04:56:00 2 COMMISSIONER: Yes?---That's - - -  
04:56:02 3  
04:56:02 4 MR NATHWANI: What I'm getting at is this - - - ?---I think  
04:56:08 5 - yeah, okay, sorry.  
04:56:08 6  
04:56:08 7 You were keen on getting him back. There were legal  
04:56:11 8 proceedings about getting him back?---M'hmm.  
9  
04:56:14 10 Here you were getting information about tactics likely to  
04:56:18 11 deployed to prevent him coming back or delayed, do you see  
04:56:22 12 that?---Yes.  
13  
04:56:24 14 "The Federal Court injunction idea to delay the process as  
04:56:28 15 long as they can"?---Yes.  
16  
04:56:30 17 On the face of it, privileged?---I mean in hindsight I can  
04:56:37 18 see where your argument comes from.  
19  
04:56:40 20 Then the next entry - - - ?---You know, I treat it as  
04:56:44 21 intel, you know. I can see that you can argue what you're  
04:56:48 22 arguing.  
23  
04:56:48 24 Because it's, as you see, then disseminated to you?---Yes.  
25  
04:56:55 26 So even if you were trusting an SDU filter, the fact that  
04:57:00 27 you were being told the tactics that Mokbel is likely to  
04:57:04 28 run his extradition must have rung alarm bells?---Not  
04:57:08 29 really. I mean he's a career criminal who knows the system  
04:57:11 30 and he's working it.  
31  
04:57:13 32 Was that the attitude taken by Purana at the time?---Well  
04:57:17 33 that's my perception of how he behaves or how he behaved at  
04:57:24 34 that time.  
35  
04:57:25 36 Let's just - even when it was obviously, on the face of it,  
04:57:32 37 legal advice, legal discussion?---Well, I assume if that's  
04:57:41 38 your instructions, that it was.  
39  
04:57:43 40 As I said to you at the beginning when I started  
04:57:46 41 questioning you, do you accept or agree that at the very  
04:57:50 42 least Purana didn't care that legally professionally  
04:57:54 43 privileged information - - - ?---No, that's not right.  
44  
04:57:56 45 There's quite a lot of privileged information coming your  
04:58:00 46 way?---What you say is, I look at it as intel, maybe I'm  
04:58:05 47 wrong, but that's how I look at it.

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1  
04:58:07 2 Let's finish looking at what happens with Roula Mokbel,  
04:58:11 3 please. Page 1136, so we're going back slightly. Entry on  
04:58:25 4 23 August 2007. Scroll down, please, slightly. It's the  
04:58:31 5 last entry there. "Roula Mokbel, new number", and it's  
04:58:36 6 given. This is around the time she's meeting and  
04:58:41 7 representing Roula Mokbel [REDACTED] on the authorisation  
04:58:47 8 of someone at the police?---Yes.  
9  
04:58:49 10 Again, agree she received that number therefore, on the  
04:58:53 11 face of it, in that capacity as legal advisor?---I assume  
04:58:56 12 so.  
13  
04:58:56 14 And here it is disseminated to you?---Yes.  
15  
04:58:59 16 Obviously for consideration of how it can be used in  
04:59:02 17 investigations going forward?---Yes, I would assume so.  
18  
04:59:07 19 What's the point of giving you a number otherwise?---Well  
04:59:11 20 we could ring her I suppose.  
21  
04:59:13 22 Going through then, 1142. Sorry, I've been there. If we  
04:59:37 23 carry on to 1145, please. [REDACTED], 10.50. She  
04:59:52 24 calls her handlers after [REDACTED] Roula. Read that to  
04:59:56 25 yourself, the first - - - ?---The top part?  
26  
04:59:59 27 Yes, the first five bullet points?---Yes.  
28  
05:00:15 29 Okay. You agree there you're getting information from a  
05:00:20 30 [REDACTED]?---An [REDACTED], yes.  
31  
05:00:23 32 Then what follows afterwards appears to be instructions, so  
05:00:31 33 read the next bit, the 50K payment. You see how the first  
05:00:43 34 line starts, "What really happened"?---Okay, I get you.  
35  
05:00:48 36 It's indicating why it's all a lie?---Okay. That's not -  
05:01:01 37 do you want me to read it all?  
38  
05:01:03 39 Yes?---Okay. Yes.  
40  
05:01:30 41 Again, it's disseminated to you?---Yes.  
42  
05:01:34 43 Did you have any issues with receiving that information  
05:01:35 44 from the [REDACTED]?---Probably not.  
45  
05:01:44 46 Yes?---I get what you mean by what really happened. She's  
05:01:49 47 telling us - - -

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RYAN XXN

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1  
05:01:51 2 Things you shouldn't be told?---Yeah.  
3  
05:01:53 4 And you're receiving them and not saying - - - ?---Yeah,  
05:01:57 5 well I - - -  
6  
05:01:58 7 "Don't give me that information"?---Sorry?  
8  
05:02:01 9 It's being received, you're receiving it and no one's  
05:02:06 10 saying, "Don't give me that information"?---Give me that  
05:02:12 11 information?  
12  
05:02:13 13 Yes?---How do I tell them to do that when I don't know  
05:02:16 14 they've got it ?  
15  
05:02:17 16 You could say, "Actually, I'm not interested in this  
05:02:20 17 information"?---If I didn't put it in the diary I don't  
05:02:23 18 think I was.  
19  
05:02:24 20 Again, more - - - ?---You know - - -  
21  
05:02:27 22 It goes back, the reason I looked at Roula - - - ?---I  
05:02:30 23 could have passed it on to someone but I don't specifically  
05:02:35 24 recall.  
25  
05:02:37 26 See, the reason I asked about Roula was because there was a  
05:02:41 27 request that someone else be asked about Ms Gobbo  
05:02:45 28 representing Roula and there seems to have been a  
05:02:49 29 discussion immediately after with you, in other words did  
05:02:52 30 someone ask you whether it was appropriate for Nicola Gobbo  
05:02:55 31 - - - ?---Where's that?  
32  
05:02:56 33 Yes?---Where's that on - - -  
34  
05:02:58 35 Did you say - were you happy or were you content for her to  
05:03:02 36 represent- - - ?---This is what you were asking me before ?  
05:03:05 37  
05:03:05 38 Yeah, and that's why I'm asking you about all of  
05:03:08 39 this?---Yeah, okay.  
40  
05:03:19 41 I won't go through more ICRs. Let's just go to some more  
05:03:23 42 general issues as far as Ms Gobbo is concerned,  
05:03:25 43 okay?---Okay.  
44  
05:03:28 45 In your evidence, this is right at the beginning of  
05:03:33 46 Ms Gobbo, so paragraph 21, you formed the view initially  
05:03:39 47 that she was part of the Mokbel crew?---Yes.

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1  
05:03:42 2 She appeared on surveillance and that enhanced your  
05:03:46 3 suspicions?---Yes.  
4  
05:03:48 5 You found it odd for a barrister to be present at so many  
05:03:53 6 times that certain people were under surveillance, the  
05:03:56 7 Mokbel crew?---Yes, and she'd go for a walk and talk.  
8  
05:04:00 9 One view was that she may have been working with  
05:04:03 10 them?---Yes.  
11  
05:04:04 12 And that raised your suspicions?---Yes.  
13  
05:04:07 14 Or a more generous view, that she was socialising with  
05:04:11 15 them?---Yes.  
16  
05:04:11 17 Okay. Are you aware of a suggestion, I think Mr White  
05:04:19 18 suggested it, that people like Mokbel and others wanted a  
05:04:25 19 lawyer present so they could later assert legal  
05:04:28 20 professional privilege, so in other words use the lawyer to  
05:04:30 21 say, "Hold on, that's a privileged conversation, you can't  
05:04:36 22 rely on it"?---Are you asking me if I've ever heard of  
05:04:39 23 that?  
24  
05:04:40 25 No, even back then. Did it ever cross your mind that  
05:04:43 26 people like Mokbel, Williams - - - ?---No. No, she was  
05:04:46 27 their lawyer, their confidant.  
28  
05:04:52 29 As far as recruitment of Ms Gobbo was concerned, you were  
05:04:56 30 asked on Friday about targeting. We know that Operation  
05:04:59 31 Posse was targeting directly the Mokbels?---Yes.  
32  
05:05:03 33 Paragraph 16 of your statement you say this, "The Purana  
05:05:10 34 Task Force was a pressure packed environment in which to  
05:05:13 35 work. The most pressure came from within the Police  
05:05:16 36 Force"?---That's correct.  
37  
05:05:18 38 Can you expand on what you mean by that?---Well when - I  
05:05:27 39 think I said this the other day - when Jason Moran and  
05:05:32 40 Pasquale Barbaro were killed at the Auskick in front of the  
05:05:36 41 kids and there was 10 in the car, that sent tremors through  
05:05:41 42 Government and hence they put pressure on the then Chief  
05:05:51 43 Commissioner Christine Nixon to do something. Shortly  
05:05:54 44 after, within a month or so, the Task Force, which was 13  
05:06:00 45 people, went to 55 people.  
46  
05:06:01 47 Yes?---And I was the 55th person picked. That's because

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05:06:05 1 another Senior Sergeant declined to come and I knew the  
05:06:09 2 Morans through - I'd investigated them for another murder  
05:06:14 3 of Alphonse Gangitano. So there was intense pressure from  
05:06:23 4 within VicPol pushing down through all ranks, but I'd have  
05:06:35 5 to say the most pressure, as I think I said the other day,  
05:06:38 6 was what each of the members and the leaders put on  
05:06:42 7 themselves, you know, "We've got to stop this". But the  
05:06:47 8 key fact at that time was that we had very little  
05:06:52 9 intelligence about who's who in the zoo and you had to  
05:06:56 10 build up a picture.  
11  
05:07:00 12 Was there pressure from above to do whatever necessary to  
05:07:05 13 stop - - - ?---Whatever lawful.  
14  
05:07:07 15 Were there any directions from above about recruiting  
05:07:12 16 Ms Gobbo, for example?---No.  
17  
05:07:13 18 Can we just look at the timeline as to what happened with  
05:07:17 19 Ms Gobbo. She represented Lewis Moran at a bail  
05:07:19 20 application?---Was that for drugs?  
21  
05:07:25 22 Yes?---I was probably in the Arson Squad then.  
23  
05:07:29 24 See, what follows - just follow this through - is that  
05:07:38 25 Benji Veniamin threatens her as a result?---Yes.  
26  
05:07:41 27 Moran gets bail, so in other words Gobbo has now turned on  
05:07:45 28 the crew you thought she was part of?---Could you just go  
05:07:48 29 back to Lewis Moran, sorry?  
30  
05:07:50 31 Yes. Gobbo represents Lewis Moran?---Yes.  
32  
05:07:52 33 Gets him bail?---Yes.  
34  
05:07:54 35 Benji Veniamin is - actually pausing there. Your evidence  
05:08:00 36 has been that she was part of the Mokbel/Williams'  
05:08:03 37 crew?---Yes.  
38  
05:08:04 39 So far as the police was concerned here she was publicly  
05:08:07 40 representing the other team?---Yeah. I think you were  
05:08:09 41 referring to a date prior to the set up of Purana.  
42  
05:08:15 43 Yes, I am?---Do you know the date? Can you help me?  
44  
05:08:20 45 2004?---It's 2004?  
46  
05:08:22 47 Three, sorry, 2003. I'm corrected, 2003. Late

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05:08:26 1 2003?---Yeah, okay.  
2  
05:08:29 3 She represents Lewis Moran?---Yes.  
4  
05:08:31 5 I'm interested in the police perspective of now she's  
05:08:34 6 turned on the other team?---Sorry?  
7  
05:08:36 8 Now she's turned on her own team?---She's working as a  
05:08:41 9 barrister I suppose is the best way I could answer it.  
10  
05:08:46 11 The police become aware that Veniamin's threatened her  
05:08:51 12 saying, don't you dare go to the other team - I'm  
05:08:53 13 paraphrasing?---That's prior to my arrival.  
14  
05:08:57 15 It is. But you worked with Swindells, you worked with  
05:09:00 16 Rowe. Do you agree they deliberately target her at that  
05:09:04 17 stage? She was foreturning, she'd already shown she was  
05:09:09 18 working - - - ?---No. I've thought often about how she  
05:09:14 19 ended up becoming an informer, so.  
20  
05:09:16 21 Following her timeline through, she then - we've looked at  
05:09:24 22 [REDACTED] and others and what goes on there. But she has a  
05:09:28 23 stroke in 2004?---Yes.  
24  
05:09:30 25 Around that time there's a suggestion of going to visit her  
05:09:33 26 in hospital, one of the handlers and police members to go  
05:09:38 27 and visit her to recruit her, we would say, did you know  
05:09:41 28 anything about that?---No.  
29  
05:09:45 30 Then what happens - - - ?---This is in 2004?  
31  
05:09:49 32 Yes. Then what happens she comes back from her stroke, and  
05:09:54 33 what you say in paragraph 36 is Bateson in discussions with  
05:09:57 34 her and he comes to you?---That's 2005.  
35  
05:09:59 36 Yes, so we're following through. It becomes 2004 she comes  
05:10:03 37 back out and Bateson is in conversation with her up until  
05:10:06 38 2005, May and August. If you read paragraph 36?---Yes.  
39  
05:10:20 40 Paragraph 35 I'm rightly asked to point out.  
41  
05:10:22 42 COMMISSIONER: Sorry, of his statement?  
05:10:23 43  
05:10:24 44 MR NATHWANI: Of his statement. Sorry, Commissioner.  
05:10:26 45 Bateson's updating you between May and August 2005?---Yes.  
46  
05:10:30 47 About discussions with Gobbo?---Yes.

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1  
05:10:35 2 So reporting back to you?---Yes.  
3  
05:10:37 4 Paragraph 36, Bateson comes to you about her wanting to  
05:10:41 5 assist?---Yes.  
6  
05:10:46 7 Do you see that?---Yes.  
8  
05:10:47 9 And you recommended that he should introduce her to the SDU  
05:10:52 10 or DSU as it was then?---That's correct.  
11  
05:10:54 12 And then that's what ultimately happens?---He doesn't I  
05:10:59 13 don't think.  
14  
05:10:59 15 It ultimately happens?---That's what ultimately happens,  
05:11:03 16 yes.  
17  
05:11:04 18 As far as you were concerned, at the time you suggested it  
05:11:06 19 there was no knowledge or indication that she was  
05:11:09 20 foreturning and should be targeted?---I'm sorry, he's just  
05:11:13 21 talking and - I'm sorry. I haven't got the greatest of  
05:11:19 22 hearing. Can you repeat, please?  
23  
05:11:20 24 Yes, of course?---It's all right.  
25  
05:11:22 26 So far as you were concerned when you referred Bateson or  
05:11:26 27 suggested to Bateson to pass her on to the DSU, as it was  
05:11:31 28 then, was there any suggestion that she had been  
05:11:33 29 targeted?---No, no. I know it's going to sound funny but  
05:11:38 30 it's almost like she recruited herself.  
31  
05:11:43 32 Let's move on then, please, to risks and threats. In your  
05:11:46 33 statement you detail that you were risk conscious?---Yes.  
34  
05:11:50 35 And you discuss how sometimes you keep certain notes, logs,  
05:11:55 36 et cetera?---Yes.  
37  
05:11:56 38 Paragraph 39 you say this: "At the time I remember  
05:11:59 39 thinking that if she was to become an informer in the  
05:12:02 40 underworld murders she would be risking death at every  
05:12:07 41 meeting", okay?---That's correct, yes.  
42  
05:12:10 43 Let's just follow your statement through with other threats  
05:12:13 44 that then eventuate. Paragraph 55, 7 July 2006, "I  
05:12:21 45 received a call from Bateson"?---Yes.  
05:12:23 46  
05:12:23 47 "He discussed a prisoner mouthing off about her"?---Yes.

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1  
05:12:29 2 And you were concerned and passed it on because it was a  
05:12:32 3 threat?---Yes.  
4  
05:12:33 5 That prisoner was a close associate of Carl Williams?---I  
05:12:42 6 think - yes, I think so. I'm getting a bit - you know,  
05:12:49 7 I've just got to clear my head a bit. Yeah, I think -  
05:12:59 8 yeah, that's person someone, person, the number they showed  
05:13:04 9 me before.  
10  
05:13:05 11 Yes?---He was in gaol for a murder.  
12  
05:13:10 13 Yes. Paragraph 62, you discuss threats, you think, with  
05:13:27 14 Mr Overland?---Yeah, that relates to paragraph 61.  
15  
05:13:32 16 Yes. Then at paragraph 75 you again discuss with Overland  
05:13:44 17 your concerns and fears about Ms Gobbo, do you see  
05:13:53 18 that?---Yeah, that's about her - yeah, I see it.  
19  
05:13:58 20 Because I'm going to come and ask you just briefly about  
05:14:01 21 the OPI and Petra but I just want to get this context.  
05:14:07 22 Paragraph 84, you then had a meeting with Overland again,  
05:14:15 23 Biggin, Blayney and White in relation to threats against  
05:14:24 24 Mr Kelly and your concerns about her safety?---Yes.  
25  
05:14:34 26 And then - - - ?---That relates to paragraph 83.  
27  
05:14:36 28 And then going forward, just to realise your concerns about  
05:14:39 29 some of these things, paragraph 90?---Yes.  
30  
05:14:48 31 There you were, and a colleague of Paul Dale tells you, and  
05:14:55 32 this is in 2007 when Dale's of interest to you?---Yes.  
33  
05:15:02 34 That he was aware of the identity of 3838?---Yes.  
35  
05:15:05 36 That must have been serious cause for concern, do you  
05:15:09 37 agree?---Yes, he was on the - my recollection is he came to  
05:15:14 38 us and told me.  
39  
05:15:16 40 Yes?---And told me that he knew those people and then I  
05:15:20 41 knew one, actually I knew both.  
42  
05:15:23 43 You were investigating one quite seriously?---No, I'd known  
05:15:27 44 them prior to that.  
45  
05:15:28 46 Yes. Mr Woods brought up RC311 the other day, which were a  
05:15:38 47 number of threats?---Yes.

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1  
05:15:40 2 Rather than bring it up I'll paraphrase a few of them or  
3 just indicate some of the threats that she was receiving  
05:15:45 4 because then we'll go on to the OPI. There were threats  
05:15:48 5 that you were aware of relating to bullets in the post to  
05:15:52 6 her home address?---Yes.  
7  
05:15:54 8 One for the head, one for the heart?---Yes.  
9  
05:15:58 10 The relevance there is she wasn't just receiving text  
05:16:02 11 messages threats, there was one actually to her, someone  
05:16:03 12 who knew her home address?---Yes.  
13  
05:16:05 14 Some of the threats indicated a knowledge of when her  
05:16:09 15 birthday was. There was a message sent in October?---Yes,  
05:16:12 16 I accept - I don't remember that specifically but I accept  
05:16:15 17 what you're saying.  
18  
05:16:16 19 There was her car which was set alight I think after you'd  
05:16:19 20 left but there was that threat as well to her?---Yes.  
21  
05:16:24 22 Then there was another text message saying, "We know you're  
05:16:28 23 speaking to Purana"?---Yes.  
24  
05:16:29 25 Which again we also know to be true. So quite a lot of  
05:16:31 26 messages sent by someone who obviously knew what was  
05:16:34 27 happening to her?---I don't know if it's the same person or  
05:16:38 28 not.  
29  
05:16:39 30 No, no, I understand. Bearing that in mind can we then  
05:16:43 31 just go to the issue of the OPI?---Yes.  
32  
05:16:45 33 You were shown a note in your diary from 10 May 2007. I  
05:16:52 34 don't have it but I know there's an entry at 19:05 in the  
05:16:56 35 evening. You were given orders to question her, do you  
05:17:01 36 remember that?---I'm just bringing it up. 10 May, is it?  
37  
05:17:09 38 COMMISSIONER: What was the date, I'm sorry?  
05:17:11 39  
05:17:12 40 MR NATHWANI: 10 May 2007. It was a note, to jog your  
05:17:21 41 memory, because I only saw it on the screen briefly, where  
05:17:24 42 the concern was that she would be upset with Victoria  
05:17:29 43 Police, do you remember that?---I'm just reading it. If  
05:17:32 44 you can just bear with me for a sec.  
45  
05:17:40 46 COMMISSIONER: Is paragraph 76 of his statement relevant?  
05:17:51 47

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05:17:52 1 MR NATHWANI: There was a diary entry, do you remember,  
05:17:54 2 when you indicated you received directions in relation to -  
05:17:57 3 - - ?---10 May, yes. That's in my diary. You're right,  
05:18:01 4 Commissioner, that paragraph is right.  
5  
05:18:05 6 The other day you were asked - no, your diary entry  
05:18:09 7 records, doesn't it, it says - and I don't have it - that  
05:18:13 8 you were questioning her reaction to being asked questions  
05:18:17 9 and her view towards Victoria Police as a result?---I was  
05:18:21 10 asking questions.  
11  
05:18:22 12 I haven't got your diary so I can't - - - ?---No, I was  
05:18:25 13 asking questions. I was meeting White to ask him some,  
05:18:30 14 give him some questions to ask.  
15  
05:18:32 16 I understand. Were you worried, and I mean globally, the  
05:18:38 17 police, Overland, you, about the prospect of Ms Gobbo no  
05:18:47 18 longer assisting as an informer because she'd be upset at  
05:18:52 19 Victoria Police?---Me personally?  
20  
05:18:53 21 Or any discussions you were involved in?---About her being  
05:18:56 22 upset?  
23  
05:18:57 24 About her being asked questions about the Hodson  
05:18:59 25 murders?---Well she was going to get asked questions about  
05:19:04 26 the OPI at the OPI, so.  
27  
05:19:08 28 That's what I was coming on to?---I'm just a bit confused.  
29  
05:19:12 30 There's an ICR entry, I won't take you to it, it's ICR 79  
05:19:15 31 at p.838, where it records Mr Overland has approved the  
05:19:19 32 questioning of Nicola Gobbo related to the missing  
05:19:22 33 IRs?---Yes.  
34  
05:19:23 35 You were asked about that by Mr Woods the other day and he  
05:19:26 36 was suggesting was it by the handlers, and you thought it  
05:19:29 37 may be and suggested his approval to go to the OPI. Am I  
05:19:32 38 recalling the evidence right?---I can't remember five  
05:19:35 39 minutes ago. You'll have to go to the transcript, I'm  
05:19:44 40 sorry.  
41  
05:19:45 42 Put it this way, were you aware of Mr Overland approving  
05:19:51 43 Nicola Gobbo being asked questions at the OPI?---The  
05:19:58 44 answer's I don't know.  
45  
05:20:00 46 Yes?---That's about all I can say I suppose. I assume from  
05:20:06 47 what I said the other day these things are worked out at a

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05:20:10 1 higher level, not mine.  
2  
05:20:12 3 Yes. Because of course it would be a tactic to get round  
05:20:21 4 her being angry at VicPol, do you agree with that, if the  
05:20:26 5 OPI was summoning her?---No, I just don't agree with that.  
6  
05:20:29 7 Because it was the OPI issuing the summons, not the police  
05:20:33 8 forcing - - - ?---No. No, I don't agree with that.  
9  
05:20:35 10 Do you remember you we looked at the confidentiality notice  
05:20:37 11 and the reasonable excuse?---Sorry, the what?  
12  
05:20:41 13 You were shown the law relating to Mr - - - ?---Yes, yes,  
05:20:44 14 the notice.  
15  
05:20:47 16 About when someone can't disclose being summonsed to the  
05:20:50 17 OPI?---Yes.  
18  
05:20:52 19 A person can do if they have a reasonable excuse?---Yes.  
20  
05:20:55 21 I think most people would agree the risk of death would be  
05:20:58 22 a good reasonable excuse?---Yes.  
23  
05:21:00 24 We've been through the threats?---M'hmm.  
25  
05:21:03 26 There were threats in and around the time to her  
05:21:06 27 life?---Yes.  
28  
05:21:07 29 She was concerned, do you agree, because we looked at some  
05:21:09 30 of the entries in the ICRs, that attending the OPI would  
05:21:12 31 reveal her role as an informer?---It could potentially,  
05:21:15 32 yes.  
33  
05:21:17 34 And her fear was she'd end up in a brief of evidence?---End  
05:21:21 35 up in a brief of evidence?  
36  
05:21:23 37 In other words, the transcript appearing in a brief of  
05:21:25 38 evidence?---Oh okay. Yeah, that would be a concern, yes.  
39  
05:21:29 40 Were you ever made aware that counsel assisting  
05:21:33 41 Mr Fitzgerald at the OPI, Mr Livermore, had in fact  
05:21:38 42 represented the Mokbels?---No, not that I recall. I mean -  
43 - -  
44  
05:21:46 45 Were you aware of the evidence of people who attended the  
05:21:52 46 OPI or OCE or any private hearing being disclosed to  
05:22:00 47 co-accused or other people?---I think there has to be an

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05:22:06 1 order for that to occur from memory.  
2  
05:22:08 3 Were you aware - - - ?---And I remember there was a mention  
05:22:12 4 about something the other day about something being on a  
05:22:15 5 brief of evidence, some transcript or something, and she  
05:22:20 6 couldn't understand why it was there.  
7  
05:22:22 8 [REDACTED]  
05:22:27 9 [REDACTED]  
10  
05:22:29 11 [REDACTED]  
05:22:32 12 [REDACTED]  
05:22:36 13 [REDACTED]  
14  
05:22:41 15 In an ICR, 89, and I'll give the page references so we  
05:22:45 16 won't go there because I hope it's accepted, p.1005, 1006,  
05:22:50 17 1007, Ms Gobbo repeats I think on two occasions or possibly  
05:22:55 18 three that if Mr Mokbel found out that she was appearing at  
05:22:59 19 the OPI giving evidence it would sign her death warrant,  
05:23:04 20 accept that?---Sorry, that's on an ICR, is it?  
21  
05:23:06 22 That's on an ICR, it's her concern?---Did it come to me?  
23  
05:23:10 24 No, what I'm asking is this: do you agree, based on all you  
05:23:15 25 know, that wasn't a fanciful - - - ?---No, I wouldn't  
05:23:17 26 disagree with that .  
27  
05:23:19 28 She obviously raised concerns and in the event you went  
05:23:24 29 down to represent her - not represent her, forgive me - you  
05:23:28 30 went down and appeared at the OPI?---When she appeared,  
05:23:32 31 yes.  
32  
05:23:32 33 She obviously knew you were there?---Yes, which I - as I  
05:23:38 34 gave evidence the other day, I didn't know that she knew  
05:23:40 35 that I'd be there until she asked for me.  
36  
05:23:43 37 What were you asked, what were you told about attending?  
05:23:47 38 You must have been told something?---I was told that she  
05:23:49 39 was giving evidence and to go.  
40  
05:23:51 41 And to prevent - - - ?---No, I can't prevent anything. I'm  
05:23:55 42 not even in the court.  
43  
05:23:58 44 You obviously are quite a senior police officer in Purana  
05:24:03 45 at the time?---Yes.  
46  
05:24:05 47 You being sent down to watch proceedings must have been, in

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05:24:08 1 your mind, a waste of time? You must have known why you  
05:24:14 2 were going is what I'm getting at?---As I said, she is  
05:24:17 3 giving evidence and I was told to go there and that was it.  
05:24:24 4 I mean I don't - it was very - you know, like I was clearly  
05:24:30 5 being left out on things and I just did as I was told.  
6  
05:24:35 7 So you didn't ask any questions?---I probably did.  
8  
05:24:39 9 Who sent you down?---I mean common sense tells you that I  
05:24:43 10 would have asked questions.  
11  
05:24:45 12 Yes. Who sent you down?---I think, I'm not certain, but it  
05:24:51 13 was Assistant Commissioner Crime.  
14  
05:24:52 15 Overland?---Yes.  
16  
05:24:53 17 Which moves on to the final topic really, which is the  
05:24:58 18 actual Petra investigation and Mr Overland. You obviously  
05:25:01 19 had weekly debriefs with him?---With?  
20  
05:25:05 21 Assistant Commissioner Overland?---Yeah, every Monday or  
05:25:09 22 Tuesday at 4 pm. It was Monday or Tuesday each week.  
23  
05:25:15 24 Were you aware he was involved in the implementation team  
05:25:18 25 of the ACC in January 2003?---No.  
26  
05:25:23 27 Would you describe him as ambitious?---Yes.  
28  
05:25:27 29 Very ambitious?---He was driven, there's no doubt about  
05:25:32 30 that. But he's very private.  
31  
05:25:37 32 Means to an end?---No.  
33  
05:25:39 34 See, when your first concerns were raised about Ms Gobbo  
05:25:43 35 and risk, his initial instinct is to ease her out according  
05:25:49 36 to your statement?---Yes, that's correct.  
37  
05:25:50 38 But that then changes, doesn't it?---Yeah, it doesn't  
05:25:53 39 change. She continues.  
40  
05:25:54 41 But his attitude of easing her out changes?---Yes.  
42  
05:25:57 43 Because all of a sudden - - - ?---And I've asked - - -  
44  
05:26:00 45 He wants to solve the Hodson murders, understandably to a  
05:26:03 46 degree, but as I understand you to be saying the golden  
05:26:06 47 rule of policing is not to turn an informer into a

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05:26:10 1 witness?---That is an absolute - that's a commandment.  
2  
05:26:16 3 But he was prepared to breach that commandment?---He didn't  
05:26:25 4 breach it with me because he didn't order me to make her a  
05:26:28 5 witness. He was going down that path but he didn't order  
05:26:30 6 me, and I would have said no if he asked me directly.  
05:26:34 7 Because that would kill her.  
8  
05:26:36 9 He certainly started the process of her being asked  
05:26:39 10 questions about the Hodson murders by the handlers and also  
05:26:41 11 the OPI potentially, do you agree with that?---Sorry, can  
05:26:45 12 you just - I missed the first bit.  
13  
05:26:47 14 He certainly started the process of asking her questions  
05:26:49 15 about the Hodson murders through the handlers?---Through  
05:26:54 16 the handlers?  
17  
05:26:55 18 Yes?---Is that the two questions that I referred to before?  
19  
05:26:59 20 Yes?---Yes.  
21  
05:27:00 22 Potentially also at the OPI?---Well I don't know how she  
05:27:05 23 got called there, who was the person at OPI that decided  
05:27:14 24 she should go? It wasn't me. I don't know if it was him  
05:27:18 25 but it wasn't me.  
26  
05:27:20 27 Just the final topic really then is the actual  
05:27:23 28 investigations as far as Gobbo is concerned. You said you  
05:27:26 29 had a hunch that she may have become an informer due to the  
05:27:30 30 Hodson - - - ?---That's a theory, yes.  
31  
05:27:32 32 That's a theory?---Yes. That's my theory.  
33  
05:27:34 34 Understood. Can we just look at that theory. We know  
05:27:38 35 she's interviewed by Bezzina on 1 July 2004, okay, we've  
05:27:42 36 heard evidence and been through it?---Yes.  
37  
05:27:44 38 She becomes registered September 2005?---Yes.  
39  
05:27:49 40 As an informer. Okay. Your statement reveals that the  
05:27:53 41 recordings, that's the recordings of Williams, Dale and  
05:27:57 42 Gobbo, are located in April 2007?---Oh, the phone call?  
43  
05:28:02 44 Yes?---Yeah, yeah.  
45  
05:28:04 46 Up till then there hasn't been particular interested in  
05:28:07 47 Nicola Gobbo, do you agree with that?---As in - there is

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05:28:12 1 interest but - - -  
2  
05:28:13 3 But in the investigation, there's no one going - - -  
05:28:16 4 ?---Yeah.  
5  
05:28:17 6 Do you agree with that?---Yeah, I'd agree with that.  
05:28:18 7  
05:28:18 8 Because it's the recordings when you hear her voice that  
05:28:20 9 start the process rolling?---What date was that again? Oh,  
10 here it is.  
11  
05:28:23 12 The statement says April 2007?---April, yep.  
13  
05:28:26 14 We know from ICR 43 of 2958 - I won't take you there until  
05:28:35 15 anyone wants me to - that on 21 October 2008 the handlers  
05:28:41 16 are told by Petra that they want to have more information  
05:28:45 17 about Ms Gobbo's movements, in other words prior to the  
05:28:48 18 Hodsons being killed. The handlers have told - the SDU  
05:28:55 19 have told her that Petra want to speak to her about the  
05:28:58 20 Ahmed alibi, as you heard earlier, you know, the alibi and  
05:29:02 21 not to tell her about the movements, and it's not until 17  
05:29:07 22 November 2008 that she's actually told about the phone  
05:29:10 23 calls and they're put to her, okay?---Yes.  
24  
05:29:13 25 With that sequence, do you agree certainly as far as she's  
05:29:16 26 concerned, so far as the evidence, no police officer was  
05:29:20 27 suggesting her involvement either wittingly or unwittingly  
05:29:25 28 in the deaths of the Hodsons until at least April  
05:29:27 29 2007?---Yeah, I'd agree with that.  
30  
05:29:29 31 So she was on the books two years earlier?---Yeah.  
32  
05:29:34 33 Looking at your theory - - - ?---Theory is - she knew  
05:29:38 34 something was going to happen or sensed something was going  
05:29:41 35 to happen. That doesn't make her a crook.  
36  
05:29:45 37 All right. Thank you Mr Ryan?---Thank you.  
38  
05:29:51 39 COMMISSIONER: Mr Chettle you're next.  
05:29:53 40  
05:29:54 41 MR CHETTLE: Thank you, Commissioner.  
05:29:56 42  
43 <CROSS-EXAMINED BY MR CHETTLE:  
44  
05:29:57 45 Mr Ryan, I want to start with your observations that led  
05:29:59 46 you to say she wasn't an independent lawyer. You remember  
05:30:03 47 you said she was aligned with one of the crews?---Yes.

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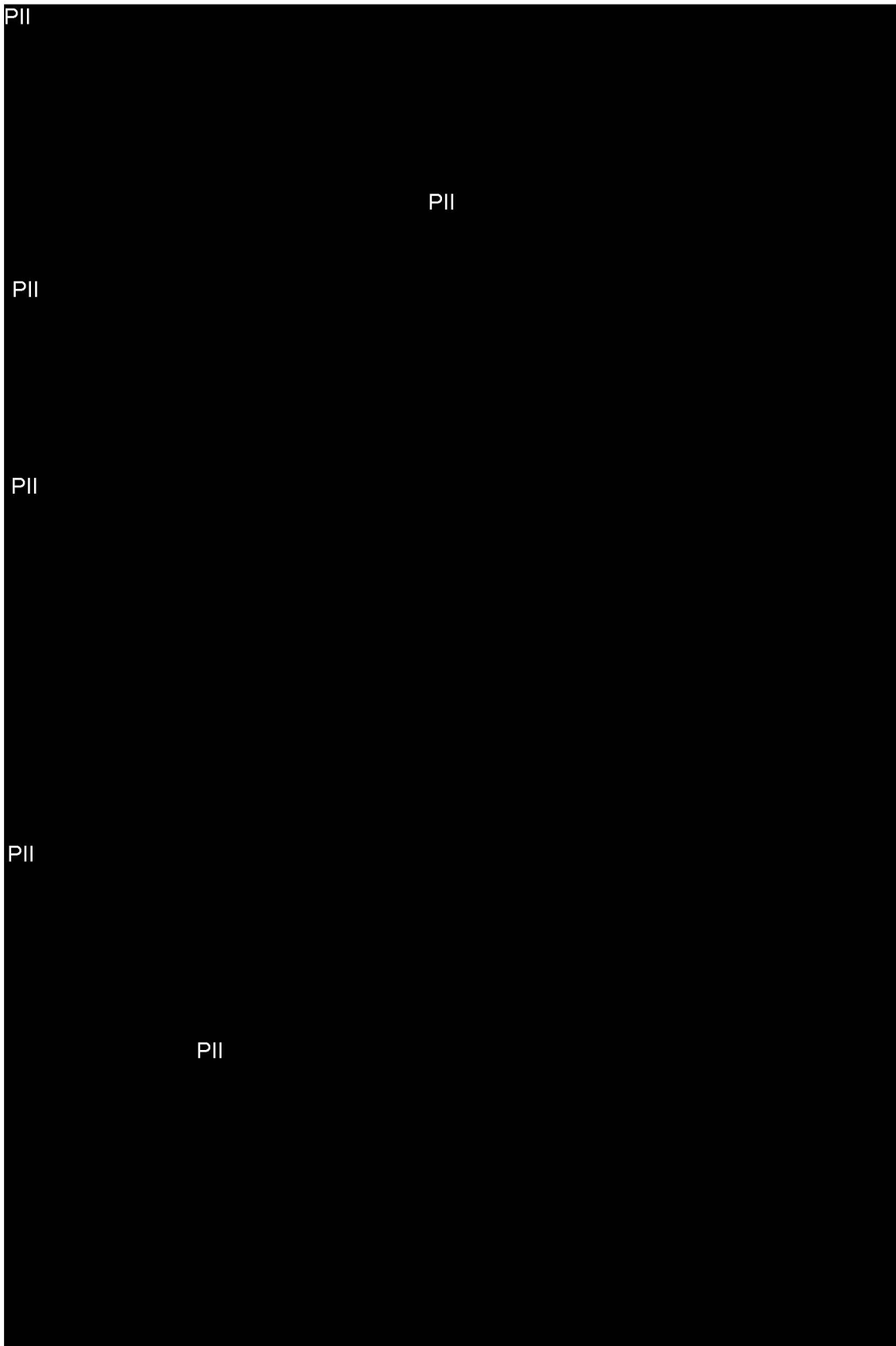
1  
05:30:09 2 Did you get intelligence from people like the surveillance  
05:30:16 3 squad, SPU, in relation to the activities of those  
05:30:21 4 criminals?---Yes.  
5  
05:30:22 6 And on occasions she popped up in that intelligence?---Yes.  
7  
05:30:26 8 You'd be aware that she was spending time in restaurants  
05:30:32 9 with them?---Yes.  
10  
05:30:34 11 And not just her, not her and one up, she'd often have  
05:30:40 12 groups of criminals with her in attendance?---Yes.  
13  
05:30:48 14 I think you've been asked some questions about this before.  
05:30:51 15 Are you familiar with the concept of criminals using their  
05:30:54 16 lawyer to hide behind legal professional privilege?---I had  
05:30:58 17 never heard of that before, no.  
18  
05:31:00 19 You certainly became aware of it with Paul Dale, didn't  
05:31:04 20 you?---I only really became aware of it when someone here  
05:31:08 21 asked it today.  
22  
05:31:08 23 By the time - Paul Dale was a suspect in relation to the  
05:31:12 24 Petra investigation?---Yes.  
25  
05:31:14 26 You left in early 08; is that right?---Yes, I finished - on  
05:31:19 27 paper I finished on Anzac Day 2008.  
28  
05:31:22 29 You had some leave beforehand?---Yes.  
30  
05:31:24 31 You weren't aware that Dale was tape-recorded by Petra at a  
05:31:30 32 meeting with Gobbo?---I don't think so. I can't remember.  
33  
05:31:37 34 It happened in December 08?---Oh, okay.  
35  
05:31:39 36 You'd gone by then. I know you said you had briefings from  
05:31:43 37 time to time with other police officers. Did you become  
05:31:45 38 aware of that, that she had in fact participated in a  
05:31:50 39 conversation with Dale and tape-recorded it?---Well I  
05:31:54 40 wasn't in VicPol then.  
41  
05:31:56 42 I understand?---I - - -  
43  
05:31:59 44 If you don't know about it - - - ?---I don't - - -  
45  
05:32:01 46 - - - I'll move on to something else?---I think I read it  
05:32:04 47 somewhere in a press.

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1  
05:32:10 2  
05:32:18 3  
4  
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05:32:23 6  
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10  
05:32:35 11  
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15  
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17  
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05:32:51 19  
05:32:56 20  
21  
05:32:59 22  
23  
05:33:02 24  
05:33:06 25  
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05:33:43 41  
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05:33:48 43  
05:33:51 44  
45  
05:33:52 46  
05:33:55 47



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05:34:00 1  
2  
05:34:07 3  
05:34:07 4  
05:34:08 5  
05:34:12 6  
05:34:15 7  
05:34:16 8  
05:34:16 9  
05:34:16 10  
05:34:18 11  
05:34:20 12  
05:34:23 13  
05:34:26 14  
05:34:30 15  
16  
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05:34:35 19  
05:34:35 20  
05:34:38 21  
05:34:41 22  
05:34:45 23  
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05:34:55 29  
05:34:57 30  
05:34:58 31  
32  
05:34:59 33  
05:35:02 34  
05:35:07 35  
05:35:07 36  
05:35:07 37  
05:35:12 38  
05:35:16 39  
40  
05:35:18 41  
05:35:19 42  
05:35:22 43  
05:35:22 44  
05:35:25 45  
05:35:29 46  
47

PII



MR CHETTLE: I was deliberately opaque for that very reason, Commissioner, but I have nothing to say about the application.

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05:35:30 1 COMMISSIONER: Mr Holt acts on instructions, Mr Chettle.  
05:35:32 2  
05:35:33 3 MR CHETTLE: Yes, I understand that, Commissioner. When  
05:35:34 4 you took over from Mr O'Brien, took his spot, did you get  
05:35:37 5 an update and briefing from him?---Yeah, would have been a  
05:35:40 6 verbal one.  
7  
05:35:40 8 He let you know what's going on with the various parties  
05:35:43 9 that are the subject of investigation?---Yes.  
10  
05:35:45 11 Let you know what's happening as far as Ms Gobbo was  
05:35:49 12 concerned from time to time or not?---Yes.  
13  
05:35:52 14 In general you had an overview of what was occurring  
05:35:55 15 similar to what he would have, but he would have more  
05:35:57 16 detail when he was there?---That's correct.  
17  
05:36:04 18 Commissioner, I gather reference to pseudonyms and  
05:36:09 19 statements taken shouldn't be done in open hearing.  
20  
05:36:11 21 COMMISSIONER: No. Do we need to go into closed hearing?  
05:36:15 22  
05:36:16 23 MR CHETTLE: I'll leave that until I - - -  
24  
05:36:18 25 COMMISSIONER: When you're ready to go into closed hearing.  
05:36:20 26  
05:36:21 27 MR CHETTLE: Yes, thank you, Commissioner. The SDU, let me  
05:36:29 28 come to that if I can, firstly. You told Mr Woods that  
05:36:33 29 you'd had some experience of handling sources yourself over  
05:36:37 30 the course of your police career?---No, I said I hadn't  
05:36:40 31 registered any.  
32  
05:36:41 33 Hadn't, all right. Had you run them off the books?---No.  
34  
05:36:45 35 Do you know what that expression means?---Yes. It's  
05:36:47 36 unregistered.  
37  
05:36:50 38 On occasions police officers have been known to receive  
05:36:53 39 information from people who are not registered?---I'd say  
05:36:57 40 more often than not.  
41  
05:37:01 42 The registration system prior to the formation of the SDU  
05:37:05 43 was basically put their name in an envelope and stick in a  
05:37:09 44 safe, wasn't it?---Yeah, you had to tell the local  
05:37:12 45 Detective Inspector, whichever region you were in, and you  
05:37:17 46 filled out a form and you put it in an envelope and you  
05:37:21 47 gave it to him or her and he kept some form of register I

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05:37:25 1 assume.  
2  
05:37:26 3 But the whole idea of the SDU - were you aware of the  
05:37:31 4 rationale behind the formation of the SDU?---No.  
5  
05:37:34 6 It makes sense to you to have a more organised and  
05:37:38 7 structured method of dealing with high-risk informers?---Of  
05:37:42 8 course it does, yes.  
9  
05:37:47 10 As far as the SDU's concerned they only concern themselves  
05:37:50 11 with high-risk informers, you'd know that?---Yes.  
12  
05:37:53 13 They didn't worry about some minor stuff you might get down  
05:37:56 14 the pub from a burglar or things of that sort?---Correct.  
15  
05:38:00 16 To become an informer managed by the SDU you had to be  
05:38:03 17 classified and assessed as being high risk?---Yes.  
18  
05:38:06 19 High risk in the sense that you're liable to be killed or  
05:38:09 20 injured and high risk in the sense that you might represent  
05:38:13 21 a risk to Victoria Police?---Both, yeah.  
22  
05:38:19 23 The point you make - - - ?---There might be other reasons  
05:38:22 24 high risks, you know.  
25  
05:38:23 26 High risk - you mentioned the risk that she might be a  
05:38:26 27 double agent?---Yeah.  
28  
05:38:27 29 That's one of the risks that - the purposes of having the  
05:38:32 30 unit, isn't it?---Correct, yes.  
31  
05:38:33 32 And the risk that she will be killed or injured, in order  
05:38:36 33 to minimise that risk specialist properly trained policemen  
05:38:43 34 are given the job of looking after that particular  
05:38:45 35 informer?---Yes.  
36  
05:38:46 37 As far as managing Ms Gobbo is concerned, that's exactly  
05:38:49 38 what happened here. Someone asked them to look after her  
05:38:53 39 and you found out about that shortly after she was taken on  
05:38:56 40 the books?---Yes.  
41  
05:38:58 42 You understand or do you now know that that was Mr Hill,  
05:39:03 43 Robert Hill?---He registered her?  
44  
05:39:06 45 No, he asked that she be registered?---No.  
46  
05:39:10 47 Was he your boss at the time?---Are you talking about Bob

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05:39:13 1 Hill?  
2  
05:39:14 3 Bob Hill. Now Assistant Commissioner Bob Hill?---Boss at  
05:39:20 4 the time? I think it - was he in intel?  
5  
05:39:22 6 No, he was acting officer-in-charge of the Major Drug Group  
05:39:27 7 I think at the time?---Oh okay. He was an Inspector there,  
05:39:32 8 yeah. Yeah, he was an Inspector there.  
9  
05:39:37 10 Up until me telling you about it you weren't aware that he  
05:39:40 11 had made the request that SDU manage her?---That was a  
05:39:47 12 sign-off or something, is that what you're saying?  
13  
05:39:49 14 No, it's a request for assistance?---Okay. I didn't know  
05:39:53 15 that.  
16  
05:39:53 17 Again, you might call it a sign-off. It has to be a  
05:39:58 18 request from an officer effectively?---Yeah, that's right.  
19  
05:40:00 20 You didn't know about that?---I knew it has to be signed  
05:40:04 21 off.  
22  
05:40:04 23 Right?---Yeah, I didn't know he was the person requesting  
05:40:10 24 it though.  
25  
05:40:11 26 After a pilot program it finally becomes - the DSU becomes  
05:40:18 27 the SDU, same thing, different name?---Yeah.  
28  
05:40:23 29 Did you have an awareness of the role of an organisation  
05:40:26 30 called HSMU?---Yes.  
31  
05:40:30 32 What was your understanding of their position?---It's a  
05:40:37 33 long time ago. I remember giving some lectures for them.  
05:40:42 34 I think it was lower level.  
35  
05:40:45 36 Let me suggest to you, and I'll see if I can prompt your  
05:40:49 37 memory, they were in fact the governance and compliance  
05:40:53 38 branch of the Force designed to sit over the SDU and ensure  
05:40:57 39 that they did things properly?---Oh, okay.  
40  
05:40:59 41 Does that make sense to you?---It does, yes.  
42  
05:41:01 43 And they had their own officers who were known as Source  
05:41:07 44 Registrars, Local Source Registrar and Central Source  
05:41:12 45 Registrar?---So the SDU reports to them?  
46  
05:41:15 47 They oversight?---Oversight, sorry, okay. I've heard the

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05:41:20 1 name.  
2  
05:41:25 3 The point being when you at Purana, or whichever squad  
05:41:28 4 you're in, become a client of the SDU, you're getting  
05:41:32 5 information from them, they're not operating in a vacuum,  
05:41:37 6 they're the subject of governance and oversight from many  
05:41:41 7 places, aren't they?---Yes.  
8  
05:41:42 9 Did you know Mr Biggin?---Yes.  
10  
05:41:44 11 And did you understand that he had - he was the  
05:41:48 12 Superintendent in charge of a number of the perhaps covert  
05:41:51 13 groups within Victoria Police?---Yes, they swap around but  
05:41:58 14 yes, he certainly - he was in charge of SPU and I think  
05:42:05 15 that was under - HSMU was under that umbrella.  
16  
05:42:10 17 Chain of command, there should have been an Inspector  
05:42:15 18 sitting as head of the SDU?---I know there was one.  
19  
05:42:20 20 There might be more than one, do you remember?---I remember  
05:42:24 21 one.  
22  
05:42:24 23 Do you know a man called Glow?---Yes.  
24  
05:42:28 25 Hardy?---Yes. He unfortunately passed away.  
26  
05:42:32 27 And over the top of those was Mr Biggin?---Yes.  
28  
05:42:36 29 The Superintendent?---Yes.  
30  
05:42:38 31 Of course over on top of him were other officers all the  
05:42:41 32 way up to Dannye Maloney or the Assistant  
05:42:47 33 Commissioners?---Dannye Maloney when he was at Crime are  
05:42:52 34 you talking about ?  
05:42:52 35  
05:42:53 36 As I understand it he was the ultimate line in command  
05:42:57 37 above Biggin and others - Purton?---Purton?  
38  
05:43:03 39 Yes?---Purton was a Commander.  
40  
05:43:05 41 Yes, and above him Maloney?---That was I think after I  
05:43:10 42 left. I think. I know Mr Maloney.  
43  
05:43:20 44 Well the records will show what that is. I won't waste  
05:43:23 45 more time on it. The man referred to as Sandy White,  
05:43:30 46 Officer White?---Yes.  
47

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05:43:31 1 Had you known him for some time?---Yes.  
2  
05:43:35 3 Did you work with him?---Yes.  
4  
05:43:36 5 The proposition was put to you by Mr Woods that he was a  
05:43:40 6 naïve police officer, do you remember that proposition  
05:43:44 7 being put, in his assessment of Ms Gobbo, he was described  
05:43:48 8 as naïve?---I wouldn't agree with that. I don't - I can't  
05:43:54 9 remember him asking me the question but he's not naïve.  
10  
05:43:57 11 No. Well that was - - -  
05:43:59 12  
05:43:59 13 MR WOODS: With respect, the proposition that was put was  
05:44:03 14 in relation to a particular issue. This witness gave  
05:44:05 15 evidence about him thinking that Ms Gobbo might have been  
05:44:09 16 too close to criminals to the point where she was under  
05:44:12 17 surveillance herself. Mr White's evidence to date has been  
05:44:15 18 that he never had any problems, any question at all in his  
05:44:18 19 mind about her integrity, and I said might that have been a  
05:44:22 20 naïve view. I wasn't saying he was a naïve individual, I  
05:44:25 21 was asking about that particular issue.  
05:44:30 22  
05:44:31 23 MR CHETTLE: Semantics.  
24  
05:44:31 25 COMMISSIONER: It's a little more than semantics,  
05:44:35 26 Mr Chettle.  
05:44:37 27  
05:44:39 28 MR CHETTLE: The question was, "Do you think that was a  
29 naïve view given all the things Purana knew about her  
05:44:39 30 before her registration?" You said you disagreed with that  
05:44:40 31 proposition anyway?---That's on the transcript, is it?  
32  
05:44:42 33 Yes?---Okay.  
34  
05:44:44 35 You'd forgotten. I don't blame you, it's been some time.  
05:44:48 36 Simply put, he'd been around the block a bit, hadn't  
05:44:51 37 he?---Yes.  
38  
05:44:59 39 The use of the Office of Police Integrity and the ACC, I  
05:45:02 40 think you've touched on this a number of times, but in  
05:45:07 41 simple format, in those days the police used those officers  
05:45:12 42 as part of their investigatory powers?---Certainly the ACC  
05:45:13 43 and the OCE. Sorry, OPI - - -  
05:45:17 44  
05:45:22 45 OPI and the ACC is all I'm asking you about?---Okay. Yes.  
05:45:26 46 The answer is yes.  
47

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05:45:29 1 You understood and you were shown documents that indicated  
05:45:32 2 that it's an offence to disclose your involvement with  
05:45:36 3 those organisations without a reasonable excuse?---Yes.  
4  
05:45:41 5 If someone were a registered source about to be asked  
05:45:46 6 questions about which police officers they'd talked to and  
05:45:49 7 there was a risk that they would be exposed to death, would  
05:45:53 8 that in your view amount to a reasonable excuse in relation  
05:45:56 9 to disclosure of the fact that they were going?---Well yes,  
05:46:01 10 but I'm not a lawyer.  
11  
05:46:03 12 The reality is you're not - you know that happened  
05:46:06 13 here?---Yeah, yeah.  
14  
05:46:08 15 She came along and said, "I'm going and I'm worried, I'm  
05:46:12 16 going to get outed", that was the bottom line?---That's the  
05:46:15 17 bottom line, yes.  
18  
05:46:16 19 Although technically that might constitute an offence if  
05:46:21 20 she didn't have a reasonable excuse for divulging what was  
05:46:25 21 occurring, the reality is there was never going to be  
05:46:28 22 anybody charged with an offence in relation to that  
05:46:31 23 conduct, was there?  
24  
05:46:33 25 COMMISSIONER: Can he answer that question?  
05:46:35 26  
05:46:35 27 MR CHETTLE: You're a police officer?---That's an OPI  
05:46:37 28 decision, not mine.  
29  
05:46:39 30 Or the OCE.  
31  
05:46:40 32 COMMISSIONER: I think you've made your point, Mr Chettle.  
33  
05:46:43 34 MR CHETTLE: All right, thank you, commissioner.  
35  
05:46:46 36 COMMISSIONER: As did Mr Nathwani too in his  
05:46:50 37 cross-examination on a similar issue.  
05:46:59 38  
05:46:59 39 MR CHETTLE: You were shown that chart of threats?---Yes.  
40  
05:47:01 41 Are you aware that she was threatened, she'd reported  
05:47:03 42 threats to her on the very first day she was spoken to by  
05:47:06 43 the SDU?---I don't specifically remember it but I accept  
05:47:13 44 your word, is that okay?  
45  
05:47:14 46 Okay, thank you.  
47

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05:47:16 1 COMMISSIONER: No one's suggesting otherwise?---Okay.  
05:47:18 2  
05:47:20 3 MR CHETTLE: If a lawyer doing their job negotiates for a  
05:47:25 4 client the best deal they can and gives the client advice  
05:47:28 5 to take courses that might give them a reduced sentence, it  
05:47:33 6 could cause those affected by that conduct to become quite  
05:47:38 7 angry at them, can I put that as cryptically as I  
05:47:42 8 can?---Yes, that's true.  
9  
05:47:43 10 And it was common practice for barristers, I'm not talking  
05:47:48 11 about Ms Gobbo specifically, but barristers generally often  
05:47:52 12 sought to get good deals for their client by persuading the  
05:47:58 13 clients to assist the police in some way?---Yes.  
14  
05:48:02 15 I think it used to be said if you're going to rat, rat  
05:48:05 16 early; if you get in early you get a better  
05:48:07 17 result?---That's what - yeah, that's true. I mean A got in  
05:48:14 18 before B.  
19  
05:48:17 20 I think, Commissioner, in an excess of safety I should ask  
05:48:22 21 that you go into private hearing in relation to what I'm  
05:48:26 22 about to ask.  
23  
05:48:27 24 COMMISSIONER: All right then. Just before we do that,  
05:48:28 25 rather than sort of going in and out of public and private  
05:48:32 26 hearing, is there any more questioning that's intended to  
05:48:34 27 be done this afternoon that could be done in public  
05:48:37 28 hearing?  
29  
05:48:37 29  
05:48:38 30 MR CHETTLE: Yes. I'll move on.  
31  
05:48:39 32 COMMISSIONER: Could you finish your public hearing first?  
05:48:41 33  
05:48:42 34 MR CHETTLE: I'll do the best I can, it overlaps?---When  
05:48:46 35 you go into closed hearing can I just have a quick - - -  
36  
05:48:51 37 COMMISSIONER: Sure. If you need an adjournment now?---No,  
05:48:54 38 I'm fine.  
39  
05:48:55 40 No, okay. It's 3.30 anyway, why don't we take a - - -  
05:49:00 41  
05:49:01 42 MR CHETTLE: Yes, thank you.  
43  
05:49:01 44 COMMISSIONER: Perhaps everyone could try and get organised  
05:49:03 45 with their questioning so that we can do the open hearing  
05:49:08 46 questioning and then we'll go into the closed hearing  
05:49:12 47 questioning after that. I've mentioned to the court

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05:49:14 1 reporters that if necessary we'll sit on to finish this  
05:49:17 2 witness this afternoon.  
05:49:18 3  
05:49:19 4 MR HOLT: Thank you, Commissioner.  
5  
05:51:38 6 (Short adjournment.)  
7  
06:02:23 8 COMMISSIONER: Yes Mr Chettle.  
06:02:25 9  
06:02:26 10 MR CHETTLE: Thank you. In March of 2008, shortly before  
06:02:28 11 you left, and I think you've been asked about this before,  
06:02:32 12 were you involved in the suggestion that Gobbo should be  
06:02:35 13 used to tape record a conversation with Andrew  
06:02:39 14 Hodson?---No.  
06:02:39 15  
06:02:41 16 There are records that suggest, and perhaps I could take  
06:02:44 17 you to p.76 and 77 of volume 3 of the ICRs. It's  
06:02:56 18 VPL.2000.0003.0816. You can take it off all the screens  
06:03:34 19 except for Mr Ryan's. Can you see the one at the bottom of  
06:03:39 20 the page?---Yeah.  
06:03:40 21  
06:03:40 22 Under the heading "SDU issue"?---Yes.  
06:03:43 23  
06:03:44 24 Was there an officer from Purana, from Petra, sorry, called  
06:03:48 25 Davies?---Davey.  
06:03:51 26  
06:03:51 27 Davey?---Cam Davey.  
06:03:52 28  
06:03:52 29 Right. So that would be a typo where it says Davies,  
06:03:56 30 rather than Davey?---Yes.  
06:03:57 31  
06:03:59 32 "Davey stated that he had been spoken to by Shane O'Connell  
06:04:03 33 who had been spoken to by Gavan Ryan", sounds like Chinese  
06:04:08 34 whispers, "And that as far as the RS being asked to do  
06:04:12 35 anything with the Hodsons or Higgs would come directly from  
06:04:16 36 Ryan. Any proposed engineering of conversation would be  
06:04:21 37 done through Ryan". Apparently this is shaded and it can't  
06:04:29 38 be done in open hearing. Commissioner, I am going to be  
06:04:34 39 touching on all these issues. I think in excess of caution  
06:04:38 40 I should ask to go into closed hearing.  
06:04:41 41  
06:04:41 42 COMMISSIONER: Is there any other questioning to be done in  
06:04:43 43 open hearing?  
06:04:45 44  
06:04:45 45 MR HOLT: No Commissioner, not from us.  
06:04:47 46  
06:04:48 47 COMMISSIONER: Mr Woods?

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06:04:49 1  
06:04:50 2 MR WOODS: No, although I should say looking at that I  
06:04:52 3 would have thought there could be quick instructions  
06:04:54 4 sought. We are going into closed hearing, I can't see the  
06:04:58 5 basis for that being PIIed.  
6  
7 COMMISSIONER: We're going to go into closed hearing. I  
8 think you had another question, is that in closed hearing?  
9  
10 MR WOODS: I have some re-examination to do in open  
11 hearing, I don't have any questions in closed hearing.  
12  
13 COMMISSIONER: I suppose why don't you do your  
14 re-examination in open hearing now, rather than being  
15 closed, open and closed.  
16  
17 MR WOODS: Sure, okay, I'm happy to do so. There might be  
18 some more things that come out, yes that's right.  
19  
20 COMMISSIONER: It's better to perhaps be in closed hearing  
21 because we're going into closed hearing now.  
22  
23 <RE-EXAMINED BY MR WOODS:  
24  
25 Yes. Mr Ryan, there was a moment ago you were asked a  
26 question by Mr Chettle about it not being uncommon for  
27 barristers to seek the best deal possible for their clients  
28 and you agreed with that proposition?---Yes.  
29  
30 Can I suggest to you that on the other hand it would be,  
31 one assumes, highly unusual for a barrister who had  
32 assisted a particular individual getting the best deal  
33 possible, acting as a human source at the same time, and  
34 then representing the next person who the first person had  
35 implicated, that would be a highly unusual  
36 situation?---Yes, it would be very unusual.  
37  
38 And in circumstances where that involvement is not  
39 disclosed to the second client, that's also highly  
40 unusual?---Yes.  
41  
42 There's a couple of questions about the OPI hearing I want  
43 to ask, the two OPI hearings involving Ms Gobbo. Now,  
44 we've spent a bit of time on these. The first was 19 July  
45 07 and the second was 17 August 07. Just focusing on 19  
46 July, being the first hearing, if it were to be said to you  
47 that - firstly, you've given evidence that you attended

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RYAN RE-XN

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06:06:59 1 both of those hearings, that's right?---Yes.  
06:07:01 2  
06:07:01 3 You sat in Mr Brouwer's office and watched it on the  
06:07:04 4 screen?---H'mm.  
06:07:05 5  
06:07:05 6 And we were discussing who, if any one it was, that you had  
06:07:09 7 dealings with there and it was simply someone who let you  
06:07:12 8 into the office and showed you where to go?---Yes.  
06:07:14 9  
06:07:15 10 You said there was also someone who told you it was okay  
06:07:18 11 for you to take notes?---Yes.  
06:07:19 12  
06:07:19 13 You don't recall who that person was?---That's correct.  
06:07:21 14  
06:07:22 15 If it were to be said to you on that first occasion, that  
06:07:25 16 first attendance at the OPI, that you specifically asked to  
06:07:29 17 speak to Mr Ashton upon your arrival, what would you say  
06:07:33 18 about that?---I don't remember that at all.  
06:07:36 19  
06:07:37 20 Do you allow for the possibility? Did you know Mr Ashton  
06:07:42 21 at the time I'd say first?---I don't know - I think he'd -  
06:07:48 22 had he been in the VicPol and then gone to OPI?  
06:07:52 23  
06:07:52 24 As I understand it he had been at the AFP and come across  
06:07:56 25 to VicPol in this role at the OPI. Did I say VicPol in the  
06:08:07 26 middle of that, AFP across to the OPI?---I would have known  
06:08:13 27 if he'd gone from the AFP, et cetera, I didn't see him at  
06:08:18 28 all on that day.  
06:08:19 29  
06:08:19 30 That would surprise you if it had been said, firstly, that  
06:08:22 31 you had specifically to see him on the morning of  
06:08:26 32 Ms Gobbo's attendance at the OPI?---Yes.  
06:08:28 33  
06:08:28 34 Were it to be said that you said to Mr Ashton that Ms Gobbo  
06:08:33 35 was nervous about giving evidence, specifically because she  
06:08:37 36 was a source and she didn't want that to be discovered by  
06:08:40 37 the OPI, what would you say about that suggestion?---I  
06:08:42 38 don't remember that at all. At all.  
06:08:43 39  
06:08:44 40 You don't recall it but do you allow for the possibility  
06:08:47 41 that that conversation happened?---I suppose I have to but  
06:08:54 42 I just don't remember that.  
06:08:56 43  
06:08:59 44 Were it to be said that you explained to Ashton that  
06:09:02 45 Victoria Police had the same concern about Ms Gobbo being  
06:09:06 46 discovered to be a human source at the OPI, what would you  
06:09:11 47 say about the suggestion - - - ?---The same answer.

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RYAN RE-XN

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06:09:14 1  
06:09:19 2 If Mr Ashton were to say or were it to be said that  
06:09:24 3 Mr Ashton's view is that he first came to know about  
06:09:28 4 Ms Gobbo as a human source through this conversation with  
06:09:30 5 you at the OPI on 19 July 2007, what would you say about  
06:09:34 6 that suggestion?---I don't think that's right.  
06:09:40 7  
06:09:40 8 Sorry?---I just don't think that would be right. The - I'm  
06:09:46 9 just working it out in my mind. I was briefing him, Ashton  
06:09:54 10 - sorry, Ashton, Mr Overland and Mr Cornelius on every  
06:10:00 11 Monday.  
06:10:00 12  
06:10:00 13 At the Petra steering committee meetings?---Yes, and that's  
06:10:04 14 prior to the hearings.  
06:10:04 15  
06:10:05 16 That's right. There were meetings prior to these  
06:10:07 17 meetings?---So he would, I would have spoken about her  
06:10:10 18 there.  
06:10:10 19  
06:10:10 20 As a human source?---Yeah. It would have come up in  
06:10:14 21 conversation somewhere.  
06:10:14 22  
06:10:15 23 You're confident there would have been discussion about her  
06:10:17 24 status?---Yeah, yeah.  
06:10:18 25  
06:10:35 26 And you've given evidence previously that those meetings,  
06:10:39 27 indeed the Task Force itself really grew out of the fact  
06:10:43 28 that Williams had made statements in April 2007?---Yes.  
06:10:46 29  
06:10:47 30 So those meetings - - - ?---To Jim.  
06:10:49 31  
06:10:49 32 Those meetings, I think the first one I took you to was 1  
06:10:53 33 May 2007 the other day?---Yes, yes.  
06:10:55 34  
06:11:01 35 You gave evidence a little bit earlier about it being, the  
06:11:07 36 phrase you used was a commandment that you wouldn't turn a  
06:11:11 37 source into a witness?---Yes.  
06:11:13 38  
06:11:16 39 That's talking in general terms I take it, you were  
06:11:20 40 answering that question about sources in general?---Yes.  
06:11:23 41  
06:11:23 42 Ms Gobbo, it's been shown to you and you accepted and you  
06:11:27 43 had these concerns in December 2006?---Yes.  
06:11:30 44  
06:11:31 45 Was receiving some serious threats from someone who knew  
06:11:33 46 that she was, or who assumed or was saying she was talking  
06:11:38 47 to the police?---Yes. That was in relation to the dramatic

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RYAN RE-XN

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06:11:43 1 - paragraph 61.  
06:11:44 2  
06:11:44 3 Yes, that's right. You were aware that these threats were  
06:11:47 4 actually identifying her as someone who was talking to  
06:11:51 5 police?---Not in that. If you read 61, I'm not sure if I'm  
06:11:57 6 allowed to say names or anything.  
06:11:59 7  
06:11:59 8 COMMISSIONER: If we go to paragraph 61 of your statement.  
06:12:04 9  
06:12:04 10 MR WOODS: Let's have a look at that.  
06:12:06 11  
06:12:06 12 COMMISSIONER: That's okay.  
06:12:07 13  
06:12:08 14 WITNESS: That's what I brief Mr Overland on.  
06:12:13 15  
06:12:14 16 MR WOODS: You're allowed to - yes?---Okay.  
06:12:16 17  
06:12:16 18 So you were talking about specific threats?---No, it was  
06:12:23 19 known drug dealers trying to source weapons.  
06:12:26 20  
06:12:26 21 Yes?---Which would be, for those particular people would be  
06:12:29 22 a very big escalation.  
06:12:31 23  
06:12:32 24 And later on you became aware of some of the threats that I  
06:12:36 25 took the Commission too?---Yes.  
06:12:38 26  
06:12:38 27 Or threats along those lines were being made?---Yes.  
06:12:40 28  
06:12:42 29 I take it that this commandment, it would be doubly so in  
06:12:47 30 relation to someone who was already being identified as  
06:12:50 31 someone who was talking to police?---Yes.  
06:12:54 32  
06:12:55 33 I might just ask the obvious question: why is it such a  
06:13:00 34 commandment in your view that you don't turn a human source  
06:13:04 35 into a witness?---It just exposes them to danger and  
06:13:08 36 depending on the information they're giving, the people  
06:13:11 37 they're mixing with, it could ultimately lead to their  
06:13:14 38 death.  
06:13:15 39  
06:13:15 40 And given all of those factors in relation to Ms Mokbel, it  
06:13:20 41 was particularly acute in this situation?---Yes.  
06:13:22 42  
06:13:23 43 What was your view about her being turned into a witness  
06:13:26 44 given all of those things?---I told him no. I was  
06:13:29 45 absolutely emphatic, you know.  
06:13:33 46  
06:13:34 47 Now there's a - sorry, I should say the reason for that is

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RYAN RE-XN



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06:13:44 1 once they become a witness it's likely, very likely that  
06:13:50 2 their previous role as an informer is going to be disclosed  
06:13:54 3 in the proceeding?---People will put two and two together  
06:13:57 4 and they'll be right.  
06:13:58 5  
06:13:59 6 They might put two and two together but also there's a real  
06:14:03 7 risk that that identification might happen on documents  
06:14:05 8 that actually need to be disclosed - - - ?---Oh yeah, that  
06:14:08 9 would happen there.  
06:14:09 10  
06:14:09 11 Or in cross-examination?---Yes.  
06:14:10 12  
06:14:11 13 That was the fear, not in a criminal context but that was  
06:14:14 14 the fear in the OPI hearings?---Yes.  
06:14:15 15  
06:14:16 16 That was the fear that might have been realised had she  
06:14:20 17 become a witness in Mr Dale's proceeding as well?---Yes.  
06:14:22 18  
06:14:23 19 There's a document I want to take you to. This is  
06:14:27 20 Mr White's diary and it's - sorry. That can be excised.  
06:14:34 21  
06:14:35 22 COMMISSIONER: That has to be excised and taken from the -  
06:14:38 23 not published and taken from the streaming, thank you.  
06:14:45 24  
06:14:45 25 MR WOODS: Speaking of which, I think it was pointed out to  
06:14:48 26 me during the break that there might have been an issue  
06:14:53 27 prior to, during the cross-examination that happened prior  
06:14:57 28 to the break in relation to two of the individuals that  
06:15:00 29 might have been on the transcript.  
06:15:02 30  
06:15:03 31 MR HOLT: Our review was it was okay in the way it was  
06:15:06 32 done, Commissioner.  
06:15:07 33  
06:15:07 34 MR WOODS: It was reported to me and that's all right.  
06:15:10 35  
06:15:10 36 COMMISSIONER: All right. Let's get on with it.  
06:15:13 37  
06:15:13 38 MR WOODS: The transcript should say the name of that  
06:15:17 39 particular person which I don't think it does at the  
06:15:22 40 moment. It's White.  
41  
06:15:38 42 In relation to Ms Gobbo, in particular for her being  
06:15:45 43 turned into a witness, it would have had a broader effect  
06:15:50 44 as well, I suggest, because her role in other prosecutions  
06:15:54 45 or behind the scenes in other prosecutions?---Yes.  
06:15:58 46  
06:15:58 47 Would also have become known?---Yes.

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RYAN RE-XN

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06:16:00 1  
06:16:02 2 This should just be on the Commissioner's screen, my screen  
06:16:07 3 and the witness's screen. And I'm after p.0996. This is a  
06:16:16 4 diary entry of Wednesday 15 August 2007. This isn't your  
06:16:23 5 diary?---Yeah, I know.  
06:16:25 6  
06:16:25 7 Feel free to go to yours at the same time?---15th, yes.  
06:16:29 8  
06:16:30 9 Now, there's just a couple of entries I want to take you  
06:16:33 10 to. This particular, I'll use the phrase handler, has had  
06:16:42 11 contact, this is at the bottom of the page that's on the  
06:16:46 12 screen, has had contact from the human source, Ms Gobbo.  
06:16:50 13 It says, "She's distressed today, has received a phone call  
06:16:54 14 from the OPI and told to attend the hearing on Friday and  
06:17:00 15 had been asked to bring her diary with her". You've given  
06:17:04 16 evidence previously about your attendance on that second  
06:17:06 17 occasion and the conversation you had with her during the  
06:17:11 18 standing down of that hearing and you told her she needed  
06:17:14 19 to go and get a lawyer, that was your evidence?---Yes.  
06:17:17 20  
06:17:17 21 She was concerned here, as she said to the handler, to ask  
06:17:23 22 why her diary was wanted and she was asked if there was any  
06:17:27 23 reference to a particular handler in her diary and she said  
06:17:34 24 that no, there wasn't any such reference. If you go to the  
06:17:38 25 top of the next page, it says that particular handler, was  
06:17:45 26 "To speak to you re the same and determine if Purana  
06:17:51 27 already aware of existence of asset", right, do you see  
06:17:56 28 that? "Human source has requested meeting for no  
06:18:00 29 particular reason"?---Okay.  
06:18:01 30  
06:18:02 31 Do you understand what that entry relates to?---I'll just  
06:18:08 32 read it again.  
06:18:11 33  
06:18:11 34 Don't name any of the individuals above out of  
06:18:15 35 caution?---No. Do you want me to name the horse, is that  
06:18:18 36 what you're talking about?  
06:18:19 37  
06:18:20 38 Don't worry about naming the horse either. There was a  
06:18:24 39 discussion about her providing some information to Purana  
06:18:28 40 and this handler was intending, according to this diary,  
06:18:33 41 was intending to speak to you to see if you were already  
06:18:38 42 aware of the existence of the asset, "Human source has  
06:18:42 43 requested a meeting for no particular reason and denied".  
06:18:45 44 Firstly, are you aware of a meeting that was proposed to  
06:18:48 45 occur with you that you denied with Ms Gobbo?---No.  
06:18:53 46  
06:18:54 47 And are you aware what that phrase in this handler's diary

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06:18:58 1 is a reference to?---I think it's, they want to know if we  
06:19:04 2 know about a particular asset.  
06:19:06 3  
06:19:06 4 Okay?---And I think I know the asset they're talking about.  
06:19:12 5  
06:19:13 6 Bearing in mind that the hearing was on the Friday of this  
06:19:19 7 week, we'll move through to the next entry which is on the  
06:19:22 8 Thursday of the same week, and the individual SDU member  
06:19:29 9 gets a call from one of the handlers with an update about  
06:19:33 10 Ms Gobbo and what he says there is, "Fitzgerald not aware  
06:19:38 11 that human source is a source", so this is the day before  
06:19:42 12 the hearing. "Has simply been told that she assisted  
06:19:47 13 Purana"?---That's not on my screen.  
06:19:49 14  
06:19:50 15 It should be.  
06:19:50 16  
06:19:50 17 COMMISSIONER: It is now, 20:30 on the left-hand side.  
06:19:54 18  
06:19:54 19 MR WOODS: Just under those redactions?---Yes.  
06:19:57 20  
06:19:57 21 "Has been told that she assisted Purana and as a  
06:20:00 22 consequence has received death threats. Human source  
06:20:06 23 concerned that her diary will be examined but states there  
06:20:08 24 is nothing in it about SDU handlers or role as a source.  
06:20:13 25 Human source will be angry as a consequence of  
06:20:16 26 cross-examination that OPI may be relationship ending  
06:20:20 27 event." Were the concerns that this OPI hearing might stop  
06:20:24 28 her acting as a human source passed on to you?  
06:20:35 29 Specifically the existence and her requirement to attend at  
06:20:38 30 the OPI hearing?---Yes, I do remember that there were calls  
06:20:42 31 and that she was basically saying she wasn't, didn't want  
06:20:48 32 to go, not going to go, all that sort of stuff.  
06:20:51 33  
06:20:51 34 Was that a concern that you had, the particular part being  
06:20:54 35 the relationship ending event? Was that passed on to you,  
06:20:58 36 that there was a threat she would no longer provide  
06:21:01 37 information as a source?---I'd say probably as, you know,  
06:21:07 38 I'm guessing.  
39  
06:21:07 40 Would you have been concerned about that?---No.  
06:21:10 41  
06:21:10 42 No?---No.  
06:21:11 43  
06:21:12 44 Do you recall - - - ?---If it ended the relationship, it's  
06:21:15 45 ended it, you know.  
06:21:16 46  
06:21:16 47 Do you recall that there were others who were concerned

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06:21:19 1 about the relationship ending because of these OPI  
06:21:23 2 hearings?---No, I don't recall others.  
06:21:27 3  
06:21:27 4 All right. Now, half an hour later the diary maker  
06:21:33 5 receives a phone call from you and, "Recommended that OPI  
06:21:40 6 Graham Ashton be made aware of human source potential to  
06:21:45 7 assist re Operation Briars and Petra and relevant  
06:21:50 8 consideration be given to damage to VicPol relationship if  
06:21:54 9 source compelled to answer questions re sexual  
06:21:57 10 relationships with police if there is no forensic value.  
06:22:01 11 Decision to be made by Ashton"?---Yes.  
06:22:03 12  
06:22:04 13 This appears to be - - - ?---From me.  
06:22:06 14  
06:22:06 15 Information from you, yes?---Yes. It's recommended that -  
06:22:12 16 yeah.  
06:22:12 17  
06:22:12 18 Do you accept this is a conversation you would have had - -  
06:22:15 19 - ?---They wouldn't put it there, they wouldn't dream it  
06:22:18 20 up.  
06:22:18 21  
06:22:19 22 And so is it correct that, as this note indicates, it was  
06:22:24 23 something that was being put in Mr Ashton's hands about how  
06:22:29 24 best to deal with this situation?---Yeah, but not by me.  
06:22:31 25  
06:22:33 26 Not by you but were you having a discussion with Mr Ashton  
06:22:36 27 at this time about the best way to deal with it? I should  
06:22:40 28 say the note doesn't indicate whether it was a direct  
06:22:43 29 conversation with Mr Ashton or not?---No, it's recommended.  
06:22:46 30 So I'm recommending that he be made aware, that's how I  
06:22:52 31 read it.  
06:22:52 32  
06:22:52 33 We've had a discussion previously about the independence of  
06:22:57 34 this OPI hearing and it's correct that this was intended to  
06:23:02 35 be an independent examination of the matters that were  
06:23:04 36 under consideration, do you agree with that?---Yes, that's  
06:23:07 37 my memory.  
06:23:08 38  
06:23:08 39 Okay?---I don't know who started it or the reason it was  
06:23:12 40 called, it's the passage of time, not the reason - - -  
06:23:15 41  
06:23:15 42 We did go through those steering committee minutes?---Yes.  
06:23:18 43  
06:23:18 44 You indicated it was essentially a joint operation, the  
06:23:26 45 resources were going to be shared with you?---Yes. I don't  
06:23:28 46 know if we called it or not, that's what I'm saying.  
06:23:31 47

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06:23:31 1 But its role was to determine the truth about a serious  
06:23:36 2 criminal matter, being the murder of two  
06:23:37 3 individuals?---Yeah, with the potential for police  
06:23:40 4 corruption.  
06:23:40 5  
06:23:40 6 And potential for police corruption?---Yes.  
06:23:42 7  
06:23:44 8 Now, given that element of independence and the seriousness  
06:23:51 9 of the matters that it was addressing, does it cause you  
06:23:55 10 concern now, looking at this intervention that was clearly  
06:24:02 11 happening by the Victoria Police into this independent  
06:24:04 12 inquiry that was to take place?---No, I think as I said a  
06:24:09 13 few times it's a safety issue for me. For her, sorry.  
06:24:13 14  
06:24:13 15 I understand there's a safety issue for her, but you'd have  
06:24:16 16 to accept that this affects the independence of what was  
06:24:19 17 occurring within the OPI, doesn't it?---Well it has the  
06:24:22 18 potential to do that, certainly. I mean I don't know who  
06:24:27 19 said what to who, you know.  
06:24:28 20  
06:24:29 21 This, as you've said, is a conversation you had?---It's  
06:24:32 22 recommended. Yes.  
06:24:33 23  
06:24:33 24 Turning over the page, this is the day of the second  
06:24:39 25 hearing and this is the diary again of this particular  
06:24:46 26 handler and he's received another call from that handler  
06:24:52 27 who 's named there at 12.15, remembering that she attended  
06:24:56 28 at 1 pm on that second occasion. It says, "Human source  
06:25:02 29 aware that DDI Ryan will be in vicinity if any issue re  
06:25:08 30 compromise. Update that particular handler re conversation  
06:25:13 31 with Ryan last night. Gavan Ryan to speak with Graham  
06:25:18 32 Ashton re human source value for Operation Briars and  
06:25:21 33 Petra, potential to damage VicPol relationship with source  
06:25:28 34 by cross-examination re sexual liaison". It might actually  
06:25:30 35 be a cut and paste almost entirely from the last one.  
06:25:34 36 Again, were you told that Nicola Gobbo would know that you  
06:25:39 37 would be attending on that second occasion?---Not that I  
06:25:43 38 remember.  
06:25:43 39  
06:25:44 40 But you understand now from this note that she was told  
06:25:46 41 that you would be there?---Yeah.  
06:25:48 42  
06:25:51 43 It indicates that you would speak to Ashton about her  
06:25:55 44 particular value for these two operations, do you accept  
06:25:59 45 that's what you said to Ashton?---"GR to speak with  
06:26:03 46 Ashton."  
06:26:04 47

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RYAN RE-XN

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06:26:04 1 Yes. Did you have that conversation with Ashton?---I don't  
06:26:07 2 remember it but if I look down further.  
06:26:10 3  
06:26:10 4 Yes, I'm about to get to that?---Yeah, I must have.  
06:26:13 5  
06:26:13 6 Then you get the phone call, I'll read that out, phone call  
06:26:17 7 to you. By this stage you had spoken to Ashton, you'd  
06:26:21 8 informed him of ramifications of hearing on Nicola Gobbo  
06:26:24 9 and ongoing value to police?---H'mm.  
06:26:27 10  
06:26:27 11 "OPI still intend to cross-examine re possible lie about  
06:26:31 12 sexual relationship." So at this stage, according to the  
06:26:35 13 note, and I think you accept its correctness, you had  
06:26:40 14 spoken to Ashton?---Yes.  
06:26:41 15  
06:26:45 16 And you'd said to him, firstly, there would be  
06:26:49 17 ramifications firstly on Gobbo herself and she was flat out  
06:26:55 18 telling everybody about those ramifications, do you agree  
06:26:57 19 with that?---Yes.  
06:26:58 20  
06:26:58 21 And secondly, there would be ramifications about her  
06:27:01 22 ongoing value to the police?---Yes.  
06:27:03 23  
06:27:03 24 And that was something here that you were passing on that  
06:27:06 25 Victoria Police didn't want to happen?---Yes.  
06:27:09 26  
06:27:10 27 It was said to you, it seems to be, that the OPI were still  
06:27:14 28 going to cross-examine her about a possible lie about  
06:27:18 29 sexual relationships, do you agree with that?---That's fair  
06:27:21 30 enough.  
06:27:22 31  
06:27:22 32 Then there's another phone call from you two lines down,  
06:27:26 33 "Human source has been asked if she has spoken to anyone  
06:27:29 34 since her appearance at the hearings last month. Human  
06:27:30 35 source has asked for stand down. Obviously does not want  
06:27:33 36 to perjure herself. Am going to meet Graham Ashton to work  
06:27:37 37 out matter and then see human source"?---I don't remember  
06:27:40 38 that but it must have happened.  
06:27:42 39  
06:27:42 40 So you must have met with Ashton prior to her coming out of  
06:27:46 41 the hearing?---I don't think - I mean that, I take it  
06:27:50 42 they're contemporaneous.  
06:27:52 43  
06:27:52 44 They appear to be, yes, this is the diary?---I just don't  
06:27:55 45 remember it.  
06:27:56 46  
06:27:56 47 Do you have any recollection at all of speaking to Graham

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RYAN RE-XN

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06:27:59 1 Ashton?---No.  
06:27:59 2  
06:28:00 3 Do you allow for the possibility you might have spoken to  
06:28:04 4 Graham Ashton before she came out of the room in  
06:28:07 5 tears?---Because of this it's obvious I have.  
06:28:10 6  
06:28:10 7 Then there's another phone call, now this is almost the  
06:28:14 8 middle entry on the page, the last line of it, "She is to  
06:28:18 9 be told that GR waiting to meet her as discussed". That  
06:28:23 10 was in fact the case, that when she asked for the time out  
06:28:27 11 she came and found you, do you agree with that?---We were  
06:28:30 12 both ushered into a room, like an interview room.  
06:28:33 13  
06:28:33 14 Then the diary keeper, Mr White, has a phone call to you  
06:28:41 15 and you say that you can't speak because at that time you  
06:28:44 16 were actually with Ms Gobbo during that break in  
06:28:47 17 proceedings, do you accept that?---Is that - where's that?  
06:28:51 18  
06:28:52 19 Middle line all on its own, just above 14:35 on the  
06:28:57 20 left?---Yes.  
06:28:58 21  
06:28:58 22 You received a phone call during your time with Gobbo, the  
06:29:02 23 interaction where you say she is crying, trying to without  
06:29:06 24 out what she's going to do and you say she should go and  
06:29:09 25 get legal advice?---H'mm.  
06:29:10 26  
06:29:11 27 After that you call Sandy White and you say that, "She's  
06:29:14 28 very distressed. You agree that human source would state  
06:29:17 29 that she'd told, would state obviously to Fitzgerald that  
06:29:22 30 she's told you and one other person about her appearance  
06:29:25 31 and no further questions would be asked. Fitzgerald has  
06:29:28 32 now been told HS is a source. HS has given this evidence  
06:29:34 33 and then been told that the tribunal believed that she had  
06:29:39 34 told lies previously. Matter stood down for human source  
06:29:42 35 to consider legal representation". Does that assist you in  
06:29:47 36 your recollection about what conversations were had in  
06:29:51 37 relation to Fitzgerald being told that she was a  
06:29:56 38 source?---No. I never, ever - I never, ever spoke to  
06:30:01 39 Mr Fitzgerald. Like I just saw him on the screen.  
06:30:05 40  
06:30:05 41 All right. There was an agreement that's recorded there  
06:30:10 42 that she would state that only Ryan and one other person  
06:30:14 43 knew about her appearance. Do you know firstly if it was  
06:30:17 44 true that at this stage, after her first appearance and on  
06:30:21 45 the occasion of her second appearance, that it was only you  
06:30:25 46 and a single other person that knew about her appearance  
06:30:28 47 before the OPI?---I wouldn't think so. I would say there

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RYAN RE-XN

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06:30:33 1 would be more than - - -  
06:30:34 2  
06:30:35 3 We've gone through some of the records that demonstrate  
06:30:37 4 that point?---I don't know.  
06:30:39 5  
06:30:39 6 So in fact the agreement that's recorded there wasn't  
06:30:42 7 reflective of the true situation, was it?---No.  
06:30:45 8  
06:30:47 9 And then down at 17:02, a few entries down, "GR has spoken  
06:30:52 10 to DC Overland who has authorised payment of legal expenses  
06:30:57 11 for the human source to be represented. Cautioned re  
06:31:00 12 same". Now, is it correct that there was an agreement from  
06:31:06 13 Mr Overland that Victoria Police would pay Ms Gobbo's legal  
06:31:10 14 expenses of her third appearance which was to happen before  
06:31:16 15 the OPI?---As I understand it, yes.  
06:31:19 16  
06:31:19 17 Do you have a recollection that that discussion took  
06:31:23 18 place?---I remember something about it being authorised by  
06:31:26 19 Mr Overland. I can't say - - -  
06:31:30 20  
06:31:30 21 You don't know whether it was a discussion between you and  
06:31:32 22 Mr Overland? I should say it doesn't say one way or the  
06:31:37 23 other, it just says you were passing the information  
06:31:39 24 on?---It could have been but it could also have been  
06:31:42 25 someone else.  
06:31:42 26  
06:31:43 27 Do you know what the phrase "cautioned re same" in that  
06:31:45 28 entry. Again it's not your entry but it seems to be  
06:31:49 29 information that's been passed on by you?---I don't know.  
06:31:51 30 It doesn't seem to fit.  
06:31:52 31  
06:31:53 32 And then over the page at the top, it says, or going from  
06:31:59 33 the one before, "Update by [PII]. No need for meeting tonight  
06:32:04 34 with human source. Relatively calm. Trying to work out  
06:32:07 35 what she has said" - - -  
06:32:09 36  
06:32:10 37 COMMISSIONER: Should those initials be taken out?  
06:32:13 38  
06:32:13 39 MR WOODS: Sorry, yes they should be.  
06:32:15 40  
06:32:15 41 COMMISSIONER: Remove those initials, no publication of  
06:32:18 42 those initials.  
06:32:18 43  
06:32:19 44 MR WOODS: "Relatively calm. Trying to work out what she  
06:32:21 45 has said is a lie. Has been told by Fitzgerald that she  
06:32:26 46 has lied. Has told human source VicPol will pay costs of  
06:32:31 47 legal expenses!" I understand that document to mean that



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06:32:37 1 this is the handler saying to Ms Gobbo that her legal costs  
06:32:43 2 will be paid, do you understand it the same way?---Yes,  
06:32:45 3 yes.  
06:32:46 4  
06:32:46 5 And there's an exclamation mark there, it might be some  
06:32:49 6 incredulity that's being expressed by that handler?---Yes.  
06:32:53 7  
06:32:54 8 Or some surprise?---Yes.  
9  
06:32:55 10 "Not very interested in legal representation, she doesn't  
06:32:59 11 think that will help and still concerned about them finding  
06:33:03 12 out she has assisted police"?---Yes.  
06:33:05 13  
06:33:05 14 Then finally at 18:00, "Update that handler re OPI  
06:33:11 15 prosecutor knowledge of human source role, as well as  
06:33:15 16 Chairman Fitzgerald". Do you know that at any stage or if  
06:33:19 17 at any stage the counsel assisting the OPI was also told  
06:33:23 18 about her status as a source?---Well it said that  
06:33:26 19 previously in this, in this entry.  
06:33:28 20  
06:33:29 21 The individual, not being Mr Fitzgerald but Mr Fitzgerald's  
06:33:33 22 counsel assisting? Mr Livermore, remember we spoke about  
06:33:39 23 him a couple of days ago?---No, I think it's the reverse.  
06:33:43 24 Mr Livermore was the hearing officer and Mr Fitzgerald was  
06:33:46 25 the person asking the questions.  
06:33:48 26  
06:33:48 27 COMMISSIONER: No, no, he was actually presiding?---Okay.  
06:33:50 28  
06:33:50 29 He was just asking a lot of questions, yes?---Fair enough.  
06:33:54 30  
06:33:56 31 MR WOODS: Livermore was me and Fitzgerald was the  
06:33:59 32 Commissioner in that situation.  
06:33:59 33  
06:34:00 34 COMMISSIONER: I'm a lot quieter?---Sorry, can you ask the  
06:34:05 35 question again please?  
06:34:06 36  
06:34:06 37 MR WOODS: Does that note assist you to recall whether you  
06:34:10 38 knew that the prosecutor, what did you call him, the  
06:34:14 39 hearing officer?---No, it doesn't is the answer.  
06:34:16 40  
06:34:17 41 You don't have any recollection of that?---No.  
06:34:18 42  
06:34:19 43 All right, I'll just check if there's anything else we can  
06:34:23 44 do in public. I don't think there is. No. That's all the  
06:34:32 45 questions I have.  
06:34:32 46  
06:34:32 47 COMMISSIONER: All right then. And I understand there's an

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06:34:35 1 application by legal representatives for Mr Higgs to have  
06:34:41 2 leave to appear in the closed hearings for this witness.  
06:34:46 3  
06:34:47 4 MR WOODS: That's not opposed.  
06:34:48 5  
06:34:49 6 MS DWYER: Yes, Commissioner.  
06:34:49 7  
06:34:50 8 COMMISSIONER: It's just an application for leave to appear  
06:34:53 9 and you've been given leave in similar circumstances so you  
06:34:58 10 are conscious of the undertaking that would apply again  
06:35:01 11 here?  
06:35:01 12  
06:35:02 13 MS DWYER: Yes, Commissioner.  
06:35:02 14  
06:35:03 15 COMMISSIONER: Thank you. All right, in that case pursuant  
06:35:05 16 to s.24 of the *Inquiries Act* access to the inquiry during  
06:35:09 17 the remainder of the evidence of this witness is limited to  
06:35:14 18 legal representatives and staff assisting the Royal  
06:35:16 19 Commission, the following parties with leave to appear in  
06:35:18 20 the private hearing and their legal representatives: the  
06:35:21 21 State of Victoria, Victoria Police including media unit  
06:35:25 22 representatives, the Director of Public Prosecutions and  
06:35:27 23 the Office of Public Prosecutions, the Commonwealth  
06:35:30 24 Director of Public Prosecutions, Ms Nicola Gobbo and the  
06:35:34 25 SDU handlers. The legal representatives of the following  
06:35:36 26 parties with leave to appear, Stephen Asling, Faruk Orman,  
06:35:41 27 Pasquale Barbaro, Person 14 and John William Higgs. Media  
06:35:46 28 representatives accredited by the Royal Commission are  
06:35:47 29 allowed to be present in the hearing room. The hearing is  
06:35:50 30 to be recorded but not streamed or broadcast. Subject to  
06:35:53 31 any further order there is to be no publication of any  
06:35:57 32 material, statements, information or evidence given, made  
06:36:00 33 or to before the Commission which could identify or tend to  
06:36:03 34 identify the persons referred to as Witness A, Witness B,  
35 Witness X, Person 14, any member of the Source Development  
36 Unit or their whereabouts.  
37  
06:36:10 38 A copy of this order will be posted on the hearing  
06:36:14 39 room door.  
40  
41 (IN CAMERA PROCEEDINGS FOLLOW)  
42  
43  
44  
45  
46  
47