

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

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Wednesday, 2 October 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Ms M. Tittensor
Counsel for Victoria Police	Ms R. Enbom Ms K. Argiropoulos
Counsel for State of Victoria	Mr T. Goodwin
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDPP	Ms C. Fitzgerald
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for Person ■	Ms E. Clark
Counsel for Pasquale Barbaro	Mr C. Wareham
Counsel for AFP	Ms I. Minnett

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1 PROCEEDINGS IN CAMERA:

2
09:39:52 3 COMMISSIONER: Yes, appearances are largely as they were
09:39:56 4 for yesterday. I note that Mr Wareham is here today for
09:40:02 5 Mr Pasquale Barbaro. I think otherwise the appearances are
09:40:08 6 the same. But we're first dealing with an application by,
09:40:12 7 on behalf of [REDACTED]. Ms Clark.

09:40:16 8
09:40:17 9 MS CLARK: Yes, Commissioner, I appear on behalf of [REDACTED]
09:40:19 10 [REDACTED]

09:40:19 11
09:40:20 12 COMMISSIONER: Yes. Now it may not be necessary for those
09:40:25 13 representing the affected persons to be present for this
09:40:28 14 hearing, for this application I wouldn't have thought.

09:40:32 15
09:40:32 16 MS CLARK: That's certainly the application, is for it to
09:40:35 17 be dealt with in the absence - really only in the presence
09:40:38 18 of parties who have been served with the redacted
09:40:41 19 submissions on behalf of [REDACTED], being Victoria Police,
09:40:46 20 counsel assisting, the OPP and the CDPP.

09:40:56 21
09:40:56 22 COMMISSIONER: All right. Are there any submissions about
09:40:58 23 that?

09:41:00 24
09:41:00 25 MS O'GORMAN: Commissioner, can I make the (indistinct)
09:41:04 26 we're not aware of the application.

09:41:04 27
09:41:05 28 MS FITZGERALD: Can I just note the CDPP is not aware of
09:41:10 29 this either.

09:41:12 30
09:41:12 31 MS CLARK: It was simply the State, Victoria Police and the
09:41:15 32 representatives of the media who were served.

09:41:17 33
09:41:17 34 COMMISSIONER: Does anyone have any submissions as to
09:41:19 35 whether they have an interest in staying to hear the
09:41:22 36 application? Mr Winneke, did you want to say anything? No
09:41:26 37 one else wants to be here I take it?

09:41:31 38
09:41:32 39 MR WINNEKE: I assume then, Mr Chettle - - -
40

09:41:36 41 MR CHETTLE: I'm not interested in this application,
09:41:38 42 Commissioner.

09:41:38 43
09:41:38 44 MR WINNEKE: In which case he's going to leave. Aside from
09:41:42 45 that I have nothing to say about it, Commissioner.

09:41:45 46
09:41:45 47 COMMISSIONER: All right. The only remaining issue then is

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09:41:48 1 whether the accredited media stay.
09:41:52 2
09:41:53 3 MS CLARK: In my submission it would not be appropriate for
09:41:54 4 them to remain. There may be matters raised on the
09:41:57 5 application that need to be done in the absence of the
09:42:00 6 media. Certainly any legal representative for the media
09:42:03 7 that's present would be able to stay but certainly not the
09:42:07 8 media themselves.
09:42:19 9
09:42:20 10 MR WINNEKE: Commissioner, I don't believe there's a legal
09:42:23 11 representative of the accredited media. We have had
09:42:27 12 accredited media in these hearings.
09:42:29 13
09:42:30 14 COMMISSIONER: They've notified the Commission and said
09:42:32 15 that they are opposing the application.
09:42:33 16
09:42:34 17 MR WINNEKE: Yes.
09:42:34 18
09:42:34 19 COMMISSIONER: But they're not filing any submissions and
09:42:37 20 they won't be present.
09:42:38 21
09:42:38 22 MR WINNEKE: I understand that. As to whether accredited
09:42:41 23 members of the media who the Commission has accredited
09:42:45 24 ought not be here, in my submission that ought to be
09:42:49 25 properly justified because the way things are at present we
09:42:53 26 are having evidence with respect to [REDACTED] given in
09:42:56 27 private hearing and in our submission it's in the interests
09:43:00 28 of justice that members of the accredited media are
09:43:04 29 present. If there is good reason otherwise it ought be
09:43:08 30 established.
09:43:08 31
09:43:09 32 COMMISSIONER: Yes, Ms Clark.
09:43:10 33
09:43:10 34 MS CLARK: Commissioner, in the course of my application it
09:43:12 35 is likely I will be referring to the order that the
09:43:14 36 Commission made on 2 September 2019 with respect to [REDACTED]
09:43:20 37 [REDACTED]. The matters contained with that, as I understand it,
09:43:22 38 have not been raised in front of the media. It would not
09:43:26 39 be appropriate for them to be present. There may further
09:43:28 40 be legislation that's referred to, but again for matters I
09:43:33 41 can't go into in the presence of the media it's not
09:43:37 42 appropriate for them to be present.
09:43:40 43
09:43:40 44 MR WINNEKE: Commissioner, if there are matters being
09:43:42 45 raised which are in that nature then that, for that part of
09:43:47 46 the application the media perhaps could be excluded. But
09:43:54 47 otherwise if there are matters other than that, in my

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09:43:57 1 submission they ought be here.

09:43:59 2

09:43:59 3 COMMISSIONER: Let's see what we can do with the accredited
09:44:03 4 media present and when it's necessary - you submit that
09:44:08 5 it's necessary for them to leave we'll deal with it then.
09:44:13 6 Thanks Ms Clark. Yes Ms Clark.

09:44:15 7

09:44:16 8 MS CLARK: Perhaps also, Commissioner, it appears that
09:44:18 9 there may be a witness seated in the body of the Commission
09:44:22 10 currently. That witness should also in my submission be
09:44:25 11 required to step out for this application.

09:44:27 12

09:44:28 13 COMMISSIONER: That's so. Thanks Mr Flynn. I order then
09:44:30 14 that pursuant to s.24 of the *Inquiries Act* access to the
09:44:34 15 inquiry during this application is limited to legal
09:44:37 16 representatives and staff assisting the Royal Commission
09:44:40 17 and the following parties with leave to appear in the
09:44:43 18 private hearing and their legal representatives: State of
09:44:46 19 Victoria, Victoria Police and Person [REDACTED]. So therefore,
09:44:50 20 unless you want to be heard, the DPP and CDPP would leave
09:44:54 21 at this point.

09:44:55 22

09:44:56 23 MS CLARK: Commissioner, I have no difficulty with the CDPP
09:44:59 24 and OPP remaining.

09:45:01 25

09:45:02 26 COMMISSIONER: All right then. I take it, Mr Winneke, you
09:45:04 27 don't have any problem with that?

09:45:06 28

09:45:07 29 MR WINNEKE: No Commissioner.

09:45:07 30

09:45:07 31 COMMISSIONER: You had asked that it be only parties who
09:45:11 32 had been served.

09:45:12 33

09:45:12 34 MS CLARK: Given the matters raised are matters that known
09:45:15 35 to both the OPP and CDPP, given previous proceedings, I
09:45:20 36 have no difficulty with them remaining.

09:45:21 37

09:45:22 38 COMMISSIONER: All right then. I add to that list the DPP
09:45:25 39 and the CDPP. The hearing is to be recorded but not
09:45:28 40 streamed or broadcast and a copy of this order is to be
09:45:31 41 posted on the door of the hearing room. And also for the
09:45:41 42 time being accredited media are allowed to be present.
09:46:14 43 Yes, Ms Clark.

09:46:15 44

09:46:15 45 MS CLARK: In terms of the application, Commissioner, it's
09:46:17 46 set out at paragraph 1 of the submissions as filed. There
09:46:21 47 are essentially two things that are sought. One being that

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09:46:25 1 whenever there is evidence in this Commission related to
09:46:28 2 [REDACTED], that that evidence is given in closed hearings.
09:46:32 3
09:46:32 4 COMMISSIONER: That's already happening.
09:46:34 5
09:46:34 6 MS CLARK: Yes, and that, for the most part - - -
09:46:36 7
09:46:37 8 COMMISSIONER: For the most part, yes.
09:46:38 9
09:46:39 10 MS CLARK: - - - has been the case. Simply it's an
09:46:41 11 application or really a reminder that that be the case.
09:46:44 12 That whenever there is a reference to [REDACTED] that that's
09:46:47 13 done so in closed hearings. Further, there are, there's an
09:46:51 14 application - - -
09:46:51 15
09:46:51 16 COMMISSIONER: There was a point where it wasn't, wasn't
09:46:54 17 there?
09:46:54 18
09:46:55 19 MS CLARK: Yes.
09:46:55 20
09:46:55 21 COMMISSIONER: That led to the publication that you were
09:46:58 22 concerned about.
09:46:59 23
09:46:59 24 MS CLARK: Yes. The second part of the application that
09:47:01 25 flows from that is that there are portions of the
09:47:03 26 transcript that - - -
09:47:07 27
09:47:07 28 COMMISSIONER: Of the public hearing transcript.
09:47:09 29
09:47:07 30 MS CLARK: Of the public hearing transcript that on behalf
09:47:10 31 of [REDACTED] it is submitted they should be redacted
09:47:13 32 because they refer to a further pseudonym of [REDACTED] and
09:47:18 33 [REDACTED] however - - -
09:47:20 34
09:47:20 35 COMMISSIONER: It's not really even a pseudonym of [REDACTED]
09:47:23 36 [REDACTED]. What it is, is it's number [REDACTED] on Exhibit 81 and for
09:47:27 37 some reason it became referred to as [REDACTED]. It's not
09:47:32 38 even a pseudonym, I don't know that anyone would connect it
09:47:35 39 with - - -
09:47:36 40
09:47:37 41 MS CLARK: The way that the exchange reads where that
09:47:39 42 reference is, it has the capacity to identify [REDACTED] in
09:47:43 43 my submission. Those matters are set out at paragraphs 12
09:47:46 44 and 13 of the submissions and that's why the media articles
09:47:52 45 were provided that often refer to [REDACTED] or refer to [REDACTED]
09:47:57 46 [REDACTED] that connecting those media reports and the
09:48:00 47 references and the exchanges about [REDACTED] and his role

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09:48:04 1 with respect to Ms Gobbo in relation to his arrest and the
09:48:08 2 surrounding circumstances, in my submission it is not a
09:48:11 3 difficult link to make about who that is and it's really in
09:48:15 4 those circumstances that it's sought that those portions of
09:48:18 5 the transcript be redacted.

09:48:22 6
09:48:23 7 COMMISSIONER: So are you wanting just the reference to
09:48:25 8 [REDACTED] or are you wanting all the, the entire exchange
09:48:32 9 that you've set out at paragraph 13?

09:48:34 10
09:48:35 11 MS CLARK: The entire exchange to be redacted.

09:48:38 12
09:48:38 13 COMMISSIONER: Okay, understood.

09:48:40 14
09:48:40 15 MS CLARK: In terms of, I've heard what the Commissioner
09:48:44 16 has said about that already the evidence in relation to
09:48:47 17 [REDACTED] is being heard in closed hearings. The real
09:48:52 18 concern, and what's arisen in recent times, is that the
09:48:55 19 media reporting with respect to [REDACTED] and his
09:48:57 20 relationship with Ms Gobbo and his relationship with
09:49:00 21 Victoria Police and what unfolded in how he became a
09:49:05 22 witness in proceedings has attracted significant media
09:49:08 23 attention. Not only those articles that were provided in
09:49:10 24 addition to the submissions but in the last 24 to 48 hours
09:49:14 25 there has been significant reporting. That reporting
09:49:18 26 increases both the concern of [REDACTED] and his risk in my
09:49:23 27 submission. That is a matter that is referred to at
09:49:26 28 paragraph 11 of the submissions filed on behalf of [REDACTED] that
09:49:32 29 only you, Commissioner, and counsel assisting would have
09:49:35 30 access to. That is a matter that since this issue was
09:49:40 31 raised and agitated with respect to the media not being
09:49:44 32 present during evidence related to [REDACTED], that is a
09:49:47 33 change, a significant change in circumstances in my
09:49:51 34 submission and is now the submission again on behalf of [REDACTED]
09:49:54 35 that when there is evidence related to him, that the media
09:49:57 36 ought not be present because that risk is now increased.
09:50:02 37 And with the ongoing reporting, despite his name not being
09:50:07 38 able to be used, despite him not being able to be
09:50:10 39 identified, that risk has increased and that will bring me
09:50:13 40 to the next point which is really with respect to an
09:50:16 41 exchange, some recordings that were played and an exchange
09:50:20 42 that occurred on Monday in this Commission on 30 September.
09:50:32 43 It was on that Monday that my learned friend Mr Winneke in
09:50:35 44 the exchange about whether the recordings ought be played
09:50:38 45 which use the name of [REDACTED], despite that being in
09:50:41 46 closed hearings, you, Commissioner - Victoria Police raised
09:50:45 47 concerns about that, there was a discussion about whether

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09:50:48 1 or not the tapes could be amended overnight. It was
09:50:51 2 decided for convenience that those tapes be played with his
09:50:56 3 name and then there was this exchange from Mr Winneke, "My
09:51:00 4 learned friends say the names are mentioned. We know the
09:51:03 5 names, we all hear the names, we drop them every now and
09:51:06 6 again. It's just absurd in our respectful submission to be
09:51:11 7 so precious about it. The fact is there are
09:51:13 8 non-publication orders. They can't be reported, they won't
09:51:14 9 be reported and to say that people in this room don't know
09:51:17 10 the name is simply absurd". In my submission, I mean no
09:51:21 11 disrespect to Mr Winneke, but to be so flippant about the
09:51:25 12 safety of a person related to this Commission is troubling,
09:51:29 13 to be frank. [REDACTED] has significant concerns about what
09:51:34 14 his identification would mean to him for the reasons set
09:51:39 15 out, the portions that have been redacted for very good
09:51:42 16 reason, that have been referenced from the confidential
09:51:44 17 affidavit. That's a real concern.

09:51:49 18
09:51:49 19 COMMISSIONER: Ms Clark, one of the problems of course is
09:51:51 20 that your client is a key protagonist in all this, and the
09:51:56 21 first Term of Reference is to work out the cases that may
09:52:00 22 have been affected by Ms Gobbo's informing and the extent
09:52:06 23 to which they have been affected and therefore his role and
09:52:11 24 what he did and his, everything concerning his involvement
09:52:16 25 with Ms Gobbo and Victoria Police is key to the whole work
09:52:19 26 of this Commission.

09:52:20 27
09:52:21 28 MS CLARK: And that is certainly understood. But in my
09:52:23 29 submission it must be remembered that it is not because of
09:52:26 30 [REDACTED] that this Commission was established, it was not
09:52:28 31 his conduct that is why we're here. It is not because of
09:52:33 32 him that he's in the position that he is in. It is because
09:52:36 33 he placed trust in his legal advisor, as was his right to
09:52:40 34 do so. It's Ms Gobbo's conduct. But what seems to be
09:52:46 35 occurring is that his safety is being put at risk for
09:52:49 36 matters that are not attributable to him. There was some
09:52:53 37 talk during that exchange with Mr Winneke on Monday that
09:52:57 38 hearings were running behind, and I appreciate that this
09:53:00 39 Commission has been overwhelmed with evidence that was not
09:53:03 40 anticipated but it's certainly not [REDACTED]'s fault that
09:53:07 41 there are time pressures on this Commission. And to
09:53:11 42 disregard or be flexible with regard to how he is referred
09:53:16 43 to and put matters before the media, other representatives
09:53:20 44 of affected persons, to have his name bandied about like
09:53:25 45 that in my submission really does increase the risk to him
09:53:28 46 in circumstances where, as I pointed out, paragraph 11 of
09:53:32 47 my submissions, what's that led to. Those are the

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09:53:35 1 concerns.

09:53:36 2

09:53:36 3 COMMISSIONER: All those people know who he is, that's the
09:53:39 4 reality. They know the name. That is the reality. Now
09:53:44 5 that's not to say that we don't do everything we can to
09:53:47 6 protect the identity and I think the orders that are in
09:53:51 7 place do that, but certainly the media obviously all know
09:53:57 8 who this person is because of - until recently his name was
09:54:02 9 published in media articles. So media, the journalists who
09:54:07 10 are experts in reporting on this know the name of [REDACTED]
09:54:13 11 [REDACTED]. They know who [REDACTED] is and so do all the counsel
09:54:17 12 at the Bar table, and all the counsel for the affected
09:54:21 13 persons for that matter too. There's no doubt about that,
09:54:23 14 they all know the original identity of this person.

09:54:28 15

09:54:29 16 MS CLARK: I can't take it any further, Commissioner. The
09:54:31 17 issues have been raised on behalf of [REDACTED] and what his
09:54:35 18 concerns are.

09:54:35 19

09:54:36 20 COMMISSIONER: They are very legitimate concerns and they
09:54:38 21 are concerns which I take most seriously.

09:54:41 22

09:54:42 23 MS CLARK: That brings me back to the application being
09:54:44 24 that those portions of the transcript that are currently
09:54:47 25 public ought be redacted and simply to remind all present
09:54:52 26 to be cautious about any evidence about [REDACTED] to ensure
09:54:56 27 that that is done in closed hearings.

09:54:57 28

09:54:57 29 COMMISSIONER: Ms Clark, it's going to be essential to
09:55:01 30 refer publicly to the role of this person at this point
09:55:07 31 when the Commission gives its report of your client. How
09:55:12 32 do you suggest that's to be done? It's impossible for the
09:55:18 33 Commission to do its work without referring publicly to the
09:55:23 34 role played by your client.

09:55:25 35

09:55:26 36 MS CLARK: I imagine it would be done in the same way that
09:55:28 37 the media reporting is being done currently, to refer to
09:55:33 38 him in opaque terms without reference to the pseudonym
09:55:36 39 that's being used here that has a tendency to then link
09:55:40 40 him, link his name.

09:55:41 41

09:55:42 42 COMMISSIONER: I can't really see why it links his name.
09:55:45 43 You say bio data.

09:55:47 44

09:55:47 45 MS CLARK: Sorry, Commissioner, I couldn't hear.

09:55:49 46

09:55:49 47 COMMISSIONER: I'm saying I can't really see why that

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09:55:51 1 pseudonym links - identifies him, because that's what -
09:55:57 2 it's a pseudonym. How do you say it links him to it?
09:56:02 3
09:56:02 4 MS CLARK: As you've just pointed out, Commissioner,
09:56:05 5 everybody knows who that is.
09:56:07 6
09:56:07 7 COMMISSIONER: Not everybody, the general public don't.
09:56:10 8 That's what we can stop, the general public knowing. But
09:56:13 9 anybody who has followed closely the dealings with Ms Gobbo
09:56:17 10 and the police at this time knows his name, or knows his
09:56:23 11 name at that time.
09:56:25 12
09:56:25 13 MS CLARK: It's the continuity in the role that can lead to
09:56:28 14 that identification and those articles that were provided
09:56:31 15 that go back to where, in [REDACTED], [REDACTED] articles that are
09:56:35 16 still publicly available that link his name with [REDACTED]
09:56:38 17 [REDACTED] It's not a huge step to then link that further
09:56:42 18 between [REDACTED] and who the person referred to as [REDACTED] here
09:56:46 19 is. If the Commission were to publish in that way, that's
09:56:50 20 the difficulty. And to an average reader who has not a
09:56:56 21 particular vested interest in this, they would not connect
09:56:59 22 those dots. But for someone who had an interest in
09:57:01 23 figuring out who that was or locating him, that's where the
09:57:05 24 trouble lies.
09:57:08 25
09:57:09 26 COMMISSIONER: I see your point but what I think will be
09:57:13 27 said against it is that those people who seriously want to
09:57:17 28 know that would already know it because of what's already
09:57:20 29 been in the public domain. But I'll see what everybody
09:57:25 30 else has to say and I'll of course give you an opportunity
09:57:27 31 to respond. It's a troubling matter.
09:57:29 32
09:57:29 33 MS CLARK: There is one further matter that I wanted to
09:57:31 34 raise. The s.26 order made by you, Commissioner, on 8 May
09:57:35 35 2019 refers to [REDACTED] Out of an abundance of caution I
09:57:41 36 don't know whether that order needs to be amended to
09:57:44 37 include [REDACTED]. The Commissioner might take the view
09:57:48 38 that the way that it reads everyone is aware of who that is
09:57:52 39 but it was simply a matter that came to my attention last
09:57:55 40 night when I was looking through the previous orders, that
09:57:57 41 it does refer to [REDACTED].
09:58:00 42
09:58:00 43 COMMISSIONER: We'll just dig up that order, the order of 8
09:58:03 44 May. Just to be absolutely clear then, the orders you're
09:58:16 45 seeking are that all future evidence before the Commission
09:58:24 46 relating to [REDACTED] be given in closed hearing, that the
09:58:28 47 transcript of the public hearings be redacted in the way

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09:58:34 1 you've requested and that the order of 8 May is amended.
09:58:37 2
09:58:38 3 MS CLARK: Yes.
09:58:38 4
09:58:38 5 COMMISSIONER: So that [REDACTED] is [REDACTED] by [REDACTED]
09:58:44 6
09:58:44 7 MS CLARK: And there was the further application with
09:58:45 8 respect to the closed hearings, that the media not be
09:58:48 9 present. I've heard what you've said but that application
09:58:52 10 is maintained.
09:58:53 11
09:58:53 12 COMMISSIONER: Sorry?
09:58:54 13
09:58:55 14 MS CLARK: That during closed hearings relating to [REDACTED]
09:58:58 15 [REDACTED] that the media ought not be present.
09:58:59 16
09:58:59 17 COMMISSIONER: You don't want the media present, no. Yes,
09:59:25 18 all right, thank you. Ms Argiropoulos, Ms Enbom?
09:59:28 19
09:59:29 20 MS ENBOM: This one's with me, Commissioner.
09:59:31 21
09:59:31 22 COMMISSIONER: Yes.
09:59:31 23
09:59:31 24 MS ENBOM: As you know, Commissioner, Victoria Police has
09:59:33 25 been very anxious from the outset about protecting the
09:59:38 26 identity and therefore life of [REDACTED]. The orders
09:59:45 27 sought in my submission will assist in that regard and it's
09:59:48 28 for that reason that Victoria Police supports the making of
09:59:51 29 the orders that have been sought. In relation to the -
09:59:56 30 there is one exception in that regard. An order has been
10:00:00 31 sought that the 8 May suppression order be amended to refer
10:00:06 32 to [REDACTED]. We have been deliberately avoiding - - -
10:00:15 33
10:00:15 34 COMMISSIONER: The [REDACTED] and [REDACTED]
10:00:18 35
10:00:18 36 MS ENBOM: Precisely, yes Commissioner. Perhaps it's best
10:00:20 37 to make a new order that refers to [REDACTED]. If there's a
10:00:23 38 need for a new order. If there is a need for some
10:00:26 39 clarification or variation, there simply be a new order
10:00:29 40 that refers to [REDACTED] not [REDACTED] to the
10:00:34 41 previous order.
10:00:35 42
10:00:35 43 COMMISSIONER: It's covered by the current orders, isn't
10:00:37 44 it?
10:00:38 45
10:00:38 46 MS ENBOM: In my submission it is. But if [REDACTED] wants
10:00:46 47 the comfort of an order that refers to his current

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10:00:50 1 pseudonym, then in my submission it should be a new order.
10:00:56 2 In relation to how this matter is to be or might be dealt
10:01:01 3 with in the final report, it's obviously a matter that will
10:01:05 4 be considered in further detail I expect later this year or
10:01:09 5 next year, but it may be that there could be a confidential
10:01:14 6 section of the report that deals with ██████████ in detail
10:01:18 7 and then a Woods type approach is taken to the public
10:01:24 8 report in which there's very little bio data which would
10:01:30 9 lead to the identification of ██████████. But that's
10:01:33 10 obviously a matter that we can address and the other
10:01:37 11 parties will probably address in more detail later on. But
10:01:40 12 that's just my preliminary observation about it. They're
10:01:47 13 the only submissions that I have, Commissioner.

10:01:49 14
10:01:49 15 COMMISSIONER: Thank you. Anyone else want to make
10:01:52 16 submissions?

10:01:53 17
10:01:53 18 MS O'GORMAN: No, Commissioner.

10:01:54 19
10:01:55 20 COMMISSIONER: Mr Winneke.

10:01:55 21
10:01:56 22 MR WINNEKE: Commissioner, insofar as an order is sought
10:02:02 23 which is in the nature of reminding the Commission of its
10:02:05 24 previous order, that is the order that the hearings be in
10:02:14 25 private, obviously that's unnecessary. Insofar as the
10:02:17 26 order is sought to be amended to have the effect that
10:02:24 27 accredited media ought not be present, we would certainly
10:02:27 28 oppose, I would oppose that increment in the order. The
10:02:37 29 accredited media in my submission ought be entitled to be
10:02:47 30 present during the course of the hearings with respect to
10:02:49 31 evidence concerning ██████████. As the Commission would
10:02:56 32 appreciate by now, the conduct of Victoria Police and
10:03:01 33 Ms Gobbo in relation to ██████████ is wholly central to the
10:03:08 34 work of this Royal Commission, and in fact as everyone
10:03:15 35 appreciates, if that evidence was unable to be reported
10:03:24 36 upon there would be no reporting really of the work of this
10:03:28 37 Commission at all which in our submission would be contrary
10:03:31 38 very much to the interests of justice and to the point of
10:03:34 39 having a Royal Commission. In our submission it's
10:03:36 40 essential for the evidence if it can be reported, to be
10:03:40 41 reported on in a responsible manner. The accredited media
10:03:45 42 are accredited because they understand their obligations
10:03:48 43 and in our submission it would be not in the interests of
10:03:53 44 justice to make that incremental addition to the order.
10:04:00 45 Insofar as an application is sought with respect to the
10:04:04 46 transcripts of the public hearing with respect to ██████████
10:04:07 47 and ██████████ I don't have any submissions to make about

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10:04:10 1 that, Commissioner.

10:04:14 2

10:04:15 3 COMMISSIONER: Thank you. Yes, all right.

10:04:20 4

10:04:20 5 Ms Clark on behalf of [REDACTED] has sought three
10:04:25 6 orders from the Commission. The first is that all evidence
10:04:34 7 of the Royal Commission relating to [REDACTED] be given in
10:04:37 8 closed hearings with the exclusion of all members of the
10:04:41 9 media, including Commission accredited media. The second
10:04:46 10 is that the transcript of public hearings which make
10:04:51 11 reference to [REDACTED] or [REDACTED] be redacted as set out
10:04:57 12 in Ms Clark's submissions, and the third is that the orders
10:05:04 13 of 2 May be amended so that [REDACTED] is [REDACTED]

10:05:15 14

10:05:15 15

10:05:17 16 As to the first order sought, I reject the submission
10:05:32 17 from Ms Clark that all hearings involving [REDACTED] should
10:05:41 18 be held in closed hearings in the absence of accredited
10:05:45 19 media. [REDACTED]'s role is absolutely central to the work
10:05:55 20 of this Commission and for that reason, and also for the
10:06:00 21 reasons given when I allowed the accredited media to be
10:06:06 22 present during private hearings, I am satisfied that it is
10:06:10 23 not in the interests of justice to make the orders sought.

10:06:10 24

10:06:15 25 Ordinarily evidence concerning [REDACTED] is given in
10:06:23 26 closed hearings. It may occasionally be possible for some
10:06:33 27 evidence to be given concerning [REDACTED] in a way that can
10:06:36 28 be given in open hearings and for that reason I decline to
10:06:43 29 make the order sought, although I can assure Ms Clark and
10:06:48 30 her client that ordinarily that will be the position and
10:06:53 31 that this Commission is very cognisant of the need to
10:06:58 32 ensure the work of the Commission is conducted in a way
10:07:01 33 that it does all that is reasonably possible to protect her
10:07:12 34 client's identity.

10:07:12 35

10:07:17 36 As to the second order sought, I'm satisfied that that
10:07:21 37 order should be made because it is information that does
10:07:26 38 tend to identify [REDACTED] and therefore offends the
10:07:37 39 current orders that exist as to non-publication. For that
10:07:44 40 reason the transcript of the public hearings, insofar as
10:07:55 41 they refer to [REDACTED] and the exchange set out in
10:07:59 42 paragraph 12 of Ms Clark's submissions, will be redacted
10:08:04 43 and removed from the public transcript available on the
10:08:08 44 website of the Commission.

10:08:08 45

10:08:13 46 As to the third order sought by Ms Clark [REDACTED] the
10:08:22 47 expression [REDACTED] [REDACTED] in the orders of 2 May

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10:08:27 1 2019, for the reasons raised by Ms Enbom on behalf of
10:08:33 2 Victoria Police I'm satisfied that it would not be prudent
10:08:38 3 to make that order because it would [REDACTED] the [REDACTED]
10:08:45 4 [REDACTED] with the [REDACTED] and I refuse
10:08:50 5 to make that order.
6

10:08:52 7 I think that deals with everything.
10:08:54 8

10:08:55 9 MR WINNEKE: Thanks Commissioner. Perhaps just before
10:08:57 10 Ms Clark leaves I do want to raise one matter because it's
10:09:00 11 going to arise again, and I hear what my learned friend
10:09:04 12 says about my comments made prior to the playing of the
10:09:08 13 tape. I can assure Ms Clark that I certainly don't regard
10:09:12 14 the safety of [REDACTED] as anything other than serious but
10:09:17 15 can I say this Commissioner: the comments that I made, I'm
10:09:23 16 going to make again today so it might be worthwhile that
10:09:27 17 she remains. The people in this hearing room, without a
10:09:32 18 doubt, know who we're talking about when we talk about
10:09:35 19 [REDACTED]. One of the things that we need to do is to play
10:09:40 20 tapes to Mr Flynn. Now, we tried yesterday to play tapes
10:09:46 21 which had been redacted or fiddled with, if I can put it
10:09:52 22 that way. It's just, you cannot get a sense of what's
10:09:55 23 being said and so I'm going to ask again, Commissioner,
10:09:59 24 with respect to a couple of these tapes that they actually
10:10:03 25 be played in their proper form so we can hear what's being
10:10:08 26 said in this Commission room, with the orders that are in
10:10:11 27 place. That's the purpose of the orders. It is, I repeat
10:10:17 28 it would be absurd to suggest that the people in this room
10:10:20 29 don't know the identity of [REDACTED], and as I say on
10:10:27 30 occasions unfortunately yes, the name is dropped. But the
10:10:30 31 reality is in this room we know, there's no question about
10:10:33 32 that, we know the identity of [REDACTED]. And indeed people
10:10:37 33 who are interested, whether it be media or otherwise, all
10:10:40 34 they need to do is go to Austlii, as any appropriately
10:10:44 35 qualified and conscientious journalist would do to read
10:10:50 36 about these cases and find out. It's all there. Now it is
10:10:53 37 absurd if this Royal Commission is not permitted to play
10:10:55 38 tapes in an unedited way and thereby be forced to listen to
10:11:00 39 tapes which you can't hear and you can't understand, it
10:11:03 40 would be in my submission absurd. So I'm going to make
10:11:06 41 that submission again.
10:11:07 42

10:11:07 43 COMMISSIONER: Mr Winneke, some of the tapes that haven't
10:11:10 44 been fiddled with are hard to understand.
10:11:12 45

10:11:13 46 MR WINNEKE: I agree. But some of the tapes have been, as
10:11:17 47 we discovered yesterday some are impossible. The tapes

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10:11:20 1 which haven't been are actually quite clear.
10:11:22 2
10:11:22 3 COMMISSIONER: If that's the case of course we will listen
10:11:25 4 to the best evidence, of course we will. But on the other
10:11:28 5 hand if it doesn't cause inconvenience and it can be
10:11:32 6 redacted without effecting the quality, well then we'll
10:11:35 7 redact. But if it does affect the quality well then we
10:11:40 8 won't.
10:11:40 9
10:11:41 10 MR WINNEKE: It appears, with respect, to be when they're
10:11:45 11 changed the effect of them is really lost. It becomes an
10:11:47 12 exercise of sitting there and listening to - - -
10:11:51 13
10:11:51 14 COMMISSIONER: I think we'll just have to deal with that on
10:11:54 15 a case by case basis. You've certainly raised with
10:11:59 16 Ms Clark this is a possibility and indeed I think I had
10:12:03 17 done that with Ms Clark as well.
10:12:05 18
10:12:05 19 MR WINNEKE: Yes.
10:12:05 20
10:12:06 21 COMMISSIONER: Yes, we'll deal with it on a case by case
10:12:10 22 basis.
10:12:10 23
10:12:11 24 MR WINNEKE: Thanks Commissioner.
10:12:11 25
10:12:11 26 COMMISSIONER: Thank you Ms Clark. Is there anything
10:12:13 27 further?
10:12:14 28
10:12:15 29 MS CLARK: Certainly for the reasons already ventilated
10:12:18 30 that would be opposed that those tapes be played with the
10:12:21 31 name. It seems if that is the attitude it almost makes the
10:12:24 32 pseudonyms redundant. There's a very good reason why the
10:12:26 33 pseudonyms have been put in place.
10:12:26 34
10:12:26 35 COMMISSIONER: There is a non-publication order.
36
37 MS CLARK: Yes.
38
10:12:29 39 COMMISSIONER: So nothing gets published outside this
10:12:31 40 hearing room, so that's - - -
10:12:35 41
10:12:35 42 MS CLARK: Can I clarify one matter with respect to the
10:12:38 43 Commissioner's order about redacting the transcript. You
10:12:41 44 referred to paragraph 12 of my submissions, does that also
10:12:45 45 include paragraph 13 with the reference to [REDACTED] ?
10:12:48 46
10:12:49 47 COMMISSIONER: I did intend to, yes, so I'll amend my

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10:12:53 1 reasons there to also include paragraph 13, which is in
10:12:59 2 fact the paragraph I intended. When I said paragraph 12,
10:13:03 3 I'll replace that with paragraph 13 because all that needs
10:13:07 4 to be taken out I think in paragraph 12 is the reference to
10:13:10 5 [REDACTED] isn't it?
10:13:12 6
10:13:13 7 MS CLARK: 12 is [REDACTED] and yes, 13 is in relation to
10:13:16 8 [REDACTED]
10:13:16 9
10:13:17 10 COMMISSIONER: It's just the word [REDACTED] that needs to come
10:13:21 11 out and the passage in paragraph 30 in your submissions.
10:13:22 12 Yes, that's what I intended. Thank you.
10:13:22 13
10:13:23 14 MS CLARK: Just with respect to the order made on 8 May, I
15 understand not wanting - - -
16
17 COMMISSIONER: 2 May?
18
10:13:29 19 MS CLARK: 8 May. The refusal to amend to include [REDACTED]
10:13:32 20 [REDACTED] so as not to [REDACTED]
10:13:34 21
10:13:34 22 COMMISSIONER: That's 2 May, isn't it?
23
10:13:40 24 MS CLARK: 8 May. There was a temporary order made on 2
10:13:46 25 May.
26
10:13:46 27 COMMISSIONER: So it's 2 and 8 May.
10:13:49 28
10:13:49 29 MS CLARK: Yes. Would the Commission consider imposing,
10:13:53 30 creating a new order simply in the same terms but referring
10:13:57 31 to [REDACTED] out of an abundance of caution so that both
10:14:01 32 are covered?
10:14:02 33
10:14:02 34 COMMISSIONER: It's already covered by the non-publication
10:14:06 35 orders which are existent, which say there's to be no
10:14:11 36 publication leading or tending to lead to the identity of
10:14:15 37 [REDACTED]. You don't even want any mention of [REDACTED]
10:14:19 38 but - - -
10:14:28 39
10:14:28 40 MS CLARK: Yes, because the most recent order that was made
10:14:32 41 on 2 September refers to [REDACTED] and the three days
10:14:35 42 following his arrest, but certainly that order made back on
10:14:38 43 8 May only speaks of [REDACTED] It would be my submission
10:14:42 44 that - - -
10:14:42 45
10:14:42 46 COMMISSIONER: Every time there's a closed hearing I make
10:14:46 47 an order. Can I have a copy of the order I make for closed

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10:15:09 1 hearing? For Mr Flynn - what was the closed hearing order
10:15:15 2 for Mr Flynn, for example? We don't have a date?
10:15:22 3
10:15:23 4 MS CLARK: It might be we're at cross-purposes. It's not a
10:15:32 5 closed hearing order, it was a s.26 order that was made, I
10:15:35 6 can hand up a copy, on 8 May referring to [REDACTED]
10:15:35 7 prohibiting publication with respect to him. As I say,
10:15:37 8 that order - given that that [REDACTED] has been [REDACTED]
10:15:41 9 [REDACTED], in my respectful submission it would be
10:15:43 10 appropriate to make an order - as I say I can hand up a
10:15:49 11 copy - an order in the same terms as this but with [REDACTED]
10:16:07 12 [REDACTED]
10:16:07 13
10:16:08 14 COMMISSIONER: Whenever we're in closed hearing - - -
10:16:32 15
10:16:32 16 MS CLARK: Really it would be paragraphs 1, 3 and 4 in that
10:16:36 17 order of 8 May.
10:16:37 18
10:16:37 19 COMMISSIONER: I'm just trying to see - all right. So the
10:17:33 20 current order in respect of this witness includes, "Subject
10:17:48 21 to any further order there is to be no publication of any
10:17:53 22 material, statements, information or evidence given, made
10:17:54 23 or referred to before the Commission which could identify
10:17:56 24 or tend to identify the persons referred to as" and there
10:17:59 25 are a number of people including [REDACTED].
10:18:04 26
10:18:04 27 MS CLARK: That's simply with respect to the current
10:18:07 28 witness.
29
30 COMMISSIONER: Yes.
31
10:18:07 32 MS CLARK: Whereas the order that was made on 8 May was a
10:18:11 33 coverall enduring order until further order specifically
10:18:16 34 with respect to [REDACTED] as he was known at the time.
10:18:42 35
10:18:43 36 COMMISSIONER: All right. What do you say, Mr Winneke?
10:18:47 37
10:18:48 38 MR WINNEKE: Commissioner, I've got to say I'm not too sure
10:18:56 39 what's being sought. Just excuse me.
10:19:04 40
10:19:05 41 COMMISSIONER: Okay, there was an order made on 31 July
10:19:08 42 stating that - - -
10:19:38 43
10:19:39 44 MR WINNEKE: As I understand it what's being sought is a
10:19:42 45 new order.
10:19:42 46
10:19:42 47 COMMISSIONER: Can I just interrupt. There's an order on

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10:19:45 1 31 July, "Subject to any further order there is to be no
10:19:48 2 publication of any material, statements, information or
10:19:50 3 evidence given, made or referred to before the Commission
10:19:52 4 which could identify or tend to identify the person
10:19:55 5 referred to as [REDACTED] by this pseudonym [REDACTED]
10:19:59 6 [REDACTED].
10:20:00 7
10:20:00 8 MR WINNEKE: That would seem to cover it.
10:20:02 9
10:20:02 10 COMMISSIONER: I really don't want to make any unnecessary
10:20:04 11 orders.
10:20:05 12
10:20:05 13 MS CLARK: Sorry, Commissioner, we don't have a copy of
10:20:07 14 that order.
10:20:08 15
10:20:08 16 COMMISSIONER: We can arrange that.
10:20:09 17
10:20:10 18 MS CLARK: It may be that that deals with the issue but
10:20:13 19 that hasn't been provided to my instructor.
10:20:15 20
10:20:16 21 COMMISSIONER: All right then. We'll arrange for a copy of
10:20:18 22 it. Thank you. Is that it?
10:20:21 23
10:20:22 24 MS CLARK: Yes, thank you Commissioner.
10:20:26 25
10:20:26 26 COMMISSIONER: Yes, all right. Get the witness back, let's
10:20:30 27 start.
28
10:20:57 29 Yes, thanks Mr Flynn. If you could return to the
10:20:59 30 witness box and I remind you you're on your former
10:21:04 31 oath?---Yes Commissioner.
10:21:05 32
10:21:05 33 <DALE FLYNN, recalled:
10:21:25 34
10:21:26 35 MR WINNEKE: Mr Flynn, do you have your diaries for 2006
10:21:30 36 there with you?---I'll just grab them.
10:21:32 37
10:21:33 38 Yes, thanks very much. Just before I go to those diaries I
10:22:03 39 want to raise a matter at the outset today. One of the
10:22:13 40 things that this Commission is looking into is the number
10:22:19 41 of cases and the extent to which those cases may have been
10:22:23 42 affected by the conduct of Ms Gobbo as an informer.
10:22:29 43 Obviously her role as an informer and the conduct of
10:22:34 44 Victoria Police insofar as [REDACTED] is concerned is fairly
10:22:39 45 significant and central. I take it you understand
10:22:42 46 that?---Yes, I do.
10:22:43 47

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10:22:46 1 And I asked you earlier on whether you'd ever been asked by
10:22:54 2 senior members of Victoria Police, more senior than
10:22:56 3 yourself, to provide some information or assistance with
10:23:04 4 respect to what had occurred with ██████████, Ms Gobbo and
10:23:11 5 so forth and aside from the matters you've spoken about, in
10:23:16 6 particular the IBAC hearing, that hasn't occurred, you
10:23:19 7 haven't really been quizzed about that by members of
10:23:23 8 Victoria Police?---There were - I was spoken to by an
10:23:28 9 Inspector when the, is it Task Force Loricated or the
10:23:33 10 Loricated was commenced. This is around 2014.
10:23:37 11
10:23:38 12 Yes?---And there was some, certainly I remember there was a
10:23:48 13 lot of questions about the brief of evidence that we've
10:23:51 14 discussed and - - -
10:23:54 15
10:23:55 16 That's on 30 October?---Yes. And there may have been some
10:24:00 17 questions about ██████████ and impact of prosecutions.
10:24:09 18
10:24:09 19 Yes?---I think it more came about because, if I believe
10:24:14 20 correctly, Ms Gobbo put a claim in for - - -
10:24:17 21
10:24:17 22 Yes?--- - - - as a human source, seeking a source reward.
10:24:22 23
10:24:23 24 Seeking a reward?---Yes.
10:24:24 25
10:24:25 26 What I'm interested to know is - so effectively until now
10:24:30 27 you haven't been asked for your views about the identity of
10:24:42 28 all of the people who have been the subject of evidence
10:24:45 29 given by ██████████, found guilty by a court in relation to
10:24:49 30 that evidence, or pleaded. Is that something that you've
10:24:54 31 turned your attention to at any stage aside from in the
10:24:58 32 circumstances you've just described?---That's the only
10:25:01 33 circumstance I can think of.
10:25:03 34
10:25:03 35 Right. So you have not put together a list of the people
10:25:10 36 in relation to who ██████████ either provided statements or
10:25:17 37 gave evidence?---I think when I first looked at this I
10:25:23 38 might have started to put a list together.
10:25:24 39
10:25:25 40 Yes?---But I've never distributed it anywhere and I don't
10:25:28 41 think I've completed it.
10:25:30 42
10:25:30 43 Right?---Because I suppose I was anticipating that
10:25:33 44 something along this line might come up.
10:25:36 45
10:25:36 46 Obviously the Commission has itself put together a list and
10:25:43 47 is trying to ascertain and get to the bottom of

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10:25:45 1 this?---Yes.
10:25:45 2
10:25:46 3 Importantly what we're trying to do is establish all of the
10:25:49 4 people who have been convicted, whether by a jury, and I'll
10:25:53 5 ask you in due course who you believe has and that's a
10:25:56 6 fairly limited number, but who pleaded guilty, whether it
10:26:00 7 be in the Magistrates' Court or in the County Court or the
10:26:05 8 Supreme Court, as a result of evidence provided by [REDACTED]
10:26:09 9 [REDACTED]?---Yep.
10:26:10 10
10:26:10 11 And other people who assisted police as a result of the
10:26:14 12 conduct of Ms Gobbo. Now, if the Commission was to provide
10:26:19 13 you with the list that we've put together, would you be
10:26:23 14 able to look at that list and say, "Yes, I can say that's a
10:26:27 15 complete list or an incomplete list", is that something you
10:26:30 16 think you'd be able to do?---I'm certainly - I'm hesitant
10:26:36 17 to say I can 100 per cent say that's a complete list but I
10:26:41 18 have a pretty good understanding of the prosecutions that
10:26:44 19 came from it. There were a lot. So I'm cautious to say
10:26:48 20 that I can tell you 100 per cent of all the people involved
10:26:51 21 but I can give it a good crack.
10:26:52 22
10:26:53 23 Insofar as [REDACTED], other people who have made
10:26:58 24 statements, for example I think [REDACTED] made
10:27:01 25 statements, did he not?---Yes.
10:27:02 26
10:27:05 27 Did he give evidence?---I'm not sure. I don't think I was,
10:27:08 28 had much involvement in those prosecutions.
10:27:11 29
10:27:11 30 Certainly so far as [REDACTED] is concerned you would be the
10:27:14 31 best person in effect to be in charge of that exercise,
10:27:17 32 wouldn't you?---Yes, I would be.
10:27:19 33
10:27:19 34 And yet what about with respect to [REDACTED]?---I think
10:27:23 35 that would be probably better with Mr Rowe, he would have a
10:27:28 36 better understanding of the links with [REDACTED] than I
10:27:31 37 would.
10:27:32 38
10:27:32 39 Right. Does it surprise you that in that position, given
10:27:38 40 the comments of the Court of Appeal in the cases, in the
10:27:42 41 case that's been before it with respect to the conduct of
10:27:47 42 Ms Gobbo and Victoria Police, that you haven't been asked
10:27:50 43 about, to assist in that exercise?---It doesn't overly
10:27:56 44 surprise me. If whoever is considering these things is in
10:28:01 45 a similar position than me, I'm just thinking, well, you
10:28:04 46 know, we'll take each step as it goes. We've got this
10:28:09 47 Royal Commission and we'll see where that leads and if that

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10:28:12 1 leads to affected prosecutions then there will be
10:28:15 2 discussions and more investigation and background material
10:28:18 3 done in respect of those.
10:28:19 4
10:28:20 5 In any event, I'll ask you some questions about the sorts
10:28:23 6 of cases as we go along?---Yep.
10:28:26 7
10:28:26 8 But in any event you're prepared to undertake to provide
10:28:31 9 that assistance to the Commission, are you?---Yes, I am.
10:28:34 10
10:28:34 11 Good. Thanks very much for that. What I'd like to do is
10:28:39 12 just have you look at your diary. I was asking you about
10:28:42 13 what occurred on 14 May when Ms Gobbo came, of 2006, when
10:28:52 14 Ms Gobbo was brought by you to Victoria Police Centre and
10:28:57 15 there met with you and [REDACTED] and so forth. Do you
10:29:00 16 understand that?---Yes, I do.
10:29:01 17
10:29:01 18 Just go to your diary for that day thank you very
10:29:21 19 much?---Yep.
10:29:21 20
10:29:21 21 As we discussed yesterday there was an initial discussion
10:29:28 22 in the Victoria Police Centre where Ms Gobbo was updated
10:29:36 23 with respect to the current status and processes of
10:29:42 24 statements, is that right?---Yes.
10:29:43 25
10:29:44 26 It's noted that there were 17 factual statements at that
10:29:49 27 stage been prepared?---Yes.
10:29:50 28
10:29:51 29 Did that include the statements which had been signed
10:29:53 30 already on the [REDACTED] I think, of [REDACTED]?---I'm not sure. It
10:30:03 31 could, I'm not sure.
10:30:05 32
10:30:05 33 All right. In any event you indicated, and there's a note
10:30:09 34 to the effect, that there was concern with respect to the
10:30:14 35 [REDACTED] which you'd been given, is that
10:30:18 36 right?---Yes.
10:30:18 37
10:30:18 38 And there was also concern that [REDACTED] was protecting
10:30:24 39 others, being his associates?---Yes.
10:30:28 40
10:30:28 41 And effectively he wasn't telling the truth because he
10:30:31 42 wasn't telling the full truth because he was protecting
10:30:35 43 others?---That's what I believed, yes.
10:30:36 44
10:30:37 45 [REDACTED] has given evidence over the years in which he
10:30:40 46 said, "Look it was a fairly incremental process, it was
10:30:46 47 like extracting teeth" I think at one stage he described

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10:30:49 1 it?---Yes.
2
10:30:49 3 When he was began speaking to police and cooperating with
10:30:51 4 the police it was cooperating in inverted commas because
10:30:55 5 certainly when he spoke to you on [REDACTED] 2006 he told you
10:30:59 6 a raft of lies in the interview?---He did.
10:31:02 7
10:31:02 8 Then over time it became a process of gradually teasing
10:31:08 9 out, as far as you were concerned, what you considered to
10:31:11 10 be the truth?---Correct.
10:31:12 11
10:31:14 12 And that meant getting information from other sources to
10:31:18 13 put to [REDACTED] and say to him, "Well look, what do you
10:31:23 14 say about this? It appears that you're not telling the
10:31:26 15 truth about that"?---Well yes, it certainly, anything that
10:31:30 16 he would indicate in his statements, anything that we could
10:31:33 17 confirm, corroborate, we would go out and do that and
10:31:36 18 sometimes it didn't match, it didn't work. So that's when
10:31:41 19 we'd have to go back and say, "Well what you said here is
10:31:44 20 not right".
10:31:44 21
10:31:45 22 Yes. And ultimately to some extent you were criticised I
10:31:48 23 think in cross-examination at various stages like that
10:31:51 24 because effectively it was suggested the court was
10:31:54 25 presented with a final picture which didn't contain that
10:31:58 26 incremental process where [REDACTED] is being dishonest at
10:32:03 27 the outset and gradually being less dishonest as time goes
10:32:07 28 along, and then gets to a stage where he's presented as
10:32:12 29 being now honest, 100 per cent honest. In a nutshell that
10:32:17 30 was the criticism that was made in the process, wasn't
10:32:20 31 it?---I can't recall the exact comments.
32
10:32:25 33 No, I follow?---That sounds correct, yes.
10:32:26 34
10:32:27 35 You get to a stage where as much as possible it's said that
10:32:30 36 his evidence can be corroborated, and that was done by you
10:32:34 37 and other investigators going off and trying to corroborate
10:32:37 38 what he was saying?---Yes.
10:32:39 39
10:32:40 40 One can't help but get the impression that that process was
10:32:45 41 kind of going along here as well by bringing Ms Gobbo in
10:32:49 42 and saying to her, "We think he's not telling the truth,
10:32:53 43 there's problems with respect to financial matters. We
10:32:56 44 don't think he's putting his associates in" and having her
10:33:02 45 there to try and assist him along to get to a state of
10:33:02 46 telling the truth as far as the police were concerned?---To
10:33:04 47 the best of my recollection it was just providing her with

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10:33:07 1 an update and I've made the comment that, "Look, I don't
10:33:09 2 think he's being" - well I don't know exactly what the
10:33:13 3 comment was but something along the lines of, "I don't
10:33:17 4 think he's being truthful about his [REDACTED]
10:33:21 5 and I think he's covering for a few of his colleagues".
6
10:33:24 7 I follow that. And then what you do is say, "Listen, you
10:33:27 8 go and have a chat to [REDACTED], Ms Gobbo, go and have a
10:33:32 9 chat in private", and it might well be the expectation that
10:33:34 10 Ms Gobbo would then in private say, "Listen [REDACTED], if
10:33:39 11 you want to get the full benefit, et cetera, et cetera, you
10:33:43 12 better start toeing the line and telling the truth". It
10:33:47 13 might be suggested perhaps by a cynical person that that
10:33:48 14 was the exercise going on?---I don't think that was the
10:33:52 15 planned exercise but I couldn't argue that's possibly what
10:33:57 16 had happened.
10:33:58 17
10:33:58 18 Ultimately - and Ms Gobbo said herself, and I'll take you
10:34:02 19 in due course to where she said it, as far as she was
10:34:06 20 concerned his value to Victoria Police was if he was
10:34:09 21 telling the truth. If he wasn't telling the truth he was
10:34:12 22 of no value to Victoria Police?---Well, you know, that
10:34:16 23 makes sense.
10:34:16 24
10:34:16 25 It makes sense?---We knew his credibility was going to come
10:34:20 26 under a lot of attacks as a witness so that's why we needed
10:34:23 27 to make sure that everything that went to paper was
10:34:26 28 truthful.
10:34:27 29
10:34:27 30 Indeed, at one point, and I think I suggested to you
10:34:35 31 yesterday and it might have only been partly correct, I
10:34:38 32 suggested to you yesterday there was a falling out between
10:34:40 33 the two of them when [REDACTED] was sentenced and he felt
10:34:44 34 that he'd got more than he deserved. There was another
10:34:47 35 occasion when there was a falling out between Ms Gobbo and
10:34:51 36 [REDACTED] and that was when she perceived he hadn't told
10:34:56 37 the truth in evidence that he'd given and that led to a
10:34:59 38 falling out as well, do you recall that?---Not really, no.
10:35:02 39
10:35:03 40 All right. Just coming back to your notes. There is that
10:35:09 41 discussion and then they go into private for a while and
10:35:13 42 they're in private from about 4.30 and then I think at
10:35:26 43 5.25, is it?---5.25, correct. I must give him a can of
10:35:30 44 Coke and I must have wound it up, indicating to them, you
10:35:34 45 know, "Let's wind it up and we'll conclude in five to ten
10:35:37 46 minutes".
10:35:38 47

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10:35:38 1 Yes. And then that is concluded at 17:45 and he clears
10:35:46 2 with the [REDACTED] at 5:45?---Correct.
10:35:50 3
10:35:51 4 You've said yesterday that Ms Gobbo was a fairly
10:35:54 5 controlling sort of a person, liked to be in control of
10:35:58 6 what was going on, liked to be known as a master of the
10:36:03 7 facts?---Yes, controlling is one of the descriptions I
10:36:06 8 would give on Ms Gobbo, yes.
10:36:07 9
10:36:08 10 Influential?---Yes.
10:36:09 11
10:36:10 12 Certainly had the capacity to influence [REDACTED]?---Well,
10:36:14 13 yes. Yes.
10:36:15 14
10:36:16 15 That's something that was understood, I take it, by you at
10:36:22 16 the time and police that she was a person who was
10:36:26 17 influential with respect to [REDACTED]?---Yes, I'd agree
10:36:31 18 with that.
10:36:32 19
10:36:32 20 She was aware of information which could go into
10:36:36 21 statements, for example, which he hadn't told you
10:36:46 22 about?---That's not - I can't recall any conversations
10:36:49 23 along that line.
10:36:50 24
10:36:51 25 Yes?---It's possible but she, as I indicated yesterday, had
10:36:59 26 not a lot of involvement in the statement taking process.
10:37:01 27
10:37:02 28 Yes?---That was just done by myself and my investigators.
10:37:05 29
10:37:05 30 No, no, I understand?---The only link was that when I
10:37:08 31 dropped off a copy of the statements to an SDU member.
10:37:11 32
10:37:11 33 I follow that. The point is this: she is a person, and to
10:37:16 34 your knowledge was a person who loved it to be known that
10:37:19 35 she was on top of the facts and she was an accumulator of
10:37:23 36 facts and evidence and information?---Yeah, I don't think
10:37:26 37 I'd argue with that, yes.
10:37:27 38
10:37:27 39 It became apparent to you down the track certainly that
10:37:31 40 whenever you had discussions about matters with [REDACTED]
10:37:34 41 he'd be on the blower with Ms Gobbo and they'd be
10:37:37 42 discussing all of these things?---Yes.
10:37:40 43
10:37:43 44 After you have a discussion with Ms Gobbo after [REDACTED]
10:37:52 45 leaves, you remain with Ms Gobbo, discuss the processes of
10:37:57 46 statements, et cetera?---Yes.
10:37:58 47

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10:37:59 1 And then what does it say after that?---"██████████ stated
10:38:05 2 he happy with police", et cetera.
10:38:07 3
10:38:07 4 Right, okay?---So, you know, all was calm in the world
10:38:11 5 between the three of us at that stage.
10:38:14 6
10:38:14 7 Then at five past six you take Ms Gobbo back to her offices
10:38:19 8 in Lonsdale Street and you drop her off at about 20 past
10:38:24 9 6?---Correct.
10:38:24 10
10:38:25 11 You then go and speak to ██████████?---Yep.
10:38:31 12
10:38:31 13 About the meeting that you'd just had?---Yep.
10:38:34 14
10:38:35 15 With Ms Gobbo?---Yep.
10:38:36 16
10:38:37 17 And then there was, there was some ██████████
10:38:40 18 et cetera?---Yes.
10:38:40 19
10:38:41 20 ██████████, right?---Yep.
10:38:43 21
10:38:46 22 And then that's the end of it, is it, at that stage?---Yes,
10:38:53 23 the last line are is then just arranging him some dinner.
10:38:57 24
10:38:59 25 The preparation of statements is going full swing at this
10:39:02 26 stage, you agree with that proposition?---I do. I do.
10:39:05 27
10:39:07 28 The following day there's communication with Ms Gobbo, is
10:39:12 29 that right? Go to p.12 of your diary?---Yes, down the
10:39:21 30 bottom, yes.
10:39:22 31
10:39:22 32 What's that, there's a - - - ?---"██████████ to call ██████████
10:39:27 33 ██████████ to tell him to have ██████████ call Gobbo to
10:39:33 34 obtain number."
10:39:35 35
10:39:36 36 What's that about?---So ██████████ is someone we
10:39:41 37 identified through the statement taking process by ██████████
10:39:44 38 ██████████ He was someone that ██████████ used to access ██████████
10:39:49 39 ██████████ and he was also the one that started putting,
10:39:52 40 there must have been an ██████████ by ██████████
10:39:56 41 to ██████████
42
10:40:01 43 Yes?---So he was the one that started making some, I think
10:40:05 44 he rang Ms Gobbo and he rang ██████████ and said,
10:40:09 45 you know, "██████████" or, "██████████" or
10:40:11 46 something along those lines and he started putting pressure
10:40:14 47 on ██████████'s associates to ██████████

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10:40:16 1
10:40:17 2 Is it the case that Ms Gobbo was aware of the possibility
10:40:21 3 that [REDACTED] might be able to make a statement against
10:40:26 4 [REDACTED] and I think add him to the list of
10:40:32 5 people that he had brought to the attention of police and
10:40:36 6 possibly put before the courts?---She certainly would have
10:40:42 7 become aware of it at some stage.
10:40:44 8
10:40:44 9 I can't find it here at the moment, I know I've seen a note
10:40:49 10 to the effect that Ms Gobbo is saying that he may well be
10:40:53 11 another, in effect, notch to [REDACTED]'s belt, something
10:40:57 12 along those lines?---Yes, we did do an operation on
10:41:02 13 [REDACTED]
10:41:03 14
10:41:03 15 You did do an operation on him?---Yes, we did.
10:41:05 16
10:41:05 17 Arising out of the statements made by [REDACTED]?---Yes.
10:41:08 18
10:41:08 19 Was he found guilty of an offence?---I believe so, yes.
10:41:11 20
10:41:11 21 Pleaded guilty?---Yes.
10:41:12 22
10:41:14 23 If we then move on. We get now to - just excuse me.
10:41:24 24 Perhaps if we go to p.17 of your diaries. There was
10:41:29 25 information that was provided by [REDACTED] that led to an
10:41:34 26 arrest of a person by the name of [REDACTED] is that right,
10:41:37 27 [REDACTED] --- [REDACTED] was the [REDACTED] person
10:41:41 28 that was in [REDACTED] on the night of the [REDACTED] leading
10:41:45 29 into the [REDACTED]
10:41:46 30
10:41:47 31 Yes?---He was arrested in relation to his involvement with
10:41:50 32 that.
10:41:51 33
10:41:51 34 Right. And he was arrested I think in the latter part of
10:41:58 35 [REDACTED] is that right?---Sorry, on this day that you were
10:42:01 36 mentioning - - -
10:42:01 37
10:42:02 38 [REDACTED] is that right?---[REDACTED], yes.
10:42:06 39
10:42:09 40 Subsequently I think he was charged and pleaded guilty, is
10:42:14 41 that right?---I think so, yes.
10:42:15 42
10:42:16 43 And Ms Gobbo, do you know whether she represented him or
10:42:25 44 advised him at any stage?---Well, in my notes for this day
10:42:29 45 of the arrest he's actually asked to speak to [REDACTED],
10:42:38 46 so there doesn't appear to be any mention of Ms Gobbo on
10:42:40 47 that day.

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10:42:41 1
10:42:41 2 Not at that stage but it may well be that down the track
10:42:43 3 Ms Gobbo did provide advice, legal services to [REDACTED]
10:42:52 4 Are you aware of that or not?---I'm not sure, no.
10:42:54 5
10:42:55 6 Okay, righto. Then if we go to 19 May. If you have a look
10:43:02 7 at your diary at p.20. Is there a communication with
10:43:06 8 Ms Gobbo?---Yep. That's just she wanted to drop, she
10:43:11 9 wanted to give me some books for him to read whilst he was
10:43:15 10 in custody.
10:43:15 11
10:43:15 12 Yes?---Yes, so that was just, we were just trying to - from
10:43:27 13 my notes it doesn't look like we could work out a time we
10:43:31 14 could meet to pick them up but I know we eventually did.
10:43:35 15
10:43:36 16 Just before I go to that, were you aware that [REDACTED] made
10:43:41 17 an application for bail? Were you involved in that?---Not
10:43:45 18 that I can recall, no. So Detective Senior Constable [REDACTED]
10:43:48 19 was the informant for [REDACTED], so.
10:43:53 20
10:43:53 21 All right. Perhaps if we go to ICR p.302. That indicates
10:44:04 22 that at 20:52 on [REDACTED] [REDACTED] in custody for [REDACTED]
10:44:16 23 Having a bail application tomorrow. Mr Richter is
10:44:19 24 representing him and will cross-examine the informant
10:44:21 25 regarding informers and when she knew of the arrest. [REDACTED]
10:44:29 26 [REDACTED] is the solicitor which leads Ms Gobbo to conclude
10:44:34 27 that Horthy would have told him because obviously Kowalski
10:44:39 28 is a solicitor for Horthy apparently?---Yes.
10:44:42 29
10:44:43 30 [REDACTED] would have told [REDACTED] and you're advised of this
10:44:44 31 and the informant is [REDACTED] and he's aware of the issue, do
10:44:47 32 you see that?---I do.
10:44:48 33
10:44:49 34 Then at 21:20 she's phoned. She's advised that you're
10:44:53 35 aware of the [REDACTED] bail application issues. She has had
10:44:57 36 a conference with [REDACTED] today regarding another matter
10:45:01 37 and he didn't mention the [REDACTED] matter. Obviously that's
10:45:06 38 a clear example of her being compromised if police officers
10:45:11 39 who were aware of the arrest and of [REDACTED] involvement,
10:45:20 40 her name could come out as being involved on that
10:45:24 41 night?---Yeah, I can't, I can't recall what the actual
10:45:32 42 issues were.
10:45:33 43
10:45:33 44 Yes?---But - and what this is actually referring to. I
10:45:39 45 don't, I just don't have a recollection of her being
10:45:41 46 involved in this part of it at all, but - and I wouldn't
10:45:48 47 have thought the concerns that we discussed yesterday about

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10:45:50 1 a committal hearing and her name coming out would have been
10:45:54 2 a concern at that stage.
10:45:54 3
10:45:55 4 It may or may not be right, but certainly so far as she was
10:45:59 5 concerned she's told the handlers that Richter is
10:46:02 6 representing him and he will cross-examine the informant,
10:46:07 7 that's ██████, regarding informers?---Right.
8
10:46:10 9 When HS, that is Ms Gobbo, knew of the arrest, et cetera.
10:46:13 10 So that makes it reasonably clear that she's concerned
10:46:17 11 about a court process occurring and a barrister
10:46:21 12 cross-examining ██████ about any informers that they may
10:46:25 13 have and her name coming up, or at least the risk of her
10:46:27 14 name coming up as an informer?---That appears to be what
10:46:31 15 that entry refers to.
10:46:31 16
10:46:31 17 Did ██████ tell you anything about that at all?---This is the
10:46:35 18 ██████ is that correct, this entry?
10:46:38 19
10:46:38 20 Yes, it seems you have spoken to ██████ about it and made him
10:46:41 21 aware of those issues. That's what that note appears to
10:46:44 22 suggest. Detective Sergeant Flynn advised, that is the SDU
10:46:48 23 advised you and you're going to speak or that you've
10:46:54 24 already discussed it with ██████ and ██████'s aware of those
10:46:57 25 issues, that's what that appears to suggest?---Yes, so I
10:47:00 26 don't have any notes that can help me except for the fact
10:47:02 27 that my last entry for ██████ is a telephone call that I
10:47:06 28 made to an SDU member. But I don't, I've just got an "all
10:47:10 29 correct", I don't have any details.
10:47:12 30
10:47:12 31 What time is that?---That's at 9 o'clock, 9 pm.
10:47:15 32
10:47:16 33 Yes, okay. So that would seem to be consistent with the
10:47:25 34 SDU note at 21:20 that she is phoned by the SDU and told
10:47:32 35 that Flynn is aware of the ██████ bail application issues
10:47:35 36 as discussed in the previous entry?---That appears to be
10:47:39 37 correct, yes.
10:47:40 38
10:47:46 39 You would have, I assume, had a discussion with ██████ about
10:47:49 40 those issues, that is the concern that Ms Gobbo's name
10:47:53 41 might come out. Is that something that you're likely to
10:47:57 42 have discussed with ██████?---I don't have a record of it
10:48:01 43 but I would suggest that that probably would be a concern,
10:48:04 44 yes.
10:48:04 45
10:48:05 46 You would have, I assume, reiterated to him that if there
10:48:07 47 was any issue about informers, that he would have to make a

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10:48:12 1 claim for public interest immunity?---Yes.
10:48:14 2
10:48:14 3 That would be the advice that you'd give him I assume,
10:48:18 4 wouldn't it?---I can't remember actually giving him that
10:48:20 5 advice but that would make sense, yes.
10:48:22 6
10:48:22 7 That would make sense, okay. All right. Now then if we go
10:48:27 8 to - so come back to 19 May. There's the issue about the
10:48:34 9 books that she wants to get to [REDACTED]?---H'mm.
10:48:37 10
10:48:42 11 And then there's a telephone call to Ms Gobbo. You're
10:48:46 12 unable to fix a time, is that right?---I'm struggling to
10:48:53 13 read my own writing here.
10:48:55 14
10:48:55 15 Unavailable?---"Unavailable at work. Gobbo still at home."
10:48:59 16 So I'm just, I think I just wasn't in a position to come
10:49:03 17 and pick them up then. I came and picked them up on the -
10:49:07 18 - -
10:49:07 19
10:49:07 20 On the Sunday?---On the Sunday, correct.
10:49:09 21
10:49:10 22 Then on the Sunday it appears that - if we can go to that.
10:49:13 23 You get a telephone call from [REDACTED] of the
10:49:19 24 [REDACTED]?---Yep.
10:49:19 25
10:49:19 26 [REDACTED] is complaining about the conditions, et cetera?---Yes.
10:49:23 27
10:49:24 28 Something "extreme". You spoke to him. "Extremely" - -
10:49:27 29 -?---"Upset."
10:49:28 30
10:49:28 31 "Upset"?---"Re current living conditions."
10:49:30 32
10:49:31 33 Yes?---"Requesting to go back to [REDACTED]."
10:49:33 34
10:49:33 35 [REDACTED], et cetera?---Yep.
10:49:35 36
10:49:35 37 And you contact Mr O'Brien and you notify him about
10:49:39 38 that?---Yes.
10:49:40 39
10:49:42 40 So that's a concern obviously?---Yes.
10:49:44 41
10:49:45 42 If he's upset Purana is upset, they're worried, is that
10:49:48 43 fair to say?---Yep.
10:49:49 44
10:49:49 45 So you contact O'Brien and discuss that. Then what you do
10:49:55 46 is at 2.30 you go and speak to Gobbo with respect to [REDACTED]
10:50:02 47 [REDACTED]---Yep.

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10:50:02 1
10:50:06 2 And you go to - - - ?---I speak to her re [REDACTED].
10:50:13 3
10:50:13 4 Yes?---Pick up some books.
10:50:15 5
10:50:16 6 From her?---Yep.
10:50:17 7
10:50:17 8 You speak to her regarding [REDACTED]'s welfare?---Welfare and
10:50:21 9 future, yep.
10:50:22 10
10:50:22 11 That's quite a lengthy meeting you have?---It is.
10:50:27 12
10:50:27 13 From 14:30 through to 17:20. So it's nearly three hours,
10:50:35 14 is that right?---It's close to three hours, yes.
10:50:37 15
10:50:40 16 So there's obviously - do you recall that at all or
10:50:46 17 not?---I remember picking up the books and delivering them
10:50:49 18 to the prison for [REDACTED] but I can't with any certainty
10:50:54 19 detail the conversation we had at the time.
10:50:57 20
10:50:57 21 Yes. Do you know where it was?---I think it was at her
10:51:00 22 office.
10:51:00 23
10:51:00 24 So you went to her office and you were having discussions
10:51:03 25 with her?---Yeah. I'm actually not sure because if you'd
10:51:09 26 asked me before I looked at this entry I would have just
10:51:12 27 said I went there, picked the books up and left. But it
10:51:15 28 does indicate that I was there for longer. I'm not sure if
10:51:18 29 we had a, it was a Sunday so I don't even know if anything
10:51:23 30 would have been open. Maybe I spoke to her at her office.
10:51:26 31
10:51:26 32 Did you have - at that stage you say you didn't have a day
10:51:30 33 book?---That's - what day are we in? Yes, I didn't have a
10:51:37 34 day book, correct.
10:51:37 35
10:51:38 36 Did you have any other documents or did you take with you,
10:51:42 37 for example, A4 pads that you would write information down
10:51:45 38 on and record information on?---Generally no. Sometimes I
10:51:50 39 have Post-it Notes and things like that just to whack into
10:51:53 40 a diary, but whether I had one on this day or not I've got
10:51:57 41 no idea.
10:51:57 42
10:51:59 43 Were there times where you discussed with Ms Gobbo the
10:52:01 44 process of statement taking and, for example, show her
10:52:04 45 draft statements or discuss with her draft
10:52:07 46 statements?---No.
10:52:07 47

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10:52:08 1 No?---No.
10:52:09 2
10:52:10 3 Why wouldn't you do that? I mean if Ms Gobbo had
10:52:13 4 information, and she did seem to have an encyclopedia
10:52:19 5 amount of information about drug trafficking, drug
10:52:21 6 traffickers, she knew and acted for the Mokbels and various
10:52:27 7 other people, she would be able to provide you, wouldn't
10:52:29 8 she, with a lot of corroborative information which might
10:52:32 9 well be of assistance in making statements?---If I can just
10:52:36 10 retract my last answer in relation to showing her
10:52:41 11 statements.
12
10:52:41 13 Yes?---I didn't do that. The only time I ever did that was
10:52:44 14 to provide a copy to the SDU which I mentioned before and
10:52:47 15 that was later on down the track. Certainly, as we've
10:52:51 16 discussed previously on what occurred on the 14th
17
10:52:53 18 Yes?---I would speak to her about, "Yes, he's made these
10:52:56 19 statements, he's doing this, we're going to take this one
10:52:57 20 tomorrow" and have a general conversation about that
10:53:00 21 statement taking process.
10:53:02 22
10:53:02 23 Yes. I'm not suggesting at all that you had any improper
10:53:05 24 relationship with Ms Gobbo at all, you were clearly friends
10:53:09 25 but a professional relationship, would that be fair to
10:53:11 26 say?---Yes.
10:53:12 27
10:53:12 28 If there is a situation where you're in her office for
10:53:16 29 three hours or thereabouts, it obviously isn't three hours,
10:53:20 30 you'd be talking business, wouldn't you? You're not there
10:53:23 31 for pleasurable communications with Ms Gobbo?---Well, I
10:53:28 32 would suggest most of the times we'll be talking about
10:53:32 33 [REDACTED]
10:53:33 34
10:53:33 35 I mean three hours is a long time just to talk about [REDACTED]
10:53:38 36 [REDACTED] grizzling about living conditions?---Well, you know,
10:53:42 37 Ms Gobbo certainly knew how to talk.
10:53:45 38
10:53:45 39 No doubt, no doubt. But when she talks she would be giving
10:53:50 40 information, she would be telling you what she
10:53:53 41 knows?---Yes. Well if she told me anything of great value
10:53:57 42 I would suspect I would have made a note of it. I believe
10:54:00 43 this would just be general conversation about [REDACTED]'s
10:54:06 44 welfare and, you know, the whole process that was
10:54:12 45 occurring.
10:54:13 46
10:54:13 47 You take the point that that's a fairly long time just to

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10:54:16 1 be talking about those matters. That can be dealt with
10:54:20 2 fairly swiftly?---It could be, but as I said she did like
10:54:23 3 to talk. If it was, you know, a day I was working and I
10:54:27 4 wasn't in a particular hurry we might talk for a while. It
10:54:31 5 surprises me the time, I admit that, but I don't think
10:54:37 6 there would be anything of great importance to me that was
10:54:42 7 discussed during that conversation. I think it was just
10:54:45 8 general chitchat.
10:54:46 9
10:54:46 10 Did you not have a notebook or any other sort of book that
10:54:50 11 you'd carry with you?---Well, since I gave away using day
10:54:55 12 books I'd just take my diary with me. So I would have had,
10:54:58 13 you know, whether I left it in the car or took it up into
10:55:02 14 the office I can't really say but generally I'd be in close
10:55:07 15 proximity to my diary.
10:55:08 16
10:55:10 17 Then what you do is you go, this is on a Sunday, obviously
10:55:17 18 you're at work I assume?---Yes.
10:55:20 19
10:55:20 20 You're working on this day. You have family, you've got
10:55:24 21 kids and so forth. And if you're working you're working
10:55:28 22 and you've got a lot of work to do. You're not going to be
10:55:34 23 moseying about and wasting time, you're working, do you
10:55:38 24 agree with that?---Yeah, I'm working, that's correct. It's
10:55:40 25 a workday.
10:55:41 26
10:55:41 27 Having been with Ms Gobbo for a significant period of time
10:55:44 28 you clear and then you go straight away and see [REDACTED]
10:55:48 29 [REDACTED]?---I do.
10:55:49 30
10:55:50 31 You supply him the books?---Yep.
10:55:51 32
10:55:51 33 And what's that?---Dinner.
10:55:53 34
10:55:53 35 Dinner?---I arranged dinner for him.
10:55:55 36
10:55:56 37 You discuss accommodation?---Yep.
10:55:58 38
10:55:58 39 Plans, et cetera?---Yep.
10:56:00 40
10:56:01 41 And there you clear at 20 past 10?---20 past 8.
10:56:08 42
10:56:08 43 Eight, I'm sorry. That is sort of another two and a half
10:56:11 44 hours?---Yep.
10:56:12 45
10:56:13 46 Are you involved in the statement taking process
10:56:15 47 then?---No, I don't believe so.

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10:56:16 1
10:56:16 2 Did you have a laptop computer with you that you were
10:56:19 3 carrying with you?---Possibly I had the laptop we were
10:56:24 4 using to take statements but I think if I was taking
10:56:26 5 statements I would have made a comment in my diary about
10:56:30 6 it.
10:56:30 7
10:56:34 8 So it may well be that you had your laptop computer with
10:56:38 9 you when you're with Ms Gobbo?---Well it might have been in
10:56:42 10 the car. I couldn't see any reason to take it up to her
10:56:45 11 office if that's where in fact we met.
10:56:47 12
10:56:48 13 Unless you were adding information to statements?---No, I
10:56:51 14 wasn't doing that.
10:56:52 15
10:56:52 16 Okay, all right. Then you having left there you make a
10:56:58 17 telephone call to Inspector O'Brien, you update?---Yep.
10:57:02 18
10:57:02 19 You also then call Mr Smith and you update him?---Yep.
10:57:05 20
10:57:06 21 What would be the reason for contacting Mr Smith?---It was
10:57:10 22 quite common for me to contact Mr Smith if I had spent time
10:57:15 23 with Ms Gobbo.
10:57:19 24
10:57:24 25 Just excuse me. I wonder if we can go to the ICRs on that
10:57:37 26 date, 21 May, just to round it off. There's information
10:57:59 27 there that she spent an hour and a half on the phone to
10:58:03 28 [REDACTED]. Then you came and see her for two hours?---Yep.
10:58:10 29
10:58:11 30 "He's fed up with conditions, wanted to rant and rave about
10:58:14 31 things. He now realises he won't [REDACTED] again for a
10:58:16 32 long time. Doesn't have anyone else in his life so he
10:58:16 33 relies on her for support. Also he's promised the world,
10:58:19 34 being staying in a [REDACTED] et cetera. If we then go
10:58:30 35 on, if we move over the page - that appears to be
10:58:32 36 consistent with his grizzles about his living
10:58:36 37 conditions?---Yes.
10:58:37 38
10:58:37 39 He's had that discussion with her?---Yes.
10:58:40 40
10:58:41 41 Come back down, please. There doesn't appear to be any
10:58:46 42 reference to communication with you from her. Can you come
10:58:51 43 back down again. I'm sorry, I withdraw that. Came and saw
10:59:01 44 you for two hours, righto. And there doesn't appear to be
10:59:07 45 any reference to a telephone call between you and the
10:59:15 46 handler, does there? Okay?---No, there doesn't.
10:59:24 47

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10:59:26 1 The next thing you do is, if we go over the page, the
10:59:32 2 following day, 22 May, you have a briefing with Detective
10:59:37 3 Inspector O'Brien. There's a Posse update?---Yep.
10:59:40 4
10:59:40 5 And you also brief him on Sunday's meeting with Ms Gobbo
10:59:45 6 and [REDACTED]?---Correct.
10:59:46 7
10:59:51 8 And what would that briefing have been about? Basically
10:59:54 9 just filling him in on what had occurred?---Yes.
10:59:57 10
11:00:00 11 29 May there's a discussion with Ms Gobbo at about
11:00:16 12 7.35?---I ring her.
11:00:17 13
11:00:17 14 Yes?---No, sorry, I receive a call from her.
11:00:19 15
11:00:20 16 Yes?---Re visit to [REDACTED] in [REDACTED]
11:00:27 17
11:00:27 18 Right?---And then I make a call to Corrections re her
11:00:32 19 visit. So I must have helped facilitate that visit.
11:00:35 20
11:00:35 21 Was that usual to facilitate calls, facilitate meetings,
11:00:40 22 I'm sorry, between Ms Gobbo and [REDACTED]?---It happened on
11:00:43 23 several occasions. She had access to go and see him but
11:00:47 24 sometimes didn't like the time that she was allowed to
11:00:53 25 spend with him, wanted longer times and asked me to help
11:00:59 26 facilitate additional, you know, being allowed to stay
11:01:00 27 there for longer times.
11:01:03 28
11:01:03 29 Right. And in peculiar circumstances, that is not in the
11:01:07 30 usual visit room?---I don't know where they met. I
11:01:11 31 actually have no idea where they did their visits. I don't
11:01:14 32 recall that being part of my involvement in facilitating
11:01:20 33 the visit. It was just to get extended times. Or, you
11:01:25 34 know, it might even be that she wasn't allowed to do a
11:01:28 35 visit that day because of some other reason and I might
11:01:32 36 have just been organising it from that point of view.
11:01:34 37
11:01:35 38 The Commission has information to the effect that on
11:01:37 39 occasions she was provided with a room in which to see
11:01:46 40 [REDACTED] which wasn't in the usual visit area, it was
11:01:52 41 something else. Away from the visits area, like [REDACTED]
11:01:59 42 [REDACTED] or something like that. Do you know anything about
11:02:02 43 that?---So until that last sentence I thought I didn't know
11:02:07 44 anything about it but I'm just thinking that there may have
11:02:09 45 been a concern about if other prisoners observed him
11:02:14 46 meeting with her, that may have created some problem. So I
11:02:20 47 can't remember how it was organised or who organised it but

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11:02:23 1 it's possible that there was something put in place so that
11:02:27 2 their meeting would be in less, you know, hidden from other
11:02:32 3 prisoners or other visitors.
11:02:34 4
11:02:34 5 Would they be able to have meetings in private where other
11:02:38 6 people, where they wouldn't be within view of other people,
11:02:41 7 in view of prison officers and so forth?---I don't know
11:02:45 8 that.
11:02:46 9
11:02:46 10 Did you understand that they were in an intimate
11:02:48 11 relationship at that stage?---I knew they were very close
11:02:53 12 but to what extent I don't know.
11:02:56 13
11:02:56 14 All right. When you say you knew they were close, is that
11:03:06 15 something that you'd been told by Ms Gobbo or [REDACTED] or
11:03:10 16 both?---Both.
11:03:11 17
11:03:12 18 When you say close, close emotionally?---Yes, they were
11:03:19 19 close emotionally. There was, you know, if they turned
11:03:23 20 around and indicated to me that they were having an
11:03:26 21 intimate relationship that wouldn't have surprised me, but
11:03:29 22 they never actually said that, so.
11:03:31 23
11:03:32 24 You never got the impression that they were having or she
11:03:35 25 was having, if you like, conjugal visits, I'm not
11:03:37 26 suggesting that's the case at all?---No, not at all.
11:03:40 27
11:03:41 28 The person making the arrangements was [REDACTED] is that
11:03:46 29 right, [REDACTED]?-- [REDACTED] is an employee of
11:03:52 30 Corrections, so he was one of a couple of contacts I had at
11:03:57 31 Corrections to assist me.
11:03:57 32
11:03:58 33 In any event, insofar as it was possible for you to
11:04:02 34 facilitate meetings between the two of them that was
11:04:06 35 done?---Yes, on occasion, yes.
11:04:07 36
11:04:13 37 Was he taken back to [REDACTED] because he wasn't satisfied
11:04:17 38 with the conditions where he was having the statements
11:04:20 39 taken or was that for some other reason?---No, he was taken
11:04:24 40 back to [REDACTED] because he wasn't happy with where he was
11:04:27 41 staying.
11:04:27 42
11:04:28 43 Then if we go down to 31 May I think it is on p.24. It
11:04:37 44 seems that there's more, statements are being taken for the
11:04:41 45 Posse brief, is that right?---Yep.
11:04:43 46
11:04:43 47 You make a telephone call to [REDACTED] to arrange a visit

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11:04:48 1 with [REDACTED], is that right?---I'm just not sure if it
11:04:58 2 was for her or for ourselves.
11:05:01 3
11:05:01 4 You receive a telephone call from Ms Gobbo at about the
11:05:05 5 same time?---Straight after, yes.
11:05:06 6
11:05:06 7 But you don't know whether it was for her or for
11:05:10 8 yourselves?---I would suggest it's actually probably for
9
10
11:05:12 11 Yes?---To continue on with the statement taking process.
11:05:14 12
11:05:16 13 What's the - - - ?---And on the next day I do that, so that
11:05:20 14 makes sense.
11:05:21 15
11:05:21 16 You receive a telephone call from Ms Gobbo in relation to -
11:05:24 17 - - ?---[REDACTED] that is.
11:05:25 18
11:05:26 19 She's giving you information directly about [REDACTED], is
11:05:29 20 that right?---She's telling me that she had received a
11:05:32 21 telephone call from [REDACTED].
11:05:33 22
11:05:36 23 And did she provide information to you?---Well, if she did
11:05:39 24 I haven't written it down.
11:05:42 25
11:05:42 26 Okay?---I think she's just telling me that - I'm really not
11:05:49 27 sure but by the fact that I haven't made any more details
11:05:52 28 it's probably just a repeat of what happened earlier, he's
11:05:57 29 [REDACTED].
11:05:58 30
11:05:58 31 You obviously were discussing, or she was of the view that
11:06:01 32 you were interested in knowing what was going on with
11:06:04 33 respect to [REDACTED], I assume?---We did end up doing an
11:06:08 34 investigation that commenced around [REDACTED]
11:06:11 35
11:06:12 36 Yes?---I don't think we started it for several months at
11:06:15 37 this stage.
11:06:15 38
11:06:15 39 Yes?---We were very, very focused at this stage on just
11:06:20 40 obtaining all the information from [REDACTED].
11:06:22 41
11:06:24 42 Did you receive information from her on occasions?---I
11:06:30 43 think I've answered once before that, you know, we would
11:06:35 44 meet quite often, especially after [REDACTED]'s arrest.
11:06:38 45
11:06:38 46 Yes?---But, you know, we knew that in relation to the
11:06:44 47 transfer of information that should go through SDU.

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11:06:47 1
11:06:47 2 Yes?--As you indicated in one of the previous days, I knew
11:06:53 3 that she was a human source and she knew that I knew she
11:06:56 4 was a human source. So occasionally she might make
11:07:00 5 comments about, "I've got to meet with your friends" or
11:07:03 6 something along those lines but generally she wouldn't pass
11:07:08 7 on information to me.
11:07:11 8
11:07:13 9 Can I just - on 29 May - perhaps if I can just back track.
11:07:27 10 If we can go to the ICR p.312. Monday 29 May 2006. It
11:07:43 11 appears that the handler was called by Ms Gobbo. She'd
11:07:47 12 spent the day with [REDACTED]. It appears that he's
11:07:54 13 [REDACTED] to her but resigned to the fact that it
11:07:57 14 cannot happen?---Yep, I read that.
11:08:00 15
11:08:00 16 And she feels guilty. See that?---Yep.
11:08:09 17
11:08:13 18 Were you aware that he'd proposed to her?---Not in any
11:08:17 19 serious attempt. To the best of my recollection [REDACTED]
11:08:23 20 would tell me that Ms Gobbo was infatuated, he could
11:08:32 21 progress the relationship if he wanted to but he didn't.
11:08:37 22 Then when I spoke to Ms Gobbo she would kind of indicate
11:08:39 23 the reverse, that it was him who was pushing the
11:08:42 24 relationship. So it didn't really, you know, concern me
11:08:47 25 that much at that stage.
11:08:48 26
11:08:48 27 Save that it was, as far as you were concerned, useful
11:08:52 28 because a close relationship between the two of them meant
11:09:00 29 that if he was happy then at least there was the likelihood
11:09:04 30 that you had the ability to continue to keep him on
11:09:10 31 side?---So certainly from the point of view that she would
11:09:17 32 assist - he would seek comfort from her.
11:09:19 33
11:09:19 34 Yes?---And that would keep him happy.
11:09:22 35
11:09:22 36 Yes?---That was of assistance to me, yes.
11:09:24 37
11:09:26 38 If we go to 28 of your notes. You go out to [REDACTED] Prison.
11:09:37 39 You're in the statement taking process there. You're there
11:09:39 40 for quite some time?---Yep.
11:09:42 41
11:09:42 42 You go out there in the morning at 9.20 and then you clear
11:09:45 43 at 15:00 hours, 3 o'clock?---Sorry, are we still on the
11:09:51 44 24th?
11:09:52 45
11:09:52 46 I'm sorry, 28. Page 28, 6 June?---Yes.
11:10:01 47

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11:10:09 1 You make a telephone call to Nicola Gobbo?---Yep.
11:10:14 2
11:10:17 3 And it's about [REDACTED]?---Yep.
11:10:20 4
11:10:23 5 And what's the - "statements close to being completed", is
11:10:29 6 that right?---Correct.
11:10:30 7
11:10:32 8 Do you know why you would have contacted her to tell her
11:10:35 9 that?---Well I had updated her previously, I was just
11:10:39 10 updating her again, so.
11:10:41 11
11:10:41 12 Right. And then you make a telephone call, having spoken
11:10:45 13 to her you make a telephone call to Mr O'Brien and updated
11:10:48 14 him as well?---Yes.
11:10:49 15
11:10:51 16 The next day you're making, there's notes about [REDACTED]'s
11:11:01 17 statements again, is that right, at 7.35?---I've printed
11:11:09 18 out the statement there, yes.
11:11:10 19
11:11:11 20 So you've printed out the statements?---Yes. Then I've had
11:11:15 21 a conference with Mr O'Brien, another Detective Sergeant
11:11:18 22 Johnson, Detective Sergeant Jason Kelly.
11:11:22 23
11:11:22 24 Yes?---And I think it was Sean Martin.
11:11:26 25
11:11:27 26 All right?---And it was just planning the next steps of
11:11:31 27 Operation Posse.
11:11:32 28
11:11:33 29 How many statements do you think at that stage you'd
11:11:37 30 taken?---Twenty-odd.
11:11:44 31
11:11:45 32 Those printed statements would be properly described as
11:11:49 33 draft statements, would they, drafts of statements?---I
11:11:57 34 don't know if I would describe them that way but I accept
11:12:00 35 if that's how you want to describe them. They hadn't been
11:12:04 36 signed at that stage, they were possibly, there were
11:12:07 37 further amendments before they were signed.
11:12:08 38
11:12:08 39 Yes?---But, you know, if you want to call them draft
11:12:13 40 statements, we'll call them draft statements.
11:12:14 41
11:12:15 42 Let's be frank. You know you've given evidence in court
11:12:18 43 and you've said they weren't draft statements, haven't
11:12:23 44 you?---That's right, yes.
11:12:23 45
11:12:25 46 That's why would it be fair to say you're a bit reluctant
11:12:30 47 to describe them as draft statements?---No, it's just not a

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11:12:33 1 term that I ever used - when you talk about draft
11:12:35 2 statements I'm thinking about well, yes, that's saved, as
11:12:38 3 we discussed yesterday, that's saved and kept there forever
11:12:41 4 and a day, which as I explained yesterday wasn't done.
11:12:45 5 This is just, this was just statements or printing off for
11:12:52 6 members of the crew.

11:12:55 7
11:12:57 8 In any event, what happened to these statements, these
11:13:03 9 statements, whatever you call them, whether they're drafts
11:13:08 10 or otherwise, what happened to them?---It's not clear in my
11:13:20 11 notes but I can only suggest that because I was going into
11:13:26 12 this conference with Mr O'Brien, that they were for his
11:13:30 13 perusal and possibly other members of the crew's perusal.

11:13:35 14
11:13:35 15 So it was basically to bring everyone up to speed about
11:13:40 16 where you were at, the state of play with the statement
11:13:44 17 taking process?---Yes, and start, you know, reviewing the
11:13:49 18 contents and about what we're going to have to do to verify
11:13:52 19 what's in those statements.

11:13:54 20
11:13:57 21 Clearly those statements had not been completed?---Well
11:14:01 22 they hadn't been signed, that's correct, yes.

11:14:03 23
11:14:15 24 Was there any standing order or instruction within Purana
11:14:21 25 about what happens or what would be done with those
11:14:26 26 statements, those unsigned statements?---No.

11:14:29 27
11:14:34 28 Was there a practice as to what would be done with
11:14:41 29 those?---Not that I can recall, no.

11:14:47 30
11:14:51 31 Were those statements - did you print off a single copy of
11:14:55 32 each statement or more than one copy to distribute to each
11:14:59 33 of the people at the meeting?---I don't know.

11:15:02 34
11:15:03 35 All right. Now, I take it those statements weren't ever
11:15:07 36 disclosed in any court proceeding?---Well the only
11:15:11 37 statements we'd disclosed were the final signed ones, yes.

11:15:17 38
11:15:17 39 I follow that. Were there any, was there any call during
11:15:22 40 any court proceedings for draft statements?---I don't know.

11:15:29 41
11:15:30 42 If there had been such a call would those statements have
11:15:35 43 existed at that stage or would they have been destroyed at
11:15:40 44 that stage?---I suspect they would have been destroyed. I
11:15:43 45 mean it's possible they were still with the investigators.

11:15:46 46
11:15:45 47 Yes?---But I'm just trying to recall, you know, what the

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11:15:49 1 process was once a statement had been altered, you know, we
11:15:54 2 needed to make sure the previous one had been destroyed so
11:15:57 3 we didn't get them mixed up.
11:15:59 4
11:16:00 5 Can I ask you this: if the practice was not to retain
11:16:05 6 statements, the drafts or whatever you might call them,
11:16:10 7 preparatory statements or unsigned statements, that was -
11:16:13 8 and your practice was not to - and you gave evidence about
11:16:17 9 this yesterday?---Correct.
11:16:19 10
11:16:21 11 Not to do it in incremental stages and retain the
11:16:25 12 increments but just to have the final version presented to
11:16:28 13 the court?---Yes.
11:16:28 14
11:16:29 15 Was there - that being the case was there an instruction
11:16:36 16 given that any such drafts or unsigned statements be
11:16:40 17 destroyed?---Possibly. I can't, I can't recall ever giving
11:16:46 18 that instruction or receiving it.
11:16:47 19
11:16:47 20 Yes?---But it's possible.
11:16:51 21
11:16:51 22 Yes, all right. Was there a practice that that be
11:17:01 23 done?---What do you mean, a wider practice across Victoria
11:17:03 24 Police?
11:17:03 25
11:17:04 26 Within Purana I'm talking about. Let's confine it to
11:17:07 27 Purana. You've spoken about speaking to Bateson and Ryan
11:17:12 28 about what they did. Within Purana was there an
11:17:15 29 understanding that there would not be drafts kept, a final
11:17:22 30 version of the statement would be presented to the court by
11:17:24 31 way of hand-up brief and anything which had been done on
11:17:27 32 the way to that final version ought be destroyed. Was that
11:17:30 33 the practice or the understanding?---That was, I can't
11:17:34 34 extend that any further than what I said yesterday about my
11:17:37 35 conversation with Mr Bateson. I suspect because he gave me
11:17:44 36 that advice that that was a practice that he was using, but
11:17:47 37 I don't actually know that.
11:17:49 38
11:17:49 39 Yes?---And there are other areas of Purana that were still
11:17:52 40 involved in the Homicide investigations. I'm not sure what
11:17:55 41 their practice was.
11:17:56 42
11:17:57 43 All right, thanks very much. One assumes that - you
11:18:31 44 mentioned statements not getting mixed up, but can I
11:18:36 45 suggest this to you, that if you're adopting the practice
11:18:41 46 of having one statement and one statement only, it almost
11:18:44 47 follows, doesn't it, that you take the view that it's

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11:18:49 1 cumbersome and it's difficult to have a whole lot of
11:18:53 2 different versions. If those versions are kept, which
11:19:01 3 isn't the practice, they're going to be available if
11:19:05 4 there's a subpoena to produce any drafts or anything like
11:19:09 5 that?---Um - - -
11:19:15 6
11:19:15 7 That question is unclear, I'll start again?---Yes, thank
11:19:18 8 you.
11:19:18 9
11:19:19 10 A subpoena or a request for draft statements would
11:19:23 11 ordinarily pick up those sorts of statements, would they
11:19:26 12 not?---If they were in existence, yes.
11:19:28 13
11:19:28 14 If they were in existence?---Yes.
11:19:31 15
11:19:32 16 If the view is taken that, "We're going to use the practice
11:19:35 17 of having one statement only and not the previous
11:19:38 18 iterations of the statement", then it would be, I suggest,
11:19:43 19 a commensurate view or be - the preferable position would
11:19:53 20 be not to have drafts floating around which might be the
11:19:57 21 subject of subpoena?---It's not the concern about being the
11:20:01 22 subject of subpoena, it's just if a statement had been
11:20:05 23 altered we'd just want to make sure we have the most
11:20:09 24 up-to-date statement.
11:20:10 25
11:20:10 26 If there are previous versions - I'm perhaps repeating the
11:20:15 27 question from yesterday. If there are previous iterations
11:20:18 28 of the statement there's plenty of space to keep these
11:20:22 29 iterations in a folder, it's not hard to do?---You know,
11:20:25 30 with this statement, there was [REDACTED] statements with
11:20:29 31 these. Some of them might have been changed 20 or 30
11:20:32 32 times. Some of them might not have been changed at all.
11:20:41 33 I'm stating what I said yesterday, this is the process that
11:20:43 34 we decided to take.
11:20:44 35
11:20:44 36 I follow that. It may well be that there are a number of
11:20:48 37 versions up until the date that these statements are
11:20:51 38 printed out?---Yes.
11:20:52 39
11:20:52 40 Why not keep the ones that are printed out?---Well, our
11:21:02 41 strategy or our course of action from the very start was to
11:21:05 42 have one completed statement after all the amendments had
11:21:09 43 been made.
11:21:10 44
11:21:11 45 Okay. If we then move to later on in that day on the 7th,
11:21:33 46 there's a telephone call, you make a telephone call to
11:21:38 47 [REDACTED] at Corrections re [REDACTED]?---Yep.

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11:21:44 1
11:21:44 2 To meet with [REDACTED] and [REDACTED] on Friday?---Yep.
11:21:49 3
11:21:50 4 To discuss - - - ?---Movement.
11:21:53 5
11:21:53 6 Movement. Is that, that is movement within the prison
11:21:57 7 system, is that right?---Yes, it was not to, well not to go
11:22:03 8 into mainstream which you is, you know, the regular part of
11:22:06 9 the prison.
11:22:07 10
11:22:07 11 I follow that. Will not put [REDACTED] in mainstream?---Yes.
11:22:17 12
11:22:18 13 Due to security reasons?---Yes.
11:22:19 14
11:22:20 15 Then a telephone call is made to Nicola Gobbo?---Yes.
11:22:22 16
11:22:25 17 And you conveyed the conversation that you'd had with [REDACTED]
11:22:31 18 [REDACTED] ---Yes.
11:22:31 19
11:22:32 20 Effectively you were telling her what the situation was
11:22:34 21 with respect to the movements, is that right?---Yes.
11:22:37 22
11:22:40 23 The following day you had a discussion with, or you had a
11:22:46 24 meeting with Mr White and Mr Green, Mr Rowe, Detective
11:22:52 25 Senior Constable Rowe, and O'Brien?---Yep.
11:22:55 26
11:22:56 27 And you were discussing HS and plan regarding
11:23:03 28 Mr Bednarski?---Yes.
11:23:04 29
11:23:04 30 That, I suggest, is a discussion with Ms Gobbo's handlers
11:23:09 31 about what to do when Mr Bednarski was going to be arrested
11:23:14 32 on 13 June?---Yes, that makes sense, yes.
11:23:18 33
11:23:20 34 And the question was would Ms Gobbo be involved in the
11:23:27 35 processes around his arrest?---Yes, quite possibly, yes.
11:23:34 36
11:23:39 37 Did you at that stage also raise with them the fact that
11:23:44 38 you were going to provide statements to them? They were
11:23:50 39 provided the following day but was there a discussion about
11:23:52 40 the provision of statements?---Well, there must have been a
11:24:06 41 discussion about it at some stage.
11:24:08 42
11:24:08 43 Yes?---It's quite possibly made during that meeting.
11:24:11 44
11:24:11 45 All right. Now, it must have occurred to you, and it
11:24:16 46 certainly appeared to occur to the handlers, and I'll
11:24:19 47 explain why in due course, that there would be problems

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11:24:23 1 with Ms Gobbo involving herself in the arrest of
11:24:30 2 Bednarski?---Yep.
11:24:30 3
11:24:32 4 Do you recall having a discussion about that?---Not really,
11:24:35 5 no.
11:24:35 6
11:24:37 7 Clearly the purpose of the meeting was to have a talk about
11:24:42 8 the plan with respect to Bednarski?---Yes.
11:24:45 9
11:24:50 10 Obviously you don't recall, I take it, what the nature of
11:24:54 11 that discussion was?---Not really. I imagine it was a
11:24:57 12 similar discussion as we had prior to the arrest of [REDACTED]
11:25:01 13 [REDACTED] about, perhaps not to the same extent, but some sort of
11:25:06 14 pitch would be made to Bednarski.
11:25:08 15
11:25:09 16 In due course, and indeed on the following day there was
11:25:12 17 discussions between the handlers and Ms Gobbo about what
11:25:15 18 she should do, whether she should go or not, and given the
11:25:21 19 desire on the part of Purana that Bednarski be a person who
11:25:27 20 might assist the police, it would be an unfortunate look if
11:25:34 21 Ms Gobbo was there again involved in circumstances where a
11:25:37 22 plan was put in place whereby a person was rolled and then
11:25:41 23 assisted the police. Do you see what the issue was
11:25:46 24 there?---I can't recall those discussions. I can't even
11:25:51 25 remember if she was notified when he was arrested or not.
11:25:54 26
11:25:54 27 Yes, all right?---I'm just looking through the arrest phase
11:26:00 28 now and it doesn't appear that she was, but everything
11:26:04 29 you've put to me makes sense, so.
11:26:06 30
11:26:07 31 It stands to reason, doesn't it? If it becomes known
11:26:12 32 widely that Ms Gobbo's there every time someone rolls then
11:26:16 33 it's going to be a real problem for her?---Yes.
11:26:19 34
11:26:23 35 And for Purana?---Yes.
11:26:24 36
11:26:24 37 So I suggest to you that was what the discussion was
11:26:28 38 about?---Quite possibly, yes.
11:26:29 39
11:26:29 40 The next day you have a discussion I think with Mr Green
11:26:44 41 and if you go to your diary on the same page, at p.30 at
11:26:49 42 4 o'clock?---Yep.
11:26:49 43
11:26:49 44 Do you see you've been, you've been to lunch somewhere.
11:26:58 45 You return to the office at 4 o'clock and you provide
11:27:03 46 statements and transcripts to [REDACTED] Green, is
11:27:10 47 that right?---If that's the pseudonym, yes.

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11:27:13 1
11:27:15 2 Those transcripts were transcripts of listening device
11:27:19 3 product, is that right?---I'm not sure. I'm not sure if
11:27:30 4 they're transcripts of that or interviews or - - -
11:27:33 5
11:27:33 6 Right. Would there be a reason why you'd be providing
11:27:38 7 transcripts of interview or transcripts of LDs to Ms Gobbo
11:27:48 8 obviously via Mr Green?---The only recollection I can have
11:27:54 9 about why this transfer of documents occurred was concerns
11:27:57 10 that there may be something in there that could reveal her
11:28:03 11 status as a human source.
11:28:05 12
11:28:09 13 I mean if you had transcripts you'd be able to read them.
11:28:13 14 You were on top of the issues, I'd suggest, and you'd be as
11:28:18 15 able as anyone else to look at the transcripts and look at
11:28:22 16 the statements and say to yourself, "Well look, that would
11:28:25 17 seem to be concerning". That's something that you could
11:28:29 18 do?---Possibly I could have but whether there was a
11:28:34 19 reassurance process or whether she didn't trust my ability
11:28:37 20 or any other ability and wanted to have her own
11:28:42 21 reassurance, I'm only speculating.
11:28:44 22
11:28:44 23 Can I suggest to you that what you wanted her to do was to
11:28:49 24 look at these statements not simply with a view to
11:28:53 25 reassuring herself that she's not going to be exposed as a
11:28:57 26 human source but to make sure that as far as she was
11:29:01 27 concerned the statements were correct and accurate?---I can
11:29:10 28 only stick to what I thought they were being delivered for.
11:29:13 29 If that was a conversation the SDU members had with her
11:29:17 30 direct, well I wasn't part of that.
11:29:19 31
11:29:22 32 What I suggest to you is that you told Ms Gobbo that she
11:29:30 33 could amend, change the statements as she felt appropriate
11:29:35 34 or words to that effect?---I don't remember saying that,
11:29:38 35 no.
11:29:38 36
11:29:38 37 All right, okay. I wonder if that's an appropriate time,
11:29:42 38 Commissioner.
11:29:42 39
11:29:42 40 COMMISSIONER: We'll have a mid-morning break now, thanks.
11:29:45 41
11:30:15 42 (Short adjournment.)
43
11:50:29 44 MR WINNEKE: Thanks Mr Flynn. In accordance with your
11:50:41 45 expectations the transcripts, and I suggest some listening
11:50:49 46 device material, was provided to the SDU. You accept that
11:50:56 47 that was what you'd proposed to do?---It's in my diary that

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11:51:02 1 I handed it to them, yes.
2
11:51:05 3 What instructions did you give to the SDU, if any?---I
11:51:13 4 don't know if I gave them any.
5
11:51:19 6 Right?---I revert to my previous answer, that I believe
11:51:24 7 they were requested because of those reassurance issues in
11:51:30 8 relation to Ms Gobbo being a human source.
9
11:51:33 10 All right. If I could put up on the screen Mr Sandy
11:51:53 11 White's diary of 8 June 2006. It's VPL.2000.0001.0823.
11:52:29 12 You see that there's a meeting and that reflects your diary
11:52:34 13 entry, a meeting with Mr O'Brien, yourself, Rowe and that's
11:52:39 14 Mr White's diary?---Yes.
15
11:52:42 16 The information that's been passed on by Mr O'Brien,
11:52:47 17 presumably Mr O'Brien himself, that the Bednarski arrest is
11:52:51 18 going to take place on 13 June. Intention to interview
11:52:59 19 [REDACTED] to have [REDACTED]?---Yes.
20
11:53:02 21 [REDACTED] with respect to evidence [REDACTED] in
11:53:06 22 relation to Horty Mokbel and Mr Radi, is that right? Or
11:53:14 23 Radi - - - ?---I'm not sure about the Radi part, but
11:53:27 24 certainly Horty.
25
11:53:28 26 And the issues that were discussed were Bednarski ringing
11:53:31 27 Ms Gobbo for advice - - - ?---Yes.
28
11:53:33 29 - - - on arrest. It was agreed that she not become
11:53:39 30 involved?---Yep.
31
11:53:41 32 And that it be suggested she be unavailable. I think I
11:53:46 33 raised this previously, "Do not want Gobbo being accused of
11:53:51 34 failing to advise Horty", et cetera?---Yep.
35
11:54:00 36 If we then keep moving down. "Check with human source what
11:54:10 37 intelligence can be released", it says "perhaps" and she's
11:54:19 38 to be asked about the impact on her of [REDACTED]'s arrest and
11:54:26 39 there's vulnerabilities and it seems to be there's a
11:54:29 40 whiteboard there. Do you recall that?---I don't recall
11:54:39 41 those specific two points you've just mentioned.
42
11:54:43 43 Then it says that [REDACTED]'s statements are ready for
11:54:51 44 perusal by human source tomorrow?---Yep.
45
11:54:54 46 Also prepared to show Ms Gobbo, it looks like LD draft
11:54:59 47 transcripts?---It does.

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1
11:55:01 2 So obviously when an LD is listened to a transcript is made
11:55:08 3 of it and it's as accurate, no doubt, as it can be made by
11:55:16 4 the person who's listening to it and it can be added to by
11:55:21 5 ears which are more attuned to voices and sounds and so
11:55:25 6 forth, or investigators or whoever it might be who might be
11:55:29 7 able to add some information to the LD transcript?---So I'm
11:55:34 8 sorry, you're suggesting that it was to improve the
11:55:37 9 transcription of the audio?
10
11:55:40 11 No, what I'm saying is in any case if you got listening
11:55:47 12 device transcripts or listening device product?---Yes.
13
11:55:51 14 Someone's going to listen to it and do the best they can in
11:55:54 15 transcribing what's heard?---Yes.
16
11:55:57 17 It's not always apparent who's speaking and what's being
11:56:01 18 said?---Yes.
19
11:56:02 20 Because sometimes these materials are muffled?---Yes.
21
11:56:05 22 If you can get some assistance to work out, for example,
11:56:08 23 whose voice it is then that would be useful, wouldn't
11:56:11 24 it?---Yes, it would be useful.
25
11:56:13 26 Ms Gobbo knows the players, she interacts with these
11:56:16 27 people, Horty and various other people, so she would be a
11:56:20 28 person who might be able to add information to those
11:56:22 29 transcripts?---I'm not sure which transcripts these
11:56:30 30 actually refer to.
31
11:56:31 32 Okay?---I'm presuming they're the transcripts taken between
11:56:36 33 the [REDACTED] and the [REDACTED]
34
11:56:39 35 Right?---And I don't know if we would need any assistance
11:56:43 36 with approving the transcriptions of those. We knew who
11:56:50 37 the players were. They were fairly clear. So what I'm
11:56:53 38 saying in my answer is that what you suggest is not
11:56:57 39 something I've heard of before.
40
11:57:01 41 Do you recall which transcripts were provided?---I don't.
42
11:57:05 43 All right?---But I can't think of any other relevant
11:57:10 44 transcripts than those ones.
45
11:57:12 46 No, all right. Were there other LDs in this operation, in
11:57:18 47 Posse?---Not that I can think of, no. The only other

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11:57:23 1 transcripts, whether they'd be court transcripts.
2
11:57:26 3 Yes?---But I would suggest they were the LD transcript.
11:57:29 4 Well this actually makes it clear that they're LD
11:57:31 5 transcripts and the only ones I can think of are those four
11:57:35 6 transcripts that were taken by [REDACTED] on the [REDACTED] and
11:57:43 7 [REDACTED]
8
11:57:46 9 Yeah, all right?---Actually, as I think about it here that
11:57:49 10 actually makes sense because one of those was with
11:57:53 11 Bednarski, and that's what we were discussing earlier in
11:57:56 12 the conversation.
13
11:57:58 14 None of these people knew that Ms Gobbo was a human
11:58:01 15 source?---No, they did not.
16
11:58:03 17 That were involved in the transcript. So it's not as if
11:58:06 18 they would be say anything to each other which might expose
11:58:11 19 Ms Gobbo, surely?---No, I'm at a loss to think why we, why
11:58:17 20 we were providing those transcripts to Ms Gobbo.
21
11:58:19 22 As a matter of common sense it's hardly likely to be, to
11:58:23 23 enable Ms Gobbo to look at those transcripts and say,
11:58:27 24 "Ah-ha, if you read that sentence there, that exposes me as
11:58:30 25 a human source". That's intuitively unlikely, isn't
11:58:34 26 it?---I had no concern with the transcripts from that point
11:58:36 27 of view.
28
11:58:37 29 Right?---So I agree with that, yes.
30
11:58:41 31 Can I suggest to you this: to give Ms Gobbo, who's not
11:58:51 32 properly acting for any of these people as a lawyer,
11:58:57 33 unlikely to be going to court to represent, or shouldn't be
11:59:01 34 going to court to represent these people, what's the point
11:59:03 35 of giving her this information? She's a person who
11:59:06 36 accumulates information, I suggest, and uses information.
11:59:10 37 Why would you give it to her?---In relation to the
11:59:12 38 transcripts, sir, I can't answer. I don't know. With the
11:59:15 39 statements I thought it's in relation to what I indicated
11:59:18 40 before. But the transcripts, I'm at a loss.
41
11:59:24 42 You would never show to another person who isn't a police
11:59:34 43 officer LD material which hasn't even found its way into a
11:59:39 44 brief yet, this is highly sensitive information,
11:59:43 45 surely?---Yes, it is.
46
11:59:44 47 You say you'd be at a loss as to know why you'd provide it

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11:59:48 1 to her?---I would - the only answer, which is a weak one,
11:59:58 2 but the only answer I can suggest is that the SDU asked for
12:00:02 3 it.
4
12:00:02 5 You don't simply do stuff because the SDU ask you to do it
12:00:06 6 though, do you?--Well, you know, they were handling
12:00:11 7 Ms Gobbo so if I thought, if they asked for something I
12:00:14 8 thought there was probably a legitimate concern about it.
12:00:17 9 But, you know, I just - as I sit here now I cannot explain
12:00:22 10 why we would give them those transcripts.
11
12:00:25 12 Mr O'Brien was there, he's your senior officer, and no
12:00:30 13 doubt he has a view about this. Did you discuss it with
12:00:33 14 him, "What are we doing this for"?--No. Well not that I
15 can recall.
16
12:00:37 17 If you didn't ask him it's because both of you were
12:00:41 18 probably aware, you had a reason for doing it?---That's
12:00:44 19 quite possible.
20
12:00:45 21 Did you give the SDU [REDACTED]'s [REDACTED] statements as
12:00:56 22 well?---I don't know.
23
12:00:59 24 I suggest you did?--Well, if you've got information that
12:01:03 25 indicates that I certainly won't argue with you. I just
12:01:06 26 can't recall.
27
12:01:07 28 Yeah, all right. Would there be any reason why you would
12:01:11 29 show Ms Gobbo [REDACTED]'s [REDACTED] statements?--Well, in
12:01:23 30 relation to my previous answer I can't think of any, no.
31
12:01:26 32 Do you think it might be because [REDACTED] had a lot of
12:01:31 33 information, she knew a lot of things, she would be able to
12:01:36 34 look at all of these things and assist you in knowing
12:01:41 35 whether the statements were accurate and true as far as she
12:01:45 36 was concerned?--I don't remember - I'm sorry, I keep
12:01:50 37 repeating this, but I just - really I don't think I can
12:01:56 38 take it any further.
39
12:01:57 40 The reality is [REDACTED] had to be believable, he had to be
12:02:01 41 a witness who could not be shaken?--Yes.
42
12:02:04 43 Do you agree with that?--Well, I've said it before, I knew
12:02:07 44 his credibility would be severely tested so we had to do
12:02:11 45 everything we can to make sure what he was - what evidence
12:02:14 46 he proposed to give was the truth.
47

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12:02:16 1 It was the truth but couldn't be shaken, able to be
12:02:20 2 corroborated and able to give evidence in such a way that
12:02:27 3 he would withstand pretty fierce cross-examination?---Yes.
4
12:02:31 5 Can I suggest to you that one of the things, one of the
12:02:33 6 things that you did do to ensure that was to give it to
12:02:37 7 Ms Gobbo to make sure that she cast her eye over it and
12:02:41 8 corrected anything that might be out of place or lead to
12:02:45 9 the possibility that [REDACTED] could be shaken?---No, I
12:02:49 10 wouldn't agree with that.
11
12:02:51 12 All right. I'd like you to listen to a tape if you
12:03:04 13 wouldn't mind and it's a tape of Ms Gobbo speaking to her
12:03:09 14 handlers on 9 June. Commissioner, we have done our best to
12:03:24 15 edit out names and so forth.
16
12:03:31 17 COMMISSIONER: Again, if you think the quality is
12:03:35 18 compromised to a significant extent we can always play the
12:03:40 19 original.
20
12:03:42 21 MR WINNEKE: Thanks Commissioner. I think this one's
12:03:46 22 better than the one that we had yesterday.
23
12:06:50 24 (Audio recording played to hearing.)
25
12:06:50 26 Mr Flynn, it certainly appears to be the case, if that
12:07:04 27 transcript is accurate, that Ms Gobbo has recorded a
12:07:08 28 discussion that she's had with you and, assuming she's
12:07:16 29 relayed that conversation accurately, she's been out to
12:07:24 30 [REDACTED] - sorry, I withdraw that. She said that she has
12:07:29 31 asked you what the purposes of her having the statement is,
12:07:36 32 "Is it for me to in effect add information to them, change,
12:07:39 33 alter, delete", and you've said yep?---That's what she
12:07:44 34 indicates, yes.
12:07:44 35
12:07:44 36 That's what she says?---Yes.
37
12:07:46 38 Do you say that what she says is correct?---I certainly
12:07:50 39 can't recall having this conversation with her.
40
12:07:54 41 Yes?---But from my listening and reading that transcript it
12:07:58 42 appears to be just organising the statements to go to
12:08:02 43 [REDACTED]'s legal representatives.
44
12:08:05 45 Yes?---Whether it's her or Mr Hargreaves appeared to be the
12:08:10 46 point that it might have been in issue, whether it should
12:08:14 47 go to her or whether it should go to him for them to give

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12:08:16 1 the final sign off before he signs them.
2
12:08:18 3 Right?---To appease [REDACTED].
4
12:08:21 5 No, I understand that. But the point is you knew that
12:08:25 6 [REDACTED] had a solicitor on the record,
12:08:31 7 Mr Hargreaves?---Well at some stage, yes, and certainly the
12:08:35 8 solicitor - the statements went to him as well.
9
12:08:38 10 Eventually, but they didn't go at this stage I suggest to
12:08:41 11 you?---That could be correct, yes.
12
12:08:44 13 So what occurred was that you gave them to - not to
12:08:50 14 Ms Gobbo, you gave them to Ms Gobbo's informer
12:08:58 15 handlers?---Yes.
16
12:08:59 17 And they weren't overtly provided to legal representatives
12:09:03 18 of [REDACTED], they were given to the Victoria Police
12:09:08 19 informer unit to give to an informer who was a police
12:09:11 20 agent, I suggest, to make appropriate changes, alterations
12:09:14 21 or deletions as she felt appropriate, if you accept what
12:09:18 22 she's got to say?---I don't accept that.
23
12:09:20 24 You don't accept it?---I know she makes that comment about
12:09:24 25 changing them at their will, but listening to that and, you
12:09:27 26 know, I haven't seen this IR before, I haven't heard that
12:09:31 27 conversation before. But it just appears to me that
12:09:34 28 there's some need to have these statements reviewed by a
12:09:39 29 legal representative.
30
12:09:41 31 Yes?---Either her or Mr Hargreaves. Certainly [REDACTED]
12:09:46 32 was insistent that they go to her.
33
12:09:49 34 Yes?---And that's why they were provided.
35
12:09:52 36 Right. Do you say that it would be usual - these
12:09:59 37 statements weren't signed for the most part for months
12:10:02 38 later?---They were signed in August, correct, yes.
39
12:10:09 40 As far as we know - what we don't know is whether they were
12:10:15 41 in that form or in a different form when they were
12:10:17 42 ultimately signed, do we?---No, we don't know that.
43
12:10:24 44 And at the very least there's material there which suggests
12:10:28 45 that you've had a conversation with Ms Gobbo in which you
12:10:31 46 have given her the imprimatur to make appropriate changes
12:10:35 47 to the statements, as she felt appropriate?---Well that's

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12:10:39 1 what she indicates there but I don't have a recollection of
12:10:42 2 that.
3
12:10:43 4 Yeah, all right. Perhaps if we can play another audio. In
12:10:49 5 fact before I do that. You had provided those statements
12:11:02 6 to Mr O'Brien obviously?---Yes.
7
12:11:05 8 You'd printed them off and provided them the day
12:11:08 9 before?---Yes.
10
12:11:13 11 This process, as Ms Gobbo - well, the handlers were seeming
12:11:20 12 to suggest that no one would know about this process and
12:11:22 13 Ms Gobbo is saying, "Well look, I would certainly as a
12:11:25 14 barrister make every effort to find out if a solicitor had
12:11:29 15 been involved in changing the statements or adding to the
12:11:31 16 statements", that seems to be what she was saying in that
12:11:37 17 transcript?---Did she say that, did she?
18
12:11:42 19 Well, if we can put the transcript back up.
20
12:12:02 21 COMMISSIONER: Will we tender that, Mr Winneke?
22
12:12:05 23 MR WINNEKE: Yes, Commissioner.
12:12:07 24
12:12:07 25 #EXHIBIT RC550A - (Confidential) Audio of 09/06/06 of
26 conversation between Nicola Gobbo and
12:12:14 27 handlers, pp.111-112.
12:12:14 28
12:12:14 29 #EXHIBIT RC550B - (Redacted version) Audio.
30
31 #EXHIBIT RC550C - (Confidential) Transcript of conversation
32 between Nicola Gobbo and handlers,
33 pp.111-112 dated 09/06/06.
34
12:12:18 35 #EXHIBIT RC550D - (Redacted version.) Transcript.
12:12:18 36
12:12:19 37 COMMISSIONER: They're both in a position to be published
12:12:22 38 on the website now, aren't they?
39
12:12:24 40 MR WINNEKE: As far as I'm concerned, Commissioner, but
12:12:26 41 obviously my learned friends will need to - - -
12:12:29 42
12:12:29 43 MS ARGIROPOULOS: We'll need to check the transcript.
44
12:12:31 45 COMMISSIONER: All right then. It's a tape of 9 June 2006
12:12:42 46 between Nicola Gobbo and the handlers. Are there any page
12:12:46 47 numbers? There weren't any on the transcript?

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1
12:12:49 2 MR WINNEKE: Commissioner, there's not on the transcript.
3
12:12:51 4 COMMISSIONER: Pages 111 and 112 I'm told. We can do the
12:13:02 5 original tape and redacted tape A and B and the original
12:13:05 6 transcript and the redacted transcript C and D.
7
12:13:11 8 MR WINNEKE: I'm sorry, Mr Flynn. Can we put the
12:13:20 9 transcript back up? Okay. So what it says is that after
12:13:33 10 reciting what she says the conversation with you was,
12:13:37 11 Mr White says, "Yeah". Ms Gobbo says, "So Tony (that's
12:13:44 12 Tony Hargreaves)". Mr Green says, "The first person to get
12:13:49 13 them". What I suggest that means is the first person to
12:13:52 14 overtly get them because obviously Ms Gobbo is getting them
12:13:56 15 but not overtly, do you see that?---Yes.
16
12:14:00 17 So really what they're saying is the first person is the
12:14:02 18 first person in an overt sense, that is the first person
12:14:10 19 outside of Victoria Police being the representative of
12:14:16 20 [REDACTED] will get them and that'll be Mr Hargreaves. Do
12:14:22 21 you agree with that?---That appears to be, yes.
22
12:14:24 23 They seem to be accepting the proposition that giving them
12:14:27 24 to Ms Gobbo isn't really giving them to anyone other than
12:14:33 25 another member or another agent of Victoria Police?---Yeah,
12:14:37 26 I just thought there was another part of the transcript
12:14:39 27 that said something about, "Do they go to me, do they go to
12:14:45 28 Tony?"
29
12:14:46 30 Yes. Ms Gobbo says, "Yeah, whether you get them or Tony
12:14:52 31 gets them, or Tony says to deliver them straight to you or
12:14:56 32 we give them to Tony and Tony gives you a copy". He said,
12:14:57 33 "I don't care, you can choose, you decide which way you
12:15:04 34 want to do that". Mr Green says, "What's easier?"
12:15:08 35 Ms Gobbo says, "Well seeing how some police officers are
12:15:11 36 going to be cross-examined about it, I suppose". Mr Green
12:15:14 37 says, "No one's going to be cross-examined about it".
12:15:17 38 Gobbo says, "Absolutely they will. I would. I would
12:15:21 39 cross-examine him about it". "About how they got served",
12:15:25 40 says Mr Green. Ms Gobbo, "No, about whether anybody
12:15:30 41 checked them, whether any solicitor made changes to them,
12:15:35 42 whether any barrister made changes to them. I would ask
12:15:38 43 all those questions"?---Yes.
44
12:15:39 45 So really what she's saying is it could be expected that a
12:15:43 46 barrister representing a person charged with offences
12:15:49 47 arising out of those statements would be really wanting to

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12:15:52 1 drill into whether any person associated with [REDACTED],
12:15:57 2 lawyer, solicitor, otherwise, was involved in the statement
12:16:00 3 taking process made changes to the statement, et
12:16:03 4 cetera?---Yes.
5
12:16:04 6 That's what you would expect a barrister to do, do you
12:16:06 7 accept that?---Yes, and that appears to be what she's
12:16:11 8 saying there, yes.
12:16:12 9
12:16:12 10 She's saying, "That's what I would do". I mean as it
12:16:16 11 turned out obviously those sorts of questions were asked
12:16:19 12 down the track?---Yes, they were.
13
12:16:21 14 And obviously this process never came to light?---I don't
12:16:27 15 think so, no.
16
12:16:42 17 If I can just go on. Can I ask you about this part of it,
12:16:59 18 if we keep scrolling down. Just stop there. "But whether
12:17:09 19 he's told Tony Hargreaves got them, that's how I saw them,
12:17:17 20 so I guess that will be the official version of the truth".
12:17:19 21 So really what they're alluding to there is not in fact the
12:17:24 22 truth but the official version of the truth, do you see
12:17:27 23 that?---Yes.
12:17:28 24
12:17:32 25 "And like as far as - Dale doesn't know what's happening,
12:17:35 26 he's given me the statements but so he can tell the truth
12:17:38 27 in the witness box, he's got his supervisor to proofread
12:17:42 28 them and it was returned to him. That's right. And he
12:17:46 29 served the brief on his solicitor and I think it's better
12:17:50 30 if Dale says Ms Gobbo arranges to drop them off for Tony".
12:17:57 31 What do you take that to mean?---It's very difficult for me
12:18:13 32 to make any sense around this. I don't know what's
12:18:21 33 happening. He's given me the statements.
34
12:18:29 35 Yes. It's not clear to you, is it?---No, it's not.
36
12:18:36 37 Yeah, all right?---It just seems to be conflict in there.
12:18:41 38 One moment I'm giving it to her and then she's saying, "So
12:18:45 39 he can tell the truth".
40
12:18:47 41 Yeah, look it may not be - I accept that, it may not be
12:18:51 42 clear, but it does seem to be a suggestion that there would
12:18:54 43 be an expectation that you would not be saying that
12:18:58 44 Ms Gobbo had been provided with these draft statements
12:19:02 45 prior to them being served on the solicitor?---Well, as I
12:19:13 46 said, one sentence doesn't make any sense. He says he's
12:19:17 47 given me the statements so he can tell the truth.

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1
12:19:22 2 Yeah, I follow that. Who was your supervisor?---My
12:19:27 3 supervisor is Jim O'Brien.
4
12:19:30 5 Jim O'Brien had been given the statements; is that
12:19:32 6 right?---Yes, he had.
7
12:19:34 8 Yeah, righto. Was it ever put into any statement or given
12:19:55 9 in evidence the statements had been provided in that form
12:20:00 10 to Mr Green?---I'm sorry, say that again.
11
12:20:09 12 Was it ever - did you ever put into a statement - - -
12:20:11 13 ?---No.
14
12:20:12 15 - - - you swore that the statements had been given to
12:20:15 16 Mr Green?---I don't believe so, no. In fact I'm confident
12:20:19 17 of that.
18
12:20:20 19 Did you ever give evidence to that effect?---I doubt it,
12:20:23 20 no.
21
12:20:37 22 Perhaps if we could put up on the screen p.123 of that
12:20:41 23 transcript. Have we got that there? It's time stamped
12:21:03 24 1:24:30. I'm not asking for it to be played, I'm just
12:21:12 25 asking that p.123 of the transcript be put up. Ms Gobbo
12:21:38 26 says this, "And I say this is what I think, part of what I
12:21:43 27 intend to say to Jim O'Brien, you know, who should be at
12:21:50 28 our meeting when we go to the DPP, is if you said to
12:21:57 29 ██████████ the night he was arrested, you said to him, you
12:22:01 30 said 'you're worth about ██████████ years'. You said you'd back
12:22:07 31 him up, that's how little he could get to if he did what
12:22:23 32 you'd ask him to do, he'd put everyone in in the world,
12:22:28 33 which he's done, I think, but then when I read it I'll
12:22:34 34 say" - and it's not clear what's said and something's left
12:22:38 35 out - "I'll tell you what he's left out". Can I ask you
12:22:41 36 this; do you recall in your discussions with Mr O'Brien and
12:22:46 37 ██████████ on the ██████████ that Mr O'Brien did suggest that
12:22:56 38 ██████████ years might be about what he might get that if he did
12:23:00 39 everything right?---I don't recall that and that's the
12:23:03 40 evidence I gave the other day.
41
12:23:06 42 Yes?---I indicated that I thought there was a top figure of
12:23:09 43 ██████████ thrown around and I wasn't sure. I actually didn't
12:23:13 44 think we'd talked about a bottom figure but that would
12:23:16 45 suggest we did.
46
12:23:19 47 It goes on, "But if you say ██████████", and it's not clear,

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12:23:29 1 it's not on the transcript but if you listen to it you may
12:23:34 2 think that it says, "On [REDACTED] [REDACTED], he's down to [REDACTED]
12:23:39 3 then, [REDACTED]'s [REDACTED] should walk"?---Yes.
4
12:23:41 5 "Because [REDACTED]'s [REDACTED] involved in one partly in
12:23:48 6 partnership with [REDACTED] but a bit lesser"?---Yep.
7
12:23:49 8 "Lesser role than [REDACTED]"?---Yes.
9
12:23:52 10 And then there's another unclear reference and I suggest to
12:24:00 11 you if you listen to it, and that's probably not going to
12:24:03 12 help you too much, but there's a reference to [REDACTED] years
12:24:06 13 again. That doesn't refresh your recollection that there
12:24:09 14 was a discussion about the possibility of [REDACTED] years?---No,
12:24:12 15 it doesn't.
16
12:24:16 17 Then if we can just keep scrolling. "With two committed
12:24:22 18 whilst on bail for the other ones"?---Yes.
19
12:24:26 20 Et cetera. "But no one's going to, part of the argument's
12:24:31 21 going to be, as you know, that the argument for a discount
12:24:33 22 is the fact of giving the evidence and the fact of taking
12:24:36 23 the risk and the fact of being prepared to give evidence",
12:24:39 24 et cetera?---Yep.
25
12:24:44 26 Would it make sense given that - I mean your understanding
12:24:48 27 is that [REDACTED] wasn't happy with the sentence that he
12:24:51 28 got, that he got I think [REDACTED] with a [REDACTED] - a [REDACTED] with a [REDACTED] -
12:24:57 29 and he was upset and he thought he should have got
12:25:01 30 less?---At some stage he expressed that, yes.
31
12:25:02 32 That might be consistent perhaps with him having had an
12:25:05 33 understanding given to him that he might get
12:25:07 34 less?---Possibly, yes.
35
12:25:14 36 All right. I wonder if we can play another audiotape and
12:25:22 37 this is at p.179 at two hours and four minutes and 14
12:25:29 38 seconds.
39
12:25:30 40 COMMISSIONER: Did you want to tender the transcript of
12:25:32 41 123?
42
12:25:33 43 MR WINNEKE: Yes, Commissioner, I will. I might say this
12:25:36 44 entire transcript has been tendered previously.
45
12:25:38 46 COMMISSIONER: Yes. The reason I suppose I'm doing this is
12:25:41 47 that for PIIing it's probably going to be a lot easier to

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12:25:48 1 do the relevant pages rather than the entire transcript.
2
12:25:52 3 MR WINNEKE: Yes. I tender those, Commissioner.
12:25:55 4
12:25:57 5 #EXHIBIT RC551A - (Confidential) Page 123 of transcript
6 dated 09/06/06.
7
8 #EXHIBIT RC551B - (Redacted version.)
9
12:26:02 10 COMMISSIONER: That was also on 9 June, was it?
11
12:26:05 12 MR WINNEKE: Yes.
13
12:26:05 14 COMMISSIONER: All right.
12:26:30 15
16 (Audio recording played to hearing.)
17
12:27:27 18 MR WINNEKE: What Ms Gobbo's doing there is referring to
12:27:29 19 discussions which were had - - - ?---On the [REDACTED] yep.
20
12:27:34 21 On the [REDACTED]---Yes.
22
12:27:35 23 She's saying that she's confident that you would never give
12:27:38 24 evidence about what occurred there. Had you had any
12:27:43 25 discussions with her which gave her that understanding or
12:27:45 26 that confidence?---No.
27
12:27:49 28 How do you say that she got that or came to that
12:27:54 29 understanding?---I don't know how she'd come to that
12:27:56 30 understanding.
31
12:27:56 32 I tender that.
33
12:28:05 34 COMMISSIONER: That's also transcript of 9 June 2006
12:28:07 35 between Nicola Gobbo and her handlers and the page number,
12:28:12 36 please?
37
12:28:13 38 MR WINNEKE: Page 179, Commissioner.
39
12:28:15 40 COMMISSIONER: Page 179.
12:28:16 41
12:28:18 42 #EXHIBIT RC552A - (Confidential) Transcript dated 09/06/06,
12:28:21 43 p.179.
12:28:21 44
12:28:21 45 #EXHIBIT RC552B - (Redacted version.)
46
12:28:47 47 MR WINNEKE: Thank you. It's not clear to you how she

.02/10/19

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12:28:52 1 could have come to that understanding?---No, I'm surprised
12:28:54 2 by it because I always thought that she - that suggests
12:28:58 3 that she thinks I'm going to lie for her and I always
12:29:00 4 thought that she considered me to be honest.
5
12:29:04 6 Yes?---That's surprising that she said that comment.
7
12:29:12 8 Are you able to say when matters did get to court what
12:29:19 9 notes were provided to accused people or did it change
12:29:27 10 according to which proceeding was going on?---Diary notes
12:29:32 11 are you talking about?
12
12:29:34 13 Yes?---There was an enormous amount of diary notes produced
12:29:39 14 at a lot of different hearings.
15
12:29:41 16 Yes?---But I know the events of the [REDACTED] and through to the
12:29:50 17 [REDACTED] were always critical in relation to what occurred.
18
12:29:54 19 Yes?---So they would have been provided in some form.
20
12:29:57 21 Yes?---What I can't tell you, which I think you're going to
12:30:02 22 ask me next, is what level of redaction occurred in
12:30:05 23 relation to those.
24
12:30:06 25 Certainly if you go to your diary of [REDACTED] there's a
12:30:11 26 reference, as we know, to Mr Smith being present?---Yes.
27
12:30:19 28 That's in your diary?---Yes, it is.
29
12:30:22 30 It does appear that Mr Smith never figured when it came to
12:30:26 31 cross-examination with respect to the people who were there
12:30:32 32 at the police station at that time?---Yes.
33
12:30:36 34 Is there a reason why that is? Firstly, do you accept the
12:30:44 35 proposition that he was never cross-examined in, it was
12:30:47 36 never raised?---Yes, I do.
37
12:30:50 38 If you have a look at your notes it's quite apparent that
12:30:53 39 he's referred to?---Yes.
40
12:30:59 41 And if you can perhaps just read out the entries with
12:31:02 42 respect to that part of the transaction?---Well it's only
12:31:07 43 one line.
44
12:31:07 45 Yes?---It's just 6.35, or 18:35, that Mr Green - is that
12:31:15 46 correct?
47

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12:31:15 1 Mr Smith?---Mr Smith, apologies. Arrives. That's the only
12:31:21 2 entry I've got there I think.
3
12:31:24 4 He's present certainly in the initial stages at 18:35; is
12:31:31 5 he not present when there's discussions going on?---Yes,
12:31:34 6 he's present.
7
12:31:35 8 Right. What occurs, I suggest to you, is that he's there,
12:31:40 9 you're there, Mr O'Brien's there and [REDACTED]'s there, the
12:31:48 10 pitch is commenced and then [REDACTED] says he wants to
12:31:52 11 speak to Ms Gobbo?---Yes.
12
12:31:57 13 And so that discussion - how long does that discussion go
12:32:01 14 on for before? Mr O'Brien says that the conversation
12:32:05 15 started I think at 18:50?---That's my diary entry indicates
12:32:16 16 that it starts at 18:50, correct.
17
12:32:19 18 Yes?---Now my next entry in time-wise talks about 21:08.
12:32:27 19 You know, so time-wise it's difficult for me to recall but
12:32:31 20 I've since learnt through some of the material we went
12:32:39 21 through yesterday there was an entry about 7.15, that she
22 arrived then.
23
12:32:40 24 7.15 Ms Gobbo arrives?---Yes.
12:32:41 25
12:32:41 26 And then shortly after that, according to Mr O'Brien in any
12:32:44 27 event, Mr Smith and Mr O'Brien leave. You and [REDACTED]
12:32:51 28 and Ms Gobbo are together?---Yes.
29
12:32:53 30 And then the discussions then continue?---Yes.
31
12:32:56 32 And it would be fair to say, wouldn't it, that these
12:32:59 33 significant discussions with respect to rolling [REDACTED]
12:33:03 34 and getting him, convincing him to give evidence, occurred
12:33:08 35 during that second part of the process?---They continue
12:33:12 36 during that process.
37
12:33:13 38 They continue?---Yes.
39
12:33:16 40 Is it fair to say that when you produced your notes at any
12:33:22 41 time Mr Smith has been removed?---I don't think so.
42
12:33:40 43 Right?---I mean it's really difficult for me to remember
12:33:42 44 what was redacted and what wasn't.
45
12:33:44 46 Yes?---But I don't know - the only reason to redact
12:33:54 47 anything on that page would be concerns about Ms Gobbo's

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12:33:58 1 role in all this.
2
12:34:00 3 Clearly if those notes were handed over to defence there'd
12:34:07 4 be a reference to a person called Mr Smith there, obviously
12:34:10 5 that's his pseudonym?---Yes.
6
12:34:11 7 And you'd imagine people would be saying, "Who's this?
12:34:17 8 What's he doing there"?---Yes, you would expect that.
9
12:34:20 10 You would expect that?---Whether it happened or not I don't
12:34:23 11 know but it's certainly a possibility.
12
12:34:26 13 If I can read out Mr O'Brien's notes, 18:50. [REDACTED]
12:34:32 14 into Purana ops room", OPS?---Yes.
12:34:37 15
12:34:37 16 "Discussion with same re assisting inquiries with police.
12:34:51 17 To requested re solicitor again. Detective Sergeant Flynn
12:35:00 18 to leave room and contact same. Remaining present in the
12:35:05 19 room [REDACTED] Smith, to" - and then 19:15,
12:35:14 20 "Solicitor Gobbo attended, explained offer", et cetera.
12:35:21 21 And then 19:17, "Self and [REDACTED] Smith to leave
12:35:27 22 room to discussion with SI Ryan", et cetera. It was
12:35:48 23 requested that Ms Gobbo and also Detective Sergeant Flynn
12:35:53 24 remain present. If you just want to have a look at those
12:35:58 25 notes. Effectively what that does is it puts Mr Smith
12:36:01 26 right in the middle of it?---Yes, I've read those notes and
12:36:22 27 I certainly - - -
28
12:36:23 29 I'm sorry?---I've read those notes and I certainly agree
12:36:27 30 that he was there and part of the process.
31
12:36:31 32 Part of the process?---Yes.
33
12:36:33 34 Can I suggest to you that in all of the - I might be
12:36:36 35 corrected, but in the transcripts that I've seen Mr Smith
12:36:39 36 does not come up and doesn't figure in any of the evidence
12:36:43 37 given about the process whereby [REDACTED] rolls?---I
12:36:50 38 certainly don't.
39
12:36:51 40 I say to you I haven't read every word of it but I'm
12:36:54 41 suggesting that what I have read it suggests that he hasn't
12:36:58 42 come up in discussions?---Yeah, and I can't recall him ever
12:37:02 43 coming up in discussions as I sit here now.
44
12:37:06 45 It stands to reason if he came up people would be saying,
12:37:09 46 "Let's see his notes, we want a version from him as to what
12:37:12 47 occurred", and insofar as Ms Gobbo's position, she's then

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12:37:17 1 blown, her cover's blown?--Well, no, I don't link him with
12:37:28 2 her being the problem. The problem was the fact that she
12:37:34 3 was there, she was present on the night. Which has already
12:37:38 4 been indicated previously.
5
12:37:39 6 I understand that?--And that information wasn't relayed
12:37:41 7 back to the Mokbels.
8
12:37:43 9 No, I follow that. But if Mr Smith - if his name hadn't
12:37:54 10 been redacted, and I'm suggesting to you it must have been,
12:37:58 11 then questions would have been put to you as to who he was,
12:38:03 12 what he was doing there, what role he had?--It's possible
12:38:06 13 that it was redacted. I just - I can't recall how I
12:38:12 14 redacted the notes for this particular day.
15
12:38:14 16 Yes. Did you redact Mr O'Brien's diaries as well?--No.
17
12:38:21 18 Did he do those?--He did his own.
19
12:38:26 20 Did you have discussions with him about how they'd be
12:38:28 21 redacted?--Not that I can recall but it's possible.
22
12:38:33 23 Do you have copies or photocopies of the redactions that
12:38:35 24 were made?--No, I don't.
25
12:38:43 26 Do you know whether any copy, any photocopies were made and
12:38:47 27 were provided to either the Crown, the prosecutors or to
12:38:53 28 defence?--Well certainly there were notes provided to
12:38:56 29 defence.
30
12:38:57 31 Yes?--You know, I cannot recall which prosecutions but I
12:39:03 32 do recall providing a lot of notes.
33
12:39:06 34 Yes?--For a lot of different matters.
35
12:39:08 36 Right?--So there was no argument about notes being
12:39:11 37 provided to defence. I don't know if prosecutors ever
12:39:14 38 asked for it or not.
39
12:39:16 40 All right. Do you know whether claims for public interest
12:39:22 41 immunity were made with respect to the redactions that were
12:39:25 42 made, had been made to your notes?--I don't believe they
12:39:29 43 were, no.
44
12:39:31 45 So do you mean to say that the notes were handed over and
12:39:35 46 they were blacked out, that is names or parts of the
12:39:39 47 diaries were blacked out?--Yes.

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1
12:39:43 2 Were you not questioned about those?---It's possible I was
12:39:50 3 questioned about them. I've indicated earlier that I do
12:39:54 4 remember one occasion where I had to produce the original
12:39:57 5 document. I just can't remember what matter that was for.
12:40:00 6 I'm not even sure if it's one of these matters or an
12:40:04 7 unrelated matter. But I can't specifically remember -
12:40:10 8 aside from that I can't remember any other questions about
12:40:13 9 the redaction process.
10
12:40:14 11 All right. Commissioner, I tender that page of
12:40:22 12 Mr O'Brien's diary.
13
12:40:27 14 COMMISSIONER: What page was it, and the date?
15
12:40:33 16 MR WINNEKE: It includes the entries on the [REDACTED]
12:40:36 17 2006. It's obviously got a number on the top of it?---It's
12:40:42 18 partly cut off, Commissioner, but it appears to be 130.
19
12:40:47 20 It doesn't have a code on it. I think we can provide the
21 appropriate one.
22
12:40:50 23 COMMISSIONER: The single page photocopy from O'Brien's
12:40:55 24 diary on [REDACTED] 06 will be Exhibit 553.
25
12:41:01 26 #EXHIBIT RC553A - (Confidential) Single page photocopy from
12:40:54 27 O'Brien's diary on [REDACTED]/06.
28
12:41:02 29 #EXHIBIT RC553B - (Redacted version.)
30
12:41:11 31 MR WINNEKE: I wonder if that can be handed back, thanks
12:41:11 32 very much. If I can just move on, Mr Flynn. On that
12:41:45 33 occasion, 9 June, it seems that you were provided with -
12:41:54 34 sorry, you provided Mr Green with those transcripts, I'm
12:42:04 35 sorry, with those statements?---Both, yes.
36
12:42:09 37 Did you subsequently receive statements back from the
12:42:15 38 SDU?---I don't believe so, no.
39
12:42:19 40 Right?---In preparation to appear before this Commission
12:42:27 41 I've been through my diaries many times and that's not
12:42:31 42 ringing a chord, so.
43
12:42:38 44 Is it possible that they were given back to
12:42:46 45 Mr O'Brien?---Well it's possible I suppose.
46
12:42:50 47 Can we put up a transcript at p.292, and again,

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12:42:59 1 Commissioner, this is 9 June.
2
12:43:12 3 COMMISSIONER: Page number?
4
12:43:15 5 MR WINNEKE: 292. Do we have an audio of this? No, okay.
12:43:42 6 If we can just move down. Mr White says at one stage
12:43:47 7 about, says, "How about we get you those statements?" Do
12:43:51 8 you see that there?---Yes.
9
12:43:52 10 Ms Gobbo says that, "[REDACTED] said to me on the phone this
12:43:58 11 afternoon, when you see them, because he doesn't know that
12:44:01 12 tonight, he thinks at some point, he goes to me, he goes,
12:44:06 13 'You're going to be blown away by the stuff you read', so I
12:44:11 14 don't know whether I really am or whether he's just saying
12:44:13 15 that". White says, "Well I haven't read them. I don't
12:44:17 16 know if Mr Green's read them". He says, "No, I haven't
12:44:21 17 even opened it. But I've heard some things that he might
12:44:26 18 be right". Ms Gobbo says, "I'll be blown away". Then
12:44:30 19 there's a reference to sticky notes at line - just stop
12:44:37 20 there - Ms Gobbo says, and you can't hear it, but says,
12:44:43 21 "Sticky notes what eh?" Then Mr Green says, "Big trouble,
12:44:50 22 little bit of trouble, no trouble, beautiful". Ms Gobbo
12:44:50 23 says, "You haven't got enough sticky notes for that".
12:44:53 24 Mr Green says, "All right, well they're the main ones".
12:44:58 25 Mr Green says, "There's a historical one going back to",
12:45:01 26 and you can't - there's "... " there, when you listen to it
12:45:10 27 there's a reference to [REDACTED] and what have you. Assuming
12:45:12 28 that's the case that would be, to your knowledge, a
12:45:15 29 reference to a [REDACTED] is that your understanding,
12:45:19 30 there was a [REDACTED] ---Well, I indicated yesterday there
12:45:23 31 was an historical statement that tried to cover everything
12:45:27 32 very briefly.
33
12:45:28 34 Yes?---And then each [REDACTED] was broken down
12:45:31 35 from there.
36
12:45:32 37 So it would make sense if Mr Green's saying that there's an
12:45:38 38 historical one going back to [REDACTED] and what have you?---Yes.
39
12:45:41 40 And these haven't been proofread?---Yes.
41
12:45:44 42 Is it the case that you had said to Mr Green that the
12:45:47 43 statements hadn't been proofread?---I'm not sure. I'm not
12:45:56 44 sure if he's talking about proofread by me or proofread by
12:46:01 45 [REDACTED] or - - -
46
12:46:02 47 Yes?--- - - - who he's referring to.

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1
12:46:05 2 You don't recall whether or not you made any comment about
12:46:08 3 the statements being proofread?---No.
12:46:12 4
12:46:15 5 Then Mr Green says, "And there the", what it says on the
12:46:19 6 transcript is "LB transcripts", but I suggest in fact it's
12:46:22 7 LD transcripts if you listen to it?---Yes.
8
12:46:25 9 She says, "Okay, and I'll drop them in. And there's also
12:46:29 10 [REDACTED]'s [REDACTED] statement there for your light
12:46:33 11 entertainment"?---Yes.
12
12:46:41 13 Do you accept that [REDACTED]'s [REDACTED] statements were
12:46:44 14 provided?---That certainly seems to suggest that, so yes.
15
12:46:46 16 It also appears to be the case that there were LD
12:46:49 17 transcripts provided?---Yes.
18
12:46:51 19 If we keep going through to p.295. Stop there. Mr White
12:47:05 20 says, "Yeah". Mr Green, "Can go down and get some". He
12:47:11 21 says, "Yeah, but the only proviso is that these haven't
12:47:15 22 been proofread and you can write all over them if you want
12:47:21 23 to". Ms Gobbo says, "Sorry?" "You can write all over
12:47:24 24 them. You can write all over them if you want to because
12:47:30 25 they're a work in progress. If there's something that
12:47:32 26 concerns please do highlight it". Ms Gobbo, "What are they
12:47:34 27 going to do, what are they going to do with the tapes from
12:47:36 28 the first night with [REDACTED]? You know how we agreed, if
12:47:42 29 a conversation where you were present though was taped.
12:47:47 30 Did you say" - and she says, "That conversation after that
12:47:50 31 before [REDACTED], like, remember how Dale said, Jim O'Brien
12:47:55 32 said, 'You need to commit yourself to what you're going to
12:48:01 33 do'", right. If I pause there. Is that, to your
12:48:08 34 recollection, accurate where it was suggested to [REDACTED]
12:48:13 35 that he had to commit himself on tape to what he was going
12:48:16 36 to do?---Well that would be the purpose of running the
12:48:19 37 second tape that we did, so yes, that makes sense.
38
12:48:25 39 It goes on, "And to talk on the tape you need to
12:48:28 40 tape-record it". She says - there's ... there, but what I
12:48:40 41 suggest is that if you listen to the tape recording, it
12:48:42 42 says, "I've got the tapes in my offices and I don't want
12:48:45 43 that to ever be produced". Mr Green says, "That's for
12:48:51 44 sure". Do you recall whether or not you gave Ms Gobbo
12:48:55 45 copies of the taped record of interview? Look, if you
12:49:08 46 don't recall I think the evidence will be that Mr Hayes
12:49:11 47 served them?---Right. So I don't think they were - - -

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1
12:49:14 2 On Ms Gobbo. Yes, go on?---Often they're given - there's a
12:49:18 3 copy for ██████ that's available at the end of the
12:49:23 4 interview but I don't think she was there then, so they may
12:49:28 5 have been delivered to her at a later stage.
6
12:49:32 7 Yeah, all right. Do you know whether they were ever
12:49:35 8 delivered to Mr Hargreaves?---I don't know.
9
12:49:39 10 Do you recall whether there was an issue about whether he
12:49:41 11 should or needed to get them, should have them or needed to
12:49:44 12 have them?---I can't recall that, no.
13
12:49:56 14 Then it goes on, "Are those tapes between the no comment
12:50:00 15 interview and between him doing the stuff and you've got
12:50:04 16 copies of those tapes?" She says, "Yeah, because they're
12:50:08 17 ██████'s copies"?---Yes.
18
12:50:10 19 And that's the, it says "advice" but I suggest when you
12:50:16 20 listen to it says "dynamite that you've mentioned earlier
12:50:20 21 tonight". Ms Gobbo said, "I've kept it. No one's ever
12:50:26 22 listened to them. I've got them". White says, "So they
12:50:28 23 don't form part of his - - - " Green says, "They're not
12:50:29 24 evidence". "His confession", says Mr White. Ms Gobbo
12:50:34 25 says, "No, but I'm worried", I suggest, "about somebody",
12:50:38 26 and it's not written there, but again if you listen to it,
12:50:42 27 "somebody subpoenaing them or somebody, or them being
12:50:46 28 transcribed and put into a brief". And then there's a
12:50:50 29 reference to a subpoena and you can't hear the - it's not
12:50:55 30 set out on the transcript but the words "carefully worded
12:50:59 31 subpoena" can be heard if you listen to the tape. Do you
12:51:07 32 know whether there were subpoenas ever issued and served
12:51:12 33 upon you to produce tapes or notes or any relevant material
12:51:18 34 pertaining to this inquiry?---I certainly received a
12:51:24 35 request to produce documents, I'm just not sure in what
12:51:30 36 format they were. I don't remember any specifically about
12:51:33 37 tapes because, you know, tapes I think are normally part of
12:51:38 38 the brief of evidence.
39
12:51:39 40 Although they wouldn't have been part of the brief of
12:51:41 41 evidence - - - ?---If there's a transcript.
42
12:51:43 43 No, they might have been part of the brief of evidence with
12:51:46 44 respect to Person ██████?---Oh, sorry.
45
12:51:48 46 But not necessarily with respect to the people against whom
12:51:52 47 he's giving evidence?---Yes. Yes, you're right. There was

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12:51:55 1 a lot of requests for material come in but I'm just unable
12:51:58 2 to indicate what it was directly for.
3
12:52:05 4 All right. I tender that particular part of the
12:52:09 5 transcript, Commissioner.
6
12:52:10 7 COMMISSIONER: Page 292 of 9 June 2006 transcript, Nicola
12:52:15 8 Gobbo and handlers will be Exhibit 554A and B.
12:52:37 9
12:52:37 10 #EXHIBIT RC554A - (Confidential) Page 292 of 9/06/06
12:52:13 11 transcript between Nicola Gobbo and
12:52:16 12 handlers.
12:52:38 13
12:52:39 14 #EXHIBIT RC554B - (Redacted version.)
15
12:52:41 16 MR WINNEKE: You would have known at that time that
12:52:43 17 Mr Hargreaves was [REDACTED]'s solicitor, would you
12:52:48 18 not?--At which time?
19
12:52:49 20 As at the date of this, 9 June 2006?--I'm not sure what
12:52:52 21 time I became aware of that.
22
12:52:55 23 Yes?--I know I had conversations with Mr Hargreaves but I
12:53:00 24 think that was later on. I'm just not sure what time that
12:53:06 25 change over occurred.
26
12:53:08 27 Mr White gave evidence about these matters and I just want
12:53:12 28 to put a couple of things to you to see what you have to
12:53:14 29 say. This is at p.5617, 5618 of the transcript,
12:53:21 30 Commissioner. "If you do record any" - I was asking
12:53:26 31 Mr White, who appeared to be typing - I'll start again. On
12:53:31 32 the 9th when Ms Gobbo is reading the statements that you've
12:53:37 33 been provided, she's making comments as she goes through
12:53:40 34 them. Mr White appears to be typing at the time. I asked
12:53:47 35 Mr White if he recorded the things that she was saying, the
12:53:50 36 comments that she was making as she was reading the
12:53:53 37 statements?--Yes.
38
12:53:54 39 And I put to him, "If you do record any of the things that
12:53:58 40 she's saying about those statements what happens to those
12:54:01 41 records, did you keep those?" He says, "Generally what
12:54:06 42 would happen if, and assuming the typing's me trying to
12:54:08 43 keep up with the conversation and taking some shorthand
12:54:10 44 notes, they would be usually forwarded to the handler who
12:54:14 45 would then use that to help prepare his contact
12:54:18 46 report"?--Yep.
12:54:18 47

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12:54:18 1 "Right. Would those notes be forwarded to the
12:54:21 2 investigators?" He said, "No". "What about the statements
12:54:27 3 which she was told that she could write all over, what
12:54:30 4 about those documents, do you know what happened to those?"
12:54:33 5 Mr White said, "They would have been returned to I would
12:54:38 6 think Dale Flynn". So you say, "Well look, I don't know
12:54:44 7 whether that's the case, I don't have a record of it and I
12:54:46 8 don't believe that that would have been done", that's what
12:54:48 9 you say?---Correct, yes.
10
12:54:50 11 So you would disagree with that proposition?---Yes.
12
12:54:52 13 I mean he's not stating it strongly but he believed that
12:54:55 14 that's what would have happened to them, right?---Yeah, I
12:55:01 15 don't remember ever receiving statements back from an SDU
12:55:04 16 member.
17
12:55:05 18 Right. "Do you know whether she did make notes, as she was
12:55:09 19 invited to do on the statements?" He said, "No". "She may
12:55:16 20 have but you don't know? That's right". I put to him, "I
12:55:26 21 mean the reality is if she thought that there was something
22 wrong or something that should be added or changed, she
12:55:27 23 couldn't help herself, that was just her nature, wasn't
12:55:29 24 it?" And he agreed with that proposition?---Yes.
25
12:55:31 26 I take it you would agree with that proposition too?---Yes,
12:55:35 27 I would.
28
12:55:35 29 Yes?---Yep.
12:55:35 30
12:55:37 31 "As I said to you, I think the reason, there would have
12:55:40 32 been a couple of reasons. One" - I withdraw that. "That
12:55:45 33 really was one of the reasons why she was given these draft
12:55:47 34 statements, to assist in making sure that the statements
12:55:51 35 were accurate?" He said, "Well as I said to you, I think
12:55:53 36 the reason, there would have been a couple of reasons. One
12:55:57 37 of those would have been to make sure the statement was
12:56:00 38 accurate and truthful and the other one would have been to
12:56:03 39 make sure that we didn't have to worry about the issues
12:56:05 40 concerning her getting compromised"?---Yep.
41
12:56:07 42 Do you agree with that or not?---Well, I can only go back
12:56:11 43 to what my earlier answer is, I thought the reason was it
12:56:15 44 was in relation to her role as a human source.
45
12:56:17 46 Yes, all right. You know subsequently that she was
12:56:22 47 provided with the brief of evidence before it was

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12:56:26 1 served?---Yes, I do. Before it was served?
2
12:56:32 3 Yes, on 30 October?---I certainly know she was provided
12:56:35 4 with the brief of evidence, yes.
5
12:56:37 6 I mean clearly at this stage she is, as I put to you
12:56:40 7 before, really operating as a person who's an agent of
12:56:43 8 police or assisting police as an informer, that's what I'm
12:56:48 9 suggesting to you?---Well, yes, she was a registered
12:56:51 10 informer at the time.
11
12:56:52 12 She really had no business to be provided with those
12:56:55 13 statements, I suggest?---Well, I think the second component
12:57:04 14 indicated by Mr White there, and what I've indicated, was a
12:57:07 15 concern.
16
12:57:08 17 Yes?---So you indicated that, you know, I would have been
12:57:12 18 in a position to identify what might have been at risk to
12:57:16 19 her but without a doubt there was some thought that she
12:57:22 20 needed reassurance to check it herself to make sure that
12:57:26 21 she wasn't lit up in relation to her role in this.
22
12:57:29 23 What I suggest, and I'll put it quite clearly, I suggest to
12:57:33 24 you that the evidence strongly suggests that the statements
12:57:41 25 were given to her to enable her to check them and make
12:57:44 26 changes where appropriate to ensure, insofar as Purana was
12:57:50 27 able to be assured, that the statements were
12:58:00 28 accurate?---I'm unaware of that. I'm not sure. I look at
12:58:03 29 my notes and I see that I gave that statement, and when I
12:58:07 30 read that before this, I thought what were those statements
12:58:10 31 provided to and the natural conclusion was they were given
12:58:12 32 to ensure that she was protected as a source, as the brief
12:58:18 33 of evidence.
34
12:58:19 35 All right?---There is material there that would suggest
12:58:21 36 what you're suggesting.
37
12:58:23 38 Yes?---But I just can't remember that.
39
12:58:25 40 Okay, all right. In your diary on 14 June 2006, p.34,
12:58:36 41 there's a mobile telephone call to Ms Gobbo; is that
12:58:42 42 right?---Yes. I received a telephone call, yep.
43
12:58:52 44 In fact I'll go back. Can I ask you to look at ICR p.327.
12:59:05 45 This is an entry on 11 June 2006. On this page there's a
12:59:21 46 reference to [REDACTED] visiting - well, perhaps it
12:59:28 47 isn't clear but visited [REDACTED] at [REDACTED] " [REDACTED]

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12:59:33 1 told him that he will be arrested soon as the owners of the
12:59:38 2 premises [REDACTED] the [REDACTED] they'd been told of
12:59:43 3 his involvement in the [REDACTED]. Does that make sense
12:59:47 4 to you?---Yep.
5
12:59:48 6 That's the [REDACTED]; is that right?---That's right, the
12:59:53 7 [REDACTED], [REDACTED] and [REDACTED] yes.
8
12:59:54 8
12:59:55 9 They ended up making statements in due course, is that
12:59:59 10 right?---They did, yes.
11
13:00:00 12 Giving against [REDACTED]-Yes ,
13:00:01 13
13:00:01 14 "He said it was [REDACTED]'s fault that he was in a
13:00:04 15 difficult position. [REDACTED] saw him on Saturday at the
13:00:07 16 prison whilst waiting outside. [REDACTED] forgot his ID as
13:00:11 17 well, had to return. [REDACTED] may well have [REDACTED] or
13:00:14 18 [REDACTED] with [REDACTED]. He's aware that [REDACTED] may be
13:00:18 19 helping police. That's probably coming from [REDACTED]. No one
13:00:26 20 really knows who owes what to whom. The DSU issue is tell
21 Dale Flynn that [REDACTED] wants to amend some of this
13:00:32 22 statements about [REDACTED]?---Yep.
23
13:00:35 24 Do you recall that around that time [REDACTED] - sorry,
13:00:41 25 [REDACTED] wanted to change his statements about
13:00:45 26 [REDACTED]?---I can't specifically recall that but
13:00:54 27 there was numerous changes during the statement taking
13:00:57 28 process.
29
13:00:58 30 Yes. It appears that this is one of the changes?---Yes.
31
13:01:09 32 Clearly there would have been no record kept of any changes
13:01:13 33 and any reasons why the changes might have been
13:01:16 34 made?---That's correct, yes.
35
13:01:18 36 On one view it might be because of a difference in opinion
13:01:22 37 between [REDACTED] and Mr [REDACTED] all of a sudden he
13:01:27 38 decides he wants to change his statement?---What, after the
13:01:33 39 meeting they had?
40
13:01:34 41 Yeah?---Is that what you're suggesting?
42
13:01:37 43 Yes?---Well that's a possibility, yes.
44
13:01:39 45 I mean that's information, one assumes, that
13:01:44 46 [REDACTED] when he comes to run his trial years down
13:01:47 47 the track, might be interested in knowing?---Well, yes,

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13:01:52 1 possibly, yes.
2
13:01:52 3 Well he would, clearly?---Yes.
4
13:01:55 5 Because he's heavily challenged [REDACTED]'s credibility
13:02:03 6 during the course of his trial?---Yes, I'd agree with that.
13:02:05 7
13:02:08 8 And he would want to know that information?---Yes.
9
13:02:11 10 And clearly that information never got to
13:02:14 11 [REDACTED] --No.
12
13:02:15 13 If we move to your diary on 13 June. It's on that day
13:02:19 14 Mr Bickley is arrested, is that right? If you go to your
13:02:29 15 diary at p.32?---That's correct, yes.
16
13:02:34 17 I suggest to you that - perhaps if we go down to the bottom
13:02:38 18 of the page you'll see that there's an interview with
13:02:42 19 Mr Bickley It's suspended; is that right?---Yes.
20
13:02:47 21 And there's a debrief with Mr O'Brien and Mr Rowe?---Yep.
22
13:02:52 23 "Believes 90 per cent truthful"; is that right?---Yep.
24
13:02:57 25 And I can't read the next sentence, what does it say?---It
13:03:00 26 says, "Downplaying his own role."
27
13:03:03 28 Then there's contact made with [REDACTED] is that
13:03:12 29 right?---We had a conference, Jim and I had a conference
13:03:13 30 with [REDACTED], yes, and [REDACTED]
31
13:03:16 32 Yes?---And Mr Bickley .
33
13:03:17 34 Right. Do you know whether at that stage Mr Bickley had
13:03:21 35 spoken to Ms Gobbo?---No. So I wasn't the arresting
13:03:35 36 officer.
37
13:03:36 38 No, Mr Rowe was, wasn't he, the interviewing officer?---So
13:03:42 39 I don't have any record of that.
40
13:03:45 41 You would have known on the day I take it?---Well if it
13:03:49 42 happened I would have, yes, but I haven't got it recorded
13:03:52 43 and I can't remember.
44
13:03:53 45 If I can remind you that Mr Rowe in his diary makes a note
13:03:58 46 that Ms Gobbo called and gave advice to Mr Bickley you
13:04:03 47 wouldn't dispute that if it's in his diary?---No, if it's

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13:04:08 1 in his diary that sounds correct.
2
13:04:11 3 And over the phone, there was no attendance of
13:04:18 4 Ms Gobbo?---I'd be reliant on what Mr Rowe said about it.
13:04:20 5 He was the one who was the informant, he was leading the
13:04:23 6 interview part of it all.
7
13:04:24 8 Can I suggest also, I'm not going to take you to the
13:04:28 9 transcript, that Ms Gobbo on 9 June in her discussions with
13:04:32 10 Mr White and Mr Green and Mr Smith came to - the end result
13:04:40 11 of their discussions was that it was expected that
13:04:42 12 **Mr Bickley** would call Ms Gobbo?---Yes.
13
13:04:46 14 And to avoid any difficulties, the sort of difficulties
13:04:51 15 that arose when she attended at St Kilda Road Police
13:04:53 16 Station on [REDACTED] it was determined that she would
13:04:56 17 provide advice over the telephone and not attend at the
13:05:00 18 police station. Did you recall having a discussion with
13:05:04 19 Mr White about that when you spoke to him on the night or
13:05:09 20 at any time beforehand?---No, I don't recall a discussion.
13:05:13 21 I just thought from a transcript you showed me earlier in
13:05:17 22 the day that she wasn't going to have any contact.
23
13:05:19 24 Yes?---But I can't recall one way or the other.
25
13:05:25 26 What I'm putting to you is that there's evidence before the
13:05:28 27 Commission that it was determined, this is evidence that's
13:05:31 28 been given already, that it was determined ultimately that
13:05:34 29 that's the way it which it would occur, that she would give
13:05:37 30 advice over the telephone or give advice over the
13:05:37 31 telephone?---I must have misread a transcript you showed me
13:05:40 32 earlier, that's all.
33
13:05:41 34 It may well be that there's other - there is in fact other
13:05:45 35 transcript which makes it quite clear that that was what
13:05:49 36 was determined ultimately?---Okay. From my point of view I
13:05:53 37 don't think it makes any difference because I have no
13:05:55 38 recollection of it. I was there at the arrest scene but
13:05:59 39 wasn't in the car with **Mr Bickley** and Rowe and Hayes, so I
13:06:04 40 would be reliant on what they said they did and what
13:06:07 41 occurred.
42
13:06:08 43 I follow. The complexities which you've spoken about which
13:06:11 44 arose with respect to [REDACTED] and
13:06:17 45 [REDACTED] would be the same complexities if Ms Gobbo
13:06:20 46 decided to involve herself in advising **Mr Bickley** clearly,
13:06:26 47 wouldn't they?---Yes.

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1
13:06:27 2 The fact is one of the reasons that she ended up being a
13:06:30 3 human source in the first place was because she felt that
13:06:32 4 she had a conflict of interest between Mr Bickley and
13:06:36 5 Mr Mokbel?---Yes.
6
13:06:38 7 But here she is down the track doing just that which she
13:06:42 8 claimed she couldn't do earlier on?---Yes.
9
13:06:45 10 Do you recall whether - I suspect I know the answer - but
13:06:51 11 you don't recall any instruction from Mr O'Brien or anyone
13:06:55 12 else to the effect that it was not appropriate for Ms Gobbo
13:06:59 13 to be involving herself, whether it be at the police
13:07:02 14 station or on the telephone?---No, I don't.
15
13:07:08 16 Would you think that Mr Hayes, who was the informant, would
13:07:12 17 have known about - I withdraw that. Mr Hayes would have
13:07:17 18 known about Ms Gobbo's dual role in this exercise?---Yes.
19
13:07:39 20 When you were giving evidence the other day one of the
13:07:42 21 things that you said was that the die was cast when
13:07:46 22 Ms Gobbo turned up on the [REDACTED] --Yes.
23
13:07:51 24 That's when the problems started and thereafter it was too
13:07:54 25 late to do anything about it?---Yes.
26
13:07:56 27 Was any consideration at all given to trying to prevent
13:07:59 28 further damage by actually stopping it and preventing her
13:08:04 29 from further involvement?---Well not from me, no.
30
13:08:18 31 If you look at your diary at p.33, is it the case that
13:08:27 32 there was a further interview conducted with Mr Bickley
13:08:30 33 or an interview was conducted around 5.30, 5.45?---Yep.
34
13:08:41 35 [REDACTED] was explaining his involvement; is that
13:08:45 36 right?---Yes.
37
13:08:51 38 If we go to 14 June, you're having discussions with
13:08:57 39 [REDACTED] again with respect to a visit to [REDACTED]
13:09:01 40 the following day?---Yes.
41
13:09:05 42 Do you then shortly after speak to Ms Gobbo?---Yes.
43
13:09:12 44 What was the content of that discussion?---She rang me and
13:09:15 45 she wanted to arrange a meeting between [REDACTED] and [REDACTED]
13:09:20 46 [REDACTED]
47

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FLYNN XXN - IN CAMERA

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13:09:23 1 With her present?---It's not clear.
2
13:09:30 3 Further down on that same day - well, subsequently you do
13:09:36 4 contact ██████ Prison; is that right?---I went there.
5
13:09:40 6 You went there?---Yep.
7
13:09:43 8 What was going on, were you taking statements at that
13:09:46 9 stage?---So I've got, "Spoke to ██████ re photos".
10
13:09:52 11 Yes?---"And proofreading of LD material".
12
13:09:56 13 Righto. You made a telephone call to Ms Gobbo again, you
13:10:02 14 notified ██████ to arrange a meeting between ██████
13:10:07 15 and ██████ as well?---Correct.
16
13:10:12 17 The following day you had discussions with the OPP; is that
13:10:19 18 correct?---Yes.
19
13:10:22 20 And it was concerning the statements of ██████?---And
13:10:33 21 ██████ yes.
22
13:10:34 23 And ██████ A folder of the statements was handed to
13:10:38 24 the OPP; is that correct?---Correct, yes.
25
13:10:40 26 Were they the same statements which had been printed off
13:10:48 27 earlier on? In other words, was this a different version,
13:11:06 28 had they been changed, for example, subsequent to Ms Gobbo
13:11:11 29 perusing the statements?---I'm sorry, I'm just going
13:11:18 30 through my diary to see what occurred between those two
13:11:22 31 dates.
32
13:11:22 33 Yes?---There doesn't seem to be any meeting between me and
13:11:48 34 ██████ between those two dates, which would suggest to
13:11:52 35 me that they are the same statements.
36
13:11:55 37 You don't know whether the statement of a statement
13:11:57 38 concerning ██████ had been changed at all or
13:12:00 39 not?---No, I don't. There's no reference to me attending
13:12:08 40 to see ██████ and making notes about changes or amending
13:12:16 41 statements or anything along those lines. So that would
13:12:19 42 suggest to me that it hasn't.
43
13:12:20 44 Those statements were provided to the Crown?---Yep.
45
13:12:24 46 And it seems to suggest that Mr Ryan and Ms Anscombe were
13:12:31 47 going to - what were they going to do with the

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13:12:33 1 statements?---You've got my full notes for that?
2
13:12:51 3 I do. So the statements made by [REDACTED] and [REDACTED] were
13:12:57 4 provided, all of them, except for the four initial ones
13:13:00 5 made by [REDACTED]; is that right?---Yes.
6
13:13:02 7 Those were the ones which were actually signed?---Yes.
8
13:13:05 9 So in effect the draft statements were provided to the
13:13:08 10 Crown?---Yes.
11
13:13:09 12 And - - - ?---They were going to inspect the statements
13:13:14 13 over the following weeks.
14
13:13:16 15 Over the following weeks; is that right?---"To contact
13:13:20 16 Vaile Anscombe on or about 7 July to determine whether
13:13:24 17 solicitor Tony Hargreaves to see statements prior to
13:13:30 18 signing."
19
13:13:32 20 See, effectively what you've done there is you've gone to
13:13:35 21 see Mr Ryan, who's representing the OPP, a solicitor for
13:13:41 22 the Crown. You've gone and provided them with draft
13:13:43 23 statements made by [REDACTED] and [REDACTED] and you've
13:13:47 24 asked him for advice as to whether or not those statements
13:13:52 25 should be provided to [REDACTED]'s actual on the record
13:13:57 26 solicitor?---Yes.
27
13:13:58 28 In circumstances where you've already provided those
13:14:02 29 statements to Ms Gobbo?---Yes.
30
13:14:04 31 Why would you need to seek advice about that when you've
13:14:08 32 already provided them to Ms Gobbo?---I don't know.
33
13:14:13 34 Well you certainly didn't tell them that you'd already
13:14:16 35 provided the statements to Ms Gobbo, did you?---No, I
13:14:21 36 didn't.
37
13:14:21 38 Why not?---Well again, it's just to not put any taint or
13:14:28 39 concern over Ms Gobbo in relation to her role in this.
40
13:14:33 41 It's just part of the process, I suggest, of keeping
13:14:36 42 information of the involvement of Ms Gobbo away from
13:14:46 43 lawyers outside of the police, that's certainly the
13:14:51 44 case?---Well keeping - concerns about Ms Gobbo's role as a
13:14:58 45 human source would be kept away from people, including
13:15:01 46 other police.
47

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13:15:06 1 Do you think if you'd conveyed that information to Mr Ryan
13:15:09 2 his view would have been, "Well look, you'll need to
13:15:13 3 disclose that to the OPP"?---I don't know if I considered
13:15:17 4 that at the time but, yeah, that's probably true, yes.
5
13:15:26 6 COMMISSIONER: This is a good time?
13:15:28 7
13:15:28 8 MR WINNEKE: Thanks Commissioner.
9
13:15:29 10 COMMISSIONER: How are we going time-wise, just for the
13:15:32 11 convenience of future witnesses?
12
13:15:34 13 MR WINNEKE: We're not going as quickly as I thought we
13:15:37 14 would be, Commissioner. I would expect that I think
13:15:40 15 Mr Flynn will be here for the remainder of the day.
16
13:15:43 17 COMMISSIONER: The remainder of the day, yes, all right.
13:15:45 18 Mr Chettle, it looks as though Mr Green won't be needed
13:15:48 19 today.
20
13:15:51 21 MR CHETTLE: He'll be ready tomorrow, Commissioner.
22
13:15:54 23 COMMISSIONER: We'll see how we're going at the end of the
13:15:57 24 day and review it then. All right, we'll adjourn until 2
13:16:26 25 o'clock.
26
13:16:28 26
13:16:28 27 <(THE WITNESS WITHDREW)
13:16:30 28
29 LUNCHEON ADJOURNMENT
30
31
32
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14:01:01 1 UPON RESUMING AT 2.05 PM:
14:05:16 2
14:05:17 3 <DALE FLYNN, recalled:
14:05:25 4
14:05:25 5 COMMISSIONER: Yes Mr Winneke.
14:05:26 6
14:05:27 7 MR WINNEKE: Thanks Commissioner. I was asking you about
14:05:30 8 your discussion with the OPP insofar as the statements are
14:05:34 9 concerned. On that same page there's a reference to
14:05:50 10 discussion with Ms Gobbo, you returned a telephone call and
14:05:54 11 she wants to speak to [REDACTED] regarding - what does that
14:06:02 12 say?---Which page number, sorry?
14:06:04 13
14:06:05 14 At 08:50 on 16 June?---"Re [REDACTED]."
14:06:14 15
14:06:15 16 Right?---"Receive telephone call, Nicola Gobbo wants to
14:06:19 17 speak to [REDACTED]."
14:06:22 18
14:06:22 19 That was with respect to an order made against, what, his
14:06:28 20 property?---Yes.
14:06:29 21
14:06:31 22 And then you're at the [REDACTED] Prison and you're speaking to
14:06:36 23 [REDACTED]?---Yep.
14:06:37 24
14:06:37 25 Regarding listening device proofreading?---Yes.
14:06:42 26
14:06:42 27 So he's clearly proofreading the listening device
14:06:46 28 product?---Yes.
14:06:46 29
14:06:47 30 And he didn't wish to speak to Ms Gobbo?---Yes.
14:06:49 31
14:06:52 32 And subsequently you make a telephone call to Ms Gobbo and
14:06:56 33 you pass that information on, I assume, is that right?
14:07:00 34 Over the page, if you go to p.36?---Yes, I presume I would
14:07:04 35 have provided her some sort of update.
14:07:07 36
14:07:11 37 Then obviously the statement taking process is continuing
14:07:18 38 and insofar as you're involved in that process you make
14:07:24 39 notes of it in your diary?---Well, I presume so, yes.
14:07:28 40
14:07:35 41 And then can I ask you about 17 July. On that date there's
14:07:52 42 an entry in the ICRs at p.360. If we can put that one up.
14:08:09 43 At the top of the page at 9:29, apparently Ms Gobbo has
14:08:16 44 made a call to her handlers and she tells them that Rowe
14:08:19 45 has been out to [REDACTED] to ask [REDACTED] to sign, it seems a
14:08:26 46 statement, and he's gone berserk?---Yes.
14:08:29 47

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14:08:29 1 Do you know what that's about?---No.
14:08:31 2
14:08:33 3 Rowe was obviously having communications with [REDACTED]
14:08:38 4 about a particular statement that he was wanting him to
14:08:41 5 make, is that right?---That would appear to be the case,
14:08:44 6 yes.
14:08:44 7
14:08:44 8 You're advised about this?---Am I?
14:08:47 9
14:08:48 10 Yes. According to that record. So it seems that you're
14:08:56 11 called by the handler, who I think at that stage is
14:09:00 12 Mr Smith. Do you have a record of that in your diary?---I
14:09:05 13 have - this is 17 July, is that right?
14:09:07 14
14:09:08 15 17 July, yes?---I do have communication with DSU members.
14:09:17 16 Just bear with me.
14:09:18 17
14:09:18 18 What time is that?---This is at - I've just got arriving at
14:09:23 19 the office at 7.45 in the morning, and I'm just attending
14:09:28 20 to a number of administrative duties.
14:09:32 21
14:09:34 22 Then you've got DSU?---Yes.
14:09:37 23
14:09:37 24 It says, "Has attempted to", [REDACTED] and I
14:09:42 25 think his name is Anderson, is that right - Richards, I
14:09:49 26 apologise. You can take it that name there is, his
14:09:55 27 pseudonym is Richards?---Yes.
14:09:57 28
14:09:57 29 "Re", it says "[REDACTED]", is that right?---Yes.
14:10:02 30
14:10:02 31 What's that, does that make sense?---That would appear to
14:10:05 32 be [REDACTED].
14:10:08 33
14:10:05 34 [REDACTED]. So that may well be a different
14:10:11 35 matter?---Yes.
14:10:12 36
14:10:12 37 And then you speak to another handler, Mr Anderson, about
14:10:17 38 another person who we don't need to worry about?---Yes.
14:10:20 39
14:10:21 40 Is there any reference to a communication with
14:10:38 41 Mr Smith?---Doesn't appear to be, so.
14:10:41 42
14:10:41 43 In any event, if we accept that, it appears to be that
14:10:47 44 Mr Rowe has been out to ask [REDACTED] to sign a statement and he
14:10:51 45 obviously has chosen not to and he has contacted Ms Gobbo
14:10:55 46 who has contacted her handler?---Yes.
14:10:57 47

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14:10:57 1 That would be consistent - if [REDACTED] wasn't happy with
14:10:59 2 something or was upset with police he'd be on the phone to
14:11:04 3 Ms Gobbo?---That would be consistent, yes.
14:11:05 4
14:11:07 5 Did he need to be played with kid gloves, [REDACTED], or
14:11:14 6 handled with kid gloves?---He was demanding at times, so
14:11:20 7 there are other times where we didn't have any major issues
14:11:26 8 and then he could get worked up and aggravated quite easily
14:11:32 9 sometimes. Some small things would set him off.
14:11:34 10
14:11:34 11 Obviously Mr Rowe wasn't the person he wanted to see, he'd
14:11:38 12 be happier seeing you I assume?---I don't know if he had
14:11:42 13 any problems with Mr Rowe, but certainly Mr Rowe didn't
14:11:45 14 have as much contact with him as I did. But whether that
14:11:49 15 was because of Mr Rowe or because of the statement, I'm not
14:11:52 16 sure. I'm just not sure what statement it would have been.
14:11:56 17
14:11:57 18 Right. Do you know - I mean obviously the statements
14:12:04 19 weren't signed as of yet?---No.
20
14:12:06 21 They were signed subsequent to this?---That's correct.
14:12:09 22
14:12:09 23 It may well be if he wasn't happy with the statement it
14:12:12 24 could be that it was changed subsequent to that?---Well,
14:12:18 25 anything's possible. I'm not even sure what statement he's
14:12:22 26 referring to and I'm at a bit of a loss to think about why
14:12:28 27 Mr Rowe would be getting, trying to get a statement signed
14:12:32 28 at that particular time when there was a type of process
14:12:35 29 set in place that we'd get them all signed together. I'm
14:12:39 30 just trying to think of what specific investigations
14:12:42 31 Detective Rowe was in charge of that it may relate to.
14:12:46 32
14:12:47 33 At 15:57 there's a missed call and a phone back to
14:12:56 34 Ms Gobbo. Right there where you were. "Re [REDACTED]'s
14:13:00 35 statement. Handler to arrange for Ms Gobbo to view via
14:13:06 36 yourself prior to signing so that [REDACTED] was unaware of
14:13:13 37 the same"?---Yep.
14:13:15 38
14:13:15 39 That appears to be another example of Ms Gobbo looking at
14:13:20 40 those statements prior to them being signed. Do you have
14:13:27 41 any note in your diary about that?---For that day?
14:13:32 42
14:13:33 43 That's on the 17th?---I don't have a record of contacting
14:14:26 44 Ms Gobbo at all on that day or communicating with her. I
14:14:30 45 do have a record of communicating with Mr Hargreaves.
14:14:32 46
14:14:33 47 Mr Hargreaves, that's right?---But not her.

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14:14:34 1
14:14:35 2 If we look at that page of your notes at p.42, you see that
14:14:42 3 there's a note regarding statement from [REDACTED]. Do you
14:14:51 4 see that, at about a quarter of the way down, underneath re
14:14:59 5 arrest [REDACTED] 06, and there's a discussion with Lucy Pelgan
14:15:05 6 of the OPP. Do you see that in your notes?---This is p.42?
14:15:11 7
14:15:11 8 Yes, p.42, 17 July 2006?---Yes, I do.
14:15:22 9
14:15:26 10 Can you make sense of that entry there?---So the entry
14:15:37 11 reads, "Spoke to Detective Acting Senior Sergeant Kelly to
14:15:43 12 prepare brief of evidence on [REDACTED], we arrest on
14:15:49 13 [REDACTED] 06".
14:15:50 14
14:15:50 15 As a consequence of information from [REDACTED]?---Yes, it
14:15:54 16 must, one of the statements he made must have related to
14:16:00 17 the arrest on the [REDACTED].
14:16:04 18
14:16:04 19 Yes?---And that must have been used in the brief against
14:16:11 20 [REDACTED] who was present at the house with [REDACTED]
14:16:15 21 when he was arrested. And I think Detective Senior
14:16:18 22 Sergeant, or Acting Senior Sergeant Kelly was in charge of
14:16:21 23 that brief or putting that brief together, or I remember
14:16:24 24 his crew was, so he must have been in some discussion with
14:16:27 25 the OPP in relation to it.
14:16:29 26
14:16:34 27 The statement is shown to Lucy Pelgan at the OPP, is that
14:16:40 28 right?---Yes.
14:16:40 29
14:16:41 30 Regarding an unsigned statement from [REDACTED]?---Yes.
14:16:43 31
14:16:45 32 "Prior to" - what does that say, something "to
14:16:55 33 arrest"?---"To arrest and seek cooperation" - I just can't
14:16:59 34 read my own writing for that word. I'm not sure what that
14:17:14 35 is.
14:17:14 36
14:17:14 37 Okay. At 10 am you receive from Detective Senior Constable
14:17:24 38 Heyes an unsigned statement?---Yep.
14:17:27 39
14:17:29 40 What's the next word there?---Taken.
14:17:32 41
14:17:32 42 Taken from [REDACTED]?---Correct.
14:17:34 43
14:17:34 44 [REDACTED] wasn't a person with whom you dealt on a regular
14:17:39 45 basis, is that right?---No.
14:17:41 46
14:17:41 47 Did you ever deal with [REDACTED]?---I might have met him

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14:17:44 1 once.
14:17:44 2
14:17:46 3 Do you know why you were being provided with a statement
14:17:49 4 from him?---I know he provided a detailed [REDACTED].
14:17:55 5 I think it was about [REDACTED] pages long, in relation to his
14:17:58 6 history with the Mokbels and that ultimately was used in
14:18:02 7 one of my prosecutions.
14:18:03 8
14:18:04 9 Yes?---So - - -
14:18:06 10
14:18:06 11 Which one was that, do you know?---Which prosecution?
14:18:08 12
14:18:09 13 Yes?---So it was the [REDACTED] prosecution.
14:18:12 14
14:18:12 15 Yes?---So which I think, I think the committal was in 2009.
14:18:19 16
14:18:19 17 2009?---2009, yes.
14:18:23 18
14:18:24 19 Do you know why you were provided with that unsigned
14:18:26 20 statement at that time?---Well, I was the informant for the
14:18:29 21 subsequent [REDACTED] matters and that was a statement that
14:18:32 22 was used on it. So I presumed he was just giving it to me
14:18:38 23 to have a look at that stage. It must relate to that
14:18:42 24 because that's the only involvement I had with [REDACTED].
14:18:45 25
14:18:46 26 All right. And then there was an appearance that you had -
14:18:53 27 just before I go to that, can I put to you a diary entry
14:18:59 28 from Mr Rowe of 14 July 2006. You recall you weren't too
14:19:04 29 certain why he would have been going out there and why
14:19:07 30 [REDACTED] would have been upset by his attendance?---Yep.
14:19:10 31
14:19:10 32 There's a note here to the effect that he, with Johns and
14:19:16 33 Farrar, went to [REDACTED] Prison and spoke to [REDACTED],
14:19:22 34 inquired whether he required statements viewed prior to
14:19:26 35 signing and stated that he did. And Operation Prima
14:19:40 36 questions discussed. Do you know what Operation Prima
14:19:45 37 was?---Is it pre-man, is it?
14:19:46 38
14:19:49 39 Prima, P-r-i-m-a. Do you know what that would be?---No.
14:19:54 40 It vaguely rings a bell but I can't - - -
14:19:56 41
14:19:57 42 If I suggested to you that Mr Buick was investigating the
14:20:03 43 murder of Mario Condello would that refresh your
14:20:07 44 recollection?---So I had no involvement in that but that
14:20:10 45 makes sense. I knew that was being investigated by Purana
14:20:13 46 at the time.
14:20:13 47

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14:20:13 1 That might explain why he wasn't particularly happy if he
14:20:16 2 was being asked questions about that by Mr Rowe
14:20:23 3 perhaps?---Mr Rowe was with - - -
14:20:25 4
14:20:25 5 Farrar and Johns?---Well neither of those three had
14:20:30 6 anything to do with the Condello - - -
14:20:33 7
14:20:33 8 I'm just reciting what's in the note of Mr Rowe, Op Prima
14:20:41 9 questions discussed?---Potentially he might have been out
14:20:45 10 there asking questions on behalf of Detective Buick.
14:20:49 11
14:20:52 12 Primi, P-r-i-m-i I think?---Yes.
14:20:55 13
14:21:04 14 In any event, would it be fair to say that if you were
14:21:10 15 requesting or if there was a request of [REDACTED] that he'd
14:21:16 16 like his statements to be looked at prior to him signing
14:21:21 17 it, that would have come from you, I assume, wouldn't
14:21:25 18 it?---Yes.
14:21:25 19
14:21:27 20 It appears on that day that you were at the Melbourne
14:21:30 21 County Court before the Chief Judge Rozenes, is that
14:21:35 22 right?---This is the 17th or - - -
14:21:38 23
14:21:39 24 The 17th, yes?---Correct.
14:21:42 25
14:21:43 26 There was a matter concerning [REDACTED] and [REDACTED] of
14:21:55 27 [REDACTED] and [REDACTED], is that right?---Yep.
14:21:57 28
14:21:57 29 That was an adjournment of the plea, is that right?---Yes.
14:22:02 30
14:22:03 31 Did you have a discussion at that stage with Mr Hargreaves
14:22:09 32 or was that someone else? There seems to be a name
14:22:12 33 Hargreaves there?---Yes, but it says David so I don't - - -
14:22:26 34
14:22:27 35 Yes. Do you know who that is?---No, I don't. Whether it's
14:22:34 36 just an error I've written down. It would make sense to be
14:22:37 37 Tony Hargreaves, DEF for the defence, receiving statements
14:22:43 38 re [REDACTED] and [REDACTED]. Although then it's got from
14:22:48 39 Paul Connor.
14:22:49 40
14:22:49 41 I might just stop you there. Can I just stop you there.
14:22:52 42 Commissioner, Mr Pena-Rees is in court. We're in a closed
14:22:58 43 session at the moment.
14:22:59 44
14:22:59 45 COMMISSIONER: He shouldn't be, should he?
14:23:02 46
14:23:03 47 MR WINNEKE: I understand he has an application to make in

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14:23:04 1 any event.
14:23:07 2
14:23:07 3 COMMISSIONER: Yes, all right then.
14:23:08 4
14:23:08 5 MR WINNEKE: I'm content he make the application now
14:23:11 6 because I think the evidence - - -
14:23:13 7
14:23:13 8 COMMISSIONER: Yes Mr Pena-Rees.
14:23:15 9
14:23:17 10 MR PENA-REES: Thank you Commissioner. I do make an
14:23:21 11 application to be present during the hearing in relation to
14:23:27 12 this witness.
14:23:30 13
14:23:30 14 COMMISSIONER: You're acting for?
14:23:32 15
14:23:33 16 MR PENA-REES: Mr Cvetanovski.
14:23:38 17
14:23:38 18 COMMISSIONER: You're asking for leave to appear?
14:23:41 19
14:23:41 20 MR PENA-REES: I am. Also - - -
14:23:42 21
14:23:43 22 COMMISSIONER: In respect of this witness?
14:23:45 23
14:23:46 24 MR PENA-REES: In respect to this witness, correct.
14:23:53 25
14:23:53 26 COMMISSIONER: Yes.
14:23:53 27
14:23:54 28 MR PENA-REES: I also seek leave to receive the transcripts
14:23:59 29 of the evidence of this witness.
14:24:01 30
14:24:01 31 COMMISSIONER: If you're given leave to appear you'll get
14:24:05 32 that.
14:24:05 33
14:24:06 34 MR PENA-REES: Thank you. And finally, I also seek leave
14:24:10 35 to be able to cross-examine the witness.
14:24:13 36
14:24:13 37 COMMISSIONER: I think that might be premature but at least
14:24:17 38 you've notified us of your application. We'll wait and
14:24:22 39 see. We'll deal with that at the end of counsel
14:24:25 40 assisting's examination.
14:24:26 41
14:24:26 42 MR PENA-REES: Yes. Thank you, Commissioner, that's the
14:24:29 43 only application.
14:24:30 44
14:24:30 45 COMMISSIONER: Yes, all right.
14:24:34 46
14:24:35 47 MR WINNEKE: Commissioner, I don't oppose the application.

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14:24:45 1 As you appreciate I've already asked this witness some
14:24:50 2 questions about Mr Cvetanovski in any event. It seems
14:24:54 3 reasonable that Mr Pena-Rees be present.
14:24:56 4
14:24:56 5 COMMISSIONER: Yes. Does anybody want to be heard on this?
14:24:59 6
14:24:59 7 MS ARGIROPOULOS: No Commissioner.
14:25:00 8
14:25:01 9 MR GOODWIN: No Commissioner.
14:25:02 10
14:25:02 11 COMMISSIONER: Mr Pena-Rees, I'm satisfied it is
14:25:05 12 appropriate you be given leave to appear in respect of this
14:25:08 13 witness because the matters are very relevant to your
14:25:10 14 client Mr Cvetanovski. But it will be necessary for you to
14:25:13 15 undertake only to discuss with your client the aspects of
14:25:19 16 confidential material relevant to obtaining instructions
14:25:21 17 for potential cross-examination of the witnesses; to inform
14:25:25 18 your client of any relevant non-publication orders of the
14:25:30 19 Commission and/or extant suppression orders and the
14:25:32 20 criminal sanctions that would apply for any breach of those
14:25:36 21 orders and to not disclose the confidential information
14:25:38 22 whether orally or in writing to any other person. There
14:25:42 23 are non-publication orders present in respect of this
14:25:46 24 witness's evidence which I'm sure you'll be provided with a
14:25:50 25 copy and also they're on the hearing room door. So are you
14:25:55 26 prepared to give that undertaking?
14:25:57 27
14:25:58 28 MR PENA-REES: I do, Commissioner.
14:25:58 29
14:25:59 30 COMMISSIONER: Yes, on that basis then leave to appear is
14:26:03 31 given and you'll be provided with a copy of the transcript
14:26:06 32 of this witness's evidence.
14:26:08 33
14:26:08 34 MR PENA-REES: Thank you.
14:26:10 35
14:26:10 36 MR WINNEKE: If it please the Commissioner. So you can't
14:26:15 37 explain that entry but it does go on to say, "Receiving
14:26:19 38 statements", is that right?---Receive statements, and it
14:26:24 39 appears to be [REDACTED] and [REDACTED], from Paul Connor.
14:26:30 40
14:26:30 41 Paul Connor's an OPP solicitor, is that right?---I actually
14:26:36 42 think it's Paul O'Connor.
14:26:39 43
14:26:39 44 That might be Paul O'Connor?---Could be, yes.
14:26:42 45
14:26:42 46 Do you know whether Paul Connor's a different person or you
14:26:47 47 just don't know?---Paul O'Connor from the OPP is the one

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14:26:50 1 that I think that refers to.
14:26:51 2
14:26:52 3 If you go to the next line, "Debrief with prosecuting
14:26:56 4 barrister David Parsons QC, OPP Paul Connor"?---There you
14:27:03 5 go.
14:27:04 6
14:27:04 7 Do you know what's that about, the debriefing with
14:27:07 8 Mr Parsons?---I think he just wanted a verbal discussion in
14:27:13 9 relation to this prosecution. So I think I just gave him
14:27:22 10 some background material in relation to it.
14:27:25 11
14:27:26 12 It seems you have a discussion whether [REDACTED] used - -
14:27:33 13 -?---Against [REDACTED] and [REDACTED].
14:27:38 14
14:27:38 15 Right. And there's a reference to express
14:27:44 16 concerns?---Statement signed first and [REDACTED] dealt
14:27:47 17 with. [REDACTED] can be cross-examined by all solicitors.
14:27:54 18 His reply, agreed, could be used against Lex Lasry, the QC
14:28:02 19 for [REDACTED], if used in [REDACTED] trial. Open
14:28:07 20 to cross-examination. OPP to discuss [REDACTED] trial
14:28:12 21 proceeding as if put off to include further evidence is
14:28:27 22 preference.
14:28:28 23
14:28:28 24 Do you know what the issues were that were being discussed,
14:28:33 25 can you make sense of that?---A little bit, yes. So the
14:28:36 26 reference to [REDACTED], so [REDACTED] was facing a
14:28:40 27 trial which he was intending to contest in relation to the
14:28:44 28 [REDACTED] charges in 2003.
14:28:46 29
14:28:46 30 Yes?---And we were obtaining a statement from [REDACTED]
14:28:51 31 which would greatly strengthen that brief of evidence. So
14:28:55 32 that seems to be indicating once we had that statement
14:28:57 33 signed that it would be included in that prosecution.
14:29:01 34
14:29:02 35 Yes?---And the reference to [REDACTED] is what we
14:29:08 36 discussed yesterday and her surety issues as a result of
14:29:13 37 [REDACTED].
14:29:16 38
14:29:17 39 That was what we discussed insofar as the communications
14:29:20 40 between Mr O'Brien, Mr Trichias and [REDACTED] at the
14:29:25 41 prison, is that right? Do you recall discussions about
14:29:32 42 resolution of that plea?---That was a resolution of the
14:29:37 43 [REDACTED] plea that you put to me at the end of the day
14:29:41 44 yesterday.
14:29:41 45
14:29:42 46 Yes?---That included [REDACTED] wanted the resolution of his
14:29:45 47 [REDACTED] matter included in his resolution.

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14:29:47 1
14:29:47 2 Yes, I follow that?---This doesn't seem to include anything
14:29:51 3 about [REDACTED]. It seems to be whether we could use
14:29:56 4 [REDACTED] to provide evidence against [REDACTED] it
14:30:03 5 seems to be from my diary notes.
14:30:07 6
14:30:12 7 Was there some concern about [REDACTED] being
14:30:17 8 cross-examined?---I don't think so, no.
14:30:19 9
14:30:21 10 Do you know what matter Mr Parsons was briefed in?---I
14:30:26 11 believe he was the prosecutor for - I think he was the
14:30:41 12 prosecutor for [REDACTED] and - I think at this stage he was
14:30:48 13 the prosecutor for [REDACTED] and [REDACTED].
14:30:52 14
14:30:52 15 Yes?---I'm not sure of what other prosecutions he was part
14:30:55 16 of, but I don't think he ended up prosecuting any of them.
14:31:01 17
14:31:06 18 If I could go - perhaps before I do, if you go over your
14:31:12 19 page there's reference here to further matters concerning
14:31:26 20 [REDACTED]. There's a [REDACTED] of his, there's a
14:31:31 21 statement taken from her, is that correct?---Yes.
14:31:33 22
14:31:35 23 You spoke to [REDACTED] on the phone at 13:56, is that
14:31:40 24 right?---Yes.
14:31:40 25
14:31:40 26 Or is that a reference to a discussion on 5 July of 06?
14:31:58 27 What that appears to indicate is that [REDACTED] has been
14:32:01 28 thinking further about [REDACTED] and [REDACTED], do you see
14:32:04 29 that?---Yes, I do.
14:32:05 30
14:32:05 31 Is that a suggestion that he's wanting to change statements
14:32:08 32 or make additions to his statements?---Or make a statement,
14:32:14 33 I'm not sure if we had a statement for that at this stage.
14:32:18 34
14:32:18 35 And then there's a reference to something occurring on 27
14:32:23 36 December of 2005?---Just to be clear, this appears to me
14:32:27 37 that I'm at the office being briefed by another member of
14:32:31 38 my crew.
14:32:32 39
14:32:32 40 Yes?---And this is information he's telling me.
14:32:36 41
14:32:36 42 And this is from Mr Bartlett, is that right?---Yes, that
14:32:39 43 appears to be what it is, yes.
14:32:41 44
14:32:46 45 Does this concern statements which have been made already
14:32:50 46 or statements which are to be made, do you know?---I think
14:32:56 47 the majority of statements had been taken at this stage.

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14:32:58 1
14:32:59 2 Yes?---The only one I'm not sure about was whether, in fact
14:33:04 3 I'm not even sure if we ever actually did take one in
14:33:08 4 relation to [REDACTED], I tend to think we probably did.
5
14:33:12 6 Yes?---And if we did I'm not sure whether that had been
14:33:15 7 taken at that stage or not.
8
14:33:16 8
14:33:25 9 At the end of that entry, that time entry, you commenced,
14:33:29 10 is that a review of [REDACTED]'s statement?---Read.
14:33:33 11
14:33:34 12 Read?---Yep.
14:33:34 13
14:33:39 14 There's discussion in relation to Operation Posse which
14:33:43 15 isn't obviously relevant, or isn't relevant to Ms Gobbo's
14:33:46 16 involvement, correct, next?---I'm not sure where you're
14:33:55 17 reading from.
14:33:56 18
14:33:56 19 13:50?---That's correct, yes. That's just forensic
14:34:00 20 analysis, yes.
14:34:01 21
14:34:02 22 Then at 16:45 you return a telephone call to Tony
14:34:06 23 Hargreaves, is that right?---Yes.
14:34:08 24
14:34:09 25 And is he, does that say reading [REDACTED]'s
14:34:14 26 statements?---Yes, correct.
14:34:14 27
14:34:15 28 In relation to - - - ?---It's statement 4 mentions [REDACTED]
14:34:21 29 [REDACTED], Mr Hargreaves is concerned that he's acting for a
14:34:24 30 [REDACTED] and wanted to know if it's one and the same
14:34:28 31 person and I replied no, they're possibly related but not
14:34:32 32 the same person.
14:34:34 33
14:34:34 34 He was concerned to know whether he was in a conflicted
14:34:37 35 position?---Yes.
14:34:38 36
14:34:38 37 And you informed him that - well you told him what you've
14:34:45 38 recorded, is that right?---Yes.
14:34:47 39
14:34:48 40 He's also asked about LD transcripts, is that right? Last
14:35:00 41 two lines of the page?---I'm sorry, I was reading the ones
14:35:04 42 above it. Yes, he has. I informed him that they'd been
14:35:09 43 transcribed and he didn't want to see them.
14:35:11 44
14:35:11 45 He didn't want to see them?---No.
14:35:13 46
14:35:14 47 Did you know whether he'd had any discussion with Ms Gobbo

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14:35:19 1 about whether or not he needed to see those
14:35:22 2 transcripts?---I don't know.
14:35:22 3
14:35:24 4 Over the page?---Yes.
14:35:27 5
14:35:27 6 What does that say there?---So he stated to me, "Understand
14:35:30 7 what I'm doing here, I'm not going to tell ██████████ to
14:35:34 8 change this or this or this, I'm just concerned he hasn't
14:35:38 9 confessed to any murder", et cetera. "Asked has any
14:35:43 10 ██████████ been arranged for charges outside present
14:35:51 11 charges", so information he was providing that he hadn't
14:35:54 12 been charged with.
14:35:55 13
14:35:55 14 Yes?---And I replied, "No, but the statements indicate" -
14:36:01 15 there's an opening paragraph of each statement that would
14:36:05 16 say, "I make this statement and it won't be used against
14:36:08 17 me".
14:36:08 18
14:36:08 19 What he said to you is he makes it clear, "I'm not here to
14:36:12 20 be making suggestions or changing any statements at all",
14:36:15 21 he just wanted to clarify something?---Yes.
14:36:18 22
14:36:18 23 That's entirely appropriate conduct from a solicitor who is
14:36:23 24 on the record?---Yes.
14:36:24 25
14:36:24 26 I suggest you didn't have any of those sorts of discussions
14:36:30 27 with Ms Gobbo?---No.
14:36:31 28
14:36:31 29 If I can just put that ICR up again. And you made quite a
14:36:39 30 detailed note of the discussion that you had with
14:36:42 31 Mr Hargreaves about these matters?---Yes.
14:36:45 32
14:36:49 33 If we see that entry at 15:57, re ██████████'s statements, "Handler
14:36:58 34 to arrange for Ms Gobbo to view via you prior to signing so
14:37:03 35 that he is unaware of the same"?---Yes.
14:37:05 36
14:37:06 37 Can I suggest to you that that is done so ██████████, if
14:37:18 38 he's asked, would not have to say that he was aware that
14:37:24 39 Ms Gobbo had seen the statements? If that note is
14:37:31 40 accurate?---Just repeat that to me, please.
14:37:38 41
14:37:41 42 "Handler to arrange for Gobbo to view via" - - - ?---Yes.
14:37:46 43
14:37:46 44 And what I'm suggesting is the reason why it was done in
14:37:50 45 that way was to ensure that ██████████ could answer, if he
14:37:56 46 was asked ever in the witness box whether he was aware that
14:38:00 47 Ms Gobbo had seen his statements, he could answer as far as

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14:38:03 1 he knew she hadn't seen the statements?---Yes, that kind
14:38:21 2 of - from that one sentence what you say makes sense. But
14:38:26 3 it conflicts with what you said earlier about his need to
14:38:29 4 make sure that she's read the statements on his behalf.
14:38:33 5
14:38:34 6 That may well be right. Do you recall when she was given
14:38:38 7 the statements on 9 June to go through it was made clear,
14:38:46 8 or she said at least in the transcript that I took you to,
14:38:51 9 that she was aware that [REDACTED] had not been told that
14:38:55 10 she was viewing the statements?---Yes.
14:38:59 11
14:38:59 12 And that would, I mean that would be consistent with that
14:39:03 13 again, Ms Gobbo is shown the statements and [REDACTED]
14:39:11 14 wouldn't know of her involvement in the statement
14:39:17 15 process?---Yes.
14:39:18 16
14:39:19 17 If you take the view that she's shown the statements to
14:39:23 18 make changes to the statements, as is suggested in her
14:39:28 19 assertion, there's something more sinister about it because
14:39:32 20 it means that if ever asked he wouldn't know that she had
14:39:36 21 contributed to changes being made to the statements. Do
14:39:39 22 you see what I'm saying?---I do see what you're saying,
14:39:42 23 yes.
14:39:42 24
14:39:43 25 You of course say, "Well look, no, that wasn't my intention
14:39:47 26 in giving them to her" so you would dispute that
14:39:49 27 interpretation?---Yes, and I don't ever remember getting
14:39:53 28 statements back from her, so.
14:39:54 29
14:39:55 30 All right?---And the other thing that confuses me is that
14:39:58 31 there were earlier comments about him wishing to ensure
14:40:04 32 that she had read the statements for his reassurance.
14:40:09 33
14:40:09 34 Yes. The other thing is this: Ms Gobbo, as we seem to
14:40:14 35 accept, is a person who is, one she's influential, one she
14:40:19 36 has a significant amount of influence, two, she has
14:40:23 37 influence over Person [REDACTED]?---Yes.
14:40:25 38
14:40:25 39 Three, every time there's a discussion with you and [REDACTED]
14:40:29 40 [REDACTED] about statements Ms Gobbo is told about it?---Yes. Well
14:40:35 41 every time, not just statements, most times we, I would
14:40:39 42 communicate with [REDACTED] he would contact her.
14:40:41 43
14:40:42 44 If Ms Gobbo has more or less free rein with [REDACTED] over
14:40:46 45 the telephone and she's seeing him, she's got the capacity
14:40:50 46 to influence him in what goes into his statement. So in
14:40:54 47 other words albeit she might not, you say you didn't get

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14:40:58 1 the statements back with changes on them, but she could
14:41:01 2 certainly influence him to make changes to the statements,
14:41:05 3 if she says to him, "Look, in my view that's not right or
14:41:08 4 it didn't happen that way"?---Possibly. I don't think she
14:41:11 5 would be in a position to say "I've read this" because
14:41:13 6 that's something she wouldn't want to declare.
14:41:16 7
14:41:16 8 Yes?---But if she was discussing certain items in general
14:41:19 9 conversations, she could try and influence him in that way,
14:41:23 10 yes.
14:41:23 11
14:41:23 12 She could do that by the way in which she spoke to him and
14:41:27 13 so forth?---H'mm.
14:41:28 14
14:41:28 15 Was that ever discussed with you and Ms Gobbo, that
14:41:33 16 process?---No.
14:41:34 17
14:41:40 18 Then if we continue with the ICRs we see that certainly
14:41:47 19 you're advised of the above matters, that is the provision
14:41:51 20 of the statement or the arrangement of Ms Gobbo seeing the
14:41:56 21 statement. Were you aware of that, the fact that she would
14:41:59 22 be seeing the statement?---In relation to this I've got no
14:42:01 23 record of it whatsoever.
14:42:03 24
14:42:04 25 Yes, all right. Can I suggest to you that on that day -
14:42:13 26 I'm sorry, on the following day, Ms Gobbo did go to
14:42:19 27 St Kilda Road police station to view ██████████'s
14:42:28 28 statements. Did you know anything about that?---Well I've
14:42:32 29 made an entry about ██████████'s statement but I can't
14:42:39 30 recall her being present.
14:42:42 31
14:42:43 32 Are you talking about that entry we've just
14:42:46 33 discussed?---I'm talking about a diary entry that I've got
14:42:48 34 for 18 July.
14:42:49 35
14:42:50 36 Okay, I'll come to that. So it's pretty clear that she's
14:42:54 37 going to St Kilda Road to read, there's evidence that an
14:42:57 38 arrangement was made for Ms Gobbo to go to St Kilda Road at
14:43:02 39 16:00 hours on 18 July to read ██████'s statements. Do you know
14:43:08 40 whether she was also provided with ██████'s statements whilst
14:43:12 41 she was there?---I've got no record of contacting her,
14:43:15 42 being with her and I was at the office all day that day, at
14:43:19 43 all on that day.
14:43:20 44
14:43:21 45 On 18 July you were on duty, and you were off duty at
14:43:27 46 15:25?---Correct.
14:43:28 47

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14:43:28 1 On that day you're proofreading [REDACTED]'s
14:43:37 2 statement?---Yes. That's the only relevant entry to this
14:43:41 3 matter.
14:43:42 4
14:43:43 5 "Proofread and amend [REDACTED]'s statement"?---Yes.
14:43:46 6
14:43:46 7 You don't know what the amendment was?---No.
14:43:48 8
14:43:51 9 Then you're off duty at 15:25. It appears that shortly
14:43:57 10 after that Ms Gobbo arrived at St Kilda Road and was
14:44:01 11 attended to, it seems, by Detective Kerley, do you know
14:44:07 12 her?---Yes, I do know her.
14:44:09 13
14:44:09 14 Did you ever have any discussions with Detective Kerley
14:44:13 15 about Ms Gobbo attending and reviewing statements?---No,
14:44:16 16 not at all. Michelle Kerley was part of the original
14:44:19 17 Purana crew and not part of Purana 2 for want of a better
14:44:23 18 word.
14:44:23 19
14:44:24 20 If we then go to your diaries of the 19th, what do we see
14:44:29 21 there?---So at 7:35 I'm at the office, Coro and emails,
14:44:37 22 perused [REDACTED]'s statement after being checked by
14:44:41 23 witness solicitor. Detective Senior Constable Heyes.
14:44:44 24
14:44:44 25 Who is the witness solicitor?---I'm presuming that's
14:44:48 26 Ms Gobbo.
14:44:48 27
14:44:49 28 Why wouldn't you have written Ms Gobbo?---I don't know.
14:44:52 29
14:44:53 30 In all of the other entries that we've seen you appear to
14:44:59 31 refer to her as Nicola Gobbo?---Yes. Well no, I refer to
14:45:03 32 her as Nicola Gobbo when, and I refer to her as a human
14:45:10 33 source in other entries, so it's generally one of the two.
14:45:14 34
14:45:14 35 Right. When she's seeing [REDACTED] how is she
14:45:26 36 described?---As Nicola Gobbo.
14:45:28 37
14:45:28 38 And so is that, is she seeing him overtly when she sees him
14:45:36 39 as Nicola Gobbo the barrister, is she seeing him as a human
14:45:39 40 source, an agent of Victoria Police, or what's the
14:45:43 41 situation in your mind?---She's either seeing him with
14:45:47 42 providing him legal advice or she's seeing him as a friend
14:45:50 43 or a combination of both.
14:45:52 44
14:45:55 45 It's unusual, it just strikes me, for her to be referred to
14:46:00 46 as the solicitor without referring to her by name?---Yeah,
14:46:07 47 it is unusual, I accept that, but why I've written that I

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14:46:13 1 don't know. It's an entry that's made 13 years ago, it's
14:46:19 2 two words.
14:46:19 3
14:46:20 4 I follow that. In any event that's what you record in your
14:46:51 5 statement on that date?---In my diary, yes.
14:46:53 6
14:46:53 7 Your diary on that date, I apologise. Can I suggest to you
14:47:01 8 that - did you see the statements that she had
14:47:30 9 reviewed?---Well that entry would indicate clearly I did.
14:47:34 10 I perused it.
14:47:35 11
14:47:36 12 Was it only the one statement?---There's only one very
14:47:42 13 lengthy statement that I can recall in relation to, that
14:47:45 14 was relevant to my investigations.
14:47:48 15
14:47:52 16 You see that there's an entry on 19 July 2006 to the effect
14:47:59 17 that she was very impressed with [REDACTED]'s statement, or
14:48:07 18 statements, including over 40 pages regarding
14:48:12 19 [REDACTED]?---This is on the - - -
14:48:13 20
14:48:13 21 That would certainly be a reference to the statement that
14:48:16 22 concerned you?---Yes.
14:48:18 23
14:48:19 24 And also there's a note here to the effect that, "HS",
14:48:24 25 Ms Gobbo, "Amended some slightly"?---Yes.
14:48:26 26
14:48:28 27 Do you see that?---Yes, I do.
14:48:29 28
14:48:30 29 If she had amended some slightly or made amendments to the
14:48:33 30 statement it would have been apparent to you?---Yes,
14:48:38 31 potentially. If I read it beforehand and I read it
14:48:42 32 afterwards, yes.
14:48:43 33
14:48:43 34 If that is in fact the case it would have been apparent to
14:48:47 35 you reading it?---Depending on what the amendments were but
14:48:50 36 possibly, yes.
14:48:51 37
14:48:53 38 Would that be appropriate for Ms Gobbo to be amending
14:48:59 39 statements?---Well, no.
14:49:07 40
14:49:08 41 And then if we continue on over to the following page it
14:49:15 42 says - she's provided more information. Milad says
14:49:22 43 something about Carl Williams. And then over the page to
14:49:27 44 p.361, management and there's a reference to a meeting with
14:49:30 45 you. Do you see that?---Yes.
14:49:33 46
14:49:36 47 That meeting, in that meeting it's suggested at least in

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14:49:40 1 that entry that Ms Gobbo had supplied a lot of details re
14:49:43 2 [REDACTED]'s statements?---Yes.
14:49:45 3
14:49:48 4 That seems to come from you, that information?---It does
14:50:00 5 appear to be that.
14:50:02 6
14:50:04 7 What note do you have in your diary about that
14:50:08 8 meeting?---Is there a time for this meeting?
14:50:10 9
14:50:10 10 It's obviously between 8.53 in the morning and 15:15, I
14:50:16 11 think that's as good as I can do?---I have an entry at
14:50:21 12 13:10.
14:50:22 13
14:50:22 14 That would be consistent?---"Conference with Mr Smith" I
14:50:25 15 think it is.
14:50:26 16
14:50:26 17 Yes?---"Update re Posse investigation. Notified re Bayeh
14:50:33 18 bail app. Notified re Mokbel bail app possible. Speak to
14:50:38 19 Adam Ahmed, targets nominated." That's all that entry has.
14:50:43 20
14:50:43 21 It certainly doesn't contain any information akin to the
14:50:47 22 information that was apparently provided by you in that
14:50:50 23 meeting?---That's correct.
14:50:51 24
14:50:53 25 It would not be appropriate, do you accept, for Ms Gobbo to
14:50:57 26 be supplying a lot of details with respect to [REDACTED]'s
14:51:03 27 statement, particularly if those details were added to the
14:51:09 28 statement I suggest?---I don't know why that was arranged
14:51:15 29 or how it was facilitated, but it appears from these, what
14:51:21 30 you've shown me, that it occurred.
14:51:23 31
14:51:29 32 The note also says that [REDACTED]'s preliminary statement
14:51:35 33 signed mentions trafficking by [REDACTED] and
14:51:39 34 [REDACTED] plus details regarding the [REDACTED] includes
14:51:44 35 co-offenders [REDACTED] and
14:51:52 36 [REDACTED]---Yes.
14:51:53 37
14:51:55 38 Albeit it says preliminary statement signed, would that be
14:52:00 39 a reference to one statement only or would it be a
14:52:04 40 reference to a number of statements?---I would suggest it's
14:52:09 41 a number of statements.
14:52:11 42
14:52:13 43 And then further down, Tony Hargreaves asked you for [REDACTED]
14:52:18 44 [REDACTED]'s tapes and transcripts and you asked the handlers if he
14:52:24 45 knew of Ms Gobbo's role and you said - you were told,
14:52:29 46 sorry, absolutely not?---Yes, that appears to be it, yes.
14:52:32 47

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14:52:34 1 I suppose on the one hand that indicates that you're not
14:52:38 2 clear at that stage whether Mr Hargreaves knows about
14:52:42 3 Ms Gobbo's position?---Yes.
14:52:45 4
14:52:47 5 And you probably wouldn't have been surprised to hear that
14:52:50 6 he didn't know?---I wouldn't have been surprised, no.
14:52:53 7
14:52:55 8 All right. Can I just ask you - I apologise to do this,
14:53:06 9 but ask you to go back to your entry on 30 June, I'm sorry,
14:53:11 10 5 July, I apologise?---5 July?
14:53:23 11
14:53:23 12 Just excuse me. Perhaps if we can go to the ICR at p.349.
14:54:01 13 If you can turn to p.42 of your diary. You recall I was
14:54:08 14 asking you about [REDACTED] Discussion whether - -
14:54:22 15 -?-- [REDACTED] used against [REDACTED] ?
14:54:25 16
14:54:26 17 Yes, that's it. If we go then to the ICR at p.349. Do you
14:54:43 18 see at 10.10 there's, on 30 June Ms Gobbo suggests someone
14:54:53 19 from Purana should speak to [REDACTED] as he's talked to
14:54:58 20 Ms Gobbo about [REDACTED] handling [REDACTED] at the [REDACTED]
14:55:04 21 [REDACTED]?---Yes.
14:55:04 22
14:55:05 23 He saw an article in the Herald Sun regarding [REDACTED]'s
14:55:10 24 [REDACTED] and realised that the [REDACTED]'s were acquiring assets
14:55:14 25 when they told him they had no money, see that?---Yes.
14:55:18 26
14:55:19 27 There is a reference to DI Gavan Ryan, Operation Purana
14:55:24 28 advised, and Mr Flynn would see [REDACTED] next week?---Yes.
14:55:29 29
14:55:29 30 Is that information something that you then went and spoke
14:55:32 31 to [REDACTED] about and subsequently obtained a statement
14:55:36 32 from [REDACTED] about?---Certainly I've obtained some
14:55:40 33 information, that's in my diary on the opposite page, it
14:55:44 34 actually talks about [REDACTED] and [REDACTED] and
14:55:47 35 things like that, so that's consistent with that entry.
14:55:50 36
14:55:51 37 As to why or how [REDACTED] came to advise Ms Gobbo about
14:56:00 38 that and what role Ms Gobbo had in suggesting or bringing
14:56:06 39 that information out of [REDACTED], you really wouldn't
14:56:10 40 know, it wouldn't be possible to know?---Correct.
14:56:12 41
14:56:13 42 And it may well be that there are motivations acting upon
14:56:19 43 either [REDACTED] or Ms Gobbo which might well motivate that
14:56:23 44 information coming to you?---That's possible, yes.
14:56:27 45
14:56:30 46 Again, the way in which that information comes about, comes
14:56:36 47 to light, and comes to the attention of the police would

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14:56:40 1 not be known to the defence in any trial because they
14:56:43 2 wouldn't be able to access this information I
14:56:48 3 assume?---Correct.
14:56:48 4
14:57:04 5 Is it likely that Ms Gobbo was provided with access to
14:57:12 6 [REDACTED]'s unsigned statements on 18 July?---I think she
14:57:22 7 already had them at that stage.
14:57:24 8
14:57:25 9 Yes?---They were delivered on the 8th, weren't they?
14:57:28 10
14:57:28 11 They were delivered on the 8th?---On the 9th, sorry.
14:57:32 12
14:57:32 13 On the 9th, yes?---Whether she still had possession of them
14:57:37 14 or not, I'm not sure.
14:57:39 15
14:57:43 16 Okay, thanks very much. Could I ask you about an entry on
14:57:57 17 p.362 of the ICRs. Under the heading of [REDACTED].
14:58:12 18 There's a discussion about his situation. "Ms Gobbo to
14:58:17 19 tell Mr Hargreaves that [REDACTED] wants Ms Gobbo to read
14:58:23 20 them", one assumes that's the statements?---Yep.
14:58:25 21
14:58:26 22 "Detective Sergeant Flynn knows this." Something, "Tell",
14:58:33 23 tomorrow probably, "Tony Hargreaves to ring Dale Flynn and
14:58:38 24 confirm okay. [REDACTED] plea brief, won't require
14:58:51 25 transcripts. Ms Gobbo to see Hargreaves regarding the
14:58:54 26 interview tapes, so to tell Purana to hold off serving
14:59:00 27 documents"?---Yes.
14:59:01 28
14:59:01 29 See that?---Yep.
14:59:02 30
14:59:07 31 That would seem to be an attempt on the part of Ms Gobbo to
14:59:16 32 suggest to Purana that they ought fillet the brief in such
14:59:24 33 a way as to not include in it transcripts?---Well, just
14:59:45 34 that the - it indicates to me that because it's a plea
14:59:51 35 brief the transcripts aren't required, but we might be
14:59:54 36 talking about semantics, but it seems to me that she's
15:00:00 37 indicating there that the transcripts aren't required in
15:00:03 38 the plea brief.
15:00:04 39
15:00:04 40 I follow that. But I mean let's assume - do you know, I
15:00:11 41 mean you've been advised of those matters, haven't
15:00:19 42 you?---Which date is this, please?
15:00:20 43
15:00:21 44 This is on 19 July?---I don't have any notes to this effect
15:00:50 45 but I do have a meeting with SDU at 10 past one. But I've
15:00:58 46 only just written "updates re several investigations".
15:01:02 47

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15:01:02 1 Do you know whether the plea brief for [REDACTED] was served
15:01:08 2 with or without transcripts of the record of interview?---I
15:01:12 3 don't know.

15:01:12 4
15:01:14 5 I mean it would be pretty extraordinary if that was the
15:01:16 6 case, wouldn't it?---Well, for a plea brief, I don't know
15:01:29 7 if it would be extraordinary. Plea briefs aren't that
15:01:33 8 common for this level offending in any case.

15:01:35 9
15:01:36 10 Yes, but that may or may not be the case, but the reality
15:01:40 11 is if you're doing a plea for a person you want to know
15:01:47 12 what they've said in their record of interview?---You would
15:01:51 13 expect so, yes.

15:01:52 14
15:01:52 15 Ms Gobbo wasn't going to overtly represent [REDACTED], that
15:01:56 16 was going to be done by I think [REDACTED], [REDACTED]
15:02:02 17 [REDACTED] ---Yes.

15:02:02 18
15:02:02 19 Whether or not he sought the tape of the interview or not,
15:02:08 20 it seems to be an example of Ms Gobbo trying to manipulate
15:02:12 21 the sort of information that was going out from
15:02:16 22 Purana?---Yeah, I would accept that it could be perceived
15:02:19 23 that way, yes.

15:02:20 24
15:02:21 25 And clearly if that is the case, what she's trying to do is
15:02:25 26 prevent people from knowing that she was attendant upon
15:02:30 27 [REDACTED] on [REDACTED] 2006?---Yes.

15:02:33 28
15:02:36 29 You're not in a position to say whether or not that brief
15:02:40 30 did contain the transcript of the record of interview or
15:02:43 31 not?---Correct.

15:02:43 32
15:02:47 33 As a matter of course, whether it's a plea brief or
15:02:51 34 otherwise, it ordinarily would include a record of
15:02:55 35 interview?---Certainly an ordinary brief would. I'm not
15:02:59 36 actually, for that plea briefs for the higher courts - - -

15:03:05 37
15:03:06 38 Yes?--- - - - I can't ever remember being involved in
15:03:10 39 actually putting one together. They've normally been the
15:03:14 40 general hand-up brief. So it's difficult for me to say
15:03:19 41 what would be in and what wouldn't be in.

15:03:21 42
15:03:21 43 I understand that. There was a transcript which had been
15:03:23 44 made I assume at that stage?---A transcript of?

15:03:27 45
15:03:27 46 The record of interview?---Well, I don't know when it would
15:03:30 47 be but I suspect so, it would have been done at some stage.

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15:03:33 1
15:03:34 2 Mr Flynn, the reality is if that was accepted, if it was
15:03:42 3 accepted that the record of interview ought not be put on
15:03:47 4 to the brief, I suggest that that would be improper,
15:03:52 5 wouldn't it?---Um - - -
15:03:55 6
15:03:55 7 If Ms Gobbo's request was acceded to?---I'll revert to the
15:04:01 8 previous answer, it could be perceived to be improper.
15:04:04 9
15:04:04 10 Okay. There might be two reasons for doing it or a
15:04:08 11 combination of reasons. One, to see if Ms Gobbo's
15:04:11 12 involvement could be filleted out?---Yes.
15:04:14 13
15:04:14 14 That's the first thing. Secondly, it might be thought that
15:04:18 15 [REDACTED] had told a raft of lies in his record of
15:04:21 16 interview and it might be best if you were able to go along
15:04:26 17 and say, "Here's all the statements that he made and there
15:04:28 18 was no ability to compare them with what he said in his
15:04:32 19 record of interview"?---Well that's possible, but it also
15:04:35 20 might be the plea briefs don't require them.
15:04:38 21
15:04:39 22 I think you'd be - he was pleading guilty to [REDACTED] very
15:04:44 23 serious offences?---He was.
15:04:46 24
15:04:46 25 [REDACTED] ---Yes.
15:04:52 26
15:04:52 27 The judge would want to know, one assumes, what he said in
15:04:55 28 his interview?---Yes, that's right.
15:04:57 29
15:04:57 30 In any event you're not in a position to say whether that
15:04:59 31 was done or not?---No, I'm not.
15:05:02 32
15:05:02 33 Okay, thanks very much. ICR p.363. At 8.36 in the morning
15:05:22 34 there's another reference - I withdraw that. There's a
15:05:33 35 reference to apparently [REDACTED] which
15:05:38 36 [REDACTED]'s buying and he wants you to tell [REDACTED] about
15:05:43 37 that and Ms Gobbo will visit him tomorrow. Do you know
15:05:46 38 anything about that?---I think they're totally unrelated
15:05:50 39 but I think that, so the first part about - I don't know
15:05:57 40 anything about that first line.
15:05:59 41
15:05:59 42 Yes?---On the 20th of the 7th.
15:06:10 43
15:06:11 44 All right, if we then go to an entry - - - ?---I'm sorry,
15:06:14 45 I'm just answering the last question, I don't have any
15:06:18 46 communication with, with Ms Gobbo or the Source Development
15:06:27 47 Unit on the 20th.

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15:06:28 1
15:06:29 2 Okay. What about 25 July, do you have an entry in your
15:06:37 3 diary there?---I was on a rest day that day, there's no
15:06:41 4 entry.
15:06:41 5
15:06:41 6 If we have a look at the ICR p.369. There's a reference to
15:06:49 7 [REDACTED] wanting to see Mr Bateson and give more details.
15:06:56 8 That's the first entry. Secondly, Ms Gobbo has seen Tony
15:07:00 9 Hargreaves and given him [REDACTED]'s tapes and told him
15:07:06 10 that DS Flynn only wants transcripts. Do you know what
15:07:11 11 that's about?---No.
15:07:17 12
15:07:17 13 And there's obviously no entry in your diary?---No, not for
15:07:22 14 that day.
15:07:22 15
15:07:23 16 Is there an entry subsequently which refers to that?---I
15:07:26 17 was on about four rest days in a row.
15:07:30 18
15:07:30 19 26 July?---Just let me have a look. So I do speak to
15:07:55 20 Ms Gobbo on 26 July but not about these matters.
15:07:59 21
15:07:59 22 You're speaking to her about [REDACTED]?---I do.
15:08:05 23
15:08:06 24 He wants to move and go somewhere else, is that
15:08:09 25 right?---That's right.
15:08:09 26
15:08:10 27 I think there's an entry on 4 August which involves a
15:08:15 28 discussion that you have with Mr Hargreaves, is that
15:08:20 29 right?---Yes, so I'd been to court in the morning and I
15:08:56 30 returned to the office at midday. I received a telephone
15:08:59 31 call from Paul O'Connor from the OPP.
15:09:04 32
15:09:04 33 Yes?---"Wishing statement signed so KM", Kaban Mokbel's,
15:09:10 34 "Trial can be vacated. Made telephone call to Tony
15:09:13 35 Hargreaves serving [REDACTED]", sorry, "Seeing [REDACTED]
15:09:19 36 between 8.45 and 9.45 Sunday morning and will be advising
15:09:25 37 Person [REDACTED] to sign. Is not commenting or making clear
15:09:33 38 distinction" I think it is "between signing and contents
15:09:40 39 and will call me when finished".
15:09:43 40
15:09:43 41 Okay. Thanks for that. I just want to ask you if we can
15:09:50 42 go back to p.51. I want to ask you about an entry in your
15:09:57 43 diary on that date, on 28 July. You have a conference with
15:10:04 44 Mr O'Brien - - - ?---Kelly and Detective Sergeant Coghlan,
15:10:10 45 yes.
15:10:10 46
15:10:12 47 Regarding civil forfeiture restraining order on property

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15:10:14 1 with respect to Tony and Horty Mokbel, Roula Mokbel?---Yes.
15:10:18 2
15:10:19 3 There's a discussion with Mr Tinney, Andrew Tinney, is that
15:10:24 4 right, OPP?---Yes, well that's a reference to Mr Tinney but
15:10:31 5 I'm not sure if he was part of the discussion or it's just
15:10:34 6 an indication that he was looking after this matter.
15:10:37 7
15:10:38 8 And the issues concerning PPI?---Yes.
15:10:43 9
15:10:45 10 Later on in that - and there's a discussion about briefing
15:10:52 11 senior counsel and possibly a fellow by the name of Graham
15:10:56 12 Uren?---Yes.
15:10:58 13
15:10:58 14 Later on that day, on 28 July - Mr Rowe is in your crew, is
15:11:05 15 that right?---Yes, he was.
15:11:06 16
15:11:06 17 On that day, on 28 July, Mr Rowe has a meeting I suggest
15:11:14 18 with Mr Tinney and it's about 11 o'clock. He has a meeting
15:11:37 19 at the OPP, he speaks to Andrew Tinney and Vaile Anscombe,
15:11:43 20 Colleen Bell. She's a solicitor, or they're both
15:11:48 21 solicitors, Mr Tinney is obviously a barrister, is that
15:11:52 22 right?---Yes.
15:11:52 23
15:11:52 24 Crown Prosecutor. And there was a discussion about a
15:11:58 25 Mokbel bail application. Do you know which Mokbel was
15:12:02 26 making application for bail at that time? I suggest it was
15:12:10 27 Milad Mokbel?---Yes, I would agree with that because
15:12:13 28 Mr Rowe was the informant for Milad Mokbel.
15:12:16 29
15:12:18 30 The bail application was set for 8 August. The discussions
15:12:23 31 that you had in the morning concerned a restraining of
15:12:29 32 property, of Milad Mokbel's property, is that right, or \$5
15:12:34 33 million of Milad Mokbel's money?---So that two lines read,
15:12:57 34 "Aunt Mary, \$5 dollars of Milad Mokbel's money.
15:13:03 35 Restraining orders to wait investigation complete. ETA two
15:13:07 36 weeks". Do you wish me to elaborate?
15:13:17 37
15:13:18 38 Subsequent to that, at 11 o'clock Mr O'Brien - I withdraw
15:13:23 39 that. Subsequent to that Mr O'Brien's getting advice about
15:13:29 40 that and do you know whether Mr Uren was briefed or
15:13:32 41 not?---I don't know.
15:13:34 42
15:13:35 43 Are you aware that then Mr Rowe had a discussion with
15:13:40 44 Mr Tinney and Vaile Anscombe and Colleen Bell about public
15:13:49 45 interest immunity positions with respect to a Mokbel bail
15:13:52 46 application, Supreme Court appeal?---Well I wasn't part of
15:13:55 47 that meeting so it's hard for me to comment on it.

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15:14:00 1
15:14:00 2 No, but he is a subordinate of yours in your crew?---Yes,
15:14:05 3 he is. I was at court at the time for a totally different
15:14:09 4 matter so I presume if I wasn't I would have been there
15:14:13 5 with him. The fact is I wasn't there with him.
15:14:16 6
15:14:16 7 Did he report to you afterwards about what those matters
15:14:20 8 might be? His entry reads, "Bail application, PII" which
15:14:24 9 we assume is public interest immunity?---Yes.
15:14:26 10
15:14:26 11 "Supreme Court bail application appeal." You're not in a
15:14:35 12 position to explain what that might have been about?---No.
15:14:39 13
15:14:40 14 Commissioner, I note the time.
15:14:42 15
15:14:42 16 COMMISSIONER: Okay. We'll take the afternoon break.
15:14:46 17
15:14:47 18 (Short adjournment.)
19
15:34:06 20 MR WINNEKE: Thanks Commissioner. Thanks Mr Flynn.
15:34:16 21 Mr Flynn, the statements were finally served on 6 August,
15:34:26 22 is that correct, or finally signed rather?---Signed, yes.
23
15:34:31 24 And you went out to [REDACTED] Prison to have that done?---Yes.
25
15:34:41 26 Were you aware that Ms Gobbo was there on the day or
15:34:44 27 not?---There's no mention of her in my diary so I can't
15:34:55 28 recall being aware that she was there on the day.
29
15:34:58 30 All right. The evidence is that she was in fact there.
15:35:01 31 There's some evidence also that you met her at reception
15:35:04 32 but you didn't, I take it what you're saying is she wasn't
15:35:08 33 present when the statements were signed?---Correct.
34
15:35:10 35 Okay. That was the bulk of the statements that person
15:35:16 36 made; is that right?---Yes.
37
15:35:18 38 Subsequent to that did he make additional
15:35:23 39 statements?---Yes.
40
15:35:25 41 Do you know how many he did make?---No. I don't think it
15:35:31 42 was many but I can't give a precise number.
43
15:35:35 44 All right. Obviously the statements will speak for
15:35:38 45 themselves, they exist and they can be looked at?---Yes.
46
15:35:46 47 You would say, of course, that Ms Gobbo, as far as you were

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15:35:51 1 concerned, did not add anything or contribute anything to
15:35:54 2 those statements?---I don't believe so, no.
3
15:35:59 4 Yeah, all right. Whether or not Ms Gobbo influenced
15:36:04 5 [REDACTED], you're not in a position to say?---I couldn't
15:36:09 6 rule it out, no.
7
15:36:14 8 Certainly there was the opportunity for that to
15:36:18 9 occur?---Well they were in regular communication, yes.
10
15:36:22 11 On 7 August there's a reference to you having a discussion
15:36:31 12 with Detective Sergeant Bateson about [REDACTED]'s
15:36:40 13 statement; is that right?---Yes.
14
15:36:43 15 Do you know what that was about?---It was in the Supreme
15:36:54 16 Court. I remember attending and I think it was to provide
15:37:02 17 evidence in relation to what prosecutions or investigations
15:37:08 18 were being conducted as a result of or linked to [REDACTED]
15:37:14 19 [REDACTED]'s statement.
20
15:37:14 21 Right. And you were giving evidence concerning the [REDACTED]
15:37:20 22 [REDACTED] statements or statement that was particularly relevant to
15:37:23 23 drug investigations?---Yes.
24
15:37:27 25 And Justice King wanted to know what was going on with
15:37:30 26 [REDACTED] and what sort of evidence he might be providing;
15:37:34 27 is that right?---Yes. To the best of my recollection, yes.
28
15:37:45 29 In fact what you say is that the prosecutor was David
15:37:49 30 Parsons QC?---Yes.
31
15:37:51 32 And there was evidence, both historical and current
15:37:56 33 investigation?---Yes.
34
15:38:05 35 Do you know whether there was a confidential affidavit
15:38:08 36 produced to the judge on that occasion?---I seem to think
15:38:12 37 that it might have.
38
15:38:13 39 Yes?---But I don't have any reference to it here.
40
15:38:23 41 Also on that date you have a discussion with Mr O'Brien and
15:38:26 42 Detective Senior Constable Rowe where you attend on the
15:38:29 43 office of the OPP and you have a conference with Vaile
15:38:35 44 Anscombe - is that another person - Andrew Tinney,
15:38:39 45 regarding Milad Mokbel bail application on the following
15:38:42 46 day?---Yes.
47

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15:38:44 1 On indeed the following day there was the bail application;
15:38:46 2 is that right?---I believe so.
3
15:38:48 4 Did you give evidence on that occasion?---It appears from
15:39:08 5 my notes that it was just the informant, Detective Senior
15:39:11 6 Constable Rowe.
7
15:39:13 8 It appears that there was a representative, I think it was
15:39:18 9 the OPI, is that right, Mr Dennis was there?---Yes.
10
15:39:33 11 There was a reference to OPI issues and do you know what
15:39:41 12 that issue was about?---No, I don't think I do.
13
15:39:51 14 I'm sorry, PIP, is that right? What's all that
15:40:01 15 about?---I'm not sure. I'm not sure if that's supposed to
15:40:05 16 be PII.
17
15:40:05 18 That's what I'm wondering. In any event, that would relate
15:40:10 19 to OPI issues, would it?---Well, that's what it indicates.
15:40:19 20 I just can't think what the OPI issue was at the time.
21
15:40:22 22 Do you know whether there was any public interest immunity
15:40:25 23 claimed by Purana detectives on that occasion?---I don't
15:40:32 24 think so, no.
25
15:40:33 26 No, all right. Did you know at that stage that the judge,
15:40:48 27 Justice King, who you appeared before the previous day, had
15:40:55 28 earlier indicated to Ms Gobbo that she wasn't to represent
15:40:58 29 [REDACTED]?---No.
30
15:41:00 31 You hadn't spoken to Mr Bateson about that?---No.
32
15:41:05 33 Were you ever - did you ever have discussions with
15:41:07 34 Mr Bateson about Ms Gobbo's position?---No, I don't think I
15:41:11 35 had a very - understanding of the link between [REDACTED]
15:41:18 36 and Ms Gobbo. I know you've directed me to those
15:41:23 37 discussions we had prior to the break but I just don't
15:41:26 38 recall them, you know, because [REDACTED] for all intents
15:41:30 39 and purposes, except for one statement, wasn't really our
15:41:34 40 witness, he was a witness for other prosecutions, I didn't
15:41:37 41 have that much to do with him.
42
15:41:39 43 Do you know whether Ms Gobbo had represented [REDACTED]
15:41:43 44 [REDACTED]?---No.
45
15:41:53 46 Can I ask you, when you were the person who was liaising
15:42:02 47 with [REDACTED] at the Office of Corrections and looking

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15:42:07 1 after the interests of [REDACTED], I take it you would have
15:42:13 2 been concerned to know who was visiting [REDACTED] and you
15:42:17 3 would have been able to find out that information?---Yes,
15:42:20 4 we had - well, visits, I can't remember too much, but
15:42:27 5 certainly we would have been able to obtain that
15:42:30 6 information.
7
15:42:30 8 Yes?---I also know that we had, were able to get access to
15:42:34 9 his telephone list.
10
15:42:35 11 Yes?---I think he had a total of seven people on that list.
12
15:42:39 13 Were you provided with Arunta calls?---Well, we could go in
15:42:42 14 and check Arunta calls if we wished to.
15
15:42:46 16 Did you ever listen to telephone calls between [REDACTED]
15:42:50 17 and Ms Gobbo?---Certainly did much later on in the piece.
18
15:42:55 19 When was that?---That was in 2010.
20
15:42:57 21 Yes. Why was that?---I'm sorry, I'll just retract that.
15:43:02 22 It wasn't me, it was one of my investigators had I listened
15:43:06 23 to the calls. And the reason was because over a Christmas
15:43:11 24 break [REDACTED] had sent me a letter. The long and short
15:43:17 25 of it, he was threatening to pull out of any further
15:43:20 26 prosecutions as a witness and things like that. This was
15:43:23 27 occurring at a time where Ms Gobbo's other issues with
15:43:26 28 Victoria Police were starting to escalate.
29
15:43:29 30 Yes?---Although I had no real issues in those matters.
31
15:43:32 32 Yes?---So there was a thought there that she may have been
15:43:38 33 influencing him to work against us as a - you know,
15:43:43 34 repercussion for the problems she was having with Victoria
15:43:45 35 Police.
36
15:43:46 37 So in other words, because she was having difficulties with
15:43:49 38 Victoria Police she may well vindictively influence him not
15:43:54 39 to assist Victoria Police in giving evidence?---That was
15:43:59 40 our concern, yes.
41
15:44:03 42 At that stage the matters with respect to Mr Mokbel, Tony
15:44:09 43 Mokbel, hadn't resolved?---Um - - -
44
15:44:14 45 His trials were still outstanding?---I can't recall the
15:44:17 46 dates but I think he was one of the last ones. That makes
15:44:20 47 sense, yes.

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1
15:44:20 2 Mr Cvetanovski's matter was outstanding?---It was, that was
15:44:25 3 2011, yes.
4
15:44:26 5 There were trials, the [REDACTED] trials which I think went
15:44:30 6 to committal in 2009?---Correct.
7
15:44:35 8 They hadn't been dealt with, so a number of accused people
15:44:38 9 there?---Yes.
10
15:44:39 11 Do you know any other trials that were still outstanding at
15:44:42 12 that stage?---There was an operation called [REDACTED] that I
15:44:46 13 think those trials were resolved in 2011. It was on, the
15:44:49 14 [REDACTED] were the [REDACTED] in relation to that.
15
15:44:52 16 Yes?---[REDACTED]'s involvement with that would be very
15:45:00 17 small, if anything. I just can't remember if he was a
15:45:03 18 witness or not. He might not have been.
19
15:45:04 20 Yes?---That's the only other trial I can think of at this
15:45:08 21 stage.
22
15:45:08 23 And you had, I take it, a number of communications with the
15:45:11 24 prison with a view to preventing Ms Gobbo from accessing
15:45:20 25 [REDACTED], or what was the situation?---Well, getting back
15:45:27 26 to your original question.
27
15:45:29 28 Yes?---I had an investigator go and listen to the Arunta
15:45:32 29 calls between Ms Gobbo and [REDACTED] and he reported back
15:45:37 30 that he didn't really think there was anything there of
15:45:40 31 concern.
32
15:45:40 33 Yes?---But I do recall in answer - in response to your last
15:45:45 34 question that at some stage there was communication about
15:45:52 35 restricting her access to [REDACTED].
36
15:45:53 37 Do you know whether ultimately she was prevented from
15:45:56 38 seeing [REDACTED]?---I think she was.
39
15:46:01 40 Did Purana have anything to do with that or not, or at
15:46:04 41 least Victoria Police?---I'm sure in preparation for
15:46:11 42 appearing before this Commission I've read some of my diary
15:46:15 43 notes that indicate that there were discussions between
15:46:18 44 myself and Corrections in relation to that.
45
15:46:22 46 Yeah. If, for example, we have a look at ICR number - this
15:46:34 47 is the second set of ICRs, 2958, at p.677. Do you see

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15:46:48 1 there on 16 October 2008, is that around the time you're
15:46:52 2 talking about? That's one of the matters that - I think
15:46:58 3 I've already taken you to that matter?---I think it was
15:47:09 4 later in the piece than this.
5
15:47:11 6 It was later than that, was it?---Yeah, so I think - so my
15:47:14 7 last communication with Ms Gobbo was in February of 2010.
8
15:47:19 9 I apologise?---And I think it was around that time.
10
15:47:21 11 Righto. Thanks for that, Mr Skim. If we can come back to
15:47:25 12 August of 2006. If you have a look at ICR number 397. On
15:47:42 13 17 August at 14:07 there were DSU issues, discussed
15:47:49 14 transcripts with Detective Sergeant Dale Flynn re arrest of
15:47:53 15 [REDACTED] regarding protection of the source. That was
15:47:57 16 obviously an issue which repeatedly arose?---Yes.
17
15:48:03 18 And indeed Mr White's diary notes of that day, if we go to
15:48:09 19 this entry, VPL.2000.0001.0922, p.93. There's a suggestion
15:49:26 20 that you're under pressure to produce tape recordings of
15:49:31 21 the interview. Do you know at that stage were you under
15:49:35 22 pressure to produce tape recordings?---It's possible. I
15:49:41 23 can't recall it but it is possible. What date was this,
15:49:44 24 sorry?
25
15:49:45 26 This is on 17 August 2006?---I don't have any - 13:00.
27
15:50:29 28 You've got no diary entry on that day?---No, I've got a
15:50:33 29 page and a half of entries until lunchtime and then I've
15:50:36 30 returned to the office and I've been there for some time,
15:50:40 31 so. If Mr White was at the office it's possible that we
15:50:44 32 have a discussion but I haven't recorded it.
33
15:50:46 34 All right. If we just go through to p.95. It's agreed
15:50:53 35 "not denied as long as the tapes don't" - it seems to say -
15:50:58 36 "reveal" or "advice given. Under pressure to produce tape
15:51:08 37 recordings of [REDACTED] interview. Will reveal she's a
15:51:11 38 source. She spoke to him on the night. Agreed not denied
15:51:14 39 as long as tapes don't reveal (something) advice given,
15:51:21 40 should be okay. Discussion re", something else. If we go
15:51:25 41 then to p.95, keep going through. Scroll through a couple
15:51:29 42 of pages.
43
15:51:39 44 COMMISSIONER: It's blacked out.
45
15:51:41 46 MR WINNEKE: "Discuss service of transcripts re [REDACTED].
15:51:47 47 Only need to serve the first and second recordings from the

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15:51:52 1 interview". Now do you know what that would be?---I'm not
15:52:01 2 sure what the reference to 1st and 2nd. There were two
15:52:06 3 recordings made on the night, one very short one, one quite
15:52:14 4 extensive one. So I would have described them as the first
15:52:18 5 and second.
6
15:52:18 7 Can I ask you to look at this document, COM.0025.0003.0021
15:52:38 8 at p.22. Sorry, p.115 to 117. If we go to the bottom of
15:52:57 9 the page there we see - that's an entry I think on the 22nd
15:53:03 10 of August. If we can keep going, the next page. Keep
15:53:13 11 scrolling if you don't mind. Here we are.
15:53:21 12
15:53:24 13 MS ARGIROPOULOS: Whose notes are these?
14
15:53:27 15 MR WINNEKE: These are Mr Black. Just scroll down
15:53:30 16 slightly, or up, the other way. Top of the page. It says
15:53:38 17 that the "OPP wants transcripts of arrest night. 16:14 the
15:53:46 18 interview starts. It starts and stops. Legal advice.
15:53:51 19 DNA. Two times tapes". That's a reference to
15:53:53 20 [REDACTED]?---Yes.
21
15:53:55 22 "Third tape, spoke to legal counsel. Details some
15:54:02 23 conversation. Fourth (et cetera) full confessions. Since
15:54:07 24 made [REDACTED] statements". So that's clearly a reference to
15:54:13 25 the work of [REDACTED] obviously?---Yes.
26
15:54:18 27 So the first and second tape might be in some way a
15:54:21 28 reference to "two times tapes" at the top there, do you see
15:54:24 29 that?---Yes.
30
15:54:25 31 That is the no comment tapes?---Yes. Well there's - well,
15:54:30 32 there might have been multiple copies but there was only
15:54:32 33 one tape, it was only five minutes long.
34
15:54:35 35 For some reason, in any event, it says there's two tapes.
15:54:38 36 I follow what you're saying. May that be that the no
15:54:42 37 comment tape and the DNA tape?---That's possible, yes.
38
15:54:45 39 Then a plea, "Do they", the OPP, "need transcripts to be
15:54:49 40 tendered? Have spoken to O'Brien and Flynn. Hargreaves
15:54:54 41 just wants a copy statements and not just transcript".
15:55:02 42 Then there's, "Issue PII and methodology. Source a party
15:55:07 43 to confession". Then at 14:00 there's a discussion, "Jim
15:55:14 44 O'Brien, Dale Flynn, meeting at Purana to discuss the
15:55:17 45 police response. Us don't release tapes". Then there's
15:55:24 46 another matter with respect to [REDACTED]. Now do you have
15:55:27 47 an entry on that day, on 22 August?

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15:55:40 1
15:55:41 2 MR CHETTLE: Commissioner, can I just approach Mr Winneke?
3
15:55:44 4 COMMISSIONER: Yes.
15:56:42 5
15:56:44 6 WITNESS: So on that day at our office I have, at 3:25 I
15:56:53 7 have a detailed, it's called a Sergeants' conference, at
15:56:56 8 Purana. So no mention of SDU members being present.
15:57:02 9 At - - -
10
15:57:04 11 MR WINNEKE: At 16:25?---At 16:25 there's one line there
15:57:10 12 that says I spoke to, I can't recall his pseudonym, but one
15:57:13 13 of the SDU members.
14
15:57:15 15 But there's no reference to speaking to, we're calling him
15:57:20 16 Mr Black, do you know who that is?---No.
17
15:57:24 18 I think you'll be shown a piece of paper.
19
15:57:28 20 COMMISSIONER: A flash card?---Yes. No, there's no
15:57:41 21 reference to speaking to that person.
22
15:57:46 23 MR WINNEKE: We'll just make sure. If we move to the next
15:57:49 24 page. Go to the top. I'm sorry, go to the top of the
15:57:59 25 previous page. Keep going. 206, the previous page. Just
15:58:09 26 keep going down. Keep going down. Keep going down.
15:58:19 27 That's 214. It may not be. Perhaps have a look at the
15:58:23 28 [REDACTED] and [REDACTED]?---Definitely not the [REDACTED]. Well very short
15:58:32 29 entry day.
30
15:58:32 31 Yes?---On the [REDACTED], the [REDACTED] I was at - - -
32
15:58:42 33 Copious notes but - - - ?---I was at [REDACTED] for the day.
15:58:45 34 So no mention of speaking to SDU there.
35
15:58:48 36 All right. In any event, can I see if I can tax your
15:58:56 37 recollection. It may be the case that a matter was put to
15:59:03 38 [REDACTED] during the lengthy interview process which
15:59:07 39 occurred after the pitch had been successful and it may
15:59:15 40 well be that it was said to you by the handlers, by
15:59:20 41 Mr Black, that that information could only, if read by a
15:59:25 42 person in the know, have come from Ms Gobbo. Now, does
15:59:30 43 that strike a chord with you?---No, I'm not following. The
15:59:37 44 only concerns from that interview was the fact that at the
15:59:40 45 start of the interview I asked about seeking legal advice.
46
15:59:44 47 Yeah, all right. If we go to p.118 we see an entry at

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15:59:59 1 11.30 and it's a debrief, "Mr Green re Purana visit
16:00:14 2 concerning Ms Gobbo". The issue was release of [REDACTED]s
16:00:17 3 interview tape. "Purana understand the implications for
16:00:20 4 the source if released. The third tape was very specific
16:00:24 5 by Dale Flynn. Releases next week with Purana if still
16:00:29 6 needed by the OPP". Does that make sense to you
16:00:34 7 now?---Well if we accept that the DNA tape is the second
16:00:37 8 tape.
9
16:00:38 10 Yeah?---The third tape would be the first tape where
16:00:41 11 [REDACTED] starts to - - -
12
16:00:44 13 To speak?---To speak.
14
16:00:46 15 Yes?---And at the start of that I canvass questions about
16:00:49 16 him seeking legal advice and getting advice prior to the
16:00:54 17 interview.
18
16:00:55 19 Yes?---And that was our concern.
20
16:00:57 21 Right?---That if that became widely known, that her life
16:01:06 22 would be put in danger because she didn't [REDACTED]
16:01:09 23 to the fact that [REDACTED] had been arrested.
24
16:01:15 25 Right. And so what was your understanding about what did
16:01:18 26 occur there? It says, "Reassess next week with Purana if
16:01:26 27 still needed by OPP"?---So I can't recall about the tapes,
16:01:34 28 when and if the tapes were provided, but certainly the
16:01:39 29 transcripts were at some stage.
30
16:01:42 31 The issue here is you're under pressure to release the
16:01:45 32 tapes. There's been an issue with respect to Mr Hargreaves
16:01:49 33 and that's been potentially sorted out, that issue's been
16:01:53 34 headed off because if the suggestion of Ms Gobbo has been
16:01:56 35 accepted, the tapes would not have been released to
16:01:59 36 Mr Hargreaves, but it seems now that the OPP wants to see
16:02:02 37 the tapes, for obvious reasons, to see what was said, and
16:02:08 38 then the issue arises, "What do we do with that?"; is that
16:02:13 39 right?---Well, there appears to have been a lot of
16:02:16 40 discussions about the release of this material, yes.
41
16:02:22 42 Really what this is about is a concern that Purana is not
16:02:28 43 going to release these tapes to the OPP, and it is the
16:02:35 44 prosecuting authority in this State?---I think these
16:02:39 45 meetings are just discussing that we've identified this
16:02:42 46 issue.
47

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16:02:43 1 Yes?---And we're discussing our options on how we're going
16:02:46 2 to deal with it.
3
16:02:47 4 How did you end up dealing with it?---As I said, I know
16:02:50 5 that the transcripts were released in full. I'm not sure
16:02:59 6 about the tapes.
7
16:03:00 8 What, on a wing and a prayer and a hope that there would
16:03:05 9 be, you know, people wouldn't - - - ?---No, I don't - I'm
16:03:24 10 just not actually sure, as I'm thinking about it, what was
16:03:27 11 released and what wasn't released because the first time
16:03:30 12 this came to light was in 2007.
13
16:03:33 14 Yeah?---At the Posse committal.
15
16:03:35 16 Yes?---Where I gave evidence indicating that [REDACTED] had
16:03:41 17 sought legal advice from Ms Gobbo, so I can't recall what
16:03:52 18 was released prior to then or what wasn't.
19
16:03:55 20 All right then. Even then there was reluctance to hand it
16:03:59 21 over to the DPP because that would mean that the DPP would
16:04:02 22 hand it over to the defence?---Well that could be an
16:04:07 23 interpretation, yes.
24
16:04:09 25 It may have been a concern even that the OPP had it?---Well
16:04:16 26 yes.
27
16:04:17 28 And even at that stage there was no discussion with the
16:04:22 29 permanent prosecution division about what had gone
16:04:26 30 on?---No, there wasn't.
31
16:04:26 32 And with the benefit of hindsight it would certainly have
16:04:31 33 been better if that had been done, wouldn't it?---Yes.
34
16:04:34 35 Okay.
36
16:04:37 37 COMMISSIONER: Can I just clarify, was the full transcript
16:04:39 38 released to the DPP ?---I know I said that earlier in my
16:04:44 39 evidence, Commissioner.
40
16:04:45 41 Yes?---But I'm actually not so sure because it's just as I
16:04:49 42 was speaking come to my attention that the first time I
16:04:51 43 really remember this being an issue was during that
16:04:54 44 committal hearing in 2007 where I gave evidence indicating
16:04:58 45 that Person [REDACTED] had sought advice from Ms Gobbo. So I'm not
16:05:07 46 sure about the transcripts and the tapes.
47

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16:05:11 1 Thank you.
2
16:05:13 3 MR WINNEKE: [REDACTED] had actually done his plea by then,
16:05:17 4 by the time of that committal proceeding?---I think that it
16:05:22 5 was in [REDACTED] of 2007.
6
16:05:24 7 Before [REDACTED]?---Yes.
8
16:05:26 9 And I think then there was a suppression order made with
16:05:28 10 respect to the goings on at that plea?---Yes, there was.
11
16:05:33 12 It may well be that that had fallen under the veil of the
16:05:38 13 suppression order, but as to whether or not in fact those
16:05:39 14 tapes had been handed over in their entirety you're just
16:05:44 15 not in a position to say?---No.
16
16:05:46 17 On any view the tapes should be handed over so as the
16:05:51 18 judge, the court dealing with the case would know what was
16:05:54 19 going on?---Yes.
20
16:05:57 21 On [REDACTED] 2006 do you attend the County Court?---Yes.
16:06:24 22 I actually attend Melbourne Magistrates' Court in the
16:06:26 23 morning and then County Court later that morning.
24
16:06:34 25 In the Magistrates' Court in the morning was - - -
16:06:37 26 ?---Unrelated matter.
27
16:06:38 28 Unrelated?---Oh, actually, it's a different matter but
16:06:47 29 Ms Gobbo was representing one of the accused.
30
16:06:50 31 Right. Which one was that?---This is part of Operation
16:06:55 32 Rakus.
33
16:06:56 34 Right, yeah. You then attend the County Court before the
16:07:13 35 Chief Judge; is that right?---Yes.
36
16:07:15 37 It's a mention in the matter of [REDACTED] and [REDACTED]
16:07:24 38 [REDACTED]?---Yes.
39
16:07:29 40 It was adjourned to a further mention, is that right, on [REDACTED]
16:07:32 41 [REDACTED]?---Yes, that's correct.
42
16:07:35 43 And you had a discussion with Ms Gobbo subsequently; is
16:07:48 44 that right?---Yes, I rang her.
45
16:07:50 46 You rang her following the mention; is that right?---Yes.
47

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16:07:55 1 What does it say in brackets?---"As requested at 10.15".
2
16:08:01 3 So she had called you, what, subsequent to the - - - ?---I
16:08:09 4 would suggest it's probably more likely that we spoke at
16:08:12 5 the Magistrates' Court.
6
16:08:12 7 Yes?---And I indicated that I was going across and she
16:08:15 8 wanted me to call her.
9
16:08:16 10 Obviously she wanted to know what was going on with
16:08:19 11 [REDACTED]'s matter?---Yes.
12
16:08:21 13 Right. Then you had a meeting with her; is that
16:08:24 14 right?---Yes.
15
16:08:29 16 What was the nature of that discussion?---So there was
16:08:32 17 another member of my crew that has a pseudonym. We
16:08:36 18 discussed the Rakus matter.
19
16:08:38 20 Yes?---We mentioned that the accused was a friend of a
16:08:50 21 police officer that was under investigation.
22
16:08:57 23 Ms Gobbo had a view about his guilt, is that right? Do you
16:09:03 24 see that?---The next line?
25
16:09:05 26 Perhaps if you can read it. You had a review with
16:09:09 27 Ms Gobbo, discussion; is that right?---It's RV, so just a
16:09:13 28 rendezvous with Nicola Gobbo, "Discussed Paul Duncan, Rakus
16:09:18 29 defendant, friend of Dave Waters, ex member. Will go to
16:09:22 30 committal, not plea. Discussed recent murder trial. Gobbo
16:09:29 31 believes was guilty. Destroyed star witness". So that's
16:09:34 32 just - it's related to another matter. "Discussed
16:09:40 33 [REDACTED] Current welfare okay. Problems [REDACTED]. All
16:09:44 34 correct. Ringing Gobbo twice daily and all weekend.
16:09:49 35 Discussed [REDACTED]'s [REDACTED] Matter adjourned to [REDACTED]
16:09:53 36 [REDACTED] 06. Re defence and Director. Discussed
16:09:59 37 restraining order put on Joe Parisi", or Joe Parisi's
16:10:06 38 house, "and revoking of Tony Bayeh's bail. Hurt Parisi
16:10:14 39 Operation Kayak or similar. Discussed Frank Ahec. Gobbo
16:10:17 40 wants to separate from Milad Mokbel. Time served in normal
16:10:22 41 gaol, not remand. Not high security. Wants to be
16:10:27 42 disassociated from Milad Mokbel. No other co-accused.
16:10:32 43 Doesn't want [REDACTED] to have to give evidence against
16:10:36 44 [REDACTED]. [REDACTED] Would prefer
16:10:41 45 [REDACTED]. How do we prove intent? Extra
16:10:46 46 amended charge to incorporate [REDACTED] and [REDACTED].
47

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16:10:52 1 Right. Now, there was a further discussion with Ms Gobbo,
16:11:01 2 was there, on 17 October, is that right? I withdraw that.
16:11:42 3 Can I ask you now about - just excuse me for a moment. Can
16:11:56 4 I ask you about the events of 30 October. You say that you
16:12:06 5 understand, albeit you can't recall, that it's recorded in
16:12:13 6 the ICR that some briefs or a brief was shown to Ms Gobbo,
16:12:23 7 right?---30 October?
8
16:12:24 9 30 October 2006. In your statement. And you understand
16:12:32 10 that Ms Gobbo was provided with the brief of evidence
16:12:39 11 against Milad Mokbel, Ahec and Mr Barbaro?---Yes.
12
16:12:46 13 Do you understand that at that stage the brief had not been
16:12:51 14 completed and it hadn't been served?---Yes.
15
16:12:55 16 When was that brief completed and served on those accused
16:13:00 17 people?---So the brief came to me earlier that week where I
16:13:21 18 had a, I was actually crook for a few days and I had the
16:13:24 19 brief delivered at home.
20
16:13:26 21 Yeah?---I reviewed it.
22
16:13:27 23 Have you got an entry in your diary about that?---Yes.
24
16:13:31 25 Where's that?---It's on p.144.
26
16:13:34 27 Yes?---So on Tuesday the 24th of October.
28
16:13:39 29 Yep?---I'm on sick day with a certificate and I've got,
16:13:44 30 "Received Milad Mokbel from Detective Senior Constable Rowe
16:13:50 31 via Detective Senior Sergeant Paxton for checking".
32
16:13:55 33 Right, for checking?---Yes.
34
16:13:57 35 Is that usual, for the informant who's prepared a brief to
16:14:02 36 provide it to the Sergeant in charge to check and in effect
16:14:07 37 sign off on it?---Yes.
38
16:14:09 39 Right. That's the usual course?---Yes.
40
16:14:13 41 In effect you're authorising that brief to go, you're
16:14:17 42 signing off on it?---Yes.
43
16:14:24 44 You would then in the normal course sign off on the
16:14:27 45 brief?---Yes.
46
16:14:27 47 And serve it on the solicitors for the accused people, or

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16:14:30 1 if they're not represented serve it directly on the
16:14:33 2 accused?---Yes.
3
16:14:34 4 In this case that didn't happen, there was an intermediate
16:14:37 5 step?---I'm not sure what date it was served.
6
16:14:41 7 Right. We understand that subsequent to 25 October the
16:14:50 8 brief was provided to Ms Gobbo?---Yes.
9
16:14:54 10 And you accept the proposition that at that stage you
16:14:57 11 hadn't signed off on it and authorised it to be served; is
16:15:02 12 that right?---Sorry, what date was it delivered to her,
16:15:06 13 because I actually don't know what date it was delivered to
16:15:09 14 her ?
16:15:09 15
16:15:10 16 30 October?---No, it would have been signed off by then.
17
16:15:13 18 It would have been?---Yes, I had it the 24th, the 25th and
16:15:17 19 the 26th.
20
16:15:19 21 Right?---And I was back - - -
22
16:15:23 23 Do you make a note in your diary to the effect that you
16:15:25 24 have signed off on the statement?---No.
25
16:15:27 26 There is a signature space on the brief itself for the
16:15:33 27 authorisation, isn't there?---Yes, there's a brief head
16:15:38 28 form that's a Victoria Police document that goes on top of
16:15:41 29 all briefs and there's an area for the informant to sign
16:15:44 30 off and there's a checklist in relation to a number of
16:15:46 31 issues and below that there's a list for the supervisor.
32
16:15:51 33 Right. You're the supervisor?---Yes.
34
16:15:55 35 Once you sign it the brief should be served?---Yes.
36
16:15:59 37 Do you understand that prior to - or perhaps I can ask you.
16:16:05 38 Is it the case that prior to serving the brief on the three
16:16:11 39 accused people it was provided to Ms Gobbo?---I believe so,
16:16:14 40 yes.
41
16:16:15 42 Why was that done?---I don't know.
43
16:16:19 44 It would not have been done without your authorisation, I
16:16:22 45 suggest?---No, I suggest it probably was.
16:16:27 46
16:16:27 47 You think it was done without your authorisation?---Well I

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16:16:30 1 wasn't at work.
2
16:16:31 3 Do you think Mr O'Brien arranged for it to be done?---That
16:16:35 4 would be the logical step, yes.
5
16:16:44 6 Do you know, to be fair, do you know whether you in fact
16:16:49 7 were the authorising officer or was it Mr O'Brien?---I
16:16:52 8 think it was me because the brief's been brought home and
16:16:54 9 delivered to me.
10
16:16:55 11 Yep?---And I've looked at it over three days whilst I was
16:17:00 12 home. So that would suggest that I've checked it off,
16:17:02 13 although I don't have a note and it would not be normal for
16:17:06 14 me to note it in my diary that I've approved this brief.
15
16:17:10 16 So if it was handed over to Ms Gobbo for her to peruse,
16:17:15 17 then likely it would have been done with Mr O'Brien's
16:17:18 18 authority?---I believe so, yes.
19
16:17:23 20 Mr O'Brien says in his statement - Mr Rowe says in his
16:17:29 21 statement, "Further, as my diary records, the debrief with
16:17:33 22 the SDU" - just a moment. It appears that Mr Rowe has a
16:17:51 23 debrief with the SDU on 31 October regarding "brief
16:17:58 24 amendment". He says he's been shown part of a document
16:18:02 25 from the Loricated database which contains a list of the
16:18:05 26 suggestions that Ms Gobbo apparently made to the SDU about
16:18:09 27 the brief?---Yep.
28
16:18:11 29 He says that he didn't make any of the changes in the brief
16:18:19 30 but he considered that it wasn't Gobbo's role to provide
16:18:23 31 feedback as to the preparation of the brief and following a
16:18:29 32 debrief he submitted the briefs of evidence - I'll read it
16:18:31 33 in its entirety. "I considered that it wasn't Ms Gobbo's
16:18:34 34 role to provide feedback as to the preparation of the
16:18:38 35 briefs of evidence and that the only reason that she was
16:18:40 36 provided with these briefs was for the SDU to deal with any
16:18:44 37 safety concerns. Further, as my diary records, the debrief
16:18:47 38 with the SDU was at 9 am and I submitted the briefs of
16:18:51 39 evidence to DII O'Brien for authorisation at 10.30 am,
16:18:55 40 which meant that the material in my briefs was final. The
16:18:58 41 diary also records that the briefs were served on the
16:19:01 42 defence a few days later on 3 November 2006", right? The
16:19:06 43 SDU - if I can take you to the SDU entry on 30 October 2006
16:19:18 44 at pp.531 to 532. This is an ICR. Can we go to p.531.
16:19:57 45 Perhaps if we just go back to p.528. You see here that
16:20:25 46 there's a meeting and under the heading, "Involved purpose
16:20:32 47 of the meeting. Meeting between Gobbo and her handlers.

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16:20:35 1 Liaise with Gobbo, coordinate", et cetera. "Purpose of
16:20:38 2 meeting, allow Gobbo to peruse five volumes of Purana Task
16:20:43 3 Force brief of evidence against Ahec, Barbaro and Milad
16:20:46 4 Mokbel general. Debrief regarding recent activities".
16:20:50 5 Then there's a significant amount of things discussed. But
16:20:54 6 then if we go through to p.531 at the bottom. So, firstly,
16:21:02 7 it appears to be the case that the purpose of the meeting
16:21:05 8 or the main purpose of the meeting was to allow Ms Gobbo to
16:21:08 9 peruse the briefs, do you see that?---Yes.
10
16:21:10 11 She makes comments about the brief and those comments are
16:21:19 12 set out there for you to see. "DNA samples not taken."
16:21:26 13 Then, "Akl, Hammoud and Bayeh should be included in the
16:21:31 14 same brief. All been adjourned to the same mention date.
16:21:33 15 If above names added to the brief all cover sheets need to
16:21:36 16 be altered to reflect new names". Then there's references
16:21:41 17 to Khoder, "Hasn't been included in the brief. He has been
16:21:45 18 recently charged with the same. False statements not
16:21:48 19 included in this brief of evidence". She questions why the
16:21:53 20 video interview was included. "Explanation provided.
16:21:55 21 Concerned that ██████ might suspect that Gobbo had knowledge
16:21:58 22 of what ██████ was doing. Gobbo will simply tell ██████ she
16:22:02 23 wasn't aware. Bayeh original briefs of evidence doesn't
16:22:05 24 include the transcript of recordings. Additional reasons
16:22:08 25 why briefs should be included in one". Then there's -
16:22:14 26 she's obviously going through all of them. Folder 3,
16:22:18 27 section 11. There's statements missing, or first page of a
16:22:22 28 statement is missing. She's concerned about photographs
16:22:25 29 located on the coffee table. That may need to be removed
16:22:29 30 if it's on the brief. "Not to produce. Asked Flynn what
16:22:34 31 he was going to say when cross-examined as to why the
16:22:37 32 surveillance units were directed to ██████ at
16:22:41 33 ██████. How did Flynn know of its location?" So
16:22:44 34 she's clearly thinking ahead and wondering what you might
16:22:47 35 say about that?---Yes.
36
16:22:48 37 "What will Johns say if cross-examined in relation to the
16:22:51 38 tape-recorded interview in regards to the rights
16:22:53 39 requesting Gobbo and awaiting same to attend the police
16:22:59 40 station". Johns, that is Tim Johns. ██████
16:23:05 41 ██████
16:23:08 42 ██████
16:23:11 43 ██████ I withdraw that.
16:23:20 44
16:23:20 45 MS ARGIROPOULOS: Can that be removed from the transcript?
46
16:23:22 47 COMMISSIONER: Yes, that will be removed from the

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16:23:23 1 transcript.
16:23:25 2
16:23:25 3 MS ARGIROPOULOS: I assume that would be covered by the
16:23:27 4 existing non-publication order.
5
16:23:30 6 MR WINNEKE: Yes.
7
16:23:37 8 COMMISSIONER: I'll check that.
9
16:23:43 10 MR WINNEKE: Obviously that'll need to be removed pursuant
16:23:46 11 to the agreement that I've had. Do you see those
16:23:59 12 paragraphs? I can't read them out but do you see the
16:24:01 13 suggestions that are made there?---Yes.
14
16:24:06 15 And a number of other issues going down, if we keep
16:24:09 16 scrolling down. Clearly she - and then at the bottom, "The
16:24:19 17 following people still to be charged", then there's quite a
16:24:22 18 number of people there. Ultimately all of those people
16:24:25 19 were charged, is that right? If not all, most?---So the
16:24:35 20 only one I'm not sure about is Savvas Pastras but the
16:24:40 21 others were.
22
16:24:40 23 She's making the suggestion to the effect that if they're
16:24:45 24 not charged soon they'll be able to argue in due course
16:24:48 25 that they were aware of the prospect of being charged, they
16:24:52 26 didn't flee the jurisdiction, and therefore they were
16:24:54 27 entitled to get bail because it would be difficult to
16:24:57 28 establish, in effect, flight risk?---Yep.
29
16:25:00 30 So she's making those suggestions. Firstly, can I put this
16:25:06 31 proposition to you: it's quite clear that those matters
16:25:09 32 that she's talking about, the suggestion is that she's
16:25:16 33 making not matters which purely relate to her
16:25:18 34 identification, clearly some are, but a good majority of
16:25:22 35 them don't relate to that at all?---Yes.
36
16:25:25 37 And what it does say is that that information will be
16:25:28 38 provided or was provided to you verbally?---It indicates
16:25:36 39 that, yes.
40
16:25:40 41 Do you dispute the proposition that the information was
16:25:43 42 provided to you?---Well I do have a diary entry.
43
16:25:48 44 Yes?---Which I mentioned in my statement for 31 October at
16:25:52 45 9.45, p.151, indicating I'd spoken to an SDU member.
46
16:25:59 47 Yes?---Re - - -

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1
16:26:02 2 What did you record there?---I've spoken to the member
16:26:06 3 concerned "re Posse brief, all correct. Update, et cetera,
16:26:11 4 with" - - -
5
16:26:11 6 Sorry, update?---"Update, et cetera, with Detective
16:26:15 7 Inspector O'Brien." So it's only two lines.
8
16:26:18 9 Right. Firstly, can I make in point: she goes on to
16:26:24 10 represent Jacques El-Hage; is that right?---She does.
11
16:26:29 12 Indeed, she conducts negotiations with you with a view to
16:26:34 13 having him released on bail?---We arranged an arrest by
16:26:39 14 appointment basically, so, yes, he was charged and then
16:26:42 15 released straight away.
16
16:26:46 17 In respect to Mr El-Hage, he was also a suspect, wasn't he,
16:26:50 18 when it came to making threats against Ms Gobbo?---Well he
16:26:53 19 was the one that she was, one of the people she was at
16:26:54 20 dinner with when - - -
21
16:26:56 22 When her car was on set fire?---Torched. So for that
16:26:59 23 reason he was a suspect, yes.
24
16:27:00 25 Investigations were carried out with respect to him?---Yes.
26
16:27:03 27 As a suspect in an operation called Operation Gosford which
16:27:06 28 you were the chief investigator of for a significant period
16:27:10 29 of time?---I was, that's right.
30
16:27:12 31 Effectively what you've got there is Ms Gobbo making
16:27:15 32 suggestions that he ought be charged and providing
16:27:22 33 information which enables police to target him as a person
16:27:30 34 to be charged?---Well, I don't think she was providing us
16:27:37 35 information that would assist us with him being charged, is
16:27:40 36 that what you're suggesting?
37
16:27:41 38 I suggest to you that she provided information which came
16:27:45 39 from [REDACTED] which was clearly information contrary to
16:27:50 40 his interests?---To [REDACTED]'s interests?
41
16:27:56 42 Yes?---I don't think that's right.
43
16:28:00 44 All right. There's evidence that she was informing upon
16:28:04 45 [REDACTED] to the SDU. You're not aware of that?---Was
16:28:12 46 that about some current offending, was it? .
47

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16:28:20 1 About current offending, yes?---That vaguely rings a bell.
16:28:23 2 I think there was something about [REDACTED] or
16:28:24 3 something like that. But I was more focused on having
16:28:28 4 [REDACTED] charged for the [REDACTED] matters back on - - -
5
16:28:32 6 I understand that. She's making suggestions that he ought
16:28:34 7 be charged sooner rather than later because it would make
16:28:38 8 it more difficult for him to be released on bail?---Well
16:28:50 9 that's an interpretation from that comment after the list
16:28:52 10 of names, yes.
11
16:28:54 12 It's quite express, she says, "All of them would be able to
16:28:58 13 argue re bail if they knew and didn't flee the
16:29:03 14 jurisdiction"?---Yes.
15
16:29:03 16 So they ought to be charged sooner rather than later,
16:29:07 17 that's effectively what she's saying?---Yes.
18
16:29:09 19 They're identified in the brief material, they know that
16:29:10 20 they're subject of being charged, they should be charged.
16:29:10 21 If they're not charged soon they'll have arguments with
16:29:14 22 respect to bail?---Yes.
23
16:29:16 24 She's an alleged victim subsequently in threats and
16:29:21 25 potentially destruction of her property?---Yes, well, not
16:29:24 26 potentially, her property was destroyed.
27
16:29:26 28 Yes, potentially a person who was guilty of that, that's
16:29:29 29 what I'm saying?---Yes.
30
16:29:30 31 And you're investigating it?---Well - - -
32
16:29:37 33 I'm just seeking to highlight the absurd series of
16:29:40 34 conflicts which Ms Gobbo and you are involved in here?---I
16:29:46 35 think it's a bit unfair at this stage to put in the threats
16:29:49 36 because they hadn't even begun at this stage. This
16:29:52 37 incident with the car occurred 18 months later.
38
16:29:54 39 I understand that, but what I'm suggesting is that by that
16:29:57 40 period of time, much later on, there are so many
16:30:02 41 contradictions and conflicts going on, really the whole
16:30:06 42 situation became quite bizarre, I suggest?---I can't argue
16:30:11 43 with that. Reading that list of names, to me that's just
16:30:14 44 her saying, "You've got evidence against these people", no
16:30:18 45 more than that.
46
16:30:19 47 All right?---That would be right from the information we

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16:30:23 1 obtained from [REDACTED]
2
16:30:25 3 All right. Do you accept now with the benefit of hindsight
16:30:28 4 that you receiving this information from her, in the
16:30:31 5 circumstances that I've described here, is a rather
16:30:37 6 extraordinary event?---Yes.
7
16:30:42 8 Thanks, Commissioner.
9
16:30:44 10 COMMISSIONER: Yes. So time-wise, how are we going?
11
16:30:50 12 MR WINNEKE: Not as well I'd hoped, Commissioner. We'll
16:30:53 13 finish with Mr Flynn tomorrow.
14
16:30:55 15 COMMISSIONER: I'm just wondering though if we need
16:30:57 16 Mr Green tomorrow.
17
16:31:01 18 MR WINNEKE: He'll be needed tomorrow, yes.
19
16:31:03 20 COMMISSIONER: He will be needed tomorrow. Before
16:31:04 21 lunchtime?
22
16:31:05 23 MR WINNEKE: It depends. I can only speak for myself but I
16:31:08 24 would imagine I'll be finished by lunchtime.
25
16:31:11 26 COMMISSIONER: I think the other - there was probably a bit
16:31:16 27 over an hour for the remaining cross-examination, that was
16:31:18 28 before we had Mr Cvetanovski, he's got an application too.
29
16:31:25 30 MR WINNEKE: I think Mr Chettle has more than he had
16:31:27 31 originally but that's not much.
32
16:31:29 33 MR CHETTLE: Five minutes, Commissioner.
34
16:31:33 35 MR WINNEKE: So it will be me mainly.
36
37 COMMISSIONER: Mainly you, all right.
38
39 MR WINNEKE: Almost entirely.
40
16:31:33 41 COMMISSIONER: Perhaps Mr Green at this stage ready by
16:31:37 42 lunchtime tomorrow.
43
16:31:38 44 MR CHETTLE: He'll be there, Commissioner. Again,
16:31:41 45 Commissioner, he'll be from a remote facility so he'll be
16:31:47 46 there.
47

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16:31:47 1 COMMISSIONER: All right. It looks as though he'll be free
16:31:50 2 until lunchtime. Thank you. We'll adjourn until 9.30
16:32:15 3 tomorrow morning.

16:32:15 4
16:32:15 5 <(THE WITNESS WITHDREW)

16:32:16 6
16:32:20 7 ADJOURNED UNTIL THURSDAY 3 OCTOBER 2019

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