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These claims are not yet resolved.

1           PROCEEDINGS IN CAMERA:

2  
10:12:50 3           COMMISSIONER: Yes Mr Bateson.

10:12:53 4  
10:12:54 5           <STUART BATESON, recalled:

6  
10:12:57 7           MR WINNEKE: I was asking you questions about the two  
10:13:06 8           statements which were taken by you and - by Mr Hatt and you  
10:13:11 9           from [REDACTED] when you went to see him on [REDACTED] 2004 at  
10:13:23 10          [REDACTED] Prison?---Yes.

11  
10:13:24 12          You've said that over a period of time leading up to around  
10:13:27 13          the 22nd of June or thereabouts that statement was done or  
10:13:33 14          was prepared?---Yes.

15  
10:13:34 16          And put into a draft situation, or draft condition; is that  
10:13:40 17          right?---Yes.

18  
10:13:44 19          Is it the case that you took that statement with you to see  
10:13:52 20          [REDACTED] on the [REDACTED] and ask him whether he was happy with  
10:13:57 21          the contents of it?---The [REDACTED]? I'm not - - -

22  
10:14:02 23          [REDACTED]?---I'm not sure.

24  
10:14:06 25          Right. You know, if you've got your notes there you'll see  
10:14:09 26          that you did go and see him on the [REDACTED] and you had with you  
10:14:15 27          the two statements which had been prepared in draft, you  
10:14:20 28          say in your statement, to enable him to look at those  
10:14:23 29          documents, correct?---I've got in my notes, "Review of  
10:14:35 30          statements to see if true and correct. Won't sign before  
10:14:39 31          going to Ms Gobbo for approval. Requested minor additions,  
10:14:45 32          no deletions".

33  
10:14:47 34          As we understand it he wanted, you say, the last two lines  
10:14:54 35          of paragraph 52 added, nothing deleted, that's in relation  
10:15:00 36          to, we understand it, the [REDACTED] statement; is that  
10:15:03 37          right?---That's what I've got in my day book notes.

38  
10:15:07 39          In fact it says the last two lines of paragraph 52, that's  
10:15:11 40          understand the [REDACTED] heading, so we assume that's - - -  
10:15:15 41          ?---Can I just grab my folder?

42  
10:15:28 43          By all means, yes?---Yes.

44  
10:15:44 45          Your evidence is that you believe that you had with you a  
10:15:52 46          laptop computer and he was able to read the statement on  
10:15:56 47          the laptop; is that right?---Possibly. It was either that

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10:16:04 1 or a hard copy, I don't know.  
2  
10:16:07 3 Because the words "wanted the last two lines of paragraph  
10:16:12 4 52 added" suggest that when you write those notes down it's  
10:16:17 5 been done?---Yes.  
6  
10:16:18 7 Which would suggest that you've got those two lines already  
10:16:23 8 added in or those two sentences added in at the time that  
10:16:27 9 you make the entries in your day book. One assumes that  
10:16:33 10 you're make the entries in the day book more or less  
10:16:36 11 contemporaneously, I assume you are?---I would think that  
10:16:42 12 follows. I don't remember for sure but I think that  
10:16:46 13 follows.  
14  
10:16:47 15 If you have a look at your day book, you've got 11.25,  
10:16:51 16 you've got obviously the notes of what occurs at the [REDACTED]  
10:16:56 17 [REDACTED] Prison and then if you go down, underneath the  
10:16:59 18 matters set out concerning the statement, you've got  
10:17:03 19 details of, family details and so forth set out there?  
10:17:11 20 Perhaps we should put this up on the screen, Commissioner.  
21  
10:17:15 22 COMMISSIONER: It would be helpful.  
23  
10:17:17 24 MR WINNEKE: VPL.0005.0058.0114. Do you follow what I'm  
10:17:28 25 saying? He's giving you information about addresses,  
10:17:32 26 telephone numbers, parents' addresses, so you're writing  
10:17:37 27 that information down when he's telling you; aren't  
10:17:41 28 you?---You would think so.  
29  
30 You would think so?---Yep.  
31  
10:17:42 32 Then as you go over to the next page, it says, "Friday [REDACTED]  
10:17:46 33 [REDACTED] continued" and then there's discussion about the  
10:17:51 34 [REDACTED] statement. You see that there? And then  
10:17:55 35 there's some information given about that. Then there's a  
10:18:02 36 reference to "SS of possible something offence by [REDACTED]  
10:18:09 37 notes" - - - ?- [REDACTED] offence.  
38  
10:18:13 39 Yeah, notes Hatt. And then at 12.45 he leaves and at 13:00  
10:18:23 40 you leave the prison. You're taking those notes it seems  
10:18:29 41 more or less contemporaneously?---I think so, yes.  
42  
10:18:31 43 When you leave the prison the two sentences or the last two  
10:18:32 44 lines of that paragraph have been added?---I would think so  
10:18:36 45 reading those notes.  
46  
10:18:37 47 Yes. So either on a computer or on a handwritten - wither

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10:18:39 1 on a computer or handwritten on a hard copy?---That would  
10:18:42 2 be the alternatives.  
3  
10:18:43 4 One of the two?---Yes.  
5  
10:18:45 6 All right, okay?---I would think so.  
7  
10:18:51 8 Then what we've been provided with now is a version of the  
10:18:58 9 statement which has metadata records attached to it. If  
10:19:14 10 you can just accept it from me, and Ms Enbom will tell me  
10:19:18 11 if I'm wrong, insofar as the statement version we've got,  
10:19:25 12 the evidence is that it was created - it says that it was  
10:19:39 13 modified on Friday ██████████ 2004 at 19:05:50, accessed Friday  
10:19:47 14 ██████████ 2004 19:05:50. If we go to another section it  
10:19:57 15 appears that the content was created at 16:44 and last  
10:20:06 16 printed at about three minutes past seven. The evidence  
10:20:12 17 appears to suggest that this statement was - work was done  
10:20:22 18 it, it was printed out at around 7 pm on the evening of ██████████  
10:20:27 19 ██████████. Now that's obviously after you've been to the  
10:20:35 20 prison?---Yes.  
21  
10:20:35 22 Do you accept that?---Yes.  
23  
10:20:40 24 We're also told that the work has apparently been done on  
10:20:54 25 the console of a person by the name of Scott Elliott. Does  
10:20:57 26 that ring a bell?---He's an analyst, or was. He's no  
10:21:06 27 longer with us.  
28  
10:21:07 29 Was he attached to your crew or to Purana?---To Purana.  
30  
10:21:11 31 Was it only him who would have had access to that terminal  
10:21:16 32 or could other people use the terminal, or do you know what  
10:21:18 33 the situation was?---I don't know what that means. Does it  
10:21:24 34 mean that he was at his terminal or through his log-on?  
10:21:33 35  
10:21:33 36 We don't know. We don't know the answer to that. Do you  
10:21:35 37 want to have a look at this and you might be able to make  
10:21:38 38 sense of it?---Because, you know, we did share computers  
10:21:41 39 back in those days but we all had our own log-on.  
40  
10:21:45 41 Are you able to make sense of any of the records  
10:21:56 42 there?---I'm reluctant, because I'm no expert on this, but  
10:21:59 43 the way I would read it - there's two different things  
10:22:07 44 here. Owner and the computer I think. I really don't  
10:22:14 45 know. You'll have to get some expert - - -  
46  
10:22:17 47 It may not matter but the answer to this would be perhaps

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10:22:20 1 in the answer to this question: who were the people who  
10:22:23 2 were taking charge of preparing the statement of [REDACTED]  
10:22:28 3 in relation to the murder of [REDACTED]?---Hatt and  
10:22:32 4 me.  
5  
10:22:35 6 Regardless of whose terminal it's printed off, it would be  
10:22:41 7 either you or Mark Hatt who were responsible for putting  
10:22:45 8 into the statement all the matters which were considered to  
10:22:50 9 be relevant, would that be fair to say?---Yeah, I think  
10:22:53 10 that would be fair to say.  
11  
10:22:57 12 Can we have that back? Assuming that the idea was to take  
10:23:08 13 a statement or take a version of the statement, because  
10:23:11 14 this is what [REDACTED] wanted to occur, to see his legal  
10:23:16 15 representative, it may well be reasonable to assume that if  
10:23:20 16 it was printed off at about that time it may have been able  
10:23:24 17 to be provided to Mr Hatt to enable him to take it to  
10:23:29 18 Ms Gobbo the following day, do you follow what I'm  
10:23:31 19 saying?---I mean that of course is possible.  
20  
10:23:36 21 Yeah?---I just don't know if it's what happened.  
22  
10:23:40 23 No?---Because, as I said, Scotty Elliott was one of the  
10:23:47 24 analysts.  
25  
10:23:48 26 Yes?---So, you know, part of his job was to analyse any  
10:23:52 27 information that came in and look for connections to other  
10:23:55 28 things within our intel holdings.  
29  
10:23:59 30 Yes?---So he might have his own purpose for printing.  
31  
10:24:04 32 How would he have got that? If he's accessing and creating  
10:24:08 33 content on that file at that time, one assumes he's only  
10:24:12 34 got it from either you or Mark Hatt?---I honestly don't  
10:24:19 35 know as I sit here now. I don't know how he got it.  
36  
10:24:26 37 If we're able to - so then - just to get the sequence  
10:24:31 38 right. Ms Gobbo then looks at - we know that she's taken  
10:24:39 39 two copies of - taken two statements on the 10th, we accept  
10:24:44 40 that, don't we?---I know that Mark Hatt attends office and  
10:24:50 41 allowed Ms Gobbo to read the statement, is what my note's  
10:24:56 42 got.  
43  
10:25:01 44 She expresses a view about the statements, we know  
10:25:05 45 that?---I've got here, yep, "Expressed scepticism of no  
10:25:11 46 payment and not knowing it was a murder".  
47

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10:25:16 1 What the Commission also has - the view is then taken that  
10:25:34 2 it would be appropriate for Ms Gobbo to go and speak to  
10:25:38 3 ██████████ the following day and that's when you contact the  
10:25:43 4 prison, or someone contacts prison staff, it seems to be  
10:25:48 5 you because you've made a note in your day book, "Visit  
10:25:52 6 arranged with prison staff" and you advise Ms Gobbo at  
10:25:56 7 15:40 hours, do you see that?---Yes, I see that at "15:30  
10:26:02 8 rang my Nicola Gobbo, asked if I could speed up process of  
10:26:06 9 new visitor clearance".  
10  
10:26:07 11 Yes?---I don't know that - I assume that's for her but I  
10:26:13 12 don't know that it is actually. "New visitor clearance."  
10:26:16 13 She was visiting anyway, wasn't she?  
14  
10:26:19 15 Yeah?---So I don't know if that necessarily is what she was  
10:26:22 16 talking about, a clearance for her.  
17  
10:26:25 18 Yeah?---We know later she asked me to see if I can speed up  
10:26:29 19 or locate Anthony Brand's paperwork.  
20  
10:26:34 21 Yeah?---So just the reading of the "new visitor clearance  
10:26:39 22 there", I'm just not quite prepared to say that I sped up  
10:26:44 23 the process of hers.  
24  
10:26:47 25 It seems to follow that it was arranged with staff for  
10:26:53 26 Ms Gobbo because you advised her as much?---There's another  
10:26:58 27 entry, sorry, down here, "Visit arranged with prison staff,  
10:27:01 28 advised Gobbo". So, yes, I think I'd accept that.  
29  
10:27:03 30 The idea is she says she'll visit ██████████ in the am, and you  
10:27:08 31 contact the prison, arrange the clearance and you tell her  
10:27:11 32 and off she goes out to the prison the following day, on  
10:27:14 33 the 11th, do you see that?---Yes.  
34  
10:27:20 35 At 13:00 hours she contacts you, or you contact her, one or  
10:27:27 36 the other, but you speak to her and she states that ██████████ was  
10:27:31 37 worried about the sentence and seizure of his assets and  
10:27:35 38 will be truthful and it seems that you've crossed out, you  
10:27:39 39 were going to write "more forthcoming". You think that's  
10:27:44 40 what you were going to write, that's been crossed out and  
10:27:48 41 "truthful", right?---Yes.  
42  
10:27:51 43 We also know, as we've discussed, that there was a view  
10:27:53 44 taken that ██████████ saying that he didn't know that there  
10:27:56 45 was going to be a murder take place, it's been expressed in  
10:28:01 46 various ways "ridiculous" or "we're sceptical about that"  
10:28:04 47 and so forth, right? Then what happens is on the following

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10:28:13 1 day, the 12th, if we could put up this extract - starting  
10:28:18 2 at VPL.0005.0058.0111, if we can put that up?---I've got my  
10:28:33 3 diary note.  
4  
10:28:38 5 Yes, just so the Commissioner can see. Then the next day,  
10:28:39 6 as we've - it's apparent that you then go out and see him  
10:28:44 7 again at 10 am?---That's not the right note I don't think.  
10:28:52 8 Monday the 12th I think we - - -  
9  
10:28:54 10 That's the Saturday and the Sunday. Sorry, yeah. You're  
10:28:59 11 right. Go back to the one previously. Yep, that's it.  
10:29:02 12 Then the next one. There we are. We see at 10 am [REDACTED] enters  
10:29:08 13 the room and you've got, "Some changes made to [REDACTED]'s  
10:29:11 14 statement re his belief. Only changes to [REDACTED]'s statement  
10:29:18 15 was the [REDACTED]" and then there was another matter,  
10:29:23 16 right?---Correct.  
17  
10:29:26 18 You had a go at, to the best of your recollection, trying  
10:29:32 19 to interpret or trying to recollect the changes that were  
10:29:35 20 made to the statement and your recollection was, and I  
10:29:38 21 think you added a Post-it Note to paragraph 9, am I right  
10:29:42 22 about that?---Look, I didn't get a chance to explain that  
10:29:45 23 yesterday.  
24  
10:29:46 25 Yes?---But that's my handwriting and, yeah, that's one  
10:29:49 26 thing I thought, "That's probably it". You know, we're  
10:29:53 27 talking about something that happened 15 years ago.  
28  
10:29:56 29 No, I understand that?---I'm not certain that's it but I  
10:29:58 30 feel like that was the kind of information that it was.  
31  
10:30:02 32 All right. But that was your view yesterday allowing for  
10:30:07 33 the passage of time and so forth?---That's the only one  
10:30:11 34 that stood out to me and I thought, yep, that's something,  
10:30:14 35 because I think I spoke about that prior.  
36  
10:30:17 37 Yeah?---And suddenly, or what he said that, yeah, that was  
10:30:20 38 always in the back of my mind type thing, that it could be.  
39  
10:30:25 40 We do know that when those matters were put before the  
10:30:29 41 court subsequently at the committal those two lines, "Some  
10:30:36 42 changes made to the statement regarding his belief and only  
10:30:40 43 changes to [REDACTED]'s statement" were blacked out, do you  
10:30:44 44 recall that?---Yes, I recall they were in my, the original  
10:30:53 45 stuff. I just wasn't quite sure they weren't in the  
10:30:58 46 additional material on the day, so I'm not sure.  
47

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10:31:01 1 I follow what you're saying there. But insofar as that  
10:31:02 2 page is concerned that was the next page after the [REDACTED] that  
10:31:05 3 was provided to the defence counsel?---Yes.  
4  
10:31:08 5 Yeah, okay?---Initially.  
6  
10:31:12 7 Initially. Well, that's what appears in the  
10:31:16 8 depositions?---In the depositions, correct, yes.  
9  
10:31:22 10 As to whether or not at any stage thereafter they were  
10:31:25 11 provided other documents you're not in a position to  
10:31:29 12 say?---Well, only what I've said yesterday and that was  
10:31:31 13 that when we talked about the first day of the committal  
10:31:36 14 and there was 28 entries, yeah.  
15  
10:31:40 16 28 entries, okay. Just whilst we're here, we might have a  
10:31:44 17 look at this document if we can, MIN.0001.0014.0002\_R2S.  
10:32:08 18 If we can go to an entry made in Ms Gobbo's court book  
10:32:19 19 which has a - these are notes that are made by Ms Gobbo in  
10:32:31 20 her court book and they reflect entries apparently which  
10:32:36 21 were made on - Exhibit 273. We'll just use this for the  
10:33:00 22 moment. What we see here is an entry on 10 July 2004,  
10:33:05 23 which is the Saturday, there's a telephone number there at  
10:33:07 24 the top. Is that - it should come down off that screen  
10:33:14 25 there. Is that your telephone number at the top of the  
10:33:21 26 page, or was it?---No.  
27  
10:33:29 28 In any event, it seems that she's taken notes. "Knowledge  
10:33:33 29 re going to be shot. More than a stand-over job", with a  
10:33:38 30 line down "the job" and there's a reference to para 51.  
10:33:43 31 Then there's a note, "[REDACTED] collection. Payment for me.  
10:33:49 32 Individual cuts. Para 9, believed it would involve a  
10:33:53 33 shooting", then there's a reference to [REDACTED]  
10:33:58 34 murder, and there's "contract killing [REDACTED]", then there's  
10:34:08 35 some other matters and then there's a note at the bottom  
10:34:13 36 "authorised Stuart Bateson". Do you know who Greg Reyburn  
10:34:17 37 is, is he a name you recognise?---No, I don't. Yeah, no, I  
10:34:23 38 don't know who Greg Reyburn is.  
39  
10:34:25 40 Do you think he might be a Corrections officer?---If you  
10:34:28 41 wanted me to guess, I'd say that would be my guess.  
42  
10:34:33 43 That seems to suggest that she's looking at the statements  
10:34:40 44 and that's consistent with - - - ?---What we know.  
45  
10:34:44 46 What we understand, that Hatt going down and seeing her on  
10:34:48 47 that day?---Yes.

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1  
10:34:49 2 Then if you have a look at [REDACTED] you'll see that she has  
10:34:54 3 a [REDACTED] conference with [REDACTED] and there's a note, "Me and  
10:34:59 4 [REDACTED] spoke re debt collection prior to but then realised it  
10:35:04 5 wasn't. Cover money. Supply of car. Then became murder".  
10:35:12 6 So "cover money" would be the money, it may be a reference  
10:35:15 7 to the cost of getting the clean car and covering that sort  
10:35:20 8 of expense, would that be reasonable to assume  
10:35:29 9 possibly?---I have no idea.

10  
10:35:32 11 Then there's a note, "Prevented deaths. Info re Hells  
10:35:42 12 Angels. Reported false info to Carl to prevent deaths.  
10:35:47 13 Statement of [REDACTED] re [REDACTED]. Gave police lots of  
10:35:51 14 intelligence re guns, locations. Assistance in the future  
10:35:58 15 at" a particular examination body. And there's a reference  
10:36:05 16 to, "Can Karen please speak to Bernie re Gatto", and then  
10:36:15 17 reference to Carl's money laundering techniques. It seems  
10:36:23 18 she's having a conference with him about various matters  
10:36:25 19 and she's making notes of those matters which are then set  
10:36:28 20 out, do you follow that?---Except maybe from the asterisk,  
10:36:36 21 "Can Karen please speak to Bernie re Gatto". That seems to  
10:36:43 22 me to be somewhat unrelated.

23  
10:36:46 24 It may be unrelated. But certainly other matters are  
10:36:48 25 consistent with her having a conference with [REDACTED]  
10:36:51 26 about matters pertaining to one or other or both of the  
10:36:55 27 murders of [REDACTED] and possibly also  
10:36:59 28 [REDACTED]?---I accept everything above that asterisk  
10:37:03 29 comment. I'm not sure if it is Carl's money laundering  
10:37:13 30 techniques, whether that's related to the Karen bit or the  
10:37:20 31 bit above. But I accept above that asterisk I would say is  
10:37:23 32 notes of her conversation with him.

33  
10:37:26 34 Then what we know obviously is that you then go out to see  
10:37:32 35 him on the [REDACTED], there are some changes made to the  
10:37:34 36 statement and the statement's then signed on the [REDACTED]. So  
10:37:37 37 we've got effectively two versions, we've got the statement  
10:37:42 38 which was on the [REDACTED] and then the statement following the  
10:37:48 39 communications with Hatt and Gobbo, Gobbo and [REDACTED]  
10:37:52 40 and then subsequent to that a further conference with  
10:37:56 41 [REDACTED] on the [REDACTED] and then the statement's signed on  
10:38:00 42 the [REDACTED]. Is that a fair summary of what occurs?---So I  
10:38:06 43 think on the [REDACTED] - no, sorry, that was the day we go to  
10:38:22 44 [REDACTED] to get them to sign.

45  
10:38:24 46 You go back out - - - ?---This was on the [REDACTED]. Oh no,  
10:38:29 47 that's the [REDACTED]

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1  
10:38:31 2 You go out and see him on the [REDACTED]?---Yes.  
3  
10:38:33 4 There are some changes made to the statement regarding,  
10:38:37 5 according to your note, belief. Do you accept that?---I  
10:38:42 6 accept that, yeah.  
10:38:42 7  
10:38:43 8 Can I ask you this: who was responsible for the changes to  
10:38:48 9 the statements and making the changes and authorising the  
10:38:55 10 changes to the statement?---Oh well, the witness is the one  
10:39:05 11 responsible for authorising the changes because he signs  
10:39:08 12 it, but the person doing it is the person who says, who's  
10:39:09 13 on the acknowledge as taking the statement.  
14  
10:39:12 15 So that's Mr Hatt?---Sorry, I didn't know. Yes, that's  
10:39:15 16 Mr Hatt. I wasn't sure whether it was me or him, I  
10:39:19 17 couldn't remember.  
18  
10:39:20 19 In any event, you're both working together, you're going  
10:39:23 20 out and seeing him together. He's your - he's within your  
10:39:27 21 crew, you're his Sergeant, correct, Senior  
10:39:30 22 Sergeant?---Correct.  
23  
10:39:31 24 So you know what he's doing?---Yes, I know what he's doing.  
10:39:36 25 I absolutely know what he's doing.  
26  
10:39:39 27 And anything that he does you authorise?---I'm not sure  
10:39:40 28 that I'd take it that far but ultimately I'm willing to  
10:39:43 29 accept I'm his Sergeant, line supervisor, yes.  
30  
10:39:47 31 Insofar as this statement taking process you're willing to  
10:39:50 32 accept that you are aware of what's going on?---Well I  
10:39:56 33 would have said so, yeah. I would have said so.  
34  
10:40:00 35 What I want to show you is a document which is created  
10:40:03 36 which sets out or appears to set out the changes made  
10:40:07 37 between the statement on the [REDACTED] and the date that he signs  
10:40:12 38 it. So if we can put that up so it's quite clear. This is  
10:40:21 39 the document which is in the depositions. If we can then  
10:40:24 40 go over the following page. What you'll see there are some  
10:40:28 41 highlighted entries, right. What you'll see is that there  
10:40:39 42 are words added to the statement and words deleted. The  
10:40:44 43 original word was, "He then said something to the effect of  
10:40:48 44 whatever you get out of it you can split it up between you  
10:40:50 45 and [REDACTED]. That "it up" is removed and then "split  
10:41:00 46 half between you and [REDACTED]. He didn't tell me what the split  
10:41:03 47 would be between [REDACTED] and I, that was up to us to work out. I

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10:41:07 1 had an understanding that my payment be would be relative  
10:41:14 2 to how much work I did". And thereafter the paragraph's  
10:41:17 3 the same. So that's added, do you follow that?---So the  
10:41:20 4 purple bit is added?  
10:41:21 5  
10:41:21 6 The purple bit is added?---Okay.  
7  
8 Now in the next paragraph there's no change. If you go  
10:41:23 9 down to paragraph 9. Now your view - - - ?---Sorry, just  
10:41:24 10 so I'm clear.  
11  
10:41:24 12 Yes?---The purple sections were not in the statement stage  
10:41:35 13 by Scott Elliott on the [REDACTED] ?  
10:41:37 14  
10:41:37 15 Correct. So the purple bits are in the statement which he  
10:41:40 16 signs. Your view was that there had been a change to  
10:41:43 17 paragraph 9 and it was to the effect of "it did cross my  
10:41:47 18 mind that something further was going to occur". Your view  
10:41:52 19 was that that was the change that was going to be  
10:41:57 20 made?---M'hmm.  
21  
10:41:59 22 And that's what, having looked at that statement yesterday,  
10:42:05 23 it was your view, you told us that yesterday, that was your  
10:42:10 24 view about what change had been made to the  
10:42:12 25 statement?---Yes, in fact the purple bit has been.  
26  
10:42:14 27 Yes. The purple bit says that, "When you're doing a job  
10:42:19 28 like this in the presence of [REDACTED] you have to expect  
10:42:23 29 the worst. [REDACTED] is capable of being very intimidating  
10:42:27 30 and you certainly do not want to argue with him", so that's  
10:42:30 31 a change which is made to the statement, do you follow  
10:42:35 32 that?---Yes.  
33  
10:42:35 34 Okay. Now if we go further through the statement to the  
10:42:41 35 third page, no changes. Next page, there's some additions  
10:42:45 36 there. Again, there's additions to paragraph 18, do you  
10:42:51 37 see that? "In one of the early meetings [REDACTED] did speak about  
10:42:56 38 collecting money from [REDACTED]. I confirmed with [REDACTED] that  
10:43:01 39 Carl had said there was \$ [REDACTED] owing. [REDACTED] replied we  
10:43:10 40 should try for a little more. This is the only time that  
10:43:13 41 we spoke of collecting money". That's an addition from the  
10:43:16 42 [REDACTED]?---Yes.  
43  
10:43:17 44 In the next paragraph there's a sentence added, "Although  
10:43:22 45 it wasn't discussed, I assumed that I would be paid about  
10:43:26 46 \$5,000 for supplying this [REDACTED]". Now you recall I  
10:43:32 47 asked you whether that might be consistent with cover money

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10:43:36 1 and that may well be what that refers to, do you agree with  
10:43:41 2 that?---Yep, I agree.  
3  
10:43:43 4 Okay. Next page. Further addition, "I remember that  
10:43:48 5 during one of our meetings ██████ gave me \$1,000 to pay  
10:43:53 6 for ██████. I never got a chance to give this money to  
10:43:59 7 ██████. Again, that may be a reference to cover money. Do  
10:44:04 8 you agree with that?---Yes, I do.  
9  
10:44:11 10 Next page no change. Next page. Are you reading that  
10:44:23 11 handwritten entry on the side?---Yeah, I am. Added at  
10:44:28 12 committal, no that's okay. That's obviously a note of one  
10:44:32 13 of the lawyers.  
14  
10:44:34 15 Similar writing. This document came from the OPP so one  
10:44:37 16 assumes that lawyers have made their mark ups on it during  
10:44:41 17 the course of the committal and highlights and so forth.  
10:44:44 18 If we keep going. Another addition to paragraph 31. At  
10:44:50 19 the end of the paragraph, "Looking back now I know that by  
10:44:53 20 this stage I had a fair idea ██████ was going to be  
10:44:56 21 murdered, however there was no conversation about it and I  
10:45:00 22 didn't ask Carl or ██████ directly. I was happy just to go  
10:45:04 23 along and just dismissed the thought from my mind"?---Yes.  
24  
10:45:08 25 So that seems to have been added. Next page. If we have a  
10:45:16 26 look at the bottom. You can see that there's material  
10:45:22 27 which is removed?---M'hmm.  
28  
10:45:25 29 So what that indicates is, "At this point I still thought  
10:45:28 30 the job we were going to do was to stand over ██████ for  
10:45:33 31 the debt and possibly shoot him as a warning. I knew what  
10:45:37 32 ██████ and Carl were like and that the job was likely to involve  
10:45:43 33 firearms of some sort"?---Yes.  
34  
10:45:45 35 That's been taken out. That's consistent, I suppose, with  
10:45:48 36 the idea that the expressions, the views of scepticism that  
10:45:55 37 you had about what he had told you, that he didn't believe  
10:46:01 38 that there was going to be a killing, that was something  
10:46:05 39 that you were sceptical about and you thought that the true  
10:46:09 40 position was that he did know that there was going to be a  
10:46:12 41 killing?---Yes.  
42  
10:46:13 43 And so that is consistent, I suppose, with that view, that  
10:46:17 44 scepticism, that being taken out and you would say, "That  
10:46:22 45 more accurately reflects what I thought the position  
10:46:25 46 was"?---Agreed.  
47

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10:46:31 1 At the bottom of the page, "I remember speaking to  
10:46:33 2 [REDACTED] about payment for the job at this meeting. [REDACTED]  
10:46:40 3 assured me that Carl would pay me". Over the page, "More  
10:46:47 4 for actually doing the driving although it was not  
10:46:49 5 discussed how much I would get. I thought I would probably  
10:46:53 6 get an equal share with [REDACTED]. On one view that's  
10:46:57 7 make it clearer, if it wasn't clear enough already, but  
10:47:00 8 making it clearer that this person knew that he was going  
10:47:03 9 to get paid for doing a job which was probably going to be  
10:47:08 10 murder. As far as you were concerned that was consistent  
10:47:12 11 with the view that Purana had about this fellow?---Yes.  
12  
10:47:19 13 It appears that that paragraph has been added?---Yes.  
14  
10:47:23 15 Okay?---I'm willing to accept if you're telling me that.  
10:47:26 16 I'm sure someone would stand up if it wasn't.  
17  
10:47:31 18 Yes, all right. Then if we keep going. Just scroll  
10:47:39 19 through to the next page where there are changes. There's  
10:47:42 20 a change here at paragraph 51. "A bit of an inkling" is  
10:47:50 21 removed. "I had a bit of an inkling that it was going to  
10:47:54 22 be a murder" and that's beefed up by "I had a belief it was  
10:47:57 23 going to be a murder"?---Yes.  
24  
10:47:59 25 Again, you would say that that makes it more consistent  
10:48:02 26 with Purana's view of the world?---Well I think it just, it  
10:48:08 27 makes it more consistent with reality rather than just our  
10:48:13 28 belief of the world, yep.  
29  
10:48:14 30 All right. That was your view, and you may be quite  
10:48:20 31 reasonable, it might be the appropriate view that that was  
10:48:23 32 the true state of the world?---Yeah.  
33  
10:48:28 34 And then if you go further down, there's some words added.  
10:48:33 35 "Again I knew by his attitude and the weapons that  
10:48:36 36 [REDACTED] had brought with him that this was not going to  
10:48:39 37 be a debt collection." The "and" is taken out and it's,  
10:48:53 38 "I was sure at this point that [REDACTED] was going to be  
10:48:57 39 murdered". Again, there's a complexion change on it but  
10:49:00 40 nonetheless it makes it clearer, as far as the statement is  
10:49:03 41 concerned, that this fellow knew that what was going on was  
10:49:09 42 going to be a murder?---Was only the "and" deleted?  
43  
10:49:16 44 Yes?---How does that work?  
45  
10:49:20 46 What it say, "I knew by his attitude and the weapons that  
10:49:23 47 [REDACTED] had brought with him that this was not going to

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10:49:26 1 be just a debt collection"?---And "but", maybe that was a  
10:49:32 2 typo.  
3  
10:49:33 4 Yeah, the "but" should be in pink as well. "And by this  
10:49:38 5 stage it was too late for me to pull out". That's an  
10:49:45 6 error. Again, making it clearer that he knew that it was  
10:49:48 7 going to be a murder, do you accept that?---Yes.  
8  
10:49:50 9 If we keep going. Then there's a lot of references to  
10:49:55 10 factual matters which don't concern what he expected it  
10:50:00 11 seems?---Just - - -  
12  
10:50:07 13 Just go back to paragraph 95. You'll see there the  
10:50:11 14 handwritten entry there which he signed. That was entered  
10:50:15 15 at the committal, it seems, and he signed that to make it  
10:50:19 16 clear that the code word "the horse being scratched" meant  
10:50:26 17 that he was telling Carl that [REDACTED] had been killed, do  
10:50:30 18 you follow that?---That's my handwriting. Do we have that  
10:50:34 19 in the committal transcript, that that was added then?  
20  
10:50:40 21 That's your handwriting?---That's my handwriting there.  
22  
10:50:43 23 It's in the depositions and it's got his signature against  
10:50:47 24 it. It may well be - do you recall handwriting that on to  
10:50:51 25 the document to enable him to sign it when it was put in  
10:50:55 26 front of him during the course of the committal?---I don't  
10:50:57 27 have that memory but I guess what I'm saying, if it's on  
10:51:00 28 the transcript at committal that's what happened, I can  
10:51:02 29 accept it, but it could also be that he, even when we went  
10:51:08 30 back, he put that in as an addition, I'm not sure.  
31  
10:51:12 32 That may well be right. We can check the transcript of the  
10:51:15 33 committal and make sure what the situation is because we've  
10:51:18 34 got - it was prior to committal?---Prior.  
35  
10:51:24 36 So prior to committal it was done and you've clearly  
10:51:27 37 written it in prior to committal and he's signed it at the  
10:51:31 38 committal to acknowledge that he agreed with what was  
10:51:34 39 written there?---I don't remember it.  
40  
10:51:37 41 That appears to be the appropriate thing to do, to have it  
10:51:41 42 handwritten there and he acknowledges that he's made that  
10:51:43 43 change to a document which had been prepared. It's now  
10:51:45 44 changed by way of a clarification and it's done by him  
10:51:51 45 acknowledging it and signing it, do you see that?---Yeah.  
46  
10:51:55 47 All right. If we continue. If we get to paragraph 104.

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10:52:06 1 What's added, nothing comes out, but what's added is, "Not  
10:52:11 2 that I needed confirmation by this stage but this confirmed  
10:52:15 3 that the job had gone according to plan and that there was  
10:52:18 4 never going to be a debt collection. It is my belief that  
10:52:21 5 [REDACTED] had done exactly as Carl had asked", do you see  
10:52:24 6 that?---Yes.

7  
10:52:26 8 So what that makes clear is, firstly, he knows that it's  
10:52:31 9 going to be a murder, so that bit of the statement's beefed  
10:52:35 10 up, correct?---Yes.

11  
10:52:36 12 It's been planned, a planned murder. That's beefed it up,  
10:52:41 13 you accept that?---I don't know if "beefed up" is a right  
10:52:46 14 word. It certainly adds further detail.

15  
10:52:50 16 Makes him, or makes the statement more credible, do you  
10:53:05 17 accept that?---Yes.

18  
10:53:06 19 And not only that, it makes it clear that Carl Williams was  
10:53:11 20 involved. So that adds a bit of extra evidence that might  
10:53:18 21 arguably at some stage be said that it's hearsay, but  
10:53:22 22 nonetheless it makes it clear that Carl Williams is  
10:53:24 23 involved?---I think that was made clearer, as clear early  
10:53:27 24 in the statement though, wasn't it?

25  
10:53:29 26 Yeah?---It's not the first time Carl's mentioned.

27  
10:53:32 28 No, it's not?---No.

29  
10:53:33 30 But in any event it's an addition to it. Then there's  
10:53:37 31 material which appears to - there's a paragraph removed and  
10:53:41 32 that's paragraph 105 which was in the statement on the 9th.  
10:53:47 33 He says, "I'd previously discussed with [REDACTED] that I  
10:53:51 34 expected to get paid a reasonable amount for originally  
10:53:54 35 getting the car and conducting surveillance on [REDACTED].  
10:53:57 36 The actual amount was never discussed. We were going to  
10:54:00 37 discuss this after doing the job". That's come out, that's  
10:54:03 38 been removed, and at the front of the statement you've seen  
10:54:06 39 those two particular references to payment for \$5,000 and  
10:54:13 40 \$1,000, do you see that?---Yes.

41  
10:54:18 42 What appears to be the case is that there were these  
10:54:23 43 changes made on a number of pages to, in effect, to make it  
10:54:27 44 clearer that, or make it clearer if it wasn't sufficiently  
10:54:36 45 clear, that this person knew that it was going to be a  
10:54:40 46 murder, this person was going to get paid a not  
10:54:47 47 insignificant sum of money, he was additionally going to

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10:54:49 1 get paid money to cover the cost, et cetera, do you accept  
10:54:53 2 that?---I accept the additions that you've highlighted  
10:54:58 3 provide that extra explanation.  
4

10:55:03 5 And further to that, if [REDACTED] knows that there's going to be a  
10:55:07 6 murder, Carl Williams must know that there's going to be a  
10:55:11 7 murder as opposed to a debt collection, it follows, doesn't  
10:55:15 8 it?---When you're reading that statement, yeah. I mean of  
10:55:24 9 course there's other evidence that's put forward about Carl  
10:55:27 10 knowing it's a murder.  
11

10:55:28 12 Yes?---But I think I accept your proposition.  
13

10:55:32 14 Yeah, all right?---That this statement gives further detail  
10:55:35 15 to that.  
16

10:55:39 17 What I suggest to you is that those details, which are  
10:55:46 18 significant changes to the statement, should have been  
10:55:49 19 known to those who were defending Williams, [REDACTED] and  
10:55:57 20 [REDACTED] during the course of the proceedings against  
10:56:00 21 them, do you accept that?---Look, as I've sort of said in  
10:56:07 22 my supplementary statement, you know, I was always of the  
10:56:14 23 belief that the statement was never really complete until  
10:56:17 24 he was willing to sign it.  
25

10:56:18 26 Yes?---If I was going to do this again, having sat through  
10:56:21 27 this, I would probably make sure that that was better  
10:56:24 28 recorded.  
29

10:56:24 30 Yes?---As I said in my notes, there's some changes re his  
10:56:29 31 belief. I accept the proposition it would have been useful  
10:56:32 32 for the defence counsel to further cross-examine me on that  
10:56:36 33 issue.  
34

10:56:40 35 You appreciate that it's necessary for the purposes of  
10:56:46 36 ensuring that someone gets a fair trial to have an  
10:56:49 37 understanding about how the evidence that's against them,  
10:56:55 38 being led against them, has been prepared?---Look I think  
10:57:00 39 we've done that.  
40

10:57:01 41 Yeah?---And we were certainly cross-examined extensively on  
10:57:08 42 it, and so was he. Now, 15 days in the witness box for him  
10:57:14 43 in total. This issue was explored considerably. I'm not  
10:57:16 44 sure that anyone was affected by this adversely. I'm not  
10:57:24 45 willing to accept that.  
46

10:57:26 47 I'm not asking you to accept or not accept whether it had

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10:57:32 1 an outcome, because you don't know. No one knows what  
10:57:37 2 effect it has on the outcome, but what you are required to  
10:57:40 3 do, I suggest, is to ensure that people have the  
10:57:43 4 opportunity to have a fair trial and in order to do so do  
10:57:49 5 you accept that it is not appropriate to conceal matters  
10:57:53 6 from the court or from the defence?---I don't think we did  
10:57:57 7 that. I don't think we concealed matters from either. As  
10:58:03 8 I said, the facts and - you know, we make notes of, and I'd  
10:58:08 9 like to see Mr Hatt's notes about those days if we can too,  
10:58:13 10 but what I do say is we note that there's some changes in  
10:58:17 11 his belief and ultimately he's the one who has to give that  
10:58:21 12 evidence.

13  
10:58:22 14 Yeah?---And from my point of view that evidence is his and  
10:58:26 15 it's complete and, you know, because as I've explained in  
10:58:30 16 my supplementary statement, sometimes when you're taking a  
10:58:34 17 statement, or all the time when you're taking a statement,  
10:58:37 18 what flows on to the page is what you've heard as the  
10:58:41 19 investigator, what you've understood. That's not  
10:58:45 20 necessarily always the complete and happy account that the  
10:58:48 21 witness is willing to sign. So you get to the point, and  
10:58:52 22 sometimes you've got to push and prod with these people,  
10:58:55 23 and we had to with these guys. As Justice Teague said in  
10:59:00 24 his sentencing of [REDACTED] you know, "There's spin in  
10:59:09 25 your statement". That was clear to him and I think it was  
10:59:12 26 clear to others.

27  
10:59:14 28 Yeah, all right. Look, it may well be that the changes in  
10:59:17 29 the statement came about in an appropriate way, but the  
10:59:20 30 point is the person who's defending the case is entitled to  
10:59:26 31 how these significant changes and when these significant  
10:59:29 32 changes came about, that's the simple proposition that I  
10:59:31 33 put. You disagree with that, do you?---I think changes in  
10:59:36 34 statements occur all the time. You know, this is a regular  
10:59:39 35 thing when you're taking a witness statement. There is  
10:59:42 36 changes because, you know, ultimately there's only one  
10:59:46 37 point when it's all agreed what the account is and that's  
10:59:51 38 when the witness signs the document.

39  
10:59:52 40 I follow that. What occurs in this case is he has, he's  
10:59:56 41 trying to put across on his plea, and you've heard what I  
11:00:00 42 put to you yesterday about what Stratton Langslow was  
11:00:04 43 telling Justice Teague and Justice Teague thought that  
11:00:09 44 there was some spin there, but then the barristers would  
11:00:12 45 have an opportunity to really test that spin when they got  
11:00:15 46 to trial or committal. You accept that's what he was  
11:00:17 47 saying?---Yes.



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1  
11:00:18 2 In order for them to do that they need to know, I suggest  
11:00:21 3 to you, that at the time that he says, "Look, this is what  
11:00:23 4 I say occurs", and gives it to you to go away and show it  
11:00:28 5 to his lawyer, that's the view that he has?---But I don't -  
6 - -  
7  
11:00:31 8 And the lawyer sees it and there are significant changes  
11:00:35 9 made thereafter, because everyone expresses the view, it  
11:00:38 10 seems, that what he's saying is either ridiculous or you  
11:00:42 11 express scepticism about it?---Yep.  
12  
11:00:46 13 So he is holding to a view, until his lawyer speaks to him,  
11:00:53 14 which you say is the wrong view of the world and then it's  
11:01:01 15 changed after the lawyer speaks to him. Now why should  
11:01:08 16 they not be entitled to have a go at him and say, "Look,  
11:01:13 17 you were still telling lies to the police. And now you're  
11:01:15 18 saying you've got a different version now, and yet when you  
11:01:18 19 go before the Supreme Court you come back to the other  
11:01:21 20 version". There's this flipping and changing, do you  
11:01:25 21 follow what I'm saying?---I do.  
22  
11:01:27 23 Those matters, I suggest, are important matters for people  
11:01:29 24 to be aware of, do you reject that proposition?---Oh look,  
11:01:32 25 I think we record, at least in my notes, some changes about  
11:01:36 26 his belief, which is largely the portions that you showed  
11:01:39 27 me there. So we record that. Should we have done that in  
11:01:44 28 more detail? Perhaps.  
29  
11:01:46 30 Mr Bateson, that note was crossed out. Defence barristers  
11:01:52 31 didn't see that, that was redacted out?---As I explained, I  
11:01:57 32 know we don't want to go over old ground, but as I  
11:01:59 33 explained I'm not sure that I accept that considering  
11:02:02 34 there's 28 additional entries discussed on the morning of  
11:02:08 35 the committal.  
36  
11:02:08 37 It wasn't cross-examined upon. We've gone through it all.  
11:02:08 38 The transcript speaks for itself, but what I can suggest to  
11:02:12 39 you is that there was no cross-examination about what had  
11:02:14 40 occurred between the 9th and the 12th. We go from the 9th  
11:02:20 41 to the 12th and that's it and there's no reference to  
11:02:22 42 changes being made?---They certainly cross-examine him  
11:02:25 43 extensively about his belief.  
44  
11:02:27 45 All right. You also denied that there were drafts in  
11:02:30 46 existence?---I didn't think there was.  
47

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11:02:32 1 You didn't know about these previous drafts?---I had no  
11:02:37 2 memory of that, so I was surprised when I heard it  
11:02:40 3 yesterday.  
4

11:02:40 5 All right. Do you say that you expected that if there had  
11:02:47 6 been an earlier version, even kept on a computer, that it  
11:02:50 7 would be deleted?---Well my memory of what we did is go out  
11:02:53 8 with a laptop.  
9

11:02:54 10 Yep?---So I didn't think they went on to the computer at  
11:02:57 11 all.  
12

11:02:57 13 Right. So you would expect that, or you considered that it  
11:03:04 14 would be - - - ?---Computer system I should say.  
15

11:03:07 16 Yeah. Appropriate to delete it and not to keep it?---Well,  
11:03:11 17 you know, I don't think we agree on this basic point, and  
11:03:17 18 maybe I don't have even agree with it, but my belief at  
11:03:20 19 that time was there was one final product and that's the  
11:03:23 20 one that carried his signature.  
21

11:03:25 22 Yeah, all right. Do you believe when you were dealt with  
11:03:34 23 in private by the magistrate that you explained to the  
11:03:37 24 magistrate what had occurred, that is that you'd got a  
11:03:42 25 statement on the 9th from him, he'd asked for additions to  
11:03:45 26 it, then you went to see Gobbo, et cetera, and then the  
11:03:49 27 changes that we've now seen were made? Do you think the  
11:03:53 28 magistrate had all that story?---I don't remember when it's  
11:03:59 29 15 years ago now.  
30

11:04:01 31 Yeah?---He certainly knew Ms Gobbo was involved, there's no  
11:04:05 32 doubt about that.  
33

11:04:06 34 Yeah?---I suggest he also knew there were some changes, but  
11:04:11 35 I can't recall exactly what I said to him in that closed  
11:04:14 36 hearing.  
37

11:04:14 38 Right. Did you tell Mr Silbert about what had occurred,  
11:04:23 39 that is that the changes and the sequence of events which  
11:04:28 40 occurred and Ms Gobbo's involvement, did you make it quite  
11:04:31 41 clear to Mr Silbert what had occurred?---I don't recall  
11:04:37 42 conversations with Mr Silbert. As I gave evidence last  
11:04:41 43 time, I couldn't remember him being there so I don't know.  
44

11:04:45 45 Yeah?---I don't know what was clear to Mr Silbert.  
46

11:04:52 47 Would you have gone out of your way to make sure that

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11:04:55 1 Mr Silbert, who was representing you to make a public  
11:04:59 2 interest immunity claim, was aware of all these  
11:05:03 3 matters?---Oh I certainly would have made him aware of why  
11:05:06 4 Ms Gobbo's involvement was being redacted, there's no doubt  
11:05:10 5 about that. He represented me on that.  
6  
11:05:13 7 Yes?---But in terms of the changes to the statement, I'm  
11:05:16 8 not sure that I thought that was actually anything  
11:05:19 9 extraordinary.  
10  
11:05:19 11 Yes?---You know, that was something that happened all the  
11:05:23 12 time, and still happens when you're taking witness  
11:05:25 13 statements, there's changes right up until people sign and  
11:05:28 14 sometimes after they sign.  
15  
11:05:30 16 Well, you were concerned to conceal that from the defence  
11:05:34 17 by taking out or redacting, I suggest, the fact that  
11:05:39 18 changes were made to the statement on the 12th?---Yeah, I  
11:05:42 19 think we covered this yesterday. I'm not sure that's one  
11:05:45 20 of the entries that came back in, I pointed it out to the  
11:05:48 21 judge.  
22  
11:05:48 23 One assumes if it did come in it would be found somewhere  
11:05:52 24 in the depositions, would you accept that?---No, I think  
11:05:55 25 the depositions are a bit of a mess so I'm not willing to  
11:05:57 26 accept that.  
27  
11:05:58 28 Right. And the discussion that you had with the magistrate  
11:06:08 29 in private, was Mr Silbert there?---Yes.  
30  
11:06:14 31 And it was only you, Mr Silbert and the magistrate, is that  
11:06:18 32 correct, and court staff?---Certainly the OPP don't come  
11:06:23 33 into those hearings, nor the defence.  
34  
11:06:25 35 Yeah?---I can't remember who else was present.  
36  
11:06:30 37 In any event, it was an in camera hearing and whatever  
11:06:34 38 occurred occurred, it seems, over about the space of 13 or  
11:06:39 39 14 pages, if we look at the transcript. It occurs between  
11:06:47 40 p.88 when the court went into camera and then it resumed at  
11:06:53 41 p.103. So about 14-odd pages of transcript, there was  
11:06:58 42 discussion you say about the 28-odd documents or 28 pages  
11:07:02 43 that had been produced; is that right?---I assume so.  
11:07:06 44 That's what I'm following from the reading of the  
11:07:08 45 transcript. I don't have a direct memory of it now.  
46  
11:07:10 47 Yes?---As I said, 15 years ago.

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1  
11:07:13 2 Yes?---Yeah, I'm not sure I can take that much further.  
3  
11:07:17 4 Yeah, all right. See, it may well be the case that if that  
11:07:29 5 hearing did not - if that private hearing did not delve  
11:07:33 6 into what had occurred and Ms Gobbo's role in changing the  
11:07:37 7 statements, and if those pages were not produced to the  
11:07:42 8 magistrate, then the court wouldn't have had a knowledge of  
11:07:47 9 what Ms Gobbo's role was, do you accept that?---Well they  
11:07:53 10 certainly - sorry, I lost track. I got distracted. What  
11:07:58 11 was the question?  
12  
11:07:59 13 If you didn't produce pages, or the page in your notes of  
11:08:04 14 what occurred on the 10th and the 11th, that is on the  
11:08:08 15 Saturday and Sunday?---M'hmm.  
16  
11:08:11 17 The court would not know the events that took place on  
11:08:14 18 those two days?---Well certainly I think we could all agree  
11:08:22 19 that the court knew Ms Gobbo was involved.  
20  
11:08:26 21 Yes?---As his counsel.  
22  
11:08:28 23 Yes?---And I think we've all discussed that she's read the  
11:08:37 24 statements. But what you're saying is the bits that you  
11:08:43 25 say are missing is that the changes were made as a result.  
26  
11:08:46 27 Yeah?---Okay.  
28  
11:08:48 29 Those changes which we've seen here were missing, the court  
11:08:54 30 was not in a position to determine as to whether or not  
11:08:57 31 Ms Gobbo should be protected. The court was missing  
11:09:02 32 significant information, that is her involvement in the  
11:09:05 33 statement taking process and the significant changes which  
11:09:09 34 occurred to the statement because of her involvement. The  
11:09:12 35 court was missing that significant information, do you  
11:09:15 36 accept that?---I don't accept any of that actually. There  
11:09:18 37 was a few propositions in that, but I don't accept any of  
11:09:24 38 that.  
39  
11:09:25 40 Firstly, if the court was not shown and was not given your  
11:09:27 41 diary entries, your day book entries which made it clear  
11:09:30 42 that Ms Gobbo had expressed scepticism and then asked you  
11:09:34 43 to provide early clearance for her to go out there, and  
11:09:39 44 then that resulted in the changes, which I suggest are  
11:09:41 45 significant changes, the court would not have known of her  
11:09:44 46 role, do you accept that?---Well that - I don't.  
47

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11:09:47 1 No, all right?---One, for a start, is that, you know, I  
11:09:50 2 still don't think her role is extraordinary. It's  
11:09:54 3 something that's pretty common for us to do, show  
11:09:57 4 statements to people's lawyers. In fact most of these  
11:10:00 5 Crown witnesses wanted exactly that done. So I don't think  
11:10:05 6 it is at all surprising that she read the statements and I  
11:10:10 7 don't think it's surprising that changes are made.  
8  
11:10:12 9 Is it for the court to determine whether it's significant  
11:10:15 10 or is it for the informant to determine whether it's  
11:10:18 11 significant?---The court.  
12  
11:10:21 13 And if the court doesn't know about it how can they or how  
11:10:24 14 can it?---I'm not willing to accept that they didn't know  
11:10:27 15 about it.  
16  
11:10:41 17 I tender that document, Commissioner.  
18  
11:10:47 18 COMMISSIONER: The statement of [REDACTED] - is there a date  
11:10:51 19 on this one? [REDACTED]  
11:10:52 20 [REDACTED]  
21  
11:11:01 22 MR WINNEKE: It's dated [REDACTED] but it incorporates - - -  
23  
11:11:05 24 COMMISSIONER: With highlighted changes.  
11:11:07 25  
11:11:10 26 #EXHIBIT RC785A - (Confidential) Statement of [REDACTED]  
11:11:14 27 dated [REDACTED]/04 with changes highlighted.  
11:11:26 28  
11:11:27 29 #EXHIBIT RC785B - (Redacted version.)  
11:11:28 30  
11:11:29 31 WITNESS: I'm not just sure, Your Honour, about the  
11:11:30 32 protection of the name that's on the screen of [REDACTED]  
11:11:37 33 [REDACTED]  
34  
11:11:40 35 COMMISSIONER: That won't go into the public domain, that's  
11:11:44 36 why there's an A and a B you see?---His [REDACTED] name  
11:11:47 37 there and I know we have members of the media here and I'm  
11:11:51 38 not sure that that name's not protected too.  
39  
11:11:56 40 There are non-publication orders in respect of anything  
11:11:59 41 that could lead to the identity of [REDACTED] so that would  
11:12:03 42 undoubtedly be incorporated by that order.  
43  
11:12:13 44 MR WINNEKE: Commissioner, I've got - and I don't have it  
11:12:17 45 in the form I can tender at this stage - the metadata which  
11:12:23 46 relates to the previous and the subsequent statements but  
11:12:26 47 we'll get that in due course and we'll tender those as

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11:12:31 1 well.  
2  
11:12:31 3 COMMISSIONER: All right. I'll wait until we get it or do  
11:12:34 4 you want me to give it a number now?  
5  
11:13:03 6 MR WINNEKE: We'll just have to find a copy of that and  
11:13:07 7 we'll do that in due course.  
8  
11:13:09 9 COMMISSIONER: All right then.  
10  
11:13:10 11 MR WINNEKE: All right. Now what I want to do is come back  
11:13:15 12 to the situation that pertained when [REDACTED] was coming  
11:13:24 13 on board. We know obviously that Ms Gobbo is involved in  
11:13:28 14 acting for him, you accept that?---Yes.  
15  
11:13:36 16 I think we got as far as around the end of June and we  
11:13:42 17 understand that [REDACTED] pleaded guilty I think on or  
11:13:51 18 about [REDACTED] 2006; is that correct?---I'll just get my  
11:13:57 19 notes. Yes.  
20  
11:14:15 21 In your notes you indicate that you're at the Supreme Court  
11:14:23 22 at 1.30; is that right?---I'm sorry, I was just looking at  
11:14:27 23 my chronology. I'll just bring up my notes. 13:30, yes.  
24  
11:14:43 25 You spoke to him in the cells at the completion of the  
11:14:46 26 hearing at his request. Senior Detective Kerley and Nicola  
11:14:53 27 Gobbo and Jim Valos were all there, is that  
11:14:57 28 right?---Correct.  
29  
11:14:57 30 And he said that he would make statements but he'd prefer  
11:14:58 31 to do so outside the prison system?---Yes.  
32  
11:15:03 33 He was told, was he, that "possibly towards the middle of  
11:15:06 34 next week that that would occur"?---Yes.  
35  
11:15:10 36 And at that stage he said to you that he understood that  
11:15:16 37 Carl Williams, Milad Mokbel believed that Ms Gobbo was  
11:15:19 38 working for the police, correct?---Yes.  
39  
11:15:24 40 Did you tell or did he tell Nicola Gobbo to be  
11:15:29 41 careful?---He told Nicola Gobbo to be careful.  
42  
11:15:31 43 He did. I take it obviously that you didn't tell [REDACTED]  
11:15:37 44 that Nicola Gobbo was in fact working for the police?---No.  
45  
11:15:42 46 Right. There's an ICR at p.346 of 29 June 2006. It  
11:16:07 47 appears that Ms Gobbo is telling her handlers that [REDACTED]

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11:16:12 1 [REDACTED] seems relieved that the plea has gone ahead and she sets  
11:16:16 2 out the fact that he'd told her of the views of Williams et  
11:16:23 3 al. and he said, "I don't think they'll kill ya but be very  
11:16:32 4 careful", because of the belief that Ms Gobbo worked for  
11:16:35 5 Purana. They seemed to be close to the mark, didn't  
11:16:39 6 they?---Yeah, I think it was starting to become a real  
11:16:43 7 rumour in the prison system.

8  
11:16:52 9 Ms Gobbo says that you said in front of Mr Valos that if  
11:16:57 10 Ms Gobbo was put under pressure to - "Bateson said in front  
11:17:05 11 of Valos that if Ms Gobbo put under pressure to see him",  
11:17:09 12 which she appreciated. So you were saying to her, "Look,  
11:17:14 13 come to us if you need help. If you're concerned come to  
11:17:17 14 us", right?---Look, I mean I don't remember that  
11:17:26 15 conversation but, yeah, I think what I'd be saying there,  
11:17:30 16 "If you are getting threatened, come to us".

17  
11:17:33 18 Then on the following day in your notes, I think there's a  
11:17:37 19 reference to you having a meeting with Superintendent  
11:17:40 20 Grant, Blayney, Whitmore, Ryan, L'Estrange and Kerley; is  
11:17:46 21 that right?---Michelle Kerley's in my chronology. Did I  
11:17:51 22 not note that in my diary? Yeah, no, I've got it my diary,  
11:17:58 23 yep.

24  
11:17:58 25 And there was discussions about the statement taking  
11:18:01 26 process; is that right?---What we said here is, "Discuss  
11:18:09 27 possibility of [REDACTED] making statements. Resolve. Go  
11:18:13 28 ahead, make arrangement, see what Justice King decides re  
11:18:18 29 timeline".

30  
11:18:23 31 What did you understand that to be?---I don't know, I don't  
11:18:28 32 recall it.

33  
11:18:29 34 Yep?---But if you would want me to speculate then I could.

35  
11:18:40 36 Insofar as Justice King's timeline, did you have a view  
11:18:46 37 about whether it was appropriate or not for Ms Gobbo to be  
11:18:51 38 acting for [REDACTED] or was that not a matter of  
11:18:55 39 concern?---As I sort of laid out in my supplementary  
11:19:00 40 statement, you know, she appeared at his plea with, you  
11:19:05 41 know, a Senior Crown Prosecutor, Mr Horgan, and now Justice  
11:19:14 42 Tinney. They didn't raise those concerns with me. They  
11:19:17 43 may well have raised them with her or with someone else,  
11:19:21 44 but they didn't certainly raise those with me. So I  
11:19:25 45 actually don't remember being concerned about it. If they  
11:19:28 46 didn't show concern, I don't know that I would have.

47

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11:19:33 1 You received an SMS message - just excuse me - you received  
11:19:40 2 a telephone call from Ms Gobbo on the 30th indicating that  
11:19:43 3 she was receiving threatening calls from Carl Williams'  
11:19:46 4 wife Roberta; is that right?---Correct.  
5

11:19:50 6 And then on the 4th of July you get another SMS from  
11:19:57 7 Ms Gobbo. It appears that at this stage [REDACTED] is  
11:20:02 8 committed to making statements; is that right?---Yeah, I  
11:20:08 9 would - just let me have a look. I'd say he's definitely  
11:20:13 10 committed by this stage. So we start taking the statements  
11:20:23 11 on [REDACTED], so I certainly am believing he's committed to  
11:20:28 12 doing so on the 4th I would have thought.  
13

11:20:31 14 Your role in the taking of statements from [REDACTED] was  
11:20:35 15 that of a coordinator; is that right?---That's how I would  
11:20:39 16 phrase it.  
17

11:20:40 18 Can you explain what that means or what it meant?---So he  
11:20:45 19 was [REDACTED] of the [REDACTED] and into a [REDACTED]  
11:20:49 20 [REDACTED] and of course we had quite a deal of security  
11:20:54 21 there to - so part of my role was to ensure that that  
11:21:03 22 security worked well, and my role was also making sure -  
11:21:08 23 when I talk about statements in my supplementary statement  
11:21:11 24 I talk about planning and preparation, and for me the best  
11:21:14 25 people to come in and take statements on the different  
11:21:18 26 subjects he wanted to talk about were investigators that  
11:21:23 27 were intimately aware of the subject matter. Part of my  
11:21:26 28 role was coordinating their attendance and taking  
11:21:29 29 statements from [REDACTED] I think I actually took some of  
11:21:33 30 the statements myself when there wasn't immediately  
11:21:35 31 apparent an investigator to bring in.  
32

11:21:55 33 On 7 July there's an ICR at p.352 to the effect that  
11:22:06 34 Ms Gobbo had spoken to [REDACTED] and he wanted to see her  
11:22:10 35 before he signed any statements. Was that your  
11:22:19 36 understanding, that he also, like [REDACTED] wanted to  
11:22:26 37 speak to Ms Gobbo before he signed his statements?---Yes.  
11:22:30 38 Yes, as I said, it was very common for Crown witnesses or  
11:22:35 39 criminal witnesses, I should say.  
40

11:22:37 41 Yeah?---To do that. Not all Crown witnesses, of course.  
42

11:22:44 43 As I understand it what was occurring was that [REDACTED]  
11:22:46 44 was in a [REDACTED] and he was being visited by  
11:22:51 45 various people and various police officers when the  
11:22:57 46 statement taking process was occurring; is that  
11:22:59 47 right?---Correct.



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1  
11:23:10 2 If we go to p.353 of the ICRs. It records this, that you  
11:23:23 3 ring - sorry, Ms Gobbo rings you and says that [REDACTED] is  
11:23:30 4 not being totally truthful regarding murder matters, do you  
11:23:35 5 see that? About a third of the way down in the  
11:23:41 6 ICRs?---Yes.  
7  
11:23:44 8 She's going to speak to [REDACTED] on Thursday morning and  
11:23:52 9 that's because you had put in train a process whereby she  
11:23:57 10 would be brought to him and she would speak to him and have  
11:24:02 11 a discussion with him about what he was putting into his  
11:24:05 12 statements; is that right?---No, what we did was arrange  
11:24:11 13 for him, at his request, to meet with his legal counsel.  
14  
11:24:15 15 Right. And what was the necessity for him, a witness, a  
11:24:23 16 police witness, to speak to his legal counsel about what  
11:24:28 17 was going into his statements?---That's just who he is.  
18  
11:24:32 19 Yeah?---I would imagine, and thinking back now, you know,  
11:24:38 20 "I want to Nicola" - he was a very excitable character so I  
11:24:44 21 don't remember being surprised or thinking it out of the  
11:24:47 22 ordinary that - you know, he's in our custody I think for,  
11:24:52 23 you know, three or four weeks. I wasn't surprised he  
11:24:56 24 wanted to see his lawyer in that time.  
25  
11:24:59 26 Did you have a view that he wasn't being truthful about  
11:25:02 27 what he was telling investigators?---Oh look, I don't think  
11:25:07 28 - I was a bit surprised when it all happened. I thought we  
11:25:12 29 all agreed that he wasn't necessarily a witness of truth,  
11:25:16 30 and then of course there must have been discussions between  
11:25:18 31 Ms Gobbo and the prosecution because the plea went ahead.  
32  
11:25:23 33 Yeah?---So I always had some scepticism about that.  
34  
11:25:27 35 Yeah?---By the time he finished the three weeks with us I  
11:25:32 36 was - I had a much better view of his honesty.  
37  
11:25:39 38 How could Ms Gobbo know whether he's being truthful with  
11:25:45 39 respect to statements or not? What's it got to do with  
11:25:49 40 Ms Gobbo?---I have no idea. Maybe she knew something else,  
11:25:52 41 I don't know. But I don't know - I don't even have a note  
11:25:55 42 of that conversation, although I do have a note of leaving  
11:25:59 43 a message for her on the 11th.  
44  
11:26:01 45 Yes?---And she comes on the 13th. You know, I may well  
11:26:05 46 have spoken to her to say where she had to be.  
47

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11:26:08 1 Yeah. Were you responsible for arranging her to come and  
11:26:13 2 visit and speak to [REDACTED] --No, he wanted her to come.  
11:26:19 3 I may have been responsible for the arrangements because of  
11:26:22 4 course she didn't come to the [REDACTED] because that  
11:26:25 5 was [REDACTED]

6  
11:26:26 7 Yeah. So you brought, or she was brought to the Victoria  
11:26:32 8 Police Centre or St Kilda Road and he was brought there to  
11:26:34 9 arrange, to facilitate a discussion between the two of  
11:26:38 10 them?---For him to speak to his legal counsel, yeah. So  
11:26:44 11 yeah, it was the Victoria Police Centre, it's in Mark  
11:26:49 12 Hatt's notes.

13  
11:26:50 14 Did you know that there was a similar process going on with  
11:26:53 15 respect to [REDACTED]? Ms Gobbo was having similar meetings  
11:27:01 16 with [REDACTED] at the Victoria Police Centre when it was  
11:27:05 17 felt that [REDACTED] wasn't being truthful about what was  
11:27:08 18 going into his statements? Did you know that?---No, I  
11:27:11 19 don't know that I did.

20  
11:27:12 21 Did you ever have any discussions with Mr O'Brien about  
11:27:15 22 these matters?---I didn't speak to Jim in relation to the  
11:27:22 23 sort of - for want of a better word - the Posse umbrella  
11:27:26 24 investigations very much at all.

25  
11:27:28 26 Yes?---And my job was on the murders. So I don't recall  
11:27:34 27 any knowledge of that at all.

28  
11:27:39 29 What appears to be the case is that Ms Gobbo assisted you  
11:27:43 30 in having [REDACTED] be truthful and make statements, it  
11:27:48 31 seems that Ms Gobbo was assisting Victoria Police in having  
11:27:53 32 [REDACTED] be more truthful and now Ms Gobbo's helping  
11:27:57 33 Victoria Police have [REDACTED] be more truthful. What do  
11:28:03 34 we take from all of that?---Well, look, you of course put a  
11:28:07 35 sinister spin on it. I didn't consider it to be that way.

36  
11:28:11 37 I'm not putting any spin on it, I'm simply telling you what  
11:28:15 38 the evidence is. Was there some understanding between the  
11:28:18 39 various police officers who were in charge of this process  
11:28:20 40 that Ms Gobbo would be a useful person to help get these  
11:28:24 41 people telling the truth?---No. What we did know is that  
11:28:29 42 she provided legal advice and I think agreed with our view  
11:28:36 43 that the best outcome for those clients would be pleading  
11:28:46 44 guilty and providing assistance. I think she agreed with  
11:28:50 45 that and so I think we accepted that.

46  
11:28:56 47 Yeah?---I think she negotiated and she advised her clients

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11:28:59 1 along that point. I'm not sure that I agree that she was  
11:29:05 2 helping us. I think she was doing what she had to do as a  
11:29:09 3 barrister.  
4  
11:29:09 5 As a barrister?---Well, as a legal practitioner. I  
11:29:13 6 shouldn't - I don't want to get hung up on the different  
7 roles.  
8  
11:29:18 9 Who also happened to be an agent of Victoria Police?---Well  
11:29:21 10 she wasn't acting as an agent in these circumstances.  
11  
11:29:25 12 That's what you say?---That's what my belief is. Even with  
11:29:31 13 [REDACTED] and [REDACTED] she certainly didn't act as my  
11:29:33 14 agent. As I said to you before, her role, I believe, was  
11:29:37 15 minimal in both of those people making the decisions to  
11:29:42 16 assist police.  
17  
11:29:43 18 That's your belief?---That's my firm, firm belief.  
19  
11:29:47 20 All right. I wonder, Commissioner, if we could have a  
11:29:49 21 break?  
11:29:50 22  
11:29:50 23 COMMISSIONER: Yes, all right, we'll have the mid-morning  
11:29:52 24 break now.  
25  
26 (Short adjournment.)  
27  
11:51:48 28 COMMISSIONER: Yes Mr Winneke.  
11:51:49 29  
11:51:51 30 MR WINNEKE: Thanks Commissioner. How frequently were  
11:51:53 31 there Sergeants meetings at Purana?---I don't recall.  
11:52:04 32 There was a lot early on. I'm not sure that - do I have  
11:52:10 33 notes - I'd have to look through my notes to see if I  
11:52:15 34 attended any.  
11:52:16 35  
11:52:16 36 Just from recollection?---I don't think there was many. I  
11:52:22 37 don't think we just had Sergeants, just us Sergeants  
11:52:24 38 getting together.  
11:52:25 39  
11:52:25 40 What was the way in which the Command or senior members of  
11:52:28 41 Purana did coordinate and - - - ?---In the early days it  
11:52:33 42 was, I remember there being office meetings.  
11:52:35 43  
11:52:36 44 Yes?---I don't really remember those at all during Jim's  
11:52:45 45 tenure.  
11:52:46 46  
11:52:47 47 Yes?---Look, they were infrequent. We were just all so

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11:52:51 1 busy, you were lucky to get two of us in the office at the  
11:52:55 2 same time.  
11:52:55 3  
11:52:56 4 If there is a necessity for communication between members,  
11:53:01 5 coordination and so forth, that's done by way of email, is  
11:53:04 6 that right?---I would think it's done by, you know, Gavan  
11:53:08 7 or Jim. You know, they're the people who had to in their  
11:53:13 8 roles as inspectors know what's going on across the office.  
11:53:17 9  
11:53:18 10 Yes?---So if there was a need to deconflict it probably  
11:53:22 11 would have been highlighted by either of those two.  
11:53:24 12  
11:53:25 13 All right. What about operation orders, what was the  
11:53:29 14 situation with operation orders?---If we had a particular  
11:53:36 15 operation that needed one, I'd guess they'd be authored.  
11:53:40 16  
11:53:41 17 Yes?---That wasn't something we particularly did from the  
11:53:44 18 Homicide Squad, it was more an MDID type thing. We had a  
11:53:49 19 crime and we reacted and we investigated. It wasn't really  
11:53:53 20 a need for putting in detailed investigation plans per se.  
11:53:58 21  
11:53:58 22 All right?---I know that was more of a requirement from the  
11:54:04 23 drug's side of things.  
11:54:04 24  
11:54:05 25 I take it nonetheless though you were included in the  
11:54:08 26 provision of those operation orders as a person who was,  
11:54:12 27 one of the people who received them, whether it be the drug  
11:54:19 28 side of Purana or elsewhere?---You would have to take me to  
11:54:22 29 that. My memory of it is if I needed to know something I  
11:54:27 30 was told it.  
11:54:28 31  
11:54:28 32 Right?---But not necessarily - well usually, not always.  
11:54:31 33 But if I wasn't required to know something there wasn't - -  
11:54:35 34 -  
11:54:35 35  
11:54:35 36 You wouldn't be told?---Wouldn't need to be told.  
11:54:38 37  
11:54:39 38 Can we have a look at Exhibit 763. This is a Purana Task  
11:54:46 39 Force Operation Posse phase 5 operation order dated 24  
11:54:53 40 April and it seems to have been approved by Mr Grant on  
11:55:00 41 that date and circulated to a number of people. As we  
11:55:05 42 scroll through it, and I don't want to go through it in  
11:55:09 43 great detail, but it more or less sets out there the  
11:55:13 44 summary of the investigation background, that is the  
11:55:14 45 investigation into [REDACTED] Mr Ahec, Mr Cvetanovski and  
11:55:18 46 the Mokbels and so forth and it gives a background of it,  
11:55:22 47 do you see that?---Yes.

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BATESON XXN - IN CAMERA

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These claims are not yet resolved.

11:55:23 1  
11:55:25 2 Keep going through it. Keep going. A fair bit of  
11:55:31 3 background there and then it leads up to, if we keep going,  
11:55:39 4 stop there, the current situation and the proposed  
11:55:42 5 execution. So there's a reference to the arrest phase  
11:55:47 6 which occurred on [REDACTED] Now, you were obviously  
11:55:53 7 aware of that arrest I take it?---Yeah, I think I went out  
11:56:03 8 report to duty that night.  
11:56:03 9  
11:56:04 10 You were there, you came into the office and then you went  
11:56:04 11 out to [REDACTED] and you were circulating around there  
11:56:08 12 with Michelle Kerley, or it might have been someone else,  
11:56:11 13 but in any event?---Yeah, I think it was Dale McQualter.  
14  
11:56:14 15 McQualter, it was too, you can recall that?---And static  
11:56:16 16 surveillance.  
11:56:16 17  
11:56:16 18 It talks about the plan that is what's going to happen with  
11:56:19 19 respect to that operation. And we keep scrolling through  
11:56:28 20 it if we may. Anticipated the defendants will be charged  
11:56:36 21 with trafficking, et cetera. Then there's a mission  
11:56:39 22 statement there, do you see that?---I did see it. I did  
11:56:44 23 read it. Maybe I didn't read it. Here it is.  
11:56:46 24  
11:56:47 25 Keep going through. There's the Command structure there.  
11:56:50 26 You have the Operational Commander is Grant, then Jim  
11:56:56 27 O'Brien and Gavan Ryan and Dale Flynn?---Yes.  
11:56:59 28  
11:56:59 29 And it sets out - there are search warrants. Keep going  
11:57:08 30 through. If we can go through to the end of it. The point  
11:57:16 31 I'm going to make about this is you're one of the people  
11:57:19 32 who receives - stop there - the document?---There you go.  
11:57:24 33 That's the various Sergeants in charge of the crew.  
11:57:27 34  
11:57:28 35 Yes. So it's distributed from the top, that is  
11:57:35 36 Mr Overland, Grant, Ryan, O'Brien, Flynn, Inspector  
11:57:39 37 Elliott. That's not the same person we're talking about  
11:57:42 38 previously, is it?---No, no.  
11:57:45 39  
11:57:45 40 And then yourself, Detective Sergeants, so all the  
11:57:49 41 Sergeants are getting it. I'm not suggesting that you read  
11:57:56 42 every word of these. You may or may not, I don't know, you  
11:58:00 43 might. I take it if what you say is right, you get a  
11:58:03 44 document if you need to know it. Well apparently someone  
11:58:07 45 believes that you need to know that and you're provided  
11:58:10 46 with a document, do you see that?---Look, I see that I'm  
11:58:13 47 noted on the distribution list.

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BATESON XXN - IN CAMERA

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1  
11:58:16 2 Yeah?---Yeah, I don't have any recollection of reading  
11:58:19 3 that. As I say, I got called back into the office that  
11:58:23 4 night and got told to go sit out in the car and make sure  
11:58:31 5 no one got in the back door [REDACTED]  
11:58:33 6  
7 Yeah?---And that's all I remember about that particular  
8 job.  
9  
11:58:33 10 It may well be but it's a very significant part of Purana's  
11:58:38 11 operations and it's a document which sets out the  
11:58:41 12 operations and it's provided to you, a person who is  
11:58:44 13 considered in the need to know category, do you accept  
11:58:48 14 that?---Yep, as I said there was all hands on deck many  
11:58:52 15 times during that. I couldn't have cared less about  
11:58:56 16 Operation Posse, if I might say.  
11:58:59 17  
11:58:59 18 So you wouldn't have read it at all, even though it's  
11:59:03 19 considered you should have?---I could have. It was a long  
11:59:06 20 night out there. I could have. My plate was pretty full  
11:59:09 21 with what we were doing. I was happy to help out the other  
11:59:12 22 crews, but I didn't pay particular attention to what it  
11:59:16 23 was. I was concerned on the - - -  
11:59:17 24  
11:59:17 25 Mr Bateson, I'm not suggesting that you were across all the  
11:59:21 26 details of this, but what you did know is that it was an  
11:59:24 27 operation that was utilising Ms Gobbo, correct?---No.  
11:59:28 28  
11:59:28 29 You didn't know that?---No, I didn't know that.  
11:59:30 30  
11:59:30 31 You knew, and I think you said yesterday as far as you were  
11:59:34 32 aware Ms Gobbo was being utilised by Operation Posse to  
11:59:39 33 assist in the gathering up of the Mokbel people, you're  
11:59:42 34 aware of that?---I assumed as much because, you know, Jim  
11:59:46 35 was running the show in phase 2.  
11:59:48 36  
11:59:48 37 Yes?---And Jim seemed to have knowledge of, as he referred  
11:59:55 38 to her, 3838.  
11:59:57 39  
11:59:57 40 Yes?---So, you know, Jim's focus was very much on the  
12:00:01 41 Mokbel criminal cartel.  
12:00:02 42  
12:00:02 43 It was indeed, and indeed they very much relied upon  
12:00:08 44 [REDACTED] We know who [REDACTED] is, don't we?---I do know  
12:00:14 45 now, yes.  
12:00:14 46  
12:00:15 47 You knew who he was then?---Oh look, vaguely.

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BATESON XXN - IN CAMERA

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These claims are not yet resolved.

12:00:17 1  
12:00:18 2 Mr Bateson, do you seriously say to this Commission that  
12:00:20 3 you only had a vague idea who [REDACTED] was?---I knew - - -  
12:00:25 4  
12:00:26 5 Do you seriously say that?---Look, I don't remember  
12:00:29 6 thinking seriously. He certainly didn't come up in our  
12:00:33 7 jobs [REDACTED] so no, I don't recall him in any great  
12:00:38 8 detail. He's certainly not someone I had spoken to or  
12:00:43 9 investigated.  
12:00:44 10  
12:00:44 11 No, but you knew that he was - you were hands-on for a  
12:00:48 12 significant period of time with [REDACTED] he was an  
12:00:52 13 important person as far as you were concerned,  
12:00:54 14 correct?-- [REDACTED]  
12:00:56 15  
12:00:56 16 Yes?---Yes.  
12:00:57 17  
12:00:57 18 And you knew as time went by, it became apparent to you  
12:01:01 19 that he had a connection with [REDACTED]---May well have  
12:01:06 20 been. I know we brought out someone from the drug side of  
12:01:11 21 the house in Purana to take that statement around the  
12:01:16 22 drugs.  
23  
12:01:17 24 Yes?---There may well be contents of them there.  
12:01:18 25  
12:01:18 26 You knew who he was at that stage?---Probably. I probably  
12:01:28 27 did when I was sitting out the back of [REDACTED] that I  
12:01:31 28 probably knew who he was.  
12:01:31 29  
12:01:31 30 You knew that Ms Gobbo was a very important person insofar  
12:01:34 31 as that witness was concerned?---No, no.  
12:01:37 32  
12:01:37 33 Didn't know that?---No idea, no.  
12:01:40 34  
12:01:40 35 Can I ask you, if we look at p.357 of the ICRs. 12 July  
12:01:55 36 2006, about this time. Commissioner, I'm being asked that  
12:02:10 37 ICRs not go on the big screen, so Mr Skim will note that.  
12:02:14 38  
12:02:14 39 COMMISSIONER: Yes, all right then.  
12:02:20 40  
12:02:20 41 MR WINNEKE: So long as Mr Bateson can see it. We see  
12:02:23 42 there that there's an SDU issue. Ms Gobbo says that she  
12:02:26 43 wants to see [REDACTED] matter through to the end. She's  
12:02:31 44 concerned and asking who knows that Ms Gobbo is acting as  
12:02:37 45 such. She knows that Mr Bateson and O'Brien do and told  
12:02:43 46 very few, right?---Yeah, that's just not correct.  
12:02:47 47

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BATESON XXN - IN CAMERA

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12:02:47 1 That's not correct?---No.  
12:02:48 2  
12:02:49 3 All right. So you - - - ?---I accept that she said it to  
12:02:54 4 members of the SDU or they wouldn't have noted it but I  
12:02:58 5 didn't know. I had nothing to do with that job really  
12:03:02 6 apart from that static surveillance and I think I might  
12:03:05 7 have executed a warrant the next day on behalf of the crew,  
12:03:09 8 I don't know.  
12:03:10 9  
12:03:10 10 So you didn't know anything about that?---No.  
12:03:12 11  
12:03:20 12 Can I ask you about an ICR, just excuse me. Can we have a  
12:03:26 13 look at p.352 of the ICRs. This is an ICR dated 9 July  
12:03:32 14 2006 at 16:27. Ms Gobbo has obviously sent an SMS and  
12:03:51 15 she's thinking about [REDACTED] and she suggests Bateson to  
12:03:55 16 bring up the subject of money when having discussions with  
12:03:59 17 him and she can explain further. If we go down the page to  
12:04:04 18 the following day, you'll see at 9:47 there's another  
12:04:10 19 discussion between Ms Gobbo and the handlers regarding  
12:04:12 20 [REDACTED] and, "He will know about money and be able to  
12:04:15 21 explain finances of Carl Williams if interviewing members  
12:04:23 22 mention appropriately". Ms Gobbo represented Carl  
12:04:28 23 Williams' mother at particular hearings that we don't need  
12:04:32 24 to go into. Would you have had that brought to your  
12:04:40 25 attention?---I don't think I did.  
12:04:42 26  
12:04:42 27 Right?---I just looked at my notes of the 10th.  
12:04:49 28  
12:04:50 29 Yes. Sorry, go on?---I just looked at the 10th and I don't  
12:04:59 30 see any notation of speaking to any members of the SDU.  
12:05:04 31  
12:05:05 32 Yes. It may well be that the information was provided to  
12:05:10 33 Detective Inspector Ryan?---I'd have to look. You know, I  
12:05:14 34 suspect there's a bit of information that the SDU didn't  
12:05:18 35 pass on to anyone.  
12:05:19 36  
12:05:19 37 It may well be?---But, so I'd have to see - usually I think  
12:05:25 38 they make a note of their disseminations.  
12:05:27 39  
12:05:28 40 It certainly says here, "Advised DDI O'Brien re above".  
12:05:36 41 It's not exactly clear whether it was all of the above or  
12:05:37 42 just the matters concerning the immediate above entry. But  
12:05:41 43 can I ask you this: does that suggest that Ms Gobbo is  
12:05:47 44 behaving as a person who is an informer or a  
12:05:51 45 barrister?---Well, I think, you know, she's having a  
12:05:53 46 conversation with her handlers, so I think you could argue  
12:05:59 47 that she's, and she's being referred to as a human source.

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BATESON XXN - IN CAMERA



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These claims are not yet resolved.

12:06:05 1 I would think that's potentially what's happening, yes.  
12:06:08 2  
12:06:08 3 As an informer?---Yep.  
12:06:10 4  
12:06:10 5 And providing, suggesting investigators who are getting  
12:06:15 6 information out of ██████████ could approach it in a certain  
12:06:19 7 way and they might be able to get some information of some  
12:06:22 8 assistance?---Look, as I said I don't think that  
12:06:24 9 information was passed on to us as investigators and quite  
12:06:28 10 frankly it would be useless if it was. I mean she may well  
12:06:32 11 think that she, she knew things that we didn't, but we were  
12:06:37 12 pretty able to cope with those sorts of things ourselves.  
12:06:40 13  
12:06:40 14 I follow that. And indeed, I got the impression from what  
12:06:45 15 you were saying that in your earlier dealings with Ms Gobbo  
12:06:48 16 she would be very keen to provide you with information and  
12:06:52 17 often you thought, "Well look, ho hum, we're not  
12:06:56 18 particularly interested, but here's a person who wants to  
12:07:00 19 provide info"?---So in those meetings or half a dozen  
12:07:05 20 meetings I had with her prior to her registration, you  
12:07:08 21 know, I made some notations of things that may be of  
12:07:12 22 interest to me. But, you know, most of it was, was just  
12:07:17 23 gossip.  
12:07:18 24  
12:07:19 25 She was certainly someone who enjoyed speaking to you?---I  
12:07:23 26 don't know that that's fair, but she didn't seem to, didn't  
12:07:29 27 seem to be too annoyed by speaking to me, but I'm not sure  
12:07:34 28 that we can go so far and say she enjoyed it.  
12:07:37 29  
12:07:40 30 Yeah, all right. Do you believe that the gathering up of  
12:07:45 31 Ms Gobbo and taking her to the police centre on the 13th  
12:07:49 32 was because of the suggestion that ██████████ was not being  
12:07:53 33 truthful about murder matters?---No, that was just  
12:07:56 34 certainly meeting with his legal representative.  
12:08:01 35  
12:08:06 36 Is it the situation that she was provided with an  
12:08:11 37 opportunity to sit with him and speak to him for a period  
12:08:15 38 of time?---I don't remember.  
12:08:19 39  
12:08:19 40 Yes?---I've got a note of, of her meeting with her client.  
12:08:26 41  
12:08:26 42 Yes?---Look it wouldn't have surprised me. I would, I  
12:08:30 43 would have thought a private conversation with your  
12:08:34 44 barrister would be appropriate, or your legal counsel. So  
12:08:39 45 it wouldn't surprise me.  
12:08:41 46  
12:08:41 47 As I understand it what happens is you and - you attend

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BATESON XXN - IN CAMERA

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These claims are not yet resolved.

12:08:57 1 Victoria Police Centre at 10.20 on the 13th regarding a  
12:09:00 2 meeting between [REDACTED] and legal representative and you  
12:09:04 3 get there at 10:50 and you met with Nicola Gobbo for a  
12:09:10 4 prearranged meeting with her client?---Yes.  
12:09:12 5  
12:09:13 6 And the meeting lasts from 11 to 12.50 - or 12?---Hard to  
12:09:27 7 say from that note.  
12:09:28 8  
12:09:29 9 Have a look at VPL.0005.0058.0369?---I think it was  
12:09:38 10 probably 12.30.  
12:09:41 11  
12:09:41 12 Yes. Could I ask you this, was this because, you say this  
12:09:50 13 is because [REDACTED] wanted to speak to his  
12:09:55 14 lawyer?---That's my memory of it.  
12:09:57 15  
12:09:57 16 Where do you make that note?---I'm not sure that I do.  
12:10:02 17  
12:10:02 18 Was it your idea to have the meeting or was it someone  
12:10:06 19 else's?---I thought it was his idea.  
12:10:08 20  
12:10:09 21 How do you say that? Why do you say that. Where is the  
12:10:13 22 note that permits you to say that?---I just have a  
12:10:16 23 recollection of it. As I said he was a really excitable  
12:10:20 24 character and where, where - I just didn't think it was out  
12:10:25 25 of the ordinary that he wanted to see his legal  
12:10:30 26 representation when he was with us for three weeks, just  
12:10:33 27 over three weeks.  
12:10:34 28  
12:10:34 29 Did you receive the request from him personally?---I don't  
12:10:37 30 know. I don't know whether someone else told me, I don't  
12:10:40 31 know.  
12:10:40 32  
12:10:41 33 You say you've got a vague recollection - - - ?---It was  
12:10:44 34 him.  
12:10:45 35  
12:10:45 36 It was his desire to meet with her that led to the  
12:10:52 37 meeting?---Yep, I think so.  
12:10:53 38  
12:10:53 39 And yet there's no note of it anywhere?---I guess I didn't  
12:10:58 40 appreciate the significance of who, who had organised it at  
12:11:02 41 that point so I can't see a note of it.  
12:11:04 42  
12:11:04 43 All right. So it seems that the meeting - - - ?---The only  
12:11:08 44 thing I'd say is I seem to leave a message for her on the  
12:11:17 45 11th.  
12:11:17 46  
12:11:18 47 Yes?---Anyway. Yeah, I can't really add to it, I guess.

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BATESON XXN - IN CAMERA

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These claims are not yet resolved.

12:11:24 1  
12:11:24 2 There's the discussion which we referred to previously  
12:11:27 3 where there is a communication where she's saying that  
12:11:32 4 [REDACTED] has not been totally truthful?---Yes, yes, that's  
12:11:37 5 in the ICR.  
12:11:38 6  
12:11:38 7 Regarding the murder matters and she's to speak to him on  
12:11:42 8 [REDACTED] 2006. It does suggest that there's some connection  
12:11:47 9 between the failure to be truthful and the meeting?---Does  
12:11:51 10 it?  
12:11:51 11  
12:11:52 12 Well I'm suggesting that to you. Do you disagree with  
12:11:56 13 that?---Sorry, can you bring up the note that suggests  
12:11:58 14 that?  
12:11:59 15  
12:12:02 16 Page 353. "Gobbo rang Bateson. [REDACTED] not being totally  
12:12:26 17 truthful regarding murder matters, Gobbo to speak to same  
12:12:29 18 Thursday morning". Now, what I'm suggesting is that  
12:12:34 19 there's a connection between the two matters?---No, I don't  
12:12:39 20 read that into it. It's certainly not my memory of it.  
12:12:42 21  
12:12:43 22 Do you say you left a message for her to call you?---I have  
12:12:45 23 a note on the 11th, "message left for Gobbo" in my diary.  
24  
12:12:54 25 Yeah?---I sent that at 5.30 on Tuesday the 11th.  
12:12:59 26  
12:13:01 27 It seems that there's been a discussion, probably earlier  
12:13:07 28 than that, right. "Not being totally truthful re murder  
12:13:13 29 matters, to speak on Thursday morning" and then there's a  
12:13:16 30 message for you, you leave for her regarding availability  
12:13:23 31 with respect to Operation Dozer, correct?---No. They're  
12:13:29 32 not connected. That just means I'm on call for that night.  
12:13:33 33  
12:13:33 34 Yes?---So the red pen entry next to it is not related to  
12:13:37 35 the message left at 4 for Gobbo in my diary.  
12:13:40 36  
12:13:41 37 Okay. Now, do you say that on the [REDACTED], the meeting which  
12:13:49 38 occurs on the [REDACTED], they're provided with a room in which  
12:13:56 39 they could communicate, is that right?---Yes.  
12:13:58 40  
12:13:58 41 Did you have any discussions with Ms Gobbo yourself on the  
12:14:02 42 [REDACTED]?---I'm sure I spoke to her but nothing that was  
12:14:06 43 noteworthy it appears.  
12:14:07 44  
12:14:08 45 Right. And you remained there, it seems?---Yes.  
12:14:12 46  
12:14:12 47 And what were you doing between 11 and 12.50 or whatever it

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BATESON XXN - IN CAMERA

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12:14:17 1 is?---I don't know.  
12:14:18 2  
12:14:19 3 No. Don't seem to be doing anything?---I'm sure I was  
12:14:23 4 doing something. I'm just not sure it was noteworthy.  
12:14:27 5  
12:14:27 6 Were you involved in a meeting with Ms Gobbo and [REDACTED]  
12:14:30 7 [REDACTED]---No.  
12:14:30 8  
12:14:31 9 It says that the conference is complete. Were you just  
12:14:34 10 sitting outside, were you?---I'm sure I was probably  
12:14:38 11 actively engaged in doing something. I had other, I had  
12:14:43 12 lots of stuff to do. I might have been updating IRs or  
12:14:47 13 doing administration, who knows what I was doing. I can't  
12:14:50 14 remember an hour and a half where I sat idle during the  
12:14:54 15 five years.  
12:14:55 16  
12:14:55 17 You don't think you were involved in the meeting?---No, I  
12:14:59 18 don't think - no, they had a private conversation between  
12:15:04 19 legal representative and their client.  
12:15:06 20  
12:15:14 21 All right then. If we see an ICR of 13 July 2006. If we  
12:15:22 22 can have a look at that, p.358. It seems that this is at  
12:15:32 23 17:25, probably at some stage after that meeting with  
12:15:39 24 respect to [REDACTED] "He's up to 80 per cent truth now.  
12:15:44 25 In June 2003 there was an issue with Ms Gobbo on the phone  
12:15:48 26 talking to [REDACTED]. She checked the phone bill and that  
12:15:52 27 was correct and [REDACTED] has been dishonest about the  
12:15:57 28 murder of [REDACTED]", do you see that?---I do.  
12:16:00 29  
12:16:01 30 And that's a discussion that she has with her handlers  
12:16:06 31 after the meeting that she has at the Victoria Police  
12:16:10 32 Centre, correct?---The next day, is it, or that same - - -  
12:16:15 33  
12:16:15 34 No, the afternoon?---That's on the 13th?  
12:16:19 35  
12:16:19 36 Yes?---Yes.  
12:16:19 37  
12:16:20 38 So would the Commission be entitled to conclude that she's  
12:16:23 39 been told that [REDACTED] is up to 80 per cent of being  
12:16:29 40 truthful, 80 per cent now?---Well look they spoke for, it  
12:16:35 41 appears in my note, for an hour and a half. Maybe he spoke  
12:16:38 42 to her about what they said, what she said, or what he'd  
12:16:42 43 been saying and in her view he's being 80 per cent  
12:16:47 44 truthful.  
12:16:47 45  
12:16:47 46 Yes, righto. So what you say is that this meeting has got  
12:16:56 47 nothing to do with Ms Gobbo trying to suggest to this

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These claims are not yet resolved.

12:16:59 1 person that he ought to be a little bit more truthful?---I  
12:17:03 2 don't know what advice she provided to him during that  
12:17:06 3 meeting.  
12:17:06 4  
12:17:07 5 Yes, all right. Okay. Now, did you - perhaps I'll  
12:17:34 6 withdraw that. It seems quite clear from this ICR that she  
12:17:42 7 certainly has a view about the extent to which [REDACTED] is  
12:17:48 8 being forthcoming with police, correct?---Yeah, I read that  
12:17:53 9 that, that she's saying that she believes he's being 80 per  
12:17:58 10 cent truthful now.  
12:17:58 11  
12:17:59 12 Yes. What we do know is that Ms Gobbo seems to be very  
12:18:08 13 concerned to ensure that the people who she's advising  
12:18:17 14 assist the police in the most truthful way. That seems to  
12:18:21 15 be what she's keen on doing?---Look, I don't know that you  
12:18:25 16 can read that far into that statement.  
12:18:27 17  
12:18:28 18 Yes?---But what I think generally overall is that, you  
12:18:34 19 know, what I'd always expressed, the more help a particular  
12:18:40 20 witness will be, the more discount they would be entitled  
12:18:45 21 to so - - -  
12:18:46 22  
12:18:47 23 If you were a person who was taking a statement you would  
12:18:50 24 want to make sure that they were telling the truth as far  
12:18:52 25 as you were concerned and that may well be something that  
12:18:56 26 Ms Gobbo might assist you to do, to achieve?---She may well  
12:19:04 27 have provided that advice to her client, I don't know, but  
12:19:07 28 certainly when I'm talking to a witness being truthful's  
12:19:10 29 high on the agenda.  
12:19:11 30  
12:19:12 31 How would she know whether he's being 80 per cent truthful  
12:19:15 32 or not if she's not being told by a member of the Police  
12:19:19 33 Force who has taken a statement from him?---I think what we  
12:19:22 34 do know by this stage is that Ms Gobbo thinks she knows  
12:19:28 35 quite a deal, looking back on it now. Her impression of 80  
12:19:34 36 per cent may not have agreed with mine. But I certainly  
12:19:37 37 didn't discuss the contents of our case with her. Mind you  
12:19:41 38 I must say I didn't take the [REDACTED] statement, I'm not sure  
12:19:46 39 who did. But I'm not even, and wasn't then, over the  
12:19:48 40 details of [REDACTED]'s murder, so I think we got in one of  
12:19:53 41 the investigators from that crew.  
12:19:57 42  
12:19:57 43 If we have a look at an ICR at p.359. This is an ICR which  
12:20:06 44 is relevant to 15 July 2006. The note is to this effect,  
12:20:22 45 that, [REDACTED] is now good. She's had a talk to  
12:20:32 46 Detective Sergeant Bateson and they're happy with him".  
12:20:43 47 Are we on the right page there?---That was up the top, I

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12:20:48 1 saw that, yep.  
12:20:49 2  
12:20:49 3 At the top, yes. Now, what do you say about that? Would  
12:20:56 4 you have been communicating with Ms Gobbo to say, "Yep,  
12:21:01 5 we're now happy with him. You've seen him on the [REDACTED]  
12:21:05 6 you've given him a good talking to, thank you very much,  
12:21:09 7 we're now happy with him". Would that be consistent with  
12:21:13 8 that view?---I don't have a note of speaking with her post  
12:21:18 9 that meeting.  
12:21:19 10  
12:21:20 11 Yes?---So I'm not sure how that would come about. But, you  
12:21:24 12 know, by sort of mid, the midway point of us having him in  
12:21:29 13 [REDACTED] I remember being quite satisfied with  
12:21:34 14 how it was progressing. So for me to say I'm happy  
12:21:39 15 wouldn't be shocking to me, although I don't remember  
12:21:42 16 saying that to her.  
12:21:44 17  
12:21:44 18 It may be that that suggests there was a telephone call,  
12:21:49 19 you don't always make a note of the telephone call?---No,  
12:21:52 20 it could well have been in the time she was at the VPC, so  
12:21:59 21 I don't think I can accept that. You know, we were pretty  
12:22:04 22 pleased with the way things were going during that time, so  
12:22:07 23 it wouldn't be a shock to me if I told someone I was happy.  
12:22:10 24  
12:22:11 25 All right. In any event it appears that she's had a  
12:22:13 26 discussion with you and you're happy with it. Would you  
12:22:16 27 have told her that the statements are to be served, when  
12:22:20 28 the statements were going to be served?---I don't think I  
12:22:24 29 had a real sense. I know there was some time, you know, I  
12:22:28 30 kept getting pushed for times because it was a bit of an  
12:22:34 31 expensive proposition, what we were doing, but I don't  
12:22:38 32 think, my view was it will take as long as it takes and I'm  
12:22:42 33 not sure that I really knew how that was going to go, so I  
12:22:49 34 don't think they were - - -  
12:22:52 35  
12:22:52 36 Were you having any dealings - - - ?---I don't think they  
12:22:55 37 were served the next day.  
12:22:56 38  
12:22:56 39 No, they weren't. Were you having any dealings with  
12:23:00 40 Mr Valos at all?---Unless you can correct me, I don't think  
12:23:04 41 I have a note of speaking to Mr Valos during this period.  
12:23:07 42  
12:23:07 43 Would you normally, if you're dealing with a person such as  
12:23:12 44 this, be communicating with the solicitor or not?---Whoever  
12:23:21 45 puts themselves forward as the legal representative, I'm  
12:23:26 46 happy to talk to them. I've never really considered the  
12:23:29 47 solicitor/barrister definition. If someone's entitled to

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BATESON XXN - IN CAMERA

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12:23:33 1 legal advice, wants to seek it, I'm not concerned of who  
12:23:38 2 does that.  
12:23:39 3  
12:23:39 4 Yeah, okay. You wanted Ms Gobbo to attend before the  
12:23:44 5 statements were signed off on to view the statements, is  
12:23:48 6 that right?---He did. The witness wanted her to read them.  
12:23:52 7  
12:23:52 8 Do you have a note of that?---Let's have a look through my  
12:23:59 9 chronology. No, I don't seem to have a note of it.  
12:24:25 10  
12:24:26 11 Yes. And who, who was the person who arranged for Ms Gobbo  
12:24:34 12 to come along on the 18th?---Well I do know that she came  
12:24:39 13 in and she met with Michelle Kerley I think around about  
12:24:42 14 6 o'clock at night.  
12:24:43 15  
12:24:44 16 Yep?---Whether I rang her and spoke to her, I doubt it,  
12:24:48 17 because I don't have a note of that.  
12:24:50 18  
12:24:50 19 Yes?---Or whether Michelle did or someone else in my crew  
12:24:53 20 did, I don't know.  
12:24:55 21  
12:24:56 22 Yes. You're in charge of the crew who's looking after  
12:25:00 23 [REDACTED] is that right?---I think it's fair to say I'm  
12:25:05 24 coordinating that, yes.  
12:25:06 25  
12:25:06 26 You were the coordinator?---Yep.  
12:25:08 27  
12:25:08 28 And it would be surprising if Michelle Kerley, without your  
12:25:12 29 say so, just decided to get Ms Gobbo in to come and read  
12:25:17 30 through the statements beforehand, that would be a surprise  
12:25:20 31 to you?---I'm sorry, I didn't realise that's what you were  
12:25:23 32 putting to me. I thought you said who called her.  
12:25:26 33  
12:25:27 34 Who arranged for Ms Gobbo to come and review the  
12:25:30 35 statements?---I don't know who arranged it but certainly I  
12:25:33 36 would have been aware of it.  
12:25:36 37  
12:25:36 38 Would it have been someone senior to you?---I don't think  
12:25:43 39 so. I mean, you know, [REDACTED] wanted his legal  
12:25:50 40 representative to read them so - - -  
12:25:53 41  
12:25:53 42 You did, you did want Ms Gobbo to read the statements  
12:25:56 43 before they signed?---He did.  
12:25:58 44  
12:25:58 45 He did?---He did.  
12:26:00 46  
12:26:00 47 Not you?---Well, if he wants them to be read, then I want

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12:26:04 1 them to be read. I think if he's saying, "Well I want my  
12:26:10 2 lawyer to have a look at them", then I'm happy for the  
12:26:14 3 lawyer to have a look at them. This is pretty, as I said,  
12:26:17 4 pretty common for us to do.  
12:26:18 5  
12:26:19 6 It's certainly common with you it seems, Mr Bateson?---I  
12:26:22 7 did it with Carl Williams when Carl made his statement.  
12:26:25 8  
12:26:25 9 Did you?---Yes.  
12:26:26 10  
12:26:26 11 You did it with [REDACTED] and you got Ms Gobbo in and she  
12:26:30 12 made some really nice changes, didn't she?---And we did it  
12:26:33 13 with [REDACTED] as well with another solicitor.  
12:26:36 14  
12:26:36 15 Right. And you say that the other solicitor made  
12:26:40 16 contributions to the statement?---Not that I have a note  
12:26:42 17 of.  
12:26:43 18  
12:26:43 19 What about with Mr Williams?---No.  
12:26:45 20  
12:26:45 21 Do you say that the other solicitor who was acting for  
12:26:48 22 Mr Williams made the sort of contributions to the  
12:26:51 23 statements that Ms Gobbo did?---Not that I have a note of.  
12:26:56 24  
12:26:56 25 No, not that you have a note of. Do you have a  
12:26:58 26 recollection?---Neither, no.  
12:26:59 27  
12:26:59 28 They didn't, did they?---Well, I don't have any  
12:27:02 29 recollection of it.  
12:27:02 30  
12:27:03 31 So someone senior wouldn't have arranged for Ms Gobbo to  
12:27:08 32 come in and look at the statements?---No.  
12:27:10 33  
12:27:10 34 We agree with that much?---Yes.  
12:27:12 35  
12:27:12 36 It wouldn't have been someone junior to you who put the  
12:27:15 37 arrangement in place I take it, without your say so?---I  
12:27:21 38 don't think something like that required authorisation. I  
12:27:25 39 totally accept that I would have known about it.  
40  
12:27:29 41 Yeah?---But, you know, if someone wants their lawyer, they  
12:27:32 42 want to seek advice then, you know, I would expect any one  
12:27:36 43 of my crew to just go ahead and do that.  
12:27:39 44  
12:27:40 45 What you say is that you had crew who are looking at  
12:27:43 46 particular statements and taking statements in relation to  
12:27:46 47 particular crimes, is that right?---We brought, we asked

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12:27:50 1 investigators to come in that had a good background  
12:27:54 2 knowledge of each particular case.  
12:27:56 3  
12:27:57 4 So you have investigators who are responsible for taking  
12:28:00 5 statements from [REDACTED] about particular matters,  
12:28:04 6 correct?-- [REDACTED] yep.  
12:28:06 7  
12:28:06 8 Sorry. And you are the person who's standing above all of  
12:28:10 9 that and coordinating the process?---Coordinating, yes.  
12:28:14 10  
12:28:14 11 So we understand that Ms Gobbo comes along on 18 July 2006  
12:28:19 12 and she's given all of the statements?---Yes, I would  
12:28:25 13 imagine all that were in existence at that point.  
12:28:29 14  
12:28:29 15 It would be extraordinary, wouldn't it, if one of the  
12:28:32 16 investigators gathered up all of the statements and gave  
12:28:35 17 them to Ms Gobbo to have a bit of a look at when she came  
12:28:39 18 down to the station, wouldn't it?---Why? I don't  
12:28:41 19 understand that proposition.  
12:28:42 20  
12:28:43 21 Do you think it would be an appropriate thing to do for an  
12:28:46 22 investigator who was, for example, taking a statement in  
12:28:49 23 relation to [REDACTED]'s murder, to gather up all of the  
12:28:54 24 other statements in relation to which [REDACTED] was making  
12:28:57 25 statements and present those to Ms Gobbo?---I'd have no  
12:29:05 26 issue with that.  
12:29:06 27  
12:29:06 28 You'd have no issue with that?---No.  
12:29:08 29  
12:29:09 30 Are you prepared to admit that you were the person who was  
12:29:12 31 responsible for authorising Ms Gobbo coming down on the  
12:29:17 32 18th to view the statements of [REDACTED] Are you prepared  
12:29:24 33 to concede that?---Yeah, I'm prepared to concede that.  
12:29:27 34  
12:29:28 35 And you say it was because [REDACTED] said to you, "I would  
12:29:33 36 like Ms Gobbo to review my statements"?---To me or someone  
12:29:40 37 else.  
12:29:41 38  
12:29:44 39 Did you understand that Ms Gobbo would make any  
12:29:49 40 contribution to the statement process?---I don't know. I  
12:29:54 41 can't think back on that and what my understanding was at  
12:29:58 42 that point. What I did know is that [REDACTED] asked for  
12:30:05 43 them to be shown to his lawyer and that happened.  
12:30:07 44  
12:30:09 45 Was [REDACTED] present at the time?---No, no, she came into  
12:30:14 46 St Kilda Road.  
12:30:15 47

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12:30:15 1 Yes. After hours?---I think it was about six o'clock.  
12:30:19 2  
12:30:21 3 Did he specifically ask for Ms Gobbo to come or was it just  
12:30:25 4 that he wanted his lawyer to come and look at his  
12:30:28 5 statements?---Well, you know, I suspect they were one and  
12:30:35 6 the same thing at that time. That was his lawyer so I'm  
12:30:40 7 not sure how he referred to her but certainly I understood  
12:30:43 8 it to be Ms Gobbo.  
12:30:44 9  
12:30:44 10 Yes. And when Ms Gobbo came in to view the statements, I  
12:30:55 11 take it you weren't present?---No.  
12:30:56 12  
12:30:59 13 And I take it that you arranged for Ms Kerley to be  
12:31:04 14 present?---Yes.  
12:31:06 15  
12:31:07 16 And you gave Ms Kerley all of the statements to show to  
12:31:12 17 Ms Gobbo?---I don't know if I gave them to her or she  
12:31:16 18 collated them herself. I don't have a memory of how that  
12:31:21 19 came about.  
12:31:21 20  
12:31:23 21 And they were obviously hard copy statements, were  
12:31:26 22 they?---Well, I'm not sure how that - when I read the  
12:31:29 23 sticky note in Boris's diary, and there's mention of, "You  
12:31:35 24 don't have it in this format", it makes me think that we  
12:31:40 25 did what we often did in those days and change each  
12:31:45 26 statement into the Homicide format, which was just a way of  
12:31:51 27 presenting the statements in a uniform way, same font, same  
12:31:56 28 heading, same paragraphs, et cetera.  
12:31:58 29  
12:31:59 30 Do you say the statements were printed out or not for  
12:32:02 31 Ms Gobbo to peruse?---They were, they were. But I guess  
12:32:06 32 what I'm saying is I'm not sure that the investigators  
12:32:09 33 provided them in hard copy or whether we got them, altered  
12:32:13 34 them into the format and then presented them.  
12:32:15 35  
12:32:15 36 You said, I asked if they were presented in hard copy and  
12:32:19 37 you say they were?---I'm sure they were.  
12:32:21 38  
12:32:21 39 She was given statements in hard copy to read, wasn't  
12:32:24 40 she?---Yeah.  
12:32:25 41  
12:32:26 42 And did you give instructions to Ms Kerley to watch  
12:32:31 43 Ms Gobbo very closely and make sure that she didn't do  
12:32:36 44 anything or make any alterations to the statements or take  
12:32:41 45 the statements away with her or anything like that?---I  
12:32:43 46 don't think I'd have to give that instruction to Detective  
12:32:46 47 Kerley.

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12:32:48 1  
12:32:48 2 Because she wouldn't permit that to occur?---I'm sure she  
12:32:53 3 wouldn't have permitted a statement to go missing.  
12:32:56 4  
12:32:56 5 And what about instructions about whether or not Ms Gobbo  
12:33:00 6 should or could make additions or suggestions to the  
12:33:05 7 statements, was anything said to her about that?---No.  
12:33:09 8  
12:33:10 9 Was she provided with the means by which she could make  
12:33:14 10 additions to the statement, statements?---I don't have any  
12:33:21 11 memory of that, what I do know is that on the sticky note  
12:33:25 12 in Boris's diary I make mention of red pen, I suspect  
12:33:30 13 there's some red pen.  
12:33:32 14  
12:33:32 15 There might be a bit of, she's at least given some pens and  
12:33:36 16 a sticky note pad or something like that?---What I know  
12:33:40 17 from that note is that she had a red pen or was given a red  
12:33:45 18 pen, I guess it doesn't matter.  
12:33:46 19  
12:33:47 20 Have you spoken to Mr Buick about this?---No, I haven't.  
12:33:49 21  
12:33:50 22 How have you gained your knowledge about this?---I was  
12:33:53 23 shown by my lawyers the sticky note.  
12:33:56 24  
12:33:56 25 Right. And it's in your handwriting, is it?---Yes.  
12:33:59 26  
12:34:03 27 Did you speak to Ms Kerley about what she was supposed to  
12:34:11 28 be doing there at all or not?---I don't recollect. You  
12:34:15 29 know, I had a lot of trust in Michelle. I don't know that  
12:34:19 30 I would have given her too much instructions, I might have,  
12:34:25 31 I don't know.  
12:34:26 32  
12:34:26 33 What do you think the purpose of this exercise was  
12:34:30 34 for?---Well, as I said, it was common for, and still is  
12:34:33 35 common, for criminal Crown witnesses to want their  
12:34:37 36 statements to be reviewed by their lawyers.  
12:34:39 37  
12:34:39 38 Yes?---So for me that was par for the course.  
12:34:43 39  
12:34:46 40 Do you think she did make some suggestions about the  
12:34:48 41 changes that could be made to any of the  
12:34:52 42 statements?---Well, what I do know is only from that sticky  
12:34:55 43 note and I think I said yesterday, you know, there was a  
12:35:00 44 bit of school teacher about it.  
12:35:02 45  
12:35:02 46 A bit of school teacher?---Correcting some - - -  
12:35:06 47

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12:35:07 1 Yes. You've also said previously with respect to the  
12:35:09 2 additions that were made to [REDACTED] statement that  
12:35:12 3 there was a minor addition to it, that's what you've said  
12:35:15 4 also?---I think my note said some additions.  
12:35:19 5  
12:35:21 6 Are you able to say what additions were made or what  
12:35:26 7 changes or suggestions were made to any of the statements  
12:35:28 8 that were printed out for Ms Gobbo to see on the evening of  
12:35:32 9 the 18th?---Prior to her seeing them or after?  
12:35:37 10  
12:35:38 11 I'm sorry?---Sorry, I thought you were indicating was there  
12:35:43 12 any changes prior to her seeing them or after?  
12:35:45 13  
12:35:46 14 I'm asking are you able to say whether there were any  
12:35:49 15 changes made, suggestions, additions, annotations by  
12:35:54 16 Ms Gobbo, right?---I have that sticky note to refresh my  
12:35:57 17 memory but apart from that I don't have any recollection of  
12:36:01 18 any material changes being made.  
12:36:03 19  
12:36:07 20 How do we know that, how do we know you're telling us the  
12:36:11 21 truth about that?---I don't know, Mr Winneke. I'm not  
12:36:17 22 aware of them being retained. I'm hesitant to say that  
12:36:22 23 they weren't, but I'm not aware of them being retained.  
12:36:26 24 You know, I know from that sticky note that we passed back  
12:36:30 25 the statement to Mr Buick.  
12:36:32 26  
12:36:32 27 Yes?---With the additions in a new format. I imagine we  
12:36:37 28 did that with all of the investigators.  
12:36:39 29  
12:36:40 30 Yes. So as I understand it at that stage you had these  
12:36:50 31 documents in an electronic format, is that right?---We must  
12:36:54 32 of. When I look at that note from Boris, I reckon that's  
12:36:59 33 what's happened, we've altered them into the Homicide  
12:37:02 34 format and so we must have had them in an electronic - - -  
12:37:07 35  
12:37:08 36 One assumes that Mr Buick's got whatever versions, whatever  
12:37:12 37 version in his system, is that right?---Could do. Could  
12:37:16 38 do. I've said to him "if you don't have this version", so  
12:37:19 39 that seems to indicate, or this format.  
12:37:23 40  
12:37:23 41 When did you write that sticky note?---It's hard - I  
12:37:26 42 couldn't date it.  
12:37:27 43  
12:37:34 44 I'm not too sure what the exhibit number.  
12:37:41 45  
12:37:41 46 COMMISSIONER: We can find it I think, it's the Buick  
12:37:43 47 statement, is it?---I don't think I could tell you when I

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12:37:47 1 wrote it but I would imagine it was shortly after.  
12:37:51 2  
12:37:53 3 MR WINNEKE: We'll see if we can find it. We'll pop it up  
12:37:59 4 on the screen so we can see it, the page of the diary.  
12:38:06 5  
12:38:06 6 COMMISSIONER: Exhibit 649 I'm told. 649C.  
12:38:14 7  
12:38:14 8 MR WINNEKE: Thanks Commissioner.  
12:38:16 9  
12:38:16 10 COMMISSIONER: That's the one. It's got the Post-it Note  
12:38:18 11 on it.  
12:38:37 12  
12:38:37 13 MR WINNEKE: Were any of the people who were served with  
12:38:40 14 any of these statements informed that Ms Gobbo had come  
12:38:43 15 down and made additions or certain suggestions?---I wasn't  
12:38:48 16 involved in any of the prosecutions apart from [REDACTED],  
12:38:54 17 [REDACTED]  
12:38:57 18  
12:38:57 19 Yeah. Do you believe they were, any of the people were  
12:39:00 20 told about Ms Gobbo's involvement or not?---I know that the  
12:39:05 21 OPP was aware that she was his legal representative.  
12:39:09 22  
12:39:10 23 Yes?---I don't have a note of them knowing that she read  
12:39:13 24 the statements but I don't know that they didn't.  
12:39:16 25  
12:39:17 26 Yes, okay?---And I don't think we got too much further into  
12:39:20 27 the trials before the plea from Mr Williams occurred.  
12:39:24 28  
12:39:24 29 Yes, all right. So if we have a look at the page of  
12:39:28 30 Mr Buick's diary, we see that it certainly, it's likely to  
12:39:34 31 be on the 19th, that is the following day. You've written  
12:39:40 32 a note on a lined sticky note pad?---Yes.  
12:39:46 33  
12:39:46 34 And you've said, "Boris, here is the statement" - now which  
12:39:49 35 statement is it, do you know?---I'm not sure how many Boris  
12:39:58 36 authored and if there's more than one then I probably  
12:40:02 37 wouldn't be able to tell you now.  
12:40:04 38  
12:40:04 39 He wasn't authoring it, this is [REDACTED] statement?---I  
12:40:09 40 apologise, what I meant by that he's the one sitting behind  
12:40:11 41 the computer typing out the statement.  
12:40:13 42  
12:40:14 43 Right. He's the author?---He as the recorder, the  
12:40:18 44 transcriber.  
12:40:18 45  
12:40:20 46 In any event I think it's [REDACTED]'s statement. Do  
12:40:24 47 you accept that?---No, I don't think I can. Did Boris take

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12:40:27 1 more than one statement?  
12:40:29 2  
12:40:29 3 He took one statement I think in relation to  
12:40:33 4 [REDACTED]?---What about [REDACTED] and - he might have taken  
12:40:37 5 others I think.  
12:40:39 6  
12:40:41 7 [REDACTED]. Could have been, could have been [REDACTED]. Perhaps  
12:40:48 8 why don't we have a look at this document,  
12:40:57 9 VPL.0100.0144.3588. You believe that Mr Buick was involved  
12:41:13 10 in the prosecution of the murders of [REDACTED] and  
12:41:22 11 [REDACTED], would that be right?---Is there another page to  
12:41:29 12 that?  
12:41:29 13  
12:41:29 14 We can see at the bottom there's [REDACTED] and  
12:41:34 15 [REDACTED]---Yeah, [REDACTED] [REDACTED].  
12:41:37 16  
12:41:37 17 And yourself, you seem to be there, or you seem to be in  
12:41:41 18 most of them?---This is a table of the contact.  
12:41:44 19  
12:41:45 20 Tells you who to contact in relation to these particular  
12:41:48 21 matters?---So Bateson, Kerley and L'Estrange were generally  
12:41:52 22 there every day.  
12:41:52 23  
12:41:53 24 Right?---Okay.  
12:41:58 25  
12:41:58 26 Keep going?---I would think out of that when we look at  
12:42:01 27 [REDACTED] and [REDACTED], I would say Boris took both of  
12:42:05 28 those and Hayes took the drug statement, that would be my  
12:42:09 29 guest considering their responsibilities at the time.  
12:42:12 30  
12:42:12 31 If we keep going. On the [REDACTED] - - - ?---14th there he's  
32 back.  
33  
12:42:22 34 Yes, and on the [REDACTED] it seems that there was drug statement  
12:42:28 35 taken?---Continued, I'd imagine.  
12:42:30 36  
12:42:30 37 Continued on?---It seemed like it started a bit back.  
12:42:34 38  
12:42:35 39 In any event on the 19th, which is the day we're talking  
12:42:38 40 about, you're clearly there and Ms Gobbo has read all of  
12:42:44 41 the statements? She was there for quite some time I  
12:42:48 42 understand?---I would have expected that to be the case,  
12:42:51 43 yep.  
12:42:51 44  
12:42:52 45 Perhaps we can put the Post-it Note back up. There were  
12:43:06 46 two Post-It Notes in Mr Buick's diary on the 19th and the  
12:43:12 47 first one, which is, we understand written by Ms Gobbo,

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12:43:17 1 concerns the [REDACTED] statement or the [REDACTED]  
12:43:22 2 investigation?---Yeah, I think I did see that, the top -  
12:43:27 3 there was the first - - -  
12:43:28 4  
12:43:28 5 We'll have a look at it here. Do you see? And she's  
12:43:32 6 obviously making the comment that [REDACTED]'s solicitor  
12:43:36 7 was actually Jim Valos and she's pointing out there may  
12:43:41 8 well be a mistake in the statement, do you see there?---Do  
12:43:46 9 you say that's her handwriting, do you?  
12:43:49 10  
12:43:49 11 Yes, we do?---Okay.  
12:43:50 12  
12:43:51 13 Which is consistent with the proposition that she's got a  
12:43:54 14 red pen, because as you say to Mr Buick, "Here is the  
12:43:58 15 statement, it has some red pen on it. These alterations  
12:44:01 16 were made by Nicola last night. If you don't have this  
12:44:06 17 format let me know and I will email to you.  
12:44:09 18 Regards"?---Yes.  
12:44:09 19  
12:44:10 20 So you were, I take it, on occasions emailing statements to  
12:44:15 21 investigators too, is that right?---Possibly. I mean that  
12:44:23 22 sounds like I could. I don't know that any came up in the  
12:44:27 23 emails I reviewed, so maybe we didn't actually need to.  
12:44:32 24  
12:44:32 25 Are you able to say whether these statements were prepared  
12:44:38 26 on a number of different computers?---Look, I couldn't - we  
12:44:43 27 were in a position where people, we had a laptop at the  
12:44:47 28 secure location.  
12:44:49 29  
12:44:50 30 One or more than one?---I can't remember. I don't know  
12:44:52 31 whether people bought their own.  
12:44:54 32  
12:44:54 33 Yes?---Or we had - we certainly had one there. Whether  
12:44:58 34 everyone used that computer or they came with their own, I  
12:45:02 35 couldn't recall.  
12:45:02 36  
12:45:03 37 Right. Now, what were the alterations that were made by  
12:45:07 38 Ms Gobbo to the particular statement that you refer to in  
12:45:11 39 your Post-it Note?---I don't know.  
12:45:13 40  
12:45:14 41 Why not?---Well, it's 15 years ago.  
12:45:18 42  
12:45:18 43 All right. How can we find out what alterations were made  
12:45:21 44 to this statement?---I don't know, you may - obviously  
12:45:27 45 Boris has already given evidence. Whether he retained that  
12:45:30 46 statement? As I remember it most of those red pen things  
12:45:33 47 were immaterial.

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12:45:34 1  
12:45:35 2 Immaterial were they?--Yes.  
12:45:37 3  
12:45:37 4 In any event whatever alterations that were made on that  
12:45:41 5 statement we don't know of because the practice was to  
12:45:46 6 destroy statements which weren't the final copy, is that  
12:45:50 7 right?--Well that's certainly what I used to do. I would  
12:45:53 8 note any material changes in my diary.  
12:45:55 9  
12:45:56 10 Yes?--And then securely destroy any redundant statements.  
12:46:02 11  
12:46:03 12 So by material changes in your diary, as an example we can  
12:46:06 13 see the diary entry that you had on the 12th of July, for  
12:46:13 14 example - - - ?---For instance.  
12:46:14 15  
12:46:14 16 In respect of [REDACTED] --Yes, for instance.  
12:46:16 17  
12:46:19 18 It didn't contain any information really about the  
12:46:22 19 alterations to the statement, did it?--Oh, well it talked  
12:46:26 20 about some alterations re his belief.  
12:46:29 21  
12:46:30 22 Do you say that that note that you made in your diary on  
12:46:33 23 the 12th, or in your day book on 12 July carried all the  
12:46:39 24 relevant information that anyone would ever need to know  
12:46:41 25 about the alterations that were made to the  
12:46:45 26 statement?--Look, if I had my way and we could wind the  
12:46:48 27 clock back I'd probably include some more detail. But I  
12:46:51 28 think it certainly pointed to it. You know, sitting  
12:46:53 29 through his cross-examination in the committal and the  
12:46:56 30 trial for some 15 days in the box, his credibility on those  
12:47:01 31 topics were extensively covered.  
12:47:05 32  
12:47:07 33 Without the benefit of those pieces of information  
12:47:10 34 obviously?--Well, I mean, we've explored that yesterday,  
12:47:12 35 haven't we?  
12:47:14 36  
12:47:14 37 So would you have instructed Boris to destroy any  
12:47:19 38 statements that had been printed out and marked by  
12:47:25 39 Ms Gobbo?--I wouldn't instruct Boris to do anything.  
12:47:27 40  
12:47:29 41 No. Do you think the appropriate practice would be, if a  
12:47:35 42 draft had been printed out and marks made on it by someone  
12:47:38 43 such as Ms Gobbo, that that document should be filed  
12:47:43 44 somewhere and kept?--Yeah, I think as I sit here now  
12:47:46 45 that's what I'd do into the future.  
12:47:48 46  
12:47:48 47 You'd do that into the future?--Yep.

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12:47:51 1  
12:47:51 2 All right. Did your practice change and if so when?---To  
12:47:59 3 be honest I probably haven't taken a statement since 2010,  
12:48:04 4 which was the last time I was at the Homicide Squad.  
12:48:05 5  
12:48:06 6 Have you had any involvement in training other detectives  
12:48:08 7 about appropriate practices with respect to taking and  
12:48:12 8 keeping drafts of statements?---No.  
12:48:16 9  
12:48:17 10 You would say that an appropriate thing to do is keep all  
12:48:20 11 versions of statements these days, is that what you'd  
12:48:23 12 say?---I'm not sure all versions, I think I'd still, you  
12:48:29 13 know, I think the supplementary statement that I talk  
12:48:32 14 about, I would make that, you know, we've still got to get  
12:48:36 15 up to the closure stage so it's not fair on a witness to  
12:48:40 16 be, you know, if you happen to leave on one day, to keep  
12:48:43 17 that, because that's just your interpretation of what he  
12:48:46 18 said. But, you know, we get to this point and sitting here  
12:48:50 19 in this cross-examination I'd say, well I don't think there  
12:48:52 20 was anything necessarily to hide about this and if the  
12:48:57 21 defence counsel can have it, then why not.  
12:48:59 22  
12:49:00 23 All right?---You know, I would have thought, you know, this  
12:49:05 24 largely was pretty immaterial.  
12:49:09 25  
12:49:09 26 Now, insofar as other statements are concerned, what  
12:49:15 27 alterations were made or suggestions or annotations were  
12:49:21 28 made on the other statements that Ms Gobbo looked at?---I  
12:49:24 29 don't know.  
12:49:26 30  
12:49:26 31 We can assume, given what we know about Ms Gobbo, that she  
12:49:30 32 couldn't have helped herself and she would have wanted to  
12:49:34 33 make suggestions, you say in the nature of a school  
12:49:37 34 mistress, but even setting that aside, her desire was to  
12:49:43 35 provide assistance and information?---Yeah, I think one  
12:49:49 36 thing - absolutely I accept that. But what I, I really  
12:49:52 37 want to say, she doesn't change the statements.  
12:49:55 38  
12:49:55 39 I follow that?---The witness alters his statement.  
12:49:59 40  
12:49:59 41 Yes. The purpose of her coming there, one of the purposes  
12:50:04 42 was to do just that, to enable Ms Gobbo, with a red pen,  
12:50:08 43 with a Post-it and hard copy statements, to make the  
12:50:16 44 alterations?---No, the purpose was as I've stated earlier.  
12:50:27 45  
12:50:27 46 So what effectively you say is that - do you know how many  
12:50:31 47 statements there were at this time?---I think roughly [REDACTED] or

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12:50:34 1 [REDACTED]  
12:50:35 2  
12:50:35 3 As far as we know there could be changes in the nature of  
12:50:40 4 those that we've seen this morning on every one of these  
12:50:44 5 statements?---I don't think it was that extensive.  
12:50:46 6  
12:50:46 7 No?---No.  
12:50:47 8  
12:50:47 9 You don't think but you don't know, correct?---All I can  
12:50:50 10 say is, you know, if it had have been on the statements  
12:50:53 11 that I was involved in I would have noted those changes.  
12:50:56 12  
12:50:59 13 Now - - - ?---And I think I took quite a few of them, I  
12:51:05 14 think maybe the subjects that weren't immediately apparent  
12:51:11 15 I took I think.  
12:51:12 16  
12:51:12 17 Do you say that you've kept notes about these - - - ?---No,  
12:51:16 18 I'm just saying that if the changes that she had noted that  
12:51:21 19 could be possible, if they were material I would have noted  
12:51:25 20 those.  
12:51:25 21  
12:51:25 22 All right. Now, if we can have a look at an ICR on 19  
12:51:46 23 July, 360, please. Whilst we're getting that up, could I  
12:51:56 24 tender that table of contacts, Commissioner, with [REDACTED]  
12:52:03 25 [REDACTED], VPL.0100.0144.3588.  
12:52:12 26  
12:52:14 27 #EXHIBIT RC786A - (Confidential) Table of contacts re  
12:52:18 28 [REDACTED]  
12:52:19 29  
12:52:20 30 #EXHIBIT RC786B - (Redacted version.)  
12:52:22 31  
12:52:22 32 If we have a look at the note at the bottom of the page.  
12:52:29 33 Obviously again this is a statement, a communication  
12:52:34 34 between Ms Gobbo and her handler following the attendance  
12:52:40 35 upon police at the previous evening. "She was very  
12:52:46 36 impressed with [REDACTED] statements, includes over 40  
12:52:51 37 pages regarding trafficking and she's amended some  
12:52:55 38 slightly." Is that consistent with your  
12:52:58 39 recollection?---Look, I know she came there but I'm not  
12:53:01 40 prepared to accept she amends anything. She may have  
12:53:04 41 suggested some alterations but it's not her that makes  
12:53:07 42 amendments to statements.  
12:53:09 43  
12:53:09 44 But you yourself said she amended one, didn't you, or  
12:53:14 45 altered them you said in your Post-it Note?---My view is  
12:53:18 46 that (indistinct) - did I say that?  
12:53:19 47

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12:53:20 1 I think you might have?---What I'm saying to you now as I  
12:53:24 2 sit here in the witness box is she doesn't get to change  
12:53:27 3 anything, the witness gets to change it.  
12:53:29 4  
12:53:29 5 "These alterations", do you see that?---Yes, of course she  
12:53:34 6 doesn't get to do that, you've got to go back to the  
12:53:37 7 witness and put them.  
12:53:37 8  
12:53:46 9 What I want to ask you is with these amendments that or  
12:53:53 10 alterations that you've referred to, at least in that  
12:53:56 11 Post-It Note, alterations in the plural, how did they then  
12:54:01 12 become incorporated in the statement or did they?---I'm not  
12:54:04 13 sure in Boris's case, he may well have just gone, "I don't  
12:54:10 14 care, thanks for the suggestions but I'm not even asking  
12:54:18 15 him about it", or he may well have said to the witness,  
12:54:22 16 "Can you explore more around this detail" in a very open  
12:54:25 17 fashion and then he may have given detail that encompassed  
12:54:30 18 that alteration.  
12:54:30 19  
12:54:30 20 That was the whole purpose of this exercise, wasn't it? To  
12:54:33 21 have Ms Gobbo come down, make her alterations or  
12:54:38 22 suggestions, to take it back to [REDACTED] and say, "Look,  
12:54:40 23 what do you think about this? Should we incorporate these  
12:54:43 24 into the statement"?---That's not the case. I think  
12:54:45 25 there's an ICR where she actually tells her handlers she's  
12:54:50 26 actually going in to read the statements, isn't there?  
12:54:52 27  
12:54:53 28 I think there may well be?---That's the purpose.  
12:54:55 29  
12:54:56 30 Right there in front of you, "To read the statements"?---Oh  
12:55:01 31 yes, "To read the statements".  
12:55:02 32  
12:55:02 33 We see in Ms Kerley's notes that there's an alteration in  
12:55:06 34 her note I think from "read" to "review". Do you know  
12:55:09 35 anything about that, how that note came to be  
12:55:13 36 altered?---No.  
12:55:14 37  
12:55:14 38 Do you know about the alteration to her note?---How do you  
12:55:17 39 mean altered? Has she crossed it out, like "forthcoming"  
12:55:24 40 like I did?  
12:55:25 41  
12:55:25 42 Yes, exactly?---Yeah, no, I don't know.  
12:55:25 43  
12:55:26 44 Don't know anything about that, okay?---No. That says,  
12:55:28 45 that to me is the purpose that she's coming in there for.  
12:55:31 46  
12:55:38 47 Now, was the practice this with respect to Ms Gobbo, she

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12:55:45 1 comes in, reads and makes the alterations that you've  
12:55:51 2 referred to, or the amendment, whatever you - - - ?---I'd  
12:55:57 3 be much more comfortable if we called them suggestions.  
12:56:00 4  
12:56:01 5 Whatever. You've written the word "alterations"?---I did.  
12:56:03 6  
12:56:04 7 Do you know what she did? How did she do it? Did she  
12:56:08 8 cross things out or include her own suggestions?---I don't  
12:56:14 9 remember too many of these suggestions at all but I do  
12:56:17 10 remember there being some red pen on the statements.  
12:56:22 11  
12:56:24 12 Okay. The following day - just excuse me. The following  
12:56:38 13 day you get the statement signed, that's right, isn't  
12:56:44 14 it?---What day are we at? What day do you say that is, I'm  
12:56:59 15 sorry?  
12:57:00 16  
12:57:00 17 On the 19th she comes in?---19th of?  
18  
12:57:03 19 I'm sorry, 18th, she comes in on the evening of the  
20 18th?---Yes, I've got that.  
21  
22 Of July?---July.  
23  
12:57:07 24 When are the statements signed?---So on the 19th we go to  
12:57:11 25 court for Mr Williams' sentencing. The 19th and 20th. I  
12:57:18 26 must get that from Nigel's notes.  
12:57:20 27  
12:57:20 28 When did [REDACTED] go back from the [REDACTED] to the  
12:57:24 29 [REDACTED]?---I'd say around that time. I remember there being  
12:57:35 30 a bit of pressure on getting him back. I see him, my last  
12:58:02 31 note at being at the [REDACTED] on the [REDACTED] and I  
12:58:07 32 don't seem to have an entry about being there. And we  
12:58:16 33 serve - serve some statements on the OPP on the 25th. So I  
12:58:21 34 suggest some time around the 20th or the 21st.  
12:58:26 35  
12:58:26 36 Righto. Now you know Ms Gobbo, what she says about this  
12:58:30 37 exercise when she's speaking to her handlers on 4 August  
12:58:35 38 2008. She said that she went to Purana secretly one night  
12:58:42 39 and edited all of his statements. "I corrected them but no  
12:58:46 40 one ever knows about that, that would never come out, even  
12:58:50 41 [REDACTED] doesn't know I did that." Ms Gobbo said, "He  
12:58:57 42 could never reveal it because he doesn't know about it and  
12:59:00 43 they were very good the way they did it, because the  
12:59:04 44 Detective that I did it with is not a witness, so it could  
12:59:08 45 never come out with people just telling the truth" and  
12:59:10 46 Ms Gobbo says, "It was well thought out". Now, she says  
12:59:16 47 that she corrected them, she edited them and her client

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12:59:21 1 didn't know about it?---Yeah.  
12:59:23 2  
12:59:23 3 Do you see that?---Yeah, I read that in the paper when it  
12:59:26 4 first came out. It's just wrong.  
12:59:27 5  
12:59:28 6 It's wrong, is it?---It's just wrong. I think we can trust  
12:59:32 7 what she says the day after, you know, in a better fashion,  
12:59:36 8 you know, when she said she was impressed by them and she  
12:59:39 9 made some alterations. By 2008, you know, I think she may  
12:59:48 10 have perhaps not spoke - I think by that stage she probably  
12:59:52 11 wasn't, she was overstating things. I think you'd be much  
12:59:56 12 better, in terms of sneaking her in to - she came in at  
13:00:02 13 6 o'clock at night, after work, you know, into the Homicide  
13:00:04 14 Squad. She's hardly snuck in anywhere. She has to go  
13:00:07 15 through the security cameras. Michelle Kerley is one of  
13:00:12 16 the informants in the matters. So the whole tale that  
13:00:15 17 she's telling at that point is just not reliable. I would  
13:00:19 18 go back to her note of her conversation with her handlers  
13:00:21 19 the day after and the day before.  
13:00:23 20  
13:00:23 21 There's nothing in those notes which suggests that [REDACTED]  
13:00:28 22 [REDACTED] was being told about it or she was discussing with  
13:00:34 23 [REDACTED] her role?-- [REDACTED] knew.  
13:00:36 24  
13:00:36 25 How do you know that?---I could tell you he knew. He was  
13:00:48 26 the one who wanted her to read the statement, he absolutely  
13:00:52 27 did. He knew exactly what was going on.  
13:00:55 28  
13:00:55 29 Where do we find the note of [REDACTED] being provided with  
13:00:58 30 all of the statements with the red markings on them for him  
13:01:01 31 to comment on and either accept or reject? Where do we  
13:01:07 32 find those notes?---I'm not saying that that's what  
13:01:10 33 happened. You know, I'm not sure what each of the  
13:01:13 34 individual investigators did.  
13:01:15 35  
13:01:15 36 Did you give any instructions about that?---Not that I  
13:01:19 37 recall or have a note of.  
13:01:20 38  
13:01:21 39 You're there on the day, we've got Mr Coghlan,  
13:01:27 40 (indistinct), Pearce, Buick, Robertson, Hatt, Ryan, Hayes,  
13:01:28 41 L'Estrange. The statements, all the statements are signed  
13:01:32 42 with the exception of the Mallia statement on the 19th.  
13:01:37 43 What opportunity is there for the instructions to be given,  
13:01:40 44 the statements to be amended and so forth?---Well maybe  
13:01:43 45 they weren't but, you know, from my point of view what  
13:01:47 46 would happen is he came in, there would have been an  
13:01:50 47 opportunity with those guys to have a look at it.

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13:01:53 1  
13:01:54 2 Yea?---They may have dismissed those suggestions out of  
13:01:57 3 hand as investigators, not interested in them. They may  
13:02:00 4 have put them to him, they may have put them in an open  
13:02:03 5 question, I just don't know.  
13:02:04 6  
13:02:04 7 The idea was that she would come in on the 18th and view  
13:02:07 8 the statements before they're signed, all investigators  
13:02:09 9 come in for the following day, tidy up the statements, make  
13:02:14 10 any amendments and then have the man come in and sign  
13:02:17 11 them?---Yeah.  
13:02:18 12  
13:02:18 13 Where's the opportunity for all this discourse to take  
13:02:22 14 place?---That's where I say that those suggestions were  
13:02:26 15 probably immaterial and minor or else they wouldn't have  
13:02:31 16 been able to be put to the witness. The witness might have  
13:02:35 17 dismissed them out of hand and said, "No, she's wrong about  
13:02:39 18 that", or they may have said, "No, no, that didn't happen".  
13:02:43 19 I can't tell you as I sit here how that occurred.  
13:02:46 20  
13:02:47 21 Do you know whether Ms Gobbo's involvement - are you able  
13:02:50 22 to say whether Ms Gobbo's involvement was revealed in notes  
13:02:55 23 to any people who were the subject of charges arising out  
13:03:01 24 of [REDACTED] statements?---I think we ended up serving  
13:03:06 25 redacted notes in the [REDACTED] trial, but as I said  
13:03:10 26 this morning I'm not sure that we got into a PII issue  
13:03:15 27 about any redactions. As far as other trials, I'm not sure  
13:03:21 28 about.  
13:03:21 29  
13:03:22 30 All right then. If we have a look at ICR p.365. On [REDACTED]  
13:03:54 31 [REDACTED] she's been out to see [REDACTED] and [REDACTED] and they're  
13:03:59 32 getting along well and she says that you've set things up  
13:04:04 33 to throw her off. Do you have anything to say about  
13:04:11 34 that?---I don't understand what it means.  
13:04:15 35  
13:04:15 36 Do you know, I mean you were aware at this stage that  
13:04:20 37 [REDACTED] and [REDACTED] were both her clients?---I don't  
13:04:27 38 remember whether I knew that. I certainly knew she was  
13:04:31 39 representing [REDACTED] Although I don't think she  
13:04:36 40 ultimately does on his plea because I think Mr - - -  
13:04:42 41  
13:04:42 42 We know about that. What about the next entry, you've had  
13:04:47 43 another discussion or at least this is information from  
13:04:50 44 you, "Carl Williams thinks Ms Gobbo is responsible for  
13:04:54 45 [REDACTED] [REDACTED] and [REDACTED] and is not happy"?---Yeah, I  
13:04:59 46 think that started to come out in the prison system and I  
13:05:03 47 think there may be even a note of me telling - I think I've

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BATESON XXN - IN CAMERA

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13:05:09 1 got a note on 14 August getting something from the SDU  
13:05:15 2 about that, but I also have a memory of some prison talk  
13:05:21 3 around that. I'm not sure that included [REDACTED] but  
13:05:27 4 certainly around that time it started to seem that it was a  
13:05:31 5 general topic of conversation in [REDACTED]

13:05:35 6  
13:05:36 7 Righto, okay. Now, if I can move on. On 31 July did you  
13:05:59 8 have a meeting with Mr O'Brien and Mr Pearce regarding  
13:06:11 9 issues concerning public interest immunity?---I'll just  
13:06:15 10 have a check. It's not in my chronology.

13:06:38 11  
13:06:39 12 What you say in your diary, it says that you're engaged in  
13:06:42 13 correspondence and inquiries, but Mr O'Brien says that he  
13:06:46 14 has a meeting with you and Officer Pearce concerning public  
13:07:00 15 interest immunity issues. Now do you know what that's  
13:07:03 16 about?---Yeah, I think I go on to going up to Brian  
13:07:08 17 Dennis's - so my recollection about that, that's around the  
13:07:13 18 witness's statements, [REDACTED] and [REDACTED]. There was quite a push for  
13:07:18 19 defence to have all those statements in an unredacted  
13:07:21 20 fashion.

21  
13:07:22 22 Yeah?---And I remember Justice King at one stage getting  
13:07:27 23 quite annoyed that we hadn't handed them over and I  
13:07:32 24 remember being annoyed that I was the one arguing it. I  
13:07:36 25 was the one in court when - and I was actually happy just  
13:07:41 26 to hand them all over, but of course that would have  
13:07:44 27 impacting ongoing investigations. So from my memory it was  
13:07:47 28 around those statements.

13:07:49 29  
13:07:49 30 And you had a discussion, did you, with Mr Dennis about  
13:07:52 31 that?---So I go on the 4th, I just saw it as I - also  
13:08:01 32 present Brian Dennis and Dianne Preston. I think Brian  
13:08:08 33 Dennis, from memory, is a barrister who was briefed by the  
13:08:13 34 VGS0.

13:08:15 35  
13:08:15 36 Yes, all right. Perhaps we'll leave that for the moment.  
13:08:18 37 I just want you to have a look at this, have a look at an  
13:08:22 38 entry in the ICRs at p.379. I want to ask you about your  
13:08:37 39 knowledge of a letter that Mr Williams had written to the  
13:08:45 40 Law Institute of Victoria and Justice King indicating or  
13:08:51 41 asserting that Ms Gobbo was in a sexual relationship with  
13:08:56 42 [REDACTED] and not a proper person to be involved in  
13:09:01 43 representing, and also a suggestion that he was trying to  
13:09:08 44 discredit, Carl Williams was trying to discredit [REDACTED]  
13:09:12 45 This is from Detective Inspector O'Brien, right. It's a  
13:09:20 46 note from DDI O'Brien to that effect, right?---Yes.  
13:09:28 47

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13:09:29 1 Were you aware of that?---I don't remember the contents or  
13:09:34 2 the allegation that she was involved in a sexual  
13:09:37 3 relationship with [REDACTED]  
13:09:38 4  
13:09:39 5 Yes?---I feel like I'm aware and have a memory of him  
13:09:43 6 writing to the Law Institute. I'm just struggling to  
13:09:47 7 remember exactly where that fits in that time.  
13:09:49 8  
13:09:49 9 Don't worry about that. You say you're not aware of  
13:09:52 10 that?---I don't remember being aware of that allegation.  
13:09:54 11  
13:09:59 12 Now, we've got evidence, the Commission has evidence in  
13:10:07 13 Mr O'Brien's diary he has a meeting with Ms Gobbo's  
13:10:11 14 handler, Mr Flynn, regarding Operation Posse issues and at  
13:10:18 15 11.30 he meets with a representative of VGS0 and a  
13:10:24 16 barrister, who was the likely barrister to be arguing  
13:10:28 17 public interest immunity issues for Victoria Police with  
13:10:30 18 respect to the Williams and the Mokbel proceedings, right.  
13:10:36 19 Were you aware of that?---No.  
13:10:37 20  
13:10:38 21 There was a discussion with staff with respect to  
13:10:40 22 forthcoming court public interest immunity issues,  
13:10:44 23 according to O'Brien?---Does he say who they were from the  
13:10:48 24 VGS0?  
13:10:49 25  
13:10:49 26 Staff. But given your involvement in those proceedings,  
13:10:52 27 clearly you would have been made aware of that, wouldn't  
13:10:55 28 you?---I don't know. What date did that occur? I'll just  
13:10:59 29 see if I have a note.  
13:11:01 30  
13:11:01 31 2 August?---2 August. No, I was on a rest day on 2 August.  
13:11:07 32  
13:11:08 33 Subsequently you would have had discussions with him about  
13:11:11 34 the fact that counsel's been engaged, there's going to be  
13:11:15 35 issues with respect to PII in this up and coming  
13:11:20 36 trial?---Yeah, I think that's right because on the 4th, as  
13:11:24 37 I mentioned, I've got a conversation with Dianne Preston  
13:11:28 38 and Brian Dennis.  
13:11:29 39  
13:11:29 40 Just before we get there. I want to take you to an ICR at  
13:11:33 41 p.381. You're aware that Marita Altman was Carl Williams'  
13:11:41 42 solicitor?---Yeah, I know she was at some point, so it  
13:11:48 43 appears that's the time.  
13:11:49 44  
13:11:49 45 And she had faxed a letter from Carl Williams regarding  
13:11:54 46 issues of conflict and it was CCed to the DPP, the Director  
13:12:00 47 of Public Prosecutions and the Governor of the prison, and

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13:12:02 1 the letter said that Ms Gobbo had acted for [REDACTED] and  
13:12:10 2 that's said to be wrong, had acted for [REDACTED] sorry, [REDACTED]  
13:12:16 3 with respect to [REDACTED] and [REDACTED] and that's said to be  
13:12:20 4 wrong, and the letter asks why she was visiting [REDACTED]  
13:12:26 5 Do you see that?---I do.

13:12:27 6  
13:12:29 7 And further, a number of subpoenas had been issued with  
13:12:32 8 respect to [REDACTED] Now, were you aware of that?---I  
13:12:36 9 feel like I am. Did I mention that in my supplementary  
13:12:41 10 statement?

11  
13:12:42 12 You were aware that subpoenas had been issued, I take  
13:12:45 13 it?---Yes, yes, absolutely.

13:12:45 14  
13:12:46 15 We also understand this, that Mr O'Brien on this day notes  
13:12:50 16 that there are further meetings with legal advisors and  
13:12:54 17 public interest immunity issues and he is convening a  
13:12:57 18 meeting with all staff at 3 pm on 3 August concerning a  
13:13:05 19 presentation, including DS Smith, DS Bateson, with respect  
13:13:13 20 to issues regarding 3838, information from both [REDACTED]  
13:13:19 21 and [REDACTED] that a person by the name of Howard, who  
13:13:26 22 died as a result of a drug overdose that Tony Mokbel, had  
13:13:29 23 something to do with. Firstly, are you aware of the DSU  
13:13:39 24 issues with respect to Ms Gobbo concerning information from  
13:13:42 25 both [REDACTED] and [REDACTED]---The DSU issues?

13:13:46 26  
13:13:47 27 SDU, DSU, the handler's issues?---I don't think so.

13:13:54 28  
13:13:54 29 You were at the meeting, weren't you? Have you got a note  
13:13:58 30 in your diary?---I'm in the office from 11 till 4.

13:14:01 31  
13:14:01 32 What are you doing at 3.30?---The note just goes that at 11  
13:14:06 33 preparation re response to subpoena, including organising  
13:14:10 34 counsel. Submitted - I submitted an application for a job.

13:14:15 35  
13:14:15 36 If he suggested that you were at the meeting you're not  
13:14:18 37 going to dispute that, are you?---I was never one for  
13:14:22 38 attending meetings. It could be, I don't have a note of  
13:14:25 39 it.

13:14:25 40  
13:14:25 41 It may well be that you were there. If he suggests you're  
13:14:30 42 there you're not going to dispute it, are you?---I just  
13:14:33 43 don't know if I was there. If it was an important meeting  
13:14:37 44 I would have made a note of it.

13:14:38 45  
13:14:39 46 Were you aware that there were issues arising out of  
13:14:42 47 information from both [REDACTED] and [REDACTED] were you

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13:14:44 1 aware of that?--My recollection of my big headache at that  
13:14:53 2 time was the issue around the statements. So both Witness  
13:14:56 3 [REDACTED] and [REDACTED] had provided numerous statements and that  
13:15:02 4 was my issue I was dealing with in terms of PII.

13:15:08 5  
13:15:09 6 When you say it was an issue what do you mean, what was the  
13:15:10 7 issue?---The defence counsel, Mr Faris I think it was at  
13:15:13 8 this stage, wanted access to all the statements the  
13:15:15 9 witnesses had made, you know, to be able to put matters of  
13:15:19 10 credit to them. We resisted that on the grounds that it  
13:15:23 11 would impact ongoing investigations and that was the  
13:15:28 12 biggest headache for me at that time. I don't remember any  
13:15:31 13 other issues around that time.

13:15:34 14  
13:15:34 15 All right. I note the time, Commissioner.

13:15:40 16  
13:15:40 17 COMMISSIONER: All right then. We'll adjourn until  
13:15:41 18 2 o'clock.

13:17:57 19  
13:17:57 20 <(THE WITNESS WITHDREW)

13:17:57 21  
13:17:57 22 LUNCHEON ADJOURNMENT

23  
24  
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1            PROCEEDINGS IN CAMERA:

14:51:42    2  
14:51:44    3            <STUART BATESON, recalled:  
4

14:51:46    5            MR WINNEKE: Thanks, Commissioner. Mr Bateson, I've just  
14:51:48    6 got some discrete topics I want to deal with. If we can  
14:51:53    7 move to August of 2006. It appears that Mr Williams wrote  
14:52:04    8 a letter which ended up in the hands of Ms Gobbo in which  
14:52:12    9 he called her a dog, you're aware of that I take it?---I  
14:52:16    10 have a memory of it. Is it in my notes?

11  
14:52:19    12            What occurred was that there was communication between  
14:52:24    13 Ms Gobbo and her handlers and the handlers, that is  
14:52:36    14 Mr Jones, had a discussion with Mr O'Brien. The suggestion  
14:52:45    15 was - perhaps if we could put this document up,  
14:52:52    16 VPL.0100.0096.0353. This is a diary entry made by Sandy White  
14:53:09    17 who is the controller of Ms Gobbo. It's the previous page.  
14:53:53    18 You'll see that the note is she's got a copy of a letter  
14:53:56    19 written by KW calling her a dog?---Sorry, Mr Winneke, I  
14:54:03    20 just can't see where you're referring, where that occurs.

21  
14:54:07    22            On the left-hand side just underneath the red  
14:54:11    23 writing?---Okay, yep.  
24

14:54:13    25            She's got the letter from Ahmed. "Will collect and will be  
14:54:20    26 left out by Ms Gobbo." Ms Gobbo's met - we don't know  
14:54:30    27 about that. "And the letter will be taken straight to  
14:54:34    28 Purana. Will collect at 7.30. Will be left out by human  
14:54:39    29 source and will take it straight to Purana", right. What  
14:54:52    30 it then goes on to say is that Williams has a court case  
14:54:55    31 tomorrow, is going to subpoena everything to try and find  
14:55:00    32 out if Gobbo has helped or the human source has helped,  
14:55:07    33 right. "A letter could be helpful to stop that", do you  
14:55:13    34 see that?---Yes.

35  
14:55:15    36            And then at 19:05 we go further down. You'll see that  
14:55:23    37 Sandy            has spoken to Jim O'Brien regarding the letter and  
14:55:29    38 thinks it may be very useful, do you see that?---Yes, I do.  
39

14:55:39    40            A letter could be helped to stop that. So the idea is if  
14:55:43    41 Purana can step in, if you like, and write a letter then it  
14:55:48    42 may well be - regarding the letter, if they could involve  
14:55:54    43 themselves then it may be useful to prevent any subpoenas  
14:56:00    44 being successfully utilised to obtain information about  
14:56:07    45 Ms Gobbo, right? So effectively what they're doing is  
14:56:12    46 seeking the assistance of Purana, the intervention of  
14:56:14    47 Purana to circumvent any subpoenas that might uncover

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14:56:22 1 Ms Gobbo's role as a human source, do you follow that?---I  
14:56:26 2 follow the suggestion that that's what she has put forward.  
14:56:30 3 I'm not sure that I can accept that Jim O'Brien thinks it's  
14:56:33 4 useful for that purpose.  
5  
14:56:34 6 What the controller is suggesting is that that letter could  
14:56:39 7 be utilised in such a way as to in effect parry any  
14:56:48 8 subpoenas that have been made or served by Carl Williams or  
14:56:51 9 on behalf of Carl Williams. That's what I'm suggesting to  
14:56:55 10 you?---The handler or Ms Gobbo? I read it as coming from  
14:57:01 11 her rather than him.  
12  
14:57:03 13 What I'm suggesting to you is that it's the controller who  
14:57:06 14 then speaks to Mr O'Brien about that suggestion?---Yes, I  
14:57:12 15 would accept that, yes, certainly.  
16  
14:57:15 17 Then what happens is this - and I suggest that you have a  
14:57:21 18 communication with Mr O'Brien about this matter and what  
14:57:26 19 you then do is initiate just such an inquiry or an  
14:57:30 20 investigation to in effect put that into play. If you have  
14:57:40 21 a look at your diary of 14 August?---Got it  
22  
14:57:47 23 And it seems what's occurred is, I think it's one of the  
14:57:54 24 handlers has contacted you and he informs you, you have a  
14:58:02 25 discussion with him about this. The letter written by Carl  
14:58:05 26 Williams declaring Ms Gobbo is a dog. What you then do is  
14:58:11 27 instruct one of your investigators to commence an  
14:58:16 28 investigation with respect to alleging against Carl  
14:58:23 29 Williams that he's committed an indictable offence, an  
14:58:26 30 incitement offence?---Yes.  
31  
32 So you instruct L'Estrange to do that?---Yes.  
33  
14:58:38 34 And you instruct Kerley to contact the prison regarding  
14:58:38 35 access to the computer pending a search warrant?---Correct.  
14:58:42 36  
14:58:42 37 Is that what you did?---Yes.  
14:58:44 38  
14:58:46 39 And that is in response to the suggestion that it would be  
14:58:52 40 a useful tool to parry or defend any allegations, any  
14:59:00 41 requests by way of subpoena, for material which would  
14:59:06 42 expose her as being a human source?---The reason I did it  
14:59:11 43 is we believed Carl Williams had committed an indictable  
14:59:16 44 offence.  
14:59:16 45  
14:59:16 46 What, by calling her a dog?---I'm not sure of the contents  
14:59:19 47 of the letter but obviously it was enough for me to be

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14:59:24 1 satisfied that he may well have and convince a magistrate  
14:59:25 2 that we needed a search warrant to seize his - - -  
14:59:25 3  
14:59:25 4 Did you receive a copy of the letter?---It says I received  
14:59:29 5 from Green-O , no, Officer - yes, Green-O ,  
14:59:36 6 the letter written by C Williams declaring N Gobbo as a  
14:59:40 7 dog.  
14:59:41 8  
14:59:41 9 Did you say that - what you've got in the materials here  
14:59:47 10 is, "Letter written by Williams declaring Gobbo as a  
14:59:53 11 dog"?---Correct.  
14:59:53 12  
14:59:56 13 Do you say that that of itself is an indictable  
15:00:00 14 offence?---Well, I'm not sure that that's the full contents  
15:00:03 15 of the letter but whatever was in the letter I was  
15:00:05 16 satisfied enough it was justified commencing an  
15:00:09 17 investigation into Mr Williams for incitement to commit an  
15:00:14 18 indictable offence, and I think we do seize the computer so  
15:00:18 19 it's obviously enough to suggest to a magistrate there was  
15:00:23 20 enough information to issue a search warrant.  
15:00:25 21  
15:00:25 22 Insofar as the suggestion that it might be a useful tool,  
15:00:31 23 if you like, to parry any allegation or any subpoena  
15:00:40 24 material, you say that's simply not right, "That wasn't the  
15:00:45 25 reason that we did this"?---I don't remember ever being  
15:00:47 26 told that and I certainly - - -  
15:00:49 27  
15:00:49 28 Did you speak to Mr O'Brien about it?---I don't have a note  
15:00:52 29 of speaking to Mr O'Brien in my diary, I just say I've got  
15:00:58 30 it from Officer Stanton.  
15:01:00 31  
15:01:00 32 Yeah. You would say, "Really it's coincidence"?---I just  
15:01:05 33 think it's normal course of business, you have a possible  
15:01:07 34 offence reported to you, you start an investigation, you  
15:01:10 35 look into it.  
15:01:11 36  
15:01:15 37 Did you find any evidence?---I can't remember where that  
15:01:18 38 ended up. I know that we, when we returned the subpoena  
15:01:25 39 the magistrate wouldn't let us examine her and I remember  
15:01:32 40 this quite well because I ended up having to stand at the  
15:01:35 41 Bar table with Mr Faris on the other side and I don't think  
15:01:40 42 I did very well.  
15:01:41 43  
15:01:41 44 You didn't?---No, but that's why I remember it because I  
15:01:44 45 think it's one of the few times in my career that that's  
15:01:50 46 happened. There you go, here, "Melbourne Magistrates'  
47 Court, return of warrant. Held in open court at insistence

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15:01:53 1 of Faris, who was assisted by Mr Tyrrell and a solicitor".  
15:01:57 2 And Magistrate Popovic upheld that we would copy the hard  
15:02:02 3 drive and supply the copy to Mr Faris and the court for  
15:02:06 4 consideration of legal professional privilege.  
15:02:10 5  
15:02:11 6 Did you think that it might be a useful tool on the side to  
15:02:19 7 prevent the obtaining of any information about  
15:02:25 8 Ms Gobbo?---I don't have a note of that or a memory of it,  
15:02:28 9 but I think it illustrates the point of concern that if  
15:02:33 10 Ms Gobbo's involvement in representing [REDACTED] and [REDACTED] became known  
15:02:41 11 more broadly that she'd be in danger from, you know,  
15:02:45 12 murderers like Carl Williams and others.  
15:02:47 13  
15:02:48 14 You were concerned if it was found out that she had engaged  
15:02:52 15 in the role that she'd engaged in, then he would be likely  
15:02:55 16 to want to harm her, that was your concern?---That's always  
15:02:59 17 been our public interest immunity claim.  
15:03:02 18  
15:03:07 19 What about the fact that when Williams made an allegation  
15:03:22 20 that she was in a conflicted situation as a barrister,  
15:03:29 21 you're aware of that I take it?---Yes, I think, I think we  
15:03:34 22 spoke about it earlier, didn't we?  
15:03:39 23  
15:03:39 24 Yes. Did you ever receive a copy of the letters that he  
15:03:49 25 had sent?---I don't know.  
15:03:52 26  
15:03:53 27 Do you not recall?---Not as I sit here now. If you could  
15:04:00 28 take me to a note it may help my, assist my memory, but I  
15:04:06 29 don't remember getting handed the letter.  
15:04:08 30  
15:04:11 31 Do you remember speaking about it?---I remember some  
15:04:13 32 conversation at court, don't we, we go in to court on one  
15:04:19 33 occasion.  
15:04:19 34  
15:04:23 35 You're aware that effectively Mr Williams was making a  
15:04:27 36 claim that he having been charged with the murder of Jason  
15:04:35 37 Moran and Pasquale Barbaro, the Crown's case was that there  
15:04:39 38 were [REDACTED] involved in the murder, [REDACTED] being  
15:04:44 39 [REDACTED] and [REDACTED]?---Yes.  
15:04:48 40  
15:04:49 41 And that he complained that [REDACTED] was granted an  
15:04:56 42 [REDACTED] and you say it wasn't an indemnity, it was an  
15:05:00 43 undertaking, in relation to him giving evidence against [REDACTED]  
15:05:04 44 [REDACTED] and Williams, and Ms Gobbo had, he claims, acted for all  
15:05:12 45 of them at one time or another. And she was representing  
15:05:20 46 [REDACTED] when he decided to give evidence for the  
15:05:25 47 prosecution and she acknowledged that in - you're aware -

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15:05:30 1 that was the gist of the allegation that he was making,  
15:05:34 2 wasn't it?---It's clear - is this where it falls into the  
15:05:38 3 application that Mr Faris makes on his behalf at court?  
15:05:42 4 Because that's more clear.  
15:05:43 5  
15:05:44 6 It was raised. You're aware that Williams was making that  
15:05:48 7 allegation?---Yes, yes, yes. I think I detail some of that  
15:05:53 8 in my supplementary statement.  
15:05:55 9  
15:05:55 10 I think you do. You had particular information with  
15:06:01 11 respect to Gobbo's assistance or acting for [REDACTED] and we've  
15:06:07 12 been through that ad nauseam. By that stage you were also  
15:06:11 13 aware that she had provided advice to [REDACTED] at least  
15:06:21 14 attended to [REDACTED] after he had been arrested?---Quite  
15:06:27 15 probably.  
15:06:28 16  
15:06:28 17 He claimed as much in his statement?---You're right.  
15:06:32 18 You're quite right, yes. That was the day after the  
15:06:35 19 [REDACTED] murder when she attended the Custody Centre, yes.  
15:06:40 20  
15:06:41 21 She had acted for [REDACTED] insofar as the [REDACTED] murders,  
15:06:46 22 because she'd appeared for him on the 464 application. She  
15:06:51 23 advised and assisted him in respect to [REDACTED]  
15:06:54 24 matters and also [REDACTED] matters. Clearly the points that  
15:06:58 25 Carl Williams was making were pretty reasonable points,  
15:07:04 26 weren't they?---To be honest, I remember Mr Faris raising  
15:07:08 27 them as well in court before Justice King.  
15:07:12 28  
15:07:12 29 Yes?---Yeah, look, I'm not sure what I thought of them at  
15:07:19 30 that time but I was confident - - -  
15:07:22 31  
15:07:22 32 Sorry, go on?---I was confident that if those issues were  
15:07:27 33 important then they would be properly sorted out by  
15:07:31 34 Mr Faris, the Supreme Court, Mr Horgan and Mr Tinney.  
15:07:36 35  
15:07:36 36 Did you have a discussion with any of those people about  
15:07:39 37 those matters that were being raised?---I can't remember a  
15:07:46 38 direct conversation. I wasn't, it wasn't my habit to  
15:07:53 39 challenge Mr Horgan or Mr Tinney, so I can't remember any  
15:08:00 40 conversation in which - - -  
15:08:00 41  
15:08:01 42 Did you say to them, "Look, Geoff, albeit we've got  
15:08:11 43 different roles, I've got a lot of information about  
15:08:14 44 Ms Gobbo, what she's done for [REDACTED] I now know what she's done  
15:08:18 45 for [REDACTED] in relation to [REDACTED] we've got allegations that have  
15:08:22 46 been made by various people about her involvement,  
15:08:27 47 telephone calls that she's making on the morning of the

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15:08:30 1 murder, allegations that she's passing messages" and so  
15:08:35 2 forth. All of these things. Now, what I'm asking you is  
15:08:39 3 in the light of those allegations did you feel obliged to  
15:08:42 4 say to anyone, "Mr Williams has a pretty reasonable point  
15:08:50 5 and shouldn't we accede to any requests that he's making?  
15:08:55 6 Shouldn't we assist him"?---I cannot, all those things that  
15:09:02 7 you detailed then were in the brief and known to Geoff. I  
15:09:08 8 feel like if I did say that that would be akin to asking  
15:09:12 9 Mr Horgan, "Have you read the brief?"

15:09:14 10  
15:09:14 11 No, it wouldn't be because there wasn't anything in the  
15:09:16 12 brief about - what we saw this morning with the pink all  
15:09:21 13 over those statements, was there?---Okay, he didn't mention  
15:09:25 14 that.

15:09:25 15  
15:09:26 16 That's an issue. And there wasn't anything in the brief  
15:09:28 17 about Ms Gobbo being an agent of Victoria Police, was  
15:09:30 18 there?---There certainly wasn't anything around her being a  
15:09:34 19 human source, but Mr Horgan knew that she read the  
15:09:37 20 statements. I didn't think - - -

15:09:38 21  
15:09:38 22 There's a difference between reading the statements and  
15:09:40 23 doing what she did?---Well, look, I guess the short answer  
15:09:44 24 to your question is I never thought to have that  
15:09:47 25 conversation with those people.

15:09:49 26  
15:09:52 27 Okay. Can I ask you about a letter which I'll put up.  
15:10:06 28 CNS.0008.0001.0024. It's an email chain. What this is is  
15:10:26 29 an email from Shane Kelly to Jim O'Brien regarding Carl  
15:10:34 30 Williams and the allegation of the letter suggests that it  
15:10:37 31 was noted in reports that Williams stated that Judge King  
15:10:42 32 agreed that Ms Gobbo should not be in contact with Witness  
15:10:49 33 [REDACTED] and [REDACTED]. Do you recall any such communication?  
15:10:56 34 You may not?---Do I remember Mr Kelly's correspondence or  
15:11:00 35 the conversation?

15:11:01 36  
15:11:02 37 Shane Kelly with Jim O'Brien, forwarded on to you?---I  
15:11:05 38 don't recall it. I'm not sure that's an accurate portrayal  
15:11:10 39 of Justice King's view either.

15:11:12 40  
15:11:12 41 It may not be, but in any event have you seen that email  
15:11:16 42 chain? Have you seen that?---Look, I think my name appears  
15:11:31 43 here.

15:11:31 44  
15:11:31 45 It does. Mr O'Brien, I take it as your superior officer is  
15:11:38 46 communicating with you. It's around the same time you see  
15:11:42 47 as Mr O'Brien's discussion with Sandy [REDACTED] about using the



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15:11:48 1 possibility of investigating Carl Williams to perhaps deal  
15:11:53 2 with any subpoenas. You understand that?---Yes, it seems  
15:11:57 3 to be a response from me up the top, I'm not sure if that  
15:12:02 4 would help me remember.  
15:12:03 5  
15:12:03 6 If we can move it down the screen. So what you say is,  
15:12:11 7 "No" - so the suggestion is that Judge King stated that  
15:12:16 8 Ms Gobbo shouldn't be in contact with those people?---Yep.  
15:12:19 9  
15:12:21 10 He says, "I'm aware what Williams is up to, however is  
15:12:25 11 there any truth to the judge's comment", right? Now, did  
15:12:39 12 you understand when you read the email what the assertion  
15:12:43 13 was being made, that is what Williams was up to?---What  
15:12:50 14 Williams was up to?  
15:12:53 15  
15:12:53 16 Around this time. The allegation, Carl Williams is saying  
15:12:58 17 to the judge, "Look, she can't do what she's doing, she's a  
15:13:02 18 dog" - I think he might have even said it in court. "She  
15:13:06 19 can't act for [REDACTED] because she's acted for all of  
15:13:10 20 these people, including me"?---Yep.  
15:13:17 21  
15:13:17 22 That's what was going on at the time?---Yes, that's in  
15:13:21 23 mid-July Mr Faris raises that argument in court.  
15:13:24 24  
15:13:24 25 He does, yes?---And then 7 August before Justice King,  
15:13:28 26 that's in my supplementary statement.  
15:13:31 27  
15:13:31 28 What I'm suggesting is that the response of Purana is in  
15:13:35 29 effect to go on the attack. Firstly by saying, "Right,  
15:13:37 30 well let's investigate Carl Williams, let's accuse him of  
15:13:45 31 incitement to commit crime. Let's not tell the judge about  
15:13:48 32 what we know and then let's just say to Corrections, well,  
15:13:55 33 she can still have contact with both those people"?---I'm  
15:14:00 34 not sure there's anything that contradicts that statement  
15:14:03 35 that I've read in there.  
15:14:06 36  
15:14:16 37 I tender that letter, Commissioner.  
15:14:18 38  
15:14:20 39 #EXHIBIT RC792 - (Confidential) Email chain of 14/08/06  
15:14:23 40 between Shane Kelly, Jim O'Brien and  
15:14:26 41 Stuart Bateson.  
15:14:34 42  
15:14:35 43 #EXHIBIT RC792B - (Redacted version.)  
15:14:48 44  
15:14:58 45 If we go to ICR - VPL.2001.0002.0001, p.2 of that document.  
15:15:23 46 This is a recently discovered ICR. What it says is this on  
15:15:31 47 18 September, around the time that Ms Gobbo responded to

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15:15:39 1 Mr Williams' complaint, the complaint that you're aware  
15:15:42 2 about, under the heading "management issue". "The SDU have  
15:15:46 3 been provided information from Detective Inspector O'Brien  
15:15:51 4 who had seen [REDACTED] at [REDACTED] Prison", and there was a  
15:15:58 5 discussion between the handler and Mr O'Brien and it was  
15:16:05 6 confirmed that, "If O'Brien was contacted or questioned by  
15:16:10 7 the Bar Association Ethics Committee he would confirm that  
15:16:14 8 there were known threats to Ms Gobbo and an ongoing  
15:16:19 9 investigation and, further, that he believes that  
15:16:22 10 Mr Williams has a propensity and possible ability, even  
15:16:26 11 from gaol, to carry out threats. Ms Gobbo is to include  
15:16:35 12 this in a response to the complaint generated by Carl  
15:16:41 13 Williams against her", do you see that?---Yes.

15:16:41 14  
15:16:43 15 Were you aware and did you have discussions with Mr O'Brien  
15:16:45 16 about these matters?---I don't recall them. What date did  
15:16:49 17 that take place?

15:16:50 18  
15:16:50 19 18 September?---No, I was actually - I'd actually, I think  
15:17:06 20 - I think I'd left Purana by that stage. I think I was in  
15:17:11 21 an upgraded capacity in the Crime area because - the only  
15:17:23 22 reason I say that, my note talks about the progression of a  
15:17:27 23 risk register and a meeting with Crime Manager, so I think  
15:17:31 24 I've left Purana for an upgrading opportunity at that  
15:17:33 25 point.

15:17:33 26  
15:17:33 27 For what period of time?---It was a few months. That  
15:17:40 28 doesn't mean, as you'll see, that I still had some left  
15:17:44 29 over duties, but primarily - and I had some leave, quite a  
15:17:52 30 substantial part of leave.

15:17:53 31  
15:17:53 32 You're on duty as a police officer, aren't you, on 18  
15:17:57 33 September?---I am, yep. I'm at the Crime - - -

15:18:00 34  
15:18:00 35 You have a telephone I assume?---Yes.

15:18:02 36  
15:18:02 37 If Mr O'Brien wants to speak about Carl Williams and any  
15:18:07 38 threats you would be the go-to man, wouldn't you, or one of  
15:18:09 39 them?---Look, I'm not sure that Mr O'Brien would have  
15:18:17 40 necessarily sought my opinion. He may not have. In fact,  
15:18:21 41 you know, it was, it became a bit of an issue towards the  
15:18:28 42 end where as I moved on to other duties and different  
15:18:31 43 things that I got less and less - I felt like I was out of  
15:18:36 44 the loop a lot.

15:18:36 45  
15:18:37 46 Okay. Let's look at it this way, let's assume you weren't  
15:18:43 47 involved. Can you provide this view to the Commission:

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15:18:45 1 what do you say as to whether or not it's appropriate for  
15:18:48 2 Purana, by way of defending allegations made by a former  
15:18:58 3 client against a barrister who so happens to be also an  
15:19:02 4 agent of Victoria Police, what do you say as to the  
15:19:05 5 propriety of that sort of response?---Well there was  
15:19:15 6 threats.  
15:19:17 7  
15:19:17 8 But what would that have to do with an allegation that  
15:19:21 9 Mr Williams makes that Ms Gobbo is acting inappropriately  
15:19:24 10 as a barrister?---I don't know from that note there. All I  
15:19:27 11 can say is that if that, if that's accurate, Jim was  
15:19:32 12 willing to tell the Bar Ethics what was going on and yeah,  
15:19:38 13 absolutely, the threats were real, there's an ongoing  
15:19:41 14 investigation and he clearly had the propensity to kill  
15:19:44 15 people.  
15:19:44 16  
15:19:44 17 But again he certainly wouldn't be telling them everything  
15:19:47 18 that went on, and that is Ms Gobbo, the allegations that  
15:19:53 19 Mr Williams was making against her as a barrister were  
15:19:55 20 correct, were true?---That's a matter for Jim but I  
15:19:58 21 wouldn't think so.  
15:19:59 22  
15:19:59 23 No, he wouldn't have told him that, would he? All right.  
15:20:07 24 You say that you were upgraded for a while. Did you come  
15:20:10 25 back to Purana?---I don't think I did. I think I got  
15:20:14 26 promoted but I maintain, you know, contact with the  
15:20:20 27 investigation so you'll see that there's still some, some  
15:20:24 28 other duties that come up through my chronology, court  
15:20:28 29 cases, contact with witnesses, some Corrections stuff.  
15:20:33 30  
15:20:34 31 You continue to maintain - - - ?---I don't think I do come  
15:20:37 32 back.  
15:20:37 33  
15:20:37 34 Did you continue maintaining contact with [REDACTED] --Yes,  
15:20:41 35 I did. I should say I do come back, I come back in an  
15:20:45 36 upgraded capacity for a couple of weeks.  
15:20:48 37  
15:20:48 38 When is that?---That's in 2007 I think.  
15:20:51 39  
15:20:51 40 Late 2007, at which time you were dealing, I think, with -  
15:20:56 41 did you have dealings and receive information from the  
15:20:58 42 SDU?---Yes, in that period.  
15:21:00 43  
15:21:01 44 And about matters pertaining to information provided by  
15:21:07 45 3838 or 2895, whatever she was at that stage?---Yes.  
15:21:13 46  
15:21:13 47 Pertaining to people such as Mr Gatto?---Correct.

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15:21:16 1  
15:21:16 2 I take it you would also have been aware that Ms Gobbo was  
15:21:21 3 also acting for Mr Gatto at around that time?---I don't  
15:21:24 4 think I record that in my notes. I'm not sure that we had  
15:21:31 5 him charged with anything at that point.  
15:21:33 6  
15:21:33 7 You also knew that she was representing Faruk Orman?---I  
15:21:41 8 don't know that I did, or appreciated that.  
15:21:43 9  
15:21:43 10 Do you say you don't recall now?---I don't recall.  
15:21:47 11  
15:21:48 12 Whether you knew then?---No.  
15:21:49 13  
15:21:50 14 Let's just go through a couple of matters. Can I firstly  
15:22:06 15 understand this, that insofar as Faruk Orman is concerned,  
15:22:10 16 it was [REDACTED] who implicated him in a number of murders,  
15:22:20 17 two in particular?---I really don't know much of the case  
15:22:25 18 against him but I do recall that he was mentioned in the  
15:22:28 19 statements made by [REDACTED] but - - -  
15:22:31 20  
15:22:31 21 Yes, you were coordinating the taking of those  
15:22:34 22 statements?---Yeah, but I don't know much about the case to  
15:22:36 23 be honest.  
15:22:37 24  
15:22:39 25 Were you aware - or Mr Buick was involved in that process,  
15:22:43 26 was he?---That's my understanding.  
15:22:46 27  
15:22:47 28 Do you communicate with Mr Buick about those matters?---Not  
15:22:51 29 in any great detail.  
15:22:52 30  
15:22:53 31 Not in detail but you would have had discussions with him  
15:22:55 32 about that?---I'm sure we mentioned it from time to time.  
15:23:01 33  
15:23:03 34 He would have because certainly when you came back he was  
15:23:06 35 working under you, wasn't he?---Was he?  
15:23:09 36  
15:23:09 37 Mr Buick?---I don't know, I'd have to look at that page and  
15:23:13 38 see if he was at that stage, that was 2007. He was moving  
15:23:16 39 a bit too by that stage. I'm not sure that he was back  
15:23:21 40 then. I know most of my notes I looked for during that two  
15:23:27 41 weeks, it wasn't a great opportunity, it was just two weeks  
15:23:30 42 because the substantive Detective Inspector had gone on  
15:23:35 43 holidays. I don't remember speaking to Boris during that  
15:23:40 44 time.  
15:23:40 45  
15:23:41 46 All right, okay. Just excuse me. If I can perhaps deal  
15:23:51 47 with it - if we can perhaps deal with your chronology that

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15:24:02 1 you've put together. Obviously you've compiled a  
15:24:05 2 chronology of matters which you considered to be relevant  
15:24:08 3 to this Commission of inquiry, is that right?---It was  
15:24:12 4 pretty early days so I think we did this back in January  
15:24:16 5 this year.  
15:24:16 6  
15:24:17 7 You gathered together a number of people, including Boris  
15:24:20 8 Buick and sought from them their diary entries for the  
15:24:23 9 purposes of assisting the Commission?---Yes. Yes, that's  
15:24:26 10 right. Basically I was looking for my crew and even though  
15:24:30 11 Boris wasn't part of my crew he was intimately involved in  
15:24:35 12 the - - -  
15:24:35 13  
15:24:35 14 You were also very much keen to see if you couldn't get a  
15:24:41 15 hold of Mr Gatto and prosecute him?---I was barracking for  
15:24:45 16 him, yes.  
15:24:45 17  
15:24:46 18 You were aware that one of the ways in which that could be  
15:24:48 19 done would be getting Mr Orman to roll and provide  
15:24:52 20 information against him?---Look, I don't know if we ever  
15:24:58 21 discussed that, but certainly it was an investigation  
15:25:03 22 strategy to get people to give evidence as Crown witnesses.  
15:25:08 23  
15:25:09 24 And you were aware that Ms Gobbo was acting for  
15:25:15 25 Mr Orman?---No, I don't know that I was.  
15:25:17 26  
15:25:17 27 No. Were you there in September of 2007?---Let's have a  
15:25:34 28 look.  
15:25:35 29  
15:25:35 30 At Purana?---I have a feeling - - -  
15:25:38 31  
15:25:38 32 September 2007?---What day are you looking for?  
15:25:42 33  
15:25:42 34 7 September 2007?---On 7 September I'm with Mark Hatt but  
15:26:00 35 I'm actually, and I get a call from Ms Gobbo later that day  
15:26:05 36 saying she wants to write a letter to the Chief on my  
15:26:08 37 behalf to get me back to Purana.  
15:26:10 38  
15:26:10 39 She was barracking for you?---But I told that's not  
15:26:14 40 necessary because I was on another project. I was actually  
15:26:17 41 promoted by that stage to Detective Senior Sergeant I think  
15:26:20 42 at the Crime Strategy Group.  
15:26:23 43  
15:26:23 44 You were there in September but nonetheless you were out  
15:26:26 45 visiting with Mr Hatt to see [REDACTED] --No, I'm not sure  
15:26:32 46 - you're right, yes, 9.45.  
15:26:34 47

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15:26:34 1 If you were upgraded and you weren't there what were you  
15:26:37 2 going out to visit ██████████ for?---Although I was trying  
15:26:40 3 to pass that on to Mr Hatt and Mr L'Estrange there was  
15:26:45 4 times when it paid for me, you know, I had a fairly good  
15:26:49 5 rapport with ██████████ so there was times when I went out  
15:26:53 6 and spoke to him.  
15:26:54 7  
15:26:55 8 Ms Gobbo, as you understand it, had somewhat of an unusual  
15:27:04 9 relationship with ██████████ you were aware of sort of the  
15:27:07 10 intricacies, or at least not the intricacies but some of  
15:27:14 11 the circumstances of the relationship with ██████████---I'm  
15:27:19 12 not sure that I know what you're referring to.  
15:27:21 13  
15:27:22 14 Are you aware, for example, that she was his ██████████  
15:27:25 15 ██████████---No, I didn't know that.  
15:27:28 16  
15:27:28 17 Are you aware that they had relatively close personal  
15:27:32 18 relationship?---Look, I can't point to anything but I think  
15:27:37 19 they were socialising together before he was incarcerated  
15:27:41 20 from time to time in those early days.  
15:27:43 21  
15:27:44 22 What about if we have a look at the chronology, on 18  
15:27:48 23 September a call received from Ms Gobbo, ██████████ wanted  
15:27:51 24 some crime books delivered to him during a visit. Were you  
15:27:56 25 aware of that?---Yeah, I think I do get aware of that.  
15:27:59 26  
15:28:02 27 You see that there?---Yep.  
15:28:05 28  
15:28:07 29 And then do you see on 25 September you get a call from  
15:28:13 30 Corrections stating that ██████████ was withdrawing his  
15:28:15 31 cooperation and Thursday was off. And a message, reasons  
15:28:22 32 weren't known?---Yes.  
15:28:23 33  
15:28:23 34 Do you see that? Your immediate response is to get on to  
15:28:27 35 Ms Gobbo to contact you?---Yeah, I thought if anyone would  
15:28:30 36 know it would be his legal representative.  
15:28:32 37  
15:28:32 38 His legal representative?---Yes.  
15:28:34 39  
15:28:34 40 All right. And what would she be needing to speak to him  
15:28:38 41 for at that stage?---Well I knew they were still in touch.  
15:28:42 42 He still - - -  
15:28:46 43  
15:28:46 44 Sorry?---I knew they were still in touch.  
15:28:49 45  
15:28:49 46 You knew they were in touch, how do you know that?---I  
15:28:53 47 think the day before Mark Hatt gets a note or a phone call

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15:29:01 1 from her re the books.  
15:29:02 2  
15:29:03 3 I follow. You're very quick to say she was his legal  
15:29:09 4 representative. He'd been sentenced, hadn't he, he'd been  
15:29:12 5 dealt with?---Yeah, but I think he still had quite a number  
15:29:16 6 of matters in which to give evidence. I think she was  
15:29:20 7 visiting him in a professional capacity.  
15:29:22 8  
15:29:22 9 In a professional capacity, what, as a lawyer, as a  
15:29:23 10 barrister visiting a witness who has to give evidence?---I  
15:29:26 11 understand she was still signing in as a professional  
15:29:31 12 visit.  
15:29:31 13  
15:29:32 14 Were you aware that she was seeing him and if there were  
15:29:34 15 any concerns that Purana had about whether he was going to  
15:29:38 16 continue to cooperate, then they'd be on the phone to  
15:29:41 17 Ms Gobbo to get out and if they sort of can't pacify him  
15:29:45 18 and get him back on track?---I think what happens on this  
15:29:50 19 occasion is she says she has no idea and then I go out and  
15:29:52 20 see him.  
15:29:53 21  
15:29:53 22 Why would you immediately call Ms Gobbo? Why wouldn't you  
15:29:57 23 speak to a member of Purana who was dealing with him?---I'm  
15:30:01 24 the one dealing with him with my crew, so I'm sure - - -  
15:30:04 25  
15:30:05 26 What about your crew, why don't you speak to someone in  
15:30:08 27 your view?---I'm sure I did. I may not have made a note of  
15:30:17 28 talking to my team but I'm sure I would have.  
15:30:20 29  
15:30:20 30 So then you go out to the prison. Do you see that on 27  
15:30:29 31 September, a couple of days later? It's in your diary, 27  
15:30:53 32 September?---Is it?  
15:30:56 33  
15:30:57 34 You go out and see him?---29th or 27th?  
15:31:01 35  
15:31:02 36 27. You speak to him. And he agrees to assist you, is  
15:31:10 37 that right?---27 November?  
15:31:44 38  
15:31:44 39 September didn't I say?---September. Sorry. Yeah, I go  
15:31:57 40 with Gavan Ryan - hang on, we went, sorry, I went with  
15:32:03 41 Gavan Ryan.  
15:32:03 42  
15:32:03 43 You went with Ryan to ██████ Prison, you spoke to ██████  
44 and he agrees to ACC hearing, is that what's in your  
15:32:11 45 diary?---Yes, that's right, then I went to see Carl  
15:32:12 46 Williams.  
15:32:12 47

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15:32:13 1 You also saw Carl Williams and he wanted some discount.  
15:32:16 2 What you were trying to do at this stage was to get [REDACTED]  
15:32:20 3 [REDACTED] assistance, in addition to that which he had already  
15:32:23 4 provided you, but you wanted to get some assistance from  
15:32:26 5 him in relation to Mick Gatto, correct?---We wanted to get  
15:32:29 6 him to a coercive hearing.  
15:32:31 7  
15:32:31 8 We won't say any more than that. That's what you wanted to  
15:32:35 9 do, to assist you to get Gatto, you wanted to have a  
15:32:40 10 hearing of that sort, all right?---Yep.  
15:32:43 11  
15:32:43 12 Okay. He agreed to do that. You contact Ms Gobbo on 28  
15:32:50 13 September, the next day?---Yes.  
15:32:55 14  
15:32:59 15 The hearing is held. Do you agree with that?---On the  
15:33:04 16 afternoon of the 27th, yes.  
15:33:06 17  
15:33:07 18 Yep. There was a concern, there was a real concern. There  
15:33:13 19 was some suggestion he wasn't going to assist you, he was  
15:33:16 20 withdrawing his cooperation, you call Ms Gobbo, Ms Gobbo  
15:33:20 21 intervenes, you go out there, or you speak to him and he's  
15:33:24 22 happy and he does the hearing for you, correct?---She  
15:33:27 23 doesn't intervene I don't think.  
15:33:29 24  
15:33:29 25 You don't think she does?---No, I think - I don't think she  
15:33:36 26 intervenes, I think she tells me - do we even speak? There  
15:33:43 27 was another time - - -  
15:33:45 28  
15:33:45 29 You contact her on the 28th and you inform Ms Gobbo about  
15:33:50 30 his condition, it seems?---Yeah, he was, as I remember it  
15:33:54 31 he was not particularly impressed by his conditions in, in  
15:34:02 32 wherever he was being held. Look, he was like this. This  
15:34:08 33 is what he was like. Sometimes he would want to, sometimes  
15:34:12 34 he wouldn't, he would be up and down, that's why the  
15:34:14 35 rapport that I had formed was important.  
15:34:17 36  
15:34:17 37 It was important for you to maintain communications with  
15:34:21 38 Ms Gobbo, as far as Purana was concerned it was important  
15:34:26 39 for Ms Gobbo to be on side and assist where necessary, I  
15:34:30 40 suggest?---The way I was looking at it, I wonder if she  
15:34:34 41 knew what was going on with him because it would have  
15:34:39 42 certainly helped me try and settle the issue when I went  
15:34:44 43 out there. I think on the next day, 3 October, I've just  
15:34:48 44 got that note here we do sort of see if we can move him  
15:34:52 45 around, and he goes into the section with some of the  
15:34:56 46 police that are incarcerated.  
15:34:59 47

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BATESON XXN - IN CAMERA



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15:34:59 1 At this stage it's clear Ms Gobbo is acting for Faruk  
15:35:03 2 Orman, and that's what she's told the SDU. Were you aware  
15:35:10 3 of that or not?---I don't think I am.

15:35:13 4  
15:35:13 5 Had you been aware of that would you have considered that  
15:35:16 6 to be inappropriate?---I don't know, I'd have to look at  
15:35:19 7 the totality of the circumstances.

15:35:21 8  
15:35:22 9 I suppose the simple circumstances are she's acted for  
15:35:25 10 [REDACTED] who has given evidence against [REDACTED] she has  
15:35:31 11 acted for [REDACTED] who is now giving evidence against  
15:35:35 12 Faruk Orman. You wouldn't see any issue with that?---It's  
15:35:38 13 getting a bit messy, isn't it?

15:35:40 14  
15:35:44 15 Getting a bit messy by now, you think it might have been  
15:35:47 16 time to call it?---What we do know is when this issue was  
15:35:51 17 raised by Mr Faris at the Supreme Court, you know, acting  
15:35:59 18 for one of those people at trial, I think was quite clear  
15:36:03 19 Justice King wouldn't accept that, but acting for him in  
15:36:08 20 another fashion I'm not quite certain was prohibited.

15:36:08 21  
15:36:08 22 All right, okay. That's what your view is, right.

15:36:11 23  
15:36:12 24 COMMISSIONER: We might take the afternoon break if that's  
15:36:14 25 convenient. Is that a convenient time to you?

15:36:18 26  
15:36:19 27 MR WINNEKE: Yes it is, indeed.

15:36:21 28  
15:36:21 29 COMMISSIONER: All right.

15:36:55 30  
15:36:55 31 (Short adjournment.)

15:51:30 32 COMMISSIONER: Yes Mr Winneke.

15:51:32 33  
15:51:32 34 MR WINNEKE: Thanks Commissioner. Now, you got a call from  
15:51:40 35 Ms Gobbo and asked if you wouldn't mind picking up a couple  
15:51:44 36 of bottles of red wine which were presented from [REDACTED]  
15:51:48 37 [REDACTED]-Yes, for my wedding.

15:51:50 38  
15:51:50 39 And you were authorised to do so in the interests of  
15:51:57 40 ongoing witness relationship, is that right?---Yes.

15:52:00 41  
15:52:03 42 You went out to the prison to see [REDACTED] the following  
15:52:12 43 day with Mr Hatt. No doubt, amongst other things, to speak  
15:52:18 44 to him about various issues concerning his ongoing role as  
15:52:23 45 a witness. Would that be fair to say?---It would.

15:52:27 46  
15:52:28 47 And you picked up the wine from Ms Gobbo?---Yes.

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15:52:33 1  
15:52:35 2 That's in March of 2007?---I thought it was a bit later  
15:52:42 3 than that.  
15:52:42 4  
15:52:43 5 March of 07. Are you aware of what proceedings were still  
15:52:46 6 in the wings at that stage in which you were going to be  
15:52:50 7 relying on [REDACTED] all of them probably?---I thought it  
15:52:57 8 was just prior - so I think Carl had just pleaded and been  
15:53:05 9 sentenced, was that right? Is that the right sequence? So  
15:53:09 10 it was May 2007 that I did that.  
15:53:12 11  
15:53:12 12 May 2007?---Yeah, not March, yes.  
15:53:15 13  
15:53:15 14 Righto, all right. Williams was sentenced, wasn't he? He  
15:53:37 15 pleaded in about February of 2007, is that right?---Sounds  
15:53:41 16 about right, yes.  
15:53:42 17  
15:53:43 18 And indeed the expectation is that you were going to be  
15:53:48 19 running a trial I think on 28 February 2007?---Correct,  
15:53:53 20 yeah, I've got that date now.  
15:53:54 21  
15:53:54 22 You attended the trial with the expectation there would be  
15:53:58 23 preliminary argument and lo and behold you found out that  
15:54:02 24 he'd decided to plead guilty?---No, we knew that it was in  
15:54:06 25 the wind. I guess we didn't know until he actually said  
15:54:10 26 the words in the witness box. There was some trepidation  
15:54:13 27 on whether he'd do it or not but we were pretty much aware  
15:54:17 28 what he was going to do.  
15:54:19 29  
15:54:20 30 Because there was that general awareness there was a fair  
15:54:22 31 few of the Purana crew there in the court to see it, I  
15:54:27 32 assume?---My crew was definitely there.  
15:54:31 33  
15:54:31 34 Yeah?---I'm not sure about others. I know Gavan Ryan was  
15:54:35 35 there as well.  
15:54:36 36  
15:54:36 37 And you traipsed across the road to the metropolitan?---We  
15:54:45 38 did.  
15:54:46 39  
15:54:46 40 One assumes that after a big episode like that, the  
15:54:50 41 detectives gathering together would have a bit of a  
15:55:00 42 tipple?---We did.  
15:55:00 43  
15:55:00 44 Did you run into Ms Gobbo there?---Take me to it. I don't  
15:55:05 45 remember. What date are we looking at?  
15:55:08 46  
15:55:09 47 28th, 28 February?---February. I'm confusing the two

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BATESON XXN - IN CAMERA

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15:55:14 1 things so I'm not sure whether that was the one or when we  
15:55:17 2 won the Michael Marshall trial.  
15:55:23 3  
15:55:24 4 What happened after that?---I do remember, I do remember  
15:55:28 5 there's - her being in the premises on the other side of  
15:55:34 6 the road and little Lonsdale Street with others.  
15:55:38 7  
15:55:38 8 Yes. You spoke to her on that occasion, didn't you?---I  
15:55:42 9 don't think I did speak to her then.  
15:55:45 10  
15:55:45 11 You certainly did after the Carl Williams result because -  
15:55:52 12 we know because we've got the ICRs and if we have a look at  
15:55:55 13 this one, 663. This is the old one. Page 663. She called  
15:56:15 14 her handler and spoke to him and she advised that she was  
15:56:21 15 at the Metropolitan Hotel and that you approached, Stuart  
15:56:27 16 Bateson approached her and thanked her for her efforts.  
15:56:32 17 Now, that's what she said to her handlers. Now, what do  
15:56:44 18 you think the efforts of hers you would have been thanking  
15:56:47 19 her for?---Well if that happened, and I'm not to say it  
15:56:52 20 didn't because I was in a pretty, pretty happy and gracious  
15:56:57 21 mood that evening but, you know, I think what she did in  
15:57:05 22 terms of my thinking then was that she'd been a decent and  
15:57:13 23 honest barrister in her representation of those clients at  
15:57:18 24 considerable risk to her own safety. You know, so on that  
15:57:23 25 date then would I have thanked her? Perhaps. I don't  
15:57:26 26 remember it, but I could have.  
15:57:28 27  
15:57:30 28 Yeah, you could have, all right. What you say is she was  
15:57:34 29 doing nothing other than acting as a barrister, a  
15:57:39 30 representative?---Back then that's exactly what I thought.  
15:57:41 31 You know, I didn't know the extent of her activities as  
15:57:45 32 3838, but in my view she'd acted appropriately.  
15:57:48 33  
15:57:49 34 All right, okay. On 24 October 2007, if we go to an ICR on  
15:58:01 35 that occasion, which is p.1317. Around October 2007,  
15:58:11 36 obviously we've seen your attendance at the prison in  
15:58:15 37 September, late September and there was concern that he was  
15:58:21 38 not happy to assist and there was a suggestion or at least  
15:58:25 39 a concern on your part that he was not going to continue to  
15:58:33 40 assist. That's the situation, isn't it?---I don't know  
15:58:38 41 that I ever felt that he wasn't going to assist. I think  
15:58:42 42 there was times when he was emotional, or he was always  
15:58:49 43 emotional, but there were times when he'd say, "Bugger it"  
15:58:53 44 and you could quickly turn him round again if you spent  
15:58:56 45 some time with him. But he was that type of personality.  
15:59:00 46  
15:59:00 47 If he did say bugger it, steps would need to be taken to

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15:59:04 1 ensure that he came back around again?---Look, basically  
15:59:13 2 all I felt is that he just needed some attention every now  
15:59:18 3 and then.  
15:59:18 4  
15:59:18 5 All right. There were issues, for example, there were  
15:59:22 6 jealousy issues with respect to what he considered  
15:59:25 7 treatment that Carl Williams got with respect to property,  
15:59:30 8 whereas on the other hand he felt that perhaps he'd been  
15:59:34 9 hardly done by insofar as restraining orders and so forth  
15:59:39 10 on his property, at least his [REDACTED]?---I remember  
15:59:42 11 him feeling hard done by about that at some point.  
15:59:45 12  
15:59:45 13 Yeah, and that obviously needed to be managed - - - ?---Not  
15:59:47 14 really, I think I fought any reduction in that. You've  
15:59:57 15 got, you've got to know [REDACTED] and have interactions  
16:00:01 16 with him to understand how he's that kind of character, you  
16:00:05 17 just have to spend some time with him.  
16:00:07 18  
16:00:08 19 Right. If we have a look at 1317, we see this. That she,  
16:00:15 20 Ms Gobbo, is talking about her fears with respect to [REDACTED]  
16:00:20 21 that he's not talking to her at the moment. Do you see  
16:00:23 22 that, he "Apparently feels hard done by"?---Yes, yes.  
16:00:30 23  
16:00:30 24 "With police regarding the deal that they had with Carl  
16:00:34 25 Williams" and that's what you're talking about?---"Feels  
16:00:46 26 hard done by with police re deal that I had with Carl  
16:00:52 27 Williams", what deal is he referring to?  
16:00:53 28  
16:00:54 29 I just asked you about that matter. That's what I'm  
16:00:57 30 referring to, the property issues?---I thought he was  
16:01:00 31 talking about a deal they had with Carl Williams. Because  
16:01:03 32 we did start to negotiate with Carl around this time.  
16:01:06 33  
16:01:06 34 There was publicity about financial benefits and so  
16:01:10 35 forth?---For Carl, yeah. Paying his daughter's school  
16:01:13 36 fees.  
16:01:14 37  
16:01:14 38 And tax and so forth, all those sorts of thing. He was at  
16:01:20 39 least feeling hard done by. Do you accept that around that  
16:01:26 40 time that [REDACTED] was feeling hard done by?---Yeah, I do  
16:01:32 41 accept that at various times, I'm not sure if it's just at  
16:01:37 42 this time, at various times he thought he could have been,  
16:01:40 43 got a better circumstance.  
16:01:43 44  
16:01:43 45 All right. Ms Gobbo is concerned, it seems, she fears that  
16:01:49 46 [REDACTED] could do a lot of damage to her. Because he's  
16:01:56 47 obviously being called as a witness in proceedings coming

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BATESON XXN - IN CAMERA

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16:02:00 1 up, do you accept that?---What date is this again?  
16:02:02 2  
16:02:02 3 We're talking about October of 2007?---He'd have some  
16:02:06 4 trials coming up, yeah.  
16:02:07 5  
16:02:08 6 There's clearly potential there for him to damage her  
16:02:12 7 either in court or otherwise, that's what she  
16:02:16 8 fears?---That's what she fears, I accept that's what she  
16:02:19 9 said to the handlers.  
16:02:20 10  
16:02:20 11 There's a committal proceeding coming up in the Orman  
16:02:24 12 proceeding. And specifically it says damage to her re  
16:02:35 13 being encouraged to continue to talk to you, to Mr Bateson.  
16:02:40 14 So she's continuing, she's encouraging him to continue to  
16:02:44 15 talk to you and to continue to provide assistance to  
16:02:48 16 you?---I accept that that's what's written there, yes.  
16:02:51 17  
16:02:52 18 Do you accept there's truth in what she says?---No, I  
16:02:54 19 didn't get that sense in my interactions with him. I think  
16:02:58 20 we played that very well considering his emotional ups and  
16:03:05 21 downs.  
16:03:05 22  
16:03:05 23 She seems to be of the view that she is encouraging him to  
16:03:10 24 continue to talk to you?---Yeah. I don't know, I can't  
16:03:13 25 speak for her.  
16:03:14 26  
16:03:14 27 I'm sorry?---I can't speak for her.  
16:03:16 28  
16:03:17 29 No. So you dispute any suggestion at all that she was  
16:03:21 30 encouraging him to continue to speak to you?---Look  
16:03:24 31 although I don't know what advice she provided him, I  
16:03:29 32 suspect she provided him with advice that says, you know,  
16:03:33 33 "You're facing a lengthy gaol sentence and you should  
16:03:38 34 consider assisting the police".  
16:03:39 35  
16:03:39 36 When you called her the previous month when you had  
16:03:44 37 concerns that [REDACTED] wasn't going to go to the  
16:03:48 38 particular hearing that we talked about, you were expecting  
16:03:51 39 that she would simply go along and tell him that sort of  
16:03:54 40 advice?---No, I thought she might say, "Oh yeah, I spoke to  
16:03:58 41 him yesterday, he's having another one of his ups or downs,  
16:04:02 42 he's blueing with the prison about this or that".  
16:04:05 43  
16:04:06 44 Okay. Did you ever feel the need to have any discussion  
16:04:09 45 with [REDACTED] about whether it would be advisable for him  
16:04:14 46 not to talk about Ms Gobbo in court or her role?---I don't  
16:04:21 47 think I ever did. I know I've seen some ICRs where there's

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BATESON XXN - IN CAMERA

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16:04:26 1 some conversation with her handlers about instructing him  
16:04:31 2 to claim legal professional privilege.  
16:04:34 3  
16:04:34 4 Yes. You say you haven't, that's something that you didn't  
16:04:37 5 do?---No.  
16:04:39 6  
16:04:40 7 I wonder if we could - and if we go on, effectively he's,  
16:04:46 8 he's thinking now that police have used him, he says that  
16:04:50 9 he is considering his options. That information is  
16:04:52 10 verbally disseminated to Mr Ryan. It's felt appropriate to  
16:04:58 11 disseminate that information because Ms Gobbo has told them  
16:05:01 12 about this concern that he may be considering his options,  
16:05:04 13 do you see that?---Yes.  
16:05:05 14  
16:05:06 15 Now, I wonder if we could go to the 21st, jump forward to  
16:05:12 16 21 February 2008. This is at p.55 of the ICRs, 2958.  
16:05:33 17 There's a message from Ms Gobbo about [REDACTED] wanted to  
16:05:41 18 know if Mr Bateson had specified to [REDACTED] about  
16:05:47 19 claiming legal privilege and informed no. And she argued  
16:05:54 20 that this was why she wanted to deal directly with  
16:05:59 21 Mr Bateson and she was angry with the handler, do you see  
16:06:02 22 that?---I see the words, yes.  
16:06:05 23  
16:06:08 24 "Advised Ms Gobbo this was never mentioned to the handler  
16:06:11 25 and there was argument about this for some time and  
16:06:14 26 Ms Gobbo was concerned that [REDACTED] is stupid and has to  
16:06:18 27 be told that he needs to claim legal professional privilege  
16:06:23 28 if asked about her influence and involvement with him." Do  
16:06:26 29 you see that?---Yes.  
16:06:26 30  
16:06:27 31 What that suggests is that Ms Gobbo had been anticipating  
16:06:33 32 that the handler would be passing that information or  
16:06:37 33 communicating with you about that and her expectation was  
16:06:42 34 that you would be doing so, do you see that?---I see that  
16:06:47 35 she's angry with her handlers for not doing so.  
16:06:50 36  
16:06:51 37 Yes. And she says, look, this is why she wanted to deal  
16:06:54 38 directly with you?---Yes, yes, I agree with that.  
16:06:58 39  
16:06:58 40 What I suggest to you is that she is effectively saying,  
16:07:04 41 "If you would permit me, if I'm to deal directly with  
16:07:08 42 Mr Bateson, I would be, or I could be telling him to do  
16:07:14 43 these things", do you see that?---Yes.  
16:07:15 44  
16:07:26 45 Let's go backwards to p.41. At the bottom you see there's  
16:07:39 46 another call and this is what - perhaps I should have  
16:07:42 47 started this. This leads into it. "Received call from

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16:07:45 1 Gobbo. Passed on message re no contact with Mr Bateson.  
16:07:49 2 Wasn't happy as he was a long-term friend. Reinforce same  
16:07:56 3 that there was no issue with Bateson re trust but it was  
16:08:00 4 about minimising him speaking and dealing with other  
16:08:02 5 members and the controller had spent considerable time  
16:08:06 6 talking to Mr Bateson about the issues and after Mr Bateson  
16:08:09 7 had been to see [REDACTED] if there were any issues we would  
16:08:15 8 deal with them with Ms Gobbo at a meeting. She sounded  
16:08:17 9 encouraged by that and asked for a specific date", do you  
16:08:21 10 see that? And then we move forward to the next entry.  
16:08:34 11 What appears to be the situation is, is that there's an  
16:08:39 12 intermediary between you and Ms Gobbo, do you accept  
16:08:44 13 that?---I'm not sure that's how I'd term it. I can see  
16:08:49 14 that she wants to talk to me but I see her handlers are  
16:08:55 15 saying don't.

16:08:56 16  
16:08:56 17 "No, we'll deal with Mr Bateson. You're an informer. Any  
16:09:00 18 dealings with the investigators, police and so forth, we do  
16:09:04 19 it because you're the informer. We've got this sterile  
16:09:09 20 corridor thing and you don't speak direct to anyone"?---I  
16:09:12 21 think that's what they're saying. I think by this stage  
16:09:16 22 they're having some troubles in terms of keeping her to her  
16:09:22 23 tasking I think.

16:09:23 24  
16:09:23 25 Yes?---So as I understand it by this stage, after finding  
16:09:28 26 out this is perhaps where they're starting to try and rein  
16:09:32 27 it back in.

16:09:33 28  
16:09:33 29 That certainly doesn't suggest that she's a lawyer at all,  
16:09:36 30 that suggests that she's anything but a lawyer, she's an  
16:09:41 31 informer?---She's talking to her handlers so I guess they  
16:09:45 32 would always phrase it in that way.

16:09:49 33  
16:09:50 34 Sorry to interrupt, for them to be suggesting to her,  
16:09:52 35 "You're not to speak to Mr Bateson directly, we're speaking  
16:09:56 36 to Mr Bateson, you don't do that"?---Yes, but they may well  
16:10:01 37 by this stage say, "Why do you need to go off and do that",  
16:10:05 38 because I think by this stage they're saying is it starting  
16:10:09 39 to move into directions we don't want it to and they're  
16:10:12 40 trying to perhaps control that, I don't know. I can't  
16:10:14 41 speak for them. I don't accept that that necessarily  
16:10:18 42 defines our relationship. My relationship with her was  
16:10:21 43 around her acting as a barrister for those witnesses with  
16:10:24 44 the exclusion of the times that we've spoken about when we  
16:10:28 45 met and she provided me with information about the legal  
16:10:32 46 practitioners.

16:10:32 47

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16:10:33 1 If we can go to p.64 of the ICRs. Here we see another  
16:10:51 2 entry with respect to [REDACTED]. She is told that [REDACTED]  
16:10:58 3 [REDACTED] matter will be followed up with Mr Bateson and that the  
16:11:03 4 basic principles of not answering questions about what  
16:11:06 5 legal advice was given would be mentioned. Ms Gobbo stated  
16:11:10 6 that Bateson would know what to say and that [REDACTED]  
16:11:14 7 required simple basic instructions, but that he needed to  
16:11:18 8 be told. Obviously it says here that Boris Buick was the  
16:11:23 9 informant for [REDACTED] in that proceeding against  
16:11:29 10 Orman?---Yes.

16:11:30 11  
16:11:30 12 And they did not have a good relationship, unlike Bateson,  
16:11:33 13 who was trusted and respected by - well, by [REDACTED]. Do  
16:11:42 14 you see that?---I do.

16:11:43 15  
16:11:44 16 Now, do you accept that, firstly, there was that  
16:11:51 17 discussion?---You know, I'm looking at it reading it and I  
16:11:54 18 trust the handlers at the DSU, so I'm willing to say that  
16:11:58 19 that's what they recorded.

16:12:00 20  
16:12:00 21 Are you willing to accept that you had discussions with  
16:12:05 22 Ms Gobbo's handlers about those matters?---No, you'd have  
16:12:07 23 to take me to a note. I don't recall being told about any  
16:12:10 24 of that.

16:12:11 25  
16:12:11 26 If it's not in a note you won't accept it?---I can't accept  
16:12:16 27 it if I don't remember it. A note may refresh my memory.  
16:12:19 28 I don't recall being told anything like that.

16:12:21 29  
16:12:22 30 Let's go to p.83 please on 8 March 2008. Do you see at the  
16:12:36 31 top of the page - we'll highlight that. Just move down the  
16:12:47 32 bottom. You'll see there, and this a long discussion about  
16:12:53 33 [REDACTED] with Ms Gobbo and the handlers. "Ms Gobbo was  
16:12:56 34 reminded that [REDACTED] had been spoken to by Stuart  
16:13:01 35 Bateson and that we had only certain control over what he  
16:13:05 36 would say about Ms Gobbo and she wasn't happy about that."  
16:13:10 37 Do you see that?---I do.

16:13:12 38  
16:13:14 39 Do you think you would have spoken to [REDACTED] and  
16:13:17 40 reminded him that he was in a position to claim legal  
16:13:21 41 professional privilege if he was asked about questions  
16:13:24 42 pertaining to Ms Gobbo's role?---I don't remember doing so  
16:13:27 43 and I don't know that I would have, thinking about it,  
16:13:31 44 because, yeah.

16:13:33 45  
16:13:34 46 On the basis of that are you prepared to accept it or  
16:13:38 47 not?---No.



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16:13:38 1  
16:13:39 2 No?---No, no.  
16:13:40 3  
16:13:46 4 If we have a look at the ICR at p.1381, 9 November 2007.  
16:13:55 5 1381. At the top of the page do we see that, "Ms Gobbo has  
16:14:22 6 heard that [REDACTED] is really down and seriously  
16:14:26 7 contemplating Purana to get fucked"?---I do.  
16:14:29 8  
16:14:30 9 "Asked why, she thinks it's something to do with the [REDACTED]  
16:14:34 10 sentencing next week." Do you see that?---Yes.  
16:14:36 11  
16:14:37 12 [REDACTED] is talking about going back to the court to get  
16:14:40 13 resentenced and not giving evidence against Mr Orman", do  
16:14:44 14 you see that?---Yes, I do.  
16:14:52 15  
16:14:53 16 And then do you see that she says she thinks that he needs  
16:14:58 17 a Purana visit to put him straight, otherwise he's going to  
16:15:01 18 give it all in. Do you see that?---I do.  
16:15:07 19  
16:15:08 20 And, "She states that [REDACTED] is like her and that he's  
16:15:14 21 very stubborn and if pushed he will do it on principle if  
16:15:17 22 nothing else" and that was passed on to Mr Ryan, do you see  
16:15:21 23 that?---"Verbally disseminated information", yes.  
16:15:25 24  
16:15:26 25 I take it you were aware at that stage that Ms Gobbo was  
16:15:29 26 acting for Mr Orman?---I was on leave during that week.  
16:15:36 27 I'm not sure that I took much interest in the trials post,  
16:15:42 28 post Carl's plea and sentence.  
16:15:44 29  
16:15:45 30 Yes?---So I don't know that I am aware of that.  
16:15:48 31  
16:15:48 32 You don't know whether you were aware that she was acting  
16:15:52 33 for Faruk Orman at that time?---No, I'd left Purana by that  
16:15:56 34 stage and although I maintained some contact I don't know.  
16:16:00 35 To be honest I was happy to put it behind me.  
16:16:03 36  
16:16:04 37 Did you become aware afterwards that that had occurred and  
16:16:08 38 she had been acting for Faruk Orman and she passed on that  
16:16:12 39 information?---I read that of course in the newspapers.  
16:16:14 40  
16:16:15 41 Having read it, what do you say about that?---Well if she  
16:16:19 42 was acting for him at trial, that's something that I know  
16:16:23 43 Justice King wouldn't have been prepared for her to do.  
16:16:27 44  
16:16:27 45 Yes?---And I'm not sure whether Justice King was the  
16:16:31 46 presiding judge or not in that matter but, you know - - -  
16:16:36 47

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BATESON XXN - IN CAMERA

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16:16:37 1 What if she'd advised him previously but wasn't acting for  
16:16:42 2 him in the trial, would that have been okay?---Sorry, I've  
16:16:46 3 lost you.  
16:16:47 4  
16:16:47 5 What if she wasn't acting for him in the trial but she had  
16:16:51 6 acted for him at another time?---Faruk Orman?  
16:16:55 7  
16:16:55 8 Yes, would that have been all right?---So she's not acting  
16:16:58 9 for him when she passes on this information?  
16:17:01 10  
16:17:01 11 Yes?---That's the scenario?  
16:17:02 12  
16:17:02 13 Yes. You think that would be okay?---So she's not acting -  
16:17:12 14 how does she get the information in that scenario? She's  
16:17:18 15 not acting - - -  
16:17:20 16  
16:17:20 17 Do you not understand the question?---I'm just trying to  
16:17:23 18 conceptualise it. She's not acting for Faruk Orman in the  
16:17:29 19 trial but she passes on that her client [REDACTED] - - -  
16:17:34 20  
16:17:35 21 You say that she's the lawyer for [REDACTED] is that  
16:17:38 22 right?---Yes.  
16:17:38 23  
16:17:38 24 And you maintain that to be the case?---His representative,  
16:17:44 25 yeah.  
16:17:45 26  
16:17:45 27 Do you see no problem with her acting for him and also  
16:17:48 28 acting for Faruk Orman at the same time?---Well, I reckon  
16:18:00 29 that may be an issue. I'd have to - what I would do is  
16:18:05 30 probably seek some advice from people that know because it  
16:18:08 31 gets a bit murky for me.  
16:18:10 32  
16:18:10 33 Does it?---Yeah.  
16:18:11 34  
16:18:11 35 All right. In any event that's your view about it, it's a  
16:18:15 36 bit murky?---And I think the trial, if the report's right  
16:18:22 37 in the paper and she was acting for him at trial, then that  
16:18:25 38 seems to be something I know Justice King would not have  
16:18:29 39 tolerated.  
16:18:31 40  
16:18:38 41 Can I ask you to have a look at your chronology at  
16:18:44 42 VPL.0015.0001.0409.  
16:18:48 43  
16:18:48 44 COMMISSIONER: For the record that's Exhibit 252.  
16:18:54 45  
16:18:55 46 MR WINNEKE: 10 February 2008, do you see that?---2008?  
16:18:59 47

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16:18:59 1 Yes?---Sorry, 10th of - - -  
16:19:12 2  
16:19:12 3 February 2008?---I'm sorry, I was just confused.  
16:19:22 4  
16:19:22 5 You received a call from Roberta Williams complaining about  
16:19:29 6 Nicola Gobbo and Brian Rolfe representing Faruk, right, and  
16:19:34 7 she thought that there was a conflict because they had  
16:19:37 8 represented [REDACTED] Do you see that? And Carl, Carl  
16:19:46 9 Williams thinks that it's not fair because he couldn't do  
16:19:49 10 it. Do you see that?---I do.  
16:20:03 11  
16:20:04 12 So you've been told, put on notice that Ms Gobbo has been  
16:20:11 13 representing Faruk Orman at the same time as having - and  
16:20:17 14 you say continuing to act for [REDACTED] --I can't actually  
16:20:22 15 find that in my diary.  
16:20:24 16  
16:20:24 17 10 February 2008?---I've got myself on a rest day on 10  
16:20:52 18 February, it's a Saturday - a Sunday. I don't know whether  
16:20:57 19 - - -  
16:20:57 20  
16:20:58 21 It may be on the wrong date but it's certainly in your  
16:21:03 22 chronology that you've provided to the Commission?---I was  
16:21:06 23 just looking to see where it was and what I did after that  
16:21:11 24 but I can't for the life of me see where that came from.  
16:21:33 25 Yeah, I just don't know when that happened.  
16:21:36 26  
16:21:36 27 Mr Bateson, I'm going on the chronology?---I know you are,  
16:21:42 28 I'm sorry. Sorry, I've got it. Found it. It should be  
16:21:50 29 actually on the 9th.  
16:21:51 30  
16:21:52 31 It's 9 February?---No, it's on the 10th, I was right in the  
16:21:56 32 first place.  
16:21:56 33  
16:21:56 34 Okay?---My label on the top of the page is wrong.  
16:22:07 35  
16:22:08 36 You've been provided information, albeit by someone that  
16:22:12 37 you probably don't have a high regard for, but nonetheless  
16:22:16 38 you have been provided information which would be troubling  
16:22:20 39 information I would suggest, that is Ms Gobbo is  
16:22:23 40 representing Faruk Orman in relation to whom [REDACTED] was  
16:22:27 41 the major witness against him. Do you accept that?---I  
16:22:33 42 accept that, yes. I accept that I got that information.  
16:22:36 43  
16:22:36 44 Were you aware that his defence, the proper defence of his  
16:22:41 45 proceeding could be compromised in that circumstance?---I  
16:22:44 46 don't know if I turned my mind to it at that time, I'm just  
16:22:49 47 looking at the date to see what I did after I received the

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BATESON XXN - IN CAMERA

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16:22:53 1 phone call.  
16:22:53 2  
16:22:53 3 I was going to ask you if you did anything about it at  
16:22:57 4 all?---I don't know - spoke to, after that phone call,  
16:23:00 5 spoke to someone else.  
16:23:02 6  
16:23:02 7 Yes?---Whether I mentioned it to anyone, I don't know. I  
16:23:08 8 think by that stage, you know, she wasn't my first port of  
16:23:16 9 call, Roberta. I have a memory of that being reasonably  
16:23:21 10 common knowledge by that stage I think.  
16:23:23 11  
16:23:24 12 Did you speak to anyone about that?---I don't have a note  
16:23:27 13 of doing so.  
16:23:30 14  
16:23:30 15 Is it likely therefore that you didn't do anything about  
16:23:33 16 it, you didn't speak to anyone about it?---I would have  
16:23:37 17 thought I would take a note of passing that on but it  
16:23:41 18 doesn't mean I didn't.  
16:23:42 19  
16:23:48 20 You believe that you would have got advice, that's what you  
16:23:50 21 said before, if there was a situation that you were  
16:23:54 22 concerned about like that. Did you get any advice?---I  
16:23:57 23 think if I was still involved in the trials I would have  
16:24:01 24 gone to, you know, if they weren't aware of it, because in  
16:24:05 25 my circumstances back in the Moran/Barbaro days the  
16:24:10 26 prosecutors were well aware of it. So, you know, if I knew  
16:24:14 27 they were well aware of this then I wouldn't have raised it  
16:24:17 28 with them. But if they weren't, I possibly would have.  
16:24:20 29  
16:24:20 30 What about Mr Buick, did you speak to him?---I don't have a  
16:24:24 31 note of speaking to Mr Buick about it.  
16:24:25 32  
16:24:26 33 What's the page of your day book where that appears, that  
16:24:29 34 note?---My diary.  
16:24:32 35  
16:24:32 36 It's in your diary?---Yes, 267.  
16:24:35 37  
16:24:35 38 267, thanks very much. All right. Now finally, final  
16:24:44 39 topic I'd like to ask you about concerns some events  
16:24:48 40 involving Ms Gobbo representing Mr Gatto [REDACTED]  
16:24:56 41 [REDACTED] Are you aware  
16:25:02 42 of that?---I don't remember. What date was that?  
16:25:08 43  
16:25:08 44 At a time in November of 2007 and I gather you were, you  
16:25:15 45 were at Purana at that time and you were getting  
16:25:18 46 information from handlers directly?---That was my two weeks  
16:25:26 47 period of upgrading.

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BATESON XXN - IN CAMERA

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16:25:28 1  
16:25:29 2 Yes. So if we have a look at - - - ?---Yeah, I'm getting  
16:25:33 3 that.  
16:25:33 4  
16:25:33 5 You accept that. You accept that you were receiving  
16:25:36 6 information from the SDU, much of which was about Mr Gatto  
16:25:41 7 and it was being disseminated to you?---Yes.  
16:25:44 8  
16:25:44 9 And it was clear enough to you that that information was  
16:25:47 10 coming from Ms Gobbo?---I accept that.  
16:25:49 11  
16:25:50 12 And you were aware that Ms Gobbo, I take it, had been  
16:25:54 13 acting for Mr Gatto?---I'm not sure that that note is  
16:26:00 14 anywhere in here. If you take me to it I would have to - -  
16:26:03 15 -  
16:26:03 16  
16:26:04 17 I thought you said before that you were aware that Ms Gobbo  
16:26:06 18 had been acting for Mr Gatto?---Did I?  
16:26:10 19  
16:26:11 20 Unless I'm mistaken, I thought you did?---No, what I said  
16:26:19 21 is I don't think we had him charged with anything then.  
16:26:22 22  
16:26:23 23  
16:26:27 24  Yes, so if you have a look at, for  
16:26:56 25 example, your chronology around 26 November, the  
16:27:00 26 information that you - 26 and 28 November - the information  
16:27:06 27 included Mr Gatto having an exculpatory conversation with  
16:27:10 28 Mr Benvenuto and taping it and Mr Richter had the tape,  
16:27:16 29 have you seen that?---26 November? I've got that in my  
16:27:25 30 chronology, have I?  
16:27:27 31  
16:27:27 32 Yes, you do.  
16:27:29 33  
16:27:30 34 COMMISSIONER: It's Exhibit 252.  
16:27:31 35  
16:27:32 36 MR WINNEKE: 252 at 0456 and 7. Do you see that, Gatto  
16:27:42 37 taped - - - ?---Yes, okay, "Taped Vince in gaol".  
16:27:46 38  
16:27:46 39 "Tried to get me" - "Gatto actually does meet up",  
16:27:52 40 et cetera. That's information, some of the information  
16:27:55 41 that you're getting?---Yes.  
16:27:57 42  
16:27:57 43 And also the information included concerns the documents  
16:28:02 44 and transcripts of conversations between, this is on 28  
16:28:07 45 November, if we move forward. "Received call from"  
16:28:13 46 obviously the handler. "Mr Gatto's still carrying a gun.  
16:28:17 47 He either has it on him or in a bum-bag that he puts in the

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16:28:21 1 car. Some concerns regarding documents and transcripts  
16:28:24 2 between [REDACTED] and myself which reveal too much." Do  
16:28:29 3 you see that?---Yes.  
16:28:30 4  
16:28:31 5 So she's got concerns about documents that he has, right,  
16:28:36 6 that reveal too much?---Yes.  
16:28:38 7  
16:28:39 8 And that he's covertly taped Joe Benvenuto with the idea  
16:28:44 9 that if he turns he will have evidence of prior  
16:28:47 10 inconsistent statements, do you see that?---Yes.  
16:28:48 11  
16:28:49 12 If we go to the ICR at p.1467 and 1468. In fact we might  
16:29:06 13 go to 1442. 1442. [REDACTED]  
16:29:19 14 [REDACTED]  
16:29:24 15 [REDACTED]  
16:29:29 16 [REDACTED]  
16:29:32 17 [REDACTED]  
16:29:36 18 [REDACTED]  
16:29:40 19 [REDACTED]  
16:29:42 20 [REDACTED]  
16:29:48 21 [REDACTED]  
16:29:51 22 "Action verbally disseminated to Mr Bateson"?---What date  
16:29:54 23 is that? 22nd of the 11th.  
16:29:59 24  
16:30:00 25 22 November 07. It may well be it's not disseminated on  
16:30:09 26 the same day, what I'm suggesting to you is you get that  
16:30:12 27 information and it's patently clear to you that Ms Gobbo is  
16:30:16 28 providing information about Mr Gatto, she is acting for  
16:30:22 29 Mr Gatto [REDACTED], do you see that?---I'm  
16:30:27 30 not sure that that necessarily flows from that note. I'm  
16:30:31 31 just looking to see - I actually don't start my upgrading  
16:30:37 32 until 26 November.  
16:30:38 33  
16:30:38 34 In any event whenever it was it says it was verbally  
16:30:42 35 disseminated information to you?---I haven't got any notes  
16:30:47 36 here in those first couple of conversations with<sup>Fox-O</sup> I  
16:30:58 37 don't have any of those notes in my diary.  
16:31:01 38  
16:31:02 39 Yes. Well, do you accept - what you say is that you didn't  
16:31:06 40 get that information, so you don't accept the SDU  
16:31:11 41 document?---Well, yeah, I'm not sure whether, because I  
16:31:25 42 don't have actually any note of that, and I don't start my  
16:31:30 43 upgrading till the week following, so perhaps they may have  
16:31:37 44 disseminated that to someone else.  
16:31:40 45  
16:31:40 46 Okay. If you weren't there, you say it's a bit strange  
16:31:45 47 that it's said that it's disseminated to you?---Yeah, I

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BATESON XXN - IN CAMERA

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16:31:49 1 just, I just, I just question because on the 22nd I'm  
16:31:53 2 actually still doing my substantive job. I travel  
16:31:59 3 interstate for a couple of days, then I come and start at  
16:32:03 4 Purana on the 26th.  
16:32:04 5  
16:32:05 6 We've learnt that they don't necessarily disseminate the  
16:32:08 7 information on the same day, it can be at some stage  
16:32:11 8 afterwards. It may or may not be on the same day. What  
16:32:14 9 I'm suggesting to you is that on the basis of the  
16:32:18 10 information that the Commission has you are aware that she  
16:32:20 11 is an informer and she is a lawyer acting for the same  
16:32:26 12 person at one and the same time?---No, that doesn't  
16:32:31 13 coincide with my notes. So I've got that conversation on,  
16:32:37 14 at 16:00 hours on the Monday, and then another conversation  
16:32:41 15 around the gun and the bum-bag on the 28th.  
16:32:50 16  
16:32:51 17 What about if we have a look, for example, at ICR p.1502.  
16:33:15 18 There's information, that's the information - given the  
16:33:36 19 time I'm going to put this proposition to you?---Okay.  
16:33:39 20  
16:33:39 21 What I'm suggesting to you is, no doubt you might want to  
16:33:43 22 have a look at the materials and your notes, what I'm  
16:33:45 23 suggesting to you is that you were aware, you had  
16:33:47 24 information that Ms Gobbo was acting as an informer against  
16:33:50 25 the person she was providing legal advice to, now you say  
16:33:54 26 that's not right, is that - - - ?---I'm just not willing to  
16:33:58 27 accept that at this point. Absolutely she's providing  
16:34:02 28 information about Mick Gatto, I accept that. I'm not quite  
16:34:07 29 sure that I knew she was acting for him because I don't  
16:34:09 30 think we had him charged with anything at that point.  
16:34:12 31  
16:34:13 32   
16:34:17 33  --Yeah, that was before my upgrading. I just don't  
16:34:20 34 see a note of that being in my radar.  
16:34:22 35  
16:34:30 36 Are you aware that some of the information which she  
16:34:33 37 provided to you included information concerning Robert  
16:34:39 38 Richter's advice to Mr Gatto?---Yes, I got the last line on  
16:34:43 39 the 6th of December, "Richter provided advice if they had  
16:34:48 40 given evidence they would have charged by now, otherwise  
16:34:51 41 they will be trying LDs or informers".  
16:34:54 42  
16:34:54 43 Did you have any concern about that?---I thought that was  
16:34:58 44 coming from Mr Gatto rather than Mr Richter himself.  
16:35:05 45  
16:35:06 46 Yeah, but regardless?---No, I didn't, it wasn't  
16:35:10 47 particularly - - -

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BATESON XXN - IN CAMERA

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16:35:11 1  
16:35:11 2 No concern?---I didn't think it was particularly earth  
16:35:18 3 shattering. I don't remember thinking anything about it at  
16:35:21 4 the time.  
16:35:21 5  
16:35:21 6 Thanks very much.  
16:35:22 7  
16:35:22 8 COMMISSIONER: Yes, all right then, we'll adjourn until  
16:35:25 9 9.30 on Tuesday.  
10  
16:35:58 11 <(THE WITNESS WITHDREW)  
16:35:59 12  
16:35:59 13 ADJOURNED UNTIL TUESDAY 26 NOVEMBER 2019  
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BATESON XXN - IN CAMERA