

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

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria
On Wednesday, 30 October 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Ms M. Tittensor
Counsel for Victoria Police	Ms R. Enbom SC Ms K. Argiropoulos
Counsel for State of Victoria	Mr T. Goodwin
Counsel for Nicola Gobbo	Mr R. Nathwani
Counsel for DPP/SPP	Mr T. Jeffrie
Counsel for CDPP	Ms R. Avis
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for Faruk Orman	Mr M. Koh
Counsel for AFP	Ms I. Minnett
Counsel for Chief Commissioner of Police	Mr P. Silver
Counsel for ICAC	Ms S. Martin

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11:33:50 1 UPON RESUMING IN OPEN HEARING:
 11:33:55 2
 11:33:56 3 MS TITTENSOR: Mr Buick, by late 2004 it's apparent that
 11:34:01 4 Carl Williams was in custody facing trial for a number of
 11:34:04 5 murders as I've just taken you through?---Yes.
 11:34:06 6
 11:34:09 7 If we can bring up 1 November 2004 Purana update, what you
 11:34:19 8 see on the screen there. It's apparent from that update,
 11:34:29 9 if we go through it, that - if we can continue to go
 11:34:36 10 through, and you might just accept this proposition, that
 11:34:41 11 Mr Williams had been sentenced in relation to a drug
 11:34:45 12 matter, as had Roberta Williams, but nevertheless Williams
 11:34:52 13 remained under investigation and obviously under charges
 11:34:55 14 for the murder as well?---Yes.
 11:34:57 15
 11:34:58 16 Are you aware of Ms Gobbo's involvement in representing
 11:35:01 17 Mr Williams in drug matters?---No.
 11:35:03 18
 11:35:07 19 I'll tender that document, Commissioner.
 11:35:09 20
 11:35:12 21 #EXHIBIT RC645A - (Confidential) Operation Purana update
 11:35:15 22 1/11/04.
 11:35:15 23
 11:35:16 24 #EXHIBIT RC645B - (Redacted version.)
 11:35:18 25
 11:35:18 26 You see there right at the top, in essence, is the matter I
 11:35:25 27 just raised with you, that Roberta Williams had been
 11:35:29 28 sentenced on 29 October 2004 to 18 months with a minimum of
 11:35:30 29 six?---Yes.
 11:35:31 30
 11:35:31 31 And Carl Williams sentenced to seven years with a minimum
 11:35:37 32 of five?---Yes.
 11:35:37 33
 11:35:38 34 If we can go to another Purana update dated 4 October 2004.
 11:35:48 35 VPL.0100.0012.0171. You see that there. Do you know who I
 11:35:58 36 refer to when I talk about Solicitor 2?---No, sorry.
 11:36:05 37
 11:36:05 38 COMMISSIONER: Do you have a copy of Exhibit 81 there, have
 11:36:09 39 you been provided with that?---No, Commissioner, I don't.
 11:36:11 40
 11:36:11 41 All right then. We'll just show you that. Yes?---Thank
 11:36:28 42 you. Yes.
 11:36:37 43
 11:36:37 44 MS TITTENSOR: You'll see there on the fourth arrow down in
 11:36:44 45 the update that investigations were commencing for a number
 11:36:48 46 of people, including Solicitor 2, for [REDACTED]
 11:36:52 47 [REDACTED]?---Yes.

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11:36:54 1
11:36:54 2 Do you see that? Is that an investigation you were
11:36:57 3 involved in?---No.
11:36:59 4
11:37:02 5 Were you aware of that at the time?---Yes. Well I was
11:37:10 6 aware that there was an investigation, a [REDACTED] to
11:37:14 7 [REDACTED] and indeed the reverse, a [REDACTED]
11:37:19 8 that [REDACTED] was involved in going back the other
11:37:23 9 way.
11:37:23 10
11:37:24 11 Yes?---I was involved in neither.
11:37:26 12
11:37:26 13 To kill Carl Williams I think it was, was it?---Yes.
11:37:29 14
11:37:31 15 Now, are you aware that Purana was compiling a profile on
11:37:38 16 Solicitor 2?---I'm not surprised. I don't recall
11:37:41 17 specifically, I don't dispute that.
11:37:43 18
11:37:43 19 It may well be that that's recorded in this document here.
11:37:49 20 But in any case that's something that wouldn't surprise
11:37:52 21 you?---No.
11:37:53 22
11:37:53 23 We went to another of these updates yesterday talking about
11:37:59 24 Doca, Operation Doca, disruption of criminal activity,
11:38:03 25 where profiles were being compiled about 70 people?---Yes.
11:38:07 26
11:38:07 27 Would you expect that she might have been either on that
11:38:09 28 list or added to that list at some stage?---Possibly.
11:38:28 29
11:38:29 30 I tender that document, Commissioner.
11:38:30 31
11:38:30 32 #EXHIBIT RC646A - (Confidential) Operation Purana update
11:38:31 33 4/10/04.
11:38:31 34
11:38:34 35 #EXHIBIT RC646B - (Redacted version.)
11:38:34 36
11:38:34 37 On the following Purana update dated 8 November 2004 we see
11:38:43 38 in the course of that, under item number 2, that's the
11:38:47 39 second dot point, that it was anticipated that there would
11:38:52 40 be telephone intercept warrants against Solicitor 2
11:38:54 41 established by the end of that week?---Yes.
11:38:58 42
11:39:01 43 Do you know whether there was any legal advice or anything
11:39:05 44 of that nature that would have been taken in relation to
11:39:09 45 that matter?---No idea.
11:39:10 46
11:39:15 47 In order to obtain such information or such a warrant, a

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11:39:18 1 court process would have had to be engaged in?---Yes.
11:39:21 2
11:39:21 3 And no doubt the affidavit would have indicated that the
11:39:25 4 person they wanted the TI on was a solicitor?---Yes.
11:39:28 5
11:39:29 6 And there was a proper court process to go through for that
11:39:32 7 procedure?---Yes.
11:39:32 8
11:39:35 9 I tender that document, Commissioner.
11:39:38 10
11:39:38 11 COMMISSIONER: What's the date of that one?
11:39:40 12
11:39:40 13 MS TITTENSOR: 8 November 2004.
11:39:42 14
11:39:44 15 #EXHIBIT RC647A - (Confidential) Operation Purana update
11:39:46 16 8/11/04.
11:39:51 17
11:39:52 18 #EXHIBIT RC647B - (Redacted version.)
11:39:56 19
11:39:57 20 I think if we can go back to 1 November 2004 Purana update.
11:40:12 21 There's a reference within this document to the
11:40:15 22 intelligence cell preparing and updating profiles on the
11:40:20 23 Mokbel family and referring in that regard to Operation
11:40:27 24 Posse?---Yes.
11:40:27 25
11:40:28 26 Do you see that?---Yes.
11:40:29 27
11:40:30 28 Is that something that you would have been aware of from
11:40:34 29 your attendance at Purana meetings from around that
11:40:37 30 time?---Possibly.
11:40:39 31
11:40:39 32 It's not something that you were working on specifically at
11:40:42 33 that time?---No.
11:40:43 34
11:40:43 35 But it's not something that would have been kept a secret
11:40:47 36 from the rest of Purana?---No, I wouldn't think so.
11:40:51 37
11:40:51 38 And certainly the hierarchy of Purana, the Inspector and
11:40:56 39 the Senior Sergeants would have been over that?---That's a
11:40:59 40 certainty. It's not a certainty that investigators on
11:41:02 41 other crews always know what other members are doing but
11:41:06 42 it's a certainty that management do.
11:41:10 43
11:41:11 44 Any of the other crews that might have had any interaction
11:41:14 45 with Mokbel and family would certainly be interested in
11:41:20 46 that information and that's the reason it would have been
11:41:20 47 disseminated amongst the other Purana crews?---Yes.

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11:41:23 1
11:41:26 2 I've already tendered that document, sorry, Commissioner.
11:41:29 3
11:41:29 4 COMMISSIONER: Yes, 645.
11:41:33 5
11:41:36 6 MS TITTENSOR: We have as Exhibit RC314 an operational
11:41:42 7 assessment into the Mokbel criminal cartel and that
11:41:47 8 included references to targeting Mokbel, his associates,
11:41:51 9 his business and assets, as you might expect?---Yes.
11:41:54 10
11:41:55 11 This is that document that was on p.5. It refers to that
11:42:00 12 operation commencing in late 2004, which is consistent with
11:42:04 13 that indication in the update I've just taken you
11:42:10 14 to?---Yes.
11:42:11 15
11:42:11 16 It refers to p.64, being the use of the ACC in relation to
11:42:19 17 financial dealings and money laundering by members of the
11:42:22 18 cartel?---Yes.
11:42:23 19
11:42:24 20 It refers at p.44 to some coercive hearings in December
11:42:31 21 2004 and the examiner not allowing Mr Heliotis to represent
11:42:37 22 Mokbel, it being a conflict of interest in his
11:42:39 23 representation of Carl Williams?---Yes.
11:42:42 24
11:42:43 25 Would you have been aware of those matters at that
11:42:45 26 stage?---No. I wasn't involved in any way with the Mokbel
11:42:52 27 investigations, the drug investigations.
11:42:54 28
11:42:54 29 Would it have been discussed within Purana that someone
11:43:00 30 like Mr Heliotis was not allowed to represent Mokbel
11:43:04 31 because it was a conflict of interest?---Possibly.
11:43:08 32
11:43:13 33 At p.45 it refers in the blurb about Ms Gobbo that she had
11:43:25 34 told investigators she was facing financial difficulties
11:43:29 35 due to some of her more high profile clients not paying
11:43:33 36 their bills?---Yes, I see that.
11:43:35 37
11:43:35 38 That's something that would have been of interest to
11:43:38 39 Purana?---Not particularly.
11:43:40 40
11:43:40 41 It's of interest enough to have made its way into this
11:43:43 42 document, I suppose?---Yes, and I wasn't aware of that at
11:43:50 43 the time.
11:43:50 44
11:43:50 45 If she was one of those people on that Doca list, the DOCA
11:43:56 46 operation list, that was interesting information, that she
11:44:00 47 was facing financial difficulties due to her more high

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11:44:05 1 profile clients not paying their bills?---It's
11:44:08 2 intelligence.
11:44:09 3
11:44:09 4 It's intelligence that she might be motivated in a
11:44:14 5 particular respect?---It's possible.
11:44:17 6
11:44:19 7 Do you know who the Purana investigators were that would
11:44:24 8 have been involved in that operation at that time?---I'd
11:44:32 9 have to look at those, the document you showed me yesterday
11:44:37 10 that showed which crews, you know, were in place at
11:44:42 11 particular times. That would be my guide. I can't recall
11:44:45 12 as I sit here now who was - I'm not sure when Jim O'Brien
11:44:49 13 got to Purana.
11:44:50 14
11:44:50 15 That wasn't until later in 2005?---Okay.
11:44:53 16
11:44:53 17 So it was well after that?---I'm not sure.
11:44:56 18
11:44:56 19 Would you expect it would have been the drug crew?---Yes.
11:44:59 20
11:44:59 21 Do you know who was the head of that crew?---I think Dale
11:45:03 22 Johnson was the head of that crew.
11:45:05 23
11:45:05 24 Perhaps if we can go back to that exhibit from yesterday.
11:45:22 25 We might come back to that if we get a moment. I can't
11:45:26 26 remember the exhibit number for the Purana crew. 639?
11:45:37 27 Thank you. If we can scroll through to the 2004 list,
11:46:01 28 please. Continue scrolling. There's an MDID crew
11:46:18 29 indicated there. Is that who you might expect would have
11:46:21 30 been involved in that, in any investigation in relation to
11:46:25 31 the Mokbel crew at that stage, or the Mokbel criminal
11:46:29 32 cartel?---That would be the crew, yes.
11:46:31 33
11:46:32 34 And I understand that this, the operational assessment had
11:46:36 35 been compiled by the analyst, so would it start with an
11:46:43 36 analyst and work its way to the crew?---Yes.
11:46:46 37
11:46:52 38 If we can go to Exhibit RC466, please. Is that the first
11:47:10 39 page of that document? You see there you see a profile of
11:47:16 40 Ms Gobbo?---Yes.
11:47:17 41
11:47:20 42 Is that the type of profile you would expect to have been
11:47:24 43 compiled in relation to her, is it a common looking profile
11:47:30 44 that was compiled by Purana?---Yes, it looks a very
11:47:33 45 familiar layout.
11:47:34 46
11:47:35 47 If we go to p.6 of that document. It includes various

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11:47:42 1 intelligence holdings in relation to Ms Gobbo?---Yes.
11:47:46 2
11:47:48 3 High profile criminal barrister representing more notorious
11:47:52 4 characters in the underworld?---Yes.
11:47:54 5
11:47:54 6 Regularly attended Williams family until her position of
11:47:58 7 advocate was usurped by Solicitor 2?---Yes.
11:48:01 8
11:48:02 9 And there being no love lost between those two
11:48:05 10 people?---Yes.
11:48:05 11
11:48:10 12 It refers to, in the third paragraph there, that she's
11:48:17 13 admitted to investigators on a number of occasions she
11:48:19 14 would like to retire from the law, stating nonpayment of
11:48:23 15 accounts by clients as one reason, consistent with that
11:48:27 16 other indication in the other Purana document?---Yes.
11:48:30 17
11:48:31 18 It's suspected that she has detailed knowledge of the
11:48:34 19 affairs of persons like Mokbel and Williams but is
11:48:37 20 unwilling to tell police exactly what the information she
11:48:41 21 holds is perhaps due to her fear of these identities.
11:48:44 22 Another reason is she will play one side off against the
11:48:47 23 other in order to gain benefit for herself?---Yes.
11:48:50 24
11:48:51 25 This contains information which is not simply limited to
11:48:55 26 the drug investigations, it's relevant to people who other
11:48:59 27 crews in Purana were investigating, is that right?---I
11:49:04 28 guess so.
11:49:06 29
11:49:06 30 It refers to identities, including Mr Williams and
11:49:11 31 Solicitor 2 at least?---Yes, but I think it was regarded
11:49:17 32 that they were part and parcel with the Mokbel, you know,
11:49:21 33 Williams' crew and then there was the division with the
11:49:24 34 other side. That's the way I sort of viewed it.
11:49:26 35
11:49:28 36 There were crews beyond the MDID crew within Purana that
11:49:32 37 were investigating these people?---Yes.
11:49:34 38
11:49:36 39 You'll see it indicates that Ms Gobbo had provided legal
11:49:40 40 advice to Solicitor 2 during coercive hearings?---Yes.
11:49:46 41
11:49:46 42 She'd also provided advice to Solicitor 2 following that
11:49:52 43 solicitor being charged with giving false evidence to the
11:49:55 44 ACC in 2004?---Yes.
11:49:59 45
11:50:01 46 She represented Mr Mokbel in August 2005 at coercive
11:50:10 47 hearings?---Yes.

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11:50:11 1
11:50:17 2 She represented a certain person at hearings before the ACC
11:50:24 3 as I took you through earlier.
11:50:26 4
11:50:32 5 MS MARTIN: I apologise, Commissioner. There is a concern
11:50:35 6 by my client that the references and the persistent
11:50:39 7 references to examinations by the ACC may be in breach of
11:50:44 8 examiner confidentiality directions in respect of each of
11:50:46 9 those particular examinations and we will need to seek
11:50:51 10 instructions as to whether or not redactions will need to
11:50:54 11 be made and non-publication orders sought. But if I can
11:50:58 12 request that in respect of that line of questioning, any
11:51:01 13 references to ACC examinations be restricted as much as
11:51:06 14 possible at this point and I will do my best to come back
11:51:08 15 to the Commission as soon as possible in respect of the
11:51:12 16 other references that have been made earlier this morning.
11:51:16 17
11:51:16 18 COMMISSIONER: All right. I'll just hear from counsel
11:51:21 19 assisting.
11:51:23 20
11:51:24 21 MS TITTENSOR: Perhaps in relation to - in relation to two
11:51:26 22 of those matters, first of all, Commissioner, in relation
11:51:28 23 to Solicitor 2, Commissioner, you will see that she's been
11:51:33 24 charged with offences under that Act. It follows that she
11:51:38 25 appeared before that Commission and that's public. In
11:51:41 26 relation to the third person there, they were matters I've
11:51:47 27 already taken the witness through that were examined upon
11:51:51 28 by Mr Richter at a proceeding, public, and perhaps in
11:51:56 29 relation to Mr Mokbel we can refer to coercive hearings
11:52:01 30 without any further description.
11:52:08 31
11:52:10 32 COMMISSIONER: Sorry, I don't have you on my appearance
11:52:12 33 list this morning, I'm sorry, your name is?
11:52:16 34
11:52:18 35 MS MARTIN: Ms Martin.
11:52:18 36
11:52:19 37 COMMISSIONER: And you're for?
11:52:20 38
11:52:21 39 MS MARTIN: The ACIC.
11:52:24 40
11:52:25 41 COMMISSIONER: The ACIC. Are you content with what has
11:52:27 42 been proposed by Ms Tittensor?
11:52:29 43
11:52:29 44 MS MARTIN: In respect of the references to the examination
11:52:32 45 by Mr Richter QC, unfortunately we are not in a position at
11:52:38 46 this point to know whether or not those references were
11:52:42 47 made in open hearings previously or whether they were in

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11:52:43 1 closed court. And I will need seek further information in
11:52:48 2 order to determine whether or not the objection by the ACIC
11:52:50 3 is maintained. As to there being coercive proceedings, I
11:52:55 4 believe the wording was proposed, again I'll need to seek
11:52:58 5 instructions. The instructions I have at the moment are
11:53:01 6 that the ACIC is extremely concerned about references to
11:53:05 7 any examinations conducted by the ACC other than those in
11:53:08 8 respect of Mr Paul Dale and that's obviously in the public
11:53:12 9 domain, and it is the fact of the examinations not merely
11:53:15 10 the content of the examinations which is the subject of
11:53:19 11 examiner confidentiality directions and breaching those
11:53:23 12 could in fact be a breach of the relevant legislation. So
11:53:27 13 in respect of that, I am trying to do my best not to
11:53:30 14 inhibit the ability of the Commission to undertake the
11:53:34 15 examination as necessary but I am trying to, equally,
11:53:36 16 ensure that there is not contravention of the relevant
11:53:40 17 legislation. So at this point if we can perhaps do our
11:53:44 18 utmost to restrict references to any ACC examinations and I
11:53:50 19 will seek instructions in respect of the references that
11:53:54 20 have been made this morning.
11:53:55 21
11:53:57 22 COMMISSIONER: All right. Ms Tittensor, are you content to
11:54:00 23 do that to try and restrict public references to the ACC?
11:54:04 24
11:54:05 25 MS TITTENSOR: Commissioner, I'll do my best. I do note
11:54:07 26 this document has previously been tendered and examined
11:54:10 27 upon. I note that Solicitor 2 was charged under that
11:54:17 28 particular Act and it's - - -
11:54:23 29
11:54:23 30 COMMISSIONER: In a public way.
11:54:25 31
11:54:25 32 MS TITTENSOR: In a public way. I note that the evidence
11:54:27 33 has been - - -
11:54:28 34
11:54:28 35 COMMISSIONER: Yes.
11:54:29 36
11:54:29 37 MS TITTENSOR: - - - that Mr Richter, as I understand it,
11:54:32 38 cross-examined at trial in relation to those matters in
11:54:37 39 relation to the third person mentioned, but if I mention it
11:54:43 40 again I'll simply say some sort of hearing, if I need to.
11:54:48 41
11:54:48 42 COMMISSIONER: Let's see how we go, I'm sure Ms Martin will
11:54:52 43 speak up if she feels uncomfortable about the situation.
11:54:55 44
11:54:56 45 MS MARTIN: Thank you Commissioner.
11:54:57 46
11:54:57 47 MS TITTENSOR: Thank you.

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11:55:09 1 You'll see there it also, right down the bottom, it
11:55:13 2 also refers to an interview with Ms Gobbo in the paper in
11:55:19 3 mid-2004?---Yes.
11:55:21 4
11:55:21 5 About the gangland war taking a toll?---Yes.
11:55:24 6
11:55:24 7 Reflective of the fact that she had quite a media
11:55:28 8 presence?---Yes.
11:55:28 9
11:55:34 10 These are all matters which would be relevant to, or
11:55:44 11 consistent with that Doca list about persons of interest
11:55:49 12 and who might be spoken to by Purana, is that right?---I
11:55:55 13 assume so.
11:55:55 14
11:55:55 15 And relevant to any strategy to be adopted in relation to
11:55:59 16 an approach to a person of interest?---Yes.
11:56:03 17
11:56:05 18 And when I say an approach, an approach to assist or
11:56:09 19 cooperate with Purana?---Yes.
11:56:11 20
11:56:13 21 If we can go up to p.5. You'll see there Ms Gobbo's
11:56:27 22 criminal associates, Mokbel, Carl Williams, George
11:56:35 23 Williams, Barbara Williams, a number of people who we can't
11:56:39 24 mention in open proceedings and various others?---Yes.
11:56:43 25
11:56:47 26 As you say, Purana maintained such a profile which might be
11:56:53 27 added to from time to time, I assume as new information is
11:56:56 28 gathered. It was not surprising?---No, that's right. And
11:57:05 29 you wouldn't keep a draft of the original profile.
11:57:09 30
11:57:09 31 No, this was a living document?---That's right.
11:57:11 32
11:57:23 33 I appreciate that in January of 2005 you weren't stationed
11:57:28 34 at Purana, is that right?---I believe so.
11:57:34 35
11:57:35 36 But you were still maintaining a connection in relation to
11:57:38 37 ongoing cases?---As much as I could, yes. I had some
11:57:43 38 matters on foot, yes.
11:57:44 39
11:57:44 40 But then by April of 2005 you were involved in the trial of
11:57:50 41 Mr Gatto for the murder of Andrew Veniamin?---Yes.
11:57:52 42
11:57:53 43 And did you work out of the Purana offices during that
11:57:56 44 period of time?---I may have. I may have worked out of the
11:58:04 45 Homicide Squad. I'm not certain, but I would have been
11:58:07 46 between the two offices.
11:58:09 47

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11:58:09 1 Where was the Homicide Squad located?---9th floor.
11:58:12 2
11:58:12 3 And where were the Purana offices?---I think the 14th or,
11:58:18 4 perhaps we started on the 10th and moved to the 14th but it
11:58:22 5 was a different floor.
11:58:23 6
11:58:26 7 Did you remain interested and involved in investigations
11:58:29 8 relating to Mr Gatto following that time?---Yes.
11:58:35 9
11:58:44 10 Are you aware that following the committal proceedings in
11:58:48 11 relation to Mr Williams and a number of those other
11:58:52 12 witnesses whom I won't mention, in March of 2005, that
11:59:01 13 Ms Gobbo began to provide him with information of interest
11:59:05 14 about persons of interest to the Purana Task
11:59:09 15 Force?---Provide who, sorry?
11:59:10 16
11:59:10 17 Mr Bateson?---No.
11:59:13 18
11:59:14 19 Did you ever become aware that Ms Gobbo was providing
11:59:19 20 information to Mr Bateson?---No.
11:59:23 21
11:59:25 22 That in particular she provided information in relation to
11:59:28 23 Solicitor 2?---No.
11:59:31 24
11:59:33 25 That this was also associated with information about the
11:59:37 26 likes of Tony Mokbel, Carl Williams and George
11:59:41 27 Williams?---No.
11:59:41 28
11:59:50 29 You would expect that Mr Bateson would have known that
11:59:55 30 Ms Gobbo had acted for or was still acting for each of
12:00:00 31 those people?---Presumably.
12:00:03 32
12:00:07 33 Were you aware that Purana were conducting an investigation
12:00:11 34 during the course of 2005, during that year, named
12:00:16 35 Operation Pedal?---I don't recall that.
12:00:21 36
12:00:21 37 An investigation particularly associated with Solicitor 2
12:00:26 38 and money laundering activities?---I wasn't involved in
12:00:30 39 that investigation, I don't recall it but I don't dispute
12:00:33 40 that it was occurring. After the Gatto trial I returned to
12:00:41 41 the Homicide Squad.
12:00:43 42
12:00:43 43 And when did that finish?---I'd have to check my diary.
12:00:51 44
12:00:55 45 Did you ever become aware that Purana made a complaint to
12:00:58 46 the Law Institute about Solicitor 2's professional
12:01:02 47 conduct?---I am aware of that.

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12:01:03 1
12:01:04 2 When did you become aware of that?---Probably at the time.
12:01:10 3
12:01:10 4 And what were you aware that that related to?---I'm not
12:01:14 5 certain.
12:01:14 6
12:01:16 7 You're aware that that was a possibility if you were
12:01:22 8 concerned about the professional conduct of a solicitor you
12:01:26 9 could complain to the Law Institute?---Yes.
12:01:28 10
12:01:30 11 Was that something that was your idea or someone else's
12:01:33 12 idea?---I had nothing to do with that investigation.
12:01:37 13
12:01:37 14 It's just something that you knew occurred?---Yes.
12:01:39 15
12:01:40 16 And if you knew that that was occurring would you have
12:01:44 17 understood that behind that there was an investigation by
12:01:48 18 Purana of Solicitor 2, or involving Solicitor 2?---Yes, it
12:01:52 19 follows. Or certainly that Purana investigators had come
12:01:56 20 into possession of information that motivated that
12:02:01 21 complaint.
12:02:02 22
12:02:02 23 Who was it that was responsible for making that
12:02:05 24 complaint?---I don't know, sorry.
12:02:06 25
12:02:09 26 Would it have needed some authorisation for a complaint to
12:02:13 27 be made?---Yes.
12:02:14 28
12:02:14 29 Who would have authorised it?---Well, ultimately the
12:02:20 30 Inspector in charge of the Task Force, whoever it was at
12:02:24 31 that time.
12:02:27 32
12:02:30 33 Do you know the nature of the complaint at all?---No,
12:02:35 34 sorry, I don't.
12:02:35 35
12:02:36 36 Do you know in what circumstances you became aware of
12:02:38 37 it?---No, only from being embedded in the Task Force.
12:02:46 38
12:02:47 39 Do you know what the consequences were of that
12:02:52 40 complaint?---I probably knew at the time but I don't recall
12:02:54 41 now.
12:02:54 42
12:02:56 43 It seems apparent that Purana at least were cognisant that
12:03:01 44 they could take steps if they were concerned about a
12:03:06 45 lawyer's professional conduct?---Yes.
12:03:07 46
12:03:08 47 And that one of those steps would be to complain to the

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12:03:11 1 professional body?---Yes.
12:03:12 2
12:03:28 3 Now it seems later in 2005 Mr O'Brien came over to head the
12:03:35 4 Purana Task Force?---Yes.
12:03:37 5
12:03:37 6 Were you around when that happened?--No, I was back at
12:03:42 7 Homicide and then I didn't return to Purana until Condello
12:03:46 8 was killed in February of 2006.
12:03:49 9
12:03:51 10 So were you aware that when Mr O'Brien - you were aware of
12:03:57 11 that event when it occurred, it was something of some
12:04:01 12 significance, a new head of Purana?---No doubt.
12:04:04 13
12:04:04 14 And are you aware at the time he was appointed there was a
12:04:10 15 second MDID crew that came in and there was an increase in
12:04:13 16 focus towards the investigation of Tony Mokbel and his
12:04:18 17 associates?---I certainly recall that change in focus, yes.
12:04:23 18
12:04:24 19 By that stage there'd been a number of - we'd at least had
12:04:32 20 the rolling of a particular witness and numerous people
12:04:38 21 were arrested and in custody and at least facing trial for
12:04:42 22 murder, in terms of the gangland killings?---Yes.
12:04:45 23
12:04:50 24 And in particular the main person behind a number of those
12:04:56 25 murders was in custody or the main person targeted by
12:05:02 26 Purana at that stage, Mr Williams?---Yes.
12:05:05 27
12:05:09 28 COMMISSIONER: Ms Tittensor, I've just been asked, some
12:05:11 29 orders have been proposed and handed up to me. I just
12:05:15 30 wanted to be sure that they're necessary. I've been asked
12:05:18 31 to make an order that pursuant to s.26 of the Inquiries Act
12:05:22 32 there's no publication of the reference to the coercive
12:05:25 33 hearing referenced at 11.50 am and the subsequent exchange
12:05:30 34 about those hearings between counsel assisting and counsel
12:05:33 35 for the ACIC and the Commissioner.
12:05:40 36
12:05:41 37 MS TITTENSOR: Commissioner, given - - -
12:05:43 38
12:05:43 39 COMMISSIONER: I didn't realise I had made those orders but
12:05:46 40 someone has handed them up to me.
12:05:49 41
12:05:50 42 MS TITTENSOR: I thought we'd come to some agreement.
12:05:52 43
12:05:52 44 COMMISSIONER: I thought we had too, just because I was
12:05:55 45 handed them up I thought I better raise it. You don't say
12:05:59 46 that they're necessary?
12:06:00 47

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12:06:00 1 MS TITTENSOR: No, I don't, Commissioner.
12:06:02 2
12:06:02 3 COMMISSIONER: Good, thank you.
12:06:06 4
12:06:08 5 MS TITTENSOR: Now, in February of 2006 you go back to the
12:06:11 6 Purana Task Force, as you say, to investigate the murder of
12:06:15 7 Mario Condello?---Yes.
12:06:16 8
12:06:17 9 And that was known as Operation Primi?---Yes.
12:06:22 10
12:06:23 11 And is it the case that you also worked on other matters as
12:06:27 12 well within the Purana Task Force, as and when called
12:06:31 13 upon?---Yes. Assisted other crews you mean?
12:06:35 14
12:06:35 15 Yes?---Yes.
12:06:36 16
12:06:43 17 You say at paragraph 45 of your statement that you recall
12:06:51 18 learning that Ms Gobbo was a human source around the time
12:06:56 19 Purana Task Force were investigating Tony Mokbel and a
12:06:59 20 certain person was arrested?---Yes.
12:07:01 21
12:07:02 22 You can't recall exactly how you learnt this but you
12:07:05 23 believe it would have been in the context of conversations
12:07:07 24 with Mr O'Brien or Jason Kelly?---Yes.
12:07:12 25
12:07:14 26 Now, again, the arrest of that person who I won't name was
12:07:18 27 a significant event within the Purana Task Force?---Yes.
12:07:22 28
12:07:26 29 The rolling of a number of witnesses in terms of the
12:07:30 30 murders, the murder focus of Purana, this was the
12:07:34 31 equivalent in terms of the drug focus, is that
12:07:37 32 right?---Yes.
12:07:37 33
12:07:40 34 That person's arrest led to significant other arrests in
12:07:45 35 relation to Mr Mokbel's family and associates?---Yes.
12:07:49 36
12:07:51 37 You believe you learned about Ms Gobbo's status in the
12:07:55 38 context of conversations with Mr O'Brien or Mr Kelly. Do
12:07:59 39 you recall speaking with those persons at various times
12:08:02 40 around that arrest?---Not specifically. That's an
12:08:06 41 assumption I make.
12:08:09 42
12:08:10 43 Did it come as a surprise to you that Ms Gobbo was
12:08:14 44 providing information to police that she was registered as
12:08:17 45 a human source?---Yes.
12:08:20 46
12:08:22 47 Did you inquire as to how that occurred?---No.

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12:08:26 1
12:08:27 2 Is there a reason why you didn't?--I've never sought to
12:08:36 3 look behind, inquire about how a human source is developed
12:08:44 4 and registered for, by other investigators.
12:08:48 5
12:08:48 6 This was a human source like no other though, wasn't
12:08:53 7 it?--No, that's not the case. I make a reference to
12:08:56 8 another human source in almost identical circumstances.
12:09:01 9
12:09:01 10 All right. We might come to that at some stage. At this
12:09:07 11 stage was it a human source like no other?---There may have
12:09:12 12 been others but I'm not certain.
12:09:15 13
12:09:15 14 Do you say aside from Ms Gobbo and the other person that
12:09:18 15 you've made a reference to just now, that there were other
12:09:23 16 lawyers registered or providing information?---I'm not sure
12:09:30 17 about any other registered sources, lawyers as registered
12:09:34 18 sources. Look, I agree with you, it's a unique
12:09:39 19 circumstance.
12:09:39 20
12:09:39 21 This was a person who was representing the very people that
12:09:42 22 Purana were going after?---Yes.
12:09:46 23
12:09:52 24 You're a qualified lawyer?---Yes.
12:09:55 25
12:09:55 26 Did you ask about whether there were any boundaries in the
12:09:58 27 use of Ms Gobbo given her status as a lawyer?---No.
12:10:03 28
12:10:04 29 Did you ask whether, discern whether there was any legal
12:10:10 30 advice that had been taken in relation to the use of
12:10:12 31 her?---No.
12:10:13 32
12:10:14 33 Did you raise any concern about her breaching
12:10:20 34 boundaries?---No.
12:10:20 35
12:10:23 36 You didn't find out yourself what the boundaries
12:10:29 37 were?---No.
12:10:29 38
12:10:32 39 What was your understanding as to what type of information
12:10:37 40 she was providing?---Well initially, as I understood it at
12:10:46 41 the time, or came to understand, she was providing
12:10:52 42 information specifically in relation to drug matters
12:10:56 43 concerning the Mokbel group.
12:11:04 44
12:11:04 45 You understood that she was representing Mr Mokbel?---I
12:11:10 46 believe so.
12:11:10 47

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12:11:10 1 Did you see a problem with that?---At the time - I
12:11:16 2 certainly see a problem with it now but at the time my
12:11:20 3 breadth of information, knowledge and understanding was
12:11:24 4 very limited, and for good reason, it's a human source.
12:11:27 5
12:11:28 6 You understood at the time that she was a human source
12:11:32 7 providing information about the Mokbels?---Well, about the
12:11:42 8 Mokbel group. I wasn't sure specifically who information
12:11:45 9 was being provided on.
12:11:47 10
12:11:49 11 The target of the investigation was Tony Mokbel, his
12:11:53 12 family, his group?---Yes.
12:11:54 13
12:11:54 14 You understood that she was providing information
12:11:58 15 detrimental to that group, which included Tony
12:12:01 16 Mokbel?---Yes.
12:12:02 17
12:12:02 18 You understood that she was representing Tony Mokbel?---I
12:12:05 19 believe so.
12:12:07 20
12:12:07 21 Did you see anything wrong with that?---No. No, I didn't
12:12:14 22 at the time.
12:12:14 23
12:12:15 24 Did anyone else to your knowledge see anything amiss or
12:12:19 25 wrong with that?---I don't - I'm not aware if they did or
12:12:32 26 were.
12:12:32 27
12:12:32 28 The particular person that was arrested around the time
12:12:35 29 that you came to know of Ms Gobbo's status as a source,
12:12:41 30 were you aware that Ms Gobbo was representing that
12:12:44 31 person?---I understand that now. I wasn't aware of that at
12:12:51 32 the time.
12:12:51 33
12:12:53 34 When did you become aware that on the night that person was
12:12:56 35 arrested Ms Gobbo went in and advised him?---I wasn't aware
12:13:01 36 of that at the time. I've learnt of that during the course
12:13:04 37 of the Royal Commission.
12:13:05 38
12:13:06 39 And what were your thoughts on that?---Which aspect?
12:13:12 40
12:13:13 41 Ms Gobbo having provided information about that particular
12:13:18 42 person which led to his arrest and going in to advise
12:13:22 43 him?---It's a conflict of interest.
12:13:25 44
12:13:25 45 If the police were aware of that, what are your thoughts on
12:13:29 46 that?---Well, it's a conflict for the lawyer. It's not a
12:13:42 47 conflict of interest for the investigators, but it's

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12:13:49 1 relevant.
12:13:50 2
12:13:50 3 That person doesn't know that Ms Gobbo has provided the
12:13:53 4 very information that's led to their arrest?---Yes.
12:13:56 5
12:13:57 6 The police are aware of that and the police allow Ms Gobbo
12:14:00 7 to go in and advise that person?---Is that the case?
12:14:04 8
12:14:04 9 Yes?---I wasn't aware of that.
12:14:08 10
12:14:08 11 And further to that, the police have Ms Gobbo in a room
12:14:13 12 with the investigator convincing that person to roll. Are
12:14:20 13 you aware of that?---Only from the Royal Commission.
12:14:23 14
12:14:23 15 And what are your thoughts on that?---I guess that's why
12:14:26 16 the High Court described it as reprehensible conduct.
12:14:30 17
12:14:31 18 What would you describe it as?---I don't take issue with
12:14:34 19 the High Court.
12:14:35 20
12:14:36 21 Do you see that it might constitute a criminal
12:14:42 22 offence?---By who?
12:14:42 23
12:14:43 24 By Ms Gobbo, by the police involved?---Possibly.
12:14:50 25
12:15:07 26 Your day book, I think on the night of that arrest,
12:15:12 27 indicates that you had some role, is that right? Inspector
12:15:18 28 Ryan requested you to be on standby?---Yes.
12:15:20 29
12:15:21 30 Later that night you attended at the office at the request
12:15:24 31 of Inspector Ryan and that particular person was in custody
12:15:28 32 and you were then given some duties?---I don't recall that
12:15:32 33 but I don't dispute that. I think it was an all hands on
12:15:36 34 deck type of investigation phase.
12:15:38 35
12:15:38 36 Is it likely you would have become aware of Ms Gobbo having
12:15:42 37 attended at the station that night?---I don't believe I was
12:15:45 38 aware.
12:15:45 39
12:15:53 40 Being a lawyer yourself you understand the requirement of a
12:15:57 41 person receiving independent and impartial
12:16:01 42 representation?---Yes.
12:16:02 43
12:16:05 44 If the circumstances had have occurred and you were
12:16:10 45 involved, Ms Gobbo having been registered provided the
12:16:15 46 information and then turned up to provide the advice, what
12:16:19 47 would you have done to avoid that situation?---Well it's a

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12:16:28 1 situation that I wasn't in but were I in that situation, I
12:16:33 2 would speak to my superiors about it and I would consider
12:16:41 3 that this situation, if it were allowed to continue, would
12:16:46 4 potentially undermine, jeopardise the admissibility of
12:16:50 5 evidence.
12:16:50 6
12:16:51 7 Because you'd have to disclose that, wouldn't you?---That's
12:16:54 8 right.
12:16:54 9
12:16:57 10 Have you ever been in a circumstance where you've not
12:17:01 11 allowed a particular solicitor to represent someone because
12:17:06 12 you regard there to be a conflict of interest?---I don't
12:17:12 13 think so.
12:17:13 14
12:17:21 15 It had real potential to infect whatever investigations,
12:17:25 16 whatever charges were laid thereafter, is that
12:17:28 17 right?---Yes.
12:17:28 18
12:17:44 19 Was it ever made, were you ever made aware that on a number
12:17:48 20 of occasions prior to and after that event Ms Gobbo had
12:17:53 21 told her handlers that there were very serious ethical
12:17:57 22 issues at the very least in relation to her conduct with
12:18:00 23 the SDU?---No. I've heard that evidence given here but no
12:18:05 24 awareness of that whatsoever.
12:18:07 25
12:18:10 26 Having heard that evidence, what would you expect any
12:18:15 27 police member to do in that situation? If you're having a
12:18:21 28 conversation with your source, your source is a lawyer,
12:18:25 29 your source indicates, "What we're doing is ethically
12:18:28 30 corrupt, I might even have committed criminal
12:18:31 31 offences"?---You would seek legal advice as ultimately I
12:18:34 32 did when I was in full possession of the facts and
12:18:37 33 circumstances.
12:18:38 34
12:18:47 35 You'd seek legal advice before you were in full possession
12:18:51 36 if you had any concerns whatsoever, wouldn't you?---Yes,
12:18:54 37 you would.
12:18:54 38
12:18:57 39 Now following that night, on [REDACTED] your day book
12:19:06 40 indicates that you were briefed by Inspector O'Brien re
12:19:12 41 Operation Posse phase 4 and to refer to the op order. Do
12:19:18 42 you recall now what Operation Posse phase 4 was?---I assume
12:19:26 43 it's a drug investigation but I don't recall the specifics.
12:19:31 44
12:19:31 45 And you refer in your notes to an op order, is that a
12:19:35 46 written document?---Yes.
12:19:36 47

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12:19:36 1 What is contained within an op order?---It's essentially a
12:19:41 2 plan, an investigation plan, an execution plan.
12:19:45 3
12:19:45 4 Does that include a plan as to how to approach a record of
12:19:50 5 interview, for example, or is it - - - ?---No, that detail
12:19:53 6 wouldn't be in an op order.
12:19:55 7
12:19:56 8 What would the detail be in an op order?---Well, you would
12:20:02 9 have a summary of the situation, the summary of the plan to
12:20:11 10 conduct the investigation. Op orders most commonly are
12:20:17 11 produced in the preparation of execution of a warrant.
12:20:20 12 It's a summary document of what you're going to do in
12:20:23 13 relation to the execution of a search warrant for example.
12:20:26 14
12:20:27 15 You referred to - - -
12:20:28 16
12:20:28 17 MS ARGIROPOULOS: Sorry to interrupt. Just before the live
12:20:31 18 stream goes out, at line 34 my learned friend mentioned a
12:20:36 19 date which should be removed from the live stream and the
12:20:39 20 transcript. It's not a date that we refer to in public.
12:20:43 21
12:20:43 22 COMMISSIONER: Sorry, at line 34?
12:20:45 23
12:20:46 24 MS ARGIROPOULOS: Line 34.
12:20:46 25
12:20:46 26 COMMISSIONER: Right, I've got it there. Yes, all right.
12:20:49 27
12:20:49 28 MS ARGIROPOULOS: Thank you Commissioner.
12:20:50 29
12:20:50 30 COMMISSIONER: Do you want just the date out, the month can
12:20:54 31 stay?
12:20:54 32
12:20:55 33 MS ARGIROPOULOS: No, the day and the month, please.
12:20:57 34
12:20:57 35 MS TITTENSOR: We've previously been leading evidence
12:21:02 36 including the month.
12:21:04 37
12:21:05 38 MS ARGIROPOULOS: It's problematic when it's used in this
12:21:07 39 particular context in a public hearing.
12:21:13 40
12:21:14 41 COMMISSIONER: I think we'll just take out the date at this
12:21:16 42 stage, I think that's enough. We'll remove the date from
12:21:19 43 line 34, thank you, and remove that from the streaming.
12:21:29 44
12:21:31 45 MS TITTENSOR: Your file note on this occasion included the
12:21:35 46 phase 4. Do you expect the op order would have included
12:21:38 47 the other phases?---Possibly.

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12:21:42 1
12:21:43 2 Would there be one op order for phase 4 or would there be
12:21:48 3 one op order that covers phase 1, 2, 3, 4 and
12:21:52 4 following?---Yes.
12:21:52 5
12:21:53 6 The latter?---Yes.
12:21:54 7
12:21:55 8 Given the arrest [REDACTED] of Milad Mokbel, would
12:22:02 9 we assume that phase 4 related to that?---That's a fair
12:22:06 10 assumption but I'm not certain.
12:22:08 11
12:22:08 12 Do you recall having anything to do with that matter?---I
12:22:15 13 think I was in the office on the day of the execution of
12:22:25 14 those warrants but I wasn't involved in the warrants as
12:22:29 15 such.
12:22:29 16
12:22:30 17 Are you aware that on [REDACTED] Mr Cvetanovski was
12:22:36 18 also arrested?---I'm not aware of that but I don't dispute
12:22:39 19 that.
12:22:40 20
12:22:40 21 When you say you were in the office, the Purana
12:22:44 22 offices?---Yes.
12:22:44 23
12:22:45 24 Are you aware that Ms Gobbo provided advice to both of
12:22:48 25 those men?---No.
12:22:50 26
12:22:57 27 Again, if you had have been aware would you have had some
12:23:01 28 concern about that?---Sorry, should I be concerned that
12:23:10 29 Ms Gobbo represented Milad Mokbel?
12:23:12 30
12:23:13 31 Ms Gobbo came in to advise Mr Mokbel and Mr Cvetanovski,
12:23:17 32 having been arrested following that, in circumstances where
12:23:21 33 the evidence upon which they were arrested [REDACTED] PII
12:23:26 34 [REDACTED] PII?---Is that the case?
12:23:28 35
12:23:28 36 Yes?---Yes.
12:23:29 37
12:23:31 38 Again, you would accept that she had a significant
12:23:36 39 conflict?---Yes.
12:23:36 40
12:23:39 41 And again if you were an investigator with knowledge of
12:23:44 42 those matters, would you have taken steps to avoid her
12:23:48 43 representing or advising those people?---Yes.
12:23:50 44
12:23:51 45 You would see that as your obligation as a member of the
12:23:54 46 police?---Well if it's going to jeopardise the
12:24:01 47 admissibility of evidence in your matter then you would

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12:24:03 1 seek to avoid that.
12:24:04 2
12:24:05 3 You at this stage, were you still admitted as a, to
12:24:10 4 practice?---Well, you know, I had my initial admission
12:24:14 5 after articles and that was it.
12:24:16 6
12:24:17 7 Did you see yourself as having obligations to the court,
12:24:21 8 being admitted to the court?---No, I've never regarded
12:24:26 9 myself as a lawyer. As you describe before, I was admitted
12:24:32 10 to practice and I've never been a lawyer.
12:24:34 11
12:24:35 12 Being admitted to practice means you're an officer of the
12:24:38 13 court, is that right?---I accept that.
12:24:40 14
12:24:41 15 And you have duties and obligations to the court?---Yes.
12:24:45 16
12:24:45 17 Were those still in existence at this time?---I accept that
12:24:48 18 they were. It's never occurred to me that as a policeman
12:24:53 19 and never actually been a lawyer that I had the same
12:24:57 20 obligation to the court that you do as a practising lawyer.
12:25:01 21
12:25:16 22 If we can bring up just on Mr Buick's and mine and the
12:25:21 23 Commissioner's screen for now an email from Mr Buick dated
12:25:28 24 2 May 2006 to an SDU handler who we know by the name of
12:25:35 25 Smith. Do you know who I'm referring to? Do you see his
12:25:43 26 name at the top - you see the real name of the person at
12:25:47 27 the top of the screen there?---Yes.
12:25:48 28
12:25:48 29 We know him in the Commission by the name of Smith?---Okay.
12:25:51 30
12:25:51 31 If we read that email. You say, "Hello Smith. I obviously
12:25:58 32 don't know who your Operation Posse human sources is or are
12:26:05 33 but I assume they are close to the Mokbels. On Thursday
12:26:09 34 last week I had the chance to speak to a particular person
12:26:13 35 that was arrested"?---Yes.
12:26:15 36
12:26:16 37 "In relation to the murder of Mario Condello" and you note
12:26:22 38 that Mr Condello had been killed at his home in February of
12:26:26 39 2006?---Yes.
12:26:28 40
12:26:29 41 MR CHETTLE: Commissioner, I appreciate this is a private
12:26:30 42 hearing this does relate - - -
12:26:32 43
12:26:32 44 COMMISSIONER: No, this is public.
12:26:33 45
12:26:33 46 MR CHETTLE: A public hearing, I'm sorry. It does relate
12:26:35 47 to one of my clients and I'd like to see it if I could.

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12:26:39 1
12:26:39 2 COMMISSIONER: You would like to see it on your screen?
12:26:42 3
12:26:42 4 MR CHETTLE: I thought we had a default agreement.
12:26:44 5
12:26:44 6 COMMISSIONER: Yes, I can't see any problem with that, as
12:26:47 7 long as it's not on the big screen. There's nobody who is
12:26:50 8 able to see your screen. Can we do that, put it on
12:26:52 9 everybody's screens? Thank you.
12:26:55 10
12:26:56 11 MS TITTENSOR: You provide there some information that had
12:26:58 12 been given to you by that particular person about [REDACTED]
12:27:03 13 [REDACTED] Milad Mokbel on the evening of the death, is that
12:27:09 14 right?---Yes.
12:27:10 15
12:27:12 16 And Milad Mokbel [REDACTED] that Condello was
12:27:18 17 going to be killed that night?---Yes.
12:27:20 18
12:27:21 19 And you wanted the handler, Mr Smith, to ask his human
12:27:28 20 source if he/she had any such pre murder knowledge or any
12:27:36 21 Condello relevant information?---Yes.
12:27:37 22
12:27:38 23 That was forwarded the next day, you say there, from Smith
12:27:43 24 to White?---Yes.
12:27:43 25
12:27:44 26 We're calling him. With an, "FYI as discussed", and he
12:27:53 27 makes light of your opening line, "I like the opening line.
12:28:00 28 I have replied by phone as discussed". It seems to
12:28:03 29 indicate it was a bit tongue in cheek when you'd indicated,
12:28:06 30 "I obviously don't know who your Operation Posse sources is
12:28:11 31 or are". Do you agree that that was a bit tongue in
12:28:14 32 cheek?---No.
12:28:15 33
12:28:16 34 You knew at that stage that Ms Gobbo was an Operation Posse
12:28:23 35 human source?---It appears not.
12:28:26 36
12:28:30 37 "I like the opening line" seems to indicate that he knew
12:28:35 38 that was a joke?---You'd need to ask Smith about that.
12:28:39 39
12:28:39 40 Do you say at this stage you had no idea that Ms Gobbo was
12:28:43 41 a human source?---I can't say for certain. I'm not sure
12:28:47 42 exactly when I became aware. This indicates that at this
12:28:51 43 time I wasn't.
12:28:52 44
12:28:53 45 Would you have written that, knowing the protocol that
12:28:57 46 you're not meant to know who human sources are and you
12:29:00 47 wrote that as a joke, would you have done something like

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12:29:03 1 that?---No, I wouldn't think so.
12:29:05 2
12:29:05 3 You're not a joker? You wouldn't joke about something like
12:29:11 4 that?---No, I wouldn't think so. I may, but I wouldn't
12:29:15 5 think so. I thought, I actually potentially read it as him
12:29:26 6 having a dig at me for disclosing that I know that there's
12:29:31 7 a source in the Mokbels and that's something that I
12:29:34 8 shouldn't discuss. But again, you'd need to ask Smith
12:29:40 9 that.
12:29:41 10
12:29:41 11 You'd had involvement, we've just been through, in relation
12:29:45 12 to Operation Posse in the days and weeks and whatever
12:29:51 13 amount of time before this, is that right? We've just been
12:29:55 14 through a number of those instances?---Yes.
12:29:57 15
12:29:57 16 It's likely by this time, you having been briefed and you
12:30:01 17 thinking now that you got the information possibly from
12:30:03 18 Kelly or Jim O'Brien, that you would have been told about
12:30:07 19 Ms Gobbo's involvement?---Possibly.
12:30:09 20
12:30:09 21 So if that was the case, this was a joke?---Well, not so
12:30:16 22 much a joke but you don't disclose, in a serious way or in
12:30:25 23 a jovial way, the name of a human source.
12:30:30 24
12:30:30 25 In any case it appears from this that you've had a
12:30:34 26 discussion with Mr Smith about the matter?---Um - - -
12:30:42 27
12:30:43 28 He indicates to Mr White, "Have replied by phone as
12:30:47 29 discussed"?---Yes, I see that.
12:30:48 30
12:30:48 31 Can you recall any discussion with Mr Smith about those
12:30:52 32 matters?---No, sorry.
12:30:53 33
12:31:09 34 Having spoken to that particular, the other person
12:31:14 35 mentioned in that email, do you recall whether or not you
12:31:19 36 had any idea of who he was being represented by?---No.
12:31:23 37
12:31:24 38 Would you have had any contact with his legal
12:31:27 39 representative in relation to speaking with him?---No.
12:31:29 40
12:31:40 41 We might need to go back into closed session, Commissioner.
12:31:43 42
12:31:43 43 COMMISSIONER: Yes, all right then. We'll return now to
12:31:47 44 closed session. I make the order under s.24 of the
12:31:52 45 *Inquiries Act*. Access to the inquiry during this section
12:31:55 46 of the evidence of Inspector Buick commencing at 12.33 is
12:32:03 47 limited to legal representatives and staff assisting the

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12:32:06 1 Royal Commission. The following parties with leave to
12:32:09 2 appear in the private hearing and their legal
12:32:11 3 representatives, namely the State of Victoria, Victoria
12:32:14 4 Police, including media unit representatives, Graham
12:32:17 5 Ashton, Director of Public Prosecutions and Office of
12:32:21 6 Public Prosecutions, Commonwealth Director of Public
12:32:23 7 Prosecutions, Ms Nicola Gobbo, SDU handlers, Australian
12:32:26 8 Federal Police, Australian Criminal Intelligence
12:32:30 9 Commission, the legal representatives of the following
12:32:33 10 parties with leave to appear, John Higgs, Pasquale Barbaro,
12:32:36 11 Person 14, Faruk Orman, Paul Dale, Andrew and Mandy Hodson.
12:32:41 12 Media representatives accredited by the Royal Commission
12:32:43 13 are allowed to be present in the hearing room. The hearing
12:32:47 14 is to be recorded but not streamed or broadcast. Subject
15 to any further order there is to be no publication of any
12:32:50 16 material, statements, information or evidence given, made
12:32:53 17 or referred to before the Commission which could identify
12:32:56 18 or tend to identify the persons referred to as Witness A,
12:32:59 19 Witness B, Witness X, Person 14, any member of the Source
12:33:04 20 Development Unit or there whereabouts. A copy of this
12:33:05 21 order is to be posted on the door of the hearing room.

12:33:09 22
12:33:09 23 MS TITTENSOR: Thank you Commissioner.

12:33:10 24
12:33:11 25 (PROCEEDINGS IN CAMERA FOLLOW)

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1 UPON RESUMING IN OPEN COURT:
2
14:44:19 3 COMMISSIONER: We're back in open session now, thank you.
14:44:29 4
14:44:29 5 MS TITTENSOR: Just to reiterate, Mr Buick. On 21
14:44:32 6 September 2006 you commenced an investigation into the
14:44:35 7 murder of Victor Peirce?---Yes.
8
14:44:38 9 You took possession of the statement recently made by the
14:44:42 10 main witness in that matter which implicated Andrew
14:44:49 11 Veniamin, Faruk Orman and others in Mr Peirce's
14:45:02 12 murder?---That's right.
13
14:45:03 14 Similarly in relation to the statement you took in relation
14:45:04 15 to Kallipolitis, Mr Orman was again implicated as the
14:45:07 16 driver?---Yes.
17
14:45:14 18 Is it the case you were the lead investigator in that
14:45:16 19 matter?---The Peirce matter?
20
14:45:19 21 Yes?---Yes, from that point on, yes.
22
14:45:22 23 By that stage a Sergeant in charge of the
14:45:25 24 investigation?---Yes.
25
14:45:27 26 And did you have a crew under you? You were providing
14:45:31 27 guidance to the crew under you?---Yes.
28
14:45:32 29 And when you say that statement was recently made, it was
14:45:36 30 made on the same day as the statement in the Kallipolitis'
14:45:43 31 matter?---I accept that.
32
14:45:45 33 And you would have cause to believe that that statement may
14:45:49 34 have been marked up in the same way that the Kallipolitis'
14:45:54 35 statement had been marked up by Nicola Gobbo?---It may well
14:45:57 36 have been.
37
14:46:00 38 Did you ask whether there were any drafts of that
14:46:04 39 statement?---No.
40
14:46:05 41 When you commenced the investigation?---No.
42
14:46:08 43 Do you recall whether there were any drafts on the
14:46:10 44 investigation file?---No.
45
14:46:11 46 Do we take it there were no drafts provided to
14:46:15 47 defence?---That's right.

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1
14:46:19 2 It's a safe bet, given Ms Gobbo's involvement in marking up
14:46:22 3 other statements, that she'd done so in relation to that
14:46:25 4 matter?---Possible.
5
14:46:31 6 Did you make any inquiry about the process in relation to
14:46:33 7 that statement and her involvement?---No, I assumed it was
14:46:36 8 the same as the Kallipolitis/Dibra statement.
9
14:46:44 10 You're aware that Ms Gobbo could not purport to
14:46:48 11 legitimately represent anyone implicated by that particular
14:46:52 12 witness in any of his statements?---Sorry, can you repeat
14:46:56 13 that question?
14
14:46:58 15 The particular witness that we're talking about that made
14:47:01 16 those statements?---Yes.
17
14:47:02 18 You're aware, given Ms Gobbo's involvement in that process,
14:47:08 19 that she could not purport to legitimately represent anyone
14:47:11 20 that he implicated in those statements?---Yes.
21
14:47:13 22 She couldn't be in a position to provide independent,
14:47:17 23 impartial advice?---Yes.
24
14:47:19 25 She couldn't act in anyone's best interests who might be
14:47:24 26 charged as a result of that information or those
14:47:28 27 statements?---Yes.
28
14:47:37 29 Within a number of months you were aware that Ms Gobbo was
14:47:40 30 providing legal representation for Faruk Orman?---I was
14:47:46 31 aware that she had appeared at a filing hearing, a subpoena
14:47:52 32 return, yes.
33
14:47:53 34 So the answer is yes, you were aware she was providing
14:47:56 35 legal representation for Faruk Orman?---Yes.
36
14:48:02 37 You're aware that that was a conflict?---Not at the time,
14:48:05 38 no.
39
14:48:09 40 Given your knowledge of her involvement in the making of
14:48:12 41 the statements implicating Faruk Orman, how could you not
14:48:16 42 be aware that that was a conflict?---I must say I was
14:48:22 43 surprised to see her at the court for the - I believe it
14:48:28 44 was the filing hearing, the subpoena return. But as I
14:48:33 45 described earlier, I regarded - and routinely saw her as a
14:48:40 46 ticket barrister who would be available and ready for these
14:48:45 47 types of representations as opposed to running a

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14:48:48 1 substantive trial.
2
14:48:51 3 What was the purpose of a subpoena?---A subpoena issued
14:48:57 4 against police to produce material.
5
14:48:59 6 To obtain disclosure for a trial?---Yes.
7
14:49:04 8 Or a committal proceeding?---Yes, this was pre-committal,
14:49:07 9 so yes.
10
14:49:10 11 Do you see the problem if Ms Gobbo was involved in that
14:49:12 12 process and potentially controlling that process?---I
14:49:19 13 certainly see a problem as I sit here now fully possessed
14:49:24 14 of how she was conducting herself. At the time I didn't
14:49:27 15 regard it as particularly problematic.
16
14:49:30 17 Is that because it benefitted the police?---No.
18
14:49:38 19 If she was involved in a process, or a conflict that was
14:49:45 20 adverse to police interest do you think you might have done
14:49:48 21 something about it?---Yes, if I had thought that she was
14:49:52 22 acting in a way that was adverse to our interests, or the
14:49:58 23 interests of the court, I would have sought to do something
14:50:02 24 about it.
25
14:50:03 26 But if she was acting in a way that was adverse to her
14:50:07 27 client's interests you wouldn't do something about
14:50:10 28 it?---No, that's not the case. I didn't see that by
14:50:14 29 representing Faruk Orman at a filing hearing or a subpoena
14:50:18 30 return that she was acting not in the witness's best
14:50:25 31 interest because she had provided him with legal advice as
14:50:31 32 he was providing his statements in order to achieve a
14:50:36 33 satisfactory plea. And I agree, it's a naïve view that I
14:50:42 34 had at the time but that's the view I had at the time.
35
14:50:49 36 If we can go to the SMLs, please, for 11 October 2006. Do
14:51:02 37 you see on 11 October 2006 the controller has recorded that
14:51:08 38 information from Detective Inspector O'Brien, has been
14:51:13 39 advised by you that Ms Gobbo was meeting with Faruk Orman
14:51:17 40 as a client, and it's noted Orman as a suspect for three
14:51:22 41 Purana jobs as a driver. That's mentioned in a number of,
14:51:30 42 a particular witness's statement?---Yes.
43
14:51:38 44 The handler, who we know as Anderson, was advised. It's
14:51:44 45 clear that you seem to be keeping track of who was
14:51:47 46 representing Mr Orman?---I'm not sure if I was keeping
14:51:54 47 track. I've clearly told Jim O'Brien.

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1
14:51:56 2 And what would be the reason for passing that information
14:51:58 3 on to Mr O'Brien?---Well he was my manager, my supervisor,
14:52:05 4 so I was reporting everything I was doing up.
5
14:52:11 6 But did you do that because you were aware that Ms Gobbo
14:52:16 7 was in fact a human source for the police?---No.
8
14:52:20 9 Did you do that in respect of other lawyers representing
14:52:25 10 people?---I'm sure I did.
11
14:52:33 12 Do you recall it being a concern that Ms Gobbo was
14:52:35 13 involving herself with the representation of
14:52:39 14 Mr Orman?---No.
15
14:52:41 16 No concern at all?---No, not at that time.
17
14:52:54 18 Was the reason you notified Mr O'Brien because you were
14:52:57 19 aware that there was a conflict?---No.
20
14:53:01 21 Between Ms Gobbo representing the particular witness that
14:53:05 22 had implicated Mr Orman and now representing
14:53:09 23 Mr Orman?---No.
24
14:53:12 25 You say as a senior investigator that just simply didn't
14:53:15 26 occur to you?---At the time - well I've explained this a
14:53:22 27 number of times. At the time when Nicola Gobbo was engaged
14:53:28 28 with the witness making multiple statements, I've explained
14:53:33 29 what I believe the context of that to be. Her thereafter
14:53:39 30 making appearances for Faruk Orman, it didn't occur to me
14:53:46 31 at the time - I was surprised to see her at court but it
14:53:51 32 didn't occur to me at the time as presenting a major
14:53:55 33 conflict.
34
14:53:56 35 So did you regard it as a minor conflict then?---I was
14:54:00 36 surprised.
37
14:54:01 38 What caused the surprise?---I didn't realise that Gobbo was
14:54:08 39 representing, engaged with what was essentially the enemy
14:54:13 40 of the Williams and Mokbel network. I thought she was
14:54:19 41 embedded - I saw her embedded with the Williams network
14:54:24 42 group and to a lesser extent clearly she's also involved
14:54:30 43 herself with the Gatto group.
44
14:54:33 45 She's embedded with the police, isn't she?---Yes, she is.
46
14:54:38 47 Isn't that in itself a conflict?---It is.

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1
14:54:58 2 If we can go to the ICRs at p.585, please. Do you recall -
14:55:13 3 this is 14 December 2006. Do you recall Mr Orman being
14:55:17 4 arrested over a shooting incident in 2006?---Yes, I think
14:55:23 5 arrested by Footscray CI.
6
14:55:28 7 Is it the case that his phones were intercepted and it was
14:55:32 8 determined that he was going to see Ms Gobbo for some
14:55:35 9 advice?---I don't recall that but I don't dispute that's
14:55:39 10 the case.
11
14:55:42 12 He was on his way to see Ms Gobbo for some advice and
14:55:48 13 Ms Gobbo was going to meet him and notified her handlers of
14:55:55 14 her whereabouts and that he wasn't armed. You became aware
14:55:59 15 of that?---No.
16
14:56:00 17 That the handlers were speaking to Purana members?---No.
18
14:56:03 19 It says there, "Advised Purana and is not armed
14:56:08 20 now"?---That's not me, I'm not the person advised.
21
14:56:14 22 Did you become aware of this information?---I may have.
23
14:56:17 24 Were you involved in this matter at all?---No.
25
14:56:22 26 Mr Orman ultimately went to his solicitor, Brian Rolfe's
14:56:26 27 office, is that right, and handed himself - there was an
14:56:29 28 arrangement for him to hand himself in?---Yes, I see that.
29
14:56:33 30 And there was a - I don't know if you can see it there, but
14:56:38 31 the handlers discussed that the system of contacting them
14:56:41 32 had worked quite well and that Gobbo was happy at the way
14:56:46 33 the police responded and Orman had simply deduced that his
14:56:50 34 phone was intercepted and that's how police got on to
14:56:54 35 him?---Yes, I see that.
36
14:56:56 37 If you go to the following page at 586. Ms Gobbo is
14:57:07 38 reporting where Mr Orman might have disposed of the gun,
14:57:19 39 that he went to Mr Kaya's place on the way to see her, do
14:57:24 40 you see that, five lines from the top there?---Yes.
41
14:57:28 42 And that he might have - I think it might be somewhere
14:57:33 43 else. And lower down under 13:10, about four lines down,
14:57:40 44 that he might have changed his clothing at a particular
14:57:44 45 location which might enable the collection of evidence
14:57:46 46 presumably, do you see that?---Yes.
47

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14:57:52 1 At p.590. Do you see there Ms Gobbo is reporting to
14:58:07 2 handlers that she'd spoken to Brendan O'Mahoney at the
14:58:12 3 Footscray CIU?---Yes.
4
14:58:14 5 Who was the informant for Faruk Orman. Does that accord
14:58:18 6 with your recollection?---Yes.
7
14:58:23 8 There was a discussion between, it seems, Ms Gobbo and her
14:58:28 9 handler about the suitability of her representing Mr Orman
14:58:32 10 for those matters and she's advised it's not suitable due
14:58:38 11 to her involvement at the arrest stage perhaps and she
14:58:42 12 would contemplate that further. Do you see that?---Yes.
13
14:58:51 14 Were you having communications with Mr O'Mahoney at all
14:58:55 15 around this matter?---Yes.
16
14:59:00 17 Was he aware of Ms Gobbo's dual role as a police agent and
14:59:06 18 a barrister?---No. Can I say though that I wasn't aware
14:59:14 19 that she was a dual agent as a police informer and
14:59:18 20 barrister vis-à-vis the matters that I was investigating.
21
14:59:26 22 Are you aware that Ms Gobbo continued to have involvement
14:59:29 23 in that matter, in that matter of Faruk Orman?---Up to a
14:59:33 24 time, yes.
25
14:59:37 26 If we go to ICR p.625 we'll see that Ms Gobbo's providing
14:59:43 27 handlers with Mr Orman's new mobile number and then at 647,
14:59:52 28 that she'd read the brief for the O'Mahoney matter and
14:59:55 29 raised concerns that her involvement in his arrest might be
14:59:59 30 discovered. Were you aware that throughout 2007 Ms Gobbo
15:00:10 31 continued to represent Mr Orman in relation to a number of
15:00:13 32 matters in court?---No.
33
15:00:16 34 Including matters in Queensland and Victoria?---No.
35
15:00:30 36 Do you say you didn't keep a track of who was representing
15:00:32 37 Mr Orman through that period of time?---That's right.
15:00:40 38 That's not something that you would routinely do. That's
15:00:42 39 not something you keep a track of, who's representing
15:00:48 40 accused in matters that you're not investigating.
41
15:00:50 42 You were conducting a murder investigation of Mr Orman
15:00:53 43 throughout this period of time?---Yes.
44
15:00:55 45 You were keeping in touch with O'Mahoney?---Well, he
15:00:58 46 contacted me about the shooting. I wasn't keeping in touch
15:01:04 47 with him.

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1
15:01:05 2 You didn't keep in touch with him about how that matter
15:01:07 3 progressed?---No.
4
15:01:13 5 It would have been readily apparent to you that Ms Gobbo
15:01:17 6 was still involved with the particular witness against
15:01:22 7 Mr Orman in the matter that you were investigating?---I'm
15:01:27 8 not sure what her ongoing involvement was.
9
15:01:31 10 He was a very important witness for Victoria Police, do you
15:01:35 11 agree with that?---Yes.
12
15:01:39 13 Purana were wanting to keep him happy and on side?---Yes.
14
15:01:50 15 You would keep a track of any issues in relation to him to
15:01:54 16 make sure he remained that way?---Yes.
17
15:01:59 18 Were you aware who was on his visitor's list?---Purana
15:02:06 19 would have been but I wasn't specifically.
20
15:02:09 21 If you were looking to charge someone where he was going to
15:02:14 22 be a witness would you want to keep yourself updated as to
15:02:21 23 who was speaking or influencing your witness?---Yes, well I
15:02:32 24 would want to know who's seeking to influence my witness.
25
15:02:37 26 The Commission has evidence that Ms Gobbo continued to
15:02:43 27 conduct professional visits upon that particular witness
15:02:48 28 following the making of his statement the year before and
15:02:51 29 right into 2007, a number of times in July 2006, in August,
15:02:58 30 September, October, November, December, March and April
15:03:01 31 2006 and 7?---Yes.
32
15:03:04 33 It wouldn't have gone unnoticed by Purana that she was
15:03:08 34 continuing to have an involvement with that witness?---No,
15:03:10 35 I wouldn't think so. Among many others.
36
15:03:24 37 You're no doubt right about that. At paragraph 19 of your
15:03:35 38 statement you indicate that you obtained at a particular
15:03:42 39 time surveillance records and other material relating to
15:03:51 40 Gatto and Veniamin from the ACC; is that right?---Yes.
41
15:03:58 42 You'd made that request in November 2006 and then you've
15:04:02 43 received that material from March onwards, March 2007
15:04:07 44 onwards?---Yes.
45
15:04:11 46 Did that include a transcript of evidence?---I believe so.
47

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15:04:23 1 That would have been about the time that you learned of
15:04:27 2 that witness's appearance in that forum?---Oh, sorry, no.
15:04:32 3 The transcripts I believe we would have received would have
15:04:36 4 been transcripts of Gatto and others pursuant to a coercive
15:04:47 5 process that occurred well before all of this. I don't
15:04:54 6 think I received the transcript that you're referring to in
15:04:58 7 that tranche of documents we received from the ACC pursuant
15:05:05 8 to that request. It's possible but I don't recall that.
9
15:05:09 10 At paragraph 20 of your statement you say in May of 2007
15:05:16 11 you attended the prison with Mr Hatt to obtain a further
15:05:19 12 statement in relation to the murder of Peirce, and I think
15:05:22 13 that may be the statement we were looking at
15:05:26 14 earlier?---Yes.
15
15:05:27 16 If we indicate - if we were to go to Mr Bateson's
15:05:32 17 chronology there's some notes of Mr Hatt on 22 May
15:05:38 18 attending the prison with yourself, commencing to take an
15:05:41 19 additional statement from that particular witness in
15:05:46 20 relation to the Peirce murder which was unable to be
15:05:49 21 finalised due technical issues?---Yes.
22
15:05:53 23 And then if we were to go forward to May, you again attend
15:06:00 24 at the prison to finalise the statement and it's signed by
15:06:03 25 the witness?---Yes.
26
15:07:04 27 Is it the case that that second statement implicated
15:07:07 28 Mr Gatto as well as Mr Orman?---I believe so.
29
15:07:10 30 But Mr Gatto wasn't charged?---No.
31
15:07:24 32 If we can go to the ICRs at p.851, please. About mid-page,
15:07:36 33 do you see there this is 23 May 2007, that Ms Gobbo's
15:07:48 34 having a conversation with handlers. She's talking about
15:07:52 35 that particular person and she's indicating that he had
15:07:57 36 given her total [REDACTED] over [REDACTED]?---Yes.
37
15:08:02 38 As had the other significant witness against the
15:08:08 39 Mokbels?---Yes.
40
15:08:11 41 She also indicates that the first of those witnesses, the
15:08:16 42 one relevant to your investigation, was discussing with her
15:08:19 43 Mr Gatto?---Yes.
44
15:08:32 45 At the bottom of the page she's indicating to her handlers
15:08:36 46 that she's feeling a bit sorry for both of those witnesses
15:08:43 47 and she wants to visit them both, do you see that?---Yes.

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1
15:08:50 2 If we can go to p.879. See some matters there that
15:09:03 3 Ms Gobbo's reporting a particular witness's fury over the
15:09:10 4 treatment of Carl Williams compared to him?---Yes.
5
15:09:17 6 Are you aware that that witness had some issues in relation
15:09:22 7 to those matters?---No. I recall another witness being
15:09:26 8 concerned about his treatment, but not this one.
9
15:09:33 10 That he was complaining about George Williams keeping the
15:09:36 11 house and other assets and maybe getting a suspended
15:09:40 12 sentence?---No.
13
15:09:47 14 He was concerned about charges faced by another person
15:09:51 15 known to him, do you see that?---Yes.
16
15:09:58 17 That was something you were aware of?---No.
18
15:10:07 19 That if Nigel or someone didn't come down personally, it
15:10:12 20 seems, that the particular witness would tell them to get
15:10:20 21 fucked?---Yes.
22
15:10:25 23 She said they needed to be prepared for an argument about
15:10:29 24 Carl getting looked after while he wasn't?---Yes, I see
15:10:35 25 that.
26
15:10:41 27 The Commission has evidence that on [REDACTED] Ms Gobbo
15:10:44 28 conducted a professional visit on those two main witnesses
15:10:49 29 that we've been discussing, the one just then and the
15:10:55 30 other, the other Mokbel witness?---Yes .
31
15:10:59 32 If we can put on my screen and the Commissioner's screen
15:11:05 33 and Mr Buick's screen a page from Ms Gobbo's court book,
15:11:12 34 p.109, which is dated [REDACTED] 2007. Do you see that on the
15:11:44 35 screen before you?---Yes.
36
15:12:04 37 See it's apparently a recording of a conference Ms Gobbo's
15:12:09 38 had with the particular witness you were dealing with?---I
15:12:15 39 accept that. It's not apparent but I accept that.
40
15:12:19 41 Well if this is - this also corresponds to Corrections'
15:12:26 42 records which indicate that she attended upon him that
15:12:29 43 day?---Yes.
44
15:12:34 45 Under the particular witness's first name there's a number
15:12:39 46 one?---Yes.
47

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15:12:40 1 And the first entry there is, "Check reward, 100,000K" with
15:12:46 2 a line to "Hatt and apply"?---Yes.
3
15:12:51 4 Beside that there are the names - I can't quite tell what
15:12:56 5 the top thing is but Benvenuto, Farouk with a line to
15:13:02 6 driver, and Gatto and brackets with the murder of
15:13:08 7 Peirce?---Yes.
8
15:13:12 9 Near that, or underneath the word "driver" it's got "deny
15:13:18 10 knowing if", sorry, in a circle "F says anything"?---Yes.
11
15:13:28 12 Then number two has got the name Gavan Ryan, who was
15:13:35 13 another senior officer within Purana?---Yes.
14
15:13:37 15 And the other particular person that that witness had been
15:13:42 16 concerned about?---Yes.
17
15:13:46 18 And there's reference to the potential for a coercive body
15:13:54 19 or there's reference to a particular coercive body and "can
15:13:58 20 solve another [REDACTED] murders" or something like that?---Yes.
21
15:14:08 22 Across the page on the other side there's a written
15:14:12 23 reminder and a dash to the name of the person there was
15:14:15 24 concerns about?---Yes
25
15:14:16 25 "Call Hatt"?---Yes.
15:14:18 26
27
15:14:20 28 And the words "leaks from gaol"?---Yes.
29
15:14:29 30 Is it the case that there had been a \$100,000 reward
15:14:34 31 offered in relation to the unsolved murder of Victor Peirce
15:14:37 32 in 2004?---I don't recall but I wouldn't be surprised.
33
15:14:43 34 If that's something that Mr Hatt gave evidence of during a
15:14:49 35 trial you would accept that?---Yes.
36
15:14:55 37 It wouldn't be surprising to you that Ms Gobbo was seeing
15:15:00 38 and taking instructions from this particular witness at
15:15:06 39 this time?---No.
40
15:16:10 41 Following this you and Hatt attended at prison to speak to
15:16:14 42 that particular witness; is that right?---That's right.
43
15:16:21 44 You indicate in your statement that you believe that the
15:16:24 45 particular witness had raised concerns with Ms Gobbo, who
15:16:28 46 had in turn contacted Detective Hatt?---Yes.
47

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15:16:38 1 It follows that you and Hatt had attended prison based upon
15:16:45 2 concerns that had been raised through Ms Gobbo?---Yes.
3
15:16:57 4 If we were to go to the chronology of Bateson at p.44
15:17:05 5 you'll see on the date we're talking about some notes from
15:17:11 6 Hatt about his having received a call from the particular
15:17:20 7 witness in relation to custodial issues. He requested Hatt
15:17:25 8 call his solicitor, Nicola Gobbo, regarding same, do you
15:17:31 9 see that?---Yes.
10
15:17:36 11 He then spoke to Ms Gobbo by the phone?---Yes.
12
15:17:40 13 There's a note there that there was some confiding in her
15:17:47 14 in relation to some security concerns and seemingly some
15:17:50 15 other niggles?---Yes.
16
15:17:52 17 And then you and he have attended at the prison?---Yes.
18
15:17:56 19 And later briefed O'Brien about the situation?---Yes.
20
15:18:06 21 It's apparent prior to that attendance that that witness
15:18:10 22 had been communicating fury to - at least to Ms Gobbo about
15:18:15 23 his treatment compared to others, specifically how Williams
15:18:22 24 was being treated in terms of assets and so forth?---Yes.
25
15:18:27 26 It's apparent that number one on his list when he spoke to
15:18:30 27 Ms Gobbo a number of days prior was speak to Hatt about the
15:18:39 28 \$100,000 reward?---Yes.
29
15:18:41 30 That would have been something that would have been
15:18:43 31 discussed, I suggest, with Ms Gobbo by at least
15:18:51 32 Mr Hatt?---I don't know.
33
15:18:53 34 Is it something that was discussed with you?---No, or not
15:19:00 35 that I recall.
36
15:19:02 37 If something of that nature was spoken about prior to that
15:19:08 38 witness giving evidence, is that something that might not
15:19:10 39 be recorded in police notes because it might affect the
15:19:14 40 witness's credibility down the line?---No. Well it
15:19:19 41 certainly is something to challenge the witness on but it's
15:19:24 42 not to say you wouldn't record it.
43
15:19:27 44 Might it be something that just gets left out of the notes
15:19:30 45 though?---It may be left out of notes but I don't know why.
46
15:19:37 47 Well, why might be because a particular witness might have

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15:19:43 1 enough to cope with in terms of credibility issues and a
15:19:46 2 \$100,000 reward might top that off?---Look, I'm prepared to
15:19:51 3 talk at some length about a reward in this matter but not
15:19:56 4 in open hearing.
5
15:20:01 6 We might deal with that later. Do you recall a reward
15:20:05 7 being discussed at that stage with that particular
15:20:08 8 witness?---No, not at that stage.
9
15:20:13 10 How much later was that discussed?---With me, much later.
11
15:20:23 12 Can you put a year on it?---I'd have to check notes but
15:20:37 13 certainly once all these matters were finalised and I'd
15:20:42 14 long left Purana.
15
15:20:44 16 Is it the case that you encouraged those types of matters
15:20:49 17 if they're raised, we won't deal with them we'll deal with
15:20:53 18 them after the trial because otherwise you'll have credit
15:20:56 19 issues to deal with?---No, that didn't occur. That's not
15:21:00 20 the context in which I had a conversation.
21
15:21:21 22 It's apparent from the chronology that there were further
15:21:25 23 contacts with Ms Gobbo in relation to that witness on the
15:21:38 24 15th of that month?---With who?
25
15:21:44 26 Sorry, a contact between Hatt and L'Estrange with Ms Gobbo
15:21:52 27 dropping off documents relating to that particular witness
15:21:54 28 on the 15th. If we can scroll to that. Do you see that
15:22:04 29 there?---Yes.
30
15:22:12 31 And then following that there was another phone call on the
15:22:19 32 18th of that month from Ms Gobbo stating that that
15:22:22 33 witness's - ^{PII} [REDACTED]
15:22:27 34 ^{PII} [REDACTED] ?---Yes.
35
15:22:29 36 And asked - there's a note there, "Ask Ms Gobbo to get the
15:22:36 37 witness to call Hatt if required"?---Yes.
38
15:22:39 39 So she continued to represent ^{PII} [REDACTED] during this period
15:22:44 40 of time. We've got - - - ?---Have contact with, yes.
41
15:22:53 42 Well, that chronology a number of days before that had
15:22:57 43 indicated, well Hatt's notes had indicated he'd been told
15:23:01 44 by that witness to call his solicitor?---Yes.
45
15:23:03 46 Nicola Gobbo?---Yes.
47

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15:23:06 1 Hatt and L'Estrange are dropping off documents in relation
15:23:09 2 to that witness to Ms Gobbo?---Yes.
3
15:23:13 4 It's apparent that she's still purporting to represent that
15:23:17 5 witness during that month?---Yes. Sorry, I was only
15:23:25 6 distinguishing that last one about the [REDACTED], not
15:23:27 7 necessarily being a lawyer/client conversation, but, yes, I
15:23:30 8 do accept that.
9
15:23:31 10 And you would have been well aware of these issues at this
15:23:34 11 stage. You'd been out to see - - - ?---Yes, I had been out
15:23:39 12 to see him myself but I wasn't engaged with him very much
15:23:43 13 at all for reasons thankfully you didn't take me to in one
15:23:47 14 of those source IRs.
15
15:23:55 16 Are we able to elaborate on that?---Well, he hated me.
17
15:24:01 18 Was that known to you at the time?---Not to that extent.
15:24:08 19 Look, it's important in managing witnesses like this that
15:24:11 20 you do restrict contact and don't make it too broad. So I
15:24:19 21 wasn't uncomfortable with it. I was well and truly
15:24:21 22 otherwise occupied with a number of murder investigations
15:24:25 23 so it was inconsequential to me whether I was having far
15:24:30 24 less contact than others. In fact it was - I was grateful
15:24:34 25 for it.
26
15:24:36 27 Within a very short time of this, within days of these
15:24:39 28 events that we've just been through, Faruk Orman was
15:24:42 29 arrested for the murder of Victor Peirce?---Yes.
30
15:24:46 31 He asked to contact Ms Gobbo?---He did.
32
15:24:50 33 I take it you told him that Ms Gobbo couldn't possibly act
15:24:54 34 for him?---No.
35
15:24:56 36 Why not?---Well it was his decision, his request to ring
15:25:04 37 Gobbo.
38
15:25:05 39 Well - - -?---And no, I didn't feel at the time that I
15:25:11 40 ought to have told him that she can't because of her
15:25:15 41 conflict having represented the witness in the making of
15:25:19 42 his statements and the negotiation of his plea.
43
15:25:25 44 Well - - - ?---And I acknowledge that's a naïve view but I
15:25:32 45 didn't consider it at the time.
46
15:25:33 47 Couldn't you have said to him, "I'm sorry, Ms Gobbo can't

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15:25:36 1 represent you because she's, as of last week, still
15:25:40 2 representing [REDACTED] witness against you, Mr Orman"?---I
15:25:44 3 didn't do that.
4
15:25:47 5 It would have occurred to you that Ms Gobbo having anything
15:25:49 6 to do with the representation of Mr Orman is wrong?---Well
15:25:55 7 how she deals with that conflict is a matter for her.
8
15:26:01 9 Well, how you deal with the conflict is also a matter for
15:26:04 10 you and you could tell Mr Orman, "I'm sorry, she can't
15:26:07 11 impartially, independently represent you, she's got a
15:26:11 12 conflict"?---And I didn't consider that at the time.
13
15:26:15 14 Did anyone consider it at the time, did anyone go, "Whoa,
15:26:17 15 this feels a bit wrong"?---I've heard some evidence that at
15:26:21 16 some stage those conversations were held within the Source
15:26:25 17 Unit. But they were far more privy to the wholesomeness of
15:26:30 18 the circumstances than investigators were.
19
15:26:32 20 This matter here that we're discussing simply has nothing
15:26:39 21 to do - I mean we can add in that aspect of it, but this
15:26:43 22 has nothing to do with the Source Unit, this particular
15:26:45 23 part of it. This is a conflict on its face. She's
15:26:49 24 representing days before this the witness in that capacity
15:26:53 25 against the very person you're arresting. How could she
15:26:59 26 possibly represent Mr Orman in those circumstances?---It
15:27:02 27 was his request, not my decision and not my instigation.
28
15:27:09 29 It was your decision not to tell Mr Orman or not to take it
15:27:12 30 up the line, "This is wrong, this can't happen"?---Look, I
15:27:18 31 don't recall this as being my thinking because I didn't
15:27:21 32 make the decision. But I would certainly not have alerted
15:27:25 33 Orman to the rationale of the conflict. I might have, I
15:27:32 34 didn't. I might have, for example, said, "I'll call for
15:27:40 35 you", and not done so. "Not available. Let's go to the
15:27:44 36 next lawyer", but that's not the case.
37
15:27:50 38 Was there any discussion by you with anyone else around
15:27:53 39 this time about Ms Gobbo's, the appropriateness of Ms Gobbo
15:27:58 40 providing advice or representation to Mr Orman?---This
15:28:03 41 chap's just been arrested for murder at his home and he's
15:28:08 42 asked to ring Nicola Gobbo. He's attempted to do that and
15:28:11 43 hasn't been able to do so and then he's contacted the
15:28:14 44 solicitors, Galbally Rolfe, who ultimately represented him.
45
15:28:21 46 Well, as did Ms Gobbo?---Yes.
47

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15:28:24 1 Was there any discussion at any time about the
15:28:27 2 appropriateness of that?---No.
3
15:28:30 4 COMMISSIONER: Is that a convenient time, we'll stop and
15:28:33 5 have the afternoon break?
15:28:35 6
15:28:35 7 MS TITTENSOR: Yes, Commissioner.
8
9 (Short adjournment.)
10
15:49:10 11 COMMISSIONER: Yes Ms Tittensor.
15:49:11 12
15:49:12 13 MS TITTENSOR: Thanks Commissioner. I'm told I failed to
15:49:16 14 tender the email between Mr Campbell and Mr Buick dated 17
15:49:23 15 December 2014. If I might tender that.
15:49:25 16
15:49:27 17 #EXHIBIT RC652A - (Confidential) Email between Mr Campbell.
15:49:18 18 and Mr Buick 17/12/14.
15:49:29 19
15:49:29 20 #EXHIBIT RC652B - (Redacted version.)
15:49:40 21
15:49:40 22 Mr Buick, prior to the arrest of Mr Orman, presumably there
15:49:46 23 were - no doubt there were investigations ongoing in
15:49:49 24 relation to him from the time you took your initial
15:49:54 25 statement in Kallipolitis and then added to that you took
15:49:59 26 over the Peirce murder?---Yes.
15:50:00 27
15:50:01 28 And the Kallipolitis statement involved also the murder of
15:50:06 29 Dino Dibra?---Yes.
15:50:07 30
15:50:08 31 There were listening devices in place at Mr Orman's home,
15:50:13 32 is that right, in relation to the investigation?---I
15:50:20 33 believe so.
15:50:21 34
15:50:21 35 Do you recall that Mr Orman's father was summonsed to
15:50:26 36 appear before the OCE [REDACTED]
15:50:30 37 [REDACTED]---Yes.
15:50:30 38
15:50:30 39 And that was part of your investigation?---Yes.
15:50:33 40
15:50:36 41 Following his receiving the summons he was captured on
15:50:41 42 listening device ringing his son?---Yes.
15:50:45 43
15:50:47 44 And Faruk Orman was in Queensland being represented by
15:50:54 45 Ms Gobbo at that stage. Do you recall that?---No, I don't
15:50:56 46 recall that but I don't have any reason to dispute that.
15:50:59 47

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15:51:00 1 Do you recall Faruk Orman's father was subsequently charged
15:51:06 2 in relation to his breaching the confidentiality
15:51:10 3 provisions?---Yes.
15:51:10 4
15:51:10 5 Of the OCE?---Yes.
15:51:12 6
15:51:12 7 Was that something you had involvement in?---I wasn't the
15:51:15 8 informant for that individual charge but it was one of my
15:51:20 9 crew members.
15:51:21 10
15:51:21 11 So it was something you had supervision over?---Yes.
15:51:24 12
15:51:24 13 And was that a crew member by the name of Bell?---Possibly,
15:51:30 14 Tim Bell.
15:51:30 15
15:51:31 16 Tim Bell. Do you recall there became some issue because
15:51:38 17 that brief contained Ms Gobbo's CCRs?---I don't recall that
15:51:48 18 but I don't take issue with that.
15:51:51 19
15:51:51 20 Do you recall Ms Gobbo was representing Faruk Orman's
15:51:55 21 father during that process and was insisting on changes
15:52:00 22 being made to the summary in relation to her
15:52:05 23 involvement?---With who was she making those arrangements?
15:52:10 24
15:52:11 25 There appear to be communications between the SDU and
15:52:15 26 investigators and the SDU and Ms Gobbo. Are you aware of
15:52:20 27 those matters?---No.
15:52:21 28
15:52:22 29 You're aware that ultimately those charges were
15:52:28 30 withdrawn?---I accept that.
15:52:31 31
15:52:34 32 You knew that Ms Gobbo was representing Mr Orman's father
15:52:37 33 during that process?---I have no reason to dispute that.
15:52:40 34
15:52:40 35 It's likely, given that you had supervision over the
15:52:44 36 informant, that you would have been aware of that?---May
15:52:47 37 well have.
15:52:47 38
15:52:48 39 Would you have had interactions with the prosecutor
15:52:52 40 involved in that matter yourself?---No.
15:52:54 41
15:53:03 42 Was it the case that ultimately Purana was taken over I
15:53:09 43 think in 2008 or 2007 by Bernie Edwards?---Yes, Bernie did
15:53:17 44 come in at some stage.
15:53:18 45
15:53:18 46 Do you recall having any discussion with him in relation to
15:53:21 47 the withdrawal of the matters against Faruk Orman's

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15:53:25 1 father?---I don't recall.
15:53:27 2
15:53:27 3 If those charges were ultimately withdrawn would that be
15:53:31 4 something you would have had some involvement
15:53:33 5 in?---Possibly.
15:53:34 6
15:53:34 7 And you would have been aware as to why the matters were
15:53:37 8 withdrawn and the issues in relation to that?---At the time
15:53:40 9 I would suspect so. I don't recall as I sit here now.
15:53:46 10
15:53:55 11 If we can go to ICR 928, please, p.928. Do you see up the
15:54:21 12 top there it indicates that Ms Gobbo is reporting to a
15:54:25 13 handler that Mr Gatto had been told that Purana were
15:54:32 14 working on him or he was being worked on?---Yes.
15:54:38 15
15:54:40 16 And that was certainly true?---Yes.
15:54:42 17
15:54:47 18 If we can scroll further. Do you see there Ms Gobbo is
15:55:04 19 reporting that Mr Orman will not cope in gaol. That was
15:55:10 20 the same opinion of Mr Gatto and Mr Kaya, that he was an
15:55:15 21 obsessive compulsive re cleanliness and has a short temper,
15:55:21 22 that he needs people around him always and therefore if
15:55:24 23 he's left isolated and in messy conditions she's positive
15:55:28 24 that he will not cope, do you see that?---Yes.
15:55:30 25
15:55:33 26 And that that was disseminated to Mr O'Brien, the
15:55:39 27 officer-in-charge?---Yes.
15:55:41 28
15:55:43 29 You were given that information, is that right?---I don't
15:55:47 30 recall being given that information.
15:55:50 31
15:55:52 32 If you were given that information that would have been for
15:55:56 33 a purpose?---Sorry, what do you mean?
15:56:03 34
15:56:03 35 Well, that type of information would be used to assist you
15:56:07 36 to devise a strategy to get some assistance from Mr Orman
15:56:12 37 in relation to Mr Gatto, would it not?---Well, a bit of it
15:56:23 38 is factually inaccurate so it certainly wouldn't have been
15:56:26 39 of any assistance to me had it been conveyed to me.
15:56:30 40
15:56:30 41 Mr O'Brien's diary records that he advised you of that
15:56:34 42 information?---He may have.
15:56:38 43
15:56:39 44 His diary records that he did and he's given evidence that
15:56:42 45 he did?---Yes, well - I don't recall that.
15:56:46 46
15:56:47 47 He clearly advised you for a reason. Do you know what that

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15:56:51 1 reason would be?---It had been conveyed to him.
15:56:54 2
15:56:55 3 He doesn't necessarily convey every single piece of
15:56:58 4 information to a particular investigator that he receives,
15:57:03 5 does he?---I agree with that.
15:57:04 6
15:57:04 7 And this is a piece of information that he clearly thought
15:57:07 8 would be of use to you?---I assume that's the case but he's
15:57:16 9 been questioned about that as well I presume.
15:57:19 10
15:57:19 11 Was there a desire on the part of Purana to see if Mr Orman
15:57:26 12 would cooperate in relation to providing evidence or
15:57:31 13 information of assistance in relation to Mr Gatto?---I've
15:57:36 14 never had a conversation with him about that or really was
15:57:43 15 of the view that he would do that.
15:57:47 16
15:57:47 17 Did anyone?---I don't believe so.
15:57:49 18
15:57:52 19 Was Mr Orman placed in isolated conditions following this
15:57:56 20 time?---Yes.
15:57:57 21
15:57:59 22 Do you know how that came about?---Well, virtually all the,
15:58:05 23 for want of a better term, underworld suspects when they
15:58:10 24 were incarcerated were placed in a very strict protective
15:58:15 25 regime because both groups were in the same prison, but
15:58:19 26 they were matters entirely for Corrections.
15:58:21 27
15:58:21 28 Was there any information supplied by Purana that might
15:58:24 29 have assisted them to make that decision?---Only in terms
15:58:28 30 of who's on what side.
15:58:33 31
15:58:38 32 Nevertheless Mr Orman was placed in isolated
15:58:42 33 conditions?---Yes, initially he was.
15:58:44 34
15:58:44 35 For how long?---I'm not sure. I know I gave some evidence
15:58:51 36 at a bail application where I made those inquiries and gave
15:58:54 37 that evidence. There was a change in his conditions that
15:58:58 38 again were a matter for Corrections, but I can't recall the
15:59:03 39 time now.
15:59:05 40
15:59:14 41 If we can bring up the Form 8A, the OPP document dated 17
15:59:23 42 September 2007, please. You recall what an 8A was, I think
15:59:35 43 it's a Form 32 now?---Yes, I haven't seen one for a while
15:59:39 44 but yes.
15:59:40 45
15:59:48 46 Now you'll see at this stage it's a fax cover sheet from
15:59:53 47 the firm of Galbally Rolfe?---Yes.

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15:59:57 1
15:59:57 2 To Vicky Prapas at the OPP in relation to their client
16:00:03 3 Faruk Orman?---Yes.
16:00:05 4
16:00:06 5 Dated 17 September 2007 and it says 21 pages
16:00:11 6 following?---Yes.
16:00:12 7
16:00:13 8 An 8A, as you understand it, if we scroll quickly indicates
16:00:26 9 various issues associated with the trial, which witnesses
16:00:32 10 are wanted and what disclosure is sought, is that
16:00:35 11 right?---Yes.
16:00:35 12
16:00:36 13 If we go to p.13 of that document you'll see it provides
16:00:43 14 details in relation to the particular witness we've been
16:00:47 15 discussing?---Yes.
16:00:48 16
16:00:49 17 It provides substantial detail in relation to the issues
16:00:54 18 associated with that witness. Not all of these documents
16:01:01 19 provided in other cases are as detailed as this one, would
16:01:04 20 you agree?---Oh it varies.
16:01:11 21
16:01:11 22 If we can scroll through to p.16. You see there following
16:01:22 23 a number of pages which indicate the issues associated with
16:01:26 24 that witness, we get to what the relevance is of the
16:01:29 25 calling of that witness?---Yes.
16:01:31 26
16:01:32 27 It indicates that the success of the prosecution case
16:01:34 28 depends to a considerable, if not almost wholly on that
16:01:39 29 witness 's evidence?---Yes.
16:01:41 30
16:01:44 31 And clearly cross-examination was relevant to an assessment
16:01:49 32 of his accuracy and truthfulness of his account?---Yes.
16:01:53 33
16:01:54 34 And there were clearly going to be issues in relation to
16:01:58 35 credibility and reliability in relation to that
16:02:00 36 witness?---Yes.
16:02:00 37
16:02:01 38 No question of that?---No, he was cross-examined heavily
16:02:03 39 about his credibility.
16:02:06 40
16:02:06 41 And that was to be expected?---Yes.
16:02:08 42
16:02:09 43 On p.17 there's similar for yourself. It describes the
16:02:22 44 issue being the conduct of the investigation and contact
16:02:25 45 and communication with all witnesses?---Yes.
16:02:27 46
16:02:27 47 And the relevance being cross-examination relevant to an

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16:02:32 1 assessment of the scope and breadth of the
16:02:35 2 investigation?---Yes.
16:02:35 3
16:02:36 4 And that following that it indicates that cross-examination
16:02:40 5 of all the witnesses above is justified on the following
16:02:43 6 grounds. The first being to ensure that the prosecution
16:02:47 7 case is adequately disclosed?---Yes.
16:02:49 8
16:02:51 9 Then the issues are clearly defined?---Yes.
16:02:54 10
16:02:54 11 To ensure a fair trial will take place if the matter
16:02:59 12 proceeds to trial?---Yes.
16:03:00 13
16:03:00 14 And that the defendant is able to adequately prepare and
16:03:03 15 present a defence?---Yes.
16:03:04 16
16:03:04 17 And to ensure that the interests of justice are
16:03:07 18 served?---Yes.
16:03:07 19
16:03:09 20 And then on p.18, and this is the usual course beyond the
16:03:20 21 seeking of those witnesses at committal, often defence note
16:03:27 22 specific things that they would like disclosed?---Yes, I
16:03:31 23 recognise that.
16:03:32 24
16:03:33 25 If we go to (B) there, those include notes of any
16:03:38 26 prosecution witness, including draft statements or any
16:03:41 27 similar document?---Yes.
16:03:42 28
16:03:44 29 And that is in relation to this matter, including but not
16:03:47 30 limited to (A) the notes of police members and then we take
16:03:56 31 it in the course of or in connection with the course of the
16:04:00 32 investigation, taken in day books, diaries,
16:04:03 33 et cetera?---Yes.
16:04:04 34
16:04:04 35 (C), all notes and draft statements of all prosecution
16:04:08 36 witnesses used in the drafting of their statements?---Yes.
16:04:10 37
16:04:16 38 Do you note there in handwriting beside that it says that
16:04:21 39 there's none in existence?---Yes.
16:04:24 40
16:04:27 41 Do you know if that was true?---I don't know. Whose
16:04:35 42 handwriting is that?
16:04:36 43
16:04:37 44 I suggest it's likely to be that of the instructing
16:04:40 45 solicitor at the OPP, having had a conversation with
16:04:46 46 you?---Yes.
16:04:47 47

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16:04:49 1 Do you know if it was true that there were no draft
16:04:54 2 statements of prosecution witnesses?---Well if I said at
16:04:59 3 that time that there were no draft statements in existence
16:05:04 4 then it would have been my belief that there were no draft
16:05:08 5 statements in existence.
16:05:09 6
16:05:09 7 At that stage you knew at least in relation to the
16:05:12 8 Kallipolitis matter that there would have been. Did you
16:05:19 9 make some inquiries at this stage in relation to the Peirce
16:05:22 10 matter to make sure that Ms Gobbo hadn't marked up another
16:05:26 11 copy in relation to the Peirce matter?---No. Or I may
16:05:34 12 have, but I don't recall. In any event, I wasn't able to
16:05:39 13 locate any.
16:05:39 14
16:05:40 15 In relation to (D), just to put it beyond doubt, copies of
16:05:45 16 any other statement or draft statements, rough copies,
16:05:49 17 notes or similar documents made by any other witnesses or
16:05:51 18 potential witnesses and not included in the hand-up
16:05:54 19 brief?---Yes.
16:05:54 20
16:05:55 21 This was quite a common request by defence in relation to
16:06:01 22 not just Purana matters, but significantly Purana matters
16:06:05 23 for draft copies of statements of witnesses?---Yes, where
16:06:09 24 they existed.
16:06:09 25
16:06:17 26 If we were to go down on p.19, I think it indicates there's
16:06:22 27 a request for listening device warrants and so forth and
16:06:26 28 there's a note that there'll be a PII claim, is that
16:06:31 29 right?---Yes, on the left, yes.
16:06:36 30
16:06:41 31 If we can go to an email on 21 September 2007 from yourself
16:06:50 32 to Ms Prapas. You indicate to Ms Prapas that you want to
16:07:00 33 discuss the Orman 8A and what we do or do not want or can
16:07:06 34 and cannot hand over?---Yes.
16:07:08 35
16:07:08 36 And that there's a body of material that we say is
16:07:10 37 irrelevant and another body that we propose to claim PII
16:07:14 38 on?---Yes.
16:07:14 39
16:07:16 40 Do you recall whether any of that related to
16:07:22 41 Ms Gobbo?---No.
16:07:22 42
16:07:24 43 You don't recall or you don't think it did?---I don't think
16:07:27 44 it did.
16:07:28 45
16:07:31 46 I should tender the 8A, Commissioner.
16:07:34 47

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16:07:37 1 #EXHIBIT RC653A - (Confidential) Form 8A document of
16:07:39 2 17/9/07 from Galbally Rolfe to Vicky
16:07:47 3 Prapas.
16:07:47 4
16:07:48 5 #EXHIBIT RC653B - (Redacted version.)
16:07:50 6
16:07:50 7 And I tender this email.
16:07:52 8
16:07:53 9 #EXHIBIT RC654A - (Confidential) Email from Boris Buick to
16:07:56 10 Vicky Prapas 21/9/07.
16:08:03 11
16:08:03 12 #EXHIBIT RC654B - (Redacted version.)
16:08:07 13
16:08:07 14 If we can go to the next document. It's some OPP notes
16:08:13 15 dated 24 September 2007. It appears, these are some notes
16:08:21 16 on the OPP file. It appears to be in relation to a phone
16:08:25 17 call with yourself?---Yes.
16:08:26 18
16:08:28 19 There's some discussion in relation to Roberta Williams
16:08:32 20 there. You see that at the top?---Yes.
16:08:36 21
16:08:41 22 If we go down there appears to be some discussion in
16:08:43 23 relation to 8A matters. This appears to be a discussion in
16:08:57 24 relation to matters that you didn't want to hand over, does
16:09:02 25 that accord with your recollection? Under 2D, I suggest
16:09:10 26 that that corresponds with a request with the 8A, 2D and
16:09:18 27 there's a reference here to some material when Mr Peirce
16:09:21 28 was killed, initially Purana or the police had targeted
16:09:25 29 another group which were believed at least by police to be
16:09:30 30 completely exonerated. There was material in relation to
16:09:34 31 ten suspects. They had been raided and interviewed and so
16:09:38 32 forth and Mr Iddles had run an investigation and you
16:09:41 33 reckoned it was not relevant. Is that right?---I'm not
16:09:49 34 sure what that means. I certainly understand the context
16:09:53 35 that you've raised but I'm not sure that I was asking for
16:09:57 36 that not to be, that's not relevant, and that material was
16:10:01 37 disclosed.
16:10:02 38
16:10:03 39 Well, is it the case that at the beginning you resisted
16:10:06 40 disclosure of that material?---I don't think so.
16:10:09 41
16:10:10 42 There's an indication there, "I'll get instructions, public
16:10:18 43 interest immunity?" and then, "No - informant argues
16:10:22 44 relevance" and then some further information in relation to
16:10:26 45 those matters. Do you see that?---Yes.
16:10:28 46
16:10:31 47 You would acknowledge, wouldn't you, if other persons had

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16:10:36 1 originally been suspected and investigated in relation to a
16:10:40 2 murder an accused would be, would consider that highly
16:10:45 3 relevant to the conduct of their defence?---Unavoidable.
16:10:53 4 It was a massive investigation. It was conducted back in
16:10:58 5 the day that you could hardly resile from or seek to hide.
16:11:05 6
16:11:07 7 I'll tender that document, Commissioner. I should say
16:11:23 8 that's a file note from the Orman/Peirce file.
16:11:28 9
16:11:28 10 COMMISSIONER: From the Orman/Peirce file will be 565A and
11 B.
16:11:40 12
16:11:13 13 #EXHIBIT RC655A - (Confidential) OPP file note of the phone
16:11:16 14 call with Boris Buick dated 24/09/07.
15
16:11:42 16 #EXHIBIT RC655B - (Redacted version.)
16:11:42 17
16:11:42 18 If we can go to an email of the same date, 24 September
16:11:45 19 2007 at 10.54. This is an email from Ms Prapas at the OPP
16:11:50 20 to yourself?---Yes.
16:11:52 21
16:11:56 22 Ms Prapas has indicated that she is attaching the draft 9A,
16:12:02 23 which is intentionally drafted aspects in vague
16:12:05 24 terms?---Yes.
16:12:05 25
16:12:05 26 If we move up to that issue. She talks about the LD
16:12:11 27 warrant and issue and says she's claimed PII, "Please
16:12:16 28 confirm that's what you instructed"?---Yes.
16:12:19 29
16:12:19 30 Then refers to the Ron Iddles' homicide brief. She says
16:12:23 31 she has, "Spoken to Geoff Horgan about this, i.e. an
32 earlier investigation when ten suspects were identified,
16:12:28 33 interviewed, investigated. Subsequently exonerated. His
16:12:31 34 view is that they'll eventually get it, it gives them more
16:12:34 35 to read and that if there is anything in there that hurts
16:12:36 36 us we can discuss it further", and that her view was that
16:12:41 37 they would know that there was a Homicide investigation on.
16:12:46 38 She notes Farrell had talked to Gatto and that you'd likely
16:12:51 39 be the subject of questioning about that at the committal
16:12:55 40 and open to criticism if you withheld it?---Yes.
16:12:58 41
16:12:58 42 Do you see that? It's apparent that at that stage you were
16:13:02 43 not wanting to disclose that material, is that
16:13:05 44 right?---There's an aspect of the material that I was
16:13:09 45 reluctant to disclose, being the source of the information
16:13:14 46 that led to the investigation, but the investigation
16:13:17 47 itself, no desire to suppress that.

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16:13:22 1
16:13:22 2 This seems to relate to the entirety of that brief. In any
16:13:31 3 case I tender that email, Commissioner.
16:13:33 4
16:13:35 5 #EXHIBIT RC656A - (Confidential) Email 24/9/07 from Vicky
16:13:39 6 Prapas to Boris Buick.
16:13:43 7
16:13:44 8 #EXHIBIT RC656B - (Redacted version.)
16:13:45 9
16:13:45 10 If we can go to an email later that afternoon. This is an
16:13:50 11 email at 2.44 pm. This is an email sent from yourself to
16:14:11 12 Mr Iddles and it copies in - - - ?---Sorry, is that
16:14:14 13 available for people to view?
16:14:20 14
16:14:21 15 MS ARGIROPOULOS: It appears this is on the screens inside
16:14:23 16 the room. I've just seen a name that I anticipate the
16:14:27 17 witness is concerned about. Could it perhaps just be shown
16:14:30 18 on his screen and counsel assisting's screen at the moment.
16:14:34 19
16:14:34 20 COMMISSIONER: And mine too.
21
16:14:36 22 MS ARGIROPOULOS: And the Commissioner's too.
16:14:36 23
16:14:36 24 WITNESS: That was the very issue I was concerned about.
16:14:40 25
16:14:40 26 COMMISSIONER: Yes. I don't think anyone apart from those
16:14:42 27 at the Bar table can see it as it was before.
16:14:44 28
16:14:45 29 MR CHETTLE: Commissioner, it has one of my client's name
16:14:47 30 on it.
16:14:48 31
16:14:49 32 COMMISSIONER: Yes, but you usually ask to see these
16:14:51 33 things.
16:14:51 34
16:14:52 35 MR CHETTLE: I am now asking to see it but I got cut off
16:14:55 36 before I got a chance.
16:14:56 37
16:14:56 38 COMMISSIONER: I don't think anyone apart from those at the
16:14:58 39 Bar table can see the screens, I'm confident they can't. I
16:15:02 40 don't think it's a problem with being on the screens,
16:15:05 41 Mr Chettle wants to see it with respect to his client. So
16:15:11 42 put it up on the screens.
43
16:15:25 44 MS TITTENSOR: This is an email from yourself to Mr Iddles.
16:15:30 45 It mentions the name of an SDU handler who is copied
16:15:37 46 in?---Yes.
16:15:38 47

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16:15:39 1 Do you know if that was because that SDU handler had had
16:15:44 2 some previous involvement in that investigation - -
16:15:46 3 -?---That's right.
16:15:46 4
16:15:46 5 - - - with Mr Iddles not because of his SDU
16:15:50 6 handling?---Absolutely, yes. He was [REDACTED].
16:15:53 7
16:15:57 8 You note the 8A that's been served in relation to the
16:16:02 9 murder?---Yes.
16:16:02 10
16:16:03 11 The OPP had advised that you should be handing over,
16:16:07 12 subject to PII claims, all information, reports,
16:16:11 13 statements, other matters relating to that large
16:16:14 14 investigation that had been conducted by Mr Iddles?---Yes.
16:16:18 15
16:16:18 16 And you say naturally, number one, that would put a
16:16:23 17 particular person at risk?---Yes.
16:16:24 18
16:16:24 19 But also you say, number two, that would provide the
16:16:28 20 defence with an alternative theory to put to the
16:16:30 21 jury?---Yes.
16:16:30 22
16:16:31 23 It was for that reason also that you didn't want that
16:16:34 24 material to go to the defence?---No, that's impossible.
16:16:42 25
16:16:42 26 Well, why would you put that there in your email?---Well
16:16:45 27 that's the reality. It's wonderful when the defence have
16:16:50 28 got alternative theories to put to a jury.
16:16:53 29
16:16:53 30 You're putting that there as a second concern, aren't
16:16:58 31 you?---As a statement of fact. My concern is in relation
16:17:03 32 to safety and the rest is a statement of fact. That
16:17:08 33 occurred. That routinely occurs. I reject outright that
16:17:18 34 we were seeking to deny that there had been an
16:17:22 35 investigation of people in relation to the murder of Victor
16:17:25 36 Peirce at the time of his murder.
16:17:30 37
16:17:40 38 If we can go to the - - -
16:17:44 39
16:17:45 40 COMMISSIONER: Are you wanting to tender that one?
16:17:47 41
16:17:47 42 MS TITTENSOR: Sorry Commissioner, I tender that.
16:17:49 43
16:17:50 44 #EXHIBIT RC657A - (Confidential) Email from Boris Buick to
16:14:11 45 Mr Iddles 24/9/07.
16:17:51 46
16:17:52 47 #EXHIBIT RC657B - (Redacted version.)

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16:17:56 1
16:17:56 2 I note for, there's a 9A I won't take you through it, but
16:18:05 3 in fairness we might put that up and tender that. This is
16:18:11 4 the official I think 9A that was submitted to the court.
16:18:15 5 Do you see that?---Yes.
16:18:18 6
16:18:18 7 And in relation to calls for notes of police member's notes
16:18:23 8 and draft statements of copies of other statements so forth
16:18:26 9 ultimately it says, "Will be provided if any", sort of a
16:18:31 10 catch all?---Yes.
16:18:32 11
16:18:34 12 And makes those PII claims that had been indicated by
16:18:38 13 Ms Prapas in relation to LDs and TIs and so forth?---Must
16:18:45 14 be on another page.
16:18:46 15
16:18:46 16 Sorry?---Yes.
16:18:52 17
16:18:52 18 Do you see those? I'll tender that 9A document,
16:18:57 19 Commissioner.
16:18:57 20
16:18:58 21 #EXHIBIT RC658A - (Confidential) 9A document dated 24/9/07.
16:19:05 22
16:19:06 23 #EXHIBIT RC658B - (Redacted version.)
16:19:09 24
16:19:15 25 If we can go to an email dated 25 September 2007. This is
16:19:24 26 an email from yourself to Mr Iddles again. You see down
16:19:33 27 the bottom it's responsive to your initial email?---Yes.
16:19:39 28
16:19:39 29 And if we go up to the top, this is Mr Iddles' response.
16:19:44 30 Mr Iddles disagrees with the proposal to provide the
16:19:50 31 material and questions what the relevance is of it to the
16:19:54 32 matter of Faruk Orman, do you see that?---Yes.
16:19:56 33
16:19:58 34 He notes that, "In other investigations we've argued that
16:20:01 35 other persons of interest or suspects are not relevant".
16:20:05 36 He refers to a number of other cases, "Hugo Rich, Ryan and
16:20:10 37 Dickson, where we did not hand over any information report
16:20:14 38 which mentioned other persons as possibly being involved.
16:20:20 39 That they'd been represented on that occasion by Brian
16:20:24 40 Dennis QC and the magistrate agreed after he viewed all the
16:20:28 41 information reports and there doesn't seem to be a hard and
16:20:31 42 fast rule, it comes down to who represents the police and
16:20:33 43 it shouldn't be for the OPP". Do you see that?---Yes, I
16:20:36 44 do.
16:20:36 45
16:20:38 46 That seems to be indicating a view as to relevance of the
16:20:43 47 alternative suspects in a case?---Yes.

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16:20:46 1
16:20:49 2 Did you share that view?---No.
16:20:50 3
16:20:58 4 I tender that, Commissioner.
16:21:00 5
16:21:03 6 #EXHIBIT RC659A - (Confidential) Email chain between Boris
16:21:05 7 Buick and Mr Iddles 25/9/07.
16:21:09 8
16:21:10 9 #EXHIBIT RC659B - (Redacted version.)
16:21:16 10
16:21:18 11 If we can go to a further email, the response from the OPP.
16:21:27 12 If we go down the bottom, do you see this is - you've
16:21:31 13 forwarded Mr Iddles' response to Ms Prapas and asked for
16:21:36 14 some consideration to be given to Mr Iddles' input. Do you
16:21:42 15 see that?---Yes.
16:21:43 16
16:21:44 17 And then the response was that Mr Horgan agrees with Ron
16:21:48 18 Iddles. It was still committal stage and if they wanted
16:21:53 19 more let them issue a subpoena?---Yes.
16:21:55 20
16:21:55 21 But it was your view it should have been disclosed, was
16:21:58 22 it?---Yes.
16:21:59 23
16:22:07 24 Do you know then if it was your view as the informant in
16:22:10 25 the matter why it just wasn't disclosed?---It was.
16:22:14 26
16:22:14 27 Well at this stage, at committal stage. It wasn't
16:22:17 28 disclosed at this stage, was it?---I don't recall but I
16:22:21 29 would have deferred to Geoff Horgan over my view.
16:22:28 30
16:22:28 31 Was it disclosed over objection at trial?---No, I don't - I
16:22:36 32 don't believe so. There was certainly some PII redaction
16:22:40 33 but - - -
16:22:41 34
16:22:42 35 You agreed earlier that this matter, alternate suspects,
16:22:46 36 was inherently relevant, is that right?---It always is.
16:22:52 37
16:22:53 38 A matter like that would not need a subpoena in order for
16:22:56 39 defence to be entitled to disclosure?---No, and hence the
16:23:03 40 conversation with the OPP.
16:23:05 41
16:23:06 42 So you disagreed with Mr Horgan?---With respect I do.
16:23:13 43
16:23:13 44 Did you then?---It seems so.
16:23:18 45
16:23:24 46 I tender that - sorry, when you say it seems so, what do
16:23:29 47 you mean that then you took issue with Mr Horgan? You were

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16:23:32 1 the one raising it with the OPP to seek for it not to be
16:23:36 2 disclosed, weren't you?---I didn't have an argument with
16:23:39 3 Geoff Horgan about it, I deferred to his decision.
16:23:43 4
16:23:43 5 Did you raise with anyone, "Hang on a minute, this is
16:23:47 6 disclosable, it doesn't even need a subpoena"?---No.
16:23:50 7
16:23:53 8 If we can go to - - -
16:23:57 9
16:23:57 10 COMMISSIONER: You're wanting to tender that I think.
16:23:59 11
16:24:00 12 MS TITTENSOR: Yes Commissioner.
16:24:00 13
16:24:01 14 #EXHIBIT RC660A - (Confidential) Email to Boris Buick from
16:24:04 15 Vicky Prapas 25/9/07.
16:24:08 16
16:24:09 17 #EXHIBIT RC660B - (Redacted version.)
18
16:24:20 19 If we can go to a small piece of trial transcript of voir
16:24:25 20 dire. Do you see that this is jumping forward a couple of
16:24:33 21 years, in relation to the trial of Mr Orman and
16:24:36 22 Mr Benvenuto before Justice Weinberg?---Yes.
16:24:39 23
16:24:41 24 If we can go to p.84, please. Do you recall that the
16:24:55 25 police briefed Mr Dennis in order to not disclose this
16:25:04 26 material at trial?---I read that here.
16:25:13 27
16:25:17 28 Prior to this you'd given some evidence, is that right, on
16:25:20 29 a voir dire?---Presumably.
16:25:21 30
16:25:22 31 And His Honour at this stage says, "It may be useless so
16:25:27 32 far as you are concerned", this is in response, "It may not
16:25:33 33 be useless so far as Mr Richter is concerned. One of his
16:25:36 34 legitimate forensic purposes he would say no doubt is to
16:25:40 35 show how many people were considered genuine suspects in
16:25:43 36 the murder of Victor Peirce at various times. Now it may
16:25:47 37 be that they have been eradicated over time but he is
16:25:47 38 entitled at least to see and make the point that everyone
16:25:51 39 and their grandmother wanted to see Victor Peirce dead
16:25:54 40 amongst the underworld if that's the point he wants to
16:25:58 41 make". Over the page, "It seems as though the argument is
16:26:06 42 about the provision of 185 information reports that had
16:26:12 43 been prepared prior to 2006 by a member of the Homicide
16:26:16 44 Squad in relation to this very murder which contains within
16:26:19 45 them, one would think, a range of different suspects,
16:26:22 46 people who were at one time suspected of involvement in
16:26:25 47 this killing. Why is that not a legitimate forensic

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16:26:29 1 purpose? Why does that become fishing, as it were?" Then
16:26:34 2 further on, "One of the defences no doubt that is being
16:26:38 3 advanced albeit inferentially is that somebody else could
4 have killed Victor Peirce. There's a good body of evidence
16:26:42 5 which would at least enable that submission ultimately if
16:26:45 6 the ground were there to be made to this jury. What
16:26:53 7 Mr Richter is I think legitimately seeking is to find a
16:26:58 8 proper basis for being able to advance that submission to a
16:27:01 9 jury". Now, that was ultimately how those materials, about
16:27:06 10 those alternative suspects, came to be disclosed, is that
16:27:10 11 right?---Yes.
16:27:11 12
16:27:11 13 Years down the track, well after the committal?---Yes.
16:27:15 14
16:27:16 15 And presumably after the issue of the subpoena?---Yes.
16:27:20 16
16:27:24 17 Do you think that that was right?---What's that?
16:27:29 18
16:27:29 19 That defence had to jump through those hoops to get
16:27:33 20 material disclosed to them that you viewed as disclosable
16:27:37 21 from the very outset?---Well you're asking me about
16:27:41 22 argument here in the Supreme Court between very senior
16:27:45 23 counsel. Are you asking me to make a judgment on their
16:27:49 24 arguments?
16:27:52 25
16:27:52 26 You viewed that material as inherently disclosable to begin
16:27:55 27 with?---Yes.
16:27:56 28
16:27:56 29 Is that right? Do you think it was right that they had to
16:27:59 30 jump through those hoops for something that you viewed as
16:28:02 31 obvious from the outset?---I don't think it's inappropriate
16:28:05 32 that you mount an argument about that.
16:28:08 33
16:28:11 34 You're aware that Ms Gobbo appeared on behalf of Mr Orman
16:28:16 35 in 2007 on a number of occasions where the subject of the
16:28:21 36 appearance was the seeking of disclosure?---I recall one
16:28:25 37 occasion. I don't dispute that there was another.
16:28:28 38
16:28:28 39 And that was in circumstances where the case against
16:28:33 40 Mr Orman relied to a substantial degree on the word of a
16:28:40 41 client of Ms Gobbo's?---Yes.
16:28:41 42
16:28:41 43 And Ms Gobbo was in a position to know of material that
16:28:44 44 could assist to discredit that client?---To discredit the
16:28:51 45 client?
16:28:52 46
16:28:53 47 Not Mr Orman, the client before Mr Orman?---Possibly.

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16:28:58 1
16:28:58 2 The witness against Mr Orman?---Yes. Well I certainly
16:29:03 3 concede that she knew what the witness had said, but
16:29:06 4 whether she was able to discredit the witness, I don't
16:29:09 5 necessarily agree with that.
16:29:11 6
16:29:13 7 She held instructions on behalf of the witness?---Yes.
16:29:17 8
16:29:18 9 She was in a position to potentially know information that
16:29:22 10 could discredit that witness?---I agree with that
16:29:26 11 potential, yes.
16:29:26 12
16:29:26 13 The case against Mr Orman, as you've just indicated, relied
16:29:30 14 to a substantial degree on the word of that witness?---Yes.
16:29:33 15
16:29:41 16 On 29 October 2007 there's an OPP file note in relation to
16:29:50 17 the return of a subpoena and Ms Gobbo appearing for
16:29:54 18 Mr Orman?---Yes.
16:29:54 19
16:29:54 20 That included her seeking ACC hearing transcripts, is that
16:30:00 21 right?---I don't dispute that.
16:30:02 22
16:30:03 23 They were ACC - do you know what they related to?---I'm
16:30:08 24 presuming it relates to an earlier examination of the
16:30:11 25 witness.
16:30:12 26
16:30:12 27 And was there some agreement at that stage about those
16:30:15 28 documents to be provided in edited form?---I don't recall
16:30:20 29 that. I would have thought it would be a matter for the
16:30:26 30 ACC to argue on or determine.
16:30:30 31
16:30:32 32 Did you raise any concern around that time that Ms Gobbo
16:30:35 33 might have any conflict?---No.
16:30:38 34
16:30:40 35 Ms Gobbo appears again on 19 November 2007, according to an
16:30:48 36 OPP file note, which indicates the words, "Summons resolved
16:30:54 37 re provided and PII". Do you recall Ms Gobbo appearing for
16:31:00 38 him a second time?---Not specifically.
16:31:04 39
16:31:05 40 There were various pieces of disclosure, it might have not
16:31:09 41 just been the ACC, there was disclosure coming from the
16:31:12 42 police as well through that time?---Yes. But these aren't
16:31:19 43 conversations I'm having with Nicola Gobbo.
16:31:21 44
16:31:21 45 No, but this is an involvement of Ms Gobbo in the
16:31:24 46 disclosure process in relation to Mr Orman's
16:31:27 47 proceedings?---Okay.

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16:31:28 1
16:31:28 2 Is that right?---I presume so.
16:31:30 3
16:31:31 4 Well that's what this process is about, the issuing of
16:31:36 5 subpoenas and the obtaining of information?---I'm just not
16:31:39 6 sure where you're sourcing that from sorry. That's the
16:31:43 7 only reason I'm saying presumably. I'm not sure whose
16:31:49 8 notes you're referring to.
16:31:50 9
16:31:50 10 Sorry, I had been briefly referring to some OPP file notes,
16:31:53 11 but you're aware that Ms Gobbo was appearing for Mr Orman
16:31:56 12 during that process?---Yes.
16:31:58 13
16:32:01 14 If we can go to the OPP file note for 19 November. This is
16:32:15 15 the first one. You'll see that Ms Gobbo appears there
16:32:27 16 before Ms Broughton?---Yes.
16:32:30 17
16:32:31 18 There's the line, "Summons resolved re provided and
16:32:36 19 PII"?---Yes.
20
16:32:37 21 See that?---Thank you.
16:32:37 22
16:32:37 23 "Ordered finalisation, adjourned to today." I think that's
16:32:41 24 a reference to informant and counsel haven't turned up for
16:32:46 25 provision. "Checked on the second floor." So it might be
16:32:50 26 that there was some confusion in relation to provision of
16:32:53 27 that material. If I can tender that and I'll move to the
16:32:59 28 next record.
16:33:03 29
16:33:04 30 COMMISSIONER: How do I describe this document?
16:33:06 31
16:33:06 32 MS TITTENSOR: It's an OPP file note dated 19 November 2007
16:33:10 33 in relation to Faruk Orman.
16:33:12 34
16:33:20 35 #EXHIBIT RC661A - (Confidential) OPP file note 19/11/07.
16:33:10 36 in relation to Faruk Orman.
16:33:21 37
16:33:22 38 #EXHIBIT RC661B - (Redacted version.)
16:33:24 39
16:33:24 40 Perhaps we'll get to the next one very quickly if we can.
16:33:28 41
16:33:29 42 COMMISSIONER: It's after 4.30 already, but if you want to
16:33:32 43 finish it off we can.
16:33:34 44
16:33:35 45 MS TITTENSOR: Perhaps if we can just finish this piece,
16:33:37 46 Commissioner.
16:33:38 47

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16:33:38 1 COMMISSIONER: All right then.
16:33:39 2
16:33:39 3 MS TITTENSOR: Sorry everyone. Do you see there it's - if
16:33:48 4 we go to the bottom of that document, it's a letter from
16:33:58 5 yourself?---Yes.
16:33:59 6
16:33:59 7 To the court in relation to the summons to produce
16:34:02 8 material?---Yes.
16:34:03 9
16:34:03 10 I'll just take you quickly to item 3. You produce
16:34:11 11 transcripts and recordings of meetings in relation to
16:34:15 12 Purana Task Force members and the particular witness
16:34:18 13 against Mr Orman?---Yes.
16:34:19 14
16:34:20 15 And that's where those transcripts were produced?---Yes.
16:34:24 16
16:34:25 17 Were they provided in edited form?---I don't recall.
16:34:28 18
16:34:29 19 Do you recall I asked you questions earlier about you and
16:34:33 20 Mr Bateson having conversations about redactions to that
16:34:37 21 material?---Yes.
16:34:38 22
16:34:38 23 Do you accept that there were redactions as to Ms Gobbo's
16:34:42 24 role or Ms Gobbo's being referred to in that material?---I
16:34:46 25 don't know, sorry.
16:34:48 26
16:34:50 27 Do you recall reading in that material Mr Bateson telling
16:34:55 28 that particular witness that he believed Ms Gobbo to be an
16:34:58 29 honest barrister?---No.
16:35:01 30
16:35:02 31 Might those materials have been edited before they got to
16:35:06 32 you?---Possibly.
16:35:07 33
16:35:07 34 Who would that have been by?---I don't know but they were
16:35:14 35 given to me by Stuart Bateson, possibly by Stuart if indeed
16:35:18 36 they were. I'm not certain they were.
16:35:20 37
16:35:21 38 You'll see if we quickly go to item 10, it lists the
16:35:27 39 various diaries and day book entries that have been
16:35:32 40 provided in relation to the matter?---Yes.
16:35:35 41
16:35:36 42 It doesn't include a number of members that had been
16:35:39 43 involved with that particular witness, including Bateson,
16:35:44 44 O'Brien and Kerley, is that right?---Yes.
16:35:48 45
16:35:48 46 Do you know why their diary entries were not
16:35:51 47 provided?---No.

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16:35:51 1
16:35:55 2 Thanks Commissioner, I tender that document.
16:35:58 3
16:35:58 4 COMMISSIONER: How do I describe that one?
16:36:00 5
16:36:00 6 MS TITTENSOR: It's a letter from Mr Buick to the registrar
16:36:04 7 at the Melbourne Magistrates' Court dated 19 November 2007.
16:36:08 8
16:36:08 9 #EXHIBIT RC662A - (Confidential) Letter from Boris Buick to
16:36:03 10 the registrar at the Melbourne
16:36:05 11 Magistrates' Court 19/11/07.
16:36:15 12
16:36:16 13 #EXHIBIT RC662B - (Redacted version.)
16:36:25 14
16:36:26 15 MS TITTENSOR: Thanks Commissioner.
16:36:27 16
16:36:27 17 COMMISSIONER: All right, I think we're finishing for the
16:36:29 18 day. Tomorrow we have a new witness?
16:36:34 19
16:36:34 20 MS TITTENSOR: We're interposing a witness tomorrow.
16:36:37 21
16:36:37 22 COMMISSIONER: That witness is expected to take how long?
16:36:40 23
16:36:41 24 MS TITTENSOR: As I understand it that witness is expected
16:36:43 25 to take the day.
16:36:45 26
16:36:45 27 COMMISSIONER: So we don't expect Mr Buick back until
16:36:48 28 Friday?
16:36:49 29
16:36:49 30 MS TITTENSOR: Yes Commissioner.
16:36:50 31
16:36:50 32 COMMISSIONER: Mr Buick, I'm sorry this has had to happen
16:36:53 33 to you, I know it's inconvenient. We had originally hoped
16:36:55 34 to deal with this witness before your evidence but we were
16:37:00 35 advised that wasn't possible because of some suppression
16:37:03 36 orders in the District Court and we had to get those sorted
16:37:07 37 out, which has now been done?---I understand that,
16:37:09 38 Commissioner. I wasn't expected to be finished on Friday
16:37:13 39 anyway.
16:37:13 40
16:37:14 41 I don't think you were going to finish Friday in any case.
16:37:17 42 That's why we're doing that. But weighing the various
16:37:20 43 competing interests, it seemed to be more important to deal
16:37:23 44 with this witness at this point rather than continue with
16:37:27 45 you and probably not have you finished Friday anyhow and
16:37:30 46 then we're adjourning for a week and resuming in a
16:37:33 47 different court. For all those reasons we have to do this

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16:37:36 1 tomorrow?---Certainly.
16:37:37 2
16:37:39 3 MR CHETTLE: Commissioner, before we leave, can we sort out
16:37:42 4 who can be here tomorrow?
16:37:44 5
16:37:45 6 COMMISSIONER: Yes, has anyone got a draft order for me? I
16:37:48 7 think I've got one somewhere. We're in open court at the
16:38:00 8 moment. We're in open court. I have seen it but I think
16:38:05 9 you are included on the list if that's your concern,
16:38:07 10 Mr Chettle?
16:38:08 11
16:38:09 12 MR CHETTLE: That was the primary concern, Commissioner.
16:38:11 13
16:38:11 14 COMMISSIONER: Yes, yes. I can't at the moment find the
16:38:18 15 draft order I had earlier in the day. I think it's
16:38:31 16 basically - does anyone have a draft order?
16:38:43 17
16:38:44 18 MR WINNEKE: Yes.
16:38:49 19
16:38:49 20 COMMISSIONER: It's in terms settled by the District Court
16:38:53 21 by consent apparently.
16:38:54 22
16:38:54 23 MR WINNEKE: Commissioner, the parties who have been given
16:39:02 24 leave to appear, including the media, accredited media,
16:39:08 25 interested parties granted leave to appear by the Royal
16:39:12 26 Commission. So I think - - -
16:39:15 27
16:39:15 28 COMMISSIONER: All those with standing leave.
16:39:17 29
16:39:18 30 MR WINNEKE: Those with standing leave and an interest in
16:39:20 31 the evidence given by that particular person should be
16:39:25 32 entitled to be present. The same people who are here when
16:39:29 33 we had - - -
16:39:30 34
16:39:30 35 COMMISSIONER: We just need to make sure that matches the
16:39:33 36 order made in the District Court today, that's all. I'm
16:39:37 37 sure - - -
16:39:37 38
16:39:38 39 MR WINNEKE: Mr Chettle is entitled to be here.
16:39:40 40
16:39:41 41 COMMISSIONER: I'm sure I saw the list and Mr Chettle will
16:39:42 42 be there. It is actually subject to an order that was made
16:39:47 43 in the District Court today so it's not one I can vary.
16:39:50 44
16:39:50 45 MR WINNEKE: Yes. Effectively it equates with the usual
16:39:52 46 orders made when we have hearings in your private mode.
16:39:57 47

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16:39:57 1 COMMISSIONER: I think it does. And I think it's those
16:40:00 2 with standing leave.
16:40:01 3
16:40:02 4 MR CHETTLE: Thank you Commissioner.
16:40:02 5
16:40:03 6 COMMISSIONER: We'll adjourn until 9.30 tomorrow.
7
16:40:33 8 <(THE WITNESS WITHDREW)
16:40:34 9
16:40:34 10 ADJOURNED UNTIL THURSDAY 31 OCTOBER 2019
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