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These claims are not yet resolved.

09:39:16 1 COMMISSIONER: Yes, could the witness return to the witness
09:39:19 2 box. We're continuing in closed hearing, Ms Tittensor, the
09:39:24 3 appearances - - -
09:39:26 4
09:39:26 5 MS TITTENSOR: Yes, Commissioner.
6
09:39:28 7 COMMISSIONER: - - - are largely as they were yesterday.
09:39:30 8 Yes.
9
09:39:37 10 <BORIS BUICK, recalled:
09:39:39 11
09:39:39 12 MS TITTENSOR: Mr Buick, I think yesterday I had been
09:39:42 13 taking you through a Purana update from February 2004, do
09:39:46 14 you recall that?---Yes.
15
09:39:49 16 Following that Purana update, on 18 February 2004 there was
09:39:55 17 a committal mention in relation to the matter of the
09:40:02 18 Williams' threats against Mr Bateson. Do you recall that
09:40:07 19 occurring, that Ms Gobbo appeared at that committal and
09:40:11 20 made application to cross-examine Mr Bateson about the
09:40:14 21 threats?---No.
22
09:40:17 23 Do you recall that there was talk about that in the Purana
09:40:19 24 offices?---No.
25
09:40:22 26 That there was publicity about that matter?---About the
09:40:25 27 threats matter?
28
09:40:26 29 Yes?---Yes.
30
09:40:29 31 And if there was publicity at the time of the committal
09:40:33 32 mention about that as to the application to cross-examine
09:40:38 33 Mr Bateson, that would have been something that would have
09:40:40 34 been known to members of Purana?---Probably.
35
09:40:46 36 The month following that there was a committal mention in
09:40:49 37 relation to [REDACTED] and [REDACTED], you certainly knew
09:40:53 38 about that one?---Yes.
39
09:40:56 40 You were present at court on that day?---Yes.
41
09:41:00 42 You've indicated in your statement that a solicitor by the
09:41:05 43 name of [REDACTED] appeared for [REDACTED] that
09:41:10 44 day?---Yes.
45
09:41:13 46 You were the informant for [REDACTED]?---Yes.
47

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09:41:15 1 And that barrister, another barrister, [REDACTED], appeared
09:41:21 2 for [REDACTED]?---Yes.
3
09:41:22 4 And you note that Ms Gobbo was present in court but your
09:41:26 5 statement seems to suggest that she was present in court in
09:41:29 6 relation to [REDACTED], not [REDACTED]?---Yes. That's what
09:41:33 7 my notes reflected when I reviewed them.
8
09:41:37 9 You had understood though to that point that she had been
09:41:42 10 representing in court [REDACTED]?---She had appeared in an
09:41:49 11 earlier hearing, yes.
12
09:41:51 13 And you understood that [REDACTED] was Ms Gobbo's
09:41:56 14 instructing solicitor for [REDACTED]?---I'm not certain of
09:42:01 15 that but I don't dispute that.
16
09:42:03 17 Have you got your day books there?---I do.
18
09:42:07 19 If can you go to the day book with the entry for [REDACTED]
09:42:12 20 2004?---2004? No, sorry, mine that I have here start in
09:42:19 21 2006. They'll be here though
22
09:42:26 23 MS ARGIROPOULOS: Commissioner, my instructor can locate
09:42:28 24 that day book.
25
09:42:29 26 COMMISSIONER: Thanks Ms Argiropoulos.
27
09:42:35 28 MS TITTENSOR: I'll put this to you anyway and perhaps we
09:42:38 29 can move on?---Sure.
30
09:42:39 31 Your day book for that date includes an entry saying,
09:42:43 32 [REDACTED], and you understand
09:42:49 33 [REDACTED] was a criminal law firm at that
09:42:52 34 stage?---Yes.
35
09:42:53 36 "Rang for a copy of brief, is now acting. Gobbo is still
09:42:55 37 briefed." That would indicate as of [REDACTED] 2004 you
09:43:01 38 understood that Ms Gobbo was briefed in relation to
09:43:03 39 [REDACTED]?---Yes.
40
09:43:07 41 No doubt then as at [REDACTED] 11 days later, you would have
09:43:12 42 understood that Ms Gobbo was present in court for
09:43:16 43 [REDACTED] not [REDACTED]?---Yeah, I'm not certain.
44
09:43:19 45 That seems logical?---Well, Nicola Gobbo - this is an
09:43:28 46 unfair description but I describe her as a ticket
09:43:32 47 barrister. She would routinely appear for bail

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09:43:37 1 applications, administrative applications, mentions and it
09:43:42 2 was very hard to really identify precisely on any given day
09:43:48 3 who she was representing.
4

09:43:51 5 You had been - well, perhaps if the witness can be shown
09:43:55 6 that entry and confirm that entry, Commissioner?---It's
09:43:58 7 before me here, I can see it. I don't dispute that.
8

09:44:03 9 You'd been told on [REDACTED] 2004, and you see that that
09:44:09 10 entry relates to [REDACTED]?---Yes.
11

09:44:12 12 That Ms Gobbo was briefed in that matter?---Yes.
13

09:44:14 14 On [REDACTED] 11 days later, there was another barrister
09:44:18 15 representing the other person, [REDACTED]?---Yes.
16

09:44:21 17 And Ms Gobbo was present in court with [REDACTED] the
09:44:26 18 solicitor for [REDACTED]?---Yes.
19

09:44:28 20 It would seem logical that she was there on that day for
09:44:31 21 [REDACTED], would it not?---I don't dispute that.
22

09:44:36 23 Both you and Mr Bateson were present in court on [REDACTED]
09:44:41 24 [REDACTED]?---Yes.
25

09:44:47 26 You're aware that following the committal mention Ms Gobbo
09:44:50 27 spoke to Detective Bateson about [REDACTED] cooperating with
09:44:55 28 the police?---Okay, I don't dispute that.
29

09:45:04 30 Presumably Bateson having had a conversation about those
09:45:07 31 matters with Ms Gobbo would have relayed the conversation
09:45:12 32 to you given you were the informant for [REDACTED]?---May
09:45:15 33 well have.
34

09:45:18 35 It would follow, wouldn't it? He wouldn't have a
09:45:21 36 conversation about the accused in your case potentially
09:45:25 37 cooperating with the police and not tell you?---Oh no, I
09:45:31 38 suspect he would have.
39

09:45:32 40 So if he recorded in his statement that he spoke to
09:45:35 41 Ms Gobbo, who was the barrister for - sorry, in his notes,
09:45:40 42 who was the barrister for [REDACTED], he spoke to the same
09:45:44 43 re [REDACTED] cooperation, he recorded, "She was at pains to
09:45:48 44 point out she would not declare confidential communication
09:45:52 45 to CW or anyone else. Stressed to her the next step would
09:45:57 46 be [REDACTED] compiling a can-say statement which would
09:46:02 47 enable us to corroborate if possible and put something firm

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09:46:07 1 to the OPP. She stated she would put this to him and
09:46:10 2 advise me of response and appeared to agree this was the
09:46:13 3 appropriate response". If Bateson has recorded those
09:46:17 4 matters in his diary or day book he would have discussed
09:46:21 5 those matters with you?---Probably.
6
09:46:24 7 One of the matters he recorded in his notes was that she
09:46:29 8 was at pains to point out she wouldn't declare confidential
09:46:34 9 communication to CW or anyone else. That would have been a
09:46:38 10 serious concern of police because of the fact that she was
09:46:41 11 representing many of the people whom [REDACTED] might speak
09:46:44 12 about within any statement that he made?---Sorry, what
09:46:50 13 would be a concern?
14
09:46:51 15 That [REDACTED] would nominate or would speak, if he came to
09:46:59 16 make a statement that he would be talking about people in
09:47:02 17 his statement, like Carl Williams and others, who Ms Gobbo
09:47:07 18 represented?---I don't understand why that's a concern.
09:47:15 19 That's precisely what we want him to do.
20
09:47:17 21 Sorry. Mr Bateson recorded in his notes that she was at
09:47:23 22 pains to point out she would not declare confidential
09:47:25 23 communications to CW or anyone else, right? You would want
09:47:31 24 [REDACTED] to speak about people such as CW, Carl Williams,
09:47:37 25 and others in his statement; is that right?---And he did.
26
09:47:42 27 Yes, and others such as [REDACTED], [REDACTED] and Mokbel,
09:47:51 28 for instance?---Yes.
29
09:47:53 30 And they were all people who Ms Gobbo had
09:47:57 31 represented?---Yes.
32
09:47:59 33 And it was a concern that Ms Gobbo might talk about those
09:48:05 34 matters with other people?---Oh well, it's not something I
09:48:13 35 felt concerned about or feel concerned about. It's not my
09:48:18 36 reflection.
37
09:48:19 38 It seems to have been the reflection of Bateson that she
09:48:22 39 was at pains to point out that she wouldn't do those
09:48:26 40 things?---It's a matter you need to raise with Mr Bateson.
41
09:48:30 42 Was this not a matter that you discussed with Mr Bateson?
09:48:34 43 Surely if he's had this conversation with Ms Gobbo, he
09:48:36 44 seems concerned about the fact that Ms Gobbo's representing
09:48:39 45 all these people and yet has this other client who might be
09:48:45 46 nominating all these people, is this something that you
09:48:47 47 never discussed with Mr Bateson?---I don't dispute that we

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09:48:52 1 would have spoken about this. I don't recall any such
09:48:54 2 conversation.
3
09:48:56 4 It seems like a logical conversation that you might have,
09:48:59 5 wouldn't it be, that we've got this barrister who's
09:49:05 6 representing someone who's going to make a statement
09:49:08 7 potentially about all these other people that she's
09:49:11 8 representing?---I don't see that as a concern.
9
09:49:13 10 Why do you not see that as a concern?---The essence for me
09:49:24 11 at the time and today is that [REDACTED] makes a wholesome
09:49:30 12 and truthful statement about whoever was involved in the
09:49:34 13 criminal offending. Who people are representing is of no
09:49:39 14 relevance to me in the compilation of his statement for us
09:49:42 15 to use in prosecutions.
16
09:49:52 17 You understand that Ms Gobbo has obligations to each of
09:49:57 18 those clients to act in their best interests?---That's a
09:50:00 19 matter for her.
20
09:50:01 21 Is it not a matter for police at all that accused person's
09:50:07 22 best interests might not be being served by their
09:50:10 23 barrister?---So if [REDACTED] was to make a statement
09:50:16 24 implicating clients of Nicola Gobbo in a murder, that's of
09:50:22 25 no concern to me as an investigator.
26
09:50:27 27 If Ms Gobbo is representing all those people, is that of no
09:50:30 28 concern to you?---No, not at all. The time comes in these
09:50:36 29 matters where people make statements against each other,
09:50:40 30 and a number of them did. Their legal representation is
09:50:48 31 not an issue.
32
09:50:51 33 It doesn't matter who represents who at any stage?---In the
09:50:55 34 context that you're describing it's irrelevant.
35
09:51:00 36 That's a position you would take today as well?---Yes.
37
09:51:17 38 Was there any concern at all that there might be a conflict
09:51:21 39 with Ms Gobbo if she continued to represent any of those
09:51:24 40 people?---That's a different matter.
41
09:51:29 42 Well I'm asking you that question?---That does potentially
09:51:35 43 present a conflict for Nicola Gobbo if she continues to
09:51:41 44 represent people against whom [REDACTED] has made a
09:51:45 45 statement, certainly if she doesn't act in their best
09:51:52 46 interests and acts counter to their best interests. That
09:51:55 47 is a different scenario and that is a concern and it's a

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09:51:58 1 concern for the barrister to deal with, the lawyer to deal
09:52:02 2 with.
3
09:52:07 4 Is it a concern for police at all if the people for whom
09:52:15 5 she goes on to represent don't know about the conflict of
09:52:18 6 interest?---We don't - police don't know, investigators
09:52:28 7 don't know, unless they're told, and clearly we're not, the
09:52:33 8 mind-set, the thinking, the intention of a lawyer
09:52:36 9 representing their various clients, you know. As I say,
09:52:41 10 they're matters for the lawyer to navigate and deal with
09:52:43 11 and, you know, I've seen many, many times good lawyers
09:52:49 12 compartmentalise their representation. I'll give you an
09:52:53 13 example. Robert Richter represented Paul Kallipolitis when
09:52:58 14 he was charged for a murder that became a manslaughter. It
09:53:03 15 was always our belief, of course, that Andrew Veniamin,
09:53:06 16 with Faruk Orman, murdered Paul Kallipolitis. Robert
09:53:12 17 Richter went on thereafter to represent Faruk Orman. He's
09:53:17 18 able to compartmentalise his representation.
19
09:53:21 20 Did Mr Orman know about that?---I don't know. Certainly
09:53:25 21 Robert Richter did.
22
09:53:27 23 The reality is it is a problem if you are aware that the
09:53:30 24 subsequent person does not know about the conflict. The
09:53:32 25 police have an obligation to act if they're aware of that,
09:53:39 26 would you agree?---If you're putting to me that the
09:53:41 27 scenario I've just described is a conflict that Robert
09:53:44 28 Richter was in, and I'm not certain that he was, if it was
09:53:50 29 a conflict then he has an obligation to declare that to his
09:53:54 30 clients.
31
09:53:55 32 If you are aware, let's step back to where we were, if
09:53:58 33 you're aware that Ms Gobbo has represented [REDACTED], she
09:54:03 34 then goes on to represent other people following that, and
09:54:07 35 they're not aware of her representation of [REDACTED], do
09:54:12 36 the police have any obligation in terms of exploring that
09:54:16 37 conflict?---Oh, I don't believe so.
38
09:54:19 39 And is that a position you would take today?---Yes.
40
09:54:25 41 Is that a position you expect that many of your colleagues
09:54:28 42 would take today?---I don't know.
43
09:54:32 44 Have you ever taken any steps to address conflicts of
09:54:36 45 interest where it doesn't suit, where the conflict doesn't
09:54:39 46 suit the police?---I don't believe so.
47

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09:54:55 1 A number of days later on [REDACTED] you had a meeting with -
09:55:02 2 perhaps we might tender these as a bundle, the day book
09:55:08 3 entries, if my instructors can keep a tally of which ones
09:55:14 4 we go to, Commissioner. We might tender them as a bundle.
09:55:17 5
09:55:18 6 #EXHIBIT RC644A - Day books of Boris Buck.
7
09:55:22 8 COMMISSIONER: What period of time are they from?
09:55:24 9
09:55:24 10 MS TITTENSOR: The first one was [REDACTED] I might tender
09:55:28 11 also [REDACTED]
12
09:55:35 13 COMMISSIONER: You'll be tendering the whole lot as a
09:55:38 14 bundle, won't you?
09:55:39 15
09:55:40 16 MS TITTENSOR: I will later. I'll refer to them by date
09:55:42 17 and can tender them as a bundle.
18
09:55:45 19 COMMISSIONER: Okay. [REDACTED] was it?
09:55:47 20
09:55:47 21 MS TITTENSOR: Yes, that's the day of the court hearing.
22
09:55:49 23 COMMISSIONER: Yes.
09:55:50 24
09:55:51 25 MS TITTENSOR: If we can have a look at [REDACTED] please.
09:55:56 26 At 3 pm you have a meeting with Detective Sergeant Bateson
09:56:03 27 and is that Henry Roberts?---Yes.
28
09:56:09 29 Who was Henry Roberts?---I don't recall, sorry.
30
09:56:12 31 And that's re [REDACTED] and [REDACTED]?---No.
32
09:56:19 33 Sorry, [REDACTED] and [REDACTED]?---That's right.
34
09:56:25 35 You expect that you might have discussed the possible
09:56:29 36 cooperation of [REDACTED] at that meeting?---I don't know.
37
09:56:39 38 Over the page on [REDACTED] Do you see there at 10 o'clock
09:56:56 39 there's a meeting with the OPP with Inspector Allen, Senior
09:57:05 40 Sergeant Ryan, Detective Bateson and others?---Yes.
41
09:57:17 42 Is that a meeting at which was discussed - sorry, I might
09:57:21 43 just suggest to you that Inspector Allen's notes indicate,
09:57:29 44 "Re [REDACTED] and Ms Gobbo was to be advised of the urgency
09:57:33 45 of the situation re the can-say statement and to progress
09:57:36 46 same, with the OPP to be briefed". So you would accept at
09:57:40 47 that stage there was a discussion with the OPP about that

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09:57:42 1 matter?---Yes.
2
09:57:47 3 On ██████████ 2004 yourself and Detective Bateson visited
09:57:54 4 ██████████ and it's apparent that Mr Bateson spoke with
09:57:58 5 Ms Gobbo following that visit. You would accept that if
09:58:04 6 that's what Mr Bateson's notes reflect and what yours
09:58:08 7 reflect?---Yes.
8
09:58:12 9 If you see down the bottom of that page you leave
09:58:17 10 essentially with Bateson, go to the prison and at ██████████
09:58:22 11 you're speaking with ██████████ at his request?---Yes.
12
09:58:26 13 It's apparent that the following day Ms Gobbo visited
09:58:30 14 ██████████ in custody. Are you aware of Inspector Allen and
09:58:40 15 Senior Sergeant Ryan's involvement in the process?---Not
09:58:46 16 really. I know that - and I think I described this
09:58:53 17 yesterday - I wasn't part of Stuart's crew. I was the
09:58:56 18 nominal informant for ██████████. So I charged ██████████.
09:59:13 19 The brief of evidence was prepared by Stuart's crew and I
09:59:17 20 sort of dropped off in terms of the ongoing engagement with
09:59:24 21 witnesses and the investigation proper and refocused on my
09:59:30 22 own investigation. So there was a time where I sort of
09:59:33 23 dropped away from contact and you suggested Gavan Ryan, I
09:59:38 24 actually thought it was Phil Swindells stepped in.
25
09:59:43 26 I think you're probably right in Swindells. He does come
09:59:47 27 to have some involvement. But it seems as though on ██████████
09:59:52 28 ██████████ 2004 Allen and Ryan meet with Ms Gobbo and
09:59:57 29 ██████████ Mr Allen's notes indicate discussion of
10:00:03 30 issues re ██████████ and Ryan, it seems, has also discussed
10:00:10 31 the ██████████ objectives and result of ██████████ Do you
10:00:19 32 know why they would be discussing those matters with
10:00:22 33 Ms Gobbo at the same time as discussing ██████████?---No,
10:00:25 34 sorry, no idea.
10:00:25 35
10:00:26 36 Your note yesterday in that Purana update that I took you
10:00:29 37 to, Operation ██████████ seemed to relate to a drug matter
10:00:32 38 involving Carl Williams, George Williams and someone by the
10:00:37 39 name of ██████████---Yes.
40
10:00:39 41 Is there any reason why they might be discussing both
10:00:42 42 ██████████ and a drug matter involving potentially Carl
10:00:46 43 Williams with Ms Gobbo?---I have no idea.
44
10:00:57 45 The following day there was a briefing of Command in
10:01:01 46 relation to what was going on. That would be consistent
10:01:05 47 with your understanding of how things were working?---Yes.

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1
10:01:10 2 And in particular this was a pretty significant moment,
10:01:14 3 that the first of the gangland witnesses might roll on some
10:01:19 4 other very significant players?---Yes.
5
10:01:23 6 So you would expect that Command would want to be briefed
10:01:29 7 when significant events like that occurred?---Yes.
8
10:01:31 9 And do you know in what detail they might be briefed?---No.
10
10:01:35 11 Would they be told who was representing who, do you
10:01:38 12 know?---I don't know.
13
10:01:43 14 The following day after that, [REDACTED] 2004, Inspector
10:01:47 15 Allen's diary indicates that he had a phone call with
10:01:50 16 Ms Gobbo and then arranged to meet her re issues re
10:01:53 17 [REDACTED]. He went to a café in South Melbourne and his
10:01:59 18 diary notes indicate that they canvassed issues including
10:02:03 19 [REDACTED] and her acting for him. It seems there was a
10:02:07 20 discussion with her specifically about the fact that she
10:02:10 21 was acting for [REDACTED]. Now, do you recall that being an
10:02:14 22 issue around the Purana office?---No.
23
10:02:16 24 As to how she might be able to address that conflict?---No.
25
10:02:23 26 Mr Allen told Ms Gobbo that the Assistant Commissioner had
10:02:27 27 been briefed about the matter and his notes indicate that
10:02:30 28 Ms Gobbo might be able to provide information about where
10:02:33 29 media leaks relating to Purana were coming from. Were you
10:02:38 30 made aware of that, that Ms Gobbo was offering to provide
10:02:41 31 Inspector Allen with information at that stage?---No.
32
10:02:46 33 Do you recall incidents involving potential media leaks
10:02:50 34 from Purana?---Yes, it occurred from time to time across
10:02:56 35 the course of my time at Purana and other Task Forces and
10:03:02 36 investigations.
37
10:03:07 38 A number of days after that on [REDACTED] 2004 there was a
10:03:10 39 meeting between Marty Robertson and a member of the MDID
10:03:17 40 Mr Bartlett with [REDACTED] and another man by the name of
10:03:21 41 Emeido Navaroli. Do you recall being told about that
10:03:26 42 meeting?---No.
43
10:03:28 44 That [REDACTED] essentially offered up a number of people to
10:03:33 45 serve some gaol, short gaol sentences in return for
10:03:37 46 potentially stopping the gangland killings?---No.
47

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10:03:42 1 That's something that would have been spoken about, I'd
10:03:45 2 suggest, at the time around the Purana offices, that he
10:03:49 3 might have the gall to suggest that?---No, I wouldn't think
10:03:52 4 so.

10:03:52 6 It wouldn't have been spoken about?---No.

10:03:55 8 Why not?---Well if, as described, you have someone like
10:03:57 9 [REDACTED] offering to provide assistance, so that would
10:04:00 10 place him at great risk in terms of his safety and that's
10:04:04 11 something that is a needs to know basis, so you wouldn't be
10:04:10 12 sprouting off about that around the office. That's the
10:04:13 13 first I've heard of that.

10:04:15 15 I think he was essentially offering to facilitate a deal of
10:04:19 16 other people going to gaol?---Well that's assistance that
10:04:23 17 he's providing to police which would put him at great
10:04:27 18 peril.

10:04:37 20 If we can go to your day book on [REDACTED] 2004. We can see
10:05:01 21 where the cursor is. There's an indication there that you
10:05:06 22 spoke to Mr Allen and Swindells?---Yes.

10:05:10 24 In relation to [REDACTED] communications and
10:05:17 25 negotiations?---Yes.

10:05:19 27 Presumably you had some discussion with them about what was
10:05:23 28 going on with Ms Gobbo in relation to
10:05:29 29 negotiations?---Possibly but I would think it's more really
10:05:32 30 about [REDACTED] and the progressive passage of him becoming
10:05:41 31 a witness. I wasn't in conversations with any lawyers
10:05:54 32 about that.

10:05:55 34 On [REDACTED] Mr Allen in his diary indicates that he went to
10:05:59 35 the OPP with Mr Swindells and met with Mr Horgan and
10:06:02 36 Ms Anscombe re Purana issues. His notes refer to a number
10:06:06 37 of matters, including contact with the ACC and Nicola
10:06:11 38 Gobbo, noting, "Horgan wants to contact both and advise of
10:06:15 39 the next stage". Your day book on that date indicates that
10:06:19 40 you spoke to Allen re discussion with the OPP, Horgan and
10:06:25 41 the ACC matter. Now again, you were being kept updated as
10:06:31 42 to what was going on in terms of [REDACTED] negotiations; is
10:06:35 43 that right?---It seems so.

10:06:43 45 The following day, [REDACTED] 2004, Ms Gobbo in her court
10:06:49 46 book recorded a conference with Mr Horgan. The first thing
10:06:53 47 written in her court book on that day was, "Who do I act

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10:06:56 1 for and do I have a conflict?" Would you agree that the
10:07:00 2 answer at that stage was patently yes?---There's two
10:07:05 3 questions there. Who do I act for and do I have a
10:07:10 4 conflict? So I guess, depending on the answer to the first
10:07:13 5 question, you'd come to the consideration of the second
10:07:16 6 question.
7

10:07:17 8 Do you agree in relation to the second answer, the answer
10:07:20 9 was patently yes?---No. No, I don't. Assuming the answer
10:07:29 10 to the first answer is she's representing Lawyer X.
11

10:07:34 12 And assuming the answer to first question was, "And I'm
10:07:36 13 also representing Carl Williams, [REDACTED], Tony Mokbel and
10:07:41 14 I've also in the past taken instructions from [REDACTED]
10:07:47 15 [REDACTED]"?---There is certainly a minefield there and potential
10:07:51 16 for conflict.
17

10:08:13 18 On [REDACTED] 2004 - sorry, perhaps I'll go to [REDACTED] 2004 and
10:08:28 19 RC250. [REDACTED] 2004. Sorry. See there on [REDACTED] it's
10:09:06 20 apparent on the entry below that she's appeared for someone
10:09:10 21 by the name of [REDACTED]?--[REDACTED]? Sorry, whose notes
10:09:16 22 are these?
23

10:09:16 24 These are Ms Gobbo's court book notes?---Right.
25

10:09:19 26 She's appeared, it seems, before Ms Hannan in an
10:09:24 27 application to vary bail, which is granted. If we go to
10:09:29 28 the other side of the page. Sorry, the page below. The
10:09:43 29 other side of the page. Do you see there same day, later
10:09:49 30 that day, she's having a conversation with
10:09:53 31 Swindells?---Yes.
32

10:09:54 33 There's a question posed by someone at least, one of them,
10:09:59 34 "A reality difference between Purana and Horgan?" Do you
10:10:04 35 know what that might be referring to?---No idea, sorry.
36

10:10:08 37 Were there differences of opinion between Purana and Horgan
10:10:13 38 as to how things might be handled?---I don't recall any of
10:10:17 39 that.
40

10:10:18 41 Do you see there that she's noted under the conversation
10:10:22 42 with Swindells a suggestion that [REDACTED] might be [REDACTED]
10:10:27 43 [REDACTED] for the murder of [REDACTED]?---Yes.
44

10:10:32 45 Do you recall that information being discussed within the
10:10:35 46 Purana offices?---No.
47

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10:10:41 1 Do you know a police member by the name of Susan Hughes at
10:10:44 2 Moorabbin?---Yes.
3
10:10:46 4 Do you know what that reference might refer to, "Phil has
10:10:53 5 helped", Phil being the first name potentially of
10:10:57 6 Mr Swindells?---No idea.
7
10:11:01 8 If we can go to the next date, 4 May 2004, please. It
10:11:13 9 might be the next page. Keep going. Keep going. You'll
10:11:39 10 see there there's another reference to, it seems, a
10:11:43 11 communication with Mr Swindells?---Yes.
12
10:11:46 13 A reference to being a relevant witness at an ACC hearing,
10:11:51 14 another quiver in the bow?---Yes.
15
10:11:54 16 Do you know what that might relate to?---No.
17
10:11:58 18 Again, there's some reference to whatever views the OPP
10:12:02 19 have - we have, "The OPP have overall control of the
10:12:09 20 brief". Do you know what that might relate to?---No. It's
10:12:13 21 - I mean it's common sense, the OPP.
22
10:12:17 23 That Purana might have different views as to the way things
10:12:20 24 might be handled than the way the OPP have?---Oh no, the
10:12:24 25 OPP are in charge of the prosecution.
26
10:12:29 27 There's a discussion about political pressure, it
10:12:37 28 seems?---Yes.
29
10:12:39 30 Do you know what that discussion might have been
10:12:42 31 about?---No.
32
10:12:45 33 Copping a summons to appear. Do you know who was
10:12:48 34 potentially copping a summons to appear?---No.
35
10:12:51 36 And then again there seems to be some discussion by
10:12:54 37 Mr Swindells with Ms Gobbo about conflict regarding
10:12:58 38 specifically Mokbel, Williams and [REDACTED]?---Yes.
39
10:13:07 40 Then lower down there's a conference that she's indicating
10:13:11 41 that she's had with her instructing solicitor in relation
10:13:13 42 to the next step and Ms Gobbo refers to discussion with
10:13:17 43 Horgan re her difficult position, do you see that?---I see
10:13:21 44 that.
45
10:13:25 46 The following day your day book reflects that you spoke to
10:13:30 47 Mr Swindells?---Yes.

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1
10:13:33 2 Swindells had spoken to [REDACTED] the day before who wanted
10:13:38 3 a full indemnity?---Yes.
4
10:13:43 5 Gobbo had had discussions with Horgan. [REDACTED] had been
10:13:49 6 advised that if he pleaded to the [REDACTED] murder the
10:13:51 7 prosecution would push for a minimum sentence?---Yes.
8
10:13:59 9 You attended at another meeting at the OPP on 17 May
10:14:05 10 2004?---Yes.
11
10:14:08 12 Nothing had progressed at that stage and the deal was going
10:14:12 13 to be for [REDACTED] to plead guilty to murder and give
10:14:17 14 evidence in relation to [REDACTED] and there was some
10:14:20 15 consideration being given to charging him with the [REDACTED]
10:14:23 16 murder, do you recall that?---Sorry, what's the source of -
10:14:26 17 whose notes are these?
18
10:14:28 19 Sorry, perhaps if we can go to the day book for 17 May.
10:14:51 20 See down on the left-hand side there?---Yes.
21
10:14:53 22 Do you agree that those conversations were had?---Yes.
23
10:14:58 24 Your notes indicate that aside from Mr Horgan and
10:15:04 25 Ms Anscombe, Inspector Allen, Swindells, Wilson and
10:15:08 26 yourself were present?---Yes.
27
10:15:10 28 Which Wilson would that be?---Craig Wilson I think.
29
10:15:20 30 The following day, on the 18th, you were told that Ms Gobbo
10:15:26 31 was meeting with Mr Horgan?---Yes.
32
10:15:34 33 Do you accept that?---Yes.
34
10:15:35 35 And then we understand that on [REDACTED] Ms Gobbo visited
10:15:40 36 [REDACTED] and made a note in her court book about calling
10:15:46 37 Mr Swindells and then Bateson and Swindells visited him on
10:15:51 38 [REDACTED] Following that it seems as though on 15 June 2004
10:15:59 39 there's been some disagreement between Mr Bateson and
10:16:03 40 Mr Swindells that's noted in Buick's diary in relation to a
10:16:07 41 lack of communication in relation to a proposal for the
10:16:10 42 plea with [REDACTED]?---In whose diary, sorry?
43
10:16:17 44 Bateson recorded a disagreement with Mr Swindells in his
10:16:21 45 diary in relation to lack of a communication in relation to
10:16:24 46 a proposal for a plea with [REDACTED] and a lack of notice.
10:16:27 47 Now, can you shed any light on that?---No.

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1
10:16:31 2 Were you present on [REDACTED] 2004 when [REDACTED] pleaded
10:16:35 3 guilty in the County Court to some outstanding charges of
10:16:40 4 [REDACTED] and the like?---I'm not certain, sorry.
5
10:16:47 6 It's apparent that on that day Ms Gobbo had a conversation
10:16:50 7 with Bateson where she expressed concern for herself should
10:16:54 8 [REDACTED]'s plea deal become known and Bateson told her
10:16:58 9 that, "Our door was open any time". Were you aware that
10:17:02 10 that occurred?---No.
11
10:17:04 12 Would you have been - do you expect that you would have had
10:17:08 13 some discussions in relation to those matters?---Not
10:17:12 14 necessarily.
15
10:17:16 16 You would have had notes in your diary in relation to
10:17:18 17 Ms Gobbo's involvement in the process?---If I was there
10:17:22 18 that day.
19
10:17:23 20 Well, previously in relation to any discussions that she
10:17:28 21 was having?---Would I have notes in my day book?
22
10:17:33 23 Or diary?---About discussions she was having with other
10:17:37 24 people?
25
10:17:38 26 About Ms Gobbo's involvement in the process of [REDACTED]
10:17:40 27 potentially cooperating?---I certainly didn't have any
10:17:46 28 conversations with her about any of these matters.
29
10:17:53 30 Were you aware that there were concerns Ms Gobbo's role in
10:17:58 31 the process becoming known?---No.
32
10:18:00 33 At any time?---No.
34
10:18:04 35 Ordinarily a lawyer's role in advising a client is not
10:18:08 36 something that is hidden?---No.
37
10:18:15 38 And that the danger here was, well, if there was considered
10:18:20 39 a danger, it was because Ms Gobbo was seemingly aligned to
10:18:25 40 the people against whom her client, [REDACTED], was going to
10:18:30 41 provide evidence against?---And I guess that's precisely
10:18:34 42 why Andrew Veniamin threatened her, as he did in due
10:18:37 43 course.
44
10:18:41 45 That in itself indicates a conflict, would you
10:18:45 46 agree?---Certainly there's a perception by a number of
10:18:48 47 people there's a conflict and, you know, I can see there

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10:18:52 1 may well have been a conflict. And certainly - well, with
10:18:58 2 the passage of time, with a far better view of
10:19:03 3 circumstances back then, clearly there is a conflict for
10:19:07 4 her to deal with. But these aren't things that myself as a
10:19:11 5 head to the ground investigator were privy to or aware of,
10:19:16 6 or indeed felt a need to turn my mind to at that time
10:19:21 7 because of that lack of awareness.

8

10:19:30 9 Do you say if you had been aware at any stage you would
10:19:34 10 have done something about it?---Not necessarily. But the
10:19:37 11 conflict is for the lawyer to manage and, you know, you
10:19:42 12 don't manage the lawyer managing their conflicts.

13

10:19:49 14 Do you ever contemplate a circumstance in which the police
10:19:53 15 might need to get involved when a conflict occurs?---Only
10:19:57 16 if you see that there may be some criminal offending in
10:20:05 17 behind the conflict, as was the case with Zarah
10:20:10 18 Garde-Wilson. Police became involved in reporting that I
10:20:13 19 believe.

20

10:20:14 21 What if as a result of the - what if the conflict itself
10:20:17 22 gives rise to criminal offending, like perverting the
10:20:20 23 course of justice?---Well as I said a moment ago, as a
10:20:25 24 Detective Senior Constable, Acting Sergeant pursuing the
10:20:30 25 investigations on the ground, you know, you don't encounter
10:20:35 26 these issues. I didn't speak a word with Nicola Gobbo over
10:20:41 27 the whole passage of this time from my recollection. I
10:20:44 28 certainly saw her at court, knew she was involved in
10:20:48 29 representing people, but I had no conversations with her
10:20:51 30 such as to get a grasp of her conflict or not.

31

10:20:56 32 But if you're aware of it, regardless of whether or not you
10:21:00 33 have any direct contact with her, if you're aware of it and
10:21:03 34 the circumstances which might give rise to criminal
10:21:05 35 offending by virtue of her acting, do you have an
10:21:11 36 obligation to do anything about that?---Yes.

37

10:21:14 38 And what's that?---Well if there's criminal offending
10:21:17 39 involved you investigate the criminal offending and if that
10:21:20 40 involves the conduct of a lawyer, they're a suspect and
10:21:26 41 they're investigated. That certainly wasn't my view at the
10:21:30 42 time but, as you're putting to me now, 2019, that's my
10:21:34 43 view.

44

10:21:39 45 Following that plea hearing for the County Court matters
10:21:42 46 you're aware that [REDACTED] embarked upon the statement
10:21:48 47 process?---Yes .

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1
10:21:50 2 And that Detectives Bateson and Hatt attended at the prison
10:21:56 3 to obtain statements from him?---Yes.
4
10:22:01 5 And statements were being taken in relation to both the
10:22:05 6 [REDACTED] matter and the [REDACTED] murders?---Yes.
7
10:22:10 8 And those in Purana were very aware that that's what was
10:22:17 9 occurring?---I was certainly aware of the [REDACTED] matter.
10:22:20 10 I've had no involvement in the [REDACTED] investigation.
11
10:22:29 12 You were present on 17 May where there was discussion about
10:22:34 13 the deal was for him to plead to the murder and give
10:22:37 14 evidence in relation to [REDACTED]---Yes.
15
10:22:40 16 So you would have been, you would have known that there was
10:22:44 17 statement to be taken in relation to that matter as
10:22:46 18 well?---Yes.
19
10:22:48 20 Of course this was a very significant breakthrough for
10:22:50 21 Purana?---Yes.
22
10:22:56 23 Were you kept updated as things progressed with [REDACTED]
10:23:00 24 during this period of time?---Probably.
25
10:23:02 26 On [REDACTED] 2004 Mr Bateson went to see [REDACTED] to get him
10:23:07 27 to sign statements but he indicated at that stage he
10:23:11 28 wouldn't do that before going to Ms Gobbo for approval.
10:23:17 29 It's apparent he requested some minor additions at that
10:23:19 30 point and then Mr Bateson spoke to Ms Gobbo about her
10:23:25 31 reading the statements prior to [REDACTED] signing them.
10:23:28 32 You're aware of that occurrence?---I don't dispute that.
33
10:23:36 34 You're aware the following day that Detective Hatt attended
10:23:43 35 Ms Gobbo's chambers and gave her copies of the statements
10:23:46 36 to read?---I'm not aware of that but I don't dispute that.
37
10:23:49 38 It seems she made notes in her court book about various
10:23:54 39 aspects of that statement, in terms of the knowledge that
10:23:57 40 it was going to be a [REDACTED] more than a stand-over job,
10:24:01 41 and knowledge as to there being a [REDACTED] payment. Are
10:24:06 42 you aware that Ms Gobbo then spoke to Detective Bateson
10:24:09 43 about her scepticism over various aspects or claims made by
10:24:16 44 [REDACTED] in relation to those matters?---No.
45
10:24:21 46 You're aware in his initial statement [REDACTED], or the
10:24:26 47 unsigned copy up until that point, [REDACTED] had claimed

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10:24:31 1 that he wasn't going to get paid for the job, that he
10:24:33 2 thought he was going to collect [REDACTED] and [REDACTED] him.
10:24:36 3 You're aware that that was his initial statement?---I don't
10:24:40 4 recall that but I don't dispute it.
5
10:24:42 6 Is that something you likely would have been made aware of
10:24:45 7 at the time?---Probably. It's certainly no surprise.
8
10:24:57 9 Are you aware that Ms Gobbo and Mr Bateson spoke about
10:25:02 10 those things and then Mr Bateson assisted to arrange a
10:25:05 11 visit by Ms Gobbo to see [REDACTED] ---No, I'm not aware of
10:25:09 12 that.
13
10:25:10 14 That Ms Gobbo went to visit [REDACTED]. She then spoke to
10:25:15 15 Mr Bateson again and he recorded in his notes that she told
10:25:18 16 him that [REDACTED] would be truthful. He crossed out the
10:25:26 17 word "more" in front of truthful, but that's what he
10:25:30 18 recorded in his statement?---Yes.
19
10:25:34 20 You're aware that the next version of his statement amended
10:25:39 21 those aspects?---I don't dispute that.
22
10:25:42 23 You would have been made aware of that at the
10:25:45 24 time?---Probably.
25
10:25:49 26 It's apparent at a Task Force Purana meeting involving
10:25:57 27 Assistant Commissioner Overland and others on 12 July,
10:26:02 28 according to Mr Purton's diary notes, it says this,
10:26:07 29 "[REDACTED] final read of statements today. Shown to Gobbo.
10:26:10 30 One thing to change. Didn't know it's going to be a
10:26:12 31 [REDACTED]. NG, that's ridiculous". If those are the types of
10:26:19 32 matters being reported up to the Assistant Commissioner it
10:26:22 33 would have been reported to you, the informant?---Probably.
34
10:26:32 35 It seems the following day Mr Bateson spoke to Ms Gobbo and
10:26:37 36 then he and Hatt went to the prison and the statements were
10:26:40 37 signed. I just want to ask you about Purana's record
10:26:48 38 keeping in terms of draft statements. What was
10:26:55 39 it?---Sorry, what was?
40
10:26:57 41 What was Purana's system of keeping draft
10:27:05 42 statements?---There was no Purana-wide policy or process or
10:27:10 43 procedure.
44
10:27:11 45 Did Detective Bateson have a policy or procedure or
10:27:16 46 practice that he adopted?---I don't know what his policy,
10:27:20 47 procedure, practice was.

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1
10:27:24 2 Did you have one?---I did. I guess so.
3
10:27:31 4 What was it?---Well, it depends if you're taking a written
10:27:34 5 statement or a typed statement or - - -
6
10:27:42 7 Well, if it was a written statement what would it be?---The
10:27:46 8 witness gives their account, you record their account as
10:27:51 9 they give it. They review their statement and they sign
10:27:54 10 their statement.
11
10:27:55 12 Yes. If there's amendments to the statement what would
10:27:59 13 happen?---You would - well, I guess it depends, the context
10:28:10 14 in which that arose. I mean as you're taking a statement
10:28:12 15 from a witness, and as you've probably taken many
10:28:16 16 affidavits, a witness might say, "Oh look, on Wednesday
10:28:19 17 morning, hang on, it was Thursday morning". Now you
10:28:23 18 wouldn't take a statement that included the Wednesday
10:28:26 19 morning, get them to sign it, then take another statement
10:28:32 20 that said, "I've previously made a statement in relation to
10:28:36 21 this matter. I thought it was Wednesday morning, it's
10:28:41 22 actually Thursday morning", and get them to sign that
10:28:43 23 statement. So that's an extreme.
24
25 Taking that example, you've got a hand written statement,
10:28:45 26 it's not yet signed. Before they sign it they realise it's
10:28:47 27 Thursday, and not Wednesday, would you just get them to
10:28:50 28 amend that and initial it on the statement?---No.
29
10:28:52 30 What would you do?---Well, you would - if you were typing
10:28:55 31 it or, sorry, if you were writing it, yes, you would.
32
10:28:59 33 Yes?---But if you were typing it, no, you wouldn't. You
10:29:03 34 would replace the Wednesday with the Thursday.
35
10:29:07 36 I'm just asking about the handwritten one first of
10:29:09 37 all?---Yes, you would have them initial it.
38
10:29:11 39 And it would be very apparent to a reader, to the defence
10:29:15 40 when they get a copy of that statement, that there's been
10:29:18 41 that amendment?---Yes.
42
10:29:20 43 And that could be examined upon?---Yes. But, of course, if
10:29:22 44 they articulate that change before you've had a chance to
10:29:26 45 record it, it'd be exactly the same situation has occurred
10:29:26 46 but you haven't recorded it. There's nothing deceptive
10:29:27 47 about it, you just haven't captured it in writing before

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10:29:30 1 you commit to paper.
2
10:29:33 3 Right. You've got this typed statement. What's the
10:29:40 4 process with a typed statement?---Well, you type it on a
10:29:46 5 computer, print it, they review it, and if they're happy
10:29:53 6 with it they sign it.
7
10:29:55 8 If they want to contemplate it, if they want a solicitor or
10:30:03 9 a barrister to review it, they do so. If there needs to be
10:30:07 10 some changes you've got the printed copy there. They make
10:30:09 11 some changes on the next copy, obviously that's printed and
10:30:12 12 signed at some stage. What's done with the initial
10:30:15 13 copy?---My practice would be to - sorry, has the first copy
10:30:18 14 been signed?
15
10:30:20 16 No?---It's been printed?
17
10:30:28 18 It seems to be, yes?---Well you would retain that and you
10:30:32 19 would - the witness would adopt the subsequent statement.
20
10:30:36 21 Where would you retain it?---Within your investigation
10:30:43 22 file.
23
10:30:43 24 Would you consider that to be a draft statement?---Yes.
25
10:30:53 26 You would consider that to be something that was
10:30:57 27 disclosable to defence?---Yes.
28
10:30:59 29 Right. If you've not printed it and there's a change, what
10:31:05 30 would your practice be?---Not printed it and you go back
10:31:15 31 into it and make some alterations? Well there's no draft
10:31:20 32 as such.
33
10:31:21 34 Would your practice be to alter the title of the file so
10:31:24 35 that you have a copy of the initial draft and, you know,
10:31:28 36 you've added in a paragraph or something of substance
10:31:31 37 that's been changed?---If it was something of substance my
10:31:34 38 practice would be to retain, yes. More often not though
10:31:39 39 it's that example I gave before where you wouldn't retain a
10:31:44 40 draft changing a Wednesday to a Thursday based on a
10:31:47 41 witness's innocuous recollection.
42
10:31:51 43 If such a change was significant in the terms of a case,
10:31:56 44 for example, if someone made an observation of something
10:31:58 45 that occurred on a Wednesday but very significantly for
10:32:02 46 that case it actually, the event actually happened on a
10:32:05 47 Thursday and so that might have been something of great

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10:32:13 1 significance, would you make a record of that?---Yes. I
10:32:15 2 mean you're well aware that I've taken a number of
10:32:18 3 statements from witnesses where you refer to the prior
10:32:21 4 statements and clarification is made. You're well aware
10:32:26 5 that's my practice.
6
10:32:32 7 There may be other ways in which drafts might exist. For
10:32:37 8 example, after you've taken the first draft on a computer,
10:32:42 9 often those drafts are emailed to other members so they can
10:32:45 10 go away and try and corroborate aspects of them. Would you
10:32:49 11 agree with that?---I don't dispute that.
12
10:32:51 13 And that's what happened in relation to a number of these
10:32:54 14 Purana cases with [REDACTED] and other witnesses following
10:32:59 15 that?---I don't recall that but I don't dispute that.
16
10:33:10 17 Are you aware of any practice by anyone else in Purana or
10:33:13 18 occasions, rather than a practice, where draft statements
10:33:19 19 were destroyed?---No.
20
10:33:26 21 Are you aware of any deliberate practice to just save over
10:33:32 22 the original file statements so that any substantive
10:33:39 23 changes were not recorded?---No.
24
10:33:41 25 You would consider that to be wrong?---If it had improper
10:33:48 26 intent, yes.
27
10:33:49 28 Well it has the effect of not allowing defence to know that
10:33:57 29 there's been a change of substance which provide the basis
10:34:02 30 for a prior inconsistent statement or a credit
10:34:04 31 attack?---Yes.
32
10:34:13 33 Do you agree that even if the intent is not improper, that
10:34:16 34 it's still wrong? It's a bad practice?---What's that?
35
10:34:26 36 Saving over a file so that's a substantive change is not
10:34:29 37 apparent?---Well if it's a material change then, yes, I
10:34:35 38 agree.
39
10:34:50 40 On 24 July 2004 it's apparent Ms Gobbo was admitted to
10:34:53 41 hospital having suffered a stroke. That was something that
10:34:57 42 Purana would have become aware of at that stage, or around
10:35:00 43 that time?---What was the date, sorry?
44
10:35:02 45 24 July 2004?---I don't - - -
46
10:35:05 47 It's within two weeks of the signing of the statement by

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10:35:10 1 [REDACTED] ---I don't recall that but I don't dispute I may
10:35:15 2 have known that at the time.
3
10:35:17 4 That she rang Detective Bateson when she was at the
10:35:20 5 hospital and told him that she was still representing
10:35:23 6 [REDACTED]?---You're asking did that occur?
7
10:35:28 8 Do you recall being aware of that?---No.
9
10:35:30 10 That's something that likely you would have been
10:35:33 11 told?---Possibly.
12
10:35:34 13 Given that you were [REDACTED] informant?---Possibly.
14
10:35:40 15 Now there was interest by Purana in [REDACTED]; is that
10:35:47 16 right?---Yes.
17
10:35:48 18 And that was an interest that was occurring at this
10:35:52 19 time?---Yes.
20
10:35:56 21 Purana were interested if he might also assist them?---Yes.
22
10:36:06 23 If we can have a look at the 28th, the day book for 28 July
10:36:10 24 2004. It's apparent that Detective Bateson and a colleague
10:36:23 25 went on this day to meet with [REDACTED] to speak to him
10:36:28 26 about those kinds of things. I think your day book records
10:36:31 27 you being briefed by Detective Bateson about threats made
10:36:34 28 by a person to [REDACTED] which had been captured on some
10:36:38 29 telephone intercepts and that [REDACTED] may have known that
10:36:41 30 Condello had a contract out on Williams and hadn't said,
10:36:46 31 that's what the assault or threats were about. Do you
10:36:51 32 recall that?---I recall [REDACTED] being assaulted but I
10:36:57 33 don't - and I don't dispute the rest of it.
34
10:37:21 35 I'll just move on. Just some general propositions. In a
10:37:23 36 case where a witness has rolled over, such as [REDACTED]
10:37:29 37 and the person against whom they've rolled on, colloquially
10:37:35 38 expressed, the defence, if they're contesting the matter,
10:37:39 39 would seek to call into question the witness's credibility
10:37:42 40 and reliability?---Oh absolutely.
41
10:37:46 42 And they would do that by examining at committal, and later
10:37:54 43 at trial, how those statements came to be made in the first
10:37:57 44 place?---That would be a pursuit that may well occur.
45
10:38:04 46 You would have sat through many hearings in which there was
10:38:07 47 a great exploration as to the circumstances in which a

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10:38:10 1 statement came to be made?---Yes.
2
10:38:14 3 The motivation behind making the statement?---Yes.
4
10:38:17 5 For example, you know, what they got in return, whether
10:38:20 6 there were any inducements, those kinds of things?---Oh
10:38:24 7 yes.
8
10:38:24 9 Whether the statements were really a product of the
10:38:26 10 witness's own account of events or whether it was possible
10:38:30 11 that someone else had some influence in the making of any
10:38:34 12 of the statements made?---I don't specifically recall that
10:38:40 13 line of questioning but I don't dispute it's occurred.
14
10:38:43 15 Well if they've said something based on their own knowledge
10:38:46 16 or if they're, you know, pretending it's their own
10:38:51 17 knowledge, or it might be the product of something they've
10:38:55 18 heard?---That's happened, yes.
19
10:38:57 20 Of course the defence would be very interested to know
10:38:59 21 that?---Yes.
22
10:39:00 23 And whether there have been, and we've already discussed
10:39:06 24 this, whether there have been changes to statements,
10:39:10 25 something very significant that defence would cross-examine
10:39:13 26 about?---Yes.
27
10:39:14 28 Defence would examine those matters in a number of ways,
10:39:17 29 some of it would be direct questioning of the witness in
10:39:20 30 court?---Yes.
31
10:39:21 32 They would engage in direct questioning of police witnesses
10:39:25 33 in court?---Yes.
34
10:39:26 35 And potentially any other witnesses that might have
10:39:29 36 knowledge of those things as well?---Yes.
37
10:39:32 38 They would also examine those matters by way of disclosure
10:39:36 39 of police notes?---Yes.
40
10:39:39 41 And disclosure of draft statements?---Yes.
42
10:39:45 43 All of those matters would have been very common
10:39:48 44 occurrences during the course of your career?---Yes.
45
10:40:02 46 On [REDACTED] 2004, as a result of the cooperation and
10:40:09 47 statements made by [REDACTED], there were charges laid

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10:40:15 1 against [REDACTED] and Carl Williams; is that
10:40:20 2 right?---I accept that.
3
10:40:23 4 They were charged with the murders of [REDACTED] and
10:40:26 5 [REDACTED]---I accept that.
6
10:40:28 7 You would have known that at the time?---Yes.
8
10:40:31 9 Carl Williams was also charged at that stage with the
10:40:34 10 murder of [REDACTED]---I accept that.
11
10:40:38 12 And that's something you would have known at the
10:40:40 13 time?---Yes.
14
10:40:40 15 [REDACTED] had already been charged, of course, with that
10:40:45 16 murder?---I'm not sure of the sequence but I accept that.
17
10:40:48 18 [REDACTED] had been arrested on the day?---Yes.
19
10:40:50 20 He was charged shortly thereafter?---He was charged on the
10:40:54 21 day. He hadn't made a statement for some time.
22
10:40:58 23 No, but what I was saying was that Carl Williams on 16
10:41:01 24 August 2004 was also, was charged with [REDACTED]
10:41:05 25 murders?---Yes.
26
10:41:06 27 [REDACTED] as well as [REDACTED]---Yes.
28
10:41:11 29 And [REDACTED] had already been charged with the [REDACTED]
10:41:14 30 murder?---Yes.
31
10:41:15 32 And he was also charged on that day with the [REDACTED] and
10:41:18 33 [REDACTED] murders?---I accept that.
34
10:41:23 35 The initial intention was that those matters would proceed
10:41:27 36 by way of direct presentment?---I don't dispute that.
37
10:41:32 38 And that would bypass the usual committal processes?---Yes.
39
10:41:36 40 Do you recall that occurring?---No.
41
10:41:38 42 It was an unusual event?---Direct presentment?
43
10:41:41 44 At that stage, yes?---Oh, I don't know if was or it wasn't
10:41:44 45 but I don't recall it. I don't dispute it.
46
10:41:48 47 Well as a result of that occurrence, or the attempt along

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10:41:53 1 those lines, it was challenged ultimately and then it
10:41:55 2 ultimately went to committal, but at the outset there were
10:42:00 3 subpoenas issued in the Supreme Court for disclosure?---For
10:42:05 4 which defendant?
5
10:42:07 6 I anticipate for most of the defendants?---Yeah, I don't
10:42:12 7 know. I wasn't the informant in any of those matters.
8
10:42:15 9 When did you become aware that Ms Gobbo was representing
10:42:20 10 ██████████ in those proceedings?---I'm not certain when I
10:42:29 11 became aware.
12
10:42:30 13 It would have been pretty soon after?---What was the date,
10:42:36 14 sorry?
15
10:42:37 16 16 August 2004?---Yeah, I don't know. As I sort suggested
10:42:48 17 earlier, it's really not a focus for an investigator who's
10:42:54 18 representing who, you know, unless of course you've charged
10:42:59 19 them yourself and you're engaged with that lawyer.
20
10:43:02 21 If you've got a particular barrister who's helped Purana
10:43:06 22 make the most significant breakthrough since it came into
10:43:10 23 existence, it might be something that you'd focus on a
10:43:17 24 little bit, "They've got her again"?---Are you suggesting
10:43:26 25 that's my thinking? No.
26
10:43:29 27 You would have been aware at that stage that the case
10:43:32 28 against ██████████ rested upon the evidence of
10:43:37 29 ██████████---At that stage ██████████ being the only - - -
30
10:43:39 31 Yes?---Yes.
32
10:43:41 33 You're aware certainly that Ms Gobbo had been involved in
10:43:45 34 advising ██████████ when he was deciding to cooperate?---I
10:43:50 35 accept that.
36
10:43:53 37 That Ms Gobbo had read and advised him about his statements
10:43:55 38 before they were signed?---I wasn't aware of that until you
10:43:58 39 told me. I may well have been aware at the time but I
10:44:02 40 don't think so.
41
10:44:03 42 The statements were changed as a result of scepticism
10:44:07 43 expressed by her and after her speaking with him?---You've
10:44:11 44 put that to me. I don't recall that.
45
10:44:14 46 Would she have spoken to Bateson about those
10:44:16 47 matters?---Yes.

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1
10:44:19 2 You accept that you likely would have spoken yourself to
10:44:22 3 Bateson about those matters?--No, I don't accept that.
4
10:44:25 5 Well I think you accepted before, given that those matters
10:44:27 6 were being reported up the tree to the Assistant
10:44:30 7 Commissioner, that they might have been discussed with
10:44:32 8 you?---They may well have been. I don't accept that they
10:44:35 9 were. They may well have been. And I did try and indicate
10:44:38 10 before, my role essentially as a nominal informant for
10:44:43 11 [REDACTED] and then the bulk of the work was done by
10:44:52 12 Stuart's crew.
13
10:45:02 14 Do you agree that disclosure of those matters that I've
10:45:06 15 just raised with you should have been made to [REDACTED] so
10:45:10 16 that he was in a position to make a fair assessment of the
10:45:15 17 strength of the prosecution case against him?---Sorry, what
10:45:18 18 matters should have been put to [REDACTED]
19
10:45:23 20 That Ms Gobbo had been involved in advising [REDACTED] when
10:45:30 21 he's deciding to cooperate that she'd read and advised him
10:45:34 22 about his statements before they were signed, that she'd
10:45:36 23 expressed scepticism about aspects of those statements,
10:45:40 24 that she'd spoken about those matters to Bateson and then
10:45:45 25 [REDACTED] who accordingly changed aspects of his
10:45:49 26 statements. Do you agree that disclosure of those matters
10:45:51 27 should have been made to [REDACTED] so he could make a fair
10:45:54 28 assessment of the strength of the prosecution case against
10:45:56 29 him?---No.
30
10:45:57 31 You don't accept that those matters should have been
10:45:59 32 disclosed to [REDACTED]?---No.
33
10:46:01 34 Why not?---I don't regard it as the responsibility of a
10:46:09 35 police investigator to seek to navigate on behalf of a
10:46:12 36 barrister where his or her conflict might arise and how
10:46:17 37 best it be dealt with.
38
10:46:19 39 Do you agree that those matters shouldn't have been
10:46:23 40 concealed from [REDACTED]?---I don't accept that there was
10:46:26 41 any deliberate concealment. You don't negotiate with a
10:46:31 42 suspect for murder about legal representation.
43
10:46:39 44 Do you agree that in order for [REDACTED] to make a fair
10:46:42 45 assessment of the strength of the prosecution case against
10:46:45 46 him he was entitled to know that the statement had been
10:46:51 47 changed after scepticism had been expressed by his

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10:46:56 1 barrister and the matter had been discussed with
10:46:59 2 police?---That's something I accept would arise once you're
10:47:05 3 in the process of discovery, brief service. But not in
10:47:08 4 negotiating with [REDACTED] about him rolling.
5

10:47:12 6 No, I'm not at that process. At this stage [REDACTED] is
10:47:15 7 contesting the charges. He's there looking at the strength
10:47:21 8 of the case against him. Do you agree that those matters
10:47:25 9 were relevant in terms of him making an assessment of the
10:47:29 10 strength of the case against him?---I'm sorry, I don't
10:47:33 11 really follow, but no.
12

10:47:37 13 You don't think it's relevant for him to know that the
10:47:42 14 witness, the only evidence against him had been changed in
10:47:48 15 the way that I've described to you and it had been changed
10:47:53 16 following his lawyer expressing scepticism and discussing
10:48:00 17 those matters with the police?---As I say, matters like
10:48:04 18 that will arise in discovery and, indeed, you may make a
10:48:08 19 PII claim on that knowledge.
20

10:48:12 21 Sorry?---You may, I don't know, you may make a PII claim on
10:48:18 22 that sort of knowledge or that negotiation that was
10:48:21 23 occurring back at the time with [REDACTED] lawyer, who
10:48:28 24 becomes [REDACTED] lawyer, I don't think you would
10:48:30 25 disclose - or you may indeed seek a PII claim in relation
10:48:37 26 to those discussions that you had with that lawyer.
27

10:48:39 28 There are a number of things I'm going to take you through
10:48:42 29 now. First of all, you don't consider it relevant for
10:48:45 30 someone to be told that a statement has changed in a
10:48:52 31 significant respect after a lawyer has advised that that's
10:48:55 32 ridiculous?---I accept that. I'm talking about the time
10:48:58 33 for that.
34

10:48:58 35 Right. You accept that those matters should be
10:49:04 36 disclosed?---Subject to a potential PII claim.
37

10:49:09 38 Right. You accept that it's relevant that it's
10:49:12 39 disclosable?---Yes.
40

10:49:13 41 What's the public interest in withholding that?---Look I'm
10:49:20 42 not certain that there necessarily is. But it would be
10:49:26 43 something that you would consider about discussing with
10:49:29 44 [REDACTED] conversations that you'd had with [REDACTED]
10:49:32 45 lawyer, [REDACTED] lawyer or [REDACTED] lawyer when you
10:49:36 46 have those discussions. It just doesn't seem a realistic
10:49:43 47 scenario that you're putting to me in terms of my

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10:49:46 1 involvement, so it's just a bit difficult to - - -
2
10:49:49 3 No, well you're an experienced police member. I'm asking
10:49:52 4 your views. What's the public interest in withholding from
10:49:56 5 [REDACTED] those facts that his lawyer, regardless of who
10:50:03 6 the lawyer is, has had discussions about seemingly
10:50:08 7 unbelievable aspects of his statement which have then been
10:50:14 8 changed by the police?---I'm not meaning to state with any
10:50:19 9 strength that there is a claim. I'm just trying to put
10:50:22 10 myself in the scenario that you're putting to me, that I
10:50:24 11 wasn't involved in, and assist you with the position I
10:50:31 12 might have had at the time in that scenario.
13
10:50:37 14 Can you say what the public interest might be?---Not
10:50:40 15 particularly. Not without further real consideration of a
10:50:46 16 real scenario that I wasn't involved in.
17
10:50:50 18 Commonly notes are disclosed as to involvement of lawyers
10:50:57 19 of processes which lead to statements?---As they are in
10:50:59 20 mine, yes.
10:51:00 21
10:51:04 22 Do you agree if [REDACTED] had no idea of Ms Gobbo's
10:51:12 23 involvement in that process that would be wrong?---At what
10:51:19 24 point in time?
10:51:19 25
10:51:20 26 If [REDACTED] was contesting those matters, he's charged on
10:51:23 27 [REDACTED] 2004, he thereafter is contesting the charges
10:51:31 28 against him, he's in court seeking disclosure, do you agree
10:51:37 29 that it was wrong if he didn't know that Ms Gobbo had
10:51:43 30 represented [REDACTED] in the process of him deciding to
10:51:46 31 make his statement?---Is that what occurred?
32
10:51:50 33 Do you agree if that occurred that was wrong?---If it was
10:51:54 34 an intentional failure to disclose then, yes, I would.
35
10:52:22 36 Do you agree that if the police knew that that situation
10:52:22 37 existed that the police had an obligation to ensure that
10:52:22 38 [REDACTED] was getting fair and independent
10:52:22 39 representation?---I think that's a different question.
40
10:52:22 41 Well it is a different question?---And I think that's a
10:52:26 42 little bit removed from the previous scenario. Withholding
10:52:31 43 information from an accused is one thing, making judgment
10:52:35 44 calls about representation for the accused, I think it's a
10:52:41 45 different consideration and it's not one that I feel
10:52:45 46 responsible to make. It's a matter for the lawyer to deal
10:52:49 47 with their conflict and you're aware, you put it to me that

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10:52:55 1 Gobbo represented, or Mokbel and others, quite a minefield,
10:53:04 2 I agree with that, but they're matters for the lawyer to
10:53:07 3 deal with.

10:53:08 4
10:53:08 5 Do you agree that if the lawyer was not complying with
10:53:12 6 their obligations, clearly, and it was being withheld from
10:53:16 7 [REDACTED] that his lawyer was not complying with those
10:53:20 8 obligations, that he was not getting fair and independent
10:53:23 9 representation, that Victoria Police had some obligation to
10:53:26 10 do something about it?---If you knew about that?

10:53:31 11
10:53:32 12 Yes?---Perhaps. So essentially what you'd be doing is
10:53:48 13 you'd be reporting a lawyer for misconduct in their duty,
10:53:52 14 is that - - -

10:53:53 15
10:53:53 16 Or you might be advising [REDACTED] he's not getting fair
10:53:57 17 and impartial representation?---No, I don't believe I would
10:54:05 18 do that.

10:54:05 19
10:54:06 20 You might do something to ensure that this person - -
10:54:11 21 -?---You're putting a hypothetical to me I think and I just
10:54:20 22 - - -

10:54:20 23
10:54:20 24 Would you do something about it? Would you get some legal
10:54:24 25 advice? Would you go to a superior, would you say, "What
10:54:27 26 do I do about this situation? [REDACTED] is charged with
10:54:31 27 murder, the evidence hangs on [REDACTED] and [REDACTED] is
10:54:35 28 not getting fair and independent representation"?---If I
10:54:39 29 knew that?

10:54:40 30
10:54:40 31 Yes?---Yes, I would have those conversations.

10:54:43 32
10:54:51 33 Do you agree that Ms Gobbo could not comply with her duties
10:54:54 34 to the court or her client if she was not to seek
10:54:59 35 disclosure for her client, that material which we've been
10:55:03 36 discussing, in order to protect herself?---Sorry, can you
10:55:07 37 put that question again?

10:55:08 38
10:55:09 39 If Ms Gobbo was to not seek disclosure for [REDACTED] of
10:55:16 40 those matters which we've discussed, in order to protect
10:55:20 41 herself, she could not possibly comply with her duties to
10:55:24 42 the court or to her client?---I accept that.

10:55:27 43
10:55:42 44 On [REDACTED], this is I think referred to at paragraph 15
10:55:47 45 of your statement, you were present in court when an
10:55:54 46 application was made by Purana members to interview [REDACTED]
10:56:01 47 [REDACTED] for the murder of [REDACTED] is that right?---Yes.

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10:56:05 1
10:56:05 2 Ms Gobbo was appearing for [REDACTED] on that date, is that
10:56:08 3 right?---Yes.
10:56:09 4
10:56:10 5 Mr Bateson was present also and spoke to [REDACTED] about
10:56:14 6 the possibility of his giving evidence. Do you know about
10:56:18 7 that?---At court?
10:56:21 8
10:56:22 9 Yes, I think so?---I don't recall that. I don't dispute
10:56:26 10 it.
10:56:26 11
10:56:27 12 Is it possible that that occurred in your presence, or you
10:56:30 13 don't know?---No, it won't have occurred in my presence.
10:56:33 14
10:56:34 15 It wouldn't have been something that Mr Bateson would have
10:56:37 16 withheld from you?---No.
10:56:39 17
10:56:40 18 Did you make any inquiry at that stage about how Ms Gobbo
10:56:44 19 could be representing [REDACTED] given her previous
10:56:46 20 involvement with [REDACTED]?---No. No consideration
10:56:52 21 whatsoever at the time.
10:56:56 22
10:56:56 23 Did you become aware that there was a concern within Purana
10:57:00 24 to cover up the extent of Ms Gobbo's representation of
10:57:03 25 [REDACTED]?---No.
10:57:06 26
10:57:07 27 At any time?---No. Cover up?
10:57:12 28
10:57:12 29 Yes?---Had she appeared in court?
10:57:18 30
10:57:18 31 The extent of her representation of [REDACTED]?---No.
10:57:20 32
10:57:21 33 You would understand that a lawyer can represent people
10:57:25 34 both in and out of court?---Yes.
10:57:27 35
10:57:27 36 And provide advice?---Yes.
10:57:29 37
10:57:42 38 Following that there were a number of coercive hearings
10:57:48 39 involving [REDACTED], is that right?---I believe so.
10:57:51 40
10:57:52 41 That you were involved in?---I was involved in?
10:57:56 42
10:57:56 43 Were you involved in those coercive hearings at all?---I
10:57:59 44 don't believe so.
10:57:59 45
10:58:01 46 Are you aware that Ms Gobbo appeared for [REDACTED] at a
10:58:04 47 coercive hearing on [REDACTED]?---I don't dispute that.

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10:58:08 1
10:58:09 2 And that she also appeared for [REDACTED] [REDACTED] a few days
10:58:15 3 later?---I wasn't aware of that. I don't dispute that.
10:58:19 4
10:58:29 5 Mr Horgan was the senior Crown Prosecutor from the OPP who
10:58:34 6 examined [REDACTED] during those proceedings?---I accept
10:58:37 7 that.
10:58:37 8
10:58:38 9 These are things that you came to understand at some stage,
10:58:40 10 is that right?---Probably.
10:58:43 11
10:58:44 12 In subsequent trials at least?---I certainly became aware
10:58:49 13 that [REDACTED] had been examined at the ACC and he was
10:58:53 14 cross-examined on that very strongly by Robert Richter at
10:59:04 15 at least one, possibly a number of [REDACTED] trials.
10:59:22 16
10:59:38 17 You became aware of those matters at some stage
10:59:42 18 subsequently?---I became aware that [REDACTED] had been
10:59:47 19 examined at the ACC. I'm not certain if this was this
10:59:52 20 hearing or another hearing, but yes, I accept that.
10:59:56 21
10:59:56 22 As you said, these things were examined upon by Mr Richter
11:00:00 23 during subsequent court proceedings?---Yes, that's right.
11:00:02 24
11:00:04 25 Are you aware how the arrangement came about that you had a
11:00:07 26 Crown Prosecutor from the OPP engaged in coercive
11:00:12 27 hearings?---No.
11:00:15 28
11:00:15 29 You are aware that that was occurring?---Yes.
11:00:20 30
11:00:20 31 What was the thought around having a Crown Prosecutor from
11:00:27 32 the OPP involved in those hearings?---What was the thought?
11:00:34 33
11:00:35 34 Yes?---I don't know what the thought was.
11:00:36 35
11:00:43 36 Was it for the Crown Prosecutor to have the maximum amount
11:00:48 37 of knowledge as to what went on in particular cases?---May
11:00:53 38 well have been.
11:00:54 39
11:00:55 40 And much of that knowledge wouldn't have been later
11:00:58 41 disclosable to defence?---I'm not sure that that follows.
11:01:06 42 I'm not sure how that follows. These hearings were
11:01:09 43 disclosed.
11:01:10 44
11:01:10 45 Were aspects of the hearings not disclosed?---I'm not sure.
11:01:17 46 I seem to recall subpoenas were issued against the ACC and
11:01:24 47 partial transcripts were provided by the ACC, not by

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11:01:28 1 investigators, and that subsequently more fulsome
11:01:33 2 transcripts were provided, but they were matters for the
11:01:36 3 ACC based on the subpoena served on them.
11:01:38 4
11:01:38 5 There were particular people within the OPP that were
11:01:41 6 assigned to deal with Purana matters, is that right?---Yes.
11:01:47 7
11:01:48 8 And was there a reason for that rather than it just being
11:01:51 9 generally spread amongst the Crown prosecutors and
11:01:57 10 solicitors within the OPP, do you know?---No, I have no
11:02:00 11 idea what transpired in relation to that.
11:02:08 12
11:02:08 13 You're aware that in [REDACTED] of 2004 the Supreme Court
11:02:15 14 ruled that a committal should take place in relation to
11:02:17 15 proceedings faced by Mr Williams, [REDACTED] and [REDACTED]
11:02:22 16 [REDACTED]?---I accept that.
11:02:23 17
11:02:24 18 Did you have anything to do with those matters?---No.
11:02:26 19
11:02:29 20 You're aware that, or did you become aware at any stage
11:02:32 21 that whilst Ms Gobbo did not appear at the committal
11:02:36 22 proceedings, she was involved in the background providing
11:02:40 23 preparation and advice in relation to a number of those
11:02:43 24 accused?---No, not aware of that.
11:02:45 25
11:02:46 26 Would you agree that that would be wrong, if those accused
11:02:52 27 did not know of her role with [REDACTED]?---Sorry, what
11:02:59 28 background is she doing? She's representing [REDACTED] and
11:03:04 29 doing backgrounding for [REDACTED].
11:03:06 30
11:03:06 31 It seems as though by the time of the committal she's
11:03:10 32 involved in providing background preparation and advice for
11:03:14 33 [REDACTED] and Carl Williams. Would you agree that that was
11:03:17 34 wrong if they were not aware of her role in respect of
11:03:22 35 [REDACTED]?---Not necessarily.
11:03:24 36
11:03:24 37 Why wouldn't it be wrong?---Well, if she was acting
11:03:32 38 inappropriately then there's clearly something wrong but
11:03:36 39 the fact that a lawyer represents a person involved in a
11:03:41 40 criminal offending and another person involved in the same
11:03:45 41 course of criminal offending doesn't necessarily of itself
11:03:48 42 present a conflict.
11:03:49 43
11:03:50 44 If those people don't know about the conflict, if Carl
11:03:55 45 Williams didn't know, if [REDACTED] didn't know about
11:04:00 46 Ms Gobbo's role with [REDACTED], if this is a process - you
11:04:03 47 agree the committal process is about disclosure?---Yes.

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11:04:06 1
11:04:08 2 And if she's involved in the preparation of matters
11:04:14 3 involved in the committal where potentially she might be
11:04:19 4 hiding her own involvement relating to [REDACTED], that
11:04:22 5 would be wrong?---I'm not sure what her motivation might be
11:04:32 6 for, for hiding. If it's an improper motivation then I
11:04:38 7 agree, it's wrong. If it's not an improper motivation, I
11:04:42 8 don't necessarily accept that.
11:04:44 9
11:04:44 10 It would be wrong if Carl Williams and [REDACTED] didn't
11:04:47 11 know about it. It would be wrong regardless of
11:04:52 12 motivation?---I'm not sure I accept the fact that Nicola
11:04:58 13 Gobbo had represented [REDACTED] and then came to represent
11:05:04 14 [REDACTED] and Carl Williams, the fact that she didn't
11:05:08 15 disclose to [REDACTED] and Carl Williams that she had also
11:05:12 16 represented [REDACTED], I don't accept that on its face it's
11:05:18 17 wrong.
11:05:20 18
11:05:20 19 Do you agree at committal it's likely that there might want
11:05:23 20 to be some challenge to the evidence of [REDACTED], given
11:05:26 21 that the cases against Carl Williams and [REDACTED] hang on
11:05:29 22 his evidence?---I guess that would be tested and that would
11:05:34 23 become apparent during that course of committal engagement.
11:05:37 24
11:05:38 25 Ms Gobbo has knowledge of certain things upon which it
11:05:44 26 might, a credit attack might be made upon [REDACTED]?---She
11:05:49 27 may well have.
11:05:50 28
11:05:50 29 So whose best interests is she going to represent, [REDACTED]
11:05:54 30 [REDACTED] Carl Williams?---Yeah, I don't know.
11:05:57 31
11:05:57 32 She can't do it, can she? She cannot represent each of
11:06:02 33 those people's best interests?---As you say, if she's
11:06:08 34 hiding matters as between those people then no, she can't.
11:06:13 35
11:06:13 36 It would be wrong?---Yes, it would be wrong if it was in
11:06:19 37 the scenario as I've just described.
11:06:22 38
11:06:22 39 And it would be especially wrong if [REDACTED] and Carl
11:06:26 40 Williams didn't know about it?---It would be wrong if
11:06:30 41 [REDACTED] and Carl Williams didn't know that a lawyer was
11:06:35 42 withholding material relevant to their defence, yes.
11:06:37 43
11:06:44 44 Her providing advice in those circumstances enabled her to
11:06:48 45 be in a position to know what material the defence might
11:06:54 46 have received that might compromise her position if she
11:06:58 47 wanted to hide it, you would agree with that?---Possibly,

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11:07:02 1 yes.
11:07:02 2
11:07:03 3 It enabled her to potentially prevent senior counsel from
11:07:08 4 becoming aware of material that was relevant to the
11:07:12 5 case?---That's possible.
11:07:12 6
11:07:16 7 Did you have any discussion in relation to notes, providing
11:07:23 8 notes as to that proceeding?---Which proceeding?
11:07:26 9
11:07:27 10 This is the committal that took place in [REDACTED] of 05?---I
11:07:40 11 don't think I'm involved in that committal.
11:07:42 12
11:07:43 13 Do you know if you provided any notes at all for that
11:07:46 14 committal?---I don't recall.
11:07:47 15
11:07:47 16 Is there a way to find out whether you provided any
11:07:53 17 notes?---If there's a hard copy of the investigation file,
11:07:58 18 one of the folders you would maintain would be of various
11:08:02 19 member's notes that you collate, which is routine.
11:08:06 20
11:08:07 21 Where is that investigation file kept?---From 2005?
11:08:10 22
11:08:10 23 Yes?---Well at the time it would have been kept at Purana.
11:08:17 24
11:08:18 25 And that investigation file would say which notes and when
11:08:22 26 they were sent to the OPP, for instance, or what was
11:08:26 27 provided to the court?---Yes, you would include a schedule
11:08:31 28 of what was provided.
11:08:35 29
11:08:35 30 It would include a photocopy of any notes provided?---Yes.
11:08:39 31
11:08:39 32 Both to the court and to the defence if a PII claim was
11:08:45 33 being made?---Yes.
11:08:45 34
11:08:46 35 Do you know how they were stored subsequently, those
11:08:50 36 investigation files?---Well, at the conclusion of the
11:08:56 37 investigation ordinarily documents are decanted from the
11:09:01 38 folders, put in storage boxes and sent down to Laverton
11:09:07 39 archives.
11:09:10 40
11:09:20 41 Were you aware that during that proceeding Detective
11:09:25 42 Bateson redacted his own notes relating to Ms Gobbo's
11:09:29 43 involvement with [REDACTED]?---Am I aware of that?
11:09:34 44
11:09:34 45 Yes?---No.
11:09:35 46
11:09:35 47 Have you had any discussion at any time about that

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11:09:38 1 matter?---No.
11:09:38 2
11:09:40 3 Are you aware that following the committal proceeding
11:09:44 4 Ms Gobbo thanked Mr Bateson for keeping her name out of
11:09:48 5 it?---No.
11:09:48 6
11:09:50 7 That would indicate that that was something that wouldn't
11:09:53 8 ordinarily occur?---Keeping her out of what?
11:09:57 9
11:09:57 10 Keeping her name out of the proceeding, presumably from
11:10:02 11 representing [REDACTED]?---Yeah, I'm not sure what the
11:10:07 12 context of the conversation was.
11:10:08 13
11:10:09 14 You've had no discussion with Mr Bateson about those
11:10:12 15 matters since?---No.
11:10:13 16
11:10:23 17 Following that time - if we look at your statement, your
11:10:30 18 statement jumps about two years from August 2004 in
11:10:33 19 paragraph 15 to July 2006 in paragraph 16, is that
11:10:41 20 right?---Yes.
11:10:43 21
11:10:44 22 You would agree you would have had, been aware of other
11:10:48 23 matters relevant to the Commission's work during that
11:10:51 24 period of time?---Sorry, can you be more specific?
11:10:58 25
11:11:04 26 Perhaps we'll come back to that. Is it a convenient time
11:11:06 27 for the morning break, Commissioner?
11:11:09 28
11:11:09 29 COMMISSIONER: It's a little early but we can do that. All
11:11:12 30 right, we'll have a mid-morning break now.
11:11:14 31
11:11:15 32 (Short adjournment.)
11:33:31 33
11:33:35 34 COMMISSIONER: Yes Ms Tittensor.
11:33:36 35
11:33:37 36 MS TITTENSOR: Thanks Commissioner, we can probably resume
11:33:40 37 in open session, at least for a short time.
11:33:45 38
11:33:45 39 COMMISSIONER: All right then.
40
11:33:50 41 ---
11:33:50 42
43
44
45
46
47

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BUICK XXN - IN CAMERA

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12:33:15 1 PROCEEDINGS IN CAMERA:

12:33:15 2
12:33:16 3 COMMISSIONER: Did you want to tender that email chain?

12:33:18 4
12:33:19 5 MS TITTENSOR: Yes, I will Commissioner.

12:33:20 6
12:33:21 7 #EXHIBIT RC648A - (Confidential) Email chain between
12:33:30 8 Smith, White and Buick 3/5/06.

12:33:25 9
12:33:26 10 #EXHIBIT RC648B - (Redacted version.)

12:33:36 11
12:33:36 12 MS TITTENSOR: Mr Buick, in February of 2006 did you become
12:33:39 13 aware that [REDACTED] had indicated that he would also plead
12:33:44 14 guilty and make statements against others?---I became aware
12:33:49 15 of that at some stage, I'm not certain when.

12:33:51 16
12:33:52 17 Given that around that time you went back to Purana to
12:33:56 18 investigate the Condello murder, it's something you would
12:34:00 19 have become aware of?---Yes.

12:34:01 20
12:34:03 21 And the people that [REDACTED] was going to give, make
12:34:08 22 statements about included Carl Williams and [REDACTED]
12:34:14 23 [REDACTED]---Yes.

12:34:15 24
12:34:20 25 To that point Solicitor 2 had represented both [REDACTED]
12:34:26 26 and [REDACTED], is that something you would have been
12:34:28 27 aware of?---No, I wouldn't think so. I may have been but I
12:34:33 28 wouldn't think so. I didn't deal with [REDACTED] for a very long
12:34:40 29 time.

12:34:40 30
12:34:40 31 Did you become aware that Justice King was handling a
12:34:46 32 number of those matters in the Supreme Court?---I recall
12:34:48 33 that.

12:34:48 34
12:34:48 35 And that at that stage she made it clear that Solicitor 2
12:34:52 36 could not represent either [REDACTED] or [REDACTED] given
12:34:58 37 the conflict?---I don't recall that.

12:35:00 38
12:35:02 39 You understand why that would be the case though?---Why is
12:35:10 40 it the case?

12:35:11 41
12:35:12 42 Do you understand that she might have been able to
12:35:16 43 represent [REDACTED] and [REDACTED] while their interests
12:35:19 44 aligned?---Yes.

12:35:20 45
12:35:21 46 Once their interests didn't align she could represent
12:35:26 47 neither?---Yes.

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12:35:26 1
12:35:27 2 Because she held instructions for both. Do you understand
12:35:30 3 why?---No, I would have thought - I didn't realise that was
12:35:33 4 the specific reason, I thought it was one or the other,
12:35:36 5 once their interests weren't aligned. I didn't realise it
12:35:40 6 couldn't be either or.
12:35:41 7
12:35:43 8 You would understand that you were in possession of
12:35:48 9 information about both entities, having taken instructions
12:35:51 10 from both, you would know the weaknesses or strengths of
12:35:55 11 each?---Yes.
12:35:55 12
12:35:56 13 And you can't just pick one against the other?---Well I
12:36:01 14 wasn't aware specifically of that principle, and I'm a bit
12:36:05 15 confused because I note, for example, that Tony Hargreaves
12:36:09 16 is representing the handlers in this matter and represented
12:36:15 17 Paul Dale, who the handlers were handling a witness who was
12:36:20 18 giving information against Paul Dale, so to that extent
12:36:24 19 Tony Hargreaves is equally possessed and it hasn't
12:36:28 20 presented a conflict.
12:36:29 21
12:36:30 22 Might it make a difference if each of those parties are
12:36:33 23 aware?---That may well be.
12:36:35 24
12:36:35 25 And each of those parties consent?---That may well be.
12:36:38 26
12:36:55 27 That having occurred around that time, that Justice King
12:36:59 28 had made that clear that Solicitor 2 was not to represent
12:37:05 29 either [REDACTED] or [REDACTED] that would have been
12:37:07 30 something readily apparent within the Purana Task
12:37:14 31 Force?---Certainly to the crews investigating those
12:37:19 32 particular murders and the management, but it wouldn't have
12:37:24 33 necessarily been known across the Task Force.
12:37:26 34
12:37:26 35 It might have been something of some excitement given that
12:37:30 36 Solicitor 2 had been charged the previous year and was the
12:37:35 37 subject of investigation by Purana?---I don't know that it
12:37:43 38 was something of excitement. It's relevant. It's
12:37:45 39 something that may well have been broadly known.
12:37:48 40
12:37:48 41 People would have not been displeased with that turn of
12:37:52 42 events?---I wouldn't think so.
12:37:53 43
12:38:04 44 Are you aware that Justice King at that stage also made it
12:38:07 45 clear that Ms Gobbo could not represent [REDACTED] because
12:38:12 46 she had a conflict of interest?---I wasn't aware of that.
12:38:18 47 Sorry, I may have been, I don't recall that.

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12:38:20 1
12:38:21 2 You accept that she had a conflict of interest in relation
12:38:24 3 to her representation of [REDACTED] --Yes.
12:38:26 4
12:38:36 5 The reality was, aside from the conflict that we've
12:38:39 6 previously discussed about her, about the conflict existing
12:38:43 7 because of her previous representation of [REDACTED] her
12:38:47 8 conflict was even greater than that because by that stage
12:38:50 9 she was effectively a police agent?---Yes.
12:38:55 10
12:38:56 11 And she couldn't represent [REDACTED] interests at a time
12:39:01 12 when she's serving the interests of police?---If she's
12:39:08 13 serving the interests of police as against [REDACTED]
12:39:10 14 that's correct.
12:39:11 15
12:39:19 16 [REDACTED] was entitled to have fair and impartial
12:39:22 17 representation, you would agree with that?---Yes.
12:39:24 18
12:39:24 19 And if Ms Gobbo was acting as a human source for the police
12:39:33 20 assisting them, that would be inconsistent with her being
12:39:40 21 able to provide [REDACTED] with fair and independent
12:39:45 22 representation?---Yes, if, as I say, she was assisting
12:39:50 23 police as against [REDACTED] I agree with that.
12:39:52 24
12:39:59 25 [REDACTED] came to make numerous statements by the middle of
12:40:04 26 that year, is that right?---Yes.
12:40:05 27
12:40:07 28 And he'd - were you aware that he'd spoken on a number of
12:40:13 29 occasions since March of 2006 with members of Purana about
12:40:18 30 what evidence he might give?---The lead up to it, no, I
12:40:22 31 wasn't privy to.
12:40:24 32
12:40:24 33 You became aware of that at some stage?---Yes.
12:40:26 34
12:40:27 35 When did you become aware of that?---Well I took one of the
12:40:32 36 statements, so - and I knew that a number of statements
12:40:36 37 were taken in a period of time, so I was aware of it then.
12:40:41 38
12:40:43 39 But that specifically [REDACTED] had had a number of
12:40:49 40 conversations with the likes of Jim O'Brien, the head of
12:40:52 41 the Purana Task Force, Stuart Bateson and Michelle
12:40:56 42 Kerley?---I'm aware of that now. Not in the lead up.
12:40:59 43
12:41:00 44 But were you aware of that by the time the statement was
12:41:04 45 taken, that you took?---No, I wasn't aware of the number of
12:41:12 46 visits, who made the visits. I know that [REDACTED] rolled
12:41:16 47 and statements followed, but the mechanics of how that

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12:41:20 1 occurred I wasn't aware of at the time.
12:41:22 2
12:41:23 3 When did you become aware of the mechanics?---I became very
12:41:30 4 clearly aware of the mechanics when material, transcripts
12:41:35 5 of those visits were disclosed as part of the Dale
12:41:39 6 prosecution.
12:41:39 7
12:41:43 8 Were transcripts of those matters disclosed in any
12:41:46 9 proceeding before then?---I'm not sure.
12:41:50 10
12:41:52 11 In the [REDACTED] murder?---Probably.
12:41:56 12
12:41:57 13 Were there redactions made?---Probably.
12:42:01 14
12:42:03 15 Who would have done the redactions in those
12:42:14 16 matters?---Possibly me, possibly Stuart Bateson, I can't
12:42:19 17 recall.
12:42:19 18
12:42:19 19 Were you consulted about them?---Yes.
12:42:22 20
12:42:22 21 At the very least the two of you would have spoken about
12:42:25 22 what was appropriate or not to come out of those
12:42:27 23 transcripts?---Probably.
12:42:28 24
12:42:33 25 Do you recall taking out reference to Ms Gobbo from those
12:42:37 26 transcripts?---No.
12:42:39 27
12:42:40 28 Would that have been appropriate or
12:42:43 29 inappropriate?---Depends on the context.
12:42:44 30
12:42:45 31 Well if the context was about her potentially providing
12:42:49 32 advice and representation for [REDACTED] would it have been
12:42:52 33 appropriate to take them out?---No.
12:42:59 34
12:43:06 35 You had an interest in potential cooperation by [REDACTED]
12:43:09 36 because of the information in relation to a number of
12:43:12 37 matters that you'd been involved in, is that right?---Well
12:43:16 38 specifically the [REDACTED] and [REDACTED] matters. _
12:43:22 39
12:43:24 40 Were you an investigator in relation to the [REDACTED]
12:43:27 41 matter as well?---I was the initial investigator, yes.
12:43:33 42
12:43:33 43 Really three matters you had a potential interest
12:43:37 44 in?---What's the third?
12:43:38 45
12:43:38 46 [REDACTED] ---I came to have an interest
12:43:42 47 in [REDACTED] once a statement was provided to me. I had no

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12:43:46 1 interest or involvement prior to that statement being given
12:43:48 2 to me.
12:43:49 3
12:43:50 4 When did you become aware of Ms Gobbo's involvement in
12:43:55 5 discussions with [REDACTED] and Purana?---In the making of
12:44:02 6 the statements?
12:44:03 7
12:44:04 8 Yes?---At the time.
12:44:05 9
12:44:06 10 When you say at the time, what do you mean? As the process
12:44:09 11 of the statements were being taken or - - - ?---Yes.
12:44:12 12
12:44:14 13 Who were you told by?---I can't specifically recall but I -
12:44:20 14 and I don't specifically remember but I believe it would
12:44:23 15 have been Stuart Bateson. He was managing, coordinating
12:44:27 16 the taking of statements from [REDACTED] by various
12:44:31 17 statement takers.
12:44:35 18
12:44:38 19 Are you aware that Purana investigators provided, through
12:44:44 20 the SDU, transcripts of conversations held between them and
12:44:49 21 [REDACTED] unbeknownst to [REDACTED] and his solicitor, for
12:44:54 22 the purposes of her having further discussions with [REDACTED]
12:44:57 23 [REDACTED] --No.
12:44:57 24
12:44:59 25 What are your thoughts on that?---Just describe that
12:45:02 26 scenario again.
12:45:02 27
12:45:03 28 [REDACTED] and Purana investigators have had certain
12:45:07 29 conversations about what he might say in his statements if
12:45:11 30 he were to make them, okay?---Yes.
12:45:13 31
12:45:13 32 And you've seen some of those transcripts?---Yes.
12:45:15 33
12:45:18 34 Purana investigators provide transcripts, or at least
12:45:23 35 partial transcripts, of those matters to Ms Gobbo through
12:45:30 36 the SDU so that she can have a read of those and have
12:45:35 37 further discussions with [REDACTED] about his cooperation.
12:45:39 38 That's unknown to [REDACTED] and unknown to [REDACTED]
12:45:44 39 solicitor?---Right.
12:45:45 40
12:45:45 41 What are your thoughts?---It seems odd that if Gobbo is
12:45:49 42 representing [REDACTED] that they wouldn't be provided
12:45:53 43 direct from investigators to Gobbo.
12:45:58 44
12:45:58 45 By this stage it's apparent that Justice King has said
12:46:01 46 Ms Gobbo is conflicted and can't represent [REDACTED]
12:46:05 47 That's known to members of the Purana Task Force?---I

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12:46:09 1 accept that. I don't recall that but I accept that.
12:46:11 2
12:46:12 3 [REDACTED] has at least a solicitor on the record.
12:46:16 4 Ordinarily investigators would have contact directly with
12:46:22 5 the solicitor, would you accept that? They might have
12:46:25 6 contact directly with a barrister but ordinarily if they're
12:46:29 7 providing documentation it would be through a
12:46:31 8 solicitor?---In the ordinary course of events with many
12:46:33 9 Homicide investigations I've been involved in yes, you deal
12:46:37 10 with the solicitor. It was quite a unique scenario at
12:46:40 11 Purana that Gobbo was so involved, indeed not just Purana,
12:46:44 12 but so involved, hands-on herself. I never quite
12:46:49 13 understood how that worked.
12:46:50 14
12:46:51 15 Might it have worked because it was known that she was
12:46:55 16 assisting police and not assisting her, necessarily her
12:46:59 17 clients?---That's a possibility.
12:47:00 18
12:47:08 19 That scenario that I've just taken you through, Ms Gobbo
12:47:12 20 through the mechanism the SDU, being provided with those
12:47:19 21 transcripts in secret so that she then might go and have
12:47:22 22 some further conversations with [REDACTED] who Purana were
12:47:25 23 wanting to roll?---Wanting to roll? He had rolled.
12:47:30 24
12:47:31 25 Not by this stage. These transcripts, these conversations
12:47:35 26 were occurring prior to him agreeing to roll?---Yes.
12:47:40 27
12:47:40 28 They started in March, ended in June. At some stage within
12:47:44 29 that period some of those transcripts at least were
12:47:47 30 provided to Ms Gobbo so that she could have some further
12:47:50 31 discussions with [REDACTED] about whether he was going to
12:47:57 32 assist police or not?---Right.
12:47:58 33
12:47:59 34 That was done secretly by Purana giving them to the SDU to
12:48:04 35 give to Ms Gobbo?---Okay. I wasn't aware of that.
12:48:07 36
12:48:07 37 No. These are transcripts that she wasn't to keep either,
12:48:14 38 these are transcripts for her to read, to give back, and
12:48:19 39 this is all a process that's engaged in without the
12:48:22 40 knowledge of, as I say, [REDACTED] himself, her client,
12:48:27 41 supposedly, and the instructing solicitor. Now, what do
12:48:33 42 you say as to that procedure?---It's a conflict of interest
12:48:39 43 clearly.
12:48:44 44
12:48:44 45 Is it an extraordinary practice that the police themselves
12:48:48 46 have engaged in?---I've never heard of that occurring
12:48:52 47 before.

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12:48:52 1
12:48:53 2 A deception upon [REDACTED] ---I don't know what the
12:48:58 3 motivation was.
12:48:59 4
12:49:01 5 It's apparent during this process that Purana are pretty
12:49:05 6 keen to get [REDACTED] to roll?---Yes.
12:49:07 7
12:49:08 8 That was something they would have been excited at the
12:49:12 9 prospect for. He was another person that might have a lot
12:49:15 10 of information about a lot of different things?---Yes, as
12:49:19 11 it turned out.
12:49:20 12
12:49:23 13 Now, at that stage the evidence initially against him was
12:49:30 14 simply that of [REDACTED] but by March of 2006 [REDACTED] had
12:49:37 15 also provided evidence against him?---Yes.
12:49:41 16
12:49:42 17 But in essence the evidence against him was of two
12:49:46 18 witnesses who might have some credit
12:49:50 19 issues?---Predominantly yes, there would have been some
12:49:53 20 other evidence but predominantly yes, I accept that.
12:49:56 21
12:49:56 22 He was entitled to get some independent and impartial
12:50:01 23 representation before he pleaded guilty to [REDACTED] ---Yes.
12:50:04 24
12:50:06 25 Ms Gobbo was not in a position to provide that advice to
12:50:10 26 him?---I accept that.
12:50:11 27
12:50:20 28 If he was asking police about whether or not he should seek
12:50:29 29 advice from Ms Gobbo or anyone else, what would you have
12:50:34 30 said?---I don't know, that's a hypothetical that didn't
12:50:38 31 happen.
12:50:40 32
12:50:40 33 Would you have let him know in no uncertain terms that you
12:50:44 34 cannot get independent impartial advice from Ms Gobbo?---I
12:50:48 35 would be very concerned at that stage that that course of
12:50:51 36 action would undermine the admissibility of evidence and I
12:50:55 37 would be suggesting that he gets advice elsewhere.
12:50:58 38
12:51:02 39 Knowing those things, any senior investigator within Purana
12:51:08 40 would, you would think, have the same reaction?---As I've
12:51:13 41 just described?
12:51:13 42
12:51:13 43 Yes?---In possession of that knowledge I would expect so.
12:51:16 44
12:51:16 45 You would know it's wrong, is that right?---Well yes.
12:51:23 46
12:51:24 47 If you know Ms Gobbo is a human source and she is advising

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12:51:29 1 this person potentially to plead guilty [REDACTED] in those
12:51:34 2 circumstances I've just described, you'd know it's
12:51:38 3 wrong?---Well, if I knew that she was a human source and
12:51:40 4 providing information as against [REDACTED] then yes,
12:51:44 5 that's wrong. But if I know that she's a human source as
12:51:48 6 well as representing [REDACTED] and not necessarily
12:51:54 7 providing information as against [REDACTED] but so happens
12:51:59 8 to be a human source, of itself I don't see as an issue.
12:52:04 9
12:52:05 10 If she's being used by the police to assist them to get
12:52:10 11 [REDACTED] - - - ?---Yes, I agree.
12:52:12 12
12:52:12 13 - - - over the line?---Yes, I agree.
12:52:13 14
12:52:14 15 If there's any possibility of that you know it's
12:52:17 16 wrong?---Yes.
12:52:17 17
12:52:17 18 And any senior investigator within Purana, within the
12:52:20 19 police would know that that's wrong?---Yes.
12:52:23 20
12:52:34 21 Now as you say in July 2006 Mr Bateson was coordinating
12:52:41 22 various statements being taken from [REDACTED] ---Yes.
12:52:43 23
12:52:45 24 How was it decided who would witness and acknowledge their
12:52:50 25 statements, do you know?---Sorry, how was it decided?
12:52:54 26
12:52:54 27 Who would witness and acknowledge various statements that
12:52:56 28 were being taken, he made many, many statements?---I think
12:52:59 29 the investigators involved in the investigations were
12:53:03 30 brought in for the most part to take those statements,
12:53:07 31 hence why I came in to take the [REDACTED] ' statement. I
12:53:11 32 had no involvement in the [REDACTED] investigation but one sort
12:53:16 33 of seemed to follow the other so I took the
12:53:21 34 [REDACTED] statement.
12:53:21 35
12:53:23 36 You say in your statement at paragraph 16, "On 10 July 2006
12:53:28 37 I commenced taking a statement from [REDACTED] in relation
12:53:30 38 to the [REDACTED] murder of [REDACTED] and the [REDACTED] murder of
12:53:36 39 [REDACTED]?---Yes.
12:53:36 40
12:53:36 41 "This statement was continued over the 14th and 19th of
12:53:40 42 July"?---Yes.
12:53:40 43
12:53:41 44 "On 19 July I had a note that the statements were being
12:53:45 45 checked by Ms Gobbo. I did not engage directly with
12:53:48 46 Ms Gobbo over this time"?---Yes.
12:53:49 47

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12:53:51 1 Is that one statement that referred to both murders or two
12:53:54 2 statements?---One statement, two murders.
12:53:56 3
12:53:57 4 And who was implicated in those statements?---In relation
12:54:01 5 to ██████████ it was ██████████ and I believe
12:54:10 6 ██████████. And then in relation to ██████████ I
12:54:20 7 believe ██████████ and others.
12:54:27 8
12:54:28 9 Had ██████████ been a suspect himself in either of those
12:54:32 10 murders?---Certainly a person of interest.
12:54:47 11
12:54:47 12 What's the difference, is there a huge difference within
12:54:51 13 Victoria Police as to a person of interest and a
12:54:54 14 suspect?---No, it's not, not really that clearly defined
12:54:58 15 but a suspect is someone you would have sufficient
12:55:02 16 information to arrest, to seek a warrant, an evidence
12:55:09 17 warrant. But a person of interest might be far more
12:55:13 18 peripheral, but where the line crosses from one to the
12:55:17 19 other it's a bit nebulous.
12:55:21 20
12:55:22 21 Was there any concern that ██████████ might be telling
12:55:25 22 mistruths or not the whole truth in relation to the
12:55:28 23 statement you were taking?---Absolutely.
12:55:30 24
12:55:33 25 Where did those concerns arise?---He was a career criminal.
12:55:37 26
12:55:41 27 Did you have discussions with others about those
12:55:45 28 concerns?---Yes.
12:55:46 29
12:55:47 30 Mr Bateson?---Probably.
12:55:48 31
12:55:50 32 If we can bring up ICR p.353, please. And just scroll
12:56:12 33 down. Keep going. You'll see there in the middle that
12:56:25 34 Ms Gobbo rang Detective Bateson, ██████████ not being
12:56:31 35 totally truthful re murder matters. Ms Gobbo to speak to
12:56:36 36 same Thursday morning, ██████████ 2006". Do you see
12:56:42 37 that?---Yes.
12:56:42 38
12:56:45 39 The ICR then goes on to refer to Ms Gobbo's location on the
12:56:51 40 day of the ██████████ murder and her contact with ██████████
12:56:58 41 ██████████ on the day of the murder and her supplying telephone
12:57:02 42 bills to Detective Bateson in order to assist his
12:57:05 43 investigations. Do you see that?---Yes.
12:57:08 44
12:57:14 45 She would potentially be a witness in that matter
12:57:17 46 again?---She would be?
12:57:18 47

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12:57:18 1 Yes?---Yes.
12:57:23 2
12:57:23 3 I think I put to you yesterday in relation to certain of
12:57:26 4 her interactions potentially making her a witness in
12:57:29 5 respect of those events and you agreed, but again providing
12:57:35 6 - you see there we're talking about [REDACTED]
12:57:37 7 nominating [REDACTED] as an [REDACTED] and Ms Gobbo providing
12:57:42 8 telephone bills potentially in relation to that matter as
12:57:47 9 evidence in that matter?---Potentially a witness, yes.
12:57:50 10
12:57:55 11 A couple of days later on [REDACTED] there were arrangements
12:57:59 12 made with Purana for Ms Gobbo to meet with [REDACTED] at the
12:58:07 13 Victoria Police Centre. It might not be recorded in that
12:58:11 14 but it's recorded in Mr Bateson's diary as occurring
12:58:15 15 between 11 o'clock and 12.30. It's consistent with
12:58:21 16 Ms Gobbo's indication that she was going to speak with him
12:58:24 17 on that day. Were you aware that that was occurring?---No.
12:58:27 18
12:58:27 19 Is it likely you would have been aware through
12:58:31 20 discussions?---Did you say [REDACTED] at the Victoria Police
12:58:35 21 Centre?
12:58:35 22
12:58:36 23 Yes?---No.
12:58:36 24
12:58:40 25 You commenced taking the statement on 10 July. On 11 July
12:58:45 26 Ms Gobbo is speaking with Detective Bateson about [REDACTED]
12:58:49 27 not being totally truthful re murder matters. I think
12:58:53 28 you've agreed earlier that it's likely that you would have
12:58:56 29 had some discussions with Bateson about him not being
12:59:00 30 truthful?---Probably.
12:59:01 31
12:59:01 32 Do you accept it's likely you would have been given this
12:59:04 33 information that Ms Gobbo is going to speak to him?---No.
12:59:07 34
12:59:08 35 Why wouldn't you have been given that information?---I
12:59:10 36 don't know.
12:59:10 37
12:59:11 38 Why would it not be likely that you would have had those
12:59:15 39 discussions with Detective Bateson?---I don't know. I
12:59:17 40 don't know why we didn't have those conversations.
12:59:21 41
12:59:21 42 Is it likely that you would have given you - you accept - -
12:59:27 43 - ?---Possible.
12:59:27 44
12:59:28 45 - - - you had discussions with him as to concerns about
12:59:31 46 [REDACTED] not being truthful and it seems he's also having
12:59:35 47 these discussions with Ms Gobbo and she's going to speak to

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12:59:37 1 the witness?--I'm not aware of that chronology of
12:59:41 2 discussions. My concerns about [REDACTED] not being a
12:59:47 3 truthful witness are not isolated to the occasion I took a
12:59:53 4 statement from him. I said to you before he's a career
12:59:58 5 criminal. I didn't trust him, I didn't trust any of them,
13:00:01 6 hence why their statements, their assertions need to be
13:00:05 7 corroborated.
13:00:06 8
13:00:06 9 We have the day after you commencing to commence a
13:00:09 10 statement about a number of murders, Ms Gobbo having a
13:00:12 11 conversation with Detective Bateson about him not being
13:00:16 12 totally truthful re murder matters?--Yes, I follow that.
13:00:18 13
13:00:19 14 She goes it seems to meet with him a couple of days later,
13:00:22 15 the [REDACTED] as I've indicated and then later that day tells
13:00:28 16 her source handler that [REDACTED] is up to 80 per cent
13:00:32 17 truth now. Were you aware of those kinds of communications
13:00:40 18 at all?--With source handlers?
13:00:41 19
13:00:41 20 Yes?--No.
13:00:43 21
13:00:43 22 Any of that information filter through?--No.
13:00:49 23
13:00:50 24 You continue, as you say, to take the statement from
13:00:55 25 [REDACTED] on [REDACTED] and then on [REDACTED] you complete, the
13:01:01 26 statement is completed and it was signed?--Yes.
13:01:03 27
13:01:07 28 Were there any draft versions of that statement, do you
13:01:10 29 know?--No.
13:01:10 30
13:01:11 31 There were none?--I don't think so. I don't recall any.
13:01:14 32
13:01:14 33 No. And there were none provided to defence?--No.
13:01:17 34
13:01:28 35 Commissioner - sorry, I was looking at the wrong time.
13:01:32 36
13:01:32 37 COMMISSIONER: Wishful thinking.
13:01:35 38
13:01:35 39 MS TITTENSOR: Yes, I think that's right. I think we're
13:01:37 40 all wishful. Now, you, as I took you through yesterday,
13:01:43 41 provided your redacted notes to the Commission earlier this
13:01:47 42 year?--Yes.
13:01:48 43
13:01:49 44 And you'd redacted those yourself?--Yes.
13:01:51 45
13:01:52 46 If we can put up the note on [REDACTED] provided to the
13:02:00 47 Commission earlier this year. Do you see that note? This

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13:02:05 1 is the day that [REDACTED] statement is signed?---Yes.
13:02:08 2
13:02:11 3 It's had a number of things redacted out of it. And this
13:02:20 4 is the day I think in your statement you say you have a
13:02:23 5 note that the statements are being checked by Ms Gobbo and
13:02:26 6 you didn't engage directly with her, is that right?---Yes.
13:02:29 7
13:02:32 8 Now, if we can put on the screen beside that a further
13:02:43 9 version of that page, please. Do you see there down the
13:02:57 10 bottom a difference between the two pages that have been
13:03:04 11 provided to the Commission?---Yes.
13:03:05 12
13:03:08 13 Can you read the note down the bottom? It says, "Boris,
13:03:16 14 here is the statement. It has red pen on it. These
13:03:24 15 alterations were made by Nicola last night. If you don't
13:03:28 16 have this format let me know and I will email to you.
13:03:32 17 Regards, Stu"?---Yes.
13:03:34 18
13:03:35 19 Can you explain why that note was not provided to the
13:03:38 20 Commission on the page first provided?---No.
13:03:43 21
13:03:45 22 Do you agree that that's a note relating to the provision
13:03:48 23 of the statement by - do you agree that that indicates that
13:04:00 24 you were provided with a statement of [REDACTED] with
13:04:04 25 alterations on it made by Nicola in red pen?---Yes.
13:04:08 26
13:04:11 27 If we look at the other page it's apparent that before that
13:04:15 28 photocopy was made that Post-it Note had been
13:04:18 29 removed?---Yes.
13:04:18 30
13:04:19 31 Can you explain that?---No.
13:04:21 32
13:04:27 33 It's apparent that the Post-it Note was put back on to the
13:04:31 34 page?---Yes.
13:04:33 35
13:04:35 36 And you were the one responsible for making the redactions
13:04:40 37 and providing those to the Commission?---Yes. I haven't
13:04:46 38 made all those redactions, but yes.
13:04:49 39
13:04:53 40 You've just indicated that there were no draft statements
13:04:56 41 in relation to [REDACTED]---That was my recollection.
13:04:59 42
13:04:59 43 That indicates that there must have been a draft statement
13:05:01 44 in existence?---Yes.
13:05:03 45
13:05:03 46 Where did that go?---I don't know.
13:05:06 47

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13:05:12 1 What were the alterations made to that statement by Nicola
13:05:16 2 Gobbo?---I don't recall.
13:05:17 3
13:05:17 4 Do you think it would be important to have kept that
13:05:19 5 statement?---If they were material alterations, yes.
13:05:23 6
13:05:23 7 Regardless, do you think it would have been important to
13:05:26 8 keep that statement?---Yes.
13:05:27 9
13:05:31 10 You've got this note, if that note was ever disclosed
13:05:34 11 that's the first question anyone in any trial or committal
13:05:37 12 would ask you about, "What were the alterations, let me see
13:05:40 13 that statement"?---Yes.
13:05:41 14
13:05:44 15 Do you agree that should have been disclosed?---Yes.
13:05:46 16
13:05:48 17 To the Commission earlier this year and also to any accused
13:05:53 18 in relation to that statement?---Yes.
13:05:55 19
13:05:57 20 It never was?---I'm not certain.
13:06:01 21
13:06:03 22 You're pretty certain there was never any draft statement
13:06:06 23 provided to any accused?---I believe so.
13:06:13 24
13:06:21 25 COMMISSIONER: Sorry, could you just clarify that? You're
13:06:25 26 certain that there was or there wasn't a draft
13:06:27 27 statement?---I'm not certain if a copy was retained and
13:06:31 28 provided or not.
13:06:34 29
13:06:34 30 All right. You don't know whether one was given to the
13:06:37 31 accused?---That's right.
13:06:39 32
13:06:39 33 All right.
13:06:40 34
13:06:40 35 MS TITTENSOR: If there's no cross-examination about any
13:06:42 36 statement with red pen or alterations made on it in any of
13:06:46 37 the proceedings following, would that indicate that it's
13:06:49 38 likely it wasn't provided?---It may well.
13:06:53 39
13:06:59 40 That indicates that Mr Bateson had had some contact with,
13:07:06 41 directly or indirectly, with Ms Gobbo?---Yes, which I
13:07:10 42 clearly was aware of because I make reference to that in my
13:07:14 43 statement.
13:07:14 44
13:07:15 45 Yes. That she'd checked the statement?---Yes.
13:07:17 46
13:07:17 47 You say that in your statement but you don't say anything

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13:07:20 1 about her having made alterations to the statement?---No.
13:07:23 2
13:07:24 3 Were those alterations ultimately made, do you know?---No,
13:07:29 4 I don't recall.
13:07:30 5
13:07:31 6 Were there email versions of that statement?---I don't
13:07:36 7 recall. There may have been. I can't recall if the
13:07:39 8 statement was taken on a stand alone or on a networked
13:07:43 9 computer.
13:07:44 10
13:07:44 11 It seems to be the case that Mr Bateson's got a copy that
13:07:49 12 could be emailed to you?---Yes.
13:07:50 13
13:07:52 14 Presumably by this stage you would have also had a copy
13:07:56 15 because you were taking the statement?---Perhaps an
13:08:01 16 electronic copy, but yes.
13:08:02 17
13:08:04 18 Would there have been copies emailed to, through this
13:08:08 19 process to various investigators to go off and try and
13:08:12 20 corroborate?---Possibly.
13:08:14 21
13:08:16 22 Do you know if there were any alterations made to the
13:08:19 23 statement in terms of what could or could not be
13:08:22 24 corroborated during that period of time?---I don't recall.
13:08:24 25
13:08:30 26 You see on that page there's a second Post-it Note?---Yes.
13:08:35 27
13:08:35 28 Do you know what that is?---The one on the above right?
13:08:41 29
13:08:42 30 Yes?---I don't know whose handwriting it is.
13:08:50 31
13:08:51 32 Are you aware it's Ms Gobbo's handwriting?---No.
13:08:54 33
13:08:54 34 In red pen?---No.
13:08:56 35
13:08:56 36 Seemingly something that would likely have been attached to
13:08:59 37 that statement that you, the draft statement that you
13:09:01 38 received back with red pen on it?---Possibly.
13:09:04 39
13:09:07 40 Was that ever provided to the defence in any of those
13:09:11 41 proceedings?---I'm not sure but possibly.
13:09:20 42
13:09:21 43 You would have understood when you received that statement
13:09:24 44 back, assuming it contained that Post-it Note there, that
13:09:30 45 that was from Ms Gobbo?---Possibly.
13:09:34 46
13:09:35 47 And that she was herself providing information that could

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13:09:40 1 be followed up on to assist the police?--Well, that wasn't
13:09:46 2 my understanding at the time. My understanding was, of
13:09:49 3 course, that she was his barrister representing him.
13:09:52 4
13:09:52 5 Yes?--And it seems that she's correcting a mistake by
13:09:58 6 [REDACTED] as to who his solicitor was.
13:10:01 7
13:10:01 8 Yes. So the note for the transcript reads, "[REDACTED] solicitor
13:10:07 9 was actually Jim Valos from Valos Black. He had a letter
13:10:11 10 from [REDACTED] however [REDACTED] may not know this and may
13:10:15 11 genuinely believe it's [REDACTED]?--Yes.
13:10:20 12
13:10:21 13 Whether or not that's made its way into [REDACTED]
13:10:24 14 statement, it may not have, because all she's saying is, he
13:10:28 15 "Might genuinely have that belief but the reality is
13:10:33 16 this"?--Do you have a copy of the statement here?
13:10:35 17
13:10:35 18 It?--It may well be that his statement asserts that his
13:10:39 19 lawyer was [REDACTED].
13:10:40 20
13:10:41 21 I'm not suggesting otherwise. All I'm saying to you is
13:10:42 22 that she's providing you with information as to where a
13:10:44 23 particular letter might actually be found?--Yes.
13:10:46 24
13:11:21 25 If we can go to the day book notes.
13:11:25 26
13:11:25 27 COMMISSIONER: Did you want to tender those documents at
13:11:27 28 this stage or not?
13:11:29 29
13:11:30 30 MS TITTENSOR: Yes, I'll tender those, Commissioner.
13:11:32 31
13:11:33 32 COMMISSIONER: These are extracts from the witness's day
13:11:36 33 book or diary?
13:11:43 34
13:11:44 35 MS TITTENSOR: Day book, Commissioner.
13:11:45 36
13:11:46 37 COMMISSIONER: Extract from the day book, from the
13:11:49 38 witness's day book dated what date?
13:11:52 39
13:11:52 40 MS TITTENSOR: [REDACTED] 2006, Commissioner.
13:11:59 41
13:12:01 42 #EXHIBIT RC649A - (Confidential) Extract from left-hand.
13:12:02 43 side of Boris Buick's day book [REDACTED] 06.
13:12:02 44
13:12:03 45 #EXHIBIT RC649B - (Redacted version.)
13:12:06 46
13:12:06 47 COMMISSIONER: How would I describe this as opposed to the

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13:12:09 1 one on the right-hand side? Without Post-it Note I
13:12:12 2 suppose. Without Post-it Note will be A and B and without
13:12:23 3 Post-it Note will be C and the redacted version D.
13:12:26 4
13:12:28 5 #EXHIBIT RC649C - (Confidential) Extract from Boris Buick's
13:12:30 6 day book with Post-it Note [REDACTED] 06.
13:12:30 7
13:12:30 8 #EXHIBIT RC649D - (Redacted version.)
13:12:32 9
13:12:32 10 COMMISSIONER: It's pretty close to the right time now.
13:12:35 11
13:12:35 12 MS TITTENSOR: Excellent.
13:12:36 13
13:12:36 14 COMMISSIONER: If that's convenient we'll adjourn.
13:12:43 15
13:12:43 16 MS MARTIN: Commissioner, before we do adjourn.
13:12:45 17
13:12:45 18 COMMISSIONER: Yes Ms Martin.
13:12:46 19
13:12:46 20 MS MARTIN: I wasn't cognisant of the fact that the
13:12:48 21 submissions I made earlier were actually during open court.
13:12:53 22 I laboured under the misapprehension that we were in closed
13:12:57 23 court and my instructions are now that if we could seek a
13:13:01 24 restriction on publication in respect of the exchange as
13:13:05 25 between myself and the Commission, as well as the
13:13:09 26 references to the ACC examinations, at least temporarily
13:13:15 27 whilst - - -
13:13:15 28
13:13:16 29 COMMISSIONER: Why is that? Really, this, I'm trying to
13:13:20 30 conduct this hearing in public as much as possible. Why
13:13:23 31 should that, why should I give that order?
13:13:28 32
13:13:29 33 MS MARTIN: I appreciate that, Commissioner, but the
13:13:30 34 sensitivities in respect of any ACC examinations that may
13:13:34 35 be subject to these ECDs, the examiner confidentiality
13:13:37 36 directions, are extremely strict and in order for the ACIC
13:13:41 37 to ensure that there is compliance with those directions
13:13:44 38 there will need to be some further inquiries made at the
13:13:48 39 ACIC's end to ensure that there hasn't been a breach of
13:13:53 40 those particular directions. In respect of that we do
13:13:56 41 request that there is at least an interim non-publication
13:13:59 42 order for perhaps just 24 hours whilst some of those
13:14:03 43 inquiries can be made.
13:14:04 44
13:14:04 45 COMMISSIONER: What do you say, Ms Tittensor?
13:14:06 46
13:14:07 47 MS TITTENSOR: I think it will have already been

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13:14:11 1 live-streamed, Commissioner. I don't see any harm in a
13:14:16 2 temporary restriction perhaps in the transcript this
13:14:22 3 evening, but I would imagine at least two of those three
13:14:27 4 matters have been publicly aired and I wouldn't be
13:14:31 5 surprised about the third one as well.
13:14:34 6
13:14:44 7 COMMISSIONER: So the order that's requested is to be no
13:14:49 8 publication of - - -
13:14:53 9
13:14:53 10 MS TITTENSOR: I think the Mokbel matter is the one that
13:14:56 11 might potentially need some checking, although that's been
13:15:01 12 publicly examined upon previously.
13:15:05 13
13:15:05 14 COMMISSIONER: There's no publication of the reference to
13:15:07 15 the coercive hearing referenced at 11.50 am and the
13:15:12 16 subsequent exchange about those hearings. So the live
13:15:17 17 stream has already gone, so that's redundant, and an
13:15:21 18 interim order for 24 hours, is that - - -
13:15:24 19
13:15:24 20 MS MARTIN: Commissioner, thank you for that. The request
13:15:26 21 is actually in respect of the, the references to ACC
13:15:30 22 examinations that preceded the exchange as between myself
13:15:34 23 and counsel assisting.
13:15:35 24
13:15:35 25 COMMISSIONER: You want both out?
13:15:37 26
13:15:37 27 MS MARTIN: If that's possible please.
13:15:39 28
13:15:39 29 COMMISSIONER: For 24 hours. In terms of the streaming,
13:15:43 30 the horse has bolted.
13:15:44 31
13:15:45 32 MS MARTIN: Clearly.
13:15:45 33
13:15:46 34 COMMISSIONER: Pursuant to s.26 of the *Inquiries Act* there
13:15:49 35 is to be no publication of the reference to the coercive
13:15:54 36 hearing at 11.50 am or of the subsequent exchange about
13:16:03 37 those hearings between counsel assisting the Commission,
13:16:06 38 counsel for the ACIC and the Commissioner from 11.50 to
13:16:13 39 11.54 am. All such references are to be removed from the
13:16:18 40 published transcript. This order is to remain in place for
13:16:22 41 24 hours unless a further order is made and a copy of the
13:16:31 42 order is to be published on the door of the hearing room.
13:16:39 43 All right then.
13:16:41 44
13:16:42 45 MS MARTIN: Commissioner, can I just check please, does
13:16:44 46 that refer to the ACC examinations that preceded the
13:16:47 47 exchange?

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13:16:48 1
13:16:49 2 COMMISSIONER: Yes, the reference to the coercive hearing.
13:16:53 3
13:16:53 4 MS MARTIN: Proceedings. There were other references to
13:16:56 5 the examinations by and for the ACC other than in respect
13:17:00 6 of coercive proceedings. I believe that's the case, I
13:17:04 7 don't have access to the transcript but that's my
13:17:07 8 understanding.
13:17:08 9
13:17:08 10 COMMISSIONER: What are you wanting? What do you want the
13:17:11 11 order to say?
13:17:12 12
13:17:12 13 MS MARTIN: Any references to examinations by or for the
13:17:15 14 ACC in respect of that period of the cross-examination
13:17:22 15 preceding or - - -
13:17:24 16
13:17:24 17 COMMISSIONER: Any reference to an ACC coercive hearing, is
13:17:27 18 that what you want?
13:17:29 19
13:17:29 20 MS MARTIN: Or examination, I believe that would capture
13:17:31 21 it.
13:17:32 22
13:17:32 23 COMMISSIONER: Is that all right with you, Ms Tittensor?
13:17:34 24
13:17:35 25 MS TITTENSOR: For that minor patch I think where my
13:17:39 26 learned friend got up and indicated the objection. There
13:17:41 27 had been some earlier cross-examination from this witness
13:17:44 28 about Mr Richter examining upon those matters and I don't
13:17:48 29 seek - - -
13:17:48 30
13:17:48 31 COMMISSIONER: I don't quite understand whether she's
13:17:51 32 wanting every single reference out or whether it's just
13:17:55 33 around about 11.50.
13:17:56 34
13:17:57 35 MS MARTIN: It would include the prior aspects that are in
13:17:59 36 the transcript.
13:18:00 37
13:18:00 38 COMMISSIONER: Everything out.
13:18:01 39
13:18:02 40 MS MARTIN: As I've indicated we will seek instructions and
13:18:05 41 try to determine whether or not that is in fact - - -
13:18:07 42
13:18:07 43 COMMISSIONER: You'll need to justify your application with
13:18:10 44 various legislation and whatever it's based on.
13:18:14 45
13:18:15 46 MS MARTIN: Understood, Commissioner.
13:18:16 47

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These claims are not yet resolved.

13:18:17 1 COMMISSIONER: So I'll amend the order so that it's to be
13:18:19 2 that there's no publication of reference to any ACC
13:18:24 3 coercive hearings or examinations. All right, we'll
13:18:35 4 adjourn until 2 o'clock.

5
13:18:38 6 <(THE WITNESS WITHDREW)

13:18:38 7
13:18:38 8 LUNCHEON ADJOURNMENT

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13:18:39 1 UPON RESUMING AT 2.00 PM:
2
14:05:25 3 COMMISSIONER: Yes Ms Tittensor. Could we just close the
14:05:27 4 door. Yes, thank you. We are in closed hearing.
14:05:38 5
14:05:38 6 <BORIS BUICK, recalled:
14:05:41 7
14:05:42 8 MS TITTENSOR: Mr Buick, if I can ask you to look at the
14:05:44 9 statement that will come up on the screen. I think this is
14:05:46 10 the statement of ██████████ dated ██████████ 2006 and this is
14:05:51 11 the particular page that refers to that paragraph, the
14:05:58 12 subject of that Post-it Note, the top Post-it Note?---Yes.
13
14:06:03 14 As I understand it this is the version of the statement
14:06:05 15 that was signed?---Yes.
16
14:06:07 17 It continued to at that stage refer to ██████████ in
14:06:20 18 terms of him being the possessor of that letter?---Yes.
14:06:24 19 Notwithstanding Nicola Gobbo's note, yes.
20
14:06:26 21 If we can go to p.134 of that document. Are you aware that
14:06:32 22 ██████████ signed a further statement in ██████████ of 2008?---A
14:06:37 23 further three I believe.
24
14:06:39 25 Yes. That statement again addressed the issue of the
14:06:48 26 letter, do you recall that?---I don't recall it but I don't
14:06:52 27 dispute it.
28
14:06:55 29 I think that those people are being mentioned at the bottom
14:06:58 30 of that page. If you see that, ██████████ was supposed
14:07:09 31 to have this letter, the letter that's being referred
14:07:11 32 to?---Yes.
33
14:07:13 34 Do you accept that that's a statement, if we scroll
14:07:16 35 through, made by ██████████ - it might be of some length but
14:07:21 36 that was a statement made by him, you'll accept, on ██████████
14:07:24 37 2008?---Yes.
38
14:07:27 39 Do you recall it being determined at some stage that that
14:07:30 40 letter might be potential corroboration for ██████████ in
14:07:34 41 the case?---I don't specifically recall. I know it was -
14:07:44 42 the letter was an issue. It was a letter, quite a lengthy
14:07:50 43 letter, some musings of Paul Kallipolitis, but I don't
14:07:57 44 think they were really relevant to these matters.
45
14:07:59 46 The letter, do you recall that there was a warrant executed
14:08:05 47 on the office of Jim Valos?---Yes.

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1
14:08:08 2 And the letter was recovered and that was executed on 3
14:08:11 3 July 2008?---I accept that.
4
14:08:16 5 That was the subject of Ms Gobbo's previous
14:08:21 6 information?---The correction?
7
14:08:22 8 The correction?---Yes, that's right.
9
14:08:23 10 Are you aware if that is the method by which the warrant
14:08:29 11 came to be executed on Mr Valos's office and the letter
14:08:34 12 recovered?---I'm not sure what the affidavit stated was the
14:08:39 13 basis of the evidence but it's possible that is part of it.
14
14:08:48 15 Were you aware that Mr Valos, following the recovery of
14:08:51 16 that letter from him, [REDACTED]
14:08:56 17 [REDACTED] ---I think I do recall that now that you
14:08:59 18 mention it.
19
14:09:03 20 [REDACTED]
14:09:06 21 [REDACTED]
14:09:10 22 [REDACTED]
14:09:13 23 [REDACTED]
14:09:18 24 [REDACTED]
25
14:09:21 26 Yes?---I accept that.
27
14:09:22 28 Is that something you would have been aware of at the
14:09:24 29 time?---No.
30
14:09:30 31 [REDACTED]
14:09:34 32 [REDACTED]
14:09:38 33 [REDACTED]
14:09:41 34 [REDACTED] Does that accord
14:09:46 35 with your understanding?---I accept that.
36
14:09:50 37 Was there ever any query of Ms Gobbo as to how she became
14:09:54 38 aware that Mr Valos had the letter?---No. Well not by me.
39
14:10:08 40 If we can go to the ICRs p.105, please.
41
14:10:21 42 COMMISSIONER: Did you want to tender this statement?
14:10:24 43
14:10:25 44 MS TITTENSOR: Yes, I will tender those, two or three pages
14:10:28 45 of those statements. The first was the paragraph on - I
14:10:37 46 can't say what page number of that statement unfortunately,
14:10:41 47 Commissioner.

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1
14:10:41 2 COMMISSIONER: Yes. Do you just want to tender the page?
14:10:51 3
14:10:51 4 MS TITTENSOR: It's a paragraph in relation to a letter,
14:10:56 5 [REDACTED] statement dated [REDACTED] 2006 was the first one.
14:11:08 6
14:11:25 7 COMMISSIONER: It's the two paragraphs beginning "I have
14:11:27 8 explained" and down to "he wanted to get it".
9
10 MS TITTENSOR: Sorry, it's the "I could" - - -
11
12 COMMISSIONER: "I could understand", it's that paragraph?
13
14 MS TITTENSOR: It might be those two paragraphs.
15
16 COMMISSIONER: Those two?
17
18 MS TITTENSOR: Yes.
19
20 Commissioner: The two paragraphs beginning "I have
14:11:28 21 explained" and then finishing in the second be paragraph,
14:11:31 22 "It was soon after that I started to distance myself from
14:11:34 23 him".
14:11:35 24
14:11:36 25 MS TITTENSOR: I might add to those, Commissioner, I'm just
14:11:38 26 reading down the statement referring to the letter further.
14:11:42 27 In any case, the next two paragraphs, so four paragraphs.
28
14:11:45 29 COMMISSIONER: Okay. Ending with "I believe Andrew" - no,
14:11:53 30 the next paragraph. Ending with "I've spoken about [REDACTED]
14:11:59 31 [REDACTED] in my statement". Is that where we're wanting to
14:12:03 32 finish it?
14:12:03 33
14:12:03 34 MS TITTENSOR: Ending with the one line paragraph, "I
14:12:08 35 believe that [REDACTED] and [REDACTED] wanted to kill [REDACTED] over this
14:12:11 36 letter".
37
14:12:12 38 COMMISSIONER: That's 650A and B.
14:12:20 39
14:12:20 40 #EXHIBIT RC650A - (Confidential) Portion of [REDACTED]
14:10:57 41 statement dated [REDACTED] 06.
14:12:21 42
14:12:22 43 #EXHIBIT RC650B - (Redacted version.)
14:12:28 44
14:12:28 45 COMMISSIONER: Does that have a date?
14:12:29 46
14:12:30 47 MS TITTENSOR: The first one was [REDACTED] 2006, the second

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14:12:36 1 document, this one - sorry, if we can move up. Sorry, no,
14:12:51 2 no, the other way. Sorry, no, no. I think this is
14:13:03 3 actually the second document that I referred to,
14:13:05 4 Commissioner. This is this one with the four paragraphs.
5
14:13:12 6 COMMISSIONER: Right.
14:13:13 7
14:13:13 8 MS TITTENSOR: [REDACTED] 2008. The other one was at - just the
14:13:19 9 one paragraph.
10
14:13:21 11 COMMISSIONER: Beginning, "My relationship with Andrew",
14:13:24 12 and finishing with, "I moved to" - - -
14:13:32 13
14:13:32 14 MS TITTENSOR: "One day soon", the four line paragraph - -
15 -
16
14:13:35 17 COMMISSIONER: "One day soon", just that one, and finishing
14:13:37 18 with "[REDACTED] didn't have this letter", just that paragraph?
14:13:42 19
14:13:43 20 MS TITTENSOR: Yes. That one paragraph is the statement
14:13:46 21 dated [REDACTED] 2006. The four paragraphs are from the
14:13:49 22 statement dated [REDACTED] 2008.
23
14:13:52 24 COMMISSIONER: This is from the first statement?
14:13:55 25
14:13:55 26 MS TITTENSOR: Yes.
27
14:14:00 28 COMMISSIONER: The first statement of [REDACTED]
14:14:04 29
14:14:05 30 #EXHIBIT RC651A - (Confidential) Portion of [REDACTED]
14:14:06 31 statement dated [REDACTED] 08.
14:14:06 32
14:14:06 33 #EXHIBIT RC651B - (Redacted version.)
14:14:13 34
14:14:14 35 COMMISSIONER: Sorry, just a minute. I'm just getting the
14:14:16 36 exhibits. We just did 650. This is 651. The second one.
14:14:23 37 Yes.
14:14:32 38
14:14:33 39 MS TITTENSOR: You'll see down the bottom of that page,
14:14:36 40 this is an ICR which records contacts between Ms Gobbo and
14:14:41 41 her handlers?---Yes.
42
14:14:44 43 As well as other issues from time to time. You'll see on
14:14:49 44 30 December 2005 that Ms Gobbo is reporting that she's
14:14:54 45 looking after Jim Valos solicitor's office whilst he's away
14:15:00 46 on holidays, which is a regular arrangement, it seems,
14:15:03 47 between them. Were you aware of that?---No.

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1
14:15:07 2 It might be a means by which she could obtain information
14:15:12 3 from solicitor files, do you agree with that?---Yes.
4
14:15:15 5 That would be concerning?---Yes.
6
14:15:25 7 Was anything like that ever conveyed by the SDU members to
14:15:31 8 investigators?---Not to me.
9
14:15:38 10 If any source had access to solicitor files that would be
14:15:44 11 concerning? Solicitor files that didn't belong to
14:15:50 12 them?---Yes.
13
14:16:02 14 If we can go to an email dated 17 December, it's
14:16:15 15 VPL.6069.0002.2346. You'll see this is a much later email
14:16:21 16 in 2014. Do you see that?---Yes.
17
14:16:30 18 If we can scroll down. If we can go to the bottom of the
14:16:43 19 email chain. It's apparent from - that's a letter
14:16:55 20 from - - -?---An email.
21
14:16:57 22 Sorry, an email from Mr Campbell to you?---Yes.
23
14:17:04 24 He had delivered a letter to F, which was the name given to
14:17:09 25 Ms Gobbo when she was a witness at some stage?---That's
14:17:12 26 right.
27
14:17:15 28 She had been offered - sorry, she stated that Mr Gatto had
14:17:20 29 approached her partner with an offer of half a million
14:17:24 30 dollars for her to supply a statement that the evidence
14:17:27 31 against Faruk Orman was tainted by her?---Yes.
32
14:17:33 33 "Apparently it has something to do with his High Court
14:17:37 34 court that he's abandoned." She's also had a similar
14:17:41 35 approach by, she says by Mr Orman's solicitor, "was just
14:17:45 36 going to get your thoughts". Do you recall receiving that
14:17:48 37 email?---I do now.
38
14:17:50 39 If we can scroll to the response. That indicates that the
14:18:00 40 matter had in fact already been to the High Court; is that
14:18:04 41 right?---Yes, that's right. It wasn't abandoned, it went
14:18:08 42 to the High Court.
43
14:18:11 44 But Ms Gobbo had mentioned the notion of tainted evidence
14:18:16 45 before to you?---Yes.
46
14:18:19 47 Do you recall in what context she'd mentioned the notion of

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14:18:22 1 tainted evidence to you before?---Well I don't know if it
14:18:27 2 had been mentioned to me before but when I was dealing with
14:18:29 3 her at Driver as a witness that's obviously become
14:18:37 4 information I've come into possession of. I don't know if
14:18:42 5 it was mentioned - well, it wasn't mentioned to me, or it
14:18:46 6 may have been but I don't recall that, but clearly there
14:18:49 7 has been a mention of it.

8
14:18:50 9 When you became aware that there might be tainted evidence
14:18:53 10 in relation to Orman's case did you do anything about
14:18:58 11 it?---No.

12
14:19:07 13 You go on to say, "Mr Orman was convicted on some TI
14:19:13 14 evidence and evidence of [REDACTED]"?---Yes.

15
14:19:17 16 That when [REDACTED] had rolled he provided [REDACTED] or so
14:19:21 17 statements about a number of murders and was being
14:19:25 18 "advised" by Ms Gobbo?---Yes.

19
14:19:28 20 Why would you put advised in inverted commas?---I'm not
14:19:35 21 certain but by this stage I'm far more privy to the
14:19:44 22 circumstances of her relationship and her history and
14:19:49 23 whilst at the time I understood her to be his barrister
14:19:54 24 acting in his best interests, it's clear that there's a lot
14:20:01 25 more to it.

26
14:20:02 27 You go on to say she reviewed and ticked off all the
14:20:07 28 statements he made?---Yes.

29
14:20:08 30 In that context, and you putting in inverted commas he was
14:20:15 31 being advised by Ms Gobbo, do you think you're referring to
14:20:19 32 the fact that in reality she was working for the
14:20:23 33 police?---No.

34
14:20:24 35 Can you explain why the inverted commas, which seem to
14:20:29 36 indicate he was being advised but not really advised by
14:20:34 37 her?---Well that's not my interpretation, that's your
14:20:37 38 assertion. As I say, I - well I've explained it.

39
14:20:52 40 [REDACTED] was vigorously cross-examined by Richter at the
14:20:57 41 trial, as you were?---Yes.

42
14:21:01 43 It was not known by those people that Ms Gobbo had any dual
14:21:05 44 role?---By who? By Richter or I?

45
14:21:08 46 Yes?---No.

47

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14:21:09 1 Well it was not known by Richter that Ms Gobbo had any dual
14:21:14 2 role, you certainly knew at that stage?---I don't know what
14:21:18 3 Richter knew.
4

14:21:19 5 You knew that Ms Gobbo had a dual role when you were
14:21:23 6 cross-examined at trial?---I came to know that she had a
14:21:26 7 dual role, yes.
8

14:21:27 9 You knew from 2006?---At some stage, I'm not certain
14:21:31 10 exactly when, but certainly by the time of the trial I was
14:21:36 11 aware that she was a human source. I accept that.
12

14:21:44 13 You say, "The appeal to the court and then to the High
14:21:47 14 Court was based in large part on the unreliability of
14:21:50 15 [REDACTED]"?---That's my understanding.
16

14:21:52 17 "Unless she's now saying that she knew at the time or was
14:21:58 18 implicit in [REDACTED] making false statements I'm not sure
14:22:01 19 what she means"?---Yes.
20

14:22:05 21 What about the possibility that she was influencing those
14:22:09 22 statements which was not known to defence?---Well that is a
14:22:14 23 possibility but that wasn't in my mind at the time and it's
14:22:16 24 clear what it's in my mind at the time because I wasn't
14:22:20 25 certain.
26

14:22:25 27 You had an awareness at this stage that Ms Gobbo was not
14:22:30 28 simply involved in marking up - sorry, you had an awareness
14:22:37 29 at that stage that Ms Gobbo had been involved in the
14:22:39 30 marking up process of [REDACTED] statement?---I accept
14:22:42 31 that.
32

14:22:45 33 And you would have had a knowledge that that wasn't
14:22:48 34 disclosed to the defence?---I think I acknowledge that.
14:23:00 35 Well, when I say I acknowledge that, at the time that Gobbo
14:23:08 36 was involved with [REDACTED] when he was making those
14:23:11 37 statements it's my belief that he was entirely acting as
14:23:14 38 his barrister.
39

14:23:28 40 Sorry Mr Buick?---I finished. I think I've made it pretty
14:23:33 41 clear, and I maintain, that when [REDACTED] was making these
14:23:38 42 statements it was my understanding - I acknowledge I was
14:23:41 43 wrong, I accept I was wrong - it was my understanding that
14:23:44 44 she was acting just as his barrister, making sure he got
14:23:48 45 the best deal for the plea he was making on a number of
14:23:50 46 [REDACTED] I accept now as I sit here it was different to
14:23:56 47 that, but at the time that was my state of mind.

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1
14:24:00 2 She in that position even just as his barrister would have
14:24:04 3 been in a position to know of credibility and reliability
14:24:13 4 issues in relation to him?---Yes.
5
14:24:17 6 And certainly was discussing those with Detective Bateson
14:24:21 7 at least; is that right?---You've shown me those records,
14:24:27 8 yes.
9
14:24:27 10 And certainly discussing those with her handlers, she was
14:24:31 11 talking - - - ?---Again, you've shown me those records and
14:24:34 12 I accept that.
13
14:25:05 14 You being a member of Purana would have known that there
14:25:09 15 were multiple other statements being made by [REDACTED]
14:25:11 16 [REDACTED]?---Yes.
17
14:25:15 18 And would have assumed that in the same way you received a
14:25:19 19 marked up statement with red pen from Nicola Gobbo, that
14:25:24 20 others were likely to have experienced the same
14:25:29 21 thing?---Possible.
22
14:25:30 23 Were you aware of the arrangement for Ms Gobbo to attend
14:25:35 24 the offices of Purana on 18 July 2006 for the purposes of
14:25:43 25 going over those statements?---No, I wasn't aware of that.
14:25:48 26 I've heard that evidence here and I wasn't aware of that.
27
14:25:58 28 You were aware of other investigations and prosecutions
14:26:01 29 occurring as a result of various of [REDACTED]
14:26:05 30 statements?---Eventually there were a number of
14:26:08 31 prosecutions.
32
14:26:10 33 You were aware that the defence for Carl Williams was
14:26:13 34 seeking disclosure in relation to a number of those
14:26:17 35 statements made by [REDACTED]?---No doubt.
36
14:26:20 37 Those statements potentially - a statement not necessarily
14:26:24 38 in respect of him specifically, but in relation to another
14:26:28 39 matter or another prosecution, may well have relevance to a
14:26:33 40 trial of Mr Williams?---Yes.
41
14:26:39 42 It's apparent in evidence before the Commission that
14:26:41 43 lawyers had been instructed by Victoria Police in relation
14:26:44 44 to PII and disclosure issues associated with [REDACTED] and
14:26:51 45 [REDACTED] statements from late [REDACTED] 2006. Were you aware
14:26:58 46 of those matters, or were you aware of that matter?---Not
14:27:04 47 specifically. That's vis-à-vis a Williams' prosecution, is

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14:27:11 1 it?
2
14:27:12 3 Both the Williams' prosecution and the Milad Mokbel
14:27:15 4 prosecution?---No. No, I wasn't intimately aware of the
14:27:21 5 machinations of those prosecutions.
6
14:27:24 7 Would you have been aware that lawyers had been instructed
14:27:27 8 by Victoria Police in relation to PII and disclosure issues
14:27:32 9 associated with [REDACTED]?---In relation to my
14:27:36 10 investigations, yes.
11
14:27:44 12 Is it the case that on 20 December 2006 you gave evidence
14:27:48 13 before Justice King resisting disclosure in relation to a
14:27:52 14 number of those statements because of ongoing
14:27:54 15 investigations?---I don't recall that but clearly I did.
16
14:28:00 17 Those occasions where you're giving evidence in private
14:28:06 18 necessitated often confidential affidavits?---Yes.
19
14:28:13 20 Presumably yours, if you were the one giving
14:28:15 21 evidence?---Yes.
22
14:28:18 23 Prior to that Mr O'Brien's diary records conferring with
14:28:23 24 Brian Walters SC and Dianne Preston of the VGS0 in relation
14:28:28 25 to PII issues in relation to statements of both [REDACTED]
14:28:32 26 and [REDACTED]. Do you recall conferring with Brian Walters
14:28:37 27 SC?---No.
28
14:28:40 29 Do you recall giving evidence before Justice King resisting
14:28:43 30 disclosure of [REDACTED] and [REDACTED] statements?---I don't
14:28:48 31 recall but clearly I did.
32
14:28:55 33 Do you know whether either with the lawyers or with the
14:29:00 34 court there was any disclosure of issues associated with
14:29:04 35 Ms Gobbo, Ms Gobbo's involvement?---I don't know, I don't
14:29:09 36 think so.
37
14:29:10 38 At any stage, in terms of Purana matters, was there any
14:29:17 39 disclosure to your knowledge of issues associated with
14:29:21 40 Ms Gobbo to lawyers employed by Victoria Police?---I don't
14:29:29 41 know.
42
14:29:33 43 Do you say you would remember if there had been such
14:29:35 44 disclosure to lawyers?---Not necessarily.
45
14:29:39 46 Were you involved in any discussions with lawyers in
14:29:42 47 relation to Ms Gobbo during your time at Purana?---No.

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1
14:29:52 2 Or your involvement in Purana matters?---No.
3
14:30:11 4 By that stage I've taken you - I earlier referred you to an
14:30:19 5 issue in relation to Justice King having indicated that
14:30:22 6 Ms Gobbo had a conflict for [REDACTED]?---Yes.
7
14:30:27 8 Do you know if anyone made the court aware of Ms Gobbo's
14:30:31 9 continued role in relation to [REDACTED] up until the time
14:30:36 10 he made those statements?---No, I don't know.
11
14:30:45 12 Do you know if there was any effort made to hide Ms Gobbo's
14:30:51 13 role in relation to various Purana matters?---Well,
14:31:00 14 accepting that Nicola Gobbo was a registered human source
14:31:06 15 for drug matters, yes, great effort would have been gone to
14:31:18 16 to protect the identity of that human source.
17
14:31:25 18 Ought that have extended to redacting diaries indicating
14:31:33 19 her representation of people, her legal representation of
14:31:37 20 people or purported legal representation of people?---I
14:31:40 21 don't understand why that has occurred or the context
14:31:46 22 but - - -
23
14:31:47 24 Well, should there have been any redaction of notes which
14:31:57 25 indicated that Ms Gobbo had been advising [REDACTED] through
14:32:02 26 this process?---No.
27
14:32:08 28 Do you recall there being any discussion about that within
14:32:12 29 Purana?---I don't recall.
30
14:32:22 31 Are you aware that that's what - - - ?---Sorry, a reason
14:32:25 32 that you may, and I don't know if this occurred, but a
14:32:27 33 reason why you may redact Nicola Gobbo's name from a
14:32:30 34 statement made by John Smith who is implicating Tony
14:32:39 35 Mokbel, you might redact that not because Nicola Gobbo is
14:32:47 36 or isn't a source, but because it would place her at
14:32:51 37 potentially great risk if Tony Mokbel knew that Nicola
14:32:55 38 Gobbo was doing her job in relation to John Smith.
39
14:32:58 40 She was a lawyer doing a job?---If that's the case. This
14:33:01 41 is a hypothetical I'm giving you as a possible reason. But
14:33:05 42 as I say, I didn't - not aware until you just raised it
14:33:09 43 then as to what the context is.
44
14:33:11 45 On what basis would you redact it? It remains relevant,
14:33:15 46 doesn't it?---Yes, well any redaction of course you would
14:33:17 47 have to argue PII on.

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1
14:33:19 2 Yes, and you would have to disclose the reason for the
14:33:23 3 redaction to the court?---Yes.
4
14:33:25 5 And to do that you'd have to disclose the reason for the
14:33:28 6 redaction to your lawyers before that?---Yes.
7
14:33:31 8 And part of the reason why she might be at risk also would
14:33:35 9 be because she was a source providing information against
14:33:39 10 those people as well?---Yes.
11
14:33:41 12 And the court would have probably a problem with that, do
14:33:47 13 you agree?---Yes.
14
14:34:09 15 Do you recall there being any discussion about matters
14:34:11 16 related to Nicola Gobbo being hidden from the courts?---No.
14:34:19 17 Hidden from the courts?
18
14:34:20 19 Yes?---No.
20
14:34:24 21 What I mean by that is, "We won't redact it, we won't
14:34:30 22 provide the material, we won't make any PII claim, we'll
14:34:33 23 just take it upon ourselves"?---No.
24
14:34:36 25 That would be wrong?---Yes.
26
14:34:48 27 If we can go to Mr Bateson's chronology, p.39, 4 December
14:34:58 28 2006. You'll see there this is the chronology we referred
14:35:07 29 to earlier that everyone contributed to; is that
14:35:10 30 right?---Yes.
31
14:35:11 32 Mr Hatt recorded a phone call on that date from Nicola
14:35:16 33 Gobbo?---Yes.
34
14:35:17 35 He stated that a few days earlier than that she was
14:35:22 36 contacted by Faruk Orman and asked to meet him for a
14:35:26 37 coffee. Stated she subsequently met Orman and Steve Kaya
14:35:31 38 and had a general discussion with no mention of [REDACTED]
14:35:34 39 Gobbo thought this was very strange and that she believed
14:35:37 40 they were testing her. She told Mr Hatt that she would
14:35:40 41 advise police of any further contact?---Yes.
42
14:35:45 43 Do you recall being told about that at the time?---I don't
14:35:50 44 recall it. I don't dispute that I may have been but I
14:35:55 45 don't recall it.
46
14:35:55 47 It's likely, given that you were the lead investigator in

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14:35:58 1 relation to Faruk Orman?---That's a reasonable assumption.
2
14:36:08 3 Do you know in what capacity Mr Hatt was acting at that
14:36:13 4 stage? Was he reporting to you?---No.
5
14:36:16 6 Do you know why Ms Gobbo was having contact with him?---He
14:36:19 7 was on Stuart Bateson's team.
8
14:36:24 9 Were you aware that she was having contact with
14:36:28 10 Mr Hatt?---No.
11
14:36:28 12 Generally?---No, I wasn't.
13
14:36:33 14 Do you know if she was reporting that as a barrister or as
14:36:36 15 a human source?---No idea.
16
14:36:38 17 Or as a victim of threats?---No, I don't know.
18
14:36:45 19 Are you aware whether that contact was reported to anyone
14:36:48 20 else?---I'm not sure.
21
14:36:56 22 If we look at the SMLs for two days before that, 2
14:37:06 23 December, noting that that entry itself had referred to the
14:37:09 24 meeting with Orman being on 2 December?---Yes.
25
14:37:15 26 You see there's a report - this is the source management
14:37:19 27 log. Are you familiar or do you know what that is for?---I
14:37:23 28 am now.
29
14:37:26 30 Ms Gobbo has reported an intention to have dinner with
14:37:29 31 Orman and possibly Mick Gatto and she states, "Because they
14:37:35 32 are drug traffickers it will be good for business"?---Yes.
33
14:37:39 34 Now that seems at odds with what she'd purported to Mr Hatt
14:37:44 35 about the meeting a few days later?---Yes.
36
14:37:48 37 If we can go to the ICRs at p.571 please. You see there
14:37:59 38 initially on the 2nd she's reported that she's been invited
14:38:03 39 to dinner, and again that's an indication of the source
14:38:07 40 taking that information which has been passed on to the
14:38:09 41 controller?---Yes.
42
14:38:10 43 Sorry, the handler taking the information passed on to the
14:38:14 44 controller. At the bottom of that it indicates 3838 happy
14:38:17 45 to attend a dinner for her own purposes, do you see
14:38:23 46 that?---Yes.
47

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14:38:24 1 The following day she reports on the dinner. Orman had
14:38:31 2 organised it on behalf of Kaya, and Mick Gatto had been
14:38:35 3 invited and didn't attend. Of the rest that attended they
14:38:40 4 were all perfect gentlemen and she provided the SDU with
14:38:45 5 Mr Orman's phone number at the bottom of that?---Yes.
6
14:38:51 7 It seems as though Ms Gobbo was someone who wore different
14:38:56 8 hats depending on who she was dealing with, would you agree
14:39:00 9 with that?---I would.
10
14:39:01 11 She was quite happy to have dinner with these people who
14:39:03 12 might be good for business?---Yes.
13
14:39:06 14 Who might be a good source of information also to provide
14:39:09 15 to the police?---Yes.
16
14:39:15 17 And yet another hat for Mr Hatt, essentially, when she's
14:39:18 18 dealing with him. With him it's a problem that Mr Orman's
14:39:22 19 been in touch, it's highly suspicious?---Yes.
20
14:39:26 21 You've dealt with Ms Gobbo for some time?---I have now.
22
14:39:32 23 Did you get along with her?---I was professional.
24
14:39:42 25 What was your assessment of her?---As you've described,
14:39:49 26 with the multiple hats.
27
14:39:51 28 Well, was she intelligent, pleasant, controlling,
14:39:54 29 manipulative, what was she?---All those things. All those
14:39:59 30 things.
31
14:40:05 32 Anything else?---Pathological, narcissistic, desperate,
14:40:22 33 troubled, without compass.
34
14:40:32 35 You say without compass. From what point of your dealing
14:40:35 36 with her did you become aware of that?
37
14:40:41 38 COMMISSIONER: I presume you mean without moral compass, do
14:40:44 39 you?---Yes, Commissioner.
40
14:40:46 41 Thank you?---I don't mean to denigrate, and I don't wish to
14:40:51 42 denigrate, but - I think it's important that I say that in
14:40:59 43 the course of dealing with Nicola Gobbo over this Purana
14:41:03 44 phase I had nothing to do with her. I avoided contact with
14:41:08 45 her. It came to a time when I was at Driver where I was
14:41:14 46 compelled to manage her and it's in that context that I've
14:41:17 47 gotten to know her as described

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14:41:20 1
14:41:21 2 MS TITTENSOR: That's later in 2011?---Yes.
3
14:41:26 4 But you had some contact with her at least within a court
14:41:33 5 situation?---Very peripheral contact I myself had.
6
14:41:38 7 You had knowledge of her involvement as a source in terms
14:41:44 8 of investigations that were being conducted by
14:41:47 9 Purana?---Yes.
10
14:41:48 11 And not just drug matters, but other matters?---I have come
14:41:55 12 to know that but when I was at Purana it was my
14:41:58 13 understanding, and it was a developmental understanding,
14:42:02 14 that she was an informer in relation to drug matters
14:42:05 15 basically for Jim O'Brien's investigations.
16
14:42:11 17 Jim O'Brien was the head of Purana. I mean he came from
14:42:16 18 MDID but he was the head of Purana and Purana looks after -
14:42:20 19 at that stage there were lots of murder trials, homicides
14:42:23 20 going on?---Yes, which had, of course, predated Jim O'Brien
14:42:28 21 and continued whilst Jim O'Brien came to Purana and, you
14:42:33 22 know, again, I'm not being critical here at all of Jim but
14:42:37 23 his focus and his reason for being at Purana was to run the
14:42:42 24 investigations against Tony Mokbel and his network.
25
14:42:50 26 That's the reason Ms Gobbo came to be involved with
14:42:54 27 Purana?---So I believe.
28
14:42:56 29 But her assistance extended beyond simply drug
14:43:02 30 matters?---So I've learnt.
31
14:43:04 32 Well she came to be involved in matters related to Orman
14:43:09 33 and Gatto which were not necessarily confined to drug
14:43:12 34 matters?---So I've learnt.
35
14:43:31 36 At paragraph 18 of your statement you refer to commencing
14:43:34 37 an investigation into the murder of [REDACTED] on [REDACTED]
14:43:38 38 [REDACTED] 2006?---Yes.
39
14:43:41 40 And you at that stage took possession of a statement
14:43:44 41 recently made by [REDACTED] implicating [REDACTED],
14:43:51 42 [REDACTED] and others in [REDACTED]'s murder?---Yes.
43
14:44:05 44 Just having a quick look at my notes, it may be that we can
14:44:10 45 - if I'm careful with my language we can go into open
14:44:16 46 session.
47

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COMMISSIONER: All right then.
- - -