

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

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria
On Friday, 7 February 2020

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Mr S. Holt QC Ms C. Dawes
Counsel for State of Victoria	Mr T. Goodwin
Counsel for Nicola Gobbo	Mr R. Nathwani
Counsel for DPP/SPP	Mr P. Doyle
Counsel for CDP	Ms A. Haban-Ber
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for AFP	Ms I. Minnett
Counsel for ACIC	Ms S. Martin
Counsel for Chief Commissioner of Police	Mr A. Coleman SC Mr P. Silver
Counsel for Simon Overland	Mr J. Gleeson QC Ms G. Coleman

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09:40:52 1 COMMISSIONER: Yes, we've got Ms Gobbo on the phone. Can
09:40:55 2 you hear me, Ms Gobbo? Is she muted? Could you unmute,
09:41:02 3 please?---Unmuted, yes.
4

09:41:04 5 Thank you. Yes, Mr Winneke. I note the appearances are
09:41:12 6 the same save that we have Mr Gleeson with Ms Coleman for
09:41:16 7 Mr Overland this morning. Yes.
09:41:19 8

09:41:20 9 <NICOLA MAREE GOBBO, recalled:
10

09:41:25 11 MR WINNEKE: Thanks, Commissioner. Ms Gobbo, I was asking
09:41:27 12 you last night about a visit that you made to St Kilda Road
09:41:29 13 Police Station to look at statements which had been made by
09:41:31 14 PII, you recall that?---Yes.
15

09:41:35 16 And I suggested to you that you were provided with, or you
09:41:41 17 made a note or notes on Post-It Notes, do you recall doing
09:41:45 18 that?---Um, not specifically but it sounds like something I
09:41:53 19 would have done.
20

09:41:54 21 Right. It appears that you were - that you went to
09:41:59 22 St Kilda Road, I think it was in the evening at about 6 pm
09:42:04 23 or thereabouts, and it may well be that what occurred was
09:42:10 24 that you were provided with a number of statements which
09:42:13 25 had been made by PII to that stage, you were given a
09:42:16 26 red pen and some Post-It Notes and you then read the
09:42:20 27 statements and at least it appears to be the case that you
09:42:26 28 made some notes about the content of the statements, one or
09:42:34 29 more of them. Do you accept that that's what occurred?---I
09:42:39 30 haven't got any specific memory of it but I'm not disputing
09:42:42 31 it.
32

09:42:43 33 You don't have a memory of going to St Kilda Road in 2006
09:42:48 34 to examine any statements which had been made by
09:42:52 35 PII?---No, I can - I can remember reading, um, I can
09:43:00 36 remember reading transcripts of, um, PII
09:43:08 37 conversations between him and police PII, but I can't
09:43:11 38 remember going to St Kilda Road.
39

09:43:13 40 Right. I asked you about that yesterday. That was when
09:43:17 41 you and your handlers on PII sat down and went through
09:43:21 42 some of those transcripts, but this is a different
09:43:25 43 occasion, and this is after he had made statements and they
09:43:29 44 were in draft form, hadn't been signed, and it appears that
09:43:33 45 you were taken to St Kilda Road one evening and examined
09:43:38 46 statements. Now I'd like you to have a look, if you could,
09:43:42 47 at Commission Exhibit 649. Whilst that's coming up, do you

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09:43:49 1 know a police officer by the name of Detective Kerley,
09:43:52 2 Michelle Kerley?---Yes, I remember she worked for Purana.
3
09:44:02 4 It appears that on PII 2006 you sat with her and you
09:44:09 5 read some statements. Let's have a look at this exhibit if
09:44:12 6 we can.
7
09:44:47 8 COMMISSIONER: Is this the one with the Post-it Note or
09:44:48 9 without?
10
09:44:50 11 MR WINNEKE: This is the page of the diary.
12
09:44:52 13 COMMISSIONER: Yes, his day book I think, Mr Buick's day
09:44:57 14 book.
15
09:44:57 16 MR WINNEKE: Mr Buick's day book, Commissioner, and there
09:45:01 17 are two Post-it Notes on it.
18
09:45:05 19 COMMISSIONER: One was tendered without the Post-it Note
20 but this is the one with the Post-It Note?
21
22 MR WINNEKE: With the Post-It Note.
23
09:45:07 24 COMMISSIONER: Which is C and D, 649C and D.
25
26 MR WINNEKE: Yes.
27
09:45:43 28 COMMISSIONER: Yes, it's up on her screen I think. You
09:45:45 29 have it there, Ms Gobbo?---Yes.
30
31 MR WINNEKE: You can see that?---Yes.
32
09:45:49 33 There's nothing on our screens, that's the only thing,
09:45:52 34 Commissioner.
35
09:45:52 36 COMMISSIONER: Yes.
37
09:45:55 38 MR WINNEKE: Can you see - it's a bit difficult to read in
09:45:59 39 black and white but you'll see that there is a - some
09:46:03 40 handwriting to the right of the screen, about the middle of
09:46:07 41 the screen which says, "PK's solicitor was actually Valos
09:46:14 42 (Jim)", did you see that?---Yes.
43
09:46:20 44 Is that your handwriting?---Yes, it is.
45
09:46:22 46 That's a page of Boris Buick's day book on 19 July. Just
09:46:28 47 so you know, there's a yellow Post-it Note with red

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09:46:32 1 handwriting on it and you say that's your handwriting. Can
09:46:36 2 I suggest to you that what that indicates is that you were
09:46:40 3 looking at a statement, a particular statement, and you
09:46:43 4 were making notes about what you were reading and putting
09:46:47 5 those notes on to a Post-it Note like that. Do you recall
09:46:54 6 doing anything like that?---No, not - not specifically. I
09:47:00 7 don't remember Boris Buick being there either.

8
09:47:02 9 I'm not suggesting he was. What I'm suggesting to you is
09:47:04 10 that it was Michelle Kerley with you?---Right.

11
09:47:08 12 That's the evidence that we've got, right, and you were
09:47:10 13 there for quite some time and you were reading through
09:47:15 14 statements and making notes, or at least you made this
09:47:19 15 note, and that note appears in Mr Buick's diary, day book
09:47:25 16 the following day. Now, can we have a look, can we scroll
09:47:29 17 up the screen or down the screen so we can have a look at
09:47:32 18 the bottom of the page. This is a different one. There's
09:47:36 19 another exhibit which has a Post-it Note on it, two Post-it
09:47:39 20 Notes on it. It should be in colour. It's a different
09:47:42 21 version of the same exhibit. I apologise, Commissioner.

22
09:47:44 23 COMMISSIONER: Yes.

24
09:48:07 25 MR WINNEKE: VPL.0005.0128.0031 at p.68. Right. There
09:48:24 26 you'll see at the top in colour the Post-it Note with your
09:48:29 27 handwriting on, do you accept that?---Yes.

28
09:48:36 29 Just read that note. Does that bring to mind what you were
09:48:39 30 talking about there?---Yeah, I can read it. It's the same
09:48:44 31 note in colour.

32
09:48:48 33 Yes. Do you know what that's about? Because you're
09:48:51 34 referring to, quite apparently, a statement concerning [REDACTED]
09:48:56 35 [REDACTED], or at least the murder of [REDACTED],
09:49:00 36 and his solicitor. Now, you know, I take it, what that's
09:49:04 37 about, it's about a solicitor who was holding a document
09:49:09 38 which had been prepared by [REDACTED], is that your
09:49:17 39 recollection?---Yeah, I've got a vague recollection of, um,
09:49:22 40 of the solicitor having had a document which was to be, I
09:49:27 41 think he was holding it until or it could only be opened
09:49:33 42 upon the death of, um, [REDACTED].

43
09:49:38 44 Yes, so if something happened to [REDACTED] it would
09:49:42 45 be - this document would then be exposed?---Yes.

46
09:49:46 47 I take it you know who that solicitor was?---Yes.

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1
09:49:49 2 It wasn't Jim Valos, it was another solicitor, wasn't
09:49:54 3 it?---Yes, as I've written there.
4
09:49:56 5 I take it you recall who that was, that solicitor?---Yes, I
09:49:59 6 do, yes.
7
09:50:00 8 That was Mr Causovski?---Yes.
9
09:50:04 10 You were saying to police, "Look, the account given by
09:50:09 11 PII [REDACTED] in his statement may well be incorrect about that
09:50:14 12 because it wasn't Mr Valos, it was Mr Causovski", that's
09:50:22 13 effectively what you were drawing to the attention of
09:50:23 14 police?---That's what I appear to have said, yes.
15
09:50:26 16 If we have a look at the statement, sorry, the Post-it Note
09:50:29 17 at the bottom, we understand that that is handwriting of
09:50:34 18 Mr Bateson?---Right.
19
09:50:36 20 And he's written, "Boris, here is the statement. It has
09:50:40 21 some red pen on it. These alterations were made by Nicola
09:50:44 22 last night. If you don't have this format let me know and
09:50:47 23 I will email to you. Regards, Stuart", or Bateson, or
09:50:53 24 whatever it is, do you see that?---Yes.
25
09:50:55 26 It may well be that you also made alterations on a
09:50:59 27 statement in the same red pen. Do you think that might
09:51:03 28 have occurred as well?---Yeah, I can't, um, as I sit here I
09:51:12 29 can't remember going, I can't remember the specific night
09:51:16 30 in question.
31
09:51:17 32 Right?---Um, but that's - it's something that sounds like I
09:51:20 33 would have done with the red pen or sticky notes what was I
09:51:24 34 used to do.
35
09:51:26 36 Yes?---As in it was my practice to put sticky notes on all
09:51:31 37 kinds of things.
38
09:51:33 39 I follow that. What appears to be the case here is you've
09:51:36 40 been taken down to St Kilda Road and allowed to see
09:51:39 41 statements and make comments on the statements, or Post-It
09:51:42 42 Notes concerning the statements, before the statements have
09:51:45 43 been completed and signed by PII [REDACTED], do you see
09:51:49 44 that?---Yeah, they're in draft form, that's right.
45
09:51:52 46 You're not suggesting that you've forgotten about this, are
09:51:55 47 you?---I can't, I can't specifically remember the night in

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09:51:59 1 question.
2
09:51:59 3 No?---Or, or, or who was there, but I'm not suggesting it
09:52:05 4 didn't happen, no.
5
09:52:06 6 No. I take it you would have been aware that, or you would
09:52:16 7 have assumed that your attendance at the police station and
09:52:20 8 your involvement in this statement taking process would not
09:52:25 9 have been something that would have been revealed to any
09:52:30 10 people who were the subject, if you like, of the statements
09:52:33 11 that were being made?---Correct.
12
09:52:38 13 In other words, this part of the statement taking process
09:52:41 14 would be, it was intended that this part of the statement
09:52:44 15 taking process would not be revealed in any judicial
09:52:47 16 process?---Correct.
17
09:52:51 18 So you do recall, if you like, if can I use this word,
09:52:56 19 vetting PII [REDACTED] statements in the way in which we've
09:53:00 20 just been examining?---Yeah, I can't, I can't remember how
09:53:04 21 - I can't remember how it came about but I know there was
09:53:10 22 a, at some point there was a, um, request to, and I can't
09:53:16 23 remember how it came about, to check that the contents
09:53:24 24 were, um, correct, um, insofar as my knowledge was
09:53:30 25 concerned.
26
09:53:30 27 Right?---Um, I just, I can't remember how it came about.
28
09:53:37 29 Right. I take it that you would, as a defence barrister,
09:53:48 30 putting that hat on for the moment, would be concerned
09:53:52 31 about this process because in effect you're using your
09:53:58 32 knowledge to correct the statement, maybe, and that's not
09:54:03 33 the knowledge of the person who's making the statement,
09:54:08 34 it's your knowledge?---Well depending upon what I'd been
09:54:15 35 told by PII [REDACTED], that's possibly right.
36
09:54:19 37 Ultimately it may be the case that the statements weren't
09:54:25 38 amended in the way in which you suggested. Now do you know
09:54:28 39 whether or not that was the case?---I don't know, look, I
09:54:33 40 don't know what happened.
41
09:54:34 42 Right?---Um, I just - I can't remember the process, um, in
09:54:41 43 any detail.
44
09:54:42 45 Yes?---Um, and I don't know, there might be notes of me
09:54:49 46 going to see PII [REDACTED] after this occurred or speaking to
09:54:52 47 him beforehand, which is why I went there, I don't know.

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1
09:54:56 2 Yeah, all right. Do you believe that your involvement in
09:55:02 3 this process was to vet statements to make sure that there
09:55:06 4 was nothing that revealed your role as an informer, or was
09:55:09 5 it for another reason?--No, I don't think so. I think it
09:55:15 6 was to, to ensure that, um, that there was - that he was
09:55:23 7 going to receive the most significant discount that he
09:55:25 8 could and that he was telling the truth.
9
09:55:29 10 Right. So your understanding was that the purpose of this
09:55:32 11 exercise was to ensure that the statements were
09:55:35 12 accurate?---Or that it could be corroboration for - some
09:55:43 13 independent corroboration of what he was saying.
14
09:55:47 15 Do you think it might have been a case of you looking at
09:55:49 16 the statements, seeing if they were, as far as you were
09:55:51 17 concerned, correct, and if they were not correct you would
09:55:55 18 then be a position to indicate to police where they were
09:55:59 19 incorrect, police could then go and find evidence either to
09:56:04 20 corroborate or to establish falsities or establish where
09:56:12 21 the statement might be wrong?--Yeah, I'm not sure. Like I
09:56:18 22 know from the way in which the PII [REDACTED] statement was done
09:56:24 23 my best recollection is it was not a dissimilar - a not
09:56:33 24 dissimilar situation again.
25
09:56:39 26 Would you describe this as a fairly unusual sequence of
09:56:44 27 events?---You mean in terms of amending or looking at draft
09:56:53 28 statements?
29
09:56:54 30 Yes?--Um, well it's something I've done a few times, um,
09:57:04 31 or the way it done at one stage was, um, produced in the
09:57:06 32 form of what was called a can-say statement of what an
09:57:10 33 accused could say without them actually saying it.
34
09:57:15 35 But this is different to a can-say statement. You're
09:57:19 36 looking at draft statements which will form the basis of
09:57:21 37 evidence that a person might initially give at a committal
09:57:25 38 proceeding?---Correct.
39
09:57:30 40 Subsequently, I take it, you did represent people, well, a
09:57:36 41 person in particular, PII [REDACTED], who was the object, if you
09:57:41 42 like, of one of these statements, or at least - - -
09:57:46 43 ?---Yeah, I think I drafted a witness summons for him.
44
09:57:49 45 Right. You drafted a witness summons for PII [REDACTED]?---Yes,
09:57:56 46 or I might have - I might have done a draft that a QC, his
09:58:01 47 QC settled.

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1
09:58:03 2 Yes?---Um - - -
3
09:58:05 4 You did more that simply draft a witness summons, didn't
09:58:08 5 you, Ms Gobbo?---I did a witness summons and I can recall
09:58:11 6 being at a, um, being present at a, um, an informal
09:58:18 7 conference with, um, with one of his, one of the QCs that
09:58:25 8 he saw.
9
09:58:25 10 Yeah?---Um, I haven't got a recollection of going to court
09:58:31 11 for him in the Supreme Court.
12
09:58:33 13 Right?---But if there's records that I did I can't, I
09:58:37 14 wouldn't dispute it.
15
09:58:39 16 Right. In all you charge PII [REDACTED] about \$PII [REDACTED] in fees,
09:58:46 17 starting from about - well, perhaps I'll - you represented
09:58:51 18 him in earlier proceedings I think in PII [REDACTED]; is that
09:58:56 19 right?---Oh, he had some PII [REDACTED] or PII [REDACTED] charge.
20
09:59:04 21 And subsequent to him being arrested for the murder in
09:59:09 22 around the PII [REDACTED] of 2007 you put in about nine separate
09:59:19 23 fee slips totalling a considerable amount of money, which
09:59:25 24 would indicate that you provided a fair bit of legal advice
09:59:27 25 for him, would you accept that?---I haven't - well, I don't
09:59:34 26 challenge what, I can't dispute what the fee slips are.
27
09:59:38 28 Yeah, all right. Okay. Obviously your involvement in this
09:59:47 29 statement process would not have been revealed to PII [REDACTED]
09:59:51 30 either by you or by the police as far as you were
09:59:58 31 aware?---No, no. Um, they gave me the impression that, um,
10:00:04 32 all of it would be covered, or covered up or protected by a
10:00:11 33 public interest immunity claim.
34
10:00:13 35 Did you form the view at one stage that it was done quite
10:00:17 36 cleverly because did you take the view that the person who
10:00:21 37 sat with you when you made the statements wasn't likely to
10:00:24 38 have been called at any of the proceedings that the
10:00:29 39 statements would relate to?---Yes.
40
10:00:33 41 That was a view that you formed?---Well, it was - yeah, but
10:00:37 42 it wasn't, it wasn't an unusual practice by police that
10:00:41 43 they would have - you know, quite often they would produce
10:00:44 44 a brief where they would not have a witness statement from
10:00:49 45 a, you know, from a reasonably significant investigator and
10:00:53 46 that my view about it was always the purpose of keeping
10:00:56 47 that person out was so that they couldn't be called and

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10:00:59 1 then, um, someone ask them questions.
2
10:01:06 3 I follow that. Do you think that was done deliberately to
10:01:10 4 - - - ?---Yes. Yes, I think it was an intentional practice
10:01:15 5 back then and it still is today.
6
10:01:20 7 Right, okay. Whilst we're talking about the statement
10:01:26 8 process, do you recall on PII [REDACTED] 2006 - when I say
10:01:34 9 statement taking process I'm talking generally because now
10:01:37 10 I'm going to move to the statements of PII [REDACTED]. I
10:01:39 11 apologise, PII [REDACTED]?---Yes.
12
10:01:43 13 You understand that around the same time, PII [REDACTED] 2006,
10:01:48 14 PII [REDACTED] was in the process of making statements
10:01:52 15 concerning matters that he was aware of, do you agree with
10:01:55 16 that?---Yeah, I think I, um - I don't have a recollection
10:02:01 17 of how many statements he made but I understand that it
10:02:04 18 just kept going and going.
19
10:02:06 20 Yeah?---As in he made about, he made numerous statements.
21
10:02:10 22 Right. And on [REDACTED] 2006 you were - I think it was
10:02:21 23 Mr Flynn who picked you up from somewhere in the vicinity
10:02:24 24 of your chambers and took you to a location where
10:02:29 25 [REDACTED] was, do you recall that?---Sorry, what date? [REDACTED]
10:02:37 26 [REDACTED]
27
10:02:37 28 This is PII [REDACTED] 2006. There's a note that Mr Flynn has of
10:02:41 29 picking up at about ten past 3 or thereabouts and taking
10:02:46 30 you to the Victoria Police Centre and then you spoke with
10:02:50 31 PII [REDACTED] in an interview room, do you recall that?---Um,
10:03:00 32 I have got a vague memory, um, of seeing PII [REDACTED] in a,
10:03:10 33 um, PII [REDACTED] St Kilda Road.
34
10:03:12 35 Yeah. Look, at this time he was clearly in custody, wasn't
10:03:16 36 he?---Yes. Yes, he was.
37
10:03:19 38 And it was during this period that he was making statements
10:03:22 39 and it appears that you were taken to the Victoria Police
10:03:27 40 Centre at a time when statements were being taken from him,
10:03:32 41 do you accept that?---Yes, yes. He was certainly
10:03:35 42 cooperating with police by PII [REDACTED] 2006.
43
10:03:38 44 And do you recall at around that time there was a concern
10:03:41 45 that PII [REDACTED], in his statement making process, wasn't
10:03:46 46 being entirely frank with police, or at least that's what
10:03:50 47 they considered, concerning particular financial matters

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10:03:53 1 and perhaps - firstly, do you accept that?---I do. It's
10:03:59 2 not - I can't specifically remember that but I do recall
10:04:02 3 that at some point, or at various points along the way with
10:04:06 4 him, um, he was holding back topics and people.
5
10:04:12 6 Yes?---Um, trying to protect people and, um, trying to save
10:04:16 7 people.
8
10:04:17 9 Yeah?---And when they had a problem with him they would,
10:04:23 10 um, call me or encourage me to speak to him to sort him
10:04:27 11 out.
12
10:04:27 13 Right. So if Mr Flynn's note says, "Spoke to or with
10:04:39 14 PII [REDACTED] and Nicola Gobbo, interview room" - his notes
10:05:09 15 appear to say that you were updated regarding the process
10:05:14 16 of taking statements, or something along those
10:05:18 17 lines?---Right.
18
10:05:20 19 Do you recall having discussions with him about the
10:05:22 20 statement process and how the statements were going?---Not
10:05:29 21 specifically but, um, but I do have a recollection of
10:05:34 22 speaking to Mr Flynn, um, at least once.
23
10:05:41 24 Right?---No, more than once, about, um, ah, about
10:05:50 25 PII [REDACTED] being hesitant as to what the next step was and
10:05:55 26 basically needing a little push and he apparently asked for
10:05:59 27 me and they facilitated that.
28
10:06:02 29 Right?---Including I think the - I think the time that I
10:06:07 30 saw him at a police complex other than St Kilda Road.
31
10:06:13 32 Yes?---Is the only time I saw him between the day of his
10:06:20 33 arrest and when he got to prison.
34
10:06:22 35 Yes, but - - -
10:06:23 36
10:06:23 37 MR HOLT: Sorry, Commissioner. Can I just interrupt
10:06:25 38 briefly. The first name of the relevant person, I'm
10:06:28 39 instructed, was used. It doesn't appear in the transcript
10:06:31 40 because I think the transcribers avoided putting it in.
41
42 MR WINNEKE: It should come out of the live stream.
43
10:06:34 44 MR HOLT: I think it's been picked up by those assisting
10:06:37 45 you but it should be taken out of the stream.
46
10:06:39 47 COMMISSIONER: Yes, so can you take that out of the stream,

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10:06:41 1 thank you.
2
3 MR HOLT: Thank you, Commissioner.
4
5 WITNESS: I'm sorry, Commissioner.
6
10:06:42 7 MR WINNEKE: So what did you understand the reason for you
10:06:45 8 being taken to speak to PII [REDACTED] at the Victoria Police
10:06:51 9 Centre was, what was the purpose of that?---To provide him
10:06:57 10 with comfort or clarification of what was going to happen
10:07:00 11 next and, um, to, you know, essentially to - it was most
10:07:10 12 uncomfortable, it was to keep him happy.
13
14 Was it to encourage him to be frank in making his
10:07:13 14 statements, was that also the purpose?---Yes.
15
16
17 Yes, all right. Subsequently I think on PII [REDACTED] 2006, so a
10:07:23 17 few weeks after that, you were given the opportunity to
10:07:34 18 look at his statements again in the presence of your
10:07:38 19 handlers and you read through those statements, and we've
10:07:41 20 got audio and transcript of that occurring. Do you accept
10:07:44 21 that that occurred somewhere prior to the time that his
10:07:47 22 statements were ultimately signed?---Yeah, I don't know - I
10:07:49 23 don't know how many, um, how many of his statements I, um,
10:07:55 24 ultimately read, but of course I don't dispute it.
10:08:02 25
26
27 Do you know whether PII [REDACTED] was aware that you had
10:08:13 27 looked at his statements and read the statements and made
10:08:16 28 comments about them to your handlers prior to him signing
10:08:19 29 the statements or not?---I can't, I can't recall whether he
10:08:23 30 was aware that I'd seen them but I would, I would - I, I
10:08:32 31 know that he wouldn't have been aware that I'd spoken to
10:08:42 32 handlers obviously.
10:08:45 33
34
35 Right?---He may have been, I'd have to look at notes, um,
10:08:46 35 records. He may well have been aware that I'd spoken to
10:08:52 36 police but not, um, the manner in which it happened.
10:08:55 37
38
39 Right, okay. Can I ask you about another person by the
10:08:59 39 name of PII [REDACTED], do you know that
10:09:05 40 person?---Yep.
10:09:12 41
42
43 He was a person who you acted for?---Yes.
10:09:12 43
44
45 You understand that PII [REDACTED] subsequently made statements
10:09:35 45 also against various people?---Yeah, [REDACTED].
10:09:39 46
47

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10:09:47 1 COMMISSIONER: Take that out, please?---Sorry, sorry.
2
10:09:49 3 Take that answer out. You can leave the "yeah" in and then
10:09:56 4 everything else out after that, thanks?---Sorry,
10:09:59 5 Commissioner.
6
10:09:59 7 That's all right.
10:10:00 8
10:10:01 9 MR HOLT: And, Commissioner, those [REDACTED]
10:10:02 10 [REDACTED]
10:10:05 11 [REDACTED]
10:10:08 12 [REDACTED]
13
10:10:11 14 COMMISSIONER: Yes, that's all true.
15
10:10:14 16 MR WINNEKE: Do you understand that, Ms Gobbo, I asked you
10:10:16 17 whether he'd made statements?---Yes, sorry.
18
10:10:19 19 That was what I asked you. If you can just focus on the
10:10:24 20 question that I asked you. You are aware that he made
10:10:27 21 statements; is that right?---Yes.
22
10:10:29 23 One of the people that he made statements, that he made a
10:10:32 24 statement about was PII [REDACTED]?---Ah, yes. About the
10:10:38 25 PII [REDACTED], yes.
26
10:10:40 27 Yes. And also PII [REDACTED]?---Yes.
28
10:10:51 29 Did he give evidence against PII [REDACTED]?---Um, I'm
10:10:57 30 not sure - no, I think he did. I'm fairly sure I've seen a
10:11:04 31 transcript of evidence that he gave.
32
10:11:06 33 Right?---Because I think I'm in the transcript.
34
10:11:12 35 PII [REDACTED] was another person you informed on, if I could
10:11:18 36 put it that way?---Um, yeah, yes. I would like to say more
10:11:27 37 but obviously I'm not able to
10:11:29 38
10:11:29 39 MR HOLT: Commissioner, can I ask that - I'm sorry, just to
10:11:32 40 be certain of it, just going back through the transcript.
10:11:36 41 That my response, the submissions that I made previously
10:11:38 42 also come from the live stream given the context of matters
10:11:42 43 we've just spoken about.
44
10:11:49 45 COMMISSIONER: Yes, all right then. It's probably prudent.
10:11:54 46 So Mr Holt's words from line 41 to line 44 should be
10:12:00 47 removed from the published transcript and the live stream.

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10:13:43 1 [REDACTED]
2
10:13:45 3 [REDACTED]
4
10:13:47 5 MR WINNEKE: All right. Just to be clear, Ms Gobbo, what I
10:13:51 6 wanted to ask you was in relation to [REDACTED], he was a
10:13:56 7 person who you provided information to the police about
10:14:01 8 concerning criminal activities; is that right?---Yes.
9
10:14:08 10 You represented him from a period of around May of 2006
10:14:16 11 through to September of 2007 and charged various fees for
10:14:22 12 doing so?---Yes.
13
10:14:26 14 And he made a statement concerning [REDACTED] and
10:14:36 15 [REDACTED] do you agree with that?---Yes.
16
10:14:41 17 And you represented [REDACTED], or at least advised
10:14:47 18 her, and rendered fees concerning the advice and work that
10:14:52 19 you did from April to September 2007 and charged [REDACTED]
10:14:59 20 somewhere in the region of \$4,000, do you accept that?---I
10:15:02 21 can remember appearing for her somewhere, yes.
22
10:15:05 23 Yes, all right. Did you have any interaction with an
10:15:15 24 investigator, Mr Jim Coghlan, concerning these
10:15:19 25 matters?---Yes, I did.
26
10:15:21 27 Did you speak to Mr Coghlan directly or not?---Um, on
10:15:26 28 occasion, yes.
29
10:15:30 30 Were the matters that you discussed concerning [REDACTED],
10:15:38 31 are you able to answer that, bearing in mind - - - ?---Yes,
10:15:43 32 yes.
33
10:15:45 34 Were the matters that you discussed with Mr Coghlan also
10:15:48 35 concerning [REDACTED]?---Um, they would have been.
10:15:56 36 It may not have been direct, but yes. Well some of them
10:16:00 37 would have been, yes.
38
10:16:01 39 All right. Did you speak to Mr Coghlan about any other
10:16:07 40 people for whom you were appearing?---Um, look I can't
10:16:14 41 specifically remember conversations I had with him but I
10:16:16 42 would put him in the same category as certain other police,
10:16:21 43 um - - -
44
10:16:22 45 Such as?---Such as, um, Flynn or Bateson, um.
46
10:16:27 47 Right?---As in, um, Coghlan, I was led to believe, knew of

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10:16:34 1 my position or what I was doing.
2
10:16:36 3 Yes?---And, um, I was led to believe that, um, so long as
10:16:43 4 my handlers knew that I was speaking to him or that I had
10:16:46 5 had contact with him, um, I wasn't, um, there was no bar on
10:16:56 6 me talking to him.
7
10:16:58 8 Right. So like Flynn you would have discussions with Flynn
10:17:00 9 and it was apparent to you that Mr Flynn was aware that you
10:17:05 10 were an informer?---Yes.
11
10:17:08 12 And I think you said the same in relation to Mr Bateson, he
10:17:11 13 was aware that you were an informer?---Yep, correct.
14
10:17:15 15 Those people would have been aware that you had a
10:17:17 16 conflicted situation, vis-a-vis people who you were
10:17:20 17 representing or purporting to represent
10:17:23 18 independently?---Oh, of course. There were quite a number
10:17:27 19 of times when I was crying in front of them, absolutely,
10:17:29 20 yes.
21
10:17:30 22 Were there any other detectives who would fall into that
10:17:34 23 category?---Um, Jim O'Brien obviously.
24
10:17:38 25 Yes. Did you speak directly with Mr O'Brien on
10:17:41 26 occasions?---Yes.
27
10:17:46 28 Did you have his contact details?---Yes.
29
10:17:48 30 And you were able to ring him directly?---Yes.
31
10:17:52 32 Did he contact - did you ring him directly on a number of
10:17:56 33 occasions?---Um, look I'd be lying if I said I could
10:18:02 34 remember specifically, like whether I called him or he
10:18:05 35 called me but, yes, I did have direct contact with him.
36
10:18:10 37 And are you able to recall the subjects of any of the
10:18:13 38 matters that you discussed with him?---Um, not
10:18:19 39 specifically.
40
10:18:20 41 Yeah?---But I know that I, um, I know I did have phone
10:18:24 42 contact with him, um, separate to what came back through,
10:18:30 43 um, Mr White.
44
10:18:35 45 Yes, all right. Was that the same - was the position the
10:18:39 46 same with respect to Mr Flynn?---Yes, more so - definitely
10:18:46 47 more contact with him.

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1
10:18:47 2 Right. What about Mr Bateson, did you speak to him
10:18:52 3 directly?---Um, yes, I did.
4
10:18:57 5 Right. Do you believe that you discussed with Mr Bateson,
10:19:03 6 or any of these police officers, any information which you
10:19:08 7 would now appreciate would be confidential information
10:19:12 8 concerning your clients?---Um, yes.
9
10:19:19 10 And so far as Mr Bateson is concerned, which clients would
10:19:22 11 you say you discussed with him?---Um, I can't specifically
10:19:31 12 recall the, um - - -
13
10:19:35 14 Aside from the matters, the clients we've already
10:19:39 15 discussed, or the people that we've already
10:19:41 16 discussed?---Um, sorry, I can't remember off the top of my
10:19:48 17 head but it would have been anyone in that, in that period
10:19:53 18 of time that was considered to be of interest to Purana as
10:19:58 19 a, you know, like a gangland suspect or player.
20
10:20:02 21 Was this during the period that you were registered as an
10:20:05 22 informer?---Correct.
23
10:20:07 24 All right. Any of them your clients?---Um, possibly or
10:20:15 25 probably. I don't - I can't off the top of my head think
10:20:20 26 of someone who you haven't already asked about but that's
10:20:24 27 not to say there wouldn't have been, or there couldn't have
10:20:27 28 been.
29
10:20:28 30 What about Mr Gatto?---Um, to Bateson, I don't think so.
31
10:20:32 32 Who did you discuss - did you discuss Mr Gatto to any
10:20:37 33 police officers?---Um, to Mr White and some of his team,
10:20:44 34 yes.
35
10:20:45 36 All right, okay. Now what about Mr Buick, did you ever
10:20:49 37 have any personal contact with him during the period that
10:20:53 38 you were registered?---Um, I may have. I can recall having
10:21:06 39 a lot of contact with him from straight after my mum died
10:21:13 40 onwards, but I can't - - -
41
10:21:15 42 That's much later?---I can't - I probably did because he,
10:21:19 43 he would have been an informant in relation to at least one
10:21:26 44 murder trial in like the, in the period of the gangland
10:21:31 45 prosecutions.
46
10:21:31 47 Right?---But I can't remember specific conversations with

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10:21:35 1 him.
2
10:21:36 3 Was he aware that you had - I withdraw that. Was he aware
10:21:43 4 that you were providing legal advice to Mr Orman?---Um, I'm
10:21:50 5 not sure. I would have thought so.
6
10:21:53 7 When I say was he aware, did you ever have any discussions
10:21:56 8 with him or did you have reason to believe that he was
10:21:58 9 aware? If you don't, say so?---I'm not sure.
10
10:22:03 11 Yeah, all right?---I'm not sure.
12
10:22:06 13 Okay?---I think, I mean I - I'm sorry, he knew, he knew
10:22:11 14 that I was assisting police during that period.
15
10:22:14 16 Yes, all right. One of the issues that I understand you
10:22:20 17 were particularly concerned about was that your role as a
10:22:24 18 human source, as an informer, would not be revealed to
10:22:28 19 anyone?---That's what they promised, yes.
20
10:22:30 21 Did you ever have any discussions with investigators, I'm
10:22:34 22 not talking about handlers at this stage, but investigators
10:22:37 23 directly about that concern and - I'll stop. Did you ever
10:22:43 24 have any of those sorts of discussions?---Probably, yes.
25
10:22:49 26 When you say probably, with which investigators would you
10:22:54 27 have had those discussions?---I can't think of a - as I sit
10:23:03 28 here I can't think of a specific conversation on a specific
10:23:06 29 day but I, I, um, I may have had that kind of conversation.
10:23:17 30 If it was anyone it would have been with Mr Flynn, or more
10:23:22 31 likely to have been him, because he was someone that I
10:23:26 32 probably had the most contact with.
33
10:23:28 34 Yeah, all right. Okay. I want to ask you, if I move away
10:23:35 35 from that, I want to ask you about some matters that
10:23:41 36 PII [REDACTED] has raised in his statement. One of the things
10:23:47 37 that he will suggest or he has suggested is that you
10:23:51 38 pressured and persuaded him to plead guilty and to give
10:23:54 39 evidence. What do you say to that?---That's not consistent
10:24:01 40 with my recollection.
41
10:24:03 42 Do you say that you didn't pressure or persuade him; is
10:24:09 43 that right?---Correct.
44
10:24:10 45 Did you provide advice to him that it would be in his
10:24:14 46 interest to plead guilty and give evidence?---Once he -
10:24:21 47 yes, once you reach the point that you, that that's what

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10:24:25 1 you wish to do, yes.
2
10:24:30 3 Did you ever speak to him at a time when it was apparent to
10:24:33 4 you that he wasn't certain about what he wanted to
10:24:39 5 do?--Um, well at times he - at times he, um, would ring
10:24:45 6 from custody and be, um, you know, ranting and raving that
10:24:52 7 he was not going to do things and that, um, he was
10:24:56 8 demanding that PII [REDACTED], or PII [REDACTED], PII [REDACTED] to have
10:25:00 9 the PII [REDACTED] in order for him to agree to do a
10:25:06 10 deal. Yeah, there were times when he vacillated.
11
10:25:10 12 Right. Did you give him any advice about what you
10:25:13 13 considered to be in his best interests?---I presume I did.
10:25:18 14 I'm not trying to be, um, difficult, I just can't remember
10:25:22 15 precisely what I said when.
16
10:25:25 17 Right. Did you suggest to him that it would be in his
10:25:29 18 interests, best interests to plead guilty and assist police
10:25:36 19 in the murder of PII [REDACTED]?--Um, possibly. I may have
10:25:49 20 after seeing the evidence. Um, without looking at notes
10:25:55 21 I'm not sure, sorry.
22
10:25:56 23 All right. He may well say that you persuaded him to sign
10:26:02 24 his statement about that particular event or that murder
10:26:08 25 with incorrect information in it, what do you say about
10:26:11 26 that? Knowing that it was incorrect, that is you and he
10:26:21 27 knew that it was incorrect and you persuaded him to sign it
10:26:24 28 nonetheless?---As I say, I've got no - I would be lying if
10:26:28 29 I said I've got a specific recollection of even reading
10:26:31 30 that statement.
31
10:26:32 32 Right?---Um, but any suggestion that I, um, specifically
10:26:40 33 knew that there was something false in it and encouraged
10:26:43 34 him to sign it, no, I would not have done that.
35
10:26:47 36 Did you understand that there was a view that investigators
10:26:52 37 had about the facts concerning that particular murder which
10:26:56 38 was inconsistent with PII [REDACTED] instructions to you about
10:27:04 39 what he knew about it?---Not - not, I don't recall
10:27:13 40 specifically, um.
41
10:27:17 42 Right?---There was some, some, some stand out arguments I
10:27:23 43 had with Purana and/or handlers in that period of time and
10:27:28 44 that murder may have been one, but as I sit here now I
10:27:34 45 can't recall specifically.
46
10:27:34 47 Right. He may allege that you were aware that he and

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10:27:43 1 PII were attempting to create an alibi for themselves
10:27:53 2 concerning that murder and you were aware of it after the
10:27:58 3 event?---Sorry? Can you say that again? Sorry.
4

10:28:03 5 He will allege that you were - you know about the events
10:28:08 6 concerning the alibi, that there was an arrangement that
10:28:14 7 PII and PII would be somewhere else in town
10:28:18 8 doing something at the time that the murder was being
10:28:21 9 committed, do you understand that?---Yeah, I learnt that
10:28:24 10 later on and I think that was made clear either at or, I
10:28:30 11 don't know whether it was at the same time or after I had
10:28:33 12 to go to St Kilda Road and answer questions about the phone
10:28:37 13 call that I, the phone calls on the day of the murder.
14

10:28:41 15 Were you aware at the time that you went to St Kilda Road
10:28:44 16 that in fact that PII and PII were engaged in
10:28:51 17 conduct which was by way of an alibi?---No, not at all. It
10:28:57 18 was my understanding or my recollection is that when I, I
10:29:02 19 was rung up and asked to go to St Kilda Road to answer
10:29:07 20 questions about where I had been, um, and who had, who had
10:29:13 21 spoken to me on the phone and my understanding was that the
10:29:16 22 police were interested in working out from the phone calls
10:29:20 23 where their phones were at the particular time because it
10:29:24 24 was relevant to the murder.
25

10:29:26 26 Yeah. And at the time that you were speaking to police did
10:29:31 27 you know that they were attempting to create an
10:29:35 28 alibi?---No.
29

10:29:36 30 Right, okay. Did you become aware of that
10:29:46 31 subsequently?---Yeah, I think I did. I just can't recall
10:29:49 32 whether it was in the course of, um, asking the police when
10:29:53 33 I was at St Kilda Road and, um - you know, I remember
10:29:59 34 coming back from that trip with my family and wondering why
10:30:03 35 on earth I was being, um, asked to go to St Kilda Road and
10:30:07 36 they made it sound like it was urgent and, um, and it
10:30:12 37 couldn't be put off and wondering what on earth it was all
10:30:17 38 about because no one, as in those accused weren't telling
10:30:21 39 me, um, obviously the significance of why the police were
10:30:26 40 asking me questions.
41

10:30:27 42 All right. What I'll do is I'll read out what's in the
10:30:30 43 statement and - just excuse me?---Sorry, is this - is this
10:30:36 44 a statement or is this Mr, um, PII evidence?
45

10:30:43 46 Yeah. He's made a statement and he's provided it to the
10:30:48 47 Royal Commission. He's said certain things. I want to - -

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10:30:53 1 - ?---I haven't, this isn't - - -
10:30:55 2
10:30:56 3 MR NATHWANI: Can I say we haven't received it.
4
10:30:58 5 WITNESS: No, it's not in the material.
6
10:31:03 7 MR NATHWANI: No-one's received it at all.
8
10:31:03 9 COMMISSIONER: No. I think it's only been recently
10:31:05 10 received, PII [REDACTED] statement, to the Commission.
11
10:31:09 12 MR WINNEKE: Commissioner, the statement has been
10:31:11 13 relatively recently received and we're entitled to use the
10:31:15 14 statement in the way in which we think is appropriate. And
10:31:18 15 that's what we're proposing to do. It will be provided and
10:31:19 16 I think it's in the process of being provided to my learned
10:31:23 17 friend.
18
10:31:23 19 COMMISSIONER: It's with the police for PII, is it?
10:31:27 20
10:31:28 21 MR WINNEKE: It's been PIIed.
22
23 MR HOLT: That was done very quickly, Commissioner.
24
10:31:31 25 COMMISSIONER: It's been PIIed, okay. I understand this
10:31:32 26 person will be giving evidence to the Commission?
10:31:34 27
10:31:35 28 MR HOLT: Commissioner, could we simply not make reference,
10:31:37 29 at least in the public hearing, to when that might occur.
10:31:42 30 I'd be grateful.
31
10:31:43 32 COMMISSIONER: All right then.
33
10:31:55 34 MR WINNEKE: In his statement he says that he was arrested
10:31:57 35 in 2004 - and I'm not going to read out the month - in
10:32:05 36 relation to the murders - and I won't read out the murders.
10:32:09 37 "PII [REDACTED] and I had organised to [REDACTED] on the day of
10:32:15 38 the murder. This was to ensure we had an alibi, a
10:32:18 39 cast-iron alibi. On the way to PII [REDACTED] we
10:32:21 40 called Gobbo to further strengthen our alibi. A short time
10:32:25 41 later she called back and told me that PII [REDACTED] had been
10:32:28 42 killed. I was in shock because I believed it was going to
10:32:31 43 happen later in time. Anyway, she put the timing of my
10:32:34 44 call and the shooting together and made me aware she knew
10:32:37 45 she had been set up as an alibi. In the lead up to my
10:32:41 46 arrest I was provided with updates from Gobbo following the
10:32:44 47 arrest of PII [REDACTED]. She was representing him. I was

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10:32:49 1 made aware by Gobbo that police would be coming for me.
10:32:53 2 She said the delay in arresting me was because PII [REDACTED] was
10:32:57 3 still working out his deal". What do you say about those
10:33:01 4 matters?---That's just rubbish. I don't know that it was
10:33:09 5 PII [REDACTED] - well no, first of all I would not - there
10:33:12 6 was no way I was saying one word to him about PII [REDACTED], or
10:33:17 7 my involvement in PII [REDACTED] making statements. That's just
10:33:21 8 complete rubbish. And the bit about the PII [REDACTED] on
10:33:24 9 the way, that's the first I've ever heard him say that. I
10:33:29 10 don't know that I've ever heard that before today.
11
10:33:34 12 Right?---And as for telling him things along the way, not a
10:33:37 13 chance. That man had one of the - he was one of the
10:33:40 14 biggest gossips in the whole of Melbourne at the time. So
10:33:43 15 if you wouldn't to - there's no way I would have said
10:33:47 16 anything like that to him.
17
10:33:48 18 Right. Did you on occasions use amphetamine at casual
10:34:00 19 gatherings?---Not a chance. No way.
20
10:34:04 21 All right?---Is that some - is that some - is that
10:34:09 22 suggested by him?
23
10:34:10 24 Yes?---Absolutely - that is an absolute, um, direct lie.
25
10:34:22 26 He may say that he paid you a regular retainer?---Rubbish.
27
10:34:28 28 Varying between \$ [REDACTED] and \$ [REDACTED] per month and he
10:34:32 29 estimates that he paid you a total of [REDACTED] to [REDACTED], what
10:34:36 30 do you say about that?---That is - I don't want to laugh,
10:34:39 31 because this is a Royal Commission, but that is, that is
10:34:41 32 just unmitigated rubbish. He was one of the tightest human
10:34:50 33 beings with money, despite that fact that after his, the
10:34:52 34 [REDACTED], PII [REDACTED] came out, it was
10:34:56 35 apparent that he had more money than he knew what to do
10:35:00 36 with, but he wouldn't pay, and he didn't want to PII [REDACTED] PII [REDACTED]
10:35:04 37 PII [REDACTED]. The suggestion that he would pay me even fees
10:35:06 38 is, um, let alone hundreds of thousands of dollars, is just
10:35:10 39 ridiculous.
40
10:35:11 41 You did render fees to PII [REDACTED] totalling about \$ PII [REDACTED] on
10:35:17 42 PII [REDACTED] 2006 and on PII [REDACTED] 2006 totalling, as I say,
10:35:22 43 \$ PII [REDACTED]. Did you do that?---That's - presumably, if
10:35:27 44 there's a record of that, but that doesn't even make sense
10:35:30 45 if he's saying he gave me up to \$ PII [REDACTED]. Why would I put
10:35:37 46 a fee slip in for PII [REDACTED]?
47

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10:35:40 1 Right. I take it that he did pay you those fees that you
10:35:44 2 rendered?---Ah, presumably through a solicitor, yes.
3
10:35:48 4 Yeah, all right?---I mean I would take great offence to
10:35:52 5 some insanely ridiculous offensive suggestion that's now
10:35:57 6 going to be public that, because he says he wants to invent
10:36:00 7 that I use amphetamine in his presence. Um, who does he
10:36:04 8 say I did it with and who else was there and when's this
10:36:08 9 supposed to have happened?
10
10:36:12 11 All right. Ms Gobbo, are you aware that amounts of cash
10:36:40 12 were found at your house earlier during 2019?---Yes, yep.
13
10:36:51 14 When your house was searched pursuant to the provisions of
10:36:54 15 the Inquiries Act certain amounts of money were found,
10:37:00 16 \$2,000 bound by a rubber band inside a birthday card
10:37:03 17 stating, "From Carl and Purana". Do you know anything
10:37:10 18 about that?---No. I think I explained this to my
10:37:14 19 solicitors. Because obviously I wasn't there and, you
10:37:19 20 know, I had nothing to hide so I didn't bother to get
10:37:22 21 anyone to go to that house. Um, but the most recent move
10:37:25 22 from, um - or my most recent move prior to 2018 from one
10:37:33 23 address to another there were two, two, um, kind of deep
10:37:39 24 drawers where, um, all kinds of junk was put and, um, there
10:37:46 25 were a whole lot of birthday cards for children and old
10:37:50 26 stuff.
27
10:37:51 28 Yes?---Um, including notes from, um, and letters from
10:37:56 29 clients and cards. I guess it was, um, like my court
10:38:01 30 books, in the back of my mind to keep it just in case
10:38:04 31 they're needed.
32
10:38:05 33 Right. Are you able to explain what that "Carl and Purana"
10:38:09 34 inside the birthday card was about, where that money came
10:38:14 35 from? Is that something that you can explain?---Not
10:38:19 36 without specifically looking at it or knowing exactly how
10:38:22 37 it got found. But if you're asking whether Carl or Purana
10:38:26 38 or Carl, on behalf of Purana, put money in an envelope and
10:38:30 39 a card and sent it from somewhere, it's just rubbish.
40
10:38:34 41 No, all right. And elsewhere \$3,000 was found in a white
10:38:39 42 envelope labelled "N Gobbo" retrieved from a manila folder
10:38:45 43 labelled "fees" and, further, \$2,000 in a blank white
10:38:49 44 envelope retrieved from manila folder labelled "fees". Do
10:38:54 45 you know what those matters are?---No. I'm assuming this
10:38:57 46 all came from a giant pile that was in the study in the old
10:39:01 47 house that got put into a box and shoved into a drawer when

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10:39:06 1 we moved.
2
10:39:07 3 Another amount of money - - - ?---Hang, hang on.
4
10:39:10 5 Sorry, go on?---There were numerous occasions in, um -
10:39:15 6 during my practising years, which were obviously nothing
10:39:19 7 since 2008 - 2008 or 2007, um, where people had paid in
10:39:29 8 cash and that went through my clerk. There's plenty of
10:39:35 9 records of cash going to my clerk at the time.
10
10:39:38 11 All right. One assumes that this cash wasn't provided to
10:39:44 12 your clerk because it was found in your possession?---It's
10:39:47 13 not money that came from back then, held on to for a
10:39:52 14 decade.
15
10:39:53 16 All right. Another amount found in a white envelope
10:39:55 17 labelled "car wash July rent", \$5,000 in \$100 notes
10:40:05 18 retrieved from "bound folder/brief re Azzam Ahmed" found in
10:40:10 19 a box labelled "NG evidence docs, stacked against back
10:40:17 20 corner of garage on right-hand side above a black side
10:40:24 21 cabinet. Are you able to explain what that money is
10:40:28 22 about?---Yeah, that, um, was money from, the rent on the
10:40:31 23 car wash that I was a half owner of, all legal, for the
10:40:34 24 record.
25
10:40:35 26 Yes?---Um, it was about 5,400 or 5,300 a month. How it
10:40:46 27 gets - um, how it ends up in some folder, behind the folder
10:40:53 28 shoved in a corner, um, I can't explain that other than
10:40:58 29 things got shoved away when we moved.
30
10:41:01 31 Right?---Um, but that's - that amount was taken out of my
10:41:05 32 bank account every month for however many years.
33
10:41:10 34 Okay?---And then what would happen is that I would get -
10:41:18 35 the direct transfer was made to the landlord and then I
10:41:21 36 would be repaid, um, in cash from the business if in fact
10:41:24 37 there was enough takings to, um, repay the rent after wages
10:41:29 38 were paid.
39
10:41:31 40 Yeah, righto. Can I just ask you about some evidence that
10:41:56 41 you gave in the Supreme Court before Justice
10:42:03 42 Ginnane?---Yep.
43
10:42:04 44 One of the things that I asked you about yesterday, or at
10:42:07 45 least previously you gave evidence about was whether or not
10:42:13 46 you were pressured into assisting Victoria Police, and in
10:42:23 47 particular by Sandy White, do you recall giving evidence

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10:42:26 1 about that?---Yep.
2
10:42:33 3 Can I ask you whether - if I can take you to p.351 of the
10:42:46 4 transcript. Mr Woinarski was asking you questions?---Is
10:42:54 5 this Ginnane?
10:42:54 6
10:42:55 7 Yes, this is before Justice Ginnane and Mr Woinarski asked
10:42:58 8 you at p.351, "Is it fair to say that in providing
10:43:11 9 information to Victoria Police you were acting
10:43:15 10 voluntarily?" You said, "Yes". Do you see that
10:43:21 11 there?---Sorry?
10:43:24 12
10:43:24 13 "Ms Gobbo, is it fair to say that in providing information
10:43:29 14 to Victoria Police you were acting voluntarily? Yes.
15 There was no pressure brought upon you to provide
10:43:37 16 information?" You said, "Oh, there was as time went on,
17 yes. Could you please explain that to us, please?
18 Initially they made it clear that it was a voluntary - they
19 even said to me it's a voluntary arrangement, you can leave
20 at any time, et cetera, et cetera. Certainly in the first
10:43:39 21 few months they were on my back is the nicest way to put
10:43:52 22 it, in terms of 'When can you spare a day for a debriefing?
10:43:58 23 When can you spare a night?' And then they were actively
10:44:01 24 encouraging me to spend as much time as I could with people
10:44:05 25 such as PII [REDACTED] in the form of social interactions and
26 as time progressed, and I mean in the following year,
10:44:09 27 there were specific targets that they were interested in
10:44:12 28 that they knew because of either something that I'd said or
10:44:14 29 because of some police intelligence that I had some contact
10:44:17 30 with, or could have some contact with, and they tasked me
10:44:23 31 with specific things. And then their expectations became
10:44:26 32 higher in terms of doing a particular task and getting a
10:44:31 33 particular result". What appear you to be saying then is
10:44:39 34 that it was voluntarily and on the first occasion it was
10:44:44 35 made clear that it was voluntary but pressure was applied
10:44:46 36 thereafter. Do you agree with the evidence that you gave
10:44:48 37 on that occasion?---Yep.
38
10:44:49 39 Right. If you were suggesting that pressure was brought to
10:44:55 40 bear on you on the first occasion in your evidence before
10:45:00 41 the Commission, you would say, "Well look, that may not
10:45:05 42 well be correct but the correct evidence is that which I
10:45:08 43 gave before Justice Ginnane", would that be right?---No, I
10:45:12 44 haven't lied to either, there or here. I think it's more a
10:45:16 45 case of the way I've expressed it.
46
10:45:19 47 Right?---Did I feel pressured? Yes. But at the same time

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10:45:22 1 the tape recording speaks for itself where Mr White is
10:45:26 2 saying, "You know, you can leave at any time, it's
10:45:29 3 voluntarily, we're going to do this for your good as well
10:45:33 4 as our good. It's for your best interests as well as
10:45:36 5 ours."
6
10:45:36 7 Right?---Um, you know, I didn't know until that tape got
10:45:40 8 played to me on the morning in the Supreme Court, the first
10:45:43 9 day, that there even was a recording of that conversation.
10:45:47 10 Um, so all I'm saying is take into account when you read
10:45:51 11 that answer that that is based upon me learning for the
10:45:54 12 first time - I broke down in front of Justice Ginnane when
10:46:00 13 I heard Mr White's voice for the first time in a long time.
14
10:46:04 15 Right?---Um, you know, they - I'm not saying, I'm not
10:46:05 16 saying what I did was right at all, but I was kind of
10:46:09 17 inducted into this, um, nether world of police, made to
10:46:15 18 feel very important and, sure, I argued the ethics and
10:46:19 19 other issues with them as time went on, but I saw no ending
10:46:23 20 to it.
21
10:46:24 22 All right. Now, do you recall Mr Woinarski asking you
10:46:28 23 about a submission that you had made, a written submission
10:46:39 24 that you had made to Justice PII in the application to
10:46:42 25 stay the direct presentment in the latter part of 2004 I
10:46:47 26 believe it was, do you recall that?---Um - - -
27
10:46:53 28 It might have been later than that?---Not specifically but,
10:46:56 29 um, the transcript will show what I was asked.
30
10:46:59 31 If we have a look at p.373 of the transcript?---Sorry, I
10:47:03 32 haven't seen the transcript, um, at all.
33
10:47:09 34 Right?---Sorry, I should say I've never read the
10:47:15 35 transcript.
36
10:47:15 37 Okay. There's a period - sorry, a question here where he's
10:47:22 38 asking you about paragraph 48 and I think that's 48 in the
10:47:25 39 decision of Justice PII. There's a reference to a
10:47:28 40 submission made by Mr Heliotis and then the judgments
10:47:31 41 reads, and I'll read it out, "The evidence against
10:47:33 42 [REDACTED] also rests substantially on the statements of
10:47:37 43 [REDACTED]? Yes". Do you see that?---Yes.
44
10:47:43 45 "Ms Gobbo makes the same point and emphasises that the
10:47:43 46 evidence against PII is also resting substantially on
10:47:49 47 the statement of PII She makes the further point

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10:47:52 1 that the evidence involving PII [REDACTED] alleged involvement
10:47:56 2 in (the murders that we can see there) is vague and lacks
10:47:58 3 certainty. Points out that PII [REDACTED] is not charged with the
10:48:03 4 murder of that person. There is no evidence to suggest he
10:48:08 5 is in any way connected with it but, more importantly,
10:48:11 6 because it seems common ground that PII [REDACTED] was not the
10:48:15 7 subject of any killing arrangement", et cetera. So he's
10:48:20 8 reading out a submission that Justice PII [REDACTED] is referring
10:48:25 9 to in his judgment, do you see that?---Yes.

10 10
10:48:28 11 And you remember those questions?---Yeah, these are the
10:48:31 12 written - I think - I think it was one of the - it was my
10:48:39 13 first appearance ever in front of His Honour and I can
10:48:41 14 recall we did written submissions and then there was very
10:48:46 15 little to say by the time it got to - I think I was the
10:48:50 16 third in line, there was very little to say by the time it
10:48:53 17 got to me.

18 18
10:48:55 19 Yes, I understand that. I think what Mr Woinarski was
10:48:59 20 doing was in fact pointing out what I'd been pointing out
10:49:02 21 to you also, that there was a conflict between - with you
10:49:07 22 acting for PII [REDACTED], given that you'd acted for PII [REDACTED]
10:49:10 23 and he asked you, "Did you inform PII [REDACTED] that you had
10:49:14 24 acted for PII [REDACTED]", and you say, "Yes, he knew that".
10:49:19 25 This is over the following page at 374?---Yep, yep.

10:49:22 26
10:49:22 27 So what you're saying is that he knew that you had acted
10:49:25 28 previously for PII [REDACTED]. If we can go through to p.374.
10:49:29 29 Just move the transcript?---That's correct, because he
10:49:31 30 couldn't - you couldn't hide that fact from anyone. The
10:49:37 31 most simple way people found out was by prison visit
10:49:42 32 records.

33 33
10:49:42 34 Yes?---And people talking. What he didn't know was that I
10:49:45 35 knew that he had made statements.

36 36
10:49:47 37 Right. He asked you about that and whether you'd informed
10:49:53 38 him because you'd acted for PII [REDACTED], it would not have
10:49:58 39 been appropriate for you to represent him. And you said,
10:50:01 40 "Yes, he knew that I couldn't cross-examine and appear at a
10:50:05 41 committal proceeding because of that issue. Well why were
10:50:09 42 you appearing for him on this occasion? Because this was
43 an application to ask the judge to order that they have a
10:50:12 44 committal. and you were making submissions about the
10:50:15 45 evidence of somebody whom you'd previously acted for?
10:50:18 46 Correct. But I didn't know what, I didn't know what the
10:50:22 47 contents of his statements was. You didn't know the

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10:50:26 1 content of his statement, do you want to maintain that? Of
10:50:29 2 PII [REDACTED]'s statement, yes. No, I wasn't part of his
10:50:34 3 statement making process"; do you see that?---No, I edited
10:50:40 4 Them, that's right. I didn't make the statements with him.
10:50:41 5 And I don't think, I don't think I read them before he
10:50:42 6 signed them.
7
10:50:43 8 Right?---Um, but I wasn't part of him sitting down and
10:50:47 9 drafting them, but I certainly at some point looked at them
10:50:51 10 and put corrections or notes on them.
11
10:50:56 12 You were conscious of that and you remembered that when you
10:50:58 13 gave that evidence before Justice Ginnane, is that right,
10:51:01 14 Ms Gobbo?---I can't - I'd be making it up if I said I could
10:51:07 15 remember what my, where my head was that day.
16
10:51:10 17 Yeah, all right. And then on the following page you went
10:51:16 18 further and you were asked about similar matters and you
10:51:20 19 said at around line 12, "Because I don't, I certainly
10:51:24 20 didn't partake in any statement making that PII [REDACTED]
10:51:28 21 did", right, do you agree with that, that's what you
10:51:31 22 said?---I just want to read it, sorry.
23
10:51:34 24 Yeah?---What line?
25
10:51:35 26 Line 12. Look, just to be clear, and I'll give you the
10:51:40 27 opportunity to read from line 23 on p.374 through to line
10:51:45 28 15, if you like, on p.375?---Yes.
29
10:52:01 30 You read that?---Yep.
31
10:52:02 32 Do you agree that the evidence that you gave to Justice
10:52:05 33 Ginnane wasn't the truth?---No, I don't remember.
34
10:52:09 35 Why do you say it was the truth? How do you say it was the
10:52:13 36 truth?---If you want to pick about the wording used.
37
10:52:16 38 Yes?---What I said in - if you start from the page before
10:52:21 39 where he says, um, "But you know what he said about
10:52:28 40 PII [REDACTED]", onwards, what I said there is what happened.
10:52:35 41 Um, if you go down to, um - I wasn't involved in the - what
10:52:45 42 I've said there at line 10, whatever process happened with
10:52:49 43 the police taking his statements.
44
10:52:53 45 Right?---And I didn't - and, true, I didn't partake in or
10:52:59 46 read final versions and, "Yep, that's okay for you to
10:53:02 47 sign". I think that happened after hospital. Um, if you

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10:53:04 1 want to pick at the wording, um, the statement making
10:53:07 2 process I wasn't involved in, but did I correct them, yes.
3
10:53:10 4 Yes, all right. I'll move on, Commissioner?---Sorry, I
10:53:14 5 don't want to sound like I'm argumentative but if you want
10:53:17 6 to suggest that I intentionally lied to a court, no, I
10:53:22 7 don't agree with that.
8
10:53:24 9 I'll put it to you quite squarely, that at the time that
10:53:29 10 you made that comment you knew that you had been part of
10:53:32 11 the statement making process, you knew you had?---Not the
10:53:36 12 making of the statement where he's sitting down and telling
10:53:39 13 a police officer what did or didn't happen, no, I wasn't.
14
10:53:42 15 Did you think that, what, your role in the final production
10:53:49 16 of those statements wasn't relevant to what you were
10:53:51 17 talking to Justice Ginnane about?---Well, I was answering
10:53:56 18 the questions.
19
10:53:57 20 All right, okay. I've been asking you about the making of
10:54:07 21 the statements of PII [REDACTED]. Do you accept
10:54:16 22 that thereafter you had concerns about your role in that
10:54:25 23 process?---Yep.
24
10:54:28 25 Becoming disclosed?---I had a problem with it from when it
10:54:34 26 happened, yes.
27
10:54:35 28 Right. You were very concerned to make sure that
10:54:43 29 PII [REDACTED] and PII [REDACTED] wouldn't say anything about you
10:54:48 30 whenever he gave evidence?---That was my preference, yes.
10:54:53 31 I think at one stage Dale Flynn pointed out that that
10:54:56 32 wouldn't be possible because if they were asked, if the
10:55:00 33 police were asked about me being at St Kilda Road, they
10:55:04 34 would simply have to say the truth.
35
10:55:05 36 Right. Were you also concerned, did you have the same
10:55:09 37 concerns with respect to PII [REDACTED]?---I assume so, I
10:55:17 38 can't - - -
39
10:55:18 40 Look, don't assume. If you can't recall don't say so?---I
10:55:23 41 can't recall specifically with him but I, like, where you
10:55:27 42 ask about PII [REDACTED], there's one particular conversation I
10:55:31 43 had with Mr Flynn about him and with PII [REDACTED] that, um,
10:55:35 44 that, ah, where that was discussed.
45
10:55:40 46 Right. So you do agree that you had a concern with respect
10:55:44 47 to those three people, PII [REDACTED] and PII [REDACTED]?---Um,

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10:55:52 1 PII [REDACTED] definitely. I can't, um, I can't
10:55:57 2 specifically recall PII [REDACTED].
3
10:56:00 4 Okay. You, can I suggest, you did make efforts to ensure
10:56:07 5 that the police advised them to claim legal professional
10:56:13 6 privilege whenever anyone asked them questions that might
10:56:18 7 indicate that you had a role in providing advice to them,
10:56:23 8 certainly with respect to PII [REDACTED] and PII [REDACTED], do you agree
10:56:26 9 with that?---Not specifically but, um, I can remember
10:56:32 10 having a conversation with PII [REDACTED] where he said that he
10:56:36 11 was going to refuse to answer if he was asked about my
10:56:40 12 presence at St Kilda Road.
13
10:56:42 14 Right?---And, um, I remember saying to him, "You can't
10:56:46 15 refuse to answer a question unless there's a ruling".
16
10:56:50 17 Right?---Um, and then him asking about claiming privilege
10:56:53 18 on it.
19
10:56:54 20 Right?---And that then led to a conversation with Mr Flynn,
10:57:00 21 um, about the same topic.
22
10:57:02 23 Right. Were you keen to ensure as time went on throughout
10:57:11 24 2006, certainly after PII [REDACTED] of 2006 with respect to
10:57:16 25 PII [REDACTED], and then subsequently after PII [REDACTED] made
10:57:23 26 statements, were you keen to ensure that both of those
10:57:30 27 people were happy with you, not dissatisfied with
10:57:38 28 you?---Um, not - not specifically. It was more I was
10:57:45 29 trapped because I'd spent a lot of time in their presence
10:57:49 30 and, um, been close to them and then there was no, it was
10:57:55 31 the subject of a considerable discussion on the phone with
10:57:58 32 handlers about how to put some distance between myself and
10:58:02 33 these people and there was no, there was no practical
10:58:05 34 answer.
35
10:58:06 36 Well, were you - - - ?---It wasn't - it wasn't so much - -
37 -
38
10:58:10 39 Sorry?---Sorry.
40
10:58:11 41 No, it's all right?---It wasn't a case of necessarily
10:58:16 42 trying to make sure they were happy with me, it was more a
10:58:18 43 case of feeling that, um, ah - and as time went on I got
10:58:24 44 more and more annoyed about it - that these people had no
10:58:28 45 one else to talk to, um, by virtue of the position that
10:58:33 46 they'd put themselves in, they were ostracised from their,
10:58:37 47 you know, their drug world of people.

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1
10:58:39 2 But you didn't need to continue speaking to them. There
10:58:42 3 was no legal reason, or reason in terms of your
10:58:47 4 representing them, that you needed to continue to visit
10:58:49 5 them, was there?---Well, it was in terms of their - them
10:58:54 6 requiring, um, some kind of, um, ongoing support and me - I
10:59:03 7 mean that was something that I complained pretty, um,
10:59:08 8 pretty, um, strongly about to Mr White and others, that I
10:59:15 9 kind of ended up in this position of being the emotional,
10:59:20 10 psychological - - -
11
10:59:21 12 I'm sorry to interrupt but I do want to get through it if
10:59:24 13 we can. I'm not suggesting you shouldn't be given an
10:59:31 14 opportunity to answer questions. I asked you whether or
10:59:35 15 not there was a reason for the purposes of legal
10:59:35 16 representation that you needed to speak to them?---Um, well
10:59:37 17 it would depend on the time because some of them, they had
10:59:42 18 questions as time went on about giving evidence in certain
10:59:46 19 cases or I know with PII [REDACTED] there were, um, he had a lot
10:59:50 20 of questions after it became apparent that PII [REDACTED] had
10:59:54 21 made a whole lot of statements as well.
22
10:59:56 23 Right. So you say there were occasions when, as a legal
11:00:00 24 practitioner, as their legal representative, you had to go
11:00:04 25 and speak to them and give them legal advice, is that what
11:00:06 26 you're saying?---Yes, there would have been - I presume
11:00:11 27 there were notes that were made about what I saw them for
11:00:13 28 and what I spoke to them about.
29
11:00:15 30 Right. This is obviously during the period that you were a
11:00:20 31 human source?---Correct.
32
11:00:24 33 Can I suggest to you that you certainly did not want them
11:00:27 34 to betray your role as a human source?---Didn't want the
11:00:33 35 police to, no.
36
11:00:34 37 And you didn't want them to betray you?---But they didn't
11:00:38 38 know.
39
11:00:39 40 Right. You didn't want them to talk about you or talk
11:00:43 41 about your role, sorry, talk about you in negative
11:00:49 42 terms?---No, it wasn't about negative terms. It was more -
11:00:55 43 you know, with both of them, let me be frank, as soon as
11:01:01 44 they decide they're going to speak to the police I have to
11:01:04 45 sit back and think to myself, "Is there anything that I've
11:01:07 46 done or said with them that I would be embarrassed about if
11:01:11 47 they're telling the police?" Answer, no. So, um, it's not

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11:01:14 1 a matter of worrying about me being spoken about
11:01:18 2 negatively, it's more the concern about them talking about
11:01:22 3 what had actually happened and the fact that I knew they
11:01:25 4 had done what they'd done and I hadn't, um, gone and told
11:01:30 5 Mokbel and his crew.
6
11:01:32 7 Yes, I'm sorry. I think I put an incorrect proposition.
11:01:36 8 Effectively you didn't want them to let it be known that
11:01:41 9 you had advised them at times when they'd rolled?---That's
11:01:43 10 right.
11
11:01:44 12 Right, okay?---That's right. And that's why - sorry,
11:01:47 13 that's why I - that's why I got so, um, upset with this
11:01:53 14 rubbish that you say PII [REDACTED] has said in a statement
11:01:56 15 because he had ample opportunity to say all of that to the
11:02:00 16 police when they - they asked PII [REDACTED] and PII [REDACTED] all
11:02:06 17 kinds of questions about my relationship with both of them
11:02:09 18 and neither had anything to say about this kind of stuff.
19
11:02:12 20 Righto?---So that's why I'm so, um, disgusted.
21
11:02:18 22 Righto. You were putting money into Osborne's prison
11:02:24 23 account, correct?---Yes, with the knowledge and approval of
11:02:33 24 Purana and Mr White and co.
25
11:02:38 26 Was it done in such a way that PII [REDACTED] believed that you
11:02:42 27 were the person who was making the payments?---I was. I
11:02:44 28 was literally and financially.
29
11:02:48 30 Ultimately, though, PII [REDACTED] took over those payments but
11:02:51 31 then continued to make the payments in such a way that it
11:02:55 32 appeared that it was being paid in the same way as it had
11:03:00 33 prior to PII [REDACTED] taking over, in other words - - - ?---Yes.
11:03:03 34 Yes, [REDACTED] told me to, if he asked, to not say that PII [REDACTED]
11:03:08 35 were doing it, this is about, after about two and a half
11:03:11 36 years, and - because I still had to remind them to do it
11:03:16 37 three days or four days before the end of the month
11:03:19 38 depending upon, you know, what day it fell on.
39
11:03:21 40 What was your understanding as to the reason why it was
11:03:24 41 done in such a way that PII [REDACTED] considered that you were
11:03:28 42 the person who was making the payments?---Because [REDACTED]
11:03:31 43 didn't want to let him know that they were financially
11:03:35 44 supporting him.
45
11:03:36 46 Righto?---And what they said to me, because I complained
11:03:41 47 about the fact that, you know, he had mentioned on numerous

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11:03:44 1 occasions, um, prior to his arrest that he was waiting for
11:03:52 2 a PII [REDACTED] and that he was expecting to have a PII [REDACTED]
11:03:57 3 PII [REDACTED] and that - because I had to ask the handlers
11:04:00 4 about what to do if I was provided with the PII [REDACTED] or
11:04:06 5 PII [REDACTED] he was talking about.
6
11:04:10 7 Yes?---And then he ends up, um, going into custody and he,
11:04:15 8 I mean he - he does not even have a single cent, they take
11:04:20 9 everything, including the dishwasher, out of the wall of
11:04:22 10 his rented house, and all of a sudden he's stuck in, he's
11:04:26 11 in custody with no friends, no family talking to him, at
11:04:31 12 least initially.
13
11:04:32 14 Yes?---Um, and complaining about money and, of course,
11:04:36 15 because I've had this role of being his little best friend
11:04:41 16 for months before his arrest, um, you know, um, I put money
11:04:48 17 into his account, obviously telling police that that's what
11:04:53 18 I was doing.
19
11:04:53 20 Yes, all right?---But it fell to me to keep doing it.
21
11:04:57 22 Okay?---On the basis that I would get paid back at some
11:05:02 23 point, which is why I write the Fontana letter and then, I
11:05:06 24 mean here we are.
25
11:05:12 26 Can I suggest to you this: if you formed a view that either
11:05:18 27 of these people were not satisfied with their conditions or
11:05:28 28 - I'll stop there. If you formed the view that they
11:05:34 29 weren't satisfied with their conditions would you tell your
11:05:37 30 handlers that information, for that information to be
11:05:40 31 passed on to Purana investigators?---Um, it was a
11:05:44 32 combination. It was sometimes - I can remember, um,
11:05:50 33 speaking to Purana directly about some things, um,
11:05:55 34 concerning, um, PII [REDACTED], um, and at some point it was,
11:06:03 35 at some point Mr White said, um, "If you've got anything to
11:06:14 36 convey from now on do it through us".
37
11:06:17 38 Did you understand that there was a desire to keep these
11:06:19 39 people happy and to ensure that they were kept on side with
11:06:22 40 police so that they would continue to assist police by way
11:06:27 41 of making statements, or at least giving evidence in
11:06:31 42 accordance with their statements?---That's an
11:06:33 43 understatement. Absolutely.
44
11:06:35 45 It's an understatement. Can you explain it,
11:06:38 46 please?---Well, in answer to your question, yes, did they
11:06:41 47 want - they wanted, and they used me, to keep those two as

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11:06:49 1 happy or as relaxed as they could so - but there was a lot
11:06:58 2 of friction because, for example, when PII [REDACTED]
11:07:03 3 complained frequently about PII [REDACTED] getting on his
11:07:10 4 nerves, they were in the [REDACTED], um, I had to,
11:07:14 5 you know, I was juggling phone calls every day from both of
11:07:17 6 them and then ringing up Mr White or someone and, um,
11:07:23 7 telling them what the problem was and then getting some
11:07:26 8 response second-hand, going back to a call from PII [REDACTED] or
11:07:29 9 PII [REDACTED], um, and being very frustrated that, um, I wasn't,
11:07:35 10 I didn't feel that I was, um, that I was giving them the
11:07:43 11 answers that they wanted to hear or, um, that they had any
11:07:46 12 - you know, because they were in a position where they
11:07:49 13 would be asking for things and part of the response that
11:07:51 14 they got was, "Well, you can't have A, B or C because it
11:07:56 15 will look like an inducement or it will look like you were
11:08:00 16 given special treatment and it could be used against you
11:08:03 17 when you give evidence."
18

11:08:05 19 All right. Do you believe that one of the things that you
11:08:07 20 were required to do was to tell police when either
11:08:11 21 PII [REDACTED] or PII [REDACTED] were not happy so that
11:08:15 22 investigators could visit them and sort the issues
11:08:18 23 out?---Yes, yes.
24

11:08:19 25 As an example, we see at p.395 of the ICRs, a note to this
11:08:24 26 effect - 398 rather - "PII [REDACTED] needs a welfare visit from
11:08:29 27 Mr Bateson to reassure him", and that's on PII [REDACTED] 2006,
11:08:34 28 p.398?---That's, that's what I'm talking about. It would
11:08:39 29 have - that presumably came about because of me being told
11:08:48 30 that by him and me conveying it to someone.
31

11:08:52 32 Your prison visit records indicate that you visit both of
11:08:54 33 these people relatively regularly throughout the period
11:08:58 34 from, certainly in the case of PII [REDACTED], from PII [REDACTED] 2006
11:09:02 35 regularly, almost on a monthly basis, if not more often,
11:09:07 36 right through to about PII [REDACTED] of 2007?---Yes.
37

11:09:12 38 And with respect to PII [REDACTED], you're seeing him from about
11:09:17 39 the middle of PII [REDACTED] 2006, relatively regularly again, on an
11:09:21 40 almost monthly basis, through to PII [REDACTED] of 2007 also?---Yep.
41

11:09:32 42 And very frequently you'd go out and see them
11:09:37 43 together?---Well they were in the same unit at one - for a
11:09:40 44 period of time.
45

11:09:40 46 So would you describe those as sort of regular welfare
11:09:44 47 visits?---Yep, yep.

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1
11:09:48 2 You also had telephone communication with these two as
11:09:52 3 well?---Correct.
4
11:09:53 5 All right. Can I suggest or can I ask you whether you say
11:09:59 6 these were for the purposes of legal representation or were
11:10:02 7 they in the nature of welfare visits to make sure that they
11:10:05 8 were okay and happy?---Principally they were the, um, the,
11:10:14 9 the latter of your question, as in the - so to keep them
11:10:18 10 happy and to keep them on side from a police point of view.
11
11:10:23 12 All right?---Sometimes there would be questions about
11:10:26 13 whatever was coming next for them, what they'd heard about
11:10:29 14 what had happened to someone else or what was in someone
11:10:32 15 else's statement, but mostly it was, um, it was emotional
11:10:36 16 support.
17
11:10:37 18 Yes, okay. I just want to ask you - I'll move on from
11:10:41 19 that, Ms Gobbo.
20
11:10:41 21 COMMISSIONER: We might have the mid-morning break now,
11:10:44 22 thank you.
23
11:10:44 24 MR WINNEKE: Yes.
25
26 (Short adjournment.)
27
11:38:46 28 COMMISSIONER: Ms Gobbo is not yet on the line. Here she
11:38:49 29 is?---I am, Commissioner.
11:38:50 30
11:38:50 31 Thanks, Ms Gobbo. Yes Mr Nathwani.
11:38:52 32
11:38:53 33 MR NATHWANI: Commissioner, despite assurances that
11:38:57 34 Ms Gobbo's evidence would be limited and controlled and
11:38:59 35 finished within four days and despite her medical health
11:39:03 36 practitioner being told there were only those four days
11:39:05 37 required, it's become inevitable that Ms Gobbo will have to
11:39:09 38 return. The proposal as I understand it is for Tuesday
11:39:12 39 next week. To the credit of the medical practitioner she's
11:39:15 40 unable to be present, however she will be available by
11:39:19 41 telephone to assist Ms Gobbo. It's not ideal but Ms Gobbo,
11:39:24 42 to her credit, wishes to complete her evidence in due
11:39:28 43 course, so we hope we finish by Tuesday and I hope,
11:39:31 44 Commissioner, you stand true to your indications on several
11:39:35 45 occasions that her evidence would be limited and on
11:39:39 46 relevant matters.
11:39:42 47

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11:39:42 1 COMMISSIONER: All right. I understand that if she comes
11:39:48 2 back on Tuesday she'd like to finish her evidence at 3
11:39:52 3 o'clock this afternoon, is that right?
11:39:53 4
11:39:54 5 MR NATHWANI: Absolutely. That's right.
11:39:55 6
11:39:55 7 COMMISSIONER: I still understand that she's, counsel
11:39:59 8 assisting is likely to finish by lunchtime. Would there be
11:40:05 9 any prospect if we sat through to 4.40 that the
11:40:09 10 cross-examination could finish this afternoon?
11:40:10 11
11:40:11 12 MR CHETTLE: None, Commissioner.
11:40:12 13
11:40:12 14 COMMISSIONER: None, all right. It will have to finish on
11:40:15 15 Tuesday, is that understood? It can start today.
11:40:17 16
11:40:18 17 MR CHETTLE: Certainly. I might finish today but that's
11:40:22 18 about as far as we'd get, I'll try to.
11:40:24 19
11:40:25 20 COMMISSIONER: It will have to finish on Tuesday, is that
11:40:26 21 understood?
11:40:26 22
11:40:27 23 MR HOLT: We understand that, Commissioner, and we're
11:40:29 24 working hard on that basis.
11:40:30 25
11:40:31 26 COMMISSIONER: On that basis we would need Mr Sheridan is
11:40:33 27 the next witness?
11:40:35 28
11:40:35 29 MR HOLT: Well we're just making an inquiry with
11:40:40 30 Mr Sheridan as to whether he can be available today at 3,
11:40:43 31 Commissioner. My hope is he can be and I'll keep those
11:40:48 32 assisting you advised. We hadn't expected that today but
11:40:48 33 he's close by so we're hoping that can be done.
11:40:51 34
11:40:51 35 COMMISSIONER: I hope so. Assuming he is available, he's
11:40:54 36 really being called for cross-examination, Mr Chettle?
11:40:57 37
11:40:57 38 MR CHETTLE: Yes, I'm trying to trim it down but I'll have
11:41:02 39 at least an hour.
11:41:03 40
11:41:03 41 COMMISSIONER: As long as we can finish by 4.40.
11:41:05 42
11:41:06 43 MR CHETTLE: Yes, I understand you have commitments.
44
45 COMMISSIONER: Yes.
46
11:41:07 47 MR CHETTLE: I'll do what I can. I mean I have now

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11:41:10 1 rewritten Mr Sheridan three times and I'm trying to get - -
11:41:12 2 -
11:41:12 3
11:41:12 4 COMMISSIONER: We perhaps better start right away at 3 then
11:41:17 5 without the break and that will give you an hour and 40
11:41:20 6 minutes.
11:41:20 7
11:41:21 8 MR CHETTLE: Yes. I'll do what I can, thank you
11:41:24 9 Commissioner.
11:41:24 10
11:41:24 11 COMMISSIONER: Thank you. I think that's the only
11:41:26 12 examination of Mr Sheridan.
11:41:30 13
11:41:30 14 MR HOLT: And re-examination, Commissioner. My notes are
11:41:32 15 at present are a few minutes, no more.
11:41:35 16
11:41:35 17 COMMISSIONER: Yes, all right. Yes Mr Winneke.
11:41:37 18
11:41:38 19 MR WINNEKE: Thanks Commissioner. Ms Gobbo, during 2006
11:41:41 20 and 7 you had chambers with, you were in chambers with a
11:41:46 21 number of other barristers, is that right?---Yes.
11:41:48 22
11:41:55 23 Around mid-2007 you were aware that Mr Williams, Carl
11:42:04 24 Williams had made a statement and was potentially going to
11:42:10 25 provide, to give evidence concerning his understanding of
11:42:15 26 the murders of the Hodsons, is that right?---Yes, another
11:42:21 27 barrister told me.
11:42:22 28
11:42:23 29 Right. You say a barrister told you that Mr Williams had
11:42:33 30 made a statement and that he would be giving evidence, is
11:42:37 31 that right?---Um, yes, I can remember almost what her words
11:42:43 32 were.
11:42:43 33
11:42:44 34 Right. Who was that barrister?---Sharon Cure.
11:42:50 35
11:42:51 36 Right. You say that she, or what do you say she told
11:42:57 37 you?---Um, well the, she had, um, a room in, on the same
11:43:05 38 floor as I was. Um, or was she a level below? It was
11:43:14 39 either, it was the two upper levels of the building that we
11:43:17 40 were in, but it was, um, I can remember her, um, um, not,
11:43:25 41 not in a big-noting kind of way but in a kind of secret
11:43:29 42 squirrel way, telling me, "I've just got this brief and
11:43:34 43 I've seen this statement and you're all over it, you're
11:43:39 44 name's all over it", um, in a kind of, telling me that, um,
11:43:47 45 I was named in a statement, um, and kind of, and a kind of
11:43:52 46 warning as well.
11:43:53 47

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11:43:53 1 Right. So you say that she mentioned to you that you had
11:43:57 2 been mentioned in Williams' statement, is that
11:44:01 3 right?---Yes.
11:44:01 4
11:44:02 5 She alluded to that, is that right?---Yes.
11:44:05 6
11:44:12 7 Do you recall when that was?---Um, not, not specifically.
11:44:19 8 Um, not, not specifically. I'm trying to think of, like
11:44:27 9 referable to a time of day. Not specifically, no.
11:44:31 10
11:44:31 11 Right. Do you know when it was that he entered his plea of
11:44:36 12 guilty, Mr Williams that is?---Not - no, I don't.
11:44:41 13
11:44:42 14 Was that in late April of 2007?---I don't know, sorry, not
11:44:47 15 off the top of my head.
11:44:50 16
11:44:50 17 Did you speak to Ms Cure before she, before Mr Williams
11:44:54 18 entered his plea or afterwards?---Um, I'm not sure, sorry.
11:45:01 19 I'm not sure.
11:45:02 20
11:45:02 21 If we can go forward to 25 June 2007, so that is a couple
11:45:08 22 of months after Mr Williams entered his plea. Did you
11:45:12 23 enter Ms Cure's chambers, her room?---Um, I've got a
11:45:17 24 recollection of talking to her, um, in her chambers with
11:45:23 25 her showing me the blue three ring folder with his
11:45:29 26 statement in it.
11:45:29 27
11:45:30 28 You say that you saw the statement, or she showed you the
11:45:35 29 statement, is that right?---Yes. She showed me, and she,
11:45:38 30 um, pointed out, um - I have got a memory of her pointing
11:45:46 31 out phone records as well, because there was some statement
11:45:49 32 that had my phone records in that brief.
11:45:52 33
11:45:54 34 Are you making this up, Ms Gobbo?---No.
11:45:57 35
11:45:57 36 You didn't put this into your statement?---No, what - which
11:46:04 37 statement?
11:46:04 38
11:46:05 39 The statement that you provided to the Royal
11:46:08 40 Commission?---No.
11:46:08 41
11:46:08 42 You know, you knew about, and you've heard evidence that
11:46:13 43 it's suggested that you entered Ms Cure's chambers in her
11:46:18 44 absence when she wasn't there, you know that, don't
11:46:22 45 you?---I've been made aware of, um, a media report that I
11:46:27 46 burgled her chambers, which is rubbish.
11:46:29 47

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11:46:30 1 I follow that?--And, and I was made aware of this as a
11:46:34 2 [REDACTED]
11:46:43 3 [REDACTED]
11:46:44 4
11:46:44 5 All right. So do you say that the only occasion that you
11:46:48 6 saw the statement, or any documents, was when - rather I
11:46:54 7 withdraw that about the statement, but any statements in
11:46:58 8 Ms Cure's chamber was when she was there and she showed
11:47:02 9 you, is that right?---That's right. We - I had this
11:47:05 10 discussion with my lawyers last Tuesday or Wednesday, as in
11:47:08 11 I can't remember whether it was on the Tuesday or the
11:47:11 12 Wednesday - - -
11:47:12 13
11:47:13 14 MR NATHWANI: [REDACTED]
11:47:15 15 [REDACTED]
11:47:18 16 [REDACTED]
11:47:27 17 [REDACTED]
11:47:32 18 [REDACTED]
11:47:34 19
11:47:36 20 COMMISSIONER: [REDACTED]
11:47:38 21
11:47:39 22 MR NATHWANI: [REDACTED]
11:47:43 23 [REDACTED]
11:47:44 24
11:47:45 25 MR WINNEKE: [REDACTED]
11:47:46 26
11:47:47 27 COMMISSIONER: [REDACTED]
11:47:53 28 [REDACTED]
11:47:56 29
11:47:56 30 MR NATHWANI: [REDACTED]
11:47:59 31 [REDACTED]
11:48:02 32 [REDACTED]
11:48:02 33
11:48:02 34 COMMISSIONER: I'm sorry, I'm not following this. Can you
11:48:05 35 tell me the lines?
11:48:07 36
11:48:08 37 MR NATHWANI: I'm sorry, I don't have the live note in
11:48:10 38 front of me. Page 13421, line 44, 45, and then 13422 from
11:48:42 39 line 9 to when I stop speaking.
11:48:44 40
11:48:44 41 COMMISSIONER: We'll take those from the public transcript
11:48:46 42 and the streaming.
11:48:47 43
11:48:49 44 MR HOLT: Commissioner, while we have a logical break,
11:48:51 45 we've confirmed that Mr Sheridan can be available at 3
11:48:54 46 o'clock and he'll be here ready to go.
11:48:55 47

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11:48:55 1 COMMISSIONER: Thank you. Yes.
11:48:57 2
11:48:58 3 MR WINNEKE: Ms Gobbo, where were your chambers, what floor
11:49:03 4 do you say they were?---Seven and she was either, um, she
11:49:07 5 was about three rooms down, either one floor below or on
11:49:12 6 the same floor. But when I say the floor below, there was
11:49:19 7 an internal staircase so six and seven were joined
11:49:24 8 together.
11:49:24 9
11:49:24 10 She was on the floor below you?---As I sit here I can
11:49:28 11 visually think of the position of the room she was in, um,
11:49:33 12 but I can't be sure whether it was on the same, on seven or
11:49:39 13 six.
11:49:39 14
11:49:42 15 If we can have a look at an ICR, p.935, please. You'll see
11:50:03 16 under a heading "Carl Williams" this notation, "HS was
11:50:08 17 looking around other counsel offices yesterday (Saturday).
11:50:14 18 She found in Sharon Cure's office subpoenaed documents from
11:50:17 19 Barwon Prison. Cure did Carl Williams' plea. She had a
11:50:25 20 copy of Carl's statement when it was made and was going
11:50:27 21 around gossiping about it and Ms Gobbo told her she
11:50:35 22 shouldn't be doing that last year. What Ms Gobbo has found
11:50:41 23 is a list of phone records from PII [REDACTED] Prison obtained
11:50:46 24 under subpoena about PII [REDACTED]"?---Right.
11:50:49 25
11:50:49 26 "Phone records detail daily contact with Ms Gobbo and
11:50:54 27 Purana members. Ms Gobbo is annoyed about this. HS is
11:50:59 28 annoyed about this as she was reassured these records could
11:51:04 29 never be obtained"?---Yes.
11:51:05 30
11:51:05 31 "She now has no faith in the system when she sees things
11:51:09 32 like this. Told her I'd look into it and confirm the
11:51:14 33 existence of those documents. General conversation, Lionel
11:51:15 34 Ritchie tickets, her lack of faith in certain police
11:51:20 35 departments, how her day was today and the fact that there
11:51:24 36 was no trial with respect to Mr Karam today, she was doing
11:51:28 37 a plea in the Magistrates' Court", do you see that?---It
11:51:30 38 can't - sorry, it doesn't make sense because it's meant to
11:51:32 39 be a Saturday.
11:51:33 40
11:51:33 41 Right?---Or a Sunday. Anyway, it must be from, must be
11:51:39 42 notes put in, or sorry, the document created a day or two
11:51:44 43 after because it's, um, seems to refer to a Saturday and
11:51:49 44 then I'm saying, according to that I'm saying there's no
11:51:53 45 court today, but if it's a Saturday or a Sunday obviously
11:52:01 46 there wouldn't be any.
11:52:02 47

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11:52:02 1 It may well be you were looking around other counsel's
11:52:07 2 offices yesterday, Saturday, you say that doesn't make
11:52:13 3 sense, I follow what you're saying. And you say, "That
11:52:17 4 can't be right if I was in the Magistrates' Court",
11:52:19 5 right?---Yes, and not even that. You could look anywhere
11:52:24 6 that was a common area but on a weekday, not on a - on a
11:52:26 7 weekday you could have, but on the weekend you couldn't
11:52:29 8 because all the doors had separate locks.
11:52:30 9
11:52:31 10 In any event, the day you're reporting is 25 June and that
11:52:37 11 appears to be a Monday?---Right.
11:52:39 12
11:52:39 13 What do you say about what's in it though, "She found in
11:52:43 14 Sharon Cure's office subpoenaed documents"? That doesn't
11:52:46 15 suggest you went into Ms Cure's room when she was there and
11:52:51 16 she was showing you certain things, does it?---No, that
11:52:55 17 note doesn't.
11:52:55 18
11:52:56 19 That suggests that you went in there when she wasn't there
11:52:58 20 and you were looking around, do you see that?---Yeah, I
11:53:02 21 just, I, I have a recollection of talking to her, um, and
11:53:08 22 her, I can - I have a distinct recollection of talking to
11:53:13 23 her about Carl Williams' statement in her chambers.
11:53:18 24
11:53:18 25 That appears to be reflected in the notes, doesn't
11:53:24 26 it?---Well whether it's the same date or this is another
11:53:26 27 date, I don't know.
11:53:27 28
11:53:27 29 She said - what you say is that, you say that she was
11:53:32 30 gossiping about it and that appears to be what you were
11:53:35 31 talking about before when you said that she was telling you
11:53:39 32 about the fact that you may well, or that you were
11:53:42 33 mentioned in the statement, do you see that?---Yeah, and
11:53:45 34 that's what I'm saying this - - -
11:53:47 35
11:53:47 36 That appears to be a separate occasion because you're
11:53:49 37 telling your handlers that, "I was looking around other
11:53:52 38 counsel's offices yesterday" and you find this in Cure's
11:53:56 39 office and she's the person who was gossiping previously,
11:53:59 40 that's what you say?---Apparently, yeah, but I can't, I
11:54:03 41 haven't, as I sit here I haven't got a recollection of
11:54:07 42 being in there without her, um, or frankly being able to
11:54:11 43 get in there without her being in there.
11:54:13 44
11:54:14 45 Might it be the case that either the, not all barristers
11:54:17 46 lock their doors because they assumed other people wouldn't
11:54:21 47 walk into their rooms, would that be the possibility?---No,

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11:54:24 1 everyone locks their doors because in those particular
11:54:27 2 rooms everyone had documents that, that, um, needed, that
11:54:33 3 either needed to be locked up or, um - they wouldn't even
11:54:39 4 print out a fax or receive something in the separate room
11:54:43 5 where that came from without standing there.
11:54:45 6
11:54:45 7 Ms Gobbo, it would be pretty difficult to say with respect
11:54:48 8 to everyone in that set of chambers that they locked their
11:54:51 9 doors every day, that's a fairly bold statement or - you
11:54:55 10 simply couldn't make that assertion, could you?---I can't
11:54:58 11 say one way or the other, I don't know what other people
11:55:01 12 did, no.
11:55:02 13
11:55:03 14 Certainly that note suggests you were looking around, do
11:55:06 15 you say that note is inaccurate?---Well I can't say, I
11:55:11 16 can't remember precisely what I said, but I can only tell
11:55:15 17 you what my memory is of one conversation with her.
11:55:18 18
11:55:18 19 Yes?---Do I have a memory of breaking into her rooms and,
11:55:23 20 um, and looking through everything to find some document?
11:55:27 21 No, I don't.
11:55:28 22
11:55:29 23 Do you suggest that there was something inaccurate about
11:55:32 24 that which is recorded in that ICR?---Well it's obviously
11:55:37 25 there's an inaccuracy because it's referable to another
11:55:42 26 date from the date that it's written on but my - - -
11:55:44 27
11:55:44 28 Do you think it might have been a Sunday that you'd gone
11:55:47 29 into the chambers and looked around?---I don't know where I
11:55:50 30 was on that particular Sunday, I could have come there
11:55:53 31 after being in a prison.
11:55:53 32
11:55:54 33 Right?---All I'd say about my understanding of the way the
11:55:59 34 IRs were created is that sometimes I got annoyed with
11:56:07 35 Mr White because I would have, he'd sprung on me with no
11:56:16 36 notice and they said they did that for a reason so that I
11:56:17 37 wouldn't be, I wouldn't get stressed in any way about it.
11:56:20 38 They would change a handler from one to another.
11:56:23 39
11:56:23 40 Yes, all right?---And the reason they did that is, they
11:56:25 41 told me a number of times it was because the person I was
11:56:28 42 talking to was three months behind in, um, typing up their
11:56:33 43 IRs or their diary notes. So all I'm saying is, I can't
11:56:39 44 know - I don't know whether what I said is exactly what's
11:56:45 45 written down or paraphrased, or referable to that date.
11:56:48 46
11:56:48 47 Perhaps if we go to this document here, VPL.4046.0002.0071

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11:56:55 1 at p.73 of the document. This is a diary of the handler,
11:57:15 2 what appears to be a contemporaneous diary of the handler.
11:57:19 3 It's a PB13, p.162, top left corner?---Sorry - - -
11:57:26 4
11:57:27 5 VPL.4046.0002.0071?---Sorry, whose diary is it?
11:57:39 6
11:57:39 7 Mr Fox. Have a look at 81 if you want to remind
11:57:44 8 you?---Sorry, I'm just getting the translation of who
11:57:49 9 Mr Fox is. Thank you.
11:57:52 10
11:57:52 11 If we go to p.1, we'll see that - can't get it. It's
11:58:00 12 downloading, Ms Gobbo. Unfortunately it takes time
11:58:06 13 sometimes for these things to download. Just so you
11:58:25 14 understand what this is, Ms Gobbo, when it comes up, you'll
11:58:29 15 see that it's a handwritten diary - - - ?---H'mm.
11:58:32 16
11:58:32 17 - - - entry and there's a, on the first page of the
11:58:37 18 document it appears, Monday 25 June 2000 - it's written and
11:58:45 19 highlighted in green and then certain entries are made
11:58:48 20 within that document starting at 7.20 in the morning and
11:58:51 21 they go through and reflect various communications that
11:58:56 22 Mr Fox has had with various people, when we get there.
11:59:02 23 Mr Skim is shaking his head which is a bad sign.
11:59:31 24
11:59:31 25 COMMISSIONER: I'm just wondering maybe if you should go on
11:59:35 26 to another topic and come back.
11:59:37 27
11:59:38 28 MR WINNEKE: I'll read what's in it, Ms Gobbo, to save
11:59:42 29 time. It appears to be a diary entry and appears to be
11:59:50 30 entries made at various times, so there's entries, as I
11:59:55 31 say, at 7.20 in the morning, 7.26, 7.34, these are all
12:00:01 32 handwritten entries, 7.42, 7.47 in the morning, "Call to
12:00:06 33 3838" and then something about instructions given re
12:00:12 34 PII [REDACTED] somewhere. We don't need talk about that in
12:00:17 35 detail. "Documents to be PII [REDACTED]. We'll
12:00:21 36 talk later in the day", does that ring a bell, anything
12:00:26 37 like that, documents PII [REDACTED]
12:00:30 38 PII [REDACTED]?---Well, um, not specifically, I can't - I'd be lying
12:00:36 39 if I said I remembered that day in particular, but the
12:00:40 40 practice of - - -
12:00:40 41
12:00:41 42 COMMISSIONER: We won't talk about that?---Sorry, sorry.
12:00:44 43
12:00:44 44 It's not your fault, you were asked the question. We won't
12:00:48 45 talk about practices, we don't need to?---Yes, in answer to
12:00:52 46 your question, yes, something like that - - -
12:00:55 47

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GOBBO XXN

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12:00:55 1 MR WINNEKE: That reflects arrangements being made to meet,
12:00:59 2 that sort of thing, that's what that may well reflect, do
12:01:02 3 you agree with that, without saying - would you agree with
12:01:04 4 that?---No, it wasn't to meet, no.
12:01:06 5
12:01:08 6 Okay. Now, if we then go on, there's another note at 8.32,
12:01:19 7 "Returned call to 3838". And then it says, "Rob is going
12:01:25 8 to MAP to see someone"?---You can't say his name, I know
12:01:33 9 who you mean.
12:01:33 10
12:01:34 11 No, I won't say that. Then there's other information about
12:01:39 12 a particular person and then there's information about Rob.
12:01:43 13 There's more information about that person and then there's
12:01:48 14 Carl Williams and Carl Williams is underlined and then it
12:01:51 15 says this, "HS looking around other counsel offices
12:01:55 16 yesterday" and there's no, whilst it says in the typed out
12:02:00 17 version brackets Saturday, there's no reference to a day in
12:02:04 18 the handwritten notes. She found - - -?---No - - -
12:02:11 19
12:02:11 20 Do you see that, do you understand that?---Yeah, um, and I
12:02:15 21 just clarified who Mr Fox is, because it's not a name that,
12:02:21 22 um that's come up before. I've got it, I've got it,
12:02:26 23 Commissioner, now. And he, he specifically, there would be
12:02:30 24 a recording, um, of Mr White saying that he specifically
12:02:37 25 had to take leave because he was three months behind in
12:02:42 26 doing his diary entry. I'm not arguing with you, all I'm
12:02:45 27 saying when you say it's a contemporaneous note, not where
12:02:49 28 Mr Fox is concerned.
12:02:50 29
12:02:50 30 It may well be, Ms Gobbo, that when it came to transferring
12:02:54 31 handwritten notes which were taken contemporaneously into a
12:02:59 32 typed out ICR, Mr Fox - and indeed it appears other
12:03:03 33 handlers were on occasions slow and indeed often quite slow
12:03:08 34 in doing that task. What I'm putting to you is a
12:03:11 35 contemporaneous record which on its face appears to have
12:03:15 36 been written on the day and at the time or thereabouts of a
12:03:17 37 discussion with you, do you accept that proposition?---Not
12:03:20 38 necessarily, no. They - I know that Green and Fox at
12:03:25 39 times, they were saying to me, "We've written this on our
12:03:28 40 hand", or, "On the back of a parking ticket, we have to put
12:03:34 41 it in our diaries, slow down".
12:03:37 42
12:03:38 43 That might be the case but in any event this appears to be
12:03:39 44 a diary entry and that's distinct from that which you had
12:03:43 45 seen before. This document is now in front of you, you can
12:03:46 46 see it now?---Yes, I can now, yes.
12:03:48 47

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12:03:48 1 It appears to have been checked - you'll see that there's a
12:03:52 2 signature, a red initial which I think would probably be
12:03:55 3 [REDACTED] initials, with a red pen, 25 June 07, on the
12:04:03 4 day. It looks like it's been signed off on the day, do you
12:04:06 5 see that?---By himself?
12:04:10 6
12:04:11 7 Different person?---No, that's not - they had to show it
12:04:15 8 to, um, they had to show their diaries to someone ranked
12:04:20 9 above them to sign off, not the same - anyway, it doesn't
12:04:22 10 matter. Go on.
12:04:24 11
12:04:24 12 It might be Mr Moloney, who knows, but it's signed by
12:04:28 13 someone on the day with a red - do you see that?---That
12:04:31 14 might be what it means, I don't know.
12:04:33 15
12:04:34 16 In any event what it says is, "HS looked around other
12:04:37 17 counsel's offices yesterday", that would be a Sunday,
12:04:40 18 wouldn't it, if it was, the note was taken on Monday, do
12:04:44 19 you agree with that?---Sorry, say that again?
12:04:48 20
12:04:48 21 Assuming - - - ?---Yes, sorry, yes, yes, yes.
12:04:50 22
12:04:51 23 You would often, you say you'd visit people in prison on
12:04:55 24 Sundays and you might then go into chambers
12:04:58 25 thereafter?---Yes.
12:04:58 26
12:04:58 27 "Looked around other counsel's offices yesterday, found
12:05:04 28 it", et cetera, then it's all written out?---It's the same
12:05:07 29 note, yes.
12:05:07 30
12:05:08 31 Same note. It does appear, Ms Gobbo, that that's what you
12:05:12 32 told the handlers on that, on that morning, on Monday the
12:05:18 33 26th - 25th rather. Do you accept that now?---Yeah, I
12:05:26 34 accept what it says, I can't - I can't say anything about
12:05:29 35 what it says.
12:05:30 36
12:05:30 37 Right?---I don't have a - I don't have a, I don't have a
12:05:36 38 recollection of breaking into someone's office or going in
12:05:39 39 there without them being there.
12:05:41 40
12:05:41 41 Right?---And getting some document. I'm, um, the part that
12:05:47 42 you referred to before about, um, we're not going to
12:05:52 43 discuss the process of, um, there must have been something
12:05:56 44 on that day and I'm wondering whether it's the same
12:06:00 45 document or a copy of it, which I have left to be
12:06:02 46 collected.
12:06:03 47

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12:06:03 1 Right.
12:06:03 2
12:06:04 3 MR CHETTLE: [REDACTED]
12:06:07 4 [REDACTED]
12:06:10 5 [REDACTED]
12:06:15 6 [REDACTED]
12:06:20 7 [REDACTED]
12:06:21 8
12:06:21 9 COMMISSIONER: [REDACTED]
12:06:23 10
12:06:24 11 MR CHETTLE: [REDACTED]
12:06:25 12
12:06:26 13 MR WINNEKE: [REDACTED]
12:06:27 14
12:06:28 15 MR CHETTLE: [REDACTED]
12:06:33 16 [REDACTED]
12:06:38 17 [REDACTED]
12:06:42 18
12:06:42 19 COMMISSIONER: Okay. So line 38, we take out the name at
12:06:47 20 line 38 - - -
12:06:55 21
12:06:55 22 MR CHETTLE: And where I mentioned it just a few moments
12:06:58 23 ago.
12:06:59 24
12:06:59 25 COMMISSIONER: And we take out Mr Chettle's exchange down
12:07:15 26 to line 5 on 13429.
12:07:21 27
12:07:22 28 MR CHETTLE: Thank you.
12:07:25 29
12:07:25 30 COMMISSIONER: Yes.
12:07:25 31
12:07:27 32 MR WINNEKE: Do you think, Ms Gobbo, you simply might have
12:07:29 33 forgotten about this?---As I said to you, I can't, um, I
12:07:36 34 can't, um, dispute what I can't remember. All I can say is
12:07:40 35 what I can remember about one time with her, um, in her
12:07:43 36 room and this might be a separate, this may be a separate
12:07:46 37 occasion. The fact that there's the reference to what you,
12:07:51 38 I won't say anything because it's been taken out, um,
12:07:55 39 suggests that I might have copied it to give to them.
12:08:02 40
12:08:03 41 Suggested that you might have copied documents that are
12:08:07 42 provided, copied documents to provide to the
12:08:12 43 handlers?---Handlers, yep, that was the only - that's the
12:08:14 44 only reason there was ever a collection or drop off. It
12:08:17 45 was something that I found to give to them.
12:08:19 46
12:08:19 47 Okay. Can we go back to that note, please?---So what I'm

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12:08:26 1 saying is - - -
12:08:27 2
12:08:27 3 Do you believe you might have provided - can we go to the
12:08:30 4 top of the page.
12:08:31 5
12:08:31 6 COMMISSIONER: I think she wanted to finish saying
12:08:35 7 something?---I'm sorry, I was trying, when you put this up
12:08:38 8 I'm trying to get my head into that day and read it all and
12:08:42 9 try to remember it. The only time that there was ever, um,
12:08:48 10 there was ever me, well then going to PII [REDACTED], not meeting
12:08:54 11 them, was to PII [REDACTED] or to PII [REDACTED],
12:08:58 12 but PII [REDACTED] was only ever [REDACTED], for me it was
12:09:01 13 PII [REDACTED]. So I'm wondering what it is on
12:09:05 14 this day that I've PII [REDACTED] them and, I'm sorry if
12:09:08 15 I've said something that I shouldn't have said that needs
12:09:11 16 to be taken out, but I'm trying to as best I can remember
12:09:15 17 the significance of the day.
12:09:17 18
12:09:18 19 MR WINNEKE: What you're saying is it may well be that you
12:09:21 20 could have copied documents that you found in Ms Cure's
12:09:25 21 office on the Sunday, contacted your handlers and said,
12:09:31 22 "I've got documents for you to pick up" and you've left
12:09:35 23 them in the way in which you might often do for providing
12:09:40 24 materials to your handlers, and that might be what the
12:09:44 25 reference is in the early note that Mr Fox has taken in his
12:09:51 26 diary?---Yeah, well there must be something on that day,
12:09:57 27 um, or if it's a note being made about what I had spoken to
12:10:01 28 him about or done the day before.
12:10:03 29
12:10:03 30 Yes?---Which is the Sunday, there must have been something
12:10:07 31 that - there was no other reason to PII [REDACTED]
12:10:11 32 PII [REDACTED].
12:10:11 33
12:10:11 34 No, I follow that. Can I suggest this to you then, what
12:10:14 35 the evidence suggests is - - -?---Yep.
12:10:17 36
12:10:17 37 - - - you had found, obtained some documents which were by
12:10:24 38 way of telephone records which could have exposed
12:10:30 39 you?---Yes.
12:10:30 40
12:10:30 41 And your communications which would be obviously
12:10:36 42 problematic if they were available to other people, such as
12:10:40 43 Ms Cure, correct?---Um - - -
12:10:48 44
12:10:48 45 Righto. Perhaps to be fair - I withdraw that because
12:11:07 46 Mr Nathwani has pointed out there was an arrangement
12:11:11 47 earlier to collect other documents, different documents,

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12:11:14 1 right?---Right.
12:11:14 2
12:11:16 3 Can I suggest to you that the Commission has evidence that
12:11:20 4 you had no authority to go into Ms Cure's chambers and be
12:11:25 5 in her chambers and look around her chambers when she was
12:11:28 6 not there, do you accept that?---That would be the case for
12:11:32 7 anyone, yes, of course.
12:11:33 8
12:11:34 9 If you did go into Ms Cure's chambers on a Sunday, in her
12:11:38 10 absence, you would accept that that would be inappropriate
12:11:41 11 and wrong?---Yeah, without someone's permission, of course.
12:11:46 12
12:11:55 13 To go into another barrister's chambers which contained
12:11:59 14 potentially sensitive information would be improper, do you
12:12:02 15 accept that?
12:12:04 16
12:12:04 17 COMMISSIONER: She has, yes. She has accepted that,
12:12:07 18 Mr Winneke.
12:12:08 19
12:12:08 20 MR WINNEKE: Do you accept that you were a person who was,
12:12:10 21 firstly, very keen to find out if other people were aware
12:12:14 22 of your role, do you accept that?---Um, I don't know
12:12:17 23 whether you mean as an informer or my other role of, um,
12:12:22 24 you know, being party to, um, knowing that these people had
12:12:26 25 made statements but not telling other people.
12:12:29 26
12:12:29 27 Either, either?---Yes, yes. Yes, they were both concerns.
12:12:34 28
12:12:34 29 And when you heard that Mr Williams had made a statement
12:12:38 30 you were particularly concerned about the possibility that
12:12:41 31 he might implicate you in illegal conduct?---No, um - no.
12:12:52 32
12:12:52 33 You weren't? I asked you a number of days ago about your
12:12:58 34 concern about what Williams might say given that you had,
12:13:02 35 to your knowledge, subsequent to the murder of the Hodsons,
12:13:06 36 in effect been a go-between or a link, if I can use it
12:13:12 37 neutrally, between Mr Dale and Mr Williams?---Absolutely.
12:13:17 38 Um, but there's a difference between being a link and
12:13:20 39 knowing that there's a murder in, being planned. It's like
12:13:24 40 the, um, the same issue all over with PII [REDACTED] suggesting
12:13:28 41 I was an accessory after the fact.
12:13:30 42
12:13:31 43 Yes, all right?---Um - - -
12:13:33 44
12:13:33 45 I understand that, nonetheless you were concerned that you
12:13:36 46 could be a suspect because of the fact that you had in fact
12:13:42 47 been a link between the two of them?---No, not concerned

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12:13:45 1 that I would be a suspect. It's more concern that, um,
12:13:51 2 when anyone decides that they're going to speak to police
12:13:55 3 and it's someone you've had contact with, you've got to sit
12:14:01 4 back and say, "Anything I've ever said or done is something
12:14:04 5 the police will ask them about". And then there's the
12:14:07 6 other concern about what they might, you know, whether they
12:14:11 7 might gild the lily or not.

12:14:12 8
12:14:12 9 Right. That was the concern, that Williams might gild the
12:14:17 10 lily?---Yes, as you, as you saw in my response to being,
12:14:22 11 being read part of, um, PII Alice in Wonderland
12:14:29 12 assertions.

12:14:29 13
12:14:33 14 Yes, all right. Since you mention that what I might do,
12:14:44 15 Ms Gobbo, is put a proposition that he has made in his
12:14:48 16 statement and that's this, I put to you that he said that
12:14:53 17 you were paid a retainer by him. Now you say that's
12:15:00 18 incorrect, right?---Unmitigated rubbish.

12:15:03 19
12:15:04 20 And what he says is this, he provides an assertion as to
12:15:09 21 why the money was provided and he says, "For the money she
12:15:12 22 would provide me with information about whether any of my
12:15:15 23 associates who had been charged were likely to make
12:15:19 24 statements against me, those type of things", right. What
12:15:21 25 do you say about that?---That's just utter garbage. It's
12:15:27 26 preposterous.

12:15:28 27
12:15:28 28 I'm simply putting to you, Ms Gobbo, what he said?---Okay,
12:15:32 29 sorry.

12:15:32 30
12:15:32 31 "I recall a time when PII and PII were
12:15:37 32 arrested on PII charges. She told me that PII
12:15:41 33 PII was considering implicating me and PII",
12:15:46 34 right?---No, no, no, hang on, hang on. I can answer that.
12:15:50 35 Rubbish. This is when he's sitting in, he's driven me
12:15:54 36 there and he's waiting in the car outside St Kilda Road
12:15:57 37 wanting to know and be the first to know, um, what he said
12:16:02 38 and who is saying what and who's doing what.

12:16:06 39
12:16:06 40 Right, okay. He goes on, "She said she was going to go and
12:16:11 41 see PII at the police station. She told me later
12:16:14 42 she had spoken to him and that he was no longer going to
12:16:18 43 provide any information to police." Now that's an example
12:16:20 44 of what he says was done by you in return for money which
12:16:26 45 you were then paid?---Well, um, first of all, taking the
12:16:34 46 first part, um, the second part first, um, any time that I
12:16:42 47 did speak to him I was not revealing things that, um, other

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12:16:49 1 clients did not want revealed or didn't give permission to
12:16:52 2 reveal, for example, not, you know, not telling him that,
12:16:57 3 um, PII [REDACTED] had made statements against him or - and not
12:17:03 4 telling him that PII [REDACTED] had said things about him, um,
12:17:08 5 so him saying that he was paying me money to tell him
12:17:11 6 things and then asserting I told him what someone was
12:17:16 7 saying is rubbish. And specifically in relation to [REDACTED]
12:17:19 8 PII [REDACTED], um, nothing could be further from the truth
12:17:24 9 because PII [REDACTED] couldn't have said anything about him
12:17:27 10 anyway, or not to my knowledge, and the assertion of paying
12:17:30 11 money is just, um, it's ludicrous.

12:17:34 12
12:17:34 13 All right. Now effectively what he's saying is that you'd
12:17:38 14 report back about what other clients were saying, now you
12:17:41 15 disagree with that, do you?--Absolutely. And if he
12:17:46 16 suggests that I've said a particular thing, um, or he can
12:17:50 17 give any examples of specifics, um, if he's accurate then
12:17:55 18 he would be able to point to things that I've said which
12:17:59 19 were not truthful because I wasn't going to go and tell
12:18:03 20 him, "By the way, PII [REDACTED] has actually said this" or,
12:18:06 21 "By the way, PII [REDACTED] has actually done that". It would
12:18:10 22 have been the exact opposite.

12:18:11 23
12:18:11 24 What he says is that, "On another occasion, this time
12:18:15 25 involving an individual by the name of PII [REDACTED], I had
12:18:18 26 handed over" - - - ?---Yes.

12:18:19 27
12:18:19 28 - - - "I had handed over PII [REDACTED] to him, unbeknownst to
12:18:24 29 me he was under surveillance at the time and he was later
12:18:27 30 arrested"?---Yep.

12:18:27 31
12:18:28 32 Do you recall this occasion?---I recall, um, being referred
12:18:33 33 - PII [REDACTED] being referred to me by him.

12:18:35 34
12:18:36 35 Right?---As in when he got arrested, can you go see this
12:18:42 36 guy who's a friend of mine.

12:18:44 37
12:18:44 38 "Gobbo contacted me the next night and told me that I had
12:18:48 39 been busted PII [REDACTED]. She tipped me off that
12:18:52 40 I was being investigated. We discussed the possibility
12:18:55 41 that I could only be charged if PII [REDACTED] gave me up. Gobbo
12:18:59 42 was acting for PII [REDACTED] at the time. I was never
12:19:03 43 charged." What do you say about that?---I don't think, no,
12:19:07 44 I don't think I acted for PII [REDACTED]. I thought I acted for
12:19:11 45 him, as in - well, I called him PII [REDACTED] and that's what he
12:19:16 46 called him, um, and what became apparent was that the, was
12:19:22 47 that, um, PII [REDACTED] was PII [REDACTED].

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12:19:27 1
12:19:27 2 Right. Were you permitting PII [REDACTED] to speak to PII [REDACTED] by
12:19:31 3 using your legal professional privilege telephone
12:19:35 4 calls?---No. Um, because the phone calls, they say that
12:19:40 5 they're not, um, they're not listened to but they're all
12:19:44 6 recorded, um, I had had, there were occasions where someone
12:19:51 7 may have been with me, um, and the phone was put on speaker
12:19:55 8 so they could, if they were in the room they could speak,
12:19:58 9 but not diverting calls or handing the phone over, no.

12:20:02 10
12:20:02 11 Do you think that might have occurred with respect to
12:20:05 12 PII [REDACTED] and PII [REDACTED]?---Um, I don't know. It's
12:20:12 13 possible but it would depend on where, where he was at that
12:20:15 14 time, as in, sorry, where, where PII [REDACTED] was because
12:20:21 15 if it was straight after his arrest it couldn't have
12:20:23 16 happened because at the Custody Centre there were no phones
12:20:27 17 and he was there for a couple of weeks after he got
12:20:30 18 arrested.

12:20:30 19
12:20:31 20 So it might have been after he was moved from the Custody
12:20:36 21 Centre?---Yeah, but that was a couple of weeks later and
12:20:38 22 that's, the way you've, what you've read to me, it doesn't
12:20:43 23 sound like it's weeks later, it sounds like it's a day
12:20:46 24 later.

12:20:46 25
12:20:47 26 The Commissioner has information to the effect that in
12:20:49 27 PII [REDACTED] 2003 - - - ?---Yep.

12:20:52 28
12:20:52 29 - - - you were abusing your LPP call privileges in relation
12:20:57 30 to PII [REDACTED], do you think that might be something that's
12:21:06 31 relevant to what PII [REDACTED] is saying in his statement?---As
12:21:10 32 in, like what I said just said, that he would be with me
12:21:16 33 and I would permit him to, um, to speak to PII [REDACTED]. I'm not
12:21:20 34 saying that didn't happen. I don't know precisely when and
12:21:24 35 if it's PII [REDACTED] um, he would have been at a different,
12:21:29 36 that's weeks, months after his arrest, that's possible.

12:21:32 37
12:21:32 38 Right. I take it you were aware or were you aware that
12:21:38 39 PII [REDACTED] could have provided information against
12:21:41 40 PII [REDACTED]?---At some point, yes.

12:21:45 41
12:21:45 42 And at the time, let's say PII [REDACTED] 2003, were you aware
12:21:49 43 that PII [REDACTED] had the ability to implicate PII [REDACTED]
12:21:55 44 in illegal drug activities?---Um, I don't know whether I -
12:22:03 45 I don't know whether I would, um, specifically have known
12:22:09 46 from either of them, but what I would say is that I would,
12:22:13 47 the assumption I would have made, from day one, is that,

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12:22:19 1 um, because Mr, um, sorry, PII wanted him looked
12:22:27 2 after, um, is that because he wanted him looked after is
12:22:32 3 that he could have given him up.

12:22:34 4
12:22:34 5 So this is in the same, the same sort of way as, for
12:22:42 6 example, PII and Mr Mokbel, those sorts, the same
12:22:45 7 sort of arrangement?---They were - that's right, they were
12:22:49 8 all interlinked.

12:22:50 9
12:22:50 10 You say you were aware PII was engaged in
12:22:54 11 ?---Yes, he was.

12:22:56 12
12:22:56 13 And he had considerable amounts of cash available to
12:23:01 14 him?---Um, I presume so. It wasn't, he didn't flash a lot
12:23:06 15 of cash around but I, I did see him on occasion, um, or
12:23:13 16 one, one that I can think of as I sit here,
12:23:18 17 to another criminal.

12:23:19 18
12:23:21 19 He's effectively saying, "Well look, Ms Gobbo was assisting
12:23:26 20 me by ensuring that either my criminal underlings or other
12:23:32 21 criminals associated with my activities don't put me in and
12:23:36 22 Ms Gobbo's assisting me to do that by representing them and
12:23:40 23 ensuring that they do the right thing by me", that's really
12:23:43 24 what he's saying, isn't it?---Well yeah, but that's just,
12:23:47 25 it's, it's quite the opposite because what I did do was
12:23:50 26 exactly the opposite and then I was petrified about it
12:23:54 27 being found out.

12:23:55 28
12:23:55 29 Yes, indeed he says he was paying you a retainer for that
12:24:01 30 purpose?---Yeah, and as I've said a couple of times that is
12:24:07 31 unmitigated rubbish. If I, I hope that there is some,
12:24:15 32 someone has some proof of what he's saying or he's able to
12:24:21 33 suggest someone, a witness or something, some manner of,
12:24:24 34 um, when or where this happened. Because it's a very, it's
12:24:27 35 a - you know, I'll admit the things that I did, but, um,
12:24:32 36 it's an appalling allegation to be made in a public forum
12:24:36 37 without a shred of evidence.

12:24:39 38
12:24:41 39 Can I move very quickly to a separate topic. I put to you
12:24:49 40 that you visited in prison PII and PII on a
12:24:54 41 number of occasions, more or less on a monthly basis
12:24:59 42 throughout 2006 or the latter part thereof, into 2007,
12:25:04 43 right?---Yes, I said I did, yes.

12:25:06 44
12:25:06 45 Were those visits facilitated at all by Purana in
12:25:10 46 conjunction with the Office of Corrections, as far as you
12:25:13 47 were concerned?---Sometimes they were because they, um, you

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12:25:17 1 had to give, in those days, because of their status, as in
12:25:21 2 because of their security rating you had to give a certain
12:25:25 3 amount of notice to Corrections and on occasions where that
12:25:30 4 notice hadn't been given or I was, um, was requested to go
12:25:36 5 towards the end of the week, leading up to the weekend, um,
12:25:40 6 I would have had, I did have contact with some police
12:25:45 7 officer to ensure that I could visit.

12:25:48 8
12:25:49 9 Did you on occasions have special locations not normally
12:25:53 10 available to professional visitors to see either PII [REDACTED]
12:25:58 11 or PII [REDACTED]?---Um, no. No, I saw, um - sorry, I'm just
12:26:09 12 thinking before I answer. I can remember seeing Mr, um,
12:26:14 13 PII [REDACTED] at one or possibly two police stations, other than
12:26:24 14 St Kilda Road or prison, and with PII [REDACTED], no, it was,
12:26:31 15 um, there was one reasonably large room, um, in the prison
12:26:39 16 in which visits took place, so there was a, to be, um, to
12:26:49 17 give a proper answer, there's normally a, um, legal visit
12:26:53 18 part of the prison where there's actual, um, lawyers'
12:26:59 19 rooms. But the unit that they were in, because of their
12:27:02 20 security rating, um, they had to be seen in a different
12:27:06 21 part of the prison but it was always the same room.

12:27:08 22
12:27:09 23 I follow that. Any other barrister who had to see them
12:27:11 24 would see them in the same location?---That's right, that's
12:27:14 25 right. And then, yeah, because at some point they'd get
12:27:20 26 moved - some point I went to PII [REDACTED], and that's another -
12:27:24 27 you know, you don't see, you don't see people in that unit
12:27:27 28 or prisoners in that unit in the same, um, legal rooms that
12:27:31 29 you would see other prisoners.

12:27:34 30
12:27:34 31 I follow that, I understand that. Is there anything else
12:27:37 32 you want to say about that or is that what you want to
12:27:40 33 say?---No, I mean - - -

12:27:43 34
12:27:43 35 All right?---If there's some suggestion that I saw, that I
12:27:46 36 got some special treatment within, within the prison
12:27:51 37 system, no, they were subject to the same conditions as
12:27:54 38 anyone else in terms of being searched and not being
12:27:57 39 allowed to bring documents and not being allowed to take
12:28:01 40 anything from me. They were no different to anyone else.

12:28:04 41
12:28:04 42 All right. Can I move on. I briefly touched on Milad
12:28:10 43 Mokbel?---Yep.

12:28:10 44
12:28:10 45 You know that he was arrested on 25 April 2005 - 2006, I
12:28:17 46 apologise. And he was remanded in custody, do you agree
12:28:23 47 with that?---Yes.

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12:28:24 1
12:28:24 2 You attended on that night and spoke to him?---Um, I
12:28:28 3 probably did, yes.
12:28:29 4
12:28:31 5 As his legal advisor?---Yep.
12:28:33 6
12:28:34 7 He called you for legal advice and you went and spoke to
12:28:36 8 him, correct?---Yep.
12:28:37 9
12:28:38 10 The Commission has evidence that when you finished speaking
12:28:41 11 to him you came out and spoke to Dale Flynn?---Yep.
12:28:44 12
12:28:44 13 Would that be right?---Probably, yes.
12:28:47 14
12:28:47 15 And that you indicated to Mr Flynn that Milad Mokbel wanted
12:28:53 16 to plead guilty to trafficking in a large commercial
12:28:56 17 quantity of drugs, do you accept that?---What - whatever I,
12:29:02 18 whatever I, um, whatever I said to Flynn would have been
12:29:05 19 whatever, um, I'd been told.
12:29:10 20
12:29:10 21 Would you accept that that would be highly unusual, that
12:29:14 22 immediately after visiting a person who had been arrested
12:29:16 23 that a barrister would immediately speak to the informant
12:29:21 24 and indicate that that person was prepared to, to plead
12:29:26 25 guilty to a charge of that sort?---Well, um, strange as it
12:29:31 26 might seem, that was his position that night. Um, and, ah
12:29:37 27 as time went on, um, he, um, he at some point said - I
12:29:47 28 can't remember at what point in the proceedings, but at
12:29:50 29 some point when it became evident that his wife was going
12:29:54 30 to go to gaol and he was going to lose his house he was
12:29:59 31 adamant he should plead guilty as quickly as he could
12:30:03 32 before they had any more evidence.
12:30:05 33
12:30:05 34 In any event you would agree that it would be highly
12:30:08 35 unusual for a legal advisor at that point in time, a person
12:30:11 36 having just been arrested, to advise them or even to permit
12:30:15 37 them to indicate to a police officer they would then and
12:30:19 38 there enter a plea to that sort of charge, do you accept
12:30:22 39 that?---No, if that's what he's asked me to say, or that's
12:30:27 40 what he said he was going to do that's what I would have
12:30:30 41 said. I would have just repeated what he'd said to do.
12:30:33 42 Would I advise someone to do that? Absolutely not. In his
12:30:38 43 position he wasn't advised by me to do that.
12:30:40 44
12:30:41 45 Do you accept that on that night he didn't get independent
12:30:43 46 legal advice?---Yep.
12:30:45 47

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12:30:46 1 Okay. Now, it was apparent, can I suggest this, that from
12:30:52 2 materials available to the Royal Commission?---Yep.
12:30:56 3
12:30:56 4 It appears that as the committal approached in mid-2007 you
12:31:01 5 were involved in providing legal advice to Mr Mokbel, that
12:31:10 6 is Milad Mokbel?---To - - -
12:31:12 7
12:31:12 8 Mr Milad Mokbel, do you agree with that?---Yes. I know I
12:31:16 9 had, I can remember having a very uncomfortable, um,
12:31:20 10 conference with Mr O'Brien and Mr Flynn, um, in my chambers
12:31:26 11 about him.
12:31:26 12
12:31:27 13 Yes. And you were speaking to them with a view to
12:31:34 14 negotiating a plea deal for him?---Um, no. Well part of it
12:31:40 15 related to him but it was mostly he wanted to protect his
12:31:44 16 wife.
12:31:44 17
12:31:44 18 But it was with a view to having a deal provided to him,
12:31:49 19 that is for him to plead guilty in circumstances where his
12:31:54 20 wife was also facing charges?---Yes, it was to, for him to
12:31:59 21 negotiate whatever, whatever the settlement was, on the
12:32:04 22 basis that they withdrew the charges against his wife and
12:32:09 23 unrestrained the family home.
12:32:10 24
12:32:10 25 Right. Can I put this to you: that you were keen for
12:32:18 26 Mr Mokbel, Milad Mokbel, to negotiate a plea - do you
12:32:25 27 accept that?---Ah - - -
28
12:32:31 29 For him to plead guilty?---On the basis of what I've said,
12:32:34 30 yes.
12:32:34 31
12:32:35 32 And do you accept that you were motivated by a desire that
12:32:38 33 there not be a contested hearing because such a contested
12:32:42 34 hearing would increase the prospect of the Mokbels finding
12:32:48 35 out of your involvement with respect to PII [REDACTED]?---In
12:32:52 36 part, yes.
12:32:53 37
12:32:53 38 So do you accept that you were conflicted and you couldn't
12:32:57 39 have represented him properly?---There was - it was
12:33:02 40 enormously, um, an enormous conflict for a multitude of
12:33:10 41 reasons, not just what you've said.
12:33:12 42
12:33:12 43 What are the other reasons?---Well, he had, I mean he had -
12:33:16 44 there I was talking to, um, I can remember talking to
12:33:19 45 O'Brien and Flynn about, um, his wife and himself, so the
12:33:26 46 first, I mean the obvious is I shouldn't have been talking
12:33:29 47 to them, they well knew my role in all of it. It was kind

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12:33:32 1 of farcical sitting there having a conversation with them.
12:33:36 2 Then there was the issue of his wife, um, she should have
12:33:39 3 had completely separate solicitor and barrister.
12:33:43 4
12:33:43 5 Yes?---Then there was the issue of her being a surety,
12:33:46 6 which she should have had, in my view anyway, another
12:33:50 7 separate, um, consideration from that point of view. And
12:33:54 8 then I can remember talking to them, to the police, about
12:33:57 9 the, him wanting to protect his wife and O'Brien, um,
12:34:04 10 saying, "He's got 24 hours and tell him not to call my
12:34:08 11 bluff", which is exactly what he did do.
12:34:10 12
12:34:10 13 Do you say that the investigators were aware of your
12:34:13 14 desire, your desire to resolve because of your concern and
12:34:16 15 their concern about you not being disclosed?---No, I'm not
12:34:22 16 - I can't say what was in their minds at the time. Um, it
12:34:28 17 may have been, um, but I don't know what was in their
12:34:32 18 minds.
12:34:32 19
12:34:33 20 Can we have a look at p.801, please, it's an ICR, p.801 of
12:34:40 21 the ICRs, 19 April 2007?---I do remember that within a
12:34:47 22 short period of time after that conference, um, his wife
12:34:51 23 was arrested and gaoled.
12:34:54 24
12:34:54 25 Right. Let's have a look at this entry?---I'm just - I
12:35:05 26 can't see it yet, Chris.
12:35:07 27
12:35:07 28 Do you see, this is a discussion you've had with the
12:35:10 29 handlers. If we go perhaps up a few pages and this is
12:35:13 30 about - 19 April 2007. Do you see that? If we go back
12:35:20 31 further?---Yes, yes, I've got it, yep.
12:35:23 32
12:35:23 33 Milad Mokbel, do you see that, "3838 would like to see
12:35:27 34 Milad and assist him to plead to all charges. 3838 states
12:35:31 35 that his wife needs to stay in gaol to enable you", that is
12:35:36 36 Ms Gobbo, "To be able to convince Milad to plead guilty",
12:35:40 37 that would be, wouldn't it?---Presumably.
12:35:43 38
12:35:44 39 "General conversation about" - - -?---What date, sorry,
12:35:46 40 what date is this? When is this from?
12:35:49 41
12:35:49 42 19 April 2007?---And who, um, who's writing this?
12:35:55 43
12:35:55 44 One of your handlers. And then there's general
12:36:02 45 conversation about not representing or providing legal
12:36:06 46 advice to the Mokbels, do you see that?---Yeah, presumably
12:36:10 47 that's me saying that, yes.

.07/02/20

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GOBBO XXN

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12:36:12 1
12:36:12 2 COMMISSIONER: It's Officer Anderson, Ms Gobbo, if you look
12:36:19 3 at number one on your list?---Thank you.
12:36:21 4
12:36:21 5 MR WINNEKE: Is that you saying that to the handlers or the
12:36:23 6 handlers saying to you, "You shouldn't represent or provide
12:36:27 7 legal advice to the Mokbels"?---That's why I asked who had
12:36:31 8 written it. Um, now that I know it's Anderson, it would
12:36:38 9 have been, with him it's more likely to have been a joint
12:36:44 10 conversation. I can't say that's him saying that or me
12:36:48 11 saying that, except that when he's, the way he appears to
12:36:59 12 be writing is that when I said something it's him, he
12:37:00 13 writes. Oh no, he doesn't all the time.
12:37:01 14
12:37:02 15 Do you accept that, well certainly insofar as this
12:37:04 16 particular handler was concerned, he was aware of the
12:37:07 17 problems with you representing the Mokbels because of your
12:37:12 18 conflicted situation?---They all were, yes.
12:37:15 19
12:37:15 20 Did they advise you that you should not be acting for
12:37:21 21 people such as the Mokbels?---I wouldn't say advise, it was
12:37:26 22 a topic of conversation, um, quite frequently as time went
12:37:30 23 on.
12:37:30 24
12:37:30 25 Yes?---Um, as was the - you know, it went into detail about
12:37:36 26 the difference between negotiating or appearing at a filing
12:37:41 27 hearing, for example, or, as in some, something where there
12:37:44 28 was advocacy or instruction based as opposed to an
12:37:49 29 administrative kind of hearing, um.
12:37:54 30
12:37:54 31 What, was it felt okay if it was an administrative kind of
12:37:58 32 a hearing or behind the scenes, but not okay if you were
12:38:02 33 overtly in public providing legal advice?---Yep.
12:38:07 34
12:38:07 35 What was the difference?---Well I think that they perceived
12:38:12 36 the difference as, um, as, for example, um, turning up - I
12:38:20 37 can remember like - if I make it referable to one occasion
12:38:25 38 that springs to mind is, um, going to court when PII
12:38:30 39 was arrested and appearing in a filing hearing because
12:38:37 40 obviously nothing happens in a filing hearing bar for
12:38:41 41 administrative orders, um, as opposed to, um, turning up
12:38:46 42 and doing a plea, for example, or a trial. And in answer
12:38:51 43 to your question, um, did they have less concern about
12:38:55 44 that? Yes.
12:38:56 45
12:38:57 46 But weren't you told on a number of occasions that you
12:39:01 47 could, you should not act for these people because of the

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12:39:05 1 conflict that you were in?---Um, did they tell me that or
12:39:11 2 was I raising that with them or both?
12:39:14 3
12:39:15 4 Were you told by them that you should not act for people in
12:39:18 5 relation to whom you had provided information about?---Not
12:39:20 6 in those words. What they, what they - a better way to put
12:39:25 7 it would be, "We would prefer that you didn't", or they
12:39:27 8 would say, um, "Purana would prefer that you didn't", where
12:39:31 9 as time went on, um, and it was apparent via what they had
12:39:37 10 said that the much higher hierarchy within Victoria Police
12:39:43 11 was aware of my role, um, they would say, um, "It would be
12:39:47 12 better if you didn't do A, B and C", then there would be a,
12:39:53 13 what ensued was a, um, an argument about how to get away
12:39:59 14 from whoever that person was or how to extract myself.
12:40:05 15 And, um, and therein lay the problem and, um, one example
12:40:09 16 of that that comes to mind is when, after Tony was
12:40:13 17 extradited, um, it was, I can remember it was officer, um,
12:40:19 18 Fox, had this, spent a couple [REDACTED], he wanted me to
12:40:24 19 [REDACTED] and tell him exactly what I was [REDACTED], um,
12:40:30 20 pressured me to have [REDACTED] to say to
12:40:33 21 ensure that I could not, not, not speak to Tony again.
12:40:37 22
12:40:42 23 Is it the case that you, or you understood yourself that
12:40:48 24 you couldn't act for these people, or you shouldn't be
12:40:51 25 acting for these people, right?---Yes, I did, that's why it
12:40:54 26 was a matter that was talked about.
12:40:56 27
12:40:56 28 Would it be fair to say or correct to say that more often
12:41:01 29 than not you did act for these people or advise these
12:41:05 30 people?---I couldn't work out a way to, having regard to
12:41:08 31 the fact that I basically best friended them and been
12:41:13 32 available at all hours of the day and night at their beck
12:41:17 33 and call, which was obviously encouraged by reason of what
12:41:21 34 I was doing, to then work out a way that wouldn't arouse
12:41:26 35 suspicion and just suddenly not be speaking to them any
12:41:31 36 more, nor would I appear for them.
37
12:41:33 38 Yeah, all right?---Without revealing that, you know, "I
12:41:35 39 can't appear for you because I've got a conflict. What is
12:41:38 40 your conflict?" More often than not the conflict was them,
12:41:43 41 but often there was a second conflict and by saying what it
12:41:46 42 was would identify that someone was in the process of
12:41:50 43 talking to the police.
44
12:41:51 45 Yeah, all right?---I'm not saying that's right, but that
12:41:54 46 was a constant problem.
12:41:55 47

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12:41:55 1 You said before that you were aware that the upper echelons
12:41:58 2 or higher level officers of Victoria Police were aware of
12:42:05 3 it, how can you say that?---I can only tell you what
12:42:09 4 Mr White told me, um, in response to questions that I
12:42:13 5 asked.

12:42:14 6
12:42:15 7 Well, what questions did you ask and what were you
12:42:18 8 told?---Well, um, I can't, I mean I can't tell you a
12:42:23 9 specific date, um, um, obviously at the beginning I was
12:42:30 10 told nothing about anything. They wouldn't even, um, they
12:42:34 11 wouldn't even confirm either by silence or by answers that
12:42:38 12 people like Jim O'Brien or Dale Flynn or Stuart Bateson
12:42:43 13 knew. As time went on, they appeared to relax or maybe
12:42:49 14 were complacent, I don't know what you'd call it, but they
12:42:52 15 were more open about saying who knew what, um, so I can't
12:42:57 16 be sure of exactly when but as time went on it became
12:43:01 17 apparent that most of Purana knew, if not, um, definitely
12:43:06 18 the main, um, police officers - - -

12:43:11 19
12:43:11 20 Sorry to stop you. Can you point to a particular
12:43:14 21 conversation - - - ?---That's all right.

12:43:15 22
12:43:16 23 - - - you can bring to mind in which you were told by
12:43:19 24 Mr White that particular senior officers of Victoria Police
12:43:22 25 were aware of your role and your conflicted role?---Um, not
12:43:29 26 without looking at them. I haven't looked at any notes of
12:43:32 27 his or conversations, but it must, there must be, um, there
12:43:38 28 must be references to it in either my daily, multiple daily
12:43:44 29 conversations with individuals or the debriefings. There
12:43:48 30 was definitely more than one occasion in which, um, I asked
12:43:54 31 specifically whether Simon Overland was aware because he
12:43:57 32 was then a Deputy Commissioner and he was in charge - I was
12:44:01 33 of the understanding he was in charge of all the Purana
12:44:04 34 operations, and Mr White indicated that he was well aware
12:44:07 35 of what was going on.

12:44:09 36
12:44:09 37 Right, okay?---As to whether - if I had the opportunity to
12:44:16 38 look at all of Mr White's diaries or all of the
12:44:21 39 conversations in chronological order I might be able to
12:44:25 40 point to times referable to particular people, um, where
12:44:31 41 these conversations have come up.

12:44:36 42
12:44:36 43 Do you recall being told that he might have known of your
12:44:39 44 role as an informer but not the extent or the details of
12:44:43 45 the information that you were providing?---No, um, what I
12:44:49 46 was told was that he knew, um, what I was doing and the,
12:44:57 47 um, because there were times when I was saying, um, you

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12:45:00 1 know, basically, "Is all of this okay?" Um, you know, to
12:45:04 2 say, I mean I would hope it's obvious that, um, I had
12:45:09 3 issues with, um, being upset about what I was doing and
12:45:14 4 feeling overwhelmingly guilty and raised that with Mr White
12:45:18 5 and others, um, and querying whether it was okay. I mean
12:45:25 6 the jokes about, not jokes, but the comments about there
12:45:28 7 being a Royal Commission one day, um, are indicative of the
12:45:33 8 fact that I wasn't comfortable with what was going on and
12:45:37 9 in, I guess as a comfort, I was told that, um, as far as
12:45:42 10 the police were concerned it was all fine, it was all okay.
12:45:45 11
12:45:45 12 Do you say that you had a discussion with a particular
12:45:50 13 handler about the possibility of a Royal Commission?---Yes.
12:45:57 14 It was definitely raised on more than one occasion, um - -
12:46:03 15 -
12:46:03 16
12:46:03 17 Are you able to say with whom?---White, but I can't - White
12:46:09 18 and - I would really need, I would need the opportunity to
12:46:14 19 look at the, um, or to listen to the, assuming the
12:46:19 20 transcripts are accurate, but they're often not, the
12:46:25 21 various debriefings I had with them.
12:46:27 22
12:46:27 23 Do you say it was in a face-to-face meeting or on a
12:46:31 24 telephone call or other?---It could have been either.
12:46:34 25 There were, there was a lot of stuff, a lot of time spent
12:46:38 26 talking on the phone and, like, the examples that you've
12:46:42 27 shown where it's obvious I'm on the phone for an hour and
12:46:46 28 there's half a page of notes, there was a lot more
12:46:49 29 conversation than what are in the notes.
12:46:51 30
12:46:54 31 Are you able to identify any particular police officer with
12:46:57 32 whom you discussed Royal Commission potential?
12:47:04 33
12:47:05 34 COMMISSIONER: She has mentioned Sandy White, I think.
12:47:07 35
12:47:07 36 MR WINNEKE: Aside from Mr White?---Probably Anderson
12:47:12 37 because he - I got along very well with him. Um, if anyone
12:47:24 38 it would be more likely to be, um, Green, Fox, Anderson,
12:47:32 39 um, or Smith.
12:47:34 40
12:47:35 41 Yes, all right. Now, can I ask you about Mr Karam?---Yep.
12:47:48 42
12:47:48 43 Mr Karam was a person who you had informed on from around
12:47:53 44 the time of your initial registration, do you agree with
12:47:57 45 that?---Yeah, I'm not sure when, um, not at the beginning,
12:48:03 46 he wasn't a target of theirs, but yes, Mr - - -
12:48:07 47

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12:48:09 1 You told police about him and gave information to police
12:48:13 2 about your interactions with him?---Yes, anything they
12:48:16 3 asked about I spoke about.
12:48:17 4
12:48:18 5 Right. He was also someone who you advised and represented
12:48:23 6 as a legal practitioner throughout the time that you were
12:48:26 7 registered, do you agree?---Yes.
12:48:27 8
12:48:28 9 Do you agree that on 5 June 2007 you provided the police
12:48:32 10 with a bill of lading in relation to an importation of
12:48:36 11 tomato tins which had been organised by Mr Karam?---I
12:48:44 12 provided it to police but I don't believe it was organised
12:48:46 13 by, I don't agree it was organised by Karam or that was my
12:48:51 14 belief at the time.
12:48:51 15
12:48:52 16 All right. Did you believe that Mr Karam was involved in
12:48:55 17 that importation?---That was the impression - yes, that was
12:49:01 18 the impression he'd given me.
12:49:03 19
12:49:04 20 Right. At the time that he did so you were representing
12:49:06 21 him in a trial in which he was ultimately acquitted, is
12:49:09 22 that right?---Yes, there was a, a second trial. The second
12:49:14 23 importation.
12:49:15 24
12:49:16 25 He had given you the bill of lading for you to hold on to,
12:49:19 26 is that correct?---Um, not that's not quite what happened
12:49:24 27 but, yes, it was in my possession, without me knowing what
12:49:28 28 it was at the time.
12:49:29 29
12:49:30 30 Can you explain the circumstances in which it came to be in
12:49:33 31 your possession?---So this is in the middle of his
12:49:37 32 importation, um, trial, and um - sorry, I'm trying to make
12:49:48 33 sure I don't say anything about anyone that I'm not allowed
12:49:52 34 to talk about. Um, there was another person, a friend of
12:49:57 35 his who was having a trial at the same time for a separate
12:50:01 36 matter in the same building and he indicated to me that he
12:50:05 37 had, um, was holding on to that document for that person,
12:50:11 38 um, but didn't want to take it, that person didn't want to
12:50:14 39 take it to court with him in case he ended up in custody.
12:50:18 40 Um, and the same, the same position was adopted by Mr Karam
12:50:24 41 but for different reasons. Um, and I think I linked what
12:50:30 42 the document may have been by reference to conversations I
12:50:35 43 had with both of them the day before, or the night before.
12:50:40 44 Um, because when I got the document it was in an envelope
12:50:44 45 and it wasn't until I opened it and translated it that I
12:50:48 46 thought I realised the significance of it.
12:50:51 47

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12:50:51 1 You copied it and gave it to police?---Um, ultimately, yes.
12:50:59 2 Yep.
12:50:59 3
12:51:00 4 How long after receiving it did you give it to the SDU?---I
12:51:06 5 think they collected it that day, but obviously there was a
12:51:10 6 conversation about it first and then they had calls to make
12:51:16 7 and then they came and collected it.
12:51:18 8
12:51:18 9 Okay?---Then there was some, there was some big issue
12:51:22 10 about, then they had to come and take my phone [REDACTED]
12:51:26 11 [REDACTED] from me and then they were worried I was going to
12:51:30 12 get arrested by the Federal Police.
12:51:32 13
12:51:32 14 You interpreted the Italian component of the document for
12:51:35 15 them?---Or part of it, yes.
12:51:37 16
12:51:38 17 Thank you, Ms Gobbo. I just want to play, if I might, a
12:51:42 18 short audio clip. Clip number 75.
12:51:45 19
12:51:46 20 COMMISSIONER: Just while we're getting that ready, the Fox
12:51:49 21 diaries were Exhibit 507.
12:51:52 22
12:51:52 23 MR WINNEKE: Thanks Commissioner. This is a discussion,
12:51:54 24 Ms Gobbo, concerning Mr Karam?---When is this from? Sorry,
12:52:01 25 I've got it now.
12:52:02 26
12:52:04 27 3 July 2007. It's a discussion concerning Mr Karam and the
12:52:06 28 bill of lading, if you could just read that and listen to
12:52:10 29 it.
30
12:52:18 31 (Audio recording played to the hearing.)
12:53:07 32
12:53:07 33 Could you hear that, insofar as you could hear it, do you
12:53:12 34 say that it more or less reflects that which is recorded on
12:53:15 35 the transcript?---Yes, I can't hear, obviously there's more
12:53:20 36 after the transcript finishes, but yes.
12:53:22 37
12:53:23 38 Do I take it that you were aware of what you were doing,
12:53:28 39 and bearing in mind this was a discussion concerning
12:53:31 40 Mr Karam and the consequences of the provision of the bill
12:53:35 41 of lading?---Yep.
12:53:37 42
12:53:38 43 Were you aware that what you were doing in representing
12:53:45 44 these people was wrong?---Yes. Is this, um, is that
12:53:51 45 conversation about Karam or, specifically or someone else?
12:53:55 46
12:53:56 47 About Karam?---Yep, and that's, so the part where, um,

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12:54:02 1 that's why there's a reference to 20 or so people already,
12:54:05 2 yes, I agree.
12:54:07 3
12:54:07 4 Do I take it that it was apparent to you that your handlers
12:54:12 5 were aware that what you were doing, that is representing
12:54:15 6 people in relation to whom you provided information, was
12:54:18 7 wrong?---Yes, it was spoken about, um, at length numerous
12:54:24 8 times.
12:54:24 9
12:54:25 10 At least by 3 July 2007 you were saying that there were
12:54:28 11 already 20 people in that category?---Yep.
12:54:31 12
12:54:31 13 Do you say that that was accurate or was it an
12:54:37 14 exaggeration?---Um, that's why I asked whether the call
12:54:41 15 related, sorry, the conversation related only to him.
12:54:46 16
12:54:46 17 Yes, I follow?---At first glance it could be, it could be
12:54:52 18 20 co-accused, but then I didn't know a lot of his
12:54:56 19 co-accused at that point or prior to his arrest.
12:54:59 20
12:55:00 21 They hadn't been arrested?---No.
12:55:01 22
12:55:01 23 You understand the arrests occurred in relation to that
12:55:04 24 matter quite some time later and you're talking about the
12:55:08 25 bill of lading and Mr White saying you can't represent
12:55:11 26 anyone arising out of this investigation, do you follow
12:55:15 27 that?---Yeah, I thought he meant Mr Karam, but yes, I agree
12:55:22 28 with that.
12:55:23 29
12:55:23 30 The discussion is around that particular issue and the fact
12:55:26 31 that you provided the bill of lading and that was likely to
12:55:30 32 result in an investigation and arrests, and it appears that
12:55:34 33 Mr White is making it clear to you that it's important for
12:55:37 34 you, for all of us, that you don't represent anyone, do you
12:55:41 35 see that?---That's part of what's said, yes.
12:55:43 36
12:55:43 37 And you say, "Well look there's already 20 people in that
12:55:47 38 category"?---And he laughs and says, "I know".
12:55:50 39
12:55:50 40 In relation to the possibility that a conviction could be
12:55:54 41 overturned or a suggestion or an inquiry in relation to
12:55:58 42 whether or not, it says he, but a person, he gets
12:56:04 43 completely unbiased, uncompromised evidence and you say,
12:56:07 44 "There's already 20 people in that category". Do I take it
12:56:10 45 you're referring to all of the people who you'd informed on
12:56:15 46 and advised or appeared for in the period up until 3 July
12:56:19 47 2007, do you accept that that's what it appears to

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12:56:23 1 be?---Yes, it's anyone that I've given information, you
12:56:26 2 know, that I've inappropriately given information to
12:56:30 3 because they have been a client or potentially a client,
12:56:36 4 um, and then they've, um, ended up being charged and I have
12:56:41 5 ended up having more contact with them or doing whatever I
12:56:44 6 did for them, because I can't work out a way to extract
12:56:48 7 myself.
12:56:48 8
12:56:49 9 Right. It appears that Mr White is saying to you that it's
12:56:52 10 important that you don't do that?---Yep.
12:56:56 11
12:56:56 12 Do you follow?---Yes, yes.
12:56:57 13
12:56:57 14 It appears that you're not accepting that?---From that,
12:57:03 15 from that snippet of conversation, yes.
12:57:05 16
12:57:08 17 Now, equally, it appears that everyone seems to be aware,
12:57:13 18 nonetheless, that that's what's been happening?---If you
12:57:17 19 look at my last, the last words I say, I'm obviously
12:57:21 20 agreeing and saying, "Yes, I know, I think about it all the
12:57:24 21 time".
12:57:25 22
12:57:25 23 Right. Was it your understanding that nonetheless, even
12:57:30 24 though that had already occurred, that the police would do
12:57:33 25 what they could to prevent your involvement from coming to
12:57:36 26 light?---Yes.
12:57:37 27
12:57:37 28 And that's what you hoped would occur?---That's what they
12:57:43 29 promised me, that's what they assured me.
12:57:45 30
12:57:46 31 As far as you were aware that did occur?---Well that's
12:57:49 32 right, they didn't say anything. I don't believe they ever
12:57:52 33 said anything.
12:57:53 34
12:57:53 35 Do you accept that that was wrong, that the people who you
12:57:56 36 had represented should have known and they should have
12:58:00 37 known that you were not providing them with independent
12:58:03 38 legal advice?---It should have been disclosed to them in,
12:58:08 39 um, yes, I agree and it should have been disclosed to them
12:58:13 40 and to other people for whom I hadn't acted but who it
12:58:18 41 could have affected.
12:58:19 42
12:58:19 43 And that every time it did occur there was the potential
12:58:22 44 for that case, for those proceedings to be perverted?---Or
12:58:28 45 to be, um, overturned, yes.
12:58:31 46
12:58:32 47 Now - - -?---This was a, you're right, this was a topic of

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12:58:38 1 conversation from day one.
12:58:41 2
12:58:42 3 Now, following 3 July 2007 do you accept that you continued
12:58:48 4 to provide information about Mr Karam and associates of
12:58:52 5 Mr Karam, including Mr Barbaro and Mr Higgs and
12:58:57 6 others?---No, um, did I provide information? Yes. I
12:59:01 7 didn't even know who Barbaro was and Karam had never
12:59:04 8 mentioned his name.
12:59:06 9
12:59:07 10 In any event, do you accept that if there is information in
12:59:11 11 the ICRs concerning Mr Karam and any information that you
12:59:15 12 had, or was provided to you about Mr Karam's associates,
12:59:20 13 you would then provide it to your handlers?---Yes, it was
12:59:25 14 an all or nothing, "Tell us everything, don't leave, don't
12:59:28 15 leave a single bit out", so yes.
16
12:59:31 17 Right?---I know that at one stage they gave me photos, um,
12:59:35 18 and asked me to look at these photos and see if I could
12:59:39 19 tell them who they were and I had no idea who any of the
12:59:42 20 people in the photos were and, you know, a year later or
12:59:46 21 however long it turned out they were photos of Italians.
12:59:50 22
12:59:50 23 All right. Now, later on, I think in 2008, Mr Karam and
12:59:56 24 numerous others were arrested, do you accept that?---Sorry,
13:00:00 25 I was arrested?
13:00:01 26
13:00:02 27 Mr Karam and others involved in that importation?---Yes.
13:00:06 28
13:00:07 29 Were arrested?---Yep.
13:00:08 30
13:00:14 31 Do you accept that you, contrary to the advice of Mr White,
13:00:23 32 did provide advice to Mr Karam?---Yeah, I wouldn't say, if
13:00:26 33 you take that one excerpt of telephone, that one excerpted
13:00:33 34 conversation, yes, it was contrary to what Mr White said on
13:00:36 35 that day, and no, I should not have even spoken to Mr Karam
13:00:43 36 but once again I had the same problem of, I've spent day
13:00:47 37 and night chasing this guy because Mr White had an
13:00:50 38 obsession with him, he was his one person he hadn't been
13:00:54 39 available to convict for years earlier, and then how am I
13:00:57 40 going to get away from him without him thinking that I'd
13:01:00 41 done something to him?
13:01:01 42
13:01:01 43 Do you accept that you also advised a number of the other
13:01:04 44 people who had been arrested as a consequence of that
13:01:07 45 information that you'd provided?---Um, I had a role in
13:01:13 46 their bail applications. Beyond that I wasn't involved.
13:01:16 47

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13:01:22 1 Perhaps I'll come back to that. But you certainly, you did
13:01:26 2 represent Mr Higgs, is that right?---Yeah, I did some, um,
13:01:32 3 some documents, I think, some sort of summary for him.
13:01:38 4 Actually, I did, I did a summary, I can't remember who for,
13:01:41 5 I think it was used by a number of accused.
13:01:45 6
13:01:45 7 Was that when you were working subsequent to your
13:01:49 8 registration with Solicitor 1?---Um, I think it was - no, I
13:02:00 9 think it was before that, or it might have been before and
13:02:03 10 after. Sorry, I can't, I'm not exactly sure.
13:02:08 11
13:02:09 12 Were you working for Solicitor 1 in around 2011 or
13:02:15 13 10?---Yeah, I did occasional things for him, um, in 2011 I
13:02:27 14 think, it could have been 2010. Sorry, I'd have to look at
13:02:35 15 fee slips or, um, invoices.
13:02:39 16
13:02:40 17 Some of the work that you did do, did that concern the
13:02:43 18 tomato tins importation?---No, I think - my memory is that
13:02:49 19 I did, um, um, where Mr Higgs is concerned, I, um, I think
13:03:00 20 I, um, looked at a, um, a defence response for his trial.
13:03:08 21
13:03:09 22 Right?---Um, sorry, I'm just trying to think. I know that
13:03:13 23 they had a committal, um, various things came out in the
13:03:16 24 committal.
13:03:17 25
13:03:17 26 Right. Perhaps I can assist you. Mr Higgs has made
13:03:20 27 submissions and one of the things that he says is that you
13:03:23 28 acted for him during the period 2010 to 2012?---2012, okay,
13:03:31 29 yep.
13:03:31 30
13:03:32 31 Do you agree with that? He says that you attended
13:03:38 32 meetings, provided advice to him, redrafted his Form 10A,
13:03:42 33 which was a request for witnesses at the committal
13:03:44 34 proceeding, and drafted a summary of the case against him,
13:03:47 35 do you think you might have done that?---Well I did a
13:03:50 36 massive chronology of the brief but I did that with all
13:03:54 37 those large briefs but, um - - -
13:03:57 38
13:03:57 39 Who did you do that for?---Um, I think I did that for one
13:04:01 40 of the QC's right at the beginning.
13:04:05 41
13:04:06 42 On behalf of which client?---And then, sorry, it was shared
13:04:09 43 around because they were all co-accused. It might have
13:04:13 44 been for - initially, Pino Acquaro.
13:04:19 45
13:04:20 46 Right. Who was he representing at that stage?---I think he
13:04:23 47 had about half the accused.

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13:04:25 1
13:04:26 2 Are you able to recall which?--Well not Higgs, not Karam.
13:04:30 3 Um, I think he had Barbaro and the, um, Zirilli and others.
13:04:40 4
13:04:41 5 What about Mr Higgs, was the solicitor for Mr Higgs
13:04:45 6 Solicitor 1?--Yes.
13:04:47 7
13:04:48 8 And were you working and providing that work for Mr Higgs
13:04:52 9 through Solicitor 1?--Um, yeah, I'm trying, I'm trying to,
13:05:00 10 I'm trying to think, recall what I did formally and what I
13:05:03 11 did informally, but it doesn't really matter. Yes.
13:05:07 12
13:05:07 13 Whether it be formally or informally, what was it that you
13:05:12 14 did?--I can't remember a Form 10A, which is the committal
13:05:16 15 document, but I can remember, um, I can remember speaking
13:05:22 16 to him, um, in the presence of, um, Mr Karam prior to their
13:05:31 17 Supreme Court trial because, um, because there was an issue
13:05:38 18 with, um, their representation, what barristers they were
13:05:42 19 using, um, and what material - and of course nobody, there
13:05:47 20 was no summary done of the committal proceedings.
13:05:50 21
13:05:50 22 Right. Did you discuss any matters that you were aware of
13:05:57 23 having been engaged to advise Mr Higgs, did you discuss any
13:06:02 24 of those matters with any member of Victoria Police?--Um,
13:06:13 25 not, not around that - not around that time that I can
13:06:17 26 recall.
13:06:17 27
13:06:17 28 Did you have any discussions with any of member of the AFP
13:06:23 29 about those sorts of matters?--Do you mean around the time
13:06:26 30 that, in 2010, 11, 12?
13:06:31 31
13:06:31 32 Any time that you were acting for him or subsequent to
13:06:34 33 that?--The AFP? Um, not that I can recall, no.
13:06:38 34
13:06:39 35 Do you believe that you provided any confidential
13:06:42 36 information or information that you'd obtained from
13:06:44 37 Mr Higgs to any police officer?--Um, not, not
13:06:54 38 specifically. Um, there was a - - -
13:06:57 39
13:06:58 40 Do you believe you did or do you believe you didn't?--No,
13:07:01 41 in the period of time that I was informing probably, yes.
13:07:05 42 Um, but afterwards, I can't - I don't have a specific
13:07:10 43 recollection of, um, of anything other than the, um, his
13:07:16 44 fear of being murdered and talking to police at some point
13:07:19 45 about that.
13:07:20 46
13:07:22 47 Did you have any communications with prosecutors about

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13:07:26 1 Mr Higgs or any confidential matters?---At what time, or at
13:07:34 2 any time?
13:07:34 3
13:07:34 4 At any time?---Um, I don't think so. Ah, no, other than,
13:07:46 5 um, other than an occasional kind of, um, ah, conversation
13:07:57 6 but nothing that was, nothing that I can recall would be in
13:08:01 7 any way, shape or form privileged, bearing in mind there
13:08:04 8 wasn't a specific defence that I can think of.
13:08:07 9
13:08:07 10 All right?---Um, or defence strategy bar the obvious. With
13:08:15 11 Brent Young, who was prosecuting.
13:08:16 12
13:08:17 13 Did you tell Brent Young, and I take it you didn't, but did
13:08:23 14 you tell him or any other prosecutors about your role in
13:08:26 15 the tomato tins case?---Of course not. I was led to
13:08:31 16 believe from, um, I think it was Officer Fox that the way
13:08:39 17 that they had covered it up was such that even the Federal
13:08:43 18 Police didn't know and that it was all, um, going to come
13:08:46 19 out that it was some amazing work by Australian Customs.
13:08:51 20
13:08:51 21 I'm going to move on, Ms Gobbo. Can I ask you this: it
13:09:00 22 appears that you have been acting for and provided legal
13:09:04 23 advice to a number of people whilst you were an informer
13:09:09 24 and in relation to whom you were providing information
13:09:12 25 about, correct?---Yes.
13:09:16 26
13:09:17 27 You agree that they would certainly not have known about
13:09:20 28 your role as an informer?---Absolutely, yes. Yep, I do,
13:09:26 29 yep.
13:09:27 30
13:09:28 31 They engaged you as an independent legal practitioner in
13:09:34 32 the belief that they were getting someone who was an
13:09:38 33 independent barrister who was working on their behalf, do
13:09:41 34 you accept that?---Yes, yep.
13:09:43 35
13:09:44 36 They did not know, and can you accept that would not have
13:09:46 37 engaged you if they had known that you were an agent of
13:09:49 38 Victoria Police?---Correct.
13:09:51 39
13:09:53 40 Nonetheless you charged these people considerable sums of
13:09:58 41 money, correct?---I received fees for some of them, yes.
13:10:03 42
13:10:03 43 You charged them and you received fees, is that
13:10:06 44 right?---Yep, yep.
13:10:06 45
13:10:06 46 And that includes Mr Karam?---Um, yes, yep. I'm - go on,
13:10:19 47 yep.

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13:10:19 1
13:10:20 2 Over the period of time that you were registered and
13:10:22 3 subsequently you charged him, indeed entirely during the
13:10:26 4 period of time that you were registered from 21 November
13:10:28 5 2005 through to December 2008, somewhere in the region of
13:10:33 6 \$60,000?---Um, does that include the three month trial I
13:10:38 7 did for him where he was acquitted?
13:10:42 8
13:10:43 9 Yes, it does?---Yes.
13:10:44 10
13:10:44 11 In terms of other people who you represented and charged,
13:10:50 12 such as Mr Sergi, Mr Maroun, Mr Pasquale Sergi, Tony Sergi,
13:11:01 13 Di Pietro, Zirilli, Barbaro, times two, you charged those
13:11:09 14 people money, do you accept that?---Yes.
13:11:10 15
13:11:12 16 That is those people who were arrested as a consequence of
13:11:15 17 the tomato tins importation?---Yep.
13:11:17 18
13:11:18 19 And in relation to other people such as PII [REDACTED]
13:11:22 20 PII [REDACTED], Mr Tony - - -?---Yes, I've already
13:11:28 21 said that, yes, I have. Yes, I did.
13:11:31 22
13:11:31 23 Do you accept that had they known they wouldn't have paid
13:11:36 24 you that money?---Well they wouldn't have engaged me in the
13:11:40 25 first place.
13:11:40 26
13:11:40 27 Righto. Did you consider that in doing so you'd obtain
13:11:46 28 financial advantage or obtain money by deception?---No.
13:11:51 29 Um, it was, this also was a topic that was discussed with
13:11:56 30 Victoria Police and, um, obviously wrongly, but I was led
13:12:04 31 to believe that, um, that, that they were the police and
13:12:09 32 anything that I was doing that was wrong they would stop,
13:12:12 33 they would stop me.
13:12:13 34
13:12:14 35 Who did you speak to about you charging money in relation
13:12:17 36 to your clients who you were informing on?---As in, um,
13:12:25 37 specifically? I can't remember specifics, I'd have to look
13:12:29 38 at, listen to every conversation I had with them, um, but I
13:12:33 39 know it was spoken about with, um, with White, Smith, um,
13:12:38 40 Preston, Green, Fox, Anderson, um, it was not something
13:12:45 41 that, um, they were unaware of by - and in fact not
13:12:49 42 something that Purana detectives or other people, other
13:12:53 43 police weren't aware of. They seemed to break it into
13:12:58 44 categories, kind of justify it as in, well, that little bit
13:13:02 45 of work is not, um, is not referable to a particular
13:13:07 46 action, um, and it seemed to be, I don't know whether the
13:13:12 47 right word is tolerated or accepted.

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13:13:14 1
13:13:14 2 Right?---You know, in a different way, for example, drug
13:13:20 3 use, they said, "If you're ever somewhere and there are
13:13:24 4 drugs we'd prefer it if you didn't take any, or if you're
13:13:28 5 going to, if you're offered any you need to tell us", so
13:13:33 6 there was nothing hidden about charging fees or, um,
13:13:37 7 anything else. But no one said it was, it was something I
13:13:40 8 could not do or should not do. I was saying to them, I was
13:13:44 9 saying to them, this is all, um, it's just, it's wrong and
13:13:49 10 it's going to come out.
13:13:50 11
13:13:50 12 You knew it was wrong?---Yes.
13:13:53 13
13:13:53 14 Nonetheless you charged these people money, correct?---Yes.
13:13:57 15
13:13:57 16 You had [REDACTED]?---From Victoria Police?
13:14:01 17
13:14:02 18 Yes?---No, they said I didn't need one.
13:14:05 19
13:14:06 20 Right. You were practising a deception on the clients,
13:14:09 21 correct, people who were, you were purporting to represent,
13:14:12 22 correct?---By not telling them that I was an informer, yes.
13:14:16 23
13:14:17 24 And you knew that you weren't entitled to the money?---No,
13:14:22 25 I don't agree with that. I don't want to argue semantics,
13:14:26 26 but, um, did I go and do whatever I said I was going to do?
13:14:31 27 Yes, I did. Was it wrong? Yes. Did I breach their
13:14:37 28 confidence and not tell them about my dual role? Yes. But
13:14:43 29 did I do what I said I was going to do? Yes, I did.
13:14:43 30
13:14:44 31 Do you say that you discussed with handlers particular
13:14:47 32 invoices that you sent and break down the invoices and say,
13:14:51 33 "This component is work that I've done regardless of
13:14:55 34 whether" - - - ?---No - - -
13:14:57 35
13:14:58 36 Well, do you say that?---No, I didn't say that I had.
13:15:00 37
13:15:00 38 Do you say that you told your handlers that you were
13:15:02 39 charging a particular brief fee to a particular
13:15:06 40 client?---Not specifically, but did they know that, um,
13:15:10 41 that someone was going to be charged a fee because I had
13:15:14 42 turned up in court and appeared at a remand hearing? Yes,
13:15:19 43 they did. They also - - -
13:15:20 44
13:15:20 45 You say it would have been expressly discussed or would it
13:15:27 46 have been a matter that would have been taken for granted
13:15:29 47 that you would?---No, some things were expressly discussed

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13:15:34 1 because, for example, the constant phone calls and visits
13:15:36 2 to prisons was something that was discussed because they
13:15:40 3 were well aware that no one was being charged for that.
13:15:43 4
13:15:44 5 Were you not complaining to your handlers on occasions that
13:15:47 6 you weren't getting paid for the work that you were doing
13:15:50 7 for Victoria Police?---Correct, because there were plenty
13:15:53 8 of things I wasn't paid for.
13:15:54 9
13:15:54 10 If you were complaining to handlers that you weren't
13:15:56 11 getting paid for work that you were doing for Victoria
13:15:59 12 Police, do you think it's possible that they weren't aware
13:16:01 13 that you were charging fees?---I don't know. Look I don't
13:16:07 14 know what they, what specifics they were and weren't aware
13:16:10 15 of in relation to each person. Um, but they were aware of,
13:16:16 16 I can say for certain they were aware of certain things
13:16:19 17 because I spoke to them about it.
13:16:20 18
13:16:20 19 You say certain things, what recollection do you have of
13:16:23 20 speaking to them about particular matters?---Okay. So, for
13:16:30 21 example, um, Tony Mokbel. Um, him not paying and not
13:16:35 22 paying and not paying was one thing.
13:16:38 23
13:16:38 24 You were complaining that he didn't pay?---Yes.
13:16:42 25
13:16:42 26 Right?---But I mean - - -
13:16:43 27
13:16:44 28 Is that in relation to a trial that you had acted for him
13:16:47 29 in March 2006?---That was one matter, yes.
13:16:52 30
13:16:52 31 Okay.
13:16:54 32
13:16:54 33 COMMISSIONER: Are you going to be much longer, Mr Winneke?
13:16:57 34
13:16:57 35 MR WINNEKE: Not much, Commissioner, no?---The answer is
13:17:00 36 going to take a while because I have to think of each
13:17:03 37 person.
13:17:06 38
13:17:08 39 Do you want to have a break, Commissioner?
40
13:17:11 41 COMMISSIONER: No, it's just you did say you would finish
13:17:13 42 by lunchtime.
13:17:15 43
13:17:16 44 MR WINNEKE: I'm doing my best.
13:17:17 45
13:17:17 46 COMMISSIONER: All right, we'll finish this area, finish
13:17:20 47 the questioning in this area. I think you want to give an

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13:17:23 1 answer, Ms Gobbo?---Commissioner, without looking at - the
13:17:30 2 opportunity to read what all the three year conversations
13:17:34 3 with these police and all their notes, I can't - - -
13:17:39 4
13:17:39 5 You can't provide an accurate answer?---I can't provide a
13:17:42 6 specific answer to each individual client.
13:17:44 7
13:17:44 8 I understand that. Is there anything more you wanted to
13:17:47 9 say on this topic?---No.
13:17:49 10
13:17:49 11 MR WINNEKE: No, Commissioner.
13:17:50 12
13:17:50 13 COMMISSIONER: All right. Could I just clarify one thing
13:17:52 14 before we break for lunch. You said to Mr Winneke when he
13:17:57 15 was asking you about the tomato tins arrests?---Yep.
13:18:01 16
13:18:02 17 You said something, Karam and others were arrested and you
13:18:05 18 said, "Sorry, I was arrested?" Could I just ask you, were
13:18:10 19 you concerned that you might have been charged or arrested
13:18:12 20 in respect of that matter?---Yes. Yes, Commissioner. My
13:18:17 21 handlers at one stage panicked and said to me that they had
13:18:22 22 to come and collect the phone that I was using [REDACTED]
13:18:25 23 [REDACTED], um, and that if I, if I was arrested or the
13:18:31 24 Federal Police came near me to, um, to, um, to not say
13:18:41 25 anything about them.
13:18:44 26
13:18:45 27 Right?---I don't, I still don't know exactly what happened.
13:18:47 28 My belief at the time was that my conversations with Karam
13:18:52 29 had come across, um, a telephone intercept that the Federal
13:18:57 30 Police had in place and there was some assumptions being
13:19:01 31 made by investigators.
13:19:03 32
13:19:04 33 But in fact you weren't ever arrested or charged?---No.
13:19:08 34 No, I wasn't. No, I wasn't.
13:19:10 35
13:19:10 36 All right then. We'll adjourn for half an hour and we'll
13:19:14 37 resume at 10 to 2.
38
13:19:16 39 <(THE WITNESS WITHDREW)
13:19:17 40
41 LUNCHEON ADJOURNMENT
42
43
44
45
46
47

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13:19:17 1 UPON RESUMING AT 1.50 PM:
2
13:54:43 3 COMMISSIONER: Yes Ms Gobbo. Can you hear me?---Yes, thank
13:54:46 4 you.
5
13:54:47 6 Thank you. Yes, Mr Winneke.
13:54:49 7
13:54:49 8 <NICOLA MAREE GOBBO, recalled:
9
13:54:53 10 MR WINNEKE: I just want to ask you about a discrete topic,
13:54:55 11 Ms Gobbo. Within the materials of the SDU, certain ICRs
13:55:05 12 indicate that on occasions you would, when a solicitor was
13:55:09 13 away, step in and take over a practice for a period of
13:55:14 14 time. Do you recall that that occurred on a number of
13:55:17 15 occasions throughout the period from 2005 through to
13:55:23 16 2007?---Take over someone's practice?
17
13:55:26 18 Yes. To more or less baby-sit the practice when the
13:55:31 19 solicitor was away?---Um, specifically? No, not
13:55:45 20 specific - - -
21
13:55:46 22 Perhaps to make it easier I'll quickly take you through a
13:55:48 23 couple of ICRs. Page 175. There's a reference to you
13:55:51 24 looking after a solicitor's office whilst he's away on
13:55:55 25 holidays and it says, "Which is a regular arrangement with
13:55:58 26 the source". That's on 30 December 2005. Down the bottom
13:56:05 27 there, do you see that, the last dot point?---Yeah, if
13:56:12 28 there was, as in if there was some, one of his clients was
13:56:16 29 arrested and his receptionist didn't know what to do,
13:56:21 30 that's right.
31
13:56:21 32 Did that mean that you would actually, in effect, go into
13:56:25 33 their office and work in the office or did it - - - ?---No,
13:56:29 34 not at all.
35
13:56:29 36 What did it mean?---It meant that if, um, ah, if someone
13:56:34 37 that was his client couldn't ring, couldn't get hold of him
13:56:38 38 on his mobile phone.
39
13:56:40 40 Right?---Um, ah, and they didn't know what to do.
41
13:56:45 42 Yeah?---They would call me if necessary.
43
13:56:48 44 Right. In a similar vein there's a note on 25 July 2007 at
13:56:54 45 p.1061. I apologise. Yes, 1061. At the top, do you see
13:57:20 46 again - - - ?---Yep.
47

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13:57:22 1 - - - this is the person - - - ?---Yep.
2
13:57:26 3 - - - she's been looking after a practice - it says "her
13:57:30 4 practice" but assumes it's meant to be his?---Yes.
5
13:57:33 6 Then subsequent to that on the 30th - so that would be a
13:57:37 7 similar arrangement, would it?---Yes, um, from those notes
13:57:41 8 it looks like there was some phone call that I got about
13:57:47 9 something that had happened in the days leading up to that
13:57:50 10 date from one of his clients but I don't know who it was.
11
13:57:54 12 Right. Does that indicate you're looking after the
13:57:58 13 practice with respect to all of the clients who he's got,
13:58:01 14 and if any clients have got concerns that you'd be
13:58:08 15 contacted?---Um, no more likely if - it wasn't direct, it
13:58:13 16 was more if he had a couple of junior solicitors, article
13:58:19 17 clerk and conveyancing clerk and receptionist.
18
13:58:24 19 Right?---If they couldn't work out between them what to do
13:58:27 20 or someone that was, one of his clients was, for example,
13:58:33 21 arrested whilst on bail for something like that, they would
13:58:37 22 call me then.
23
13:58:39 24 Righto. What we can see there is that you're meeting the
13:58:42 25 solicitor downstairs to hand over back to him and update
13:58:47 26 him on what happened whilst he was away, et cetera?---Yeah,
13:58:51 27 it would be - most of my communication when he was away was
13:58:55 28 via text message or email.
29
13:58:57 30 Right. Would you have had access to his files?---No, no.
13:59:05 31 Um - - -
32
13:59:08 33 Would you have had access to his office?---No, not in - no,
13:59:12 34 not separate to when his staff were there, no.
35
13:59:15 36 When his staff were there did you use his office, did you
13:59:20 37 basically sit in his office?---No, I went there from time
13:59:24 38 to time to see clients but if you're asking specifically
13:59:29 39 when he was overseas, um, not specifically that I can
13:59:37 40 recall.
41
13:59:38 42 All right. But if you are taking over his practice one
13:59:44 43 assumes that you would locate yourself at his practice and
13:59:47 44 be on call and available to the junior solicitors if
13:59:49 45 necessary, would that be a reasonable assumption?---No, not
13:59:53 46 physically there. I was in my chambers but on a phone or
13:59:56 47 an email if they had a problem.

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1
14:00:00 2 All right. The same practice appears to have been the case
14:00:03 3 with respect to another solicitor. If we have a look at
14:00:06 4 p.1176?---Yeah, I mean that's right. I didn't - for either
14:00:12 5 of them, I never had keys or anything like that.
6
14:00:28 7 You were looking after the practice for a week, it appears,
14:00:33 8 and "that equals more stress", do you see that? Just go
14:00:37 9 back to the previous entry. Back to 1176. Do you see
14:00:51 10 that, Ms Gobbo?---Yeah, I'm just trying to see where that
14:00:54 11 is.
12
14:00:54 13 "Going on a trek next week for a week. HS is looking after
14:00:58 14 his practice, equals more stress"?---Yep.
15
14:01:00 16 And then there's a note on 11 - at p.1186, 11
14:01:07 17 September?---Sorry, that one there that you're talking
14:01:10 18 about, that one there.
19
14:01:11 20 Yeah?---Was, um, specifically because, um, unlike the other
14:01:18 21 one this solicitor did not, was not going to have, um, not
14:01:24 22 going to be able to have phone coverage, um.
23
14:01:27 24 Right?---And the same issue, same kind of favour applied.
14:01:33 25 If there was some immediate problem, um, his junior staff
14:01:38 26 could ring. I don't think they did at all, um, but no, I
14:01:43 27 wasn't in his office.
28
14:01:44 29 All right. On that occasion did you have a key or any
14:01:46 30 other access to his office when he was away?---No, not for
14:01:50 31 him or any of them ever.
32
14:01:52 33 Okay, all right then. Just before I leave that area. I
14:01:55 34 was asking you about your chambers and Sharon Cure?---Yep.
35
14:02:00 36 Is it the case that there was a master key which opened all
14:02:03 37 of the doors in that set of chambers where the barristers
14:02:07 38 were?---Um, there may have been, I don't - I don't know. I
14:02:13 39 had a key - I don't think, I don't believe my key opened
14:02:18 40 anyone else's doors.
41
14:02:20 42 Can I suggest, or can I ask you this: do you know that in
14:02:23 43 fact there was a master key which was available and known
14:02:26 44 to be available to the barristers in that chambers which
14:02:29 45 would open any door?---Um, no, I don't know that was known
14:02:35 46 by people. I didn't know about a master key to anyone's
14:02:40 47 door.

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1
14:02:41 2 You ceased practising as a barrister in early 2009; is that
14:02:52 3 correct?---About March.
4
14:02:55 5 Did you continue working as a solicitor subsequent to that
14:02:59 6 time?---No, because in 2009 I was, um, um, I was, um, [REDACTED]
14:03:14 7 [REDACTED]
8
14:03:16 9 Yeah, all right. You [REDACTED] at some stage
14:03:20 10 thereafter, didn't you?---Yes, I, um, um, came back and was
14:03:29 11 hospitalised and sick at the end of, um, 09 into 2010 and
14:03:36 12 then at some point I, um, applied through the Law Institute
14:03:42 13 and was doing work as an employee solicitor.
14
14:03:46 15 You worked as an employee solicitor for Solicitor 1 we
14:03:50 16 know?---Yep.
17
14:03:50 18 And that was in - was that in 2010 and 2011?---Yep.
19
14:03:57 20 Did you work for any other firms as an employee
14:04:00 21 solicitor?---I did some work for Arthur Coutts and Tony.
22
14:04:10 23 Did you do any paralegal work subsequent to you resuming
14:04:14 24 health in 2010?---Um, I'm sorry, I'm just trying to think
14:04:26 25 of what I - 2010? Um, not, not that I can recall. Um, I
14:04:35 26 can - no, not that I can, not that can I specifically
14:04:38 27 recall in 2010.
28
14:04:39 29 Right. Is it the case that aside from those two firms of
14:04:45 30 solicitors you didn't work for any other firm of solicitors
14:04:48 31 as an employee?---Correct.
32
14:04:51 33 Did you provide services to any firm of solicitors as a
14:04:59 34 consultant?---Not that can I remember, um - - -
35
14:05:03 36 Did you provide - sorry?---2010, um, I don't think so
14:05:08 37 because 2010, um, I was involved in, um - - -
38
14:05:15 39 The litigation?---Yeah, and I was pretty unwell for a large
14:05:20 40 part of 2010.
41
14:05:22 42 Yes?---Um, so I don't, I don't think so.
43
14:05:27 44 All right then?---I know - I'm sorry, I know at some stage
14:05:32 45 I did, I prepared some submissions for Solicitor 1, um, ah,
14:05:42 46 in relation to a request for an Inquest. That might have
14:05:46 47 been 2011 though. Sorry, I don't think in 2010, no.

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1
14:05:50 2 All right then. In any period after you were a registered
14:05:56 3 informer did you provide any legal services in relation to
14:06:00 4 any of the people about whom you'd provided information to
14:06:03 5 the police, and we've already dealt with Mr Higgs. Are you
14:06:09 6 able to say there are any other people?---Um, not without,
14:06:18 7 not without refreshing my memory from a variety of
14:06:21 8 documents, no. Not that I can recall sitting - right this
14:06:26 9 second, no.
10
14:06:34 11 Did you provide any legal advice to any people who
14:06:43 12 contacted you without going through a solicitor in that
14:06:50 13 period subsequent to your time as a registered
14:06:59 14 informer?---Um, I don't know. Informally I've probably
14:07:11 15 spoken to a lot of people about a lot of potentially legal
14:07:15 16 things, but nothing, but nothing in the context I think
14:07:18 17 you're talking about, no, so not that I can recall off the
14:07:23 18 top of my head.
19
14:07:24 20 Were any of those people who you spoke to informally people
14:07:28 21 about whom you provided information to Victoria
14:07:35 22 Police?---Not that I can, not that I can specifically
14:07:38 23 identify right this second.
24
14:07:40 25 Do you believe there may be some people who fall into that
14:07:43 26 category?---Um, I don't want to absolutely not because in,
14:07:48 27 um, um, during 2000 and, um - after litigation settled and
14:08:01 28 going forward from that, um, there were different police
14:08:05 29 liaison people appointed and, um, anything that I spoke to
14:08:13 30 them about, um, whatever they asked I answered and I
14:08:17 31 understand they recorded those conversations, so I think
14:08:21 32 that would probably, there'd probably be records from what
14:08:24 33 I discussed with those individual officers.
34
14:08:27 35 Yes, all right. Just excuse me. Thanks for that. I'll
14:08:46 36 move to another discrete topic. A person by the name of
14:08:51 37 Arnautovic was a person you represented, first as a
14:08:56 38 solicitor in 1997 and subsequently as a barrister; is that
14:08:59 39 correct?---Yes.
40
14:09:03 41 Corrections records indicate that you visited him in
14:09:05 42 custody on 24 occasions between November 1997 and March
14:09:12 43 2000, do you accept that?---Well the records would speak
14:09:17 44 for themselves, yes.
45
14:09:19 46 And he'd been charged by the Drug Squad, correct?---Yes,
14:09:27 47 um, heroin trafficking from memory.

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1
14:09:30 2 And Mr Strawhorn was involved in the investigations leading
14:09:33 3 to those charges?---Um, I think Kelly Juric was his
14:09:42 4 informant but Wayne Strawhorn was involved, yes. Wayne
14:09:44 5 Strawhorn would have been the Senior Sergeant, yes.
6
14:09:47 7 Senior Sergeant in Kelly Juric's crew, correct?---Yes.
8
14:09:51 9 Mr Strawhorn would have been aware that you were
14:09:53 10 representing Mr Arnautovic?---Um, yes, because Strawhorn
14:09:56 11 was the - it was the Strawhorn threat in early days that I
14:10:02 12 reported to Solicitor 1.
13
14:10:04 14 Were you speaking to Mr Strawhorn - and you've given
14:10:08 15 evidence about discussions you've had with Mr Strawhorn on
14:10:12 16 occasions - do you believe you would have spoken to
14:10:17 17 Mr Strawhorn at around this time leading into 2000?---I
14:10:20 18 don't know. Possibly. It would depend on, um - I don't
14:10:25 19 know. Without looking at records I don't know.
20
14:10:29 21 Okay. You appeared in Mr Arnautovic's trial I think in
14:10:33 22 June 99, there was a trial before Judge Jones in the County
14:10:38 23 Court in which there was a jury discharge?---Yes, I was,
14:10:42 24 um, junior to another barrister.
25
14:10:45 26 Yes. The trial recommenced subsequently I think in August
14:10:52 27 of 99 and then Mr Arnautovic was convicted in September of
14:10:58 28 99 and sentenced I think to 12 years' imprisonment; is that
14:11:02 29 right?---I don't know, if it's the - is this the, um,
14:11:07 30 motion activated camera horse case, yes, he had - there was
14:11:12 31 no defence. I remember vaguely the details.
32
14:11:17 33 In any event, there may have been a defence but can I say
14:11:22 34 this to you, it's apparent from material contained in the
14:11:25 35 information report provided by Mr Strawhorn - - - ?---Yep.
36
14:11:34 37 - - - to this Royal Commission that he was aware of a
14:11:37 38 defence that Mr Arnautovic may raise in the trial and he
14:11:43 39 was aware of it prior to the trial commencing?---Right.
40
14:11:54 41 The defence, or the potential defence, was in the nature of
14:12:00 42 an agent provocateur type defence?---I don't think that was
14:12:04 43 the defence. I think the defence was that it wasn't him.
44
14:12:09 45 Yeah. Are you able to explain to the Commission how
14:12:23 46 Mr Strawhorn might have been aware or knew, might have
14:12:27 47 known of a potential defence that was available to

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14:12:31 1 Mr Arnautovic in the trial?---Um, no. Is he saying this -
14:12:40 2 is this Mr Strawhorn saying it came from me?
3
14:12:42 4 No, he's not saying that. He can't explain how he came to
14:12:45 5 be aware of a defence. You see, there's an information
14:12:48 6 report which suggests that Mr Strawhorn was aware of a
14:12:53 7 potential defence available or that was going to be run
14:12:56 8 during the course of the trial for Mr Arnautovic?---Right.
14:13:03 9 Um, I don't know, um, um, quite possibly from - I don't
14:13:12 10 know whether it's come up at the committal proceeding or
14:13:15 11 whether it's something he's written from someone that he's
14:13:18 12 spoken to or from PII in that case, I
14:13:23 13 don't know. But, um, the way in which that trial was run
14:13:29 14 was, there was really only one, um, one defence open on the
14:13:36 15 facts.
16
14:13:37 17 Yeah?---And it wasn't what you're suggesting.
18
14:13:47 19 Do you think that you might have inadvertently conveyed to
14:13:49 20 Mr Strawhorn what might have been going to occur or a
14:13:53 21 defence that might have been available to Mr Arnautovic in
14:13:58 22 the trial?---No, not at that time. I wouldn't have even, I
14:14:03 23 was way too junior, um, and - no, but there was some, um,
14:14:13 24 um, there was some, um, ah, crazy suggestion, or when I say
14:14:21 25 crazy, it was - I don't mean crazy crazy, I mean laughable
14:14:27 26 based upon the facts, um, that he had been set up, um, by
14:14:34 27 the informant.
28
14:14:38 29 All right. That crazy defence, crazy as it might have
14:14:45 30 been, do you think that that could have been inadvertently
14:14:49 31 passed on to Mr Strawhorn?---No, I don't believe so. I was
14:14:53 32 not, um, that was not the kind of, um, ah, or the level of
14:14:59 33 information that I was, would have been privy to or
14:15:05 34 necessarily had the capacity to appreciate at that point.
35
14:15:08 36 All right, thanks very much. Did you tell - do you think
14:15:19 37 you would have told Mr Arnautovic that you were speaking to
14:15:23 38 Mr Strawhorn, even in an informal manner, at cafés, for
14:15:28 39 example, in South Melbourne?---I would have told
14:15:32 40 Mr Arnautovic? No, I don't think so.
41
14:15:35 42 Can I just put to you a proposition. You've said to the
14:15:40 43 Royal Commission that Ms Cure conveyed to you information
14:15:49 44 coming from a statement or apparently from a statement of
14:15:52 45 Carl Williams to the effect - - - ?---Yep.
46
14:15:55 47 - - - that you were mentioned in it?---Yes.

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1
14:15:57 2 And that you showed - sorry, that Ms Cure showed you a copy
14:16:04 3 of the statement. Do you say that's what occurred?---Yes,
14:16:09 4 she showed me some - I, I can remember her showing me
14:16:13 5 something, um, in a blue ring Victoria Police binder on her
14:16:23 6 desk and my best memory is that it was a, um, it was a
14:16:32 7 statement of Carl Williams.
8
14:16:33 9 Can I put to you that Ms Cure never showed you a copy of
14:16:38 10 Carl Williams' statement because she never had a copy of
14:16:44 11 Carl Williams' statement, it had never been given to her.
14:16:48 12 The police kept a hold of it. Now what do you say to
14:16:51 13 that?---Well whatever - she showed me a document relating
14:16:57 14 to what he'd said to the police. Um, I may be wrong about
14:17:00 15 precisely what the document was. Um, but she was the one
14:17:04 16 talking about the fact that I was all over his statement,
14:17:09 17 because other barristers were talking about it.
18
14:17:11 19 Can I suggest to you that that's not correct and Ms Cure
14:17:14 20 never told you or mentioned to you that you had been
14:17:17 21 mentioned in a statement of Carl Williams, that's what the
14:17:20 22 information is that the Royal Commission has from Ms Cure,
14:17:24 23 that that did not occur?---Well she's - what can I say,
14:17:28 24 she's not - she's hardly going to say that she big noted
14:17:32 25 about knowing that I was referred to by Williams, um, in
14:17:37 26 relation to a criminal matter.
27
14:17:44 28 Yes, all right
14:17:45 29
14:17:46 30 MR HOLT: Commissioner, while we're between topics, I'd
14:17:47 31 seek a redaction in respect of p.13641, line 25.
14:17:52 32 Commissioner, you'll see the words involved in that case
14:17:55 33 and there's a word before that. I seek the redaction of
14:17:58 34 those words.
35
14:18:02 36 COMMISSIONER: Right. 13461, line 25, after the word
14:18:13 37 "from", take out the next three words.
14:18:18 38
14:18:19 39 MR HOLT: The next three words, thank you, Commissioner.
40
14:18:21 41 COMMISSIONER: No streaming or publication of those three
14:18:23 42 words.
43
14:18:24 44 MR WINNEKE: Yes, I don't take any issue with that,
14:18:26 45 Commissioner.
46
14:18:27 47 COMMISSIONER: It's just as well.

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1
14:18:38 2 MR WINNEKE: Last but one topic. Can I ask you about your
14:18:41 3 transition from the SDU to the Petra Task Force and
14:18:45 4 deactivation?---Yep.
5
14:18:48 6 Is it the case that you discussed with handlers on a number
14:18:52 7 of occasions throughout the years, starting in around
14:18:57 8 November 2006, indeed even earlier, reducing your
14:19:06 9 involvement and moving away from involvement with the SDU,
14:19:09 10 basically discussions about getting out of being an
14:19:12 11 informer. Do you - - - ?---There were discussions about
14:19:18 12 that from time to time.
13
14:19:19 14 Do you agree that subsequent to the first operation that
14:19:25 15 you were involved in, leading through to arrests around the
14:19:30 16 middle of 2006, there were discussions about easing you out
14:19:36 17 of the SDU and ceasing your work as an informer?---Yeah,
14:19:40 18 there were discussions about that. I just can't say
14:19:45 19 specifically when, but there were.
20
14:19:48 21 Was there a discussion or discussions, for example, in
14:19:52 22 November 2006 about reducing commitment to the SDU and
14:19:56 23 arranging for counselling of some sort for you?---No, I
14:20:01 24 think it was before that because, um, Mr White said for
14:20:06 25 occupational health and safety reasons I had to see some
14:20:10 26 psychologist, um, and I just - I thought it was before then
14:20:16 27 but maybe it was around that time.
28
14:20:18 29 There are notes throughout the records of discussions about
14:20:21 30 you seeing a counsellor of some sort. Do you accept that
14:20:25 31 if those things are recorded they're likely to be
14:20:28 32 accurate?---Yes, I did go and see somebody. He wouldn't
14:20:33 33 tell me the person's name or who they really were, it was
14:20:36 34 pretty stressful.
35
14:20:38 36 You saw that person on a number of occasions. I don't want
14:20:42 37 to go into detail about it, but you did see that person on
14:20:45 38 a number of occasions; is that right?---Um, yeah, three or
14:20:48 39 four from memory.
40
14:20:49 41 As far as you were concerned it wasn't a particular
14:20:54 42 satisfactory relationship?---No, because I was told I
14:20:56 43 couldn't tell that person, um, all that was going on and I
14:21:03 44 had to be careful what I said and that that person was not,
14:21:07 45 there was not the normal privilege kind of relationship
14:21:11 46 with, um, a psychologist because she was reporting back to,
14:21:16 47 what I'd said to Mr White.

.07/02/20

13465

GOBBO XXN

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1
14:21:18 2 In other words, you were aware that anything you told her
14:21:20 3 would be or could be conveyed to your handlers; is that
14:21:24 4 right?---Correct, yeah, with her spin on it.
14:21:27 5
14:21:28 6 What, she said with spin, or is that just something that
14:21:32 7 you were concerned about?---Well I was concerned that she
14:21:35 8 was, it was her interpretation of what I was saying, um,
14:21:40 9 and obviously when someone conveys, you know, unless
14:21:45 10 they're recording it and they can someone on the recording
14:21:53 11 it's paraphrased, it's not necessarily the way you said
14:21:55 12 something or what you've said.
13
14:21:57 14 Were there occasions throughout the time that you were with
14:21:59 15 the SDU that you were told that the handlers did not want
14:22:02 16 you to obtain information?---Um, yeah, they did and at some
14:22:13 17 point they, I can't remember when exactly but, um, I was
14:22:19 18 told that there was a new kind of angle which was to
14:22:23 19 identify people that they could turn into sources.
20
14:22:29 21 Right. Did you understand that during periods of time that
14:22:37 22 you were a registered informer any information that you did
14:22:40 23 provide would simply not be disseminated to
14:22:45 24 investigators?---On occasion I was told that they couldn't
14:22:48 25 disseminate it because it was too dangerous and it would
14:22:51 26 identify me.
27
14:22:54 28 But what I'm putting to you is that did you understand
14:22:57 29 there were times during the course of the relationship,
14:23:00 30 were they in effect trying to wind you down, to ease you
14:23:03 31 out of being an informer, firstly, not seek for you to
14:23:11 32 obtain any information and, secondly, that the information,
14:23:16 33 any information you provided wouldn't be disseminated? Did
14:23:20 34 those arrangements ensue at any stage?---Um, not
14:23:24 35 specifically. There was - that was part of the problem.
14:23:27 36 There was never a concrete, um, ending or a way for the
14:23:33 37 whole thing to end that was put in place or that anyone
14:23:37 38 could tell me what precisely would happen.
39
14:23:40 40 Well, as we understand it what you say is the reason for
14:23:46 41 the commencement of the relationship is to get the Mokbels
14:23:49 42 out of your life, you accept that, that's what you
14:23:51 43 say?---That's a bit - that's right, it was a bit, as I've
14:23:55 44 said, it was a bit more complicated than just that one
14:23:58 45 sentence, but, um, yes.
46
14:24:01 47 And effectively after the arrests that had been made in

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14:24:06 1 early 2006 and then subsequent, by mid-2006 effectively
14:24:12 2 that object had been achieved, hadn't it?--Well, um, in
14:24:17 3 one sense it had and in another sense it had just sort of,
14:24:21 4 um, morphed into something else because by 06 I still had
14:24:30 5 all of these people ringing and, um, not a, um, not a way
14:24:41 6 for them to stop having any communication at all which
14:24:43 7 wouldn't arouse suspicion.
8
14:24:45 9 But do you accept that there was no need, aside from those
14:24:48 10 particular matters, there was no need for you to continue
14:24:51 11 this relationship because, insofar as the object was to get
14:24:58 12 the Mokbels out, that had occurred. Mr Mokbel had fled,
14:25:02 13 other Mokbels were being dealt with. If the object was to
14:25:04 14 get them out, there was no need to continue informing?---If
14:25:09 15 that was the only, um, issue then I agree, yes.
16
14:25:13 17 But there was no need for you to continue providing
14:25:16 18 information from people. You say that people kept
14:25:20 19 contacting you, et cetera, right?--No, what I'm saying is
14:25:24 20 you're making it sound like, "So a year on or six months
14:25:28 21 later A, B and C have been arrested so that's the end of
14:25:33 22 that, no need to do anything."
23
14:25:37 24 Yes?---The problem was that go on, say, for example, when,
14:25:41 25 ah, I'll use PII [REDACTED] as an example, it's not as though
14:25:46 26 him being arrested and put in custody meant that was the
14:25:49 27 end of him, um, no need to talk to anyone about anything.
28
14:25:53 29 Yes?---Because I still had the issue of those people being
14:25:56 30 in contact with me.
31
14:25:57 32 I understand that. There were disclosure issues that arose
14:26:01 33 and you were concerned about those matters and you needed
14:26:04 34 to, you felt, speak to your handlers about those matters,
14:26:08 35 would that be fair to say?---Yes.
36
14:26:10 37 But insofar as you providing information, for example,
14:26:14 38 about Mr Karam, well that had nothing to do with the
14:26:19 39 Mokbels. There was no need for you to continue providing
14:26:22 40 that sort of information because that had nothing to do
14:26:25 41 with getting the Mokbels out of your life?--Well not if
14:26:29 42 you use him as an example, um, he was someone on
14:26:34 43 Mr White's, um, hit list, for want of a better expression,
14:26:37 44 from day one.
45
14:26:39 46 All right. But there were plenty of other people who don't
14:26:42 47 fall into that category who you continued providing

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14:26:45 1 information about?---Yeah, that'd be a fair statement.
2
14:26:50 3 And that provision of information wasn't designed to get
14:26:53 4 the Mokbels out of your life, was it?---Not specifically,
14:26:56 5 no.
6
14:26:57 7 No?---But one, I mean - as you'd appreciate, one thing led
14:27:02 8 to a lot of other things.
9
14:27:04 10 Right. One of the things that you mentioned in your letter
14:27:13 11 to Mr Fontana was what you described or perhaps - yeah,
14:27:23 12 I'll describe, as a project with respect to Mr Gatto and
14:27:26 13 that was in effect unfinished work and that Mr Gatto's
14:27:32 14 crew - the Carlton crew, right?---Yeah, he was another one
14:27:37 15 on Mr White's list of people that he wanted to, um, he want
14:27:45 16 to see behind bars if he could.
17
14:27:48 18 So it had nothing to do with you wanting, again, it had
14:27:52 19 nothing to do with you wanting to get Mr Mokbel out of
14:27:56 20 life, it was simply, in effect, another job for you to
14:27:59 21 do?---If you put it that way, yes. I mean he had, um, he
14:28:03 22 had a particular view about Mr Gatto and was, um, keen
14:28:10 23 would be an understatement, about me having contact with
14:28:14 24 him.
25
14:28:16 26 And you were representing Mr Gatto, Mr Gatto's son and his
14:28:22 27 company?---Um, I did a plea for his son for a driving
14:28:27 28 charge, yes.
29
14:28:28 30 And you - I think you gave legal advice concerning matters
14:28:35 31 regarding Mr Gatto's company?---I don't specifically
14:28:40 32 remember that but I'm not - if there's evidence of it I'm
14:28:44 33 not disputing it.
34
14:28:45 35 You appeared for Mr Gatto [REDACTED]
14:28:52 36 [REDACTED]?---[REDACTED] yes.
37
14:28:55 38 And you passed on information about Mr Gatto to your
14:28:58 39 handlers?---Yes. As I said, he was, um, or he became, um -
14:29:07 40 not became, he was someone of, um - no I understood from
14:29:13 41 them to be of significant interest to Victoria Police.
42
14:29:18 43 You understood that?---Yes.
44
14:29:22 45 You weren't forced to provide information against
14:29:27 46 him?---No, I wasn't, um, told - - -
47

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14:29:30 1 Nor were you forced to act for him?---No, by I wasn't
14:29:36 2 necessarily forced to act for anyone.
3
14:29:38 4 No. And there was no pressure being brought to bear by
14:29:46 5 anyone upon you acting for Mr Gatto, in the same way as you
14:29:50 6 say there was pressure being brought to bear for you to act
14:29:54 7 for Mr Mokbel or his confederates?---No, not in those
14:29:58 8 words, no.
9
14:30:01 10 You referred to Mr Gatto and the Carlton crew in your
14:30:06 11 letter to Mr Fontana and you said this, "Regrettably this
14:30:10 12 was a work in progress when I was handed over to Petra as a
14:30:13 13 witness"?---Yep, because by then he was - Mr White, um, and
14:30:25 14 co. were very interested in him.
15
14:30:28 16 So you blame Mr White for that, do you?---No, I don't.
17
14:30:31 18 Do you accept any responsibility at all for that?---For all
14:30:34 19 of this? Yes, I do.
20
14:30:36 21 The idea was to roll Faruk Orman on Mr Gatto; is that
14:30:42 22 right?---No, they had a, um, Victoria Police had a, um,
14:30:48 23 plan, or what I understood from what I was told, um, that
14:30:53 24 they wanted to identify anybody in his circle that they
14:30:58 25 could turn into a human source.
26
14:31:01 27 Yes. The idea was to, can I suggest, and it started with
14:31:07 28 PII [REDACTED], and it went through then to PII [REDACTED], it went
14:31:11 29 through then to Mr Orman. You were acting for all of these
14:31:17 30 people, weren't you?---Yes, I acted for them.
31
14:31:22 32 And the idea was to have Mr Orman then roll on Mr Gatto,
14:31:28 33 you were aware of that?---At one stage that's right, and
14:31:31 34 there were a few other people in the same category.
35
14:31:34 36 Like a game of dominoes?---Yes.
37
14:31:42 38 Ms Gobbo, in February of 2006, 2 February 2006 you spoke to
14:31:48 39 a particular police officer, and this is VPL.0005.0051.0871
14:31:56 40 p.60, and this was a discussion, I think I've referred to
14:32:02 41 it before, and it was a discussion by someone in relation
14:32:07 42 to giving consideration to [REDACTED]
14:32:11 43 [REDACTED] do you understand that?---Yes, I think this is -
14:32:16 44 yes, this is an early meeting with handlers.
45
14:32:21 46 You said this, "I qualified for a doctorate after I
14:32:30 47 finished my Masters. My doctorate was going to be

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14:32:34 1 supervised partly by the Law faculty at Melbourne and
14:32:34 2 partly by the Department of Criminology and it was going to
14:32:38 3 be who controls the policy considerations behind
14:32:41 4 undercovers, who controls what, who sends, who decides, you
14:32:45 5 know, where the crime stops or finishes and controls
14:32:48 6 informers. So maybe part of the reason why, as insane as I
14:32:54 7 am by doing this, is some sort of challenge"?---Yes.
8
14:32:59 9 You're referring to discussing why you were working as a
14:33:04 10 human source; that's right, isn't it?---Yeah, this is -
14:33:11 11 well if you're asking me what it means the words speak for
14:33:14 12 itself. It's a discussion in the early months with two or
14:33:22 13 one particularly long-standing handler, um, where, um,
14:33:30 14 we're tossing out ideas of or - um, he's asking, I think
14:33:36 15 he's asking questions about, um, why and, um, what I'm
14:33:40 16 hoping to get out of it.
17
14:33:41 18 Right. And you said that you regarded it as somewhat of a
14:33:45 19 challenge?---No, I say - yeah, well read what I say. So
14:33:50 20 maybe part of the reason, as insane as I am, it's for some
14:33:56 21 sort of challenge. It's an off-the-cuff remark.
22
14:33:59 23 All right?---Put - um, I don't know in what context it's
14:34:02 24 said from what's happened in the days leading up or the
14:34:05 25 days around that, but the, um, recordings will speak for
14:34:10 26 themselves.
27
14:34:10 28 Okay. On 10 January 2009 you spoke to a handler, and this
14:34:17 29 is at ICR 2958 at p.822?---Sorry, 09?
30
14:34:23 31 2009. Immediately prior to your deactivation?---Right,
14:34:27 32 yep.
33
14:34:28 34 After you signed the statement concerning - - -?---Dale,
14:34:34 35 yes.
36
14:34:35 37 You told handlers that you had Petra investigator Shane
14:34:38 38 O'Connell if you could go and do the FBI profiling course
14:34:45 39 in Quantico USA. You'd always wanted to do that. Did you
14:34:49 40 always want to be some sort of a FBI type operator?---No,
14:34:54 41 no, this is a - I don't know why they put that in there.
14:34:56 42 It was all kind of - to put that in context, he thought he
14:35:00 43 was, Shane thought he was some kind of Hollywood action
14:35:05 44 hero. He wanted Liam Neeson to play him in some movie, and
14:35:12 45 there was a discussion about, um, I mean insane crazy
14:35:15 46 discussion by these police about, "Well, this is, you
14:35:19 47 know - now you're going to be a witness you can go and live

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14:35:22 1 [REDACTED] and you can be doing this, this and
14:35:25 2 this and [REDACTED] all."
3
14:35:28 4 Without going into details, there were discussions about
14:35:31 5 what you might do because the reality is you weren't going
14:35:34 6 to continue working as a barrister and one of the
14:35:36 7 suggestions would be, or might be that you could go and
14:35:40 8 pursue this line of career, or at least this line of
14:35:43 9 education?---No, well I can't account for what they've
14:35:49 10 written down from probably a God only knows how long
14:35:55 11 discussion or conversation.
12
14:35:58 13 Yeah?---But that's - ultimately they, um, knew that if I
14:36:04 14 was going to do anything it would be, um, something far
14:36:08 15 more compassionate, um, involving people and that was
14:36:11 16 nursing. That's what I did do.
17
14:36:16 18 He suggested you were clearly fascinated about the topic.
14:36:20 19 Now, do you agree that he's probably right about
14:36:23 20 that?---That we - that, um, it was probably me, like, me
14:36:29 21 playing with, um, playing with a kitten and a ball of wool.
14:36:34 22 He was, um, um, you know, it was a conversation, um,
14:36:40 23 nothing - I don't think any more than that. Um, you know,
14:36:45 24 for the record I've taken no steps since any of this time
14:36:49 25 to do anything of the sort at all.
26
14:36:53 27 All right. Thanks Commissioner. Thanks Ms Gobbo.
28
14:36:56 29 COMMISSIONER: Thank you. Next I think Mr Gleeson, that's
14:36:59 30 the arrangement?
14:37:00 31
14:37:01 32 MR GLEESON: Yes.
33
14:37:01 34 COMMISSIONER: And you won't be very long.
14:37:07 35
14:37:08 36 MR GLEESON: I hope not.
37
14:37:09 38 COMMISSIONER: Mr Gleeson, for Mr Overland, is going to ask
14:37:13 39 some questions?---Thanks.
14:37:14 40
41 <CROSS-EXAMINED BY MR GLEESON:
42
14:37:19 43 Ms Gobbo, my name is Gleeson, I act for Simon Overland.
14:37:23 44 Can you see me?---No, I can't. Sorry.
45
14:37:28 46 Can you hear me well enough?---Yes, I can hear you.
47

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14:37:33 1 All right?---I can see you now too. You're very small but
14:37:37 2 I can see you.
3
14:37:42 4 That's been said before?---Sorry, I don't mean that. I
14:37:46 5 mean you look very small on the picture.
6
14:37:48 7 No, that's quite all right, we're off to a good start. To
14:37:51 8 pre-empt your next question, yes, I am standing?---I wasn't
14:37:56 9 going to say that. I can see the chair behind you.
10
14:38:02 11 Being an informer to police was an extremely significant
14:38:09 12 and, to you, troubling part of your life for some years,
14:38:12 13 correct?---Yep.
14
14:38:14 15 And it occupied a lot of your time and a lot of your
14:38:18 16 thoughts?---Yep.
17
14:38:22 18 Who did you tell about it over those years, did you tell
14:38:26 19 any friends?---No.
20
14:38:29 21 Did you tell any family?---Um, at - very late, um, in the
14:38:37 22 process - sorry, very late in the piece I spoke to my
14:38:41 23 younger sister about it. And I prefer that if possible I
14:38:48 24 don't say much about her because I've caused enough damage
14:38:51 25 to her.
26
14:38:53 27 Can I only ask you this: roughly when was that?---Um, I'm
14:39:00 28 not sure precisely when but the first - I can tell you
14:39:04 29 this, the first time it was talked about by me to anyone in
14:39:09 30 any detail was, um, at the time of the mediation, sorry, at
14:39:15 31 the time of my litigation, um, against Victoria Police.
32
14:39:20 33 Okay?---Prior to then I'd not told anyone at all the detail
14:39:24 34 of anything.
35
14:39:28 36 So for many years you managed to keep from your family and
14:39:32 37 friends that you were frequently and regularly providing
14:39:36 38 confidential information to police?---Yes.
39
14:39:39 40 And for many years you managed to deceive highly
14:39:44 41 sophisticated and highly suspicious criminal clients about
14:39:47 42 what you were doing?---Yeah, I was juggling all the time.
43
14:39:52 44 You've admitted that, on your oath, you misled the Board of
14:40:01 45 Examiners?---Yeah, well I think, you know, looking at the,
14:40:09 46 um, the affidavit in the way that Mr Winneke asked
14:40:12 47 questions about it there's obviously, there's two years

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14:40:15 1 that you could have, that could have been detailed in there
14:40:19 2 but my - did the Supreme Court know that I had previously,
14:40:25 3 um, used drugs and been in possession of them and not used
14:40:29 4 drugs since? Yes, it did, and I thought that the question
14:40:34 5 he asked about the use amphetamine not being referred to, I
14:40:38 6 had thought, perhaps wrongly, that the good behaviour bond
14:40:43 7 or charge sheets were exhibited to the affidavit.
8
14:40:46 9 I didn't ask you for an explanation, but do you want to
14:40:49 10 change your evidence that you gave in response to questions
14:40:51 11 from Mr Winneke that - - - ?---No - - -
12
14:40:55 13 That you accept that - please let me finish. That you
14:40:58 14 accept you misled the board of examiners?---Based on the
14:41:01 15 questions he asked me, yes. I don't want to change my
14:41:04 16 evidence, no.
17
14:41:05 18 See, what I want to put to you, Ms Gobbo, is that you are a
14:41:09 19 spectacularly good liar, do you accept that?---Ah, yes.
20
14:41:16 21 And do you accept that you've lied so well and so often
14:41:21 22 that you've lost the capacity to know when you're telling a
14:41:25 23 lie?---No, I don't.
24
14:41:27 25 Do you say that all of the evidence you've given to the
14:41:30 26 Royal Commission has been true?---To the best of my
14:41:35 27 ability, without looking at material, yes.
28
14:41:38 29 When did you give up your practice of being a spectacularly
14:41:44 30 good liar, Ms Gobbo?---Um, when I ceased having, um, any -
14:41:53 31 well probably putting a year on it, um, 2011, 2012.
32
14:42:05 33 Is it your position you'd been lied to and manipulated by
14:42:10 34 numerous police officers over the years?---At times, yes.
35
14:42:20 36 In a conversation, or perhaps it's best characterised as
14:42:25 37 evidence that you gave to this Commission in March of last
14:42:29 38 year, you described my client Mr Overland as evil, corrupt
14:42:36 39 and dishonest, do you remember that?---It wasn't evidence
14:42:40 40 but, yes, I did say those words.
41
14:42:43 42 We can perhaps shorten a fair bit of what I might have to
14:42:48 43 ask you about. Do you accept that you had no basis for
14:42:51 44 saying that?---It's an opinion.
45
14:42:55 46 Do you accept that you had no basis for saying that?---No.
47

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14:43:03 1 You'd never met him?---No.
2
14:43:05 3 You'd never had a one-on-one in person conversation with
14:43:09 4 him?---No, he declined all my requests.
5
14:43:12 6 You'd never had an in person conversation of any type with
14:43:16 7 him, whether one or one or in a group, correct?---No,
14:43:20 8 never.
9
14:43:20 10 You'd never had a telephone conversation with him?---No, no
14:43:25 11 communication directly at all ever.
12
14:43:29 13 So you rely for your assertion that he is evil, corrupt and
14:43:35 14 dishonest on what other police officers have said to you
14:43:38 15 about Mr Overland?---Um, in part, yes.
16
14:43:43 17 Well in large part, correct?---No, and on what I've - when
14:43:49 18 I've seen him speak or things I've read about him.
19
14:43:52 20 I see. And these police officers upon whom you rely in
14:43:57 21 part for your view that he's evil, corrupt and dishonest,
14:44:01 22 are they the same ones who've lied to you and manipulated
14:44:04 23 you in your view?---Some of them, yes.
24
14:44:08 25 But you're sufficiently confident, are you, that when they
14:44:14 26 told you what you say they told you about Overland, that
14:44:17 27 was when they were telling the truth?---No, I can, um - it
14:44:22 28 depends on what they've said and when. Of course I don't
14:44:27 29 know, I don't know whether they were or weren't telling me
14:44:29 30 specifics, um, or whether they were doing their job and
14:44:36 31 carrying out someone's orders or apportioning blame
14:44:39 32 elsewhere.
33
14:44:40 34 So do I take that answer - - - ?---(Indistinct).
35
14:44:44 36 - - - to be, "I did not know when they were telling me
14:44:48 37 these things whether they were lying or not"?---Correct.
38
14:44:51 39 Right. As I understand your position, it's that not all
14:44:56 40 matters that you become aware of as a result of acting as
14:45:01 41 somebody's lawyer are necessarily privileged,
14:45:04 42 correct?---Correct, m'hmm.
43
14:45:06 44 And over time you gave police some information that was
14:45:08 45 privileged and some that, in your view, clearly
14:45:12 46 wasn't?---Yep.
47

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These claims are not yet resolved.

14:45:13 1 And once registered as an informer you typically gave that
14:45:18 2 information to your handlers?---Yes.
3
14:45:24 4 It was your expectation, as I understand your position,
14:45:27 5 that those handlers would filter out the information that
14:45:30 6 was privileged and not pass it on to the
14:45:35 7 investigators?---That was what I understood, yes.
8
14:45:37 9 And you would have expected that they would not pass on
14:45:40 10 privileged information to senior police, correct?---Yes, or
14:45:45 11 any information that would, um, that would, um, lead to my
14:45:51 12 identification by police who weren't aware of what was
14:45:54 13 going on.
14
14:45:54 15 It follows from those answers, doesn't it, that it was your
14:45:57 16 expectation that Mr Overland would not have been receiving
14:46:01 17 privileged information from you, correct?---Yeah, I assume
14:46:07 18 he didn't get the details. I don't know, but I assume he
14:46:11 19 didn't, he was too, um, he was too senior.
20
14:46:18 21 I'll just press you on that answer?---Yep.
22
14:46:20 23 You've accepted that you assumed he wouldn't have been
14:46:23 24 receiving details, but based on your earlier answers it
14:46:27 25 must be the case that it was your assumption that Overland
14:46:30 26 would not have been receiving privileged information from
14:46:33 27 you, correct?---I don't know, I don't know - you know, as
14:46:40 28 you rightly identify, I don't know who was lying and when
14:46:45 29 or who was lying about what to me, so I don't know.
30
14:46:48 31 Well, I'm just testing you on this proposition that you
14:46:52 32 have a basis for the assertion that Mr Overland was evil,
14:46:56 33 corrupt and dishonest?---Well look at what he said the day
14:47:01 34 after I sued him. Look what he said publicly.
35
14:47:03 36 The highest it rises to at the moment, I suggest, is that
14:47:07 37 you assumed, but couldn't be sure, that he wasn't getting
14:47:11 38 any privileged information from you, correct?---I assume,
14:47:16 39 yes.
40
14:47:19 41 In your evidence to, well, your information provided to the
14:47:23 42 Royal Commission in March of last year - I might ask that
14:47:28 43 that be called up, it's Exhibit 787B, and in particular
14:47:42 44 p.176 please. You see there at line 17 you say, "I didn't
14:48:10 45 have any specific meeting with Overland before it or after
14:48:13 46 it but I had meetings with police officers who" - - -
14:48:16 47 ?---Yes.

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1
14:48:17 2 And I won't mention the name. That's a fine name, okay.
14:48:20 3 "Specifically Shane O'Connell who said to me, 'I have the
14:48:24 4 imprimatur of the Chief Commissioner to be able to say to
14:48:28 5 you, not in these specific words, but there's no limit to
14:48:31 6 our financial or other commitment to you in terms of you
14:48:34 7 assist us by giving evidence', et cetera", do you see
14:48:37 8 that?---Yes.
9
14:48:38 10 That was your statement in response to what had been put to
14:48:46 11 you a page earlier, if we scroll back, by Mr Winneke at
14:48:52 12 line 33, "Simon Overland, what do you say generally by way
14:48:58 13 of an opening, if you like, about his conduct overall?"
14:49:01 14 Then you took it upon yourself to say, "Evil, corrupt and
14:49:06 15 dishonest"?---Yes, fairly emotional response, Mr Gleeson,
14:49:10 16 yep.
17
14:49:10 18 When he pressed you for some details you said what you said
14:49:15 19 over the page, if we roll over?---Yep.
20
14:49:18 21 "I was always led to believe he was well aware of my
14:49:22 22 informing, he was a huge supporter, an encourager of it,
14:49:27 23 and that, you know, in that time there were often
14:49:32 24 circumstances which I'd would say to my handler, whichever
25 handler I was with at the time, 'Are you sure you know what
26 you're doing?'" Now, it was only when it was pointed out
14:49:39 27 to you a little further down the page by Mr Winneke that
14:49:41 28 Simon Overland was not the Chief Commissioner at this time
14:49:44 29 that you realised your error, correct?---No, he was the
14:49:47 30 Deputy Commissioner for Crime. He was in charge of Purana.
31
14:49:51 32 Thank you. But you only realised that your evidence to the
14:49:55 33 effect that you had been told it had the imprimatur of the
14:49:58 34 Chief Commissioner amounted to no evidence at all about
14:50:02 35 Simon Overland knowing and it was only when that was
14:50:06 36 pointed out to you that you realised, correct?---No, that's
14:50:09 37 not what that - that's not what that paragraph is about.
14:50:13 38 When I'm saying that, um, that what, what Shane O'Connell
14:50:18 39 said to me, um, it was in relation to, um, the, um, the
14:50:28 40 promises made that I understood were from Simon Overland
14:50:32 41 with respect to agreeing to be a witness against Paul Dale.
42
14:50:36 43 Over the page at 177, line 36, you say, "It was because
14:50:47 44 they, the handlers, made it clear", then you seem to
14:50:51 45 interrupt yourself, "or the impression they gave
14:50:55 46 me"?---Yep.
47

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14:50:55 1 "Was that the fact of what is my involvement in assisting
14:51:01 2 them went right to the top." Do you see how you corrected
14:51:06 3 yourself there?---Yep.
4

14:51:07 5 Do you understand the difference between someone making
14:51:11 6 something clear, on the one hand, and someone giving you an
14:51:13 7 impression on the other hand?---Yes.
8

14:51:15 9 You corrected yourself because the first one wasn't right,
14:51:18 10 correct?---No, because I didn't say that, um, I didn't make
14:51:22 11 it clear that what I meant was, ah, whenever he changed
14:51:26 12 from Deputy to the Chief Commissioner position, um, ah,
14:51:32 13 whenever exactly that occurred, um, but in the context of
14:51:36 14 the time that I was informing my understanding during that
14:51:40 15 period was that he was aware but, as you point out, I don't
14:51:45 16 know whether what I was being told was true or not.
17

14:51:48 18 Put to one side for a moment whether it was true or not, no
14:51:52 19 one ever said to you, "Simon Overland knows exactly what's
14:51:56 20 going on, he knows the details of what you're giving, he
14:51:59 21 knows who you're acting for and he knows who you're
14:52:03 22 informing on", correct?---No, no one could say that to me,
14:52:08 23 no.
14:52:08 24

14:52:08 25 And no one did say that to you?---No, I was never given,
14:52:11 26 never ever would I be given details like that.
27

14:52:14 28 The highest it was ever put was that senior police were
14:52:17 29 aware of the fact that you were an informer, correct?---Um,
14:52:26 30 look I can't, I can't - I don't dispute that because I
14:52:31 31 can't remember and I haven't re-read all of the recorded
14:52:34 32 conversations that I had with, um, police from 05, 06 and
14:52:41 33 07. So I can't dispute that.
34

14:52:47 35 Just pardon me a moment. You spoke to the 7.30 Report last
14:53:08 36 year?---Yep.
37

14:53:11 38 Late last year?---Yes.
39

14:53:15 40 Quite some months after the March discussion you had with
14:53:22 41 the Royal Commission that I've been taking you to?---Yep.
42

14:53:38 43 I have in front of me the transcript of the 7.30 Report as
14:53:43 44 it went to air, Ms Gobbo?---Yeah.
45

14:53:46 46 At p.40 of that, and I'll just read this short paragraph -
14:53:53 47 I better refer to the question you were asked first. "So

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14:53:56 1 how did you feel when a man, an officer you'd been intimate
14:54:00 2 with was basically in charge of your future?" You said, "I
14:54:04 3 didn't learn about that until years afterwards. Um, I was
14:54:07 4 horrified but no one ever told me, um, no one ever told me
14:54:11 5 who knew what in terms of, um, individual police officers
14:54:14 6 or control. All I was told was that obviously the, um,
14:54:18 7 Chief Commissioner knew and, um, this is when Simon
14:54:21 8 Overland was the Chief Commissioner and that, um, it was a
14:54:24 9 well kept secret". Do you remember giving an answer to
14:54:29 10 that effect to the 7.30 Report?---Yes, yep. Not
14:54:33 11 specifically but I - but I would have.
12
14:54:38 13 So, quite some months after it had been pointed out to you
14:54:41 14 by Mr Winneke that at the time at which you were talking
14:54:45 15 about having been told that the Chief Commissioner knew,
14:54:49 16 Simon Overland was not the Chief Commissioner, you repeated
14:54:51 17 on a public broadcast quite the opposite, correct?---Sorry,
14:54:56 18 can you ask that question again?
19
14:54:58 20 Certainly. It was pointed out to you by Mr Winneke on 20
14:55:03 21 March that when you said that, "In 2007/2008 I had the
14:55:10 22 imprimatur of the Chief Commissioner", that that was told
14:55:13 23 to you, it was then pointed that in 07, 08 Overland was not
14:55:18 24 the Chief Commissioner?---Yeah, okay, but - - -
25
14:55:20 26 You then, some months later, went on the 7.30 Report and
14:55:24 27 repeated your first error. Had you forgotten you'd been
14:55:27 28 corrected or did you decide to lie?---No, look - can I just
14:55:32 29 try and explain this. When, um, the reference to the, um,
14:55:37 30 March transcript is what I'm trying to explain is that, um,
14:55:42 31 my basis for having a particular view about Mr Overland is
14:55:46 32 because when Shane O'Connell told me, "I am here because
14:55:56 33 this is what Mr Overland says I can say to you", um, I
14:56:00 34 assumed that what Shane was saying was correct. Whether it
14:56:03 35 was the month before Mr Overland became the Chief
14:56:06 36 Commissioner or not, that's the name that he used at the
14:56:09 37 time, which is why, when the pleadings were done for that
14:56:13 38 writ, it included Mr Overland, and that's - part of my, um,
14:56:25 39 disappointment in him was that the day after getting to a
14:56:28 40 stage of having to file the proceeding, or issue and file
14:56:30 41 the proceedings, he was on national television saying that,
14:56:34 42 um, every allegation that I made was incorrect and would be
14:56:39 43 vigorously defended.
44
14:56:40 45 Ms Gobbo, you know that I'm asking you specifically about
14:56:43 46 your confusion about who was Chief Commissioner and when.
14:56:47 47 Now - - - ?---Yes.

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1
14:56:49 2 And in response to - please let me finish. In response to
14:56:52 3 the specific invitation from Mr Winneke to give some detail
14:56:55 4 for your suggestion that Overland was evil, corrupt and
14:56:59 5 dishonest, what you say is that he said, O'Connell said
14:57:04 6 that they imprimatur of the Chief Commissioner, it was then
14:57:08 7 pointed out to you - - - ?---Yes.
8
14:57:11 9 - - - that was the language you used, and similarly in the
14:57:13 10 7.30 Report?---Yep.
11
14:57:15 12 You were told the Chief Commissioner knew and this is when
14:57:18 13 Overland was Chief Commissioner?---Yes.
14
14:57:20 15 So what I'm putting to you is that after March, when you're
14:57:24 16 corrected that he wasn't the Chief Commissioner at the time
14:57:26 17 that O'Connell said this?---Yep.
18
14:57:29 19 You repeated it in a public broadcast. What I'm asking you
14:57:32 20 is had you forgotten you'd been corrected or did you
14:57:36 21 deliberately lie?---Um, neither.
22
14:57:42 23 I see. If you're going to make an allegation that an
14:57:47 24 ex-Chief Commissioner of Police is corrupt and dishonest
14:57:51 25 and evil, or even any one of those three things will do,
14:57:55 26 it's fair to assume that you have a sufficiently detailed
14:58:01 27 understanding of his role in the process, correct?---In
14:58:04 28 what process?
29
14:58:05 30 Well, let me ask this specific question. When did
14:58:09 31 Mr Overland start with Victoria Police?---I've got no idea.
32
14:58:14 33 No idea?---No, I, um, no specific - I can't know what year
14:58:20 34 he started. I know that, um, he's a very well qualified
14:58:24 35 man and he's, um, smarter than a lot of others - - -
36
14:58:29 37 I didn't ask you about that. I just asked you about when,
14:58:32 38 to your knowledge, he started. Isn't it fairly important,
14:58:36 39 if you're going to call someone evil, corrupt and dishonest
14:58:39 40 in relation to their dealings with you regarding being a
14:58:42 41 police informer, that you'd know even when he started with
14:58:47 42 the organisation?---Not necessarily. Not necessarily, why?
43
14:58:50 44 Well, let me tell you he joined the Victoria Police in
14:58:53 45 February of 2003?---Okay.
46
14:58:59 47 Now by February 2003 you were hopelessly compromised,

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14:59:05 1 weren't you?---Um, February 2003. Yes, I had all kinds of
14:59:16 2 issues by February 2003.
3
14:59:17 4 I didn't ask you whether you had all sorts of issues. You
14:59:21 5 were hopelessly compromised, weren't you?---I don't
14:59:24 6 necessarily agree with your wording.
7
14:59:27 8 Well, what do you agree? Let's remove hopelessly. Were
14:59:34 9 you significantly compromised?---Yes, I was compromised.
10
14:59:38 11 Significantly, yes?---Yes, for the sake - yes, okay,
14:59:49 12 significantly.
13
14:59:52 14 You'd started providing information to Mr De Santo by at
14:59:55 15 least September 2002 on your evidence, correct?---I think
14:59:59 16 that's right.
17
14:59:59 18 In 2003 you met with Terry Hodson who's alleged to have
15:00:03 19 been involved in a theft from people you acted for?---Yes.
20
15:00:08 21 In 2003 you'd been passing on police - passing to police
15:00:13 22 instructions from Mr Dale that were intended for his
15:00:17 23 lawyer?---No, not in 2003, no. That happened in, like,
15:00:21 24 2006 or 7.
25
15:00:23 26 In 2003 you've given evidence at transcript 13135 that you
15:00:29 27 were acting in a way that you knew was ethically
15:00:32 28 wrong?---Yeah, I've conceded that.
29
15:00:36 30 There is some debate about precisely when in 2005
15:00:42 31 Mr Overland knew that you were informing to police, but
15:00:45 32 nobody has suggested that Mr Overland knew that you were
15:00:48 33 informing before, at the earliest, about the middle of
15:00:52 34 2005. Can you accept that from me for a moment?---Yeah, I
15:00:55 35 don't know when he knew. I accept that.
36
15:00:59 37 In 2004, the year before anyone's suggesting Mr Overland
15:01:05 38 knew you were an informer, you acted for PII [REDACTED] in
15:01:09 39 circumstances where you admit you had a huge conflict,
15:01:13 40 correct?---Yes.
41
15:01:14 42 And you said that you suffered this conflict and continued
15:01:22 43 to be trapped in it and that you had fear of the
15:01:25 44 consequences, namely being killed, correct?---That was one
15:01:28 45 of them, yes.
46
15:01:31 47 And on what I've asked you to accept, this is all before

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15:01:35 1 Mr Overland even knew you were an informer,
15:01:40 2 correct?---Yeah, I accept that. If what you say is right,
15:01:44 3 I don't even - I can't even say he knew in 05. I don't
15:01:48 4 know when he knew.
5
15:01:49 6 By 2004 you were in a position - let me go back a step. By
15:02:01 7 2004 you'd formed the view that you didn't want to be doing
15:02:06 8 this any more from time to time and you were trying to work
15:02:11 9 out a way to stop doing it, correct?---It's not as simple
15:02:20 10 as that but that's one take on it, yes.
11
15:02:22 12 It's not as simple as that including because, and I use the
15:02:26 13 phrase from time to time, from other from time to time you
15:02:29 14 quite enjoyed doing it and you wanted to keep doing it, but
15:02:33 15 you did have moments when you decided you wanted to get
15:02:36 16 out, correct?---Yes.
17
15:02:37 18 And despite all of your intimate knowledge of what you'd
15:02:40 19 been doing, against who you'd been doing it, despite your
15:02:43 20 legal training, despite the hours of mental energy you
15:02:47 21 poured into it, you simply couldn't think of a way to
15:02:50 22 extricate yourself, could you?---No.
23
15:02:52 24 And that was the case before, on the matters I've put to
15:02:54 25 you, Simon Overland even entered the picture, correct?---Of
15:03:00 26 course he was - I didn't even know - he didn't even enter
15:03:04 27 my, um, I probably never heard of him before Purana, not
15:03:10 28 even the start of Purana, before Purana got their extra
15:03:13 29 powers.
30
15:03:15 31 And you have given evidence repeatedly, including today, to
15:03:22 32 the effect that, "I just couldn't stop acting for people
15:03:28 33 because that would expose what I'd been doing",
15:03:31 34 correct?---Um, that's a - that's a - I don't dispute that
15:03:36 35 but that's one summary of it, yes.
36
15:03:42 37 You understand that broadly speaking Mr Overland's position
15:03:47 38 came to be that the only way that he could think of to
15:03:56 39 possibly extricate you from the position was to get you
15:03:59 40 into the witness protection service, correct?---Yeah, I've
15:04:05 41 since learned that, yes.
42
15:04:08 43 And it is the case, isn't it, that you came to receive
15:04:14 44 death threats from people, correct?---Yes.
45
15:04:19 46 And you formed the view that people had worked out that you
15:04:24 47 were an informer, correct?---At some point, yes.

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1
15:04:32 2 So the proposition that you give evidence, possibly
15:04:42 3 revealing to some in the criminal underworld that you had
15:04:49 4 been an informer, was amounting to no more than this: it
15:04:55 5 might confirm what you believed many knew anyway?---Sorry,
15:05:02 6 can you ask me that question again? Sorry.
7
15:05:06 8 If giving evidence was going to reveal that you'd been a
15:05:10 9 police informer?---Yep.
10
15:05:12 11 Your view must have been, given these threats, it might
15:05:18 12 confirm what many people in the criminal underworld know or
15:05:22 13 believe anyway?---If the informer stuff came out, yes.
14
15:05:30 15 So do you accept, therefore, that it was a rational
15:05:35 16 conclusion that in order to get you into witness protection
15:05:42 17 you ought give evidence, notwithstanding the fact that it
15:05:46 18 might confirm what many in the criminal underworld believe
15:05:50 19 anyway; that's a rational conclusion, do you accept
15:05:53 20 that?---Um, yes, but that's not the way, that's not what
15:06:02 21 was being told to me by police officers and, um, and I, I
15:06:10 22 don't fault your, I don't fault Mr Overland for having, um,
15:06:15 23 because I read that recently, um, might have been in his
15:06:19 24 statement or evidence, that that was a proposed way out,
15:06:24 25 um, but for what it's worth I don't have any reason to
15:06:28 26 think that, um, him, that me being told that there would be
15:06:33 27 flexibility and, um, all manner of support wasn't genuine
15:06:40 28 from him, but the way it was, the way it transpired and the
15:06:44 29 arguments that ensued afterwards, um, led to it not
15:06:48 30 happening.
31
15:06:50 32 COMMISSIONER: Mr Gleeson, I'm going to have to adjourn
15:06:52 33 soon. We've given a commitment to Ms Gobbo.
34
15:06:56 35 MR GLEESON: I've got about five minutes, Commissioner,
15:06:59 36 perhaps less.
37
15:07:01 38 COMMISSIONER: Yes, all right.
15:07:02 39
15:07:04 40 MR GLEESON: Ms Gobbo, I just want to ask you about
15:07:07 41 evidence that you've given to the effect that Mr Iddles
15:07:11 42 said - - - ?---Yep.
43
15:07:13 44 - - - to you that he believed it would burn you to be a
15:07:16 45 witness and - - - ?---Yep.
46
15:07:18 47 - - - and not to trust Mr Overland?---Yes.

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1
15:07:21 2 Now, you say that this happened in May 2009?---Um, it
15:07:27 3 happened when I was, um, doing the draft statement.
4
15:07:31 5 In Bali?---Yes.
6
15:07:34 7 Okay. Take it from me that that was May 2009?---Okay, yes.
8
15:07:39 9 About the 27th of May?---Okay.
10
15:07:43 11 Can you also take it from me that there is evidence that
15:07:49 12 your status as a witness had been disclosed to the defence,
15:07:53 13 that is Mr Dale, at his bail hearing on 13 March 2009 over
15:07:59 14 two months earlier, can you - - - ?---Yes, I don't disagree
15:08:04 15 with that. It was, it was actually disclosed, um, within a
15:08:09 16 day or two of his arrest.
17
15:08:11 18 And so it cannot be the case, or it certainly would have
15:08:16 19 been utterly irrational for Mr Iddles to have said,
15:08:21 20 "Overland will burn you by calling you as a witness". That
15:08:28 21 had happened, correct?---No, no, my understanding of what
15:08:33 22 Mr Iddles said to me is he meant in relation to the Briars
15:08:36 23 matter, not in relation to anything to do with Dale.
24
15:08:41 25 Well don't worry about what it was about. The bottom line
15:08:43 26 was that you say Iddles was saying, "If you give evidence
15:08:52 27 then it will inevitably emerge that you've been a police
15:08:55 28 informer", correct?---Perhaps that's what he meant, yes.
15:08:59 29
15:09:00 30 That's what you thought he meant, correct?---Yes, but I
15:09:05 31 don't know - the way he said it and the timing of him
15:09:07 32 saying it, um, my belief was that he - I took it to be
15:09:12 33 referring to, um, Briars rather than anything else, and
15:09:17 34 then after he left the Briars statement didn't go anywhere,
15:09:20 35 nothing, I never saw it again. Nothing happened. So I
15:09:24 36 guess in my mind I thought that he was referring to that
15:09:27 37 matter rather than the Dale matter.
38
15:09:30 39 Bottom line is Iddles never said to you anything to the
15:09:33 40 effect, "Don't trust Overland, he'll burn you",
15:09:39 41 correct?---I'm sorry, but in a very fatherly, protective
15:09:42 42 and gentle way, yes, he did.
43
15:09:44 44 Yeah, I see. Ms Gobbo, given the matters that you've
15:09:47 45 conceded in response to my questions, you do accept, don't
15:09:53 46 you, that you had no basis for stating Mr Overland was
15:09:56 47 evil, corrupt or dishonest, correct?---No, I don't agree.

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15:10:00 1 I'm entitled to have an opinion of a man.
2
15:10:02 3 You are, and you're entitled to have it if you have a basis
15:10:07 4 for it. You had no basis for it, did you?---We disagree on
15:10:10 5 that.
6
15:10:11 7 You maintain, on your oath, you have a basis for asserting
15:10:14 8 Simon Overland, ex-Chief Commissioner of Police, is evil,
15:10:17 9 corrupt and dishonest?---Yes.
10
15:10:22 11 Notwithstanding your concessions?---Yes, I'm entitled to
15:10:25 12 have a view that he's dishonest based upon, for example,
15:10:29 13 what he said the day after he was sued.
14
15:10:31 15 Thanks Ms Gobbo.
16
15:10:32 17 COMMISSIONER: Thanks Ms Gobbo. We'll finish with you for
15:10:35 18 today. Thank you, and thank you for making yourself
15:10:39 19 available next Tuesday?---That's okay. Commissioner, um, I
15:10:46 20 just need to remind you - something that you asked me when
15:10:52 21 Mr Winneke was asking questions, perhaps I'll leave it to
15:10:56 22 until whenever we're coming back next week to answer your
15:11:01 23 question because you asked me to have a think about it.
24
15:11:04 25 All right then. Can I just remind while you're under
15:11:07 26 cross-examination not to talk to anybody about the content
15:11:13 27 of your evidence. Obviously you're going to talk to
15:11:16 28 medical practitioners about the manner of it and so
15:11:19 29 forth?---No.
30
15:11:20 31 Nobody, even your lawyers, you mustn't talk to them?---No,
32 I won't
33
15:11:24 34 I'm sure you're aware of that but I just wanted - - -
15:11:25 35 ?---I've only spoken to my barrister about timing and so
15:11:28 36 forth, not about the detail.
37
15:11:29 38 Good, thank you. All right then, you can go now and we'll
15:11:33 39 hear from you again on Tuesday, thank you for that?---Thank
15:11:36 40 you.
15:11:36 41
15:11:36 42 <(THE WITNESS WITHDREW)
43
15:11:37 44 COMMISSIONER: Do we need to adjourn before we hear from
15:11:39 45 Mr Sheridan?
15:11:42 46
15:11:42 47 MR HOLT: He's here, Commissioner.

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1
15:11:43 2 COMMISSIONER: He can come straight in, all right then. If
15:12:13 3 anybody wants a break or whatever please let me know.
15:12:29 4
15:12:30 5 <PAUL SHERIDAN, recalled:
6
15:12:51 7 COMMISSIONER: Yes, Mr Holt.
15:12:51 8
15:12:52 9 MR HOLT: Yes, Commissioner. Are you content that
15:12:54 10 Mr Sheridan remains under his former oath?
15:12:57 11
15:12:57 12 COMMISSIONER: Yes, absolutely, yes. You're on your former
15:12:57 13 oath, Mr Sheridan.
15:12:58 14
15:12:59 15 MR HOLT: If I can just deal with one matter briefly, I've
15:13:02 16 discussed it with Mr Chettle and our learned friends.
15:13:04 17 Mr Sheridan, at the last time you were questioned, which
15:13:06 18 was some time ago now, you recall that you were asked to
15:13:10 19 prepare a supplementary statement in response to some
15:13:14 20 questioning by Mr Chettle about conversations or
15:13:16 21 discussions you may have had with Mr Pope?---Yes, I was.
22
15:13:19 23 You've prepared a statement on that basis which has since
15:13:22 24 been provided to the Royal Commission?---Yes, that's right.
25
15:13:25 26 Do you have that statement in front of you there?---I do,
15:13:28 27 yes.
28
15:13:29 29 Commissioner, for the record, it doesn't need to come up, I
15:13:31 30 don't think, it's VPL.0014.0087.0013. Mr Sheridan, can you
15:13:39 31 confirm the contents of that statement are true and correct
15:13:42 32 to the best of your knowledge and belief?---Yes, I can.
33
15:13:44 34 I tender that statement, Commissioner.
15:13:46 35
15:13:47 36 #EXHIBIT RC1166A - (Confidential) VPL.0014.0087.0013.
15:13:49 37
15:13:49 38 #EXHIBIT RC1166B - (Redacted version.)
15:13:51 39
15:13:51 40 MR HOLT: Thank you, Commissioner, that's all I needed to
15:13:53 41 deal with.
42
15:13:54 43 COMMISSIONER: Thank you. Yes Mr Chettle.
15:13:55 44
45 <CROSS-EXAMINED BY MR CHETTLE:
46
15:13:56 47 Mr Sheridan, that statement you just tendered, as I recall

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15:14:00 1 it I asked you if you had any diary entries of
15:14:03 2 conversations you had with Mr Pope in relation to the
15:14:09 3 disbandment of the SDU, effectively, or the possible
15:14:12 4 disbandment of the SDU before 22 June?---You may well have,
15:14:18 5 yes.
6
15:14:18 7 Your diary doesn't mention it. Do you - I don't want to
15:14:22 8 look at it, but do you have your diary here by any
15:14:25 9 chance?---No, I don't.
10
15:14:26 11 Did you locate any diary entries of your conversations with
15:14:28 12 Mr Pope? Were you shown any of those in the interim
15:14:32 13 period?---Are we talking about the conversations that are
15:14:37 14 contained in my statement in terms of what I responded to
15:14:41 15 with your previous questioning?
16
15:14:42 17 Yes. Your statement talks about 22 June and then you talk
15:14:45 18 about a subsequent discussion on the 27th. But as I recall
15:14:49 19 it, without going to the transcript, I was asking you about
15:14:52 20 any conversations before the 22nd. You've not been able to
15:14:56 21 identify any of those, about the closure of the SDU?---Yes,
15:15:00 22 that's right. There are no conversations in the diary,
15:15:02 23 yes.
24
15:15:03 25 All right. It's apparent, however, I think we ascertained
15:15:06 26 last time that, before you wrote Exhibit 444, which I'll
15:15:12 27 come to in a moment, there had been obviously some
15:15:16 28 conversation with him because you reflected over a weekend
15:15:20 29 and you wrote a memo to him?---Yes, and that conversation
15:15:24 30 is recorded in the diary.
31
15:15:26 32 That's the one where you said, "There's a conversation but
15:15:30 33 what he showed me and what he talked to me about wasn't
15:15:33 34 recorded in that diary". This is when he shows you
15:15:36 35 extracts of what become the Comrie report I think you
15:15:39 36 said?---Yes, and if I follow your question, and I attempt
15:15:44 37 to answer, my diary entry records what you just said, that
15:15:48 38 we had a conversation and that he showed me some excerpts
15:15:52 39 of the Comrie review.
40
15:15:54 41 And does it outline what the excerpts were?---No, no.
42
15:15:59 43 But as you understood it, this is the important bit, it
15:16:03 44 specifically said that there'd been a criminal offence
15:16:06 45 committed by the officers of the SDU, potential - - - ?---I
15:16:11 46 think the word potential was there and I think the words
15:16:15 47 pervert I think were there.

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1
15:16:15 2 Pervert the course of justice?---Yes, that's right, yep.
15:16:17 3
15:16:18 4 I'll come to that in just a moment. Could I have the
15:16:20 5 transcript of this Commission from p.8277 brought up,
15:16:27 6 please. Have you got the Exhibit 81 for Mr Sheridan again,
15:16:36 7 just so you know who we're talking about. Thank you,
15:16:41 8 Commissioner. I did go through these last time?---Thank
15:16:44 9 you.
10
15:16:44 11 I'm asking you - this is about to show you the evidence of
15:16:47 12 an officer called Black, do you follow? Do you know who
15:16:53 13 Mr Black is?---I believe I do. I just want to confirm that
15:16:56 14 I do.
15
15:16:57 16 You'll find him there?---Yes. Yes, I do.
17
15:17:00 18 Indeed, he had worked with you in the past in an operation
15:17:02 19 that you were the PII [REDACTED] on, PII [REDACTED],
15:17:05 20 had you not?---Yes, that's right.
21
15:17:08 22 When Mr Black gave evidence to this Commission he was
15:17:11 23 cross-examined about that by Mr Winneke and you'll see
15:17:19 24 about line 31 Mr Winneke said, "There's an IBAC inquiry
15:17:23 25 going on with very concerns, the sort of conduct of
15:17:28 26 Victoria Police with the preparation of briefs at the time,
15:17:29 27 this is around 2000, in a Unit where you were then a
15:17:33 28 member, you understand that? Yes. That included omitting
15:17:36 29 a witness's description of an offender, omitting
15:17:40 30 information which is contradicted by other evidence or is
15:17:43 31 otherwise perceived by police to be unreliable, that is
15:17:46 32 from statements. Do you accept that's one of the things
15:17:49 33 that was going on at the time?" To which Mr Black said, "I
15:17:53 34 don't think the final report, we have a final report, have
15:17:54 35 we, with all due respect? I don't know whether we do or
15:17:56 36 not. And these are allegations", says Mr Black. Going
15:18:01 37 down the page, he says, "I don't really want to comment on
15:18:05 38 it. Okay. Do you know whether there are issues of
15:18:10 39 speaking to witnesses to fix up inconsistencies in the
15:18:11 40 evidence and not disclosing that intervention?" Knew
15:18:12 41 nothing about that. "Did you know there was a practise of
15:18:14 42 at least something which occurred also involved taking
15:18:18 43 replacement statements instead of supplying a supplementary
15:18:25 44 statement". Know nothing about that. "And signing a
15:18:28 45 back-dated statement? No, that's just outrageous, I know
15:18:32 46 nothing about that. Was there a practice of signing
15:18:34 47 acknowledgements in the absence of the statement maker in

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15:18:35 1 that - something which went on when you were in PII [REDACTED]?
15:18:39 2 Not in my time and not under my supervision. And making
15:18:43 3 supposedly contemporaneous notes well after the fact, was
15:18:50 4 something that was a practice? Never, not in my time. Was
15:18:53 5 there a practise of failing to disclose information which
15:18:56 6 may assist the defence? Not in my time. Something that
15:19:00 7 you would do? Not to my knowledge, not at all. You
15:19:06 8 wouldn't countenance such behaviour, would you?" He said,
15:19:10 9 "No, nor would Mr Sheridan, who was in charge of the Unit",
15:19:13 10 right. That's the extract I want to take you to. Firstly,
15:19:17 11 what do you say as to the suggestion by Mr Winneke that
15:19:20 12 those allegations have some relevance to this Royal
15:19:23 13 Commission?---Well I don't see that they do.
14
15:19:27 15 And is it the case that, firstly, what Mr Black says, to
15:19:32 16 your knowledge he wasn't involved in it and you wouldn't
15:19:35 17 countenance it at all?---Yes, correct.
18
15:19:39 19 Is it also the case that it's still the subject of some
15:19:41 20 formal report from IBAC?---Yes, I believe so.
21
15:19:44 22 All right. You were asked some questions about Operation
15:19:52 23 Nibo. That's the operation that fell apart in [REDACTED]
15:19:55 24 [REDACTED]?---Yes.
25
15:20:03 26 That operation was approved at high level?---I believe Nibo
15:20:10 27 occurred before I arrived but I think that's correct, yes.
28
15:20:14 29 What was tendered, in fact as Exhibit 842, was a report to
15:20:17 30 you, I think, from - - - ?---Yes, I think there was a
15:20:22 31 report to me but I think the actual operation was
15:20:25 32 commissioned, et cetera, some months or weeks before I
15:20:29 33 arrived.
15:20:30 34
15:20:31 35 MR HOLT: I'm sorry, Commissioner, I'm very grateful to
15:20:34 36 Mr Woods. [REDACTED] was referred to that Nibo related to
15:20:38 37 and that was very carefully avoided. On this occasion,
15:20:40 38 line 19 of this page. It was just before Mr Chettle
39 assured me he'd be careful.
40
15:20:44 41 COMMISSIONER: That's right, it was. Take out the name of
15:20:46 42 [REDACTED] in line 19, 13486. Thanks.
15:20:52 43
15:20:53 44 MR CHETTLE: Call it an [REDACTED] operation, all
15:20:55 45 right?---I understand.
46
15:20:56 47 I don't want to go through that report in any great length

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15:21:00 1 because it played no part in the logic behind the
15:21:03 2 disbandment of the SDU, did it? It wasn't put in the
15:21:07 3 reasons for disbanding them?---No, I don't believe it was,
15:21:10 4 no.
5
15:21:10 6 Secondly, as the report to you made clear, every step of
15:21:16 7 the operation was approved and authorised by officers above
15:21:23 8 the SDU, particularly Mr Glow, Inspector Glow?---I believe
15:21:27 9 that's correct, but I must say I'm not totally au fait with
15:21:31 10 the detail on that one.
11
15:21:32 12 Indeed, with an authorised [REDACTED] operation that
15:21:36 13 requires approval at Superintendent level?---That's
15:21:40 14 normally the practice.
15
15:21:41 16 Indeed, part of the issues, in short form, there were some
15:21:47 17 technical errors that occurred in that but they'd all been
15:21:50 18 the subject of direction from above, that's really all I
15:21:52 19 want to establish?---I wouldn't dispute it. As I said, I
15:21:56 20 don't have a particularly good recollection of that matter.
21
15:21:58 22 All right. Can I have you shown - I asked you some
15:22:02 23 questions on a previous occasion about a document called an
15:22:06 24 Acceptance of Responsibilities, an AOR. It's 287 I think,
15:22:10 25 if it could be brought up. That's the AOR - I think the
15:22:24 26 conversation we had last time is that the AOR has varied
15:22:29 27 over time?---Yes, that's right.
28
15:22:31 29 You can tell from that one that it's 0903 written in the
15:22:35 30 top left-hand corner?---Yes.
31
15:22:37 32 That was, on the evidence of Mr Black, the AOR that was in
15:22:41 33 existence at the time, you follow?---Well it may have been,
15:22:45 34 I wasn't in that position then.
35
15:22:46 36 I'm not suggesting you were. One of the things that
15:22:50 37 Mr Gleeson does, and he discussed with you, in the Comrie
15:22:55 38 report ultimately, and I know you say you haven't read it,
15:22:58 39 but it says there needed to be adaptations and changes to
15:23:01 40 the AOR in order to reflect risks that might apply to a
15:23:04 41 particular source, do you follow, when you're doing
15:23:07 42 it?---Yes, I do, yes.
43
15:23:09 44 But that wasn't the policy. Can I suggest to you that the
15:23:13 45 policy at the time involved the application of the AOR as
15:23:16 46 it was drafted and approved by the Standard Operating
15:23:20 47 Procedures. What was expected was that document would be

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15:23:24 1 put to the particular source and PII [REDACTED]
15:23:27 2 PII [REDACTED]?---Yes, that's my understanding.
3
15:23:31 4 So it's not a question of flexibility to change your
15:23:36 5 arrangement, maybe it should have been, but it would have
15:23:39 6 been a good for source management if an AOR could be
15:23:44 7 extended or modified to meet a particular source, but that
15:23:49 8 wasn't the position, was it?---I don't believe that was the
15:23:51 9 position back then, no.
10
15:23:53 11 Thank you. Can I have VPL.6027.0019.7142 brought up,
15:24:02 12 please. You'll see, firstly - it starts at the bottom if I
15:24:20 13 can. This is an email from yourself to Jeff Pope about a
15:24:24 14 confidential transition plan on 21 August 2012?---Yes.
15
15:24:33 16 Perhaps go back to the top of the email. Thank you. This
15:24:42 17 was an attempt to implement a decision that had been made
15:24:46 18 by Mr Pope to disband the SDU in September of 2012, you
15:24:52 19 remember we got to that last time, and it didn't go on?---I
15:24:55 20 have a vague recollection.
21
15:24:57 22 And so in order to bring about what was proposed to be a
15:25:00 23 September disbandment, you wrote this letter to Mr Pope in
15:25:05 24 relation to the things that would be done to effect that
15:25:09 25 transition?---Yes.
26
15:25:10 27 All right. And then go to the top of the page, thank you.
15:25:17 28 Mr Pope responds to you, "Thanks, we'll be discussing with
15:25:21 29 Graham this afternoon and will be in touch"?---Yes.
30
15:25:24 31 So he's indicating to you, "I'll go through this with
15:25:30 32 Graham Ashton"?---That's right.
33
15:25:31 34 I tender that document, Commissioner. It's one that I'd
15:25:34 35 failed to.
36
15:25:35 37 #EXHIBIT RC1167A - (Confidential) VPL.6027.0019.7142.
15:25:37 38
15:25:37 39 #EXHIBIT RC1167B - (Redacted version.)
15:25:40 40
15:26:03 41 So you don't know what's in it other than what people might
15:26:06 42 have mentioned to you?---Yes and the short excerpts that I
15:26:10 43 read on that day.
44
15:26:11 44
15:26:13 45 Nowhere in the Comrie Report is there any reference to any
15:26:18 46 police officer committing a potential attempting to pervert
15:26:21 47 the course of justice. Would that surprise you?---Yes.

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15:26:27 1
15:26:28 2 There is in fact one reference to an attempt to pervert the
15:26:32 3 course of justice but it's in relation to, when one goes to
15:26:35 4 the report, ICR that's referred to, it's the handler saying
15:26:42 5 that what Ms Gobbo was proposing it would be an attempt to
15:26:49 6 pervert the course of justice - it's not in the Comrie
15:26:56 7 Report, that would surprise you?---Yes.
15:26:57 8
15:26:59 9 All right. We'd gone through a lot of these documents or
15:27:05 10 start of these documents on a previous occasion and I want
15:27:08 11 to take you to your Exhibit 444, which is the memorandum
15:27:22 12 you wrote over the weekend to Mr Pope about the thoughts
15:27:31 13 you were having and conveying to your boss?---Yes, it's an
15:27:34 14 email, yes.
15:27:35 15
15:27:36 16 Mr Winneke took Sandy White to the piece you've got in
15:27:41 17 italics there in the middle. Why did you put it in
15:27:48 18 italics?---I think it's just a form of expression at the
15:27:52 19 time. I think it's, because in the discussion on the 22nd
15:27:55 20 I was vacillating or oscillating, whichever you wish, but
15:28:03 21 around, you know, which way we should resolve this going
15:28:07 22 forward.
15:28:07 23
15:28:07 24 In fact you suggested that they stay?---Yeah, that was my
15:28:12 25 preferred plan originally, yes.
15:28:14 26
15:28:15 27 And what you said is, "What tips the scales for me is that
15:28:19 28 the handling of Witness F had been undertaken and managed
15:28:22 29 by the best trained human sources personnel within the
15:28:24 30 Force, travelled the world, trained, best and they've still
15:28:28 31 lost their way"?---Yes.
15:28:29 32
15:28:30 33 Now, you had really no idea what they'd done other than to
15:28:35 34 read these brief excerpts that Mr Pope told you
15:28:42 35 about?---No, that's not right.
15:28:44 36
15:28:44 37 Who did they lose their way, Mr Sheridan?---I think your
15:28:50 38 question's couched as if that was written totally on the
15:28:53 39 Comrie Report and the email is in response to the future of
15:28:56 40 the unit and my change of decision in terms of accepting
15:29:00 41 that that was probably the best course of action to
15:29:04 42 undertake was based on my previous management experience
15:29:09 43 over the top of them, over the two or three years, two
15:29:12 44 years, whatever it was, two and a half years at that stage.
15:29:14 45
15:29:14 46 We went through some of those last time, what I put to you
15:29:18 47 throwing the baby out with the bath water. Sacking the

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15:29:22 1 unit because of a few discipline matters, is that what you
15:29:23 2 say?---That's not what I say, no.
15:29:25 3
15:29:25 4 Ultimately, as I took you through previously, it was the
15:29:28 5 Comrie Report that was used to justify terminating the
15:29:31 6 unit, wasn't it?---I think that's what you put to me. I'm
15:29:35 7 not sure I agreed with that, no, I don't necessarily think
15:29:38 8 it was just the Comrie Report. Certainly I think it was a
15:29:42 9 significant point.
15:29:42 10
15:29:43 11 Let's go through. You prepared a report, as you said, on 4
15:29:50 12 July for Mr Pope where you sent up the list of management
15:29:54 13 issues that you outlined?---Yes.
15:29:57 14
15:29:58 15 And I'm not going to waste your time going through those,
15:30:03 16 they've been litigated with Mr O'Connor?---Okay.
15:30:06 17
15:30:06 18 In essence, where you're getting those allegations from are
15:30:10 19 things that Mr O'Connor has reported to you?---Certainly
15:30:15 20 most of them I guess would come from him but not all of
15:30:18 21 them I would say.
15:30:19 22
15:30:20 23 But in any event we get to what I want to suggest to you is
15:30:26 24 a document I want to spend some time on. If we go to
15:30:27 25 Exhibit 847, it's an email chain. If we go to the bottom
15:30:43 26 of it we could. It's a bit hard to put in order because it
15:30:49 27 has attached to it - thank you. Yes. Now, go back three
15:31:05 28 pages if you would, Mr Skim, to where it says "Ken". The
15:31:09 29 first in the email chain is from Jeff Pope to Ken Lay with
15:31:13 30 a copy to Graham Ashton, do you see that?---Yes, I do.
15:31:16 31
15:31:17 32 We started on this on the previous occasion and the
15:31:21 33 Commissioner asked you a question at some stage about
15:31:24 34 whether or not we should go through the points Mr Pope
15:31:26 35 makes in this and ask what you disagree with and agree
15:31:30 36 with, do you remember that?---Yes, yes.
15:31:32 37
15:31:32 38 We got as far as you said you perhaps wouldn't express it
15:31:36 39 in the way Mr Pope has in relation to the first point, the
15:31:39 40 armed robbery point?---Yes.
15:31:41 41
15:31:41 42 And I'm not going to relitigate that. You accept for a
15:31:46 43 start off that the assertion that many of the handlers are
15:31:49 44 ex [REDACTED] is simply not
15:31:51 45 true?---Yes, I do.
15:31:52 46
15:31:59 47 The second point I want to take you to, "Over the past year

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15:32:10 1 since Paul and John have been provided with much stronger
15:32:12 2 leadership than the previous regime there have been a
15:32:16 3 number of instances of poor judgment". That's paragraph 2.
15:32:37 4 See the reference - - -?---Yes, I do see that, yes.
15:32:39 5
15:32:40 6 Tony, you knew Tony Biggin ran the unit, was the head of
15:32:46 7 the unit before you?---Yes.
15:32:48 8
15:32:48 9 There was a suggestion by Mr Woods to you that Tony Biggin
15:32:52 10 was effectively lax in his attitude and allowed the SDU to
15:32:56 11 do what they wanted and they were pushing back against
15:33:00 12 that, about firmer discipline, do you follow - remember
15:33:03 13 that suggestion being put?---Yes, I have a recollection of
15:33:05 14 that, yes.
15:33:06 15
15:33:06 16 That is Tony Biggin is an incredibly competent and
15:33:12 17 efficient police officer, is he not?---Yes, I would agree
15:33:15 18 with that.
15:33:15 19
15:33:16 20 And to suggest that he was slack or didn't do his job would
15:33:19 21 be incredibly disrespectful to a fine police
15:33:24 22 officer?---Yes, it would, but there's probably more detail
15:33:27 23 in the issue I suppose, I think I raised this last time,
15:33:31 24 that he had a significantly wider span of control.
15:33:36 25
15:33:36 26 Twice the things to look after that you did?---That's the
15:33:40 27 significant wider part.
15:33:42 28
15:33:43 29 We understand that. But the evidence also, Mr Sheridan, is
15:33:44 30 that he was conducting audits, going to unit meetings and
15:33:48 31 regularly conferring with officers above and below him,
15:33:51 32 which is what you would expect him to do?---Yes.
15:33:54 33
15:33:55 34 MR WOODS: Could I ask that just the phrase that - what I
15:33:56 35 put about Mr Biggin is put to the witness because I'm
15:34:00 36 fairly confident that I didn't say he was slack and didn't
15:34:03 37 do his job.
15:34:04 38
15:34:06 39 MR CHETTLE: No, I said it led to the effect that he was
15:34:10 40 not - they were not used to that discipline and control and
15:34:12 41 he wasn't being properly oversighted or intrusively
15:34:15 42 supervised. I can go and find it.
15:34:16 43
15:34:16 44 COMMISSIONER: Perhaps you can find the exact passage,
15:34:19 45 Mr Chettle, just to save some time.
15:34:21 46
15:34:21 47 MR CHETTLE: I don't want Mr Woods to accuse me of

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15:34:26 1 misstating the evidence.
2
3 COMMISSIONER: No, no. Please continue to save time and
4 Mr Woods can find the correct passage and we'll find that
5 later.
6
15:34:29 7 MR CHETTLE: It then goes on that, "The members of the SDU
15:34:31 8 retained a very close association with an ex member whose
15:34:34 9 integrity is highly questionable and about to be charged
15:34:37 10 with the AFP". Now who is that?---I don't know if it's
15:34:45 11 appropriate if I name the person.
15:34:47 12
15:34:48 13 Well, does he have a pseudonym on the list?
15:35:07 14
15:35:07 15 MR HOLT: He certainly can't go named, Commissioner,
15:35:09 16 looking at the context and the document.
15:35:12 17
15:35:12 18 COMMISSIONER: Do you know who - - -
15:35:15 19
15:35:15 20 MR CHETTLE: Our suggestion is it's not true, Commissioner.
15:35:21 21
15:35:21 22 WITNESS: The person's not on the list.
15:35:23 23
15:35:23 24 COMMISSIONER: The person is not on the list.
15:35:25 25
15:35:26 26 MR HOLT: If this was to be explored it would need to be in
15:35:30 27 a very different setting, Commissioner.
15:35:32 28
15:35:32 29 COMMISSIONER: Perhaps if you could write it on a piece of
15:35:35 30 paper and show to Mr Chettle and Mr Holt and we'll see if
15:35:40 31 this is going to lead anywhere. You can show anyone at the
15:36:11 32 Bar table who wants to see it.
15:36:17 33
15:36:18 34 MR CHETTLE: Thank you, I'll leave it and come back to it,
15:36:20 35 Commissioner. My instructions were that, in response to
15:36:22 36 this letter, elicited a particular response. I'll await
15:36:27 37 until I get some further instructions.
15:36:29 38
15:36:29 39 COMMISSIONER: Thank you.
15:36:29 40
15:36:30 41 MR CHETTLE: The bottom paragraph refers to working at
15:36:33 42 PII [REDACTED] and pulled them back to St Kilda Road and
15:36:37 43 they didn't like it, they opposed that as a possibility.
15:36:40 44 We went through that last time?---Yes.
15:36:42 45
15:36:42 46 Can I have VPL.6027.0029.0913, please, brought up. Now,
15:37:07 47 this is perhaps a slightly different topic but I'll deal

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15:37:11 1 with it now while we've got it. In 2010 there was
15:37:14 2 conducted a CMRD audit on the Human Source Management Unit
15:37:20 3 at the unit, was there not? Sorry. There was a covert
15:37:25 4 intelligence source review by CMRD?---I do recall one being
15:37:30 5 done, yes.
15:37:31 6
15:37:31 7 One of the things we'll come to in this document is that
15:37:34 8 there was push back and resistance to that audit by the SDU
15:37:40 9 members, do you remember that - - -?---Yes.
15:37:42 10
15:37:43 11 When the proposal was put up, Mr Biggin set out a number of
15:37:50 12 concerns that the CMRD unit represented, the security of
15:37:56 13 sources and the issues that could arise if the issues
15:38:00 14 weren't handled very carefully, do you follow?---Yes, I do.
15:38:04 15
15:38:07 16 And the issues that the SDU were raising, the members were
15:38:14 17 not, I suggest to you, that they opposed the audit, but
15:38:17 18 they opposed steps that would expose the sources if the
15:38:22 19 audit were conducted by people who would come into the,
15:38:29 20 coming to the office of the unit and interviewing sources
15:38:32 21 there, there were risks involved in doing that. You can
15:38:38 22 see that Mr Biggin sets out really what I'm trying to
15:38:41 23 express?---I haven't read that, but I'm not sure that's
15:38:44 24 what they were actually after. I'm not sure I agree with
15:38:49 25 what you're putting to me.
15:38:51 26
15:38:51 27 I suggest to you that what CMRD wanted to do was obviously
15:38:56 28 conduct an audit of all human sources in Victoria?---No,
15:38:58 29 that's not right. I think they were doing a sampling.
15:39:01 30
15:39:02 31 It was across the board, it wasn't just HSMU, it was all
15:39:07 32 the sources managed in Victoria and they published a
15:39:10 33 review?---No, I think it was a sampling of the sources in
15:39:13 34 Victoria, it wasn't all the sources in Victoria.
15:39:15 35
15:39:16 36 They would pick random samples?---Yes.
15:39:20 37
15:39:21 38 COMMISSIONER: I think that's agreed, yes.
15:39:22 39
15:39:23 40 MR CHETTLE: The actual report itself is the attachment 57
15:39:25 41 to Mr Paterson's statement in this Commission where they -
15:39:29 42 have you read the report in relation to the CMRD report
15:39:33 43 published in June 2010?---I'd say I would have read it if
15:39:38 44 it was published in 2010, yes. I haven't read it recently.
15:39:43 45
15:39:44 46 At p.17 the report says, "The cooperation was of the
15:39:46 47 highest calibre and reflects well on the professionalism of

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15:39:49 1 the handlers and controllers who readily made themselves
15:39:52 2 available". So it would appear that the handlers and
15:39:55 3 controllers assisted with the audit?---Yes, I'm not sure
15:40:02 4 I'd agree with that wording, but yes, it would appear they
15:40:04 5 assisted, yes.
15:40:05 6
15:40:06 7 Then at the end, "All interviews were conducted without
15:40:11 8 incident and all received positive feedback from the human
15:40:13 9 sources relating to Victoria Police expressing an interest
15:40:18 10 in their welfare. It reflected high standard of field
15:40:24 11 craft and operational compliance by all staff involved".
15:40:28 12 Now, it speaks for itself but I'm looking for the quote -
15:40:35 13 yes. At paragraph, p.17, the other part of the quote, "In
15:40:41 14 particular CMRD wishes to acknowledge the support of the
15:40:44 15 following work units, including the Source Development
15:40:47 16 Unit", do you follow?---Yes.
15:40:48 17
15:40:49 18 See, what I suggest happened was that they raised issues
15:40:52 19 about the problems in bringing outsiders who don't know
15:40:56 20 sources to PII [REDACTED], do you recall that?---No,
15:41:01 21 because - and it's not logical because they would never
15:41:04 22 have met the sources in PII [REDACTED], they would have
15:41:07 23 met the sources at PII [REDACTED].
15:41:11 24
15:41:11 25 There were issues about the source believing that their
15:41:15 26 identity is not going to be disclosed to people and meeting
15:41:19 27 people who were conducting an audit?---Yes, there would be
15:41:23 28 concerns about that, yes.
15:41:24 29
15:41:24 30 They were the sort of issues that were being expressed
15:41:27 31 about the problems with the CMRD review, not opposition to
15:41:31 32 the review itself, I suggest?---I think it was a
15:41:35 33 combination of both.
15:41:35 34
15:41:35 35 Did they express it to you, any of these expressions of
15:41:43 36 concern made to you?---I don't have a recollection today
15:41:46 37 that they did. It's more likely they would have gone to
15:41:49 38 O'Connor in the first instance. I'm not sure whether I got
15:41:54 39 involved in the discussion about it, but it's more likely
15:41:56 40 it would have gone to O'Connor.
15:41:58 41
15:41:58 42 Insofar as the bottom paragraph is concerned, the move to
15:42:09 43 PII [REDACTED], I've shown you the wrong letter. The one
15:42:13 44 I want to show you is VPL.6027.0011.9442. That's an email
15:42:26 45 that you wrote to Jeff Pope in relation to a discussion you
15:42:29 46 had with the SDU?---I believe so, yes.
15:42:39 47

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15:42:40 1 And you met with O'Connor, together with Sandy White and
15:42:43 2 Mr Richards?---Yes.
15:42:44 3
15:42:45 4 About some issue in relation to reassigned positions, I'm
15:42:51 5 not concerned about that?---H'mm.
15:42:52 6
15:42:52 7 The middle, third paragraph, "They were both opposed to any
15:42:59 8 move to PII [REDACTED]"?---Yes.
15:43:02 9
15:43:02 10 "I lodged the merits, I discussed the merits of same,
15:43:05 11 including closer proximity to major investigators and
15:43:09 12 financial advantages to the Department, however their view
15:43:12 13 is that there are significant risks to human sources if
15:43:14 14 they were tasked to work [REDACTED] premises"?---Yes.
15:43:18 15
15:43:18 16 "I asked them to put their arguments on paper for your
15:43:20 17 consideration and discussion", and then you say, "They were
15:43:24 18 professional and committed to best practice, which is not a
15:43:29 19 problem from our point of view", do you see that?---Yes.
15:43:31 20
15:43:31 21 Now do you stick by that, that their approach in relation
15:43:34 22 to this proposed move was professional and committed to
15:43:38 23 best practice?---In context I do, yes.
15:43:40 24
15:43:41 25 I tender that document, Commissioner. Indeed, Mr O'Connor
15:43:45 26 himself - - -
15:43:46 27
15:43:46 28 #EXHIBIT RC1168A - (Confidential) Email from Paul Sheridan
15:43:47 29 to Jeff Pope 5/1/11.
15:43:47 30
15:43:48 31 #EXHIBIT RC1168B - (Redacted version.)
15:43:50 32
15:43:56 33 Mr O'Connor himself had shared the same view, if you have a
15:44:01 34 look at VPL.6027.0012.0628. You'll see there's an issue
15:44:12 35 cover sheet which sets out the background and I'm not going
15:44:15 36 to have you read it all, but it's in relation to a review
15:44:19 37 of accommodation options in relation to the unit?---Yes.
15:44:22 38
15:44:22 39 And, "There's an issue with [REDACTED] and whether or not we
15:44:27 40 [REDACTED] or not", you can see that?---Yes.
15:44:29 41
15:44:29 42 You would have been presumably aware of these details at
15:44:32 43 the time?---Yes, I was.
15:44:34 44
15:44:37 45 There's an alternative premises in PII [REDACTED]
15:44:40 46 discussed?---That's right.
15:44:41 47

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15:44:41 1 And Sandy White has compiled a report in relation to the
15:44:46 2 proposal to move to that location, is one of the
15:44:54 3 proposals?---That's what it says, yes.
15:44:55 4
15:44:56 5 It was attached to this report apparently. Then there's
15:44:59 6 some issues about why those premises aren't good, aren't
15:45:04 7 appropriate because of security issues?---Yes, I believe
15:45:07 8 so.
15:45:07 9
15:45:08 10 And then at the bottom, the benefits of both PII [REDACTED] and
15:45:14 11 PII [REDACTED] for the SDU are set out and, "There are
15:45:17 12 benefits for being [REDACTED] as well,
15:45:20 13 they're both sides of the coin". See he mentions both?---I
15:45:26 14 don't see that, where is that?
15:45:27 15
15:45:28 16 Under "comment", "There are benefits in both PII [REDACTED]" - -
15:45:29 17 -?---I think it needs to be scrolled down perhaps.
15:45:32 18
15:45:32 19 I'm sorry. There you are, under "comment". Both sides of
15:45:37 20 the coin are set out, there are some options and he puts
15:45:41 21 them up for consideration?---Yes.
15:45:42 22
15:45:43 23 He sets out the three options and comes up with the best
15:45:48 24 option in his view is the third one?---Yes. Could we
15:45:52 25 scroll down - - -
15:45:52 26
27 "Consideration of a viable business decision" - - -
28
29 COMMISSIONER: Just scroll down please.
30
15:45:54 31 MR CHETTLE: That is, stay and [REDACTED] the [REDACTED] and
15:45:59 32 stay PII [REDACTED] is the recommendation?---Yes, at that time,
15:46:08 33 yes, I think that was the case.
15:46:10 34
15:46:10 35 That was January 2011. That was the recommendation that
15:46:14 36 Mr O'Connor made to, presumably to - it went to you, didn't
15:46:20 37 it?---Yes.
15:46:20 38
15:46:20 39 And then from you it would go to Jeff Pope?---Yes.
15:46:23 40
15:46:24 41 Now, ultimately what happened is that Mr Pope made the
15:46:29 42 decision to close the PII [REDACTED] unit and put them [REDACTED] in
15:46:34 43 police headquarters?---Put them [REDACTED] 412 building,
15:46:41 44 that's right, yes.
15:46:41 45
15:46:42 46 The police premises?---Yes.
15:46:43 47

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15:46:43 1 I'll tender the issue cover sheet, Commissioner, while I
15:46:47 2 think of it.
15:46:48 3
15:46:48 4 #EXHIBIT RC1169A - (Confidential) Issue cover sheet.
15:46:49 5
15:46:50 6 #EXHIBIT RC1169B - (Redacted version.)
15:46:51 7
15:46:56 8 Now, you recall Mr Woods put to you, or you probably don't,
15:47:04 9 but on the last occasion when you were giving evidence,
15:47:07 10 Mr Woods put to you that there was resistance to management
15:47:11 11 decisions and you asked him, "Was that about the cars" and
15:47:16 12 he said yes. What you were being, what he was putting to
15:47:20 13 you was in fact the move [REDACTED] to PII [REDACTED], [REDACTED] PII
15:47:24 14 [REDACTED] to the, to the headquarters, if I can call it
15:47:31 15 that?---Well I'm not sure, it could have been. There was
15:47:33 16 an issue about cars, but there was also an issue about the
15:47:36 17 accommodation.
15:47:37 18
15:47:37 19 Did you know there was a connection between the issue about
15:47:39 20 cars and the issue about accommodation?---Yes, there's a
15:47:42 21 nexus there, yes.
15:47:43 22
15:47:44 23 What happened is that Mr Pope made the decision to go back
15:47:49 24 to premises and that's where they went, but there was, one
15:47:53 25 member, not one of my clients, raised with Shane Paton that
15:47:58 26 this idea of moving us back was difficult and we should
15:48:01 27 approach the Chief Commissioner to talk about it, do you
15:48:04 28 remember that occurring?---That's news to me about
15:48:08 29 Mr Paton, et cetera, yep.
15:48:08 30
15:48:09 31 Mr Paton was the staff officer at that stage to the Chief
15:48:14 32 Commissioner, he knew Mr, I can't name him, he's one of the
15:48:19 33 officers?---He may have been, I don't know. I don't recall
15:48:22 34 that, though.
15:48:22 35
15:48:23 36 As a result Mr O'Connor said they moved back and there
15:48:26 37 was a concern, this is what he called a push back, that
15:48:29 38 they were trying to go around him and get the Chief
15:48:32 39 Commissioner to reconsider this decision. Now, if they
15:48:34 40 have the concerns that are set out, it's a legitimate thing
15:48:37 41 to do, isn't it, to raise it with the boss?---Which boss
15:48:42 42 are we talking about now?
15:48:43 43
15:48:44 44 Chief Commissioner?---I don't think it's, I don't think
15:48:46 45 every matter that arises that's an issue for an employee of
15:48:51 46 Victoria Police has to be brought to the attention of the
15:48:53 47 Chief Commissioner.

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15:48:53 1
15:48:54 2 I'm not suggesting it was. There were risk assessments
15:48:57 3 done in relation to this, weren't there, by Sandy White I
15:48:59 4 think or Mr Green?---Yes, I believe there were documents
15:49:03 5 done but I don't think it's quite as simple as that either.
15:49:07 6
15:49:07 7 That was the extent of the push back against the decision,
15:49:11 8 I suggest?---I'd have to do a little more research into the
15:49:15 9 material again but I think it was more than that.
15:49:17 10
15:49:17 11 Nothing you can say off the top of your head. I'm not
15:49:20 12 trying to make it hard for you but I'm suggesting to you
15:49:24 13 what happened after that is they went PII to headquarters
15:49:26 14 and the wife of one of the members?---Yes, I do recall
15:49:31 15 that.
15:49:31 16
15:49:32 17 You recall that?---Yes.
15:49:33 18
15:49:33 19 Wrote to the Chief Commissioner?---Yes, that's right.
15:49:35 20
15:49:36 21 And expressed concern about the welfare of her husband and
15:49:39 22 the risk to him from criminals PII
15:49:42 23 PII, in broad terms?---Yes, I recall that now,
15:49:45 24 yes.
15:49:45 25
15:49:48 26 Initially Mr O'Connor and yourself were of the view that
15:49:51 27 this had been a set up by the members of the SDU, didn't
28 you? You thought they had orchestrated the wife to make
15:49:56 29 that complaint to the Commissioner?---It's certainly one
15:49:58 30 theory that one could hold then and now.
15:50:00 31
15:50:00 32 As a result, Mr O'Connor has told us that that was his view
15:50:04 33 but he certainly was disabused of it and there was an
15:50:08 34 investigation and she had done it on her own accord, do you
15:50:11 35 follow? It wasn't a set up job?---Well that's one theory
15:50:13 36 that you could hold then and now I think, yes.
15:50:15 37
15:50:16 38 Right. And the, as a result of that decision, Mr O'Connor
15:50:22 39 says the decision - as a result of that complaint by the
15:50:25 40 wife the cars policy was changed where they had to travel
15:50:30 41 PII rather than PII, do you remember that being the
15:50:33 42 case?---I don't think it's as simple as that, as a result
15:50:37 43 of a letter of a wife of a member the car policy was
15:50:41 44 changed. I think the car policy was changed in an effort
15:50:44 45 to come up with alternatives to satisfy some of the
15:50:48 46 security concerns that the members had raised in the first
15:50:51 47 instance, which the letter from the wife probably

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15:50:55 1 reiterated in a slightly different forum.
15:50:56 2
3 When the wife says there's a security issue at the
15:50:57 4 premises, "What we'll do is we'll change the security
15:51:00 5 arrangements to make them PII [REDACTED] and to PII [REDACTED]
15:51:03 6 PII [REDACTED] with them that they have to take with
15:51:08 7 them everywhere"?---I guess the point I'm making is I don't
8 think the changes were made as a result of a letter by one
9 spouse. I think they were made as a result of management
10 trying to address the security concerns that the members
15:51:15 11 held in terms of travelling from the place they were
15:51:18 12 travelling from at the time.
15:51:22 13
15:51:23 14 Mr O'Connor agreed that in fact it was effectively as a
15:51:25 15 result of the letter from the wife that they - - -?---That
15:51:29 16 may be his view, yes.
15:51:30 17
15:51:30 18 Okay. Then we go back to this letter. Over the top of the
15:51:43 19 page, the email goes on, "There's a high risk of" - - -
15:51:50 20
15:51:50 21 COMMISSIONER: Where are we now, the issue cover sheet?
15:51:54 22
15:51:54 23 MR CHETTLE: Still on the same email, Commissioner.
15:51:55 24
15:51:55 25 COMMISSIONER: No, we went off that email. Which email are
15:51:58 26 we on to now?
15:51:58 27
15:51:59 28 MR CHETTLE: Still Exhibit 847.
15:52:01 29
15:52:02 30 COMMISSIONER: Still on Exhibit 847, okay.
15:52:02 31
15:52:02 32 MR CHETTLE: Sorry Commissioner.
15:52:03 33
15:52:03 34 COMMISSIONER: We're on to point 3.
15:52:05 35
15:52:05 36 MR CHETTLE: Top of the page. "There's been a high degree
15:52:09 37 of risk in having people in this environment for lengthy
15:52:12 38 periods. A small number of staff are presenting to
15:52:14 39 indicate health and welfare issues. They receive psych
15:52:19 40 report that the risks persist. Late last year", and
15:52:22 41 there's a particular name that's been blocked out on mine
15:52:26 42 but he has a pseudonym on your - - -?---I'm not sure I've
15:52:30 43 got the same page.
15:52:32 44
15:52:32 45 COMMISSIONER: We haven't got it yet, we don't know where
15:52:35 46 you are.
15:52:35 47

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15:52:35 1 MR CHETTLE: It's VPL, it ends in 012.
15:52:40 2
15:52:40 3 COMMISSIONER: Yes, 0122?
15:52:42 4
15:52:44 5 MR CHETTLE: You've gone forward a page. You have to go
15:52:47 6 back to the previous page, thank you. The one I'm looking
15:52:56 7 at is in a different format. I'll find the point for
15:53:00 8 you?---I've found it, thank you.
15:53:01 9
15:53:02 10 Thank you. The fourth paragraph down?---Yes, I see that.
15:53:05 11
15:53:05 12 It actually names the officer but he has - - -?---It does,
15:53:08 13 yes.
15:53:08 14
15:53:09 15 He has a pseudonym?---Yes, I believe so.
15:53:12 16
15:53:13 17 "Was sacked at Level 2 disciplinary hearing for a range of
15:53:17 18 very poor behaviours that brought significant risk to him,
15:53:21 19 his colleagues and the unit. All of these behaviours were
15:53:24 20 witnessed and tolerated by his colleagues and the [REDACTED]
15:53:27 21 [REDACTED] at the SDU without intervention", that's
15:53:31 22 just simply not true, is it?---Isn't it?
15:53:34 23
15:53:34 24 Do you know it to be true?---Well my understanding is it's
15:53:38 25 true, yes.
15:53:39 26
15:53:39 27 He got sacked. "That it was tolerated and witnessed by his
15:53:43 28 colleagues without intervention"?---He's sacking was
15:53:50 29 tolerated, you're asking me, or his behaviour?
15:53:51 30
15:53:52 31 His conduct?---The evidence was that the behaviour that he
15:53:55 32 was sacked for was certainly conducted in the work unit.
15:53:59 33
15:53:59 34 He had a work phone and he was having - Mr Cornelius has
15:54:02 35 given evidence about this. He presided on the hearing, do
15:54:05 36 you follow?---Yes, I follow.
15:54:06 37
15:54:06 38 And that [REDACTED], it was drawn to his attention the
15:54:11 39 conduct of the particular police officer, he reported it to
15:54:13 40 ESD, and he was taken before a board hearing in front of
15:54:17 41 Mr Cornelius?---Yes, I understand.
15:54:20 42
15:54:20 43 It related to him using his covert phone to contact a woman
15:54:24 44 with whom he was having an affair, did it not?---That's a
15:54:28 45 significant part of it, yes.
15:54:30 46
15:54:30 47 And then when he got to the unit he was caught lying about

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15:54:33 1 what was on the phone because he had some pornographic
15:54:37 2 images on it?---That's another significant part of it, yes.
15:54:40 3
15:54:41 4 That's why he got sacked. Now Mr Cornelius has told the
15:54:44 5 Commissioner that that's - - -
15:54:44 6
15:54:45 7 COMMISSIONER: You better let him answer that part. Was
15:54:45 8 that why he got sacked?---In total, yes.
15:54:48 9
15:54:48 10 In total. That was the full reasons?---That sort of
15:54:51 11 conduct and behaviour, yes.
15:54:53 12
15:54:53 13 Yes, go on.
15:54:55 14
15:54:55 15 MR CHETTLE: Mr Cornelius has told the Commission that that
15:54:58 16 was the reason he got sacked and it's simply, Mr Sheridan,
15:55:02 17 I suggest, incorrect to suggest that his behaviour was
15:55:06 18 witnessed and tolerated by his colleagues?---No, I don't -
15:55:09 19 I don't agree with you. I think that paragraph is an
15:55:15 20 accurate description.
15:55:15 21
15:55:16 22 Did you tell Pope that, that Mr Preston's behaviour was
15:55:24 23 witnessed and tolerated by the colleagues and [REDACTED]
15:55:27 24 [REDACTED] at the SDU?---Look I may have, yes.
15:55:29 25
15:55:30 26 How on earth did you get that idea, the [REDACTED]
15:55:34 27 would be, that's all of them, isn't it, [REDACTED]
15:55:37 28 sorry, that's a reference to Richards and - - -?---I guess
15:55:44 29 if I could put it this way, it was relayed to me through
15:55:47 30 the chain of command there that the co-workers of the
15:55:54 31 individual were aware of his conduct.
15:55:57 32
15:55:58 33 That's not been the evidence, Mr Sheridan. The evidence is
15:56:02 34 that it was [REDACTED] who reported him to ESD when he
15:56:08 35 became aware of it. Now do you dispute that?---I'm not
15:56:12 36 aware of who, I don't have a recollection of who reported
15:56:15 37 him but I won't resile from the comment that his co-workers
15:56:19 38 were aware of his conduct and that would include [REDACTED]
15:56:23 39 [REDACTED].
15:56:23 40
15:56:23 41 "Witnessed and tolerated his behaviour", conducting a
15:56:29 42 covert, conducting an illicit affair, is that what you're
15:56:34 43 saying?---They're not the words I've used. I'm just saying
15:56:37 44 that in relation the matter that he was sacked for, in
15:56:40 45 relation to the conduct and his behaviour, his behaviour
15:56:43 46 and that conduct was witnessed by his co-workers. It had
15:56:47 47 gone on for some time. I think that would probably tick

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15:56:51 1 the tolerated box, that it was tolerated for at least a
15:56:55 2 period of time, whether or not [REDACTED] or some other
15:56:58 3 individual decided at some point to stop it, which they may
15:57:03 4 well have done, I can't recall.
15:57:05 5
15:57:06 6 COMMISSIONER: I think he has answered the question,
15:57:07 7 Mr Chettle.
15:57:08 8
15:57:09 9 MR CHETTLE: I know, Commissioner, I'm trying to move on to
15:57:10 10 the next one.
15:57:11 11
15:57:11 12 COMMISSIONER: Good.
15:57:12 13
15:57:14 14 MR CHETTLE: The next point relates to the disruption
15:57:18 15 allowance and the suggestion that they wanted to stay there
15:57:23 16 because they were getting more pay because of the
15:57:26 17 disruption to their lives, in effect, doesn't it?---Sorry,
15:57:29 18 which point are we on?
15:57:30 19
15:57:31 20 "For the past two years the members have been receiving a
15:57:33 21 disruption allowance"?---Yes, that's true, they had been.
15:57:37 22
15:57:38 23 Simply put, they're entitled to some compensation for the
15:57:42 24 hours and - - -?---Yes, yes. That was never challenged.
15:57:48 25
15:57:48 26 But there it's being used as a reason to close them down,
15:57:52 27 one of the pieces of conduct that's relied upon by
15:57:55 28 Mr Pope?---No, I think the second point is, would address
15:57:59 29 what you're saying. It's resulted in the staff wanting to
15:58:02 30 stay longer than what they may have originally planned and
15:58:06 31 some had been at the unit for some time. So the disruption
15:58:09 32 allowance by virtue of being a financial incentive at times
15:58:14 33 was detrimental to a natural turnover or attrition of
15:58:18 34 staff.
15:58:18 35
15:58:19 36 There's some material tendered, there was a fair degree of
15:58:23 37 turnover of the staff. You and Mr O'Connor had appointed
15:58:27 38 the last four people very shortly before, hadn't you?---I
15:58:31 39 don't know if it's the last four, but yes, certainly we
15:58:34 40 appointed some new people there. But the point remains
15:58:37 41 that the disruption allowance was a key point. This is
15:58:41 42 across the entire division of course, in terms of other
15:58:45 43 work units that received the disruption allowance.
15:58:48 44
15:58:48 45 Let me suggest in simple terms the people tried to get out
15:58:51 46 but there were real issues in getting out because you
15:58:54 47 needed to have - getting temporary people in to fill

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15:59:00 1 positions while they went on secondments or to different
15:59:01 2 places was difficult. There were a limited number of
15:59:04 3 trained handlers?---No, there were enough qualified
15:59:07 4 personnel by virtue of the training programs that we'd run
15:59:10 5 over the years that there was always a reserve to be able
15:59:14 6 to be drawn upon to come in, and there was a willingness
15:59:16 7 for people to come in and do this sort of work too.
15:59:19 8
15:59:20 9 Well, before someone transferred out and went somewhere you
15:59:20 10 had to have someone to replace them, to fill the position I
15:59:25 11 assume?---Well yes, I guess, yeah, yes. And that wasn't
15:59:30 12 difficult to do.
15:59:30 13
15:59:31 14 But in any event you wouldn't quibble with the proposition
15:59:34 15 that they do get their lives disrupted?---Oh yeah, I don't
15:59:38 16 think you'll find anywhere I've criticised that or said
15:59:42 17 they shouldn't get the allowance.
15:59:43 18
15:59:44 19 Indeed the Commissioner has heard in this very Royal
15:59:47 20 Commission the source that was being handled would ring at
15:59:49 21 all sorts of hours, at all sorts of times, including for
15:59:53 22 example, two hours on Christmas Day?---That's right. I
15:59:56 23 don't think you'll find anywhere I've criticised them for
16:00:00 24 getting the allowance for being disrupted after hours.
16:00:01 25
16:00:02 26 All right. Can I move to the next point please, which is
16:00:02 27 about maximum time in position. "The SDU are currently
16:00:06 28 under formal organisational view. We're exploring the
16:00:13 29 options of introducing a [REDACTED] to [REDACTED]
16:00:13 30 [REDACTED]", and it says, "This continues to be strongly
16:00:17 31 resisted by the SDU staff", do you see that?---Yes, I do,
16:00:20 32 yes.
16:00:20 33
16:00:20 34 That's simply untrue, isn't it?---No, at the time of this
16:00:23 35 that was definitely being resisted. I think their position
16:00:27 36 may have changed towards the end of the review. And I'm
16:00:30 37 aware of course that [REDACTED] was
16:00:33 38 originally written up by the officer behind the name Sandy
16:00:37 39 White when he compiled the program for the Source
16:00:40 40 Development Unit but for inexplicable reasons - - -
16:00:43 41
16:00:43 42 It didn't get put in?---At that point it just didn't seem
16:00:47 43 to find its way in.
16:00:49 44
16:00:49 45 Introducing it later causes all sorts of dramas with the
16:00:56 46 union, or could?---That's right, yes.
16:00:56 47

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16:00:57 1 Can I suggest to you in fact that SDU always believed there
16:00:58 2 should be [REDACTED] and did not resist the
16:01:01 3 proposition of introducing it?---No, I wouldn't agree with
16:01:04 4 that.
16:01:04 5
16:01:04 6 The undercovers did, they kicked up a big stink about
16:01:09 7 it?---The undercovers weren't favourable for it, yes.
8
16:01:13 9 Mr Sheridan, can I show you VPL.6027.0019.8619. The bottom
16:01:29 10 of that email chain, it's an email from yourself to Jeff
16:01:33 11 Pope on 19 July 2012, right? That's shortly before the
16:01:41 12 publication of the Comrie Review, do you follow?---Yes.
16:01:45 13
16:01:45 14 Literally a matter of a couple of weeks?---Yes.
16:01:48 15
16:01:48 16 "I met with the SDU and UCU personnel today to update them
16:01:52 17 on the review," and the diary entry shows that you went to
16:01:56 18 the SDU and spoke to a number of the members at the
16:01:58 19 premises on that day. So obviously you agree, you went and
16:02:03 20 spoke to them on the 19th?---Yes, I do.
16:02:05 21
16:02:05 22 You say this, "I informed them that we are proceeding with
16:02:09 23 the [REDACTED] aspect and their PD's will be
16:02:13 24 changed at some point in the coming months", that's their
16:02:16 25 professional development or their - - -?---Position
16:02:19 26 descriptions.
16:02:19 27
16:02:20 28 Thank you. "SDU were outwardly more accepting. The UCU
16:02:25 29 was not" and then went on to talk about how the UCU had got
16:02:29 30 the union involved, do you follow?---Yes.
16:02:30 31
16:02:31 32 Do you stand by the contents of your letter?---Sorry, which
16:02:35 33 letter?
16:02:36 34
16:02:36 35 This email?---Do I stand by the contents of this particular
16:02:41 36 - - -
16:02:41 37
16:02:42 38 Yes.
16:02:42 39
16:02:42 40 COMMISSIONER: I think he means about the earlier, the
16:02:45 41 earlier comment in the email about not wanting to have
16:02:50 42 [REDACTED] there?---Yes, ma'am.
16:02:56 43
16:02:58 44 MR CHETTLE: Sorry, did I interrupt?---I was going to say,
16:02:59 45 I stand by the previous correspondence that we looked at
16:03:02 46 that the SDU were not always supportive of [REDACTED]
16:03:07 47 [REDACTED] and I stand by this document on 19 July that says

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16:03:11 1 that they were outwardly more accepting, and in context
16:03:15 2 that was at that point at that discussion.
16:03:18 3
16:03:19 4 Mr Sheridan, Mr Pope writes, "This continues, that's
16:03:23 5 [REDACTED], continues to be strongly resisted
16:03:26 6 by the SDU". Now, that's just not true, they didn't
16:03:30 7 strongly resist it, the Undercover Unit did, I
16:03:37 8 suggest?---I'm not sure I'd agree. There may have been
16:03:40 9 components of the SDU that were more accepting that [REDACTED]
16:03:44 10 [REDACTED] was a logical step to take and that maybe
16:03:48 11 why - I can't explain why Pope wrote what he wrote. So I'm
16:03:53 12 not sure I can totally agree with that.
16:03:55 13
16:03:56 14 If he followed what you said, the SDU were more accepting
16:04:00 15 and UCU were not. So when you went and spoke to them they
16:04:03 16 didn't kick up a stink about it, did they?---When I went
16:04:07 17 and spoke to who?
16:04:08 18
16:04:08 19 The SDU on 19 July 2012?---They were outwardly more
16:04:13 20 accepting. That's my description of how they were.
16:04:15 21
16:04:15 22 I tender the email, Commissioner.
16:04:17 23
16:04:18 24 #EXHIBIT RC1170A - (Confidential) Email from Paul Sheridan.
16:04:19 25 to Jeff Pope 19/7/12.
16:04:19 26
16:04:19 27 #EXHIBIT RC1170B - (Redacted version.)
16:04:20 28
16:04:25 29 Mr Pope goes on in the next paragraph to talk about the
16:04:28 30 fact that there's little turnover and there's a resistance
16:04:33 31 to attracting females. Again, this is being resisted, do
16:04:37 32 you see that?---Where are we here?
16:04:39 33
16:04:40 34 We've got to go back. There it is. "We have spent a lot
16:04:52 35 of money over the years training people to become
16:04:55 36 handlers", do you see that paragraph?---Yes, I do.
16:04:58 37
16:05:01 38 "There's little turnover. A number of people who have been
16:05:05 39 trained are of similar ilk to the cadre we had been working
16:05:13 40 hard to change. Trying to attract females and again this
16:05:15 41 has been resisted"?---Yes.
16:05:16 42
16:05:17 43 In fact, let me suggest to you that's not true, that Sandy
16:05:20 44 White had been attempting to get females into that unit and
16:05:23 45 they couldn't get people who wanted to come?---No, I
16:05:27 46 wouldn't agree with that.
16:05:28 47

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16:05:28 1 Do you know [REDACTED]?---Yes, I do.
16:05:30 2
16:05:31 3 Let me suggest she was actively canvassed and they tried to
16:05:34 4 get her to come. Could that be right?---That could be
16:05:38 5 right, but I still maintain they were resistant in relation
16:05:41 6 to having females go there. It was a grave concern that I
16:05:44 7 had.
16:05:45 8
16:05:46 9 These things - who was resistant, Sandy White?---Well Sandy
16:05:57 10 White essentially as the OC of the unit, I suppose, spoke
16:06:01 11 for the unit and he was that sort of leader that he
16:06:04 12 influenced the thinking of the unit, so I guess the short
16:06:08 13 answer to your question is yes, he was resistant.
16:06:12 14
16:06:12 15 My instructions and my suggestion to you, Mr Sheridan, is
16:06:15 16 there was absolutely no opposition to women, they just
16:06:19 17 couldn't get them because they didn't want to come?---Well,
16:06:21 18 I wouldn't agree with that.
16:06:23 19
16:06:32 20 He then sets out details in the Comrie Review and says,
16:06:41 21 "The Comrie Review focused on what policies and practices
16:06:44 22 were in place to recruit legal practitioners as human
16:06:51 23 sources". Again, I can't ask you, I won't ask you about
16:06:54 24 that because you don't know what the Comrie Review said and
16:06:57 25 what it focused on?---That's right.
16:06:59 26
16:07:03 27 Then Mr Pope sets out a number of things which he says come
16:07:08 28 from the Comrie Review, "A lack of policies and processes.
16:07:11 29 Very poor practices by the SDU in this particular case,
16:07:15 30 with a file in an absolute mess requiring me to identify
16:07:19 31 other staff to go off line for six to 12 months to
16:07:22 32 reconstruct the file", do you see that?---I see that, yes.
16:07:25 33
16:07:26 34 Do you know, in fact you had meetings with Mr Gleeson and
16:07:30 35 discussions with him during the course of his preparation
16:07:33 36 of the review, didn't you?---One or two, yes.
16:07:35 37
16:07:36 38 He came and asked you some specific questions. You can't
16:07:40 39 hear me. He asked you some specific questions and you
16:07:44 40 canvassed some ideas with him?---A few, a handful, yes.
16:07:49 41
16:07:51 42 In simple terms, you and he were both under the belief that
16:07:55 43 the entire SDU file in relation to the management of
16:08:00 44 Ms Gobbo was on the Interpose system?---He may have had
16:08:06 45 that belief, I didn't have a great deal of knowledge about
16:08:09 46 the file at all because it was pre my arrival so I never
16:08:16 47 actually had access I think to the actual file.

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16:08:18 1
16:08:18 2 It was pre-Interpose, Interpose started in early 2009 as
16:08:25 3 far as source management was concerned?---I think that's
16:08:28 4 right, yes.
16:08:28 5
16:08:28 6 This jumbled mess that he was looking at and made findings
16:08:32 7 on, I want to suggest to you were not the records of the
16:08:35 8 SDU, they were separately and properly maintained?---That
16:08:39 9 could well be true. As I said this is all pre my arrival
16:08:42 10 at the work unit.
16:08:43 11
16:08:43 12 While you were there did someone draw to your attention
16:08:46 13 that everything was in fact neatly and properly kept on Z
16:08:50 14 drive, whatever it's called, a stand-alone computer
16:08:54 15 system?---I don't recall that.
16:08:55 16
16:08:55 17 In fact, have you been told that they were only discovered,
16:08:59 18 some of the drives were only discovered last year?---Yes,
16:09:02 19 I've heard that, yes.
16:09:03 20
16:09:06 21 Opened last year, if you'd like. Now, Mr Pope says that,
16:09:30 22 "There are likely discipline and potentially criminal
16:09:34 23 charges being laid against SDU staff", do you see that?---I
16:09:36 24 do, yes.
16:09:37 25
16:09:37 26 That's in accord with what he told you or showed you some
16:09:42 27 document?---Yes.
16:09:43 28
16:09:45 29 There has never - well, no one obviously has been charged
16:09:49 30 in relation to these incidents?---To date, no.
16:09:54 31
16:09:55 32 Has there been an investigation by ESD in relation to the
16:09:58 33 conduct of the handlers?---I don't know.
16:10:00 34
16:10:01 35 Why wouldn't there be? If there's some allegation of
16:10:03 36 criminal behaviour that's genuinely felt to be true, why
16:10:07 37 wouldn't there be an investigation of them?---Well, I don't
16:10:10 38 know if there has been.
16:10:12 39
16:10:12 40 Well, then they, then he says this, "The outcome of the
16:10:18 41 Comrie Review was far worse than anyone expected and has
16:10:23 42 highlighted significant issues. Two of the more
43 significant issues is most of the people involved in the
16:10:27 44 case examined by Comrie still work at the SDU". That's
16:10:31 45 just not true, is it? There are only two of the handlers
16:10:34 46 left there, I think we went through that last time?---I
16:10:36 47 don't have a clear understanding of who was actually, I

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16:10:40 1 don't know anything about the, the actual original file so
16:10:45 2 I can only speculate, but I'm not arguing with what you're
16:10:47 3 saying.
16:10:48 4
16:10:48 5 How does Mr Pope get to say that most of them are still
16:10:51 6 there?---You'd have to ask Mr Pope, I have no idea.
16:10:55 7
16:10:55 8 I will. You didn't tell him that?---I don't believe so.
16:10:57 9
16:11:01 10 "These people are instructors and assessors on our
16:11:05 11 particular human source course, which teaches everyone
16:11:09 12 across Australia", do you see that reference?---Yes, I do.
16:11:12 13
16:11:13 14 You would be aware that after the unit was sacked, these
16:11:19 15 people, who are being criticised, were returned to conduct
16:11:22 16 the course that was held after the closure of the
16:11:28 17 unit?---Yes, I am.
16:11:28 18
16:11:31 19 And indeed, can I show you a document. Assistant
16:11:47 20 Commissioner Fryer wrote an email congratulating the people
16:11:52 21 who ran that course and the dedication and professionalism
16:11:56 22 of the SDU in presenting it, do you remember seeing
16:11:59 23 that?---Yes, I have a recollection of that, yes.
16:12:02 24
16:12:02 25 And he actually pointed out particularly the SDU officers
16:12:06 26 who managed to do it in such a fine way given they'd just
16:12:11 27 had their jobs removed, that is their unit closed?---Yes, I
16:12:16 28 recall that.
16:12:17 29
16:12:18 30 I do have a copy of it, but I'll find it in due course. So
16:12:26 31 Mr Pope's concerns that these are potential criminals and
16:12:34 32 the people who mucked up with Gobbo, and they are
16:12:39 33 instructors in the course, didn't stop them using them to
16:12:42 34 run the next course as soon as the unit was
16:12:48 35 dismissed?---No, it didn't.
16:12:49 36
16:12:54 37 Then he makes the conclusion, and I suspect you would
16:12:57 38 agree, "The SDU in its current form is incongruous and
16:13:02 39 brings significant organisational risk to the reputation of
16:13:05 40 Victoria Police. I couldn't justify why we would keep
16:13:10 41 going with the current arrangements based on what we know
16:13:13 42 now". Do you see that?---Yes, I do.
16:13:16 43
16:13:17 44 Have you ever used an expression around about this time
16:13:20 45 that there's a train coming down the tracks and it's going
16:13:23 46 to hit Victoria Police or words to that effect?---Yes, I've
16:13:26 47 read the officer that uses the name Sandy White's

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16:13:30 1 statement, I'm aware of the context of the question.
16:13:32 2
16:13:33 3 Do you agree that's what you said to him?---I think I said
16:13:37 4 something very similar to it, yes.
16:13:38 5
16:13:38 6 What you were referring to was that there was a real
16:13:41 7 organisational risk to Victoria Police from the contents of
16:13:46 8 the Comrie Report and Ms Gobbo's management becoming
16:13:50 9 public?---Yes.
16:13:50 10
16:13:52 11 Then it says, "In broad terms Paul Sheridan and I have
16:13:58 12 devised the following plan and I've briefly spoken to
16:14:02 13 Graham. As a consequence of the Comrie Review we will
16:14:06 14 close the SDU by mid-September"?---I can see that.
16:14:10 15
16:14:11 16 Do you agree that that was the plan you'd come up with with
16:14:14 17 him?---I think in context, certainly I agreed with the plan
16:14:21 18 that the SDU had to be closed and remodelled. This is his
16:14:27 19 email I think.
16:14:28 20
16:14:28 21 I agree. He is saying that you have a plan that as a
16:14:31 22 consequence of the Comrie Review you're going to close the
16:14:34 23 unit by mid-September?---And as I said this is his email so
16:14:38 24 I think you'd have to ask him in terms of that aspect. But
16:14:42 25 for me in terms of me changing my view around the future
16:14:47 26 then as it was of the SDU, the Comrie Review was but part
16:14:50 27 of the significant risk that was a concern to us at that
16:14:55 28 time.
16:14:56 29
16:14:56 30 That may have been your view but, Mr Sheridan, you're said
16:15:01 31 to have been part of this plan with Mr Pope and I assume
16:15:04 32 you would agree with that, but you did have a plan with him
16:15:09 33 to close the unit?---I think I've answered it.
16:15:12 34
16:15:12 35 All right. So, we go to 360 which I touched on briefly and
16:15:20 36 which is Exhibit 360 is the briefing paper to Pope from
16:15:26 37 Fryer planning to close the unit on 18 September 2012.
16:15:34 38
16:15:34 39 COMMISSIONER: Have we finished with 847?
16:15:36 40
16:15:37 41 MR CHETTLE: I have, Commissioner, and we've gone to
16:15:41 42 360?---Yes, I can see that.
16:15:42 43
16:15:45 44 You, shortly after that - it didn't happen because, as you
16:15:48 45 said to me last time, it just couldn't be done in the
16:15:52 46 time?---Yes.
16:15:52 47

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16:15:53 1 You completed the CMRD report which was tendered at Exhibit
16:15:59 2 894 just as you left the witness box on the previous
16:16:01 3 occasion. I want to ask you some questions about
16:16:05 4 it?---Sorry, which CMRD?
16:16:09 5
16:16:09 6 The keep using the wrong acronym, I'm sorry. Covert
16:16:14 7 Services Report. Can we bring up Exhibit 894?---I
16:16:17 8 completed the Covert Services Review I think early October.
16:16:20 9
16:16:20 10 12 October 2012?---That would be right.
16:16:22 11
16:16:22 12 This is it. I think you identified - sorry, Exhibit 894,
16:16:29 13 Mr Skim?---Yes, that appears to be the front page, yes.
16:16:33 14
16:16:34 15 You can perhaps help me, there's some notation up on the
16:16:37 16 top left-hand corner. Is it 2, 1210?---1210, yes.
16:16:43 17
16:16:44 18 Assistant Commissioner?---Yes, it's to, it's not a very
16:16:48 19 good copy, I think it's, it went to AC Pope. I can't quite
16:16:53 20 make out the - - -
16:16:54 21
16:16:54 22 What else it is, all right. But is that your writing on it
16:16:58 23 or not?---I'd say so, yes.
16:17:00 24
16:17:00 25 Then you set out, I'm not going to go through it, but one
16:17:03 26 thing it doesn't do is it makes absolutely no
16:17:05 27 recommendation in relation to the closure of the SDU, does
16:17:11 28 it?---No, that's right.
16:17:12 29
16:17:12 30 In fact, the whole issue, it deals with things like maximum
16:17:17 31 time in position and things of that sort?---Yes, that's
16:17:20 32 correct.
16:17:20 33
16:17:21 34 All right. So, you sign off on that on 12 October, as
16:17:27 35 you'll see from p.7?---Yes.
16:17:29 36
16:17:29 37 And you send it. Now, ten days later, if I can take you to
16:17:38 38 Exhibit 361. This purports to be an email from Doug Fryer
16:17:48 39 to Liz Cheligoy?---Yes.
16:17:52 40
16:17:52 41 It says at paragraph 3, "Paul Sheridan has put the vast
16:17:56 42 majority of the below and has intimate knowledge of the
16:17:59 43 unit, it's continued behaviour, the CSD review, Comrie
16:18:02 44 Review and current exposure to the organisation", do you
16:18:04 45 see that?---Yes, I do.
16:18:05 46
16:18:05 47 Perhaps it's a bit of an over egging to say you have an

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16:18:09 1 intimate knowledge of the Comrie Review, isn't it?---I
16:18:13 2 think it may be, yes.
16:18:14 3
16:18:15 4 If we go a little bit later on down the - it's quite an
16:18:16 5 extensive document, but if I go to the page 0138 at the
16:18:23 6 top, it's p.5 of the document, second-last paragraph, it
16:18:28 7 says, "Liz, the above has predominantly been compiled by
16:18:33 8 Paul, value added and endorsed by me", that's Mr Fryer. Do
16:18:37 9 you see that?---Yes, I do.
16:18:39 10
16:18:40 11 Do you agree that this is a document that you effectively
16:18:43 12 prepared for Mr Fryer?---No, I don't.
16:18:46 13
16:18:46 14 Okay. Well, let's have a look at what it says. Have you
16:18:51 15 seen it before?---I think I have seen it before.
16:18:55 16
16:18:55 17 It's CCed to you and Mr Pope, isn't it?---Yep.
16:18:58 18
16:18:59 19 "The below is a cut and paste with comments from your
16:19:02 20 previous emails. Your comments are in blue. We are still
16:19:06 21 keen to progress the closure but for us it's important to
16:19:10 22 understand" - sorry, can you go back to the first page,
16:19:14 23 thank you. "It's important for us to understand it is not
16:19:18 24 at all linked to the CSD review and to attempt to use the
16:19:23 25 review to close the unit would not be a true reflection of
16:19:26 26 the review, its intent or its outcome"?---I'm not sure I've
16:19:31 27 got the same document you've got there.
16:19:33 28
16:19:35 29 Look in front of you now, "Hi Liz", the very first
16:19:36 30 paragraph, it's a cut and paste of comments from your
16:19:40 31 previous email?---I beg your pardon.
16:19:42 32
16:19:42 33 Do you follow?---Yes, I'm sorry, yes.
16:19:44 34
16:19:44 35 "But for us it's important to understand it's not at all
16:19:47 36 linked to the CSD review and an attempt to do so would not
16:19:51 37 be a true reflection of its intent", do you see
16:19:55 38 that?---Yes.
16:19:56 39
16:19:56 40 Because you just effectively drafted the CSD in the way
16:20:00 41 I've just taken you to?---Yes.
16:20:02 42
16:20:03 43 "We believe there's enough in the Comrie Report alone to
16:20:05 44 close the unit and coupled with a number of examples, post
16:20:09 45 the management of the registered human source of particular
16:20:13 46 interest in that review, it's enough to demonstrate they
16:20:16 47 continue to expose the organisation to unacceptable

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16:20:19 1 risk"?---Yes.
16:20:20 2
16:20:21 3 Is that a sentiment that you wrote or agree with?---It's a
16:20:24 4 sentiment that at that time I'd say I agree with, as in
16:20:29 5 they continued to expose Victoria Police, they the SDU,
16:20:32 6 continued to expose Victoria Police to an unacceptable risk
16:20:37 7 in that particular theme, but the rest of it is not my
16:20:41 8 writing.
16:20:41 9
16:20:41 10 He says that you put it together, Mr Fryer says that. You
16:20:44 11 disagree with that?---That I put this email together?
16:20:47 12
16:20:47 13 Yes?---Yes, I disagree with that, yes.
16:20:49 14
16:20:51 15 "As the Chief Commissioner of Police advises in September,
16:20:54 16 we all need to be crystal clear on the rationale
16:20:58 17 foreclosure and all IR addressed", right?---Yes.
16:21:01 18
16:21:01 19 "We've got to get our story right and it's got to be IR
16:21:05 20 proof, it has to be fixed up by people like Liz Cheligoy",
16:21:10 21 that's what it means, isn't it?---I'm not sure about fixed
16:21:15 22 up, but yes, I would expect that's meant to be interpreted
16:21:19 23 as in that the industrial relations sensitivities have to
16:21:23 24 be carefully managed and worked through.
16:21:24 25
16:21:25 26 Yes. "Because we all need to be crystal clear on our
16:21:28 27 rationale for closure, why it is we're doing it", that's
16:21:31 28 what it means, isn't it?---Well that's what he's written,
16:21:34 29 yes.
16:21:34 30
16:21:34 31 Then he says the bit that you disagree with. Then he goes
16:21:37 32 through the Covert Services Division review and writes,
16:21:41 33 "It's some months away from completion and it's been
16:21:44 34 significantly delayed with the change of direction in the
16:21:47 35 intelligence phase. 7 August 12, and reiterate on 17
16:21:52 36 September 2012, when the Assistant Commissioner Pope
16:21:56 37 rejected the submission for status quo and requested
16:22:00 38 further work be undertaken on a centralised model"?---Yes.
16:22:04 39
16:22:04 40 That's an expression that on 17 September 2012, leaving
16:22:09 41 things the way they are was put forward as the idea, wasn't
16:22:12 42 it, maintaining of the status quo?---Yes. I think that's
16:22:22 43 about the actual intelligence part though, isn't it?
16:22:24 44
16:22:24 45 Yes?---Yes.
16:22:24 46
16:22:24 47 There were two parts - you completed one part of it, there

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16:22:27 1 was a second part that needed still to be worked on, is
16:22:30 2 that right?---Yes, there was a, Mr Pope added a component
16:22:35 3 that he wanted looked at which was just the intelligence
16:22:39 4 management for that particular division as such.
16:22:42 5
16:22:42 6 All right. If you go to the heading - if you go to the
16:22:50 7 heading Source Development Unit on the next page, SDU
16:22:52 8 closure. There it is in the middle of the page. It
16:22:59 9 reports, "Early in June Jeff, Paul, Bridge and I met to
16:23:05 10 discuss the review and potential for using OHS or MTIP as
16:23:11 11 drivers for closing down the SDU". Now is that true, that
16:23:15 12 you met with those people in June, early June, before your
16:23:21 13 thought bubble in italics I took you to, about means of
16:23:25 14 closing down the SDU?---I think it's true that we met, it's
16:23:30 15 likely true that we met in June with Bridget Santucci who
16:23:35 16 was a HR person.
16:23:37 17
16:23:37 18 And yourself and Jeff Pope?---Highly likely. I'm not sure
16:23:40 19 I'd agree with the second part of the sentence, everything
16:23:45 20 after "as drivers for closing down the SDU", I think that
16:23:48 21 discussion was more based around getting the [REDACTED]
16:23:53 22 [REDACTED]. [REDACTED] in, because at that stage, early in June
16:23:59 23 I, I wasn't aware of the material that you took me to that
16:24:02 24 you referred to as a thought bubble earlier.
16:24:04 25
16:24:04 26 Which is why I'm asking you about it, because what Mr Fryer
16:24:07 27 says is at that stage you were looking for using OHS and
16:24:11 28 MTIP to close down the unit, do you see that?---No, I see
16:24:14 29 that, yes.
16:24:15 30
16:24:15 31 And you disagree with that as well?---Yes, I disagree with
16:24:19 32 that.
16:24:19 33
16:24:22 34 Then there was a meeting on 4 June with the Police
16:24:24 35 Association and the next paragraph reads, "A short
16:24:27 36 pre-meeting with Pope, Cheligoy and Sheridan was held prior
16:24:30 37 to the Police Association meeting. This was to brief
16:24:33 38 Cheligoy. At the time closure of the SDU was not a
16:24:37 39 consideration. The Comrie investigation had not
16:24:41 40 commenced"?---Yes, I see that.
16:24:42 41
16:24:43 42 All right. I'll try and skip through this because I've
16:24:48 43 done it before. Can I go - - -
16:24:51 44
16:24:51 45 MR HOLT: Commissioner, are we just reading emails that
16:24:53 46 other people have written to a witness and - - -
47

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1 MR CHETTLE: No, no, he wrote - - -
2
16:24:56 3 MR HOLT: Just wait, please. And we're just confirming the
16:24:58 4 content of them. It's 24 minutes past 4 and your time is
16:25:04 5 extraordinarily valuable, Commissioner.
16:25:06 6
16:25:06 7 COMMISSIONER: Everyone's time is valuable.
8
9 MR CHETTLE: Commissioner, can I respond.
10
16:25:08 11 COMMISSIONER: I think you wanted - it is suggested that he
16:25:10 12 has had a great deal of input into this email so I think
16:25:13 13 it's probably legitimate to ask him about it so he can say
16:25:17 14 what he did and didn't put in it.
16:25:19 15
16:25:20 16 MR CHETTLE: And what it says on its face, Commissioner.
16:25:23 17
16:25:23 18 COMMISSIONER: Yes, yes.
16:25:25 19
16:25:26 20 MR CHETTLE: I'll try and be quick about it?---Can I just
16:25:29 21 clarify, this is an email from Doug Fryer?
16:25:32 22
16:25:32 23 Yes, to Liz Cheligoy in which he says - you wrote it. You
16:25:38 24 put it together for him?---I've responded to say I have not
16:25:42 25 written this email.
16:25:44 26
16:25:44 27 If Mr Holt has something to say he should stand up.
16:25:46 28
16:25:46 29 MR HOLT: I do. It's being miss-put, my learned friend
16:25:49 30 consistently does this. If he wants to read what it says
16:25:52 31 he can say it. It doesn't say what he's just said.
16:25:54 32
16:25:54 33 MR CHETTLE: "The above has predominantly been compiled by
16:25:58 34 Paul."
16:25:58 35
16:25:58 36 COMMISSIONER: He said that's not true.
16:26:00 37
16:26:00 38 MR CHETTLE: Correct. I understand that, but it was the
16:26:03 39 mutterings I was getting, Commissioner.
16:26:05 40
16:26:05 41 MR HOLT: My friend put Mr Fryer said it was written by
16:26:08 42 this witness. It's not extraordinary proposition.
16:26:11 43
16:26:11 44 COMMISSIONER: Yes, well it's incorrect.
16:26:13 45
16:26:13 46 MR CHETTLE: Sorry, Commissioner, it isn't incorrect and
16:26:16 47 I'm not going to let it go by.

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16:26:19 1
16:26:19 2 COMMISSIONER: No, it isn't correct that he wrote it. It
16:26:23 3 says what it says. It says what it says at the beginning,
16:26:27 4 we've gone there. Maybe you could ask him to look at it
16:26:32 5 and say which parts he did and didn't - - -
16:26:34 6
16:26:35 7 MR CHETTLE: I can't do that. It's too long, Commissioner.
16:26:37 8 I'm going to try and cherry pick the bits to get to the end
16:26:40 9 of it. Can we go to the centre of p.4, please. In the
16:26:48 10 middle paragraph, "The completed CSD review will at this
16:26:55 11 point make no recommendation for SDU closure. This would
16:26:58 12 only occur if the review steering committee were asked to
16:27:02 13 consider the Comrie investigation finding and recent
16:27:06 14 history of managerial intervention or resistance to
16:27:09 15 intrusive supervision. Given the sensitive nature of the
16:27:12 16 Comrie investigation this is not envisaged as a realistic
16:27:17 17 option", do you see that?---Yes, I see that.
16:27:18 18
16:27:19 19 You had written the draft of the CSD review, it did in fact
16:27:25 20 get rewritten to do exactly what they said it shouldn't do,
16:27:34 21 didn't it?---It would appear so.
16:27:35 22
16:27:37 23 Then, "The organisation", go down a paragraph to read -
16:27:44 24 second-last paragraph in that section. "The organisation
16:27:46 25 will be obliged to argue that on the basis of ongoing
16:27:50 26 organisational risk that continuing the duties would expose
16:27:55 27 it to further and greater risk including in some cases
16:27:59 28 potential criminality", do you see that?---Yes, I do.
16:28:02 29
16:28:03 30 COMMISSIONER: Was that your, did you put that together,
16:28:05 31 that part of it, of the email?---Ma'am, he may have lifted
16:28:10 32 parts from other emails. He, as in Mr Fryer, may well have
16:28:15 33 lifted comments from emails or correspondence I'd given him
16:28:19 34 but at no stage did I do a draft email or give him enough
16:28:23 35 material to compile this. It seems to me to be like a cut
16:28:27 36 and paste. But most of it doesn't seem to be my writing,
16:28:29 37 to be honest, in terms of what I had - - -
16:28:32 38
39 Your expression?---Yes.
40
16:28:33 41 No, all right.
16:28:33 42
16:28:34 43 MR CHETTLE: Do you recall there being a recommendation
16:28:36 44 that, "The Chief Commissioner declare the persons within
16:28:38 45 the SDU as surplus in accordance with the enterprise
16:28:43 46 agreement", he writes that under initial HR advice, do you
16:28:47 47 see that?---Well yes, that could well have been, and likely

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16:28:50 1 was, one of the options provided from the HR, the
16:28:55 2 industrial relations people in human resources.
16:28:57 3
16:28:58 4 As a way of closing the unit?---As how you would close a
16:29:01 5 unit down. I mean it's not a common occurrence.
16:29:04 6
16:29:04 7 Then if we go on to options. There are two options set out
16:29:07 8 here. "Close the SDU. Comrie investigation. The evidence
16:29:12 9 basis for this is the internal Comrie investigation which
16:29:15 10 has identified a Code of Practice which is in breach of
16:29:19 11 policy, in some cases the law. If Command do not wish to
16:29:22 12 rely upon the Comrie inquiry, then I recommend that the
16:29:25 13 closure not be pursued through other means. To do so would
16:29:29 14 compromise the integrity of the Covert Services Review. To
16:29:34 15 elicit managerial examples of poor work practice is self -
16:29:41 16 defeating as raised by Liz Cheligoy. It would open
16:29:41 17 management to criticism of not documenting appropriately
16:29:44 18 within the PDA process." Just stopping you there.
16:29:50 19 Mr Fryer's saying, "Don't use any other way to close it,
16:29:55 20 don't use the Covert Services Review because that would be
16:29:58 21 inappropriate"?---Yes.
16:29:58 22
16:29:59 23 "And if we try and rely on management issues, none of this
16:30:03 24 is reflected in their PDAs", do you follow what I'm
16:30:07 25 putting?---Yes, I do, yes.
16:30:08 26
16:30:09 27 In fact that is the reality, I'm not going to take you
16:30:12 28 through them now, the Commissioner has the PDAs and they
16:30:15 29 are all glowing in relation to my clients, do you
16:30:18 30 follow?---I do.
16:30:18 31
16:30:24 32 "However as earlier stated the behaviour is systemic of an
16:30:28 33 entire work group, significant management intervention has
16:30:31 34 occurred, moving them from a covert location to the same
16:30:34 35 floor of the AC ICSD, vehicle policy. Neither of the
16:30:39 36 examples are included on anyone's PDAs as they were
16:30:43 37 actioned as part of a try to shift negative culture of a
16:30:45 38 whole work group", all right?---Yes.
16:30:47 39
16:30:47 40 Then, option 2, "Close the SDU. CSD review recommends it.
16:30:53 41 Not achievable without rewriting the review. At no stage
16:30:57 42 did the CSD review focus on the relevant aspects of SDU
16:31:02 43 functioning. I recommend we not employ this
16:31:06 44 tactic"?---Yes.
16:31:06 45
16:31:07 46 That's what happened though, that tactic was used, wasn't
16:31:10 47 it?---Yes.

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16:31:12 1
16:31:14 2 COMMISSIONER: This is really a matter for comment, isn't
16:31:16 3 it?
16:31:17 4
16:31:17 5 MR CHETTLE: I'm about to - everything that Mr Fryer wrote,
16:31:22 6 that was what was done. That tactic was used to close it,
16:31:25 7 the review was rewritten, your review that you drafted was
16:31:30 8 rewritten, wasn't it?---Yes, it was.
16:31:31 9
16:31:32 10 Did you rewrite it?---No.
16:31:33 11
16:31:33 12 Who did, do you know?---The copy I've seen is signed by
16:31:38 13 Mr Pope and Mr Fryer.
16:31:40 14
16:31:40 15 Did you have any input into that?---No, I didn't.
16:31:43 16
16:31:51 17 All right. Attached to that document, I believe, because
16:31:57 18 it says, if you look at the very last page of it, under the
16:32:03 19 signature section, there you are. There are little icons
16:32:07 20 for documents that are attached to it, do you see that
16:32:10 21 written there?---Yes, I do.
16:32:11 22
16:32:11 23 One of those I believe is VPL.0100.0132.0140. I'm told by
16:32:41 24 Mr Winneke it's tendered, sorry, by Mr Holt that it's
16:32:45 25 tendered. Exhibit 361, I won't need to deal with it.
16:32:51 26
16:32:51 27 COMMISSIONER: It's email and attachments of closure of the
16:32:55 28 SDU, 22 December 12. The attachments were part of Exhibit
16:33:01 29 361.
16:33:01 30
16:33:02 31 MR CHETTLE: Okay, thank you. I'm not going to go through,
16:33:07 32 well I can do, I'm not going to go through the sensitive
16:33:11 33 nature of this because Mr Holt informs me there are a
16:33:14 34 number of things that are sensitive, but can I take you to
16:33:17 35 some that aren't?---Yes.
16:33:18 36
16:33:18 37 In the middle of the first page and the heading "May 2010",
16:33:22 38 it refers to the CMRD audit?---Yes.
16:33:26 39
16:33:26 40 "Across the unit, including the SDU. The controllers of
16:33:30 41 the unit resisted this believing the CMRD had no right to
16:33:35 42 audit the handling of human sources within the SDU. They
16:33:38 43 were directed by the OIC to comply with the request of the
16:33:41 44 CMRD audit teams"?---Yes.
16:33:42 45
16:33:42 46 I suggest that insofar as it suggests that they behaved in
16:33:47 47 that manner and that Pope had to direct them to comply,

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16:33:52 1 that just simply didn't happen. Do you have personal
16:33:55 2 knowledge of that?---Yes, yes, no, that's accurate, what's
16:33:59 3 there is accurate. They were very resistant at the CMRD
16:34:04 4 review initially and they had to be directed.
16:34:07 5
16:34:08 6 Go down two to the Operation Shellbrack. If you read that
16:34:16 7 you'll see that there was resistance to an
16:34:18 8 officer-in-charge travelling with the unit on a covert
16:34:22 9 operation?---Yes, I have a recollection of that but not,
16:34:28 10 not a particularly good one.
16:34:30 11
16:34:30 12 Can I suggest to you that the opposition was to Mr O'Connor
16:34:34 13 going with them because he wanted to go and visit his
16:34:37 14 relatives in [REDACTED]. Do you know he had relatives in
16:34:40 15 [REDACTED]?---No. Not aware that he does.
16:34:44 16
16:34:45 17 All right. There are a lot of things in that that are
16:34:53 18 covert and I will leave those, I think. Now, can I bring
16:35:10 19 up 6027.0036.9539. Mr Fryer writes to Mr Ashton, with a
16:35:25 20 copy to Mr Pope, on 1 November 2012. Now, I don't know
16:35:34 21 whether you will have seen this or not and I'll, can I put
16:35:40 22 it, there was a need to deal with the recommendations of
16:35:43 23 the Comrie Report that could not be dealt with until the
16:35:49 24 ICSD response was finished, do you follow?---Yes, I think
16:35:52 25 so.
16:35:52 26
16:35:55 27 You'll see it refers to you, "Paul Sheridan and I are both
16:35:58 28 separately working through our ways the mitigations and
16:36:01 29 will join them into one document", that's the second-last
16:36:05 30 paragraph?---Yes.
16:36:07 31
16:36:09 32 So there was a difficulty that the history of, the unit had
16:36:14 33 to be short sorted out before the Comrie mitigations could
16:36:18 34 be implemented, is that what it comes down to?---I don't
16:36:21 35 know, you'd have to ask him that.
16:36:23 36
16:36:24 37 All right, I will?---The reference to the, to the working
16:36:27 38 with me is about the, the actual matrix. There was a
16:36:31 39 matrix created which the Comrie recommendations were put on
16:36:35 40 and some of those I had responsible for implementing policy
16:36:41 41 change, et cetera.
16:36:42 42
16:36:42 43 Thank you. With one exception I think I will finish
16:36:48 44 tonight, Commissioner. Mr Sheridan, I'll ask Mr Pope about
16:36:54 45 the documents that more relate to him rather than you, but
16:36:57 46 can I sum this by suggesting that the closure of the unit
16:37:02 47 was driven by a desire to manage the risk that lay for

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16:37:08 1 Victoria Police from the approaching storm, as Mr Buick
16:37:13 2 called it, that was associated with the use of
16:37:19 3 Ms Gobbo?---I suppose really only the Chief Commissioner
16:37:21 4 could answer that with any degree of certainty because it's
16:37:24 5 ultimately his decision, but in my view the closure of the
16:37:29 6 SDU was certainly, I guess, aided, if you like, by virtue
16:37:36 7 of some of the Comrie issues that had been identified, but
16:37:39 8 certainly there were a number of other active issues going
16:37:45 9 on in relation to the work unit and given it was in such a
16:37:49 10 high risk theme, those issues were significantly important
16:37:54 11 enough that in my view the unit could have been closed and
16:37:58 12 remodelled with or without the Comrie Review.

16:38:03 13
16:38:03 14 I'm putting it a bit stronger than that. That Mr Pope was
16:38:06 15 actively seeking a way to draw a line in the sand between
16:38:11 16 the knowledge of management and the SDU?---I can't answer
16:38:16 17 for Mr Pope as such.

16:38:17 18
16:38:17 19 Thank you. Thank you Commissioner.

16:38:19 20
16:38:19 21 COMMISSIONER: Yes Mr Holt.

16:38:20 22
16:38:21 23 MR HOLT: Commissioner, I will have about five minutes, I
16:38:24 24 understand Mr Woods will have about ten.

16:38:27 25
16:38:27 26 COMMISSIONER: It's going to be too much to do today.

16:38:29 27
16:38:29 28 MR HOLT: I know that's really difficult for Mr Sheridan,
16:38:32 29 he's the informant in a Supreme Court trial starting on
16:38:37 30 Monday but I suspect we can liaise with counsel assisting
16:38:40 31 and find a short slot that won't interfere with
16:38:44 32 Mr Sheridan's commitments too much next week at some point.

16:38:45 33
16:38:45 34 COMMISSIONER: I'm sorry, Mr Sheridan, I would have liked
16:38:46 35 to have finished your evidence today also. I think there
16:38:48 36 will be some liaison and it will be slotted in at a
16:38:52 37 convenient time?---Thank you.

16:38:53 38
16:38:53 39 <(THE WITNESS WITHDREW)

16:38:54 40
16:38:54 41 COMMISSIONER: All right then, we'll adjourn until 9.30 on
16:39:26 42 Monday.

16:39:38 43
16:39:42 44 ADJOURNED UNTIL MONDAY 10 FEBRUARY 2020

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46
47