

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 Tuesday, 29 October 2019

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 K. Argiropoulos
Counsel for State of Victoria	Mr T. Goodwin
Counsel for Nicola Gobbo	Mr R. Nathwani
Counsel for DPP/SPP	Mr T. Jeffrie
Counsel for CDPP	Ms R. Avis
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for AFP	Ms I. Minnett
Counsel for Chief Commissioner of Police	Mr P. Silver
Counsel for ACIC	Ms S. Martin

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09:35:10 1 COMMISSIONER: Yes. We're in open session. We're back  
09:35:14 2 earlier than expected with Mr Black. Mr Black, can you  
09:35:17 3 hear me?---Yes, I can Commissioner.  
09:35:18 4  
09:35:18 5  
09:35:19 6 <OFFICER BLACK, recalled:  
09:35:20 7  
09:35:21 8 COMMISSIONER: Mr Winneke.  
09:35:21 9  
09:35:22 10 MR WINNEKE: Thanks Commissioner.  
09:35:23 11  
09:35:23 12 COMMISSIONER: I should just note appearances are largely  
09:35:27 13 as they were when we adjourned last, save that we have  
09:35:31 14 Mr Holt back for Victoria Police and Mr Jeffrie for the  
09:35:36 15 DPP.  
09:35:36 16  
09:35:37 17 MR WINNEKE: Thanks Commissioner, I've just got a few  
09:35:41 18 questions to ask before we will need to go into private  
09:35:44 19 session. Mr Black, can I ask you whether there were any  
09:35:56 20 differences in view as to the use of Ms Gobbo within the  
09:36:01 21 SDU amongst the various members of the SDU?---The answer's  
09:36:11 22 no, however like this particular source and every other  
09:36:17 23 source, we had differing views about different things but  
09:36:21 24 essentially the mood of the office was absolutely united.  
09:36:27 25  
09:36:27 26 Absolutely no, as in no difference or no divergence in  
09:36:33 27 views?---At the end of the day most items of business were  
09:36:38 28 subject of robust and honest debate but essentially when a  
09:36:45 29 decision is made, I can't think of one that was, caused a  
09:36:50 30 great issue at all throughout the operating cycle of the  
09:36:54 31 office.  
09:36:55 32  
09:36:57 33 No doubt you expressed your views about the potential for  
09:37:03 34 her use to be the subject of a review?---Yes.  
09:37:11 35  
09:37:13 36 And underlying that was the proposition that certainly as  
09:37:19 37 far as you were concerned there might be a perception that  
09:37:22 38 what was going on was wrong?---Well there was a possibility  
09:37:28 39 that all of our decisions will be subject to review, not  
09:37:32 40 necessarily wrong.  
09:37:33 41  
09:37:33 42 Do you say that there was general agreement within the SDU  
09:37:37 43 about that?---Once the issues were discussed and the  
09:37:43 44 explanations were tabled, absolutely.  
09:37:46 45  
09:37:46 46 I take it that, obviously there was on occasions or at  
09:37:55 47 least as we've established regular occasions attendances of

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09:38:00 1 the Inspector, the officer in charge and that was for the  
09:38:04 2 most part Mr Hardy throughout the latter part of 2006 into  
09:38:09 3 2007, is that correct?---Yes.  
09:38:11 4  
09:38:14 5 Did he share the view that the SDU's management of Ms Gobbo  
09:38:24 6 could well be the subject of a review?---I can't speak for  
09:38:32 7 Mr Hardy, but as I responded before, the position of the  
09:38:39 8 office was, was pretty well united. Once we discussed the  
09:38:46 9 issues we moved forward. There was no dissension as such.  
09:38:51 10  
09:38:51 11 Mr White has given evidence that once he was told by  
09:38:56 12 Mr Overland that Ms Gobbo would be made a witness, then he  
09:39:05 13 fell into line with that direction, if you like, without  
09:39:10 14 any real opposition or argument. I hope I'm putting it  
09:39:15 15 fairly. Is that the approach that you took?---Yes, very  
09:39:20 16 much. Once we had that meeting with Mr Overland, I think  
09:39:24 17 it was 5 December, it was quite clear what he wanted and  
09:39:30 18 essentially that's what he wanted, that's what we did.  
09:39:37 19  
09:39:37 20 Nonetheless despite that you were still mounting arguments  
09:39:41 21 in the latter part of December 2008 to try and persuade  
09:39:47 22 management not to make her a witness?---I think in relation  
09:39:51 23 to Petra, the only occasion after we met with Mr Overland  
09:39:56 24 that we raised another concern was on the back of a request  
09:40:04 25 from Mr Biggin which gave rise to the SWOT analysis.  
09:40:09 26  
09:40:10 27 Right. Mr White wasn't at the office during the period  
09:40:23 28 that that SWOT analysis was carried out I take  
09:40:26 29 it?---Correct.  
09:40:27 30  
09:40:29 31 Was Mr White involved in any discussions which led to the  
09:40:33 32 SWOT analysis?---I tried to reach him before I started at -  
09:40:40 33 he was unavailable and I spoke to him, I think it's in my  
09:40:44 34 diary, I placed a phone call to him before I handed it to  
09:40:48 35 Mr Biggin. I can check my diary if you wish but that was  
09:40:51 36 my memory.  
09:40:52 37  
09:40:52 38 Okay, right. Did you discuss with him the contents of the  
09:40:57 39 SWOT analysis in any detail or not?---In broad detail, yes,  
09:41:04 40 absolutely.  
09:41:04 41  
09:41:05 42 With respect to each of those matters in the SWOT analysis,  
09:41:07 43 are they matters that had been previously discussed with  
09:41:10 44 Mr White?---Not all of them, no. No, this was a  
09:41:17 45 culmination of the meeting we had, preliminary discussions  
09:41:20 46 on the night, the evening before when we got the phone call  
09:41:24 47 from Mr Biggin and the piece of work we conducted in the

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09:41:28 1 morning with all the members.  
09:41:30 2  
09:41:31 3 Were you aware, I'm not suggesting you had a detailed  
09:41:36 4 awareness, but were you generally aware that in around July  
09:41:40 5 of 2007 that there was a proposal that Ms Gobbo be brought  
09:41:46 6 before IBAC to have her answer questions about her  
09:41:48 7 knowledge of matters concerning Operation Petra?---At the  
09:41:55 8 time, no.  
09:41:56 9  
09:41:56 10 You weren't aware of that matter at the time?---At the  
09:42:00 11 time, no, I was busy with other operations.  
09:42:03 12  
09:42:03 13 And you hadn't had any discussions with Mr White at about  
09:42:06 14 that time about the consequences that might flow from  
09:42:13 15 calling Ms Gobbo before IBAC?---I don't recall any.  
09:42:17 16  
09:42:19 17 Do you have your diaries there?---Yes.  
09:42:22 18  
09:42:22 19 Were you in the office and working during the period  
09:42:26 20 leading into 18, 19 July 2007?---I'll just check my  
09:42:36 21 diaries. 18 July 2007?  
09:42:44 22  
09:42:44 23 Yes?---No, I was, I was away on recreational leave.  
09:43:14 24  
09:43:15 25 What dates were you away around that time?---I was on an  
09:43:20 26 extended period of leave from 22 May 2007.  
09:43:27 27  
09:43:27 28 Yes?---Through to 26 August 2007.  
09:43:33 29  
09:43:33 30 All right, thanks very much. Now, can I ask you, was there  
09:43:43 31 a practice of the officer-in-charge signing off on your  
09:43:50 32 diary in 2006 and 2007?---Yes.  
09:43:55 33  
09:44:00 34 Who was it - I assume it - was it Mr Hardy who signed off  
09:44:06 35 on your diary?---Yes.  
09:44:07 36  
09:44:07 37 Would Mr Hardy have signed off on your diary on 24 July  
09:44:14 38 2006, are you able to have a look and tell us?---24 July?  
09:44:54 39 So it was Monday, 24 July 2006.  
09:44:57 40  
09:44:58 41 Yes?---No, I can't see a signature in - he hasn't  
09:45:16 42 physically signed, it doesn't appear he has physically  
09:45:21 43 signed my diary, I'm just going through to see where he  
09:45:24 44 has. Looks like he's signed my diary on 14 August 2006.  
09:45:35 45  
09:45:36 46 Right. And the time prior to that was obviously, obviously  
09:45:43 47 prior to that date, is that right?---Yes.

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09:45:46 1  
09:45:47 2 How long prior?---I'm just working my way back through the  
09:46:20 3 diary. I've got a signature here on Monday, 3 July 2006 by  
09:46:39 4 my officer-in-charge at that stage, being Detective  
09:46:44 5 Inspector McWhirter.  
09:46:45 6  
09:46:45 7 All right. So as far as you can tell there's no signature  
09:46:49 8 in between those two dates that you've mentioned?---Nothing  
09:46:52 9 in my diary that I can see, no.  
09:46:54 10  
09:46:54 11 Do you know, was there - firstly, what's the purpose of an  
09:47:00 12 officer-in-charge signing your diary?---Well there's,  
09:47:07 13 they're supposed to check the details of the diary.  
09:47:12 14  
09:47:12 15 Yes?---And attest to the duties, and claims and other  
09:47:19 16 relevant business.  
09:47:21 17  
09:47:21 18 Does that mean reading the diary?---Yeah. Well, it would  
09:47:30 19 be normal practice to read through the diary. You may not  
09:47:34 20 read every single word but you'd certainly thumb through  
09:47:38 21 the diary as it were.  
09:47:39 22  
09:47:39 23 That's what you do I take it in your role as an  
09:47:43 24 officer-in-charge of whatever station you're at if that's  
09:47:47 25 your function?---Always.  
09:47:48 26  
09:47:48 27 And do you leave the diary in the possession of the  
09:47:51 28 officer-in-charge so that that person can go through it  
09:47:55 29 when they get a chance to do so?---Yeah, they would  
09:47:58 30 generally either come and collect it when they wanted to do  
09:48:02 31 it or over the course of completing a particular fortnight  
09:48:09 32 or if you had some claims or what have you, you would leave  
09:48:11 33 it with the officer-in-charge and then once they did it  
09:48:14 34 they would return the diary to you a short time later.  
09:48:19 35  
09:48:20 36 Last Thursday, transcript 8314, you gave evidence that  
09:48:26 37 there was, as an alternative to disclosing to the defence  
09:48:34 38 information about, for example, a human source which may  
09:48:40 39 well be relevant to that person's defence, the alternative  
09:48:44 40 to doing so, if to do so disclose may expose a source,  
09:48:50 41 would be simply to withdraw charges or not to proceed with  
09:48:54 42 charges, do you recall that?---Yes.  
09:48:55 43  
09:48:57 44 After April of 2006 when you came to understand what had  
09:49:05 45 occurred, that is Ms Gobbo advising the person we can't  
09:49:12 46 name?---Yes.  
09:49:13 47



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09:49:14 1 And the consequences of that, do you believe that any  
09:49:18 2 consideration was given to not pursuing or not proceeding  
09:49:24 3 with charges?---Look, that was a matter at that stage for  
09:49:31 4 the investigator and Crime Command.  
09:49:34 5  
09:49:34 6 Do you know whether there were any discussions had with the  
09:49:39 7 investigators about that course?---I don't know.  
09:49:44 8  
09:49:52 9 Can I ask you finally, Mr Chettle took you to your diaries  
09:49:58 10 around or between the 1st and I think the 6th or the 3rd of  
09:50:04 11 June of 2009 when you were concerned that Command wanted to -  
09:50:10 12 use Ms Gobbo as a witness?---Yes.  
09:50:18 13  
09:50:18 14 In the Briars matter. And in particular Mr Chettle took  
09:50:24 15 you to what he described as being the six points on - just  
09:50:31 16 excuse me - the diary at p.RCMPI698, which is p.153 of the  
09:50:50 17 document that you put together. Have you got that  
09:50:59 18 page?---I have, yes.  
09:51:00 19  
09:51:03 20 Mr Chettle suggests there are 8 points and indeed there  
09:51:06 21 are, but the questioning of you suggested there were six  
09:51:09 22 points. But in any event I understood what you were saying  
09:51:13 23 is that those points were referable only to the  
09:51:20 24 consequences surrounding Ms Gobbo speaking to Detective  
09:51:29 25 Sergeant Waters and providing information about him?---Yes.  
09:51:33 26  
09:51:39 27 Can I suggest to you that the points that you were making  
09:51:42 28 to Mr Glow were not confined to the circumstances  
09:51:50 29 surrounding Waters but more generally to the circumstances  
09:51:54 30 that were applicable to Ms Gobbo's conduct which led to the  
09:52:01 31 potential for convictions that had already occurred, those  
09:52:06 32 convictions being upset. What do you say about  
09:52:13 33 that?---That meeting in that - sorry, we've just got that  
09:52:20 34 lag again.  
09:52:20 35  
09:52:21 36 That's okay. What I'm suggesting to you is that those  
09:52:24 37 points that were you making to Detective Inspector Glow  
09:52:26 38 weren't confined only to the Briars situation. Do you  
09:52:30 39 accept that or not?---No. The Petra matter as far as we  
09:52:34 40 were concerned was, as it were, a done deal. That decision  
09:52:39 41 had already been made, so be it. This was in relation to  
09:52:42 42 Briars.  
43  
09:52:43 44 Yes?---And this was a concept that Detective Inspector Glow  
09:52:47 45 couldn't quite understand why we were attempting to bring  
09:52:52 46 an alternative view to these discussions. It was more in  
09:52:57 47 relation to Briars.

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09:52:58 1  
09:52:58 2 When I was asking you questions before Mr Chettle  
09:53:02 3 re-examined you, you seemed to be accepting that those  
09:53:05 4 points, indeed there were 8 points, were applicable not  
09:53:08 5 just to the situation with respect to Waters but applicable  
09:53:14 6 to what had occurred going back to April of 2006 and the  
09:53:18 7 convictions that might have arisen as a result of  
09:53:23 8 Ms Gobbo's involvement in around April and thereafter of  
09:53:27 9 2006. I'm suggesting that that's what you were saying to  
09:53:32 10 me in your evidence in cross-examination, do you accept  
09:53:34 11 that or not?--No, these were diary entries in relation to  
09:53:39 12 Briars and nothing else.

09:53:41 13  
09:53:42 14 But the point that I'm making is that there were in fact 8  
09:53:46 15 points there, there are two over the page. The first one  
09:53:49 16 is - I'm sorry, the point that you were making, I suggest,  
09:53:56 17 to Detective Inspector Glow were these, that if Ms Gobbo is  
09:54:01 18 made a witness there are going to be certain consequences  
09:54:04 19 that flow and one of the consequences may be that  
09:54:14 20 convictions which had been obtained could be in jeopardy or  
09:54:19 21 could be in doubt. Do you agree that that's one of the  
09:54:22 22 points that you were making to Glow?--I've got that there  
09:54:28 23 is no contention from me at all. Those 8 points are  
09:54:31 24 exactly what's written in my diary, this related to Briars  
09:54:34 25 and related back to the approach, even going way back to 24  
09:54:39 26 April 2007. This was about the circumstances of Briars,  
09:54:44 27 nothing else.

09:54:44 28  
09:54:45 29 What I'm suggesting to you is it was more general than  
09:54:48 30 that, if you have a look at points 7 and 8, they are the  
09:54:52 31 human source then continues to act for that client,  
09:54:56 32 furthermore, the human source then convinces the client to  
09:54:59 33 plead guilty. Those two points there on the following page  
09:55:04 34 are referable to the concerns, the sorts of concerns that  
09:55:09 35 you had and you continued to have when you learned that  
09:55:13 36 Gobbo had turned up on that night in [REDACTED]---No, I  
09:55:18 37 disagree with that. Briars was still an active  
09:55:22 38 investigation and we were mindful of, or I was mindful of  
09:55:26 39 the issues and the obvious concerns we'd had with LPP,  
09:55:31 40 particularly with the circumstances of the persons of  
09:55:36 41 interest to Briars and the proposed activities of 3838 into  
09:55:41 42 those specific people.

09:55:41 43  
09:55:42 44 Yes. But the consequences of doing so would be the chance  
09:55:48 45 of Ms Gobbo's exposure as a human source and therefore the  
09:55:54 46 exposure of the SDU and Victoria Police and its role in  
09:56:02 47 Ms Gobbo's activities?--Well again, this is all about

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09:56:08 1 context. When you read the diary entry in totality it's  
09:56:12 2 quite clear this is a meeting about Briars.  
3  
09:56:16 4 It may well be?---Not about Petra. Well it was.  
09:56:18 5  
09:56:18 6 Who in the Briars investigation did Ms Gobbo convince to  
09:56:21 7 plead guilty?---Well she was, she had a pre-existing  
09:56:32 8 relationship with, a professional relationship with the two  
09:56:36 9 members and other persons of interest in that  
09:56:40 10 investigation. Like, you know, I've written there at 09:22  
09:56:46 11 what the meeting is all about. It's not about anything  
09:56:49 12 else other than that. That was the difficulty I had with  
09:56:53 13 Inspector Glow, he couldn't, in fairness to him he couldn't  
09:56:57 14 grasp all of the issues around - these entries over the  
09:57:01 15 week or so was all about Briars.  
09:57:04 16  
09:57:04 17 Yes, and the consequences being the potential for  
09:57:07 18 convictions to be upset?---Absolutely. No issue at all  
09:57:13 19 about that.  
09:57:14 20  
09:57:14 21 And the convictions that you were referring to are  
09:57:17 22 convictions which had already occurred?---Well, I disagree.  
09:57:22 23 I wrote the notes. I wrote the diary entry and I think  
09:57:26 24 it's pretty, if you look at all the diary entries over the  
09:57:31 25 week either side of that I think it's pretty comprehensive  
09:57:35 26 what we're talking about and that was in relation to  
09:57:39 27 Briars.  
09:57:39 28  
09:57:39 29 My question before was who did she convince to plead  
09:57:44 30 guilty?---These are perceptions, these are possibilities,  
09:57:47 31 these are inevitable problems we're going to have if we  
09:57:51 32 continue going down the path of the Briars proposition and  
09:57:55 33 I'm, all I'm doing is trying to raise the issues with  
09:57:59 34 Command for them to make an informed decision. That was my  
09:58:02 35 role and that's what I did and that's the nature of the  
09:58:05 36 entries in my diary.  
09:58:07 37  
09:58:07 38 We can look at the other diary entries around that time to  
09:58:11 39 get a gauge of what you were intending with that particular  
09:58:14 40 entry, is that right?---Yes.  
09:58:16 41  
09:58:16 42 If we go to for example, RCMPPI p.692. This is your meeting  
09:58:26 43 with Iddles. You say there amongst other things, "Concern  
09:58:32 44 re disclosure of source, role as a source", correct?---Yes.  
09:58:38 45  
09:58:38 46 "Dual responsibility of giving legal advice to client", do  
09:58:42 47 you see that?---Yes.



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09:58:44 1  
09:58:44 2 What's left out, but I take it what you're meaning is on  
09:58:48 3 one hand the responsibility of giving legal advice to a  
09:58:51 4 client and on the other hand acting as an agent of Victoria  
09:58:55 5 Police as a human source, is that right?---Yes.  
09:58:56 6  
09:58:56 7 "Disclosure will initiate a Royal Commission with perceived  
09:59:00 8 unsafe verdicts"?---Yes.  
09:59:01 9  
09:59:02 10 So what you're talking about there is verdicts which have  
09:59:05 11 been already obtained?---No, that's not, that's not  
09:59:13 12 accurate. That's not what the note - this is a meeting,  
09:59:18 13 again quite about the Briars Task Force. That's what I've  
09:59:20 14 written at 17:30. Unless you can show me elsewhere, I  
09:59:23 15 don't see where - this meeting's about Briars, nothing  
09:59:28 16 more, nothing less. The Petra thing is already, this is a  
09:59:32 17 decision already reached by Command. They got their advise  
09:59:35 18 on 31 December when Mr Biggin received the SWOT analysis.  
09:59:38 19 I assume he had meetings with Crime Command. They made  
09:59:41 20 that decision to take the statement from 3838, turn her  
09:59:45 21 into a witness and become a Crown witness in relation to  
09:59:49 22 the Petra matter. So be it.  
09:59:51 23  
09:59:52 24 Look I follow that?---We're now having meetings in relation  
09:59:56 25 to issues around Briars.  
09:59:57 26  
09:59:57 27 So really what your note there means disclosure will  
10:00:01 28 initiate a Royal Commission with perceived unsafe verdicts  
10:00:04 29 which may occur in due course, is that what you meant  
10:00:08 30 there?---These are possibilities.  
10:00:10 31  
10:00:10 32 Is that what you meant - - - ?---Can I finish my answer,  
10:00:13 33 please?  
10:00:14 34  
10:00:14 35 Yes?---These are my diaries, these are notes taken by me.  
10:00:19 36 This was a meeting in relation to Briars.  
10:00:21 37  
10:00:21 38 Yes?---These were a separate set of issues that we were  
10:00:24 39 trying to deal with in relation to Briars.  
10:00:26 40  
10:00:27 41 Look at this stage Ms Gobbo had not yet been exposed as a  
10:00:31 42 source, do you understand that?---Yes.  
10:00:37 43  
10:00:37 44 And the point that was being made is that there was a  
10:00:41 45 difference, a significant difference between Briars and  
10:00:44 46 Petra. With respect to Petra there was what was regarded  
10:00:49 47 as a break between Ms Gobbo's role as a human source and

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10:00:54 1 her role as a witness, do you accept that?---Yes.  
10:00:57 2  
10:00:58 3 And in the latter case she was tasked not by the SDU but by  
10:01:06 4 Petra to tape Mr Dale?---Correct.  
10:01:10 5  
10:01:12 6 And the hope, desire was that that would not lead to  
10:01:17 7 Ms Gobbo's exposure?---That was one of the considerations,  
10:01:23 8 yes.  
10:01:24 9  
10:01:30 10 And you were aware of that at the time?---At the time, at  
10:01:34 11 that specific time when Petra did it? When Petra did the  
10:01:39 12 deployment, is that your question?  
13  
10:01:41 14 Yes?---No.  
10:01:42 15  
10:01:42 16 Certainly by the time you're communicating with Mr Iddles  
10:01:46 17 and Detective Inspector Glow you were aware that the view  
10:01:51 18 was that Ms Gobbo and the SDU could still be protected  
10:01:55 19 because of the difference between Petra and Briars?---Well  
10:02:00 20 we were trying to avoid, we were trying to avoid her being  
10:02:06 21 involved in that specific type of deployment, absolutely.  
10:02:10 22  
10:02:10 23 If this use, that is Ms Gobbo as a witness in Briars, did  
10:02:17 24 go ahead that well and truly would be the end of any chance  
10:02:20 25 of the SDU and Gobbo's role as a source being exposed, it  
10:02:25 26 would have to be exposed?---I think we've crossed that  
10:02:33 27 threshold once the decision was reached for her to become a  
10:02:37 28 witness for Petra. Once that statement is made that's it,  
10:02:41 29 we need to move on.  
10:02:43 30  
10:02:43 31 Yes. And then if you go over to p.RCMPI696, what you say  
10:02:55 32 is at 15:45 when you had a discussion with Porter and  
10:03:17 33 Smith, you say implications, issue of release of records,  
10:03:25 34 issue of disclosure of source, issue of the CSR not being  
10:03:30 35 briefed. What's that a reference to, the CSR not being  
10:03:33 36 briefed, is that about the disclosure of the records?---No,  
10:03:37 37 more so, it seemed that the Central Source Registrar for  
10:03:42 38 Victoria Police, being Superintendent Porter, hadn't been  
10:03:45 39 briefed in relation to some of the activities on and around  
10:03:50 40 Briars involving human source 3838.  
10:03:53 41  
10:03:53 42 Yes. "Implications for Victoria Police if human source  
10:03:56 43 role was ever disclosed." Do you see that?---Yes.  
10:04:00 44  
10:04:00 45 Clearly the view that you've got at that stage is that  
10:04:03 46 there was a prospect that she would not be exposed?---I  
10:04:14 47 accept the note, but we're, you know, it's now, where are

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10:04:19 1 we, 2 June 2009, I think we were way past that point. This  
10:04:23 2 is a conversation between myself and the SDU,  
10:04:27 3 Superintendent Porter as the Central Source Registrar and  
10:04:30 4 Mr Smith in his upgraded role at Human Source Management  
10:04:36 5 Unit. This is a lot broader discussion in relation to  
10:04:39 6 organisational issues as opposed to me speaking to an  
10:04:43 7 investigator from Briars.  
10:04:44 8  
10:04:45 9 I suggest you're just putting an interpretation that you'd  
10:04:48 10 like to have on it. Can I suggest that implications for  
10:04:52 11 Victoria Police if human source role was ever disclosed  
10:04:55 12 suggests that at the time you wrote that you were still of  
10:04:59 13 the view that Petra would not expose her?---She's made a  
10:05:04 14 statement, how could that possibly be so?  
10:05:06 15  
10:05:07 16 Why would you write that?---Fortunately I did write a lot  
10:05:10 17 of these notes and I know what I wrote and I've answered  
10:05:14 18 what the intention and content in relation to these notes  
10:05:18 19 are. We can go through this line by line, word by word,  
10:05:22 20 I've given you my answers to the best of my ability. The  
10:05:25 21 notes are what the notes are, they're my electronic diary.  
10:05:29 22 And fortunately my notes are good notes.  
10:05:30 23  
10:05:31 24 Indeed. Then it says, "Overview of Petra v Briars. PII  
10:05:36 25 may not be successful and jeopardise the HSMU program.  
10:05:40 26 Command may cause a Royal Commission. Briars' decision is  
10:05:46 27 tactically dangerous for convictions", right?---Yes.  
10:05:51 28  
10:05:51 29 Again I suggest to you what those notes reveal is you are  
10:05:56 30 concerned that Command's decision with respect to Briars  
10:06:00 31 may well lead to exposure, cause a Royal Commission and be  
10:06:05 32 likely or may be tactically dangerous for convictions which  
10:06:09 33 had, I suggest, in brackets, already been obtained?---If  
10:06:14 34 you read the next note underneath that it says Briars  
10:06:18 35 actions will get the human source killed. We were perhaps  
10:06:22 36 alive to the obvious issues in relation to the proposed  
10:06:25 37 course of conduct for Briars Task Force. Ultimately it's  
10:06:29 38 not a decision for me or the SDU, it's a decision for  
10:06:33 39 Victoria Police Command what they do or not do.  
10:06:36 40  
10:06:36 41 No, I understand that?---Our job is to bring all the  
10:06:38 42 information and those above can make the decisions, but it  
10:06:42 43 would be negligent for us not to bring the issues, and this  
10:06:46 44 is the very purpose of the meeting. We're meeting with the  
10:06:48 45 Central Source Registrar of Victoria Police.  
10:06:51 46  
10:06:51 47 I understand that. From what you're saying, look, she's

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10:06:53 1 already going to be exposed because of Petra. So Command  
10:06:58 2 with Petra is going to get her killed and Briars will get  
10:07:03 3 her killed again, is that what you're saying?---Yes.  
10:07:19 4  
10:07:27 5 So your view back in December, this is your SWOT analysis,  
10:07:38 6 was "OPI review", this is one of the points you made in  
10:07:42 7 your SWOT analysis, "OPI review, serving barrister,  
8 assisting police, consideration of unsafe verdicts and  
10:07:50 9 possible appeals, prosecution current" and you've got,  
10:07:52 10 "Mokbel and future?" The convictions that you're talking  
10:07:57 11 about there have got nothing to do with Briars, is that  
10:08:01 12 right?---Sorry, what's the question?  
10:08:04 13  
10:08:04 14 The convictions that you're talking about in the SWOT  
10:08:06 15 analysis that may be affected by Ms Gobbo's exposure have  
10:08:10 16 got nothing to do with what might arise out of the Briars  
10:08:14 17 operation, it's a reference to what had occurred, that is  
10:08:19 18 with respect to Mokbel and others?---This is?  
10:08:24 19  
10:08:24 20 Yes?---This is an entry on Wednesday, 31 December 2008.  
10:08:29 21  
10:08:30 22 Correct?---This is quite clearly in relation to the human  
10:08:36 23 source making a statement in relation to Petra.  
10:08:40 24  
10:08:42 25 Can I say this, it will be the last time I say it, your  
10:08:46 26 concern about the use of Ms Gobbo as a witness in December  
10:08:54 27 of 2008, the concern that you had was that there would be  
10:09:00 28 the potential for convictions or unsafe verdicts and  
10:09:04 29 possible appeals, prosecutions current, Mokbel and future  
10:09:09 30 question mark, right?---Yes.  
10:09:11 31  
10:09:11 32 That was a concern that you had if Ms Gobbo's role as a  
10:09:15 33 human source was exposed, correct?---It was an obvious  
10:09:19 34 consideration/concern we had, yes.  
10:09:21 35  
10:09:21 36 It was a point that you were continuing to make in June of  
10:09:26 37 2009 when Command was considering using her again as a  
10:09:33 38 witness?---A lot of these issues were quite similar between  
10:09:37 39 what we raised for Petra in December 2008 and what I was  
10:09:42 40 raising in June of 2009 in relation to Briars.  
10:09:46 41  
10:09:46 42 Thank you. All right. Now, those are the matters,  
10:09:49 43 Commissioner, that I would seek to re-examine on.  
10:09:53 44  
10:09:53 45 COMMISSIONER: All right. There's just a couple of  
10:09:55 46 questions I would like to ask the witness. Mr Black, we've  
10:09:58 47 heard about how you and other handlers and controllers did

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10:10:02 1 extensive training. Do you know whether the inspectors who  
10:10:07 2 supervised you also did training and if so,  
10:10:13 3 what?---Commissioner, I don't think so. I don't think -  
10:10:19 4 I'm not aware of them undertaking the level of training  
10:10:25 5 that we participated in.  
10:10:29 6  
10:10:30 7 And what about the source registrars, the various source  
10:10:33 8 registrars throughout that period?---Yes, like the source  
10:10:38 9 registrars and - - -  
10:10:40 10  
10:10:40 11 Central Source Registrar?---Central Source Registrar,  
10:10:46 12 occasionally a Local Source Registrar would undertake - we  
10:10:50 13 had some specific more governance based training that they  
10:10:55 14 undertook in conjunction with the Human Source Management  
10:11:00 15 Unit. But as far as my immediate inspectors, I'm not sure  
10:11:03 16 of the background there, Commissioner.  
10:11:05 17  
10:11:05 18 I suppose your answer would be the same with people higher  
10:11:10 19 up in Command, above the inspectors going up, you don't  
10:11:14 20 know what training they did in this specialised  
10:11:18 21 field?---No, I don't.  
10:11:18 22  
10:11:18 23 Thank you. We now need to go into closed hearing?  
10:11:21 24  
10:11:21 25 MR WINNEKE: Commissioner, there was one point that I did  
10:11:24 26 want to make, it's only a very minor point. Before we do  
10:11:25 27 can I just ask you this question. Mr Chettle asked you  
10:11:28 28 about an entry in the ICRs at p.64, this was an entry made  
10:11:33 29 referable to a conversation you had with Ms Gobbo on 28  
10:11:37 30 November 2005, p.193 of your diary and 64 of the ICRs. Do  
10:11:53 31 you see at the bottom of that there was a discussion about  
10:11:56 32 Mr Bickley and the point that you were making in your  
10:12:00 33 statement was that this was a discussion about legal  
10:12:02 34 professional privilege and not whether or not there was a  
10:12:06 35 conflict for Ms Gobbo, do you follow what I'm  
10:12:11 36 saying?---Yes.  
10:12:12 37  
10:12:14 38 If you see the second-last dot point it's, "HS sees no  
10:12:20 39 legal or ethical barrier from speaking with the HS". That  
10:12:24 40 is clearly a typo?---Yes.  
10:12:26 41  
10:12:26 42 We accept that. There was a divergence in views as to  
10:12:30 43 whether what was meant was, "Ms Gobbo sees no legal or  
10:12:34 44 ethical barrier from speaking with the SDU", was  
10:12:40 45 Mr Chettle's suggestion, I think I suggested to you "no  
10:12:42 46 legal or ethical barrier from speaking with Mr Bickley  
10:12:46 47 right. For what it's worth can I suggest to you that in



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10:12:49 1 fact what you were saying is that she was telling you that  
10:12:52 2 there was no legal or ethical barrier from her speaking  
10:12:56 3 with Mr Bickley -The way I've typed that, I would  
10:13:02 4 assume that's simply a typo of DSU as opposed to HS,  
10:13:08 5 otherwise I would have typed in his name like I did the  
10:13:11 6 point above.  
10:13:12 7  
10:13:12 8 Could we have a look at p.193 of your diaries again on that  
10:13:18 9 date. Have you got that there?---I'm just going through it  
10:13:30 10 now.  
10:13:31 11  
10:13:38 12 It's 193. I might be wrong. In any event that particular  
10:13:42 13 date, 28 November, can you find that. I think it's  
10:13:53 14 193?---Sure.  
10:13:57 15  
10:13:58 16 It's RCMP119. Have a look at about the fourth line from  
10:14:13 17 the bottom. "Mr Bickley name was on the AFP search  
10:14:22 18 warrant with Mokbel re incitement. Source happy to speak  
10:14:27 19 with him"?---Yes, I accept that, thank you.  
10:14:29 20  
10:14:29 21 I'm right, Mr Chettle is wrong?---I accept the fact "him"  
10:14:37 22 is quite clearly relevant to Mr Bickley  
23  
10:14:41 24 Thanks very much. That's it, Commissioner.  
10:14:41 25  
10:14:41 26 COMMISSIONER: You might be lucky to get the last word,  
10:14:44 27 Mr Winneke. All right then. It's necessary to go  
10:14:48 28 hopefully only for a short period into a very closed  
10:14:53 29 hearing. Mr Holt, have you had submissions from the  
10:14:58 30 Commonwealth DPP who wish to be included in those people  
10:15:03 31 who are permitted to stay in the hearing room?  
10:15:06 32  
10:15:06 33 MR HOLT: We have and we've considered those submissions  
10:15:08 34 and we have no opposition to that course, subject to the  
10:15:10 35 same undertakings that other practitioners are giving and I  
10:15:15 36 think the position is the same with respect to the State  
10:15:19 37 Director of Public Prosecutions as well.  
10:15:20 38  
10:15:20 39 COMMISSIONER: The State will be permitted.  
10:15:22 40  
10:15:23 41 MR JEFFRIE: Correct.  
10:15:23 42  
10:15:24 43 COMMISSIONER: Mr Jeffrie, Ms Avis, are you prepared to  
10:15:28 44 give the undertakings?  
10:15:30 45  
10:15:31 46 ^ Listen MS AVIS: Yes, Commissioner. There was a letter  
10:15:36 47 sent yesterday, the 28th, that's made reference to a

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10:15:37 1 confidential note which wasn't attached to the letter due  
10:15:40 2 to confidentiality. I have a copy of that note for you  
10:15:44 3 this morning. A copy has been provided to Victoria Police  
10:15:50 4 and counsel assisting.  
10:15:50 5  
10:15:51 6 COMMISSIONER: Yes, can I have a look at that, please.  
10:16:41 7 Yes, thank you, I'll have that note placed with the other  
10:16:44 8 confidential material in this application and placed in a  
10:16:48 9 sealed envelope not to be opened except by an order of the  
10:16:53 10 Commissioner.  
10:16:53 11  
10:16:53 12 MR HOLT: The only other change to the order, Commissioner,  
10:16:56 13 is that it was made on Thursday when Superintendent  
10:16:59 14 McKinney was present. The Victoria Police representative  
10:17:02 15 is Inspector Thornton today and I'd be grateful if his name  
10:17:06 16 could be - Inspector Thornton.  
10:17:23 17  
10:17:23 18 COMMISSIONER: Has somebody notified Mr Otter?  
10:17:34 19  
10:17:34 20 MR WINNEKE: We understand he has been emailed or his  
10:17:38 21 office has been emailed, Commissioner, and left a phone  
10:17:40 22 message for him.  
10:17:41 23  
10:17:41 24 COMMISSIONER: All right then.  
10:17:43 25  
10:17:44 26 MR WINNEKE: He's on his way we're told.  
10:17:46 27  
10:17:46 28 COMMISSIONER: All right then. Pursuant to s.24 *Inquiries*  
10:17:51 29 *Act* access to the inquiry during this section of the  
10:17:53 30 evidence of Officer Black, a pseudonym, in relation to  
10:17:57 31 Mr MacCallum, a pseudonym, to commence shortly is limited  
10:18:02 32 to legal representatives and staff assisting the Royal  
10:18:05 33 Commission, the following parties with leave to appear in  
10:18:07 34 the private hearing and their legal representatives: the  
10:18:11 35 State of Victoria, Victoria Police including Inspector  
10:18:14 36 Thornton, the witness Officer Black, Commonwealth Director  
10:18:22 37 of Public Prosecutions, Victorian Director of Public  
10:18:25 38 Prosecutions and media representatives of the Herald and  
10:18:29 39 Weekly Times Pty Ltd, Nationwide News Pty Ltd, The Age  
10:18:35 40 Company Ltd and the Australian Broadcasting Corporation.  
10:18:37 41 The hearing is to be recorded but not streamed or  
10:18:40 42 broadcast. There is to be no publication of this portion  
10:18:43 43 of Officer Black's evidence until further order. A copy of  
10:18:47 44 this order is to be posted on the door of the hearing room.  
45  
10:18:51 46 It will be necessary for me to adjourn until the  
10:19:00 47 necessary adjustments are made to the transcribing

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10:19:07 1 equipment. So we'll adjourn briefly now and we'll also  
10:19:12 2 make some inquiries about Mr Otter.

10:19:14 3  
10:19:15 4 MR WINNEKE: Thanks Commissioner.

10:19:18 5  
10:19:18 6 (Short adjournment.)

7  
10:19:55 8 (IN CAMERA CONFIDENTIAL HEARING FOLLOWS)

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13:59:12 1 UPON RESUMING AT 2.07 PM:  
2  
14:07:56 3 UPON RESUMING IN OPEN HEARING:  
14:07:56 4  
5 COMMISSIONER: Mr Holt.  
6  
14:07:57 7 MR HOLT: Commissioner, before we start. In the course of  
14:07:59 8 the private hearing that we've just had, as it turned out  
14:08:03 9 there were two questions which were relevant or concerned  
14:08:06 10 at least on their face Ms Gobbo. I've spoken with our  
14:08:10 11 learned friend Mr Winneke about this, we seek an order from  
14:08:13 12 the Commission essentially permitting Mr Winneke and I to  
14:08:18 13 say to counsel for Ms Gobbo what those questions were and  
14:08:21 14 what the answers were so that he is fully appraised of the  
14:08:24 15 position.  
14:08:25 16  
14:08:25 17 COMMISSIONER: I think perhaps the best thing would be to  
14:08:28 18 extract the relevant portions of the transcript.  
14:08:32 19  
14:08:33 20 MR HOLT: Definitely can attend to that, Commissioner. If  
14:08:33 21 you give an order to that effect I'd be grateful.  
14:08:36 22  
23 COMMISSIONER: All right.  
24  
25 MR HOLT: Thank you.  
26  
14:08:37 27 COMMISSIONER: I order that the sections of the transcript  
14:08:39 28 in closed hearing, which has just occurred, insofar as they  
14:08:45 29 are relevant to Ms Gobbo, are to be agreed between counsel  
14:08:51 30 assisting and counsel for Victoria Police and then provided  
14:08:56 31 to counsel for Ms Gobbo.  
14:08:58 32  
14:08:58 33 MR HOLT: I'm grateful, thank you, Commissioner.  
14:09:01 34  
14:09:01 35 COMMISSIONER: Now I understand the next witness is yours,  
14:09:07 36 Ms Argiropoulos.  
14:09:08 37  
14:09:10 38 MS ARGIROPOULOS: Boris Buick is the next witness,  
14:09:24 39 Commissioner.  
14:09:24 40  
14:09:24 41 COMMISSIONER: Mr Buick, if you'd enter the witness box. I  
14:09:25 42 understand you're going to take the oath?---That's correct.  
14:09:28 43  
14:09:28 44 <BORIS BUICK, sworn and examined:  
14:09:35 45  
14:09:36 46 MS ARGIROPOULOS: Inspector, could you please tell the  
14:09:38 47 Commissioner your full name and your current role?---Boris

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14:09:42 1 Buick, I'm an Inspector of Police, the staff officer to the  
14:09:46 2 executive director of the Human Resource Department.  
14:09:51 3  
14:09:51 4 Inspector Buick, you've made two statements to this Royal  
14:09:55 5 Commission?---Yes, I have.  
14:09:56 6  
14:09:57 7 If I could ask you to have a look at the document on the  
14:10:01 8 left-hand side in front of you there. Is that a statement  
14:10:04 9 that you made dated 10 May 2019?---Yes, it is.  
14:10:10 10  
14:10:11 11  
14:10:14 12  
14:10:21 13 ?---That's correct.  
14:10:23 14  
14:10:23 15 Do you have a pen with you there that you can make that - -  
14:10:27 16 - ?---I do.  
14:10:29 17  
14:10:29 18 COMMISSIONER: And just initial it too, thank you.  
14:10:39 19  
14:10:40 20 MS ARGIROPOULOS: Commissioner, would you like that  
14:10:41 21 amendment made to the redacted version as well or just the  
14:10:44 22 unredacted?  
14:10:45 23  
14:10:45 24 COMMISSIONER: Yes, both, please. Do you have a copy of  
14:10:55 25 the redacted statement as well?---I do, Commissioner, and  
14:10:59 26 the date is redacted on the redacted version.  
14:11:03 27  
14:11:03 28 I don't know why that would be. I don't know why the date  
14:11:11 29 would be redacted.  
14:11:14 30  
14:11:14 31 MS ARGIROPOULOS: In actual fact, Commissioner, I  
14:11:17 32 apologise. It's probably some bio data in relation to a  
14:11:20 33 person mentioned in that paragraph which I probably  
14:11:24 34 shouldn't have repeated in open hearing, perhaps if the  
14:11:28 35 reference to the date could be removed from the live  
14:11:31 36 stream. Subject to that amendment, Inspector Buick, are  
14:11:38 37 the contents of that statement true and correct?---Yes.  
14:11:41 38  
14:11:41 39 COMMISSIONER: Sorry, you're asking me to remove it from  
14:11:45 40 the live stream, I'm just not following why the date the  
14:11:50 41 officer signed the statement needs to be redacted.  
14:11:53 42  
14:11:53 43 MS ARGIROPOULOS: No, it's in relation to a person who  
14:11:56 44 we're not discussing in public hearing that's referred to  
14:11:59 45 in paragraph 21. So it's information which could lead to  
14:12:09 46 the identification of that person.  
14:12:12 47



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14:12:12 1 COMMISSIONER: Paragraph 21 did you say?  
14:12:15 2  
14:12:15 3 MS ARGIROPOULOS: That's correct.  
14:12:24 4  
14:12:24 5 COMMISSIONER: Sorry, maybe we were talking about different  
14:12:27 6 dates. Do you mean the whole paragraph in 21 is redacted?  
14:12:31 7 I misunderstood, I thought it was the date the statement  
14:12:34 8 was signed that was redacted.  
14:12:35 9  
14:12:36 10 MS ARGIROPOULOS: No, it's the date referred to in  
14:12:37 11 paragraph 21.  
14:12:38 12  
14:12:38 13 COMMISSIONER: So there's no need for any amendment to be  
14:12:40 14 made to the redacted statement?  
14:12:42 15  
14:12:43 16 MS ARGIROPOULOS: That's correct, however I inadvertently  
14:12:46 17 raised that date in open hearing.  
14:12:48 18  
14:12:49 19 COMMISSIONER: Understood, I'm with you now. Yes, take the  
14:12:53 20 date out of the transcript and remove it from the live  
14:12:57 21 stream, please.  
14:12:57 22  
14:12:57 23 MS ARGIROPOULOS: Thank you Commissioner, I apologise for  
14:12:59 24 that. Subject to that amendment, that statement to the  
14:13:07 25 best of your recollection is true and correct?---Yes, it  
14:13:11 26 is.  
14:13:11 27  
14:13:11 28 Commissioner, I'll tender the redacted and unredacted  
14:13:15 29 version of that statement.  
14:13:17 30  
14:13:18 31 #EXHIBIT RC636A - (Confidential) Statement of Boris Buick.  
14:13:21 32  
14:13:22 33 #EXHIBIT RC636B - (Redacted version.)  
14:13:29 34  
14:13:29 35 Inspector, you've made a second statement which is a  
14:13:31 36 confidential further statement?---That's correct.  
14:13:33 37  
14:13:34 38 And the date of that is 15 October 2019?---Yes.  
14:13:39 39  
14:13:40 40 The contents of that statement are true and correct to the  
14:13:43 41 best of your recollection?---Yes.  
14:13:44 42  
14:13:45 43 Commissioner, could I tender that statement just as a  
14:13:48 44 confidential exhibit.  
14:13:51 45  
14:13:55 46 #EXHIBIT RC636C - (Confidential) Second statement of Boris  
14:14:03 47 Buick.

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14:14:03 1  
14:14:03 2 MS ARGIROPOULOS: Thank you.  
14:14:04 3  
14:14:04 4 COMMISSIONER: Yes Ms Tittensor.  
14:14:05 5  
6 <CROSS-EXAMINED BY MS TITTENSOR:  
7  
14:14:06 8 Mr Buick, you currently hold the rank of Inspector, is that  
14:14:10 9 right?---That's right.  
14:14:11 10  
14:14:11 11 You would regard yourself as someone with significant  
14:14:14 12 experience in policing?---Yes.  
14:14:16 13  
14:14:16 14 Including operational policing?---Yes.  
14:14:18 15  
14:14:18 16 You commenced in Victoria Police in 1989?---That's right.  
14:14:24 17  
14:14:26 18 Your first Detective duties were in 1997 as a Senior  
14:14:31 19 Constable?---Yes.  
14:14:32 20  
14:14:33 21 In 2001 you were temporary and then by 2002 permanent at  
14:14:39 22 the Homicide Squad?---That's correct.  
14:14:40 23  
14:14:40 24 And then in May of 2003 you were a founding member of the  
14:14:45 25 Purana Task Force?---That's right.  
14:14:47 26  
14:14:49 27 You had acting Sergeant duties in early 2005?---Yes.  
14:14:54 28  
14:14:55 29 By April 2005 you were back at the Homicide Squad?---That's  
14:14:59 30 right.  
14:14:59 31  
14:15:01 32 In February 2006 you were promoted to the rank of Sergeant,  
14:15:06 33 is that right?---Yes.  
14:15:07 34  
14:15:09 35 At that stage although gazetted to a local police station  
14:15:14 36 you went to Purana to work on the Condello murder?---That's  
14:15:18 37 right.  
14:15:18 38  
14:15:19 39 In March of 2008 you were a Senior Sergeant?---No. A bit  
14:15:26 40 later than that.  
14:15:28 41  
14:15:28 42 Okay?---Acting Senior Sergeant.  
14:15:30 43  
14:15:32 44 Acting Senior Sergeant?---Yes.  
14:15:33 45  
14:15:33 46 You were then the staff officer to the Crime Department  
14:15:36 47 board of management?---That's right.

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14:15:38 1  
14:15:38 2 And the Assistant Commissioner?---Yes.  
14:15:40 3  
14:15:40 4 Who was the Crime Department board of management at that  
14:15:44 5 stage?---It was a group of superintendents who formed the  
14:15:49 6 board of management and on a rotating basis they would  
14:15:53 7 assume the role of chair of the board and essentially act  
14:15:57 8 as the Assistant Commissioner.  
14:16:00 9  
14:16:00 10 Sorry?---Act as.  
14:16:03 11  
14:16:04 12 As the Assistant Commissioner?---Yes.  
14:16:06 13  
14:16:06 14 Was the Assistant Commissioner also a part of that?---No  
14:16:10 15 this is prior to there being an Assistant Commissioner in  
14:16:13 16 place at Crime during the time. There had been in the  
14:16:16 17 past. For reasons unknown to me they put a board of  
14:16:19 18 management in place for a period of time, ultimately that  
14:16:22 19 board of management was replaced by Danye Moloney as  
14:16:25 20 Assistant Commissioner.  
14:16:26 21  
14:16:27 22 For how long did that situation exist?---The board of  
14:16:30 23 management?  
14:16:30 24  
14:16:30 25 Yes?---It was in place before I commenced my duties with  
14:16:34 26 them. I don't know how long they were in place for,  
14:16:38 27 perhaps two, three years but I really don't know.  
14:16:41 28  
14:16:43 29 Who were the superintendents fulfilling that role at that  
14:16:46 30 stage?---Well with some uncertainty I'll say Paul  
14:16:53 31 Hollowood, Wendy Steendam, Jack Blayney, Richard Grant,  
14:17:00 32 Gerry Ryan and I may have missed one or two, and of course  
14:17:06 33 there will have been a couple that came in and went out  
14:17:09 34 whilst I was there.  
14:17:10 35  
14:17:12 36 And you were also staff officer to the Assistant  
14:17:15 37 Commissioner?---Yes.  
14:17:16 38  
14:17:17 39 But there was no Assistant Commissioner for a period of  
14:17:20 40 time for Crime?---That's right, there was the board of  
14:17:23 41 management and they were replaced by the Assistant  
14:17:25 42 Commissioner and I just rolled into his staff officer.  
14:17:28 43  
14:17:28 44 Who was that when he or she was pointed?---That was Danye  
14:17:33 45 Moloney.  
14:17:33 46  
14:17:35 47 What role does a staff officer play?---Well I guess it's a

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14:17:44 1 largely administrative role. You might - it might better  
14:17:54 2 be known as a chief of staff, you're certainly integral to  
14:17:59 3 their, you're their channel between them and the various  
14:18:05 4 divisions across the Command, or back then the Department.  
14:18:09 5  
14:18:09 6 Are you attending meetings?---You attend the meeting, the  
14:18:15 7 weekly or fortnightly Department management meeting, but  
14:18:20 8 you don't attend with them at various other meetings that  
14:18:24 9 they're representing Crime Department or Crime Command on.  
14:18:27 10  
14:18:28 11 Do you take minutes at meetings?---No.  
14:18:31 12  
14:18:33 13 Are you aware or do you give advice in relation to issues,  
14:18:38 14 operational issues and so forth?---You do. You deal with a  
14:18:42 15 lot of files that come through the office and you prepare  
14:18:45 16 advice on those files, summarise files for the board of  
14:18:50 17 management and then the Assistant Commissioner.  
14:18:52 18  
14:18:52 19 The board of management at that stage, were they overseeing  
14:18:56 20 the Purana Task Force?---Well, they certainly, Purana Task  
14:19:06 21 Force was a part of Crime Department, so, yes. Yes, they  
14:19:13 22 were.  
14:19:14 23  
14:19:14 24 Did you have anything to do with meetings in which they  
14:19:17 25 were making decisions or receiving information about the  
14:19:21 26 Purana Task Force?---Probably, but I don't specifically  
14:19:26 27 recall any of those meetings and I don't recall any,  
14:19:31 28 anything particularly controversial raised in those  
14:19:35 29 meetings. Purana at some stage, I'm not exactly sure when,  
14:19:43 30 were also governed by a steering committee which was  
14:19:49 31 separate to the board of management and indeed the  
14:19:51 32 Assistant Commissioner.  
14:19:52 33  
14:19:52 34 Was that steering committee in existence before this time  
14:19:56 35 that you were acting as a staff officer or after that  
14:19:59 36 time?---I don't, I don't recall, sorry. I don't know the  
14:20:03 37 dates it was in existence. I didn't have any role or  
14:20:06 38 attendance at the steering committee.  
14:20:08 39  
14:20:09 40 Did you have any role or attendance in relation to  
14:20:13 41 receiving information or advising as to Petra or the Briars  
14:20:19 42 Task Forces?---No. I knew they were in existence but they  
14:20:27 43 were largely dealt with offline by their respective  
14:20:35 44 steering committees.  
14:20:36 45  
14:20:40 46 In July of 2009 you were a Detective Senior Sergeant at the  
14:20:45 47 Ethical Standards Department, is that right?---That's

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14:20:48 1 right.  
14:20:48 2  
14:20:48 3 And that was later renamed the Professional Standards  
14:20:52 4 Command?---Yes.  
14:20:52 5  
14:20:52 6 In the same year you indicate in your statement you are  
14:20:56 7 awarded a St James Ethics Centre Vincent Fairfax  
14:21:01 8 Fellowship?---Yes.  
14:21:02 9  
14:21:02 10 What did that involve?---That was an external fellowship  
14:21:05 11 that I was nominated for and it involved some overseas  
14:21:12 12 travel and indeed some placement in some indigenous  
14:21:17 13 communities in northern Australia and it was a program that  
14:21:21 14 was dealing with philosophy and ethics.  
14:21:25 15  
14:21:25 16 Was it a program aimed to encourage leadership based on a  
14:21:33 17 sound ethical framework?---Yes.  
14:21:35 18  
14:21:36 19 Encourage active development of such leadership within  
14:21:39 20 organisations?---Yes.  
14:21:40 21  
14:21:41 22 Would it encourage you to speak up in the face of bad  
14:21:45 23 practice?---Yes.  
14:21:46 24  
14:21:47 25 Were the principles consistent with the self-test within  
14:21:52 26 Victoria Police?---Yes.  
14:21:53 27  
14:21:54 28 Do you know what those principles stand for?---I do.  
14:21:57 29  
14:21:57 30 Can you tell the Commission?---Will your decision withstand  
14:22:03 31 scrutiny, is your decision ethical, is your decision lawful  
14:22:07 32 and is your decision fair, I believe.  
14:22:09 33  
14:22:12 34 Do you believe that at any time you've let the self-test go  
14:22:20 35 for what you regard as the greater good in your career as a  
14:22:23 36 policeman?---No.  
14:22:24 37  
14:22:28 38 As you've progressed through the ranks, I take it you  
14:22:33 39 provide guidance to other members as to how to act  
14:22:37 40 appropriately in the conduct of their sworn duties?---Yes.  
14:22:40 41  
14:22:46 42 Has that included issues of disclosure?---Yes.  
14:22:51 43  
14:22:52 44 And of what's ethical in relation to disclosure  
14:22:57 45 issues?---Yes.  
14:22:57 46  
14:23:03 47 In November of 2010 you came to work on Task Force Driver,



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14:23:08 1 is that right?---That's right.  
14:23:09 2  
14:23:10 3 And that had been formed in April 2010 to investigate the  
14:23:15 4 broader circumstances around the death of Carl  
14:23:18 5 Williams?---That's right.  
14:23:19 6  
14:23:20 7 That Task Force took over Petra Task Force when it was  
14:23:23 8 disbanded in about August of 2010?---That's right.  
14:23:27 9  
14:23:27 10 And therefore at that stage it took over investigations  
14:23:31 11 surrounding the death of the Hodsons?---Yes.  
14:23:34 12  
14:23:35 13 And that investigation had formally also been known as  
14:23:40 14 Operation Loris?---That's right.  
14:23:44 15  
14:23:45 16 You became ultimately responsible for the investigation  
14:23:48 17 leading to charging Paul Dale for offences against the  
14:23:53 18 Australian Crime Commission Act?---Yes.  
14:23:56 19  
14:23:58 20 In October of 2013 to August 2014 you were Acting  
14:24:07 21 Inspector?---Yes.  
14:24:08 22  
14:24:09 23 And staff officer to the Assistant Commissioner of  
14:24:11 24 Crime?---Yes.  
14:24:12 25  
14:24:12 26 Who was that at that stage?---What were those periods  
14:24:16 27 again, sorry?  
14:24:16 28  
14:24:18 29 October 2013 to August 2014?---I think that was Tess Walsh  
14:24:27 30 by then, or perhaps - yes, I think it was Tess Walsh.  
14:24:35 31  
14:24:35 32 In addition to your police training you've undertaken some  
14:24:42 33 additional qualifications during the course of your police  
14:24:45 34 career, is that right?---That's right.  
14:24:47 35  
14:24:48 36 You completed a law degree during the 1990s?---Yes.  
14:24:51 37  
14:24:52 38 And beyond the law agree you completed legal training such  
14:24:56 39 that you were qualified for admission?---Yes.  
14:24:58 40  
14:24:59 41 And you were so admitted as a barrister and solicitor in  
14:25:02 42 2000?---Yes.  
14:25:03 43  
14:25:04 44 What was the reason for that training in the context of  
14:25:07 45 your police career?---What was the reason?  
14:25:12 46  
14:25:12 47 Yes?---Well, I'd completed an arts degree in the early 90s

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14:25:22 1 and I'd done reasonably well. It was suggested to me that  
14:25:28 2 I might consider applying for a law degree. I had no  
14:25:34 3 particular vision or ambition in relation to that but it  
14:25:38 4 occurred to me if I don't apply for this law degree and  
14:25:44 5 when I'm 70 years old, reflect back and realise I could  
14:25:48 6 have, I might regret that so I applied to do the law  
14:25:55 7 degree.  
14:25:56 8  
14:25:56 9 I take it it would have extended your understanding of the  
14:26:00 10 administration of our justice system?---Yes.  
14:26:03 11  
14:26:06 12 And in particular our criminal justice system given your  
14:26:12 13 occupation as a police member?---Yes.  
14:26:14 14  
14:26:16 15 And it would have expanded your knowledge of the role and  
14:26:19 16 the obligations of lawyers acting in our criminal justice  
14:26:23 17 system?---Yes.  
14:26:24 18  
14:26:25 19 You would be aware that the first duty of any lawyer is to  
14:26:28 20 the court?---Yes.  
14:26:29 21  
14:26:30 22 And following that their duty is to their client?---Yes.  
14:26:34 23  
14:26:35 24 And it's a lawyer's role to act in the best interests of  
14:26:38 25 their client?---That's right.  
14:26:39 26  
14:26:39 27 The lawyer can't be an agent of the police and act in the  
14:26:43 28 best interests of their client?---That's right.  
14:26:46 29  
14:26:52 30 If a police member more junior to yourself came to you and  
14:26:58 31 said something like, "Guess what? We arrested this bloke  
14:27:01 32 earlier today and he said he wanted a lawyer and asked, and  
14:27:06 33 asked if we knew a good one and then we gave him the number  
14:27:10 34 of Senior Constable Joe Blow a few rooms down, who he rang,  
14:27:14 35 and then got some advice from him and got told you better  
14:27:18 36 cooperate and tell us everything", what would you  
14:27:21 37 do?---That would be inappropriate, improper and I would not  
14:27:26 38 allow that.  
14:27:27 39  
14:27:29 40 And what would you do?---I'd report that.  
14:27:32 41  
14:27:32 42 Who would you report it to?---My superior.  
14:27:37 43  
14:27:37 44 Would you regard it potentially as a criminal  
14:27:41 45 offence?---Yes.  
14:27:41 46  
14:27:41 47 What criminal offence might it be?---I'm not certain but

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14:27:49 1 for a police member to pretend to be a lawyer and garner  
14:27:56 2 admissions from that person believing they were speaking to  
14:27:59 3 their lawyer in confidence, it may well be an attempt to  
14:28:04 4 pervert the course of justice, misconduct in public office.  
14:28:08 5  
14:28:09 6 What about the other police that knew and encouraged  
14:28:12 7 it?---Same.  
14:28:12 8  
14:28:18 9 Would you regard the situation being any different if it  
14:28:22 10 was a lawyer working for the police who'd been put on to  
14:28:29 11 the telephone and engaged in that conduct?---Just step that  
14:28:35 12 out for me. The lawyer is representing that client?  
14:28:38 13  
14:28:38 14 If it was someone with Victoria Police, working in Victoria  
14:28:42 15 Police's legal department that's a lawyer, qualified  
14:28:46 16 lawyer, would you regard it as any different?---No.  
14:28:53 17  
14:29:02 18 Looking back now do you have any particular concerns about  
14:29:05 19 the ethics of any of the handling of any of the cases  
14:29:09 20 you've been involved in that related to Ms Gobbo?---Well,  
14:29:17 21 looking back now with the benefit of having a far broader  
14:29:25 22 understanding, I certainly have some concerns about how  
14:29:33 23 things were managed in relation to Nicola Gobbo.  
14:29:38 24  
14:29:41 25 When you say a broader understanding, what do you mean by  
14:29:46 26 that?---Well, I have a far broader understanding now as to  
14:29:53 27 how the whole picture was at the time, which I wasn't  
14:29:59 28 possessed of at the time.  
14:30:02 29  
14:30:06 30 What knowledge weren't you possessed of at the time that  
14:30:11 31 you now regard as concerning?---Of course I wasn't privy to  
14:30:26 32 decisions being made by steering committees, I wasn't privy  
14:30:30 33 to how Nicola Gobbo was being managed as a human source, I  
14:30:35 34 wasn't privy to the passage of information from handlers to  
14:30:43 35 investigators. I've now read enough, seen enough, to be  
14:30:50 36 more cognisant of that and it's clearly, clearly a concern.  
14:30:55 37 That's we're here and that's why we've had matters  
14:30:59 38 discharged at court and that's why we've had the High Court  
14:31:03 39 be quite disparaging about the conduct of the organisation.  
14:31:07 40  
14:31:07 41 What cases do you have particular concerns with?---Well,  
14:31:13 42 the matter I was informant for where Faruk Orman was  
14:31:17 43 charged with murder and his matter has now been dismissed.  
14:31:22 44  
14:31:22 45 Which case in relation to Faruk Orman was it?---Victor  
14:31:27 46 Peirce.  
14:31:27 47

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14:31:27 1 Do you have any concerns in relation to any other case  
14:31:31 2 involving charges against Faruk Orman, the handling of any  
14:31:40 3 other case?---I'm not as connected to his other matters  
14:31:51 4 but, you know, he was charged in similar circumstances on  
14:31:54 5 the basis of similar evidence in relation to the murder of  
14:32:01 6 Paul Kallipolitis. I think that's the only other homicide  
14:32:07 7 he was charged with.  
14:32:08 8  
14:32:09 9 Do you have concerns about the Kallipolitis case and the  
14:32:15 10 handling of that?---I don't think I'm as concerned about  
14:32:23 11 the Kallipolitis case as I am about the Peirce case.  
14:32:30 12  
14:32:34 13 What is it about those or the Peirce case that particularly  
14:32:38 14 concerns you?---He's been discharged.  
14:32:41 15  
14:32:41 16 Well, do you have concerns about your conduct in relation  
14:32:47 17 to the Peirce case?---No.  
14:32:48 18  
14:32:49 19 Do you have concerns about the ethics of any of the  
14:32:52 20 decision making that was made by you or your colleagues in  
14:32:58 21 the Peirce case?---No.  
14:32:59 22  
14:33:15 23 What concerns do you have?---I understand, and I've done  
14:33:24 24 some limited reading, on the reasons for the matter being  
14:33:28 25 discharged and that was that Nicola Gobbo had a conflict of  
14:33:34 26 interest and failed to declare, act on, and make  
14:33:42 27 appropriate decisions based on that conflict.  
14:33:44 28  
14:33:48 29 The discharge essentially in relation to the Peirce matter  
14:33:52 30 related to her essentially telling the police that he was  
14:33:57 31 going cold and they should go out and firm him up?---So I  
14:34:02 32 believe.  
14:34:02 33  
14:34:02 34 Is that right?---So I believe.  
14:34:03 35  
14:34:03 36 And that was done?---Well, it's not as simple as that.  
14:34:10 37 That may well have occurred but it's not as simple as that.  
14:34:14 38 Not as simply put as that.  
14:34:16 39  
14:34:16 40 Did you have any broader concerns than that in relation to  
14:34:20 41 Ms Gobbo's conflict at the time?---No.  
14:34:23 42  
14:34:24 43 You had no concerns at the time about her acting in  
14:34:27 44 conflict?---No.  
14:34:28 45  
14:34:30 46 Do you say if you did have those concerns you would have  
14:34:34 47 done something about it?---Yes.

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14:34:35 1  
14:34:36 2 And the reason you didn't do anything about it was because  
14:34:40 3 you didn't have those concerns?---That's right.  
14:34:42 4  
14:34:44 5 Did anyone raise any of those concerns with you at any  
14:34:48 6 time?---No. No, not then.  
14:34:52 7  
14:34:52 8 Are you aware whether anyone raised any such concerns about  
14:34:58 9 Ms Gobbo's involvement or conflict during this period at  
14:35:06 10 all?---Well I've read or heard evidence that handlers or  
14:35:14 11 handler management raised some concerns, but that wasn't  
14:35:17 12 something I was privy to at the time.  
14:35:18 13  
14:35:21 14 There was never any discussion about a need to get legal  
14:35:24 15 advice in relation to Ms Gobbo's position?---Not  
14:35:28 16 conversations that I was a party to, but again I have heard  
14:35:31 17 evidence that there may have been some of those discussions  
14:35:34 18 within the, amongst the handlers and their management.  
14:35:38 19  
14:35:38 20 What about amongst Purana in their potential disclosure  
14:35:43 21 obligations or subpoena requests or public interest  
14:35:48 22 immunity claims?---No. Subpoenas in relation to the Peirce  
14:35:58 23 matter, it wasn't apparent that there was that conflict to  
14:36:01 24 deal with.  
14:36:05 25  
14:36:08 26 You would be well aware of an accused's right to disclosure  
14:36:12 27 in relation to cases brought against them?---Yes.  
14:36:14 28  
14:36:15 29 And first of all disclosure is made by police in the form  
14:36:18 30 of a hand-up brief?---Yes.  
14:36:19 31  
14:36:20 32 But there's an entitlement to disclosure beyond the hand-up  
14:36:25 33 brief?---That's right.  
14:36:25 34  
14:36:28 35 And that includes disclosure of material upon which it's  
14:36:33 36 not proposed by the prosecution to rely but which would be  
14:36:36 37 relevant to an accused in the conduct of their  
14:36:39 38 defence?---That's right.  
14:36:40 39  
14:36:40 40 For example, if it would weaken an element of the offence,  
14:36:46 41 you have an obligation to disclose it?---Yes.  
14:36:49 42  
14:36:50 43 If it would strengthen a defence available to a person, you  
14:36:55 44 would be obliged to disclose material or information in  
14:36:58 45 relation to that matter?---That's right.  
14:36:59 46  
14:37:00 47 If it would impact upon the credit of a witness, you would

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14:37:05 1 be obliged to disclose such material?---Yes.  
14:37:08 2  
14:37:09 3 If it would affect the potential admissibility of evidence  
14:37:14 4 you would be obliged to disclose that material or  
14:37:17 5 information?---Yes.  
14:37:19 6  
14:37:20 7 For example, if there was evidence that the police had  
14:37:24 8 obtained evidence improperly, you would be obliged to  
14:37:28 9 disclose that so that it might be challenged?---Improperly  
14:37:31 10 did you say?  
14:37:32 11  
14:37:32 12 Yes?---Yes.  
14:37:33 13  
14:37:36 14 And you're aware that those obligations exist regardless of  
14:37:39 15 whether a subpoena has been issued?---Yes.  
14:37:43 16  
14:37:53 17 If there is such material in existence which police don't  
14:37:57 18 want to disclose, they may make a claim for public interest  
14:38:02 19 immunity, you're aware of that?---Yes, I've made that claim  
14:38:05 20 a number of times.  
14:38:05 21  
14:38:06 22 Yes. But that claim, you simply can't not disclose  
14:38:11 23 material to avoid it coming before the court, you're aware  
14:38:16 24 you must disclose the material at least to the court and  
14:38:19 25 make the claim?---Subject to relevance, yes, that's right.  
14:38:22 26  
14:38:29 27 Now, often in the course of a case there are requests for  
14:38:37 28 disclosure of police notes?---Yes.  
14:38:40 29  
14:38:43 30 And there are a number of reasons for police to take notes,  
14:38:49 31 you'd agree with that?---Yes.  
14:38:50 32  
14:38:50 33 They serve as a reminder if you're later called upon to  
14:38:54 34 recount an event?---Yes.  
14:38:56 35  
14:38:56 36 And it provides transparency about matters in which you've  
14:38:59 37 been involved?---That's right.  
14:39:00 38  
14:39:00 39 It would be highly inappropriate not to include matters in  
14:39:04 40 your diary or your day book for the purposes of preventing  
14:39:08 41 later disclosure to defence of such matters?---Generally,  
14:39:11 42 yes.  
14:39:12 43  
14:39:12 44 When you say generally, what's an exception to that?---Well  
14:39:16 45 the exception might be in relation to a human source, for  
14:39:19 46 example, you would record their registered number and not  
14:39:22 47 their actual name.



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14:39:23 1  
14:39:24 2 That's not preventing necessarily disclosure. You're  
14:39:28 3 recording it in an appropriate manner?---Yes.  
14:39:30 4  
14:39:31 5 You might make a public interest immunity claim in relation  
14:39:33 6 to that matter?---That's right.  
14:39:34 7  
14:39:38 8 And when you're called upon to disclose notes to the  
14:39:44 9 defence and the OPP you make an assessment of relevance and  
14:39:49 10 you ask yourself those questions, could it assist the  
14:39:52 11 defence?---Yes.  
14:39:53 12  
14:39:54 13 And you redact matters irrelevant to that case?---Yes.  
14:39:58 14  
14:40:00 15 Is a member generally responsible for redacting their own  
14:40:04 16 notes or is that something that's done by the primary  
14:40:07 17 investigator?---Members will redact their own notes before  
14:40:13 18 they give them to the primary investigator to collate them.  
14:40:18 19  
14:40:19 20 In this case when you first produced your notes to the  
14:40:23 21 Commission, we understand you provided redacted notes  
14:40:26 22 yourself, is that right?---Yes.  
14:40:29 23  
14:40:32 24 And there's been a second provision of notes subsequently.  
14:40:36 25 Are you aware, did you perform the redactions in relation  
14:40:40 26 to the second provision of notes?---I'm not sure, I assume  
14:40:50 27 so. I certainly remember spending a solid week at Landow  
14:40:55 28 doing my first lot of redactions. I'm not - I don't recall  
14:41:00 29 the second lot but I'm - I don't dispute that that  
14:41:03 30 occurred.  
14:41:03 31  
14:41:06 32 Where there is material for disclosure that might be  
14:41:09 33 considered, where it might be considered that there's a  
14:41:12 34 public interest immunity claim existing, what is done, for  
14:41:14 35 example, in relation to police notes?---What's the ordinary  
14:41:18 36 course of action in relation to making a claim?  
14:41:21 37  
14:41:22 38 Yes, when you're providing them to the defence?---Well, if  
14:41:26 39 you seek to make a claim on the grounds of public interest  
14:41:32 40 immunity you would engage with the Victorian Government  
14:41:39 41 Solicitor's Office, police branch, and you would go through  
14:41:43 42 the process of compiling a schedule which would outline the  
14:41:51 43 material that you would seek to not disclose and the reason  
14:41:57 44 for that, and you may well - as is often the case, you may  
14:42:06 45 compile affidavits with barristers and these matters will  
14:42:12 46 be determined, brought before and determined by the court.  
14:42:15 47

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14:42:17 1 Would you do the redacting of the pages prior to or after  
14:42:21 2 making a claim for public interest immunity?---What you  
14:42:29 3 would have done back then, obviously we have some wonderful  
14:42:32 4 software now to assist with this, but you would highlight  
14:42:35 5 on your notes the matters that you were seeking to claim  
14:42:39 6 PII on and then highlight what you believe ought to be  
14:42:44 7 redacted and that would be what would be subject to the  
14:42:49 8 discussion with the VGS0 counsel before redactions were  
14:42:53 9 made.  
14:42:53 10  
14:42:54 11 Would you always get the VGS0 involved or would you  
14:42:59 12 sometimes just redact them, make the claim yourself and  
14:43:02 13 just wait and see if there's any opposition to it?---You  
14:43:05 14 make that decision yourself in relation to relevance, but  
14:43:08 15 you don't make that decision yourself in relation to PII.  
14:43:14 16  
14:43:15 17 If you're providing notes to the defence do you say, "I've  
14:43:18 18 redacted that bit for relevance and that bit for  
14:43:22 19 PII"?---Yes.  
14:43:22 20  
14:43:23 21 Was that the case back then as well?---Yes.  
14:43:26 22  
14:43:29 23 And ought that have been the process for any police member  
14:43:36 24 redacting notes and providing them to the defence and to  
14:43:38 25 the OPP?---Yes.  
14:43:41 26  
14:43:43 27 To distinguish between relevance claims and PII  
14:43:48 28 claims?---Yes.  
14:43:48 29  
14:43:58 30 Looking back now do you have any concerns as to the way in  
14:44:01 31 which disclosure obligations were met by Victoria Police in  
14:44:04 32 relation to cases in which Ms Gobbo had an  
14:44:11 33 involvement?---Well in relation to the documents, notes I  
14:44:15 34 was responsible for producing, no.  
14:44:18 35  
14:44:19 36 Well, in relation to material that you knew was held by  
14:44:23 37 Victoria Police and not disclosed to accused, do you have  
14:44:28 38 any concerns about that?---Again, in relation to matters  
14:44:36 39 that I was in possession of or knew the existence of, no.  
14:44:41 40  
14:44:42 41 In relation to any matters in which you were aware that  
14:44:45 42 were being prosecuted by Victoria Police, you're aware  
14:44:49 43 there was relevant material held and you're aware that  
14:44:54 44 there was non-disclosure of that material. Do you have any  
14:44:59 45 concerns about those events?---No.  
14:45:02 46  
14:45:15 47 Back in 2003 you were a member of the Homicide Squad and

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14:45:18 1 then you became a founding member of the Purana Task Force,  
14:45:21 2 is that right?---That's right.  
14:45:22 3  
14:45:22 4 And that was established in around May of 2003?---Yes.  
14:45:27 5  
14:45:27 6 And the purpose of that Task Force was to investigate  
14:45:31 7 murders of underworld figures?---Yes.  
14:45:34 8  
14:45:36 9 It was also aimed at identifying organised crime groups  
14:45:40 10 involved in the homicides?---Yes.  
14:45:42 11  
14:45:43 12 At that stage Andrew Veniamin was a suspect in a number of  
14:45:47 13 murders?---He was.  
14:45:48 14  
14:45:49 15 Kallipolitis?---Yes.  
14:45:51 16  
14:45:51 17 Dino Dibra?---Yes.  
14:45:52 18  
14:45:53 19 That was October 2000, is that right?---That's right.  
14:45:55 20  
14:45:55 21 And the murder of Nik Radev in April 2003?---That's right.  
14:45:59 22  
14:46:00 23 That was shortly before Purana was established?---Yes.  
14:46:02 24  
14:46:04 25 The Purana Task Force therefore began by targeting Veniamin  
14:46:08 26 and his associates?---Yes.  
14:46:10 27  
14:46:11 28 And it also began targeting other people like Carl  
14:46:16 29 Williams, Mick Gatto and their associates?---Yes.  
14:46:18 30  
14:46:22 31 Between the murder of Kallipolitis, which was in October  
14:46:26 32 2002 and the murder of Radev in April 2003, Mr Veniamin had  
14:46:33 33 switched allegiance it seems from the Gatto group to the  
14:46:36 34 Williams' group?---That's right.  
14:46:38 35  
14:46:38 36 And the Gatto group was also known as the Carlton crew, is  
14:46:42 37 that right?---Colloquially, yes.  
14:46:44 38  
14:46:45 39 You'd been involved already in investigating a number of  
14:46:51 40 the homicides which were being then transferred to Purana.  
14:46:57 41 Had you already been involved in some of those, for  
14:47:01 42 example, the murder of Kallipolitis?---Yes. Kallipolitis  
14:47:05 43 yes, Dibra no, and Radev no.  
14:47:09 44  
14:47:09 45 The structure of Purana when you first went there, what was  
14:47:12 46 it?---Well initially it was quite a small team. It was  
14:47:19 47 essentially a sub-set of the Homicide Squad. It was

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14:47:24 1 predominantly, if not initially entirely all Homicide  
14:47:28 2 investigators, and then over a short period of time it grew  
14:47:34 3 and certainly after the death of Moran and Barbaro it grew  
14:47:42 4 further.  
14:47:43 5  
14:47:45 6 Was there a Superintendent sitting on top of Purana?---A  
14:47:51 7 Superintendent? Well the ordinary structure is an  
14:47:57 8 Inspector in charge and they would report, among a number  
14:48:02 9 of other inspectors, to a Superintendent but I'm not  
14:48:06 10 certain who that Superintendent was back in 2003.  
14:48:09 11  
14:48:09 12 The Detective Inspector also was known as the  
14:48:14 13 officer-in-charge?---Yes.  
14:48:15 14  
14:48:16 15 That was Andrew Allen at the time?---Yes.  
14:48:18 16  
14:48:18 17 Underneath him, how many Senior Sergeants existed at the  
14:48:22 18 start?---Certainly one, Phil Swindells, possibly  
14:48:27 19 immediately two, Gavan Ryan, but Gavan may also have come  
14:48:32 20 in a little bit later.  
14:48:32 21  
14:48:32 22 He might have been drafted in a bit later?---I think so.  
14:48:35 23  
14:48:36 24 How many crews were under Swindells at that stage?---I'm  
14:48:42 25 guessing but three or four.  
14:48:43 26  
14:48:44 27 And do you know who - they were run by Detective  
14:48:49 28 Sergeants?---Yes.  
14:48:49 29  
14:48:50 30 Do you know who they were at that stage?---Stuart Bateson  
14:48:58 31 was a Detective Sergeant but again I'm not certain he was  
14:49:01 32 there at the outset, but he may well have been.  
14:49:05 33  
14:49:05 34 I think he might have still been at Homicide at that  
14:49:08 35 stage?---Yeah, okay. I can't even remember who my crew  
14:49:12 36 Sergeant was. It may have been me.  
14:49:14 37  
14:49:14 38 There were a number of Detective Sergeants and then  
14:49:16 39 underneath them Detective Senior Constables, is that  
14:49:19 40 right?---Yes. Yes that's right. And when it expanded also  
14:49:24 41 a number of uniform Senior Constables.  
14:49:27 42  
14:49:28 43 At that stage I think you were a Detective Senior  
14:49:31 44 Constable, is that right, 2003?---Yes.  
14:49:33 45  
14:49:35 46 And it might be that Bateson might have joined later that  
14:49:39 47 year, as I understand it?---I think that's right.

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14:49:42 1  
14:49:44 2 Did you work on the same crew or were you in a separate  
14:49:48 3 crew to Detective Bateson?---Different crews.  
14:49:52 4  
14:49:52 5 And there was some extra resourcing I think, I think maybe  
14:49:57 6 Mr Ryan came on board after the murder or sorry, the  
14:50:01 7 killing of Veniamin in March of 2004. Is that when Mr Ryan  
14:50:06 8 came on board?---I thought he'd been there before that but  
14:50:10 9 I may be mistaken.  
14:50:12 10  
14:50:12 11 I may be as well. The oversight of Purana at that stage,  
14:50:15 12 was there a steering committee, do you know?---I don't  
14:50:18 13 recall.  
14:50:18 14  
14:50:19 15 Do you know who made the strategic decisions?---Well from  
14:50:25 16 my perspective, as a Senior Constable, I was seeing Andy  
14:50:30 17 Allen make the strategic decisions, advised by the Senior  
14:50:36 18 Sergeants.  
14:50:36 19  
14:50:37 20 You say at paragraph 47 of your statement that, "From the  
14:50:39 21 outset of my work at the Purana Task Force I was aware of  
14:50:44 22 the active oversight and routine reporting upwards to  
14:50:50 23 Assistant Commissioner Overland"?---Yes, that's right.  
14:50:52 24  
14:50:52 25 Can you say what his involvement was with Purana?---Look, I  
14:50:57 26 don't know other than that he authorised and facilitated  
14:51:03 27 the establishment of what was then a break away and a  
14:51:09 28 de-resourcing of the Homicide Squad in order to form  
14:51:12 29 Purana. It was quite a controversial and resource impost  
14:51:20 30 so he organised and facilitated that.  
14:51:22 31  
14:51:23 32 You talk in your statement about him having active  
14:51:26 33 oversight. Was he a familiar face around the office, or  
14:51:29 34 what do you mean by active oversight?---No, he wasn't a  
14:51:33 35 familiar face around the office. He would pop in from time  
14:51:36 36 to time, but I didn't see or experience his active  
14:51:40 37 oversight but I was aware that Purana, quite a unique  
14:51:46 38 investigation, was dealt with quite a little bit  
14:51:49 39 differently by Crime Command.  
14:51:51 40  
14:51:51 41 In what way?---The more active involvement of then I  
14:51:58 42 believe Assistant Commissioner Overland.  
14:52:00 43  
14:52:01 44 Beyond Mr Overland, do you know if there was any  
14:52:04 45 involvement at all of the Chief Commissioner or was the  
14:52:09 46 involvement simply up to the level of Assistant  
14:52:12 47 Commissioner?---I don't know what transpired between the

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14:52:14 1 Assistant Commissioner and above.  
14:52:18 2  
14:52:22 3 In terms of the way Purana worked and their different crews  
14:52:28 4 that were working within Purana, was there some regular  
14:52:31 5 meetings for knowledge exchange and those kinds of  
14:52:35 6 matters?---Yes.  
14:52:35 7  
14:52:36 8 And how did that work?---Well it was a bit clunky because  
14:52:43 9 we were essentially housed in two separate offices, so we  
14:52:47 10 would come together, not specifically regular times but  
14:52:52 11 fairly regular times to discuss how our operations related.  
14:53:00 12 I mean that was the, that was the basis of establishing  
14:53:04 13 Purana.  
14:53:05 14  
14:53:05 15 That there were inter-relationships between various  
14:53:09 16 criminal networks?---Yes, and connections between these  
14:53:13 17 three homicides that had, up until then, been investigated  
14:53:18 18 by three separate crews within the Homicide Squad and that  
14:53:22 19 disconnect.  
14:53:23 20  
14:53:23 21 Is it the case that these three homicides I referred to,  
14:53:26 22 were they given one to each of the crews to work on?---Yes,  
14:53:30 23 and that reminds me, one of the other Sergeants was Marty  
14:53:35 24 Robinson who was responsible for the Radev murder.  
14:53:38 25  
14:53:39 26 Whose crew were you on?---I can't remember.  
14:53:42 27  
14:53:46 28 Do you know who the other Sergeants were, did you  
14:53:54 29 say?---Well I said Stuart Bateson and Marty Robinson. It's  
14:54:00 30 possible Grant Kelly who had been my Sergeant at Homicide  
14:54:03 31 came up to Purana as well. May well have been my Sergeant.  
14:54:07 32  
14:54:07 33 When you say that there were these sort of regular  
14:54:10 34 get-togethers for knowledge exchange, how often were they,  
14:54:14 35 weekly, fortnightly?---Probably weekly.  
14:54:17 36  
14:54:18 37 And all the crews all in a room? How did those meetings  
14:54:22 38 run?---Yeah, they would come into the bigger of the two  
14:54:29 39 rooms for the meetings.  
14:54:30 40  
14:54:31 41 There would be discussion about lines of inquiry and  
14:54:34 42 intelligence and those sorts of things, is that  
14:54:36 43 right?---Yes, that's right.  
14:54:37 44  
14:54:38 45 You had some analysts working with you?---Yes, we did.  
14:54:42 46  
14:54:42 47 Who were they?---Scott Elliott was our primary analyst.



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14:54:51 1 Again came up from the Homicide Squad. Mark Nichols was an  
14:54:57 2 analyst. And then there were a couple of others that came  
14:55:02 3 in and out as Purana grew.  
14:55:10 4  
14:55:15 5 Were you straight into investigations or is it the case  
14:55:18 6 that there was an intelligence probe or an investigation  
14:55:21 7 probe into various persons of interest to begin with?---It  
14:55:26 8 was a mixture because the Kallipolitis investigation was  
14:55:31 9 live and ongoing. The Dibra murder, which had been two,  
14:55:39 10 three years earlier, was less active and of course Radev  
14:55:44 11 was very active. So the inquiries specific to those  
14:55:50 12 homicides were very active but then there was also a large,  
14:55:55 13 to a large extent, this, as you've described it, this  
14:55:58 14 intelligence probe and this intelligence gathering and this  
14:56:02 15 piecing of the picture together.  
14:56:07 16  
14:56:10 17 In terms of that intelligence being gathered was it put  
14:56:14 18 into information reports or were there profiles being  
14:56:17 19 developed, how was that working?---Both.  
14:56:19 20  
14:56:19 21 And you would be able to log in and view such information  
14:56:25 22 as it was being gathered?---Yes.  
14:56:27 23  
14:56:29 24 So if you ever had a particular inquiry in relation to a  
14:56:34 25 particular person that was being worked on or information  
14:56:37 26 being gathered about, you would be able to get that from  
14:56:41 27 whatever the computer system was named at that  
14:56:45 28 stage?---Yes. Well it was a bit clunky back at the start,  
14:56:49 29 it was pre Interpose, but essentially it was the same  
14:56:55 30 function.  
14:56:56 31  
14:56:57 32 And there might have been restrictions on people outside of  
14:57:00 33 Purana accessing that information because Purana was a  
14:57:03 34 little bit of a closed shop, is that right?---Yes, it was.  
14:57:06 35  
14:57:06 36 But within Purana you'd have free access to that  
14:57:10 37 information?---Yes, that's right. There will have been  
14:57:17 38 some management folders that investigators wouldn't have  
14:57:20 39 had access to, but yes, you would have access to the other  
14:57:23 40 jobs if needed.  
14:57:24 41  
14:57:26 42 In terms of your awareness of Ms Gobbo at that period of  
14:57:31 43 time, you would have been aware of her profile, I gather,  
14:57:37 44 representing various people associated with the  
14:57:40 45 underworld?---Yeah, it became apparent very quickly, yes.  
14:57:44 46  
14:57:45 47 She had a media presence when she appeared for people with

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14:57:51 1 a media profile in the underworld?---Yes.  
14:57:54 2  
14:57:54 3 Representing the likes of Tony Mokbel and others associated  
14:57:58 4 with the drug trade?---Yes.  
14:58:00 5  
14:58:03 6 And it became evident in the early days of Purana that  
14:58:06 7 Ms Gobbo was associating with individuals from the Gatto  
14:58:13 8 and the Williams' groups?---Both, yes.  
14:58:15 9  
14:58:15 10 Do you know if any profile was built around her?---Not that  
14:58:20 11 I was involved in or ordered or required in fact for my  
14:58:25 12 investigations but certainly aware of the building  
14:58:29 13 intelligence around her interactions within those groups.  
14:58:34 14  
14:58:34 15 And that was from 2003?---Yes.  
14:58:37 16  
14:58:40 17 Can you say at what point you became aware of that, aware  
14:58:45 18 of the building of intelligence in relation to  
14:58:50 19 Ms Gobbo?---Well almost immediately. It took a little bit  
14:58:52 20 of time for the various avenues of intelligence gathering  
14:58:56 21 to be put in place at Purana but once they were and we had  
14:59:04 22 very good coverage, very strong unprecedented coverage of  
14:59:10 23 those groups, it was very apparent.  
14:59:13 24  
14:59:13 25 And is that because she was popping up an telephone  
14:59:19 26 intercepts or listening devices or on surveillance?---Yes.  
14:59:22 27  
14:59:23 28 All of those three?---I don't recall any specific telephone  
14:59:33 29 intercepts, but certainly other means of surveillance.  
14:59:37 30  
14:59:41 31 On 21 June 2003 Jason Moran and Pasquale Barbaro were shot  
14:59:48 32 at the Cross Keys at the Auskick footy clinic?---Yes.  
14:59:53 33  
14:59:53 34 And they were killed in front of a number of  
14:59:57 35 children?---Yes.  
14:59:57 36  
14:59:57 37 There was understandably a significant public reaction  
15:00:00 38 after that occurred?---Yes.  
15:00:02 39  
15:00:02 40 It was initially a Homicide Squad matter?---That's right.  
15:00:05 41  
15:00:07 42 But it soon became a Purana matter?---Yes.  
15:00:09 43  
15:00:12 44 It seems that Mr Bateson was involved in that investigation  
15:00:16 45 to begin with?---I believe so.  
15:00:19 46  
15:00:19 47 Would it be the case that he was transferred to Purana

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15:00:23 1 because of the transferring of that case to Purana?---May  
15:00:26 2 well have been.  
15:00:27 3  
15:00:30 4 Perhaps if we can bring up the information report RC471.  
15:00:53 5 You see in this information report it's dated 30 June 2003  
15:00:59 6 by Mr Bateson, who indicates at that stage he's at the  
15:01:02 7 Homicide Squad?---Yes.  
15:01:03 8  
15:01:04 9 This report, if we scroll through it, essentially refers to  
15:01:11 10 inquiries he'd made in relation to an alibi of Carl  
15:01:16 11 Williams. It's apparent that he, by that stage, had  
15:01:19 12 interviewed Carl Williams after the murders had occurred.  
15:01:26 13 Carl Williams had indicated that he'd, on that morning,  
15:01:30 14 been in the company of a certain person, and I won't  
15:01:35 15 mention the person's name at present?---Yes.  
15:01:36 16  
15:01:40 17 If we scroll further down, and do you see under "further  
15:01:49 18 inquiries" that that person is to be interviewed themselves  
15:01:52 19 or spoken to to confirm the above details?---Yes.  
15:01:55 20  
15:01:57 21 And that appears to occur on 4 July?---Yes.  
15:02:01 22  
15:02:01 23 And that person attended at the Homicide Office with his  
15:02:07 24 barrister, Nicola Gobbo?---That's right.  
15:02:08 25  
15:02:08 26 And was spoken to in the presence of Ms Gobbo, as well as a  
15:02:13 27 Detective Senior Constable Owen?---Yes.  
15:02:15 28  
15:02:19 29 It's apparent whilst he was spoken to that Ms Gobbo  
15:02:24 30 remained present according to that note, is that right?---I  
15:02:29 31 don't know.  
15:02:29 32  
15:02:29 33 "I spoke to him in the presence of Ms Gobbo"?---Yes.  
15:02:32 34  
15:02:35 35 It's not common for lawyers to remain present during  
15:02:43 36 interviews?---No, it's not common.  
15:02:45 37  
15:02:46 38 And that's because the lawyer then runs the risk of  
15:02:49 39 becoming a witness in the matter?---Well that's what we  
15:02:51 40 always used to say but I don't know how certain we were  
15:02:55 41 about that but yes, that's my understanding.  
15:02:57 42  
15:02:58 43 If there's any allegation or assertion as to what went on  
15:03:01 44 during the interview or any impropriety or what exactly was  
15:03:05 45 said, the people in the room present may well be  
15:03:08 46 witnesses?---May well be.  
15:03:09 47

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15:03:09 1 Police or lawyer?---Yes.  
15:03:10 2  
15:03:13 3 Aside from Ms Gobbo being a lawyer for the person that was  
15:03:22 4 being spoken to by Mr Bateson, it's also indicated, if we  
15:03:27 5 scroll through that document, that Ms Gobbo had spoken to  
15:03:33 6 this person whilst he was with Mr Williams on the morning  
15:03:37 7 of the murders and he in fact had informed that person on  
15:03:43 8 the morning that the shooting had taken place we find out  
15:03:50 9 later. So do you see the second-last dot point, "Stated he  
15:03:56 10 spoke to Nicola Gobbo on the morning, on the phone twice  
15:04:01 11 that morning"?---Yes.  
15:04:02 12  
15:04:02 13 And in brackets, "Confirmed by Gobbo"?---Yes.  
15:04:06 14  
15:04:06 15 Now again that would raise, if that person were to be  
15:04:11 16 prosecuted, there was an alibi, he's the alibi for  
15:04:20 17 Mr Williams or Carl Williams, it again raised a significant  
15:04:24 18 possibility of Ms Gobbo being a witness in the matter,  
15:04:27 19 would that be right?---Yes. I see that reasoning.  
15:04:35 20  
15:04:42 21 That can be taken down, thanks. Around July 2003 Lewis  
15:04:57 22 Moran was in custody, do you recall that being the  
15:05:00 23 case?---I don't recall that but I don't dispute that.  
15:05:02 24  
15:05:03 25 And Lewis Moran was the father of Jason Moran and Mark  
15:05:07 26 Moran?---Yes.  
15:05:08 27  
15:05:10 28 Jason Moran had been shot on 21 June and killed?---Yes.  
15:05:17 29  
15:05:17 30 And Mark Moran, his other son, had been shot and killed  
15:05:21 31 back in 2000, is that right?---Yes.  
15:05:23 32  
15:05:23 33 And later Carl Williams was charged with his murder?---Yes.  
15:05:28 34  
15:05:28 35 There was no love lost between the Morans and Carl  
15:05:34 36 Williams?---That's right.  
15:05:35 37  
15:05:35 38 And that is one of the reasons why Carl Williams was  
15:05:39 39 immediately a suspect in relation to the Jason Moran  
15:05:42 40 shooting?---I'm not sure. Was he?  
15:05:50 41  
15:05:51 42 He was interviewed by Mr Bateson in the days thereafter and  
15:05:55 43 Mr Bateson was chasing up his alibi. Now, exactly a month  
15:06:02 44 after that shooting and that killing of Jason Moran  
15:06:05 45 Ms Gobbo represented Lewis Moran in relation to a  
15:06:09 46 successful bail application. I think there was some media  
15:06:14 47 about it at the time. He'd been charged I think with some

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15:06:19 1 commercial drug trafficking. Would you have been aware of  
15:06:23 2 that at the time?---Possibly. From media reporting but I  
15:06:29 3 wasn't involved in the investigation.  
15:06:31 4  
15:06:32 5 Purana came to be aware of some intelligence about a threat  
15:06:36 6 made to Ms Gobbo by Veniamin because of her representation  
15:06:42 7 of Lewis Moran?---Yes.  
15:06:44 8  
15:06:44 9 Now, do you recall being aware of that at the time?---I do,  
15:06:50 10 I believe.  
15:06:52 11  
15:06:54 12 Do you recall there being some discussion around the office  
15:06:57 13 as to what to do about that?---I don't recall the  
15:07:05 14 discussion. I may not have been involved in that  
15:07:08 15 discussion. Again, my crew was not investigating the drug  
15:07:14 16 matters.  
15:07:18 17  
15:07:18 18 Do you know who was in charge of investigating the drug  
15:07:21 19 matters within Purana at that stage?---I think it was Dale  
15:07:28 20 Johnson, Detective Sergeant Dale Johnson came up from the  
15:07:31 21 Drug Squad with a crew.  
15:07:35 22  
15:07:36 23 But nevertheless there was obviously a cross over of  
15:07:40 24 interests because of the threats by Veniamin towards  
15:07:43 25 Ms Gobbo?---No doubt.  
15:07:45 26  
15:07:46 27 For her representation of Mr Moran who was regarded as  
15:07:55 28 being on the other side?---Yes.  
15:07:57 29  
15:07:57 30 It's apparent that Ms Gobbo, undeterred by that threat at  
15:08:01 31 that stage, represented Mr Moran in relation to a bail  
15:08:06 32 variation application in September 2003 at which evidence  
15:08:11 33 was given by Mr Swindells. Do you recall that event?---No.  
15:08:16 34  
15:08:18 35 At that stage it's apparent that Mr Swindells had  
15:08:22 36 determined that he would approach Ms Gobbo and indicate  
15:08:27 37 that Purana were aware of the threat. Do you recall there  
15:08:30 38 being any discussion about that event?---No, sorry.  
15:08:34 39  
15:08:40 40 If you were to approach someone at that stage to seek their  
15:08:48 41 assistance if they wanted to provide information to Purana,  
15:08:53 42 would you tell them that the door's always open, something  
15:08:56 43 like that?---I'm sorry?  
15:09:00 44  
15:09:00 45 Is that the type of language you might use if you are to  
15:09:04 46 approach someone and ask them if they want and come and  
15:09:07 47 speak to Purana, if they want to provide some assistance or

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These claims are not yet resolved.

15:09:11 1 some information, you might suggest to them that the door  
15:09:14 2 is open?---That's not language I would use.  
15:09:19 3  
15:09:20 4 Is it language other members of Purana might use?---I don't  
15:09:24 5 know.  
15:09:25 6  
15:09:27 7 You would understand what the door is open would  
15:09:32 8 mean?---Yes, I do.  
15:09:33 9  
15:09:39 10 Mr Swindells indicates that he recalls being told by  
15:09:43 11 Ms Gobbo that she'd made a statutory declaration detailing  
15:09:48 12 threats against her and which she'd left in a safe. Do you  
15:09:52 13 recall there being any discussion about that?---No. No, I  
15:09:56 14 don't.  
15:09:56 15  
15:09:58 16 She seems to have made a note in her court book about those  
15:10:03 17 kinds of matters. Do you say you might have known about  
15:10:10 18 those things at the time or it would be something that  
15:10:13 19 wouldn't have been discussed with you or your team?---I'm  
15:10:17 20 certainly aware, because of the saturation I may well have  
15:10:22 21 been aware at the time because each crew's Senior  
15:10:28 22 Constables, Detective Senior Constables would rotate in  
15:10:31 23 terms of the performance of the coverage of those various  
15:10:34 24 aspects of surveillance but I wouldn't have been involved  
15:10:37 25 in those discussions.  
15:10:43 26  
15:10:44 27 It would seem likely, wouldn't it, that Mr Swindells  
15:10:48 28 wouldn't have done something like that, approached Ms Gobbo  
15:10:51 29 with knowledge of a threat by Veniamin without some  
15:10:54 30 discussion with the Purana office?---Yeah, but sorry, I  
15:11:01 31 understood that Mr Swindells approach to Nicola Gobbo was,  
15:11:09 32 "We're aware that you've been threatened", so you have a  
15:11:14 33 responsibility to inform people that you have intelligence  
15:11:21 34 that their life may be at risk, or their safety may be at  
15:11:24 35 risk, and at times those witnesses are reluctant for  
15:11:27 36 various reasons to assist and you might well say, "You  
15:11:31 37 don't want to talk about it now but if you wish to in the  
15:11:34 38 future, I'm happy to hear you out".  
15:11:36 39  
15:11:36 40 The door's open. It seems likely that those events and the  
15:11:41 41 results of those events might have been discussed around  
15:11:43 42 the Purana offices, particularly given the concentration by  
15:11:47 43 Purana on Andrew Veniamin?---I don't dispute that those  
15:11:51 44 matters may well have been discussed.  
15:11:53 45  
15:12:01 46 It seems as though we might have reached a point,  
15:12:03 47 Commissioner, where we might need to go into private



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15:12:07 1 session.  
15:12:07 2  
15:12:07 3 COMMISSIONER: All right then. Before I do, I think  
15:12:09 4 there's been an application for leave made by the  
15:12:16 5 Australian Criminal Intelligence Commission in respect of  
15:12:20 6 this witness, correct.  
15:12:21 7  
15:12:21 8 MS MARTIN: Yes Commissioner.  
15:12:22 9  
15:12:23 10 COMMISSIONER: And I'm also told there's been an  
15:12:26 11 application for leave by Paul Dale, which I have approved  
15:12:33 12 on the recommendation of counsel assisting, but I'm told  
15:12:37 13 that Victoria Police want to oppose that. The point being,  
15:12:45 14 I suppose, that parties with leave, no one is here for  
15:12:50 15 Mr Dale, but parties with leave get access to the  
15:12:53 16 transcript apparently in its raw form. So having been told  
15:13:03 17 that about Victoria Police, Ms Argiropoulos, you don't seem  
15:13:08 18 to know anything about it.  
15:13:10 19  
15:13:10 20 MS ARGIROPOULOS: Can I confirm those instructions? I  
15:13:12 21 wasn't personally aware of this particular application.  
15:13:15 22  
15:13:15 23 COMMISSIONER: It might be a misapprehension about  
15:13:19 24 applications for leave and applications to cross-examine.  
15:13:20 25 That's what I've been told, it was definitely an email  
15:13:24 26 request.  
15:13:26 27  
15:13:26 28 MS TITTENSOR: I'm told that there was someone here earlier  
15:13:29 29 for Mr Dale today, Commissioner. We might take the  
15:13:32 30 opportunity of an afternoon break to get in contact with  
15:13:35 31 them to see what the position is and perhaps Victoria  
15:13:37 32 Police can confirm their instructions.  
15:13:39 33  
15:13:39 34 COMMISSIONER: That's probably the best thing to do. We'll  
15:13:42 35 have a short adjournment now.  
15:13:44 36  
15:13:45 37 (Short adjournment.)  
38  
15:28:49 39 MS ARGIROPOULOS: Commissioner, just before we recommence  
15:28:51 40 can I just advise that Victoria Police has no opposition to  
15:28:55 41 Paul Dale's lawyers being granted leave to appear based on  
15:28:58 42 the usual undertaking.  
43  
15:29:01 44 COMMISSIONER: Yes, based on the usual undertaking. In  
15:29:05 45 that case I'll give leave both to Mr Dale, if I haven't  
15:29:11 46 already done so and the ACIC. The order is under s.24 of  
15:29:14 47 the Inquiries Act access to the Inquiry during this part of

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15:29:17 1 the evidence of the witness commencing at 3.29 pm is  
15:29:22 2 limited to legal representatives and staff assisting the  
15:29:26 3 Royal Commission, the following parties with leave to  
15:29:29 4 appear in the private hearing and their legal  
15:29:32 5 representatives: State of Victoria, Victoria Police,  
15:29:35 6 including media unit representatives, Graham Ashton,  
15:29:39 7 Director of Public Prosecutions and Office of Public  
15:29:40 8 Prosecution, Commonwealth of Director of Public  
15:29:41 9 Prosecutions, Ms Nicola Gobbo, the SDU handlers, Australian  
15:29:47 10 Federal Police, the Australian Criminal Intelligence  
15:29:49 11 Commission, the legal representatives of the following  
15:29:51 12 parties with leave to appear, John Higgs, Pasquale Barbaro,  
15:29:55 13 Person 14, Faruk Orman, Paul Dale, Andrew and Mandy Hodson.  
15:30:01 14 Media representatives accredited by the Royal Commission  
15:30:04 15 are allowed to be present in the hearing room. The hearing  
15:30:07 16 is to be recorded but not streamed or broadcast. Subject  
15:30:12 17 to any further order there is to be no publication of any  
15:30:13 18 material, statements, information or evidence given, made  
15:30:14 19 or referred to before the Commission which could identify  
15:30:16 20 or tend to identify the persons referred to as Witness A,  
15:30:21 21 Witness B, Witness X, Person 14, any member of the Source  
15:30:26 22 Development Unit or their whereabouts. A copy of this  
15:30:28 23 order is to be posted on the hearing room door.

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(IN CAMERA PROCEEDINGS FOLLOW)