

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

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Wednesday, 4 September 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
Counsel for State of Victoria	Mr T. Kyriakou
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDPP	Ms R. Avis
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for John Higgs	Ms C. Dwyer
Counsel for Faruk Orman	Ms S. Wallace
Counsel for Pasquale Barbaro	Mr C. Wareham
Counsel for AFP	Ms I. Minnett

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09:36:51 1 COMMISSIONER: Yes, the appearances I think are the same as
09:36:54 2 yesterday save that we have Mr Kyriakou for the State of
09:36:59 3 Victoria today. Yes. Yes Ms Tittensor.

09:37:05 4
09:37:06 5 <JAMES MICHAEL O'BRIEN, recalled:

09:37:10 6
09:37:11 7 MS TITTENSOR: Mr O'Brien, I think I finished yesterday
09:37:13 8 talking to you about an entry in your diary from around
09:37:18 9 about 10 August 2004 in relation to a notation that you'd
09:37:29 10 made about a possible telephone intercept application in
09:37:33 11 relation to Ms Gobbo, do you recall that?---Yes, that's
09:37:36 12 correct.

13
09:37:39 14 You say you can't be sure if that was associated with that
09:37:43 15 particular operation or if it was just a random entry at
09:37:46 16 that point?---I believe it was a random entry.

17
09:37:52 18 Even though there's a dash coming from the notation in
09:37:55 19 relation to Operation Gruel?---Look, I can't be sure
09:38:03 20 honestly. I mean, I'd have to look at what was my habit of
09:38:10 21 diary notetaking at that time, did I use a dash in other
09:38:14 22 entries, that type of thing. I haven't looked at any of
09:38:19 23 that.

24
09:38:20 25 What we do know is that following that it came to be known
09:38:22 26 that Ms Gobbo did have quite some association with Azzam
09:38:25 27 Ahmed; that's right, isn't it?---I'm aware of that now,
28 yes.

09:38:28 29
09:38:28 30 You would have become aware of it around about that
09:38:34 31 time?---I may have. I'm not 100 per cent sure, you know.

09:38:39 32
09:38:39 33 Mr Ahmed on that stage is on bail for the Operation Gallop
09:38:43 34 matters?---I'm not sure if he was on bail or in custody.

35
09:38:47 36 I think from the materials that we have, and I think I went
09:38:51 37 through it with you yesterday, he'd been arrested shortly
09:38:53 38 after the Dublin Street burglary and had been granted bail
09:38:58 39 represented by Ms Gobbo in around about early 2004. It
09:39:03 40 seems he was on bail at this time?---All right, I'll accept
09:39:05 41 that.

42
09:39:09 43 Did you become aware of an ESD operation in relation to
09:39:16 44 allegations made by Azzam Ahmed against a serving police
09:39:21 45 officer at some stage?---To the best of my memory, no.

46
09:39:30 47 Perhaps if the witness can be shown the pseudonym document.

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09:39:37 1 If he already has it - - - ?---I have it.
2
09:39:48 3 If you see a name at 12B, number 12B?---Yes.
4
09:39:54 5 A pseudonym given of John Brown?---Yes.
6
09:39:58 7 Do you know anything about that person?---Never heard of
09:40:00 8 him.
9
09:40:03 10 The Operation Gallop informant was someone by the name of
09:40:10 11 Sam Jennings?---Samantha Jennings, that's correct.
12
09:40:13 13 Samantha Jennings. It seems that on 16 August 2004 Azzam
09:40:19 14 Ahmed was arrested a second time whilst he's on bail by
09:40:25 15 that officer, John Brown, pseudonym John Brown, at Brighton
09:40:34 16 at about 10.15 pm. It's apparent that MDID were notified
09:40:38 17 about that arrest on the night and received a briefing
09:40:41 18 about it shortly thereafter. One would expect that there
09:40:46 19 would have been an alert on the system that he was on bail
09:40:49 20 for MDID matters and that would occur?---Well that would
09:40:53 21 certainly be the case that if he was on bail that would be
09:40:55 22 a matter of record. Perhaps if I can check my diary for
09:40:59 23 the night? I don't know.
24
09:41:01 25 If you'd like to check your diary for that night - - -
09:41:03 26 ?---Can you just tell me the date again.
27
09:41:06 28 16 August 2004.
29
09:41:17 30 COMMISSIONER: I should mention we're currently in open
09:41:19 31 hearing.
09:41:19 32
09:41:20 33 MS TITTENSOR: Yes?---I don't have - - -
34
09:42:05 35 This is in the evening of the - sorry, the night of 16
09:42:09 36 August 2004. The arrest is at 10.15. MDID are notified.
09:42:14 37 It may be you or it may be one of your officers, it depends
09:42:20 38 I suppose whether you're taking calls?---I've certainly got
09:42:24 39 no note.
40
09:42:25 41 A water account belonging to Ms Gobbo, a water bill, was
09:42:29 42 found in the car of Azzam Ahmed when it was searched that
09:42:37 43 night. The following morning two officers from the MDID,
09:42:40 44 or two people from the MDID, Peter Brezing and Natalie
09:42:45 45 Bannan, the analyst?---Yes.
46
09:42:47 47 Went to the Brighton police station to view the items that

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09:42:51 1 had been seized. Presumably they then would have also seen
09:42:55 2 the document relating to Ms Gobbo. Ms Gobbo appeared for
09:43:03 3 Mr Ahmed following that time, including in relation to his
09:43:07 4 bail hearings, and went on to make some allegations about
09:43:12 5 the arresting officer that night, the pseudonym Peter
09:43:17 6 Brown?---Right.
7

09:43:20 8 Is it likely that his second arrest would have been made
09:43:24 9 known to you?---Not specifically. Like on the date you're
09:43:33 10 talking about, I mean I started work at twenty to four in
09:43:36 11 the morning over another completely different job. And I'd
09:43:39 12 finished at 6 pm the night before, so I have no note,
09:43:43 13 anything to do with - - -
14

09:43:45 15 Simply because you have no note doesn't mean you wouldn't
09:43:48 16 have become aware of it, would that be right?---I may or
09:43:52 17 may not have, you know. I don't see that as - it depends
09:43:57 18 on the circumstances. What was the purpose of Natalie
09:44:04 19 Bannan, who worked on the diversion desk as an analyst, and
09:44:08 20 Peter Brezing going down there for it? It might have been
09:44:10 21 to make an assessment in relation to clandestine laboratory
09:44:13 22 equipment or give an opinion, or something like that. I
09:44:18 23 have no idea.
24

09:44:19 25 There appear to be bail hearings following this application
09:44:22 26 for breaching of bail in relation to Azzam Ahmed at which
09:44:26 27 Ms Jennings is appearing as the informant?---Right.
28

09:44:32 29 And the arresting officer is also appearing to give
09:44:34 30 evidence on the bail breach hearing. At those hearings
09:44:42 31 there is some concern expressed about Ms Gobbo's
09:44:47 32 relationship with another officer at Brighton and those
09:44:53 33 concerns are expressed by Ms Jennings, as well as the OPP
09:44:58 34 prosecutor. Do you expect that you would have become aware
09:45:01 35 of those matters at that time?---As I say, I have no
09:45:07 36 independent recollection of that at all.
37

09:45:12 38 It certainly seems that Azzam Ahmed was on the radar of
09:45:15 39 MDID around that time?---Azzam Ahmed was a fairly major
09:45:20 40 drug dealer, yes, and as part of Operation Gallop he was
09:45:24 41 certainly on our radar.
42

09:45:28 43 If you have a look in your diary and flick forward to 23
09:45:31 44 September 2004. It's the case that you have a meeting in
09:45:39 45 Lorne?---That's correct.
46

09:46:23 47 That meeting appears to have been some kind of workshop.

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09:46:27 1 Do you recall what that was all about, that trip away?---I
09:46:33 2 think it was more of a team building exercise for staff and
09:46:36 3 training, internal training.
4

09:46:40 5 It appears from your diary entry that there are a number of
09:46:45 6 different units present at least at that trip away; is that
09:46:54 7 right?---Quite possibly, yes.
8

09:46:56 9 Someone there from the Undercover Unit?---I'm not sure if
09:47:07 10 anybody was there from the Undercover Unit.
11

09:47:11 12 You gave a presentation at that trip away concerning money
09:47:16 13 laundering, the DEA and the NCAC?---The NCDC, which was the
09:47:26 14 8th National Chemical Diversion Conference which was held
09:47:31 15 in Melbourne.
16

09:47:32 17 Around that time, into the following year, you were doing
09:47:35 18 training courses in Australia and in the United States; is
09:47:38 19 that right?---Yes.
20

09:47:38 21 And they related to anti-money laundering and Task Force
09:47:41 22 policing?---Yeah, Crime Unit commanders from around America
09:47:46 23 and overseas.
24

09:47:47 25 What is Task Force policing as opposed to normal
09:47:52 26 policing?---Well dedicated work on organised crime
09:47:55 27 basically.
28

09:47:57 29 And you had the view yourself that targeting organised
09:47:59 30 crime groups, you needed to focus on the money?---Certainly
09:48:05 31 focus on the money and take the opportunity to corrupt and
09:48:10 32 influence out of what they were doing.
33

09:48:12 34 In that way you can shut them down more permanently?---Yes,
09:48:17 35 because, as I'd experienced over many years, we'd do the
09:48:21 36 work, lock them up and they'd be back on the streets in
09:48:25 37 five minutes going back to their usual trade.
38

09:48:27 39 Do you recall whether any of the Command were present
09:48:32 40 during that weekend?---It wasn't a weekend, it was one
09:48:37 41 night I think.
42

09:48:37 43 Well the presentations were over a couple of days?---I
09:48:40 44 don't think there would have been. There may have been,
09:48:43 45 you know. It might have been - Mr Biggin might have been
09:48:47 46 there, I'm not sure.
47

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09:48:48 1 It's apparent that [REDACTED] White was
09:48:55 2 there and gave a presentation at that stage on the
09:48:57 3 DSU?---Yes, he did.
4

09:49:01 5 That was just about to commence its pilot program?---I'm
09:49:05 6 not sure where it was at that stage. I know he was at the
09:49:07 7 DSU.
8

09:49:09 9 Was he engaged in that process of developing the DSU
09:49:13 10 concept, if you like, whilst he was still under your line
09:49:18 11 of supervision at the MDID?---He wasn't under my line of
09:49:22 12 supervision. He was a fellow [REDACTED]
13

09:49:25 14 Sorry, a fellow [REDACTED] at the MDID. Was he
09:49:30 15 developing the DSU whilst he was at the MDID?---He was
09:49:34 16 doing research, I understand, in relation to it and he'd
09:49:37 17 done a number of interviews with people, including myself.
18

09:49:40 19 And by this stage it had obviously gotten the go ahead for
09:49:47 20 a pilot scheme and he was giving a presentation?---Look,
09:49:50 21 I'm not sure where it was as far as a pilot scheme goes or
09:49:54 22 the go ahead. He would be better placed to answer that
09:49:59 23 than I.
24

09:50:00 25 He was giving a presentation about the DSU?---About the
09:50:04 26 DSU.
27

09:50:04 28 And what was to be presumably?---Yes.
29

09:50:06 30 On this trip away to Lorne on 23 September or round about;
09:50:10 31 is that right?---That's correct.
32

09:50:12 33 Presumably by that stage he'd been working on the DSU and
09:50:16 34 what it would be for some time?---I'd imagine so.
35

09:50:23 36 Mr White's evidence to this Commission was that part of his
09:50:27 37 role was to identify potential human sources that could
09:50:32 38 provide intelligence about gangland killings and people
09:50:35 39 involved in that particular group which he said basically
09:50:38 40 were the Mokbel and Williams organised crime groups. Do
09:50:43 41 you understand that to be the case?---I understand what
09:50:47 42 you're telling me, yes.
43

09:50:50 44 That was your view of what his role was?---I think the
09:50:54 45 Source Unit was set up to handle all manner of sorts. It
09:50:58 46 wasn't limited to just Mokbel and Williams and company, it
09:51:01 47 was in relation to any issue.

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1
09:51:03 2 Part of his role, as I said, was to identify potential
09:51:06 3 human sources?---Yes.
4
09:51:07 5 Who could provide intelligence about those specific
09:51:10 6 groups?---Those types of organisations, yes.
7
09:51:12 8 And those were people that you also wanted to
09:51:17 9 target?---Yes.
10
09:51:21 11 By that stage, it seems, though, that Carl Williams had
09:51:28 12 been arrested and charged in relation to a number of
09:51:30 13 murders that had occurred in around about August that
09:51:36 14 year?---If that was the case, that was the case. I'm
09:51:41 15 unsure of the date.
16
09:51:43 17 Mr White has given evidence to the Commission at some stage
09:51:47 18 close in time to Ms Gobbo's admission to hospital, which we
09:51:51 19 know was in late July of 2004, that there was some thought
09:51:56 20 given that she might be vulnerable for an approach for a
09:52:01 21 recruitment pitch. Do you know anything about that?---No.
09:52:05 22 I understand - I've been asked whether I remembered a
09:52:11 23 conversation between, in relation to that with Mr White. I
09:52:15 24 have no recollection of such a conversation.
09:52:17 25
09:52:26 26 Do you accept that that conversation took place?---As I
09:52:29 27 say, I have no memory of it.
28
09:52:32 29 It seems as though Mr White has a memory of it?---He may
09:52:38 30 well have.
31
09:52:39 32 A specific memory of it occurring around the time of her
09:52:41 33 admission to hospital because it provided some belief that
09:52:45 34 she might be vulnerable to such an approach. Now do you
09:52:48 35 accept that that conversation took place?---As I say, I
09:52:52 36 have no recollection of it.
37
09:52:53 38 You don't deny that that conversation took place?---No,
09:52:57 39 Mr White might have a better recollection than I do.
40
09:53:04 41 He believed that she might be valuable as a recruit because
09:53:08 42 of her extensive network of social contacts, people
09:53:12 43 involved in gangland matters. Now that would have been
09:53:15 44 something apparent to you as well?---Certainly.
45
09:53:22 46 You were interested in proactively targeting Mr Mokbel
09:53:30 47 following his arrogance in April of that year?---I was,

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09:53:32 1 yes.
2
09:53:33 3 You were attending training courses which were relevant to
09:53:37 4 such pro-active targeting?---Certainly in line with the
09:53:41 5 type of work I was engaged in, yes.
6
09:53:44 7 It seems as though Ms Gobbo had indicated a potential
09:53:48 8 willingness at least by the middle of that year to provide
09:53:54 9 some assistance to investigators in relation - and I refer
09:53:59 10 there to the conversations she was having with Mr Bezzina
09:54:02 11 and Mr Davey?---I wasn't privy to any of those
09:54:06 12 conversations. I was completely unaware of them.
13
09:54:11 14 You were looking at that stage to investigate her in
09:54:17 15 relation to her potential criminal activity?---No, I
09:54:20 16 wasn't. I was merely attempting to say to the people that
09:54:23 17 were coming back to the office complaining about her and
09:54:28 18 perhaps her being too heavily involved with her clients and
09:54:33 19 their associates to do something about it, provide
09:54:35 20 Intelligence Reports, and if you want to do something about
09:54:38 21 it, aim to looking at getting a telephone intercept up if
09:54:42 22 there was enough evidence available to achieve that.
23
09:54:44 24 With a view to getting a telephone intercept that could
09:54:48 25 only be done with a view to investigating her for a
09:54:51 26 particular crime?---That's correct.
27
09:54:54 28 It seems like there was a perfect storm for her recruitment
09:55:01 29 at that stage, was there not?---I don't know whether you'd
09:55:06 30 say it was a perfect storm. I mean people find themselves
09:55:13 31 in all sorts of circumstances in the course of their life.
32
09:55:25 33 In February of 2005 you were doing a course. As part of
09:55:32 34 the course that you were doing on the management of serious
09:55:34 35 crime you wrote a paper on Task Force policing; is that
09:55:42 36 right?---I did, yes.
37
09:55:42 38 That went to Victoria Police Commissioners and others in
09:55:46 39 Command?---That's correct.
40
09:55:47 41 Did it have anything to do with investigating the Mokbel
09:55:49 42 cartel?---No, it did not.
43
09:55:51 44 Was it more general than that?---It was a research paper in
09:55:55 45 relation to the history of Task Force policing in Victoria
09:55:59 46 and its success or otherwise and it covered off a number of
09:56:03 47 Task Forces. It involved me interviewing the officers in

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09:56:07 1 charge of those Task Forces.
2
09:56:11 3 Sorry, I missed that?---Interviewing a number of officers
09:56:14 4 in charge of those Task Forces, getting their feedback,
09:56:16 5 which all formed part of the paper. It was a research
09:56:19 6 paper.
7
09:56:19 8 You called for Victoria Police to be pro-active?---Yes.
9
09:56:23 10 In relation to serious crime?---That's correct.
11
09:56:25 12 And how was that different to what they were doing at that
09:56:28 13 stage?---Victoria Police in my view had been completely
09:56:31 14 reactionary for a number of years in its response to
09:56:34 15 organised crime, such as the killings of Damian - Steven
09:56:43 16 Tynan and Damian Eyre in Walsh Street, South Yarra on 12
09:56:49 17 October 1988. We formed a Task Force, Walsh Street
09:56:50 18 bombings in 1986. We formed a Task Force. Silk and
09:56:54 19 Miller, we formed a Task Force. There should have been a
09:56:57 20 standing Task Force, because every time one of these
09:57:00 21 incidents happens we were slow to react. It took weeks,
09:57:04 22 sometimes months, to get the resources and stand those Task
09:57:08 23 Forces up. And there was a loss of historical knowledge,
09:57:14 24 so the intelligence went out the door with the Task Force.
09:57:18 25 It was buried with the Task Force. So all our historical
09:57:21 26 learning was lost.
27
09:57:26 28 Your view was with a standing Task Force, you maintain the
09:57:30 29 knowledge, you pass it on down the line to the next
09:57:33 30 generations as they take over the running of things?---Yes,
09:57:36 31 it should be available to them at the touch of a button as
09:57:39 32 far as I was concerned.
33
09:57:42 34 Is that the type of thing that occurred back in the units -
09:57:48 35 you go on at around about this time or during this year to
09:57:52 36 become at least acting officer-in-charge of Purana; is that
09:57:58 37 right?---Yes.
38
09:57:59 39 Presumably the knowledge that had been accrued over the
09:58:01 40 time, over the course of Purana to that point is
09:58:06 41 disseminated to you?---It was available to me but I didn't
09:58:10 42 read the material. I mean for me to go back and read all
09:58:13 43 the information reports in respect to every one of those
09:58:17 44 jobs that they undertook was of little value to me.
09:58:23 45 Certainly the intelligence, having the intelligence to draw
09:58:25 46 upon was of use to me.
47

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09:58:28 1 Significant matters you would have been made aware
09:58:33 2 of?---Not necessarily. It was more of a matter of it was a
09:58:37 3 repository of information. So that if a name came up on a
09:58:40 4 check then it would light up with so many hits on the
09:58:43 5 system.

6
09:58:45 7 You would have had a particular interest in some areas of
09:58:51 8 knowledge the Purana Task Force would have had that you
09:58:54 9 would have enjoyed at MDID if there were silos in
09:58:58 10 place?---As I say, most of those prosecutions were on foot
09:59:01 11 at that stage. I didn't need to go back and look at those.
09:59:04 12 It was no great advantage. My major role there was to try
09:59:09 13 and, as far as what was left of Purana, was to pick up the
09:59:14 14 jobs that were unsolved and hopefully resolve some of those
09:59:18 15 where charges had been laid.

16
09:59:20 17 Are you able to say when you first became officer-in-charge
09:59:25 18 of Purana?---I think it was around September 05.

19
09:59:30 20 When did you first act in that position?---Some months
09:59:35 21 earlier I think when I was relieving Gavan Ryan.

22
09:59:40 23 So from around mid-2005?---Yes, 2005.

24
09:59:47 25 Is there a way of specifically determining when you were
09:59:50 26 upgraded, is it something you note in your diary or is it -
09:59:54 27 - - ?---I would - it would be in my statement I'd imagine.

28
09:59:57 29 I think in your statement you've nominated some time around
10:00:00 30 mid-2005?---That might be correct, yes, if it's in my
10:00:07 31 statement.

32
10:00:07 33 Do you note in your diary though when you're specifically
10:00:10 34 upgraded? Is it something that you would do?---Generally I
10:00:16 35 probably would, yes.

36
10:00:22 37 You came to appreciate in that capacity, acting in charge
10:00:28 38 of Purana, from about mid-2005 that they were having
10:00:33 39 dealings with Ms Gobbo?---I can't really say when I - what
10:00:42 40 dealings she was having - with Ms Gobbo. They may well
10:00:51 41 have been in relation to a number of the defendants that
10:00:53 42 had been charged.

43
10:00:55 44 You would have known by that stage, surely you would have
10:00:59 45 been told about what dealings they were having around about
10:01:02 46 mid-2005 when you were acting?---I may have. As I say, it
10:01:09 47 would depend on the informants, what they told me at the

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10:01:13 1 time.
2
10:01:14 3 Were some informants more willing to divulge what was going
10:01:18 4 on than others?---Generally I spoke to the Sergeants once a
10:01:27 5 day. If they had something to tell me, they'd come and
10:01:31 6 tell me, but for the most part they were handling whatever
10:01:34 7 prosecutions they had, they were handling them.
8
10:01:41 9 Victoria Police themselves are expected to commit to the
10:01:51 10 highest Ethical Standards, you would agree with
10:01:53 11 that?---Yes.
12
10:01:54 13 And there's a code of ethics that police are expected to
10:01:57 14 comply with?---Yes.
15
10:01:59 16 And part of the teachings of Victoria Police relate to the
10:02:03 17 use of what we know is called the SELF test?---Yes.
18
10:02:08 19 That helps police in decision making and whether certain
10:02:15 20 decisions and certain courses should be taken; is that
10:02:19 21 right?---That's correct.
22
10:02:19 23 Are you able to say what the SELF test is?---Oh, look, not
10:02:29 24 off the top of my head, no.
25
10:02:32 26 Was that a test that was rigorously applied within Victoria
10:02:37 27 Police given front of mind, or made front of mind in every
10:02:42 28 police member?---It was a piece of guidance provided by the
10:02:49 29 Department. It wasn't something that you sat up and read
10:02:51 30 every day of the week.
31
10:02:53 32 Was it something that was at the forefront of your mind
10:02:56 33 whenever you made decisions?---Yes, I tried to treat people
10:03:00 34 fairly.
35
10:03:02 36 Well, if we go through the SELF test. Do you know what the
10:03:07 37 S stands for?---No, not now, no.
38
10:03:13 39 Scrutiny?---Right.
40
10:03:15 41 Would your decision withstand public scrutiny by the
10:03:18 42 community, by Victoria Police, by the OPI and other
10:03:21 43 relevant parties? You would have known that through this
10:03:23 44 period of time?---Quite possibly, yes.
45
10:03:25 46 The E, do you know what the E stands for?---Ethical.
47

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10:03:33 1 Ethical. Would that mean that the police could condone or
10:03:36 2 facilitate unethical behaviour in order to achieve their
10:03:40 3 ends?---Probably not, no.
4

10:03:45 5 The L, do you know what the L stands for?---Lawful.
6

10:03:50 7 Making sure that your decision making is lawful having
10:03:57 8 regard to the laws, the regulations of Victoria Police
10:03:59 9 instructions; is that right?---That's correct.
10

10:04:01 11 Something that it would be pretty important for police
10:04:05 12 members to check, the people that are there to uphold the
10:04:12 13 law; is that right?---That's correct.
14

10:04:13 15 If in doubt about that what would you do?---As I say, I'd
10:04:23 16 never had that situation arise.
17

10:04:25 18 If you were in doubt about a particular course of action
10:04:27 19 that you're contemplating would you have the ability to go
10:04:31 20 and seek legal advice?---No, I'd generally go and speak to
10:04:37 21 a more senior officer.
22

10:04:38 23 And if you needed to, would you have the ability to seek
10:04:41 24 legal advice?---Yes, you could, yes.
25

10:04:44 26 Is that something that you did from time to time?---From
10:04:50 27 time to time, yes.
28

10:04:52 29 Did you do that in relation to matters relating, for
10:04:56 30 example, to disclosure and public interest
10:05:04 31 immunity?---Public interest immunity I may have, yes .
32

10:05:09 33 The F in SELF?---Fair.
34

10:05:11 35 Fair. Is the decision fair on the community, on your
10:05:15 36 colleagues, on your family, on yourself and on
10:05:18 37 others?---Yes.
38

10:05:19 39 And it's not just a question, when you're making a
10:05:23 40 decision, of passing one of those tests, you need to
10:05:26 41 consider all of those matters; is that right?---Yes.
42

10:05:31 43 When you arrived at Purana Task Force in the acting or the
10:05:37 44 permanent position, what was the structure sitting above
10:05:41 45 you that told you what to do?---Well basically to start
10:05:49 46 with it was the Assistant Commissioner. I reported
10:05:53 47 directly to the Assistant Commissioner and later it became

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10:05:59 1 the Assistant Commissioner and the Superintendents.
2
10:06:05 3 You were a Detective Senior Sergeant?---That's correct.
4
10:06:07 5 Ordinarily in terms of the line of authority you'd have a
6 Detective Inspector and Superintendent between you and the
10:06:11 7 Assistant Commissioner?---That's correct, yes.
8
10:06:12 9 Was there a particular reason why it was direct to the
10:06:16 10 Assistant Commissioner?---No, that was just the way I think
10:06:18 11 Purana had operated prior to me arriving there and I just
10:06:22 12 inherited what there was.
13
10:06:25 14 Was there some want on the part of Mr Overland to have some
10:06:32 15 direct control over what was going on in Purana?---I'm
10:06:38 16 unsure what Mr Overland's thoughts were in that regard.
17
10:06:45 18 Presumably you got to know him over a period of time, was
10:06:47 19 he someone that exercised a degree of control over how
10:06:53 20 things ran?---He was certainly aware of what was taking
10:06:58 21 place at all stages. He was briefed accordingly.
22
10:07:01 23 What was he like in terms of decision making? Was he
10:07:05 24 someone that you could have a conversation with, change his
10:07:08 25 mind, or was he someone that was determined and hard to set
10:07:13 26 off a line?---No, I thought he was a fairly flexible sort
10:07:19 27 of a person. You could have a discussion with him and he
10:07:21 28 was prepared to change his mind.
29
10:07:30 30 At what stage did the structure change so that Detective
10:07:36 31 Inspectors and Superintendents became involved?---Well it
10:07:39 32 wasn't long after that the Superintendents became involved
10:07:43 33 and that would be subject to my notes and my diary as to
10:07:52 34 who was present at those briefings on a weekly basis.
35
10:07:56 36 The Commission's been provided with some documents which
10:07:59 37 seem to be some weekly updates provided or compiled by
10:08:04 38 someone by the name of Spargo?---That's correct, he was a
10:08:08 39 tactical intelligence officer.
40
10:08:14 41 We don't seem to have every weekly document. At every
10:08:19 42 weekly strategy meeting or meeting that you had with
10:08:22 43 Mr Overland and your superiors was there one of those
10:08:26 44 documents?---To the best of my knowledge there was one for
10:08:30 45 every meeting, yes.
46
10:08:31 47 And the document that you're talking about in terms of the

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10:08:33 1 weekly briefing was this document that was compiled by
10:08:38 2 Spargo?---Yes, it was just a progression of what was going
10:08:41 3 on with each operation, what resources I suppose were being
10:08:44 4 utilised in it.
5
10:08:47 6 Do you know where those document were stored? Did you keep
10:08:50 7 one yourself?---No, I never kept a hard copy. They were
10:08:54 8 prepared by the TIOs. I would imagine it would have been
10:08:57 9 kept within the intelligence database.
10
10:08:59 11 Were there any other documents that were presented to those
10:09:03 12 meetings, aside from this document?---No, generally it
10:09:07 13 would be that document and then I would speak to my
10:09:11 14 personal knowledge for the week.
15
10:09:15 16 Presumably some sensitive matters wouldn't be written down
10:09:19 17 in those documents; is that right?---No, it wasn't a matter
10:09:22 18 of that. I mean you'd be writing a Bible every week if you
10:09:29 19 wrote everything that was going on, but I mean it was
10:09:31 20 basically the headlines is what they wanted to be aware of.
21
10:09:36 22 In terms of what was going on with particular informers,
10:09:38 23 that might not be written in that document, you'd give a
10:09:42 24 verbal briefing about those matters?---Yes, it'd be a
10:09:45 25 verbal briefing.
26
10:09:46 27 How, if at all, would the verbal briefing or that
10:09:50 28 dissemination of information about what was going on with
10:09:52 29 particular informers to the hierarchy be
10:10:00 30 recorded?---Generally just a note in my diary, that'd be
10:10:05 31 it.
32
10:10:05 33 And a note in your diary that we see to the effect of
10:10:08 34 weekly briefing given to Mr Overland?---That's correct.
35
10:10:14 36 Mr Blayney and others?---That's correct.
37
10:10:16 38 But the content of that weekly briefing, unless it's in
10:10:20 39 your diary, we wouldn't know?---No, unless he made a note
10:10:24 40 of it.
41
10:10:25 42 Unless someone at the other end attending the
10:10:28 43 meeting?---Yes, or one of the Superintendents made a note
10:10:30 44 or something.
45
10:10:31 46 Do you know of those people were any of them note
10:10:35 47 takers?---I don't know.

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1
10:10:38 2 Was there any decision taken at any time to limit the notes
10:10:43 3 that were taken at those meetings?---Certainly not.
4
10:10:52 5 We've had some reference to the April 2005 Mokbel cartel
10:10:58 6 assessment document?---That's correct, yes.
7
10:11:02 8 Perhaps this can be brought up on the screen. It's
10:11:10 9 VPL.0100.0010.1743. This is the document you're talking
10:11:38 10 about?---That's correct.
11
10:11:42 12 If we go through to p.5 of this document. You'll see there
10:11:52 13 under the heading of "The purpose of the document". Now
10:11:59 14 that's a document that aims to compile into one location
10:12:02 15 all the intelligence holdings in relation to
10:12:07 16 Mokbel?---That's correct.
17
10:12:07 18 Or the Mokbel cartel. And it's proposed that the Mokbel
10:12:13 19 crime cartel be actively targeted with a view of either
10:12:16 20 dismantling their operations or effectively making it
10:12:19 21 impossible for them to operate; is that right? The third
10:12:31 22 paragraph there?---That's correct.
23
10:12:36 24 The document itself just generally talks about targeting of
10:12:42 25 the various Mokbels, the targeting of associates of the
10:12:45 26 Mokbels and the targeting of the business and assets
10:12:48 27 associated with them; is that right?---That's correct, yes.
28
10:12:54 29 It's a long comprehensive document compiling a lot of
10:12:59 30 information?---Yes.
31
10:13:00 32 That's a document that was, if we go back to the first
10:13:04 33 page, prepared by the intelligence cell at Purana and it's
10:13:10 34 dated there April 2005?---That's correct, yes.
35
10:13:14 36 Do you know when you got this document?---I believe I got
10:13:19 37 it when I was actually acting at Purana when I first saw
10:13:24 38 it.
39
10:13:25 40 This would have been a pretty interesting document for
10:13:29 41 you?---Well, it was not something - certainly it pulled
10:13:36 42 together a lot of intelligence but it was basically a
10:13:39 43 history lesson.
44
10:13:41 45 Pages 25 to 33, just flicking through those, refer to the
10:13:48 46 family structure and the associates, and the various
10:13:51 47 associates of the Mokbels?---Yes.

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1
10:13:56 2 From pp.34 to 44 there are various of those people and
10:14:03 3 information about them specifically referred to, blurbs
10:14:12 4 about the various people; is that right?---Yes.
5
10:14:14 6 From p.45 it lists the Mokbels accountants and their
10:14:18 7 various business and property holdings?---I haven't seen
10:14:25 8 that page yet.
9
10:14:26 10 Down the bottom it refers to accountants and then over the
10:14:31 11 page - - - ?---I'm on p.46.
12
10:14:36 13 - - - there are various sort of business
10:14:39 14 interests?---Business interests, yes.
15
10:14:40 16 And then I think we move on to property holdings. If we go
10:14:45 17 to p.63 of that document. Under "Proposed operation" it
10:14:56 18 says there, "In order to effectively close down the
10:14:58 19 operations of Mokbel, his family and associates Operation
10:15:02 20 Posse was commenced in late 2004 under the banner of
10:15:08 21 Operation Purana. This was used as a flag of convenience
10:15:13 22 and it is proposed that a distinct Task Force be
10:15:16 23 established utilising the expertise and experience gained
10:15:20 24 from both Operation Purana and Operation Lorcha". Do you
10:15:26 25 know what Operation Lorcha was?---From memory now, no. But
10:15:34 26 I believe I spoke to the member that was in charge of it
10:15:37 27 but I just can't recall his name, a Senior Sergeant.
28
10:15:40 29 Was that an investigation into Italian organised
10:15:46 30 crime?---It may well have been, yes.
31
10:15:48 32 It says there that there'd been some investigations or
10:15:49 33 Operation Posse had commenced in late 2004. Were you aware
10:15:53 34 of that?---Only from what was in this document.
35
10:15:57 36 Was there any interaction at all between Purana and MDID
10:16:02 37 during that period about Mokbel and his associates from
10:16:07 38 late 2004?---Not to my knowledge, no.
39
10:16:13 40 To a great extent this document aligned with your views at
10:16:19 41 the time in terms of what needed to be done with the
10:16:21 42 Mokbels and anti-money laundering and Task Force
10:16:24 43 policing?---Correct.
44
10:16:26 45 If we go to p.64, second paragraph there. It refers to
10:16:39 46 there potentially being cooperation between Operation Posse
10:16:42 47 and the Australian Crime Commission Task Force Gordian in

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10:16:46 1 relation to financial dealings and money launderings of the
10:16:50 2 cartel?---Yes, I can see that.
3
10:16:53 4 That aligned as part of the strategy to go after the assets
10:16:57 5 and so forth?---Yes, it would appear so.
6
10:17:03 7 If we go back to p.44. You see down the bottom of the page
10:17:12 8 it starts listing the legal representatives known to be
10:17:15 9 connected with the Mokbels?---Yes.
10
10:17:20 11 That includes Mr Heliotis, Ms Gobbo?---I don't see her name
10:17:32 12 there.
13
10:17:39 14 Zarah Garde-Wilson?---Yes.
15
10:17:41 16 And Terry Forrest down the bottom?---Yes.
17
10:17:44 18 On that page, on p.45, Ms Gobbo had indicated that she was
10:17:51 19 to represent Mr Mokbel [REDACTED] but
10:17:57 20 got stuck and passed the brief to Mr Heliotis, do you see
10:18:01 21 that?---Yes.
22
10:18:03 23 If we go back to p.44. It seems that Mr Heliotis attended
10:18:11 24 [REDACTED] but there was an argument about his having a
10:18:14 25 conflict of interest as he was representing Carl Williams
10:18:18 26 at the time, do you see that?---Yes.
27
10:18:25 28 And [REDACTED] refused to allow Mr Heliotis to continue
10:18:28 29 to represent Mr Mokbel and it was then arranged that
10:18:35 30 Mr Forrest would represent Mr Mokbel [REDACTED]?---Yes.
31
10:18:39 32 Clearly there was some concern within the process, even [REDACTED]
10:18:43 33 [REDACTED], that there was no conflict in relation to
10:18:47 34 Mr Mokbel's representation?---It would appear so, yes.
35
10:18:54 36 To your knowledge were Victoria Police involved in those
10:18:57 37 [REDACTED] relating to Mr Mokbel?---Not to my knowledge.
38
10:19:07 39 Were you aware whether or not they had any engagement [REDACTED]
10:19:11 40 [REDACTED] at all?---Later on under [REDACTED]
10:19:19 41 [REDACTED] there was certainly involvement [REDACTED]
10:19:24 42 [REDACTED].
43
10:19:27 44 One would expect that there would have been some
10:19:29 45 cooperation as between [REDACTED] and Victoria Police in
10:19:31 46 respect of investigations of Mr Mokbel and Mr Williams [REDACTED]
10:19:37 47 [REDACTED]?---When are we talking about [REDACTED]

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10:19:42 1 timeline, time frame?
2
10:19:45 3 Ms Gobbo referred to [REDACTED]
10:19:49 4 [REDACTED]?---Yeah, look, I had no part in that and no
10:19:56 5 knowledge of it, apart from this document, which I would
10:19:59 6 have read and put in the drawer.
7
10:20:01 8 It seems at least that Purana were receiving reports about
10:20:07 9 what went on in terms of conflict at that [REDACTED]
10:20:12 10 [REDACTED]?---They may well have or they may have been getting
10:20:18 11 intel from other intelligence analysts within Victoria
10:20:21 12 Police.
13
10:20:28 14 You understood that Ms Gobbo had been appearing with
10:20:31 15 Mr Heliotis at committal proceedings in relation to
10:20:35 16 Operation Kayak?---Yes.
17
10:20:45 18 Do you see over on p.45 there's reference - I'll just read
10:20:50 19 that out. I'm sorry, it's over on the other page. The
10:21:00 20 third paragraph under Ms Gobbo's name, "Gobbo admitted to
10:21:04 21 investigators that she was facing financial difficulties
10:21:07 22 due to some of her more high profile clients not paying
10:21:12 23 their bills"?---Yes, that's there, yes.
24
10:21:17 25 Would that have been something of interest to you?---Not
10:21:22 26 really. It's not something that stood out to me. As I
10:21:26 27 said, I read this document. I considered it a history
10:21:33 28 lesson. I was more focused on what was happening now and
10:21:36 29 into the future.
30
10:21:37 31 Wasn't that an indication that she was willing to tell and
10:21:40 32 share information with police that wasn't in the interests
10:21:42 33 of her clients?---Well reading it there now, yes. But it
10:21:53 34 certainly wasn't something obvious to me.
35
10:21:56 36 Part of a pro-active investigation in relation to organised
10:21:59 37 crime would be looking for sources and information and
10:22:03 38 you'd be keeping your ear to the ground, wouldn't
10:22:09 39 you?---Yes, you'd be keeping your ear to the ground but you
10:22:12 40 want contemporary information, not a history lesson.
41
10:22:16 42 Well if you've got someone who's representing some of these
10:22:19 43 high profile people who's saying she's a bit dissatisfied
10:22:23 44 with those people and willing to share, indicating she's
10:22:26 45 willing to share some information that doesn't accord with
10:22:29 46 their interests, that'd be pretty interesting, wouldn't
10:22:33 47 it?---I've had a number of barristers over the years

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10:22:37 1 whinging about people who didn't pay.
2
10:22:45 3 Well you're right about that?---Wanting registrations
10:22:51 4 checked on vehicles and tractors.
5
10:22:58 6 Did you find out, did you take steps to find out who were
10:23:03 7 these investigators that she was having discussions with
10:23:06 8 about her high profile clients not paying her money?---No,
10:23:10 9 I didn't.
10
10:23:11 11 Wouldn't that have been of some interest to you?---As I
10:23:14 12 say, it didn't stand out to me. I saw this document as
10:23:18 13 background historical information. I didn't see it as
10:23:21 14 contemporary intelligence.
15
10:23:25 16 If we go to p.66 about halfway down. Do you see there,
10:23:49 17 "It's further suggested that a legal officer be attached to
10:23:51 18 the Task Force to respond to matters that require
10:23:53 19 professional advice. This person will also be the liaison
10:23:57 20 point between the Task Force and the Office of Public
10:24:01 21 Prosecutions and would be able to provide briefings to
10:24:04 22 legal counsel as and when required". Did that ever occur
10:24:10 23 with Operation Posse?---Not to my knowledge. I know that
10:24:15 24 they had a good, well not Posse, but Purana in itself had a
10:24:20 25 good relationship with the Office of Public Prosecutions.
26
10:24:24 27 But this is specifically suggesting that" we need a lawyer
10:24:27 28 attached to the Task Force and a lawyer to do the
10:24:32 29 liaising"?---Never occurred.
30
10:24:33 31 Why not?---I don't know.
32
10:24:36 33 You had this advice, you had that recommendation before
10:24:41 34 you. Was there a decision taken, "Well we don't, we
10:24:44 35 actually don't want a lawyer now"?---No, I don't think that
10:24:48 36 was the case at all. I think, you know, to be fair, you'd
10:24:51 37 have to look beyond, well, who wrote this document and from
10:24:55 38 what point of view was it written? Was it written by an
10:24:58 39 analyst or was it written by a detective or the
10:25:00 40 officer-in-charge of the group? I've got no idea who had
10:25:04 41 input into this document. Or is it just a conglomeration
10:25:10 42 of a number of views?
43
10:25:12 44 Ultimately you were responsible for writing the plan for
10:25:15 45 Operation Posse; is that right?---I did, yes.
46
10:25:17 47 You had this document before you?---I'd read the document,

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10:25:20 1 yes.
2
10:25:20 3 Once Posse got under way you had all sorts of interesting
10:25:24 4 legal issues, given the informer that you were dealing
10:25:28 5 with. Did you not think it might be worthwhile having some
10:25:32 6 legal advice or a legal advisor attached to Operation
10:25:37 7 Posse?---No, I didn't. In hindsight it would have been a
10:25:43 8 great thing but I certainly didn't turn my mind to that at
10:25:47 9 the time.
10
10:25:49 11 At p.72 we see this, "Flexibility will be the key to
10:26:13 12 success. Being capable of responding quickly to changing
10:26:13 13 circumstances will be essential. The investigation needs
10:26:14 14 to be able to think outside the box to come up with
10:26:17 15 innovative and perhaps novel ways for the investigation to
10:26:19 16 continue". Do you see that?---Yes.
17
10:26:24 18 Do you agree that the recruitment of a lawyer as an
10:26:28 19 informer, specifically the lawyer of the target as an
10:26:33 20 informer, is thinking outside the box?---I don't think the
10:26:41 21 document - well it might fit into that category but I don't
10:26:46 22 think that's what this document is referring to. It's more
10:26:49 23 about having a pro-active response to policing methodology
10:26:52 24 rather than a reactive one.
25
10:26:55 26 Well it's talking about coming up with novel ways for an
10:26:59 27 investigation to continue?---Yeah, there's a number
10:27:03 28 of - - -
29
10:27:03 30 Recruiting the target's lawyer is pretty novel, isn't
10:27:06 31 it?---Well it's certainly different, yes.
32
10:27:21 33 If we can go to a new document. I hope this document's
10:27:30 34 been emailed through this morning. VPL - - -
35
10:27:36 36 COMMISSIONER: The previous document, has that already been
10:27:38 37 tendered?
10:27:39 38
10:27:39 39 MS TITTENSOR: Yes, it has, I'm told.
40
10:27:40 41 COMMISSIONER: The exhibit number is? 314, thanks.
10:27:46 42
10:27:48 43 MS TITTENSOR: VPL.0100.0146.7691. Do you see that
10:28:12 44 document?---Yes.
45
10:28:21 46 This is a document which appears to be a profile of
10:28:25 47 Ms Gobbo?---Yes.

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1
10:28:28 2 See on p.1 generally it's got a photo of her, address,
10:28:34 3 licence, car, phone and personal details?---Yes.
4
10:28:40 5 If we go over to p.2. There's some criminal history
10:28:45 6 involvements, including some involvements as a victim on a
10:28:48 7 number of occasions between 1991 and 2001?---Yes.
8
10:28:55 9 It lists some associates, Brian Wilson and Victor Vellios
10:29:01 10 who had been arrested with her in 1993?---Yes.
11
10:29:04 12 If we go over to p.3. Phone number history and some
10:29:09 13 material from her Victorian Bar profile?---Yes.
14
10:29:16 15 On p.4 there's some further information about those
10:29:21 16 criminal involvements down the bottom?---Yes.
17
10:29:30 18 Page 5 starts listing her criminal associates, including
10:29:38 19 Tony Mokbel, Carl Williams, George Williams, Barbara
10:29:41 20 Williams - I'll skip the next one, but you see that -
10:29:47 21 Emeido Navaroli, Lewis Moran, who it says is deceased,
10:29:54 22 someone by the name of John Ford. I'll skip the next one
10:29:58 23 but you take note of that?---Yeah.
24
10:30:01 25 And then over the page Andrew Veniamin, who's deceased,
10:30:05 26 Jason Haykel and Daniel Hutchinson, see that?---Yes, I do.
27
10:30:12 28 Then we continue on. It's got some dot points about
10:30:19 29 intelligence holdings in relation to Ms Gobbo, the first
10:30:24 30 one indicating that she's a high profile criminal barrister
10:30:27 31 representing some of the more notorious characters in the
10:30:31 32 Melbourne underworld?---Yes.
33
10:30:33 34 Regularly attended the Williams family until her position
10:30:37 35 of advocate was usurped by Garde-Wilson. There's no love
10:30:42 36 lost between Ms Gobbo and Ms Garde-Wilson, do you see
10:30:46 37 that?---Yes.
38
10:30:47 39 Is that something that you understood?---This is the first
10:30:51 40 time I've ever seen this document.
41
10:30:53 42 Is this something - - - ?---But I know there was no love
10:30:56 43 lost between the two of them.
44
10:30:58 45 And when did you come to understand that?---From the
10:31:00 46 information I got from the DSU.
47

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10:31:03 1 Later down the track you say?---Down the track.
2
10:31:08 3 The next dot point refers to Ms Gobbo having attended at
10:31:12 4 the baptism of Dhakota Williams and being seated on table
10:31:20 5 one, do you see that?---Yes.
6
10:31:23 7 Then the next dot point, "Ms Gobbo has admitted to
10:31:29 8 investigators on a number of occasions that she would like
10:31:31 9 to retire from the law, stating nonpayment of accounts by
10:31:34 10 clients as one reason. It's suspected that Gobbo has
10:31:39 11 detailed knowledge of the affairs of persons like Mokbel
10:31:42 12 and Williams but is unwilling to tell police exactly what
10:31:45 13 the information she holds is, possibly due to her fear of
10:31:50 14 these identities. Another reason is that she will play one
10:31:54 15 side off against the other in order to gain benefit for
10:31:58 16 herself"?---Yeah, I see that.
17
10:32:03 18 The next dot point, "Ms Gobbo provided legal advice to
10:32:07 19 Garde-Wilson during proceedings before the ACC. She also
10:32:12 20 provided advice to Garde-Wilson following her being charged
10:32:15 21 with giving false evidence to the ACC in 2004". You're
10:32:21 22 aware that Ms Garde-Wilson had been charged with that
10:32:24 23 offence and also possession of a firearm in about May of
10:32:28 24 2005?---I was aware of the firearm but not the other
10:32:34 25 matter.
26
10:32:34 27 The next dot point, "Ms Gobbo represented Tony Mokbel at
10:32:39 28 hearings before the ACC on 17 August 2005"?---Yes, I see
10:32:47 29 that.
30
10:32:48 31 It's apparent from that entry that this document is being
10:32:55 32 compiled at some stage on or after 17 August 2005?---I
10:33:01 33 would assume so, yes.
34
10:33:03 35 It seems to contain information similar in nature, or some
10:33:09 36 information about Ms Gobbo similar in nature to that Purana
10:33:14 37 assessment from April 2005, would you agree, in terms of
10:33:18 38 her dissatisfaction of nonpayment of accounts?---Yes.
39
10:33:24 40 Does it seem to you that this is a document that was being
10:33:27 41 prepared by the Purana Task Force?---No. It may have been,
10:33:34 42 I'm not sure. I notice the Homicide Squad insignia was in
10:33:37 43 the bottom right-hand corner of the first page.
44
10:33:39 45 Okay. If we can perhaps go back up to there?---That symbol
10:33:47 46 "69" down the bottom right-hand corner is a Homicide Squad
10:33:51 47 symbol.

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1
10:33:52 2 Are they someone that would work in collaboration with
10:33:58 3 Purana Task Force?---They may well have been at that stage,
10:34:01 4 yes, at the time of the killings.
5
10:34:02 6 You say that this document wasn't shared with you?---I've
10:34:06 7 never seen this document before today.
8
10:34:08 9 It certainly seems to have some of the same information in
10:34:11 10 it about Ms Gobbo that was within the Purana Task Force
10:34:17 11 April 2005 Mokbel assessment?---It might be but, as I say,
10:34:22 12 I had no input into either document.
13
10:34:25 14 Does it appear there that there's - sorry, I withdraw that.
10:34:52 15 You became aware that Mr Bateson was having conversations
10:34:58 16 throughout 2005 with Ms Gobbo, receiving intelligence from
10:35:02 17 her?---No, I didn't. Later on. Obvious now that he has,
10:35:12 18 but at the time, no.
19
10:35:16 20 You gave some evidence yesterday when your statement was
10:35:19 21 being tendered that you had been told by Mr Ryan something
10:35:24 22 along the lines of - - - ?---Stewie talks to her every now
10:35:29 23 and then.
24
10:35:31 25 "Stewie talks to Nicola every now and again"?---Yes.
26
10:35:37 27 It's likely that Mr Ryan would have told you about what he
10:35:41 28 was speaking to her?---No.
29
10:35:44 30 You say that's unlikely?---Well he certainly didn't.
31
10:35:53 32 It seems as though from the information he was receiving
10:35:55 33 from her that she was providing him with some information,
10:36:00 34 you understand now, in the nature of a human source,
10:36:04 35 although albeit unregistered at that stage?---I'm not 100
10:36:13 36 per cent sure. I mean without knowing the name or - - -
37
10:36:15 38 Well it seems as though he's speaking with her not as a
10:36:19 39 legal representative of her clients, but rather that she's
10:36:22 40 providing him with information about potential criminal
10:36:26 41 activity by her clients and others?---That was certainly
10:36:31 42 nothing I was aware of. Look, it wouldn't be a surprise.
10:36:41 43 I mean later on she was quite openly talking to people,
10:36:48 44 like Bartlett, and telling him things at court, running
10:36:52 45 into people and saying things.
46
10:36:54 47 When was that?---Later down the track when she said to

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10:36:59 1 Bartlett that - I'll have to check the name probably. I'm
10:37:22 2 pretty sure it's not on here. She mentioned the name Mark
10:37:26 3 Lanteri was cooking drugs for Tony Mokbel.
4

10:37:29 5 I think you've written somewhere in your statement or in
10:37:32 6 your diary notes that he'd had a conversation with her on
10:37:37 7 about - - -
8

10:37:37 9 COMMISSIONER: Paragraph 54 I think it is.

10:37:39 10
10:37:40 11 MS TITTENSOR: 15 September or something of that nature
10:37:42 12 about speaking to him - - - ?---At court.
13

10:37:46 14 - - - at a Mokbel hearing; is that right?---I don't know
10:37:50 15 whether it was a Mokbel, it was just apparently - I was
10:37:59 16 just talking to him about something to do with Operation
10:38:03 17 Kayak at the time. He advised me he'd spoken to Ms Gobbo
10:38:07 18 at court on 15 September and was advised that Lanteri was
10:38:13 19 cooking methylamphetamine for Tony Mokbel.
20

10:38:15 21 Were you keeping track of Mokbel's court hearings at that
10:38:19 22 stage?---No.
23

10:38:19 24 You were interested in what was going on with his court
10:38:22 25 hearings?---No. This was just a matter of him coming back
10:38:25 26 and telling me what was going on or what he'd been told. I
10:38:31 27 made a note of it.
28

10:38:41 29 COMMISSIONER: Ms Tittensor, did you want to tender the
10:38:42 30 profile?
31

10:38:43 32 MS TITTENSOR: Yes, thank you, Commissioner.
33

10:38:48 34 #EXHIBIT RC466A - (Confidential) Profile of Nicola Gobbo.
35

10:38:54 35 #EXHIBIT RC466B - (Redacted version.)
36
37

10:38:57 37
10:39:02 38 MS TITTENSOR: At some stage when you begin in your acting
10:39:05 39 position one of the responsibilities you have is signing
10:39:08 40 off on member diaries?---Yes.
41

10:39:13 42 In order to sign off on member diaries you read the
10:39:18 43 entries?---No, not necessarily.
44

10:39:22 45 What would you - - - ?---I generally check the hours of
10:39:25 46 duty. It's more about checking the hours of duty to make
10:39:29 47 sure they comply with the claim.

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1
10:39:30 2 You signed off on Bateson's diary entries on 2 September
10:39:34 3 2005, you'd accept that?---If I did I did, yes.
4
10:39:39 5 Apparently in an acting capacity at that stage?---Yes.
6
10:39:45 7 That period in question which was signed off on had
10:39:48 8 meetings between Bateson and Ms Gobbo on the - outline
10:40:00 9 meetings on 21 July, 23 April and 1 September in which she
10:40:04 10 spoke about various matters about Ms Garde-Wilson, about
10:40:09 11 George Williams, Mokbel and others. You would have read
10:40:17 12 those entries, would you not?---Not necessarily.
13
10:40:20 14 Wouldn't they have caught your eye, Bateson having meetings
10:40:23 15 with Ms Gobbo, Ms Gobbo telling him all about these people
10:40:27 16 that you're interested in?---I don't know, I'd have to look
10:40:29 17 at the diary entry.
18
10:40:32 19 Maybe we'll come back to it and I'll refresh your memory.
10:40:45 20 You say you've got no recollection of becoming aware at
10:40:48 21 that stage of Ms Gobbo having spoken to Bateson or having
10:40:52 22 given significant information to Bateson?---No.
23
10:40:57 24 By this stage, by 2 April, you had had your conversation
10:41:03 25 with Mansell and Rowe, had you not?---2 April did you say?
26
10:41:08 27 Sorry, by 2 September when you signed off on that diary
10:41:12 28 you'd had your conversation with Mansell and Rowe?---Yes,
10:41:15 29 if it was after that date, yes.
30
10:41:17 31 It would have taken on an extra significance if you're
10:41:20 32 reading Bateson's diary about his interactions with
10:41:25 33 her?---Well it depends if I read the entry or not. You
10:41:28 34 know, when you check diaries you're checking everybody's
10:41:34 35 diary in the office, not just Mr Bateson's. It's a
10:41:39 36 fortnightly exercise. I'm quite happy to look at the
10:41:46 37 diary.
38
10:41:46 39 I might come back to it when I can locate where it is.
10:42:07 40 Excuse me one moment, Commissioner. Operation Quills was
10:42:32 41 an MDID operation running through 2005; is that
10:42:36 42 right?---That's correct, yes.
43
10:42:39 44 The target, amongst others, was Tony Mokbel?---No, I don't
10:42:49 45 think so. I'd have to check.
46
10:42:50 47 He became a target through the course of that

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10:42:53 1 operation?---Later on, yes.
2
10:42:56 3 You're aware that ultimately he pleaded guilty to a charge
10:43:00 4 of trafficking in a large commercial quantity of
10:43:05 5 methamphetamine arising out of that operation in 2011? I
10:43:09 6 know you were retired by that stage but it's something you
10:43:12 7 would have become aware of?---He was charged with a large
10:43:15 8 number of offences, I can't sort of recall now which ones
10:43:19 9 related to which operation. It was all part of an
10:43:22 10 affidavit that I prepared for his extradition.
11
10:43:25 12 Part of the evidence for that charge was his dealings with
10:43:29 13 a number of undercover AFP officers?---Yes.
14
10:43:34 15 And there was a Commonwealth aspect to that prosecution; is
10:43:41 16 that right?---If it's the same one I believe it was their
10:43:45 17 operation Orbital perhaps.
18
10:43:47 19 Orbital?---Yeah.
20
10:43:48 21 He was later that year, on 25 October, charged with that
10:43:53 22 Commonwealth offence, or charged with a Commonwealth
10:43:56 23 offence of incite to import as a result of his dealings
10:44:00 24 with the undercover AFP officers?---Right.
25
10:44:02 26 That's something you were aware of at the time?---What, in
10:44:09 27 2011?
28
10:44:10 29 No, in 2005 he was charged with those offences?---Oh right.
10:44:13 30 I'm aware that they had an interest in, they were pursuing
10:44:17 31 him in relation to Operation Orbital, yes.
32
10:44:19 33 There was communication going on as between Victoria Police
10:44:22 34 and the AFP because of the coincidence of the evidence; is
10:44:25 35 that right?---There was, there was, and I think there was
10:44:29 36 liaison with Mr Overland.
37
10:44:37 38 When you say liaison with Mr Overland, what do you mean by
10:44:40 39 that?---Between Mr Overland and the AFP.
40
10:44:43 41 Does that mean that Victoria Police's dealings in relation
10:44:48 42 to Mr Mokbel for this matter were being dealt with by
10:44:53 43 Mr Overland with the AFP?---Not necessarily. I think the
10:44:57 44 AFP were looking for our assistance, what we had to
10:45:01 45 strengthen what they had in relation to putting the
10:45:05 46 prosecution together.
47

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10:45:06 1 Between 14 and 16 August 2005 **Mr Bickley** and two other
10:45:11 2 people were arrested?---Yes.
3
10:45:13 4 In Operation Quills. Mr Flynn, Dale Flynn, recorded in his
10:45:22 5 diary that on 17 August 2005 he spoke with Ms Gobbo who
10:45:28 6 complained that she hadn't been contacted when **Bickley**
10:45:33 7 was arrested. Did you become aware of that?---I'm not
10:45:37 8 sure.
9
10:45:39 10 It was apparent, at least to Mr Flynn at that point, that
10:45:42 11 Ms Gobbo had something to do with **Mr Bickley** in that
10:45:46 12 matter?---She may well have. I'm not 100 per cent sure.
10:45:53 13 Mr Flynn would be able to clarify that.
14
10:46:02 15 If we can go to VPL.0005.0126.0001 and to 30 August 2005.
10:46:29 16 This is your diary summary of some of the entries in your
10:46:34 17 diaries that you've extracted?---Yes.
18
10:46:40 19 On 30 August you have a meeting with the AFP in relation to
10:46:44 20 Quills re Tony Mokbel?---That's correct.
21
10:46:49 22 Above that you've noted the arrest for the three people in
10:46:53 23 relation to Operation Quills, **Bickley** and two
10:46:56 24 others?---That's correct.
25
10:46:57 26 Then on the 30th also there's a discussion with Mansell and
10:47:03 27 Rowe re Operation Quills strategy?---Yes.
28
10:47:06 29 Was that anything to do with Ms Gobbo?---Not that I recall.
30
10:47:27 31 Your statement at paragraphs 44 and 45 - - - ?---Yes.
32
10:47:48 33 - - - you give an account of Ms Gobbo's contact with the
10:47:52 34 MDID as a potential informer?---Yes.
35
10:48:02 36 Your account indicates that you received a telephone call
10:48:06 37 from Mr Mansell after he'd had two conversations with
10:48:09 38 Ms Gobbo, both of which had been recorded?---I think it was
10:48:13 39 one conversation initially and then he had a second
10:48:18 40 conversation was my memory of it.
41
10:48:22 42 Sorry, it's one conversation about - you had one
10:48:27 43 conversation about his having had two conversations, is
10:48:30 44 that right, is that the effect of that sentence? "At
10:48:35 45 2.03 pm I received a telephone call from Mansell, a member
10:48:39 46 of the MDID, regarding a conversation he'd had with
10:48:42 47 Ms Gobbo in which Ms Gobbo had indicated a willingness to

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10:48:46 1 assist police in relation to Mokbel. Mansell informed me
2 that he'd initially spoken to Ms Gobbo at court and then in
10:48:50 3 a police vehicle and that both conversations had been
10:48:51 4 tape-recorded"?---Yes, that's correct.
10:48:52 5
10:48:52 6 "Mansell told me that Ms Gobbo might be willing to speak to
10:48:56 7 Detective Sergeant Flynn as she knew and trusted
10:49:00 8 him"?---That's correct.
9
10:49:09 10 Was that something that you were aware of, her relationship
10:49:12 11 with Detective Sergeant Flynn?---No, but I mean that was -
10:49:20 12 I know that a lot of people that knew Dale Flynn trusted
10:49:24 13 him.
14
10:49:24 15 Sorry?---I knew that a lot of people who knew Dale Flynn
10:49:30 16 trusted him. I'm sure Dale Flynn would have known her.
17
10:49:36 18 If you can have a look at that list of pseudonyms. If you
10:49:41 19 go to number 35?---Yes.
20
10:50:04 21 I'm not going to refer to the person by name or even by his
10:50:08 22 pseudonym but it's number 35 on that list?---All right.
23
10:50:12 24 Ms Gobbo had discussions with Mr Flynn back in May of 2005
10:50:18 25 about that person potentially providing assistance to
10:50:23 26 police in relation to a number of sets of charges he was
10:50:26 27 facing and Mr Flynn says in his statement that this was of
10:50:33 28 particular interest to him as he knew that that person
10:50:35 29 would have information in relation to the Mokbel family and
10:50:39 30 serious drug offences?---Yes.
31
10:50:41 32 That was back in May of 2005?---Yes.
33
10:50:44 34 Ms Gobbo was still representing Mr Mokbel at that stage.
10:50:51 35 Mr Flynn most certainly would have discussed those matters
10:50:54 36 with you back in May of 2005, would he not?---I'm not sure.
10:50:59 37 He may have mentioned it. He may not have.
38
10:51:05 39 That would have been something of particular significance
10:51:09 40 or interest to you if that person was willing to assist
10:51:13 41 police?---Yes.
42
10:51:18 43 And that Ms Gobbo was willing to facilitate that
10:51:22 44 occurring?---Well I don't know. I don't know if that is
10:51:28 45 what's said.
46
10:51:29 47 Well, the discussions that Mr Flynn was having about this

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10:51:33 1 were with Ms Gobbo?---Right.
2
10:51:37 3 It's likely, is it not, that you would have become aware of
10:51:41 4 that back in 2005?---I may or may not have. I mean it was
10:51:45 5 just maybe courtroom foyer talk between policemen and
10:51:49 6 barrister.
7
10:51:50 8 If Mr Flynn says, "This is something of particular interest
10:51:59 9 to me", is it something he would have discussed with you,
10:52:03 10 is it a possibility?---He may have.
11
10:52:16 12 The evidence given by Mr Rowe is that he had a telephone
10:52:23 13 call with Ms Gobbo that morning. There was to be a bail
10:52:28 14 application that morning in court. She spoke to him on the
10:52:34 15 phone about potentially being conflicted in relation to
10:52:40 16 representing **Mr Bickley** because she was representing
10:52:42 17 Mr Mokbel?---Right.
18
10:52:45 19 And she spoke to him on the phone about feeling pressured
10:52:49 20 to look after Mokbel's interests ahead of **Mr Bickley** and
10:52:55 21 that he told her that he and Mansell would come to court
10:52:59 22 and speak with her and he spoke to the - he spoke of this
10:53:04 23 confirming his suspicions as to her association and
10:53:07 24 involvement with Mr Mokbel, that Mr Mokbel was using her to
10:53:12 25 provide himself with protection. Is that something that
10:53:16 26 you were aware of?---No, not at that time, no.
27
10:53:20 28 Mr Rowe spoke about there being a view, not just of
10:53:26 29 himself, it seems, but of others, that that's what was
10:53:30 30 occurring, that she would represent others but be only
10:53:34 31 really representing the interests of Mr Mokbel?---She quite
10:53:39 32 possibly was.
33
10:53:39 34 Was that a view that you shared at that stage?---Well I
10:53:43 35 didn't know.
36
10:53:46 37 Well, was it a suspicion that you had?---It was certainly a
10:53:48 38 suspicion, yes.
39
10:53:52 40 He viewed the fact that her doing that, not representing
10:54:01 41 one client's best interests, was a perversion of justice.
10:54:08 42 Do you share that view?---Probably, depending on what
10:54:13 43 evidence we had of it. As I say, people were whinging
10:54:19 44 about her. No one provided any information.
45
10:54:21 46 If she was representing one client's interests and not
10:54:27 47 representing another client's interests, you would see a

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10:54:31 1 conflict?---Yes.
2
10:54:40 3 Mr Rowe indicated that following that telephone call he and
10:54:43 4 Mr Mansell came and spoke to you straight away?---Yes.
5
10:54:48 6 And that you gave a direction to go to court and tape the
10:54:53 7 conversation?---I told him to tape whatever conversation
10:54:55 8 they had, yes.
9
10:54:56 10 Do you have a recollection of that now? It seems a bit
10:55:00 11 different from what's recorded in your diary?---Yeah, look,
10:55:07 12 I don't have a clear memory. I'm pretty sure - I certainly
10:55:12 13 spoke to them about taping the conversation they had with
10:55:15 14 her. When that occurred, I'm not sure.
15
10:55:20 16 So they go to court, they tape the conversation. She
10:55:23 17 repeats what she'd said on the telephone on the tape,
10:55:27 18 according to Mr Rowe?---Right.
19
10:55:32 20 She tells them again about her feeling under pressure to
10:55:35 21 represent **Mr Bickley** about her relationship with
10:55:41 22 Mr Mokbel, about representing Mr Mokbel's interests ahead
10:55:44 23 of the interests of other clients, and her concerns that
10:55:47 24 she herself has been caught up in criminal offending, and
10:55:53 25 then Mr Mansell suggested that she "get on board". Now
10:55:58 26 those would have been things that were reported to you when
10:56:01 27 they came back to the station?---No, not necessarily. My
10:56:06 28 view was that I saw her providing information as an
10:56:12 29 informer as high risk and I wanted that risk out of the
10:56:16 30 MDID.
31
10:56:18 32 Those matters, that conversation, those matters, Mr Mansell
10:56:22 33 suggesting to her that she might be recruited, that she
10:56:25 34 "get on board", surely that was something that they came
10:56:30 35 straight back and told you?---No. As I say, what I knew is
10:56:33 36 recorded in my diary. I've got no recollection of him
10:56:37 37 saying, "Get on board". As I say, I've recorded in my
10:56:43 38 diary what I know about it.
39
10:56:44 40 Mr Mansell was someone that had run informers in the
10:56:48 41 past?---Not to my knowledge.
42
10:56:55 43 The evidence was that she responded to Mr Mansell's
10:56:58 44 suggestion that she "get on board" by saying that if anyone
10:57:02 45 found out about it she'd be dead, but nevertheless she
10:57:06 46 handed over her phone number so that they could meet again
10:57:09 47 later?---That's quite possible, yes.

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1
10:57:13 2 Mr Rowe says at that point he and Mansell went back to you
10:57:16 3 and spoke to you for a second time?---As I say, I've
10:57:21 4 recorded in my diary what I believe happened and I took
10:57:25 5 those notes at the time.
6
10:57:27 7 They were to meet her again and you instructed them to
10:57:29 8 record the second meeting?---I certainly told them to
10:57:33 9 tape-record any conversation with her.
10
10:57:35 11 Well, in your diary you refer to "both conversations have
10:57:39 12 been recorded"?---That's what I believe happened, yes. I
10:57:45 13 mean my notes at the time were more accurate than my
10:57:51 14 memory.
15
10:57:51 16 If Mr Rowe's got some different notes and slightly
10:57:56 17 different evidence would you accept that his version might
10:58:01 18 be correct and that you've written a summary after you've
10:58:04 19 had these two conversations and given the directions
10:58:07 20 through the morning?---I can't argue with what Mr Rowe's
10:58:13 21 written in his diary. I mean what he's noted he's noted.
10:58:18 22 But I've noted what I believe to be correct.
23
10:58:22 24 Mr Rowe said just before 12.30 pm they go and meet Ms Gobbo
10:58:30 25 again and drive to a location and speak to her for about an
10:58:34 26 hour in relation to a range of topics. If we go back to
10:58:38 27 your diary summary. Your note, your only note on this day
10:58:54 28 is at 2.03 pm?---Yes.
29
10:59:00 30 It seems as though you're writing your note in relation to
10:59:08 31 what's happened after all these events have taken place; is
10:59:11 32 that right?---No, it's when I've received the telephone
10:59:14 33 call and spoke to Mansell. That's at 14:03.
34
10:59:18 35 Do you accept that all those things have happened though,
10:59:21 36 you've had a number of conversations through the day and
10:59:23 37 instructed them twice to tape conversations?---I may well
10:59:29 38 have, yes.
39
10:59:30 40 Mr Rowe's evidence is that they let her speak about
10:59:34 41 whatever she wanted. She spoke a lot about Mr Mokbel. It
10:59:38 42 included evidence about his assets and allegations of his
10:59:41 43 concealing them and laundering money. It included her
10:59:46 44 being concerned about her reputation by continuing to
10:59:49 45 represent him - sorry, her reputation. She spoke about
10:59:57 46 Mr Bednarski and not wanting to represent him. She told
11:00:02 47 them that she was [REDACTED] of the

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11:00:07 1 [REDACTED] that had been arrested in Operation [REDACTED]
11:00:11 2 though and that she'd been involved in the process of his
11:00:17 3 making a statement to police about Mr [REDACTED] Mr Bickley ?---Right.
4
11:00:23 5 And they dropped her off at about 2 pm and then returned to
11:00:27 6 the office and spoke with you. Now they would have come
11:00:32 7 back, they've got two sets of tapes from their
11:00:36 8 conversations that day. The evidence seems to be that the
11:00:41 9 tapes go into your possession. They contain some pretty
11:00:47 10 sensitive material, if it got out Ms Gobbo would be in some
11:00:52 11 serious jeopardy, would you agree with that?---Yes.
12
11:00:54 13 Where did those tapes go?---I'd imagine if they'd been
11:00:58 14 handed to me I would have locked them in a safe.
15
11:01:01 16 And where to from there?---They would have been - gone to
11:01:04 17 the DSU I would imagine.
18
11:01:06 19 If those tapes have not been able to be located do you have
11:01:10 20 any idea about their whereabouts?---No, I don't.
21
11:01:17 22 It seems the DSU - we've got plenty of information from the
11:01:22 23 DSU in terms of their keeping and storing of such records.
11:01:30 24 Do you have any idea how these tapes, tapes of such a
11:01:36 25 sensitive nature, could have gone missing?---No, I don't.
11:01:42 26 As I say, there was a - I had a three drawer safe for
11:01:49 27 informer management files in my office and apart from that
11:01:53 28 there was another three or four drug safes in the office.
11:01:58 29 So I would imagine material of this type would have either
11:02:02 30 gone into my safe or one of those safes.
31
11:02:07 32 Once you retired what happened to the information in your
11:02:10 33 safe?---It remains with the squad. The files remained with
11:02:16 34 the officer-in-charge basically.
35
11:02:27 36 Do you have any recollection of handing those tapes over to
11:02:31 37 anyone?---No, I don't. I don't have a recollection of
11:02:33 38 receiving them.
39
11:02:37 40 One of the things that you were told by Mansell is that
11:02:42 41 Ms Gobbo suggests that she might be willing to talk to Dale
11:02:46 42 Flynn because she knew and trusted him?---Right.
43
11:02:49 44 That's something you've recorded in your diary?---That's
11:02:59 45 right, yes.
46
11:03:00 47 Did you speak to Mr Flynn about that at the time?---I don't

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11:03:04 1 think so. I have no memory of it.
2
11:03:06 3 You're aware that other members of the MDID are also told
11:03:11 4 that Ms Gobbo might be coming on as a recruit?---No.
5
11:03:15 6 Ms Burrows has given evidence to the Commission that she
11:03:18 7 was told by Mansell and Rowe that Gobbo was possibly likely
11:03:21 8 to start providing information to them after they returned
11:03:26 9 from their meeting?---She may have been a member of their
11:03:29 10 crew, in which case I'm not surprised.
11
11:03:35 12 You go straight away and speak to Mr Ryan; is that
11:03:40 13 right?---That's correct.
14
11:03:41 15 Why is that?---I'm not sure other than he was working on
11:03:49 16 organised crime figures at the time.
17
11:03:51 18 You must have had some appreciation that Gobbo had been
11:03:54 19 providing information to Bateson by that stage I'd
11:03:57 20 suggest?---I don't know, I'm not sure.
21
11:04:00 22 The only reason you'd make a beeline for Ryan would be that
11:04:07 23 you knew that Gobbo had been a source for them; doesn't
11:04:09 24 that make sense?---It might be logical but I have no memory
11:04:13 25 of that. I mean I spoke to Gavan about it and, as I said,
11:04:17 26 all I was told was "Stewie talks to her every now and
11:04:21 27 again".
28
11:04:22 29 Is it possible that that conversation that you'd had with
11:04:27 30 Ryan about Stewie talking to her every now and then
11:04:31 31 occurred before that and that's why you went straight to
11:04:35 32 Ryan on this occasion?---No, I don't think so.
33
11:04:37 34 Did you have any discussion with Ryan at that stage about
11:04:40 35 getting the DSU involved?---I don't believe so.
36
11:04:45 37 Did he tell you that he'd told Bateson to get the DSU
11:04:49 38 involved?---Not that I can recall.
39
11:04:56 40 Were you seeking his permission to effectively take
11:04:58 41 Ms Gobbo over as a source?---Certainly not.
42
11:05:20 43 At some stage following that matters had progressed to the
11:05:26 44 DSU at the time; is that right?---Yes, it went to the DSU.
45
11:05:31 46 In relation to progressing the possibility of recruitment
11:05:35 47 of Ms Gobbo?---Yes.

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1
11:05:37 2 Who does that?---Who does what?
3
11:05:40 4 Who goes to the DSU, who rings them and says or contacts
11:05:45 5 them and says - - - ?---I don't recall exactly. My
11:05:48 6 recollection was I either rang them or I told Mansell to
11:05:51 7 ring them.
8
11:05:52 9 Was that on the day?---It would have been on the day, yes.
10
11:05:57 11 You had a relationship, a good working relationship with
11:06:02 12 White?---Yes.
13
11:06:04 14 Do you suppose that it's more likely that it would have
11:06:07 15 been you ringing White and saying, "Guess what"?---It may
11:06:12 16 have been, I'm not - as I say, I don't remember.
17
11:06:23 18 How did the idea of progressing the recruitment of Ms Gobbo
11:06:32 19 work its way up the hierarchy? Who did you tell up the
11:06:37 20 hierarchy that this is what you were planning?---It would
11:06:42 21 have gone to the DSU first off. I'd imagine I would have
11:06:47 22 advised probably Tony Biggin, who was the AC of the squad.
23
11:06:53 24 If he wasn't in charge of the squad at the time and someone
11:06:55 25 else was?---Would have been whoever it was in charge.
26
11:06:59 27 It seems as though Detective Inspector Robert Hill had met
11:07:06 28 with Mansell and Rowe at least on 8 September, along with
11:07:14 29 White and Smith. Would it have been Hill that was first
11:07:21 30 consulted?---Quite possibly.
31
11:07:25 32 Do you know what position he occupied at that stage?---He
11:07:28 33 was regularly upgraded when Mr Biggin was away, so it may
11:07:34 34 have been that he was the acting officer-in-charge of the
11:07:37 35 squad.
36
11:07:48 37 Do you know how it made its way up from Hill to others, and
11:07:53 38 when it did?---Other than what's in - I've got it in my
11:08:01 39 statement there, the conversation I think was some time
11:08:04 40 later with Mr Purton, but Mr Hill may have spoken to
11:08:08 41 Mr Purton in the intervening period, I'm not sure.
42
11:08:11 43 It seems as though on the 8th there's been a discussion
11:08:14 44 about Operation Quills, a discussion about **Bickley** a
11:08:18 45 discussion about Ms Gobbo, and then later that day
11:08:22 46 Detective Inspector Hill has a discussion with Detective
11:08:29 47 Inspector Shawyer about deploying you to Purana?---Right.

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1
11:08:32 2 Were you aware of that?---No.
3
11:08:34 4 That out of this discussion about Gobbo starting to provide
11:08:38 5 the police with information, on the same day that Hill is
11:08:45 6 having this meeting there's then a discussion about sending
11:08:49 7 you off to Purana?---There may well have been.
8
11:08:56 9 A number of days after that on 12 September you've got one
11:09:02 10 of your regular weekly meetings with Mr Overland; is that
11:09:07 11 right?---That's correct.
12
11:09:25 13 Was there anyone else involved in that meeting?---That
11:09:34 14 first meeting, no, I don't believe so.
15
11:09:36 16 If we can put your diary back up on the screen there. Can
11:09:57 17 you say - before I get to this, can you say whose idea it
11:10:01 18 was in the first place to register Ms Gobbo as an
11:10:04 19 informer?---Not really. I mean I think it was Mansell
11:10:15 20 going to court and coming back and my view was if she was
11:10:20 21 going to be an informer I didn't want the risk in my office
11:10:25 22 so I suppose it was me at the end of the day.
23
11:10:31 24 Did you have any concerns about how that might work?---Not
11:10:37 25 at that early stage, no.
26
11:10:39 27 You were aware that the person that she was - that the
11:10:43 28 police would be wanting information about from her was Tony
11:10:47 29 Mokbel?---That's correct.
30
11:10:49 31 You were aware that Tony Mokbel was her client?---She'd
11:10:53 32 certainly represented him, yes.
33
11:10:55 34 Did that not scream conflict to you?---It was a conflict
11:11:02 35 for her. I was more interested in what was still going on
11:11:06 36 and what criminal acts were being committed.
37
11:11:11 38 Did you foresee the possibility that it might create some
11:11:16 39 great difficulties for police?---Yes.
40
11:11:19 41 You did?---Well the reason I wanted her out of the MDID.
42
11:11:27 43 What were the type of difficulties you were envisaging that
11:11:32 44 might be forthcoming?---Just the whole informer management
11:11:35 45 issues, the risk, the huge risk to her personal safety.
46
11:11:39 47 Were there any difficulties beyond that because of the

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11:11:42 1 nature of her profession and her representation of your
11:11:45 2 target?---I didn't contemplate that at that stage, no.
3
11:11:50 4 It's something you didn't think about at all?---No, I
11:11:53 5 didn't turn my mind to that. As I say, I'd been through
11:11:56 6 the Hodson saga. My full focus was her personal safety.
7
11:12:03 8 Did you have any focus on the propriety of the legal system
11:12:08 9 and the legal process?---No, not at that point.
10
11:12:24 11 You have a meeting with Mr Overland around about 2 o'clock
11:12:29 12 on 12 September 2005?---Yes.
13
11:12:35 14 You speak to him about a Task Force Purana update "as per
11:12:43 15 sheet"?---Yes.
16
11:12:44 17 You note discussion there, "Discussion re solicitor Nicola
11:12:49 18 Gobbo and opportunities re Quills"?---Yes.
19
11:12:52 20 What did you discuss with him then?---I don't recall but it
11:12:57 21 obviously would have been in relation to probably the cross
11:13:02 22 over between Quills, as you mentioned earlier, and
11:13:06 23 Operation Orbital at the AFP possibly.
24
11:13:08 25 By this stage you'd been making moves to have her
11:13:13 26 registered as a informer?---Yes.
27
11:13:15 28 By this stage there moves afoot to deploy you to Purana on
11:13:19 29 a full-time basis?---Yes. I was unaware of the
11:13:22 30 conversations that Hill had with Shawyer.
31
11:13:29 32 Is it likely that during this conversation with Mr Overland
11:13:32 33 you would have discussed the nature of the information that
11:13:35 34 Ms Gobbo had passed on to Mansell and Rowe?---Quite
11:13:39 35 possibly, yes.
11:13:39 36
11:13:41 37 That "she seems to be willing to come on board and tell us
11:13:46 38 all about Tony Mokbel"?---Quite possibly, yes.
39
11:13:50 40 Would you put it higher than quite possibly?---I'd imagine
11:13:54 41 that's what the discussion would have resolved around. It
11:13:56 42 was discussing the informer.
43
11:14:00 44 Of course it would have, it necessarily would have,
11:14:03 45 wouldn't it?---As I say, as I've noted there, I can't take
11:14:08 46 it much further than that. It was obvious that I was
11:14:12 47 discussing with Mr Overland her coming on board as an

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11:14:16 1 informer.
2
11:14:23 3 This then became the new focus of the Purana Task Force,
11:14:29 4 she became - she provided an opportunity for a new focus
11:14:33 5 for the Purana Task Force; is that right?---Well not a new
11:14:39 6 focus. It was just an expansion of the work that was being
11:14:46 7 done. As I said, my view was the murders were linked to
11:14:50 8 the drug trade. One went hand-in-hand with the other.
9
11:14:52 10 You don't note it in your diary but by the end of that
11:14:56 11 meeting you were asked by Mr Overland to assume management
11:14:59 12 of the Purana Task Force?---Yes.
13
11:15:01 14 And the next day that's when you start?---That's correct.
15
11:15:07 16 I note the time, Commissioner.
17
11:15:09 18 COMMISSIONER: Yes, all right then. We'll have a ten
11:15:11 19 minute break.
20
21 (Short adjournment.)
22
11:40:03 23 COMMISSIONER: Yes Ms Tittensor.
11:40:04 24
11:40:05 25 MS TITTENSOR: Thank you Commissioner. Mr O'Brien, you
11:40:10 26 commenced as officer-in-charge of the Purana Task Force on
11:40:15 27 13 September 2005?---That's correct.
11:40:18 28
11:40:20 29 A number of days later, on 16 September, the SDU conducted
11:40:26 30 its first meeting with Ms Gobbo. You were aware of that at
11:40:30 31 the time?---Not at the time of the meeting but I became
11:40:33 32 aware later.
11:40:34 33
11:40:34 34 You were aware that that process was occurring?---I don't
11:40:42 35 believe I was aware at the time but the DSU would have been
11:40:46 36 doing whatever they were doing.
11:40:47 37
11:40:47 38 That was the purpose for which you, either yourself or
11:40:53 39 instructed Mansell to go to the DSU for that process to
11:40:58 40 occur?---Outsource the whole situation, yes.
11:41:01 41
11:41:04 42 Given the significance of the information that would be
11:41:07 43 provided by Ms Gobbo, and you already had some appreciation
11:41:12 44 of that, and your association with the head of the DSU,
11:41:19 45 Mr White, one would expect that you discussed or you got a
11:41:23 46 pretty comprehensive report after the first briefing?---No,
11:41:29 47 I think the report I got was the next, was the meeting with

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11:41:35 1 Acting Superintendent Hill, Mansell and others some days
11:41:41 2 later, and I think there was some mention of a full debrief
11:41:46 3 was to be conducted over the period of a week.

11:41:49 4
11:41:49 5 They'd conducted that initial meeting, sort of a scoping
11:41:52 6 exercise, if you like, on 16 September, and then it was
11:41:58 7 agreed there would be subsequent debriefs in the weeks
11:42:01 8 following?---That was my understanding, yes.

11:42:03 9
11:42:03 10 You would have got a pretty comprehensive report at least
11:42:06 11 that meeting with Hill, White, Smith from the SDU and
11:42:12 12 Mansell on 19 September?---We had a discussion, yes. I
11:42:18 13 don't think it was a comprehensive debriefing, not that
11:42:26 14 went into detail.

11:42:27 15
11:42:27 16 There were a number of points of interest that were noted
11:42:30 17 following that, someone by the name of Lanteri cooking for
11:42:35 18 Mr Mokbel?---That's correct.

11:42:36 19
11:42:36 20 There was a discussion about a scenario involving the
11:42:40 21 [REDACTED] of an [REDACTED] in relation to some
11:42:44 22 sort of money laundering venture or a bribe, a potential
11:42:48 23 bribe, is that right?---Yes, just a discussion around
11:42:52 24 likely, possible strategies.

11:42:55 25
11:42:55 26 You would have understood that those matters were matters
11:42:58 27 which had been discussed with Ms Gobbo in the course of
11:43:00 28 that briefing?---No, no, I've got no idea what was
11:43:03 29 discussed in the briefing.

11:43:05 30
11:43:05 31 These were things that we know had been discussed with
11:43:09 32 Ms Gobbo and we know were discussed at this meeting. It's
11:43:14 33 likely, isn't it, that the reason you were discussing them
11:43:19 34 at this meeting was because they'd been discussed?---I'm
11:43:22 35 not sure.

11:43:22 36
11:43:22 37 As possibilities with Ms Gobbo?---I'm not sure that that's
11:43:25 38 why we were having the discussion or whether we were just,
11:43:29 39 you know, feathering out ideas, possible ideas.

11:43:32 40
11:43:34 41 After that meeting you went straight to Mr Overland and
11:43:38 42 briefed him about what was going on?---Yes, if that's the
11:43:41 43 sequence of events in my diary that would be the case.

11:43:43 44
11:43:44 45 And then the next thing you did was go and review the tape
11:43:48 46 of the meeting, covert tape of the meeting with Mr Mokbel
11:43:54 47 the year before on 13 April, is that right?---What date are

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11:44:00 1 we talking about?
11:44:01 2
11:44:02 3 19 September 2005. You can put up Mr O'Brien's diary
11:44:20 4 summary?---If that's what's in the diary I don't disagree
11:44:24 5 with it.
11:44:27 6
11:44:28 7 I'd suggest that you were pretty interested at that stage
11:44:31 8 about getting all the information together in relation to
11:44:33 9 this upcoming or maybe it was the formation of the
11:44:38 10 investigation plan for Operation Posse?---Yes, I would have
11:44:41 11 been putting an investigation plan together or starting to
11:44:46 12 turn my mind to that.
11:44:47 13
11:44:48 14 Following that there was a briefing given to Commander
11:44:55 15 Purton and yourself and the head of the SDU, Mr White, were
11:44:59 16 there at midday, is that right?---What date are we - just
11:45:04 17 refer me to a date, please.
11:45:05 18
11:45:06 19 It's not made it into your diary summary but I've made a
11:45:10 20 note of it having reviewed your diary?---Yes, I do recall,
11:45:14 21 yes, there was a meeting with Commander Purton.
11:45:16 22
11:45:23 23 At paragraph 54 of your statement, and we referred to this
11:45:28 24 before, you had a conversation with Detective Senior
11:45:34 25 Constable Bartlett who said he'd also been receiving some
11:45:38 26 information from Ms Gobbo, is that right?---Yes.
11:45:41 27
11:45:42 28 So it seems as though Ms Gobbo was talking with and sharing
11:45:48 29 information about Mr Mokbel, at least?---Yes.
11:45:51 30
11:45:51 31 With numerous police?---Well certainly three that I was
11:45:55 32 aware of.
11:45:56 33
11:45:56 34 She'd been talking with Bateson?---Not to my knowledge.
11:46:01 35
11:46:03 36 If your diary or if his diary reveals that you've signed
11:46:06 37 off on some notes about that and you've had that
11:46:09 38 conversation at least with Detective Ryan, Detective
11:46:12 39 Inspector Ryan that Stew was talking with her?---This was
11:46:16 40 at - that was my understanding. "Stewie talks to her every
11:46:21 41 now and then", that's all I remember was said.
11:46:23 42
11:46:23 43 She'd been talking with Mansell and Rowe at that
11:46:27 44 stage?---She had, yes.
11:46:28 45
11:46:28 46 She'd been talking with Bartlett?---And she spoke to
11:46:31 47 Bartlett, yes.

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11:46:31 1
11:46:31 2 And of course she'd been speaking with the SDU
11:46:35 3 members?---That's correct.
11:46:35 4
11:46:41 5 There's a debriefing that occurs on 21 September 2005. She
11:46:49 6 talks about numerous things during that debriefing.
11:46:52 7 There's another debriefing on 26 September 2005. She talks
11:47:00 8 about numerous things, including Mr Mokbel's twin
11:47:07 9 obsessions in relation to [REDACTED]. She's got - she
11:47:11 10 indicates during that meeting that [REDACTED] must have
11:47:15 11 something big on Mr Mokbel and that his other obsession
11:47:21 12 seem to have been the Operation Kayak tapes and there's
11:47:24 13 discussion about the corruption scenario?---Yeah, look,
11:47:30 14 you're referring, is that information I've got or is that
11:47:33 15 information that came - - -
11:47:34 16
11:47:34 17 This is information that's being discussed within this
11:47:37 18 meeting, but this is information that I'd suggest became
11:47:41 19 known to you subsequently in your development of the
11:47:44 20 investigation plan for Operation Posse?---Not unless I was
11:47:48 21 present at the meeting or had a document of it. As I say,
11:47:51 22 what I've got is in my diary and anything else I knew is in
11:47:55 23 the investigation plan.
11:47:56 24
11:47:56 25 If the investigation plan comes to include plans to get
11:48:06 26 [REDACTED] to start assisting police because it's known
11:48:10 27 that he has information about Mokbel, do you say that
11:48:16 28 that's just a coincidence, that those are the very things
11:48:19 29 that Ms Gobbo's been discussing with the SDU, or do you
11:48:23 30 say, "It's very likely that the SDU told me that and that's
11:48:27 31 why I put it in the investigation plan"?---I don't know.
11:48:31 32 As I say I wasn't at that meeting and unless I have a note
11:48:34 33 of it, you refer me to a note of it, you know, you're
11:48:39 34 asking me to agree to something I wasn't a party to.
11:48:43 35
11:48:57 36 You were receiving briefings, were you not, following some
11:49:02 37 of these meetings with the SDU, that was the whole purpose
11:49:08 38 was so that they could get the intelligence and they could
11:49:11 39 provide it to you?---That's right, later on I was a single
11:49:15 40 point of contact.
11:49:16 41
11:49:19 42 On 26 September, the same day, at paragraph 70 you refer to
11:49:26 43 having a weekly tasking and coordination meeting with
11:49:30 44 Commander Purton, Whitmore and Overland?---That's correct.
11:49:42 45
11:49:43 46 You expect at that meeting that you would have been
11:49:46 47 discussing or providing an update on what was occurring

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11:49:50 1 with Ms Gobbo?---Generally I would talk about what was
11:49:55 2 going on with the investigations. If there was something
11:50:01 3 startling in relation to Ms Gobbo or any informer issues,
11:50:07 4 well, yes, then I'd probably raise them.
11:50:09 5
11:50:11 6 It seems as though on the 27th, the next day, there's a
11:50:14 7 meeting involving Commander Purton, Acting Superintendent
11:50:20 8 Hill, Ms Burrows, Mr Rowe and Mr White and Smith from the
11:50:25 9 SDU. Now, it seems likely that you would have received
11:50:33 10 information at that meeting about what Ms Gobbo had been
11:50:37 11 talking about in the meetings that they'd had with her
11:50:40 12 previous to that?---Yes, they may have given an overview of
11:50:44 13 the situation.
11:50:44 14
11:50:47 15 That meeting included discussion about, a discussion about
11:50:50 16 the possibility of a new Task Force and crew transferring
11:50:56 17 to the Purana Task Force to work on an operation targeting
11:51:01 18 Mokbel and his associates?---In that discussion?
11:51:05 19
11:51:05 20 Yes?---Yes, I believe we were setting up a Task Force at
11:51:11 21 that stage.
11:51:11 22
11:51:11 23 And that was all on the basis of this wealth of information
11:51:16 24 that you were going to be getting from Ms Gobbo?---No, it
11:51:20 25 was in relation to information we already had, there was
11:51:23 26 ongoing investigations that were ongoing at the MDID,
11:51:28 27 already running, which all fell under the Operation Posse
11:51:31 28 umbrella, but also the continuation of Purana in relation
11:51:36 29 to the gangland killings.
11:51:38 30
11:51:40 31 The reason there were going to be MDID crew transferring
11:51:44 32 into the Purana Task Force at around about this stage was
11:51:48 33 because of the opportunities that Ms Gobbo was affording to
11:51:51 34 that investigation into Mokbel and his associates, is that
11:51:55 35 right?---Not necessarily. There was already MDID personnel
11:52:00 36 embedded within Purana at that stage.
11:52:01 37
11:52:02 38 There was a significant move on at this stage to move some
11:52:05 39 more personnel across to work on the Mokbel
11:52:11 40 targeting?---Yes, there was. Along with a number of other
11:52:17 41 investigation disciplines.
11:52:18 42
11:52:18 43 At paragraph 75 of your statement you refer to speaking to
11:52:28 44 Smith from the SDU about information that's received from
11:52:32 45 Ms Gobbo. You don't record any of the detail of the
11:52:40 46 information you've received in your diary, just that you
11:52:42 47 received information regarding 3838, is that right?---What

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11:52:49 1 date, sorry?
11:52:50 2
11:52:50 3 30 September?---If you can just scroll up a bit so I can
11:52:56 4 see the screen, please. I've got "spoke to" - - -
11:53:11 5
11:53:12 6 MR CHETTLE: Commissioner, can I say if this is being
11:53:14 7 live-streamed this has my clients real names on it.
11:53:21 8
11:53:22 9 COMMISSIONER: The documents aren't caught up in the
11:53:24 10 streaming, thank you.
11:53:25 11
11:53:26 12 MS TITTENSOR: It just indicates you've spoken to Senior
11:53:31 13 Sergeant Smith re 3838, is that right?---Yes.
11:53:34 14
11:53:35 15 Following that there's another meeting with Commander
11:53:39 16 Purton, Detective Inspector Hill, Detective Inspector
11:53:42 17 Hardy, Senior Detective Burrows and Rowe, Acting Senior
11:53:48 18 Sergeant Flynn regarding the formation of Operation
11:53:52 19 Posse?---No, I don't think it was the formation of Posse,
11:53:59 20 it was around investigation strategy and resourcing.
11:54:03 21
11:54:03 22 I'm reading from your statement at paragraph 75. I might
11:54:26 23 have said formation. It says the formulation of Operation
11:54:30 24 Posse?---Yes, resourcing basically and formulation is in
11:54:35 25 the statement, yes.
11:54:39 26
11:54:45 27 In the following paragraph you talk about another meeting
11:54:49 28 with Mr Purton. You were making requests in relation to
11:54:58 29 resourcing for Posse and it was taking a bit longer than
11:55:01 30 you thought?---Yes.
11:55:02 31
11:55:07 32 I assume during this time you're creating the investigation
11:55:11 33 plan for Posse, is that right?---I think I've got a date on
11:55:16 34 there that the plan was done. Probably around that time,
11:55:19 35 yes, it was put together.
11:55:21 36
11:55:21 37 I think in paragraph 77 you say you prepared the plan on 21
11:55:25 38 October. If we can - - - ?---Yes.
11:55:28 39
11:55:29 40 VPL.0100.0009.0001. You see on that document up the top it
11:56:09 41 has an assigned date of 17 October?---Yes.
11:56:12 42
11:56:12 43 Down the bottom it says, "Draft 17 November"?---Yes.
11:56:17 44
11:56:17 45 Was this a sort of live document that got changed from time
11:56:25 46 to time?---Not that I recall it being changed, maybe
11:56:30 47 something in the Interpose system.

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11:56:32 1
11:56:33 2 It refers at the top there to it being a proactive targeted
11:56:38 3 investigation?---Yes.
11:56:39 4
11:56:40 5 Commercial level drug trafficking?---Yes.
11:56:42 6
11:56:42 7 This is of the kind that you were advocating for
11:56:46 8 previously?---Yes.
11:56:46 9
11:56:48 10 Were the SDU consulted in relation to the formulation of
11:56:51 11 this document?---They would have been, yes.
11:56:54 12
11:56:56 13 The information contained in the document includes
11:56:59 14 information you received from them that came from Ms Gobbo,
11:57:01 15 is that right?---I'm not sure.
11:57:05 16
11:57:06 17 It goes through a little bit of the, a potted history of
11:57:11 18 the various operations and so forth in relation to Mokbel
11:57:16 19 and other associates?---Yes.
11:57:18 20
11:57:21 21 It includes reference to the recent, on p.2, the recent
11:57:26 22 Operation Quills and the AFP investigation associated with
11:57:31 23 that?---Yes.
11:57:47 24
11:57:49 25 It includes in there information from a registered human
11:57:53 26 source as to Mokbel's concerns about [REDACTED] talking to
11:57:57 27 the police. You'll see that halfway down in the
11:58:06 28 second-last paragraph, up the top of that?---Yes.
11:58:13 29
11:58:16 30 It includes that the source has indicated that a number of
11:58:20 31 people, Jamou and Lanteri are currently cooking for
11:58:25 32 Mr Mokbel?---Correct, yes.
11:58:26 33
11:58:26 34 That the source said that Mokbel was attempting to source a
11:58:30 35 corrupt Detective to gain access to tape material from
11:58:33 36 Kayak and from Quills?---Yes.
11:58:34 37
11:58:41 38 All of that information seems to have come from
11:58:45 39 Ms Gobbo?---I don't know whether all of it but certainly
11:58:48 40 I'd say some of it.
11:58:50 41
11:58:51 42 Is that the registered human source that's been - on p.3 it
11:59:11 43 contains commentary on the Mokbel meeting with MDID and
11:59:16 44 Purana the previous year?---Yes.
11:59:17 45
11:59:20 46 It refers, down the bottom of that section, to a belief
11:59:26 47 that if Tony Mokbel was to receive a custodial sentence the

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11:59:31 1 void created by his absence is likely to be filled by his
11:59:35 2 family members?---That's correct.
11:59:35 3
11:59:38 4 The goal is then identified as being the identification,
11:59:43 5 investigation and complete dismantling of the Mokbel family
11:59:49 6 criminal organisation?---That's correct.
11:59:50 7
11:59:51 8 Down the bottom, the objectives are to utilise the
11:59:54 9 continuing information provided by registered human
11:59:56 10 sources?---Yes.
11:59:57 11
11:59:57 12 Primarily that was Ms Gobbo in respect of Operation Posse,
12:00:01 13 is that right?---Yes, some of the information, yes.
12:00:04 14
12:00:05 15 And the objective was to continue to use her in relation to
12:00:11 16 the goals of this operation?---Would have used any source.
12:00:16 17
12:00:16 18 One of the objectives was to use Ms Gobbo to achieve the
12:00:21 19 goals of Operation Posse?---Yes.
12:00:24 20
12:00:33 21 You were seeking there to investigate and locate the
12:00:36 22 clandestine laboratories for a number of the cooks that
12:00:43 23 seemed to be underway, according to Ms Gobbo?---Yes.
12:00:45 24
12:00:47 25 And there were other matters relating to information
12:00:52 26 provided by and discussions with Ms Gobbo, including the
12:00:56 27 corrupt police and money laundering scenarios there?---Yes.
12:01:00 28
12:01:02 29 If we go to p.4. You see down the bottom there's some main
12:01:14 30 investigative steps?---Yes.
12:01:15 31
12:01:20 32 The first one involves profiling relevant people?---Yes.
12:01:25 33
12:01:27 34 See the second one there and the third one there - I'll
12:01:40 35 come back to those, I think we might have to go into some
12:01:43 36 private session for those matters. In essence, there was a
12:01:49 37 plan to capture various people identified by Ms Gobbo who
12:01:58 38 might have information that could bring down Mr Mokbel and
12:02:05 39 his associates, is that right? To charge those and to roll
12:02:12 40 them?---In part. That was part of it.
12:02:15 41
12:02:15 42 They were part of the objectives?---In part.
12:02:18 43
12:02:18 44 Yes?---It wasn't the total.
12:02:20 45
12:02:20 46 No. Well - - - ?---There's more to an investigation than
12:02:23 47 informer information.

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12:02:25 1
12:02:26 2 We're talking about some main investigative steps and those
12:02:30 3 steps involved capturing a number of people in further
12:02:37 4 criminal activity?---That's correct.
12:02:39 5
12:02:39 6 So that they might be motivated themselves then to roll
12:02:42 7 over on the Mokbels?---Not entirely.
12:02:45 8
12:02:45 9 That was in part what you wanted to set out to
12:02:51 10 achieve?---It was about identifying, investigating and
12:02:54 11 dismantling the organisation. That meant first of all
12:02:56 12 doing that first part of the work, which was the
12:02:59 13 identification piece.
12:03:01 14
12:03:01 15 Do you agree that part of what you were setting out to
12:03:05 16 achieve was to capture a number of people, and those people
12:03:10 17 are specified in this document, in further criminal
12:03:16 18 offending so that they would be motivated to provide
12:03:19 19 assistance to the police?---In part. As I said to you, a
12:03:22 20 lot of it also involved for me, was around identifying the
12:03:26 21 concealment of assets and the proceeds of crime.
12:03:28 22
12:03:29 23 Yes, but I'm talking about - you have a number of different
12:03:33 24 ways in which you might achieve your primary goal of
12:03:36 25 bringing down the Mokbels, one of them is let's get some
12:03:40 26 specific people to roll over on the Mokbels?---One of them
12:03:44 27 first of all is identify them and then investigate them and
12:03:48 28 see what criminal offences they're involved in, and yes, if
12:03:51 29 they roll over that's a bonus.
12:03:53 30
12:03:53 31 Two of these people have been identified in this document
12:03:55 32 and they were identified by Ms Gobbo, is that
12:04:00 33 right?---That's correct.
12:04:00 34
12:04:00 35 They were both Ms Gobbo's clients?---That's correct.
12:04:03 36
12:04:23 37 Can we scroll up slightly. You'll see a box there that
12:04:32 38 contains some issues outside the scope?---Yes.
12:04:37 39
12:04:39 40 It identifies there that human source management and
12:04:43 41 handling is a major consideration outside the scope of the
12:04:47 42 investigation but which needs the highest level of
12:04:51 43 consideration, do you see that?---Yes.
12:04:52 44
12:04:53 45 It states that where possible the SDU would handle all
12:04:57 46 human sources?---Yes.
12:04:58 47

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12:04:58 1 Would conduct all relevant risk assessments?---That's
12:05:02 2 correct.
12:05:02 3
12:05:02 4 And it went on that, "Strategy development will be
12:05:08 5 constantly assessed by the Task Force manager in
12:05:11 6 consultation with the manager of the Dedicated Source Unit,
12:05:15 7 the Covert Investigation Unit, the Covert Surveillance Unit
12:05:18 8 and Technical Support Unit. All necessary steps will be
12:05:22 9 taken to protect the identity of any human source in this
12:05:25 10 investigation"?---That's correct.
12:05:27 11
12:05:28 12 What do you mean by all necessary steps?---Everything in
12:05:35 13 relation to the identity of any informer, making sure that
12:05:39 14 it doesn't become public knowledge that they're an informer
12:05:42 15 and getting them killed.
12:05:43 16
12:05:43 17 Does that mean that in the process we will redact notes and
12:05:49 18 hide information from court processes so that the court
12:05:53 19 doesn't get to decide whether or not that information is
12:05:56 20 relevant to someone receiving a fair trial?---It's
12:05:59 21 definitely not the case. Nothing could be further from the
12:06:05 22 truth if you look at my diaries.
12:06:07 23
12:06:13 24 I'll tender that document, Commissioner.
12:06:23 25
12:06:27 26 #EXHIBIT RC467A - (Confidential) Investigation plan for
12:06:27 27 Operation Posse 2005.
12:06:39 28
12:06:39 29 #EXHIBIT RC467B - (Redacted version.)
12:06:41 30
12:06:41 31 COMMISSIONER: Did you also want to tender, while we're
12:06:44 32 tendering things, the summary of the diaries?
12:06:46 33
12:06:46 34 MS TITTENSOR: Yes, I will.
12:06:46 35
12:06:52 36 #EXHIBIT RC468A - (Confidential) Summary of Mr O'Brien's
12:06:56 37 diaries.
12:06:56 38
12:06:57 39 #EXHIBIT RC468B - (Redacted version.)
12:07:00 40
12:07:00 41 If we can bring up the Operation Posse risk assessment,
12:07:07 42 VPL.0005.0096.0004. This is a document that's drafted
12:07:32 43 around the same time, is that right?---Yes.
12:07:34 44
12:07:38 45 The first column lists the various risk categories, the
12:07:43 46 second risks specific within that category?---Yes.
12:07:47 47

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12:07:47 1 And then columns providing the likelihood of the risk
12:07:51 2 eventuating and the consequences and what's being done to
12:07:54 3 effectively avoid the risk?---Yes.
12:07:56 4
12:07:57 5 If we can go down to - we've got information management
12:08:02 6 there. And then perhaps down on, over on the next page.
12:08:12 7 You'll see the heading, "Human source intelligence report
12:08:16 8 material" and presumably the risk is meant to be the risk
12:08:21 9 of that escaping?---Yes.
12:08:23 10
12:08:24 11 And the consequence there is catastrophic?---Yes.
12:08:27 12
12:08:28 13 And there are various risks, various strategies identified
12:08:32 14 to minimise the risk?---Yes.
12:08:34 15
12:08:34 16 The first strategy identified there is that all human
12:08:39 17 source material to be sanitised by the DSU?---Yes.
12:08:43 18
12:08:46 19 You go on in your statement to indicate that effectively
12:08:49 20 you were receiving hot debriefs?---That's correct.
12:08:52 21
12:08:52 22 From the SDU straight from - effectively they were
12:08:56 23 downloads, they'd just gotten off the phone from
12:09:00 24 Ms Gobbo?---From the handler, yes.
12:09:02 25
12:09:02 26 And got straight on the phone and downloaded to you?---That
12:09:04 27 was my understanding, yes.
12:09:05 28
12:09:06 29 It seems from that that you can't say that those, that
12:09:10 30 information that was coming to you was being sanitised in
12:09:15 31 any way?---No. This was more about information, what I
12:09:20 32 believed would be information reports forthcoming down the
12:09:24 33 track.
12:09:25 34
12:09:25 35 So does this risk assessment relate only to the written
12:09:30 36 information reports and not to the information that was
12:09:33 37 flowing verbally or being disseminated verbally - -
12:09:37 38 -?---Just the written information reports.
12:09:39 39
12:09:40 40 So was there any assessment of risk in terms of the verbal
12:09:45 41 disseminations that were occurring?---No, other than it
12:09:50 42 was, the only place it was recorded was in my diary.
12:09:52 43
12:09:54 44 From time to time it's apparent that other people were
12:09:56 45 receiving those disseminations?---Only Inspector Ryan as
12:10:01 46 far as I'm aware when he relieved in the position.
12:10:04 47

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12:10:07 1 I tender that document, Commissioner. It's the Operation
12:10:16 2 Posse risk assessment.
12:10:17 3
12:10:17 4 #EXHIBIT RC469A - (Confidential) Operation Posse risk
12:10:19 5 assessment.
12:10:19 6
12:10:19 7 #EXHIBIT RC469B - (Redacted version.)
12:10:21 8
12:10:29 9 If I can put up the SDU risk assessment. It's
12:10:36 10 VPL.2000.0003.8288. The SDU presumably had some input in
12:10:54 11 relation to the risk assessment and the plan that you'd
12:11:00 12 constructed by way of strategy?---They may have, yes.
12:11:04 13
12:11:07 14 Likewise did you have any input into the risk assessment
12:11:12 15 document by the SDU?---No, none.
12:11:15 16
12:11:15 17 Did you ever see any of the information?---No.
12:11:18 18
12:11:19 19 I'm just going to ask for your comments in relation to a
12:11:23 20 number of matters that they've raised. See there in the
12:11:27 21 second paragraph it indicates that the source is currently
12:11:32 22 acting for several members of the Mokbel criminal cartel,
12:11:36 23 including Tony Mokbel. Now, that's something you were
12:11:39 24 aware of?---Some of them, not all of them. I was unaware
12:11:47 25 of all of them.
12:11:48 26
12:11:48 27 This is a document dated 15 November 2005. You were aware
12:11:53 28 at that stage that despite being a police agent against
12:11:56 29 Mokbel, she continued to represent him?---I know she
12:12:01 30 represented him in relation to a trial matter, yes.
12:12:03 31
12:12:04 32 In fact over this period she was appearing in proceedings
12:12:09 33 in the Supreme Court arguing for disclosure of information
12:12:15 34 relating to informers in Mokbel matters?---I was unaware of
12:12:19 35 that. I had no interest in, as I say I had no interest in
12:12:26 36 previous matters.
12:12:28 37
12:12:28 38 But the reality was you were aware she continued to
12:12:32 39 represent him during this period of time when she's
12:12:35 40 providing information against him?---I know that she
12:12:38 41 represented him, yes.
12:12:39 42
12:12:40 43 And that she was continuing to represent him during this
12:12:42 44 period of time?---I believe so, yes.
12:12:46 45
12:12:49 46 In the third paragraph it says this: "Over the past 12
12:12:55 47 months the source has had conversations with several police

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12:13:01 1 members including members of Operation Purana and the Major
12:13:03 2 Drug Investigation Division regarding the possibility of
12:13:04 3 the source assisting police". Now, are you able to say
12:13:11 4 anything about those matters?---Only the matters that we've
12:13:16 5 already spoken about and Mansell and Rowe.
12:13:21 6
12:13:21 7 You weren't aware of any other conversations that she'd had
12:13:25 8 with anyone else, potentially Bartlett?---Bartlett, yes.
12:13:30 9
12:13:31 10 And you can't say whether or not with Flynn?---No.
12:13:34 11
12:13:36 12 It goes on in that paragraph, "Current members of the
12:13:40 13 Australian Federal Police and the Australian Crime
12:13:43 14 Commission may also be aware that the source is considering
12:13:45 15 the possibility of covertly assisting police". Now, was
12:13:50 16 that something that was discussed with you?---No.
12:13:52 17
12:13:53 18 Is that something that comes as a surprise to you or is
12:13:56 19 that something that doesn't?---It does, yes.
12:14:00 20
12:14:00 21 Did you have any idea at any stage that there'd been some
12:14:06 22 idea on the part of the AFP or the ACC that she is
12:14:11 23 considering covertly assisting authorities?---No, as I say
12:14:15 24 the only thing I'm aware of in relation to the AFP was a
12:14:21 25 possible leak down there that could have compromised her.
12:14:24 26
12:14:30 27 On p.5 of that document, do you see under the heading there
12:14:40 28 of "Risk to Victoria Police of Exposure" there are various
12:14:50 29 risks identified. "It's possible that she enjoys acting as
12:14:55 30 a police agent, although it doesn't seem to be her main
12:15:00 31 motivation. The risk exists if the source becomes over
12:15:05 32 enthusiastic about her role" and it's given a moderate
12:15:08 33 level of risk. Do you see that?---Yes.
12:15:10 34
12:15:10 35 It then talks about her extremely confident and strong
12:15:14 36 personality. "It might be a bonus in her maintaining cover
12:15:18 37 stories and those types of things." See that's the next
12:15:24 38 risk identified?---I see that, yeah.
12:15:26 39
12:15:27 40 "There's a high risk associated with the fact that she's
12:15:31 41 been involved as a defence barrister in numerous County and
12:15:34 42 Supreme Court trials involving well-known criminal
12:15:37 43 identities. She's extremely well-versed in police
12:15:42 44 procedures." There's a concern about her becoming more
12:15:45 45 aware of police methodology?---Yes.
12:15:47 46
12:15:51 47 And that that might present some kind of risk to the police

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12:15:57 1 if she becomes over familiar with police
12:16:01 2 methodology?---Yes.
12:16:01 3
12:16:02 4 That's regarded as a high risk?---Yes.
12:16:04 5
12:16:06 6 The next risk identified is her, it's an appreciation that
12:16:12 7 she's highly likely to supply intelligence that will
12:16:17 8 trigger tactical responses and that those tactical
12:16:22 9 responses will be clearly visible to her, so again police
12:16:27 10 methodology might be revealed to her. So that's another
12:16:30 11 risk to the police, do you see that?---I see that, yes.
12:16:33 12
12:16:33 13 That's regarded as high. If we can move on. The next risk
12:16:42 14 is that the source has suggested that her business premises
12:16:46 15 be bugged or that she carry around a recording device in
12:16:51 16 order to make recordings of conversations with people and
12:16:54 17 there's a concern over lack of control of her actions,
12:16:57 18 compromising her, jeopardising investigations and adversely
12:17:01 19 affecting the police?---Yes.
12:17:04 20
12:17:05 21 Do you see that?---I can see that.
12:17:06 22
12:17:08 23 The sixth risk that's identified says this: "Because of
12:17:14 24 this source's occupation and particular position, if
12:17:17 25 compromised the handling of this source would come under
12:17:20 26 extreme scrutiny. This could cause embarrassment and
12:17:25 27 criticism of the Force. This must be considered and
12:17:28 28 balanced against the proposition of not utilising the
12:17:30 29 source and the potential resultant harm to the public that
12:17:34 30 may occur through lack of intelligence against very large
12:17:37 31 scale drug traffickers", do you see that?---Yes, I can see
12:17:40 32 that.
12:17:40 33
12:17:41 34 That's regarded as a significant risk to Victoria
12:17:44 35 Police?---Yes.
12:17:44 36
12:17:46 37 Is that something that you considered?---No.
12:17:50 38
12:17:52 39 Did you consider that if it became known that Victoria
12:17:56 40 Police were tasking a barrister against her client, that
12:18:00 41 that might come under extreme scrutiny?---No. As I said -
12:18:07 42 - -
12:18:07 43
12:18:07 44 It never occurred to you?---The risk assessments were being
12:18:11 45 handled by the Source Unit, it wasn't something that I
12:18:13 46 turned my mind to.
12:18:14 47

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12:18:15 1 Did you consider that if she was discovered to be a source
12:18:18 2 in that context, in the context of informing against her
12:18:23 3 clients, that that might cause extreme embarrassment and
12:18:28 4 criticism of Victoria Police?---I didn't consider that. I
12:18:30 5 considered if she became known she'd be dead, that's what I
12:18:34 6 considered.

12:18:34 7
12:18:35 8 You didn't consider any repercussions in terms of police
12:18:39 9 embarrassment beyond that?---I didn't at that time, no.

12:18:45 10
12:18:46 11 When you say at that time?---Well it's obvious now, now
12:18:52 12 that I'm sitting here and you're showing me this for the
12:18:55 13 first time.

12:18:55 14
12:18:56 15 From that point in time did you at some stage come to an
12:19:00 16 appreciation that, "What we're doing might be considered by
12:19:05 17 others to be wrong"?---No. I didn't turn my mind to that
12:19:10 18 at the time, no.

12:19:11 19
12:19:13 20 You didn't at this time. Along the way did you ever
12:19:16 21 consider that?---No, I didn't.

12:19:17 22
12:19:25 23 Did you ever consider that the courts might have some
12:19:29 24 concern about what was going on with Ms Gobbo?---No, I
12:19:33 25 didn't consider that.

12:19:33 26
12:19:34 27 Did you ever discuss with Mr White the need for legal
12:19:39 28 advice in relation to what had gone on with Ms Gobbo?---No,
12:19:43 29 as I say the only matter I discussed with Mr White was in
12:19:47 30 relation to what had happened with person 35.

12:19:56 31
12:19:57 32 That's the person listed at number 35 on the list of
12:20:01 33 pseudonyms?---Yes.

12:20:02 34
12:20:02 35 Did you ever have any discussion about the need for legal
12:20:08 36 advice because of the use of Ms Gobbo?---No, I did not.

12:20:11 37
12:20:27 38 It's apparent from some of the evidence that the Commission
12:20:30 39 has heard that there were concerns being expressed by
12:20:34 40 people within your crew as to the use of Ms Gobbo as a
12:20:38 41 human source, not simply because of Ms Gobbo's safety but
12:20:44 42 because of her profession. Do you say you were never part
12:20:50 43 of those discussions with your own crew?---No, I don't
12:20:53 44 recall any such discussion.

12:20:55 45
12:20:55 46 Do you say that they never happened or you just don't
12:20:58 47 recall them?---I don't believe it happened.

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12:20:59 1
12:21:03 2 If someone had raised concerns like that with you at the
12:21:07 3 time what would you have done about it?---I would have
12:21:09 4 discussed it with them and basically said it's being
12:21:13 5 handled by the SDU.
12:21:16 6
12:21:16 7 If it's a legitimate concern that's being raised and it
12:21:22 8 seems although it might fall under the umbrella of the SDU
12:21:26 9 but it's a risk to Victoria Police that's not being dealt
12:21:30 10 with adequately by the SDU, what would you do about
12:21:32 11 that?---If it was raised in that manner I suppose I would
12:21:36 12 have to seek some advice from a senior officer, in which
12:21:40 13 case it probably would have been the Superintendent or the
12:21:42 14 Assistant Commissioner.
12:21:44 15
12:21:44 16 You had a direct line to Mr Overland?---I did, yes.
12:21:48 17
12:21:48 18 Do you say these matters were never raised as any concern
12:21:52 19 with you so they were never raised with Mr Overland?---No.
12:21:56 20
12:21:57 21 If members of your crew have memories of those concerns
12:22:03 22 being raised and discussed on numerous occasions, do you
12:22:07 23 say that they're wrong?---As I say - - -
12:22:12 24
12:22:12 25 Including with you?---I don't have a recollection of that
12:22:14 26 being raised with me, no.
12:22:16 27
12:22:23 28 Your position is that you could see no ethical or legal
12:22:28 29 issue associated with the use of Ms Gobbo?---As far as I
12:22:33 30 was concerned she was giving information about ongoing
12:22:36 31 criminal activity. I didn't see an ethical issue with
12:22:40 32 that.
12:22:40 33
12:22:42 34 You had some understanding of what her role was within the
12:22:45 35 justice system?---Yes.
12:22:47 36
12:22:51 37 That she's there to represent a client to the best of her
12:22:55 38 abilities?---Yes.
12:22:57 39
12:22:57 40 She's there to act in the client's best interests?---Yes.
12:23:02 41
12:23:02 42 She's there not to represent her own interests?---I'm
12:23:07 43 unsure of what, all the things she's bound by.
12:23:11 44
12:23:11 45 The best interests of her clients are put ahead of her own
12:23:16 46 best interests?---All right.
12:23:17 47

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These claims are not yet resolved.

12:23:19 1 You would accept that? That would be something you
12:23:22 2 naturally would have understood, wouldn't it?--As I say,
12:23:26 3 I'm - I don't know what the Vic Bar rules are or what
12:23:30 4 barristers are bound by, but in a general sense I would
12:23:34 5 expect that she would act in the interests of her clients,
12:23:37 6 yes.
12:23:37 7
12:23:41 8 If you came to understand that the conduct that was being
12:23:48 9 engaged in impacted upon someone's ability to receive a
12:23:54 10 fair trial, what would you have done?--Well, as I say,
12:24:01 11 that didn't arise.
12:24:06 12
12:24:06 13 You never came to that understanding at all?--No, I
12:24:08 14 didn't.
12:24:08 15
12:24:18 16 You don't say that because it falls under the umbrella of
12:24:24 17 the SDU that you can completely abrogate any responsibility
12:24:32 18 for pointing out unethical or unlawful behaviour by other
12:24:37 19 members of Victoria Police?--No, I'm not saying that at
12:24:40 20 all. I mean at every stage if there was any unethical
12:24:50 21 behaviour discovered I did the appropriate thing about it
12:24:55 22 in the course of investigations over many years, and
12:24:59 23 continued to pursue it right up until the end I was at
12:25:04 24 Purana.
12:25:04 25
12:25:06 26 On 21 November 2005 the MDID crew relocated physically to
12:25:13 27 Purana offices, is that right?--No, I did.
12:25:17 28
12:25:17 29 You did. And then the following day there was a briefing
12:25:20 30 to the crew?--That's correct.
12:25:21 31
12:25:23 32 Who was present for that briefing?--Probably would have
12:25:26 33 been a small amount of the first round of people that came
12:25:29 34 on board and I gave a similar briefing to others as they
12:25:32 35 came on board.
12:25:34 36
12:25:34 37 If we can bring up document VPL.0005.0096.0001. Is it the
12:25:54 38 case that this was a briefing that Detective Inspector Ryan
12:25:58 39 attended as well?--I'm not sure if Gavan was there or not.
12:26:02 40
12:26:04 41 Was there anyone else in the hierarchy present?--No, I
12:26:08 42 wouldn't think so.
12:26:09 43
12:26:13 44 This is a summary of what was going on with Operation
12:26:19 45 Posse, it was a bringing together a lot of investigations
12:26:23 46 under the one umbrella?--That's correct.
12:26:25 47

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12:26:26 1 Some of them had previously been started, Sages and Quills
12:26:32 2 earlier that year?---That's correct.
12:26:33 3
12:26:33 4 And the Posse ones had been started since Ms Gobbo's
12:26:38 5 information had started flowing?---Yes.
12:26:40 6
12:26:50 7 Under the heading "investigation", the first thing there
12:26:53 8 says "Terms of Reference" and I think you've indicated in
12:26:57 9 your statement at paragraph 77 that you kept a copy of
12:27:00 10 another document entitled Terms of Reference, is that
12:27:04 11 right?---So there was the investigation plan which you have
12:27:06 12 and the risk assessment and then there was a Terms of
12:27:10 13 Reference document which was a Word document of a couple of
12:27:12 14 pages which was signed off by the Assistant Commissioner.
12:27:17 15 I kept a copy of that in my safe at the office and the
12:27:21 16 original would have been kept by Crime Command and I
12:27:26 17 periodically dragged that out of the safe and re-read it to
12:27:29 18 make sure I was staying on track.
12:27:31 19
12:27:33 20 As far as you know that document hasn't been able to be
12:27:36 21 located in this process, is that right?---That's correct.
12:27:38 22
12:27:39 23 Were there other documents and materials that were kept in
12:27:42 24 your safe that you thought might be relevant to the
12:27:45 25 Commission that haven't been able to be located?---None
12:27:48 26 that I know of.
12:27:49 27
12:27:49 28 Maybe those tapes from Mansell and Rowe?---No, I wouldn't
12:27:52 29 have kept those tapes from Mansell and Rowe. As I said
12:27:55 30 they would have been handed over to the SDU at the earliest
12:27:59 31 possible opportunity.
12:27:59 32
12:28:03 33 I think within that document it indicates that there was
12:28:08 34 some anticipation that the investigation was going to be
12:28:11 35 slow to kick off because there was various leave
12:28:16 36 commitments and low in staff and so fort, is that
12:28:17 37 right?---There was a lack of resourcing due to the
12:28:20 38 Commonwealth games.
12:28:20 39
12:28:21 40 "Things are going to be a bit slow to kick off but we need
12:28:24 41 to get a few things in place"?---Yes.
12:28:26 42
12:28:26 43 And that included some surveillance in relation to
12:28:28 44 **Mr Bickley** appearing to be a bit of a priority at that
12:28:31 45 stage?---Yes. So it was just activating a few things that
12:28:35 46 could be managed with the limited resources I had at that
12:28:38 47 point.

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12:28:38 1
12:28:38 2 I'll tender that document, Commissioner.
12:28:42 3
12:28:44 4 COMMISSIONER: Operation Posse commencement briefing, 22
12:28:47 5 September 2005.
12:28:48 6
12:28:48 7 #EXHIBIT RC470A - (Confidential) Operation Posse
12:28:45 8 commencement briefing 22/09/05.
12:28:51 9
12:28:52 10 #EXHIBIT RC 470B - (Redacted version.)
12:28:58 11
12:28:58 12 The previous document, did we tender that, the former
12:29:05 13 registration, reactivation application, Part C risk
12:29:12 14 assessment?
12:29:12 15
12:29:13 16 MS TITTENSOR: The SDU risk assessment wasn't. I had
12:29:13 17 expected that that might have previously been tendered.
12:29:17 18
12:29:17 19 COMMISSIONER: Already tendered, thank you.
12:29:21 20
12:29:26 21 MS TITTENSOR: Following this time your diary contains
12:29:32 22 indications that there are meetings with people from the
12:29:36 23 SDU and other units, strategy meetings and so forth?---Yes.
12:29:41 24
12:29:43 25 Those types of meetings, what was the purpose of
12:29:49 26 them?---With the SDU?
12:29:50 27
12:29:50 28 Yes?---Primarily about the safety of the source.
12:29:52 29
12:29:54 30 Was it about tasking the source, direction of
12:29:58 31 investigations?---No, I think there was only one, on one
12:30:01 32 occasion I think I tasked the source. That was in relation
12:30:04 33 to disposable income of Tony Mokbel.
12:30:07 34
12:30:08 35 Do you say she was only tasked once by Operation Posse or -
12:30:12 36 - - ?---I believe so, yes.
12:30:14 37
12:30:16 38 If she was tasked in various other capacities during
12:30:20 39 Operation Posse, or for the purpose of Operation Posse,
12:30:24 40 would you have known about it?---Not necessarily. The SDU
12:30:28 41 had a full understanding of my investigative direction.
12:30:33 42
12:30:33 43 Things were done in coordination with them generally,
12:30:37 44 wouldn't that be the case?---No, they just provide me with
12:30:40 45 what information they got. I mean there was a lot of
12:30:42 46 information came in that wasn't of value to me at all. It
12:30:48 47 was, a lot of it was personal material, the source's view

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12:30:57 1 of other people and that sort of thing which was highly
12:31:00 2 irrelevant as far as I was concerned. Some of it was of
12:31:08 3 value and a lot of it wasn't.
12:31:10 4
12:31:11 5 Once things got started with the SDU you were frequently
12:31:16 6 receiving down loads of information?---Yes, nearly every
12:31:21 7 day, sometimes twice a day or more.
12:31:23 8
12:31:23 9 You say in your statements, "Most days, often more than
12:31:27 10 once"?---Yes.
12:31:28 11
12:31:28 12 And you're receiving that information either in person or
12:31:33 13 more often on the phone?---Most of the time on the phone.
12:31:36 14
12:31:39 15 As I've indicated earlier you refer in your statement to
12:31:42 16 that being by way of what you call a hot debrief, a
12:31:46 17 download of information?---Yes.
12:31:47 18
12:31:51 19 Was it a back and forth conversation that you'd have, you'd
12:31:55 20 seek clarification or you'd seek a reminder of earlier
12:31:58 21 information?---No, generally not. Generally it was -
12:32:01 22 they'd ring and I'd just get my pen out and start writing.
12:32:05 23
12:32:06 24 Do you say you wrote every topic or just the topics you
12:32:09 25 thought were relevant at the time?---No, I wrote exactly
12:32:12 26 what I was told.
12:32:13 27
12:32:13 28 It wouldn't have been necessarily, couldn't have been word
12:32:18 29 for word because there was a lot of information coming from
12:32:20 30 Ms Gobbo?---The majority of the time it was word for word
12:32:24 31 what I was told.
12:32:24 32
12:32:27 33 You say you recorded it as best you could at any given
12:32:30 34 time?---Yes.
12:32:31 35
12:32:32 36 But you couldn't record everything all the time?---No, if I
12:32:37 37 happened to be out of the office, which wasn't all that
12:32:40 38 often, but if I was away from the office I would say, "Look
12:32:43 39 I can't talk, I'll ring you back", but most of the time I
12:32:49 40 recorded everything.
12:32:50 41
12:32:50 42 You accept that you may not have recorded some of the
12:32:53 43 conversations in your diary?---I can't think of any that I
12:32:57 44 didn't, but it may be possible that I did miss, miss some,
12:33:02 45 I'm not sure.
12:33:03 46
12:33:03 47 You say as much at paragraph 64?---Yes, I know.

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12:33:06 1
12:33:06 2 You couldn't guarantee that you recorded the full extent of
12:33:10 3 every conversation that you had in your diary?---As I say,
12:33:13 4 I believe I recorded everything I was told.
12:33:16 5
12:33:16 6 If there are indications in the SDU records that they've
12:33:22 7 told you certain things but there's no entry in your
12:33:25 8 diary?---Yes.
12:33:25 9
12:33:26 10 Do you accept that you've been told certain things by the
12:33:30 11 SDU?---No.
12:33:31 12
12:33:31 13 You wouldn't?---No, I don't.
12:33:33 14
12:33:33 15 You would say that they are wrong if they say they told you
12:33:36 16 certain things or they've got an entry indicating that they
12:33:42 17 told you certain things?---Well, that's exactly what I'm
12:33:46 18 saying because I reviewed recently Justice Kellam's report
12:33:52 19 and in that report there's a number of SDU entries that
12:33:56 20 clearly I was never told about and I have no entry about
12:33:59 21 them, but they're relied on in that report.
12:34:03 22
12:34:08 23 You indicated a number of times in your evidence that you
12:34:13 24 rely on your diary for your memory?---Yes.
12:34:15 25
12:34:17 26 That's fair enough, these are things that occurred a long
12:34:21 27 time ago?---Yes.
12:34:21 28
12:34:21 29 If you didn't write something in your diary but someone
12:34:25 30 else made a contemporaneous note of it at the time,
12:34:29 31 wouldn't you accept that contemporaneous note?---It
12:34:33 32 depends, are you talking about one of my staff or one of
12:34:36 33 the SDU staff?
12:34:37 34
12:34:37 35 One of the SDU staff. You've worked with Mr White for a
12:34:41 36 long period of time. You respect him. If he's made a note
12:34:45 37 of having had a conversation with you and you haven't,
12:34:47 38 would you accept that conversation took place?---I've no
12:34:51 39 reason to doubt him but as I say, I don't believe that I
12:34:54 40 got a lot of that information that I'm apparently supposed
12:34:59 41 to have. I mean I've taken note after note after note. I
12:35:07 42 had no reason not to take notes when somebody rang me with
12:35:12 43 information.
12:35:12 44
12:35:13 45 When you had a conversation with SDU staff about other
12:35:17 46 issues, not necessarily the intelligence issues, would you
12:35:24 47 basically headline that in your notes?---Yes.

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12:35:27 1
12:35:27 2 You would describe the contents of what you were
12:35:31 3 discussing, you might say a general nature of what was
12:35:34 4 being discussed?---Yes, I would.
12:35:36 5
12:35:37 6 Is that fair to say?---Yes.
12:35:38 7
12:35:41 8 If in those cases the SDU have more comprehensive notes
12:35:46 9 themselves, would you accept the contents of their more
12:35:48 10 comprehensive notes?---Yes, I would.
12:35:50 11
12:36:07 12 It's apparent during various periods of time that other
12:36:11 13 members of your team were also receiving calls from the
12:36:15 14 SDU, Burrows, Flynn and Rowe. Were you aware of
12:36:23 15 that?---After registration?
12:36:24 16
12:36:24 17 Yes?---Or - yeah, I'm not sure what calls they got.
12:36:30 18
12:36:30 19 Were there any instructions given to them about recording
12:36:33 20 of such information?---I'd assume if they got those calls
12:36:40 21 they would have recorded it.
12:36:41 22
12:36:42 23 Is it the case that when you're getting a hot debrief you
12:36:46 24 yourself might be barking out orders to other people to act
12:36:49 25 on that information?---No. I'd get the information first
12:36:55 26 and then decide what was going to happen with it.
12:36:59 27
12:37:02 28 Would the crew that you gave instructions to following
12:37:05 29 that, would they write the information down?---On some
12:37:08 30 occasions they did, yes.
12:37:09 31
12:37:10 32 Were there particular instructions about when they were to
12:37:12 33 write things down or not?---Sometimes I remember saying to
12:37:19 34 people, "Come and see me and bring your diary", so.
12:37:23 35
12:37:24 36 There was a concern, was there not, about what in an
12:37:29 37 investigator's notes might later be disclosed in a court
12:37:33 38 process?---As far as information, informer information,
12:37:37 39 yes.
12:37:38 40
12:37:54 41 If we can bring up Mr O'Brien's diary summary again,
12:37:59 42 please. I'm told perhaps the SDU risk assessment hadn't
12:38:23 43 been tendered, Commissioner. So I might tender that.
12:38:29 44
12:38:29 45 COMMISSIONER: It's difficult to keep up with it all, isn't
12:38:32 46 it? We don't think - - -
12:38:36 47

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12:38:36 1 MS TITTENSOR: If it hasn't been, I tender it. We'll make
12:38:43 2 some inquiries.
12:38:43 3
12:38:43 4 COMMISSIONER: It was shown apparently to Mr White but not
12:38:45 5 tendered at that time. You think it was tendered?
12:38:50 6
12:38:50 7 MR CHETTLE: I tendered it certainly.
12:38:52 8
12:38:52 9 COMMISSIONER: We're just checking the list and we don't
12:38:55 10 seem to be able to find it. We'll see whether it's been
12:38:58 11 tendered or not. Could you just double-check that. There
12:39:03 12 were a lot of exhibits. Did you think that came in your -
12:39:06 13 - -
12:39:06 14
12:39:06 15 MR CHETTLE: In evidence-in-chief when I tendered it, to
12:39:10 16 quote Mr Holt, I tendered the world.
12:39:12 17
12:39:12 18 COMMISSIONER: We'll just do a search and see if we can
12:39:17 19 find it.
12:39:17 20
12:39:17 21 MR CHETTLE: 284 I'm told.
12:39:19 22
12:39:19 23 COMMISSIONER: 284, thank you. 284 according to me is a
12:39:29 24 source management log.
12:39:32 25
12:39:33 26 MR CHETTLE: Two formal risk assessments, you're quite
12:39:37 27 right, 284A and B.
12:39:38 28
12:39:39 29 COMMISSIONER: Did you say 204?
12:39:42 30
12:39:43 31 MR CHETTLE: 284.
12:39:44 32
12:39:44 33 COMMISSIONER: I've got the source management logs.
12:39:48 34
12:39:48 35 MR CHETTLE: 285, sorry.
12:39:50 36
12:39:50 37 COMMISSIONER: Risk assessment, yes, that's it, 285.
12:39:54 38 Thanks very much, Mr Chettle.
12:39:57 39
12:39:57 40 MS TITTENSOR: If we can go to 5 December, please. You see
12:40:06 41 there's an entry down the bottom of that page there?---Yes.
12:40:11 42
12:40:12 43 On 5 December there's a mobile telephone call, is that
12:40:20 44 MTC?---Made telephone call, yes.
12:40:22 45
12:40:24 46 You spoke to Mr White at the DSU and requested all Posse
12:40:28 47 intelligence holdings?---Yes.

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12:40:30 1
12:40:30 2 Do you know what that's about?---Well I presume it was the
12:40:35 3 SDU or the DSU requesting whatever intel holdings we had.
12:40:39 4
12:40:40 5 Is that them calling you or you calling them?---No, it
12:40:46 6 would be them - I believe I made the phone call but that's
12:40:50 7 what they were requesting.
12:40:51 8
12:40:52 9 You see following that at 2 pm you've got your weekly
12:40:56 10 briefing with Mr Overland, Mr Purton, Blayney, in relation
12:41:02 11 to the Task Force Posse?---Yes.
12:41:06 12
12:41:06 13 Is it likely that you were seeking intelligence holdings
12:41:10 14 for the update?---No, I wouldn't think so. I think it was
12:41:22 15 probably more the DSU wanting to know what we knew.
12:41:26 16
12:41:26 17 You see there Detective Superintendent Blayney was present
12:41:34 18 at these weekly briefings, is that right?---Some of them,
12:41:37 19 yes.
12:41:38 20
12:41:38 21 He was aware of the status of Ms Gobbo being the main
12:41:42 22 informer in Operation Posse?---He would have been, yes.
12:41:46 23
12:41:47 24 Did he have any discussion with you about the fact that he
12:41:53 25 knew she was an informer back in the 1990s?---No.
12:41:55 26
12:41:56 27 And that he'd assessed her back then as being a loose
12:42:00 28 cannon?---No.
12:42:01 29
12:42:01 30 Is that something that might have been relevant to your
12:42:04 31 considerations?---Certainly information that certainly
12:42:09 32 would have been handy, but I was never told and in fact
12:42:13 33 until the Commission I was unaware that she'd ever been
12:42:18 34 used as an informer by anybody apart from us.
12:42:20 35
12:42:28 36 If we just quickly have a look at 9 December. There's a
12:42:33 37 meeting with various members of the SDU, White, Smith and
12:42:37 38 Green re Posse?---Yes.
12:42:42 39
12:42:43 40 Sorry, White, Black and Green, I think, re Posse. And
12:42:53 41 there's a briefing in relation to the current intelligence
12:42:57 42 that's going on, is that right?---Yes.
12:42:59 43
12:43:01 44 There's a discussion later, I think at 1.45 with Biggin and
12:43:09 45 others in relation to resourcing. No, it might be another
12:43:15 46 note that I've made, having seen your diary?---Yes, that's
12:43:20 47 correct. Yes, 13:45.

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12:43:23 1
12:43:26 2 At 15:45 there's a briefing given to Commander Purton re
12:43:32 3 Operation Posse developments and he was to then go and
12:43:36 4 advise Mr Overland?---That's correct.
12:43:39 5
12:43:42 6 On 12 December you then have another weekly briefing with
12:43:48 7 Mr Overland, Purton, Blayney?---Yes.
12:43:51 8
12:43:52 9 In relation to Posse?---Posse, Pells, Snipes and Judge.
12:44:00 10
12:44:00 11 Yes?---Posse, Pells, Snipes and Judge, staffing issues.
12:44:05 12
12:44:07 13 I understand you then took leave yourself, is that right,
12:44:15 14 between the 14th and the?---1 January.
12:44:19 15
12:44:19 16 14 December and 1 January?---Yes.
12:44:21 17
12:44:21 18 Who would act in your place when you were on leave?---I
12:44:24 19 would imagine it was Gavan Ryan. You'd have to check,
12:44:28 20 there would be a record there.
12:44:29 21
12:44:31 22 Whilst you were on leave over that period the intelligence
12:44:35 23 from Ms Gobbo kept coming in, is that right?---It would
12:44:39 24 have, yes.
12:44:39 25
12:44:39 26 In relation to the cooking of methamphetamine by a number
12:44:44 27 of people?---Yes.
12:44:45 28
12:44:47 29 Were you aware that there was some frustration within the
12:44:50 30 SDU about that not being acted upon or not being able to be
12:44:55 31 acted upon because of the resourcing?---No, not really. I
12:45:00 32 can't remember that.
12:45:00 33
12:45:02 34 On 3 January at 11.48 you see there you've got a briefing
12:45:11 35 with Detective Sergeant Coghlan?---Yes.
12:45:14 36
12:45:15 37 Re Operation Posse and he's provided with the investigation
12:45:18 38 plan and a copy of the suspect person of interest
12:45:22 39 list?---Yes.
12:45:22 40
12:45:22 41 Mr Coghlan was someone associated with Asset
12:45:28 42 Recovery?---Yes.
12:45:28 43
12:45:29 44 What was his role with Operation Posse?---He was in charge
12:45:33 45 of setting up the criminal proceeds team. I specifically
12:45:40 46 recruited him for the role due to his previous involvement
12:45:45 47 in Mokbel issues with Kayak. He was aware of all the

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12:45:49 1 players and had a lot of that historical knowledge in his
12:45:55 2 head. It made sense to approach him. He was reluctant to
12:46:00 3 actually join us.
12:46:02 4
12:46:02 5 Were you aware of whether he had any previous history with
12:46:06 6 Ms Gobbo?---No.
12:46:07 7
12:46:07 8 Because of his involvement in Kayak?---No.
12:46:09 9
12:46:10 10 He was made aware of Ms Gobbo's status as a source?---Not
12:46:15 11 at that stage I wouldn't think. It would have been
12:46:18 12 something he became aware of over time.
12:46:21 13
12:46:29 14 Following that you have another Operation Purana weekly
12:46:38 15 briefing, is that right, that afternoon?---3 January?
12:46:45 16
12:46:46 17 Yes?---Yes.
12:46:49 18
12:46:52 19 It seems as though at that stage Purton is Acting Assistant
12:47:02 20 Commissioner?---Yes.
12:47:02 21
12:47:08 22 On 16 January at 2 o'clock there's another weekly briefing
12:47:16 23 in the office of Mr Overland. We've got Detective
12:47:22 24 Superintendent Blayney and Acting Commander Grant also
12:47:26 25 present at that meeting?---That's correct.
12:47:27 26
12:47:29 27 Is it fair to say that all of the people present at these
12:47:34 28 meetings, because sometimes the players changed, do they
12:47:39 29 all know about Ms Gobbo's status as a source?---Certainly
12:47:46 30 Superintendent Grant would have.
12:47:48 31
12:47:49 32 And we know that Blayney - - - ?---Blayney did.
12:47:53 33
12:47:54 34 And Overland certainly did?---Yes.
12:47:56 35
12:47:57 36 At that stage there's been some communications obviously
12:48:02 37 about your resourcing problems. You were to be given an
12:48:06 38 additional analyst?---Yes.
12:48:07 39
12:48:08 40 And that's because of the amount of information that was
12:48:10 41 coming through from Ms Gobbo, it was far too great to be
12:48:15 42 handled with the resourcing that you had?---No, that wasn't
12:48:17 43 the case at all.
12:48:18 44
12:48:19 45 What was the case?---It was in relation to just analytical
12:48:22 46 work that had to be done around targets and building up
12:48:27 47 profiles in relation to them and doing all the property

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12:48:31 1 checks, asset/background checks, vehicle ownership, that
12:48:35 2 type of thing so that we had a full picture.
12:48:38 3
12:48:38 4 A lot of those tasks that were being undertaken were being
12:48:41 5 undertaken by virtue of information that was being provided
12:48:45 6 by Ms Gobbo, the mobile numbers, the car registrations and
12:48:48 7 so forth?---No, that was just value added to some extent
12:48:53 8 but, no, we knew who the targets were, we were just
12:48:57 9 developing profiles on them and financial profiles on them.
12:49:00 10
12:49:00 11 Ms Gobbo was helping out in that respect, wasn't she,
12:49:04 12 passing along a lot of that intelligence?---Whatever
12:49:07 13 information she got was fed, or provided was fed into the
12:49:12 14 system and whether it aided the build up of those profiles
12:49:18 15 or not, really you'd have to look at the profiles.
12:49:21 16
12:49:24 17 Would you be able to tell from the profiles whether the
12:49:27 18 information has come from her or from elsewhere?---I can't
12:49:31 19 say really.
12:49:34 20
12:49:36 21 At that stage there's a discussion about narrowing the
12:49:40 22 focus of Operation Posse on to a particular person?---Yes.
12:49:43 23
12:49:46 24 There's discussion though of opportunities also in relation
12:49:50 25 to Karam?---That's correct.
12:49:53 26
12:49:54 27 Robbie Karam, in relation to whether there might be some
12:49:59 28 listening devices or undercovers used, is that
12:50:02 29 right?---That's correct.
12:50:02 30
12:50:03 31 He was someone else that Ms Gobbo was providing information
12:50:08 32 about?---She did, yes.
12:50:10 33
12:50:10 34 Are you aware she represented Mr Karam?---No.
12:50:16 35
12:50:17 36 Are you aware that she represented Mr Karam at any
12:50:21 37 time?---No. I was unaware that she represented Karam.
12:50:28 38
12:50:30 39 Mr Overland gave some instructions as to where to focus the
12:50:34 40 investigation and what resources to be deployed and what
12:50:37 41 might come if they revealed anything?---Well he provided,
12:50:44 42 virtually they were telling me that I wasn't going to be
12:50:48 43 getting too many more resources, I needed to focus my
12:50:53 44 attention on a narrower approach.
12:50:55 45
12:50:56 46 The following day there's a meeting between some of your
12:51:00 47 team, Burrows, Rowe, and some of the SDU, Smith and White,

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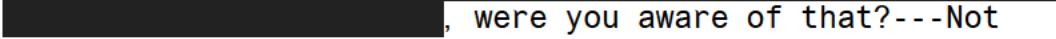
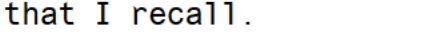
12:51:09 1 as well as Covert Services Unit?---Yes.
12:51:13 2
12:51:17 3 There's a discussion about what's to be done about the
12:51:21 4 introduction of an undercover for intelligence only?---Yes.
12:51:24 5
12:51:30 6 What's to be done in relation to Lanteri and the decision
12:51:34 7 of the Task Force to focus on a couple of particular
12:51:37 8 people?---Yes.
12:51:37 9
12:51:37 10 Is that right? Underneath that you've got a note there at
12:51:50 11 1.30 that afternoon, "Convene a meeting with the Office of
12:51:56 12 the Chief Examiner re Operation Posse"?---Yes.
12:51:58 13
12:51:58 14 Present at that meeting is Sergeant Spargo. He's the
12:52:05 15 analyst for Task Force Purana?---Yes.
12:52:07 16
12:52:07 17 Burrows and Rowe are present?---Yes.
12:52:10 18
12:52:11 19 Who's Sergeant Thornton?---Would have been from the
12:52:20 20 offices, attached to the Office of the Chief Examiner.
12:52:22 21
12:52:24 22 Jenny Pavlou was a legal officer attached to the Office of
12:52:32 23 the Chief Examiner?---Yes.
12:52:32 24
12:52:33 25 And Acting Senior Sergeant Anthony Silver was also with the
12:52:38 26 Chief Examiner's office?---Yes.
12:52:39 27
12:52:40 28 And they were briefed re Operation Posse objectives?---Yes.
12:52:45 29
12:52:46 30 Were they told about the informer in Operation Posse?---No.
12:52:51 31
12:52:53 32 Ms Pavlou was a lawyer?---Yes.
12:52:55 33
12:52:56 34 Were they told about any issues associated with informers
12:53:00 35 in Operation Posse?---No.
12:53:02 36
12:53:03 37 Is there a reason for that?---Again, I wasn't - we weren't
12:53:08 38 broadcasting who informers were or weren't.
12:53:14 39
12:53:16 40 The Office of the Chief Examiner, their role was
12:53:20 41 effectively a support service for Victoria Police?---Yes.
12:53:24 42 They were looking at them from the point of Asset Recovery,
12:53:28 43 asset stripping.
12:53:29 44
12:53:29 45 It doesn't seem - well - - - ?---That was the purpose of
12:53:33 46 the meeting around asset, examinations in relation to asset
12:53:38 47 seizure, asset stripping.

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12:53:40 1
12:53:40 2 Would you expect that Mr Coghlan would have been at that
12:53:43 3 meeting if that was the case?---Well, a decision hadn't
12:53:48 4 have been made. This was an earlier discussion. I think
12:53:50 5 the Office of Chief Examiner had only been set up in recent
12:53:54 6 times. It may not have even been fully formulated at that
12:53:58 7 point.
12:53:58 8
12:53:58 9 It was a 2004 Act so you're probably correct about that.
12:54:04 10 In order for them to conduct investigations they needed an
12:54:07 11 order from the Supreme Court, is that right?---Right. Well
12:54:10 12 I'm not sure of the administrative tasks around the OCE.
12:54:17 13 All we were doing was flagging up at that stage that we
12:54:20 14 were intending to take significant assets from this group
12:54:24 15 of organised crime individuals.
12:54:27 16
12:54:27 17 Did you end up using the Office of the Chief
12:54:30 18 Examiner?---No.
12:54:30 19
12:54:30 20 Is that because of the processes and having to put forward
12:54:34 21 material before the Supreme Court on an affidavit
12:54:42 22 basis?---No, I think it was more around jurisdictional
12:54:44 23 issues around, I think, correct me if I'm wrong but I think
12:54:44 24 OCE was limited to Victoria where the ACC, AISD had a
12:54:50 25 national impact.
12:54:53 26
12:54:54 27 You ultimately for those purposes came to use the
12:54:59 28 ACC?---That's correct.
12:55:00 29
12:55:01 30 Did you have your own examiners within the ACC or did they
12:55:07 31 have their own - - - ?---They had their own examiners.
12:55:10 32
12:55:10 33 Were they at some stage examiners from the OPP?---No, not
12:55:17 34 as far as I'm aware.
12:55:18 35
12:55:28 36 On 19 January you've got noted in your diary summary a
12:55:38 37 number of contacts in relation to the DSU there. Mr White
12:55:46 38 has recorded in his diary a call to you requesting
12:55:51 39 
12:55:55 40 
12:55:59 41 , were you aware of that?---Not
12:56:03 42 that I recall.
12:56:03 43
12:56:05 44 According to Mr White's diary entry he noted - - -
12:56:26 45
12:56:27 46 MR HOLT: Commissioner, the topic that's just been raised
12:56:29 47 in relation to surveillance is one in respect of which

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12:56:32 1 you've allowed public interest immunity claims in documents
12:56:34 2 previously as I'm instructed. I wonder if that could be
12:56:38 3 taken from - - -
12:56:39 4
12:56:39 5 COMMISSIONER: I think that was always only on a temporary
12:56:41 6 basis.
12:56:42 7
12:56:43 8 MR HOLT: Could it at least be taken from the public stream
12:56:46 9 now and I'll deal with the issue over lunch and make sure
12:56:49 10 we're in a position to properly advise. I don't want
12:56:51 11 things to be inadvertently done. If that's the position
12:56:52 12 I'll check, Commissioner.
12:56:54 13
12:56:54 14 COMMISSIONER: I think what's happened is there are these
12:56:57 15 wide ranging objections on the basis of PII to many matters
12:57:00 16 which seem to be well within the public knowledge, but just
12:57:04 17 to progress things we've taken a generous view on.
12:57:09 18
12:57:09 19 MR HOLT: I think this is a specific one in respect of the
12:57:11 20 way in which surveillance, I'm conscious now that I'm - - -
12:57:15 21
12:57:15 22 COMMISSIONER: Is there a paragraph I should be looking at?
12:57:18 23
12:57:18 24 MR HOLT: Yes, Commissioner. In the transcript it's line
12:57:20 25 13 to line 19, p.5576.
12:57:35 26
12:57:35 27 COMMISSIONER: Did you say 919?
12:57:40 28
12:57:40 29 MR HOLT: Line 13 to line 19, Commissioner. It's a very
12:57:45 30 specific issue. It's not about that issue generally, it's
12:58:00 31 a very specific issue about a particular thing that's done.
12:58:02 32
12:58:03 33 COMMISSIONER: I'm not sure it's conceded that it is. Yes,
12:58:06 34 what's your attitude, Ms Tittensor?
12:58:08 35
12:58:10 36 MS TITTENSOR: I'm not sure that it's in the public
12:58:16 37 interest to withhold this. I mean it's simply the case
12:58:20 38 that they wanted to check Ms Gobbo's bona fides at that
12:58:24 39 stage to see if she was telling the truth about who she was
12:58:29 40 talking to.
12:58:29 41
12:58:30 42 COMMISSIONER: They do want to push the claim. You're not
12:58:33 43 conceding it, is that right?
12:58:35 44
12:58:35 45 MS TITTENSOR: No, perhaps if it can come out at this stage
12:58:38 46 we can have some further discussion.
12:58:39 47

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12:58:40 1 COMMISSIONER: Yes.
12:58:41 2
12:58:41 3 MR HOLT: That will be my proposal, Commissioner, and I'll
12:58:43 4 resolve the issue over lunch.
12:58:45 5
12:58:45 6 COMMISSIONER: All right. There are quite a few of these
12:58:47 7 issues where there are these wide ranging PII claims on
12:58:50 8 matters which don't immediately seem to me to be PII, but
12:58:57 9 we've sort of let them go, taken them out on the basis that
12:59:01 10 it might be argued at some point. We'll do that again
12:59:06 11 here. We want that, from line 15 through to - - -
12:59:18 12
12:59:19 13 MR HOLT: 13, Commissioner.
12:59:21 14
12:59:21 15 COMMISSIONER: I don't think the first line 13 is a
12:59:25 16 problem.
12:59:26 17
12:59:26 18 MR HOLT: I'm sorry, Commissioner, I've lost the page on
12:59:29 19 the transcript. It's disappeared to the beginning.
12:59:30 20
12:59:30 21 COMMISSIONER: Yes, it's just line 15.
12:59:33 22
12:59:33 23 MR HOLT: Yes, thank you, Commissioner.
12:59:36 24
12:59:36 25 COMMISSIONER: In fact it really could be line 16 to 18
12:59:43 26 that you want out. So 16 to 18 can be removed, line 16 to
12:59:47 27 18 can be removed for the time being.
12:59:49 28
12:59:50 29 MR HOLT: Thank you, Commissioner.
12:59:51 30
12:59:51 31 COMMISSIONER: Thank you. You'll probably return to that
13:00:05 32 in private hearing, Ms Tittensor.
13:00:08 33
13:00:08 34 MS TITTENSOR: Yes, Commissioner. Mr White's diary entry
13:00:17 35 from that day, apart from the matter that I've just raised
13:00:21 36 with you, goes on to - it's in relation to a telephone call
13:00:24 37 you understand that he's having with you?---Yes.
13:00:27 38
13:00:28 39 He says, "Human source to be placed in front of Chief
13:00:31 40 Examiner eventually". Do you know what that's about?---No.
13:00:35 41
13:00:37 42 He was having this discussion with you in relation to
13:00:41 43 Ms Gobbo being placed in front of a compulsory hearing it
13:00:45 44 seems at this stage?---Yeah, I don't recall it.
13:00:48 45
13:00:51 46 Could you have an educated guess about what might have been
13:00:54 47 going on at that stage that might, you were foreseeing the

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13:00:59 1 need to put Ms Gobbo in front of a compulsory
13:01:03 2 hearing?---No, not really, because I mean this is very
13:01:05 3 early in the piece.
13:01:10 4
13:01:19 5 On 23 January 2006 there's another weekly update with
13:01:27 6 Mr Overland, Blayney and Grant?---That's correct.
13:01:31 7
13:01:33 8 Again there's no real further details I don't think in your
13:01:36 9 diary, is that right?---No.
13:01:38 10
13:01:42 11 You, I take it, have no recollection of what matters were
13:01:45 12 verbally discussed then?---Look, back in those days, you
13:01:53 13 know, I was probably a lot sharper than I am today and, you
13:01:58 14 know, I was able to keep 55 balls in the air at once, which
13:02:02 15 is what I was doing running this Task Force, so a lot of
13:02:05 16 the time it would be in my head and I would speak to the
13:02:08 17 operations, I didn't need to refer to a document. I had
13:02:11 18 that knowledge. Unfortunately I don't - with the effluxion
13:02:17 19 of time and a few other issues, I no longer have that
13:02:23 20 knowledge.
13:02:24 21
13:02:25 22 If we move ahead one week. On 30 January 2006 there's the
13:02:29 23 next weekly update with Overland, Blayney, Purton.
13:02:31 24 Discussion as per the weekly briefing note?---Yes.
13:02:34 25
13:02:36 26 It seems as though at that stage Mr Overland's acting in an
13:02:40 27 upgraded capacity, he's then Acting Deputy
13:02:45 28 Commissioner?---That's correct.
13:02:45 29
13:02:45 30 It then goes on, "Deputy Commissioner approval to run two
13:02:49 31 diaries"?---Yes.
13:02:50 32
13:02:50 33 What was that about?---I think that was more about
13:02:56 34 protection of the informer by having source material in one
13:03:00 35 diary and just normal work in another. However it was
13:03:03 36 never implemented.
13:03:06 37
13:03:08 38 Was this a concept that was often used within Victoria
13:03:12 39 Police about running two diaries?---No.
13:03:14 40
13:03:16 41 Whose idea was it?---Look, I think it was something that we
13:03:21 42 may have discussed really early days with the DSU, with
13:03:25 43 Mr White, myself and others.
13:03:26 44
13:03:26 45 What was the idea? Who was going to keep the separate
13:03:30 46 diary?---Well you would run two diaries. In fact you would
13:03:34 47 run the diary for your normal work, but to keep source

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13:03:39 1 material completely out of the diary so that if someone who
13:03:43 2 needed to see that diary for whatever reason had a diary
13:03:46 3 that didn't have the source material.
13:03:48 4
13:03:49 5 Was this specific to Ms Gobbo?---At start of this
13:03:51 6 operation, yes. It's not something we'd done before, it
13:03:54 7 was just a bit of a thought.
13:03:57 8
13:03:57 9 Do you know of anyone else that ran two diaries?---No.
13:04:00 10
13:04:04 11 Was there any care taken about what was put in the diary,
13:04:07 12 in your diary in relation to Ms Gobbo?---No.
13:04:10 13
13:04:16 14 Do you say - you've got a number of occasions where you
13:04:23 15 referred to her as 3838?---Yes.
13:04:26 16
13:04:27 17 Some occasions you refer to her as Ms Gobbo?---I did, yes.
13:04:31 18
13:04:32 19 You in your head were able to strictly say, "Well, she's an
13:04:38 20 informer over here, but she's a lawyer over there"?---Yeah,
13:04:42 21 look I don't, I don't really, you know, have a clear
13:04:48 22 recollection of why I did it. I think why I did it on
13:04:51 23 reflection is that it would cause confusion for anybody who
13:04:56 24 came by my diaries nefariously and read them, they would
13:05:01 25 see that she was a separate person to RHS30, or registered
13:05:08 26 human source 3838. At least it would cause some confusion.
13:05:13 27
13:05:14 28 If you kept the two diaries, I take it you would have put
13:05:18 29 all the 3838 information in one diary?---One.
13:05:22 30
13:05:23 31 And then happily put the Ms Gobbo lawyer information in the
13:05:27 32 other diary?---Yes, I probably would have.
13:05:29 33
13:05:37 34 Every effort would then be made to not provide the second
13:05:45 35 diary, the 3838 diary, in court proceedings, is that
13:05:50 36 right?---No. As I said, it was done, it was only a
13:05:54 37 thought, it never progressed past that.
13:05:56 38
13:05:57 39 Did your diaries ever get produced or looked at in terms of
13:06:06 40 the need for production in any case that was prosecuted
13:06:12 41 that Ms Gobbo had provided information about?---Not as far
13:06:16 42 as I know.
13:06:17 43
13:06:17 44 Did you ever produce them to any lawyers and say, "This
13:06:20 45 might need to be produced, we need some advice on whether
13:06:25 46 we can legitimately claim PII on this"?---No.
13:06:29 47

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13:06:31 1 Were your diaries, for the purposes of disclosure in court
13:06:35 2 proceedings, not touchable?--No, they were always
13:06:41 3 available. If it had become an issue I would have had to
13:06:46 4 produce my diaries, the same as I would in any case.
13:06:49 5
13:06:50 6 When would it become an issue for you that you might have
13:06:53 7 to disclosure your diaries?---If there was a PII issue or
13:06:57 8 some sort of contest over evidence that was led with which
13:07:01 9 I might have been involved.
13:07:02 10
13:07:03 11 Did you not consider that you might have a duty of
13:07:05 12 disclosure nonetheless?---No.
13:07:08 13
13:07:13 14 Did you have any training in relation to disclosure
13:07:17 15 obligations throughout your time in the Police
13:07:22 16 Force?---Other than if there's evidence found during the
13:07:26 17 course of an investigation which was exculpatory of the
13:07:29 18 accused, you're duty-bound to produce it.
13:07:33 19
13:07:33 20 If it's something that might assist an accused in their
13:07:36 21 defence, are you duty-bound to disclose it?---In general
13:07:40 22 terms but I never had an issue like that arise.
13:07:44 23
13:07:44 24 Did you not think that any of the information that you got
13:07:48 25 or did you ever consider that the information that the SDU
13:07:52 26 might hold would be relevant in assisting an accused in
13:07:57 27 their defence?---No.
13:07:59 28
13:08:00 29 Never occurred to you?---No. As I say, I was hiding
13:08:08 30 nothing, it's all been recorded. It's not like, you know,
13:08:12 31 anybody was running around trying to hide things here.
13:08:18 32 Everybody up to the Assistant Commissioner knew what was
13:08:21 33 going on. I briefed up at all stages, I recorded
13:08:24 34 everything in my diary.
13:08:25 35
13:08:25 36 That's the troubling aspect about it all, Mr O'Brien, I'd
13:08:30 37 suggest?---As I say - - -
13:08:35 38
13:08:43 39 On 16 February 2006 Mr Biggin has a diary entry in relation
13:08:50 40 to, it seems, a conversation with Mr Overland. I don't
13:08:55 41 suggest that you're part of this conversation but you may
13:08:58 42 be able to shed some light on it. The entry is this: "AC
13:09:04 43 Overland re human source. To be protected re Operation
13:09:09 44 Posse a priority. Discuss possible tactics to manage". Do
13:09:16 45 you know what that's about?---No.
13:09:17 46
13:09:27 47 Commissioner, we are going to move into an area now where

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13:09:30 1 we'll need to go into private hearing.
13:09:32 2
13:09:32 3 COMMISSIONER: Right. It's so close to lunchtime I guess
13:09:36 4 we'll take lunch and resume at 2 o'clock.
5
13:09:40 6 <(THE WITNESS WITHDREW)
13:09:40 7
13:09:40 8 LUNCHEON ADJOURNMENT
13:09:40 9
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13:53:04 1 UPON RESUMING AT 2.04 PM:
2
14:04:22 3 COMMISSIONER: We're about to go into closed hearing. I
14:04:25 4 understand there are, however, some applications for leave
14:04:27 5 to appear to be made.
14:04:32 6
14:04:33 7 MS DWYER: Yes. I appear on behalf of John Higgs and make
14:04:36 8 application for leave to appear in this tranche of
14:04:41 9 hearings.
10
14:04:41 11 COMMISSIONER: That's Ms Dwyer, is it?
14:04:43 12
14:04:43 13 MS DWYER: Yes, Commissioner.
14
14:04:44 15 COMMISSIONER: Yes. And Mr Wareham for Mr Barbaro.
14:04:51 16
14:04:51 17 MR WAREHAM: I make the same application.
18
14:04:53 19 COMMISSIONER: Is there any submission against the lawyers
14:04:56 20 having leave to appear on the same basis that it was given
14:05:02 21 for the SDU handlers?
14:05:04 22
14:05:05 23 MR HOLT: No Commissioner.
24
14:05:05 25 COMMISSIONER: All right then. I'll give you both leave to
14:05:09 26 appear. Pursuant to s.24 of the Inquiries Act access to
14:05:15 27 the Inquiry during the evidence of this police officer is
14:05:19 28 limited or, sorry, of this witness is limited to legal
14:05:24 29 representatives and staff assisting the Royal Commission,
14:05:26 30 the following parties with leave to appear in private
14:05:29 31 hearing and their legal representatives: the State of
14:05:32 32 Victoria, Victoria Police including media unit
14:05:35 33 representatives, DPP and OPP, Commonwealth DPP, Ms Gobbo,
14:05:39 34 SDU handlers, Australian Federal Police. The legal
14:05:42 35 representatives of the following parties with leave to
14:05:45 36 appear: Faruk Orman, [REDACTED] the Hodson family, John
14:05:52 37 Higgs and Pasquale Barbaro. Media representatives
14:05:57 38 accredited by the Royal Commission are allowed to be
14:05:59 39 present in the hearing room. The hearing is to be recorded
14:06:02 40 but not streamed or broadcast. Subject to any further
14:06:05 41 order there is to be no publication of any material,
14:06:07 42 statement, information or evidence given, made or referred
14:06:10 43 to before the Commission which could identify or tend to
14:06:13 44 identify the persons referred to as [REDACTED]
14:06:16 45 [REDACTED] any member of the Source Development
14:06:19 46 Unit or their whereabouts. A copy of this order is to be
14:06:22 47 posted on the door of the hearing room.

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1 (IN CAMERA HEARING FOLLOWS)
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