

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 Tuesday, 10 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	Ms R. Enbom
Counsel for State of Victoria	Mr T. Goodwin
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 AFP	Ms I. Minnett

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09:36:07 1 COMMISSIONER: Yes, in terms of appearances I note they're
09:36:13 2 largely the same as yesterday save that we have Ms Enbom
09:36:16 3 for this morning for the Victoria Police, Mr Goodwin for
09:36:23 4 the State and Ms O'Gorman for the DPP.
09:36:28 5
09:36:29 6 INSTRUCTING SOLICITOR: Commissioner, she's just a few
09:36:29 7 minutes late.
8
09:36:31 9 COMMISSIONER: We will have Ms O'Gorman for the DPP
09:36:33 10 shortly. All right, thank you. Yes Ms Tittensor.
09:36:36 11
09:36:38 12 <JAMES MICHAEL O'BRIEN, recalled:
09:36:41 13
09:36:43 14 MS TITTENSOR: Mr O'Brien, yesterday we'd been discussing
09:36:49 15 the topic of the Carl Williams' plea and statement taking
09:36:57 16 lead up; is that right?---Yes.
17
09:37:02 18 If I can take you to your diary on 2 March 2007,
09:37:25 19 please?---Yes.
20
09:37:28 21 Is it the case that at 8.25 you have a conversation with
09:37:31 22 George Williams, you thank him for his assistance with his
09:37:36 23 son Carl Williams?---Yes.
24
09:37:39 25 You advised that you were intending to take a statement
09:37:43 26 from Carl Williams the following week?---Yes.
27
09:37:48 28 And Mr Williams, George Williams, indicated he didn't
09:37:52 29 believe that his son would be forthcoming, is that the
09:37:55 30 case?---That's correct.
31
09:38:01 32 On 6 March in your diary that morning did you go out to
09:38:11 33 speak to Mr Williams?---Yes.
34
09:38:18 35 You went in to speak to him at about 9.41 but the
09:38:22 36 conversation was ended by 10.02?---Yes.
37
09:38:25 38 I take it not much was achieved, there were some notes
09:38:28 39 taken by Mr Trichias; is that right?---That's correct.
40
09:38:34 41 Was the situation at that point that he wasn't
09:38:40 42 forthcoming?---Look, from memory he was up and down all
09:38:42 43 over the place. One minute he was going to be forthcoming,
09:38:45 44 next minute he wasn't. It was on again, off again.
45
09:38:48 46 Yes?---Same with the plea bargain.
47

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09:38:56 1 If we can bring up the ICRs please, p.679. It should be on
09:39:20 2 7 March. If I could just scroll up and have a look at
09:39:24 3 that. That's right. If you can go down. Do you see under
09:39:34 4 the time of 13:05 there's a heading "Purana Task Force".
09:39:41 5 It indicates that you were coming to see 3838 tomorrow
09:39:44 6 morning?---Yes, I see that.
7
09:39:46 8 And that Carl Williams rang whilst Ms Gobbo was on the
09:39:50 9 phone with you, do you see that?---Yes, I see that.
10
09:39:59 11 And then if we go further down the page under the heading
09:40:09 12 "Carl Williams", it appears he rang her to discuss details
09:40:13 13 of his plea. He stated that he's prepared to give evidence
09:40:15 14 but wouldn't detail what evidence he would give. He said
09:40:18 15 he didn't want to help the police. Ms Gobbo explained to
09:40:23 16 him, this is what she's telling her handler at least, she
09:40:27 17 explained to him the pros and cons of his giving evidence.
09:40:32 18 She raised concerns with the handler that Carl Williams
09:40:36 19 giving evidence would fuck up other prosecutions as
09:40:39 20 Williams' evidence would be different to other
09:40:42 21 witnesses?---Right.
22
09:40:50 23 Do you have a recollection of contact with Ms Gobbo around
09:40:53 24 about that time?---No, I don't.
25
09:40:58 26 Are you aware what that might be about?---No, I don't.
27
09:41:06 28 Is there anything in your diary about contact with Ms Gobbo
09:41:09 29 on that day?---This is 6th of - - -
30
09:41:15 31 7th of March?---7th of March.
32
09:41:26 33 Is there something in your diary in relation to Milad
09:41:29 34 Mokbel?---Yes, I've got a phone call from her re Milad
09:41:40 35 Mokbel, wants - - -
36
09:41:41 37 I think we might have been through, possibly over that date
09:41:44 38 in any case?---Right.
39
09:41:46 40 You've had some discussions with her in relation to Milad
09:41:49 41 Mokbel and a plea offer?---Yes.
42
09:41:57 43 Do you know if you had any discussion with her in relation
09:41:59 44 to Williams?---No.
45
09:42:02 46 Would you have noted it if she told you she was on the
09:42:05 47 phone to Carl Williams?---I would have, yes.

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1
09:42:14 2 If I can jump forward to 13 March 2007, p.693 in the ICRs.
09:42:30 3 This is 13 March 2007, Mr O'Brien. You'll see down the
09:42:34 4 page under the heading "Carl Williams", Ms Gobbo is
09:42:39 5 concerned that Williams may try and falsely implicate her
09:42:43 6 into some criminal activity with Paul Dale?---Right.
7
09:42:46 8 Ms Gobbo's not aware of how this might happen but is
09:42:49 9 concerned. She claims she's not done anything that would
09:42:53 10 enable him to implicate her. She states to the handler the
09:42:57 11 need to be very cautious with what Carl Williams is saying
09:43:00 12 and believes that Williams may claim some of Tony Mokbel's
09:43:05 13 actions as being his own. She believes, or she states that
09:43:10 14 it's unfair that Carl Williams has the freedom to mouth
09:43:13 15 selectively about whatever he wants. Do you see that?---I
09:43:17 16 can see that, yes.
17
09:43:20 18 Then over to p.707 of the ICRs, please. This is 14 March
09:43:33 19 2007. You'll see again under the heading of "Carl
09:43:37 20 Williams" Ms Gobbo is concerned that Williams and even
09:43:39 21 Milad will try and set her up for some reason for their own
09:43:45 22 benefit. Ms Gobbo is very aware of this and is very
09:43:49 23 careful when dealing with them and what is discussed when
09:43:51 24 talking to them over the phone. She believes they both
09:43:53 25 want to do the best for themselves ultimately?---Right.
26
09:43:58 27 Is it the case that if we go to your diary [REDACTED],
09:44:04 28 this is [REDACTED]?---Yes.
29
09:44:15 30 Is it the case that you go off to [REDACTED] that date and
09:44:27 31 you're having some discussions with [REDACTED] and
09:44:32 32 others at [REDACTED] in relation to Carl Williams' matter?---I
09:44:40 33 don't know if it was about the Williams' matter. Oh, hang
09:44:43 34 on, I'll just read a bit further up. Yes, that's correct.
35
09:44:55 36 At [REDACTED] you speak to Carl Williams with Stuart
09:45:00 37 Bateson?---That's correct.
38
09:45:00 39 And you speak to him also in the presence of his legal
09:45:05 40 counsel there, Sharon Cure?---Yes.
41
09:45:06 42 And [REDACTED] and so forth?---Yes.
43
09:45:15 44 Is it the case that ultimately what he was wanting was
09:45:19 45 again some reassurance about his sentence?---He did and
09:45:22 46 then in the end [REDACTED].
47

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O'BRIEN XXN - IN CAMERA

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09:45:26 1 He [REDACTED]?---No.
2
09:45:32 3 If we can have a look at your diary on 16 March. At 17:14
09:45:45 4 you give Deputy Commissioner Overland an update in relation
09:45:49 5 to Williams' issues?---Yes.
6
09:45:54 7 You talk to him about some other issues as well and also
09:45:59 8 update him re Williams' draft statement re Dale?---Yes.
9
09:46:04 10 Is it the case by that stage there was a can-say or a draft
09:46:10 11 statement in process?---It was a partially completed I can
09:46:16 12 say statement, yes.
13
09:46:17 14 Do you know who was taking that statement?---I believe it
09:46:22 15 was either I or Trichias.
16
09:46:29 17 That clearly had started to occur within the days - well,
09:46:35 18 the [REDACTED] so it had
09:46:39 19 occurred within that period of time?---I'd imagine so.
20
09:46:45 21 And would have occurred with the knowledge and involvement
09:46:50 22 presumably of Sharon Cure, his legal counsel [REDACTED]
09:46:55 23 [REDACTED]?---I don't remember them being involved in the
09:46:57 24 statement taking.
25
09:46:58 26 Well it certainly would have been with her knowledge, she
09:47:01 27 was advising him [REDACTED]?---I'm not sure.
28
09:47:10 29 If we can go to p.793 of the ICRs please. We've jumped
09:47:26 30 forward, Mr O'Brien, to 16 April 2007. You'll see there at
09:47:32 31 19:54 under the heading "Carl Williams" Ms Gobbo has asked
09:47:39 32 the SDU if they could ask you if Carl Williams has
09:47:43 33 concluded making a statement against Paul Dale?---Yes, I
09:47:47 34 see that.
35
09:47:50 36 She says that the reason that she wants to know about that
09:47:54 37 is she doesn't - she wants to initiate action against
09:48:00 38 Solicitor 2 [REDACTED] for outstanding money for
09:48:04 39 appearances and doesn't want to do that if it might lead to
09:48:09 40 Carl Williams making a false or misleading statement
09:48:13 41 against her as pay-back for taking legal action against
09:48:17 42 Garde-Wilson, do you see that?---I see that, yes.
43
09:48:21 44 It's apparent again that she's concerned about Carl
09:48:26 45 Williams making a statement?---It appears from this
09:48:33 46 document, yes.
47

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O'BRIEN XXN - IN CAMERA

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09:48:34 1 If we have a look in your diary for 19 April 2007?---Yes.
2
09:48:45 3 At 9.44?---Yes.
4
09:48:49 5 You speak to Deputy Commissioner Overland?---Yes.
6
09:48:52 7 And you speak to him re 3838 issues re Petra Task Force and
09:48:57 8 issues re Carl Williams re Dale statement?---Yes.
9
09:49:03 10 So it seems as though, well clearly you've got - you're
09:49:09 11 linking 3838 issues with Petra Task Force issues?---No, I
09:49:14 12 don't believe so. That, I believe, from memory, and I
09:49:23 13 believe I've referred to it in my statement, Mr Overland
09:49:26 14 had raised with me some days earlier about the prospect of
09:49:29 15 having 3838 called as a witness.
16
09:49:32 17 Yes?---And - - -
18
09:49:33 19 Is that as a witness generally or as a witness in a
09:49:37 20 particular matter?---I believe it was an OPI matter but I
09:49:40 21 was unaware at that time. I didn't have the detail of what
09:49:43 22 it was about.
23
09:49:44 24 Do you understand the OPI matter related to the Petra Task
09:49:48 25 Force and the investigation of the Hodson murders?---No.
26
09:49:52 27 You would have understood that at this stage, wouldn't you,
09:49:55 28 having a discussion with Mr Overland about it?---As I say,
09:49:59 29 the only thing he told me was that he was considering
09:50:02 30 having her called as a witness and on this day, it was the
09:50:07 31 day that he presented me with my commission, I told him
09:50:14 32 initially that I didn't think that was a good idea because
09:50:16 33 he was basically going to be outing an informer, registered
09:50:21 34 informer, which I believe was a breach of our own and that
09:50:25 35 I firmly believed she'd sue the backside off us. And he
09:50:32 36 told me on this day, when I got the Inspector certificate,
09:50:35 37 that he'd made his decision and that he intended to have
09:50:39 38 her called as a witness.
39
09:50:43 40 Did he say what led him to make that decision?---No, he
09:50:46 41 didn't.
42
09:50:47 43 Was it apparent that he had some knowledge of Ms Gobbo's
09:50:52 44 involvement with Paul Dale and with Carl Williams?---Well,
09:50:57 45 I don't know about - I can't say that. I'm not sure about
09:51:03 46 that.
47

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09:51:03 1 Did he indicate that he'd had a discussion with anyone else
09:51:06 2 in coming to that decision?---No, but I understood from
09:51:10 3 others, and I'd heard back from Mr White and I'd also heard
09:51:16 4 some time afterwards from Detective Inspector Ryan, that
09:51:19 5 he'd also canvassed it with both of them and both of them
09:51:25 6 were of the same opinion as myself.
7

09:51:27 8 All three of you, White, Ryan and yourself, were of the
09:51:30 9 view that she should not be made a witness under any
09:51:33 10 circumstances?---No, it wasn't so much a witness, it was
09:51:35 11 about outing her as an informer.
12

09:51:41 13 Your view was making her a witness would effectively have
09:51:45 14 to out her as an informer?---It may.
15

09:51:49 16 Especially at a hearing like an OPI hearing where you
09:51:52 17 inevitably get asked about who you've discussed - - -?---I
09:51:58 18 don't know, I'd never been to an OPI hearing.
19

09:52:01 20 You'd had reports of them and how they're
09:52:04 21 conducted?---Other than it's a bit of a star chamber
09:52:07 22 arrangement. As I say, I didn't have - I had no first-hand
09:52:12 23 experience with it. I have a copy of - I have the
09:52:15 24 statement, the draft statement I took from Williams, or
09:52:18 25 Trichias took from Williams on that day. Quite happy to
09:52:21 26 make that available. And I believe that's what Mr Overland
09:52:26 27 would have had, which is the initial draft statement I
09:52:32 28 took.
29

09:52:32 30 Yes. You refer in your note "Issues re Carl Williams'
09:52:37 31 statement re Dale statement" and that would have been a
09:52:39 32 draft statement by that stage?---That's correct, that was
09:52:41 33 just part - it was partially completed.
34

09:52:42 35 Was that the can-say statement or a partially completed of
09:52:46 36 what became the full statement?---I believe that's what
09:52:48 37 sort of went - that was the initiating document and that's
09:52:50 38 what went to Petra, part of what they were doing, and then
09:52:53 39 they took it over from there.
40

09:52:55 41 Then it became a more lengthy document filled out?---I
09:52:59 42 don't know. I never ever saw any other document relating
09:53:01 43 to Petra and I had no involvement with it.
44

09:53:05 45 You have a copy of that original document, do you?---I do.
46

09:53:07 47 We will call for that document so that we understand what

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09:53:11 1 that is and if it's got any connection with Ms Gobbo.
2
09:53:16 3 COMMISSIONER: Thank you. Mr O'Brien, where would that
09:53:19 4 be?---Probably in my briefcase here, Commissioner.
5
09:53:22 6 Great. Thank you very much then. If you can get it out.
09:53:26 7 Would you like it now?
8
09:53:27 8
09:53:28 9 MS TITTENSOR: Yes, might as well. Thanks Mr O'Brien.
09:54:59 10 You've kept possession of this statement since it was your
09:55:04 11 - sorry, it's a copy that you kept possession of for a
09:55:07 12 number of years?---Yes.
13
09:55:15 14 It's a five page statement?---Yes.
15
09:55:18 16 It says at the bottom of it, "Completed at 12.05
09:55:23 17 pm"?---Yes.
18
09:55:24 19 It doesn't appear to have a date on it. Are you able to
09:55:27 20 date this statement?---I would be by going back through my
09:55:34 21 diary. I can't recall off the top of my head but it was a
09:55:37 22 date that I was out there with Trichias and it would be
09:55:40 23 noted in my diary.
24
09:55:42 25 COMMISSIONER: That will mean we have to - I'm sorry, that
09:55:51 26 one's all right, that was my mistake. I thought it was the
09:55:54 27 other T word.
28
09:55:55 29 MS TITTENSOR: On the fourth page it has reference to
09:55:57 30 Ms Gobbo. If I read this out to you: "I never went out
09:56:01 31 socially with Dale. He rang me once to go out. It was the
09:56:05 32 date of the birthday of Vicky from Theo's office. Was
09:56:09 33 having a party at the Cigar Bar at Crown. I got a
09:56:12 34 telephone call from solicitor Nicola Gobbo and she put Dale
09:56:15 35 on the phone. Dale sounded pissed. He said, 'Come down
09:56:19 36 here', and he was at Port Melbourne", and it goes on. So
09:56:27 37 it references Ms Gobbo at that stage; is that right?---Yes.
38
09:56:35 39 Do you know if that phone call was the occasion where you
09:56:39 40 had the recording of Ms Gobbo and Mr Dale on the phones
09:56:44 41 together?---As I say, I believe that's what motivated me to
09:56:47 42 go and speak to Carl Williams.
43
09:56:54 44 This was something that was done - ultimately there was a
09:57:01 45 longer statement taken and tendered. I might tender that
09:57:08 46 document or we'll take a copy and tender it, Commissioner.
47

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09:57:11 1 COMMISSIONER: Yes. We'll have copies provided to
09:57:15 2 everybody at the Bar table.
09:57:17 3
09:57:18 4 MS TITTENSOR: Thank you.
09:57:18 5
09:57:19 6 #EXHIBIT RC481A - (Confidential) Undated draft statement of
09:57:42 7 Carl Williams taken by Jim O'Brien.
09:57:24 8
09:57:25 9 #EXHIBIT RC481B - (Redacted version.)
10
09:57:28 11 COMMISSIONER: I'm assuming it has to be PIIed, there would
09:57:31 12 be PII material in there or not?
09:57:33 13
09:57:34 14 MS TITTENSOR: There may be some names mentioned. There
15 will be some names necessarily - - -
16
09:57:38 17 COMMISSIONER: It's the undated draft statement of Carl
09:57:43 18 Williams taken by Jim O'Brien.
09:57:55 19
09:57:56 20 MS TITTENSOR: Can you say one way or the other whether a
09:57:58 21 copy of that was provided to Mr Williams' legal
09:58:00 22 representatives?---I don't believe so. As I say, this was
09:58:08 23 the initial start of the investigation. It was early days.
09:58:10 24 All that material that was in that document would had to
09:58:14 25 have been substantially corroborated to make him of any
09:58:18 26 worth.
27
09:58:19 28 He ultimately signed a statement and ended up having his
09:58:21 29 plea in April, so shortly after this conversation you're
09:58:27 30 having with Deputy Commissioner Overland about the Dale
09:58:33 31 statement. He'd already agreed to plead guilty or he'd
09:58:43 32 entered a plea of guilty but his substantive plea hearing
09:58:47 33 was heard not long after this contact that you're having
09:58:49 34 with Deputy Commissioner Overland on 19 April?---Right.
35
09:58:54 36 It was within the next week or two that the substantive
09:58:57 37 plea hearing took place and tendered upon that plea was a
09:59:00 38 final statement by Carl Williams?---All right.
39
09:59:05 40 Is it likely in those circumstances that that statement
09:59:09 41 might have been provided to his lawyers?---I don't know, it
09:59:14 42 could have been. As I say, it would have been provided to
09:59:19 43 the - you know, discussed with the Deputy Commissioner but
09:59:22 44 also that statement, that draft would have been provided to
09:59:24 45 Petra Task Force.
46
09:59:29 47 On 22 April 2007 - I think I took you to this yesterday in

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09:59:38 1 your diary - you're having a discussion with [REDACTED]
09:59:45 2 [REDACTED] White in relation to the deactivation of
09:59:47 3 Ms Gobbo?---Yes.
4
09:59:49 5 So that's a few days after this conversation you've had
09:59:52 6 with Mr Overland who told you he intended to make her a
09:59:55 7 witness. You're having a discussion with [REDACTED]
10:00:01 8 [REDACTED] White about her deactivation. Is it likely you
10:00:04 9 were having that discussion because of the conversation
10:00:07 10 you'd had with Mr Overland?---I'm not sure whether it was
10:00:13 11 in relation to - related to Mr Overland or whether it was
10:00:17 12 just a general desire that - you know, given that we'd
10:00:25 13 located a major target in the operation and probably didn't
10:00:28 14 have any further use for the information.
15
10:00:30 16 It's likely, isn't it, that Mr Overland's views, which you
10:00:38 17 didn't seem to be able to shake a few days before about
10:00:42 18 making her a witness, would have been discussed in relation
10:00:45 19 to any conversation about her deactivation?---Would have,
10:00:48 20 but I think that discussion probably wouldn't have been
10:00:51 21 with me. It probably would have been by Mr Overland to the
10:00:56 22 head of management of the DSU.
23
10:01:11 24 If we go to the ICRs at p.811, please. It's 26 April 2007.
10:01:24 25 If we just go up slightly to see the heading on the page
10:01:29 26 previously. You'll see that there's a heading of "Carl
10:01:33 27 Williams" at the bottom of the top page?---Yes.
28
10:01:38 29 Ms Gobbo is referring to the fact that his plea is on the
10:01:43 30 following day?---Yes.
31
10:01:45 32 And she wants to know the status of Carl Williams'
10:01:48 33 statement to the police?---Right.
34
10:01:53 35 The following day Mr Williams' statement was signed and the
10:01:59 36 substantive plea hearing took place?---Right.
37
10:02:04 38 If we go to p.817 of the ICRs. This is 29 April under the
10:02:28 39 heading "Carl Williams". You'll see she's discussing his
10:02:31 40 evidence at court that day. Do you recall if you attended
10:02:35 41 Mr Williams' plea?---No, I didn't.
42
10:02:41 43 I think Detective Inspector Ryan may have given some
10:02:44 44 evidence on that plea?---Yes, I think he did.
45
10:02:52 46 Ms Gobbo is discussing his evidence at court that day, that
10:02:57 47 he must offer something to the police. She suggests that

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10:03:00 1 he's talking complete rubbish with the police. She's
10:03:04 2 unaware if she's been mentioned in the statements made by
10:03:07 3 him. She's concerned that the SDU is not reporting the
10:03:13 4 status of his statements to her. She says that if the SDU
10:03:18 5 were not going to tell her she would find out from her own
10:03:22 6 sources. That was discussed, including the possible
10:03:25 7 consequences of her doing the same. Underneath that is
10:03:29 8 recorded an SDU management issue that, "3838 is very
10:03:34 9 concerned about the statement being made by Carl Williams.
10:03:37 10 3838 maintains that Williams would not have anything of a
10:03:41 11 criminal nature to concern 3838"?--Right.
12
10:03:45 13 It seems to be clear that there's an appreciation at the
10:03:50 14 SDU that for whatever reason she is seriously concerned
10:03:53 15 about what Carl Williams might say about her?--Reading
10:03:57 16 this document, as I say, that may be the case.
17
10:04:01 18 And that seems clear from the constant references with the
10:04:06 19 SDU on the way through about Mr Williams and what might be
10:04:10 20 in his statement about her?--As I say, this is stuff - I
10:04:16 21 wasn't party to these discussions. I mean, this might have
10:04:20 22 been part of her own paranoia, who knows?
23
10:04:24 24 Were you having discussions with Detective White? You from
10:04:31 25 time to time would travel to or from work with him. You
10:04:33 26 clearly had an interest in the Hodson murders. Were you
10:04:39 27 having discussions with Detective White about these
10:04:43 28 matters?--Not that I recall. I don't believe there was
10:04:49 29 any great discussion about this matter with Williams. As I
10:04:54 30 say, it was a matter I was keen to pursue and I did pursue
10:05:00 31 it.
32
10:05:08 33 On 23 May 2007 Ms Gobbo was talking with the handlers about
10:05:15 34 Sharon Cure, the lawyer for Carl Williams, and the fact
10:05:21 35 that Ms Cure had copies of Carl Williams' statements. On
10:05:29 36 26 June 2007, if we can go to p.935 of the ICRs. Sorry,
10:05:46 37 this is 25 June. See under the heading "Carl Williams"
10:05:54 38 there that Ms Gobbo was reporting to her handler that she'd
10:05:58 39 been into the office of other counsel yesterday, being a
10:06:04 40 Saturday. She'd found subpoenaed documents from the prison
10:06:13 41 in her office. She refers to Cure having had a copy of
10:06:19 42 Carl's statement and talking about it. Ms Gobbo reports
10:06:24 43 being concerned because she's found a list of phone records
10:06:28 44 from ██████████ Prison obtained under subpoena about ██████████
10:06:34 45 She's very concerned and annoyed because those records
10:06:39 46 detail daily contact with ██████████ with her and Purana
10:06:43 47 members and that causes her to lose faith or have no faith

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O'BRIEN XXN - IN CAMERA

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10:06:48 1 in the system when she sees things like that. Do you see
10:06:53 2 that?--Yes, I see that.
3
10:06:56 4 It's reasonably apparent that she's been snooping around
10:06:59 5 other counsel's chambers on a weekend from a reading of
10:07:06 6 that, do you agree?--I don't know. I mean it's the first
10:07:11 7 I've seen of this. As I say - and I don't think she would
10:07:14 8 have had - in any event, she wouldn't have had access to
10:07:18 9 this statement.
10
10:07:18 11 By that stage there was another signed statement which was
10:07:21 12 tendered upon his plea?--Right. Well, as I say, I doubt
10:07:25 13 if she ever saw this statement. This is the only one as
10:07:29 14 far as I know, apart from the copy that went to Petra.
15
10:07:38 16 If you received information which suggested that an
10:07:42 17 informer had broken into a lawyer's chambers, had been
10:07:49 18 looking around a lawyer's chambers, what would you do?--I
10:07:55 19 mean, I don't know that this says that. I mean is this
10:07:59 20 saying she broke into the place, she's committed a burglary
10:08:01 21 or - I don't know the circumstances of this. I mean really
10:08:05 22 that was a matter for - if the SDU had received that
10:08:09 23 information, if there'd been something untoward or
10:08:12 24 something she'd done that was a criminal offence well they
10:08:18 25 should have been taken the appropriate action.
26
10:08:20 27 What would the appropriate action be?--She's obviously
10:08:24 28 committing offences if that's the case, if what you're
10:08:27 29 saying, what you're telling me. As I say, I don't know the
10:08:32 30 circumstances.
31
10:08:32 32 If you have someone like Ms Gobbo, assuming this counsel,
10:08:38 33 on the weekend Ms Cure has not given permission for
10:08:42 34 Ms Gobbo to be looking into her confidential files about
10:08:46 35 Carl Williams, and you've got information?--I don't know
10:08:48 36 that. As I say, you're telling me this now 14 years later.
10:08:51 37 I don't know the details and the facts surrounding it.
38
10:08:55 39 I'm giving you now hypothetical information. You've got
10:08:59 40 information that an informer, who's a lawyer, has gone into
10:09:05 41 another lawyer's chambers. They've not had permission to
10:09:09 42 do that. What would you do?--I think the first thing
10:09:15 43 you'd be doing is establishing if an offence had been
10:09:19 44 committed. Would you with anything, I mean does - - -
45
10:09:21 46 Would you go and speak to the other counsel and say, "Did
10:09:24 47 you permit that"?--If there was a crime evident, yes,

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O'BRIEN XXN - IN CAMERA

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10:09:29 1 that's the first thing you'd have to establish. Did she
10:09:33 2 have permission to go in and do these thing on weekends or
10:09:36 3 not ?
10:09:36 4
10:09:37 5 One would expect on the face of it that a counsel abiding
10:09:41 6 by confidences of her client wouldn't permit another lawyer
10:09:46 7 to be looking through her files over the course of a
10:09:51 8 weekend?---Look, I don't know that. I don't know the
10:09:54 9 relationship between Ms Cure and Ms Gobbo and what the
10:10:00 10 working relationship was, if there was one.
11
10:10:13 12 It's apparent that following that time in July, on 11 July
10:10:17 13 Ms Gobbo was served with a summons for the OPI related to
10:10:24 14 Paul Dale, information reports Tony Mokbel, Hodson murders
10:10:29 15 generally?---Right.
16
10:10:34 17 If we can go to 12 July 2007, p.1008, please. You'll see
10:10:53 18 down the bottom of that page there's some discussion about
10:10:56 19 the OPI summons. She's scared for her life. If she goes
10:11:04 20 she's at risk of perjuring herself if they ask about the
10:11:11 21 police she deals with. She's expressing feelings of
10:11:14 22 abandonment and so forth. If we go further down the page,
10:11:20 23 down the next page to time stamp 14:02. There's some more
10:11:28 24 discussion and Ms Gobbo is told that the issue is currently
10:11:31 25 at the Deputy Commissioner level with Simon Overland, do
10:11:37 26 you see that?---Yes.
27
10:11:38 28 That attempts are being made to prevent any questions being
10:11:42 29 asked that will reveal her as a human source and so
10:11:44 30 forth?---Right.
31
10:11:47 32 One would assume that that could only be done if someone at
10:11:54 33 the OPI is told about who she is?---I don't know.
34
10:11:57 35 That's a point that she makes on the bottom of the last
10:12:03 36 page?---Yes.
37
10:12:10 38 On the same day, if you have a look in your diary,
10:12:16 39 Mr O'Brien, at 14:20?---Yes.
40
10:12:41 41 You're speaking with Detective Inspector Ryan?---Yes.
42
10:12:45 43 Who I understand by that stage, is he at the Petra Task
10:12:49 44 Force?---He was there for some time.
45
10:12:52 46 You're speaking with him re registered human source 3838
10:12:59 47 issues?---Yes.

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O'BRIEN XXN - IN CAMERA

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1
10:13:00 2 Do you know what that's about?---No, not really.
3
10:13:04 4 Would it presumably be about the OPI summons?---I'm not
10:13:08 5 sure. As I say, I don't believe that I knew the
10:13:13 6 circumstances of the summons. I certainly never saw a
10:13:16 7 summons and I wasn't involved in the process.
8
10:13:22 9 The following day on 13 July at 16:10, if you could have a
10:13:29 10 look at your diary?---Yes.
11
10:13:37 12 You meet with Detective Inspector Ryan and SDU members re
10:13:42 13 registered human source issues re 3838?---Yes.
14
10:13:51 15 And you're considering there a change of number for
10:13:54 16 her?---Yes.
17
10:13:56 18 And then there's to be further discussions the following
10:13:58 19 Tuesday with Detective [REDACTED] White?---Yes.
20
10:14:07 21 There's talk there about an exit strategy for her?---Yes.
22
10:14:17 23 Presumably again this is all relating to the discussion
10:14:22 24 about her potentially being made a witness, being called to
10:14:25 25 the OPI?---Yes, that may have been the case.
26
10:14:35 27 Did you have any further discussions, can you recall, with
10:14:40 28 Deputy Commissioner Overland about those matters?---No,
10:14:45 29 that's the only discussion I can recall.
30
10:14:49 31 You have a discussion on 17 July 2007 at 14:00. I assume
10:14:59 32 that's your regular weekly Purana briefing with Deputy
10:15:03 33 Commissioner Overland and Superintendents Brown and
10:15:06 34 Blayney?---Yes.
35
10:15:08 36 And you are there discussing Karam and 3838 issues?---Yes.
37
10:15:15 38 When you have indicated Karam and 3838 issues, are they
10:15:20 39 inter-related, those two issues, or were they separate, do
10:15:23 40 you know?---Look, given the elapse of time I'm not sure but
10:15:31 41 it could have been either.
42
10:15:40 43 On 18 July at 15:00 in your diary you're having a
10:15:47 44 conversation with Detective [REDACTED] White in
10:15:50 45 relation to 3838 issues and the witness/informer
10:15:54 46 situation?---Yes.
47

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O'BRIEN XXN - IN CAMERA

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10:15:56 1 If we can go to Detective White's diary, it's
10:16:09 2 VPL.0100.0096.0707. If we can just scroll up so we can
10:16:53 3 check the date, please. Do you see there it's 18 July,
10:17:00 4 Mr O'Brien?---Yes, yes.
5
10:17:02 6 Corresponding with an entry in your diary of a discussion
10:17:06 7 with Detective White. He's got - I think you had it at 3
10:17:13 8 o'clock and he's got at 14:30 going to Purana Task Force
10:17:17 9 and meeting with you re 3838 issues?---Yes.
10
10:17:22 11 Discussed, you'll see there, "Discussed possibility of
10:17:27 12 being witness, advised against same". You say you were
10:17:31 13 both of that view?---Yes.
14
10:17:35 15 "Jim O'Brien suggested if inevitable that human source will
10:17:38 16 be compromised then should utilise as witness whilst we
10:17:42 17 can"?---Yes.
18
10:17:44 19 Had your view changed by that stage?---I don't think so.
20
10:17:51 21 You were just putting the argument that Mr Overland was
10:17:55 22 putting?---I don't know what my mind thought was if that's
10:18:02 23 the case.
24
10:18:07 25 This is going on with White's note, "Advised I don't
10:18:12 26 believe human source will necessarily be compromised and
10:18:15 27 value as witness needs to be weighed against political fall
10:18:20 28 out from legal fraternity, i.e. will it impact on [REDACTED]
10:18:29 29 conviction and others? Agreed need legal advice re fall
10:18:35 30 out. Value as witness limited to [REDACTED] that will be [REDACTED]
10:18:40 31 [REDACTED] "And TM material limited and will make little
10:18:47 32 difference", those three things being agreed, do you see
10:18:50 33 that?---Yes.
34
10:18:50 35 Did you obtain legal advice about the possible fall
10:18:53 36 out?---No, I never obtained any legal advice.
37
10:18:56 38 Do you agree that you had this conversation with Detective
10:19:01 39 White and discussed these matters?---As I say, I don't
10:19:04 40 recall this. He's obviously made notes, I haven't.
41
10:19:10 42 He's made notes of a discussion where it's acknowledged
10:19:14 43 that there might be political fall out from the legal
10:19:18 44 fraternity, there might be an impact upon the [REDACTED]
10:19:24 45 conviction and the conviction of others?---Yes, I don't
10:19:27 46 know whether this is his view or something he's written
10:19:31 47 later on. I mean I don't recall having that discussion.

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O'BRIEN XXN - IN CAMERA

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1
10:19:33 2 Do you accept that you had this discussion with him at that
10:19:38 3 time?---I accept I had a discussion with him. I don't
10:19:40 4 generally accept whether this is just his view, this is
10:19:45 5 something he's written later or what his thoughts were.
6
10:19:48 7 Do you accept you've had a discussion with him about the
10:19:51 8 possibility of convictions being impacted because of -
10:19:55 9 well, if it was discovered that the human source, or that
10:19:58 10 Ms Gobbo was a human source?---No, I don't recall that.
11
10:20:02 12 Do you agree - well it seems - do you accept that you've
10:20:06 13 agreed with him that you need to get legal advice about
10:20:09 14 those issues?---No, I don't - I don't have a memory of
10:20:13 15 that.
16
10:20:14 17 He specifically noted "agreed" which seems to suggest a
10:20:17 18 meeting of the minds of the people that were present at the
10:20:22 19 meeting there and that's only you and he. "Agreed need
10:20:26 20 legal advice re fall out"?---As I say, that's his note. I
10:20:30 21 don't know whether he's put his thoughts there later on,
10:20:33 22 you'd have to ask Mr White.
23
10:20:36 24 Do you accept you've had a discussion with him - - -
10:20:38 25 ?---I've accepted I had a discussion.
26
10:20:41 27 - - - regarding legal advice?---No, I don't recall a
10:20:45 28 discussion about the need for legal advice .
29
10:21:05 30 There seems to have been an appreciation by both you and -
10:21:10 31 according to this note, by both you and Detective White
10:21:14 32 that the convictions of [REDACTED] and possibly others might
10:21:20 33 be unsafe?---No, I don't recall that.
34
10:21:29 35 Do you recall ever having a discussion with Mr White about
10:21:32 36 the need to get legal advice?---The only discussion I
10:21:38 37 recall with Mr White in relation to anything was in
10:21:41 38 relation, as I've said earlier, in relation to [REDACTED]
10:21:46 39 We were troubled by what had occurred but in the end we
10:21:54 40 believed it her ethical issue.
41
10:21:57 42 Whether or not you recall this now, do you accept this note
10:22:02 43 is correct and that you've discussed legal advice, getting
10:22:05 44 legal advice with Detective White?---I can't say that. I
10:22:09 45 mean I don't know whether he's put his thoughts there or
10:22:12 46 what actually happened. I mean you'd have to ask Mr White.
47

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O'BRIEN XXN - IN CAMERA

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10:22:16 1 The effect of this note indicates that there's been some
10:22:19 2 agreement between you and he that you need legal
10:22:22 3 advice?---You keep saying that.
4

10:22:24 5 Do you accept the note as correct and that legal advice was
10:22:27 6 discussed with him?---No. As I say, I have no memory of
10:22:30 7 discussing the issue about legal advice.
8

10:22:37 9 Given that you'd had an earlier discussion with him about
10:22:40 10 your concerns over Ms Gobbo turning up and advising
10:22:48 11 [REDACTED] it would make sense that in these circumstances
10:22:52 12 where there's a risk of all of this coming out, that you
10:22:56 13 might be having such a discussion, do you agree with
10:22:59 14 that?---It may be something that they decided unilaterally
10:23:03 15 on their own, that they needed the legal advice or they
10:23:05 16 thought they needed legal advice. They obviously had a
10:23:08 17 much clearer picture of the involvement of the source and
10:23:11 18 the SDU than I did. I wasn't privy to a lot of this
10:23:16 19 information that you've been shoving at me for the last
10:23:18 20 week.
21

10:23:19 22 They may have decided unilaterally on their own but clearly
10:23:23 23 this is being raised in a meeting with you?---As I say, I
10:23:27 24 don't recall it. I made no note of it.
25

10:23:36 26 Do you agree it would have been a good idea to get legal
10:23:39 27 advice at that stage?---In hindsight it probably would have
10:23:43 28 been better to get legal advice back at day one.
29

10:23:48 30 Once there was any appreciation, and an appreciation being
10:23:54 31 written about, being spoken about, if it hadn't been
10:23:57 32 obtained, legal advice, earlier, once there seems to be
10:24:01 33 some clear awareness of issues and impacting convictions of
10:24:05 34 people, do you agree that it was imperative that legal
10:24:09 35 advice be obtained at that stage about the safety of those
10:24:13 36 convictions and prosecutions?---Well certainly if I'd been
10:24:18 37 aware of it, yes.
38

10:24:27 39 It's apparent that on 19 July 2007 Ms Gobbo was called
10:24:31 40 before the OPI, she was being asked some questions by
10:24:36 41 Mr Fitzgerald. There were problems that arose when she
10:24:40 42 started being asked about her association with police.
10:24:45 43 It's apparent that at that forum there was a view taken
10:24:48 44 about her truthfulness but that there was some effort made
10:24:59 45 on the part of Victoria Police to prevent her being openly
10:25:07 46 questioned about those kinds of matters because of a
10:25:10 47 concern as to her human source status being revealed. Do

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O'BRIEN XXN - IN CAMERA

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10:25:17 1 you have anything to say about the fact that the OPI were
10:25:19 2 not able to question her openly about the double execution
10:25:26 3 murder of the Hodsons?---As I say, I wasn't involved in the
10:25:31 4 OPI hearings. I was never called before the OPI hearings.
10:25:34 5 I was never spoken to about the OPI hearings apart from
10:25:40 6 what Mr Overland had said to me. I don't know what
10:25:43 7 discussions were had with them.

8

10:25:47 9 Do you believe that the OPI should have been at liberty to
10:25:51 10 ask whatever questions they wanted of Ms Gobbo in their
10:25:55 11 pursuit of solving the Hodson murders?---Yes, well if she
10:26:01 12 was being called before a judicial body such as that she
10:26:05 13 was duty-bound to tell the truth.

14

10:26:08 15 Was it right that there was some effort being made to
10:26:13 16 prevent her from being openly asked questions by that
10:26:17 17 forum?---Not to my knowledge. One would expect if that was
10:26:34 18 the case there would be a record of it.

19

10:26:38 20 If I can take you to your diary on 24 July 2007. At 16:30
10:27:05 21 you were having a meeting with Detective Superintendents
10:27:10 22 Brown, Blayney and Biggin?---Yes.

23

10:27:13 24 As well as Detective [REDACTED] White and
10:27:18 25 O'Connell?---Yes.

26

10:27:19 27 As well as Detective Inspector Ryan?---Yes.

28

10:27:22 29 There was discussion re further handling issues in relation
10:27:25 30 to Ms Gobbo?---Yes.

31

10:27:32 32 Can we bring back up Mr White's electronic diary and
10:27:39 33 progress forward to 24 July, please. Sorry, it might be an
10:27:57 34 electronic version of that diary and I don't have the VPL
10:28:01 35 number in my notes. I apologise, I might have to come back
10:28:04 36 to that, Commissioner.

37

10:28:07 38 COMMISSIONER: They can find it.

10:28:08 39

10:28:09 40 MS TITTENSOR: Yes. Whilst that's being found I'll read it
10:28:14 41 out to you. It says, "Update re 3838", so this is
10:28:18 42 Mr White's recording of that meeting with the people that
10:28:22 43 I've just read out to you, Mr O'Brien?---Yes.

10:28:24 44

10:28:25 45 "Agreed value of human source as a source is outweighed by
10:28:28 46 repercussions and risk to same. Agreed to continue
10:28:31 47 deployment with no tasking. Intel received to be assessed

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10:28:35 1 on individual basis and risk determination prior to any
10:28:39 2 dissemination. Agreed TB", assuming Tony Biggin, "White
10:28:46 3 and JB", assuming that to be Jack Blayney, not yourself,
10:28:51 4 "To brief DC Overland re issues"?---Right.
5
10:28:56 6 Given it appears as though you've had a meeting the
10:29:00 7 previous week with Detective [REDACTED] White where
10:29:04 8 you discuss significant issues in relation to convictions
10:29:09 9 that might be in jeopardy if Ms Gobbo's status as a human
10:29:13 10 source is discovered, do you agree that such issues were
10:29:19 11 likely to have been raised in a forum like this?---I don't
10:29:24 12 know. I mean what you're just telling me, it was about
10:29:28 13 whatever future tasking was going to happen with Ms Gobbo.
14
10:29:32 15 Well the first line, "Agree that her value as a source is
10:29:35 16 outweighed by repercussions and risk to same"?---Yes.
17
10:29:40 18 So the repercussions of making her a witness might include
10:29:45 19 the fact that her human source status is exposed and
10:29:50 20 convictions become impacted?---Well it's a bit hard to say
10:29:57 21 that. I mean it may have been down again to the
10:30:00 22 repercussions to her from a safety point of view.
23
10:30:04 24 If Detective [REDACTED] White and yourself had within
10:30:07 25 the week before identified the need to get legal advice, do
10:30:12 26 you think, in a forum like this with these senior members,
10:30:15 27 you would have discussed the need for that legal
10:30:21 28 advice?---As I say, I don't have a memory of that being
10:30:23 29 discussed but if that was the case I imagine he would have
10:30:25 30 brought it up again.
31
10:30:28 32 To your knowledge was any legal advice ever sought?---Not
10:30:33 33 to my knowledge, no.
34
10:30:47 35 Did you continue to have discussions with Detective White
10:30:51 36 following your retirement from the police?---Not to a great
10:30:58 37 extent.
38
10:31:00 39 Did you become aware of the move to transition Ms Gobbo to
10:31:08 40 a witness in around late 2008, early 2009? Did you have
10:31:16 41 discussions about those matters with Mr White?---In
10:31:21 42 2008/2009?
43
10:31:22 44 Yes?---No, I don't believe so.
45
10:31:24 46 Did you continue to have contact with Detective White once
10:31:27 47 you'd retired?---Very sporadically. I mean I was doing a

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O'BRIEN XXN - IN CAMERA

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10:31:31 1 lot of travelling and had other focuses at that time.
2
10:31:35 3 You became aware that Ms Gobbo had been transitioned to a
10:31:39 4 witness at some stage?---No.
5
10:31:42 6 Did you not see it in the media?---I believe that was later
10:31:47 7 on when I first started to see mention of her in the media,
10:31:53 8 and I think there was something in the paper and I sent an
10:31:56 9 email to Detective Sergeant Coghlan in relation to it,
10:32:01 10 which I produced that email to IBAC when called there.
11
10:32:04 12 Whilst on that matter in reference to the IBAC proceedings,
10:32:11 13 you've read your transcript?---Yes.
14
10:32:14 15 In relation to the evidence that you've given
10:32:17 16 recently?---Yes.
17
10:32:17 18 Do you accept that the evidence that you gave there was
10:32:21 19 true and correct?---To the best of my knowledge, yes.
20
10:32:23 21 Was there anything you needed to amend?---Yes. The night I
10:32:30 22 gave her the pen I thought I was there 20 minutes and I had
10:32:33 23 the wrong people, I said the wrong people were there. I'd
10:32:38 24 mixed that up.
25
10:32:38 26 We've heard some evidence there might have been two
10:32:43 27 dinners?---Right. I never recall - there was no two
10:32:50 28 dinners that can I recall.
29
10:32:53 30 You can only recall ever being at one?---There was only
10:32:54 31 once.
32
10:32:55 33 Do you recall being at any other function with her where
10:32:58 34 Gavan Ryan was present?---No.
35
10:33:03 36 Presumably at some stage you learnt at least through the
10:33:05 37 media that Ms Gobbo was a witness in relation to
10:33:09 38 proceedings against Paul Dale?---I don't know whether it
10:33:14 39 was as a witness. Alls I recall is her name being bandied
10:33:20 40 around in the media, and it was quite clear to me that
10:33:26 41 somebody had been talking to the media somewhere along the
10:33:29 42 line and she'd been exposed and was obviously in a great
10:33:33 43 deal of danger as far as I was concerned. In fact that's
10:33:44 44 the reason I believed I was getting called to IBAC, was in
10:33:48 45 relation to her being exposed as a registered human source.
46
10:33:54 47 Was it your view that as soon as she became a witness there

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10:33:57 1 would need to be disclosure which would have the effect of
10:34:02 2 revealing her as a human source?---No, that didn't cross my
10:34:06 3 mind. As I say, I didn't know what her status was at that
10:34:12 4 stage. Alls I knew is she was being exposed as an
10:34:16 5 informer.

6
10:34:16 7 At this stage back in 2007, when you're having these
10:34:20 8 discussions with Mr Overland and Detective White and others
10:34:24 9 about whether she might be a witness or remain as a human
10:34:29 10 source or simply deactivated, was there a concern that if
10:34:34 11 she became a witness there would necessarily need to be
10:34:39 12 disclosure in particular cases which would reveal the fact
10:34:43 13 that she had been a human source?---No, that was - it's not
10:34:48 14 something I contemplated.

15
10:34:50 16 There was clearly concern expressed, at least from White,
10:34:56 17 of the possibility of her compromise should she have to
10:35:02 18 give evidence, at least even in the OPI?---Right. As I
10:35:07 19 say, it was not something I'd contemplated and certainly
10:35:11 20 I'd resigned and moved on and was doing other things.

21
10:35:14 22 Back here in 2007 when you're having these issues about, or
10:35:18 23 discussions about whether she's going to be a witness,
10:35:22 24 surely the contemplation is once she's a witness, she's in
10:35:28 25 the witness box, she can get asked any sort of question and
10:35:31 26 she's either going to have to answer those truthfully or
10:35:34 27 she's going to perjure herself potentially, but
10:35:38 28 nevertheless Victoria Police are going to be understand
10:35:42 29 some sort of obligation in relation to material they hold
10:35:45 30 about her credit or otherwise?---It's not something I
10:35:50 31 contemplated, as I said. If she was asked in the witness
10:35:57 32 box about something she had to tell, she was duty-bound to
10:35:58 33 tell the truth about it.

34
10:36:00 35 That's right. Equally if Victoria Police were holding
10:36:01 36 serious amounts of information about her role as a human
10:36:05 37 source which might be relevant to a particular trial, to
10:36:11 38 the defence of someone in a particular trial, they are
10:36:13 39 going to be under an obligation to produce that?---That may
10:36:17 40 have been the case.

41
10:36:18 42 Is that your understanding of what disclosure requirements
10:36:20 43 would be?---I believe - as I say, I didn't turn my mind to
10:36:26 44 it but my belief was whatever happened, happened. I mean
10:36:32 45 if matters got called before the court they would be dealt
10:36:35 46 with in the normal manner.

47

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10:36:37 1 Did you ever turn your mind to any disclosure requirement
10:36:40 2 in any prosecution conducted by Purana?---No, I didn't.
3
10:36:46 4 In relation to Ms Gobbo or otherwise, did you ever think
10:36:49 5 about disclosure at all?---As I said, when briefs are
10:36:54 6 generally put together they're put together with everything
10:36:56 7 in them, not put together selectively.
8
10:36:59 9 No, but brief of evidence is one thing, but there's a
10:37:03 10 requirement for disclosure in any case that goes beyond the
10:37:06 11 evidence that the police are relying upon within a brief.
10:37:10 12 You understand that the police might hold evidence or
10:37:14 13 material that they don't intend to rely upon in a
10:37:17 14 particular case?---Yes, and if they were asked for that it
10:37:21 15 would go through the normal process I imagine.
16
10:37:23 17 And what's the normal process?---The normal process would
10:37:28 18 be a contested matter of PII and it would be heard by the
10:37:32 19 court.
20
10:37:33 21 Within that normal process you would have to declare, at
10:37:35 22 least in a confidential affidavit to the court, that
10:37:38 23 material exists?---More than likely, yes.
24
10:37:43 25 To get to that stage you would have to declare to your own
10:37:46 26 lawyers that that material exists?---You may have to, yes.
27
10:37:51 28 And to get to that stage you'd have to actually brief
10:37:54 29 lawyers?---Yes.
30
10:38:06 31 I just want to ask you quickly some questions in relation
10:38:11 32 to the arrest of Mr Orman in 2007, Mr O'Brien?---Right.
33
10:38:18 34 He was arrested on 22 July 2007, you're aware of that at
10:38:23 35 least at the time?---I may have been.
36
10:38:25 37 He'd been arrested I think some months earlier in relation
10:38:29 38 to another matter and then was arrested for the Pierce
10:38:34 39 murder on 22 June 2007?---As I say, I don't have the - I'd
10:38:43 40 have to look at the diary, but he may have been, I'm not
10:38:49 41 contesting that.
42
10:38:51 43 If you can have a look at your diary on that occasion. I
10:38:55 44 suggest it indicates that you were advised that he was
10:38:57 45 arrested and in custody?---Yes.
46
10:39:12 47 You would have been aware at that stage that Ms Gobbo had

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10:39:15 1 previously represented Mr Orman in a number of other
10:39:17 2 matters?---No, I don't believe I was aware of that.
3
10:39:23 4 Prior to that period in time Ms Gobbo had been providing
10:39:28 5 police with bits and pieces of information about Mr Orman
10:39:32 6 and his associates, specifically Mr Gatto?---Yes.
7
10:39:38 8 And Gatto had been a person of interest or some significant
10:39:44 9 interest to the Purana Task Force?---Earlier on, yes, and
10:39:48 10 then following the death of Mario Condello.
11
10:39:52 12 So he continued to be a person of interest in relation to
10:39:57 13 investigations being conducted by Purana?---Yes, he was an
10:40:00 14 organised crime figure.
15
10:40:03 16 And was it the case that Purana were interested in the
10:40:07 17 possibility that Mr Orman might, once he was charged, agree
10:40:14 18 to give evidence against Mr Gatto?---I don't know if that
10:40:18 19 was the case.
20
10:40:21 21 That would have been something that Purana would have been
10:40:25 22 interested in?---As I say, I don't know if that was the
10:40:30 23 case. It may have been the case with the investigating
10:40:34 24 officers or the crew that were doing the job.
25
10:40:38 26 If we can go to the ICRs at p.928, please. Ms Gobbo had
10:41:01 27 been out to a dinner. If we scroll up slightly we might be
10:41:06 28 able to see the time of this conversation. This is a
10:41:11 29 conversation on 22 June about a number of matters. 23:00,
10:41:21 30 do you see that?---Yes.
31
10:41:23 32 There's reference at the top there to Mr Orman. He's
10:41:32 33 wanted to see Ms Gobbo all day but she didn't get
10:41:35 34 there?---Yes.
35
10:41:36 36 Again, you understand that the significant evidence against
10:41:43 37 Mr Orman was by virtue of the statement made by [REDACTED]
10:41:48 38 [REDACTED]-I believe so. I don't know that I was au fait with
10:41:56 39 the complete details of it. As I say, it would have been
10:41:59 40 handled by the crew Sergeant.
41
10:42:02 42 If you accept for present purposes that significant
10:42:09 43 evidence against Mr Orman was by virtue of a statement from
10:42:12 44 [REDACTED]-If that's the case, that's the case.
45
10:42:14 46 And the evidence that we've been through in relation to
10:42:18 47 Ms Gobbo's association with [REDACTED] and her involvement

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10:42:22 1 in that process would make her very, very significantly
10:42:28 2 conflicted in relation to any representation of
10:42:32 3 Mr Orman?---Right.
4
10:42:33 5 Do you accept that?---Yes, I accept that.
6
10:42:37 7 Including her own provision of information to the police
10:42:41 8 about matters adverse to the interests of Mr Orman?---Well,
10:42:50 9 hard to say. I mean if she's got knowledge of a murder or
10:42:54 10 serious offending I think she's equally duty-bound to do
10:42:58 11 something about it.
12
10:43:00 13 If you accept for present purposes that's the case?---Yes.
14
10:43:03 15 She's equally duty-bound - if she's duty-bound to do that,
10:43:08 16 she's duty-bound not to represent him?---That's correct.
17
10:43:14 18 And the police with knowledge of that - I withdraw that.
10:43:19 19 Do you see there under the heading of "Faruk Orman"
10:43:25 20 Ms Gobbo and a solicitor, Mr Grigor, had been to see
10:43:29 21 Mr Gatto and others at a steak house?---Yes.
22
10:43:37 23 If we go further down, Mr Gatto was curious as to why
10:43:44 24 Mr Orman was arrested, where the evidence had come from and
10:43:48 25 so forth?---That's correct.
26
10:43:49 27 There's opinion there about where the evidence might be and
10:43:53 28 he's mentioning [REDACTED] ---Right.
29
10:43:57 30 And he couldn't work out why all of a sudden something was
10:44:01 31 happening now?---Yes.
32
10:44:03 33 If we move further up. We see there that under the heading
10:44:20 34 of "Faruk Orman" Ms Gobbo is saying, "Human source says
10:44:26 35 that Orman will not cope in gaol"?---Yes.
10:44:29 36
10:44:29 37 "That this is the same opinion of Gatto and Kaya. Orman is
10:44:35 38 an obsessive compulsive re cleanliness and he has a short
10:44:42 39 temper. He also needs people around him always"?---Yes.
10:44:44 40
10:44:45 41 "Therefore if he is isolated and left in messy conditions
10:44:49 42 human source is positive that he will not cope"?---Yes.
10:44:51 43
10:44:52 44 "Action above verbally disseminated to yourself, Detective
10:45:01 45 Sergeant O'Brien of Purana Task Force"?---Yes.
46
10:45:05 47 Do you recall getting that information?---Yes, I got

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10:45:06 1 information on the Saturday at 9.27, and at 11.07 I relayed
10:45:11 2 it to Detective Sergeant Buick who was running that
10:45:14 3 investigation.

4
10:45:15 5 Do you say you received, you disseminated all of that
10:45:18 6 information within the information report?---Well, as I
10:45:22 7 say, I've got a lengthy diary entry in relation to it.
8

10:45:25 9 Perhaps you can read out your diary entry?---"Received Dale
10:45:28 10 telephone call. Spoke to a member of the DSU. Intel from
10:45:33 11 RHS 3838. Last night at 8.30 pm summoned to a meeting at
10:45:38 12 steak house with Gatto, Steve Kaya, Ahmed Kosham and Sam,
10:45:44 13 who was carrying a firearm, Mr Kaya's bodyguard. Gatto did
10:45:49 14 not stay long. Inquiries where police could be getting
10:45:52 15 information of evidence from. Suggested only [REDACTED] and [REDACTED] and
10:45:56 16 that would have been a year ago. Gatto says he's been told
10:45:59 17 by someone close to Purana that Purana are working on him.
10:46:04 18 Believe Purana putting pressure on Orman to try and get him
10:46:07 19 to roll. Wants source to do welfare check on Orman. Gatto
10:46:14 20 said, 'Shooter was Benji but I've murdered him so who else
10:46:18 21 could be giving evidence?' Gatto wants to know if Mansour
10:46:23 22 paid a lot of money on Mokbel's orders for murder of
10:46:27 23 Condello. Solicitor Alistair Grigor was also at the
10:46:31 24 meeting. Kaya wants to find out which. Purana has got
10:46:38 25 all. Concerned Faruk will not cope in gaol, as he's an
10:46:46 26 obsessive compulsive re cleanliness and has to have company
10:46:52 27 around him. Gatto was pondering whether Carl Williams had
10:46:53 28 made another statement. Gatto concerned that when Veniamin
10:46:55 29 went to Gobbo's premises in 2003/04 he was there to murder
10:47:01 30 her at request of Carl Williams for getting Lewis Moran out
10:47:03 31 on bail. Tony Mokbel was unaware he was charged with
10:47:14 32 Michael Marshall's murder until told by Gobbo over the
10:47:18 33 telephone. He immediately hung up then rang back after a
10:47:23 34 few moments protesting his innocence. 11.07 made telephone
10:47:27 35 call. Spoke to Detective Sergeant Buick, advised re above
10:47:29 36 information".

37
10:47:35 38 It's apparent that Ms Gobbo was relaying information in
10:47:39 39 relation to how one might best go about putting some
10:47:46 40 pressure on Mr Orman to get him to cooperate; is that
10:47:49 41 right?---Yes, she's providing background information.
42

10:47:52 43 And you've been provided with that information and passed
10:47:56 44 it on to Mr Buick?---I did, yes.
45

10:48:03 46 Do you know if you were aware at that stage that Ms Gobbo
10:48:09 47 had previously represented Mr Orman and there was some

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10:48:16 1 indication that she was going to represent him again?---No,
10:48:19 2 not to my belief.
3
10:48:21 4 At least within that diary entry that you've made there is
10:48:30 5 an indication that Gatto wanted her to visit Mr Orman at
10:48:35 6 the very least?---Yeah, look, if that's what's in there,
10:48:41 7 that's what's in there.
8
10:48:42 9 And certainly you're aware of numerous occasions on which
10:48:47 10 Ms Gobbo had represented people in conflict before
10:48:54 11 this?---Certainly in relation to [REDACTED] yes.
12
10:48:57 13 [REDACTED] Milad Mokbel?---Yes.
14
10:49:01 15 Three examples. Tony Mokbel?---Yes.
16
10:49:09 17 Mr Bickley [REDACTED] by this stage?---Yes, from what you're saying
10:49:14 18 to me, yes.
19
10:49:20 20 Do you know if there was any concern by you or others
10:49:23 21 within Victoria Police that Ms Gobbo might be abusing her
10:49:28 22 status so that she could avoid investigation of
10:49:35 23 herself?---I don't know. I don't know whether she was or
10:49:38 24 not.
25
10:49:39 26 There was indications in the lead-up to the arrest of
10:49:43 27 [REDACTED] where he was talking about receiving a
10:49:46 28 significant amount of money from [REDACTED]. Do you
10:49:55 29 recall those communications? He was going to receive
10:49:58 30 somewhere between [REDACTED] and \$[REDACTED]---Look I'm not - I
10:50:01 31 know there was various amounts of money mentioned, various
10:50:05 32 amounts of [REDACTED] mentioned and it was almost
10:50:08 33 daily.
34
10:50:09 35 There was some indication that you were being updated with
10:50:12 36 information that [REDACTED] was planning on getting this
10:50:17 37 [REDACTED] and giving it to Ms Gobbo to
10:50:21 38 hold?---I don't recall that.
39
10:50:22 40 Back in April of 2006. SDU were having some discussion
10:50:28 41 with Ms Gobbo about whether she might be committing a
10:50:30 42 criminal offence herself by holding the money?---Yeah, I
10:50:34 43 don't recall that.
44
10:50:38 45 Were you aware that Ms Gobbo had purchased a car
10:50:43 46 wash?---No. I think from memory the only thing I remember
10:50:46 47 about a car wash is perhaps she'd had a relationship with

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10:50:53 1 someone who had a car wash or something like that.
2
10:50:55 3 There's reference throughout the material, at least the SDU
10:50:58 4 material, about the fact that she had a business partner
10:51:01 5 and that she perhaps in around early 2006, maybe late 2005,
10:51:06 6 had purchased a car wash with this person. Were you aware
10:51:09 7 of that?---I'm not sure now.
8
10:51:13 9 Do you know whether there was any investigation about the
10:51:17 10 financing of that car wash?---Not to my knowledge.
11
10:51:24 12 If we can bring up the ICRs at p.278, please. You see
10:51:37 13 there's an entry there at 15:02. Right down the bottom of
10:51:42 14 that entry is the bit I'm going to take you to, Mr O'Brien.
10:51:46 15 This is 1 May 2006. The SDU have been advised, it seems,
10:51:59 16 by you that when Ms Gobbo had entered the prison on Sunday
10:52:07 17 her car was searched because of a terrorist protest that
10:52:11 18 was occurring and she had \$15,000 cash in the boot of her
10:52:16 19 car, do you see that?---Yes.
20
10:52:19 21 Do you recall that occurring?---No, not at the moment I
10:52:27 22 don't, no.
23
10:52:29 24 Do you know whether there was any investigation in relation
10:52:32 25 to that money in her car?---I don't recall the
10:52:40 26 investigation in relation to money in the car.
27
10:52:43 28 Do you recall any investigation in relation to Ms Gobbo
10:52:46 29 during your tenure?---No.
30
10:52:54 31 Do you recall there being any concern about whether she
10:52:57 32 herself was engaging in criminal activity during that
10:53:00 33 period of time?---I don't believe so.
34
10:53:03 35 Did you have any concern about that?---As I say, my view
10:53:06 36 was she was handled - all those issues were being handled
10:53:14 37 by the DSU.
38
10:53:16 39 No, but did you have any concern yourself that she might be
10:53:20 40 engaging in criminal activity?---No, I didn't. That didn't
10:53:23 41 sort of come to mind and quite frankly I was fairly busy
10:53:27 42 with a few other things.
43
10:53:28 44 I've got no doubt that you were, Mr O'Brien. It might have
10:53:31 45 been of some concern if she is found with a significant
10:53:38 46 amount of money in the boot of her car though?---I don't
10:53:45 47 know whether then or know, but \$15,000 is not a lot of

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10:53:49 1 money. I don't consider it a lot of money in the scheme of
10:53:53 2 things as to what was going on in these days.
3
10:53:57 4 It seems to be enough to have caused some concern to note
10:54:02 5 it within the ICRs?---Yeah, they've noted it.
6
10:54:10 7 Later that year on 5 October did you - - -
8
10:54:14 9 COMMISSIONER: Did you note anything in your diary around -
10:54:22 10 - - ?---I'm just checking, Commissioner.
11
10:54:26 12 Yes, thank you?---No, I don't have any note of that in my
10:54:49 13 diary.
10:54:51 14
10:54:58 15 MS TITTENSOR: Just before that slight diversion I had
10:55:03 16 asked you some questions in relation to some money that it
10:55:06 17 had been planned that Ms Gobbo might hold for [REDACTED] in
10:55:10 18 [REDACTED] 2006. He ultimately went into custody, as you know,
10:55:16 19 on [REDACTED] 2006?---Yes.
20
10:55:21 21 If you can go to p.451 of the ICRs. You'll see there under
10:55:36 22 the heading of [REDACTED] there's a reference to [REDACTED]
10:55:43 23 talking about something that [REDACTED] had been
10:55:48 24 saying?---Yes.
25
10:55:50 26 [REDACTED] was telling people that Ms Gobbo was looking
10:55:54 27 after [REDACTED] for him, a figure of [REDACTED]
10:55:58 28 was mentioned?---Yes.
29
10:56:02 30 Following that there were some similar reports. If we go
10:56:08 31 to p.741. By that stage, halfway down the page, there's
10:56:21 32 reference that [REDACTED] is expecting that there will be
10:56:27 33 [REDACTED] waiting for him when he left custody?---Yes.
34
10:56:34 35 It may be that the figure had come down because of the
10:56:36 36 payment of some legal fees, but do you agree it would be
10:56:40 37 concerning if Ms Gobbo had taken possession of that amount
10:56:45 38 of money from [REDACTED] --Yes.
39
10:56:48 40 Do you know if there was any discussion or investigation
10:56:50 41 about that matter?---No, and I don't believe I knew about
10:56:56 42 this. I was told some time later, it may have been even
10:57:05 43 after I'd retired, that - Detective Sergeant Flynn actually
10:57:09 44 told me that [REDACTED] had said something to him along the
10:57:16 45 lines of he'd given Ms Gobbo [REDACTED] but I thought
10:57:20 46 it was around about the [REDACTED] mark.
47

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10:57:25 1 I haven't put it my notes but there was another reference I
10:57:33 2 think in late 2007 or 2008 where [REDACTED] has told Flynn
10:57:42 3 about a [REDACTED]. Again I hadn't taken
10:57:48 4 you to it because you weren't there at the time but you
10:57:49 5 recall having had that discussion with Flynn?---I recall
10:57:50 6 Dale Flynn telling me something along those lines but I -
10:57:55 7 as I say, I didn't know of any of this information.

8
10:57:58 9 Did he tell you whether there was any investigation as to
10:57:59 10 the truth or not of whether Ms Gobbo was [REDACTED] for
10:58:04 11 [REDACTED]--I don't think so.

12
10:58:06 13 If that were true it would be a significant
10:58:08 14 concern?---Exactly. Because as far as I was concerned I
10:58:11 15 would have taken it as proceeds of crime.

16
10:58:14 17 And also a significant concern in relation to her ongoing
10:58:21 18 relationship and communications with [REDACTED] in custody.
10:58:25 19 Whilst he was on a witness she was on one view legally
10:58:30 20 advising him, on another view providing him with welfare
10:58:33 21 checks?---Yes.

22
10:58:34 23 And that was part of her role with [REDACTED] was visiting
10:58:39 24 him, taking care of his welfare?---I don't know whether
10:58:44 25 that was her role. I mean I spent quite a few times down
10:58:49 26 there myself talking to him.

27
10:58:52 28 There was some suggestion that in 2007 she was made - given
10:59:00 29 [REDACTED] of both [REDACTED] and
10:59:07 30 [REDACTED] Were you ever aware of that?---No.

31
10:59:10 32 Initially it seems that Ms Gobbo was paying money into
10:59:14 33 [REDACTED]---Yes.

34
10:59:16 35 Or [REDACTED]. In September of 2006 Purana took over
10:59:24 36 payment of that money; is that right?---Yes.

37
10:59:26 38 You've got an entry in your diary to that effect?---Yeah,
10:59:31 39 what date was that?

40
10:59:33 41 15 September?---Yes, that's correct.

42
11:00:06 43 15:00 you have a discussion with members of the SDU in
11:00:10 44 relation to making payments into the [REDACTED]
11:00:16 45 fund for [REDACTED]--Yes.

46
11:00:18 47 It's apparent from a reading of the ICRs that [REDACTED] was

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11:00:21 1 given to believe that it was still Ms Gobbo that was making
11:00:24 2 those payments for him, was that your understanding?---No,
11:00:32 3 I believe what the situation was, yes, she'd been making
11:00:36 4 the payments but he was under the belief it was coming from
11:00:39 5 [REDACTED] and the reason why we took over was to extricate
11:00:43 6 her from the situation of having to pay the money.
7

11:00:47 8 A reading of the ICRs seems to indicate that [REDACTED]
11:00:54 9 believed that it was Ms Gobbo making the payments, albeit
11:00:59 10 they were going in under [REDACTED] name?---Yeah, I
11:01:03 11 believed that he believed it was coming from [REDACTED]
11:01:06 12 when in fact it wasn't.
13

11:01:09 14 Was there any particular reason why Purana [REDACTED] those
11:01:15 15 payments?---As I say, it was just - my belief was it was to
11:01:20 16 extricate her from paying the money.
17

11:01:23 18 It was an issue that had been raised by her?---Well she'd
11:01:27 19 raised it with the SDU, yes.
20

11:01:30 21 Why would Purana be paying [REDACTED] money in
11:01:36 22 any case?---As I say, the whole purpose was to extricate
11:01:41 23 her from the situation was my belief.
24

11:01:45 25 Just on that matter, I was asking you yesterday about
11:01:51 26 [REDACTED] getting some separate legal advice in early
11:01:56 27 2007. Did Purana have any involvement in the funding of
11:02:01 28 his getting that independent legal advice?---Not to my
11:02:05 29 knowledge.
30

11:02:09 31 One of the other issues that was running through the period
11:02:14 32 of Ms Gobbo's registration were numerous threats being made
11:02:20 33 against her?---I think there was some threats from time to
11:02:25 34 time. I don't know whether it was numerous or how often
11:02:28 35 but the DSU would have a record of that.
36

11:02:32 37 Were you aware of Operation Gosford commencing?---I recall
11:02:36 38 the name but the particulars I don't.
39

11:02:40 40 There were a number of Purana investigators that were
11:02:42 41 involved as - well, were the investigators looking into
11:02:48 42 those threats Flynn, Hayes and Rowe, for example?---Sorry?
43

11:02:57 44 Flynn, Hayes, Rowe?---Right.
45

11:02:59 46 And perhaps one or two others were involved as
11:03:02 47 investigators in Operation Gosford looking into the threats

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11:03:09 1 against Ms Gobbo?---Possibly.
2
11:03:10 3 You would have had some understanding of that at the
11:03:13 4 time?---Yes, if I was there at the time, yes.
5
11:03:16 6 All of those informants were significant investigators in
11:03:22 7 other matters where Ms Gobbo had been an informer?---Yes,
11:03:27 8 they would have been.
9
11:03:28 10 And they were also involved in dealing with Ms Gobbo as a
11:03:31 11 barrister representing clients?---They may have been, yes.
12
11:03:36 13 Was there any consideration given to that being a
11:03:41 14 conflict?---Not that I'm aware of.
15
11:03:45 16 But they're dealing with her as a victim, as a barrister
11:03:49 17 and as an informer all at the same time?---As I say, if it
11:03:54 18 was - it would have been about threats being made to her or
11:03:59 19 her safety. I don't see what the conflict was.
20
11:04:06 21 If you're a defendant in a particular case, you've got a
11:04:12 22 barrister who's got a relationship with a particular
11:04:16 23 informant because she's a victim and they're looking after
11:04:20 24 her as a victim?---Yes.
25
11:04:23 26 Do you see that there might be a conflict if it's the same
11:04:28 27 informant that's prosecuting a case?---I see what you're
11:04:31 28 saying but that's not something I contemplated. As I say,
11:04:35 29 my focus would have been, if there was threats made to her,
11:04:40 30 it was to protect her life.
31
11:04:48 32 I've taken you through the meeting that you had at the golf
11:04:53 33 club with Ms Gobbo and the presentation of the pen?---Yes.
34
11:04:59 35 Around that time you were getting close to locating and
11:05:02 36 arresting Tony Mokbel; is that right?---No, I think it was
11:05:08 37 - we'd found where he was but we were a fair way off
11:05:12 38 locating him at that point.
39
11:05:14 40 There were moves afoot to - - - ?---Yeah, things were
11:05:17 41 moving.
42
11:05:19 43 Was there concern about once he was located, once he was
11:05:23 44 arrested, was consideration given as to what Ms Gobbo might
11:05:28 45 do?---No, I didn't consider that.
46
11:05:34 47 Were there any discussions with anyone about that?---No, my

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11:05:37 1 understanding was he sought other advice from other people,
11:05:45 2 got advice from other people. I recall one fellow from one
11:05:48 3 of the universities, I think Mr Bagaric or something,
11:05:52 4 involved himself in it. He had other people looking after
11:05:58 5 him.
6
11:05:58 7 In the lead-up to the arrest of Mr Mokbel were you keeping
11:06:02 8 the SDU apprised of what was going on?---I may have been or
11:06:08 9 I might have been focused on what I was doing. I was
11:06:11 10 working double shifts at that stage.
11
11:06:15 12 An SML - source management log - there's an SDU document on
11:06:20 13 28 May 2007. It indicates there was a monthly source
11:06:29 14 review. If we can bring that up but perhaps I'll continue
11:06:36 15 talking about it. Various considerations, one of which is
11:06:41 16 under the heading "Value". Unfortunately it's not on the
11:06:45 17 screen yet?---Right.
18
11:06:50 19 They consider the source's value and it says this, "It is
11:06:53 20 anticipated Tony Mokbel may be arrested in the near future
11:06:57 21 and will attempt to contact human source. A decision will
11:07:00 22 have to be made regarding any source involvement in
11:07:04 23 this"?---Right.
24
11:07:08 25 This is 28 May 2007. You see down the bottom it's the
11:07:27 26 monthly source review and you'll see that passage under the
11:07:32 27 heading of, near the heading of "Value"?---Yes.
28
11:07:41 29 At that stage there's a recommendation, "Continued
11:07:44 30 management by SDU essential"?---Yes.
31
11:07:46 32 It's apparent that the SDU were being kept informed as to
11:07:50 33 the impending arrest of Mr Mokbel at that stage?---As I
11:07:57 34 say, they may have been. I don't recall specifically
11:08:01 35 updating them in relation to Tony Mokbel. They were aware
11:08:06 36 anyway in any event because they were running a completely
11:08:09 37 separate human source at that point in time so they would
11:08:12 38 have been fully aware where we were at.
39
11:08:17 40 Operation Posse was all about Tony Mokbel and his family
11:08:22 41 and associates and it all kicked off with Ms Gobbo's
11:08:29 42 recruitment. Was there any - - - ?---No, it didn't kick
11:08:34 43 off with Ms Gobbo's recruitment. It kicked off with the
11:08:37 44 intel assessment Purana had done in April of that year.
45
11:08:41 46 Yes, it certainly got a big push along after her
11:08:44 47 recruitment; is that right?---She was one part of it, yes.

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1
11:08:51 2 The investigation plan was developed significantly with the
11:08:54 3 information provided by Ms Gobbo?---Some of the
11:09:00 4 information, not all of it. As I say, some of those
11:09:03 5 operations had already commenced.
6
11:09:05 7 Yes. Surely there would have been some thought given to
11:09:11 8 Ms Gobbo having contact with Tony Mokbel upon his
11:09:18 9 arrest?---As I say, it's not something I considered. My
11:09:23 10 focus was on finding him and arresting him.
11
11:09:30 12 On 5 June 2007 Mr Mokbel was arrested?---That's correct.
13
11:09:39 14 On the same evening, Australian time, Ms Gobbo was having a
11:09:44 15 face-to-face meeting with her handlers. Do you know if
11:09:52 16 that was planned in case Mokbel called her during that
11:09:55 17 period of time?---I don't believe so.
18
11:09:59 19 She was told during that meeting that Mr Mokbel had been
11:10:04 20 arrested and that there were 23 raids being
11:10:08 21 conducted?---Right.
22
11:10:08 23 And that was the case, that there were various raids being
11:10:11 24 conducted around Melbourne?---There was, yes.
25
11:10:14 26 Around Victoria. She was told that it was believed that he
11:10:19 27 would seek her out for representation and they told her it
11:10:24 28 was their preference that she not represent any of the
11:10:28 29 other people that had been arrested that night?---Right.
30
11:10:33 31 She was given the names of the various people that had been
11:10:36 32 arrested and she questioned why that was the first time
11:10:40 33 she'd been told not to represent people?---I'm unaware of
11:10:43 34 that.
35
11:10:45 36 It's apparent that the SDU were being given updates about
11:10:50 37 who was being arrested; is that right?---I'm not sure if
11:10:55 38 they were given updates. I mean there was a major
11:10:58 39 operation order in place, there was 120 detectives on
11:11:02 40 stand-by and basically I was working double shifts.
41
11:11:08 42 Following his arrest you were receiving information from
11:11:11 43 the SDU about contact Ms Gobbo was having with
11:11:18 44 Mr Mokbel?---Yes, they forwarded information through to me.
45
11:11:21 46 Did you have any concern that she at that stage might be
11:11:25 47 acting as a legal advisor in any capacity to Mr Mokbel or

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11:11:32 1 that at least he might think she was?---I don't know what
11:11:34 2 he thought. As I say, my view was he had representation on
11:11:38 3 the ground in Athens and he had Mr Bagaric who was saying
11:11:44 4 various things in the media and he was representing him.
5
11:11:49 6 If I can take you to the diary on 7 June. You weren't
11:11:53 7 immediately aware of who his lawyers were in Athens, would
11:11:57 8 that be true to say?---No, I wasn't aware, no.
9
11:12:01 10 Or who he'd engaged even in Australia?---Not at that point,
11:12:09 11 no.
12
11:12:28 13 At 14:21 on 7 June you received a call from the SDU with
11:12:35 14 information from Ms Gobbo?---Yes.
15
11:12:44 16 It refers to Danielle Maguire's phone number?---Yes.
17
11:12:50 18 That Maguire and Mokbel had phoned Ms Gobbo?---Yes.
19
11:12:55 20 And Stephen Shirrefs the night before?---Yes.
21
11:12:57 22 From inside gaol in Greece?---Yes.
23
11:13:00 24 That would immediately indicate that he was phoning
11:13:04 25 lawyers?---Yes.
26
11:13:04 27 Mokbel was talking about his Greek lawyer and the plans in
11:13:12 28 relation to extradition?---Yes.
29
11:13:28 30 Was there any query by you about whether Ms Gobbo was
11:13:33 31 acting for Mr Mokbel?---No.
32
11:13:35 33 You didn't even ask?---No, I didn't.
34
11:13:42 35 If we can go to an ICR at 886, please. This is 10 June.
11:13:59 36 19:55, about halfway down the page there's a heading of
11:14:04 37 "Tony Mokbel". Ms Gobbo is reporting on a 40 minute
11:14:07 38 telephone call she'd had with Mr Mokbel and being emotional
11:14:12 39 about it?---Yes.
40
11:14:25 41 Sorry, you might see that further up the page at 17:43.
11:14:29 42 She rings, says she's just spoken to Tony Mokbel for 40
11:14:34 43 minutes. She was left emotional as a result. Then she
11:14:37 44 rings back at 17:55?---Yes.
45
11:14:44 46 She gives the handler details about what they'd spoken
11:14:48 47 about. She discussed matters raised against him in

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11:14:51 1 relation to extradition?---Yes.
2
11:15:05 3 Indicated [REDACTED] if it was managed and
11:15:13 4 handled by her, although the specific details weren't
11:15:15 5 discussed?---Yes.
6
11:15:23 7 There was some mention of corrupt police but not rolling
11:15:28 8 over on them, do you see that?---I see that, yes.
9
11:15:35 10 He wanted Ms Gobbo to get on a plane and go and see
11:15:39 11 him?---Yes.
12
11:15:40 13 And there was a discussion by the handler with Ms Gobbo
11:15:42 14 about the consequences of her being involved with him again
11:15:45 15 and the complications that would potentially cause?---Yes,
11:15:48 16 I see that.
17
11:15:52 18 Again, were these matters raised by the SDU with you?---I
11:15:57 19 don't believe so. Information came in. It was never used
11:16:03 20 for anything. I knew Tony Mokbel was going to jerk the
11:16:05 21 legal system around for the next 12 months. I mean I was
11:16:10 22 under no illusions. He'd already said what he was going to
11:16:13 23 do. And I wasn't going to wait around and put my life on
11:16:17 24 hold because of it.
25
11:16:20 26 But was there any consideration given to any ethical
11:16:23 27 concerns or legal concerns that she might complicate the
11:16:28 28 process by getting involved again?---I don't believe that
11:16:34 29 was front of mind for me at that time and I don't think it
11:16:39 30 eventuated in any case.
31
11:16:43 32 If we can go to the SML on 14 June 2007. Sorry, if we line
11:17:00 33 that up perhaps I'll take you quickly to 12 June on the
11:17:05 34 ICRs, sorry about that, at 891. There's a heading of "Tony
11:17:39 35 Mokbel" there. Ms Gobbo's giving consideration to
11:17:45 36 arranging for Mr Mokbel to be charged with attempting to
11:17:49 37 pervert the course of justice. She says that evidence
11:17:52 38 could be collected from her by a coercive hearing and would
11:17:57 39 protect her status and would harm Mr Mokbel's extradition
11:18:02 40 application, do you see that?---Yes, I see that.
41
11:18:04 42 Do you know whether there was any discussion with you about
11:18:07 43 any coercive hearing to protect Ms Gobbo's status and
11:18:17 44 assist with any sort of prosecution of Mr Mokbel for
11:18:17 45 attempting to pervert the course of justice?---I don't
11:18:20 46 believe so. I have no memory of that.
47

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11:18:23 1 A bit further down, a bit under halfway it says there that
11:18:27 2 the handler discussed with Ms Gobbo that, "Purana and SDU
11:18:31 3 do not require her to be involved with Tony Mokbel, the
11:18:34 4 risk is too great re ethics and potential compromise but
11:18:38 5 she felt it was her responsibility to ensure that Tony
11:18:44 6 returned to Melbourne"?---Yeah, I see that there.
7
11:18:47 8 That seems to indicate that Purana have been involved in
11:18:49 9 some discussions about whether she would act for him?---As
11:18:54 10 I say, I don't recall being involved in any discussions
11:18:56 11 around that and I don't think she did act for him.
12
11:19:02 13 If we can go to the SML briefly for that, 14 June, please.
11:19:20 14 You'll see under the "Risks" over the page, on the second
11:19:27 15 page, it includes "additional risks arise from Mokbel
11:19:29 16 efforts to employ Ms Gobbo to represent him re extradition
11:19:34 17 hearings from Greece". This is another monthly source
11:19:38 18 review, do you see that?---Right.
19
11:19:43 20 So the SDU are appreciating the fact that Mr Mokbel is at
11:19:49 21 least trying to employ Ms Gobbo to represent him in
11:19:54 22 relation to his extradition hearings?---Right.
23
11:19:59 24 Did you say there was no communication between you at
11:20:03 25 Purana and the SDU about those matters?---I have a note
11:20:07 26 here on the 15th of June.
27
11:20:10 28 Yes?---About receiving a telephone call from one of the SDU
11:20:18 29 re intel. The SDU member's now deceased. Re 3838, Brendan
11:20:26 30 Murphy and a phone number and his office numbers. Mokbel's
11:20:32 31 Greek solicitor is K-a-u-g-i-a-s and his phone number. It
11:20:37 32 was sent one hour ago and phone to say Mokbel not handling
11:20:40 33 gaol well, continually crying. Stephen Asling - - -
34
11:20:46 35 It goes on with some other information?---Other
11:20:48 36 information, yes.
37
11:20:48 38 On 15 June you're provided with information that's come
11:20:53 39 from Ms Gobbo about the name of the Greek solicitor, him
11:20:56 40 not handling gaol and so forth?---Yes.
41
11:21:00 42 Does it refer to her having spent an hour on the phone to
11:21:05 43 the Greek solicitor?---Yes.
44
11:21:09 45 Presumably that lawyer expecting to be having a
11:21:13 46 confidential communication with an Australian lawyer?---I
11:21:17 47 don't know. As I say I didn't - I didn't see any

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11:21:21 1 importance in this.
2

11:21:25 3 If you can go to 20 June 2007. Do you have another entry
11:21:57 4 there in relation to Ms Gobbo?---Yes.
5

11:22:11 6 There's reference to Ms Mguire and a phone number and that
11:22:18 7 she'd been talking to a Melbourne solicitor in relation to
11:22:21 8 the extradition, being Alistair Grigor?---Yes.
9

11:22:25 10 And some advice that he'd given about media?---That's
11:22:29 11 correct.
12

11:22:29 13 Or not doing any media?---Yes.
14

11:22:33 15 There being a number of reasons for not granting
11:22:40 16 extradition on which they could fight it?---Yes.
17

11:22:43 18 The first being that he won't get a fair trial?---Yes.
19

11:22:47 20 And another seeming to be that his life was in danger and
11:22:50 21 that Purana had approached him and told him that some time
11:22:54 22 ago?---Yes.
23

11:22:55 24 And that it was intended that Stephen Shirrefs would handle
11:23:01 25 his extradition hearings?---Yes.
26

11:23:05 27 Now during this period of time were you in the process of
11:23:10 28 compiling materials to support the extradition application
11:23:15 29 back to Australia?---Yes, I would have been.
30

11:23:20 31 You were working on affidavits and so forth?---Yes, for the
11:23:26 32 OPP.
33

11:23:27 34 I think your diary would reflect various days over which
11:23:30 35 you were working on those matters?---Yes.
36

11:23:33 37 And at the same time receiving some of this information
11:23:36 38 from Ms Gobbo about those - - - ?---Yes, the information -
39 - -
40

11:23:42 41 - - - issues?--- - - - I've got in my diary, yes.
42

11:23:48 43 One of the matters that needed to occur for the extradition
11:23:54 44 was to gather material in relation to all the charges that
11:23:58 45 Mr Mokbel would face once he came back to Australia?---Yes.
46

11:24:01 47 You needed to get the various briefs of evidence; is that

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11:24:05 1 right?---I believe the OPP had the briefs of evidence
11:24:08 2 already.
3
11:24:09 4 Some of what he was being extradited back for was to face
11:24:16 5 some State Victoria Police charges?---Yes.
6
11:24:20 7 He was also being extradited to face Commonwealth
11:24:24 8 charges?---Yes, I believe he'd been sentenced in his
11:24:27 9 absence.
10
11:24:27 11 But there were additional charges he'd been charged with in
11:24:33 12 relation to Operation Orbital which related to
11:24:36 13 Quills?---Yes.
14
11:24:36 15 And he'd been charged with that in about October 2005?---He
11:24:41 16 may have been. I'm not sure of the date.
17
11:24:43 18 Do you recall that there was some trouble getting that
11:24:47 19 material from the AFP?---No, not at this point. No, I
11:24:53 20 don't recall.
21
11:24:53 22 There's some evidence from Detective Rowe that you gave him
11:24:58 23 permission to approach Ms Gobbo to get that brief of
11:25:02 24 evidence from her. She was holding a copy of that brief of
11:25:06 25 evidence, having represented Mr Mokbel in that matter?---I
11:25:11 26 don't have a recollection of that.
27
11:25:14 28 Do you accept that evidence?---If that's what Mr Rowe says
11:25:19 29 I can't argue with it but I don't recall that happening.
30
11:25:22 31 He went to pick the brief up from her on 22 June 2007 and
11:25:27 32 returned it to her on 18 July 2007. Was there any - do you
11:25:34 33 recall getting any advice about whether there might be any
11:25:38 34 need for Ms Gobbo to waive privilege to be able to provide
11:25:42 35 that brief of evidence?---I don't believe so.
36
11:25:45 37 Or Ms Gobbo obtaining the permission of Mr Mokbel to
11:25:50 38 provide that brief of evidence?---I don't recall that, no.
39
11:26:00 40 You'd provided I think - - -
41
11:26:03 42 COMMISSIONER: Are you going to be much longer, I'm just
11:26:06 43 wondering whether to take the mid-morning break?
11:26:09 44
11:26:10 45 MS TITTENSOR: No, I'm shortly going to finish,
11:26:11 46 Commissioner.
47

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11:26:12 1 COMMISSIONER: Okay.
11:26:12 2
11:26:17 3 MS TITTENSOR: I think you'd earlier provided an affidavit
11:26:21 4 but on 13 July 2007 you swore a supplementary affidavit in
11:26:28 5 relation to Mr Mokbel's extradition?---If you've got the
11:26:34 6 affidavit, yes.
7
11:26:35 8 Do you know whether that supplementary affidavit referred
11:26:38 9 to that extra material from the Commonwealth brief?---I
11:26:52 10 don't recall. I don't recall two affidavits. I thought
11:26:54 11 there was one affidavit.
12
11:26:55 13 Sorry?---I thought there was only the one affidavit but I
11:26:58 14 might be wrong.
15
11:26:58 16 I think your diary records on 13 July there being a
11:27:03 17 supplementary affidavit?---All right.
18
11:27:07 19 On 16 July did you receive some further information, is
11:27:15 20 that the case, through the SDU from Ms Gobbo, information
11:27:25 21 about the various lawyers being briefed by Mr Mokbel,
11:27:30 22 details of money being paid into the account of Mr Grigor,
11:27:35 23 his solicitor?---Sorry, 13 July, was it?
24
11:28:03 25 This is 16 July, this one at 11.55?---Yes.
11:28:03 26
11:28:03 27 There was reference there, she told you about Mr Bickley
11:28:03 28 having previously signed a statement which exculpated
11:28:05 29 Mr Mokbel?---Yes.
11:28:16 30
11:28:17 31 That Mr Grigor had been tasked to go and take some
11:28:22 32 statements from people, including Goussis and [REDACTED] and
11:28:24 33 Carl Williams at the prison?---Yes, yes.
11:28:38 34
11:28:39 35 And that Mirko Bageric would be ringing Ms Gobbo in
11:28:47 36 relation to his preparation of an affidavit in response to
11:28:51 37 yours?---Yes.
11:28:54 38
11:28:59 39 Would it surprise you to learn that Ms Gobbo wrote a fee
11:29:02 40 for representing Mr Mokbel in relation to these matters on
11:29:07 41 25 July for \$1,800?---I wasn't aware of that.
11:29:12 42
11:29:18 43 Nothing further, Commissioner.
11:29:19 44
11:29:20 45 COMMISSIONER: We'll take the midmorning break and resume
11:29:22 46 with Mr Collinson's cross-examination or Mr Nathwani?
11:29:29 47 Mr Nathwani.

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11:30:07 1
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(Short adjournment.)

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1 PROCEEDINGS IN CAMERA:

2
12:36:00 3 COMMISSIONER: We're now in closed hearing with the orders
12:36:03 4 made in respect of this witness yesterday applying.

12:36:15 5
12:36:16 6 MR NATHWANI: Could we bring up Mr Bateson's chronology
12:36:28 7 which is VPL.0015.0001.0409. I assume you haven't seen
12:36:40 8 this?---No, I haven't.

12:36:41 9
12:36:43 10 We'll go through it with some entries. Can I ask you this:
12:36:48 11 you've been asked lots of questions about [REDACTED]
12:36:51 12 [REDACTED] --Yes.

12:36:53 13
12:36:53 14 As far as you were concerned was Ms Gobbo acting in her
12:36:57 15 role as an informer when she was representing them?---Well
12:37:05 16 I don't really know. I mean - - -

12:37:07 17
12:37:07 18 Put it this way, there doesn't seem to be any material
12:37:12 19 relating to ongoing criminal offences by [REDACTED] it
12:37:19 20 seems to be her role is as their lawyer and the issue is
12:37:24 21 the conflicts as between them all, okay?---Right.

12:37:26 22
12:37:26 23 You were asked on Friday or it was put to you or asserted
12:37:30 24 the following - when it was, by reference to [REDACTED]
12:37:35 25 "Were you not concerned that she was betraying her duty to
12:37:39 26 the court, that she was persuading [REDACTED] to cooperate
12:37:43 27 and to assist the police", okay. So the suggestion is that
12:37:46 28 she was betraying her duty to the court, that she was
12:37:50 29 persuading [REDACTED] to cooperate to assist the police,
12:37:53 30 okay?---Right.

12:37:53 31
12:37:54 32 Now, I want to give you and ask you that question once you
12:37:58 33 have all the information in hand, okay. We'll go briefly
12:38:02 34 through this chronology. If we go to 13 July, please,
12:38:07 35 2004. We'll start here, but just so I can fill you in. 4
12:38:40 36 July Mr Bateson's evidence is, this is before the [REDACTED]
12:38:44 37 murder, 4 July 2003, Ms Gobbo and Mr Magazis, solicitor,
12:38:50 38 went to Mr Bateson with [REDACTED] and the evidence was he
12:38:55 39 was looking to assist, okay. Were you aware that prior to
12:38:58 40 the [REDACTED] murder [REDACTED] was already considering assisting the
12:39:02 41 police?---No.

12:39:04 42
12:39:04 43 We know the [REDACTED] murder then happens [REDACTED] 2003. He
12:39:12 44 is then, and this is [REDACTED], I'm paraphrasing,
12:39:16 45 summarising, he's then put in a procedure where he's asked
12:39:21 46 a number of questions and he's [REDACTED] where he makes
12:39:24 47 particular admissions that are then used against

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12:39:27 1 him?---Yes.
12:39:27 2
12:39:33 3 He, [REDACTED] signs a statement, we see 13 July.
12:39:37 4
12:39:37 5 COMMISSIONER: I'm not sure whether we have the right entry
12:39:42 6 up here.
12:39:42 7
12:39:42 8 MR NATHWANI: This is the right one, it's completely
12:39:44 9 unredacted. We see 13 July, "Spoke to Gobbo", [REDACTED] it should
12:39:49 10 say, "Right to sign statement"?---Yes, sorry. Yes.
12:39:59 11
12:40:04 12 That witness statement on 13 July implicates [REDACTED]---Right.
12:40:09 13
12:40:11 14 We turn now to 28 July 2004. This is the time Ms Gobbo's
12:40:28 15 suffered her stroke. She's not present but we see there SB
12:40:34 16 notes, Bateson, he's meeting with [REDACTED] and you see there his
12:40:38 17 clear memory, asked to become a witness, in other words
12:40:41 18 Bateson did, and, "Time is running out for [REDACTED] to make his
12:40:46 19 choice", do you see that?---Yes, I see that.
12:40:47 20
12:40:47 21 We have the earlier meeting with Bateson and the later. If
12:40:51 22 we can go please to 18 October 2004. By this time he's
12:41:14 23 been charged, [REDACTED] with the murders of [REDACTED] and
12:41:18 24 [REDACTED]---Right.
12:41:18 25
12:41:18 26 We see 18 October, information received by Mr L'Estrange,
12:41:24 27 do you see that, in the purple, that [REDACTED] wants to meet on the
12:41:29 28 quiet?---Yes, I see that, yes.
12:41:31 29
12:41:34 30 So 20 October, two days later?---Yes, I see that.
12:41:45 31
12:41:46 32 Follows up on that. 1 December 2004, ACC hearing, [REDACTED]
12:42:02 33 represented by Ms Gobbo?---Right.
12:42:04 34
12:42:04 35 Are you aware Mr Bateson then made an offer again about [REDACTED]
12:42:08 36 getting on board?---No, I don't believe so.
12:42:16 37
12:42:16 38 We then see, if we fast-forward to 19 January 2005, we see
12:42:42 39 there [REDACTED] is sentenced?---Yes.
12:42:47 40
12:42:47 41 Had his plea, gets [REDACTED] years and a non-parole period of [REDACTED]
12:42:51 42 years?---Yes.
12:42:52 43
12:42:52 44 Given his involvement in the offences he was involved in,
12:42:56 45 described as a good result, would you agree with that?---A
12:43:00 46 what?
12:43:00 47

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12:43:00 1 A good result, a significant discount. This is [REDACTED] involved
12:43:05 2 [REDACTED] - - - ?---Yes.
12:43:07 3
12:43:10 4 Fast-forward then to [REDACTED] 2005. This is all
12:43:23 5 chronological, Mr O'Brien, just to put you - - - ?---Yes.
12:43:27 6
12:43:27 7 - - - in the picture?---Right.
12:43:29 8
12:43:34 9 That's the entry, "[REDACTED] found guilty of the murder of
12:43:38 10 [REDACTED]"?---Yes.
12:43:40 11
12:43:40 12 Do you see that?---Yes.
12:43:41 13
12:43:42 14 [REDACTED] gave evidence during that trial, do you agree?---I'm
12:43:45 15 unsure, I wasn't a part of the trial.
12:43:47 16
12:43:47 17 If you then go down to [REDACTED] 2006, we then see that
12:43:56 18 it's in purple, [REDACTED] having seen [REDACTED] being
12:44:03 19 convicted on the evidence of [REDACTED], was what Mr Bateson's
12:44:08 20 evidence was?---Yes.
12:44:09 21
12:44:09 22 Is writing to you and the prosecution trying to do a deal,
12:44:13 23 do you see that?---Yes.
12:44:13 24
12:44:14 25 Of course that would by necessity [REDACTED] would you
12:44:21 26 agree with that?---Yes.
12:44:22 27
12:44:22 28 Scroll down ten days later [REDACTED] 2006. We see there
12:44:32 29 [REDACTED] has begun that process?---Yes.
12:44:37 30
12:44:38 31 Just pausing there for later on. I want to ask you some
12:44:42 32 other questions. You see there he indicates he doesn't
12:44:46 33 trust a particular solicitor so a new solicitor is
12:44:49 34 arranged, do you see that, Paul Duggan?---Yes, I see that.
12:44:52 35
12:44:53 36 We then go to 19 February, please, which we can see
12:44:57 37 underneath. See, "Jim Valos, solicitor, and Gobbo call
12:45:04 38 Mr Bateson" and you can see there's an indication there
12:45:08 39 he's wanting to assist, do you see that?---Yes.
12:45:12 40
12:45:15 41 20 February, it's not on there, but we know you've been
12:45:18 42 shown the transcript where you and Mr Bateson visit [REDACTED] as a
12:45:22 43 result, do you remember that?---That's correct, yes.
12:45:25 44
12:45:26 45 He says it was, "Jim Valos told me to fuckin' roll", do you
12:45:31 46 remember being shown that?
12:45:33 47

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12:45:33 1 COMMISSIONER: Sorry, what was that, "Jim Valos"?

12:45:35 2

12:45:36 3 MR NATHWANI: "Told me to fuckin' roll", it's p.35 of that

12:45:40 4 transcript, the 20 February transcript. You were shown

12:45:45 5 that by Ms Tittensor?---Yes, yes, I remember that.

12:45:48 6

12:45:49 7 Let's go to 10 March 2006, please. Plea of [REDACTED] do you see

12:46:02 8 that, represented by Mr Duggan?---Yes.

12:46:04 9

12:46:07 10 Mr Bateson and Gavan Ryan provide evidence as to the

12:46:10 11 importance of his evidence and then we follow it down to

12:46:12 12 the next entry, [REDACTED] he gets [REDACTED] years

12:46:19 13 minimum, do you see that?---Yes.

12:46:20 14

12:46:22 15 Are you aware that at that sentence hearing Justice Betty

12:46:26 16 King indicated he would have got [REDACTED] but

12:46:29 17 for his cooperation?---No, I'm not aware of that. As I

12:46:32 18 say, these investigations were part of phase one of Purana.

12:46:37 19

12:46:38 20 We then, if we go through this - could we bring up, because

12:46:46 21 the next entry we see on 19 March, let's just deal with 19

12:46:51 22 March 2006 because you've been asked about this. Sorry,

12:47:00 23 it's from a note actually. Let's go to 20 March 2006.

12:47:15 24 Let's try 19 April 2006. You've been asked a lot about

12:47:25 25 this. 19 April meeting between you, Bateson, Ryan, [REDACTED]

12:47:32 26 [REDACTED] "Decision made no further approach from us at this

12:47:36 27 stage, supply transcript to 3838 with edits and have her

12:47:42 28 approach (indistinct)", okay?---Right.

12:47:44 29

12:47:45 30 If I could ask that the following document just be brought

12:47:47 31 up so we can have a look at what he was saying when you

12:47:51 32 visited him on 23 March. So just a month earlier. This is

12:47:55 33 VPL.0005.0062.0609. If we go to p.2, please. We see the

12:48:33 34 third from last [REDACTED] entry it says, "All right, I'm more

12:48:37 35 scared than you. I've never done to me, just stupid.

12:48:42 36 Should have just fuckin' talked from the start and get it

12:48:45 37 over done with, okay". This is you and Bateson having gone

12:48:54 38 to visit him and from the outset you're saying he should

12:48:55 39 have just talked to you from the beginning, do you see

12:48:56 40 that?---Yes.

12:48:56 41

12:48:59 42 Now if we go to p.80, because what follows is he tells you

12:49:02 43 certain information. He is asked, "How do you feel about

12:49:05 44 that", by Bateson at the top. "Can I tell you something?

12:49:08 45 Yeah. Grouse", indecipherable, then there's a discussion

12:49:12 46 about weight off chest. Now, I'll carry on but you were

12:49:21 47 asked was Gobbo persuading him to give evidence. Let's

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12:49:26 1 just keep going through this. If we can now go to - we'll
12:49:28 2 do one more transcript and then jump back to the
12:49:32 3 chronology. If we go to the transcript, it's
12:49:38 4 0005.0062.0792. If we scroll to p.2, please. Page 3,
12:50:09 5 sorry, my page references are slightly out. Can we just go
12:50:19 6 then to p.6. There's a reference when he's asked about
12:50:24 7 what he wants to do and he responds, "I want to [REDACTED]
12:50:28 8 [REDACTED] but we'll go through it. We see at p.6 he's
12:50:35 9 asked in the middle, "Like, if you give", and he discusses
12:50:40 10 [REDACTED] "I'm not worried about my sentence". Bateson,
12:50:43 11 "You're not worried about your sentence?" "I'm worried
12:50:46 12 that if I don't make a statement and you look after" [REDACTED]
12:50:48 13 [REDACTED] "And you can help things out, you got more
12:50:51 14 intelligence, do you understand what I'm saying?" So when
12:50:55 15 you say look [REDACTED] he says, [REDACTED] We're
12:51:00 16 not [REDACTED] and we go through. If we go to p.23. My
12:51:21 17 page references are out. Through this, and I can find them
12:51:24 18 later, but through this document Bateson is saying, "I
12:51:28 19 don't believe you", about the contents of his statement. I
12:51:33 20 can bring them up possibly if I'm still going
12:51:38 21 afterwards?---Right.
12:51:38 22

12:51:38 23 Does that jog any memory with you about a discussion at
12:51:41 24 Purana that there was a disbelief at some of what [REDACTED] was
12:51:44 25 saying and you were telling him that during the
12:51:47 26 interviews?---I wasn't present at this interview but it may
12:51:49 27 have been the case some of the facts he was providing were
12:51:52 28 doubted. As I say, I didn't have as an integral knowledge
12:51:58 29 of the investigation as Bateson and Ryan did.
12:52:00 30

12:52:00 31 That wouldn't be unusual, would it, during the can-say
12:52:06 32 process, which is these interviews, for the police to be
12:52:08 33 saying, "We don't believe you about that [REDACTED] If we had
12:52:11 34 possession of other facts at the time which disproved what
12:52:14 35 he was saying, yes, we would put that to him.
12:52:16 36

12:52:16 37 Can we go back then please to the chronology. If we now go
12:52:25 38 to, going back slightly in time, only slightly, [REDACTED]
12:52:30 39 2006. We see there Ms Gobbo's indicating that [REDACTED] would
12:52:55 40 possibly plead guilty and would be prepared to give
12:52:58 41 evidence, do you see that?---Yes.
12:52:59 42

12:53:00 43 We then have the discussion I've just taken you through
12:53:04 44 bits of. Then if we go to 21 June 2006. So this is after
12:53:13 45 the meeting, the transcript I just took you to. Contacted
12:53:19 46 for [REDACTED] he is willing to sign off on statements, do you see
12:53:22 47 that?---Yes, I do, I see that.

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12:53:25 1
12:53:25 2 23 June, which reflects the entries I can't find on the
12:53:32 3 transcript, but there you can see there's a meeting
12:53:35 4 involving Bateson, Horgan and Tinney were the prosecutors,
12:53:41 5 they basically didn't believe he was telling the truth, do
12:53:44 6 you see that?---Yes.
12:53:45 7
12:53:46 8 And then spoke to Ms Gobbo and told her of the
12:53:50 9 above?---Yes.
12:53:50 10
12:53:50 11 And you see the prosecution counsel was to then speak to
12:53:53 12 her about it? Do you see that at the end, "Contact Geoff
12:54:01 13 Horgan to discussion further"?---Yes, I see that, yes.
12:54:04 14
12:54:10 15 [REDACTED] There we are, there's the plea of guilty to
12:54:15 16 murder, discussion in the cells didn't involve just
12:54:19 17 Ms Gobbo but also Mr Valos, do you see that?---Yes.
12:54:22 18
12:54:24 19 [REDACTED] says he would be prepared to make statements but would
12:54:27 20 like to do so in a safer environment"?---Yes.
12:54:31 21
12:54:34 22 Then we know there is a number of meetings, which I won't
12:54:37 23 take you through all of them, that involve police meeting
12:54:43 24 [REDACTED] Ms Gobbo then checking statements of [REDACTED] and then we go to
12:54:49 25 this, can we go to 7 September 2006. We see there, "Duncan
12:55:03 26 Allen's office with statements of [REDACTED] prior to plea", do you
12:55:06 27 see that?---Yes, I see that.
12:55:08 28
12:55:09 29 [REDACTED], senior counsel, [REDACTED] represented
12:55:14 30 [REDACTED] Yes.
12:55:14 31
12:55:15 32 Going through the records, just whilst we pause here,
12:55:23 33 Ms Gobbo, [REDACTED] and
12:55:29 34 [REDACTED] all represented [REDACTED] at various times through this
12:55:32 35 period, you're aware of that?---Many of those names, not
12:55:34 36 all of them.
12:55:35 37
12:55:35 38 So [REDACTED] obviously had the benefit of the advice of all of
12:55:39 39 those people. But here anything unusual about attending a
12:55:47 40 barrister's office with the statements of [REDACTED] prior to the
12:55:49 41 plea?---I wouldn't think so.
12:55:52 42
12:55:52 43 Thereafter we see that the plea follows. You gave an
12:55:58 44 example earlier of being present in a barrister's chambers
12:56:02 45 when a person was shown a statement, the barrister reads it
12:56:05 46 and that person signs the statement in front of - - -?---It
12:56:08 47 was in my office.

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12:56:10 1
12:56:11 2 It was in your office?---Yes.
12:56:12 3
12:56:12 4 Who was that?---It was [REDACTED]
12:56:15 5
12:56:15 6 Who was the accused?-- [REDACTED]
12:56:19 7
12:56:19 8 You had no issue with that occurring in that environment.
12:56:27 9 So we've gone through it and the final entry as far as [REDACTED] is
12:56:31 10 concerned is [REDACTED]. He gets sentenced and gets
12:56:43 11 a particularly good outcome, do you agree?---Yes.
12:56:47 12
12:56:52 13 Sorry it's taken a while, but you can see everything that
12:56:55 14 was happening with [REDACTED] from him going in to see Bateson even
12:57:00 15 before being charged with the [REDACTED] murders and the
12:57:03 16 [REDACTED] murder, but if I was to say it was always obvious
12:57:07 17 that [REDACTED] wanted to roll?---Well there was ongoing, from what
12:57:11 18 you've shown me, there was ongoing over a period of time
12:57:15 19 negotiation with him and he was obviously weighing up the
12:57:17 20 pros and cons of the situation.
12:57:19 21
12:57:20 22 Most of the statement taking process, the initial details,
12:57:23 23 were done by the police?---They would have been, yes.
12:57:27 24
12:57:27 25 And then thereafter Gobbo was checking them and possibly
12:57:32 26 editing them or editing them. Bearing that in mind, can we
12:57:38 27 just have a look at what happened [REDACTED] and the
12:57:42 28 involvement of their lawyers in relation to their
12:57:44 29 statements. So if we can use the same document. We've
12:57:47 30 looked for [REDACTED] at the approaches by [REDACTED] on 3 February, 8
12:57:56 31 February 2006, he then [REDACTED] solicitor and gets [REDACTED]
12:58:00 32 involved. Can we go to 3 March 2006, please. You see an
12:58:17 33 entry there, again 3 March 2006, "Delivered completed [REDACTED]
12:58:24 34 statements to his solicitor [REDACTED] and OPP for
12:58:28 35 review"?---Yes.
12:58:28 36
12:58:29 37 Anything unusual about the statements being delivered to
12:58:32 38 his defence lawyer for review prior to his plea
12:58:36 39 hearing?---No.
12:58:37 40
12:58:37 41 Let's follow it on. Look at what happens on 7 March. Do
12:58:43 42 you see at the bottom there, there it is, [REDACTED] signs his
12:58:48 43 statement after it's been looked at by his lawyer, do you
12:58:51 44 see that?---Yes, I see that.
12:58:53 45
12:58:53 46 And then we see the next entry, 10 March, that the lawyer's
12:58:58 47 there. Let's do the same exercise, please, for [REDACTED]

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12:59:09 1 If you go to 8 July as an example. Sorry, 8 July 2004. So
12:59:34 2 we'll see if we read through - 2004, sorry. You see there
12:59:50 3 there's discussions about [REDACTED]'s plea?---Yes.
12:59:54 4
12:59:54 5 Do you see that?---Yes.
12:59:55 6
12:59:55 7 Let's just read some of the entries on this page, please.
13:00:03 8 9 July, Bateson's at [REDACTED] Prison with [REDACTED]. Do you
13:00:08 9 see that, "Review of statements to see if true and correct.
13:00:12 10 He says he won't sign them before going to Gobbo, his
13:00:16 11 lawyer at the time". Do you see that?---Yes, I do.
13:00:18 12
13:00:19 13 9 July again we see Mr Horgan's updated about the visit
13:00:25 14 made by Bateson that day?---Yes.
13:00:27 15
13:00:27 16 Bateson then calls Gobbo, we see, regarding [REDACTED] wanting her
13:00:31 17 to read the statement prior to signing, no different
13:00:34 18 perhaps to [REDACTED]. Let's follow it through. You see 10
13:00:43 19 July, we've heard evidence about this, Mark Hatt attends
13:00:47 20 the office of Gobbo, allows same to read the
13:00:50 21 statements?---Yes.
13:00:50 22
13:00:50 23 She then asked to go and see [REDACTED] if we follow it through.
13:00:58 24 11 July, "Gobbo stated [REDACTED] was worried about sentence and
13:01:05 25 seizure of [REDACTED] he will be truthful", do you see
13:01:08 26 that?---Yes.
13:01:08 27
13:01:12 28 12th we see Bateson attends with Hatt, [REDACTED] Prison.
13:01:19 29 Some changes made, do you see that?---Yes.
13:01:21 30
13:01:22 31 "[REDACTED] reads the reprinted statements, he's happy." Do you see
13:01:27 32 Gobbo doesn't appear to be involved in that at all?---Yes.
13:01:30 33
13:01:30 34 Go to after, it appears that after that Bateson calls Gobbo
13:01:35 35 about the changes to the statement?---Yes.
13:01:37 36
13:01:39 37 She passes on her view that he's okay to sign the
13:01:42 38 statement. Do you see that?---Yes.
13:01:43 39
13:01:45 40 And then the next day, 13th, [REDACTED] signs the statements, do you
13:01:52 41 see that, 13 July?---Yes.
13:01:53 42
13:01:53 43 And again, Gobbo not present there?---No.
13:01:56 44
13:01:57 45 And it's obvious when we looked earlier that [REDACTED] was given
13:02:04 46 the opportunity to read the statements before he signed
13:02:06 47 it?---Yes.

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13:02:07 1
13:02:07 2 What then goes through, we know that he changes lawyers.
13:02:10 3 So if you can now go to 13 September 2004. He's now
13:02:17 4 represented by a different barrister. I just want to see
13:02:28 5 police interaction with his barrister in relation to [REDACTED]'s
13:02:33 6 please and perhaps compare at the end. 13 September,
13:02:34 7 "[REDACTED]", do you see that?---Yes.
8
13:02:38 9 "Speaks to Bateson"?---Yes.
13:02:39 10
13:02:41 11 16 September, [REDACTED] wants a faxed copy of the statement,
13:02:46 12 do you see that?---Yes.
13:02:47 13
13:02:50 14 18 October 2004. The black one?---Yes.
13:02:59 15
13:03:00 16 Do you see, let's read both of them, 6 October, [REDACTED] is
13:03:03 17 visited at prison and so there's discussions with him about
13:03:08 18 arrangements when he becomes a witness?---Yes.
13:03:11 19
13:03:11 20 18 October, [REDACTED] refuses to see the police officers, do you
13:03:19 21 see that?---Yes, I see that.
13:03:20 22
13:03:21 23 As a result they call his barrister, not Ms Gobbo, but
13:03:24 24 [REDACTED] to speak to him?---Yes.
13:03:27 25
13:03:27 26 Looks as though to try and tell him to see them, do you
13:03:32 27 agree with that, that's the inference?---Yes, that's the
13:03:35 28 inference.
13:03:35 29
13:03:35 30 I don't think anything has been suggested that's improper
13:03:40 31 by [REDACTED] or the police in doing that. Can we then
13:03:44 32 follow it through, 1 December 2004. You see there [REDACTED]
13:03:55 33 [REDACTED] Prison with Swindells, that's Bateson [REDACTED] wants a
13:03:59 34 guarantee about the sentence. Police agree to see [REDACTED]
13:04:03 35 [REDACTED] again and get them involved in the
13:04:06 36 situation?---Yes.
13:04:06 37
13:04:08 38 "Rang [REDACTED] after visit, agree to see him
13:04:11 39 Friday", do you see that?---Yes.
13:04:13 40
13:04:13 41 4 December. [REDACTED] stated [REDACTED] is positive again
13:04:19 42 and wants to see [REDACTED] solicitor"?---Yes.
13:04:22 43
13:04:23 44 That appears to be a response, don't you agree, to the
13:04:25 45 point where [REDACTED] was getting jittery and refused to see
13:04:30 46 police?---Yeah, I don't know what his motivation was but
13:04:32 47 it's obviously, as I say, it was part of the argy-bargy

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13:04:35 1 negotiation.
13:04:36 2
13:04:38 3 Again, anything unusual about being in contact with a
13:04:42 4 barrister or lawyer to try and negotiate that
13:04:46 5 argy-bargy?---No.
13:04:47 6
13:04:52 7 23 December 2004. You see [REDACTED] is released on the community
13:05:07 8 permit that he refused to speak to them about earlier.
13:05:10 9 Contact made with the solicitors and also the barrister
13:05:13 10 there to keep them up-to-date with the progress of his
13:05:16 11 assistance or otherwise, do you agree?---Yes.
13:05:19 12
13:05:22 13 Then we obviously know that he's - 11 January, "Spoke to
13:05:28 14 [REDACTED] plea. Advise OPP will call Purana members
13:05:34 15 to give evidence at the plea", so that's arranging what's
13:05:38 16 going to happen at the plea hearing that follows a week
13:05:39 17 later, do you agree?---Yes.
13:05:41 18
13:05:42 19 Do you agree discussion would have been in terms of what
13:05:45 20 the police would likely say in [REDACTED]'s favour at that
13:05:48 21 plea?---I'd imagine that's what his barrister would be
13:05:50 22 looking for, yes.
13:05:51 23
13:05:52 24 And again, looking back now, do you have any issues with
13:05:55 25 the process undertaken as far as [REDACTED] were concerned
13:05:59 26 with their lawyers?---No, I don't see any problem on what
13:06:03 27 you're showing me, no.
13:06:04 28
13:06:06 29 [REDACTED]'s statement, you were asked about one concern about [REDACTED]'s
13:06:11 30 statement where Ms Gobbo expressed concern about paragraph
13:06:17 31 68. I just want to read paragraph 68 to you. It was this.
13:06:24 32
13:06:24 33 COMMISSIONER: Page 68 of - - -
13:06:26 34
13:06:27 35 MR NATHWANI: Of [REDACTED]'s statement, Commissioner, you may
13:06:29 36 recall there were questions about Gobbo's concern about
13:06:32 37 what was contained within his statement. I'll just read
13:06:35 38 the one paragraph out. It says, "Whilst I was at the
13:06:39 39 Custody Centre I was visited my by barrister Nicola Gobbo.
13:06:43 40 I asked her to pass on a message to [REDACTED] and [REDACTED] and I
13:06:47 41 [REDACTED] and mentioned [REDACTED]. This
13:06:50 42 action was referring to getting [REDACTED] from [REDACTED] to go
13:06:54 43 to [REDACTED] could be taken care of. Nicola wrote a
13:06:58 44 note and put it on the screen. Although I don't remember
13:06:58 45 the exact wording it says words to the effect that she
13:07:01 46 would be seeing them that day", in other words [REDACTED]
13:07:06 47 no doubt and [REDACTED], okay?---Right.

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13:07:08 1
13:07:09 2 You were obviously asked some questions about that. And
13:07:15 3 you were asked about subpoenas undertaken about whether a
13:07:20 4 note could be found showing Ms Gobbo, the note that
13:07:24 5 Ms Gobbo may have held up, do you remember that?---Yes, I
13:07:27 6 do.
13:07:27 7
13:07:27 8 Obviously we know no note was ever found. Can we bring up
13:07:34 9 her diary, because Ms Gobbo kept a fairly detailed diary
13:07:39 10 and the day she went to visit [REDACTED] was 23 October 2003. This
13:07:48 11 is MIN.0005.0003.0133 at p.0158, please. If we look in the
13:08:19 12 bottom right corner. I know you haven't seen this, this is
13:08:23 13 26 October Sunday, it says, "Back from Phuket". It says,
13:08:29 14 "Steve C dinner. A conference Custody Centre", do you see
13:08:35 15 that?---Yes.
13:08:37 16
13:08:38 17 [REDACTED] in his statement said that Gobbo had told him that she
13:08:45 18 was seeing [REDACTED] and [REDACTED] that day. You agree no
13:08:49 19 reference or mention of [REDACTED] or [REDACTED] there?---This is
13:08:55 20 here?
13:08:55 21
13:08:55 22 Yes?---I can't see those notes, no.
13:08:58 23
13:08:58 24 Because you were asked questions about it, there's been no
13:09:01 25 evidence that Purana ever found it. In fact she was
13:09:04 26 involved in passing on messages related to payments for
13:09:09 27 murders?---Not as far as I know.
13:09:13 28
13:09:14 29 Commissioner, I know it's 13:10, the next topic will be the
13:09:23 30 last major topic in relation to [REDACTED]
13:09:23 31
13:09:23 32 COMMISSIONER: Do you want to clarify the matter you were
13:09:25 33 stopped from doing, that might be a - - -
13:09:28 34
13:09:28 35 MR NATHWANI: Of course. I was asking you about Carl
13:09:30 36 Williams earlier?---Right.
13:09:31 37
13:09:31 38 And [REDACTED]?---Can I just - - -
13:09:36 39
13:09:37 40 Yes, of course you can?---Yes.
13:09:39 41
13:09:41 42 You made me check as well. I've got to make sure I'm
13:09:44 43 right. [REDACTED] close associate of [REDACTED]
13:09:51 44 [REDACTED]?---Only from - I don't know whether a close
13:09:56 45 associate. I think [REDACTED] claimed him on any statement,
13:10:01 46 but I don't, I had no knowledge he was a close associate, I
13:10:05 47 don't think.

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13:10:05 1
13:10:09 2 [REDACTED] was charged with [REDACTED] that occurred outside
13:10:12 3 [REDACTED] ---That's right.
13:10:13 4
13:10:13 5 I think the facts were he, someone was [REDACTED], he got
13:10:18 6 [REDACTED] and [REDACTED]?---I'm not sure of the
13:10:21 7 actual facts. From my memory Mr Richter perhaps prosecuted
13:10:25 8 the matter, I'm not 100 per cent sure, and I know that the
13:10:28 9 Senior Sergeant in charge of the crew was Senior Detective
13:10:32 10 Jeff Maher, Detective Senior Detective Jeff Maher from the
13:10:37 11 Homicide Squad.
13:10:37 12
13:10:38 13 [REDACTED] called [REDACTED] as a witness?---I'm aware of
13:10:42 14 that, yes.
13:10:43 15
13:10:43 16 [REDACTED] certainly provided a witness statement in support
13:10:46 17 [REDACTED] defence?---Yes.
13:10:49 18
13:10:54 19 Were you aware, and this was back around the time of the
13:10:59 20 Hodson deaths, so 2004, 2003, of a relationship as between
13:11:04 21 [REDACTED] --I wasn't, I wasn't aware of the
13:11:10 22 relationship. I was aware that he'd given, [REDACTED] had given
13:11:17 23 some evidence and that the prosecution were extremely upset
13:11:19 24 about it and I believe Mr Richter was going to put in a
13:11:23 25 formal complaint of some, at some stage and the only other
13:11:27 26 part was I was absolutely astounded to learn that this
13:11:32 27 [REDACTED], was actually [REDACTED] with [REDACTED]
13:11:36 28 at the time he [REDACTED].
13:11:38 29
13:11:39 30 I'll leave it at that.
13:11:41 31
13:11:41 32 COMMISSIONER: Yes, all right then. We'll adjourn until 2
13:11:45 33 o'clock.
13:11:45 34
13:11:45 35 <(THE WITNESS WITHDREW)
13:11:47 36
13:11:47 37 LUNCHEON ADJOURNMENT
38
39
40
41
42
43
44
45
46
47

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13:59:12 1 UPON RESUMING AT 2.09 PM:
14:09:21 2
3 COMMISSIONER: Yes, Mr Nathwani.
4
14:09:21 5 MR NATHWANI: Commissioner, I've just been reminded I
14:09:22 6 didn't tender the 23 October diary entry of Ms Gobbo.
14:09:26 7 Could I formally exhibit that and then in due course - - -
8
14:09:32 9 COMMISSIONER: That will be 482. I suppose that will have
14:09:35 10 to be redacted, will it?
14:09:39 11
14:09:40 12 MR NATHWANI: It will.
14:09:41 13
14:09:42 14 #EXHIBIT RC482A - (Confidential) Diary entry of Ms Gobbo,
14:09:46 15 23/10/03.
14:09:46 16
14:09:48 17 #EXHIBIT RC482B - (Redacted version.)
14:09:55 18
14:09:56 19 <JAMES MICHAEL O'BRIEN, recalled:
14:10:19 20
14:10:20 21 MR NATHWANI: Last topic for me, [REDACTED]?---Yes.
22
14:10:23 23 Just taking a step back generally. Do you agree [REDACTED]
14:10:29 24 was key in many respects to bringing down the Mokbel
14:10:35 25 empire?---Yes, he certainly was able to paint the entire
14:10:38 26 picture over many years.
27
14:10:41 28 As we know, I'm not going to take you through it, but part
14:10:44 29 of your focus through Posse, Quills and the like, we see in
14:10:48 30 your statement references to Mokbel being head of the drug
14:10:52 31 syndicate, was trying to topple Tony Mokbel and his
14:10:56 32 syndicate?---Basically my plan was to get them to a point
14:11:02 33 from which they could never recover.
34
14:11:04 35 Understood. To that end if we can now then go to the ICRs.
14:11:09 36 Can we start at p.223. Just whilst that's loading, the
14:11:23 37 proposition - I understand your evidence to be that you
14:11:28 38 were against Ms Gobbo attending the police station on [REDACTED]
14:11:31 39 [REDACTED] to represent [REDACTED]?---Yes, I don't believe she
14:11:37 40 should have been there.
41
14:11:38 42 I just want to look at some of the material to consider if
14:11:42 43 that's actually what really occurred. If we can go,
14:11:48 44 please, to p.223. This is ICR 25. 5 April. You'll see
14:11:53 45 there's an entry under management issue, 11.17, advised by
14:11:59 46 you that there's an intercept that indicates Carl Williams
14:12:03 47 has rung Roberta Williams and told her to go and see

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14:12:06 1 Ms Gobbo due to (indistinct) trying to find out Ms Gobbo's
14:12:11 2 involvement with [REDACTED], do you see that?---Yes.
3
14:12:14 4 If we then follow it down to 13:40, "Advise that human
14:12:20 5 source" - so the handlers are saying they're advising
14:12:23 6 Ms Gobbo that she might be visited by Roberta Williams and
14:12:27 7 on what basis, do you see that?---Yes.
8
14:12:30 9 In effect tipping off. The purpose of you providing that
14:12:33 10 information to the handlers was for it to be then passed on
14:12:36 11 to Ms Gobbo, do you agree with that?---Yes.
12
14:12:39 13 And part of that was to keep her on side, nurture the
14:12:46 14 relationship between the police and her, do you agree with
14:12:48 15 that?---Certainly it would allow the SDU information, yes,
14:12:52 16 to do that.
17
14:12:53 18 If we can go, please, to p.227. This is all in the build
14:12:59 19 up to [REDACTED]'s arrest. We see at the top, 6 April 2006,
14:13:08 20 there's an entry that [REDACTED]'s just rung Ms Gobbo, apologised
14:13:13 21 for not contacting her. We then see, as we follow it
14:13:17 22 through, she's seeing [REDACTED] that evening, discusses [REDACTED]
14:13:25 23 [REDACTED] being present with her. We can see that's
14:13:29 24 disseminated to you, do you see that?---Yes.
25
14:13:32 26 You're being kept up-to-date as to [REDACTED]'s movements.
14:13:36 27 Similarly the next block of entries. She was with [REDACTED]
14:13:40 28 Gives details. We see above 12:47 again, that's passed on
14:13:44 29 to you?---Yes.
30
14:13:45 31 You agree you're being kept actively up-to-date with
14:13:51 32 everything that's going on as far as [REDACTED]'s
14:13:54 33 concerned?---Yes, according to my diary notes, yes.
34
14:13:57 35 No doubt in part because of his importance as far as
14:14:01 36 Mokbel's concerned. We see at the bottom of the page an
14:14:06 37 entry, [REDACTED] information provided there, who he saw,
14:14:10 38 the car he was driving, discussions about money?---What
14:14:17 39 page are we talking about?
40
14:14:18 41 Still 227?---Right.
42
14:14:21 43 At the bottom we see other - then we see at the bottom
14:14:32 44 information about Rob Karam. If we turn over to the top of
14:14:36 45 p.228. Again you see you're advised, do you see
14:14:40 46 that?---Yes, I see that.
47

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14:14:41 1 In the middle of the page, again, in an attempt to keep
14:14:43 2 Ms Gobbo or curry favour with her or keep her on side, do
14:14:46 3 you see SDU matters, 19:44?---Yes.
4

14:14:49 5 Do you see that, from JOB, that's you. Mr Khouri's
14:14:53 6 mentioned Ms Gobbo's name to Federal Police. Do you see
14:14:59 7 that?---Yes, I see that.
8

14:15:00 9 Because at this time obviously Mokbel's disappeared.
14:15:03 10 Again, the purpose in doing that was that it would be
14:15:07 11 passed on to Ms Gobbo so she was made aware that she might
14:15:10 12 be spoken to by the Federal Police, do you agree with
14:15:13 13 that?---Look, I'm unsure now but it may be the case , yes.
14:15:18 14

14:15:18 15 That would be the only reason you're passing that
14:15:22 16 information on to the handlers?---Yes.
17

14:15:24 18 As we see, they do exactly what's expected of them. In the
14:15:26 19 interests of rapport building they phone her and advise
14:15:31 20 that Khouri's dropped her name to the Federal Police and
14:15:33 21 they may give her a visit, do you see that---Yes.
22

14:15:35 23 I don't intend to take you through the other entries on
14:15:37 24 here in relation to [REDACTED]. The bottom line is, come
14:15:41 25 the time of ICR 28, which is what I'd like to take you
14:15:44 26 through - I know you've been taken through it but just the
14:15:49 27 headline bits - you were interested in the movements and
14:15:55 28 actions of [REDACTED]---Yes.
29

14:16:02 30 We can see from the ICRs an arrest plan was developing, do
14:16:09 31 you agree with that?---Yes.
32

14:16:10 33 If we go to p.249. Just to give you the date. We see on
14:16:18 34 the left-hand side 18 June, so [REDACTED] to
14:16:20 35 [REDACTED] ultimate arrest?---Yes.
36

14:16:27 37 As we go through the ICR we can see more and more is being
14:16:30 38 disseminated to you. The first entry, for example, at
14:16:33 39 13:35, discussion of [REDACTED] - - -
40

14:16:35 41 COMMISSIONER: It's [REDACTED] I think you said 18 June.
14:16:40 42

14:16:41 43 MR NATHWANI: Sorry, [REDACTED] it's four days before his
14:16:42 44 arrest on [REDACTED]---Yes.
45

14:16:45 46 You see there again you're advised about updates as far as
14:16:48 47 [REDACTED] concerned?---Yes.

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1
14:16:50 2 Do you see that?---Yes.
3
14:16:57 4 We can follow it through. Where I want to take you,
14:16:59 5 please, is - and there's lots of entries on p.250, there's
14:17:04 6 a long entry in relation to ██████████ do you see that?
14:17:12 7 Let's say the third paragraph from the bottom, ██████████ is
14:17:18 8 something scathing, thinks some scathing things to say
14:17:21 9 about unknown police but always says good things about
14:17:25 10 Flynn, Dale Flynn?---Yes.
11
14:17:26 12 Just pausing there. Flynn was involved in the interview of
14:17:29 13 ██████████ wasn't he?---Yes.
14
14:17:30 15 Right. It says that ██████████ says he has respect for him,
14:17:38 16 believes him to be fair and honest. Ms Gobbo suggests not
14:17:41 17 to use Bartlett and Sayce, and other unknown members who
14:17:46 18 were on Sayce's crew, as ██████████ won't trust them, do see
14:17:50 19 that?---Yes, I see that.
20
14:17:51 21 She's also telling the handlers she believes that ██████████ will
14:17:52 22 listen to her advice when arrested?---Yes, I see that.
23
14:17:56 24 Then there's more information. If we go to the top of
14:18:01 25 p.251, you're called. The call ends at 19:00, do you see
14:18:10 26 that?---Yes.
27
14:18:12 28 Five minutes later that handler is calling you to give you
14:18:15 29 all that information?---Yes, I see that.
30
14:18:17 31 Okay. That information was relevant to how to get him to
14:18:24 32 roll as and when he was arrested, do you agree?---That's
14:18:28 33 what their opinion was, yes.
34
14:18:30 35 Let's go through what actually then happens. We then see
14:18:36 36 another entry at 8 o'clock, receive call. She provides
14:18:40 37 more information about ██████████ and his associates and you're
14:18:45 38 advised pretty much soon after, do you see that? Just
14:18:53 39 above the entry 22:10, it says, "DSS O'Brien of Purana
14:18:58 40 advised"?---Yes, I see that.
41
14:19:01 42 Bottom of the page?---Do you mind if I check my diary in
14:19:07 43 relation to that?
44
14:19:08 45 Yes. No, of course?---This is all on ██████████ you say?
46
14:19:41 47 Yes, ██████████ This one there's a call at 19:05 and then a

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14:19:47 1 later one some time after 8?---06? Yes, I've got some of
14:20:00 2 the information but not all of this.
3
14:20:02 4 Okay. I just want to go through what happens and see what
14:20:05 5 happens to [REDACTED] ultimately. Bottom of the page, 251,
14:20:12 6 we see discussing an adjournment for [REDACTED] do you see
14:20:17 7 that?---Yes.
8
14:20:18 9 And the purpose was to in effect make it so he wasn't
14:20:20 10 imprisoned for offences he was [REDACTED] PI and could
14:20:24 11 keep [REDACTED] at [REDACTED] you had the address to?---No, as
14:20:33 12 I've previously said, I wasn't going to try and get an
14:20:35 13 extension on his court date. He had a court to date to
14:20:39 14 plead on [REDACTED]. That's what I was working towards. You
14:20:43 15 know, if he ended up going to gaol before we got him, he
14:20:46 16 went to gaol. I don't believe there was any plan, I don't
14:20:50 17 believe, making any application to get an adjournment of
14:20:53 18 his plea [REDACTED].
19
14:20:56 20 I understand that being your evidence. Can we just follow
14:21:00 21 this through?---Yes, I'm happy to do that.
22
14:21:03 23 I understand it's your evidence so you point out what's
14:21:05 24 necessary. Let's now look at 252, okay. First entry is
14:21:14 25 you're advised all the above, it appears to indicate the
14:21:19 26 adjournment as well, but forget that. Let's look at [REDACTED]
14:21:22 27 [REDACTED]?---Yes.
28
14:21:26 29 You see discussion there that you have - White and Smith
14:21:33 30 confer with you and Dale Flynn, do you see that?---Yes.
31
14:21:37 32 Discuss tactics for post arrest?---Yes.
33
14:21:40 34 And they say it's based on the information provided by
14:21:45 35 Ms Gobbo, do you see that?---Yes.
36
14:21:50 37 Regarding the cooperation and possible recruitment of
14:21:53 38 [REDACTED]---Yes.
39
14:21:54 40 So in other words they're relaying to you what tactics to
14:21:59 41 use based on the last few pages we've gone through?---Yes,
14:22:03 42 that was the information provided but I wasn't bound by
14:22:05 43 that.
44
14:22:06 45 Can we just - I know you weren't bound by that. But if we
14:22:16 46 then follow through what happens. Points to be included in
14:22:20 47 the interview plan by you, okay. Did you ask them to, and

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14:22:25 1 that's the handlers, to get more information as to the
14:22:28 2 tactics that could be deployed when [REDACTED] actually
14:22:35 3 arrested?---I don't believe so.
4

14:22:37 5 Well - - - ?---I had some information.
6

14:22:39 7 What tactics were you discussing?---Well basically what
14:22:42 8 information we had in relation to him, what the levers
14:22:45 9 might be that would make him cooperate. And they were that
14:22:48 10 he had obviously a [REDACTED] with [REDACTED], the fact
14:22:53 11 that he had [REDACTED] charges for which
14:22:57 12 he was due to attend court and indicated a plea of guilty,
14:23:01 13 the fact that the senior member of this criminal
14:23:04 14 organisation had done a runner from his trial and was a
14:23:07 15 fugitive.
16

14:23:09 17 I understand that, but looking at this entry, I know it's
14:23:12 18 not your entry but it's an entry based on discussion you
14:23:15 19 were a part of. It says "based on Gobbo's information".
14:23:19 20 Gobbo's not given you information that he's already on bail
14:23:23 21 for two large - - - ?---No, but that's information that we
14:23:27 22 already had. It was her opinion I think.
23

14:23:30 24 When we follow this through, if we go then to the bottom of
14:23:33 25 p.253, there's lots of entries about you asking to be told
14:23:37 26 about movements of [REDACTED] et cetera. But is it a
14:23:41 27 coincidence that a day after you discuss tactics with the
14:23:46 28 handlers that at seven in the evening on p.253, it's on [REDACTED]
14:23:54 29 [REDACTED] you see that, it says, "Arrange a meeting", in
14:23:59 30 effect with Gobbo?---Yes, this is the source document, yes.
31

14:24:07 32 You've been taken through some of the transcript?---Right.
33

14:24:11 34 Is it a coincidence that during that discussion the
14:24:15 35 handlers talk about a hypothetical with Ms Gobbo of what to
14:24:20 36 do if and when [REDACTED] arrested?---I don't know, they
14:24:26 37 may have. I wasn't party to the discussion.
38

14:24:28 39 But it happens a day after you're discussing recruitment
14:24:32 40 tactics and the tactics to be deployed when he's
14:24:36 41 arrested?---As I say, I don't know. They may have done
14:24:39 42 that of their own volition.
43

14:24:42 44 Lo and behold when he is arrested those tactics are
14:24:47 45 deployed?---No. As I said, the interview process was I
14:24:51 46 knew what I knew in relation to the intelligence and that's
14:24:53 47 what I put to [REDACTED]

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1
14:24:58 2 It's just coincidence as far as you're concerned?---Well it
14:25:01 3 may be.
4
14:25:04 5 Going to his arrest, can we bring up Mr Rowe's statement
14:25:16 6 which is RC266 I think.
7
14:25:25 8 COMMISSIONER: You did put to the witness that he was
14:25:26 9 involved in these discussions but the ICR simply says he
14:25:29 10 was advised, doesn't it?
11
14:25:35 12 MR NATHWANI: At 252, [REDACTED], "Controller Sandy White and
14:25:45 13 Smith confer with DSS O'Brien and DS Flynn, discuss
14:25:50 14 tactics".
15
14:25:51 16 COMMISSIONER: Okay, thank you.
14:25:53 17
14:25:53 18 MR NATHWANI: "Based on information", et cetera, et cetera.
19
14:25:55 20 COMMISSIONER: Yes, thank you.
14:25:56 21
14:25:57 22 MR NATHWANI: Then we have, Commissioner, the next day the
14:25:58 23 meeting where we've heard the transcript, we've been
14:26:01 24 through it.
25
14:26:02 26 COMMISSIONER: Yes, thank you.
14:26:03 27
14:26:08 28 MR NATHWANI: If we can go to RC266, please. Perfect.
14:26:21 29 Paragraph 69 please. This is again Mr Rowe's
14:26:37 30 statement?---Yes.
31
14:26:37 32 Detailing what happens when [REDACTED] arrested, do you see
14:26:41 33 that?---Yes.
34
14:26:44 35 He says on that day they were arrested he's not at work at
14:26:50 36 the time of the arrest, contacted and asked by Flynn to
14:26:54 37 come in?---Yes.
38
14:26:55 39 He returned to work. You see what happens, paragraph 70,
14:27:00 40 he's briefed. He's told that Gobbo's present?---I can't
14:27:05 41 see that.
42
14:27:06 43 Sorry, paragraph 70 and 71. I'll allow you to read
14:27:24 44 that?---Yes.
45
14:27:25 46 Did he ever raise with you concerns that Ms Gobbo was
14:27:30 47 acting for people she had provided information

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14:27:33 1 about?---Senior Detective Rowe?
2
14:27:38 3 Yes?---Not that I recall.
4
14:27:39 5 Any of his crew?---Not that I recall.
6
14:27:42 7 Any of the people you were in charge of?---No, not that I
14:27:46 8 recall.
9
14:27:48 10 And this, if we go to paragraph 72, please?---Yes.
11
14:28:04 12 Do you accept that occurred, that you took [REDACTED] away - it's
14:28:09 13 [REDACTED] under the redaction?---I don't think - oh the Purana's
14:28:22 14 offices are on the 16th floor. I don't think I took him
14:28:26 15 away. I think Flynn brought him to the boardroom.
16
14:28:30 17 On the 16th floor?---I think - look, I can't now remember
14:28:33 18 the exact floors, but possibly the 16th floor, wherever
14:28:37 19 Purana was located.
20
14:28:38 21 Do you remember what was discussed with him?---No.
22
14:28:43 23 Because after that discussion, if you see from Rowe's diary
14:28:47 24 entry, which is the next entry, 73, you, obviously having
14:28:53 25 had discussions, received information about what Ms Gobbo
14:28:58 26 told you as far as [REDACTED] concerned, Flynn, the person
14:29:01 27 who she says [REDACTED] would trust, [REDACTED] and Gobbo were discussing
14:29:07 28 [REDACTED] participating in a further interview, do you see
14:29:09 29 that?---Yes.
30
14:29:11 31 And again, some of the investigators, like Rowe, weren't
14:29:14 32 part of that discussion?---No, as I said, I think the only
14:29:19 33 discussion I had was at that boardroom door and I told her
14:29:24 34 what was on offer.
35
14:29:27 36 You have no memory of then having this further discussion
14:29:30 37 here?---No.
38
14:29:32 39 Because it looks like - well, after that we know [REDACTED]
14:29:39 40 cooperates and makes admissions in interviews, you agree
14:29:42 41 with that?---He did cooperate, yes.
42
14:29:47 43 You've been asked before, and I understand your answer, but
14:29:50 44 do you, having looked at this again, agree that in fact you
14:29:55 45 had no difficulty with Ms Gobbo being present for
14:30:00 46 [REDACTED]-I did have a difficulty with it. I don't
14:30:02 47 think she should have been there.

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1
14:30:04 2 In fact it was part of the tactic or plan that had been
14:30:08 3 discussed by you days earlier?---It certainly was not.
4
14:30:12 5 Ms Gobbo was being used, and [REDACTED] s an example, as part of
14:30:17 6 general Purana plans to use her and deploy her to bring
14:30:20 7 down the Mokbel syndicate?---That's not the case.
8
14:30:25 9 All right. Thank you Mr O'Brien?---Thank you.
10
14:30:29 11 COMMISSIONER: Yes, no one else apart from Mr Chettle wants
14:30:32 12 to cross-examine before - no. Mr Chettle.
14:30:38 13
14 14 <CROSS-EXAMINED BY MR CHETTLE:
15
14:30:39 16 Mr O'Brien, you were asked some questions about Ms Gobbo
14:30:42 17 being somewhat of a blushing violet or - - -
18
14:30:47 19 COMMISSIONER: Shrinking violet I think.
20
14:30:48 20
14:30:49 21 MR CHETTLE: Shrinking violet and you disagreed with that
14:30:52 22 proposition. Did you know that she was in fact a serial
14:30:54 23 informer?---No, I did not.
24
14:30:58 25 You knew, I gather, that she'd been talking to Stuart
14:31:02 26 Bateson?---As I said, alls I had what Gavan Ryan said to
14:31:06 27 me, "Stewie talks to her every now and again".
28
14:31:08 29 You didn't know she'd been talking to De Santo from
14:31:12 30 Ceja?---No.
31
14:31:12 32 You didn't know that she'd been previously registered by Mr
14:31:16 33 Pope?---No.
34
14:31:17 35 Or indeed Mr Segrave I think back in 1995?---No.
36
14:31:30 37 All right. I'm going to ask about Mr Biggin. You've
14:31:33 38 mentioned him a number of times. He was a highly respected
14:31:36 39 and efficient police officer, was he not?---Yes.
40
14:31:40 41 He was the man who got the job to do when there were
14:31:44 42 problems for the Police Force to fix up, like the Drug
14:31:46 43 Squad when it was the mess it was?---Yes, I believe Command
14:31:50 44 brought him back from Mildura where he was enjoying life to
14:31:55 45 do that.
46
14:31:56 47 To do that job?---To do that role.

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14:31:58 1 He's a man who's had a long history - his integrity is
14:32:03 2 impeccable, isn't it?---As far as I'm concerned, yes.
3
14:32:07 4 He had a long experience in ESD, for example?---Yes, I'd
14:32:10 5 worked with him at the Tactical Investigation Group in the
14:32:13 6 80s and known him over a lengthy period of time. In the
14:32:17 7 old days I used to go to the Information Bureau and look at
14:32:21 8 criminal's charge sheets and any decent crook I ever came
14:32:25 9 across in Melbourne had Tony Biggin's name against them as
14:32:29 10 being an informant against them.
11
14:32:31 12 In the sense that he was an efficient, trusted and
14:32:33 13 respected police officer?---Yes.
14
14:32:35 15 All right. You indicated that you had respect for Mr White
14:32:41 16 during the course of your evidence?---Yes.
17
14:32:43 18 He's also an officer who in your opinion is of the highest
14:32:51 19 integrity?---Yes.
20
14:32:52 21 The proposition's been put to you I think by Ms Tittensor
14:32:59 22 that Posse, Operation Posse was effectively set up to deal
14:33:04 23 with Ms Gobbo's information. That's not the case, is
14:33:08 24 it?---No. Operation Posse, as I said, came out of an
14:33:13 25 intelligence assessment done by Purana phase one, and in
14:33:17 26 fact in Purana phase two I was also driving further
14:33:21 27 intelligence assessments to be taken over by whoever took
14:33:24 28 over from me. It was part of the role.
29
14:33:27 30 She became effectively a bonus to that Posse operation
14:33:30 31 because she was able to provide high quality intel?---Yes.
32
14:33:37 33 Can I take you to your diary for [REDACTED] of 2006, please,
14:33:45 34 if you've got that there. If I can have p.248 of the ICRs
14:33:49 35 put up, please. In front of you you've got the ICR for
14:34:15 36 that date which records under 9.20 that Ms Gobbo has rung
14:34:23 37 and given information about [REDACTED] -Yes.
38
14:34:27 39 And that he wanted to send a wreath to a [REDACTED]
14:34:31 40 [REDACTED] in [REDACTED] and that he was doing some [REDACTED]
14:34:34 41 jobs, see that?---Yes.
42
14:34:40 43 Then you were asked questions about the next paragraph,
14:34:45 44 that the meeting that Garde-Wilson and Carl Williams and
14:34:48 45 [REDACTED] were going to have had been cancelled and you said
14:34:52 46 that wasn't in your diary, you see that?---Yes.
47

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14:34:55 1 Indeed, if you look at your diary, the very first half of
14:34:59 2 that information about the [REDACTED] work and the [REDACTED]
14:35:02 3 [REDACTED] is in your diary, is it not?---Yes,
14:35:08 4 it is.
5
14:35:13 6 That's consistent with what you say is that you got the
14:35:16 7 useful stuff but not the information that wasn't
14:35:19 8 useful?---That's correct. I don't believe I got
14:35:22 9 everything.
10
14:35:24 11 There are occasions where the records kept by the SDU and
14:35:30 12 the ICRs indicate information is disseminated to you;
14:35:36 13 sometimes you got it, according to your diary, sometimes
14:35:39 14 you got some of it and sometimes you didn't get any of
14:35:42 15 it?---That's correct.
16
14:35:43 17 Was there a system in place where if you weren't there
14:35:46 18 they'd leave a message for you, or leave information for
14:35:49 19 you with another officer?---I think mainly they would ring
14:35:54 20 me and I'd return a phone call if I was tied up. If I was
14:35:57 21 in the prison or if I was otherwise engaged.
22
14:36:00 23 What about when you were on leave, would they ring you at
14:36:03 24 home or on your mobile, if you had one?---Unfortunately
14:36:07 25 yes, sometimes. But if I was on leave it would be taken
14:36:11 26 over by whoever was in the chair, which was generally Gavan
14:36:14 27 Ryan.
28
14:36:15 29 Right. One of the possibilities - I just want to put this
14:36:19 30 as a possibility, is that they ring you at home,
14:36:22 31 disseminate information to you but it doesn't get into your
14:36:26 32 diary because you were at home, is that a
14:36:29 33 possibility?---Not really. As I say, everything that they
14:36:33 34 rang me with generally I tried to record in my diary and
14:36:36 35 even when I was at home, I mean - - -
36
14:36:38 37 Did you take your diary home?---Yes, it went everywhere I
14:36:42 38 went.
39
14:36:42 40 It went with you?---It did.
41
14:36:45 42 Thank you. In the ICRs there's a reference to Ms Gobbo on
14:36:50 43 1 March 07 giving a eulogy for a man called Joe Ferola. Do
14:36:59 44 you know who Joe Ferola was?---Look, I know the name but I
14:37:04 45 don't know what the connection is.
46
14:37:05 47 Can I prompt your memory and suggest that he was one of

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14:37:07 1 Mokbel's drug cooks and the father of a man called David
14:37:13 2 Carrico, does that ring any bells?---Yes, the names ring a
14:37:17 3 bell but as I say I don't - - -
4
14:37:18 5 You don't know?---I don't know.
6
14:37:20 7 Thank you. Mr White told you in that conversation that you
14:37:35 8 had with him that you referred to that he couldn't stop
14:37:38 9 Ms Gobbo attending on [REDACTED] arrest, even though he
14:37:42 10 didn't want her to be there, did he not?---He did
14:37:47 11 subsequently, yes.
12
14:37:48 13 Did he relate to you that she said something along the
14:37:53 14 lines, "I don't care, Mr White, I'm going to be there. I'm
14:37:56 15 going to go", no matter what he did to try to discourage
14:38:05 16 her?---That was my understanding, she was determined to go
14:38:11 17 regardless is what I later learnt.
18
14:38:12 19 You were asked some questions about PII and disclosure.
14:38:20 20 How did it work? If a solicitor acting for an accused
14:38:24 21 person wanted information, a subpoena would be issued I
14:38:28 22 take it to the Chief Commissioner of Police?---Generally,
14:38:31 23 yes.
24
14:38:32 25 And that would get referred to the squad that the informant
14:38:38 26 was in, really, in relation to that person?---That's right.
27
14:38:41 28 So if Purana ended up getting a subpoena that had been
14:38:44 29 issued to the Chief Commissioner and to your knowledge it
14:38:48 30 involved information that had come from Ms Gobbo, would you
14:38:54 31 refer it to on to SDU or HSMU or one of those
14:38:58 32 organisations?---No, I wouldn't. I'd imagine it would stay
14:39:02 33 with the informant and he would seek legal representation
14:39:07 34 or, if it was the OPP, probably discuss with the OPP. If
14:39:13 35 it involved an informer, I mean obviously I believe they'd
14:39:16 36 be advised in the normal course of events but, as I say,
14:39:21 37 most it would be done by the informant in the matter.
38
14:39:24 39 All right. There's some evidence before this Commission of
14:39:29 40 the number of ICRs, redacted, being provided to
14:39:33 41 investigators in response to a subpoena. You have no
14:39:36 42 recollection of that occurring?---Not to the best of my
14:39:38 43 knowledge.
44
14:39:38 45 All right. Remember you were taken to p.741 of the ICRs in
14:39:48 46 relation to this allegation that Ms Gobbo had [REDACTED] of
14:39:54 47 [REDACTED] from [REDACTED] You remember those ICRs being

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O'BRIEN XXN - IN CAMERA

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14:39:57 1 shown to you?---Yes.
2
14:39:58 3 This is the second of them. I didn't pick up the reference
14:40:01 4 to the first. But if you look at the centre of the
14:40:06 5 page?---Yes.
6
14:40:07 7 Under the heading [REDACTED] states that
14:40:12 8 [REDACTED] has been making calls from within the prison and
14:40:15 9 making out that he has [REDACTED] when gets out,
14:40:18 10 including [REDACTED] with Ms Gobbo", see that?---Yes.
11
14:40:23 12 Firstly, do you understand that what this is a record of
14:40:27 13 what Ms Gobbo said, not anyone else, this is her telling
14:40:31 14 the handlers what she has heard?---I believe so, yes.
15
14:40:35 16 So it's triple hearsay for a start. She goes on to say,
14:40:41 17 "She denies that she's [REDACTED]"?---Yes.
18
14:40:44 19 All right. As a detective it would be, experienced
14:40:50 20 detective, it would be strange if she did [REDACTED]
14:40:53 21 that she'd be telling the handlers about it, wouldn't
14:40:56 22 it?---I'd imagine so because it would be proceeds of crime.
23
14:41:03 24 In any event, it's no role of the SDU or the DSU to carry
14:41:09 25 out investigations in relation to matters like that, is
14:41:12 26 it?---I wouldn't have thought so.
27
14:41:16 28 Their task is to receive intelligence or information and
14:41:20 29 pass it on to the appropriate squads?---Yes.
30
14:41:27 31 So far as [REDACTED] is concerned, you were taken to an ICR,
14:41:33 32 which I won't take you to now, where she said that she was
14:41:37 33 arranging for a QC to represent [REDACTED] do you remember
14:41:40 34 that suggestion?---I don't know.
35
14:41:44 36 You've been asked too much. It's one of the things you
14:41:48 37 were - - - ?---Yes.
38
14:41:50 39 Did you understand that [REDACTED] became the solicitor
14:41:55 40 on the record for [REDACTED] ---Yes, I'm aware of that.
41
14:42:00 42 And that he briefed [REDACTED] as he then was?---Yes,
14:42:06 43 I understand he was to brief someone but I'd known
14:42:11 44 [REDACTED] was involved.
45
14:42:13 46 And did [REDACTED] and his counsel get involved with you
14:42:16 47 in negotiations in relation to settling [REDACTED]

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14:42:20 1 assistance, that is try to help with the reduction in
14:42:24 2 sentence?---I don't think - he may have but it mainly would
14:42:29 3 have been dealing with Dale Flynn I'd imagine, the crew.
4
14:42:33 5 Mr Flynn. As far as the actual rolling of [REDACTED]
14:42:38 6 Ms Gobbo has claimed she did it but it's clearly your
14:42:41 7 evidence that you did, isn't it?---I don't know what
14:42:45 8 weighed on his mind. I mean there's only two people who
14:42:50 9 can really answer that question and I'm neither of them.
10
14:42:52 11 You gave him his options, [REDACTED] for [REDACTED] or [REDACTED] for [REDACTED] is
14:42:56 12 that the - - -?---That's exactly right.
13
14:43:00 14 During the course of 2006 Mr White discussed with you what
14:43:06 15 he proposed was an exit strategy to try and ease Ms Gobbo
14:43:10 16 out from being an informer?---He did, yes.
17
14:43:13 18 But did he explain to you that they still had the duty of
14:43:18 19 care problem that they had to look after her?---They would
14:43:21 20 have, yes.
21
14:43:25 22 Thank you, Commissioner.
23
14:43:33 24 COMMISSIONER: Ms Enbom.
14:43:35 25
14:43:35 26 MS ENBOM: Commissioner, it's only about 15 minutes and it
14:43:38 27 doesn't need to occur in closed hearing.
28
14:43:40 29 COMMISSIONER: Okay, so we're no longer in closed hearing.
14:43:43 30 - - -
31
32
33
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O'BRIEN XXN - IN CAMERA