

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

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria  
On Monday, 16 December 2019

Led by Commissioner:	The Honourable Margaret McMurdo AC
Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Mr S. Holt QC Mr A. Purton
Counsel for State of Victoria	Mr C. McDermott
Counsel for Nicola Gobbo	Mr R. Nathwani
Counsel for DPP/SPP	Mr P. Doyle
Counsel for CDPP	Ms A. Mitchelmore SC Ms A. Haban-Ber
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for AFP	Ms I. Minnett
Counsel for Simon Overland	Mr J. Gleeson QC Ms G. Coleman
Counsel for Paul Mullett and Noel Ashby	Ms J. Condon SC
Counsel for Chief Commissioner of Police	Mr A. Coleman SC Mr P. Silver
Counsel for Paul Dale	Mr G. Steward
Counsel for Tony Mokbel	Ms L. Ristivojevic

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

09:21:34 1 COMMISSIONER: Yes. Appearances this morning, we have  
09:42:01 2 Mr Winneke, Ms Tittensor and Mr Woods assisting the Royal  
09:42:05 3 Commission. Mr Nathwani for Ms Gobbo. Mr Holt and  
09:42:08 4 Mr Purton for Victoria Police. Mr McDermott for the State.  
09:42:14 5 Mr Chettle and Ms Thies as always. Mr Doyle for the DPP  
09:42:19 6 today. Ms Mitchelmore and Ms Haban-Beer for the  
09:42:26 7 Commonwealth DPP. Mr Coleman and Mr Silver for Mr Ashton.  
09:42:33 8 Ms Minnett for the AFP. And Mr Gleeson and Ms Coleman for  
09:42:40 9 Mr Overland.

10  
09:42:41 11 There are some applications for leave to appear from  
09:42:45 12 Mr Mullett, Mr Ashby, who are both represented by  
09:42:52 13 Ms Condon, Mr Lalor, who I'm not sure is present. Is  
09:42:56 14 Mr Lalor present? He's nevertheless applied for leave to  
09:43:00 15 appear. Mr Dale who is represented by Mr Steward.  
09:43:05 16 Mr Mokbel who is represented by Ms Ristivojevic. And  
09:43:13 17 Mr Higgs. I understand that counsel assisting support the  
09:43:19 18 applications for leave to appear?

19  
09:43:22 20 MR WINNEKE: Commissioner, I don't have any opposition to  
09:43:24 21 those applications which have been made.

22  
09:43:27 23 COMMISSIONER: No. And if no one wishes to say anything to  
09:43:31 24 the contrary, I'll give leave to appear to those people.  
09:43:35 25 All right then. We're now ready to proceed with the next  
09:43:39 26 witness.

27  
09:43:40 28 MR WINNEKE: Yes, Commissioner. We call Mr Overland  
09:43:43 29 please.

30  
09:43:43 31 COMMISSIONER: I think Mr Overland takes the oath? Thank  
09:43:46 32 you.

09:43:47 33  
09:43:47 34 <SIMON JAMES OVERLAND, sworn and examined:

35  
09:44:07 36 COMMISSIONER: Yes.

09:44:10 37  
09:44:11 38 MR GLEESON: Please state your full name?---My name is  
09:44:14 39 Simon James Overland.

40  
09:44:16 41 Mr Overland, you've prepared a statement that's dated 19  
09:44:19 42 September 2019?---I have.

43  
09:44:20 44 Have you reviewed that statement in recent times?---I have.

45  
09:44:24 46 Are the contents true and correct?---They are true and  
09:44:29 47 correct except with respect to when I submitted this

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

09:44:32 1 statement I indicated that I intended to submit a further  
09:44:36 2 statement once I'd received additional material from  
09:44:40 3 Victoria Police.  
4  
09:44:40 5 Did you say that in paragraph 16?---I did say that in  
09:44:43 6 paragraph 16.  
7  
09:44:44 8 And what's the position?--We've continued to receive large  
09:44:46 9 volumes of material up until a recent time and there's  
09:44:50 10 never seemed to be quite the right moment to submit an  
09:44:55 11 additional statement. But I'm pleased to be here today to  
09:44:57 12 answer questions to the best of my ability and provide what  
09:45:00 13 information I have about the matters before the Royal  
09:45:03 14 Commission.  
15  
09:45:03 16 Yes, thank you. I tender that statement.  
09:45:06 17  
09:45:06 18 #EXHIBIT RC915A - (Confidential) Statement of Simon  
09:45:08 19 Overland.  
09:45:08 20  
09:45:09 21 #EXHIBIT RC915B - (Redacted version.)  
22  
09:45:17 23 Thank you.  
24  
09:45:18 25 COMMISSIONER: Thanks Mr Gleeson. Yes, Mr Winneke.  
09:45:19 26  
27 <CROSS-EXAMINED BY MR WINNEKE:  
28  
09:45:20 29 Thanks, Commissioner. Mr Overland, you say you've  
09:45:26 30 continued to receive materials from Victoria Police; is  
09:45:28 31 that right?---That's right.  
32  
09:45:28 33 If you wish to have a look at materials in a particular  
09:45:36 34 area or relating to a particular matter you would request  
09:45:41 35 those materials through your lawyers, is that  
09:45:42 36 right?---We've made requests - I've made requests through  
09:45:44 37 my lawyers, yes.  
38  
09:45:46 39 Have those requests been complied with for the most  
09:45:50 40 part?---I think so but there's been a lot of material  
09:45:54 41 provided, including in the recent days.  
42  
09:45:57 43 Yes?---And I was reading material as recently as yesterday  
09:46:01 44 that is relevant to my evidence.  
45  
09:46:04 46 All right. In any event, you've been going through that  
09:46:08 47 process, I take it, for quite some time now?---Yes.

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

1  
09:46:11 2 With a view to bringing back to mind, as much as is  
09:46:18 3 possible, the events that occurred 2003 through to  
09:46:24 4 2009-11?---Yes.  
5  
09:46:26 6 Can I just ask you a couple of questions by way of  
09:46:30 7 introduction. At the time that Ms Gobbo, who was obviously  
09:46:39 8 then a practising criminal barrister, was registered as a  
09:46:42 9 human source you were the Assistant Commissioner of Crime  
09:46:47 10 within the Victorian Police Force; is that right?---Yes.  
11  
09:46:51 12 During the entire period that she was registered you were  
09:46:54 13 either in that position or in the position of Deputy  
09:46:59 14 Commissioner of Victoria Police Force?---That's my  
09:47:01 15 understanding, yes.  
16  
09:47:02 17 In both of those positions you maintained control either  
09:47:07 18 directly or within steering committees over various  
09:47:12 19 investigations which utilised the information that Ms Gobbo  
09:47:14 20 provided?---Yes.  
21  
09:47:15 22 You say that you were not aware of the plan to register  
09:47:19 23 Ms Gobbo in September of 2005, is that correct?---That's my  
09:47:24 24 recollection.  
25  
09:47:25 26 Regardless of whether you were aware of the plan you did  
09:47:28 27 become aware of the registration very soon  
09:47:31 28 afterwards?---Yes, I did.  
29  
09:47:33 30 And you say that when you learned of that registration you  
09:47:37 31 were surprised and concerned that a barrister had been  
09:47:39 32 registered as a human source?---Yes.  
33  
09:47:44 34 No doubt you would have been aware of the fact at that time  
09:47:46 35 that Ms Gobbo practised in the very area in relation to  
09:47:49 36 which she was providing information to Victoria  
09:47:54 37 Police?---Yes.  
38  
09:47:57 39 One would assume that that knowledge would have heightened  
09:48:00 40 your concerns?---Yes.  
41  
09:48:04 42 You say that you were aware, well aware of the potential  
09:48:08 43 implications arising from Ms Gobbo's profession and the  
09:48:12 44 fact that she was a human source?---Yes.  
45  
09:48:14 46 I take it that the implications that you were aware of  
09:48:19 47 arose from her dual role as a barrister, that is her public

.16/12/19

11312

OVERLAND XXN

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

09:48:23 1 position in which she owed professional, legal and ethical  
09:48:29 2 duties to her clients, and through them to the court,  
09:48:33 3 that's the first matter which would have caused you  
09:48:36 4 concern?---Yes.  
5  
09:48:37 6 And the other matter of concern was that whilst practising  
09:48:41 7 she had a secret role in effect as an agent of Victoria  
09:48:45 8 Police providing information against criminals, that is a  
09:48:48 9 matter that would have caused you concern?---Yes.  
10  
09:48:51 11 Given those dual roles, those concerns, can I suggest,  
09:48:56 12 would have arisen from the possibility that Ms Gobbo might,  
09:48:59 13 amongst other matters, one, breach duties of privilege or  
09:49:05 14 confidence owed to her clients and through them to the  
09:49:08 15 court?---Yes.  
16  
09:49:10 17 And two, or she might continue to act for clients in  
09:49:14 18 relation to whom she had secretly provided information to  
09:49:20 19 Victoria Police?---Yes.  
09:49:20 20  
09:49:20 21 You say that you expressed those concerns to both your  
09:49:26 22 investigators and also those managing Ms Gobbo on a number  
09:49:29 23 of occasions; is that correct?---That's my recollection.  
24  
09:49:33 25 Do you accept that during the time that Ms Gobbo was an  
09:49:36 26 informer you would have been well aware that if Ms Gobbo  
09:49:40 27 did act contrary to the interests of her clients and in the  
09:49:45 28 interests of Victoria Police, then there could be serious  
09:49:50 29 consequences to the trial of any such person?---Yes.  
30  
09:49:53 31 Did you ever seek an assurance from your investigators, who  
09:49:59 32 were aware that Ms Gobbo was the source of information  
09:50:02 33 being used in their investigations, that Ms Gobbo was not  
09:50:06 34 advising or representing any such person?---I remember  
09:50:10 35 conversations - you've said sought assurances, I remember  
09:50:16 36 having conversations with my investigators about that issue  
09:50:19 37 and at no time did I believe that she was acting for people  
09:50:22 38 against whom she was informing.  
39  
09:50:24 40 Did you seek assurances, given your concerns, that she was  
09:50:29 41 not doing so?---I don't recall doing it in the way that  
09:50:37 42 you're putting it to me, no.  
43  
09:50:39 44 In other words, you didn't say, "Look, can you make it -  
09:50:41 45 can you give me an assurance, Mr O'Brien, or Mr Ryan, that  
09:50:46 46 Ms Gobbo is not acting for or continuing to act for any of  
09:50:51 47 the people in relation to whom she's provided

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

09:50:53 1 information"?---I don't recall putting it in those terms.  
2  
09:50:59 3 Did you ever seek an assurance from any person who was  
09:51:02 4 managing Ms Gobbo, that is in the SDU/DSU, that she had not  
09:51:07 5 provided advice or purported to provide advice to a person  
09:51:12 6 against whom she was informing?---Well again, I don't  
09:51:17 7 recall putting it in the terms that you're putting it to  
09:51:21 8 me, but I did have discussions with them about that issue.  
9  
09:51:25 10 Would it be fair to say that the answer to both of those  
09:51:28 11 questions is no?---Yes.  
12  
09:51:30 13 Okay. Did you seek an assurance that - I withdraw that.  
09:51:37 14 You say it was your understanding, your understanding was  
09:51:43 15 that Ms Gobbo was acting for a human source and in those  
09:51:48 16 circumstances she would not act for the people for whom,  
09:51:52 17 against whom she informed, that's correct, that was your  
09:51:55 18 understanding?---That was my understanding.  
19  
09:51:57 20 You say in your statement that your understanding was that  
09:52:01 21 condition was largely observed?---Yes.  
22  
09:52:06 23 You used the word "largely" with some care I assume?---Yes.  
24  
09:52:12 25 Do I take it therefore that it was your belief that she had  
09:52:16 26 in fact acted for people in relation to whom she had  
09:52:21 27 provided information?---No, I understood that it might be  
09:52:28 28 convenient for people against whom she'd provided  
09:52:35 29 information at some later time to claim that she had been  
09:52:42 30 acting for them and that would be an issue that would  
09:52:44 31 logically arise at any trial if there was relevant evidence  
09:52:44 32 to be introduced.  
33  
09:52:45 34 Can you tell the Commission why you used the expression  
09:52:49 35 "largely observed"?---I understand, for instance, that  
09:52:52 36 Mr Mokbel when he was - when he had left Australia and was  
09:52:59 37 overseas, having fled a Commonwealth trial, that he was  
09:53:05 38 continuing to deal with Ms Gobbo. I understood he might  
09:53:11 39 make the claim that he was dealing with her in a legal  
09:53:16 40 professional sense, but I didn't think that to be the case.  
09:53:19 41 But I understood that there was always a risk that that  
09:53:22 42 might be suggested.  
43  
09:53:26 44 So I take it what you're suggesting is that by using the  
09:53:29 45 expression it was "largely observed", you're really meaning  
09:53:34 46 to say it may well be the case that people down the track  
09:53:37 47 might make claims against Ms Gobbo or the police to the

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

09:53:41 1 effect that she had been providing legal advice when in  
09:53:46 2 fact she had not?---Correct.  
3  
09:53:50 4 You understand, or you understood when you found out that  
09:53:55 5 Ms Gobbo was being utilised as a human source, that in fact  
09:54:01 6 she was being used to provide information against the  
09:54:06 7 Mokbel syndicate of which Tony Mokbel was the head, if you  
09:54:10 8 like?---Yes.  
9  
09:54:11 10 Right. I take it you would also have been aware that in  
09:54:15 11 late 2005, 2006 previously Ms Gobbo was acting for  
09:54:21 12 Mr Mokbel in relation to drug charges brought by the  
09:54:24 13 Commonwealth?---Look, I believe so but I don't have a  
09:54:26 14 particularly clear recollection of that.  
15  
09:54:29 16 No, all right. In due course we might put in front of you  
09:54:35 17 at least newspaper articles which make it clear that  
09:54:39 18 Ms Gobbo was acting for Mr Mokbel?---Yes.  
19  
09:54:41 20 At the time?---I accept that she was acting for Mr Mokbel  
09:54:45 21 at the time.  
22  
09:54:46 23 You would have been aware of that at the time?---I assume  
09:54:48 24 so but I don't have a specific recollection of that.  
25  
09:54:51 26 All right. You say in your statement that, "The use of  
09:54:55 27 human sources in the investigation of high level criminal  
09:54:58 28 offending is invariably legally and ethically complex,  
09:55:03 29 often requiring fine judgments and balancing legal and  
09:55:07 30 ethical principles that may compete". That's your  
09:55:11 31 view?---Yes.  
32  
09:55:14 33 And that must exponentially be so in the case when you're  
09:55:19 34 using an active criminal barrister as an informer who was  
09:55:22 35 then acting for the person who was at the head of the  
09:55:25 36 criminal cartel you were seeking to bring down, that would  
09:55:28 37 raise considerable or considerably finer legal problems,  
09:55:31 38 would it not?---Yes.  
39  
09:55:34 40 At any stage during the period in which Ms Gobbo was a  
09:55:38 41 registered informer did you seek or urge any member of  
09:55:41 42 Victoria Police to seek legal advice as to the propriety of  
09:55:45 43 using Ms Gobbo as a human source in the circumstances in  
09:55:48 44 which she was so utilised?---No.  
45  
09:55:52 46 You say in your statement at paragraph 13 that,  
09:55:56 47 "Particularly when providing information against the type

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

09:55:58 1 of person against whom Ms Gobbo was informing there is a  
09:56:01 2 very real danger to the physical safety of such human  
09:56:05 3 sources should their role be discovered"?---Yes.  
4  
09:56:09 5 You understood that organised criminals utilised the  
09:56:12 6 disclosure requirements provided by the criminal justice  
09:56:15 7 process to identify sources and in your experience take  
09:56:21 8 every means to reduce that risk or reduce the risk  
09:56:24 9 informers pose, including by murdering them?---Yes.  
10  
09:56:28 11 You accept that the longer that Ms Gobbo remained a human  
09:56:30 12 source, the greater the risk she faced of potential  
09:56:33 13 exposure and therefore coming to harm?---Yes.  
14  
09:56:38 15 You say that as time progressed Ms Gobbo became  
09:56:41 16 increasingly difficult to manage and there was an ever  
09:56:47 17 increasing need to develop an exit strategy, that's what  
09:56:51 18 your view is?---Yes.  
19  
09:56:52 20 Your view was that it was almost inevitable that an  
09:56:58 21 informer such as Ms Gobbo would ultimately be  
09:57:01 22 exposed?---Yes.  
23  
09:57:01 24 You say in your statement that you were aware that you and  
09:57:05 25 your colleagues at Victoria Police owed a duty to Ms Gobbo  
09:57:08 26 to ensure her safety in circumstances in which there was a  
09:57:10 27 significant risk to her life?---Yes.  
28  
09:57:11 29 You say that you were conscious that any misstep on the  
09:57:14 30 part of Victoria Police could result in Ms Gobbo's serious  
09:57:18 31 injury or death?---Yes.  
32  
09:57:19 33 No doubt you were conscious of those matters and those  
09:57:22 34 matters were heightened in your mind because you'd been  
09:57:26 35 Assistant Commissioner Crime at the time when Terrence  
09:57:29 36 Hodson and his wife were murdered?---Yes.  
37  
09:57:32 38 In May of 2004 you were of the view at that time that those  
09:57:37 39 murders were connected to the fact that Mr Hodson had been  
09:57:42 40 exposed as an informer or, alternatively, that he was a  
09:57:46 41 witness in a criminal proceeding against two police  
09:57:49 42 officers?---I thought it was one of those two things.  
43  
09:57:51 44 One of those two?---Yes.  
45  
09:57:54 46 Any harm that came to Ms Gobbo would have posed a very  
09:57:57 47 serious organisational risk for Victoria Police, do you



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

09:58:00 1 accept that?---Yes.  
2  
09:58:02 3 You would have considered that any such event would  
09:58:04 4 undoubtedly expose Victoria Police to an inquiry or to a  
09:58:08 5 Royal Commission?---Yes.  
6  
09:58:12 7 Would you have very carefully considered information given  
09:58:15 8 to you in relation to such matters as the risk to  
09:58:23 9 Ms Gobbo?---Sorry, can you ask me that again?  
10  
09:58:25 11 Would you have very carefully considered any information  
09:58:28 12 given to you in relation to such matters as the risk - - -  
09:58:32 13 ?---Yes.  
14  
09:58:33 15 - - - to Ms Gobbo's life?---Yes, I would have.  
16  
09:58:35 17 And Victoria Police?---Yes.  
18  
09:58:38 19 You were aware that the SDU were vehemently opposed to  
09:58:44 20 using Ms Gobbo as a witness when that was proposed in late  
09:58:48 21 2008?---Yes, I was aware of that.  
22  
09:58:51 23 You were aware that the SDU's concern in that regard was  
09:58:56 24 not only related to Ms Gobbo's safety, correct?---Yes.  
25  
09:59:01 26 You were aware that the SDU was concerned about her  
09:59:03 27 exposure and of that long-term use and the fact that it  
09:59:10 28 could lead to some form of inquiry?---I understand members  
09:59:16 29 of the SDU had that concern.  
30  
09:59:18 31 Yes. And you understood that those members of the SDU were  
09:59:22 32 intimately involved in obtaining information from  
09:59:26 33 Ms Gobbo?---Yes.  
34  
09:59:29 35 You were aware that the SDU were concerned that the  
09:59:33 36 revelation of a serving barrister assisting police might  
09:59:36 37 lead to appeals by reason of unsafe verdicts or might  
09:59:39 38 jeopardise current and future prosecutions?---If improper  
09:59:46 39 things had happened, yes, that would be a risk.  
40  
09:59:48 41 And that was a concern that was being expressed by the SDU  
09:59:51 42 in late 2008, early 2009?---No, I didn't understand it as  
09:59:56 43 that. I understood that they were genuinely concerned  
09:59:59 44 about the proposition of a barrister being used as a source  
10:00:01 45 of information.  
46  
10:00:03 47 The concerns were being expressed to you in late 2008, 2009

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

10:00:09 1 in a briefing note which had been given to you in your  
10:00:14 2 capacity as a member of the steering committee of Task  
10:00:17 3 Force Petra?---I don't recall ever seeing that briefing  
10:00:21 4 note.  
5  
10:00:22 6 Right?---I don't believe I did see the briefing note, but I  
10:00:26 7 don't disagree, having now seen it, I don't disagree with  
10:00:30 8 the contents of the briefing note. But I didn't understand  
10:00:33 9 one of the concerns to be a suggestion that anything  
10:00:37 10 improper had happened and therefore needed to be concealed.  
11  
10:00:44 12 Nonetheless, you say that you understood the general views  
10:00:48 13 of the SDU at the time that there was a very real concern  
10:00:51 14 of, one, risk to the organisation if Ms Gobbo was  
10:00:57 15 exposed?---I understand the general principle around trying  
10:01:02 16 to keep the identity of human sources confidential and the  
10:01:05 17 risks associated with that not being the case.  
18  
10:01:09 19 Right. The question related to their concern that Victoria  
10:01:14 20 Police would suffer adverse consequences if it was exposed  
10:01:18 21 that they had been using a barrister, a serving barrister.  
10:01:22 22 That was a concern that they expressed to you?---I  
10:01:25 23 understood that to be a concern, yes.  
24  
10:01:30 25 When did you inform Chief Commissioner Nixon of the  
10:01:34 26 organisational risk that you were concerned about?  
27  
10:01:40 28 MR GLEESON: I object, Your Honour. The question is  
10:01:42 29 whether the concern was expressed by these people and the  
10:01:46 30 follow up question then was premised on the proposition  
10:01:50 31 that it was a concern he held.  
32  
10:01:52 33 MR WINNEKE: I've already asked the witness about his  
10:01:54 34 concern about an organisational risk and he's already  
10:01:57 35 agreed with the proposition that he did believe that there  
10:01:59 36 was an organisational risk arising from the matters that  
10:02:03 37 I've put to him.  
38  
10:02:04 39 COMMISSIONER: Yes, I'll allow the question to be put. Do  
10:02:08 40 you want the question again, Mr Overland?---No, thanks  
10:02:11 41 Commissioner. I understand the question. I don't recall  
10:02:13 42 when or if I had a conversation with Chief Commissioner  
10:02:15 43 Nixon.  
44  
10:02:16 45 MR WINNEKE: Is it your belief that you did not inform  
10:02:19 46 Chief Commissioner Nixon about the use of Ms Gobbo as a  
10:02:22 47 human source?---I don't have a recollection either way.

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

1  
10:02:28 2 Are you suggesting that you may have informed her?---I may  
10:02:32 3 have, yes.  
4  
10:02:33 5 When did you - do you say that you informed her of your  
10:02:38 6 views that there was a potential organisational risk  
10:02:40 7 associated with her use?---As I said, I don't recall  
10:02:45 8 whether I spoke to her or not.  
9  
10:02:50 10 Had you spoken to her about it do you think you would have  
10:02:54 11 informed her about your views that there were  
10:02:57 12 organisational risks associated with the use of  
10:03:00 13 Ms Gobbo?---If I had I'm sure I would have.  
14  
10:03:05 15 COMMISSIONER: If you had would have kept a note somewhere  
10:03:07 16 of it?---Probably not, Commissioner.  
17  
10:03:13 18 MR WINNEKE: Would you accept that it would have been  
10:03:19 19 something that you would have been keen to record, that is  
10:03:23 20 that you had informed the Chief Commissioner of your  
10:03:26 21 concerns about the use of Ms Gobbo?---I believe so, yes.  
22  
10:03:33 23 And as such it's likely that you would have recorded that  
10:03:36 24 information in some sort of diary or document that would  
10:03:42 25 have been available to produce in due course?---I was very  
10:03:47 26 careful about recording any information about Ms Gobbo.  
10:03:50 27 The protocol was that the information about her role was to  
10:03:53 28 be recorded by the SDU.  
29  
10:03:58 30 Nonetheless the use of Ms Gobbo and the fact that she was  
10:04:02 31 an informer is recorded elsewhere and it's recorded - - -  
10:04:06 32 ?---Yes.  
33  
10:04:07 34 - - - in notes of police officers?---Yes.  
35  
10:04:09 36 Did you ever record it in any of the notes that you  
10:04:11 37 kept?---I don't now recall. I don't believe so, but there  
10:04:21 38 was certainly briefing material that came to me that  
10:04:24 39 referenced her by her code number. There were records kept  
10:04:27 40 of the investigations. I understood the SDU kept very  
10:04:32 41 comprehensive notes about her role.  
42  
10:04:35 43 Did you keep a diary?---No, I didn't.  
44  
10:04:39 45 Did you keep a day book of sorts?---No, I didn't.  
46  
10:04:44 47 In what way did you record your conversations or

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

10:04:48 1 significant conversations with investigators wherein you  
10:04:51 2 gave directions, for example?---Most of my conversations  
10:04:59 3 with investigators weren't about giving directions. Most  
10:05:02 4 were about being briefed on the operational activity that  
10:05:06 5 they were responsible for. I mean ultimately in setting  
10:05:10 6 Purana up and in setting investigations up, there were  
10:05:13 7 investigation plans that were developed and they would be  
10:05:17 8 approved normally at - well, almost invariably at levels of  
10:05:23 9 the organisation below me.  
10  
10:05:26 11 I'll get into some more detail about that in due course.  
10:05:29 12 But prior to giving evidence have you spoken to any of your  
10:05:32 13 former colleagues about the events which are the subject of  
10:05:34 14 this Royal Commission?---No, not about these events, no.  
15  
10:05:40 16 Can I take you, ask you some questions about your  
10:05:44 17 background, Mr Overland. I gather you started out in the  
10:05:49 18 Federal Police in 1984; is that correct?---That's right.  
19  
10:05:52 20 You'd studied at university prior to that and you had  
10:05:57 21 obtained a Bachelor of Arts; is that correct?---That's  
10:06:00 22 right.  
23  
10:06:02 24 You, when you were a young police officer, obtained a  
10:06:07 25 graduate diploma in legal studies in the period 85 to 88;  
10:06:13 26 is that right?---Yes.  
27  
10:06:13 28 You did that after hours or during hours?---Primarily after  
10:06:18 29 hours.  
30  
10:06:19 31 And then you obtained a Bachelor of Laws first-class  
10:06:25 32 honours at the AMU in 1990 to 94?---Yes.  
33  
10:06:29 34 Again, that was done in conjunction with your policing  
10:06:32 35 duties or did you have time off to do that?---I was working  
10:06:35 36 full-time as a police officer. I would have had access to  
10:06:38 37 some study leave, but essentially I did that in my own  
10:06:42 38 time.  
39  
10:06:42 40 You have various other studies and qualifications which you  
10:06:45 41 refer to in your statement. I won't ask you about those.  
10:06:51 42 Can you tell the Commissioner about your experience in  
10:06:56 43 policing in terms of detective work?---In terms of  
10:07:03 44 detective work my recollection is I moved into a detective  
10:07:08 45 role in probably around about 1986. That was in the ACT  
10:07:19 46 where the Australian Federal Police is responsible for  
10:07:21 47 community policing, so the same sort of policing that's

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

10:07:24 1 done here in Victoria. I worked I think initially in the  
10:07:26 2 what was called the Breaking Squad, which was a squad  
10:07:28 3 tasked with dealing with burglaries in Canberra. I worked  
10:07:32 4 in the Drug Squad for a period of time. In 1989 I was  
10:07:36 5 seconded on to the Task Force that was established to  
10:07:39 6 investigate the murder of Assistant Commissioner Colin  
10:07:42 7 Winchester which happened in the January of 1989. I worked  
10:07:46 8 on that Task Force I think till about 1992, 93. Sorry, can  
10:07:52 9 I refer to my statement because it's - - -

10

10:07:54 11 By all means. Effectively I want to understand this: from  
10:07:58 12 about 86 through to 93 when you transferred into internal  
10:08:03 13 investigations, you were working as a detective, would that  
10:08:06 14 be fair to say?---Yes.

15

10:08:08 16 Then in 93 for a period of time you were involved in  
10:08:11 17 internal investigations which I suppose is some - it's an  
10:08:17 18 investigative role, clearly?---Yes, it is.

19

10:08:19 20 Then you transferred to an advisory position in the Federal  
10:08:25 21 government; is that right?---That's right.

22

10:08:26 23 And that was 94 to 96?---Yep.

24

10:08:30 25 You were promoted to the rank of Commander on your return  
10:08:33 26 to the Police Force in 96?---Yes.

27

10:08:39 28 In that regard you were based in Brisbane; is that  
10:08:45 29 correct?---That's correct.

30

10:08:45 31 And you were there until about 98 or 2000; is that  
10:08:50 32 right?---Until 2000 in two different roles.

33

10:08:54 34 And what were those roles?---Initially I was the Director  
10:08:58 35 of Operations for what was called northern region which  
10:09:01 36 included the geographic areas of the Queensland, the  
10:09:04 37 Northern Territory and the Torres Strait area adjoining  
10:09:10 38 PNG. And so that was - I had responsibility for the  
10:09:12 39 operational activity of the AFP in that area for that  
10:09:15 40 period of time.

41

10:09:16 42 Yes?---In July 1998 I was promoted to Assistant  
10:09:21 43 Commissioner of northern region, so I was responsible for  
10:09:24 44 the overall functions of the AFP in that same geographic  
10:09:28 45 area.

46

10:09:28 47 Right. During that period you came to know Graham Ashton;

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

10:09:33 1 is that right?---I did, yes.  
2  
10:09:34 3 And he reported to you?---He did for a period of time in  
10:09:38 4 Queensland, yes.  
5  
10:09:39 6 About 12 months or more?---I honestly don't recall but I  
10:09:44 7 accept if that's what the evidence, or his record shows,  
10:09:47 8 yes, I accept that.  
9  
10:09:48 10 About 12 months, would that be fair to say?---If that's  
10:09:51 11 what you're putting to me, I accept that, yes.  
12  
10:09:54 13 How well did you know him?---I knew Graham as a colleague.  
14  
10:09:58 15 Yes?---First and foremost. So primarily professionally.  
10:10:03 16 We socialised to a limited extent outside of work.  
17  
10:10:06 18 Yes?---But he was a professional colleague.  
19  
10:10:08 20 All right. I assume you worked closely with him in the  
10:10:13 21 period of time that he reported to you?---Yes.  
22  
10:10:16 23 Then I think in 2000 you transferred to a position of  
10:10:22 24 General Manager People and Finance based in Canberra; is  
10:10:25 25 that right?---That's right.  
26  
10:10:26 27 Responsible for the AFP's financial and human resources,  
10:10:31 28 industrial relations, occupational health, et  
10:10:35 29 cetera?---Yes.  
30  
10:10:36 31 So outside of operational policing, would that be fair to  
10:10:39 32 say?---Other than I had responsibility for professional  
10:10:42 33 standards and practice management so that did include the  
10:10:45 34 internal investigation function in the AFP.  
35  
10:10:48 36 Yes, all right. And then October 2000 promoted to Chief  
10:10:56 37 Operating Officer at Deputy Commissioner level; is that  
10:10:59 38 right?---That's right.  
39  
10:11:03 40 Did Mr Cornelius report directly to you in that  
10:11:08 41 capacity?---Look again, I think so but my recollection  
10:11:16 42 around that is not clear but I'm sure you've got records  
10:11:19 43 that will indicate the extent to which he did and I would  
10:11:22 44 accept that.  
45  
10:11:22 46 The evidence is he reported to you directly in one capacity  
10:11:25 47 and subsequently indirectly in another capacity, I think

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

10:11:33 1 was it when you were seconded to the Attorney-General's  
10:11:35 2 department as a project manager with respect to the ACC,  
10:11:39 3 was he involved in that process?---No, I don't remember him  
10:11:42 4 being involved in that. But I accept he'd have - he was in  
10:11:44 5 my line as Chief Operating Officer, and possibly as General  
10:11:48 6 Manager People and Finance if that's what you're putting to  
10:11:51 7 me.  
8  
10:11:51 9 Again, he's a person who you came to know reasonably  
10:11:54 10 well?---He's a professional colleague, yes.  
11  
10:11:56 12 A friend as well?---I would say he's a professional  
10:12:02 13 colleague. I did socialise with him to a limited extent  
10:12:05 14 outside of work, but primarily as a professional colleague.  
15  
10:12:08 16 All right. Subsequently when you were involved in Task  
10:12:16 17 Forces both with respect to Petra and Briars, both  
10:12:20 18 Cornelius and Ashton worked alongside you in those Task  
10:12:23 19 Forces; is that correct?---They did, yes.  
20  
10:12:27 21 All right. Did you have anything to do with obtaining  
10:12:33 22 positions for Mr Cornelius and/or Mr Ashton in their  
10:12:38 23 positions when they came either to Victoria Police, in  
10:12:41 24 Mr Cornelius' case firstly, did you have anything to do  
10:12:48 25 with it?---I think I was part, on part of the interview  
10:12:51 26 panel around the process that recruited him.  
27  
10:12:53 28 Yes?---That's my recollection.  
29  
10:12:55 30 He put you forward as a referee?---That may well be right,  
10:13:00 31 I don't recall but I don't - if that's what he says I  
10:13:03 32 accept that.  
33  
10:13:04 34 The evidence was that he put you forward as a referee but  
10:13:06 35 you stood down as a referee because you were sitting on the  
10:13:10 36 panel that appointed him, is that your recollection?---I  
10:13:15 37 honestly don't have a recollection but if that's what he's  
10:13:18 38 saying, I accept that.  
39  
10:13:20 40 Yes, all right. I take it when you - both when you studied  
10:13:31 41 your law degree and through your experience in detective  
10:13:34 42 training and operating as a police officer you would have  
10:13:41 43 been trained in the obligations of the police to make  
10:13:42 44 disclosure in the criminal justice process?---Yes.  
45  
10:13:45 46 You would have been well trained in the rights of  
10:13:47 47 individuals who were charged as suspects or interviewed as

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

10:13:50 1 suspects; is that correct?---Their rights generally, yes.  
2  
10:14:00 3 Their rights to speak to an independent legal  
10:14:04 4 practitioner?---Yes, if they requested it.  
5  
10:14:05 6 Right to silence, all those sorts of issues?---Yes. All of  
7 that, yes.  
8  
10:14:07 9 So those are matters that you would have been well aware of  
10:14:11 10 by the time you were at Victoria Police?---Yes.  
11  
10:14:12 12 You would have had a reasonably good understanding of  
10:14:15 13 notions of legal professional privilege?---Yes.  
14  
10:14:18 15 Public interest immunity?---Yes.  
16  
10:14:19 17 And professional and ethical decision-making?---Yes.  
18  
10:14:31 19 You, in 2003, were appointed as the Assistant Commissioner  
10:14:34 20 of Crime in Victoria?---That's right.  
21  
10:14:36 22 Did you apply for that position or were there other  
10:14:40 23 positions that you applied for?---There were a number of  
10:14:47 24 Assistant Commissioner roles I think advertised at that  
10:14:51 25 time. My recollection is that I applied specifically for  
10:14:54 26 the Assistant Commissioner Crime role but again I stand to  
10:14:57 27 be corrected.  
28  
10:14:58 29 All right. You felt that you had appropriate  
10:15:00 30 qualifications to be an Assistant Commissioner of Victoria  
10:15:03 31 Police in the area of crime?---Yes.  
32  
10:15:07 33 What did you believe were your particular qualifications at  
10:15:12 34 that time with respect to the investigation of crime as an  
10:15:16 35 Assistant Commissioner in Victoria?---I had a history that  
10:15:21 36 we've gone through in terms of working in investigations in  
10:15:25 37 the Australian Federal Police.  
38  
10:15:26 39 Yes?---I had senior executive management experience that I  
10:15:31 40 thought was relevant to the role because whilst it is a  
10:15:34 41 role of Assistant Commissioner Crime a lot of the functions  
10:15:37 42 are actually more managerial and corporate and I had  
10:15:46 43 relevant experience around that. And I thought I had the  
10:15:49 44 necessary qualifications to support that experience.  
45  
10:15:58 46 When you were appointed are you able to recall who it was  
10:16:02 47 that you reported to in the initial stages?---Well at that



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

10:16:11 1 time I reported directly to the Chief Commissioner.  
2  
10:16:14 3 And she was your immediate superior and the person to whom  
10:16:18 4 you would speak if you had concerns?---She would be one of  
10:16:23 5 the people I would speak to, yes.  
6  
10:16:25 7 If you had concerns about ethical matters relating to a  
10:16:33 8 particular investigation who would you turn to, for  
10:16:37 9 example, in 2003, 4, 5, who were the people that you spoke  
10:16:42 10 to then?---I would speak to Deputy Commissioner Kelly. I  
10:16:51 11 would talk to other colleagues. I would talk to my senior  
10:16:57 12 officers within the Crime Department.  
13  
10:16:58 14 Right. Insofar as the issues that I was putting to you  
10:17:04 15 previously, the various concerns that you had about the use  
10:17:10 16 of Ms Gobbo, did you speak in a private way with any of the  
10:17:13 17 people who you've just referred to?---I don't recall  
10:17:18 18 whether I did or I didn't.  
19  
10:17:19 20 Are you the sort of person who is likely to knock on the  
10:17:24 21 door if you had doubts about what you were doing and ask  
10:17:27 22 questions or run things by people?---I'd do that, yes.  
23  
10:17:33 24 And do you think that at any stage during the period that  
10:17:35 25 we're dealing with you did that insofar as the use of  
10:17:39 26 Ms Gobbo?---In terms of superiors?  
27  
10:17:44 28 Superiors?---I don't recall whether I did that or not.  
29  
10:17:47 30 Really, it was only the Chief Commissioner in terms of  
10:17:51 31 superiors?---Correct, yes.  
32  
10:17:52 33 About what other colleagues, very senior members of the  
10:17:58 34 Victoria Police who you could confide in?---I do remember  
10:18:01 35 talking with Commander Danye Moloney about these issues  
36 and as I sa y- - -  
37  
10:18:08 38 In what way? What matters were discussed with  
10:18:12 39 Mr Moloney?---He was, as my recollection is at that time,  
10:18:16 40 Commander of the Intelligence and Covert Support  
10:18:19 41 Department, which is where the Source Development Unit was  
10:18:21 42 located. So I just wanted to make sure he was aware of the  
10:18:26 43 - well, I had a chat to him about the fact that Ms Gobbo  
10:18:29 44 had been registered as a source and was being managed by  
10:18:32 45 the SDU and obviously we needed to manage that carefully.  
46  
10:18:35 47 Right. That's a conversation that you had with Mr Moloney

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

10:18:40 1 at around the time you first heard that she was registered;  
10:18:43 2 is that correct?---I think so.  
3  
10:18:45 4 Had you ever heard of a barrister being registered as a  
10:18:48 5 human source prior to this?---No, not registered as a human  
10:18:53 6 source, no.  
7  
10:18:54 8 And so it was a significant event, surely?---Yes, it was.  
9  
10:18:57 10 And you believe that around that time you would have had  
10:19:00 11 discussions with Mr Moloney about your concerns, the  
10:19:04 12 concerns that you've expressed in your statement to the  
10:19:07 13 Royal Commission?---I believe so, yes.  
14  
10:19:11 15 On one occasion or more than one occasion?---Oh, I don't  
10:19:15 16 remember.  
17  
10:19:19 18 What about if you had concerns about the legality or the  
10:19:28 19 appropriateness from a legal point of view of using a  
10:19:31 20 barrister, did you have the capacity to speak to a lawyer  
10:19:36 21 about your concerns?---Yes. I mean the short answer is  
10:19:46 22 yes, that could have been possible.  
23  
10:19:51 24 Do I take it that albeit you say that you were concerned  
10:19:56 25 and continued to be concerned over the period that she was  
10:19:59 26 registered, you didn't raise those concerns with any  
10:20:02 27 lawyer?---No, I didn't. I think it's important to be clear  
10:20:08 28 that in my mind I wasn't managing Ms Gobbo or those  
10:20:14 29 responsible for managing Ms Gobbo.  
30  
10:20:16 31 Right?---She was being managed in another area of the  
10:20:18 32 organisation.  
33  
10:20:19 34 That's Mr Moloney's area?---That's Mr Moloney's area. And  
10:20:24 35 because of the principle of the sterile corridor that had  
10:20:31 36 been established out of the policy work that had been done  
10:20:34 37 that led to the establishment of the SDU, my view was  
10:20:36 38 because I was on the investigation side they were not  
10:20:40 39 really matters that I had responsibility for and to a  
10:20:43 40 certain extent should be involved in.  
41  
10:20:45 42 But your investigations, you were the person who was  
10:20:49 43 responsible for the investigations and if there was any  
10:20:51 44 problem with the investigations because of the use of  
10:20:53 45 Ms Gobbo it would fairly and squarely fall within your  
10:20:57 46 purview, wouldn't it?---Correct, it would. But I was  
10:21:00 47 getting most of my information about - well, I was getting

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

10:21:03 1 information from my investigators about what was happening  
10:21:05 2 with the investigations. At no time was made aware of the  
10:21:11 3 fact that Ms Gobbo was either breaching legal professional  
10:21:15 4 privilege or acting for people against whom she was  
10:21:17 5 informing. Had I been aware I'd have taken action.  
6  
10:21:23 7 What action would you have taken?---I would spoken to  
10:21:28 8 Mr Moloney, I would have tried to establish exactly what  
10:21:33 9 had gone on and bring those matters to an end so that she  
10:21:37 10 either didn't continue to provide information that was in  
10:21:41 11 breach of legal professional privilege or continue to act  
10:21:45 12 for people against whom she had informed and I would have  
10:21:49 13 made sure that that information was disclosed to relevant  
10:21:54 14 authorities at the appropriate time.  
15  
10:21:55 16 Right. And you say that you never became aware that  
10:22:02 17 Ms Gobbo had acted for or had advised any people in  
10:22:07 18 relation to whom she had provided information, at no stage  
10:22:11 19 did you become aware of that?---I was aware that she had -  
10:22:18 20 well I think I became aware - no, no, sorry. No, I wasn't  
10:22:23 21 aware that she was acting for anyone against whom she was  
10:22:26 22 providing information.  
23  
10:22:27 24 Right. And when you say acting, I take it you would  
10:22:33 25 include in that advising?---Yes, that's what I meant - - -  
26  
10:22:36 27 Providing advice to?--- - - - Providing advice. Well in a  
10:22:37 28 formal legal relationship where legal professional  
10:22:41 29 privilege is invoked, that is that her advice is being  
10:22:43 30 sought in relation to current legal matters or litigation  
10:22:46 31 and for which she's providing legal advice.  
32  
10:22:48 33 Right, okay. As we understand it in 2006 you were promoted  
10:22:59 34 to Deputy Commissioner; is that right?---That's right.  
35  
10:23:03 36 And again at that stage you reported directly to the Chief  
10:23:09 37 Commissioner; is that right?---That's correct, yes.  
38  
10:23:31 39 Can I take you back to the early 2000s. When you arrived  
10:23:36 40 at Victoria Police you would have been aware that there  
10:23:42 41 were or there had been significant issues arising from  
10:23:49 42 corruption within the former Drug Squad?---Yes.  
43  
10:23:53 44 Correct?---Yes.  
45  
10:23:54 46 You were aware that there had been arrests of two police  
10:23:59 47 officers around the middle of 2001, Paton and Rosenes,

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

10:24:06 1 concerning corrupt conduct, et cetera?---Yes.  
2  
10:24:09 3 You were aware that there were issues around their  
10:24:12 4 connection with an informer, we don't need to talk about  
10:24:16 5 the informer, but you're aware generally about that?---Yes,  
10:24:19 6 I was aware that was an issue.  
7  
10:24:21 8 You're aware that as a consequence of the Purton report,  
10:24:24 9 that is a Drug Squad review, that resulted in the  
10:24:27 10 disbandment of the Drug Squad and the creation of the new  
10:24:31 11 Drug Squad, the MDID?---Yes.  
12  
10:24:34 13 An issue that you were aware of?---Yes.  
14  
10:24:37 15 In 2003, March, at about the same time that you arrived  
10:24:42 16 there was a detective by the name of Strawhorn who had been  
10:24:45 17 arrested and charged by Ceja investigators with in effect  
10:24:52 18 corruption activities?---Yep.  
19  
10:24:56 20 And those charges involved allegations of using two  
10:25:00 21 registered informers to sell pseudoephedrine to [REDACTED],  
10:25:05 22 do you recall - - - ?---I don't recall the specifics but I  
10:25:06 23 again recall that it involved human sources and  
10:25:10 24 inappropriate relationships between police officers and  
10:25:14 25 human sources.  
26  
10:25:19 27 The allegations against Strawhorn were connected to the  
10:25:21 28 allegations which had been made against Paton and Rosenes,  
10:25:26 29 you would have been aware of that as a general  
10:25:28 30 proposition?---As a general proposition, yes.  
31  
10:25:30 32 In May 2003, there were three members of the Drug Squad,  
10:25:34 33 Cox, Sadler and Ferguson, they were also arrested and  
10:25:38 34 charged by the Ceja Task Force with offences concerning a  
10:25:41 35 commercial quantity of drug trafficking?---Yes.  
36  
10:25:44 37 And that's something that you would have been aware of at  
10:25:48 38 the time that you started?---I was aware that there were  
10:25:51 39 significant corruption issues centred around the old Drug  
10:25:54 40 Squad or drug investigations in the Crime Department, yes.  
41  
10:25:58 42 You were aware that in about May of 2003 there was an  
10:26:01 43 interim report of the Ombudsman on the Ceja Task Force,  
10:26:08 44 investigation of allegations of drug related corruption;  
10:26:09 45 that was released in May of 2003?---I don't recall that but  
10:26:13 46 I accept that.  
47

.16/12/19

11328

OVERLAND XXN

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

10:26:14 1 You would have read the report when it was released?---I'm  
10:26:17 2 sure I did.  
3  
10:26:19 4 Because you would have been conscientious in your job and  
10:26:23 5 taken note of what was being published about the  
10:26:27 6 Force?---I'm sure I would have.  
7  
10:26:27 8 It set out in quite some detail the history of the Drug  
10:26:30 9 Squad, previous incidents in the Drug Squad, alleged  
10:26:34 10 offended of Strawhorn, Paton and Rosenes, set out the  
10:26:34 11 Purton review, all these sorts of things were set out,  
10:26:37 12 correct?---I don't specifically recall it but I accept what  
10:26:41 13 you're putting to me.  
14  
10:26:43 15 There was a great deal of concern in that report about  
10:26:46 16 informer management?---I accept that.  
17  
10:26:48 18 The use of unstructured secretive unaccountable  
10:26:54 19 unprofessional methods of handling was criticised, you  
10:26:57 20 would have been aware of that?---Yes.  
21  
10:26:59 22 And there were issues with respect to risk management set  
10:27:01 23 out in the report?---Again, I accept that.  
24  
10:27:04 25 All right. And then subsequent to that there was the  
10:27:13 26 Dublin Street burglary on 27 September 2003 which was the  
10:27:18 27 burglary of the house in Oakleigh by a serving member of  
10:27:26 28 Victoria Police squad the new MDID, Mr Miechel, correct?  
10:27:36 29 You were aware of that?---Yes.  
30  
10:27:38 31 In conjunction or with his informer, Mr Hodson?---Yes.  
32  
10:27:40 33 And there was also a suspicion of another police officer's  
10:27:44 34 involvement, that is Mr Dale's?---Yes  
35  
10:27:45 36 And you would have been aware of that, correct?---Yes.  
37  
10:27:47 38 And you would have been aware that there was an ESD  
10:27:51 39 investigation?---Into the burglary?  
40  
10:27:53 41 Into the burglary?---Yes.  
42  
10:27:54 43 And into the circumstances of the burglary?---Yes.  
44  
10:27:57 45 And you were obviously aware that in May 2004 that  
10:28:03 46 Mr Hodson was murdered with his wife?---Yes.  
47

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

10:28:07 1 There were further reports handed down. In 2004 the second  
10:28:17 2 interim report of the Ombudsman into the Ceja Task Force  
10:28:20 3 was handed down. Again, I take it you would have been very  
10:28:24 4 keen to read and digest what was in those reports in your  
10:28:29 5 new position?---I assume so, without specifically recalling  
10:28:33 6 it, yes.  
7  
10:28:33 8 Do you say that as a conscientious Assistant Commissioner  
10:28:35 9 you would have looked at these reports quite closely?---I  
10:28:38 10 accept I would have, yes.  
11  
10:28:46 12 It was in that light that there was a development of the  
10:28:54 13 source handling practices in Victoria within the Police  
10:28:58 14 Force at the time; is that right?---Yes, so I now  
10:29:01 15 understand that that had been a recommendation that had  
10:29:03 16 come out of the Purton review.  
17  
10:29:05 18 Yes?---As well, that there be a review of source handling  
10:29:09 19 methodology in Victoria Police, yes.  
20  
10:29:12 21 And were you involved or were you sponsoring or suggesting  
10:29:22 22 that there ought be a new Dedicated Source Unit that would  
10:29:26 23 handle high-risk informers?---I now understand that I was  
10:29:29 24 responsible for commissioning the review that was tasked  
10:29:31 25 with identifying and implementing best practice in Victoria  
10:29:38 26 Police in relation to source management.  
27  
10:29:38 28 When you say you now understand that - - - ?---Yes, because  
10:29:42 29 I've seen material that's refreshed my memory.  
30  
10:29:47 31 Right?---I think on previous occasions I thought the review  
10:29:48 32 was under way at the time I got to Victoria Police. I now  
10:29:51 33 understand it wasn't, and in fact I was the one who  
10:29:54 34 instigated it in mid-2003.  
35  
10:29:58 36 In your statement you talk about the use of human sources  
10:30:03 37 in cases where there are, I think you describe it as all of  
10:30:08 38 life criminals, or whole of life criminals involved,  
10:30:12 39 serious organised criminals?---M'mm, yes.  
40  
10:30:17 41 And you say that it's necessary to have informers in that  
10:30:20 42 area to properly investigate these people?---That's been my  
10:30:23 43 experience, yes.  
44  
10:30:24 45 You say that the use of human sources in that context is  
10:30:29 46 invariably legally and ethically complex?---Yes.  
47

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

10:30:35 1 And it requires fine judgments and balancing of legal and  
10:30:38 2 ethical principals that may compete?---Yes.  
3  
10:30:42 4 Do you accept that ultimately the question, or an important  
10:30:50 5 question in using an informer or any police activity is  
10:30:54 6 whether it's lawful?---Yes.  
7  
10:30:57 8 There may be ethical implications as well which may have a  
10:31:01 9 bearing on it, but the ultimate question is whether the  
10:31:05 10 conduct of Victoria Police is lawful?---Yes.  
11  
10:31:07 12 Down the track it may well be that if there are  
10:31:11 13 unfairnesses despite legality, it may be an issue as to  
10:31:16 14 whether or not evidence is admissible, but the ultimate  
10:31:20 15 question is whether, or in the first place is, "Is it  
10:31:23 16 lawful what we're doing"?---Yes.  
17  
10:31:25 18 Now, if there is any doubt about the lawfulness of the use  
10:31:31 19 of an informer, those are areas where legal advice should  
10:31:36 20 be sought, shouldn't it?---Yes.  
21  
10:31:44 22 You're not seeking to suggest in your statement that,  
10:31:49 23 "Because of the particular criminal activities which were  
10:31:54 24 occurring at the time we had to make", that is Victoria  
10:32:00 25 Police, "had to make ethical decisions or legal decisions  
10:32:04 26 which were finely balanced which perhaps overstepped the  
10:32:08 27 mark because we were dealing with difficult issues at the  
10:32:10 28 time", you're not seeking to suggest that I take it, are  
10:32:13 29 you?---No, I'm really clear that we needed to act lawfully  
10:32:20 30 at all times.  
31  
10:32:21 32 Yes?---What I was suggesting is that the management of  
10:32:24 33 human sources is ethically and, it can be, legally complex.  
34  
10:32:31 35 Yes?---In my view that does need to be disclosed to the  
10:32:34 36 prosecuting authority as part of the prosecution of anyone  
10:32:37 37 who is brought to justice as a consequence of an  
10:32:39 38 information that's been provided by a source.  
39  
10:32:41 40 What needs to be disclosed?---The history of the dealing  
10:32:45 41 with the source, the fact that a source has been involved,  
10:32:48 42 the circumstances in which they've been involved, what  
10:32:50 43 information they've been involved in providing. That  
10:32:52 44 should be disclosed to the prosecution.  
45  
10:32:55 46 Right?---There's then decisions to be made as to how much  
10:32:59 47 is disclosed to the defence, but there's public interest

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

10:33:01 1 immunity arguments that can be used to deal with all of  
10:33:03 2 that.  
3  
10:33:04 4 What you do say is that in terms of the use of informers,  
10:33:10 5 if there's any doubt at all as to whether or not there's  
10:33:14 6 legality as to the use, it's a matter which should be  
10:33:17 7 disclosed to the prosecution?---Correct.  
8  
10:33:26 9 That's something that you were aware of at the time of  
10:33:30 10 these events, Ms Gobbo's use back in 2003 through to - - -  
10:33:38 11 ?---Sorry, I'm not quite - so I'm aware of the general  
10:33:42 12 proposition around disclosure?  
13  
10:33:43 14 Yes?---Yes, of course, yes.  
15  
10:33:49 16 Do you say that there was appropriate disclosure made as  
10:33:51 17 far as you were concerned?---I don't know.  
18  
10:33:56 19 Do you say that you were or were not aware that there was  
10:34:00 20 disclosure made to prosecutors that information had come  
10:34:04 21 through the assistance of Ms Gobbo as a barrister?---I  
10:34:09 22 don't know.  
23  
10:34:09 24 Did you ever speak to your investigators who were  
10:34:13 25 informants in cases to find out whether they had made  
10:34:17 26 disclosure to the prosecution of the fact that information  
10:34:22 27 had come via Ms Gobbo?---So I assumed the investigators  
10:34:26 28 that were dealing with these matters would make appropriate  
10:34:29 29 disclosures. They were very experienced investigators and  
10:34:33 30 I - and certainly in anything I had been directly involved  
10:34:37 31 in, which was mainly around people charged with serious  
10:34:41 32 offences then being rolled, the colloquial term for  
10:34:46 33 cooperating and receiving a discount on sentence as a  
10:34:49 34 result of that.  
35  
10:34:50 36 Yes?---I was involved in some matters around that and I was  
10:34:55 37 aware that full disclosure was made to the prosecuting  
10:35:00 38 authority around those matters.  
39  
10:35:01 40 Yes?---It was unusual for someone at my level to be  
10:35:05 41 involved in such discussions, but I was involved in those  
10:35:11 42 discussions with the then DPP Mr Paul Coghlan and Mr Geoff  
10:35:17 43 Horgan senior counsel in particular, around a number of  
10:35:22 44 matters relating to witnesses being rolled.  
45  
10:35:23 46 Yes?---I wasn't involved in relation to other prosecutions  
10:35:27 47 dealing with information that came from Ms Gobbo.



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

1  
10:35:28 2 I'll come back to those cases that you're referring to.  
10:35:31 3 But in terms of the other cases that Ms Gobbo was involved  
10:35:33 4 in when you were the head of - when you were at Purana, you  
10:35:40 5 understand that Ms Gobbo had been involved in providing  
10:35:43 6 information and I'm going to get to this due course?---Yep.  
7  
10:35:47 8 For example, with respect to Operation Posse?---Yes, I was  
10:35:49 9 aware of that.  
10  
10:35:50 11 And was it your view that it had been made known to  
10:35:54 12 prosecutors that Ms Gobbo had been involved as a human  
10:35:58 13 source?---I don't know whether it was or wasn't.  
14  
10:36:02 15 Did you ever ask any of your investigators whether they had  
10:36:05 16 made known to prosecutors that Ms Gobbo had been a  
10:36:08 17 source?---No, as I said previously, I assumed - they were  
10:36:11 18 very experienced senior investigators.  
19  
10:36:14 20 Yes?---I assumed they would make appropriate disclosure.  
21  
10:36:17 22 Yes, all right. But aside from an assumption, it was never  
10:36:25 23 made - you'd never made your view clear to them that there  
10:36:32 24 should be a disclosure?---I didn't think I needed to. I  
10:36:35 25 thought that was understood.  
26  
10:36:37 27 In any event, what you say is it should have been  
10:36:44 28 done?---Yes  
29  
10:36:45 30 As far as you're concerned?---Yes.  
31  
10:36:46 32 Can I just deal briefly with the establishment of the new  
10:36:51 33 procedures around 2003. We understand that there was a new  
10:36:56 34 Chief Commissioner of Police instruction on informer  
10:36:58 35 management which was issued in 2003 that arose from the  
10:37:02 36 Purton report and the Ombudsman's interim report. I take  
10:37:08 37 it you would have been aware of that?---I would have been  
10:37:10 38 aware of that, yes.  
39  
10:37:11 40 It was re-issued in the years thereafter, advertised in  
10:37:17 41 September 2003. Perhaps I don't need to go to it but I  
10:37:24 42 take it you would have been aware of the general  
10:37:27 43 policies?---I'm sure I was at the time, yes.  
44  
10:37:33 45 The policy covered various forms, including informer  
10:37:36 46 registration, reactivation or application forms, informer  
10:37:41 47 contact reports, those sorts of things you would have been

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

10:37:46 1 across I take it?---I'm sure I was at the time.  
2  
10:37:49 3 Were you aware of a document known as an Acknowledgement of  
10:37:53 4 Responsibilities document, whereby the informer in effect  
10:37:56 5 signed off that that informer was aware of his or her  
10:38:01 6 responsibilities as an informer?---That rings a bell, yes.  
7  
10:38:05 8 I take it you would have been aware of a notion of a  
10:38:13 9 recruitment of informers. Would you have been interested  
10:38:18 10 in recruiting informers at the time, 2003/4?---Yes.  
11  
10:38:23 12 Did you have discussions with your investigators about the  
10:38:27 13 possibility of recruiting informers?---At that point the  
10:38:34 14 focus was more on not recruiting informers but more on  
10:38:39 15 identifying those people who were part of the criminal  
10:38:42 16 networks that we were working against that might provide a  
10:38:47 17 weakness or an opportunity for us to exploit.  
18  
10:38:49 19 Yes?---To investigate them, to get serious charges on them,  
10:38:54 20 and then try to use that as leverage to seek their  
10:39:00 21 cooperation.  
22  
10:39:01 23 Yes?---That was the focus of Purana really through 2003.  
24  
10:39:03 25 In its early phases?---In its early phases.  
26  
10:39:05 27 2003, 4?---It was more about, as I said the colloquial term  
10:39:10 28 is rolling crooks, but that was the focus.  
29  
10:39:13 30 So when the focus shifted, if we can put it that way, after  
10:39:17 31 various arrests which had occurred in 2004, I take it the  
10:39:21 32 focus did shift somewhat to trying to attack the drug trade  
10:39:26 33 which you considered was behind the murders?---Yes, it  
10:39:30 34 moved on. So the murders were very much set in the context  
10:39:33 35 of drug manufacture and distribution in Victoria.  
36  
10:39:37 37 Yes?---The key arrest was that of Williams in about June of  
10:39:41 38 2004 for a conspiracy to murder charge. That brought to a  
10:39:49 39 halt a series of murders that had been happening through  
10:39:53 40 2003, 2004, I think about a dozen or 13 of them, really  
10:39:57 41 quite - well, very serious. Every murder is serious but  
10:40:00 42 these were particularly awful.  
43  
10:40:02 44 Yes?---And then Purana did move on to target the Mokbel  
10:40:08 45 syndicate, both because there was a belief they were very  
10:40:11 46 significantly involved in the manufacture and distribution  
10:40:13 47 of drugs in Victoria, but the bigger interest for Purana

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

10:40:17 1 was we always believed that Mr Mokbel would have some  
10:40:21 2 knowledge of and possible involvement in some or all of the  
10:40:25 3 murders and also potentially of police corruption. So he  
10:40:28 4 was targeted for that reason. The investigation of his  
10:40:32 5 drug network was really a means to try and get pressure on  
10:40:34 6 him and get him to roll in due course.

7  
10:40:37 8 Yes, I follow that. That part of the process relied, I  
10:40:43 9 take it, on informers to a significant degree; is that  
10:40:47 10 right?---No, no, it didn't. Again, it was the same  
10:40:50 11 technique around trying to target those - well, trying to  
10:40:55 12 understand the network that was the Mokbel syndicate.

13  
10:40:59 14 Yes?---Trying to look for the vulnerabilities within that  
10:41:02 15 network and target those vulnerabilities with a view to  
10:41:08 16 getting the people involved on serious criminal charges and  
10:41:11 17 then seeking their cooperation. But similar to the process  
10:41:15 18 we used in relation to the investigation of Williams and  
10:41:17 19 ultimately his conviction for a series of murders.

20  
10:41:20 21 Yes, all right. I just want to - can I just cover off on  
10:41:24 22 this - the development of the SDU before I move on to  
10:41:30 23 that?---Sure.

24  
10:41:33 25 As we understand it, there was a pilot program established  
10:41:39 26 and that was the Dedicated Source Unit pilot. Now you were  
10:41:44 27 aware that that was going on?---That's my understanding  
10:41:46 28 now, again given I've been provided with material that's  
10:41:49 29 refreshed my memory around that, so yes, I understand that  
10:41:53 30 the review concluded I think around mid-2004.

31  
10:41:57 32 Yes?---And then I think it had to go through an  
10:42:00 33 authorisation process internally in the organisation and  
10:42:04 34 there was then a pilot that was run from late 2004 to  
10:42:08 35 approximately mid-2005, and that must have been successful  
10:42:12 36 because my belief, recollection, is that the SDU was then  
10:42:17 37 formally established around that time.

38  
10:42:19 39 And did you know the people who were within that Unit?  
10:42:25 40 We're calling the head of the Unit, at least the [REDACTED]  
10:42:29 41 [REDACTED], the controller, Mr White, Mr Sandy White. I take  
10:42:34 42 it you know who he is?---I know who Mr White is, yes.

43  
10:42:39 44 Did you know him before he had been involved in that  
10:42:41 45 Unit?---I think so, yes.

46  
10:42:45 47 Did you know that a person by the name of Owen was also

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

10:42:51 1 involved, Glen Owen, and they were a part of that project,  
10:42:54 2 sent to Canada to examine what was going on over there?---I  
10:42:58 3 recall Mr Owen. I didn't specifically recall that he'd  
10:43:02 4 been involved in the review but I accept that he was, if  
10:43:07 5 that's what you're putting to me.  
6  
10:43:09 7 You say, "This wasn't specifically in my area because I was  
10:43:12 8 Assistant Commissioner of Crime, this was in a different  
10:43:15 9 area"; is that right?---No - well initially the review was  
10:43:19 10 done out of Crime, so I now understand I think Tony Biggin  
10:43:25 11 led the review. I think he used those officers to assist  
10:43:31 12 him. There was a steering committee established to  
10:43:34 13 oversight the review and to endorse the recommendations and  
10:43:39 14 send them on for formal endorsement through the internal  
10:43:42 15 Victoria Police processes.  
16  
10:43:44 17 Yes?---I remember at some point, I think at the end of the  
10:43:47 18 review, there was then a question about where the Unit was  
10:43:51 19 established and to be quite frank initially I wanted it to  
10:43:54 20 be part of the Crime Department.  
21  
10:43:57 22 Yes?---But I was persuaded that if we were going to  
10:44:02 23 introduce this concept of a sterile corridor, and I thought  
10:44:06 24 there were very good arguments for doing that, that the  
10:44:10 25 sterile corridor needed to go all the way to the top. And  
10:44:13 26 given my responsibility for investigations, the SDU  
10:44:15 27 couldn't sit in the Crime Department and accordingly it was  
10:44:18 28 established in the Intelligence and Covert Support  
10:44:20 29 department.  
30  
10:44:20 31 I follow that. Nonetheless, and in due course we're going  
10:44:23 32 to go through this, you did have a significant role in the  
10:44:28 33 decision-making process as to whether or not Ms Gobbo at  
10:44:31 34 various times would continue to be a human source, whether  
10:44:34 35 she'd be registered or deregistered, do you accept  
10:44:37 36 that?---I wouldn't accept it was a significant role. I  
10:44:40 37 accept at various times I was told particular things about  
10:44:43 38 her.  
39  
10:44:43 40 Yes. And do you say that you never gave directions or  
10:44:51 41 suggestions about whether or not Ms Gobbo should be  
10:44:53 42 continuing to act as a human source?---I didn't give  
10:44:58 43 directions on that because it wasn't for me to give  
10:45:01 44 directions. I did raise with her handlers, and I think  
10:45:06 45 Mr Moloney and Mr Biggin, that I thought her role as a  
10:45:11 46 human source should be short-term and that there needed to  
10:45:16 47 be an exit strategy developed that would allow her to exit

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

10:45:21 1 from that role and continue on with her life. I thought  
10:45:25 2 the longer she stayed a human source with Victoria Police  
10:45:28 3 the greater the risk to her.  
4  
10:45:33 5 Did you ever offer your suggestions as to whether or not  
10:45:38 6 she should continue or otherwise to them? Did you say,  
10:45:41 7 "Look, we've got some investigations coming up, I'd like  
10:45:45 8 her to continue on the books"?--No.  
9  
10:45:47 10 Ultimately what you say, you've said this before, is that  
10:45:50 11 your view was that in terms of long-term running of sources  
10:45:56 12 it simply, it wasn't possible because ultimately a source  
10:45:59 13 would be exposed?--Correct. So I had prior experience in  
10:46:04 14 the AFP of dealing with the intelligence agencies where  
10:46:10 15 they do run long-term sources but they are not in the  
10:46:15 16 situation that we are where they finish up having to mount  
10:46:18 17 prosecutions and you're faced with both the discovery  
10:46:22 18 process where you actually have to disclose this fact, but  
10:46:25 19 the other thing in my experience is that particularly whole  
10:46:28 20 of life organised criminals are very attuned to police  
10:46:31 21 methodology and one of the things they look for is how did  
10:46:34 22 they get caught, and they look within briefs and they look  
10:46:39 23 across briefs to try and look for patterns, to try and  
10:46:43 24 identify people who have actually provided information  
10:46:45 25 against them. So I think in the environment that we were  
10:46:47 26 working in it's almost impossible to keep a source's  
10:46:50 27 identity secret over the longer term.  
28  
10:46:52 29 So it would have been apparent, I take it, certainly to  
10:46:56 30 you, that once she had become registered as a source and  
10:46:59 31 continued to be registered, ultimately she'd be  
10:47:03 32 exposed?--Correct.  
33  
10:47:03 34 And obviously, as you've indicated previously, the risk of  
10:47:10 35 exposure is significant?--Yes.  
36  
10:47:11 37 I mean it's either death if they find her?--Yes.  
38  
10:47:14 39 Or life as someone else?--Yes.  
40  
10:47:19 41 I mean is that something that police officers should  
10:47:22 42 consider when they come to entice a person to be an  
10:47:26 43 informer?--Well you've used the word entice.  
44  
10:47:35 45 Yes?--That's not my understanding as to what happened with  
10:47:38 46 Ms Gobbo. Ms Gobbo's life was already at, serious risk as  
10:47:41 47 I understand it, at the time she came to Victoria Police

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

10:47:44 1 and was eventually registered as a source.  
2  
10:47:47 3 Yes?---She'd put herself in a position where her life was  
10:47:50 4 under serious threat.  
5  
10:47:51 6 If the evidence is that she was enticed or persuaded or  
10:47:55 7 techniques were used to encourage her, would you say that  
10:47:58 8 that's appropriate or inappropriate?---It may be  
10:48:01 9 inappropriate, I'd need to understand the exact  
10:48:04 10 circumstances under which that occurred. But that's not my  
10:48:08 11 understanding as to what happened.  
12  
10:48:10 13 Is your understanding that her life was at risk - and I'm  
10:48:13 14 going to come back to this?---Yes.  
15  
10:48:15 16 Your understanding, you say this now, is that her life was  
10:48:21 17 at risk and therefore it was appropriate in those  
10:48:23 18 circumstances for her to become a human source?---No, again  
10:48:26 19 I wouldn't put it that way. I was told that her reason for  
10:48:31 20 coming to Victoria Police was because she felt her life was  
10:48:34 21 at risk from Mr Mokbel and from the Mokbel syndicate.  
22  
10:48:38 23 Right?---That she had crossed professional boundaries,  
10:48:42 24 she'd got far too close, she actually had become a  
10:48:48 25 facilitator about criminal conduct, not an advisor about -  
10:48:50 26 not a legal advisor. She was being directed by Mr Mokbel  
10:48:55 27 around how she should represent other people who were part  
10:48:58 28 of his network.  
29  
10:48:59 30 Yes?---So that she was being directed to represent them in  
10:49:02 31 Mr Mokbel's best interests, not the best interests of those  
10:49:06 32 people - - -  
33  
10:49:06 34 Who told you this?---This is just my recollection as to  
10:49:09 35 what I was told at the time she came into the organisation.  
36  
10:49:12 37 Right?---So my understanding was that she was in serious  
10:49:15 38 difficulty when she came to us.  
39  
10:49:16 40 Yes?---That's why she came to us, and I did consider  
10:49:20 41 whether that was an appropriate thing to do. But I thought  
10:49:25 42 the alternative of leaving her out where she was was worse,  
10:49:29 43 because I thought in all likelihood she'd get killed.  
44  
10:49:32 45 What, because she was in a position where she had to say to  
10:49:37 46 Mr Mokbel, "Look, I can't act for this person in accordance  
10:49:44 47 with your wishes" and therefore your view was, is what you

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

10:49:50 1 were told, that she'd be killed?---My experience of people  
10:49:55 2 such as Ms Gobbo, so I would describe her - in more  
10:50:00 3 organised forms of organised crime these groups look for  
10:50:03 4 people like Ms Gobbo who are professional facilitators of  
10:50:07 5 the organised criminal activity.  
6  
10:50:09 7 Yes?---They often use these people to dispose of assets,  
10:50:13 8 but they can use them to do the sort of work that Ms Gobbo  
10:50:17 9 was doing. If you think it, she was ideally placed to pass  
10:50:23 10 information to people who might be hard to get to or pass  
10:50:26 11 information to, and she was being directed by Mr Mokbel  
10:50:27 12 around how she should protect him and act in his best  
10:50:28 13 interests. My experience of professional people who find  
10:50:30 14 themselves in those roles is that they're not roles they  
10:50:35 15 can resign from. They are important to the operation of  
10:50:37 16 the syndicate and they tend to have really crucial  
10:50:42 17 information about the people who sit at the heart of those  
10:50:45 18 syndicates. Therefore they simply can't walk away, it's a  
10:50:49 19 death sentence to try and do so.  
20  
10:50:51 21 The evidence that you are giving isn't something that  
10:50:54 22 you've read about since, this is information - - - ?---No  
23 this is my - - -  
24  
25 - - - you were being given at the time or around the time  
10:50:58 26 that she was being recruited?---So my recollection is  
10:51:03 27 that's the information I was being provided and the context  
10:51:05 28 that I'm providing to you is the experience I gained over  
10:51:08 29 my history in law enforcement.  
30  
10:51:11 31 Do you believe that you would have had this discussion, for  
10:51:14 32 example, with Mr Sandy White at around the time that  
10:51:16 33 Ms Gobbo was registered?---Look, I may have done. I don't  
10:51:21 34 specifically recall whether I did or I didn't but I  
10:51:24 35 certainly remember - I remember that's what I was told and  
10:51:29 36 I remember they were the sorts of issues that I was  
10:51:33 37 certainly grappling with and I believe others were  
10:51:36 38 grappling with.  
39  
10:51:37 40 All right. Were you satisfied that the - perhaps if I come  
10:51:53 41 back a bit. We understand that the pilot that you've  
10:51:57 42 talked about, the SDU pilot which commenced in November  
10:52:02 43 2004 had a part-time Detective Inspector, there was a  
10:52:07 44 PII who was a controller and an  
10:52:11 45 Acting Senior Sergeant project officer and various handlers  
10:52:14 46 and an analyst. There was an Inspector allocated to the  
10:52:22 47 pilot shared between the security intelligence group and

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

10:52:26 1 the DSU. It's understood that the pilot established or  
10:52:33 2 showed that not having a full-time Inspector within the  
10:52:36 3 Unit proved to be detrimental to the pilot program. You're  
10:52:44 4 aware of that now, I take it you would have been aware of  
10:52:49 5 that at the time of the pilot?---I wasn't aware of that now  
10:52:52 6 but I accept that's what you're putting to me. If that's  
10:52:55 7 the case I assume I was aware of that at the time of the  
10:53:01 8 pilot but I don't specifically recall.

9  
10:53:04 10 I think you were asked questions about this before Justice  
10:53:07 11 Kellam, you were asked about whether or not you felt that  
10:53:10 12 it was appropriate having a part-time Inspector. Do you  
10:53:14 13 recall ever having a view about this at all or not?---I do.  
10:53:20 14 I recall actually having to fight very hard to get the SDU  
10:53:25 15 resourced at all.

16  
10:53:27 17 Right?---It was in those days difficult in Victoria Police  
10:53:31 18 to get resources to establish specialist units like this  
10:53:35 19 because there was a lot of pressure around police numbers  
10:53:40 20 and how those numbers were being used. My recollection is  
10:53:43 21 that the SDU required, you know, very experienced  
10:53:48 22 detectives. So I think [REDACTED] was the lowest  
10:53:51 23 rank that was able to be deployed in the SDU. It was no  
10:53:54 24 simple task actually getting the thing resourced. I accept  
10:53:58 25 what you're saying to me now that there's a suggestion that  
10:54:01 26 it was under resourced, I accept that, but I have to say I  
10:54:06 27 had to fight hard to get it resourced to the level that it  
10:54:09 28 was resourced to.

29  
10:54:10 30 One of the criticisms that's been made is that it lacked a  
10:54:13 31 full-time Inspector who was there at the scene?---I accept  
10:54:16 32 that.

33  
10:54:18 34 Who was able to monitor what was going on, who was removed  
10:54:18 35 from the operational activities and had the ability to sit  
10:54:21 36 there and objectively examine what was going on?---I accept  
10:54:24 37 that.

38  
10:54:25 39 The pilot itself suggested that that was going to be a  
10:54:28 40 problem and then when the program starts up in operation  
10:54:32 41 the same issue then continues and it seems that there was a  
10:54:40 42 deficiency in that regard?---Yeah, I accept.

43  
10:54:45 44 Did you hear at any stage that there were concerns being  
10:54:49 45 expressed by the SDU that they needed more resources?---I  
10:54:56 46 don't specifically recall whether I did or I didn't but it  
10:54:58 47 wasn't unusual to have people coming to me saying they



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

10:55:02 1 needed more resources to do a whole manner of things at  
10:55:05 2 that time.  
3  
10:55:13 4 Can I ask you about Purana. That was a role that was very  
10:55:21 5 much within your area as the Assistant Commissioner of  
10:55:24 6 Crime; is that right?---Yes, it was.  
7  
10:55:26 8 As the manager of the Crime Department you had the  
10:55:29 9 responsibility for the investigation of serious organised  
10:55:32 10 crime?---I did.  
11  
10:55:39 12 You established and managed the Purana Task Force from its  
10:55:44 13 inception until pretty much the time that you became Chief  
10:55:49 14 Commissioner?---I established and managed it up until the  
10:55:53 15 time I became Deputy Commissioner and then once I was  
10:55:57 16 Deputy Commissioner I wasn't so much managing it, but I did  
10:56:01 17 continue to take an active interest in its work and its  
10:56:04 18 investigations. I forget who replaced me as Assistant  
10:56:09 19 Commissioner Crime but they would have been in the  
10:56:11 20 management role.  
21  
10:56:12 22 Do you disagree with that proposition?---I'm just trying to  
10:56:15 23 explain how I saw the situation.  
24  
10:56:17 25 Right. Did you make a statement to the Ombudsman  
10:56:22 26 previously, I can put this up if you like,  
10:56:29 27 VO.0001.0002.0021. If we can go to the statement at p.21.  
10:56:41 28 It was evidence I think, I apologise. Evidence at p.21, "I  
10:56:49 29 established and managed the Purana Task Force" at question  
10:56:52 30 10, "from its inception really through pretty much till  
10:56:54 31 becoming Chief Commissioner"?---Yes, I accept that.  
32  
10:56:58 33 You do accept that?---Yes, I do.  
34  
10:57:03 35 You can lay some claim to ending the gangland war with the  
10:57:07 36 establishment and operation of Purana?---I mean it was  
10:57:13 37 ultimately successful in bringing that to an end, yes.  
38  
10:57:16 39 "I developed an organised crime strategy for Victoria  
10:57:20 40 Police that was implemented and was very successful in  
10:57:23 41 terms of arguing for and getting legislative reform to  
10:57:26 42 change regulation, increase resourcing for the  
10:57:29 43 organisation"?---Yes.  
44  
10:57:32 45 You restructured the Crime Department through the major  
10:57:36 46 crime management model review, question 12 I think you say  
10:57:38 47 that?---Yes.

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

1  
10:57:39 2 Do you agree with that?---Yes.  
10:57:40 3  
10:57:40 4 "I do make the point that with Purana the solving of the  
10:57:44 5 underworld murders, without any sense of false modesty, If  
6 you have a look at Victoria Police's record before my  
10:57:50 7 appointment it was pretty appalling. If you look at their  
10:57:52 8 record after my appointment it was very successful. I  
9 don't claim that all that success was due to me, there are  
10:57:58 10 a lot of people who can and should take responsibility for  
10:57:59 11 that, but I significantly changed the way we went about it,  
10:58:04 12 that is Victoria Police went about investigating these  
10:58:08 13 things and the Task Force, despite a lot of scepticism  
10:58:10 14 early on, finished up being incredibly successful". Do you  
10:58:18 15 agree with that?---I accept that.  
16  
17 Do you accept that there were political and public  
18 pressures?---Yes.  
19  
10:58:19 20 Do you accept that you had to be very careful managing at a  
10:58:20 21 political level, but also through media in terms of  
10:58:23 22 providing space and time needed to run  
10:58:26 23 investigations?---Yes.  
24  
10:58:27 25 You believe that you'd get results if you got enough space  
10:58:30 26 and time but you weren't confident that you'd get the space  
10:58:33 27 and time?---Correct.  
28  
10:58:35 29 A lot of speculation about corruption associated with drug  
10:58:38 30 activity and murders, not until 2005, when hard evidence as  
10:58:44 31 opposed to speculation emerged about nexus. There was  
10:58:46 32 concern about Victoria Police facing a Royal Commission; is  
10:58:49 33 that right?---Yes.  
34  
10:58:52 35 And it was felt that criminal adversaries were arguing for  
10:58:56 36 that to enable them to continue criminal  
10:59:00 37 enterprises?---Yes.  
38  
10:59:00 39 That was your view?---Yes.  
40  
10:59:02 41 That criminal adversaries were arguing for a Royal  
10:59:08 42 Commission?---Yes.  
43  
10:59:09 44 Can I ask you this: Mr Grant has made a statement to the  
10:59:19 45 Royal Commission. Do you know Mr Grant?---Richard Grant?  
10:59:23 46  
10:59:24 47 Yes?---Yes.

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

1  
10:59:27 2 He says that when he joined there was virtually nothing  
10:59:30 3 known about factions, key players and allegiances of those  
10:59:35 4 in gangland wars, you'd agree with that I take it?---What  
10:59:38 5 time period are we talking about?  
6  
10:59:40 7 2002 I think he commenced his role as Acting Superintendent  
10:59:45 8 Organised Crime Investigation Division, that's when he  
10:59:47 9 commenced. And his view was that when he joined there was  
10:59:51 10 virtually nothing known and I'd take it you'd say that was  
10:59:54 11 pretty much the case when you joined?---No, I would say  
10:59:58 12 that the organisation had a great deal of information but  
11:00:01 13 it wasn't connected and it wasn't joined up.  
14  
11:00:04 15 What he says is murders were treated as individual matters  
11:00:07 16 until early mid-2003 when it was identified that there was  
11:00:11 17 a need to form a Task Force to deal with what was an  
11:00:15 18 emerging and serious threat?---That's broadly right.  
19  
11:00:19 20 Do you agree with that?---Yes, yes.  
21  
11:00:21 22 He says that around that time you started to join the dots  
11:00:26 23 and you identified some sort of factional war going on. Do  
11:00:32 24 you agree with that?---Well it was suggested to me by one  
11:00:35 25 of my Senior Detectives that there was a war going on.  
26  
11:00:38 27 Yes?---I remember it well because it's what I call a  
11:00:42 28 corridor conversation, he casually mentioned to me that  
11:00:45 29 there was a gangland war going on that no one seemed to be  
11:00:49 30 paying any attention to. I said, "Well, you better come  
11:00:52 31 and tell me about it" and from there I started to pull  
11:00:54 32 together different threads of information that suggested  
11:00:57 33 that's exactly what was occurring.  
34  
11:00:59 35 Who was that you had the conversation with?---That was  
11:01:02 36 Superintendent John Whitmore.  
37  
11:01:04 38 As I understand it, by early 2004 you adopted a newer  
11:01:10 39 approach, a more strategic approach which was felt  
11:01:13 40 necessary to investigate these criminal activities of  
11:01:16 41 organised crime groups; is that right?---Well really in  
11:01:21 42 setting Purana up one of the changes we made was to tell  
11:01:28 43 the detectives to stop worrying about the murders and to  
11:01:31 44 try and understand the context and the environment within  
11:01:34 45 which those murders were occurring, try to understand the  
11:01:37 46 players, try to understand the networks and connections and  
11:01:41 47 why we thought this was happening, and from that identify

.16/12/19

11343

OVERLAND XXN

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

11:01:46 1 vulnerabilities in those networks and target those. And it  
11:01:49 2 goes back to the conversation we had before about then  
11:01:52 3 trying to target vulnerable individuals with in those  
11:01:55 4 networks and get sufficiently serious charges on them so  
11:01:59 5 that we could roll them. But it was also about bringing  
11:02:03 6 together not just Homicide detective, but Drug Squad  
11:02:07 7 detectives, Fraud Squad detectives, regional detectives, to  
8 pull the information together, but also to take this  
11:02:11 9 broader approach and not just go straight at the murders,  
11:02:13 10 if that makes sense.

11  
11:02:14 12 I follow that. So the idea is to build an intelligence  
11:02:18 13 picture?---Yes.

14  
11:02:20 15 To then charge people and in such a way and in such  
11:02:24 16 circumstances that it would be advantageous for them to  
11:02:27 17 provide evidence against other people, to assist  
11:02:30 18 police?---Correct.

19  
11:02:31 20 And having arrested them, convince them to do so?---Yes.

21  
11:02:42 22 In effect these people would be facing the prospect of very  
11:02:45 23 significant punishment and it would be in their interests  
11:02:50 24 for them to roll, as you say, to become Crown  
11:02:54 25 witnesses?---Yes.

26  
11:02:55 27 Right, okay. That was a theme that you say you applied  
11:02:59 28 throughout Purana, not just to the gangland murders but  
11:03:03 29 subsequently to prosecution of drug offences as  
11:03:08 30 well?---Yes.

31  
11:03:09 32 Yes, all right. As I understand it you say that insofar as  
11:03:17 33 Operation Purana was concerned you devoted more attention  
11:03:23 34 to this operation and to the various operations within it  
11:03:28 35 than other investigations under your command, would that be  
11:03:31 36 fair to say?---Through 2003, 2004, yes, that would be the  
11:03:35 37 case.

38  
11:03:44 39 I think what you say is that - and you've alluded to this,  
11:03:54 40 the rolling of people was important. It occurred, firstly,  
11:04:01 41 with a man who was arrested, I think perhaps we'll call him  
11:04:10 42 PII, if we can do that, and he was  
11:04:16 43 arrested in PII 2003?---He was arrested in PII 2003.

44  
11:04:22 45 PII 2003?---Yes.

46  
11:04:28 47 And he was the PII person, if you like; is that

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

11:04:31 1 right?---Correct.  
2  
11:04:36 3 He was arrested with PII [REDACTED] at that time?---Yes.  
4  
11:04:43 5 And subsequently Williams and PII [REDACTED] were arrested  
11:04:49 6 in relation to murders which occurred in [REDACTED] of 2003 and  
11:04:55 7 [REDACTED] of 2003, am I right about that?---Yes, I think so,  
11:05:00 8 yes.  
9  
11:05:03 10 Ultimately what the Commission knows is that Ms Gobbo had  
11:05:09 11 been acting for Mr Williams or was an associate of  
11:05:14 12 Mr Williams and that's a matter I take it you would have  
11:05:19 13 been generally aware of at the time?---I knew she was an  
11:05:21 14 associate of his but I don't think I knew that she had  
11:05:25 15 specifically acted for him around that time.  
16  
11:05:28 17 Yes, all right. What we know is that she also advised at  
11:05:44 18 one stage or another the various people who ultimately  
11:05:47 19 ended up becoming witnesses. The PII [REDACTED] who  
11:05:52 20 eventually rolled, if you like, and came down on  
11:05:56 21 PII [REDACTED] were all advised at one stage or another by  
11:06:01 22 Ms Gobbo?---So I came to understand.  
23  
11:06:03 24 So you came to understand. Do you say you weren't aware at  
11:06:13 25 the time when Ms Gobbo was acting or advising these people,  
11:06:16 26 you weren't aware of that?---No, I wasn't.  
27  
11:06:19 28 Yes, all right. If we can just have a look at the  
11:06:29 29 structure of Purana. As I understand it when it was  
11:06:34 30 initially set up it was formed under the leadership of  
11:06:38 31 Detective Superintendent Whitmore; is that right?---Yes.  
32  
11:06:42 33 And Detective Inspector Andrew Allen?---Yes.  
34  
11:06:46 35 And they reported to you?---No, no. John Whitmore reported  
11:06:51 36 to Terry Purton who was the Commander Crime and Terry  
11:06:56 37 Purton reported to me.  
38  
11:06:57 39 So Mr Purton was in between?---Yes.  
40  
11:07:00 41 But ultimately, given your particular interest in these  
11:07:06 42 matters, there would be nothing stopping you from speaking  
11:07:09 43 to, if you wanted to, wither Whitmore or Allen?---No.  
44  
11:07:13 45 Below them there was Detective Senior Sergeant  
11:07:16 46 Swindells?---Yes.  
47

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

11:07:18 1 He was there at the time of the establishment?---Yes.  
2  
11:07:20 3 And then Detective Senior Sergeant Ryan was there from  
11:07:26 4 September 2003. He later became a Detective Inspector in  
11:07:30 5 2004?---I accept that if that's what's you're putting to  
11:07:39 6 me, yes.  
7  
11:07:39 8 You would have had easy access to all of those people in  
11:07:44 9 the time that Purana was operating?---Yes.  
10  
11:07:46 11 There were progress meetings which occurred on a weekly  
11:07:49 12 basis, would that be right?---Yes.  
13  
11:07:51 14 And at those meetings would generally be yourself?---Yes.  
15  
11:07:57 16 Purton, Whitmore, Allen, Ryan, Swindells?---Generally, yes.  
17  
11:08:05 18 Generally. During the course of meetings you would receive  
11:08:13 19 written updates?---Yes.  
20  
11:08:15 21 Were those written updates provided to you prior to the  
11:08:18 22 meeting?---I think sometimes prior, sometimes at.  
23  
11:08:28 24 And then at meetings those written updates would be  
11:08:35 25 supplemented by verbal briefings I assume?---Yes.  
26  
11:08:37 27 So whatever's happened over and above that which is set out  
11:08:41 28 in the briefing would be conveyed to you verbally by  
11:08:45 29 detectives?---Yes, it would be.  
30  
11:08:49 31 If you weren't able to attend a particular briefing it  
11:08:52 32 might be held in your absence or it might be  
11:08:58 33 postponed?---It could be either of those. I don't  
11:09:00 34 specifically recall. But I'm sure I wouldn't have got to  
11:09:03 35 all of the briefings.  
36  
11:09:04 37 If you didn't get to a briefing no doubt you would have  
11:09:07 38 been provided with a briefing paper in any event?---I  
11:09:09 39 assume so, yes.  
40  
11:09:10 41 Would you make notes in addition to being provided with a  
11:09:15 42 briefing paper, would you make notes either on the paper or  
11:09:20 43 in a notebook otherwise, would you do that?---My  
11:09:24 44 recollection, it would be on the paper that I was provided.  
45  
11:09:27 46 Righto. And it wasn't your habit, as I've discussed  
11:09:30 47 previously, to have a day book to write notes in that day

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

11:09:34 1 book?---No.  
2  
11:09:34 3 Or a diary?---No.  
4  
11:09:35 5 If there were notes we'd likely see them on your  
11:09:39 6 updates?---Yes.  
7  
11:09:40 8 Right. Have you seen those in recent times?---No.  
9  
11:09:45 10 Have you asked for them to be located?---We have, yes.  
11  
11:09:49 12 And you haven't been provided with them, it hasn't been  
11:09:52 13 located?---I don't know specifically. There's been such a  
11:09:57 14 volume of material provided I haven't been able to possibly  
11:09:59 15 look at everything. My legal team have looked as much as  
11:10:03 16 they possibly can.  
17  
11:10:04 18 Yes. Is it the case that the first person who was targeted  
11:10:12 19 by Purana was Andrew Veniamin?---He was certainly a  
11:10:25 20 significant person of interest. I don't remember  
11:10:26 21 specifically whether he was the first person targeted.  
22  
11:10:29 23 Mr Swindells says in his statement, in his evidence, that,  
11:10:32 24 "The objective of the Purana Task Force was to disable the  
11:10:36 25 criminal enterprises responsible for the murders and  
11:10:39 26 Veniamin was our first target"?---I accept that's his  
11:10:42 27 evidence, yes.  
11:10:42 28  
11:10:43 29 Do you accept that that's the truth or not?---I accept it's  
11:10:46 30 truthful evidence. I just don't recall specifically  
11:10:48 31 whether Veniamin was the first target or not.  
32  
11:10:54 33 He also says it became evident in the early days of Purana  
11:10:57 34 Task Force through intelligence holdings, that is telephone  
11:11:01 35 intercepts, listening devices and physical surveillance,  
11:11:04 36 that Ms Gobbo was associating socially with people who were  
11:11:07 37 the targets of Purana?---I accept that.  
38  
11:11:11 39 For example, if we go to - I'll come back to that. What  
11:11:32 40 you do accept is she was showing up around the end of  
11:11:39 41 2003?---If that's what the evidence shows I accept that,  
11:11:42 42 yes.  
43  
11:11:43 44 Yes, all right. Did Purana have a system called Operation  
11:11:54 45 Doca, do you recall that?---No, I don't recall that. There  
11:11:58 46 were a large number of operations, sub-operations, call  
11:12:03 47 them what you will, that ran under the banner of Operation

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

11:12:08 1 Purana. I don't recall them all now.  
2  
11:12:09 3 Perhaps if we can put up this document, Operation Purana  
11:12:14 4 update 9 February 2004, VPL.0100 - - -  
5  
11:12:21 6 COMMISSIONER: Did you want to tender the evidence to the  
11:12:22 7 Ombudsman?  
8  
11:12:24 9 MR WINNEKE: Yes, Commissioner, I do.  
11:12:26 10  
11:12:27 11 #EXHIBIT RC916A - (Confidential) Evidence to Ombudsman at  
11:12:29 12 p.21, 15/12/11.  
13  
14 #EXHIBIT RC916B - (Redacted version.)  
15  
11:12:31 16 If we have a look at this document, the fifth arrow down.  
11:12:42 17 You'll see that there was reference to an analytical cell  
11:12:48 18 which was created called Operation Doca, "Disruption of  
11:12:51 19 criminal activity. A database has been created in  
11:12:57 20 consultation with the investigation crews to keep a  
11:12:59 21 database of names. The strategy will be to speak to these  
11:13:03 22 people regularly, keep the pressure on our main targets.  
11:13:06 23 The strategy used to speak to each person will vary  
11:13:08 24 depending on each person of interest. There is  
11:13:11 25 approximately 70 people so far". Do you know whether  
11:13:17 26 Ms Gobbo was a person who was spoken to and a profile  
11:13:24 27 created on this Doca database?---No, I don't.  
28  
11:13:34 29 Is it likely that there would have been?---I really can't  
11:13:36 30 comment, I don't know.  
31  
11:13:37 32 If the situation is that there was evidence that she  
11:13:39 33 associated with your persons of interest, is it likely that  
11:13:42 34 there would have been or she would have been one of the  
11:13:46 35 approximately 70 people thus far who had been spoken  
11:13:53 36 to?---It's possible.  
37  
11:13:56 38 If you go through the document, it seems that there are  
11:14:00 39 various names and events of interest. If you go through  
11:14:04 40 you'll see there's a reference to Mokbel and one assumes  
11:14:08 41 that Mokbel's name would come up regularly in a lot of  
11:14:13 42 these updates I assume?---That's my recollection, yes.  
43  
11:14:17 44 There's a reference to a person by the name of  
11:14:24 45 Ahmed?---Where is that? Oh yes, in (e), yes.  
46  
11:14:28 47 The document says that he's a well-known drug dealer,



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

11:14:32 1 currently on bail as a result of MDID Operation Gallop.  
11:14:36 2 That's the operation that you were aware of and concerned  
11:14:42 3 Miesel, Hodson and Dale?---Yes.  
4  
11:14:46 5 The MDID are targeting Ahmed, do you see that?---Yes, I see  
11:14:55 6 that.  
7  
11:14:56 8 And Purana believe that Ahmed was supplying a person called  
11:15:08 9 [REDACTED] ---Yes.  
10  
11:15:10 11 Do you see that?---Yes.  
12  
11:15:12 13 I think further into the document there's a suggestion that  
11:15:14 14 he was supplying the [REDACTED] as well.  
11:15:19 15 I think we might need to go down the page for that. You  
11:15:22 16 know who that is I'm talking about?---Is that the name  
11:15:26 17 immediately after [REDACTED]  
18  
11:15:30 19 Yes?---Yes.  
20  
11:15:32 21 That person obviously was of some interest?---Yes.  
11:15:38 22  
11:15:38 23 There's a reference to Operation Droil, do you see  
11:15:46 24 that?---No, I don't, sorry. If you could - - -  
25  
11:15:48 26 I think we might need to go back the other way. Operation  
11:15:54 27 Droil, do you see that, a cousin of Carl Williams?---I do.  
28  
11:16:00 29 So would it be fair to say that at that stage Purana was  
11:16:04 30 becoming involved in a drug operation as opposed to the  
11:16:09 31 MDID being involved in the drug operation?---Well I think  
11:16:13 32 this is evidence of the strategy that I spoke about before,  
11:16:16 33 which was understanding the context within which all of  
11:16:20 34 this was occurring, developing the intelligence picture and  
11:16:22 35 then looking for vulnerabilities. My recollection is we  
11:16:26 36 thought [REDACTED] was a vulnerability.  
37  
11:16:30 38 Yes, okay. There's references to controlled [REDACTED]  
11:16:35 39 purchases and that was part of the way in which you were  
11:16:37 40 operating?---It was a technique used particularly in drug  
11:16:42 41 investigations, yes.  
42  
11:16:43 43 If we can go down to p.2, the last arrow. You'll see that  
11:16:48 44 Operation Doca, "Each crew will be responsible for speaking  
11:16:51 45 to persons of interest to keep pressure on the main targets  
11:16:55 46 and this won't interfere with drug jobs"?---I see that.  
47

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

11:16:59 1 Can I suggest that it's becoming apparent, if it wasn't  
11:17:02 2 already, that there is a connection between the interests  
11:17:10 3 of Purana and murder activities and also drug  
11:17:13 4 activities?---Absolutely, yes.  
5  
11:17:15 6 Then if we go to 16 February 2004, an update VPL.0100.0012.  
11:17:28 7 Again on p.1, the second arrow down, "Operation Doca  
11:17:32 8 continued with various persons of interest being spoken to  
11:17:35 9 by investigative crews and this has resulted in some  
11:17:39 10 conversation on TIs and LDs"?---Yes, I see that.  
11  
11:17:44 12 Page 1, the fourth arrow down, "Continues with each person  
11:17:48 13 of interest selected to avoid interference with MDID  
11:17:53 14 operations", do you see that?---Sorry, I've just lost that  
11:17:56 15 word, can you take me to it?  
16  
11:17:58 17 Fourth arrow down, "Week commencing 18 February 2004". If  
11:18:04 18 you go down to the second part of the document on  
11:18:09 19 p.1?---Yes, I see that now. Sorry, yes.  
20  
11:18:11 21 Okay. I take it there was communication between Purana and  
11:18:18 22 the MDID to ensure that each wasn't stepping on the toes of  
11:18:23 23 the other?---Yes.  
24  
11:18:25 25 Yeah, okay. If we go to another example, 24 February 2004,  
11:18:31 26 VPL.0100.0012.0054, 23 February. Again, if we have a look  
11:18:50 27 at the sixth arrow down, Operation Doca. We can see that  
11:18:54 28 it was continuing, various persons of interest being spoken  
11:18:57 29 to?---Yes, I see that.  
30  
11:19:02 31 Various attempts to install LDs with respect to George  
11:19:06 32 Williams, no results?---Yes.  
33  
11:19:09 34 Operation Droil, the MDID cell continues. Do you see  
11:19:16 35 that?---I do.  
36  
11:19:19 37 By that stage it seems that there was an MDID cell within  
11:19:22 38 Purana; is that right?---Yes.  
39  
11:19:29 40 It continues to investigate drug trafficking. There was  
11:19:32 41 use of surveillance, et cetera, and examination of  
11:19:37 42 techniques used by Williams [REDACTED] do you see  
11:19:40 43 that?---Yes.  
44  
11:19:41 45 Then there was another operation conducted by the MDID cell  
11:19:47 46 called Elsin, do you see that?---Yes, I do.  
47

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

11:19:56 1 Then if we go to the last arrow down for the week  
11:19:59 2 commencing - if we see again Operation Doca continues  
11:20:09 3 further down. That operation, by way of speaking to  
11:20:18 4 various people of interest to or associated with the  
11:20:25 5 persons or the targets of Operation Purana, was a  
11:20:28 6 significant aspect of this operation, do you accept that  
11:20:32 7 proposition?---I do. I mean it looks to me as if the  
11:20:38 8 [REDACTED] conversations [REDACTED]  
11:20:41 9 picked up over telephone intercepts or listening devices.  
10  
11:20:44 11 Right. Can I ask you about the overlap, or your  
11:20:57 12 involvement with the MDID because of that overlap with  
11:21:04 13 Purana and MDID. Did you meet regularly with Mr Biggin who  
11:21:10 14 was the Superintendent of the MDID?---Yes.  
15  
11:21:16 16 Would he have met with you on a weekly basis do you  
11:21:22 17 think?---Probably. I don't specifically recall but I'd  
11:21:30 18 have met with him regularly, yes.  
19  
11:21:33 20 Ultimately you start to meet Mr O'Brien and he provides  
11:21:39 21 information or at least briefings to you?---So my  
11:21:44 22 recollection is he took over operational command of Purana,  
11:21:48 23 I think after Andrew Allen, but I stand to be corrected.  
24  
11:21:51 25 Yes?---And yes, I met with him and was briefed by him on a  
11:21:56 26 reasonably regular basis.  
27  
11:21:59 28 Would that have been during the course of 2004?---No, I  
11:22:09 29 think that was towards the end of 2005, but again I stand  
11:22:16 30 to be corrected if there's - - -  
31  
11:22:18 32 If there's MDID cells within Purana one assumes that you're  
11:22:22 33 speaking to those in control at the MDID, wouldn't  
11:22:26 34 you?---Well I think a lot of that coordination would happen  
11:22:29 35 below me, that would be discussions that would be happening  
11:22:34 36 probably at the level of Superintendent.  
37  
11:22:36 38 Right. If those discussions were taking place one assumes  
11:22:45 39 that you would be speaking to your Superintendent about the  
11:22:50 40 discussions that he was having?---I'm not quite sure what  
11:22:57 41 you're putting to me, that I'd been talking to him about  
11:23:02 42 the intelligence sharing or the coordination of targeting  
11:23:04 43 that was happening?  
44  
11:23:05 45 Yes?---Look I may have done but I don't have a particular  
11:23:08 46 recollection of doing that.  
47

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

11:23:10 1 No, I'm not asking if you've got a particular recollection  
11:23:14 2 but is it likely that assuming there's communications  
11:23:17 3 between Purana and the MDID there'd be, you would have been  
11:23:20 4 aware of the effect of those communications?---I think most  
11:23:26 5 of that activity happened at levels below me. I think I'd  
11:23:30 6 have only been made aware of it if there was a conflict or  
11:23:34 7 some sort of dispute as to who was doing what.  
8  
11:23:43 9 Yeah, okay. Was the view taken that because Mokbel and  
11:23:49 10 Ahmed were targets of the MDID then any involvement of  
11:23:54 11 Purana at that stage may well be a conflict or may well be  
11:23:58 12 by way of stepping on their toes and therefore you'd need  
11:24:01 13 to hold off for a period of time? Would there have been  
11:24:04 14 those sorts of discussions?--Well there may have been but  
11:24:09 15 I think the point about Purana was it had, like all of  
11:24:14 16 these things, limited resources and a lot of different  
11:24:18 17 investigations that it was responsible for. So my  
11:24:20 18 recollection is that up until late 2005 its primary focus  
11:24:28 19 was really around the murders, albeit within a drug  
11:24:32 20 context. It was towards the end of 2005 that Purana really  
11:24:37 21 moved on to focus on Mokbel, again primarily because of  
11:24:41 22 interest in his knowledge, involvement, evidence that he  
11:24:43 23 might give about the murders, but it was through his drug  
11:24:46 24 network that we chose to pursue him.  
25  
11:24:51 26 Yeah, all right?---I think Mr O'Brien was in Major Drug  
11:24:58 27 Investigation Division for a period of time before he came  
11:25:00 28 across to Purana, I think that's my recollection.  
29  
11:25:04 30 That's correct. Indeed he didn't come across to Purana  
11:25:06 31 until around the end of 2005?---That's my recollection,  
11:25:09 32 yep.  
11:25:09 33  
11:25:10 34 Around the time that Ms Gobbo was registered?---Yes.  
35  
11:25:12 36 That's your understanding?---That's my understanding, yes.  
37  
11:25:16 38 Can I ask you then about your knowledge of Ms Gobbo as an  
11:25:23 39 underworld lawyer, as a barrister who appeared for people  
11:25:26 40 such as Mokbel. I take it - I think you've indicated that  
11:25:33 41 your investigators would have been aware of her associating  
11:25:37 42 with the people who were the targets of your operation at  
11:25:41 43 Purana?---I'm sure they were. They'd have been trying to  
11:25:44 44 look for - as I said, part of the intelligence picture  
11:25:47 45 would have been trying to establish exactly who was who and  
11:25:50 46 what the connections were and how the whole environment  
11:25:56 47 worked.

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

1  
11:25:56 2 You had an awareness that she was, and I'm asking for a  
11:26:00 3 specific recollection, but generally speaking you you're  
11:26:03 4 aware, you knew your investigators - perhaps I should not  
11:26:06 5 put it knew personally - you knew that she had been acting  
11:26:09 6 for people such as Tony Mokbel?---Look, I've thought very  
11:26:15 7 hard about this and it's difficult for me to be confident  
11:26:22 8 that I did know. I'm not saying I didn't know but it's  
11:26:25 9 difficult for me to be confident that I did know at that  
11:26:28 10 time. I mean clearly that's something I became aware of  
11:26:31 11 down the track but I honestly don't recall when I first  
11:26:35 12 became aware of that.  
13  
11:26:36 14 When do you say down the track is? When did you become  
11:26:39 15 aware that Ms Gobbo was acting for Tony Mokbel, for  
11:26:43 16 example?---Look I think around the time that he was on the  
11:26:49 17 criminal - the Commonwealth charges which was, I think, end  
11:26:53 18 of 2005, early 2006. I think I knew then.  
19  
11:26:57 20 Yes?---But I'm not sure I knew before then.  
21  
11:26:59 22 Right. It is the case that she had appeared for him. He'd  
11:27:04 23 made various applications for bail, he was on bail at the  
11:27:08 24 end of 2005, then he was arrested again for inciting, I  
11:27:13 25 think, Commonwealth charges. Those sorts of issues  
11:27:15 26 appeared to get public notoriety at the time, that is when  
11:27:21 27 Mokbel makes and is refused bail and makes and is refused  
11:27:25 28 and then makes and gets bail. Those sorts of issues were  
11:27:31 29 being publicised?---I accept that.  
30  
11:27:34 31 And if you're interested in Mokbel and his activities  
11:27:41 32 throughout 2004, one assumes that you're going to be  
11:27:43 33 interested in what he's doing, whether he's in custody,  
11:27:47 34 whether he's out of custody, those sorts of things would be  
11:27:52 35 something that you're interested?---Well they would be. I  
11:27:54 36 make the point I wasn't, I didn't pay a lot of attention to  
11:27:57 37 the media at the time, unless it was directly relevant to  
11:27:59 38 Purana.  
39  
11:28:00 40 Yes?---And I wouldn't necessarily be aware of that level of  
11:28:02 41 detail. That's not the sort of detail that I would be  
11:28:04 42 briefed about.  
43  
11:28:07 44 What, the fact that Mokbel gets out on bail and someone's  
11:28:11 45 appearing for him?---I might be told that he's out on bail,  
11:28:15 46 I wouldn't necessarily be told who was acting for him.  
47

.16/12/19

11353

OVERLAND XXN

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

11:28:18 1 I mean if, for example, Ms Gobbo is a person of interest  
11:28:22 2 who Purana are looking at, albeit obliquely, it would be of  
11:28:33 3 significance, for example, that she's acting for a  
11:28:35 4 particular person, because I mean you're all about  
11:28:37 5 accumulating information and finding out what's going  
11:28:40 6 on?---Yeah, but I didn't have that detailed level of  
11:28:43 7 knowledge.  
8  
11:28:43 9 Right?---Of the investigations, so remembering Purana was  
11:28:47 10 but one of many investigations that I was responsible for,  
11:28:50 11 I had more involvement in that than others, I accept that,  
11:28:53 12 but I didn't have detailed knowledge of the day-to-day  
11:28:57 13 conduct of those investigations and I certainly didn't have  
11:29:00 14 detailed knowledge of the intelligence holdings or any of  
11:29:04 15 that. It's just simply not possible in my role to do that.  
16  
11:29:09 17 I follow that.  
18  
11:29:12 19 COMMISSIONER: I'm just looking at the time. It's probably  
11:29:14 20 time for the mid-morning break. Did you want to tender any  
11:29:17 21 of those weekly update Operation Purana documents you took  
11:29:22 22 the witness to?  
23  
11:29:25 24 MR WINNEKE: Commissioner, I'm going to tender a bundle of  
11:29:27 25 those in due course. There'll be some more - I think I'll  
11:29:32 26 do those - - -  
27  
11:29:33 28 COMMISSIONER: Later.  
29  
11:29:34 30 MR WINNEKE: I'll do them later in a block if I could.  
31  
11:29:36 32 COMMISSIONER: All right then. We'll adjourn now for the  
11:29:42 33 mid-morning break.  
34  
35 (Short adjournment.)  
36  
11:49:50 37 COMMISSIONER: Yes Mr Winneke.  
11:49:51 38  
11:49:52 39 MR WINNEKE: Thanks Commissioner. Mr Overland, I was  
11:49:54 40 asking you about your knowledge of Ms Gobbo as a lawyer and  
11:50:03 41 you say, "Well look, I don't have a specific recollection  
11:50:09 42 or I may not have been aware of her at the time", say 2003,  
11:50:14 43 2004, 2005?---I think I was aware of who she was but what I  
11:50:22 44 was saying is I don't believe I knew who she was acting for  
11:50:26 45 or - that sort of detail until later into 2005, or 2005.  
11:50:35 46  
11:50:35 47 Were you aware that there were a lot of trials being

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

11:50:38 1 delayed because of the involvement of Rosenes, Paton,  
11:50:45 2 Strawhorn in various matters, Mischeł also?---Yes, I was  
11:50:50 3 aware of that.  
11:50:50 4  
11:50:51 5 That fact was being used by people accused to have  
11:50:55 6 proceedings delayed?---I was aware of that.  
11:50:58 7  
11:50:59 8 And it was a means by which successful bail applications  
11:51:06 9 were being made by a number of criminals charged with drug  
11:51:09 10 offences?---I generally recall that without recalling  
11:51:16 11 specifics, yes.  
11:51:18 12  
11:51:18 13 Now I follow that, it's been a long time. And Mokbel in  
11:51:19 14 particular was a person who got the benefit of those  
11:51:23 15 corruption allegations, because of the delay he ultimately  
11:51:27 16 got bail?---I accept that, yes.  
11:51:28 17  
11:51:33 18 You, I take it, would have, you knew Peter De Santo at the  
11:51:41 19 time?---Yes.  
11:51:42 20  
11:51:42 21 You would have, I assume, had discussions with Mr De Santo  
11:51:46 22 at various points about what he was doing, his activities -  
11:51:52 23 - - ?---No.  
11:51:52 24  
11:51:53 25 - - - in terms of investigating?---No.  
11:51:54 26  
11:51:54 27 You would never have discussed with him any of the  
11:51:57 28 activities associated with Ceja and those  
11:52:00 29 prosecutions?---Not to my recollection, no.  
11:52:02 30  
11:52:02 31 Would there be a reason you wouldn't have?---Yes, because  
11:52:05 32 they were being run quite separate and distinct from the  
11:52:09 33 Crime Department.  
11:52:10 34  
11:52:10 35 By ESD?---By ESD and I think it's basically need to know,  
11:52:15 36 and in fact I was quite frustrated at times because I  
11:52:19 37 thought I probably should have known more about what they  
11:52:22 38 were up to than I actually did.  
11:52:24 39  
11:52:25 40 All right. Can I ask you about a number of matters which  
11:52:33 41 concern the killings that I touched upon, firstly the  
11:52:36 42 killing on 21 June 2003 at Cross Keys?---Yep.  
11:52:39 43  
11:52:39 44 Where Jason Moran and Barbaro?---Pasquale Barbaro.  
11:52:44 45  
11:52:44 46 Yes. Can I suggest that there was a picture growing within  
11:52:51 47 Purana of Ms Gobbo's involvement in one way or another with

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

11:52:58 1 these matters, whether it be with the people who were being  
11:53:00 2 investigated or as a lawyer?---Well if there was it wasn't  
11:53:06 3 known to me at that time.  
11:53:07 4  
11:53:08 5 All right. If we can accept this proposition, that you say  
11:53:16 6 that that particular murder was significant in terms of the  
11:53:19 7 public consciousness of these gangland killings?---Yes.  
11:53:23 8  
11:53:23 9 Obviously the circumstances in which it occurred were very  
11:53:27 10 public and in a particular way which was horrific and  
11:53:32 11 brought it to the attention of people who consume the news  
11:53:37 12 I take it?---Yes, well I think prior to then a lot of the  
11:53:40 13 murders had happened in back streets and out of the way  
11:53:43 14 places, but this happened on I think a Saturday morning in  
11:53:45 15 a public reserve at an AFL footy clinic. I think people in  
11:53:51 16 Victoria and Melbourne particularly related to that because  
11:53:54 17 a lot of people thought, "Gee, we could have been there".  
11:53:57 18  
11:53:58 19 Yes. That investigation was originally conducted or at  
11:54:03 20 least commenced by the Homicide Squad, it was Operation  
11:54:06 21 Dozer?---Yes.  
11:54:07 22  
11:54:08 23 And Stuart Bateson was quite closely involved in that  
11:54:12 24 operation?---If that's what you're putting to me, I accept  
11:54:20 25 that. I don't specifically recall that. I recall - I'm  
11:54:23 26 just trying to think of the name of the Senior Sergeant.  
11:54:26 27  
11:54:26 28 Roland Legg?---Roland Legg. Yes, Roly Legg was running  
11:54:28 29 that crew.  
11:54:29 30  
11:54:29 31 Ultimately the decision was made to bring this crew within  
11:54:34 32 Purana?---Yes.  
11:54:34 33  
11:54:35 34 And I think at various times Mr Bateson came over to Purana  
11:54:42 35 and gave updates to Purana about what was going on with the  
11:54:47 36 investigation?---I remember Mr Bateson, or Stewie Bateson  
11:54:51 37 becoming part of Purana. If that's the basis on which he  
11:54:55 38 came there, I accept that.  
11:54:56 39  
11:54:56 40 We're looking back now many years but at the time being a  
11:55:00 41 conscientious operator, albeit, Assistant Commissioner of  
11:55:05 42 Crime, you would have been very keen to know what was going  
11:55:08 43 on particularly with respect to this crime?---Yes, I was  
11:55:12 44 but I was also very careful about what detectives got to  
11:55:15 45 come and work within Purana.  
11:55:16 46  
11:55:16 47 Ultimately he was a Detective, or his crew were detectives



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

11:55:20 1 which you considered were worthy of coming on board to  
11:55:23 2 Purana?---Broadly, yes. You've used the term, worthy, for  
11:55:31 3 me the issue was around whether they could be trusted.  
11:55:34 4  
11:55:34 5 Right. I take it then you considered that he could be  
11:55:37 6 trusted?---I did.  
11:55:37 7  
11:55:38 8 And he was brought into Purana?---I did.  
11:55:40 9  
11:55:43 10 Now, the evidence that the Commission has is that Mokbel  
11:55:49 11 was spoken to by Bateson, I think the day after the murder  
11:55:54 12 and he reported that he had dropped Ms Gobbo to the airport  
11:55:59 13 on the morning of the murder. Now an information report  
11:56:02 14 was made to that effect?---I accept that, but that's not  
11:56:08 15 something that was known to me.  
11:56:09 16  
11:56:09 17 Do you say now looking back it wasn't known to you or it  
11:56:12 18 might have been known to you at the time?---No, I don't  
11:56:15 19 believe it was known to me at the time.  
11:56:17 20  
11:56:18 21 Okay?---I wouldn't normally see information reports, that  
11:56:23 22 would be very unusual.  
11:56:24 23  
11:56:33 24 Would you have been interested to know if there was any  
11:56:37 25 connection between people such as Mokbel and this  
11:56:42 26 particular murder, I'm not suggesting there was?---I  
11:56:48 27 obviously was interested in the murder and trying to work  
11:56:50 28 out who was responsible for it.  
11:56:51 29  
11:56:51 30 Right. It appears that Bateson very early on in the  
11:57:00 31 investigation spoke to Carl Williams to work out what he  
11:57:04 32 was doing and there was obviously a reason for that,  
11:57:07 33 because it was felt that there was animus between he and  
11:57:10 34 Moran, do you accept that?---Yes, I accept that.  
11:57:13 35  
11:57:13 36 Did you keep an eye on the investigation as it progressed,  
11:57:19 37 even whilst it was in Homicide?---Keep an eye on in the  
11:57:25 38 sense of yes, I'd be generally aware of - well I wouldn't  
11:57:31 39 have intimate knowledge of the day-to-day running of the  
11:57:34 40 investigation. I would get briefings and I would be  
11:57:38 41 alerted to any major issues or major themes arising from  
11:57:42 42 those briefings.  
11:57:42 43  
11:57:44 44 Now, Mr Williams said that he was with, I think I've used  
11:57:53 45 PII, he was with the PII  
11:57:58 46 to roll at the time PII, I take it you're aware  
11:58:00 47 of that certainly now?---I am now, yes. It's classic sort

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

11:58:04 1 of alibi evidence so I'm sure I was probably made aware of  
11:58:07 2 that at some point, yes.  
11:58:09 3  
11:58:09 4 And that person attended with Ms Gobbo at St Kilda Road as  
11:58:15 5 his lawyer to speak to Mr Bateson during that early stage  
11:58:20 6 of the investigation. Now, you're shaking your head, you  
11:58:24 7 are saying you wouldn't have been aware of that?---I  
11:58:27 8 wouldn't have been aware of that, no.  
11:58:29 9  
11:58:30 10 He reported to investigators that he had been on the phone,  
11:58:34 11 he'd spoken to Ms Gobbo a couple of times on the morning of  
11:58:40 12 the murders, effectively during the period that they were  
11:58:44 13 engaged in the activity which amounted to their alibi. Do  
11:58:48 14 you say you weren't aware of that at the time?---No, I  
11:58:50 15 wasn't aware of that. That's news to me now.  
11:58:53 16  
11:58:53 17 That's news to you now?---Yes.  
11:58:54 18  
11:58:56 19 And an information report was made providing that  
11:59:03 20 information, okay. Were information reports available to  
11:59:06 21 you if you wanted to speak, see them?---Well I guess I  
11:59:12 22 could ask to see pretty much anything but I didn't. I  
11:59:15 23 don't recall looking at information reports ever, to be  
11:59:18 24 honest.  
11:59:18 25  
11:59:20 26 The evidence is that subsequently, and I'm not suggesting  
11:59:23 27 you know this, but Ms Gobbo has suggested that she was the  
11:59:28 28 one who informed Williams and [REDACTED] that the  
11:59:33 29 murders had taken place, that's what she was  
11:59:37 30 saying?---Right, well that is news to me.  
11:59:39 31  
11:59:40 32 News to you, okay. A couple of weeks later, a week and a  
11:59:45 33 half later, 21 July, Lewis Moran made a bail application  
11:59:52 34 which was successful and he was represented by Ms Gobbo.  
11:59:58 35 Now, would you have been aware of that. There was  
12:00:03 36 newspaper reporting of that at the time?---I don't believe  
12:00:06 37 I was aware of that, no.  
12:00:07 38  
12:00:08 39 Can you say that you wouldn't have been aware of it now or  
12:00:11 40 do you say, "Look, I don't know whether I was aware of it  
12:00:14 41 or not"?---Look, it's hard because there's so much that  
12:00:19 42 happened subsequently it's difficult to know whether, you  
12:00:22 43 know, what my exact recollection was. I don't believe I  
12:00:25 44 did know.  
12:00:25 45  
12:00:25 46 Yes?---But it's possible I did.  
12:00:27 47

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

12:00:28 1 All right. In any event, the report indicates that the  
12:00:33 2 bail was opposed and there was concern that he would seek  
12:00:38 3 to silence an informer central to his drug case and there  
12:00:41 4 was fear by police that he would seek to avenge his son's  
12:00:46 5 death and those were some of the matters that were being  
12:00:50 6 reported at the time, okay. I take it you would have known  
12:00:55 7 enough about the gangland wars at that stage because you'd  
12:00:59 8 sought to put together information, intelligence about  
12:01:05 9 these people to know that there would have been clear  
12:01:09 10 animus between the Mokbels, sorry, the Mokbels, the  
12:01:13 11 Williams and the Morans, that was - - - ?---That was one of  
12:01:16 12 the early, well theories for want of a better description  
12:01:20 13 that that's what it was largely about, yes.

12:01:24 14  
12:01:24 15 Then Mr Moran sought to vary his bail conditions on 22  
12:01:32 16 September. Ms Gobbo represented Mr Moran in a bail  
12:01:39 17 variation application which was again reported in the news  
12:01:44 18 and there was reference to a curfew which was sought to be  
12:01:49 19 lifted and so forth. Now, are you aware that shortly after  
12:02:04 20 that Ms Gobbo was threatened by Veniamin, was the subject  
12:02:09 21 of a threat by Veniamin for having represented Lewis  
12:02:18 22 Moran?---I have some recollection of her being threatened  
12:02:24 23 by Veniamin, whether it was that specifically or not I  
12:02:27 24 don't recall at this time.

12:02:28 25  
12:02:28 26 I mean the evidence of the Commission is there was a  
12:02:32 27 particular occasion, a single occasion that we know of that  
12:02:37 28 Gobbo was threatened by Veniamin and it was as a  
12:02:39 29 consequence of representing Lewis Moran?---Then I must have  
12:02:43 30 known something about it, yes.

12:02:44 31  
12:02:45 32 It appears that Ms Gobbo was approached by Mr Swindells to  
12:02:54 33 speak to her about that, right?---Yes.

12:02:57 34  
12:02:58 35 Do you accept that that occurred? Were you aware that that  
12:03:03 36 occurred?---I wasn't aware that that occurred but if you  
12:03:06 37 tell me it occurred, I accept it.

12:03:09 38  
12:03:09 39 If there was a plan or if it was considered appropriate for  
12:03:16 40 a Purana investigator to approach Gobbo, it would be  
12:03:19 41 something that would have been something discussed, one  
12:03:23 42 assumes?---Not necessarily with me.

12:03:25 43  
12:03:25 44 Well, what you do say is you're aware that she was  
12:03:29 45 threatened, that's your recollection?---I'm aware of the  
12:03:32 46 fact that she was threatened at some point by Veniamin,  
12:03:36 47 yes.

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

12:03:36 1  
12:03:36 2 All right. Obviously prior to his murder, which occurred  
12:03:44 3 at following year, but it's likely to have been around this  
12:03:47 4 time?---I accept that, yes.  
12:03:49 5  
12:03:50 6 All right. And he told her - she didn't approach him, he  
12:03:58 7 approached him and he told her that they were aware, that  
12:04:01 8 is Purana were aware, police were aware that she had been  
12:04:07 9 threatened by Veniamin for representing Moran. So  
12:04:10 10 information had come to Swindells that Gobbo had been  
12:04:12 11 threatened. Clearly that was information which found its  
12:04:15 12 way to Purana?---Yes.  
12:04:16 13  
12:04:18 14 And it had been, that information had come to light because  
12:04:23 15 of telephone intercepts and listening devices?---If you  
12:04:25 16 tell me that, but I don't specifically recall knowing that.  
12:04:30 17  
12:04:30 18 And he said to her, the evidence is that he raised the  
12:04:36 19 threat with her to convey that Purana had extensive  
12:04:40 20 information and also wanted her to feel comfortable to  
12:04:43 21 disclose so that they could assist and investigate and she  
12:04:47 22 declined to make a formal report?---Yes.  
12:04:49 23  
12:04:53 24 Now, do you say that you weren't aware of that  
12:05:01 25 approach?---I have no recollection of that approach but  
12:05:04 26 what you've described to me seems to be entirely  
12:05:07 27 appropriate.  
12:05:08 28  
12:05:08 29 And I think the evidence is that he said something along  
12:05:12 30 the lines of, "The door's open" or, "The door's always  
12:05:15 31 open" if she wanted to come and speak?---Yes.  
12:05:18 32  
12:05:23 33 Can I ask you this: were you aware that Ms Gobbo, being a  
12:05:30 34 person who had represented some of these characters and who  
12:05:37 35 had been looked at - perhaps I withdraw that. Were you  
12:05:42 36 aware that Purana was keen to speak to her or would have  
12:05:46 37 been happy to speak to her at around this time, late  
12:05:52 38 2003?---I don't believe so, no.  
12:05:54 39  
12:05:55 40 All right, okay. Can we have a look at this document,  
12:06:06 41 VPL.0005.0146.0001 at p.33. At 14:00, can we just focus on  
12:06:31 42 the entry at 14:00. It appears that there was a progress  
12:06:43 43 report, it's not clear the exact date but it appears to be  
12:06:49 44 at some stage in October. At 14:00, "Purana Dozer progress  
12:06:56 45 report, Purton, Whitmore, Bateson, Swindells, Allen".  
12:07:01 46 There's a reference to Carl Williams naming an informer,  
12:07:06 47 which is redacted. Reference to a person by the name of

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

12:07:11 1 [REDACTED]?---Yep.  
12:07:12 2  
12:07:13 3 A reference to Gobbo, Mokbel speaking to Gobbo and asking  
12:07:17 4 if they found the safe house and indicating that it was  
12:07:21 5 going to cost him a packet. Do you see that?---I see that.  
12:07:24 6  
12:07:24 7 That may well be a reference to the Dublin Street burglary,  
12:07:32 8 bearing in mind that that had occurred in September 2003,  
12:07:35 9 do you recall that?---I do.  
12:07:36 10  
12:07:37 11 And there's a reference to the AFP actively working on  
12:07:41 12 Mokbel?---Yes.  
12:07:42 13  
12:07:45 14 Operation Gallop being the Dublin Street operation which  
12:07:51 15 was in effect cruelled on 27 September, do you see  
12:07:58 16 that?---I'm sorry, where are you taking me to? I don't see  
12:08:05 17 that.  
12:08:05 18  
12:08:05 19 The reference to Tony Mokbel speaking to Gobbo?---In the  
12:08:08 20 middle of the page, sorry, yes. I do see that, I've got  
12:08:09 21 that.  
12:08:09 22  
12:08:10 23 Do you know how that information would have been  
12:08:13 24 obtained?---No, I don't.  
12:08:14 25  
12:08:18 26 What it does indicate obviously is an interest in what  
12:08:21 27 Mokbel's doing, an interest in what one assumes Gobbo's  
12:08:27 28 doing, and in some way, shape or form that information has  
12:08:32 29 come to investigator's attention?---Yes.  
12:08:35 30  
12:08:36 31 The next thing I'd like to - I tender that Commissioner, if  
12:08:40 32 it's not already tendered?  
12:08:42 33  
12:08:42 34 COMMISSIONER: What is it? Is it someone's diary?  
12:08:46 35  
12:08:46 36 MR WINNEKE: This is a diary, Commissioner, of Mr Purton.  
12:08:50 37 I think it's been tendered in its whole, but I can't be  
12:08:55 38 certain about that, Commissioner.  
12:08:56 39  
12:08:56 40 COMMISSIONER: And the date that we're looking at here is?  
12:09:03 41  
12:09:04 42 MR WINNEKE: We have made a request, Commissioner, for  
12:09:06 43 shaded versions of this and the ability to work out which  
12:09:10 44 date these events occurred on but - can we scroll up, back  
12:09:19 45 to where it was. October 2003, we don't know what day it  
12:09:27 46 is, it's p.125. The diary isn't in sequence - or not each  
12:09:34 47 page, yes. We'd like that produced, Commissioner.

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

12:09:37 1  
12:09:37 2 COMMISSIONER: We don't think we do have a consolidated  
12:09:41 3 Purton diaries tendered yet. We have the odd individual  
12:09:45 4 one tendered.  
12:09:46 5  
12:09:47 6 MR WINNEKE: I'll certainly tender this one.  
12:09:49 7  
12:09:56 8 COMMISSIONER: Did you say 3 October?  
12:09:58 9  
12:09:58 10 MR WINNEKE: Don't know, Commissioner, it's October 03, we  
12:10:00 11 don't know the date.  
12:10:02 12  
12:10:03 13 COMMISSIONER: October 03, anyway it's p.125, is that  
12:10:06 14 right?  
12:10:07 15  
12:10:07 16 MR WINNEKE: Yes.  
12:10:07 17  
12:10:08 18 COMMISSIONER: That will be 917A and B.  
19  
12:09:50 20 #EXHIBIT RC917A - (Confidential) Extract from Purton's  
12:09:54 21 diary October 2003.  
22  
23 #EXHIBIT RC917B - (Redacted version.)  
12:10:20 24  
12:10:20 25 MR WINNEKE: If we can move to [REDACTED], obviously that's  
12:10:25 26 a day which is significant as far as you were concerned  
12:10:28 27 because that's the day on which [REDACTED] was murdered in  
12:10:31 28 [REDACTED]?---Yes.  
12:10:32 29  
12:10:33 30 And it was [REDACTED], in effect, which led to the sequence of  
12:10:39 31 events which we now know about in the so-called cracking,  
12:10:42 32 if you like, of the gangland killings?---Tragically, yes.  
12:10:46 33  
12:10:51 34 We know that the people, the [REDACTED] were  
12:10:58 35 arrested and placed in the cells, correct?---(Witness  
12:11:05 36 nods.)  
12:11:05 37  
12:11:05 38 You would have been updated I take it on what was going on  
12:11:09 39 particularly with respect to this?---I was, absolutely.  
12:11:12 40  
12:11:12 41 It would have been very much in the investigator's  
12:11:19 42 interests to know who was visiting these people in  
12:11:22 43 custody?---Yes.  
12:11:23 44  
12:11:23 45 So if a lawyer visited one of these people when they were  
12:11:27 46 in custody then it would be recorded and Purana would have  
12:11:31 47 kept a record of it?---I'm sure they would.

.16/12/19

11362

OVERLAND XXN

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

12:11:33 1  
12:11:35 2 It appears to be the case that Ms Gobbo visited PII [REDACTED]  
12:11:41 3 PII [REDACTED] in custody PII [REDACTED] after the  
12:11:44 4 murder?---(Witness nods.)  
12:11:45 5  
12:11:45 6 You may not recall that now but you would have been aware  
12:11:48 7 of it?---I don't believe I was aware of it at the time.  
12:11:52 8  
12:11:52 9 Why do you say you weren't aware of it at the time, how  
12:11:55 10 could you say that with any degree of confidence?---I said  
12:11:56 11 I don't believe I was aware of it but I don't believe I  
12:11:59 12 was.  
12:11:59 13  
12:11:59 14 Right. Subsequently you would have been very interested  
12:12:03 15 when this person made a statement?---That was some time  
12:12:09 16 down the track I think, yes.  
12:12:10 17  
12:12:10 18 In 2006, PII [REDACTED] or thereabouts, PII [REDACTED] 2006?---Yes.  
12:12:15 19  
12:12:15 20 You would have known when he did. He would have asserted  
12:12:18 21 or he did assert he had spoken to Ms Gobbo in the cells and  
12:12:23 22 had suggested, in the statement, that Ms Gobbo pass a  
12:12:27 23 message to PII [REDACTED] rubbing his  
12:12:31 24 fingers together, in effect suggesting for her to pass on a  
12:12:35 25 message to those people by way of letting them know that  
12:12:39 26 payment needed to be made?---I accept that.  
12:12:42 27  
12:12:42 28 Right. You would have been aware of that, it's paragraph  
12:12:46 29 68 of his statement, where he refers to, "My barrister  
12:12:49 30 visiting me in the cells"?---I'm not sure I ever read his  
12:12:53 31 statement so I'm not sure I was aware of that.  
12:12:55 32  
12:12:56 33 Do you mean to say you wouldn't have been aware that this  
12:13:00 34 important witness had made a suggestion that a barrister  
12:13:02 35 had been involved in some way in passing on a message, an  
12:13:07 36 accessory after the fact or an accessory to a murder, that  
12:13:11 37 wouldn't have been brought to your attention?---I don't  
12:13:14 38 believe so, no.  
12:13:14 39  
12:13:15 40 Would you be surprised if it wasn't brought to your  
12:13:18 41 attention?---No.  
12:13:18 42  
12:13:19 43 Why is that?---These are matters for the investigators to  
12:13:22 44 progress. I wasn't necessarily briefed to the extent you  
12:13:26 45 seem to assume that I was.  
12:13:27 46  
12:13:27 47 At this stage when the statement was made she was an

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

12:13:29 1 informer, she was - - - ?---Yeah, I accept that.  
12:13:32 2  
12:13:40 3 In any event, Ms Gobbo then in the days after appeared, or  
12:13:51 4 at least appeared for and then subsequently became involved  
12:13:54 5 in providing legal advice to [PII]  
12:14:00 6 [PII]?---Yes.  
12:14:00 7  
12:14:00 8 I take it that's something you say you weren't aware of at  
12:14:04 9 the time either, is that right?---Not at the time, no.  
12:14:07 10  
12:14:07 11 No. You would have been aware around this time that Carl  
12:14:13 12 Williams had made a threat to kill one of your  
12:14:17 13 investigators?---Yes.  
12:14:18 14  
12:14:18 15 Mr Bateson?---Yes.  
12:14:19 16  
12:14:20 17 You would have been aware that Ms Gobbo appeared for him on  
12:14:26 18 an application for Williams, no, or at least was involved  
12:14:29 19 in acting for him at that stage?---No.  
12:14:32 20  
12:14:33 21 Could we go to [PII] 2003. VPL.0005.0146.0001, p.36.  
12:14:58 22 Now, can I suggest there's a reference to an entry at  
12:15:11 23 14:00, Purana spoke to Swindells - so this is Mr Purton  
12:15:15 24 spoke to Mr Swindells, Alan to Task Force Purana, progress  
12:15:20 25 meeting, you're there, AC that's a reference to you I  
12:15:24 26 assume?---I assume so, yes.  
12:15:25 27  
12:15:26 28 Swindells, Whitmore, JW, Andy Allen, do you see  
12:15:32 29 that?---Yes.  
12:15:32 30  
12:15:33 31 And Gavan Ryan?---Yes.  
12:15:34 32  
12:15:36 33 Page 133, if we can go over the page. 134. We can see,  
12:15:45 34 amongst other matters, that there's a reference to a call  
12:15:52 35 between Williams and Gobbo?---Yes, I see that.  
12:15:58 36  
12:15:59 37 In relation to a bail application?---Forgive me, just  
12:16:07 38 remind me when this is, [PII] 2003?  
12:16:11 39  
12:16:11 40 [PII] 2003?---Yes, I see that.  
12:16:13 41  
12:16:13 42 There's a reference to a barrister Colin Lovitt  
12:16:17 43 representing a person whose name is redacted. Again,  
12:16:22 44 Commissioner, we don't have and we have been asking for an  
12:16:24 45 unredacted version of this. Do you say that you would have  
12:16:28 46 been generally aware of these matters?---I - yes, I assume  
12:16:35 47 I was. If that relates to the briefing that I was at, I



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

12:16:38 1 assume there was some mention made of it but I don't recall  
12:16:41 2 that now.  
12:16:41 3  
12:16:44 4 All right. I tender that, Commissioner.  
12:16:46 5  
12:16:50 6 #EXHIBIT RC918A - (Confidential) Page 133 of Mr Purton's  
12:16:52 7 diary, [REDACTED] 03.  
12:17:02 8  
12:17:04 9 #EXHIBIT RC918B - (Redacted version.)  
12:17:05 10  
12:17:05 11 COMMISSIONER: Can you hurry that along. Mr Holt?  
12:17:08 12  
12:17:09 13 MR HOLT: I've already made those inquiries, Commissioner.  
14  
15 COMMISSIONER: Thanks so much.  
16  
17 MR HOLT: I should indicate, as my friend well knows, these  
18 inquiries are made of us (indistinct) we can make these  
12:17:15 19 arrangements I'd be very grateful (indistinct).  
12:17:15 20  
12:17:16 21 MR WINNEKE: I'm told that the request was made some time  
12:17:19 22 ago.  
12:17:19 23  
12:17:20 24 MR HOLT: I'm sure it was, my friends know when these  
12:17:22 25 issues arise in advance of witnesses, if they make  
12:17:26 26 inquiries directly of the counsel team particularly, if  
12:17:30 27 they are coming up we can resolve them, that last entry is  
12:17:34 28 1 October 2003, the previously produced one.  
12:17:37 29  
12:17:37 30 COMMISSIONER: The previous one is 1 October 03, thank you.  
12:17:42 31  
12:17:42 32 MR WINNEKE: Now, if we then move to 14 November 2003.  
12:17:51 33 There's a meeting of Purana investigators and if we can  
12:17:56 34 have a look at this document, VPL.0005.0148.0001. I think  
12:18:04 35 it's an exhibit, Commissioner. Now, I'm not suggesting  
12:18:13 36 you're at this meeting, Mr Overland, but there's a  
12:18:17 37 reference to Gobbo associated with targets of Purana,  
12:18:29 38 Mokbel and Williams. The evidence has been that after a  
12:18:36 39 visit to that first black box there is [REDACTED]  
12:18:42 40 [REDACTED], right?---(Witness nods.)  
12:18:45 41  
12:18:45 42 She wanted to see Mokbel ASAP after the [REDACTED]  
12:18:54 43 visit. Do you see that?---Well I'm struggling to make  
12:18:59 44 sense of it but if that's what you tell me it relates to, I  
12:19:04 45 accept that.  
12:19:04 46  
12:19:04 47 The evidence is, "Gobbo, Mokbel and Williams [REDACTED]"

.16/12/19

11365

OVERLAND XXN

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

12:19:07 1 [REDACTED] wanted to see Mokbel as soon as possible after  
12:19:11 2 [REDACTED] visit". This is a reference, we suggest,  
12:19:14 3 the evidence is clear enough it's a reference to a visit to  
12:19:18 4 see that person [REDACTED] after the killing of [REDACTED]?---I  
12:19:21 5 accept that.

12:19:22 6  
12:19:24 7 And then it says, "Calls seem to be social. Gobbo", and  
12:19:34 8 then there's a reference in that longer black box to  
12:19:42 9 [REDACTED]. You know who I'm talking  
12:19:45 10 about?---Yes, I do.

11  
12:19:47 12 And the SPU, which is the Special Projects Unit, the people  
12:19:51 13 who intercept telephone calls, et cetera, ESD re calls  
12:19:59 14 being pulled, re lawyer/client privilege, regarding  
12:20:03 15 lawyer/client privilege. Do you say that - clearly this  
12:20:07 16 was of something of interest to your investigators at the  
12:20:10 17 time. Do you say that you wouldn't have been generally  
12:20:13 18 aware of these sorts of matters, including Gobbo's  
12:20:18 19 potential involvement in communicating between these  
12:20:22 20 targets

12:20:23 21  
12:20:24 22 MR GLEESON: I object to this, Commissioner. The question  
12:20:27 23 is based on the document that it was identified what it  
12:20:30 24 was, I didn't catch it. It's redacted and the witness says  
12:20:33 25 he is having trouble making sense of it. I think it was  
12:20:37 26 expressly put to him that it's not said he was at the  
12:20:40 27 meeting. There's some assertions to what the notes mean in  
12:20:44 28 among the redactions and then a rolled up question at the  
12:20:47 29 end saying, "Do you accept your investigators were aware of  
12:20:50 30 these matters?" It's an entirely unsatisfactory way of  
12:20:55 31 questioning this witness about a document that he's not  
12:20:58 32 author of or recipient of and a meeting he wasn't at. If  
12:20:58 33 Mr Winneke wants to put a matter specifically that he knew  
12:21:04 34 he should do it.

12:21:04 35  
12:21:05 36 COMMISSIONER: Perhaps you can just clarify, Mr Winneke,  
12:21:07 37 exactly what the document is.

12:21:09 38  
12:21:10 39 MR WINNEKE: These are notes of Mr Ryan's who has given  
12:21:13 40 evidence he took the notes and the notes reflect the  
12:21:16 41 matters that I've suggested, that is that there's a  
12:21:19 42 reference in his notes to Gobbo, Mokbel and Williams and  
12:21:24 43 that Gobbo, the note is that Gobbo wanted to see Mokbel as  
12:21:29 44 soon as possible after she visited [REDACTED]. And  
12:21:37 45 there was a discussion about pulling telephone calls from  
12:21:45 46 SPU/ESD re calls being pulled re lawyer/client privilege.  
12:21:51 47 Now, I simply ask you this: were you aware or did Ryan or

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

12:22:00 1 any other investigators tell you that they were interested  
12:22:04 2 in the connection between Mokbel, Gobbo, Williams <sup>PII</sup> [REDACTED]  
12:22:08 3 [REDACTED] PII? Were you aware of those  
12:22:13 4 matters?---Look, I don't think I'm aware of the specifics.  
12:22:20 5  
12:22:20 6 No?---I was certainly aware that there was a belief, as I  
12:22:25 7 said earlier, that Mokbel was involved in or had knowledge  
12:22:29 8 of a number of the murders that were under investigation,  
12:22:32 9 so I certainly had that general understanding.  
12:22:35 10  
12:22:35 11 Yes?---I don't, to be honest I don't recall whether I knew  
12:22:39 12 this or not. I don't think I did but I stand to be  
12:22:42 13 corrected.  
12:22:42 14  
12:22:42 15 All right. No, I'm asking you whether you were. Now you  
12:22:45 16 say, "I don't recall, I don't know"?---That's what I say,  
12:22:48 17 yes.  
12:22:48 18  
12:22:50 19 I take it casting your mind back you were aware that there  
12:22:56 20 was a concern that Gobbo was engaging inappropriately with  
12:23:03 21 some of these criminals, that was an awareness you did  
12:23:08 22 have?---Look as I said earlier, I was aware that when she  
12:23:12 23 came to Victoria Police in 2005 it was because of a history  
12:23:17 24 of her involvement particularly with Mokbel.  
12:23:19 25  
12:23:20 26 Right?---And the fact that she felt increasingly  
12:23:23 27 compromised and increasingly unsafe because of that. I  
12:23:27 28 have that general recollection. I am struggling to  
12:23:30 29 remember the details.  
12:23:31 30  
12:23:31 31 Can I put this proposition though: if there was some  
12:23:34 32 belief on the part of your investigators at the time that  
12:23:37 33 there was a barrister who was engaged in potentially  
12:23:41 34 inappropriate dealings with major targets of your  
12:23:46 35 investigation, it's something that would have been brought  
12:23:48 36 to your attention?---It may have been, it may not have  
12:23:58 37 been.  
12:23:58 38  
12:23:59 39 If it wasn't brought to your attention would you say, would  
12:24:03 40 you say, well, it should have been brought to my  
12:24:06 41 attention?---Not necessarily.  
12:24:06 42  
12:24:07 43 No, all right.  
12:24:10 44  
12:24:10 45 COMMISSIONER: That was Exhibit 325, I'm told, that last  
12:24:14 46 document.  
12:24:15 47

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

12:24:15 1 MR WINNEKE: Yes, thanks Commissioner. Could we have a  
12:24:17 2 look at Exhibit 472, which is an application for  
12:24:23 3 assistance, VPL.0100.0146.7685. What this is, is an  
12:24:44 4 application for assistance which is dated 2 July, although  
12:24:47 5 as we go through it, it appears that it contains  
12:24:51 6 information which refers to, well - perhaps if we go  
12:25:03 7 through the document, it's, the applicant is a person whose  
12:25:11 8 name I think, Mr Pearce. You've read the name on the  
12:25:16 9 application. Perhaps if we go down. Do you see the  
12:25:19 10 applicant?---Yes, I do. Well, sorry, about, the target of  
12:25:24 11 the surveillance or - - -

12:25:25 12  
12:25:25 13 No, scroll down. You'll see further down. Other way, go  
12:25:28 14 to the top. Do you see the case officer?---Yes, sorry, I  
12:25:34 15 do now, yes.

12:25:35 16  
12:25:35 17 Did you know him? He ended up I think at Purana. Do you  
12:25:43 18 recall him?---At the moment I'm struggling.

12:25:48 19  
12:25:49 20 In any event you'll see that the target details, the  
12:25:52 21 offence type is murder, the target details are obviously  
12:25:57 22 Nicola Gobbo and information about her, including telephone  
12:26:04 23 numbers, description, and so forth, do you see that,  
12:26:07 24 "Occupation barrister, work address" and so forth, do you  
12:26:10 25 see that?---Yes, I see that.

12:26:11 26  
12:26:12 27 If we go further down the page. Keep going. You'll see  
12:26:17 28 that, "The target's a barrister who acts for Tony Mokbel  
12:26:22 29 and many other high profile criminals including recently  
12:26:25 30 Lewis Moran which resulted in a threat to her welfare from  
12:26:29 31 Veniamin on behalf of Williams. Gobbo's relationship with  
12:26:32 32 Mokbel <sup>PII</sup> is much more than just  
12:26:35 33 professional. She regularly spends her leisure time with  
12:26:39 34 both or either of them, gym, cafés and arranges to meet  
12:26:43 35 them at times in developments of Homicide, Drug Squad  
12:26:49 36 investigations". There's a reference to an offence she  
12:26:53 37 committed, being use, possess amphetamine back in 1993.  
12:26:58 38 "Considered to be a significant supplier of drugs", do you  
12:27:01 39 see that?---I do.

12:27:01 40  
12:27:04 41 And associates are listed as Mokbel and <sup>PII</sup>  
12:27:10 42 <sup>PII</sup> do you see that?---I do.

12:27:11 43  
12:27:12 44 That clearly is an indication that certainly the Homicide  
12:27:18 45 Squad had some interest in her and wanted to obtain  
12:27:24 46 information, that is surveillance on her, do you see  
12:27:27 47 that?---I do.

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

12:27:28 1  
12:27:32 2 The nature of assistance required. "Photos, video of target  
12:27:38 3 meeting with Mokbel [REDACTED]. Identify  
12:27:41 4 target's residential address, vehicle and other associates.  
12:27:44 5 Suspected of assisting Mokbel [REDACTED] in their  
12:27:49 6 drug trafficking activities and providing those persons  
12:27:51 7 with information about the activities of other criminals in  
12:27:54 8 relation to the murders of Michael Marshall, Jason Moran  
12:27:59 9 and Nik Radev", right?---Right. So this means this  
12:28:04 10 document is from 2004, is that correct?  
12:28:07 11  
12:28:12 12 Well at least late 2003?---It's just the date on the front  
12:28:16 13 of it says 2 July.  
12:28:17 14  
12:28:18 15 It's not clear what the date is. Obviously it's got to be  
12:28:24 16 after October of 2003?---It does, yes.  
12:28:26 17  
12:28:28 18 Surely that's information you would have been aware  
12:28:33 19 of?---No.  
12:28:33 20  
12:28:34 21 The fact that this person who is a barrister is the subject  
12:28:40 22 of surveillance applications, you wouldn't have been aware  
12:28:43 23 of that?---No.  
12:28:44 24  
12:28:44 25 All right. If we then go to 17 November 2003. There's  
12:28:52 26 evidence that Bateson was the subject of the threat and  
12:29:00 27 there's evidence I think from Mr O'Connell's notes that  
12:29:04 28 Gobbo attended at a police station with a solicitor by the  
12:29:07 29 name of Magazis, I take it you know Mr Magazis or knew of  
12:29:15 30 him?---I knew the name, yes. I don't know him.  
12:29:16 31  
12:29:17 32 There was a bail application which was postponed, that is  
12:29:23 33 on the charges of threatening to kill Mr Bateson?---I  
12:29:27 34 accept that. I don't know whether I knew that at the time,  
12:29:29 35 but I accept that.  
12:29:30 36  
12:29:30 37 At that time you certainly were aware that - by that stage  
12:29:34 38 I think Bateson was within Purana?---I remember the threats  
12:29:37 39 and I remember the arrest, yes.  
12:29:39 40  
12:29:39 41 You remember the arrest of Williams?---Yes.  
12:29:41 42  
12:29:42 43 What you say is you can't recall or you don't know whether  
12:29:46 44 or not Gobbo attended at the police station to listen to  
12:29:49 45 recordings?---I don't believe I knew that.  
12:29:51 46  
12:29:56 47 Do you say that you were never aware that Gobbo was

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

12:29:59 1 involved in representing Williams in relation to that  
12:30:06 2 matter?---In relation to that matter? I can't say. I  
12:30:13 3 don't, I don't recall.  
12:30:14 4  
12:30:15 5 There was newspaper reporting I think in earlier the  
12:30:19 6 following year, 2004, which concerned the fact that Gobbo  
12:30:23 7 represented Williams who made application to cross-examine  
12:30:28 8 Bateson and I think his girlfriend about the threats.  
12:30:31 9 Would you have been aware of that?---I may have been, I  
12:30:34 10 don't recall specifically whether I was.  
12:30:36 11  
12:30:37 12 Right. I mean you were clearly interested in press  
12:30:41 13 coverage of the matters that you were involved in  
12:30:47 14 investigating?---Yes.  
12:30:48 15  
12:30:48 16 If there was coverage of those matters, particularly with  
12:30:51 17 respect of one of your investigators, you would have been  
12:30:56 18 interested to know?---Yes, but it may have been I just  
12:30:58 19 looked at it in a very cursory sense. I didn't necessarily  
12:31:01 20 read a lot of articles published by the Herald Sun or The  
12:31:05 21 Age.  
12:31:05 22  
12:31:11 23 If we go to 8 December 2003, there's a Purana Task Force  
12:31:18 24 update. Can I suggest, I'm not too sure if we have the  
12:31:30 25 VPL. No, but can I suggest to you this, within the update  
12:31:33 26 on 8 December 2003 there are a number of points, including  
12:31:37 27 these, and we'll find this in due course if you want to see  
12:31:41 28 it, if you can accept it from me that there was a Purana  
12:31:44 29 presentation to the Chief Commissioner on 3 December 2003.  
12:31:48 30 There's a note that Carl Williams was bailed with a surety  
12:31:51 31 of \$50,000 for threats to kill a Purana member. There was  
12:31:56 32 a Williams' daughter's christening on 7 December. In  
12:32:02 33 relation to which Mr Williams had obviously got his bail in  
12:32:08 34 time to attend and there was a celebration involving  
12:32:10 35 approximately 150 guests at the Crown Palladium between  
12:32:15 36 18:00 hours and 24:00. Various criminal identities in  
12:32:19 37 attendance, <sup>PII</sup>  
12:32:25 38 <sup>PII</sup>  
12:32:32 39 <sup>PII</sup>  
12:32:36 40 <sup>PII</sup>, also present Nicola Gobbo and Theo Magazis,  
41 legal representatives, and a representative from Four  
12:32:45 42 Corners, the ABC, and there's a reference to the estimated  
12:32:48 43 cost of the dinner, \$30,000, and there was a Purana  
12:32:53 44 <sup>PII</sup> present <sup>PII</sup>  
12:32:58 45 obtaining video <sup>PII</sup> of all guests at the function for  
12:33:03 46 intelligence purposes. Can I suggest to you certainly you  
12:33:07 47 would have been aware if you were at that meeting and you

.16/12/19

11370

OVERLAND XXN

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

12:33:10 1 received that briefing note that Ms Gobbo was there  
12:33:13 2 associating with these criminals who were targets of your  
12:33:17 3 operation?---Yes.  
12:33:18 4  
12:33:18 5 If that's the case can I suggest you would have been  
12:33:22 6 starting to, it would have been coming into your  
12:33:25 7 consciousness that Nicola Gobbo was a person of some  
12:33:28 8 interest to this operation or these operations?---Yes, but  
12:33:37 9 one amongst many I would suggest.  
12:33:46 10  
12:33:47 11 Commissioner, I haven't got the VPL number for that  
12:33:50 12 document at present.  
12:33:51 13  
12:33:51 14 COMMISSIONER: I think my associate might have it. No, not  
12:33:54 15 sure.  
12:33:55 16  
12:33:56 17 MR WINNEKE: VPL.0100.0012.0040.  
12:34:01 18  
12:34:01 19 COMMISSIONER: I'm told it's Exhibit 641.  
12:34:06 20  
12:34:06 21 MR WINNEKE: Do you need to see it?---I accept what you're  
12:34:09 22 putting to me, no.  
12:34:13 23  
12:34:16 24 Can we have a look at Exhibit 437, sorry, 473, which is a  
12:34:29 25 note of a request to the Prison Squad by a person by the  
12:34:33 26 name of [REDACTED] of Task Force Purana, do you see  
12:34:40 27 that, 15 December 2003?---Yes, I see that.  
12:34:42 28  
12:34:44 29 Amongst the matters set out there, person by the name of  
12:34:48 30 Daniel Hutchinson has been arrested and charged with  
12:34:52 31 serious drug offending on 23 November 2003?---Yes.  
12:34:55 32  
12:34:55 33 Linked to persons of interest to the Purana Task Force.  
12:34:58 34 Made a telephone call to Gobbo using a prison phone.  
12:35:02 35 Intelligence holdings suggest that Purana Task Force target  
12:35:06 36 was at her office at the time the call was received and the  
12:35:08 37 target had a direct telephone conversation with Hutchinson  
12:35:12 38 using the phone. A request was made to monitor calls in  
12:35:17 39 the future in order to detect unauthorised telephone  
12:35:20 40 contact using Ms Gobbo's phone and to ascertain if this was  
12:35:24 41 a method of communicating illegal activities. Do you see  
12:35:27 42 that?---I do.  
12:35:28 43  
12:35:31 44 Do you have any recollection at all around this time of  
12:35:35 45 hearing from investigators that there was a concern that  
12:35:38 46 Ms Gobbo was facilitating unauthorised contact with  
12:35:42 47 prisoners under the cover of legal professional

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

12:35:47 1 privilege?---I don't specifically recall it but I may have  
12:35:50 2 been aware. I certainly became aware at some stage that  
12:35:55 3 that was one of the issues alleged about Ms Gobbo, that she  
12:35:59 4 was in fact doing exactly this.

12:36:01 5  
12:36:01 6 Can I suggest to you as we go through these documents,  
12:36:05 7 these documents suggest that Purana, obviously there's a  
12:36:11 8 broad focus but there is a degree of interest in the  
12:36:15 9 activities of Nicola Gobbo?---I accept that. What I'm less  
12:36:19 10 clear about is the extent to which I was privy to all of  
12:36:22 11 that information at that time. My general recollection is  
12:36:25 12 not the specifics, I was probably told some generalities,  
12:36:29 13 but again my recollection is that was probably later, later  
12:36:34 14 than this, so - - -

12:36:35 15  
12:36:35 16 Yes, all right. Can we have a look at Exhibit 466. Now,  
12:36:49 17 you'll see that that's described as a profile of Nicola  
12:36:56 18 Gobbo. The evidence of Mr Buick has been that it was a  
12:37:00 19 living document so it's updated at various times?---Yes.

12:37:03 20  
12:37:04 21 It's not all together clear from the document itself when  
12:37:07 22 it was commenced but what we can see obviously is a  
12:37:12 23 photograph of her and details. At the bottom there's the  
12:37:17 24 Purana - I'm sorry, Homicide Squad logo on it, do you see  
12:37:21 25 that?---At the bottom right-hand corner?

12:37:24 26  
12:37:24 27 Yes?---Yes, I think I can just make that out, yes.

12:37:27 28  
12:37:27 29 If we move up - yes?---Yep.

12:37:29 30  
12:37:30 31 So clearly, I mean that suggests it's a document that was  
12:37:33 32 at least commenced by the Homicide Squad, right?---I would  
12:37:38 33 assume so, yes.

12:37:40 34  
12:37:42 35 If we go through the document to p.6, it contains  
12:37:49 36 intelligence holdings on Gobbo, do you see that?---I do,  
12:37:53 37 yes.

12:37:53 38  
12:37:54 39 "High profile criminal barrister representing some of the  
12:37:56 40 more notorious characters in the Melbourne underworld.  
12:38:00 41 Regular attends Williams' family until her position of  
12:38:05 42 advocate was usurped by a person we're calling Solicitor 2.  
12:38:11 43 No love lost between them", do you see that?---I do.

12:38:14 44  
12:38:15 45 There's reference to attendance at the Crown Casino. In  
12:38:15 46 fact if you just go up the page. You'll see the  
12:38:21 47 associates, the criminal associates that investigators



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

12:38:27 1 considered that she had?--Yes.  
12:38:29 2  
12:38:29 3 Clearly there are a number of people there, including  
12:38:34 4 [REDACTED]  
12:38:41 5 [REDACTED]  
12:38:47 6 [REDACTED], so clearly the document has been created after  
12:38:50 7 that time?--Yep.  
12:38:51 8  
12:38:54 9 Updated after that time. Then associates generally, and  
12:38:57 10 you'll see those. If we scroll down, we'll keep going.  
12:39:04 11 "She has admitted to investigators on a number of occasions  
12:39:09 12 she would like to retire from the law, stating nonpayment  
12:39:12 13 of accounts by clients is one reason. Suspected that she's  
12:39:16 14 detailed knowledge of the affairs of persons like Mokbel  
12:39:20 15 and Williams, but unwilling to tell police exactly what the  
12:39:24 16 information she holds is. Possibly due to her fear of  
12:39:27 17 these identities. Another reason that she'll play one side  
12:39:31 18 off against the other in order to gain benefit. She  
12:39:36 19 provided legal advice to Solicitor 2 during hearings before  
12:39:37 20 the Australian Crime Commission. Also provided advice to  
12:39:42 21 that same person following her being charged with giving  
12:39:46 22 false evidence to the ACC in 2004". And, "Represented  
12:39:54 23 Mokbel at hearings before that organisation [REDACTED]  
12:40:04 24 [REDACTED]", do you see that?--Yes, I see that.  
12:40:07 25  
12:40:07 26 And there's reference to newspaper articles on 6 June 2004,  
12:40:14 27 an interview, do you see that?--Yes.  
12:40:16 28  
12:40:25 29 It wouldn't be surprising to you that, whether it be Purana  
12:40:31 30 or the Homicide Squad, was keeping a profile on Ms Gobbo,  
12:40:37 31 given what we know about her so far?--Given the conduct  
12:40:41 32 described that's not a surprise, no.  
12:40:44 33  
12:40:44 34 All right. I mean I asked you previously about this Doca  
12:40:50 35 profile, do you think this might be an example of one of  
12:40:53 36 those profiles?--I don't know.  
12:40:55 37  
12:40:55 38 Don't know, all right. If we go to 22 March 2004. There's  
12:41:12 39 evidence that Ms Gobbo spoke to Mr Bateson about [REDACTED]  
12:41:17 40 [REDACTED] and she spoke to him about that person  
12:41:23 41 pleading guilty and providing assistance?--(Witness nods.)  
12:41:28 42  
12:41:28 43 That is something you would have been made aware of I  
12:41:31 44 assume?--I was certainly aware of the efforts to roll that  
12:41:35 45 person, yes.  
12:41:35 46  
12:41:36 47 And if you got a hint that that was going to occur, you

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

12:41:41 1 would have wanted to have known what the information was  
12:41:45 2 and who gave you the, who provided that information, one  
12:41:48 3 assumes?---The information that the PII [REDACTED] was  
12:41:53 4 going to provide?  
12:41:54 5  
12:41:54 6 Yes?---Absolutely, yes.  
12:41:56 7  
12:41:56 8 It's likely that you would have been told that Ms Gobbo was  
12:41:59 9 representing him?---You say that. I don't believe I was,  
12:42:02 10 but again I stand to be corrected.  
12:42:04 11  
12:42:11 12 This was the breakthrough that you were after, it's the  
12:42:16 13 culmination of the plan you've got, that is to get these  
12:42:19 14 people to put in a sense pressure on them and to see if you  
12:42:22 15 can't get them to roll on other criminals, such as  
12:42:27 16 PII [REDACTED]?---It's a significant step I agree with that, but  
12:42:30 17 there was still a long time way to go at that point in  
12:42:33 18 time.  
12:42:34 19  
12:42:35 20 I follow that. What I'm suggesting to you is that it would  
12:42:38 21 be likely that you would have been interested to know as  
12:42:41 22 much as you could about what was going on and where the  
12:42:43 23 information came from. Do you think that's an unreasonable  
12:42:46 24 suggestion?---No, I think it's assuming a level of detailed  
12:42:50 25 knowledge that I just didn't have. I agree I knew about  
12:42:54 26 efforts to roll this person, I knew the evidence they could  
12:42:57 27 give. In fact as I've said in my statement that person is  
12:42:59 28 the one person in all of this that I directly met with.  
12:43:00 29  
12:43:03 30 I'm suggesting to you that would have known who the  
12:43:06 31 person's legal rep was?---And I don't believe I was.  
12:43:08 32  
12:43:08 33 Do you say that it's a matter that you wouldn't have been  
12:43:13 34 interested in?---Not unless there was some particular  
12:43:18 35 reason.  
12:43:20 36  
12:43:24 37 Given that there had been some interest in Ms Gobbo by your  
12:43:35 38 investigators, as has been apparent from the notes that  
12:43:38 39 we've seen, et cetera, would it have been of significance  
12:43:41 40 that this person who was the subject of a profile was now  
12:43:46 41 representing this witness?---In the murky world that was  
12:43:54 42 operating then, no, it wouldn't have been at all unusual.  
12:43:57 43  
12:43:58 44 Would you have considered that there could be a problem if  
12:44:03 45 this person, Gobbo is associated with Williams and other  
12:44:06 46 people, would it have raised your interest that she was now  
12:44:12 47 representing a person who might be, might be going to roll

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

12:44:18 1 against him?---It would have raised my concerns about risk  
12:44:23 2 to the witness.  
12:44:24 3  
12:44:24 4 Yes, about the witness?---Yes.  
12:44:26 5  
12:44:27 6 What about Ms Gobbo?---Well, it would have raised my  
12:44:32 7 concerns if she was doing that because that probably would  
12:44:35 8 be a criminal offence.  
12:44:36 9  
12:44:36 10 What's that?---Well if she's actually purporting to  
12:44:40 11 represent a witness and convincing them to roll but at the  
12:44:43 12 same time reporting back to the person against whom she's  
12:44:46 13 getting them to roll, I would have thought that was hugely  
12:44:50 14 problematic.  
12:44:50 15  
12:44:51 16 Then surely it's something that would have been brought to  
12:44:54 17 your attention if that was something - - - ?---If that was  
12:44:57 18 happening but I don't believe I knew that Ms Gobbo was  
12:45:00 19 acting for that person at that time. My recollection is I  
12:45:04 20 became aware of that fact, I think in 2006 when she started  
12:45:09 21 to receive threats from Carl Williams and Roberta Williams  
12:45:14 22 and as I understand it, the threats came because she had  
12:45:18 23 acted for that person, and a little bit like Tony Mokbel,  
12:45:22 24 Carl Williams' view of the world was she should protect his  
12:45:29 25 interests and no one else's. That's my understanding.  
12:45:32 26  
12:45:38 27 Can we have a look at - I asked you before about the  
12:45:43 28 investigators who you worked with, Allen, Swindells, Ryan  
12:45:48 29 and Bateson and so forth. Were you professionally close to  
12:45:55 30 these people?---I had professional working relationships to  
12:46:00 31 varying degrees with all of them, yes.  
12:46:02 32  
12:46:03 33 And if they - were you accessible to them if they wanted to  
12:46:07 34 convey information to you, could they pick up a phone and  
12:46:10 35 call you?---Well, Stewie Bateson not so much, I don't  
12:46:16 36 really recall talking to him directly very much. Andrew  
12:46:21 37 Allen could. Phil Swindells could, but didn't do that a  
12:46:25 38 lot. Gavan Ryan could, and did that sometimes but not  
12:46:28 39 other times.  
12:46:28 40  
12:46:29 41 Who would be most inclined to pick up the phone and call  
12:46:32 42 you?---Over what period of time?  
12:46:34 43  
12:46:34 44 I'm focusing on this 2004 period, late 2003/4?---Probably  
12:46:44 45 Gavan Ryan I think.  
12:46:45 46  
12:46:47 47 Can we have a look at an update to you and others by Messrs

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

12:46:54 1 Allen and Ryan. It's recorded in Allen's diary,  
12:47:00 2 VPL.0005.0118 - - - ?---Sorry, I should also say I probably  
12:47:04 3 had a lot to do with Andy Allen at that time. But that's  
12:47:08 4 the chain of command, he was the Detective Inspector so I  
12:47:11 5 probably would have dealt with him more than I dealt with  
12:47:13 6 Gavan Ryan. But I think Gavan Ryan would also not be  
12:47:15 7 afraid to pick up the phone and talk to me if he needed to.  
12:47:20 8  
12:47:20 9 There would be some senior officers who would expect only  
12:47:22 10 to receive updates through their direct inferior officer  
11 and others would be less addicted to that structure and  
12:47:29 12 would be prepared to speak to - - - ?---Yes, I think  
12:47:30 13 ordinarily briefings would come to me through the chain of  
12:47:33 14 command but this wasn't an ordinary situation and I wasn't  
12:47:37 15 a stickler for strict chain of command if it made sense not  
12:47:43 16 to be.  
12:47:43 17  
12:47:44 18 Yes, I follow. There's an update you can see here, there's  
12:47:47 19 a number of issues being discussed and you will see if we  
12:47:51 20 go, he's returned to the office - it appears that he refers  
12:47:57 21 to you as XAC?---Sorry, who - I don't understand who this  
12:48:03 22 is.  
12:48:03 23  
12:48:04 24 This is the diary of Mr Allen?---Right.  
12:48:07 25  
12:48:07 26 And he's indicated in his evidence that XAC is a reference  
12:48:11 27 to you?---I accept that, but I didn't - yes, I accept that.  
12:48:15 28  
12:48:19 29 Commander of Crime Purton, Superintendent - - - ?---Serious  
12:48:25 30 crime.  
12:48:27 31  
12:48:27 32 Violent crime, so Whitmore. He says it's a meeting with  
12:48:34 33 you, Whitmore and Purton, that's his evidence in any event,  
12:48:39 34 update, and GAR, Gavan Ryan, do you see that?---Sure.  
12:48:43 35  
12:48:44 36 "Issues, Williams", et cetera, "Offered to", I think it  
12:48:48 37 says - if we go down to number 2, the second issue, do you  
12:48:54 38 see that?---I do. I must admit I'm struggling to read any  
12:48:58 39 of this.  
12:48:58 40  
12:48:58 41 I know, it's not easy. What appears to be the evidence is  
12:49:03 42 this, the name there is obviously - you can read that  
12:49:06 43 name?---Yes.  
12:49:07 44  
12:49:07 45 Of the witness. That's the PII if you  
12:49:09 46 like?---Okay, right, yeah.  
47

.16/12/19

11376

OVERLAND XXN

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

12:49:10 1 "N Gobbo to be advised of urgency of his situation  
12:49:15 2 regarding can-say"?---Okay.  
12:49:16 3  
12:49:17 4 "And to progress the same. OPP to be briefed." So it  
12:49:25 5 appears that you're briefed that Gobbo's, apparently  
12:49:30 6 Gobbo's acting for [PII] Urgency of the  
12:49:34 7 situation regarding a can-say statement and to progress the  
12:49:37 8 same. Now, you know what a, I take it you know what a  
12:49:41 9 can-say statement is?---Yes, I do know what a can-say  
12:49:45 10 statement is.  
12:49:46 11  
12:49:46 12 It seems at that stage you're getting briefings that Gobbo  
12:49:50 13 is representing this person, do you accept that?---I accept  
12:49:53 14 that's what the notes say, yes.  
12:49:54 15  
12:49:55 16 Do you accept the proposition that on the date, 25 March of  
12:50:00 17 2004, that you were briefed that Nicola Gobbo was involved  
12:50:05 18 in representing [PII]?---I have no recollection  
12:50:10 19 of it but I'm not disputing the notes.  
12:50:13 20  
12:50:13 21 Okay, all right then. Now the evidence is that after this  
12:50:18 22 Mr Bateson contacted Vaile Anscombe at the OPP and updated  
12:50:24 23 her regarding [PII] and told her that he  
12:50:30 24 may contact Gobbo for an update as he'd discussed the  
12:50:36 25 can-say statement with her previously. So that's the  
12:50:37 26 evidence that we've got?---Yes, I accept that.  
12:50:38 27  
12:50:38 28 If we go to 7 September 2004, there's a note of a meeting,  
12:50:43 29 this is a diary of Mr Ryan's, Gavan Ryan's. Can we go  
12:50:52 30 through to 7 April 2004. Whilst we're going - - -  
12:51:01 31  
12:51:02 32 COMMISSIONER: The extract from the diaries of Andrew  
12:51:04 33 Allen, a bunch of them were tendered as Exhibit 249 earlier  
12:51:09 34 on. I don't know whether it's amongst that, I suppose it  
12:51:12 35 is.  
12:51:12 36  
12:51:12 37 MR WINNEKE: I think it is, Commissioner. We have 7 April  
12:51:17 38 here.  
12:51:17 39  
12:51:18 40 COMMISSIONER: But now we're on to Gavan Ryan, is that  
12:51:20 41 right?  
12:51:21 42  
12:51:21 43 MR WINNEKE: Yes, Commissioner. Now in his notes there's  
12:51:24 44 reference to - keep moving up. Stop there. Okay, there.  
12:51:41 45 Now, there's a reference to a meeting at court. So there's  
12:51:55 46 a meeting at court, reference to a meeting at court with  
12:51:58 47 Gobbo and Karen Ingleton who is the instructing solicitor.

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

12:52:11 1 Conflict of interest relating to, Carl Williams conflict of  
12:52:16 2 interest, do you see that there?---I see that.  
12:52:18 3  
12:52:19 4 "Concern over safety. If he rolls everyone would know  
12:52:26 5 quickly." Do you see that?---Yes.  
12:52:29 6  
12:52:29 7 "Stumbling block, wanting complete indemnity", that is a  
12:52:34 8 reference clearly to PII, what he's  
12:52:38 9 after?---Yep.  
12:52:38 10  
12:52:39 11 "Can-say statement but indemnity needed to be decided.  
12:52:44 12 Needing to get something on the table." Do you see that,  
12:52:50 13 amongst other issues there? Do you see, "Needing to get  
12:52:55 14 something on the table" there?---I can't see that, I'm  
12:52:57 15 sorry.  
12:52:57 16  
12:52:58 17 Where the cursor is, see where the cursor is? "Need to get  
12:53:02 18 something on the table"?---Yeah, sorry. Again, it's quite  
12:53:06 19 difficult to read.  
12:53:06 20  
12:53:06 21 I accept that, it's not easy. If we go to the next page,  
12:53:11 22 the 8th of - - - ?---Sorry, which date is this?  
12:53:17 23  
12:53:17 24 This is on the 7th?---7th of.  
12:53:22 25  
12:53:23 26 7 April 2004?---Thank you.  
12:53:24 27  
12:53:25 28 There's discussions as set out in those notes, can I  
12:53:28 29 suggest?---Yep.  
12:53:28 30  
12:53:29 31 And also as I've indicated, concern being expressed with  
12:53:34 32 respect to conflict of interest relating to Carl Williams.  
12:53:36 33 Would that have been a matter which would have exercised  
12:53:42 34 your concern at the time?---I don't - I don't recall it  
12:53:49 35 being a concern at the time, no. I'm not sure I was aware  
12:53:52 36 of the issue.  
12:53:53 37  
12:53:53 38 All right then. If we go to the notes of Mr Allen  
12:54:00 39 VPL.0005.0130.0001, at p.5. The following day there's a  
12:54:08 40 briefing to you, Mr Purton, Whitmore, regarding Gobbo  
12:54:13 41 meeting the day before. Keep going. Right there where the  
12:54:18 42 cursor is. Do you see again "XAC"?---I see that.  
43  
12:54:23 44 "Re Purana briefing re Gobbo meeting on the 7th of the  
12:54:29 45 4th"?---Yes.  
12:54:29 46  
12:54:30 47 Do you see that?---I see that.

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

12:54:31 1  
12:54:31 2 It seems that, one assumes that the meeting which had been  
12:54:38 3 referred to on the previous day, has been in effect briefed  
12:54:41 4 over to you the following day?---Yes.  
12:54:44 5  
12:54:44 6 Okay. Do you accept, albeit you may not recall now, the  
12:54:50 7 gist of the information which was referred to in that  
12:54:54 8 meeting would likely have been conveyed to you by your  
12:54:59 9 investigators?---I accept that.  
12:55:00 10  
12:55:01 11 Okay. Commissioner, I think this is an exhibit, if it's  
12:55:10 12 not well I'll tender it.  
12:55:12 13  
12:55:13 14 COMMISSIONER: Righto, we'll see. Exhibit 249 I'm told is  
12:55:22 15 - - -  
12:55:22 16  
12:55:23 17 MR WINNEKE: Thanks Commissioner. Can we go to the next  
12:55:26 18 day.  
12:55:27 19  
12:55:27 20 COMMISSIONER: This is part of - sorry, this is Andrew  
12:55:31 21 Allen's diary, not Gavan Ryan?  
12:55:33 22  
12:55:33 23 MR WINNEKE: This is Andrew Allen's diary, Commissioner.  
12:55:36 24 Can we stay with Mr Allen's diary and move to 9 April at  
12:55:41 25 p.10 of that document. 9 April, we need to find the 9th.  
12:55:54 26 Gone too far. Yes, that's it. Now, you'll see there at  
12:56:02 27 13:30 hours, there's evidence about this, that Allen calls,  
12:56:10 28 one of them calls, it's not clear who calls whom, but  
12:56:14 29 there's a call between Allen and Gobbo and there's an  
12:56:19 30 arrangement to meet at Clarendon Street, South Melbourne,  
12:56:22 31 re issues regarding [REDACTED]?---I see that.  
12:56:25 32  
12:56:26 33 Are you able to say why it was that there was a meeting  
12:56:35 34 called for the following day after that, the earlier  
12:56:39 35 meeting which had occurred on 7 April?---No, I'm not.  
12:56:43 36  
12:56:43 37 You don't believe that it was something as a result of a  
12:56:46 38 discussion that you'd had with Allen and your other  
12:56:52 39 officers the previous day?---Look, it may have been.  
12:56:56 40  
12:56:56 41 May have been?---I don't recall.  
12:56:58 42  
12:56:58 43 In any event it appears there was a desire for a meeting -  
12:57:01 44 on this occasion it appears that the meeting is with  
12:57:05 45 Ms Gobbo alone without an instructing solicitor. It occurs  
12:57:09 46 at a café in South Melbourne?---Yes, but I think as you've  
12:57:14 47 observed it's difficult to know who called whom.

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

1  
12:57:19 2 I follow that. What I'm asking you is were you aware of  
12:57:26 3 this communication between officers in your Task Force and  
12:57:30 4 Ms Gobbo, on her own at a café in South Melbourne on 9  
12:57:37 5 April?---I don't believe so, no.  
12:57:39 6  
12:57:41 7 And at 13:50, we go down to 13:50 - right under, "Attended  
12:57:51 8 [REDACTED] café in Clarendon Street. Issues canvassed, re  
12:57:57 9 [REDACTED] and her acting for him. Advise  
12:58:03 10 Swindells was to visit next week. Issue re Roberta  
12:58:08 11 Williams and media this morning. Overland has been briefed  
12:58:12 12 re [REDACTED]. Gobbo advised she would be  
12:58:17 13 speaking to a person who may know where information from  
12:58:20 14 Purana may be being released to media. To be advised. No  
12:58:25 15 allegations from her re Purana". They appear to be the  
12:58:31 16 notes of that discussion?---Right.  
12:58:33 17  
12:58:35 18 Now I take it media leaks from your organisation are  
12:58:41 19 obviously something that you were particularly concerned  
12:58:44 20 about?---Well particularly in relation to Purana, yes.  
12:58:47 21  
12:58:48 22 And can I suggest to you that that information that  
12:58:57 23 Mr Allen gleaned from Ms Gobbo is information that he would  
12:59:00 24 have known that you would have been interested in?---Yes,  
12:59:04 25 he would.  
12:59:04 26  
12:59:04 27 And he may well have said to you, "Look, I've been speaking  
12:59:07 28 to Nicola Gobbo and she may well have some information  
12:59:10 29 about how there are leaks occurring from within  
12:59:14 30 Purana"?---He may well have done.  
12:59:16 31  
12:59:16 32 In point of fact it's likely that he would have discussed  
12:59:19 33 this meeting with you, wouldn't he?---Well given my  
12:59:23 34 attitude to information security in Purana and any media  
12:59:27 35 leaks coming from Purana, I assume he would have spoken to  
12:59:30 36 me about it, but I don't recall whether he did or he didn't  
12:59:34 37 but I assume he would have.  
12:59:35 38  
12:59:38 39 If we can go to 13 April 2004. Now, the Commission has  
12:59:45 40 evidence that on that date there was a meeting between  
12:59:50 41 Purana and the MDID and [REDACTED] had contacted police because  
12:59:58 42 he wanted to sort of broker a deal, he wanted to meet with  
13:00:02 43 Purana investigators and broker a deal, do you recall  
13:00:05 44 that?---I remember the deal, yes.  
13:00:06 45  
13:00:06 46 And he met with I think Martin Robinson and another MDID  
13:00:11 47 member called David Bartlett?---Yes.

.16/12/19

11380

OVERLAND.XXN



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

13:00:13 1  
13:00:13 2 And he wanted to broker a guilty plea by a number of  
13:00:17 3 people, not himself?---No.  
13:00:19 4  
13:00:20 5 Or his family members, and those people, for example, I  
13:00:26 6 think there's a person we're referring to as <sup>PII</sup> [REDACTED]. Do  
13:00:31 7 you know who that is?---No, I don't.  
13:00:32 8  
13:00:33 9 Perhaps if we can - - - ?---Yes.  
13:00:39 10  
13:00:39 11 You know who that is?---Yes, I do.  
13:00:42 12  
13:00:42 13 <sup>PII</sup> [REDACTED], you know those  
13:00:48 14 three people?---Yes.  
13:00:49 15  
13:00:49 16 In effect <sup>PII</sup> [REDACTED] was offering up those <sup>PII</sup> [REDACTED] people to  
13:00:53 17 serve a short sentence and that would in effect - - - ?---I  
13:00:56 18 don't remember the specifics but I certainly remember the  
13:00:59 19 offer.  
13:00:59 20  
13:01:00 21 It was a bold offer in any event?---It was indeed.  
13:01:03 22  
13:01:03 23 He said that would have the effect of stopping the gangland  
13:01:07 24 killings?---Yes, more or less.  
13:01:09 25  
13:01:09 26 It may well have had the counter effect in any event so far  
13:01:14 27 as he was concerned because it certainly riled Purana  
13:01:18 28 investigators at the audacity of it, didn't it?---Yes, we  
13:01:23 29 were a little taken aback by the audacity of that  
13:01:26 30 suggestion.  
13:01:27 31  
13:01:27 32 Certainly Mr O'Brien wasn't particularly impressed with the  
13:01:30 33 offer?---No.  
13:01:30 34  
13:01:30 35 No doubt you would have discussed those issues I take  
13:01:34 36 it?---Yes, I'm sure I did.  
13:01:36 37  
13:01:36 38 With O'Brien?---Look, I think so but I can't be absolutely  
13:01:47 39 sure about that.  
13:01:47 40  
13:01:48 41 Clearly Mr O'Brien was made aware of the meeting, he's  
13:01:51 42 given evidence he was aware of it?---I accept he was aware  
13:01:55 43 of it, I'm just trying to think where he was and what he  
13:01:59 44 was doing at the time. I'm certainly aware of that  
13:02:01 45 information. I'm certainly aware that Jim and a number of  
13:02:03 46 others had a very strong reaction to it, as did I. I just  
13:02:07 47 don't remember whether I spoke to him directly about it.

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

13:02:10 1  
 13:02:10 2 Is it conceivable you would have spoken to Jim O'Brien  
 13:02:13 3 about that and about moves to get Mokbel and to pursue  
 13:02:15 4 Mokbel in the period of time after that?---Again, I don't  
 13:02:22 5 recall whether I did. But I, as I've said earlier, clearly  
 13:02:26 6 towards the end of 2005 Purana had the space and time to  
 13:02:31 7 focus on Mr Mokbel and I guess this is one of the, one of  
 13:02:36 8 the motivations for that focus.  
 13:02:38 9  
 13:02:38 10 Yes, yes. In that discussion <sup>PII</sup> was in effect saying,  
 13:02:44 11 "Well look, this is a good deal because otherwise legal  
 13:02:48 12 proceedings are going to drag on for years and years.  
 13:02:51 13 There's the potential for allegations of corruption to be  
 13:02:53 14 made against members of Victoria Police, there's the  
 13:02:56 15 potential for Royal Commissions" and so forth and those  
 13:03:02 16 sorts of things were being discussed in that  
 13:03:04 17 meeting?---They were.  
 13:03:04 18  
 13:03:05 19 And I take it that information would have been conveyed to  
 13:03:09 20 you?---Yes, it was. I accept that absolutely.  
 13:03:12 21  
 13:03:12 22 Mr O'Brien in his statement says that, "<sup>PII</sup>'s  
 13:03:17 23 attitude further motivated me to put a coordinated  
 13:03:18 24 investigation plan together to unravel Mokbel's criminal  
 13:03:20 25 enterprise"?---I accept that as well.  
 13:03:22 26  
 13:03:22 27 You were aware of his attitude I take it?---Certainly by  
 13:03:26 28 the end of 2005 I was, yes.  
 13:03:28 29  
 13:03:29 30 I take it steps were being put in train in the period of  
 13:03:34 31 time after this to conduct or put together a coordinated  
 13:03:39 32 intelligence assessment of Mokbel and his various - -  
 13:03:43 33 -?---Yes, well that agrees with my recollection that  
 13:03:46 34 towards the end of 2005 there was the space and time for  
 13:03:50 35 Purana to move on to Mokbel, which was the logical next  
 13:03:53 36 step. So I accept there would have been preliminary work  
 13:03:55 37 being done around that prior to the investigation itself  
 13:03:58 38 actually getting underway.  
 13:04:00 39  
 13:04:00 40 Yeah, okay. Would you have conveyed, told the Chief  
 13:04:05 41 Commissioner about this meeting with <sup>PII</sup>? Is that the  
 13:04:10 42 sort of thing that you would - - - ?---To be honest - - -  
 13:04:15 43  
 13:04:15 44 - - - brief up about?--- - - - I didn't know, I didn't  
 13:04:18 45 brief the Chief Commissioner about ongoing operations very  
 13:04:21 46 much at all. There were some times, and I think you  
 13:04:24 47 referred to an earlier instance where she would come to the

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

13:04:26 1 Crime Department and get a specific brief about matters,  
13:04:29 2 that didn't happen all that often and they were more the  
13:04:33 3 exception than the rule.  
13:04:34 4  
13:04:37 5 Now, on 16 May 2004, three days after that - sorry, a month  
13:04:44 6 or so after that, the Hodson murders occurred?---Yes.  
13:04:50 7  
13:04:53 8 Would, I take it - perhaps I withdraw that. In the days  
13:04:58 9 after those murders the evidence is that you were getting  
13:05:06 10 briefings from Mr Bezzina I believe, who was then in charge  
13:05:13 11 of the operation, Operation Loris, which was investigating  
13:05:17 12 those murders, is that correct?---That's correct.  
13:05:19 13  
13:05:20 14 I take it you would have been briefed by him about what he  
13:05:25 15 considered to be the relevant details of the events?---Yes.  
13:05:33 16  
13:05:34 17 And were you aware that the police discovered the murder  
13:05:44 18 after Andrew Hodson had called Nicola Gobbo and then Gobbo  
13:05:50 19 had called Peter De Santo to arrange for Andrew Hodson to  
13:05:58 20 speak to Peter De Santo?---Yes, I think I was aware of  
13:06:06 21 that.  
13:06:06 22  
13:06:06 23 The evidence was when the murder was discovered by Andrew  
13:06:09 24 Hodson he contacted Nicola Gobbo and she facilitated a call  
13:06:15 25 between he and Peter De Santo?---I think I remember that,  
13:06:18 26 yes.  
13:06:18 27  
13:06:19 28 You would have been aware of that?---Yes.  
13:06:20 29  
13:06:24 30 Can I go to the Purana Task Force progress meeting which  
13:06:28 31 occurred on 18 June 2004, the following month.  
13:06:38 32 VPL.0005.0145.0001. These are notes of Mr Purton, but I'm  
13:06:55 33 referring to a meeting that he he's had, a progress  
13:06:59 34 meeting. If we go to p.79 of that document. I can tell  
13:07:17 35 you this, Mr Overland, it's not, it's unclear as to the  
13:07:21 36 exact date but it's a date following 18 June and again we'd  
13:07:26 37 be assisted by a shaded version with some more information.  
13:07:31 38 What it suggests is that there was a meeting and present at  
13:07:35 39 the meeting were SO, yourself, Whitmore, Purton, Allen,  
13:07:46 40 Swindells and Ryan. Do you see that? Gavan Ryan?---So  
13:07:53 41 that's at 14:00?  
13:07:54 42  
13:07:54 43 Yes, at 14:00?---Yes.  
13:07:56 44  
13:07:56 45 Purana Task Force progress meeting, SO, JW - - - ?---Yes, I  
13:08:01 46 see that.  
13:08:02 47

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

13:08:02 1 Was that the regular meeting at about 2 o'clock when these  
13:08:06 2 meetings, these briefings were occurring?---It seems right,  
13:08:10 3 yes.  
13:08:10 4  
13:08:10 5 And there's a reference to, a reference to PII court on  
13:08:25 6 Friday?---Sorry, I'm just struggling to find that.  
13:08:33 7  
13:08:33 8 Down the bottom. You'll see the third line from the  
13:08:38 9 bottom, PII court?---Yes, sorry. I see that now.  
13:08:40 10  
13:08:41 11 The assumption is that that black there refers to PII  
13:08:44 12 PII?---Right.  
13:08:45 13  
13:08:47 14 Who had a court attendance at PII. And it says PII  
13:08:59 15 PII, so that refers to the penalty, do you see  
13:09:04 16 that?---Is that the end, after Friday?  
13:09:06 17  
13:09:07 18 Yes, "PII court, Friday. PII", so PII with  
13:09:14 19 a PII it appears to be?---All I can say is PII.  
13:09:19 20 That's I don't believe what happened so I'm not sure what  
13:09:24 21 that actually relates to.  
13:09:25 22  
13:09:26 23 In any event underneath it we have a note to this effect,  
13:09:29 24 "Gobbo wants to plead to murder ASAP"?---I see that.  
13:09:37 25  
13:09:38 26 There's, "Statements at PII the next two days", do  
13:09:43 27 you see that?---Yes.  
13:09:45 28  
13:09:48 29 What I suggest to you is that amongst the other briefings  
13:09:50 30 you got on this day, that you've been informed, subsequent  
13:09:53 31 to PII which was the day of the PII that Ms Gobbo  
13:10:00 32 was acting for PII and she's indicating to  
13:10:05 33 investigators that he wants to PII, et cetera?---I accept  
13:10:11 34 that's what the notes appear to be suggesting, yes.  
13:10:14 35  
13:10:14 36 It seems clear enough that you were aware at this stage of  
13:10:18 37 Ms Gobbo's involvement with PII?---I assume so,  
13:10:22 38 yes.  
13:10:22 39  
13:10:23 40 Okay, all right then. If we go over to the next page.  
13:10:31 41 Underneath that, there's another meeting again - perhaps  
13:10:36 42 just go back to the previous page please at the top. 13,  
13:10:39 43 so that was p.13, the next page is 19, there's another  
13:10:45 44 meeting at 2 pm. Again SO, JW, PS, AA, do you see  
13:10:53 45 that?---Yes, I do.  
13:10:54 46  
13:10:54 47 Then there's a blank. There's obviously a reference to a

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

13:11:11 1 name there which no doubt will be provided in due course,  
13:11:15 2 then there's [REDACTED]. Then there's a note "payback for  
13:11:20 3 [REDACTED]", do you see that?---I do.  
13:11:21 4  
13:11:21 5 "[REDACTED] killed for outstanding debt probably", do you see  
13:11:25 6 that?---I see that, yes.  
13:11:27 7  
13:11:28 8 Then, "Second", presumably second statement,  
13:11:31 9 "[REDACTED]"?---Yes.  
13:11:34 10  
13:11:35 11 "New details", so that appears to be a reference to a  
13:11:38 12 second statement, "[REDACTED]" and there are new  
13:11:42 13 details being provided?---Yes.  
13:11:45 14  
13:11:45 15 Then the third is with respect to [REDACTED], do you see  
13:11:50 16 that?---I do.  
13:11:51 17  
13:11:51 18 Again, [REDACTED] was a person who had been murdered and  
13:11:55 19 investigators were looking into who was responsible for his  
13:11:58 20 murder?---He was part of the [REDACTED] clan, one of [REDACTED]  
13:12:03 21 [REDACTED]  
13:12:04 22  
13:12:04 23 Yes. And CW?---The shooter.  
13:12:06 24  
13:12:06 25 I think is the shooter, do you see that?---I do.  
13:12:09 26  
13:12:09 27 And, "Video crew for full read back of all statements",  
13:12:14 28 that would be a reference to preparing a crew to enable the  
13:12:19 29 witness to read back the statements, do you accept  
13:12:21 30 that?---Yes.  
13:12:21 31  
13:12:22 32 "Supporting statement case and liability and AG to AG." Do  
13:12:31 33 you know what that means, "Supporting statement, case and  
13:12:37 34 liability plus AG to AG". Do you have any idea what that  
13:12:43 35 might be?---Sorry, I can't help you with that.  
13:12:45 36  
13:12:46 37 "Accused re right time to charge." So a question about  
13:12:50 38 when is the right time to charge, do you see that?---I see  
13:12:53 39 that.  
13:12:53 40  
13:12:53 41 And there's also reference to particular hearings in  
13:12:56 42 relation to Solicitor 2 and other people?---Yes.  
13:13:07 43  
13:13:10 44 Were you aware that at that time Carl Williams was involved  
13:13:13 45 in a drug prosecution or was being prosecuted, would you  
13:13:19 46 have been aware at the time?---So this is June 04. I'm  
13:13:30 47 sure I would have been aware at the time, I'm struggling to

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

13:13:40 1 recall details about it now.  
13:13:40 2  
13:13:41 3 I think Carl Williams and his father were being prosecuted  
13:13:44 4 at around this time?---I accept that.  
13:13:46 5  
13:13:46 6 Now can we move to 28 June 2004. You made a statement to -  
13:13:56 7 I think to the OPI. Perhaps if we can have a look at this  
13:14:04 8 document you might be able to assist us,  
13:14:09 9 IBAC.0012.0002.0011. This is a statement apparently that  
13:14:12 10 you've made. Do you see that? If we can go down, scroll  
13:14:18 11 through that statement at least quickly so we can at least  
13:14:21 12 see what's at the bottom of it. It's a statement which is  
13:14:53 13 apparently, it's dated 28 June 2004. Now you're aware that  
13:14:59 14 at around this time there was an investigation into the  
13:15:02 15 leaking of a document known as IR 44?---IR 44, yes.  
13:15:05 16  
13:15:06 17 In a blue folder, et cetera, which was being investigated  
13:15:11 18 at that stage by the OPI or at least I think it was the  
13:15:14 19 police Ombudsman as it then was which then became the OPI  
13:15:18 20 investigation?---Yes.  
13:15:18 21  
13:15:19 22 I might just come back to that after lunch, Commissioner.  
13:15:23 23  
13:15:23 24 COMMISSIONER: Yes all right. We'll adjourn until 2  
13:15:25 25 o'clock.  
26  
13:15:26 27 <(THE WITNESS WITHDREW)  
13:15:26 28  
13:15:26 29 LUNCHEON ADJOURNMENT  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

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

13:15:46 1           UPON RESUMING AT 2.00 PM:  
2  
14:03:41 3           COMMISSIONER: Mr Winneke, there are two further  
14:03:43 4           applications for leave from Mr Orman and from Mr Andrew and  
14:03:48 5           Ms Mandy Hodson. I understand your attitude is that you  
14:03:51 6           have no objection to those.  
7  
14:03:54 8           MR WINNEKE: I have no objection, Commissioner. I  
14:03:57 9           understand they're applications for leave, not to  
14:04:01 10          cross-examination.  
11  
14:04:01 12          COMMISSIONER: Yes, only applications for leave to appear.  
14:04:05 13          So I'll grant those applications.  
14:04:10 14  
14:04:10 15          <SIMON JAMES OVERLAND, recalled:  
16  
14:04:19 17          MR WINNEKE: Mr Overland, the statement that was made, I  
14:04:21 18          think you accept was made to the Police Ombudsman, as it  
14:04:27 19          then was, for the purposes of its investigation into the  
14:04:31 20          loss of IR 44?---I actually don't remember making the  
14:04:36 21          statement but I accept it's my statement. I made it as you  
14:04:40 22          suggest, yes.  
23  
14:04:41 24          Thank you. In the statement you go through various matters  
14:04:46 25          of relevance to that investigation and you indicate, I  
14:04:51 26          think at one point in the statement, that on 27 May 2004 -  
14:04:59 27          perhaps whilst we're speaking that can be found - you met  
14:05:03 28          with Mr Purton who was the Commander of State crime squads  
14:05:08 29          and Detective Superintendent Whitmore and Bezzina, DSS  
14:05:15 30          Bezzina, who was, the Homicide Squad in charge of the  
14:05:19 31          Hodson murders investigation, and what you were suggesting  
14:05:25 32          is that Mr Bezzina was obviously involved in investigations  
14:05:35 33          to attempt to identify the source document of the  
14:05:40 34          information read to him. He's trying to find - do you see  
14:05:56 35          that in your statement, 27 May, Bezzina's conducting  
14:06:00 36          investigations with a view to trying to locate the leak and  
14:06:07 37          the source of the document, do you accept that?---I accept  
14:06:10 38          that is what that statement says. I haven't read this  
14:06:13 39          statement for - well, I don't remember making it in any  
14:06:16 40          event, it's some time ago, so I'm just not sure what comes  
14:06:20 41          before it.  
42  
14:06:21 43          That's fair enough. Effectively the proposition I put is  
14:06:24 44          this: you're aware that Bezzina is conducting interviews  
14:06:27 45          and carrying out investigations with a view to, one, trying  
14:06:32 46          to solve the murders, but also part of that process was to  
14:06:35 47          find out what role, if any, the leaking of IR 44

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

14:06:38 1 had?---Absolutely, they were interlinked, very much so.  
2  
14:06:42 3 And also as part of that he was keen to find out, as were  
14:06:46 4 you and no doubt the other people involved in this  
14:06:49 5 investigation of this terrible crime, how it came to be  
14:06:53 6 known that Hodson was an informer?---Yes.  
7  
14:06:56 8 And one of the issues was, well, whether it was known  
14:07:00 9 beforehand that Hodson was an informer?---Yes.  
10  
14:07:04 11 And I take it you would have been aware that Bezzina was  
14:07:09 12 speaking to a number of people as part of that  
14:07:11 13 investigation?---Without being across the detail, obviously  
14:07:14 14 he was running that investigation.  
15  
14:07:16 16 Yes?---It was a very important investigation for Victoria  
14:07:19 17 Police.  
18  
14:07:19 19 Yes, all right. In your updates with him, whilst you  
14:07:26 20 mightn't have been given details of everything that he was  
14:07:29 21 doing or everything that he discovered, as a general  
14:07:32 22 proposition the point of the updates was to say, "Look,  
14:07:35 23 this is what I'm doing"?---Yes.  
14:07:37 24  
14:07:37 25 "I'm interviewing a number of people" or "I'm trying to  
14:07:42 26 find evidence of A, B and C", those sorts of things in the  
14:07:49 27 broad you would have been - - - ?---In general terms, yes.  
28  
14:07:51 29 One of the things that he did was to interview  
14:07:53 30 Gobbo?---Yes, I think that's right.  
31  
14:08:00 32 I tender that statement, Commissioner.  
14:08:04 33  
14:08:05 34 #EXHIBIT RC919A - (Confidential) Statement of Simon  
14:08:06 35 Overland 28/06/04.  
14:08:06 36  
14:08:07 37 #EXHIBIT RC919B - (Redacted version.)  
14:08:09 38  
14:08:09 39 The Commission's had the benefit of Mr Bezzina's evidence  
14:08:13 40 and what he said was that after he commenced the  
14:08:15 41 investigation he would brief senior Command, along with the  
14:08:19 42 OPI, in relation to the progress of the investigation on a  
14:08:22 43 weekly basis. There's no issue about that, in the initial  
14:08:27 44 stages?---I don't remember him briefing the OPI weekly, but  
14:08:30 45 if he says he did then I accept that. I certainly recall  
14:08:35 46 getting regular briefings about the progress of the  
14:08:37 47 investigation.



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

1  
14:08:37 2 In the initial stages it was every week and then as time  
14:08:41 3 wore on those briefings weren't as regular?---I think  
14:08:44 4 that's right.  
5  
14:08:45 6 Then they occurred on a monthly basis, that would be fair  
14:08:47 7 enough, would it?---I think that's right. I think so, yes.  
8  
14:08:51 9 And senior Command would have included you, your  
14:08:54 10 Superintendent, would that be fair to say, amongst  
14:08:59 11 others?---Again, I think so, yes.  
12  
14:09:01 13 His recollection was that he did brief an OPI member,  
14:09:04 14 albeit it wasn't Graham Ashton, and indeed Graham Ashton  
14:09:09 15 didn't go to the OPI until December of 2004 in any  
14:09:13 16 event?---I remember Mr Ashton asking for a briefing about  
14:09:15 17 this investigation in early 2005.  
18  
14:09:18 19 Yes?---Yes.  
20  
14:09:23 21 Mr Bezzina said that as far as he was concerned you had  
14:09:26 22 oversight of the investigation from the start, would that  
14:09:30 23 be fair to say?---It was a Crime Department investigation,  
14:09:33 24 so yes, in that sense I had oversight of it, yes.  
25  
14:09:36 26 He says that they weren't dictating - in other words you  
14:09:40 27 weren't dictating to him the direction of the  
14:09:42 28 investigation?---No.  
29  
14:09:43 30 But very much an oversight role?---I wanted to know what  
14:09:46 31 was happening, yes.  
32  
14:09:47 33 And he believes that he would have discussed Gobbo at the  
14:09:54 34 meetings because it would have been a significant piece of  
14:09:57 35 information, her involvement or her connection in these  
14:10:03 36 matters may well have been something that he would have  
14:10:06 37 discussed?---I think that's right, yes.  
38  
14:10:08 39 By that time it was known that Gobbo had acted for a number  
14:10:15 40 of the parties subsequent to the Dublin Street arrests,  
14:10:23 41 she'd acted for Azzam Ahmed, she'd acted for Abby Haynes,  
14:10:29 42 she'd acted for Colleen O'Reilly around the time that that  
14:10:34 43 burglary had taken place. Now you may or may not have been  
14:10:37 44 aware of that?---I accept that. I'm not sure whether I was  
14:10:40 45 or wasn't. I don't think I was but I, you know, don't have  
14:10:47 46 a particularly strong recollection.  
47

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

14:10:48 1 And the other relevant information would have been that ESD  
14:10:49 2 was taking an interest obviously?---Yes.  
3  
14:10:50 4 Because of the potential involvement in Paul Dale?---Yes.  
5  
14:10:52 6 And that it was at least suggested by Terry Hodson back in  
14:10:57 7 December, or thereabouts, perhaps even October of 2003,  
14:11:00 8 that Gobbo was in a sexual relationship or had had sex with  
14:11:05 9 Paul Dale. That, I suggest, would have been information  
14:11:08 10 that would have been available to you at that stage, would  
14:11:13 11 that be fair to say?---Again, it's certainly information I  
14:11:23 12 became aware of. I'm just trying to remember when I knew  
14:11:26 13 that. I don't think it was as early as that but again I  
14:11:29 14 stand to be corrected.  
15  
14:11:30 16 The evidence is that immediately after the burglary Peter  
14:11:34 17 De Santo and Murray Gregor on behalf of ESD became involved  
14:11:40 18 in the investigation?---Yes.  
19  
14:11:40 20 They spoke to Terry Hodson?---Yes.  
21  
14:11:42 22 And he was getting, they were getting information from him.  
14:11:45 23 Part of the information was that Dale and Gobbo had a  
14:11:49 24 connection?---I accept that.  
25  
14:11:50 26 And they were attempting to use Gobbo to set up a meeting  
14:11:55 27 between Dale and Hodson. Now those matters were known to  
14:11:59 28 police back then?---I accept that.  
29  
14:12:02 30 Certainly by ESD. It would be reasonable to assume,  
14:12:05 31 wouldn't it, that that information had come into the hands  
14:12:07 32 of the Homicide Squad in their investigation?---Well I  
14:12:10 33 would hope so but I wouldn't necessarily assume that.  
34  
14:12:14 35 No. Is it the case that there had been - there were - I  
14:12:22 36 mean you say to me, "Look, I wasn't always getting  
14:12:25 37 information from De Santo about the Ceja  
14:12:28 38 investigations"?---I was getting very - almost no  
14:12:32 39 information about the Ceja investigations.  
40  
14:12:34 41 Can I suggest this to you though, insofar as a murder  
14:12:39 42 investigation, a very serious murder investigation, if  
14:12:41 43 there was information that ESD had, if they were using  
14:12:44 44 Terry Hodson at that stage and he's then murdered, it would  
14:12:51 45 be a pretty unsatisfactory state of affairs if the  
14:12:54 46 investigators of the murders weren't getting all of the  
14:12:58 47 information from ESD that they had?---I agree.

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

1  
14:13:00 2 The likelihood is, I mean certainly Murray Gregor - you  
14:13:05 3 knew Murray Gregor I take it?---I know Murray Gregor, yes.  
14:13:10 4  
14:13:11 5 What, is there any suggestion that he was holding  
14:13:13 6 information at that stage or not?---No, look, the reason  
14:13:14 7 I'm being careful is that I know they were very sensitive  
14:13:18 8 about what information got provided. I'm not critical of  
14:13:20 9 that, they just were. And I understand the reasons why  
14:13:23 10 they were. I don't know specifically whether they provided  
14:13:26 11 every bit of information they had or not.  
12  
14:13:28 13 Yeah, all right. In any event would you have been aware,  
14:13:34 14 for example, that the police made contact with Terry Hodson  
14:13:43 15 in the initial stages via Nicola Gobbo?---No, I wasn't  
14:13:46 16 aware of that.  
17  
14:13:48 18 It was felt prudent immediately after this burglary to get  
14:13:53 19 in touch with Terry Hodson to find out if he would be  
14:13:56 20 prepared to assist?---Terry Hodson or his son? I  
14:14:00 21 think - - -  
22  
14:14:00 23 Well Terry Hodson through his son?---Sorry, so - I'm sorry,  
14:14:04 24 I'm confused now. So Terry Hodson was murdered.  
25  
14:14:07 26 I'm talking about after the burglary?---After the burglary,  
14:14:13 27 sorry.  
28  
14:14:13 29 It was considered prudent to get in touch with Terry Hodson  
14:14:17 30 via his son Andrew who had previously been acted for by  
14:14:22 31 Nicola Gobbo?---I wasn't aware of that, but I think that  
14:14:25 32 was investigation being progressed by ESD or by Ceja, yes.  
14:14:28 33  
14:14:28 34 The point that I make is once Hodson is murdered then you  
14:14:30 35 would be very keen to get all the information you possibly  
14:14:33 36 could that had been gathered?---Absolutely. Well I'd be  
14:14:36 37 keen for the investigators to have all of that information.  
38  
14:14:42 39 It seems that in late June of 2004 in Mr Allen's diary  
14:14:50 40 there's a reference to him being told by Bezzina that he  
14:14:53 41 was to interview Gobbo, three Mokbels and David McCulloch  
14:15:00 42 regarding Operation Loris, right?---Yes.  
43  
14:15:03 44 I think you've referred to Mr McCulloch in your  
14:15:06 45 statement?---Yes.  
46  
14:15:07 47 The likelihood is by the time you make your statement

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

14:15:09 1 you're aware of the possible involvement of those names,  
14:15:15 2 correct?---I certainly - yeah, I was aware of all of those  
14:15:23 3 people and in particular Mr McCulloch, I'm sure around that  
14:15:26 4 time, yes.  
5  
14:15:27 6 Would your investigators have been aware that when Dale was  
14:15:30 7 arrested back on 5 December 2003 he called Gobbo? Would  
14:15:38 8 that have been conveyed to you?---I don't believe I was  
14:15:42 9 aware of that information, no.  
10  
14:15:44 11 And that Gobbo visited Mr Dale in custody?---Again, I think  
14:15:50 12 I became aware of that information at some point but I  
14:15:53 13 can't say when it was.  
14  
14:15:54 15 You can't pinpoint when?---No.  
16  
14:15:57 17 So on 29 June Allen has that noted in his diary. The  
14:16:06 18 interview between Bezzina and Gobbo occurs on 1 July 2004.  
14:16:13 19 Cameron Davey and Charlie Bezzina interview Gobbo on that  
14:16:17 20 date?---I accept that.  
21  
14:16:18 22 Would it be reasonable to conclude that you would have been  
14:16:21 23 aware that Ms Gobbo was being interviewed by Mr Bezzina and  
14:16:25 24 Mr Davey either before or after that interview had  
14:16:30 25 occurred, somewhere around that time you would have been  
14:16:33 26 told of that you interview?---I may have been but again I  
14:16:38 27 have no specific recollection of that.  
28  
14:16:40 29 During the course of the interview she was asked a number  
14:16:43 30 of questions about her knowledge of Hodson and whether or  
14:16:47 31 not he was an informer and she was making it clear that as  
14:16:53 32 far as she was concerned she'd known for quite some time,  
14:16:58 33 well prior to any leak of IR 44, that Terry Hodson was an  
14:17:01 34 informer?---That's certainly information I came to know,  
14:17:05 35 yes.  
36  
14:17:06 37 It arose because of her representing two people, I think a  
14:17:08 38 fellow called Waheed and another person called Pidoto?---I  
14:17:16 39 accept that.  
40  
41 By analysis of the briefs in her possession as a barrister  
14:17:18 42 it became clear to her, she said, that Hodson was the  
14:17:20 43 informer?---It's the point I made earlier that, you know,  
14:17:23 44 people go looking for the sources of information, yes.  
45  
14:17:26 46 It's something that she'd discussed with Tony Mokbel at  
14:17:29 47 some stage quite early on in the piece?---Yes.

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

1  
14:17:34 2 Back in 2002 or thereabouts?---Yes. Again I'm sure I  
14:17:36 3 became - well, I know I became aware of that at some point.  
4  
14:17:40 5 One assumes if you did become aware of that knowledge it  
14:17:44 6 would have been reasonably soon after the interview  
14:17:45 7 occurred?---I'm speculating here. I really - I just don't  
14:17:49 8 have any recall as to when I found that information out.  
9  
14:17:55 10 Another aspect of that interview was that the suggestion on  
14:18:02 11 the part of Ms Gobbo that she was getting sick of acting  
14:18:06 12 for criminals, she wanted to get out of the criminal law,  
14:18:10 13 and you recall I showed you before the profile?---Yes.  
14  
14:18:17 15 It may well be, and it seems a reasonable proposition, that  
14:18:20 16 that information finds its way into the Homicide  
14:18:25 17 profile?---Yes.  
18  
14:18:26 19 And additionally it was suggested by Messrs Bezzina and  
14:18:28 20 Davey to Gobbo that if she wished to provide information to  
14:18:32 21 the police it could be done so in such a way that she  
14:18:37 22 wouldn't be identified as the person providing the  
14:18:39 23 information. Would you have been aware of that at around  
14:18:43 24 the time?---I don't think so.  
25  
14:18:49 26 See, I mean in effect it's a suggestion on the part of  
14:18:51 27 Victoria Police that they might be prepared to accept  
14:18:54 28 information from Gobbo as an information provider as early  
14:19:00 29 as mid-2004?---I see that, yes. I see that.  
30  
14:19:11 31 If we go to a Purana Task Force progress meeting. Again  
14:19:15 32 it's a note of Mr Purton at p.81 of the same document,  
14:19:23 33 0005.0145.0001. There's a note - there's reference to  
14:19:48 34 charging of CW four to six weeks minimum, do you see that  
14:19:52 35 at the top, "Discussion re charging"?---Yeah, I see that.  
14:19:58 36 So this is a July 2004.  
37  
14:20:00 38 July 2004, 5 July we understand?---Right. Yes, I see that.  
39  
14:20:09 40 Then there's a reference to - there's a redaction there but  
14:20:15 41 possibly PII must be dealt with first?---I  
14:20:20 42 see that.  
43  
14:20:23 44 And then Ryan makes a note, "A round table, with MDID crew.  
14:20:30 45 Mokbel a worthy target from the drug point of view. An  
14:20:35 46 investigation plan to be prepared"?---Yep, I accept that.  
47

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

14:20:42 1 If we then go to 12 July 2004, Mr Ryan's notes, a week  
14:20:52 2 later, VPL.0005.0148.0001. On 12 July there's a reference  
14:21:02 3 to Mr Ryan indicating some talking points, one of which is  
14:21:16 4 [REDACTED] and Gobbo and, secondly, "a Mokbel  
14:21:23 5 decision to be made this week"?---I don't have anything on  
14:21:26 6 my screen, am I supposed to be - - -  
7  
14:21:28 8 I think we're waiting for it. I thought I'd get ahead.  
14:21:37 9 Anyway. Now we've got to go to 12 July 2004. That's it  
14:22:04 10 there. "Points for AC meetings", a reference again would  
14:22:11 11 be Acting Commissioner I would suggest. Do you see  
14:22:14 12 that?---Yes, I do.  
13  
14:22:16 14 Firstly, [REDACTED] (Gobbo)". Do you see that?---I see  
14:22:24 15 that.  
16  
14:22:25 17 A few down, "Mokbel decision to be made this week. Mokbel  
14:22:29 18 in Sydney", at that stage?---I see that.  
19  
14:22:35 20 Do you know what that decision would be?---No, I don't.  
21  
14:22:44 22 Can I suggest to you that at this stage there was a - this  
14:22:48 23 is early in the piece, the proposal is to get this  
14:22:52 24 analytical cell to start investigating very closely the  
14:22:55 25 Mokbel - - - ?---That makes sense .  
26  
14:22:58 27 - - - associates, lawyers, accountants and so forth to  
14:23:04 28 start building up a picture?---That makes sense, yes.  
29  
14:23:08 30 What I suggest to you is this is the commencement of the  
14:23:12 31 operation or the Posse operation which commenced at around  
14:23:15 32 this time. Would you accept that?---I accept that's the  
14:23:22 33 possible explanation but it's a little ambiguous to me.  
34  
14:23:26 35 Okay, I understand that. Then if we have a look at - I  
14:23:32 36 think the notes of Mr Purton on the same day from the  
14:23:42 37 meeting. We've got, no, that's not the right date. That's  
14:23:51 38 05. If we go back to 04, [REDACTED] July 04. There's a Task Force  
14:23:57 39 Purana progress meeting at which you were in attendance and  
14:24:02 40 there's a reference to [REDACTED], "final read of  
14:24:06 41 statements today". If we can go to this - this is an  
14:24:15 42 exhibit, Commissioner. I'm sorry, I don't have the exhibit  
14:24:18 43 number. It's a note of [REDACTED] July. This is the day that the  
14:24:23 44 [REDACTED] is just about to sign his  
14:24:28 45 statements?---Yep.  
46  
14:24:30 47 And they're signed on the following day, [REDACTED] July. Just to

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

14:24:34 1 put you into the picture, statements had been prepared in  
14:24:37 2 the lead-up to the [PII] of July and over the weekend  
14:24:43 3 Ms Gobbo had, and this is the evidence, Ms Gobbo had  
14:24:48 4 received a copy of draft statements and expressed a view  
14:24:51 5 about some of the matters set out in the statements and  
14:24:55 6 then a meeting was facilitated for her to go and visit  
14:24:59 7 [PII] at the prison on the [PII] and  
14:25:04 8 then on the [PII] the statement was in effect changed and  
14:25:11 9 there were significant changes made to the statement on the  
14:25:14 10 [PII] which was then signed on the [PII] ---Right.

11  
14:25:16 12 Subsequent to the meeting with Ms Gobbo, do you follow  
14:25:18 13 that?---I do.

14  
14:25:19 15 And that's the evidence that the Commission has. If we  
14:25:24 16 have a look at this note, what we see is a meeting on the  
14:25:32 17 [PII] "TF Purana progress meeting". SO, which is you I  
14:25:37 18 suggest, Mr Whitmore, Gavan Ryan and SC or SR. Who would  
14:25:45 19 that be?---Shane Connelly maybe.

20  
14:25:53 21 Shane O'Connell perhaps?---Maybe. I'm guessing.

22  
14:25:56 23 Then you'll see the name of the [PII]  
14:25:59 24 [PII] ---Yes.

25  
14:26:01 26 "Final read of statements today. Shown to Gobbo. One  
14:26:03 27 thing to change. Didn't know it's going to be a murder.  
14:26:07 28 NG, that's ridiculous". Do you see that?---I do.

29  
14:26:10 30 What I suggest to you is that you were being informed by  
14:26:13 31 one of the people present that the statements had been  
14:26:17 32 shown to Ms Gobbo and the suggestion that he didn't know  
14:26:20 33 that it was going to be a murder in the statement, and I  
14:26:24 34 suggest the draft statement, led to Ms Gobbo's reaction and  
14:26:28 35 you were informed about that?---Again I've got no specific  
14:26:33 36 recollection but that seems to be what the notes indicate,  
14:26:36 37 yes.

38  
14:26:37 39 Right. Did it occur to you as being a little bit unusual  
14:26:40 40 that your investigators would be getting a response from  
14:26:45 41 the barrister about a draft statement like that, would that  
14:26:51 42 have occurred to you as being somewhat unusual?---No, I  
14:26:54 43 think if it was the process of someone settling a statement  
14:27:02 44 and if she was acting for them then it would be appropriate  
14:27:05 45 for her to see the statement.

46  
14:27:06 47 It might be appropriate for the barrister to be shown the

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

14:27:11 1 statement to keep their counsel, then go and see their  
 14:27:14 2 client and have a discussion with them, but what this  
 14:27:16 3 suggests is that the statement's shown to the barrister who  
 14:27:19 4 expresses in the presence of the police officers her view  
 14:27:21 5 about the statement?---I see.  
 6  
 14:27:22 7 Did it occur to you that that was a little bit  
 14:27:27 8 unusual?---It's perhaps not strictly in keeping with form  
 14:27:32 9 but she expressed that view, she expressed that view.  
 10  
 14:27:35 11 Right. In any event the position of Purana was that  
 14:27:44 12 Williams was behind this murder?---Correct.  
 13  
 14:27:46 14 And if PII [REDACTED] is suggesting he didn't  
 14:27:52 15 know it was going to be [REDACTED], it's going to make it  
 14:27:54 16 pretty hard for him to give evidence PII [REDACTED],  
 14:27:57 17 isn't it?---Well I would agree with the assessment that  
 14:28:00 18 it's just not realistic evidence.  
 19  
 14:28:04 20 No. In any event, whether or not it is, I mean if the  
 14:28:08 21 situation is that you want to get Carl Williams, you'd need  
 14:28:11 22 to have PII [REDACTED] saying, "I knew it was  
 14:28:15 23 going to be a murder" when he was going to carry out or  
 14:28:21 24 when he was going to the address to carry out this - - -  
 14:28:24 25 ?---Well, yes, but if he thought it was going to be, you  
 14:28:26 26 know, inflicting grievous bodily harm that may be  
 14:28:29 27 sufficient. I mean it really goes to the detail of the  
 14:28:31 28 statement and these are the sorts of issues that get argued  
 14:28:34 29 out at trial.  
 30  
 14:28:35 31 It may well be but it would certainly be better if the  
 14:28:39 32 statement was stronger and that the fellow knew it was  
 14:28:43 33 going to be a killing because at least it's easier then to  
 34 establish that he was PII [REDACTED]  
 14:28:47 35 PII [REDACTED]?---What would be best, if the statement was an accurate  
 14:28:55 36 reflection of what the witness knew, saw and did.  
 37  
 14:28:57 38 Of course. In any event were you aware that arrangements  
 14:28:59 39 had been made for Ms Gobbo to go out to the prison and to  
 14:29:02 40 speak to this person and that the statement was  
 14:29:07 41 subsequently changed with significant changes afterwards?  
 14:29:11 42 Were you aware of that?---I don't recall. I don't think I  
 14:29:15 43 was. I was aware that there was a significant process to  
 14:29:19 44 get to the point where we got a signed statement from  
 14:29:22 45 PII [REDACTED].  
 46  
 14:29:24 47 Right, all right. Can I ask you this: did you have an



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

14:29:35 1 understanding about the process whereby statements were  
14:29:41 2 taken and amendments made to the statements and whether the  
14:29:49 3 drafts were to be kept or not kept, did you have an  
14:29:55 4 understanding about that?---No, I didn't.  
5  
14:30:00 6 Do you have a view or did you have a view then about  
14:30:02 7 whether it was appropriate to make what might be regarded  
14:30:05 8 as significant changes to a statement and then in effect  
14:30:13 9 put the draft statement to one side, either destroy it or  
14:30:19 10 not produce it, once the final statement had been  
14:30:29 11 taken?---I don't think I - well I didn't - I don't recall  
14:30:32 12 specifically turning my mind to that issue at that point in  
14:30:36 13 time.  
14  
14:30:37 15 Right?---Look, I can see the arguments both ways around  
14:30:41 16 that. I think that particularly dealing with people like  
14:30:45 17 PII the truth is sometimes difficult for them to  
14:30:49 18 arrive at.  
19  
14:30:50 20 Yes?---And I mean I understand the point, it goes to their  
14:30:54 21 credit if they've actually told multiple versions of the  
14:30:58 22 one event.  
23  
14:30:59 24 If a police officer gets a statement from someone and then  
14:31:02 25 it's changed in significant detail after a particular event  
14:31:09 26 whereby a barrister expresses some view about the veracity  
14:31:13 27 of the statement, wouldn't those who are subsequently  
14:31:17 28 cross-examining this witness be entitled to know  
14:31:20 29 that?---They'd want to see it. Yes, absolutely.  
30  
14:31:26 31 And if there was a practice whereby draft statement was  
14:31:27 32 either destroyed or simply forgotten about, and not  
14:31:31 33 disclosed, that would not be appropriate, would it?---I'd  
14:31:33 34 have thought it should definitely be disclosed to the  
14:31:36 35 prosecution. There's a separate question around whether it  
14:31:39 36 should be disclosed to the defence, but I think that's a  
14:31:41 37 matter for the prosecution to work through.  
38  
14:31:44 39 What would be the reason for disclosing it to the  
14:31:47 40 prosecution and not the defence?---There's always more  
14:31:49 41 disclosure to the prosecution, almost invariably, than  
14:31:53 42 there is to the defence.  
43  
14:31:54 44 But unless there was an issue of public interest immunity  
14:31:56 45 about it?---Correct.  
46  
14:31:57 47 There'd be no reason not to disclose it to the defence,

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

14:32:00 1 surely?---Yes.  
2  
14:32:01 3 Did you know that Ms Gobbo's involvement with this witness  
14:32:05 4 was the subject of an assertion of public interest  
14:32:10 5 immunity?---No, I didn't know that.  
6  
14:32:13 7 You didn't give directions to the effect that Ms Gobbo, her  
14:32:18 8 involvement in representing this person at the plea earlier  
14:32:23 9 on on ██████ should not be a matter which was disclosed to  
14:32:28 10 the defence?---No, I gave no such directions.  
11  
14:32:33 12 See, the evidence is that the view of investigators was  
14:32:36 13 because Ms Gobbo had acted for this person at a time that  
14:32:40 14 he'd made statements and had agreed to give evidence, that  
14:32:43 15 was something that should be concealed from the defence  
14:32:48 16 because of a claim of public interest immunity, because to  
14:32:54 17 reveal that or to publicise that would mean that her life  
14:32:59 18 would be at risk?---I can understand that concern, yes.  
19  
14:33:05 20 You understand that's because she'd established, because of  
14:33:11 21 her own particular way of behaving, an allegiance with a  
14:33:16 22 particular crew and therefore she's deserving or her  
14:33:19 23 involvement is deserving of a claim of public interest  
14:33:21 24 immunity?---Well as I say I would want to make sure that  
14:33:26 25 the prosecution was fully aware of all of that.  
26  
14:33:28 27 Yes?---And if there was a proper basis for making a claim  
14:33:31 28 of public interest immunity then it could be made. But I  
14:33:36 29 can understand the concern, and I'm not saying it's  
14:33:38 30 sufficient to ground a claim of public interest immunity, I  
14:33:41 31 just don't have sufficient information.  
32  
14:33:43 33 Certainly insofar as a draft statement is concerned it's  
14:33:45 34 your view that the draft statement should be produced  
14:33:49 35 whether it be to a prosecutor or a magistrate who's trying  
14:33:55 36 to decide on whether there ought be a claim for public  
14:33:58 37 interest immunity, do you accept that?---My view is it  
14:34:02 38 should be given to the Crown and the Crown is then best  
14:34:05 39 placed to determine what to do with it.  
40  
14:34:07 41 Yeah, all right. As a consequence of the statements made  
14:34:17 42 by ██████<sup>PII</sup> or ██████<sup>PII</sup>, it was your  
14:34:23 43 understanding that the person who became ██████<sup>PII</sup> I  
14:34:29 44 think we've seen him already, he's then arrested I think on  
14:34:33 45 about ██████<sup>PII</sup> 2004?---I think that's right.  
46  
14:34:37 47 At that stage he'd made ██████<sup>PII</sup> statements, one with respect to

.16/12/19

11398

OVERLAND XXN

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

14:34:39 1 the death of PII [REDACTED] and then one with respect to the  
14:34:42 2 death of - or the PII [REDACTED] of PII [REDACTED] and PII [REDACTED]  
14:34:47 3 PII [REDACTED]?---I accept that, yes.  
4  
14:34:48 5 And on the basis of those statements the arrest of PII [REDACTED]  
14:34:56 6 PII [REDACTED] occurs on PII [REDACTED] and PII [REDACTED] and PII [REDACTED]  
14:35:02 7 PII [REDACTED] are charged. They're already in custody but  
14:35:07 8 they're charged by way of direct presentment, do you recall  
14:35:09 9 that?---I do. I recall the fact they were charged by  
14:35:13 10 direct presentment, yes.  
11  
14:35:17 12 What then appears to occur is that Ms Gobbo commences to  
14:35:22 13 act for PII [REDACTED]?---Right.  
14  
14:35:28 15 PII [REDACTED] Now were you aware of  
14:35:31 16 that?---Again, I don't recall that I was. I have no  
14:35:39 17 memory.  
18  
14:35:39 19 You may have been?---I may have been, I don't recall.  
20  
14:35:41 21 Yeah, all right. Can I suggest to you that around July of  
14:35:48 22 2004 an operation called Operation Gruel commenced and that  
14:35:57 23 was an operation on Azzam Ahmed and a couple of other  
14:36:02 24 people, one called Kavanagh, one called Roth, and it  
14:36:12 25 concerned their links to Operation Gallop. That was an  
14:36:14 26 MDID operation?---I accept that.  
27  
14:36:26 28 You may have been aware of that at that stage or you may  
14:36:29 29 not have been, would that be - - - ?---That would be a fair  
14:36:32 30 assessment, yes.  
31  
14:36:33 32 The evidence is also that on 24 July 2004 Ms Gobbo had a  
14:36:39 33 stroke. It was a few weeks after she was interviewed and  
14:36:47 34 she was hospitalised at the PII [REDACTED] Hospital. Would you  
14:36:50 35 have been aware of that?---Again, I became aware of the  
14:36:56 36 fact that she'd had a stroke, I don't recall precisely when  
14:36:58 37 I came to understand that.  
38  
14:37:03 39 The evidence is that Azzam Ahmed was spoken to by her, or  
14:37:10 40 he'd somehow found her and happened to drive her to the  
14:37:15 41 hospital. Now would you have been aware of her connection  
14:37:18 42 with Ahmed at around that time given his involvement,  
14:37:21 43 potential involvement in the Hodson matter?---No.  
44  
14:37:27 45 No, all right. Mr Ryan gave evidence that he was aware at  
14:37:33 46 the time of Ms Gobbo's stroke, at the time that it occurred  
14:37:37 47 or shortly thereafter, right? That was his

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

14:37:40 1 evidence?---M'mm, I accept that.  
2  
14:37:42 3 Whether or not he conveyed that up the stream, you're  
14:37:47 4 certainly not in a position to say at this stage?---He may  
14:37:50 5 have done so but I don't specifically recall.  
6  
14:37:53 7 Did your awareness of Ms Gobbo having had a stroke, did  
14:37:57 8 that occur after she became a source or were you aware of  
14:38:03 9 that at some stage before she became a source? Bear in  
14:38:07 10 mind the time frame is 24 July 2004 she has the stroke and  
14:38:10 11 then she's registered in September of the following  
14:38:14 12 year?---I think I knew that beforehand.  
13  
14:38:16 14 Right. The evidence that the Commission has is that around  
14:38:23 15 that time Sandy White had had some, or given some  
14:38:32 16 consideration to making an approach to Ms Gobbo because of  
14:38:39 17 the position that she was in, that is just having had the  
14:38:41 18 stroke, and on the basis that she may well be vulnerable to  
14:38:52 19 a recruitment pitch, is that something that - - - ?---I  
14:38:55 20 don't believe I knew that, no.  
14:38:56 21  
14:38:56 22 He's given evidence that he had a discussion with  
14:38:58 23 Mr O'Brien about the possibility of recruiting her at about  
14:39:01 24 that time, that is in July/August 2004?---Okay.  
25  
14:39:05 26 Not aware of that?---I don't believe so.  
27  
14:39:07 28 Don't believe so, all right?---Sorry, it's just not  
14:39:10 29 consistent with my general recollection as to - - -  
30  
14:39:13 31 Which is you didn't believe that Ms Gobbo was providing  
14:39:16 32 information to Victoria Police prior to her being  
14:39:18 33 registered?---Correct.  
34  
14:39:19 35 Okay. On 10 August there was discussion within the Drug  
14:39:28 36 Squad of the - the MDID, the possibility of getting a  
14:39:33 37 telephone intercept on Ms Gobbo on 10 August 2004?---Right.  
38  
14:39:37 39 At that stage were you having discussions with Mr O'Brien  
14:39:40 40 do you believe?---I don't believe so, no.  
41  
14:39:46 42 Can I suggest to you that in the period of time from  
14:39:57 43 November of 2004 operation, or Task Force Purana had made a  
14:40:06 44 decision that it would prepare a comprehensive analysis,  
14:40:11 45 including profiles on the Mokbel family and that was first  
14:40:17 46 recorded in updates on 1 November 2004 as Operation Posse.  
14:40:24 47 I take it you would have been aware of those movements at

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

14:40:28 1 around that time?---I'm not sure that I was. I have no  
14:40:36 2 clear recollection.  
3  
14:40:38 4 Perhaps if we have a look. There are a number of these.  
14:40:41 5 I'll put the first one up, rather than going through all of  
14:40:45 6 them. If we can put the first up, 1 November 2004,  
14:40:49 7 VPL.0100.0012.0164. If we see 1 November 2004, Commander  
14:40:58 8 State crime squads, prepared by - and you'll see down at  
14:41:04 9 about halfway down the first, a little over halfway, "Intel  
14:41:11 10 cell have been preparing and updating profiles on the  
14:41:13 11 Mokbel family" and that's Operation Posse?---I see that,  
14:41:14 12 Yep, I accept that.  
13  
14:41:17 14 And if we follow this through there are weekly updates on 8  
14:41:22 15 November, 15 November. For example, 15 November talks  
14:41:27 16 about ongoing intelligence gathering in relation to Mokbel  
14:41:30 17 business interests, "Members of the analytical cell met  
14:41:33 18 with Operation Lorcha members to discuss information  
14:41:38 19 sharing protocols re Operation Posse". If we go to 15  
14:41:41 20 November. Do you know what Operation Lorcha was?---It  
14:41:48 21 rings a bell but - - -  
22  
14:41:49 23 Organised crime. It was an operation conducted in relation  
14:41:52 24 to organised crime, Italian organised crime?---Italian  
14:41:57 25 organised crime. It vaguely rings a bell.  
26  
14:41:59 27 All right. In any event there's a similar refrain in  
14:42:06 28 updates 22 November 04 through to 2005?---Look, I accept  
14:42:14 29 all of that.  
30  
14:42:15 31 Yes?---I think my confusion is I recall that Posse didn't  
14:42:19 32 actually start as an investigation until late 2005.  
33  
14:42:25 34 Can I suggest in fact the evidence appears to be that there  
14:42:28 35 was a specific operation which was narrowed in its focus in  
14:42:34 36 October of 2005 which was an extension of an operation  
14:42:37 37 called Quills?---Yes, I remember Quills, yes. Well I  
14:42:40 38 remember the name, I'm struggling to remember exactly what  
14:42:45 39 it was about.  
40  
14:42:46 41 I'll remind you in due course. In any event, so this is a  
14:42:49 42 concerted effort on the part of Purana to focus on the  
14:42:53 43 Mokbels?---Yes.  
44  
14:42:55 45 Right. And as 2005 goes on there's further profiling of  
14:43:00 46 targets in relation to Operation Posse and it culminates on  
14:43:06 47 16 May 2005 with a document which was submitted for

.16/12/19

11401

OVERLAND XXN

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

14:43:13 1 consideration and it was an operational assessment into the  
14:43:18 2 Mokbel criminal cartel, and we might put it up, it's  
14:43:22 3 Exhibit 314, just so as you can have a bit of a look at.  
14:43:26 4 VPL.0100.0013.3276. It's a very lengthy document and it's  
14:43:48 5 very detailed and dense and it has a lot of information.  
14:43:52 6 But what can I suggest it is, is an analytical document  
14:44:02 7 prepared with a view basically to finding out as much as  
14:44:06 8 possible about the Mokbels' associates as I suggested  
14:44:10 9 before?---Yes.  
10  
14:44:10 11 The design - if we go to p.63 of the document. What it  
14:44:18 12 says is, "In order to effectively close down the operations  
14:44:22 13 of Mokbel, his family and associates Posse was commenced in  
14:44:25 14 late 2004 under the banner of Purana. Proposed to target  
14:44:31 15 Mokbels' businesses and assets". The document compiles  
14:44:40 16 intelligence holdings of Mokbel and associates into one  
14:44:43 17 central location?---M'mm.  
18  
14:44:45 19 Can I suggest to you this is a document which you would  
14:44:49 20 have been interested in and you would have at least perused  
14:44:53 21 it back in about April 2005?---I'm not so sure that's  
14:45:02 22 right. This is a highly detailed intelligence assessment.  
14:45:08 23 I'm not sure that I'd have seen it and read it. I may have  
14:45:10 24 but I don't recall doing so, and it's not the sort of thing  
14:45:12 25 I would necessarily see and go through in any detail.  
26  
14:45:17 27 It was established by the Task Force, by your Task  
14:45:24 28 Force?---Yeah, I've got no issue with the fact that the  
14:45:28 29 Mokbel syndicate were being targeted.  
30  
14:45:30 31 Yes?---I've spoken about that previously today.  
32  
14:45:33 33 Yes?---I just don't - I don't know. I don't think I saw  
14:45:37 34 this document.  
35  
14:45:39 36 No?---Again I stand to be corrected.  
37  
14:45:41 38 All right. In any event, there are references to Ms Gobbo  
14:45:44 39 in it?---I accept that.  
40  
14:45:47 41 It's in the section which deals with the lawyers, the  
14:45:51 42 people who represent the Mokbels. It's noted that Ms Gobbo  
14:45:57 43 appears for Mr Mokbel in operation, or appeared for  
14:46:01 44 Mr Mokbel in Operation Kayak proceedings. I take it you're  
14:46:05 45 aware of what Kayak proceedings were?---I think that was a  
14:46:09 46 prosecution by Victoria Police in relation to drug offences  
14:46:11 47 against Mr Mokbel. I think it failed as I recall.

.16/12/19

11402

OVERLAND XXN

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

1  
14:46:14 2 It was proceedings which had been initiated by the old Drug  
14:46:19 3 Squad?---Yes.  
4  
14:46:20 5 At about the time that Drug Squad got into strife?---Yes.  
6  
14:46:27 7 In addition, if you have a look at the information there,  
14:46:31 8 there's reference to Ms Gobbo admitting to investigators  
14:46:34 9 that she was facing difficulties, financial difficulties  
14:46:37 10 due to some of her more high profile clients not paying  
14:46:42 11 their bills, right?---I see that.  
12  
14:46:44 13 If we go to p.66 of the document we see that it's proposed  
14:46:49 14 a Task Force structure headed by a commissioned  
14:46:54 15 officer?---I see that.  
16  
14:47:02 17 And also there's references to the number of crews,  
14:47:08 18 Detective Senior Sergeant, et cetera. So you would have  
14:47:11 19 certainly been involved in decision-making with respect to  
14:47:15 20 the resourcing - - - ?---The resourcing of it, yes, I would  
14:47:19 21 have been.  
22  
14:47:20 23 "Further suggested that a legal officer be attached to the  
14:47:23 24 Task Force to respond to matters that require professional  
14:47:26 25 advice. Liaison point between the Task Force and the OPP.  
14:47:32 26 And would be able to provide briefings to legal counsel as  
14:47:35 27 and when required". Do you know whether that  
14:47:39 28 occurred?---No, I don't. Well I think there was - I'm sure  
14:47:42 29 there was liaison with the OPP. I don't know about the  
14:47:47 30 recommendation around a legal officer.  
31  
14:47:49 32 Was there ever a legal officer who was engaged in Purana  
14:47:56 33 activities?---I don't recall there being one but I do  
14:48:02 34 recall, certainly in the matters I was involved in, there  
14:48:06 35 was very close liaison with the Office of Public  
36 Prosecution  
37  
14:48:10 38 Yes, that's with Mr Horgan?---Correct.  
14:48:10 39  
14:48:11 40 And occasionally Mr Coghlan?---Mr Coghlan, yes.  
41  
14:48:14 42 If we go to p.72, there's a reference to, "Flexibility will  
14:48:18 43 be the key to success. Being capable of responding quickly  
14:48:22 44 to changing circumstances is essential. The investigation  
14:48:22 45 needs to be able to think outside the box, come up with  
14:48:26 46 innovative and perhaps novel ways for the investigation to  
14:48:29 47 continue". Do you see that?---Yes.

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

1  
14:48:33 2 And no doubt that was your approach to these sorts of  
14:48:40 3 investigations, thinking outside the box and  
14:48:45 4 innovation?---Yes, appropriately. Mr Mokbel wasn't an easy  
14:48:48 5 target.  
6  
14:48:48 7 No, I understand that and therefore innovation was  
14:48:52 8 required?---Well, yes, you just weren't going to catch him  
14:48:56 9 using traditional, you know, run of the mill law  
14:48:59 10 enforcement techniques.  
11  
14:49:01 12 Obviously one of the points we're going to make is that one  
14:49:03 13 of the innovative techniques was to engage a barrister to  
14:49:09 14 provide information against him, his own barrister?---Well,  
14:49:10 15 my understanding of that is that wasn't the case, that  
14:49:12 16 there'd been the work done around Operation Posse to target  
14:49:17 17 Mokbel for reasons I've spoken about, primarily around the  
14:49:20 18 murders, but using the fact that he was involved in drugs.  
19  
14:49:23 20 Yes?---My understanding is that Ms Gobbo becoming an  
14:49:27 21 informer and being registered in the September of 2005 was  
14:49:31 22 largely coincidental to that.  
23  
14:49:46 24 Thanks very much. I want to ask you next about Purana  
14:49:53 25 activities with respect to Solicitor 2. You know who  
14:49:57 26 Solicitor 2 is?---I'm sorry, I don't. Oh sorry, I do.  
14:50:02 27 Yes, I do. I'm with you now. Apologies.  
28  
14:50:07 29 Purana commenced, if I can put it this way, moves on her or  
14:50:13 30 activities to identify any unlawful conduct that it might  
14:50:21 31 allege against her around the middle of 2004. So, for  
14:50:26 32 example, if we have a look at a Purana Task Force update of  
14:50:31 33 28 June 2004, VPL.0100.0012.0107. If we go down the page,  
14:50:50 34 "ACC crew", do you see that?---Yes, I do.  
14:50:52 35  
14:50:53 36 "Following persons of interest were examined", and  
14:50:57 37 obviously we're not going to go through those names, but do  
14:51:03 38 you see her name there?---I do.  
39  
14:51:07 40 If we then go to an update of 30 August 2004. I tender  
14:51:14 41 that. No, I'm going to tender these in a block, that's  
14:51:17 42 right. If we go to 30 August 2004. VPL.0100.0012.0019.  
14:51:33 43 If we have a look at the entries here, at the first arrow  
14:51:37 44 it refers to Solicitor 2 visit to Williams and a couple of  
14:51:42 45 other people on 26 August 2004, including Mr Chimirri and a  
14:51:48 46 person by the Farrugia, do you see that?---I do.  
47



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

14:51:52 1 Mr Chimirri is overheard asking Solicitor 2 about PII [REDACTED]  
14:52:01 2 [REDACTED], do you see that?---I do.  
3  
14:52:04 4 Where he was and his status?---M'hmm.  
5  
14:52:07 6 She said she had no idea, do you see that?---I do.  
7  
14:52:11 8 If we go to the second arrow. "Williams also told  
14:52:14 9 Solicitor 2 that he will give her his watch that was seized  
14:52:19 10 by Purana". Then we see this note, "They were obviously  
14:52:23 11 communicating via written notes because there was large  
14:52:28 12 gaps in conversation. Solicitor 2's becoming a nuisance,  
14:52:37 13 however there is nothing that can be currently done. If  
14 14 the prisoner agrees to see a solicitor it can't be  
14:52:42 15 prevented. This loophole is being worked on by prison  
14:52:45 16 authorities", do you see that?---I do.  
17  
14:52:47 18 What that clearly suggests, Mr Overland, is that there are  
14:52:51 19 audio devices, or people or someone, listening to  
14:52:54 20 communications between Solicitor 2 and Williams, do you  
14:53:00 21 accept that proposition?---That's what they appear to  
14:53:04 22 indicate, yes.  
23  
14:53:05 24 Were you aware in mid-2004 that Purana was actively, in  
14:53:13 25 effect, eavesdropping on communications between lawyers and  
14:53:17 26 their clients?---So I assume this was in prison?  
27  
14:53:25 28 Yes. This is an update to you, to your organisation - - -  
14:53:34 29 ?---Yes, presumably I knew about it.  
30  
14:53:36 31 Do you know whether there had been particular warrants  
14:53:41 32 obtained with affidavits establishing why it was of primary  
14:53:44 33 importance to listen to communications between solicitors  
14:53:47 34 and their clients?---No, I don't know that.  
35  
14:53:53 36 Do you say that you approved of the process whereby lawyers  
14:53:57 37 and clients were eavesdropped on?---No, I didn't approve of  
14:54:01 38 that. That seems to be something that happened in the  
14:54:04 39 prison setting, so as I understand it there's a separate  
14:54:08 40 regime that applies to that.  
41  
14:54:10 42 We understand that Victoria Police had an intelligence cell  
14:54:12 43 within the prison, were you aware of that, or was receiving  
14:54:17 44 intelligence from the prison?---Well as I say I think the  
14:54:22 45 prison ran its own race around that, as I understand it.  
46  
14:54:25 47 One would assume that if you were aware that such - that

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

14:54:29 1 this sort of thing was occurring, you would have put a stop  
14:54:32 2 to it, would you?--Well I don't know. I mean the prison  
14:54:38 3 authorities might have had their own reasons for doing  
14:54:42 4 that. I think what's important is that if the information  
14:54:45 5 is privileged it ought not be passed across.  
6  
14:54:48 7 Well it apparently was being passed across, wasn't  
14:54:51 8 it?---That's what that appears to show, yes.  
9  
14:54:53 10 And it says that, "Solicitor 2 is becoming a nuisance,  
14:54:57 11 however there's nothing that can be currently done. If a  
14:55:00 12 prisoner agrees to see a solicitor it can't be prevented  
13 and the loophole is currently being worked on by prison  
14:55:06 14 authorities"?--That suggests to me that there is at least  
14:55:08 15 a belief that the communications were possibly not covered  
14:55:10 16 by legal professional privilege because they weren't for  
14:55:13 17 the purpose of receiving legal advice, they were for some  
14:55:17 18 other purpose.  
19  
14:55:18 20 How would it be known without listening to them?--Well I  
14:55:27 21 guess that's the point, that you possibly have to listen if  
14:55:27 22 you have a basis for suspecting that the communication is  
14:55:30 23 for some improper purpose. In that process there may well  
14:55:33 24 be privileged communications that are heard and I know  
14:55:33 25 internally to Victoria Police around telephone intercepts  
14:55:36 26 and other matters there were mechanisms in place to deal  
14:55:41 27 with all that.  
28  
14:55:41 29 If communications were considered to be legally privileged  
14:55:46 30 they simply wouldn't even see the light of day, there was a  
14:55:53 31 process where they'd be - - - ?---No, they shouldn't have  
14:55:55 32 been passed out of the Special Project Unit which actually  
14:55:58 33 managed the telephone intercepts.  
34  
14:55:59 35 Certainly whatever the situation is listed here didn't  
14:56:00 36 prevent this information from coming to you, did it?---This  
14:56:02 37 seems to be suggesting that the information wasn't covered  
14:56:05 38 by privilege, it actually seems to be about a whole series  
14:56:08 39 of other things, including trying to work out where a  
14:56:11 40 potential witness is.  
41  
14:56:15 42 In any event, do I take it that you would have made  
14:56:23 43 inquiries about what was going on and how it came to be  
14:56:26 44 that you would have got this information, because one  
14:56:29 45 assumes it's been provided to you?---Yeah, well I think  
14:56:32 46 it's as I've said - - -  
14:56:33 47

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

14:56:34 1 MR GLEESON: Can I request that Mr Winneke identifies the  
14:56:37 2 part that he says is legally professionally privileged in  
14:56:45 3 this note?  
14:56:45 4  
14:56:45 5 COMMISSIONER: Yes, that's fair enough.  
6  
14:56:48 7 MR WINNEKE: Commissioner, what I'm pointing out is that it  
14:56:49 8 is apparent from this document, and I'm not suggesting that  
14:56:51 9 in this particular document there's evidence of that, what  
14:56:55 10 I am suggesting is there appears to be a situation here  
14:56:59 11 where communications which prima facie are privileged  
14:57:05 12 communications between a lawyer and her client are being  
14:57:05 13 listened to, and I'm asking the witness whether he knows  
14:57:08 14 about it.  
15  
14:57:09 16 COMMISSIONER: All right. Well that's a little clearer,  
14:57:13 17 yes. Could you answer that, Mr Overland?---Commissioner,  
14:57:16 18 based on what I'm reading it looks to me that that  
14:57:19 19 information isn't privileged.  
20  
14:57:24 21 What are you relying on there, please?---There's  
14:57:29 22 conversations about where <sup>PII</sup> might be. I think it  
14:57:39 23 looks to me like there's issues around prison management  
14:57:44 24 there, so there's reference to who runs out with whom. And  
14:57:47 25 there's a reference there to Williams saying something  
14:57:50 26 about his watch being provided, which could be code for  
14:57:56 27 something. It's difficult because the notes are a little  
14:58:01 28 bit cryptic but there's nothing there that obviously leaps  
14:58:03 29 out to me. I get the issue around a solicitor being  
14:58:07 30 listened in to while they're talking to the client, but the  
14:58:10 31 point I'm making is this has happened in the prison, so  
14:58:13 32 presumably the prison authorities have done this and  
14:58:15 33 there's some information being made known to the  
14:58:17 34 investigators. There's nothing there that says to me  
14:58:20 35 clearly that any of the material passed is subject to legal  
14:58:24 36 professional privilege.  
37  
14:58:26 38 MR WINNEKE: What I'm suggesting to you is that it's  
14:58:30 39 apparent from looking at this document that there was the  
14:58:33 40 capacity for Victoria Police to be provided with  
14:58:40 41 information from the prison which appears to be, prima  
14:58:46 42 facie, material which has come about through a professional  
14:58:51 43 visit. What I'm asking you, Mr Overland, is were you aware  
14:58:56 44 that at this time, around 2004, were you aware that  
14:59:06 45 communications between people who were apparently visiting  
14:59:11 46 - who were lawyers, at least qualified as lawyers and who  
14:59:17 47 were visiting people who were prisoners, were you aware

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

14:59:21 1 that those conversations were being eavesdropped on?---I'm  
14:59:25 2 aware prison authorities have the capacity to do that.  
3  
14:59:30 4 Yes?---And that they do it on occasions. But as I say,  
14:59:34 5 that is really a matter for them.  
6  
14:59:35 7 I follow that. There was, and I take it Purana did have a  
14:59:39 8 liaison officer or someone with whom they communicated at  
14:59:45 9 the prison if there was a need to enable visits quickly, do  
14:59:55 10 you accept that?---Well there was significant liaison with  
14:59:59 11 the prison because the prisoner management issues rapidly  
15:00:03 12 became very significant.  
13  
15:00:04 14 Yes. And so I mean the Commission has evidence, as I put  
15:00:09 15 to you before, that Mr Bateson wanted to facilitate  
15:00:12 16 Ms Gobbo to go and see the <sup>PII</sup> [REDACTED] precipitously on  
15:00:19 17 the Sunday?---Yes.  
18  
15:00:20 19 And so that was arranged?---Yes.  
20  
15:00:22 21 There was at least that sort of cooperation between Purana  
15:00:26 22 and the prisons?---There was, and it became more  
15:00:36 23 substantial as time went by.  
24  
15:00:38 25 Do you understand that there were listening devices  
15:00:40 26 installed within visit centres within the prison? Did you  
15:00:43 27 later come to learn that that was the case?---I don't have  
15:00:46 28 an intimate knowledge of the way prisons are run but my  
15:00:51 29 understanding is that it's - well, I understand that they  
15:00:55 30 do have, they have technical capacity in some locations.  
31  
15:00:59 32 Yes. Clearly just a plain reading of that would have  
15:01:03 33 indicated to you at the time that those capacities  
15:01:07 34 existed?---Yes.  
35  
15:01:09 36 Were directions ever given that lawyers speaking to their  
15:01:15 37 clients be listened to?---Not by me.  
38  
15:01:18 39 Not by you?---No.  
40  
15:01:26 41 If we have a look at 4 October 2004, VPL.0100.0012.0171.  
15:01:43 42 You'll see references to - at about the sixth or seventh  
15:01:53 43 line there, you'll see references to interviews commencing  
15:01:56 44 on a number of people including Solicitor 2 for incitement  
15:02:02 45 - sorry, investigation?---Yes, I see that.  
46  
15:02:11 47 And there was an analytical cell compiling profiles on

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

15:02:17 1 Solicitor 2?---Yes, but that seems to be as a principal,  
15:02:22 2 not as a legal practitioner.  
3  
15:02:24 4 Yes. It seems that throughout February and March, May and  
15:02:36 5 June there's references to Purana interest in Solicitor 2  
15:02:44 6 and investigating her conduct?---Sorry, what year is that?  
7  
15:02:52 8 2004 and into 2005?---Yeah, I think that - can I put it  
15:03:00 9 this way, I think Solicitor 2 has what might be called a  
15:03:04 10 colourful background and I want to be careful, because I  
15:03:08 11 don't want to identify the person, but there was a homicide  
15:03:15 12 with which she had a close association I think around that  
15:03:17 13 time.  
14  
15:03:18 15 Yes. And she was called to give evidence?---I think there  
15:03:22 16 was a real question about, again, whether she was a lawyer  
15:03:25 17 or a crook.  
18  
15:03:27 19 Like the initial views about Ms Gobbo?---Oh, I think about  
15:03:31 20 - well, I think there was some blurring of the professional  
15:03:34 21 boundaries, let's put it that way.  
22  
15:03:37 23 If we go to 28 February 2005, VPL.0100.0012.0059. There's  
15:03:50 24 a reference to the possibility - in conjunction with the  
15:03:56 25 ACC discussions are continuing to have her charged with  
15:04:00 26 giving false evidence?---I see that.  
27  
15:04:03 28 And then I want to take you down - those references  
15:04:10 29 continue. If we can then come down to 16 May 2005,  
15:04:23 30 VPL.0100.0012.0145. If we go down to the third arrow  
15:04:31 31 you'll see that - you'll see there's reference in the sixth  
15:04:48 32 arrow to "ACC continue to brief"?---Yes, I see that.  
33  
15:04:53 34 Perhaps if we go to 16 May, the next one, if we might. You  
15:05:05 35 see here there's further conduct being, or action - you'll  
15:05:13 36 see that she'd been charged with firearms offences and  
15:05:20 37 giving false evidence to ACC hearings?---Yes.  
38  
15:05:24 39 Right. So there's quite a degree, it appears, quite a  
15:05:27 40 degree of interest on the part of Purana in pursuing her  
15:05:31 41 and her name appears almost every occasion there's one of  
15:05:35 42 these briefings?---Yes.  
43  
15:05:36 44 Right. Can we have a look at 6 June 2005. "Inquiries  
15:05:52 45 regarding the financial affairs of Solicitor 2", do you see  
15:05:57 46 that?---Yes.  
47

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

15:05:58 1 "Continued with investigations of money laundering offences  
15:06:02 2 being explored"?---Yes.  
3  
15:06:07 4 That turns into an operation which then appears in  
15:06:11 5 forthcoming updates called Operation Pedal and that's  
15:06:16 6 investigations into money laundering?---That doesn't ring a  
15:06:19 7 bell with me but I accept what you're saying.  
8  
15:06:22 9 No. If you go further down you'll see, "Investigations  
15:06:25 10 commenced", I'm sorry, the last dot point, "Defence  
15:06:29 11 barrister Nicola Gobbo attempted to make contact with  
15:06:32 12 Operation Purana members offering information. Her motives  
15:06:36 13 for this are yet to be established"?---Yes, I see that.  
14  
15:06:41 15 Right. I take it you would have been aware around this  
15:06:51 16 time and following that Mr Bateson was having meetings with  
15:06:57 17 Ms Gobbo and receiving information from her?---I don't  
15:07:01 18 believe I was.  
19  
15:07:03 20 Right. Can we have a look at - what I suggest to you is  
15:07:28 21 that there was a briefing note - sorry, a note from  
15:07:36 22 Mr Purton of a Task Force meeting which you attended, you,  
15:07:45 23 Purton and Swindells attended. And in that note there was  
15:07:49 24 reference to Solicitor 2, money laundering, Jupiters casino  
15:07:56 25 and extra territorial warrants, \$50,000 times two, and also  
15:08:03 26 within the note of the briefing was "Nicola Gobbo to meet  
15:08:07 27 Stuart Bateson"?---What date was that?  
28  
15:08:13 29 The same date, 6 June 2005. So you're being told about  
15:08:16 30 these matters and I suggest to you that you're aware that  
15:08:21 31 Stuart Bateson is to meet with Nicola Gobbo?---That seems  
15:08:25 32 to be the case, yes.  
33  
15:08:27 34 You accept that at that time you would have been aware then  
15:08:32 35 that Ms Gobbo was wanting to meet with Victoria Police  
15:08:40 36 investigators with a view to providing them with  
15:08:42 37 information?---If that's what the briefing note says then I  
15:08:49 38 accept that, yes.  
39  
15:08:50 40 Perhaps if we go to the note, it's VPL.0005.0067.0005, p.3.  
15:09:25 41 12.30, Monday the 6th of June, same day as the update.  
15:09:31 42 Task Force Purana progress meeting, Simon Overland, Phil  
15:09:36 43 Swindells. Gatto trial nearing completion. And then if we  
15:09:42 44 go down - - - ?---Yeah, I see the entry.  
45  
15:09:45 46 You'll see there?---Yep.  
47

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

15:09:46 1 There's a reference to "Solicitor 2, money laundering  
15:09:49 2 Jupiters casino, extra territorial warrants, 50K times  
15:09:57 3 two". So effectively for the most part what appears in the  
15:10:00 4 update is also appearing in the notes, Mr Purton's notes,  
15:10:04 5 and then you'll see the reference to Nicola Gobbo to meet  
15:10:07 6 with Stuart Bateson?---Yes, I see that.  
7  
15:10:14 8 Would it have occurred to you at this stage that it was  
15:10:16 9 somewhat unusual for a practising criminal barrister to be  
15:10:20 10 wanting to speak to one of your investigators?---No.  
11  
15:10:28 12 You'd already been aware that there'd been a suggestion  
15:10:31 13 previously that Ms Gobbo might have had information about  
15:10:35 14 leaks from Purana?---Well, again, you've put that to me. I  
15:10:45 15 don't recall whether I was aware of that or not.  
16  
15:10:49 17 One assumes you've been given this information for a  
15:10:53 18 reason, you're being told this for a reason?---Well it's  
15:10:56 19 part of an update, but as you can see there there's a lot  
15:10:59 20 of information being conveyed.  
21  
15:11:02 22 Look, a lot of the information that's being conveyed to you  
15:11:04 23 over the period of time, and I'm accepting there's a lot of  
15:11:08 24 information, but there is a lot of information that's  
15:11:10 25 coming to you about Ms Gobbo, a barrister?---Yes, yes.  
26  
15:11:14 27 It's not something that you would have simply dismissed  
15:11:18 28 from your mind?---Sorry, what wouldn't - I don't understand  
15:11:23 29 the question.  
30  
15:11:23 31 It would have occurred to you as being unusual, I suggest,  
15:11:28 32 that, one, you have a barrister who potentially is engaging  
15:11:33 33 in illegal or improper behaviour with respect to  
15:11:37 34 associating with criminals who are the targets of your  
15:11:39 35 operations, firstly, you accept that?---Yes.  
36  
15:11:41 37 And that's of not insignificant interest?---Yes.  
38  
15:11:47 39 And now you're being informed that this person is keen to  
15:11:51 40 provide information to you?---Yes.  
41  
15:11:55 42 Well, were you interested to follow it up subsequently to  
15:12:02 43 find out what Mr Bateson had heard?---I assumed if there's  
15:12:07 44 relevant information it would be reported back to me in due  
15:12:09 45 course.  
46  
15:12:13 47 Did you ask anyone what it was that Ms Gobbo wanted to

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

15:12:16 1 tell?---I don't recall now.  
2  
15:12:18 3 Is it likely that you would have?---Not necessarily, no.  
4  
15:12:29 5 Subsequently there were regular Task Force Purana update  
15:12:37 6 meetings which were following the investigations which  
15:12:41 7 become Operation Pedal, that is allegations of money  
15:12:46 8 laundering on the part of Solicitor 2 and her association  
15:12:51 9 with Tony Mokbel, that would have been of interest?---It  
15:12:53 10 would have been of interest. I must confess, I don't have  
15:12:55 11 a particularly strong memory of any of that.  
12  
15:12:59 13 Do you have any memory at all about these events?---Not a  
15:13:07 14 lot. I mean the material you walked me through today, if  
15:13:13 15 you'd asked me about these matters without reference to the  
15:13:17 16 material, I think I'd have recalled very little of it.  
17  
15:13:20 18 Okay. Subsequently were you aware that around September of  
15:13:25 19 2005, 19 September 2005 a report was forwarded to the Law  
15:13:32 20 Institute regarding the professional conduct of Solicitor  
15:13:37 21 2? Would that have been something that - - - ?---I think I  
15:13:40 22 was aware of that.  
23  
15:13:42 24 Right?---But by that time she'd been under investigation  
15:13:45 25 and charged I think with a number of quite serious  
15:13:49 26 offences.  
27  
15:13:49 28 Did you believe that it was open to Victoria Police to  
15:13:51 29 communicate with the Law Institute or lawyers' professional  
15:14:01 30 organisations if it took the view that a lawyer was not  
15:14:04 31 acting in a proper and professional way?---Well it was  
15:14:09 32 always open, yes. I think it depends a lot on the  
15:14:12 33 circumstances. I don't remember where that particular  
15:14:16 34 report was generated from. I seem to recall something  
15:14:19 35 being sent to the Law Institute at some point.  
36  
15:14:23 37 Perhaps if we have a look at VPL.0100.0012.0182?---I see  
15:14:38 38 the reference, yep.  
39  
15:14:40 40 So obviously the view was taken that the professional  
15:14:46 41 conduct of this lawyer was suspect and it was reasonable to  
15:14:51 42 make a referral to the Law Institute?---Yeah, I'm assuming  
15:14:55 43 on the basis that she'd been charged with a number of  
15:14:58 44 serious criminal offence.  
45  
15:15:03 46 Maybe so, that's the assumption you make. She hadn't been  
15:15:04 47 convicted at that stage, had she?---No, but it's consistent



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

15:15:06 1 I think with the chronology that we've just been through.  
2  
15:15:11 3 Was there ever consideration to referring the conduct of  
15:15:14 4 Ms Gobbo to the Ethics Committee or of the Bar?---Not that  
15:15:21 5 I'm aware of, no.  
6  
15:15:42 7 I take it you're aware subsequently that Mr Williams  
15:15:47 8 referred Ms Gobbo to the - - - ?---I became aware of that,  
15:15:52 9 yes. I don't quite remember when he did that, but yes.  
10  
15:15:56 11 Do you remember what the response of Purana was once, when  
15:15:59 12 that was done?---No, I don't.  
13  
15:16:01 14 That Purana then sought to investigate Mr Williams for  
15:16:07 15 making threats or engaging in inappropriate conduct by  
15:16:13 16 reference to his conduct in relation to calling Ms Gobbo a  
15:16:20 17 dog I think it was?---I remember being made aware of that  
15:16:23 18 information I think in about mid-2006.  
19  
15:16:26 20 Yes, all right. By which time Ms Gobbo had acted for just  
15:16:33 21 about everyone on all sides of the transactions?---Yes.  
22  
15:16:37 23 Can I take you to October 10, 2005, VPL.0100.0012.0172. I  
15:16:54 24 think this is the trial you're referring to perhaps.  
15:16:57 25 Solicitor 2 requested witness protection regarding her  
15:17:01 26 giving evidence in a matter involving <sup>PII</sup> [REDACTED]. Do you  
15:17:05 27 know who that is?---If that's the first named person, yes,  
28 I do.  
29  
15:17:08 30 Yes, we know the second named person?---Yes, I do.  
31  
15:17:11 32 <sup>PII</sup> [REDACTED] is the other one?---Yep.  
33  
15:17:13 34 And she'd been charged with contempt of court for refusing  
15:17:17 35 to give evidence?---Yes.  
36  
15:17:18 37 Were you aware that Ms Gobbo turned up at court to appear  
15:17:22 38 for her?---I don't think so.  
39  
15:17:27 40 You weren't made aware of that, okay?---I don't think so  
15:17:32 41 but again I may have been.  
42  
15:17:34 43 If you had been made aware of that and had you been aware  
15:17:38 44 of the fact that Ms Gobbo was providing information against  
15:17:41 45 that solicitor throughout 2005 and then turned up to appear  
15:17:47 46 for her in a court proceeding when she was charged, that  
15:17:50 47 would have been a fairly disturbing eventuality, wouldn't

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

15:17:55 1 it?---Yes.  
2  
15:17:56 3 And you would have wanted to make it clear to the  
15:17:58 4 prosecution that that had occurred, that this barrister who  
15:18:01 5 was purporting to represent the person, the solicitor, had  
15:18:06 6 in fact been providing information against them. Would  
15:18:10 7 that be a matter of some significance?---Yes, it would be.  
8  
15:18:18 9 I'm not suggesting that the information that she'd been  
15:18:20 10 providing was relevant to the actual - - - ?---No, I  
15:18:24 11 understand.  
12  
15:18:26 13 - - - charge but you would agree with the proposition that  
15:18:28 14 in any event that situation alone is not  
15:18:31 15 appropriate?---It's a bit messy.  
16  
15:18:32 17 It's messy, yeah. Okay. I have suggested this to you,  
15:18:50 18 that Ms Gobbo was providing Mr Bateson with information and  
15:18:56 19 that information was getting to Purana. You say you  
15:19:02 20 weren't aware of that?---I don't recall being aware of  
15:19:06 21 that, no.  
22  
15:19:07 23 All right. Mr Bateson was immediately reporting his  
15:19:19 24 communications afterwards, almost invariably when he met  
15:19:24 25 with Ms Gobbo and received information from her about  
15:19:30 26 various lawyers, about Carl Williams, about George  
15:19:36 27 Williams, about Tony Mokbel and money laundering and so  
15:19:38 28 forth. He would pass that information on to Mr Ryan,  
15:19:42 29 right. Is there any reason why you can think of why  
15:19:46 30 Mr Ryan wouldn't have passed it up the chain?---That's  
15:19:49 31 quite detailed operational information that wasn't  
15:19:52 32 regularly passed through to me.  
33  
15:19:54 34 So what you would say is he would add that information - or  
15:20:02 35 who would he report that information to?---He would have  
15:20:06 36 been a Detective Inspector at that period of time.  
37  
15:20:08 38 Yes?---He could have reported it to his Superintendent or  
15:20:12 39 Commander, he could have raised it in one of the weekly  
15:20:16 40 briefings. But it was really up to the detectives to  
15:20:18 41 determine what information they briefed us on.  
42  
15:20:20 43 Yes, I follow that. All right. Could I move on to  
15:20:33 44 Ms Gobbo's involvement in representing [REDACTED].  
15:20:40 45 You know who that is?---Yes.  
46  
15:20:42 47 Right. The situation I think is this, that Mr Williams -

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

15:20:50 1 the committal in relation to Williams<sup>PII</sup> [REDACTED]  
 15:20:57 2 [REDACTED]<sup>PII</sup>, had  
 15:21:02 3 proceeded in [REDACTED] of 2005?---For?  
 4  
 15:21:06 5 2005 for the murders - - - ?---Yes, that's what I'm trying  
 15:21:10 6 to be clear about.  
 7  
 15:21:11 8 [REDACTED] and also [REDACTED] and [REDACTED]?---Okay, I accept.  
 9  
 15:21:15 10 During the course of that committal the evidence the  
 15:21:20 11 Commission has is that - or subsequent to that committal  
 15:21:27 12 Mr Bateson was called by Ms Gobbo who thanked him for  
 15:21:36 13 keeping her name out of the committal. Would you have been  
 15:21:38 14 aware of that?---No, I wasn't aware of that.  
 15  
 15:21:39 16 In the months subsequent to that Ms Gobbo starts providing  
 15:21:43 17 information to Mr Bateson, and you say you weren't  
 15:21:45 18 necessarily aware of that save for the matters that have  
 15:21:48 19 been brought to your attention?---Yes.  
 20  
 15:21:49 21 Which you may have been aware of?---I may have been, yes.  
 22  
 15:21:54 23 Then it appears that there are processes afoot with respect  
 15:21:57 24 to disclosure and discovery and at the conclusion of the  
 15:22:03 25 [REDACTED]<sup>PII</sup> I think the view expressed by [REDACTED]<sup>PII</sup>  
 15:22:08 26 was that he would reserve his plea and then in early 2006  
 15:22:13 27 he made contact with Mr Horgan, he wrote him a letter, do  
 15:22:16 28 you recall that?---I don't recall but I recall he  
 15:22:19 29 subsequently rolled, yes.  
 30  
 15:22:22 31 And then fairly shortly after that, certainly according to  
 15:22:27 32 those who know these things, word gets out and then there's  
 15:22:31 33 moves afoot by [REDACTED]<sup>PII</sup> or [REDACTED]<sup>PII</sup> to make  
 15:22:38 34 contact with his lawyer and make contact with police. So  
 15:22:42 35 at about that time in early 2006 [REDACTED]<sup>PII</sup> are speaking  
 15:22:48 36 to police with a view to assisting?---Yes.  
 37  
 15:22:55 38 One assumes that in relation to these matters, which are no  
 15:22:58 39 doubt significant matters on any view, putting together a  
 15:23:04 40 case against these gangland killers, in particular Carl  
 15:23:07 41 Williams, was a matter that you were particularly keen to  
 15:23:09 42 do?---Yes.  
 43  
 15:23:10 44 And were interested in the goings on, I would  
 15:23:13 45 assume?---Yes.  
 46  
 15:23:16 47 It appears that, or do you accept this proposition, that

.16/12/19

11415

OVERLAND XXN

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

15:23:21 1 you were receiving regular reports about what was happening  
15:23:26 2 with [REDACTED] or the [REDACTED]?---I was - I'd  
15:23:32 3 have been kept briefed on the progress of that, yes.  
4  
15:23:36 5 And then you would have been kept briefed on what was  
15:23:42 6 happening with [REDACTED]?---Yes.  
7  
15:23:45 8 And I take it you would have been aware that Mr O'Brien and  
15:23:49 9 Mr Bateson attended the prison to speak to that person  
15:23:55 10 after it had been drawn to their attention by Ms Gobbo that  
15:24:00 11 that person might be prepared to assist with the various  
15:24:05 12 murders but perhaps also other matters that were of  
15:24:08 13 interest to Purana?---I mean I remember that happening.  
15:24:11 14 I'm not sure I recall whether I was aware that came through  
15:24:15 15 Ms Gobbo or not.  
16  
15:24:17 17 Do you think it might have come - were you getting briefs  
15:24:20 18 at that stage from the SDU?---No.  
19  
15:24:24 20 Mr O'Brien apparently was having communications with the  
15:24:28 21 SDU at that stage. I take it you would have been aware by  
15:24:31 22 this stage that Ms Gobbo had been registered?---What date  
15:24:34 23 is this?  
24  
15:24:35 25 We're talking about February, March into April of 2006?---I  
15:24:39 26 think I must have been by then, yes.  
27  
15:24:41 28 And so what I'm suggesting to you is that around 2006,  
15:24:48 29 early 2006, it's likely, if in fact it was the case, that  
15:24:54 30 Ms Gobbo was communicating with Bateson with a view to  
15:24:58 31 facilitating [REDACTED] to roll and assist, it's likely that  
15:25:04 32 you would have been getting those updates?---Yes.  
33  
15:25:07 34 At a time when you were aware that Ms Gobbo was in fact an  
15:25:11 35 informer?---Yes.  
36  
15:25:16 37 Did that cause you any concern that Ms Gobbo, having  
15:25:20 38 previously acted for the [REDACTED], now is an agent of  
15:25:28 39 Victoria Police, now is acting for the [REDACTED] and is  
15:25:36 40 apparently assisting police in getting that person to roll  
15:25:43 41 and cooperate? Would that have caused you any  
15:25:47 42 concerns?---It was a very complicated set of circumstances  
15:25:50 43 but I make the point that with all the rolling of those  
15:25:54 44 individuals that went on there was, you know, very  
15:25:56 45 extensive liaison/consultation with the Director of Public  
15:25:59 46 Prosecutions.  
47

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

15:26:00 1 Let's get this clear. You've said that on a number of  
15:26:04 2 occasions, that there was liaison with the Director of  
15:26:09 3 Public Prosecutions and I think you've said in your  
15:26:12 4 statement that this was always done with the full knowledge  
15:26:14 5 of then Mr Coghlan and Mr Horgan. Did you give him the  
15:26:20 6 full knowledge?---Well the full knowledge as I knew it,  
15:26:24 7 yes. The information was really coming from the  
15:26:28 8 investigators, not from me.  
9  
15:26:30 10 Yes?---I was part of a number of meetings that happened  
15:26:33 11 with Mr Coghlan and Mr Horgan around essentially the terms  
15:26:38 12 of the deal.  
13  
15:26:39 14 I think this should be made clear if you're saying full  
15:26:43 15 knowledge. The full knowledge was in fact that Ms Gobbo  
15:26:45 16 was an agent of Victoria Police, she was an informer in  
15:26:48 17 early 2006. Are you suggesting that you informed the  
15:26:52 18 Director of Public Prosecutions and/or Mr Horgan that  
15:26:56 19 Ms Gobbo was an informer?---No.  
20  
15:26:58 21 So you didn't give them the full knowledge?---No.  
22  
15:27:09 23 Commissioner, I wonder if it's time to have a break?  
24  
15:27:14 25 COMMISSIONER: Yes, all right, we'll have the afternoon  
15:27:43 26 break.  
27  
28 (Short adjournment.)  
29  
15:43:53 30 MR HOLT: Just prior to us starting, on Thursday afternoon,  
15:43:55 31 Commissioner, you asked for Victoria Police to provide the  
15:43:57 32 original document of Assistant Commissioner Cornelius which  
15:44:01 33 included the 3838 entry which I now have.  
15:44:05 34  
15:44:05 35 COMMISSIONER: Good, thank you.  
15:44:06 36  
15:44:07 37 MR HOLT: I tender that, it's in a sealed plastic sleeve.  
15:44:11 38 And obviously, Commissioner, it's an original document so  
15:44:13 39 at some point when the Commission has concluded we'd seek  
15:44:16 40 an order for its return, but obviously only once the  
15:44:20 41 Commission has done what it needs to do with it. Thank  
15:44:23 42 you.  
15:44:34 43  
15:44:36 44 COMMISSIONER: Thank you. What exhibit was the copy? It's  
15:45:13 45 already been given an exhibit number, 901C.  
15:45:18 46  
15:45:18 47 MR HOLT: Thank you, Commissioner.

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

15:45:45 1  
15:45:45 2 COMMISSIONER: Yes Mr Winneke.  
15:45:46 3  
15:45:47 4 MR WINNEKE: Thanks Commissioner. 22 June 2006 there's  
15:45:50 5 evidence that you met with Stuart Bateson and Mr Grant.  
15:45:57 6 We've got a typed version of this meeting, Mr Bateson was  
15:46:06 7 kind enough to put together a typed version of relevant  
15:46:09 8 diary entries and we'll put this up. But what he suggests  
15:46:13 9 is that he'd been having, he'd been having discussions  
15:46:24 10 with, as I suggested, Mr Bateson and Mr O'Brien had been  
15:46:29 11 going out to see [REDACTED], getting him on tape with  
15:46:32 12 versions of what he might be able to say and Ms Gobbo,  
15:46:41 13 through her handlers, had been provided with edited  
15:46:45 14 transcripts of those communications in effect to arm her  
15:46:49 15 and enable her to go and speak to [REDACTED]. Now, the view  
15:46:59 16 of Mr Bateson was that in certain aspects of what he was  
15:47:03 17 saying they weren't satisfied that he was telling the  
15:47:07 18 truth. In other words, aspects of it they were prepared to  
15:47:12 19 accept were truthful and some aspects of it they weren't  
15:47:15 20 prepared to accept were truthful. There was a discussion  
15:47:18 21 on 22 June with you and Mr Grant, Mr Bateson and those  
15:47:23 22 matters were ventilated. I'm not suggesting that you'll  
15:47:28 23 recall it, but if you have a look at a diary entry, at  
15:47:31 24 least a transcript of a diary entry it might jog your  
15:47:34 25 recollection. 22 June 2006. The actual diary itself is  
15:47:46 26 RCMPPI.0053 - perhaps we'll go to the typed version.  
15:48:28 27 Exhibit 252 it is. If we go to 22 June over the following  
15:48:41 28 page we'll see that - 2006. There you see that he's at  
15:49:04 29 [REDACTED] Prison with Senior Detective Kerley, who I take it  
15:49:09 30 you know?---Yes.  
15:49:10 31  
15:49:10 32 Michelle Kerley?---Yes.  
15:49:12 33  
15:49:13 34 "Spoken to [REDACTED] who confirmed he is willing to sign  
15:49:18 35 statements. He has a meeting with you and Superintendent  
36 Grant. Resolved that [REDACTED] was not a truthful witness and  
15:49:24 37 provides little that we don't know. Will inform the OPP of  
15:49:27 38 the police view and the meeting with the OPP to be  
15:49:31 39 confirmed." And then subsequently he speaks to Ms Gobbo  
15:49:36 40 and advised her that re [REDACTED], that he was trying to  
15:49:41 41 suggest that he tried to stop the murder, and advised that  
15:49:46 42 will be meeting with the OPP and promised to get back to  
15:49:50 43 her, right. So in his diary at 15:00 he says he meets with  
15:49:59 44 you and Superintendent Grant and in effect sets out that  
15:50:02 45 which he records in his written note. Do you see that?---I  
15:50:06 46 see that, yes.  
15:50:07 47

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

15:50:08 1 Now, then at 15:30 he notes that he speaks to Gobbo,  
15:50:13 2 "Advised re PII, biggest problem, says he was trying  
15:50:19 3 to stop the murder. Advised will be speaking to the OPP".  
15:50:24 4 So can I suggest to you that that was something that you  
15:50:27 5 were aware of, both the fact that Mr Bateson had been  
15:50:31 6 speaking to PII, they'd formed a view about what he  
15:50:37 7 was saying, and then can I suggest that it would have been  
15:50:40 8 apparent to you that he was then speaking to, or he would  
15:50:46 9 have informed you that he was going to speak to Ms Gobbo  
15:50:49 10 and let her know the police view. Would that be reasonable  
15:50:52 11 or not?--I don't have a specific recollection of this. I  
15:50:57 12 do recollect that there were problems with this witness and  
15:51:00 13 the truthfulness of what they were telling us. And I  
15:51:05 14 understand I think at one point it was decided not to use  
15:51:12 15 them for that reason. I don't recall whether I knew  
15:51:16 16 Ms Gobbo was acting for them or not and I don't recall  
15:51:19 17 knowing whether Stuart Bateson was talking to her after  
15:51:24 18 speaking with me.

15:51:25 19  
15:51:25 20 I thought you were saying earlier, before the break, that  
15:51:28 21 you were aware that Ms Gobbo was acting for this  
15:51:37 22 person?--It's difficult to know - I mean I know now. It's  
15:51:41 23 difficult to know when I knew that.

15:51:43 24  
15:51:43 25 All right. Then subsequently he has a meeting with the  
15:51:47 26 OPP, "Geoff Horgan and Andrew Tinney. Resolved that we  
15:51:54 27 were not interested in PII's evidence with respect to the  
28 PII murders as we didn't believe that he was a  
15:51:58 29 witness of truth on this matter. However if he was to  
15:52:01 30 plead guilty and provide assistance in other matters he'd  
15:52:04 31 be entitled to a discount" and then he speaks to Ms Gobbo  
15:52:08 32 and informs her about the conversation and asks her to  
15:52:11 33 contact Mr Horgan to discuss further. Right. Now, I take  
15:52:21 34 it that certainly insofar as what was happening with  
15:52:27 35 PII, whether he was going to provide assistance, was  
15:52:32 36 something that would have interested you?--Yes, it did.  
15:52:36 37 Can I - was I at that meeting on 23 June?

15:52:39 38  
15:52:40 39 No, no. But what he said was that he would advise you as  
15:52:43 40 to the update, meeting with OPP to be confirmed?--Sure.

15:52:47 41  
15:52:47 42 Perhaps I withdraw that. "Will inform OPP of police view.  
15:52:52 43 Meeting to OPP to be confirmed"?--Okay.

15:52:55 44  
15:52:55 45 Right. So that's, I mean that's as much as we know from  
15:52:59 46 the notes. But as a general proposition it seems that you  
15:53:05 47 are speaking directly with the investigators and

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

15:53:08 1 sufficiently interested to know what's going on at this  
15:53:12 2 level to at least have these meetings and be provided with  
15:53:18 3 this information, these updates?---Yeah. I mean I accept  
15:53:23 4 his notes. I don't recall the meeting, I don't recall  
15:53:26 5 meeting with Stuart Bateson very regularly at all.  
15:53:29 6  
15:53:29 7 Righto, okay. Now, were you receiving reports throughout  
15:53:39 8 July and August 2006 on the progress with respect to the  
15:53:45 9 preparations for the Carl Williams' trial and also the  
15:53:49 10 processes with respect to PII's statements? Would  
15:53:57 11 you have been getting updates about that?---I assume so,  
15:54:00 12 without having a specific recollection of that.  
15:54:02 13  
15:54:03 14 Were you aware that Ms Gobbo was involved, well certainly  
15:54:12 15 involved in seeing PII at the Police Centre I think  
15:54:18 16 on PII July of 2006 during the time when PII  
15:54:25 17 PII rather was making his statements, Ms Gobbo came down and  
15:54:29 18 saw him during that period of time?---Again I have no  
15:54:34 19 recollection on that.  
15:54:35 20  
15:54:35 21 The evidence is that before he signs his statement Ms Gobbo  
15:54:40 22 goes down to St Kilda Road and spends a couple of hours  
15:54:44 23 going through the statements, reading the statements, is  
15:54:48 24 provided with Post-It Notes and a red pen, I think on PII  
15:54:53 25 July of 2006, would you have been aware of that?---I don't  
15:54:57 26 believe I was.  
15:54:58 27  
15:54:58 28 Would that be a matter of concern to you if she was invited  
15:55:05 29 along, without the client, and provided the statements - -  
15:55:11 30 - ?---Without the client?  
15:55:12 31  
15:55:13 32 Without the client?---Sorry, I misunderstood you.  
15:55:17 33  
15:55:18 34 Provided with Post-It Notes and a pen and permitted to make  
15:55:24 35 comments, if you like, annotations perhaps and certainly  
15:55:28 36 write notes on Post-It Notes about her views of aspects of  
15:55:33 37 the statement. Was that something that you were aware  
15:55:35 38 of?---No, I don't believe I was aware - no, I wasn't aware  
15:55:40 39 of that.  
15:55:40 40  
15:55:40 41 Is that a matter you would regard as a regular matter or  
15:55:43 42 irregular?---Look it causes me some concern, yes.  
15:55:53 43  
15:55:53 44 And you don't believe you were told that?---No.  
15:55:55 45  
15:55:56 46 Had you been told that what would you have done?---Well, I  
15:55:59 47 would have, I think, made sure that certainly the

.16/12/19

11420

OVERLAND XXN



15:56:02 1  
15:56:04 2  
15:56:04 3  
15:56:09 4  
15:56:15 5  
15:56:17 6  
15:56:25 7  
15:56:29 8  
15:56:34 9  
15:56:37 10  
15:56:41 11  
15:56:44 12  
15:56:44 13  
15:56:47 14  
15:56:50 15  
15:56:54 16  
15:56:56 17  
15:56:59 18  
15:57:04 19  
15:57:12 20  
15:57:12 21  
15:57:12 22  
15:57:19 23  
15:57:23 24  
15:57:30 25  
15:57:30 26  
15:57:36 27  
15:57:40 28  
15:57:44 29  
15:57:49 30  
15:57:54 31  
15:58:01 32  
15:58:03 33  
15:58:07 34  
15:58:20 35  
15:58:30 36  
15:58:36 37  
15:58:42 38  
15:58:45 39  
15:58:45 40  
15:58:46 41  
15:58:50 42  
15:58:54 43  
15:58:56 44  
15:59:03 45  
15:59:08 46  
15:59:11 47

prosecutor was aware of all of that.

Yes. Would you have wanted to retain any annotations or any notes or any comments made by Ms Gobbo with respect to the statements?---Look I think so, yes.

I think I've asked you before about the complaint that Mr Williams made to the Bar Ethics Committee and the Law Institute and you say you were generally aware of that?---Again, I'm aware of it. Again, I'm struggling to remember exactly when I became aware of it.

These were public utterances by Mr Williams during the course of court processes and it was not a matter that was kept secret deliberately I suggest from you?---No, no. I may have known about it, I may not have. I don't recall.

This is around August 2006 in the preparation for the plea of [REDACTED]. Yes, I'm sorry, [REDACTED] [REDACTED]?---Yes.

And Mr Williams was upset about the fact that Ms Gobbo was proposing to act for that person for the plea. Were you aware of that?---I don't think so.

Were you aware earlier on in the year that Justice King, who was conducting these trials I think on about [REDACTED] 2006, called Ms Gobbo and Solicitor 2 before her and indicated that as far as she was concerned neither Solicitor 2 nor Ms Gobbo should have any involvement in any trial proceedings involving Williams [REDACTED]. Were you aware of that?---I don't believe so.

All right. Now, can I ask you about the events leading to Ms Gobbo's registration. In August of 2005 there was an operation going on called Operation Quills, I've suggested to you before that there was MDID interest in this operation, Operation Quills?---I remember the code name, yes.

And that concerned associates of Tony Mokbel [REDACTED]

[REDACTED] Mr Bickley [REDACTED]

These claims are not yet resolved.

15:59:11 1  
15:59:15 2  
15:59:15 3  
15:59:17 4  
15:59:17 5  
15:59:19 6  
15:59:25 7  
15:59:28 8  
15:59:28 9  
15:59:28 10  
15:59:33 11  
15:59:36 12  
15:59:41 13  
15:59:41 14  
15:59:45 15  
15:59:48 16  
15:59:48 17  
15:59:50 18  
16:00:01 19  
16:00:05 20  
16:00:10 21  
16:00:16 22  
16:00:22 23  
16:00:26 24  
16:00:31 25  
16:00:34 26  
16:00:39 27  
16:00:39 28  
16:00:45 29  
16:00:48 30  
16:00:50 31  
16:00:52 32  
16:00:56 33  
16:01:01 34  
16:01:05 35  
16:01:12 36  
16:01:17 37  
16:01:20 38  
16:01:23 39  
16:01:27 40  
16:01:27 41  
16:01:30 42  
16:01:31 43  
16:01:31 44  
16:01:34 45  
16:01:38 46  
16:01:41 47

WITNESS: Yes, I know the name.

MR WINNEKE: And there are two other people, one by the name of **Mr Hastings** and another by the name of **Mr Dunlop** who were involved in that operation?---No, I don't remember those names.

**Mr Bickley** was an associate of Mr Mokbel and that was apparent during the course of the investigation in Operation Quills. Now - - - ?---I accept that, yep.

Do you believe that you would have been aware of Quills?---I had some knowledge of it, the name rings a bell, yes.

It seems that on 31 August, at least prior to that, there'd been arrests, mid August, and there was a bail application set down on 31 August for **Mr Bickley** and Ms Gobbo had been engaged to appear for him and early on that day Ms Gobbo had spoken to Detective Senior Constable Rowe of the MDID, who was the informant in that matter and laid out some concerns that she had. Now, I take it you subsequently became aware of the way in which Ms Gobbo came into the arms of Victoria Police as a registered informer?---Yes.

And you say, look, as a general proposition your awareness was around the fact that Ms Gobbo had got herself in a situation where she was in fear?---Yes.

What the Commission understands is that she had felt that she was in a position of conflict. She'd listened to the record of interview and Mr Mokbel's name had been mentioned and she felt that she'd be embarrassed if she represented **Mr Bickley** because of the fact that she was then acting for Mr Mokbel in other proceedings and that she'd be in a conflicted situation, do you follow that?---I follow it, yes. I don't know if I was aware of that at the time.

And that may well indeed be a reasonable view to take?---Yes.

If she is acting for Mokbel, and she was at the time because there were preparatory stages for the trial which proceeded the following year, it may well be entirely appropriate for her to say, "It's not appropriate for me to

These claims are not yet resolved.

16:01:43 1 act for this person because it may well be contrary to the  
16:01:46 2 interests of Mr Mokbel. For example, if I have to  
16:01:49 3 cross-examine the police officer in a bail application to  
16:01:52 4 suggest that Mr Bickley was no more than a bit player and  
16:01:55 5 the major person involved in this was Mr Mokbel"?---Yes.

16:01:58 6  
16:01:59 7 And I take it you would understand that that may well cause  
16:02:04 8 her to be in a conflicted situation?---Yes.

16:02:06 9  
16:02:06 10 Right. And in any event it appears that she had made it  
16:02:18 11 clear to Messrs Rowe and also another officer by the name  
16:02:24 12 of Mansell this concern and they spoke to Mr O'Brien, and  
16:02:32 13 indicated to him that Ms Mokbel wanted to say some things  
16:02:37 14 or tell them some things?---Ms Gobbo.

16:02:40 15  
16:02:40 16 I'm sorry?---You said Ms Mokbel.

16:02:42 17  
16:02:42 18 I think that's been said plenty of times this year.  
16:02:46 19 Ms Gobbo?---Ms Gobbo.

16:02:47 20  
16:02:47 21 And Mr O'Brien said, "I think you should tape the  
16:02:50 22 conversation". Now we understand that that  
16:02:52 23 occurred?---Right.

16:02:53 24  
16:02:53 25 Now, were you ever made, was it ever made known to you that  
16:02:57 26 these events had occurred?---No.

16:02:59 27  
16:03:01 28 What, you say this is the first you've heard of it  
16:03:04 29 here?---Yes.

16:03:05 30  
16:03:06 31 And subsequently conversations were recorded I think on two  
16:03:10 32 occasions in the event Ms Gobbo didn't appear because the  
16:03:15 33 solicitor hadn't put a gaol order in and the client didn't  
16:03:19 34 turn up, so the bail application didn't go ahead?---Right.

16:03:21 35  
16:03:22 36 But what did occur was that there'd been communication made  
16:03:29 37 and an arrangement was put in train for Ms Gobbo to speak  
16:03:34 38 to the SDU?---Right.

16:03:38 39  
16:03:39 40 Now, the evidence is that Acting Superintendent Robert Hill  
16:03:53 41 of the MDID requested or made an assistance, a request for  
16:03:59 42 assistance of the SDU, or the SDU to assess Ms Gobbo to see  
16:04:08 43 whether she was suitable to be an informer. And that  
16:04:12 44 occurred, that request was made on 7 September. And  
16:04:20 45 subsequently there was a meeting on 8 September. Perhaps  
16:04:25 46 if we can have a look at the source management log for 8  
16:04:28 47 September. This appears to be an entry made by Mr Sandy

16:04:55 1 White in the source management log indicating that he had  
16:04:57 2 met with Hill, another person by the name of White, Adrian  
16:05:04 3 White I think it is, Mansell and Rowe, a briefing regarding  
16:05:09 4 human source, which is Gobbo, and Operation Quills. You  
16:05:15 5 understand who Sandy White is, I think I've asked you that  
16:05:18 6 before?---I do, yes.  
16:05:19 7  
16:05:19 8 "She's concerned she's under surveillance and may be  
16:05:22 9 killed. The SDU to meet with same for assessment. Concern  
16:05:26 10 that Ms Gobbo's well-known to numerous police members and  
16:05:30 11 may have spoken to some regarding an approach to the MDID."  
16:05:38 12 Then on 9 September there was a note to the effect that the  
16:05:41 13 MDID was unavailable for a meeting until possibly Tuesday  
16:05:45 14 next week. And then there's this entry, if we can go to  
16:05:50 15 Mr O'Brien's diary of 12 September 2005. Have we got that  
16:06:14 16 or not? No, all right. We'll put this up in due course  
16:06:18 17 but can I suggest to you this, that on 12 November  
16:06:24 18 Mr O'Brien indicates that he's spoken to Assistant  
16:06:32 19 Commissioner Overland re Task Force Purana update and there  
16:06:50 20 was a discussion by, where they discussed solicitor Nicola  
16:06:58 21 Gobbo - - -  
16:06:59 22  
16:07:00 23 MR GLEESON: Commissioner, can I ask that given that we  
16:07:01 24 don't have a view of it but Mr Winneke tries to read it  
16:07:05 25 verbatim, maybe he is but - - -  
16:07:07 26  
16:07:08 27 MR WINNEKE: No, I'm trying - no, no, I'm trying to read  
16:07:08 28 it. It's hard to read. Perhaps we'll put it up. I think  
16:07:09 29 we need to find it, and I apologise. VPL.0005.0126.0001 at  
16:07:39 30 page - there's a typed out version which we've got of the  
16:07:47 31 diary, we can do both. Mr O'Brien, Commissioner, provided  
16:07:58 32 typed out versions of his diary notes. We've got the other  
16:08:02 33 one which is available as well. It might be easier if we  
16:08:06 34 go to that.  
16:08:44 35  
16:08:46 36 COMMISSIONER: While we're waiting. Mr Holt, you were also  
16:08:48 37 going to provide the document analysis, a report. That's  
16:08:52 38 not ready yet?  
16:08:55 39  
16:08:55 40 MR HOLT: It's being provided in an electronic form.  
16:08:59 41  
16:08:59 42 COMMISSIONER: Thank you, I think that's already been  
16:09:01 43 marked Exhibit 901D when it comes.  
16:09:04 44  
16:09:05 45 MR HOLT: I should indicate there's a report and then  
16:09:07 46 there's a series of emails which the Commission's  
16:09:11 47 investigator was (indistinct). We propose to produce them

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

16:09:14 1 as a bundle. I'll deal with that once they've got a VPL,  
16:09:21 2 Commissioner.  
16:09:21 3  
16:09:22 4 COMMISSIONER: Okay, thank you.  
16:09:23 5  
16:09:23 6 MR WINNEKE: Right. That's the actual note and it appears  
16:09:26 7 to be, "Spoke to AC Overland re Task Force Purana update  
16:09:34 8 per sheet. Discussion re solicitor Nicola Gobbo and  
16:09:39 9 opportunities re Operation Quills. To consider ACC  
16:09:44 10 hearings. To discuss receipt of recent AFP investigation  
16:10:04 11 re Mokbel. Assistant Commissioner queried re Mokbel, State  
16:10:12 12 charges, brief and time frame too". It appears he uses to  
16:10:18 13 as a spacing, if you like and we'll have a look at his  
16:10:22 14 typed out version, that might give us some further  
16:10:25 15 information about it, but at the very least it appears to  
16:10:29 16 be that you were informed on that day that Gobbo is going  
16:10:37 17 to be of use or may present opportunities regarding  
16:10:40 18 Operation Quills. Can I suggest to you that effectively  
16:10:49 19 given what's occurred up until now, the fact that Gobbo has  
16:10:52 20 approached O'Brien's investigators and has given them a  
16:10:59 21 rundown of her concerns, and a plan had been put in train  
16:11:07 22 by this stage to have her assessed by the specialist Human  
16:11:13 23 Source Development Unit, it would have been conveyed to you  
16:11:16 24 at this time that there was consideration being made to  
16:11:22 25 having Ms Gobbo registered as a human source to provide  
16:11:26 26 information concerning Tony Mokbel, and at the very least  
16:11:32 27 Operation Quills, which was an operation against associates  
16:11:36 28 of Tony Mokbel, and indeed he was a target of this  
16:11:42 29 operation.  
16:11:43 30  
16:11:44 31 MR HOLT: Sorry, Commissioner, this document has  
16:11:46 32 significant names in it.  
16:11:47 33  
16:11:48 34 MR WINNEKE: There we've got the note there. Do you accept  
16:11:56 35 the proposition that I've put?  
16:11:59 36  
16:11:59 37 MR GLEESON: There was about 12 propositions with respect.  
16:12:03 38 It's no criticism, it was a difficult task but you might  
16:12:07 39 break it down.  
16:12:07 40  
16:12:08 41 MR WINNEKE: Right, let's break it down. Do you accept  
16:12:08 42 that you met with Mr O'Brien on 12 September 2005?---I have  
16:12:11 43 no recollection of that but if that's what his diary entry  
16:12:15 44 shows I accept that's what his diary entry shows.  
16:12:18 45  
16:12:19 46 Do you accept that you had a discussion by way of a Task  
16:12:22 47 Force Purana update?---Again, is there an associated update

16:12:26 1  
16:12:29 2  
16:12:29 3  
16:12:34 4  
16:12:39 5  
16:12:40 6  
16:12:40 7  
16:12:44 8  
16:12:50 9  
16:12:55 10  
16:13:00 11  
16:13:04 12  
16:13:07 13  
16:13:09 14  
16:13:09 15  
16:13:16 16  
16:13:21 17  
16:13:27 18  
16:13:31 19  
16:13:37 20  
16:13:39 21  
16:13:39 22  
16:13:40 23  
16:13:41 24  
16:13:43 25  
16:13:44 26  
16:13:47 27  
16:13:49 28  
16:13:54 29  
16:13:57 30  
16:13:59 31  
16:14:00 32  
16:14:04 33  
16:14:10 34  
16:14:15 35  
16:14:18 36  
16:14:21 37  
16:14:24 38  
16:14:24 39  
16:14:24 40  
16:14:29 41  
16:14:38 42  
16:14:44 43  
16:14:46 44  
16:14:53 45  
16:14:55 46  
16:14:56 47

sheet that corresponds with that day?  
There may well be. I don't think we've got one, but in any event - - - ?---I'd expect there to be one if that in fact occurred.

Do you accept that you had a discussion with Mr O'Brien about Nicola Gobbo?---I accept that I've had discussions with Jim O'Brien about Nicola Gobbo. My general recollection is that it was later than this but, you know, I'm reading what's there. I'm not in a position to dispute it, I don't remember it. My general recollection is I would have spoken to him later than this.

Do you accept that this note reflects a discussion that you had with Mr O'Brien about Nicola Gobbo and the opportunities that might arise through receiving information from her as an informer regarding a particular operation called Operation Quills?---I accept that's what the note says.

Right?---Yes.

Well - - - ?---I don't have any recollection.

It says a little bit less than what I put to you?---But I don't have any recollection of that and my general recollection is that the time, and I've struggled long and hard to try and recall this because as I've said consistently, I don't remember when or how I found out.

Yes?---But my general recollection was when I found out she was registered as a human source and that I understood she had come to the organisation because of threats from the Mokbel syndicate and I understood that she was going to be used against the Mokbel syndicate. I accept all that. I'm just not clear whether I had that conversation at that time.

It certainly seems from this note, bearing in mind that steps had been put in train on behalf of Mr O'Brien's unit, the MDID, to have her registered, that by 12 September those steps had already been put in train and there are attempts being made to introduce her to the SDU, do you accept that is what the evidence suggests?---I accept all of that, absolutely, yes.

These claims are not yet resolved.

16:14:56 1 And it certainly appears that there's been a meeting on  
16:15:00 2 this day wherein there was a discussion about Ms Gobbo and  
16:15:06 3 certainly at face value opportunities that she may provide  
16:15:11 4 or present for furthering the investigation of Operation  
16:15:16 5 Quills?---I accept that's what it says, yes.  
16:15:18 6  
16:15:18 7 And if you accept at least from me that Operation Quills  
16:15:23 8 concerned **Mr Bickley** and two other people and **Mr Bickley** in  
16:15:28 9 particular who was an associate of Mokbels?---Yes.  
16:15:31 10  
16:15:31 11 And indeed Mokbel was a particular target of Operation  
16:15:35 12 Quills?---I have to accept your word on that, I cannot  
16:15:39 13 recall whether that is the case or not.  
16:15:41 14  
16:15:41 15 If you are prepared to accept those propositions then do  
16:15:44 16 you accept that you had warning prior to Ms Gobbo's  
16:15:48 17 registration that she was indeed going to be put in contact  
16:15:53 18 with the SDU?---If that's - yes, that's the case.  
16:15:56 19  
16:15:58 20 So your assertions that you were surprised and shocked when  
16:16:01 21 you discovered that Ms Gobbo had been registered as a human  
16:16:05 22 source clearly don't hold water, do they?---No, they do.  
16:16:08 23  
16:16:08 24 You say they do?---Yes.  
16:16:10 25  
16:16:12 26 Well, did you say to Mr O'Brien prior to, and this is  
16:16:18 27 clearly prior to registration and prior to the meeting,  
16:16:21 28 "Look, I've got real concerns about this, I don't want this  
16:16:25 29 to occur"?---No, I didn't say that. I - my recollection is  
16:16:29 30 that I sought to understand the reasons or the  
16:16:34 31 circumstances under which she had become a human source.  
16:16:37 32  
16:16:37 33 Yes?---I understood she was motivated by the fact that she  
16:16:42 34 was in fear of her life.  
16:16:44 35  
16:16:44 36 Yes?---I understood that she had, in language I would use,  
16:16:49 37 had got too close, had compromised herself, had crossed  
16:16:54 38 professional boundaries, had become a facilitator for the  
16:16:58 39 Mokbel syndicate and in those circumstances I understood  
16:17:01 40 she was in some real difficulty. I was concerned about her  
16:17:04 41 becoming registered as a human source, but I think the  
16:17:07 42 alternative courses of conduct were more risky than this.  
16:17:13 43 So it was a situation that sometimes confronts you, you  
16:17:17 44 find yourself involved in a matter that you're not happy  
16:17:20 45 about but it just seems that the alternatives are worse.  
16:17:24 46  
16:17:24 47 Right. Now, Mr O'Brien says that he was told at around

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

16:17:38 1 this time, if not in this meeting, that he was going to be  
16:17:43 2 brought over to Purana to be the officer-in-charge?---It  
16:17:50 3 would be around that time because I think he came across  
16:17:55 4 and ran Operation Posse under the Purana banner, which  
16:17:59 5 happened around that time.  
6  
16:18:00 7 Yes?---A little bit later but around that time.  
16:18:03 8  
16:18:03 9 And Operation Posse in its distilled form, which occurred  
16:18:09 10 around 21 October 2005, was an operation which was designed  
16:18:14 11 to bring down the Mokbels?---But I said earlier I think  
16:18:19 12 Quills was the drug investigation.  
16:18:20 13  
16:18:20 14 Yes?---Posse was a drug investigation but really it was  
16:18:24 15 about the murders, so it actually had a broader focus. The  
16:18:28 16 murders were just - sorry, the drug investigation was just  
16:18:31 17 a means of trying to shake loose information about the  
16:18:34 18 murders and get to a position where if there was evidence  
16:18:37 19 against Mokbel in relation to the murders, or serious drug  
16:18:41 20 matters, he could be charged and it could be used as  
16:18:44 21 leverage to seek his cooperation.  
16:18:49 22  
16:18:49 23 In any event do you accept that on or about 12 September  
16:18:52 24 2005 certainly on the basis of these notes, that you had  
16:18:56 25 information at least which would have made it, well, made  
16:19:06 26 it clear to you that there was a plan to have Ms Gobbo  
16:19:09 27 brought in to speak to the SDU?---That's what the notes  
16:19:14 28 indicate, yes.  
16:19:15 29  
16:19:23 30 And can I suggest to you if that's the case, that when she  
16:19:26 31 does become registered it could hardly have come as a great  
16:19:31 32 surprise to you?---The circumstances around her becoming a  
16:19:34 33 registered human source, regardless of the detail, was a  
16:19:39 34 surprise to me. I was not aware of a prior occasion when a  
16:19:44 35 barrister had been registered as a human source, but the  
16:19:47 36 circumstances, as they were made known to me, did seem to  
16:19:52 37 be extreme and as I've explained, I was concerned, I sought  
16:19:59 38 to find out the reason for, you know, why she had become a  
16:20:03 39 source and based on what I was told, and consideration and  
16:20:07 40 reflection on that, I understood the reasons why that was  
16:20:11 41 happening and I thought alternative courses of action were  
16:20:19 42 probably of higher risk to her than this one.  
43  
16:20:20 44 Right?---So it was the least worst decision based on the  
16:20:24 45 information that I had.  
16:20:24 46  
16:20:25 47 Do I take it then that given if you accept the proposition

.16/12/19

11428

OVERLAND XXN



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

16:20:26 1 there was a discussion about using Ms Gobbo as a human  
16:20:29 2 source at this stage and the fact that you would have had  
16:20:32 3 real concerns about it, you would have been keeping  
16:20:36 4 reasonably close tabs on what was going on in the days that  
16:20:40 5 followed leading into Ms Gobbo's registration?---Well, yes,  
16:20:45 6 except that the registration process was covered by the  
16:20:48 7 Force policy in place at the time.  
16:20:50 8  
16:20:50 9 Yes?---And the management of the SDU was in a separate  
16:20:55 10 department from mine, so yes, of course I was interested  
16:20:57 11 but I didn't have management responsibility for that course  
16:21:00 12 of conduct.  
16:21:01 13  
16:21:01 14 You could have - would you have spoken to - was it  
16:21:05 15 Mr Moloney at this stage?---Mr Moloney.  
16:21:07 16  
16:21:07 17 Did you have a discussion with Mr Moloney about this?---I  
16:21:10 18 don't specifically recall whether I did or I didn't.  
16:21:13 19  
16:21:13 20 Do you think it would have been an appropriate thing to do  
16:21:16 21 once you learnt of the plan to have a discussion with  
16:21:18 22 Mr Moloney to work out really whether it was a sensible  
16:21:22 23 thing to do or not?---I may have. As I said, I thought the  
16:21:29 24 other alternatives were worse than this one.  
16:21:33 25  
16:21:34 26 You make that point, you've made it a number of times.  
16:21:38 27 Have you got any record or any information which you can  
16:21:42 28 rely on by way of some sort of risk analysis which weighs  
16:21:50 29 up the pros and cons of doing this?---No, I don't but I  
16:21:54 30 assume a risk analysis was done by the SDU as part of the  
16:21:58 31 recruitment process because that's what was required.  
16:22:02 32  
16:22:02 33 One thing that you seem to be saying is, "Look, I was  
16:22:08 34 concerned about Ms Gobbo and the possibility that she might  
16:22:12 35 be harmed", that seems to be uppermost in your mind in the  
16:22:16 36 explanations that you've given to the Royal  
16:22:17 37 Commission?---That was a major factor, yes.  
16:22:19 38  
16:22:20 39 If that's the case would it not have been appropriate for  
16:22:23 40 Ms Gobbo not to have become a registered human source, not  
16:22:26 41 to become an informer against the very people you say you  
16:22:29 42 were concerned about?---Then what was to happen to her?  
16:22:32 43  
16:22:33 44 I don't know, what about, "Go away for six months and get  
16:22:36 45 away from these people. You've had a stroke", that's an  
16:22:39 46 opportunity, isn't it? "Say you're not available any  
16:22:41 47 longer, don't act for these people", did you set out those

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

16:22:42 1 opportunities?---They were opportunities I considered and  
16:22:44 2 as I said earlier in response to an earlier question,  
16:22:47 3 someone in Ms Gobbo's position, you know, they don't have  
16:22:50 4 the option of just walking away. I didn't see that that  
16:22:53 5 was a viable option. Mr Mokbel was never going to let her  
16:22:57 6 go.  
16:22:57 7  
16:22:58 8 That's what you say, but do you say that you had, you  
16:23:01 9 satisfied yourself by way of a proper analysis to see  
16:23:04 10 whether that was the best course prior to the  
16:23:07 11 registration?---No, the process of registration was  
16:23:10 12 happening separate from me, covered by Force policy, done  
16:23:14 13 through the SDU in a separate area. I considered very  
16:23:19 14 carefully the information that was provided to me. My view  
16:23:22 15 was that process should run its course. If the risk  
16:23:26 16 assessment done by the professionals by the SDU was such  
16:23:31 17 that she shouldn't be registered, she wouldn't be.  
16:23:34 18  
16:23:35 19 Can I suggest to you, Mr Overland, that what you've just  
16:23:38 20 said doesn't bear scrutiny? The reality is, can I suggest,  
16:23:41 21 if it had been suggested to Ms Gobbo, "Look, what you ought  
16:23:44 22 to do is go and speak to a trusted advisor outside of  
16:23:48 23 Victoria Police". If you say you're seriously concerned  
16:23:54 24 about her safety, "Go and speak to someone, come up with an  
16:23:58 25 explanation to Mr Mokbel, Mr Williams and so forth, as to  
16:24:00 26 what would be a better course. Go and have a holiday. Say  
16:24:04 27 your health is suffering, you've had a stroke". Can I  
16:24:06 28 suggest to you there would be all sorts of things that  
16:24:09 29 could be done which would be far safer for Ms Gobbo than to  
16:24:13 30 come into the hands of Victoria Police and sign up as a  
16:24:16 31 human source, can I make that suggestion? What do you  
16:24:19 32 say?---You can, I don't agree with it.  
16:24:21 33  
34 You disagree?---I do.  
35  
16:24:22 36 Well did you seriously say to your people, "Look, this is a  
16:24:26 37 very dangerous venture that you're proposing. My view is  
16:24:29 38 that once you register someone they're almost automatically  
16:24:32 39 going to be exposed, and if they're exposed there's a real  
16:24:38 40 prospect this woman will be killed, at the very least it is  
16:24:40 41 the end of her career".  
16:24:42 42  
43 MR GLEESON: I object to that, it misstates his evidence  
44 from earlier. He didn't say it's almost inevitable you'd  
16:24:45 45 be exposed, it was all about duration.  
16:24:47 46  
16:24:48 47 COMMISSIONER: I think Mr Winneke is putting a suggestion

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

16:24:50 1 to the witness. Clarify it, Mr Winneke.  
16:24:55 2  
16:24:55 3 MR WINNEKE: Once you become a human source your life is at  
16:24:58 4 risk, do you accept that proposition?---As a general  
16:25:01 5 proposition I do, yes.  
16:25:02 6  
16:25:02 7 Do you think there might have been alternative  
16:25:05 8 opportunities for this woman?---No. Not that were safer.  
16:25:13 9  
16:25:14 10 What's that based on, what information do you say that's  
16:25:18 11 based on?---That's based on the information that was given  
16:25:22 12 to me at the time and it's based on my experience of these  
16:25:25 13 matters, as I've outlined.  
16:25:27 14  
16:25:27 15 Did you say, "Before this woman signs up with us I want to  
16:25:32 16 have provided to me a very close and thorough analysis as  
16:25:37 17 the risks and the benefits of this woman signing  
16:25:41 18 up"?---That's what I understood was happening through the  
16:25:44 19 SDU process.  
16:25:44 20  
16:25:45 21 Did you say that to these people, that is, "I want to see  
16:25:47 22 it first"?---No, it wasn't for me to see. That was a  
16:25:50 23 process being run by the SDU under separate management, but  
16:25:55 24 what I did say and what I communicated to those managing  
16:25:58 25 her very early on, was that I did see her role should be of  
16:26:03 26 limited duration. It made sense to me she worked against  
16:26:07 27 the Mokbel syndicate because that's where the threat was  
16:26:13 28 coming from and that there needed to be an exit strategy to  
16:26:15 29 bring to an end her relationship with Victoria Police as a  
16:26:20 30 human source.  
16:26:21 31  
16:26:42 32 So one thing that you would have been keen to do is to find  
16:26:45 33 out, I take it, what information Ms Gobbo might have which  
16:26:49 34 would be of assistance in prosecuting Mr Mokbel?---Well  
16:26:56 35 that would be information that would need to be obtained  
16:27:02 36 through the SDU and where appropriate passed to the  
16:27:05 37 investigators.  
16:27:06 38  
16:27:11 39 Would you have been keen to follow up very soon any risk  
16:27:19 40 analysis which had been done?---It wasn't for me to follow  
16:27:23 41 up the risk analysis, that was a process that was done  
16:27:27 42 entirely separate from me. I was very conscious not to  
16:27:30 43 intervene because I didn't think it was appropriate. I was  
16:27:34 44 also mindful that I might be sitting in a witness box in  
16:27:38 45 another place at some point answering questions around why  
16:27:42 46 she had been killed, and if I'd intervened in the way  
16:27:45 47 you're suggesting then I think that may well have been a

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

16:27:48 1 criticism that was made of me and I may have had some  
16:27:51 2 difficulty defending.  
16:27:53 3  
16:27:53 4 Do you have a view about whether a police officer should  
16:28:01 5 use persuasive techniques to encourage, if you like, a  
16:28:08 6 person such as Ms Gobbo to the view that she is better off  
16:28:12 7 being a human source than not being a human source?---I  
16:28:23 8 have a general view about recruiting human sources where  
16:28:29 9 sometimes you want to use leverage to try and persuade them  
16:28:32 10 to take that course of action, so as a general technique  
16:28:36 11 yes, that can be appropriate.  
16:28:37 12  
16:28:37 13 That would apply and I think you refer to cases where a  
16:28:41 14 person's already compromised?---Yes.  
16:28:43 15  
16:28:43 16 Because they'd been charged with a criminal offence and  
16:28:47 17 there might be every reason for them to assist, such as  
16:28:51 18 PII, there's every reason for them  
16:28:55 19 to do so?---Yes.  
16:28:56 20  
16:28:56 21 Ms Gobbo at this stage hadn't been charged with any offence  
16:29:01 22 and there were no plans to charge her with any  
16:29:02 23 offence?---No. So I would think with someone like her it  
16:29:06 24 was important to make sure, to be clear about her  
16:29:08 25 motivation.  
26  
16:29:08 27 Yes?---And I think for her own, her motivation for coming  
16:29:13 28 forward because there were significant consequences.  
16:29:15 29  
16:29:15 30 Do you think that it might have been advisable for her to  
16:29:21 31 have a discussion with a trusted colleague about whether or  
16:29:24 32 not it was an appropriate step for her to take?---I think  
16:29:29 33 that's a matter for her.  
16:29:31 34  
16:29:31 35 Yes. You'd say there are difficulties with that?---Well  
16:29:36 36 there are.  
16:29:36 37  
16:29:37 38 They're in effect telling someone what - - - ?---Yes, my  
16:29:42 39 view is if you want to keep a secret don't tell anyone.  
16:29:45 40  
16:29:46 41 Ultimately Ms Gobbo's role as a human source was kept a  
16:29:49 42 secret for a long time from lots of people, wasn't it?---As  
16:29:53 43 with any human source appropriate steps were taken to  
16:29:57 44 protect her identity.  
16:29:58 45  
16:29:58 46 Including from the prosecution?---Well, not by me and my  
16:30:03 47 assumption was that information should have been made known

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

16:30:07 1 to the prosecution.  
16:30:08 2  
16:30:09 3 All right, thanks.  
16:30:10 4  
16:30:10 5 COMMISSIONER: We'll adjourn until 9.30 tomorrow morning.  
16:30:12 6 Thank you.  
16:30:36 7  
16:30:36 8 <(THE WITNESS WITHDREW)  
16:30:37 9  
16:30:37 10 ADJOURNED UNTIL TUESDAY 17 DECEMBER 2019  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

.16/12/19

OVERLAND XXN

11433