

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Wednesday, 26 June 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Mr J. Hannebery QC Ms R. Enbom
Counsel for State of Victoria	Dr C. Button SC
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Mr P. Doyle
Counsel for CDPP	Ms C. Fitzgerald
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for Goussis and Zirilli	Mr A. Chernok
Counsel for Orman	Ms C. Lloyd
Counsel for Witness ■	Mr R. Kornhauser

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1 PROCEEDINGS IN CAMERA:

2
12:04:31 3 MS TITTENSOR: Mr Allen, a significant development for
12:04:33 4 Purana occurred on the day of the murder of Marshall, is
12:04:41 5 that right, Michael Marshall?---Yes, that's correct.
6
12:04:44 7 And you recall that was 25 October 2003?---Yes, having a
12:04:52 8 look at the diary entry, yes, that's right.
9
12:04:56 10 You were at that scene?---I did attend the scene, yes.
11
12:05:03 12 And those responsible for that murder were apprehended and
12:05:07 13 arrested on the same day?---Yeah, the same evening, yes.
14
12:05:15 15 Significantly, in relation to that murder, it was caught on
12:05:20 16 listening device?---Yes, there were technical investigation
12:05:31 17 techniques in place.
18
12:05:33 19 And significantly strong evidence in relation to those that
12:05:38 20 were arrested on the same day was the fact that the murder
12:05:42 21 was caught on a listening device?---And other corroborative
12:05:47 22 material, yes.
23
12:05:49 24 It was a very strong piece of evidence, a very strong case
12:05:52 25 against those that were arrested?---Yes, that's correct.
26
12:05:56 27 And it was a very big opportunity, given the strength of
12:05:59 28 the evidence, to finally obtain some assistance or
12:06:04 29 cooperation from someone from the underworld?---I don't
12:06:13 30 understand how that is being put to me. That was an arrest
12:06:16 31 on the night and two people were in custody, that was it at
12:06:23 32 that time.
33
12:06:24 34 You understand that within the underworld up until that
12:06:27 35 point in time, largely there'd been a code of silence
12:06:29 36 operating in terms of assistance to the police?---Yes,
12:06:36 37 that's fair.
38
12:06:38 39 This murder being caught on tape, very strong evidence of
12:06:42 40 the murder, it was a good opportunity for one of those two
12:06:48 41 to effectively roll and assist the police?---Well, I don't
12:06:53 42 think there was any thoughts of that on that night of the
12:06:57 43 arrest. All this change of environment occurred some time
12:07:05 44 down the track, from my recollection.
45
12:07:13 46 Nothing wrong with it, but it's always - the police would
12:07:16 47 always be interested in someone giving them some

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12:07:19 1 assistance, give evidence against a co-accused?---Yes, if
12:07:26 2 people are willing to come forward, of course; that's part
12:07:33 3 of the investigation process.
4
12:07:35 5 Were you aware that Ms Gobbo - so the two people - I think
12:07:42 6 we're referring to them still by their pseudonyms, even
12:07:48 7 though we're in private session - so the two people that
12:07:50 8 were arrested were [REDACTED] and [REDACTED], you're aware of
12:07:56 9 that?---Yes.
10
12:07:57 11 And you're aware of which is which when I say [REDACTED] or
12:08:05 12 [REDACTED]?---Yes, I am now.
13
12:08:07 14 Are you aware that Ms Gobbo saw [REDACTED] in the cells in
12:08:15 15 the day or so after the murder?---No, I've got no
12:08:21 16 recollection of that.
17
12:08:22 18 That she visited him in custody the following month, on [REDACTED]
12:08:27 19 November, were you aware of that?---No, I'm not aware of
12:08:32 20 that.
21
12:08:32 22 That she seemingly took some instructions from him on those
12:08:37 23 occasions?---I'm not aware, but I can't dispute that. I
12:08:42 24 may have had knowledge of that at the time, but I've got -
12:08:47 25 I really can't recall specifics about that.
26
12:08:49 27 Is that the type of information that Purana would have
12:08:52 28 wanted to be aware of, which lawyers were representing
12:08:58 29 those type of people, arrested for a significant
12:09:04 30 event?---Well, it was probably common knowledge to us who
12:09:08 31 was representing who, because they would have already
12:09:11 32 appeared and been remanded would be my recollection.
33
12:09:15 34 In this case, it's not necessarily - it's not necessarily
12:09:19 35 the case that she was turning up in court to represent
12:09:22 36 [REDACTED], but that she saw him in the cells and took
12:09:28 37 instructions there. Is that something that Purana would
12:09:31 38 have been aware of?---Well, others may have been. I don't
12:09:35 39 recall being made aware of that occurrence.
40
12:09:42 41 At that stage - during that period of time, you would have
12:09:48 42 been aware of an application that was made in respect of
12:09:52 43 [REDACTED] to interview him for the murders of Jason Moran
12:09:59 44 and Pasquale Barbaro?---I likely was. As to when that
12:10:04 45 actually occurred, I can't say, you know, specifically,
12:10:12 46 but, you know, there was a lot of flow-on from those
12:10:16 47 arrests and, you know, a number of other matters still

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12:10:20 1 being investigated.
2
12:10:22 3 Just to fill you in, the arrests are on 25 October 2003.
12:10:27 4 The application to interview ██████████ in respect of some
12:10:33 5 other murders occurs on ██████████ 2003, so two and a half
12:10:40 6 weeks later?--Right, okay.
7
12:10:43 8 Or maybe three weeks. You would have been aware of that
12:10:48 9 happening at the time, I suggest?--I believe so. I
12:10:54 10 believe I would have been, yes.
11
12:10:55 12 And it seems around that time - I asked you questions about
12:10:59 13 this before - that Carl Williams was arrested in relation
12:11:03 14 to the threat charges against Stuart Bateson and his
12:11:12 15 girlfriend, some four days after that?--Right. I can't
12:11:17 16 dispute that.
17
12:11:18 18 And I'm not sure if I just said this to you. In relation
12:11:21 19 to that application in the Magistrates' Court to interview
12:11:23 20 ██████████ in relation to those other murders, would you
12:11:27 21 have been aware that Ms Gobbo appeared for him on that
12:11:31 22 application?--I may have been at the time. I don't recall
12:11:36 23 if that was the case.
24
12:11:38 25 So she - it seems as though she appears for him on that
12:11:42 26 occasion, she's already been visiting ██████████ in the
12:11:48 27 cells prior to that and then she begins to represent Carl
12:11:53 28 Williams in relation to the threat charges against Stuart
12:11:57 29 Bateson, okay?--Okay, yep.
30
12:12:01 31 Stuart Bateson was one of the informants in relation to the
12:12:03 32 Marshall murders?--From memory, yes.
33
12:12:09 34 Boris Buick was the other informant, do you recall
12:12:13 35 that?--Not specifically, but I'd accept that.
36
12:12:20 37 Later in the piece, we'll come to deal with ██████████.
12:12:28 38 Would you have been aware that during this period of time,
12:12:31 39 Ms Gobbo was also representing him in other matters?--No -
12:12:39 40 well, I haven't got a recollection of that.
41
12:12:50 42 On ██████████ 2004 - this is some months later - Detective
12:12:56 43 Bateson was approached by Ms Gobbo following a committal
12:13:02 44 mention in relation to ██████████ relating to that
12:13:06 45 Marshall murder. You would have, no doubt, been kept aware
12:13:13 46 that those proceedings were happening?--I believe that
12:13:17 47 would probably have been the case at that time, yes.

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1
12:13:22 2 Mr Bateson's evidence, as we understand it, is that
12:13:27 3 following that mention, that committal mention, Ms Gobbo
12:13:31 4 approached him and discussed with him [REDACTED] providing a
12:13:36 5 can-say statement and cooperating with police. Now, that
12:13:40 6 would have been a very significant development for the
12:13:42 7 Purana Task Force?---Yes, I'd agree with that.
8
12:13:48 9 You would have been briefed on that straightaway?---Quite
12:13:55 10 likely.
11
12:13:57 12 Did you find it odd, considering Ms Gobbo's associations,
12:14:02 13 that she would have been involved in that approach to
12:14:06 14 Detective Bateson at that stage?---I don't have a specific
12:14:13 15 recollection of what I thought at the time, but again, you
12:14:18 16 know, there were a number of legal representatives trying
12:14:22 17 to get the best deal for their particular client.
18
12:14:27 19 At that stage you would have been aware of Ms Gobbo
12:14:32 20 representing a number of other people that may well have
12:14:35 21 been a conflict for her?---I couldn't give you a yes or no
12:14:44 22 answer to that. I don't know.
23
12:14:47 24 Do you recall there being any discussions or concern about
12:14:54 25 conflict issues and whether Ms Gobbo was acting in the best
12:14:57 26 interests of her client, around that stage?---No, no. I
12:15:02 27 can only reiterate and say that a number of legal
12:15:07 28 representatives were trying to cut the best deal for their
12:15:10 29 particular client in that environment.
30
12:15:18 31 I think it's the next day after that hearing that
12:15:22 32 Mr Veniamin was killed, just to give you a sense of
12:15:28 33 timing?---Could you give me that date, please?
12:15:30 34
12:15:30 35 23 March 2004.
36
12:15:33 37 COMMISSIONER: That's the date of the killing?
38
12:15:36 39 MS TITTENSOR: Yes?---Right.
40
12:15:38 41 And then a couple of days after that there's a meeting at
12:15:41 42 the OPP - that's 25 March 2004 - where you've attended a
12:15:49 43 meeting, is that right?---Yes. That's in my statement.
44
12:15:55 45 And the Crown Prosecutor, Geoff Horgan, is there at the
12:16:02 46 meeting?---Yes.
47

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12:16:02 1 There is an OPP solicitor, Vaile Anscombe?---Yes.
2
12:16:08 3 There is Gavin Ryan and Detectives Bateson and
12:16:13 4 Buick?---Yeah, I believe so.
5
12:16:17 6 Now, there is some material that the Royal Commission has
12:16:21 7 got that those prosecutors had received earlier briefings
12:16:25 8 on the investigations in December 2003 and that, no doubt,
12:16:30 9 was the normal course after the arrest, that they might get
12:16:33 10 an update on what was going on in the gathering of the
12:16:38 11 evidence for the proceeding?---Yes.
12
12:16:44 13 Now, it seems as though this meeting here related to the
12:16:48 14 potential cooperation of [REDACTED] and there's some notes
12:16:56 15 of Detective Bateson in relation to that meeting along the
12:16:59 16 "lines of communication were discussed". Can you inform
12:17:05 17 the Commission what that meant?---No, I couldn't - if
12:17:12 18 they're Bateson's notes, I can't say what that might have
12:17:18 19 referred to, whether it was a communication process or
12:17:22 20 something else, but they're his notes. I don't know. I've
12:17:26 21 never seen those notes, to my knowledge.
22
12:17:30 23 There was a compilation of various diary entries and notes
12:17:38 24 put together by Detective Bateson and his crew in relation
12:17:46 25 to Purana matters. Were you ever given or provided that to
12:17:50 26 assist with your recollection at all?---In what timing?
12:17:59 27 I'm not sure how you're putting it.
28
12:18:02 29 In the preparation of your statement?---My statement?
30
12:18:05 31 Yes?---To this Commission?
32
12:18:09 33 Yes?---No, no, I haven't seen any notes on diary entries
12:18:15 34 from anybody.
35
12:18:21 36 You note in your diary at 11.10 on that day, 25 March, that
12:18:28 37 Ms Gobbo was to be advised that the need for [REDACTED]'s
12:18:34 38 can-say statement to be progressed was urgent and that the
12:18:37 39 OPP was to be briefed. No doubt that is because court
12:18:42 40 proceedings were already under way and there'd been a date
12:18:45 41 for a committal set down?---Well, yes, I presume so. That
12:18:53 42 is the entry I made and that would reflect the discussions.
43
12:18:57 44 Do you recall whether it was foreshadowed by that stage
12:19:02 45 that [REDACTED]'s evidence was going to do more than simply
12:19:05 46 implicate [REDACTED] but it might go further and implicate
12:19:08 47 other people in the underworld?---No, I really don't have a

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12:19:14 1 recollection of that. All I'm going off is the diary note
12:19:19 2 there regarding a can-say statement to be progressed.
3
12:19:41 4 You've indicated today one of the new diary entries that
12:19:44 5 you've recently seen indicated that you met Ms Gobbo with
12:19:52 6 Gavin Ryan on 7 April 2004, is that right?---Yes, I located
12:19:59 7 that entry, yes.
8
12:20:01 9 Can you just read that entry out - in place of the name or
12:20:07 10 actual name of either [REDACTED], replacing that with
12:20:11 11 [REDACTED]?---Yes. The entry is at 12.30 with "Ryan re
12:20:20 12 rendezvous with - re N Gobbo. Then to MCC", which is
12:20:27 13 Melbourne County Court. "Meet N Gobbo and Karen Engelton,
12:20:32 14 solicitor, re issues with [REDACTED]. Ryan with notes."
15
12:20:39 16 Does it say - - -?---And there's a - "also discussed Droyle
12:20:46 17 objectives and result of [REDACTED]."
18
12:20:52 19 So that last matter, was Droyle, the name of another
12:20:56 20 operation, was it?---Yes, it was, from memory
12:20:59 21
12:20:59 22 Do you know what that related to?---I'm presuming that I
12:21:03 23 may have had that discussion just with Mr Ryan. From what
12:21:09 24 I can recall it wouldn't have had anything to do with the
12:21:13 25 previous meeting.
26
12:21:15 27 Did that relate to a specific target, Droyle?---Yeah, it
12:21:25 28 would have, it would have, one of the investigations. I
12:21:32 29 can't recall what that may have been at this time.
30
12:21:34 31 Do you know if it had anything at all to do with
12:21:37 32 Ms Gobbo?---I don't recall.
33
12:21:46 34 I may be misremembering, but did you say you just happened
12:21:50 35 upon Ms Gobbo on the way to court that day, earlier in your
12:21:55 36 evidence?---In relation to this meeting?
37
12:21:59 38 Yes?---I don't think I did say that. I think I just said
12:22:05 39 that - - -
40
12:22:20 41 You've received a couple of text messages in the last
12:22:24 42 little while. Is that in relation to these proceedings
12:22:26 43 that you're receiving messages?---No, I'm not, no. I've
12:22:31 44 just got one from my mother, who's just received her
12:22:37 45 birthday present.
46
12:22:38 47 Okay. Excellent. Hopefully she is happy with it?---Let's

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12:22:45 1 hope so.
2
12:22:48 3 Ms Gobbo's diary records 1 pm, "A Alan/Purana/conference"
12:22:56 4 and it seems as though, from your entry, you say "RV",
12:23:01 5 which I take to be rendezvous?---M'hmm.
6
12:23:04 7 Which seems to indicate that there'd been some plan to meet
12:23:07 8 with Ms Gobbo, both of those - - -?---Yeah, that would
12:23:12 9 appear so. And because I attend there with Gavin Ryan I'm
12:23:18 10 presuming that he, Ryan, is the initiator of that. I've
12:23:26 11 got no independent recollection of how that evolved.
12
12:23:30 13 Do you know why you specifically were taken along to that
12:23:33 14 meeting? Pretty high level for you to be taken
12:23:38 15 along?---Again, I haven't really got a recollection,
12:23:42 16 whether it was, you know, at Ryan's request or I happened
12:23:46 17 to be in the vicinity with him, I can't recall.
18
12:23:52 19 And you indicate in your diary entry that Ryan has taken
12:23:59 20 notes of that meeting?---Yes.
21
12:24:01 22 If we haven't got them, we'd be obliged if they were
12:24:05 23 provided.
24
12:24:07 25 COMMISSIONER: Yes, I note Ms Enbom's agreement.
26
12:24:14 27 MS TITTENSOR: The next day, if you'd check your diary
12:24:20 28 entries, there seems to be, at 10 o'clock, an entry which
12:24:28 29 says, "With XAC." Is that a reference to Assistant
12:24:39 30 Commissioner Overland?---Yes. I'm just trying to - on the
12:24:45 31 same page, yes, I've got that, 10 o'clock.
32
12:24:50 33 With "XAC/COC/superintendent VCID re Purana. briefing re
12:25:00 34 Gobbo meeting on 7/4"?---Yes.
35
12:25:03 36 First of all, can you just confirm is XAC a reference to
12:25:07 37 assistant Commissioner Overland?---Yes, it is.
38
12:25:11 39 And what is COC?---Commander of Crime.
40
12:25:15 41 And who was that at the time?---Possibly Mr Purton. It
12:25:21 42 could have been someone else, but possibly Mr Purton.
43
12:25:27 44 What is VCID?---That was the acronym for the crime division
12:25:37 45 at that stage, which was being managed by Superintendent
12:25:42 46 Whitmore.
47

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12:25:43 1 So you're involved in giving them a briefing re your
12:25:49 2 meeting with Ms Gobbo the day before?---Yes, it would
12:25:52 3 appear that way.
4

12:25:53 5 Now, also involved in that briefing, it seems as though
12:25:59 6 there's some discussion about Crime Stoppers and a concern
12:26:02 7 about there being a conflict of interest in relation to a
12:26:06 8 particular board member?---Yes, I've got that entry, yes.
9

12:26:12 10 Those were the types of concerns that police might raise,
12:26:19 11 whether conflicts of interest were involved at various
12:26:24 12 levels?---Oh yes. That was in relation to an issue with a
12:26:31 13 member of the media being involved in the Crime Stoppers
12:26:36 14 board at that time.
15

12:26:37 16 And there seems to be some concern about that person having
12:26:41 17 Purana knowledge or additional knowledge that they maybe
12:26:45 18 shouldn't have, or whether they would act in Purana's or
12:26:50 19 the board's best interests, as opposed to their
12:26:53 20 journalistic best interests?---Yeah, that's correct, and I
12:26:58 21 have a reasonable recollection of that because there was
12:27:01 22 some history with that particular individual at that time.
23

12:27:06 24 So the police would raise issues and discuss and debate
12:27:11 25 issues of conflict of interest where they occurred?---As
12:27:17 26 identified, yes.
27

12:27:24 28 On 9 April 2004, Ms Gobbo's diary records 1.30 pm, A Allen,
12:27:35 29 and we've learnt from your evidence earlier that you found
12:27:40 30 a diary entry in relation to that date, is that
12:27:43 31 right?---Yes. That's the one I missed initially.
32

12:27:49 33 And you had - when you initially gave your statement, you
12:27:52 34 had no recollection of having this meeting at all?---Yeah,
12:27:57 35 that is so.
36

12:27:59 37 Now having refreshed your - having seen that diary entry,
12:28:03 38 has it come back to you? Do you have a memory of that
12:28:07 39 meeting now?---Not a - I'm really only going from that
12:28:11 40 entry and I've got no specific recollection of that
12:28:17 41 meeting. That's why I missed it, and I didn't have it in
12:28:21 42 my mind at that time.
43

12:28:23 44 Now, just in relation to the diary entry, there's an entry
12:28:28 45 at 13:30. It says, "Phone call with Nicola Gobbo to meet
12:28:33 46 her at Clarendon Street, South Melbourne re issues re
12:28:36 47 [REDACTED]"?---Yes.

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1
12:28:39 2 And then at 13:50, "Attended Wallflower, Clarendon Street,
12:28:46 3 South Melbourne." I take it that's the name of the
12:28:48 4 restaurant or café?---Café, I believe, yeah.
5
12:28:52 6 "Spoke to Nicola Gobbo, issues canvassed re [REDACTED] and
12:28:57 7 her acting for him"?---Yes.
8
12:29:02 9 What were the issues about her acting for him?---I really
12:29:06 10 couldn't state that. I have no specific recollection of
12:29:12 11 the details of that, to be honest.
12
12:29:15 13 Does it appear to you, from looking at the entry in your
12:29:19 14 diary, that you've discussed with her the fact that there
12:29:22 15 were some issues in her acting for [REDACTED]?---I don't
12:29:28 16 know. And as I think I've given evidence previously, I
12:29:36 17 didn't have a lot to do with the process of dealings with
12:29:42 18 the accused, but something must have occurred on this
12:29:44 19 occasion for me to speak with her. But I haven't got any
12:29:53 20 specific recollection of what those issues may have been.
21
12:29:58 22 It goes on, "Advised that PES is to visit next week." Is
12:30:02 23 PES Mr Swindells, Phil Swindells?---Yes, it is.
24
12:30:09 25 And are you telling her there that Mr Swindells is to visit
12:30:12 26 [REDACTED] the following week?---It would appear from that
12:30:18 27 entry that was the case.
28
12:30:20 29 You also discuss with her some issues re RW and media this
12:30:25 30 morning. It appears maybe from some other entries in your
12:30:29 31 diary that there were some issues with Roberta Williams
12:30:34 32 that morning?---Yes, from now reading those extracts, that
12:30:39 33 was relative to that.
34
12:30:41 35 And would you have been discussing those with Ms Gobbo
12:30:44 36 because she had an association with the Williams
12:30:48 37 family?---Possibly. And, again, only taking it from the
12:30:54 38 issues that morning on the previous page, there was
12:30:58 39 obviously some dramas concerning Roberta Williams and the
12:31:04 40 media this morning - that morning.
41
12:31:08 42 You go on, "And advised her XAC has been briefed re [REDACTED]
12:31:14 43 [REDACTED]"?---Yes.
44
12:31:16 45 So it appears from that that you told Ms Gobbo that acting
12:31:21 46 Commissioner Overland has been briefed in relation to
12:31:23 47 [REDACTED]'s potential cooperation?---Yeah. Well, I've got

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12:31:30 1 no specific recollection but that wouldn't be unreasonable.
2
12:31:34 3 That is the effect of the entry you made in your
12:31:38 4 diary?---Yeah. Well, as I say, I've got no specific
12:31:40 5 recollection what that may have related to, but that would
12:31:47 6 appear to be in that subject matter.
7
12:31:52 8 Well, you've specifically written, "Advised her XAC has
12:31:55 9 been briefed re [REDACTED]"?---Yes.
10
12:31:58 11 You're telling her that Simon Overland has been briefed
12:32:02 12 about this?---Yes, I don't dispute that. I'm not sure as
12:32:06 13 to what that briefing might have consisted of.
14
12:32:14 15 We've just been through the 8 April meeting where your note
12:32:18 16 indicates that you've briefed them re an earlier Gobbo
12:32:23 17 meeting, and presumably that's all about the cooperation of
12:32:26 18 [REDACTED]?---And presumably, I would have to accept that.
19
12:32:36 20 It goes on "NG", Nicola Gobbo, "Also advised that she will
12:32:40 21 be speaking to a person who may know of where info from
12:32:44 22 Purana may be being released to the media, to be advised,
12:32:49 23 no allegations from her re Purana." Was she indicating to
12:32:57 24 you that she might have some information that might be of
12:32:59 25 interest to Purana?---I don't know. I don't think so. I
12:33:06 26 think - you know, this is from memory, and I haven't got a
12:33:10 27 specific recollection - I think in the parameters of what
12:33:16 28 had happened that morning, perhaps, with Roberta Williams
12:33:21 29 and because of Ms Gobbo's association with the Williams
12:33:25 30 family. But again, I can't recall, and even when I read
12:33:30 31 that and tried to decipher that entry, I'm still struggling
12:33:35 32 as to what that might have actually specifically related
12:33:38 33 to.
34
12:33:39 35 You end it with, "No allegations from her re Purana." It
12:33:44 36 appears to be a concern about some leaking of
12:33:47 37 Purana-related material, would that be fair?---Well, yeah,
12:33:52 38 I'd have to take that as reasonable, but again, what that
12:33:56 39 was, I don't have a recollection, to be honest.
40
12:34:01 41 Aside from the entry in your diary, did you record that
12:34:04 42 conversation with Ms Gobbo in any other way?---No, no, not
12:34:10 43 that - no, I don't believe I did, no.
44
12:34:12 45 Did you have a practice, if you met such a person, to audio
12:34:17 46 record or anything like that?---Are you suggesting that I
12:34:22 47 would go and tape record a lawyer?

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These claims are not yet resolved.

1
12:34:27 2 I'm just asking did you have a practice of audio recording
12:34:31 3 any meetings that you attended?---With whom?
4
12:34:38 5 Well, would you have recorded this conversation with
12:34:41 6 Ms Gobbo?---No. No, I didn't.
7
12:34:48 8 Would it have been the subject of an information report, or
12:34:52 9 any other type of document?---I don't recall. It could be
12:34:56 10 just as simple as - as straightforward as that diary entry.
12:35:01 11 I don't recall if I did an information report. It may not
12:35:06 12 have needed an information report.
13
12:35:08 14 Your diary goes on at 15:05. You say you clear the area at
12:35:16 15 15:05?---Yeah, clear there and return to office that reads.
16
12:35:24 17 So the meeting with Ms Gobbo has gone for about an hour and
12:35:29 18 a quarter?---Yeah, something along those lines.
19
12:35:31 20 And you have, "Returned to office with Swindells re
12:35:35 21 handover updates/admin/phone/issues re Gobbo info"?---Yeah.
12:35:42 22 That could actually mean that I've had a conversation with
12:35:48 23 Swindells re that and handed over some information to him
12:35:54 24 regarding that earlier meeting.
25
12:35:56 26 You would have been filling him in on what happened at the
12:35:59 27 meeting with Ms Gobbo?---I believe so, yeah.
28
12:36:08 29 In relation - just generally in relation to - and I'm not
12:36:12 30 saying anything about your notetaking practices - but in
12:36:16 31 terms of police being given training as to notetaking,
12:36:23 32 where police are taking notes of events which one might
12:36:29 33 expect would be later revealed in a court proceeding, were
12:36:34 34 you aware of any practices within police to keep notes
12:36:38 35 limited, so that the information that would ultimately get
12:36:42 36 to defence might be limited?---No, not particularly. I
12:36:53 37 know some investigators ran day books as well as diaries,
12:36:58 38 but that wasn't my practice.
39
12:37:00 40 Were you aware - there were certainly different notetaking
12:37:07 41 habits between Detectives, obviously?---Yeah, quite a broad
12:37:11 42 range of notetaking habits, yes.
43
12:37:14 44 Are you aware that some made deliberate efforts to keep
12:37:18 45 notes brief or to keep events out of their notes so that
12:37:23 46 they - if their note happened to be subpoenaed or disclosed
12:37:27 47 down the track defence wouldn't discover certain

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12:37:30 1 events?---No, not really. I suppose, you know, if there's
12:37:39 2 sensitive information being recorded, there may be some
12:37:44 3 pseudonyms or some abbreviations used known only to the
12:37:50 4 investigator, but not as a general practice, no.
5
12:37:52 6 That's not a reason not to put something in your notes,
12:37:55 7 that's a reason that you might later, down the track -
12:38:00 8 you've either used an appropriate pseudonym at the time or
12:38:03 9 later down the track you might use a pseudonym or claim
12:38:07 10 public interest immunity. You don't say that's a reason
12:38:10 11 for not putting something in your notes to begin
12:38:14 12 with?---Could you repeat that? I'm not sure which question
12:38:18 13 you're asking me.
14
12:38:19 15 In terms of notetaking, it's not a good reason to leave
12:38:24 16 something out of your notes that something is particularly
12:38:28 17 sensitive?---As a general practice?
18
12:38:34 19 Yes?---No. I'm really not sure of what that question
12:38:45 20 actually means. I'd have to seek some clarification with
12:38:51 21 you on that.
22
12:38:55 23 If you discovered Detectives under your command were
12:39:03 24 leaving things out of their notetaking because they were
12:39:07 25 concerned that defence practitioners might get them when
12:39:10 26 they ultimately seek disclosure on behalf of a client, what
12:39:14 27 would you have done about it?---If it had been brought to
12:39:19 28 my attention, I suppose there would have been some
12:39:24 29 discussions held and, you know, make an assessment at the
12:39:30 30 time as to whether that was appropriate or not.
31
12:39:33 32 Would you have sought advice about the appropriateness of
12:39:37 33 those types of things, or would you make your own
12:39:40 34 assessment?---It depends on the circumstances at that time.
35
12:39:50 36 Were you aware whether Purana investigators, in making
12:39:56 37 claims of - or redacting notes that ultimately went to
12:40:03 38 defence, redacted them for relevance or PII without seeking
12:40:13 39 legal advice about - especially if it was a PII
12:40:19 40 claim?---No, I'm not. Are you referring to what is
12:40:24 41 contained in briefs of evidence?
42
12:40:26 43 Or disclosure in relation to briefs of evidence. Routinely
12:40:29 44 defence, you understand, would seek police notes?---These
12:40:34 45 would have been subsequent briefs, 2004, 2005, I'm
12:40:43 46 presuming.
47

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12:40:43 1 To be fair to you, you may still not have been authorising
12:40:46 2 or involved in the preparation of these briefs. I'm
12:40:49 3 talking generally to you at the moment. But were you aware
12:40:54 4 of any practice of police redacting parts of notes based,
12:41:01 5 seemingly, on claims of PII without getting any advice
12:41:04 6 about those things?---No, I'm not aware of that.
7

12:41:22 8 Now, on 21 April - the diary entry of yours that we've just
12:41:27 9 been through is 9 April and I'm now skipping to 21 April.
12:41:33 10 Detective Buick has made notes that he spoke to you and
12:41:42 11 Mr Swindells in relation to [REDACTED], communications and
12:41:46 12 negotiations. Do you have any notes in relation to
12:41:56 13 that?---On which day? 21 April?
14

12:41:59 15 21 April?---No, I'm just reading the entry - just reading
12:42:12 16 the - is there a time of that at all?
17

12:42:15 18 No, it's just some general notes that we've - it's been
12:42:19 19 indicated to us that Buick spoke to you and Mr Swindells on
12:42:25 20 that day?---Look, there's no entry in my diary about that,
12:42:30 21 but that could have been what's perhaps terms as a "by the
12:42:37 22 way" conversation which didn't require a diary entry. I
12:42:41 23 can't recall that either way.
24

12:42:44 25 Now, on 27 April 2004, you've got a diary entry that
12:42:50 26 records a meeting at the OPP re Purana issues and a DNA
12:42:56 27 application in relation to [REDACTED], is that right?---Yes,
12:43:00 28 I think that's right.
29

12:43:02 30 I think you might have indicated that you believe you
12:43:05 31 attended that meeting with Mr Swindells?---The 27th? Yes,
12:43:22 32 I believe I did.
33

12:43:23 34 Does your diary entry indicate that Mr Swindells was
12:43:27 35 there?---Yes, it does.
36

12:43:32 37 And you note that Horgan SC, that's the Crown Prosecutor at
12:43:40 38 the OPP, was to contact an agency - or you say in your
12:43:45 39 statement, "My note records Geoff Horgan SC was to contact
12:43:49 40 an agency and Ms Gobbo in relation to the DNA or other
12:43:56 41 application in respect of [REDACTED]"?---Yes.
42

12:44:00 43 So I think that they're two separate propositions you meant
12:44:05 44 to say in your statement. The first is that Mr Horgan SC
12:44:08 45 was to contact an agency and Ms Gobbo, and then there's
12:44:13 46 something in relation to the DNA or other
12:44:17 47 application?---Yes, yes, that could be - I don't have a

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12:44:24 1 clear recollection as to what that actually specifies, but
12:44:28 2 in general terms I would agree with you.
3
12:44:32 4 The agency that you specifically refer to in your diary
12:44:35 5 entry is the ACC, the Australian Crime Commission?---Yes,
12:44:39 6 it is.
7
12:44:39 8 Were you aware, during that period of time, that Victoria
12:44:42 9 Police were using the Australian Crime Commission to
12:44:44 10 conduct examinations of various witnesses?---From
12:44:49 11 recollection, yes.
12
12:44:51 13 And was it the case that a Crown Prosecutor from the OPP
12:44:56 14 would come and ask some questions during those
12:45:00 15 hearings?---That could well be right. I really have
12:45:04 16 difficulty remembering how that actually went. But that
12:45:07 17 could well be right.
18
12:45:08 19 Do you know how those arrangements came about, that
12:45:10 20 Victoria Police are using a federal body to conduct
12:45:15 21 examinations?---No. You'd have to prompt me or I'd have to
12:45:22 22 see something that would be able to refresh my memory on
12:45:27 23 that.
24
12:45:28 25 Do you have [REDACTED]
12:45:32 26 [REDACTED] ---No, I don't. I haven't got a recollection
12:45:39 27 of that.
28
12:45:45 29 I just want to ask you some questions. One of the
12:45:47 30 documents you might have been provided with overnight was
12:45:56 31 court book entries which we might be able to put up on the
12:46:01 32 screen for everyone. Mr Skim has got a redacted version of
12:46:07 33 the relevant entries. It's a document, Mr Skim, emailed
12:46:31 34 last night.
35
12:46:32 36 MS ENBOM: Commissioner, may I just check with Ms Tittensor
12:46:34 37 whether that document has been reviewed for PII. If it was
12:46:38 38 sent last night it may not have been.
39
12:46:44 40 MS TITTENSOR: It looks like it has been because it's got a
12:46:47 41 [REDACTED] within it.
42
12:46:52 43 MS ENBOM: That was sent to my instructors this morning, so
12:46:54 44 I'd be surprised if it has been.
45
12:47:07 46 MS TITTENSOR: In any case, Commissioner, we're in private
12:47:10 47 hearing.

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1
12:47:12 2 COMMISSIONER: True, but even so, if public interest
12:47:16 3 immunity applies, it applies. We're having trouble getting
12:47:19 4 the document up on the screen. Can you give us some more
12:47:21 5 assistance, in terms of a number or something?
12:47:24 6
12:47:24 7 MS TITTENSOR: I can but it might bring up the entire court
12:47:28 8 book as opposed to this extract.
9
12:47:56 10 MS ENBOM: Commissioner, my instructions are that the first
12:47:58 11 time we saw this document was this morning. It's clearly
12:48:01 12 got some redactions in it, but they weren't made by us.
12:48:04 13 They look like relevance redactions, so perhaps we could
12:48:07 14 proceed by not putting the document on the screen but - - -
15
12:48:10 16 COMMISSIONER: I don't know how the witness can see it if
12:48:11 17 we don't put it on the screen.
18
12:48:14 19 MS ENBOM: He has a copy. Perhaps if we can just not put
12:48:16 20 it on the screen.
21
12:48:20 22 COMMISSIONER: Ms Tittensor, you're familiar with it. Are
12:48:21 23 there any possible - - -
24
12:48:24 25 MS TITTENSOR: I don't see that there are, Commissioner.
26
12:48:26 27 COMMISSIONER: In light of Ms Tittensor's view I'll allow
12:48:29 28 the document to go on the screen.
29
12:48:35 30 MS TITTENSOR: You've been shown this document this
12:48:36 31 morning, is that correct - or last night?---I've got three
12:48:43 32 pages I received this morning, which are mostly redacted.
33
12:48:53 34 I'll just take you through them and I'll ask you some
12:48:58 35 questions about them. The first page is the date of 3 May
12:49:01 36 2004 and you see there there's some notes about
12:49:08 37 Chimirri?---Yep.
38
12:49:09 39 The Commission understands the reference to Lisa Hannan
12:49:13 40 after that is the name of a magistrate, the reference to
12:49:16 41 Ted Combes is the name of an OPP prosecutor and it seems as
12:49:21 42 though Ms Gobbo has represented someone by the name of
12:49:23 43 Chimirri in an application to vary bail, do you see
12:49:27 44 that?---Yes, I see that.
45
12:49:31 46 If you go over to the next page, there's some irrelevant
12:49:38 47 materials on the left-hand side of the page and then on the

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A. ALLEN XXN - IN CAMERA

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12:49:40 1 right-hand side of the page there's an indication of a
12:49:45 2 telephone call that Ms Gobbo has had with Mr Swindells.
12:49:54 3 TI, we might assume, could be telephone in, indicating that
12:49:58 4 she's received a telephone call from Mr Swindells?---Yes.
5
12:50:05 6 The first reference is, "What is happening? Reality
12:50:08 7 difference between Purana and Horgan." Can you shed any
12:50:13 8 light on what that might mean?---No, not at all.
9
12:50:20 10 Was it the case that there were differences between Purana
12:50:23 11 and between the position being taken at the OPP - or the
12:50:28 12 DPP?---No, not that I was aware of and I've got no
12:50:34 13 recollection of any of that.
14
12:50:38 15 Underneath that it indicates that she's talking about
12:50:43 16 Chimirri and the potential for him or her being the shooter
12:50:50 17 for the murder of Lewis Moran, do you see that?---Yes, I
12:50:55 18 do.
19
12:50:55 20 And that was someone that she'd represented earlier that
12:50:57 21 day?---I'm not aware of whether that's the case.
22
12:51:02 23 Based upon the earlier - that's the reason I took you to
12:51:06 24 the earlier court entry. It appears as though she's
12:51:11 25 represented him on a bail variation application that
12:51:14 26 morning?---I see, right.
27
12:51:16 28 It appears as though she's spoken with Mr Swindells about
12:51:19 29 the potential for her client earlier that day to be the
12:51:23 30 shooter in the Lewis Moran murder. Do you recall having
12:51:26 31 any such discussion with Mr Swindells?---No, I don't.
32
12:51:35 33 Susannah Hughes, we understand, might be a police member
12:51:40 34 that was stationed at Moorabbin. Did you know a Susannah
12:51:44 35 Hughes?---No, I don't know Susannah Hughes.
36
12:51:49 37 And do you know - the final line says, "Phil has helped."
12:51:54 38 Phil was the name of Mr Swindells. Can you shed any light
12:51:59 39 on that notation?---No, I can't.
40
12:52:02 41 Do you know if he was helping her or if there was someone
12:52:05 42 else named Phil that was of assistance to Ms Gobbo or her
12:52:09 43 client at that stage?---No, I've got no knowledge of any of
12:52:16 44 that documentation or conversation at all.
45
12:52:21 46 If you go to your diary on [REDACTED] - this is the same
12:52:33 47 day?---Yes.

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A. ALLEN XXN - IN CAMERA

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1
12:52:34 2 At 5.30 you've got an entry that indicates, "With Swindells
12:52:39 3 re ██████████" I take it that is ██████████ Prison
12:52:45 4 visit?---M'hmm.
5
12:52:47 6 And we understand he might have gone out to ██████████ to
12:52:51 7 see ██████████. And you've got, "And ST" spoke to or speak
12:52:57 8 to "Nicola Gobbo re same re visit ██████████?---Yes, I see the
12:53:06 9 entry.
10
12:53:07 11 Does it appear that you will have been filled in by
12:53:12 12 Mr Swindells on a conversation he's had with
12:53:19 13 Ms Gobbo?---Well, just looking at that entry, that would be
12:53:26 14 - in my interpretation that would be that he would be
12:53:30 15 speaking to her, that he was going to visit ██████████
12:53:33 16 the following day, that would be my interpretation.
17
12:53:38 18 Do you think it would be likely he'd tell you that he's had
12:53:42 19 a conversation with her that day?---I really couldn't say.
12:53:50 20 He may have. I've got no recollection of it to be honest.
21
12:53:54 22 Or even if he hadn't yet had that conversation I've just
12:53:57 23 taken you through, that subsequently, given the fact that
12:54:00 24 you're having a conversation about a potential visit to
12:54:03 25 ██████████, that he would have reported to you about what
12:54:06 26 he'd spoken to Ms Gobbo about?---As I say, my
12:54:14 27 interpretation of that is that it was futuristic, it wasn't
12:54:18 28 something from the past.
29
12:54:22 30 The following day in your diary you've got a couple of
12:54:27 31 notations. At 7.15 you've got some issues relating to
12:54:32 32 Corrections re Purana issues and prisoner management?---I
12:54:40 33 don't think I - Tuesday the ██████████, down the bottom?
34
12:54:47 35 Yes?---Yes, I've got that.
36
12:54:51 37 Were there issues with prisoner management, including of
12:55:01 38 ██████████ at the time?---I'm not sure whether they related
12:55:07 39 to ██████████, but there were issues with some of the
12:55:15 40 accused persons being managed by Corrections, yes.
41
12:55:27 42 In what way? In that they might have had conflicting
12:55:32 43 interests or be from opposite crews or those kinds of
12:55:37 44 issues, is that what you're saying?---Yeah. My
12:55:40 45 recollection is basically, you know, separation issues, of
12:55:47 46 not having - to avoid conflict, having various accused in
12:55:55 47 separate locations and how that was to be managed by

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A. ALLEN XXN - IN CAMERA

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12:56:01 1 Corrections.
2
12:56:04 3 Later - and when you say "conflict" are you talking about
12:56:08 4 conflict in terms of the conduct of their cases or physical
12:56:11 5 confrontations?---What I mean by "conflict" is separating
12:56:18 6 because they came from opposite camps.
7
12:56:23 8 Later in your diary, at 16:00, you have got, "With
12:56:29 9 Swindells re PPP update", so [REDACTED] Prison update,
12:56:34 10 and "Nicola Gobbo to be contacted"?---Yes.
11
12:56:36 12 Does that indicate Swindells gave you an update on his
12:56:39 13 conversation - whatever that was - with [REDACTED] and that
12:56:44 14 Ms Gobbo would be told about it?---It would appear that
12:56:48 15 way. That's how I'd interpret that entry, yes.
16
12:56:53 17 If we go then back to that court book and the last
12:57:01 18 page?---Yes.
19
12:57:06 20 Ms Gobbo has an entry in her court book which you can see
12:57:09 21 there, dated [REDACTED] 2004. The first entry is, "Relevant
12:57:19 22 witness at an ACC hearing another quiver in the bow." Are
12:57:25 23 you able to say what that might be about?---No. I've never
12:57:32 24 seen this document and I really couldn't say what that
12:57:36 25 meant.
26
12:57:37 27 I'm just going to ask if any of these things you can
12:57:41 28 comment on or if they ring a bell for you, so you can
12:57:44 29 assist the Commission. The next entry is, "Whatever views
12:57:47 30 we have OPP have overall control of the brief." Do you
12:57:52 31 know what that might be about?---No.
32
12:57:56 33 The next entry was, "Political pressure." Were there
12:58:05 34 political pressures operating on Purana and others at the
12:58:08 35 time?---I suppose you could interpret there was, you know,
12:58:13 36 community pressure overall with regard to what was
12:58:19 37 happening in regard to law and order in Victoria at the
12:58:22 38 time.
39
12:58:25 40 "Copping a summons to appear." Was there a discussion
12:58:28 41 about [REDACTED] being summoned at all?---Not that I recall.
42
12:58:38 43 And then we have, "No issue re conflict Mokbel, Williams
12:58:45 44 and [REDACTED]." And I take it you know who [REDACTED]
12:58:49 45 is?---Yes, I do now.
46
12:58:54 47 It seems as though there's been some discussion about

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12:58:57 1 whether Ms Gobbo might have conflicts because of her
12:59:01 2 associations or representation of those various other
12:59:05 3 people. Do you recall that there were such discussions and
12:59:07 4 concerns within the police at the time?---There may have
12:59:16 5 been. I've got no real recollection of it, but as I say,
12:59:22 6 not having ever seen this document before, I'd only be
12:59:25 7 guessing.

8
12:59:28 9 Well, do you recall Mr Swindells telling you that he'd
12:59:31 10 discussed conflicts with Ms Gobbo?---No, I don't
12:59:35 11 specifically recall that, no.

12
12:59:37 13 Or that he discussed with [REDACTED] the potential that his
12:59:41 14 barrister was conflicted?---No, I don't recall that
12:59:48 15 discussion.

16
12:59:51 17 It seems as though, following that, Ms Gobbo has made a
12:59:56 18 note in relation to a conference with Karen that day "re
13:00:02 19 the next step". "Karen" I take it to be Karen Engelton,
13:00:08 20 who we have seen a name of, her instructing solicitor in
13:00:12 21 relation to the [REDACTED] matter. And then following that,
13:00:16 22 "Discussion with Horgan re my difficult position." Do you
13:00:21 23 know what that might be about?---No, I don't.

24
13:00:26 25 I'll tender that document, Commissioner.

13:00:31 26
13:00:33 27 #EXHIBIT RC250 - Pages from the Nicola Gobbo court book.

28
13:00:42 29 MS ENBOM: Commissioner, as with Exhibit 249, Victoria
13:00:44 30 Police would seek an opportunity to review those exhibits
13:00:46 31 for public interest immunity before they're put on the
13:00:50 32 website.

33
13:00:52 34 COMMISSIONER: You'll have 24 hours.

35
13:00:58 36 MS TITTENSOR: Mr Allen, on 5 May - that's the next day -
13:01:02 37 it's apparent that Mr Buick spoke to Mr Swindells about the
13:01:08 38 conversation that he'd had the day before with [REDACTED],
13:01:13 39 that, according to him, [REDACTED] was wanting a full
13:01:16 40 indemnity. He understood that Gobbo had had - Ms Gobbo had
13:01:24 41 had some discussions with Mr Horgan. There was a notation
13:01:30 42 that [REDACTED] was advised that if he pleaded to the
13:01:34 43 [REDACTED] murder, the prosecution would push for a minimum
13:01:38 44 sentence. Were you briefed about what Mr Swindells was
13:01:42 45 doing and saying with [REDACTED] and Ms Gobbo at the
13:01:46 46 time?---I don't recall. There were probably briefings as
13:01:54 47 those matters evolved, but I can't recall specifically at

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13:01:59 1 what stage that would or wouldn't have happened.
2
13:02:05 3 On 17 May 2004, there was a meeting at the OPP again, which
13:02:13 4 related to the Gatto prosecution, which was occurring
13:02:17 5 around that time, and [REDACTED] matters were discussed
13:02:20 6 again. Mr Horgan, Ms Anscombe, yourself, Swindells, Wilson
13:02:28 7 and Buick were all present. Do you recall that
13:02:35 8 meeting?---I don't specifically, but I've got a diary
13:02:37 9 entry.
10
13:02:38 11 What was Mr Wilson's role?---I don't know. I don't know
13:02:47 12 who Mr Wilson is, if you can assist me there, but I don't
13:02:56 13 know.
14
13:02:58 15 There was discussion that Ms Gobbo was still to contact
13:03:01 16 Mr Horgan. Do you understand that there was discussions
13:03:04 17 there in relation to what the deal would be in relation to
13:03:09 18 the ultimate plea negotiations?---No, I haven't got a
13:03:15 19 specific recollection of that, and I haven't made a note of
13:03:21 20 that in my diary, but if that's what's being confirmed - if
13:03:29 21 that's confirmed, I couldn't dispute it.
22
13:03:34 23 I'll just see if I can find the note in the diary?---Sorry,
13:03:38 24 Wilson would be - my apologies - another investigator from
13:03:45 25 Purana, I'd imagine. There was a member there with the
13:03:51 26 name of Wilson, so he may have had some involvement.
27
13:03:59 28 I understand it is after 1 o'clock and it might be a
13:04:02 29 convenient time.
30
13:04:02 31 COMMISSIONER: It is after 1. So you're going to be a
13:04:04 32 little while yet?
33
13:04:06 34 MS TITTENSOR: Yes, a little bit longer, Commissioner.
35
13:04:09 36 COMMISSIONER: So we can't finish this witness?
37
13:04:12 38 MS TITTENSOR: I won't do it in a quick hurry and I could
13:04:15 39 do with a break myself, Commissioner.
40
13:04:17 41 COMMISSIONER: All right then. We'll adjourn until
13:04:19 42 2 o'clock.
43
44 <(THE WITNESS WITHDREW)
45
13:05:03 46 LUNCHEON ADJOURNMENT
47

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13:54:46 1 UPON RESUMING AT 2.03 PM:
2
14:03:42 3 COMMISSIONER: Yes, Ms Tittensor.
14:03:44 4
14:03:45 5 <ANDREW ALLEN, recalled:
6
14:03:48 7 Mr Allen, I was just asking you some questions about a
14:03:50 8 meeting that you were at at the OPP on 17 May 2004. You
14:03:54 9 recall that?---17 May, yes. What time was that, sorry?
10
14:04:07 11 I think your diary - - - ?---Yep, I've got it now.
12
14:04:12 13 - - - might record that at 15:15 in the afternoon?---Yes, I
14:04:15 14 have that, yes.
15
14:04:19 16 You indicated in your statement, at paragraph 13, that your
14:04:24 17 solicitors have asked if you recall Ms Gobbo being
14:04:27 18 mentioned at that meeting?---M'mm.
19
14:04:31 20 Do you see that?---Yes, I see that.
21
14:04:35 22 And you note that your diary records you attending that
14:04:38 23 meeting but doesn't make any mention of Ms Gobbo?---That's
14:04:43 24 right.
25
14:04:46 26 Mr Buick has made some notes that indicate that there was
14:04:51 27 discussion about the deal for ██████████, being to plead to
14:04:57 28 the Marshall murder and giving evidence about Moran, and
14:05:03 29 that you were giving consideration to charging ██████████
14:05:08 30 with the Moran murder. I know that you say in your
14:05:13 31 statement you don't have any recollection of discussions in
14:05:18 32 relation to Ms Gobbo or potentially that matter, but if
14:05:21 33 it's recorded in someone else's diaries, like
14:05:27 34 Detective Buick's diary, would you deny that there was any
14:05:31 35 such discussion?---Oh no, I wouldn't deny that. It just
14:05:36 36 may have been something that particularly, you know, Buick
14:05:40 37 recorded and I know I made mention in relation to another
14:05:44 38 accused person.
39
14:05:45 40 Yes. You would accept, if it's recorded in someone else's
14:05:51 41 diaries, some Purana diaries or other notes of the OPP, for
14:05:55 42 instance, what went on at that meeting, you would accept
14:05:57 43 that those were recordings of things that were discussed at
14:06:02 44 the meeting?---Oh yes, yes, and, you know, as to the number
14:06:07 45 of those meetings with the OPP, I wouldn't have recorded
14:06:11 46 every detail either. That's why other members of the
14:06:14 47 Task Force, who were probably more linked into the briefs

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A. ALLEN XXN - IN CAMERA

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14:06:21 1 and other matters, were probably more attentive to
14:06:26 2 notetaking than I was.
3
14:06:28 4 It seems as though, in terms of the deal that was going to
14:06:33 5 be made in relation to [REDACTED], or that was being
14:06:37 6 discussed or agreed at that stage, there was certainly some
14:06:41 7 discussion as between the OPP and Purana about what might
14:06:45 8 occur in that respect?---Oh yes, I accept that.
9
14:06:49 10 It's not something where simply the OPP would go off and
14:06:54 11 make its own decisions, without taking into account others'
14:06:58 12 views?---No, no, that's right.
13
14:07:05 14 The following day, on 18 May 2004, we've got some material
14:07:14 15 that indicates that Mr Buick was advised by you that
14:07:19 16 Mr Horgan was meeting with Ms Gobbo that day. It doesn't
14:07:24 17 seem that there's any note to that effect in your diary,
14:07:28 18 but if that's what Mr Buick has recorded, you'd accept that
14:07:32 19 that's what occurred?---Yes, I would.
20
14:07:37 21 So that would indicate that you've had some communication
14:07:40 22 from someone indicating that there was to be a meeting
14:07:43 23 between Mr Horgan and Ms Gobbo?---Well, I haven't got an
14:07:49 24 independent recollection and there's nothing in my diary,
14:07:52 25 but I accept that if it's recorded in Mr Buick's diary,
14:07:58 26 that was the case.
27
14:07:59 28 Do you know where you would likely have gotten information
14:08:02 29 of that nature?---Of the nature of the meeting between
14:08:11 30 Mr Horgan and Ms Gobbo?
31
14:08:13 32 Yes?---I could only - I would only assume that it's arisen
14:08:20 33 at a meeting some time prior to that time.
34
14:08:32 35 We've got some notes from Detective Bateson dated 15 June
14:08:37 36 2004, which indicates that he had a disagreement with
14:08:43 37 Detective Senior Sergeant Swindells re lack of
14:08:48 38 communication relating to the proposal for the plea with
14:08:50 39 [REDACTED] and the lack of notice. Can you recall that
14:08:53 40 there were tensions or disagreements within Purana about
14:08:58 41 what was going on in relation to [REDACTED]?---No. You
14:09:05 42 know, there may have been some - I think I referred to it
14:09:08 43 earlier as "robust discussions" from time to time. I don't
14:09:12 44 think I've got a note in regard to that I had to step in
14:09:17 45 and referee anything of that nature.
46
14:09:21 47 Do you have any recollection of any issues in relation to

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14:09:25 1 what was going on with [REDACTED]?---Not specifically at
14:09:31 2 that time, but I'm really doing a memory test on that now,
14:09:36 3 having regard to the time frame and all the concurrent
14:09:38 4 matters that were occurring at that particular period.
5
14:09:43 6 [REDACTED] after that, [REDACTED] was before the
14:09:49 7 County Court [REDACTED], before Judge [REDACTED], on [REDACTED]
14:09:55 8 2004 and Bateson and Swindells attended that court.
14:10:01 9 Mr Horgan was prosecuting the matter and Ms Gobbo was
14:10:05 10 appearing for [REDACTED]. Those were matters relating to an
14:10:10 11 outstanding burglary - burglary-type charges that were
14:10:20 12 dealt with at that stage. Can you recall that
14:10:22 13 occurring?---No. When you mentioned [REDACTED], that does
14:10:25 14 ring a bell, there were some proceedings up there, away
14:10:29 15 from the metropolitan area, the details of which I can't
14:10:34 16 recall.
17
14:10:35 18 It seems as though - Detective Bateson indicates that he
14:10:40 19 understood, by that stage, that there'd been contact in
14:10:44 20 relation to the plea deal for the murder charge, so it
14:10:48 21 seems that was well understood by that stage, and that he
14:10:53 22 and Swindells went and spoke to [REDACTED] prior to the plea
14:10:57 23 that day, to confirm that he was willing to proceed and
14:11:01 24 make statements. No doubt that was something that you
14:11:05 25 would have been made aware of?---I probably was at some
14:11:09 26 point in time, but I don't have an independent recollection
14:11:13 27 of when or where that might have been.
28
14:11:18 29 There's an indication that Ms Gobbo told Detective Bateson
14:11:22 30 at around that time that she was concerned about herself if
14:11:27 31 her role in the plea deal for [REDACTED] should become
14:11:32 32 known. Would that be something that you would have been
14:11:35 33 made aware of?---No, I don't have a recollection of that
14:11:41 34 issue.
35
14:11:43 36 You don't have any recollection at all that Ms Gobbo was
14:11:46 37 concerned about her own position if it became known that
14:11:49 38 she was involved in a witness rolling, so to speak?---No,
14:11:55 39 it doesn't ring a bell with me, you know, in trying to
14:12:00 40 search my memory bank and it doesn't sort of present itself
14:12:04 41 as something that I was aware of.
42
14:12:14 43 Mr Bateson apparently responded to her that "our door was
14:12:19 44 open any time", that is Purana's door was open for her to
14:12:23 45 come through any time?---Well, I'm not aware of that and
14:12:27 46 that would be something Mr Bateson would have knowledge of,
14:12:31 47 I would assume.

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1
14:12:34 2 Those types of issues wouldn't have been raised with
14:12:37 3 you?---Not necessarily in that detail. As I said, you
14:12:45 4 know, there were a number of concurrent matters ongoing and
14:12:50 5 I was dealing with a number of other issues at probably a
14:12:57 6 higher level at that time but, you know, briefings
14:13:01 7 occurred. I may have been briefed down the track, but I
14:13:06 8 can't say when or where, but that doesn't specifically ring
14:13:09 9 a bell with my memory.
10
14:13:12 11 In the days after that, from about [REDACTED], [REDACTED]
14:13:17 12 commenced making statements. You would have known about
14:13:21 13 that at the time?---I probably would have known - I, more
14:13:27 14 likely than not, would have known about that at the time.
15
14:13:30 16 In the middle of all of that, were you informed that
14:13:34 17 Ms Gobbo was to be interviewed in relation to knowledge
14:13:39 18 around the Hodson murders?---I don't know. I think there's
14:13:49 19 an entry round about 29 June, there's an entry in my diary.
20
14:13:55 21 Yes, at about 13:50?---Yeah, yeah, which I've only picked
14:13:59 22 up since reviewing this latest bundle.
23
14:14:02 24 Did you have an awareness, at that stage, of what the
14:14:05 25 interest was in Ms Gobbo as to the Hodson murders?---No, I
14:14:13 26 don't recall doing that, but Bezzina was managing that
14:14:16 27 investigation, Charlie Bezzina, and I ^ I note? know that
14:14:21 28 I've got the operation name there and he must have been
14:14:24 29 conducting some interviews of people, including Ms Gobbo.
30
14:14:30 31 Would you have spoken - given that Bezzina has given you a
14:14:34 32 situation report about ^ Operation Lorus and indicated to
14:14:39 33 you that he was going to interview Ms Gobbo, amongst
14:14:42 34 others, would he have given you a report afterwards?---Not
14:14:47 35 necessarily. My recollection is that we - apart from
14:14:54 36 perhaps, you know, those small updates, or an update, we
14:15:05 37 kept those investigations quite separate.
38
14:15:07 39 Later that night, at 17:30, it seems you receive an update
14:15:14 40 from Detective Bateson about the status of [REDACTED] and
14:15:18 41 issues that needed to be followed up?---Yes, I can see that
14:15:22 42 entry.
43
14:15:30 44 Just moving back to the Operation Lorus matter, can you say
14:15:35 45 who Bezzina was reporting to at the time?---My
14:15:42 46 understanding would be that he would be reporting to
14:15:46 47 whoever was in charge at the Homicide Squad at that time.

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1
14:15:50 2 And who was that?---Oh look, I'm guessing now. June 2004.
14:15:58 3 I'd only be guessing. I know that ^ Mr Rix was there at
14:16:03 4 one stage - I think he might have stayed there when I moved
14:16:05 5 on to the Task Force - but I'm only guessing. Rix, or
14:16:09 6 someone who might have come in on a temporary basis. I'm
14:16:12 7 not sure.
8
14:16:17 9 On 9 July, there's a review with ██████████ of his
14:16:22 10 statements, where Bateson attends. ██████████ indicates to
14:16:30 11 Bateson that he's not prepared to sign the documents before
14:16:34 12 they're approved by Ms Gobbo. He then updated Mr Horgan at
14:16:41 13 the OPP, it seems, about that. Were you aware of
14:16:49 14 that?---No, that doesn't ring a bell with me as far as that
14:16:53 15 goes. But, mind you, a lot of that process and
14:16:59 16 negotiations between accused persons and their counsel were
14:17:05 17 going on and I didn't necessarily have to have a
14:17:09 18 day-to-day, blow-by-blow update of those issues, unless
14:17:13 19 there was matters of concern.
20
14:17:16 21 Were you aware that the statements were then taken to
14:17:20 22 Ms Gobbo, so that she could read them, before they were
14:17:24 23 signed by ██████████?---No, I don't have a recollection of
14:17:29 24 that.
25
14:17:33 26 Were you aware that she, after reading them, spoke to
14:17:38 27 Mr Bateson and indicated scepticism over some parts of the
14:17:42 28 statements?---No, I don't have a recollection of that.
29
14:17:47 30 She indicated scepticism over a claim by ██████████ that he
14:17:51 31 wasn't going to get paid for the murder of Marshall. Does
14:17:56 32 that ring a bell?---No, I don't have a recollection of
14:18:00 33 that. These things may have occurred, but I don't have a
14:18:04 34 recollection of that.
35
14:18:06 36 That she was sceptical about his claim that he thought he
14:18:10 37 was only going there to collect a debt and not to kill
14:18:14 38 Marshall?---No, I don't have a recollection. The only
14:18:19 39 recollection I have of that was of the circumstances of the
14:18:25 40 murder that night and the arrest in which he was a
14:18:29 41 co-accused.
42
14:18:34 43 Do you say you were never told that she was provided with
14:18:37 44 these statements, that she expressed doubts about the
14:18:43 45 contents of some of the statements and ultimately the
14:18:45 46 statements were amended in some way?---Ms Gobbo you're
14:18:50 47 referring to?

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A. ALLEN XXN - IN CAMERA

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1
14:18:51 2 Yes?---I don't have a recollection of that. I'm not saying
14:18:56 3 it may not have been discussed, but I don't have a
14:19:00 4 recollection of that.
5
14:19:04 6 There was, apparently, some discussion between Ms Gobbo and
14:19:09 7 Detective Bateson about him being able to speed up visitor
14:19:14 8 clearance with Corrections for her. Were there some
14:19:19 9 special conditions associated with visiting some prisoners
14:19:22 10 as between - were Purana able to get things done a bit
14:19:28 11 quicker?---I'm not aware of that. I don't have a
14:19:31 12 recollection of that.
13
14:19:35 14 Do you know if there was a different kind of recording of
14:19:39 15 visits to Corrections for certain prisoners?---No. I know
14:19:47 16 there was a recording system - as in audio recording you're
14:19:52 17 referring to?
18
14:19:53 19 Well, recording of visits by people to particular
14:19:57 20 prisoners. Usually the prisons keep a log of who goes in
14:20:01 21 and who goes out. Was there a different way or were there
14:20:04 22 different ways where some people's names didn't necessarily
14:20:08 23 get recorded if they went to visit prisoners?---I'm not
14:20:11 24 aware of that. I don't have a recollection of that.
25
14:20:32 26 Do you know whether there were any audio recordings
14:20:36 27 occurring of prisoner visits in relation to Purana
14:20:45 28 targets?---Within the custodial system?
29
14:20:49 30 Yes?---There may have been. I know there was an audio
14:20:58 31 recording system in Corrections that existed. Specifically
14:21:09 32 I can't remember if there were specific recordings
14:21:14 33 conducted with individuals.
34
14:21:18 35 When you say there was an audio recording system operating,
14:21:22 36 is that something that operated in particular areas or it
14:21:28 37 was an ability to switch it on or off in all areas?---No, I
14:21:33 38 think, from my memory, and it's telling me a certain name
14:21:36 39 of a system, which I may or may not be able to put forward,
14:21:43 40 but it might have been the telephone monitoring system in
14:21:50 41 certain Correction facilities. That's my only recollection
14:21:55 42 of some type of - - -
43
14:21:56 44 You're thinking of Arunta calls?---That's what I'm thinking
14:22:03 45 of, yes.
46
14:22:03 47 Do you know if there were any recording of legal visits at

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A. ALLEN XXN - IN CAMERA

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14:22:08 1 all in the Corrections system?---No, I'm not aware - well,
14:22:14 2 if there was, I'm not aware of that and I don't have a
14:22:17 3 recollection of whether those recordings were undertaken.
4
14:22:22 5 Either through the telephone system or within the prison
14:22:27 6 itself?---Oh, look, there may have been - under that Arunta
14:22:31 7 system, there may have been, but I'm really struggling with
14:22:35 8 memory as to what there might have been. There were
14:22:39 9 numerous telephone [REDACTED] applied
14:22:48 10 throughout - at my time at the Task Force and, you know,
14:22:53 11 quite possibly that would be some of them. But I haven't
14:22:56 12 got a specific recollection of at what facility or how that
14:23:01 13 might have been undertaken.
14
14:23:06 15 Were you made aware of [REDACTED] having some concerns or
14:23:11 16 expressing concerns with Detective Bateson about the
14:23:14 17 seizure of his assets and wanting to ensure his assets
14:23:20 18 remained intact?---I don't specifically recall it, but that
14:23:26 19 could have occurred.
20
14:23:28 21 Do you recall it occurring with any other gangland
14:23:32 22 prisoners in relation to their discussions and
14:23:36 23 negotiations?---Assets? No, I haven't got any immediate
14:23:44 24 recollection of that.
25
14:23:49 26 [REDACTED] signed some statements, I think, on 12 July 2004.
14:23:57 27 Were you aware that after the review and after Ms Gobbo's
14:24:01 28 review, that there were some changes made in relation to
14:24:05 29 his beliefs surrounding the murder of Marshall?---I may
14:24:14 30 have been at the time, but I can't recall, you know, and I
14:24:20 31 may have been briefed about that, but I can't recall
14:24:22 32 specifically if I was aware. But I would like to think
14:24:28 33 that I had knowledge of that in the process of heading
14:24:32 34 towards a result.
35
14:24:36 36 It seems as though there were some, obviously, draft
14:24:39 37 statements taken out to [REDACTED] for his review on the [REDACTED]
14:24:45 38 and then on the [REDACTED] there have been changes made and his
14:24:49 39 statements are signed. What would occur with the draft
14:24:52 40 statements? Would they be kept?---I'm not aware. I don't
14:25:00 41 recall the draft statements. Again, the investigators
14:25:05 42 involved with that particular prosecution would be charged
14:25:12 43 with dealing with that and then dealing with the OPP, as
14:25:18 44 far as what to present.
45
14:25:21 46 Would you expect, if there'd been statements taken and
14:25:25 47 there'd been changes to the statements, following a review,

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14:25:31 1 that the original statements should be kept?---Provided
14:25:36 2 there was consultation with perhaps the OPP or other advice
14:25:43 3 sought, I would expect that that would be part of the
14:25:49 4 disclosure process.
5

14:25:54 6 Can you think of a good reason why you might destroy those
14:25:58 7 statements?---Not off the top of my head. Again, I'm
14:26:01 8 really struggling with my memory to even think about were
14:26:07 9 there draft statements before a final statement being made.
10

14:26:20 11 And should those statements remain in existence, you'd
14:26:24 12 expect them to be disclosed when called for by the
14:26:27 13 defence?---Again, you know, not being directly involved in
14:26:35 14 those processes, you know, they're matters which would have
14:26:43 15 been undertaken and dealt with by the investigators,
14:26:48 16 presumably in consultation with the OPP.
17

14:26:53 18 Would your expectation be, in relation to disclosure of
14:26:58 19 diary entries, in the scenario that I've just described to
14:27:02 20 you, where Mr Bateson has discussed the contents of those
14:27:06 21 statements with Ms Gobbo, the scepticism she's expressed
14:27:11 22 and the changes to the statements, would your expectation
14:27:14 23 be that his diary entries revealing discussions with her
14:27:20 24 would be disclosed to the defence?---I suppose that depends
14:27:27 25 on the nature of the proceedings, you know, and I would
14:27:32 26 think diary entries, provided they're not going to put any
14:27:37 27 person at risk, would be able to be disclosed.
28

14:27:40 29 Well, more than "would be able". Should they be disclosed?
14:27:45 30 Assuming there's a trial and in issue is the credit of
14:27:48 31 [REDACTED] - - -?---M'hmm.
32

14:27:52 33 - - - you would accept that those diary entries should be
14:27:54 34 disclosed?---Yeah, I would expect that they would be - that
14:28:02 35 if they existed, that they were available to be considered
14:28:05 36 as far as disclosure is concerned.
37

14:28:15 38 On 16 July 2004, there's another meeting at the OPP in
14:28:21 39 which you're involved. I think this is at paragraph 16 of
14:28:25 40 your statement?---Yes.
41

14:28:37 42 By this time, the statements of [REDACTED] had been
14:28:39 43 completed and in those statements, it's understood that
14:28:47 44 he's implicated Carl Williams and [REDACTED], along with
14:28:54 45 [REDACTED], in a number of murders. No doubt you're aware
14:28:58 46 of that by that stage?---Yes. Yeah, I have got a
14:29:03 47 recollection that that was the general situation at that

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A. ALLEN XXN - IN CAMERA

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14:29:07 1 time.
2
14:29:09 3 So he's given a number of statements; one in relation to
14:29:13 4 the - I think by that stage at least he's given a number of
14:29:16 5 statements and maybe later gives a third one. But one
14:29:19 6 deals with the Marshall murder, where he's implicated
14:29:23 7 [REDACTED] at least, and perhaps - and also, I think, Carl
14:29:27 8 Williams, and the other statement dealing with the Jason
14:29:29 9 Moran and Pasquale Barbaro murder, where he's implicated
14:29:35 10 [REDACTED] of those people, [REDACTED] and Carl
14:29:40 11 Williams?---M'mm.
12
14:29:41 13 So it seems as though there's a discussion about those
14:29:45 14 matters at that stage, on 16 July?---M'hmm.
15
14:29:48 16 And that's at a meeting at the OPP and that involves the
14:29:54 17 DPP himself, Mr Horgan, Anscombe, ^ Gavan Ryan and
14:30:02 18 Detective Bateson, as well as yourself?---Yes.
19
14:30:04 20 Do you recall that meeting?---I, obviously, was at that
14:30:09 21 meeting. I don't have a specific recollection of it, but I
14:30:15 22 know clearly I was at that meeting.
23
14:30:22 24 Your statement seems to stop dealing with issues in
14:30:28 25 relation to these matters from that point in time, that is
14:30:32 26 mid-July 2004. But there were a number of events that
14:30:38 27 occurred prior to your leaving the Purana Task Force in
14:30:41 28 October 2004 - for instance, the charging of [REDACTED]
14:30:52 29 and Carl Williams in relation to those matters. You would
14:30:58 30 have been made aware of those things as they occurred?---So
14:31:03 31 subsequent to the arrest of Williams in June are you
14:31:09 32 talking about, ^ that? the further charges were - - -
33
14:31:12 34 We get the statement - we've got this meeting at the OPP
14:31:15 35 after the statements are signed on [REDACTED] and then a month
14:31:19 36 later - - -?---Right.
37
14:31:20 38 - - - on 16 August, [REDACTED] and Carl Williams are
14:31:25 39 charged in relation to the murder of Jason Moran and
14:31:29 40 Pasquale Barbaro and perhaps Carl Williams is, at that
14:31:34 41 stage, added on in relation to the Michael Marshall
14:31:40 42 murder?---Yes.
43
14:31:43 44 Those arrests clearly based on the evidence of
14:31:51 45 [REDACTED]?---It would appear that way, yes. I'm presuming
14:31:53 46 that that's how it progressed, yes.
47

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14:31:56 1 And Ms Gobbo having represented [REDACTED] through that
14:32:06 2 time?--From memory, yeah, I believe so.
3
14:32:08 4 And her having an involvement in the statement-taking
14:32:11 5 process and vetting that statement?--I'm not aware of
14:32:16 6 those details, of whether she was vetting or involved in
14:32:21 7 the statement process. That was left to other
14:32:23 8 investigators.
9
14:32:27 10 Are you aware, when [REDACTED] was charged on that day, on
14:32:32 11 [REDACTED] 2004, that one of the people that [REDACTED] asked
14:32:37 12 for - asked to speak to was Ms Gobbo?--No, I haven't got a
14:32:43 13 recollection of that.
14
14:32:45 15 Are you aware that Detective Bateson facilitated that
14:32:48 16 request?--No, I'm not aware. I don't think I had very
14:32:54 17 much to do with [REDACTED] in those circumstances.
18
14:33:00 19 If you had have known about that, about Ms Gobbo being
14:33:06 20 allowed to advise [REDACTED] upon his arrest in those
14:33:10 21 circumstances, what would you have done?--Well, if
14:33:14 22 [REDACTED] had requested Ms Gobbo to be his advocate, that
14:33:23 23 would be perfectly acceptable, in my view.
24
14:33:26 25 In circumstances where he's charged on the basis of
14:33:30 26 [REDACTED]'s evidence, who Ms Gobbo has represented and
14:33:37 27 whose statement she had vetted, that would be
14:33:41 28 acceptable?--Well, again, if a particular person in
14:33:44 29 custody is asking for a specific lawyer to attend and
14:33:48 30 assist, that is that individual's right and our role is to
14:33:56 31 facilitate that request.
32
14:33:58 33 Do you have no role in determining or pointing out to
14:34:05 34 [REDACTED] that "there might be a conflict in this lawyer
14:34:08 35 representing you, considering she's represented the last
14:34:12 36 guy, who's tipped you in"?--Well, subject to other
14:34:19 37 machinations that might follow, that would probably be a
14:34:22 38 reasonable point to discuss. But if a person in custody is
14:34:26 39 asking for a specific legal representative, the role is to
14:34:32 40 facilitate that request. Otherwise we breach the standing
14:34:37 41 orders and other legislation.
42
14:34:40 43 If you're aware at the time, on-the-spot, that there's a
14:34:45 44 significant conflict of interest for this lawyer to
14:34:47 45 represent this person, given what's gone before, do you see
14:34:50 46 no role in pointing out a conflict or getting some advice
14:34:54 47 about what to do in those circumstances?--Well, again, I

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14:35:00 1 don't believe I was involved in the interview process of
14:35:04 2 [REDACTED]
3
14:35:06 4 No, I'm not saying you were. But if you're aware of those
14:35:09 5 circumstances, do you see no role for you in pointing out
14:35:14 6 that a conflict exists? At least the police - at least we
14:35:21 7 should go and get some advice about what to do about this
14:35:25 8 before we allow her to advise this
14:35:29 9 person?--Hypothetically, if it had been raised as a matter
14:35:31 10 of conflict, then it would have been appropriate to follow
14:35:37 11 up with some additional advice. But I go back to if that
14:35:43 12 person - if that lawyer is requested by the accused in
14:35:47 13 custody, then our role is to facilitate that request.
14
14:35:53 15 Let's just say later down the track, that person - let's
14:35:58 16 call him [REDACTED] - is wanting to contest the charges and
14:36:01 17 part of contesting the charges means that we need to bring
14:36:07 18 into issue the credit of [REDACTED]. Do you see any
14:36:14 19 conflict arising for the lawyer representing
14:36:20 20 [REDACTED]?--Oh there may well be a conflict.
21
14:36:22 22 Do you see any role for the police in doing anything to
14:36:25 23 prevent that from occurring?--Look, there may have been
14:36:32 24 some advice sought through the OPP. I'm not sure. It
14:36:35 25 seems to me that - is that a hypothetical or are you asking
14:36:41 26 me if I had involvement in that?
27
14:36:43 28 No, I'm asking you what your point of view would be if -
14:36:46 29 and potentially what your instructions would be to the
14:36:49 30 troops if you're aware of that?--Well, if there was a
14:36:55 31 clear conflict of interest and it was at some risk of
14:37:03 32 endangering an impending prosecution, there would certainly
14:37:07 33 be room to seek further advice.
34
14:37:12 35 What occurs in this case subsequently is that Ms Gobbo is
14:37:16 36 involved in seeking disclosure for [REDACTED], such
14:37:24 37 disclosure having the purpose of discrediting [REDACTED], or
14:37:30 38 assisting in the discrediting of [REDACTED] in subsequent
14:37:34 39 proceedings. Now, it seems as though Ms Gobbo has got
14:37:37 40 specific knowledge of some lies, or changes at least to his
14:37:42 41 statement. Do you see any problem with that
14:37:49 42 occurring?--Well, again, if I can just say that I've got
14:37:53 43 no knowledge of that arising in my time. I don't believe
14:37:59 44 that was ever brought to my attention and this could well
14:38:03 45 have been much later in the proceedings, when I was no
14:38:07 46 longer in charge of the Task Force.
47

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14:38:10 1 If it had have occurred, if you had have known when you
14:38:13 2 were there, what would you have done?--Well, I think I'd
14:38:18 3 rely on my previous response, and that is that should a
14:38:23 4 clear conflict of interest be raised or there were concerns
14:38:29 5 about endangering an impending prosecution, I believe that
14:38:36 6 - and my antecedents are that it gets brought to the
14:38:43 7 attention of those with specialist knowledge in relation to
14:38:46 8 the impending prosecutions.

9

14:38:49 10 COMMISSIONER: So namely, what, the OPP?--Yes,
14:38:53 11 Commissioner. I would think because of the relationship we
14:38:58 12 had with the OPP and they were the constant as far as
14:39:02 13 advice is concerned, they would be the appropriate party to
14:39:07 14 refer to.

14:39:11 15

14:39:12 16 MS TITTENSOR: On [REDACTED] 2004, there was a decision made
14:39:16 17 to directly present [REDACTED] and Carl Williams, do
14:39:21 18 you recall that?--I quite probably knew it at the time.
14:39:29 19 That sounds correct.

20

14:39:30 21 You understand that to be a process where the prosecution
14:39:35 22 would bypass the usual committal proceedings and go
14:39:38 23 straight to trial?--Yes.

24

14:39:45 25 The following day, on [REDACTED], there was an application
14:39:48 26 to interview [REDACTED] in relation to the murder of
14:39:55 27 Kallipolitis, someone by the name of Kallipolitis. Do you
14:40:01 28 recall that occurring?--No, I don't think so. I couldn't
14:40:07 29 dispute that because that possibly is the natural
14:40:12 30 progression.

31

14:40:14 32 Do you know that ultimately [REDACTED] provided a statement
14:40:20 33 in relation to the murder of Kallipolitis and someone named
14:40:27 34 Farouk Orman was charged with that murder?--No. I think
14:40:32 35 that was after I'd departed.

36

14:40:36 37 Were you aware that by that stage, [REDACTED] 2004, Ms Gobbo
14:40:42 38 appeared for [REDACTED]?--No, I don't have a recollection
14:40:47 39 of that. I'm not saying it didn't happen, but I don't have
14:40:50 40 a recollection of that.

41

14:40:52 42 You would have known. You would have been briefed about
14:40:55 43 those matters occurring at the time?--Probably I would
14:40:57 44 have. Yeah, I probably knew at that time, yeah.

45

14:41:01 46 You would have also known that [REDACTED] was being summoned
14:41:05 47 to appear before the Australian Crime Commission and he

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14:41:08 1 appeared on [REDACTED] 2004?---I may have been
14:41:12 2 briefed about that. Yes, I may have been briefed in
14:41:17 3 relation to those hearings.
4
14:41:19 5 And that Ms Gobbo was appearing for him on those
14:41:23 6 occasions?---I don't recall that, but I take that as being
14:41:27 7 correct.
8
14:41:30 9 Were you aware that someone from the OPP, or Mr Horgan, was
14:41:34 10 asking questions on those occasions at the ACC?---Again, I
14:41:40 11 may have been at that time. You're testing my memory now.
14:41:44 12 I've got no independent recollection, to be honest.
13
14:41:48 14 Do you recall that [REDACTED] was also called before
14:41:51 15 the ACC on [REDACTED]?---No, I don't have a recall of that
14:41:57 16 at all.
17
14:41:58 18 And that Ms Gobbo appeared for [REDACTED] as well?---No, I'm not
14:42:02 19 aware of that.
20
14:42:08 21 On the [REDACTED], the [REDACTED] and the [REDACTED] 2004, it
14:42:14 22 appears as though there were hearings in the Supreme Court,
14:42:16 23 because they'd bypassed the Magistrates' Court committal
14:42:20 24 proceedings, at least at that stage there were hearings in
14:42:25 25 the Supreme Court, where Ms Gobbo was appearing on behalf
14:42:27 26 of [REDACTED]. There was disclosure being sought, pre-trial
14:42:35 27 disclosure being sought during that period of time, and
14:42:37 28 Detective Bateson was giving some evidence on oath about
14:42:40 29 matters relating to disclosure. Did you know about that at
14:42:45 30 the time?---Possibly - I probably did - and ^ don't? can't
14:42:52 31 dispute that.
32
14:42:53 33 Do you know whether there was any discussion about issues
14:42:55 34 related to disclosure, given that Ms Gobbo's name would
14:42:59 35 appear in diary entries and so forth in relation to
14:43:02 36 [REDACTED]?---No, I don't have any recollection of that.
37
14:43:13 38 Are you aware as to whether there was any concern at all
14:43:17 39 raised during this period of time about the capacity of
14:43:21 40 Ms Gobbo to be able to independently represent the
14:43:24 41 interests of [REDACTED], given her knowledge and involvement
14:43:29 42 in the process of [REDACTED] making his statement?---No, I
14:43:36 43 don't recall any concerns. I took the view, and have the
14:43:42 44 view, that she was a legal professional who was asked for
14:43:50 45 by certain accused people to represent them and she was a
14:43:55 46 legal representative trying to get the best deal for her
14:44:02 47 clients, as were a number of other legal representatives

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14:44:05 1 involved in other accused persons we charged.
2
14:44:08 3 ^ Finished editing here so do you say she could represent
14:44:10 4 the interests, the best interests of [REDACTED] and
14:44:13 5 [REDACTED] at the same time?---I'm not saying that. I'm
14:44:18 6 just saying that from my recollection and my view she
14:44:25 7 proffered herself to represent a number of accused people.
14:44:33 8 That was the situation then and the conflict of interest
14:44:38 9 issue did not arise with me.
10
14:44:43 11 It's not simply that you've forgotten, you say positively
14:44:46 12 there was no issue raised about it?---I don't recall - if
14:44:54 13 you're talking about a conflict between [REDACTED] and
14:44:58 14 [REDACTED], is that what you're putting to me?
15
14:45:01 16 Yes?---No, I don't have a recollection of that being
14:45:04 17 raised.
18
14:45:08 19 Or the fact that she'd been representing Carl Williams
14:45:10 20 through this process?---No, it was - from my recollection
14:45:17 21 that was just how it was. Ms Gobbo was representing a
14:45:20 22 number of people who were intertwined with each other in
14:45:25 23 criminal enterprises.
24
14:45:26 25 And no one raised that as an issue of any concern
14:45:30 26 whatsoever?---Not that I can recall.
27
14:45:38 28 Were you made aware back in December 2003 that Paul Dale
14:45:44 29 had been arrested for his involvement in the Dublin Street
14:45:47 30 burglary, were you aware of that generally back then?---In
14:45:53 31 a general sense, yes. You know, it was quite a big, quite
14:45:59 32 a big issue and story at the time.
33
14:46:08 34 It seems as though when he was arrested he called Ms Gobbo
14:46:11 35 and she attended and he gave her some instructions and that
14:46:18 36 following that it was proposed that she might represent a
14:46:21 37 co-accused Hodson at court but the investigator sought some
14:46:26 38 advice from the OPP and obtained advice that she shouldn't
14:46:32 39 be permitted to represent Mr Hodson on that occasion
14:46:35 40 because of a conflict of interest. Did you know anything
14:46:38 41 about that?---No, I know nothing about that.
42
14:46:43 43 Was there any advice at all sought in relation to
14:46:46 44 Ms Gobbo's involvement around these matters?---In relation
14:46:53 45 to the Dale matters?
46
14:46:55 47 Sorry, in relation to the [REDACTED] matters. Do

.26/06/19

2980

A. ALLEN XXN - IN CAMERA

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14:46:58 1 you know whether there was any advice - - - ?---I don't
14:47:03 2 recall. Sought from OPP or elsewhere?
3
14:47:09 4 Yes, you weren't involved in any discussions along those
14:47:12 5 lines?---I don't recall being involved in any discussions.
6
14:47:15 7 Do you say that there might have been but you've just
14:47:19 8 forgotten them or that there weren't any?---I can't
14:47:23 9 honestly give you a yes, no on that or even a maybe.
10
14:47:35 11 I've just got some short questions before we finish but
14:47:37 12 they don't relate to matters involving the need for a
14:47:42 13 private hearing, Commissioner.
14
14:47:44 15 COMMISSIONER: All right. The hearing room's no longer
14:47:47 16 closed.
17
14:47:48 17
14:47:49 18 MR NATHWANI: Sorry, Commissioner, we've got some questions
14:47:52 19 that would be closed. Do you want to deal with them now?
20
14:47:54 21 COMMISSIONER: Yes. We'll deal with the cross-examination
14:47:56 22 first.
14:47:57 23
24 <CROSS-EXAMINED BY MR NATHWANI:
25
14:47:58 26 Mr Allen, just a few questions on behalf of Ms Gobbo. It's
14:48:01 27 just to fill in some of the blanks if we can. I understand
14:48:04 28 there's lots you can't remember but let's try. As far as
14:48:07 29 the arrest of [REDACTED] on [REDACTED] (indistinct), you
14:48:13 30 accepted that was an important moment for Purana. Do you
14:48:16 31 accept or were you made aware that day that your colleague
14:48:19 32 Mr Hatt spoke to [REDACTED] and from the outset he indicated
14:48:24 33 a willingness to potentially assist you with your
14:48:28 34 investigations?---I don't recall how immediate that
14:48:35 35 willingness to assist occurred to be honest. I know it
14:48:41 36 came to the topic of that at some point in time. When that
14:48:52 37 was, I don't recollect.
38
14:48:54 39 You've already mentioned in passing that your view was
14:48:56 40 certainly that the case against [REDACTED] in relation to the
14:48:59 41 Marshall murders was strong?---Yes, I have said that.
42
14:49:06 43 As we know, there was I think a recording of what occurred
14:49:09 44 to Mr Marshall that was part of the evidence as against
14:49:12 45 them?---Yes, there was some recordings, yes.
46
14:49:16 47 Just following the chronology through. We then know,

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A. ALLEN XXN - IN CAMERA

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14:49:20 1 almost two or it may even be three weeks later, [REDACTED]
14:49:25 2 is effectively cross-examined under s.464 and that's in
14:49:28 3 relation to the Moran and Barbaro murders?---I'm accepting
14:49:34 4 that if that occurred, yes.
5
14:49:37 6 Were you aware at that stage that he'd implicated, I think
14:49:42 7 at that stage, Carl Williams as being involved?---Yeah, my
14:49:48 8 recollection would be that that is possibly right. The
14:49:52 9 time frame I'm not sure of but at some point yes, that
14:49:58 10 would have occurred.
11
14:49:59 12 Then we know, just following it right through to the end,
14:50:05 13 that in [REDACTED] 2004 he provided a number of statements,
14:50:08 14 that's Mr [REDACTED]?---That's what's been put to me
14:50:13 15 today which I can't dispute, but yes, as far as leading up
14:50:21 16 to the end result of proceedings went that's probably
14:50:25 17 right.
18
14:50:28 19 This is trying to jog your memory, between November after
14:50:30 20 the examination of him until the making of his statements,
14:50:34 21 do you agree that he was - I use the word flirting, but
14:50:38 22 certainly prevaricating about whether or not to provide a
14:50:41 23 formal statement to you?---So November 2003 until?
24
14:50:47 25 [REDACTED] 2004?---A final statement is made. Flirting? There
14:50:54 26 was probably some discussions about his willingness or
14:51:01 27 ability to provide things. Again, that was more so left
14:51:05 28 with the investigation team.
29
14:51:07 30 And to that end part of the considerations for him were
14:51:15 31 whether or not he'd be charged for the Moran/Barbaro
14:51:20 32 murder?---Possibly. I've got no specific recollection of
14:51:23 33 that.
34
14:51:25 35 When and how and for how long he'd serve a prison
14:51:31 36 sentence?---More likely than not if that's come up in the
14:51:36 37 time, yeah. I'm sure there were some discussions regarding
14:51:41 38 what the end result might have been for him.
39
14:51:44 40 And just to put it in context, because Ms Gobbo has some
14:51:48 41 notes, her court book reflects notes of a meeting at the
14:51:56 42 County Court on 7 April. Just to put that into context,
14:52:02 43 would it make sense that around 5 April, so two days before
14:52:04 44 you're at the County Court meeting her, [REDACTED] received
14:52:06 45 a call from Mr Bateson, or he certainly visited [REDACTED]
14:52:11 46 and had told him they wanted full disclosure from him. The
14:52:15 47 same day Ms Gobbo then calls Bateson, I'm just trying to

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14:52:18 1 jog your memory, and Bateson said the following, that they
14:52:21 2 needed full details from [REDACTED] otherwise he was of no
14:52:25 3 use, he needs to become a valuable witness, that Bateson
14:52:32 4 has spoken to bosses, who I suggest is probably you, who
14:52:35 5 have spoken to Coghlan, Queen's Counsel. They want to
14:52:40 6 reverse the caution, so whatever he says can't be used
14:52:44 7 against him, and again it reads full disclosure, Marshall's
14:52:48 8 murder, Jason's murder, which is Moran, and then there's
14:52:52 9 reference to Karen Engelton?---M'hmm.
10
14:52:57 11 Then there's the entry where there's a meeting with you,
14:53:00 12 okay. I just want to jog your memory because what I'm
14:53:05 13 going to suggest is the meetings you had with Ms Gobbo all
14:53:09 14 related to this sort of topic. The notes read, "Conference
14:53:16 15 with Andrew Allen", that's you, "Gavan Ryan, Senior
14:53:17 16 Sergeant, and Karen Engelton", so that confirms your note
14:53:19 17 as to the people present, and it's at the County Court. Do
14:53:24 18 you remember any of you, that's you or Mr Ryan, saying an
14:53:26 19 indemnity was not out of the question but was
14:53:32 20 unlikely?---Do I recall saying that?
21
14:53:33 22 You or Mr Ryan because I doubt Ms Gobbo is suggesting an
14:53:39 23 indemnity?---Yeah, no, I don't have a specific recollection
14:53:43 24 of talking about an indemnity.
25
14:53:46 26 There was then a discussion about a can-say statement,
14:53:51 27 about Mr Horgan who was prosecuting the matter for you, how
14:53:59 28 [REDACTED] wished to be remanded, where he wanted to serve
14:54:03 29 his sentence and what was likely to happen to him if and
14:54:06 30 when he was released, do you remember those discussions
14:54:09 31 that you were part of?---With Ms Gobbo?
32
14:54:13 33 Yes, in relation to Mr [REDACTED]?---On that day?
34
14:54:17 35 Yes?---No, but I would accept that that would probably be
14:54:21 36 in the field of discussion.
37
14:54:24 38 Then there's this, it says, "Purana say Mr [REDACTED] will be
14:54:28 39 providing unprecedented assistance therefore indemnity re
14:54:34 40 Marshall is not out of the question", in other words - -
14:54:38 41 -?---Okay.
42
14:54:39 42
14:54:40 43 - - - if he provides help to you, you might not go after
14:54:46 44 him for the Marshall murder?---I'm not specifically sure.
14:54:49 45 I couldn't 100 per cent dispute that but if Gavan Ryan has
14:54:54 46 a note to that effect, so be it.
47

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14:54:58 1 Just to be clear, that was Ms Gobbo's court book, an entry
14:55:02 2 in regards to a discussion with you. And do you agree that
14:55:04 3 the meeting you then had a couple of days later was along
14:55:06 4 the same lines of discussion, it was all in relation to
14:55:10 5 getting [REDACTED] the best deal possible in line with his
14:55:14 6 interests as he was expressing them through her?---As his
14:55:21 7 legal representative at that time, yes. I agree with that.

8

14:55:24 9 Thank you.

10

14:55:25 11 COMMISSIONER: Any other questions? Any re-examination?

14:55:29 12

14:55:30 13 MS ENBOM: No re-examination.

14

14:55:32 15 COMMISSIONER: I think you're excused and free to go now.

14:55:37 16

14:55:38 17 MS TITTENSOR: Sorry, Commissioner, I had a few questions
14:55:39 18 in a public - - -

19

14:55:42 20 COMMISSIONER: That's right. Sorry. That concludes the
14:55:45 21 private hearing. We'll now resume in public hearing.
14:55:48 22 Sorry, you were almost there, Mr Allen. A few more
14:55:52 23 questions to go?---Thank you, Commissioner.

14:55:54 24

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1 PROCEEDINGS IN CAMERA:

2
15:05:38 3 MR HANNEBERY: Commissioner, I'm not sure it matters, but I
15:05:40 4 think we had some sort of audio failure at the start of
15:05:43 5 that. I'm not sure if it matters, but I think we had an
15:05:47 6 audio failure - it's okay.

7
15:05:53 8 COMMISSIONER: Thanks, Mr Trichias. You're on your former
15:05:55 9 oath.

10
15:05:57 11 <PETER TRICHIAS, recalled:

12
15:06:09 13 MR WINNEKE: Mr Trichias, have you got your statement there
15:06:11 14 in front of you?---Yes, I do.

15
15:06:16 16 At paragraph 6 of your statement you indicate that you're
15:06:19 17 engaged in higher duties assigned to the Purana Task Force
15:06:26 18 for the period of June 2005 to December 2006 and that is
15:06:30 19 the period that you were primarily responsible for the
15:06:33 20 investigation into the murder of Lewis Moran,
15:06:37 21 correct?---Yes, that's correct. There was just a period of
15:06:40 22 time that I was out.

23
15:06:41 24 And ██████████ was obviously one of the persons charged with
15:06:46 25 the murder of Mr Moran. A number of other people were
15:06:51 26 charged. I think we've gone through that before
15:06:55 27 now?---Yes.

28
15:06:55 29 But nonetheless, ██████████ was a very significant witness
15:07:01 30 in terms of that prosecution and, as you're aware, he also
15:07:06 31 became a very important witness in the prosecution of the
15:07:09 32 Chartres-Abbott murder?---Yes, that's correct.

33
15:07:12 34 And I take it Purana had a keen interest in ensuring that
15:07:25 35 the evidence of ██████████ would secure a conviction for
15:07:34 36 those murders?---Yes, that's correct.

37
15:07:38 38 And as I understand it, part of your role as a chief
15:07:52 39 investigator in these matters was to keep a very close eye
15:07:56 40 on who was communicating with ██████████ whilst he was in
15:08:02 41 custody, would that be fair to say?---More so in the
15:08:05 42 initial stages, yes.

43
15:08:07 44 What would be the initial stages?---The initial stages
15:08:10 45 would have been when he was under investigation for the
15:08:12 46 actual murder and then when he's transitioned over to a
15:08:17 47 witness.

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1
15:08:19 2 Obviously he's convicted of the Caine murder with
15:08:24 3 Goussis?---That's correct.
4
15:08:25 5 In about November of 2005?---Yes.
6
15:08:28 7 How shortly after that conviction did it come to your
15:08:31 8 attention that he may be willing to provide a statement -
15:08:37 9 in other words, to, to use the parlance - roll and provide
15:08:42 10 evidence to assist the prosecution of the Moran murder, how
15:08:45 11 soon after November 2005?---I think he first reached out
15:08:49 12 after he was committed for the murder of Lewis Moran. It
15:08:52 13 was shortly after that period of time that he reached out
15:08:55 14 initially.
15
15:08:55 16 What was the date of the committal?---I don't have - off my
15:09:01 17 memory now, I don't have that.
18
15:09:06 19 Was it before his conviction in Caine's murder?---I thought
15:09:12 20 it was after the conviction of Caine's murder.
21
15:09:15 22 In any event, do you say that after that time, Purana would
15:09:23 23 have been interested to know who he was getting visits by,
15:09:30 24 who he was speaking to and keeping an eye on what was going
15:09:33 25 on there?---There was a period of time where we definitely
15:09:36 26 were doing that, but as I said, as it progressed it
15:09:40 27 probably eased off a bit. But around the - at the time
15:09:48 28 that he was committed for the murder of Lewis Moran, for a
15:09:55 29 period after that, we were monitoring his movements in and
15:09:58 30 out of the prison, obviously, telephone calls, letters, and
15:10:02 31 even at one period of time we had [REDACTED]
15:10:05 32 [REDACTED] as part of the Lewis Moran matter.
33
15:10:09 34 So, firstly, you monitor his letters in and out. There's a
15:10:13 35 system whereby Corrections will, in effect, allow you to
15:10:16 36 see what is going in and what's going out?---Not every
15:10:19 37 item, but they would flag certain items.
38
15:10:21 39 Would you have been saying to them, "Look" - in effect
15:10:26 40 giving them a briefing on the sorts of informations that
15:10:29 41 you should be - - -?---Key points, yes.
42
15:10:32 43 So there would be, in effect, instructions from you, as
15:10:35 44 Detectives, to Corrections to say, "These are the sorts of
15:10:39 45 key points we're interested in. If anything ticks those
15:10:43 46 boxes, we want to know about it"?---Yes.
47

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P. TRICHIAS XXN - IN CAMERA

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These claims are not yet resolved.

15:10:45 1 There's, obviously, what's known as the Arunta calls. I
15:10:50 2 think it is common knowledge that prisoners' telephone
15:10:55 3 communications outside of the prison are listened
15:10:58 4 to?---They are.
5
15:10:58 6 If he has a telephone call with a lawyer, what's the
15:11:03 7 situation there?---We don't get access to it.
8
15:11:05 9 You don't get access to it?---No.
10
15:11:07 11 Was that the case with every lawyer?---Yes.
12
15:11:11 13 Were there some lawyers who there were exceptions made - -
15:11:15 14 -?---No, they flag it as a legal call and once it's been
15:11:21 15 identified as a legal call we don't get access to that
15:11:24 16 telephone call.
17
15:11:24 18 I take it the telephone calls are nonetheless recorded
15:11:28 19 but - - -?---I assume so.
20
15:11:29 21 Does that only apply to lawyers who are, in effect,
15:11:34 22 recorded as their legal - as the person's legal
15:11:38 23 practitioner?---I'm not sure. I can't answer that.
24
15:11:43 25 Do you know whether there were [REDACTED] which
15:11:48 26 would enable investigators to [REDACTED]
15:11:53 27 between [REDACTED] and people who he was - who were [REDACTED]
15:12:00 28 [REDACTED]-Not at all times.
29
15:12:02 30 Not at all times?---But during the investigation stage
15:12:05 31 there were [REDACTED]
32
15:12:07 33 So would you be told who would be coming to visit [REDACTED]
15:12:13 34 prior to that occurring?---Generally that would be the
15:12:16 35 arrangement, yes.
36
15:12:17 37 And if it was a person who you were very concerned to - if
15:12:22 38 it was a particular person, you would want - and you would
15:12:27 39 want to [REDACTED] then you would let
15:12:30 40 Corrections know and whatever needed to be done would be
15:12:35 41 done to enable you to [REDACTED] - - -?---No, we
15:12:37 42 would [REDACTED], so we would [REDACTED]
15:12:41 43 So we would have, [REDACTED] already be in place,
15:12:45 44 we'd be [REDACTED] and the [REDACTED] and
15:12:48 45 we would make sure that somebody [REDACTED]
15:12:51 46 the [REDACTED]
47

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15:12:52 1 All right. Do you know whether Ms Gobbo visited [REDACTED]
15:12:59 2 at any stage during the investigation process of those
15:13:04 3 murders?---The only time that I'm aware that she visited
15:13:09 4 are the items that I've identified in my diary. My
15:13:13 5 understanding is that the purpose of her visit was not to
15:13:16 6 see him right from the outset but it was arranged by
15:13:21 7 another witness which has turned up and he's referred her
15:13:26 8 on to [REDACTED] for the purpose of referring her on to [REDACTED]
15:13:30 9 [REDACTED]
10
15:13:31 11 So is it the case that it was possible that on some
15:13:35 12 occasions a lawyer could go in and visit one person but
15:13:39 13 might end up being able to speak to another
15:13:42 14 person?---That's my understanding, yes. I wasn't aware of
15:13:44 15 that until recently. That shouldn't be the case normally,
15:13:48 16 because - - -
17
15:13:48 18 It shouldn't be?---No, it shouldn't be. There would be -
15:13:51 19 it would be a proper legal visit, they would register their
15:13:55 20 visit, and Corrections would allow the visit to occur. But
15:13:59 21 obviously there had been visits that have occurred where
15:14:02 22 they turn up to see a particular person. Whilst they're
15:14:06 23 there, they may then see another person. But we're not
15:14:10 24 aware of that, we're not informed that it occurs.
25
15:14:16 26 And in all probability that visit would not then be
15:14:19 27 recorded by the Office of Corrections in an official way
15:14:24 28 which indicated there had been an arrangement?---I'm not
15:14:27 29 sure how their recordings would occur, but you'd think if a
15:14:33 30 lawyer attends a prison and sees a prisoner, you would
15:14:36 31 think there would be a record of it on their end. I would
15:14:40 32 expect it to be recorded.
33
15:14:41 34 Unless it happens to be some sort of an informal visit of
15:14:42 35 the sort that you're talking about?---Potentially, yes.
36
15:14:44 37 I take it from your statement that there were occasions
15:14:46 38 when you would be contacted by someone from the Office of
15:14:49 39 Corrections to say, "Look, such-and-such a person is going
15:14:53 40 out to see a person" who you're interested in, such as
15:14:56 41 [REDACTED]"?---Yes.
42
15:14:58 43 They tell you that?---Occasionally, yes.
44
15:15:02 45 Was that because of some arrangement that was in
15:15:06 46 place?---Not necessarily. I'm not too sure - I'm aware of
15:15:10 47 the matters you're referring to. I think, if my memory

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15:15:17 1 serves me, the reason I was contacted was because [REDACTED]
15:15:22 2 let Corrections know to let me know that it was occurring,
15:15:25 3 because I had a visit planned with [REDACTED] on a
15:15:30 4 particular day and that visit had been cancelled to allow
15:15:33 5 this to occur.
6
15:15:34 7 Right. Okay. Do you know whether Purana had an ability to
15:15:39 8 arrange - put in place special arrangements for people to
15:15:44 9 get in and see people who were of particular interest to
15:15:48 10 you?---In what specifically, what sort of people?
11
15:15:55 12 Was there an arrangement between the Detectives and the
15:15:57 13 Office of Corrections to, in effect, expedite a visit of a
15:16:02 14 particular sort?---If it's a police visit, for example, if
15:16:06 15 we wanted to go to the prison, we had established a
15:16:09 16 relationship with Corrections where we could contact
15:16:12 17 somebody from within Corrections and expedite the visit.
18
15:16:16 19 Who would you contact?---It would usually be their intel
15:16:19 20 area within the prison, depending where the prison was, but
15:16:23 21 generally their intel area.
22
15:16:25 23 Is there a particular person there who you'd communicate
15:16:27 24 with - I'm talking about back in 2006?---It varied, but two
15:16:31 25 names that come to mind are [REDACTED] was one of the
15:16:36 26 people and [REDACTED] was another person.
27
15:16:40 28 There's been some suggestion that Ms Gobbo had communicated
15:16:45 29 with a Detective to say, "Look, I need to get in, I need to
15:16:49 30 be able to get in to see a particular person quicker than I
15:16:53 31 might otherwise be able to. Can you help me sort that
15:16:56 32 out?" Is that something that rings a bell?---No, I'm not
15:16:59 33 aware of that.
34
15:17:00 35 You're not aware of that, okay. What you do say is that on
15:17:11 36 4 October you're contacted by a [REDACTED] at a prison,
15:17:18 37 Corrections, and he informed you that [REDACTED] wanted to cancel a
15:17:23 38 meeting that he had with you which was scheduled for the
15:17:26 39 following day?---Yes.
40
15:17:28 41 Because Ms Gobbo was going to the prison to meet [REDACTED]
15:17:33 42 [REDACTED] wanted to be there when that meeting took
15:17:36 43 place?---That's correct.
44
15:17:38 45 I take it you were aware - you knew of [REDACTED] because
15:17:41 46 he was also charged over the murder of Moran?---He was,
15:17:46 47 yes.

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1
15:17:46 2 And you knew also that Gobbo was not representing [REDACTED]
15:17:50 3 [REDACTED]---I was aware of that, yes.
4
15:17:52 5 [REDACTED]?---Yes.
6
15:17:58 7 I take it you understood that there were arrangements
15:18:01 8 whereby the person who was represented - that person's
15:18:07 9 lawyer was able to go and see them?---Yes.
10
15:18:10 11 But other people who may be wanting to go in and see them,
15:18:14 12 claiming to be lawyers, would not be permitted to do
15:18:17 13 that?---That's correct.
14
15:18:19 15 Did it strike you as odd that [REDACTED] was saying, "Look, Gobbo
15:18:25 16 is coming in to see [REDACTED], I'm going to make sure I'm
15:18:29 17 there", did that strike you as odd?---It did, yes.
18
15:18:32 19 And one assumes you would have contacted the prison and
15:18:35 20 said, "We want [REDACTED]"?---No, I didn't [REDACTED]
15:18:38 21 [REDACTED] if that's what you're asking.
22
15:18:41 23 Ultimately it didn't occur, though, did it?---No, it didn't
15:18:45 24 occur, though.
25
15:18:46 26 Is that the sort of communication - - -?---Well, not
15:18:48 27 really. I think at that particular point of time,
15:18:50 28 [REDACTED] was having difficulties with his
15:18:53 29 representation, his legal representation, and my
15:18:56 30 understanding is that another prisoner who they were
15:19:02 31 running out with had organised - had suggested that they
15:19:04 32 meet with Ms Gobbo.
33
15:19:06 34 Are you able to say who that other prisoner is?---It's in
15:19:11 35 my notes, yes.
36
15:19:12 37 Who is it? Is it [REDACTED] I just need to refer who is [REDACTED]
15:19:18 38 who [REDACTED] so I don't - - -
39
15:19:21 40 COMMISSIONER: Yes, that's fine.
41
15:19:28 42 MR WINNEKE: [REDACTED], I think. Does that ring a
15:19:31 43 bell?---Can I just refer to my diary?
44
15:19:34 45 Yes. You might need to be given a flash card.
46
15:19:38 47 COMMISSIONER: The flash card for [REDACTED].

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1
15:19:48 2 MR WINNEKE: We're in private hearing, but - in your
15:19:51 3 statement, you refer to there being a couple of people who
15:19:55 4 she was visiting - she had as clients, [REDACTED] and
15:19:59 5 [REDACTED] in your statement. He is times two now, he's
15:20:04 6 [REDACTED]?---Yes. I'm just referring to my diary. It
15:20:18 7 wasn't until the next day that I became aware of [REDACTED]
15:20:22 8 as the person who organised it, if that makes sense.
9
15:20:25 10 COMMISSIONER: [REDACTED] who organised the?---Had organised
15:20:27 11 the meeting.
12
15:20:29 13 Thank you.
14
15:20:33 15 MR WINNEKE: That being the case, assuming that's the case,
15:20:39 16 then it would seem that Gobbo would then be the legal
15:20:45 17 advisor for [REDACTED], [REDACTED] and assuming everything
15:20:54 18 went according to Hoyle, [REDACTED]
15:20:57 19 [REDACTED]?---Potentially, yes.
20
15:20:57 21 Were they all in the same unit at [REDACTED]?---I'm not sure as
15:21:03 22 to back then, I'm not sure as to back then, but they were
15:21:06 23 together at a period of time. I'm not sure of the actual
15:21:10 24 dates though.
25
15:21:11 26 All right. So ultimately you're contacted on the [REDACTED] by
15:21:27 27 another Corrections officer, who informed you that she had
15:21:34 28 attended the prison to meet with [REDACTED], [REDACTED], but
15:21:40 29 was not aware that [REDACTED] wanted to meet her, so she
15:21:43 30 didn't know?---That's the notation, yes.
31
15:21:46 32 That's what you're told?---That's right.
33
15:21:48 34 And as she wasn't on [REDACTED] list, then she didn't
15:21:52 35 meet with him or [REDACTED]?---That's correct.
36
15:21:58 37 Can I just ask you about another entry in your diary - I
15:22:02 38 think it's on p.53 of your diary. This is an entry of 12
15:22:10 39 August 2006?---Yes.
40
15:22:19 41 What it appears to be is - it's a Purana Task Force
15:22:24 42 activity. You're on duty at the office. Enquiries
15:22:33 43 Operation Gotter?---That's correct, yes.
44
15:22:35 45 Gotter is the investigation into Moran's murder?---It is,
15:22:38 46 yes.
47

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P. TRICHIAS XXN - IN CAMERA

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15:22:38 1 There's a subpoena, is that right?---A subpoena for Goussis
15:22:46 2 enquiries notes, yes.
3
15:22:48 4 And read back?---Video statement.
5
15:22:50 6 That relates to [REDACTED], does it?---Basically it is brief
15:22:54 7 preparation.
8
15:22:55 9 What is, "Read back video statement"?---So when we took a
15:23:00 10 statement from [REDACTED] originally, at the conclusion of
15:23:04 11 that statement we got him to read it back in a form of a
15:23:08 12 video.
13
15:23:10 14 We know that the statement was actually signed ultimately
15:23:13 15 on 20 November, I think, of that year - that's the first
15:23:18 16 statement in the Briars matter, isn't it?---No, this
15:23:23 17 relates to the Moran matter.
18
15:23:25 19 I'm sorry, I withdraw that. Had that statement, at that
15:23:33 20 stage - it hadn't been signed at that stage, had it?---No,
15:23:36 21 it would have been signed, the first statement, yes.
22
15:23:38 23 Okay. Then the next day - does that mean that you're at
15:23:44 24 the prison, though?---No, it just means that I'm at the
15:23:48 25 office doing brief preparation, basically.
26
15:23:51 27 What about the read back, what does that mean?---All it is
15:23:54 28 making a notation of is what my duties were for that
15:23:57 29 particular day. Part of my duties on that day was to look
15:24:00 30 at the video read back.
31
15:24:02 32 Right. And on 13 August, that's more or less the same
15:24:07 33 thing occurs?---Pretty much the same, yes.
34
15:24:10 35 Enquiries of - is it a subpoena again?---Yes.
36
15:24:12 37 What does that mean, enquiries of - I assume - does that
15:24:16 38 say [REDACTED] subpoena or - - -?---No, there would have
15:24:20 39 been a subpoena issued in relation to Goussis's trial and
15:24:24 40 it would have been a matter of us collating all the
15:24:26 41 information to produce at court.
42
15:24:30 43 And then again notes "read back video statement of [REDACTED]
15:24:36 44 [REDACTED]---And following on, if it's a subpoena issue, I would
15:24:39 45 have gone through the read back and redacted entries in
15:24:42 46 relation to witness safety or security issues, all PII,
15:24:46 47 methodology, for example. So that would have been the

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15:24:50 1 purpose of that.
2
15:24:54 3 We understand that on [REDACTED] 2006 Gobbo in fact visited
15:25:02 4 [REDACTED]?---I wasn't aware of that until recently.
5
15:25:09 6 The arrangement that you had would be that you would be
15:25:15 7 contacted if someone was going to make a visit?---I should
15:25:17 8 be.
9
15:25:18 10 You should have been?---I should be.
11
15:25:20 12 But you weren't told about this visit?---No.
13
15:25:23 14 And you weren't aware - as far as you were concerned, she
15:25:28 15 wasn't representing [REDACTED]?---Definitely wasn't
15:25:30 16 representing.
17
15:25:31 18 Never represented [REDACTED]?---No.
19
15:25:33 20 And when did you - and you weren't told prior to the visit
15:25:38 21 that Gobbo was going to be visiting [REDACTED]?---No.
22
15:25:47 23 You weren't told afterwards either?---It wasn't until - if
15:25:51 24 you fast forward to my notes in October, there's reference
15:25:54 25 to a comment about she'd previously visited [REDACTED] so
15:25:57 26 that's the first occasion that I became aware of it, at
15:26:01 27 that point.
28
15:26:03 29 I want to ask you about that. You say that you first
15:26:12 30 became aware recently of that visit?---Yes.
31
15:26:16 32 But it's not until you go and visit [REDACTED] some stage after
15:26:22 33 that that you do find out about it. Are you able to say
15:26:25 34 when the next time was that you did visit [REDACTED]
15:26:29 35 August?---It should be in my diary.
36
15:26:38 37 We've got notes, obviously, of [REDACTED] August and then
15:26:46 38 the next one we've got is [REDACTED] October, which is
15:26:52 39 what we've just been discussing previously?---Yes. The
15:26:56 40 next entry in my diary is [REDACTED] August.
41
15:27:05 42 And you visited him on the [REDACTED]?---Yes.
43
15:27:09 44 And he made no mention of the visit by [REDACTED] I'm sorry, by
15:27:15 45 Gobbo?---No. The purpose of that visit was specifically
15:27:20 46 relevant to witness related issues, security, safety,
15:27:27 47 witness protection issues. But there's no notation in my

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15:27:31 1 diary of a visit by Ms Gobbo.
2
15:27:36 3 It was something that he clearly kept to himself?---Yes,
15:27:39 4 clearly.
5
15:27:41 6 And I take it you visited him after [REDACTED] August as well?---It
15:27:45 7 was a regular occurrence, yes.
8
15:27:48 9 Would it be, at that stage, weekly or more than weekly?---I
15:27:52 10 think in the initial stages it was weekly.
11
15:27:54 12 When were the initial stages?---At the time of the
15:27:56 13 statement, so around about [REDACTED] - leading up to [REDACTED]
14
15:28:01 15 So [REDACTED] - - -?---2006.
16
15:28:04 17 - - - 06 and then you see him very frequently throughout
15:28:08 18 the early [REDACTED] period?---Yes.
19
15:28:09 20 Getting evidence in relation to the Moran murder?---Yes.
21
15:28:12 22 The statement process continues on, he's still making
15:28:16 23 statements, et cetera, through to [REDACTED]?---That's correct.
24
15:28:20 25 Do you know when the last statement was made in relation to
15:28:23 26 the Moran - - -?---Not off the top of my memory, no.
27
15:28:26 28 Okay. Are you surprised that he didn't tell you that he'd
15:28:31 29 been visited by - - -?---Yeah, I was a little bit
15:28:36 30 surprised, yes.
31
15:28:37 32 You found out recently - I'm sorry, when you found out - -
15:28:40 33 -?---Back then.
34
15:28:41 35 - - - back then, did you ask him why he hadn't told
15:28:44 36 you?---I would have asked him.
37
15:28:45 38 Do you know what he said?---If I follow my notes, it would
15:28:50 39 have been on the back of his approach to assist [REDACTED]
15:28:58 40 and the meeting itself was arranged through another
15:29:02 41 prisoner.
42
15:29:07 43 At that stage you were aware that she was acting for the
15:29:14 44 likes - she was acting for Williams in around 2006?---I'm
15:29:19 45 aware she was acting for Williams. I don't have the exact
15:29:22 46 dates.
47

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15:29:23 1 You knew, obviously, she was acting for [REDACTED]?---Yes.
2
15:29:27 3 And you knew that she'd represented Mokbel in the
15:29:30 4 past?---Yes.
5
15:29:31 6 And was still representing him?---I'm not too sure whether
15:29:35 7 she was still representing him at that stage.
8
15:29:39 9 She was representing [REDACTED]?---Yes.
10
15:29:46 11 I think Mr Mokbel had fled at that stage. But in any event
15:29:51 12 she was acting for a lot of these people who were involved
15:29:56 13 in these investigations - I'm putting that very
15:30:00 14 generally?---Generally, yes.
15
15:30:01 16 That would have been a matter of some concern to you, that
15:30:05 17 if she was coming in and seeing [REDACTED], you'd be
15:30:09 18 wondering why on earth that was going on?---There should be
15:30:12 19 no reason for her to visit him.
20
15:30:16 21 When you did go in on 20 November?---Yes.
22
15:30:44 23 And I take it you were aware - were you aware that you had
15:30:54 24 - I withdraw that. You had discussions with Mr O'Brien
15:30:58 25 about your investigation of this murder?---Yes. It was a
15:31:05 26 regular occurrence.
27
15:31:06 28 You were aware that Mr O'Brien had concerns about her
15:31:10 29 propriety, at least in times prior to this and/or around
15:31:16 30 the death of Mr Moran?---No, I'm not aware of that
15:31:21 31 specifically, no.
32
15:31:22 33 Were you aware that he had considered placing a telephone
15:31:28 34 intercept on her phone back in 2004?---No, I wasn't aware
15:31:32 35 of that.
36
15:31:35 37 In any event, you say on [REDACTED] November you had a discussion
15:31:39 38 with [REDACTED] when you went to visit him, is that
15:31:44 39 right?---That's correct.
40
15:31:47 41 And he told you that Gobbo - if you're able to go to p.101
15:31:53 42 of your notes, can you just read that entry out?---"Nicola
15:32:02 43 Gobbo spoke to Tony Mokbel on night of Lewis Moran murder.
15:32:06 44 Notes in her diary. We need to subpoena a search warrant
15:32:09 45 her notes." And then I've got a notation there, "Speak to
15:32:13 46 Detective Inspector O'Brien, had heard this" and I've got a
15:32:17 47 question mark against that.

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1
15:32:19 2 Had what?---"Had heard this."
3
15:32:21 4 That was information conveyed to you by [REDACTED]?---I'm
15:32:25 5 just going back now to that particular time. [REDACTED]
15:32:29 6 would have provided me the information in relation to her
15:32:32 7 notes up until her notes, "Spoke to Detective Inspector
15:32:39 8 O'Brien", that may have been something I'd done
15:32:41 9 specifically and I've put a question mark as to "had heard
15:32:44 10 this", whether he heard it or not, for me to ask him.
11
15:32:47 12 So in effect what he told you on that occasion was Gobbo
15:32:49 13 had been in to see him?---No, he hadn't said that at all.
15:32:53 14 He got this information, and I don't know how he came in
15:32:59 15 possession of the information.
16
15:33:00 17 Did you not ask him?---I would have asked him, yes.
18
15:33:02 19 If he had told you - - -?---I would have made a note of it,
15:33:06 20 yes.
21
15:33:06 22 And if he hadn't have told you, would you have recorded - -
15:33:10 23 -?---I would have only recorded what he told me. But I
15:33:15 24 would have gathered he's got that information from within
15:33:19 25 the prison system.
26
15:33:21 27 What about - the note here, it says, "Notes" - can you just
15:33:29 28 read that out again. "Nicola Gobbo"?---"Notes in her
15:33:35 29 diary. We need to subpoena a search warrant her notes."
30
15:33:44 31 Did he make it clear - I withdraw that. As it appears, and
15:33:50 32 I'd like you to have a look at this court book record, and
15:34:02 33 this is a court book of Ms Gobbo's. Can you have a look at
15:34:07 34 this, MIN.0001.0014.0784_0836, and it might be that if we
15:34:20 35 just put this up - just have a look at that?---Yes.
36
15:34:32 37 Have you seen that before?---No.
38
15:34:39 39 We understand that Ms Gobbo has a visit with three people
15:34:45 40 on [REDACTED] 2006. The first person - and this appears to
15:34:49 41 have been organised because it's in the Corrections
15:34:52 42 records?---Okay.
43
15:34:53 44 She sees [REDACTED], she sees [REDACTED] and she sees
15:35:03 45 [REDACTED]?---Yes.
46
15:35:04 47 Three people. The first thing that appears that she's

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15:35:13 1 written is Rob Stary. If we go up above, next to the date
15:35:25 2 we see [REDACTED] to go)" that's a reference to the
15:35:34 3 amount of time he got on the minimum, [REDACTED] years to
15:35:37 4 go?---Yes.

15:35:37 5
15:35:38 6 So in effect, it appears - let's say she's having a
15:35:41 7 discussion with [REDACTED] about his sentence because we
15:35:45 8 know that he pleaded guilty to the murders of Moran and
15:35:51 9 Caine and he gets, I think, [REDACTED] years with [REDACTED] is that
15:35:55 10 right?---I think what occurs he gets convicted of Caine
15:35:58 11 first and he pleads to Moran after that and it's
15:36:04 12 concurrent.

15:36:04 13
15:36:04 14 In any event, he's got a sentence to serve of [REDACTED] years on
15:36:07 15 the bottom?---That's correct.

15:36:07 16
15:36:08 17 So she is discussing his sentence. Then there is a
15:36:10 18 reference to [REDACTED]. Was he [REDACTED] lawyer?---He
15:36:16 19 represented him in relation to the Lewis Caine matter, yes.

15:36:20 20
15:36:20 21 Then there's a reference to [REDACTED] and then
15:36:23 22 another solicitor, [REDACTED]---That's correct.

15:36:23 23
15:36:28 24 And then it says, "Peter Trichias and Grant Kelly and
15:36:37 25 Purana", they're obviously - that's you and Kelly, who are
15:36:41 26 Purana Detectives?---That's correct, yes.

15:36:41 27
15:36:43 28 There's a reference to Rowntree - a tape to [REDACTED]
15:36:50 29 initials. "Gave to Victor P", that would be Victor Peirce,
15:36:56 30 would that be right?---That's what it says but I'm not
15:36:59 31 aware of that.

15:36:59 32
15:37:01 33 So that's not information that you were ever aware
15:37:03 34 of?---No.

15:37:03 35
15:37:04 36 But it seems to be the information that she's gleaned from
15:37:07 37 a discussion with [REDACTED]?---I assume so, yes.

15:37:07 38
15:37:11 39 Or discussed, in any event?---Potentially.

15:37:11 40
15:37:15 41 Then there's a reference to "O'Brien involved in Walsh
15:37:20 42 Street". That's a reference to Jim O'Brien, who was a
15:37:22 43 Detective during the Walsh Street investigations?---That's
15:37:25 44 correct.

15:37:25 45
15:37:25 46 Clearly there's a discussion - a background discussion of
15:37:29 47 who's involved?---Yes.

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1
15:37:31 2 And then there's a solicitor, [REDACTED], and then upcoming
15:37:40 3 dates, you've got [REDACTED] 2006, [REDACTED] 2007. Do those
15:37:46 4 dates ring a bell?---No. They would have back then, yes.
5
15:37:52 6 And then, "Court of Appeal, Goussis against conviction and
15:37:59 7 sentence", so there's a reference to, apparently,
15:38:05 8 Mr Goussis' appeal against conviction and
15:38:08 9 sentence?---Potentially, yes.
10
15:38:09 11 Or perhaps a plan or whatever it might be. At the
15:38:15 12 following page, again there's notes about [REDACTED]---Yes.
13
15:38:23 14 All okay - I'm sorry, [REDACTED] all okay?---Yes.
15
15:38:26 16 "Comfortable but paranoid. Bateson, Hawthorn." In any
15:38:33 17 event, it may well be that she is seeing [REDACTED] at the
15:38:37 18 same time, if that's the case, or subsequent to that, and
15:38:39 19 there's some notes of that discussion?---I assume so, yes.
20
15:38:42 21 What it does appear is there's a fairly comprehensive, if
15:38:48 22 you like, discussion between Gobbo and [REDACTED] There's
15:38:53 23 another matter of some significance, and that's "TM
15:38:58 24 Queensland or not at time of Lewis Moran's murder"?---I
15:39:07 25 assume she'd be referring to Tony Mokbel.
26
15:39:10 27 Whether he was in Queensland or not?---Potentially. I'm
15:39:14 28 only going off the notation there.
29
15:39:18 30 Given that we know certainly prior to his fleeing that she
15:39:22 31 was acting for Tony Mokbel, it may still have been the fact
15:39:28 32 that she is coming into the prison and having discussions
15:39:31 33 with [REDACTED] about these matters is obviously of some
15:39:34 34 concern, is it not?---Yes.
35
15:39:37 36 And you say that that's something that you weren't aware
15:39:40 37 of?---No.
38
15:39:41 39 And you weren't aware of until now?---I haven't seen that
15:39:45 40 entry until now, yes.
41
15:39:46 42 And she's never told you - - -?---No.
43
15:39:49 44 He never told you and she never told you about - - -?---He
15:39:51 45 told me obviously down the track, in October, in relation
15:39:56 46 to the visit - I became aware in October about the previous
15:40:03 47 visit, but my understanding was that that visit related to

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15:40:06 1 [REDACTED] getting some legal representation, that
15:40:10 2 was my understanding.
3
15:40:11 4 But it appears that that is simply not the case, if you
15:40:14 5 accept that - - -?---If you accept that - well, part of it
15:40:17 6 is because she refers to [REDACTED]
7
15:40:23 8 I follow that, but that's one small part of it. It appears
15:40:27 9 that there's quite a discussion about other matters,
15:40:29 10 including legal representation of other people but,
15:40:35 11 significantly, about the very matters that you're
15:40:37 12 investigating, because Tony Mokbel ultimately was
15:40:41 13 charged?---He was.
14
15:40:41 15 And [REDACTED] is making statements to the effect that Tony
15:40:47 16 Mokbel is involved in this murder?---Yes.
17
15:40:49 18 Later you see - when you go and see him, you hear about, on
15:40:58 19 20 November, you're in effect being told that Nicola Gobbo
15:41:10 20 speaks to Tony Mokbel on the night of Lewis Moran's
15:41:13 21 murder?---That's right.
22
15:41:17 23 And she's got notes in her diary.
24
15:41:26 25 COMMISSIONER: Mr Winneke, could I just ask you the next
15:41:28 26 witness, Mr Hatt, has enquired as to whether he will be
15:41:31 27 reached today, whether he can go home.
28
15:41:34 29 MR WINNEKE: I think it is unlikely, Commissioner.
30
15:41:37 31 COMMISSIONER: All right. We'll say he can go home.
32
15:41:40 33 MR WINNEKE: In any event, what you now know from your
15:41:43 34 visit is you need to - and it's appropriate for you to find
15:41:48 35 out what she's doing, what's going on, whether in fact she
15:41:51 36 was speaking to Mokbel on the night of the murder?---That's
15:41:55 37 part of the investigation. I had to follow that up. But I
15:41:58 38 think if I can clarify, when I was initially told about the
15:42:03 39 information, I was concerned that it was more so prison
15:42:08 40 talk as opposed to anything factual, but nevertheless, it
15:42:11 41 still had to be followed up.
42
15:42:13 43 It had to be followed up and it was necessary - you thought
15:42:16 44 it was necessary to do a search?---Yes. Well, I didn't do
15:42:23 45 it personally.
46
15:42:24 47 I understand that?---It was organised, yes.

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1
15:42:26 2 And to arrange for a search warrant to be executed to find
15:42:29 3 out what's in her notes?---That's correct.
4
15:42:34 5 And were the notes specifically - were you concerned about
15:42:39 6 notes as to what had occurred on 31 March 2004 or
15:42:48 7 generally?---No, specifically relevant to that point, 31
15:42:54 8 March.
9
15:42:56 10 And as a consequence of that you mentioned to Mr O'Brien -
15:43:02 11 you gave him this information and it was your understanding
15:43:04 12 that a search warrant would be executed, is that
15:43:06 13 right?---Yes.
14
15:43:24 15 What we know is that on 13 August 2006, she, at that stage,
15:43:41 16 was - we now know that she was a registered informer?---We
15:43:45 17 know that now, that's correct.
18
15:43:47 19 You didn't know?---No.
20
15:43:49 21 And you hadn't, obviously, had any discussions with
15:43:52 22 Mr O'Brien about that?---No.
23
15:43:53 24 He didn't tell you that she was?---No. There would be no
15:43:57 25 need for him to tell me.
26
15:43:58 27 You now know that he was aware of that?---I do, I do now.
28
15:44:05 29 And she apparently told her handlers on 13 August 2006 that
15:44:12 30 she had seen [REDACTED] re her pending trial, but no details
15:44:19 31 were given?---Her pending trial?
32
15:44:25 33 I can put before you a document which is, in effect, a
15:44:29 34 summary of ICRs in relation to this particular area of
15:44:35 35 time. And I'll perhaps ask you to have a look at this
15:44:44 36 document. I hand a copy of that up to the Commissioner as
15:44:48 37 well. ICR 041/3838. What I might do is pass this down the
15:45:07 38 Bar table. I'm showing it to you firstly and what I'm
15:45:31 39 proposing to do is hand it to other people at the Bar
15:45:34 40 table, unless I'm told otherwise.
41
15:45:41 42 MR HANNEBERY: I think we might have some difficulty giving
15:45:45 43 this to Mr Goussis' representatives, given that it's got an
15:45:48 44 unredacted name in it.
45
15:45:52 46 MR WINNEKE: Where is that?
47

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15:45:54 1 MR HANNEBERY: At the bottom.
2

15:46:17 3 MR WINNEKE: We'll do it this way for the moment. I wonder
15:46:20 4 if - it may well be that we can put that one up on the
15:46:36 5 screen. So if we can go back to the first page of that.
15:48:14 6 If we could just take out the Christian name as well.
15:48:25 7 Aside from that I think we're right, Commissioner.
8

15:48:31 9 If the entry is on ICR 41, that she sees [REDACTED] re her
15:48:37 10 pending trial, no details given, it would appear to be a
15:48:40 11 fairly - if that's the explanation, it would be a fairly
15:48:45 12 scant explanation given to the handlers?---It doesn't
15:48:50 13 provide much at all.
14

15:48:51 15 It doesn't provide much?---No.
16

15:48:54 17 And it may well be, even looking at that and looking at the
15:48:59 18 note in her diary, there seems to be - if it's not entirely
15:49:04 19 wrong, it's certainly misleading by omission with respect
15:49:07 20 to what she's telling the handlers?---Going off these
15:49:11 21 notations I would have to agree with you, yes.
22

15:49:15 23 Then it appears that on 26 November 2006, there's a
15:49:20 24 discussion about the date of 31/3/2004. This is ICR
15:49:29 25 054?---Yes.
26

15:49:29 27 It seems that by that stage she's providing a little bit
15:49:34 28 more information to her handlers. 31 March 2004 is
15:49:40 29 obviously the date of the murder of - and it's a request
15:49:47 30 from Dale Flynn regarding Tony Mokbel?---Yes.
31

15:49:50 32 And she'll check the records for the date. She believes
15:49:53 33 that investigators want to show if Tony Mokbel was in
15:49:59 34 Melbourne on that day. There are phone records to show
15:50:01 35 that Tony was in Melbourne at that time. What do you glean
15:50:08 36 from that? It appears, doesn't it, that information - on
15:50:11 37 one view, information is being conveyed to her that there
15:50:16 38 is at least some interest in that date with respect to her
15:50:21 39 and what she was doing?---I would assume that's been - that
15:50:28 40 started from our query in relation to - - -
41

15:50:32 42 The 20th?---The 20th, yes.
43

15:50:34 44 There hasn't been a search warrant executed at this stage,
15:50:36 45 but what appears to have been the case is that she's in
15:50:40 46 effect given the heads-up. Mr O'Brien, it would seem to
15:50:45 47 follow that he has communicated with the handlers and

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15:50:47 1 instead of carrying out a search warrant, he's asked the
15:50:51 2 handlers to find out what was going on?---Somebody has.
3
15:50:57 4 One would expect that if you, as an investigator, are keen
15:51:01 5 to get hold of what's in her diaries and to avoid the
15:51:05 6 potential of anything going amiss, you'd want to execute
15:51:08 7 that search warrant without giving her a heads-up, wouldn't
15:51:11 8 you?---Normally you would, yes.
15:51:12 9
15:51:13 10 Normally?---Yes.
11
15:51:14 12 And that would have been your expectation?---Yes.
13
15:51:16 14 It would be surprising to you to know that she was given a
15:51:21 15 heads-up?---A heads-up or alternatively there was a query
15:51:25 16 made specifically with her in relation to that date before
15:51:28 17 they executed a search warrant, but that - - -
18
15:51:32 19 Go on?---That would be the other alternative.
20
15:51:36 21 Right. And then the following entry - it would appear that
15:51:39 22 this has excited some interest because a couple of days
15:51:42 23 later she's called back in response to the above contact.
15:51:46 24 She's stated she's checked the date of 31 March 2004 and
15:51:49 25 notes do not reflect contact with Mokbel on this
15:51:53 26 day?---That's correct.
27
15:51:54 28 But in any event, no-one has asked her about any
15:52:04 29 discussions that she's had with [REDACTED] in any - -
15:52:10 30 -?---It doesn't appear to be.
31
15:52:11 32 It doesn't appear to be the case. It might have been of
15:52:15 33 use to you to know that she's in there speaking to [REDACTED]
15:52:18 34 [REDACTED] and there's been a discussion about that?---Yes.
35
15:52:20 36 I mean, you don't know about that until you see her court
15:52:25 37 book just recently?---That's correct.
38
15:52:29 39 It may well be that - let's assume - you say that - perhaps
15:52:38 40 I withdraw that. Look, do you think what you learnt from
15:52:54 41 [REDACTED] about the notes wasn't so much with respect to diary
15:53:02 42 notes but about notes that she had recorded in a discussion
15:53:06 43 with [REDACTED] ---No.
44
15:53:09 45 You don't think that's right?---No, I don't think that's
15:53:11 46 right. As I said, when I - when he initially did mention
15:53:17 47 it to me, my reading of it was that it was information that

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15:53:20 1 he gleaned within prison talk, basically, so I didn't hold
15:53:26 2 too much weight to it, but nevertheless, it had to be
15:53:31 3 followed through.
4

15:53:32 5 All right. Then it appears that on 29 November she's gone
15:53:37 6 back and looked at her notes again. She stated that Purana
15:53:42 7 spoke to [REDACTED] on this day. That's something that's in
15:53:46 8 her - - -?---M'mm.
9

15:53:49 10 What do you take that to mean?---I assume that Purana spoke
15:54:01 11 to [REDACTED] on 31 April, if that's the date.
12

15:54:07 13 Let's assume it's supposed to be 31 March 2004, not 31
15:54:11 14 April?---Okay.
15

15:54:12 16 Because it seems to be that - the next point is, "Peter
15:54:17 17 Trichias spoke to [REDACTED] regarding Milad and Tony Mokbel
15:54:21 18 talking to 3838 on the night of 31 March 2004"?---That's
15:54:24 19 correct, yes.
20

15:54:26 21 "She suggests that [REDACTED] must have put Tony in
15:54:29 22 Melbourne at the time of Lewis Moran's murder and she
15:54:35 23 believes that she spoke to Milad, Tony and Horty via the
15:54:38 24 phone on this evening"?---That's right.
25

15:54:42 26 Did you get that information?---No.
27

15:54:44 28 Never did?---No, not at that time, no.
29

15:54:50 30 The next entry, on 3 December we see, is that she advised
15:54:57 31 the next two weeks would not be suitable for Purana to
15:54:59 32 execute the proposed warrants on the offices of 3838 due to
15:55:04 33 court commitments?---Yes.
34

15:55:07 35 It may well be that there are other reasons for the
15:55:10 36 warrant. Were you aware of any other reasons that there
15:55:14 37 might have been at that time for the execution of a search
15:55:18 38 warrant on her office premises or not?---Look, it could
15:55:20 39 have been part of the wider investigation, but I wasn't
15:55:23 40 aware, no.
41

15:55:24 42 If it did relate to your investigation, it would be, again,
15:55:31 43 not the usual course that a person who was going to be the
15:55:34 44 subject of this sort of search warrant would be given a
15:55:36 45 heads-up and told about the appropriate time for the search
15:55:39 46 warrant?---No, but in these circumstances, I think courtesy
15:55:44 47 - you would potentially - you would speak to the solicitor

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1
15:59:43 2 And you weren't [REDACTED]
15:59:47 3 [REDACTED] ---I'm [REDACTED]
15:59:51 4 [REDACTED]
5
15:59:59 6 Were you aware of some interest on the part of some Purana
16:00:03 7 members to have solicitor 2 prevented from representing
16:00:08 8 people involved in these matters?---Yes, I was aware of
16:00:12 9 that, yes.
10
16:00:12 11 What was your understanding as to the reason for that?---I
16:00:16 12 think it stemmed from a relationship that she had with a
16:00:21 13 deceased, as in Marshall, and there was some suggestion in
16:00:26 14 relation to she may have assisted hiding or holding a
16:00:33 15 firearm for him. That's my understanding of it.
16
16:00:36 17 That's your understanding at that time. Okay. Were you
16:00:51 18 aware of any suggestion that she had a conflict of interest
16:00:56 19 and there were difficulties arising out of a conflict of
16:01:00 20 interest and the fact that she shouldn't have been
16:01:01 21 representing certain people?---Not specifically, but there
16:01:04 22 were discussions in relation to that.
23
16:01:09 24 And what about with respect to Ms Gobbo? Was there any
16:01:13 25 suggestion of any conflicted situation that she was
16:01:16 26 in?---No, not at that stage, no.
27
16:01:18 28 Was there a suggestion at a later stage that she may have
16:01:22 29 had a conflicted situation?---The only thing that came up
16:01:28 30 was that she was representing a number of these people.
16:01:31 31 There was no indication of any conflict.
32
16:01:35 33 And what was the - was it a concern that she was
16:01:39 34 representing a number of these people?---I don't know if it
16:01:42 35 was a concern. It was fact that she was representing a lot
16:01:45 36 of these people. They, obviously, chose to go to her. As
16:01:52 37 to why - the reasons why, I can't answer that.
38
16:01:54 39 All right. Knowing what you do know now about her going
16:01:59 40 and visiting, in effect, your witness and discussing with
16:02:01 41 her matters - with him matters relevant to the evidence
16:02:05 42 that he may or may not have given, had you known about that
16:02:09 43 clearly you would have been concerned?---Yes.
44
16:02:17 45 If I can go back to your statement. In paragraph 10 of
16:02:34 46 your statement you say that on 7 December you were informed
16:02:36 47 that the information provided by [REDACTED] was of nil

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P. TRICHIAS XXN - IN CAMERA

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16:02:39 1 value?---Yes.
2
16:02:40 3 And that Dale Flynn had executed a search warrant and
16:02:45 4 checked Ms Gobbo's diaries?---Yes.
5
16:02:48 6 And you've located an information report to confirm
16:02:51 7 that?---That's correct.
8
16:02:52 9 Clearly, at that stage obviously you didn't have any
16:02:55 10 understanding of the visit that she had on the 13th?---No.
11
16:03:00 12 Are you surprised that you didn't find that out?---Now?
13
16:03:06 14 Yes?---I was a bit surprised, yes.
15
16:03:09 16 What you were told, if we go to the information report, is,
16:03:16 17 "We've received information that on 31/3/2004, the day of
16:03:21 18 Lewis Moran's murder, that Nicola Gobbo had a conversation
16:03:24 19 with Tony Mokbel in relation to the murder. She diarised
16:03:25 20 the conversation in her diary. It's not known what the
16:03:28 21 details of the conversation are but they would be
16:03:31 22 important"?---M'hmm.
23
16:03:32 24 And this is your information report?---I think Grant Kelly
16:03:36 25 is the author of that report.
26
16:03:40 27 "Could you keep this in mind in relation to any 465 warrant
16:03:43 28 [REDACTED]?---Yes.
29
16:03:45 30 A 465 warrant?---A search warrant.
31
16:03:48 32 "On 7 December a s.465 warrant was executed by Flynn of the
16:03:54 33 Purana Task Force. Diary was examined. Nil notation of
16:03:58 34 any meeting with Mokbel on that day. Gobbo did state that
16:04:02 35 at that particular time she was either meeting with or
16:04:05 36 talking on the phone to Mokbel at least twice a day, she
16:04:09 37 could have met him on that day and not noted it down in her
16:04:13 38 diary. She has no recollection of that day. Nil further.
16:04:16 39 IR complete"?---Yes.
40
16:04:20 41 You weren't told that she'd had a pre- warning of the
16:04:24 42 warrant, were you?---No.
43
16:04:37 44 Your records of 20 December indicate that you went to visit
16:04:41 45 [REDACTED] and during the conversation with [REDACTED] you explained the
16:04:50 46 outcome of the information that he had provided?---Yes.
47

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3010

P. TRICHIAS XXN - IN CAMERA

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16:04:53 1 And you record that in your diary?---Yeah, I do.
2
16:05:09 3 And on that date you explained, if you go to your diary -
16:05:14 4 it's at p.121 - "explain the information re Nicola Gobbo
16:05:20 5 diary entry 31 March 2004, Lewis Moran. Of nil value", and
16:05:29 6 that's something that you explained to [REDACTED], is that
16:05:33 7 right?---Yes. Potentially he may have asked me what the
16:05:37 8 result was and I told him what the result was.
9
16:05:40 10 But even then, he didn't tell you that she had come to see
16:05:43 11 him?---No.
12
16:05:45 13 The next entry of relevance is 17 January, is that
16:05:51 14 right?---17 January?
15
16:05:53 16 Yes?---Yes.
17
16:05:56 18 And on that day you visited him again and you were told
16:06:03 19 that [REDACTED] was having problems and he'd sacked Gobbo
16:06:08 20 and was now with [REDACTED]?---Yes.
21
16:06:12 22 Then you speak - then 18 January 2007?---Yes.
23
16:06:23 24 You have a discussion with Jim O'Brien on the phone and at
16:06:29 25 that time there were intercepts of Mokbel's phone, you're
16:06:34 26 told, on 3 April in which - 2004, that is three days after
16:06:39 27 the murder of Moran?---M'mm.
28
16:06:42 29 And you're told that Mokbel was speaking to Gobbo?---I
16:06:46 30 think by that stage we would have had the phone records and
16:06:50 31 also telephone intercept material and we would have
16:06:54 32 reviewed the material and that's how those calls have been
16:06:57 33 identified.
34
16:06:58 35 And there was TI material?---Yes - not by us specifically,
16:07:03 36 but the AFP had TIs at that time.
37
16:07:06 38 Did you get access to that TI?---Yes, we did.
39
16:07:09 40 And did you get a transcript of the communication between
16:07:11 41 Gobbo and Mokbel?---I don't know whether it was a
16:07:15 42 transcript or whether it was the actual raw product, but we
16:07:17 43 were aware that there was conversation.
44
16:07:20 45 And Jim O'Brien told you that Gobbo had told him that she
16:07:23 46 had no recollection of a conversation with Mokbel on that
16:07:25 47 day and it wasn't unusual, as Mokbel was living with her in

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16:07:32 1 [REDACTED] at that time?---That's
16:07:34 2 correct.
3
16:07:34 4 Not at the same unit or - what was your
16:07:37 5 understanding?---I'm not sure what the arrangement was.
6
16:07:41 7 That day, obviously, was of significance because that's the
16:07:44 8 day that [REDACTED] alleges that he received the money from Mokbel
16:07:48 9 for the murder of Moran?---Around about that date, yes.
10
16:08:04 11 Did you at any stage consider it appropriate to speak to
16:08:09 12 Ms Gobbo to find out from her what involvement she did
16:08:15 13 have, if any, or what was - - -?---Not at that time.
16:08:18 14 Obviously, we had a look at the records that we had, the TI
16:08:23 15 material, the telephone records, and there was nothing
16:08:25 16 unusual in those records and on the back of the warrant
16:08:29 17 being executed, there was no other reason for us to speak
16:08:33 18 to her.
19
16:08:34 20 Okay. And ultimately you accepted what Mr O'Brien said - -
16:08:44 21 -?---Yes.
22
16:08:44 23 That there was nothing of any value in that?---Yes.
24
16:08:49 25 All right. Now, you become involved in the Briars Task
16:08:52 26 Force from April 2007 to March 2008?---Yes.
27
16:08:58 28 That was an investigation into the Chartres-Abbott
16:09:04 29 murder?---That's correct.
30
16:09:09 31 You say that you were told by Mr Iddles that Ms Gobbo was a
16:09:16 32 potential witness?---M'mm.
33
16:09:19 34 How is it that you know that it's in this timeframe that
16:09:23 35 you're told that?---I'm aware that it's the later stages of
16:09:28 36 Briars - I don't have a notation specifically in relation
16:09:30 37 to it - but it was around about the time that Ron Iddles
16:09:34 38 and Steve Waddell went and saw Ms Gobbo to potentially
16:09:39 39 obtain a statement from her. There was very little
16:09:42 40 information in relation to that being told to the task
16:09:47 41 force, it was kept quite sterile.
42
16:09:53 43 Nonetheless, you're involved in investigating
16:09:56 44 this?---That's correct.
45
16:09:57 46 But you weren't told about this aspect of it, is that
16:10:00 47 right?---I knew it was occurring, but I didn't know the

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16:10:03 1 actual ins and outs of it.
2
16:10:07 3 One assumes that there had been discussions between you and
16:10:10 4 other investigators, Mr Iddles, some time before the actual
16:10:15 5 statement was taken or sought to be taken?---I think it was
16:10:18 6 around about the same period of time I would have spoken to
16:10:21 7 Ron about it, yes.
8
16:10:22 9 And you say that it's about that time that you learnt that
16:10:25 10 Gobbo was being handled by Sandy White-O
16:10:29 11 of the SDU?---It was around about that particular time. I
16:10:32 12 think the time was - it was a small period of time. It
16:10:35 13 pretty much happened all at once. The statement was - they
16:10:40 14 were trying to obtain a statement and in the process, they
16:10:43 15 became aware that she was a source and that's how I became
16:10:47 16 aware of it.
17
16:10:49 18 You also knew at about that stage that she was going to be
16:10:53 19 used as a witness in the Petra investigation?---I wasn't
16:10:57 20 sure whether she had actually made a statement at that
16:11:01 21 stage, but I was aware that she was also talking to Petra.
22
16:11:06 23 Is it your understanding that Iddles was given a package of
16:11:09 24 material from the SDU to assist him in the making of a
16:11:13 25 statement?---I don't know about that. I can't help you.
26
16:11:17 27 Did you know that SDU no longer handled her after January
16:11:21 28 of 2009, after she became a witness in the Petra Task
16:11:24 29 Force?---I think naturally once she became a witness, it
16:11:27 30 wasn't their responsibility to manage her.
31
16:11:32 32 And one assumes that you knew at about that time, in 2009,
16:11:36 33 that she was a human source?---Around about that time, yes.
34
16:11:40 35 And had been a human source for some period of time?---I
16:11:42 36 wasn't aware how long, but I was aware she was a human
16:11:46 37 source.
38
16:11:46 39 You were aware that she was a human source of some
16:11:50 40 considerable value?---Yes.
41
16:11:52 42 I take it you're aware that - as far as you were concerned,
16:11:55 43 the SDU didn't handle minor informers, they were set up
16:12:01 44 to - - -?---High risk, generally.
45
16:12:03 46 High risk?---M'mm.
47

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16:12:05 1 And, by definition, high risk providing significant
16:12:08 2 information?---Yes.
3
16:12:11 4 Were you provided information that came out of the SDU
16:12:15 5 during the Briars investigation?---Other than the form of a
16:12:21 6 statement that she was going to make, no, nothing else.
7
16:12:25 8 Had you ever been asked to check or review IR holdings in
16:12:31 9 relation to information that she had provided?---I don't
16:12:35 10 have a memory of that occurring, no.
11
16:12:40 12 I take it you read Ms Gobbo's draft statement?---No, I
16:12:44 13 didn't.
14
16:12:44 15 You never did?---No.
16
16:12:46 17 Was it never provided to you?---No.
18
16:12:48 19 Did you ever ask for it?---No, I don't think I did.
20
16:12:52 21 You were involved in the prosecution of the people charged
16:12:58 22 with killing Chartres-Abbott?---Yes.
23
16:13:03 24 At no stage did you ask for a statement that Gobbo had made
16:13:10 25 - or at least had - - -?---My understanding was she
16:13:13 26 actually never made a statement.
27
16:13:15 28 You spoke to - I take it you spoke to Ron Iddles about why
16:13:18 29 it wasn't signed?---Well, my understanding was they were
16:13:21 30 going to go and see her to obtain a statement, a signed
16:13:25 31 statement, she didn't sign a statement and they came back
16:13:29 32 and there was some discussions in relation to that.
33
16:13:31 34 Some discussions between whom?---I spoke to Ron about it.
35
16:13:35 36 What did he say?---He had concerns in relation to her
16:13:40 37 providing a statement on the back of also being a source.
38
16:13:46 39 Right. And what were those concerns?---It would expose
16:13:49 40 her.
41
16:13:49 42 It would expose her as a human source?---Yes.
43
16:13:52 44 He would have mentioned to you the fact that it would lead
16:13:56 45 to a great controversy, wouldn't it?---Yeah, that's
16:14:00 46 correct.
47

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16:14:01 1 I mean, he's in the press as saying it is going to lead to
16:14:03 2 a Royal Commission?---He is quoted as saying that, yes, but
16:14:06 3 look, I don't have a specific memory of that, but he did
16:14:09 4 have concerns about it; if she was going to make a
16:14:11 5 statement, it would expose her as a source.
6
16:14:15 7 And whether or not it might lead to a Royal Commission,
16:14:17 8 what you did understand from him was that he was greatly
16:14:20 9 concerned about it?---Yes.
10
16:14:21 11 You understood that he had had a disagreement with the
16:14:24 12 powers that be about whether or not she should make a
16:14:27 13 statement?---He did raise the issue, yes.
14
16:14:29 15 And as far as he was concerned - the instructions were
16:14:35 16 coming from Senior Command, Simon Overland, that she was to
16:14:39 17 be a witness, that she was to make a statement?---I don't
16:14:42 18 know - I can't answer that. I can't answer that
16:14:45 19 specifically, no.
16:14:45 20
16:14:46 21 But you understood - you were a colleague of
16:14:49 22 Mr Iddles?---Yes
23
16:14:50 24 And you'd regard yourself as a friend of his?---Yes.
25
16:14:52 26 You understood that he was a very experienced
16:14:56 27 Detective?---Yes.
28
16:14:57 29 And he had real concerns about this process?---Yeah, he
16:14:59 30 did.
31
16:15:00 32 And he was concerned about the propriety of what was being
16:15:04 33 done with her as a human source, as a legal
16:15:08 34 practitioner?---Yes.
35
16:15:11 36 And he also had concerns about the position with respect to
16:15:17 37 convictions which had been obtained in the past and also
16:15:20 38 potential convictions of matters which were then being
16:15:23 39 investigated?---He didn't raise that specifically.
40
16:15:26 41 Not specifically - - -?---Not to me.
42
16:15:29 43 Not to you?---No.
44
16:15:30 45 Well, you understand that that is a matter that he has
16:15:32 46 raised?---Yes.
47

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16:15:33 1 Is there any reason, do you think, why he wouldn't have
16:15:36 2 raised it with you at the time?---I think his main concern,
16:15:39 3 as I said, was - his concern was if she was going to
16:15:43 4 provide a statement, she's a practising lawyer, she's also
16:15:47 5 a source. That would be - that would cause a lot of
16:15:53 6 issues.
7

16:15:54 8 And could lead, if it got out - - -?---It could lead to
16:15:58 9 anything, potentially.
10

16:15:59 11 Anything, potentially, particularly - well, damage to the
16:16:02 12 reputation of Victoria Police?---Yes.
13

16:16:05 14 That's something that, once you became aware of that, I
16:16:09 15 assume you would have been concerned about?---Yes.
16

16:16:13 17 Insofar as that draft statement was concerned, this was an
16:16:20 18 investigation - Briars was an investigation into the
16:16:23 19 involvement of allegedly corrupt police officers?---Yes,
16:16:26 20 that's correct.
21

16:16:26 22 So it was a very, very significant investigation?---Yes.
23

16:16:29 24 And I take it you were aware, from your discussions at
16:16:36 25 least with Mr Iddles, that she was providing evidence as to
16:16:43 26 the potential involvement of allegedly corrupt police
16:16:48 27 officers?---Yes.
28

16:16:49 29 And you knew who those police officers were?---I did.
30

16:16:51 31 And you knew that she had made comments and/or provided
16:16:57 32 information to Mr Iddles about those matters?---Yes.
33

16:17:00 34 And they were matters which were canvassed between
16:17:05 35 Mr Iddles and Ms Gobbo and were in her statement, which
16:17:09 36 hadn't been signed?---I assume so, yes.
37

16:17:11 38 Were you not interested in getting a hold of the statement
16:17:14 39 to see what information she could provide?---There was a
16:17:17 40 decision made from the outset that Mr Iddles and Mr Waddell
16:17:23 41 dealt with Ms Gobbo and they were the only two that were
16:17:27 42 going to be privy to the information that came out of that,
16:17:30 43 and unless she actually signed the statement and became a
16:17:33 44 witness, that information wasn't to be released to the
16:17:36 45 others.
46

16:17:36 47 Who made that decision?---I can't say who actually made it,

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16:17:42 1 but I assume - - -
2
16:17:43 3 Obviously someone above your pay grade?---Yes.
4
16:17:45 5 It would be - you were generally aware where the
16:17:49 6 decision-making processes were coming from with respect to
16:17:54 7 Briars?---Yes.
8
16:17:54 9 There was a senior steering committee, which was comprised
16:17:57 10 of people such as Simon Overland?---Yes.
11
16:18:00 12 So your understanding was that the order would have come
16:18:02 13 down from Overland, and those sorts of high-ranking
16:18:07 14 officers, that no-one but Iddles and Waddell would be
16:18:10 15 involved with her?---I assume that would have been the
16:18:12 16 case, yes.
17
16:18:13 18 You also understood that [REDACTED] was making very serious
16:18:17 19 allegations against these police officers?---Yes.
20
16:18:20 21 And suggesting that they had been involved, in effect, in
16:18:25 22 covering up the role of [REDACTED] in this murder?---Yes.
23
16:18:31 24 Providing him with, if not an alibi, something pretty close
16:18:38 25 to an alibi?---Yes.
26
16:18:39 27 And the prosecution, albeit - those people weren't charged,
16:18:43 28 were they?---No.
29
16:18:44 30 There was - - -?---Others were charged.
31
16:18:46 32 I'm sorry?---Others were charged.
33
16:18:48 34 Others were charged, but Waters, Alexander, Lalor - Waters
16:18:56 35 and Lalor were not charged?---There was not enough evidence
16:19:00 36 to charge them.
37
16:19:01 38 Indeed, was it your understanding that Mr Iddles had taken
16:19:08 39 a view, as far as he was concerned, he was simply not going
16:19:10 40 to charge those people, despite there being pressure put on
16:19:14 41 him to charge them; he was of the view that there wasn't
16:19:17 42 sufficient information?---That was his view, yes.
43
16:19:20 44 Were you told that - and were you aware that Gobbo
16:19:28 45 socialised with those people?---Yes.
46
16:19:30 47 You were aware that there were - without knowing exactly

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16:19:36 1 what was in the statement, you were aware that there was a
16:19:40 2 suggestion that she had been present with Waters, Lalor,
16:19:45 3 and potentially [REDACTED], at a hotel?---At a hotel, yes.
4
16:19:50 5 So she was involved in that group of people?---Yes.
6
16:19:54 7 And, obviously, that, as an investigator, was a matter of
16:20:03 8 some concern to you?---Yes.
9
16:20:04 10 During the course of the trial, you were aware that
16:20:12 11 [REDACTED] was challenged heavily about whether in fact he'd
16:20:18 12 actually been involved in the murder?---Yes.
13
16:20:20 14 It was suggested that he hadn't been involved in the
16:20:27 15 murder?---I'm aware of that, yes.
16
16:20:28 17 And, indeed, one of the issues that arose during the course
16:20:30 18 of the trial was why would he come forward and admit to
16:20:38 19 being involved in a crime when he wasn't involved in
16:20:42 20 it?---I think it was more so that there was no information
16:20:47 21 to suggest that he was involved in the actual homicide
16:20:50 22 until he came forward, so he put himself forward, so
16:20:55 23 they're basically saying why would you do that.
24
16:20:56 25 And aside from that, he was heavily challenged on factual
16:20:59 26 materials and - - -?---At the trial, yes.
27
16:21:03 28 And ultimately the jury didn't accept - or for whatever
16:21:07 29 reason, they were all acquitted?---They were acquitted,
16:21:09 30 yes.
31
16:21:09 32 But one of the issues was - Commissioner, I note the time.
33
16:21:16 34 COMMISSIONER: Yes, I note the time.
16:21:17 35
16:21:19 36 MR WINNEKE: I've probably got about 10 or 15 minutes to
16:21:22 37 go.
38
16:21:23 39 COMMISSIONER: It is getting a bit late. The court
16:21:25 40 reporters have been sitting for a long time. Is there
16:21:25 41 going to be some cross-examination? There is. I think if
16:21:28 42 there is going to be cross-examination - - -
16:21:29 43
16:21:30 44 MR WINNEKE: I was going to try and finish, but - - -
45
16:21:32 46 COMMISSIONER: I know, it would have been good to have
16:21:34 47 finished it. I was sitting on to hopefully finish it, but

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16:21:36 1 I think if we're looking at quite a bit more time yet, we
16:21:40 2 better come back tomorrow.
3
16:21:43 4 MR WINNEKE: Yes - perhaps another hour.
5
16:21:45 6 COMMISSIONER: We better come back tomorrow to finish it.
16:21:49 7 I'm sorry, Mr Trichias. We had hoped to finish with you
16:21:51 8 today. I'm sure you had hoped that too?---I had.
9
10 I'm sure you did, but I'm sorry. 10 o'clock tomorrow.
11
16:21:59 12 MS TITTENSOR: Commissioner, we've got Mr Swindells by
16:22:00 13 telephone at 10 o'clock tomorrow, so it might be easier to
16:22:04 14 say perhaps 11 o'clock for Mr Trichias.
15
16:22:07 16 COMMISSIONER: Sorry, Mr Trichias. All right then. We'll
16:22:14 17 adjourn until 10 o'clock tomorrow.
18
16:23:13 18 <(THE WITNESS WITHDREW)
16:23:16 19
16:23:16 20
16:23:28 21 ADJOURNED UNTIL THURSDAY 27 JUNE 2019
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