

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Thursday, 27 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
 Ms K. Argiropoulos

Counsel for State of Victoria Dr C. Button SC
 Ms J. Whiting

Counsel for Nicola Gobbo Mr P. Collinson QC
 Mr R. Nathwani

Counsel for DPP/SPP Mr P. Doyle

Counsel for CDPP Ms E. Fitzgerald

Counsel for Police Handlers Mr G. Chettle
 Ms L. Thies

Counsel for Witness ■ Mr R. Kornhauser

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These claims are not yet resolved.

1 PROCEEDINGS IN CAMERA:

2
10:43:28 3 COMMISSIONER: Yes, Ms Tittensor.

10:43:32 4
10:43:33 5 MS TITTENSOR: Mr Swindells, [REDACTED] was a member of the
10:43:39 6 [REDACTED] crew; is that right?---Yes.

7
10:43:46 8 On [REDACTED], a man by the name of [REDACTED]
10:43:53 9 was shot dead in [REDACTED] ---Yes.

10
10:43:58 11 And [REDACTED] were arrested on the day of the
10:44:02 12 murder of [REDACTED] ---I remember [REDACTED] was arrested
10:44:09 13 on the day, but [REDACTED] I can't recall whether it was
10:44:12 14 that night or the following day.

15
10:44:14 16 I should clarify that you understand who I'm referring to
10:44:17 17 when I say [REDACTED] ---Yes, I do.

18
10:44:24 19 The situation was that they were actually under
10:44:27 20 surveillance at the time of the murder of
10:44:32 21 [REDACTED] ---Yes.

22
10:44:33 23 And, in fact, there was listening device evidence of the
10:44:36 24 murder occurring?---Yes, there was.

25
10:44:42 26 In terms of what you say in your statement, you have
10:44:46 27 indicated that you met with [REDACTED] on a number
10:44:51 28 of occasions after he'd indicated that he was willing to
10:44:53 29 assist police, and sometimes that was with Stuart
10:44:56 30 Bateson?---Yes, it was.

31
10:44:58 32 And the purpose of that was to obtain information about the
10:45:02 33 involvement of others; is that right?---Himself and others,
10:45:08 34 yes.

35
10:45:08 36 And negotiating a plea deal of some form?---Yes.

37
10:45:13 38 And that involved negotiation as to what he might be
10:45:16 39 charged with?---The negotiation was essentially to ask
10:45:22 40 whether he could be considered ultimately for some form of
10:45:29 41 early parole that was supported by police.

42
10:45:35 43 Would it be expected to be the case he was pretty
10:45:38 44 interested in any likely sentencing outcome?---Yes, he was.

45
10:45:44 46 You say you attended on him, with Mr Overland, on one
10:45:48 47 occasion; is that right?---That's correct.

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P. SWINDELLS XXN - IN CAMERA

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1
10:45:51 2 Can you recall at what stage in the process that was?---All
10:45:58 3 I could recollect is that it was after a couple of meetings
10:46:02 4 with [REDACTED] wanted some form of higher
10:46:09 5 authority within the organisation to make that assurance.
6
10:46:18 7 Do you know if this was before or after he signed his
10:46:21 8 statements?---I don't know, sorry.
9
10:46:26 10 Was it just the two of you present with [REDACTED] at the
10:46:29 11 time?---Yes, it was.
12
10:46:36 13 Do you have a recollection yourself of attending meetings
10:46:40 14 at the OPP in relation to discussions about what would
10:46:44 15 happen with [REDACTED] ---Yes.
16
10:46:51 17 There were discussions between the Purana Task Force and
10:46:55 18 the OPP where it was, no doubt, debated and discussed as to
10:47:01 19 what he should plead guilty to?---There were discussions
10:47:07 20 across the table with ultimately Mr Geoff Horgan SC and we
10:47:16 21 put forward our case to Mr Horgan regarding where certain
10:47:21 22 investigations were heading and what potential assistance
10:47:25 23 [REDACTED] could provide.
24
10:47:33 25 At paragraph 17 of your statement, you say this, "I do not
10:47:38 26 recall whether Ms Gobbo was representing [REDACTED] and I do
10:47:41 27 not recall having any contact with Ms Gobbo in relation to
10:47:44 28 my dealings with [REDACTED] I do not recall whether
10:47:47 29 Ms Gobbo was representing [REDACTED] you've said
10:47:54 30 that in your statement?---Yes, that's correct.
31
10:47:57 32 Are you aware that there's evidence that suggests that at
10:48:01 33 the time you were aware of Ms Gobbo's representation of
10:48:04 34 [REDACTED] ---That may be so, but my recollection is that I
10:48:09 35 didn't have a recollection of Ms Gobbo distinctly
10:48:13 36 representing [REDACTED]
37
10:48:15 38 Do you say that you've forgotten and you accept that she
10:48:19 39 was and that you knew she was at the time representing
10:48:22 40 [REDACTED] ---I accept now that she was representing
10:48:26 41 [REDACTED] because I've got nothing to negate it.
42
10:48:32 43 Do you accept that at the time you must have known that she
10:48:35 44 was representing [REDACTED] ---I don't know.
45
10:48:45 46 There's evidence that indicates that Ms Gobbo took
10:48:48 47 instructions on a number of occasions from [REDACTED] when

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10:48:52 1 he was first arrested back in October of 2003. Would you
10:48:59 2 have been aware of who was attending on prisoners after
10:49:07 3 arrests such as that?---I was aware that it was generally
10:49:14 4 the informant's responsibility to speak to the various
10:49:19 5 witnesses which may have come forward.
6
10:49:25 7 Are you aware whether Purana members kept track of which
10:49:30 8 legal representatives were attending upon which Purana
10:49:35 9 targets that were in custody?---No, I have no idea if that
10:49:39 10 was the case.
11
10:49:40 12 Is it something that you might have done for intelligence
10:49:44 13 purposes, who's representing who?---I think it would only
10:49:52 14 be a mental note that somebody said, "Oh, Ms Gobbo is
10:49:55 15 representing [REDACTED], that would have just been a
10:49:58 16 generalisation.
17
10:50:00 18 Do you know if there was any particular keeping track of
10:50:03 19 which lawyers were going in to see people?---No, I'm not
10:50:08 20 aware of that.
21
10:50:11 22 Shortly after the arrest of [REDACTED] for the
10:50:16 23 murder of [REDACTED] there was an application to
10:50:22 24 interview [REDACTED] in relation to the murders of [REDACTED] and
10:50:26 25 [REDACTED] do you recall that?---I remember being advised
10:50:31 26 that they were going to make an application to interview
10:50:33 27 him, yes.
28
10:50:35 29 And you would have been advised as to the outcome of that
10:50:39 30 application?---I would have been, yes.
31
10:50:44 32 And that Ms Gobbo appeared on behalf of [REDACTED] at that
10:50:48 33 application?---Not that I can recollect that that was the
10:50:53 34 advice, no.
35
10:50:58 36 This was all within a reasonably short period of time of
10:51:01 37 you having spoken to Ms Gobbo outside court about the
10:51:06 38 threats of Mr Veniamin. If that bail variation happened in
10:51:11 39 late [REDACTED] 2003, this was less than two months
10:51:17 40 on?---Yes.
41
10:51:18 42 Would you have been aware of Ms Gobbo's acting and
10:51:23 43 involvement at that stage?---I just can't remember whether
10:51:33 44 - when or where I was told of that, yes.
45
10:51:38 46 That application to interview [REDACTED] for the other
10:51:40 47 murders that he hadn't yet - or that he hadn't been charged

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10:51:43 1 with occurred on [REDACTED] 2003. [REDACTED] days after that,
10:51:49 2 Carl Williams was arrested in relation to threatening to
10:51:52 3 kill Stuart Bateson, do you recall that happening?---Yes.
4
10:51:58 5 Do you recall that Ms Gobbo came to represent Carl Williams
10:52:01 6 around that time in relation to those threats?---I recall
10:52:07 7 she became his legal representative at some stage around
10:52:16 8 Carl's first arrest, yes.
9
10:52:18 10 She may have had some involvement with he or his family
10:52:21 11 before that, but do you recall specifically that she was
10:52:24 12 representing him, at least in the early stages, in relation
10:52:27 13 to the threats against Stuart Bateson and his
10:52:31 14 girlfriend?---I can't answer that because I can't remember.
15
10:52:37 16 Is it something that you would have known about at the
10:52:40 17 time, do you think?---It's possible, yes.
18
10:52:46 19 Was Stuart Bateson in your - he was in your crew at that
10:52:50 20 stage?---No. He was in the Purana Task Force. However,
10:52:57 21 when the Purana Task Force was resourced with further
10:53:03 22 police personnel because of our ongoing issues, the office
10:53:11 23 was divided in two across a hallway and Stuart Bateson and
10:53:19 24 his team were on the opposite side of the hallway, being
10:53:22 25 managed by Senior Sergeant Gavan Ryan.
26
10:53:28 27 Was it the case that the team expanded and Gavan Ryan came
10:53:33 28 on board with a crew around the time of the Veniamin
10:53:38 29 murder, or the Veniamin killing?---All I remember was when
10:53:44 30 we made the initial application for an increase in
10:53:48 31 resourcing, Senior Sergeant Ryan came on board and because
10:53:52 32 it was such a - with the magnitude and size of our Task
10:53:57 33 Force, we couldn't accommodate it on one particular
10:54:00 34 location, we had to separate it.
35
10:54:02 36 Can you associate that time with any particular event that
10:54:06 37 the crew expanded?---I'm pretty certain that the murder of
10:54:16 38 [REDACTED] that that side of the Task Force was in
10:54:21 39 operation at that time.
40
10:54:28 41 Nevertheless, I take it that you would have still had
10:54:32 42 significant knowledge of what was going on, particularly if
10:54:35 43 a member of the Purana Task Force had been the subject of a
10:54:38 44 threat to kill?---Most definitely.
45
10:54:47 46 It's the case, isn't it, that in terms of [REDACTED] and
10:54:52 47 [REDACTED] Stuart Bateson and Boris Buick were each

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10:54:58 1 [REDACTED] ---Yes.
2
10:55:02 3 And you had quite some involvement in relation to the
10:55:05 4 [REDACTED] matter?---Yes.
5
10:55:17 6 The information is that on [REDACTED] of 2004, there was a
10:55:23 7 committal mention in relation to [REDACTED]
10:55:28 8 for the murder of [REDACTED] and at the end of that day - or
10:55:35 9 at the end of that hearing, Ms Gobbo approached Mr Bateson
10:55:38 10 and spoke to him about [REDACTED] providing a can-say
10:55:43 11 statement. Do you understand what I mean about that?---I
10:55:47 12 do, but I have no recollection of him communicating that to
10:55:52 13 me.
14
10:55:52 15 Well, that was a very significant development, in the
10:55:56 16 scheme of things, for the Purana Task Force, wasn't
10:56:00 17 it?---To have [REDACTED] providing a statement, yes, it was.
18
10:56:05 19 And that was something that you would have been well aware
10:56:09 20 of at the time. He would have come straight back and
10:56:11 21 reported that matter, wouldn't he?---Yes.
22
10:56:14 23 And he would have reported to you that that was as a result
10:56:20 24 of a conversation with Ms Gobbo?---I don't know.
25
10:56:25 26 Do you say it's likely that he would have told you that it
10:56:29 27 was a result of a conversation with Ms Gobbo?---No, all I'm
10:56:33 28 saying is that it's likely that he told me that [REDACTED]
10:56:39 29 was prepared to make a statement about the matter and I
10:56:43 30 can't say whether he spoke to me about Ms Gobbo at that
10:56:49 31 time or not.
32
10:56:51 33 Three days later, on [REDACTED], there's a meeting at the OPP
10:56:58 34 with Andy Allen, Gavan Ryan, Bateson, Buick and they're
10:57:08 35 speaking to Geoff Horgan and Vaile Anscombe, where lines of
10:57:15 36 communication are discussed, and it seems that they're
10:57:20 37 discussing the prospect raised by Ms Gobbo about [REDACTED]
10:57:23 38 making a statement and cooperating. You would have known
10:57:26 39 about that meeting at the time, if you weren't there
10:57:28 40 yourself?---I would have been told, yes.
41
10:57:33 42 Do you think you would have been told that the
10:57:37 43 communications in relation to [REDACTED] possible
10:57:40 44 cooperation were occurring - or going to occur through
10:57:42 45 Ms Gobbo?---I don't know.
46
10:57:49 47 There would have been no reason to withhold that

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10:57:52 1 information from you, would there?---No.
2
10:57:58 3 On 7 and 9 April 2004, Ms Gobbo met with Mr Allen; she met
10:58:06 4 him twice over the course of a number of days. Would you
10:58:11 5 have been aware of that?---No, I can't say I was.
6
10:58:17 7 Where they were discussing issues such as - well,
10:58:21 8 discussing issues in relation to [REDACTED]---I don't know.
9
10:58:29 10 Do you accept that you - - - ?---I report up to Inspector
10:58:34 11 Allen, he doesn't report down to me.
12
10:58:36 13 Do you accept that you would have been kept informed of
10:58:39 14 these goings on?---I would have been kept apprised of
10:58:44 15 major developments but not as to, I guess, the nitty-gritty
10:58:49 16 or the how it came to be.
17
10:58:53 18 Do you say that the prospect of the first witness to give
10:58:56 19 evidence of gangland killings was not something that you
10:59:01 20 would have been kept apprised of?---No, I was kept
10:59:07 21 apprised of various developments in [REDACTED] but, as I
10:59:12 22 said, I wasn't hands-on with [REDACTED] to any great degree.
23
10:59:19 24 Mr Allen's notes indicate that he got a call from Ms Gobbo
10:59:25 25 and then went to meet her in South Melbourne, where he
10:59:29 26 spoke to her. It says, "N Gobbo issues canvassed re
10:59:37 27 [REDACTED] plus her acting for him". It seems as though
10:59:40 28 there may have been some concern with the fact that she was
10:59:43 29 acting for [REDACTED] Do you think you might have been
10:59:46 30 involved in any discussions about those matters?---Not that
10:59:51 31 I'm aware.
32
10:59:53 33 Do you deny that you were or do you say "I might have been
10:59:57 34 and I've just forgotten"?---Well, I just don't know. I
11:00:00 35 have no recollection of it.
36
11:00:05 37 He told Ms Gobbo that you were going to visit next week, it
11:00:10 38 seems, "visiting [REDACTED]", and he told Ms Gobbo that
11:00:18 39 Assistant Commissioner of Crime Overland had been briefed
11:00:20 40 already in relation to that matter?---Okay, yep.
41
11:00:25 42 You were involved in those briefing meetings, along with
11:00:32 43 Mr Overland; is that right?---You're talking about those
11:00:36 44 weekly ones we used to have?
45
11:00:39 46 Yes. Do you think it would have been raised at that
11:00:42 47 meeting that Ms Gobbo was representing [REDACTED] and

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11:00:44 1 putting him forward potentially to cooperate?---I don't
11:00:50 2 know. It's possible.
3
11:00:54 4 Mr Allen returned to the office later on, where he notes
11:01:01 5 "with Swindells re handover, updates, admin, phone, issues
11:01:06 6 re Gobbo info". Do you think you might have spoken to
11:01:10 7 Mr Allen at that stage about what he'd been told by
11:01:13 8 Ms Gobbo that day in South Melbourne?---It's possible, yes.
9
11:01:26 10 You say at some stage you became concerned about Ms Gobbo's
11:01:30 11 associations. Might it have been by this stage you would
11:01:35 12 have been a bit concerned, given she's representing at
11:01:39 13 least Carl Williams and, it seems, [REDACTED]---I had some
11:01:48 14 concerns, yes.
15
11:01:50 16 By this stage?---Yes.
17
11:01:59 18 It seems as though the following week, as Mr Allen had
11:02:06 19 indicated, that you went to visit [REDACTED] and that you'd
11:02:12 20 had a taped conversation with [REDACTED] which was with
11:02:18 21 Mr Overland, to go to the OPP for consideration. Is it the
11:02:22 22 case that you were taping some of your conversations with
11:02:25 23 [REDACTED]---I don't believe so, because we were in an
11:02:36 24 environment which wouldn't have allowed us to do so.
25
11:02:39 26 You can take a tape recorder, or a digital recorder of some
11:02:44 27 kind, into a prison and record conversations, couldn't
11:02:49 28 you?---You can, but you've got to get prior approval, from
11:02:52 29 my understanding, to do so, and I don't remember doing
11:02:55 30 that.
31
11:02:55 32 If Mr Buick has noted in his day book that you had a taped
11:02:59 33 conversation with [REDACTED] which was with Acting
11:03:03 34 Commissioner Overland, to go to the OPP for consideration,
11:03:06 35 do you accept that you taped a conversation with
11:03:09 36 [REDACTED]---If that's the case, that's what he says, it
11:03:12 37 must be the case.
38
11:03:19 39 On 27 April, Mr Allen's got an entry of being at the OPP,
11:03:26 40 discussing issues surrounding this matter, at a meeting at
11:03:32 41 which you're attending and it appears as though there's
11:03:35 42 some discussions about the Australian Crime Commission at
11:03:39 43 that stage. Do you recall having discussions about using
11:03:41 44 the Australian Crime Commission in investigations?---Yes.
45
11:03:49 46 Can you say how it came about that Victoria Police were
11:03:52 47 using a Federal body like the Australian Crime Commission

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11:03:56 1 to conduct examinations?---It was essentially we were going
11:04:04 2 about not just the Australian Crime Commission, but there
11:04:07 3 was also other Federal organisations which we had been
11:04:14 4 liaising with in terms of pursuing our investigations.
5
11:04:22 6 Were you also liaising with the OPP about using the Crime
11:04:28 7 Commission and having a Crown prosecutor come down and ask
11:04:31 8 the questions that - - -?---Yes.
9
11:04:35 10 Do you know how those arrangements came about?---Initially,
11:04:42 11 when the Task Force very first started, Detective Inspector
11:04:45 12 Allen and myself went to the OPP and spoke to the Director.
11:04:52 13 In that, he was also accompanied by the Senior Crown
11:04:58 14 Prosecutor and we appraised them of how we had put together
11:05:07 15 a Task Force to investigate the homicides and sought their
11:05:14 16 assistance by way of prosecution and management of those
11:05:19 17 prosecutions.
18
11:05:21 19 That was their usual job, wasn't it, to prosecute
11:05:29 20 matters?---It is, yes, but we were after a prosecutor to be
11:05:32 21 appointed to have discussions if there were any legal
11:05:37 22 issues to be discussed.
23
11:05:39 24 So you wanted a dedicated prosecutor if you had any legal
11:05:43 25 issues in relation to Purana matters?---Yes.
26
11:05:49 27 Were there discussions about using the [REDACTED] at that
11:05:51 28 stage?---Not in the early stages. As the investigation
11:05:57 29 progressed, I think we got down that path.
30
11:06:01 31 Do you recall who the prosecutor was that you were
11:06:03 32 assigned?---Mr Geoff Horgan.
33
11:06:16 34 Do you recall - have you been provided overnight with a
11:06:24 35 copy of a court book entry, Mr Swindells?---A court book
11:06:33 36 entry?
37
11:06:40 38 It's a page with some redactions on it - or two pages with
11:06:44 39 some redactions on it. The first one might have a date of
11:06:47 40 the 3rd of the 5th 04?---Yes, I've got that, thank you.
41
11:06:55 42 You see that the first page has got the name or the word
11:07:00 43 Chimirri?---Chimirri, yes.
44
11:07:04 45 Do you know that person?---I remember his name being
11:07:08 46 mentioned during the Task Force investigations.
47

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11:07:11 1 Are you aware that Ms Gobbo represented him?---Not off the
11:07:16 2 top of my head, no. I don't know who represented him.
3
11:07:20 4 It's apparent that Ms Gobbo, on 3 May 2004, as you can
11:07:27 5 possibly see by that entry, made an application to vary his
11:07:32 6 conditions of bail, which was granted, before Ms Hannan.
11:07:35 7 Do you see that?---Yes.
8
11:07:40 9 If we go over the page to the next entry - it seems later
11:07:48 10 that day - there's a note by Ms Gobbo of, seemingly, a
11:07:55 11 telephone call from you. Do you see that?---Yes, I do.
12
11:08:02 13 The entry - the first entry is, "What is happening?
11:08:06 14 Reality difference between Purana and Horgan"?---Yes, I see
11:08:11 15 that.
16
11:08:12 17 Can you explain what those comments might be about or that
11:08:17 18 entry might be about?---I have absolutely no idea, sorry.
19
11:08:23 20 Do you know whether it's you asking her what's
11:08:30 21 happening?---I don't know.
22
11:08:31 23 Do you accept that that's likely, you asking her what was
11:08:34 24 happening in relation to [REDACTED] and whether he was going
11:08:37 25 to cooperate or not?---Well, I suppose - reading the
11:08:44 26 excerpt doesn't necessarily give me an idea of whether
11:08:48 27 she's asking or I'm asking.
28
11:08:49 29 Do you accept that this is likely a conversation - or that
11:08:53 30 was likely in relation to what was going on with
11:08:57 31 [REDACTED]---I don't know.
32
11:09:02 33 In the scheme of what was going on at the time, the comment
11:09:05 34 that follows about Purana and Horgan and that there were
11:09:09 35 negotiations and discussions about [REDACTED] would you
11:09:13 36 accept that that entry relates to [REDACTED]---No, I don't.
11:09:17 37 I just don't know who it relates to.
38
11:09:20 39 Would there have been any other reason why you might have
11:09:23 40 been calling Ms Gobbo at that time?---I don't know.
41
11:09:30 42 Do you recall having any other contact with her in relation
11:09:33 43 to matters involving Purana and Horgan?---No, I don't
11:09:40 44 remember, no.
45
11:09:43 46 Do you recall whether there was some sort of difference
11:09:46 47 between Purana and Horgan?---No, I don't recollect any.

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1
11:09:53 2 It seems as though there's been mention there of the name
11:09:59 3 of the client she represented earlier that day, Chimirri,
11:10:04 4 and the possibility being mooted by one or other of you
11:10:07 5 that he might be the shooter of Lewis Moran, do you see
11:10:11 6 that?---That's the notation there, yes.
7
11:10:15 8 Can you shed any light on that?---No, I can't, I'm sorry.
9
11:10:22 10 Do you recall having any discussion at any time about
11:10:25 11 whether Chimirri might have been the shooter of Lewis
11:10:30 12 Moran?---No, I don't recollect any conversation about
11:10:33 13 Chimirri at all with Ms Gobbo.
14
11:10:37 15 What about with anyone else?---Around the Task Force area,
11:10:43 16 that's how I came to know his name was because it was being
11:10:53 17 bandied. But apart from that recollection I have no
11:10:56 18 knowledge of her representing Mr Chimirri until you showed
11:10:59 19 me this diary entry.
20
11:11:02 21 Was he in the frame in relation to Lewis Moran?---To be
11:11:13 22 honest I don't remember. I know who ultimately got charged
11:11:16 23 with the murder of Lewis Moran but - - -
24
11:11:20 25 That's not to say there weren't other suspects?---Correct.
26
11:11:24 27 Do you know whether Mr Chimirri was ever a suspect?---No, I
11:11:28 28 don't remember.
29
11:11:30 30 Do you know a police member by the name of Suzanna Hughes
11:11:35 31 from Moorabbin?---No, I don't think so.
32
11:11:42 33 Can you recall the last comment there, "Phil has helped",
11:11:49 34 do you know what that might be about?---I've got no idea,
11:11:53 35 sorry. At least I was helpful there about something.
36
11:12:02 37 We'll see what we can do. Mr Allen has a diary entry for
11:12:08 38 5.30 that evening that indicates, "Swindells re [REDACTED] visit",
11:12:18 39 presumably some sort of visit that you're having to [REDACTED]
11:12:25 40 [REDACTED] Prison. So, "Swindells re [REDACTED] visit. Plus spoke
11:12:31 41 or speak to Nicola Gobbo re same. Visit 4th of the 5th",
11:12:39 42 it seems as though you're having a conversation with Allen
11:12:42 43 in relation to going to [REDACTED] and speaking with
11:12:44 44 Nicola Gobbo about the same thing?---Yes, I understand what
11:12:48 45 you're saying. Andy, Inspector Allen was obviously doing
11:12:53 46 something else or taking other duties. He was updating me
11:12:58 47 about everything within his particular role at the Task

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11:13:04 1 Force and obviously his communication with Ms Gobbo was he
11:13:11 2 thought prudent to inform me about before I went to speak
11:13:16 3 to [REDACTED]
4

11:13:18 5 Well it seems as though you're the one that's had the
11:13:21 6 conversation with Ms Gobbo that day?---I don't know.
7

11:13:25 8 Well, it seems as though from the entry in Ms Gobbo's court
11:13:31 9 book that she's had a conversation with you that day, do
11:13:34 10 you accept - - - ?---I don't deny the conversation
11:13:37 11 occurred. I just don't know who called who.
12

11:13:40 13 Do you accept that you must have known that she was
11:13:42 14 representing [REDACTED]-At some point of time I came to
11:13:46 15 the view yes, that she was representing [REDACTED]
16

11:13:52 17 And it may well have been by this time?---It could have
11:13:55 18 been, yes.
19

11:14:00 20 If you go to the next page of that court book. There's
11:14:06 21 another - - - ?---Yes.
22

11:14:07 23 There's an entry on 4 May 2005 with your name at the
11:14:12 24 top?---4th of the 5th 2004, yep.
25

11:14:17 26 It says, "Relevant witness at an [REDACTED] hearing. Another
11:14:21 27 quiver in his bow", "In the bow"?---In the bow.
28

11:14:29 29 Do you know what that was about? Was there a discussion
11:14:31 30 with [REDACTED] or Ms Gobbo about the [REDACTED] hearing?---I don't
11:14:37 31 know because I don't even know whether that's - in her
11:14:44 32 previous notation she's obviously written TI, which is
11:14:50 33 telephone interview, I don't know where or when this
11:14:53 34 occurred other than being on 4 May.
35

11:14:54 36 Perhaps there's some discussion with you or involving you
11:14:57 37 about an [REDACTED] hearing?---There may have been.
38

11:15:03 39 Do you see the next one, "Whatever views we have OPP have
11:15:06 40 overall control of the brief"?---Yes.
41

11:15:12 42 Do you accept that that was a conversation you had either
11:15:15 43 with Ms Gobbo or with [REDACTED]?---Yes.
44

11:15:20 45 The next line is, "Political pressure"?---Yes.
46

11:15:26 47 Do you know what that would be referring to?---Essentially

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11:15:28 1 the amount of publicity around the gangland shootings.
11:15:33 2
11:15:33 3 "Copping a summons to appear", do you know what that would
11:15:40 4 refer to?---No, not at all. That's a bit of a query on my
11:15:44 5 part. I don't know what that's referring to.
6
11:15:47 7 Might it be a summons in relation to the [REDACTED] For whom?
8
11:15:51 9 Well potentially for [REDACTED] ---I don't know.
10
11:15:58 11 Do you see the next line, "No issue re conflict Mokbel,
11:16:07 12 Williams and [REDACTED]?---Correct.
13
11:16:09 14 Do you understand that those are all people that Ms Gobbo
11:16:12 15 was representing?---Yes, I do.
16
11:16:14 17 Do you recall having some concern by this stage that there
11:16:17 18 might be a conflict in Ms Gobbo's representation of
11:16:21 19 [REDACTED] because of her representation of those other
11:16:23 20 people?---I don't understand sorry, can you repeat it?
21
11:16:29 22 Do you recall that you had any concern that Ms Gobbo might
11:16:35 23 have a conflict in relation to her representation of
11:16:39 24 [REDACTED] that she couldn't necessarily act in his best
11:16:43 25 interests because she was representing Mokbel, Williams and
11:16:47 26 [REDACTED] ---I don't think that came into my thought
11:16:54 27 process at the time.
28
11:16:56 29 Do you say those kinds of issues ever occurred to you?---I
11:17:04 30 don't know.
31
11:17:06 32 Do you accept that conflicts can occur, that sometimes a
11:17:12 33 lawyer can't act for two people because those two people's
11:17:17 34 interests aren't necessarily aligned?---Yes, I understand
11:17:20 35 that.
36
11:17:24 37 Did you ever have any concern that that might be the case
11:17:27 38 in relation to Ms Gobbo's representation of
11:17:32 39 [REDACTED] ---No, I don't think that came into my thoughts.
40
11:17:37 41 Underneath that at the bottom of the page there was some
11:17:44 42 discussion about the next step, Ms Gobbo notes Karen, who
11:17:51 43 we understand to be her instructing solicitor in relation
11:17:54 44 to [REDACTED] do you remember the name Karen
11:17:59 45 Engelton?---No, I don't sorry.
46
11:18:00 47 And "a discussion with Horgan re my difficult position".

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11:18:04 1 Do you know what Ms Gobbo's difficult position might
11:18:08 2 be?---I don't know what she's referring to in that regard.
3
11:18:11 4 Might it be something in relation to her having a
11:18:14 5 conflict?---I don't know. That's possible.
6
11:18:27 7 On 17 May there's another meeting at the OPP with
11:18:33 8 Mr Horgan, Ms Anscombe, Mr Allen, yourself, Wilson and
11:18:39 9 Buick. Matters are discussed including the Gatto
11:18:43 10 prosecution as well as [REDACTED]---Sorry, when's this one?
11
11:18:48 12 17 May?---17 May which year, sorry?
13
11:18:55 14 2004?---Okay, I've just read those notes on that
11:19:27 15 VPL.0015.0001.0414 and I can see 17 May 2004 in Boris Buick
11:19:36 16 notes.
17
11:19:37 18 There's some indication that at that meeting that [REDACTED]
11:19:43 19 was discussed?---Yes.
20
11:19:46 21 And Ms Gobbo was yet to contact Mr Horgan?---Yes, I agree.
22
11:19:52 23 So you agree it's pretty apparent by that stage that you
11:19:55 24 knew that Ms Gobbo was representing [REDACTED]---Yes, I
11:19:58 25 agree with that.
26
11:20:02 27 There's some agreement that the deal was going to be for
11:20:06 28 [REDACTED] to plead guilty in relation to the murder of
11:20:11 29 [REDACTED] and give evidence in relation to the murder of
11:20:13 30 [REDACTED]---Yes.
31
11:20:22 32 There's an entry in Ms Gobbo's diary that she had a call
11:20:27 33 with you on or about 21 May 2004, I take it you have no
11:20:35 34 memory of that?---No. It would have been a bit more
11:20:42 35 helpful if I could find the diaries, or someone could find
11:20:45 36 the diaries.
37
11:20:46 38 Yes. On 15 June, if you have a look at that chronology
11:20:50 39 document, Mr Bateson records that he has a disagreement
11:20:53 40 with you re lack of communication, proposal for a plea with
11:20:58 41 [REDACTED] and lack of notice. Do you recall that
11:21:04 42 event?---No, not at all.
43
11:21:05 44 Do you recall having some issues or tension with Detective
11:21:09 45 Bateson at all?---Not that I can remember any, no.
46
11:21:19 47 A [REDACTED] later on [REDACTED] was appearing

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11:21:24 1 in the [REDACTED] Court before Judge [REDACTED] in
11:21:28 2 relation to some [REDACTED] and like offences, do you recall
11:21:34 3 attending court that day?---Yes, we did.
4
11:21:36 5 And was it you and Bateson, was there anyone else from the
11:21:41 6 Purana Task Force there?---I don't know, I can't answer
11:21:47 7 that.
8
11:21:48 9 Ms Gobbo appeared for [REDACTED] in court on that day?---It
11:21:55 10 would appear so.
11
11:21:57 12 And Mr Horgan appeared for the Director?---Yes.
13
11:22:07 14 You and Mr Bateson spoke with [REDACTED] in the cells prior
11:22:11 15 to the plea hearing, do you recall that, and he indicated
11:22:15 16 at that stage he was willing to make statements?---Yes, I
11:22:20 17 remember visiting him in the cells with Bateson.
18
11:22:22 19 And confirming - and [REDACTED] confirming yes, he'll go
11:22:28 20 ahead and make statements?---Yes.
21
11:22:30 22 Were you aware after the hearing that Ms Gobbo expressed
11:22:34 23 concerns about her own welfare should her role in
11:22:39 24 [REDACTED] plea deal become known?---Yeah, I can't
11:22:45 25 remember that one.
26
11:22:47 27 And that Bateson, similar to what you'd said to her the
11:22:50 28 year before, said "our door's open"?---Yes, that's what his
11:22:55 29 notation is.
30
11:22:58 31 You would have been told about that at the time?---I don't
11:23:05 32 know.
33
11:23:05 34 You would have known about her concerns about her role
11:23:08 35 getting out?---At that stage it was obvious I knew that she
11:23:17 36 was representing him but I don't know what other
11:23:19 37 discussions took place with her about things.
38
11:23:23 39 A number of days later, [REDACTED] [REDACTED] starts making
11:23:28 40 his statements?---Yes.
41
11:23:32 42 And they're made over the course of five days or so?---Yes.
43
11:23:41 44 Bateson on [REDACTED] went to see [REDACTED] so he could review
11:23:46 45 his statements and possibly sign them if he viewed them as
11:23:50 46 true and correct. It appears as though [REDACTED] told him
11:23:56 47 on that occasion that he wasn't willing to sign the

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11:23:58 1 statements before Ms Gobbo approved of them, do you recall
11:24:03 2 being told that?---No, I don't.
3
11:24:08 4 Do you expect that that would be something you were
11:24:12 5 told?---Maybe not because Stuart Bateson had - was under
11:24:20 6 direct line control at that stage because of the separated
11:24:23 7 offices. He had direct line control with Gavan Ryan and
11:24:27 8 Gavan may have said he won't sign until they go to
11:24:32 9 Ms Gobbo.
10
11:24:32 11 Is that the type of thing that we've got these unsigned
11:24:35 12 statements from [REDACTED] he's the first guy that's going
11:24:39 13 to roll in gangland, is that the type of thing that might
11:24:42 14 have been discussed at one of those weekly meetings with
11:24:45 15 the executive management group?---Probably.
16
11:25:00 17 Did you have someone by the name of Hatt in your crew or
11:25:03 18 was he in Gavan Ryan's crew?---He was under the control of
11:25:14 19 Gavan Ryan and had Stewie Bateson as his team leader.
20
11:25:21 21 Were you aware that he attended on Ms Gobbo's chambers and
11:25:25 22 gave her the statements to read?---No, not aware of that.
23
11:25:27 24 And that Ms Gobbo after reading them rang Mr Bateson and
11:25:35 25 had a conversation with him in which she expressed some
11:25:36 26 scepticism over parts of the statements?---No, I'm not
11:25:39 27 aware of that
28
11:25:40 29 That she was sceptical about his claim that he received no
11:25:43 30 payment and his claim that he didn't know it was going to
11:25:45 31 be a murder?---I'm not aware of that, no.
32
11:25:51 33 Would you have had the statements yourself to read by that
11:25:53 34 stage, the draft statements?---I can't remember whether I
11:26:02 35 did or I didn't.
36
11:26:04 37 Ms Gobbo at that stage asked Mr Bateson to speed up the
11:26:07 38 process of new visitor clearance. Were there any special
11:26:13 39 arrangements that Purana had in relation to visiting
11:26:17 40 prisons?---Not that I'm aware of.
41
11:26:23 42 Did they have any role in speeding up visitor clearance
11:26:26 43 processes?---Not that I'm aware of. The only issue that I
11:26:32 44 was aware with the prisons was the fact that I'd arranged
11:26:41 45 through a State Corrections officer for [REDACTED]
11:26:51 46 to be considered for interstate transfer and if they were
11:26:55 47 to give evidence then they may do so from video link.

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1
11:27:03 2 A number of days after that Bateson and Hatt went back out
11:27:09 3 to the prison and ██████████ made some changes in relation
11:27:13 4 to the statement in relation to ██████████ about his
11:27:18 5 belief as to whether a murder was going to occur, were you
11:27:21 6 aware that there were changes to ██████████
11:27:26 7 statement?---No.
8
11:27:28 9 Do you think you might have been aware of that at the
11:27:30 10 time?---No, I don't believe so.
11
11:27:34 12 Do you think that would be something that you weren't
11:27:36 13 told?---Yes, correct.
14
11:27:40 15 Would there be a reason why that sort of information
11:27:43 16 wouldn't be told to you?---Well because, as I tried to
11:27:48 17 indicate before, he was responsible - Stuart Bateson and
11:27:52 18 his teams were reporting directly to him. Other than
11:27:56 19 having some form of update discussion with Gavan Ryan I
11:28:02 20 wouldn't have probably known about this.
21
11:28:05 22 You wouldn't have been interested in the statements in
11:28:08 23 relation to gangland murders?---I wasn't interested because
11:28:14 24 of the position I held in getting into the nitty-gritty of
11:28:19 25 the investigation, no.
26
11:28:20 27 You had some involvement with ██████████ and in relation to
11:28:24 28 the ██████████ murder, you wouldn't have been interested to
11:28:26 29 read that statement?---Correct.
30
11:28:30 31 Likewise you wouldn't have been interested to read the
11:28:32 32 statement that he made about the murder of
11:28:37 33 ██████████---Correct.
34
11:28:49 35 Do you think the fact that he changed draft statements
11:28:52 36 might have been something that was raised at one of those
11:28:54 37 executive management meetings that occurred weekly?---I
11:28:59 38 don't know.
39
11:29:07 40 Where investigators took draft statements like that that
11:29:12 41 were subsequently changed or there were amendments made,
11:29:15 42 what was the practice in terms of keeping the earlier
11:29:18 43 version of a statement?---Even during our time at Homicide,
11:29:26 44 and I can't remember whether it applied here, we had the
11:29:29 45 original statement always from the witness and I'd always
11:29:34 46 pursue the procedure that any second or subsequent
11:29:40 47 statement has that fact written into the subsequent

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11:29:44 1 statement.
2
11:29:45 3 This is where the initial statement's not signed, there's a
11:29:49 4 draft version, the witness wants to change something and
11:29:54 5 then he signs the next version. What happens with the
11:29:57 6 draft statements?---I would have kept the draft statement.
7
11:30:03 8 And you would keep it because drafts such - - - ?---If it
11:30:08 9 was called for by any of the parties.
10
11:30:10 11 Yes. And quite often if someone's going to contest a
11:30:14 12 matter they'll call for draft copies of statements; is that
11:30:17 13 right?---Certainly, yes.
14
11:30:20 15 You're not aware of any practice of getting rid of such
11:30:24 16 statements?---Correct.
17
11:30:26 18 You would have done something about it if you had have
11:30:30 19 become aware of it?---Yes.
20
11:30:34 21 As a result of those statements you would have become aware
11:30:39 22 that there were charges laid against people, ██████████
11:30:45 23 ██████████ and ██████████ about a month later?---I
11:30:53 24 understand there were charges laid against ██████████, yes.
25
11:30:57 26 And ██████████ ---You're talking about
11:31:05 27 additional charges or - - -
28
11:31:06 29 Well, ██████████ and ██████████ hadn't yet been charged
11:31:10 30 at all and ██████████ was implicated also additionally to
11:31:16 31 the murder he'd been charged with, with the ██████████ murder;
11:31:21 32 is that right?---Yes, correct.
33
11:31:22 34 And ██████████ and ██████████ were also implicated in
11:31:26 35 those statements?---So I understand, yes.
36
11:31:30 37 There were charges laid against those people on ██████████
11:31:34 38 2004?---Yeah, I can't remember, sorry.
39
11:31:41 40 Do you recall those people being charged?---I recall the
11:31:45 41 charging of ██████████ and ██████████
42
11:31:49 43 Do you recall ██████████ being charged with ██████████?---I
11:31:58 44 recall him being charged with murder but I don't know
11:32:01 45 whether we were still around at that time. He may have
11:32:05 46 been charged just before we finished there.
47

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11:32:07 1 Well the evidence indicates that he was charged along with
11:32:10 2 [REDACTED] and [REDACTED] on [REDACTED] 2004, a month after
11:32:16 3 [REDACTED] signed his statements?---Okay, yep. So we were
11:32:19 4 still there.
5
11:32:20 6 Yes. On the day that [REDACTED] was charged he asked to
11:32:26 7 speak to Nicola Gobbo to represent him?---Yeah, I'm unaware
11:32:32 8 of who, which accused was seeking legal advice from.
9
11:32:40 10 Do you say you didn't become aware that Nicola Gobbo came
11:32:43 11 to represent [REDACTED] around that time?---I can't remember
11:32:50 12 at the charging of [REDACTED] whether she was representing
11:32:53 13 him or not, but obviously she did subsequently.
14
11:32:56 15 And when you say obviously she did subsequently, you would
11:33:01 16 have been aware that she was turning up in court to
11:33:05 17 represent him following that?---Correct.
18
11:33:07 19 Did you see any issue with her representing [REDACTED]
11:33:12 20 [REDACTED] ---No.
21
11:33:12 22 Given her involvement with [REDACTED] --No, none at all.
23
11:33:15 24 You didn't see a potential conflict of interest between her
11:33:20 25 having represented [REDACTED] and her now representing
11:33:24 26 [REDACTED] who might want to challenge [REDACTED]
11:33:29 27 evidence?---No, the only conflict I see is when -
11:33:34 28 essentially I suppose an accused may speak to counsel and
11:33:41 29 then - about a specific matter and then if another accused
11:33:48 30 is represented by the same legal professional then if the
11:33:55 31 matter is of not akin evidence then I don't see really a
11:34:01 32 problem with claiming that.
33
11:34:05 34 Well, taking that into account, [REDACTED] has given an
11:34:09 35 account of a particular matter, [REDACTED], saying [REDACTED]
11:34:17 36 was involved in [REDACTED]. [REDACTED] then seeks to be
11:34:25 37 represented by the very same solicitor who's assisted him
11:34:28 38 in making that statement. Do you see a problem?---No.
39
11:34:42 40 You've already said this but you accept or you knew that
11:34:45 41 she was turning up to court for [REDACTED] throughout the
11:34:48 42 rest of that year?---Yes.
43
11:34:54 44 That those matters that she was appearing for him in court
11:34:57 45 included the seeking of disclosure materials from the
11:35:04 46 police in relation to the prosecution of [REDACTED] ---No, I
11:35:11 47 can't say I had an awareness of those.

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1
11:35:15 2 If [REDACTED] was intending to challenge those charges you
11:35:19 3 would accept that it's highly likely that he would have
11:35:23 4 been seeking disclosure?---Yes, definitely.
5
11:35:27 6 That disclosure might include how the statement came about
11:35:31 7 from [REDACTED] --Yes.
8
11:35:35 9 Then that might reveal that Ms Gobbo was involved in the
11:35:38 10 statement taking process of [REDACTED] ---That may be so.
11
11:35:46 12 Presumably if that's in the police notes that ought be
11:35:52 13 disclosed then that would be revealed?---In terms of
11:35:57 14 disclosure?
15
11:35:59 16 Yes?---Yes, but then my understanding would be that
11:36:06 17 application could be made that those issues be suppressed.
18
11:36:10 19 On what basis?--Well, I'm not the solicitor. I have a
11:36:17 20 view that solicitors and barristers can make application
11:36:21 21 for suppression of certain issues.
22
11:36:24 23 Was any such application made?--I have no idea.
24
11:36:28 25 Do you know if there was any discussion about the
11:36:31 26 possibility of keeping Ms Gobbo's name out of notes to be
11:36:35 27 disclosed by the police?---I'm unaware of any.
28
11:36:45 29 Do you recall there being any concern raised during that
11:36:48 30 period of time about Ms Gobbo being able to independently
11:36:51 31 represent the interests of [REDACTED] ---No.
32
11:37:03 33 [REDACTED] was ultimately sentenced in [REDACTED] of [REDACTED]. Did
11:37:08 34 you attend that proceeding, or the plea hearing?---Yeah, I
11:37:15 35 don't have a recollection of attending that.
36
11:37:17 37 You would have been aware that he pleaded guilty to the
11:37:22 38 single murder charge related to [REDACTED]?---Yes.
39
11:37:26 40 He provided three jurated statements in relation to [REDACTED]
11:37:32 41 murders, the murder of [REDACTED], the murder of
11:37:35 42 [REDACTED] and [REDACTED] and also the murder of
11:37:40 43 [REDACTED], you would have been aware - - - ?---I was aware
11:37:47 44 he made statements but I'm unaware off the top of my head
11:37:51 45 as to which homicides he contributed to solving.
46
11:37:55 47 You were aware he was given an indemnity in relation to

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11:37:58 1 [REDACTED] of those [REDACTED] murders?---No, I'm not aware.
2
11:38:03 3 You would have known that he ultimately received a minimum
11:38:07 4 term of [REDACTED]?---Yes, it would have been in discussions.
5
11:38:18 6 Following that, in [REDACTED] there was a committal
11:38:22 7 proceeding in relation to [REDACTED]
11:38:29 8 [REDACTED] Were you around when those proceedings came on?---I
11:38:34 9 would have still been at the Task Force, yes.
10
11:38:37 11 Were you aware that Ms Gobbo was involved in the
11:38:40 12 preparation of the committals for senior counsel for both
11:38:47 13 [REDACTED] and [REDACTED]?---I don't think I would have
11:38:54 14 been aware who was actually representing whom at that time.
15
11:38:58 16 Might you have had some concerns that she was preparing
11:39:03 17 materials for the committals of [REDACTED] and [REDACTED]
11:39:06 18 if you had have known about it?---Can you restate that one,
11:39:16 19 please?
20
11:39:17 21 Would you have been concerned that she was involved in the
11:39:21 22 preparation of materials for the committals of [REDACTED]
11:39:25 23 [REDACTED] and [REDACTED] if you had have known given her
11:39:30 24 involvement with [REDACTED] and her concerns that her role
11:39:32 25 not be revealed?---No.
26
11:39:37 27 Might she be not interested in keeping from those people
11:39:42 28 and from senior counsel the fact that she was involved in
11:39:47 29 the statement taking process of [REDACTED] ---In hindsight
11:39:55 30 that would have been a good thing.
31
11:40:00 32 [REDACTED] was cross-examined over a number of days in that
11:40:03 33 committal proceeding, do you recall that occurring?---Not
11:40:06 34 at all, no.
35
11:40:09 36 On 23 March 2005 are you aware that Ms Gobbo rang Detective
11:40:16 37 Bateson and thanked him for keeping her name out of the
11:40:19 38 committal proceedings?---No, I'm unaware of that.
39
11:40:30 40 You indicate in your statement at paragraph 16 that you
11:40:33 41 were told by Bateson and Ryan at a later date about
11:40:41 42 [REDACTED] assisting police in return for a deal,
11:40:46 43 do you recall that?---Yes, yes.
44
11:40:48 45 We know that [REDACTED] signed statements and that that was
11:40:52 46 all occurring at the time you were at Purana in
11:40:57 47 2004?---Yes.

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1
11:40:59 2 It seems that [REDACTED] has signed statements in early 2006
11:41:03 3 and [REDACTED] in mid-2006, so were you having a conversation with
11:41:08 4 Bateson and Ryan some time after mid-2006 about those
11:41:13 5 matters?---We still kept in fairly regular contact despite
11:41:19 6 the fact that I'd left and that [REDACTED] were
11:41:31 7 providing advice or assistance in relation to that matter.
8
11:41:53 9 Did you enquire at all about Ms Gobbo's involvement in any
11:41:53 10 of those matters?---No, I did not.
11
11:41:53 12 Following the committal in [REDACTED] it seems as
11:41:53 13 though Detective Bateson began to receive intelligence from
11:41:54 14 Ms Gobbo herself which was of interest to Purana through
11:41:59 15 until September 2005, when she was formally registered by
11:42:02 16 the Source Development Unit. Were you made aware of
11:42:07 17 that?---No, never.
18
11:42:11 19 Amongst the other matters that she provided him with
11:42:15 20 information about, it seems she was- she spoke to him about
11:42:21 21 a number of lawyers, including suggesting the source -
11:42:26 22 perhaps whilst I do this, Your Honour, it actually - sorry,
11:42:30 23 Commissioner, this could probably be done in public
11:42:32 24 hearing.
25
11:42:33 26 COMMISSIONER: Yes, all right. You'll be a little while
11:42:36 27 yet?
28
11:42:37 29 MS TITTENSOR: I've got one further area to broach after
11:42:40 30 this.
31
11:42:41 32 COMMISSIONER: We'll have the mid-morning break then.
11:42:43 33 We'll adjourn for 10 minutes.
11:43:11 34
35 (Short adjournment.)
36
37
38
39
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41
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These claims are not yet resolved.

1 PROCEEDINGS IN CAMERA:

2
14:02:54 3 COMMISSIONER: We are now in closed hearing. The orders
14:02:56 4 relating to Mr Trichias' evidence yesterday are still
14:03:00 5 apposite.

6
14:03:02 7 MR WINNEKE: Thanks, Commissioner. I call Mr Trichias.

8
14:03:06 9 COMMISSIONER: Yes. Return to the witness box, please,
14:03:07 10 Mr Trichias.

11
14:03:10 12 <PETER TRICHIAS, recalled:

13
14:03:23 14 MR WINNEKE: Thanks, Commissioner.

15
14:03:24 16 Mr Trichias, I just wanted to clarify one thing. When you
14:03:27 17 gave evidence on the first occasion, I asked you about the
14:03:31 18 sorts of records that you kept of investigations and we've
14:03:34 19 got your diaries, your official diaries?---Yes.

20
14:03:37 21 And you spoke about also running day books?---Yes.

22
14:03:41 23 And you said that they were phased out?---Yes, they were.

24
14:03:44 25 Can you just have a look at that document there. I'm not
14:03:49 26 suggesting it's of any relevance to Ms Gobbo, but can you
14:03:52 27 just describe what that is?---So that's basically a
14:03:55 28 transcript of my day book.

29
14:03:57 30 Yes?---And these would have been probably amongst the last
14:04:00 31 entries that I used day books.

32
14:04:02 33 All right?---These were compiled for the purposes of the
14:04:05 34 trials at the time.

35
14:04:06 36 Right. I think it may well be that they were compiled - a
14:04:11 37 typed-out version - - -?---Yes.

38
14:04:12 39 - - - of entries in your day book by way of disclosure, I
14:04:16 40 think, for the purposes of the [REDACTED]
14:04:20 41 trial?---Probably the [REDACTED] trial and then again the
14:04:23 42 [REDACTED] trial.

43
14:04:25 44 All right. Perhaps if you can just hand that back. You
14:04:28 45 stay by the proposition or the evidence you gave before,
14:04:30 46 that assuming those entries are around early July of 2006,
14:04:36 47 you believe that at some stage after that you phased them

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14:04:41 1 out and then just continued to use your diary; is that
14:04:45 2 right?---Yes, that's correct.
3
14:04:46 4 Are you able to say when you think your last day book
14:04:51 5 entries were?---I could give you a date.
6
14:04:54 7 Yes?---The last day book entry that I made was on 10 July.
8
14:04:58 9 10 July, five days after that?---2006, that's correct.
10
14:05:04 11 Thanks very much. Commissioner, the other day I was asking
14:05:08 12 questions of Mr Trichias about a couple of documents, one
14:05:13 13 of which was an information report. There was another one
14:05:18 14 which was a court book entry of Ms Gobbo and the other one
14:05:24 15 was a summary of ICRs in relation to discussions that she
14:05:33 16 had about the execution of a warrant upon her chambers. I
14:05:37 17 tender those. I don't think I tendered them, Commissioner.
14:05:40 18 I seek to do so now.
19
14:05:42 20 COMMISSIONER: Could you just help me with a little bit
14:05:44 21 more detail about the Nicola Gobbo court book entry,
14:05:47 22 because there have been so many of them. Have you got the
14:05:50 23 dates?
24
14:05:51 25 MR WINNEKE: This is a court book entry evidencing her
14:05:53 26 visit to [REDACTED] on [REDACTED] 2006. It also indicates
14:06:01 27 that - or appears to indicate that she saw [REDACTED] on
14:06:06 28 that day.
29
14:06:11 30 #EXHIBIT RC255 - Court book entry re visit to [REDACTED] on
14:06:13 31 [REDACTED] 2006.
32
14:06:14 33 COMMISSIONER: The information report, the date of that?
34
14:06:17 35 MR WINNEKE: The information report is - it's entered on
14:06:27 36 [REDACTED] 2006.
37
14:06:31 38 COMMISSIONER: Yes. That'll do.
39
14:06:37 40 MR WINNEKE: Mr Trichias, you said that that wouldn't have
14:06:39 41 been your information report, it would have been prepared
14:06:41 42 by someone else?---Grant Kelly.
43
44 Grant Kelly?---Yes
45
14:06:43 46 An information report prepared by Grant Kelly, 7 December
14:06:47 47 2006.

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1
14:06:48 2 #EXHIBIT RC256 - Information report prepared by Grant
14:06:46 3 Kelly 7/12/2006.
4
14:06:51 5 COMMISSIONER: And the summary of the ICRs, Exhibit 257.
14:06:55 6
14:06:55 7 #EXHIBIT RC257 - Summary of ICRs.
8
14:07:00 9 MR WINNEKE: Thanks, Commissioner.
10
14:07:01 11 COMMISSIONER: Thank you.
12
14:07:02 13 MR WINNEKE: Just whilst I'm on that court book entry of
14:07:11 14 Ms Gobbo's, what you do say is you weren't aware that she'd
14:07:15 15 been to see [REDACTED] on [REDACTED]?---That's correct.
16
14:07:19 17 You accept the proposition that the information that
14:07:23 18 appears to be in that court book entry is more so than
14:07:29 19 simply, "Saw [REDACTED] re her pending trial. No details
14:07:35 20 given"?---That's correct.
21
14:07:37 22 There seems to be a paucity of information insofar as what
14:07:41 23 she's told her handlers?---Yes.
24
14:07:43 25 And it appears also that - judging from what she then says
14:07:52 26 to the handlers some days later, on 26 November, it appears
14:07:56 27 that she's been informed that there is some interest in
14:08:04 28 what was going on on 31 March of 2004 and her involvement,
14:08:11 29 whether she was somehow communicating with Mr Mokbel on
14:08:16 30 that day?---That's correct.
31
14:08:17 32 And it appears that that information having been conveyed
14:08:21 33 to her, she then provides a little bit more information to
14:08:24 34 the handlers on 26 November, about six days after you get
14:08:28 35 the information that you get from [REDACTED] when you visit
14:08:31 36 him on the 20th?---That's correct.
37
14:08:44 38 I think you've said before you've been to see - you go out
14:08:47 39 to see [REDACTED] on a number of occasions during the course
14:08:51 40 of getting statements from him and can I suggest to you
14:08:58 41 that you would have been to see him on 27 September of
14:09:06 42 2006, and the reason I'll suggest that to you is because
14:09:11 43 I'm going to show you a transcript?---Yes.
44
14:09:25 45 That information's been provided to the Royal Commission.
14:09:28 46 What it appears to be is a transcript of a conversation
14:09:32 47 between you and [REDACTED] and that's on 27 September. I

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P. TRICHIAS XXN - IN CAMERA

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14:09:39 1 think if you turn over that page, you'll see another -
14:09:43 2 that's got p.63 on the bottom right; is that right?---The
14:09:46 3 first page, yes.
4
14:09:48 5 The first page. The second page has - what page is
14:09:51 6 that?---27.
7
14:09:52 8 Right. If you go over to the next page?---51.
9
14:09:58 10 If I can ask you to focus on p.63 at the moment. It
14:10:03 11 appears that there's certainly you and [REDACTED] having a
14:10:10 12 discussion?---That's correct.
13
14:10:11 14 If you read that, does that - if you read that transcript,
14:10:15 15 does that refresh your memory as to the conversation that
14:10:18 16 you've had with him?---Yes, it does.
17
14:10:23 18 Are you able to tell the Commission what that - and
14:10:27 19 assuming it is 27 September 2006, are you able to tell the
14:10:32 20 Commissioner what's going on in that discussion?---I think
14:10:37 21 at that stage we were trying to get information relevant to
14:10:42 22 [REDACTED]
23
14:10:44 24 Say that again?---We tried to get information relevant to
14:10:47 25 [REDACTED]
26
14:10:49 27 Right.
28
14:10:50 29 COMMISSIONER: Sorry, I missed the last bit?---Sorry,
14:10:51 30 Commissioner.
31
14:10:52 32 Yes?---The purpose of this visit, it appears I've gone
14:10:55 33 there with Jim O'Brien.
34
14:10:57 35 Yes?---And we were going to speak to him in relation to the
14:11:00 36 police involvement relevant to the murder of [REDACTED]
14:11:02 37 [REDACTED]
38
14:11:04 39 Thank you.
40
14:11:05 41 MR WINNEKE: If you could just hand that document back,
14:11:07 42 because it may well be that the order in which - the pages
14:11:10 43 are not quite consecutive. What it appears to be, and I
14:11:24 44 suggest to you that this is in fact the situation, p.63 is
14:11:31 45 p.63 of a transcript of a conversation that you, O'Brien
14:11:34 46 and [REDACTED] are having on 27 September?---Yes.
47

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These claims are not yet resolved.

14:11:40 1 What's on the back of the first page, and I apologise for
14:11:42 2 this, is p.27 of a different conversation, which was had
14:11:46 3 later in the following year, 16 February 2007?---Okay.
4
14:11:52 5 If you were to check your diaries, I assume that you'd - -
14:11:57 6 - ?---I have.
7
14:11:58 8 - - - it would confirm that you've been out to see him on
14:12:01 9 both of those dates, 27 September 2006?---Yes.
10
14:12:04 11 And I think there's a reference to a digital recording or a
14:12:08 12 recording which was made?---That conversation was recorded,
14:12:10 13 that's correct.
14
14:12:11 15 And again on 16 February 2007 there was a recording of the
14:12:14 16 conversation?---Yes, that's correct.
17
14:12:30 18 All right. The reason it's in that order is because it's
14:12:34 19 been part of a document which has been provided to the
14:12:37 20 Commission and a number of points were made in the
14:12:41 21 document, but the first page of the document, that
14:12:44 22 transcript is p.63 of the conversation which occurred on
14:12:48 23 the 27th, the second page is the 27th, p.27 of the later
14:12:53 24 conversation, then it goes back to the conversation on the
14:12:58 25 27th of September, do you see that?---That's correct, I do
14:13:02 26 see that.
27
14:13:03 28 The point I wanted to make is this: I was asking you before
14:13:06 29 about Gobbo going out to see [REDACTED] and it clearly is
14:13:11 30 the case that she does so on [REDACTED]?---Yes.
31
14:13:14 32 You're not aware of that and you don't find out about that
14:13:18 33 until this proceeding?---That's correct.
34
14:13:21 35 It may well be that she's had communications with [REDACTED]
14:13:24 36 even before the [REDACTED], because she goes out to
14:13:27 37 visit her other customers, [REDACTED] potentially and I
14:13:34 38 think [REDACTED] and she's going out to see those people at
14:13:38 39 various stages well back prior to 2006 - maybe 2005 and
14:13:44 40 earlier?---Yes.
41
14:13:46 42 Obviously, you're not getting all of that information and
14:13:51 43 it's not coming to you that she's going to see these other
14:13:56 44 people, [REDACTED] and [REDACTED] and perhaps even getting
14:14:00 45 messages or communicating with [REDACTED]?---I was aware she
14:14:04 46 was seeing the other witnesses, because they were her
14:14:06 47 clients.

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1
14:14:07 2 Yes?---But I wasn't aware of the conversation or the
14:14:09 3 approach she had with [REDACTED]
4
14:14:11 5 Are you aware that - has it been suggested to you that she
14:14:18 6 had spoken to [REDACTED] some time in 2005, has that ever
14:14:23 7 been brought to your attention?---I don't have a memory of
14:14:27 8 that, no.
9
14:14:30 10 Has it ever been suggested to you that she gave information
14:14:34 11 to [REDACTED] which had some bearing on his decision to, in
14:14:40 12 effect, if we can use the vernacular, roll and give
14:14:51 13 evidence and plead guilty?---No, I don't think that's the
14:14:55 14 case.
15
16 You don't think that that's the case?---No
17
14:14:55 18 When you say you don't think it's the case, you don't think
14:14:58 19 you've ever heard that or it's never been
14:15:01 20 suggested?---Both.
21
14:15:01 22 If we go to p.63 of that transcript. He says, "Certain
14:15:08 23 people now know that I'm talking to you in relation to this
14:15:11 24 matter"?---M'mm.
25
14:15:13 26 "Certain people". There's you, Mr O'Brien - obviously
14:15:16 27 that's Jim O'Brien - Grant Kelly - - -?---Yes.
28
14:15:19 29 - - - a Purana member, Margaret - that's Margaret Schultz,
14:15:23 30 who's the informant in [REDACTED]?---That's correct.
31
14:15:25 32 The guy that came out with Margaret, so obviously
14:15:29 33 Margaret's offsider. Who would that be?---Mark
14:15:33 34 Butterworth.
35
14:15:33 36 And then there's a name that's blanked out there. Do you
14:15:37 37 recall whose name that was?---No.
38
14:15:39 39 Are you able to produce a document which isn't blanked
14:15:41 40 out?---I'm able to access it, yes.
41
14:15:45 42 Would you be in a position to provide that to the Royal
14:15:47 43 Commission?---Yes.
44
14:15:48 45 And you undertake to do so?---Yes.
46
14:15:51 47 Thank you. He says, "That's seven people" and then you

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14:15:54 1 say, "Yeah, but they're all trusted people, every single
14:15:58 2 one of these people you can vouch for". He says, "Dave
14:16:03 3 Waters was trusted once, you know what I'm saying?" In any
14:16:06 4 event, you don't have any idea who that person might
14:16:12 5 be?---Not reading off this, no.
6
14:16:14 7 You don't think it's Nicola Gobbo?---I don't think so.
8
14:16:16 9 What about if we go to the next page, p.27. We've only got
14:16:23 10 one page, but it says at the top, and we don't know exactly
14:16:27 11 what this is, "But we're already doing that now, other
14:16:30 12 people are turning up" - it's not clear whether that's [REDACTED]
14:16:33 13 who's saying that or O'Brien or, indeed, you?---M'mm.
14
14:16:41 15 And O'Brien says, "So we're getting them thrown out". And
14:16:44 16 he says, "That's just automatic". Then O'Brien says,
14:16:50 17 "Yeah, you know, we're aware of those things, we're on top
14:16:53 18 of those things. We've got certain lines of intelligence
14:16:56 19 that we're continually upgrading, so we're aware, and on
14:17:02 20 top of what these people are doing and what their
14:17:05 21 connections are". He then says, "I just can't understand,
14:17:08 22 Jim. You're probably frustrated yourself in her ability to
14:17:15 23 run things like that, to run from one to the other and
14:17:17 24 information gathering and conspire. Her herself has got
14:17:18 25 dirty hands"?---M'mm.
26
14:17:20 27 O'Brien says, "Yeah". "I can't understand how she's been
14:17:26 28 allowed". And then it's blanked out. Do you know who he's
14:17:30 29 talking about?---No, not at that point, not without
14:17:34 30 looking - - -
14:17:34 31
14:17:34 32 Is it Nicola Gobbo?---Well, the way I read it, potentially,
14:17:37 33 but until I actually read the unredacted versions, I don't
14:17:45 34 know.
35
14:17:47 36 Right. "Run rings", I apologise, "run rings like
14:17:53 37 that"?---And that's in February 2007, this conversation.
38
14:17:56 39 That's February 2007.
40
14:17:57 41 COMMISSIONER: We don't have the unredacted version to show
14:18:00 42 to the witness?
43
14:18:01 44 MR WINNEKE: No, that's the only one we have, Commissioner.
14:18:03 45 Do you have an unredacted version of that?---No, I don't.
46
14:18:07 47 You can access it - - -

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These claims are not yet resolved.

1
14:18:09 2 COMMISSIONER: Mr Hannebery?
3
14:18:10 4 MR HANNEBERY: We'll make some enquiries about that?---If
14:18:15 5 it helps, I can refer to my diary and see what notes I have
14:18:19 6 in relation to it.
7
14:18:19 8 MR WINNEKE: By all means. Go for your life?---So the
14:18:50 9 27 September conversation, the majority of that related to
14:18:53 10 the [REDACTED] investigation.
11
14:18:54 12 Yes?---And the concerns about [REDACTED] naming police
14:19:00 13 involvement, that's the bulk of that conversation.
14
14:19:05 15 Yes?---And there's no mention of Ms Gobbo in my notes.
16
14:19:09 17 No?---The 16 February conversation, once again he's got -
14:19:58 18 other than witness security matters, he's concerned about
14:20:02 19 naming the ex-police members.
20
14:20:04 21 Yes?---And that he ended up making a statement to
14:20:12 22 Jim O'Brien and he's had concerns about implicating police
14:20:26 23 members.
24
14:20:27 25 Yes?---But there's no mention of - - -
26
14:20:29 27 No mention of Nicola Gobbo?---Not in my notes, no.
28
14:20:32 29 Or who it might be, the female who he appears to be talking
14:20:36 30 about, there's no indication of that?---No, not in my
14:20:38 31 notes.
32
14:20:39 33 But in any event, what you do say is there will be a
14:20:41 34 transcript - well, clearly there is?---Yes.
35
14:20:44 36 It will be an unredacted transcript, there will probably be
14:20:49 37 tapes, one would assume, or at least recordings of those
14:20:51 38 conversations, if they still exist?---Jim O'Brien recorded
14:20:55 39 all these conversations, so there should be tapes.
40
14:20:57 41 Was it invariably the case that you went out to see [REDACTED] with
14:21:02 42 Jim O'Brien?---In relation to that specific - the purpose
14:21:04 43 of going out to see him, it was specifically relevant to
14:21:07 44 the [REDACTED] investigation.
45
14:21:09 46 Yes?---And in relation to naming the police members which
14:21:12 47 he had concerns about. So Jim's gone out for that specific

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P. TRICHIAS XXN - IN CAMERA

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14:21:16 1 purpose.
2
14:21:16 3 All right. And you, obviously, went to see him on other
14:21:19 4 occasions?---Yes.
5
14:21:24 6 Did you, when you went out to see him, record him?---No,
14:21:26 7 not all the times, no.
8
14:21:28 9 Not all the times?---No.
10
14:21:29 11 Any of the times?---When we first began to speak to him,
14:21:35 12 prior to him becoming a witness and making statements, all
14:21:39 13 our conversations were recorded.
14
14:21:40 15 Yes?---And up until we took a statement from him, and from
14:21:46 16 then on, we didn't record him.
17
14:21:47 18 You didn't record him?---No.
19
14:21:49 20 What about where he made changes to his statements or
14:21:53 21 additions to his statements, were those recorded?---No.
22
14:21:55 23 And we know - I think you've said that he made [REDACTED]
14:21:59 24 statements and there were additions and additional
14:22:02 25 information that he provided during the course of the
14:22:04 26 trial?--- [REDACTED]
27
14:22:06 28 Yes?---Yes.
29
14:22:08 30 COMMISSIONER: Are you tendering those documents?
31
14:22:14 32 MR WINNEKE: I'm tendering the transcripts, Commissioner,
14:22:16 33 yes.
34
14:22:16 35 COMMISSIONER: The redacted transcript of 27 September 2006
14:22:21 36 and 16 February 2007 between this witness, Jim O'Brien and
14:22:30 37 [REDACTED]
38
14:22:32 39 MR WINNEKE: Yes.
40
14:22:33 41 #EXHIBIT RC258 - Redacted transcript of 27/9/2006 and
14:22:22 42 16/2/2007 between this witness, Jim
14:22:29 43 O'Brien and [REDACTED]
44
14:22:36 45 MR WINNEKE: Mr Hannebery's indicated that he'll make every
14:22:39 46 effort to provide us with the unredacted copies of those
14:22:41 47 transcripts.

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P. TRICHIAS XXN - IN CAMERA

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1
14:22:42 2 Just on that subject about Ms Gobbo speaking to [REDACTED]
14:22:55 3 during the course of the trial in the - the [REDACTED]
14:23:01 4 trial against [REDACTED] and a number of others, [REDACTED] was
14:23:10 5 examined and cross-examined and was in the witness box for
14:23:12 6 quite some period of time, over a number of days, was
14:23:15 7 it?---That's correct.
8
14:23:16 9 Were you present when he was giving his evidence or
14:23:19 10 not?---Not for the entirety, no.
11
14:23:20 12 But at various stages you were in court when he was giving
14:23:24 13 evidence?---I don't know what exact dates, but I was in and
14:23:26 14 out of court.
15
14:23:27 16 At one stage in re-examination, questions were being asked
14:23:30 17 of him - I think by Mr Tinney - Commissioner, I might hand
14:23:39 18 up a transcript to you and also to the witness, so he can
14:23:43 19 follow it.
20
14:23:44 21 COMMISSIONER: Thank you.
22
14:23:52 23 MR WINNEKE: This is at p.1294. At line 20 he says, "When
14:23:59 24 you were asked - when it was put to you that you were
14:24:01 25 concerned that someone else might implicate you in the
14:24:04 26 [REDACTED] matter" - this is in re-examination, so
14:24:08 27 he's been cross-examined and he'd been asked questions
14:24:12 28 about why he would be implicating - why he would be making
14:24:15 29 a statement and, in effect, it was put during the course of
14:24:18 30 his cross-examination albeit that he said that he had in
14:24:21 31 fact been involved in [REDACTED] it was actually
14:24:23 32 suggested to him that he hadn't been, by the defence. Do
14:24:26 33 you understand that?---Yes, I do.
34
14:24:28 35 Sort of an unusual turn of events, but in any event, that
14:24:30 36 was put to him and it was said, "Do you agree or disagree
14:24:37 37 with that, please?" And he agreed with that. "Who were
14:24:43 38 you talking about?" "I was talking about [REDACTED]
14:24:45 39 [REDACTED]." "Who was that?" "You're talking about [REDACTED]
14:24:49 40 [REDACTED] in this case?" "One of the [REDACTED] in
14:24:54 41 this case, yes." "Who was that?" [REDACTED] "Just
14:24:58 42 going further, however, into your reason for coming forward
14:25:03 43 about the [REDACTED] matter, are you saying that that
14:25:08 44 was one of the things that was a concern to you?" He says,
14:25:11 45 "That and a couple of other matters, yes." "What were the
14:25:13 46 other things - your other reasons for coming forward and
14:25:16 47 [REDACTED] in this crime, where you did not believe

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P. TRICHIAS XXN - IN CAMERA

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These claims are not yet resolved.

14:25:21 1 [REDACTED] " And he says, "In addition to what
14:25:23 2 I've already said in relation to leaving innocent people
14:25:26 3 alone, leave them out of it, to get the truth in relation
14:25:29 4 to another matter and also I'd had a visit off a lawyer,
14:25:33 5 Nicola Gobbo, who also told me things were being said in
14:25:37 6 relation to this case"?---M'mm.
7
14:25:39 8 Do you recall that evidence being given?---Yeah, I do.
9
14:25:42 10 You do?---Yes.
11
14:25:46 12 Are you able to shed some light on that? Did you make any
14:25:51 13 enquiries about that at any stage?---No. The way he was
14:25:56 14 thinking at the time, he didn't trust Ms Gobbo.
15
14:25:59 16 Right. He didn't trust Ms Gobbo?---No. He felt, whether
14:26:07 17 it's based on anything factual, but he felt that she was
14:26:10 18 trying to come and see him in relation to this matter,
14:26:13 19 [REDACTED]
20
14:26:13 21 Yes?---And that's the extent of it.
22
14:26:16 23 And he says that she did come and see him in relation to
14:26:20 24 that, and certainly she came to see him?---I'm not sure
14:26:24 25 whether she actually physically saw him in relation to
14:26:28 26 [REDACTED] I'm not aware of that, whether she
14:26:29 27 attempted - - -
14:26:29 28
14:26:31 29 It may well be that she did or she didn't, but you're not
14:26:32 30 aware?---I don't know, no, unless she's attempted to see
14:26:36 31 him, I'm not too sure.
32
14:26:37 33 But what he says is that he'd had a visit off a lawyer,
14:26:44 34 Nicola Gobbo?---Yes.
35
14:26:45 36 And she had told him things?---Yes, he does say that.
37
14:26:48 38 Did you ever find out what she had told him that caused him
14:26:53 39 to, in effect, admit to the murder?---No, that's not the
14:26:59 40 reason why he's admitted to the murder.
41
14:27:01 42 Well, what's the reason? What's he talking about then in
14:27:04 43 this statement that he's making?---I'm not too sure. But
14:27:08 44 if you rewind, if you go back in our conversations that we
14:27:13 45 had with him in relation to [REDACTED], back then, and I'm
14:27:17 46 talking about 2004, 2005, back then he was alluding to the
14:27:20 47 fact that he was coming to speak to us about another

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14:27:23 1 homicide. I don't think that's - that's not the reason why
14:27:25 2 he's come forward, if that's what you're suggesting.
3
14:27:27 4 No, I'm asking you what you understand him to be saying
14:27:30 5 here?---My understanding of it was that he had - as I said
14:27:36 6 before, he didn't trust Ms Gobbo and he felt as if she was
14:27:42 7 trying to get information out of him, and maybe that's what
14:27:45 8 he's referring to there.
9
14:27:46 10 It may be, but are you saying you've never actually spoken
14:27:50 11 to him about that?---Not about that exact - I would have
14:27:54 12 spoken to him over the years in relation to it.
13
14:27:57 14 Before he gave evidence in the trial?---No, not in relation
14:27:58 15 to that, no.
16
14:28:01 17 So that came as news to you during the course of the
14:28:03 18 trial?---No, I aware that she did go and see him in
14:28:07 19 relation to, obviously, [REDACTED] previously to that, in
14:28:09 20 2006, but - - -
21
14:28:10 22 No, what I'm - this is a not insignificant piece of
14:28:14 23 evidence because he's suggesting in the trial, in front of
14:28:17 24 a jury, that one of the reasons that he comes forward and
14:28:21 25 [REDACTED] is because of something Nicola
14:28:25 26 Gobbo told him, he's had a visit from her and she's told
14:28:28 27 him something and that's contributed to his decision to
14:28:31 28 come forward [REDACTED] --I disagree
14:28:35 29 with that. I don't think that's the case at all.
30
14:28:36 31 I'm simply going from his answer to the question?---Well,
14:28:39 32 that's his answer, that's something probably he needs to be
14:28:42 33 asked about, but my understanding was - and this trial was
14:28:47 34 in 2014.
35
14:28:48 36 Yes?---My understanding is that the reason why he came
14:28:51 37 forward back in the day has nothing to do with any of this.
14:28:55 38 She tried to visit him.
39
14:28:57 40 All right. So, in effect, your view is that he was telling
14:29:00 41 a lie when he said that?---I don't know what he's actually
14:29:03 42 saying, I don't know whether it's a lie or not, but clearly
14:29:05 43 she did try and go and see him.
44
14:29:07 45 Well, if it's the truth, what he's saying is, in answer to
14:29:10 46 a question, "What are the other things - your other reasons
14:29:14 47 for coming forward [REDACTED]"

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14:29:17 1 where you did not believe [REDACTED]?", what he
14:29:20 2 says is one of the reasons is he'd had a visit off a
14:29:25 3 lawyer, Nicola Gobbo, "who also told me things were being
14:29:27 4 said in relation to this case"?---M'mm.
5
14:29:30 6 I mean, that's - if what he is saying is the truth, he says
14:29:34 7 that one of the reasons he comes forward and [REDACTED]
14:29:37 8 [REDACTED] is something that Gobbo had said to
14:29:40 9 him?---That's not what he ever relayed to us.
10
14:29:44 11 He didn't relay that to you?---No.
12
14:29:47 13 So he's either telling lies to you or telling lies to the
14:29:50 14 jury?---It may be the case that she did try and see him.
15
14:29:54 16 In any event, she did see him?---Yes.
17
14:29:56 18 We know that - at least on one occasion?---That's right.
19
14:29:57 20 And you weren't told about that?---But as to when this
14:29:59 21 conversation occurs, I can't answer that.
22
14:30:14 23 If I can just deal with another matter in relation to
14:30:20 24 Operation [REDACTED] the [REDACTED] trial - - -
25
14:30:23 26 COMMISSIONER: Do you want to tender this?
27
14:30:25 28 MR WINNEKE: I tender that, Commissioner, yes.
14:30:27 29
14:30:27 30 #EXHIBIT RC259A - Unredacted transcript extract dated
14:30:32 31 26/5/14 re [REDACTED]
14:30:39 32
14:30:27 33 #EXHIBIT RC259B - Redacted transcript extract dated
14:30:32 34 26/5/14 [REDACTED]
14:30:39 35
14:30:40 36 MR HANNEBERY: Commissioner, can I just say in relation to
14:30:41 37 this document and in relation to the others, there's going
14:30:42 38 to have to be a PII review of the material, I think. I can
39 say certainly in relation to the document that's just been
14:30:48 40 tendered, whilst it looks like it has had some redactions,
14:30:52 41 on the previous page there's mention of unredacted names.
42
14:30:57 43 MR WINNEKE: Righto. It won't go on to the - until that's
14:31:00 44 been sorted out, Commissioner.
45
14:31:04 46 COMMISSIONER: A will be the unredacted and B will be the
14:31:09 47 redacted version.

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14:31:10 1
14:31:10 2 MR HANNEBERY: I say that in relation to all the exhibits
14:31:12 3 that have been tendered this afternoon.
4
14:31:15 5 MR WINNEKE: Commissioner, we've made every effort to
14:31:18 6 redact them in the way in which we think the police would
14:31:21 7 redact them, but we're more than happy to accept their
14:31:23 8 advice about it - well, within reason.
9
14:31:26 10 COMMISSIONER: All right. Any claimed redactions by
14:31:29 11 Victoria Police should be notified to the Commission within
14:31:32 12 24 hours.
13
14:31:38 14 MR WINNEKE: Mr Trichias, was this comment made by
14:31:45 15 [REDACTED] the subject of discussion amongst investigators
14:31:49 16 at the time of the trial?---I don't have a specific
14:31:52 17 recollection of that.
18
14:31:54 19 All right?---But it may have.
20
14:31:59 21 Do you think you might have had discussions with Mr Buick
14:32:01 22 about it?---I wouldn't have thought so, no.
23
14:32:04 24 Do you recall having discussions with the prosecutor about
14:32:06 25 it, Mr Tinney?---Not personally but, as I said, I wasn't
14:32:12 26 the informant for that. The informant may have.
27
14:32:14 28 Ms Schultz may have had discussions - - - ?---No, the
14:32:18 29 informant for that was Steve Cuxson. So he may have had
14:32:21 30 conversations with the prosecutor.
31
14:32:23 32 Margaret Schultz was an investigator, was she?---In
14:32:27 33 relation to the original investigation, before it became
14:32:30 34 [REDACTED]
35
14:32:31 36 Okay. I follow that. Was there concern - was there any
14:32:39 37 disclosure made to representatives of the people who'd been
14:32:44 38 charged about Ms Gobbo's involvement or otherwise in this
14:32:55 39 proceeding, do you know?---To what extent do you refer to?
40
14:32:59 41 I asked you questions about the statement that she made and
14:33:04 42 gave to Ron Iddles last time you were in the witness
14:33:07 43 box?---Yes.
44
14:33:09 45 I take it that was something which was in the possession of
14:33:14 46 investigators at the time of the trial and, indeed, at the
14:33:18 47 committal, probably?---Yes, probably.

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1
14:33:20 2 I take it you would have been aware of the statement at the
14:33:24 3 time of the trial and certainly - at the time of the
14:33:28 4 committal, I assume, also?---I don't have an actual
14:33:31 5 recollection of the statement.
14:33:32 6
14:33:32 7 Is that right?---Yes, because the statement was never
14:33:35 8 signed.
9
14:33:35 10 I follow that?---And, as such, it was never - my
14:33:38 11 understanding was it was never used at court.
12
14:33:41 13 I know it was never used but nonetheless Mr Iddles went
14:33:45 14 away and spoke to Ms Gobbo over a number of days and had a
14:33:48 15 statement prepared?---Yes.
16
14:33:50 17 You understand that?---I understand that, yes.
18
14:33:52 19 You'd had discussions with Mr Iddles about that. I take it
14:33:57 20 you were aware that he was going over, and Wardell, going
14:34:03 21 away to get the statement or have a statement taken?---I
14:34:05 22 didn't become aware who they were going to see until they
14:34:08 23 came back.
14:34:09 24
14:34:09 25 Is that right?---Yes.
26
14:34:10 27 When they came back, assuming the statement I think - the
14:34:12 28 process of getting the statement was around May of 2009,
14:34:16 29 thereabouts. So when they get back, shortly after that you
14:34:19 30 become aware of who they've gone to see?---I do become
14:34:22 31 aware, yes.
32
14:34:23 33 All right. You obviously knew that a draft statement
14:34:29 34 existed?---I don't have an exact recollection but I knew
14:34:33 35 the purpose of them going over there, yes, or when they
14:34:36 36 came back obviously.
37
14:34:37 38 I think you said you'd spoken to Mr Iddles?---Yes.
39
14:34:40 40 Mr Iddles had told you that he wasn't going to get the
14:34:42 41 statement signed?---That's right.
42
14:34:44 43 Because he thought that there were problems associated with
14:34:47 44 getting the statement signed?---That's correct.
45
14:34:49 46 And we discussed that last time?---Yes, we did.
47

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14:34:55 1 The statement contains, I think we've got a copy of it -
14:34:59 2 you've seen it, haven't you, since?---No, I haven't seen
3 it.
4
14:35:03 5 You've never seen it?---No.
6
14:35:06 7 Oh well, here's your opportunity for you to have a look at
14:35:08 8 it. I've got copies for people at the Bar table. We'll
14:35:20 9 get some more copies made. Mr Hannebery's got a copy.
10
14:35:25 11 COMMISSIONER: Is there one for me, please?
12
14:35:27 13 MR WINNEKE: There will be Commissioner.
14
14:35:29 15 COMMISSIONER: Thank you. It's on the screen, it's okay.
14:35:32 16 It's okay, it's on the screen.
17
14:35:34 18 MR WINNEKE: I think it can go on the screen, can't it?
19
14:35:39 20 MR HANNEBERY: We are in a closed hearing.
21
14:35:41 22 MR WINNEKE: It's not going anywhere. Perhaps we can pop
14:35:43 23 it on the screen. There's no name on it?---No.
24
14:35:59 25 But we understand it's reasonably clear that it's the
14:36:02 26 product of Mr Iddles' work and it's Ms Gobbo?---Yes.
27
14:36:09 28 She talks about - - -
14:36:10 29
14:36:10 30 MR HANNEBERY: Sorry, Commissioner. I've been advised that
14:36:13 31 somebody's taken a photo of the screen when it's come up.
14:36:16 32 I didn't see it myself. I'm not sure if that's - whether
14:36:32 33 that's against the rules. I suspect it is.
34
14:36:34 35 MR WINNEKE: I don't think it's appropriate that
14:36:36 36 photographs be taken of the screen, Commissioner.
37
14:36:39 38 COMMISSIONER: No, not prior to it being tendered and
14:36:43 39 released into the public domain. I'd ask that that be
14:36:46 40 deleted. Thank you.
41
14:36:52 42 MR WINNEKE: Certainly on the first page, if you go through
14:36:55 43 the statement, obviously it's a long - I suppose it might
14:37:00 44 be described as a rambling statement, but what it does is
14:37:04 45 sets out a number of things. Initially Gobbo's knowledge
14:37:11 46 of and relationship with a number of police officers. She
14:37:14 47 talks about going out with Steve Campbell?---Yes.

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1
14:37:17 2 She meets David Waters. She talks about acting for Waters.
14:37:23 3 She talks about various other people, one of whom we'll
14:37:31 4 need to redact. If you go over the page she talks about
14:37:42 5 her knowledge of - Commissioner, given that we're in
14:37:49 6 private session I'm content for the names to be there but I
14:37:52 7 see people are nervous about it.
14:37:54 8
14:37:54 9 MR HANNEBERY: There are a lot of names in this document.
10
14:37:56 11 COMMISSIONER: It'll have to be redacted but we're all
14:38:00 12 conscious of the suppression orders and non-publication
14:38:02 13 orders in respect of names so we'll use the pseudonyms that
14:38:05 14 we've been using.
15
14:38:07 16 MR WINNEKE: She talks about whether she knows [REDACTED]
14:38:09 17 and she says she does, she says that she's met him on
14:38:13 18 occasions at the - at least one occasion at the [REDACTED]
14:38:16 19 Hotel. She talks about other police officers, Alexander
14:38:19 20 and Saunders, being present. And describes as we go on the
14:38:27 21 relationship with a number of people. Now if you get down
14:38:31 22 to the bottom of the page, about four lines, perhaps - -
14:38:36 23 -?---Sorry, which page?
24
14:38:37 25 The second page?---Yep.
26
14:38:39 27 She's introduced to a person - perhaps go up another line,
14:38:45 28 a couple of lines up. One more. Jim Valos is a lawyer and
14:38:54 29 operates a practice in Lonsdale Street. She has a
14:38:59 30 professional relationship with him. She briefs him. She
14:39:01 31 considers him a friend. She's aware of a person by the
14:39:04 32 name of [REDACTED] who was a suspect. Now you know [REDACTED]
14:39:08 33 because [REDACTED] was indeed charged?---He was, that's right.
14:39:09 34
14:39:09 35 He was said to be the [REDACTED] who was
14:39:13 36 [REDACTED] wasn't he?---That's correct,
14:39:16 37 yes.
38
14:39:16 39 And thus providing him at least with an alleged motive to
14:39:23 40 have the [REDACTED] of that [REDACTED] and that
14:39:28 41 was the case against him?---Yes.
42
14:39:32 43 And then she describes going to his office for conferences
14:39:37 44 in respect of clients. On one occasion she went to the
14:39:40 45 office, there was a fellow present who was introduced to
14:39:43 46 her as [REDACTED] "Can't recall now if I was there to
14:39:48 47 provide advice to [REDACTED] although I recall that I've

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14:39:52 1 provided advice to him previously. I believe that the
14:39:54 2 advice was in respect of a crimes comp application by his
14:39:58 3 [REDACTED] Certainly acted for [REDACTED]" She
14:40:02 4 prepared a form 8A for him, that's a Magistrates' Court
14:40:05 5 document, a committal document. "At some point during that
14:40:08 6 encounter with [REDACTED] Valos was engaged in a telephone
14:40:13 7 call. [REDACTED] started me of his involvement in the murder of
14:40:14 8 [REDACTED] He told me that he had arranged it". We
14:40:17 9 go over the page. Next page. "For [REDACTED] to be
14:40:31 10 murdered in [REDACTED] of his
11 [REDACTED]?---Yes
12
13 "He also told me that [REDACTED] had carried out the
14:40:40 14 murder"?---Yes.
15
16 On one view that's a pretty significant assertion that she
14:40:44 17 makes, isn't it?---It is, yes.
18
19 It's effectively, putting aside issues that may arise with
14:40:46 20 respect to legal professional privilege, whether she was in
14:40:50 21 a legal relationship with him, but on one view that is a
14:40:56 22 confession to a murder?---To Jim Valos you're talking
14:41:00 23 about?
24
25 No, to Nicola Gobbo made by a person who was alleged to
14:41:04 26 have committed the murder and was put on his trial for
14:41:11 27 committing the murder?---The way I read it, is it not she -
14:41:13 28 that conversation between Perry and Valos?
29
30 Just go back and - - - ?---"At some point during the
14:41:20 31 encounter with Perry, Valos was engaged in a telephone call
14:41:24 32 and [REDACTED] starting telling me".
33
34 "Telling me of his involvement"?---Yes.
35
36 Did you know about that?---I knew that they were speaking
14:41:47 37 to Jim Valos and Nicola Gobbo, but I don't have a specific
14:41:49 38 recollection of this admission.
39
40 That's pretty significant?---It is, yes.
41
42 Or it may be?---Yeah, it is.
43
44 Mr [REDACTED] was acquitted and he can't be put on his trial
14:42:01 45 again?---He was.
46
47 But that evidence wasn't available. Ultimately it wasn't

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14:42:11 1 evidence that was put before a jury?---No.
2
14:42:17 3 Your belief is that you were not told of that potential
14:42:21 4 evidence or - - - ?---No, I don't have a specific
14:42:24 5 recollection. I would remember something like that.
6
14:42:26 7 Well you would because it's in effect a confession to a
14:42:29 8 murder?---Yes.
9
14:42:33 10 And that wasn't something that you had access to?---No.
11
14:42:36 12 In running the trial against the people who were
14:42:40 13 charged?---Well as I said, I wasn't running that trial.
14
14:42:43 15 No?---The informant I assume would have had access to that.
16
14:42:49 17 Right. In any event, the informant you assume would have
14:42:56 18 spoken to Mr Iddles and Mr Iddles would have told the
14:43:01 19 informant what was in the statement?---Yes.
20
14:43:06 21 Would he have shown the statement to the informant do you
14:43:09 22 believe?---I assume he would have because he was the
14:43:16 23 informant.
24
14:43:16 25 Do you think this is something that would have been shown
14:43:18 26 to very senior members of Victoria Police?---I can't answer
14:43:25 27 that.
28
14:43:26 29 Briars was something which was set up by the upper echelons
14:43:30 30 of Victoria Police, was it not?---No, it was initially set
14:43:33 31 up as part of an offshoot to Purana Task Force but as soon
14:43:38 32 as the police involvement came into it then it went into
14:43:41 33 Briars.
34
14:43:42 35 [REDACTED] Mr Overland was heavily involved in the
14:43:46 36 establishment of [REDACTED]---Yes.
37
14:43:47 38 Because of the allegation by [REDACTED] that he had in
14:43:55 39 effect been provided with "an alibi" by [REDACTED]
14:44:08 40 [REDACTED]?---Yeah, that's correct.
41
14:44:10 42 That was the way in which the Crown went to the jury, that
14:44:13 43 in fact [REDACTED] had gone and [REDACTED] at the
14:44:21 44 [REDACTED] police station I think?---Yes, he was bailed,
14:44:23 45 that's right.
46
14:44:24 47 Bailed on the same - I think there'd been an arrangement

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14:44:27 1 made for him to turn up at the [REDACTED] police station in
14:44:33 2 [REDACTED] or
14:44:35 3 something like that?---Yes.
4
14:44:36 5 And it was suggested that that was done with the connivance
14:44:41 6 of members of Victoria Police to in effect provide
14:44:44 7 [REDACTED] with, if not an alibi, at least a story which
14:44:49 8 would be consistent with him trying to avoid being charged
14:45:00 9 with the murder?---Yes.
10
14:45:03 11 But ultimately he said, "Look, this is what happened.
14:45:07 12 [REDACTED] were informed and the solicitor Mr [REDACTED]
14:45:11 13 rang up the police station and arranged for [REDACTED]
14:45:14 14 [REDACTED]?---That's correct.
15
14:45:17 16 If you continue to go through the statement. Effectively
14:45:21 17 what the statement is, I suggest, is Gobbo setting out her
14:45:32 18 recollections of discussions that she had had with people
14:45:36 19 such as Waters. So if you go to the third page of the
14:45:45 20 document, 122, at the bottom you see that she says, "On 1
14:45:50 21 April I met with Waters at the South Melbourne Anglers Club
14:45:56 22 and during the meeting there's reference to discussions",
14:45:58 23 et cetera?---Yes .
24
14:46:00 25 If you go over the page, there are further references to
14:46:05 26 conversations that she's had with Waters on 8 September, on
14:46:09 27 13 September 2007, fairly detailed references to
14:46:12 28 conversations and to things that Waters has said to
14:46:17 29 her?---That's correct.
30
14:46:18 31 And specific dates. Now, as we understand it Mr Iddles was
14:46:25 32 provided with a package by the SDU of lots of things that
14:46:30 33 she'd told her handlers over a number of years and he took
14:46:34 34 them away with him and no doubt that was part of the
14:46:37 35 process of making the statement?---Yes.
36
14:46:41 37 I'm putting to you something that you don't know because
14:46:43 38 you haven't seen the statement?---No.
39
14:46:45 40 But what that would have meant was that if she had signed
14:46:50 41 that statement?---Yes.
42
14:46:53 43 One, the evidence within the statement might or might not
14:46:56 44 have been available to prosecutors to put forward to the
14:46:58 45 jury. But equally it would have become apparent that she's
14:47:03 46 providing a great deal of detail of conversations that
14:47:06 47 she's had over a significant period of time going back a

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P. TRICHIAS XXN - IN CAMERA

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14:47:10 1 number of years, do you follow that?---Yes, I do.
2
14:47:12 3 And if you were interested in defending the case you would
14:47:17 4 be asking, "How come you've got detailed recollections of
14:47:21 5 these conversations?" That would pretty quickly lead to
14:47:24 6 the fact that she's been giving this information to
14:47:27 7 handlers?---Yes.
8
14:47:28 9 And one things leads to another and all of a sudden she's
14:47:32 10 outed as being a human source?---That's correct.
11
14:47:36 12 Now, it appears that that statement was not made known to
14:47:46 13 those who were defending the accused people in this trial.
14:47:49 14 You accept that?---I accept that if that's what you're
14:47:51 15 saying. As I said, I wasn't aware of the statement so I
14:47:55 16 wasn't involved in the trial itself.
17
14:47:58 18 If there'd been argument about it and disclosure of the
14:48:01 19 statement it's quite clear that it would have come to light
14:48:04 20 and you would have been aware of it?---Yes, unless they've
14:48:07 21 applied PII to the statement, I can't answer that.
22
14:48:10 23 Do you know if there were any discussions about public
14:48:12 24 interest immunity and whether or not this statement should
14:48:15 25 be disclosed to people who were defending the
14:48:19 26 accused?---There would have been discussions relevant to
14:48:22 27 public interest immunity but I don't have - in relation to
14:48:25 28 the statement, as I said, I'm not aware this statement
14:48:28 29 existed.
30
14:48:29 31 Were you a party to any discussions that were had about
14:48:31 32 whether or not, albeit you hadn't seen the statement, but
14:48:34 33 whether the statement should be disclosed?---No.
34
14:48:37 35 Who would have as far as you were aware been involved in
14:48:41 36 those sorts of discussions?---You would expect the
14:48:44 37 informant would have been involved in that.
38
14:48:47 39 And it would have been discussions, one assumes, with more
14:48:51 40 senior members of Victoria Police?---Potentially with Ron
14:48:54 41 or Steve Wardell.
42
14:48:55 43 With who?---Ron Iddles or Steve Wardell.
44
14:48:59 45 The Briars steering committee? You knew - - - ?---I did
14:49:03 46 know there was a committee, yes.
47

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14:49:06 1 Do you know whether it was - I take it from your answers
14:49:10 2 you don't know whether it was raised with prosecutors at
14:49:13 3 all?---I can't answer it, I'm not sure.
4

14:49:19 5 Do you take the view that the information that is contained
14:49:27 6 within this statement is information which should have been
14:49:29 7 revealed to those who were defending charges?---Yes, I do.
8

14:49:38 9 That's because there is an obligation upon police and upon
14:49:41 10 prosecutors to provide relevant information to people who
14:49:45 11 are charged with serious offences to assist them to
14:49:51 12 understand the case that's being put against them,
14:49:55 13 correct?---That's correct.
14

14:49:56 15 And also information that may be relevant to that case that
14:49:59 16 hasn't been put into a brief?---That's correct.
17

14:50:02 18 As far as you're concerned as an experienced detective it's
14:50:06 19 fundamental that obviously an accused person has got to be
14:50:11 20 told about the information that is going to be put against
14:50:14 21 them?---M'mm.
22

14:50:15 23 Correct?---Yes.
24

14:50:15 25 But if there's any other information, albeit that
14:50:19 26 information isn't going to be called by the prosecution, if
14:50:21 27 it is potentially relevant it ought be disclosed?---Unless
14:50:26 28 you apply for PII and you argue it with, you go to the VGSO
14:50:32 29 and get advice.
30

14:50:33 31 Exactly. If the situation is that there is a good reason
14:50:36 32 not to disclose it?---Yes.
33

14:50:38 34 It's got to be something that's ventilated in court and
14:50:40 35 arguments made on the basis of the law, correct?---That's
14:50:42 36 right.
37

14:50:44 38 All right. It's not something that should be - it's not a
14:50:52 39 situation that as police officers you simply hide it away
14:50:55 40 and don't expose it for fear of there being embarrassment
14:51:00 41 to Victoria Police?---No, you need to have a reason why.
42

14:51:04 43 Yeah, okay. I think I've tendered the statement,
14:51:22 44 Commissioner, have I?
45

14:51:24 46 COMMISSIONER: No, you haven't yet.
47

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14:51:28 1 MR WINNEKE: I tender it.
14:51:29 2
14:51:30 3 #EXHIBIT RC260A - Unredacted statement of Nicola Gobbo.
14:51:44 4
14:51:46 5 #EXHIBIT RC260B - Redacted statement of Nicola Gobbo.
14:51:53 6
14:51:54 7 MR HANNEBERY: I ask that the statement be taken down from
14:51:56 8 the screen now.
14:51:56 9
14:51:57 10 COMMISSIONER: Have you finished with it, Mr Winneke?
11
14:51:58 12 MR WINNEKE: Yes, I have. Mr Trichias, that's all I've got
14:52:00 13 for you. There are some matters which are in paragraph 26
14:52:02 14 of your statement?---Yes.
15
14:52:03 16 I'm not going to ask you about those now. As I understand
14:52:06 17 it there are a significant amount of diary entries that
14:52:09 18 you've made and you've helpfully identified relevant parts
14:52:12 19 of your diary?---Yes.
20
14:52:14 21 In due course you'll be asked, if you wouldn't mind, to put
14:52:18 22 that into a statement form if you would be good enough to
14:52:21 23 do so?---Yes.
24
14:52:22 25 Good. Thanks very much.
14:52:23 26
27 <CROSS-EXAMINED BY MR NATHWANI:
28
14:52:25 29 Mr Trichias, can we focus on [REDACTED] and his involvement
14:52:29 30 in convictions and three particular murders, and to do that
14:52:34 31 can we just quickly go through the chronology because it
14:52:36 32 will help us. [REDACTED] killed [REDACTED]
14:52:41 33 2003?---Yes.
34
14:52:42 35 The next event as far as [REDACTED] is concerned is [REDACTED]
14:52:48 36 [REDACTED] is killed [REDACTED] a year later, 2004?---That's
14:52:51 37 correct.
38
14:52:52 39 [REDACTED] shortly thereafter, [REDACTED] 2004?---Yes.
40
14:52:58 41 Arrested, that's [REDACTED] for the [REDACTED] murder
14:53:03 42 thereafter?---That's correct.
43
14:53:06 44 As it turns out the sequence of trials was reversed?---Yes.
45
14:53:10 46 So [REDACTED] murder trial reaches a conclusion on [REDACTED]
14:53:15 47 [REDACTED] 2005?---Yes.

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1
14:53:19 2 [REDACTED] and [REDACTED] both having pleaded not guilty,
14:53:24 3 are convicted by jury?---Yes.
4
14:53:27 5 Duly sentenced shortly thereafter. It's at that stage -
14:53:34 6 let's carry on with the chronology first. The Nicola Gobbo
14:53:39 7 visit, [REDACTED] 2006?---Yes.
8
14:53:43 9 You have the court book which you weren't aware of until
14:53:46 10 later?---Yes.
11
14:53:49 12 [REDACTED] trial one related to [REDACTED]---That's
14:53:54 13 correct.
14
14:53:54 15 [REDACTED] 2008 he is convicted by a jury?---Yes.
16
14:53:59 17 [REDACTED] gives evidence as against him?---He does.
18
14:54:02 19 Right. [REDACTED] trial two, much later in time?---It is.
20
14:54:09 21 Tony Mokbel's tried?---M'mm.
22
14:54:11 23 And acquitted?---Yes.
24
14:54:15 25 Mr [REDACTED] trial, the death in relation to him, [REDACTED]
14:54:19 26 [REDACTED] 2014?---Yes.
27
14:54:22 28 All [REDACTED] accused acquitted?---That's correct.
29
14:54:25 30 So just as an aside, there was a discussion about potential
14:54:28 31 prejudice or unfairness to the defence and you accepted
14:54:32 32 certain matters should be disclosed, but in the event the
14:54:35 33 [REDACTED] accused in [REDACTED] ultimately weren't
14:54:40 34 prejudiced, were they?---They were all acquitted, that's
14:54:42 35 correct.
36
14:54:43 37 Right. We know from the notes of Nicola Gobbo that you saw
14:54:48 38 yesterday, [REDACTED] 2006, that appears to relate to [REDACTED]
14:54:56 39 [REDACTED] murder, do you agree with that?---Well that's
14:54:59 40 according to her notes, yes. There is a reference to it,
14:55:03 41 yes.
42
14:55:03 43 I say obviously looking at the notes. The only records we
14:55:06 44 have, records, is those notes?---Yes.
45
14:55:08 46 And they indicate, as we know, [REDACTED], also [REDACTED]
14:55:16 47 [REDACTED] details of their solicitors, a potential reference

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14:55:19 1 to Tony Mokbel and whether he was present or not?---Yes.
2
14:55:22 3 That's all in relation, on the face of the notes?---Yes.
4
14:55:26 5 In relation to [REDACTED] ---Yes.
6
14:55:31 7 Just pausing there, it's not to repeat it but just so we
14:55:34 8 can follow the sequence, [REDACTED] ultimately [REDACTED] and
14:55:38 9 [REDACTED] for [REDACTED], the one we're then focusing on
14:55:42 10 [REDACTED] So [REDACTED] is the only one that appears to
14:55:47 11 have been convicted where [REDACTED] has provided evidence
14:55:50 12 or rolled?---Yes.
13
14:55:52 14 Okay. Do you agree that from the very outset, so even
14:55:59 15 before he was charged with [REDACTED], that [REDACTED] had
14:56:07 16 already implicated [REDACTED] ---Before he was charged for
14:56:14 17 [REDACTED] or - - -
18
14:56:15 19 Yes?---I can't recall the sequence of events.
20
14:56:18 21 Let me give you a press article that isn't suppressed for
14:56:22 22 some reason. [REDACTED]
14:56:41 23 Internet, dated [REDACTED] 2004?---Yes.
24
14:56:46 25 We'll go to the content if it helps. It's timed - that
14:56:50 26 one's 1.33, there's an updated one on the Internet a bit
14:56:57 27 later on as well. Let's go through the content. It says,
14:57:01 28 [REDACTED]
29 [REDACTED]
14:57:03 30 of [REDACTED]", and it then confirms
14:57:06 31 that's said in court?---Yes.
32
14:57:07 33 If you follow the article through, "[REDACTED]
14:57:11 34 [REDACTED]
14:57:15 35 [REDACTED]
14:57:20 36 [REDACTED]
14:57:23 37 [REDACTED] It then details [REDACTED] are [REDACTED] charged
38 with murder - - -
39
14:57:26 40 COMMISSIONER: I'm sorry, that name will have to be removed
14:57:28 41 from the record. Removed from the transcript, yes, thank
14:57:33 42 you.
14:57:33 43
14:57:34 44 MR NATHWANI: It's my fault, I should know better. It then
14:57:36 45 goes on to say, [REDACTED]", where they're
14:57:41 46 from, remanded in custody in relation to the killing of
14:57:44 47 [REDACTED], [REDACTED] indicate they'll plead not guilty. Was

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14:57:49 1 Detective Senior Constable [REDACTED] responsible in any way
14:57:52 2 for the prosecutions in relation to [REDACTED], the [REDACTED]
14:57:56 3 murder?-- [REDACTED] was the informant for the [REDACTED]
14:58:00 4 matter.

5
14:58:01 6 It says this, [REDACTED]
14:58:08 7 [REDACTED]
14:58:10 8 [REDACTED]
14:58:13 9 [REDACTED]
14:58:15 10 [REDACTED] So does that jog your memory, because that's
14:58:18 11 what was recorded as occurring in court?--That might have
14:58:22 12 been on the back of the interview that we had with him back
14:58:24 13 in October, potentially. I don't have the exact dates with
14:58:27 14 me now, but there was - if you follow the way it occurred -
15 - -
16

17 If that's accurate and right, do you agree from the outset
14:58:31 17 he was already implicating [REDACTED] as far as the [REDACTED]
14:58:36 18 [REDACTED] murder is concerned, because that's the only one that
14:58:41 19 results in a conviction?--He did implicate him in it, but
14:58:44 20 I can't - I'm unable to tell you at what stage. He was
14:58:48 21 definitely implicated by the time he makes his statement in
14:58:50 22 March.
14:58:54 23

24
14:58:54 25 You obviously had contact with [REDACTED] at the time, in
14:58:56 26 March, that he starts implicating him in relation to [REDACTED]
14:59:00 27 [REDACTED]--That's when he starts making the statements.
28

14:59:02 29 I understand?--But he would have implicated him leading up
14:59:06 30 to that day.
31

14:59:07 32 As far as that's concerned, did he express his motivations
14:59:10 33 for doing so, to you?--In relation to what?
34

14:59:14 35 The [REDACTED] murder, why he - - -?--The only thing that
14:59:15 36 I can say in relation to that, he'd just [REDACTED] of
14:59:18 37 the [REDACTED] murder, he'd just been [REDACTED] for the
14:59:22 38 [REDACTED] matter and he was [REDACTED] - he, obviously, was
14:59:24 39 [REDACTED] with the [REDACTED] matter and he had concerns,
14:59:29 40 obviously, about he's already been [REDACTED] of [REDACTED]
14:59:31 41 homicide, he has got another one that's coming, and then he
14:59:34 42 had concerns in relation to his wider family. And a
14:59:36 43 combination of those issues for him have caused him to do
14:59:41 44 what he did, as in come forward and make a statement and
14:59:44 45 implicate the others.
46

14:59:45 47 In other words, it's not unusual for someone to do a deal

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14:59:48 1 for their own interests?---No, it's not, no.
2
14:59:52 3 Going then on to just the statement, you weren't involved
15:00:01 4 at all, were you, one with the taking of the Gobbo
15:00:05 5 statement in relation to the [REDACTED] murder?---No.
6
15:00:08 7 And, as you've told us, you weren't aware of the
15:00:10 8 contents?---No.
9
15:00:13 10 Did you - it was Ron Iddles, wasn't it, who went over to
15:00:18 11 see Ms Gobbo for the statement to be taken?---With Steve
15:00:20 12 Wardell.
13
15:00:23 14 I know it's speaking the obvious, but obviously, when
15:00:26 15 someone goes to sign a witness statement, it has the
15:00:29 16 declaration of truth and it's the official step if I'm
15:00:34 17 prepared to be a witness and confirm everything in this
15:00:37 18 document is accurate and right?---That's correct.
19
15:00:39 20 And all we know as a fact is Ms Gobbo refused to do
15:00:43 21 that?---I don't know whether she refused or - I don't know
22 the circumstances, but she didn't sign it.
23
15:00:48 24 Exactly. The reality is you have got a document - -
15:00:50 25 -?---That's unsigned.
26
15:00:50 27 - - - not even a statement?---That's right.
28
15:00:52 29 - - - that was prepared and, for whatever reason, her
15:00:55 30 autograph isn't on it?---That's correct.
31
15:01:02 32 Can I just ask you one other thing going back to [REDACTED]
15:01:05 33 You told us - I think it was yesterday. I know you've been
15:01:09 34 here a few days - that the contact, as far as you were
15:01:12 35 aware, was that [REDACTED] - - -?---Yes.
36
15:01:17 37 - - - was in a similar location to [REDACTED] and
15:01:19 38 [REDACTED] ---Yes.
39
15:01:21 40 And it was [REDACTED] who had teed up Gobbo going in to
15:01:27 41 visit?---That's correct. I don't know whether he actually
15:01:29 42 teed it up. She came in to visit him and then he's put her
15:01:33 43 on to [REDACTED] and [REDACTED], that's my understanding of
15:01:38 44 what occurred.
45
15:01:38 46 Just pausing there, at that moment in time, [REDACTED]
15:01:43 47 2006?---Yes.

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1
15:01:44 2 [REDACTED] already given statements?---Yes.
3
15:01:46 4 [REDACTED] and [REDACTED] can only be in the same place
15:01:51 5 because they're all in protection?---That's right.
6
15:01:53 7 Why were they all in protection?---Because they'd all given
15:01:57 8 statements.
9
15:01:58 10 Thank you.
15:01:58 11
15:01:59 12 MR HANNEBERY: Commissioner, I'm presuming Mr Nathwani
15:02:00 13 wasn't tendering that document?
15:02:03 14
15:02:03 15 MR NATHWANI: No.
15:02:04 16
15:02:04 17 MR HANNEBERY: That will make life easier if he doesn't.
15:02:09 18
15:02:09 19 MR NATHWANI: If the Commissioner wants it tendered, it can
15:02:12 20 be done as a private document.
21
15:02:17 22 COMMISSIONER: Yes. Does anyone want to tender the
15:02:18 23 document?
24
25 MR NATHWANI: We should, yes.
26
27 MR HANNEBERY: Just because the witness adopted the
15:02:19 28 propositions, I'm not sure - I would say forensic - it
15:02:20 29 needs it because it would be an awfully hard document to
15:02:24 30 redact in a way that effectively doesn't provide a link to
15:02:28 31 the story that clearly identifies who [REDACTED] is. So I
15:02:31 32 just - - -
15:02:32 33
15:02:32 34 MR NATHWANI: We would ask that it be exhibited or
15:02:36 35 tendered, if necessary confidentially, or redacted.
15:02:42 36
15:02:42 37 MR HANNEBERY: If it's a confidential exhibit, that
15:02:44 38 will - - -
39
15:02:45 40 COMMISSIONER: It'll be tendered as 261A in its unredacted
15:02:51 41 form and we'll see if we can publish it in a redacted form.
15:03:01 42
15:03:03 43 MR HANNEBERY: Yes. I just note there are particular
15:03:07 44 challenges where it's a link to a story that's still up.
45
15:03:11 46 COMMISSIONER: Yes.
15:03:12 47

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15:03:14 1 #EXHIBIT RC261A - Unredacted [REDACTED]
2
15:03:24 3 COMMISSIONER: If it's in breach of a suppression order,
15:03:26 4 you can do something about that, Mr Hannebery.
15:03:28 5
15:03:29 6 MR HANNEBERY: Yes. I'll deal with the exhibit that's
15:03:32 7 before us at the moment.
8
15:04:08 9 COMMISSIONER: It won't be going up in a redacted form
15:04:08 10 immediately, so you can do something about the link, if
15:04:08 11 needs be. So it will be 261A for the unredacted [REDACTED]
15:04:08 12 article of [REDACTED] and the redacted version, if
15:04:09 13 it's supplied, will be 261B.
14
15:04:09 15 #EXHIBIT RC261B - Redacted [REDACTED]
15:04:09 16
15:04:09 17 COMMISSIONER: Any questions, Mr Chettle?
15:04:09 18
15:04:09 19 MR CHETTLE: Just a couple if I might, Commissioner.
20
21 <CROSS-EXAMINED BY MR CHETTLE:
22
15:04:10 23 Mr Trichias, I'll just read to you, if I can, from a
15:04:13 24 statement of a colleague Mr Hatt, a portion of it, and ask
15:04:17 25 you to comment. "Many within Victoria Police, including
15:04:21 26 me, saw Ms Gobbo as being closely aligned with Carl
15:04:24 27 Williams and Tony Mokbel's crew, in that she was a lawyer
15:04:27 28 but also someone who was an active part of the criminal
15:04:31 29 enterprises that Purana was trying to dismantle"---Yes.
30
15:04:35 31 That's a sentiment you would adopt yourself, isn't
15:04:38 32 it?---Yes, it is.
33
15:04:39 34 But from what you observed, she put herself in positions
15:04:43 35 where an objective observer might have thought that she was
15:04:47 36 involved in criminal activity?---Potentially, yes.
37
15:04:49 38 From what you saw, there was material that tended to
15:04:55 39 connect her with Tony Mokbel on the night of a particular
15:04:57 40 murder?---That's correct.
41
15:04:58 42 There's material that put her at least in proximity to
15:05:02 43 where money may have been paid for an
15:05:05 44 execution?---Potentially, yes.
45
15:05:07 46 And she was in close proximity to two ex-members - two
15:05:12 47 members of the Police Force, or ex-members of the Police

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15:05:17 1 Force, who were suspects in criminal activity?---That's
15:05:18 2 correct.
3
15:05:22 4 So she wasn't just your average lawyer, she was very much
15:05:26 5 involved with the gangland figures that she
15:05:29 6 represented?---Yes.
7
15:05:30 8 Thank you.
9
15:05:31 10 COMMISSIONER: Any other questions?
11
15:05:38 12 MR DOYLE: With your leave, Commissioner, I have some
15:05:39 13 questions of this witness.
14
15:05:40 15 COMMISSIONER: Yes, thank you.
15:05:41 16
15:05:41 17 <CROSS-EXAMINED BY MR DOYLE:
18
15:05:41 19 Mr Trichias, on Tuesday afternoon you were asked some
15:05:44 20 general questions by Mr Winneke about [REDACTED]
15:05:49 21 reliability, do you recall those questions?---I do recall
15:05:51 22 that, yes.
23
15:05:52 24 And you agreed he wasn't someone who would always tell the
15:05:57 25 truth?---That's correct.
26
15:05:58 27 But you also said this at transcript 2895, in answer to a
15:06:03 28 question from Mr Winneke on that topic, "When he committed
15:06:07 29 to make a statement, he did make the statement and he
15:06:10 30 wasn't manipulative in that regard and nor did he lie from
15:06:15 31 what we understand in relation to what he told us in his
15:06:18 32 statements." Do you recall giving that evidence?---I do.
33
15:06:21 34 What is it, Mr Trichias, that enables you to say that
15:06:25 35 [REDACTED] didn't lie in the statements that he made?---We
15:06:29 36 had a lot of dealings with him over the course, but on top
15:06:34 37 of that a lot of items that were referred to in his
15:06:38 38 statement were able to be corroborated independently of his
15:06:40 39 statement, i.e. telephone records, CCTV witness
15:06:47 40 identification. Those matters supported his statement.
41
15:06:52 42 You were the informant in the [REDACTED] case?---I
15:06:56 43 was.
44
15:06:58 45 Where [REDACTED] was charged?---Yes.
46
15:07:01 47 The matters you've just mentioned, CCTV, telephone records,

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15:07:05 1 eyewitness accounts, was evidence of that kind available to
15:07:08 2 corroborate [REDACTED] version of events in that
15:07:12 3 case?---Yes, it was.
4
15:07:15 5 In that case did [REDACTED] implicate [REDACTED]?---He
15:07:18 6 did.
7
15:07:20 8 Did he care about [REDACTED]?---Very much so.
9
15:07:24 10 Was there anything in it for him to give that particular
15:07:28 11 piece of evidence?---No.
12
15:07:37 13 You were also asked in the course of that questioning by
15:07:40 14 Mr Winneke about the multiple statements that [REDACTED]
15:07:44 15 made, do you recall that?---I do recall that.
16
15:07:47 17 And you said in your evidence that there were times when he
15:07:51 18 held back, as you put it?---That's correct.
19
15:07:55 20 And you said that he was concerned about the capability of
15:07:59 21 persons he was implicating?---Yes.
22
15:08:02 23 To, in your words, get to him?---That's correct.
24
15:08:05 25 That was at transcript 2901, Commissioner. Did he explain
15:08:11 26 that in the statements themselves?---He did. He clarified
15:08:16 27 - more so in relation to the [REDACTED] investigation,
15:08:20 28 there were more concerns in that investigation because of
15:08:22 29 the people that were involved, including close associates
15:08:25 30 of his which were underworld figures as well, but he would
15:08:29 31 explain it. He made it clear, I think, with the first
15:08:32 32 statement that he wasn't going to identify particular
15:08:35 33 persons and then it follows through as you go along, he
15:08:39 34 identifies who they are, and that's the reason why there
15:08:43 35 were additional statements made in relation to that matter.
36
15:08:47 37 He actually says, doesn't he, in one of his early
15:08:50 38 statements in that matter, "For very good reasons this
15:08:53 39 statement today that I'm making is not a full account of
15:08:55 40 the facts"?---That's correct.
41
15:08:57 42 And goes on to explain the reasons you've described?---He
15:09:00 43 does.
44
15:09:01 45 I was quoting that, Commissioner, from transcript 1297 of
15:09:05 46 the same trial transcript that Mr Winneke was working from.
47

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15:09:10 1 Mr Winneke asked you about one of the particular additions
15:09:13 2 to the evidence that [REDACTED] offered in the statement
15:09:18 3 that he made on [REDACTED] 2007?---Yes.
4

15:09:21 5 And this was information about [REDACTED] carrying out
15:09:26 6 [REDACTED] ---Yes.
7

15:09:29 8 Mr Trichias, was there anything in the investigation of
15:09:32 9 that matter which corroborated that particular piece of
15:09:36 10 additional material offered by [REDACTED] ---Yes. We viewed
15:09:41 11 the footage in relation to the [REDACTED] and there was
15:09:44 12 footage of a person who I would say was [REDACTED] within
15:09:49 13 the [REDACTED]
14

15:09:52 15 Was there any other important piece of objective evidence
15:09:56 16 you discovered during the course of that investigation to
15:09:58 17 corroborate [REDACTED] account of that killing?---There
15:10:02 18 was a firearm that was recovered, that was identified by
15:10:07 19 him as to where it was disposed, out at [REDACTED],
15:10:11 20 [REDACTED]
21

15:10:12 22 Having regard to where it was found, would there have been
15:10:15 23 any difficulty in someone who didn't have intimate
15:10:18 24 knowledge of the events in identifying that particular
15:10:21 25 location?---No, you'd have no hope of finding it unless you
15:10:24 26 actually put it there yourself.
27

15:10:29 28 How long had the weapon been there for?---I think within
15:10:34 29 days of the actual homicide it was disposed of, so it was
15:10:39 30 there for a number of years before we got to it.
31

15:10:43 32 These issues that we're talking about, Mr Trichias, that is
15:10:46 33 the multiple statements that [REDACTED] made and his general
15:10:51 34 reliability, were they issues that were all explored at the
15:10:54 35 trials?---Yes, they were.
36

15:10:56 37 And he was cross-examined at length?---Yes.
38

15:10:58 39 Sometimes over days?---Yes.
40

15:11:01 41 By senior members of the Victorian Criminal Bar?---Several,
15:11:06 42 yes.
43

15:11:06 44 You saw a good deal of him in the witness box?---I did.
45

15:11:09 46 And how was he as a witness?---He presented well. He gave
15:11:15 47 his evidence.

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1
15:11:17 2 And to your observation and knowledge of these matters as
15:11:20 3 an investigator, was he telling the truth?---Yes
15:11:23 4
15:11:24 5 There was one specific matter you were asked about to do
15:11:27 6 with his evidence, Mr Trichias, and that was about a phone
15:11:31 7 call that he's said to have received from Tony
15:11:35 8 Mokbel?---That's correct.
9
15:11:37 10 And you recall Mr Winneke putting to you, at transcript
15:11:41 11 2898, that there was a "significant change in his evidence
15:11:47 12 in the trial concerning whether or not he received a
15:11:49 13 telephone call from a public telephone"?---Yes.
14
15:11:54 15 And ultimately you recall that there was an issue regarding
15:12:00 16 that topic?---Yes.
17
15:12:02 18 It was put to you by Mr Winneke there was LD material
15:12:05 19 establishing that Mokbel was in fact at a different
15:12:08 20 location and couldn't have made the telephone call?---I do
15:12:11 21 recall that, yes
15:12:12 22
15:12:12 23 And you agreed with the proposition put to you by
15:12:16 24 Mr Winneke, that that was "a significant change in his
15:12:19 25 evidence"?---Yes, and I think I clarified it by saying it
15:12:22 26 was telephone intercept material, as opposed to LD
15:12:25 27 material.
28
15:12:26 29 COMMISSIONER: I'm sorry, I couldn't hear that?---Sorry,
15:12:28 30 Commissioner. I think I clarified it by saying it was
15:12:32 31 actually telephone intercept material, as opposed to
15:12:34 32 surveillance device material, that we were relying on.
33
15:12:39 34 MR DOYLE: Mr Trichias, if I could supply you with a
15:12:42 35 document, please. It's a judgment, Commissioner. We've
15:12:51 36 got some copies available for the other members of the
15:12:54 37 Bar table.
38
15:12:55 39 COMMISSIONER: Thank you.
40
15:13:08 41 MR DOYLE: Mr Trichias, have you got in front of you the
15:13:11 42 case of [REDACTED] v The Queen, a Court of Appeal decision
15:13:15 43 with the citation [REDACTED] ---I do.
44
15:13:19 45 If you wouldn't mind turning to paragraph 53 of that
15:13:23 46 decision. So you'd be aware, Mr Trichias, as [REDACTED]
15:13:31 47 in this matter, that [REDACTED] against his

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15:13:34 1 conviction?---Yes.
2
15:13:35 3 And do you see at paragraph 53 the Court of Appeal has set
15:13:38 4 out ground 6 of his appeal?---Yes.
5
15:13:43 6 As being that a miscarriage of justice occurred as a
15:13:46 7 consequence of the discovery of fresh evidence, namely
15:13:49 8 telephone intercepts, CAD data and evidence from the trial
15:13:53 9 of Antonios Mokbel for the murder of [REDACTED] that
15:13:56 10 demonstrate that Antonios Mokbel did not call [REDACTED] at 11.17
15:14:02 11 on [REDACTED] 2004?---I do see that.
12
15:14:06 13 Just pausing there, is that the piece of evidence that you
15:14:09 14 had in mind when you were giving evidence in answer to
15:14:11 15 Mr Winneke's questions the other day?---Yes, it was.
16
15:14:15 17 And if you could just turn the page over, please, and look
15:14:18 18 at paragraph 54. The Court of Appeal there describes the
15:14:33 19 evidence as being to the effect that Mokbel was in
15:14:35 20 Chadstone and could not have made a phone call from Kernans
15:14:39 21 Road. Again, that's the piece of evidence you had in
15:14:41 22 mind?---Yes.
23
15:14:42 24 And at paragraph 55, having observed that the witness was
15:14:49 25 not unequivocally asserting that he received a call on that
15:14:53 26 particular date, the court goes on to quote this piece of
15:14:57 27 evidence from [REDACTED] "I'm not too sure it was a
15:15:00 28 Saturday. I'm pretty sure it was the Saturday after the
15:15:06 29 crime was committed, I'm not too sure"?---Yes, that's
15:15:09 30 correct.
31
15:15:09 32 And that was his evidence about receiving that particular
15:15:11 33 phone call?---Yes, it was.
34
15:15:15 35 And the Court of Appeal goes on to say that the phone call
15:15:17 36 wasn't important, the evidence was equivocal and they
15:15:22 37 dismissed that ground of appeal?---That's correct.
38
15:15:26 39 COMMISSIONER: Are you wanting to tender that judgment?
40
15:15:29 41 MR DOYLE: I don't, Commissioner. I don't imagine Victoria
15:15:35 42 Police would be happy with it being tendered at the moment.
15:15:38 43 Although the name of [REDACTED] is redacted, there is the
15:15:44 44 odd slip-up to in that respect, I refer to paragraph 35 in
15:15:48 45 particular. But it being a judgment, I'd submit there's no
15:15:52 46 need to make it an exhibit.
47

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15:15:54 1 COMMISSIONER: As long as it is accessible.
2
15:15:56 3 MR DOYLE: I've read out the citation and I imagine if it
15:15:59 4 needs to be relied upon down the track, then that can be
15:16:03 5 used.
6
15:16:09 7 Just in light of revisiting those details, Mr Trichias,
15:16:12 8 would you agree with this: the material concerning CAD
15:16:21 9 data and telephone intercepts indicating a particular
15:16:24 10 location of Mr Mokbel at that point in time was actually
15:16:28 11 not a significant piece of evidence that contradicted
15:16:30 12 [REDACTED] ---I do.
13
15:16:33 14 Nothing further, Commissioner.
15
15:16:37 16 COMMISSIONER: Yes, Dr Gumbleton.
17
15:16:39 18 DR GUMBLETON: Everybody has leapt to their feet. You
15:16:39 19 might need a reminder about me. Gumbleton is my name.
20
21 COMMISSIONER: Yes Dr Gumbleton.
22
15:16:43 23 DR GUMBLETON: We had leave to appear on behalf of [REDACTED]
24
15:16:46 25 COMMISSIONER: Yes. You are wanting to ask some questions,
15:16:48 26 are you, leave to cross-examine?
27
15:16:51 28 DR GUMBLETON: Yes, I need to seek leave to do so. So I do
15:16:54 29 seek that leave, unless anyone is going to oppose me.
30
15:16:57 31 MR HANNEBERY: I don't - I haven't heard the application
15:17:00 32 for leave. What I would say is given Dr Gumbleton is the
15:17:04 33 first of the affected person's representatives who's sought
15:17:09 34 leave, I would ask the Commission to pay close attention to
15:17:13 35 the Practice Note about this and the matters that are set
15:17:16 36 out there. Clearly, also there were - I don't think they
15:17:20 37 reached the stage of submissions from the State about
15:17:24 38 concerns that existed around these type of applications. I
15:17:27 39 don't prejudge the application at all. I simply ask that
15:17:29 40 the Commission have regard for those matters and that
15:17:33 41 Dr Gumbleton goes through the process in the Practice Note
15:17:37 42 to set out the purpose of the cross-examination so it can
15:17:40 43 be considered as to whether there is a forensic use to it
15:17:46 44 that balances against the other considerations.
15:17:48 45
15:17:48 46 COMMISSIONER: Thank you. Mr Winneke, have you discussed
15:17:49 47 this with Dr Gumbleton?

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1
15:17:50 2 MR WINNEKE: I have had discussions with Dr Gumbleton. He
15:17:52 3 has indicated to me there are some areas that he may wish
15:17:55 4 to cross-examine Mr Trichias about. I'm assured that he is
15:17:59 5 not going to cover ground that I've covered and I've got no
15:18:03 6 objection to him asking some questions, Commissioner.
7
15:18:06 8 COMMISSIONER: Dr Gumbleton, could you outline for me the
15:18:07 9 areas that you're going to cross-examine on?
15:18:09 10
15:18:10 11 DR GUMBLETON: Yes. [REDACTED] was the subject of the
15:18:12 12 [REDACTED] murder investigations that you've heard about. In
15:18:16 13 reverse order, [REDACTED]. He was
15:18:22 14 convicted of [REDACTED] but [REDACTED] of [REDACTED] and
15:18:26 15 also convicted with [REDACTED] in respect of [REDACTED]. There
15:18:30 16 is some information we want to put to Mr Trichias
15:18:33 17 essentially that back dates the involvement, we say, of
15:18:35 18 Ms Gobbo in terms of speaking to [REDACTED].
19
15:18:39 20 COMMISSIONER: That seems to be relevant to the terms of
15:18:41 21 reference. I'll see what anybody else wants to say. Any
15:18:44 22 other submissions?
15:18:45 23
15:18:46 24 MS WHITING: Commissioner, just on behalf of the State, as
15:18:48 25 you know we have filed submissions in relation to this
15:18:52 26 matter. We just draw those to the attention of the
15:18:54 27 Commissioner.
28
15:18:55 29 COMMISSIONER: Nothing further you want to add to those
15:18:56 30 submissions?
15:18:57 31
15:18:57 32 MS WHITING: No, Commissioner.
15:18:58 33
15:18:58 34 COMMISSIONER: No other submissions? No. Yes, I'll give
15:18:59 35 you leave to cross-examine and just remind you that the
15:19:04 36 cross-examination should be relevant to the terms of
15:19:06 37 reference.
38
15:19:07 39 DR GUMBLETON: Yes. May it please the Commission.
40
41 <CROSS-EXAMINED BY DR GUMBLETON:
42
15:19:11 43 Mr Trichias, as we've established, there were [REDACTED] murder
15:19:15 44 matters that have been dealt with; [REDACTED] and
15:19:21 45 [REDACTED]. You're the informant for [REDACTED] -- One of
15:19:23 46 the informants, yes.
47

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15:19:25 1 In terms of the dates, we know that the offences took place
15:19:28 2 between [REDACTED] 2003 and [REDACTED] of 2004, so within a 12-month
15:19:33 3 period?---Yes.
4

15:19:34 5 And then somehow we find out that the prosecution of these
15:19:38 6 matters were in reverse order, such that [REDACTED] came first,
15:19:42 7 all the way through to [REDACTED] the other way
15:19:44 8 around?---That's correct.
9

15:19:45 10 And those prosecution years took place between 2005 and
15:19:49 11 2014?---Yes.
12

15:19:51 13 In terms of [REDACTED] and [REDACTED] they were picked up,
15:19:56 14 charged and remanded very shortly after the [REDACTED] date of
15:20:01 15 offending?---That's my understanding, yes.
16

15:20:03 17 Who was the informant for that matter?--- [REDACTED]
18

15:20:08 19 [REDACTED]?--- [REDACTED] yes.
20

15:20:12 21 So they're in custody, as I understand it, at [REDACTED]
15:20:15 22 police station, where they'd been picked up?---Yes.
23

15:20:17 24 And at that stage were you at Purana?---I think - I was at
15:20:22 25 Purana but I think I was actually working at Ringwood.
26

15:20:26 27 At Ringwood?---I was doing some uniform duties, basically.
28

15:20:31 29 But [REDACTED] was part of Purana?---He was.
30

15:20:35 31 And this was a Purana investigation concerning
15:20:38 32 [REDACTED]?---Yes.
33

15:20:38 34 When they're picked up, charged, they're also interviewed
15:20:41 35 at the [REDACTED] police station?---Yes.
36

15:20:44 37 And that first round of interviews, they both make no
15:20:47 38 comment?---That's my understanding, yes.
39

15:20:51 40 Is it also your understanding that they're then left in the
15:20:54 41 cells at [REDACTED] police station overnight
15:20:56 42 together?---That's my understanding, yes.
43

15:20:58 44 Not separated?---No.
45

15:21:01 46 Was there anybody placed in those cells to listen to their
15:21:04 47 conversations overnight?---I can't answer that because I

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15:21:06 1 wasn't actually involved in that investigation.
2
15:21:09 3 You're not aware of any recording or [REDACTED]
15:21:14 4 [REDACTED] over that evening?---I can't answer that, I'm
15:21:16 5 not privy to that information.
6
15:21:18 7 In any event, the next day both of them invite police to
15:21:24 8 re- interview them?---That's correct.
9
15:21:26 10 And they both, if I can put it colloquially, sing from the
15:21:29 11 same hymn book as to what they say in relation to the
15:21:32 12 [REDACTED]?---That's my understanding, yes.
13
15:21:34 14 So they go from a no comment interview to the next day
15:21:37 15 saying, "Yep, we're involved"?---Yes.
16
15:21:38 17 And what [REDACTED] says is he's the [REDACTED] he's the one
15:21:41 18 who's [REDACTED] and killed [REDACTED] ---That's my
15:21:46 19 understanding.
20
15:21:47 21 But he says that he did it in self-defence?---Yes, that's
15:21:51 22 correct.
23
15:21:51 24 And [REDACTED] backs him up in relation to that?---That's
15:21:54 25 correct.
26
27 Sorry.
28
15:21:58 29 COMMISSIONER: That name will have to be removed from the
15:22:00 30 transcript.
31
15:22:01 32 DR GUMBLETON: I'll get my head around that. It is a bit
15:22:05 33 hard when you're dropped in, parachuted in, Commissioner.
15:22:06 34 My apologies.
15:22:06 35
15:22:07 36 So [REDACTED] backs up the story?---Yes.
37
15:22:10 38 And they both go to trial on that story subsequently in the
15:22:12 39 Victorian Supreme Court?---They do.
40
15:22:16 41 By the time they stand trial in [REDACTED] they're both
15:22:20 42 convicted, your investigation of [REDACTED] is already well
15:22:25 43 under way?---Yes.
44
15:22:26 45 And in terms of the chronology, the [REDACTED] murder occurs
15:22:29 46 before the [REDACTED] murder?---It does.
47

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15:22:30 1 And, in fact, the [REDACTED] murder is the last in the [REDACTED]
15:22:33 2 of murders?---Yes.
3
15:22:40 4 Can you recall when you first became involved in the
15:22:42 5 investigation into [REDACTED] Were both [REDACTED] and [REDACTED] in
15:22:47 6 police custody at that stage?---When I came back, they were
15:22:53 7 already in custody in relation to the [REDACTED] matter,
15:22:56 8 if that's what you're asking.
9
15:22:58 10 Yes?---Yes.
11
15:22:58 12 And when you say you came back to Purana, that's when you
15:23:02 13 got involved in the [REDACTED] investigation?---Yes.
14
15:23:04 15 So they're in custody and I take it they were identified as
15:23:08 16 persons of interest?---Yes.
17
15:23:10 18 And in relation to that, they're in custody while you've
15:23:16 19 got your ongoing investigations into [REDACTED]---That's
15:23:19 20 correct.
21
15:23:21 22 And in terms of speaking [REDACTED] you're involved in October
15:23:28 23 of 2004?---That's correct.
24
15:23:35 25 And at that stage how is it that [REDACTED] comes to speak to
15:23:38 26 you?---So [REDACTED] he contacts the Purana Task Force. I can't
15:23:47 27 remember how he contacts them, but he contacts Purana and
15:23:50 28 then I was informed that he wanted to be interviewed in
15:23:52 29 relation to the [REDACTED] matter. By that stage, we had
15:23:56 30 actually been out and seen him several times leading up to
15:24:01 31 it, so it was no surprise to us. So we went and
15:24:04 32 interviewed him in relation to the [REDACTED] matter.
33
15:24:06 34 So he's been in custody, but police have already been to
15:24:09 35 see him?---Yes.
36
15:24:10 37 And in order to get access to him did you have to get the
15:24:13 38 464 order to speak to him?---In relation to when he was in
15:24:17 39 custody?
40
15:24:17 41 Yes?---I think we actually took him out, so we would have
15:24:20 42 had to get a custodial permit, back in the day, because we
15:24:25 43 did a reenactment outside. So we did get a court order,
15:24:31 44 from memory.
45
15:24:33 46 It's [REDACTED] 2004 that you put him on tape?---Yes.
47

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15:24:38 1 That tape recording, record of interview, that's held out
15:24:43 2 at the prison, is it, or did you bring him in?---No, I
15:24:47 3 think we bring him in.
4
15:24:51 5 You say that's off the back of him saying he wants to speak
15:24:54 6 to Purana?---Yes.
7
15:24:54 8 And he wants to speak to Purana about the [REDACTED]
15:24:58 9 murder?---That's correct.
10
15:24:58 11 And that's in the context of the police already letting him
15:25:03 12 know that he's a person of interest?---I don't know the
15:25:06 13 exact but we were actively working on him at that time.
14
15:25:11 15 In relation to that interview on [REDACTED] 2004, he'd been
15:25:17 16 giving you the run around a little bit about the truth of
15:25:20 17 the matter concerning the [REDACTED] ---Yes, he had.
18
15:25:24 19 And at question 838 of that particular interview - I think
15:25:32 20 it is you that's asking the questions. Can you recall?---I
15:25:39 21 would have been with somebody else, but both of us would
15:25:41 22 have been asking questions.
23
15:25:42 24 So you're the lead questioner?---Yes.
25
15:25:45 26 And there's a corroborator there by the name of Stephen
15:25:49 27 Sheahan?---Yes.
28
15:25:50 29 And when push comes to shove, you ask him this question,
15:25:54 30 "So what is the - actually - what is the actual
15:25:59 31 truth?"?---Yes.
32
15:26:00 33 "Would you like to tell us?" He gave you this answer. He
15:26:03 34 said, "The truth is I'm the one that shot [REDACTED]
15:26:06 35 [REDACTED] ---M'mm.
36
15:26:08 37 So as - - - ?---I do recall that.
38
15:26:10 39 So as at [REDACTED] 2004, he was confessing to shooting
15:26:14 40 [REDACTED] ---But I think he changed his version again. I
15:26:17 41 think it was - - -
42
15:26:18 43 Just answer that question if you would. On [REDACTED] 2004
15:26:23 44 he was confessing to you that he had shot [REDACTED]
15:26:25 45 [REDACTED] ---Yes, part of the interview.
46
15:26:30 47 Thereafter, the very next day, you take this fellow, number

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15:26:35 1 [REDACTED] out to the [REDACTED] the scene of the
15:26:39 2 shooting?---Yes.
3
15:26:40 4 And you're there on camera with him, going through
15:26:44 5 essentially a walk-through re-enactment of how the crime
15:26:48 6 was committed?---That's correct.
7
15:26:50 8 Let me take a step back. This fellow, [REDACTED] had had a
15:26:54 9 [REDACTED] that had caused an [REDACTED]
15:27:00 10 [REDACTED] Do you know about that?---I'm aware that he had an
15:27:03 11 [REDACTED] yes.
12
15:27:04 13 An [REDACTED]?---I don't recall how, but I'm
15:27:07 14 aware he had an [REDACTED]
15
15:27:08 16 You know that it was in 2002?---I don't have an exact
15:27:13 17 recollection of that date, no.
18
15:27:14 19 Mr Trichias, you know full well that the issue about [REDACTED]
15:27:17 20 [REDACTED] became a very significant issue in respect to both of
15:27:23 21 these trials of [REDACTED], don't
15:27:26 22 you?---Yes.
23
15:27:27 24 So you can say to this Commission that he had [REDACTED]
15:27:31 25 [REDACTED] which had occurred in 2002?---Yes,
15:27:36 26 as I said, I'm aware he had an [REDACTED]
27
15:27:39 28 And the issue I'm raising with you is that what he said in
15:27:43 29 relation to [REDACTED]- and we'll go through the chronology -
15:27:47 30 is that he couldn't have been the [REDACTED] in relation
15:27:50 31 to the killing of [REDACTED] at the [REDACTED] because he'd
15:27:53 32 suffered this [REDACTED]---Yes.
33
15:27:58 34 But as chance would happen, as he goes on to tell his
15:28:02 35 statements, which we'll go through, he tells the jury in
15:28:05 36 relation to [REDACTED] that he was the [REDACTED]
15:28:09 37 yeah?---Yes.
38
15:28:11 39 Now, let's just remind you of the chronology. The
15:28:15 40 [REDACTED] to the [REDACTED]
15:28:21 41 yeah?---Yes.
42
15:28:22 43 We've got the killing of [REDACTED] that he admits
15:28:25 44 to, in [REDACTED], that's when he's killed?---Yes.
45
15:28:29 46 And then the killing of [REDACTED] - -
47

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15:28:32 1 COMMISSIONER: So we are getting on to the Terms of
15:28:34 2 Reference?
3
15:28:35 4 DR GUMBLETON: We are.
5
15:28:37 6 COMMISSIONER: Maybe we could get there a little faster.
7
15:28:40 8 DR GUMBLETON: If it please the Commission.
9
15:28:41 10 And the killing of ██████ in ██████ of 2004, some nine months
15:28:45 11 later, yeah?---Yes.
12
15:28:50 13 You get this reenactment at the ██████ on ██████
15:29:01 14 2004?---Yes.
15
15:29:01 16 And right throughout that reenactment he is giving you a
15:29:07 17 version of how ██████ has been killed?---Yes.
18
15:29:10 19 And the following month he reneges on his confession and
15:29:12 20 says he ██████, is that right?---Yes.
21
15:29:15 22 Come ██████ of 2005 he's charged in relation to ██████
15:29:20 23 ██████ and ██████---That's correct.
24
15:29:23 25 And then come ██████ of 2005, ██████ and ██████ so ██████ and
15:29:30 26 ██████ are convicted of the ██████ murder?---Yes.
27
15:29:35 28 The evidence you've given to the Commission is it was at
15:29:38 29 that point that ██████ was convicted of ██████ murder that he
15:29:44 30 reached out to the Purana Task Force about ██████--The
15:29:49 31 second occasion?
32
15:29:52 33 Yes?---Yes. It was just after they were committed, I
15:29:55 34 believe, whatever date that was.
35
15:29:56 36 Committed through the Magistrates' Court?---Yes.
37
15:29:59 38 Right. Do you remember that date?---I don't have the exact
15:30:02 39 date in my memory, no.
40
15:30:05 41 Can you find it in your notes easily or not?---No.
42
15:30:07 43 Does anyone else know? All right. But the situation was
15:30:12 44 these ██████ fellows, ██████ and ██████ had been convicted of
15:30:16 45 the ██████ murder?---That's correct.
46
15:30:18 47 They were staring down the barrel of a long

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P. TRICHIAS XXN - IN CAMERA

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15:30:20 1 sentence?---Yes.
2
15:30:22 3 Are you saying to this Commission that as the informant in
15:30:25 4 respect of [REDACTED] having charged them both by this time,
15:30:32 5 yeah?---Yes.
6
15:30:33 7 That you didn't reach out to either of them to see whether
15:30:35 8 one or other wanted to cut a deal?---I already said I did
15:30:40 9 go and see him beforehand, to see [REDACTED] and we reached out
15:30:45 10 to [REDACTED] as well.
11
15:30:46 12 COMMISSIONER: You mentioned the name. You shouldn't have
15:30:48 13 mentioned the name?---Sorry Commissioner.
14
15:30:49 15 Again, that will have to be struck from the transcript.
16
15:30:53 17 DR GUMBLETON: So Victoria Police, whether it was you or
15:30:54 18 other investigators, saw this as an opportunity that they'd
15:30:58 19 been convicted of murder and were looking at lengthy
15:31:02 20 sentences?---Yes.
21
15:31:04 22 And both of them, you say, were spoken to by Victoria
15:31:09 23 Police about whether they might want to cooperate?---I
15:31:12 24 don't know whether they were the exact terms that were
15:31:15 25 used, but we did actually go and see [REDACTED] shortly
15:31:19 26 after we became aware that he was involved, so prior to the
15:31:23 27 interview in the first place. So whether we actually went
15:31:26 28 and offered him a deal, no, that didn't occur, if that's
15:31:30 29 what you're asking.
30
15:31:31 31 Did you go and speak to him about whether he wanted to give
15:31:34 32 evidence against [REDACTED] ---I don't know whether we
15:31:37 33 actually specifically said, "Do you want to give evidence?"
15:31:40 34 We asked whether - eventually, obviously, he made a
15:31:43 35 statement. We didn't specifically say, "Do you want to
15:31:46 36 give evidence against [REDACTED] or [REDACTED] No.
37
15:31:50 38 Did you - - -
39
15:31:51 40 COMMISSIONER: Dr Gumbleton, are we getting to - - -
41
15:31:53 42 DR GUMBLETON: We are, yes.
43
15:31:55 44 MR HANNEBERY: Perhaps if Ms Gobbo features in a question
15:31:58 45 shortly, that might help.
46
47 COMMISSIONER: Yes, it would help, wouldn't it?

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1
15:32:01 2 DR GUMBLETON: And similarly, you spoke to [REDACTED] about
15:32:03 3 this as well after the conviction, is that right?---In
15:32:07 4 relation to which?
5
15:32:08 6 After the [REDACTED] conviction and they're looking at a long
15:32:12 7 sentence, you spoke to [REDACTED] about whether he'd make a
15:32:16 8 statement, is that what you're saying?---I don't know
15:32:18 9 whether it came to that, but the way it flowed - I tried to
15:32:22 10 explain to you - is that once we started investigating the
15:32:28 11 persons that we felt were responsible, we were going out to
15:32:31 12 speak to them and we also spoke to [REDACTED] he then
15:32:34 13 reached out and wanted to be interviewed by us, which is
15:32:37 14 what we did, and the investigation continued and then he
15:32:40 15 reached out a second time and on that occasion was to
15:32:43 16 provide a statement, and that's what occurred.
17
15:32:46 18 So we're coming to that point where he reaches out for the
15:32:49 19 second time to make a statement. The statement you're
15:32:51 20 speaking of is [REDACTED] 2006?---But it commenced before
15:32:55 21 that.
22
15:32:58 23 And you indicated to the Commission in your evidence that
15:33:02 24 he had reached out to Jim O'Brien when Jim O'Brien was
15:33:07 25 attending at the prisons?---For something unrelated, yes.
26
15:33:11 27 And that occurs, according to some notes, on [REDACTED]
15:33:17 28 2006?---Yes, that's correct.
29
15:33:18 30 And then the statement commences on [REDACTED] 2006?---That's
15:33:23 31 correct.
32
15:33:23 33 Continues on [REDACTED] 2006?---That's correct.
34
15:33:26 35 MR HANNEBERY: Commissioner, this is just an investigation
15:33:27 36 as to - - -
37
15:33:29 38 COMMISSIONER: It is looking that way.
39
15:33:31 40 MR HANNEBERY: - - - [REDACTED] credit.
41
15:33:32 42 COMMISSIONER: Dr Gumbleton, you're not making your
15:33:35 43 prospects of being given leave in future very promising.
44
15:33:39 45 DR GUMBLETON: Well, let me cut to the chase, Commissioner.
46
15:33:41 47 COMMISSIONER: Thank you, that would be good.

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P. TRICHIAS XXN - IN CAMERA

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These claims are not yet resolved.

1
15:33:43 2 DR GUMBLETON: [REDACTED] 2006 the first statement,
15:33:46 3 yeah?---Yes.
4
15:33:48 5 In terms of Gobbo, you've told the Commission that the only
15:33:54 6 time you're aware of that she went to visit [REDACTED] was
15:33:59 7 [REDACTED] 2006?---Which I found out during the Commission,
15:34:02 8 yes.
9
15:34:07 10 In terms of any contact between Gobbo and [REDACTED] before that
15:34:13 11 date whilst he was in custody, you say you have no
15:34:18 12 knowledge of that?---That's correct.
13
15:34:20 14 You say that nothing like that was done at your
15:34:23 15 behest?---No.
16
15:34:25 17 And in terms of what you've been taken to by Mr Winneke
15:34:34 18 about what came out in the trial of [REDACTED], you
15:34:39 19 say that didn't generate any conversation amongst the
15:34:42 20 Purana Task Force when it came out in the trial of
15:34:46 21 [REDACTED] --In relation to 2014 you're talking
15:34:54 22 about?
23
15:34:54 24 Yes, 2014?---Not that I'm aware of, no. There was
15:34:57 25 conversation between the [REDACTED] Task Force, not the Purana
15:34:59 26 Task Force.
27
15:35:03 28 So you're unaware that Gobbo had anything to do with [REDACTED]
15:35:07 29 before [REDACTED] of 2006.
30
15:35:09 31 MR HANNEBERY: Once again. I'll write it down, if he
15:35:13 32 likes.
33
15:35:13 34 COMMISSIONER: I'll allow that question to be asked.
35
36 MR HANNEBERY: The name.
37
38 COMMISSIONER: Again, that will have to be removed from the
39 transcript.
40
15:35:15 41 DR GUMBLETON: I'm sorry [REDACTED]
42
15:35:21 43 You're unaware that Gobbo had any access to [REDACTED] before
15:35:25 44 [REDACTED] of 2006?---Access within the prison system you're
15:35:31 45 talking about?
46
15:35:32 47 Yes?---No.

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1
15:35:33 2 You are aware during the running of the [REDACTED]
15:35:37 3 trial that all of this material was subpoenaed to do with
15:35:40 4 visits through the prison system?---Yes.
5
15:35:44 6 And Arunta calls?---Yes.
7
15:35:45 8 You're aware that Gobbo also had some phone contact with
15:35:48 9 [REDACTED] whilst he was in custody?---I'm not aware of any
15:35:51 10 phone contact, no.
11
15:35:56 12 As I understand it there's some evidence that conversations
15:36:03 13 were being recorded within the prison system?---Part of
15:36:06 14 their Arunta system, yes.
15
15:36:08 16 But also physical conversations that even included lawyers,
15:36:13 17 as I understand it?---If there were [REDACTED]
15:36:16 18 you're talking about?
19
15:36:17 20 Yes?---Illegally operating, yes, they were.
21
15:36:19 22 Gobbo was not at any stage ever a lawyer to [REDACTED]
15:36:25 23 [REDACTED]-No.
24
15:36:25 25 Nor was she ever a lawyer to [REDACTED]---No, not that
15:36:30 26 I'm aware of, no.
27
15:36:31 28 In terms of that visit to the prison in [REDACTED] of 2006, did
15:36:39 29 investigators ever get a recording of what was discussed at
15:36:42 30 that particular visit?---A recording in relation to what?
15:36:48 31 I'm not sure whether we had [REDACTED]
32
15:36:52 33 In terms of your specific knowledge, are you aware of
15:36:54 34 whether there was any conversation that was recorded?---I
15:36:56 35 don't think so, not at that period of time, no.
36
15:37:00 37 As a result of the subpoena that was issued in the
15:37:03 38 [REDACTED] trial, it was identified that there was a
15:37:06 39 call between [REDACTED] and Gobbo on [REDACTED] 2006 that
15:37:11 40 went for about 10 minutes?---Yes.
41
15:37:14 42 Have you ever obtained a copy of that Arunta call?---No.
43
15:37:19 44 Do you know if police have a copy of that Arunta call and
15:37:21 45 what was discussed?---I can't answer that, I don't know.
46
15:37:24 47 You don't know whether any claim of legal professional

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15:37:27 1 privilege was raised over that at all?---No.
2
15:37:44 3 Those are the matters.
4
15:37:46 5 COMMISSIONER: Yes, all right. Mr Hannebery, your witness.
6
15:37:51 7 MR HANNEBERY: No re-examination.
8
15:37:53 9 COMMISSIONER: Anything, Mr Winneke?
10
15:37:54 11 MR WINNEKE: No, Commissioner, no re-examination.
12
15:38:00 13 MR HANNEBERY: Commissioner, there's just one thing I do
15:38:02 14 want to raise. This witness has finished, it's got nothing
15:38:05 15 to do with this witness. I don't want to delay him
15:38:07 16 departing.
17
15:38:07 18 COMMISSIONER: We can let him go?
19
15:38:10 20 MR HANNEBERY: We can.
21
15:38:11 22 COMMISSIONER: Thanks Mr Trichias, you're free to go. I
15:38:13 23 think that you may be needed later about a different part
15:38:16 24 of your evidence, I'm afraid, but for the time being you're
15:38:21 25 free to go
15:38:22 26
27 <(THE WITNESS WITHDREW)
28
15:38:23 29 MR HANNEBERY: Commissioner, I was advised during
15:38:24 30 Mr Trichias's evidence one of the journalists in court was
15:38:26 31 using his phone to tape record proceedings within the
15:38:29 32 closed court. I understand that the Commission staff have
15:38:35 33 spoken to him, as has one of my juniors. I just simply
15:38:39 34 raise that because, clearly, the concerns that we have that
15:38:43 35 led to the closed hearing remain from Victoria Police's
15:38:47 36 perspective. Obviously, there are duties of care towards
15:38:51 37 those who might be affected by this information coming out
15:38:53 38 and there is obviously an enormous amount of trust placed
15:38:57 39 in those who have got the privilege to be in this court not
15:39:00 40 to relay that information, and I submit that recording that
15:39:03 41 information in that manner is inconsistent with the
15:39:08 42 non-publication order and I'd encourage the Commissioner to
15:39:11 43 make that point.
44
15:39:12 45 COMMISSIONER: Yes. Does anyone want to say anything about
15:39:16 46 this? Mr Winneke?
47

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15:39:19 1 MR WINNEKE: Commissioner, I don't know what the situation
15:39:22 2 is. I don't know what the information is that my learned
15:39:25 3 friend has. I would have thought that it would not be
15:39:29 4 appropriate to be recording - - -
5
15:39:32 6 COMMISSIONER: That it is not appropriate, did you say?
7
15:39:34 8 MR WINNEKE: Not appropriate, no.
9
15:39:35 10 COMMISSIONER: No, absolutely not. It isn't appropriate
15:39:38 11 for any recordings to be made given the non-publication
15:39:41 12 orders that are in place.
13
15:39:44 14 MR WINNEKE: If there are such recordings they ought to be
15:39:46 15 provided to the Commission.
16
15:39:48 17 COMMISSIONER: Yes, they should be. They should be wiped,
15:39:54 18 they should be deleted.
19
15:39:57 20 MR WINNEKE: Commissioner, perhaps if we can have a
15:39:59 21 discussion with the person concerned and then we can
15:40:03 22 provide the Commissioner - provide you with the results of
15:40:09 23 our enquiries.
24
15:40:12 25 COMMISSIONER: Yes.
26
15:40:13 27 MR WINNEKE: Without knowing at this stage any details of
15:40:17 28 it there's not much I can say, but clearly it would not be
15:40:21 29 appropriate to be recording proceedings either on a video
15:40:24 30 or an audio recorder or taking photographs.
31
15:40:27 32 COMMISSIONER: No, that's absolutely right and such
15:40:29 33 behaviour is completely inconsistent with the
15:40:32 34 non-publication orders that I've made and the reason for
15:40:36 35 the suppression orders originally made by other courts that
15:40:45 36 are centred on protecting the safety of individuals. So
15:40:49 37 it's certainly not to proceed further and if it has been
15:40:52 38 done so far, I would ask the accredited journalist to
15:40:57 39 inform the Commission of that, to delete any such
15:41:00 40 recordings and to inform the Commission that they have done
15:41:05 41 so.
42
15:41:08 43 MR WINNEKE: Thanks, Commissioner. The next witness, if
15:41:10 44 we're ready - Mr Woods is going to call Detective Hatt.
45
15:41:18 46 COMMISSIONER: Thank you. This will be in open court
15:41:43 47 initially?

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1 PROCEEDINGS IN CAMERA:

2
15:52:28 3 MR WOODS: Thank you, Commissioner.

4
15:52:31 5 Mr Hatt, the statement that you've provided to the
15:52:34 6 Commission outlines your relevant evidence as it relates to
15:52:38 7 the Commission's Terms of Reference, and in summary, that's
15:52:43 8 generally dealing, at least in the first part of your time
15:52:46 9 in Purana, with [REDACTED] and [REDACTED] is that
15:52:50 10 correct?---That is correct, yes.

11
15:52:51 12 And specifically your contact with [REDACTED] occurred
15:52:57 13 immediately following - your personal contact with him this
15:53:02 14 is - immediately following the murder of [REDACTED]
15:53:06 15 [REDACTED]---That's right, [REDACTED] and [REDACTED]

16
15:53:09 17 Can you say that again?-- [REDACTED] and [REDACTED]

18
15:53:13 19 [REDACTED] was selling ecstasy at a street level
15:53:18 20 prior to his murder, is that right?---I'm not aware of
15:53:21 21 that.

22
15:53:25 23 The Purana Task Force had listening devices on [REDACTED]
15:53:30 24 and [REDACTED] just prior - and trackers - just prior to the
15:53:34 25 murder of [REDACTED], is that right?---That's
15:53:36 26 correct.

27
15:53:36 28 And so you're able to place them in the vicinity and arrest
15:53:41 29 them very quickly following that murder?---No, that is not
15:53:44 30 entirely correct. We had a listening device [REDACTED]
15:53:48 31 We could hear what was unfolding, but we [REDACTED]
15:53:51 32 [REDACTED] so we weren't aware [REDACTED]

33
15:53:54 34 There was [REDACTED] is that right,
15:53:58 35 or there was [REDACTED]---There was [REDACTED] but it was
15:54:00 36 [REDACTED] on that [REDACTED]

37
15:54:02 38 So there was a recording of what was happening [REDACTED]
15:54:05 39 just prior and you could hear what happened, but not
15:54:08 40 perhaps know exactly where it was happening?---No, not
15:54:13 41 until the actual murder occurred.

42
15:54:14 43 And that was on [REDACTED] 2003?---That's correct.

44
15:54:21 45 And following that Purana, knowing their whereabouts I take
15:54:31 46 it, arrested one first and then the other. Was it [REDACTED] first
15:54:34 47 and then [REDACTED]-They were both arrested at the same time.

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1
15:54:36 2 And within what sort of period of time after the
15:54:39 3 murder?---Within a couple of hours.
4
15:54:40 5 And you processed [REDACTED] but not [REDACTED]---That's
15:54:44 6 correct.
7
15:54:45 8 And I assume you kept them separate from the time of their
15:54:51 9 arrest?---They were, yes.
10
15:54:52 11 And you had a discussion with [REDACTED] once he had been
15:54:56 12 processed, in which he indicated to you that he was willing
15:54:59 13 to cooperate with police?---It wasn't directly to me, but
15:55:03 14 he spoke to another person in my presence.
15
15:55:05 16 So you heard him say that he was willing to cooperate?---He
15:55:08 17 was providing information indicating that he was
15:55:10 18 cooperating then and there.
19
15:55:13 20 I take it because there was some very significant evidence
15:55:18 21 against him, because of the matters we've just spoken
15:55:21 22 about, your understanding is he was seeking some benefit
15:55:24 23 because the police essentially had him cold?---Correct.
15:55:27 24 The evidence against him was overwhelming at that stage
15:55:30 25 and, yes, he was cold.
26
15:55:35 27 So I take it once he'd said that, it was immediately clear
15:55:39 28 to you and the other person that he said it in front of,
15:55:43 29 that his interests wouldn't necessarily align with
15:55:46 30 [REDACTED] interests from that moment?---I would have to
15:55:52 31 guess that that was what was going on in his mind, yes.
32
15:55:58 33 If we could bring up a diary just in front of the witness,
15:56:03 34 me and the Commissioner and perhaps Victoria Police. It is
15:56:06 35 VPL.0005.0114. [REDACTED] What I'm asking to be brought up on
15:56:17 36 the screen is your diary for [REDACTED] 2003, so it's
15:56:21 37 about two weeks after the [REDACTED] murder. You might even
15:56:24 38 have that in front of you?---M'mm.
39
15:56:26 40 Actually, I'm not sure, this page actually isn't in the
15:56:29 41 bundle so forget that number I've just read out. We'll go
15:56:34 42 to that document in a moment. On that date, so just using
15:56:38 43 your memory as best you can, a couple of weeks after the
15:56:41 44 murder, you made an application to have - it was a 464B
15:56:45 45 application to have [REDACTED] taken out of custody so that
15:56:49 46 he could be questioned in relation to some other matters,
15:56:54 47 is that right?---That's right.

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M. HATT XXN - IN CAMERA

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1
15:56:55 2 And you didn't participate in that interview but you
15:56:57 3 provided security?---Yes, that's right.
4
15:57:00 5 Where did the interview take place?---There was a recording
15:57:04 6 in the vehicle, so the interview essentially took place
15:57:07 7 from the moment he was put into the police car at the
15:57:09 8 Custody Centre, to the police station, at the police
15:57:13 9 station, and then his return back to the Custody Centre.
10
15:57:15 11 Did you observe the interview?---No, I did not.
12
15:57:20 13 But you're aware that during that interview, the substance
15:57:23 14 of what ██████ said was that he was providing
15:57:29 15 information about ██████ and ██████ involvement
15:57:34 16 in the murders of ██████ and ██████ at the
15:57:39 17 ██████ is that right?---I can't recall exactly what
15:57:42 18 he said, but I am aware that he spoke about various people
15:57:45 19 he was involved in crime with.
20
15:57:47 21 And that was one of the crimes that he gave information to
15:57:49 22 the police about at the early stages, though, wasn't
15:57:53 23 it?---That's right.
24
15:57:53 25 And ██████ who he was giving the information about, was ██████
15:57:57 26 ██████ for the murder of ██████?---Yes.
27
15:58:02 28 He also gave information, you indicate, about other
15:58:06 29 matters. Some of those were to do with Tony Mokbel's
15:58:10 30 involvement with organised crime, is that right?---Without
15:58:15 31 seeing the transcript I can't remember exactly what he
15:58:18 32 spoke about.
33
15:58:20 34 Okay. The next week - just doing the best you can. I
15:58:30 35 won't take you to diaries just yet - you attended ██████
15:58:36 36 ██████ Prison to see him again, to provide him with copies
15:58:38 37 of the tapes that had been taken during that interview the
15:58:41 38 week before?---That's right.
39
15:58:43 40 And essentially he said, "I don't want to have copies of
15:58:46 41 these tapes with me in prison" and - firstly, is that what
15:58:52 42 he said?---Yes, he did.
43
15:58:54 44 I suppose it's inevitable that his reason was it was a
15:58:58 45 dangerous thing to have tapes in which he was implicating
15:59:01 46 other people when he was in prison?---That's correct.
47

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15:59:06 1 And during that visit he expressed concerns about his
15:59:10 2 safety because of the information that he had given about,
15:59:15 3 firstly, [REDACTED] and, secondly, [REDACTED] is that
15:59:19 4 right?---Yes, he was very concerned, yes.
5

15:59:22 6 In fact, in the days and the time after that, you visited
15:59:26 7 his family home because, in fact, his family held similar
15:59:29 8 concerns because of the assistance that he had been giving
15:59:32 9 to police in relation to those matters?---That's correct,
15:59:34 10 and as did we, as the police, yes.
11

15:59:42 12 There was a warrant executed in [REDACTED] 2004 - this is at
15:59:50 13 [REDACTED] house - firstly, were you involved in the
15:59:55 14 execution of that warrant?---Sorry, what date was that?
15

15:59:58 16 It was about [REDACTED] 2004. So you visited the home on
16:00:04 17 [REDACTED] 2004 and the warrant was executed two days
16:00:09 18 later?---I believe I was present, yes.
19

16:00:11 20 And the purpose of that warrant being executed was to
16:00:14 21 obtain information about the murder - firstly, about the
16:00:18 22 murder of [REDACTED] is that correct?---That's
16:00:20 23 correct.
24

16:00:21 25 And, secondly, information about the murder of [REDACTED]
16:00:26 26 and [REDACTED] ---That's correct.
27

16:00:32 28 Was your understanding, from what had been explained to you
16:00:36 29 or your colleagues, that what [REDACTED] was essentially
16:00:42 30 saying was that the murder of [REDACTED] and [REDACTED]
16:00:45 31 [REDACTED] had been conducted at the request of [REDACTED]
16:00:52 32 [REDACTED] ---That's correct.
33

16:00:54 34 And that the participants in it were, firstly,
16:00:58 35 [REDACTED] ---Correct.
36

16:00:59 37 And [REDACTED] ---Correct, and [REDACTED] as well.
38

16:01:04 39 And [REDACTED] yes. In the time that followed, you and
16:01:12 40 your crew, and we don't need to go into specifics about it,
16:01:16 41 but there were a number of visits to [REDACTED] in custody,
16:01:19 42 in order to obtain his statements so the statements would
16:01:23 43 be in a form where ultimately he'd be able to give evidence
16:01:26 44 in relation to those matters?---That's correct.
45

16:01:34 46 A diary that we do have - Commissioner, it is one minute
16:01:41 47 past four. There is no prospect of me finishing this

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M. HATT XXN - IN CAMERA

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16:01:44 1 witness today, unfortunately. I'm in your hands about
16:01:46 2 whether we continue.
3
16:01:47 4 COMMISSIONER: How are we going time wise? We've got a
16:01:51 5 witness organised for tomorrow who's got limited
16:01:54 6 availability, Bateson.
7
16:01:58 8 MR WOODS: I don't think so. After Mr Hatt is
16:02:02 9 Mr L'Estrange, who is a relatively brief witness.
16:02:04 10 Following that is Mr Rowe. And then Mr Bateson.
11
16:02:10 12 COMMISSIONER: So they're all available into next week?
13
16:02:14 14 MR WOODS: I think the way we envisage it playing out is
16:02:17 15 that we might get to Mr Rowe tomorrow and hopefully might
16:02:21 16 finish Mr Rowe tomorrow and we'd be sitting at 1.30 or so
16:02:26 17 on Monday until the end of Tuesday - a break overnight, of
16:02:29 18 course, hopefully - to get some way into Mr Bateson's
16:02:35 19 evidence but certainly restricting his evidence, we
16:02:38 20 envisage at this stage, to this time period rather than
16:02:42 21 later events. So that's the way it pans out. I think if
16:02:49 22 we were to adjourn now, we'd still be in pretty good form
16:02:53 23 to be able to finish in that way.
24
16:02:55 25 COMMISSIONER: Just if you wanted to I would be prepared to
16:02:57 26 sit on for a little while if it was going to assist making
16:03:01 27 sure we finish with these witnesses within the time
16:03:03 28 available.
29
16:03:04 30 MR WOODS: I think we would probably prefer, if it is all
16:03:07 31 right with you, to take a little bit more time now, if
16:03:09 32 that's possible, so up to perhaps half past 4.
33
16:03:13 34 COMMISSIONER: Yes, sure.
35
16:03:16 36 MR WOODS: Thank you, Commissioner.
37
16:03:17 38 So the document that I'd like brought up in front of the
16:03:20 39 witness, the Commissioner and myself is - it's the document
16:03:23 40 that I identified before, which is Mr Hatt's diaries and
16:03:29 41 I'm looking for the pinpoint reference of p.13. This is a
16:03:38 42 document - firstly, this is your official diary. We'll
16:03:43 43 wait until it comes up on the screen. You've probably got
16:03:47 44 it in front of you there actually. Look at the screen
16:03:49 45 actually, p.13. I need the shaded version rather than the
16:04:01 46 redacted, so it will be R1S. Unfortunately, the
16:04:07 47 redactions, because of the issues we're dealing with, are

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16:04:10 1 pretty extreme. So just looking at that there, this is
16:04:17 2 notes that you made on ██████████ 2004 in relation to
16:04:26 3 evidence - information, at that stage, that ██████████ had
16:04:31 4 been providing to Victoria Police?---That's right.
5
16:04:36 6 And the context in which he was providing it is the context
16:04:39 7 that I've just taken you through, following the murder of
16:04:41 8 ██████████---Yes, correct.
9
16:04:44 10 That can be taken off the screen now. You have a couple
16:04:48 11 more pages and I think you've got the hard copy in front of
16:04:51 12 you, which essentially documents and summarises the things
16:04:56 13 that he's assisted with since his arrest?---On that
16:04:59 14 particular visit, yes.
15
16:05:00 16 So these are just the things that he told you on that
16:05:03 17 visit, not perhaps previous things?---Correct.
18
16:05:09 19 During that visit on ██████████ ██████████ asked you to
16:05:16 20 get his ██████████ to contact Nicola Gobbo?---Yes.
21
16:05:21 22 And you're not sure exactly what that related to but you
16:05:27 23 knew at that stage - I'm not saying you knew Nicola Gobbo
16:05:31 24 at that stage but you knew that she was a criminal
16:05:33 25 barrister?---I did, yes.
26
16:05:35 27 And this was a man in custody for a serious criminal
16:05:38 28 matter. I suggest it was inevitable that the reason Gobbo
16:05:41 29 was being asked for was to provide legal advice to
16:05:46 30 ██████████--I believe so.
31
16:05:51 32 In your note, it says that when he's asking for Gobbo, the
16:05:58 33 note says that he said to you, "The bloke at the top of the
16:06:02 34 tree splashes money on Nicola." Did you understand the
16:06:06 35 bloke at the top of the tree was Carl Williams or Tony
16:06:10 36 Mokbel?---At the time I would have known. At present I
16:06:17 37 can't recall which of those two it was, but I would guess
16:06:21 38 it was one of those two.
39
16:06:22 40 Did you understand that to be a reference to the legal fees
16:06:25 41 that ██████████ will incur will be paid by that person?---No, I
16:06:30 42 thought it referred to money being given to that person for
16:06:34 43 other matters.
44
16:06:37 45 I see. Not necessarily legal advice?---Correct.
46
16:06:40 47 Okay. At this stage, in 2019, you're not sure looking back

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16:06:50 1 to this date in 2004 whether or not you'd actually met
16:06:53 2 Nicola Gobbo or maybe seen her around the legal precinct at
16:06:56 3 that stage, is that right?---That's right.
4
16:07:01 5 But certainly you knew who she was, you knew her reputation
16:07:05 6 as a criminal barrister?---I knew she was a barrister, yes.
7
16:07:11 8 Did you know then that she was personally close to Carl
16:07:16 9 Williams?---I believe I did, yes.
10
16:07:21 11 Did you know that she was personally close to people in
16:07:25 12 Carl Williams' crew, other than Carl?---I believe so, yes.
13
16:07:31 14 And what about Tony Mokbel, did you know that she was
16:07:34 15 personally close to him at that stage?---I believe so, yes.
16
16:07:38 17 And what about people in his crew?---Not entirely sure, but
16:07:43 18 I would guess yes.
19
16:07:47 20 You say in your statement that you viewed her as an active
16:07:54 21 part of criminal enterprises that Purana was trying to
16:07:57 22 dismantle. I just want to understand what you mean by an
16:08:01 23 active part of the criminal enterprises. Are you referring
16:08:04 24 there to the fact she was engaged in criminal activity or
16:08:07 25 what does it mean?---For me the lines were blurred as to
16:08:13 26 what her role was. I believed she wasn't always acting as
16:08:18 27 a legal representative to these people. There was
16:08:20 28 certainly some personal association with them as well.
29
16:08:23 30 And I take it, because you didn't have personal contact
16:08:26 31 with her, this is something that was fairly well-known
16:08:29 32 amongst you and your peers at Purana?---I'm not sure if it
16:08:33 33 was well-known but it was certainly something that I picked
16:08:36 34 up through my investigations.
35
16:08:39 36 All right. You make the observation as well that at this
16:08:49 37 stage it was your understanding that she was becoming close
16:08:52 38 personal friends with organised crime figures. Do I take
16:08:55 39 it from your previous answers that those organised crime
16:08:58 40 figures were Carl Williams and people within his crew,
16:09:01 41 firstly?---They were some of them, yes.
42
16:09:03 43 And Tony Mokbel?---Yes, I believe so.
44
16:09:07 45 And I won't ask for names, but were there others as
16:09:09 46 well?---I believe so.
47

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16:09:16 1 On [REDACTED] 2004, there was a committal mention in relation
16:09:24 2 to [REDACTED] and [REDACTED] and I take it that was a
16:09:30 3 committal mention for the charges in relation to the
16:09:33 4 killing of [REDACTED] ---Sorry, what date was that?
5
16:09:40 6 This is [REDACTED] 2004. I think you'll find it at p.19 of
16:09:44 7 the document in front of you, which I don't need to bring
16:09:46 8 up on the screen?---Yes, it related to [REDACTED]
9
16:09:50 10 But not [REDACTED] - sorry, it was the committal mention for
16:09:54 11 the [REDACTED] co-accused [REDACTED] and [REDACTED] -That's correct.
12
16:10:00 13 And that was the day the Commission has heard some evidence
16:10:06 14 about, that [REDACTED]
16:10:12 15 [REDACTED] ---Yes, he did.
16
16:10:13 17 Were you present when that occurred?---Yes, I was.
16:10:17 18
16:10:18 19 Following that date you continued to make visits, and I
16:10:20 20 won't take you to the parts of the diary, but you continue
16:10:22 21 to make visits to [REDACTED] in relation to information that
16:10:26 22 he was providing into criminal matters generally?---Yes,
16:10:32 23 but also in relation to his security and welfare.
24
16:10:34 25 I was going to ask that next. So he was still concerned
16:10:37 26 about his security and he was asking for assistance from
16:10:39 27 you in that regard?---Yes, and as were we.
28
16:10:44 29 And as were his family?---As were the police concerned and
16:10:48 30 his family, yes.
31
16:10:49 32 The police weren't just concerned for his safety, the
16:10:51 33 police were also concerned for his family's
16:10:54 34 safety?---That's correct.
35
16:10:56 36 So he then - there were statements taken from him and
16:11:04 37 before signing those statements he specifically asked that
16:11:08 38 Nicola Gobbo be given a copy of those statements, do you
16:11:13 39 recall that?---That is not correct.
40
16:11:14 41 No?---No. My understanding was that she was given the
16:11:18 42 opportunity to have a look at them but not a copy of them.
43
16:11:23 44 So the statements were taken to Nicola Gobbo but they were
16:11:25 45 taken to Nicola Gobbo at the request of
16:11:27 46 [REDACTED] ---Correct.
47

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M. HATT XXN - IN CAMERA

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16:11:32 1 It's your understanding that the reason they were being
16:11:34 2 taken to Nicola Gobbo, coupled with the fact that he had
16:11:38 3 asked for Nicola Gobbo to be contacted a few weeks before -
16:11:41 4 a few months before, was that Nicola Gobbo was acting on
16:11:44 5 his behalf at that stage, that was your
16:11:47 6 understanding?---That's my understanding, yes.
7

16:11:51 8 On 10 July 2004 - and that's at p.34 of the document in
16:11:58 9 front of you. If it assists the Commissioner, it might be
16:12:01 10 brought up on the Commissioner's screen - this is 10 July
16:12:09 11 2004. You went to Gobbo's chambers with copies of the
16:12:13 12 statements, hard copies?---Yes, I did.
13

16:12:15 14 She read those statements in front of you?---She did.
15

16:12:19 16 She made some amendments to those statements?---I'm not
16:12:21 17 sure she made amendments. I think she - - -
18

16:12:27 19 She suggested changes?---I think she suggested changes to
16:12:30 20 her client, not to me, I believe.
21

16:12:32 22 I understand. Do you know how she did that, how she
16:12:35 23 suggested those changes? Did she mark them up or
16:12:39 24 - - -?---No, she didn't. The copies that she was given on
16:12:41 25 that occasion were returned to me and I took them away.
26

16:12:44 27 I'm just interested in how the changes were suggested. Was
16:12:47 28 she in regular contact with [REDACTED] or how - - -?---I'm
16:12:50 29 not sure.
30

16:12:50 31 But you do recall that she did suggest some changes?---Yes.
32

16:12:55 33 All right. And from then on, on 13 July 2004 - this is
16:13:02 34 p.35 of that same document - you and Mr Bateson attended
16:13:09 35 prison in order to have [REDACTED] sign those statements, is
16:13:18 36 that right?---I'm not sure whether he actually signed them
16:13:19 37 that day, but he might have viewed them further.
38

16:13:22 39 Okay. There were read backs recorded. Does that mean that
16:13:28 40 - is the process that once a statement is provided in this
16:13:32 41 situation, that before it's signed it's read back to the
16:13:35 42 person who's making the statement to ensure it's
16:13:37 43 correct?---My understanding is that at that particular time
16:13:40 44 it was the process of the person making the statement
16:13:43 45 reading the statement on camera and then indicating whether
16:13:47 46 it was true and correct and then signing it whilst on
16:13:50 47 camera.

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1
16:13:52 2 For evidential purposes, I take it?---That's correct.
3
16:13:56 4 That's in fact what happened on [REDACTED] 2004. I think this
16:14:00 5 might be around paragraph 19 in your statement?---Yeah, it
16:14:08 6 does say [REDACTED]. It is a little bit hard to tell from my
16:14:11 7 redacted notes, but [REDACTED]
8
16:14:15 9 I understand. Now, the focus of that particular - he made
16:14:19 10 a number of statements, didn't he?---He did.
11
16:14:21 12 The focus of that particular statement was implicating
16:14:24 13 [REDACTED] in the murder of [REDACTED] and [REDACTED]
16:14:33 14 at the [REDACTED] ---And others.
15
16:14:34 16 Sorry, and others, but I'm just focusing on [REDACTED] for
16:14:37 17 the moment. It was implicating [REDACTED] amongst others,
16:14:42 18 in that murder?---That was in one of the statements, yes.
19
16:14:49 20 And from that date onwards you continued to deal with
16:14:52 21 safety concerns that he had while he was in
16:14:55 22 custody?---That's correct.
23
16:14:55 24 And he would contact you through whatever method there is
16:15:00 25 at the prison when he had those concerns?---I think that
16:15:05 26 was later in the piece. I can't recall, around that time,
16:15:11 27 how he relayed those concerns.
28
16:15:13 29 Sure. Now, on [REDACTED] 2005 - this is p.47 of the same
16:15:22 30 document, for the Commissioner's purposes - there was
16:15:28 31 another statement taken from [REDACTED] and this time he
16:15:31 32 was implicating [REDACTED] in the murder of [REDACTED]
16:15:38 33 [REDACTED] --What date was that one?
34
16:15:42 35 It is [REDACTED] 2005. I think it might be the only page from
16:15:46 36 [REDACTED] 2005. If you look at the number on the top
16:15:49 37 right-hand side of the page, it is p.47?---Yes, that's
16:16:04 38 right.
39
16:16:06 40 And that murder had occurred earlier than the other ones
16:16:10 41 we're talking about. That was back in [REDACTED] 2000?---That's
16:16:13 42 right.
43
16:16:13 44 And it had been unsolved - or there hadn't been a lot of
16:16:19 45 information that the police could work with until this
16:16:21 46 moment, when [REDACTED] started assisting?---I wouldn't say
16:16:24 47 that. There was a lot of information, but there probably

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16:16:27 1 wasn't enough evidence to charge anyone, to that point.
2
16:16:32 3 Just on that point, was it a bit of a watershed moment when
16:16:38 4 [REDACTED] was arrested following [REDACTED] because
16:16:43 5 there were a great deal of unsolved murders where Purana,
16:16:49 6 no doubt, had a lot of suspicion but perhaps not enough
16:16:52 7 evidence to do anything about it yet and it was a pretty
16:16:55 8 good thing for Purana that finally there was someone who
16:16:58 9 was breaking the cone of silence, is that a general - is
16:17:01 10 that generally correct?---That's correct, yes.
11
16:17:04 12 All right. And, in fact, [REDACTED] was ultimately
16:17:08 13 charged with that murder?---He was.
14
16:17:13 15 And [REDACTED] gave evidence in relation to that
16:17:17 16 matter?---Yes, he did.
17
16:17:25 18 There was a plea arrangement entered into with [REDACTED] in
16:17:29 19 early 2007 and the plea was that he would plead to his
16:17:40 20 involvement and the organising of the murders of [REDACTED]
16:17:42 21 [REDACTED] [REDACTED] and [REDACTED]
16:17:47 22 murder [REDACTED] If you don't know, that's okay?---I
16:17:51 23 don't know exactly what murders he pleaded to on that
16:17:55 24 particular day.
25
16:17:56 26 So you weren't involved in that part of it at that
16:17:58 27 stage?---I certainly was, but I'd moved away from Purana.
16:18:01 28 I remember going to that court hearing, but I'm not sure
16:18:04 29 exactly which murders he pleaded to, without referring to
16:18:06 30 my notes.
31
16:18:08 32 Do you recall that the murder charges in relation to
16:18:11 33 [REDACTED] [REDACTED] and some other drug
16:18:18 34 trafficking charges were withdrawn as part of the
16:18:19 35 arrangement?---Which were withdrawn?
36
16:18:23 37 [REDACTED] [REDACTED] and some trafficking
16:18:27 38 charges?---I don't believe the [REDACTED] charges were
16:18:30 39 withdrawn. I think the [REDACTED] charges were.
40
16:18:34 41 I see. Sorry, [REDACTED] and [REDACTED] It is my
16:18:39 42 mistake saying [REDACTED] - [REDACTED] and [REDACTED] were maintained.
16:18:44 43 The [REDACTED] charges were withdrawn.
44
16:18:47 45 I see. The situation with [REDACTED] though, as I
16:18:49 46 understand it, is that there wasn't evidence of a
16:18:52 47 particular intention that he be killed on the day. The

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16:18:55 1 target of that had been [REDACTED] is that right?---Yes,
16:18:59 2 the main target was [REDACTED] on that day.
3
16:19:04 4 At the committal of [REDACTED] [REDACTED] and [REDACTED] in
16:19:13 5 relation to [REDACTED] murder, is it correct that
16:19:20 6 [REDACTED] gave evidence?---Can you repeat the question?
7
16:19:27 8 The question is it's a committal that was held in relation
16:19:32 9 to the murder of [REDACTED] ---Yes.
10
16:19:36 11 And [REDACTED] gave evidence. Do you recall that?---I do,
16:19:40 12 yes.
13
16:19:42 14 And then there's a separate committal, and this is in
16:19:47 15 [REDACTED] 2005 - and it's a committal for [REDACTED] for his
16:19:54 16 involvement and ordering of the murder of [REDACTED]
16:19:57 17 [REDACTED] - were you present at the committal of
16:20:01 18 [REDACTED] for that murder?---Yes, I was.
19
16:20:06 20 And [REDACTED] gave evidence there as well, implicating both
16:20:11 21 [REDACTED] and [REDACTED] ---In the [REDACTED] murder, yes.
22
16:20:16 23 That's right. And admitting his own part in that as
16:20:19 24 well?---That's correct.
25
16:20:22 26 I'm going to move on to some issues about [REDACTED] and
16:20:28 27 you know who I'm talking about there?---I do.
28
16:20:33 29 And some cooperation that he provided. Essentially, one of
16:20:38 30 the things that [REDACTED] had assisted the police with was
16:20:45 31 implicating [REDACTED] in his involvement at the [REDACTED]
16:20:51 32 the murders that happened at [REDACTED] of [REDACTED] and
16:20:56 33 [REDACTED] ---That's right.
34
16:20:58 35 And it wasn't much longer after that, about a month later,
16:21:02 36 that [REDACTED] was arrested, after [REDACTED] had assisted
16:21:09 37 with that, is that right, can you remember?---After the
16:21:12 38 committal or after the actual signing of the statement?
39
16:21:15 40 After the signing of the statement?---That's correct.
41
16:21:21 42 At the stage when [REDACTED] was arrested for those murders,
16:21:26 43 were you involved in that arrest?---I was present, yes.
44
16:21:31 45 And you're aware, I take it, that it was Nicola Gobbo who
16:21:40 46 [REDACTED] asked to represent him in relation to the charge
16:21:44 47 that he was facing?---On that particular day, I wasn't

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16:21:49 1 aware of who he spoke to because he was taken back to the
16:21:52 2 police station by all the police members and then Michelle
16:21:55 3 Kerley and myself left the police station and did other
16:21:58 4 tasks, so I'm not sure of what took place that particular
16:22:02 5 day pertaining to [REDACTED] after he was taken to the
16:22:05 6 police station.
7

16:22:05 8 So perhaps not that day, but you knew shortly after the
16:22:08 9 arrest that Nicola Gobbo was his legal advisor - this is
16:22:12 10 [REDACTED] legal advisor?---Again, I'm not sure when I
16:22:15 11 exactly found out, but she did become his legal advisor,
16:22:17 12 yes, at some stage.
13

16:22:19 14 And given your involvement in the taking of statements from
16:22:24 15 [REDACTED] that were implicating - sorry, from [REDACTED]
16:22:28 16 that were implicating [REDACTED] I take it you found it
16:22:32 17 extraordinary that Nicola Gobbo popped up to represent
16:22:35 18 [REDACTED] --I wouldn't say extraordinary, no.
19

16:22:40 20 Did it make you uncomfortable?---No.
21

16:22:44 22 You were aware that [REDACTED] had been relying on Nicola
16:22:49 23 Gobbo to advise him in relation to the statements that he
16:22:52 24 gave, that's right?---Correct.
25

16:22:54 26 Part of that information in those statements was
16:22:57 27 implicating [REDACTED] that's right, isn't it?---That's
16:23:00 28 correct.
29

16:23:01 30 It didn't give you pause, or didn't cause you any concern,
16:23:06 31 that the legal representative for [REDACTED] was the very
16:23:11 32 person who had helped [REDACTED] roll on [REDACTED]?---She
16:23:15 33 didn't help him roll.
34

16:23:18 35 You took statements to her chambers, she was representing
16:23:22 36 him?---She represented him providing legal advice, but she
16:23:26 37 didn't help him roll. He was willing to roll on the night
16:23:29 38 he was arrested for those murders - or for that murder.
39

16:23:33 40 I understand that. And in the process of rolling, he took
16:23:35 41 legal advice, didn't he?---He did, yes.
42

16:23:38 43 And he took it from Nicola Gobbo?---I'm not sure whether he
16:23:41 44 took it from Nicola Gobbo that night.
45

16:23:42 46 I'm not talking about that night, I'm talking about in the
16:23:44 47 process of dealing with Purana following the murder of

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16:23:47 1 [REDACTED] and his arrest. His legal advisor was
16:23:51 2 Nicola Gobbo?---She was one of them, yes.
3
16:23:53 4 She was the very one whose chambers you attended with a
16:23:57 5 statement and she suggested changes to it?---She did, yes.
6
16:24:02 7 So going back to my initial question, I take it your answer
16:24:06 8 is, 'No, I didn't feel uncomfortable at all about Nicola
16:24:10 9 Gobbo representing [REDACTED] in those
16:24:13 10 circumstances"?---Ultimately it was his choice. So to keep
16:24:16 11 him on side, she was the legal representative that he
16:24:22 12 chose.
13
16:24:23 14 Would you have expected, in a situation like that faced by
16:24:30 15 [REDACTED] that one of the things he might try and do is to
16:24:32 16 discredit the person who has implicated him in the criminal
16:24:40 17 activity for which he's charged?---He might.
18
16:24:42 19 He might. Would there be difficulty faced, in your view,
16:24:46 20 for his legal advisor, [REDACTED] legal advisor, to give
16:24:51 21 independent, impartial legal advice in those
16:24:55 22 circumstances?---I'm not sure. That's a discussion that
16:25:01 23 the solicitor would have to have with the client.
24
16:25:04 25 So I take it then it's really a matter - in your view, it
16:25:09 26 is a matter for the lawyer to worry about, it is not
16:25:12 27 necessarily a matter for the police to worry about?---The
16:25:14 28 discussions between the client and the lawyer were the
16:25:17 29 discussions between them, it wasn't anything to do with the
16:25:20 30 police.
31
16:25:24 32 Just to press you in answer to the question, you didn't see
16:25:28 33 any problem with Nicola Gobbo representing [REDACTED]?---Not
16:25:33 34 that I can recall at the time, no.
35
16:25:35 36 As you sit here now, in 2019, a lot of water under the
16:25:39 37 bridge, a lot more known about what happened with Nicola
16:25:42 38 Gobbo, do you reflect on it now and think, "Gee, I probably
16:25:47 39 should have flagged that as an issue back in the day"?---I
16:25:49 40 don't think I could have flagged that as an issue back in
16:25:51 41 the day. It wasn't my option.
42
16:25:53 43 Would it have been something you could have spoken to a
16:25:56 44 superior about?---My superiors knew exactly what was going
16:26:00 45 on, so I'm not sure me bringing it to their attention would
16:26:04 46 have gained any new knowledge in their mind.
47

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16:26:06 1 You're familiar with the concept that the legal process is
16:26:11 2 to play out fairly in relation to accused people, that's a
16:26:15 3 fair statement, isn't it?---Yes, correct.
4

16:26:18 5 And accused people can expect that their legal
16:26:22 6 representative is going to be acting solely in their
16:26:27 7 client's best interests, other than their duty to the
16:26:32 8 court, they're going to be acting in their client's best
16:26:35 9 interests?---I would have to guess that that is what they
16:26:37 10 would want.
11

16:26:38 12 It is what you would want if you were being represented by
16:26:41 13 a lawyer?---Possibly.
14

16:26:44 15 It is what you'd expect?---Possibly.
16

16:26:50 17 Do you see the situation that was faced by [REDACTED] as
16:26:57 18 causing any problems in relation to those issues, namely
16:27:03 19 that the legal process might not play out fairly for
16:27:06 20 [REDACTED]?---In what regard?
21

16:27:10 22 In the regard that his lawyer had assisted the person who
16:27:15 23 rolled on him to roll on that lawyer's new client?---I
16:27:21 24 refute the comment that you say that she assisted him to
16:27:25 25 roll. He was rolling - - -
26

16:27:27 27 I'm not talking about motivation. I understand that he was
16:27:30 28 ready to roll before she came into the picture, I accept
16:27:33 29 that. What I'm saying is that she was his legal
16:27:37 30 representative who assisted him not in the decision but in
16:27:40 31 the process of providing information against [REDACTED]
16:27:45 32 That's got to be correct, doesn't it?---Essentially, yes.
33

16:27:49 34 And what I'm saying is for the legal process to play out
16:27:54 35 fairly in circumstances where, as you've accepted, an
16:27:57 36 individual can expect their lawyer to be acting in their
16:28:00 37 own best interests, and that's the way the system is meant
16:28:03 38 to work, can you see that there might be a problem with the
16:28:06 39 way the system was played out for [REDACTED] in those
16:28:10 40 circumstances?---I can't tell you what he was thinking. It
16:28:16 41 was his decision to have that particular person represent
16:28:19 42 him.
43

16:28:20 44 So your answer is no, you can't see a problem?---No.
45

16:28:28 46 Okay. All right. Would you - faced with those same
16:28:37 47 circumstances, would you do the same thing today, i.e. not

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These claims are not yet resolved.

16:28:42 1 do anything about it, allow that to happen and not talk to
16:28:45 2 your superiors about it?---As I said, back at that time, my
16:28:50 3 superiors were present and knew exactly what was going on,
16:28:53 4 so me telling them what they knew was not something that
16:28:59 5 was needed.
6
16:29:00 7 Do you accept that the - firstly, do you accept that there
16:29:04 8 might have been a conflict that Nicola Gobbo herself faced
16:29:08 9 - I'm not talking about one that you should have done
16:29:10 10 anything about now, just she herself might have been facing
16:29:13 11 a conflict between her former client [REDACTED] and her new
16:29:17 12 client [REDACTED] -It's possible, depending on what conversations
16:29:20 13 she'd been having with her clients.
14
16:29:22 15 Okay. Commissioner, that might be an appropriate time.
16
16:29:31 17 COMMISSIONER: All right then. We'll adjourn until
16:29:33 18 10 o'clock tomorrow morning.
16:30:36 19
16:30:42 20 <(THE WITNESS WITHDREW)
16:30:42 21
16:30:43 22 ADJOURNED UNTIL FRIDAY 28 JUNE 2019
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