

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

14:06:25 1 COMMISSIONER: Yes, Ms Tittensor.
14:06:30 2
14:06:32 3 <JAMES MICHAEL O'BRIEN, recalled:
14:06:34 4
14:06:35 5 MS TITTENSOR: Mr O'Brien, when you took over Purana there
14:06:38 6 were a number of trials under way in relation to some
14:06:42 7 gangland homicides; is that right?---Yes.
8
14:06:45 9 You, to the degree necessary, had to familiarise yourself
14:06:49 10 about what those matters were about?---Not in detail. It
14:06:52 11 was - mainly they were looked after by the Sergeants, the
14:06:55 12 crew Sergeants.
13
14:06:56 14 At the time you took over, if you've got the pseudonym list
14:07:03 15 there, and you can see at item number 30 there's [REDACTED]
14:07:11 16 referred to?---Yes.
17
14:07:13 18 At the time you took over Purana, [REDACTED] and [REDACTED]
14:07:20 19 [REDACTED] were facing trial for the murder of [REDACTED]
14:07:25 20 [REDACTED]---That's correct.
21
14:07:27 22 That trial, I think, was under way in [REDACTED] of
14:07:34 23 2005?---I'm not sure.
24
14:07:34 25 It might have been a bit before that?---They might have
14:07:37 26 even been convicted beforehand I think.
27
14:07:40 28 [REDACTED] was someone that had been killed on [REDACTED]
14:07:45 29 2004?---Yes. I don't know the date but if that's the date,
14:07:50 30 that's the date.
31
14:07:51 32 Ultimately on [REDACTED] 2005 both [REDACTED] and [REDACTED]
14:07:58 33 were convicted of that murder?---Yes.
34
14:08:03 35 Do you recall that an issue arose in the running of that
14:08:05 36 trial where it was proposed that [REDACTED] would
14:08:12 37 be called to give evidence against [REDACTED] and
14:08:15 38 [REDACTED]---No.
39
14:08:16 40 You have no memory of that?---No knowledge of it. I had
14:08:19 41 nothing to do with the trial. As I say, it was a matter
14:08:23 42 that was handled before I sort of took over at Purana.
43
14:08:26 44 It seems as though there were some issues that arose in the
14:08:30 45 course of that trial in around [REDACTED] 2005 in relation to
14:08:36 46 her potentially being called as a witness and seeking some
14:08:42 47 protection from the police in the formal way that those

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14:08:46 1 things are done which was denied. Have you no knowledge of
14:08:50 2 those matters?---I have no knowledge of that.
3
14:08:54 4 Did you become aware that she was put into the witness box
14:08:56 5 on [REDACTED] and refused to give evidence?---No.
6
14:09:01 7 And that Ms Gobbo was involved in her representation?---No.
8
14:09:09 9 Is that something that would surprise you, that that
14:09:12 10 happened?---No. As I say, I had no knowledge of it.
14:09:15 11 Obviously it's matter that had been investigated prior to
14:09:18 12 my arrival there.
13
14:09:20 14 Would you have seen any problem with Ms Gobbo providing -
14:09:25 15 had you been aware would you have seen any problem with
14:09:28 16 Ms Gobbo providing advice to [REDACTED] in the
14:09:31 17 circumstances of her informing about [REDACTED] in
14:09:38 18 various respects?---Yes, it's certainly a matter for her,
14:09:41 19 yes.
20
14:09:44 21 Do you see it as a matter for the police at all?---As I
14:09:50 22 said, from what I saw in the information that came across
14:09:57 23 they both had a dislike for each other.
24
14:10:03 25 At that same period of time [REDACTED] was facing trial
14:10:08 26 for the murder of [REDACTED]?---Yes.
27
14:10:13 28 That murder had been committed on [REDACTED] 2003. I take
14:10:20 29 it you'd agree with that?---I can't disagree.
30
14:10:23 31 You would be aware that following that murder someone by
14:10:28 32 the name of [REDACTED] were apprehended in
14:10:33 33 pretty quick time because the murder had been captured on a
14:10:37 34 listening device?---Yes.
35
14:10:42 36 [REDACTED] was going to give evidence, or did give evidence
14:10:45 37 against [REDACTED] in the course of that trial?---I'm
14:10:50 38 not sure if he gave evidence or not.
39
14:10:52 40 He was pretty much the - - -?---I know who you're talking
14:10:58 41 about.
42
14:10:58 43 Sorry?---I know who you're talking about as far as
14:11:02 44 [REDACTED] is concerned.
45
14:11:03 46 Yes?---But I'm unsure of the particulars around him giving
14:11:06 47 evidence.

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1
14:11:06 2 Do you understand that [REDACTED] was put on trial for the
14:11:12 3 murder of [REDACTED] on the basis of the evidence of
14:11:16 4 [REDACTED] --No, I wasn't involved in that case. I mean I
14:11:22 5 understood they were caught coming away from having
14:11:25 6 committed the murder and it was captured on listening
14:11:28 7 device or whatever.
8
14:11:28 9 You understood that [REDACTED] became a Crown
14:11:32 10 witness?---Yes.
11
14:11:33 12 At that stage [REDACTED] was not yet a Crown witness?---Is
14:11:43 13 it a person on here, [REDACTED] you're talking about?
14
14:11:45 15 [REDACTED] were captured together on a
14:11:49 16 listening device committing the murder of [REDACTED]
14:11:52 17 [REDACTED] ---Yes.
18
14:11:53 19 At that stage when you take over that trial's underway,
14:11:57 20 [REDACTED] is giving evidence against [REDACTED]
14:12:00 21 [REDACTED] ---Right.
22
14:12:00 23 [REDACTED] is not yet a Crown witness?---Right.
24
14:12:04 25 [REDACTED] was found guilty of that murder on [REDACTED]
14:12:07 26 [REDACTED] 2005?---Right.
27
14:12:09 28 You would have known that at the time?---Yeah, it would
14:12:12 29 have been in the media no doubt.
30
14:12:14 31 And he and [REDACTED] had a trial pending for the murders of
14:12:21 32 [REDACTED] and [REDACTED]?---That's correct.
33
14:12:27 34 Those two men had been murdered at a location known as the
14:12:33 35 [REDACTED] on [REDACTED] 2003?---That's correct.
36
14:12:39 37 That the stage, at the time you took over the Purana Task
14:12:43 38 Force, the evidence against [REDACTED] relied solely
14:12:48 39 upon the evidence of [REDACTED] ---I'm not sure whether just
14:12:57 40 [REDACTED] or there was other factors. As I say, it wasn't
14:13:01 41 one of my cases.
42
14:13:04 43 Did you become aware of the way in which [REDACTED] came to
14:13:08 44 make statements?---I knew he made a number of statements,
14:13:12 45 yes.
46
14:13:13 47 Did you know that Ms Gobbo had been involved in the

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14:13:15 1 representation of [REDACTED] when he became a witness?---No.
2
14:13:20 3 Did you learn that?---I may have, I'm not sure.
4
14:13:23 5 That she had been talking to members of Purana, Bateson,
14:13:29 6 Allen, Swindells, about his cooperating?---Yeah, I was
14:13:33 7 unaware of that.
8
14:13:35 9 Were you aware that in the days prior to [REDACTED] signing
14:13:40 10 his statements, copies of the statements were given to
14:13:46 11 Ms Gobbo for review?---No, I wasn't.
12
14:13:51 13 Do you have a view on that?---I don't know. If she was
14:13:56 14 representing him and she was reviewing his statements, I
14:14:01 15 wouldn't see an issue with that.
16
14:14:03 17 Did you become aware that she spoke to Mr Bateson after
14:14:07 18 reviewing the statements and expressed scepticism over a
14:14:12 19 number of aspects of those statements?---No.
20
14:14:14 21 And that subsequent to that she asked Mr Bateson to help
14:14:18 22 facilitate her visiting her client and then she advised
14:14:23 23 Bateson that he would be more truthful, were you aware of
14:14:27 24 that?---No.
25
14:14:28 26 And that subsequent to that the police attended, there were
14:14:33 27 a number of changes made to the statements before they were
14:14:38 28 signed?---Which witness are we talking about now?
29
14:14:41 30 We're talking about [REDACTED] signing statements back in
14:14:44 31 mid-2004?---Is that person on this list? Sorry.
32
14:14:58 33 Yes, sorry?---No, I was unaware of that.
34
14:15:07 35 You would be aware that if someone involved themselves in
14:15:11 36 the process of a statement making, or involved themselves
14:15:17 37 in the statement making process they open themselves up to
14:15:22 38 becoming a witness themselves?---Yes, they could do, yes.
39
14:15:27 40 If they've had some influence on the outcome of that
14:15:31 41 statement they are potentially a witness subject to calling
14:15:37 42 by another party in the matter?---They could be depending
14:15:44 43 on the circumstances.
44
14:15:48 45 It's the case, isn't it, that lawyers rarely would sit in
14:15:52 46 with a client during a record of interview?---Yes.
47

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14:15:55 1 And that's the case because lawyers don't want to end up
14:15:58 2 becoming witnesses in those matters themselves?---That's my
14:16:01 3 understanding, yes.

4
14:16:04 5 And in the same way lawyers would rarely be involved in
14:16:07 6 influencing a witness statement of a client because they
14:16:11 7 don't want to become witnesses themselves?---Well I can't
14:16:17 8 really say about that. It would depend on the
14:16:20 9 circumstances.

10
14:16:22 11 Well, certainly if Ms Gobbo had influenced [REDACTED] in
14:16:28 12 making some amendments to his statement, she's potentially
14:16:33 13 a witness in those proceedings?---Well I'm not sure.
14:16:38 14 Again, I had nothing to do with this witness and that
14:16:42 15 particular investigation.

16
14:16:44 17 Okay. Well let's just do a hypothetical. If Ms Gobbo did
14:16:50 18 influence the statements of [REDACTED] they were changed
14:16:53 19 because of some influence that she brought to bear upon
14:17:00 20 him, do you say she's potentially a witness in proceedings
14:17:03 21 that flow from those statements?---Not necessarily. I
14:17:06 22 think, you know, if there were two statements and the two
14:17:08 23 statements were produced it would be open for a witness to
14:17:11 24 change their mind and if they made a mistake in the first
14:17:14 25 statement, well here's the amended statement. I mean I
14:17:17 26 wouldn't think that would necessarily mean that the
14:17:19 27 solicitor or barrister would have - - -

28
14:17:21 29 I say potentially a witness?---Oh, I think it's a long bow
14:17:24 30 to draw.

31
14:17:26 32 And for someone to make a decision about whether she is a
14:17:29 33 witness, you would need to know that she's had an influence
14:17:33 34 in that statement taking process, wouldn't you?---I say
14:17:37 35 it's a highly hypothetical situation and one that I've
14:17:41 36 never encountered.

37
14:17:42 38 Well, do you agree with me though that if defence were to
14:17:46 39 understand that she'd had an influence in the making of
14:17:51 40 statements of the primary witness in the case against them,
14:17:55 41 they'd need to know that to be able to cross-examine her
14:17:59 42 potentially what about influence she'd had in that
14:18:02 43 process?---Yeah, hypothetically, yes.

44
14:18:04 45 And that fact, that she'd participated in that process,
14:18:10 46 should be disclosed?---As I say, I wasn't involved in the
14:18:14 47 process. I don't know the actual detail of what happened.

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1
14:18:19 2 I'm speaking hypothetically here. If that had occurred the
14:18:23 3 defence are entitled to know that she's had an involvement
14:18:26 4 in the changing of some statements so that they can make a
14:18:29 5 decision about what to do about it, about how to
14:18:32 6 cross-examine?---Well isn't it dependent upon what's the
14:18:37 7 truth of the statement, whether the first statement is the
14:18:39 8 true statement or the second statement is the true
14:18:41 9 statement?
10
14:18:42 11 That's precisely the point. Defence are most often very
14:18:47 12 interested in prior inconsistent statements, aren't
14:18:53 13 they?---Well certainly, yeah, that'd be - - -
14
14:18:56 15 If there's been a change to the statement, why has there
14:18:59 16 been a change to the statement?---That's right, they'd ask
14:19:02 17 that question, why did you change the statement.
18
14:19:04 19 That might go to a witness's credibility or it might go to
14:19:08 20 a witness's reliability?---Yes, it would.
21
14:19:11 22 All of those factors can assist the defence in their
14:19:14 23 case?---They can, but I mean if both statements were
14:19:20 24 produced I don't see what the issue is.
25
14:19:23 26 If both statements are produced but it's not made known to
14:19:27 27 the defence that someone else has been involved in
14:19:30 28 influencing that change, what do you say about that?---Well
14:19:32 29 generally it would be in the second statement I'd imagine.
30
14:19:35 31 The second statement ought to say that, "My lawyer has" - -
14:19:40 32 - ?---"On reflection" or for whatever reason, "New facts
14:19:44 33 found, that I've obviously made a mistake in the first
14:19:46 34 statement and I wish to change it."
35
14:19:48 36 And they might be cross-examined?---They might be
14:19:50 37 cross-examined about it.
38
14:19:51 39 That witness might be cross-examined?---That's right.
40
14:19:54 41 But the person that was there assisting them to make that
14:19:57 42 change, or influencing that change, they also might be
14:20:00 43 cross-examined?---They could be, yes. I've never known of
14:20:03 44 such a circumstance.
45
14:20:04 46 That would only occur if the defence knew that that person
14:20:06 47 was there influencing that statement, wouldn't it?---That's

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14:20:09 1 correct.
2
14:20:25 3 You would have become aware that as a result of [REDACTED]
14:20:31 4 making his statement there are a number of charges against,
14:20:35 5 well of course [REDACTED] he was charged in the month
14:20:38 6 following the making of [REDACTED] statement in August of
14:20:45 7 2004, as was [REDACTED] Do you know who [REDACTED] is? I
14:20:59 8 understand he may be on the list at [REDACTED]. On mine
14:21:06 9 it's [REDACTED]?---Yes.
10
14:21:19 11 [REDACTED] statements are signed on 13 July 2004?---Right.
12
14:21:24 13 [REDACTED] and [REDACTED] are charged on [REDACTED] 2004,
14:21:33 14 about a month later?---Right.
15
14:21:36 16 Ms Gobbo's had an involvement in the process of making the
14:21:40 17 statements of [REDACTED] ---Yes.
18
14:21:44 19 In the midst of all of that, that was the period in which
14:21:49 20 Ms Gobbo had had the stroke and gone to hospital?---Right.
21
14:21:52 22 She spoke to Bateson from the hospital and told him that
14:21:55 23 she's at that stage still representing [REDACTED] that's
14:22:00 24 latish [REDACTED] 2004?---Yes.
25
14:22:04 26 When [REDACTED] is charged on [REDACTED] 2004 she starts
14:22:09 27 representing him?---Right.
28
14:22:12 29 Do you see any problem with that?---Obviously she had a
14:22:16 30 conflict.
31
14:22:17 32 Sorry?---I believe she would have had a conflict there.
33
14:22:27 34 [REDACTED] was someone, wasn't he, who had been on the radar
14:22:30 35 of the MDID?---I'm not sure if he was on the radar at the
14:22:43 36 MDID, unless it was by association with Mokbel.
37
14:22:48 38 Ms Gobbo, during the course of that year, was appearing in
14:22:53 39 court on behalf of [REDACTED] when various proceedings were
14:22:59 40 occurring, there was some attempt at that stage to go to
14:23:05 41 [REDACTED] [REDACTED] and [REDACTED] in relation to
14:23:08 42 some of those murders and there were proceedings to prevent
14:23:11 43 that and to send it to committal. And there were
14:23:16 44 disclosure proceedings occurring during that period of time
14:23:19 45 as well. At the committal of [REDACTED] and [REDACTED]
14:23:24 46 and I think [REDACTED] at that stage, [REDACTED] was
14:23:30 47 represented by Mr Lovitt QC?---Yes.

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1
14:23:33 2 And his solicitor was Jim Valos?---Yes.
3
14:23:37 4 It's apparent that it was known that Ms Gobbo had appeared
14:23:42 5 for [REDACTED] before his becoming a witness but not that
14:23:46 6 she'd been involved in the process of his becoming a
14:23:49 7 witness, do you understand that?---No, could you repeat
14:23:53 8 that again, thanks.
9
14:23:55 10 It was known at that stage that Ms Gobbo had been
14:23:59 11 representing [REDACTED] ---Yes.
12
14:24:01 13 To the point that he decided to become a Crown
14:24:04 14 witness?---Right.
15
14:24:04 16 It was not understood that she was involved in the process
14:24:09 17 of his rolling and making statements?---Right.
18
14:24:16 19 But simply on the basis of her having represented him - she
14:24:21 20 didn't appear at the committal - it was considered on that
14:24:24 21 basis alone that there's a conflict, she couldn't appear
14:24:27 22 for him?---Right.
23
14:24:29 24 And you would understand that even in those circumstances
14:24:33 25 someone shouldn't be representing another - in order to
14:24:36 26 represent the interests of [REDACTED] she'd have to
14:24:39 27 discredit another of her clients, [REDACTED] do you
14:24:44 28 understand?---Yes, obviously she had a conflict there, yes.
29
14:24:53 30 The murders of [REDACTED] at [REDACTED] had occurred
14:24:59 31 on [REDACTED] 2003?---Yes.
32
14:25:02 33 Within a number of weeks following those murders, and it's
14:25:07 34 apparent that [REDACTED] and [REDACTED] were within the
14:25:14 35 sights of Purana investigators at that point in
14:25:17 36 time?---Right.
37
14:25:18 38 And both I think [REDACTED] and [REDACTED] were
14:25:24 39 interviewed by Mr Bateson?---Right.
40
14:25:28 41 When [REDACTED] was interviewed by Bateson he'd gone to the
14:25:34 42 police station with Ms Gobbo?---Right. Well, as I say,
14:25:40 43 this is all news to me.
44
14:25:42 45 Is this something that you would have come to understand,
14:25:45 46 this background, when you came to deal with [REDACTED]
14:25:48 47 yourself?---No.

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1
14:25:50 2 Is it the case that some of these matters were the subject
14:25:53 3 of discussion between yourself and Mr Bateson and [REDACTED]
14:25:57 4 [REDACTED]---There might have been some discussion but I don't
14:25:59 5 recall what that discussion was and I played no part in any
14:26:02 6 of those Homicide investigations.
7
14:26:04 8 I'll just develop this a little bit further. Back in June
14:26:08 9 of 2003 it's apparent, or that period, it's apparent that
14:26:18 10 both [REDACTED] and [REDACTED] told Mr Bateson that they
14:26:24 11 were together at the time of the murder, and that shortly
14:26:26 12 after the murder Ms Gobbo had called them and she was the
14:26:30 13 one that told them about the murder, the shooting?---That's
14:26:33 14 the first I've heard of it.
15
14:26:34 16 And that Ms Gobbo had confirmed to Bateson that she'd
14:26:40 17 spoken to [REDACTED] twice on the phone on the morning of
14:26:43 18 the murder?---First I've heard of it.
19
14:26:46 20 Would that potentially make Ms Gobbo a witness in those
14:26:50 21 proceedings?---I don't know. I don't know. Like you're
14:26:54 22 asking me about cases I had no involvement in.
23
14:26:59 24 If we can bring up the following document,
14:27:09 25 VPL.0100.0146.8107. This is an information report by
14:27:24 26 Mr Bateson submitted on 30 June 2003, do you see
14:27:28 27 that?---Yes.
28
14:27:32 29 This is an information report about inquiries that he's
14:27:35 30 made based on things he seems to have been told by
14:27:39 31 [REDACTED] about his alibi at the time of the
14:27:43 32 murder?---Right.
33
14:27:44 34 That he and [REDACTED] were together at [REDACTED] at a
14:27:49 35 [REDACTED] getting [REDACTED]?---Yes.
36
14:27:55 37 And they've spoken to people and confirmed that that's
14:27:58 38 where indeed they were. If we can go over the page.
14:28:06 39 There's an update by Mr Bateson on [REDACTED] 2003 that [REDACTED]
14:28:13 40 [REDACTED] had attended at the office with his barrister Nicola
14:28:19 41 Gobbo and he was spoken to in the presence of
14:28:22 42 Ms Gobbo?---Yes.
43
14:28:24 44 As well as another officer I can't see the name of. That
14:28:31 45 there were various details given there about what he was
14:28:38 46 doing on the morning. Down the bottom we see that he talks
14:28:42 47 about [REDACTED]?---Yes.

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1
14:28:47 2 And his association with [REDACTED] that morning. If we
14:28:49 3 can continue. That he'd been with [REDACTED] at the
14:28:57 4 [REDACTED], the way that they'd travelled, the
14:29:02 5 times approximately that they were there, when he dropped
14:29:08 6 [REDACTED] off at around midday. He stated that he spoke to
14:29:13 7 Nicola Gobbo on the phone twice that morning and it seems
14:29:16 8 "(that's confirmed by Gobbo)", do you see that?---Yes, I
14:29:20 9 see that.
10
14:29:25 11 He says there that he stated that he heard about the death
14:29:28 12 at approximately 1.30 to 2 pm but doesn't remember
14:29:32 13 how?---That's correct.
14
14:29:36 15 That information report there I think is - if we can go to
14:29:46 16 the next one I think which ends in 7685. I'll tender that
14:29:59 17 document, Commissioner.
14:30:03 18
14:30:03 19 #EXHIBIT RC471A - (Confidential) VPL.0100.0146.8107
14:30:09 20
14:30:10 21 #EXHIBIT RC471B - (Redacted version.)
22
14:30:15 23 You see here there's an application for assistance in
14:30:17 24 relation to Operation Purana?---Yes.
25
14:30:21 26 It's dated [REDACTED]?---Yes.
27
14:30:26 28 And the case officer is a Detective Senior Constable
14:30:29 29 [REDACTED] Is there a Detective Senior Constable [REDACTED]
14:30:32 30 [REDACTED] who was with Purana when you were there and prior
14:30:37 31 to your being there?---Yes, Detective Sergeant. But there
14:30:42 32 was a [REDACTED] there, yes.
33
14:30:49 34 He was there in 2003 and still there when you arrived; is
14:30:53 35 that right?---He was, yes.
36
14:30:59 37 You see there there is a request for assistance and it's to
14:31:04 38 a number of units, it's the Covert Investigation Unit, it's
14:31:10 39 the Crime Surveillance Unit?---It's only to the Crime
14:31:13 40 Surveillance Unit.
41
14:31:14 42 I see, Xs are marked in the Crime Surveillance Unit?---Yes.
43
14:31:19 44 You're quite right. It's a request for assistance in
14:31:23 45 relation to some surveillance to be conducted on [REDACTED]
14:31:25 46 [REDACTED]---Yes.
47

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14:31:26 1 And it relates to an offence of murder?---Yes.
2
14:31:39 3 This is around about the time that Ms Gobbo has come in or
14:31:49 4 has been nominated by [REDACTED] as calling him on the
14:31:56 5 day of the murder at the [REDACTED] and a couple of days
14:32:00 6 even after this she comes in with [REDACTED] in relation to
14:32:08 7 the same murder, do you see that? Sorry, I've just taken
14:32:12 8 you through that?---You're telling me that.
9
14:32:15 10 That's just the timing of these things?---Yeah, that's
14:32:18 11 fine.
12
14:32:18 13 If we continue on. It gives a profile there. "Target is a
14:32:30 14 barrister who acts for Tony Mokbel and many other
14:32:33 15 high-profile criminals, including recently Lewis Moran,
14:32:37 16 which resulted in a threat to her welfare from Andrew
14:32:40 17 Veniamin on behalf of Carl Williams. Gobbo's relationship
14:32:43 18 with Tony Mokbel and [REDACTED] is much more than just
14:32:48 19 professional. She spends her leisure time with both or
14:32:51 20 either of them at gyms and cafés, et cetera, and arranges
14:32:55 21 to meet at times of developments in Homicide and Drug Squad
14:33:00 22 investigations. Her last offence was use methamphetamine
14:33:05 23 in 1993 and was considered to be a significant supplier of
14:33:15 24 drug at Melbourne University"?---Yes.
25
14:33:17 26 Was any of this information known to you?---No.
27
14:33:21 28 Did it become known to you after you took over the Purana
14:33:25 29 Task Force?---No.
30
14:33:28 31 If we continue on there. Just for completeness sake, it
14:33:34 32 indicates that the nature of the assistance being sought is
14:33:39 33 photos and videos of her meeting with Mokbel and [REDACTED]
14:33:44 34 They want to identify her residential address, her vehicle
14:33:48 35 and her other associates?---Yes.
36
14:33:52 37 Do you see that?---Yes.
38
14:33:53 39 It says, "She's suspected of assisting Mokbel and [REDACTED]
14:33:56 40 in their drug trafficking activities and of providing those
14:34:00 41 persons with information about the activities of other
14:34:02 42 criminals in relation to the murders of Michael Marshall,
14:34:06 43 Jason Moran and Nik Radev"?---Yes, I can see that.
44
14:34:13 45 Do you think some of these suspicions in relation to her
14:34:18 46 associations with Mokbel would have been shared as between
14:34:22 47 the Homicide Squad and MDID considering that they're

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14:34:28 1 looking - it's referring to drug trafficking
14:34:36 2 activities?---In a perfect world you might think yes but
14:34:39 3 that certainly wasn't the case.
4
14:34:49 5 Were you aware of someone by the name of Daniel
14:34:56 6 Hutchinson?---Daniel, is it?
7
14:34:58 8 Yes?---Look, the name - - -
9
14:35:00 10 Perhaps if we can bring up - I'll tender that document,
14:35:04 11 Your Honour.
12
14:35:05 13 COMMISSIONER: It's an application for assistance. It's
14:35:12 14 dated 2 July, would that be 2 July 03?
14:35:16 15
14:35:17 16 MS TITTENSOR: Yes, Commissioner.
14:35:21 17
14:35:21 18 #EXHIBIT RC472A - (Confidential) Application for assistance
14:35:24 19 dated 02/07/03.
14:35:24 20
14:35:25 21 #EXHIBIT RC472B - (Redacted version.)
22
14:35:28 23 The next document is VPL.0100.0146.4150. There's another
14:36:41 24 document that I provided earlier, it might end in the same
14:36:44 25 numbers, 4150, but it might have a different middle number,
14:36:50 26 VPL.0100.0151. Sorry, I had to correct a number with
14:37:15 27 Mr Skim earlier and I gave him a new number but I didn't
14:37:19 28 record it myself. Yes, VPL.0100.0151.4150. This is a
14:37:48 29 document dated 15 December 2003. If we go down to the
14:37:58 30 bottom it's from someone by the name of PII [REDACTED]
14:38:04 31 PII [REDACTED]?---Yes.
32
14:38:06 33 He was someone - do you know where he was located?---He was
14:38:10 34 located at Purana.
35
14:38:12 36 Sorry?---He was located at Purana I believe.
37
14:38:14 38 Purana. Mr Hutchinson, it says as indicated there, was
14:38:23 39 charged with trafficking a commercial quantity of
14:38:25 40 amphetamine on 20 November 2003 and was remanded into
14:38:30 41 custody. The information we have is that the informant was
14:38:36 42 someone by the name of [REDACTED]. Do you know that
14:38:39 43 name?---Yes, know the name.
44
14:38:42 45 Was he someone at MDID?---He was, yes.
46
14:38:47 47 The document here indicates, seems to indicate that there

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14:38:52 1 was a belief that Ms Gobbo was allowing her professional
14:38:55 2 telephone calls to be used to allow Mr Hutchinson to
14:38:59 3 communicate with a Purana Task Force target, do you see
14:39:07 4 that?---Right, yes.
5
14:39:09 6 And it requests the monitoring of Mr Hutchinson's phone
14:39:13 7 calls to ascertain if there was the unauthorised use of
14:39:19 8 telephone contact being made via Ms Gobbo's phones?---Yes.
9
14:39:24 10 Is that something that you were made aware of?---If you can
14:39:30 11 scroll back up to the top of the screen, please. I don't
14:39:38 12 believe so. I think PI [REDACTED] was at the Purana Task
14:39:43 13 Force with Sergeant Dale Johnson in his crew, working under
14:39:48 14 Gavan Ryan. [REDACTED] was at the MDID but he wasn't in
14:39:52 15 my unit. He was either in Unit 1 or Unit 3.
16
14:39:57 17 Is it something that you became aware of subsequently that
14:40:00 18 once you took over - - - ?---No.
19
14:40:03 20 - - - the Purana Task Force and you again had assumed some
14:40:07 21 command over the drug investigators within the Task Force,
14:40:11 22 that there was concerns about Ms Gobbo playing both sides
14:40:14 23 or using her privileges inappropriately?---No, this is the
14:40:21 24 first I've seen this document.
25
14:40:23 26 Are the types of concerns though that your members were
14:40:27 27 raising with you?---Yes, just quietly on the floor at the
14:40:30 28 Drug Squad when I was getting information back from the
14:40:32 29 Drug Squad. It wasn't this type of thing but just general
14:40:37 30 unhappiness with her.
31
14:40:41 32 Are you aware of whether there were any investigations
14:40:45 33 conducted into Ms Gobbo for these kinds of matters at
14:40:48 34 all?---No.
35
14:40:55 36 Going forward in time and back to where we were in relation
14:40:57 37 to your situation in the Purana Task Force in early 2006 in
14:41:05 38 relation to [REDACTED] During [REDACTED] of 2006 [REDACTED]
14:41:14 39 do you know who [REDACTED] is?---No. Does he have a number?
40
14:41:21 41 I'll just remind you. I'm not sure if [REDACTED] is on the
14:41:25 42 list?---Right, yes.
43
14:41:27 44 So [REDACTED] decided that he would plead guilty and give
14:41:33 45 evidence against [REDACTED] and [REDACTED]---That's
14:41:38 46 correct.
47

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14:41:39 1 Do you recall that happening?---Yes.
2
14:41:42 3 In early February 2006 it seems as though there's
14:41:47 4 communication straight to a Crown prosecutor, Mr Horgan, at
14:41:54 5 the OPP in relation to that. He alerts the police that
14:41:59 6 moves are afoot. [REDACTED] to that point had been
14:42:03 7 represented by Ms Garde-Wilson and she to that point had
14:42:11 8 been representing both [REDACTED] and [REDACTED] because,
14:42:14 9 they're to that point, they were both pleading not guilty
14:42:18 10 it seems?---Right.
11
14:42:20 12 Following that there was a new solicitor appointed for
14:42:24 13 [REDACTED], Paul Duggan. Do you know Mr Duggan?---I know
14:42:30 14 the name. I can't say I know him personally.
15
14:42:36 16 [REDACTED] was taken out of prison for the purposes of
14:42:39 17 making his statements over a number of days and within a
14:42:42 18 short time there was interest being expressed by [REDACTED]
14:42:46 19 in doing a similar thing himself?---I know about [REDACTED] because
14:42:53 20 I think I was there for the signing of his statements but [REDACTED]
14:42:59 21 I'm not sure about.
22
14:43:04 23 When you say you're not sure about [REDACTED] what do you mean by
14:43:08 24 that?---No, I don't - if [REDACTED] who I think it is.
25
14:43:13 26 [REDACTED] is on the list at [REDACTED]?---Yeah, no, I didn't play
14:43:19 27 any part in him signing any statements.
28
14:43:21 29 Sorry?---I didn't play any part in him signing any
14:43:25 30 statements. I did visit [REDACTED] Prison.
31
14:43:30 32 You played a part in the lead up to all that or the
14:43:32 33 discussions leading towards that; is that right?---I think
14:43:36 34 I spoke to him once at Barwon or Bateson spoke to him once
14:43:38 35 at [REDACTED] Prison and I come with him.
36
14:43:39 37 Sorry?---I spoke to him once, or Bateson spoke to him once
14:43:44 38 at [REDACTED] Prison and I accompanied him there to [REDACTED]
14:43:48 39 Prison.
40
14:43:48 41 Did you speak to him a couple more times than once?---I'm
14:43:51 42 not sure. I'd have to go back through my diary.
43
14:43:56 44 Just to take you through a history of what is occurring at
14:44:02 45 this time, if we can bring up the ICRs.
46
14:44:08 47 COMMISSIONER: Did you want to tender that PII [REDACTED]

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14:44:12 1 memo?
14:44:15 2
14:44:15 3 MS TITTENSOR: Yes, Commissioner.
14:44:16 4
14:44:17 5 #EXHIBIT RC473A - PII [REDACTED] memo of 15/12/03 re Daniel
14:44:23 6 Owen Hutchinson.
14:44:23 7
14:44:23 8 #EXHIBIT RC473B - (Redacted version.)
14:44:44 9
14:44:54 10 It seems as though, if we go to p.152 - keep scrolling up.
14:45:06 11 You see down the bottom there Ms Garde-Wilson is - sorry,
14:45:13 12 do you understand the format that these - it's 14 February
14:45:23 13 2006, p.152 of the ICRs. Ms Garde-Wilson - this is a
14:45:34 14 report from Ms Gobbo to her SDU handlers. There's been
14:45:45 15 some discussion between Ms Garde-Wilson and Ms Gobbo that
14:45:48 16 [REDACTED] was in court and it had been mentioned in court
14:45:50 17 that [REDACTED] wanted to talk to Purana. Do you see
14:45:56 18 that?---Yes.
19
14:46:00 20 If we go - I'll maybe not do this for everything but over
14:46:06 21 the page on p.153 there's some further information the
14:46:09 22 following day, on [REDACTED]. Ms Gobbo speaks to
14:46:17 23 Ms Garde-Wilson again. There's talk about whether
14:46:20 24 [REDACTED] is fair dinkum or not, presumably in relation to
14:46:24 25 whether he's going to make a statement to the
14:46:27 26 police?---Yes.
27
14:46:28 28 At p.155, [REDACTED]. Keep going. We see down the bottom
14:46:47 29 there that [REDACTED] rang Ms Gobbo. He says he's standing
14:46:54 30 next to [REDACTED] and therefore there was coded talk
14:46:58 31 but indicated that he may want to roll and wants to see her
14:47:02 32 this weekend and she will go and do that with solicitor Jim
14:47:10 33 Valos. Do you see that?---Yes.
34
14:47:13 35 At p.157 Ms Gobbo - this is on [REDACTED] - reports that
14:47:28 36 she's spoken to Bateson from Purana about [REDACTED] rolling
14:47:35 37 over. She reports to her handlers that she's got an
14:47:42 38 association with Bateson because of [REDACTED] doing the
14:47:46 39 same thing?---Right.
40
14:47:49 41 And that this, [REDACTED] rolling over, may include rolling
14:47:54 42 over on her current clients. [REDACTED] will want to know
14:48:02 43 what's on offer. Gobbo believes it would be wrong not to
14:48:07 44 help him. Gobbo trusts Mr Valos looking after [REDACTED] at
14:48:12 45 present. She said there's a problem with Ms Garde-Wilson,
14:48:16 46 she's not helping anyone, and that Ms Gobbo says she's
14:48:22 47 happy to tell Bateson what was going on and her last

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14:48:27 1 contact with him was in December or January, do you see
14:48:29 2 that?---Yes.
3
14:48:37 4 She mentions later on that she's visiting [REDACTED] at the
14:48:41 5 prison on Sunday, which will be the [REDACTED] If we go to the
14:48:50 6 [REDACTED] We'll just sit there for the moment. Mr Bateson has
14:48:59 7 some notes on the [REDACTED] at 11.46 am that he received a call
14:49:03 8 from Ms Gobbo and he arranged to meet her at the office of
14:49:07 9 Mr Valos and Mr Bateson says he informs Ryan of that, DDI
14:49:14 10 Ryan of that?---Right.
11
14:49:17 12 Right. She at 1.05 pm calls the handler. She tells the
14:49:27 13 handler that [REDACTED] will talk to the police. "He'll
14:49:33 14 start with talking about the murders of the [REDACTED]
14:49:38 15 [REDACTED], [REDACTED], [REDACTED] and another one", and he
14:49:43 16 wants his solicitor, Mr Valos, and there seems to be a
14:49:49 17 reporting of an arrangement with Stuart Bateson that night
14:49:54 18 at 6 pm, do you see that?---Yes.
19
14:49:59 20 And over the page there's some further information about,
14:50:17 21 various pieces of information about various people.
14:50:23 22 There's some concern about Tony Mokbel finding out about
14:50:25 23 her potentially assisting [REDACTED] She says she'd still
14:50:31 24 go and talk to [REDACTED] though as it would be the right
14:50:34 25 thing to do for him and there's a motive suggested there of
14:50:40 26 easing her conscience and doing the right thing. Then it's
14:50:44 27 got you being updated in relation to the above, do you see
14:50:49 28 that?---Yes.
29
14:50:50 30 Do you have a memory of that?---No, I don't.
31
14:51:06 32 If we can go to - - - ?---That investigation was being
14:51:10 33 handled by Inspector Ryan prior to my arrival there. I
14:51:18 34 wasn't across all those investigations. I was there to do
14:51:21 35 a particular job and pick up whatever was left over.
36
14:51:27 37 You're nevertheless being updated about what's going on in
14:51:30 38 relation to [REDACTED] ---I wasn't given all this
14:51:33 39 information. I doubt - unless it's in my, diary, I didn't
14:51:36 40 get it.
41
14:51:40 42 COMMISSIONER: Are you saying the note then is wrong that
14:51:43 43 says you were "updated re above"?---Yes, Commissioner.
44
14:51:46 45 Right?---Quite often, you know, I think what people in the
14:51:55 46 Police Force tend to do is acquit their process such as
14:52:00 47 this by putting "told such and such", and that might mean

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14:52:05 1 they actually sent it in as an incident report which
14:52:10 2 acquits the process for them. It doesn't necessarily mean
14:52:12 3 that I actually received it.
14:52:14 4
14:52:15 5 MS TITTENSOR: If we can go to VPL.0100.0096.0124. The
14:52:44 6 page on the right-hand side there, these are the notes of
14:52:47 7 Mr White?---Right.
8
14:52:50 9 It seems there if you see "call from" on the right-hand
14:52:55 10 side, "call from" and there's some initials and I suggest
14:52:59 11 that's the handler's initials.
12
14:53:02 13 COMMISSIONER: What date is this, please?
14:53:04 14
14:53:04 15 MS TITTENSOR: 19 February 2006.
16
14:53:06 17 COMMISSIONER: Right, thank you.
14:53:06 18
14:53:09 19 MS TITTENSOR: So the handler we know as Green, it's got a
14:53:18 20 call from Green relating to 3838, Ms Gobbo. It says,
14:53:23 21 "Human source has spoken to [REDACTED] at [REDACTED] Gaol. Can
14:53:28 22 give statement re [REDACTED]'s murder and one other? Human
14:53:36 23 source has spoken to Bateson re same. Have advised JOB",
14:53:46 24 Jim O'Brien. "Issue: Bateson notes may compromise human
14:53:51 25 source", do you see that?---Yes, I do.
26
14:53:55 27 It seems as though, aside from writing in the ICRs that
14:53:59 28 they've updated you about those matters, he's rung Mr White
14:54:03 29 and told Mr White that he's updated you about those matters
14:54:07 30 and Mr White's made a note of it. Do you accept that you
14:54:11 31 were updated about those matters?---No, I don't. As I say,
14:54:14 32 unless I've got a note of it in my diary I don't recall
14:54:18 33 that. I can check my diary.
34
14:54:21 35 Feel free. I'll get to your diary in a minute. I'll come
14:54:54 36 to your diary in a minute and what your diary records of
14:55:02 37 this information. But certainly it seems as though the DSU
14:55:06 38 handler is reporting in his notes and reporting to
14:55:09 39 controller White that he's advised you about this
14:55:15 40 situation, that the informer - - - ?---This is on 19
14:55:18 41 February 2005?
42
14:55:20 43 Yes?---I was in Canberra at a course.
44
14:55:24 45 Sorry, 2006.
46
14:55:27 47 COMMISSIONER: 2006?---Yes.

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O'BRIEN XXN - IN CAMERA

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14:56:14 1
 14:56:16 2 MS TITTENSOR: I'll take you back to Mr White's notes here.
 14:56:25 3 The handler has advised him about those matters. Ms Gobbo
 14:56:32 4 has spoken to [REDACTED]. He's prepared to talk. She's
 14:56:35 5 spoken to Bateson and the handler has advised you and
 14:56:39 6 there's an issue that's perceived within the SDU that
 14:56:44 7 Bateson might make notes that might compromise
 14:56:47 8 Gobbo?---Right.
 9
 14:56:47 10 There's a side concern about what Tony Mokbel might make of
 14:56:53 11 all of this, so there's a note in relation to that concern,
 14:56:58 12 that the handler is to ring her in relation to an excuse to
 14:57:01 13 be given to Mr Mokbel about that. Further down the page
 14:57:07 14 there's a call to you from Mr White. It says, "Re Bateson
 14:57:16 15 notes", so it seems to be relating to the concern that
 14:57:19 16 Bateson might make notes that would compromise Gobbo and he
 14:57:23 17 gets from you Bateson's mobile number?---Right.
 18
 14:57:28 19 Do you see that in Mr White's notes?---Yes.
 20
 14:57:32 21 Then he calls Mr Bateson and he makes a record of what
 14:57:39 22 Mr Bateson tells him and Mr Bateson says, "Nil notes yet.
 14:57:43 23 Meeting with human source and Jim Valos this evening re
 14:57:47 24 what [REDACTED] can say and that he's aware of human source
 14:57:51 25 identity and issues"?---Right.
 26
 14:58:00 27 Can you tell us what your diary records of any of
 14:58:04 28 that?---Right, so on that day I was at home doing an
 14:58:07 29 assignment until 6.30 and then I received a telephone call
 14:58:11 30 and made a telephone call to Detective Inspector Ryan re
 14:58:16 31 Purana, re [REDACTED]. Spoke to Detective
 14:58:34 32 Sergeant Bateson. Meeting with solicitor Gobbo and Jim
 14:58:38 33 Valos at 18:00 re [REDACTED].
 14:58:54 34
 14:58:54 35 Then you have another entry?---"Received telephone call
 14:58:59 36 from Detective Sergeant Bateson re meeting with solicitors.
 14:59:05 37 [REDACTED] willing to talk but did not want his family to
 14:59:09 38 know. Can provide information re [REDACTED], [REDACTED], [REDACTED]
 14:59:14 39 [REDACTED] and shooting of [REDACTED] which is believed to have
 14:59:17 40 been done by [REDACTED]. Conduct meeting" - - -
 41
 14:59:35 42 The end of that entry is "which is believed to have been
 14:59:42 43 done by [REDACTED]?---To conduct meeting on 20/02/06 with
 14:59:46 44 DI Ryan and Bateson.
 45
 14:59:48 46 Is there any entry in your diary about the conversation
 14:59:50 47 you'd had with Mr White from the SDU about concerns about

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14:59:54 1 Bateson's notes?---No.
2
14:59:56 3 Do you accept you had that conversation?---If it's in
15:00:01 4 Mr White's diary we possibly did, and subsequent to that
15:00:07 5 I've taken this action.
6
15:00:20 7 COMMISSIONER: Are you wanting to tender Mr White's diary
15:00:24 8 of 19 February, if it hasn't already?
15:00:29 9
15:00:29 10 MS TITTENSOR: I'm not sure if - - -
11
15:00:32 12 COMMISSIONER: I think 18 February but not 19 February.
15:00:35 13
15:00:36 14 #EXHIBIT RC474A - (Confidential) Dairy entry Sandy White
15:00:37 15 dated 19/02/06.
15:00:37 16
15:00:38 17 #EXHIBIT RC474B - (Redacted version.)
18
15:00:42 19 MS TITTENSOR: If we go back to the ICR at p.159. 19:40,
15:00:57 20 the handler has a conversation with Ms Gobbo and she refers
15:01:03 21 to Mr Bateson and Mark Hatt from Operation Purana and
15:01:10 22 referring to - it says met or meet with [REDACTED] ---Yes.
23
15:01:16 24 And then goes on to explain something about the concern in
15:01:19 25 relation to Mokbel finding out. Then underneath that
15:01:24 26 there's a DSU issue. "Source advised not to get too close
15:01:33 27 to [REDACTED] if he starts cooperating with the police as it
15:01:36 28 would be an unnecessary risk - at this stage", do you see
15:01:39 29 that?---Yes.
30
15:01:40 31 Is that something that you had any conversation with anyone
15:01:42 32 about, Ms Gobbo not getting close or involved in providing
15:01:49 33 advice to [REDACTED] ---I don't believe so but I may have.
34
15:01:56 35 Have we got to the source management log there? I think we
15:02:19 36 need the earlier number one, 3838. 19 February 2006. The
15:02:54 37 second-last entry there, do you see that?---Yes.
38
15:03:01 39 This is a source management log which is maintained by the
15:03:04 40 controller at the Source Development Unit who says, has
15:03:08 41 made an entry that day, "Conversation with O'Brien and
15:03:11 42 Bateson re minimising human source involvement in the
15:03:14 43 process from the point of view of compromising herself at
15:03:17 44 later court hearings"?---That's correct.
45
15:03:19 46 Did you have a conversation or do you accept you had a
15:03:22 47 conversation along those lines with Mr White?---I may have.

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1
15:03:31 2 There was an appreciation there, wasn't there, that there
15:03:34 3 would need to be disclosure about Ms Gobbo's involvement in
15:03:37 4 any process at later court hearings and that might be
15:03:41 5 problematic?---I don't know whether that was the issue.
6
15:03:45 7 What was the issue?---Well whether it opened up to her
15:03:53 8 possible involvement and what risk she might pose to people
15:03:56 9 who might want to kill her.
10
15:03:58 11 That risk would occur because they would necessarily have
15:04:03 12 to become aware of her involvement in this process because
15:04:07 13 of disclosure issues?---That's a possibility.
14
15:04:28 15 Was it normal for communications of this nature to be
15:04:34 16 conducted through - communications purportedly about a
15:04:46 17 lawyer wanting a client to assist police to be conducted
15:04:51 18 through the SDU?---I don't think so.
19
15:04:54 20 Was there a particular reason why that might be occurring
15:04:57 21 in this case?---Not that I'm aware of.
22
15:05:06 23 Ordinarily one might expect that Mr Valos, who was
15:05:11 24 representing ██████████ might get in contact with the
15:05:15 25 police or the prosecution to say, "We want to
15:05:20 26 talk"?---Yeah.
27
15:05:21 28 This was very unusual, was it not?---As I say, I didn't
15:05:25 29 have the intricate knowledge of this particular operation.
15:05:29 30 I came in on the back end of all this. Most of it was
15:05:34 31 handled by Detective Inspector Ryan and Bateson.
32
15:05:38 33 Were there any alarm bells going off that this process was
15:05:42 34 occurring secretly? "We don't have this transparent
15:05:47 35 process of a solicitor contacting the police directly, we
15:05:51 36 need to be careful about what we're putting in our diaries
15:05:55 37 about this?---No.
38
15:05:56 39 "Because it might get discovered down the track"?---It's
15:05:59 40 not like I've kept anything out of my diary. If you read
15:06:03 41 the next entry on the 20th you'll see that.
42
15:06:06 43 We'll go to the 20th. Now there's a meeting with Ryan and
15:06:10 44 Bateson in relation to ██████████; is that right?---Re
15:06:22 45 Operation Primmy situation re ██████████ decision.
46
15:06:26 47 So there's a decision there that members to be involved in

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15:06:30 1 the interview process. Were L'Estrange and Hatt assisted
15:06:37 2 by Bateson?---That's correct.
3
15:06:38 4 And that Ryan would coordinate with [REDACTED] at
15:06:43 5 Corrections?---That's correct.
6
15:06:45 7 Can you tell us something about [REDACTED]'s role at
15:06:49 8 Corrections?---He was in charge of the Serious Offenders
15:06:53 9 Unit at [REDACTED] Prison.
10
15:06:56 11 Did Purana have some sort of standing or special
15:07:00 12 arrangements in relation to access to prisoners
15:07:05 13 there?---No, they had a relationship with Corrections
15:07:08 14 obviously, which I learnt about when I started there, but I
15:07:15 15 don't know about a standing arrangement. We had one person
15:07:17 16 that we used to deal with at [REDACTED] that got us in and out
15:07:22 17 of the prison.
18
15:07:24 19 Were those arrangements to get you and your members in and
15:07:28 20 out of the prison, were they different arrangements than
15:07:31 21 were the usual course getting in and out of prisons?---Yes,
15:07:35 22 particularly around what prisoners we were going to see and
15:07:39 23 that type of thing.
24
15:07:39 25 What differed in those arrangements?---Now I can't recall
15:07:43 26 other than we were escorted in and out and generally it was
15:07:48 27 - probably we walked through the yard where other prisoners
15:07:51 28 might be and see us coming in and out of the premises, but
15:07:53 29 generally the conversations would be in a private room or
15:08:00 30 the prisoner would be brought out to a meeting room.
31
15:08:04 32 Would there be the same signing in/signing out procedure or
15:08:08 33 was it something different?---Yeah, no, we signed in and we
15:08:12 34 had to do the retina scan and all the rest of it.
35
15:08:15 36 Were you able to bring solicitors in via those means as
15:08:20 37 well?---No, not that I'm aware of.
38
15:08:28 39 On that day at 2 o'clock, on 20 February, you attended a
15:08:34 40 briefing with Assistant Commissioner Overland, with Ryan,
15:08:42 41 Purton and Blayney; is that right?---Simon Overland,
42 Detective Inspector Ryan, Commander Purton, Detective
15:08:50 43 Inspector Blayney.
44
15:08:51 45 There was mention there that Mr Ryan and Mr Bateson had to
15:08:55 46 meet with DPP Coghlan and Mr Horgan about [REDACTED]
15:08:59 47 potential cooperation. Sorry, I've got a note to that

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15:09:03 1 effect but I might have that from somewhere else?---Yeah,
15:09:05 2 no, I don't have a note to that effect.
3
15:09:10 4 Were those matters - is it the case that [REDACTED]'s
15:09:14 5 potential cooperation would have been raised?---Look, it
15:09:20 6 could have been. I'm not sure. I mean I went there,
15:09:23 7 basically received a file in relation to a new position I'd
15:09:27 8 been given.
9
15:09:30 10 At quarter past three that day you've got another note
15:09:36 11 about a unit meeting in relation to various
15:09:39 12 operations?---That's correct.
13
15:09:41 14 You've explained - when you say "unit meeting", what does
15:09:46 15 that mean?---Generally what I would do is run a unit
15:09:51 16 meeting every week following on from the meeting with the
15:09:56 17 Assistant Commissioner and make sure that the crews shared
15:10:00 18 information, whatever they were working on at the time,
15:10:03 19 with each other. Because I didn't want to have silos in
15:10:06 20 the office.
21
15:10:08 22 So at that unit meeting you've explained the situation in
15:10:11 23 relation to [REDACTED] and the importance of cross
15:10:18 24 team communications on a daily basis?---I'm not sure I
15:10:24 25 would have shared information in relation to [REDACTED] It's
15:10:30 26 more just the general running of operations, where they
15:10:34 27 were at, what resources they were using.
28
15:10:36 29 Did you explain the situation re [REDACTED] [REDACTED]?---I
15:10:45 30 don't think so. Sorry, I have got - yes. "Tasking
15:10:49 31 coordination items, explain situation re [REDACTED] and
15:10:55 32 importance of cross team communications on a daily basis."
33
15:11:02 34 This was something that you explained to the rest of
15:11:07 35 Purana?---That's correct.
36
15:11:13 37 If you can go to your diary on 22 February 2006?---Yes.
38
15:11:29 39 At 10.55 were you signed into the Corrections office
15:11:36 40 awaiting the opportunity to speak to [REDACTED]?---That's
15:11:40 41 correct.
42
15:11:41 43 And you'd gone out to the prison on that occasion with
15:11:44 44 Mr Bateson?---That's correct.
45
15:11:49 46 At 11.28 you activate a digital recorder to speak with
15:11:54 47 [REDACTED] in relation to murders and drug issues?---That's

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15:11:58 1 correct.
2
15:11:59 3 Explained the process, if he's willing to talk, in company
15:12:03 4 with Bateson?---That's correct.
5
15:12:16 6 If we can go to VPL.0005.0062.0079. Is this a document
15:12:55 7 that you've seen before, Mr O'Brien?---No.
8
15:12:58 9 You accept that this is a transcript of the digital
15:13:01 10 recording that you made that day at the prison on 22
15:13:04 11 February 2006?---If that's what it is, yes.
12
15:13:14 13 You went out there and had a - this was your initial
15:13:17 14 conversation that you had that day with [REDACTED]; is that
15:13:20 15 right?---That's correct.
16
15:13:23 17 And they included questions about various issues including
15:13:27 18 Mr Mokbel. If we go to p.20, for example. You'll see
15:13:41 19 various people being spoken about. We see [REDACTED] up the
15:13:46 20 top and then we see in the same sentence reference to
15:13:54 21 Jacque El-Hage and Tony Mokbel?---Yes.
22
15:14:00 23 If we go to p.31. What I'd suggest is that at this point
15:14:15 24 in the conversation [REDACTED] is contemplating what he was
15:14:18 25 to do. He expresses concern that what he's been speaking
15:14:25 26 to you about might be used against him?---Yes.
27
15:14:30 28 And Mr Bateson says, "Talk to your lawyers about it" and
15:14:35 29 you say, "Talk to your solicitors, they'll tell you". And
15:14:42 30 [REDACTED] says, "I'm fucked up, right, I'm fucked up. Can
15:14:47 31 I get my solicitors back out here?" Mr Bateson says, "If
15:14:52 32 you want to, yeah". [REDACTED] says, "Right, get them back
15:14:56 33 out there". Bateson says, "Talk to them". You say, "Talk
15:15:01 34 to them and then make contact with us through them if you
15:15:04 35 like, see what you want to do". If you go to the bottom of
15:15:08 36 p.32. There's reference there again by Bateson saying,
15:15:20 37 "Look, talk to your lawyers. If you want to get on board
15:15:23 38 we're more than happy to listen to what you've got to say,
15:15:27 39 but you've got to fully come on board. No riddles, no
15:15:32 40 halfway"; is that right?---Yes, that's what's on the
15:15:36 41 transcript.
42
15:15:39 43 Over on to 33. Bateson says, "You know we'll probably come
15:15:48 44 down if you want to make contact through your solicitors,
15:15:51 45 that you want to see us, we'll come down and before we take
15:15:54 46 statements we'll move you and we'll say, well, tell us
15:15:56 47 everything and I'll make an assessment whether I take

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15:15:59 1 statements or not". [REDACTED] says, "Okay. Now do this,
15:16:03 2 right, if you sort of indicate to my solicitors that I
15:16:06 3 might be able to [REDACTED] Just hang on a minute,
15:16:10 4 go back to the OPP. I'm not going to do my goal time in
15:16:14 5 the slot". You say to him, "Look, there's no discussions
15:16:18 6 on [REDACTED] or anything else till we see what you say
15:16:23 7 first. That's how it works". If we go further down
15:16:29 8 there's some reference to him saying, "I'll ring my
15:16:32 9 solicitors". Bateson saying, "I mean I want you to have
15:16:39 10 solicitors involved from the start, that way you know we're
15:16:43 11 telling you the truth". There's then a bit of a discussion
15:16:47 12 about what he thought the process might have been and
15:16:51 13 [REDACTED] says, "Can you say to Jim", and I suggest that
15:16:56 14 that's Jim Valos, "to come down and see me, can you do that
15:17:01 15 for me, Mr Bateson". Bateson says, "I can. My advice to
15:17:06 16 you is that you're going to need to be full and frank with
15:17:10 17 your solicitors, you're going to have to". [REDACTED]
15:17:15 18 indicates that Mr Valos had told him to be frank. You
15:17:19 19 asked whether he trusted Valos. [REDACTED] said he was all
15:17:23 20 right, he was the one that told him to roll and Mr Bateson
15:17:28 21 says, "That's what we'll do. We'll get him to come down,
15:17:31 22 might be able to come down on the weekend, I don't know".
15:17:34 23 [REDACTED] says, "He won't come down on a weekend". All
15:17:39 24 right. That's at least some of the conversation you have
15:17:53 25 with [REDACTED] at that stage?---Yes.

26

15:17:53 27 The next day there's an ICR, if we can go back to the ICRs.

15:17:53 28

15:17:53 29 COMMISSIONER: We might take the break.

15:17:55 30

15:17:56 31 MS TITTENSOR: I'll tender that document, thanks
15:17:57 32 Commissioner.

15:17:58 33

15:17:58 34 COMMISSIONER: You're tendering this one?

15:18:00 35

15:18:00 36 MS TITTENSOR: Yes. A record of conversation with [REDACTED]
15:18:04 37 [REDACTED] on 22 February 2006.

15:18:08 38

15:18:08 39 COMMISSIONER: The transcript of the conversation.

15:18:12 40

15:18:16 41 #EXHIBIT RC475A - (Confidential) Transcript of the
42 conversation between Bateson and
15:18:19 43 [REDACTED] 22/02/06.

15:18:19 44

15:18:19 45 #EXHIBIT RC475B - (Redacted version.)

15:18:24 46

15:18:24 47 MS TITTENSOR: If you can go to p.163.

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15:18:27 1
15:18:27 2 COMMISSIONER: I was going to say we'll have the afternoon
15:18:30 3 break.
15:18:30 4
15:18:30 5 MS TITTENSOR: Yes, of course.
15:18:59 6
15:19:00 7 (Short adjournment.)
15:33:32 8
15:33:37 9 COMMISSIONER: Yes Ms Tittensor.
15:33:39 10
15:33:39 11 MS TITTENSOR: Thank you, Commissioner. If you could bring
15:33:42 12 up the ICR, I think we're on p.163. If we scroll up a bit.
15:33:52 13 You'll see this is 23 February we're looking at. The day
15:34:00 14 before you've been out to the prison with Mr Bateson to
15:34:06 15 visit [REDACTED]. There's a DSU issue there, number one,
15:34:13 16 that Ms Gobbo is advised to stay away from [REDACTED] and
15:34:19 17 assisting, and him assisting police as it will draw
15:34:23 18 attention to her current position with the Mokbel trial,
15:34:27 19 et cetera, et cetera, and in relation to her previously
15:34:34 20 acting for [REDACTED] Do you see that?---Yes.
15:34:37 21
15:34:43 22 On p.165, at 16:48, there's a mention there of, "Ms Gobbo
15:35:06 23 and Mr Valos cannot think of who could represent [REDACTED]
15:35:11 24 [REDACTED] It seems as though she's having a think about who
15:35:16 25 other than her could possibly represent [REDACTED] and she
15:35:20 26 and Mr Valos can't think of anyone between them. Do you
15:35:24 27 see that? Sorry, not that bit - well the last bit that's
15:35:35 28 just been highlighted. "Source and Jim Valos cannot think
15:35:40 29 of who could represent [REDACTED] and then it says on the
15:35:44 30 next line down, [REDACTED] needs a push to decide to roll
15:35:49 31 over and assist police"?---Yes.
15:35:52 32
15:35:53 33 Shortly after that it says, "Ms Gobbo got a surprise phone
15:35:59 34 call from Carl Williams wanting her on his phone list.
15:36:02 35 Source asked for thoughts on allowing the same. And then
15:36:07 36 she reports she's confident that Mokbel will be found
15:36:11 37 guilty now of the charges" and those were the ones she was
15:36:18 38 currently representing him in a trial?---Yes.
15:36:20 39
15:36:20 40 Then it says, "Operation Purana updated"?---Yes.
15:36:24 41
15:36:25 42 If there was an update to Operation Purana, was that
15:36:29 43 ordinarily an update to you?---What's the date of this?
15:36:34 44
15:36:34 45 This is 24 February 2006?---I don't have that update in my
15:37:20 46 diary.
15:37:21 47

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15:37:21 1 Might it be that you in fact did have a conversation with
15:37:25 2 someone from the SDU about these matters but because what
15:37:30 3 was being reported wasn't in the nature of intelligence or
15:37:35 4 information that you might necessarily act on in the sense
15:37:37 5 of progressing Operation Posse, this was something of a
15:37:42 6 different nature in terms of Ms Gobbo's representation of
15:37:46 7 [REDACTED] that you wouldn't write that down in your
15:37:52 8 diary?---Perhaps they spit it out, I have semblance of some
15:37:57 9 of that at 17:04 in my diary.

15:38:00 10
15:38:00 11 What are you got in your diary?---I don't know what the
15:38:03 12 member's name is, a member of the SDU, "Registered human
15:38:07 13 source to meet [REDACTED], is it?

15:38:12 14
15:38:13 15 COMMISSIONER: [REDACTED]

15:38:17 16
15:38:18 17 WITNESS: [REDACTED] for tea" - - -

15:38:19 18
15:38:19 19 MS TITTENSOR: A situation in relation to [REDACTED]
15:38:22 20 [REDACTED]---[REDACTED] for tea at 19:30. Then meeting with
15:38:28 21 Karam at teppanyaki in Collins Street at 21:30 hours. Carl
15:38:31 22 Williams wants source on his phone list", which is the last
15:38:34 23 bit of that there but I haven't got the rest of it.

15:38:39 24
15:38:39 25 Is it the case that you may well have been told about
15:38:44 26 [REDACTED] and you haven't noted it because there was no
15:38:46 27 need to?---It was either that or they vetted out what they
15:38:51 28 told me and only gave me the bit that they thought - - -

15:38:54 29
15:38:54 30 It could be one or the other?---Could be one or the other.

15:38:57 31
15:38:57 32 If we go to p.170, please. It's apparent there that Jim
15:39:16 33 Valos and Ms Gobbo - - -

15:39:19 34
15:39:20 35 COMMISSIONER: 27 February.

15:39:21 36
15:39:21 37 MS TITTENSOR: 27 February 2006. There's reference there
15:39:24 38 to Mr Valos and Ms Garde-Wilson planning to have a meeting
15:39:30 39 at 9 am to discuss [REDACTED]---Yes.

15:39:33 40
15:39:34 41 And that Mr Valos doesn't, according to Ms Gobbo Mr Valos
15:39:40 42 doesn't understand the angle that [REDACTED] is coming from
15:39:43 43 and he doesn't pick up the subtleties in relation to
15:39:47 44 [REDACTED]---That's what it says, yes.

15:39:49 45
15:39:51 46 To your recollection was [REDACTED] someone that did speak
15:39:54 47 in codes and riddles and was a bit hard to understand?---I

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15:39:58 1 didn't know him all that well to tell you the truth.

15:40:01 2
15:40:03 3 If we can go over the page, please. You'll see there that
15:40:11 4 Ms Gobbo reports that ██████████ had rung at lunchtime and
15:40:15 5 he wanted her to come and see him. There's some - - -?---I
15:40:27 6 see that.

15:40:28 7
15:40:29 8 - - - discussion there about Ms Garde-Wilson and problems
15:40:36 9 potentially with ██████████. Later on a couple of boxes
15:40:40 10 down, ██████████ had called again. ██████████ wanted her,
15:40:47 11 Ms Gobbo, to tell ██████████ that he was going to roll
15:40:50 12 over and he wanted to know if it was okay for him to put
15:40:55 13 ██████████ in for a murder. He wanted ██████████'
15:41:00 14 blessing for him to roll over?---Right.

15:41:02 15
15:41:02 16 Do you see that?---I see that.

15:41:04 17
15:41:07 18 It says there that according to Ms Gobbo ██████████ and
15:41:10 19 ██████████ had an understanding that if ██████████ was doing life
15:41:14 20 it was okay for ██████████ to lag him in for one more murder
15:41:18 21 so that he could get a discount?---Yes, I see that.

15:41:22 22
15:41:30 23 Ms Gobbo says, she tells the handlers that she's told
15:41:34 24 ██████████ that the police will want him to tell everything,
15:41:37 25 not just bits and pieces, that he's desperate for her to
15:41:42 26 see him by the weekend. Her belief that no one is giving
15:41:46 27 ██████████ good advice. Ms Gobbo said that ██████████
15:41:58 28 possibly has some understanding of who has done what to
15:42:02 29 whom. She refers to Tony Mokbel being worried that ██████████
15:42:10 30 ██████████ might put him in. If we go further down the page.
15:42:18 31 There's a DSU issue. "The source advised by me", that is
15:42:23 32 the source is advised by the handler, "That she should not
15:42:26 33 go and see ██████████ for the police sake. If ██████████
15:42:30 34 asked for her help and in the normal course of her duty she
15:42:34 35 would help, then she should do what she would normally
15:42:39 36 ethically do. This advice was based on discussions with
15:42:45 37 Jim O'Brien from Purana. Purana do not care if ██████████
15:42:48 38 rolls over or not, but if he does he must go all the way",
15:42:52 39 do you see that?---Yes, I do.

15:42:56 40
15:42:56 41 Did you have discussions with the SDU about the possibility
15:43:02 42 of Ms Gobbo representing ██████████ ---I'd have to check my
15:43:07 43 diary.

15:43:08 44
15:43:08 45 Do you accept on the basis of this entry by the SDU that
15:43:13 46 you had discussions about those things?---No, I'm not
15:43:16 47 accepting it. I'd like to check my diary please to view

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15:43:20 1 what I've got written there.
15:43:22 2
15:43:22 3 Sure?---This is on the 26th?
15:44:27 4
15:44:28 5 27 February?---Yes, I've got an entry there.
15:45:08 6
15:45:08 7 What is the entry that you've got?---Do you want me to read
15:45:12 8 it? 17:05, "Notes of meeting, information from [REDACTED]
15:45:19 9 [REDACTED] - - -
15:45:20 10
15:45:20 11 Green that is?---"Green, DSU. There was a meeting between
15:45:23 12 Tony Mokbel and [REDACTED]. Starbucks yesterday at 13:13.
15:45:30 13 Tony and [REDACTED] believe" - - -
15:45:32 14
15:45:33 15 [REDACTED]?---[REDACTED] is a massive stunt by Purana to
15:45:37 16 trick [REDACTED] Tony reckons [REDACTED] should just put [REDACTED] or" - -
15:45:48 17 -
15:45:48 18
15:45:48 19 No, sorry, that's [REDACTED] in. [REDACTED] has to lag [REDACTED] in and [REDACTED]
15:45:59 20 should lag [REDACTED] in. Tony had meetings yesterday and said that
15:46:08 21 the Casino Squad and Homicide Squad are to be disbanded.
15:46:12 22 Tony believes Purana haven't got enough to get him with [REDACTED]
15:46:16 23 and [REDACTED] Jamou second-guessed all Tony's legal advice and
15:46:22 24 goes to the race track for Tony. Tony is conducting
15:46:27 25 meetings with others at his mother's place. James Valos
15:46:31 26 and Zarah Garde-Wilson were having a meeting at 09:00 to
15:46:37 27 talk about [REDACTED] Zarah says about Purana 'catch me if you
15:46:39 28 can'. Jim Valos went to see [REDACTED] yesterday and can't work out
15:46:43 29 what he's saying". That was it, apart from at 18:46 I
15:46:55 30 received another telephone call from Green, "Karam, car
15:47:00 31 registration number outside Kew police station. Release to
15:47:06 32 Kew had been approved. Stated person with camera. Roberta
15:47:12 33 Williams and a phone number".
15:47:14 34
15:47:14 35 Is there anywhere in that note any discussion about
15:47:18 36 Ms Gobbo and her representation of [REDACTED] ---No.
15:47:22 37
15:47:23 38 Do you accept that you had a discussion about Ms Gobbo's
15:47:26 39 potential representation of [REDACTED] ---I may have.
15:47:33 40
15:47:34 41 Do you accept on the basis of this DSU note that you did
15:47:39 42 have a discussion about that?---That's the only thing that
15:47:42 43 I can rely on.
15:47:43 44
15:47:43 45 Do you accept that as a reliable note of a discussion that
15:47:49 46 you've had?---I can't refute it and, as I said, I'm relying
15:47:53 47 on my memory and what's in my diary.

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15:47:56 1
15:48:01 2 On the following day, the 28th, it's apparent that
15:48:16 3 Mr Bateson attended court and whilst he was outside a
15:48:19 4 particular court with Detective Bartlett he was approached
15:48:23 5 by [REDACTED]. Bartlett had been one of the members present
15:48:31 6 in that 2004 discussion with [REDACTED], is that right, [REDACTED]
15:48:37 7 [REDACTED] 2004 discussion by [REDACTED]?---That's correct.
15:48:41 8 That's correct, yes.
15:48:42 9
15:48:46 10 There's a conversation that occurs between Mr Mokbel and
15:48:52 11 Mr Bateson. At that stage, I think reported by Mr Bateson,
15:49:01 12 Mr Mokbel's asking, "How have you been? Busy I hear".
15:49:05 13 Mr Bateson says, "Are you worried, Tony?" Mokbel says,
15:49:11 14 "No, [REDACTED] has always been a gentleman, he's all right,
15:49:15 15 it's a [REDACTED] for anyone. How's [REDACTED]
15:49:19 16 anyway?" Mr Bateson says, "I don't know." Mr Mokbel
15:49:23 17 replies, "I know that's all he was worried about when he
15:49:26 18 got locked up. [REDACTED]? Anyway, say hello to him for me",
15:49:32 19 and Mr Bateson records those matters in his diary and he
15:49:36 20 says he then informed Detective Ryan, Detective Inspector
15:49:40 21 Ryan?---Right.
15:49:41 22
15:49:42 23 Do you recall that matter, a seemingly veiled threat by
15:49:49 24 Mr Mokbel towards [REDACTED] being reported to you as
15:49:56 25 well?---No, I don't. Again if I can check my diary
15:49:59 26 briefly.
15:50:00 27
15:50:00 28 Sure. It may or may not be something that there's a record
15:50:50 29 of being reported to you. But do you think that a veiled
15:50:54 30 threat by Mr Mokbel towards - - - ?---I'd certainly take it
15:50:59 31 that way. I mean I know - - -
15:51:02 32
15:51:03 33 Do you see an entry in your diary there at 12:30 on the
15:51:09 34 28th?---Of February?
15:51:11 35
15:51:11 36 Yes?---No, there's one at 13:05, "Spoke to the OPP".
15:51:19 37
15:51:19 38 Sorry?---"Mr Horgan".
15:51:23 39
15:51:24 40 What page number at the top of the page have you got?---289
15:51:29 41 and 288. Sorry, I'm looking at 07.
15:51:39 42
15:51:40 43 Page number 77. This might be a different one?---Yes, on
15:51:52 44 the 28th at 12.30, "Spoke to Bateson at office re
45 attendance at court and conversation with Tony Mokbel re
15:52:08 46 veiled threats against [REDACTED] [REDACTED] in presence of
15:52:11 47 David Bartlett. Bateson to speak to witness re same".

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O'BRIEN XXN - IN CAMERA

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15:52:16 1
15:52:17 2 So that veiled threat was reported to you that day?---It
15:52:21 3 was and I spoke to Mr Overland about it a short time later.
15:52:27 4
15:52:27 5 If we go back to the ICR at 172. It seems as though at
15:52:39 6 19:10 that evening Ms Gobbo is reporting the same
15:52:42 7 conversation to her handler. It appears as though she was
15:52:45 8 present when that conversation occurred as well. She
15:52:52 9 expresses feeling nervous as a result. She believes that
15:52:59 10 the DPP would be unhappy with the police approach to
15:53:06 11 [REDACTED] last week. The DPP would want less than what the
15:53:12 12 police want from [REDACTED] and she advises that a heavy
15:53:16 13 handed approach to [REDACTED] would not work well. She
15:53:21 14 tells the handler that [REDACTED] had called her begging for
15:53:25 15 her to see him and that she was busy until the weekend.
15:53:30 16 She said he wanted a fair go at it and doesn't know what to
15:53:35 17 do. She has offered to help and give him informed advice
15:53:40 18 and he's being told, presumably by her, to look after
15:53:43 19 himself. Do you see that?---Yes.
15:53:45 20
15:54:05 21 You refer at paragraph 124 of your statement to receiving a
15:54:10 22 call from a handler Green who reported information from
15:54:17 23 Ms Gobbo and I think that information included the
15:54:23 24 information about the meeting the day before involving
15:54:28 25 Mokbel and Bateson at court?---Yes, paragraph 124, yes.
15:54:45 26
15:54:45 27 If you look at your diary for that day?---Yes.
15:55:12 28
15:55:15 29 You also, when you're speaking to [REDACTED] Green
15:55:20 30 from the SDU, as well as being advised about that meeting
15:55:23 31 in relation to Bateson and Mokbel at the court the day
15:55:27 32 before, you're also provided with information about the OPP
15:55:33 33 potentially being prepared to settle for less than what the
15:55:36 34 police wanted in relation to [REDACTED] --That's correct.
15:55:39 35
15:55:40 36 It says that, it goes on, "Parameters agreed were stepped
15:55:46 37 over. [REDACTED] is now desperate to get some assistance".
15:55:54 38 Can you explain what parameters were agreed to that had
15:55:59 39 been stepped over?---I'm not sure what the parameters were.
15:56:03 40 Bateson would probably have a better idea.
15:56:05 41
15:56:06 42 They're your words in your diary. Do you know whether
15:56:10 43 those parameters relate to Ms Gobbo's involvement in this
15:56:15 44 process?---No, I don't.
15:56:17 45
15:56:26 46 On 7 March [REDACTED] signed statements. You're aware that
15:56:35 47 one of the statements that he signed referred to the

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O'BRIEN XXN - IN CAMERA

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15:56:38 1 involvement of Tony Mokbel?---I'm not sure, I haven't seen
15:56:45 2 the statement, if I have seen it, for some time.
15:56:48 3
15:56:51 4 If we can - before we get there, [REDACTED] you'll recall,
15:57:01 5 was captured on listening device with [REDACTED] committing
15:57:06 6 the murder of [REDACTED]?---Yes.
15:57:09 7
15:57:09 8 Back in [REDACTED] of 2003. The evidence before the
15:57:14 9 Commission is that Ms Gobbo conducted a professional visit
15:57:19 10 upon [REDACTED] the day after he was arrested. She attended
15:57:24 11 to advise him in custody?---Right.
15:57:28 12
15:57:28 13 And then a number of weeks later she attended at the prison
15:57:32 14 to advise him again?---Right.
15:57:36 15
15:57:36 16 So it seems as though she had taken instructions from him
15:57:40 17 twice in the weeks following the murder?---Right.
15:57:43 18
15:57:44 19 She's then also gone on, as you understand, to represent
15:57:48 20 [REDACTED] and then [REDACTED] --Right.
15:57:51 21
15:57:59 22 If the statement of [REDACTED] could be brought up please,
15:58:03 23 VPL.0100.0001.4784. We need to go to paragraph 68 of that
15:58:26 24 statement. No, that's the wrong - we might have to come
15:58:46 25 back to that, I don't know that that's the statement that
15:58:49 26 I'm after. I'm after [REDACTED] witness statement. I'll
15:59:04 27 short-circuit it. I'll read out to you what I've got in my
15:59:07 28 notes as to what was said at paragraph 68 of that
15:59:11 29 statement. [REDACTED] says this, "While I was at the
15:59:17 30 Custody Centre I was visited by my barrister Nicola Gobbo.
15:59:21 31 I asked her to pass on a message to [REDACTED] and [REDACTED] and I
15:59:24 32 rubbed my fingers together and mentioned [REDACTED]. This
15:59:28 33 action was referring to getting the money from [REDACTED] to go
15:59:31 34 to [REDACTED] could be taken care of. Nicola wrote a
15:59:35 35 note and put it to the screen. Although I don't remember
15:59:38 36 the exact wording it said words to the effect that she
15:59:41 37 would be seeing them that day. A couple of days later I
15:59:44 38 spoke to [REDACTED]. He was actually at [REDACTED]
15:59:47 39 address. During this call [REDACTED] or him told me that he'd
15:59:51 40 given [REDACTED] some money. I later discovered it was only
15:59:56 41 \$ [REDACTED] I have not received any more of the money promised,"
16:00:00 42 and that is the money promised for the murder?---Right.
16:00:03 43
16:00:03 44 At that point in time on 7 March 2006 [REDACTED] has signed
16:00:08 45 a statement indicating Ms Gobbo has been involved in
16:00:12 46 passing some messages in relation to payment for the
16:00:18 47 murder?---Right.

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O'BRIEN XXN - IN CAMERA

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16:00:19 1
16:00:21 2 Is that news to you?---It is, yes.
16:00:23 3
16:00:24 4 You say you never became aware of that circumstance?---I
16:00:29 5 don't believe so.
16:00:29 6
16:00:30 7 If you had have become aware of that circumstance would you
16:00:33 8 have done anything about it?---Obviously there's an issue
16:00:38 9 there.
16:00:39 10
16:00:39 11 What do you see the issue as?---She's acting as a
16:00:44 12 go-between basically, between murderers.
16:00:46 13
16:00:46 14 Do you see that she might be herself either a witness or a
16:00:53 15 suspect in that crime herself?---Yes.
16:00:57 16
16:00:57 17 An accessory?---Quite possibly.
16:01:00 18
16:01:00 19 That on a clear reading of that, that's what that suggests,
16:01:04 20 doesn't it?---Well, that's what it suggests.
16:01:12 21
16:01:13 22 7 March is the statement. If that's the case, if she has
16:01:42 23 gone there, if she's been involved in passing a message,
16:01:50 24 she's, as you've accepted, potentially involved herself as
16:01:54 25 an accessory in that murder?---Yes, you would want more
16:01:58 26 corroborative evidence than that of a murderer in relation
16:02:02 27 to what he says in a statement, albeit it's a confessional
16:02:05 28 statement I'd imagine.
16:02:06 29
16:02:06 30 It would place her in a particularly difficult position
16:02:09 31 representing anyone involved in these matters, wouldn't
16:02:12 32 it?---It would, yes.
16:02:13 33
16:02:17 34 A number of days later on [REDACTED] [REDACTED] has entered a
16:02:24 35 plea of guilty. If we can go to the ICR, p.183. She
16:02:45 36 reports to her handlers on that day that she still has -
16:02:52 37 see up at 9 o'clock - she still has [REDACTED] and
16:02:57 38 [REDACTED] wanting to see her for advice. She's got both of
16:03:01 39 them?---Yes.
16:03:01 40
16:03:02 41 Wanting to be advised by her?---Yes.
16:03:04 42
16:03:16 43 Just while we're at it, there's lots of information being
16:03:20 44 provided to you, intelligence in relation to various other
16:03:27 45 matters that are ongoing through this period as well, is
16:03:29 46 that right?---Yes, a huge amount of information.
16:03:31 47

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O'BRIEN XXN - IN CAMERA

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16:03:32 1 Specifically at this point in time she's providing a lot of
16:03:36 2 information about [REDACTED] about Mr Bickley and so
16:03:42 3 forth?---That's correct.
16:03:43 4
16:03:47 5 Do you recall around this time there's plans for [REDACTED]
16:03:52 6 for [REDACTED]---Yes.
16:03:54 7
16:03:54 8 And Ms Gobbo became involved in arranging the
16:03:58 9 [REDACTED]---Yes.
16:03:58 10
16:03:59 11 There was a discussion about her, getting her a camera to
16:04:06 12 use at [REDACTED] so that the photos could be provided to
16:04:10 13 the police for intelligence purposes?---Possibly, I'm not
16:04:19 14 100 per cent sure. There was discussion around the
16:04:23 15 possibility of [REDACTED] in there.
16:04:25 16
16:04:25 17 You'll see if we go further down the page there at 18:00,
16:04:28 18 "Collected the camera from Purana and discussed the same
16:04:32 19 with Jim O'Brien"?---Yes, I do. What date is this?
16:04:40 20
16:04:41 21 This is [REDACTED] 2006?---Yes, I did speak to Green I think
16:05:28 22 it is.
16:05:28 23
16:05:29 24 Sorry?---I did speak to the DSU at 17:37.
16:05:33 25
16:05:34 26 You have a note there at 17:37 about speaking to Mr Green
16:05:39 27 re registered human source, is that right?---Yes, that's
16:05:43 28 correct.
16:05:43 29
16:05:44 30 No details about what the discussion was?---No.
16:05:47 31
16:05:51 32 It seems, if we go to the following page, there's lots of
16:06:00 33 information at that stage coming through in relation to
16:06:05 34 [REDACTED] It seems that [REDACTED] goes ahead that night.
16:06:12 35 If we go over to the following day, [REDACTED]. She then
16:06:22 36 reports on the party the next morning, do you see that?
16:06:31 37 "Source won the dance competition"?---Yes.
16:06:33 38
16:06:36 39 She then provides some information about [REDACTED] not
16:06:39 40 [REDACTED] until the following weekend, that he had money and
16:06:45 41 things to collect. She arranged dinner with him and she
16:06:48 42 reported that the camera had worked and the photos were of
16:06:51 43 good quality?---Yes, I see that.
16:06:55 44
16:06:57 45 If we can go over to 186. Sorry, further up there.
16:07:16 46 There's a reference there to [REDACTED]. You see towards
16:07:23 47 the top, "[REDACTED] concern the source as she may be

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O'BRIEN XXN - IN CAMERA

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16:07:29 1 [REDACTED] if she's called or s.56A summons will
16:07:34 2 cause the same problem". Do you know what that's all
16:07:39 3 about?---No, I believe she was getting called to [REDACTED]
16:07:43 4 [REDACTED].
16:07:43 5
16:07:43 6 What were those [REDACTED]?---Would have been under
16:07:47 7 the [REDACTED] I'd
16:07:51 8 imagine.
16:07:53 9
16:07:54 10 In relation to what [REDACTED]?---I'm not sure.
16:07:57 11
16:07:57 12 Were they something that Purana had anything to do
16:08:01 13 with?---I don't think so.
16:08:03 14
16:08:04 15 There seems to be some talk about a s.56A summons. Do you
16:08:09 16 know who was - 56A summonses occur when a proceeding is on
16:08:14 17 foot, is that right?---I don't know.
16:08:16 18
16:08:18 19 Do you know anything about the prospects of Ms Gobbo being
16:08:22 20 called around that, to give evidence around that stage?---I
16:08:26 21 think she was going to be called because I believe I saw
16:08:31 22 Dale Flynn serve the summons on her and I attended at her
16:08:35 23 office to do that.
16:08:35 24
16:08:36 25 I think that might be later that year in December of 2006.
16:08:43 26 Do you know what it was about at this stage?---No.
16:08:45 27
16:08:45 28 On [REDACTED] 2006 [REDACTED] gets sentenced. Mr Bateson in
16:08:52 29 his notes, he indicates he was sentenced in open court. He
16:08:59 30 gets [REDACTED] years. He was told that without his
16:09:04 31 cooperation there would be no minimum. And there's a note
16:09:13 32 that Justice King had indicated that the prosecution had to
16:09:16 33 serve the [REDACTED] statement in its entirety and referred
16:09:21 34 in her sentence to Tony Mokbel's involvement. Those are
16:09:27 35 just, that's just information for your benefit as to what's
16:09:30 36 contained in Mr Bateson's notes?---Right.
16:09:33 37
16:09:34 38 At p.188, this is on the same day. If we can move further
16:09:47 39 up. We see at 20:25, "Ms Gobbo is furious in relation to
16:10:00 40 [REDACTED]'s statement in relation to the [REDACTED] murder.
16:10:05 41 Paragraph 68 is crap, she never had this conversation.
16:10:10 42 She's very, very angry. Crying, tears flowing, re
16:10:15 43 statement. Should have been checked before produced in
16:10:18 44 Supreme Court and sworn as being accurate. She made sure
16:10:22 45 everything [REDACTED] said was true before it was used in a
16:10:29 46 statement. Source will be subpoenaed for the defence. She
16:10:34 47 raised trust issues with Stuart Bateson and Purana for not

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O'BRIEN XXN - IN CAMERA

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16:10:38 1 asking her first. It was something that was easy to
16:10:41 2 check". Do you see that?---I see it, yes.
16:10:44 3
16:10:45 4 They describe her DSU issue, her stress levels at 100 per
16:10:53 5 cent?---Right.
16:10:57 6
16:10:57 7 Did you become aware of Ms Gobbo's unhappiness about her
16:11:01 8 inclusion in that statement?---Not sure I knew it was about
16:11:07 9 a statement. I knew she was unhappy about Bateson over
16:11:11 10 some matter.
16:11:12 11
16:11:12 12 You had no appreciation what it was about?---No.
16:11:18 13
16:11:18 14 You had no appreciation it was about that fact that she was
16:11:19 15 potentially implicated as an accessory in a murder?---No.
16:11:23 16
16:11:26 17 The following day you see there over at 10:45 in the
16:11:34 18 morning she has a discussion with her handler. Her stress
16:11:40 19 levels are still at 95 per cent in relation to [REDACTED]'s
16:11:45 20 statement?---Yes.
16:11:47 21
16:11:48 22 And you see there over the course of the day she's
16:11:51 23 describing her stress level as still high but gradually
16:11:54 24 slightly decreasing?---Right.
16:11:56 25
16:12:00 26 If you go to your diary on this day, 15 March?---Yes.
16:12:10 27
16:12:13 28 Is this another visit by you and Mr Bateson to [REDACTED]
16:12:18 29 [REDACTED]--Yes.
16:12:18 30
16:12:22 31 You indicate at 10:56 that you spoke to [REDACTED] who
16:12:26 32 advised he wished to cooperate with police re the murder
16:12:29 33 and drug inquiries?---That's right.
16:12:30 34
16:12:31 35 You had a discussion per recording?---Yes.
16:12:33 36
16:12:38 37 At 11:40 you say, "[REDACTED] to leave the visit area.
16:12:43 38 Agreed to consent to [REDACTED] visit to speak to
16:12:48 39 solicitor Valos on the weekend"?---Yes.
16:12:51 40
16:12:52 41 Then prepared to cooperate?---That's correct.
16:12:54 42
16:12:55 43 And it seems as though at 11:55 you also spoke to [REDACTED]
16:13:01 44 that day in relation to his cooperation potentially in
16:13:05 45 relation to the murder of [REDACTED]?---That's correct.
16:13:07 46
16:13:08 47 At 2.49 pm you spoke to Assistant Commissioner Overland in

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O'BRIEN XXN - IN CAMERA

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16:13:15 1 relation to the visits that you'd had in the prison that
16:13:18 2 morning?---That's correct.
16:13:19 3
16:13:21 4 At 3.12 you spoke to Assistant Commissioner Overland with
16:13:25 5 Detective Inspector Ryan in relation to interview
16:13:29 6 strategies?---That's correct.
16:13:30 7
16:13:30 8 Were they interview strategies in relation to [REDACTED] and
16:13:34 9 [REDACTED]?---It would be [REDACTED]
16:13:44 10
16:13:45 11 At 4.20 you spoke to Crown Prosecutor Mr Horgan?---That's
16:13:50 12 correct.
16:13:50 13
16:13:50 14 In relation to [REDACTED] and [REDACTED] - - -?---That's
16:13:53 15 right.
16:13:53 16
16:13:53 17 - - - situation?---Yes.
16:13:55 18
16:13:56 19 And advised initial interviews to see what was on
16:14:01 20 offer?---That's correct.
16:14:01 21
16:14:02 22 If you could bring up VPL.0005.0062.0176. Do you agree
16:14:36 23 that this is a transcript of an interview between yourself
16:14:40 24 and Mr Bateson with [REDACTED] on 15 March 2006?---That's
16:14:44 25 correct.
16:14:44 26
16:14:50 27 I'm going to take you to some references in the course of
16:14:54 28 speaking with [REDACTED] about discussions about lawyers.
16:15:02 29 If we can go to p.3. You see halfway down the page that
16:15:24 30 [REDACTED] says, he refers to his solicitor, he says he
16:15:27 31 spoke to Nicola and Jim. The Jim might be slightly
16:15:35 32 obscured under that big red confidential thing across the
16:15:39 33 page?---Sorry, yeah.
16:15:43 34
16:15:43 35 Do you see that at the top of the page there?---Yes, I do.
16:15:46 36
16:15:50 37 If we can go to p.11. There's a discussion about the
16:16:00 38 process that would be undertaken. [REDACTED] is obviously
16:16:04 39 concerned about what his future holds. And he says there,
16:16:12 40 "Do I keep the solicitors?" Bateson says, "Hey?" [REDACTED]
16:16:19 41 [REDACTED] repeats, "Do I keep the solicitors?" Mr Bateson says,
16:16:24 42 "Well look, I'm not sure, it's up to you". [REDACTED] says,
16:16:28 43 "I've got heaps of confidence in Jim, Nicola's good but she
16:16:33 44 has to give something, I can't, you know what I mean?"
16:16:33 45 Bateson says, "I personally think that you're better off
16:16:37 46 with independent, um, legal representation". [REDACTED]
16:16:41 47 says, "That's what I mean". Bateson says, "That's what I

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O'BRIEN XXN - IN CAMERA

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16:16:46 1 personally think. Now I can't tell you to change
16:16:48 2 solicitors or anything because as far as I know they're
16:16:50 3 both very good but what I'm saying is that they're involved
16:16:53 4 with a lot of other people". Now, both you and Bateson at
16:16:58 5 that point in time knew that not only was Ms Gobbo involved
16:17:05 6 with a lot of other people in the underworld, she was
16:17:08 7 involved in informing to the police?---Yes.

16:17:11 8
16:17:12 9 And she'd been involved in the process of ██████████'s
16:17:19 10 statement taking?---If you tell me that. I have no
16:17:23 11 knowledge that she was in ██████████.

16:17:25 12
16:17:25 13 Certainly Mr Bateson knew that?---Well he would have known,
16:17:29 14 yes.

16:17:29 15
16:17:30 16 If we go to p.24. You're there, about five names down,
16:17:56 17 telling ██████████ that it's up to him whether he keeps his
16:17:59 18 solicitor or gets another solicitor and Mr Bateson tells
16:18:02 19 him to make the assessment himself?---Yes.

16:18:07 20
16:18:07 21 ██████████ says, "Jim's good, Jim is good. Jim's a good
16:18:11 22 solicitor". A bit further down Bateson says, "I'll tell
16:18:15 23 you one thing, I truly believe Jim's a good solicitor, I
16:18:19 24 believe he's an honest solicitor". ██████████ says, "Yeah,
16:18:22 25 he is". Bateson says, "But you're putting him between a
16:18:25 26 rock and a hard place. You're putting him where he's in a
16:18:28 27 potential conflict of interest. That's something for you
16:18:29 28 and him to work out". And then ██████████ expresses some
16:18:34 29 concern about ██████████. There's some open discussion there
16:18:41 30 that, well, it's something that ██████████ would appreciate,
16:18:47 31 that Mr Valos has these other clients and has these other
16:18:51 32 potential conflicts and he's able to make an assessment as
16:18:55 33 to whether he should retain Jim Valos as his solicitor in
16:19:00 34 that context, do you understand that?---Yes.

16:19:01 35
16:19:02 36 When he makes that assessment in relation to Nicola Gobbo,
16:19:05 37 he's not aware of the important information in relation to
16:19:07 38 her conflicts, is he?---I don't believe so, no.

16:19:10 39
16:19:12 40 And you never tell him?---No, I didn't tell him.

16:19:15 41
16:19:18 42 Mr Bateson never told him?---Not as far as I know.

16:19:21 43
16:19:22 44 No one from the police told him?---Not as far as I know.

16:19:28 45
16:19:28 46 At p.25. It seems to be left that ██████████ was going to
16:19:38 47 speak with Mr Valos and you were going to speak with

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16:19:43 1 [REDACTED]?---That's correct.
16:19:50 2
16:19:51 3 If we can go back to the ICRs at p.188. We see there, I
16:20:08 4 think I've raised this with you before, about Ms Gobbo's
16:20:12 5 stress levels during the course of that day, we're still on
16:20:14 6 the same day, slightly coming down during the course of the
16:20:18 7 day?---Right.
16:20:19 8
16:20:20 9 If we continue on over to the next page. You see second
16:20:27 10 line down she wants a Purana explanation of what happened
16:20:31 11 in relation to the statement of [REDACTED]?---Right.
16:20:36 12
16:20:36 13 She then follows that up with saying that [REDACTED] is
16:20:40 14 going down the same path as [REDACTED] and wants to see her
16:20:43 15 at the prison on Sunday. It then says, "DSU issue. Spoke
16:20:49 16 to Jim O'Brien at Purana". It goes on, "Much of the
16:20:55 17 details was already led at the committal, should be no
16:20:59 18 surprises. Not of any significance to Purana
16:21:03 19 investigators. Arrange for Stuart Bateson to talk to
16:21:07 20 source and explain actions taken". Do you see that?---Yes.
16:21:10 21
16:21:14 22 You've had a conversation with them clearly about her
16:21:19 23 unhappiness about what was contained in the statement of
16:21:22 24 [REDACTED] is that right?---I believe so, yes.
16:21:25 25
16:21:26 26 You must have had an appreciation then of what was in fact
16:21:32 27 in the statement of [REDACTED] that made her so upset?---Not
16:21:40 28 necessarily.
16:21:40 29
16:21:40 30 When you talk about the details already having been led at
16:21:44 31 the committal, what does that mean?---No idea. I wasn't
16:21:56 32 involved in this prosecution, it was Bateson's
16:21:59 33 investigation.
16:21:59 34
16:22:00 35 This seems to be a conversation that you're having with the
16:22:04 36 SDU at this stage. There's some indication by you that
16:22:12 37 there should be no surprises because many of the details or
16:22:17 38 much of the details have already been led. You can't
16:22:21 39 recall what that might be about?---No, again, I'll check my
16:22:26 40 diary and see but I don't know whether that's come from
16:22:30 41 them or they're saying that's a comment attributed to me.
16:22:34 42 It's a bit hard to tell from that document.
16:22:37 43
16:22:37 44 In any case it seems to finish there that you'll arrange
16:22:41 45 for Stuart Bateson to talk to Ms Gobbo and explain what's
16:22:46 46 happened?---That's correct.
16:22:47 47

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16:22:51 1 If we go at 18:25, just a few lines down from there, the
16:22:58 2 handler then has a conversation with Ms Gobbo and advises
16:23:03 3 her that Mr Bateson will call her the following
16:23:10 4 day?---That's right, that's what's there.
16:23:11 5
16:23:12 6 That was told to her in a conversation at about 6.25
16:23:16 7 pm?---That's correct.
16:23:16 8
16:23:18 9 If you go to your diary for that day?---Which day are we
16:23:25 10 talking about?
16:23:26 11
16:23:27 12 We're on 15 March 2006. You've got some earlier entries in
16:24:04 13 your diary about your actual visit with [REDACTED] is that
16:24:07 14 right?---That's correct.
16:24:10 15
16:24:12 16 And we've been through those and you're reporting about
16:24:16 17 those matters to Mr Overland?---That's correct.
16:24:18 18
16:24:20 19 At 17:10 in your diary you've got a note of the
16:24:26 20 conversation or the communication that you've had with the
16:24:29 21 SDU that day?---That's correct.
16:24:30 22
16:24:31 23 And in essence you've got a number of points there which
16:24:36 24 relate to the general intelligence that's come through from
16:24:40 25 Ms Gobbo?---That's correct.
16:24:42 26
16:24:42 27 That day?---That's correct.
16:24:43 28
16:24:45 29 Missing from those notes are any conversation about
16:24:49 30 Ms Gobbo being upset about [REDACTED]'s statement. Do you
16:24:54 31 agree with that?---That's correct.
16:24:55 32
16:24:56 33 And missing in that conversation is anything about Ms Gobbo
16:25:05 34 indicating that [REDACTED] was going to go down the same
16:25:08 35 path and that he wanted to see her at prison
16:25:13 36 again?---Wanted to see?
16:25:14 37
16:25:14 38 Her at prison again?---Yes. I haven't got that in my
16:25:19 39 diary, no.
16:25:20 40
16:25:22 41 Do you know why you wouldn't have recorded in your diary
16:25:26 42 matters about Mr Bateson meeting, planning to meet with
16:25:31 43 Ms Gobbo because of her upset over the [REDACTED]
16:25:34 44 statement?---No. I do recall there was one entry there
16:25:43 45 telling me about being upset about Bateson, something that
16:25:46 46 Bateson had done, but I don't recall receiving that
16:25:50 47 information on that day and I've got no note of it. I have

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16:25:55 1 no reason not to know.

16:26:00 2

16:26:06 3 Just while we're here in the scheme of things. On [REDACTED]

16:26:12 4 2006 you see that there's some entries in relation to, if

16:26:19 5 we go to p.190, in relation to [REDACTED] and if we look

16:26:28 6 backwards and forwards within the information reports or

16:26:31 7 the information contact reports and in your notes, we'll

16:26:34 8 see constantly there's information coming through about

16:26:37 9 [REDACTED] at this stage?---Yes.

16:26:39 10

16:26:41 11 There's some notes there about [REDACTED] would drop off [REDACTED]

16:26:47 12 [REDACTED] on Friday night and then he was going to [REDACTED]

16:26:51 13 [REDACTED] ---That's correct.

16:26:53 14

16:26:55 15 [REDACTED] was picking up money today. He didn't get it

16:26:59 16 last night (about [REDACTED])" and that he was also getting

16:27:05 17 some [REDACTED]?---Yes.

16:27:07 18

16:27:07 19 In your summary in your notes, if you can have a look at

16:27:16 20 those, you say in respect of that matter that, [REDACTED]

16:27:27 21 said he didn't collect the money. Said to be [REDACTED] as

16:27:32 22 yet and therefore cannot pay [REDACTED] as

16:27:38 23 yet"?---That's correct.

16:27:38 24

16:27:40 25 Now, this is just a small point, but it seems as though on

16:27:45 26 this occasion you've been provided with more information

16:27:48 27 than the SDU have recorded in their notes. Do you see

16:27:52 28 that?---Yes.

16:27:53 29

16:27:58 30 There doesn't appear to be any information in the ICR at

16:28:01 31 that point in relation to the [REDACTED] being

16:28:08 32 paid?---No.

16:28:09 33

16:28:10 34 And you understand that was in relation to payment for the

16:28:13 35 [REDACTED] party for [REDACTED]?---That's correct.

16:28:15 36

16:28:24 37 If we go on there's some further details there about

16:28:28 38 [REDACTED] that were being used, is that right? That she

16:28:33 39 was meeting [REDACTED] and [REDACTED] for dinner in Port

16:28:36 40 Melbourne?---Yes.

16:28:37 41

16:28:39 42 That [REDACTED] wanted her to pass a phone to [REDACTED] as

16:28:44 43 he had [REDACTED] or maybe [REDACTED], and

16:28:48 44 [REDACTED]?---Yes.

16:28:49 45

16:28:50 46 And Ms Gobbo was tasked to advise handlers when the meeting

16:28:54 47 with [REDACTED] was confirmed?---That's correct.

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16:29:00 1
16:29:02 2 Those are all the types of things that clearly you would
16:29:06 3 have been interested in hearing?---Yes.
16:29:07 4
16:29:10 5 If we go to p.191. There's a DSU issue there about
16:29:22 6 Ms Gobbo's offer to have the photos developed herself.
16:29:30 7 She's there suggesting that she gets a micro-recorder so
16:29:35 8 she can record the conversations she's having with [REDACTED]
16:29:40 9 [REDACTED] as she can't remember all the details?---Right.
16:29:42 10
16:29:42 11 Is that right?--Well I don't know if I've been told about
16:29:47 12 that or not, I mean - if these are DSU matters I'd have to
16:29:55 13 understand what their methodology is here. Is this
16:29:59 14 information they're saying they've passed to me or is it
16:30:01 15 information they're just putting in there for their own
16:30:04 16 benefit?
16:30:05 17
16:30:05 18 Such was the amount of information though and the degree of
16:30:08 19 detail in the information, it seems as though she's saying,
16:30:12 20 "Give me a micro recording so I can start
16:30:15 21 recording"?---Right.
16:30:15 22
16:30:20 23 At 14:00 she confirms that she's seeing [REDACTED] that
16:30:27 24 night and said he'd collected his money. Do you see
16:30:33 25 that?---That's correct, yes.
16:30:37 26
16:30:37 27 He says, "And [REDACTED] didn't get the new phones. He
16:30:42 28 wants Ms Gobbo to bring him [REDACTED] phone number
16:30:48 29 that night"?---That's correct.
16:30:50 30
16:30:50 31 Ms Gobbo was told to consider a strategy that would cause
16:30:54 32 [REDACTED] to give her the phone number that he was
16:30:58 33 using?---That's correct.
16:30:58 34
16:31:00 35 And below that, she's tasked to obtain and update the
16:31:07 36 handler in relation to any movements of [REDACTED] and you
16:31:10 37 were advised in relation to his movements and in relation
16:31:13 38 to [REDACTED]?---That's correct.
16:31:15 39
16:31:19 40 If we can go over the page - - -
16:31:21 41
16:31:21 42 COMMISSIONER: I think it's probably time to break for the
16:31:24 43 evening, unless you just wanted to finish something off.
16:31:27 44
16:31:28 45 MS TITTENSOR: I can finish this day.
16:31:30 46
16:31:30 47 COMMISSIONER: Yes, let's finish the day off then.

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16:31:30 1
16:31:31 2 MS TITTENSOR: Over the page at 192. We see there at 23:46
16:31:38 3 Ms Gobbo reports on a meeting with [REDACTED] Do you see
16:31:44 4 that?---Yes.
16:31:46 5
16:31:47 6 Information about the location of [REDACTED] in [REDACTED]
16:32:00 7 Street?---Yes.
16:32:01 8
16:32:03 9 She says there that she's given a phone in relation to
16:32:13 10 [REDACTED]?---That's correct.
16:32:14 11
16:32:14 12 She gave the police the phone number that was stored on the
16:32:17 13 phone for [REDACTED]?---That's correct.
16:32:19 14
16:32:21 15 And that was presumably [REDACTED] phone number, so the
16:32:25 16 idea was that Ms Gobbo would give [REDACTED] a phone which
16:32:30 17 contained the phone number of [REDACTED] so that they could
16:32:33 18 then communicate, is that right?---That's correct, yes.
16:32:35 19
16:32:36 20 And what Ms Gobbo did was she texted herself while she had
16:32:43 21 possession of the phone, she texted herself from that phone
16:32:47 22 so that she would have the phone number of the phone that
16:32:51 23 was to be given to [REDACTED]---Right.
16:32:53 24
16:32:55 25 And then she deleted the fact of that text from that phone
16:32:58 26 from [REDACTED]?---Right.
16:33:01 27
16:33:02 28 The ICR records record that an IR is not submitted in
16:33:08 29 relation to those phone numbers due to potential
16:33:14 30 compromise. However it seems as though a number of weeks
16:33:17 31 later there is an affidavit which uses that information, do
16:33:22 32 you see that there?---It's in my diary on [REDACTED].
16:33:28 33
16:33:28 34 COMMISSIONER: The phone number is?---Yes, Commissioner.
16:33:31 35
16:33:31 36 MS TITTENSOR: When it came to lodging affidavits, is it
16:33:34 37 the case that those compiling the affidavits would
16:33:40 38 supplement information using SDU intelligence
16:33:48 39 holdings?---Not SDU intelligence holdings, it would be
16:33:51 40 Purana intelligence holdings.
16:33:53 41
16:33:53 42 Would it be the case that they would send potential
16:33:56 43 affidavits for SDU for inclusion of further
16:34:00 44 information?---I don't believe so.
16:34:01 45
16:34:02 46 Thank you, Commissioner.
16:34:04 47

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16:34:04 1 COMMISSIONER: Just before we adjourn. Mr Holt, there's
16:34:07 2 one matter you might be able to help me with. The
16:34:13 3 Commission requested a statement from Simon Overland, don't
16:34:16 4 worry, I know you're not acting for him, from his
16:34:19 5 solicitors due in March. An extension was given to later
16:34:24 6 in March. We still don't have it and one of the reasons
16:34:26 7 given is that they say that they're waiting on certain
16:34:29 8 documents from Victoria Police. I don't know whether
16:34:32 9 you're up with this.

16:34:33 10
16:34:33 11 MR HOLT: I'm relatively up with it, Commissioner, I might
16:34:36 12 be able to help to some extent.

16:34:37 13
16:34:38 14 COMMISSIONER: Anyway, they've requested certain material,
16:34:41 15 I won't bother setting it all out now. I don't know when
16:34:42 16 they requested it but they said by letter of 30 August
16:34:45 17 Victoria Police informed them that a number of the
16:34:48 18 documents would be provided but they, as of today's date,
16:34:52 19 haven't received the material. That's what we were told.

16:34:56 20
16:34:57 21 MR HOLT: Then I'm not up-to-date on that aspect of it,
16:35:00 22 Commissioner. I'm aware that the issue arose last week and
16:35:04 23 that a lot work was done.

16:35:04 24
16:35:04 25 COMMISSIONER: Only last week when you were asked for the
16:35:05 26 material?

16:35:05 27
16:35:05 28 MR HOLT: I was aware that the Commissioner had raised the
16:35:08 29 issue last week, not that it only had been raised with us
16:35:12 30 last week. I should correct the record on that basis. I
16:35:14 31 know that a lot of work has been done by those instructing
16:35:17 32 me to ensure they send that information. I'm not aware of
16:35:19 33 that most recent development. I understand a significant
16:35:22 34 body of material was provided last week, but I will follow
16:35:25 35 that up and advise the Commission in the morning if I may.

16:35:27 36
16:35:27 37 COMMISSIONER: If you could, that would be very helpful as
16:35:29 38 to when that material will be provided.

16:35:31 39
16:35:31 40 MR HOLT: Yes. I know there were some requests for some
16:35:33 41 very broad categories of information and we're working to
16:35:36 42 attempt to narrow those. Otherwise they would divert
16:35:38 43 substantial resources which are being used to address
16:35:40 44 issues that the Commissioner has raised quite recently.
16:35:42 45 But I'll take that if I may on notice.

16:35:44 46
16:35:44 47 COMMISSIONER: If you could, that would be very helpful to

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16:35:47 1 know when they get that material to know when the
16:35:50 2 Commission can expect, reasonably expect the statement to
16:35:54 3 be provided.
16:35:54 4
16:35:54 5 MR HOLT: We understand. Thank you, Commissioner.
16:35:56 6
16:35:56 7 COMMISSIONER: If it's possible to let me know tomorrow,
16:35:59 8 perhaps after we've finished Mr White's evidence, yes.
16:36:04 9
16:36:04 10 MR HOLT: I'll aim to be in a position to do that,
16:36:07 11 Commissioner, yes.
16:36:08 12
16:36:09 13 COMMISSIONER: Mr O'Brien, we're going back to Mr White's
16:36:12 14 evidence tomorrow morning. How long do we expect to be
16:36:15 15 with Mr White?
16:36:16 16
16:36:17 17 MR WINNEKE: I think certainly no more than an hour,
16:36:21 18 Commissioner.
16:36:21 19
16:36:23 20 COMMISSIONER: It's probably prudent to have Mr O'Brien
16:36:25 21 back by 10.15, would that be right?
16:36:27 22
16:36:28 23 MR WINNEKE: Yes.
16:36:28 24
16:36:28 25 COMMISSIONER: If you could come back by 10.15 tomorrow
16:36:31 26 morning?---Thank you.
16:36:31 27
16:36:32 28 MR CHETTLE: Commissioner, for what it's worth Mr White has
16:36:34 29 an appointment at 1 pm.
16:36:36 30
16:36:36 31 COMMISSIONER: What we do need is to have the technology
16:36:39 32 working. Apparently it was working beautifully this
16:36:43 33 morning.
16:36:44 34
16:36:44 35 MR CHETTLE: The gremlin.
16:36:45 36
16:36:45 37 COMMISSIONER: Absolutely. All right then, we'll adjourn
16:36:48 38 until 9.30 tomorrow thank you.
39
16:37:11 40 <(THE WITNESS WITHDREW)
16:37:12 41
16:37:12 42 ADJOURNED UNTIL THURSDAY 5 SEPTEMBER 2019
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44
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47