

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria
On Friday, 1 November 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Ms R. Enbom SC Ms K. Argiropoulos
Counsel for State of Victoria	Ms C. McCudden
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDPP	Ms R. Avis
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for Pasquale Barbaro	Mr C. Wareham
Counsel for Faruk Orman	Mr M. Koh.
Counsel for AFP	Ms I. Minnett
Counsel for ACIC	Ms J. Greenham

09:37:52 1 COMMISSIONER: I note the appearances for the Commission.
09:37:55 2 Ms Tittensor, Mr Collinson for Ms Gobbo today, Ms McCudden
09:38:00 3 for the State, Ms Greenham for the ACIC and Mr Wareham for
09:38:09 4 Pasquale Barbaro, and otherwise I think the appearances are
09:38:13 5 as they have been.
09:38:14 6
09:38:14 7 MS TITTENSOR: We might have a new face in relation to
09:38:18 8 ACIC.
09:38:18 9
09:38:18 10 COMMISSIONER: I mentioned that, didn't I, Ms Greenham for
09:38:22 11 ACIC? Yes. We're continuing with Mr Buick. If you could
09:38:25 12 return to the witness box, Mr Buick. Is it open or closed
09:38:29 13 hearing at the moment?
09:38:30 14
09:38:31 15 MS TITTENSOR: We're in open, Commissioner.
09:38:32 16
09:38:32 17 COMMISSIONER: Thank you.
09:38:34 18
09:38:34 19 <BORIS BUICK, recalled:
09:38:45 20
09:38:46 21 MS TITTENSOR: Mr Buick, at the end of your examination on
09:38:48 22 the last occasion I think I was taking you through a number
09:38:51 23 of documents in relation to Ms Gobbo's appearances on
09:38:55 24 behalf of Mr Orman seeking disclosure of material in the
09:39:04 25 Peirce murder matter, do you recall that?---Yes .
09:39:07 26
09:39:07 27 You yourself had notes which indicated Ms Gobbo's
09:39:11 28 involvement in the statement taking process for the main
09:39:16 29 witness against Mr Orman, that's right, isn't it?---That's
09:39:19 30 right.
09:39:20 31
09:39:20 32 And I might have taken you to those notes in closed session
09:39:25 33 but I might just ask you a couple more questions about
09:39:27 34 those now. It can just be put up on the witness's screen
09:39:32 35 and my screen and the Commissioner's screen. It's Exhibit
09:39:40 36 649. This was the document that had the two versions of 19
09:40:15 37 July, the day book entry. If both versions can be put up
09:40:34 38 together. Mr Buick, your initial statement to the
09:40:47 39 Commission was dated 10 May; is that right?---I accept
09:40:51 40 that.
09:40:52 41
09:40:52 42 The Commission received the version on the left-hand side
09:40:59 43 of your screen without the Post-it Note down the bottom in
09:41:05 44 May this year and we understand from your evidence and from
09:41:11 45 information provided to the Commission that that was a
09:41:17 46 version provided by yourself, or through yourself?---Yes.
09:41:22 47

09:41:22 1 Is that right?---Yes.
2
09:41:24 3 The Commission, following the receipt of redacted day book
09:41:28 4 entries of yours, requested unredacted entries and we were
09:41:36 5 given to understand that because of the format that they'd
09:41:39 6 been received in from Victoria Police that we couldn't get
09:41:44 7 unredacted versions and we were then given access to the
09:41:49 8 original documents so that we might go through them. And
09:41:53 9 having gone through them it was discovered that there was
09:41:57 10 the addition of this Post-it Note on the second version
09:42:00 11 that you then see there?---Yes.
12
09:42:02 13 Do you see that?---Yes.
14
09:42:04 15 Now the version on the left-hand side, the original version
09:42:06 16 provided by yourself to the Commission, there's no writing
09:42:15 17 that would exist underneath that Post-it Note, so there's
09:42:18 18 no reason for that Post-it Note to have been taken
09:42:22 19 off?---No.
20
09:42:22 21 Can you explain - I might just indicate that the Post-it
09:42:25 22 Note, Commissioner, reads, "Boris, here is the statement.
09:42:32 23 It has some red pen on it. These alterations were made by
09:42:36 24 Nicola last night. If you don't have this format let me
09:42:38 25 know and I will email to you. Regards, Stu". That's a
09:42:45 26 note from Mr Bateson to yourself?---Yes.
27
09:42:48 28 And that was a note that we understand was attached to a
09:42:53 29 draft of an email, sorry, a draft of a statement by the
09:42:58 30 main witness against Mr Orman; is that right?---Yes.
31
09:43:03 32 And his statements were in fact ultimately signed that
09:43:14 33 date, 19 July 2006?---Yes.
34
09:43:16 35 We understand, or we know now that Ms Gobbo had been at
09:43:18 36 St Kilda Road reviewing and, as it seems from this note,
09:43:22 37 making alterations to statements the previous night?---I
09:43:26 38 now know that, yes.
39
09:43:27 40 And in actual fact there's another Post-it Note on that
09:43:31 41 same page which is in Ms Gobbo's handwriting providing some
09:43:36 42 information and comments about one aspect of that main
09:43:40 43 witness's statement; is that right?---Yes, that's right.
44
09:43:45 45 We also know that that comment related to a particular
09:43:53 46 letter that was held by a lawyer?---Yes.
47

09:43:56 1 Is that right? She indicates that the witness might
09:44:00 2 believe that that letter was held by a particular lawyer
09:44:02 3 but it in fact was held by Jim Valos?---Yes.
4
09:44:06 5 And later on a warrant was executed on the offices of Jim
09:44:09 6 Valos and that letter was discovered?---Yes.
7
09:44:15 8 Can you explain in those circumstances why the Commission
09:44:18 9 was provided with that page with the Post-it Note taken
09:44:26 10 off?---No.
11
09:44:28 12 Do you recall taking the Post-it Note off before
09:44:32 13 photocopying that page?---No.
14
09:44:34 15 Do you know who did the photocopying?---Me.
16
09:44:39 17 Can you recall putting the Post-it Note back on?---I think
09:44:45 18 what, I'm not certain, but I think what's happened, I've
09:44:48 19 clearly made reference to that note in my statement, so the
09:44:54 20 note is referred to in my statement. I make a notation in
09:45:00 21 my statement about the statements having been reviewed by
09:45:02 22 Gobbo. I don't know - I'm not sure that that note was
09:45:10 23 actually on the page that the date relates to, or that the
09:45:20 24 event related to. It's come off another document and I've
09:45:24 25 put it into my day book. But I don't know that I've
09:45:27 26 actually put it into my day book on that date. So I am
09:45:35 27 guessing here but I think what's happened is I've taken it
09:45:38 28 off another page and put it in the correct page
09:45:46 29 sequentially. As it is now, I have that day book here.
09:45:49 30 But I've clearly seen it and made reference to it in my
09:45:52 31 statement.
32
09:45:53 33 Your statement indicates that Ms Gobbo checked the
09:45:57 34 statements; is that right?---Yes.
35
09:46:00 36 So it seems as though at the time you were making your
09:46:04 37 statement the basis upon which you would say that Ms Gobbo
09:46:10 38 checked the statement would be that Post-it Note?---That's
09:46:13 39 right.
40
09:46:13 41 The Commission was not provided with that Post-it Note when
09:46:17 42 it was provided with your statement. Can you explain
09:46:20 43 that?---No.
44
09:46:25 45 That note indicates that Ms Gobbo did more than just check
09:46:27 46 the statement, doesn't it?---Yes.
47

09:46:30 1 You didn't say that in your statement either?---No, I
09:46:35 2 didn't.
3
09:46:37 4 Can you explain why you didn't explain in your statement
09:46:42 5 that Ms Gobbo had access to the statements of this witness,
09:46:47 6 had made markings on the statement in red pen and provided
09:46:53 7 information?---Well I do actually say in my statement that
09:47:00 8 statements were provided to Nicola Gobbo.
9
09:47:01 10 Yes?---I don't go into the detail as to what she did with
09:47:04 11 them, and my explanation for that would be that my period
09:47:09 12 of contact with Nicola Gobbo and matters this Commission is
09:47:14 13 concerned with cover a 12 year period. I think I might
09:47:18 14 have made a 14 page statement. Clearly not every aspect of
09:47:21 15 my involvement in these matters are articulated in my
09:47:26 16 statement.
17
09:47:27 18 Yes?---Twelve years of contact with Ms Gobbo, 14 page
09:47:34 19 statement. There'll be many more things that won't be in
09:47:37 20 my statement that we'll come to.
21
09:47:39 22 Well, there is clearly two Post-it Notes that relate to - -
09:47:44 23 - ?---And I've answered that. I don't have an explanation.
24
09:47:51 25 One of those Post-it Notes remained on the page?---So it
09:47:59 26 seems.
27
09:48:00 28 You didn't realise that the second Post-it Note was
09:48:03 29 actually Ms Gobbo's?---No.
30
09:48:05 31 When you made your statement?---No. And, further to that,
09:48:11 32 the suggested amendment made by Gobbo wasn't made in the
09:48:15 33 statement.
34
09:48:15 35 No, but there was a follow up in relation to that matter
09:48:20 36 subsequently and evidence was discovered because of
09:48:23 37 it?---Yes.
38
09:48:33 39 COMMISSIONER: Just for the record that is Exhibit 649.
40
09:48:38 41 MS TITTENSOR: Thanks Commissioner. Those notes were in
09:48:43 42 existence at the time disclosure was being sought of police
09:48:48 43 notes in relation to Orman's charges in relation to the
09:48:54 44 Peirce matter; is that right?---I'm sorry, can you ask that
09:48:57 45 again?
46
09:48:58 47 In 2007 Mr Orman had been charged with the Peirce

09:49:03 1 murder?---Yes.
2
09:49:04 3 Police notes were being sought through disclosure processes
09:49:11 4 following his arrest and his charging?---Yes.
5
09:49:14 6 They included your notes?---Yes.
7
09:49:16 8 They included other police notes; is that right?---Yes.
9
09:49:20 10 There were no notes provided through that process which
09:49:22 11 indicated - sorry, first of all, this note of yours wasn't
09:49:27 12 provided?---I can't recall.
13
09:49:34 14 Do you say it's possible you provided this note?---Yes.
15
09:49:39 16 Are you being honest when you say that?---I'm not certain.
17
09:49:44 18 Do you think you might have been cross-examined at some
09:49:46 19 point if that note had been provided to Mr Orman's legal
09:49:53 20 team?---I don't know, sorry.
21
09:49:55 22 You think that Mr Richter might have missed out on
09:49:58 23 cross-examining you on that note if he had access to that
09:50:02 24 note?---I don't know.
25
09:50:03 26 That wouldn't be the type of thing that Mr Richter would
09:50:06 27 miss out on, I'd suggest?---I don't know.
28
09:50:22 29 Did you provide notes in relation to other Purana members
09:50:28 30 that had contact with the witness such as Mr Bateson,
09:50:33 31 Mr O'Brien or Ms Kerley?---There's a schedule somewhere of
09:50:42 32 notes I provided.
33
09:50:43 34 I'd suggest that their names aren't on the schedule?---I
09:50:46 35 accept that.
36
09:50:47 37 That would indicate that those notes weren't
09:50:50 38 provided?---Perhaps.
39
09:50:50 40 It would tend to indicate that those notes weren't
09:50:53 41 provided; is that right?---No.
42
09:50:55 43 Why do you say that?---Because you may provide an initial
09:51:02 44 number of documents and progressively provide more
09:51:05 45 documents as you gather more documents. You don't always
09:51:10 46 gather all members' notes before the required date.
09:51:13 47 Sometimes they do come in after. And just to explain the

09:51:17 1 process even further, I don't go through and select out
09:51:22 2 other members' notes. You call for members' notes, their
09:51:26 3 relevant notes, and then you collate them and provide the
09:51:29 4 notes you are provided with.
5
09:51:31 6 Right?---If you are not provided with the members' notes,
09:51:36 7 you don't as a matter of course go on an inquiry and ask
09:51:40 8 every member, "Where are your notes? Why haven't you
09:51:42 9 provided notes?" You rely on members to identify their
09:51:46 10 relevant notes and provide them to you which you then
09:51:47 11 provide in a collated form.
12
09:51:49 13 Just in relation to that, if you're aware that a member
09:51:54 14 excludes notes that you would consider relevant, what would
09:51:57 15 you do?---Call for them.
16
09:52:02 17 Can you ever recall doing that in relation to Mr Bateson or
09:52:05 18 Mr O'Brien?---I don't recall.
19
09:52:07 20 You would recall if you had any sort of communication with
09:52:12 21 those two people, would you not, along those lines, that
09:52:15 22 you've got other notes that are relevant?---Probably.
23
09:52:20 24 You don't recall that?---No.
25
09:52:29 26 You never made any PII claim in relation to notes involving
09:52:34 27 Ms Gobbo?---I don't recall the breadth of the PII claims
09:52:39 28 that were made.
29
09:52:42 30 In relation to this Peirce matter do you made any - - -
09:52:46 31 ?---I don't recall the breadth of the claim of the PII
09:52:48 32 matters.
33
09:52:49 34 Do you say it could have included notes relating to
09:52:53 35 Ms Gobbo?---I'm not certain what it covered.
36
09:52:57 37 On what basis would there be a PII claim for the matters
09:53:01 38 relating to Ms Gobbo in police notes?---I'm not certain as
09:53:07 39 I sit here now other than her safety if it was believed by
09:53:18 40 one group that she was acting in the interests of the other
09:53:22 41 group. That aside, I don't know that there would be a
09:53:26 42 foundation.
43
09:53:28 44 Well, was there ever any legal advice taken as to whether
09:53:31 45 that constituted a basis for a public interest immunity
09:53:34 46 claim?---I've already said to you that I don't recall the
09:53:37 47 breadth of the PII claim so I can't go on and answer that

09:53:42 1 following question.
2
09:53:44 3 Do you ever recall talking to lawyers about that?---Not
09:53:49 4 specifically but clearly you engage right from the outset
09:53:53 5 with the OPP and you'll be aware that I did engage with the
09:54:00 6 VGSO and externally briefed barristers in relation to a
09:54:04 7 number of PII issues. There were four, I believe,
09:54:09 8 potentially more subpoenas issued in relation to this
09:54:12 9 prosecution, and you know, you've got the schedules that
09:54:16 10 identify where PII issues are raised. In terms of homicide
09:54:36 11 investigations I'd conducted to date, it was probably the
09:54:40 12 most litigated one at that time.
13
09:54:41 14 And Ms Gobbo was representing Mr Orman in the early stages
09:54:44 15 seeking the disclosure upon which that defence
09:54:48 16 relied?---That's right.
17
09:54:52 18 And no steps were taken to indicate to Mr Orman that he
09:54:55 19 wasn't receiving impartial, independent representation
09:54:58 20 during that period?---I answered those questions two days
09:55:01 21 ago. I don't have a different answer for you, sorry.
22
09:55:04 23 And the answer to that is no steps were taken?---That's
09:55:08 24 right.
25
09:55:16 26 If we can go to an OPP email from yourself to Ms Prapas on
09:55:22 27 3 October 2007. It's OPP.0011.0005.0206. You see here
09:55:46 28 there's an email from yourself to - - -
29
09:55:48 30 COMMISSIONER: Sorry, there's a problem here.
09:55:49 31
09:55:50 32 MR CHETTLE: I thought the default arrangement was we'd get
09:55:53 33 these.
34
09:55:53 35 COMMISSIONER: Yes, I can't see that there's an issue - - -
09:55:55 36
09:55:56 37 MS TITTENSOR: I don't see any issue in relation to this.
38
09:55:58 39 COMMISSIONER: - - - going up on the screens. I really
09:56:00 40 don't think anyone in the well of the court can see them.
09:56:04 41 Is there any - I can't see the problem with it going up.
09:56:08 42
09:56:09 43 MS TITTENSOR: I can't see a problem with this email at
09:56:11 44 all.
09:56:12 45
09:56:12 46 MR CHETTLE: On the previous occasion, the one that we just
09:56:14 47 didn't see, was provided to us.

1
09:56:16 2 COMMISSIONER: Yes, yes. I think we should work on the
09:56:18 3 basis that unless there's a particular objection, that they
09:56:21 4 will be on the screens. I can't see it's possible for
09:56:23 5 anybody without special equipment to see the screens, read
09:56:29 6 the screens.
09:56:33 7
09:56:33 8 MS TITTENSOR: I don't necessarily see a problem with this
09:56:35 9 going up on the big screen, this email in any case. So if
09:56:41 10 that might be done. You see this email, Mr Buick?---Yes.
11
09:56:51 12 It indicates that Wendy Peirce had attended court for
09:56:59 13 Orman's committal mention?---Yes.
14
09:57:02 15 She indicated that Brian Rolfe had represented her in
09:57:08 16 relation to a matter some years ago and had also
09:57:14 17 represented Victor Peirce several times over the
09:57:17 18 years?---Yes.
19
09:57:18 20 And was concerned that this might present a
09:57:21 21 conflict?---Yes.
22
09:57:23 23 You were content to pass that along to the OPP?---Yes.
24
09:57:29 25 You did so in case the OPP saw something in it and wanted
09:57:34 26 to do something about it?---I did so at her request.
27
09:57:37 28 And that was the responsible thing to do?---Yes.
29
09:57:42 30 If we can go to the - I tender that email, Commissioner.
09:57:49 31
09:57:54 32 COMMISSIONER: There's no need for any PII on that, is
09:57:57 33 there?
34
09:57:58 35 MS ARGIROPOULOS: It doesn't look like it, Commissioner.
36
09:58:00 37 COMMISSIONER: No.
09:58:01 38
09:58:02 39 #EXHIBIT RC671 - OPP.0011.0005.0206.
09:58:04 40
09:58:04 41 MS TITTENSOR: You say you did that at Ms Peirce's request;
09:58:09 42 is that right?---That's right.
43
09:58:09 44 There is nothing at all preventing police off their own bat
09:58:13 45 from doing the same thing, is there?---No.
46
09:58:18 47 Was that ever done by you in relation to Ms Gobbo?---No.

1
09:58:25 2 If we can go to the next email dated 4 October 2007 from
09:58:30 3 yourself to Ms Prapas?---Is that on the screen?
09:58:37 4
09:58:38 5 MS ARGIROPOULOS: Sorry, could that be taken down from the
09:58:40 6 big screen, Commissioner.
09:58:42 7
09:58:42 8 MS TITTENSOR: Sorry. Just from the big screen, I think it
09:58:44 9 can go on other screens. You indicate to Ms Prapas that
09:58:50 10 another conflict in relation to the solicitor Brian Rolfe
09:58:54 11 has been brought to your attention by the main witness in
09:58:56 12 the trial?---Yes.
13
09:59:00 14 That Mr Rolfe had acted for the main witness when he was
09:59:02 15 charged previously with a matter?---Yes.
16
09:59:07 17 And again it was a responsible thing to do for you to raise
09:59:11 18 that with the OPP?---Yes.
19
09:59:13 20 I tender that, Commissioner.
09:59:14 21
09:59:15 22 #EXHIBIT RC672A - (Confidential) Email dated 4/10/07 from
09:58:30 23 Mr Buick to Ms Prapas.
09:59:18 24
09:59:19 25 #EXHIBIT RC672B - (Redacted version.)
26
09:59:26 27 If we can go to an OPP document on 8 October 2007. This is
09:59:37 28 an OPP file note. You'll see there, Mr Buick, of 8 October
09:59:43 29 2007 at 4.28 pm in relation to the matter of Faruk Orman.
09:59:48 30 It indicates a conversation with yourself, do you see
09:59:51 31 that?---Yes.
32
09:59:54 33 Again, it appears there to be a discussion in relation to
09:59:57 34 that conflict the subject of the previous email?---Yes.
35
10:00:05 36 And the instructor is indicating - well, has made notes in
10:00:11 37 relation to what that conflict related to and has indicated
10:00:14 38 that she would get instructions as to the course of action
10:00:16 39 that they would take?---Yes.
40
10:00:19 41 So you've followed that up with a conversation?---Yes.
42
10:00:26 43 I tender that file note, Commissioner.
10:00:28 44
10:00:29 45 #EXHIBIT RC673A - (Confidential) File note from the OPP
10:00:43 46 dated 8/10/07.
10:00:45 47

10:00:46 1 #EXHIBIT RC673B - (Redacted version.)
2
10:00:50 3 If we go to a further file note of 8 November 2007, please.
10:00:57 4 See this is a further file note in relation to the matter
10:01:01 5 of Orman, a conversation with yourself?---Yes.
6
10:01:03 7 On 8 November at 3.36 pm. It refers there to Wendy Peirce
10:01:13 8 and her having written three letters it says to CJ, being
10:01:20 9 presumably the Chief Justice, CM, presumably being the
10:01:24 10 Chief Magistrate, and the Law Institute. Do you see
10:01:27 11 that?---Yes.
12
10:01:27 13 And it refers to the main witness against Mr Orman and
10:01:32 14 indicates that he will handwrite his own letters?---Yes.
15
10:01:38 16 Again, it seems that you were concerned to notify the OPP
10:01:43 17 about that conflict existing?---As requested.
18
10:01:47 19 Those conflicts?---As requested, yes.
20
10:01:49 21 Again, nothing stopping you doing that?---No.
22
10:01:56 23 Did you think at this stage that you might tell the OPP
10:02:01 24 about the elephant in the room, that Ms Gobbo had a much
10:02:06 25 more major conflict in relation to these matters?---No.
26
10:02:09 27 Why not?---It didn't occur to me.
28
10:02:15 29 You as a senior investigator, it didn't occur to you in the
10:02:19 30 context of you raising other conflicts?---No.
31
10:02:21 32 Is that right? That's the evidence you're giving?---Yes.
33
10:02:31 34 How many years' investigation experience had you had at
10:02:34 35 that stage, 2007?---2007? As a detective, just on ten
10:02:39 36 years.
37
10:02:41 38 And you were a Senior Sergeant at that stage, or a
10:02:45 39 Sergeant?---Sergeant.
40
10:02:51 41 Do you say you didn't recognise the conflict or you just
10:02:55 42 didn't do anything about it?---No, I didn't recognise the
10:02:58 43 conflict. That's not mine to manage.
44
10:03:06 45 You recognised that such conflicts can compromise court
10:03:09 46 processes and that's why they're raised?---Yes.
47

10:03:12 1 But it didn't occur to you that Ms Gobbo's involvement
10:03:17 2 might compromise this court process?---No.
3
10:03:20 4 Even though you're raising conflicts of a solicitor acting
10:03:27 5 for Mr Orman who'd previously acted for people related to
10:03:31 6 the trial?---I'm raising it with the OPP at the request of
10:03:41 7 Wendy Peirce. She alleges a conflict that I had no idea
10:03:43 8 about until she raised it, and a witness also raised a
10:03:46 9 conflict that I had no idea about in terms of the
10:03:49 10 representation - I raised it on their behalf. I didn't
10:04:17 11 necessarily see the conflict but I was asked to raise a
10:04:20 12 conflict and I did so. And in both cases Mr Rolfe
10:04:25 13 continued to act for Mr Orman. There clearly wasn't a
10:04:28 14 conflict.
10:04:29 15
10:04:30 16 We'll come to that. You were aware at this stage Ms Gobbo
10:04:40 17 continued to be a source, a human source?---No, I'm not
10:04:44 18 certain that I was.
19
10:04:50 20 You're aware she'd previously been a source of
10:04:53 21 information?---No, I'm not aware of that necessarily at
10:04:57 22 this time.
23
10:04:57 24 In 2007 - you became aware she was a source of information
10:05:03 25 in 2006, you've given that evidence previously?---No, I
10:05:07 26 don't agree with that. I don't agree with that. The
10:05:09 27 evidence I gave, or the evidence that I am giving is that I
10:05:13 28 became aware that there was a source involved in an
10:05:18 29 investigation that was being conducted by Jim O'Brien and
10:05:20 30 his drug crews. At some stage thereafter, I'm not certain
10:05:24 31 when, I became aware of the registered number of that
10:05:29 32 source. At the time I became aware of the registered
10:05:31 33 number of the source, I wasn't aware of the identity of the
10:05:33 34 source. At some time thereafter, I'm not certain when, I
10:05:36 35 became aware of the identity of that 3838. And when I did
10:05:39 36 become aware of the identity of 3838 I was of the initial
10:05:45 37 belief, and was of the belief for a very long time, that
10:05:47 38 the assistance being provided by that human source was very
10:05:51 39 specific and was isolated to drug matters. And I'm not
10:06:00 40 sure in terms of dates when that occurred.
41
10:06:03 42 Can we tie it to some event. So you'd become aware in 2006
10:06:09 43 that Ms Gobbo is a human source in relation to Operation
10:06:13 44 Posse?---I'm not certain when I became aware. It may have
10:06:16 45 been. I concede it may have been but I'm not certain.
46
10:06:20 47 We've had your evidence in relation to those matters and

10:06:25 1 you getting a briefing. As I understood it, it was not
10:06:34 2 long after the arrest of the main witness in Operation
10:06:37 3 Posse; is that right?---I'm not certain when I became aware
10:06:39 4 of Nicola Gobbo being 3838, and indeed 3838 being the
10:06:46 5 source for Posse. But it's possible, so given it's
10:06:52 6 possible - so I concede it's possible.
7
10:06:57 8 You were receiving briefings in relation to Operation Posse
10:06:59 9 around the time of the arrest of the main witness? I took
10:07:05 10 you through some evidence about your notes that said phase
10:07:09 11 4 briefing and so forth?---Yes.
12
10:07:11 13 Right. You were receiving briefings about that operation
10:07:16 14 around that time?---Yes, and I guarantee you that in the
10:07:20 15 course of an operational briefing you wouldn't be
10:07:23 16 disclosing the identity of your source.
17
10:07:28 18 Is the effect of your evidence thus far though that not
10:07:32 19 long after that you became aware of the identity of
10:07:35 20 Ms Gobbo as a source?---No, that's not my evidence. I've
10:07:37 21 just given my evidence about the sequence.
22
10:07:41 23 All right. So when do you say - - -?---I don't know.
24
10:07:45 25 When do you say you - to place an event, when do you say
10:07:50 26 you became aware 3838 was Ms Gobbo?---I can't place an
10:07:57 27 event really until - probably until Petra investigators
10:08:11 28 became involved, which is quite some time later.
29
10:08:16 30 What were the circumstances of you becoming aware?---I
10:08:29 31 can't be certain but I certainly, once I've got to Driver
10:08:35 32 become very aware, but I don't doubt that I may have become
10:08:39 33 aware earlier but I just can't tell you exactly when that
10:08:43 34 was. It's possible it was earlier but I just can't say,
10:08:46 35 sorry. And it will again have been developmental.
36
10:08:55 37 If we can go to the next - sorry, if we can go to the ICR
10:09:01 38 at p.1519. Before we do that, one moment. Did you have
10:09:15 39 any discussions with Mr Bateson about Ms Gobbo's status as
10:09:21 40 a source?---I don't recall that, it's possible. I don't
10:09:27 41 recall any conversation with Stuart about that but it's
10:09:30 42 possible.
43
10:09:31 44 What about with Mr O'Brien?---I've said in my statement
10:09:33 45 that I think it's more likely that I've discovered the
10:09:40 46 identity of 3838 through either Jim O'Brien or Jason Kelly
10:09:46 47 but I'm not certain.

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10:09:48
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10:10:03
10:10:06
Were you aware that there was an ongoing operation, Operation Gosford, in relation to threats against Ms Gobbo?---I was aware of threats being made. We've talked about some threats made by Veniamin. There's been a number of threats made over the journey.

10:10:09
10:10:15
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10:10:23
10:10:31
10:10:34
Well from 2006 into 2007 and 8 there was an Operation Gosford that was running. Mr Rowe, Mr Kelly and others were involved in the investigation of threats against Ms Gobbo because of either her status as a source being suspected or because of her assistance to various gangland witnesses being suspected?---Yes.

10:10:38
You're aware of that?---Yes.

10:10:40
10:10:46
10:10:51
10:10:54
10:11:00
10:11:08
10:11:11
Those people necessarily had a background in the reasons behind or the potential reasons behind those threats, including the fact that Ms Gobbo was a source for the police. Did you have any discussion or knowledge of that?---No. I thought Andrew Veniamin threatened her because she had the audacity to represent Lewis Moran when she should have been looking after Tony Mokbel's people.

10:11:15
10:11:18
10:11:24
That threat was well back in 2003. I'm here talking about threats from 2006 onwards once she was a registered human source?---No, I'm not certain about those.

10:11:30
10:11:35
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10:11:46
10:11:53
10:11:56
Through the disclosure process in Peirce in terms of some of those transcripts of conversation between Mr O'Brien and Mr Bateson and Ms Kerley that were provided to the defence, and included conversation about Ms Gobbo, did you have any discussions with Mr Bateson about what to do in relation to those transcripts?---I don't recall.

10:12:00
10:12:04
Were those transcripts provided to you already redacted?---You asked me that. I don't recall.

10:12:12
10:12:23
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10:12:37
10:12:42
10:12:48
10:12:52
If we can go to the ICR at p.1519 of 11 December 2007. Do you see down there at 8 am there's - it says, "Query from Detective Sergeant Buick, Purana, asking if info of human source 3838 can be used for SPU affidavit for a listening device [REDACTED] re Faruk Orman. Advised yes and human source number not required, get SPU to refer certification to Smith"?---Yes.

10:12:55
You were seeking to use the information of - the human

10:13:03 1 source information of Ms Gobbo to support an application
10:13:05 2 for a listening device?---Yes.
3
10:13:07 4 [REDACTED]. How did you become aware of that
10:13:13 5 information?---I don't recall. I presume it's detailed in
10:13:21 6 an earlier ICR where it's been disseminated.
7
10:13:26 8 How would such information get to you?---Ordinarily via the
10:13:37 9 sterile corridor of Jim O'Brien or Gavan Ryan.
10
10:13:44 11 How would they give it to you? Is it the case that they
10:13:47 12 might verbally tell you and you'd make a note of it,
10:13:51 13 verbally tell you, you don't make a note of it, provide it
10:13:56 14 to you on a Post-it Note?---It could vary.
15
10:14:01 16 So might all of those mechanisms which I've just
10:14:08 17 described - - -?---They're all possible.
18
10:14:09 19 Was it common for that method of dissemination to
10:14:13 20 occur?---Which one?
21
10:14:14 22 Well, Post-it Note?---Oh, I would think that would be
10:14:20 23 possible but rare.
24
10:14:26 25 Where you got information via a Post-it Note, was it kept
10:14:32 26 or was it - - - ?---Yes, my day books are littered with
10:14:38 27 Post-It Notes, as are investigation file documents that you
10:14:42 28 then package up and send away. There'll be Post-it Notes
10:14:46 29 all over the shop.
30
10:14:48 31 At this stage were you aware that human source 3838 was
10:14:52 32 Ms Gobbo?---I don't know.
33
10:14:56 34 Do you say if you knew it was Ms Gobbo that the court might
10:15:01 35 have wanted to know that it was Mr Orman's lawyer providing
10:15:06 36 the information to support an application for a listening
10:15:11 37 device against her client?---Yes, although it wasn't
10:15:14 38 conveyed to me, or it wouldn't have been conveyed to me in
10:15:18 39 that way. It's desensitised. It's deidentified. The
10:15:22 40 source is deidentified. You routinely get information from
10:15:26 41 Jim, from others, intelligence indicates that and it might
10:15:29 42 come from a TI, it might come from an LD, it might come
10:15:34 43 from a registered human source, a nonregistered human
10:15:37 44 source, a witness. It's not specified to you the source of
10:15:41 45 the information. That would compromise the whole rationale
10:15:44 46 behind having a registered human source.
47

10:15:49 1 The problem being, or the problem that that also creates is
10:15:52 2 that if there are issues in the propriety of the gathering
10:15:56 3 of that information it's not known?---Yes, that's right.
10:15:59 4 That is a consequence. So we might do away with human
10:16:03 5 sources.
6
10:16:07 7 It's indicated in this piece of information that you're
10:16:14 8 told not to put the human source number in the affidavit;
10:16:25 9 is that right?---Yes.
10
10:16:26 11 That seems to be part of the query?---Yes.
12
10:16:28 13 So does that indicate that you were aware of the human
10:16:32 14 source number?---No, it's advice from the Source Unit not
10:16:38 15 to put the source's number in the affidavit. And that's
10:16:45 16 for good reason, because I shouldn't even have had to ask
10:16:49 17 that, it should go in as "intelligence holdings indicate".
10:16:59 18 You will have seen plenty of affidavits for TIs and LDs, I
10:17:08 19 imagine, where that quotation is consistent.
20
10:17:14 21 If we can go to an OPP memo, it's OPP.0011.0005.0021. Now
10:17:31 22 I note, I think we might have another copy of this, but the
10:17:36 23 date on this memo indicates that it's March, 13 March 2008
10:17:42 24 but it's apparent that that might be the date that the memo
10:17:49 25 was printed out and it's automatically updated the date to
10:17:53 26 when it was printed out for the file, because it refers to
10:17:55 27 matters that occur, as you'll see, it's referring to an
10:18:02 28 upcoming committal on 11 March. Do you see that?---Yes.
29
10:18:09 30 From my reckoning it's a memo that's probably been drafted
10:18:13 31 in February 2008. This is a memo from Vicky Prapas to
10:18:26 32 Mr Horgan in preparation for the committal of Mr Orman, as
10:18:30 33 I said, on 11 March 2008 which is scheduled to go for five
10:18:39 34 days. If you see on p.2 of that it refers to issues in
10:18:45 35 relation to the main witness?---Yes.
36
10:18:56 37 The second paragraph there indicates in relation to that
10:18:58 38 witness, "Of greater significance is the role Nicola Gobbo"
10:19:06 39 - sorry, I might go to the first paragraph first. It
10:19:12 40 indicates some information in relation to that witness. It
10:19:17 41 goes on to indicate that Brian Rolfe, who acts for Orman,
10:19:22 42 has acted for - it says that Brian Rolfe, who acts for
10:19:38 43 Orman, has acted for the main witness in a previous matter
10:19:44 44 and this is a matter of concern for that witness as he
10:19:48 45 regards this as a potential conflict of interest?---Yes.
46
10:19:51 47 That reflects something that you'd previously raised with

10:19:54 1 the OPP?---Yes.
2
10:19:56 3 And it goes on, "Of greater significance is the role Nicola
10:20:00 4 Gobbo has played in the lead up proceeding in this matter.
10:20:03 5 She appeared for Orman in two special mentions regarding
10:20:06 6 defence summonses. You may recall that Gobbo has acted for
10:20:10 7 both that witness and that [REDACTED] in recent OPP
10:20:15 8 prosecutions. In particular, she was involved in the
10:20:18 9 negotiations surrounding that witness's indemnity and
10:20:22 10 guilty plea to the murders of Moran and Barbaro"?---Yes.
11
10:20:31 12 Now the OPP instructor wasn't also told that Ms Gobbo was a
10:20:36 13 police agent?---Not by me.
14
10:20:39 15 To your knowledge was she told by anyone?---I don't know.
16
10:20:43 17 To your knowledge was she told by anyone?---I don't know.
18
10:20:46 19 From your own knowledge - - - ?---I don't know.
20
10:21:01 21 I tender that document, Commissioner.
10:21:06 22
10:21:09 23 #EXHIBIT RC675A - (Confidential) Email of 13/08/08 to
10:21:11 24 Mr Horgan to Vicky Prapas re Orman
10:21:16 25 committal.
10:21:22 26
10:21:24 27 #EXHIBIT RC675B - (Redacted version.)
10:21:27 28
10:21:27 29 MS TITTENSOR: I apparently failed to tender the OPP file
10:21:30 30 note from 8 November as well, Commissioner.
10:21:31 31
10:21:32 32 COMMISSIONER: I've got it marked as 674A and B but maybe I
10:21:35 33 was just ahead of you.
10:21:36 34
10:21:37 35 #EXHIBIT RC674A - (Confidential) OPP file note of 8/11/07.
10:21:42 36
10:21:44 37 #EXHIBIT RC674B - (Redacted version.)
10:21:50 38
10:21:50 39 MS TITTENSOR: You see as of the timing of that memo that
10:21:57 40 we've just been to was drafted, Galbally and Rolfe still
10:22:04 41 appeared to be acting?---Yes.
42
10:22:09 43 If we can go to an OPP document dated 13 February 2008. Do
10:22:14 44 you see that is a fax from Galbally Rolfe to Ms Prapas at
10:22:20 45 the OPP?---Yes.
46
10:22:22 47 Indicating that Galbally and Rolfe were no longer acting in

10:22:27 1 relation to Mr Orman?---Yes.
2
10:22:39 3 Was it at that time that Ms Gobbo ceased to at least appear
10:22:45 4 to act for Mr Orman at that stage?---I'm not sure. I make
10:22:56 5 reference to observing her appear at a subpoena return and
10:23:01 6 whatever the date that was, it was my understanding then
10:23:05 7 that was the cessation of her involvement. I understand
10:23:10 8 now that that's not the case but that was my belief back
10:23:13 9 then.
10
10:23:14 11 I tender this document, Commissioner.
10:23:16 12
10:23:18 13 #EXHIBIT RC676 - Letter from Galbally Rolfe to Ms Prapas
10:23:24 14 13/2/08 stating they are no longer acting
10:23:31 15 in the Orman committal.
16
10:23:38 17 COMMISSIONER: I don't think that needs to be PIIed.
10:23:41 18
10:23:42 19 MS TITTENSOR: No, I don't think so, Commissioner.
10:23:45 20
10:23:45 21 MS ARGIROPOULOS: It doesn't look like it, Commissioner.
22
10:23:47 23 COMMISSIONER: Exhibit 676.
10:23:58 24
10:23:58 25 MS TITTENSOR: Following this time is it the case that
10:24:00 26 Grigor Lawyers began acting for Mr Orman?---I believe so.
27
10:24:15 28 You'd been involved, as you've indicated, previously in the
10:24:20 29 trial of Mr Gatto for the murder of Mr Veniamin?---Yes.
30
10:24:25 31 And Mr Gatto was acquitted of that charge?---Yes.
32
10:24:30 33 You were also involved in the investigation of Mr Gatto's
10:24:34 34 involvement in other matters?---Yes.
35
10:24:40 36 You would have liked Mr Orman's cooperation in relation to
10:24:44 37 those matters?---Yes.
38
10:24:50 39 Was it the case that Mr Orman, when he was initially
10:24:54 40 arrested, was spoken to by members that arrested him in
10:25:00 41 relation to the possibility of him rolling on
10:25:06 42 Mr Gatto?---Well I was the arresting member.
43
10:25:12 44 Were you present when anyone spoke to him about the
10:25:14 45 possibility of rolling on Mr Gatto?---I don't recall.
46
10:25:20 47 Is that something that may well have happened on the day of

10:25:25 1 his arrest?---Yes.
2
10:25:28 3 Who were the other members involved in his arrest?---I'd
10:25:31 4 have to check my diaries for the day of the arrest.
5
10:25:51 6 You became aware during this period of 2007/2008 that
10:25:57 7 Ms Gobbo was having increased contact with Mr Gatto; is
10:26:03 8 that right?---Possibly.
9
10:26:06 10 Purana were being provided with information from the SDU
10:26:10 11 about Mr Gatto through this period of time?---Possibly.
12
10:26:18 13 And you, having a particular interest, were receiving some
10:26:23 14 of that information?---No doubt.
15
10:26:29 16 Were you the head of the crew that was investigating
10:26:32 17 Mr Gatto during that period of time?---For what offence?
18
10:26:38 19 For his involvement in murders?---Yes.
20
10:26:52 21 If we can go to the ICRs p.1316. You see there Ms Gobbo
10:27:07 22 was reporting to handlers, this is 24 October 2007, she's
10:27:12 23 reporting to handlers information about Mr Gatto, do you
10:27:17 24 see that?---Yes.
25
10:27:24 26 There's awareness or discussions in relation to Purana
10:27:26 27 investigations?---Yes.
28
10:27:29 29 You see there that she says she needs to keep Gatto on her
10:27:37 30 side, it's very important to her that he thinks she's loyal
10:27:41 31 and staunch and she needs to satisfy him that she's loyal,
10:27:46 32 do you see that?---Yes.
33
10:27:49 34 Also she sees Gatto as very well connected and she says she
10:27:55 35 needs him to be able to refer clients to her when they
10:27:58 36 speak to him, "good for business"?---Yes.
37
10:28:07 38 If we can move further up the page. She goes on to report
10:28:10 39 a meeting that afternoon with Mr Gatto?---Yes.
40
10:28:21 41 Talks about Mr Gatto being involved in paying for Faruk
10:28:26 42 Orman's defence?---The entire defence, I didn't know that.
43
10:28:31 44 I think she reports at some stage that there's some
10:28:36 45 fund-raising going on, I'm not sure it's within this
10:28:39 46 ICR?---Yeah, we knew about that.
47

10:28:43 1 Mr Gatto says that he has been told by a source that Purana
10:28:47 2 wanted to arrest him with two murders before Christmas,
10:28:50 3 she's passing that along?---Yes.
4
10:28:55 5 Mr Gatto wanted to know how good a witness the main witness
10:28:58 6 against Mr Orman was?---Yes.
7
10:29:02 8 And she told him that that witness had been a good witness
10:29:07 9 at another committal that he'd given evidence in?---Yes.
10
10:29:15 11 Down the bottom of this entry, if we can go a bit further
10:29:23 12 down - over the next page - it indicates that this
10:29:26 13 information is verbally disseminated to Gavan Ryan at
10:29:28 14 Purana?---Yes.
15
10:29:36 16 Presumably, you being the lead investigator in relation to
10:29:38 17 Mr Gatto in relation to the murders, that information would
10:29:42 18 have come to you?---Some of it may well have. Some of it
10:29:47 19 was already well-known to me. Most of it actually was
10:29:50 20 well-known to me, and indeed most it was covered by other
10:29:54 21 means of information sources. But yeah, he may well have
10:29:57 22 passed on information to me.
23
10:30:00 24 If we can go to p.1398. This is 14 November 2007. If you
10:30:14 25 can just scroll up the page a bit. Ms Gobbo is reporting
10:30:21 26 on a call with - a chat with Mr Gatto again, just rapport
10:30:26 27 building she says. She says that he's admitted to being
10:30:32 28 infatuated with her and really enjoying her company, do you
10:30:37 29 see that?---Yes.
30
10:30:38 31 And she reported she believed when he gave her a hug that
10:30:42 32 she felt a gun tucked into his pants, the back of his
10:30:45 33 pants?---Yes.
34
10:30:48 35 And that information is then placed into an IR and given to
10:30:58 36 the officer-in-charge of the Purana Task Force?---Yes.
37
10:31:03 38 It goes on there in relation to, it seems, some comments
10:31:08 39 from the SDU, an insight into Ms Gobbo's mind-set. She
10:31:18 40 believes that the sky is the limit with him now, being
10:31:21 41 Gatto?---Yes.
42
10:31:23 43 She believes she's well and truly gained his trust. She
10:31:26 44 states, "What an amazing golden opportunity for us", being
10:31:29 45 the police?---Yes.
46
10:31:32 47 "She believes this will be good for her re (1) more

10:31:36 1 business through him re referring clients to her; (2) her
10:31:41 2 credibility amongst criminal circles; (3) in order to
10:31:46 3 continue helping us. She's never been exposed to that
10:31:51 4 circle before, being the Carlton crew. She now has Gatto's
10:31:56 5 trust and she'll have to be patient for the information
10:31:59 6 from him and she's confident it will come through". Did
10:32:02 7 you become aware that you had a new informer in the Gatto
10:32:06 8 circle?---No.
9
10:32:08 10 You started to receive some information in relation to
10:32:10 11 Mr Gatto?---No.
12
10:32:16 13 Do you see any problems with the scenario
10:32:18 14 here?---Absolutely, and I can see plenty of questions for
10:32:21 15 Ms Gobbo here, which won't occur, of course, but that's an
10:32:24 16 awful thing to say, that she's going to drum up business
10:32:28 17 and also rat on Mick Gatto.
18
10:32:30 19 Do you see any questions for the police?---I had no idea
10:32:33 20 about this.
21
10:32:34 22 No, but just generally. These are police that are having
10:32:37 23 these conversations with Ms Gobbo. Do you see any
10:32:39 24 questions for the police out of all of this?---I'm sure
10:32:44 25 you've examined the handlers and they've answered those
10:32:47 26 questions.
27
10:32:47 28 I'm asking you though, you're an experienced police member.
10:32:51 29 Do you see any problems with the police in this
10:32:55 30 scenario?---I do.
31
10:32:59 32 What are the problems that you see?---She's intending, and
10:33:04 33 we make acquiesce, allowing her to drum up her own
10:33:12 34 business, additional clients through the Gatto group, and
10:33:15 35 then proceed to inform on those clients in circumstances
10:33:24 36 that may well be a breach of their client/lawyer privilege.
10:33:30 37 It may not, of course, but it may well.
38
10:33:33 39 Certainly she won't be acting in the best interests of any
10:33:35 40 clients she signs up in those circumstances, will she?---If
10:33:38 41 that's her motivation then no.
42
10:33:41 43 Certainly anticipated that she'll be making a bit of money
10:33:43 44 out of this?---Yes.
45
10:33:49 46 Certainly anticipated that it will be an amazing golden
10:33:55 47 opportunity for the police to receive some

10:33:56 1 information?---Yes.
2
10:34:00 3 Every single prosecution that might come out of that will
10:34:07 4 be compromised?---Potentially.
5
10:34:18 6 If we can go to p.1399 please. See part way down the page
10:34:36 7 there Ms Gobbo reports to her handlers that yourself and
10:34:41 8 Mr Hatt have served on Mr Gatto a summons [REDACTED]
10:34:48 9 [REDACTED] ---Yes.
10
10:34:57 11 She told Mr Gatto that Richter and Rolfe might get barred
10:35:06 12 from representing him because of conflict and that Gatto
10:35:09 13 had her as his next choice?---Yes.
14
10:35:18 15 If we can go further down the page. She reports on a
10:35:28 16 conversation with Mr Gatto in relation to various matters
10:35:34 17 in relation to his belief that police are trying to get him
10:35:38 18 to talk on surveillance recordings?---Yes.
19
10:35:41 20 And that they'll try and introduce an informer to
10:35:45 21 him?---Yes.
22
10:35:47 23 Little did they know he already had one?---At least one.
24
10:35:54 25 She reported that Mr Gatto was confident no one would roll
10:35:58 26 on him?---Yes.
27
10:36:01 28 Her own - at least her own belief, that was why he was so
10:36:07 29 interested in Mr Orman and paying for him?---Yes.
30
10:36:11 31 And again, that's verbally disseminated to Gavan
10:36:17 32 Ryan?---Yes.
33
10:36:18 34 Likely that that information would have been passed on to
10:36:20 35 yourself?---Oh, no, not at all. I knew all that.
36
10:36:27 37 You knew that he would be concerned about those - - -
10:36:30 38 ?---Yes.
39
10:36:32 40 - - - types of matters?---Knew all that.
41
10:36:33 42 So you say Mr Ryan wouldn't have bothered passing that on
10:36:37 43 to you?---No, probably not.
44
10:36:39 45 Wouldn't have passed on to you anything about the
10:36:46 46 possibility of conflict with Richter and Rolfe?---No.
47

10:36:52 1 The possibility of Ms Gobbo - - - ?---Sorry, I'm - when I
10:36:56 2 say no, yes, it's possible but I don't recall that. There
10:36:59 3 was no need to. I knew all this.

4
10:37:06 5 [REDACTED]
10:37:16 6 [REDACTED]
10:37:24 7 [REDACTED]
10:37:33 8 [REDACTED]

9
10:37:34 10 [REDACTED]
10:37:38 11 [REDACTED]
10:37:41 12 [REDACTED]
10:37:45 13 [REDACTED]
10:37:54 14 [REDACTED]
10:37:56 15 [REDACTED]
10:37:59 16 [REDACTED]
10:38:02 17 [REDACTED]

18
10:38:05 19 [REDACTED]
10:38:15 20 [REDACTED]

21
10:38:17 22 [REDACTED]

23
10:38:19 24 [REDACTED]

25
10:38:49 26 [REDACTED] [REDACTED]

27
10:38:57 28 [REDACTED]

29
10:39:00 30 [REDACTED]

31
10:39:06 32 [REDACTED]
10:39:08 33 [REDACTED]

34
10:39:14 35 [REDACTED]
10:39:18 36 [REDACTED]

37
10:39:21 38 [REDACTED] Ms Gobbo went for coffee with
10:39:28 39 Mr Gatto without Mr Richter later, had discussions about
10:39:32 40 that with the handler and told the handler about the fears
10:39:37 41 of Mr Gatto in relation to what other people might say and
10:39:43 42 it's apparent that that information was verbally
10:39:45 43 disseminated to Mr Bateson?---Right.

44
10:39:50 45 Is it likely that Mr Bateson would have conveyed that
10:39:54 46 information to you given you were the lead investigator in
10:39:57 47 relation to Mr Gatto?---It's possible. I don't recall

10:39:59 1 that.
2
10:40:25 3 On 24 November 2007 - this is at 1450 of the ICRs -
10:40:38 4 Ms Gobbo is again reporting matters relating to Gatto to
10:40:43 5 her handler. It included that Mr Gatto had tape-recorded a
10:40:48 6 call from a Vince Benvenuto from prison in which he'd said
10:40:54 7 Purana had approached him, he was offered a deal, they
10:40:56 8 didn't care about the truth and they just wanted him to
10:40:59 9 give up Gatto and that Mr Gatto had given a tape to
10:41:05 10 Mr Richter. Are you aware of those matters?---I will have
10:41:09 11 been aware of them had the call been made by Vince to Mick
10:41:16 12 Gatto via the Arunta system, yes.
13
10:41:18 14 That the tape had been given to Mr Richter?---Sorry, is
10:41:26 15 that the subject of that conversation between Vince and
10:41:29 16 Mick Gatto?
17
10:41:30 18 Not that I'm aware of?---No, I don't know then.
19
10:41:33 20 So this information was verbally disseminated to Stuart
10:41:37 21 Bateson. Presumably Mr Bateson passed that information on
10:41:42 22 to you?---He may have.
23
10:41:45 24 Well, it was very relevant information in relation to the
10:41:49 25 murder investigations that you were undertaking?---Yes.
10:41:58 26 Did you say the 24th?
27
10:41:59 28 This has been passed on by Ms Gobbo to her handler on the
10:42:03 29 24th?---Which is a Sunday.
30
10:42:06 31 It appears, I think from information the Commission has,
10:42:09 32 that it's disseminated to Mr Bateson a few days
10:42:13 33 later?---Right.
34
10:42:15 35 Right?---Yep.
36
10:42:15 37 It's likely that that information would have been conveyed
10:42:18 38 to you?---Possibly.
39
10:42:21 40 Including that the tape had been given to Mr Richter?---I
10:42:25 41 don't recall that but it's possible.
42
10:42:36 43 On 6 December 2007 Mr Bateson has an entry in his diary.
10:42:43 44 If we can go to that, VPL.0005.0058.0493. Gatto has
10:43:15 45 requested to see - I understand that that's Mr Orman under
10:43:20 46 that PII there at Barwon and permission was needed from
10:43:31 47 prison officials, do you see that?---Yes.

1
10:43:40 2 Then, "Gun we found shown to her. She stated that it was
10:43:50 3 not" - maybe it's "the one she saw". Do you know what that
10:43:54 4 was about?---No.

5
10:43:57 6 Do you know if Ms Gobbo was shown any guns?---No.

7
10:44:07 8 There's some information there that Mr Gatto had recently
10:44:09 9 had his car swept for listening devices and that Mr Richter
10:44:13 10 had provided advice that if they had evidence they would
10:44:17 11 have charged by now, otherwise they'd be trying LDs or
10:44:27 12 informants. Do you see that?---Yes, it's very good of him.

13
10:44:29 14 And the next day he records, "Pass on above info from
10:44:34 15 handler for information of Boris and Hatt", if we were to
10:44:43 16 move up. That's a conversation with a handler that
10:44:47 17 Mr Bateson is having, he's receiving all this information
10:44:51 18 from a handler?---Right.

19
10:44:53 20 And then the following day he's got notes that indicate
10:44:57 21 "passed on above information" for information of yourself
10:45:01 22 and Mr Hatt. Now were you aware that all this information
10:45:05 23 was coming through from Ms Gobbo?---No.

24
10:45:10 25 [REDACTED]

10:45:13 26 [REDACTED]

27
10:45:19 28 [REDACTED]

29
10:45:25 30 [REDACTED]

10:45:27 31 [REDACTED]

32
10:45:27 33 [REDACTED]

10:45:29 34 [REDACTED]

35
10:45:32 36 [REDACTED]

37
10:45:33 38 [REDACTED]

10:45:34 39 [REDACTED]

10:45:35 40 [REDACTED]

10:45:39 41 [REDACTED]

42
10:45:39 43 [REDACTED]

10:45:43 44 [REDACTED]

10:45:43 45 [REDACTED]

10:45:44 46 [REDACTED]

10:45:46 47 [REDACTED]

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10:52:55 39
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10:53:03 41
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10:53:04 44
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10:53:06 46
10:53:08 47

MS TITTENSOR: In relation to [REDACTED], and I can't be confident that this was done in public or in private at this stage, we can make some inquiries, but those matters were dealt with at least in private, if not in public, with handlers and we've had no applications in relation to those matters to this point.

COMMISSIONER: Yes. In relation to [REDACTED] I'm not prepared to take those matters out of the transcript or the streaming at this time. If Victoria Police wants to notify [REDACTED] of those matters, which have been mentioned many times in the course of hearings, they can do so and I'll listen to any application from [REDACTED] of course.

[REDACTED]

MS TITTENSOR: Yes, it was - I might say that the ICRs initially recorded it as an [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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COMMISSIONER: If you're wanting to look at the transcript perhaps some room can be made at the Bar table for you to sit somewhere where you can see a screen with the transcript coming up. I don't know that some of the State or the DPP perhaps have quite the same interest.

MS McCUDDEN: Commissioner, we don't have the transcript.

COMMISSIONER: You don't have the transcript coming up either.

COMMISSIONER: I don't know what arrangements are put on but let's get on with it.

MS TITTENSOR: If we can go to the ICRs on p.1381 please. You'll see at the top of that page, this is 9 November 2007. Ms Gobbo is reporting some information in relation to the main witness that she'd clearly been seeing, that he was really down and was seriously contemplating telling Purana to, as she put it, get fucked?---Yes.

She describes his being upset about matters to do with a family member?---Yes.

That family member's being sentenced the following week?---Yes.

That family member will get a suspended sentence and walk away with some money in relation to a property, yet she's still moaning reports Ms Gobbo?---Yes.

And her attitude is that if you've never worked and you're a drug trafficker and after all these years you can still walk away with half a million dollars, then you should consider yourself lucky?---Yes.

She reports that the witness is talking about going back to the court to get resentenced and not giving evidence against Faruk Orman?---Yes.

She thought that his family member was behind it all and that family member was in the witness's ear every day whinging about the way she was being treated?---Yes.

10:55:39 1 And so it goes on. Now, if we go down to the bottom of
10:55:42 2 that. It indicates - sorry, if we can go up a little bit.
10:55:49 3 There's a dot point there, "Advised I will tell Gavan
10:55:55 4 Ryan"?---Yes.
5
10:55:55 6 And there's an action recorded down the bottom that that's
10:56:01 7 verbally disseminated, the above information, to Gavan Ryan
10:56:03 8 at the Purana Task Force?---Yes.
9
10:56:09 10 Subsequently Purana members attended upon that witness and
10:56:16 11 enlisted or ensured his cooperation once again; is that
10:56:22 12 right?---Probably.
13
10:56:24 14 If Mr Bateson's diary has he and Mr Hatt going to speak to
10:56:29 15 that witness on numerous occasions thereafter and dealing
10:56:33 16 with prison officials, you wouldn't dispute that?---No.
17
10:56:42 18 It was those matters that were dealt with in the Court of
10:56:48 19 Appeal that saw that conviction being overturned?---So I
10:56:51 20 believe.
21
10:57:18 22 Mr Orman was represented by Mr Richter and Mr Boyce on the
10:57:23 23 contested committal; is that right?---I believe so.
24
10:57:26 25 You were aware that whilst Ms Gobbo was not appearing for
10:57:29 26 him at the committal, that she remained involved in the
10:57:33 27 background of the matter?---I have no idea about that.
28
10:57:36 29 Were you aware that she worked out of the same chambers as
10:57:39 30 Mr Richter and Mr Boyce?---No idea.
31
10:57:43 32 Were you aware of concern that her role with the main
10:57:49 33 witness would be uncovered during the committal
10:57:53 34 process?---No.
35
10:58:02 36 If we can go to the ICRs for 2958 at p.55, please.
37
10:58:14 38 COMMISSIONER: What page was that, please?
10:58:16 39
10:58:16 40 MS TITTENSOR: 55. This is a conversation Ms Gobbo's
10:58:35 41 having with her handler on 21 February 2008. This is in
10:58:39 42 the lead up to the committal of Mr Orman?---Yes.
43
10:58:44 44 She wanted to know if Bateson had specified to the witness
10:58:48 45 we've been speaking about, about his claiming legal
10:58:51 46 privilege?---Yes.
47

10:58:52 1 She's informed that hadn't happened and she argued that
10:58:55 2 this was why she wanted to deal directly with Mr Bateson
10:58:58 3 and was angry with the handler?---Yes. Angry with the
10:59:07 4 handler or angry with Bateson?
5
10:59:10 6 Sorry, "angry with same" it says, so it might be open.
10:59:15 7 Just to be clear for the transcript, it says, "Argued this
10:59:18 8 was why RS (registered source) wanted to deal direct with
10:59:27 9 Bateson, angry with same". So "same" might mean Bateson
10:59:31 10 but I took it to mean the handler?---Sure.
11
10:59:33 12 Did Mr Bateson have any involvement in the Orman
10:59:40 13 committal?---None whatsoever.
14
10:59:42 15 Were you aware he was having background conversations with
10:59:46 16 the SDU throughout this period?---Absolutely not.
17
10:59:49 18 That comes as a surprise to you?---It does.
19
10:59:51 20 Do you think you should have been aware of that?---Should
10:59:56 21 have been aware? Probably.
22
11:00:04 23 It goes on: "Ms Gobbo is concerned that the particular
11:00:08 24 witness is stupid and has to be told that he needs to claim
11:00:12 25 legal professional privilege if asked about her influence
11:00:15 26 and involvement with him"?---Yes.
27
11:00:24 28 Is that something that you were ever aware of?---No.
29
11:00:31 30 It's concerning that there might be some move on to
11:00:37 31 influence what the witness might say as to who influenced
11:00:40 32 his statement and his evidence; is that right?---If that's
11:00:45 33 what that's referring to, yes.
34
11:00:48 35 A witness in a proceeding ought be able to be
11:00:52 36 cross-examined about the influences upon the making of his
11:00:57 37 statement?---Yes.
38
11:01:02 39 If we can go to p.64, please. You'll see there there's a
11:01:16 40 number of conversations Ms Gobbo's having with her handler,
11:01:19 41 initially about Gatto and then about Mr Orman, indicating
11:01:24 42 she'd be appearing for him in relation to an adjournment in
11:01:29 43 relation to another matter, the O'Mahoney matter, it seems,
11:01:34 44 the discharge of a weapon?---Yes.
45
11:01:37 46 By this stage she's wanting feedback from Mr Ryan in
11:01:42 47 relation to the Petra interview. Were you aware of the

11:01:44 1 Petra investigation that had commenced and Mr Ryan's
11:01:50 2 involvement in that?---No, not at all.
3
11:01:55 4 And then there's a heading with the name of the particular
11:02:00 5 witness against Mr Orman, do you see that?---I see that,
11:02:03 6 misspelt.
7
11:02:04 8 Yes. Ms Gobbo is told by her handler that that witness's
11:02:14 9 matter will be followed up with Bateson and that the basic
11:02:17 10 principles of not answering questions about what legal
11:02:20 11 advice was given would be mentioned. She stated that
11:02:25 12 Bateson would know what to do say and that the witness
11:02:29 13 required simple basic instructions but that he needed to be
11:02:32 14 told. Following that it says, "Boris Buick was the
11:02:37 15 informant for that witness and they did not have a good
11:02:40 16 relationship, unlike Bateson who was trusted and respected
11:02:43 17 by him"?---Thank heavens for that.
18
11:02:47 19 There you go. Might that be the reason that - sorry, what
11:02:51 20 position did Bateson hold during this period of time?---He
11:02:57 21 was a Detective Sergeant at Purana and coordinated the
11:03:02 22 statements from the witness which related to a whole array
11:03:06 23 of different investigations, some touching on this group,
11:03:10 24 others not. So he was variously involved across all of
11:03:17 25 that.
26
11:03:18 27 You say you had no idea that he was having contact with the
11:03:21 28 witness in order to provide instructions about claiming
11:03:24 29 privilege or anything of the like?---Absolutely.
30
11:04:22 31 Was Mr Bateson a witness in the proceeding against Mr Orman
11:04:29 32 for the Peirce murder?---I don't believe so.
33
11:04:34 34 He was someone that was never anticipated to give evidence
11:04:37 35 in that proceeding then?---I can't recall if he made a
11:04:40 36 statement or not.
37
11:04:44 38 Presumably if the response to the original Form 8A request
11:04:50 39 didn't include Mr Bateson, he wasn't a witness on the
11:04:53 40 matter?---Yeah, I'm not sure.
41
11:05:01 42 Was there any practice in relation to contact with
11:05:07 43 significant witnesses to ensure that the contact was by
11:05:15 44 someone that wasn't going to be a witness so that they
11:05:18 45 could never be cross-examined upon it?---No, that's not
11:05:21 46 practical.
47

11:05:25 1 In relation to some issues, was it a practice within
11:05:31 2 Victoria Police or within Purana to not supply certain
11:05:36 3 information so that the witnesses in the proceeding, the
11:05:39 4 police witnesses in the proceeding didn't have the
11:05:42 5 knowledge to be able to answer questions that might
11:05:45 6 otherwise be relevant?---That wasn't a very clear question,
11:05:49 7 but no.
8
11:05:50 9 You understand what I'm getting at - I apologise for the
11:05:51 10 question?---Yes, but no. No, no practice.
11
11:05:57 12 If it wasn't a practice is it something that occurred from
11:05:59 13 time to time with knowledge?---No, not to my knowledge.
14
11:06:06 15 Do you say it never occurred that information was withheld
11:06:10 16 from an informant or an investigator for the purpose of it
11:06:16 17 not being able to be elicited in cross-examination?---No,
11:06:22 18 although I guess that's the very reason you have the
11:06:25 19 sterile corridor in relation to registered informers,
11:06:29 20 because you're not going to put in your statement material
11:06:33 21 that identifies, puts at risk a human source. That's the
11:06:39 22 only occasion I can think that you wouldn't be told
11:06:46 23 something, the identity of a human source. And there's
11:06:49 24 nothing untoward about that. I guess that will change,
11:06:53 25 but.
26
11:06:59 27 If we can go to the source management log for 7 March 2008.
11:07:19 28 You see here on 7 March, this is in the lead up to the
11:07:23 29 commencement of the committal for Faruk Orman?---Yes.
30
11:07:29 31 You understand that the source management log is something
11:07:32 32 maintained by the head of the SDU or the controller?---I
11:07:36 33 accept that.
34
11:07:39 35 He receives a report from the handler dealing with
11:07:45 36 Ms Gobbo. " She is assisting Robert Richter QC who is
11:07:50 37 representing Faruk Orman at his murder committal next week.
11:07:53 38 Richter has asked the source, 'How can we discredit him?',
11:07:57 39 referring to the main witness? Whom the source was
11:07:59 40 instrumental in rolling over. She is worried about a
11:08:03 41 transcript which is on the brief in which her name has been
11:08:06 42 blacked out 70 to 80 times. She's asked Detective Senior
11:08:11 43 Sergeant Bateson to speak to the witness and she believes
11:08:14 44 that he only passed on half the message re claiming legal
11:08:18 45 privilege. The handler concerned that it has not been
11:08:23 46 squared away but has been speaking to the informant,
11:08:27 47 Detective Sergeant Buick, to rectify same. The witness is

11:08:31 1 due to give evidence on Tuesday. Richter has asked her
11:08:36 2 (being Ms Gobbo) why her name appears in the brief and
11:08:39 3 she's been able to explain herself but the material that
11:08:44 4 has been blacked out" - - -
5
11:08:46 6 COMMISSIONER: Sorry, we just seem to have lost your voice
11:08:48 7 there. Maybe move the microphone a little closer, thank
11:08:51 8 you.
11:08:51 9
11:08:51 10 MS TITTENSOR: "The witness is due to give evidence on
11:08:54 11 Tuesday. Richter has asked her to explain why her name
11:08:57 12 appears in the brief and she has been able to explain
11:09:01 13 herself. The material that has been blacked out will cause
11:09:05 14 problems for her if revealed." Do you see that?---Yes.
15
11:09:13 16 It's apparent that you at this stage were having
11:09:18 17 conversations with the handler in relation to rectifying
11:09:21 18 issues. Can you explain that?---No. Is that initial
11:09:27 19 concerned?
11:09:28 20
11:09:29 21 That's the initial of one of the handlers?---Right. No, I
11:09:37 22 wasn't aware of that.
23
11:09:38 24 Is it something that you say didn't happen, that you
11:09:40 25 weren't having communications with Ms Gobbo's handler or
11:09:44 26 the SDU throughout this period?---Absolutely not.
27
11:09:49 28 Do you know why that might be said?---No.
29
11:10:09 30 Your day book on 8 March 2008 refers to Mr Maguire and a
11:10:15 31 PII claim, is that right? If you've got your day book
11:10:22 32 there?---What day, sorry?
33
11:10:24 34 8 March 2008?---Yes.
35
11:10:40 36 Is there a reference there to Mr Maguire and a PII
11:10:44 37 claim?---8 March 2008 in my day book?
38
11:10:54 39 Yes?---8 March 2008?
40
11:11:00 41 Yes?---It's a Saturday.
42
11:11:05 43 I might have the wrong date. Perhaps it's another date
11:11:08 44 leading up to the committal. Is there a reference at all
11:11:10 45 to Mr Maguire and a PII claim?---No.
46
11:11:23 47 Do you know if there were any PII claims in the lead up to

11:11:26 1 the committal?---I can't remember. Well there were four or
11:11:34 2 so subpoenas issued, so there were clearly PII matters.
3
11:11:55 4 It might be 7 March 2008?---Yes.
5
11:11:58 6 Do you see that now?---Yes.
7
11:12:00 8 11.45?---Yes.
9
11:12:11 10 There's a request for your details and history. Is that
11:12:17 11 the first dot point that's requested?---Oh yes.
12
11:12:29 13 It says "Decision summary", now "Decision" being the name
11:12:32 14 of an operation around that stage; is that right?---The
11:12:41 15 Peirce murder.
16
11:12:43 17 Then there's another summary. What's the word
11:12:44 18 underneath?---O'Mahoney, that's the murder of Frank
11:12:49 19 Benvenuto.
20
11:12:51 21 And then, "Peirce Decision statements. Peirce main
11:12:52 22 statements. Grigor letters and Purana background"?---Yes.
23
11:12:59 24 Do you know what that was in relation to?---One of the
11:13:04 25 affidavits no doubt that Gerard Maguire was preparing
11:13:09 26 relating to a PII claim.
27
11:13:11 28 Aside from yourself, was there any other Purana members
11:13:14 29 involved in that?---I wouldn't have thought so.
30
11:13:23 31 Was Mr Maguire ever told that there might be relevant
11:13:27 32 material held by the SDU in relation to these
11:13:31 33 matters?---Not by me.
34
11:13:34 35 You're aware that there might be relevant material held by
11:13:38 36 the SDU?---I may have been.
37
11:13:44 38 There was never any claim in relation to SDU material?---I
11:13:49 39 don't believe so.
40
11:13:59 41 Why was there never any disclosure of, or at least an
11:14:08 42 indication, that this material existed but a PII claim was
11:14:11 43 going to be made for it in relation to material held by the
11:14:15 44 SDU?---Sorry, are you saying there was - - -
45
11:14:18 46 No, no, I'm saying why was it not - if members of Purana,
11:14:23 47 and I'm not just limiting it to this matter?---Yes.

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But the SDU held a lot of material specifically relating to Ms Gobbo in relation to many, many investigations?---So it seems. I wasn't aware of that is the short answer. I wasn't aware of that.

Well, in relation to this matter you were aware that the SDU might hold material that's relevant?---I may have.

Can you explain how it might come to be the case, and I'm not just limiting it to this, to your own experience, but how it might be the case that investigation after investigation where clearly some investigators were well aware that the SDU held very relevant material, that there was never any disclosure of it or at least even any advice sought about "whether we needed to disclose this, whether we needed to claim PII on this"?---No, I don't know. Is that the case, that no advice was ever sought?

Well as far as the Commission is aware not until much, much later?---No, I don't know. I mean I did eventually of course, as you know, but at this time I wasn't possessed of that information.

There seemed to be a lot of proceedings commencing or running through this period on?---Yes.

After initial arrests?---Yes.

Proceedings consequent on the Operation Posse main witness and proceedings in relation to the Orman main witness for which there was much material held by the SDU?---So it seems.

That might be relevant?---Yes.

And the Commission is concerned to understand why investigators who are running those proceedings, like yourself, you say you never became aware that that material might exist and that's a failing in the system, well why did that failing exist and how can it be rectified? Can you explain at all?---No, sorry.

Do you know what's done today at all in relation to such matters to ensure that there is that communication so that when the Chief Commissioner gets a subpoena or when disclosure ought to be made that relevant disclosure is

11:16:57 1 made?---I know what I subsequently did. Do you want me to
11:17:00 2 step you through that now?
3
11:17:03 4 Sure?---It's some years later.
5
11:17:05 6 Sure?---Having become privy to a broader picture and
11:17:16 7 understanding the issues that arose because of that and the
11:17:21 8 vulnerabilities, safety and evidentiary, I did seek legal
11:17:28 9 advice and very detailed legal advice was provided,
11:17:32 10 ironically by Gerard Maguire.
11
11:17:37 12 So you're talking about the Driver advice in 2011?---Yes.
13
11:17:44 14 See, we've got a situation here where we've got - well the
11:17:51 15 SDU say, "It's wasn't our responsibility", we've got
11:17:53 16 investigators saying, "It's the SDU, they knew" and we've
11:17:55 17 got other people saying it's HSMU. It's actually the Chief
11:17:56 18 Commissioner who is responsible for ensuring disclosure,
11:18:00 19 they get the subpoena. Everyone's saying it's everyone
11:18:05 20 else's responsibility. How can we ensure that the
11:18:10 21 responsibility by Victoria Police is complied with?---I'm
11:18:14 22 sure there'll be a recommendation or two about that.
23
11:18:18 24 Do you know if anything's been done in the last number of
11:18:20 25 years to ensure that it's been done now?---I'm sure that's
11:18:24 26 the case.
27
11:18:25 28 Do you have any suggestions?---No, I'm not going to take a
11:18:32 29 punt as I sit here now without considering the issues,
11:18:35 30 examining the issues, doing a bit of research and homework.
11:18:40 31 Happy to do it, come back another time, but as I sit here
11:18:44 32 now I'm not going to propose a solution that ultimately
11:18:48 33 will, I'm sure, form a number of recommendations from this
11:18:53 34 Royal Commission.
35
11:18:58 36 If we can move on to 11 March 2008. I might just - just
11:19:12 37 one last question in relation to that topic. If you did
11:19:16 38 have concerns that the SDU or another area of Victoria
11:19:22 39 Police had relevant documentation but it just simply wasn't
11:19:25 40 being disclosed through the processes?---Yes.
41
11:19:31 42 As the investigator in relation to that matter you have
11:19:34 43 responsibilities; is that right?---So if you know?
44
11:19:37 45 If you know?---Yes.
46
11:19:38 47 If you've got good reason to suspect?---Yes.

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There's some - - - ?---And you'll know, you've got the material, that I undertook that process in relation to a subsequent Kallipolitis subpoena. That very process I undertook.

You'll see here, this is the source management log again for 11 March 2008, there's some information from Inspector Gavan Ryan re, "The witness is due to give evidence in Faruk Orman's murder committal on Wednesday 12 March. A situation that has caused much consternation for Ms Gobbo. He", being the witness, "has been briefed to answer questions relating to the circumstances in which he 'rolled over as that is between me and my legal counsel'. If the issue is pushed by the defence public interest immunity will be claimed. Detective Sergeant Boris Buick and Senior Detective Mark Hatt to be present during proceedings and Ms Gobbo was to be updated", do you see that?---Yes.

You were the one that was going to be present in court presumably to stand up and say "public interest immunity"; is that right?---Well as the lead informant or the lead investigator that is my role.

Did you know that those were the instructions, that this witness has been briefed, if he's asked any questions about the circumstances of his rolling over, to make those comments and then that there would be PII claimed?---I don't specifically recall that description but it's possible, and it's entirely reasonable. Entirely reasonable that at that point in time a PII claim ought to be made, VGSO engaged, independent counsel engaged, affidavits prepared and the matter argued before the court.

This is all to be claimed simply to avoid Ms Gobbo's role being elicited and her influence in that witness's statement process?---Making of the claim in the Magistrates' Court at committal doesn't end there.

No, but it starts there?---Making the claim then necessitates that process I've just described, which may or may not lead to the suppression of that information. But that's the court's decision.

You've just - you've given evidence just moments ago that defence are entitled to explore the circumstances and the influence of the witness in the making of that statement.

11:22:35 1 This is a process that's been designed to avoid that
11:22:38 2 happening, to avoid questions that will reveal Ms Gobbo's
11:22:42 3 role in that process?---That will be a decision by the
11:22:44 4 magistrate to determine whether that is to be disclosed or
11:22:48 5 not, because the magistrate will rule on the PII claim.
6
11:22:51 7 What were you told about this? Were you told, "We want to
11:22:57 8 avoid him talking about Ms Gobbo"?---Well, as I say, I
11:23:03 9 don't recall that specific language but that is possible,
11:23:07 10 that we would be seeking a claim to avoid how those
11:23:11 11 statements came about in a PII claim.
12
11:23:14 13 And why?---Well, it certainly puts Nicola Gobbo at great
11:23:25 14 risk if others understand that she has assisted her client
11:23:30 15 in providing evidence against them.
16
11:23:36 17 Her client being the witness or her client being
11:23:42 18 Mr Orman?---In the circumstances in which the statements
11:23:44 19 were made she was representing the witness and it's that
11:23:50 20 aspect of it that the claim might be made if it arose and I
11:23:55 21 don't recall it actually arising, it may have, and that may
11:24:00 22 be what Gerard Maguire's involvement was, I just can't
11:24:06 23 recall.
24
11:24:14 25 Do you know where there are any notes of the briefing given
11:24:17 26 to the witness about those matters? Do you know if
11:24:25 27 Mr Bateson, when he saw him, or other Purana members ever
11:24:29 28 made any notes of those meetings they had with him?---I
11:24:34 29 don't know. I don't think I was having the meetings with
11:24:38 30 him at that time because, as you know from Wednesday, he
11:24:41 31 didn't like.
32
11:24:43 33 No, and he liked Mr Bateson it seems?---Yes.
34
11:25:08 35 You'll see if we continue on down to the next box in the
11:25:14 36 SMLs. From the handler in relation to contact with
11:25:22 37 Ms Gobbo, "She's still very concerned about being
11:25:26 38 identified from the witness's transcripts likely to be
11:25:31 39 obtained during Orman's committal which continues tomorrow
11:25:34 40 on 12 March. If identified her professional career and
11:25:40 41 personal safety will be at risk". And the handler is
11:25:43 42 considering options. Do you see that?---Yes.
43
11:25:47 44 In relation to her security issues?---Yes.
45
11:25:49 46 If she is compromised. The following day, if we can go to
11:26:00 47 the ICRs please, ICR p.93. You'll see around about the

11:26:14 1 sixth dot point down. Do you recall this event, Ms Gobbo
11:26:23 2 reports that she was approached by the prosecutor in front
11:26:26 3 of yourself, the instructing solicitor for Mr Orman
11:26:32 4 Alistair Grigor and Robert Richter when the matter was
11:26:38 5 adjourned and the prosecutor stated to Ms Gobbo, "You know
11:26:40 6 a lot about this matter, can you give the witness some
11:26:43 7 legal advice?" Ms Gobbo declined politely and made excuses
11:26:48 8 and then saw Jim Valos and nominated him as having more
11:26:53 9 knowledge and Mr Valos was then engaged in the advice. Do
11:27:03 10 you recall that happening?---I don't recall that. I don't
11:27:06 11 - clearly I don't dispute it but I just don't recall that.

12
11:27:07 13 And there's a number of other dot points there. Ms Gobbo
11:27:08 14 is expressing frustration that no objection had been taken
11:27:12 15 to questioning of the witness about other murders and that
11:27:14 16 it would be too late for a PII fight in relation to those
11:27:20 17 ongoing investigations. Are you aware of that?---I wasn't
11:27:22 18 aware of that.

19
11:27:25 20 That's further down the bottom. If we can scroll up a bit.
11:27:29 21 You'll see that there, about the fifth dot point on the
11:27:34 22 screen there. Fourth and fifth?---Yes.

23
11:27:42 24 She also speaks there about another person making calls
11:27:48 25 outside the court, another Purana investigator, Dale
11:27:55 26 Fitzgerald, and that he could be heard by Ms Gobbo and
11:27:57 27 others in the vicinity and you were advised. Do you see
11:28:03 28 that?---Yes, I see that.

29
11:28:07 30 Ms Gobbo reported that she'd received calls from Mr Gatto
11:28:11 31 who had heard that the witness had implicated him in a
11:28:15 32 number of murders?---Yes.

33
11:28:16 34 If we go over the page. Mr Richter was serving subpoenas
11:28:21 35 on the ACC for the transcript and the registered source
11:28:28 36 advised that this had to be fought as there were 30 to 40
11:28:32 37 lies in it, contradictions to his statements and she had
11:28:36 38 suggested an indemnity for the witness in the past. Are
11:28:41 39 you aware of that?---I see that.

40
11:28:44 41 And you were aware of concerns in relation to those
11:28:47 42 matters?---No. Well, concerns about the release of the
11:28:58 43 statement or the statements, yes, but not the other
11:29:03 44 matters.

45
11:29:09 46 If we can scroll up a little bit, please. You see there it
11:29:15 47 says that it was mentioned that the second statement being

11:29:23 1 made by the witness indicated that Orman was concerned
11:29:28 2 about e-TAG records and photographs of the car, including
11:29:33 3 driver and passenger which you had not included on the
11:29:35 4 brief?---Yes.
5
11:29:37 6 And Ms Gobbo was aware that those records could still be
11:29:40 7 obtained as they were kept for seven years. Do you see
11:29:44 8 that?---Yes.
9
11:29:45 10 Were there any - was that something that was subsequently
11:29:48 11 followed up on by you?---That was a key line of inquiry in
11:29:53 12 that investigation.
13
11:29:56 14 Was that something that was followed up on after this point
11:29:59 15 in time or was it being done before this?---Yeah, it was
11:30:03 16 ongoing. It was going before this.
17
11:30:07 18 Were e-TAG records checked after this point in time or
11:30:11 19 before?---I'm not sure. Well before I would think.
11:30:22 20 Possibly after, but it was a difficult line of inquiry that
11:30:27 21 required us to revisit CityLink a number of times for
11:30:31 22 records.
23
11:30:36 24 COMMISSIONER: We might take the mid-morning break.
11:30:39 25
11:30:40 26 MS TITTENSOR: Yes, Commissioner.
27
11:30:41 28 COMMISSIONER: Thank you.
29
30 (Short adjournment.)
31
32
11:51:20 33 COMMISSIONER: Yes Ms Tittensor.
11:51:22 34
11:51:23 35 MS TITTENSOR: Thanks Commissioner. If we can have the
11:51:29 36 SMLs for 12 March, please. Sorry, perhaps before then, if
11:51:50 37 you can have a look at your diary or day book notes for 12
11:51:57 38 March, the same date. You've taken notes on that day in
11:52:12 39 relation to Mr Richter's questioning of the witness against
11:52:17 40 Orman?---Yes.
11:52:18 41
11:52:19 42 That the matter was adjourned for the witness to take
11:52:22 43 advice from Jim Valos?---Yes.
11:52:28 44
11:52:29 45 And do you note following that that the witness had
11:52:32 46 indicated that on legal advice they wouldn't disclose the -
11:52:39 47 - - ?---Matter.

11:52:40 1
11:52:41 2 - - - particular hearings?---Yes.
11:52:42 3
11:52:42 4 And then he was questioned further about perjury
11:52:46 5 matters?---Yes.
11:52:46 6
11:52:47 7 Some of the earlier questioning by Mr Richter was to the
11:52:51 8 effect of asking that witness whether he'd ever given
11:52:54 9 perjured evidence?---Yes.
11:52:56 10
11:52:56 11 That's what it led to, the adjournment, and him seeking
11:53:01 12 legal advice, is that right?---I accept that.
11:53:02 13
11:53:03 14 And that was because in those earlier hearings there'd been
11:53:08 15 perjured evidence?---Yes.
11:53:11 16
11:53:20 17 You'll see here on 12 March, this is the source management
11:53:25 18 log on the screen there. There's a report from you, it
11:53:34 19 seems, that the witness, the main witness is in the box,
11:53:44 20 things were getting too hard for him so he asked to obtain
11:53:48 21 legal advice. The prosecutor then went in search of an
11:53:51 22 independent legal practitioner and just happened across
11:53:54 23 Ms Gobbo, who was in the vicinity. Fortunately she was
11:53:57 24 able to avoid involvement and pointed the prosecutor
11:54:01 25 towards Jim Valos, who provided the requisite advice, that
11:54:07 26 he had, the witness had resumed in the box, questioning
11:54:10 27 related to legal advice he received whilst in custody was
11:54:14 28 disallowed by the magistrate and Mr Richter then moved on
11:54:17 29 to other areas. Do you see that?---Yes.
11:54:19 30
11:54:20 31 Now, it seems from that that that, that you were having some
11:54:26 32 direct contact with the SDU?---It does.
11:54:28 33
11:54:29 34 In relation to Ms Gobbo?---Yes.
11:54:30 35
11:54:31 36 That would indicate that you were aware of Ms Gobbo's
11:54:34 37 status as a human source at that stage?---Possibly.
11:54:37 38
11:54:38 39 It couldn't indicate otherwise, could it?---I don't recall
11:54:41 40 the conversation. I don't recall the direct conversation
11:54:45 41 but it certainly is possible. I think, I think my main
11:54:56 42 concern will actually have been around the safety issue,
11:55:02 43 having been involved in the making of those statements.
11:55:06 44
11:55:06 45 Yes, and if you were involved to the extent that you're
11:55:11 46 calling or making reports to the SDU, you would have an
11:55:14 47 understanding that Ms Gobbo also had an involvement with

11:55:17 1 the SDU?---That's very possible.
11:55:20 2
11:55:21 3 There'd be no reason for you to be communicating with the
11:55:23 4 SDU unless that was the point of communication in relation
11:55:27 5 to those matters?---That's likely.
11:55:29 6
11:55:41 7 At that point in time Mr Richter had attempted to
11:55:45 8 cross-examine in relation to legal advice the witness had
11:55:51 9 received whilst in custody, that's correct?---Yes.
11:55:55 10
11:55:57 11 The magistrate disallowed it at that stage?---Yes.
11:56:02 12
11:56:03 13 That seems to be the effect of what you've told the SDU, is
11:56:07 14 that right? There must have been some sort of
11:56:11 15 objection?---Yes.
11:56:11 16
11:56:11 17 The magistrate was not given any information to understand
11:56:15 18 that it was Ms Gobbo who had provided that information I
11:56:20 19 take it?---I don't - - -
11:56:22 20
11:56:22 21 Sorry, provided that advice?---I'm not sure.
11:56:29 22
11:56:33 23 If we can scroll further on to the next page, please, and
11:56:38 24 13 March. You see there on the first entry in relation to
11:56:44 25 13 March that it indicates Mr Richter had made application
11:56:51 26 for statements and transcripts relating to the
11:56:54 27 witness?---Yes.
11:56:55 28
11:56:56 29 The application had been opposed and adjourned to the
11:56:59 30 following Monday, 17 March, for a contested hearing?---Yes.
11:57:02 31
11:57:03 32 It is an open court and the witness had already mentioned
11:57:06 33 other murders in his evidence?---Yes.
11:57:10 34
11:57:11 35 Presumably that related to other murders for which he was
11:57:15 36 making statements or had made statements?---That's right.
11:57:20 37
11:57:20 38 And there was media present in court, a Channel 9 reporter
11:57:28 39 was present and had rung Mr Gatto to comment already in
11:57:30 40 relation to the evidence?---Right.
11:57:32 41
11:57:33 42 And Mr Gatto had referred them to his legal representative,
11:57:39 43 who was Ms Gobbo?---I see that.
11:57:43 44
11:57:51 45 You'll see the next box down, the same date, 13 March,
11:57:58 46 Ms Gobbo reports that the media have got a hold of a number
11:58:02 47 of the witnesses' statements and have been ringing her for

11:58:05 1 comment as she was Mr Gatto's legal representative?---Yes.
11:58:10 2
11:58:11 3 And that DDI Edwards at the Purana Task Force was to be
11:58:15 4 advised?---Yes.
11:58:17 5
11:58:17 6 Mr Edwards was the new officer-in-charge?---Must have been
11:58:20 7 by that stage.
11:58:21 8
11:58:21 9 Of the Purana Task Force. Do you know whether he was
11:58:29 10 advised as to the identity of Ms Gobbo and the role that
11:58:34 11 she'd played?---I don't know.
11:58:35 12
11:58:36 13 Did you ever become aware of that?---No.
11:58:39 14
11:58:43 15 During this period of time there was surveillance of
11:58:46 16 Mr Gatto, is that right?---Probably.
11:58:48 17
11:58:50 18 Ms Gobbo was dining with him. Do you know about that,
11:58:55 19 reports about that?---I don't recall specifically but I
11:58:58 20 don't dispute that.
11:58:59 21
11:58:59 22 If we can go to p.16 of the SMLs there. Do you see on 14
11:59:21 23 March there's an indication there that you were aware of
11:59:24 24 the meeting between Mr Gatto and Ms Gobbo because of
11:59:30 25 phones?---Yes.
11:59:31 26
11:59:31 27 That was something on 14 March?---Yes.
11:59:34 28
11:59:38 29 If we can go to Bateson chronology for 14 March please.
11:59:47 30 See there's some notes of Mark Hatt of a meeting with the
11:59:55 31 Source Development Unit regarding 3838, being
11:59:59 32 Ms Gobbo?---Yes.
11:59:59 33
12:00:03 34 One of the handlers is there. Gustke, Kelly and yourself
12:00:10 35 are also there, along with Mr Hatt?---Yes.
12:00:12 36
12:00:19 37 If we go back to the SMLs, it seems as though there's been
12:00:25 38 some concern because of a possible leak in relation to
12:00:38 39 Ms Gobbo's role as a human source. Do you recall this
12:00:41 40 issue? There was some surveillance being conducted of
12:00:48 41 Mr Gatto. He was lost in relation to the surveillance. A
12:00:54 42 Purana investigator had contacted the SDU or something of
12:01:01 43 that nature to be able to - to ask them to ask Ms Gobbo
12:01:05 44 where he was. Do you recall that incident coming up?---I
12:01:10 45 didn't recall it until I believe some other evidence has
12:01:13 46 been given about this at this Commission - until I heard
12:01:18 47 that evidence or read that evidence I didn't recall that

12:01:25 1 and I don't really have a specific recollection of it, but
12:01:29 2 I certainly don't dispute it.
12:01:31 3
12:01:31 4 So there was this meeting going on because of this possible
12:01:35 5 compromise of Ms Gobbo as a human source, do you accept
12:01:37 6 that?---Yeah, although I don't have a note of it.
12:01:40 7
12:01:40 8 Mr Hatt's got a note in that Bateson chronology that you
12:01:45 9 were present at a meeting with the SDU and a number of
12:01:47 10 others?---Yes.
12:01:48 11
12:01:48 12 And it seems to correspond with this issue?---Yes.
12:01:51 13
12:01:52 14 Now, necessarily you would have had to have been aware that
12:01:55 15 Ms Gobbo was a source?---That's, that's reasonably
12:02:00 16 possible.
12:02:00 17
12:02:01 18 And that she was providing the SDU with information in
12:02:04 19 relation to Mr Gatto?---That's possible.
12:02:08 20
12:02:20 21 If we go further down you'll see there on 14 March that
12:02:24 22 that meeting is reported in the SMLs as well?---Yes.
12:02:28 23
12:02:29 24 The Purana Task Force meeting with the SDU with Gustke,
12:02:34 25 Buick, Kelly and Hatt?---At 12 - - -
12:02:39 26
12:02:40 27 25?---25.
12:02:43 28
12:02:45 29 They refer to having the dogs on Gatto re court
12:02:49 30 developments yesterday to see what he did and go on to
12:02:52 31 report the concerns over a particular person ringing
12:02:55 32 someone and the leak that may have eventuated?---Yes.
12:02:58 33
12:03:02 34 Necessarily those involved in the meeting are having a
12:03:05 35 meeting about concern about Ms Gobbo's status being
12:03:08 36 compromised?---Yes.
12:03:10 37
12:03:28 38 If I can just ask you quickly about another matter. If you
12:03:35 39 can go to VPL.6031.0015.0062. Just have a look at this
12:03:49 40 email. It indicates that the police were provided with
12:03:53 41 some information, not necessarily from Ms Gobbo, in the
12:03:59 42 week before relating to the repossession of a car by
12:04:02 43 Mr Karas from a person by the name of Alex
12:04:08 44 Dimopoulos?---Yes.
12:04:08 45
12:04:08 46 The car had been registered in the name of the company
12:04:13 47 owned by Mr Dimopoulos, Gable Constructions?---Yes.

12:04:19 1
12:04:20 2 MS ARGIROPOULOS: Commissioner, could I ask that this
12:04:21 3 document be taken down from other people's screens.
12:04:25 4 There's human source information that's not relevant.
12:04:29 5
12:04:31 6 COMMISSIONER: Yes.
12:04:31 7
12:04:32 8 MS TITTENSOR: Mr Karas and Mr Dimopoulos had had a falling
12:04:35 9 out and Mr Dimopoulos had been told if he wanted to keep
12:04:37 10 the car he had to pay \$450,000, although the car was only
12:04:42 11 worth \$150,000, is that right?---Yes.
12:04:45 12
12:04:46 13 If we can scroll further - no, no. It might be the
12:04:49 14 paragraph there?---I can read that.
12:04:51 15
12:04:51 16 Mr Gatto had told Mr Dimopoulos to meet him at the Society
12:04:57 17 Café and that there had been some outlaw motorcycle gang
12:05:01 18 members there and that Nicola Gobbo was now driving the
12:05:05 19 car. Do you see that?---Yes.
12:05:07 20
12:05:09 21 Do you know if that information about Ms Gobbo was passed
12:05:13 22 on to the SDU?---No idea.
12:05:15 23
12:05:15 24 Do you know if there were any inquiries as to the
12:05:18 25 circumstances of her coming to be in possession of that
12:05:22 26 car?---I don't recall.
12:05:23 27
12:05:33 28 If we can go to the ICRs on p.657, please.
12:05:37 29
12:05:38 30 COMMISSIONER: Are you wanting to tender that?
12:05:42 31
12:05:43 32 MS TITTENSOR: Sorry, I'll tender that, Commissioner.
12:05:43 33
12:05:45 34 #EXHIBIT RC677A - (Confidential) Email from AT0 to Hatt
12:05:48 35 and others re intel re Dimopoulos
12:05:52 36 23/6/08.
12:05:57 37
12:05:58 38 #EXHIBIT RC677B - (Redacted version.)
12:05:59 39
12:06:00 40 WITNESS: Sorry, Commissioner, I assume documents like that
12:06:03 41 will go through a possess of redaction?
12:06:05 42
12:06:05 43 COMMISSIONER: Yes, that's why I do the A and B, the B will
12:06:09 44 be the redacted version of it?---Thanks.
45
12:06:11 46 And the A is a confidential version of it?---Sorry.
12:06:21 47

12:06:22 1 MS TITTENSOR: A number of months later - that email was 26
12:06:25 2 June 2008 and this is 3 October 2008, the document I'm
12:06:30 3 taking you to now, this is the informer contact
12:06:34 4 report?---Yes.

12:06:34 5
12:06:35 6 Ms Gobbo is reporting information to her handlers about
12:06:38 7 Mr Gatto. She indicated she hadn't had a chance to speak
12:06:41 8 to him. She referred to talk by Karas and Mr Khoury about
12:06:50 9 Alex, an Alex Dimopoulos, that apparently they had ripped
12:06:56 10 him off in the past on loans and that she indicated that
12:07:02 11 she'd had some knowledge that he might be subpoenaed to a
12:07:07 12 compulsory hearing?---Yes.

12:07:08 13
12:07:09 14 Another solicitor had warned Karas and Khoury that
12:07:17 15 Dimopoulos might cause them a lot of problems and that was
12:07:20 16 then disseminated to Detective Coghlan, that those two
12:07:25 17 gentleman, Mr Khoury and Mr Karas, were worried. Do you
12:07:33 18 know if that was disseminated more broadly throughout
12:07:35 19 Purana?---I have no recollection of it. I know that Karas
12:07:47 20 was a target of a financial investigation by Jim Coghlan's
12:07:52 21 team. I didn't realise there was anything beyond that.

12:07:55 22
12:07:55 23 Was there any relationship between that and
12:07:59 24 Mr Gatto?---Invariably. I think Tom Karas was somehow tied
12:08:10 25 up in the Metro nightclub which John Khoury ran or
12:08:15 26 purported to run so I think that was the connection.

12:08:18 27
12:08:19 28 In terms of that earlier email about the car and Ms Gobbo
12:08:26 29 driving around in that car, is that some information that
12:08:30 30 would have been shared more broadly through Purana,
12:08:33 31 including - given it related to Mr Karas it would have been
12:08:36 32 shared with Detective Coghlan?---Yeah, probably, although I
12:08:44 33 think at the time we will have independently known that
12:08:50 34 through our saturation.

12:08:52 35
12:08:52 36 That Ms Gobbo was driving around in a car that had been
12:08:55 37 acquired or, from Mr Dimopoulos?---Well, driving around in
12:09:00 38 that car as described.

12:09:05 39
12:09:23 40 I might just make clear that what was disseminated, it
12:09:29 41 seems, to Mr Coghlan in relation to that last ICR, was that
12:09:34 42 Khoury and Karas were worried, presumably, about
12:09:41 43 Mr Dimopoulos causing them issues. In any case - following
12:09:50 44 this it seems as though Ms Gobbo is reporting to her
12:09:54 45 handlers details about a car, a car owned by Gable
12:10:02 46 Consulting, where one of the guarantors was Mr Dimopoulos
12:10:05 47 and that Mr Gatto and his crew were worried or suspicious

12:10:09 1 that Mr Dimopoulos might have spoken to someone or be
12:10:13 2 talking to Purana. Would you be concerned that Ms Gobbo
12:10:20 3 might be using the SDU in those circumstances to find out
12:10:27 4 information concerning her own, that might concern her own
12:10:31 5 position?---Absolutely.
12:10:31 6
12:10:45 7 In late 2008 Mr Orman faced a trial in relation to the
12:10:50 8 O'Mahoney matter, that is the gun discharge matter, you
12:10:54 9 were aware of that at the time?---I didn't realise it went
12:10:58 10 to trial but I accept that.
12:10:59 11
12:10:59 12 He apparently was tried in relation to a count of reckless
12:11:04 13 conduct endangering life and was acquitted, as I understand
12:11:08 14 it. There had been some communications during that process
12:11:13 15 between Mr O'Mahoney and Purana, is that right?---Probably.
12:11:16 16
12:11:16 17 In relation to the investigation and the prosecution
12:11:20 18 process?---Yes, probably. I don't recall that but I don't
12:11:24 19 dispute that.
12:11:25 20
12:11:25 21 If we can go to an email from Mr O'Mahoney to yourself on
12:11:31 22 16 September 2008, VPL.6031.0004.4666. If we can go to the
12:11:39 23 back end of that email to follow it through. You see there
12:11:49 24 that Mr O'Mahoney indicates that he'd received another fax
12:11:53 25 today wanting to know his response in relation to Grigor
12:11:56 26 Lawyers letter from 1 December. The instructing solicitor,
12:12:02 27 Kate Despot at the OPP had indicated that a response from
12:12:07 28 their office was not appropriate, and he's asking you to
12:12:11 29 contact him to let him know how and if he should respond.
12:12:15 30 They've indicated if they didn't get a response by 12
12:12:19 31 January they would take the matter up with his
12:12:24 32 officer-in-charge. Do you see that?---Yes.
12:12:26 33
12:12:27 34 If we scroll back to p.1, you ask what the first letter
12:12:31 35 said?---Yes.
12:12:32 36
12:12:33 37 And then if we can go to the, and then it has an indication
12:12:39 38 that there's an attachment with a Grigor PDF
12:12:44 39 document?---Yes.
12:12:44 40
12:12:44 41 If we can go to that document. I might tender these two
12:12:48 42 together, Commissioner. If we can go to that document. It
12:12:57 43 indicates that that office, Mr Grigor's office confirmed
12:13:01 44 that they act on behalf of Mr Orman who was recently
12:13:04 45 acquitted of charges in the County Court on 17
12:13:08 46 November?---Yes.
12:13:08 47

12:13:09 1 It says, "We rather curiously received a document headed
12:13:15 2 R v Orman, County Court trial, telephone intercept product
12:13:20 3 index and attached to that document are transcripts of 11
12:13:23 4 telephone intercepted calls between our client and other
12:13:26 5 persons". It goes on, "Both Carly Marcs and Ms Nicola
12:13:32 6 Gobbo were a solicitor and barrister respectively engaged
12:13:34 7 by Mr Orman to act on his behalf at the time the calls were
12:13:38 8 intercepted. Astonishingly, legally privileged calls were
12:13:44 9 not only the subject of surveillance, they were listened
12:13:46 10 to, transcribed and provided to the Crown. It is crystal
12:13:49 11 clear that his discussions with each of them are protected
12:13:52 12 by the doctrine of legal professional privilege. We assume
12:13:53 13 that the Special Projects Unit would be subject to strict
12:14:02 14 guidelines in this regard. It is of great concern to both
15 our clients and to this office that private, sensitive and
12:14:04 16 legally privileged telephone calls between our client and
12:14:14 17 separately a solicitor and a barrister are transcribed at
12:14:18 18 all, let alone to have been distributed by the Crown.
19 Indeed, senior crown prosecutor Geoff Horgan SC attempted
12:14:21 20 to introduce these privileged documents into evidence. It
12:14:26 21 requests immediate written advice as to how such
12:14:29 22 transcripts came into existence. In addition whether legal
12:14:34 23 advice as to the lawfulness of same and if so, from which
12:14:35 24 department. We would be assisted in your disclosure as to
12:14:38 25 whether they were obtained by you or another member of the
12:14:41 26 Purana Task Force. Please also provide our office with
12:14:45 27 details of the responsible member from the Special Projects
12:14:50 28 Unit so it can be followed up". You received that email
12:14:55 29 and that attachment?---So it seems.
12:14:57 30
12:14:59 31 Can you tell us anything about that?---No, sorry.
12:15:02 32
12:15:03 33 Do you know what was done as a result?---By who?
12:15:07 34
12:15:08 35 Well, Mr O'Mahoney is clearly indicating your assistance to
12:15:14 36 respond to Mr Grigor's letter, the letter raises concerns
12:15:21 37 about the recording and the use of privileged calls?---Yes.
12:15:27 38
12:15:29 39 And Mr O'Mahoney is asking for your response and how he
12:15:34 40 should respond, presumably because those calls are being
12:15:38 41 provided by Purana to him for his prosecution?---Yes.
12:15:40 42
12:15:42 43 What occurred as a result?---I don't recall. Do you have
12:15:47 44 my response?
12:15:47 45
12:15:48 46 No, don't, sorry?---I can't recall. It happens from time
12:15:52 47 to time that privileged calls sneak through, and I don't

12:15:58 1 mean any disrespect to either of the parties that were in
12:16:03 2 phone conversation with Mr Orman, but you can't always
12:16:05 3 readily determine that a phone call in fairly casual
12:16:11 4 parlance is a call between a lawyer and a client. They
12:16:14 5 sometimes slip through. We're very aware that they, that
12:16:20 6 they shouldn't.
12:16:21 7
12:16:21 8 This is an occasion in which a concern has been raised and
12:16:28 9 a call has been asked, or a query has been made, calling
12:16:36 10 for a response?---I may have responded to this, I just
12:16:40 11 can't recall what I did or didn't do.
12:16:43 12
12:16:43 13 Do you recall those conversations at all?---No.
12:16:52 14
12:16:53 15 Clearly they were put on to the brief of Mr Orman for a
12:16:57 16 reason, or provided by Purana to Mr O'Mahoney to be put on
12:17:02 17 to the brief for a reason?---Well I assume there was some
12:17:07 18 admissible, thought to be some admissible conversations in
12:17:12 19 there, although, of course, if it's a phone call between a
12:17:17 20 lawyer and a client in the context of legal advice, it's
12:17:20 21 not admissible.
12:17:22 22
12:17:22 23 Do you know whether there was any legal advice taken about
12:17:25 24 the lawfulness of obtaining those calls or
12:17:32 25 transcripts?---No.
12:17:32 26
12:18:18 27 You were upgraded, you indicate in your statement, to staff
12:18:24 28 officer of the Crime Department board of management in
12:18:27 29 March 2008?---Yes.
12:18:28 30
12:18:29 31 And to the Assistant Commissioner of Crime from November of
12:18:33 32 2008?---Yes.
12:18:34 33
12:18:34 34 To March of 2009?---Yes.
12:18:36 35
12:18:36 36 Is that right? I think I took you, I asked you a few
12:18:42 37 questions about those things at the start of your
12:18:45 38 evidence?---You did.
12:18:45 39
12:18:45 40 Did you have anything to do with, or any, glean any
12:18:51 41 information through that process on what was going on with
12:18:54 42 Petra and Briars?---I don't recall specifically. I know
12:19:02 43 they were a very closed shop and I was excluded from a
12:19:07 44 number of management meetings where such matters were
12:19:11 45 discussed and that's continued on. As you've seen I've
12:19:15 46 done a couple of other stints as a staff officer for
12:19:19 47 assistant commissioners and that's fairly routine that I'm

12:19:23 1 out when they discuss such matters.
12:19:26 2
12:19:27 3 Can you recall who the Assistant Commissioner was at that
12:19:30 4 stage who that you were - - - ?---Who replaced the board of
12:19:33 5 management?
12:19:33 6
12:19:33 7 Yes?---Dannye Moloney.
12:19:35 8
12:19:35 9 What type of record keeping did he maintain? Did he
12:19:40 10 maintain a detailed diary at that stage?---I don't recall.
12:19:46 11 I've got no doubt, he was a very experienced investigator,
12:19:50 12 Dannye Moloney. He would have kept very detailed notes, as
12:19:56 13 - not as much as, but as would Mr Fontana, who I later
12:20:02 14 staffed for.
12:20:03 15
12:20:07 16 Then in 2011, or prior to - sorry, in 2010 you were at the
12:20:17 17 ESD, is that right?---Yes.
12:20:19 18
12:20:19 19 And in November of 2010 you were seconded to Operation
12:20:25 20 Driver?---Yes, Task Force Driver.
12:20:30 21
12:20:30 22 Task Force Driver. Driver had been established following
12:20:34 23 the murder of Carl Williams at Barwon Prison in April of
12:20:38 24 2010?---Yes.
12:20:40 25
12:20:42 26 Mr Williams was to be a witness for the Petra Task Force in
12:20:46 27 the murder trial of Paul Dale and Rodney Collins for the
12:20:51 28 murders of Terrence and Christine Hodson?---Yes.
12:20:55 29
12:20:55 30 Ms Gobbo was also to be a witness in that matter?---Yes.
12:20:58 31
12:21:00 32 In particular she was to give evidence as to having a
12:21:04 33 recorded conversation with Mr Dale in December of
12:21:08 34 2008?---Yes.
12:21:09 35
12:21:11 36 Following Mr Williams' death those murder charges were
12:21:15 37 withdrawn?---That's right.
12:21:16 38
12:21:16 39 The Petra Task Force was disbanded in August of
12:21:20 40 2010?---Yes.
12:21:21 41
12:21:22 42 At that stage there were a number of potential proceedings
12:21:27 43 still in the wings?---That's right.
12:21:28 44
12:21:28 45 In relation to those matters?---Yes.
12:21:30 46
12:21:30 47 An Inquest into the death of the Hodsons?---Yes.

12:21:34 1
12:21:36 2 There was a brief of evidence that existed against Mr Dale
12:21:39 3 for giving false and misleading evidence at the ACC
12:21:45 4 hearings?---Yes.
12:21:45 5
12:21:46 6 That again involved potentially the use of Ms Gobbo as a
12:21:49 7 witness in relation to that December 2008
12:21:53 8 recording?---That's right.
12:21:54 9
12:21:58 10 Your reporting lines at that stage, what was your rank?---I
12:22:02 11 was a Detective Senior Sergeant.
12:22:04 12
12:22:06 13 Did you report to Inspector Mick Frewen?---Yes.
12:22:10 14
12:22:11 15 Who reported in turn to Superintendent Doug Fryer?---That's
12:22:15 16 right.
12:22:15 17
12:22:15 18 Who reported to Assistant Commissioner Graham Ashton?---I'm
12:22:22 19 not certain but I assume. I obviously am a step or two
12:22:28 20 below that, but yes.
12:22:29 21
12:22:29 22 Do you who the relevant Deputy Commissioner was at the
12:22:33 23 time?---I think it was Sir Ken Jones.
12:22:36 24
12:22:36 25 And at some stage did that become Mr Cartwright?---I accept
12:22:42 26 that.
12:22:43 27
12:22:46 28 There are other people that get mentioned in various
12:22:51 29 documents around this time, Detective Inspector John
12:22:55 30 O'Connor?---Yes.
12:22:57 31
12:22:57 32 Who was with the SDU, is that right?---I accept that.
12:23:00 33
12:23:00 34 Was he the officer-in-charge there?---Probably.
12:23:03 35
12:23:04 36 What was the role of Detective Superintendent Paul Sheridan
12:23:07 37 at this time?---I think Mr Sheridan was part of the Intel
12:23:18 38 Covert Support Command sitting over a number of their
12:23:22 39 divisions.
12:23:23 40
12:23:27 41 And the Assistant Commissioner in relation to that division
12:23:31 42 was Assistant Commissioner Pope, is that right?---Yes.
12:23:35 43
12:23:37 44 Was there a steering committee in relation to Task Force
12:23:41 45 Driver?---Yes.
12:23:42 46
12:23:42 47 Who was on the steering committee?---I think I might have

12:23:48 1 appeared before it once or twice but - and I think when I
12:23:56 2 appeared before it Mr Pope was a member, Mr Cartwright was
12:24:00 3 a member, Superintendent Fryer. I'm not sure who else was
12:24:12 4 on it.
12:24:13 5
12:24:13 6 Was Assistant Commissioner Ashton on it?---He may have been
12:24:18 7 but on the occasions that I attended to brief the group, I
12:24:24 8 don't think he was there. He may have been. I've
12:24:31 9 certainly seen some correspondence between Mr Fryer and
12:24:35 10 Mr Ashton in relation to Nicola Gobbo.
12:24:38 11
12:24:38 12 And what was that correspondence relating to?---The
12:24:41 13 withdrawing of her as a witness in the ACC prosecutions.
12:24:50 14
12:24:50 15 I take it when you took over this investigation in November
12:24:53 16 of 2010 you were given a backgrounding in relation to
12:24:58 17 issues associated with the matter?---To some very limited
12:25:05 18 degree, yes.
12:25:05 19
12:25:05 20 Who gave you that?---I recall a couple of conversations
12:25:14 21 with Shane O'Connell, Sol Solomon, Cameron Davey, possibly
12:25:26 22 Sandy White.
12:25:31 23
12:25:32 24 Was that late 2010, as you're taking over?---I think it's
12:25:37 25 probably more into 2011, but it's possible because I had a
12:25:43 26 lot of material to get my head around.
12:25:44 27
12:25:45 28 Was it before or after you laid the charges against
12:25:49 29 Mr Dale?---No, I'm not sure. I would have been briefed
12:25:54 30 certainly by Sol Solomon, Shane O'Connell before laying the
12:25:59 31 charges. It was Sol who prepared the brief.
12:26:06 32
12:26:06 33 When would you have first spoken about the matter to
12:26:09 34 Mr O'Connell?---Possibly within weeks of getting there.
12:26:14 35
12:26:17 36 And what was his role?---He had been part of Petra.
12:26:20 37
12:26:20 38 He had been sitting above two lead investigators, Solomon
12:26:25 39 and Davey, is that right?---Yes.
12:26:27 40
12:26:27 41 He had significant knowledge and had significant contact
12:26:30 42 with Ms Gobbo during that period of time?---I don't recall
12:26:35 43 that. I thought most of the contact was with Sol and Cam,
12:26:40 44 but I don't dispute that.
12:26:41 45
12:26:42 46 Following the charging of Mr Dale and Mr Collins for the
12:26:47 47 murder, do you understand that Mr O'Connell had significant

12:26:50 1 contact with Ms Gobbo?---I don't dispute that.
12:26:52 2
12:26:53 3 Did you understand that at the time?---Probably. Actually,
12:26:57 4 I think it does ring a bell. I think Nicola Gobbo didn't
12:27:03 5 take too kindly to Shane in some musings she had with me.
12:27:09 6
12:27:10 7 And at least you came to know at some knowledge there were
12:27:14 8 many, many hours of recordings of conversations between
12:27:17 9 Mr O'Connell and Ms Gobbo?---Yes.
12:27:19 10
12:27:20 11 In excess of 200 hours?---I didn't know it was that much,
12:27:25 12 and I never reviewed those recordings.
12:27:29 13
12:27:30 14 Sorry?---I didn't review those recordings.
12:27:32 15
12:27:33 16 Given some of the things you later learned about what
12:27:37 17 Ms Gobbo told you when you had your conversations with her
12:27:41 18 through 2011?---Yes.
12:27:42 19
12:27:42 20 You might be concerned about the types of matters that she
12:27:45 21 would have discussed with Mr O'Connell?---I assume they
12:27:49 22 would have been the same that she was discussing with me.
12:27:52 23
12:27:55 24 Certainly something that would have compromised many, many
12:27:58 25 prosecutions?---Yes.
12:28:00 26
12:28:04 27 When did you first have contact with Sandy White in
12:28:10 28 relation to these matters?---I'm not certain but around
12:28:18 29 this, the early stage of my getting my head around what had
12:28:22 30 transpired.
12:28:23 31
12:28:24 32 We know Mr Dale is charged in mid-February?---Yes.
12:28:28 33
12:28:29 34 2011. Was it before then?---I'm not sure.
12:28:33 35
12:28:34 36 If it wasn't before then, would it have been not long
12:28:37 37 after?---Possibly.
12:28:38 38
12:28:44 39 Did you become aware in whatever background information you
12:28:49 40 were given that following the signing of a witness
12:28:52 41 statement by Ms Gobbo in January of 2009 there had been
12:28:57 42 significant issues between she and Victoria
12:29:01 43 Police?---Leading up to a civil dispute?
12:29:04 44
12:29:04 45 Yes?---Yes.
12:29:04 46
12:29:05 47 And that related to the terms upon which she had become a

12:29:09 1 witness?---Yes.
12:29:12 2
12:29:12 3 And the terms upon which her safety and security would be
12:29:16 4 looked after by Victoria Police?---Yes, I understand that
12:29:19 5 was the crux of it.
12:29:20 6
12:29:22 7 There being a number of issues, those safety and security
12:29:27 8 issues, and also that she had been told that she would be
12:29:31 9 no worse off financially?---Yeah, I don't dispute that.
12:29:37 10
12:29:38 11 Were you aware that one of her issues was in relation to
12:29:46 12 leaving family members behind, in particular her mother,
12:29:50 13 who was ill?---No doubt.
12:29:52 14
12:29:52 15 You were aware of that when you took on these
12:30:00 16 matters?---Well I think her mother was dying when I took on
12:30:03 17 these matters.
12:30:08 18
12:30:08 19 In the lead up - were you aware in the lead up to the
12:30:13 20 committal proceedings in March 2009, the murder
12:30:16 21 proceedings, she'd indicated she was too unwell and
12:30:20 22 wouldn't be giving evidence?---I wasn't aware of that at
12:30:25 23 the time it was occurring but I became aware that was a
12:30:28 24 real issue, yes.
12:30:28 25
12:30:29 26 What I'm asking you is the sort of background information
12:30:31 27 you had once you took over and started to become aware of
12:30:35 28 the issues surrounding the file you had?---Yes, I was well
12:30:39 29 aware of that.
12:30:39 30
12:30:43 31 Were you aware that that proceeding had been withdrawn with
12:30:47 32 material responsive to a subpoena or subpoenas still
12:30:49 33 outstanding?---Tony Hargreaves' subpoenas?
12:30:53 34
12:30:53 35 Yes?---Yes.
12:30:54 36
12:30:56 37 You certainly were aware that in April 2010 Ms Gobbo had
12:31:00 38 sued Victoria Police, the Chief Commissioner and the
12:31:03 39 Assistant Commissioner?---Yes.
12:31:04 40
12:31:05 41 That that action had been settled in August of 2010?---Yes,
12:31:09 42 I accept that.
12:31:10 43
12:31:12 44 That the settlement included a term that Victoria Police
12:31:15 45 essentially wouldn't call Ms Gobbo as a witness in the
12:31:19 46 future?---Yes. Well, I didn't know the terms of the
12:31:26 47 settlement, they were confidential, but I did know, whether

12:31:30 1 it was sourced from that agreement or not, that she wasn't
12:31:33 2 to be called by Victoria Police for prosecutions, yes.
12:31:36 3
12:31:36 4 And so potentially including her as a witness on a brief
12:31:42 5 was controversial?---Yes.
12:31:44 6
12:31:44 7 And you knew that from the time you laid the charges
12:31:47 8 against Mr Dale?---Yeah, I did, I realised that was a live
12:31:51 9 issue.
12:31:51 10
12:31:52 11 Were you aware that following the settlement in August of
12:31:56 12 2010 the Chief Commissioner, Mr Overland, had issued an
12:32:01 13 instruction that members were not to communicate with
12:32:03 14 Ms Gobbo?---Yes.
12:32:04 15
12:32:08 16 Did you speak to anyone to get an idea about how to go
12:32:11 17 about dealing with Ms Gobbo once you necessarily had to in
12:32:16 18 relation to the matter?---Well I was certainly provided
12:32:23 19 with an abundance of caution of warnings by people who had
12:32:28 20 dealt with her.
12:32:29 21
12:32:29 22 Who were they?---Sol Solomon, Cam Davey, Shane O'Connell.
12:32:34 23
12:32:34 24 Anyone from the SDU?---Possibly Sandy White, but his
12:32:41 25 briefing to me was less about how to manage her and more
12:32:47 26 about his experience with the information that she'd
12:32:54 27 provided.
12:32:54 28
12:32:55 29 When you say more about his experience with the information
12:32:58 30 that she'd provided, what do you mean by that?---On a
12:33:03 31 couple of occasions I spoke to Sandy White he reiterated,
12:33:07 32 as did Nicola Gobbo, that, whether it's true or not I don't
12:33:13 33 know, but - well I do actually, but he reiterated and she
12:33:20 34 reiterated, that at no stage was any of the information she
12:33:25 35 was providing, of which was a great deal, was she breaching
12:33:28 36 lawyer/client privilege, that was the assertion that was
12:33:32 37 made by Sandy White and by Nicola Gobbo. Yes,
12:33:36 38 acknowledgment of lots of information being provided but
12:33:38 39 that it was being provided outside of the lawyer/client
12:33:42 40 privilege conversation scenario. That's what was put to
12:33:46 41 me.
12:33:46 42
12:33:46 43 Was there any conversation about the various conflicts she
12:33:49 44 had in relation to people she gave information about?---I
12:33:57 45 don't recall specifically but probably.
12:33:59 46
12:33:59 47 And you had some experience of that yourself?---Yes.

12:34:02 1
12:34:07 2 At that stage, right from the commencement, you were aware
12:34:11 3 that Mr Dale's defence would likely involve a claim that
12:34:15 4 the conversation recorded by Ms Gobbo was the subject of
12:34:18 5 legal professional privilege?---Yes.
12:34:20 6
12:34:21 7 The prosecution relied upon evidence of Ms Gobbo that she
12:34:25 8 was not acting as Mr Dale's legal advisor?---Yes, that's
12:34:30 9 right.
12:34:30 10
12:34:30 11 They relied upon Ms Gobbo as a witness of truth?---Yes.
12:34:34 12
12:34:35 13 And you were well aware that her credit would be in issue
12:34:38 14 in the proceeding?---Absolutely.
12:34:40 15
12:34:44 16 Throughout 2011 you had a number of conversations with
12:34:47 17 Ms Gobbo?---I did.
12:34:48 18
12:34:50 19 You no doubt were advised to tape them all?---No.
12:34:53 20
12:34:54 21 You just did it in any case?---Yes.
12:35:02 22
12:35:02 23 You're aware transcripts of those conversations have been
12:35:06 24 provided to the Commission?---Yes.
12:35:07 25
12:35:09 26 Have you listened to the audio or read those
12:35:12 27 transcripts?---No.
12:35:12 28
12:35:12 29 Is there a reason for that?---I understand there's X number
12:35:16 30 of hours of audio. I'm not sure how many hours of audio
12:35:23 31 are there, many hours of audio, over a long period of time,
12:35:28 32 involving a lot of topics. I have no idea what you were
12:35:32 33 going to ask me about specifically. When you do I'll ask
12:35:36 34 to go to the transcript. I wasn't going to prepare myself
12:35:39 35 by listening to hours and hours of transcript and then you
12:35:42 36 not ask me about some of those matters. Far too much
12:35:48 37 information for me to absorb and retain, particularly given
12:35:51 38 I was advised I'd be called to this Commission months and
12:35:54 39 months ago and did some of that preparation, and then it
12:35:57 40 was put off, put off, put off, and I just haven't been able
12:36:01 41 to commit myself to listen to and retain all that audio,
12:36:04 42 sorry.
12:36:04 43
12:36:04 44 The statement you provided to the Commission really didn't
12:36:06 45 deal with many of the issues within those conversations,
12:36:11 46 you'd agree with that?---Yes.
12:36:12 47

12:36:13 1 Is there a reason why you didn't at least deal generally
12:36:16 2 with some of those issues in your statement?---Well there's
12:36:23 3 probably a couple of reasons, predominantly because I
12:36:27 4 managed Nicola Gobbo as a witness, not as a human source,
12:36:32 5 and this Commission is concerned with the management of
12:36:35 6 Nicola Gobbo as a human source.
12:36:40 7
12:36:51 8 I'm not suggesting that you had access to the transcripts
12:36:53 9 at the time that you made your statement, I understand the
12:36:56 10 transcripts may have been, it may have been subsequently
12:37:00 11 transcribed, but you no doubt had some recollection of the
12:37:05 12 general nature and you've given some evidence of that in
12:37:08 13 any case as to what you were told by Ms Gobbo through this
12:37:11 14 period and what you came to learn?---Yes.
12:37:13 15
12:37:13 16 But you chose not to put those in your statement when you
12:37:16 17 made it?---I don't know whether I chose not to.
12:37:20 18
12:37:20 19 Because those matters that you did learn related to what
12:37:24 20 she'd been telling the SDU back in the day?---Yes.
12:37:31 21
12:37:33 22 And so that relates to what this Commission is inquiring
12:37:37 23 about?---Yes.
12:37:38 24
12:37:38 25 And you didn't put those in your statement?---No, I didn't.
12:37:40 26 Well, I believe, let me just check, I believe I make
12:37:48 27 mention in my statement to the method in which I recorded
12:38:02 28 information. Here we go. Paragraph 40. I refer to an
12:38:13 29 Interpose investigation and it's given a number there.
12:38:17 30
12:38:17 31 Yes?---And that's been provided with my statement, with my
12:38:20 32 material, and it all speaks to every contact, every
12:38:25 33 conversation that's audio recorded, every occasion I
12:38:28 34 briefed up, every direction I was given about contact with
12:38:32 35 her, not with her, is all recorded in that document, which
12:38:34 36 has been provided. So why repeat that in a statement
12:38:37 37 that's 14 pages? It would have ended up being 400 pages.
12:38:45 38
12:38:45 39 All right?---Are you suggesting I was trying to be
12:38:51 40 deceptive by not including it in my statement?
12:38:56 41
12:38:56 42 I'm suggesting to you that some of the significant issues
12:38:59 43 that you - - - ?---They're all there in the recordings.
12:39:01 44
12:39:02 45 And this is a statement that doesn't say, "Well I learnt
12:39:06 46 that she had conversations with the SDU which would
12:39:10 47 significantly compromise many, many" - - - ?---They're all

12:39:13 1 there in the recordings.
12:39:15 2
12:39:20 3 Now, the charges against Mr Dale were laid on 15 February
12:39:25 4 2011?---Yes.
12:39:26 5
12:39:26 6 How was it determined that that was the day to lay the
12:39:30 7 charges?---There was no science behind it.
12:39:39 8
12:39:41 9 Do you recall that day after you served the charges on
12:39:44 10 Mr Dale you went to Ms Gobbo's home?---I thought it was the
12:39:48 11 day of.
12:39:49 12
12:39:49 13 Sorry, did I say the day after, I meant the day of?---The
12:39:53 14 day of, yes.
12:39:54 15
12:39:54 16 You rang her when you were on the front doorstep?---Yes.
12:39:57 17
12:39:59 18 She seemed to be home?---That's right.
12:40:01 19
12:40:01 20 You told her you'd served some charges on Mr Dale for ACC
12:40:08 21 offences?---Yes.
12:40:09 22
12:40:09 23 And she informed you that her mother had died the previous
12:40:12 24 morning?---Yes.
12:40:13 25
12:40:13 26 Was there any thought within Victoria Police of holding off
12:40:17 27 laying charges until the death of Ms Gobbo's mother?---I
12:40:20 28 didn't know until she told me.
12:40:22 29
12:40:22 30 Do you know if there was any thought by anyone else given
12:40:26 31 to that matter?---I'm not certain anyone else knew. If
12:40:30 32 they did I wasn't advised, it's an awful, in terms of
12:40:35 33 timing, it's awful timing.
12:40:37 34
12:40:44 35 Can you say whose decision it was to lay the charges on
12:40:47 36 that day?---Me.
12:40:48 37
12:40:48 38 Was that done in consultation with anyone else?---I don't
12:40:52 39 think so. Well, in consultation - I certainly advised my
12:40:56 40 superior but as I say there was no science with that
12:41:01 41 particular day.
12:41:03 42
12:41:03 43 Later that day do you agree you spoke to Ms Gobbo
12:41:07 44 again?---Yes.
12:41:09 45
12:41:09 46 And there was reference in that conversation to the
12:41:12 47 confidential terms in the settlement in relation to her not

12:41:15 1 being called as a witness?---Yes.
12:41:17 2
12:41:17 3 And you informed Ms Gobbo that the Commonwealth DPP didn't
12:41:21 4 feel bound by that agreement?---That's right.
12:41:23 5
12:41:29 6 The following day you had a conversation involving Ms Gobbo
12:41:33 7 with her sister?---Yes.
12:41:34 8
12:41:36 9 Perhaps if we can bring up this transcript for the
12:41:43 10 witness?---And I should say that was an overt recording.
12:41:47 11 The recording device was placed on the table and she was
12:41:49 12 aware that meeting was being recorded.
12:41:51 13
12:41:52 14 Was that the case on every occasion you recorded
12:41:55 15 her?---That was the only occasion.
12:41:56 16
12:41:56 17 Right. Do you know if she suspected that she was being
12:42:02 18 recorded nevertheless?---She ought to have been.
12:42:07 19
12:42:11 20 Sorry, it's VPL.0100.0068.0021. You see just right at the
12:42:33 21 top it's got the date there, 16 February 2011?---Yes.
12:42:39 22
12:42:41 23 If we can go to p.4 of that document. You were having a
12:42:53 24 conversation with Ms Gobbo and her sister and you were
12:42:55 25 explaining the make up of the Driver Task Force steering
12:42:59 26 committee?---Yes.
12:43:01 27
12:43:01 28 Explaining that it included Deputy Commissioner Ken Jones
12:43:06 29 and Assistant Commissioner of the ESD, Emmett Dunne?---I
12:43:11 30 recall that now, yes. I didn't mention that name before
12:43:14 31 but I do recall that now.
12:43:15 32
12:43:15 33 That indicates at least at this stage that Mr Jones was
12:43:19 34 still on that steering committee?---Yes.
12:43:21 35
12:43:23 36 Were you explaining those things because you had some
12:43:27 37 awareness that Ms Gobbo liked knowing that senior people
12:43:30 38 were involved in her matter?---I can't recall why I was
12:43:37 39 describing the structure. I was trying to be as open as I
12:43:45 40 could be about the circumstances as to why this matter
12:43:48 41 hasn't gone away for her.
12:43:50 42
12:43:53 43 Upon being told the name Emmett Dunne there was some
12:43:57 44 reaction. Do you recall that occurring?---I do now.
12:44:00 45
12:44:01 46 Ms Gobbo's sister pointed out that Mr Dunne had been part
12:44:07 47 of the mediation in which the confidential settlement terms

12:44:11 1 involving Ms Gobbo not being called as a witness had been
12:44:14 2 agreed?---Yes.
12:44:14 3
12:44:15 4 She indicated that she was staggered that someone aware of
12:44:19 5 those terms would be involved in a decision to essentially
12:44:23 6 make Ms Gobbo a witness again?---Yes.
12:44:25 7
12:44:28 8 Do you recall Nicola Gobbo saying, "You've really been
12:44:32 9 given a shit sandwich, Boris"?---Yes, I do recall that.
12:44:35 10
12:44:37 11 Reflecting, you might agree?---Absolutely.
12:44:40 12
12:44:45 13 Do you recall at this early stage that Ms Gobbo raised
12:44:48 14 whether anyone had thought of what might be
12:44:52 15 subpoenaed?---Sorry, what was the last question?
12:44:54 16
12:44:54 17 Do you recall at this early stage that Ms Gobbo raised the,
12:44:59 18 whether anyone had thought about what might be subpoenaed
12:45:02 19 in this process?---I don't recall if she raised that.
12:45:06 20
12:45:06 21 If we can just scroll - sorry, to p.16. You'll see
12:45:32 22 there?---Yes.
12:45:32 23
12:45:33 24 You agree with that proposition?---Yes.
12:45:34 25
12:45:35 26 And then at p.19 Ms Gobbo refers to having sworn an
12:45:48 27 affidavit at earlier proceedings at the committal which
12:45:52 28 referred to material that the prosecution had told Mr Dale
12:45:56 29 didn't exist, which then caused him to issue new subpoenas
12:45:59 30 in that proceeding and the matter got adjourned?---Yes.
12:46:02 31
12:46:11 32 If we can go to p.32. Do you see there Ms Gobbo is
12:46:26 33 referring to her - sorry, just leave it - Ms Gobbo is
12:46:30 34 referring to her relationship with a particular witness,
12:46:32 35 the main witness against Mr Orman?---Yes.
12:46:36 36
12:46:37 37 And she went on to ask rhetorically, if I can find that
12:46:46 38 perhaps - you see there from line 6. "Now what would have
12:46:53 39 happened to", and she mentions that witness's name, "Or
12:46:57 40 what would happen to that witness if you or whoever it is
12:47:02 41 that's now dealing with him refused to give him his own
12:47:06 42 little section in his own little prison and refused to look
12:47:10 43 after him in terms of the reward payment and refused to
12:47:14 44 un-restrain the family home? Do you think he would have
12:47:20 45 cooperated? You know the answer, he would have said,
12:47:23 46 'Stick it up your arse, stick it up your arse. Take me
12:47:27 47 back to the Court of Criminal Appeal and let me be

12:47:30 1 resentenced' because those were his instructions to me a
12:47:34 2 number of years ago. Now if people like him could be
12:47:37 3 accommodated, I've done far, far more than any of those
12:47:40 4 people put together a thousandfold, and I've got nothing,
12:47:44 5 not even a thank you". Now, do you recall me asking you
12:47:49 6 some questions a number of days ago about whether there'd
12:47:52 7 been discussion about a reward with that witness?---Yes.
12:47:55 8
12:47:55 9 It seems as though he may have had, there may well have
12:48:00 10 been some discussions about a reward with that
12:48:03 11 witness?---There may have been.
12:48:03 12
12:48:04 13 Do you say you had no part in that?---That's right.
12:48:06 14
12:48:07 15 Who would have had discussions with that witness about a
12:48:09 16 reward?---I'm not sure.
12:48:12 17
12:48:12 18 You're aware at trial that witness was asked about whether
12:48:16 19 there was any reward and I think possibly yourself or
12:48:21 20 Mr Hatt were also asked about a reward and it was
12:48:25 21 denied?---What was denied, there was a reward?
12:48:29 22
12:48:29 23 It was denied that there had been any discussion with this
12:48:33 24 witness about any kind of reward?---Yes, that's right.
12:48:36 25
12:48:37 26 Is it the case that those discussions were had with someone
12:48:41 27 else so that investigators wouldn't know about them?---No.
12:48:44 28
12:48:46 29 It's apparent from this there had been some discussion
12:48:48 30 about a reward following Ms Gobbo taking those instructions
12:48:52 31 from him way back in 2007?---Yes, it is apparent. Just on
12:49:03 32 the reward, I've offered to speak about reward to some
12:49:07 33 extended degree in closed hearings at a later time, but a
12:49:15 34 person like this witness, and others, who have made
12:49:19 35 statements in relation to murders, they can't claim a
12:49:22 36 reward. That's preposterous that investigators would
12:49:26 37 discuss that with them, that they would be able to make
12:49:30 38 claim to reward having rolled and agreed to give evidence
12:49:34 39 for a discounted sentence on their murder matter. He has
12:49:38 40 put his hand up for his own involvement in the murder and
12:49:43 41 then seeks a reward, that's not a conversation that you
12:49:47 42 would have.
12:49:49 43
12:49:50 44 As soon as he raised it you'd say there's no
12:49:53 45 point?---Absolutely.
12:49:53 46
12:49:53 47 Would you regard record in your diary he's raised it?---You

12:49:59 1 may.
12:49:59 2
12:49:59 3 This seems to indicate also there's been discussions with
12:50:02 4 the witness about restraining property or un-restraining
12:50:05 5 property?---So whilst I am able to speak further about the
12:50:10 6 reward, I've no recollection and I think I would, of any
12:50:15 7 conversation that was had back in the time I was involved
12:50:18 8 in these matters with restraint of family homes and another
12:50:24 9 matter as well that's touched on - and isolated part of
12:50:31 10 prison.
12:50:32 11
12:50:32 12 Might this, might someone get a reward for something that
12:50:38 13 they've not gotten a discount for in relation to a
12:50:48 14 sentence? For example, if they make their statement, they
12:50:52 15 get their sentence, they get that taken into account, then
12:50:55 16 they cooperate further?---Yes, that's possible.
12:50:57 17
12:50:58 18 Right. Did this witness provide further statements after
12:51:05 19 his sentencing?---Many.
12:51:07 20
12:51:09 21 Might he have gotten a reward for those
12:51:13 22 matters?---Possibly.
12:51:13 23
12:51:19 24 If we can go to p.32, please?---I can say that he hasn't,
12:51:28 25 but it's a possible pursuit.
12:51:29 26
12:51:30 27 You see in the passage below that there's reference to
12:51:42 28 Mr O'Connell and there being 216 hours of recordings,
12:51:49 29 referring to what assistance or referring to assistance and
12:51:57 30 that Mr Dale, who knows what will come out if Mr Dale asks
12:52:02 31 for a copy of the recordings?---Yes.
12:52:05 32
12:52:05 33 Did you make inquiries following that in relation to those
12:52:08 34 recordings?---No.
12:52:10 35
12:52:14 36 Do you see your response there about those concerns?---Yes.
12:52:18 37
12:52:18 38 "Why would it come out? Ongoing investigations, PII will
12:52:22 39 retain that"?---Yes.
12:52:23 40
12:52:25 41 How do you know that there were ongoing investigations?---I
12:52:28 42 don't but that's an entirely reasonable PII claim to make,
12:52:35 43 that they would relate to ongoing investigations.
12:52:38 44
12:52:38 45 Without knowing that there were any ongoing investigations
12:52:42 46 you're providing that assurance that will make that claim
12:52:46 47 in any case?---I provide a lot of assurances in these

12:52:50 1 conversations.
12:52:50 2
12:52:50 3 Assurances that aren't true or you don't know are
12:52:54 4 true?---Well not - I'll take the second part, I accept the
12:52:57 5 second part, the way you put it. I don't accept the first
12:53:01 6 way you put it.
12:53:02 7
12:53:02 8 You're telling Ms Gobbo, "Don't worry about it, we'll make
12:53:06 9 a PII claim, we'll tell the court that there's ongoing
12:53:11 10 investigations"?---Yes.
12:53:12 11
12:53:20 12 If we can go to p.75, please. You see there at line 13
12:53:42 13 there's reference to a particular person?---Yes.
12:53:45 14
12:53:46 15 And that's a particular person who was the first,
12:53:52 16 essentially the first person that rolled for Purana, set
12:53:56 17 off the - - - ?---For the murders.
12:53:58 18
12:53:58 19 For the murders?---Yes.
12:53:59 20
12:53:59 21 Set off the chain?---Yes.
12:54:00 22
12:54:03 23 And that was one of the most significant breakthroughs for
12:54:16 24 Purana?---Yes.
12:54:17 25
12:54:17 26 Ms Gobbo told you that she wanted you to convey back to the
12:54:22 27 highest people with whom you were dealing in very clear
12:54:26 28 terms what she would expect for all that she'd achieved for
12:54:28 29 Victoria Police?---Yes.
12:54:28 30
12:54:37 31 She says that she didn't know if you knew all the ins and
12:54:51 32 outs of it, is that right?---She asks me that, does she?
12:54:57 33
12:54:57 34 It's confusing because it's under the "N". "I don't know
12:54:59 35 whether you know the ins and outs of it or not, but
12:55:03 36 certainly you know about" - and she refers to that
12:55:05 37 witness?---Yes.
12:55:06 38
12:55:06 39 That witness and forwards, because it all started with that
12:55:09 40 witness?---Yes.
12:55:11 41
12:55:11 42 And you say, "Does it" - sorry, I think it says - "Does it
12:55:19 43 predate that?" She says, "Yes. \$86 million worth of
12:55:31 44 assets seized", you see that?---Yes.
45
12:55:37 46 She said, "The High Court matter you went up to Canberra
12:55:40 47 for last week, you know how that happened?" Do you recall

12:55:43 1 that you'd mentioned to Ms Gobbo previously that you'd come
12:55:47 2 back on the plane from Canberra and had spoken to
12:55:51 3 Mr Richter, that was about the Orman matter in the High
12:55:55 4 Court?---I must have. That must be it.
12:55:57 5
12:55:57 6 You accept that?---Yes.
12:55:58 7
12:55:59 8 So she's referring to that, "That High Court matter that
12:56:01 9 you went up to Canberra for last week, you know how that
12:56:06 10 happened"?---Yes.
12:56:06 11
12:56:07 12 Referring to the Orman matter and she's claiming
12:56:09 13 responsibility for that?---Yes.
12:56:10 14
12:56:12 15 And you say, "Well I know you've said that the other day".
12:56:18 16 She says, "Go and ask". And you say, "I thought that was
12:56:23 17 my hard work". And Ms Gobbo responds, "Go and ask the
12:56:26 18 right people, Boris. It was a very well hidden thing.
19 That's why White, Green and Smith are exceptionally good
12:56:32 20 detectives, however one would have thought that after all
12:56:34 21 you do of that, someone shakes your hand and says thank
12:56:38 22 you", do you see that?---Yes.
12:56:39 23
12:56:40 24 You say after that, "You, you got" and it's indecipherable,
12:56:48 25 "Convicted for me" and I presume that says something like
12:56:52 26 Orman, would that be right, or consistent with what might
12:56:56 27 be missing from that?---Is it missing or did they just miss
12:57:00 28 it on the transcription?
12:57:01 29
12:57:02 30 I think it's missed on the transcription?---Yes, no, I
12:57:05 31 assume that's what it refers to.
12:57:07 32
12:57:09 33 And Ms Gobbo says, "You know you don't need me to say it
12:57:13 34 for the tape "and you say, "No, I was going to shake your
12:57:16 35 hand if you said yes" and Ms Gobbo says, "Well, over 200
12:57:20 36 people" and she wanted some gratitude, is that
12:57:24 37 right?---Yes.
12:57:24 38
12:57:26 39 She was at that point claiming credit for the conviction of
12:57:31 40 Mr Orman?---Yes.
12:57:32 41
12:57:33 42 She was doing so referring to work she'd done with members
12:57:37 43 of the SDU?---Yes.
12:57:38 44
12:57:39 45 Did you have any concern at that point that Ms Gobbo may
12:57:42 46 have been involved in perverting the justice system?---No.
12:57:45 47

12:57:46 1 Didn't occur to you?---No, I thought she was exaggerating.
12:57:49 2
12:57:49 3 Did you have any concerns at that point that the police may
12:57:53 4 have been involved in something untoward?---No.
12:57:55 5
12:57:57 6 Did you think you better go and check it out?---No.
12:57:59 7
12:58:00 8 You knew that Mr Orman wanted to challenge or had
12:58:03 9 challenged his conviction to the highest court in the
12:58:07 10 land?---Yes.
12:58:07 11
12:58:09 12 This was a person that represented Mr Orman?---Yes.
12:58:12 13
12:58:13 14 This was a person that had represented the witness against
12:58:16 15 Mr Orman?---Yes.
12:58:18 16
12:58:19 17 This was a person who you knew to be a human source for
12:58:23 18 police?---Yes.
12:58:24 19
12:58:24 20 And you didn't think that there might be something that
12:58:26 21 needed to be checked out?---Well ultimately I did but not
12:58:34 22 immediately following this conversation.
12:58:37 23
12:58:39 24 You say ultimately you did, that wasn't in relation to this
12:58:42 25 at all, was it?---Well it was in relation to her having
12:58:47 26 been a human source and it was apparent to me had been a
12:58:51 27 human source over a long period of time in relation to a
12:58:54 28 large number of matters.
12:58:56 29
12:58:56 30 When you checked it out was it with a view to saying, "We
12:59:00 31 need to expose this because there might have been some,
12:59:03 32 there might be some people sitting in gaol who might have
12:59:06 33 been convicted unfairly" or was it with a view to not
12:59:10 34 exposing that so we didn't get any convictions upset?---It
12:59:14 35 didn't occur to me initially, the first part as you put it.
12:59:19 36 I wasn't as privy then as I am now with what happened. My
12:59:29 37 concern at the time was more around, around safety and
12:59:36 38 methodology, methodology which includes how we manage human
12:59:41 39 sources. It didn't occur to me at that time the concerns
12:59:46 40 that we're essentially here for now.
12:59:49 41
12:59:51 42 Did you at this stage have any concerns that Mr Orman may
12:59:55 43 well not have received a fair trial?---It didn't occur to
12:59:59 44 me. I didn't realise her involvement as described.
13:00:06 45
13:00:06 46 She was telling you of her involvement and that she was
13:00:09 47 responsible?---And I didn't believe her.

13:00:12 1
13:00:12 2 Did you go and ask anyone, "What about this"?---The best
13:00:16 3 person to ask would be the informant and I didn't regard
13:00:19 4 that she had any credit in the prosecution, the
13:00:23 5 investigation or the prosecution.
13:00:23 6
13:00:24 7 The best people to ask might have been the HSMU or the SDU,
13:00:30 8 they were the holders of the material, material that
13:00:32 9 possibly ought to have been disclosed to defence during
13:00:35 10 those proceedings?---I certainly accept they did hold such
13:00:38 11 material but I wasn't aware that, at that time that they
13:00:41 12 did.
13:00:41 13
13:00:42 14 You could have at least gone to check the veracity of what
13:00:48 15 Ms Gobbo was claiming?---As I say I did have a number of
13:00:51 16 conversations with Sandy White and he assured me that at no
13:00:53 17 stage did Nicola Gobbo provide any information that was
13:01:01 18 within client/lawyer confidentiality.
13:01:03 19
13:01:03 20 You knew that she had represented the witness and Mr Orman
13:01:06 21 and she's saying here, "You've got that conviction because
13:01:11 22 of me". You knew that things hadn't been disclosed to
13:01:13 23 defence that ought to have been disclosed to defence?---I
13:01:16 24 didn't believe at that stage that she had contributed.
13:01:19 25
13:01:21 26 And you didn't go and make inquiries at that stage?---No.
13:01:30 27
13:01:31 28 You offered to shake her hand?---Yes.
13:01:33 29
13:01:36 30 You did that because you wanted to secure her assistance in
13:01:38 31 relation to another prosecution?---Yes.
13:01:40 32
13:01:44 33 If we can go to p.106, please. Ms Gobbo raised concerns
13:02:07 34 about the mishandling - as to what she says was the
13:02:12 35 mishandling of subpoenas in relation to the Petra committal
13:02:16 36 prosecution, is that right?---Yes.
13:02:18 37
13:02:18 38 Saying that the Petra stuff had been handed over and that
13:02:21 39 some of that had been handed over and that blew her
13:02:25 40 mind?---Yes.
13:02:25 41
13:02:26 42 And you referred to having been whacked pretty hard with
13:02:30 43 subpoenas in your time, particularly by Brian Rolfe?---Yes.
13:02:33 44
13:02:33 45 And that you play pretty hard with subpoenas?---Yes.
13:02:36 46
13:02:38 47 What do you mean by that?---You defend the claims that you

13:02:41 1 make very strongly, your PII claims. But of course you
13:02:47 2 don't defend them on your feet on your own, you instruct
13:02:51 3 the VGSO. In my cases, in my homicide cases independent
13:02:55 4 counsel would assist you with the provision of the response
13:02:58 5 documents and the related affidavits, some confidential,
13:03:02 6 some open.
13:03:03 7
13:03:04 8 Do you interpret them as narrowly as possible so that
13:03:07 9 material that otherwise might be caught by them
13:03:11 10 isn't?---You certainly do seek to protect a large amount of
13:03:18 11 material very strongly.
13:03:19 12
13:03:19 13 And is that by interpreting them as narrowly as
13:03:26 14 possible?---As you are legally able to, yes.
13:03:29 15
13:03:43 16 On 10 March 2011 in your day book you've got a reference to
13:03:47 17 speaking to Detective Paul Rowe in relation to, it seems
13:03:56 18 the Posse witness, we'll call him that, and F, being
13:04:00 19 Ms Gobbo, and Dale. Do you recall what that might be
13:04:05 20 about?---What was the date, sorry?
13:04:08 21
13:04:08 22 10 March 2011?---Posse witness and Dale?
13:04:13 23
13:04:13 24 Yes, you know who I'm talking about when I say the witness
13:04:17 25 Posse?---No, sorry, I don't know what the relationship is
13:04:50 26 between the Posse witness and Dale.
13:04:52 27
13:04:53 28 Do you know why you might be speaking to Detective Paul
13:04:57 29 Rowe about - - - ?---He was a Posse investigator.
13:04:59 30
13:04:59 31 Yes, about that witness, Ms Gobbo and Mr Dale?---Are they
13:05:03 32 dot points?
13:05:04 33
13:05:05 34 You can have a look in your day book if you like, it's got,
13:05:10 35 it's at 15:30?---Sorry, what's the date again?
13:05:14 36
13:05:14 37 10 March 2011?---I don't think I've got those later
13:05:18 38 daybooks here. These ones go up to 09, sorry.
13:05:24 39
13:05:24 40 COMMISSIONER: Would they be in the courtroom,
13:05:28 41 Mr Buick?---I believe so, Commissioner.
13:05:30 42
13:05:30 43 MS ARGIROPOULOS: My instructor can find them,
13:05:34 44 Commissioner.
13:05:34 45
13:05:34 46 COMMISSIONER: Thank you Ms Argiropoulos.
13:06:10 47

13:06:10 1 MS TITTENSOR: We can bring it up on the witness's screen.
13:06:13 2 It's RCMPPI.0084.0001.0002 at p.180. See that there,
13:06:36 3 Mr Buick?---Yes.
13:06:37 4
13:06:37 5 It's specifically the entry at 15:30?---Yes.
13:06:40 6
13:06:42 7 Can you shed any light on what you might be speaking to
13:06:45 8 Mr Rowe about in relation to those matters?---No, I can't,
13:06:50 9 sorry.
13:06:51 10
13:06:52 11 MR CHETTLE: Can I see this or not? Is there any reason
13:06:57 12 why we have gone off the default position? The default
13:07:02 13 position is we get it unless someone says no I think.
13:07:06 14
13:07:07 15 MS TITTENSOR: It's got a particular name in there.
13:07:10 16
13:07:11 17 COMMISSIONER: As long as it's not up on the big screen, no
13:07:14 18 one can see it apart from those at the Bar table.
13:07:16 19
13:07:17 20 MS TITTENSOR: In any case you see what that is and you
13:07:20 21 can't shed any light on it?---No, sorry, I'm not sure what
13:07:24 22 the relationship is.
13:07:25 23
13:07:25 24 Are you aware whether there was any concern about Ms Gobbo
13:07:28 25 visiting or having communications with that person during
13:07:31 26 that time?---Which one, the first one or Dale?
13:07:35 27
13:07:35 28 The first one?---No.
13:07:36 29
13:07:41 30 Your day book through the year indicates at various times
13:07:45 31 you having communication with Mr Waddell. Was there a
13:07:51 32 cross over between what you were doing and the Briars Task
13:07:55 33 Force?---Cross over? No. Only the involvement of Nicola
13:08:10 34 Gobbo.
13:08:10 35
13:08:10 36 Were you kept updated or did you have any knowledge of her
13:08:15 37 involvement with that Task Force?---No.
13:08:17 38
13:08:24 39 If we can go to your diary of 18 July 2011. It seems on
13:08:34 40 that day you were having, you had some communication with
13:08:39 41 Mr L'Estrange in relation to Ms Gobbo and Higgs. Do you
13:08:45 42 see that there?---Yes.
13:08:47 43
13:08:49 44 You have a call with Nigel L'Estrange re F, Higgs and
13:08:56 45 others below that?---Yes.
13:08:57 46
13:08:59 47 Can you shed any light on what that's about?---No, sorry, I

13:09:02 1 can't.

13:09:03 2

13:09:08 3 I'm sort of having a look at that now. In that list of
13:09:12 4 names you've got Ms Gobbo, Higgs, another name and is that
13:09:17 5 Steve Butcher?---Shane.

13:09:19 6

13:09:19 7 Shane Bujera?---Shane Bujera I think.

13:09:27 8

13:09:28 9 Do you know what that's about?---No, sorry, I can't recall.

13:09:31 10

13:09:31 11 Is there any reason you're having communications about
13:09:35 12 Ms Gobbo's involvement with other accused during this
13:09:40 13 period of time?---No, I can only assume that somehow she's
13:09:53 14 connected to each of those people.

13:10:09 15

13:10:09 16 If we can go to p.200. That might not be necessary, sorry.
13:10:24 17 Now, if we can go to the transcript from 24 August 2011.
13:10:30 18 It's VPL.0100.0068.0644. This is an occasion on which
13:11:03 19 you're meeting with Ms Gobbo again in the legal precincts,
13:11:08 20 is that right?---Yes.

13:11:09 21

13:11:09 22 And the Jason that's referred to in this and other
13:11:13 23 transcripts is?---Jason Lebusque.

13:11:17 24

13:11:17 25 What was his rank?---Detective Sergeant.

13:11:19 26

13:11:20 27 Did he work at Driver with you?---On my crew, he came
13:11:24 28 across from ESD with me.

13:11:28 29

13:11:29 30 If we can go to p.31, please. You were having a discussion
13:11:40 31 with Ms Gobbo essentially about why the Crown wanted to
13:11:43 32 call her. Do you see that?---Yes.

13:11:48 33

13:11:52 34 There's some discussion there about her having conducted
13:11:56 35 the recording and if the defence raise client/lawyer
13:11:59 36 conversations she can give the evidence that it
13:12:02 37 wasn't?---Yes.

13:12:02 38

13:12:02 39 And then if we go further ahead to p.37, I'll just try and
13:12:07 40 put these general propositions to you, Mr Buick. Ms Gobbo
13:12:12 41 discussed how she came to record Mr Dale and what had been
13:12:16 42 promised by Mr Overland if she became a witness, do you
13:12:20 43 recall having those conversations with her?---Not
13:12:22 44 specifically but I don't dispute that.

13:12:25 45

13:12:29 46 And you'll see down the bottom there it's a very big
13:12:33 47 decision, it's life changing?---Yes.

13:12:35 1
13:12:41 2 If we go to p.45. You see down the bottom of that passage
13:12:58 3 Ms Gobbo indicates to you that she's still being told about
13:13:02 4 crimes that someone would be interested in?---Yes.
13:13:04 5
13:13:05 6 That's something you referred to in your statement, that
13:13:07 7 Ms Gobbo continued to provide information in relation to
13:13:11 8 matters unrelated to Dale?---Yes.
13:13:13 9
13:13:13 10 She couldn't help but want to provide
13:13:16 11 information?---Absolutely.
13:13:16 12
13:13:18 13 What was your reaction to such things?---My focus was
13:13:26 14 fairly narrow. I was also confined by this unknown
13:13:32 15 arrangement that she had with Victoria Police.
13:13:39 16
13:13:39 17 But nevertheless you were pretty keen as well - - - ?---Can
13:13:42 18 I finish?
13:13:43 19
13:13:44 20 Sorry?---These are matters that had been raised and managed
13:13:50 21 and recorded with multiple handlers and with the
13:13:56 22 investigators at Petra, Briars, possibly some other
13:14:04 23 investigative groups. It sounds flippant but I was just
13:14:11 24 trying to ignore a lot of the noise, white noise, and focus
13:14:15 25 on getting her before the court for the ACC prosecution.
13:14:19 26
13:14:20 27 Did you also have in mind potential prosecutions beyond
13:14:24 28 that and gathering evidence for those?---You'll see in a
13:14:27 29 document I prepare some time after this that I actually do
13:14:30 30 seek to have her examined for further information.
13:14:39 31
13:14:40 32 But through this process, I mean you were also interested
13:14:44 33 in seeing what she could, what tidbits of information she
13:14:50 34 might give you through this process?---No, I didn't want
13:14:51 35 the tidbits.
13:14:54 36
13:14:55 37 COMMISSIONER: Is that a convenient time?
13:14:58 38
13:14:59 39 MS TITTENSOR: Yes Commissioner.
13:14:59 40
13:15:00 41 MR CHETTLE: Can I raise a matter before you do adjourn?
13:15:02 42
13:15:02 43 COMMISSIONER: Yes.
13:15:02 44
13:15:03 45 MR CHETTLE: Ms Tittensor described the transcripts as
13:15:05 46 recording significant conversations about her involvement
13:15:08 47 with the SDU was the phrase she used. I haven't seen them,

13:15:14 1 we didn't know they existed and it seems to me if they
13:15:17 2 relate to my clients we should look at them.
13:15:21 3
13:15:21 4 COMMISSIONER: They are referred to in paragraph 40 of the
13:15:23 5 witness's statement.
13:15:24 6
13:15:24 7 MR CHETTLE: They haven't been provided to me.
13:15:26 8
13:15:26 9 COMMISSIONER: Which you've had. Are they on some database
13:15:33 10 that Mr Chettle has access to or what's the position?
13:15:38 11
13:15:39 12 MR CHETTLE: They would be unlikely to be on mine.
13:15:42 13
13:15:42 14 COMMISSIONER: Let's find out.
13:15:43 15
13:15:43 16 MS ARGIROPOULOS: I don't believe Mr Chettle would have
13:15:45 17 access to them. They are referred to as being on the
13:15:48 18 Interpose database. Some of them were there, others have
13:15:50 19 been produced to the Commission. But I can seek some
13:15:52 20 instructions over lunch in relation to them.
13:15:55 21
13:15:55 22 COMMISSIONER: Can you try and get something to Mr Chettle?
13:15:58 23
13:15:58 24 MS TITTENSOR: We have raised there are some issues in
13:16:01 25 relation to Commonwealth prosecutions and they may need - -
13:16:06 26 -
13:16:06 27
13:16:06 28 COMMISSIONER: The CDPP too should probably have access.
13:16:09 29 If you could organise that, Ms Argiropoulos, that would be
13:16:13 30 very good.
31
13:16:14 32 MS ARGIROPOULOS: Yes.
13:16:14 33
13:16:14 34 MS TITTENSOR: Commissioner, I might just say in relation
13:16:14 35 to the ACC matter, we've received some submissions and
13:16:21 36 perhaps if that interim order can be extended until after
13:16:24 37 lunch.
13:16:24 38
13:16:25 39 COMMISSIONER: Yes, all right. We'll extend it until 2.30
13:16:26 40 and we'll deal with it at 2 o'clock.
41
42 MS TITTENSOR: Thank you Commissioner.
43
13:16:51 44 <(THE WITNESS WITHDREW)
13:16:52 45
13:16:52 46 LUNCHEON ADJOURNMENT
47

13:16:52 1 UPON RESUMING AT 2.00 PM:
2
14:04:19 3 COMMISSIONER: I perhaps should have mentioned earlier, I
14:04:21 4 meant to, we'll be sitting until 4.30 or thereabouts this
14:04:26 5 afternoon.
14:04:27 6
14:04:28 7 MS TITTENSOR: Thank you, Commissioner.
8
14:04:29 9 COMMISSIONER: Now, the application by the ACC.
14:04:37 10
14:04:38 11 MS TITTENSOR: Yes. Commissioner, we've received some
14:04:39 12 submissions before lunch. We'd seek some further
14:04:47 13 information or submissions from ACIC by next Wednesday
14:04:53 14 addressing, in relation to each of the claims that are made
14:04:57 15 in the transcript, whether an ECD exists and, in each of
14:05:08 16 those cases, if it does exist, whether the ACC or ACIC is
14:05:13 17 prepared to vary the order such that we could publish the
14:05:16 18 questions and answers that we've received in the
14:05:19 19 transcript, and we note on the face of a number of the
14:05:25 20 claims made that such orders must not exist or must have
14:05:30 21 been varied in the past in the proceedings of Mr Orman and
14:05:35 22 Solicitor 2, who was charged with ACC offences.
14:05:40 23
14:05:40 24 MS GREENHAM: Commissioner, could these be dealt with in
14:05:43 25 closed court given that we're speaking now about these
14:05:47 26 actual witnesses, or that could be struck from the
14:05:51 27 transcript, those references to the ACC hearings relating
14:05:55 28 to those witnesses.
14:06:00 29
14:06:00 30 MS TITTENSOR: We don't really need to say any more but,
14:06:07 31 Commissioner, we also note that a number of - - -
32
14:06:13 33 COMMISSIONER: Was it in public, the charging with the ACC
14:06:17 34 offences?
14:06:18 35
14:06:18 36 MS TITTENSOR: Yes, Commissioner, it was published in the
14:06:21 37 newspaper.
38
14:06:22 39 COMMISSIONER: Yes, all right. No, I don't need to make
14:06:23 40 those orders at the moment. But just be careful,
14:06:25 41 Ms Tittensor, with what you say.
14:06:28 42
43 MS TITTENSOR: Yes.
44
45 COMMISSIONER: What is proposed?
46
14:06:28 47 MS TITTENSOR: We expect that a number of those orders

14:06:30 1 don't exist or have been varied such that those proceedings
14:06:34 2 continued and included that material. We also - - -
3
14:06:39 4 COMMISSIONER: Just to cut things short, as I understand it
14:06:42 5 what I'm proposing to do is to extend the orders until the
14:06:45 6 date the Commission is next sitting after today, which is
14:06:50 7 11 November, until 4.30 on 11 November. I'll continue the
14:06:55 8 existing orders until then. I'll direct that the ACC
14:07:00 9 provide any material in respect of - any further relevant
14:07:09 10 material including but not limited to information about
14:07:15 11 Examiner confidentiality directions to the Commission by
14:07:20 12 4.30 pm on Wednesday 6 November.
14:07:27 13
14:07:27 14 MS GREENHAM: Commissioner, I have instructions from my
14:07:30 15 client that I haven't been able to further alter which
14:07:35 16 suggests that we could provide that further information by
14:07:37 17 Friday next week, if I may submit that we have that extra
14:07:41 18 time.
19
14:07:42 20 COMMISSIONER: It seems a remarkably long time to
14:07:46 21 just - - -
22
14:07:48 23 MS GREENHAM: My instructions, Commissioner, it's not just
14:07:49 24 about finding any ECDs, it's about any variations or
14:07:53 25 potential other suppression orders that flow from that and
14:07:55 26 that there's a bit of digging involved in unearthing that
14:08:01 27 material.
28
14:08:02 29 COMMISSIONER: Are you content for that time frame?
14:08:05 30
14:08:05 31 MS TITTENSOR: Yes, Commissioner.
32
14:08:07 33 COMMISSIONER: All right. That material is to be provided
14:08:09 34 to the Commission by 4.30 pm by Friday 15 November. I'll
14:08:18 35 extend the non-publication orders in respect of the ACC
14:08:22 36 material until 4.30 pm on Monday 18 November and if the
14:08:27 37 matter hasn't been able to be sorted out between counsel
14:08:31 38 for the Commission and counsel for the ACC I'll hear the
14:08:34 39 matter at 4.30 on 18 November.
14:08:39 40
14:08:40 41 MS TITTENSOR: Thank you, Commissioner.
14:08:41 42
14:08:41 43 MS GREENHAM: Thank you, Commissioner.
14:08:48 44
14:08:48 45 <BORIS BUICK, recalled:
14:08:53 46
14:08:53 47 MS TITTENSOR: Commissioner, I understand I failed to

14:08:56 1 tender a number of documents before the luncheon
14:09:00 2 adjournment. One was the email dated 16 December 2008 from
14:09:07 3 Mr O'Mahoney to Mr Buick with the attachment letter from
14:09:14 4 Grigor Lawyers.
14:09:26 5
14:09:27 6 #EXHIBIT RC678A - (Confidential) Email dated 16/12/08 from
14:09:07 7 Mr O'Mahoney to Mr Buick with
14:09:11 8 attachment letter from Grigor Lawyers.
14:09:30 9
14:09:32 10 #EXHIBIT RC678B - (Redacted version.)
14:09:33 11
14:09:33 12 And the transcript that I took the witness to of 16
14:09:36 13 February 2011.
14
14:09:56 15 COMMISSIONER: Did you want to tender the transcripts as
14:10:00 16 a - - -
14:10:00 17
14:10:01 18 MS TITTENSOR: Yes, I can tender them as one bundle.
19
14:10:03 20 COMMISSIONER: A bundle of exhibits. It's probably as well
14:10:06 21 to do that.
14:10:06 22
14:10:07 23 MS TITTENSOR: Yes. Yes, it's 9 November. I think there
14:10:25 24 might be one further later on.
25
14:10:37 26 COMMISSIONER: I'll just say until November 2011. That
14:10:41 27 will be 679.
14:10:45 28
14:10:47 29 #EXHIBIT RC679A - (Confidential) Transcripts of tapes
14:10:11 30 between Mr Buick and Nicola Gobbo from
14:10:13 31 15/2/11 until 11/11.
14:10:52 32
14:10:52 33 #EXHIBIT RC679B - (Redacted version.)
14:10:54 34
14:10:56 35 Do you want to just at the end of this cross-examination
14:11:05 36 highlight the pages that you've referred to for priority
14:11:16 37 PIIing?
14:11:18 38
14:11:18 39 MS TITTENSOR: Yes, I'm attempting to do that on the way
14:11:20 40 through so it should - yes.
41
14:11:24 42 COMMISSIONER: Perhaps your instructing solicitors could
14:11:25 43 keep a tab of the pages that you refer to.
14:11:28 44
14:11:29 45 MS TITTENSOR: I have some pages in my notes so that will
14:11:31 46 be easily done.
47

14:11:32 1 COMMISSIONER: Give those to me at the end of this area of
14:11:35 2 cross-examination, thank you.
14:11:37 3
14:11:43 4 MS TITTENSOR: Perhaps we can put the 24 August transcript
14:11:47 5 back up on the screen, please. I think we were dealing
14:12:03 6 with that page, that's p.45, before the break and if we can
14:12:08 7 now go to p.55. It's during the course of this
14:12:17 8 conversation that Ms Gobbo is taken to the Commonwealth
14:12:22 9 DPP, is that right? Do you recall that meeting?---That's
14:12:26 10 what this transcript relates to, is it?
11
14:12:28 12 Yes?---It's an actual meeting?
13
14:12:32 14 Yes?---Yes.
15
14:12:33 16 This is on 24 August 2011 and Ms Gobbo goes along to a
14:12:37 17 meeting with yourself and Mr Lebusque and present from the
14:12:47 18 Commonwealth DPP are Krista Breckweg, Shane Kirne, Vicky
14:12:52 19 Argitis?---Yes.
20
14:12:56 21 You'll see there Ms Breckweg getting introduced to
14:13:03 22 Ms Gobbo, do you see that?---Yes.
23
14:13:08 24 If we can go to p.67, please. You'll there's been some
14:13:14 25 discussion about the matter and Ms Gobbo indicates pretty
14:13:24 26 directly, "I don't know that you're going to be happy to
14:13:26 27 hear this but I'm not going to give evidence"?---Yes.
28
14:13:29 29 Do you recall - if we scroll through that and subsequent
14:13:32 30 pages - she spoke significantly about her health
14:13:36 31 issues?---Yes.
32
14:13:37 33 And she spoke about her safety and protection
14:13:41 34 issues?---Yes.
35
14:13:48 36 If we can go to p.114, please. Do you see there that
14:14:01 37 Ms Gobbo says that there's an enormous amount of material
14:14:06 38 that could be subpoenaed that would cause her irreparable
14:14:11 39 damage?---Yes.
40
14:14:12 41 And she's very scared of that coming out?---Yes.
42
14:14:23 43 If we can scroll further down. Sorry, you've gone too far.
14:14:33 44 She says there at the bottom of the page, it doesn't matter
14:14:36 45 whether she goes to gaol, she's not going to put herself in
14:14:39 46 a position where there's even half a chance of that stuff
14:14:42 47 coming out?---Yes.

1
14:14:46 2 She indicates that you might have some idea of what it
14:14:49 3 might be and "I'm not understating when I say it would lead
14:14:54 4 me to being killed, am I Boris"?---Yes.
5
14:15:00 6 Do you recall that occurring?---Not specifically but I
14:15:02 7 don't dispute that.
8
14:15:04 9 You agreed with her at that stage?---Yes.
10
14:15:06 11 Is that because you were aware of the significant matters
14:15:09 12 in which she had provided information to the police by that
14:15:15 13 time?---It seems sufficiently so, yes. Sufficiently so to
14:15:18 14 agree with her that she was likely to be killed.
15
14:15:26 16 If we go further down there's some talk about subpoenas and
14:15:33 17 Ms Gobbo says that "if anyone serves a subpoena and it's
14:15:41 18 not going to be properly defended could somebody please
14:15:45 19 tell me" and she'd consider being represented by
14:15:48 20 herself?---Yes.
21
14:15:49 22 She indicates that she'd been assured in the Petra
14:15:55 23 prosecutions that a subpoena would be properly defended and
14:15:59 24 she expected not to be - there was some expectation that
14:16:02 25 she just wouldn't be exposed as an informer in those
14:16:07 26 processes, do you agree with that?---I don't dispute that.
27
14:16:11 28 Is that your understanding of what the expectation was in
14:16:16 29 relation to Ms Gobbo being called as a witness both in
14:16:22 30 Petra and in this proceeding initially, that there was
14:16:26 31 simply going to be no question of examining her credit at
14:16:30 32 all through the material held by the SDU?---I don't know
14:16:35 33 what the thinking of Petra was. From my point of view it
14:16:42 34 would be unavoidable.
35
14:16:45 36 Well at this stage you would have been - you didn't even
14:16:51 37 know what that material held and you knew it would likely
14:16:54 38 be relevant I suggest?---Yes.
39
14:16:58 40 You hadn't taken any steps at this stage to inquire into
14:17:02 41 it?---The Petra subpoena material?
42
14:17:05 43 Yes?---Well there were - there was a truckload of material
14:17:13 44 and I had looked at a fair bit of it, not all of it but,
14:17:20 45 yeah. As I say, there's no question she would have been
14:17:23 46 subject to discovery and claim.
47

14:17:30 1 If we can go to p.117, please. Ms Gobbo theorises, you see
14:17:42 2 at the top there, that, she apologises for interrupting and
14:17:48 3 she says, "The problem is if I were acting for Dale and I
14:17:53 4 was cross-examining me, one of the first things I would ask
5 would be a very simple question, when's the first time you
14:17:59 6 spoke to police about my client?" Someone says, "M'mm".
14:18:01 7 Ms Gobbo says, "And the answer to that question, I may as
14:18:04 8 well kill myself for what will come out"?---Yes.
9
14:18:08 10 We know that Ms Gobbo had spoken about Dale from near to
14:18:14 11 the start of her time informing at the SDU?---I accept
14:18:17 12 that.
13
14:18:23 14 When did you become aware that she had been giving the SDU
14:18:29 15 information in relation to Mr Dale?---Once I arrived at
14:18:35 16 Driver.
17
14:18:35 18 By this time you knew that the SDU held material in
14:18:38 19 relation to Ms Gobbo's, or Ms Gobbo providing information
14:18:41 20 about Mr Dale?---I hadn't seen it but I assume so, they
14:18:45 21 must have.
22
14:18:46 23 And were you aware that that included her historic
14:18:52 24 knowledge of Mr Dale, that is prior to when she gave that
14:18:56 25 information back around the time of the Hodson murders and
14:19:00 26 the Gallop Street burglary, sorry, the Operation Gallop
14:19:05 27 burglary?---I didn't know how far it extended.
28
14:19:08 29 Were you aware that it also included meetings that she'd
14:19:12 30 had with Mr Dale following on from her being
14:19:18 31 registered?---Again, I didn't see the material but I would
14:19:21 32 assume it would all be recorded.
33
14:19:29 34 If we can go to the following page, please. Do you see at
14:19:36 35 the top there Ms Breckweg refers to, "Well, if they do
14:19:40 36 issue a subpoena", do you see that?---Yes.
37
14:19:43 38 And then Ms Gobbo interjects and she says, "I don't want to
14:19:49 39 talk cryptically but it's maybe a conversation for another
14:19:51 40 day. But it affects matters that are being prosecuted by
14:19:54 41 your office at the moment". Ms Breckweg says, "Okay".
14:19:58 42 Ms Gobbo says, "Very significant matters". Ms Breckweg
14:20:03 43 then says, "I think - I think I know what you're talking
14:20:06 44 about, but just a rough guess. Yeah, okay, so - yeah, I
14:20:10 45 understand what you're saying. So it's - it's not just -
14:20:15 46 your view is it's not just the threat from Dale" and
14:20:24 47 there's a response from someone else it seems, "No".

14:20:29 1 Ms Breckweg goes on, "It's the threat from other people".
14:20:32 2 And Ms Gobbo says, "Yeah"?---Yes.
3
14:20:36 4 Ms Gobbo goes on, "Yeah". Ms Breckweg then says, "Well,
14:20:43 5 that's something we have to take very seriously". The
14:20:45 6 other female says, "It is, it is, and that's". Ms Breckweg
14:20:49 7 says, "Very seriously". Ms Gobbo then after that passage
14:20:54 8 says, "And it's not something" - it's hard to read under
14:21:01 9 the writing there. But she says she needs supports in
14:21:11 10 place and she tried her best to do what they tell her to do
14:21:16 11 and this is an utter nightmare, do you see that?---Yes.
12
14:21:25 13 Ms Gobbo, after having told the Commonwealth DPP or
14:21:32 14 discussed with the Commonwealth DPP her health
14:21:39 15 issues?---Yes.
16
14:21:40 17 And general concerns about her safety in relation to
14:21:44 18 threats when it was becoming apparent that they still
14:21:48 19 wanted to call her evidence, got pretty specific; is that
14:21:51 20 right?---Yes.
21
14:21:52 22 And said, "Well, some of this could affect another case of
14:21:57 23 yours"?---Yes.
24
14:21:58 25 And that was a case that was running at that stage?---I
14:22:01 26 didn't know that at the time. I believe now I know which
14:22:05 27 case she was referring to, but it went over my head a
14:22:09 28 little bit at the time.
29
14:22:10 30 If we can go to p.139. After you left the DPP you and
14:22:25 31 Jason Lebusque and Ms Breckweg continued to talk to
14:22:29 32 Ms Gobbo; is that right?---Yes.
33
14:22:34 34 You indicate to Ms Gobbo, well you ask her, "What was that
14:22:39 35 matter you were talking about back then"?---Yes.
36
14:22:42 37 "Can you just tell me, I'm not as clever, you know, as the
14:22:45 38 rest of you. What's the current prosecution that's the
14:22:47 39 issue?" Ms Gobbo said, "World's biggest ever importation
14:22:53 40 of ecstasy". You say, "Who's up on that?" Ms Gobbo says,
14:23:00 41 "Higgs, Karam, Barbaro, the highest level of organised
14:23:02 42 crime dealers". you say, "So they're all". Ms Gobbo says,
14:23:04 43 "Now I can tell you, you being the ACC and VicPol and the
14:23:08 44 AFP didn't have a fucking clue about that. I actually had
14:23:12 45 the shipping documents. I got my hands on them and that's
14:23:16 46 how you found the world's biggest ever single seizure of
14:23:23 47 ecstasy in the world. Now you think I'm going to risk

14:23:26 1 those people finding out? No fuckin' way"?---Yes.
2
14:23:34 3 If we go over the page to 140. She indicates that those
14:23:40 4 matters, the provision of the shipping documents and so
14:23:43 5 forth, occurred when she was with Mr White at the
14:23:47 6 SDU?---Yes.
7
14:23:56 8 Were you aware that throughout that period of time she was
14:23:59 9 representing Mr Karam?---No.
10
14:24:06 11 Would that have caused you some concern if you had have
14:24:14 12 known that?---Would it have caused me concern?
13
14:24:16 14 Yes?---In the management of my singular prosecution? I
14:24:24 15 wasn't - I didn't know enough about this other
14:24:27 16 investigation to really assess that. I wasn't sure who was
14:24:32 17 involved in that Federal investigation.
18
14:24:36 19 Is it generally of concern that Ms Gobbo might be informing
14:24:39 20 on someone and representing them at the same time?---Sorry,
14:24:44 21 is that what you're asking me the essence of the concern
14:24:47 22 is?
23
14:24:48 24 Yes?---Not safety, this is about ratting on her client?
25
14:24:52 26 Yes?---Yes, that would be of concern.
27
14:24:54 28 That would be generally of concern?---That would be of
14:24:55 29 concern as well, yes.
30
14:24:55 31 And that would have certainly an impact upon Ms Gobbo's
14:25:02 32 credit?---Yes.
33
14:25:05 34 And her ethics as a lawyer?---Yes.
35
14:25:10 36 And that would be relevant in any prosecution?---Yes.
37
14:25:16 38 I'm not suggesting that it's not also relevant to her
14:25:18 39 safety?---Yes.
40
14:25:24 41 If we can go to the next transcript, 26 August 2011,
14:25:32 42 VPL.0100.0068.084, I think it's 5, but I'm not sure. 9.
14:25:50 43 No, this might be - this is 15 February. Sorry, 0884 it
14:26:08 44 should be. Thanks. If we go to p.18 to 19 of that. Do
14:26:39 45 you see Ms Gobbo's referring to the AFP at the bottom of
14:26:47 46 that page?---Yes.
47

14:26:53 1 And there being a lot of pressure on trying to find out how
14:26:56 2 it came unstuck. I suggest she's talking at that stage
14:27:00 3 about the tomato tins matter?---I believe so, yes.
4
14:27:09 5 There were concerns about her involvement as a source of
14:27:13 6 information that led to those, ultimately led to those
14:27:16 7 arrests?---So I believe.
8
14:27:24 9 If you read that information on the screen there, talking
14:27:27 10 about the tip off coming from the source and they'd been
14:27:31 11 followed and so forth?---Yes.
12
14:27:36 13 If we go to p.28. There's some discussion about standing
14:27:50 14 prosecutions in which she might be exposed, do you agree
14:27:57 15 with that?---Yes.
16
14:27:57 17 You say, "That leads me to my next question. These
14:28:01 18 outstanding prosecutions, although things are put in place,
14:28:06 19 that are there essentially to protect you, these
14:28:10 20 prosecutions are still ongoing and there's something,
14:28:13 21 there's some potential that something could come out of the
14:28:16 22 tree"?---Yes.
23
14:28:18 24 Ms Gobbo was saying there's a number of prosecutions still
14:28:21 25 outstanding, not every matter had been resolved to its
14:28:26 26 conclusion at that stage; is that right?---Yes.
27
14:28:28 28 That wasn't just the tomato tins, there were other
14:28:33 29 prosecutions on foot?---Yeah, well my mind was on some
14:28:36 30 investigations that I was intending on progressing. I'm
14:28:39 31 not sure what other matters were ongoing that she was
14:28:42 32 involved in in terms of drugs.
33
14:28:45 34 You had certainly - there's discussion at the bottom of
14:28:48 35 that page in relation to a particular witness who you were
14:28:52 36 dealing with and that was something that involved
14:28:56 37 Ms Gobbo?---Yes.
38
14:29:01 39 She's talking about some LD transcripts from the police
14:29:05 40 talking to that particular witness in gaol and how
14:29:08 41 horrendous they were from her point of view and her being
14:29:13 42 concerned because someone had redacted through those
14:29:22 43 transcripts her name but forgotten to cross out gender on a
14:29:25 44 number of occasions when they were referring to her?---Yes.
45
14:29:30 46 She was not very complimentary of the person who did those
14:29:33 47 redactions?---No.

1
14:29:46 2 Those were redactions done in relation to the Orman
14:29:52 3 prosecution?---I'm not sure.
4
14:30:02 5 Do you see up there on p.28 where the cursor is, that
14:30:07 6 conversation's being had in relation to the matter of
14:30:12 7 Faruk?---Yes.
8
14:30:14 9 If we can go to p.35, please. About halfway down that page
14:30:32 10 there's a reference in the transcript to Carl, but I
14:30:39 11 suggest it should be Karam, because she's talking at that
14:30:45 12 stage about, "Because at the time of the importation I was
14:30:48 13 doing his trial for the five million pill importation", so
14:30:54 14 she's talking about being on phone calls and so forth in
14:30:57 15 relation to Karam; is that right?---I accept that.
16
14:31:07 17 And talking about essentially being an informer against him
14:31:11 18 at the same time she was doing his trial?---Yes.
19
14:31:20 20 Did you ever say to yourself, "What were those people in
14:31:23 21 the SDU up to"?---No.
22
14:31:31 23 Why would that question not occur to you?---I'm not sure.
14:31:41 24 I guess I had faith that they were structured in a way and
14:31:48 25 managed in a way and adhering to policy in a way that meant
14:31:54 26 these matters were being properly managed, assessed and
14:31:58 27 reported on.
28
14:32:00 29 Were you also thinking all this was done with the
14:32:03 30 concurrence of the investigators or some senior
14:32:05 31 investigators in Purana?---That's an AFP - - -
32
14:32:12 33 That one was but you're aware of other ones. You're aware
14:32:17 34 of the Posse, what went on in Posse by this stage?---Yes.
35
14:32:24 36 Were you aware what was going on in the SDU was done with
14:32:29 37 the concurrence of investigators, senior investigators of
14:32:32 38 Purana?---Yes.
39
14:32:33 40 And you're aware that what was going on was done in the
14:32:39 41 knowledge and with the imprimatur of much more senior
14:32:45 42 officers within Victoria Police?---Yes.
43
14:32:50 44 Who did they include to your knowledge?---The senior
14:32:55 45 members of Victoria Police?
46
14:32:57 47 Yes?---Well the ones that you're calling to the Commission

14:32:59 1 I imagine.
2
14:33:08 3 Did you understand that Mr Overland knew all about
14:33:10 4 this?---I didn't understand that, no. I accept I do now.
5
14:33:25 6 If we can go to p.65, please. Do you see there about a
14:33:34 7 third of the way down there's reference to John
14:33:37 8 Higgs?---Yes.
9
14:33:38 10 And that, "John's been a friend of mine for a long time, he
14:33:41 11 regards me as a close friend"?---Yes.
12
14:33:47 13 If we can scroll further down, please. She goes on that
14:33:57 14 these people get to know and trust her and they do drug
14:34:02 15 deals in front of her and it took her a long time to get
14:34:06 16 into that situation, do you see that?---Yes, I do.
17
14:34:10 18 And she told you that she was still trying to re-establish
14:34:13 19 that with certain people now?---Yes.
20
14:34:19 21 She was trying to get back to that position where people
14:34:22 22 were comfortable to do things like illegal drug dealing in
14:34:27 23 front of her?---I'm sure she was.
24
14:34:37 25 She was trying to put it out there as well that she might
14:34:43 26 be able to provide some more information about those kinds
14:34:48 27 of things to you?---She may well have been.
28
14:34:59 29 If we can go to a document, please, dated 31 August 2011,
14:35:06 30 VPL.6025.0005.7898. You'll see there this is an issue
14:35:30 31 cover sheet, Mr Buick. You're familiar with this
14:35:33 32 document?---I am.
33
14:35:34 34 This is dated 31 August 2011?---Yes.
35
14:35:38 36 The issue it relates to says, "Notification of anticipated
14:35:44 37 subpoena in Dale prosecution around matters concerning
14:35:48 38 Victoria Police engagement with Nicola Gobbo"?---Yes.
39
14:35:55 40 It gives a background there, if you see that?---Yes.
41
14:36:00 42 In paragraph 3 it notes that Ms Gobbo is a prosecution
14:36:05 43 witness, she'd made a statement on 7 January 2009 to Petra
14:36:10 44 detailing her recording a conversation with Dale?---Yes.
45
14:36:14 46 And the particular issue was that he seemed to attest to
14:36:18 47 the accuracy of a statement that had been made by Carl

14:36:21 1 Williams?---That's right.
2
14:36:25 3 At paragraph 4 it indicates that Ms Gobbo's evidence was
14:36:29 4 necessary to introduce the recording and rebut the claim
14:36:34 5 expected by Dale as to client/lawyer conversations subject
14:36:39 6 to privilege?---Yes.
7
14:36:41 8 Paragraph 6, it refers to the earlier proceedings,
14:36:54 9 subpoenas around a number of issues including engagement,
14:36:58 10 development and management of Ms Gobbo as a witness?---Yes.
11
14:37:04 12 A number were subject to PII claims. There was argument
14:37:08 13 preparation but it remained unresolved?---That was my
14:37:11 14 belief, yes.
15
14:37:14 16 In the 8th paragraph it indicates that there'd been a
14:37:18 17 hearing that day before Magistrate Rozencwag?---Yes.
18
14:37:25 19 It said Dale's solicitor Mr Hargreaves was at court. There
14:37:30 20 was a mention and it indicated there will be further
14:37:33 21 subpoena in relation to matters relating to
14:37:36 22 Ms Gobbo?---Yes.
23
14:37:36 24 And it was adjourned to 6 October in anticipation of PII
14:37:40 25 argument around the materials that were to be
14:37:43 26 sought?---That's right.
27
14:37:46 28 There's a "Comments" section there. It notes that, "The
14:37:50 29 engagement, development and management of Gobbo as a
14:37:54 30 witness by Victoria Police are operationally sensitive
14:37:57 31 matters and ought to be subject to vigorous and well
14:38:06 32 informed PII claim"?---Yes.
33
14:38:07 34 You note the recent litigation related to Ms Gobbo and
14:38:11 35 Victoria Police?---Yes.
36
14:38:12 37 You go on to say, "Revealing the origins of the engagement
14:38:16 38 and development of Gobbo as a witness will expose sensitive
14:38:20 39 police methodologies and practises and has the potential of
14:38:21 40 placing Ms Gobbo's life at risk"?---Yes.
41
14:38:25 42 You want VGS0 engagement to commence the preparation in
14:38:28 43 relation to PIIs?---That's right.
44
14:38:33 45 I tender that document, Commissioner.
46
14:38:36 47 COMMISSIONER: Do I call that an issue cover sheet re

14:38:41 1 notification of anticipated subpoena in Dale prosecution?
14:38:44 2
14:38:45 3 MS TITTENSOR: Yes.
4
14:38:45 5 COMMISSIONER: And a date, do we have a date?
14:38:47 6
14:38:48 7 MS TITTENSOR: 31 August 2011.
14:38:54 8
14:38:54 9 #EXHIBIT RC680A - (Confidential) Issue cover sheet re
14:38:41 10 notification of anticipated subpoena in
14:38:43 11 Dale prosecution dated 31/08/11.
14:39:00 12
14:39:01 13 #EXHIBIT RC680B - (Redacted version.)
14:39:04 14
14:39:04 15 If we can go to an email dated 1 September 2011 from
14:39:09 16 Ms Breckweg to yourself, VPL.6031.0013.6297. Do you see
14:39:20 17 that?---Yes.
18
14:39:21 19 Ms Breckweg indicates that she'd spoken to Ms Gobbo that
14:39:27 20 day?---M'hmm.
21
14:39:29 22 Ms Gobbo was inquiring about whether progress had been made
14:39:32 23 in relation to the terms upon her security - protection
14:39:39 24 might be offered?---Yes, this was an ongoing issue.
25
14:39:45 26 Ms Gobbo had said, this is the second paragraph there, if a
14:39:53 27 subpoena was issued it was her belief she'd need to be in
14:39:56 28 the program in order to use the provisions of the Act to
14:40:05 29 prevent questioning of her about her prior involvement. Do
14:40:06 30 you see that?---Staggering assertion.
31
14:40:07 32 Why do you say that?---Well, that's happened and she's
14:40:11 33 still not in the program.
34
14:40:14 35 Was it the case that she wanted and the police wanted her
14:40:19 36 in the program to prevent questioning about her prior
14:40:22 37 involvement?---No. She didn't want to be in the program.
38
14:40:35 39 Were there any steps taken to see if that Act, the Witness
14:40:39 40 Protection Act, could be used to prevent disclosure of
14:40:42 41 otherwise relevant material in this prosecution?---Yes.
42
14:40:51 43 You sought advice in that regard; is that right?---I did.
44
14:41:00 45 We'll come to that but first if we can go to another
14:41:04 46 transcript of 4 September 2011, it's VPL.0100.0068.0245.
14:41:22 47 It's another conversation between yourself and

14:41:25 1 Mr Le Brusque and Ms Gobbo; is that right?---Yes.
2
14:41:29 3 If we go to p.8.
4
14:41:37 5 COMMISSIONER: Did you want to tender that email?
14:41:39 6
14:41:40 7 MS TITTENSOR: Sorry, yes, Commissioner.
14:41:42 8
14:41:43 9 #EXHIBIT RC681A - (Confidential) Email from CDPP to Boris
14:41:45 10 Buick 1/9/11 concerning Nicola Gobbo.
11
14:41:57 12 #EXHIBIT RC681B - (Redacted version.)
14:42:05 13
14:42:05 14 Do you recall informing Ms Gobbo that you'd had a
14:42:08 15 conversation with Mr Hargreaves and it seems as though he
14:42:14 16 now might not be issuing a subpoena for a lot of the
14:42:18 17 material, he simply wanted the investigator notes since
14:42:22 18 February, since the commencement of the Dale ACC
14:42:27 19 proceeding?---Yes.
20
14:42:28 21 You were putting those notes together?---Yes.
22
14:42:33 23 And that gave you some hope that you wouldn't have to
14:42:35 24 disclose that other material; is that right?---Yes.
25
14:42:43 26 Did you consider that you might still have obligations of
14:42:45 27 disclosure nevertheless?---Absolutely.
28
14:42:47 29 But you weren't proposing to do that?---Well that's not
14:42:51 30 necessarily what I was proposing at all. That's what I
14:42:54 31 said to her.
32
14:43:07 33 In relation to all of these conversations that you're
14:43:09 34 having yourself with Ms Gobbo?---Yes.
35
14:43:14 36 Mr Hargreaves had indicated he wanted your notes,
14:43:19 37 investigator notes of contact with her since February of
14:43:27 38 2011, presumably that's what he's seeking, investigator
14:43:31 39 notes since the commencement of the Dale ACC
14:43:35 40 proceeding?---Probably.
41
14:43:37 42 Would you have provided any of these tapes or transcripts
14:43:41 43 of those or would you have sought to withhold disclosure of
14:43:46 44 these conversations you were recording with Ms Gobbo?---I
14:43:50 45 would seek to make a PII claim.
46
14:43:53 47 On what basis?---Well, on the basis that this would put her

14:44:06 1 at risk, aspects it go to methodology, aspects of it go to
14:44:12 2 other investigations. I think it's an entirely reasonable
14:44:16 3 claim to pursue, the success of it is another matter, but I
14:44:22 4 think it's an entirely reasonable document to protect or to
14:44:26 5 seek to protect. And to do so via the VGSO is not
14:44:33 6 problematic or nasty or conniving or insincere. It's part
14:44:38 7 of the legal process. You might win, you might lose.
8
14:44:41 9 Ultimately there were trial proceedings for Mr Dale?---Yes.
10
14:44:47 11 Was there ever any PII claim made in respect of these
14:44:50 12 conversations?---I don't recall.
13
14:44:55 14 The answer is no?---I don't believe so.
15
14:44:58 16 So they weren't disclosed?---No.
17
14:45:10 18 If we can go to p.11 please. See down the bottom of that
14:45:26 19 page there Ms Gobbo is referring to there being a lot of
14:45:29 20 stuff in the material that was the subject of subpoena that
14:45:34 21 would have included lots of recordings of her saying stuff
14:45:37 22 about other things and her 3838 stuff intermingled?---Yes.
23
14:45:42 24 And she's talking there about the Petra subpoenas?---Yes.
25
14:45:48 26 At p.13. Down the bottom of that page Ms Gobbo is
14:46:10 27 referring to Purana wanting a copy of an AFP brief of
14:46:15 28 evidence that she held?---Yes.
29
14:46:19 30 And she held that in relation to an importation and Purana
14:46:24 31 couldn't get it off the AFP?---Yes.
32
14:46:28 33 So she facilitated providing it to them and they copied
14:46:31 34 it?---Yes.
35
14:46:32 36 Can you recall what that was about?---What the AFP
14:46:36 37 prosecution was?
38
14:46:37 39 Yes?---No, sorry.
40
14:46:38 41 Do you know if that was a Mokbel brief?---No, I didn't know
14:46:41 42 that.
43
14:46:46 44 Nevertheless she's telling you she provided Purana with
14:46:49 45 access to a brief of evidence that the AFP weren't giving
14:46:52 46 to Purana?---Yes.
47

14:46:56 1 And presumably a brief of evidence that she held by virtue
14:46:59 2 of acting for someone?---Possibly. As you've already
14:47:06 3 talked me through, she reviewed a lot of briefs in matters
14:47:10 4 that she wasn't acting on, but equally it's possible that
14:47:15 5 she was on this occasion.
6
14:47:19 7 If we scroll into the next page. She refers to the
14:47:22 8 information released, including - this is the information
14:47:27 9 that was released by the Petra, during the Petra
14:47:32 10 proceedings - including that laptops had been bought by
14:47:43 11 Purana and one given to her and she says, "Now can you just
14:47:46 12 imagine what will happen if in the witness box and somebody
14:47:52 13 asks me what that laptop computer is and I'll just tell the
14:47:56 14 truth. You know what, that was for me to illegally,
14:47:58 15 inappropriately and unlawfully hand over a hand-up brief
14:48:03 16 they copied and shouldn't have had access to"?---Yes.
17
14:48:15 18 You tell Ms Gobbo following that that you had made a
14:48:21 19 request for her to be removed from the prosecution?---Yes.
20
14:48:26 21 Was that right?---Can you just say - - -
22
14:48:33 23 If can you scroll up so the witness can see that?---I don't
14:48:43 24 think I - - -
25
14:48:47 26 I'll just read it for the transcript. It says at line 29,
14:48:56 27 "Well that brings me to my next point, right. As I've
14:49:00 28 indicated to you, I've asked that you be removed from the
14:49:02 29 prosecution, okay?" She says, "Yeah". Then you go on to
14:49:07 30 explain that the Commonwealth are of the view that they
14:49:12 31 want the best evidence in. "The Commonwealth aren't across
14:49:14 32 the background and her relationship with Victoria Police,
14:49:17 33 they're not across that. There's some discussions going on
14:49:21 34 at the moment as to whether they should be made aware of
14:49:24 35 that so that they can conform themselves about the decision
14:49:28 36 to withdraw you because just us requesting it might not
14:49:34 37 suffice why you want her withdrawn. There may need to be
14:49:40 38 some background information given to them. If that
14:49:43 39 background" - it's hard to see what's under the writing
14:49:49 40 again.
41
14:49:49 42 COMMISSIONER: "Is going to be given to them"?
14:49:54 43
14:49:55 44 MS TITTENSOR: "Is going to be given to them, it may well
14:49:59 45 be given at Assistant Commissioner level to Canberra,
14:50:02 46 okay"?---Yes.
47

14:50:03 1 You're indicating to Ms Gobbo that you've asked for her to
14:50:08 2 be withdrawn from the prosecution and there seems to have
14:50:13 3 been some discussion that that will be done potentially at
14:50:18 4 Assistant Commissioner level of Victoria Police to someone
14:50:20 5 in Canberra?--Which is what occurred.
6
14:50:23 7 Is that right at this stage, that you'd requested that she
14:50:26 8 be withdrawn as a witness or those discussions were being
14:50:30 9 had?---Those discussions were being had, yes.
10
14:50:33 11 Who were you having those discussions with?---Predominantly
14:50:36 12 Detective Inspector Frewen but more so Detective
14:50:40 13 Superintendent Doug Fryer.
14
14:50:44 15 Had you been by this stage to any steering committee
14:50:48 16 meetings?---I don't know.
17
14:51:02 18 It goes on following that, "And then it may resonate down
14:51:09 19 once a decision is made and that's because it's the view of
14:51:12 20 a number that to discuss or refer to you in any shape or
14:51:17 21 form during this or any other prosecution is likely to lead
14:51:20 22 to the exposure of material that shows that there wasn't",
14:51:23 23 something's indecipherable, "of your relationship with one
14:51:30 24 mob of Victoria Police handlers", do you see that?---Yes.
25
14:51:37 26 If we go over the page to p.16. There was discussion about
14:51:43 27 documentation in existence that seems to indicate that
14:51:46 28 Ms Gobbo was tasked in relation to Mr Dale?---Yes.
29
14:51:52 30 And apparently you'd become aware of that by that
14:51:57 31 stage?---Yes.
32
14:51:58 33 Do you know how you became aware of that?---No, I don't.
34
14:52:01 35 Had you had discussions with Sandy White by this
14:52:09 36 stage?---Yes, I believe I had but not in relation to
14:52:12 37 tasking in relation to Paul Dale, to the best of my
14:52:20 38 recollection. It's possible.
39
14:52:24 40 Of course, any tasking or involvement of Ms Gobbo with
14:52:28 41 Mr Dale would have been relevant to the defence?---Yes, it
14:52:34 42 would have been, but my understanding of any tasking
14:52:38 43 related to the recording that she covertly undertook for
14:52:47 44 Petra. But I might be mistaken. But that I think was what
14:52:52 45 I believed to be the tasking, which is actually not tasking
14:52:55 46 as such because I understand she offered to do that.
47

14:53:00 1 Did you understand at this stage that she'd had discussions
14:53:03 2 about Mr Dale with SDU handlers?---Possibly. I certainly
14:53:12 3 hadn't seen any records.
4
14:53:14 5 Clearly Ms Gobbo's engagement with police in relation to
14:53:17 6 Paul Dale would have been material relevant to the
14:53:21 7 defence?---Absolutely, that's why I tapped out that issue
14:53:24 8 cover sheet.
9
14:53:28 10 If we can move over to p.17. You indicate there that it
14:53:41 11 was your view, and some of the others, that the material
14:53:46 12 essentially shouldn't be provided but if it was then the
14:53:51 13 prosecution should be abandoned?---Yeah, I accept that.
14
14:53:58 15 But unfortunately that was a decision for the Commonwealth
14:54:01 16 DPP?---Yes.
17
14:54:05 18 Then there was a question about what they got told in
14:54:08 19 relation to the reasons they were being asked to abandon
14:54:14 20 it?---Is that in the same - - -
21
14:54:16 22 The Commonwealth has got to be informed as to why they're
14:54:18 23 being asked to abandon what appears to be and what they say
14:54:22 24 is a very strong, viable and worthwhile prosecution?---Yes,
14:54:24 25 of course they would be.
26
14:54:28 27 And there was some discussion within Victoria Police, "What
14:54:32 28 do we tell them about why we're going to be asking them to
14:54:35 29 withdraw this strong viable prosecution"?---Yes, no doubt.
14:54:41 30
14:54:41 31 "Do we tell them a little bit of truth or the whole
14:54:45 32 truth"?---I don't recall that being part of a conversation,
14:54:47 33 but in any event I wasn't part of those conversations.
14:54:50 34 These were conversations between Doug Fryer and Mr Ashton,
14:54:55 35 I believe, ultimately who wrote to the Commonwealth
14:54:59 36 withdrawing her as a witness in a confidential letter, or
14:55:05 37 he gave confidential evidence before the magistrate I
14:55:10 38 believe, in my absence.
39
14:55:14 40 That's Mr Fryer?---Yes.
41
14:55:16 42 Do you understand that his evidence indicated to the
14:55:23 43 magistrate the true circumstances of Ms Gobbo?---I'm not
14:55:29 44 sure.
45
14:55:30 46 Do you think that that's likely?---To the magistrate?
47

14:55:35 1 Yes. Do you think he would have simply confined the
14:55:40 2 concerns in relation to Ms Gobbo as being just her safety
14:55:44 3 or would it have been, "Well, her safety is at risk because
14:55:49 4 she's an informer in relation to all these people and
14:55:53 5 especially people she's represented"?---I don't know.
6
14:56:00 7 You've got no idea what he told the magistrate?---I don't
14:56:07 8 recall - I may have seen a document but I don't recall.
9
14:56:16 10 If we go quickly to p.20, please. You're talking about
14:56:26 11 historic matters in relation to Ms Gobbo's involvement in
14:56:29 12 the Dublin Street burglary?---Yes.
13
14:56:35 14 Do you recall that, you had conversations with her about
14:56:37 15 those kinds of matters?---So it seems.
16
14:56:41 17 And she talked about various people associated with that
14:56:45 18 that she had represented?---Yes.
19
14:56:47 20 And you note there there's some discussion about whether
14:56:53 21 she'd represented Mr Dale when he got arrested in the
14:56:57 22 December period?---Yes.
23
14:56:58 24 And she was maintaining she didn't represent him?---Yes.
25
14:57:07 26 Were you aware that he called her for advice when he was
14:57:11 27 arrested?---I think so.
28
14:57:15 29 Did you get custody records that indicated that she
14:57:18 30 conducted professional visits upon him?---I don't recall.
31
14:57:23 32 Did you learn that she had - - -?---I'll tell you what I
14:57:27 33 did learn. I executed a warrant on her clerk's office to
14:57:31 34 ascertain whether she had records of having represented
14:57:34 35 Paul Dale or not.
36
14:57:37 37 That was something you discussed with her doing?---That's
14:57:41 38 right. And I didn't find any records that supported the
14:57:44 39 fact that she did act for Paul Dale.
40
14:57:46 41 Did you ever learn that - - - ?---So I did pursue that
14:57:49 42 fairly vigorously, executing a search warrant on a
14:57:53 43 barrister's clerk's office.
44
14:57:55 45 As I said, it's something you discussed with her?---Yes.
46
14:57:58 47 And she was confidently able to say, "There's going to be

14:58:01 1 nothing there, so go ahead"?---Yes.
2
14:58:06 3 Did you learn that Paul Dale had provided her with written
14:58:09 4 instructions to pass on to Tony Hargreaves, his instructing
14:58:13 5 solicitor?---I don't recall that specifically but I may
14:58:16 6 well have.
7
14:58:18 8 Did you learn that she kept a copy of those for herself and
14:58:22 9 provided those to police?---Again, I may well have but I
14:58:25 10 don't specifically recall that.
11
14:58:28 12 Would you find that concerning?---Concerning?
13
14:58:33 14 That she had been given a copy of his written instructions
14:58:38 15 at a professional visit to him in custody to hand to his
14:58:42 16 instructing solicitor and she kept a copy of his written
14:58:46 17 instructions for herself and later gave them to the
14:58:49 18 police?---That's potentially concerning, yes.
19
14:58:56 20 And that the SDU had material which indicated that?---I
14:59:01 21 don't know that.
22
14:59:18 23 She refers at this stage to having been representing
14:59:22 24 Andrew, being Andrew Hodson?---Yes.
25
14:59:26 26 And you're saying something about her having a conflict
14:59:31 27 because she was acting for Andrew, that's what the
14:59:35 28 transcript reflects?---Yes.
29
14:59:38 30 And essentially you're asking, "Well did you tell Dale that
14:59:44 31 you couldn't represent him because you were acting for
14:59:46 32 Andrew", is that what that indicates?---Does that continue
14:59:49 33 on further down the page?
34
14:59:51 35 Yes, if we can - and she indicates then, "No, I was acting
14:59:56 36 for Ahmed"?---Yes.
37
14:59:58 38 Do you recall that?---Yes.
39
15:00:01 40 At the time she'd been briefed it seems in a bail
15:00:04 41 application for Ahmed?---Yes.
42
15:00:05 43 And you knew who she was talking about there?---Azzam
15:00:11 44 Ahmed.
45
46 Azzam Ahmed?---Yes.
47

15:00:12 1 He was someone you were interested in talking to?---Well,
15:00:17 2 by this stage we may already have done so, but yes, a
15:00:22 3 person of interest.
4
15:00:30 5 She indicates there, "And the more important conflict which
15:00:34 6 I don't want to talk about, which I don't really want to
15:00:38 7 give evidence about, but if I have to I have to, and this
15:00:41 8 is something that Petra are aware of but it's not detailed
15:00:44 9 in the statement. The more important conflict was Abbey
15:00:48 10 Haynes because I was the one who convinced her to make a
15:00:50 11 statement". Do you see that?---Yes.
12
15:00:53 13 You're aware of what that statement contained?---Broadly,
15:00:56 14 yes.
15
15:00:57 16 Did that contain information which indicated Ahmed
15:01:04 17 potentially being told he needed an alibi for the night of
15:01:07 18 the murders?---I don't dispute that. I can't recall what
15:01:12 19 the statement said but I don't dispute that.
20
15:01:14 21 Are you aware who Azzam Ahmed was with on the night of the
15:01:19 22 murders?---You'll have to remind me.
23
15:01:21 24 Ms Gobbo?---Thank you.
25
15:01:25 26 Were you aware of that back then?---Probably.
27
15:01:30 28 If we can go to p.32, please. If we go down to the bottom
15:01:54 29 of that. That seems to be a long passage by
15:01:58 30 Ms Gobbo?---Yes.
31
15:01:59 32 She talks about her being driven by a fundamental desire to
15:02:05 33 do the right thing in the context of feeling used by
15:02:08 34 people, you see that in the middle of the page
15:02:11 35 there?---Yes.
36
15:02:14 37 Further down the bottom of the page she talks about one of
15:02:19 38 the things playing on her mind in relation to her decision
15:02:24 39 to make the statement, that absent her effectively making
15:02:30 40 the statement other people would think that she was
15:02:32 41 involved, and then she refers to something about her
15:02:36 42 arranging a meeting and it seems to be her talking about a
15:02:40 43 meeting between Mr Dale and Mr Williams. Do you recall
15:02:44 44 having that conversation with her?---I do now that I read
15:02:48 45 it.
46
15:02:50 47 It seems as though one of the motivating factors to her in

15:02:55 1 making that statement was, because of the circumstances it
15:03:00 2 might look as though she was involved in that
15:03:03 3 matter?---Yes, I totally agree with that assertion by her.
4
15:03:18 5 If we can go to a document dated 6 September 2011, please.
15:03:24 6 It's another issue cover sheet. Was it your view, before
15:03:40 7 we go to the next document, was it your view that there was
15:03:42 8 something to that, as to Ms Gobbo's broader involvement in
15:03:48 9 those matters?---So from the day I arrived at the Driver
15:03:54 10 Task Force it was my view that Nicola Gobbo, and it
15:03:59 11 remained my view to the end and you've got a report that
15:04:02 12 articulates this, that she was at once all of a witness, an
15:04:08 13 informer and a suspect in a number of matters and I was
15:04:13 14 seeking to navigate that minefield pursuing some
15:04:17 15 investigative avenues towards the end of my time at Driver.
16
15:04:24 17 She was - what did you say, a witness, an informer and a
15:04:32 18 suspect?---At once.
19
15:04:34 20 I think you missed out on lawyer as well?---Yes, well.
21
15:04:38 22 Or purported lawyer I should say. You would agree with
15:04:42 23 that?---Purported lawyer?
24
15:04:43 25 Yes. She was purporting to legally represent people as
15:04:47 26 well?---Yes.
27
15:04:54 28 You spoke before about seeking some advice in relation to
15:04:57 29 the coverage of the Witness Protection Act?---Yes.
30
15:05:01 31 Whether that could assist in preventing disclosure of
15:05:05 32 relevant material relating to Ms Gobbo; is that
15:05:10 33 right?---Can I just read the rest of that document?
34
15:05:12 35 Sure?---"Whilst investigators proposed to mount public
15:05:23 36 interest immunity claims." Sorry, a bit further on. What
15:05:46 37 did you say the purpose of the document was?
38
15:05:48 39 The issue says, "Advice sought on the coverage of the
15:05:51 40 Witness Protection Act"?---Yes.
41
15:05:54 42 Perhaps if I indicate to you, you were seeking that advice
15:05:58 43 be obtained from the VGS0?---Yes.
44
15:06:00 45 You were referring to Ms Gobbo by the pseudonym of J
15:06:04 46 Doe?---Poor choice of pseudonym, but yes.
47

15:06:09 1 Oh well, yet another. This technique in terms of obtaining
15:06:15 2 advice from the VGS0 in relation to someone you didn't want
15:06:21 3 to identify, had you done that before?---I hadn't dealt
15:06:27 4 with this situation before.
5
15:06:29 6 But if you wanted to obtain advice in relation to an
15:06:32 7 informer and you didn't want to expose them, this was a
15:06:35 8 simple way to do it?---I don't find this simple at all.
9
15:06:40 10 It's open to you to seek advice in relation to a particular
15:06:43 11 matter where you don't want to identify a particular person
15:06:46 12 to give them a pseudonym, as you've done here, and
15:06:50 13 generally describe the circumstances?---Yes.
14
15:06:52 15 And that was a mechanism available to you and anyone else
15:06:56 16 in Victoria Police that wanted to seek advice in those
15:06:59 17 circumstances?---Yes, but that's not the purpose in this
15:07:04 18 issue cover sheet.
19
15:07:06 20 All I'm saying is that if you want to get legal advice
15:07:09 21 about someone and you don't want to identify them, you can
15:07:12 22 give them a pseudonym?---But I'd already identified - - -
15:07:15 23
15:07:16 24 Sorry?---I'd already identified her in other requests for
15:07:19 25 advice.
26
15:07:20 27 I'm asking the question more generally. This is a
15:07:25 28 mechanism by which anyone in Victoria Police could have
15:07:28 29 sought advice in relation to a person they didn't want to
15:07:32 30 identify? The fact that you don't want to identify a
15:07:38 31 particular person is not an excuse not to get advice about
15:07:40 32 it?---No.
33
15:07:42 34 Do you understand what I'm saying, you're agreeing with
15:07:45 35 me?---Yes.
36
15:07:54 37 In relation to the background of that document, it's
15:07:57 38 indicated that the registered human source that you're
15:08:00 39 talking about had provided valuable information over years
15:08:04 40 in relation to high level criminals?---Yes.
41
15:08:06 42 You anticipated there would be cross-examination by defence
15:08:09 43 as to how she came to be involved with Victoria Police so
15:08:13 44 as to be a witness?---Yes.
45
15:08:15 46 And this would reveal her wider activities as a human
15:08:19 47 source?---Yes.

1
15:08:23 2 If we go over the page to p.2. You attach the legislation
15:08:36 3 there; is that right?---Yes, I do.

4
15:08:47 5 I might be missing it but ultimately - yes, that's what I
15:08:52 6 was after I think. You received a response some time
15:08:56 7 later, 6 October; is that right?---I do.

8
15:08:58 9 Through Mr McRae?---Yes.

10
15:09:04 11 Director of Legal Services. [REDACTED]
15:09:09 12 [REDACTED]
15:09:13 13 [REDACTED]
15:09:16 14 [REDACTED]

15
15:09:20 16 [REDACTED]
15:09:22 17 [REDACTED]
15:09:26 18 [REDACTED]

19
15:09:35 20 [REDACTED]
15:09:39 21 [REDACTED]
15:09:44 22 [REDACTED]
15:09:50 23 [REDACTED]
15:09:53 24 [REDACTED]
15:09:56 25 [REDACTED]

26
15:10:05 27 [REDACTED]
15:10:10 28 [REDACTED]
15:10:19 29 [REDACTED]
15:10:27 30 [REDACTED]
15:10:31 31 [REDACTED]

15:10:34 32
15:10:36 33 But that was something that was known to you and known to
15:10:38 34 many other detectives, that it's not simply that because
15:10:43 35 there might be some public interest in - - - ?---Yes.

36
15:10:47 37 - - - not disclosing the evidence, we always need to
15:10:52 38 balance up, or the tribunal always needs to balance that up
15:10:55 39 against the defendant receiving a fair trial?---Of course.

40
15:11:00 41 That would have been understood by anyone that had done
15:11:03 42 Detective Training School?---Oh, to varying degrees, yes.

43
15:11:12 44 I tender that document, Commissioner.

45
15:11:15 46 COMMISSIONER: Is it two documents, the issue cover sheet
15:11:17 47 and the response?

15:11:20 1
15:11:21 2 MS TITTENSOR: I'm not sure if it's contained within the
15:11:23 3 one document or - - -
4
15:11:24 5 COMMISSIONER: Two documents, is it? So the issue cover
15:11:27 6 sheet, advice sought on coverage of the witness protection
15:11:31 7 program re J Doe, a pseudonym Exhibit 682A and B.
15:11:45 8
15:11:45 9 #EXHIBIT RC682A - (Confidential) Issue cover sheet "Advice
15:11:29 10 sought on coverage of the witness
15:11:30 11 protection program re J Doe", a
15:11:34 12 pseudonym.
15:11:47 13
15:11:48 14 #EXHIBIT RC682B - (Redacted version.)
15:11:51 15
15:11:53 16 #EXHIBIT RC683A - Response from Findlay McRae dated
15:12:00 17 6/10/11.
15:12:00 18
15:12:01 19 #EXHIBIT RC683B - (Redacted version.)
15:12:02 20
15:12:03 21 MS ARGIROPOULOS: Commissioner, may I just raise a concern
15:12:05 22 at this stage. There's no difficulty with the tender of
15:12:06 23 those documents, but to the extent that Inspector Buick has
15:12:10 24 just been asked questions and given evidence about the
15:12:12 25 advice that was given, I don't have instructions at the
15:12:17 26 moment as to whether Victoria Police waive LPP in relation
15:12:21 27 to that advice. What I ask at the moment is for that part
15:12:27 28 of the evidence to be removed from the live stream just to
15:12:30 29 preserve the position while I obtain those instructions.
15:12:39 30 The relevant evidence is at 8864, commencing at line 23
15:12:48 31 where the question then asks the advice received and so on.
32
15:13:00 33 COMMISSIONER: Down to?
15:13:11 34
15:13:11 35 MS ARGIROPOULOS: Sorry, I'm just trying to read where it
15:13:14 36 goes up to. I think up to line 45.
37
15:13:22 38 COMMISSIONER: Yes. What do you say, Ms Tittensor?
15:13:25 39
15:13:26 40 MS TITTENSOR: I haven't got that exact transcript, I'm
15:13:30 41 sorry, in front of me, Commissioner. I think Mr Buick's
15:13:35 42 general answers about what was known to him as to the
15:13:38 43 admissibility or the success of PII claims, if it
15:13:41 44 encompasses that I'd object - otherwise I don't have - - -
45
15:13:46 46 COMMISSIONER: Starting at line 23, [REDACTED]
15:13:49 47 [REDACTED]

1 [REDACTED]
15:13:52 2 [REDACTED]
15:13:54 3 [REDACTED] --Yes", that should go.
15:13:58 4
15:13:58 5 MS ARGIROPOULOS: I've stopped at line 45, Commissioner,
15:14:00 6 deliberately so that the part that Ms Tittensor has just
15:14:03 7 referred to is still there. That was something that was
15:14:06 8 known. As I say, it's really just an interim application
15:14:10 9 whilst those instructions about waiver are sought.
10
15:14:14 11 COMMISSIONER: Sure.
15:14:14 12
15:14:15 13 MS TITTENSOR: I don't have any problems with that,
15:14:17 14 Commissioner.
15
15:14:17 16 COMMISSIONER: All right then. At 8864 line 23 starting,
15:14:22 17 [REDACTED]
15:14:28 18 [REDACTED] that will not be published until further
15:14:37 19 order, not published or streamed and not published until
15:14:44 20 further order.
15:14:45 21
15:14:45 22 MS ARGIROPOULOS: Thank you, Commissioner.
23
15:14:47 24 COMMISSIONER: We'd like your answer on that when we resume
15:14:49 25 again on 11 November, by 11 November.
15:14:53 26
15:14:53 27 MS ARGIROPOULOS: Yes, thank you, Commissioner.
28
15:14:54 29 COMMISSIONER: Yes, thanks Ms Argiropoulos.
15:14:58 30
15:15:04 31 MS TITTENSOR: If I can show you an email dated 8 September
15:15:09 32 2011. If we go there. It's an email from yourself to
15:15:20 33 Mr Solomon, Mr O'Connell and Sandy White, do you see
15:15:25 34 that?---Yes.
35
15:15:31 36 You indicate that you've got some questions?---Yes.
37
15:15:37 38 You say you've got a meeting with Mr Maguire, Gerard
15:15:44 39 Maguire the next Tuesday?---Yes.
40
15:15:46 41 I suggest that will be Tuesday 13 September if you do the
15:15:49 42 calculations from the date line?---This is subsequent to my
15:15:53 43 seeking of advice?
44
15:15:55 45 Yes. You've sought the advice a few days before this in
15:15:59 46 relation to the Act?---Yes.
47

15:16:01 1 On this date, this is two days later, you're indicating to
15:16:05 2 those three men, Mr Solomon, Mr O'Connell and Sandy
15:16:12 3 White?---Yes.
4
15:16:12 5 You've sent them an email. You say to Mr Solomon you
15:16:16 6 remember now what you were going to ask him. You'd
15:16:18 7 obviously had some conversation with him earlier?---Yes.
8
15:16:21 9 And you indicate you'll at the same time ask Mr O'Connell
15:16:28 10 and Mr Sandy White the same thing?---Yes.
11
15:16:29 12 Because you wouldn't mind their input too if it was
15:16:32 13 possible and relevant?---Yes.
14
15:16:33 15 And then you say in response to the attached issue cover
15:16:38 16 sheet, that's the ICS; is that right?---The one pertaining
15:16:44 17 to the subpoena, yes.
18
15:16:45 19 I suggest that it's in relation to the issue cover sheet
15:16:47 20 that had been - - - ?---Not the Witness Protection Act one
15:16:50 21 but the - - -
22
15:16:51 23 No, it'll be the 31 August one where you've got
15:16:55 24 notification of anticipated subpoena in the Dale
15:16:58 25 prosecution?---That's right, yes.
15:17:00 26
15:17:00 27 That's what you've been referring to?---Yes.
28
15:17:02 29 You've got a meeting with Gerard Maguire next
15:17:07 30 Tuesday?---Yes.
31
15:17:07 32 If we do the calculation that will be Tuesday 13 November.
15:17:11 33 And you want to know in preparation for that meeting what,
15:17:15 34 if any, documents were sought, provided or argued over from
15:17:20 35 Witsec, the SDU, Mr Overland or anyone else as to the
15:17:25 36 engagement and management of Ms Gobbo as a source and in
15:17:29 37 brackets you've got, "Long before you took your statement
15:17:34 38 from her", referring to the Petra statement; is that
15:17:36 39 right?---That's exactly right.
40
15:17:38 41 Also - - -?---So I've actively sought that material out,
15:17:42 42 yes.
43
15:17:43 44 Also, "How did you or would you have explained how she came
15:17:48 45 to be a witness for you in light of what evidence
15:17:53 46 transpired between SDU and others and Ms Gobbo
15:17:57 47 historically. If I'm not making sense I'll come down for a

15:18:01 1 chat"?---Yes.
2
15:18:04 3 If we scroll we see there's a response Mr White
15:18:08 4 there?---Yes.
15:18:08 5
15:18:08 6 "Boris, I think we should all meet in regards to this query
15:18:13 7 so that there is no confusion about what occurred and what
15:18:15 8 can be said"?---Yes.
9
15:18:16 10 You then propose a meeting for Monday, which will be 12
15:18:18 11 September?---Yes.
12
15:18:20 13 Mr Solomon provides a long response indicating that he is
15:18:24 14 going to be away all week?---Yes.
15
15:18:26 16 He refers to what occurred in the lead up to the
15:18:31 17 Dale/Collins Petra committal?---Yes.
18
15:18:34 19 They'd received subpoenas requesting production of
15:18:38 20 everything relating to Ms Gobbo, including issues raised by
15:18:42 21 yourself?---Yes.
22
15:18:43 23 They'd fought a battle for six weeks in relation to PII
15:18:46 24 which resulted in the committal being adjourned?---Yes.
25
15:18:49 26 It took three months to get the material together prior to
15:18:53 27 committal but refers to material being subpoenaed at the
15:18:53 28 committal and defence learned that there was still more
15:18:55 29 material?---Yes.
30
15:18:58 31 You then - there's another response from you in that chain
15:19:03 32 if we see that. The following day you send one simply to
15:19:08 33 Mr Solomon saying, "Are you in"?---Yes.
34
15:19:11 35 Presumably you wanted to see him to have a chat?---Yes.
36
15:19:20 37 You're aware that ultimately that committal was adjourned
15:19:25 38 with material outstanding, the court had ordered the
15:19:29 39 production of a lot of material pursuant to the
15:19:32 40 subpoena?---The murder committal?
41
15:19:33 42 Yes?---Yes.
43
15:19:43 44 I tender that. This might be tendered actually with the
15:19:46 45 next exhibit because - - -
46
15:19:50 47 COMMISSIONER: Under the same chain, are they?

15:19:53 1
15:19:53 2 MS TITTENSOR: It's a hiving off of that chain. I can
15:19:56 3 tender them separately or together, Commissioner.
4
15:20:05 5 The next exhibit is dated 8 September 2011,
15:20:13 6 VPL.6078.0018.8008. You see following the long response
15:20:18 7 from Mr Solomon, Sandy White has forwarded that chain to
15:20:26 8 John O'Connor and another member of the SDU?---Yes.
9
15:20:32 10 And indicates that they should peruse the attached email
15:20:42 11 and potential issues surrounding Ms Gobbo and the upcoming
15:20:46 12 matters of Paul Dale?---Yes.
13
15:20:47 14 It appears to be about how she came to be a witness, of
15 15 being extensively canvassed previously as per Mr Solomon's
15:20:52 16 response and the SDU should be involved in
15:20:55 17 discussions?---Yes.
18
15:20:59 19 I tender those.
20
15:21:00 20
15:21:01 21 COMMISSIONER: The email chains between Solomon, Boris
15:21:07 22 Buick, Sandy White and others 8 September 2011 and 9
15:21:12 23 September 2011, 684A and B.
24
15:21:25 24
15:21:25 25 #EXHIBIT RC684A - (Confidential) Email chains between
15:21:03 26 Solomon, Boris Buick, Sandy White and
15:21:08 27 others, 8/09/11 and 9/09/11.
28
15:21:27 28
15:21:28 29 #EXHIBIT RC684B - (Redacted version.)
30
15:21:30 30
15:21:35 31 MS TITTENSOR: On 8 September 2011 - if we can just put up
15:21:41 32 your day book. It seems on that day, if you've got it in
15:22:05 33 your hand in any case, at 1.30 you record a meeting with
15:22:10 34 Mr O'Connor, the head of the SDU, and the other SDU member
15:22:14 35 that you'd seen on the email?---Yes.
36
15:22:16 37 You raised the issue of the likely Gobbo/Dale subpoena with
15:22:23 38 them?---Yes.
39
15:22:24 40 I take it you would have indicated that there were - that
15:22:29 41 Mr Maguire was to be briefed and advice sought in relation
15:22:31 42 to those matters?---Yes, I presume so. I put that in my
15:22:36 43 email.
44
15:22:39 45 Then if we can go to your day book for 12 September 2011.
15:22:55 46 You record there a meeting with various people including
15:22:59 47 Mr O'Connell, someone from Witsec, John O'Connor, the SDU

15:23:06 1 member - I think we know that member as Mr Anderson - re
15:23:15 2 subpoena specific to Ms Gobbo?---Yes.
3
15:23:19 4 There's reference to Ron Gipp having handled the subpoena
15:23:25 5 at the time of Petra murder committal?---Yes.
6
15:23:27 7 And the VGS0 solicitor at the time?---Yes.
8
15:23:31 9 There's a reference to confidential affidavits being used
15:23:35 10 at that particular time?---Yes.
11
15:23:43 12 Do you recall any view being expressed in relation to that
15:23:47 13 material at that meeting or what was the outcome of that
15:23:52 14 meeting?---I don't recall the outcome of the meeting.
15:23:57 15 Clearly throughout, not necessarily specific to this
15:24:01 16 meeting, but there were concerns around the matters that I
15:24:05 17 raise in my earlier issue cover sheet.
18
15:24:15 19 If we go to your day book on 13 September 2011. You see
15:24:28 20 you've got, there's a Post-it Note there in relation to a
15:24:32 21 meeting at Winneke Chambers; is that right?---Yes.
22
15:24:38 23 Is that a meeting you attended with Mr Maguire, the VGS0
15:24:42 24 and Mr Frewen? We might need to scroll up in the day, I'm
15:24:54 25 not sure what time it was?---Yes, at 3 o'clock.
26
15:25:11 27 Is that right?---Yes.
28
15:25:17 29 We've got a VGS0 file note in relation to that meeting,
15:25:27 30 VGS0.5000.0051.0062. You recall the solicitor being a
15:25:35 31 Ms Jarrett, Louise Jarrett?---I do now, yes.
32
15:25:42 33 There's reference in the notes about discussions about
15:25:49 34 disclosure of material. You accept that that was
15:25:56 35 occurring?---Yes.
36
15:26:01 37 If we scroll through those notes. There's a note there
15:26:07 38 that says "BB", which I take it you accept is a reference
15:26:12 39 to you?---Must be.
40
15:26:14 41 If we get to it. "Concerned about her coming out when she
15:26:17 42 started being a source in 04, life in danger", do you see
15:26:23 43 that there?---Heaven forbid, yes.
44
15:26:28 45 Then there's another reference further on to, "How do we
15:26:32 46 ring-fence her prior relationship with Victoria Police?"
15:26:38 47 Do you recall that being discussed?---With Gerard Maguire

15:26:46 1 the barrister?
2
15:26:47 3 Yes?---I don't specifically recall that, but I don't doubt
15:26:51 4 given that VGS0 have made a comment about that
15:26:53 5 conversation. That conversation was held with an
15:26:56 6 independent barrister.
7
15:26:57 8 You don't have any dispute as to these issues being
15:27:00 9 discussed?---No.
10
15:27:02 11 If they're recorded in the VGS0 notes?---That's right.
12
15:27:08 13 That note goes on, "You need to know what relationship was,
15:27:13 14 need to look at info. She is a human source. Need to find
15:27:17 15 out what is relevant or not"; is that right?--- Yes.
16
15:27:22 17 There's reference in the notes to various areas that may
15:27:26 18 hold relevant documents and that includes civil litigation
15:27:32 19 where it says - continue on. It says, "civil litigation
15:27:39 20 HSD". I assume that that will mean Human Services
15:27:43 21 Department or HSMU.
22
15:27:54 23 MS ARGIROPOULOS: I think the page needs to be brought up
15:27:57 24 behind it - the earlier page.
25
15:28:04 26 MS TITTENSOR: In any case, you don't dispute that there
15:28:06 27 were discussions about which areas of Victoria Police held
15:28:10 28 relevant material, including civil litigation, HSMU,
15:28:15 29 Witsec, the Drug Squad, Petra and Briars?---Yes.
30
15:28:20 31 That there was a need to speak to Finn McCrae?---Yes.
32
15:28:27 33 And you see those matters, I can see them now at the bottom
15:28:31 34 of that page that's on the screen or just up from the
15:28:33 35 bottom. If you see right down the bottom there, the last
15:28:48 36 matter recorded, "Need to protect organisation, may
15:28:53 37 jeopardise other proceedings/convictions"?---Yes.
15:28:56 38
15:28:58 39 "/convictions"?---Yes.
40
15:28:59 41 Who was expressing those sentiments?---I'm not sure. I
15:29:05 42 didn't take these notes, I'm not sure.
43
15:29:08 44 Might it have been you?---Possibly.
45
15:29:14 46 It indicates an awareness that other proceedings and other
15:29:19 47 convictions may be based upon material which might have

15:29:28 1 been ruled or might be ruled inadmissible?---Yes.
2
15:29:39 3 You're aware at that stage that Mr Mokbel had a proceeding
15:29:44 4 on foot, in fact he was trying to overturn his plea?---May
15:29:50 5 well have been.
6
15:29:53 7 Do you recall that event happening?---Not specifically. I
15:29:58 8 don't dispute it did clearly but I wasn't involved at all
15:30:01 9 in that.
10
15:30:04 11 It was receiving quite some publicity?---Well, Tony Mokbel
15:30:10 12 always receives a lot of publicity.
13
15:30:12 14 Do you recall the events that occurred in relation to
15:30:18 15 Marijancevic and affidavits that were not being properly
15:30:24 16 sworn by members of Victoria Police?---I have a vague
15:30:28 17 recollection of that.
18
15:30:30 19 And various members of Purana were called to give evidence
15:30:33 20 and ultimately that evidence was ruled out in the case of
15:30:36 21 Marijancevic?---I don't have a clear recollection of that
15:30:40 22 but I don't dispute that.
23
15:30:44 24 It was pretty significant news within Victoria Police at
15:30:48 25 that stage?---I don't dispute that.
26
15:30:51 27 You're aware at this point in time, in September of 2011,
15:30:56 28 that Mr Orman was facing trial in the near future for the
15:31:01 29 murder of Kallipolitis?---Yes.
30
15:31:05 31 You're aware that those tomato tins proceedings were on
15:31:09 32 foot?---Probably.
33
15:31:11 34 Amongst potentially others that might be
15:31:17 35 jeopardised?---Other matters?
36
15:31:17 37 Yes?---No doubt there were a number of matters ongoing.
38
15:31:23 39 You're aware that there were people sitting in gaol who
15:31:29 40 otherwise, whose convictions might be jeopardised if this
15:31:34 41 information was to come out?---Potentially.
42
15:31:41 43 And the basis upon which those convictions might be
15:31:43 44 jeopardised is that Ms Gobbo's role would be
15:31:49 45 disclosed?---So far as her role being exposed was that she
15:32:00 46 breached client/lawyer privilege, yes.
47

15:32:06 1 You're aware for those convictions to be jeopardised the
15:32:08 2 court generally would say, well, something's gone wrong in
15:32:11 3 the process, we're not allowing this conviction to
15:32:15 4 stand?---Yes.
5
15:32:38 6 And that might be because evidence has been obtained
7 improperly?---Yes.
8
9 It might be because Ms Gobbo has not complied with her
15:32:38 10 obligations to the court and her client?---Yes.
15:32:38 11
15:32:38 12 It might be the police have been involved in some
15:32:38 13 impropriety as well?---Yes.
15:32:38 14
15:32:38 15 COMMISSIONER: Did you want to tender the VGS0 file note?
15:32:49 16
15:32:50 17 MS TITTENSOR: Yes Commissioner.
15:33:14 18
15:33:14 19 COMMISSIONER: What date is that?
15:33:16 20
15:33:28 21 MS TITTENSOR: It's 13 September 2011.
15:33:28 22
15:33:30 23 #EXHIBIT RC685A - (Confidential) VGS0 file note 13/9/11.
15:33:30 24
15:33:31 25 #EXHIBIT RC685B - (Redacted version.)
15:33:31 26
15:33:32 27 COMMISSIONER: We'll take the midafternoon break.
15:33:35 28
15:33:35 29 (Short adjournment.)
15:52:49 30
15:52:49 31 COMMISSIONER: Yes Ms Tittensor.
15:52:50 32
15:52:51 33 MS TITTENSOR: Thanks Commissioner. If we can put up a
15:52:57 34 transcript for 14 September, please. VPL.0100.0068.0395.
15:53:24 35 If we can go to p.9, please.
15:53:40 36
15:53:41 37 COMMISSIONER: So which date is this, please?
15:53:42 38
15:53:43 39 MS TITTENSOR: 14 September 2011, Commissioner.
15:53:45 40
15:53:45 41 COMMISSIONER: Thanks.
15:53:47 42
15:54:16 43 MS TITTENSOR: Ms Gobbo was referring to Mr Dale looking
15:54:18 44 for matters with which to discredit her, do you see
15:54:22 45 that?---Yes.
15:54:23 46
15:54:27 47 You indicate that it was the lawyers, you go on to say,

15:54:33 1 "Lawyers regularly give advice in the best interests of
15:54:36 2 their client in given circumstances and evidence against
15:54:39 3 them to plead" and it could be, that might be the case with
15:54:44 4 Ms Gobbo. Do you agree with that, you're having this
15:54:48 5 conversation with her?---Yes.
15:54:49 6
15:54:49 7 "You were just doing what lawyers ordinarily do, you're in
15:54:53 8 the best interests of your client, given the circumstances
15:54:56 9 and the evidence often lawyers would indicate that the
15:55:01 10 client should plead"?---Yes.
15:55:04 11
15:55:04 12 And that's the case with her, or that could be the case
15:55:07 13 with her?---Yes.
15:55:08 14
15:55:11 15 If you keep moving up, please. And you say, "It could be
15:55:16 16 put like that in terms of you", and that's what you
15:55:21 17 say?---Yes.
15:55:21 18
15:55:27 19 Ms Gobbo says - sorry, you go on and say, "Is that how it
15:55:35 20 would be able to be put in terms of" - is that the case
15:55:38 21 which, for example, in relation to those two major
15:55:41 22 witnesses we've been discussing in your evidence in
15:55:43 23 relation to the matters that you were running and in
15:55:45 24 relation to Operation Posse?---Yes.
15:55:47 25
15:55:47 26 You say, "Well is that how it would be in relation to those
15:55:50 27 people"?---Yes.
15:55:51 28
15:55:51 29 "That's all that happened"?---Yes.
15:55:55 30
15:55:56 31 That is all that happened in relation to those people is
15:55:58 32 you gave the normal advice in the best interests of the
15:56:02 33 client?---Yes.
15:56:03 34
15:56:03 35 Ms Gobbo responds in these terms, "No, in order for you to
15:56:10 36 know the things that you knew when you sat down to take the
15:56:14 37 statement from the witness against Mr Orman, you were told
15:56:17 38 certain things that he hadn't told you beforehand", she
15:56:21 39 goes on, "And the reason why Purana were able to take a
15:56:24 40 statement from him in the matter of Peirce, you might have
15:56:29 41 had an idea or suspicion that he might have known
15:56:33 42 something, so I convey all of that in great detail and it
43 eventually flows down to you and you sit down with him, or
15:56:36 44 whoever it was in your crew, and take the statement from
15:56:38 45 him". She indicates, "This is what happened from the first
15:56:44 46 person who'd done the deal way back when in terms of the
15:56:49 47 gangland rolling" and so on, is that right?---That's what

15:56:53 1 she's saying, yes.
15:56:54 2
15:56:55 3 And if we keep on scrolling slowly through that so you can
15:56:59 4 have an idea, but at p.13 the topic is returned to. And
15:57:11 5 she says, so you say at the top of it, "So it's more than
15:57:15 6 just", and she says, "The answer to your question is it's
15:57:20 7 far more than just that". You say, "Okay. I imagine that
15:57:24 8 there will be people upset with you about that and I'm not
15:57:28 9 talking about crooks who might think 'I was with her in
15:57:31 10 2006 and if she's been speaking since 2004 what's she said
15:57:37 11 about me', I don't mean that sort of person, I mean
15:57:41 12 barristers". She says, "Oh yeah, that's why" - I can't
15:57:45 13 read under that unfortunately properly. "That's why you
15:57:57 14 tell me a lawyer I can tell in Melbourne my current
15:58:01 15 problem, tell me one, I don't trust any of them"?---Yes.
15:58:04 16
15:58:05 17 And you say, "Do people like Sandy White obviously know
15:58:09 18 about this sort of stuff"?---Sorry, did you say I say that
15:58:13 19 or I asked that?
15:58:14 20
15:58:14 21 Sorry, you asked that?---Yes.
15:58:16 22
15:58:16 23 You say, "Do people like Sandy White obviously know about
15:58:21 24 this stuff" and you say, "Yes" and presumably you say -
15:58:25 25 well you say, "Because they were the conduit ..." and she
15:58:32 26 agrees with you. What you were saying there - - - ?---What
15:58:36 27 I was asking, yes.
15:58:36 28
15:58:37 29 You were asking there, "The SDU were the conduit between
15:58:42 30 you providing that information and Purana getting the
15:58:44 31 information"?---Yes.
15:58:45 32
15:58:45 33 And she agreed with that?---Yes.
15:58:47 34
15:59:07 35 If we can scroll to p.51, please. If we scroll down, do
15:59:29 36 you see, is there some discussion there about how Ms Gobbo
15:59:34 37 might answer questions that might expose her in the witness
15:59:38 38 box?---Yes.
15:59:41 39
15:59:41 40 And you say, "Okay, because I don't understand and I'm not
15:59:45 41 as clever as you and you're pretty sharp" and she says, "I
15:59:49 42 used to be, not any more". You say, "Why couldn't you
15:59:53 43 dance around them in the witness box. Not lie, but when a
15:59:58 44 question's loaded and you know when a questions's
16:00:00 45 loaded"?---Leading, sorry.
16:00:01 46
16:00:01 47 "You know when it's a question leading ..."?---Yes, I

16:00:08 1 suggest to her she shouldn't lie, yes.
16:00:11 2
16:00:11 3 Sorry?---Yes, that's right, I suggest to her she shouldn't
16:00:15 4 lie.
16:00:15 5
16:00:16 6 What you say is, "Why can't you dance around them in the
16:00:19 7 witness box, not lie but you know when a question's loaded
16:00:24 8 and you know essentially when it's a question leading to
16:00:27 9 something"?---Yes.
16:00:28 10
16:00:29 11 That's a strategy, is it, that you adopt, and you want to
16:00:33 12 avoid giving evidence about certain things?---Absolutely.
16:00:38 13 I'll give you an example?
16:00:40 14
16:00:41 15 Sure?---If I was asked the identity of a human source I
16:00:45 16 wouldn't answer that question.
16:00:46 17
16:00:46 18 That's not dancing and weaving around it, it's claiming PII
16:00:50 19 when you get asked that question, isn't it?---That's right.
16:00:54 20
16:00:55 21 That's not what you're suggesting here, is it?---I'm not
16:00:58 22 precisely sure what I'm suggesting but I don't dispute that
16:01:02 23 we're having a conversation about that.
16:01:04 24
16:01:05 25 You're not having a conversation necessarily about lying
16:01:09 26 but you're having a conversation about her not telling the
16:01:13 27 whole truth when she's in the witness box?---No, I dispute
16:01:17 28 that because I say, "You're not to lie but you do know at
16:01:21 29 times where questions are heading" and if it's something
16:01:24 30 that you don't wish to disclose, for good reason, PII might
16:01:29 31 be one, you see that coming.
16:01:30 32
16:01:31 33 And you dance around them?---Yes.
16:01:32 34
16:01:33 35 Is that something that you and your colleagues engaged
16:01:36 36 in?---I've been doing it for three days in here whilst I
16:01:39 37 haven't been identifying witness, whoever witness, whoever
16:01:47 38 witness whoever, and handler, whoever handler whoever.
39
40 Well that's in a situation where everyone in the room - -
16:01:50 41 -?---I haven't been claiming PII, I've just been dancing
16:01:54 42 around the issue.
16:01:55 43
16:01:55 44 What you're talking about in here is something that we know
16:01:58 45 about, you're not dancing around - we're dancing around it
16:02:02 46 for other reasons but people in the room know what we're
16:02:06 47 talking about. The person presiding over this Commission

16:02:09 1 knows what we're talking about?---And it may also be a
16:02:13 2 presiding magistrate, judge also knows but you don't want
16:02:16 3 others in the courtroom necessarily to know.
16:02:19 4
16:02:22 5 In this case you're talking about withholding disclosure to
16:02:24 6 the very person whose trial might be effected?---That's
16:02:28 7 possible that I am talking about withholding disclosure,
16:02:30 8 yes, but for good reason.
16:02:32 9
16:02:33 10 Your good reason is it's Ms Gobbo's safety, is that
16:02:37 11 right?---That's a factor.
16:02:39 12
16:02:40 13 And you're saying, "Well we're not going to disclose it and
16:02:44 14 claim PII on it, let's just avoid it by you not telling the
16:02:49 15 whole truth in the witness box"?---No, that is not what I
16:02:52 16 say to her. That is not what I say to her. I say you
16:02:56 17 don't lie.
16:02:56 18
16:02:57 19 You say not lie but, that but is loaded in itself, isn't
16:03:02 20 it?---That's right, it is, and I've just talked through a
16:03:04 21 number of examples and reasons why you wouldn't directly
16:03:07 22 address an issue.
16:03:08 23
16:03:12 24 When you take an oath you take an oath to tell the truth
16:03:16 25 and the whole truth and nothing but the truth?---That's
16:03:19 26 right.
16:03:19 27
16:03:22 28 Do you always tell the whole truth or do you just get away
16:03:27 29 with telling a bit of the truth sometimes?---I reject that
16:03:30 30 question.
16:03:30 31
16:03:45 32 If we can go to some VGS0 notes, please, dated 15 September
16:03:51 33 2011. You see here there's a meeting, it's not a meeting
16:04:22 34 that you're involved with, Mr Buick, but it's a meeting
16:04:29 35 that occurs with some people from the legal department
16:04:33 36 within Victoria Police and Mr Maguire?---Yes.
16:04:36 37
16:04:37 38 And Ms Jarrett as well who's taking the notes?---Yes.
16:04:42 39
16:04:43 40 They talk about - there's reference to there being a narrow
16:04:50 41 defence, Mr Dale believed the conversation was privileged
16:04:55 42 and there being a second defence essentially being credit
16:04:59 43 issues, you can't believe what Ms Gobbo says?---Yes.
16:05:01 44
16:05:02 45 And it refers to your approach, "Don't unpack her life in
16:05:08 46 terms of credit, it's not relevant to the charges" and then
16:05:11 47 it goes on, "But it is relevant, likely this will be an

16:05:15 1 issue of what her involvement with police has been. Need
16:05:22 2 to know what problem we are facing based on the extent of
16:05:25 3 her involvement with police. Problem may be if she has
16:05:29 4 been involved in informing on clients of hers, crims will
16:05:33 5 appeal sentences," do you see that?---Yes.
16:05:35 6
16:05:37 7 "Drug Squad also tarnished" and again there are reference,
16:05:43 8 there's reference to various areas within Victoria Police
16:05:46 9 likely to have relevant information, including, Purana,
16:05:50 10 Briars, Petra, Driver, tech and SPU, Human Services
16:05:56 11 Division, Covert Support and Witsec?---Yes.
16:05:59 12
16:06:02 13 There is to be some facilitation of access to certain
16:06:07 14 material and the LSD, I assume that's the Legal Services
16:06:14 15 Department is to identify remaining?---Yes.
16:06:16 16
16:06:19 17 I tender that note, Commissioner.
16:06:21 18
16:06:22 19 #EXHIBIT RC686A - (Confidential) VGSO file note 15/9/11.
16:06:31 20
16:06:33 21 #EXHIBIT RC686B - (Redacted version.)
16:06:39 22
16:06:40 23 If we can have a look at your day book, 16 September 2011,
16:06:47 24 the day book at p.223. At 7.30 there's an indication that
16:07:03 25 you've briefed Detective Inspector Frewen in relation to a
16:07:06 26 legal argument. Do you know if that was about this
16:07:10 27 matter?---Perhaps can I just look at my day book for the
16:07:17 28 day before?
16:07:17 29
16:07:18 30 Certainly?---It indicates in my day book there's some
16:07:53 31 conversation around a confidential affidavit re Williams'
16:07:57 32 statement, email to Maguire and Frewen. That's the only -
16:08:03 33 there's a subpoena went to Justice Lasry. This is in the
16:08:07 34 Supreme Court, re Johnson trial. I'm not sure sorry.
16:08:14 35
16:08:14 36 Nevertheless, at 14:40 that day you have a conversation
16:08:24 37 with Mr Frewen post steering committee meeting?---Yes.
16:08:31 38
16:08:33 39 It was indicated, is it, "SC discussed prosecutions in
16:08:40 40 light of risk re F", being Ms Gobbo?---Yes.
16:08:45 41
16:08:46 42 There's a discussion of prosecutions plural in light of the
16:08:50 43 risk in relation to Ms Gobbo?---Yes.
16:08:53 44
16:08:58 45 You understand that what you were being, what was discussed
16:09:03 46 at that steering committee meeting was that there were
16:09:07 47 other prosecutions at risk in relation to Ms Gobbo's

16:09:10 1 exposure?---Yes.
16:09:14 2
16:09:23 3 I take it that's not a steering committee meeting that you
16:09:27 4 attended, it's one that was attended by Mr Frewen and he
16:09:31 5 reported to you what had occurred?---That's right.
16:09:33 6
16:09:37 7 If we can go to your day book for 20 September. You record
16:09:51 8 on this date having had a meeting with Ms Gobbo. It might
16:09:55 9 be further on in that note?---Yeah, at 11.10.
16:10:02 10
16:10:03 11 Yes, you meet her in Clarendon Street?---Yes.
16:10:07 12
16:10:07 13 There's reference to a statement for Ron Iddles and Steve
16:10:14 14 Waddell in Briars?---Yes.
16:10:16 15
16:10:17 16 There's a reference there to client/lawyer
16:10:25 17 privilege?---Yes.
16:10:25 18
16:10:30 19 Just in relation to, just in between those two entries,
16:10:35 20 what's that, "Requested to be called" - - - ?---First at
16:10:39 21 Dale committal.
16:10:39 22
16:10:40 23 First at Dale committal. And there's reference to the 6
16:10:46 24 October, there being some pressure and speaking to
16:10:50 25 Krista?---Yes.
16:10:51 26
16:11:05 27 If we go to the transcript of that conversation,
16:11:17 28 VPL.0100.0068.0464. And to p.32. Ms Gobbo down the bottom
16:11:39 29 of that page, she's referring to the Briars matters and was
16:11:48 30 saying the problem with that statement was that she'd been
16:11:51 31 tasked to do things, is that right?---Yes.
16:11:55 32
16:11:55 33 And she'd told you about being tasked to meet Mr Waters and
16:12:01 34 tell him things and that she'd made a statement and there
16:12:05 35 was no way to avoid her exposure as an informer, is that
16:12:09 36 right?---Yes.
16:12:10 37
16:12:14 38 Was it your understanding that, or did it come to be your
16:12:19 39 understanding that Victoria Police had viewed her
16:12:23 40 involvement in Dale and her involvement in Briars
16:12:26 41 differently, such that one might require disclosure and one
16:12:30 42 might not?---No.
16:12:36 43
16:12:37 44 Do you understand why they chose to take a statement in
16:12:40 45 Petra and why not in Briars? Did you have any
16:12:44 46 understanding of that?---No, sorry.
16:12:45 47

16:12:52 1 If we can go to p.38. Do you see here Ms Gobbo indicates
16:13:09 2 she's talking about becoming an informer and says no one
16:13:13 3 ever gave her a sign up sheet, "I don't know". You say to
16:13:17 4 her, "You've never physically signed up with a Statement of
16:13:21 5 Responsibility" and she said no she didn't. You ask if it
16:13:26 6 was ever read to her and she says, "Never", is that
16:13:31 7 right?---Yes.
16:13:31 8
16:13:32 9 Was that of some surprise to you?---I'm not sure when the
16:13:38 10 process or the procedure of statements of responsibility
16:13:44 11 were introduced. They've certainly been around for all the
16:13:49 12 time that I've been involved with informers. I didn't know
16:13:52 13 at this stage how long she had been an informer, but it
16:13:57 14 does surprise me.
16:13:58 15
16:13:58 16 Statement of Responsibility, is that the same thing as an
16:14:01 17 Acknowledgement of Responsibility?---Yes.
16:14:03 18
16:14:03 19 For how long have you been involved or when have you had
16:14:07 20 involvement with informers from?---Well, from my first year
16:14:12 21 at Homicide.
16:14:15 22
16:14:17 23 When was that, if you can remind us?---2001. I may have
16:14:22 24 actually had an informer when I was at Fitzroy CI as well.
16:14:30 25
16:14:32 26 [REDACTED]
16:14:36 27 [REDACTED]
16:14:40 28 [REDACTED]
16:14:42 29 [REDACTED]
16:14:42 30 [REDACTED]
16:14:48 31 [REDACTED]
16:15:03 32
16:15:03 33 Yes, Ms Gobbo said she didn't have that procedure done and
16:15:08 34 you - is that right?---Yes.
16:15:11 35
16:15:12 36 You're indicating down the bottom there, "Well, it is a
16:15:15 37 procedure, I don't know". Was it a new procedure at that
16:15:19 38 stage or had it been around for many years?---No, it had
16:15:22 39 been around. Certainly as I say in the time that I'd been
16:15:25 40 involved with informers.
16:15:26 41
16:15:26 42 If we can go to p.40, please. Do you agree that in this
16:15:43 43 passage she's essentially providing you with the
16:15:47 44 information or discussing with you the information that
16:15:51 45 she'd provided that led to the arrest of the Posse
16:15:56 46 witness?---I guess so. With the mention of the names in
16:16:08 47 there I assume so.

16:16:09 1
16:16:10 2 There's the mention of the names and some of the details in
16:16:12 3 relation to that, is that right?---Yes.
16:16:14 4
16:16:16 5 If we can go to p.43. There's some discussion there about
16:16:36 6 preparing an affidavit for court that didn't actually
16:16:40 7 declare Ms Gobbo as an informer but just stressed the need
16:16:43 8 for her protection?---Look, I'm not sure. It's possible.
16:16:56 9 When I say we're not going to go there, I don't know that
16:16:59 10 necessarily means that but it's possible.
16:17:01 11
16:17:01 12 You were indicating, "I can't speak for people like Sandy
16:17:04 13 White here but what if Sandy White was to prepare an
16:17:08 14 affidavit in such a way that it satisfies the magistrate
16:17:11 15 that we're not going to go there, but he doesn't really
16:17:14 16 need to understand why". Ms Gobbo says, "What do you mean?
16:17:17 17 How could he say that without declaring what I was?" You
16:17:20 18 say, "Well there's different terminology and method that
16:17:24 19 could be used I'm sure in an affidavit, and the
16:17:27 20 significance of the need for protection made blatantly
16:17:32 21 clear". Ms Gobbo says, "Why couldn't you just steer clear
16:17:36 22 of the whole informant issue and just say, not dishonestly
16:17:40 23 say there were ongoing investigations in which I'm
16:17:44 24 relevant". She says, "It's not dishonest". And you say,
16:17:48 25 "This is what I'm talking about, wording like that, you
16:17:51 26 know, that might suffice". Is that right?---Yes.
16:17:55 27
16:17:56 28 So there was discussion about potentially preparing an
16:17:59 29 affidavit which didn't alert the court to the fact that
16:18:04 30 Ms Gobbo was an informer but used the excuse, "Well she was
16:18:09 31 important for upcoming investigations or
16:18:13 32 prosecutions"?---Not an excuse but the reason, which is a
16:18:17 33 legitimate reason.
16:18:19 34
16:18:19 35 Well, was she going to be, were there ongoing
16:18:27 36 investigations in which she was relevant at that stage, was
16:18:31 37 she going to be used again?---Potentially.
16:18:37 38
16:18:38 39 This was going to be a method for avoiding telling a court
16:18:42 40 the whole truth, is that right?---Yes, I agree that it
16:18:49 41 would be, it would avoid telling the whole truth so long as
16:18:54 42 the legitimate purpose was the issue of either safety or
16:18:57 43 ongoing investigations.
16:18:59 44
16:18:59 45 Why can't a court be told the whole truth?---Well a court
16:19:04 46 can be told.
16:19:06 47

16:19:06 1 Isn't the answer the court must be told the whole
16:19:09 2 truth?---Yes.
16:19:09 3
16:19:10 4 Why are we discussing here ways in which it's going to be
16:19:19 5 avoided telling the court the whole truth?---It may not be
16:19:23 6 the foundation of the seeking, of the withholding of a
16:19:31 7 particular fact because of safety or because of ongoing
16:19:35 8 investigation.
16:19:35 9
16:19:35 10 You know ultimately the court wasn't told the whole truth,
16:19:39 11 the court was given an indication that it was simply a
16:19:44 12 matter of Ms Gobbo's safety?---Which court was that, sorry?
16:19:48 13
16:19:48 14 Well the Magistrates' Court?---For which matter?
16:19:51 15
16:19:52 16 For Mr Dale's matter?---I'd have to be referred to a
16:19:58 17 document.
16:20:01 18
16:20:01 19 We'll come to it.
16:20:05 20
16:20:05 21 MS ARGIROPOULOS: Commissioner, can I just raise a matter.
22
23 COMMISSIONER: Sure.
24
16:20:08 25 MS ARGIROPOULOS: There was just some evidence given a
16:20:10 26 short time ago which I'm instructed is the subject of a PII
16:20:13 27 claim which has been accepted in documents. It's a matter
16:20:17 28 that was referred to in the transcript at 8879 line 47
16:20:26 29 through to 8880 line 5, and on that basis I'd ask for that
16:20:35 30 portion to be removed from the live stream and the public
16:20:39 31 transcript and not published. It's a PII claim based on
16:20:51 32 methodology referred to in that portion of the transcript.
16:20:55 33
16:20:56 34 COMMISSIONER: Okay. Have you got that Ms Tittensor, 8879,
16:20:59 35 bottom of the page, 47, this is about the - - -
16:21:13 36
16:21:14 37 MS TITTENSOR: Perhaps if that can be accepted on an
16:21:16 38 interim basis and we might have some further discussions.
16:21:20 39
16:21:20 40 COMMISSIONER: Yes, all these things I've made clear that
16:21:24 41 what's been accepted for PII hasn't been the subject of
16:21:28 42 counsel assisting's submission, just because they've been
16:21:33 43 accepted for the time being doesn't mean it's always going
16:21:36 44 to be so. For the time being I'll direct there be no
16:21:39 45 publication of, until further order I'll make no
16:21:44 46 publication of the transcript, or if it's not too late the
16:21:53 47 streaming, from p.8879 line 47 down to 8880 line 2, is that

16:22:13 1 sufficient?
16:22:14 2
16:22:14 3 MS ARGIROPOULOS: I had asked for line 5.
16:22:17 4
16:22:17 5 COMMISSIONER: To line 5. Yes, all right then, line 5.
16:22:20 6
16:22:21 7 MS ARGIROPOULOS: Thank you, Commissioner.
16:22:24 8
16:22:34 9 MS TITTENSOR: If we can go to your day book for 21
16:22:38 10 September 2011, please. It should be p.227. It was the
16:23:13 11 agenda to begin with, yes. This was something in your day
16:23:20 12 book that wasn't originally provided to the Commission.
16:23:23 13 Are you able to indicate why?---No, but I have found it
16:23:28 14 loose.
16:23:31 15
16:23:35 16 Is it stapled into your - - - ?---No, it's not.
16:23:38 17
16:23:38 18 Has it been in the past, do you know?---There's a staple in
16:23:42 19 it, it's been stapled to something.
16:23:44 20
16:23:45 21 This is a meeting that took place with Mr Maguire, another
16:23:49 22 meeting, is that right?---Yes.
16:23:51 23
16:23:52 24 And there's quite a number of attendees there, Mr Frewen
16:23:59 25 from Driver Task Force and yourself?---Yes.
16:24:01 26
16:24:03 27 Mr Waddell from Briars?---Yes.
16:24:10 28
16:24:10 29 We have someone redacted?---Yes.
16:24:12 30
16:24:18 31 We have some VGSO lawyers, Mr Elms and Ms Jarrett?---Yes.
16:24:24 32
16:24:26 33 We have McCrae and Mr Bona from legal services?---Yes.
16:24:31 34
16:24:32 35 Ms Breckweg from the Commonwealth DPP and of course
16:24:36 36 Mr Maguire?---Yes.
16:24:36 37
16:24:43 38 That goes on to indicate the various issues that were to be
16:24:47 39 discussed at that meeting?---Yes.
16:24:50 40
16:24:57 41 It's an anticipated subpoena at this stage, is that
16:25:02 42 right?---That's right.
16:25:03 43
44 Discussion of the likely scope of that?---Yes.
45
16:25:05 46 And all of the work units that had been - I might indicate
16:25:10 47 that the redaction is that of Sandy White, is that right,

16:25:14 1 in your copy that you're having a look at now?---Yes.
16:25:18 2
16:25:25 3 So there's work units there that might have relevant
16:25:29 4 material. I notice that Purana has dropped off that list.
16:25:33 5 Do you know why that is?---No.
16:25:34 6
16:25:38 7 Was there any discussion about, there had previously been
16:25:42 8 discussion about Purana having potentially relevant
16:25:46 9 material?---I don't know why, I didn't author that.
16:25:49 10
16:25:51 11 There was a proposed procedure for the review of the
16:25:54 12 counsel documents and discussion about other matters and
16:26:00 13 public interest immunity, arguments and relevance arguments
16:26:03 14 and so forth, is that right?---Yes.
16:26:04 15
16:26:06 16 We've already had tendered at Exhibit 345 some VGS0 notes
16:26:16 17 in relation to these matters. That's another version of
16:26:23 18 that agenda, you'll see that there with someone's
16:26:32 19 handwritten notes beside it, do you see that?---Yes.
16:26:34 20
16:26:35 21 If we scroll through we might get some of the notes that
16:26:38 22 I'm referring to. That's from the next day. I think that
16:26:49 23 there might have been some other exhibits also included in
16:26:53 24 - here we go. See these are Mr Elms' notes?---Yes.
16:27:00 25
16:27:06 26 Various of those issues are included. I just want to
16:27:09 27 highlight a couple of things. I think it might be on the
16:27:12 28 next page perhaps. There's a reference to info on people
16:27:24 29 she was acting for in the terms of Mr Maguire wanting some,
16:27:29 30 wanting to know about that. Do you see that, number 3
16:27:33 31 there?---Yes.
16:27:37 32
16:27:37 33 I suggest to you this meeting occurred and Ms Breckweg from
16:27:44 34 the Commonwealth DPP was present for part of it and then
16:27:48 35 left the meeting and the meeting continued without her
16:27:51 36 there, do you recall that?---Yes, I've got a note of that,
16:27:55 37 yes.
16:27:55 38
16:27:55 39 Underneath those matters it's got your initials and,
16:28:02 40 "Isolate F", or Ms Gobbo, "As a witness, public interest to
16:28:08 41 proceed. Cross-examination on potential source shouldn't
16:28:15 42 proceed". Do you recall you expressing a view at that
16:28:20 43 stage that you wanted to isolate her as a witness so that
16:28:25 44 material in relation to her being a human source wasn't
16:28:29 45 disclosed?---No, I think - I think what I'm saying there is
16:28:48 46 that if the prosecution is going to lead to her being
16:28:54 47 revealed as a source then the prosecution shouldn't

16:28:57 1 proceed.
16:28:57 2
16:28:57 3 Right. If we can go and have a look at Ms Jarrett's notes,
16:29:04 4 which I think are included in that bundle. Ms Jarrett's
16:29:20 5 also taken some notes. If you can scroll through there.
16:29:23 6 You see there's reference to - sorry, stop there.
16:29:31 7 Ms Breckweg indicating in terms of possibly defence
16:29:36 8 strategy that serial liar, dobber, doxed on clients, this
16:29:44 9 will be their tactic, do you see that?---Yes.
16:29:46 10
16:29:48 11 There's an arguing or an argument about relevance and PII
16:29:52 12 and someone needing to swear an affidavit in relation to
16:29:54 13 holdings of Victoria Police?---Yes.
16:29:56 14
16:29:59 15 There's reference to Smith having been cross-examined on
16:30:03 16 holdings last time, trying to prevent this happening but it
16:30:08 17 would likely happen again?---Yes.
16:30:10 18
16:30:11 19 And there's reference to there having been extensive
16:30:15 20 contact by Ms Gobbo with the SDU?---Yes.
16:30:17 21
16:30:18 22 Do you recall what the upshot of that meeting was and what
16:30:23 23 was going to happen?---No.
16:30:31 24
16:30:31 25 If we can go to your day book on 22 September,
16:30:37 26 please?---Just before we do, can we just come back to one
16:30:41 27 line I've recorded in my notes for the 21st?
16:30:44 28
16:30:44 29 Certainly?---Which you've chosen not to raise. At one
16:30:48 30 point Finn McRae says, "F says she's never given info on a
16:30:53 31 client".
16:30:54 32
16:30:54 33 Yes. Sure, we can have a look at that on the screen. If
16:31:04 34 we can have a look at the day book, I think, it will be
16:31:11 35 p.228 probably. It might be it's the day before that. We
16:31:30 36 don't have that. Or do we?
16:31:43 37
16:31:43 38 COMMISSIONER: Whereabouts is the entry you wanted us to
16:31:46 39 look at?
16:31:48 40
16:31:48 41 MS TITTENSOR: There we go. If we can just scroll further
16:31:51 42 up to that. Thanks. There's some discussion there and as
16:31:59 43 you correctly point out Finn says, "F", Ms Gobbo, "Says she
16:32:03 44 never gave info on a client"?---Yes.
16:32:06 45
16:32:10 46 You're aware that that was wrong? She had told you so,
16:32:15 47 hadn't she?---She gave plenty of information in relation to

16:32:20 1 people that she had represented, that's correct.
16:32:22 2
16:32:23 3 So what Mr McRae was saying there was wrong.
4
16:32:30 5 COMMISSIONER: She might have said it?---Yes, that's right,
16:32:32 6 that's all I wanted to raise, that's what she said.
16:32:37 7
16:32:37 8 MS TITTENSOR: Mr McRae was saying that Ms Gobbo said she
16:32:42 9 never gave info on a client?---Yes.
16:32:44 10
16:32:44 11 What you were aware of is that Ms Gobbo had told you that
16:32:48 12 she had given information in relation to clients, I've just
16:32:52 13 taken you through one in relation to the Posse
16:32:55 14 witness?---Yes. She did also inconsistently say a number
16:33:01 15 of times that she didn't give information against a client
16:33:06 16 in the context of lawyer/client conversations. Now, I
16:33:11 17 acknowledge that was an inconsistent assertion that she
16:33:14 18 made, but she did make that a number of times, as did Sandy
16:33:19 19 White to me a number of times.
16:33:20 20
16:33:20 21 Clearly her credit was well in issue?---Yes.
16:33:23 22
16:33:23 23 And you considered her still to be potentially involved in
16:33:26 24 a double murder?---Peripherally, yes, and other offending.
16:33:31 25
16:33:34 26 I note the time, Commissioner.
16:33:35 27
16:33:36 28 COMMISSIONER: Sure. Are there a couple of issues we need
16:33:40 29 to deal with? There was the undertaking from Mr Wareham,
16:33:52 30 are you able to sort that out, he was wanting to have it
16:33:55 31 varied?
16:33:56 32
16:33:56 33 MR WINNEKE: Yes, Commissioner. I've left a message with
16:33:58 34 Mr Holt and I've spoken to him about that and I haven't got
16:34:02 35 an answer about that but I have asked him to communicate
16:34:09 36 with me so as we can sort it out if possible tonight. But
16:34:16 37 I can't, I can't offer to Mr Wareham an indication that he
16:34:23 38 can do what he seeks to do at present because I think
16:34:27 39 before I can offer that, or at least the Commission can do
16:34:32 40 that, we really need to get some sort of - - -
16:34:36 41
16:34:37 42 COMMISSIONER: We need to give him an opportunity to make a
16:34:40 43 submission.
16:34:40 44
16:34:40 45 MR WINNEKE: Yes.
16:34:40 46
16:34:41 47 COMMISSIONER: I think Mr Wareham has spoken to Victoria

16:34:43 1 Police about this.
16:34:44 2
16:34:44 3 MR WINNEKE: Yes.
16:34:45 4
16:34:45 5 COMMISSIONER: So - Ms Argiropoulos, do you know what I'm
16:34:48 6 talking about?
16:34:48 7
16:34:49 8 MR WINNEKE: It may be something we can do in chambers next
16:34:55 9 week.
10
16:34:55 11 MS ENBOM: We're not across the issue.
16:34:55 12
16:34:58 13 COMMISSIONER: You're not across the issue.
16:34:58 14
16:34:59 15 MS ENBOM: No. I'll contact Mr Holt.
16:34:59 16
16:34:59 17 COMMISSIONER: I'm speaking cryptically, but there seem to
16:35:02 18 be good reasons and I think he has articulated them in an
16:35:06 19 email as to why the undertaking should be widened a little
16:35:09 20 so that he can discuss a particular issue that has arisen
16:35:14 21 with slightly a broader, with some others, including other
16:35:20 22 lawyers. That's all it's about, other lawyers. So I would
16:35:23 23 be inclined to allow the undertaking to be extended in that
16:35:27 24 way but I'll give you till 4.30 on Monday.
16:35:34 25
16:35:34 26 MS ENBOM: Thank you Commissioner.
16:35:35 27
16:35:35 28 COMMISSIONER: To make any submissions that you want to
16:35:38 29 make on that in case there's something I'm not aware of.
16:35:43 30
16:35:43 31 MS ENBOM: Yes, thank you Commissioner.
16:35:44 32
16:35:44 33 COMMISSIONER: I thought there was another issue we needed
16:35:46 34 to raise this afternoon too.
16:35:48 35
16:35:48 36 MR WINNEKE: I can't think what it is.
16:35:50 37
16:35:50 38 COMMISSIONER: All right then, okay. We'll adjourn until
16:35:52 39 Monday the 11th at 9.30, when we will be in a different
16:35:58 40 courtroom on this floor.
16:36:01 41
16:36:02 42 MR WINNEKE: Yes. I was there this morning, there's a
43 limit to the number of seats.
44
45 COMMISSIONER: Yes.
46
47 MR WINNEKE: So it may well be that Mr Chettle, who's gone

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now, won't be able to come back.

COMMISSIONER: It might be a good idea for everyone to get in early on Monday the 11th, it could be up close and personal. I think it's Court 5 we'll be in. We'll adjourn until Monday the 11th at 9.30.

<(THE WITNESS WITHDREW)

ADJOURNED UNTIL MONDAY 11 NOVEMBER 2019