

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

1           PROCEEDINGS IN CAMERA:

2  
11:53:06 3           COMMISSIONER: I understand there's to be an application in  
11:53:09 4           respect of - - -

11:53:10 5  
11:53:11 6           MR WINNEKE: Mr Otter has an application as I understand  
11:53:12 7           it, Commissioner.

11:53:13 8  
11:53:13 9           COMMISSIONER: - - - in respect to the previous hearing.  
11:53:15 10          So the orders that were in place before the break are still  
11:53:18 11          in place. That's what I'm told is needed.

11:53:20 12  
11:53:21 13          MR WINNEKE: Yes Commissioner, that's correct.

11:53:22 14  
11:53:22 15          COMMISSIONER: Yes Mr Otter.

11:53:23 16  
11:53:23 17          MR OTTER: Commissioner, I make an application for the  
11:53:26 18          release of the redacted transcripts of the closed hearings  
11:53:30 19          of Mr Black and Mr Buick, redacted insofar as all  
11:53:37 20          identifying information in relation to [REDACTED] is  
11:53:42 21          removed. That would include clients and associates and  
11:53:47 22          personal details and such. So in effect what would be  
11:53:50 23          released to the media would be the transcript about a  
11:53:55 24          lawyer approaching police and their dealing with police in  
11:54:01 25          relation to being an informant and how they were dealt with  
11:54:04 26          by police without any ability to identify who that lawyer  
11:54:09 27          is.

11:54:09 28  
11:54:09 29          COMMISSIONER: Actually, Mr Otter, I would expect that  
11:54:10 30          would be done in the ordinary course anyway. That's what  
11:54:14 31          we're trying to do. There is a big backlog waiting for  
11:54:18 32          Victoria Police to PII these matters. That's what I would  
11:54:20 33          expect, that something would come out of it and be  
11:54:25 34          published on the website and be available to the media and  
11:54:28 35          the public.

36  
37          MR OTTER: I appreciate that.

38  
11:54:29 39          COMMISSIONER: I would expect that in the ordinary course.

11:54:32 40  
11:54:32 41          MR OTTER: I appreciate that.

11:54:33 42  
11:54:33 43          COMMISSIONER: Perhaps Victoria Police might want to say  
11:54:35 44          something about that.

11:54:36 45  
11:54:36 46          MR HOLT: Commissioner, this is obviously a different kind  
11:54:38 47          of private hearing and plainly the only matters that could

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

11:54:41 1 ultimately ever be published in our respectful submission  
11:54:46 2 would be those that which no risk of identification.  
11:54:49 3  
11:54:49 4 COMMISSIONER: That's right. It'll probably be pretty  
11:54:51 5 bland what comes out.  
11:54:52 6  
11:54:54 7 MR HOLT: More pretty black I suspect in terms of what the  
11:54:56 8 transcript looks like, Commissioner. And it is a big job  
11:54:58 9 to do that. If it's to be done quickly it would need to be  
11:55:03 10 done in priority to a number of other competing matters for  
11:55:06 11 the Commission.  
11:55:08 12  
11:55:08 13 COMMISSIONER: I don't know that it should necessarily be  
11:55:11 14 prioritised over everything else.  
11:55:13 15  
11:55:14 16 MR HOLT: Can I have a look at the transcript of both  
11:55:16 17 matters overnight? I'm also conscious we haven't yet  
11:55:19 18 finished dealing with this question I don't think. There  
11:55:23 19 may well be one or two other witnesses and it may well be  
11:55:24 20 that a sensible decision can be made once that's done. But  
11:55:26 21 can I have a look at the material and just at least I might  
11:55:30 22 be able to give the Commission a sense as to how much or  
11:55:32 23 little might be available. I'm thinking aloud, and really  
11:55:38 24 only for the purposes of perhaps foreshadowing something  
11:55:41 25 that the Commission might consider, it may be that we can  
11:55:44 26 agree with those assisting you, potentially involve  
11:55:47 27 Mr Otter in those discussions, to put to the Commissioner a  
11:55:49 28 form of words that might allow some reporting of the  
11:55:52 29 matters that could be published rather than going through  
11:55:54 30 the process of redacting an entire transcript which would  
11:55:59 31 probably mean just a sea of black I suspect. That might be  
11:56:03 32 a more sensible way of managing it. I don't have  
11:56:03 33 instructions on that, I'm just simply indicating it might  
11:56:07 34 be something I can speak to Mr Winneke and Mr Otter about.  
11:56:10 35  
11:56:10 36 COMMISSIONER: That's certainly a positive way of moving  
11:56:13 37 forward. But even the sea of black might still need to be  
11:56:21 38 done at some point.  
11:56:22 39  
11:56:23 40 MR HOLT: It might, Commissioner. Perhaps in terms of what  
11:56:24 41 the media legitimately want to achieve it might be a way we  
42 can achieve - - -  
43  
44 COMMISSIONER: Achieve something a little faster.  
45  
11:56:30 46 MR HOLT: It's certainly a technique that has been used in  
11:56:33 47 other similar - - -

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

11:56:33 1  
11:56:33 2 COMMISSIONER: It's certainly possible that's something  
11:56:35 3 that could be done and could be done much faster perhaps  
11:56:38 4 than the redaction process.  
11:56:38 5  
11:56:39 6 MR HOLT: Exactly. I foreshadow it may sensibly need to  
11:56:41 7 wait until the remaining couple of witnesses who might deal  
11:56:44 8 with this issue are dealt with. Perhaps I can take those  
11:56:48 9 discussions off line with Mr Winneke in the first instance.  
11:56:51 10  
11:56:51 11 COMMISSIONER: Are you content with that, Mr Otter?  
11:56:53 12  
11:56:54 13 MR OTTER: I am, Commissioner. The one thing I'd request  
11:56:57 14 would be for those discussions, and on the same undertaking  
11:57:01 15 I have already provided to the court, that I would also be  
11:57:03 16 able to see unredacted versions of the transcript just for  
11:57:07 17 the purpose of the discussions with my learned friends  
11:57:09 18 about what can and should or shouldn't be released. I do  
11:57:14 19 have my notes but just for that purpose.  
11:57:18 20  
11:57:19 21 MR HOLT: I would have thought that could be arranged, we  
11:57:21 22 might need to make some special security arrangements  
11:57:24 23 around them but I suspect we can do that again. I'm happy  
11:57:27 24 to take instructions on that, Commissioner.  
11:57:29 25  
11:57:29 26 COMMISSIONER: All right, at the appropriate time.  
11:57:31 27  
11:57:33 28 MR HOLT: Yes.  
11:57:33 29  
11:57:34 30 COMMISSIONER: Yes. All right then. Thanks Mr Otter. We  
11:57:38 31 need to adjourn again, do we, for the necessary  
11:57:42 32 technicalities to be dealt with to proceed - no? We don't  
11:57:51 33 do the application in closed closed hearing, only in a  
11:57:55 34 closed hearing, is that right?  
11:57:57 35  
11:57:57 36 MS ENBOM: I had understood that it wasn't necessary to  
11:58:03 37 formally make the application that an order had been  
11:58:06 38 prepared and was to be made.  
11:58:07 39  
11:58:07 40 COMMISSIONER: I need to have it justified to me, that's  
11:58:11 41 all. I haven't had the justification made to me yet. I  
11:58:16 42 have been given the draft orders. I have been told that  
11:58:26 43 counsel assisting don't have an objection to the draft  
11:58:29 44 orders.  
11:58:29 45  
11:58:29 46 MR WOODS: Commissioner, there was correspondence. It may  
47 or may not have made its way to you and I apologise if it

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

11:58:32 1 hasn't.  
11:58:32 2  
11:58:32 3 COMMISSIONER: I don't think it has.  
11:58:34 4  
11:58:34 5 MR WOODS: It's not sworn material but on the basis of some  
11:58:39 6 of the areas in which the next witness was employed we can  
11:58:43 7 certainly get a copy of the letter to you quite quickly,  
11:58:47 8 but on the basis of that it is proposed that the order in  
11:58:51 9 the terms that should be in front of you about who can be  
11:58:54 10 in the room, no live streaming until or no streaming until  
11:58:58 11 further order, and that certain aspects of the witness's  
11:59:03 12 employment history are avoided, that an order is made in  
11:59:09 13 those terms and then we can proceed with the witness.  
11:59:12 14  
11:59:12 15 COMMISSIONER: So where is this material that justifies it?  
11:59:15 16  
11:59:16 17 MS ENBOM: I have a copy of the application made by letter.  
11:59:18 18 I apologise, Commissioner, it does have some highlighting  
11:59:22 19 on it.  
11:59:22 20  
11:59:22 21 COMMISSIONER: No, that's all right. I'm sure it will be  
11:59:26 22 helpful highlighting from you, Ms Enbom. Thank you.  
12:00:01 23 Having read that I'm content to make the order. I was  
12:00:12 24 handed two alternative orders, one which allows lawyers for  
12:00:17 25 Higgs to be present and one which doesn't.  
12:00:20 26  
12:00:20 27 MS ENBOM: Yes, I understood that counsel for Mr Higgs did  
12:00:23 28 want to be present and Victoria Police doesn't have any  
12:00:26 29 objection to that.  
12:00:28 30  
12:00:29 31 COMMISSIONER: Ms Dwyer, does Mr Higgs have leave for this  
12:00:33 32 witness?  
12:00:34 33  
12:00:35 34 MR WOODS: I don't think he formally does have leave, I  
12:00:38 35 don't think that formal application has been made. I don't  
12:00:41 36 take objection with his representation being present.  
12:00:45 37  
12:00:45 38 COMMISSIONER: They'll need leave, that's all.  
12:00:46 39  
12:00:46 40 MR WOODS: Yes.  
12:00:47 41  
12:00:47 42 COMMISSIONER: Is it appropriate - - -  
12:00:49 43  
12:00:49 44 MR WOODS: I did look for his counsel a little while ago  
12:00:52 45 and couldn't see her here, she might be outside the room  
12:00:56 46 because of the nature of the hearing. While the proceeding  
12:00:59 47 is stood down to allow the technology to change I will have

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

12:01:05 1 a word with her and explain that a formal application is to  
12:01:06 2 be made.  
12:01:06 3  
12:01:06 4 COMMISSIONER: She can make it orally.  
12:01:08 5  
12:01:09 6 MR WOODS: Yes.  
12:01:09 7  
12:01:10 8 COMMISSIONER: All right. We'll have a short adjournment.  
12:01:35 9  
12:01:35 10 (Short adjournment.)  
11  
12:05:50 12 COMMISSIONER: Yes.  
12:05:50 13  
12:05:51 14 MR WOODS: Commissioner, the next witness is Craig Anthony  
12:05:55 15 Hayes.  
12:05:55 16  
12:05:55 17 COMMISSIONER: Yes. I understand there's an application on  
12:05:59 18 behalf of Mr Higgs for leave to appear. Yes Ms Dwyer.  
12:06:04 19  
12:06:04 20 MS DWYER: Yes Commissioner. If Mr Higgs can have leave to  
12:06:08 21 appear during the giving of the evidence of this witness.  
12:06:11 22  
12:06:11 23 COMMISSIONER: Yes.  
12:06:11 24  
12:06:12 25 MS DWYER: I've just had the chance to review the statement  
12:06:14 26 very briefly. It doesn't seem to be particularly probative  
12:06:18 27 of the issues relevant to Mr Higgs, it seems there's an  
12:06:23 28 application for some sort of surveillance relevant to Karam  
12:06:27 29 outside of the time frame of the tomato tins investigation,  
12:06:31 30 but it's really a matter of just monitoring the evidence of  
12:06:34 31 this witness and ensuring that it doesn't touch on matters  
12:06:37 32 relevant to Mr Higgs' conviction.  
12:06:41 33  
12:06:41 34 COMMISSIONER: What do you say, Mr Woods?  
12:06:43 35  
12:06:44 36 MR WOODS: It's unlikely to go there but there's a chance  
12:06:47 37 it might. I don't take any exception to Mr Higgs' counsel  
12:06:51 38 being here.  
12:06:52 39  
12:06:52 40 COMMISSIONER: No one else wants to be heard on the issue?  
12:06:56 41 I give you leave to appear for Mr Higgs in respect of this  
42 witness, Ms Dwyer.  
43  
44 MS DWYER: As the Commissioner pleases.  
45  
12:06:58 46 COMMISSIONER: In that case I make the following order in  
12:07:01 47 respect of the evidence of this witness. Pursuant to s.24

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

12:07:04 1 of the *Inquiries Act* access to the inquiry during the  
12:07:07 2 evidence of Detective Sergeant Craig Hayes is limited to  
12:07:12 3 legal representatives and staff assisting the Royal  
12:07:15 4 Commission, the following parties with leave to appear in  
12:07:17 5 the private hearing and their legal representatives, namely  
12:07:21 6 the State of Victoria, Victoria Police including media unit  
12:07:26 7 representatives, Graham Ashton, Director of Public  
12:07:28 8 Prosecutions and Office of Public Prosecutions,  
12:07:32 9 Commonwealth Director of Public Prosecutions, Ms Nicola  
12:07:35 10 Gobbo, SDU handlers, Australian Federal Police, Australian  
12:07:38 11 Criminal Intelligence Commission, the legal representatives  
12:07:39 12 of the following party with leave to appear, namely Mr John  
12:07:42 13 Higgs, media representatives accredited by the Royal  
12:07:47 14 Commission are allowed to be present in the hearing room.  
12:07:51 15 The hearing is to be recorded but not streamed or broadcast  
12:07:52 16 until further order of the Commission. Any streaming of  
12:07:52 17 the evidence of Detective Sergeant Craig Hayes is not to  
12:07:55 18 include his image and details of his current work location  
12:07:59 19 and duties. There is to be no publication of any material  
12:08:03 20 that would enable his image and current work location and  
12:08:07 21 duties to be ascertained. A copy of this order is to be  
12:08:10 22 posted on the door of the hearing room.  
23  
12:08:13 24 Mr Hayes is here. Could you go to the witness box,  
12:08:18 25 please. I understand you're going to take the oath?---Yes,  
12:08:22 26 Commissioner.  
12:08:22 27  
12:08:22 28 Thank you.  
12:08:23 29  
12:08:24 30 <CRAIG ANTHONY HAYES, sworn and examined:  
12:08:55 31  
32 COMMISSIONER: Yes, Ms Enbom.  
33  
34 MS ENBOM: Thanks Commissioner.  
35  
12:08:55 36 COMMISSIONER: Would you prefer to stand? I'm happy for  
12:08:58 37 you to stand or sit as you wish?---See how I go.  
12:09:00 38  
12:09:00 39 See how you go, you're welcome to sit down if you'd like  
12:09:02 40 to.  
12:09:03 41  
12:09:03 42 MS ENBOM: Mr Hayes, is your full name Craig Anthony  
12:09:06 43 Hayes?---Yes, it is.  
12:09:06 44  
12:09:06 45 Is your address the Victorian Police Centre?---That's  
12:09:10 46 correct.  
12:09:10 47

.12/11/19

9068

HAYES XN - IN CAMERA

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

12:09:11 1 Are you currently a Detective Sergeant with Victoria  
12:09:13 2 Police?---Yes, I am.  
12:09:14 3  
12:09:15 4 Have you made a statement for this Royal Commission dated  
12:09:19 5 25 July 2019?---Yes, I have.  
12:09:24 6  
12:09:24 7 Do you have a copy of that with you?---I do.  
12:09:26 8  
12:09:27 9 I understand that there are some corrections that you'd  
12:09:29 10 like to make to your statement?---There are, yes.  
12:09:31 11  
12:09:32 12 We'll go through those now. If you can turn to paragraph  
12:09:35 13 8, please?---Yes.  
12:09:39 14  
12:09:39 15 Is there a correction you'd like to make in the third line  
12:09:42 16 in paragraph 8?---Yes, the year of 2006 for both 14  
12:09:47 17 November and 15 November should be amended to 2005.  
12:09:51 18  
12:09:51 19 If you move forward to paragraph 61. Do you have a  
12:10:00 20 correction to that paragraph?---61, yes. The date reads 31  
12:10:05 21 of January 2008, it should read 31 of March 2008.  
12:10:09 22  
12:10:10 23 Thank you. If we move down the page to paragraph 67.  
12:10:15 24 You'll see there that paragraph 67 your statement says  
12:10:20 25 this, "The threats against Ms Gobbo were very specific.  
12:10:24 26 She was called a dog which is a term that criminals use to  
12:10:28 27 describe informers and witnesses. As I say in my answer to  
12:10:32 28 question 2, I definitely knew that Ms Gobbo was a  
12:10:34 29 registered human source on 2 March 2007 because I discussed  
12:10:38 30 the reporting process with DS Anderson on that date". Now  
12:10:46 31 that date of 2 March 2007 appears in paragraph 54 of your  
12:10:49 32 statement. If you turn back to paragraph 54?---That does  
12:10:52 33 appear in paragraph 54, yes.  
12:10:54 34  
12:10:54 35 If we move up to paragraph 52?---Yes.  
12:10:56 36  
12:10:57 37 You'll see there you refer to on 23 February 2007?---Yes.  
12:11:01 38  
12:11:01 39 Being informed by Detective Sergeant Flynn about an SMS  
12:11:07 40 threat that had been made against Ms Gobbo?---Yes.  
12:11:09 41  
12:11:11 42 Have you in preparing to give evidence revisited your diary  
12:11:14 43 entry for that date?---Yes, I have.  
12:11:16 44  
12:11:16 45 And in reviewing that diary entry have you found  
12:11:22 46 information in there that suggests that you may have known  
12:11:25 47 that Ms Gobbo was a source on that date?---Yes, I have.

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

12:11:28 1  
12:11:28 2 Can you explain that to the Commissioner?---The notation  
12:11:32 3 within my diary, Commissioner, relates to me contacting the  
12:11:36 4 Dedicated Source Unit in relation to Ms Gobbo. There would  
12:11:40 5 be no reason for me to be doing that without knowing that  
12:11:42 6 Ms Gobbo was a source.  
12:11:44 7  
12:11:47 8 Mr Hayes, is it your evidence then that the date in  
12:11:51 9 paragraph 67 should be changed from 2 March 2007 to 23  
12:11:57 10 February 2007?---That's correct, yes.  
12:11:59 11  
12:12:01 12 And if we then look at paragraph 54 again?---Yes.  
12:12:04 13  
12:12:04 14 On 2 March 2007 you spoke to Detective Sergeant Anderson  
12:12:08 15 with regard to 3838?---Yes.  
12:12:11 16  
12:12:11 17 Having reviewed your diary entry for that date, do you  
12:12:15 18 believe that that's the first date on which you found out  
12:12:19 19 Ms Gobbo's registration number?---Yes, it is.  
12:12:21 20  
12:12:28 21 Mr Hayes, could you please move forward to paragraph  
12:12:32 22 81?---Yes.  
12:12:33 23  
12:12:36 24 Is there a matter that you want to clarify in paragraph  
12:12:39 25 81?---Yes, it just relates to the matter of Cvetanovski.  
12:12:43 26 The paragraph reads, "Mr Cvetanovski was arrested and  
12:12:49 27 interviewed in relation to trafficking drugs of dependence  
12:12:52 28 and obtaining financial advantage by deception" which is  
12:12:55 29 correct. The following sentence is, "He was charged and  
12:12:58 30 bailed on the same date". The charging and the bail  
12:13:00 31 relates purely to the financial matters, not the drug  
12:13:04 32 matters.  
12:13:04 33  
12:13:04 34 Thank you. And the last correction, Mr Hayes, is in  
12:13:07 35 paragraph 97?---Yes.  
12:13:09 36  
12:13:10 37 Before we get to paragraph 97, if you look at paragraph  
12:13:14 38 96?---Yes.  
12:13:14 39  
12:13:14 40 You refer there to [REDACTED] giving evidence on [REDACTED]  
12:13:20 41 2011?---Yes.  
12:13:21 42  
12:13:21 43 You explain you weren't in court for that  
12:13:24 44 evidence?---That's correct, yes.  
12:13:25 45  
12:13:25 46 But you explain that your diary records that during the  
12:13:29 47 lunch break prosecutor John Champion told you about a

.12/11/19

9070

HAYES XN - IN CAMERA



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

12:13:33 1 matter raised by the defence?---Yes, that's correct.  
12:13:35 2  
12:13:35 3 And the matter you have described there is the supply of  
12:13:39 4 money or siphoning of money for Tony Mokbel?---That's  
12:13:44 5 correct, yes.  
12:13:44 6  
12:13:44 7 But in the next paragraph 97 you explain that on [REDACTED]  
12:13:48 8 so the next day, you spoke with the DSU?---Yes.  
12:13:51 9  
12:13:52 10 In relation to the matter that Mr Champion raised with you  
12:13:55 11 on the previous day?---That's correct, yes.  
12:13:57 12  
12:13:57 13 That's a reference to the siphoning of money in the  
12:13:59 14 previous paragraph?---Yes.  
12:14:01 15  
12:14:01 16 Having looked at your diary for [REDACTED] 2011, is it the  
12:14:08 17 case that you raised with the DSU a matter in addition to  
12:14:14 18 the matter in paragraph 96?---That's correct, yes.  
12:14:17 19  
12:14:17 20 And what's that matter?---That matter relates to a  
12:14:22 21 statement by the defence in relation to the concocting of  
12:14:25 22 statements by witnesses and Ms Gobbo.  
12:14:27 23  
12:14:29 24 Thank you. They're the corrections, Mr Hayes, and  
12:14:33 25 Commissioner. Is the statement, Mr Hayes, otherwise true  
12:14:36 26 and correct?---Yes, it is.  
12:14:38 27  
12:14:40 28 I seek to tender that statement, Commissioner.  
12:14:45 29  
12:14:45 30 COMMISSIONER: Yes.  
12:14:46 31  
12:14:46 32 MS ENBOM: I think the witness only has a shaded version of  
12:14:49 33 the statement so we can tender the shaded version.  
12:14:53 34  
12:14:53 35 COMMISSIONER: A tendered shaded version?  
12:14:58 36  
12:14:59 37 MS ENBOM: Shaded version, containing PII claims that  
12:15:05 38 haven't yet been resolved.  
12:15:07 39  
12:15:07 40 COMMISSIONER: I thought they had been resolved.  
12:15:09 41  
12:15:10 42 MS ENBOM: Not that I'm aware of, Commissioner.  
12:15:12 43  
12:15:13 44 #EXHIBIT RC726A - (Confidential) Statement of Craig Anthony  
12:09:19 45 Hayes dated 25/7/19.  
12:15:14 46  
12:15:18 47 #EXHIBIT RC726B - (Redacted version.)

.12/11/19

9071

HAYES XN - IN CAMERA

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

12:15:34 1  
12:15:34 2 Thank you Commissioner.  
12:15:36 3  
12:15:36 4 COMMISSIONER: Yes Mr Woods.  
12:15:38 5  
6 <CROSS-EXAMINED BY MR WOODS:  
7  
12:15:39 8 Mr Hayes, if you would just bear with me for a moment, I  
12:15:41 9 need to tender a number of diary entries, a matter of  
12:15:44 10 formality at the commencement of your evidence. There's  
12:15:47 11 been 11 separate files produced to the Commission by  
12:15:52 12 Victoria Police for this witness, Commissioner, and I'm  
12:15:55 13 seeking to tender them as a bundle A and then B will be the  
12:15:59 14 specific references that I take the witness to. There is a  
12:16:05 15 reference in each of the ones that I'm about to read out.  
12:16:08 16 I won't read out the entire numbers but the bundle, the 11  
12:16:13 17 documents all begin with VPL.0005.0157 and then they're all  
12:16:24 18 dot 0 and then I'll just read the following numbers into  
12:16:27 19 the record: 1, 79, 133, 166, 223, 229, 273, 288, 305, 313  
12:16:47 20 and 316 are the diaries that have been produced. So I seek  
12:16:53 21 to tender those diaries at this stage as A of what will  
12:16:58 22 become A and B in due course.  
12:17:01 23  
12:17:04 24 #EXHIBIT RC727A - Pages of the diaries of Craig Hayes.  
12:17:08 25  
12:17:09 26 #EXHIBIT RC727B - Specific references to diaries of Craig  
12:17:10 27 Hayes.  
12:17:10 28  
12:17:11 29 MR WOODS: Thank you Commissioner. Mr Hayes, just for the  
12:17:13 30 record your surname is spelt H-a-y-e-s, is that  
12:17:20 31 correct?---Yes, it is.  
12:17:21 32  
12:17:21 33 You're a Detective Sergeant with Victoria Police?---Yes, I  
12:17:23 34 am.  
12:17:23 35  
12:17:23 36 And you commenced with Victoria Police in 1996?---Yes, I  
12:17:27 37 did.  
12:17:28 38  
12:17:28 39 And after various roles in suburban stations on 23 March  
12:17:34 40 2004 you transferred to the MDID?---That's correct, yes.  
12:17:37 41  
12:17:38 42 And you were there until 14 November 2005 was your last day  
12:17:44 43 and the next day, 15 November, was your first day at  
12:17:47 44 Purana?---Yes, that's correct.  
12:17:48 45  
12:17:48 46 And you were at the Purana Task Force for just under six  
12:17:53 47 years?---Yes, roughly speaking, yes.

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

12:17:55 1  
12:17:56 2 Left in mid-2011?---Yes.  
12:17:58 3  
12:17:58 4 And from there you've moved on to other roles?---Yes,  
12:18:01 5 that's correct.  
12:18:01 6  
12:18:02 7 Within Victoria Police though. One of the times was in a  
12:18:05 8 Government position outside Victoria Police or was that  
12:18:07 9 still with Victoria Police for the Attorney-General's  
12:18:11 10 department?---That was external to Victoria Police.  
12:18:13 11  
12:18:13 12 Then back to Victoria Police after that?---Just so I'm  
12:18:15 13 clear, I never left Victoria Police, it was a secondment.  
12:18:18 14  
12:18:18 15 I see, okay. I want to start with some questions about  
12:18:23 16 your early involvement in relation to matters concerning  
12:18:25 17 Ms Gobbo and you deal with these at paragraphs 8 to 19 of  
12:18:31 18 your statement. This is prior to her period of  
12:18:34 19 registration. Now, it's correct that you now know that on  
12:18:38 20 16 September 2005 Ms Gobbo was registered as a human  
12:18:43 21 source, just to place that in time?---I'm not sure of the  
12:18:47 22 date she was registered as a human source, no.  
12:18:48 23  
12:18:49 24 You understand it was in late 2005, you found out a couple  
12:18:52 25 of years later you say?---Yes.  
12:18:54 26  
12:18:55 27 At that period of time you were at the MDID and you were on  
12:19:05 28 a crew with Mansell, Rowe and Burrows in late 2005?---Yes,  
12:19:12 29 while I was at MDID, yes.  
12:19:13 30  
12:19:14 31 And your unit supervisor at that stage was Jim  
12:19:17 32 O'Brien?---That's correct, yes.  
12:19:18 33  
12:19:19 34 You were involved in Operation Quills, is that  
12:19:25 35 correct?---Operation?  
12:19:25 36  
12:19:25 37 The investigation of Operation Quills?---Yes, yes, I  
12:19:29 38 assisted in that.  
12:19:29 39  
12:19:30 40 That was an investigation into the manufacture and  
12:19:35 41 distribution or the trafficking of ecstasy?---Yes, it was.  
12:19:37 42  
12:19:38 43 And the focus of that operation was [REDACTED]  
12:19:44 44 and [REDACTED] --They were the [REDACTED] targets, yes.  
12:19:47 45  
12:19:48 46 They it was understood had links to Tony Mokbel?---That's  
12:19:50 47 correct, yes.

.12/11/19

9073

HAYES XXN - IN CAMERA

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

12:19:50 1  
12:19:53 2 DSC Rowe was ultimately the informant for Operation  
12:19:57 3 Quills?---Yes, he was.  
12:19:58 4  
12:19:59 5 And the arrests of those [REDACTED] individuals occurred on a  
12:20:03 6 day, I don't think you were at work that day, it was 15  
12:20:07 7 August 2005, does that - - - ?---I was present for the  
12:20:11 8 arrest of [REDACTED]  
12:20:12 9  
12:20:13 10 The arrest of [REDACTED] ---Yes.  
12:20:15 11  
12:20:16 12 Not the other two?---That's correct.  
12:20:18 13  
12:20:18 14 Were you they all on the same day or different days?---Same  
12:20:22 15 day.  
12:20:22 16  
12:20:22 17 You were at one of them but not the other two?---That's  
12:20:25 18 correct.  
12:20:25 19  
12:20:26 20 You have a recollection of Ms Gobbo separately acting for,  
12:20:29 21 acting for [REDACTED] but not either of the other [REDACTED] is  
12:20:33 22 that correct?---Yes, in some capacity, yes.  
12:20:36 23  
12:20:37 24 You, according to your diaries which we've been provided,  
12:20:42 25 it appears were working pretty closely with Rowe and  
12:20:46 26 Mansell throughout that period of time?---Yeah, it's a  
12:20:49 27 small crew but you all have individual operations that  
12:20:53 28 you're running independent of each other.  
12:20:56 29  
12:20:56 30 I understand. Now, Ms Burrows, who was one of the members  
12:21:01 31 of your crew that you've identified a moment ago, has given  
12:21:04 32 evidence to the Commission and she talks about a date in  
12:21:08 33 mid-September 2005 when Mansell and Rowe returned to the  
12:21:14 34 MDID and explained what appears to be in quite an open  
12:21:20 35 general discussion about the approach that had been made to  
12:21:23 36 them by Nicola Gobbo. Is that something you were aware of  
12:21:26 37 at the time?---No.  
12:21:27 38  
12:21:28 39 Ms Burrows says that there was a discussion between those  
12:21:33 40 present and it was outwardly an open discussion. Is it  
12:21:38 41 something you found out about around that time in late 2005  
12:21:42 42 that this had occurred?---No.  
12:21:44 43  
12:21:44 44 Who were the other members on your crew other than Mansell,  
12:21:47 45 Rowe, Burrows and O'Brien at the top?---I don't believe  
12:21:52 46 there was anyone.  
12:21:53 47

.12/11/19

9074

HAYES XXN - IN CAMERA

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

12:21:53 1 So it was just the four individuals and O'Brien?---Yeah,  
12:21:57 2 there may have been a secondee attached at various times  
12:22:01 3 but I couldn't be specific.  
12:22:02 4  
12:22:04 5 Burrows gave evidence to the Commission that she had  
12:22:07 6 concerns, it appears to be immediately, about the propriety  
12:22:12 7 of using Ms Gobbo as a human source. Is it something that  
12:22:16 8 was discussed with you prior to the date of 23 February  
12:22:20 9 2007 which you've identified a moment ago as a date where  
12:22:24 10 you would have known by, that there was concern about using  
12:22:28 11 a human source who was a lawyer, is that something that was  
12:22:31 12 ever discussed in your presence?---No.  
12:22:33 13  
12:22:35 14 All right. Your diary of - your diaries are present in  
12:22:43 15 court?---They are, yes.  
12:22:44 16  
12:22:44 17 Would you be able to get, I don't want this one brought up  
12:22:48 18 on the screen, but you have your hard copy diary I believe  
12:22:51 19 from September 2005 and what I'm going to - if that could  
12:22:58 20 be shown to the witness or provided to the witness. So  
12:23:01 21 it's 15 September 2005 and 16 September 2005. Are they in  
12:23:05 22 the bag next to you there?---They are, yes.  
12:23:07 23  
12:23:07 24 Okay, you can either get some assistance with that or you  
12:23:11 25 can get it yourself, I suppose?---Commissioner, are you  
12:23:15 26 happy for me to access those?  
12:23:19 27  
12:23:19 28 COMMISSIONER: Yes, I am.  
12:23:35 29  
12:23:36 30 MR WOODS: The diary page number that I want to take you to  
12:23:40 31 is 56?---Yes.  
12:23:45 32  
12:23:48 33 55 and 56?---Yes.  
12:23:50 34  
12:23:50 35 The day when it's understood that this discussion took  
12:23:54 36 place between the other three members of your crew was the  
12:23:57 37 15th. Then on the 16th what the Commission now understands  
12:24:01 38 is that Mr Rowe and Mr Mansell delivered Ms Gobbo to  
12:24:08 39 members of the, what was then the DSU I think, that  
12:24:15 40 evening. Now, your diary at p.56 of that day shows that  
12:24:19 41 you were on duty at 7:30 in the morning, dealing with  
12:24:23 42 emails, et cetera. Then later on in the day you collected  
12:24:30 43 Mansell, is that correct, at just before 10.50, might be  
12:24:36 44 9.25?---Yes.  
12:24:37 45  
12:24:37 46 And can you just read that, what are the words there at  
12:24:41 47 9.25?---It's 9.28.

.12/11/19

9075

HAYES XXN - IN CAMERA

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

1  
12:24:43 2 9.28?---So code 5, collected Detective Sergeant Mansell,  
12:24:46 3 continued to Korumburra in white ute.  
12:24:49 4  
12:24:49 5 That was to do with surveillance or something else?---A  
12:24:53 6 separate job.  
12:24:54 7  
12:24:54 8 Okay, separate job. And then you then went to Wonthaggi,  
12:25:01 9 is that still with Mansell?---Yes, we go to Korumburra and  
12:25:05 10 then go to Wonthaggi, yes.  
12:25:07 11  
12:25:07 12 And then later on in the evening you drop off at 16:30.  
12:25:12 13 Can you explain from the diary entry when it was that you  
12:25:15 14 and Mansell arrived back in Melbourne on 16 September  
12:25:20 15 2005?---I'm not sure in what context?  
12:25:22 16  
12:25:22 17 You're not sure where - what the time was?---No, no, I  
12:25:26 18 understand the time, we go code 1 at 1 pm and we arrive, I  
12:25:32 19 arrive back at St Kilda Road at 3.06.  
12:25:35 20  
12:25:35 21 At 3.06 pm?---Yes.  
12:25:37 22  
12:25:38 23 Then you've got about, just slightly less than an hour and  
12:25:42 24 a half and then you are off duty after that. Was there  
12:25:45 25 anyone else with you when you and Mansell were driving to  
12:25:51 26 Gippsland?---No, there's no recollection of that in my  
12:25:54 27 diary.  
12:25:54 28  
12:25:55 29 And doing the best you can, do you recall any conversation  
12:25:59 30 that took place between you and Mansell in that car of what  
12:26:01 31 had happened the day before and what was to happen a couple  
12:26:04 32 of hours later that evening, being the introduction to the  
12:26:09 33 SDU?---No.  
12:26:10 34  
12:26:12 35 For your information it was at 6.12 that evening, so not  
12:26:20 36 too long after this, that Mansell and Rowe delivered Nicola  
12:26:25 37 Gobbo to two members of the Source Development Unit who are  
12:26:29 38 known as Sandy White and Peter Smith. Are they names  
12:26:32 39 you've been familiar with in the preparation for  
12:26:35 40 today?---I'm not sure who they relate to, sorry.  
12:26:38 41  
12:26:38 42 That's all right. We can give you a document that's called  
12:26:42 43 Exhibit 81, that can sit in front of you while you give  
12:26:45 44 evidence. That has the names of pseudonyms that have been  
12:26:47 45 applied to particular individuals. These are two people  
12:26:50 46 who have given evidence to the Commission, former members  
12:26:54 47 of the SDU and their names are, pseudonyms are Sandy White

.12/11/19

9076

HAYES XXN - IN CAMERA

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

12:26:58 1 and Peter Smith. Do you see those two names?---I do, yes.  
12:27:01 2  
12:27:02 3 They are two individuals that you are now familiar  
12:27:04 4 with?---I know who those people are, yes.  
12:27:07 5  
12:27:07 6 Had you worked with either of those two individuals prior  
12:27:12 7 to September 2005 in the MDID?---No.  
12:27:17 8  
12:27:20 9 We'll talk a little bit more about this in due course, but  
12:27:24 10 the 23 February 2007 date that you identify as knowing that  
12:27:29 11 Ms Gobbo was a human source by then, is it the case that  
12:27:33 12 what you're saying is, "Well, relying on my diaries I can  
12:27:37 13 see by then I must have known, but I may have known  
12:27:40 14 earlier" or are you saying that's the date you confirm you  
12:27:46 15 first knew?---That's the date I confirm I first knew.  
12:27:49 16  
12:27:49 17 Do you have an independent recollection of that occurring,  
12:27:53 18 of you realising or being told that Gobbo was a human  
12:27:57 19 source?---Not without the use of my diary, no.  
12:27:59 20  
12:27:59 21 You don't recall someone saying to you that there is a  
12:28:02 22 practising barrister who is a human source?---No.  
12:28:04 23  
12:28:04 24 Burrows' diaries indicate that she was working closely with  
12:28:08 25 you in relation to Quills throughout September 2005, you  
12:28:11 26 wouldn't disagree with that?---Yeah, yes, among other jobs,  
12:28:17 27 yes.  
12:28:17 28  
12:28:20 29 She says in her statement to the Commission that her first,  
12:28:26 30 I said this to you a moment ago, her first awareness was  
12:28:28 31 when Mansell and Rowe returned from that meeting, which she  
12:28:32 32 doesn't put a date to but we understand to be 15 September,  
12:28:34 33 and they spoke about it openly with her. She then says  
12:28:37 34 when she's asked by the Commission in giving her statement  
12:28:39 35 who were the people that she understood who knew Ms Gobbo  
12:28:43 36 was a human source, she says Mansell, yourself, Rowe, Jim  
12:28:48 37 O'Brien. Is it the fact that you're saying she's just  
12:28:51 38 incorrect about that if she's identifying any time before  
12:28:54 39 23 February 2007?---Yes, she's incorrect.  
12:28:57 40  
12:28:59 41 All right. The other thing that's clear in a review of the  
12:29:08 42 diaries of the others in your crew is that this period of  
12:29:13 43 post September 2005 and into 2006 before the arrest of a  
12:29:19 44 person that we're calling [REDACTED] who you'll see on that  
12:29:22 45 page in front of you I think at 33 or so?---Yes, it is,  
12:29:26 46 yep.  
12:29:26 47

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

12:29:27 1 That during that period the diaries are replete with  
12:29:29 2 information that's being provided by the SDU and then  
12:29:33 3 handed over to people in your crew. Now you now understand  
12:29:39 4 that that was the case, that Ms Gobbo was the source of  
12:29:41 5 quite a lot of information during that period of time?---I  
12:29:45 6 understand that she was a source. The content of her  
12:29:47 7 information I have no idea of.

12:29:49 8  
12:29:49 9 Okay. The other thing that Ms Burrows, the other member of  
12:29:56 10 your crew, says that she goes through a number of entries  
12:30:01 11 in her diary when she gave evidence to the Commission and  
12:30:04 12 says that, for example, on 27 December 2005 she received a  
12:30:08 13 call from the SDU. She was advised that [REDACTED] was  
12:30:12 14 [REDACTED] for the next few days. She knew that that  
12:30:17 15 information had come from Nicola Gobbo and she went on in  
12:30:20 16 her oral evidence to say that she was always aware that the  
12:30:23 17 source was Gobbo when information was passed on to her,  
12:30:27 18 whether or not she was told it was from Nicola Gobbo. Now,  
12:30:30 19 bearing that in mind, are you quite certain that during  
12:30:33 20 this period prior to 23 February 2007 when you say you  
12:30:38 21 found out about Ms Gobbo being a human source, that  
12:30:42 22 Ms Burrows never mentioned that to you?---I was never aware  
12:30:46 23 that Ms Gobbo was a source until the date I've specified.

12:30:49 24  
12:30:58 25 There's been some evidence that's been provided by a number  
12:31:01 26 of witnesses, Black and Richards are two pseudonyms on that  
12:31:08 27 document in front of you, the other one was Mr Biggin who  
12:31:11 28 has recently given evidence, to say that prior to September  
12:31:15 29 2005, so putting registration to one side for a moment,  
12:31:21 30 Ms Gobbo was dealing with a number of different members of  
12:31:24 31 Victoria Police and providing information to them, and  
12:31:29 32 certainly the Commission's heard from Mr De Santo and  
12:31:33 33 Mr Bateson, who have given evidence generally to that  
12:31:37 34 effect. It appears that, and documents indicate that there  
12:31:42 35 was a decision to register Ms Gobbo as a result of her  
12:31:47 36 giving evidence to a number of different individuals.  
12:31:49 37 That's the state of the evidence from those people at this  
12:31:52 38 stage. Did you know, putting her registration to one side,  
12:31:56 39 did you know that Ms Gobbo prior to September 2005 was  
12:32:01 40 actively helping police in relation to any matters at  
12:32:04 41 all?---No.

12:32:05 42  
12:32:08 43 All right. I want to ask you some questions about your  
12:32:12 44 time, some more specific questions about your time at  
12:32:17 45 Purana. It appears that that last day of yours at the  
12:32:26 46 MDID, being 14 November 05, there's a meeting where  
12:32:31 47 Mr O'Brien meets with various individuals, it appears from



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

12:32:37 1 your diary that you're not at the meeting, but there's a  
12:32:42 2 decision made for the only members of this new Task Force  
12:32:46 3 to be Flynn, yourself and Burrows. Was that the situation  
12:32:50 4 as at 15 November?---15 November I transfer from MDID to  
12:32:55 5 Purana.  
12:32:56 6  
12:32:56 7 With Burrows?---Burrows comes and conveys me because I  
12:32:59 8 didn't have access to the floor.  
12:33:01 9  
12:33:01 10 Okay. Was she moving on the same day?---No, they'd already  
12:33:05 11 moved to the Purana office. I had not.  
12:33:09 12  
12:33:11 13 15 November 2005, and you'll see p.77 of the diary in front  
12:33:16 14 of you, Mr O'Brien has told the Commission that there's a  
12:33:24 15 meeting in the Assistant Commissioner's office attended by  
12:33:29 16 DI Hill, AC Crime Purton, Acting Commander Grant, Flynn,  
12:33:35 17 **Evans** Hantsis, Rowe, Hayes, Burrows, Johnson and Upton at  
12:33:43 18 10 am. Now, have you got a record of that in your diary of  
12:33:46 19 attending that meeting?---Just the date again? Sorry.  
12:33:49 20  
12:33:50 21 15 November 2005, I think it should be 77?---Sorry, no, it  
12:33:54 22 was 78.  
12:33:55 23  
12:33:56 24 10 am?---10 am, thank you. No, I'm in brief prep so I've  
12:34:03 25 got no recollection in my diary of attending that meeting.  
12:34:06 26  
12:34:07 27 It might well be that the summary Mr O'Brien has given is a  
12:34:10 28 summary of the discussion rather than the individuals who  
12:34:12 29 are there. You weren't at that meeting?---No.  
12:34:15 30  
12:34:15 31 All right. On 22 November 2005 you attend a briefing  
12:34:28 32 conducted by Inspector Gavan Ryan and Detective Senior  
12:34:36 33 Sergeant O'Brien in relation to Purana Task Force and  
12:34:38 34 Operation Posse?---Your date again, sorry?  
12:34:42 35  
12:34:42 36 That's 22 November 2005?---Do you have a time for that  
12:34:46 37 meeting?  
12:34:46 38  
12:34:47 39 I don't but it's at page - so the reference, we can  
12:34:52 40 probably bring it up on the screen might be easiest, it's  
12:34:54 41 VPL.0005.0157.0166 and it's at p.0191 of that document?---I  
12:35:06 42 just don't have a meeting attached to that date.  
12:35:08 43  
12:35:08 44 We'll see if we can - it might be I have the date wrong.  
12:35:14 45 It will come up on the screen in a moment. While that's  
12:35:14 46 coming up on the screen, what did you understand Operation  
12:35:19 47 Posse to be targeting at the time when you first became

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

12:35:22 1 involved in it?---Sorry, I'm just trying to find your - - -  
12:35:27 2  
12:35:27 3 I'll take you back to that in a moment. Do you see there  
12:35:41 4 at 10.10 there's a meeting with Rowe re a current phone of  
12:35:48 5 Mr Bickley [REDACTED]?---Yes, that's there, yes.  
12:35:50 6  
12:35:51 7 And then you'll see that what is explained to you  
12:35:54 8 apparently is that Peter Smith, you'll see on the pseudonym  
12:35:58 9 list in front of you?---Yes.  
12:36:00 10  
12:36:00 11 May be able to assist with new phone, do you see  
12:36:04 12 that?---Yes, I do, yes.  
12:36:05 13  
12:36:05 14 And then there's you leaving a message for Peter Smith to  
12:36:09 15 call you?---Yes.  
12:36:11 16  
12:36:11 17 Now, what did you understand to be, at this stage, the  
12:36:17 18 source through which Peter Smith was going to be able to  
12:36:20 19 assist with the phone number for Mr Bickley [REDACTED]?---My diary  
12:36:25 20 indicates it's through a registered informer.  
12:36:27 21  
12:36:30 22 And it appears that Burrows at that stage knew, O'Brien at  
12:36:36 23 that stage knew, Flynn at that stage knew, Mansell and Rowe  
12:36:39 24 knew, but your position is that you simply didn't  
12:36:42 25 know?---No, I didn't know who the informer was.  
12:36:43 26  
12:36:44 27 You knew when you started dealing with Operation Posse, as  
12:36:49 28 you had by this stage, you'll see down at 12 pm there's a  
12:36:52 29 meeting with Jim O'Brien and Gavan Ryan?---Yes.  
12:36:56 30  
12:36:56 31 So you were dealing with Operation Posse early on in your  
12:37:00 32 time at Purana?---Yes, I'd only been there a few days, yes.  
12:37:03 33  
12:37:04 34 You knew that the focus of Operation Posse was dismantling  
12:37:07 35 the Mokbel cartel?---Our role was within the drug trade,  
12:37:12 36 yes.  
12:37:12 37  
12:37:12 38 Did you know that sitting behind Operation Posse in some of  
12:37:18 39 the planning documents was specifically to use information  
12:37:23 40 provided by Nicola Gobbo and information relating to [REDACTED]  
12:37:30 41 [REDACTED] to assist in that task of bringing down the Mokbel  
12:37:34 42 cartel?---As I've stated previously I was not aware of  
12:37:39 43 Ms Gobbo's status as a source.  
12:37:40 44  
12:37:41 45 Did you know the significance of a human source in the  
12:37:44 46 Posse investigation at that stage, that there was a  
12:37:46 47 particular human source that was of real significance for

.12/11/19

9080

HAYES XXN - IN CAMERA

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

12:37:48 1 Operation Posse?---There was human sources, the  
12:37:51 2 significance of it I would not have known.  
12:37:53 3  
12:37:53 4 You simply didn't know that there was one particular human  
12:37:56 5 source?---No.  
12:37:56 6  
12:37:57 7 Who had significant information?---No.  
12:37:58 8  
12:38:01 9 All right. Now, at that stage in late 2005 and early 2006  
12:38:07 10 Ms Gobbo was representing Mr Mokbel in relation to  
12:38:12 11 Commonwealth importation of cocaine charges, that's the  
12:38:18 12 matter from which he absconded the jurisdiction, you would  
12:38:25 13 have remembered at the time he was facing charges?---Yes.  
12:38:27 14  
12:38:27 15 Did you know that Ms Gobbo was acting for him in those  
12:38:31 16 matters at the time?---No idea.  
12:38:32 17  
12:38:33 18 Was Ms Gobbo someone who was known to you at your time  
12:38:36 19 during MDID prior to coming to Purana?---I'd only met her,  
12:38:41 20 spoken on the phone once and met her once at court.  
12:38:45 21  
12:38:46 22 You would have known one would assume a fair bit about her  
12:38:52 23 through talk amongst police officers?---I didn't know her.  
12:38:54 24  
12:38:55 25 No, you would have known about her, known who she was. It  
26 wasn't simply the one contact you'd had with her, you would  
12:38:57 27 have known about her - - - ?---The only dealings I had with  
12:39:00 28 Ms Gobbo was in relation to Operation Lodge, where she  
12:39:02 29 represented one of the defendants. Other than that I  
12:39:04 30 didn't have any knowledge of Ms Gobbo.  
12:39:06 31  
12:39:06 32 She wasn't a name that was spoken about around the  
12:39:08 33 office?---Not with me, no.  
12:39:10 34  
12:39:15 35 Your diary, and I'm taking you to - it should be, it might  
12:39:22 36 be over the page. Is that at 191? I think move up a  
12:39:28 37 little bit. Keep going. As I understand it on this date  
12:39:37 38 of 22 November, I'm looking for 9, 10 am. So you're  
12:39:44 39 following up information at this stage about the movements  
12:39:49 40 of **Mr Bickley**?---Yes, I'm making inquiries around that,  
12:39:53 41 yes.  
12:39:53 42  
12:39:53 43 You're speaking to Jetstar to try to ascertain what his  
12:39:57 44 movements had been?---Yes.  
12:39:58 45  
12:39:58 46 You call both Jetstar and Qantas I understand?---Yes, my  
12:40:02 47 diary reflects that, yes.

.12/11/19

9081

HAYES XXN - IN CAMERA

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

12:40:04 1  
12:40:06 2 And you ask Rowe and you speak to Rowe and Rowe, as we  
12:40:13 3 pointed out before, tells you to speak to Officer Peter  
12:40:17 4 Smith to try and assist in these matters, is that  
12:40:21 5 correct?---Yes, he does.  
12:40:22 6  
12:40:23 7 Okay. Did Rowe explain to you why it was that you should  
12:40:31 8 be speaking to a member of the Source Development Unit to  
12:40:36 9 find out this information about Mr Bickley?---It just  
12:40:40 10 details that same doesn't have it, so that means Rowe  
12:40:43 11 doesn't have the phone number and for me, Peter Smith may  
12:40:48 12 be able to assist with the new phone number.  
12:40:52 13  
12:40:52 14 At 16:00, if we can just scroll down, I think Peter Smith  
12:41:00 15 gets back to you and gives you Mr Bickley phone number.  
12:41:04 16 If that could just be scrolled down to 16:00?---Yes, that's  
12:41:09 17 correct.  
12:41:09 18  
12:41:13 19 So this is on 22 November and the number that's provided  
12:41:21 20 there ends in a 3, is that correct?---Yes.  
12:41:24 21  
12:41:26 22 If the ICR of 4 November could be brought up on the screen,  
12:41:31 23 please, and that's p.52 of the 3838 ICRs. You'll see - you  
12:41:38 24 understand what an ICR is, I take it?---I think I refer to  
12:41:42 25 it differently.  
12:41:43 26  
12:41:44 27 That's all right. But essentially it's the repository of  
12:41:48 28 information that's provided by a human source and when the  
12:41:50 29 human source provides information either face-to-face or  
12:41:53 30 over the phone it's recorded by the SDU in an ICR  
12:41:56 31 document?---Yep, it's a contact report, is it?  
12:41:58 32  
12:41:59 33 That's right, an informer contact report?---Yes, I'm aware  
12:42:02 34 what you're talking about.  
12:42:03 35  
12:42:03 36 You'll see there on 4/11/2005 there is - that same phone  
12:42:08 37 number has been provided. Just for your information this  
12:42:12 38 is 3838 informer contact report, so it's information that's  
12:42:19 39 been provided by Nicola Gobbo. Do you see there that's  
12:42:23 40 when the phone number of Mr Bickley was provided to  
12:42:27 41 Victoria Police?---That's what the document here indicates,  
12:42:30 42 yes.  
12:42:30 43  
12:42:31 44 It says there that that phone number is advised to you on  
12:42:38 45 22nd of the 11th 2005 and that accords with your diary  
12:42:42 46 entry, is that correct?---Yes, it does.  
12:42:43 47

.12/11/19

9082

HAYES XXN - IN CAMERA

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

12:42:43 1 Then there's an IR submitted in relation to Mr Bickley  
12:42:48 2 phone number. Do you have any recollection of receiving an  
12:42:50 3 IR of that nature?---No, I've got no recollection.

12:42:53 4  
12:42:55 5 All right. As a result of receiving that phone number it  
12:43:03 6 appears that - in fact it might be a slightly different  
12:43:09 7 phone number. There's a warrant that is sought and I'll  
12:43:18 8 take you to a document, this is VPL.0100.0010.3778 and this  
12:43:29 9 is an affidavit that I think you refer to, you do refer to  
12:43:33 10 it in your statement and it's seeking an intercept on Rob  
12:43:40 11 Karam's phone. Are you familiar with that?---The  
12:43:45 12 affidavit, yes, in preparation of a statement I've seen  
12:43:47 13 that affidavit, yes.

12:43:48 14  
12:43:50 15 The number again, it's VPL.0100.0010.3778. This is 21  
12:44:02 16 February 2006. You'll see, if you can just scroll down to  
12:44:08 17 the top of the second page, this is an affidavit by someone  
12:44:15 18 in - I think the acronym is SPU, Special Projects Unit, and  
12:44:24 19 that would be the usual course, I take it, that they're  
12:44:28 20 provided with information, they put together the affidavit  
12:44:31 21 and seek the TI?---That's correct, yes.

12:44:34 22  
12:44:36 23 You can see here that the deponent of the affidavit has  
12:44:39 24 said that the information on which it's based is  
12:44:43 25 communicated by you, do you agree with that?---Yes,  
12:44:45 26 paragraph 7, yes.

12:44:46 27  
12:44:46 28 And that you've certified in writing the contents of the  
12:44:49 29 affidavit are true and correct and the affidavit contains  
12:44:52 30 all relevant, information relevant to the making of the  
12:44:55 31 application, et cetera, at paragraph 7, do you see  
12:44:58 32 that?---Yes, I do.

12:44:58 33  
12:44:59 34 One of the things that the Commission is required to do to  
12:45:05 35 discharge its Terms of Reference is to understand, firstly,  
12:45:10 36 where particular information came from and then how it was  
12:45:13 37 deployed and so the relevance, just for your own purposes  
12:45:17 38 of going through this document, is to demonstrate how  
12:45:20 39 evidence obtained by Ms Gobbo was ultimately used in  
12:45:25 40 investigations, so just so you understand that. So this  
12:45:30 41 would be the usual course that would be adopted when you  
12:45:33 42 would be seeking a TI or a search warrant, is that  
12:45:36 43 correct?---So I would compose a document and that would be  
12:45:40 44 supplied to the other unit to prepare in relation to the  
12:45:44 45 application for a TI, yes.

12:45:46 46  
12:45:47 47 This affidavit is dated 21 February 2006. Now, you are

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

12:45:55 1 confident at this stage, in fact it's not for another year  
12:45:58 2 that you find out that Ms Gobbo is a human source. The  
12:46:06 3 information that comes into this affidavit is provided  
12:46:10 4 firstly by Gobbo to Peter Smith on that pseudonym list and  
12:46:15 5 Sandy White on 21 September 2005 at a face-to-face meeting.  
12:46:21 6 Now you wouldn't have known that at the time I  
12:46:25 7 assume?---No.  
12:46:25 8  
12:46:26 9 And for the records that's at p.10 of the 3838 ICRs. And  
12:46:31 10 is utilised about four months later in this affidavit for a  
12:46:37 11 warrant. Now, do you recall seeking a warrant on  
12:46:43 12 Mr Karam's phone?---No, not - I don't.  
12:46:47 13  
12:46:47 14 Was it an unusual thing to do during your time at Purana to  
12:46:52 15 seek such a warrant?---No, no, it's not unusual, you're  
12:46:56 16 just allocated a task to perform to assist with jobs,  
12:47:00 17 whether it's yours or other members of the crew. On this  
12:47:04 18 occasion I was tasked to compile the information we had in  
12:47:08 19 the form of a document to supply to Victoria Police for the  
12:47:11 20 application of the TI.  
12:47:12 21  
12:47:12 22 When the information is received, and we've seen an example  
12:47:16 23 a moment ago about a phone call directly made from you to  
12:47:19 24 the SDU and that's certainly the evidence of Mr Kelly and  
12:47:23 25 Mr Hatt and Ms Burrows and a few other investigators, and I  
12:47:28 26 should say Mr O'Brien and Mr Flynn as well, that there was  
12:47:31 27 a pretty free communication between the Source Development  
12:47:35 28 Unit and members of Purana. Was it the case that you would  
12:47:38 29 often receive information from the SDU prior to receiving  
12:47:42 30 an IR?---That would depend on the circumstances surrounding  
12:47:46 31 the information. If there was a need for it to be passed  
12:47:49 32 on, that was purely a decision for them to make and then  
12:47:52 33 they would notify us.  
12:47:53 34  
12:47:53 35 I see. It appears from the IRs - the IRs don't, apparently  
12:48:03 36 don't refer to 3838 and yet the affidavit does refer to  
12:48:12 37 3838. Do you know, would they have used numbers with you  
12:48:16 38 generally speaking when you were speaking to them on the  
12:48:18 39 phone?---That would depend, I'd have to refer to my diary  
12:48:22 40 to - sometimes they would perhaps, sometimes not.  
12:48:24 41  
12:48:25 42 In the opportunity you've had, for example, the correction  
12:48:27 43 that you've made, do you see that the term 3838 is used  
12:48:34 44 fairly frequently throughout late 2005 and 2006 or you're  
12:48:39 45 just not sure?---I'm not sure how often it was used. I  
12:48:43 46 know it was in this document because I've seen it, the  
12:48:46 47 number appears within this affidavit, yes.

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

12:48:48 1  
12:48:48 2 Do you know where you would have got that number  
12:48:50 3 from?---I'm assuming that number would have come from an IR  
12:48:53 4 or came from the Source Development Unit.  
12:48:56 5  
12:48:56 6 So either a written IR or a conversation with the Source  
12:49:01 7 Development Unit who would say 3838?---Yes, that's correct.  
12:49:03 8  
12:49:04 9 Ms Burrows' evidence, or Mr Kelly's evidence, I'm sorry,  
12:49:07 10 when they used the term 3838 with him on the phone he knew  
12:49:11 11 that was Nicola Gobbo. That wasn't your position?---No, I  
12:49:14 12 didn't know.  
12:49:14 13  
12:49:23 14 One of the issues addressed in that application, some of  
12:49:29 15 the information that Ms Gobbo has provided that finds its  
12:49:32 16 way into that application, is in relation to Tony Mokbel  
12:49:37 17 and his associates, and generally speaking that accords  
12:49:40 18 with your memory of the document?---Within the content of  
12:49:43 19 the document?  
12:49:43 20  
12:49:43 21 Yes?---Yes, there's reference to that I believe, yes.  
12:49:46 22  
12:49:46 23 There was an individual Lanteri who was acting as Tony  
12:49:50 24 Mokbel's cook at that stage?---That was the information at  
12:49:52 25 the time, yes.  
12:49:53 26  
12:49:53 27 And that [REDACTED] who is on that list [REDACTED] how  
12:49:57 28 [REDACTED]---I don't know whether that's contained within  
12:50:00 29 that document, but I don't dispute that.  
12:50:03 30  
12:50:05 31 Now, I want to take you to the IR, just to understand a bit  
12:50:12 32 more about the 3838 term being used in the affidavit there.  
12:50:16 33 This is the 29 September 2005 information report and it's  
12:50:21 34 VPL.2000.0003.8399. We might need to flick between the  
12:50:38 35 document that's currently on the screen and the one I've  
12:50:41 36 just asked to be brought up on the screen briefly. Now, do  
12:50:52 37 you see, as you scroll down - it's 29/9/05 is the date at  
12:51:00 38 the top, and then as you scroll down the screen do you see  
12:51:04 39 that the information that's contained in this information  
12:51:08 40 report is the information that you would be at least  
12:51:13 41 vaguely familiar with from the affidavit that was on the  
12:51:16 42 screen a moment ago?---Yes, some of this information  
12:51:21 43 appears to have been used in the affidavit, yes.  
12:51:23 44  
12:51:23 45 I might be mistaken, I'm sure I'll be told if I am, but I  
12:51:28 46 don't see any reference to 3838 appearing in the  
12:51:33 47 information report. Now, that's why I'm interested in how

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

12:51:39 1 it was that it came to be in your affidavit when the  
12:51:42 2 information report doesn't mention 3838 that the affidavit  
12:51:48 3 for a TI does. Can you assist the Commissioner there in  
12:51:53 4 relation to how you would have found out that the  
12:51:55 5 information came from someone called, the source known as  
12:51:58 6 3838?---So the process for that type of an information  
12:52:02 7 report would mean that I would contact, well I probably  
12:52:09 8 would in this case, I may have asked Rowe or Flynn or one  
12:52:13 9 of the senior members to establish where the information  
12:52:15 10 had come from because it needs to reference in the document  
12:52:18 11 I prepare for the other unit, in the TI, they need a  
12:52:22 12 reference if the source was the source of the information,  
12:52:25 13 then the registered number needs to be applicable to the  
12:52:28 14 document that I supplied to them.

12:52:30 15  
12:52:30 16 Was that the usual course, that you'd do it that way, or  
12:52:34 17 would it generally be found in the - - - ?---Generally  
12:52:37 18 you'd find it in the IR but sometimes you would have to  
12:52:41 19 chase it up if it hadn't been included.

12:52:42 20  
12:52:42 21 You assume that what happened here is that you read the  
12:52:44 22 information report and then asked Rowe or someone else,  
12:52:47 23 "Who is the source" or, "What's the handle of that  
12:52:50 24 particular source so I can put it in the affidavit"?---It  
12:52:53 25 would have been in the compilation of the affidavit I was  
12:52:56 26 doing for the TI.

12:52:57 27  
12:52:57 28 You say that would have been an unusual thing because  
12:53:01 29 usually the number would be in there, is that  
12:53:03 30 right?---Generally speaking it would appear on the IR.

12:53:05 31  
12:53:05 32 Do you remember being told the number 3838 at any stage by  
12:53:12 33 any of your colleagues?---No, I don't.

12:53:14 34  
12:53:18 35 I want to ask a few questions now about [REDACTED] who as I  
12:53:24 36 said is on that list there in front of you. That's a name  
12:53:27 37 you're familiar with?---Yes, it is.

12:53:29 38  
12:53:30 39 What the Commission understands from evidence before it is  
12:53:35 40 that between 2001 and around about 2007 Ms Gobbo acted for  
12:53:45 41 [REDACTED] in numerous proceedings. Is that something that  
12:53:49 42 became known to you?---Through my involvement with [REDACTED]  
12:53:54 43 [REDACTED] I'm aware she had acted for him, yes. I'm not sure if  
12:53:59 44 it was linked at the time.

12:54:01 45  
12:54:01 46 You weren't at work, you had a leave day I think on the day  
12:54:03 47 of [REDACTED] arrest, is that correct?---Yeah, I was on



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

12:54:06 1 leave for a week or so, ten days.  
12:54:08 2  
12:54:08 3 But you were pretty involved in the lead up to [REDACTED]  
12:54:11 4 arrest, being looking for where the [REDACTED] might have  
12:54:15 5 been?---Yes.  
12:54:17 6  
12:54:19 7 During the period of at least September 2005 to April 2006  
12:54:27 8 it's clear that Ms Gobbo was socialising pretty frequently  
12:54:34 9 with [REDACTED] Now, as you were investigating [REDACTED]  
12:54:40 10 and [REDACTED] prior to [REDACTED] 2006, is that something you  
12:54:46 11 became aware of about her relationship with [REDACTED]  
12:54:49 12 professional and personal?---Having a social aspect do you  
12:54:54 13 mean?  
12:54:54 14  
12:54:54 15 Both. You said you knew she was acting?---Yes, I knew she  
12:54:59 16 had represented [REDACTED] and I knew she had a social  
12:55:01 17 relationship with [REDACTED]  
12:55:02 18  
12:55:03 19 COMMISSIONER: Mr Hayes, can you just pull the microphone  
12:55:05 20 up a bit closer to your mouth, please?---Sorry.  
12:55:08 21  
12:55:08 22 That's fine, that's fine?---How is that?  
12:55:11 23  
12:55:11 24 That's much better, thank you.  
12:55:14 25  
12:55:14 26 MR WOODS: Placing that in time, these are things that you  
12:55:17 27 knew in that time before [REDACTED] 2006 when [REDACTED] was  
12:55:23 28 discovered?---I knew that she had represented and had a  
12:55:28 29 social - - -  
12:55:28 30  
12:55:29 31 Yes?---Yes.  
12:55:29 32  
12:55:30 33 Do you know the source of that information, how you knew  
12:55:33 34 that Nicola Gobbo was acting for and had a [REDACTED]  
12:55:37 35 [REDACTED] with [REDACTED] --I think Detective Sergeant -  
12:55:42 36 sorry, Detective Sergeant Flynn had charged [REDACTED] so  
12:55:46 37 maybe through conversations that, as far as the  
12:55:49 38 professional aspect, just conversations there. From - - -  
12:55:52 39  
12:55:53 40 This is the Landslip and Matchless charges, do those  
12:55:56 41 phrases ring a bell?---Oh yeah, vaguely. I wasn't around  
12:55:59 42 during those investigations.  
12:56:00 43  
12:56:00 44 I understand?---From a social aspect, I remember us  
12:56:03 45 conducting surveillance upon [REDACTED] and seeing them at a  
12:56:07 46 [REDACTED] party or something like that, some sort of party.  
12:56:10 47

.12/11/19

9087

HAYES XXN - IN CAMERA

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

12:56:11 1 Was that a party in the evening at a location in the [REDACTED]  
12:56:15 2 and it was [REDACTED] party?---Yeah, I think that's  
12:56:19 3 right, yes.  
12:56:19 4  
12:56:20 5 You would have been with either Kelly or Hatt on that  
12:56:25 6 occasion, is that right?---I think I viewed the photos, I  
12:56:28 7 don't know if I was actually working that night.  
12:56:30 8  
12:56:30 9 I see. You might have seen the photographs  
12:56:34 10 afterwards?---Yes.  
11  
12:56:34 12 From the camera that Ms Gobbo?---Yes, it was either photos  
12:56:38 13 or they had told me about it.  
12:56:40 14  
12:56:41 15 I see. You ultimately became the informant in  
12:56:47 16 Mr Cvetanovski's matter which we'll deal with in a little  
12:56:50 17 while, that's correct?---Yes, that's right.  
12:56:53 18  
12:56:54 19 It was the case that one of the main witnesses, in fact the  
12:57:00 20 main witness in that prosecution was [REDACTED]---Yes.  
12:57:03 21  
12:57:04 22 All right. It was on [REDACTED] 2006 that, as you say, you  
12:57:13 23 weren't there on the day, but that his, he indicated his  
12:57:17 24 willingness to assist the police in relation to a number of  
12:57:20 25 individuals, including Mr Cvetanovski and that's something  
12:57:23 26 you would have found out about after that date I take  
12:57:26 27 it?---Yes.  
12:57:27 28  
12:57:28 29 But not so far after that date as 2011. Do you know when  
12:57:34 30 it was that you knew the evidence, the main evidence was  
12:57:37 31 coming from [REDACTED] in relation to Mr Cvetanovski?---I  
12:57:40 32 would have been [REDACTED] aware [REDACTED], when I  
12:57:44 33 returned to work, that he was assisting.  
12:57:46 34  
12:57:46 35 You know that in [REDACTED] he assisted the  
12:57:51 36 police implicating a number of his criminal associates,  
12:57:54 37 [REDACTED]---Yes.  
12:57:55 38  
12:57:56 39 Cvetanovski was one, [REDACTED] was another, [REDACTED]  
12:58:01 40 [REDACTED] was another, is that correct?---I can't remember  
12:58:05 41 if [REDACTED] was, but the others, yes.  
12:58:07 42  
12:58:07 43 And a number of other individuals as well?---Yes, yes.  
12:58:09 44  
12:58:10 45 And that he went on to make a large number of statements,  
12:58:14 46 something in the order of [REDACTED] according to the records the  
12:58:18 47 Commission has been provided with?---Somewhere around that

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

12:58:20 1 figure, yes.  
12:58:21 2  
12:58:21 3 Were you the informant in any other matters, other than  
12:58:27 4 Mr Cvetanovski's matter, that arose out of those  
12:58:32 5 statements?---I don't believe so, no.  
12:58:33 6  
12:58:39 7 Mr Cvetanovski's matter had I think at least two aborted  
12:58:46 8 trials prior to him ultimately being found guilty and  
12:58:51 9 sentenced, is that correct?---Are you referring to the drug  
12:58:55 10 or the financial matters? There were two separate trials.  
12:58:57 11  
12:58:57 12 Drug matters?---It was either two or three trials, yes. I  
12:59:01 13 think it from three from memory.  
12:59:02 14  
12:59:03 15 During that process [REDACTED] gave evidence against him, at  
12:59:07 16 least in two of those matters?---Yes, I'd have to check my  
12:59:11 17 notes but I think so, yes.  
12:59:12 18  
12:59:12 19 And he gave evidence from a remote location which would be  
12:59:16 20 the usual course for someone in his position?---That's  
12:59:19 21 correct, yes.  
12:59:19 22  
12:59:19 23 Are you aware of who was with him at that remote location,  
12:59:24 24 which officer of Victoria Police?---No, I'm not.  
12:59:26 25  
12:59:28 26 Paragraph 31 of your statement, which I think you might  
12:59:33 27 have in front of you, you're briefed on 9 March 2006 by  
12:59:45 28 Mr Green, do you see, I don't think we're using the ranks  
12:59:48 29 of those individuals, but do you see his name on the  
12:59:52 30 pseudonym list?---I do, yes.  
12:59:53 31  
12:59:53 32 In relation to current intelligence regarding Operation  
12:59:59 33 Posse. You didn't record - I'm just taking you through  
13:00:04 34 some of the steps that led up to that [REDACTED] 2006 arrest,  
13:00:09 35 just to place it in time. You receive information from  
13:00:12 36 Green and you don't record what it is and later in the day  
13:00:16 37 Flynn tasks you with going to an area in the [REDACTED]  
13:00:21 38 suburbs to conduct surveillance in relation to [REDACTED]  
13:00:25 39 is that right?---Yes.  
13:00:26 40  
13:00:28 41 Did you carry out that surveillance?---I did, yes.  
13:00:32 42  
13:00:32 43 And who was with you on that occasion?---I was by myself.  
13:00:35 44  
13:00:35 45 Is that an unusual thing that you'd do that by yourself, is  
13:00:39 46 it usually a two-up thing?---Depending on the type of  
13:00:43 47 surveillance you're doing. I think I was [REDACTED] for that

.12/11/19

9089

HAYES XXN - IN CAMERA

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

13:00:46 1 so it's [REDACTED].

13:00:47 2

13:00:49 3 Did DS Flynn explain to you that the location or the

13:00:55 4 possible location of [REDACTED] had come from a human

13:00:59 5 source?---I don't believe he detailed to me where it had

13:01:03 6 come from, no.

13:01:04 7

13:01:06 8 I assume that you would understand information of that kind

13:01:10 9 would come from a source generally speaking?---No, it could

13:01:12 10 come from many streams. We had many TIs operating at the

13:01:18 11 time, we had a lot of surveillance occurring. So I

13:01:20 12 couldn't specifically say where it had come from.

13:01:23 13

13:01:25 14 Did you see any information report, it might not be

13:01:28 15 recorded in your diaries, but any information report to

13:01:31 16 that effect or would this have been a hot debrief to

13:01:35 17 Mr Flynn and then passed on to you or you don't know?---I'd

13:01:39 18 have to check my diary.

13:01:40 19

13:01:40 20 You can go ahead, 9 March 2006. For the display, just to

13:02:13 21 make it perhaps a bit easier for the witness and the

13:02:16 22 Commissioner, it's the document ending in 166, that's at

13:02:21 23 p.200?---It would appear it's a verbal briefing or verbal

13:02:25 24 direction from Flynn.

13:02:26 25

13:02:26 26 That wasn't unusual, I mean I can see in this period that

13:02:30 27 goes on from here there's a number of times you go out to

13:02:35 28 check whether [REDACTED] might be in a particular area, is that

13:02:38 29 fair to say?---I'm directed to the [REDACTED] suburbs a

13:02:41 30 couple of times, yes.

13:02:42 31

13:02:44 32 Can you just point out there in the diary where you receive

13:02:51 33 that information?---From Flynn, what time do I receive it?

13:02:57 34

13:02:57 35 Yes, that's right?---It's 2.20 pm. Sorry, did you want me

13:03:04 36 to read that out?

13:03:05 37

13:03:05 38 No, that's all right. Then I want to go to p.207. This is

13:03:10 39 16 March 2006 in your diary?---Yes.

13:03:17 40

13:03:18 41 You'll see there you're briefed, does that mean you're

13:03:28 42 briefed by O'Brien?---Are you referring to the 7.45 entry?

13:03:33 43

13:03:34 44 14:30 at the moment?---On 16 of 3?

13:03:37 45

13:03:37 46 Yes. Is it p.154 of the diary that's in front of you

13:03:43 47 there?---No, I have 140 for 16 March of 2006.

.12/11/19

9090

HAYES XXN - IN CAMERA

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

13:03:46 1  
13:03:47 2 Can the operator just pull that up a bit. Look, it might  
13:03:52 3 be we don't need it on the screen. Can you tell me when it  
13:03:56 4 is on 16 March 2006 - there we go. You've got  
13:04:07 5 surveillance, you've got a meeting with Rowe and Burrows.  
13:04:11 6 Then keep scrolling down. There we go. So you get a brief  
13:04:32 7 on that morning from O'Brien?---Yes.  
13:04:36 8  
13:04:37 9 And then you yourself brief Rowe, is that correct?---Yes.  
13:04:43 10  
13:04:43 11 And then you update the Posse chronology?---Yes.  
13:04:46 12  
13:04:47 13 Now, that's a document that I believe has been tendered but  
13:04:52 14 is that essentially a running sheet of all of the  
13:04:56 15 information and actions that are taken by police in  
13:04:59 16 relation to Operation Posse as they occur?---Yeah, it may  
13:05:03 17 not contain all of the information but yes, generally  
13:05:05 18 speaking, yes.  
13:05:06 19  
13:05:10 20 There's a meeting there, I'll just find it. You'll see at  
13:05:17 21 10.30 there's - what's that at the start?---The 10.30  
13:05:26 22 entry, it's code 1.  
13:05:28 23  
13:05:29 24 "DSC Rowe, re meeting with Burrows"?---Yes.  
13:05:33 25  
13:05:33 26 Then there is a briefing held by O'Brien re Operation  
13:05:37 27 Posse, do you see that?---At 1.32?  
13:05:40 28  
13:05:40 29 Yes?---Yes.  
13:05:41 30  
13:05:41 31 And then the briefing concludes at 14:20?---Yes.  
13:05:47 32  
13:05:47 33 And what are the tasks that are asked of you that you  
13:05:51 34 record there?---Tasked to assess points of entry into  
13:05:56 35 factory area re Op Posse.  
13:06:01 36  
13:06:01 37 That's in relation to the possible location of [REDACTED]  
13:06:08 38 [REDACTED] -Yes.  
13:06:09 39  
13:06:09 40 Then 17 March 2006, which should be at p.202. Sorry, we  
13:06:17 41 can go past that. According to your diaries, and I won't  
13:06:22 42 take you through each entry, in March and April 2006 there  
13:06:28 43 seem to be a large number of calls, not just to you but to  
13:06:35 44 other members of the team, from O'Brien and Flynn or  
13:06:39 45 perhaps face-to-face briefings, about the [REDACTED]  
13:06:42 46 of [REDACTED] Now, there's the one in the [REDACTED]  
13:06:47 47 suburbs area we looked at a moment ago. There are others

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

13:06:51 1 that you attended as well?---There's one other location I  
13:06:54 2 believe, yes.  
13:06:54 3  
13:06:54 4 You attended that to surveil it, to see what might have  
13:06:57 5 been happening there?---Yes.  
13:06:58 6  
13:06:59 7 Do you know if you attended that one on your own?---No, I'd  
13:07:04 8 have to check my diary but I don't I think I was on my on  
13:07:06 9 that occasion, no.  
13:07:06 10  
13:07:06 11 Do you know who might have been with you?---I'd have to  
12 check my diary.  
13  
13:07:07 14 Do you know what date it was?---No, I thought you might be  
13:07:10 15 able to help me.  
13:07:11 16  
13:07:12 17 I might be able to in a minute. You mentioned a moment ago  
13:07:16 18 that it's not just sources but it's also surveillance and  
13:07:20 19 TIs and warrants and things like that that are the source  
13:07:23 20 of information to identify where [REDACTED]---Yes, there's  
13:07:26 21 numerous streams of information, yes.  
13:07:27 22  
13:07:29 23 There was a TI on [REDACTED] during this period of  
13:07:36 24 time?---Yes, I think there was, yes.  
13:07:38 25  
13:07:39 26 In that sense, I mean it might actually accord with the  
13:07:42 27 evidence you gave a moment ago, you would have known that  
13:07:45 28 he was pretty regularly talking to Nicola Gobbo?---No,  
13:07:48 29 because TI calls would be sanitised, sorry, calls on a TI  
13:07:53 30 that are between a person and legal representative we don't  
13:07:56 31 get to see.  
13:07:57 32  
13:07:57 33 That would be SPU who would take care of that  
13:08:01 34 editing?---No, sorry, S - - -  
13:08:03 35  
13:08:03 36 SPU, Special Projects Unit?---Yes, it's edited before it  
13:08:10 37 comes to the investigation.  
38  
13:08:11 39 Whilst you why knew that they were talking to each other  
13:08:14 40 regularly and the relationship you've given evidence about  
13:08:17 41 before, that you knew aspects of, you weren't learning that  
13:08:21 42 through TIs?---Which elements, sorry?  
13:08:24 43  
13:08:25 44 The personal and professional relationship between Gobbo  
13:08:33 45 and [REDACTED] that you knew about prior to the arrest?---It  
13:08:34 46 would depend on the call. If the call was purely of a  
13:08:36 47 social nature you may get that call. I'm not saying we did

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

13:08:39 1 but you may get it. But generally speaking that would be  
13:08:43 2 something we wouldn't see as an investigator.  
13:08:46 3  
13:08:48 4 Moving closer to that arrest date, and I'll go through this  
13:08:52 5 fairly quickly so that I don't need to take you to each of  
13:08:55 6 the entries, but it appears that the location, a more  
13:09:00 7 specific location was given by Gobbo in relation to [REDACTED]  
13:09:04 8 [REDACTED] potential [REDACTED] on [REDACTED] 2006. I want  
13:09:12 9 you to just check your diary for an entry to that  
13:09:18 10 effect?-- [REDACTED]?  
13:09:19 11  
13:09:19 12 Yes?---Yes.  
13:09:20 13  
13:09:20 14 And is there an entry there to that effect, that there's  
13:09:24 15 information about a possible location provided to  
13:09:27 16 you?---Yes, I'm requested by Detective Acting Senior  
13:09:31 17 Sergeant Flynn to attend an address in the [REDACTED]  
13:09:34 18 suburbs.  
13:09:34 19  
13:09:35 20 Then on [REDACTED] 2006 there's information in the ICRs  
13:09:42 21 that's provided about a possible address in the [REDACTED]  
13:09:46 22 suburbs. Now this is the next day, is that something  
13:09:50 23 that's passed on to you?---No, I only have reference to a  
13:09:53 24 street name, nothing more specific than that.  
13:09:56 25  
13:09:57 26 But it was on that particular day that your diary, for the  
13:10:01 27 records this is page, the diary ending in 166 at p.209,  
13:10:09 28 records that you conducted multiple [REDACTED] of a  
13:10:13 29 particular address and you were briefed by both Flynn and  
13:10:17 30 O'Brien to do so?---Yes, so I'm tasked to conduct  
13:10:22 31 surveillance on that street, I'm not sure whether you are  
13:10:26 32 you're aware of that street, it's a very long street so  
13:10:29 33 through my surveillance I was trying to identify a  
13:10:31 34 potential location.  
13:10:32 35  
13:10:32 36 I probably started by saying [REDACTED] suburbs, we can say  
13:10:35 37 it was [REDACTED] Street, [REDACTED]?---Okay, we can. Thank you,  
13:10:38 38 yes.  
13:10:38 39  
13:10:40 40 So a long street, you were [REDACTED] particular areas of  
13:10:43 41 it?---Yes.  
13:10:44 42  
13:10:44 43 And how did you come to know about which areas you should  
13:10:48 44 be focusing on?---I didn't, it was a really scatter gun  
13:10:51 45 approach.  
13:10:51 46  
13:10:52 47 Did you make any observations on that particular day about

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

13:10:55 1 the potential location?---I think, so that's the [REDACTED]  
13:10:58 2 you're now referring to?  
13:11:00 3  
13:11:01 4 Yes, that's right, [REDACTED] 2006?---It looks like I  
13:11:07 5 identify one particular place as a potential location.  
13:11:12 6  
13:11:15 7 According to the ICRs, and I might get this one brought up  
13:11:18 8 on the screen, this is at p.243 of the 3838 ICRs. This is  
13:11:23 9 the next day, being [REDACTED] 2006?---Yes.  
13:11:26 10  
13:11:28 11 Officer Green is the handler there?---Yes.  
13:11:34 12  
13:11:34 13 And I think it might be down further in the bottom of the  
13:11:38 14 page. There's, you'll see there, information that's been  
13:11:46 15 provided and this is, for your information, information  
13:11:49 16 from Nicola Gobbo, and there's a reference there that  
13:11:54 17 there's [REDACTED] beginning on the Saturday and it's a [REDACTED]  
13:11:59 18 [REDACTED] and it's going to be carried out at [REDACTED] in  
13:12:04 19 the [REDACTED] area that was being renovated, do you see  
13:12:07 20 that?---Yes, I do.  
13:12:08 21  
13:12:08 22 And the disadvantage of the position is that it was near a  
13:12:12 23 [REDACTED] do you see that?---Yes, I do.  
13:12:15 24  
13:12:15 25 If you just scroll up a little bit, that was at 12:58 am  
13:12:19 26 that that was provided by Ms Gobbo to Officer Green. I  
13:12:25 27 just want to see - so paragraph 35 of your statement you  
13:12:32 28 say that you got a call at 2.30 am and it was from  
13:12:41 29 Flynn?---Yes, 2.30 on [REDACTED]  
13:12:44 30  
13:12:44 31 And he requests recognisance of, in relation to a site that  
13:12:52 32 matches that description, do you agree?---So I'm requested  
13:13:05 33 by Flynn to kit up, [REDACTED] so [REDACTED],  
13:13:12 34 perform reconnaissance, address in [REDACTED] area, and  
13:13:17 35 then - - -  
13:13:17 36  
13:13:18 37 You do so?---Yes, I then leave with Flynn and Senior  
13:13:25 38 Constable Farrah and Detective Senior Constable - - -  
13:13:27 39  
13:13:27 40 Before you say that name it's Black?---Yes, I was just  
13:13:31 41 about to stop myself, thank you. Yes, it is Black.  
13:13:37 42  
13:13:37 43 The reason I'm interested in this entry is it unusual that  
13:13:42 44 you were attending the site, not unusual I take it it's you  
13:13:46 45 and Flynn because that's your role, Farrah as well, why was  
13:13:51 46 Officer Black there?---I think he's actually referred to on  
13:13:55 47 the list I have as Officer Graham Evans. Sorry, am I doing

.12/11/19

9094

HAYES XXN - IN CAMERA



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

13:14:06 1 - - -  
13:14:06 2  
13:14:07 3 There's apparently a fault in the redactions.  
13:14:10 4  
13:14:10 5 COMMISSIONER: Yes, apparently.  
13:14:11 6  
13:14:12 7 MR WOODS: So - - -  
13:14:13 8  
13:14:14 9 COMMISSIONER: We're looking at Exhibit 81, it should be  
13:14:16 10 Evans, is that right? Officer Evans?---Officer Graham  
13:14:22 11 Evans, yes Commissioner.  
13:14:23 12  
13:14:23 13 We'll make that amendment to the statement. Have you still  
13:14:27 14 got the statement - I think we were just doing the  
13:14:30 15 amendments orally so we'll make that amendment.  
13:14:36 16  
13:14:37 17 MR WOODS: Can you tell me the page, at the top, the page  
13:14:39 18 of your diary entry that you're looking at for that date  
13:14:43 19 there, it should be around the 100 and - - - ?---So when  
13:14:46 20 I'm leaving with Flynn?  
13:14:48 21  
13:14:48 22 Yes, that's right?---Yes, that's diary p.163.  
13:14:51 23  
13:14:52 24 163. We're going to have the lunch adjournment in a moment  
13:14:56 25 but just before we do - so 163, and the name that you've  
13:15:15 26 just read out as Graham Evans?---Yes.  
13:15:22 27  
13:15:22 28 Are we talking about the top of that page of 163?---So the  
13:15:27 29 entry at 2.45 am.  
13:15:29 30  
13:15:29 31 2.45, so you're with Flynn, Farrah and that person. Is  
13:15:34 32 that person part of the Purana Task Force at that  
13:15:38 33 stage?---Yes.  
13:15:39 34  
13:15:39 35 Yes, okay. So not unusual then that that person would be  
13:15:42 36 there?---No.  
13:15:43 37  
13:15:44 38 What observations do you make on that occasion?---So at  
13:15:50 39 3 am I'm code 5 in the vicinity of an address in  
13:15:58 40 [REDACTED] I'm not sure whether the name - - -  
13:15:59 41  
13:15:59 42 You can say [REDACTED] that's fine?---Or the address is  
13:16:03 43 suppressed.  
13:16:03 44  
13:16:04 45 Don't worry about the address?---I conducted a [REDACTED]  
13:16:07 46 and [REDACTED] of [REDACTED] at that address and surrounding  
13:16:12 47 premises. I observed parked at the rear of [REDACTED] a red sedan

.12/11/19

9095

HAYES XXN - IN CAMERA

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

13:16:18 1 and a registration of that. Obviously when I've conducted  
13:16:26 2 a registration check it comes up to an individual that  
13:16:28 3 looks like, it comes up to an individual who is recorded on  
13:16:33 4 our system and I identified that premises as a possible,  
13:16:37 5 possible [REDACTED]

13:16:38 6  
13:16:42 7 That might be time, Commissioner.

13:16:44 8  
13:16:44 9 COMMISSIONER: Yes, all right then. We'll have the lunch  
13:16:46 10 adjournment now, we'll resume at 2 o'clock.

11  
13:16:50 12 <(THE WITNESS WITHDREW)

13:16:50 13  
13:16:50 14 LUNCHEON ADJOURNMENT

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

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

13:16:50 1 UPON RESUMING AT 2.05 PM:  
2  
14:05:14 3 COMMISSIONER: Yes Mr Woods.  
14:05:15 4  
14:05:16 5 MR WOODS: Thank you, Commissioner.  
14:05:17 6  
14:05:18 7 <CRAIG ANTHONY HAYES, recalled:  
14:05:21 8  
14:05:22 9 MR WOODS: Mr Hayes, we were talking before the break about  
14:05:25 10 the lead up to the arrest of [REDACTED] You were on leave  
14:05:27 11 from [REDACTED] to [REDACTED] 2006; is that correct?---Yes, it is.  
14:05:32 12 I returned on [REDACTED]  
13  
14:05:33 14 So you missed essentially the action that had happened on  
14:05:36 15 the [REDACTED] and the days ensuing after that that the rest of  
14:05:40 16 your crew were dealing with?---Yes.  
17  
14:05:43 18 On 6 September 2006, and here I'm referring to paragraph 42  
14:05:47 19 of your statement, Mr Flynn requested that you obtain an  
14:05:52 20 operation name for an investigation targeting  
14:05:54 21 Mr Cvetanovski and that's where Operation Waugh came  
14:06:00 22 from?---Sorry, the paragraph number again, sorry?  
23  
14:06:03 24 I think it might be 42 of your statement.  
25  
14:06:05 26 COMMISSIONER: Correct?---Yes, that's correct.  
14:06:08 27  
14:06:11 28 MR WOODS: The story with Mr Cvetanovski is he'd been  
14:06:14 29 arrested as part of those Operation Posse arrests, I think  
14:06:19 30 his was on [REDACTED] a [REDACTED]---Yes.  
31  
14:06:23 32 And he'd been released without charge on that date?---Yes.  
33  
14:06:27 34 And so investigations continued?---Yes.  
35  
14:06:29 36 In relation to him?---Pending inquiries, yes.  
37  
14:06:31 38 And you were involved in those investigations?---When I  
14:06:34 39 returned from leave, yes.  
40  
14:06:35 41 When you returned from leave, sorry?---Yes, yes.  
42  
14:06:37 43 And we've talked about whether there were two or three  
14:06:41 44 aborted trials but in any event in [REDACTED] 2012 he was  
14:06:48 45 sentenced for both Posse and Waugh, Operation Posse and  
14:06:53 46 Operation Waugh charges?---Yes, so the financial and the  
14:06:56 47 drug matters, yes.

.12/11/19

9097

HAYES XXN - IN CAMERA

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

1  
14:06:58 2 So Posse was the drug and the Waugh was financial, or were  
14:07:02 3 they intertwined?---So Posse, the portion of Posse  
14:07:04 4 applicable to Mr Cvetanovski became Operation Waugh.  
5  
14:07:09 6 Yeah, okay. He received a total effective sentence of [REDACTED]  
14:07:12 7 years with non-parole of [REDACTED]?---I'd need to check but that  
14:07:18 8 sounds about right.  
9  
14:07:19 10 I'm going to ask you some questions about that particular  
14:07:22 11 aborted trial in [REDACTED] 2011 and you give some evidence  
14:07:27 12 about that in your statement, do you know what I'm talking  
14:07:29 13 about there?---Yes.  
14  
14:07:31 15 In the meantime what I'd like to do is take you to some  
14:07:37 16 matters, your involvement in Operation Gosford. You  
14:07:44 17 understand what I'm asking about there?---Yes.  
18  
14:07:46 19 That was an operation that was established to investigate  
14:07:50 20 threats to Nicola Gobbo?---That's correct, yes.  
21  
14:07:54 22 And your involvement appears to have commenced in about  
14:07:59 23 December of 2006; is that correct?---I'd need to check my  
14:08:05 24 diary.  
25  
14:08:06 26 I think you say in your statement at paragraph 46 that your  
14:08:09 27 involvement was from at least December 2006 and there's  
14:08:13 28 some entries in your diary that, I'll take you to a couple  
14:08:17 29 of them, that show that in 2006 you were attending  
14:08:23 30 Forensics I think because of threats that had come from a  
14:08:28 31 public phone box?---Yes, that's right.  
32  
14:08:30 33 Okay?---Yes, from 12 December is my first entry.  
34  
14:08:33 35 The only subject of Operation Gosford was the threats to  
14:08:37 36 Nicola Gobbo; is that right?---Yes, they were threats  
14:08:40 37 against Ms Gobbo, yes.  
38  
14:08:42 39 And those threats - in a similar way to the Posse  
14:08:48 40 chronology there was an Operation Gosford chronology that  
14:08:52 41 was kept and added to as things progressed with that  
14:08:55 42 Operation; is that right?---Yes, I believe so, yes.  
43  
14:08:58 44 Okay. I might just get that brought up on your screen,  
14:09:04 45 VPL.0005.0122.000 - and unfortunately I don't have the  
14:09:12 46 final number for that. There we go. So is the document  
14:09:17 47 that's in front of you now the chronology that was kept for

.12/11/19

9098

HAYES XXN - IN CAMERA

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

14:09:22 1 Operation Gosford?---Yes, it appears to be, yes.  
2  
14:09:25 3 Okay. You see that your involvement, I think according to  
14:09:30 4 your diary, appears to begin on around 12 December 2006 but  
14:09:37 5 you see in the chronology that these threats that are  
14:09:42 6 picked up by the Operation commence on 7 December 2006, you  
14:09:48 7 agree?---That's what the chronology says, yes.  
8  
14:09:51 9 And it is Mr Hatt who is dealing with that first lot of  
14:09:55 10 threats?---Yes, that's what it indicates, yes.  
11  
14:09:59 12 All right. The wording, I don't need to read out, but you  
14:10:02 13 can see the wording there. They were pretty troubling  
14:10:08 14 threats that were given to her but at that stage not  
14:10:11 15 identifying her as someone who was assisting police, you  
14:10:14 16 agree?---They were serious threats, yes.  
17  
14:10:20 18 There were threats that predated Operation Gosford. When  
14:10:25 19 you were brought in to Operation Gosford do you recall what  
14:10:29 20 you were told about the status of the threats to Ms Gobbo  
14:10:33 21 at that stage?---I'd have to check my diary, I can't  
14:10:36 22 remember from memory, no.  
23  
14:10:38 24 You are aware that from early on the threats were  
14:10:46 25 identifying Ms Gobbo as someone who was talking to the  
14:10:52 26 police?---Looking at the chronology there, the first couple  
14:10:55 27 of threats don't indicate that.  
28  
14:10:57 29 No, no, sorry. We might scroll down through that document,  
14:11:01 30 I might take you to an ICR in a moment. Keep scrolling  
14:11:04 31 down. So there's threat two on 13/12/2006, "Keep your  
14:11:10 32 mouth or die". That indicates that she was providing  
14:11:14 33 information to someone or about someone, you agree with  
14:11:17 34 that?---Yes, you can draw that conclusion.  
35  
14:11:20 36 Then keep scrolling down. You'll see, "You dog, you die.  
14:11:30 37 Try me", on the 25th of the 1st 2007?---Yes, I see that.  
38  
14:11:35 39 These would have been threats that you were advised  
14:11:37 40 about?---Yes, those threats from 12 December, yes.  
41  
14:11:41 42 Yeah, okay. Then moving on we see, "You talk, you die  
14:11:49 43 slut. Try me", et cetera, et cetera, as the things  
14:11:52 44 progress. Then you'll see down on the 26th of the 2nd 2007  
14:11:57 45 you're named as the person who's handling the DNA swabs,  
14:12:02 46 you agree with that?---Yes, it says that, yes.  
47

.12/11/19

9099

HAYES XXN - IN CAMERA

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

14:12:04 1 According to the evidence that you gave at the commencement  
14:12:08 2 of your evidence today, by this stage you'd known for about  
14:12:12 3 three days, as at the date of the entry above, that  
14:12:17 4 Ms Gobbo was in fact a human source?---Just checking the  
14:12:20 5 amendments I made this morning.  
6  
14:12:21 7 I think it was 23 February 2007 was your evidence?---27  
14:12:25 8 February, yes. That's correct, yes.  
9  
14:12:27 10 It was 2 March 2007 that you learnt her registration number  
14:12:30 11 as I understand it?---I was able to tie the two together,  
14:12:33 12 yes.  
13  
14:12:33 14 Okay. You'll see - what I want to ask you is when you were  
14:12:40 15 asked to work or provide some of the power for Operation  
14:12:46 16 Gosford and some of the - you dealt with the forensics and  
14:12:50 17 you were being advised of the things that were told to  
14:12:54 18 Ms Gobbo. Your evidence, as I understand it, is that no  
14:12:57 19 one told you that Ms Gobbo was in fact a human  
14:13:01 20 source?---No, you asked me whether I had a recollection of  
14:13:03 21 that. I don't have a recollection of that.  
14:13:05 22  
14:13:05 23 You gave evidence a little bit earlier that on 23 February  
14:13:09 24 2007 was the actual day that you became aware that Ms Gobbo  
14:13:14 25 was a human source, you accept that?---Upon review of my  
14:13:18 26 diary that's where the definitive moment is, yes, in my  
14:13:22 27 mind.  
28  
29 Sorry, say that last bit again?---In my mind.  
30  
14:13:22 31 In your mind, okay?---Yes.  
32  
14:13:25 33 But what I'm going to suggest to you is that when you  
14:13:27 34 started working on Operation Gosford they would have told  
14:13:30 35 you that she was receiving threats (a), and (b) that she  
14:13:35 36 was a human source?---When you're speaking about the issue  
14:13:37 37 on 12 December, I just conveyed some swabs to McLeod, so  
14:13:41 38 not necessarily, no.  
39  
14:13:45 40 This is a particular Operation that you've been asked to  
14:13:47 41 assist in?---Yes, but I'm asked to assist in a number of  
14:13:50 42 operations. You just sort of help out where you can. So  
14:13:52 43 at that stage I was asked to convey some swabs to the  
14:13:55 44 McLeod Forensics.  
45  
14:13:56 46 Was your involvement more or less concentrated following  
14:13:59 47 that date?---Yes.

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

1  
14:14:02 2 Right?---I become more involved post that date.  
3  
14:14:09 4 What it seems to be, or what seems to be the case from the  
14:14:12 5 records is that there's an escalation of those threats from  
14:14:18 6 that date, that date onwards, late 2006 onwards, actually  
14:14:30 7 identifying Ms Gobbo as a dog?---Yes, yes, that's detailed  
14:14:32 8 in the chronology.  
9  
14:14:33 10 That's your recollection of things as well?---Yes, that  
14:14:35 11 appears to be correct.  
12  
14:14:36 13 You had some ideas about where some of the threats might  
14:14:38 14 have been coming from but you never were able to identify  
14:14:42 15 the true source of those threats?---Yes, that's right. We  
14:14:45 16 had a suspect we believed to be involved but we were unable  
14:14:49 17 to take that any further than that.  
18  
14:14:51 19 What did you do post 23 February 2007, at which date you  
14:14:57 20 knew Ms Gobbo was a human source, in relation to the  
14:15:01 21 serious nature of these threats? What I'm wanting to get  
14:15:05 22 at is did you do anything or say anything to your superiors  
14:15:09 23 about the safety of Ms Gobbo given the fact that she was  
14:15:13 24 getting specific threats that were calling her a dog?---The  
14:15:16 25 threats were treated of a serious nature right from the  
14:15:19 26 word go is my understanding.  
27  
14:15:22 28 Yes?---So that's what I dealt with, the seriousness of the  
14:15:24 29 threats.  
30  
14:15:25 31 They were treated as serious from the word go but the fact  
14:15:28 32 is Ms Gobbo's registration, and indeed tasking of Ms Gobbo,  
14:15:34 33 continued on and off throughout the period up until January  
14:15:39 34 2009. So how - when you say they were considered as  
14:15:45 35 serious threats, is that your recollection of it despite  
14:15:49 36 her continued use as a human source during that  
14:15:51 37 period?---So Ms Gobbo's use as a human source I had no  
14:15:54 38 involvement in that side of the fence, but as far as the  
14:15:56 39 seriousness of the threats, they were serious, yes.  
40  
14:15:59 41 But you knew that she was getting threats that were  
14:16:01 42 identifying her as someone who was assisting  
14:16:04 43 police?---There's reference that she's referred to as a dog  
14:16:07 44 so that assumption can be drawn, yes.  
45  
14:16:09 46 After 23 February 2007 you indeed knew that she was someone  
14:16:12 47 who was assisting the police?---Yes, I did, yes.

.12/11/19

9101

HAYES XXN - IN CAMERA

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

1  
14:16:14 2 You were involved in the Task Force investigating those  
14:16:18 3 threats?---Yes.  
4  
14:16:19 5 You didn't identify the source of those threats?---We were  
14:16:23 6 unable to substantiate it, no.  
7  
14:16:27 8 What I'm asking is what did you do, if anything, to raise  
14:16:30 9 concerns about the propriety of her use as a human source  
14:16:33 10 given those significant risks to her?---So I didn't raise  
14:16:35 11 any of those issues.  
12  
14:16:36 13 Okay?---That was dealt with by I would imagine senior  
14:16:41 14 police members.  
15  
14:16:42 16 Do you know that was dealt with by them?---I have no idea.  
14:16:45 17 I wasn't involved in any discussions around that.  
18  
14:16:49 19 I want to ask you some questions about the Cvetanovski  
14:16:54 20 matter, as I suggested a little bit earlier that I would.  
14:16:58 21 So I'm taking you through in time, so a period after  
14:17:06 22 Ms Gobbo's registration has concluded, and you've given  
14:17:15 23 evidence that [REDACTED] was an important witness in that  
14:17:21 24 prosecution?---Yes.  
25  
14:17:23 26 And you knew that Ms Gobbo was closely linked to the Mokbel  
14:17:31 27 cartel during the period of the early 2000s, by this stage  
14:17:36 28 in 2011 when you're the informant in the matter?---Do you  
14:17:41 29 mean as a - in what way do you mean?  
30  
14:17:44 31 As both a close friend and as a legal advisor to members of  
14:17:48 32 the Mokbel cartel?---Yes.  
33  
14:17:51 34 You knew, because of [REDACTED] arrest and the statements  
14:17:57 35 that [REDACTED] had made, that he had [REDACTED] the  
14:18:01 36 Mokbels, amongst others?---Yes.  
37  
14:18:04 38 Prior to his arrest?---Yes.  
39  
14:18:09 40 I mentioned the Landslip and Matchless charges a bit  
14:18:12 41 earlier but certainly prior to his arrest in [REDACTED] 2006 you  
14:18:17 42 knew that he was facing some [REDACTED] charges that Detective  
14:18:22 43 Flynn was involved in?---Yes.  
44  
14:18:24 45 Yeah, okay. It was known to you, I think you've given this  
14:18:28 46 evidence, that Ms Gobbo was acting for him in relation to  
14:18:31 47 those charges at least?---I believe she had in some

.12/11/19

9102

HAYES XXN - IN CAMERA



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

14:18:39 1 capacity, yes.  
2  
14:18:45 3 What had occurred in the lead up to that arrest and the  
14:18:49 4 implication of Mr Cvetanovski, I'm talking about the  
14:18:52 5 [REDACTED] arrest, is that Ms Gobbo had told her Victoria  
14:18:59 6 Police handlers on the first three occasions she'd met them  
14:19:02 7 that she was acting for [REDACTED] Now this is in  
14:19:07 8 September and October of 2005. Taking things forward to  
14:19:13 9 2011, when the Cvetanovski matter was before the  
14:19:17 10 court?---Yes.  
11  
14:19:18 12 Did you have a knowledge at that stage that Ms Gobbo had  
14:19:21 13 been acting for [REDACTED] at that stage? Is that when you  
14:19:25 14 knew or did you know back in the day, back in 2006?---As  
14:19:29 15 far as his arrest?  
16  
14:19:30 17 Acting for him, acting for [REDACTED] Nicola Gobbo acting  
14:19:36 18 for [REDACTED] -- [REDACTED] received legal advice from  
14:19:43 19 Ms Gobbo, yes.  
20  
14:19:45 21 All right. The person that turned up at the arrest when he  
14:19:52 22 was brought into custody and that he'd asked for to come to  
14:19:55 23 represent him was Nicola Gobbo. Is that something you knew  
14:19:58 24 about in 2011 when the Cvetanovski matter was before the  
14:20:02 25 court?---Yes, I knew she'd been to see him on that [REDACTED]  
14:20:08 26 day, yes.  
27  
14:20:09 28 You accept that those matters that we've gone through, her  
14:20:12 29 assisting police and implicating [REDACTED] and then her  
14:20:16 30 turning up on [REDACTED] 2006 put her in a clear conflict of  
14:20:20 31 interest between her role for Victoria Police and her role  
14:20:22 32 for [REDACTED] --Well, as we stand here today, yes, it  
14:20:28 33 clearly did, yes.  
34  
14:20:29 35 Is that something that occurred to you in 2011 during the  
14:20:32 36 Cvetanovski matter?---I don't know that I considered it,  
14:20:39 37 no.  
38  
14:20:40 39 All right. I'm going to take you through some of the  
14:20:43 40 particular conversations that occurred during that matter.  
14:20:50 41 So the Posse case that was brought against Mr Cvetanovski  
14:20:56 42 was a single charge of trafficking but it was a large  
14:21:02 43 quantity of methamphetamine; is that right?---A large  
14:21:05 44 commercial quantity, yes.  
45  
14:21:06 46 And that was between 1 June 2005 and [REDACTED] 2006, which  
14:21:12 47 is the date of [REDACTED] arrest?---Without the dates in

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

14:21:17 1 front of me I'm not 100 percent sure.  
2  
14:21:18 3 You don't dispute that they were?---No, I don't dispute it,  
14:21:21 4 no.  
5  
14:21:22 6 The prosecution case, tell me if I've got this correct, was  
14:21:25 7 that Cvetanovski was involved with [REDACTED] in the  
14:21:30 8 [REDACTED] at that [REDACTED] in the lead up to  
14:21:36 9 [REDACTED] arrest on [REDACTED] 2006?---And also at the  
14:21:41 10 [REDACTED] location.  
11  
14:21:42 12 Yeah, sure. All right. And it was put by the prosecution  
14:21:49 13 that the enterprise that the [REDACTED] - another  
14:21:55 14 gentleman were involved in was part of the Mokbel crime  
14:21:57 15 syndicate?---Yes.  
16  
14:21:59 17 And there was some warrant, search warrant material that  
14:22:06 18 had been obtained by the police against Mr Cvetanovski. I  
14:22:11 19 think there was premises on [REDACTED] Road, [REDACTED] Avenue,  
14:22:17 20 [REDACTED] as well as surveillance at the [REDACTED]  
14:22:20 21 locations, they were relied on in the trial?---As well as  
14:22:24 22 the warrants on the [REDACTED] locations as well, yes.  
23  
14:22:26 24 But also the oral evidence and the statements that had been  
14:22:30 25 given by [REDACTED] ---Not only [REDACTED] but others, yes.  
26  
14:22:33 27 Other individuals as well?---Yes, yes.  
28  
14:22:36 29 All right. We've said - I've taken you through the fact  
14:22:40 30 that he was arrested and released without charge a couple  
14:22:44 31 of days after [REDACTED] arrest. You weren't working at  
14:22:47 32 that stage, you were on leave?---That's correct, yes.  
33  
14:22:49 34 But that's your recollection of what occurred?---He was  
14:22:52 35 arrested.  
36  
14:22:55 37 He was arrested and released without charge?---Yes, that's  
14:22:58 38 right.  
39  
14:22:58 40 He was interviewed on [REDACTED] 2006, 8 March 2007 and 15  
14:23:05 41 April 2008. I don't need to take you through each of the  
14:23:08 42 documents that references that but you wouldn't dispute  
14:23:11 43 that there were three interviews?---No.  
44  
14:23:13 45 On each of those occasions he'd given a no comment  
14:23:16 46 interview?---Yes, I believe so. Again, I'd have to check  
14:23:23 47 my notes to confirm that for you.

.12/11/19

9104

HAYES XXN - IN CAMERA

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

1  
14:23:25 2 Sure. And it was on 15 April 2008 that he was ultimately  
14:23:30 3 charged and remanded in custody and he spent a few days in  
14:23:34 4 custody until 23 April when he was released, do you take  
14:23:38 5 exception to that?---No, again I'd have to check the dates  
14:23:41 6 but I don't take exception, no.  
7  
14:23:43 8 You and Tamara Chippendale put the brief of evidence  
14:23:48 9 together?---So Tamara Chippendale assisted with the  
14:23:53 10 financial matters, not the drug matters.  
11  
14:23:56 12 And was the informant in the financial matters, is that  
14:24:02 13 right?---For Mr Cvetanovski's wife, yes.  
14  
14:24:04 15 For the wife?---Yes, that's right.  
16  
14:24:05 17 Commissioner, we've been provided a couple of hours ago  
14:24:08 18 with some further documents, disclosure by Victoria Police.  
14:24:12 19 I haven't actually seen the documents themselves, which is  
14:24:15 20 a bit of a strange position to be in, but I have a summary.  
21  
14:24:28 22 COMMISSIONER: These are emails relating to this witness?  
14:24:31 23  
24 MR WOODS: Yes, and also an affidavit that might have been  
14:24:33 25 attached to one of the emails as well, so I think the most  
14:24:34 26 efficient, because I don't want the witness to have to  
14:24:35 27 return, I might just take him to a couple of those,  
14:24:37 28 assuming they're on our system by now. I'm getting a nod,  
14:24:42 29 so I'll be as brief as I can with them.  
30  
14:24:45 31 COMMISSIONER: Thank you.  
14:24:46 32  
14:24:46 33 MR WOODS: I want to take you first to a March 2007 email  
14:24:52 34 from Tamara Chippendale to you, and this is  
14:25:04 35 VPL.6065.0200.4097. It's that document and the following  
14:25:16 36 document. Now that's firstly an email of 6 March 2007 from  
14:25:21 37 Ms Chippendale to you and it's attaching the next document  
14:25:26 38 which ends in 98. Yeah, there we go. This is an affidavit  
14:25:33 39 of Mr O'Brien and it relates to four particular properties,  
14:25:39 40 is that correct, and warrants for those properties?---Yes.  
41  
14:25:44 42 Is this a document that you recognise?---This is a document  
14:25:47 43 used in the financial matters.  
44  
14:25:48 45 Yeah, okay. I see. If you can just scroll down. So  
14:25:55 46 you're not the informant for these matters?---I'm the  
14:25:58 47 informant for Mr Cvetanovski.

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

1  
14:26:00 2 In the financial matters?---Yes.  
3  
14:26:02 4 And the drug matters?---Yes.  
5  
14:26:03 6 And Chippendale is the informant only for the financial  
14:26:06 7 matters in relation to Mrs Cvetanovski?---Yes.  
8  
14:26:09 9 Okay. Keep scrolling down. You'll see there there's  
14:26:16 10 information given about Mr Cvetanovski and his wife,  
14:26:20 11 there's information there about [REDACTED] and Operation  
14:26:29 12 Posse and the targeting of him in that. Do you see that at  
14:26:32 13 paragraph 6?---Yes.  
14  
14:26:39 15 At this stage on receipt of this you knew that Ms Gobbo had  
14:26:45 16 been representing [REDACTED] --Sorry, the date of the email  
14:26:51 17 again?  
18  
14:26:51 19 The date of the affidavit - the email itself should be 6  
14:26:55 20 March 2007?---Yes.  
21  
14:26:59 22 You also knew that [REDACTED] had implicated Mr Cvetanovski  
14:27:07 23 in relation to the drug matters?---I'm not sure that I knew  
14:27:13 24 that. How would I know that?  
25  
14:27:15 26 In 2007?---Yeah.  
27  
14:27:17 28 Okay. So you didn't know at that stage that Gobbo - sorry,  
14:27:25 29 that [REDACTED] had implicated Cvetanovski in the drug  
14:27:29 30 matters?---No, [REDACTED] I was aware of, I thought you were  
14:27:32 31 saying that Ms Gobbo had implicated.  
32  
14:27:34 33 Sorry, no, no I meant [REDACTED] It was probably something  
14:27:37 34 I misstated. If you just scroll down a bit further. You  
14:27:47 35 see there there's the lead up to the arrest and the  
14:27:49 36 surveillance that's carried out on [REDACTED] 2006 that I  
14:27:52 37 took you through before?---Yes. That's not my surveillance  
14:27:58 38 we went to before.  
39  
14:27:59 40 Which one was yours?---None of that's mine.  
41  
14:28:02 42 I thought we'd said earlier that [REDACTED] was one of the  
14:28:08 43 sites?---Yes, sorry, I conduct surveillance there but this  
14:28:11 44 is - - -  
45  
14:28:12 46 Not on [REDACTED] ---No.  
47

.12/11/19

9106

HAYES XXN - IN CAMERA

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

14:28:14 1 You were [REDACTED]?---[REDACTED] I believe, yes.  
2  
14:28:17 3 I see, all right. Then as you scroll down there you'll see  
14:28:21 4 what the results of the warrant being executed on the [REDACTED]  
14:28:26 5 [REDACTED] 2006 were, you agree?---Yes, I can see that.  
6  
14:28:31 7 I might just tender that for current purposes,  
14:28:33 8 Commissioner, and hopefully we won't need to come back to  
14:28:37 9 it. I didn't get the date of the affidavit. Certainly the  
14:28:51 10 emails are 6 March. It might be the very last page. It's  
14:29:02 11 an unsworn affidavit. It can just be the email of 6 March  
14:29:08 12 with attached draft affidavit.  
14:29:12 13  
14:29:12 14 #EXHIBIT RC728A - (Confidential) Email of 6/03/07 with  
14:29:08 15 attached draft affidavit.  
14:29:14 16  
14:29:15 17 #EXHIBIT RC728B - (Redacted version.)  
18  
14:29:16 19 COMMISSIONER: When you do that surveillance in [REDACTED]  
14:29:19 20 do you recall whether you were looking for anything about a  
14:29:21 21 [REDACTED]?---I don't know that I knew of the [REDACTED] element, I  
14:29:24 22 just was asked to conduct the surveillance around that  
14:29:27 23 area.  
24  
14:29:27 25 Right?---I can't recall that was passed on to me, no.  
26  
14:29:31 27 Thank you.  
14:29:32 28  
14:29:33 29 MR WOODS: There's one other email which might not be  
14:29:36 30 exactly on the same point that I just want to tender at  
14:29:39 31 this stage. If it could come up as well. It's  
14:29:46 32 VPL.6065.0200.4199. It's 8 March 2007. While that's  
14:29:54 33 coming up, I think if you go to the very bottom of that  
14:29:57 34 email you'll see there - just up a tiny bit so we can see  
14:30:06 35 the sender and the recipient. Keep going. I see, yes.  
14:30:14 36 All right. That's an email from Dale Fitzgerald to Andrew  
14:30:22 37 Gray at DOJ, do you see that?---Yes, I do.  
38  
14:30:25 39 The subject is Milad Mokbel?---Yes.  
40  
14:30:27 41 Milad Mokbel was another person who was implicated in those  
14:30:32 42 days following [REDACTED] arrest [REDACTED] 2006?---Yes.  
43  
14:30:37 44 Okay. You'll see there there's a notice served on Milad  
14:30:46 45 Mokbel asking if he's had contact with any person to  
14:30:50 46 discuss the issue. "I believe he's quite stressed at the  
14:30:57 47 moment. Dale". You accept that is a member of Victoria

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

14:30:59 1 Police talking to someone at Justice asking for information  
14:31:05 2 about who Milad Mokbel might have been talking to?---Yes,  
14:31:10 3 it appears to be from Dale Fitzgerald.  
4

14:31:15 5 Then scroll up. The next email you'll see Andrew Gray from  
14:31:19 6 Department of Justice saying back to Mr Fitzgerald, "Dale,  
14:31:25 7 Mokbel speaks with his wife and states that a deal is being  
14:31:29 8 negotiated between Gobbo and you guys, six or seven years  
14:31:35 9 tops if he talks". Do you see that? It's just under those  
14:31:37 10 red words in the middle?---Yes.  
11

14:31:37 12 The reason I'm bringing this to you is it's ultimately sent  
14:31:41 13 to you at 14:52 at the top there?---Yes.  
14

14:31:45 15 So then - just to round it out. Dale Fitzgerald then sends  
14:31:52 16 it to Jim O'Brien, Rowe and Flynn and then Flynn sends it  
14:31:56 17 to Hantsis and yourself and Coghlan, you agree with  
14:32:01 18 that?---Yes.  
19

14:32:02 20 And says that essentially, "FYI he's dreaming", meaning  
14:32:06 21 that Milad Mokbel isn't going to get six or seven years  
14:32:10 22 tops if he talks. You agree that's the meaning of that  
14:32:12 23 phrase?---You'd have to speak to the author but, yes,  
14:32:15 24 that's what it appears to be.  
25

14:32:17 26 Did you have a view about the propriety of this information  
14:32:23 27 taken from conversation between husband and wife about  
14:32:29 28 legal advice being passed on to Victoria Police by  
14:32:36 29 Justice?---I didn't pay any real attention to be - - -  
30

14:32:39 31 Why is it that you're sent the email in March 2007  
14:32:44 32 then?---I assume it's come from Dale Flynn so he's just  
14:32:48 33 included me an email chain.  
34

14:32:49 35 Is it an unusual thing given your experience that a  
14:32:54 36 conversation of this kind between a husband and wife  
14:32:56 37 talking about a deal that's being negotiated by a lawyer on  
14:33:00 38 one of their behalves is then passed on by the Department  
14:33:05 39 of Justice to Victoria Police?---No, because it appears  
14:33:17 40 from the email itself that it's not - there's no  
14:33:21 41 factual - - -  
42

14:33:22 43 There's no, sorry?---It's not factual.  
44

14:33:25 45 It's not factual?---From the comment when he says  
14:33:29 46 "dreaming". It says there - I think if you scroll up - it  
47 doesn't appear to be plausible is perhaps a better way - -

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

1  
14:33:31 2 It says Mokbel speaks to his wife, so you accept that what  
14:33:34 3 is being expressed here by this person at the Department of  
14:33:41 4 Justice is that there have been conversations listened to  
14:33:45 5 between Milad Mokbel and his wife, that's clear so  
14:33:48 6 far?---Yes.  
7  
14:33:49 8 And that in those conversations he is stating, Milad Mokbel  
14:33:53 9 is stating that a deal is being negotiated between Gobbo,  
14:33:56 10 you agree with that so far?---Yes, yes.  
11  
14:33:58 12 And you guys, being Purana Task Force?---Police I would  
14:34:01 13 say, yes.  
14  
14:34:03 15 Police. For six or seven years if he talks. Now that's  
14:34:05 16 the information that was imparted?---That was passed on,  
14:34:09 17 yes.  
18  
14:34:10 19 It appears, well, it is the case that what's being  
14:34:13 20 explained is that Gobbo is conducting that negotiation on  
14:34:16 21 behalf of Milad Mokbel?---I sort of take it from a  
14:34:20 22 different perspective. The topic there of the "FYI, he's  
14:34:24 23 dreaming", it appears to me that no conversations have  
14:34:27 24 taken place.  
25  
14:34:28 26 That Andrew Gray is dreaming, not Milad Mokbel is  
14:34:32 27 dreaming?---I think it's reference to Milad Mokbel is  
14:34:35 28 dreaming.  
29  
14:34:36 30 Milad Mokbel's dreaming, yeah, I think we're on the same  
14:34:37 31 page?---Yes.  
32  
14:34:38 33 But what is being explained though is that whether or not  
14:34:41 34 he's dreaming, whether or not he's going to get this deal  
14:34:43 35 that he's after, Gobbo is trying to negotiate that deal on  
14:34:47 36 his behalf?---I'm not aware of any negotiations with  
14:34:49 37 Ms Gobbo about this matter.  
38  
14:34:50 39 Other than the ones you were told about in this  
14:34:55 40 email?---Other than this conversation between Milad Mokbel  
14:34:57 41 and his wife, yes.  
42  
14:34:59 43 Were there concerns that you had at this stage, given what  
14:35:00 44 you knew Ms Gobbo, that she wasn't acting as an independent  
14:35:04 45 lawyer but was in fact acting as a police agent?---This  
14:35:11 46 information has not come from Ms Gobbo though, it's come  
14:35:14 47 from an intercepted call.

.12/11/19

9109

HAYES XXN - IN CAMERA

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

1  
14:35:15 2 Yes, an intercepted call in which it's explained that Milad  
14:35:19 3 Mokbel and his wife are talking about a deal that Gobbo is  
14:35:24 4 negotiating on Milad's Mokbel's behalf?---And that's what  
14:35:28 5 I'm saying to you, I don't believe any negotiations that  
14:35:30 6 I'm aware of took place. There's no basis to the comment.  
7  
14:35:33 8 I think we're at cross-purposes?---Sorry.  
9  
14:35:35 10 You understand that that is what Justice were reporting to  
14:35:39 11 police?---Yes, yes.  
12  
14:35:39 13 Are you saying that you think Justice were incorrect, that  
14:35:43 14 that negotiation was never taking place?---I'm not aware of  
14:35:45 15 any negotiation taking place.  
16  
14:35:47 17 Okay. You weren't personally aware but what was being done  
14:35:50 18 here was it was being explained to Victoria Police by the  
14:35:53 19 Department of Justice that this conversation about a deal  
14:35:56 20 had taken place between Milad and Mrs Mokbel?---Yes, I  
14:36:01 21 understand that, yes.  
22  
14:36:01 23 Okay. Back to what I was asking you a little bit earlier.  
14:36:05 24 Do you have a view on the propriety of that information (a)  
14:36:07 25 being listened to, and (b) being passed on to Victoria  
14:36:10 26 Police?---No, I don't have a view.  
27  
14:36:11 28 No? Does it trouble you?---No.  
29  
14:36:15 30 You understand that in this context Ms Gobbo was at least  
14:36:18 31 purporting to act as a legal advisor to Milad Mokbel?---So  
14:36:23 32 that's what Milad Mokbel is saying. I don't know that to  
14:36:27 33 be true. I don't know whether Ms Gobbo was representing  
14:36:31 34 Milad Mokbel in this matter.  
35  
14:36:32 36 COMMISSIONER: I think the witness is saying that when he  
14:36:35 37 understands "he's dreaming" as meaning Milad Mokbel was  
14:36:40 38 dreaming about the whole conversation, that's what you're  
14:36:43 39 saying, aren't you? Is that what you're saying?---Yes.  
14:36:44 40  
14:36:45 41 MR WOODS: That Milad Mokbel was dreaming that there was  
14:36:48 42 ever a conversation of this kind?---That's how it appears  
14:36:51 43 to me.  
44  
14:36:52 45 I must say I ask you to consider it on a natural meaning of  
14:36:55 46 that phrase?---Which phrase, sorry?  
47

.12/11/19

9110

HAYES XXN - IN CAMERA



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

14:36:59 1 Which means that Gobbo is acting on Milad's behalf and is  
14:37:03 2 negotiating a deal with police, and that's what - - -  
14:37:05 3 ?---That's what he's saying.  
4

14:37:07 5 That's the Department of Justice's view and that's what  
14:37:10 6 they were telling the police?---That's what Mr Mokbel is  
14:37:14 7 saying. I don't know whether Ms Gobbo was representing  
14:37:17 8 Mr Mokbel in this matter. The dreaming part seems to  
14:37:19 9 indicate to me that it's not factual.  
10

14:37:23 11 That it's not factual from whose behalf though? Who is  
14:37:26 12 telling something that's not factual?---Mr Mokbel.  
13

14:37:30 14 So Mr Mokbel is telling his wife something that's  
14:37:33 15 untrue?---That's what it appears to be to me, the way I  
14:37:35 16 read it.  
17

14:37:36 18 It's clearly, I would suggest to you, that it's the six or  
14:37:40 19 seven years that he's wanting to get in sentence that he's  
14:37:44 20 dreaming about, rather than the entire conversation that  
14:37:46 21 he's dreaming about?---That would be a question you'd have  
14:37:50 22 to ask Mr Mokbel. I've told you how I've interpreted it.  
23

14:37:55 24 We'll make of it what we'll make of it. Sorry, I've taken  
14:37:58 25 you out briefly from the Cvetanovski story. Is it your  
14:38:06 26 understanding that Mr Cvetanovski remains in custody and is  
14:38:09 27 serving a sentence as we speak?---Yes.  
28

14:38:13 29 He has an appeal current before the Court of Appeal based  
14:38:17 30 on the matters that are being dealt with by the Royal  
14:38:24 31 Commission?---I think it's pending the completion of the  
14:38:26 32 Royal Commission, yes.  
33

14:38:27 34 I'm not sure that - - - ?---I'm not sure of the dates.  
35

14:38:30 36 It's on foot?---Yes.  
37

14:38:35 38 You're aware that the proceedings - firstly, you're aware  
14:38:41 39 that there were legal proceedings in the Supreme Court,  
14:38:44 40 Court of Appeal and High Court that led to the  
14:38:46 41 establishment of this Commission?---Yes.  
42

14:38:49 43 What was considered in those proceedings is whether or not  
14:38:56 44 Mr Cvetanovski, had he have known about the relationship  
14:39:01 45 between Nicola Gobbo and Victoria Police, whether or not  
14:39:05 46 that's something that he would have sought to tease out or  
14:39:08 47 find out more about in his trial, do you understand

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

14:39:12 1 that?---That's Mr Cvetanovski's position, is that what  
14:39:14 2 you're - - -  
3  
14:39:16 4 Yes?---I believe that's his position.  
5  
14:39:19 6 That in fact it's something that should have been disclosed  
14:39:22 7 to him in his criminal matters in order for him to be able  
14:39:27 8 to explore those issues, you understand that's the basis of  
14:39:30 9 the complaint?---Of his complaint?  
10  
14:39:31 11 Yes?---Yes.  
12  
14:39:38 13 In the matters that were before the court, and in  
14:39:42 14 particular the aborted trial in April 2011, the prosecutor  
14:39:48 15 was Mr Champion, as he then was?---Mr Champion, yes, he was  
14:39:55 16 representing the OPP.  
17  
14:39:56 18 You were the informant?---I was, yes.  
19  
14:40:02 20 There's an exchange that takes place, and this could be  
14:40:06 21 brought up on the screens. This is OPP.0004.0003.0001.  
14:40:15 22 What I'm going to take you to as it comes up on the screen  
14:40:18 23 is the exchange that takes place that leads to a couple of  
14:40:21 24 meetings involving yourself and Flynn and Champion, you  
14:40:25 25 understand what I'm talking about, you give some evidence  
14:40:27 26 about this in your statement?---Yes, yes.  
27  
14:40:29 28 Right. I can certainly read it on to the record if that  
14:40:40 29 can assist things. Mr Champion says to the court, "I just  
14:40:44 30 want it to be clear about what's happening here and as I  
14:40:48 31 understand it my learned friend is going to put to this  
14:40:50 32 witness that he and Nicola Gobbo in effect conspired to  
14:40:59 33 concoct statements". Just pausing there. Firstly,  
14:41:05 34 Mr Pena-Rees was representing Mr Cvetanovski in the  
14:41:08 35 trial?---Yes.  
36  
14:41:08 37 And that he had moved towards in his questions and  
14:41:13 38 submissions in relation to [REDACTED] that there was some  
14:41:17 39 kind of corrupt relationship between [REDACTED] Nicola  
14:41:20 40 Gobbo and Victoria Police?---Yes. I wasn't present in  
14:41:23 41 court during this.  
42  
14:41:24 43 No, I understand you weren't present?---This is the first  
14:41:29 44 time I've seen the transcript.  
45  
14:41:31 46 There were orders in fact in place that various people  
14:41:35 47 should be out of court for various parts of it?---I was out

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

14:41:37 1 of court at the application of defence, yes.  
2  
14:41:39 3 The prosecutor in fact asked ultimately that some of those  
14:41:42 4 orders be relaxed so that these things could be talked  
14:41:47 5 about between the informant and the prosecutor?---I'm not  
14:41:49 6 sure.  
7  
14:41:50 8 But you ultimately had conversations about what  
14:41:52 9 Mr Pena-Rees had been submitting to the court?---We had a  
14:41:56 10 meeting with Mr Champion on a date after that. I could go  
14:42:00 11 to my diary.  
12  
14:42:01 13 We will, we'll go there in a moment. The prosecutor goes  
14:42:02 14 on to say, "My learned friend is going to put to this  
14:42:06 15 witness that he and Nicola Gobbo in effect conspired to  
14:42:07 16 concoct statements, false statements, in order to better  
14:42:10 17 place ██████████ in a plea position should he plead guilty  
14:42:17 18 and that in effect the extension of that is that this was  
14:42:20 19 done with the concurrence of members of the Purana Task  
14:42:25 20 Force and I think that follows and", and then the judge  
14:42:28 21 cuts him off and asks Mr Pena-Rees whether or not that was  
14:42:32 22 a correct scenario. Now, given that you weren't in court  
14:42:36 23 for that submission being made, it was in fact that very  
14:42:40 24 allegation that you had a conversation with the prosecutor  
14:42:44 25 and Mr Flynn about a little bit later on?---Yes, we have a  
14:42:49 26 meeting with Mr Champion around the concocting of  
14:42:52 27 statements.  
28  
14:42:53 29 Okay, sure. What I want to do, there's a couple of diary  
14:43:02 30 entries I want to take you to. The first is 28 March 2011  
14:43:08 31 which is the first day of that trial. This is  
14:43:15 32 VPL.0005.0157.0079 and it's at p.118 of that  
14:43:26 33 document?---Commissioner, do you mind if I access my  
14:43:28 34 diaries?  
35  
14:43:30 36 COMMISSIONER: No, of course.  
14:43:31 37  
14:43:31 38 MR WOODS: Go ahead. They'll come up on the screen but  
14:43:35 39 you're absolutely welcome to look at the hard copy. While  
14:43:39 40 the witness is doing that, I should tender all the things  
14:43:41 41 I've forgotten to tender, Commissioner. There was the  
14:43:45 42 affidavit which was prior to lunch I think and it was an  
14:43:54 43 affidavit for a telephone intercept and it was  
14:44:02 44 VPL.0100.0010.3778. There's two more.  
45  
14:44:11 46 COMMISSIONER: Have we got a date for it, do you know?  
14:44:13 47

.12/11/19

9113

HAYES XXN - IN CAMERA

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

14:44:13 1 MR WOODS: I will have. I might get my instructor to look  
14:44:17 2 that up.  
3  
14:44:19 4 COMMISSIONER: 21 February 06 I'm told.  
14:44:21 5  
14:44:22 6 MR WOODS: There we go.  
14:44:23 7  
14:44:23 8 #EXHIBIT RC729A - (Confidential) VPL.0100.0010.3778.  
14:44:25 9  
14:44:25 10 #EXHIBIT RC729B - (Redacted version.)  
14:44:27 11  
14:44:27 12 MR WOODS: There's the Operation Gosford chronology which I  
14:44:30 13 don't believe is in evidence yet, which is  
14:44:38 14 VPL.0005.0122.0001. That's not a dated document because it  
14:44:41 15 was a live document.  
14:44:46 16  
14:44:47 17 #EXHIBIT RC730A - (Confidential) Operation Gosford  
14:44:29 18 chronology.  
14:44:48 19  
14:44:48 20 #EXHIBIT RC730B - (Redacted version.)  
14:44:50 21  
14:44:50 22 Finally, there was the email that we received earlier  
14:44:52 23 today, I think tendered one and not the other. An email  
14:44:57 24 from Dale Fitzgerald to Andrew Gray, forwarding the other  
25 emails - well, with the other emails forwarded above of 8  
14:45:03 26 March 2006 and that's VPL.6065.0200.4199.  
27  
14:45:08 28 COMMISSIONER: Just one email or a chain?  
14:45:11 29  
14:45:11 30 MR WOODS: It's a chain.  
31  
14:45:13 32 COMMISSIONER: Email chain.  
14:45:13 33  
14:45:14 34 MR WOODS: All of the same date.  
14:45:15 35  
14:45:16 36 #EXHIBIT RC731A - (Confidential) VPL.6065.0200.4199.  
14:45:18 37  
14:45:18 38 #EXHIBIT RC731B - (Redacted version.)  
14:45:23 39  
14:45:24 40 MR WOODS: The diary that's come up on the screen, this is,  
14:45:27 41 as I say, this is one of the aborted trials and you'll see  
14:45:29 42 there that you're on duty and as the informant you're  
14:45:33 43 attending court that day and it's listed in court  
14:45:38 44 6.1?---Yes.  
45  
14:45:39 46 And you then - scroll down - you'll see - is that the  
14:45:48 47 correct - that's the first day of this particular trial

.12/11/19

9114

HAYES XXN - IN CAMERA

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

14:45:51 1 we've been talking about?---I just have to flick back.  
2  
14:45:56 3 You'll see [REDACTED] initials a bit further down?---We  
14:46:00 4 have a - I was certainly at court on [REDACTED] March in  
14:46:05 5 relation to this matter.  
6  
14:46:06 7 Yes?---It looks as though it's pre-trial discussion.  
8  
14:46:09 9 Pre-trial discussion on the [REDACTED]---Yes.  
10  
14:46:12 11 Yeah, okay. So this is the trial, as I read your diary,  
14:46:16 12 that begins on the [REDACTED] do you think that's right?---Yes,  
14:46:21 13 it says about empanelling the jury, so yes.  
14  
14:46:24 15 Turning over to that same document at p.0124, now I'm  
14:46:30 16 taking you to 7 April 2011. This is a Thursday. There's a  
14:46:38 17 discussion at lunch. Lunch debrief with the prosecutor -  
14:46:50 18 what's that next word after JC?---It says "lunch debrief  
14:46:54 19 with John Champion".  
20  
14:46:56 21 Yes?---"Raised point by defence."  
22  
14:47:08 23 Yes?---"Re putting to [REDACTED]  
24  
14:47:11 25 Yes?---So [REDACTED] "Ms Gobbo has supplied money to or  
14:47:18 26 siphoned money for Tony Mokbel ".  
27  
14:47:21 28 Yes?---"Informed same", so I informed Mr Champion I'm not  
14:47:26 29 aware of any such allegation.  
30  
14:47:28 31 Yes?---But would make inquiries.  
32  
14:47:29 33 So then you follow that up with Mr Rowe and he says he  
14:47:35 34 doesn't know anything about that?---Yes.  
35  
14:47:37 36 Then you speak to Jim Coghlan about it at 14:10?---Yes.  
37  
14:47:40 38 He doesn't have any knowledge of that either?---That's  
14:47:42 39 correct, yes.  
40  
14:47:43 41 Okay. So there was a particular focus on Ms Gobbo's work  
14:47:47 42 in the background from this stage, allegations about  
14:47:52 43 Ms Gobbo's work in the background from at least Thursday [REDACTED]  
14:47:55 44 [REDACTED] 2011, you agree with that?---Dealing with that  
14:47:59 45 allegation, yes.  
46  
14:48:00 47 Okay. I want to take you to p.126 for the operator and

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

14:48:04 1 this is the next day, [REDACTED] 2011. You'll see at  
14:48:09 2 8.03 and you speak to [REDACTED] and you inform him that  
14:48:14 3 he's doing a good job, to keep calm, to listen to the  
14:48:18 4 questions carefully. If at times he needs a break due to  
14:48:21 5 fatigue he should ask for a break, don't get drawn into tit  
14:48:26 6 for tat with the defence, stay calm and doing well. Is  
14:48:31 7 that an unusual conversation to have with a prosecution  
14:48:34 8 witness in these circumstances?---No.  
9  
14:48:37 10 Is that during his evidence?---I'm not sure that he's  
14:48:42 11 commenced evidence, I'd have to check.  
12  
14:48:44 13 Well, he's doing a good job at that stage, and this is 8.03  
14:48:50 14 on the morning. You accept that the way it reads is in  
14:48:55 15 fact he is already giving evidence at that stage?---Yes,  
14:48:58 16 that's the way it reads, yes.  
17  
14:48:59 18 Have you been told that it's something that you shouldn't  
14:49:01 19 necessarily do, to speak to a witness as the informant  
14:49:05 20 while they're under examination?---I certainly don't  
14:49:08 21 discuss his evidence but I don't see any harm in  
14:49:11 22 encouraging him, he's doing a good job, keep at it and  
14:49:17 23 listen carefully. There's nothing - - -  
24  
14:49:20 25 Encouragement in telling him about how to approach things  
14:49:22 26 in a general manner, no problem with that?---No, I'm just  
14:49:25 27 encouraging that he listens carefully, does all the things  
14:49:29 28 he should do.  
29  
14:49:31 30 Okay. At 12.04 that same day you'll see there's a  
14:49:36 31 conversation with that individual who's pseudonym I've  
14:49:38 32 already forgotten?---That's Officer Graham Evans.  
33  
14:49:43 34 That's right. Issues raised at court in cross-examination  
14:49:49 35 of [REDACTED] re Nicola Gobbo, do you see that?---Yes.  
36  
14:49:53 37 Can you read the next words, "Explained" - - -  
14:49:56 38 ?---"Explained suppression orders in place and I'm excluded  
14:49:59 39 from court proceedings".  
40  
14:50:01 41 This is being explained to you by Mr Flynn or the  
14:50:11 42 prosecutor?---Sorry, which - - -  
43  
14:50:12 44 How do you know about the issues that are being raised in  
14:50:16 45 court, because you've explained the suppression order's in  
14:50:19 46 place and you're excluded from court?---Mr Champion.  
47

.12/11/19

9116

HAYES XXN - IN CAMERA

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

14:50:24 1 Okay, sure. You then say some of the issues raised by the  
14:50:33 2 prosecutor, you've informed him of some of the issues  
14:50:36 3 raised by the prosecutor, the matter being stood down, an  
14:50:39 4 application for - what's the next word, "suppression"?---It  
14:50:42 5 does look like suppression, yes.  
6  
14:50:46 7 "Be lifted to seek instructions re Gobbo. Graham Evans" -  
14:50:46 8 what's that next sign there, a T, is it?---Yeah, spoke to.  
9  
14:50:51 10 Spoke to?---Or to speak to.  
11  
14:50:53 12 To speak to either Sandy White or Richards?---Yes,  
14:51:08 13 Richards, yes ,  
14:51:08 14  
14:51:08 15 "Re above and will make contact"?---Yes.  
16  
14:51:11 17 You knew at that stage that the important people to speak  
14:51:13 18 to were those who had been handling Ms Gobbo as a human  
14:51:17 19 source, you accept that?---Yes.  
20  
14:51:18 21 Then you get a phone call at 12.51 from Officer Peter Smith  
14:51:24 22 re Gobbo, do you see that?---Yes.  
23  
14:51:26 24 "Issues explained some", is it?---Same.  
25  
14:51:30 26 Same. Okay. And "Peter Smith stated would speak to  
14:51:35 27 Richards re", what's that next word?---Situation.  
28  
14:51:39 29 Okay. Now, the next thing that happens is at 13:35, that  
14:51:48 30 next Sergeant, there's a conversation, you've explained the  
14:51:53 31 Gobbo issues and intent of the prosecutor to hold a  
14:51:56 32 briefing re the issues raised, do you see that?---Yes.  
33  
14:52:01 34 What's the next word, "and seek", is it?---Yes, and seek.  
35  
14:52:06 36 Seek what? Can you read that?---"And seek court leave to  
14:52:08 37 be specific", so that's Mr Champion's - - -  
38  
14:52:11 39 He's seeking leave to be able to discuss this freely and  
14:52:13 40 get instructions from Victoria Police, you agree?---That's  
14:52:17 41 how it reads. You'd have to speak to Mr Champion for  
14:52:21 42 specifics, but yes.  
43  
14:52:23 44 Does that mean that you've contacted that particular  
14:52:27 45 person, being Pearce I think is his pseudonym?---I'll check  
14:52:33 46 that. Yes, Pearce, yes.  
47

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

14:52:50 1 Can I ask that why is it that when these issues of this  
14:52:54 2 allegedly corrupt relationship between Gobbo, [REDACTED] and  
14:52:59 3 Victoria Police is raised the first place you appear to go  
14:53:03 4 is to the handlers?---The issue raised is around the  
14:53:06 5 concoction of statements involving [REDACTED]  
6  
14:53:12 7 Yes?---Gobbo, police and others. So I'm at this point in  
14:53:17 8 time aware that Ms Gobbo is a source.  
9  
14:53:19 10 Yes?---And so I'm advising them, they're the people that  
14:53:22 11 deal with source material.  
12  
14:53:24 13 Not only were you aware that Gobbo was a source, you're  
14:53:27 14 also aware that Gobbo was the legal advisor of  
14:53:30 15 [REDACTED]---Yes.  
16  
14:53:31 17 Yeah, okay. So you would have, I take it, had some real  
14:53:34 18 concerns given that what was being raised was what you've  
14:53:38 19 just described?---Yeah, it was an issue for them to be  
14:53:41 20 informed of and to make a decision around.  
21  
14:53:44 22 Was it an issue that caused you concern?---Well I had to  
14:53:48 23 seek obviously guidance.  
24  
14:53:52 25 All right. So you had to seek guidance and you sought  
14:53:57 26 guidance from the human source handlers. Was that to try  
14:54:02 27 and find out whether indeed there was some kind of  
14:54:07 28 concoction?---No, there was no concoction at all. That was  
14:54:10 29 just a complete and utter made up thing by defence.  
30  
14:54:15 31 Who told you that?---I know. There was no concoction of  
14:54:18 32 statements by police, [REDACTED] Gobbo.  
33  
14:54:21 34 But you understand what he was suggesting though was pretty  
14:54:28 35 close to the mark about what had happened with  
14:54:31 36 [REDACTED]---I can only deal with what he said, there was a  
14:54:38 37 concocting of statements. There were no concocting of  
14:54:41 38 statements, we took statements from [REDACTED] and they were  
14:54:42 39 administered to the court.  
40  
14:54:43 41 Were you aware at that stage that Nicola Gobbo had in fact  
14:54:46 42 been shown the statements of [REDACTED] and had been asked  
14:54:49 43 to - - - ?---No.  
44  
14:54:51 45 - - - make changes or make suggestions in relation to  
14:54:54 46 them?---No, in the statements I took from [REDACTED]  
14:54:56 47 Ms Gobbo was never present.

.12/11/19

9118

HAYES XXN - IN CAMERA



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

1  
14:54:57 2 Were you ever told that?---No.  
3  
14:55:00 4 That they were shown to her?---No.  
5  
14:55:02 6 Given that you knew about her dual role by this stage in  
14:55:08 7 2011, right?---Yes.  
8  
14:55:10 9 You knew about her dual role on the night of [REDACTED]  
14:55:14 10 2006?---I didn't know that night but I knew that - yeah.  
11  
14:55:18 12 I'm talking about as you were there in April 2011?---Yes.  
13  
14:55:23 14 You would have been, I take it, quite concerned that even  
14:55:26 15 though he wasn't precisely correct about this corrupt  
14:55:29 16 relationship and the concoction of statements, he wasn't  
14:55:31 17 far off the mark?---No - - -  
18  
14:55:33 19 Counsel for Mr Cvetanovski?--- - - - I was purely dealing  
14:55:37 20 with the issue that was presented before me, which was the  
14:55:39 21 concocting of statements.  
22  
14:55:41 23 Did it raise any concerns in your mind about whether or not  
14:55:44 24 there should have been disclosure of Ms Gobbo's dual role  
14:55:49 25 to Mr Pena-Rees on behalf of Mr Cvetanovski?---No, it  
14:55:56 26 wasn't something - that's why I'm briefing up, I'm advising  
14:56:00 27 those with more experience than myself.  
28  
14:56:02 29 Did you get advice from those people with more  
14:56:05 30 experience?---In relation to?  
31  
14:56:06 32 In relation to what disclosure needed to happen given the  
14:56:11 33 allegation that had been made about Ms Gobbo and [REDACTED]  
14:56:16 34 and the police's relationship?---There were no concocting  
14:56:20 35 of statements so I didn't need advice in relation to that.  
36  
14:56:23 37 The allegation that's put by Mr Pena-Rees is along the  
14:56:27 38 lines of there being an agreement between the police and  
14:56:34 39 Gobbo, right. Were you aware of that being the basis of  
14:56:38 40 the allegation that was made?---My diary only reflects the  
14:56:44 41 concocting of statements.  
42  
14:56:46 43 We might move on to some other parts of the diary. I now  
14:56:59 44 want to move to Monday [REDACTED]. This is when that meeting  
14:57:03 45 takes place that is referred to in your diary?---Yes.  
46  
14:57:07 47 I want to start at 8.30 am. You'll see there you've spoken

.12/11/19

9119

HAYES XXN - IN CAMERA

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

14:57:13 1 to [REDACTED] --Yes.  
2  
14:57:18 3 You've informed same to keep listening closely to the  
14:57:23 4 questions, stay calm and not get frustrated with the length  
14:57:27 5 of time being taken by the defence. "Keep answers to the  
14:57:32 6 point, probably only today to go and finished", do you see  
14:57:39 7 that?---Yes.  
8  
14:57:41 9 Were you concerned, given the transcript that I took you to  
14:57:46 10 a moment ago and what had been explained to you, that if he  
14:57:49 11 didn't stay brief and to the point Ms Gobbo's involvement  
14:57:55 12 on [REDACTED] 2006 might come out in this prosecution?---No,  
14:58:01 13 that's very similar advice to what I'd given him the day  
14:58:05 14 prior, or the Friday prior.  
15  
14:58:08 16 Given what you now know, or given the events that have  
14:58:13 17 happened in the interim and the fact of this Royal  
14:58:15 18 Commission, putting yourself in that position there, what  
14:58:20 19 conversation would you have had with him knowing then what  
14:58:24 20 you know now?---It would be the same advice.  
21  
14:58:27 22 You don't see - - - ?---I can't - he was in the middle of  
14:58:30 23 giving evidence, I can't give advice on what evidence he  
14:58:33 24 should give. I'm just trying to be supportive of him.  
25  
14:58:36 26 Why is it that you give him the advice at the start of  
14:58:39 27 those two days? You'd already given him that advice on the  
14:58:43 28 Friday morning. This is now on the Monday morning. Why do  
14:58:48 29 you reiterate advice to him?---I think every time I spoke  
14:58:51 30 to him of a morning I would have given him similar advice.  
31  
14:58:56 32 You say keep your answers brief?---Similar advice, but  
14:58:59 33 listen carefully to questions.  
34  
14:59:00 35 Okay. At 9.45 on that same morning you'll see you speak to  
14:59:17 36 the prosecutor, "Informed by the defence that [REDACTED] for  
14:59:22 37 the rest of today"?---Yes.  
38  
14:59:24 39 And those other two individuals from the following day, you  
14:59:32 40 agree with that?---Yes.  
41  
14:59:37 42 I take it that's the arrangements for the person who's  
14:59:40 43 going to be giving - who's going to be with the person  
14:59:44 44 giving remote evidence; is that right?---No, that's the  
14:59:46 45 defence telling us how the day's going to play out.  
46  
14:59:50 47 With an SSU member on stand by?---Yeah, that's another

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

14:59:54 1 member to give evidence in the trial.  
2  
14:59:56 3 I see, I see, okay. I want to go down. 11.50, this is  
15:00:00 4 still on the Monday. "Advised defence Pena-Rees in",  
15:00:08 5 that's what next word?---Presence.  
15:00:10 6  
15:00:11 7 "Of John Champion that I" - keep going. Can you read  
15:00:15 8 that?---"That I have checked [REDACTED] statements on  
15:00:21 9 Khoder and Gavanas. Brief against those already supplied  
15:00:25 10 and there are no outstanding statements by [REDACTED] that  
15:00:29 11 relate to their client, [REDACTED] Street, [REDACTED] that they  
15:00:35 12 don't already have".  
13  
15:00:37 14 Then we move to 12.25. At this stage Flynn is involved.  
15:00:43 15 Now has he been involved in the matter at court  
15:00:49 16 previously?---As far as giving evidence do you mean?  
17  
15:00:51 18 Yes?---I'm not sure.  
19  
15:00:53 20 He did give some evidence?---He did give evidence, I'm not  
15:00:57 21 sure which trial that translates back to.  
22  
15:01:01 23 You've spoken with him re a possible meeting with Champion,  
15:01:06 24 re Gobbo issues, et cetera?---Yes.  
25  
15:01:09 26 Supplied same, is it?---Supplied same with - - -  
27  
15:01:11 28 Photos and DVDs of Operation Waugh searches?---Yes.  
29  
15:01:14 30 Okay. And then you speak later on at 13:27, that's a  
15:01:20 31 witness I understand, or is that - - - ?---That's a  
15:01:23 32 witness, yes.  
33  
15:01:25 34 Then moving through to 14:16?---Yes.  
35  
15:01:31 36 You see there's a change of venue for the meeting that's  
15:01:37 37 about to occur that evening, you agree with that?---Yes.  
38  
15:01:40 39 And it's now moving to the prosecutor's chambers, you  
15:01:42 40 agree?---I thought it was Mr Champion's chambers.  
41  
15:01:46 42 When I say the prosecutor I'm talking about  
15:01:49 43 Mr Champion?---Yes, sorry.  
44  
15:01:50 45 I'll try and use his name. Then indeed that meeting occurs  
15:01:55 46 and it occurs at 16:20 in his chambers at 200 Queen  
15:02:01 47 Street?---Yes.

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

1  
15:02:01 2 And the issues raised are in relation to Gobbo and you have  
15:02:06 3 an independent recollection of the meeting?---No, I'd need  
15:02:11 4 my diary to remember the meeting.  
5  
15:02:13 6 But you at least remember attending a meeting?---Yes.  
7  
15:02:16 8 And you agree that the other attendees of the meeting are  
15:02:19 9 those as listed in your diary there?---Yes. I'm unsure of  
15:02:24 10 an OPP member's surname but I just refer to him as David.  
11  
15:02:28 12 No, I understand. Mr Flynn's diary of the same date, I  
15:02:36 13 don't need to bring it up, I can just put the proposition  
15:02:39 14 to you, that in the meeting he made the note, and he's  
15:02:43 15 given evidence to the Commission in relation to this, he  
15:02:46 16 made the note, "May require legal advice". Now you were an  
15:02:50 17 attendee at the meeting. What do you remember being  
15:02:52 18 discussed at the meeting?---As my diary depicts, the  
15:02:57 19 persons present. "The defence allege Gobbo, [REDACTED] and  
15:03:01 20 other witnesses and police conspired to concoct statements  
15:03:02 21 against Mr Cvetanovski. Pena-Rees making claims off the  
15:03:08 22 back of media articles re Ms Gobbo and Paul Dale. Claims  
15:03:13 23 Gobbo gave money to Tony Mokbel as well as [REDACTED]  
15:03:17 24 Giving money to Ms Gobbo to pay [REDACTED] for party re  
15:03:24 25 [REDACTED]".  
26  
15:03:27 27 Yes, keep going?---"All allegations appear to be  
15:03:30 28 speculative with Mr Pena-Rees acting on what client  
15:03:35 29 Mr Cvetanovski has told him. At this point statements only  
15:03:38 30 made in front of judge, jury and [REDACTED] have not heard  
15:03:44 31 same yet. Consideration to be given to how to approach  
15:03:48 32 same if at all. Mr Pena-Rees has stated he will put same  
15:03:53 33 to witnesses in presence of jury. Meeting concluded".  
34  
15:03:59 35 All right. Now, did you have - do you recall whether  
15:04:06 36 during that conversation - sorry, I withdraw that. Do you  
15:04:10 37 recall if prior to that conversation you had a conversation  
15:04:14 38 with Mr Flynn about Ms Gobbo's role, dual role that she'd  
15:04:20 39 played in relation to [REDACTED] in 2006?---No.  
40  
15:04:24 41 That was something you knew about though?---Sorry?  
42  
15:04:27 43 The dual role that she played in 2006 in relation to  
15:04:30 44 [REDACTED] that we went through earlier, she was both  
15:04:35 45 representing him - - ?---Are you talking about 2011?  
46  
15:04:38 47 Yes, in 2011. Going into the meeting?---Going into the

.12/11/19

9122

HAYES XXN - IN CAMERA

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

15:04:43 1 meeting did I know that?  
2  
15:04:44 3 Yes?---Yes.  
4  
15:04:45 5 Did you have discussions about your concerns about that  
15:04:48 6 dual role in relation to the questions that were being  
15:04:50 7 asked by Mr Pena-Rees, firstly, did you have any concerns  
15:04:53 8 about that broader issue, being her acting as a source and  
15:04:58 9 acting as [REDACTED] lawyer as you went into the  
15:05:02 10 meeting?---No, I dealt with the issues as detailed in my  
15:05:05 11 diary, the concocted statements.  
12  
15:05:09 13 Did you have a conversation with Mr Flynn before going - -  
15:05:11 14 - ?---No, I walked from the court with Mr Champion to his  
15:05:16 15 chambers.  
16  
15:05:16 17 During the meeting Mr Flynn's given evidence that that  
15:05:19 18 issue wasn't addressed. Did you talk to Mr Flynn about  
15:05:21 19 that issue after the meeting?---No, I go straight home  
15:05:24 20 after the meeting.  
21  
15:05:25 22 The Commission understands that the prosecutor,  
15:05:28 23 Mr Champion, was never advised by the police that Ms Gobbo  
15:05:32 24 was an informer. Does that accord with your recollection  
15:05:37 25 and your notes of the meeting?---So I don't address that  
15:05:40 26 topic in my notes as far as the meeting.  
27  
15:05:42 28 Yes?---Mr Champion was not aware as far as I understand.  
29  
15:05:47 30 So it's correct from your recollection and your notes that  
15:05:50 31 that particular work that Ms Gobbo had been performing for  
15:05:54 32 Victoria Police wasn't identified, it wasn't spoken  
15:05:56 33 about?---The meeting dealt with the allegation made by  
15:05:58 34 Mr Pena-Rees, which is around the concocting of statements.  
15:06:02 35 That's what was dealt with at the meeting.  
15:06:04 36  
15:06:04 37 I understand that that's the case. What I'm saying is that  
15:06:06 38 allegation is very close to what the truth was, which was  
15:06:11 39 that in fact what had been occurring is Ms Gobbo had been  
15:06:13 40 acting in a dual role representing [REDACTED] and acting as  
15:06:18 41 a police informer and encouraging [REDACTED] to roll and  
15:06:22 42 make statements against other people. Do you understand  
15:06:25 43 what I'm saying?---I understand what you're saying.  
44  
15:06:27 45 What I'm saying is that that is a troubling relationship,  
15:06:31 46 you agree with that?---It's a relationship that finds us  
15:06:36 47 here today, yes.

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

1  
15:06:37 2       Insofar as it finds us here today it's a relationship that  
15:06:41 3       shouldn't have occurred, you'd agree with that?---I think I  
15:06:44 4       wouldn't be standing here if it wasn't viewed in that way.  
5  
15:06:48 6       I understand. What I'm suggesting to you is that whilst  
15:06:50 7       Mr Pena-Rees wasn't exactly right, he wasn't far off the  
15:06:54 8       mark?---I can only deal with what was said at the time and  
15:06:59 9       that's what was said. We dealt with Mr Pena-Rees's  
15:07:05 10      statement around the concocting of statements and that did  
15:07:09 11      not occur.  
12  
15:07:10 13      You would accept though as you sit here now or stand here  
15:07:14 14      now that insofar as what was occurring on ██████████ 2007  
15:07:20 15      when ██████████ made that decision to roll and implicate his  
15:07:24 16      criminal associates, that his purported lawyer was in fact  
15:07:29 17      acting as an agent of police rather than his own lawyer,  
15:07:33 18      you agree with that?---You mean 2006 or 2007?  
19  
15:07:37 20      2006. When she was appearing, when she attended the police  
15:07:41 21      complex on ██████████ 2006?---So his arrest day?  
22  
15:07:45 23      Yes?---Yes.  
24  
15:07:46 25      On that occasion she was acting as an agent of police in  
15:07:51 26      encouraging him to roll, rather than acting as his  
15:07:55 27      independent lawyer. I'm talking about what you know  
15:07:58 28      now?---What I know now, she provided advice to him but she  
15:08:02 29      was also assisting Victoria Police.  
30  
15:08:05 31      Yeah. She wasn't providing independent advice, you'd at  
15:08:09 32      least agree with that?---She provided legal advice. As to  
15:08:15 33      what the advice was I don't know.  
34  
15:08:18 35      You were the informant in this matter that this person was  
15:08:21 36      giving central evidence in relation to all of the years  
15:08:25 37      later. I'm not suggesting - it's abundantly clear that you  
15:08:30 38      weren't at the arrest on ██████████ 2006?---Yes.  
39  
15:08:33 40      What I'm asking you to do is reflect on the propriety of  
15:08:37 41      the situation when the evidence before the Commission makes  
15:08:41 42      it perfectly clear, and admissions from a number of members  
15:08:45 43      of Victoria Police, that there were huge problems with the  
15:08:48 44      role that Ms Gobbo was purporting to play that night.  
15:08:51 45      Mr White on the pseudonym list has said that he considered  
15:08:54 46      arresting her when she turned up to represent ██████████ on  
15:08:58 47      that night?---That's a matter for Mr White, but as we stand

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

15:09:01 1 here today there's obviously significant issues there, yes.  
2  
15:09:04 3 When this was being discussed in April - that last couple  
15:09:09 4 of days, I think it might have been the 8th and 9th, no,  
15:09:15 5 7th and 8th of April and then 11 April 2011, did you carry  
15:09:19 6 out any investigations to find out exactly what had gone on  
15:09:25 7 on [REDACTED] 2006 and following where [REDACTED] made his  
15:09:29 8 statements implicating people, including the person you  
15:09:37 9 were an informer in relation to?---No.  
10  
15:09:40 11 Did you think you should have done that?---No, I was  
15:09:42 12 managing a trial, so I was managing the witness. I  
15:09:43 13 obviously advised my superiors of what was occurring and I  
15:09:47 14 proceeded to run my trial.  
15  
15:09:49 16 You were managing a trial but you would agree that the  
15:09:51 17 informant has obligations of disclosure if they become  
15:09:54 18 aware of something that might affect the propriety of the  
15:09:58 19 trial, you agree with that?---So in relation to that, yes,  
15:10:02 20 and that's why I've advised my superiors.  
21  
15:10:05 22 Okay. Which superiors did you speak to?---I spoke with  
15:10:08 23 Flynn and I spoke with those at the Dedicated Source Unit  
15:10:11 24 who are superior to me in rank.  
25  
15:10:14 26 The people at the Dedicated Source Unit told you, what,  
15:10:17 27 there was nothing to worry about, did they?---They didn't  
15:10:22 28 really tell me much at all other than they'd go away and  
15:10:25 29 discuss it.  
30  
15:10:26 31 What did they tell you?---They attended a meeting with  
15:10:30 32 Mr Champion and they didn't really tell me anything.  
33  
15:10:33 34 Which ones attended, using the pseudonyms?---Oh, sorry.  
15:10:45 35 Officer Pearce.  
36  
15:10:47 37 Officer Pearce, all right. Did Officer Pearce disclose at  
15:10:52 38 that meeting what had occurred on [REDACTED] 2006 and onwards  
15:10:56 39 in relation to implicating Mr Cvetanovski?---That meeting  
15:11:00 40 just dealt with the concocting of statements so there's  
15:11:03 41 nothing that I can refer to other than that's what was  
15:11:06 42 dealt with on the day.  
43  
15:11:07 44 Did you speak with Pearce before or after the  
15:11:10 45 meeting?---No.  
46  
15:11:10 47 About how it came to be that [REDACTED] had implicated

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

15:11:18 1 Mr Cvetanovski?---No  
2  
15:11:20 3 So other than Flynn and Pearce, what other superiors did  
15:11:23 4 you speak to?---They're my superiors. Mr Flynn, Detective  
15:11:27 5 Sergeant Flynn, was my direct line supervisor.  
6  
15:11:44 7 Is it the case that during that meeting the prosecutor,  
15:11:51 8 Mr Champion, asked those in the room whether there was any  
15:11:53 9 truth in what was being alleged by Mr Pena-Rees?---I have  
15:11:58 10 no recollection of that. I have no notation of that.  
11  
15:12:01 12 Well, you accept from what you know now that was the very  
15:12:05 13 reason why he'd asked for an adjournment and for the  
15:12:08 14 suppression orders to be relaxed so that he was able to get  
15:12:11 15 instructions on the allegations that were being made?---As  
15:12:14 16 I said, the allegation that we dealt with was around the  
15:12:16 17 concocting of the statements, that's all I have reference  
15:12:19 18 to.  
19  
15:12:20 20 So was it the case that when he asked for instructions  
15:12:25 21 about that allegation?---Which allegation.  
22  
15:12:28 23 The concocting of statements?---Yes.  
24  
15:12:31 25 He was simply told, "No, that didn't occur", and the  
15:12:34 26 conversation didn't go any further?---That's what he was  
15:12:37 27 certainly told because there was no concocting of  
15:12:41 28 statements. Obviously there was a little bit more  
15:12:48 29 discussion around it than that.  
30  
15:12:50 31 Given what you now understand about these issues and you  
15:12:52 32 understand the significance of the issues the Commission is  
15:12:53 33 dealing with, clearly, from some of the answers you've  
15:12:55 34 given in the last little while, you'd accept that this  
15:12:58 35 would have been a good opportunity to tell the prosecutor,  
15:13:00 36 yourself, Mr Flynn and Mr Pearce, or one of those, what the  
15:13:04 37 true situation was on [REDACTED] and continuing between  
15:13:07 38 Gobbo, police and [REDACTED]---I think that what Mr Flynn  
15:13:13 39 and Mr Pearce would have gone away and discussed, that they  
15:13:18 40 have the issues that are outside my scope in relation to  
15:13:21 41 the welfare and safety of Ms Gobbo.  
42  
15:13:23 43 So you were entirely reliant on them as to what to do with  
44 this?---Yes  
45  
15:13:26 46 At this juncture?---Yes.  
47



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

15:13:29 1 All right. Flynn's evidence to this Commission was that he  
15:13:35 2 felt quite alarmed during this meeting. Is that something  
15:13:40 3 that you observed or he expressed to you before or after  
15:13:43 4 the meeting?---No.  
5  
15:13:44 6 Were you yourself alarmed?---Well to have a meeting like  
15:13:50 7 that, it's concerning.  
8  
15:13:51 9 Yes?---But we dealt with the issue that was presented  
15:13:55 10 before us.  
11  
15:13:55 12 And there was a suggestion that Gobbo was going to be, a  
15:13:58 13 suggestion from the defence that Gobbo was going to be  
15:14:01 14 called to give evidence?---I don't know whether that was  
15:14:04 15 the case.  
16  
15:14:05 17 That wasn't something that was expressed to you?---I don't  
15:14:07 18 know. As I said, I wasn't allowed in the courtroom so I  
15:14:10 19 don't know what was said.  
20  
15:14:14 21 All right. Mr Champion, the prosecutor, it appears was  
15:14:26 22 considering calling Gobbo as a witness, is that correct, or  
15:14:31 23 was it only the defence who were considering that?---I  
15:14:35 24 don't know.  
25  
15:14:35 26 You don't know?---I don't know the answer to that question.  
27  
15:14:37 28 So you don't have any recollection of there being a  
15:14:40 29 suggestion that Gobbo might give evidence in this  
15:14:43 30 proceeding?---I don't know whether Mr Champion considered  
15:14:45 31 that or not.  
32  
15:14:47 33 Or the defence?---I don't know about the defence either.  
15:14:51 34 As I said, I wasn't present in court. Some of those  
15:14:54 35 discussions I've never been - - -  
36  
15:14:58 37 I'm asking this because you were the informant in the  
15:15:00 38 matter?---Yes.  
39  
15:15:00 40 You were the decision maker in the matter?---No, I don't  
15:15:04 41 make the decisions on topics like that.  
42  
15:15:06 43 As the informant what's your role?---So I manage the  
15:15:08 44 witnesses, I'll be giving my evidence, I produce the  
15:15:12 45 exhibits.  
46  
15:15:14 47 So who makes the decisions in your experience about an

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

15:15:16 1 ongoing prosecution that's not the informant?---It would be  
15:15:23 2 in discussion with myself and the prosecutor.  
3  
15:15:25 4 Is it your evidence that you didn't know until today that  
15:15:29 5 there was a suggestion that Gobbo might be called to give  
15:15:31 6 evidence?---I'm not sure. As I said, I wasn't privy to it.  
15:15:35 7 It may have occurred, it may not, I just wasn't privy to  
15:15:39 8 it.  
9  
15:15:40 10 All right. Had that suggestion been made to you at the  
15:15:43 11 time, you would accept that that would have caused real  
15:15:46 12 alarm for you given what you knew about her role  
15:15:49 13 previously?---So I would have dealt with that the same way  
15:15:53 14 I've dealt with this. I would have expressed what was  
15:15:56 15 being considered to my supervisors.  
16  
15:15:59 17 Mr Flynn's evidence is that he was aware of there being a  
15:16:03 18 suggestion that Ms Gobbo might be called. He hadn't been  
15:16:07 19 in court for the particular argument or when that  
15:16:11 20 possibility was identified either. Do you accept that that  
15:16:14 21 might be something that was explained to you outside court  
15:16:17 22 as well?---It's possible, yes.  
23  
15:16:21 24 If Gobbo had in fact been called it's correct to say that  
15:16:27 25 she would have had two options, one was to lie to protect  
15:16:33 26 her identity, the work that she carried out as a source, or  
15:16:38 27 tell the truth and reveal her role as a source, do you  
15:16:42 28 agree with that?---If she was called?  
29  
15:16:44 30 Yes. If she was called in relation to these very issues  
15:16:46 31 that we were talking about before?---Depending on what she  
15:16:50 32 was asked while she was in the box, yes.  
33  
15:16:53 34 Or the police could make a claim for public interest  
15:16:57 35 immunity?---They could, yes.  
36  
15:17:02 37 You would have known in April, on the day of this meeting,  
15:17:07 38 [REDACTED] 2011, that if the fact of Gobbo's role in relation  
15:17:15 39 to [REDACTED] had have come out then it would have  
15:17:20 40 completely derailed the trial, you agree with that?---It  
15:17:24 41 had the potential to do that, yes.  
42  
15:17:26 43 It had a very strong potential to do that?---It had the  
15:17:29 44 potential, yep.  
45  
15:17:29 45  
15:17:32 46 And you accept now, I take it, that it was quite a proper  
15:17:36 47 thing for Mr Cvetanovski to be able to explore, given what

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

15:17:43 1 you know now about how the - about the relationship between  
15:17:47 2 Victoria Police, Nicola Gobbo and [REDACTED] --As we stand  
15:17:50 3 here today, yes.

4  
15:17:51 5 Okay. You gave an answer a moment ago when I asked you  
15:18:15 6 that you would have known on [REDACTED] that if this role of  
15:18:22 7 Gobbo in relation to [REDACTED] had come out, that it would  
15:18:26 8 have completely derailed the trial, you said it had the  
15:18:29 9 potential to do that. Then I suggested to you it was a  
15:18:36 10 strong potential and you just said it had the potential.  
15:18:38 11 What I want to suggest to you is that you knew very well on  
15:18:42 12 [REDACTED] 2011 that it would derail the trial?---No, it had  
15:18:46 13 the potential to derail the trial.

14  
15:18:48 15 The fact that a barrister acting as a human source had  
15:18:53 16 encouraged someone that she was purporting to act for to  
15:18:58 17 roll on various individuals?---Yes, it had the potential to  
15:19:00 18 derail the trial, yes.

15:19:01 19  
15:19:01 20 You're quite convinced that's your evidence, you don't want  
15:19:04 21 to - - - ?---No.

15:19:05 22  
15:19:05 23 - - - accept my proposition that it was perfectly clear  
15:19:08 24 that it would?---No.

25  
15:19:09 26 You accept that it was very significant information for the  
15:19:13 27 defence, this role?---As we stand here today, yes.

28  
15:19:18 29 What about on [REDACTED] 2011?---So on [REDACTED] 2007 we were  
15:19:29 30 dealing with the allegation around the concocting of  
15:19:36 31 statements.

32  
15:19:37 33 [REDACTED] 2011?---2011, sorry. My mistake, sorry.

34  
15:19:40 35 I'm talking about the true situation though, being the  
15:19:43 36 relationship between Gobbo, Victoria Police and [REDACTED]  
15:19:45 37 not about the concocting of statements. I'm talking about  
15:19:48 38 the true nature of their relationship, that was very  
15:19:53 39 significant information for the defence to know  
15:19:56 40 about?---I've agreed with that, yes.

41  
15:20:00 42 You would have known that in 2011?---I knew that Ms Gobbo  
15:20:03 43 was a source, yes.

44  
15:20:04 45 No, no, you knew in 2011 that it was significant  
15:20:08 46 information for the defence to know about?---Yes, I've said  
15:20:10 47 that.

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

1  
15:20:11 2 You agree then that in that situation you had an obligation  
15:20:14 3 to reveal it to the defence?---No, no.  
4  
15:20:21 5 No?---I briefed my supervisors and they were to make a  
15:20:24 6 determination on what was before them.  
7  
15:20:27 8 So if you brief them, as you say you did, and you then  
15:20:32 9 know, because of the way things played out with the trial  
15:20:35 10 and the subsequent trial, that apparently nothing's been  
15:20:39 11 done with that information, do you have no obligation as an  
15:20:42 12 informant to do anything?---We're dealing with what was  
15:20:45 13 presented to us at the time and we dealt with that as far  
15:20:48 14 as the concocting of the statements.  
15  
15:20:54 16 I've told you what Mr Flynn's note of that meeting says,  
15:20:57 17 which is that "may require legal advice". You agree that  
15:21:06 18 in fact legal advice should have been sought at that  
15:21:09 19 stage?---As we stand here today, yes.  
20  
15:21:14 21 About what disclosure should be made to the defence in  
15:21:17 22 relation to this role?---As we stand here today, yes.  
23  
15:21:29 24 In Mr Richards' diaries, I'm going to bring this up on the  
15:21:37 25 screen, VPL.0099.0010.0014, this is the following day on [REDACTED]  
15:21:48 26 [REDACTED] 2011. You'll see there - now Richards is one of the  
15:22:01 27 people that you'd been speaking to; is that correct?---No.  
28  
15:22:04 29 No?---No.  
30  
15:22:05 31 The person you'd been dealing with was Pearce?---Yes.  
32  
15:22:11 33 From the SDU?---And Peter Smith I believe.  
34  
15:22:15 35 Yes, that's right, Peter Smith you had some phone calls  
15:22:19 36 with?---Yes.  
37  
15:22:20 38 This is the following day and there's a call about the  
15:22:27 39 Cvetanovski trial. It's being brought up that the defence  
15:22:30 40 are going to allege that Nicola Gobbo was acting in a  
15:22:33 41 conspiracy with [REDACTED] against Cvetanovski, that Nicola  
15:22:40 42 Gobbo was helping police to dismantle the Mokbel family,  
15:22:44 43 "will bring up against Flynn or call Nicola Gobbo as a  
15:22:48 44 witness - acted inappropriately", do you see that?---Yes.  
45  
15:22:54 46 The phrase I'm interested in is, "Nicola Gobbo is helping  
15:22:58 47 police to dismantle the Mokbel family". I take it that

.12/11/19

9130

HAYES XXN - IN CAMERA

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

15:23:02 1 means the Mokbel criminal enterprise. We now know, or you  
15:23:06 2 would accept that we now know that that was in fact the  
15:23:07 3 case, Nicola Gobbo was helping the police to dismantle the  
15:23:11 4 Mokbel cartel?---Yes.  
5  
15:23:13 6 What I'm interested in here is that this is a much broader  
15:23:17 7 suggestion that's being recorded here by the officer the  
15:23:22 8 following day than there being a concoction of statements,  
15:23:26 9 do you understand what I'm saying there?---Yes.  
10  
15:23:28 11 This is that the defence are actually going to be arguing  
15:23:32 12 something that was, everyone knew at that stage to be  
15:23:36 13 correct, was that she was acting as an agent to dismantle  
15:23:43 14 the Mokbel cartel. Is that information that you passed on  
15:23:45 15 to this officer?---No, I had no contact with that officer.  
16  
15:23:49 17 Do you know where this officer got that understanding that  
15:23:53 18 this was the allegation that was being made by the  
15:23:56 19 defence?---You'd have to ask him.  
20  
15:23:58 21 Is that the allegation that was being discussed in the  
15:24:02 22 conference on [REDACTED] 2011?---The allegation is as I've  
15:24:06 23 detailed it, it's concocting statements. Concocting  
15:24:10 24 statements is a conspiracy so I don't see that there's a  
15:24:14 25 difference. It's just the way he's put his tongue around  
15:24:18 26 it. But it's a question for him.  
27  
15:24:21 28 Specifically helping police dismantle the Mokbel family, do  
15:24:23 29 you see that?---Yes.  
30  
15:24:24 31 Is that part of the information that you understood was  
15:24:26 32 being raised in the trial?---The concocting of statements  
15:24:31 33 would effectively do that, yes. But that didn't happen.  
34  
15:24:34 35 Is it something that was expressed to you, that the purpose  
15:24:36 36 of this concoction of statements, this alleged concoction  
15:24:38 37 of statements, was to dismantle the Mokbel family?---I've  
15:24:42 38 got no record of that.  
39  
15:24:44 40 Do you see there that it talks about Nicola Gobbo being  
15:24:47 41 called as a witness there. That's something that you still  
15:24:50 42 say you don't have any memory of?---I don't have a memory  
15:24:53 43 of it. I don't have a notation in my notes around that.  
44  
15:24:59 45 Commissioner, we've called for Peter Smith's diaries of  
15:25:04 46 this date. I should also say we've called for Mr Mansell's  
15:25:08 47 diaries from the second half of 2005. We've been asking

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

15:25:14 1 for a number of weeks. I don't think they've come through  
15:25:17 2 in the production that's been sent overnight.  
15:25:19 3  
15:25:20 4 MS ENBOM: Commissioner, I understand we have Mr Mansell's  
15:25:24 5 diaries here. They're able to be reviewed. There seems to  
15:25:28 6 have been some confusion in relation to the request for  
15:25:31 7 Mr Smith's diaries. It seems that the request that came  
15:25:37 8 from the solicitors assisting to my instructors was that  
15:25:42 9 request was for Mr Purton's diaries, when perhaps it was  
15:25:47 10 supposed to be for the other person's diaries, that is  
15:25:49 11 Smith's diaries. [REDACTED] So there  
15:25:52 12 seems to have been some confusion there but we are making  
15:25:58 13 inquiries to get Mr Smith's diaries.  
15:26:00 14  
15:26:00 15 MR WOODS: Okay. Commissioner, obviously I can't get my  
15:26:12 16 head around Mr Mansell's diaries while I'm on my feet so I  
15:26:17 17 might take an opportunity in due course to have a look at  
15:26:20 18 those. It is probably the case that I don't need to put  
15:26:27 19 them to this witness in any event but they're important  
15:26:29 20 parts of the jigsaw. I'm almost finished so if it's  
15:26:33 21 convenient I can keep going or - - -  
22  
15:26:35 23 COMMISSIONER: Sure, sure.  
15:26:38 24  
15:26:39 25 MR WOODS: In your statement to the Commission, Mr Hayes,  
15:26:41 26 you talk about a letter that Cvetanovski wrote and you say  
15:26:47 27 you deny the allegations that are made in the letter, you  
15:26:51 28 agree with that?---That's in my statement, yes. What  
15:26:54 29 paragraph, sorry?  
30  
15:26:56 31 I don't know what paragraph. I'll find it?---Sorry, it's  
15:27:00 32 92.  
33  
15:27:01 34 Towards the end?---92, yes.  
35  
15:27:04 36 I understand that the letter that you're referring to there  
15:27:08 37 is a letter that was written by Mr Cvetanovski that is set  
15:27:15 38 out in the decision of Justice Ginnane in the EF  
15:27:20 39 proceedings?---I was only shown the letter in the  
15:27:23 40 preparation of my statement so I've only seen it the once.  
41  
15:27:26 42 Okay. If I could just bring up, I just want to make sure  
15:27:28 43 it's the same letter. I might just bring up that decision.  
15:27:32 44 There's a number of versions of it on the system,  
15:27:40 45 COR.1000.0001.0002. It's at paragraph 402. You see here  
15:27:48 46 that what is being written by Mr Cvetanovski was on 27  
15:27:51 47 February 2015 and it was to the then IBAC Commissioner

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

15:27:57 1 Mr Kellam, do you see that?---Yes.  
2  
15:27:59 3 Is this the letter that you recall seeing in the  
15:28:01 4 preparation of your statement?---Yeah, I believe so. I'm  
15:28:05 5 not 100 per cent sure, sorry.  
6  
15:28:06 7 One of the things he says, and just as a matter of  
15:28:09 8 efficiency I might just paraphrase, one of the things he  
15:28:13 9 says is that he doesn't really know at that stage whether  
15:28:17 10 or not his trial had been impacted by the role that Nicola  
15:28:21 11 Gobbo had been playing with Victoria Police and he wanted  
15:28:25 12 to know more about that role. You'd accept that that's a  
15:28:28 13 fair enough thing for someone in his position to  
15:28:31 14 ask?---Yes.  
15  
15:28:35 16 He says that one of the results might be, once he gets some  
15:28:39 17 disclosure about those things, that his conviction for drug  
15:28:44 18 trafficking might be unsafe. Now you accept that in his  
15:28:49 19 position that's a fair enough thing to think was a  
15:28:51 20 possibility?---Yes.  
21  
15:28:55 22 He says in the letter that he understands that Kellam's  
15:28:58 23 report had been sent to Mr Champion at that stage and that  
15:29:05 24 appears to be correct, you agree with that?---Yes.  
25  
15:29:10 26 He talks about Mr Champion's role in being the prosecutor  
15:29:16 27 in his matters and we've gone through the fact that that's  
15:29:19 28 correct, you agree?---Mr Champion was the prosecutor, yes.  
29  
15:29:24 30 He talks about [REDACTED] being a high level [REDACTED]  
15:29:27 31 [REDACTED] and being the key witness, that's  
15:29:29 32 correct?---Yes.  
33  
15:29:30 34 He says that in his view - it's his view that Mr Champion  
15:29:40 35 shouldn't be considering the Kellam report because of the  
15:29:42 36 role that he played in prosecuting Mr Cvetanovski, you  
15:29:50 37 agree with that, that's something he alleges?---That's what  
15:29:53 38 he says, yes.  
39  
15:29:54 40 What he says is he wants to know if [REDACTED] was in fact  
15:30:03 41 part of IBAC's inquiry, if they were actually - if IBAC was  
15:30:09 42 actually considering [REDACTED] role. You agree that  
15:30:12 43 that's something he was asking?---That appears in the first  
15:30:14 44 sentence, yes.  
45  
15:30:16 46 He suggests that the judge refused the trial being aborted  
15:30:24 47 after Mr Champion became the Acting DPP. He says, "The

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

15:30:29 1 judge was determined to complete the trial even if the  
15:30:31 2 administration of justice had been compromised". I assume  
15:30:32 3 you disagree with his analysis there?---Yeah, I think that  
15:30:36 4 just revolves around Mr Champion being promoted.  
5  
15:30:40 6 Well, I think he's complaining there about - oh, you think  
15:30:46 7 he's complaining about Mr Champion, not the judge who was  
15:30:49 8 hearing the matter?---No, no, he's complaining to the judge  
15:30:52 9 but I think it relates to Mr Champion becoming head of the  
15:30:56 10 OPP.  
11  
15:30:56 12 He also talks about a different prosecution witness, he  
15:31:01 13 says perjuring himself. I take it you disagree with  
15:31:06 14 that?---So that witness that you're referring to had to go  
15:31:08 15 and seek independent legal advice during the trial.  
16  
15:31:11 17 He says that [REDACTED] and the police went back and forth  
15:31:18 18 to help [REDACTED] get his story straight in relation to  
15:31:22 19 certain aspects of his evidence that didn't match evidence  
15:31:24 20 given by him previously in others?---No, I don't agree  
15:31:29 21 with that.  
22  
15:31:29 23 You don't agree that was the case?---No.  
24  
15:31:34 25 He says that the police visited the prison regularly where  
15:31:37 26 he was. That is clearly the case from the information the  
15:31:40 27 Royal Commission's received, do you agree?---Yes.  
28  
15:31:44 29 He says that you and [REDACTED] sat side-by-side and you  
15:31:49 30 were involved in writing and amending statements?---Where  
15:31:53 31 are we, sorry? Oh yes, here we are.  
32  
15:31:59 33 Is that correct?---I would sit with [REDACTED] and type his  
15:32:04 34 statements, yes.  
35  
15:32:04 36 In taking his statements?---Sorry?  
37  
15:32:12 38 Just pausing there. You also carried out that same role in  
15:32:15 39 relation to [REDACTED] separately, I'm just diverting to  
15:32:20 40 something else very briefly, you took a statement from  
15:32:23 41 [REDACTED]---Yes, I did, yes.  
42  
15:32:24 43 Did you know about any involvement of Nicola Gobbo and  
15:32:26 44 [REDACTED] at the time that you took the statement?---No.  
45  
15:32:33 46 He says that there were corrupt inducements given to  
15:32:37 47 witnesses to lie on oath. I assume you disagree with



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

15:32:39 1 that?---Yes, I disagree with that.  
2  
15:32:42 3 He says two months prior to his arrest in 2006 [REDACTED]  
15:32:46 4 told him that if he ever was arrested as a result of being  
15:32:50 5 around him, "I shouldn't worry as I had done nothing wrong,  
15:32:54 6 I should Nicola Gobbo for advice. As it happened on the  
15:32:57 7 evening of [REDACTED] 2006 I was arrested and unbeknownst to  
15:33:02 8 me [REDACTED] was also arrested. Nicola Gobbo was called in  
15:33:06 9 to give me advice. Her advice to me was to remain silent  
15:33:10 10 and to say no comment to all police questions. At a later  
15:33:13 11 date I found out she was representing [REDACTED] earlier  
15:33:17 12 that same night and was involved in discussions with police  
15:33:20 13 and [REDACTED] in another interview room negotiating  
15:33:25 14 [REDACTED] deal with police". That was correct, he was  
15:33:28 15 correct about that?---No, they weren't there at the same  
15:33:32 16 night.  
17  
15:33:32 18 His timing is wrong but that's something that occurred  
15:33:35 19 otherwise?---He was - so Mr Cvetanovski was arrested and  
15:33:43 20 spoke with Ms Gobbo. [REDACTED] was arrested on a separate  
15:33:47 21 day and separately spoken to by Ms Gobbo.  
22  
15:33:51 23 Okay. Mr Cvetanovski is one of the proceedings that was  
15:34:04 24 considered by the courts when Ms Gobbo's role as a human  
15:34:12 25 source came out following the Kellam report being provided  
15:34:15 26 by - well, following the Director of Public Prosecutions  
15:34:20 27 proposing to provide the Kellam report to affected people.  
15:34:24 28 Have you read any of the decisions that relate to this  
15:34:28 29 matter?---Some time ago, yes.  
30  
15:34:30 31 And you know that Mr Cvetanovski is one of the matters  
15:34:32 32 that's under consideration?---Yes, I'm aware of that, yes.  
33  
15:34:37 34 What the High Court described in relation to each of the  
15:34:40 35 individuals, and I think there were seven named individuals  
15:34:44 36 there, is that what Gobbo and Victoria Police - what Gobbo  
15:34:52 37 had conducted was reprehensible conduct and, "There was a  
15:34:56 38 sanctioning of atrocious breaches of the sworn duties in  
15:35:00 39 relation to Victoria Police of every police officer to  
15:35:03 40 discharge all duties imposed on them faithfully and  
15:35:07 41 according to law without favour or affection, malice or  
15:35:07 42 ill-will". You understand that that was one of the phrases  
15:35:10 43 used by the High Court in relation to the seven  
15:35:13 44 people?---Yes, so you're quoting from the High Court now,  
15:35:18 45 not Mr Cvetanovski?  
46  
15:35:20 47 Yes, I'm not quoting from Mr Cvetanovski?---Yes.

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

1  
15:35:22 2 I think he might agree with what the High Court had said.  
15:35:25 3 But in any event, he says in his letter though, and you'll  
15:35:29 4 see it at the top of the page there, "I'm adamant Victoria  
15:35:33 5 Police acted improperly in their dealing with [REDACTED] and  
15:35:35 6 others". So far you'd agree with that part of the  
15:35:40 7 statement because you have already in your evidence?---Yes.  
15:35:43 8  
15:35:45 9 "The lengths police went to to orchestrate convictions to  
15:35:47 10 ensure my demise in what can only be described as shady,  
15:35:54 11 dishonest and corrupt undertaking are mind blowing". You  
15:35:56 12 accept that really what Mr Cvetanovski is complaining about  
15:35:58 13 there is the precise behaviour the High Court was  
15:36:01 14 identifying in the phrase that I read to you a moment  
15:36:08 15 ago?---In relation to [REDACTED]  
16  
15:36:10 17 Yes?---Yes.  
18  
15:36:10 19 And in relation to the effect that that had, Mr Cvetanovski  
15:36:12 20 would say, on his particular trial. That's what he's  
15:36:14 21 complaining about?---That's what he's complaining about,  
15:36:16 22 yes.  
23  
15:36:17 24 Thank you, they're the questions.  
25  
15:36:18 26 COMMISSIONER: Is there any cross-examination? No. Any  
15:36:22 27 re-examination?  
28  
15:36:25 29 MS THIES: Commissioner, just a few brief topics.  
30  
15:36:27 31 COMMISSIONER: Yes, all right then. Thank you.  
15:36:30 32  
33 <CROSS-EXAMINED BY MS THIES:  
34  
15:36:31 35 Mr Hayes, I just have a few questions on behalf of the SDU  
15:36:34 36 handlers. Mr Woods asked you some questions about  
15:36:38 37 Operation Gosford and the threats against Ms Gobbo during  
15:36:44 38 that period?---Yes.  
39  
15:36:45 40 You mentioned you had a suspect in relation to those  
15:36:47 41 threats?---Yes.  
42  
15:36:48 43 It's the case, isn't it, that those threats ceased once  
15:36:52 44 that suspect was actually put into custody; is that  
15:36:56 45 right?---I'd have to refer to my diaries. It wouldn't  
15:37:00 46 surprise me.  
47

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

15:37:01 1 Was it Tony Bayeh that you were referring to?---Yes.  
2  
15:37:07 3 You said that the term was dog can be used for people  
15:37:11 4 informing as police informers?---Yes, and witnesses for  
15:37:13 5 police, yes.  
15:37:13 6  
15:37:13 7 And witnesses for police but also lawyers who are involved  
15:37:15 8 in that process of witnesses rolling on behalf of other  
15:37:18 9 co-accused?---Yes, yes. That term has a broad reach.  
10  
15:37:23 11 During Operation Gosford you weren't able to ever establish  
15:37:27 12 which of those categories the term dog was being used to  
15:37:30 13 describe Ms Gobbo as throughout that period?---Not  
15:37:33 14 definitively, no.  
15  
15:37:38 16 In your statement, this is at paragraph 48, Commissioner,  
15:37:42 17 you refer to having spoken to Officer Green on 25 January  
15:37:47 18 and asking him effectively to task 3838 in relation to  
15:37:52 19 Mr Cvetanovski?---Yes.  
20  
15:37:55 21 Mr Green says that he'll have the source broker contact and  
15:38:00 22 you were late told by Mr O'Brien that "3838 will find out  
15:38:04 23 the room number at Crown"; is that right?---Yes.  
24  
15:38:06 25 The next day when you spoke to Mr Green he gave you some  
15:38:10 26 general information and that was essentially that 38  
15:38:16 27 believed Mr Cvetanovski had been cooking, correct?---Yes,  
15:38:19 28 she stated that he needed a shower because he smelt of a  
15:38:23 29 particular product used in the cook.  
30  
15:38:24 31 I take it that wasn't news to you at that stage?---Not  
15:38:27 32 surprising.  
33  
15:38:28 34 He said to you that he'd give you further information once  
15:38:31 35 he debriefed Ms Gobbo?---Yes.  
36  
15:38:33 37 Is that right? Now, it seems that he didn't ultimately  
15:38:37 38 come back to you with any further information, otherwise  
15:38:42 39 you would have put it in your statement, do you agree with  
15:38:45 40 that?---Yes.  
41  
15:38:46 42 At that time Mr White was a controller and you know who  
15:38:49 43 that is now, Sandy White?---Yes.  
44  
15:38:52 45 There's an entry in his diary, and we don't need to bring  
15:38:57 46 it up, on that day, that reads, this is at 8.30 pm, "Update  
15:39:03 47 by Green. Discuss no tasking of 3838. Do not want

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

15:39:07 1 involved working on Cvetanovski". Considering the limited  
15:39:10 2 extent of the information that you were given about  
15:39:14 3 Mr Cvetanovski and the fact that Mr Green never followed  
15:39:17 4 you up with a debrief?---Yes.  
5  
15:39:19 6 That's consistent with Ms Gobbo never having been tasked in  
15:39:24 7 relation to Mr Cvetanovski despite your request, isn't it,  
15:39:30 8 on that occasion?---Well yes, yeah. For that particular  
15:39:35 9 request, yes.  
10  
15:39:37 11 It's the case, isn't it, that notwithstanding the fact that  
15:39:42 12 sometimes Purana would ask the SDU to task various sources,  
15:39:46 13 they wouldn't always do so?---That's correct, yes.  
14  
15:39:51 15 You were asked some questions by Mr Woods in relation to  
15:39:55 16 the information that was contained on information reports  
15:39:58 17 and in particular whether human source registration numbers  
15:40:04 18 were placed on the information reports. Do you remember  
15:40:06 19 that at the start of the day?---Yes.  
20  
15:40:09 21 Not being critical of you and acknowledging that you were  
15:40:12 22 being asked questions about things that happened a long  
15:40:14 23 time ago, what I want to suggest to you is that in fact  
15:40:18 24 during your time at Purana SDU members never used human  
15:40:24 25 source registration numbers on information reports?---It  
15:40:29 26 wasn't uncommon back then for registered numbers to be on  
15:40:33 27 contact reports.  
28  
15:40:34 29 It was uncommon?---No, it wasn't uncommon.  
30  
15:40:37 31 It wasn't uncommon?---But the SDU may have had that policy.  
15:40:42 32 We had other obviously areas with sources who would use  
15:40:45 33 source numbers.  
34  
35 Do you have any specific recollection of having been  
36 provided with an information report from the SDU that  
37 referred to a human source number?---In the compilation of  
15:41:01 38 my statement there are IRs that reflect the source number,  
39 yes.  
40  
15:41:01 41 There were?---They are, but the origin of where they've  
15:41:05 42 come from, I'd need to review them.  
43  
15:41:07 44 You're not able to say whether they came from the  
15:41:09 45 SDU?---No, I can't.  
46  
15:41:10 47 If I can just put up VPL.0100 - - -

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

15:41:14 1  
15:41:14 2 COMMISSIONER: Ms Thies, I think we should have the  
15:41:17 3 afternoon break.  
4  
5 MS THIES: Yes, thank you.  
6  
15:41:18 7 COMMISSIONER: It's going on for a while.  
15:42:01 8  
15:42:01 9 (Short adjournment.)  
15:57:59 10  
15:57:59 11 COMMISSIONER: Yes Ms Thies.  
15:58:01 12  
15:58:01 13 MS THIES: Thank you Commissioner. If we can just put up  
15:58:03 14 that document. So this is a copy of the Standard Operating  
15:58:11 15 Procedures that were in place from 2005. If we just go to  
15:58:16 16 the bottom of that page under "intelligence reports". The  
15:58:20 17 last sentence there says, "Consideration must also be given  
15:58:24 18 to the risk of identification of the source through the  
15:58:27 19 author of the document, description of the source and  
15:58:30 20 potential for disclosure in court proceedings". Then if  
15:58:33 21 you just go down further to the next page, this is talking  
15:58:39 22 about the creation of information reports. What it says at  
15:58:43 23 the top there, "Reports must be sanitised for onward  
15:58:47 24 transmission by excluding material which explicitly or  
15:58:50 25 implicitly identifies a human source". Then it goes on to  
15:58:55 26 say, "Nominating that the information has been documented  
15:58:58 27 by the DSU or a particular member attached to the unit will  
15:59:01 28 in itself reveal that such information is derived from a  
15:59:06 29 confidential human source". Do you see that?---Yes.  
15:59:08 30  
15:59:12 31 It then says, "To this end DSU members will ensure that the  
15:59:16 32 source of information will read intelligence holdings. The  
15:59:19 33 author of the report and the disseminating member will read  
15:59:23 34 State Intelligence Division. Furthermore, the content of  
15:59:27 35 the report will not indicate whether the information has  
15:59:30 36 been derived from human, technical or other nature of  
15:59:35 37 intelligence source". We've been provided with what we  
15:59:39 38 understand to be all of the information reports that have  
15:59:41 39 come from the SDU in relation to Ms Gobbo. Does that make  
15:59:44 40 sense?---Yes.  
15:59:45 41  
15:59:45 42 And if none of those information reports refer to either  
15:59:51 43 Ms Gobbo or her human source number or in fact a human  
15:59:55 44 source being the source of the intelligence, it would  
15:59:58 45 follow, wouldn't it, that if you have information reports  
16:00:02 46 that refer to the existence of a human source, they haven't  
16:00:06 47 come from the SDU?---In the compilation of my statement

.12/11/19

9139

HAYES XXN - IN CAMERA

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

16:00:10 1 there were IRs with the registered source number of  
16:00:13 2 Ms Gobbo.  
16:00:13 3  
16:00:14 4 And if that's the case, given what I've just read, they  
16:00:18 5 haven't come from the SDU?---I can't conclusively say that,  
16:00:23 6 they may have inadvertently attached the number to the  
16:00:27 7 report. All I can say in the compilation of my statements  
16:00:30 8 IRs were shown to me that detailed the source number of  
16:00:34 9 Ms Gobbo.  
16:00:34 10  
16:00:34 11 Do you have records of which IRs they were that you're  
16:00:37 12 referring to?---No, I don't.  
16:00:38 13  
16:00:39 14 Are you able to obtain those and provide them to your  
16:00:44 15 counsel?---Counsel are the ones that showed me.  
16:00:47 16  
16:00:48 17 We'll make some further inquiries about that. From 2003 it  
16:00:54 18 was a requirement, wasn't it, that human source numbers be  
16:00:58 19 included on any affidavit for a telephone intercept warrant  
16:01:02 20 where source intelligence was being relied on, is that  
16:01:06 21 right?---Yes, I'm not specific of the date but yes.  
16:01:09 22  
16:01:09 23 That being the case, if you needed additional information  
16:01:12 24 for the purpose of that warrant, such as a source  
16:01:15 25 identification number, you could contact either the SDU or  
16:01:19 26 the HSMU to make those additional inquiries, is that  
16:01:22 27 right?---If you're aware the intelligence came from the  
16:01:30 28 source, yes.  
16:01:31 29  
30 COMMISSIONER: Can I just interrupt you.  
31  
32 MS THIES: Yes.  
33  
16:01:31 34 COMMISSIONER: The previous document is Exhibit 623.  
16:01:34 35  
16:01:34 36 MS THIES: Thank you Commissioner. And once you had those  
16:01:37 37 numbers and had compiled the affidavit, it's the case,  
16:01:40 38 isn't it, that it had to go back to the SDU so that they  
16:01:44 39 could ensure the accuracy of the information contained in  
16:01:47 40 it?---I can't recall the process. If that's the SDU's  
16:01:51 41 policy, I'm not aware of their policy.  
16:01:54 42  
16:01:55 43 There's been evidence from Mr Black that there was a  
16:01:58 44 requirement that other areas, such as Purana and SPU, when  
16:02:04 45 compiling their affidavits had to send those affidavits to  
16:02:08 46 the SDU to ensure their accuracy, is that something that  
16:02:11 47 you're aware of at all?---I can't recall whether that was

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

16:02:14 1 the case or not.  
16:02:15 2  
16:02:15 3 All right, thank you.  
16:02:18 4  
16:02:18 5 COMMISSIONER: Yes, any re-examination.  
16:02:20 6  
16:02:20 7 <RE-EXAMINED BY MS ENBOM:  
16:02:21 8  
16:02:21 9 Mr Hayes, I want to take you back to 23 February 2007.  
16:02:25 10 You've given evidence that that is the date on which you  
16:02:30 11 first learned of Ms Gobbo's role as a human source?---Yes.  
16:02:34 12  
16:02:35 13 Can you explain how you ascertained on that date that she  
16:02:40 14 had a role as a human source?---May I be permitted to go to  
16:02:44 15 my diary please, Commissioner?  
16:02:46 16  
16:02:46 17 COMMISSIONER: Yes, of course. 2007, 23 February 2007.  
16:03:25 18  
16:03:25 19 WITNESS: Yes. So I speak with Detective Inspector  
16:03:39 20 O'Brien. The initial conversation is around the threats to  
16:03:41 21 Ms Gobbo and I'm making application to make some telephone  
16:03:47 22 inquiries, some subscriber checks. And Inspector O'Brien  
16:03:53 23 has also stated that I contact Officer Anderson re prompt  
16:04:00 24 notification of the threats to Ms Gobbo. Officer Anderson  
16:04:04 25 was a member of the SDU.  
16:04:05 26  
16:04:06 27 MS ENBOM: Do you have any recollection of Mr O'Brien  
16:04:08 28 telling you during that conversation that Ms Gobbo was a  
16:04:11 29 source?---No.  
16:04:12 30  
16:04:14 31 Why did you understand that you were being directed to tell  
16:04:18 32 the SDU about the threat against Ms Gobbo?---So that's the  
16:04:21 33 first entry in my diary where I'm unable to completely  
16:04:26 34 ascertain that I knew because I wouldn't be contacting the  
16:04:29 35 SDU unless Ms Gobbo was a source.  
16:04:31 36  
16:04:32 37 Did you know on that day, or did you come to learn on that  
16:04:35 38 day anything about her role as a human source?---No.  
16:04:39 39  
16:04:40 40 Were you told when she was registered?---No.  
16:04:42 41  
16:04:42 42 Were you told whether she was still a registered  
16:04:46 43 source?---No.  
16:04:46 44  
16:04:47 45 Were you told who she provided information in relation  
16:04:50 46 to?---No.  
16:04:51 47

.12/11/19

9141

HAYES RE-XN - IN CAMERA

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

16:04:57 1 Moving forward to Mr Cvetanovski's trial in 2011. During  
16:05:03 2 that trial did you know anything at all about her role as a  
16:05:09 3 human source?---No.  
16:05:10 4  
16:05:11 5 Did you know that she'd provided information in relation to  
16:05:15 6 [REDACTED]---I knew she'd provided information, the extent  
16:05:20 7 of her information I'm not aware of.  
16:05:22 8  
16:05:22 9 Did you know she provided information in relation to the  
16:05:25 10 location of the [REDACTED] in [REDACTED]---In 2011?  
16:05:27 11  
16:05:28 12 Yes?---No.  
16:05:28 13  
16:05:29 14 Did you know she provided any information to SDU or  
16:05:33 15 investigators about [REDACTED] during the Cvetanovski trial  
16:05:36 16 in 2011?---Sorry, can you repeat the question?  
16:05:40 17  
16:05:41 18 Taking your mind to 2011, the Cvetanovski trial?---Yes.  
16:05:44 19  
16:05:44 20 Did you know at that time that Ms Gobbo had provided  
16:05:48 21 information to police about [REDACTED] about his  
16:05:52 22 activities, criminal activities?---I'm not sure - no, I'm  
16:05:58 23 not sure that I did know. Certainly not specifics if I did  
16:06:02 24 know, I didn't know any specifics.  
16:06:03 25  
16:06:03 26 When you went to the [REDACTED] in [REDACTED]---Yes.  
16:06:06 27  
16:06:06 28 Back in 06?---Yes.  
16:06:07 29  
16:06:09 30 Did you know then that Ms Gobbo had provided information to  
16:06:12 31 police about the location of that [REDACTED]---No.  
16:06:14 32  
16:06:23 33 Moving lastly to the matters that were put by Mr Pena-Rees  
16:06:29 34 during Mr Cvetanovski's trial. You were asked a lot of  
16:06:32 35 questions about that matter?---Yes.  
16:06:33 36  
16:06:33 37 You've given evidence that you weren't present in court  
16:06:36 38 when Mr Pena-Rees raised some matters in relation to  
16:06:40 39 Ms Gobbo?---Yes.  
16:06:41 40  
16:06:43 41 Do you have any recollection of Mr Champion telling you  
16:06:47 42 outside of court that Mr Pena-Rees had raised the  
16:06:52 43 possibility of Ms Gobbo being a police informer?---No.  
16:06:57 44  
16:06:58 45 Do you have any recollection of Mr Champion telling you  
16:07:01 46 outside of court that Mr Pena-Rees had raised the  
16:07:05 47 possibility of Ms Gobbo being an agent for police?---No.

.12/11/19

9142

HAYES RE-XN - IN CAMERA



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

16:07:08 1  
16:07:10 2 Do you have any recollection of Mr Flynn telling you those  
16:07:15 3 matters?---No.  
16:07:15 4  
16:07:16 5 Do you have any recollection of those matters being  
16:07:18 6 discussed at the meeting with Mr Champion in his  
16:07:21 7 chambers?---No.  
16:07:21 8  
16:07:22 9 I don't have any further questions, Commissioner.  
16:07:24 10  
16:07:24 11 COMMISSIONER: Thanks Ms Enbom. Yes Mr Woods.  
16:07:29 12  
16:07:29 13 MR WOODS: No, nothing in re-examination.  
16:07:31 14  
16:07:31 15 COMMISSIONER: No re-examination, right then. Thanks very  
16:07:34 16 much Mr Hayes, you're free to go?---Thank you.  
16:07:36 17  
16:07:37 18 Just leave Exhibit 81 there please. You can take  
16:07:40 19 everything else with you?---You mean the statement?  
16:07:43 20  
16:07:45 21 Did you make mark ups on it or just read them into the  
16:07:50 22 record?---No, there are handwritten markings on there.  
16:07:55 23  
16:07:55 24 All right, in that case leave that too. Everything else  
16:07:58 25 you can take with you. Thanks very much.  
26  
16:07:59 27 <(THE WITNESS WITHDREW).  
16:08:00 28  
16:08:01 29 COMMISSIONER: Now we're going into open hearing for the  
16:08:03 30 next witness?  
16:08:06 31  
16:08:07 32 MS TITTENSOR: Perhaps, Commissioner, before we go into  
16:08:09 33 open hearing there is one matter I should have raised  
16:08:14 34 during the break.  
16:08:15 35  
16:08:15 36 COMMISSIONER: Yes.  
16:08:20 37  
16:08:21 38 MS TITTENSOR: The next witness is Mr Rowe. On the last  
16:08:24 39 occasion the pseudonyms that we used for the SDU handlers  
16:08:30 40 in the evidence of Mr Rowe were [REDACTED]  
16:08:35 41 We've now [REDACTED] for the handlers. There's  
16:08:39 42 been a request by the handlers to [REDACTED] the [REDACTED]  
16:08:43 43 [REDACTED] That's the idea. It may get a little  
16:08:50 44 confusing. I think the idea is that people don't trace  
16:08:57 45 through and discover [REDACTED] belongs to [REDACTED]  
16:09:01 46 [REDACTED] I think at some stage it's likely that the  
16:09:04 47 connection will be made just because of the nature of how

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

16:09:07 1 the evidence will turn out. I'll do my best if we're to  
16:09:10 2 use the [REDACTED] not to mix anything up.  
16:09:14 3  
16:09:14 4 COMMISSIONER: Does anyone has a list of the [REDACTED]  
16:09:17 5 now?  
16:09:18 6  
16:09:19 7 MR CHETTLE: There's only [REDACTED] of them, Commissioner, that  
16:09:21 8 matter.  
16:09:21 9  
16:09:21 10 COMMISSIONER: Perhaps just read them into the record then  
16:09:24 11 and I can update mine.  
16:09:25 12  
16:09:26 13 MR CHETTLE: [REDACTED] being, this  
16:09:31 14 is strictly private obviously, White, [REDACTED] is Smith and  
16:09:36 15 [REDACTED] is Fox.  
16:09:39 16  
16:09:39 17 MS TITTENSOR: The only issue, Commissioner, is ultimately  
16:09:41 18 down the track it's going to be clear who we're talking  
16:09:45 19 about. We've been talking the last number of months about  
16:09:47 20 White, Smith and Fox.  
16:09:49 21  
16:09:49 22 COMMISSIONER: Yes.  
16:09:50 23  
16:09:50 24 MS TITTENSOR: And whether we continue down that line. It  
16:09:53 25 might make more sense than having to go back and review  
16:09:57 26 things.  
16:09:57 27  
16:09:58 28 COMMISSIONER: Once we get to the submission stage and  
16:10:00 29 report writing stage we'll have to use the same pseudonyms  
16:10:04 30 all the way through.  
16:10:04 31  
16:10:05 32 MS TITTENSOR: Yes.  
16:10:05 33  
16:10:06 34 COMMISSIONER: Sorry, [REDACTED] for number 3.  
16:10:09 35  
16:10:10 36 MS TITTENSOR: [REDACTED] is the current Mr White.  
16:10:13 37  
16:10:13 38 COMMISSIONER: Yes, I'm looking at Exhibit 81. If you have  
16:10:17 39 Exhibit 81 there.  
16:10:18 40  
16:10:18 41 MS TITTENSOR: No, I don't.  
16:10:19 42  
16:10:20 43 COMMISSIONER: If someone can just give you a copy. I'm  
16:10:23 44 trying to be a bit more cryptic than Mr Chettle was.  
16:10:27 45 Number 3 is [REDACTED].  
16:10:29 46  
16:10:29 47 MS TITTENSOR: Yes.

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

16:10:29 1  
16:10:30 2 COMMISSIONER: Number 4 is [REDACTED], is that right?  
16:10:32 3  
16:10:32 4 MS TITTENSOR: Yes, Commissioner.  
16:10:33 5  
16:10:33 6 COMMISSIONER: And the last one was - - -  
16:10:36 7  
16:10:36 8 MS TITTENSOR: Number 6.  
16:10:37 9  
16:10:37 10 COMMISSIONER: And what is it, [REDACTED]? It all seems so  
16:10:46 11 long ago, my memory's gone.  
16:10:49 12  
16:10:49 13 MS TITTENSOR: I'm in the Commissioner's hands as to  
16:10:51 14 whether we continue to use the [REDACTED] or we go  
16:10:57 15 back to the [REDACTED]. Either way the link will be  
16:11:01 16 made ultimately when submissions are made and the report.  
16:11:04 17  
16:11:05 18 COMMISSIONER: Do you have a preference?  
16:11:06 19  
16:11:08 20 MS TITTENSOR: My notes are littered with the [REDACTED]  
16:11:10 21 pseudonyms but I can - - -  
16:11:13 22  
16:11:13 23 COMMISSIONER: Do your best to manage.  
16:11:15 24  
16:11:16 25 MS TITTENSOR: Do my best. I'm in your hands,  
16:11:18 26 Commissioner.  
16:11:18 27  
16:11:18 28 COMMISSIONER: Yes. What do you say, Ms Enbom, or is it  
16:11:21 29 Ms Argiropoulos, whose witness?  
16:11:24 30  
16:11:25 31 MS ENBOM: It's Ms Argiropoulos' witness but I can deal  
16:11:27 32 with the issue. It's a difficult one because Mr Rowe's  
16:11:32 33 witness statement is on the Commission's website using the  
16:11:38 34 [REDACTED]  
16:11:39 35  
16:11:40 36 COMMISSIONER: Yes.  
16:11:40 37  
16:11:41 38 MS ENBOM: So if someone's watching Mr Rowe's evidence and  
16:11:45 39 counsel assisting say, "Can I take you to paragraph 62 of  
16:11:48 40 your witness statement" and the [REDACTED] is used, then  
16:11:52 41 we're telling anyone who is watching by reference to the  
16:11:55 42 current witness statement on the website who we're linking  
16:11:59 43 the two.  
16:11:59 44  
16:11:59 45 COMMISSIONER: Yes, that's true. Obviously we could get  
16:12:03 46 that statement down and change it.  
16:12:05 47

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

16:12:05 1 MS ENBOM: Yes, that was something that we had suggested to  
16:12:08 2 counsel for the SDU handlers, that perhaps the statement  
16:12:13 3 and the transcript could be removed from the website and  
16:12:16 4 those pseudonyms updated. It's not a perfect solution, but  
16:12:22 5 it assists. It assists to prevent the link being  
16:12:27 6 established.  
16:12:31 7  
16:12:31 8 COMMISSIONER: You'd be content with that?  
16:12:33 9  
16:12:34 10 MS ENBOM: Yes, Commissioner.  
16:12:35 11  
16:12:36 12 COMMISSIONER: Mr Chettle, what do you prefer?  
16:12:38 13  
16:12:38 14 MR CHETTLE: We prefer using the [REDACTED]  
16:12:41 15  
16:12:41 16 COMMISSIONER: But you understand they're going to have to  
16:12:43 17 change at the submission and report writing time?  
16:12:46 18  
16:12:47 19 MR CHETTLE: Absolutely it would. We have problems either  
16:12:48 20 way. Ultimately, Commissioner, they're the instructions  
16:12:52 21 we've received from the people who are affected by it and  
16:12:56 22 they believe that that's the safest thing for them. It's  
16:12:59 23 only [REDACTED] names and we take - - -  
16:13:01 24  
16:13:01 25 COMMISSIONER: We'll see how we go then.  
16:13:04 26  
16:13:04 27 MS TITTENSOR: I might say, Commissioner, perhaps the  
16:13:06 28 easiest is the exercise Ms Enbom has indicated. We can  
16:13:10 29 take the statement down and quickly edit the statement in  
16:13:15 30 terms of those names.  
16:13:17 31  
16:13:17 32 COMMISSIONER: How quickly can we take that statement down?  
16:13:18 33 Like that, instantly. Okay.  
16:13:18 34  
16:13:19 35 MS TITTENSOR: And the transcript and we can just change  
16:13:20 36 over those names.  
16:13:22 37  
16:13:22 38 COMMISSIONER: Look, Mr Chettle, I have some sympathy to do  
16:13:24 39 what's requested by those affected but the reality is I  
16:13:28 40 think it's going to cause more confusion and the names are  
16:13:31 41 probably likely to get publicly stated anyway, so I think -  
16:13:37 42 - -  
16:13:37 43  
16:13:38 44 MR CHETTLE: If they haven't been already.  
16:13:40 45  
16:13:40 46 COMMISSIONER: Exactly, but probably even more likely to in  
16:13:43 47 trying to juggle the [REDACTED] names. I think the compromise

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

16:13:48 1 suggested by Victoria Police is probably the sensible one.  
16:13:51 2  
16:13:53 3 MR CHETTLE: There'll be a bit of material. We're not  
16:13:53 4 happy with that but we of course abide by what you say.  
16:13:57 5  
16:13:57 6 COMMISSIONER: You say there's a bit of material. At the  
16:14:00 7 moment we're just going to take down the first statement of  
16:14:06 8 this witness.  
16:14:07 9  
16:14:07 10 MR CHETTLE: All his transcripts, all his evidence that he  
16:14:08 11 gave on the previous hearing.  
16:14:14 12  
13 COMMISSIONER: I see.  
14  
15 MR CHETTLE: That's what I'm talking about, that's the -  
16 anyone who has that - - -  
17  
18 COMMISSIONER: Where's our media person? That is a bigger  
16:14:14 19 - I don't know how much is up actually. Are the  
16:14:18 20 transcripts up yet? The transcripts involving this witness  
16:14:22 21 aren't up yet? They are up?  
16:14:27 22  
16:14:28 23 MS DWYER: Commissioner, I didn't have leave for this  
16:14:32 24 witness but I downloaded his evidence and it was 28 June -  
16:14:36 25 I apologise for not standing.  
16:14:38 26  
16:14:38 27 COMMISSIONER: No, no, that's all right.  
16:14:40 28  
16:14:40 29 MS DWYER: And 1 July that was available online.  
16:14:44 30  
16:14:46 31 MS ENBOM: That's, Commissioner, why it's not perfect  
16:14:49 32 because there will be some people who have already  
16:14:52 33 downloaded the document.  
16:14:55 34  
16:14:55 35 MR CHETTLE: And the statement, Commissioner. I accept  
16:14:58 36 exactly what's being said, there's confusion.  
16:15:01 37  
16:15:01 38 COMMISSIONER: Let's go back then to the original plan,  
16:15:04 39 we'll do our best with the [REDACTED] names and we'll use the  
16:15:09 40 [REDACTED] for this witness's evidence. All right then.  
16:15:11 41 We're now going into open hearing?  
16:15:15 42  
16:15:15 43 MS TITTENSOR: Yes Commissioner.  
44  
45  
46 ---  
47