

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

1 COMMISSIONER: Yes, I note that we're in closed hearing.
2 The order that I made yesterday is extant. The appearances
3 are as of yesterday, save that we have Mr Goodwin for the
4 State of Victoria and Ms Avis for the Commonwealth DPP.
5 Mr Koh for Mr Orman, Mr Wareham for Mr Barbaro and Mr Stary
6 for Mr Asling.

7
8 Yes, Mr, Ryan, you are of course on your former
9 oath?---Thank you.

10
11 <GAVAN RYAN, recalled:

12
13 MR WOODS: Mr Ryan, just to let you know what we'll be
14 going through, I just want to take you to a handful of your
15 handwritten notes and a couple of other documents and then
16 essentially take you through to the time you left to go to
17 the AFP. Firstly, now there's some handwritten notes that
18 I'll be handing both to you and to the Commissioner and
19 Victoria Police, and again this was the system by which
20 you've given evidence about where you would keep
21 handwritten notes in a folder and then would distil them
22 into your official police diary. If you could hand the
23 witness and the Commissioner and Victoria Police these
24 pages. There's just a couple of entries that I'm
25 interested in. The bundle that's just been handed to you
26 starts on Wednesday 7 April 2004?---Yes.

27
28 Then if you turn the page over, at 14:00 there's a meeting
29 that I think we might have in fact spoken about earlier
30 which is - it says, "County Court re meeting with N Gobbo
31 and Karen Ingleton". It appears to be a meeting attended
32 by you and Mr Bateson. Now do you have a memory of that
33 meeting?---Not a separate memory of it but it wasn't
34 Bateson, it was Andy Allen.

35
36 Sorry, yes, of course. What the note discloses on the
37 bottom page is, it says, "Bateson wants Swindells" - can
38 you read those words to me?---"Bateson wants Swindells
39 there. Preference for Swindells. Bateson is okay but just
40 with them."

41
42 Okay. Then 60 Minutes program, do you know what that's a
43 reference to?---I assume the TV program.

44
45 A story that they were doing in relation to Mr Williams; is
46 that right?---Oh, I can't remember.

47

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00:02:37 1 Okay. The next page has the words at the top of it "Carl
00:02:43 2 Williams - conflict of interest"?---Yes.
3
00:02:45 4 Just to place this in time, this is 7 April 2004?---Yes.
5
00:02:50 6 In November 2003 what had happened is that Carl Williams
00:02:55 7 had been charged with a threat that he'd made to Mr Bateson
00:03:00 8 and his girlfriend, do you remember that?---Yes.
9
00:03:02 10 In December 03 Ms Gobbo appeared on Mr Williams' behalf in
00:03:09 11 a bail application in relation to that charge, do you know
00:03:13 12 about that?---I knew there was a bail app.
13
00:03:19 14 Yes?---I don't know think I was there.
15
00:03:21 16 Did you know that Ms Gobbo was acting for Mr Williams at
00:03:24 17 the time?---Yes.
18
00:03:25 19 Shortly after that there was a christening that the - a
00:03:29 20 baptism that the Commission has heard evidence about where
00:03:32 21 Ms Gobbo attended. Did you know about that
00:03:34 22 afterwards?---Yes.
23
00:03:37 24 This is in December 2003?---Yes.
25
00:03:39 26 And that she gave a speech at that?---Yes, yes.
27
00:03:42 28 And then - so again before this note, Nicola Gobbo - was
00:03:48 29 there surveillance, do you know, at that event?---I don't
00:03:53 30 think so, no. I think it - the first we knew was it came
00:03:58 31 on tele, it came on a TV program.
32
00:04:01 33 All right. Then a couple of months after that there was a
00:04:06 34 committal mention in the matter for the charge regarding
00:04:10 35 the threat that was made to Mr Bateson and his girlfriend
00:04:16 36 and Ms Gobbo appeared at that committal mention for Carl
00:04:20 37 Williams and made an application to be able to
00:04:22 38 cross-examine Mr Bateson at the committal. Now are you
00:04:27 39 aware of that occurring?---Yes.
40
00:04:35 41 That's the story about the Bateson, the charge regarding
00:04:39 42 the threat to Mr Bateson. Then on 22 March was the
00:04:44 43 approach that we talked about yesterday where Ms Gobbo came
00:04:51 44 to Mr Bateson and spoke about the possibility of [REDACTED]
00:04:55 45 providing a can-say statement. Now you accept that was
00:04:58 46 about the timing of that?---Yes.
47

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00:05:01 1 So in this meeting that was occurring shortly after that, a
00:05:06 2 couple of weeks after that, there's a discussion about Carl
00:05:13 3 Williams and conflict of interest. Now it's the fact that
00:05:18 4 - as we've just gone through - at this stage Nicola Gobbo
00:05:24 5 had successfully applied to cross-examine Bateson on behalf
00:05:27 6 of her client Carl Williams on the one hand, she was
00:05:32 7 dealing with Bateson in relation to [REDACTED] wanting to
00:05:37 8 assist police on the other hand, and there was this meeting
00:05:43 9 where this conflict of interest was noted by you. So I'm
00:05:48 10 suggesting to you this was a note where you were recording
00:05:52 11 that she probably had a conflict of interest in relation to
00:05:55 12 Carl Williams?--My reading of it is that the conflict of
00:06:00 13 interest is hers.
14
00:06:02 15 Yes?--And she's highlighted it to us. That's why I've
00:06:05 16 written it down.
17
00:06:06 18 Okay. Do you know if or what she did about that possible
00:06:11 19 conflict of interest?--This is an assumption, that she was
00:06:15 20 introducing us to Karen Ingleton.
21
00:06:17 22 Who's her instructing solicitor?--Yes.
23
00:06:19 24 Yes. You're assuming she was introducing you why, to Karen
00:06:25 25 Ingleton?--To be the representative for - - -
26
00:06:31 27 Karen Ingleton was already the representative, she was the
00:06:33 28 solicitor, Gobbo was the barrister?--Yes.
29
00:06:38 30 What I'm suggesting to you is in fact you were noting to
00:06:41 31 yourself here how can she possibly be in this position that
00:06:44 32 she's in with all of these conflicts of interest?--No, I'm
00:06:48 33 reading it the opposite. I'm reading it that she's telling
00:06:53 34 us. That's the way I take the note, if you look at that
00:06:56 35 overall, you know, it's what she's saying.
36
00:06:58 37 Do you have a recollection of who it was that raised
00:07:01 38 conflict of interest in this meeting?--Yeah, her. That's
00:07:03 39 what I'm saying.
40
00:07:04 41 You were saying that you weren't sure, it was an
00:07:07 42 assumption, that's how you read the note?--Well - yeah,
43 sorry.
44
00:07:09 45 Do you have a memory of it is what I'm saying?--No, no.
00:07:13 46 No, I don't, but that's how I read the note.
47

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00:07:15 1 Okay. If you can turn over to the next page of the bundle
00:07:20 2 that you've got there. This is an entry on Wednesday 30
00:07:24 3 June 2004 and you receive a phone call from a person called
00:07:31 4 Terry Jose. Is that J-o-s-e?---Yes.
5
00:07:40 6 I assume from the context that Terry Jose is someone from
00:07:44 7 Corrections?---Yes.
8
00:07:45 9 Do you remember that that's the case?---Yes.
10
00:07:47 11 Terry Jose rings you and says that Bernie Balmer - now
00:07:50 12 Bernie Balmer's a well-known criminal defence solicitor,
00:07:54 13 that's right?---Yes.
14
00:07:56 15 Bernie Balmer is wanting to go see [REDACTED] who at this
00:08:00 16 stage is in custody, and so Terry Jose has rung you to say
00:08:04 17 Bernie Balmer wants to come in and see [REDACTED] and he's
00:08:07 18 running that by you; is that correct?---Yes.
19
00:08:11 20 You said to Jose that "we", I take it that's Purana?---Yes.
21
00:08:15 22 "We do not want Balmer to see [REDACTED] as he was not his
00:08:21 23 legal representative." Now that's what you've told
00:08:24 24 Jose?---Yes.
25
00:08:26 26 Do you know what capacity Mr Balmer was wanting to see
00:08:31 27 [REDACTED] in?---No.
28
00:08:32 29 Do you know whether or not at this stage [REDACTED] had
00:08:35 30 asked Mr Balmer to represent him?---I don't remember.
31
00:08:44 32 A criminal defence lawyer would generally only go to a see
00:08:48 33 person in custody because they were representing that
00:08:51 34 person, do you agree with that?---No.
35
00:08:53 36 What are the possible other reasons?---Well they'd be
00:08:56 37 seeking a possible witness for something. They seem to say
00:09:02 38 "I'm their barrister" and go and see anyone they want.
39
00:09:07 40 And were you told here, according to the note or your
00:09:09 41 recollection, why it was that Balmer was wanting to go and
00:09:12 42 see [REDACTED] ---No.
43
00:09:13 44 No. But you said, "No, Corrections, don't let Balmer go in
00:09:21 45 to see [REDACTED] because he's not acting for
00:09:24 46 [REDACTED]"?---That's right.
47

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00:09:25 1 Can I suggest that when it occurred to you that you wanted
00:09:29 2 this meeting not to go ahead, you did actually stand up and
00:09:33 3 say, "Well no, we're going to intervene in this
00:09:36 4 relationship and stop that meeting from taking
00:09:40 5 place"?---Yes.

6
00:09:41 7 So there is a time, according to this diary entry, where
00:09:44 8 you have exercised some level of control over what lawyers
00:09:48 9 can see what particular accused people?---In this case,
00:09:51 10 yes.

11
00:09:53 12 It's not unheard of that you might do so?---Well no, it's
00:09:57 13 obvious.

14
00:09:59 15 Okay. Next page over is a diary entry from the 12th - it
00:10:04 16 looks like 12 or 13 but we've checked it and it's the 12th
00:10:06 17 of the 7th 2004. You've got a meeting - it occurs later on
00:10:14 18 that afternoon at 2 o'clock, but you're here preparing for
00:10:19 19 a meeting with the Assistant Commissioner?---Yes.

20
00:10:21 21 That was Mr Overland at the time?---It was.

22
00:10:23 23 And the very first point that you're preparing to talk to
00:10:31 24 him is "[REDACTED] (Gobbo)"?---That's right.

25
00:10:38 26 Do you recall, given that this was the 12th of the 7th
00:10:42 27 2004, what that meeting was about, what that agenda item in
00:10:47 28 the meeting was about?---No.

29
00:10:48 30 At this stage though we've gone through the chronology, it
00:10:51 31 was known to you that she was representing [REDACTED]
00:10:54 32 because he'd been arrested some time before?---Yes.

33
00:11:05 34 That day she was provided entry in to custody to see
00:11:13 35 [REDACTED] and was discussing the progress of his statement
00:11:19 36 and changes to his statement?---That day?

37
00:11:22 38 Yeah?---Okay.

39
00:11:24 40 Was that a matter that was known to you?---It would have
00:11:28 41 been at the time. Sorry, I'll correct myself. The process
00:11:30 42 of the statement was ongoing so I would have known that at
00:11:34 43 the time, yes.

44
00:11:35 45 And when [REDACTED] in particular was wanting to change his
00:11:37 46 statement that would have been things that were reported to
00:11:40 47 you?---Highly likely.

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1
00:11:42 2 Yeah, okay. She had asked Bateson, so the entry that she
00:11:50 3 made on that day to the Corrections facility was arranged
00:11:57 4 between Ms Gobbo and Mr Bateson. She'd said to Bateson,
00:12:01 5 "Can you [REDACTED] for me to the facility",
00:12:05 6 or, "Can you [REDACTED] to the facility for me". Is
00:12:10 7 that a matter that was reported to you?---I don't recall
00:12:12 8 that.
9
00:12:12 10 Was that a common thing to occur, that you knew about that
00:12:16 11 there would have to be a particular [REDACTED]
00:12:20 12 or [REDACTED] to the prison by a particular
00:12:24 13 practitioner who was wanting to help with a
00:12:25 14 statement?---Yeah, it revolves around [REDACTED].
15
00:12:30 16 Yeah, I see. So that other prisoners don't know what
00:12:33 17 they're in the process of doing?---Correct, yeah.
18
00:12:36 19 Do you know how it was that that [REDACTED] at the time was
00:12:39 20 provided in those circumstances, specifically for [REDACTED]
00:12:44 21 or generally? Sorry, I don't want to know about a
00:12:49 22 particular [REDACTED]?---Oh.
23
00:13:03 24 Or anything like that, I just want to know how the
00:13:06 25 [REDACTED] because it appears that what occurs
00:13:09 26 is that the investigative officers have some role in that,
00:13:15 27 which would inevitably be the case because they're wanting
00:13:19 28 to assist the person make their statement. How is it that
00:13:22 29 the Police Force are able to [REDACTED] in that
00:13:26 30 situation?---You would [REDACTED]
00:13:32 31 [REDACTED].
32
00:13:33 33 Yes?---And say, "This is what we'd like to occur, can it or
00:13:39 34 can it not happen?" There was [REDACTED]
00:13:46 35 with [REDACTED] because of the risk factors of crooks who
00:13:52 36 we were arresting, [REDACTED], all that
00:13:56 37 sort of stuff.
38
00:13:57 39 Who knew what about who and all that?---Well it's the risk
00:14:01 40 to each other as well.
41
00:14:03 42 Yes. Which presumably came out of who knew what about each
00:14:06 43 other?---Yeah, and, you know, previous hatreds, all the
00:14:10 44 normal things that go on in the underworld.
45
00:14:12 46 Is it the fact that in that particular situation when a
00:14:17 47 lawyer is attending for that particular purpose that

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00:14:21 1 there's [REDACTED] by Corrections or are they
00:14:24 2 specifically [REDACTED] by Corrections?---I don't know.
3
00:14:27 4 You don't know?---Yeah.
5
00:14:29 6 Is that a conversation you ever had with Corrections or
00:14:32 7 with one of the officers about - - - ?---No, I wouldn't
00:14:34 8 tell them what to do. That's their domain.
9
00:14:36 10 Right. It's a practice you've never heard of?---Of?
11
00:14:41 12 Of specifically [REDACTED]?---I
00:14:44 13 haven't heard of it, no.
14
00:14:46 15 What about by police, [REDACTED] are also
00:14:53 16 [REDACTED] usually, as I understand it, in a [REDACTED]
00:14:55 17 [REDACTED]---Yes, that's right.
18
00:14:56 19 Are you aware of circumstances where [REDACTED] or
00:14:59 20 [REDACTED] particular
00:15:03 21 purposes?---I think so, yeah.
22
00:15:05 23 What sort of purposes are they?---Well it'd be to see a
00:15:11 24 prisoner.
25
00:15:12 26 Yes?---You know, somehow you've got to see the prisoner
00:15:18 27 [REDACTED]
28
00:15:21 29 I understand that. Presumably the prisoners don't have a
00:15:23 30 [REDACTED]---No, but the [REDACTED] are right
00:15:26 31 next to each other.
32
00:15:27 33 All right?---In the entry foyer, or they were, and all you
00:15:34 34 have do is [REDACTED], walk up and [REDACTED]
35
00:15:36 36 Yeah, I see. So you're aware of any specific occasions
00:15:42 37 where that happened or you're aware it was a general
00:15:45 38 practice that happened from time to time?---I think it
00:15:47 39 happened from time to time with us.
40
00:15:49 41 Is it the case that the intention there was that there
00:15:52 42 would be [REDACTED]? You've said the intention
00:15:56 43 was that other people visiting that prisoner or other
00:16:00 44 prisoners [REDACTED],
00:16:03 45 but was there a broader intention that there [REDACTED]
00:16:06 46 [REDACTED] of it?---No, it's just safety. You know,
00:16:09 47 you don't want people - you don't want the crooks to find

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00:16:12 1 out.
2
00:16:13 3 A couple of lines down there's a reference to Mr Mokbel and
00:16:19 4 can you just read, it says, "Mokbel" - I just want to know
00:16:23 5 the next word?---"Decision to be made this week."
00:16:25 6
00:16:26 7 "Mokbel [REDACTED] is it?---LD.
8
00:16:31 9 "LD in Sydney"?---Yeah.
10
00:16:34 11 At this time, so this is in mid-July 2004, do you recall
00:16:43 12 what Purana's dealings were in relation to Mr Mokbel,
00:16:48 13 Purana in particular?---He was associated with the
00:16:57 14 Williams' group, as I explained the other day.
15
00:17:00 16 You did?---He was a person of interest. We felt he was -
00:17:06 17 we were suspect, suspected that he was the financier behind
00:17:11 18 hits.
19
00:17:13 20 And his involvement in the drug trade I assume?---Yeah,
00:17:17 21 yeah.
22
00:17:18 23 Yeah?---But from my aspect it was all about hits, sorry,
00:17:23 24 murders.
25
00:17:24 26 Were the Purana people dealing with the MDID in relation to
00:17:28 27 Mr Mokbel at this time?---No, I was - as I said, it was
00:17:38 28 split into two halves, and that's 04. The drug team was
00:17:44 29 under my control, that was Dale Johnson, and, no, he was
00:17:47 30 not actively doing anything in relation to drugs on Mokbel
00:17:53 31 at that time.
32
00:17:54 33 Yeah, okay. Was there a sharing of intelligence between
00:17:57 34 the MDID and Purana in relation to Mr Mokbel, or Carl
00:18:03 35 Williams?---There would have been, yeah, I mean it's just
00:18:06 36 common sense, isn't it?
37
00:18:07 38 Yes?---Yeah.
39
00:18:09 40 Okay. Then just to round out that record then, the
00:18:12 41 briefing that we spoke about is on the next page. So you
00:18:15 42 have the briefing with Mr Overland at 2 o'clock that
00:18:18 43 day?---Yes.
44
00:18:20 45 Turning over another three pages. There's a page that
00:18:27 46 starts on the top "Friday 16/7/2004"?---Yes.
47

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00:18:35 1 This is a meeting with the OPP. It's got Mr Horgan as an
00:18:44 2 attendee, Vaile Anscombe, Allen, Ryan, Bateson, O'Connell.
00:18:49 3 It says, "Discussion re options", is that "to"?---Yeah,
00:18:55 4 till 1 o'clock.
5

00:18:56 6 I see, okay. Do you know, given the timing of this, what
00:19:00 7 the discussion with Mr Horgan and Ms Anscombe was on that
00:19:04 8 day?---I can't recall now but at a guess it would be [REDACTED]
9

00:19:17 10 Do you know if there are any of those - - - ?---Has he been
00:19:20 11 sentenced by this stage? I can't - I don't recall.
12

00:19:22 13 I can give you an answer to that. No, no, he hadn't
00:19:26 14 been?---Okay.
15

00:19:32 16 Was there discussions about Ms Gobbo with Mr Horgan and
00:19:34 17 Ms Anscombe at these meetings, do you know?---Do you mean
00:19:37 18 as in relation to an informer?
19

00:19:40 20 Yes?---No. She wasn't registered then.
21

00:19:43 22 She wasn't registered then but there'd been some discussion
00:19:46 23 that you'd had with various police officers earlier on,
00:19:52 24 this is prior to Bateson?---I don't remember.
25

00:20:01 26 The next page, Monday [REDACTED] 2004. This is the date, and if
00:20:06 27 you can turn over one more page you'll see at the top of
00:20:09 28 it, that's the day that [REDACTED] is - sorry, [REDACTED] is
00:20:16 29 brought into custody?---That's right.
30

00:20:20 31 You're told about that at 6.55 am?---Yes.
32

00:20:23 33 And then later in the day there's 8.15, and it says,
00:20:29 34 [REDACTED] spoke to solicitor". As we understand it that's
00:20:34 35 Ms Gobbo who's a barrister, rather than a solicitor, but at
00:20:38 36 that stage were you told that it was Gobbo who had come in
00:20:40 37 to speak to him?---I don't recall but if she came in, I
00:20:47 38 mean you'd probably know if she came in.
39

00:20:49 40 You've given evidence that you knew that she was acting for
00:20:52 41 him at a fairly early stage?---Yes.
42

00:20:55 43 I'm just interested because that says - - - ?---I've got
00:20:58 44 "solicitor" so that's what's confusing me.
45

00:21:00 46 Yes, I understand. At that stage I take it you understood
00:21:03 47 the difference between a barrister and a solicitor?---Yes.

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00:21:07 1 One's an instructor and one does the court.
2
00:21:13 3 Certainly equally as important as each other. On the next
00:21:17 4 page, Friday [REDACTED] 2007, there's an entry at 16:15
00:21:26 5 and it's got - so this is quite a significant time later,
00:21:31 6 so on [REDACTED] 2006 [REDACTED] had been sentenced and
00:21:39 7 we've talked about Ms Gobbo's role in providing assistance
00:21:42 8 to [REDACTED], and then on [REDACTED] 2007 [REDACTED] had
00:21:49 9 been arrested, so a couple of months before this diary
00:21:53 10 entry, and what we've got here is a - - - ?---No.
11
00:21:56 12 - - - phone call to you - - - ?---Sorry, this is 2004?
13
00:22:01 14 7?---4.
15
00:22:03 16 4, is it?---Yeah, if you look below you'll see.
17
00:22:07 18 Yes, okay. It might be my reading of your
00:22:09 19 handwriting?---It does look like a 7 but it's actually a 4.
20
00:22:12 21 It might be - - - ?---If you look at Saturday and Sunday
00:22:16 22 it's [REDACTED] 04.
23
00:22:19 24 That makes it a bit simpler then. This is a phone directly
00:22:26 25 from you to Ms Gobbo?---Yes.
26
00:22:27 27 Was that the usual method of communication that occurred,
00:22:30 28 directly to you rather than through the
00:22:32 29 investigators?---Well that's the only phone call that I
00:22:34 30 recall that I got from her.
31
00:22:39 32 Yes?---You do get barristers and solicitors ringing from
00:22:43 33 time to time about whatever.
34
00:22:45 35 At this stage though she was already representing [REDACTED]
00:22:51 36 [REDACTED]?---Yes.
37
00:22:59 38 In those circumstances did it cause you any alarm that she
00:23:02 39 was ringing in relation to [REDACTED] when she was by this
00:23:05 40 stage acting for [REDACTED]?---No, because she's ringing
00:23:07 41 about an article.
42
00:23:08 43 About?---An article.
44
00:23:11 45 An article in The Age?---In The Age, yeah. That's what the
00:23:14 46 note - it says The Age so I assume there's an article [REDACTED]
00:23:17 47 [REDACTED].

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1
00:23:17 2 Do you have any recollection - - - ?---No.
3
00:23:19 4 - - - about what that was?---I've got no idea.
5
00:23:24 6 Do you have any recollection of her complaining to you
00:23:27 7 about things that were published in the newspaper?---No,
00:23:28 8 no, it's just the note. There's nothing you can do, you
00:23:29 9 know, like it's there and that's it.
10
00:23:32 11 You don't have a recollection of that occurring?---No.
12
00:23:35 13 There's another document that's come through in the
00:23:40 14 production of emails that Victoria Police have made of
00:23:44 15 yours. Now I'm going to take you to the document. This
00:23:49 16 can only go up on the Commissioner's, the witness's and my
00:23:53 17 screen. It's VPL.6042.0006.0018?---Can I just point out I
00:24:06 18 haven't actually had a chance to read any of them.
19
00:24:09 20 That's okay. I'm not going to take you to this in great
00:24:15 21 detail. I just want to understand what you recall of
00:24:17 22 it?---Okay.
23
00:24:17 24 This is a document that's forwarded to you shortly after it
00:24:20 25 seems to have been prepared and it's forwarded to you by
00:24:23 26 Mr Hatt?---Yes.
27
00:24:25 28 And there's - the reason that it's been produced to us, we
00:24:31 29 understand it, is that, firstly, it's an email that's sent
00:24:35 30 to you. It mentions Ms Gobbo, it mentions a [REDACTED]
00:24:38 31 hearing that related to her then client Mr Orman and it's a
00:24:43 32 document from notes that are taken in a [REDACTED] of [REDACTED]
00:24:51 33 [REDACTED]
00:24:54 34 [REDACTED]
00:24:58 35 [REDACTED]
00:25:01 36 [REDACTED]
00:25:05 37 [REDACTED]
38
00:25:07 39 [REDACTED]
00:25:10 40 [REDACTED]
00:25:16 41 [REDACTED]
00:25:19 42 [REDACTED]
00:25:24 43 [REDACTED]
00:25:31 44 [REDACTED]
45
00:25:32 46 [REDACTED]
00:25:33 47 [REDACTED]

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1
00:25:36 2
00:25:38 3
00:25:42 4
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00:25:58 7
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00:26:01 9
00:26:05 10
11
00:26:07 12
00:26:10 13
00:26:12 14
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00:26:15 16
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00:26:23 20
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00:26:40 28
00:26:45 29
00:26:46 30
00:26:46 31
00:26:51 32
00:26:55 33
00:27:00 34
00:27:02 35
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45
00:27:30 46
00:27:35 47

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

This is a note that's taken by what appears to be a member of Victoria Police on the day. Do you know if Mr Hatt attended [REDACTED] on this or any other occasion?---I know members attended. I couldn't tell you who.

[REDACTED]

You say members attended, you can't tell me who?---I don't know who. I would have known then but I don't know now.

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1
00:27:38 2 [REDACTED]
00:27:40 3 [REDACTED]
00:27:44 4 [REDACTED]
00:27:46 5 [REDACTED]
00:27:50 6 [REDACTED]
7
00:27:52 8 You just don't remember now?---That's right.
9
00:27:53 10 Okay. There's a discussion at the commencement of this,
00:28:01 11 and I accept this isn't your document, you don't have an
00:28:06 12 independent recollection of it, as it was something that
00:28:09 13 was sent to you by one of your investigators I just want to
00:28:15 14 touch on a couple of things on that first page. [REDACTED]
00:28:17 15 [REDACTED] commences by going through with Mr Richter and
00:28:21 16 Ms Gobbo, two of whom were representing [REDACTED] on the
00:28:25 17 occasion, about possible conflicts they might have, do you
00:28:29 18 see that there? They ask Richter some questions about it
00:28:32 19 and then they ask Ms Gobbo some questions about it?---Yes.
20
00:28:35 21 Richter states, he goes through a couple of things and he
00:28:37 22 says clearly that he's representing [REDACTED]
00:28:41 23 [REDACTED] and he says a couple of lines down he
00:28:46 24 states that he'll advise [REDACTED] if he believes there
00:28:49 25 is a matter of conflict, do you see that?---Is that
00:28:53 26 "arguments by Richter" or - - -
27
00:28:58 28 No, just two lines down from that, "Richter states"?---Yes.
29
00:29:01 30 Then the conversation is obviously had then [REDACTED]
00:29:04 31 [REDACTED] with Ms Gobbo and asks her similar questions and
00:29:06 32 she says she's the junior to Mr Richter in the matter of
00:29:13 33 [REDACTED] murder, do you see
00:29:18 34 that?---Yes.
35
00:29:19 36 She also states she'll let [REDACTED] know if she
00:29:24 37 believes that there's a matter of conflict?---Yes.
38
00:29:27 39 At this stage, because of the information that we've gone
00:29:28 40 through in the last couple of days, it's clear that
00:29:30 41 Victoria Police know that she has represented and assisted
00:29:35 42 [REDACTED] in implicating [REDACTED], do you accept that?
00:29:43 43 This is November 2007, it's only a couple of months before
00:29:47 44 you leave, about four months before you leave?---Yeah. I
00:29:52 45 know she assisted with statements.
46
00:29:58 47 [REDACTED] had been charged with [REDACTED] that the two of

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00:30:01 1 them are representing him in?---Okay.
2
00:30:03 3 In the middle of that year. In fact I'll tell you the way
00:30:08 4 it plays out. [REDACTED] is sentenced in 2006 and by that stage
00:30:16 5 he's already made and confirmed his statement that
00:30:21 6 implicates Mr Orman. Then [REDACTED] is arrested on [REDACTED]
00:30:25 7 2007 and so this is a few months after that, and we've gone
00:30:30 8 through some of those ICRs and information that was relayed
00:30:33 9 to you about what he was saying, or what Nicola Gobbo was
00:30:36 10 telling the handlers?---M'mm.
11
00:30:42 12 From the ICRs around this date it appears that the police
00:30:47 13 were asked about their view of whether or not there was a
00:30:52 14 conflict situation that occurred here. Not you, it doesn't
00:30:56 15 appear to be, but were you asked about any conflicts that
00:30:59 16 she might have in relation to this [REDACTED]?---No,
00:31:03 17 not that I recall.
18
00:31:04 19 You accept that as things stood at the time though she
00:31:07 20 herself did have a conflict?---It certainly looks like
00:31:10 21 that, yes.
22
00:31:13 23 Can I bring up now - as a matter of fairness, I should say,
00:31:22 24 under the name "Gobbo" halfway down the page, not only does
00:31:27 25 she indicate that she's representing [REDACTED]
00:31:32 26 [REDACTED], she also says that she's represented
00:31:38 27 [REDACTED] in relation to [REDACTED] and [REDACTED]
00:31:43 28 [REDACTED] and the murder of [REDACTED]. So she's
00:31:46 29 explained her association with [REDACTED] in that context.
00:31:51 30 I just wanted to make sure that was put on the
00:31:54 31 record?---Yeah.
32
00:31:55 33 Yes, okay. Then she says she'll advise [REDACTED] if she
00:31:59 34 believes there is a matter of conflict. Anyway, the
00:32:02 35 document otherwise speaks for itself. Can I get ICR 112
00:32:09 36 brought up. This is VPL - - -
37
00:32:12 38 COMMISSIONER: Are you wanting to tender any of these
00:32:15 39 documents?
40
00:32:18 41 MR WOODS: I will tender that document. It might be after
00:32:20 42 discussion - there's parts of it in the back that might be
00:32:22 43 of interest, but if it could be tendered as a confidential
00:32:26 44 exhibit for now.
45
00:32:27 46 COMMISSIONER: What about the notes?
00:32:29 47

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00:32:29 1 MR WOODS: Yes, I do want to tender the notes as a bundle.
00:32:32 2 I'm sorry, Commissioner.
3
00:32:35 4 COMMISSIONER: The notes from [REDACTED] 2004 until [REDACTED]
00:32:41 5 [REDACTED] 2004, just a bundle of notes I suppose, covering
00:32:46 6 that period?
00:32:47 7
00:32:47 8 MR WOODS: Yes.
9
00:32:48 10 COMMISSIONER: From Mr Ryan, Exhibit 331. Confidential
00:32:52 11 exhibit?
00:32:53 12
00:32:53 13 MR WOODS: Yes, for now.
14
00:32:56 15 COMMISSIONER: As a confidential exhibit.
00:32:57 16
00:32:58 17 MR WOODS: It has names in it that haven't been redacted
00:33:01 18 yet.
19
00:33:02 20 COMMISSIONER: That will be PIIed and that will become A
00:33:05 21 and then B will be the redacted version.
00:33:07 22
00:33:08 23 #EXHIBIT RC331A - (Confidential) Bundle of notes from
00:32:37 24 [REDACTED] 04 until [REDACTED] 04.
00:33:12 25
00:33:13 26 #EXHIBIT RC331B - Redacted version.
27
00:33:17 28 COMMISSIONER: And then the VicPol note on [REDACTED]
00:33:20 29 [REDACTED] was it?
00:33:29 30
00:33:30 31 MR WOODS: Sorry, Commissioner, I missed that.
32
00:33:33 33 COMMISSIONER: The date of the note?
00:33:35 34
00:33:36 35 MR WOODS: It is [REDACTED] I should say
00:33:41 36 there's an associated email that should be tendered as a
00:33:44 37 bundle. The email I don't have in front of me but I think
00:33:49 38 it's dated 22 or 23 November which is the email that I
00:33:53 39 identify where Mr Hatt passes it on to - email and
00:33:56 40 attachment.
00:33:57 41
00:33:57 42 MR HOLT: It is 23 November.
43
00:33:58 44 COMMISSIONER: The email of 23 November from Mr Hatt to
00:34:02 45 Mr Ryan. Confidential exhibit at this stage?
00:34:08 46
00:34:09 47 MR HOLT: Sorry, that particular one is 22 November, I was

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00:34:11 1 reading the wrong part.
2
00:34:12 3 COMMISSIONER: 22 November.
00:34:13 4
00:34:13 5 MR HOLT: 22 November, yes.
00:34:15 6
00:34:15 7 MR WOODS: The email itself is benign but the attachment is
00:34:19 8 problematic.
9
00:34:20 10 COMMISSIONER: I understand. It will be a confidential
00:34:22 11 exhibit.
00:34:23 12
00:34:24 13 #EXHIBIT RC332A - (Confidential) Page 1 of attachment of
00:33:59 14 Email of 22 November from Mr Hatt to
00:34:02 15 Mr Ryan.
00:34:26 16
00:34:27 17 #EXHIBIT RC332B - Redacted version.
00:34:30 18
00:34:31 19 MR HOLT: Can I indicate, Commissioner, our friend's only
00:34:33 20 referred to the first page of that. That could be reviewed
00:34:37 21 for the purposes of publication pretty quickly. The
00:34:39 22 remainder of it, I understand from our learned friend that
00:34:42 23 it might become an issue much later in the proceeding. At
00:34:45 24 present it doesn't appear to be relevant. Perhaps for
00:34:50 25 present purposes, so that the website is being continually
00:34:50 26 updated, we might separate the first page which is being
00:34:53 27 cross-examined on now.
00:34:55 28
00:34:55 29 MR WOODS: I'm happy just to tender just the first page for
00:34:57 30 now, yes, so we can have that one reviewed.
31
00:35:01 32 COMMISSIONER: That's the first page of the note, is it?
00:35:03 33
00:35:04 34 MR HOLT: Of the attachment I think is probably the best
00:35:06 35 way of putting it, Commissioner.
36
00:35:07 37 COMMISSIONER: Okay, p.1 of the attachment is what it will
00:35:11 38 relate to.
00:35:17 39
00:35:27 40 MR WOODS: This is a corresponding ICR [REDACTED]
00:35:35 41 [REDACTED] and you'll see there that Ms Gobbo is
00:35:42 42 informing her handlers about the progress of the hearing on
00:35:51 43 that day. On the first entry, just under that detailed
00:35:59 44 contact information shaded line it says - there's a message
00:36:01 45 from her and she said she's [REDACTED] This
00:36:10 46 is p.1435 if you've got the paginated version of these.
00:36:16 47 Then a few lines down it says - so there's three entries

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00:36:20 1 and I'm looking at the third entry which is the main entry
00:36:24 2 on the page, it says, "[REDACTED] The question is
00:36:30 3 why she's at the hearing today two-up with Richter when she
00:36:36 4 said she was only going to get an adjournment". Do you
00:36:41 5 accept that that's the handler saying to her, "Why is she
00:36:43 6 there"?---Yes.

7
00:36:46 8 Then further down the page, [REDACTED]
00:36:49 9 [REDACTED], said she/Richter were accused of
00:36:53 10 being in conflict with [REDACTED] and they argued this". You
00:36:57 11 see from the exchange I took you through a moment ago in
00:37:01 12 the notes certainly at the commencement of the hearing
00:37:03 13 there was a discussion about potential conflict, do you
00:37:06 14 agree with that?---Yes.

15
00:37:08 16 "Human source was also accused of an appearance of conflict
00:37:12 17 re [REDACTED]. They spoke about it for a while and [REDACTED]

00:37:13 18
00:37:15 19
00:37:20 20
00:37:25 21
00:37:28 22
00:37:32 23
24

00:37:35 25 Given what you knew about [REDACTED] and now [REDACTED] at this stage,
00:37:40 26 I take it that had you have been asked you would have said
00:37:44 27 she shouldn't be [REDACTED] in this [REDACTED]
00:37:48 28 hearing?---I would go back to the beginning where she says,
00:37:53 29 she identifies the conflicts.

30
00:37:55 31 You'd leave it to her?---No, I'd leave it to the [REDACTED]
00:37:58 32 [REDACTED]. I mean it's a thing that's come up over the last
00:38:07 33 two or three days. It's can police tell lawyers they
00:38:14 34 shouldn't attend ?

00:38:15 35
00:38:16 36 [REDACTED]?---I don't know who he
00:38:20 37 checked with.

38
00:38:21 39 Yeah, okay. There is a confirmation from the counsel who's
00:38:25 40 leading the evidence to say to the police quite separately
00:38:27 41 to this, "Is there any conflict in your view", but it's not
00:38:31 42 a discussion you had?---No. Not that I recall. The
00:38:35 43 checking with police is more likely to have been at the
00:38:38 44 court, [REDACTED]

45
00:38:41 46 All right. Just going to the top of the next page.
00:38:43 47 There's talk about why she stayed today when she was not

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00:38:48 1 intending, and we saw a moment ago that the handler was
00:38:51 2 asking her about that and he's asking again. "She states
00:38:54 3 there was nothing that she could do. They both insisted
00:38:57 4 that she stay", and there's some discussions about her
00:39:00 5 conflict with her informer identity by being there. "She
00:39:04 6 cannot help that spending time with him has cemented his
00:39:10 7 perception of her as a competent barrister." Do you know
00:39:14 8 who she's talking about there?---No.
9
00:39:16 10 It's [REDACTED] clearly, given that that's the person that she's
00:39:20 11 representing [REDACTED] It might be
00:39:24 12 Richter.
13
00:39:24 14 "If he ever gets arrested", so this is carrying on from the
00:39:28 15 last one which makes us see that it probably is [REDACTED] she's
00:39:32 16 talking about?---Okay.
17
00:39:34 18 "In the future she believes that he would call on her
00:39:38 19 straight away anyway. She is always going to be in a
00:39:40 20 position." Then a couple of lines down, "She states that
00:39:44 21 yet again she is missing out on money-fees because of what
00:39:48 22 she is doing and that yet again she is putting us first".
00:39:52 23 Is that a conversation that was had with you about her
00:39:54 24 concern about not getting paid because her status as an
00:39:57 25 informer was impinging on her financial
00:40:00 26 circumstances?---That she had with me ?
00:40:02 27
00:40:03 28 Was it a discussion that was passed on to you by others
00:40:06 29 that there was a concern being raised by [REDACTED] that she was
00:40:09 30 losing work - sorry, Gobbo, that she was losing work
00:40:13 31 because of her status as an informer?---I have a vague
00:40:17 32 recollection of something like that but I couldn't tell you
00:40:20 33 who told me.
34
00:40:22 35 Yeah?---Or when.
36
00:40:23 37 It's clear in this circumstance, on the assumption that she
00:40:27 38 did get paid, that she wasn't missing out on this
00:40:30 39 particular work though, appearing on his behalf [REDACTED]
00:40:33 40 [REDACTED] I assume so.
41
00:40:35 42 "It's explained to the human source that if she wants to
00:40:38 43 represent [REDACTED] then she needs to decide whether to do that
00:40:41 44 or speak to us about him." So the handler here is saying
00:40:47 45 she's got to make a decision about whether she's going to
00:40:49 46 assist, as in a human source, on the one hand, or on the
00:40:53 47 other hand is she going to simply represent him, do you

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00:40:56 1 agree with that?---Yeah, that's the way it seems to read.
2
00:40:59 3 "She then starts crying and she says she feels her
00:41:03 4 commitment is being questioned." Now that's her commitment
00:41:06 5 to the handlers?---I assume so.
6
00:41:09 7 Or to Victoria Police generally I assume?---Yeah.
8
00:41:12 9 And by this stage you're initial concerns about her, given
00:41:16 10 your evidence a few days ago, was less about her being
00:41:20 11 duplicitous. You said that over time you accepted that her
00:41:24 12 intentions were in fact solely to help Victoria Police, is
00:41:31 13 that right? You became less suspicious of her?---Yeah, I
00:41:34 14 did, yeah.
15
00:41:35 16 So by this stage it's not surprising to you that she's
00:41:39 17 saying to the handlers, "Don't question my commitment to
00:41:42 18 Victoria Police", because indeed in your view she was
00:41:45 19 committed to Victoria Police at that stage?---Yeah, it's
00:41:47 20 just difficult because I'm not in the conversation.
21
00:41:49 22 No, I understand, I'm just saying, but it accords with your
00:41:54 23 recollection of her motivations and her intentions over
00:41:56 24 time?---Yeah, it's the number of things that are passed
00:41:59 25 down to us, you know. As I said at the beginning, I
00:42:03 26 thought when she was going to be registered it was about
00:42:06 27 crooked lawyers and it wasn't as it turned out.
28
00:42:12 29 A few lines down, "Human source says it's easy not to
00:42:17 30 represent him in the future", and she's talking about [REDACTED]
00:42:20 31 here, "if this is what happens because she is so conflicted
00:42:25 32 with [REDACTED] mainly. She says there's no way she'll
00:42:28 33 represent [REDACTED] in a [REDACTED] court down the track if she is
00:42:32 34 conflicted. She feels she should not have to say this".
00:42:36 35 You can see there that in her mind there's a difference
00:42:39 36 between representing someone [REDACTED], do you
00:42:42 37 agree with that?---Yes.
38
00:42:43 39 And you'd agree that that's a mistaken point of view about
00:42:47 40 conflict, it doesn't matter whether it's [REDACTED],
00:42:51 41 a conflict's a conflict?---Yes.
42
00:42:54 43 Okay?---It seems, the way I read it also, is that the
00:42:58 44 handler's trying to ease her out.
45
00:43:01 46 You say perhaps ease her out, but on the other hand they're
00:43:05 47 simply saying to her, "You make a decision about [REDACTED]"

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00:43:07 1 because if you're going to help us, you're going to help
00:43:11 2 us. If you're going to represent him, then go and
00:43:13 3 represent him". That, I suggest, isn't easing out?---Ease
00:43:17 4 her out of [REDACTED].
5
00:43:19 6 Ease her out of [REDACTED]?---Yes, sorry.
7
00:43:37 8 We'll finish off with some issues. It might take a little
00:43:43 9 bit of time, but in relation to where we were yesterday
00:43:46 10 talking about [REDACTED] Mr Orman. There's an ICR which
00:43:50 11 is ICR 103 and it's for the operator VPL.2000 - - -
12
00:44:03 13 COMMISSIONER: Have we been tendering the individual ICRs
00:44:07 14 that you've been referring to?
00:44:08 15
00:44:08 16 MR WOODS: I think they're all being tendered as - - -
17
00:44:09 18 COMMISSIONER: They have but I thought we have - have we
00:44:11 19 been tendering the individual ICRs? No, I think if you're
00:44:14 20 wanting them to go on the website in a redacted form they
00:44:22 21 need to be tendered.
22
23 MR WOODS: I see, okay. I hadn't realised that.
24
00:44:27 25 COMMISSIONER: I think that's the idea, there's not an
00:44:28 26 intention to PII all the ICRs, is that correct?
00:44:31 27
00:44:31 28 MR HOLT: That was the discussion that was had when they
00:44:34 29 were tendered in bulk, Commissioner. So I had been
00:44:36 30 proceeding on the assumption that we would at some point
00:44:39 31 identify them, because it's been a moving feast, and I
00:44:43 32 don't mean that critically, those and those portions of
00:44:47 33 which would then need to be PII reviewed and done. It
00:44:48 34 won't be a simple and quick task but much quicker obviously
00:44:52 35 than reviewing all of them, Commissioner.
36
00:44:54 37 COMMISSIONER: Yes.
00:44:54 38
00:44:55 39 MR HOLT: Perhaps I can have some discussions with our
00:44:59 40 learned friends about a sensible process for that.
41
42 COMMISSIONER: Perhaps at one point we need then to tender
00:45:08 43 all the ICRs, probably sooner rather than later I guess.
44
00:45:11 45 MR HOLT: All the ICRs that have been tendered,
00:45:12 46 Commissioner.
00:45:12 47

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1

2 COMMISSIONER: Yes. No, the ICRs which you want to - yes
3 that have been referred to.

4

00:45:12

5 MR WOODS: I had understood the ICRs had been redacted for
6 the purposes of tendering and being made public. If that's
7 not the case then - - -

00:45:15

00:45:19

8

00:45:20

9 COMMISSIONER: I think Mr Holt said at the time they were
10 tendered that it was going to be a Herculean task and it
11 was only going to be the ones that we referred to and that
12 were separately identified that would be tendered.

00:45:22

00:45:27

00:45:30

00:45:32

00:45:33

13 MR HOLT: Commissioner, I think what our learned friend is
14 talking about, as the Commissioner will have seen in the
15 version the Commissioner has, there are shaded versions but
16 they were a very early public interest immunity review,
17 they weren't done in that full way. We had been proceeding
18 on the basis as we had discussed earlier, that those needed
19 to be tendered would be identified and we'd then review
20 those, which would be a relatively quicker task to do that.
21 Can I just say this though: obviously, as the Commissioner
22 knows, a single ICR can cover many pages and where only one
23 entry, for example, is referred to, we'd like, if we can,
24 to be specific about that, at least in the first instance,
25 because it will shorten the task dramatically. Again,
26 we're happy to work through that with our learned friends.
27 I can prioritised that with them so that we can - - -

00:45:34

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00:46:15

28

29

00:46:19

30 COMMISSIONER: If we haven't been tendering the ICRs that
31 we've been referring to so far, perhaps what we'll need to
32 do is have someone in the legal team go back and identify
33 which ICRs and which parts of ICRs have been identified to
34 date and perhaps tender that lot so that they can be PIIed.

00:46:22

00:46:24

00:46:28

00:46:30

00:46:34

00:46:35

35 MR WOODS: We might do that as we go. I can certainly
36 identify the ones that I've taken this witness to and we
37 can identify the ones that Mr White has been taken to the
38 date and do it that way.

00:46:41

00:46:45

00:46:47

39

40

00:46:49

41 COMMISSIONER: That would be good. Maybe you can do that
42 perhaps overnight. I don't know whether that's too soon.
43 But when you can do it we'll tender all those up to that
44 point in a bundle and then tender bundles from time to time
45 during the proceedings.

00:46:51

00:46:57

00:47:00

00:47:01

00:47:03

46 MR HOLT: Thank you, Commissioner.
47

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1
00:47:08 2 COMMISSIONER: Thank you.
00:47:08 3
00:47:08 4 MR WOODS: Just before we move on from that ICR, the one
00:47:11 5 that was on the screen, I'm sorry, which is the one before.
00:47:15 6 I don't know whether you want me to read the number to you.
7
00:47:23 8 COMMISSIONER: Is that 112?
00:47:25 9
00:47:26 10 MR WOODS: Yes, it's 112. The second page of that
00:47:29 11 document. That's a document ending in 3021. Just a couple
00:47:35 12 of matters. I think one as a matter of fairness I should
00:47:38 13 point out. Just halfway down that page, we're on page, of
00:47:46 14 the bundle it's 1436, the paginated bundle. General
00:47:51 15 argument over the phone about who said what and her
00:47:55 16 feelings of trust/commitment being questioned. "I just
00:47:59 17 want to highlight our concerns", this appears to be the
00:48:03 18 handler speaking on this issue re conflict, "as we have in
00:48:07 19 the past and get her assurances that she will not represent
00:48:12 20 [REDACTED] in the future, especially if conflicted with us". Do
00:48:15 21 you accept that's an indication of the handler pointing out
00:48:18 22 a potential for conflict and asking that Ms Gobbo don't put
00:48:22 23 her in that position?---Yes.
24
00:48:26 25 Then after that Gobbo says that, "She will get her way out
00:48:31 26 of this in the future, like she has always done in the
00:48:35 27 past. It will not be an issue"?---Can you just show me
00:48:41 28 where that is, what part of - - -
29
00:48:43 30 The next line down. The one that's on the screen there, it
00:48:47 31 is just where that C of confidential starts?---Oh yeah.
32
00:48:51 33 Just to the right of that?---Yes.
34
00:48:54 35 "Like she has always done in the past." You'd accept that
00:48:58 36 because of some of the issues I've taken you through with
00:49:02 37 [REDACTED] by this stage it was
00:49:06 38 clear that she hadn't always got herself out of that
00:49:10 39 conflict position in the past, do you agree with
00:49:12 40 that?---Well in hindsight, yes.
41
00:49:18 42 She says two lines down - sorry, I should say not just in
00:49:24 43 hindsight though, those conflicts were apparent at the time
00:49:27 44 and you gave some evidence a couple of days about you
00:49:32 45 feeling some discomfort about her representing various
00:49:36 46 individuals but ultimately leaving that to her, so it
00:49:40 47 wasn't just - - - ?---Yeah, I agree with that. I think I

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RYAN XXN - IN CAMERA

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00:49:44 1 also said something about it's for lawyers to decide, it's
00:49:49 2 not - - -
3
00:49:50 4 Yes, you did. You did?---Yeah.
5
00:49:51 6 What I'm saying is that it's because of that feeling of
00:49:53 7 discomfort at the time I just want to identify it's not
00:49:58 8 something that's occurred to you in the witness box, it
00:49:59 9 actually occurred to you at the time?---Yep.
10
00:50:01 11 But you left it to the lawyer to decide?---Yes. It's also
00:50:08 12 a safety - this is early days remember.
13
00:50:12 14 Early days in - - - ?---It's 2005, isn't it? [REDACTED]
15
00:50:23 16 This is 2007 we're talking about here?---I'm talking
00:50:25 17 about - - -
18
00:50:25 19 When you recognised some of these conflicts?---No, no, I'm
00:50:29 20 talking about [REDACTED] That happens in 2005. [REDACTED]
00:50:38 21 sentenced, [REDACTED] what he got and who represented him.
22
00:50:42 23 Yes?-- [REDACTED] didn't have her. He had someone else.
24
00:50:47 25 Yes?---I'm just getting it in my mind I suppose.
26
00:50:50 27 I understand that. But when you say early days, I'm not
00:50:53 28 necessarily interested in - what I'm asking you is that the
00:50:58 29 conflict situation occurred to you at the time that some of
00:51:01 30 those conflicts arose, it's not something that - - - ?---It
00:51:05 31 does, but it's also a safety issue with crooks. You
00:51:11 32 understand what - - -
33
00:51:12 34 I understand what you're saying. I take it what you're
00:51:14 35 saying is but what can you do about it in that
00:51:18 36 situation?---Yeah. It's the exchange of information.
37
00:51:25 38 Yes?---Because they're all ultimately going to give
00:51:27 39 evidence in the same case.
40
00:51:29 41 But some of them don't know that Nicola Gobbo's been
00:51:32 42 involved in implicating?---Oh, in implicating.
43
00:51:37 44 Yes. That is where that feeling of discomfort came up in
00:51:41 45 relation to [REDACTED] Mr Orman?---Yeah. You mean in
00:51:45 46 relation to the notes she prepared, is that what you're
00:51:49 47 talking about?

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RYAN XXN - IN CAMERA

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1
00:51:50 2 I'm talking about in relation to the moment when you
00:51:52 3 realised that Ms Gobbo was now representing Mr Orman in
00:51:56 4 circumstances where you knew that she had assisted [REDACTED]
00:52:00 5 [REDACTED] implicating Mr Orman?---That's in 2007, isn't it?
6
00:52:05 7 Yes?---Yeah, I'm talking - I'm confusing myself, I think,
00:52:10 8 with 2005. I don't know, I just equate [REDACTED] to 2005.
9
00:52:15 10 I think the difficulty we're having is I'm exploring the
00:52:18 11 term "in hindsight" that you used?---Yeah.
12
00:52:22 13 What I'm saying now is the conflict's actually occurred at
00:52:26 14 the time. I'll just take one as an example. The conflict
00:52:29 15 between [REDACTED] and Mr Orman, that was something that
00:52:32 16 occurred to you at the time and you've given evidence about
00:52:34 17 it?---I think so, yes. Because - yeah.
18
00:52:39 19 He says next in this entry, "She always says that it hurts
00:52:45 20 re talk about money but really it is never about the money.
00:52:47 21 Always about the goal. To do what she is doing for us and
00:52:52 22 get these criminals locked up". That accords with what
00:52:59 23 your understanding of her motivations were by this stage in
00:53:03 24 2007, you agree with that, you were sure that her
00:53:06 25 motivations were to help police?---Okay, my motivations at
00:53:12 26 the initial registration - - -
27
00:53:13 28 Yes?--- - - - were the lawyer side of things, then it
00:53:17 29 changes over time.
30
00:53:18 31 When you say "the lawyer side of things", to act as a
00:53:21 32 lawyer for the individuals?---No, no, no, no, the corrupt
00:53:23 33 lawyers.
34
00:53:23 35 Yes?---And it gradually changes because of the information
00:53:31 36 that she ultimately gives in relation to mostly drugs.
37
00:53:36 38 Yes?---But my own theory as to why she became an informer
00:53:44 39 was the Hodsons.
40
00:53:46 41 Yeah, I see?---That's just me, you know. Because it seemed
00:53:51 42 - it just seemed obvious at the time.
43
00:53:56 44 You understand that early on though the discussions, you
00:53:59 45 may or may not know this, the early on discussions she was
00:54:03 46 having with her handlers, and Mr Bateson before that, those
00:54:07 47 conversations generally weren't talking about the Hodsons,

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RYAN XXN - IN CAMERA

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00:54:10 1 they were talking about Tony Mokbel?---They were certainly
00:54:13 2 asking about her.
3
00:54:14 4 She was offering to talk about it too?---Yeah. Yes, that's
00:54:21 5 correct. They were asking about her.
6
00:54:23 7 That's shown on the documents?---Yep.
8
00:54:25 9 That in fact early on she's really quite obsessively
00:54:30 10 talking about Tony Mokbel, not the Hodsons?---No, I'm
00:54:34 11 saying the Hodsons in my mind was the reason she became an
00:54:38 12 informer.
13
00:54:38 14 Did she ever say that to you?---No, I asked her.
15
00:54:41 16 When did you ask her that?---At the dinner.
17
00:54:44 18 I see. This is the dinner that we spoke about last week,
00:54:47 19 she wasn't particularly interested in being at?---Correct.
20
00:54:50 21 Were you sitting next to her?---No, opposite and over.
22
00:54:54 23 Was there a general discussion around the table about her
00:54:57 24 informing or was it something - - - ?---No, I asked her, I
00:55:02 25 remember.
26
00:55:02 27 I'm sure it would have been a matter of significant
00:55:05 28 interest to you?---Sorry?
29
00:55:06 30 You would have been interested in finding out an answer to
00:55:11 31 that?---Yes.
32
00:55:11 33 And so what did she say?---She just fobbed it off.
34
00:55:14 35 She answered the Hodsons?---No.
36
00:55:17 37 You asked her but she didn't give you an answer?---Yes.
38
00:55:22 39 So how do you know it was about the Hodsons then?---No, I
00:55:25 40 that's my theory.
41
00:55:26 42 Oh, so it's a theory?---Yes.
43
00:55:27 44 You asked here. She didn't give you answer?---Correct. I
00:55:27 45 wanted to know why, why she'd become an informer and I
00:55:30 46 never got a satisfactory - - -
47

4500

RYAN XXN - IN CAMERA

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00:55:31 1 COMMISSIONER: Your theory was that it was because she was
00:55:37 2 disturbed, shocked at their death, or that she had
00:55:46 3 wittingly or unwittingly realised that she might have done
00:55:49 4 something to contribute towards it and wanted to make
00:55:52 5 amendments; what was your hunch about it?--My hunch is
00:55:54 6 that she knew something was going to happen then. That's
00:55:57 7 my hunch, my theory, and she regretted not doing something
00:56:02 8 and then decided to roll over.
9
00:56:06 10 Thank you?--You know, I was living it at the time and
00:56:13 11 you've got all this information coming in.
12
00:56:16 13 Sure?--And you try and nut it together.
14
00:56:18 15 Sure?--I could be wrong.
16
00:56:19 17 Of course. It's just a hunch?--Yes.
18
00:56:22 19 But it's interesting, an interesting one.
00:56:25 20
00:56:29 21 MR WOODS: Your having been the head of the Task Force that
00:56:37 22 was established to look at the murder of the Hodsons, it
00:56:40 23 would be fair to say you'd be in a pretty good position to
00:56:43 24 understand what various people's motivations might have
00:56:45 25 been?--Yes, but I think, correct me if I'm wrong, the
00:56:50 26 dinner was prior to me going to be the head of Petra.
27
00:56:55 28 Azzam Ahmed, who had the house in Dublin Street, you accept
00:57:02 29 that he was one of the major suspects - well he was one of
00:57:06 30 the suspects of organising the commission of the
00:57:16 31 murders?--I know the name.
32
00:57:19 33 As a matter of fairness, I should say the establishment
00:57:22 34 documents that we looked at the other day had one single
00:57:26 35 suspect named in them, which was Mr Dale?--Yes.
36
00:57:29 37 But there were other people of interest is what I'm
38 saying?--Yeah, yeah that - - -
39
00:57:30 40 One of them was Mr Ahmed and he was a suspect?--Yeah, and
00:57:34 41 was the - I don't know if I'm allowed to say his name.
00:57:41 42 He's deceased, so can I say his name?
43
00:57:43 44 I think we can live dangerously?--Rodney Collins, Rodney
00:57:50 45 Earl, he was at hitman. That was to me, as the head, was
00:57:55 46 the priority, get him.
47

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RYAN XXN - IN CAMERA

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00:57:56 1 But ██████████ in particular, do you recollect that ██████████
00:57:59 2 ██████████ - - - ?---Yes, I do.
3
00:58:01 4 He was a person who had the control over the house in
00:58:06 5 Dublin Street, do you recollect that?---Yes.
6
00:58:09 7 And do you recollect that he was out with Ms Gobbo on the
00:58:12 8 night that the murder took place?---I would have been told
00:58:17 9 that but I don't - - -
10
00:58:20 11 It was suggested that that was an alibi, do you have any
00:58:24 12 recollection of that?---Oh yes. Yes, yes.
13
00:58:27 14 Okay. Did you have any concerns about that aspect of it?
00:58:31 15 You're saying that Nicola Gobbo had some worries of her own
00:58:35 16 in relation to the murder of the Hodsons, did you
00:58:41 17 specifically have any concerns about her whereabouts or her
00:58:44 18 involvement in that potential alibi?---I don't recall but
00:58:54 19 it may be a case of Ahmed using her. I'm guessing. I
00:59:03 20 don't really remember a lot of that.
21
00:59:04 22 No, no, I understand. To your recollection was there any
00:59:12 23 evidence in particular that supported your theory about her
00:59:14 24 feelings of guilt about the Hodsons?---Not up until I left.
00:59:21 25 I don't know how it went after that.
26
00:59:23 27 Not up until you left and then not after I assume the
00:59:26 28 answer is?---No, I left in, I think it was August 07.
29
00:59:31 30 Yes?---But I would see Shane O'Connell once a week.
31
00:59:34 32 Yes?---At the briefing of the AC - DC, sorry. I'd be told
00:59:45 33 a little quick summary of what's going on. Then when I
00:59:48 34 left the Force in April 08 the door closes, you don't get
00:59:53 35 told anything and you don't ask.
00:59:55 36
00:59:55 37 COMMISSIONER: Yes. Can I just say, did you understand or
00:59:58 38 do you now understand and did you at the time understand
01:00:00 39 that had Nicola Gobbo had information about the Hodsons'
01:00:11 40 likely murder, then ethically there was no problem with her
01:00:14 41 disclosing that to police?---Yes.
42
01:00:18 43 You understood that?---Yeah
01:00:20 44
01:00:21 45 MR WOODS: In fact one of the reasons the OPI was tasked to
01:00:23 46 carry out its investigation and call Ms Gobbo in is because
01:00:30 47 Victoria Police wanted to get to the bottom of these issues

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RYAN XXN - IN CAMERA

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01:00:35 1 and that's the very reason why this hearing was
01:00:38 2 established, is that right, the OPI one?---Yes.
3
01:00:41 4 It was going to assist getting to the bottom of those
01:00:44 5 issues if the OPI wasn't restricted in any way in doing so,
01:00:47 6 do you accept that?---Can you just ask me that again,
01:00:50 7 sorry?
8
01:00:51 9 To properly investigate those issues with Ms Gobbo, there
01:00:56 10 shouldn't have been any restriction on what the OPI could
01:00:59 11 or should ask of Ms Gobbo?---Yes.
12
01:01:06 13 Okay?---I stress, it's a theory.
14
01:01:09 15 No, I understand. I understand. You've said that and I
01:01:13 16 accept that?---Okay.
17
01:01:16 18 I want to bring up ICR 103 which is VPL.2000.0003.2844.
01:01:25 19 I'm going back to where we left off yesterday and asking
01:01:28 20 you some questions about [REDACTED] Mr Orman. The
01:01:36 21 document that's on the screen - I'm after p.2847 to 2848.
01:01:55 22 It's 1261 for those with the paginated copy. On 3 October
01:02:04 23 2007 there's contact between Ms Gobbo, and it's the top
01:02:13 24 there. She gets a phone call, this is about a third of the
01:02:19 25 way down the page, from a particular person. That person
01:02:24 26 rings, she will speak to him later. "She does not know why
01:02:30 27 he is ringing her, she's not heard from him for months", et
01:02:33 28 cetera, et cetera. Then we go down to, "She expects it
01:02:34 29 will be to meet with Gatto re discuss legal issues for
01:02:38 30 Orman's trial. Maybe over lunch. Gatto is fully funding
01:02:42 31 Orman's trial". She talks in a number of ICRs around this
01:02:45 32 period about the fact that the funding is coming from
01:02:48 33 Mr Gatto, is that something that was known to you?---No.
01:02:52 34 Sorry, I knew he had a fund-raiser for him.
35
01:02:57 36 Down the bottom of the page it says, "Orman has been moved
01:03:02 37 to the same unit where" - I might just ask Victoria Police
01:03:08 38 if there's any issue with that name being used. I'm going
01:03:40 39 to hand you a note. I might show that to the Commission as
01:03:52 40 well. Mr Orman has been moved to the same unit where a
01:03:55 41 particular person is going.
42
01:04:01 43 COMMISSIONER: Just for future reference, we do have the
01:04:03 44 cards for that?
45
01:04:04 46 MR WOODS: We do but I'm nervous that there might be some
01:04:05 47 bio data.

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RYAN XXN - IN CAMERA

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1
01:04:12 2 COMMISSIONER: All right then. Okay.
01:04:13 3
01:04:14 4 MR WOODS: I suspect that the ultimate outcome of this will
01:04:19 5 be that name won't be redacted but in the meantime just to
01:04:22 6 be safe.
7
01:04:23 8 COMMISSIONER: I see.
01:04:23 9
01:04:24 10 MR WOODS: So you know who I'm talking about there?---Yes.
11
01:04:26 12 Those two people are in the same unit. "Mr Bateson is
01:04:29 13 aware of this, as is Inspector Gavan Ryan." So you were
01:04:36 14 told that those two gentlemen were in the same unit?---Yes.
15
01:04:42 16 I assume that that was a matter that was important enough
01:04:45 17 to tell you because of the particular relationship that the
01:04:47 18 two of them had, what that redacted name had done in
01:04:52 19 relation to Mr Orman?---Yeah, I would assume that. It's a
01:05:03 20 safety issue. I'm not sure why they're in the same unit to
01:05:06 21 be honest, but anyway.
22
01:05:08 23 Perhaps that's why it was explained to you, because it was
01:05:11 24 a matter of note. Now they're trying to get privileges
01:05:15 25 back for that redacted person and the redacted person seems
01:05:18 26 happy with the move, "Relationship with police is good at
01:05:21 27 present", okay. Then we move down to the next page, "SDU
01:05:27 28 management. Human source has spoken to instructing
01:05:31 29 solicitor Mr Rolfe regarding Mr Orman today. A problem has
01:05:36 30 arisen where Gatto and Rolfe believe the human source
01:05:40 31 should be acting as junior for Robert Richter. They think
01:05:44 32 she is best qualified and efficient to do the job. Human
01:05:47 33 source has told Rolfe that she has acted for (this other
01:05:50 34 person) in the past and now cannot act". So she has
01:05:53 35 identified to those people that she has a conflict of
01:05:56 36 interest, do you agree with that?---It appears so.
37
01:05:59 38 You'd accept from what you know about her prior dealing
01:06:01 39 with that person that in fact she did have a conflict of
01:06:04 40 interest?---Well she'd represented that person.
41
01:06:11 42 In fact the conflict went a bit deeper than the simply
01:06:15 43 acting for this person in the past due to the matters we've
01:06:19 44 discussed over the last couple of days?---Yes.
45
01:06:21 46 Okay. They think she's best qualified, et cetera. "Rolfe
01:06:24 47 does not seem to worry about this and says that he will

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RYAN XXN - IN CAMERA

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01:06:27 1 check with the financier, Mick Gatto. Truth of the matter
01:06:30 2 is that that person would not have a problem with her
01:06:33 3 representing Orman". To your knowledge, you might have
01:06:36 4 already answered this, but he was never told about - sorry,
01:06:43 5 Mr Orman was never told about Ms Gobbo's involvement in
01:06:50 6 that person providing information against Orman, do you
01:06:54 7 agree with that?---You mean a statement against him?
8
01:06:57 9 Yes. You don't know whether he was told?---Well he'd be
01:07:05 10 served on the brief, wouldn't it?
11
01:07:06 12 No, about Gobbo's involvement in that process is what I'm
01:07:09 13 talking about. Not the fact of his statement?---Gobbo's
01:07:12 14 involvement in helping that person?
15
01:07:13 16 Yes, helping that person make that very statement, the
01:07:17 17 statement I took you to a couple of days ago?---You're
01:07:20 18 saying - sorry, I'm a bit lost.
19
01:07:23 20 To your knowledge was Orman ever told about Gobbo's
01:07:26 21 involvement in assisting this person make a
01:07:31 22 statement?---Not to my knowledge.
23
01:07:35 24 Not to your knowledge?---Yeah.
25
01:07:39 26 Then there's a suggestion underneath that she could simply
01:07:44 27 be excused for the cross-examination of that person who's
01:07:48 28 going to be giving evidence and that she talks about there
01:07:52 29 being a subpoena argument and there's mentions of the
01:07:58 30 committal being in March the following year and she says,
01:08:04 31 "She complains that this is another example of her having
01:08:08 32 to turn back work on account of informing to police". Then
01:08:11 33 they have a long talk about conflict issues. "She doesn't
01:08:14 34 know what to do and she's open to suggestions." Were you
01:08:17 35 involved in any suggestions that were made to Ms Gobbo
01:08:20 36 through this or any other period about how she might be
01:08:23 37 able to avoid conflict issues?---Not that I recall.
38
01:08:31 39 The next ICR I want to bring up is - sorry, it's - - -
01:08:35 40 ?---Can I just say something?
41
01:08:36 42 Yes, go ahead?---If Ms Gobbo represents that person.
43
01:08:45 44 Yes?---And is known to have represented that person in
01:08:50 45 previous very important matters.
46
01:08:53 47 Well I'm not talking about previous very important matters,

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RYAN XXN - IN CAMERA

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01:08:56 1 I'm talking about specifically in relation to implicating,
01:09:00 2 as she did - - - ?---Yeah, I'm not talking about that.
3
01:09:03 4 You're talking about generally?---Yeah. It would be a
01:09:06 5 tactic of the defence to hire that person to put pressure
01:09:10 6 on the witness because that person knows everything about
01:09:17 7 the witness and it could intimidate the witness. Do you
01:09:23 8 see what I'm saying?
9
01:09:25 10 COMMISSIONER: Yes, I understand.
01:09:27 11
01:09:28 12 MR WOODS: In that situation the witness could obviously
01:09:30 13 put their hand up and say, "Hang on, there's a conflict
01:09:33 14 here"?---Yeah, they could. It goes back to the - I've said
01:09:39 15 it a few times, you know, the self-regulation.
16
01:09:43 17 But sometimes, and as we've seen here, the self-regulation
01:09:47 18 fails, doesn't it?---Yes.
19
01:09:49 20 COMMISSIONER: Your point is well made, particularly where
01:09:51 21 the credit of the witness is in issue?---Yes.
22
01:09:54 23 Very well made, yes.
01:09:57 24
01:09:57 25 MR WOODS: Then a couple of pages over at 2863 to 2860, and
01:10:01 26 I'm referring to the top of the page there, the number on
01:10:06 27 the top of the page, there's 9.11 am halfway down that
01:10:13 28 page, the handler gets a call from Ms Gobbo and she talks
01:10:18 29 about she's - sorry, it might actually be a little bit up
01:10:24 30 from there. "General talk about her morning and she talks
01:10:33 31 about that person having rung her four times." If I could
01:10:39 32 just have a moment. I might just have to have a quick talk
01:10:49 33 to Mr Holt. The person whose name is redacted there is
01:11:06 34 [REDACTED] and I think it might have just been redacted
01:11:09 35 rather than putting the name that we're using for him over
01:11:12 36 the top. So there's general talk with her, [REDACTED] has
01:11:16 37 rung her four times regarding a Purana problem. Human
01:11:19 38 source gets another call and suspects it is [REDACTED]
01:11:22 39 again", that's obviously during the phone call, "and she'll
01:11:25 40 ring me back". There's a reference to you later on. In
01:11:31 41 fact I might just go on to the next call because it happens
01:11:33 42 a few minutes later. "Human source complains about [REDACTED]
01:11:37 43 [REDACTED] ringing all the time. It's all over the way Purana are
01:11:40 44 treating that [REDACTED]. Apparently not well and
01:11:46 45 willing to negotiate charges. Human source is told that
01:11:49 46 [REDACTED] is not to complain to me but to ring Stuart
01:11:56 47 Bateson and tell him. She's sick of shouldering the burden

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RYAN XXN - IN CAMERA

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01:12:02 1 for police. Human source reassured that she should not
01:12:05 2 have any burden over this and the right thing to do is to
01:12:08 3 refer it to Stuart. Things like this are not her concern
01:12:12 4 and she does not need to worry about it", and the action is
01:12:16 5 that it's verbally disseminated to you. Was it the case
01:12:19 6 that - firstly, do you have a recollection of this being
01:12:23 7 passed on to you, [REDACTED] was at her a number of times
01:12:30 8 and really desperate to talk to her during this period of
01:12:35 9 2007, October?---I don't have a specific recollection.

10
01:12:42 11 Yes?---But I know in my recollection, I raised it
01:12:49 12 yesterday, the asset recovery crew.

13
01:12:51 14 Yes?---Were going after his [REDACTED] assets and this
01:12:56 15 was over a fair period of time and there was considerable
01:13:00 16 angst [REDACTED] that person, which was - - -

17
01:13:10 18 [REDACTED]?---Yeah, [REDACTED] which then permeated
01:13:13 19 through - - -

20
01:13:14 21 Through to you?---Plus [REDACTED] would be ringing as well.

22
01:13:18 23 And one of the reasons it was coming through to you is that
01:13:22 24 [REDACTED] was in fact saying, he was indicating he was
01:13:26 25 getting cold feet because of the way the asset recovery
01:13:29 26 people - - - ?---Yes, he was playing his only card, that's
01:13:31 27 what I call it. You know, "If you don't do this I'm going
01:13:34 28 to do that", rah, rah, rah.

29
01:13:37 30 "I'm not going to give evidence" - - - ?---Yeah, they do
01:13:40 31 that type of thing.

32
01:13:41 33 I don't see, I've been through your diaries for this date,
01:13:43 34 there's no corresponding entry. That's the case with a
01:13:49 35 number of occasions when there's an indication in the ICRs
01:13:51 36 that things are verbally disseminated to you. I take it
01:13:55 37 that that's because sometimes you had an opportunity to
01:13:57 38 record things and sometimes you didn't have an opportunity
01:13:59 39 to record things?---She's basically telling the handler
01:14:02 40 something that we already know.

41
01:14:04 42 All right. But there are - - - ?---You know, it's not like
01:14:09 43 you're going to start an investigation and run off
01:14:11 44 and - - -

45
01:14:12 46 But simply because the things said, because there's an
01:14:16 47 indication in the ICRs that things are verbally

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01:14:19 1 disseminated to you, what I'm trying to understand is that
01:14:21 2 doesn't necessarily mean there'll always be a corresponding
01:14:26 3 entry in your diary?---That's correct.
4
5 Some things you've written and other things - - - ?---Well,
6 yeah, yeah
7
01:14:32 8 And the other way around?---Sorry?
9
01:14:35 10 That sometimes there would be calls made to you, I mean you
01:14:37 11 may or may not be able to answer this, but calls made to
01:14:41 12 you by the SDU about things that weren't recorded in the
01:14:43 13 ICRs, they simply identified to you over the phone?---Yeah.
01:14:47 14 They'd ring from time to time. You don't get any warning,
01:14:50 15 they just ring.
16
01:14:51 17 Yeah, okay. The next document is something else that was
01:15:01 18 verbally disseminated to you, it's ICR 104, it's
01:15:05 19 VPL.2000.0003.2869 and I'm after p.2875. 2875 is the top
01:15:20 20 right-hand corner. This is 11/10/07. Gobbo contacts the
01:15:30 21 handler and at 11.31 - give me a moment. Scroll down a bit
01:15:47 22 further, maybe to the next page. Yeah, okay. "General
01:15:54 23 talk re Faruk Orman and brief. She still cannot believe
01:15:58 24 why Gatto's trial transcript is on the brief. It's not
01:16:02 25 introduced by anyone and she cannot see how it can be
01:16:05 26 tendered as evidence. The defence so far will simply be we
01:16:09 27 are not there. Taking away [REDACTED]'s statement she
01:16:13 28 believes the police do not have any other evidence to put
01:16:16 29 in there. Apparently there are more ACC summonses coming
01:16:24 30 for the brief but she does not know what is in them", and
01:16:26 31 the action is that it's verbally disseminated to you. Just
01:16:28 32 taking that bit by bit. It's clear that what she's saying
01:16:32 33 to the handler is that she's reading - firstly, she's
01:16:35 34 reading a brief of evidence that's been served on Faruk
01:16:38 35 Orman, you agree with that?---Yes.
36
01:16:40 37 And she is commenting on the contents of that brief, you
01:16:43 38 agree with that?---Yes.
39
01:16:46 40 And she's in fact saying to them that there's a particular
01:16:49 41 document, one particular document that doesn't need to be
01:16:52 42 in the brief, do you agree with that?---Yes.
43
01:16:58 44 She's then saying what Mr Orman's defence is going to be in
01:17:04 45 the trial that's coming up, do you agree with that?---Yes.
46
01:17:09 47 That's a pretty significant thing, isn't it, that what's

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01:17:13 1 reported to the handler and then reported to you is what
01:17:17 2 this accused person's defence is going to be by the person
01:17:20 3 who's representing him, do you accept that, it's a pretty
01:17:24 4 significant event?---Yes.
5
01:17:25 6 Do you remember receiving this particular bit of
01:17:27 7 information and having misgivings about it?---No. I mean
01:17:33 8 the fact that they're saying he's not there is obvious.
9
01:17:38 10 It may or may not be obvious?---It's obvious to us because
01:17:43 11 we served the brief.
12
01:17:44 13 Whether or not it's obvious, it's highly unusual?---Yeah,
01:17:46 14 it is.
15
01:17:47 16 That his barrister would be telling the police?---It is, it
01:17:50 17 is, I've said that.
18
01:17:52 19 Again, I don't see a reference in your diary to that
01:17:55 20 particular bit of information. Would there be a particular
01:17:58 21 reason why that wasn't recorded?---It's saying something we
01:18:00 22 already know, which is my point previously.
23
01:18:03 24 But not something that had been told to you by Faruk Orman
01:18:06 25 or any other representative?---No, you know when you a
01:18:09 26 serve brief where your strengths are and where your
01:18:14 27 weaknesses are.
28
01:18:15 29 I think you've already accepted you don't expect to be told
01:18:19 30 a lie from defence counsel?---No.
31
01:18:22 32 Not in this environment anyway?---Correct.
33
01:18:26 34 You'd accept as well that even though - - - ?---Can I just
01:18:29 35 say, another thing that's occurred to me? .
36
01:18:32 37 Yes?---You do get defence counsel, this is across the
01:18:40 38 board, you know, telling you your brief's weak, all the
01:18:44 39 normal stuff that goes on, you know, in trying to do a deal
01:18:47 40 or get you to withdraw.
41
01:18:48 42 Your understanding would be that in those circumstances
01:18:50 43 they've got their client's instructions to talk to the
01:18:54 44 prosecution?---Exactly.
45
01:18:55 46 And say, "I want you to go and do a deal for me"?---Yeah,
01:18:58 47 or get the charges pulled, you know, that type of thing.

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RYAN XXN - IN CAMERA

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1
01:19:01 2 This is a very long way from that situation though, isn't
01:19:04 3 it, this is a human source barrister?---Yeah, it is a human
01:19:07 4 source barrister, I don't deny that.
5
01:19:13 6 Whose stated goal was to assist the police?---She's
01:19:16 7 certainly said that in the previous ICRs, yes.
8
01:19:20 9 There's another entry that I want to take you to, 17
01:19:23 10 October 07. This is in ICR 105 and it's
01:19:32 11 VPL.2000.0003.2882. I'm trying to say these numbers as
01:19:41 12 slowly as possible. It's at p.2893 and this is an ICR 105
01:19:50 13 at 16:11 and Ms Gobbo is talking about having dinner with
01:20:05 14 Mr Gatto and others at a place called Society at the top of
01:20:11 15 Bourke Street and she's saying that the discussion is most
01:20:16 16 likely to be about Mr Orman and maybe bail. "Gobbo sees it
01:20:19 17 as an opportunity to cement her position with these people
01:20:24 18 as they know she was representing [REDACTED] at the time and
01:20:27 19 now they know this". So this is the person funding - you
01:20:31 20 say you don't know at the time but you now know that
01:20:39 21 [REDACTED] was funding Mr Orman's defence; is that
01:20:41 22 right?---Yeah, I knew he had a fund-raiser.
01:20:45 23
24
01:20:47 25 A fund-raiser, yeah. "Also talked about the need for her
01:20:50 26 to try and not be part of the defence for Orman", so
01:20:53 27 there's a discussion between her and the handler at that
01:20:56 28 stage about her not playing a part, you agree with
01:20:59 29 that?---Where's that? Which line please?
30
01:21:03 31 This is - let me just find that. It's just under that
01:21:11 32 redaction?---Will most like - - -
33
01:21:15 34 Talks about the need for her try and not be part of the
01:21:18 35 defence for Farouk?---Yes.
36
01:21:21 37 She understands this - so that's obviously the handler
01:21:24 38 saying that to her because it goes on to say, "She
01:21:27 39 understands this but is taking one day at a time and
01:21:30 40 complains that she will lose money as a result but knows
01:21:33 41 she should not be doing it either re conflict of
01:21:39 42 interest"?---Yes.
43
01:21:40 44 That's verbally disseminated to you?---Yes.
45
01:21:44 46 Again, do you recall a handler coming to you and saying,
01:21:49 47 "We're telling her not to act for Faruk Orman"?---I don't

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01:21:55 1 have a specific recollection of that but I would trust the
01:21:59 2 SDU - ICR, is it?
3
01:22:04 4 Yeah, this is an ICR, that's right?---Yes.
5
01:22:07 6 You don't have a specific recollection of that
01:22:09 7 conversation?---It's just - it's really difficult to
01:22:11 8 remember those types of things.
9
01:22:13 10 No, I understand. But verbally disseminated to you can
01:22:16 11 mean "we've told him every single word of this discussion"
01:22:20 12 or it can mean "we've told him a couple of bits of this
01:22:23 13 discussion", which is why I'm wanting to understand from
01:22:27 14 your memory. Did they talk to you about saying to Nicola
01:22:32 15 Gobbo, "You can't act for Orman because you've got a
01:22:34 16 conflict"?---I can't specifically remember that.
17
01:22:37 18 Okay?---But the type of call you get is like a summary
01:22:42 19 call, if I can put it.
20
01:22:44 21 Yes. You get a number of them on some days from what I've
01:22:48 22 seen?---Yeah.
23
01:22:54 24 The next ICR that was disseminated to you is in the same
01:23:00 25 document, it's at p.2893 to 2895. This is at 14:18 on 18
01:23:12 26 October I should say. Yeah, there we go. So the handler
01:23:15 27 has returned a call. "General talk about her day. She's
01:23:19 28 been out to lunch with that solicitor, had some wine, she's
01:23:22 29 feeling all right." Then she goes on to talk about Faruk
01:23:27 30 Orman. "She's ringing today to say that there will be no
01:23:30 31 bail application for Faruk. The defence team have agreed
01:23:33 32 there's no point. She thinks however that they may still
01:23:38 33 lodge an application but it will not proceed. This is to
01:23:41 34 keep Gatto happy who is funding Faruk's defence." You'll
01:23:45 35 see down the bottom there that's something that's
01:23:49 36 disseminated to you. Again, she's explaining there some
01:23:56 37 tactics, I'd suggest, that they're thinking about still
01:24:00 38 lodging a bail application, you accept that?---Yes.
39
01:24:03 40 And again that's an usual thing given the situation where
01:24:06 41 she's both an informer and the person who's representing
01:24:10 42 this individual for her to be sharing with police, that
01:24:12 43 they'll probably lodge it but they're not going to press
01:24:15 44 it?---Yes.
45
01:24:16 46 The bail app.?---I'd accept that.
47

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01:24:19 1 And it'd be something unusual the police would know in that
01:24:22 2 situation that the accused might lodge a bail app. but for
01:24:26 3 the police to know they're ultimately not going to press
01:24:28 4 it, that would be an unusual thing to know?---As in when
01:24:32 5 you say "press it" does that mean go to court or - - -
6

01:24:35 7 Yes, that's right. She's saying, according to the note,
01:24:39 8 "We're going to file an application for bail but we may not
01:24:45 9 be pressing the application for bail". What I'm saying is
01:24:49 10 that's an unusual thing to be shared with you?---Yes, it
01:24:52 11 is. Yes.
12

01:24:56 13 Then the next ICR is 106 which is 24 October 2007 and it's
01:25:08 14 VPL.2000.0003.2899 and I'm after p.2901 to 2903. Again,
01:25:19 15 this is something that it's recorded is disseminated to
01:25:24 16 you. It's at 17:46. Sorry, ICR 106, 24 October 2007. Top
01:25:35 17 right-hand corner page will be 2901 to 2903. You'll see
01:25:44 18 there 17:46. The handler gets a call from Ms Gobbo. "She's
01:25:47 19 ringing to say that she's off for dinner with Rob Karam
01:25:52 20 tonight. Japanese Teppanyaki in Collins Street. She knows
01:25:58 21 Tony Sergi's coming. Unknown who else, possibly Higgs."
01:26:01 22 She goes on to say, "She has a lot to tell me about Mick
01:26:07 23 Gatto. She's just come from an hour meeting with him. She
01:26:12 24 fears that he has an infatuation with her and it could get
01:26:16 25 messy. Other topics to talk about are a number of people,
01:26:19 26 including you. She's feeling down and does not know why.
01:26:23 27 She says she has the shits with the world at the moment.
01:26:27 28 She's glad to see that something's finally been done re
01:26:31 29 Horthy's horse", et cetera. Then moving down, there is
01:26:39 30 intermingled conversation. If you can just move that
01:26:42 31 screen down a bit further. I don't know exactly where it
01:26:55 32 is on the screen because of a redaction that's there. If
01:26:59 33 you could just move down a bit further. I might come back
01:27:10 34 to exactly where it is but in any event there's a
01:27:13 35 conversation that she has on this day in relation to
01:27:18 36 [REDACTED] and Orman. "She says that Gatto's paying for
01:27:23 37 [REDACTED] entire defence and wanted to know from Gobbo
01:27:27 38 what the case was like against him."
39

01:27:31 40 MR HOLT: Excuse me Commissioner.
41

01:27:43 42 MR WOODS: Page 2902, it's the next page down, sorry. That
01:27:47 43 was my error. There we go, Mick Gatto in the middle of the
01:27:50 44 page. Thank you to Mr Holt for that. You can see that
01:27:58 45 there's this conversation and she says down the bottom,
01:28:01 46 "Gatto also spoke about how much he hates Gav Ryan". Were
01:28:07 47 you aware of that feeling that he had about you?---I

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01:28:09 1 suppose the feeling's mutual.
2
01:28:12 3 That would be a fair assumption I suppose?---I don't have
01:28:15 4 any time for him.
5
01:28:17 6 Okay?---And he hasn't got any time for me.
7
01:28:19 8 It says - - - ?---I take it as a compliment I suppose.
9
01:28:23 10 - - - two-thirds of the way down the page, "Gatto is
01:28:26 11 paying for Faruk's entire defence. He wanted to know from
01:28:30 12 human source what the case is like against him. He also
01:28:32 13 wanted to know how good [REDACTED] will be as a witness.
01:28:35 14 Human source reminded Gatto that he was very good on that
01:28:38 15 person's committal, which is why he got committed". Then,
01:28:43 16 "Gatto also wants to ensure", et cetera, et cetera. Down
01:28:49 17 further you'll see at the top of the next page that the
01:28:53 18 conversation there is verbally disseminated to you. So
01:28:57 19 were you aware of conversations or do you have a
01:28:59 20 recollection now of conversations where it was reported to
01:29:04 21 you that Mr Gatto was asking about what sort of witness
01:29:07 22 [REDACTED] would be?---The only thing I remember out of that
01:29:13 23 one was the infatuation with her.
24
01:29:17 25 You remember that?---I remember someone told - a handler
01:29:22 26 told me.
27
01:29:23 28 That might well be, given the contents of this and this was
01:29:26 29 verbally disseminated to you, this might be the time that
01:29:29 30 was explained to you?---Yeah, I don't know if it's
01:29:31 31 mentioned previously.
32
01:29:33 33 I think it's mentioned on a number of occasions?---Okay.
34
01:29:37 35 All right. The next one is 25 October 2007, it's ICR 108,
01:29:42 36 so it should be the same document at p.4052. Sorry, that
01:29:50 37 was the last one? 106. No, it's a different document,
01:29:54 38 sorry. 25 October 2007, ICR 108, and it's
01:29:59 39 VPL.0009.0001.4046. I don't know the hard copy page. I'm
01:30:07 40 going off the produced documents.
41
01:30:12 42 COMMISSIONER: So what's the date of the ICR?
01:30:15 43
01:30:16 44 MR WOODS: 25 October 2007, and it's ICR 108. We're just
01:30:33 45 going to bring up the paginated number.
46
01:30:36 47 COMMISSIONER: 108 has the date 5 November 07 on mine.

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01:30:52 1
01:30:53 2 MR WOODS: I think it's - there's a discussion, so this
01:31:02 3 should be at p.4052.
01:31:08 4
01:31:08 5 MR CHETTLE: What time on the 25th?
01:31:11 6
01:31:11 7 MR WOODS: I'll tell you in a moment. Okay. Sorry, for
01:31:20 8 the purposes of people with the paginated copy of these
01:31:24 9 it's p.1319. It says, "Faruk Orman. Brian Rolfe solicitor
01:31:35 10 has just rung saying that he cannot appear on Monday and
01:31:38 11 wants her to do the subpoena case". What's happening is
01:31:42 12 that there's a return of a subpoena happening in Mr Orman's
01:31:46 13 matter and someone coming Monday, "Talk re ways to get out
01:31:54 14 of this with human source. Human source suggests that
01:31:57 15 Boris Buick can have a problem with her being there on
01:32:00 16 behalf of police". She's advised by the handler that
01:32:04 17 that's not a good idea. She says, "Or she'll ring the ACC
01:32:07 18 to have them object to her being there because she
01:32:07 19 represented [REDACTED] at the ACC hearings. She'll tell
01:32:10 20 Rolfe this and he will have to send another solicitor. She
01:32:13 21 can organise this herself and it is all normal barrister
01:32:17 22 issues before any hearing". Again, this is before she
01:32:20 23 appears at the return of that subpoena. Was it reported to
01:32:24 24 you on this occasion that she was trying to find - she was
01:32:27 25 actively trying to find ways to get out of representing
01:32:31 26 Mr Orman at this return of subpoena?---It doesn't seem to
01:32:37 27 say that at the bottom.
28
01:32:39 29 It doesn't say it was reported to you, but what I'm trying
01:32:41 30 to understand is whether or not you knew about these
01:32:44 31 discussions she was having about Mr Buick potentially
01:32:47 32 helping, the ACC potentially helping and different ways she
01:32:51 33 could get out of representing Mr Orman at the return of the
01:32:54 34 subpoena?---I just don't recall that.
35
01:32:56 36 Do you recall any conversations about her wanting to get
01:32:58 37 out of representing Mr Orman?---No.
38
01:33:00 39 No, okay. The records show that she actually does go on to
01:33:27 40 represent Mr Orman. It's understood on about six occasions
01:33:32 41 in this - at least three occasions in this particular
01:33:36 42 matter before the committal happens and she doesn't
01:33:39 43 actually appear in the committal or in the trial?---Okay.
44
01:33:44 45 I want to take you to an ICR, this is ICR - - - ?---Can you
01:33:49 46 just - so she is acting for him and then when - - -
47

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01:33:52 1 She does go to court on a number of occasions prior to his
01:33:58 2 ultimate trial?---Yeah.
3
01:34:00 4 But she doesn't appear on his behalf in that trial is what
01:34:03 5 I'm saying to you?---I think you said committal.
6
01:34:05 7 Yeah, and she does some other mentions?---Okay.
8
01:34:08 9 And return of subpoenas and things like that?---Okay.
10
01:34:11 11 In fact the entry I was just taking you to was one of those
01:34:16 12 returns of subpoenas?---Can you just - what's the date of
01:34:18 13 the committal and the trial, if you have it?
14
01:34:20 15 Yes, I'll tell you?---Please.
16
01:34:23 17 It's the following year and I think it's after you've
01:34:25 18 left?---Okay.
19
01:34:26 20 No, sorry, it's just before you leave. It's in mid-March
01:34:31 21 2008 and you leave in April?---That's correct. That's the
01:34:34 22 committal in March, is it?
23
01:34:37 24 March of 2009, that's right. And the trial happens well
01:34:40 25 after you've gone?---Okay.
26
01:34:43 27 There's an ICR 109 and it's [REDACTED] 2007. I'll try and
01:34:50 28 give you a page, the paginated one. It's ICR 109, [REDACTED]
01:35:00 29 [REDACTED] 2007 and it's VPL.2000.0003.2952 and it's at
01:35:09 30 p.2967. We've been talking a little bit about [REDACTED]
01:35:20 31 [REDACTED] sorry, contemplating backing away from his undertaking
01:35:25 32 to assist in Mr Orman's trial, do you agree with
01:35:29 33 that?---His trial and others.
34
01:35:35 35 That's right?---All of them.
36
01:35:36 37 Because he'd implicated a few different people in a few
01:35:41 38 different things?---Yep.
39
01:35:42 40 This entry here, the version that's in front of you is
01:35:45 41 redacted but in any event it says [REDACTED] name in that
01:35:48 42 top redaction and it says, "She has heard that [REDACTED] is
01:35:52 43 really down and is seriously contemplating Purana to get
01:35:56 44 fucked". So at this stage - and I should say down the
01:36:00 45 bottom of this it says, "Advise I will tell Gavan Ryan" and
01:36:05 46 then at the bottom of that entry "verbally disseminated
01:36:08 47 above information to Gavan Ryan", just to put it in

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01:36:11 1 context. It appears that it was reported to you that
01:36:14 2 [REDACTED] is feeling down and is contemplating saying to
01:36:20 3 Purana, "I'm actually not going to assist any more with
01:36:23 4 providing information". That's consistent with your memory
01:36:25 5 of [REDACTED] cooling off at various periods?---Yes.

6
01:36:29 7 Generally because of the asset recovery things that were
01:36:33 8 happening?---Yeah, [REDACTED] was really giving him angst.

9
01:36:38 10 Okay?---It was about, from memory, it was about [REDACTED].

11
01:36:41 12 Yes, all right. Then there's a gap underneath and it says,
01:36:46 13 [REDACTED] is talking about [REDACTED] and get
01:36:50 14 [REDACTED] and not giving evidence against Faruk Orman" is
01:36:56 15 what the entry says. You've said that he was cooling off
01:37:00 16 in relation to a number of individuals but do you remember
01:37:02 17 him specifically cooling off in relation to giving evidence
01:37:06 18 against Faruk Orman?---No, I think it was all in, you know,
01:37:13 19 "I'm not giving evidence, [REDACTED] It's the
01:37:16 20 only card they've got, you know.

21
01:37:18 22 And here though his focus, according to the note, was not
01:37:22 23 assisting with Orman, and I assume that's because at this
01:37:25 24 stage there were preparations being made for a committal
01:37:28 25 that was happening in a couple of months' time after this,
01:37:32 26 so that appears to have been the pressing matter in his
01:37:35 27 mind because that's the person he's talking about not
01:37:38 28 assisting in relation to?---Yes.

29
01:37:47 30 At the bottom of the page Gobbo says - sorry, not bottom of
01:37:49 31 the page, it says, "She thinks", so this is in that same
01:37:53 32 box and it's about five lines up, do you see the line "she
01:37:58 33 thinks"?---Yes.

34
01:37:59 35 "She thinks that he needs a Purana visit", and here she's
01:38:05 36 talking about [REDACTED] "to put him straight otherwise
01:38:09 37 he's going to give it all in"?---M'hmm.

38
01:38:12 39 You accept that what's happening here is Ms Gobbo is
01:38:14 40 telling her handler that Purana need to go out and get
01:38:19 41 [REDACTED] put straight otherwise he's not going to assist
01:38:22 42 with Mr Orman?---I accepted that's what she's saying but I
01:38:26 43 also point out it's something that's been going on for many
01:38:30 44 months. We already know but I accept that she's saying
01:38:33 45 that, yes.

46
01:38:34 47 You've known for a number of months that he's on again, off

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01:38:39 1 again about assisting?---Yeah. Yeah, we had you know - - -
2
01:38:43 3 Here this is slightly different I'd suggest, unless there's
01:38:47 4 other examples that you're aware of, here she's saying,
01:38:52 5 "Here's what you, Victoria Police, need to do to get
01:38:55 6 [REDACTED] in a position where he will get in the witness
01:38:58 7 box against Faruk Orman", do you accept that's what she's
01:39:03 8 saying here, he needs a visit?---Yes, I accept that.
9
01:39:06 10 And she's taking an active step by telling Victoria
01:39:09 11 Police?---Yes.
12
01:39:10 13 Here's what you've got to do with [REDACTED] ---Yes, but
01:39:13 14 it's - and I've got to stress, this is an ongoing process.
01:39:17 15 That - - -
16
01:39:17 17 I understand?---- - - witnesses who are rolling over
01:39:22 18 against other crooks, if I can put it that way.
19
01:39:27 20 Yes?---In my experience they all, it's a common thing and
01:39:30 21 we baby them through it.
22
01:39:31 23 I understand that they need to be taken through the process
01:39:34 24 and there's times they might be a bit warmer and times they
01:39:40 25 might be a bit cooler?---Yes.
26
01:39:43 27 What I'm asking is on this particular there's an unusual
01:39:46 28 aspect to this. Firstly, at this stage Ms Gobbo is acting
01:39:50 29 for Mr Orman, firstly, you accept that, we've already been
01:39:55 30 through that?---Yeah, yeah.
31
01:39:57 32 You accept that Victoria Police, in fact particularly you,
01:39:59 33 knew that she was acting for Mr Orman at this stage?---Yes.
34
01:40:02 35 And that what she's doing here is telling Victoria Police
01:40:06 36 how to encourage a witness to give evidence against her
01:40:10 37 client Mr Orman?---I accept that she's telling us that,
01:40:13 38 yes.
39
01:40:17 40 Do you have a recollection of her doing that?---No.
41
01:40:22 42 It's a pretty significant thing to occur given her
01:40:27 43 relationship with [REDACTED] and Mr Orman?---You get
01:40:31 44 barristers from time to time - you know, have clients that
01:40:37 45 there's interaction with the barrister and the client and
01:40:41 46 then the barrister or the solicitor would ring you and say,
01:40:46 47 "He or she's having second thoughts". It is important,

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01:40:50 1 there's no doubt about that. But it's not totally unusual,
01:40:56 2 if I could put it that way.
3
01:40:57 4 I'm hoping the answer is that this was pretty unusual and I
01:41:01 5 put it to you that it was unusual because here she was
01:41:06 6 telling Victoria Police, "This is how you get a witness to
01:41:11 7 give evidence against my client to implicate him in this
01:41:14 8 crime". It's not the usual situation, is it?--Well it is
01:41:19 9 to me because it's just part of the day-to-day dealing with
01:41:23 10 crooks, witnesses, barristers, all the information that
01:41:27 11 comes in.
12
01:41:29 13 Even when - so is it unusual to you that a barrister would
01:41:35 14 say someone who is going to be the star witness, and in
01:41:40 15 fact really the only witness of note in that proceeding,
01:41:43 16 I'll suggest ultimately, is cooling off, "Me", the
01:41:50 17 barrister, "I'm going to give you advice about how to get
01:41:53 18 that witness to implicate my client, Faruk Orman", that's
01:41:57 19 an extraordinary situation, isn't it?--No, it's just a
01:42:01 20 common sense thing, isn't it?
21
01:42:05 22 Well - - - ?--To me it is. I mean I'm the one that has to
01:42:08 23 make decisions as to whether people are going to go out to
01:42:11 24 see him or not or talk to him on the phone or whatever.
01:42:15 25 You know, it's not unusual.
26
01:42:18 27 Just on the question of whether or not it's unusual. Is it
01:42:21 28 not unusual in your experience, or is it unusual in your
01:42:26 29 experience that a practising barrister representing a
01:42:29 30 person would say to Victoria Police, "Here's how to marshal
01:42:33 31 the best evidence against that person I'm acting
01:42:37 32 for"?--That's unusual, yes.
33
01:42:39 34 That's precisely what's happening here?--No. What I'm -
01:42:43 35 the way I read it is she's looking after [REDACTED] interests,
01:42:47 36 otherwise he gets resentenced.
37
01:42:49 38 She's acting for Faruk Orman?--Yes, but that's the way I
01:42:52 39 read it.
40
01:42:54 41 How could she possibly do both?--Better ask her I think.
42
01:43:00 43 So this didn't raise an eyebrow with you when you were - -
01:43:06 44 - ?--It's telling me something I already know, okay. I've
01:43:10 45 said that quite a few times.
46
01:43:11 47 So she is - the fact that she is saying, "This is how you

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01:43:16 1 need to fire up [REDACTED] against my client", had she done
01:43:23 2 that on a number of occasions?---Well I couldn't go visit
01:43:27 3 him at a house, he's in gaol, so you either go out there or
01:43:30 4 you contact him on the phone somehow.
5
01:43:31 6 Were there more than this occasion, the one that's recorded
01:43:33 7 here, when Nicola Gobbo said, "This is how you need to
01:43:38 8 encourage [REDACTED] to stick to his statement and give
01:43:40 9 evidence against Faruk Orman"? Was this the only occasion
01:43:43 10 or were there other occasions when Nicola Gobbo - - -
01:43:47 11 ?---No, we're dealing - in relation to Gobbo, as far as I'm
01:43:49 12 aware, this is the only time. Our interaction with him is
01:43:54 13 ongoing all the time right up to all the various trials
01:43:57 14 that he has.
15
01:43:59 16 And clearly so was hers, her involvement with both [REDACTED]
01:44:03 17 [REDACTED] Mr Orman was ongoing throughout this period?---If you
01:44:09 18 read that, yes, that's what I've said.
19
01:44:12 20 You don't view this as an extraordinary set of
01:44:14 21 circumstances?---No, no.
22
01:44:15 23 Despite the fact that she's about - or she is representing
01:44:20 24 Faruk Orman to your knowledge at this stage?---Yes.
25
01:44:23 26 Right?---[REDACTED] has been sentenced. If he gets - - -
27
01:44:29 28 He'll be resentenced though, won't he, if he - - - ?---Yes,
01:44:31 29 exactly, that's the point I'm heading to, yes.
01:44:35 30
01:44:42 31 Do you accept that someone in Mr Orman's circumstances is
01:44:49 32 not being fairly dealt with by the system?---You could view
01:44:52 33 that, yes.
34
01:44:53 35 It's inevitable, isn't it? He's clearly not being dealt
01:44:57 36 with fairly by the system where his own barrister - - -
01:45:00 37 ?---This is a hindsight thing, okay.
38
01:45:02 39 No, I'm talking about at the time?---Okay. Well at the
01:45:06 40 time - can you just repeat the question, please?
41
01:45:09 42 Did it occur to you, when this information was being shared
01:45:12 43 with you, that Gobbo was explaining to police how to get
01:45:14 44 [REDACTED] to get into the witness box, that he needed
01:45:20 45 encouragement to get into the witness box by Purana. Did
01:45:24 46 it occur to you at that stage that Orman was not going to
01:45:26 47 be dealt with fairly in the justice system?---I don't

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01:45:29 1 recall.
2
01:45:33 3 Now let's talk about in hindsight?---In hindsight, yes, of
01:45:37 4 course.
5
01:45:42 6 That's been described by - well, firstly, there was
01:45:47 7 submissions made to the court - well, firstly, you're aware
01:45:52 8 that a number of weeks ago Mr Orman was acquitted by the
01:45:57 9 Court of Appeal?---Was he acquitted?
10
01:46:02 11 He was sitting in court yesterday?---Yeah, I know, but was
01:46:08 12 it an acquittal?
13
01:46:10 14 Yes?---Yes.
15
01:46:13 16 Do you know the way that came about is the Director of
01:46:16 17 Public Prosecutions actually conceded that that is what
01:46:17 18 should occur in the case?---Yes.
19
01:46:19 20 Did you read that in the paper?---No, I had the judgment
01:46:22 21 briefly read to me by the lawyers.
22
01:46:24 23 By Corrs, yes?---Yes. Like a summary.
24
01:46:27 25 I understand, yes. There's a document that was - well,
01:46:35 26 firstly in the decision of the judge who sentenced
01:46:39 27 Mr Orman - so this occurred on [REDACTED] 2009, so you've
01:46:44 28 well and truly gone to the AFP by then?---M'hmm.
29
01:46:48 30 He's sentenced to 20 years' imprisonment with a non-parole
01:46:52 31 period of 14 years. The sentencing judge said, "The case
01:46:56 32 against you, Orman, depended heavily upon the evidence of
01:47:00 33 [REDACTED] a long time drug dealer and [REDACTED].
01:47:06 34 [REDACTED] made a number of statements to police implicating
01:47:10 35 various individuals in what might be described as gangland
01:47:14 36 killings. One such statement related to the murder of
01:47:17 37 [REDACTED]. It's not necessary for me to set out in
01:47:21 38 detail the evidence that [REDACTED] gave at your trial. Put
01:47:24 39 simply he described how", and then he explains what [REDACTED]
01:47:25 40 [REDACTED] says about what Orman apparently said him about the
01:47:30 41 murder of [REDACTED]. Focusing on that first part of
01:47:35 42 it, the case against Orman did indeed depend heavily on
01:47:39 43 [REDACTED] evidence, that's your recollection?---Yes.
44
01:47:41 45 In fact he wasn't charged and no official action had been
01:47:45 46 taken until [REDACTED] said, "All right, I'm going to sign
01:47:48 47 the statement and it was after that that he was

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01:47:49 1 arrested?---Correct.
2
01:47:55 3 Indeed, that's consistent with what you were told about
01:48:00 4 what his defence was going to be, which what you say is we
01:48:04 5 already knew what his defence would be because it was
01:48:06 6 obvious, that when Nicola Gobbo told the handlers the
01:48:09 7 defence would be, "We are not there"?---Yes.
8
01:48:14 9 In the submissions that the Director of Public Prosecutions
01:48:19 10 recently made to the Court of Appeal, and I think we might
01:48:24 11 have a copy of the public version of that document, the
01:48:31 12 Director says to the Court of Appeal when she was engaged
13 to act on behalf of the appellant, this is at paragraph 60
14 of the document that's on the screen - that can be on
01:48:32 15 everyone's screen - "At the time when she was engaged to
01:48:36 16 act on behalf of the appellant on [REDACTED]", so paragraph
01:48:51 17 60, "2007 Ms Gobbo improperly took active steps to ensure
01:49:00 18 that [REDACTED] or that that person who was a principal
01:49:06 19 Crown witness, gave evidence against the appellant. This
01:49:10 20 conduct forms the basis of the Crown concession". So what
01:49:13 21 is being explained there is that there were active steps
01:49:17 22 being taken by Ms Gobbo to ensure that [REDACTED] would give
01:49:20 23 evidence against her client Mr Orman, do you understand
01:49:23 24 that that's what the Director is saying there?---I haven't
01:49:26 25 got it up on the screen yet.
26
01:49:29 27 COMMISSIONER: It's the wrong document that's up. It's the
01:49:31 28 court's judgment not - - -
01:49:34 29
01:49:34 30 MR WOODS: There's another document that's got redactions
01:49:36 31 through it that should be in the same bundle and it's a
01:49:39 32 submission that's made by the Director of Public
33 Prosecutions.
34
01:49:41 35 COMMISSIONER: Are you saying it's paragraph 60?
01:49:44 36
01:49:45 37 MR WOODS: "Respondent's position on the matter." If you
01:49:46 38 can just scroll up. So footnote 45, the page on which
01:50:23 39 footnote 45 is. Keep going. What I've been taking you to
01:50:23 40 there, so paragraph 60, "At the time when she was engaged",
01:50:23 41 that's the bit that I was reading to you there. "She
01:50:23 42 improperly took active steps." Putting improperly to one
01:50:23 43 side. You were aware of the active steps she took to
01:50:23 44 ensure that [REDACTED] would give evidence against her
01:50:25 45 because I just took you to that ICR, do you accept
01:50:28 46 that?---Yes.
01:50:29 47

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01:50:29 1 You see there that what the Director says about it is that
01:50:32 2 what Ms Gobbo did in that regard was improper, do you see
01:50:36 3 that, "Improperly took steps"?---Yes.
01:50:38 4
01:50:41 5 Then at paragraph 61, what the Director says to the Court
01:50:45 6 of Appeal is, "As a result of Ms Gobbo's conduct on [REDACTED]
01:50:49 7 [REDACTED] 2007 there was a substantial miscarriage of
01:50:54 8 justice within the meaning", it refers to the section of
01:50:59 9 the Act and says, "The Crown's submission is that the
01:51:05 10 appeal must therefore be allowed". So you see that what's
01:51:09 11 conceded there by the Director is that there's a
01:51:12 12 substantial miscarriage of justice?---Yes, yes.
01:51:15 13
01:51:15 14 The ICR and the date that is referred to there are in fact
01:51:18 15 the information in the information report, sorry, the ICR
01:51:23 16 109 that I took you to a moment ago, where she's saying
01:51:28 17 Purana need to go out and encourage [REDACTED], do you
01:51:31 18 accept that?---Yes.
01:51:31 19
01:51:32 20 Then in the judgment of the Court of Appeal which was the
01:51:34 21 other document which was taken out a little while ago, if
01:51:38 22 it could be put back up on the screen, the Court of Appeal
01:51:43 23 say, "On the facts as conceded", the Court of Appeal is
01:51:47 24 picking up there what the direct Director of Public
01:51:51 25 Prosecutions has conceded. "Ms Gobbo's conduct subverted
01:51:55 26 Mr Orman's right to a fair trial and went to the very
01:51:58 27 foundations of the systems of criminal trial. There was
01:52:02 28 accordingly a substantial miscarriage of justice and the
01:52:08 29 appeal must therefore be allowed." Focusing on those
01:52:12 30 active steps, scroll down, it's the paragraph beginning "on
01:52:19 31 the facts as conceded". Keep going, it's quite a way down.
01:52:30 32 "On the facts as conceded", now that's picking up the
01:52:33 33 paragraph, as I understand it, of what the Director has
01:52:38 34 said. Now, you've given evidence that you knew that Gobbo
01:52:43 35 had acted for [REDACTED]?---Yes.
01:52:46 36
01:52:46 37 Do you agree with that? You knew that at the time of this
01:52:51 38 ICR on [REDACTED] 2007 that she was acting for
01:52:56 39 Mr Orman?---Yes.
01:52:57 40
01:52:57 41 You knew that the case against Mr Orman relied almost
01:53:02 42 entirely on the evidence of [REDACTED]?---Yes.
01:53:05 43
01:53:05 44 And you knew, because it was explained to you by the
01:53:09 45 handler, that she was taking active steps to get Victoria
01:53:13 46 Police to encourage [REDACTED] to give evidence against her
01:53:16 47 client Mr Orman?---That's the way it reads, yes.

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01:53:21 1
01:53:21 2 So in that situation you'd accept that someone in Orman's
01:53:24 3 situation is not provided with a fair trial?---I have to,
01:53:27 4 it's the Supreme Court.
01:53:28 5
01:53:29 6 Yes. And as you sit here now, do you regret not doing
01:53:36 7 something about the information that was given to you on [REDACTED]
01:53:39 8 [REDACTED] 2007?---Well I probably did. Um, I don't know if
01:53:44 9 someone went out to visit him or not. I see what you mean.
01:53:48 10
01:53:48 11 To stop the situation?---Oh okay. Um, hindsight's a
01:53:53 12 wonderful thing.
01:53:54 13
01:53:54 14 It is a wonderful thing but I'll ask for an answer anyway.
01:54:00 15 Given that there's been a finding of a substantial
01:54:03 16 miscarriage of justice on the very things - - - ?---Yes, I
01:54:07 17 would agree with that. You have to - always taught to
01:54:12 18 respect the courts and that's it.
01:54:13 19
01:54:14 20 They are all the questions I have.
01:54:15 21
01:54:15 22 COMMISSIONER: Do you want to tender the submissions and
01:54:17 23 the judgment?
01:54:18 24
01:54:18 25 MR WOODS: Yes, I do.
01:54:20 26
01:54:21 27 #EXHIBIT RC333 - DPP submissions to the Court of Appeal in
28 Mr Orman's appeal.
01:54:24 29
01:54:25 30 #EXHIBIT RC334 - Court of Appeal decision in Mr Orman's
01:54:28 31 case.
01:54:28 32
01:54:29 33 COMMISSIONER: Just before we take a mid-morning break,
01:54:31 34 could I just ask you a couple of questions. You were asked
01:54:34 35 yesterday about your discussions with Mr Horgan about
01:54:39 36 Nicola Gobbo and her role and so forth. Could I just get
01:54:43 37 you to clarify: did you recall ever telling Mr Horgan or
01:54:47 38 anybody else at the OPP or the DPP that Nicola Gobbo was a
01:54:51 39 police informer?---No, never told him.
01:54:53 40
01:54:54 41 Never told anyone that?---No.
01:54:55 42
01:54:55 43 Did you ever give information to anybody at the OPP or the
01:54:59 44 DPP which tended to show that she was a police
01:55:03 45 informer?---No.
01:55:05 46
01:55:06 47 Did you ever have any discussion with Mr Horgan or anybody

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01:55:09 1 else at the OPP or the DPP about Nicola Gobbo's conflicts
01:55:15 2 of interest, about your concerns about her conflicts of
01:55:22 3 interest?---I don't recall any specific, um - I may have, I
01:55:30 4 just can't recall that.

01:55:31 5
01:55:31 6 I understand that. It's a long time ago. You can't
01:55:34 7 recall, there may have been an instance?---There may have
01:55:38 8 been, particularly early, you know, because she seemed to
01:55:41 9 be representing all the crooks, [REDACTED] you know, and
01:55:46 10 we were working to get [REDACTED] to roll, so you know, it was a
01:55:54 11 situation where I didn't like her personally having access
01:55:58 12 to the [REDACTED] as potentially representing them but, no, I
01:56:08 13 certainly didn't, I can't recall any specific occasions of
01:56:12 14 telling him, you know, "She's got a conflict of interest".
01:56:16 15 At court, I could just point out, he would know whether
01:56:20 16 she's got conflicts of interest with various clients.

01:56:24 17
01:56:24 18 He being?---The OPP, because they go to court and they see
01:56:31 19 who the opposition are.

01:56:32 20
01:56:32 21 I see?---They know that that person's been involved with [REDACTED]
01:56:37 22 [REDACTED] whatever, you know.

01:56:39 23
01:56:39 24 Thank you.

01:56:40 25
01:56:40 26 MR WOODS: Just before we break I might just ask another
01:56:42 27 question about that. Was there a deliberate decision made
01:56:45 28 by Victoria Police not to tell members of the OPP about her
01:56:52 29 status as an informer?---Yes, you just don't declare it to
01:56:57 30 anyone. As few people as possible.

01:56:59 31
01:56:59 32 Do you remember that decision being made or are you keeping
01:57:03 33 that information to yourself?---It's taught to you, you
01:57:05 34 know, you never declare to anyone who's an informer because
01:57:09 35 then it places that person in jeopardy.

01:57:12 36
01:57:12 37 Was it discussed amongst any of you that it might be the
01:57:15 38 fact that they really should know about her status as an
01:57:18 39 informer given her significant involvement in these
01:57:22 40 things?---Not that I recall.

01:57:24 41
01:57:25 42 Was it told to the OPP by Victoria Police about what
01:57:29 43 Ms Gobbo's involvement in the taking of statements from [REDACTED]
01:57:33 44 [REDACTED] had been?---I'd say that - I don't know. Sergeant
01:57:43 45 Bateson - Commander Bateson may know.

01:57:48 46
01:57:49 47 Was the decision - you say that as a matter of course it

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01:57:53 1 was the case that they wouldn't be told because she's a
01:57:58 2 human source, was it in part also because the reputation of
01:58:02 3 Victoria Police had to be protected?---No, you just don't,
01:58:05 4 you don't declare a human source to anyone unless you have,
01:58:11 5 you know, really have to.
01:58:13 6
01:58:14 7 If the prosecutors don't know how does it happen that a
01:58:18 8 claim of public interest immunity can be properly
01:58:20 9 ventilated by the parties in the court and then decided by
01:58:24 10 the court?---I'm a bit lost on that one.
01:58:27 11
01:58:27 12 You know what a claim of public interest immunity
01:58:29 13 is?---Yep.
01:58:30 14
01:58:30 15 It's typically made in a situation where there's a human
01:58:32 16 source?---Yeah.
01:58:33 17
01:58:34 18 And the identity of that human source needs to be
01:58:36 19 protected?---Yeah.
01:58:37 20
01:58:37 21 And police will make that claim?---Yeah.
01:58:39 22
01:58:39 23 If it's the case that the prosecutors aren't told and don't
01:58:44 24 know, you'd accept that there's a difficulty in properly
01:58:47 25 ventilating that argument in court if they don't know that
01:58:51 26 there is a human source or who the human source is?---Um,
01:58:59 27 well they're never told to my experience, any prosecutors
01:59:03 28 are told any human source's identity.
01:59:08 29
01:59:08 30 Identity, I understand that?---And I'm a bit lost as to why
01:59:13 31 it's a problem.
01:59:14 32
01:59:14 33 I understand the identity is something that might be kept
01:59:18 34 in a general sense from the prosecutors?---Yeah.
01:59:20 35
01:59:20 36 What about the provenance, the actual information that's
01:59:24 37 being provided by that source, are prosecutors told that
01:59:27 38 typically in your experience?---No, no.
01:59:29 39
01:59:29 40 The fact it came from a source and who the source is are
01:59:32 41 completely kept from the prosecution?---Correct.
01:59:35 42
01:59:37 43 Are you aware of the decision not to tell anyone at the OPP
01:59:42 44 being discussed with anyone above you in the hierarchy of
01:59:46 45 Victoria Police?---No, no. It's how you're taught. You're
01:59:50 46 taught not to disclose, ever disclose a human source's
01:59:56 47 identity.

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01:59:56 1
01:59:57 2 This was a pretty different human source to the usual human
02:00:00 3 source?---I understand that.
02:00:00 4
02:00:01 5 That rule applied to her just as it did anyone
02:00:03 6 else?---Correct, yes.
02:00:05 7
02:00:09 8 Do you know whether legal advice was ever, the possibility
02:00:12 9 of getting legal advice was ever discussed in relation to -
02:00:16 10 - - ?---No, I don't.
02:00:17 11
02:00:18 12 - - - disclosing?---I don't know, I never got any.
02:00:22 13
02:00:23 14 Was that something that ever concerned you?---No.
02:00:26 15
02:00:27 16 Thank you, Commissioner.
02:00:28 17
02:00:28 18 COMMISSIONER: Yes, we'll have a ten minute break now.
02:01:07 19
02:01:08 20 (Short adjournment.)
02:01:08 21
02:01:08 22 COMMISSIONER: Mr Holt.
02:01:08 23
02:22:54 24 MR HOLT: Commissioner, can I raise an issue I've just
02:22:57 25 raised briefly with our learned friends. This morning for
02:23:00 26 the first time in the Royal Commission a reference was made
02:23:01 27 to material that was given in the course of [REDACTED]
02:23:05 28 [REDACTED] hearing.
02:23:05 29
02:23:05 30 COMMISSIONER: Yes.
02:23:05 31
02:23:05 32 MR HOLT: I ought to have raised it at the time but didn't
02:23:08 33 and have looked in the break. [REDACTED]
02:23:11 34 [REDACTED]
02:23:14 35 [REDACTED]
02:23:18 36 [REDACTED]
02:23:21 37 [REDACTED]
02:23:24 38 [REDACTED]
02:23:27 39 [REDACTED]
02:23:31 40 [REDACTED]
02:23:33 41 [REDACTED]
02:23:37 42 [REDACTED]
02:23:42 43 [REDACTED]
02:23:44 44 [REDACTED]
02:23:46 45 [REDACTED]
02:23:47 46 [REDACTED]
02:23:50 47 [REDACTED]

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02:23:53 1
02:23:56 2
02:24:00 3
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02:24:10 5
02:24:10 6
02:24:13 7
02:24:19 8
02:24:28 9
02:24:34 10
02:24:38 11
02:24:38 12
02:24:41 13
02:24:44 14
02:24:44 15
02:24:44 16
02:24:46 17
02:24:47 18
02:24:47 19
02:24:50 20
02:24:52 21
02:24:52 22
02:24:53 23
02:24:54 24
02:24:58 25
02:24:59 26
02:25:01 27
02:25:05 28
02:25:11 29
02:25:14 30
02:25:23 31
02:25:23 32
02:25:14 33
02:25:27 34
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02:25:42 44
02:25:44 45
46
47

[REDACTED]

COMMISSIONER: I'm satisfied that the following order should be made: there be no publication of any material concerning [REDACTED]

MR HOLT: And any evidence given in respect to that, or the content of that, Commissioner, just for the avoidance of any doubt.

COMMISSIONER: And any evidence given as to the content of that document.

MR HOLT: Thank you, Commissioner, and we'll undertake to deal with that as quickly as we can.

COMMISSIONER: Yes, thank you.

MR WOODS: We'll liaise with Victoria Police about that issue. Just one matter of housekeeping, don't worry, there aren't more questions from me. There's a handwritten note of Ms Gobbo's that I referred to yesterday that I didn't tender, I just want to do so now. It's the Gobbo handwritten note of 13 July 2004, the number is MIN.0001.0021.0260.

Exhibit RC335 - Gobbo handwritten note 13/7/04,
MIN.0001.0021.0260

COMMISSIONER: That can be published forthwith?

MR WOODS: We might show it to Ms Gobbo's team in the meantime and see, yes.

COMMISSIONER: Yes Mr Nathwani.

<CROSS-EXAMINED BY MR NATHWANI:

Commissioner, given we're in closed court I intend to deal with those matters first.

COMMISSIONER: Sure.

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1
02:25:47 2 MR NATHWANI: Mr Ryan, just as a starting point, do you
02:25:52 3 accept you, and by that I mean you and Purana, were
02:25:56 4 prepared to target privileged information from
02:25:58 5 Ms Gobbo?---No.
02:25:59 6
02:26:00 7 Do you accept as far as conflicts are concerned you at
02:26:06 8 Purana were not particularly troubled by it?---It's, it's
02:26:16 9 hard to answer that because you sit there and you don't
02:26:21 10 know who she is appearing for at court, et cetera. I'm
02:26:25 11 answering for myself here. So it's really difficult for me
02:26:33 12 to answer that. I don't think there's an obvious yes or
02:26:36 13 no.
02:26:37 14
02:26:38 15 Let's use Mr Orman as an example. Just before the break
02:26:42 16 you were giving evidence about how you received information
02:26:45 17 that you accept was privileged?---Well I, I - did the court
02:26:54 18 rule that it was privileged?
02:26:56 19
02:26:56 20 There was a discussion about tactics in relation to
02:26:58 21 Mr Orman's committal process?---Yes, yes, I accept now,
02:27:04 22 yes.
02:27:04 23
02:27:04 24 And then later in time you received information relating to
02:27:09 25 [REDACTED]?---Yes. Are you talking about him being upset?
02:27:14 26
02:27:15 27 Quite, yes?---Yes, okay. Is that, are you saying that's
02:27:19 28 privileged?
02:27:19 29
02:27:20 30 No, that's a conflict issue?---A conflict, yeah, okay.
02:27:22 31
02:27:23 32 We've those two issues. Prior to the Court of Appeal
02:27:27 33 overturning Mr Orman's conviction a couple of weeks ago, it
02:27:31 34 may have been more, did you have any concerns about the
02:27:32 35 validity of his conviction?---No, no.
02:27:36 36
02:27:37 37 And is that indicative of the attitude of Purana at the
02:27:41 38 time?---No.
02:27:45 39
02:27:46 40 Just you?---I'm just a bit confused. Can you ask that
02:27:51 41 again?
02:27:52 42
02:27:52 43 Of course. The Court of Appeal in effect said there was a
02:27:56 44 miscarriage of justice as far as Faruk Orman was
02:28:00 45 concerned?---Yes.
02:28:00 46
02:28:00 47 Because his barrister Ms Gobbo was appearing for or had

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02:28:04 1 interest in [REDACTED] whilst also representing
02:28:07 2 Orman?---Yes.
02:28:09 3
02:28:11 4 The Court of Appeal rightly concluded of course that
02:28:15 5 amounted to a miscarriage of justice. Prior to that, prior
02:28:18 6 to his conviction being overturned, did you have any
02:28:21 7 problems given you were armed with the information you did
02:28:25 8 about Mr Orman's conviction?---No.
02:28:28 9
02:28:33 10 Can we bring up, please, Mr Bateson's time line because I
02:28:37 11 know at times through evidence you have said you can't
02:28:40 12 remember certain things and you questioned time lines. I
02:28:43 13 just to briefly go through relevant events. That's the
02:28:49 14 first page of his chronology. You've seen his chronology,
02:28:52 15 haven't you?---I've seen the first three or four pages I
02:28:55 16 think I said.
02:28:56 17
02:28:56 18 I'll hopefully take you through the key areas. There isn't
02:28:59 19 an entry on there, but Mr Bateson's evidence was on [REDACTED]
02:29:04 20 2003 Nicola Gobbo and Mr Magazis, a solicitor, went to
02:29:09 21 Mr Bateson with [REDACTED] and his evidence was there was
02:29:13 22 already discussions about [REDACTED] potentially assisting
02:29:16 23 Bateson, were you aware of that?---Which date was it again,
02:29:19 24 please?
02:29:19 25
02:29:20 26 [REDACTED] 2003?---It's not on here.
02:29:22 27
02:29:22 28 No, no, that's what I said?---Okay.
02:29:24 29
02:29:26 30 Turn over to - - - ?---Which witness was it again, sorry?
02:29:29 31
02:29:29 32 [REDACTED] okay.
02:29:31 33
02:29:33 34 Key events, so we turn over to p.2, [REDACTED] at the top,
02:29:38 35 murder of [REDACTED]?---Yes.
02:29:40 36
02:29:42 37 You'd agree there was substantial evidence against [REDACTED] I
02:29:46 38 think that should be [REDACTED] including listening device
02:29:49 39 recording them committing the murder, yes?---Yes.
02:29:51 40
02:29:52 41 You've then given evidence in line with the next box really
02:29:56 42 about [REDACTED] almost immediately trying to assist the
02:30:02 43 police and I think you gave evidence about him drawing
02:30:05 44 "CW"?---Yes.
02:30:06 45
02:30:08 46 If we follow it through then, at the bottom of that page,
02:30:12 47 [REDACTED] 2003, 464B application for [REDACTED] where he

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02:30:19 1 was questioned and gave some relevant information as far as
02:30:23 2 the investigation was concerned, does that ring any
02:30:26 3 bells?---I think it was referred to earlier in the
02:30:28 4 hearings.

02:30:29 5
02:30:29 6 Yes?---Yes.

02:30:30 7
02:30:30 8 So if we turn then please to p.4, [REDACTED] 2004. Do you
02:30:47 9 see it says, "Whilst at court spoke to Gobbo", this is
02:30:50 10 Mr Bateson's notes, "Pains to point out she would not
02:30:54 11 declare confidential communication to Carl Williams or
02:30:57 12 anyone else", do you see that?---I had I assume.

02:31:04 13
02:31:04 14 Sorry, what was that?---It's blacked out I think.

02:31:08 15
02:31:10 16 The entry - - - ?---[REDACTED] is it?

02:31:12 17
02:31:13 18 Yes. I've got a redacted version. It reads that,
02:31:18 19 "Ms Gobbo indicated she would not declare confidential
02:31:22 20 communication to Carl Williams and the next step would be
02:31:25 21 for [REDACTED] to compile a can-say". Pausing there, at
02:31:30 22 that stage, because your evidence earlier was that
02:31:33 23 obviously she was part of the Williams/Mokbel crew as far
02:31:39 24 as you were concerned, do you agree?---Early days, yes.

02:31:42 25
02:31:42 26 There appears to be assisting [REDACTED] in rolling?---Yes.

02:31:48 27
02:31:50 28 No concerns as far as you were concerned, using your memory
02:31:53 29 about conflict at that stage?---I'm not sure where the
02:31:56 30 conflict would be.

02:31:57 31
02:31:57 32 Okay. Let's keep going through. Bottom entry?---This is
02:32:01 33 [REDACTED] is it?

02:32:02 34
02:32:02 35 Yes. The key through all of these, we'll go through them,
02:32:08 36 [REDACTED] At the bottom 25 March, meeting with
02:32:14 37 OPP, Geoff Horgan, Vaile Anscombe, Boris Buick, you and
02:32:19 38 Andrew Allen and there's a discussion about the lines of
02:32:22 39 communication, do you see that?---Yes.

02:32:23 40
02:32:24 41 Turn over please, p.6. And we'll see 17 May, discussions
02:32:36 42 with the OPP, Horgan, Anscombe, Allen, Swindells, Wilson,
02:32:44 43 so you're there, but it follows, we see the next box, 18
02:32:48 44 May, more with Horgan, DI Allen then. [REDACTED] p.7, we see
02:32:54 45 [REDACTED] is dealt with at [REDACTED] for a different matter,
02:33:00 46 prosecutor Geoff Horgan, do you see that?---Which date,
02:33:03 47 please?

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02:33:03 1 [REDACTED]
02:33:04 2 [REDACTED]?---Yes.
02:33:05 3
02:33:08 4 Last entry, [REDACTED], Mr Bateson's notes, "After hearing
02:33:13 5 spoke to Gobbo, states she was concerned for her own
02:33:17 6 welfare should her role in [REDACTED] plea deal become
02:33:20 7 known. Explained our door was open any time", do you see
02:33:24 8 that?---Yes.
02:33:24 9
02:33:25 10 Were you aware of him in fact making that offer to
02:33:27 11 her?---No, but it's a common thing to say.
02:33:30 12
02:33:31 13 Just moving forward then please, we'll skip forward quite a
02:33:37 14 bit just to follow what's going on with certain people.
02:33:41 15 Page 26. Up to 3 February 2006. In fact just before that,
02:33:53 16 still p.26, top entry, 14 November 2005, "Carl Williams
02:34:03 17 found guilty of the murder of [REDACTED]", do you see
02:34:06 18 that?---Yes.
02:34:06 19
02:34:06 20 This is the sequence. He having been found guilty, we see
02:34:11 21 on 3 February a letter is received by Geoff Horgan from
02:34:15 22 [REDACTED]---Yes.
02:34:17 23
02:34:17 24 That's passed to you?---Yes.
02:34:19 25
02:34:19 26 Causes you to come back and deal with him rolling relating
02:34:23 27 to [REDACTED]?---Yes.
02:34:23 28
02:34:25 29 6 February, "Discussions at the OPP between Overland,
02:34:29 30 Horgan, Coghlan, Anscombe about how to approach [REDACTED]
02:34:35 31 giving evidence for the Crown", do you see that?---Yes.
02:34:38 32
02:34:40 33 8 February, further discussions. "Further approach by
02:34:43 34 [REDACTED] to give evidence for the Crown." You were
02:34:46 35 advised?---Yes.
02:34:47 36
02:34:48 37 "Overland informed"?---Yes.
02:34:50 38
02:34:50 39 "Meeting with Coghlan and Ryan at the OPP", do you see
02:34:55 40 that?---Yes.
02:34:55 41
02:34:58 42 Next page, p.27, see 19 February?---Yes.
02:35:08 43
02:35:11 44 Gobbo contacts certainly Bateson it seems to say that,
02:35:16 45 [REDACTED] had expressed desire to see us re the murders of
02:35:21 46 [REDACTED], [REDACTED], [REDACTED] and the shooting of [REDACTED]
02:35:25 47 [REDACTED] do you see that?---Yes.

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02:35:26 1
02:35:26 2 Next day, meeting OPP with Coghlan, Geoff Horgan again,
02:35:30 3 Mr Overland, you and Mr Kerley, do you see that?---Yes.
02:35:34 4
02:35:36 5 Female, Ms, I'm corrected, Ms Kerley. Let's keep following
02:35:43 6 it through. Page 28, please. 6 March, meeting with the
02:35:53 7 OPP, the Director, Coghlan, Horgan, Overland and yourself
02:35:59 8 present, do you see that?---Yes, and Bateson.
02:36:03 9
02:36:03 10 Yep. It's from his notes actually on the right you'll see
02:36:08 11 where it's come from. ██████████ 2006, plea of ██████████ and
02:36:11 12 you give evidence as to the level and importance of his
02:36:14 13 cooperation, do you agree with that?---Yes.
02:36:19 14
02:36:20 15 12 March. Keep following through about what's going on.
02:36:25 16 Turn now, please, to p.30. 19 April. Meeting with Jim
02:36:43 17 O'Brien and yourself with Stuart Bateson, ██████████ is the
02:36:46 18 discussion and it's agreed between you that "no further
02:36:50 19 approach from us", that's Purana at this stage, "Supply
02:36:53 20 transcript to 3838 with edits and have her approach ██████████
02:36:57 21 ██████████ Do you see that?---Yes.
02:36:59 22
02:37:00 23 Just pausing there. By that stage you would have known she
02:37:03 24 was involved with ██████████?---Sorry? With ██████████, yes.
02:37:09 25
02:37:09 26 She had expressed her concerns at that stage about her
02:37:12 27 safety if it came out about ██████████?---Yes.
02:37:15 28
02:37:15 29 Here we are April 2006, ██████████ who was implicated by
02:37:21 30 ██████████ do you agree?---Yes.
02:37:24 31
02:37:27 32 Is being no longer approached by you, but you're using 3838
02:37:32 33 as a conduit. It doesn't say barrister Gobbo, it says the
02:37:35 34 informer?---Yes, it does.
02:37:36 35
02:37:36 36 So you're using her in her informer capacity, do you agree
02:37:42 37 with that?---No.
02:37:43 38
02:37:43 39 No?---No.
02:37:50 40
02:37:50 41 No. You do agree though at that stage you would have been
02:37:53 42 well aware she had represented ██████████--Yes.
02:37:56 43
02:37:56 44 And her conflict re ██████████ but you were still happy to use her
02:38:00 45 to negotiate with ██████████---I've been through this a bit. We
02:38:03 46 don't pick who represents who.
02:38:07 47

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02:38:07 1 You could easily have spoken to her solicitor, do you
02:38:11 2 agree?---Could easily have - - -
02:38:13 3
02:38:14 4 [REDACTED]'s solicitor and said - or spoken to Gobbo?---I
02:38:18 5 suppose I could have, yes.
02:38:20 6
02:38:20 7 What I'm getting at is at the time, without the benefit of
02:38:24 8 hindsight, Purana didn't care?---No, no, that's not right.
02:38:31 9 I would say where you've got "supply transcript to 3838",
02:38:36 10 when you're writing in a diary you minimise. Instead of
02:38:42 11 Nicola Gobbo you write 3838, it's just shorter.
02:38:45 12
02:38:46 13 Let's keep going. 15 June, "Bateson advised by you that [REDACTED]
02:38:51 14 wants to see Bateson and tell all", do you see
02:38:55 15 that?---Yeah, that comes from the prison system.
02:38:58 16
02:38:59 17 So turn now to p.31, 22 June. We see that [REDACTED] in effect
02:39:08 18 confirms he's willing to sign statements. Bateson has a
02:39:12 19 meeting with Overland and Grant. Then there's a discussion
02:39:16 20 with Gobbo, "Advised her re [REDACTED] he was trying to
02:39:21 21 suggest he tried to stop the murder. Advised he will be
02:39:25 22 meeting with the OPP and promised to get back to her". Do
02:39:28 23 you recall any conversations about not necessarily
02:39:33 24 believing all that [REDACTED] was saying?---I remember there
02:39:38 25 was conversations that happened with [REDACTED] as well where we,
02:39:45 26 when they rolled we thought, when they were going through
02:39:50 27 the process of rolling we thought that they may try and
02:39:53 28 conflict with [REDACTED] to bring it all down.
02:39:58 29
02:39:58 30 I understand?---But that's, I do remember that.
02:40:03 31
02:40:04 32 Next entry, the next day, meeting with the OPP and Bateson,
02:40:09 33 Horgan again and Tinney. Effectively says, "Don't accept
02:40:13 34 that [REDACTED] was a witness of truth". And then spoke to Nicola
02:40:19 35 Gobbo and confirmed the above?---Can I just read it? Yep.
02:40:33 36
02:40:34 37 [REDACTED] we see [REDACTED] pleads guilty?---Yep.
02:40:40 38
02:40:41 39 We'll skip forward a bit?---Is that when he gets sentenced?
02:40:47 40 No, no, probably wouldn't be.
02:40:49 41
02:40:50 42 Slightly later I think he gets sentenced. Page 35, please.
02:41:06 43 See 9 August?---Yep.
02:41:10 44
02:41:10 45 Bateson, Horgan, Van Den Akker attend prison to speak to
02:41:18 46 [REDACTED] do you see that?---Yes.
02:41:19 47

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02:41:20 1 Turn then to p.37. [REDACTED] 2006 we see [REDACTED]
02:41:22 2 sentenced?---Yes.
02:41:25 3
02:41:26 4 So he's sentenced by then. Then jump forward, please, 15
02:41:35 5 January 2007?---Yes.
02:41:41 6
02:41:42 7 Do you see there's an entry where there's discussions about
02:41:46 8 Carl Williams brokering a plea deal?---Yes.
02:41:50 9
02:41:51 10 Then there's mention of Gobbo's contact with [REDACTED]
02:41:56 11 waiving privilege. Judge concerned. Next entry for
02:42:00 12 Mr Bateson, "Clear court. Speaking to Nicola Gobbo re
02:42:03 13 [REDACTED] has raised concerns about her safety because of
02:42:06 14 the release of statements", do you see that?---Yes.
02:42:09 15
02:42:09 16 And then finally this entry, 28 February 2007, which I
02:42:14 17 imagine you remember quite clearly?---Sorry, what date is
02:42:18 18 it?
02:42:18 19
02:42:19 20 28 February 2007?---Yeah, I remember that.
02:42:24 21
02:42:24 22 Significant moment for Purana, do you agree?---Yes.
02:42:28 23
02:42:31 24 That's Carl Williams pleads guilty to several murders and
02:42:37 25 was there a party of some kind that evening?---Um, I think
02:42:45 26 it was not in the evening, I think they went to the
02:42:50 27 Metropol, which is just near the courts, for lunch.
02:42:56 28
02:42:58 29 What involvement did Nicola Gobbo have in the conviction or
02:43:01 30 the pleas of Carl Williams?---Well it goes back to [REDACTED]
02:43:11 31 [REDACTED] it goes back to the beginning of the LD in the car,
02:43:17 32 the overwhelming evidence. That causes an effect, like a
02:43:27 33 moss rolling downhill, of people thinking, "Hang on, I've
02:43:31 34 got, got to make a choice here, you know, I'm going to go
02:43:36 35 away for a long time or I'm going to go away for a slightly
02:43:39 36 lesser time".
02:43:40 37
02:43:40 38 What did Ms Gobbo have?---Sorry?
02:43:43 39
02:43:43 40 What did Ms Gobbo do as far as that's concerned?---I know
02:43:47 41 she assisted with [REDACTED] and I think she represented [REDACTED] or was
02:43:50 42 part of the representation team if I could put it that way.
02:43:53 43
02:43:53 44 And [REDACTED] as well?---Sorry, I said [REDACTED] did I say [REDACTED]
02:43:58 45
02:43:58 46 Yes?---No, [REDACTED]
02:44:03 47

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02:44:03 1 Do you agree you wanted to congratulate her for the success
02:44:06 2 of Williams pleading guilty?---It would be a general -
02:44:13 3 everyone was happy I think.
02:44:15 4
02:44:15 5 But why her?---I assume - did I tell her that we were happy
02:44:21 6 or something? I don't recall.
02:44:23 7
02:44:24 8 See this goes, I would suggest, to the conflict point. You
02:44:27 9 knew she was involved in [REDACTED] and had no issue with
02:44:32 10 it?--[REDACTED] um, I'm not sure about [REDACTED]
02:44:41 11
02:44:41 12 There's an entry in an ICR?---Okay.
02:44:44 13
02:44:45 14 The ICR is at p.664, it's ICR 68 of the 3838. It's 664.
02:45:08 15 VPL number is 2250. Do you see at the top at 7.45, this is
02:45:36 16 28 February, the day he pleads guilty, that's Carl
02:45:39 17 Williams, you've called the handler Anderson?---Sorry.
02:45:42 18
02:45:43 19 And you've asked him to pass on a message that you weren't
02:45:45 20 able to approach her, Gobbo it reads as, at the Metro
02:45:50 21 Hotel, which is consistent with your memory, but wanted to
02:45:53 22 include 3838 in the success of the Williams'
02:45:57 23 result?---Okay. Where is it?
02:46:00 24
02:46:01 25 At the top. 7.45, or 19:45?---19:45, okay. Sorry. Yes, I
02:46:16 26 must have made that call.
02:46:19 27
02:46:19 28 And that's because, as I put to you a couple of times, you
02:46:24 29 knew she was, as far as you were concerned, instrumental in
02:46:27 30 [REDACTED] rolling?---No, she was part of it. There's no
02:46:32 31 problem with that. I don't dispute that in any way, shape
02:46:36 32 or form but the key was the initial arrests.
02:46:40 33
02:46:40 34 Have you rang other barristers - - -
02:46:41 35
02:46:42 36 COMMISSIONER: Just clarify, I think you said "I must have
02:46:44 37 made that call", I don't think it suggests you made the
02:46:47 38 call but rather one of the handlers passed on a message
02:46:50 39 from you?---I meant made the call to a handler.
02:46:54 40
02:46:54 41 Handler?---Yeah.
02:46:55 42
02:46:56 43 MR NATHWANI: Have you rung any other barrister previously
02:46:58 44 to thank them for helping a client roll?---I think in the
02:47:14 45 90s I did with, with a witness in a murder. It's a very
02:47:29 46 uncommon thing I'd say, I'd agree with that.
02:47:32 47

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RYAN XXN - IN CAMERA

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02:47:32 1 Your evidence last week, on Friday in particular was that
02:47:36 2 Gobbo was, I think your words were a rule unto herself in
02:47:41 3 relation to the conflicts about appearing to represent
02:47:44 4 everyone. But on the face of it you're here congratulating
02:47:47 5 her for doing that, do you agree?--On the face of it, yes.
02:47:49 6
02:47:49 7 That's exactly what's happening, forget on the face of
02:47:53 8 it?--You said on the face of it, I didn't.
02:47:55 9
02:47:55 10 I agree. That's exactly what's happening?--I passed on a
02:47:58 11 message I assume to say thanks.
02:48:00 12
02:48:03 13 Through - - - ?--You've got to be able to - you're human,
02:48:10 14 you know, thank someone.
02:48:10 15
02:48:10 16 You're also saying you had concerns about the conflict.
02:48:13 17 Your evidence has been - - - ?--I keep saying there's
02:48:20 18 nothing I can do about conflict as a police officer.
02:48:24 19 There's nothing.
02:48:24 20
02:48:25 21 I'm asking a different question. You weren't bothered by
02:48:28 22 the conflict?--As I sit here now I can't remember
02:48:33 23 specifically. But it's, you know, I'm trying to mix today
02:48:38 24 with yesterday, 16 years ago or 15 or whatever it was and
02:48:42 25 it's just difficult.
02:48:45 26
02:48:45 27 Let's go on to some of the notes because you were asked
02:48:49 28 generally about what was happening, Ms Gobbo's court
02:48:53 29 notes?--I'm having trouble hearing you.
02:48:55 30
02:48:55 31 I'll speak up. Can I just hand out some documents, they're
02:48:59 32 court book entry notes. Just to see what was happening as
02:49:07 33 far as her court book was concerned.
02:49:11 34
02:49:11 35 COMMISSIONER: These are Ms Gobbo's - - -
02:49:15 36
02:49:16 37 MR NATHWANI: Selected entries from her court book?--Thank
02:49:19 38 you.
02:49:21 39
02:49:29 40 Commissioner, we will tender these and we might as well do
02:49:33 41 it now.
02:49:33 42
02:49:34 43 #EXHIBIT RC336 - (Confidential) Selected entries from
02:49:40 44 Ms Gobbo's court book.
02:49:40 45
02:49:40 46 COMMISSIONER: Is there any need for PII?
02:49:43 47

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02:49:43 1 MR HOLT: Our friend's shown me these documents, he has
02:49:45 2 done a terrific job with his redacting but I would like the
02:49:49 3 opportunity just to check it briefly.
02:49:50 4
02:49:51 5 MR NATHWANI: I found a couple of errors there.
02:49:53 6
02:49:53 7 MR HOLT: I think we have as well. It won't take long,
02:49:57 8 most of the work has already been done. I'll do that as we
02:49:59 9 go, Commissioner.
02:49:59 10
02:50:00 11 COMMISSIONER: All right then. It will be a confidential
02:50:02 12 document for the time being.
02:50:03 13
02:50:04 14 MR NATHWANI: Your evidence, I think it was Friday, it may
02:50:06 15 have been yesterday, but it was that at Purana you were
02:50:08 16 aware as to who was representing who when people were being
02:50:14 17 arrested for the murders that were going on at the
02:50:17 18 time?---Early days, yes.
02:50:18 19
02:50:19 20 Just as a start. We see the first page, just to help you
02:50:22 21 how they're generally laid out. Top left corner you'll see
02:50:26 22 [REDACTED]/03?---Yes.
02:50:28 23
02:50:28 24 I'm hoping these are all in chronological order. The notes
02:50:32 25 says [REDACTED] do you see that the black box with [REDACTED]
02:50:36 26 [REDACTED]---Yes.
02:50:37 27
02:50:37 28 Underneath it's got his real name. So this is the day
02:50:38 29 after the [REDACTED] murder. We can see that Ms Gobbo, on
02:50:43 30 the face of it, appears to have visited [REDACTED] whilst in
02:50:47 31 custody, okay?---Yes.
02:50:48 32
02:50:48 33 Aware of that at the time?---I don't remember.
02:50:52 34
02:50:56 35 Turn over then, please. Page 2 of that document, [REDACTED]
02:51:03 36 [REDACTED] 2003, we see [REDACTED] at the top, do you see
02:51:07 37 that?---Yes.
02:51:07 38
02:51:08 39 Appears to attend upon him. References to [REDACTED]
02:51:13 40 and then later on again [REDACTED] you see that?---Yes.
02:51:16 41
02:51:17 42 For example at the bottom it says, "Arrested in [REDACTED] with
02:51:20 43 [REDACTED] yes?---Yeah.
02:51:22 44
02:51:25 45 Next page as we're going through - by [REDACTED] 2003, so
02:51:29 46 this is p.3, there's page numbers in the bottom right,
02:51:35 47 again she appears to have attended on [REDACTED] do you see

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02:51:38 1 that?---Yes.

02:51:39 2

02:51:41 3 By this stage it was clear, wasn't it, that [REDACTED] wanted to

02:51:46 4 assist the police, going back to the time line, he's

02:51:49 5 arrested [REDACTED]?---It was clear from the initial date,

02:51:55 6 the CW, it was just a matter of when.

02:51:58 7

02:52:00 8 He was wanting to, in effect, as were most people at that

02:52:03 9 stage, first in best dressed, do you agree with

02:52:08 10 that?---Yes.

02:52:09 11

02:52:09 12 There's some information given. Just in passing because it

02:52:12 13 may be relevant later, there's an entry, the second to last

02:52:15 14 entry, "Paul Dale paid [REDACTED] to [REDACTED] that should be,

02:52:22 15 [REDACTED]"?---Yes, I don't know who [REDACTED] is.

02:52:26 16

02:52:26 17 COMMISSIONER: Do we have a card?

02:52:34 18

02:52:35 19 MR NATHWANI: Given your involvement in Petra I imagine

02:52:39 20 [REDACTED] is someone you will - - - ?---Yeah.

02:52:41 21

02:52:42 22 So [REDACTED] is saying from that stage Dale has paid [REDACTED] to [REDACTED]

02:52:48 23 [REDACTED] ---It doesn't - - -

02:52:51 24

02:52:51 25 Sorry, [REDACTED] my fault?---It doesn't say [REDACTED] it says

02:52:55 26 - - -

02:52:55 27

02:52:56 28 The conference is with [REDACTED] do you see that?---Okay,

02:52:59 29 yeah, but there's other - - -

02:53:00 30

02:53:00 31 [REDACTED] has given detail and he seems to be saying Dale

02:53:04 32 paid [REDACTED] to [REDACTED] do you see that?---Yes.

02:53:07 33

02:53:08 34 And [REDACTED] and Dale had a relationship you were

02:53:12 35 interested in later as a Petra investigator, do you agree

02:53:15 36 with that?---Yes.

02:53:16 37

02:53:16 38 And there were allegations of corruption as between

02:53:18 39 them?---Yes.

02:53:18 40

02:53:19 41 Just to follow it through, "[REDACTED]" which is Carl

02:53:25 42 Williams I'd say, saying, "The horse is scratched"?---Yes,

02:53:30 43 I remember that call.

02:53:31 44

02:53:31 45 That was evidence that was ultimately adduced, wasn't it,

02:53:33 46 by the prosecution?---Yes, on tape. It was on a telephone

02:53:41 47 intercept.

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RYAN XXN - IN CAMERA

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02:53:41 1
02:53:42 2 Just on that page still actually, do you see where it says,
02:53:46 3 the fourth bullet point, "Will wear it for [REDACTED] if he walks.
02:53:52 4 Carl okay with it or not", do you see that?---Yes.
02:53:56 5
02:53:57 6 So one interpretation you'd agree would be that he's
02:54:01 7 saying, "I'll plead if there is a deal for [REDACTED] to get out of
02:54:06 8 it". Do you see that?---Yeah, that's just rubbish.
02:54:09 9
02:54:09 10 I agree. It's what the note says, do you agree with
02:54:12 11 that?---Yeah, that's what it says.
02:54:13 12
02:54:14 13 Turn over to the next page, please?---That's, um, that
02:54:18 14 might be about the [REDACTED] murder or it might be about - -
02:54:24 15 -
02:54:24 16
02:54:24 17 Others?---Others, yeah.
02:54:26 18
02:54:26 19 Turn over to p.4. [REDACTED] 2003. This is a conference
02:54:34 20 with [REDACTED] do you see that?---Yes.
02:54:37 21
02:54:39 22 "All okay, told him re [REDACTED]", do you see that?---Yes.
02:54:43 23
02:54:43 24 And given what we've just read before - - - ?---Yes.
02:54:50 25
02:54:50 26 Do you see that?---Yes.
02:54:51 27
02:54:51 28 Then there's a general note, "Wants to speak to Theo". Do
02:54:56 29 you remember he was represented at the time, this is [REDACTED] by
02:55:00 30 Theo Magazis?---I remember the name.
02:55:03 31
02:55:03 32 Turn over then please, [REDACTED] on this p.5, on [REDACTED]
02:55:08 33 2003?---Yes.
02:55:09 34
02:55:11 35 First line, "After 464B Homicide turned up, Batt I think
02:55:17 36 from Purana", that would be Hatt is my guess. Pausing
02:55:20 37 there, we know on I think [REDACTED] was taken
02:55:26 38 out for 464B examination, do you remember that?---Yes.
02:55:31 39
02:55:32 40 Going towards the bottom, because you've been asked a bit
02:55:35 41 about conflicts and declarations of conflicts. Right at
02:55:39 42 the bottom there's two bullet points and reading through
02:55:43 43 this it says, "Becoming a Crown witness involves admitting
02:55:47 44 the offence", do you see that?---Yes.
02:55:49 45
02:55:49 46 Then this, "Offer re another solicitor or barrister to
02:55:52 47 negotiate because we act for [REDACTED] Bit worried about

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02:55:58 1 things, involves giving evidence against him". Then we
02:56:04 2 follow on to the next page, "We will get instructions and
02:56:07 3 give advice after brief of evidence is reviewed". So do
02:56:11 4 you see there there's an entry discussing potential
02:56:14 5 conflicts, do you agree with that?---Yes.
02:56:16 6
02:56:19 7 Turn over then please to p.6. Which is 26 February 2004.
02:56:31 8 Was your colleague Mr Swindells dealing primarily with
02:56:35 9 [REDACTED]?---You said the 26th?
02:56:38 10
02:56:38 11 Yes?---26 February, is it?
02:56:40 12
02:56:40 13 We have moved forward in time, p.6 in the bottom right
02:56:48 14 corner. They're double-sided the pages you've got?---I've
02:56:48 15 got p.6, it's 23 March.
02:56:51 16
02:56:51 17 Top right-hand corner?---Across, oh okay. Yes.
02:56:53 18
02:56:53 19 11.40 am, [REDACTED] was Swindells dealing primarily with
02:56:58 20 [REDACTED]---Yes.
02:56:59 21
02:56:59 22 But reporting to you or discussing with you?---No, he was
02:57:02 23 senior to me.
02:57:02 24
02:57:04 25 Swindells wanted to speak to [REDACTED] it could be other way
02:57:08 26 round. "No indemnity to find the shooter, indemnity for
02:57:15 27 others. [REDACTED] murder not negotiable." Another entry,
02:57:20 28 "Explaining an independent lawyer or solicitor", do you see
29 that?---Yes.
30
02:57:22 31 "Independent legal advice given, options explained." Then
02:57:26 32 this, "Leanne Warren, Karen to come and see me". He was
02:57:30 33 changing solicitors, does that jog a memory with you?---So
02:57:34 34 this is - - -
02:57:35 35
02:57:35 36 [REDACTED] is changing solicitors.
02:57:37 37
02:57:37 38 We saw the previous page he was represented by Theo Magazis
02:57:41 39 with Ms Gobbo?---Yeah.
02:57:42 40
02:57:43 41 They say, "You might want different lawyers"?---Yes.
02:57:45 42
02:57:46 43 What appears to happen is Ingleton comes in and Gobbo
02:57:51 44 carries on?---Yeah.
02:57:52 45
02:57:53 46 Pausing there, Karen Ingleton is someone you met?---Yeah.
02:57:57 47

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02:57:58 1 7 April, which we'll come to?---Yep.
2
02:58:00 3 Which we're now going to come to. Turn over, please. Just
02:58:05 4 to help you with her timeline so far as her court book is
02:58:10 5 concerned. On 5 April, this is p.7 of that document, he
02:58:17 6 receives a call from Bateson, was the evidence. Bateson
02:58:22 7 calls him on the 5th?---Calls who?
02:58:24 8
02:58:25 9 Or speaks to [REDACTED] --Okay.
02:58:29 10
02:58:29 11 And then that's a record of what was being discussed, do
02:58:32 12 you see that?---Yes.
02:58:36 13
02:58:37 14 We see what Bateson's talking about. And then at the
02:58:40 15 bottom, "Karen Ingleton, no hokey-pokey, needs to be at the
02:58:44 16 office at 3". It appears the new solicitor has been told
02:58:48 17 not to give Bateson the run around?---The who?
02:58:52 18
02:58:52 19 The new solicitor?---Okay.
02:58:53 20
02:58:54 21 If we turn over then to 6 April. It looks as though having
02:58:59 22 spoken to Bateson, Gobbo and Ingleton go and see [REDACTED] do you
02:59:04 23 see that?---Yes, yes, at prison.
02:59:06 24
02:59:06 25 Yes. And if we keep going over just to see, afterwards,
02:59:11 26 it's the next day, you meet them at court, if we go to
02:59:14 27 p.9?---Yes.
02:59:15 28
02:59:16 29 "Conference Andrew Allen, Gavan Ryan, Karen
02:59:20 30 Ingleton"?---Yes.
02:59:22 31
02:59:23 32 You're saying indemnity is not out of the question as far
02:59:25 33 as [REDACTED] is concerned?---That's what the note says.
02:59:28 34
02:59:28 35 But unlikely?---Yeah.
02:59:29 36
02:59:29 37 The last entry. "Unprecedented assistance, therefore
02:59:34 38 indemnity re [REDACTED] not out of the question", again do
02:59:40 39 you see that?---Yes.
02:59:40 40
02:59:41 41 In the middle there's reference to Horgan, senior
02:59:44 42 counsel?---Yes.
02:59:45 43
02:59:45 44 I'm not going to ask you about the other stuff because it
02:59:48 45 is just discussion about other matters. What was the
02:59:51 46 discussion about Horgan, senior counsel?---Well, I don't
02:59:55 47 remember specifics but you don't do a deal without the OPP.

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03:00:00 1 They make, they give you the parameters, or they tell you
03:00:05 2 whatever they'll accept.
03:00:08 3
03:00:08 4 Was there any discussion?---Then it depends on the judge of
03:00:12 5 course.
03:00:12 6
03:00:12 7 Were there any discussions as far as you can remember with
03:00:16 8 Horgan about the issue of conflict as far as Gobbo is
03:00:20 9 concerned?---No.
03:00:20 10
03:00:21 11 Turn over please, p.10. Discussion about [REDACTED] says
03:00:26 12 confidential?---Yes.
03:00:28 13
03:00:28 14 2.30 pm, Geoff Horgan, senior counsel and Gobbo's written,
03:00:32 15 "Who do I act for and do I have a conflict?" Then there's
03:00:35 16 a further discussion about [REDACTED] and the indemnity, do
03:00:39 17 you see that?---Yes.
03:00:42 18
03:00:44 19 Turn over, please. Page 11?---Yes.
03:00:50 20
03:00:51 21 Telephone in from Swindells, 3 May 2004, "What is
03:00:58 22 happening?", is the question from Gobbo I'd say. There's
03:01:02 23 this entry, "Reality of difference between Purana and
03:01:05 24 Horgan", what was that about?---I don't recall.
03:01:14 25
03:01:14 26 Was it about the conflict of interest point that she was
03:01:18 27 representing [REDACTED] and then also been involved with [REDACTED] --Has
03:01:24 28 he rolled over at this point and made statements?
03:01:27 29
03:01:27 30 No, this is the stage where [REDACTED] is about to make a statement.
03:01:31 31 But at this stage we know, we know that she'd attended
03:01:36 32 Bateson with [REDACTED] -My guess is it's about potential, I
03:01:47 33 stress it's a guess, it's a potential sentence.
03:01:50 34
03:01:50 35 Let's turn over then, please. Page 12. 4 May 2004.
03:01:58 36 Swindells, first entry is, [REDACTED] relevant witness at an ACC
03:02:04 37 hearing, another quiver in the bow". That was Swindells
03:02:09 38 saying, "We can compel [REDACTED] we can use the ACC as a means to
03:02:14 39 get more info out of him", do you agree with that?---Yes.
03:02:17 40
03:02:17 41 It was a Purana tactic to use the ACC, the OPI, the
03:02:23 42 [REDACTED] Yes.
03:02:24 43
03:02:25 44 Designed to get information that you wouldn't ordinarily,
03:02:27 45 do you agree with that?---Yeah, intel.
03:02:28 46
03:02:28 47 That is what he's saying, he's saying, "We will use it to

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RYAN XXN - IN CAMERA

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03:02:32 1 get more evidence against [REDACTED] ---Yes.
03:02:33 2
03:02:33 3 "Whatever views we have the OPP have overall control of the
03:02:37 4 brief", do you see that?---Sorry, say that again.
03:02:39 5
03:02:39 6 I'm just reading the notes, "Whatever views we have the OPP
03:02:43 7 have overall control of the brief"?---Yes.
03:02:46 8
03:02:46 9 "There's political pressure, copping a summons to appear"
03:02:50 10 and then this, "No issue re conflict. Mokbel, Williams or
03:02:55 11 [REDACTED] ---Yes.
03:02:56 12
03:02:57 13 That's a police officer saying to her, your superior at
03:03:00 14 Purana at the time, saying there's no issue about
03:03:02 15 conflict?---I assume that's what he's saying.
03:03:05 16
03:03:05 17 Taking you back, do you agree that Purana had no issue with
03:03:11 18 Gobbo acting for several people?---You keep saying Purana.
03:03:16 19
03:03:16 20 He was the boss of Purana, wasn't he?---No, Andy Allen was
03:03:20 21 at that point. He was - Andy Allen was Inspector.
03:03:25 22
03:03:25 23 I understand?---Phil was the Senior Sergeant, I was the
03:03:29 24 Senior Sergeant then.
03:03:30 25
03:03:30 26 This is him on the face of it appears to be saying he has
03:03:34 27 no issue that there is a conflict with her representing
03:03:39 28 Mokbel, Williams [REDACTED] ---You'd have to ask him that.
03:03:43 29
03:03:43 30 What then follows is this, if you look at the bottom, there
03:03:47 31 is a conference with Karen, who I'd say is Ingleton,
03:03:51 32 solicitor for [REDACTED] next step?---Which page is this?
03:03:52 33
03:03:53 34 Same one?---Yeah.
03:03:54 35
03:03:54 36 Then a discussion with Horgan "re my difficult
03:03:57 37 position"?---Okay.
03:03:58 38
03:03:59 39 So after she's been told there's no issue about a conflict
03:04:02 40 she's talking to Horgan about, I would say conflict, does
03:04:07 41 that ring any bells with you?---No. This is handled by
03:04:12 42 Phil.
03:04:12 43
03:04:15 44 Then 20 May, so we turn over to p.13. We see there's a
03:04:23 45 conference with [REDACTED] do you see that?---Sorry, say that
03:04:26 46 again.
03:04:26 47

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03:04:27 1 There's a conference with [REDACTED] with Karen present, Karen
03:04:31 2 Ingleton, so the solicitor?---Okay.
03:04:33 3
03:04:34 4 On the left with two stars by it is, "Filling him in re
03:04:37 5 Horgan", do you see that?---"Filling him in re" - - -
03:04:41 6
03:04:42 7 Filling [REDACTED] in is what I would say it means, re
03:04:45 8 Horgan?---Yeah.
03:04:46 9
03:04:46 10 You a bit lower down you see there's circled in red, and
03:04:52 11 that's circled by us, "Community (Horgan) versus Purana
03:04:56 12 enforcement", do you see that?---It's not in red.
03:04:58 13
03:04:59 14 There's a line round it?---Yeah.
03:05:00 15
03:05:01 16 Can you help with what the difference of opinion between
03:05:04 17 Horgan and Purana was?---Has he rolled over at this point?
18
03:05:10 19 No, he's beginning the process. It's just after this he
03:05:15 20 starts?---I know there was considerable angst about his,
03:05:24 21 [REDACTED] low sentence in Purana. We wanted a lot more.
03:05:30 22
03:05:30 23 He hadn't been sentenced at this point?---No, but I'm just
03:05:34 24 guessing that's what it's about.
03:05:37 25
03:05:37 26 Did this have anything to do with views about Ms Gobbo's
03:05:41 27 involvement with [REDACTED] up to that stage, also representing
03:05:48 28 Carl Williams previously, reference to Tony Mokbel?---I
03:05:51 29 have no idea. I have no idea.
03:05:52 30
03:05:58 31 Okay. That's the only ones I want to take you to. There's
03:06:01 32 a couple of others for completion as far as conferences
03:06:05 33 with [REDACTED] are concerned?---Sorry, what was that? I missed
03:06:10 34 you.
03:06:10 35
03:06:11 36 I don't need to take you to the other pages?---Okay.
03:06:14 37
03:06:15 38 You were involved in several meetings with Overland, Horgan
03:06:21 39 and others?---Yes.
03:06:22 40
03:06:22 41 Was there ever discussion about conflict?---I don't
03:06:28 42 remember.
03:06:28 43
03:06:29 44 Because you agree it looks as though she's talking to
03:06:33 45 Horgan about conflict?---Yes.
03:06:35 46
03:06:35 47 Two in particular, one where he asks her and then she calls

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03:06:38 1 him back after speaking to Swindells?---Yes.
2
03:06:41 3 "What about my difficult position"?---Yes.
03:06:43 4
03:06:44 5 That was never ventilated with Overland and you present
03:06:46 6 when - - - ?---I just said I don't remember so I'll say in
03:06:50 7 general Mr Horgan would have, if he has meetings with
03:06:59 8 barristers, et cetera, they don't tell you what went on.
03:07:05 9 It's, that's the way they are.
03:07:09 10
03:07:09 11 I'm just going to move on to a different topic because
03:07:13 12 we're in closed, just about the targeting of or receiving
03:07:18 13 of legally professionally privileged information,
03:07:21 14 okay?---Yep.
03:07:22 15
03:07:24 16 As far as Petra was concerned, so this is into the Hodson
03:07:29 17 murders, Andrew Hodson was a suspect?---He was at Homicide.
03:07:41 18 I think from memory he was at Petra.
03:07:46 19
03:07:47 20 Do you agree Petra, which I think you were overseeing at
03:07:52 21 the time, wanted to put pressure on Andrew Hodson by either
03:07:57 22 arresting him or threatening to arrest him knowing he would
03:08:00 23 call Ms Gobbo?---No. If you arrest someone you always hope
03:08:09 24 they roll.
03:08:10 25
03:08:10 26 Were you interested in him speaking to Ms Gobbo and then
03:08:13 27 using whatever he's told her as intelligence against
03:08:17 28 him?---No.
03:08:18 29
03:08:19 30 Did you ever suggest that she wear - pausing there. Your
03:08:27 31 view was you wanted to protect her because she was an
03:08:30 32 informer, you didn't want anything that would turn her into
03:08:34 33 a witness, do you agree with that?---Correct.
03:08:35 34
03:08:35 35 Wearing a wire, for example, would be completely contrary
03:08:38 36 to that?---Correct.
03:08:38 37
03:08:39 38 Did you ever suggest that she wear a wire for any
03:08:43 39 calls?---No. I think we're talking about something after I
03:08:47 40 left.
03:08:50 41
03:08:51 42 If we go to ICR 7 of 2958, so p.76, please. If we can turn
03:09:31 43 - so it's 0816 as far as the VPL number is concerned. You
03:09:59 44 see the top of that page is shaded, I'd like you to read to
03:10:04 45 yourself the first entry relating to Andrew Hodson?---No, I
03:10:10 46 don't think I've got the right page.
03:10:14 47

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RYAN XXN - IN CAMERA

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03:10:14 1 So it's - - -
03:10:18 2
03:10:18 3 COMMISSIONER: I had trouble finding that on the hard copy
03:10:21 4 too.
03:10:22 5
03:10:23 6 MR NATHWANI: It's p.76 of 2958. You'll see at the top
03:10:58 7 there's an entry in relation to Andrew Hodson, do you see
03:11:01 8 that at the very top?---Yes.
03:11:03 9
03:11:03 10 Read that to yourself. The next box down there's another
03:11:08 11 entry relating to Andrew Hodson?---I just want to read the
03:11:12 12 top one, sorry.
03:11:13 13
03:11:13 14 Yes?---Okay. I'm not sure who one of the persons there is.
03:11:42 15 This is just three screens?
16
03:11:46 17 No, no, we'll scroll through it. This is an ICR, I'm
03:11:49 18 trying to be careful because some of this is I think
03:11:52 19 subject to further PII claims. So at the top - - -
03:11:56 20
03:11:56 21 COMMISSIONER: I think RS is for registered source?---Yeah.
03:12:00 22
03:12:01 23 MR NATHWANI: It is?---I assume we're talking there about
03:12:04 24 3838, is that right?
03:12:05 25
03:12:06 26 These are all Ms Gobbo?---Okay.
03:12:07 27
03:12:07 28 COMMISSIONER: She had a new number by this point?---Okay.
03:12:10 29 What's the date of this?
03:12:12 30
03:12:13 31 MR NATHWANI: This is 5 March. In fact this entry is 4
03:12:17 32 March?---What year?
03:12:19 33
03:12:19 34 2008?---2008, okay.
03:12:22 35
03:12:23 36 There's an entry later on that shows you'll be leaving
03:12:27 37 after these entries and we'll go to that. So you haven't
03:12:31 38 left at this stage. You see in the middle, there's a box,
03:12:36 39 that's the one at the bottom of the screen there.
03:12:40 40 "Discussion issues re Hodson, coming to RS", do you see
03:12:47 41 that?---Yeah.
03:12:48 42
03:12:48 43 And a suggestion about conflict of interest, do you see
03:12:50 44 that?---Yes.
03:12:53 45
03:12:55 46 Would you agree, just pausing there, if what is being said
03:12:58 47 right there, is the targeting of privileged information?

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03:13:05 1 The first line probably gives it away?---It depends what
03:13:14 2 they're talking about.
03:13:15 3
03:13:16 4 Okay?---I'm almost - I'm not 100 per cent certain but I
03:13:23 5 think I'm on leave when all this - - -
03:13:25 6
03:13:26 7 Let's keep going through, okay?---Yes.
03:13:30 8
03:13:31 9 You agree at least potentially it's the targeting of
03:13:35 10 privileged information?---Yeah.
03:13:37 11
03:13:37 12 Go to the bottom box of this page, please, where it says
03:13:42 13 "SDU issue". Can you just pull up that box, make it large,
03:13:56 14 please. Read that to yourself?---Which, the whole thing?
03:14:05 15
03:14:06 16 Yes?---From 25.
03:14:07 17
03:14:08 18 Even just the bit that starts, "SDU issue"?---Okay. Yes.
03:14:30 19
03:14:30 20 Do you agree it seems to suggest you are responsible for
03:14:38 21 the engineering or proposal of any conversations between
03:14:42 22 Hodson and her lawyer Gobbo?---It certainly reads that way.
03:14:47 23
03:14:48 24 Do you have anything to say about that?---I don't recall
03:14:50 25 it. It's March 2008. O'Connell is in charge of Petra and
03:15:04 26 I'm back at Purana, okay, so it's - - -
03:15:12 27
03:15:14 28 Are you saying you didn't or you were not in control of
03:15:17 29 this at all and O'Connell's just - - - ?---I'm saying that
03:15:22 30 my role in March 2008 was at Purana, not at Petra. I went
03:15:28 31 back to - - -
03:15:29 32
03:15:29 33 Scroll over to the next page?---- - - Purana August 2007.
03:15:39 34
03:15:40 35 At the top you see the first bullet point, similar issue,
03:15:46 36 about appearing to target privileged calls with
03:15:50 37 Higgs?---Yes. To record conversations, that doesn't say
03:15:53 38 privileged.
03:15:53 39
03:15:53 40 If Higgs went to Gobbo there's potential for it to be for
03:15:59 41 legal advice, do you agree with that?---There's certainly
03:16:02 42 potential but there's also other potential.
03:16:06 43
03:16:06 44 What then follows, okay, is if you scroll further down
03:16:11 45 towards the bottom, so keep going down, please. Actually
03:16:23 46 go back, sorry, back to Paul Dale. That's perfect. This
03:16:28 47 is, "Investigators asked source about any documents about

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03:16:32 1 Dale". Do you see that?---Sorry, whereabouts?
03:16:36 2
03:16:37 3 "Paul Dale, ex VicPol"?---Yes.
03:16:41 4
03:16:41 5 What she's doing is she's recalling or debriefing a meeting
03:16:44 6 with Petra, okay. I agree that you're not present but your
03:16:50 7 name is certainly used but it says here - again, if you
03:16:54 8 read Paul Dale there's her talking about notes given to her
03:16:58 9 whilst in custody, do you see that?---Yes.
03:17:00 10
03:17:02 11 And then if you keep scrolling down there's discussions
03:17:05 12 about Ahmed, Gatto, and then you'll see there it says, "RS
03:17:14 13 was told Gavan Ryan was leaving Purana"?---Yeah.
03:17:18 14
03:17:19 15 So that reads as though you haven't quite left yet?---Yes.
03:17:22 16 I wish I had my diaries, you know.
03:17:27 17
03:17:27 18 It looks like you're in control at this stage?---Of Purana?
03:17:30 19
03:17:30 20 Petra?---No, no, no, no. I left Petra - Jim O'Brien
03:17:37 21 retired or resigned or whatever it was in August 2007 and I
03:17:43 22 got called back and I was asked that by Mr Woods and
03:17:47 23 there's a diary entry in relation to that.
03:17:49 24
03:17:50 25 So you're saying you have no recollection at all of
03:17:55 26 controlling or deciding or finalising any decision to use
03:18:00 27 conversations between Gobbo and Hodson?---That's correct, I
03:18:03 28 don't have any recollection of that at all. My
03:18:09 29 recollection is it's - I certainly had April off and I
03:18:17 30 suspect I had some of March off. You have to take rest
03:18:21 31 days, et cetera, before you leave otherwise you lose them.
03:18:23 32
03:18:24 33 You agree though reading the ICR entries that it does look
03:18:27 34 potentially as though there is, perhaps not targeting but
03:18:32 35 certainly acceptance that privileged information might be
03:18:35 36 received and wanted?---Privileged information is never
03:18:38 37 wanted, you want information or intel.
03:18:42 38
03:18:42 39 They're asking for - - - ?---I don't know what they're
03:18:46 40 asking about.
03:18:46 41
03:18:47 42 We can follow it through?---It might be an import coming in
03:18:52 43 or something, I don't know.
03:18:53 44
03:18:54 45 If we go to ICR 8, which is p.85, okay. You see at the
03:19:10 46 top, "RS received a call from Hodson and has taken five
03:19:16 47 pages of notes", do you see that?---Where's the - - -

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RYAN XXN - IN CAMERA

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03:19:21 1
03:19:21 2 It's about the fourth bullet point. Can we make that
03:19:25 3 slightly bigger, please?---Oh yeah, okay. Okay.
03:19:28 4
03:19:29 5 "Hodson confirmed had been called by Petra Task Force and
03:19:32 6 wanted to meet RS before and after he met with them." So
03:19:36 7 there's a plan in action, do you agree?---Yes.
03:19:38 8
03:19:39 9 So she'd been asked, she says she's debriefed by Petra that
03:19:45 10 they're going to in effect put some pressure on Hodson. He
03:19:49 11 gets the phone call from Petra, speaks to her?---Sorry,
03:19:52 12 where is the pressure from Petra coming from again?
03:19:55 13
03:19:55 14 We can go to that. Let's just follow this through. And
03:20:00 15 then the rest, if you just read it to yourself?---So where
03:20:04 16 are we up to?
03:20:05 17
03:20:05 18 Just read the rest of that page?---From which dot point?
03:20:09 19
03:20:09 20 "RS has called Cameron Davey as directed 11 times on a
03:20:15 21 number that he said was on 24 hours a day but she couldn't
03:20:19 22 get through". That is Cameron Davey, not Davis?---Yes.
03:20:24 23
03:20:25 24 "RS told all communication had to come through handler"
03:20:29 25 which would be disseminated to you?---I keep saying it but
03:20:37 26 I'm not the boss of Petra then.
03:20:40 27
03:20:40 28 That's not - forget whether you were the boss or not. You
03:20:47 29 have a handler here who is confirming that info be
03:20:50 30 disseminated?---I think he's got it wrong. I think he
03:20:53 31 thinks I'm the boss of Petra and I'm actually the boss of
03:20:56 32 Purana.
03:20:57 33
03:20:57 34 You were receiving information from the handlers related to
03:21:00 35 information from Ms Gobbo, whether you were at Petra or
03:21:03 36 Purana, do you agree with that?---I'd agree with that, yes.
03:21:06 37
03:21:07 38 There would be every chance you would be receiving this
03:21:09 39 information?---No.
03:21:10 40
03:21:10 41 Why are you so sure you weren't receiving this when you
03:21:14 42 can't remember for quite a lot of the other?---Because this
03:21:17 43 relates to Petra from what I can read, and I'm not there.
03:21:22 44
03:21:26 45 Read the next one, "Not happy with arrangement", Gobbo,
03:21:31 46 "Believes there will be a slip up when Cameron Davey
03:21:34 47 questions about what RS was meant to tell Ryan or when RS

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RYAN XXN - IN CAMERA

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03:21:37 1 was meant to have spoken to Ryan", do you see that?---Yes.
03:21:40 2
03:21:40 3 Your name is all over it, do you agree?---Yes.
03:21:42 4
03:21:43 5 Let's follow this through. Turn over to p.86 after the
03:21:46 6 entry in relation to Gatto, there's more Hodson?---Is this
03:21:50 7 the same day?
03:21:52 8
03:21:52 9 Yes?---Okay.
03:21:54 10
03:21:55 11 And you can read p.86, 87, there's an entry on 88, p.89.
03:22:09 12
03:22:11 13 COMMISSIONER: (Indistinct.)
03:22:11 14
03:22:11 15 MR NATHWANI: No, I understand. I think we'll get to the
03:22:12 16 point, that over those pages what she's doing, we'll keep
03:22:15 17 going through, is relaying what Hodson told her exactly
03:22:18 18 she'd been asked by Petra?---Okay.
03:22:21 19
03:22:21 20 Privileged information?---Is it? I don't know.
03:22:25 21
03:22:25 22 Mandy comes to her and says, "Petra want to speak to me
03:22:27 23 about the murder of my parents. Here are my concerns, here
03:22:31 24 are my fears"?---Is she acting for him?
03:22:33 25
03:22:34 26 Well, Petra have teed up Hodson to come to her. I'm asking
03:22:42 27 this because there's a position you've taken that you
03:22:46 28 globally, I mean the police and you're one of the senior
03:22:49 29 police officers at the time, were not targeting privileged
03:22:51 30 information?---That's correct.
03:22:52 31
03:22:52 32 This seems to indicate the exact opposite?---I don't know
03:22:59 33 if she was tasked to ask particular things or not, I just,
03:23:05 34 I just don't know.
03:23:09 35
03:23:14 36 Can we turn then - we'll go back, okay. Just before lunch
03:23:18 37 we'll finish this then we won't have to be in closed court.
03:23:24 38 If we go to ICR 6, so we'll go to p.68, please. Same
03:23:35 39 volume. So we'll go to p.68, you'll see the date is 28
03:23:44 40 February 2008. So there she's spoken to by your colleagues
03:23:57 41 or those in Purana, Sol Solomon and Cameron Davey, they
03:24:02 42 asked about Mokbel?---Is that the date on the top left?
03:24:07 43
03:24:07 44 Yes, Petra debrief, so 28 February. When the note seems to
03:24:13 45 suggest you leave about a month later or just under.
03:24:16 46 Andrew Hodson it says, "Petra is very interested in Andrew
03:24:21 47 Hodson what he had to say to RS", do you see that?---Yes.

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RYAN XXN - IN CAMERA

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03:24:27 1
03:24:30 2 Middle, "Petra asked RS if RS was prepared to help them in
03:24:36 3 the future", do you see that?---Yes.
03:24:40 4
03:24:42 5 "RS engaged them with this and stated the investigators
03:24:47 6 would like her to assist" in that particular way that's
03:24:50 7 written down there, do you see that?---Yes.
03:24:52 8
03:24:52 9 "Targeting Hodson and Higgs who are on their top ten hit
03:24:57 10 list", do you see that?---Yes.
03:24:58 11
03:24:58 12 O'Connell and yourself know about it?---Yes.
03:25:00 13
03:25:01 14 "Will know about this", it says will know, I'm corrected,
03:25:05 15 that's right?---Yes.
03:25:06 16
03:25:06 17 Earlier you were asking about targeting. Keep going
03:25:11 18 through. "RS was asked about when RS last spoke to Higgs",
03:25:15 19 do you see that?---Yes.
03:25:16 20
03:25:17 21 "RS did state to investigators the recordings would be
03:25:20 22 privileged and that RS did not want to give
03:25:23 23 evidence"?---Okay.
03:25:25 24
03:25:25 25 And then obviously we've been through the other ones. Page
03:25:30 26 69, if you want to read just a little bit more about - -
03:25:37 27 -?---Page 69?
03:25:38 28
03:25:39 29 "Petra denied sending Hodson to RS", do you see
03:25:41 30 that?---Yes.
03:25:42 31
03:25:46 32 "Hodson was RS number one suspect for the murders as he had
03:25:50 33 found" - and it outlines why. Do you see that?---Hodson
03:25:55 34 was the RS number one suspect.
03:25:58 35
03:25:58 36 She's saying she thought he was the number one
03:26:01 37 suspect?---Andrew Hodson, yes.
03:26:03 38
03:26:04 39 Yes?---Yes.
03:26:05 40
03:26:05 41 In her mind?---Yes.
03:26:06 42
03:26:07 43 Okay. So that's the first one in time, which I probably
03:26:10 44 should have taken to you first. It's Petra having a
03:26:13 45 debrief with her asking her to help, do you agree?---Yes.
03:26:16 46
03:26:17 47 Then what follows, I see the time, but then what follows

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RYAN XXN - IN CAMERA

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03:26:20 1 you'll agree from going through the documents is there's a
03:26:23 2 discussion about methods to get him to say things that
03:26:25 3 might be captured evidentially?---Is that there somewhere?
03:26:31 4
03:26:31 5 No, it's the ones we've been through?---Okay.
03:26:34 6
03:26:38 7 But you deny there was any deliberate targeting of
03:26:41 8 privileged information?---Yes, and I repeat for the fifth
03:26:45 9 or sixth time I was not at Petra at that time.
03:26:48 10
03:26:48 11 I note the time and I think we're done in closed as well.
03:26:51 12
03:26:51 13 COMMISSIONER: Right. We were going to sit until 1.15.
03:26:56 14
03:26:56 15 MR NATHWANI: Sorry, everyone to my right was saying it was
03:26:59 16 1.05 so we should stop.
03:27:01 17
03:27:01 18 COMMISSIONER: If we go into open hearing do we have to
03:27:04 19 have an adjournment? No. We can just go into open
03:27:12 20 hearing. We'll go into open hearing.
21
22 (OPEN HEARING FOLLOWS)
23
24
25
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1 PROCEEDINGS IN CAMERA:

2
06:36:18 3 COMMISSIONER: So we are now in closed hearing. And back
06:36:20 4 to you, Mr Chettle.

5
06:36:23 6 MR CHETTLE: Thank you Commissioner. Has Mr Woods - - -

06:36:23 7
06:36:25 8 MR WOODS: Just before that happens, I think we might still
06:36:28 9 have one individual who doesn't have leave to be present.

06:36:35 10
06:36:49 11 COMMISSIONER: Yes Mr Chettle.

06:36:50 12
06:36:51 13 MR CHETTLE: Is Mr Woods tendering that diary extract he
06:36:54 14 has just cross-examined on?

06:36:56 15
06:36:57 16 COMMISSIONER: The diary extract, is that to be tendered?

06:36:59 17
06:37:00 18 MR WOODS: Yes, I do. Mr Holt has brought something to my
06:37:02 19 attention I just need to check about that. Sorry,
06:37:25 20 Mr Holt's brought something to my attention quite correctly
06:37:29 21 that I should put to the witness. It doesn't matter that
06:37:31 22 we're in closed session. There was an entry in that diary
06:37:36 23 before the last one that I went to - - -

06:37:38 24
06:37:38 25 COMMISSIONER: Do you want it up again so the witness can
06:37:40 26 see it?

06:37:41 27
06:37:41 28 MR WOODS: I'm not sure it needs to be, it's very short.
06:37:44 29 We will bring it up if that would assist. Just 15 minutes
06:37:48 30 before that last one that I was asking you about, being the
06:37:51 31 knowledge of the prosecutor, what Mr Livermore did or
06:37:54 32 didn't know, it says that, "Mr White has put a call through
06:38:02 33 to Super TB", which I assume is Tony Biggin?---Yes.

06:38:06 34
06:38:07 35 "Update re 3838 situation. Advised by Superintendent that
06:38:12 36 OPI prosecutor has also been told that human source is a
06:38:16 37 police source." So you accept that if the entry is
06:38:20 38 correct, that at this stage Mr Biggin is advising Mr White
06:38:25 39 that Mr Livermore has been told that Ms Gobbo is a police
06:38:30 40 source?---Yes, I do, but I assume - the word prosecutor
06:38:37 41 worries me a bit.

06:38:38 42
06:38:38 43 It's the phrase that's used in the document?---Yeah, I get
06:38:41 44 that.

06:38:41 45
06:38:42 46 I refer to him as counsel assisting, you refer to him as a
06:38:46 47 hearing officer. I think the last two, yours and my terms

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06:38:52 1 are probably more correct?---Okay.
06:38:53 2
3 Thank you Commissioner.
4
06:38:53 5 COMMISSIONER: You're going to tender that?
06:38:56 6
06:38:57 7 MR WOODS: Yes, tender that.
8
9 COMMISSIONER: What is it?
10
06:38:57 11 MR WOODS: It is a diary of Sandy White and it is, the
06:39:04 12 document that we have starts at Sunday 5 August 2007 and
06:39:09 13 goes to Saturday 17 August 2007.
06:39:14 14
06:39:14 15 COMMISSIONER: Okay.
06:39:15 16
06:39:29 17 MR WOODS: And for the record that's VPL.2000.0001.0987.
06:39:36 18
06:39:36 19 COMMISSIONER: And it will be A is the confidential form
06:39:39 20 and B the redacted form.
06:39:42 21
06:39:16 22 #EXHIBIT RC337 - (Confidential) Diary extracts of Officer
06:39:20 23 Sandy White on 5/8/07 to 17/8/07, document
06:39:31 24 number VPL.2000.0001.0987.
25
06:39:29 26 #EXHIBIT RC337B - Redacted version.
06:39:29 27
06:39:43 28 MR WOODS: Yes. Thank you Commissioner.
06:39:44 29
06:39:44 30 COMMISSIONER: Yes Mr Chettle.
06:39:45 31
06:39:46 32 MR CHETTLE: Commissioner, I'm happy to obviously proceed.
06:39:49 33 I can indicate I'll be probably an hour. I'll just give
06:39:52 34 you that indication. I've had this discussion with you
06:39:57 35 before, Commissioner, I always seem to find myself on my
06:40:01 36 feet at the wrong time of the day. I'm happy to sit here
06:40:05 37 until midnight but I'm sure I'm the only one.
06:40:12 38
06:40:12 39 COMMISSIONER: I suppose you'd prefer to finish today,
06:40:15 40 would you?---I'll just go with the flow. If you want me to
06:40:18 41 come tomorrow I'll turn up.
06:40:20 42
06:40:20 43 Then in that case I think we'll just sit through till 4.30
06:40:24 44 then unfortunately.
06:40:25 45
06:40:26 46 MR CHETTLE: Thank you Commissioner. That last diary entry
06:40:28 47 that you just saw, without pulling it back up, there were

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RYAN XXN - IN CAMERA

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06:40:31 1 two phrases in it you'll remember, I hope, that I want to
06:40:35 2 ask you about. There was a reference to her suffering
06:40:39 3 threats as a consequence of her assisting Purana, remember
06:40:43 4 that?---Yes.
06:40:44 5
06:40:44 6 There was also a reference to ways in which any issue of
06:40:50 7 compromising her identity as a source would be dealt with,
06:40:54 8 that expression was in there too?---Yes, yes.
06:40:56 9
06:40:57 10 What's clear from those expressions is that as at that time
06:41:01 11 she had not, her identity as a source had not been
06:41:05 12 compromised, would you agree with that?---Yes.
06:41:10 13
06:41:11 14 You see, you probably don't remember but in the course of a
06:41:15 15 question asked at p.4267 by Mr Woods it went like this,
06:41:24 16 "It's inevitably the case that where a human source has
06:41:28 17 been compromised to this extent, whether or not they knew
06:41:31 18 or suspected, whether or not those two things, that they
06:41:35 19 would simply not have been used, should not have been used
06:41:38 20 as a human source when someone was threatening to kill them
06:41:41 21 because they were talking to the police, do you accept
06:41:44 22 that" and you said, "In my personal experience, yes", do
06:41:48 23 you remember that line of questioning?---Yes, yes.
06:41:50 24
06:41:50 25 Let me suggest to you, when you agreed with the proposition
06:41:54 26 that she'd been compromised as a human source as
06:41:57 27 demonstrated by the threats, that that's simply wrong. It
06:42:01 28 was a - - - ?---She's not outed officially, I suppose, they
06:42:05 29 just suspect.
06:42:06 30
06:42:06 31 In fact that's where I was hinting before we went into
06:42:10 32 closed session. She has represented [REDACTED] she has
06:42:16 33 represented people who have made statements against
06:42:20 34 underworld figures?---Correct.
06:42:21 35
06:42:23 36 Very recently, or - she's represented [REDACTED], do you
06:42:29 37 know who [REDACTED] is?---Yes, I do.
06:42:31 38
06:42:32 39 Right?---They showed me yesterday.
06:42:33 40
06:42:34 41 You know who he is. She was representing him?---Can I just
06:42:41 42 double-check on that because they've shown me two.
06:42:42 43
06:42:42 44 COMMISSIONER: We'll show you the card.
06:42:44 45
06:42:44 46 MR CHETTLE: [REDACTED]. Did I say witness, it's [REDACTED]
06:42:50 47 [REDACTED]---I think I know, I just want to be sure. Yes.

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06:42:55 1
06:42:55 2 Do you know who I'm talking about?---Yes.
06:42:57 3
06:42:57 4 And he's been of assistance to the police?---Yes.
06:42:59 5
06:43:03 6 An officer from Purana has been delegated the task of
06:43:08 7 investigating the threats being made against her?---Yes.
06:43:10 8
06:43:11 9 Was it Rowe or Flynn, I can't - - - ?---I can't remember
06:43:15 10 but I remember it was investigated.
06:43:18 11
06:43:19 12 When you look at the - can you bring up that document if
06:43:22 13 you would, please, that I asked you about before. That
06:43:27 14 list of threats that you were shown yesterday?---Yes.
06:43:30 15
06:43:30 16 I mean apart from the intemperate language there is some
06:43:35 17 content that made it clear what they're talking about is
06:43:38 18 what I want to put to you. Have you got it in front of
06:43:40 19 you?---Yes.
06:43:41 20
06:43:43 21 The large box in the middle of the page, can you - -
06:43:47 22 -?---Can they enlarge that?
06:43:48 23
06:43:49 24 Thank you, for your eyes as well as mine?---Yeah, don't get
06:43:53 25 old.
06:43:54 26
06:43:54 27 Keep going down?---Yes, the large box, yes. 13/12.
06:44:04 28
06:44:04 29 Yes, but I'm looking - there's a reference - yes, that
06:44:13 30 large box, the entry from SMS 1 on 1 July, it says 26, I
06:44:22 31 don't know what that means. That might be the time,
06:44:28 32 1:07:26. "Hey dog, you wormed your way, you're not to call
06:44:31 33 or talk to the pigs, but you're being the dog. Call your
06:44:34 34 boyfriend from Purana now and you will get it", do you see
06:44:37 35 that reference?---Yes.
06:44:39 36
06:44:39 37 There were rumours, incorrect rumours that Ms Gobbo was in
06:44:43 38 a relationship with one of the members of Purana, was there
06:44:46 39 not, did you hear of that?---No.
06:44:47 40
06:44:47 41 Did you ever hear a suggestion that she was involved with
06:44:51 42 Jason Flynn?---Dale Flynn I think.
06:44:54 43
06:44:55 44 Dale Flynn - Jason Kelly?---No, I've never heard that, that
06:45:03 45 I recall.
06:45:04 46
06:45:04 47 Clearly there's something there about her having a Purana

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06:45:09 1 boyfriend, is there not?---Yes, yes.
06:45:11 2
06:45:11 3 What I'm suggesting to you is that the threats are as a
06:45:15 4 direct result of her doing her job as a barrister and
06:45:18 5 assisting the various [REDACTED] to
06:45:25 6 make statements implicating other underworld
06:45:28 7 figures?---Yes, that's, that's obvious to me and at the
06:45:34 8 time as well.
06:45:35 9
06:45:35 10 Thank you. So it doesn't mean necessarily being
06:45:39 11 compromised as a human source with the SDU, that's what I'm
06:45:43 12 talking about?---No, it doesn't mean that she, there's been
06:45:50 13 identified as - officially identified if you know what I
06:45:54 14 mean, outed.
06:45:56 15
06:45:56 16 And that's the whole point of what we saw before about
06:45:59 17 what's going on down at the OPI is to make sure she doesn't
06:46:04 18 get outed, that's the point?---Yes, yes, in relation to the
06:46:07 19 OPI, yes.
06:46:07 20
06:46:08 21 All right, thank you?---Commissioner, I'm starting to
06:46:22 22 struggle a bit.
06:46:23 23
06:46:24 24 COMMISSIONER: Yes, getting tired?---Yes.
25
06:46:26 26 MR CHETTLE: Sorry, Commissioner.
06:46:26 27
06:46:27 28 COMMISSIONER: All right then. We'll adjourn until 9.30
06:46:49 29 tomorrow morning.
30
06:46:57 31 <(THE WITNESS WITHDREW)
06:46:58 32
06:46:58 33 ADJOURNED UNTIL THURSDAY 15 AUGUST 2019
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