

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Thursday, 16 May 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting: Mr C. Winneke QC
 Mr A. Woods
 Ms M. Tittensor

Counsel for Victoria Police Mr J. Hannebery QC
 Ms R. Enbom
 Ms K. Argiropoulos

Counsel for State of Victoria Ms E. Hilliard

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

Counsel for DPP/SPP Ms K. O'Gorman

Counsel for Handlers Mr G. Chettle

10:22:05 1 COMMISSIONER: Yes Mr Winneke.
10:22:06 2
10:22:07 3 MR WINNEKE: Commissioner, thank you for that indulgence
10:22:08 4 this morning, we had to deal with a couple of matters
10:22:11 5 before we get going. I gather there's an issue in respect
10:22:15 6 to the evidence of Mr Purton that Mr Woods needs to speak
10:22:19 7 to the Commissioner about and then we'll be in a position
10:22:22 8 to move on with some evidence from Mr Sheridan.
10:22:27 9
10:22:28 10 COMMISSIONER: Yes, all right, thank you.
10:22:33 11
10:22:33 12 MR WOODS: Commissioner, thankfully it's just to confirm an
10:22:38 13 agreement that's been reached in relation to proposed
10:22:40 14 redactions to Mr Purton's diaries.
10:22:44 15
10:22:45 16 COMMISSIONER: I should just mention, I think the
10:22:46 17 appearances today are pretty much as for yesterday, perhaps
10:22:51 18 the only change is Ms Hilliard for the State of Victoria.
10:22:57 19 Thanks Ms Hilliard, yes.
10:23:00 20
10:23:00 21 MR WOODS: I can't see Ms Thies down the other end of the
10:23:04 22 Bar table either but her leader is here. So, Commissioner,
10:23:10 23 it's at p.65 there were some words there that - I don't, I
10:23:16 24 won't explain the situation, the agreement that's been
10:23:23 25 reached, but in any event there will be some words
10:23:26 26 replacing some words that are currently there at the moment
10:23:29 27 and on that basis all of the redactions to that document
10:23:32 28 have been landed on and the document will be able to be put
10:23:37 29 on the web page.
10:23:38 30
10:23:38 31 COMMISSIONER: Thank you very much. And that will be done
10:23:40 32 shortly?
10:23:41 33
10:23:42 34 MR WOODS: Yes.
10:23:42 35
10:23:42 36 COMMISSIONER: Thanks Mr Woods. Yes Mr Winneke.
10:23:45 37
10:23:46 38 MR WINNEKE: Commissioner, we call Inspector Sheridan,
10:23:50 39 Kevin Sheridan.
10:23:54 40
10:23:54 41 COMMISSIONER: Yes. Mr Sheridan, oath or
10:23:59 42 affirmation?---Oath.
10:24:02 43
10:24:02 44 <KEVIN SHERIDAN, sworn and examined:
10:24:19 45
10:24:20 46 COMMISSIONER: Ms Enbom.
10:24:22 47

10:24:22 1 MS ENBOM: Thank you Commissioner. Before I start I should
10:24:24 2 announce an appearance on behalf of this witness,
10:24:28 3 Mr Sheridan, and also on behalf of Mr Cheesman who will be
10:24:32 4 called next and Mr Tapai, who will be called after
10:24:38 5 Mr Cheesman, and there's some uncertainty about whether the
10:24:42 6 fourth witness is attending today so I won't announce an
10:24:46 7 appearance for him yet.
10:24:47 8
10:24:47 9 COMMISSIONER: Thank you.
10:24:48 10
10:24:48 11 MS ENBOM: Mr Sheridan, is your full name Kevin Thomas
10:24:52 12 Sheridan?---That's correct.
10:24:52 13
10:24:53 14 Are you a serving member of Victoria Police?---I am.
10:24:55 15
10:24:56 16 What is your address?---140 William Street, Melbourne.
10:25:00 17
10:25:00 18 Have you prepared a witness statement for this Royal
10:25:03 19 Commission?---I have.
10:25:03 20
10:25:03 21 Do you have a copy with you in the witness box?---I do.
10:25:06 22
10:25:07 23 Is it an accurate witness statement to the best of your
10:25:10 24 knowledge?---Yes.
10:25:11 25
10:25:11 26 I tender that witness statement, Commissioner.
10:25:18 27
10:25:19 28 #EXHIBIT RC121 - Witness statement of Kevin Sheridan.
10:25:28 29
10:25:28 30 COMMISSIONER: Yes Mr Winneke.
10:25:29 31
32 <CROSS-EXAMINED BY MR WINNEKE:
33
10:25:31 34 Inspector, you're actually a Chief Superintendent?---In the
10:25:35 35 middle, Superintendent.
10:25:37 36
10:25:42 37 You've in fact been a member of Victoria Police for 47
10:25:45 38 years?---That's correct.
10:25:46 39
10:25:46 40 You commenced in 1972, correct?---That's correct.
10:25:50 41
10:25:51 42 Senior Constable in 1977?---Yes.
10:25:54 43
10:25:55 44 And you joined the Major Fraud Group as a Detective
10:26:04 45 Inspector, is that correct?---Yes, I was in charge of the
10:26:07 46 Asset Recovery Squad as it was known then.
10:26:10 47

10:26:10 1 And that was in November of 1993?---Correct.
10:26:14 2
10:26:15 3 You were appointed on 3 August 98 to the rank of Chief
10:26:22 4 Inspector at the Major Fraud Group?---Yes.
10:26:25 5
10:26:26 6 And then in July 2001 you were promoted to Superintendent
10:26:34 7 and transferred to Region 5, Division 2, as divisional
10:26:39 8 Superintendent?---That's correct, that was at Dandenong.
10:26:42 9
10:26:42 10 At Dandenong. Now, in the position, if we can focus on the
10:26:48 11 Major Fraud Group, and in particular the Asset Recovery
10:26:54 12 Squad, can you explain to the Commission what that's all
10:26:57 13 about?---The major fraud group was established primarily to
10:27:03 14 focus on larger complicated frauds and then some time after
10:27:13 15 that the proceeds of crime legislation was introduced and
10:27:15 16 the Asset Recovery Squad was established within the Major
10:27:20 17 Fraud Group. I think it had been going for about a year
10:27:23 18 and I transferred there as the Inspector in charge and my
10:27:29 19 line commander was the commander of the Major Fraud Group.
10:27:33 20 We were in the same building and as I was an officer I
10:27:38 21 quite often moved between the two groups for duties as I
10:27:42 22 was directed.
10:27:43 23
10:27:47 24 The Asset Recovery group had a relationship if you like
10:27:53 25 with the Drug Squad, is that correct, at times?---Well we
10:27:57 26 were established to work with the whole of Victoria Police
10:28:00 27 but, yes, primarily our work came from the Drug Squad and
10:28:05 28 at work we initiated from within the squad.
10:28:11 29
10:28:11 30 Because of the sorts of offending that the Drug Squad
10:28:15 31 looked into often there was the prospects of significant
10:28:19 32 financial gains and accumulation of assets and accordingly
10:28:23 33 one of the functions of your group was to conduct
10:28:28 34 evidentiary examinations of those accumulations of assets
10:28:31 35 of people who were the suspects of Drug Squad
10:28:35 36 investigations, is that right?---Yes, that's correct.
10:28:37 37
10:28:38 38 And was it a situation where information was shared between
10:28:44 39 your group and the Drug Squad at appropriate times?---Yes.
10:28:51 40
10:28:51 41 And on occasions your group would discover matters as a
10:28:58 42 result of your investigations which might be of interest to
10:29:01 43 members of the Drug Squad and that information might be
10:29:04 44 shared, talking generally?---Yes.
10:29:07 45
10:29:07 46 And likewise the Drug Squad, if they were looking into
10:29:11 47 particular matters and they wanted assets or accumulation

10:29:14 1 of assets examined, they would come to you?---Yes.
10:29:17 2
10:29:21 3 We understand that in or about 1999 there was a situation
10:29:34 4 where an informer was brought to the Major Fraud Group by
10:29:44 5 the Drug Squad, was introduced to the Asset Recovery Squad
10:29:50 6 by the Drug Squad, I'm talking about Ms Gobbo?---You said
10:29:54 7 brought to, I don't know whether she was actually
10:29:57 8 physically brought to the office or you just mean
10:29:59 9 introduced?
10:30:01 10
10:30:01 11 Introduced if you like. We've had evidence about the
10:30:04 12 details of meetings, I don't need to trouble you about
10:30:08 13 that, do you have a general understanding of that?---No,
10:30:10 14 no.
10:30:11 15
10:30:12 16 You have a general understanding of the fact that Ms Gobbo
10:30:16 17 was speaking to members of the Drug Squad, including a
10:30:21 18 person by the name of Kruger. Now I don't know whether
10:30:24 19 you've been told of a person who we are calling Mr Kruger.
10:30:27 20 Do you know of that person I'm talking about?---No.
10:30:30 21
10:30:31 22 I wonder if you can have a look at that list and in
10:30:39 23 particular there's numbers down the left-hand column and
10:30:43 24 you'll get to number 17?---No, those names don't mean
10:30:56 25 anything to me.
10:30:57 26
10:30:58 27 Number 17, the name Kruger, do you see that name, you don't
10:31:02 28 need to read the name next to it out but do you have a
10:31:06 29 recollection of that name?
10:31:08 30
10:31:09 31 COMMISSIONER: Kruger is a pseudonym.
10:31:11 32
33 MR WINNEKE: A pseudonym.
34
35 COMMISSIONER: A police officer.
36
37 MR WINNEKE: The other name, the real name?---No.
38
10:31:12 39 You don't know that person?---No, it doesn't mean anything
10:31:15 40 to me.
10:31:17 41
10:31:18 42 Can I ask you this: did you in your position then have an
10:31:23 43 active role in investigations that were going on or did you
10:31:26 44 simply have an oversight role, perhaps you can explain
10:31:31 45 it?---No, my role was certainly at the higher level. I was
10:31:35 46 - at the Asset Recovery Squad I was the Inspector, so under
10:31:40 47 me I had a Senior Sergeant and a team of probably four

10:31:45 1 Sergeants. My involvement was more at a higher level than
10:31:49 2 day-to-day than certainly not hands-on.
10:31:57 3
10:31:58 4 In any event, in your statement you refer to a document
10:32:02 5 which I think is Exhibit 34A before the Commission. It's
10:32:09 6 number is VPL.0005.0013.0952. I think you might even have
10:32:19 7 a copy of that document, is that right?---I do.
10:32:21 8
10:32:24 9 That is an informer registration application, is that
10:32:28 10 right?---Yes.
10:32:28 11
10:32:29 12 One of your roles within the Major Fraud Group was as the
10:32:39 13 acting local informer registrar, is that correct?---Only at
10:32:47 14 certain limited times. It was generally the role of the
10:32:51 15 substantive Superintendent but I performed that role if the
10:32:55 16 substantive Superintendent was on leave and I was acting in
10:32:59 17 that position.
10:32:59 18
10:33:00 19 So it seems that around May of 1999 you were in that acting
10:33:05 20 position?---Yes.
10:33:06 21
10:33:06 22 And it was your responsibility in that acting position to
10:33:10 23 in effect sign off on informers, so if someone, a police
10:33:18 24 officer applied to register an informer, you were the
10:33:21 25 person in that acting role who would sign off on
10:33:24 26 that?---That's correct.
10:33:25 27
10:33:25 28 And you would be provided with a number of documents,
10:33:28 29 correct?---Yes.
10:33:31 30
10:33:31 31 And you might also be provided with a briefing?---Yes.
10:33:34 32
10:33:35 33 That document that we see there, 34A, appears to be an
10:33:39 34 informer registration application, is that right?---Yes.
10:33:42 35
10:33:44 36 And assuming that you ultimately were the person who signed
10:33:48 37 off on this application, and we know you were?---Yes.
10:33:51 38
10:33:51 39 You would have seen that document, is that right?---Yes.
10:33:53 40
10:33:55 41 The applicant is Jeffrey Steven Pope, Asset Recovery Squad,
10:34:01 42 Detective Senior Constable and you, I take it, know of him
10:34:05 43 and knew him then?---Yes.
10:34:07 44
10:34:08 45 And the informer is Nicola Marie Gobbo and there are some
10:34:17 46 informer details there and you would have looked at that
10:34:20 47 form, one assumes?---Yes.

10:34:22 1
10:34:23 2 And if you go down that form you will have noticed that the
10:34:26 3 sorts of activity in relation to which information may be
10:34:31 4 supplied is specified as fraud and money laundering and the
10:34:36 5 application is made on 13 May 99. Do you see that?---Yes,
10:34:40 6 I see that.
10:34:42 7
10:34:43 8 If we go over the page, that's a part B of the form and
10:34:47 9 that's completed by the applicant supervisor and that
10:34:52 10 person was Gavin John Segrave, also of the Asset Recovery
10:34:57 11 Squad and he was a Detective Sergeant?---Yes.
10:35:00 12
10:35:01 13 You would have seen that then?---I did.
10:35:03 14
10:35:03 15 And also, I take it you knew him pretty well and you no
10:35:10 16 doubt had professional dealings with him then, is that
10:35:13 17 right?---I had supervised him but he hadn't been there that
10:35:19 18 long so in terms of how well I knew him I'd say it was
10:35:24 19 probably limited.
20
10:35:26 21 What about Pope, how well did you know Pope then?---I felt
10:35:29 22 I knew him reasonably well. As I said at the outset the
10:35:33 23 squad was a new squad and a lot of the members that were
10:35:36 24 appointed were very young members, probably their first
10:35:41 25 time into the criminal investigation world.
10:35:44 26
10:35:44 27 Yes?---And because I'd just transferred to the squad I had
10:35:50 28 a fairly good knowledge of most of the members.
10:35:53 29
10:35:54 30 In your role as - the acting role that you had as the
10:36:00 31 registrar, would you read all of these documents, including
10:36:03 32 the supervisor's comments and recommendations,
10:36:06 33 et cetera?---Yes.
10:36:06 34
10:36:07 35 And in this case it's stated that - well, "Segrave
10:36:12 36 recommends the registration of the informer and believed
10:36:15 37 the informant will be an ongoing source of information
10:36:18 38 regarding money laundering and fraud activities, is both
10:36:22 39 credible and reputable". It also says, "Informant has no
10:36:28 40 known previous history of supplying information to law
10:36:33 41 enforcement agencies". Now, it appears that we now know
10:36:40 42 that she had provided information previously to law
10:36:45 43 enforcement agencies. In your role as the registrar would
10:36:49 44 that be information that you would want to know before
10:36:53 45 deciding whether or not to register the person?---Yes.
10:36:57 46
10:36:57 47 And why would it be relevant to ask that question, whether

10:37:03 1 she has or hasn't had a previous history of supplying
10:37:06 2 information?---Well it would have been useful information
10:37:10 3 for me to determine whether to register her on this
10:37:13 4 occasion.
10:37:13 5
10:37:14 6 Yes. And why is that?---Well, how, how her involvement had
10:37:23 7 panned out, if she was registered, whether she was useful,
10:37:26 8 whether she was reliable, whether she was difficult to
10:37:31 9 manage, what her motivations were, what the risks were with
10:37:34 10 her.
10:37:34 11
10:37:34 12 Yes. Those sorts of things are useful to know, all right.
10:37:43 13 Segrave says, "I recommend that SD Pope be approved to
10:37:49 14 handle her with Olney fulfilling a support role. Believe
10:37:55 15 it prudent to have all intended meetings with the informant
10:37:58 16 communicated to controllers prior to such meetings",
10:38:03 17 right?---Yes.
10:38:04 18
10:38:07 19 If we can keep going down that document we see that there's
10:38:14 20 some details against the registrar details and obviously
10:38:21 21 that's your name?---It is.
10:38:23 22
10:38:24 23 And you were Acting Superintendent and you've said that she
10:38:29 24 was suitable for registration, correct?---Correct.
10:38:33 25
10:38:35 26 Now, it also appears that there had been LEAP checks, that
10:38:43 27 would be usual, would it?---Yes.
10:38:45 28
10:38:45 29 If we can scroll down the document, or perhaps whilst we're
10:38:50 30 going past part C, can you explain that part of the
10:38:57 31 application? Do you see that there?---Yes.
10:39:02 32
10:39:02 33 Again with your details?---Yes.
10:39:05 34
10:39:07 35 Do you recall, I'm not suggesting you do, do you recall
10:39:10 36 filling out documents like this?---I've no specific
10:39:16 37 recollection of this form or any other individual ones but
10:39:20 38 just looking at it, it would have been part of the policy
10:39:23 39 process for me as the acting, as the registrar to complete
10:39:28 40 that and do what was required of me.
10:39:32 41
10:39:33 42 If we continue scrolling. Can we see at the bottom there
10:39:41 43 there's a "central registry use only" component of the
10:39:49 44 document and it says that the date that the name was added
10:39:53 45 to the central registry was 27 May 99 and there's a
10:39:59 46 registry number and then there's the name Thomas 22169, do
10:40:06 47 you see that?---Yes.

10:40:06 1
10:40:06 2 There's what appears to be an initial there. Do you know
10:40:11 3 firstly who that person Thomas is?---No, I've got no
10:40:17 4 independent knowledge of that.
10:40:18 5
10:40:21 6 I take it that's not an entry that's made at the time that
10:40:29 7 you fill out your entries, that's made at a later time, is
10:40:33 8 it? It appears to be that that's dated 27 May. Your
10:40:38 9 involvement is on 26 May, is that right?---Yes.
10:40:40 10
10:40:42 11 Now, I wonder if we could put up VPL.0002.0002.0099. We
10:41:09 12 understand that that's an entry out of the central
10:41:16 13 registry. Are you familiar with those sorts of
10:41:22 14 entries?---That to me looks more like an entry from an
10:41:25 15 index rather than the central registry.
10:41:27 16
10:41:28 17 Right. Is that in your handwriting?---Yes.
10:41:31 18
10:41:33 19 And that's got your signature or at least - is that your
10:41:36 20 signature?---Yes, that's my signature.
10:41:38 21
10:41:41 22 Is that an entry in a document which obviously contains
10:41:47 23 other names but which relates to this entry?---Yes.
10:41:50 24
10:41:52 25 So it appears that your involvement in this matter occurred
10:41:57 26 by and large on one day, that is 26 May 1999?---Yes.
10:42:02 27
10:42:04 28 It appears also that part of the application was a LEAP
10:42:12 29 fast track prior offence list - I'll tender that document
10:42:18 30 there, Commissioner.
10:42:19 31
10:42:20 32 COMMISSIONER: Yes, how would I describe that?
10:42:22 33
10:42:22 34 MR WINNEKE: How would you describe that?---That's a copy
10:42:26 35 of an index kept at the Major Fraud Group to record
10:42:32 36 applications for informer registrations.
10:42:37 37
10:42:38 38 Informer registration application index Major Fraud Group
10:42:44 39 dated 26 May 99.
40
41 COMMISSIONER: Perfect.
42
10:42:48 43 WITNESS: If I can clarify any of it, like you're asking
10:42:51 44 about this Thomas. If you read just above his name there
10:42:56 45 is some information there about where the forms go.
46
10:42:58 47 MR WINNEKE: Yes?---My recollection is that when I

10:43:00 1 determine I'm going to register them I contact the criminal
10:43:04 2 intelligence support centre, give them the information and
10:43:07 3 then they generate the informer register number that's
10:43:11 4 shown on part B. But then at a local level I record it in
10:43:15 5 the index and that's where the MFG13 comes from on the
10:43:20 6 left-hand side of the page.
10:43:22 7
10:43:22 8 So that's your number, MFG13 and that's the number that you
10:43:27 9 give to your informer?---Correct.
10:43:29 10
10:43:32 11 Now, your role I take it is not simply a rubber stamp role,
10:43:38 12 you do have to engage with the applicants and find out
10:43:41 13 about this person, correct?---Yes.
10:43:44 14
10:43:44 15 Registering an informant is not an insignificant thing to
10:43:50 16 be done, correct?---Well personally I didn't take it
10:43:53 17 lightly, no.
10:43:53 18
10:43:58 19 Informers are significant components, if you like, of the
10:44:01 20 investigative process?---Yes.
10:44:03 21
10:44:03 22 You want to know that an informer being registered has or
10:44:07 23 you want to know what the motives are?---Yes.
10:44:10 24
10:44:11 25 Sometimes motives can be, or often motives of an informer
10:44:15 26 would be to provide some benefit or to get some benefit for
10:44:21 27 the informer?---Absolutely.
10:44:23 28
10:44:23 29 In fact that's probably more often the case rather than
10:44:27 30 altruistic I assume?---It varies from individuals but yeah,
10:44:32 31 as a generalisation they're in it for some reason.
10:44:37 32
10:44:37 33 And there are risks associated with the registration of
10:44:40 34 informers, I take it, or the risk associated with using
10:44:46 35 informers?---Well both, registering and using, yes.
10:44:49 36
10:44:50 37 And clearly there are risks to an informer because there's
10:44:54 38 at least the possibility that if information gets out those
10:44:58 39 people could be at physical risk?---Yes.
10:45:01 40
10:45:02 41 And there are risks to police investigations because if
10:45:10 42 information is obtained which is incorrect it can take
10:45:16 43 investigations off the rails?---Potentially.
10:45:21 44
10:45:22 45 And one of the things that you've got to consider is why is
10:45:25 46 this person giving the information?---Yes.
10:45:27 47

10:45:27 1 Because that may well have effect on the veracity of the
10:45:32 2 information that you're getting?---Yes, that's correct.
10:45:33 3
10:45:34 4 There are also risks to the Police Force, for example, if
10:45:38 5 the Police Force ends up being used by an informer for
10:45:41 6 their own purpose that can cause embarrassment and
10:45:45 7 problems?---Yes.
10:45:46 8
10:45:47 9 And additionally one would assume that if an informer
10:45:51 10 provides information that is perhaps illegally or
10:45:56 11 improperly obtained by the informer, that could adversely
10:46:00 12 reflect upon the Victoria Police Force?---Potentially, yes.
10:46:06 13
10:46:07 14 So you would want to know as much as you can about the
10:46:10 15 informer?---Yes.
10:46:11 16
10:46:11 17 And you would be asking questions of your applicants, that
10:46:14 18 is in this case Pope and Segrave, to find out as much as
10:46:19 19 you can about that person?---Yes.
10:46:20 20
10:46:20 21 In this case the document itself which was provided to you
10:46:25 22 does not indicate this informer's employment position, I
10:46:32 23 suggest to you? Have a look at it?---No, I can't see it
10:47:01 24 there, no.
10:47:01 25
10:47:05 26 We do know that Nicola Gobbo was, as of about November of
10:47:14 27 1997 a practising barrister. 98, sorry, 98. November 98
10:47:28 28 she was a barrister. And in 97 she was a solicitor, a
10:47:36 29 legal practitioner. That would have been important
10:47:39 30 information for you to know?---Yes.
10:47:40 31
10:47:41 32 Do you think you would have asked what she did and how she
10:47:45 33 would be getting this information?---Look, I've got no
10:47:49 34 independent recollection of this specific application or
10:47:52 35 what the briefing contained but I'd say yes, that would
10:47:59 36 have been something I'd ask, you know, how are they going
10:48:05 37 to get information, so yeah.
10:48:07 38
10:48:08 39 All right. In your experience up to that point had you
10:48:15 40 ever been involved in the registration of an informer who
10:48:19 41 was either a barrister or a solicitor?---Not that I can
10:48:29 42 recall.
10:48:29 43
10:48:29 44 It would be unusual, wouldn't it?---It would be the
10:48:33 45 exception, yes.
10:48:34 46
10:48:36 47 And it would be information that you would want to know

10:48:40 1 about if you were registering a person as an
10:48:45 2 informer?---Yes.
10:48:45 3
10:48:46 4 You would also want to know whether the information that
10:48:51 5 was being provided had been obtained by that person because
10:48:58 6 of their job as a barrister or a solicitor?---You're asking
10:49:07 7 me when I register her whether I would - - -
10:49:09 8
10:49:10 9 If you're going to register someone who is a barrister or a
10:49:13 10 solicitor and that person is providing information about
10:49:16 11 fraud or money laundering and the like, you'd want to know
10:49:20 12 how would she be getting this information, is it
10:49:23 13 information that may well be confidential?---I'd certainly
10:49:27 14 want to know how she was getting it, yes.
10:49:29 15
10:49:29 16 Because I take it you would not want as a member of the
10:49:33 17 Victoria Police Force to be getting information that was
10:49:35 18 improperly obtained or obtained contrary, for example, to
10:49:39 19 the legal practitioner's obligations to their client or to
10:49:43 20 the courts?---Well, that's sort of going a bit further down
10:49:51 21 the path from the registration process, but certainly if
10:49:55 22 and when information's provided, further consideration
10:49:59 23 would be given to those aspects that you're referring to.
10:50:02 24
10:50:02 25 I follow what you're saying. Would you, though, want in
10:50:06 26 the initial stages to be appraised of at least the
10:50:11 27 potential of how she might get the information?---Yes.
10:50:15 28
10:50:15 29 And you'd probably want to set some guidelines to your
10:50:22 30 troops if you like about the sorts of information that they
10:50:24 31 should be seeking?---Well, generally we don't because, you
10:50:33 32 know, a lot of human informers are just really unknown
10:50:38 33 sources of potential evidence. So having said that, our
10:50:44 34 role was major fraud and money laundering and Asset
10:50:49 35 Recovery, so yeah, my instructions would be to them to
10:50:52 36 restrict their work with an informer to our investigations.
10:50:58 37
10:50:58 38 Is that something that you would make a note of on the
10:51:02 39 file?---Unlikely. I mean - - -
10:51:05 40
10:51:05 41 Did you make a note of it anywhere?---No, it's almost a
10:51:10 42 given the way the Force is structured and the amount of
10:51:14 43 work you've got, you've got to manage and control what your
10:51:18 44 investigators do within your obligations and the charter of
10:51:23 45 the Major Fraud Group and the Asset Recovery Squad. So we
10:51:28 46 wouldn't get involved in drug investigations because that
10:51:30 47 wasn't our role.

10:51:33 1
10:51:33 2 Yes. You would want to make sure though that you didn't
10:51:38 3 get information and use information that was improperly
10:51:43 4 provided or provided contrary to ethical obligations or
10:51:48 5 legal obligations because ultimately it may well be that
10:51:51 6 you couldn't use that information?---When the information's
10:52:00 7 received it's evaluated at the time and if the circumstance
10:52:03 8 arose that you're talking about at the Major Fraud Group we
10:52:08 9 had our own legal team. If I had any concerns about
10:52:11 10 whether or not the information received could or should be
10:52:14 11 used it would be referred off to the legal team for advice.
10:52:17 12
10:52:17 13 I understand that. In this case what you say is, "Look, I
10:52:21 14 don't recall ever registering a barrister or a solicitor
10:52:25 15 before". Now, if that's the case do you think it might
10:52:32 16 have been appropriate at the time to seek some legal advice
10:52:36 17 about that?---No, I didn't have any problems with the
10:52:41 18 registration process.
10:52:43 19
10:52:44 20 Do you say that you were aware then of what she was
10:52:49 21 doing?---I said I've got no recollection of ever being told
10:52:53 22 that.
10:52:54 23
10:52:54 24 Yes, all right. I take it you certainly were then and are
10:53:00 25 aware now of a person's right to speak to a lawyer in
10:53:05 26 private?---Yes.
10:53:05 27
10:53:06 28 And that any information that was obtained by police in
10:53:12 29 effect in breach of the obligation to allow a person to
10:53:17 30 speak to a lawyer privately could not be used?---I don't
10:53:27 31 think my legal expertise extends to giving you a definitive
10:53:31 32 answer on that. If I believed that it was privileged
10:53:36 33 information between client and solicitor, no, it wouldn't
10:53:40 34 be used.
10:53:40 35
10:53:41 36 For example, if your subordinate came to you and said,
10:53:46 37 "Look I've got some terrific information, we put a bug in a
10:53:50 38 room where the lawyer was speaking to the client and we've
10:53:54 39 got that information. Here, have a look at this. Let's
10:53:56 40 see if we can use that", what would you say to that
10:53:59 41 subordinate?---We'd probably said "you need to buy The
10:54:05 42 Age".
10:54:05 43
10:54:05 44 You'd need to go back to school?---They'd certainly be
10:54:11 45 addressed about the improper, probably unlawful activities.
10:54:16 46
10:54:16 47 It would be unlawful to do that, wouldn't it?---Yes.

10:54:18 1
10:54:22 2 Now, you have looked at your diaries to see if you have any
10:54:37 3 note in your diaries of a meeting or a briefing from either
10:54:43 4 Pope and/or Segrave on 26 May, is that right?---I have
10:54:52 5 looked at my diaries, yes.
10:54:53 6
10:54:54 7 And did you find any note of a briefing on 26 May in your
10:55:03 8 diary?---I'd have to check. No, my diary for 26 May
10:55:18 9 doesn't make any specific entry of it.
10:55:23 10
10:55:24 11 We've got a copy of your diary which is in effect blacked
10:55:27 12 out but without going into what you were doing on the 26th
10:55:32 13 in great detail, are you able to tell us in broad terms
10:55:36 14 what you were up to on 26 May?---I've described it as
10:55:40 15 management duties.
10:55:41 16
10:55:41 17 So I take it this would fall within the category of
10:55:45 18 management duties?---Yes.
10:55:46 19
10:55:46 20 But there's no specific note about getting a briefing about
10:55:51 21 Ms Gobbo?---No.
10:55:52 22
10:55:53 23 However on the following day, on I think Thursday 27 May,
10:56:01 24 there is a note, is there?---Yes.
10:56:03 25
10:56:03 26 And what does that note of relevance say?---It's just got,
10:56:09 27 mentions - I was at the office and I had a briefing and
10:56:15 28 Gobbo's name is included in that reference.
10:56:19 29
10:56:20 30 Is that the only reference that you've found to
10:56:27 31 Ms Gobbo?---Well, I haven't actually read through these but
10:56:32 32 I believe others have and I believe that's the only
10:56:35 33 reference.
10:56:35 34
10:56:38 35 Were you provided with your diaries before you made your
10:56:40 36 statement?---No, I only got this diary this morning.
10:56:43 37
10:56:43 38 Is that right?---But I have been given photocopy pages of -
10:56:49 39 - -
10:56:49 40
10:56:50 41 And which photocopy pages do you recall being given?---This
10:56:56 42 one.
10:56:56 43
10:56:56 44 Just the one page?---Yes.
10:56:58 45
10:56:58 46 Do you know whether in any of your diaries there's a
10:57:02 47 reference to Operation Ramsden and any details about

10:57:05 1 Operation Ramsden?---It's not a name I'm familiar with.
10:57:08 2
10:57:09 3 Are you aware of an operation in which there were Asset
10:57:17 4 Recovery people, your people, examining the assets of a
10:57:24 5 person, if you have a look at that list, who is described
10:57:27 6 as Solicitor 1? You don't need to mention his name.
7
10:57:31 8 COMMISSIONER: It's item 13 on the list, if you have a look
10:57:34 9 at that?---What's the question?
10:57:39 10
10:57:39 11 MR WINNEKE: Did you know, do you have any recollection of
10:57:41 12 an investigation carried out by your group into that
10:57:48 13 person?---Um, I'm familiar with that name and I would say
10:57:57 14 that was a person of interest when I was there.
10:58:01 15
10:58:03 16 Bearing in mind the note with respect to Ms Gobbo,
10:58:08 17 briefings re, amongst other matters Gobbo, are you aware of
10:58:12 18 her role in that investigation that you just referred
10:58:16 19 to?---No.
10:58:17 20
10:58:17 21 Not at all?---No.
10:58:18 22
10:58:20 23
10:58:25 24
10:58:32 25
10:58:35 26 Yes, thanks Commissioner.
10:58:37 27
10:58:37 28 COMMISSIONER: You mentioned that you were quite friendly
10:58:39 29 with police officer Pope at the time. Did you socialise
10:58:42 30 with him?---I don't think I said I was friendly, I said I
10:58:48 31 knew him because he was a junior Detective that come into a
10:58:51 32 new established squad. To answer your question, I only
10:58:55 33 socialised with him if there was like an office function,
10:58:58 34 if there was a send off or lunches or things of that
10:59:02 35 nature, I never socialised with him individually.
10:59:06 36
10:59:06 37 Did you know anything about him having a relationship with
10:59:09 38 Ms Gobbo?---Nothing of any factual basis.
10:59:12 39
10:59:13 40 Only rumours?---Yes.
10:59:14 41
10:59:14 42 And when were those rumours circulating? At this time or
10:59:19 43 later?---Much later. I think it was when Jeff Pope came
10:59:23 44 back as an Assistant Commissioner and I don't know what
10:59:27 45 that date that was but much later.
10:59:30 46
10:59:30 47 Thank you. Mr Collinson.

10:59:33 1
10:59:34 4
10:59:38 5
10:59:46 6
10:59:49 7
10:59:55 8
11:00:00 9
11:00:01 10
11:00:04 11
11:00:06 12
11:00:06 13
11:00:10 14
11:00:10 15
11:00:14 16
11:00:15 17
11:00:15 18
11:00:20 19
11:00:25 20
11:00:30 21
11:00:34 22
11:00:40 23
11:00:42 24
11:00:47 25
11:00:47 26
11:00:47 27
11:00:53 28
11:00:56 29
11:01:04 30
11:01:09 31
11:01:16 32
11:01:19 34
11:01:22 35
11:01:26 36
11:01:30 37
11:01:30 38
11:01:34 39
11:01:38 40
11:01:42 41
11:01:44 42
11:01:46 43
11:01:51 44
11:01:54 45
11:02:02 46
11:02:07 47

<CROSS-EXAMINED BY MR COLLINSON:

If the Commissioner pleases. I'm counsel for Ms Gobbo, Superintendent. Now, Superintendent, there's evidence, I don't think there's any doubt, that Ms Gobbo was registered as a human source or an informer a third time in September 2005. I take it you're aware of that event?---No.

You haven't been reading the newspapers?---Other than what I read in the paper, no.

I see, yes?---Not in my professional capacity.

Yes?---Because I would have still been a Detective Superintendent somewhere.

I just want to ask you this question: should the registration that you effected in May 1999 have come to the attention of those who were registering Ms Gobbo as a human source or informer in September 2005?---Well, I would have thought so but it's probably the same thing why I wasn't told when I registered her in 99 that she'd been registered before, some administrative error or poor record keeping or something.

The form you completed, that's the informer registration application, does that go on to some kind of electronic database or it was all just paper based at the time?---I believe on, if you look on the bottom of p.2, part B, the bottom of part B where it says "central informer registry number", I believe that number was computer generated.

Yes?---So my understanding, it was stored electronically in some format but I've never personally done that work or managed that area to give you any detail of how it works.

When you registered Ms Gobbo in May 1999 did you do a search on any kind of registry to see anything about an earlier registration?---No, I just relied on the information from Segrave.

So I just want to mention a couple of names to you. Some persons from the Force who were involved in the registration of Ms Gobbo in September 2005 include Terry Purton, is he someone you know?---Yes, I know Terry well.

11:02:07 1 I take it that you didn't have any conversation with
11:02:13 2 Mr Purton?---No.
11:02:14 3
11:02:15 4 About the registration of Ms Gobbo?---No.
11:02:17 5
11:02:17 6 In September 2005 or thereafter?---No. When I say I know
11:02:21 7 Terry well, he was my manager at one stage when we were at
11:02:28 8 internal investigations. I haven't worked with him in
11:02:34 9 crime if that's where it was when he registered her.
11:02:37 10
11:02:38 11 I could read out other names but I take it your
11:02:42 12 recollection is plainly that you just don't, you've never
11:02:45 13 had any knowledge of Ms Gobbo's later registration in
11:02:48 14 September 2005?---That's correct.
11:02:49 15
11:02:51 16 And I take it that extends to you not knowing that she was
11:02:56 17 undertaking any kind of role as an informer or human source
11:03:00 18 from September 2005?---That's correct.
11:03:04 19
11:03:05 20 You didn't hear any rumours to that effect?---No. Look
11:03:10 21 I've never met her, as I say I've only seen her picture in
11:03:15 22 the paper, that's the extent of my knowledge, other than
11:03:18 23 this registration, and whatever my duties were in 99. I've
11:03:23 24 had no involvement with her or none of my duties have
11:03:29 25 touched on any of her involvement with Victoria Police.
11:03:32 26
11:03:32 27 Did you at any time hear, leaving aside what you've read in
11:03:37 28 the newspapers, did you at any time hear of any rumours of
11:03:41 29 inappropriate liaisons between Ms Gobbo and police
11:03:45 30 officers?---No.
11:03:45 31
11:03:46 32 Social liaisons?---No.
11:03:48 33
11:03:48 34 No further questions.
11:03:50 35
11:03:50 36 COMMISSIONER: Thank you. Any other questions?
11:03:52 37 Mr Chettle.
11:03:53 38
11:03:53 39 MR CHETTLE: Briefly if I might, Commissioner.
11:03:57 40
41 <CROSS-EXAMINED BY MR CHETTLE:
42
11:03:58 43 The suggestion that everybody in the criminal department of
11:04:01 44 the Victoria Police Force knew that Nicola Gobbo was
11:04:04 45 registered or providing information to the police in 2005
11:04:07 46 would be one that you would disagree with I take it?---Yes.
11:04:10 47

11:04:11 1 When she later became a witness in relation to Paul Dale
11:04:16 2 and Operation Ceja, were you aware of that occurring and
11:04:20 3 the publicity surrounding that?---I certainly got no
11:04:23 4 knowledge from my duties. If it was in the paper I may
11:04:26 5 have read it, but.
11:04:27 6
11:04:27 7 Certainly, I wanted to suggest to you she became the
11:04:31 8 subject of speculation and rumour perhaps later in life,
11:04:34 9 but certainly in 2005 you had no idea she'd been registered
11:04:38 10 as a source?---No.
11:04:39 11
11:04:40 12 Thanks.
11:04:41 13
11:04:42 14 COMMISSIONER: Any re-examination, Ms Enbom?
11:04:46 15
11:04:47 16 MS ENBOM: No Commissioner.
11:04:47 17
11:04:48 18 COMMISSIONER: Any re-examination, Mr Winneke?
11:04:49 19
11:04:49 20 MR WINNEKE: Just a couple of matters. You were asked by
11:04:52 21 Mr Collinson about other police officers and you. Did you
11:04:55 22 know Jack Blayney?---Yes.
11:04:57 23
11:04:58 24 You may have heard since Jack Blayney describing Ms Gobbo
11:05:03 25 as a loose cannon with respect to her role as an informer.
11:05:06 26 Have you heard that in more recent times?---No.
11:05:09 27
11:05:10 28 In fact it appears that he did describe her in that way in
11:05:14 29 around 1996 when she had been registered as an informer
11:05:22 30 back then. His view was that she was a loose cannon and
11:05:28 31 not much use as an informer. Obviously you didn't know
11:05:33 32 that information when you registered her in 99?---No,
11:05:37 33 that's correct.
11:05:37 34
11:05:37 35 And the system such as it was then didn't enable you to get
11:05:41 36 that information?---Not to my knowledge, no.
11:05:46 37
11:05:46 38 Obviously had you been aware of that it might have been
11:05:49 39 something that you would want to have
11:05:51 40 considered?---Absolutely.
11:05:52 41
11:05:53 42 All right. It appears also, and the Commission has
11:05:56 43 evidence, that Police Officer 2, who with Kruger had
11:06:00 44 assessed her the previous year in 1998 on behalf of the
11:06:06 45 Drug Squad, had formed the view that she wasn't appropriate
11:06:11 46 to be registered because she, for a number of reasons, one
11:06:14 47 of which was her profession, that is as a lawyer, two,

11:06:20 1 because she appeared to have inappropriate relationships
11:06:24 2 with police officers, and three, because she was too overt.
11:06:28 3 Allowing for the fact that you may not be exactly sure what
11:06:33 4 those words mean, again would that be information you might
11:06:38 5 have wanted to be appraised of when you registered
11:06:41 6 her?---Yes, absolutely.
11:06:42 7
11:06:42 8 And obviously if you'd known that you might well have been
11:06:46 9 a lot more circumspect about registering her?---Yes.
11:06:51 10
11:06:51 11 And you certainly might have looked deeper into it?---Yes.
11:06:54 12
11:06:55 13 Thanks very much.
11:06:57 14
11:06:57 15 COMMISSIONER: Thanks very much, Mr Sheridan, you're free
11:06:58 16 to go.
11:07:00 17
18 (Witness excused.)
19
11:07:02 20 <(THE WITNESS WITHDREW)
11:07:02 21
11:07:02 22 MR WINNEKE: Commissioner, the next witness is Mr George
11:07:05 23 Tapai and Ms Tittensor is going to take that witness.
11:07:09 24
11:07:09 25 MR HANNEBERY: Commissioner, there's a couple of issues I
11:07:11 26 just wanted to discuss with Ms Tittensor before this
11:07:15 27 witness commences. There are a couple of issues that have
11:07:19 28 arisen in the last hour or so. I just wonder if I might
11:07:22 29 just have that opportunity.
11:07:22 30
11:07:22 31 COMMISSIONER: Certainly. I think that what was being
11:07:26 32 proposed, at least before court, things develop very
11:07:27 33 quickly.
34
35 MR HANNEBERY: Yes.
36
11:07:28 37 COMMISSIONER: Perhaps the redacted statement could be
11:07:29 38 tendered, the witness sworn, perhaps a little bit of
11:07:32 39 evidence given and then we would be going into a closed
11:07:36 40 hearing for at least some of the - - -
11:07:41 41
11:07:41 42 MS TITTENSOR: I had some discussions with my friend about
11:07:45 43 to the extent I could do it in closed hearing and what
11:07:48 44 might be able to be said publicly. Perhaps he has some
11:07:51 45 further instructions.
11:07:52 46
11:07:52 47 COMMISSIONER: We'll have a short adjournment.

(Short adjournment.)

COMMISSIONER: Yes Ms Tittensor.

MS TITTENSOR: Thanks Commissioner. The next witness is George Tapai.

COMMISSIONER: Oath or affirmation, Mr Tapai?---Oath thank you.

<GEORGE TAPAI, sworn and examined:

MR HANNEBERY: Could you state for us your full name?---George Tapai.

Were you asked to make a statement for this Commission?---Yes, I was.

Did you make that statement on 14 May 2019?---Yes.

Do you have a redacted, an unredacted copy of that statement in front of you?---Yes, I do.

Have you read that statement recently?---When I made it the day before yesterday, yes.

The contents of that statement are true and correct?---They are, yes.

I tender that statement, Your Honour.

#EXHIBIT RC123A - Unredacted statement.

#EXHIBIT RC123B - Redacted statement.

COMMISSIONER: Yes Ms Tittensor.

<CROSS-EXAMINED BY MS TITTENSOR:

I might say at the outset there will be part of Mr Tapai's evidence where it will be necessary to go into a private session.

COMMISSIONER: Certainly.

MS TITTENSOR: We'll try and keep that to a minimum.

11:25:01 1 Mr Tapai, you're aware in relation to the evidence that
11:25:04 2 you're to give that a particular person is to be known as
11:25:08 3 Person 12 rather than their real name?---Yes, I am.
4
11:25:12 5 And you're aware of the identity of that person?---Yes, I
11:25:15 6 am.
11:25:15 7
11:25:22 8 You were a member of the Ethical Standards Department from
11:25:31 9 1999 until 2014?---That's correct, yes.
11:25:34 10
11:25:35 11 A long time?---The part in 1999, I think I was seconded
11:25:41 12 there for a two and a half year period doing Operation
11:25:46 13 Bart, or that may have been before. But I was certainly
11:25:50 14 there a long time, about 17 years in total.
11:25:53 15
11:25:54 16 After your stint in the ESD until 2014 you retired, is that
11:26:01 17 right?---That's correct, yes.
11:26:02 18
11:26:04 19 I'll just take you to paragraph 11 of your statement. You
11:26:11 20 indicate that your first interaction with Ms Gobbo was at a
11:26:18 21 committal hearing in relation to Person 12 on [REDACTED]
11:26:24 22 [REDACTED]?---That's correct, yes.
11:26:28 23
11:26:29 24 Now, the matter relating to Person 12, [REDACTED]
11:26:36 25 [REDACTED]
11:26:41 26 [REDACTED] ---That's right.
11:26:42 27
11:26:45 28 MR HANNEBERY: Commissioner, sorry to interrupt, but are we
11:26:47 29 going to go into private hearing at some point with this?
11:26:51 30
11:26:52 31 MS TITTENSOR: I will. I don't think it's necessary at
11:26:54 32 this point from our discussions.
11:26:59 33
11:27:00 34 MR HANNEBERY: I raise it now because I think it's going to
11:27:02 35 be difficult to go much further in this environment.
11:27:05 36
11:27:05 37 COMMISSIONER: I presume that's what you've been talking
11:27:07 38 about for the last ten minutes.
11:27:09 39
11:27:09 40 MR HANNEBERY: Yes, I wasn't sure what the trigger point
11:27:11 41 was going to be but I understood effectively shortly after
11:27:15 42 he adopted his statement we would initially deal with this
11:27:18 43 matter in private hearing.
11:27:20 44
11:27:20 45 COMMISSIONER: Do you just want to have a quick word and
11:27:23 46 make sure that you're on the same wavelength here.
11:27:27 47

(Discussion at Bar table.)

MS TITTENSOR: Thank you, Commissioner. The facts of that matter very briefly, which I'll come back to later, [REDACTED]

[REDACTED] that right?---That's correct, yes.

And [REDACTED]

[REDACTED] --That's right.

How is that you're able to specify that date of [REDACTED] [REDACTED] can you say?---That was the committal hearing, the commencement of the committal hearing in relation to [REDACTED]

I just want to clarify if that is correct in terms of when you came into contact with Ms Gobbo. I think we've redacted this document to the, very shortly prior to the Commissioner coming on, but if the OPP PRISM database document might be put on the screen, please. Now, if you have a look at that document, you'll see on the extreme left-hand side - this is an OPP database of appearances that or extracts of it, of appearances that Ms Gobbo has made primarily in relation to matters where you were the police informant, do you see that?---Yes.

If we look in that period in [REDACTED] and specifically in relation to that date of [REDACTED], it appears as though she has certainly appeared at a committal hearing on that date but in relation to someone named [REDACTED] [REDACTED]?---Yes.

Do you see that?---Yes.

That matter didn't have anything to do with the prosecution we were just referring to, is that right?---No, no [REDACTED] [REDACTED] came into the picture in relation to the investigation but he wasn't part of that, the arrest. He wasn't involved with [REDACTED] in relation to - if I can refer to it by the operation name.

[REDACTED] He came into it as a peripheral person of interest.

So it appears as though on that date she has appeared for [REDACTED]?---Yes.

11:30:23 1
11:30:23 2 So she's some how involved in the periphery at that
11:30:29 3 date?---Yes.
11:30:30 4
11:30:30 5 COMMISSIONER: So then your paragraph 11, do you need to
11:30:34 6 amend that, paragraph 11 of your statement about your first
11:30:38 7 interaction with Ms Gobbo?---I don't recall what
11:30:45 8 interaction I may have had with her then so that would be.
11:30:49 9
11:30:50 10 It's just it's the same date that you've got here as being
11:30:53 11 the committal hearing on the other matter?---Yep.
11:30:56 12
11:30:56 13 Could they have been on the same day or - - - ?---No,
11:31:00 14 because that [REDACTED] was not part of the committal
11:31:04 15 proceedings.
11:31:05 16
11:31:05 17 He was only peripheral relevance?---I think from memory he
11:31:09 18 was charged with [REDACTED] offences but not as part of
11:31:13 19 that [REDACTED] investigation.
11:31:18 20
11:31:19 21 Where did you get that date [REDACTED] from in paragraph
11:31:22 22 11?---That was the commencement of the committal hearing in
11:31:25 23 relation [REDACTED].
11:31:27 24
11:31:27 25 I guess that's what we're having trouble understanding, is
11:31:31 26 how you and Ms Gobbo could have both been - - - ?---Perhaps
11:31:34 27 she represented [REDACTED] on that date and I just, whether
11:31:42 28 I forgot about it or it wasn't brought to my attention, it
11:31:45 29 was just - yeah, I'm going to guess that I probably forgot.
11:31:49 30
11:31:49 31 Right. So do we know whether she was at the committal
11:31:55 32 hearing on [REDACTED] of Person 12?---On the [REDACTED], yes
11:32:01 33 she was, because that was the actual commencement of the
11:32:03 34 committal hearing.
11:32:05 35
11:32:05 36 I'll let Ms Tittensor sort it out.
11:32:08 37
11:32:09 38 MS TITTENSOR: So it seems as though the situation was at
11:32:11 39 least at that stage that she wasn't representing Person 12,
11:32:14 40 she was representing someone else?---On the [REDACTED]?
11:32:18 41
11:32:19 42 On [REDACTED] at the committal hearing?---No, I think the
11:32:25 43 [REDACTED] was the commencement - she was representing Person 12.
11:32:27 44
11:32:27 45 You believe she was representing Person 12 as well as [REDACTED]
11:32:32 46 [REDACTED] on that date?---No, but we're saying [REDACTED]
11:32:37 47 [REDACTED] was on the [REDACTED] - oh sorry, [REDACTED]. It may have

11:32:45 1 been, that may be the case, yes.
11:32:48 2
11:32:48 3 It may have been the case that at some later stage she came
11:32:51 4 to represent Person 12? You certainly know that she did
11:33:02 5 come to represent Person 12 but you couldn't be confident
11:33:06 6 she was representing Person 12 at the time of those
11:33:09 7 committal proceedings in [REDACTED] is that right?---My
11:33:14 8 recollection was that she was representing Person 12 at the
11:33:16 9 committal [REDACTED].

11:33:20 10
11:33:21 11 COMMISSIONER: Is that based on any documents or is it just
11:33:24 12 a recollection?---I think I may have an entry in my diary,
11:33:27 13 not that Gobbo was there but certainly that the committal
11:33:31 14 hearing commenced on that date.

11:33:34 15
11:33:34 16 Yes. Do you have your diary with you?---I don't have it
11:33:39 17 here in the box but - - -

11:33:41 18
11:33:41 19 All right then.

11:33:42 20
11:33:42 21 MS TITTENSOR: Do you have any recollection that a
11:33:44 22 barrister by the name of [REDACTED] might have been
11:33:48 23 representing Person 12 at the time of the committal
11:33:51 24 proceeding?---Yes, yes, now that rings a bell, yes.

11:33:55 25
11:33:57 26 Would you, could it be the case that Ms Gobbo was
11:34:02 27 representing [REDACTED] at that time, [REDACTED]
11:34:06 28 was representing Person 12 and that at some later stage - -
11:34:09 29 - ?---Yes.

11:34:10 30
11:34:10 31 - - - Ms Gobbo - - - ?---Now that you mention that, yes,
11:34:14 32 that would probably be the case, yes.

11:34:16 33
11:34:16 34 At some later stage after the committal Ms Gobbo came to
11:34:20 35 represent Person 12?---That's - yes, yep.

11:34:22 36
11:34:23 37 Perhaps at that stage, Commissioner, if we can now move
11:34:29 38 into private session.

11:34:30 39
11:34:30 40 COMMISSIONER: Yes. All right. I'm satisfied that it's
11:34:35 41 necessary under the *Inquiries Act* to direct that the
11:34:40 42 hearings now be held in private session and that all people
11:34:44 43 other than the legal representatives representing the
11:34:50 44 parties and assisting the Commission now leave the hearing
11:34:57 45 room and that nothing in the closed hearing be published
11:35:04 46 until further order and that a copy of this order be
11:35:11 47 affixed to the hearing room door and the door of the

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hearing rooms to which the proceedings have been streamed.
(IN CAMERA PROCEEDINGS FOLLOW)

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UPON RESUMING IN OPEN HEARING:

COMMISSIONER: Yes, we've now resumed in public hearing.
Ms Tittensor.

MS TITTENSOR: Thanks Commissioner. Mr Tapai, you refer in your statement to another matter in which it's been raised with you that you might have had some contact with Ms Gobbo relating to a person by the name of John Balakis, or a Stavros Balakis, do you recall that?---Yes.

If we can put the OPP document back on the screen please.

COMMISSIONER: Yes, Exhibit 124.

MS TITTENSOR: If you see right down the bottom there, it's apparent that Ms Gobbo appeared in a plea for John Balakis?---Yes.

Back in November of 2007?---Yes.

There's some indication in relation to what Ms Gobbo has told the police that she represented him around that stage on a plea and he got a suspended sentence. Is that anything that causes you to recall anything further in relation to your and her interaction around that time?---No, no. Mr Balakis was just a person, one person out of I think about eight that were charged with, with drug offences. My main focus was on a police member who was trafficking drugs to all these people.

And you've outlined that in your statement?---Yes.

So I won't take you through that. But in essence you had no memory of in fact being the informant for Mr Balakis it seems?---I don't, I don't recall any conversation with Ms Gobbo in relation to it. I'm not saying it didn't occur, I just - it just wouldn't have been significant.

In relation to your evidence today, there's been no diary as yet produced to the Commission of yours. You're aware of that?---Yes.

And you indicate in your statement that in the time available you've not been able to identify diary entries in terms of the Balakis matter, but do you undertake to continue to search your diaries for relevant entries and

12:28:00 1 notify the Commission by, say, the end of next week?---Yes.
12:28:04 2
12:28:04 3 In relation to those, any relevant diary entries in
12:28:07 4 relation to your evidence today?---Yes.
12:28:09 5
12:28:18 6 One of the matters I asked you about when you started
12:28:23 7 giving your evidence was in relation [REDACTED]
12:28:30 8 [REDACTED] Yes.
12:28:33 9
12:28:33 10 [REDACTED], do you recall
12:28:37 11 that?---Yes.
12:28:37 12
12:28:38 13 And you recall that Ms Gobbo came to represent Person
12:28:42 14 12?---Yes.
12:28:43 15
12:28:44 16 And that Person 12 agreed to plead guilty and to give
12:28:48 17 evidence [REDACTED]?---Yes.
12:28:50 18
12:28:51 19 And at his plea hearing he gave an undertaking to [REDACTED] that
12:28:56 20 evidence and received a sentencing discount?---That's
12:28:59 21 correct, yes.
12:28:59 22
12:29:00 23 Ultimately he failed to live up to that undertaking that he
12:29:04 24 gave and he was resentenced?---Yes.
12:29:06 25
12:29:08 26 Were you ever made aware that Ms Gobbo had had a sexual
12:29:13 27 relationship with one of those [REDACTED] that was
12:29:15 28 charged?---No.
12:29:16 29
12:29:16 30 [REDACTED]?---No.
12:29:17 31
12:29:20 32 The Commission has evidence that Ms Gobbo had a
12:29:25 33 relationship with [REDACTED] back in the [REDACTED] and that
12:29:30 34 around this period of time she maintained at least a
12:29:33 35 friendship with him? That is 2003, 4 and into 2005, were
12:29:43 36 you aware of that?---I was not aware of it and I have no
12:29:47 37 knowledge of that.
12:29:47 38
12:29:48 39 If you were aware at the time would you have had some
12:29:51 40 concern about her representation of Person 12?
12:29:56 41
12:29:57 42 MR HANNEBERY: Person 12.
12:29:58 43
12:29:58 44 MS TITTENSOR: Sorry.
12:29:59 45
12:29:59 46 COMMISSIONER: That name will have to be removed from the
12:30:02 47 record. It's not to be published outside this courtroom.

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Yes.

MS TITTENSOR: Apologies Commissioner. Would you have been concerned about her acting for Person 12?

MR HANNEBERY: We've done it again.

COMMISSIONER: I repeat the order I've just made. We'll try again. Third time lucky.

MS TITTENSOR: Would you have been concerned in relation to Ms Gobbo acting for Person 12 had you have known that she was having, or that she had at least in the past had a relationship with one of [REDACTED]?---I'm not sure what level of concern I may have had. I suppose under those circumstances it would cross my mind that anything could happen. It's certainly something that I would report.

You would no doubt be aware that a lawyer's job is to act in the best interests of the client?---Yes.

Could you be certain in a case where a person had a friendship or a sexual relationship with a co-accused, that that lawyer was acting in the best interests of a client?---I guess not, no.

I take it you can't say one way or the other whether Ms Gobbo had any role in advising Person 12 in relation to his decision not to give evidence?---Not to my knowledge.

[REDACTED]

12:32:48 1
12:32:53 2
12:32:56 3
12:33:00 4
12:33:02 5
12:33:03 6
12:33:05 7
12:33:05 8
12:33:07 9
12:33:10 10
12:33:18 11
12:33:18 12
12:33:22 13
12:33:25 14
12:33:27 15
12:33:28 16
12:33:30 17
12:33:31 18
12:33:34 19
12:33:39 20
12:33:44 21
12:33:46 22
12:33:49 23
12:33:50 24
12:33:52 25
12:33:55 26
12:34:01 27
12:34:05 28
12:34:11 29
12:34:14 30
12:34:14 31
12:34:17 32
12:34:18 33
12:34:21 34
12:34:23 35
12:34:25 36
12:34:27 37
12:34:27 38
12:34:29 39
12:34:31 40
12:34:31 41
12:34:39 42
12:34:40 43
12:34:42 44
12:34:42 45
12:34:42 46
12:34:43 47

[REDACTED]

MS TITTENSOR: Thank you, Commissioner. Perhaps if you can just answer my question about whether you have any awareness or not as to whether Ms Gobbo had any role in Person 12's decision not to give evidence against those [REDACTED]?---I don't have but I know why he didn't, he chose not to give - well, provide further assistance.

Based upon a conversation you had with him?---Yes.

And he didn't indicate to you that Ms Gobbo had had any role in that decision making?---No, no.

Thank you Commissioner.

COMMISSIONER: When did you retire from the Police Force, Mr Tapai?---2014.

Thank you. Any questions? Any questions, Mr Chettle?

MR CHETTLE: No Commissioner.

MR HANNEBERY: No re-examination.

COMMISSIONER: Any re-examination, Ms Tittensor?

12:34:44 1
12:34:45 2 MS TITTENSOR: No, Commissioner.
12:34:46 3
12:34:46 4 COMMISSIONER: All right then, thank you, you're excused
12:34:49 5 and free to go. Thank you for the assistance with the
12:34:53 6 diaries in due course?---Thank you.
7
12:34:56 8 <(THE WITNESS WITHDREW)
12:34:56 9
12:34:57 10 COMMISSIONER: The redacted statement could be put on the
12:35:00 11 website now, is that correct?
12:35:01 12
12:35:02 13 MR HANNEBERY: Yes, I think that's correct.
12:35:03 14
12:35:03 15 COMMISSIONER: The redacted statement can be put on the
12:35:06 16 website, the other statement will remain confidential.
12:35:10 17 Next witness?
12:35:11 18
12:35:12 19 MR WINNEKE: Commissioner, the next witness is Wayne
12:35:16 20 Cheesman. I would imagine, I note the time, I would
12:35:21 21 imagine that we should be able to complete his evidence
12:35:24 22 certainly within three-quarters of an hour, if not
12:35:28 23 three-quarters of an hour but perhaps a little bit more so.
12:35:30 24 It may well be, so long as the shorthand takers are
12:35:35 25 comfortable to continue, if we continue with his evidence,
12:35:39 26 there are no further witnesses after Mr Cheesman
12:35:41 27 unfortunately today for a number of reasons but if
12:35:44 28 everyone's content it may well be appropriate to continue
12:35:47 29 and finish his evidence, depending on how we go.
12:35:50 30
12:35:50 31 COMMISSIONER: Let's see how we go.
12:35:52 32
12:35:52 33 MR WINNEKE: Yes.
12:35:53 34
12:35:53 35 COMMISSIONER: See if there's much cross-examination. Is
12:35:59 36 any cross-examination expected? Not sure.
12:36:01 37
12:36:01 38 MR WINNEKE: It may well depend on how we go.
12:36:04 39
12:36:04 40 COMMISSIONER: Yes. Let's just see. Is there some problem
12:38:15 41 with the witness?
12:38:16 42
12:38:16 43 MR WINNEKE: I don't know, I've called him but I don't know
12:38:19 44 where he is.
12:38:20 45
12:38:21 46 MS ARGIROPOULOS: Somebody has stepped out quite a while
12:38:24 47 ago to locate him so I'm sure he won't be much longer,

12:38:27 1 Commissioner.
12:38:59 2
12:38:59 3 COMMISSIONER: Yes Mr Cheesman. Oath or
12:39:05 4 affirmation?---Oath.
12:39:05 5
12:39:05 6 Oath, thank you.
12:39:07 7
12:39:10 8 <WAYNE FREDERICK CHEESMAN, sworn and examined:
12:39:23 9
12:39:23 10 COMMISSIONER: Yes Ms Argiropoulos.
12:39:25 11
12:39:25 12 MS ARGIROPOULOS: Thank you Commissioner. Could you tell
12:39:28 13 the Royal Commission your full name, please?---Wayne
12:39:32 14 Frederick Cheesman.
12:39:33 15
12:39:35 16 Mr Cheesman, are you currently employed by Victoria
12:39:37 17 Police?---Yes, I am.
12:39:39 18
12:39:39 19 And in what capacity is that at present?---I'm an
12:39:43 20 Inspector. I'm the staff officer to Deputy Commissioner
12:39:47 21 Paton.
12:39:47 22
12:39:47 23 Thank you. Have you been handed a copy of a statement that
12:39:51 24 you've made in relation to this Royal Commission?---Yes, I
12:39:55 25 have.
12:39:55 26
12:39:56 27 That document is dated 14 May 2019?---Yes, that's correct.
12:40:01 28
12:40:02 29 Are the contents of that statement true and correct?---Yes,
12:40:04 30 they are.
12:40:05 31
12:40:06 32 Commissioner, I tender the statement of Wayne Cheesman.
12:40:09 33
12:40:11 34 #EXHIBIT RC126 - Statement of Wayne Frederick Cheesman.
12:40:16 35
12:40:17 36 COMMISSIONER: Yes Mr Winneke.
37
38 <CROSS-EXAMINED BY MR WINNEKE:
39
12:40:23 40 Mr Cheesman, you joined the Police Force in 1987?---That's
12:40:27 41 correct.
12:40:27 42
12:40:27 43 And graduated in October of that year?---That's correct.
12:40:31 44
12:40:33 45 In August of 1988 you were a Constable at the Mount
12:40:38 46 Waverley police station?---That's correct.
12:40:39 47

12:40:40 1 30 December 96 you were promoted to the rank of Detective
12:40:45 2 Senior Constable at the Prahran CIB?---That's correct.
12:40:47 3
12:40:48 4 That's then the Criminal Investigation Bureau?---Yes.
12:40:52 5
12:40:52 6 18 June 2001 you transferred to the Drug Squad as a
12:40:57 7 Detective Senior Constable?---That's correct.
12:40:59 8
12:41:00 9 And you were only there for five months because on 19
12:41:05 10 November 2001 you were promoted to Sergeant and you went
12:41:09 11 back into uniform at Prahran police station; is that
12:41:12 12 right?---Yes, that's correct.
12:41:13 13
12:41:14 14 And then you went in 2003, you went back to what was in
12:41:27 15 effect the re-badged Drug Squad, but now the Major Drug
12:41:32 16 Investigation Division, as a Detective Sergeant?---Yes.
12:41:34 17
12:41:35 18 And you stayed there until December 2005?---Yes.
12:41:38 19
12:41:40 20 As a detective involved in investigating prosecuting drug
12:41:47 21 offences and so forth?---Yes, that's correct.
12:41:48 22
12:41:49 23 After that you had a two year secondment and you went to
12:41:53 24 another agency, investigative agency?---That's correct.
12:41:55 25
12:41:56 26 And then you came back to Victoria Police Force and you
12:42:01 27 went into the Homicide Squad on about 4 November
12:42:05 28 2007?---Yes.
12:42:05 29
12:42:07 30 Became a Detective Senior Sergeant with the Echo Task Force
12:42:12 31 on 1 January 2011?---That's right.
12:42:15 32
12:42:16 33 That role included investigating and prosecuting criminal
12:42:24 34 offences associated with outlaw motorcycle gangs; is that
12:42:29 35 right?---Yes, that's correct.
12:42:29 36
12:42:30 37 And from 26 June 2017 to the present you've been a staff
12:42:35 38 officer to Deputy Commissioner Paton?---Yes.
12:42:39 39
12:42:39 40 What does that involve, being a staff officer to a Deputy
12:42:45 41 Commissioner?---Materials that come up to the Deputy for
12:42:49 42 consideration are pushed up through me from the different
12:42:51 43 areas under his command, under the portfolio we call it.
12:42:54 44
12:42:54 45 Yes?---It originally started that he had the Specialist
12:42:57 46 Operations portfolio, which was a number of areas within
12:43:02 47 Victoria Police such as crime, intel and covert support,

12:43:06 1 legal services, road policing, forensics. In November last
12:43:12 2 year I think it was - - -
12:43:13 3
12:43:14 4 2017 do you think it might have been?---Yes, yes. That was
12:43:17 5 during - - -
12:43:18 6
12:43:18 7 Operation Bendigo, is that what you're going to get
12:43:21 8 to?---No, no.
12:43:21 9
12:43:22 10 Perhaps I'm getting ahead of myself, right?---The
12:43:25 11 Specialist Operation portfolio covered those specialist
12:43:28 12 areas.
12:43:28 13
12:43:29 14 Yes?---In November last year there was a rotation of the
12:43:33 15 portfolios amongst the Deputy Commissioners and Mr Paton
12:43:37 16 now has the Regional Operations portfolio.
12:43:40 17
12:43:40 18 I follow that. I'll come back to some of the things you've
12:43:44 19 come to know as a consequence of your current position but
12:43:47 20 perhaps we'll go through it chronologically. As I
12:43:50 21 understand it what you say is that you had no involvement
12:43:56 22 with Nicola Gobbo in your earlier time at the Drug Squad,
12:44:00 23 that is the five month period from June to November 2001;
12:44:04 24 is that right?---That's right. So I knew Nicola Gobbo
12:44:07 25 because I would attend court on a range of matters.
12:44:10 26
12:44:10 27 Yes?---As I knew a number of lawyers who were always
12:44:13 28 present in the courts. But I had nothing to do with her
12:44:16 29 personally other than say hello. I don't believe she
12:44:20 30 defended any defendants that I had charged but I certainly
12:44:23 31 knew her from the court precinct.
12:44:25 32
12:44:25 33 I follow that. It may well be if you were there in 2001
12:44:30 34 from June to November, it may well be you were involved in
12:44:36 35 a number of operations which got to court, charged people,
12:44:40 36 it may well be that you ultimately didn't have, your
12:44:42 37 weren't there long enough for people to get to trial
12:44:44 38 perhaps in any event?---That's correct.
12:44:45 39
12:44:49 40 Do you recall which unit you were in in that period?---So
12:44:53 41 at the time the Drug Squad or Major Drug Investigation
12:44:58 42 Division had three units.
12:44:59 43
12:44:59 44 This is in 2001?---Yes.
12:45:00 45
12:45:02 46 Yes?---I was in Unit 3 which concentrated predominantly on
12:45:06 47 targeting and investigating drug syndicates which involved

12:45:13 1 people of Asian origin.
12:45:16 2
12:45:17 3 Right?---Yes. So that was my role.
12:45:19 4
12:45:19 5 All right. In any event what happened was you went out of
12:45:24 6 that area but you came back as a Sergeant in 2003 and at
12:45:35 7 that stage I think in your statement you say it was at that
12:45:38 8 time Unit 3 focusing on drug trafficking syndicates, Asian
12:45:43 9 drug trafficking syndicates at that time?---That's correct,
12:45:46 10 yes.
12:45:47 11
12:45:47 12 What the situation is, as I understand it, you frequently
12:45:50 13 attended the Magistrates' Court as an informant or a
12:45:53 14 witness in relation to prosecutions and it's in that
12:45:55 15 capacity that you come into contact with Ms Gobbo?---During
12:45:59 16 that time, yes, yes.
12:46:01 17
12:46:01 18 That continues for a period of time right through I think
12:46:09 19 to 2007, would that be fair to say?---That would be fair to
12:46:14 20 say, yes.
12:46:15 21
12:46:15 22 So you'd meet with her. You don't recall any occasion
12:46:19 23 where you charged a person and she was a defence
12:46:22 24 barrister?---Not that I recall, no.
12:46:24 25
12:46:25 26 But in the run of the - in the usual course of things you
12:46:28 27 would run into her, as you run into lots of barristers as
12:46:33 28 you go about your business of going to court and so
12:46:36 29 forth?---Yes, that's correct.
12:46:37 30
12:46:37 31 Righto, okay. In terms of your interactions with her, I
12:46:45 32 take it they were friendly and generally of a
12:46:51 33 non-professional - in the sense that you're not talking
12:46:55 34 about your particular court cases but "hello" and so forth;
12:46:58 35 is that right?---That is correct.
12:46:59 36
12:46:59 37 Occasionally you'd have more lengthy conversations but even
12:47:04 38 these more detailed conversations were limited to small
12:47:07 39 talk about how you were and other trivial matters not
12:47:11 40 related to work?---That's right.
12:47:12 41
12:47:15 42 What you do recall is that on one occasion you had a
12:47:19 43 discussion with her and she was upset?---Yes. So when I
12:47:24 44 was preparing the statement I was asked if I recalled a
12:47:27 45 particular occasion when she was upset and I have a
12:47:30 46 recollection that, yes, she was upset when I was speaking
12:47:35 47 to her, yes.

12:47:36 1
12:47:36 2 Indeed, I think in your statement you say she was
12:47:39 3 crying?---Yes, I believe so.
12:47:40 4
12:47:40 5 I suppose that would be a little bit unusual in the context
12:47:44 6 of going to court and speaking to barristers, to meet
12:47:48 7 someone in that sort of state?---Yeah, very much so, yes.
12:47:51 8
12:47:52 9 And so I take it that's why you recall it?---Yes, and on
12:47:57 10 reflection I'm trying to think of what the content of the
12:48:00 11 conversation was and I don't recall the content of the
12:48:05 12 conversation but I do recall that she was upset.
12:48:06 13
12:48:07 14 There's a reason I'm asking you these questions but do you
12:48:11 15 recall who you were with or not?---No, I don't.
12:48:14 16
12:48:14 17 You've looked through your diaries I take it quite closely
12:48:20 18 to see if you can find any reference of this?---Yes, I do.
12:48:23 19 I haven't got any mention of Nicola Gobbo in my diaries at
12:48:30 20 all.
12:48:30 21
12:48:30 22 Not at all?---No.
12:48:31 23
12:48:32 24 There's a document that the Commission has before it called
12:48:35 25 a source management log. Indeed it's been tendered. I'm
12:48:38 26 not going to put it in front of you or put it up on the
12:48:45 27 screen for a number of reasons to do with public interest
12:48:49 28 immunity, but if you can accept this: that on 7 September
12:48:52 29 2005 there's an entry in that log which says this, "Request
12:48:59 30 by Acting Superintendent Hill of the MDID", you know Hill,
12:49:06 31 Robert Hill?---Yes, I do.
12:49:07 32
12:49:08 33 "To assist in the assessment of a human source", or "HS".
12:49:12 34 "HS has approached Mansell and Cheesman in emotional state,
12:49:18 35 concerned for her welfare, wants to talk re association
12:49:30 36 with Mokbel crew". Do you follow what I'm - do you
12:49:36 37 understand what I'm saying?---Yes, I understand what you're
12:49:38 38 saying.
12:49:39 39
12:49:39 40 Have you seen that entry in the preparation for your
12:49:41 41 statement?---No, I haven't.
12:49:42 42
12:49:43 43 Have you been told about that?---No, I haven't been told
12:49:45 44 about that entry, no.
12:49:46 45
12:49:47 46 Do you believe that that could be a reference to an
12:49:53 47 occasion, the occasion when you saw her when she was in an

12:49:57 1 emotional state or not?---No, that wasn't me. So I'm aware
12:50:00 2 of the name Steve Mansell. I don't know Steve Mansell.
12:50:05 3
12:50:05 4 Right?---I don't recall him being at the Drug Squad when I
12:50:07 5 was there or, if he was, he certainly wasn't in my Unit.
12:50:10 6
12:50:11 7 The evidence is that Mansell was at the MDID in around
12:50:19 8 August and September of 2005. What you say is you didn't
12:50:25 9 work in his Unit in any event?---No, I've never worked with
12:50:28 10 Steve Mansell.
12:50:29 11
12:50:30 12 Okay, all right. Were you involved in Operation Quills
12:50:36 13 which led to arrests in around August of 2005?---You may
12:50:45 14 have to prompt me in relation to who Quills related to.
12:50:49 15
12:50:49 16 Righto?---There was a lot of operations with a lot of
12:50:52 17 Operation names.
12:50:53 18
12:50:54 19 Just excuse me. There's a name that I can refer to - just
12:51:08 20 excuse me.
12:51:15 21
12:51:15 22 COMMISSIONER: You were at the Drug Squad around this time
12:51:17 23 though, weren't you?---Yes, Commissioner, yes.
12:51:23 24
12:51:23 25 MR WINNEKE: I'm told I can mention - we've got to be very
12:51:27 26 careful about mentioning things here, but I'm told I can
12:51:31 27 mention this name. **Mr Bickley**. Now does that name
12:51:35 28 ring a bell?---No, it does not.
12:51:36 29
12:51:38 30 **Mr Hastings**, another person by the name of **Mr Hastings** **Mr Hastings** does that
12:51:44 31 name ring a bell?---It doesn't ring a bell but it sounds
12:51:48 32 like an Asian name, an Asian surname. That particular name
12:51:51 33 doesn't ring a bell.
12:51:52 34
12:51:53 35 All right then. What you do say is you don't recall
12:51:56 36 working with Mansell and he wasn't in your Unit. You were
12:52:02 37 in Unit 3 at that time?---Yes, but I guess to clarify just
12:52:06 38 a little bit, there were separate units but often if a job
12:52:09 39 went into resolution where there was search warrants and
12:52:12 40 arrests we would all participate to have the required
12:52:16 41 resources to conclude an operation.
12:52:18 42
12:52:19 43 Yes?---So it may have been a fact that, for example,
12:52:23 44 Mansell's area was concluding an operation and we were
12:52:26 45 involved without being part of that investigation through
12:52:29 46 its duration.
12:52:30 47

12:52:31 1 Yes?---And only came in at the conclusion for a particular
12:52:35 2 purpose.
12:52:35 3
12:52:36 4 Would you be going to court in relation to such an
12:52:39 5 operation?---Not if it didn't directly - well, possibly if
12:52:43 6 I was a witness to that matter, if I'd located an exhibit
12:52:46 7 or conducted an arrest.
12:52:51 8
12:52:56 9 Have you got your diaries there?---Yes, I have.
12:52:59 10
12:53:00 11 Maybe we will give you an opportunity at a time which is
12:53:05 12 convenient to go through those diaries and particularly
12:53:08 13 around that period. I take it you have gone through your
12:53:11 14 diaries around August, September 2005?---Yes.
12:53:13 15
12:53:14 16 Scouring for any reference to a contact with Ms Gobbo in
12:53:18 17 which she's upset and wanting to talk re her association
12:53:23 18 with the Mokbel crew?---Yes.
12:53:26 19
12:53:26 20 I mean if you had had a discussion with her and got that
12:53:29 21 sort of information, what would you have done with that
12:53:32 22 information?---Why I believe that's not true is because as
12:53:39 23 a Sergeant at the Major Drug Investigation Division knowing
12:53:42 24 that people such as Tony Mokbel were involved in high level
12:53:45 25 distribution of drugs, if someone had come to me offering
12:53:49 26 information about Mokbel, I would remember it, I would
12:53:55 27 argue.
12:53:55 28
12:53:55 29 It may well be that we can clarify this in due course but
12:54:00 30 what you say is you do not believe that you were involved
12:54:03 31 at the time leading into Ms Gobbo coming in to speak to
12:54:07 32 police about providing information?---No, I don't believe I
12:54:10 33 was.
12:54:10 34
12:54:10 35 Yes, all right. You believe that if you were involved in
12:54:13 36 that it's something, one, that you'd remember and, two,
12:54:16 37 that you'd have a note of?---I believe I'd remember it,
12:54:20 38 yes.
12:54:21 39
12:54:29 40 I think in your statement also you say whilst you do recall
12:54:32 41 a discussion in which she was emotional, indeed was crying,
12:54:36 42 you don't recall her saying words to the effect that she
12:54:38 43 also feared for her welfare or she wanted to talk to police
12:54:42 44 about her associations with Mokbel?---No, no, I don't
12:54:46 45 recall that.
12:54:46 46
12:54:49 47 In the period - you subsequently become aware that Ms Gobbo

12:54:58 1 was an informer, did in fact become a registered
12:55:02 2 informer?---Not until 2017.
12:55:04 3
12:55:04 4 Right. And you found that out in your current position as
12:55:09 5 a staff officer associated with Mr Paton?---That's correct.
12:55:14 6
12:55:14 7 And he was involved in an operation called Operation
12:55:18 8 Bendigo?---Yes.
12:55:18 9
12:55:23 10 What you do say is in the period from 2003 right through to
12:55:32 11 the period that you leave the Drug Squad you do have these
12:55:38 12 occasional interactions with Ms Gobbo?---Yes.
12:55:41 13
12:55:42 14 You do recall - I'm sorry. During the course of
12:55:47 15 preparation for your statement you were shown an email; is
12:55:52 16 that right?---Yes.
12:55:52 17
12:55:52 18 That's an email that you wrote on 14 October 2008?---Yes.
12:56:05 19
12:56:09 20 At that stage you had left the Drug Squad and you were in
12:56:12 21 the Homicide Squad; is that right?---That's correct.
12:56:13 22
12:56:15 23 But obviously your duties in the Homicide Squad took you to
12:56:18 24 court?---Yes, that's correct.
12:56:19 25
12:56:20 26 And I think around October 2008 were you involved in a
12:56:29 27 prosecution or involved in a prosecution of a man by the
12:56:32 28 name of Debs who had to front matters in New South Wales;
12:56:39 29 is that right?---Yes, so I have an entry in my diary that
12:56:42 30 it was an application for a 464 interview for Bandali Debs,
12:56:48 31 that's why I was at the court.
12:56:49 32
12:56:49 33 That's on 13 October 2008?---I believe so.
12:56:52 34
12:56:52 35 The Commission has evidence I think that Ms Gobbo was also
12:56:55 36 at the Melbourne Magistrates' Court; is that right?---It
12:57:00 37 may be County Court but the court - it might have been the
12:57:04 38 County Court but I'd have to double-check in the diary.
12:57:07 39 There is an entry there.
12:57:09 40
12:57:09 41 Are you able to do that now?---Yes. Is that all right?
12:57:15 42
12:57:15 43 Yes.
12:57:15 44
12:57:16 45 COMMISSIONER: Certainly?---The date is Monday 13 October.
12:57:32 46
12:57:32 47 MR WINNEKE: Yes?---It's the Melbourne Magistrates' Court

12:57:36 1 and I arrived at the court at 10.20 am and left the court -
12:57:42 2 I've got back in the office at 1 pm.
12:57:44 3
12:57:45 4 All right, okay. It seems that you did have a discussion
12:57:50 5 with Ms Gobbo on that date?---I accept that, yes.
12:57:55 6
12:57:56 7 You didn't make a note in your diary about that
12:57:59 8 discussion?---No.
12:57:59 9
12:58:00 10 But what you did do on the following day was to compose an
12:58:05 11 email and send it to a couple of colleagues of yours, one
12:58:11 12 of whom was an investigator not with Victoria Police but in
12:58:16 13 another criminal investigative body outside of
12:58:22 14 Victoria?---That's correct.
12:58:22 15
12:58:22 16 And also with another person by the name of Robert Ridley
12:58:25 17 who I think was a Victorian Police Officer; is that
12:58:29 18 right?---That's correct.
12:58:29 19
12:58:29 20 Was he at the Drug Squad, MDID?---No, back at that time
12:58:35 21 there were what we call crime theme desks.
12:58:39 22
12:58:39 23 Yes?---They were a - each desk had a different theme and
12:58:42 24 those themes were essentially depositories for information
12:58:47 25 that came in about that particular theme. So I don't
12:58:51 26 recall whether Rob Ridley was the Senior Sergeant who sat
12:58:53 27 over the top of a number of desks or whether he was a
12:58:55 28 Sergeant in charge of the drug desk. I have a feeling he
12:58:59 29 was the former, he was a supervisor there.
12:59:02 30
12:59:02 31 I take it, it was your understanding that he would be
12:59:07 32 interested in information about high level drug matters or
12:59:09 33 a particular person?---Yes, very much so. He would then
12:59:12 34 assess it and funnel it to where it needed to go.
12:59:14 35
12:59:15 36 You had a discussion, and I'll read out the contents of the
12:59:18 37 discussion. Perhaps I'll do that first. You send this
12:59:27 38 email to those two officers and it's this, "Gentlemen, I
12:59:35 39 ran into Nicola Gobbo at court yesterday. I've known her
12:59:38 40 for years and we always chat. She pulled me aside and we
12:59:42 41 spoke about Robbie Karam. She says Robbie is continuing
12:59:49 42 with", the next three words are in quotes "business as
12:59:54 43 usual", "to fund his defence. Spoke to", a person whose
13:00:03 44 name I won't mention, "at the AFP", Australian Federal
13:00:08 45 Police, "who worked on the import and he said no one at the
13:00:12 46 AFP currently looking at him, for your information in case
13:00:20 47 you want to start something up". You've seen that email in

13:00:23 1 the last couple of days or few days, is that right?---Yes,
13:00:27 2 that's correct.
13:00:28 3
13:00:29 4 Is that the email that you sent?---Yes.
13:00:31 5
13:00:32 6 Does that email encapsulate the conversation or at least
13:00:37 7 the salient points of the conversation that you had with
13:00:41 8 Ms Gobbo?---It would do, yes. I don't recall the
13:00:44 9 conversation per se but there's obviously been a
13:00:47 10 conversation that's prompted me to send the email.
13:00:49 11
13:00:50 12 Yes, all right. One assumes that in the day afterwards you
13:00:55 13 would have had a fresher recollection than you do now and
13:00:59 14 you would have made sure that that email was as accurate as
13:01:04 15 you could make it?---Yes.
13:01:06 16
13:01:09 17 Commissioner, I note the time. I had anticipated that we
13:01:11 18 might be able to get through the majority of the evidence
13:01:14 19 but I think it is unlikely.
13:01:16 20
13:01:16 21 COMMISSIONER: All right then. We'll adjourn until 2
13:01:18 22 o'clock. Thank you.
13:01:47 23

13:01:47 24 LUNCHEON ADJOURNMENT
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13:50:52 1 UPON RESUMING AT 2.03 PM:

14:03:36 2
14:03:36 3 COMMISSIONER: Yes Mr Winneke.

14:03:37 4
14:03:38 5 MR WINNEKE: Thanks Commissioner. Mr Cheesman, just to
14:03:40 6 remind you, I was asking you about an email that you sent
14:03:44 7 to two of your colleagues and in that email you've
14:03:47 8 indicated that Nicola Gobbo spoke to you about Robbie
14:03:52 9 Karam. She says that Robbie is continuing with business as
14:03:57 10 usual to "fund his defence", and you passed that
14:04:00 11 information on because you thought it would be appropriate
14:04:04 12 to do so?---Yes. Yes, of course.

14:04:05 13
14:04:05 14 If I can tell you this: there is an ICR number 39 with
14:04:18 15 respect to Informer 2958, which Nicola Gobbo was known as
14:04:25 16 at the time, dated 20 September 2008 in which she's
14:04:33 17 speaking to her handler who is, for the purposes of this
14:04:37 18 exercise known as [REDACTED] and she says to him that she had
14:04:45 19 been speaking to Rob Karam and she'd met him for a coffee
14:04:53 20 on Thursday and said to him that Rob Karam has admitted to
14:04:58 21 organising another import as we speak and the human source
14:05:04 22 didn't push him for any details, she doesn't want to know,
14:05:07 23 and Karam was saying "how else am I going to pay for all
14:05:14 24 the legal fees?" Now that is a communication between Gobbo
14:05:18 25 and handler on 20 September 2008. So that appears to be
14:05:25 26 about three weeks prior to the conversation that you had
14:05:29 27 with her on 13 October, do you follow that?---Yes. Yes, I
14:05:33 28 follow.

14:05:33 29
14:05:34 30 Now that information appears to be consistent with the
14:05:36 31 information that she gave you, doesn't it?---So reflecting
14:05:42 32 on the email that I've seen and what you've told me.

14:05:45 33
14:05:45 34 Yes?---I believe she would have used the words "business as
14:05:49 35 usual" and nothing more. Yes, I agree with what you're
14:05:53 36 saying.

14:05:53 37
14:05:54 38 Right. I should say that again the Commission has
14:06:04 39 information, and I'll perhaps tender this as a confidential
14:06:09 40 exhibit, Commissioner, ICR 39 dated 20 September 2008 and
14:06:14 41 I'll give it a document number, VPL.2000.0003.0132. The
14:06:28 42 information within that document will encompass a number of
14:06:33 43 different dates but if I can tender that as a confidential
14:06:36 44 exhibit.

14:06:36 45
14:06:37 46 COMMISSIONER: Does it need to be confidential? It covers
14:06:39 47 information beyond which you've just raised, I see.

14:06:43 1
14:06:44 2 MR WINNEKE: It covers information significantly more
14:06:46 3 broadly than that.
14:06:46 4
14:06:47 5 COMMISSIONER: All right.
14:06:47 6
14:06:48 7 MR WINNEKE: The information that I've referred to is
14:06:50 8 contained within that ICR.
14:06:55 9
14:06:57 10 #EXHIBIT RC129 - ICR no.39 dated 20/09/08.
14:07:02 11
14:07:02 12 MS ARGIROPOULOS: Can I just indicate, Commissioner,
14:07:04 13 there's no problem with it being tendered on a confidential
14:07:07 14 basis. This document hasn't been PII reviewed either and
14:07:11 15 obviously there's other information, as Mr Winneke's
14:07:15 16 alluded to, beyond the part that's just been read out.
14:07:19 17
14:07:19 18 COMMISSIONER: All right. Presumably once it's reviewed
14:07:22 19 for PII, if that's agreed it can become a public exhibit,
14:07:29 20 is that right, Mr Winneke?
14:07:31 21
14:07:32 22 MR WINNEKE: Certainly once it's been reviewed for public
14:07:36 23 interest immunity and redacted appropriately.
14:07:38 24
14:07:38 25 COMMISSIONER: Yes.
14:07:38 26
14:07:39 27 MR WINNEKE: One would assume then that it could be put
14:07:41 28 into the public domain as an exhibit. If there are matters
14:07:51 29 which are clearly irrelevant those matters may well need to
14:07:55 30 be considered. Certainly insofar as relevant information,
14:07:57 31 so as long as it's not injurious to the public, it can go
14:08:03 32 in the public domain.
14:08:04 33
14:08:05 34 COMMISSIONER: Ms Argiropoulos, you'll have that PII
14:08:09 35 reviewed in, say, 48 hours?
14:08:11 36
14:08:12 37 MS ARGIROPOULOS: We'll endeavour to do it as soon as
14:08:14 38 possible within 48 hours. We didn't receive notice that
14:08:17 39 this document would be relied on today.
14:08:18 40
14:08:19 41 COMMISSIONER: Can we say Monday. We just don't want these
14:08:21 42 things to get lost.
14:08:23 43
14:08:24 44 MS ARGIROPOULOS: Yes, I think Monday is more realistic.
14:08:25 45
14:08:25 46 COMMISSIONER: We'll deal with it if there are issues on
14:08:29 47 Monday morning.

14:08:30 1
14:08:30 2 MS ARGIROPOULOS: Thank you Commissioner.
14:08:32 3
14:08:32 4 MR WINNEKE: We've established that she's received that
14:08:35 5 information and that's been conveyed to the handlers, it
14:08:40 6 appears, in that information contact report?---Yes.
14:08:45 7
14:08:45 8 You then have a communication with her or she speaks to you
14:08:48 9 on 13 October. Were you aware that your email with that
14:09:00 10 information was forwarded to Ms Gobbo's handlers, did you
14:09:05 11 know that or not?---No, I didn't know that.
14:09:07 12
14:09:12 13 It appears that within the information report - and the
14:09:19 14 email - you've seen that email I take it?---Yes.
14:09:23 15
14:09:23 16 Did you see that email as part of another document?---No.
14:09:29 17
14:09:29 18 You just saw the email itself, did you?---Yes.
14:09:32 19
14:09:38 20 I want to put something to you so as you can respond to it.
14:09:44 21 On 17 October 2008, that is about four days after you
14:09:48 22 communicated, spoke to Ms Gobbo and she gave you that
14:09:52 23 information, she's spoken to by her handler, who we call
14:09:58 24 [REDACTED] and he talks to her about the conversation that
14:10:01 25 she's had with you that's reflected in that email, do you
14:10:08 26 follow?---Yes.
14:10:08 27
14:10:14 28 She's advised by the handler that her talking to you has
14:10:19 29 caused you to make enquiries and mention her name as the
14:10:23 30 instigator of the inquiry, do you follow that?---Yes.
14:10:26 31
14:10:32 32 She then denies saying anything direct to you, who was at
14:10:40 33 court with some New South Wales Police re Dupas. Insofar
14:10:46 34 as you being at court, it's correct to say that you were at
14:10:49 35 court with some New South Wales Police with respect to
14:10:51 36 Dupas, do you agree with that?---Was it Bandali Debs? But
14:10:57 37 yes, I would have been with New South Wales.
14:10:59 38
14:11:01 39 So it was Debs but not Dupas---I believe so.
14:11:03 40
14:11:08 41 In addition to that she says that she made some bland
14:11:13 42 comment about Karam to the effect that these people don't
14:11:17 43 change, but did not say anything direct or implied that he
14:11:22 44 was still trafficking. Now what do you say to that
14:11:26 45 proposition, if that's what she's told her handlers about
14:11:29 46 your conversation?---Yes, so I don't dispute what she's
14:11:34 47 saying. She obviously used the words "business as usual"

14:11:38 1 and from a police investigator point of view we all knew
14:11:41 2 that Robbie Karam was a drug dealer. We often know that
14:11:44 3 drug dealers continue to deal regardless of what they've
14:11:48 4 been charged. So business as usual to me was the words
14:11:52 5 that she used. They were the words that I conveyed. I
14:11:55 6 didn't explore it any further and I would offer that she
14:11:57 7 didn't give any more than that.
14:11:59 8
14:11:59 9 Although what you do say in your email is "business as
14:12:03 10 usual to fund his defence"?---Yes.
14:12:05 11
14:12:07 12 That's what you recollect saying?---That's what I - - -
14:12:10 13
14:12:11 14 In your email?---Yeah.
14:12:12 15
14:12:12 16 That's your recollection as to what she told you?---That's
14:12:15 17 correct.
14:12:15 18
14:12:18 19 Commissioner, those two references to the communication
14:12:22 20 with Mr Cheesman are contained within an information
14:12:27 21 contact report.
14:12:30 22
14:12:31 23 COMMISSIONER: Yes.
14:12:32 24
14:12:37 25 MR WINNEKE: If I can tender that report again on the same
14:12:41 26 basis as the one that I've previously tendered and that's
14:12:45 27 an information report - - -
14:12:48 28
14:12:48 29 COMMISSIONER: Is it an information report or an
14:12:50 30 information contact report?
14:12:52 31
14:12:53 32 MR WINNEKE: ICR contact report containing communications
14:13:04 33 regarding Wayne Cheesman, VPL.2000.0003.1415.
14:13:14 34
14:13:15 35 #EXHIBIT RC128 - ICR 43 concerning, amongst other matters,
14:13:23 36 Police Officer Cheesman.
14:13:26 37
14:13:27 38 COMMISSIONER: That needs to be on a confidential basis
14:13:29 39 until it's PIIed, does it?
14:13:32 40
14:13:32 41 MR WINNEKE: Yes, it does. It's ICR 43 relating to
14:13:37 42 Informer 2958.
14:13:39 43
14:13:39 44 COMMISSIONER: Again, we'll aim to have that done by
14:13:43 45 Monday. Yes.
14:13:44 46
14:13:45 47 MR WINNEKE: Can I just ask you, at that stage you were in

14:13:49 1 the Homicide Squad?---Yes, that's correct.
14:13:50 2
14:13:52 3 You didn't have the sort of relationship with her whereby
14:13:58 4 she would come up to you and tell you about people for whom
14:14:02 5 she was acting to the effect that they were still engaged
14:14:06 6 in drug trafficking activities to fund defences?---No,
14:14:10 7 certainly not.
14:14:11 8
14:14:11 9 No, all right. You thought it was significant information
14:14:13 10 and you passed it on?---I thought it was enough to pass on,
14:14:16 11 yes.
14:14:16 12
14:14:26 13 Do you recall on another occasion seeing her in court on a
14:14:33 14 particular day, do you have a recollection of that?---I saw
14:14:37 15 her many times.
14:14:38 16
14:14:38 17 Yes. You don't have a particular recollection save for
14:14:46 18 that which is set out in your statement?---If you're
14:14:49 19 talking about the day when Robbie Karam was before the
14:14:52 20 court, I was at Homicide for a - I was at court for another
14:14:57 21 matter.
14:14:57 22
14:14:57 23 Yes?---I was aware that Robbie Karam was in Court 4.2, I
14:15:02 24 believe, and I'd never met Karam, never seen Karam so I,
14:15:08 25 out of interest, being a detective at crime, I went and sat
14:15:11 26 in the court for I think 50 minutes and just listened to
14:15:14 27 the proceedings. I don't believe I talked to Nicola. I
14:15:18 28 think she was representing him. I certainly didn't speak
14:15:21 29 to him.
14:15:21 30
14:15:21 31 That's on 4 July 2007, you were in the County Court?---Yes.
14:15:28 32
14:15:28 33 You believe that was during the course of a trial involving
14:15:31 34 Robbie Karam?---Yes.
14:15:32 35
14:15:33 36 And you sat in the court for the hearing of that person who
14:15:36 37 you understood was suspected and, indeed, was charged with
14:15:39 38 drug dealing and ultimately I think on that occasion he was
14:15:42 39 acquitted, is that right, to your recollection?---No, I
14:15:47 40 don't remember what the outcome was, I just went in to have
14:15:51 41 a listen.
14:15:51 42
14:15:51 43 And she was acting for the accused?---I believe so.
14:15:54 44
14:15:54 45 All right then. Do you recall whether you spoke to
14:15:56 46 Ms Gobbo on that day at all or not?---No, I just sat in the
14:15:59 47 chairs listening in. I don't believe I had any reason or

14:16:02 1 any cause to talk to her. I don't believe I did talk to
14:16:06 2 her.
14:16:06 3
14:16:06 4 Okay then. Aside from those dealings you don't believe
14:16:13 5 that you've spoken to Ms Gobbo and obtained from her any
14:16:16 6 information of any significance?---No.
14:16:17 7
14:16:20 8 All right then. If I can come back to your current
14:16:25 9 position?---Yes.
14:16:26 10
14:16:28 11 In that position you were involved in a secretarial way
14:16:37 12 insofar as Operation Bendigo is concerned, is that right,
14:16:40 13 that's what you say in your statement?---Yes.
14:16:41 14
14:16:42 15 What does that mean?---Before I obtained the role the
14:16:44 16 steering committee operation, Bendigo Steering Committee
14:16:48 17 was in existence and up and running.
14:16:50 18
14:16:51 19 Yes?---When I was in the role I was asked by Deputy
14:16:55 20 Commissioner Paton to initially take minutes of the
14:16:58 21 meetings.
14:16:58 22
14:16:59 23 Yes?---And upload the minutes and any other documents that
14:17:01 24 the steering committee provided up on to Interpose, which
14:17:05 25 is our Victoria Police case management system.
14:17:07 26
14:17:07 27 Yes?---And that was my only role.
14:17:09 28
14:17:09 29 Right. You were shown a document which listed a number of
14:17:18 30 names of people who had come to know that Ms Gobbo was an
14:17:27 31 informer, a registered informer?---That's correct.
14:17:29 32
14:17:30 33 When you uploaded that or when you saw that document did
14:17:35 34 you appreciate that your name was amongst one of many
14:17:38 35 people who were on that document?---I don't even believe I
14:17:41 36 read the document. I saw the document, I would have
14:17:44 37 observed the document. I would have uploaded and shredded
14:17:47 38 the document. So I didn't pay any particular attention to
14:17:50 39 the document.
14:17:51 40
14:17:51 41 COMMISSIONER: It's Exhibit 112 if you want to show it to
14:17:53 42 him.
14:17:55 43
14:17:55 44 MR WINNEKE: Do we have that there?
14:17:57 45
14:17:57 46 COMMISSIONER: I have my copy.
14:18:00 47

14:18:01 1 MR WINNEKE: Perhaps if the witness could be shown it,
14:18:03 2 Commissioner. Do you see your name on that there?---I
14:18:24 3 certainly do.
14:18:25 4
14:18:25 5 Amongst a lot of other names?---Yes.
14:18:27 6
14:18:29 7 Aside your name are the letters [REDACTED] Do you see
14:18:37 8 that?---Yes. Yes, I do.
14:18:39 9
14:18:40 10 Do you know what those letters may refer to?---They may
14:18:44 11 refer to the [REDACTED].
14:18:46 12
14:18:47 13 [REDACTED]
14:18:49 14
14:18:50 15 So that would appear to be an error?---It is an error, yes.
14:18:53 16
14:18:53 17 What you say is you didn't become aware that Ms Gobbo was a
14:18:57 18 human source until 2017?---That's correct.
14:18:59 19
14:19:00 20 And the circumstances of it were - well, can you
14:19:04 21 explain?---I don't know why my name's on the list.
14:19:07 22
14:19:08 23 Sorry, no, can you explain the circumstances in which you
14:19:11 24 became aware that she was a human source?---So obviously
14:19:13 25 taking minutes for the steering committee there were a lot
14:19:16 26 of - it was prior to the High Court decision coming through
14:19:20 27 so there was a lot of pseudonyms used, people weren't
14:19:23 28 referred to by name, and taking minutes I needed to know
14:19:26 29 who was who just so I had an understanding of what I was
14:19:29 30 writing down. So I asked Deputy Commissioner Paton post
14:19:33 31 one of the steering committee meetings who is 3838, who is
14:19:41 32 AB, who is CD, who is EF, and they were explained to me.
14:19:45 33
14:19:45 34 And that was the first time you became aware that she had
14:19:48 35 been providing information?---Yes, that's correct.
14:19:49 36
14:19:50 37 How long were you on that steering committee for, sorry,
14:19:53 38 providing services to that steering committee for?---So I
14:19:56 39 think from - can I just refer to my service history for the
14:20:02 40 date that I arrived with Mr Paton?
14:20:04 41
14:20:05 42 Certainly?---So I officially obtained the position with
14:20:15 43 Deputy Commissioner Paton on 26 June 2017.
14:20:18 44
14:20:18 45 Yes?---But I did some temporary duties there prior to that,
14:20:22 46 maybe for a month or two.
14:20:24 47

14:20:24 1 Yes?---During those temporary duties I had access to the
14:20:28 2 steering committee meetings.
14:20:29 3
14:20:29 4 Yes?---The minutes which I was taking would probably
14:20:33 5 reflect, I'm aware you've got the minutes, the first
14:20:36 6 meeting. I don't know what date that would have been but
14:20:39 7 it would have been April/May or June of 2017 would have
14:20:44 8 been the first time I participated in the room when the
14:20:46 9 committee meeting was being heard.
14:20:48 10
14:20:50 11 Did your participation continue throughout the end of 2017
14:20:53 12 into 2018?---It continued up to the point where the
14:20:56 13 committee was stood down and the Landow steering committee
14:21:00 14 took over. That was after the High Court decision.
14:21:03 15
14:21:03 16 Did you become aware that Ms Gobbo had been registered as
14:21:07 17 an informer prior to 2005, during the course of that period
14:21:13 18 of time you were associated with that committee?---No, I
14:21:16 19 didn't know she was providing any information as a human
14:21:19 20 source or an informer until 2017.
14:21:21 21
14:21:21 22 No, no, I understand that. I'll just make it clearer. The
14:21:26 23 Royal Commission obviously was set up to examine the period
14:21:29 24 of time between, initially set up to examine the period of
14:21:32 25 time between 2005 through to 2009?---Yes.
14:21:36 26
14:21:36 27 It became apparent that she had been registered earlier,
14:21:41 28 that is firstly in 1999 and then prior to that in 1995.
14:21:46 29 During the time that you were on that committee, firstly,
14:21:51 30 did you become aware that she had been registered earlier
14:21:54 31 than the period 2005?---No. I actually don't even recall
14:22:02 32 that she was registered in 2005 from attendance at the
14:22:05 33 meetings.
14:22:05 34
14:22:06 35 Righto?---I knew she was registered but I don't know when.
14:22:08 36
14:22:09 37 All right. Do you know whether there was any discussion
14:22:16 38 amongst that committee leading up to the establishment of
14:22:23 39 Operation Landow about in the event that - and you're aware
14:22:30 40 that there was litigation going on?---Yes.
14:22:32 41
14:22:32 42 With a view to preventing the disclosure of Ms Gobbo as a
14:22:38 43 human source?---Yes.
14:22:39 44
14:22:39 45 You're aware of that?---Yes, I'm aware of that.
14:22:41 46
14:22:42 47 Were you aware of any discussions during the period that

14:22:44 1 you were involved in that committee by way of preparation
14:22:50 2 for making disclosure in the event that, that is to people
14:22:56 3 whose cases might be affected, in particular the seven
14:22:58 4 people who were the subject of that proceeding, and
14:23:01 5 preparing for that event should the High Court determine
14:23:04 6 that disclosure had to be made?---Well the steering
14:23:07 7 committee was discussing the risks associated around that.
14:23:11 8
14:23:12 9 Yes?---At every meeting.
14:23:13 10
14:23:13 11 Yes?---But if you ask me do I recall any specific
14:23:18 12 discussions, no, I don't.
14:23:19 13
14:23:19 14 About preparing documents for disclosure in the event that
14:23:22 15 things went badly for the Victoria Police?---No. No, I'm
14:23:29 16 not.
14:23:29 17
14:23:30 18 Given that people were in custody, you don't know whether
14:23:33 19 there was any discussion about - - -?---No, not that I
14:23:36 20 recall.
14:23:36 21
14:23:36 22 And you don't believe there was?---There must have been
14:23:39 23 because we knew that the High Court decision was pending,
14:23:42 24 so the committee itself looked at the risks and what we
14:23:46 25 needed to do, but specifically what they were preparing,
14:23:49 26 no, I wasn't party to those discussions.
14:23:51 27
14:23:51 28 Did you take minutes of the meetings, or were people taking
14:23:55 29 minutes of the meeting?---Yes, so there were minutes taken
14:23:57 30 and there was an action item register. They were prepared
14:24:00 31 by me initially. Then when it became more complex the
14:24:04 32 secretariat for Victoria Police command took over the
14:24:07 33 minute taking and then I simply became the person who
14:24:11 34 uploaded those minutes into Interpose.
14:24:13 35
14:24:13 36 Thanks very much.
14:24:14 37
14:24:14 38 COMMISSIONER: You knew at that time Victoria Police had
14:24:17 39 lost its case before Justice Ginnane and then again before
14:24:20 40 the Court of Appeal and that the Victoria Police was
14:24:22 41 appealing it to the High Court?---Yes, I was aware of that.
14:24:25 42
14:24:25 43 Yes. You say there must have been preparation ahead as to
14:24:30 44 what to do if you again lost the next layer of
14:24:34 45 appeals?---So that was really ongoing discussion amongst
14:24:39 46 the committee members about the preparation and what they
14:24:42 47 were going to do, but again I wasn't party to the committee

14:24:47 1 so I would overhear the conversation.
14:24:49 2
14:24:49 3 You were there but you weren't part of the decision
14:24:52 4 making?---No, I didn't participate.
14:24:53 5
14:24:53 6 Yes, thank you. Yes Mr Collinson.
7
8 <CROSS-EXAMINED BY MR COLLINSON:
9
14:24:58 10 Mr Cheesman, I'm one of the counsel for Ms Gobbo?---Yes,
14:25:00 11 sir.
14:25:00 12
14:25:01 13 Just a few questions if I might about the occasion when you
14:25:04 14 recollect that Ms Gobbo was in an emotional state and
14:25:08 15 crying?---Yes.
14:25:09 16
14:25:12 17 Do you recollect whether this occurred in the precincts of
14:25:16 18 a court?---I have some recollection it occurred in the
14:25:22 19 streets around the court, close by to the court.
14:25:24 20
14:25:25 21 Yes?---But I'm not 100 per cent on that. I just remember
14:25:29 22 her being upset on an occasion.
14:25:31 23
14:25:32 24 Do you remember whether she was standing or sitting or
14:25:35 25 anything like that?---No.
14:25:36 26
14:25:37 27 Could this discussion have occurred in 2005?---I don't
14:25:49 28 know.
14:25:49 29
14:25:50 30 You don't exclude 2005 as a possibility?---No, no, I don't
14:25:54 31 recall when it occurred. I would see her often, so over a
14:25:59 32 number of years.
14:25:59 33
14:25:59 34 Do you have any recollection, I appreciate your
14:26:04 35 recollection is dim on this?---Yes.
14:26:06 36
14:26:06 37 But do you have a recollection as to whether you were with
14:26:10 38 another police officer when you witnessed this?---No, I
14:26:13 39 don't. I often attended court with other police but I
14:26:15 40 don't recall on that occasion.
14:26:16 41
14:26:17 42 Mr Winneke put a document to you that suggested that you
14:26:25 43 might have been with Mr - I'm sorry, raised with you
14:26:34 44 whether you might have been with another police officer
14:26:39 45 named Mansell?---Yes.
14:26:40 46
14:26:40 47 Did you know Mansell?---No.

14:26:42 1
14:26:42 2 You don't know him?---No, I don't know him.
14:26:45 3
14:26:45 4 I see. The only final point is you say in paragraph 21 of
14:26:50 5 your statement that you don't recall speaking to Ms Gobbo
14:26:54 6 on the telephone. It appears that Ms Gobbo's mobile
14:27:01 7 telephone records have your mobile telephone number in it.
14:27:05 8 Is it possible you spoke on the phone to her on any
14:27:07 9 occasion but just don't recollect it?---No, no, I never
14:27:11 10 recall speaking to her on the telephone.
14:27:13 11
14:27:13 12 Yes?---But if the records show that I did then I don't
14:27:17 13 dispute that but I don't recall.
14:27:18 14
14:27:18 15 Yes. No further questions.
14:27:19 16
14:27:20 17 COMMISSIONER: Thank you. Mr Chettle, anything?
18
19 <CROSS-EXAMINED BY MR CHETTLE:
20
14:27:23 21 Just one, Commissioner, thank you. Could the witness be
14:27:26 22 shown Exhibit 81, please.
14:27:29 23
14:27:29 24 COMMISSIONER: Yes.
14:27:53 25
14:27:54 26 MR CHETTLE: Mr Cheesman, what you're being handed is a
14:27:56 27 list of names on the left-hand column and pseudonyms on the
14:28:01 28 right-hand side, do you see that?---Yes, I do.
14:28:03 29
14:28:03 30 For the purposes - I want to ask you about number 1, the
14:28:07 31 man whose pseudonym is [REDACTED]
14:28:08 32 [REDACTED]?---Yes.
33
14:28:09 34 Do you know him?---Yes, I do.
14:28:10 35
14:28:16 36 How long have you known him?---I knew him for many years so
14:28:22 37 he was my immediate supervisor at the Major Drug
14:28:26 38 Investigation Division.
14:28:26 39
14:28:27 40 Before he went to be what he was at SDU he'd worked with
14:28:34 41 you at MDID?---Yes, he did.
14:28:36 42
14:28:37 43 As you now know your name appears on Exhibit 112?---Yes.
14:28:41 44
14:28:41 45 The list that, as I understand it, SDU put together at some
14:28:45 46 stage of people they thought knew about the identity of
14:28:47 47 Ms Gobbo?---Yes.

14:28:48 1
14:28:49 2 The point of the exercise I want to make is you certainly -
14:28:54 3 certainly Mr Jones knew you?---Yes.
14:28:56 4
14:29:02 5 You in 2005, I suggest, had seen Ms Gobbo in a distressed
14:29:07 6 state at the court?---Yes.
14:29:08 7
14:29:09 8 Shortly thereafter two other police officers from the Drug
14:29:13 9 Squad, that is Mansell and Rowe, take her to Jim O'Brien
14:29:19 10 and then to the Source Development Unit, do you follow?---I
14:29:23 11 follow, yes.
14:29:24 12
14:29:28 13 Would the explanation for your name being on that list is
14:29:31 14 that ██████████ made a mistake as to the identity - I'm
14:29:36 15 sorry, ██████████
14:29:36 16
14:29:37 17 COMMISSIONER: Just remove that name from the transcript
14:29:42 18 and don't stream it, and the name's not to be published by
14:29:50 19 anybody and a copy of the order is to be attached to the
14:29:54 20 hearing room door and the hearing room doors of the rooms
14:30:02 21 to which this is being streamed.
14:30:05 22
14:30:06 23 MR CHETTLE: Hypnotherapy is next, Commissioner. Your name
14:30:11 24 being on that list is consistent, is it not, with ██████████
14:30:14 25 having made a mistake as to the identity of the Drug Squad
14:30:19 26 members who brought her to the Unit in the first
14:30:22 27 place?---It must be a mistake because I didn't know.
14:30:25 28
14:30:25 29 Thank you.
14:30:26 30
14:30:26 31 COMMISSIONER: Any re-examination, Ms Argiropoulos?
14:30:28 32
14:30:28 33 MS ARGIROPOULOS: No, Commissioner.
14:30:29 34
14:30:29 35 COMMISSIONER: Anything arising?
14:30:30 36
14:30:31 37 MR WINNEKE: No, Commissioner. I ask that Mr Cheesman be
14:30:35 38 excused.
14:30:35 39
14:30:35 40 COMMISSIONER: Thank you Mr Cheesman, you're excused and
14:30:38 41 free to go?---Thank you.
14:30:40 42
14:30:40 43 (Witness excused.)
14:30:40 44
14:30:41 45 <(THE WITNESS WITHDREW)
14:30:41 46
14:30:41 47 MR WINNEKE: Commissioner, regrettably that's all the

14:30:44 1 evidence we have today. It's anticipated that Mr Gregor
14:30:46 2 will be giving evidence tomorrow, Murray Gregor.
14:30:50 3
14:30:50 4 COMMISSIONER: Right. Is that our only witness for
14:30:53 5 tomorrow?
14:30:54 6
14:30:54 7 MR WINNEKE: Yes, at this stage Mr Gregor may take some
14:30:58 8 time but that's the only witness we have for tomorrow.
14:31:01 9
14:31:01 10 COMMISSIONER: At this stage there aren't any PII issues to
14:31:04 11 sort out?
14:31:05 12
14:31:06 13 MR WINNEKE: Save for the matters that have been pointed
14:31:09 14 out which need to be dealt with over the next few days, no,
14:31:12 15 I don't believe so, Commissioner.
14:31:14 16
14:31:15 17 COMMISSIONER: They're not to be determined I think until
14:31:17 18 next Monday. All right then.
14:31:19 19
14:31:20 20 MR CHETTLE: Can I raise a matter?
14:31:21 21
14:31:21 22 COMMISSIONER: Yes Mr Chettle.
14:31:23 23
14:31:24 24 MR CHETTLE: During the course of his examination
14:31:25 25 Mr Winneke referred to what was an exhibit before the
14:31:28 26 Commission of the source management log. I surprisingly
14:31:33 27 don't have a copy of that.
14:31:34 28
14:31:34 29 COMMISSIONER: Let's have a look.
14:31:40 30
14:31:40 31 MR CHETTLE: I know I can access it by going to a computer
14:31:44 32 and looking at it page by page. It is not, I'm told, a
14:31:48 33 very thick document. It's a relatively, in the course of
14:31:51 34 this matter, relatively small document. Could I ask that
14:31:57 35 that be put on the list of things to be PIIed as soon as
14:32:00 36 possible so that I can get a copy of it, because as I
14:32:03 37 understand it once it's PIIed there won't be a problem with
14:32:07 38 me having it. As you will understand, Commissioner, it is
14:32:10 39 an important document in preparing our witness statements.
14:32:14 40
14:32:14 41 COMMISSIONER: Which exhibit are we talking about?
14:32:17 42
14:32:17 43 MR CHETTLE: I don't know it's number because it must have
14:32:19 44 been done in a hearing when I wasn't here. Mr Winneke
14:32:22 45 referred to as the source management log and he
14:32:24 46 cross-examined about an entry on 7 September.
14:32:27 47

14:32:27 1 MR WINNEKE: It's Exhibit 112, Commissioner. It's a source
14:32:30 2 management log, it was tendered by Mr Woods yesterday.
14:32:36 3
14:32:36 4 MS ARGIROPOULOS: 111.
14:32:37 5
14:32:38 6 MR CHETTLE: 111, thank you.
14:32:39 7
14:32:39 8 COMMISSIONER: Right. I haven't got that marked as a
14:32:42 9 confidential exhibit.
14:32:43 10
14:32:44 11 MR WINNEKE: It most certainly should be.
14:32:45 12
14:32:45 13 COMMISSIONER: It is. I'm sure that's my error then. Are
14:32:50 14 we waiting for it to be PIIed?
14:32:52 15
14:32:53 16 MR WINNEKE: Yes, Commissioner.
14:33:01 17
14:33:01 18 COMMISSIONER: We'll add that to - unless you're close to
14:33:06 19 completing the PII on that? Ms Argiropoulos, is that you?
14:33:11 20
14:33:12 21 MS ARGIROPOULOS: Sorry, Commissioner. I'm not sure what
14:33:14 22 the status of that is. That was one of the documents that
14:33:16 23 we were informed of I think within the last 48 hours and it
14:33:21 24 is - I understand it's actually quite a lengthy document
14:33:26 25 but it's already in the PII review process. Can I request
14:33:29 26 that be added to the list of things for Monday?
14:33:33 27
14:33:36 28 COMMISSIONER: For Monday. Yes, all right then.
14:33:40 29
14:33:40 30 MR WINNEKE: Commissioner, that's a fairly fundamental
14:33:42 31 document in this whole proceeding and I might say it's
14:33:43 32 been, it's a document which has been - - -
14:33:43 33
14:33:43 34 COMMISSIONER: 111 would have been tendered a little while
14:33:46 35 ago. Oh no.
14:33:48 36
14:33:49 37 MR WINNEKE: In terms of the Commission's task this is a
14:33:51 38 fairly fundamental document. As I understand it
14:33:54 39 Mr Chettle's clients are assisting in the process of
14:33:59 40 redacting - - -
14:34:00 41
14:34:02 42 COMMISSIONER: PII stuff.
14:34:04 43
14:34:04 44 MR WINNEKE: All of these documents. I understood that
14:34:05 45 hard copies of all of these documents would be made
14:34:08 46 available to Mr Chettle. Now whether or not he can take
14:34:11 47 them away from the locale that he has to see them, that's a

14:34:15 1 different matter. Certainly insofar as a hard copy of that
14:34:19 2 document is concerned, I would have thought that that's
14:34:21 3 something he could get from the people with whom he's
14:34:24 4 dealing.

14:34:25 5
14:34:26 6 MR CHETTLE: Can I update you on that? You recall
14:34:28 7 Mr Paterson gave evidence last week and things have moved
14:34:32 8 in getting us access to materials to prepare the statement.
14:34:35 9 But as of yesterday some of my clients were still waiting
14:34:38 10 for computer access. It's not been an easy task and I'm
14:34:42 11 not trying to blame everyone. Anyway, what they are
14:34:48 12 concentrating on a matter of priority are the information
14:34:50 13 reports which you will understand, Commissioner, is the
14:34:53 14 information that was disseminated and as such seemed to me
14:34:57 15 to be the matter that should be looked at first. The ICRs
14:35:01 16 are enormous in quantity and that will be a much bigger
14:35:05 17 job. We have given up trying to listen to all the audio
14:35:11 18 tapes because there simply isn't enough time in a day and
14:35:14 19 we're relying upon the written transcripts which are coming
14:35:18 20 regularly now in relation to the transcriptions of those
14:35:20 21 audio. This document that I'm referring to, that is now
14:35:29 22 Exhibit 111, is a sort of road map to go in the direction
14:35:33 23 we need to go.

14:35:34 24
14:35:34 25 COMMISSIONER: It was tendered a couple of days ago on the
14:35:37 26 14th of May. We're adjourning early. Could we review it
14:35:49 27 tomorrow? Can you see if you can get it PIIed tomorrow and
14:35:52 28 we'll review it tomorrow morning.

14:35:54 29
14:35:54 30 MR CHETTLE: It will be a good document, Commissioner,
14:35:56 31 because it's going to bring to light all the issues that
14:35:59 32 relate to PII and my clients' evidence, because you can
14:36:05 33 imagine the amount of numbers there will be with that.

14:36:08 34
14:36:09 35 COMMISSIONER: How long is the document, Exhibit 111, how
14:36:10 36 many pages?

14:36:11 37
14:36:12 38 MR WINNEKE: Commissioner, there are two parts to it. I
14:36:15 39 should say I think the part that's been tendered relates to
14:36:22 40 3838, not to 2958. That document, I'm not sure, but it's
14:36:24 41 certainly less than 200 pages. It's a document which will
14:36:28 42 take quite some time to PII. I've got no doubt. I don't
14:36:33 43 think it can be done over the weekend, I'd be very
14:36:36 44 surprised frankly, given what we've been experiencing to
14:36:39 45 date. I mean there are other documents that we need to
14:36:42 46 have PIIed. Mr Chettle has access to it electronically. I
14:36:46 47 would imagine when he goes and his clients go to the police

14:36:49 1 station, as I understand it, they'll get hard copies of it.
14:36:52 2
14:36:52 3 COMMISSIONER: He can have a hard copy at the police
14:36:54 4 station.
14:36:54 5
14:36:55 6 MR WINNEKE: At the police station wherever they go. As to
14:36:57 7 him taking it home, and I understand that his clients are
14:37:00 8 in the process of - and I accept - - -
14:37:01 9
14:37:02 10 COMMISSIONER: Doing the PII themselves.
14:37:03 11
14:37:04 12 MR WINNEKE: I accept that the ICR is the focus at the
14:37:07 13 moment but clearly if this is a road map well maybe they
14:37:12 14 should focus their attention on this, they and Victoria
14:37:15 15 Police.
14:37:16 16
14:37:17 17 MR CHETTLE: Sorry, it's the IRs, not the ICRs we're
14:37:20 18 focusing on.
14:37:22 19
14:37:22 20 MR WINNEKE: I'm sorry.
14:37:23 21
14:37:24 22 MR CHETTLE: The inability to have - the example you will
14:37:28 23 have seen today, Mr Winneke has it, he can cross-examine on
14:37:33 24 it, we've all got it in court. I'm making phone calls and
14:37:36 25 sending texts to my client and asking him to check things
14:37:39 26 in running. It's terribly difficult to get my job done if
14:37:41 27 I don't have the hard copies but we are working to try and
14:37:42 28 get them and as I understand the protocol, once they have
14:37:47 29 been PIIed anyone can have them, including me. I know,
14:37:51 30 yes, I can go down and look at this but I can't be here and
14:37:54 31 there.
14:37:56 32
14:37:57 33 MS ENBOM: Commissioner, as soon as we finish I'll get some
14:38:00 34 instructions and contact Mr Chettle.
14:38:02 35
14:38:02 36 COMMISSIONER: All right then. You might give me an update
14:38:04 37 tomorrow morning on what the position is. You never know,
14:38:07 38 the PII procedure might already have started. Who knows?
14:38:11 39 All right. We'll adjourn until 10 o'clock tomorrow
14:38:14 40 morning.
14:38:41 41
14:38:41 42 ADJOURNED UNTIL FRIDAY 17 MAY 2019
43
44
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46
47