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These claims are not yet resolved.

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Friday, 28 June 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

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

Counsel for Victoria Police Ms R. Enbom
 Ms K. Argiropoulos

Counsel for State of Victoria Ms C. McCudden

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

Counsel for DPP/SPP Mr P. Doyle

Counsel for CDPP Ms E. Hilliard

Counsel for Police Handlers Mr G. Chettle
 Ms L. Thies

Counsel for Farouk Orman Ms C. Lloyd

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10:11:45 1 COMMISSIONER: I note the appearances are the same as
10:11:48 2 yesterday. If the witness could return to the witness box.
10:11:53 3 Thanks, Mr Hatt.
10:11:55 4
10:11:56 5 <MARK CHRISTIAN HATT, recalled:
6
10:12:00 7 COMMISSIONER: Yes, Mr Woods.
10:12:01 8
10:12:02 9 MR WOODS: Thanks, Commissioner.
10
10:12:03 11 Mr Hatt, yesterday, before we finished - I'll just confirm
10:12:07 12 we are in private session, aren't we?
13
10:12:09 14 COMMISSIONER: Yes, we're still in private session, thank
10:12:12 15 you.
10:12:13 16
10:12:13 17 MR WOODS: Before we finished we were talking about,
10:12:16 18 firstly, ■ deciding to assist the police of his own
10:12:26 19 volition, do you remember that?---I do.
20
10:12:28 21 Then your evidence was whether or not Nicola Gobbo was
10:12:31 22 representing him, he'd already made that decision?---That's
10:12:34 23 correct.
24
10:12:34 25 But in any event Nicola Gobbo did represent him and as part
10:12:38 26 of that you took his draft statements to Gobbo, who made
10:12:41 27 some notations on those and then you took the draft
10:12:44 28 statements back to ■?---She didn't actually write on the
10:12:49 29 statements to my understanding.
30
10:12:50 31 So she just told you things that needed to be changed?---I
10:12:54 32 believe I made notes in relation to what she'd said and she
10:12:58 33 possibly made some notes as well.
34
10:13:00 35 Are those notes contained in your diaries?---Yes, they are.
36
10:13:03 37 Okay, all right. Then as part of what had occurred - just
10:13:09 38 again to finish the recap - is that part of what ■ had done
10:13:13 39 was to provide information in relation to a number of
10:13:17 40 people, one of them was ■ do you recall that?---I
10:13:20 41 do.
42
10:13:20 43 And you had some significant dealings with ■ from
10:13:26 44 that time onwards; is that correct?---Probably more so
10:13:30 45 later on.
46
10:13:31 47 Okay?---2006.

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1
10:13:33 2 All right. I spoke about the situation where in the same
10:13:37 3 manner that ██████ had asked for Nicola Gobbo to
10:13:42 4 represent him, so did ██████ ask for Nicola Gobbo to
10:13:46 5 represent him, do you recall that?---I do. She was one of
10:13:50 6 a number of solicitors that represented them.
7
10:13:53 8 Okay. She was a barrister at that stage, you understand
10:13:56 9 the distinction between the two?---I do, yes. Lawyer is
10:13:59 10 probably a more appropriate term.
11
10:14:01 12 Lawyer, sure. We spoke about whether or not in your view
10:14:04 13 that was problematic and/or whether you needed - whether
10:14:08 14 you should have flagged something about that and as I
10:14:11 15 understood your evidence you didn't see a problem with
10:14:16 16 Victoria Police allowing that representation by Gobbo of
10:14:20 17 ██████ to continue despite her assistance of ██████,
10:14:24 18 is that a correct encapsulation?---It is but there are a
10:14:28 19 number of reasons behind my thinking there.
20
10:14:32 21 Have you had a chance to reflect on that overnight, the
10:14:36 22 questions we were talking about yesterday in relation to
10:14:38 23 that particular issue, have you thought about that?---I
10:14:40 24 have, yes.
25
10:14:41 26 Have you changed your view or what's the position?---No, I
10:14:44 27 haven't changed my view. I had no concerns about it.
28
10:14:47 29 Okay?---Essentially the evidence was what the evidence was.
30
10:14:51 31 Okay, all right. I understand. If the same set of events
10:14:56 32 arose today and a junior police officer came to you with
10:15:01 33 that set of events and said, "What should I do" you'd say
10:15:05 34 to that junior police officer, "Well, you don't need to do
10:15:08 35 anything about it"?---No, I would suggest he would have to
10:15:10 36 or she would have to tread very carefully and make an
10:15:14 37 ongoing assessment throughout.
38
10:15:15 39 So there is an obligation on police to monitor a situation
10:15:19 40 like that, it's not completely hands off and leave it up to
10:15:26 41 the legal practitioner; is that right?---That's right, yes.
42
10:15:31 43 And is that what you did in the situation with ██████,
10:15:31 44 did you monitor?---Yes, I did.
10:15:32 45
10:15:32 46 Did you monitor from the beginning when Nicola Gobbo showed
10:15:39 47 up?---When she showed up?

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1
10:15:41 2 When Nicola Gobbo began representing ██████████?---My
10:15:45 3 dealings with him didn't really take place until 2006.
4
10:15:48 5 But you knew from the start though that ██████████ was being
10:15:50 6 represented by Nicola Gobbo?---Yes, she was one of a number
10:15:54 7 of lawyers representing him.
8
10:15:55 9 Yes. You knew that at the beginning though?---At the
10:15:58 10 beginning of what?
11
10:15:59 12 At the beginning of her representation of ██████████?---It's
10:16:07 13 probably easier - - -
14
10:16:10 15 MR COLLINSON: Commissioner, it might be the best way to
10:16:13 16 ask that question would be to ask what date the witness
10:16:17 17 knew that information.
18
10:16:18 19 MR WOODS: All right.
20
10:16:19 21 COMMISSIONER: Thanks Mr Collinson. I'm sure Mr Woods has
10:16:23 22 found that a helpful suggestion.
23
10:16:28 24 MR WOODS: ██████████ 2004 was the date that ██████████ signed
10:16:33 25 statements implicating ██████████. You can have a look at
10:16:36 26 your diary, but he was implicating ██████████ in relation to
10:16:40 27 the murders at the ██████████ and
10:16:45 28 ██████████ ---Yes.
29
10:17:00 30 You were involved at that stage in dealing with ██████████
10:17:07 31 and assisting him in the process of providing that
10:17:11 32 information in relation to ██████████ and others?---Yes.
33
10:17:22 34 About a month after that, so we're talking about ██████████
10:17:26 35 2004, so a month after that information was provided you
10:17:34 36 were involved in the arrest of ██████████, I think you gave
10:17:37 37 that evidence yesterday?---Yes.
38
10:17:42 39 You've said in your statement, you've been asked if you
10:17:45 40 recall whether ██████████ attempted to contact Ms Gobbo, "I
10:17:49 41 don't recall her trying to be contacted and I don't recall
10:17:51 42 which legal representative was contacted that day", now
10:17:56 43 that's your independent recollection, isn't it?---That is.
44
10:17:59 45 Okay. But you are aware that following that event Nicola
10:18:06 46 Gobbo did go on to represent ██████████?---Yes.
47

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10:18:11 1 How are you aware and when you were aware that that was the
10:18:13 2 case?---To be honest I can't remember. I would assume it
10:18:17 3 would have been 2006 when I took over the management of
10:18:20 4 [REDACTED].
5

10:18:21 6 Yes, all right. I asked you some - I withdraw that. Is it
10:18:36 7 your evidence then that from, I think it was November 2004
10:18:43 8 when you moved to Homicide until you came back into Purana
10:18:48 9 in 2006 - what month was that in 2006, do you know?---Not
10:18:53 10 off the top of my head.
11

10:18:56 12 But did you have no contact in relation to these matters
10:18:59 13 while you were at Homicide or did you continue to be
10:19:02 14 involved?---I had sporadic contact with my old crew, so
10:19:05 15 Stuart Bateson and others. I assisted on the occasional
10:19:17 16 basis, attending prison and so on, but essentially no, I
10:19:20 17 wasn't permanently looking after that matter.
18

10:19:22 19 On [REDACTED] 2006, this is in the period when [REDACTED] had
10:19:29 20 decided to assist police as well and you were involved in
10:19:32 21 that process I take it?---I was involved in taking one
10:19:36 22 statement from him at that time.
23

10:19:37 24 Yes. [REDACTED] 2006, I'm looking at paragraph 35 of your
10:19:43 25 statement, your diary talks about that [REDACTED] was
10:19:52 26 meeting with his legal representatives at the Victoria
10:19:55 27 Police Centre. You'd been asked if you recall anything
10:19:58 28 about this meeting and whether Gobbo was present and you
10:20:01 29 say, "I recall that she was there but I do not recall the
10:20:04 30 meeting or what occurred", do you have an independent
10:20:09 31 recollection of her being there or is that just based on
10:20:12 32 what your diary says?---No, I recall that she was there.
33

10:20:15 34 Yes?---And I recall the circumstances around the meeting.
35

10:20:30 36 I just want to take a step back. That might have been the
10:20:33 37 first that you knew that Ms Gobbo was representing [REDACTED]
10:20:38 38 [REDACTED]?---Possibly, yes.
39

10:20:40 40 So going back to the chronology we were in before. You
10:20:48 41 left Purana in November 2004 and just before you were -
10:20:58 42 just before you left on [REDACTED] 2004, and I'm looking at
10:21:03 43 paragraph 24 of your statement, you attended [REDACTED] Prison
10:21:09 44 and served a direct presentment on [REDACTED]. Now that
10:21:12 45 was - that's a situation under criminal procedure whereby
10:21:16 46 you can potentially bypass the need to go through
10:21:21 47 committal, that's a fair description?---That's correct,

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10:21:25 1 yes.
2
10:21:25 3 That was a direct presentment that was served on him in
10:21:29 4 relation to [REDACTED] or the two events,
10:21:36 5 the [REDACTED] murders that we were talking about yesterday, the
10:21:39 6 first of them being [REDACTED] murder, that's
10:21:43 7 right?---There's probably a little bit more to it than just
10:21:48 8 arranging - - -
9
10:21:49 10 I understand?---But essentially, yes.
11
10:21:52 12 His involvement in that murder, yes?---Correct.
13
10:21:56 14 Secondly, his involvement in the murder of [REDACTED] and
10:22:01 15 [REDACTED]?---Correct.
16
10:22:03 17 He was to be directly presented for each of those
10:22:06 18 matters?---For the [REDACTED] murders, yes.
19
10:22:09 20 There was an application before Justice [REDACTED] in late
10:22:19 21 2004 and it's the matter of - they're actually named in the
10:22:26 22 case but I can't name them here, the matter of [REDACTED]
10:22:31 23 [REDACTED] and the DPP. That was essentially an application by
10:22:36 24 those people to stay their trials pending the committal
10:22:44 25 happening despite them being directly presented, do you
10:22:47 26 remember that occurring?---Vaguely.
27
10:22:51 28 Would you have been at court on that day?---I can't recall.
29
10:22:55 30 Okay. Do you remember the outcome of what happened in
10:23:04 31 front of Justice [REDACTED] on that day, was the matter sent
10:23:08 32 back for committal or you don't know?---I can't recall.
33
10:23:12 34 Okay. All right. So if I suggested to you that it was
10:23:23 35 ultimately sent back so that a committal would occur, you
10:23:27 36 do actually remember a committal occurring in those
10:23:31 37 matters?---There were a number of committals around that
10:23:39 38 time.
39
10:23:39 40 So you can't remember which one?---I can't remember which
10:23:41 41 was which to be honest.
42
10:23:44 43 It was the case that [REDACTED] was ultimately found guilty
10:23:48 44 for the murder of [REDACTED], that's correct?---He pleaded
10:23:58 45 guilty, yes, later on.
46
47

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10:24:15 1 On [REDACTED] 2004 Purana members Buick, Gallagher and
10:24:24 2 Moreland attended the Melbourne Magistrates' Court to
10:24:27 3 interview [REDACTED] in relation to an early murder, a
10:24:31 4 person named [REDACTED]. Were you aware of that
10:24:34 5 occurring, that was still during your time at Purana?---I
10:24:39 6 don't recall but I would have been aware.

7
10:24:52 8 That was about [REDACTED] after you'd attended Gobbo and taken
10:24:55 9 the draft statements of [REDACTED] that she made some
10:24:59 10 suggested amendments to. Were one of the murders that
10:25:04 11 [REDACTED] was implicating [REDACTED] in the murder of
10:25:12 12 [REDACTED]?---No.

13
10:25:14 14 No, okay. In the matter in which I was referring to a
10:25:40 15 moment ago, Justice [REDACTED]'s decision to essentially stay
10:25:50 16 those proceedings, now that occurred on [REDACTED] 2004,
10:25:57 17 the application did and I think the decision might have
10:26:03 18 been a week later. I understand, whilst you're not sure
10:26:06 19 whether you were there; is that right?---Yeah, I don't
10:26:09 20 recall if I was there.

21
10:26:10 22 Members of Purana would have been there at that
10:26:12 23 application?---Yes, they would have.

24
10:26:17 25 In that application Nicola Gobbo was representing, as in
10:26:23 26 the representative standing up in court on behalf of
10:26:27 27 [REDACTED], this is on [REDACTED] 2004. You don't have a
10:26:31 28 memory of it but do you accept that from what I say. You
10:26:35 29 don't dispute what I say, you accept that was the
10:26:37 30 case?---No, I don't dispute that.

31
10:26:41 32 It must be correct that those who were investigating and
10:26:49 33 prosecuting [REDACTED] in relation to those matters knew
10:26:53 34 that it was [REDACTED], as you knew, that had implicated
10:26:58 35 [REDACTED]?---Yes.

36
10:27:08 37 About a year after you left Purana, so that's November
10:27:13 38 2004, on 16 September 2005, that was the date that the SDU
10:27:22 39 registered Nicola Gobbo as a human source. I take it you
10:27:26 40 know that date now?---No, I don't.

41
10:27:29 42 Okay. You're aware of the fact now that Nicola Gobbo was
10:27:32 43 registered as a human source some time around then?---I
10:27:36 44 wasn't aware of the timing. I was aware that she was at
10:27:39 45 one stage registered.

46
10:27:41 47 Were you aware of any discussions that occurred either at

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10:27:44 1 your first time in Purana, your first period in Purana or
10:27:48 2 in your first year at the Homicide Squad of the possibility
10:27:53 3 of approaching Nicola Gobbo in relation to providing
10:27:57 4 information about those who she was associated with?---No,
10:28:04 5 I wasn't aware.
6
10:28:04 7 You weren't aware of any discussion that that might take
10:28:07 8 place?---Not that I can recall, no.
9
10:28:09 10 I assume it's a pretty significant thing and you would
10:28:12 11 recall it if you were part of that discussion?---I would
10:28:15 12 assume so, yes.
13
10:28:19 14 Did you hear around that time in September 2005 any rumours
10:28:24 15 about Nicola Gobbo being registered as a human source or
10:28:27 16 providing information generally?---I don't recall. My
10:28:33 17 understanding is that around 2006 is when I started to
10:28:39 18 suspect something was going on.
19
20 In fact it's in 2006, in October 2006 that you returned to
21 Purana?---Yes.
22
23 And stayed there until 2010?---Yes.
24
25 I want to ask you some questions about that period. Just
10:29:02 26 before I do, whilst you were still in the Homicide Squad it
10:29:04 27 was explained to you that ██████████ had agreed to cooperate
10:29:14 28 with the police as well?---Yes.
29
10:29:15 30 ██████████ is person who had been present at ██████████
10:29:19 31 murders that we've been talking about?---Yes.
32
10:29:21 33 Otherwise known as ██████████ as I understand it, is that
10:29:24 34 a name that you have heard?---Yes.
35
10:29:32 36 I assume that despite you not being in Purana at the time
10:29:34 37 it would have been known to you in ██████████ 2006 that ██████ had
10:29:38 38 decided to assist?---Yes.
39
10:29:40 40 Were you part of that process, were you dealing with ██████
10:29:43 41 yourself?---Not at that time. Again, I took I think one
10:29:48 42 statement from ██████ around that time.
43
10:29:54 44 It's the case that ██████s - in your view ██████s decision to
10:29:59 45 cooperate with police came as a result of what ██████ had said
10:30:07 46 at ██████s committal?---That was part of it.
47

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10:30:11 1 All right. So your observation was that [REDACTED] knew he was in
10:30:16 2 strife and needed to try and get a benefit for himself
10:30:19 3 somehow?---Yes. The evidence against [REDACTED] and [REDACTED] were
10:30:23 4 overwhelming, or was overwhelming.
5
10:30:28 6 Particularly in relation to [REDACTED] I take it because of
10:30:30 7 the [REDACTED], et cetera?---Yes.
8
10:30:33 9 All right. In relation to the [REDACTED] and [REDACTED]
10:30:40 10 murders, was it solely on the information that was provided
10:30:43 11 by [REDACTED] or were there other - - - ?---There was other evidence
10:30:48 12 as well relating to that.
13
10:30:49 14 And you had your suspicions before [REDACTED] had even provided that
10:30:54 15 information?---They were well and truly suspects from
10:31:00 16 almost day one.
17
10:31:31 18 So by that stage, [REDACTED] had clearly had a fairly
10:31:31 19 significant falling out with [REDACTED]?---In 2006?
20
10:31:31 21 In 2006, [REDACTED] 2006?---I believe so, yes.
22
10:31:31 23 You've given evidence about the statement you took from [REDACTED]
10:31:33 24 and the statement you took from [REDACTED] wasn't about the other
10:31:35 25 matters that we were talking about, it was instead in
10:31:37 26 relation to the murder of [REDACTED] but it happened, I
10:31:41 27 think, in [REDACTED]?---That's correct.
28
10:31:52 29 On [REDACTED] 2006, [REDACTED] pleaded guilty to the murder of
10:31:57 30 [REDACTED], so this is
10:32:01 31 prior to your return to Purana. Were you present in court
10:32:06 32 when that occurred?---I don't believe so.
33
10:32:18 34 This is paragraph 31 of your statement and it picks up a
10:32:21 35 diary entry, so 19 February 2006, you and DS Bateson
10:32:29 36 attended a meeting at the office of Jim Valos. You're
10:32:34 37 aware of the meeting I'm talking about?---Yes.
38
10:32:38 39 And the other person that was at that meeting besides Jim
10:32:42 40 Valos was Nicola Gobbo?---Yes.
41
10:32:44 42 And the purpose of that meeting was to discuss [REDACTED],
10:32:49 43 who they were both acting for at that stage?---I believe
10:32:53 44 so.
45
10:32:56 46 So might that have been the first date that you became
10:32:59 47 aware of Nicola Gobbo's involvement for [REDACTED] representing

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10:33:03 1 ■?---Possibly. As it stands now, I'm not sure whether it
10:33:09 2 was Jim Valos or her representing him.
3
10:33:14 4 Nicola Gobbo and Jim Valos were both in the meeting and you
10:33:17 5 knew Nicola Gobbo was a barrister and you knew Jim Valos
10:33:20 6 was a solicitor, I take it?---Yes, I did know that, but I
10:33:23 7 didn't know whether one or the other was representing him.
10:33:26 8 They might have been party to the meeting, but representing
10:33:33 9 I would suggest is a different thing.
10
10:33:35 11 It's inevitable that they were both representing him. You
10:33:38 12 don't think that one of them was there in a friendly
10:33:40 13 capacity for ■■■■■. I would assume?---I think I said
10:33:48 14 yesterday at some stage the lines were blurred, so - - -
15
10:33:54 16 Here we had a person who was accused of the most serious of
10:33:59 17 crimes, we had a senior investigator going to their legal
10:34:07 18 practitioner's office and a discussion that takes place
10:34:09 19 with that legal practitioner. It's got to be the cases
10:34:12 20 that you wouldn't have had that discussion unless you
10:34:14 21 understood that both of those people were acting on ■'s
10:34:17 22 behalf?---I'm not sure. I can't recall exactly what was
10:34:22 23 said during the meeting and who was doing what in what
10:34:26 24 role.
25
10:34:27 26 So would it often be the case that you would attend a
10:34:31 27 meeting of that kind with people who aren't legal
10:34:35 28 representatives of accused people? Has that ever happened
10:34:38 29 before?---There would be meetings on occasion with clients
10:34:44 30 and members of their family or support people, that would
10:34:50 31 have happened, yes.
32
10:34:52 33 It would have been unusual to you that a barrister would
10:34:54 34 have been in that meeting unless that barrister wasn't
10:34:57 35 acting for the accused person, that's got to be right,
10:34:59 36 doesn't it?---To be honest, I can't recall the meeting and
10:35:04 37 what was said during it.
38
10:35:06 39 Was the meeting about ■■■■■?---Yes.
40
10:35:10 41 And you knew that one of the people at least was acting for
10:35:13 42 ■■■■■---Yes.
43
10:35:14 44 You're not sure which?---Correct.
45
10:35:16 46 And you think that one of the others might not have been
10:35:18 47 acting for ■■■■■?---I don't know. I know they were

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10:35:22 1 present during the meeting. The meeting was in 2006, so
10:35:26 2 we're talking 13 years ago. I can't remember what was said
10:35:29 3 during the meeting and who played what role in the meeting.
10:35:34 4 I would assume that maybe both were representing [REDACTED].
5
10:35:44 6 And it would be a very safe assumption, wouldn't
10:35:50 7 it?---Maybe.
8
10:35:52 9 It's not maybe. The answer is yes, isn't it?---It's an
10:35:55 10 assumption, yes.
11
10:35:56 12 A barrister and a solicitor in a conference about a person
10:35:59 13 who's been charged with a very serious crime, with a senior
10:36:04 14 investigator meeting with them. It's inevitable, I put it
10:36:08 15 to you, that they were there acting for
10:36:14 16 [REDACTED]?---Possibly.
17
10:36:25 18 You then went on to take a statement from [REDACTED] and
10:36:30 19 generally that statement was implicating others in a number
10:36:35 20 of criminal matters, is that correct?---Yes.
21
10:36:41 22 On [REDACTED] 2006 - this is a meeting I want to ask you
10:36:49 23 whether you know about. You weren't present at the
10:36:54 24 meeting. Bateson met with Mr Horgan and Mr Tinney in
10:37:00 25 relation to [REDACTED] and whether or not he would be used
10:37:07 26 to provide information or to attend as a witness in
10:37:12 27 relation to a number of criminal matters. Now, firstly, do
10:37:15 28 you know that there was a meeting between Bateson, Horgan
10:37:18 29 and Tinney in relation to [REDACTED] in mid-2006?---No, I
10:37:22 30 don't recall.
31
10:37:25 32 In that meeting they discussed [REDACTED] and his testimony
10:37:30 33 in relation to the murders of [REDACTED] and [REDACTED] and
10:37:37 34 they said that the three of them, it appears, agreed that
10:37:40 35 they weren't interested in what [REDACTED] said because he
10:37:44 36 wasn't to be trusted and they simply didn't believe him.
10:37:47 37 Again, you weren't a party to the meeting, but was that
10:37:50 38 passed on to you about [REDACTED], whether or not he was a
10:37:53 39 person who could be believed?---I don't recall that being
10:37:57 40 the case.
41
10:37:59 42 You went on to be involved in the use of [REDACTED]'s
10:38:06 43 information and, indeed, you were the one taking a
10:38:09 44 statement from [REDACTED]. Do you think that sort of
10:38:11 45 information was something that Bateson should have conveyed
10:38:14 46 to you at the time, that the prosecutors had said they're
10:38:17 47 not interested in [REDACTED] because "we simply don't

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M. HATT XXN - IN CAMERA

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10:38:19 1 believe him"?---Not necessarily. I think Stuart Bateson
10:38:26 2 knew that I was an experienced investigator and could make
10:38:29 3 my own mind up based on what information was before me.
4
10:38:31 5 Even though the prosecutors, the people who were going to
10:38:34 6 be presenting the case before the court, had said "we don't
10:38:37 7 believe him", you don't think that should have been passed
10:38:39 8 on to you?---Not necessarily.
9
10:38:47 10 Do you have the impression now, as you hear the question
10:38:50 11 that I've just asked about whether Mr Bateson shared that
10:38:54 12 information with you, that there was a deliberate
10:38:56 13 withholding of information about [REDACTED] so that you, the
10:39:02 14 person taking the statement, simply didn't know about the
10:39:04 15 view he held about whether or not he could be
10:39:08 16 believed?---Not at all.
17
10:39:09 18 Do you think it would have been a helpful thing for the
10:39:11 19 investigator to be told that the prosecutors said they
10:39:15 20 weren't interested because he wouldn't be believed?---Not
10:39:21 21 in my mind. I like to keep an open mind when I deal with
10:39:24 22 investigations, I don't like to have any information
10:39:28 23 beforehand, I'll make my own call on whether or not a
10:39:31 24 person is trustworthy or whether the information is correct
10:39:35 25 or not.
26
10:39:36 27 [REDACTED]'s motivation appears to have been that he thought
10:39:41 28 that [REDACTED] was providing information in relation to a
10:39:45 29 number of matters, including things that implicated
10:39:48 30 [REDACTED]. Is that a fair description of your understanding
10:39:50 31 of his motivation?---Part of it, yes.
32
10:39:58 33 So on [REDACTED] - this is paragraph 34 of your statement - you
10:40:05 34 took a statement from [REDACTED] regarding the murder of
10:40:08 35 [REDACTED] and who is it that he implicated in that
10:40:12 36 murder?---[REDACTED].
37
10:40:16 38 And others?---And others, I believe.
39
10:40:22 40 If a document could be brought up on the Commissioner's
10:40:24 41 screen. I think you'll have your diaries in front of you.
10:40:27 42 It's p.136 in the top right-hand corner. If it could be
10:40:31 43 brought up on my screen as well. It is a diary we had up
10:40:35 44 yesterday and it is VPL.0005.0114.0136. This is a diary
10:40:49 45 from [REDACTED] 2006 and you - - -?---My notes are paginated
10:41:00 46 differently.
47

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M. HATT XXN - IN CAMERA

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10:41:01 1 Are they? Do they have a VPL number in the top right-hand
10:41:04 2 corner?---They do.
3
10:41:05 4 But the 136 isn't the same one?---136 refers to 18
10:41:10 5 September. I'm not sure what year.
6
10:41:13 7 It might be my note that's the problem there. If you could
10:41:16 8 scroll back a couple of pages. Go back down. The 12th of
10:41:25 9 the 9th. I'm looking for the 13th of the 7th, so it might
10:41:29 10 be back a few pages. Sorry, that is a problem with my
10:41:38 11 note. It might be p.35. That's the wrong year. You refer
10:42:09 12 to this diary entry in your statement. It might be that I
10:42:13 13 can take you through the events without bringing the diary
10:42:18 14 up on the screen. If you look at paragraph 35 of your
10:42:23 15 diary instead - sorry, of your statement. You say your
10:42:28 16 diary records on [REDACTED] 2006, "During the period that
10:42:32 17 [REDACTED] was making statements, [REDACTED] met with his
10:42:35 18 legal representative at the Victoria Police Centre. I've
10:42:38 19 been asked if I recall anything about this meeting and
10:42:41 20 whether Gobbo was present. I recall that she was there but
10:42:44 21 I do not recall the meeting or what occurred." That might
10:42:49 22 be the meeting that I asked you about a few moments ago.
10:42:54 23 Are your diaries in the room, do you know, the hard copy of
10:42:57 24 your diaries?---My diaries were given to Corrs some weeks
10:43:01 25 ago, so I'm not sure.
26
10:43:02 27 They are. I might just get that one to be brought up. In
10:43:13 28 fact, p.63 of that document might be the one. I'm talking
10:43:17 29 about the top right-hand corner number that starts with a
10:43:23 30 VPL?---I've got that.
31
10:43:25 32 And if you could turn to p.63. At paragraph 35 of your
10:43:35 33 statement, you're talking about that meeting. Is that the
10:43:37 34 diary entry that - it's got VPL there. I take it that is
10:43:42 35 Victoria Police Centre?---Correct.
36
10:43:46 37 "Spoke to legal representative" and the legal
10:43:49 38 representative who was at that meeting, I understand, from
10:43:51 39 what you say in paragraph 35, was Ms Gobbo?---Yes.
40
10:43:55 41 Was there anyone else there besides Ms Gobbo representing
10:44:00 42 him at that stage, [REDACTED]?---Not that I can recall.
43
10:44:07 44 Following that - 15 August 2006, and this is paragraph 36
10:44:19 45 of your statement, you attend a meeting with prosecutors
10:44:25 46 Horgan, Coghlan, Tinney and then Purana people, Bateson,
10:44:31 47 L'Estrange, Kerley and Assistant Commissioner Overland.

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M. HATT XXN - IN CAMERA

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10:44:37 1 That was to discuss the status of the [REDACTED] and
10:44:41 2 [REDACTED] trial. You don't have a recollection of it, is
10:44:47 3 that still the case?---It is still the case.
4
10:44:52 5 Do you understand that it was to be the case that [REDACTED], [REDACTED] or [REDACTED]
10:44:55 6 were giving evidence in that particular trial?---Yes, one
10:45:04 7 of them would have been, if not multiple.
8
10:45:07 9 Sure. And was [REDACTED] one of those people?---Possibly.
10
10:45:16 11 Do you remember a view being expressed to you as to whether
10:45:21 12 or not [REDACTED] was a witness of truth or could be believed?---No,
10:45:25 13 I don't recall that.
14
10:45:30 15 Your return to Purana, you began in Operation Pandora and
10:45:39 16 that was an operation that was focused on solving a number
10:45:43 17 of underworld murders, is that a fair description?---Yes.
18
10:45:49 19 And you continued - this is once you're back in Purana - to
10:45:54 20 have contact with [REDACTED] and his family about safety
10:45:58 21 matters, and I take it they're safety matters arising from
10:46:01 22 the fact that he might have been, in other people's view,
10:46:04 23 assisting police?---Yes.
24
10:46:08 25 You spoke to Gobbo from time to time after you got back to
10:46:13 26 Purana and - firstly, you did speak to her from time to
10:46:17 27 time after that period?---Yes.
28
10:46:19 29 And the capacity that you understood you were talking to
10:46:21 30 her in was as [REDACTED]'s legal representative.
31
10:46:26 32 Yes. In paragraph 42 of your statement, you talk about
10:46:34 33 [REDACTED] and a statement about a person [REDACTED]. Do you have
10:46:37 34 any idea who that is?---I've been trying to think. It
10:46:41 35 could refer to a number of people that were subject to
10:46:45 36 Purana investigations around that time.
37
10:46:48 38 The [REDACTED] issues - I think the evidence had been
10:46:51 39 put together by that stage, so it's unlikely to be [REDACTED]
10:46:55 40 [REDACTED]?---Unlikely, yes. If it would assist, it could be
10:47:01 41 either [REDACTED], [REDACTED] or [REDACTED]
42
10:47:09 43 Quite a long list of [REDACTED]'s?---And there's probably more.
44
10:47:15 45 All right. And a copy of that statement was provided to
10:47:22 46 Ms Gobbo and it was provided in her capacity as the legal
10:47:27 47 representative of [REDACTED]?---Yes, I believe so.

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1
10:47:32 2 I want to understand a little bit more about that and the
10:47:36 3 following paragraph. As I can tell, there was a concern
10:47:41 4 about this statement being provided freely by [REDACTED], is
10:47:51 5 that so far correct?---No, I think the issue was - no, I
10:47:59 6 think it was around Ms Gobbo having that statement in her
10:48:03 7 possession was the issue.
8
10:48:05 9 So the issue was that if someone found out that Gobbo had
10:48:07 10 the statement then she might be implicated somehow?---Yes,
10:48:15 11 I think the issue was if someone found out she was
10:48:19 12 representing a person who had given evidence against
10:48:23 13 others, there would be safety issues around that.
14
10:48:26 15 Okay. And does that assist you to work out who the [REDACTED]
10:48:29 16 might have been? Perhaps might it have been [REDACTED]
10:48:35 17 [REDACTED]?---I think it's probably more likely to be [REDACTED]
10:48:38 18 [REDACTED]
19
10:48:39 20 [REDACTED]. Okay?---But again, I'm not a hundred per cent
10:48:47 21 sure.
22
10:48:47 23 The [REDACTED] that was used to [REDACTED] from
10:48:51 24 whoever it was who might not have wanted Gobbo to assist
10:48:55 25 was to [REDACTED] from Nicola
10:49:00 26 Gobbo's chambers, that's what occurred?---Yes, but there
10:49:05 27 was other information we were looking for as well, relating
10:49:10 28 to other matters I believe.
29
10:49:11 30 And Nicola Gobbo was told - and, in fact, was part of the
10:49:15 31 discussion about how this would occur, [REDACTED]
10:49:17 32 [REDACTED], essentially under [REDACTED] rather
10:49:22 33 [REDACTED]?---Yes, she was told that.
34
10:49:26 35 The thing that I want to understand is how is it different
10:49:32 36 - and there might be a perfectly reasonable explanation for
10:49:34 37 this - but how is it different to the people who might not
10:49:40 38 have wanted Nicola Gobbo to be assisting [REDACTED] to be giving
10:49:44 39 information, how is it different that the police get that
10:49:47 40 document [REDACTED] to her [REDACTED]
10:49:53 41 [REDACTED] over? Isn't it fact that she's still got the
10:49:57 42 statement sitting in her chambers and that's the real
10:50:01 43 problem? Do you understand my question?---I do, and I
10:50:04 44 think the issue is around the person being cooperative or
10:50:09 45 not. There's a difference between someone agreeably giving
10:50:13 46 a statement and someone having it taken by the police.
47

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M. HATT XXN - IN CAMERA

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10:50:16 1 I see. So it might be less risky then - still a risky
10:50:23 2 proposition to provide the statement in the first place, I
10:50:26 3 assume, if that gets out, is that correct?---Yes.
4
10:50:29 5 But less risky if they don't hand it over of their own free
10:50:32 6 will and the police actually get it under a warrant?---Yes.
7
10:50:35 8 That was the thinking at the time?---Yes.
9
10:50:37 10 Was it an unusual thing, in your experience, to execute a
10:50:41 11 warrant on a barrister's chambers?---It wasn't a common
10:50:46 12 thing but I've done it a number of times.
13
10:50:49 14 Was this the first time or it had happened times before
10:50:53 15 that?---I can't recall, to be honest.
16
10:50:55 17 And the legal advisor - I take it this is an in-house legal
10:51:00 18 person, David Skelton?---Yes, from the VGSO.
19
10:51:05 20 From the VGSO. That person attended at the execution of
10:51:08 21 the warrant as well?---Yes.
22
10:51:09 23 Was that unusual in your experience?---I'm not sure about
10:51:14 24 unusual, but I can't recall it happening otherwise.
25
10:51:18 26 I'm asking the question because I'm not aware of warrants
10:51:21 27 being executed with solicitors present. I just wanted to
10:51:24 28 know whether that was a common occurrence, in your
10:51:26 29 experience? Do you know of another time - - -?---I can't
10:51:31 30 answer that. I think at the time I would have known why he
10:51:36 31 was there, but I can't remember.
32
10:51:39 33 And this was - was part of the thinking [REDACTED]
10:51:43 34 [REDACTED] that Gobbo herself wasn't cooperating with
10:51:46 35 the police?---I think that was part of it.
36
10:51:49 37 Because you already had your suspicions by November 2006
10:51:53 38 that she might have been cooperating with the police?---I
10:52:00 39 certainly suspected, I think, by that stage, but I'm not
10:52:04 40 sure whether that was part of the thought process behind
10:52:06 41 it. I think it was more in relation to [REDACTED] and the
10:52:09 42 issues around him.
43
10:52:11 44 Okay. Well, when that warrant was executed she told you
10:52:18 45 about some text message threats that she had received. Was
10:52:23 46 that during the execution of the warrant?---Yes, it was.
47

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M. HATT XXN - IN CAMERA

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10:52:27 1 It was. I don't know whether you heard Jason Kelly's
10:52:30 2 evidence the other day about some text message threats that
10:52:33 3 were received by Nicola Gobbo from a phone that was
10:52:38 4 registered in his name and some other registered in some
10:52:43 5 other Purana's people names. Are these the same text
10:52:47 6 message threats? Firstly, did you hear his evidence about
10:52:49 7 that or read about it?---No, I didn't, no.
10:52:51 8
10:52:52 9 Did she show you the text message threats?---She did.
10
10:52:55 11 Did you look into who they might have been from?---Yes.
12
10:52:59 13 And was anyone identified as the person who'd sent those
10:53:03 14 text messages?---Not from our enquiries. We had some
10:53:07 15 suspicions, but we certainly investigated the matter as
10:53:11 16 much as we possibly could at that time.
17
10:53:13 18 And she told you, I take it, "Look, I reckon they're from
10:53:16 19 this person or this person"?---My recollection is she was
10:53:21 20 unsure.
21
10:53:22 22 Okay. I want to bring up p.75 of that diary document and
10:53:31 23 over to 76. We'll start with 75. What I'm interested in
10:54:00 24 here is you've received a telephone call from Nicola and
10:54:07 25 she's talking about [REDACTED] wanting to know some
10:54:12 26 particular issues and you discuss those. She further tells
10:54:23 27 you that [REDACTED] is concerned about a particular person
10:54:27 28 being released from prison. I presume that's because that
10:54:32 29 person was a perceived threat to [REDACTED], is that
10:54:38 30 right?---I would guess so, yes.
31
10:54:41 32 Okay. And some other issues are spoken about. And if we
10:54:49 33 could go down to the next page. I'm looking at the second
10:55:01 34 lot of writing there, "Spoke to Stuart Bateson. Advised of
10:55:05 35 situation. Bateson to ring Gobbo." So you're advising
10:55:09 36 Bateson about the things that Gobbo had just told you about
10:55:12 37 [REDACTED], is that right?---Yes.
38
10:55:15 39 And some possible attempts to harm Gobbo herself, which
10:55:19 40 she'd disclosed to you, if you look at the top of that
10:55:23 41 page?---Yes.
42
10:55:23 43 And you're telling Bateson about those issues?---Yes.
44
10:55:29 45 It says, "Suggested that Gobbo should be relaying this to
10:55:32 46 her handler." Is that Bateson who's saying Gobbo should
10:55:37 47 tell her handler or is that you saying Gobbo should tell

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M. HATT XXN - IN CAMERA

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10:55:40 1 her handler?---That was Stuart Bateson who said that.
2
10:55:45 3 And you made a note of it?---Yes.
4
10:55:48 5 You, in your statement at paragraph 45, you - you refer to
10:55:54 6 that and you refer to the word "handler" being used, and
10:55:58 7 you say, "Which may have been a reference to a human source
10:56:01 8 handler. I do not have a clear recollection when I first
10:56:04 9 suspected Ms Gobbo was a source, but I recall I suspected
10:56:09 10 some time in 2006. I do not recall if I was ever
10:56:12 11 explicitly told she was a source around this time, but I
10:56:15 12 expect that this was the case because of pieces of
10:56:17 13 information like this." Can I suggest you're being a bit
10:56:23 14 apprehensive in your statement there. It was abundantly
10:56:26 15 clear to you, at least by 21 November 2006, that she was a
10:56:32 16 human source and this note demonstrates it, you'd agree
10:56:35 17 with that, wouldn't you?---Yes.
18
10:56:39 19 All right. On 14 March 2008 there's a meeting with you and
10:56:57 20 other SDU members, Kelly and Buick, and you talk about
10:57:01 21 Nicola Gobbo and an issue that a surveillance unit
10:57:04 22 contacted by Purana in a way that - well, a surveillance
10:57:09 23 unit had contacted Purana and the way that they contacted
10:57:13 24 Purana was in a way that might disclose that Nicola Gobbo
10:57:16 25 was acting as a human source. Can you remember that event
10:57:21 26 independently?---No.
27
10:57:24 28 Doing the best you can with the diary in front of you, what
10:57:27 29 was the situation? So this is 14 March 2008, and I think
10:57:33 30 it might be p.111 of the document in front of you?---Sorry,
10:57:52 31 111?
32
10:57:53 33 I think so. The page before perhaps. 110, 14/6/07?---Yes,
10:58:08 34 p.110.
35
10:58:10 36 And the page before. What I'm wanting to understand is
10:58:18 37 what precisely occurred, what was the surveillance unit -
10:58:24 38 who were they surveilling and what was the issue with the
10:58:28 39 way that they'd contacted Purana?---I'm struggling to find
10:58:35 40 that in my notes.
41
10:58:39 42 You say in your statement that you attended - this is
10:58:45 43 paragraph 47 - you attended the meeting, "I've been shown a
10:58:50 44 record that suggests this meeting related to SDU concerns
10:58:52 45 about a surveillance unit contacting the Purana office in a
10:58:54 46 way that might disclose the fact that Gobbo was a human
10:58:57 47 source." There's a document that's referred to at the

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10:59:02 1 bottom of the page, and that's a document that was shown to
10:59:05 2 you for the purposes of putting your statement together.
10:59:07 3 Does that ring a bell now?---Yes.
4
10:59:10 5 Are you able to say what occurred on that date to the best
10:59:12 6 of your recollection?---After reading the document whilst
10:59:16 7 making the statement, I believe there was some
10:59:22 8 surveillance. During that surveillance a member of the
10:59:24 9 surveillance unit contacted the office and spoke to someone
10:59:27 10 and asked for some information.
11
10:59:31 12 And that was an issue because it might have been the case
10:59:35 13 then that somehow Nicola Gobbo's identity or role as a
10:59:39 14 human source might have come out and so there was some
10:59:42 15 concern about that?---I think that was the general gist of
10:59:45 16 the meeting. The purpose of my being there was because the
10:59:47 17 member that was spoken to was on my crew and I was their
10:59:50 18 manager.
19
10:59:54 20 So from that note, and the evidence that you've given about
10:59:57 21 it, is it fair to say that members of Purana in this period
11:00:03 22 of early 2008 were assisting in keeping Ms Gobbo's role as
11:00:09 23 a human source confidential?---It would appear so.
24
11:00:19 25 Now, at paragraph 48 there's some - I'll just touch on this
11:00:22 26 briefly - you talk about some information that was provided
11:00:31 27 about Gatto on a few occasions and that you spoke to one of
11:00:37 28 the members of the SDU. He provided information regarding
11:00:42 29 Gatto and another person, who was [REDACTED] of the
11:00:46 30 [REDACTED] where [REDACTED] was shot dead. You don't believe
11:00:49 31 the SDU member has identified the source of this
11:00:51 32 information when it was provided, "As I recall the SDU
11:00:54 33 members were very careful not to disclose the identities of
11:00:57 34 human sources." I want to ask about that. There's no
11:01:02 35 mention in paragraph 48 of Nicola Gobbo. Do I understand
11:01:06 36 correctly the reason that you've put paragraph 48 in there
11:01:09 37 is that you either know or assume that Gobbo was the source
11:01:14 38 of that information?---It was put in there because it was
11:01:19 39 put to me during the process of making the statement.
40
11:01:23 41 It must be the case you wouldn't have put it in there
11:01:26 42 unless there was some indication or some knowledge of yours
11:01:28 43 that this was relevant to the statement that you were asked
11:01:30 44 to provide, namely it's relevant to Nicola Gobbo?---I would
11:01:36 45 assume so now, yes.
46
11:01:39 47 You say there that the SDU members were very careful not to

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M. HATT XXN - IN CAMERA

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11:01:43 1 disclose identities. Jason Kelly's evidence a few days ago
11:01:51 2 was that, indeed, some SDU members were quite careful and
11:01:55 3 they always used the number, the informer number, and
11:02:00 4 others were less so. Firstly, was the informer number of
11:02:04 5 Nicola Gobbo provided to you by SDU members when they
11:02:08 6 passed on information verbally to you that had come from
11:02:12 7 Gobbo?---I don't recall so.

8
11:02:16 9 Do you agree with Kelly's evidence that some SDU members
11:02:19 10 were careful not to name her and others were less so?---I
11:02:22 11 can't comment on that. I probably don't agree with that.
11:02:25 12 My recollection is that the SDU were very, very careful and
11:02:28 13 generally the information was just given without saying who
11:02:31 14 it was from, whether it be a number or a person.

15
11:02:35 16 Mr Purton's evidence from a month or so ago was that it was
11:02:43 17 a very well-known thing from the moment of registration
11:02:48 18 that Nicola Gobbo was providing assistance to police. Is
11:02:51 19 that your memory of things, at least in 2006, when you
11:02:56 20 started to become aware? Were there other members of
11:02:58 21 Purana who you spoke to about Gobbo providing
11:03:02 22 information?---I don't believe I spoke to anyone about it.
11:03:07 23 I suspected, but I would argue that it was never explicitly
11:03:11 24 known - well-known in Victoria Police that that was the
11:03:14 25 case, because I certainly didn't know, apart from my own
11:03:17 26 suspicions that I'd deducted through my own investigations.

27
11:03:22 28 Do you remember the number 3838 being mentioned back in
11:03:25 29 2006 to you?---I do recall that number, yes.

30
11:03:27 31 And do you recall - - -?---I'm not sure whether it was 2006
11:03:30 32 though.

33
11:03:31 34 It might have been later on?---It might have been later on.

35
11:03:35 36 Like Mr Kelly, I assume you knew when someone said 3838 to
11:03:39 37 you, you knew that that was Nicola Gobbo?---I would have,
11:03:41 38 but I don't remember that term being used in that
11:03:44 39 environment.

40
11:03:46 41 All right. Just one other thing Mr Kelly said on this
11:03:48 42 issue. Sometimes an IR would come through containing
11:03:53 43 information that Gobbo had provided and sometimes the
11:03:56 44 information was verbally disseminated. Sometimes, for
11:04:01 45 example, if it had to be acted on quickly. Is that your
11:04:06 46 experience of information that came from the SDU, in a
11:04:09 47 general sense, in 2006-2007?---Certainly 2007-2008, yes.

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1
11:04:16 2 So not always an IR but sometimes an IR?---Sometimes an IR,
11:04:21 3 sometimes verbally, depending on the information.
4
11:04:24 5 Now, moving on to paragraph 52 and now I'm going to ask you
11:04:30 6 some questions about [REDACTED]. So 4 December 2006, Gobbo
11:04:40 7 contacts you and tells you about a meeting that she had
11:04:44 8 with [REDACTED] and another person. Essentially, your
11:04:52 9 understanding of this conversation with Gobbo is that she
11:04:54 10 was passing on to you that [REDACTED] and one of his associates
11:05:00 11 were fishing for information from her about what
11:05:03 12 information [REDACTED] might have given to the police, is
11:05:08 13 that correct?---I might explain it. My recollection is
11:05:11 14 that [REDACTED] relayed certain things to his lawyer
11:05:18 15 pertaining to his concerns for his security and his
11:05:21 16 family's security. It was often the case that she would
11:05:26 17 then contact me and relay that information, as per his
11:05:29 18 request. So at that stage [REDACTED], [REDACTED] and
11:05:36 19 others were very dangerous people, who we suspected could
11:05:41 20 cause great harm to a number of people, including [REDACTED]
11:05:43 21 and his family.
22
11:05:46 23 One of the reasons being that [REDACTED] was implicating
11:05:49 24 [REDACTED] in a serious criminal matter by this
11:05:53 25 stage?---One of the reasons, yes.
26
11:05:57 27 And one of the things that he was implicating [REDACTED] in was
11:06:02 28 being the [REDACTED] the murder of [REDACTED]?---Yes.
29
11:06:09 30 And [REDACTED], around this time, was also providing
11:06:14 31 information in relation to that particular murder, is that
11:06:18 32 right?---He did provide a statement, yes.
33
11:06:21 34 Paragraph 56. We've got to be cautious about who we name
11:06:31 35 here, but I don't - the reason I'm asking this is I don't
11:06:36 36 understand what this paragraph means, essentially. It's 14
11:06:42 37 June 2007 and Gobbo contacts you to talk about [REDACTED] and [REDACTED]
11:06:49 38 [REDACTED]?---Yes.
39
11:06:50 40 Gobbo said that [REDACTED] - you know who [REDACTED]
11:06:55 41 is?---Yes.
42
11:06:56 43 Gobbo said that [REDACTED] had told her that [REDACTED] had
11:07:01 44 given statements against [REDACTED] and [REDACTED]. That was the
11:07:08 45 case at that stage, wasn't it, that [REDACTED] had given
11:07:11 46 statements against both [REDACTED] and [REDACTED]?---Yes.
47

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11:07:14 1 So [REDACTED] has worked that out and has passed that - - -
2
11:07:19 3 COMMISSIONER: [REDACTED].
4
11:07:20 5 MR WOODS: Sorry, [REDACTED] has worked that out and has
11:07:22 6 passed that on to Nicola Gobbo?---Yes.
7
11:07:28 8 All right. You say, as your day book records, "She said
11:07:34 9 that [REDACTED] had definitely not told her about giving
11:07:36 10 these statements and that she had no knowledge about them".
11:07:42 11 You told her that [REDACTED] was barking up the wrong tree
11:07:45 12 about [REDACTED] "I told her to stop information spreading
11:07:52 13 about [REDACTED]'s cooperation and reported this to DDI
11:07:56 14 Gavan Ryan and DDI Jim O'Brien." What I don't understand
11:08:02 15 is that you're telling her that [REDACTED] is wrong about
11:08:06 16 [REDACTED] but at this stage you knew that she'd been
11:08:11 17 acting for [REDACTED] on 22 June 2007?---Yes.
18
11:08:18 19 So she knew that [REDACTED] in fact wasn't barking up the
11:08:24 20 wrong tree, because she'd been representing [REDACTED], and
11:08:29 21 that [REDACTED] was in fact correct about the information
11:08:32 22 that [REDACTED] was providing in relation to these people,
11:08:36 23 is that right?---No. [REDACTED] had provided information.
11:08:43 24 [REDACTED] had become aware of that information. I'm not
11:08:48 25 sure whether Ms Gobbo had ever seen those statements prior
11:08:53 26 to that.
27
11:08:55 28 Okay. So you're not sure that in her capacity as the legal
11:09:01 29 representative this particular part of the information had
11:09:04 30 come through to Nicola Gobbo?---Correct.
31
11:09:08 32 All right. On [REDACTED] 2007 [REDACTED] is arrested and charged
11:09:21 33 with the murder of [REDACTED]. Were you present at that
11:09:24 34 arrest?---I was present at his house, but I wasn't present
11:09:28 35 with him at the time of his arrest.
36
11:09:30 37 So he was inside the house?---He was inside the house and
11:09:33 38 other Purana members spoke to him. I was providing
11:09:35 39 security outside and then shortly after that I went to
11:09:38 40 another address and executed another warrant.
41
11:09:43 42 At this stage the most significant evidence you had against
11:09:48 43 [REDACTED] in relation to the murder of [REDACTED] was what
11:09:52 44 [REDACTED] had told you?---That was part of it.
45
11:09:54 46 It was part of it, but it was the most significant part of
11:09:57 47 it, wasn't it?---I would argue that there's some telephone

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11:10:00 1 calls that are, in my view, as significant, if not more
11:10:05 2 significant. No, I wouldn't say more significant but as
11:10:08 3 significant as his information.
4
11:10:11 5 Okay. So you would disagree with the statement that the
11:10:18 6 most significant evidence against ██████████ was what
11:10:27 7 ██████████ had told you about ██████████ confession?---I
11:10:31 8 would disagree with that. I would say that the other
11:10:34 9 corroborating evidence is on an equal par to that.
10
11:10:39 11 You're aware that the sentencing judge identified the
11:10:43 12 evidence against ██████████ as being almost entirely that of
11:10:50 13 ██████████. Do you disagree with that?---I understand
11:10:54 14 that's what the judge commented on. Being an investigator
11:10:56 15 and seeing all the evidence that not necessarily makes its
11:11:01 16 way to a trial, I would suggest that there was other things
11:11:06 17 in play that - - -
18
11:11:07 19 Putting aside things that didn't make it to the jury, the
11:11:10 20 things that did make it to the jury, the most significant
11:11:13 21 bit of evidence was what ██████████ had said about ██████████
11:11:18 22 supposed confession?---I would still disagree with that. I
11:11:22 23 think the phone calls that were played in that trial played
11:11:26 24 a big part in that.
25
11:11:28 26 Okay.
27
11:11:28 28 COMMISSIONER: The phone calls on their own, would they
11:11:31 29 have led to the conviction without ██████'s evidence?---I can't
11:11:36 30 say. Probably not.
31
11:11:41 32 Thank you?---But again, I don't think the evidence given by
11:11:47 33 the witness would alone have convicted the accused.
34
11:12:00 35 MR WOODS: When ██████████ was first charged with his
11:12:03 36 involvement in the murder of ██████████, you had a
11:12:07 37 conversation with her and in that conversation she said to
11:12:12 38 you she wouldn't act for ██████████ because she had a clear
11:12:16 39 conflict. Do you remember that conversation?---I don't
11:12:19 40 remember it, but I certainly made notes of that
11:12:22 41 conversation at the time.
42
11:12:24 43 Can you tell us - we might bring those notes up on the
11:12:28 44 screen if that's possible. Is that a diary entry of 29
11:12:35 45 June 2007?---I'm not sure of the actual date. I'd have to
11:12:41 46 find which page you're referring to.
47

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11:12:45 1 Let's do that. I'm looking for a diary entry of 29 June
11:13:04 2 2007 and I take it paragraph 59 of your statement is based
11:13:10 3 on the note taken in the diary. There's a note on the one
11:13:28 4 that I've got, which is p.125 of that diary document, so
11:13:32 5 that's the VPL number in the top right-hand corner, that
11:13:36 6 says, "17:05 spoke to Nicola Gobbo. Referred to day book
11:13:42 7 notes." So it might be something that's contained in your
11:13:46 8 day book rather than your official diary. Did you use your
11:13:49 9 day book to compile the statement or just the official
11:13:54 10 notes - official diary?---I think my notes - sorry,
11:14:02 11 Commissioner.

11:14:02 12
11:14:02 13 COMMISSIONER: I was just going to say paragraph 59
11:14:04 14 suggests it is your day book records?---Yeah, I believe
11:14:08 15 p.126 VPL is the reference.

11:14:11 16
11:14:11 17 MR WOODS: Okay. I've got that here.

11:14:15 18
11:14:15 19 COMMISSIONER: If you look at paragraph 59 of your
11:14:18 20 statement, about line 4, you say, "As my day book records,
11:14:21 21 she said that"?---Yes, so p.126 of my notes is actually my
11:14:25 22 day book.

11:14:25 23
11:14:26 24 MR WOODS: Your day book?---Yes.

11:14:26 25
11:14:28 26 So that's a Friday and you say, "She met with that person
11:14:34 27 last Friday. Didn't know that she'd previously represented
11:14:39 28 [REDACTED] and [REDACTED] trying to find out who had made
11:14:47 29 statements." And then over the page - I'm just wanting you
11:14:57 30 to identify the bit where she talks about the conflict. I
11:15:05 31 understand it's paragraph 59 in your statement. I just
11:15:08 32 want to know where you've obtained that information from,
11:15:14 33 because I just wasn't able to find it in your official
11:15:18 34 diary or these notes?---You'll see on p.127 I assume it is,
11:15:23 35 there's a small box halfway down the page.

11:15:23 36
11:15:26 37 Yes. Is that like a post-it note?---Yes, it is a post-it
11:15:30 38 note, and halfway down that post-it note, there is a
11:15:32 39 comment, "Don't know" - sorry, probably two-thirds of the
11:15:37 40 way down, there's a comment saying, "Conflict. Won't be
11:15:40 41 representing him."

11:15:40 42
11:15:41 43 Okay. And that's what she told you following [REDACTED]
11:15:47 44 arrest for his role in the murder of [REDACTED]?---I
11:15:51 45 believe so.

11:15:51 46
11:15:52 47 And you made a note of that, I take it, because it was a

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11:15:56 1 matter of significance?---I believe any conversation I had
11:16:03 2 with these people around that time I made a note of.

3
11:16:09 4 You gave evidence about the situation between ██████████ and
11:16:15 5 ██████████ yesterday and whether or not there was a concern
11:16:20 6 there for Nicola Gobbo representing ██████████ in those
11:16:24 7 circumstances. Do I take it your answer would be the same
11:16:28 8 in this current situation, were Nicola Gobbo to go on and
11:16:35 9 represent ██████████ in circumstances where ██████████ her
11:16:38 10 other client, had implicated ██████████ in the matter for which
11:16:42 11 he was charged?---I don't believe she ever represented
11:16:44 12 ██████████ in relation to the ██████████ matter, not to my
11:16:52 13 knowledge anyway, and I would suggest it would be
11:16:55 14 different.

15
11:16:55 16 Has it been brought to your attention that she did
11:16:58 17 represent ██████████ in the ██████████ matter?---I've heard that
11:17:02 18 spoken about.

19
11:17:03 20 Was it spoken about in the process of you putting your
11:17:05 21 statement together?---It was spoken about in the media. To
11:17:07 22 my recollection she did not represent him in relation to
11:17:09 23 the ██████████ matter.

24
11:17:11 25 Have you spoken to colleagues about that matter?---I have
11:17:14 26 not.

27
11:17:17 28 Do you agree that in this particular situation, that that
11:17:21 29 would have caused problems for the legal process being
11:17:27 30 played out in relation to ██████████, it would have caused
11:17:30 31 problems because of her previous representation of
11:17:34 32 ██████████ who was implicating ██████████, do you agree with
11:17:38 33 that?---Potentially, yes.

34
11:17:41 35 ██████████ had given statements - you were involved in the
11:17:48 36 taking of the statements - that said that ██████████ was the
11:17:52 37 ██████████ the killing of ██████████, that much is true,
11:17:55 38 isn't it?---Yes.

39
11:17:56 40 And Gobbo had been involved in assisting with that process
11:18:00 41 to your knowledge?---No, I don't believe Gobbo was involved
11:18:08 42 in the statement-taking process. She represented him and
11:18:13 43 her role at that time was to get the best deal for him in
11:18:17 44 relation to his sentence. I believe that the process we
11:18:22 45 undertook with ██████████ and his statements was different
11:18:25 46 to the process we undertook with ██████████ and his
11:18:28 47 statements.

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1
11:18:29 2 The Commission has information that shows that Nicola Gobbo
11:18:34 3 in fact was involved in assisting ██████████ to provide
11:18:41 4 statements to police. You don't know anything about
11:18:43 5 that?---No.
6
11:18:45 7 Knowing it now, do you see that that might have created a
11:18:49 8 problem for the legal processes that played out against
11:18:52 9 ██████████, knowing now that Nicola Gobbo did in fact
11:18:55 10 represent him?---I'd have to know more about what
11:18:59 11 information - or how she assisted in that process.
12
11:19:01 13 Are you aware that she was shown ██████████'s statements
11:19:05 14 when she was representing him?---No, I wasn't aware of
11:19:08 15 that.
16
11:19:16 17 So on 24 September 07 - on 29 June she'd said to you she
11:19:23 18 won't act for ██████████ or unlikely to represent ██████████ due to a
11:19:27 19 conflict. On 24 September 2007, Nicola Gobbo told her
11:19:34 20 handlers that she was in fact representing ██████████ at that
11:19:38 21 stage. Now, that's information known to the Commission.
11:19:42 22 It probably wasn't known to you at the time. But was it
11:19:47 23 information that was passed on to you by the handlers that
11:19:51 24 Gobbo was in fact representing ██████████ after she told you she
11:19:55 25 wouldn't because of a conflict?---I don't recall that being
11:19:58 26 the case.
27
11:19:59 28 On 29 October 2007, so about a month after she told the
11:20:04 29 handlers that and a few months after she told you she had a
11:20:08 30 conflict, Gobbo represented ██████████ in relation to these
11:20:12 31 particular matters, where they were seeking further
11:20:16 32 disclosure from the prosecution and there was a claim by
11:20:21 33 the prosecution in relation to public interest immunity.
11:20:24 34 Were you aware, firstly, that ██████████ was seeking disclosure
11:20:29 35 from the police as part of his defence?---No, I don't
11:20:33 36 believe so.
37
11:20:34 38 Were your diaries sought as part of a disclosure
11:20:39 39 application by ██████████?---I can't recall.
40
11:20:45 41 It's the usual course in an application of this kind that
11:20:50 42 an accused person would ask for the investigating
11:20:56 43 official's diaries, you'd agree with that as a general
11:20:59 44 proposition?---Yes.
45
11:21:01 46 Do you recall your diaries being asked for at all in
11:21:03 47 relation to the matters that ██████████ was facing?---No, I

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11:21:06 1 don't. It could have happened but I don't recall that
11:21:09 2 being the case.
3
11:21:12 4 Mr Buick was at court on the date [REDACTED] 2007. He was
11:21:17 5 someone that you'd been working closely with during the
11:21:21 6 period of [REDACTED] providing information about [REDACTED]
11:21:26 7 [REDACTED], you agree with that?--On and off, yes.
8
11:21:29 9 And he was the informant in relation to [REDACTED]'s
11:21:33 10 charges relating to [REDACTED]'s murder?---He was.
11
11:21:38 12 He would have known, I suggest to you, that Nicola Gobbo
11:21:42 13 had assisted and represented [REDACTED] in the process of
11:21:45 14 providing statements?--I can't answer for him. Being the
11:21:53 15 informant and if she did, he should have known, yes.
16
11:21:59 17 And is it your evidence that, similar to your position,
11:22:03 18 there was no obligation for Mr Buick either to inform
11:22:09 19 [REDACTED]'s lawyers that Nicola Gobbo had been involved
11:22:13 20 or informed [REDACTED], for that matter, that Nicola
11:22:17 21 Gobbo had been involved in representing [REDACTED], no
11:22:19 22 obligation on Mr Buick either?--I can't answer for him,
11:22:24 23 but I would assume that [REDACTED] himself would have
11:22:27 24 known that.
25
11:22:28 26 You would assume, but you didn't know?---No.
27
11:22:33 28 Okay. Had you have been asked for your diaries in that
11:22:39 29 process, and you don't remember whether you were, what
11:22:43 30 would you have done in relation to the disclosure of Nicola
11:22:46 31 Gobbo's name in those diaries to be disclosed to the
11:22:49 32 defence?---It would depend on the context of my notes.
33
11:22:55 34 Would you disclose it?---Again, it would depend on the
11:22:59 35 context of my notes.
36
11:23:00 37 If the notes simply said, "Spoke to Gobbo in relation to
11:23:06 38 [REDACTED]. [REDACTED] providing statements" would you see
11:23:13 39 any problem handing over that to [REDACTED]'s
11:23:15 40 defence?---Possibly.
41
11:23:16 42 Why?---The safety of Ms Gobbo.
43
11:23:20 44 Okay, I understand the safety of Ms Gobbo. What about the
11:23:24 45 legal process playing out fairly on behalf of [REDACTED]
11:23:28 46 [REDACTED]?---My understanding, and my experience in trials and
11:23:34 47 committals and so on, when notes are requested by legal

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11:23:38 1 counsel and we supply them, we generally supply a redacted
11:23:42 2 copy and an unredacted copy. It's often the case that a
11:23:47 3 trial judge or a magistrate would see both copies and make
11:23:51 4 a decision based on that.

5
11:23:53 6 So that's - you're referring here to a claim for public
11:23:58 7 interest immunity?---Correct.

8
11:23:58 9 But the circumstances I'm describing to you, where it was
11:24:01 10 simply the fact that Nicola Gobbo had been representing a
11:24:05 11 person who had provided a statement against the accused
11:24:08 12 person, that's not public interest immunity, is it?---Well,
11:24:11 13 I would argue that it could go into the realms of safety.

14
11:24:17 15 Safety is a separate issue. Would you give instructions,
11:24:22 16 in that situation, to say Nicola Gobbo's name - I'm not
11:24:28 17 talking about her role as a human source here, I'm talking
11:24:31 18 about her role as a representative of ██████████ - Nicola
11:24:35 19 Gobbo's name should be kept out of that diary?---I would
11:24:37 20 certainly try for that to be the case because the people
11:24:42 21 that were involved in these matters were extremely
11:24:44 22 dangerous. Any information regarding anyone that was
11:24:49 23 assisting the persons who have provided evidence against
11:24:53 24 them was in danger.

25
11:24:56 26 And that means that in a situation such as that faced by
11:25:01 27 ██████████, that matter that you're identifying is more
11:25:07 28 important, I suggest, than the legal process playing out
11:25:11 29 fairly in relation to his conviction?---I wouldn't suggest
11:25:14 30 in my mind, I would say that that would be put towards the
11:25:19 31 person who would make the ultimate call, being a trial
11:25:22 32 judge or a magistrate.

33
11:25:24 34 Are you really saying that desperate times call for
11:25:26 35 desperate measures, is that what you're saying in relation
11:25:29 36 to this issue?---Not at all, I didn't say that.

37
11:25:31 38 I'm not saying you said it. But you're saying these were
11:25:34 39 very, very dangerous people?---Yes.

40
11:25:36 41 You've said that for a particular reason, I take it, in
11:25:38 42 answer to my question. What I'm suggesting to you is
11:25:41 43 you're talking about the danger faced by these people and
11:25:43 44 the seriousness of the crimes as a reason why you would
11:25:48 45 leave, for example, the lawyer's name out of a diary note,
11:25:54 46 you would have that redacted so that the accused didn't
11:25:56 47 know who was representing that person?---In an application

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11:26:01 1 for PII. It wouldn't necessarily be the ultimate result,
11:26:06 2 depending on what the trial judge or the magistrate
11:26:10 3 decided.
4
11:26:11 5 Was that claim made, do you know, in relation to [REDACTED]
11:26:14 6 [REDACTED] ---I don't recall.
7
11:26:16 8 Do I take it from your answers that the less serious the
11:26:19 9 crime and the less dangerous the accused person, the more
11:26:25 10 disclosure a person can get? That's got to be the case,
11:26:30 11 doesn't it, from the answers you've just given me?---I
11:26:33 12 think it's a hypothetical question.
13
11:26:35 14 It's not hypothetical?---There are a lot of factors
11:26:40 15 involved in PII, it's not just one or two things. There
11:26:44 16 are a lot of things to consider.
17
11:26:45 18 Do you know whether any claims were made, PII claims, in
11:26:53 19 relation to [REDACTED] and disclosure that was provided in
11:26:56 20 those matters - to [REDACTED] I'm talking
11:27:03 21 about?---[REDACTED]
22
11:27:04 23 And [REDACTED]?---Not specifically, no. I've over the
11:27:12 24 years had many, many cases where I've provided my notes and
11:27:17 25 many, many cases where PII has been argued. I can't recall
11:27:21 26 which case and to what extent.
27
11:27:24 28 But given your answers, I take it if asked you would have
11:27:28 29 left Gobbo's name out of disclosure in those situations as
11:27:31 30 well, [REDACTED] getting disclosure against [REDACTED]?---I
11:27:35 31 would say it would have been suggested as a PII argument.
11:27:39 32 Whether that was the ultimate case, I'm not sure.
33
11:27:42 34 And the PII issue being that a particular lawyer had acted
11:27:49 35 on behalf of a previous person and had a potential
11:27:53 36 conflict?---No, the PII would refer to the safety of that
11:27:59 37 person and the danger that they would be in if that
11:28:02 38 information was disclosed.
39
11:28:03 40 So is it a regular occurrence that when solicitors are
11:28:07 41 assisting - well, firstly, it is a regular occurrence that
11:28:11 42 solicitors and barristers assisting accused people of
11:28:14 43 serious crimes, they try and seek a benefit for their
11:28:20 44 client by their client providing information in relation to
11:28:22 45 other matters, that's a very regular occurrence, isn't
11:28:26 46 it?---Not regular enough, but it does occur.
47

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11:28:30 1 And when it occurs - I want to understand the answers
11:28:36 2 you've given me - is it your view that when disclosure is
11:28:42 3 to be provided, the lawyers' names, the lawyers who were
11:28:48 4 representing the person who's rolling on the next person,
11:28:52 5 must be kept out of that because of matters of safety?---I
11:28:55 6 wouldn't say "must", I would suggest that in the interests
11:28:59 7 of that person's safety an attempt would be made to prevent
11:29:04 8 that from happening.

9
11:29:05 10 Okay. And the attempt would be - what you say is to put
11:29:10 11 those matters before a judge and let the judge decide
11:29:12 12 whether or not public interest immunity applies?---Correct.

13
11:29:26 14 We've talked about 29 October 2007 and the return of a
11:29:30 15 subpoena where PII was claimed and Ms Gobbo representing
11:29:37 16 ██████████ in that matter. You might have answered it,
11:29:41 17 but as you sit here now, you don't see any issue with her
11:29:46 18 representing him in that circumstance?---I didn't say that.

19
11:29:50 20 Do you see an issue with it?---There is a potential
11:29:54 21 conflict there.

22
11:29:56 23 And then on ██████████ 2007 there's a special mention in the
11:30:00 24 same matters and Nicola Gobbo represents ██████████ in
11:30:03 25 that matter. Were you aware of that appearance by Nicola
11:30:07 26 Gobbo?---No, I wasn't.

27
11:30:09 28 All right. And on ██████████/2007 Gobbo appears again on behalf
11:30:16 29 of ██████████ in a handover of documents which I
11:30:21 30 understand is the production under subpoena of the
11:30:23 31 documents that were sought earlier. Were you aware of her
11:30:25 32 appearing on that occasion?---I was not.

33
11:30:28 34 Throughout the period from when he was charged until when
11:30:33 35 he was convicted - were you present in court for any of the
11:30:39 36 trial of ██████████?---I gave evidence in that trial, but
11:30:46 37 I was involved in another murder investigation at that
11:30:49 38 time, so I recall that my only involvement in that trial
11:30:55 39 was attending on that day to give my evidence.

40
11:30:58 41 So the brief of evidence was served in late 2007. Were you
11:31:04 42 involved in the service of the brief of evidence on
11:31:07 43 ██████████?---I can't recall.

44
11:31:13 45 Are you aware - firstly, were you aware at the time that
11:31:17 46 Nicola Gobbo was immediately briefed to review the brief of
11:31:21 47 evidence on ██████████'s behalf?---No.

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1
11:31:27 2 And that she stayed involved, albeit in a background role,
11:31:32 3 other than those appearances we've talked about, up until
11:31:35 4 [REDACTED]'s trial. Did you know that?---No.
5
11:31:51 6 You identified, at paragraph 67 of your statement -
11:31:59 7 actually, I'll go to paragraph 60 first. You've been asked
11:32:04 8 if you recall Gobbo appearing for [REDACTED] in relation to the
11:32:10 9 [REDACTED] murder, you don't recall her acting for him, you
11:32:14 10 recall that [REDACTED] was represented by [REDACTED] at his
11:32:16 11 committal and trial and his solicitors had been from
11:32:20 12 [REDACTED], that's the situation that you've just given
11:32:23 13 evidence about?---Yes.
14
11:32:26 15 Were there disclosures made to you - or did anyone tell you
11:32:31 16 that they were aware of Nicola Gobbo appearing on [REDACTED]'s
11:32:37 17 behalf through this period in 2007?---No, I don't recall
11:32:42 18 that being the case.
19
11:32:44 20 Is it the sort of thing you would remember if you were
11:32:48 21 told?---Possibly.
22
11:32:49 23 And you'd probably remember because she told you she
11:32:52 24 wouldn't act because she had a conflict?---Possibly, yeah.
25
11:32:59 26 Then what happened is [REDACTED] continued, over this intervening
11:33:06 27 period, to provide further statements that were implicating
11:33:10 28 [REDACTED] in relation to those matters, it wasn't just a
11:33:15 29 situation of a single statement, he made multiple
11:33:18 30 statements against [REDACTED], is that correct?---Yes.
31
11:33:21 32 And were you involved in taking any of those
11:33:25 33 statements?---I believe I was involved in the taking of
11:33:27 34 each one of those, apart from the first one.
35
11:33:34 36 The first one is the only one you recall?---No, the first
11:33:37 37 one that was ever taken from him in relation to the [REDACTED]
11:33:43 38 murder, I wasn't present during that.
39
11:33:45 40 I see?---Subsequent statements I was.
41
11:33:47 42 Okay. And am I correct to characterise the situation that
11:33:52 43 his evidence changed on a number of occasions?---I'm not
11:33:58 44 sure about changing. I certainly recall there was more
11:34:02 45 information coming in.
46
11:34:04 47 Did he change, for example, the location at which a

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11:34:08 1 confession had been made to him by [REDACTED]?---Without looking
11:34:12 2 at the statements, I can't recall off the top of my head.
3
11:34:15 4 Do you remember that the substance of what he was saying
11:34:18 5 was that [REDACTED] had confessed to him that he had [REDACTED]
11:34:21 6 [REDACTED] the murder of [REDACTED]?---Yes.
7
11:34:24 8 And that [REDACTED] had been the person who killed [REDACTED]
11:34:28 9 [REDACTED]?---Yes.
10
11:34:30 11 And you also recall, I take it, that he identified when and
11:34:36 12 where that confession from [REDACTED] had occurred?---I believe
11:34:43 13 so.
14
11:34:44 15 And you don't have any recollection of him changing his
11:34:46 16 position about where that confession took place?---Not as I
11:34:51 17 sit here now, no.
18
11:34:52 19 Do you remember there being an issue about the original
11:34:54 20 place that he said that the confession had occurred, the
11:34:58 21 building not even being built at the time that he said the
11:35:02 22 confession occurred, does that ring a bell now?---Not
11:35:04 23 really.
24
11:35:05 25 What about the route that he took to the murder on the toll
11:35:07 26 roads, do you remember that being an issue in the
11:35:11 27 trial?---No. I wasn't party to that trial, apart from me
11:35:14 28 giving my evidence.
29
11:35:15 30 So you have no recollection of those two things being an
11:35:18 31 issue that [REDACTED] gave evidence about?---No, not as I
11:35:23 32 sit here now. If I reviewed the statements, I could
11:35:27 33 possibly see the changes.
34
11:35:31 35 At paragraph 67, you talk about an SDU document that is in
11:35:41 36 the Loricated database and it talks about 15 July 2008 and
11:35:49 37 there being - Ms Gobbo saying to one of her SDU handlers
11:35:55 38 that you were aware that she, Nicola Gobbo, had been
11:36:03 39 instrumental in rolling [REDACTED] and orchestrating the
11:36:08 40 making of his statements. What she was telling her handler
11:36:12 41 was correct, wasn't it? You knew that she had been
11:36:15 42 instrumental in that process?---No.
43
11:36:22 44 You knew, though, that she was representing [REDACTED]?---Yes.
45
11:36:28 46 And you knew that she had an involvement in [REDACTED]
11:36:33 47 giving statements?---I would say no. I think her

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11:36:38 1 involvement was getting the best deal for her client. The
11:36:42 2 statements, to my recollection, were never given with her
11:36:46 3 input.
4
11:36:47 5 The best deal for her client involved giving information,
11:36:50 6 didn't it?---Yes.
7
11:36:52 8 And the information is given in a statement, isn't
11:36:56 9 it?---Yes.
10
11:37:04 11 Were there unsigned and draft statements taken from
11:37:11 12 [REDACTED] during the process of him providing his numerous
11:37:16 13 statements, other than the signed ones?---I don't believe
11:37:20 14 so.
15
11:37:20 16 Do you know if there were marked-up versions of
11:37:24 17 statements?---I don't believe so.
18
11:37:26 19 Do you know if such things were sought to be disclosed by
11:37:30 20 the defence in that case?---I'm not sure, but my
11:37:33 21 recollection is that [REDACTED] was in prison at that time
11:37:37 22 and there was no opportunity to exchange/change drafts. We
11:37:43 23 had to fight to get a computer into a prison, we had to
11:37:46 24 fight to get a printer in, there were numerous issues
11:37:49 25 around that, so it was never the case of multiple drafts or
11:37:52 26 anything going on.
27
11:37:53 28 The situation with [REDACTED] had been that his statements
11:37:57 29 were taken [REDACTED], brought to Nicola Gobbo's
11:38:01 30 chambers, she suggested changes to that statement and they
11:38:04 31 were taken back to him. Presumably there was a draft of
11:38:08 32 that initial statement that was changed as a result of
11:38:11 33 those suggestions by Nicola Gobbo?---In relation to
11:38:14 34 [REDACTED], yes.
11:38:14 35
11:38:14 36 Yes. So why is it different in relation to [REDACTED]?---A
11:38:21 37 different prison.
38
11:38:22 39 Was there particular caution taken with [REDACTED] that
11:38:24 40 there weren't draft statements?---Not to my recollection.
11:38:29 41 I think that the main issue around that time was - not an
11:38:33 42 issue - was the fact that he provided the statements and we
11:38:37 43 signed them then and there as they were taken, and I don't
11:38:42 44 believe that Ms Gobbo ever saw a draft or copy of that
11:38:45 45 statement before it was signed.
46
11:38:48 47 It would come as a surprise to you that she did?---Yes, it

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11:38:52 1 would.
2
11:38:56 3 Now, on [REDACTED] 2008 - I'm looking at paragraph 68 of
11:39:00 4 your statement - you attended the [REDACTED]
11:39:05 5 Prison to see [REDACTED] again. Am I right to assume that
11:39:12 6 throughout this period when you're seeing [REDACTED], it's
11:39:15 7 largely, if not solely, to do with the evidence that he was
11:39:18 8 going to give against [REDACTED]?---No, there was another
11:39:25 9 accused at that time.
11:39:26 10
11:39:27 11 So there were two issues you were seeing him about?---It
11:39:32 12 might be better to suggest it was in relation to the [REDACTED]
11:39:39 13 matter, not necessarily one particular person.
14
11:39:41 15 I see. I understand. Then you talk about, at 68, 69, 70,
11:39:50 16 71, a number of other attendances and then - sorry, at 71
11:39:55 17 you talk about [REDACTED]'s evidence against both [REDACTED] and
11:40:01 18 [REDACTED] in relation to the trial for the murder of [REDACTED]
11:40:03 19 [REDACTED]. Were you present at court, other than for your
11:40:05 20 evidence?---No.
21
11:40:07 22 And what was the substance of your evidence? Why were you
11:40:11 23 called?---It was in relation to conversations I'd had with
11:40:14 24 [REDACTED] and some evidence that was located by her.
25
11:40:19 26 Were you cross-examined in that case, do you
11:40:21 27 remember?---Yes, I was.
28
11:40:23 29 Okay. The outcome was that [REDACTED] was found guilty and
11:40:27 30 [REDACTED] was acquitted, that's right?---Correct.
31
11:40:34 32 Have you had an opportunity to read the three - any of the
11:40:38 33 three decisions that have been made, firstly by
11:40:45 34 Justice Ginnane, about Nicola Gobbo being used as a human
11:40:48 35 source and then the Court of Appeal's decision about that
11:40:51 36 and then the High Court's decision, have you read any of
11:40:55 37 those?---No.
38
11:40:55 39 Are you aware of those decisions?---Only what's been
11:41:00 40 reported in the media.
41
11:41:01 42 In Justice Ginnane's decision, he sets out various
11:41:06 43 circumstances of the SDU's registration and use of Ms Gobbo
11:41:12 44 and one of the things he sets out is a letter from Ms Gobbo
11:41:17 45 many years after these events, in June 2015, that she sent
11:41:22 46 to Mr Fontana, and she says the most significant crimes or
11:41:28 47 arrests that she's responsible for are [REDACTED], "As a

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11:41:35 1 result of information provided to me, Purana were able to
11:41:37 2 get him to a position where he was confronted with a
11:41:40 3 mountain of evidence, which led to him becoming a witness
11:41:42 4 for the police." From the evidence you've given yesterday
11:41:46 5 and today, I take it you don't take issue with
11:41:52 6 that?---Sorry, you'd have to read it again.
7
11:41:54 8 The information provided by her led to Purana being able to
11:42:02 9 charge ██████████ with the matters that ██████████ had
11:42:08 10 disclosed - I'm talking about the information she provided
11:42:12 11 here, not the information that ██████████ provided?---No,
11:42:15 12 that's not correct.
13
11:42:16 14 Are you aware of information that she separately provided
11:42:22 15 in relation to ██████████?---No.
16
11:42:26 17 She also says - and she takes full credit for ██████████
11:42:35 18 rolling on ██████████ and she says she played a pivotal role
11:42:39 19 in convincing ██████████ to roll over on ██████████ and ██████████
11:42:45 20 You were involved intimately in that process?---Yes.
21
11:42:51 22 Do you agree that she did play a pivotal role in that
11:42:54 23 process?---No, she did not. The evidence was overwhelming
11:43:00 24 in both cases. In fact, ██████████, on the night he was
11:43:03 25 arrested, was already in the process of assisting police.
26
11:43:24 27 Can we have a short break, please?
28
11:43:28 29 COMMISSIONER: Yes, certainly. We'll have a 10-minute
11:43:30 30 break.
11:44:36 31
32 (Short adjournment.)
33
12:01:01 34 MR WOODS: Commissioner, just to let you know, I've only
12:01:03 35 got one very brief other matter in closed session, but I
12:01:06 36 understand there'll be a few people who have questions,
12:01:09 37 some cross-examination in closed session as well. I then
12:01:12 38 propose to put some general questions about some of the
12:01:17 39 issues that we've looked at in closed session to the
12:01:20 40 witness, where I'll be very conscious of the orders that
12:01:23 41 are in place.
42
12:01:25 43 COMMISSIONER: You'll do that in open session?
12:01:27 44
12:01:27 45 MR WOODS: In an open session, following cross-examination.
46
12:01:29 47 COMMISSIONER: Yes.

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12:01:30 1
12:01:30 2 MR WOODS: I'll just deal with one issue first and then
12:01:33 3 we'll be ready for that cross-examination.
4
12:01:35 5 COMMISSIONER: Yes. Thanks, Mr Woods.
12:01:36 6
12:01:37 7 MR WOODS: Just one final issue. Are you aware of whether
12:01:40 8 [REDACTED] attended the ACC to give evidence at any
12:01:51 9 stage?---Am I allowed to talk about that?
10
12:01:54 11 Yes, you are?---Yes.
12
12:01:56 13 I don't want to hear what the evidence - - - ?---Yes, I was
12:02:01 14 aware that he attended.
15
12:02:03 16 Did you attend any of those occasions yourself?---No.
17
12:02:08 18 Are you aware of a practice at the time - I'm talking about
12:02:10 19 your final period in Purana, 2006 to 2010 - of a practice
12:02:18 20 of police investigators attending ACC hearings?---Yes.
21
12:02:30 22 Are you aware of a practice of using that ACC process for
12:02:33 23 investigative purposes, to obtain information to solve
12:02:36 24 crimes?---My recollection is it was a joint investigation
12:02:41 25 between Victoria Police and the ACC at the time, but
12:02:46 26 essentially, yes.
27
12:02:47 28 Did you attend some of those - not with [REDACTED] you say
12:02:50 29 you didn't with him. Did you attend other ones?---I
12:02:54 30 believe so.
31
12:02:55 32 When you attended, did you sit in the room or outside the
12:02:57 33 room?---No, I was outside the room, in an interviewing
12:03:05 34 room.
35
12:03:05 36 So you had audio and could you see what was happening as
12:03:08 37 well?---Yes.
38
12:03:08 39 Were you provided transcripts, following that, of what was
12:03:12 40 said?---I believe so.
41
12:03:15 42 They're the matters for - sorry, just a moment. Are you
12:03:21 43 aware of Nicola Gobbo appearing at any of the matters,
12:03:25 44 firstly, that you attended at the ACC?---No.
45
12:03:32 46 What about - are you aware of her attendance at other
12:03:36 47 matters that you weren't present for at the ACC, her

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12:03:40 1 appearance on behalf - - -?---I can't recall.
2
12:03:43 3 Sure. They're the matters that I've got to put in closed
12:03:46 4 session, so it might be that examination by others - - -
5
12:03:51 6 COMMISSIONER: Yes, Mr Collinson.
12:03:53 7
8 <CROSS-EXAMINED BY MR COLLINSON:
9
12:03:54 10 Just a few matters, if the Commissioner pleases.
11
12:04:00 12 Mr Hatt, I just want to take you back to issues concerning
12:04:05 13 [REDACTED]. It seems between paragraphs 8 and 14 of your
12:04:14 14 statement, you give evidence about the course of events
12:04:21 15 whereby [REDACTED] and [REDACTED] were arrested and [REDACTED]
12:04:29 16 indicated and eventually cooperated with the police, you
12:04:35 17 recall those paragraphs?---I do.
18
12:04:37 19 I should say I'm counsel for Ms Gobbo?---Thank you.
20
12:04:39 21 I should have introduced myself. It appears, from
12:04:50 22 paragraph 14, that your notes indicate that on 16 February
12:04:56 23 2004, [REDACTED] mentioned that he had spoken to his partner
12:05:01 24 and asked her to contact Nicola, and that's a reference to
12:05:06 25 Nicola Gobbo?---I believe so.
26
12:05:08 27 But the way you describe the course of events prior to
12:05:14 28 that, it would appear that [REDACTED] has already made a
12:05:18 29 decision to cooperate and assist police by making
12:05:23 30 statements?---Yes.
31
12:05:27 32 So on the face of it, Ms Gobbo wasn't involved in that
12:05:30 33 decision, at least to your knowledge, by [REDACTED]?---No.
34
12:05:43 35 Are you aware that Ms Gobbo became a registered informer
12:05:46 36 around September 2005?---I'm not sure of the date, but I'm
12:05:52 37 aware that some years later she was, yes.
38
12:05:57 39 In terms of her conduct in relation to acting for
12:06:03 40 [REDACTED], which, I presume, led to eventually a reduced
12:06:09 41 sentence for [REDACTED]?---Yes.
42
12:06:14 43 If Ms Gobbo had been involved in the decision by [REDACTED]
12:06:20 44 to roll or assist police, then I take it there's nothing
12:06:26 45 that you're aware of that would suggest she was acting
12:06:29 46 other than pursuant to the best interests of
12:06:34 47 [REDACTED]?---That's correct.

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1
12:06:36 2 I want to turn now to [REDACTED]. You were asked by
12:06:44 3 Mr Woods quite a few questions about whether or not you saw
12:06:50 4 a conflict of interest in Ms Gobbo acting for [REDACTED] in
12:06:57 5 terms of having - in light of the fact that she'd earlier
12:06:59 6 acted for [REDACTED]. Do you recall those questions?---I
12:07:02 7 do.
8
12:07:03 9 Because [REDACTED] had given evidence to the police that led
12:07:08 10 to the arrest of [REDACTED]?---Yes.
11
12:07:16 12 You seem to, from your statement, not become aware of
12:07:22 13 Ms Gobbo acting for [REDACTED] until about February 2006,
12:07:28 14 and I say that - Mr Hatt, I'm referring to paragraph 31 of
12:07:32 15 your statement, if you want to have a look at that. That's
12:07:41 16 where you depose to attending a meeting at the offices of
12:07:46 17 Mr Valos, where Ms Gobbo was present?---Yes.
18
12:07:50 19 And I think it was put to you that it would be likely,
12:07:55 20 wouldn't it, to your knowledge, that Ms Gobbo would have
12:07:58 21 been, at that meeting, in a role acting as counsel for
12:08:02 22 [REDACTED]?---I can't say 100 per cent, but if I was
12:08:06 23 guessing, I would say yes.
24
12:08:08 25 Yes. You don't have any knowledge as to the date when
12:08:19 26 Ms Gobbo might have commenced acting for [REDACTED]?---No.
27
12:08:27 28 I take it you don't have any knowledge as to whether she
12:08:31 29 was involved in a decision by [REDACTED] to cooperate with
12:08:37 30 police and provide statements implicating others in
12:08:41 31 murders?---No. My understanding was that [REDACTED] made
12:08:47 32 that decision based on a number of things.
33
12:08:51 34 I think you refer, in paragraph 33, to [REDACTED] giving
12:09:00 35 what you describe as strong evidence at [REDACTED]'s
12:09:04 36 committal?---Correct.
37
12:09:05 38 And [REDACTED]' murder trial, and you seem to connect
12:09:14 39 that, do you, with [REDACTED]'s decision to cooperate with
12:09:18 40 police?---I think that's part of it, yes.
41
12:09:23 42 What was the date of that event that you refer to in
12:09:26 43 paragraph 33 - that is [REDACTED]'s committal and
12:09:29 44 [REDACTED] murder trial?---I'm not sure. It would have
12:09:35 45 to be mid-2006, based on the positioning in my statement.
46
12:09:40 47 I think you've also mentioned that - well, you say in

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12:09:44 1 paragraph 33, and I think you said it in your evidence as
12:09:47 2 well, that you think [REDACTED] was also influenced by the
12:09:52 3 fact that [REDACTED] had made a decision to cooperate with
12:09:55 4 police?---I believe so, yes.
5

12:10:04 6 You do address, in paragraph 45 of your statement, the
12:10:11 7 question of the time at which you might have become aware
12:10:15 8 that Ms Gobbo was acting as an informer. You refer, in
12:10:25 9 paragraph 45, to a note in your day book referring to
12:10:30 10 Ms Gobbo's handler, and that seems to be dated 21 November
12:10:33 11 2006?---I suspect that was the case that I believed.
12

12:10:42 13 What I was going to ask you, though, was you say in the
12:10:47 14 next sentence in paragraph 45, about line 4, that although
12:10:51 15 you don't have a clear recollection of when you first
12:10:54 16 suspected Ms Gobbo was a source, but you think it was some
12:10:57 17 time in 2006, does that mean it could have been before 21
12:11:01 18 November 2006 that you started to develop a suspicion that
12:11:04 19 Ms Gobbo was a source?---It could have been, yes. I don't
12:11:08 20 remember the exact day that I formed that suspicion.
21

12:11:14 22 Do you have in mind or a recollection of some gossip that
12:11:17 23 you might have heard that created that suggestion?---No.
24

12:11:23 25 In any event, you were asked these questions about acting
12:11:28 26 for [REDACTED] in terms of the conflict in terms of the
12:11:32 27 prior acting by Ms Gobbo for [REDACTED]?---Yes.
28

12:11:36 29 But I wanted to ask you whether it crossed your mind,
12:11:41 30 whenever you did develop this suspicion that Ms Gobbo was a
12:11:46 31 source for the police, as to the propriety of Ms Gobbo
12:11:55 32 acting for [REDACTED] in that circumstance?---I don't recall
12:11:57 33 having a lucid thought pattern about that. I did suspect
12:12:05 34 that if she was a source, that she'd be managed by a unit
12:12:09 35 that was very professional and knew what they were doing.
36

12:12:12 37 Yes. But it would have crossed your mind, would it not,
12:12:17 38 potentially, that there might be something odd in Ms Gobbo
12:12:20 39 acting for [REDACTED] if she was also a source in relation
12:12:27 40 to information concerning all of these gangland
12:12:30 41 murders?---Not necessarily, not without knowing what
12:12:32 42 information she was providing.
43

12:12:34 44 Anyway, I take it that when you had these suspicions or
12:12:37 45 thoughts that you refer to in 2006, you didn't raise that
12:12:42 46 with anybody within Purana, or some other part of the
12:12:46 47 police?---I don't recall doing that.

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1
12:12:53 2 In terms of your training, your witness statement talks
12:13:01 3 about the fact that you get some training in legal
12:13:06 4 professional privilege concepts. That's the case, is
12:13:09 5 it?---Very limited. Most of it is on-the-job training,
12:13:13 6 through running trials and court matters.
7
12:13:16 8 I take it that your training as a police officer doesn't
12:13:21 9 include training about conflict of interest issues that
12:13:27 10 might attend defence lawyers, or your training didn't - -
12:13:32 11 - ?---No, no training in relation to that. Again, it would
12:13:35 12 be something that you would pick up through on-the-job
12:13:40 13 training work.
14
12:13:41 15 Have you ever had any experience of a case where Victoria
12:13:45 16 Police have raised a concern about a defence counsel or a
12:13:52 17 defence solicitor acting for one accused when there might
12:13:56 18 be a conflict with the interests of another accused -
12:13:58 19 another person?---I recall it coming up on occasion
20 previously in other matters.
21
12:14:05 22 Where the police have expressed a concern about it?---I'm
12:14:10 23 not sure. I can't recall the police expressing that
12:14:12 24 concern. It may have been something that was brought up in
12:14:14 25 the court by a judge or another barrister, solicitor,
12:14:17 26 whatever, but I can't remember Victoria Police doing that.
27
12:14:26 28 The other question I wanted to ask you about this
12:14:29 29 relationship between [REDACTED] and [REDACTED] and Ms Gobbo
12:14:33 30 is is it the case that Ms Gobbo appeared publicly for
12:14:37 31 [REDACTED] prior to, at least to your knowledge, starting to
12:14:42 32 act for [REDACTED]? I think I'm really asking did she
12:14:46 33 appear in court for [REDACTED]?---I can't recall.
34
12:14:50 35 It's possible, is it, that [REDACTED] knew that Ms Gobbo had
12:14:54 36 acted for [REDACTED]?---Yes.
37
12:15:01 38 That's something you just wouldn't know about?---No. I
12:15:04 39 mean, it's obviously his knowledge, but it's possible.
40
12:15:07 41 Yes. The final question I wanted to ask you about is - I'm
12:15:18 42 at least as confused as Mr Woods about this story about the
12:15:24 43 [REDACTED] that you refer to in your statement, beginning at
12:15:32 44 paragraph 42. The idea seems to have been, as I understand
12:15:37 45 it from your evidence, to provide a measure of protection
12:15:41 46 to Ms Gobbo in that she would be [REDACTED]
12:15:47 47 by [REDACTED] [REDACTED] being the [REDACTED] was that

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12:15:53 1 the theory behind it?---That was part of the theory.
2
12:15:56 3 What was the balance then?---It was lawfully obtaining that
12:16:00 4 statement.
5
12:16:01 6 Yes. That leads to my question, which is if a warrant is
12:16:06 7 served upon a solicitor or a barrister to produce a
12:16:11 8 statement that they've been involved in preparing or have
12:16:16 9 on behalf of a client, wouldn't the role of the barrister
12:16:20 10 or solicitor be to resist production of that statement on
12:16:23 11 the basis that it's legally professionally privileged?---It
12:16:29 12 would be, on occasion, depending on the circumstances.
13
12:16:32 14 So wouldn't Ms Gobbo, with this [REDACTED]
12:16:35 15 in this way, have the problem, if people found out about
12:16:39 16 it, that they would say, "Well, why didn't you resist
12:16:43 17 production of the statement on the basis of legal
12:16:46 18 professional privilege?"?---My understanding was the
12:16:49 19 [REDACTED] the statement was obtained, it was
12:16:52 20 put into a sealed envelope and it was then taken to the
12:16:55 21 Magistrates' Court [REDACTED] by a magistrate.
22
12:16:57 23 Yes?---And what happened to it after that, I'm not sure.
24
12:17:00 25 I see. So the police wouldn't have immediate access to the
12:17:02 26 contents of the statement under this - - - ?---That's
12:17:04 27 correct, and that was part of the VGS0 being there, to
12:17:09 28 oversee that process, I believe.
29
12:17:13 30 Yes. No further questions.
31
12:17:15 32 COMMISSIONER: Do we know what happened to it after
12:17:17 33 that?---Sorry, I don't.
34
12:17:19 35 No. Thank you?---No.
36
12:17:20 37 Thanks, Mr Collinson. You'll come last, Ms Enbom, I think,
12:17:28 38 won't you? Ms Lloyd, did you have some questions?
39
12:17:32 40 MS LLOYD: We've not sought leave to cross-examine,
12:17:34 41 Commissioner.
42
12:17:34 43 COMMISSIONER: No questions. Mr Chettle?
44
12:17:39 45 MR CHETTLE: In closed session, Commissioner, I have one
12:17:39 46 topic and then I have a couple in open session, with leave.
12:17:41 47 I have discussed it with Mr Winneke.

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1
12:17:46 2 COMMISSIONER: All right then.
12:17:49 3
4 <CROSS-EXAMINED BY MR CHETTLE:
5
12:17:51 6 Mr Hatt, you were asked questions about the legal process
12:17:55 7 playing out fairly in relation to issues of conflict of
12:18:03 8 interest and her appearing for Mr Orman. Do you remember
12:18:05 9 the questions along those lines?---I do.
10
12:18:07 11 Were you informed that - firstly, she told you that she
12:18:09 12 knew she couldn't act for [REDACTED]?---She did.
13
12:18:12 14 And, indeed, [REDACTED] was arrested on [REDACTED], was it, of
12:18:17 15 2007?---I believe so.
16
12:18:23 17 Were you informed that when he was arrested, she confronted
12:18:28 18 her handlers and was angry that she wasn't told about the
12:18:31 19 fact that he was going to be arrested?---I wasn't aware of
12:18:34 20 that.
21
12:18:36 22 That she was told by her handlers that she'd have to find
12:18:39 23 another solicitor and to say that she's too busy to work
12:18:44 24 for him?---I wasn't aware of that.
25
12:18:45 26 On that topic, do you know whether she was a barrister or a
12:18:49 27 solicitor? People seem to call her both at various
12:18:51 28 times?---I know she was lawyer.
29
12:18:53 30 She certainly acted more like a solicitor on occasions,
12:18:57 31 didn't she? Well, she would turn up without solicitors,
12:19:01 32 she would go to - hang on. She would go to - - -
33
12:19:04 34 COMMISSIONER: Perhaps one question at a time.
12:19:06 35
12:19:06 36 MR CHETTLE: That's what I was trying to do, Commissioner.
37
12:19:08 38 She would go to people who had been arrested without a
12:19:12 39 solicitor with her?---Yes.
40
12:19:14 41 And as to which particular hat she was wearing was not
12:19:18 42 always clear?---The lines were blurred, in my view.
43
12:19:23 44 As far as [REDACTED] was concerned, did you receive intelligence
12:19:27 45 or information that he was being funded by [REDACTED] - I'm
12:19:34 46 sorry, I hope I haven't breached a suppression order in
12:19:37 47 relation to him. Is there any problem with his name?

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1
2 MR WOODS: None that I know of.
3
12:19:40 4 COMMISSIONER: It's in the statement. It's not always
12:19:42 5 blacked out, I don't think. And there are suppression
12:19:46 6 orders that are in place so that any information tending to
12:19:50 7 disclose the identity of the witnesses the subject of the
12:19:54 8 suppression orders cannot be published.
12:19:56 9
12:19:57 10 MR CHETTLE: Did you know that [REDACTED] was backing
12:19:59 11 him?---Yes.
12
12:20:00 13 Did you know that [REDACTED] was making applications to go
12:20:03 14 and see him in prison?---Yes.
15
12:20:06 16 I take it the suspicion would be that would be for the
12:20:10 17 purpose of running messages to him?---Yes, amongst other
12:20:18 18 things, I would suggest.
19
12:20:20 20 Yes. So far as her representing [REDACTED] is concerned, it
12:20:31 21 was put to you by Mr Woods that she did represent him. You
12:20:37 22 didn't understand she represented him at all?---It's my
12:20:42 23 understanding that she had no dealings with him after my
12:20:44 24 conversation with her.
25
12:20:46 26 Did the solicitors representing [REDACTED] change at some
12:20:50 27 stage from [REDACTED] to [REDACTED] and - [REDACTED]
12:20:56 28 [REDACTED] --I think [REDACTED] was representing [REDACTED].
29
12:21:04 30 [REDACTED] used to work for [REDACTED] and he moved out to
12:21:09 31 his own firm?---Okay. I was certainly aware that [REDACTED]
12:21:14 32 was involved, [REDACTED] was involved and other solicitors
12:21:17 33 aligned with [REDACTED] were involved.
34
12:21:20 35 Were you aware that she told her solicitors, that is
12:21:26 36 [REDACTED]'s solicitors, that she couldn't act as [REDACTED]'s
12:21:30 37 junior because she was conflicted because she had acted for
12:21:34 38 [REDACTED] - sorry, I withdraw that. Acted for [REDACTED]?---I wasn't
12:21:39 39 aware of that.
40
12:21:42 41 That's consistent with what she was telling you?---It is.
42
12:21:47 43 And that the only time she ever appeared for [REDACTED] was on an
12:21:52 44 administrative hearing in relation to a subpoenaed
12:21:56 45 document, but not for any other matter?---I wasn't even
12:21:59 46 aware of that before today.
47

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M. HATT XXN - IN CAMERA

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12:22:01 1 Certainly she wasn't at the committal or the trial, to your
12:22:03 2 knowledge?---I don't believe I was there for the entirety,
12:22:06 3 and I certainly don't recall seeing her.

4
12:22:19 5 They're the matters I want to ask in the closed session.

6
12:22:22 7 COMMISSIONER: Mr Doyle, did you have any questions?

12:22:26 8
12:22:26 9 MR DOYLE: No questions of this witness, Commissioner, but
12:22:28 10 I should note something at the moment. It was put to this
12:22:32 11 witness by Mr Woods that there were reasons to doubt the
12:22:37 12 reliability of the account given by [REDACTED] as to the
12:22:41 13 murder of [REDACTED] and the extent to which that
12:22:45 14 account was supported by other evidence was put into
12:22:50 15 question. To the extent that those matters are relevant at
12:22:53 16 all, Commissioner, you may be assisted by reference to the
12:22:57 17 sentencing remarks of Justice [REDACTED], which are published
12:23:02 18 in [REDACTED]

19
12:23:09 20 COMMISSIONER: Has that been tendered, the sentencing
12:23:11 21 remarks?

12:23:12 22
12:23:12 23 MR WOODS: No. I don't think it needs to be. It's on the
12:23:16 24 public record.

25
12:23:16 26 COMMISSIONER: Yes, all right. Anything further, Mr Doyle?

12:23:19 27
12:23:19 28 MR DOYLE: And the Court of Appeal decision dealing with
12:23:21 29 the appeal against conviction - that was [REDACTED],
12:23:31 30 [REDACTED] - Their Honours, in that judgment, which is
12:23:35 31 [REDACTED] detail the evidence led at trial and,
12:23:40 32 under cover of a ground contending that the verdict was
12:23:41 33 unsafe and unsatisfactory, detail a series of criticisms of
12:23:45 34 the account, including the specific matter raised by
12:23:48 35 Mr Woods, namely evidence about a place where a confession
12:23:52 36 was said to have occurred, and that's from paragraphs 160
12:23:55 37 through to 168.

38
12:23:57 39 COMMISSIONER: I appreciate your assistance. Thanks,
12:23:58 40 Mr Doyle. Yes, Ms Enbom.

12:24:04 41
42 <RE-EXAMINED BY MS ENBOM:

43
44 Two topics, Commissioner.

45
12:24:05 46 Mr Hatt, the first topic is Ms Gobbo's potential conflict
12:24:09 47 of interest in acting for [REDACTED] after or at the same time as

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12:24:17 1 acting for [REDACTED] If you can take your mind back to March of
12:24:24 2 2004. Do you have any recollection of, in March 2004,
12:24:31 3 attending a meeting with members of the OPP about
12:24:41 4 [REDACTED]'s interest in cooperating with police?---I
12:24:50 5 believe there were some meetings, but - is it in my
12:24:53 6 statement?
7
12:24:53 8 No, it's not?---Sorry?
9
12:24:55 10 It's not in your statement?---It's not in my statement. I
12:24:58 11 know there were meetings in relation to [REDACTED], but I
12:25:01 12 can't recall exactly when, where and the content.
13
12:25:03 14 Do you know whether the OPP had dealings directly with
12:25:08 15 Ms Gobbo in her role as [REDACTED]'s lawyer?---I don't recall, but I
12:25:17 16 would assume that would be the case.
17
12:25:19 18 Do you know if the OPP was aware that Ms Gobbo was acting
12:25:23 19 for [REDACTED]?---Again, I can't recall, but I would assume that
12:25:29 20 would be the case.
21
12:25:40 22 If you take your mind to February 2006, do you have any
12:25:44 23 recollection of attending a meeting with members of the OPP
12:25:52 24 about [REDACTED]'s interest in cooperating with police?---I
12:25:56 25 don't recall that meeting, apart from what's in my notes.
12:26:00 26 I was certainly there, but I don't recall what it was
12:26:04 27 about, other than it being about [REDACTED] and what was
12:26:08 28 discussed.
29
12:26:09 30 Do you know if the OPP had any direct contact with Ms Gobbo
12:26:14 31 about [REDACTED] cooperating with police?---I don't, no.
32
12:26:20 33 Do you know if the OPP knew that Ms Gobbo was, at some
12:26:24 34 point, acting for [REDACTED]?---I would assume so, yes.
35
12:26:29 36 Do you have any memory of anyone from the OPP raising with
12:26:34 37 Victoria Police that Ms Gobbo may have a conflict acting
12:26:39 38 for [REDACTED] if she'd acted previously for [REDACTED], or was still acting
12:26:44 39 for [REDACTED]?---I have no memory of that occurring.
40
12:26:47 41 Do you have any memory of the OPP raising a potential
12:26:50 42 conflict in court?---No, I don't have a memory of that.
43
12:27:00 44 The second topic, Mr Hatt, is the indications that [REDACTED] and [REDACTED]
12:27:12 45 gave, they wish to cooperate with police, just dealing with
12:27:15 46 [REDACTED] to begin with, do you remember the first occasion -
12:27:18 47 actually, I withdraw that. [REDACTED] was charged with - I just

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M. HATT RE-XN - IN CAMERA

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12:27:24 1 want to first take you to the right period of time. [REDACTED] was
12:27:33 2 charged with the [REDACTED] murder of [REDACTED] 2003?---Yes.
3
12:27:43 4 Do you recall the first occasion on which [REDACTED] indicated to
12:27:48 5 police that he wished to cooperate in relation to that
12:27:53 6 [REDACTED] murder?---I believe it was that night.
7
12:27:57 8 The night of the arrest?---Yes.
9
12:28:00 10 Were you present at the time of his arrest?---Shortly
12:28:07 11 after, yes.
12
12:28:09 13 At St Kilda Road Police Station?---He was arrested in
12:28:14 14 [REDACTED] I believe.
15
12:28:17 16 Yes. And where was he then taken?---To the St Kilda Road
12:28:22 17 Police Complex.
18
12:28:23 19 And were you present at the St Kilda Road complex?---Yes.
20
12:28:25 21 How did [REDACTED] indicate, at St Kilda Road, that he was
12:28:30 22 interested in cooperating with police?---I wasn't present
12:28:34 23 during a conversation that Detective Senior Sergeant Phil
12:28:41 24 Swindells had with him, but I heard later on that [REDACTED]
12:28:47 25 indicated that [REDACTED] was responsible for organising
12:28:50 26 that murder on the night.
27
12:28:51 28 And do you know how he indicated that?---I believe it was
12:28:56 29 writing it with his finger on a table in an interview room.
30
12:29:01 31 And were you told that at St Kilda Road the night of the
12:29:03 32 interview?---I can't recall when I was told, but it was
12:29:06 33 shortly after that event.
34
12:29:11 35 Prior to [REDACTED] giving that indication with his finger,
12:29:16 36 do you know whether he had asked to speak to Ms Gobbo or
12:29:21 37 had had any contact with Ms Gobbo following his arrest?---I
12:29:25 38 wasn't involved in his direct processing, so I'm not aware
12:29:29 39 of him and who he spoke to on that night.
40
12:29:31 41 Do you know solicitor [REDACTED]?---Yes.
42
12:29:35 43 Do you have any recollection of [REDACTED] asking to speak
12:29:41 44 to him on the night of the arrest?---No direct
12:29:46 45 recollection. However, [REDACTED] was part of a group of
12:29:50 46 solicitors that [REDACTED] and that particular syndicate
12:29:55 47 were fond of using around that time.

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M. HATT RE-XN - IN CAMERA

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1
12:29:59 2 Moving to [REDACTED], can you recall the first occasion on
12:30:03 3 which [REDACTED] indicated that he was interested in
12:30:06 4 cooperating with police?---No, I don't. I wasn't involved
12:30:10 5 in a lot of his earlier process.
6
12:30:17 7 Do you have any recollection of attending a meeting with
12:30:24 8 Stuart Bateson and [REDACTED] at a McDonald's restaurant on
12:30:29 9 [REDACTED] 2004, during which [REDACTED] indicated an interest
12:30:37 10 in cooperating with police?---I wasn't present during that
12:30:42 11 meeting, but I have heard since that that meeting took
12:30:45 12 place.
13
12:30:47 14 Can you tell the Commissioner what you've heard about that
12:30:48 15 meeting?---Beg yours?
16
12:30:51 17 Could you please tell the Commissioner what you've heard
12:30:54 18 about the McDonald's meeting?---I believe it was Stuart
12:30:56 19 Bateson, Dean Grande and [REDACTED] and there was a meeting
12:31:02 20 at a fast food venue - I wasn't even sure it was
12:31:08 21 McDonald's - during which there were discussions around
12:31:12 22 [REDACTED] assisting police.
23
12:31:13 24 And do you know whether [REDACTED] had indicated - or have
12:31:18 25 you been told whether [REDACTED] indicated a willingness to
12:31:21 26 cooperate with police at the McDonald's meeting?---I don't
12:31:25 27 recall being told that.
28
12:31:28 29 Do you have any recollection of the next occasion on which
12:31:31 30 [REDACTED] indicated an interest in cooperating with
12:31:35 31 police?---In my mind, the next contact I had with him would
12:31:41 32 have been when he provided the statement regarding the [REDACTED]
12:31:44 33 [REDACTED] murder some years later, or some period later, and I
12:31:49 34 think that's the next time that I had knowledge of him
12:31:52 35 indicating that.
36
12:31:57 37 If the McDonald's meeting occurred on 28 July 2004, do you
12:32:01 38 know whether Ms Gobbo was acting for [REDACTED] at that
12:32:05 39 time?---I don't.
40
12:32:09 41 I don't have any further questions, Commissioner.
42
12:32:14 43 COMMISSIONER: Thank you.
12:32:14 44
45 <FURTHER CROSS-EXAMINED BY MR WOODS:
46
12:32:15 47 One issue in closed session, if that's possible. You were

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12:32:21 1 asked some questions, Mr Hatt, in relation to conflicts of
12:32:24 2 interest by Mr Collinson and whether the police have a role
12:32:28 3 in identifying and/or doing anything about conflicts of
12:32:32 4 interest. Do you remember those questions?---I do.
5

12:32:35 6 Are you aware that in early 2006, ██████████ pleaded to the
12:32:47 7 matters against him, which were the murder of ██████████ and
12:32:50 8 the murder of ██████████ ---I'm aware that
12:32:55 9 took place, but I wasn't present during that particular
12:32:58 10 hearing.
11

12:33:01 12 You're aware, though, that in that proceeding, the
12:33:06 13 prosecution, one would assume on instructions from Victoria
12:33:10 14 Police, took issue with ██████████ appearing on
12:33:18 15 behalf of ██████████ and ██████████, do you know about
12:33:23 16 that?---No.
17

12:33:26 18 And in that proceeding, when that point was taken by the
12:33:29 19 prosecution, the judge, ██████████, told ██████████ that
12:33:34 20 she wasn't allowed to act on behalf of both ██████████ and
12:33:38 21 ██████████ did you know about that?---No.
22

12:33:42 23 She wasn't, in fact, allowed to act for either of them
12:33:45 24 because that point was taken by the prosecution, do you
12:33:47 25 know about that?---No.
26

12:33:48 27 They're the only matters for closed session, so if we can
12:33:53 28 go into open session. I'm not sure whether we need to
12:33:56 29 pause for that or not.
30

12:33:58 31 COMMISSIONER: No. I think I just have to make the
12:34:00 32 necessary orders. Will the Commission obtain transcript of
12:34:03 33 the material just referred to before ██████████
12:34:11 34

12:34:11 35 MR WOODS: Yes, we can do so.
36

37 - - -
38
39
40
41
42
43
44
45
46
47

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1 PROCEEDINGS IN CAMERA:

2
14:04:40 3 COMMISSIONER: Yes, Mr Woods.

14:04:42 4
14:04:43 5 MR WOODS: Commissioner, we're now in closed session.

6
14:04:45 7 COMMISSIONER: Yes. I need to make an order. Thank you.
14:04:48 8 Under s.24 of the Inquiries Act, access to the inquiry
14:04:52 9 during the evidence of this witness, Nigel L'Estrange, is
14:04:55 10 limited to legal representatives and staff assisting the
14:04:59 11 Royal Commission and the following parties with leave to
14:05:01 12 appear in the private hearing and their legal
14:05:04 13 representatives: State of Victoria, Victoria Police,
14:05:07 14 including media unit representatives, Director of Public
14:05:10 15 Prosecutions and Office of Public Prosecutions,
14:05:12 16 Commonwealth Director of Public Prosecutions, Ms Nicola
14:05:15 17 Gobbo, SDU handlers, Farouk Orman, Witness [REDACTED] Media
14:05:19 18 representatives accredited by the Royal Commission are
14:05:23 19 allowed to be present in the hearing room. The hearing is
14:05:26 20 to be recorded but not streamed or broadcast. There is to
14:05:32 21 be no publication of any evidence given before the
14:05:35 22 Commission which is subject to any relevant suppression
14:05:37 23 orders. A copy of this order is to be posted on the door
14:05:39 24 of the hearing room.

14:05:44 25
14:05:45 26 MR WOODS: Thank you, Commissioner.

27
28 <NIGEL L'ESTRANGE, recalled:

29
14:05:46 30 Mr L'Estrange, you said before lunch you hadn't heard
14:05:52 31 Mr Hatt's evidence and just to fill you in, we went through
14:05:56 32 in some detail the complicated, to some extent, story of
14:06:03 33 [REDACTED] and [REDACTED] and then [REDACTED]'s
14:06:09 34 providing information about [REDACTED]?---Yes.

35
14:06:12 36 So you know the story that I'm talking about?---Yes.

37
14:06:16 38 You were involved from an early stage with [REDACTED]; is
14:06:21 39 that right?---Yes.

40
14:06:21 41 And you weren't on duty the day of [REDACTED]
14:06:25 42 murder?---No.

43
14:06:26 44 But your crew were involved in the arrest - firstly, the
14:06:31 45 monitoring that was happening and then the arrest that
14:06:34 46 followed?---Yes.

47

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N. L'ESTRANGE XXN - IN CAMERA

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14:06:40 1 You talk in your statement about your contact with Nicola
14:06:44 2 Gobbo generally being related to your investigation of
14:06:48 3 gangland homicides, is that generally where you came in
14:06:53 4 contact with her?---Yes.
5
14:06:54 6 And that was largely in relation to [REDACTED] and
14:07:00 7 [REDACTED]?---Mainly [REDACTED].
8
9
14:07:02 10 Mainly [REDACTED]. Okay. And the situation, as it's been
14:07:06 11 explained, was that [REDACTED] was arrested very shortly
14:07:11 12 after [REDACTED]'s murder, indicated that he was
14:07:18 13 prepared to assist police and one of the things that he
14:07:21 14 assisted police in relation to was implicating [REDACTED] in
14:07:26 15 a number of matters; is that right?---In the [REDACTED]
14:07:32 16 matter.
17
14:07:35 18 Primarily that?---Yeah, primarily that, yeah.
19
14:07:42 20 Just stepping back to [REDACTED] for a moment, were you
14:07:46 21 involved at all in the process of him providing
14:07:50 22 statements?---I assisted in that process. I didn't
14:07:53 23 actually take the statements.
24
14:07:57 25 You were aware that soon after his arrest, he asked for
14:08:00 26 Nicola Gobbo to be contacted on his behalf?---I wasn't
14:08:04 27 there on that - - -
28
14:08:05 29 You wouldn't have been there that day?---Yeah, I wasn't
14:08:07 30 there that day.
31
14:08:08 32 You're aware that she was acting for him from an early
14:08:11 33 stage?---Yes.
34
14:08:13 35 Are you aware of the fact that the statement that was
14:08:19 36 provided by [REDACTED] implicating [REDACTED] in the
14:08:26 37 [REDACTED] murder was taken in a draft form to Nicola
14:08:31 38 Gobbo's chambers for her to be able to comment and advise
14:08:35 39 her client, are you aware of that happening?---Yes.
40
14:08:41 41 Were you there or was that - - -?---No, I wasn't there.
42
14:08:45 43 In October 2003, you were present when [REDACTED] was taken
14:08:52 44 out of [REDACTED] - I think that's a 464B application; is that
14:09:01 45 right?---Yes.
46
14:09:02 47 Was that the time when he started providing that

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N. L'ESTRANGE XXN - IN CAMERA

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14:09:02 1 information - was the purpose of that to provide
14:09:04 2 information about [REDACTED]?---The purpose of the 464B, I
14:09:09 3 believe, was to be interviewed over the [REDACTED]
14:09:14 4 matters, yeah.
5
14:09:18 6 Then in [REDACTED] 2004, and I'm taking this from your
14:09:22 7 statement, at paragraph 10, you were present with
14:09:25 8 DS Bateson and DSC Hatt when [REDACTED] was arrested for
14:09:31 9 those murders?---Yes.
10
14:09:33 11 [REDACTED]?---Yes.
12
14:09:36 13 You're aware, I take it, through your involvement through
14:09:41 14 this period, particularly with [REDACTED], that when
14:09:44 15 [REDACTED] was arrested, he contacted Ms Gobbo?---Yes.
16
14:09:47 17 Thank you. If the document - I'm just going to get a diary
14:09:51 18 entry put up on the screen in front of you. This document
14:09:54 19 is VPL.0005.0119.0011 and it's p.28 of that document. If
14:10:05 20 that could be brought up on the Commissioner's, mine, and
14:10:10 21 the witness's screen, please. You'll see at 8.05 the entry
14:10:16 22 there, "Given coffee and smoke" - this is [REDACTED]?---Yes.
23
14:10:23 24 And then [REDACTED] spoke to Nicola Gobbo?---Yes.
25
14:10:26 26 That was immediately really upon his arrest, wasn't
14:10:31 27 it?---Yes. That was - I think that was exercising from his
14:10:34 28 caution and rights there prior to interview.
29
14:10:36 30 I understand. That can be taken down from those screens.
14:10:44 31 Are you aware of Mr Valos' involvement at the early stages
14:10:50 32 of [REDACTED]'s arrest and custody matters?---Yes.
33
14:10:54 34 Was it your understanding - did you know Nicola Gobbo was a
14:10:57 35 barrister and Mr Valos was a solicitor?---Yes.
36
14:10:59 37 You understand the difference between the two, I take
14:11:01 38 it?---Yes.
39
14:11:03 40 Was it your understanding, from Mr Valos' involvement and
14:11:09 41 Ms Gobbo's involvement, that Mr Valos had briefed Nicola
14:11:12 42 Gobbo to act on behalf of [REDACTED]?---At that point - I
14:11:20 43 know Jim Valos appeared at the - - -
44
14:11:25 45 The filing hearing?--- - - - remand - yeah, for the filing
14:11:30 46 hearing there. I'm not sure at what point I became aware
14:11:37 47 that he'd briefed Nicola to represent.

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1
2 Okay. So your awareness up until the filing hearing, I
14:11:40 3 take it then, was that upon arrest, he exercised his rights
14:11:44 4 to ring a lawyer and he spoke to Nicola Gobbo?---Yes.
5
14:11:47 6 And that Jim Valos was the person who turned up to the
14:11:50 7 filing hearing?---Yes.
8
14:11:51 9 And on the day of the filing hearing, other members of your
14:11:55 10 particular crew served [REDACTED] and [REDACTED] with direct
14:11:58 11 presentments?---Yes, I believe so.
12
14:11:59 13 And that was in relation to the [REDACTED] murders and
14:12:05 14 the [REDACTED] murder?---Yes.
15
14:12:08 16 The Commissioner's heard some evidence about how that
14:12:10 17 played out previously, so I won't go into too much detail
14:12:13 18 about that with you. But in any event, on [REDACTED] 2004 -
14:12:19 19 and I'm looking at paragraph 13 of your statement -
14:12:22 20 [REDACTED] was brought into the Purana offices for an
14:12:27 21 interview?---Yes.
22
14:12:30 23 Taken out of custody for that purpose?---Yeah, 464B, yes.
24
14:12:34 25 You weren't involved in the interview, but you spoke to
14:12:38 26 [REDACTED] afterwards?---Yes.
27
14:12:39 28 Do you recall anything about what you spoke to [REDACTED]
14:12:41 29 about?---Not really. All I have from - what I remember,
14:12:46 30 going back through my notes, is I think I had written
14:12:51 31 "tea/coffee". I'd been out earlier that morning on an
14:12:54 32 unrelated inquiry and I think I came back in and may have
14:12:58 33 spoken to him.
34
14:12:59 35 The Commission has evidence that demonstrates that Ms Gobbo
14:13:03 36 was present on [REDACTED] 2004. If I'm right, I don't think
14:13:10 37 you have a recollection of her being there, though?---No -
14:13:14 38 sorry, at the police complex?
39
14:13:17 40 Yes?---No.
41
14:13:18 42 Do you have a recollection of her involvement at any other
14:13:21 43 stage during that day?---No.
44
14:13:25 45 But you wouldn't - you don't have a recollection, but you
14:13:28 46 don't dispute the fact that she might have been
14:13:30 47 there?---Yeah, I couldn't dispute that.

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1
14:13:32 2 Was she someone that you had known for a bit of time before
14:13:35 3 this? Is she someone you knew from around the traps or
14:13:38 4 not?---No, I don't know if prior to Purana if I was aware,
14:13:44 5 I'm not sure if I'd come across her in any other matters.
6
14:13:48 7 She was a name - from our understanding of a number of
14:13:52 8 witnesses, she was a pretty well-known criminal
14:13:55 9 practitioner to people within Purana, though?---Yes.
10
14:13:57 11 Would it be fair to say that there was a fair bit of talk
14:14:00 12 about her closeness to various underworld figures?---Yes.
13
14:14:06 14 And that there was perhaps some suspicion that she was
14:14:09 15 somehow caught up in some of the activities of underworld
14:14:14 16 figures?---I don't know about caught up in the activities.
14:14:18 17 I know that - we were aware that she'd been at social
14:14:22 18 functions and things like that. There was the footage
14:14:26 19 from, I think, Carl Williams' daughter's christening and
14:14:30 20 things like that.
21
14:14:31 22 So probably not unusual that individuals such as these ones
14:14:36 23 were asking for Nicola Gobbo to represent them, I take
14:14:37 24 it?---Yes. There was probably a handful of solicitors that
14:14:41 25 would be used, and barristers
26
14:14:43 27 And this might have been - you're not certain - but it
14:14:45 28 might have been the first time that you met her?---I'm not
14:14:48 29 certain.
30
14:14:49 31 But this was early - one of the first times you met her, at
14:14:54 32 least?---Yes.
33
14:14:55 34 [REDACTED] was also talking - [REDACTED]'s family, sorry,
14:15:01 35 were also talking to you during the period about fears they
14:15:04 36 held for their safety?---I had spoken to them.
37
14:15:07 38 Yes?---And there'd been a bit of back and forth, yes.
39
14:15:13 40 You visited [REDACTED] at [REDACTED] on [REDACTED] 2004. If
14:15:23 41 you'd like to, you can go to paragraph 14 of your
14:15:27 42 statement?---Yes.
43
14:15:29 44 Do you remember the purpose of - well, in fact, I won't ask
14:15:33 45 that. At this stage, do I understand it correctly that
14:15:38 46 there was some real prospect that [REDACTED], who was
14:15:41 47 somewhat in a corner at this stage because of the amount of

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14:15:44 1 evidence against him, would begin providing evidence to
14:15:47 2 Purana - information to Purana that might solve some
14:15:52 3 otherwise unsolved crimes?---Look, at that point - I know
14:15:55 4 you're referring to that recording - I don't say there was
14:15:59 5 a real prospect, it was - I had been contacted and asked
14:16:02 6 that he wanted to speak to me discreetly, and what was that
14:16:06 7 about, we weren't really sure.

8
14:16:11 9 Sure. And he made some vague reference or some indication
14:16:14 10 that he might be willing to assist?---Yeah, look, I've been
14:16:17 11 trying to recall that meeting and I'm not sure if the
14:16:19 12 recording has been located, but from memory, there was
14:16:24 13 nothing really substantive that came out of it. I remember
14:16:27 14 coming back thinking that was - not a waste of time, but it
14:16:30 15 wasn't - it was sort of talking in round-about riddles, as
14:16:36 16 [REDACTED] does.

17
14:16:37 18 He hadn't started providing real information?---No.

19
14:16:39 20 Just an indication?---Yes.

21
14:16:41 22 I take it that's not unusual, me not being a police
14:16:44 23 officer, but I can imagine these things don't always happen
14:16:47 24 immediately when someone's providing information?---No.

25
14:16:49 26 There might be a bit of a dance that goes on
14:16:52 27 beforehand?---Yes.

28
14:16:53 29 You indicate in your statement, and your oral evidence,
14:16:56 30 that there was a recording taken and that there's been
14:17:01 31 efforts to locate that recording. Do you know whether it
14:17:03 32 has been located yet?---I don't know.

33
14:17:07 34 We might ask for an update on that - perhaps at the end of
14:17:11 35 the day - not from you. All right. There was an
14:17:17 36 application made in late December 2004 to Justice [REDACTED]
14:17:23 37 in relation to the [REDACTED] and [REDACTED] killings by
14:17:30 38 each of the accused, who had all been directly presented.
14:17:35 39 You recall that application?---Yes.

40
14:17:38 41 Were you at court that day? Would it help if I explain
14:17:43 42 what happened?---Yeah.

43
14:17:45 44 This was an application by those accused. Firstly, direct
14:17:48 45 presentment is a method of the prosecution avoiding the
14:17:52 46 need to go through a committal - administrative committal
14:17:57 47 process, you agree with that?---Yes.

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1
14:17:59 2 It doesn't happen frequently, but sometimes a prosecution
14:18:01 3 will directly present a person?---Yes.
4
14:18:04 5 These individuals were directly presented for these crimes
14:18:07 6 and they made an application to the Supreme Court, in
14:18:10 7 essence seeking that that proceeding be stayed pending a
14:18:14 8 committal happening?---Yes.
9
14:18:16 10 Okay. And you were present - I think it was
14:18:20 11 [REDACTED]?---I'd have to check my diary, but I know I was
14:18:23 12 present for a number of the legal discussions at court
14:18:27 13 around that matter.
14
14:18:28 15 I think you were the informant for - were you the informant
14:18:35 16 for all of those matters or some of those matters?---I
14:18:38 17 conducted the interview with [REDACTED] for the
14:18:44 18 [REDACTED] matter.
19
14:18:45 20 Yes?---The way it sort of worked was Stuart Bateson, as our
14:18:49 21 Sergeant - the crew basically managed those matters and a
14:18:53 22 number of signed different informations in relation to
14:18:55 23 those and conducted interviews.
24
14:18:57 25 So whoever was the informant, as is, I assume, sometimes
14:19:00 26 the case - there might be a nominal informant?---Yes.
27
14:19:02 28 But there might be someone in the background managing
14:19:05 29 things?---Yes.
30
14:19:06 31 Do you know who the nominal informant was in those
14:19:08 32 matters?---It would have been me for [REDACTED].
33
14:19:11 34 Okay?---Yes.
35
14:19:15 36 I might just check. In your statement, at 15 - I think
14:19:24 37 this is the occasion that we're talking about - it was
14:19:30 38 Gobbo, according to the court records and the decision that
14:19:33 39 His Honour handed down, it was Gobbo that was acting for
14:19:36 40 [REDACTED] in that stay application and you recall seeing
14:19:39 41 her at the Supreme Court in relation to this issue; is that
14:19:45 42 right?---Sorry, if you repeat that.
43
14:19:48 44 Firstly, do you recall being at court for that
14:19:50 45 application?---I may have been. I can't recall now. It
14:19:54 46 may be in my diary notes.
47

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14:19:58 1 Do you have a recollection of seeing Nicola Gobbo appearing
14:20:02 2 on behalf of ██████████ in the Supreme Court in any
14:20:05 3 matter?---I can't recall. I know that - I believe that in
14:20:10 4 paragraph 15 there is referring to a different hearing.
5

14:20:13 6 Okay. But you don't take issue with the fact that in the
14:20:18 7 application before Justice ██████████, as is indicated in the
14:20:20 8 public records, ██████████ was being represented by Nicola
14:20:25 9 Gobbo at that stage?---Yeah, no, I don't, yep.

10
14:20:31 11 As the informant for ██████████ in the charges that he was
14:20:36 12 facing, you would have been aware that it was ██████████'s
14:20:41 13 testimony that put ██████████ into those matters; is that
14:20:45 14 right?---He was a person of interest in those matters prior
14:20:49 15 to ██████████'s statement.
16

14:20:55 17 There was some evidence, but it was a pretty significant
14:20:58 18 thing when ██████████ actually gave that information?---Yes.
19

14:21:03 20 That was the event that meant that the other information,
14:21:05 21 which perhaps wasn't enough to go on, once that information
14:21:08 22 was given by ██████████ and an indication that he would give
14:21:10 23 evidence, that meant that ██████████ could be charged with
14:21:13 24 that matter?---Yeah, that was probably one of the driving
14:21:16 25 factors.
26

14:21:18 27 As the informant, obviously you were aware of that because
14:21:27 28 I take it ██████████'s statement was front and centre in the
14:21:28 29 brief of evidence?---Yes.
30

14:21:30 31 Just on the issue of briefs of evidence, you've been an
14:21:34 32 informant not only in relation to this matter but, I take
14:21:38 33 it, a lot of matters over the years?---Yes.
34

14:21:41 35 In that role, it's a common thing for you to put together a
14:21:44 36 brief of evidence?---Yes.
37

14:21:46 38 You do that - as the informant, you'd have primary
14:21:50 39 responsibility for doing it, but you might get some
14:21:52 40 assistance from others?---It's probably a bit different in
14:21:54 41 this situation. This was a - the briefs were compiled as a
14:21:58 42 team.
43

14:21:59 44 Yes?---Because there were - like with Mark, Stuart and
14:22:06 45 Michelle probably all working together in relation to
14:22:08 46 compiling those.
47

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N. L'ESTRANGE XXN - IN CAMERA

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14:22:09 1 Putting this matter to one side, I want to ask you just
14:22:13 2 about the compilation of briefs of evidence generally. I
14:22:15 3 would assume that in the larger, more complicated matters,
14:22:18 4 there would be a team doing it?---Yes.
5
14:22:21 6 In the smaller matters, it might be more focused on the
14:22:25 7 informant doing it?---Yes.
8
14:22:27 9 Is it correct that one of the things that you've got to do
14:22:29 10 when you're putting a brief of evidence together is to make
14:22:32 11 sure that all of the evidence that supports the prosecution
14:22:34 12 case against the accused is provided in that brief of
14:22:37 13 evidence, so they know the case against them?---Yes.
14
14:22:40 15 And, also, you've got an obligation to put all of the
14:22:43 16 things that might assist the accused in their defence into
14:22:47 17 the brief of evidence as well?---Yes.
18
14:22:50 19 The reason for doing that - for both of those matters to be
14:22:53 20 put in there is that Victoria Police has an obligation to
14:22:56 21 make sure that accused people are dealt with fairly when
14:22:58 22 they come face-to-face with the criminal justice
14:23:01 23 system?---Yes.
24
14:23:05 25 It's the case as well that when things aren't contained in
14:23:09 26 a brief of evidence but are requested by the defence that
14:23:13 27 are deemed to be relevant, saving an issue of, for example,
14:23:18 28 public interest immunity, they will be disclosed if it's
14:23:21 29 agreed that they're relevant things?---Yes.
30
14:23:26 31 And there's an obligation if the prosecution - it comes to
14:23:31 32 their attention that there are relevant matters that either
14:23:34 33 assist the prosecution or the defence, prior to the trial
14:23:37 34 occurring, that they will provide that whether they're
14:23:42 35 asked for it or not?---Yes.
36
14:23:45 37 And that's the police's own role. If the police become
14:23:49 38 aware of that, then they have to do something about
14:23:52 39 it?---Yes.
40
14:23:55 41 Was it the case that when you were dealing with ██████████,
14:24:02 42 that you felt any discomfort from the fact that ██████████ -
14:24:10 43 ██████████, sorry, when you were dealing with ██████████
14:24:12 44 that it was ██████████ who had provided the most important
14:24:17 45 information to lead to the charge against ██████████ when
14:24:22 46 ██████████ had been acting for Nicola Gobbo, did that cause
14:24:24 47 you concern?---Sorry, that ██████████ was acting for - - -

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N. L'ESTRANGE XXN - IN CAMERA

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These claims are not yet resolved.

1
14:24:29 2 So Nicola Gobbo had acted for [REDACTED]. We talked about
14:24:34 3 that earlier?---Yes.
4
14:24:36 5 I might have said them the wrong way around, I think.
14:24:39 6 [REDACTED] implicated [REDACTED] and you're aware that
14:24:44 7 [REDACTED] was assisted by Nicola Gobbo in providing
14:24:49 8 information to the police. What I'm asking is that when
14:24:51 9 Nicola Gobbo turned out to be acting for [REDACTED] did
14:24:55 10 that cause you discomfort because of her representation and
14:24:59 11 assistance of [REDACTED] in the process that led to
14:25:04 12 [REDACTED] being charged?---I wasn't aware of her
14:25:07 13 representing [REDACTED] prior to that. She only started
14:25:11 14 representing him after he was charged and we'd already been
14:25:14 15 acting on [REDACTED]'s statement, if that makes sense.
16
14:25:18 17 All right. So just until - let's put it in that time frame
14:25:22 18 then. After [REDACTED] was charged and Nicola Gobbo was
14:25:26 19 acting on his behalf, did you feel discomfort in the
14:25:29 20 situation where the information that had led to his charge
14:25:33 21 had been provided by someone represented by his very
14:25:37 22 lawyer?---No.
23
14:25:38 24 Why is that?---At the time I was - I suppose I was dealing
14:25:43 25 with it - after he'd been charged, had been dealing with
14:25:47 26 Jim Valos, so it probably was - at my level, I was probably
14:25:53 27 not dealing with the solicitor, so to speak. That would
14:25:56 28 have been going through Stuart Bateson for that.
29
14:25:59 30 But you knew that on [REDACTED]'s - that [REDACTED] was being
14:26:03 31 represented by Gobbo, though, because you saw - you would
14:26:06 32 have - - ?---He contacted her, yes.
33
14:26:10 34 I took you to that note before?---Yes.
35
14:26:12 36 At that moment, you knew that the information that had led
14:26:16 37 to [REDACTED] being in custody had come from [REDACTED]?---Yes.
38
14:26:20 39 And you also knew that [REDACTED], in that process, had been
14:26:23 40 represented, the process of providing that information, had
14:26:26 41 been represented by Nicola Gobbo?---Yes.
42
14:26:28 43 So when she said - sorry, when [REDACTED] said, "I want to speak to
14:26:33 44 my lawyer, Nicola Gobbo", at that stage did it occur to you
14:26:38 45 that that might be a problem in circumstances where that
14:26:42 46 prior relationship with [REDACTED] had been the case?---No, it
14:26:46 47 didn't at the time, no.

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14:26:47 1
14:26:47 2 It didn't?---No.
3
14:26:48 4 As you sit here now, in 2019, do you reflect on it and
14:26:52 5 think, "That could be problematic"?---Yes, in hindsight,
14:26:55 6 yes.
7
14:26:56 8 The problem, I take it, is that [REDACTED], his interests
14:27:01 9 might not be adequately protected in circumstances where
14:27:04 10 his lawyer had a potential conflict of
14:27:09 11 interest?---Potentially, yes.
12
14:27:15 13 In September 2005, mid-September 2005, Nicola Gobbo was
14:27:22 14 registered as a human source by the Source Management Unit.
14:27:26 15 Is that something you were aware of potentially occurring
14:27:31 16 prior to that date?---No.
17
14:27:33 18 Do you remember discussion about the possibility of Nicola
14:27:37 19 Gobbo being recruited as a human source?---No.
20
14:27:40 21 All right. What about as at the date of her registration?
14:27:43 22 Is it something you knew at that time?---No.
23
14:27:47 24 I take it, though, that after that time, you started
14:27:51 25 receiving information from the Source Management Unit that
14:27:53 26 you knew had come from Nicola Gobbo?---No.
27
14:27:56 28 None at all?---No.
29
14:28:05 30 You say that it wasn't until 2012 that you became aware
14:28:11 31 that Gobbo had acted as a human source?---Yes, from my
14:28:15 32 recollection, yes.
33
14:28:16 34 Did you have - we've had a number of witnesses. Some have
14:28:20 35 said - Mr Purton, for example, said it was an open secret,
14:28:23 36 everyone knew. We've had other people - Mr Kelly, for
14:28:27 37 example, has said, "Well, I certainly knew. The handlers
14:28:31 38 were pretty open. Some of them were open with me about
14:28:34 39 when it was Nicola and some of them were more guarded, but
14:28:39 40 they used her number anyway and I knew what that was."
14:28:39 41 We've had others who say, "My suspicions sort of arose" -
14:28:45 42 Mr Hatt, for example - "In or around late 2006", about a
14:28:49 43 year after she was registered. These were - perhaps not
14:28:53 44 Mr Purton - but some of those other individuals were people
14:28:57 45 you were working closely with, Mr Hatt, for example?---I
14:29:00 46 suppose to put it in context, I think it was - so you're
14:29:02 47 saying it was around September she was registered.

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1
14:29:04 2 September 2005?---And I left Purana a couple of months
14:29:08 3 after that.
4
14:29:08 5 Yes?---So whilst I still assisted with the trials, I wasn't
14:29:11 6 working on those day-to-day investigations, where I'm
14:29:14 7 assuming that information was being used.
8
14:29:16 9 I understand that, but because you were working on those
14:29:19 10 trials, you were still having a lot to do with the Purana
14:29:22 11 people?---Yes.
12
14:29:23 13 You were in Homicide at that stage?---Yes.
14
14:29:24 15 And there was a lot of crossover between Homicide and
14:29:30 16 Purana during this particular period of time?---Yes.
17
14:29:32 18 And as the informant, you were regularly having to deal
14:29:34 19 with matters that you had commenced while you were at
14:29:37 20 Purana, you had to continue to deal with those when you
14:29:40 21 were at Homicide later on?---Yes, mainly dealing with
14:29:45 22 witness - - -
23
14:29:48 24 [REDACTED], for example?---Yes. So - - -
25
14:29:48 26 And you never heard - sorry, go ahead?---When I was trying
14:29:52 27 to recall when I was answering the questions for this
14:29:54 28 statement in relation to that, the first time I could
14:29:58 29 remember that I was aware that she was was when I'd gone up
14:30:02 30 to the HMSU to take over for a period of time.
31
14:30:07 32 That confirmed - that's when you knew?---Yes.
33
14:30:09 34 Did you have suspicions before that?---Look, I may have
14:30:12 35 heard rumours, but I can't recall, yeah, I'd only be
14:30:16 36 guessing.
37
14:30:17 38 Do you remember any information that came to you, either
14:30:19 39 during your time at Purana or on the Homicide Squad, that
14:30:22 40 you suspected might have come from Nicola Gobbo?---No, and
14:30:27 41 I suppose I was aware that, which was prior to going to
14:30:33 42 HMSU, about her involvement with Paul Dale, so I was aware
14:30:40 43 that she had been involved with police through that.
44
14:30:42 45 I see, I see. There's an ICR, which I don't need to be
14:30:47 46 brought up on the screen, that you talk about in your
14:30:50 47 statement. On 28 May 2006, you walk past Ms Gobbo having

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14:30:54 1 coffee with someone we're naming [REDACTED]. I don't think
14:30:58 2 I need to remind you who that was. I assume you have a
14:31:02 3 memory of who that is, is that right, or do you need to see
14:31:04 4 a - - - ?---Actually - in a location in Carlton, is that
14:31:11 5 what you're referring to?
6
14:31:13 7 That's right, yes?---They weren't having coffee, but yes.
8
14:31:17 9 And Ms Gobbo introduced you to that person?---Yes.
10
14:31:23 11 You discussed the statement of [REDACTED] - - -?---No.
12
14:31:27 13 - - - at that stage?---It's been put to me about what was
14:31:30 14 in that ICR.
15
14:31:31 16 Yes?---I don't recall that part of the conversation. I
14:31:34 17 took notes in relation to what I recalled at that time of
14:31:39 18 that conversation, which was more about Tony Mokbel having
14:31:42 19 absconded and I wrote notes about that part of the
14:31:45 20 conversation, but I don't remember that part about
14:31:47 21 [REDACTED] s - - -
22
14:31:49 23 We might be at cross-purposes. There's a page in your
14:31:53 24 diary - in fact, they might be the two same things. I
14:31:58 25 think they are. The first is the ICR, the second is your
14:32:01 26 diary. If we could bring that up on the Commissioner's and
14:32:04 27 your screen, which is VPL.0005.0119.0061, at p.90?---Yes.
28
14:32:14 29 This was your note of that occasion?---Yes.
30
14:32:15 31 And you ran into her in Lygon Street. Can you read your
14:32:20 32 writing for me?---Yeah. "Ran into Nicola Gobbo in Lygon
14:32:24 33 Street, Carlton. Gobbo with male she introduced as [REDACTED]
14:32:28 34 [REDACTED]. Spoke to Gobbo. States she believes Mokbel is
14:32:34 35 still in Australia and he left owing her money."
36
14:32:37 37 You wrote that down because, I take it, that's part of your
14:32:39 38 training if you get any things that might be relevant - -
14:32:41 39 -?---Yes.
40
14:32:42 41 - - - you should write them down?---I believed it was of
14:32:46 42 note, yes.
43
14:32:48 44 Would you have reported that to anyone because it had to do
14:32:51 45 with Mokbel's whereabouts?---Yes.
46
14:32:53 47 That can be taken off the screen, thank you. At

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14:32:57 1 paragraph 15, you say that you're aware of Gobbo acting for
14:33:02 2 ██████████ in ██████████ 2004. The Commission's got
14:33:09 3 information that she was acting for ██████████ since about
14:33:12 4 ██████████ 2004. Were you aware of that earlier representation
14:33:17 5 of ██████████ by Ms Gobbo?---I can't recall.
6

14:33:23 7 At paragraph 20 of your statement you talk about by October
14:33:35 8 2005 you had returned to the Homicide Squad. "During these
14:33:38 9 years that followed I continued to assist my old Purana
14:33:41 10 crew with managing witnesses", that's what you were
14:33:44 11 identifying before about there being some follow up work
14:33:49 12 you had to do whilst at Homicide to do with the matters
14:33:54 13 that Purana had dealt with previously?---Yes.
14

14:33:58 15 February 2006 you were faxed a letter by a Crown prosecutor
14:34:04 16 Geoff Horgan that he'd received something from ██████████
14:34:08 17 about ██████████ wanting to cooperate with police. Do you
14:34:12 18 recall what that was?---Yeah, it was a handwritten letter
14:34:15 19 that had been delivered to Geoff Horgan.
20

14:34:17 21 Was that unusual for something like that to come through
14:34:21 22 that channel, the Crown prosecutor?---Yes, it was the first
14:34:25 23 time that I'd - - -
24

14:34:26 25 He'd called you to pass it over to you so something could
14:34:29 26 be done about it?---Yeah, I believe he'd tried calling some
14:34:35 27 of the others but they weren't available and he managed to
14:34:38 28 get on to me.
29

14:34:54 30 There were a number of statements taken from ██████████ when
14:34:57 31 he decided to provide information to police, that's
14:35:01 32 right?---Yes.
33

14:35:03 34 Were you involved in the taking of all or some of those
14:35:05 35 statements?---I personally took one and I also just
14:35:09 36 assisted with the management of other police to attend the
14:35:14 37 location to take statements.
38

14:35:15 39 This is during your time at Homicide rather than
14:35:19 40 Purana?---Yes.
41

14:35:21 42 Are you aware that about a month prior to ██████████ 2006 when
14:35:27 43 you were taking statements there'd been a meeting between
14:35:30 44 Mr Bateson, Mr Horgan and Mr Tinney to discuss ██████████'s
14:35:37 45 evidence and they had agreed that they weren't interested
14:35:40 46 in ██████████'s evidence because they simply didn't believe
14:35:43 47 him, is that something that was told to you?---Yes, I

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14:35:46 1 recall - I'm not sure if it's from when we were compiling
14:35:50 2 the timeline but I do recall that.
3
14:35:53 4 Was it told to you - you're not sure whether it was told to
14:35:57 5 you recently or - - - ?---From back then, yeah.
6
14:36:01 7 Doing the best can you remember if there was any
14:36:04 8 information provided to you by Mr Bateson about whether or
14:36:07 9 not [REDACTED] was a witness of truth and a witness of
14:36:09 10 credit?---No, I can't recall.
11
14:36:19 12 You've been informed, you talk about at paragraph 30 of
14:36:23 13 your statement, of a record in the Loricated database, so
14:36:29 14 this a record that was shown to you for the process of
14:36:32 15 putting your statement together I assume?---Yes, that's
14:36:34 16 correct.
17
14:36:40 18 It's a record that's from March 2007, Ms Gobbo told her
14:36:44 19 handlers that [REDACTED] wanted Ms Gobbo to speak with you
14:36:51 20 about [REDACTED]. You say, "Further I'm informed that a
14:36:57 21 record in Loricated database states that around 6 April
14:37:02 22 2007 Ms Gobbo told her handlers that" you "had told her
14:37:07 23 that a particular person and [REDACTED] would have to give
14:37:10 24 evidence". Is this a reference to [REDACTED], was this the
14:37:19 25 first time in 2007 when [REDACTED] was indicating he was
14:37:22 26 willing to assist with the investigation or information
14:37:24 27 about how it was that [REDACTED] was killed?---No, I'd
14:37:29 28 taken the statement in relation to [REDACTED] back in
14:37:31 29 that original lot of statements.
30
14:37:34 31 This was him coming back and wanting to explain further or
14:37:38 32 change what he'd said, what - - - ?---As it goes on to the
14:37:42 33 next paragraph there, I don't actually have any
14:37:47 34 recollection of anyone from SDU contacting me about that,
14:37:51 35 so I'm not actually aware of that.
36
14:37:55 37 But it is the case that there was continuing contact with
14:37:56 38 [REDACTED] after his initial statements where he was giving
14:37:59 39 further statements about [REDACTED]'s association with that
14:38:02 40 murder?---Yes, I am aware that there were further
14:38:05 41 statements taken.
42
14:38:06 43 Are you aware that some of those statements were
14:38:08 44 conflicting with each other?---No.
45
14:38:12 46 Are you aware of evidence that was given by [REDACTED] about
14:38:18 47 a location at which a confession was made to [REDACTED] by

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14:38:23 1 [REDACTED] about [REDACTED]'s murder?---I sat with
14:38:28 2 [REDACTED] whilst he was giving all of his evidence in
14:38:30 3 relation to that matter but I can't recall the actual, the
14:38:33 4 details of it.
5
14:38:34 6 Do you remember his statements changing in that
14:38:39 7 regard?---No.
8
14:38:40 9 What about in relation to toll roads that were used on the
14:38:44 10 way to the scene of the murder of [REDACTED], do you
14:38:48 11 remember [REDACTED] providing any information in relation to
14:38:50 12 that?---I can't recall if it's from the statement that I
14:38:58 13 took. I remember in one of the statements [REDACTED] talked
14:39:01 14 about he'd been asked by [REDACTED] and [REDACTED] about toll
14:39:08 15 roads and whether they'd take photographs of the person in
14:39:11 16 the car or just the registrations. I think that was in
14:39:14 17 relation to that matter.
18
14:39:16 19 That [REDACTED] asked you that question?---No, no, that they
14:39:19 20 - that [REDACTED] and [REDACTED] asked [REDACTED].
21
14:39:22 22 I see, prior to the murder or after?---After.
23
14:39:29 24 Are you aware of Ms Gobbo being shown [REDACTED]'s
14:39:32 25 statements prior to him signing them?---Yes, I believe that
14:39:36 26 was part of that process, that they were - - -
27
14:39:40 28 They were - - - ?---I didn't actually do that myself but
14:39:43 29 I'm aware of that happening.
30
14:39:44 31 You're aware of that happening?---Yes.
32
14:39:46 33 Are you aware of her making amendments to [REDACTED]'s
14:39:49 34 statements?---No.
35
14:39:50 36 Are you aware of her suggesting amendments to [REDACTED]'s
14:39:53 37 statements?---No.
38
14:40:04 39 When your diaries were called for by the Commission -
14:40:09 40 sorry, at the time of the trials, that was something that
14:40:13 41 was sought by the defence by way of disclosure, at the
14:40:21 42 committal or the trial, do you remember your diaries being
14:40:23 43 called for?---For which matter?
44
14:40:25 45 In relation to [REDACTED]?---No, I don't.
46
14:40:30 47 In relation to [REDACTED]?---For - being called for - - -

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1
14:40:39 2 [REDACTED] calling for your diaries as part of putting
14:40:41 3 together his case?---No.
4
14:41:02 5 There's a document that I'll ask be put up on the screen,
14:41:06 6 it's VPL.2000.0002.6218. It's an ICR, if it can just be
14:41:16 7 brought up on the Commissioner's screen, the witness's and
14:41:20 8 mine. These are a couple of documents you've been informed
14:41:23 9 of in putting together your statement. The first of them
14:41:26 10 is 21 March 2007 at p.2. That document refers to the fact
14:41:34 11 that [REDACTED] has suggested to you to have a coffee with
14:41:37 12 3838 to talk about [REDACTED]. Firstly, do you recall
14:41:45 13 that happening?---No.
14
14:41:48 15 Do you dispute that it did happen?---That I had a coffee
14:41:52 16 with Nicola to speak about [REDACTED]? No, that
14:41:57 17 didn't - - -
18
14:41:57 19 That [REDACTED] had suggested to you to have a coffee with
14:42:01 20 Nicola Gobbo?---No.
21
14:42:03 22 To talk about [REDACTED]?---I can't recall that.
23
14:42:08 24 The next document is VPL.2000.0002.6204 and this is a
14:42:16 25 couple of weeks after that, and again it's another ICR.
14:42:23 26 Gobbo told her handlers that you had told someone that
14:42:28 27 we're calling [REDACTED], maybe that could be taken off my
14:42:33 28 screen for now - thank you - but left on the witness's and
14:42:39 29 the Commissioner's. You can see the redacted name in the
14:42:42 30 middle of that, we're calling that person [REDACTED]. Do
14:42:47 31 you know the one I'm talking about?---Yes.
32
14:42:51 33 That you had said that [REDACTED] and [REDACTED] would have
14:42:56 34 to give evidence, and I understand what that's saying is
14:42:59 35 that she was saying that you had said that those two people
14:43:04 36 would have to give evidence in relation to the matter of
14:43:06 37 [REDACTED] if they were to get any assistance or any benefit
14:43:09 38 from the police?---No, my understanding - and when this was
14:43:13 39 put to me is, and I don't recall having that conversation
14:43:17 40 with Nicola - - -
41
14:43:18 42 I should say it's not your document?---No, yeah.
43
14:43:21 44 This is a document recording a conversation between other
14:43:23 45 people?---Look, it may have happened. I didn't have a note
14:43:27 46 of it. But I did notice, I think it was a couple of days
14:43:32 47 later, that [REDACTED] and [REDACTED] gave evidence in a

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14:43:36 1 matter of [REDACTED], not in the matter of [REDACTED]
2
14:43:44 3 COMMISSIONER: Is that [REDACTED] or [REDACTED] ---I'm sorry, I may
14:43:47 4 have got that - - -
14:43:49 5
14:43:50 6 MR WOODS: [REDACTED]?---[REDACTED], sorry.
7
14:43:53 8 COMMISSIONER: [REDACTED] is someone else?---When that was
14:43:56 9 put to me and I looked at my notes, my assumption is I may
10 have made that call, I didn't have a note of it, but my
14:44:01 11 assumption was that it was in relation to them both giving
14:44:03 12 evidence in relation to [REDACTED].
13
14:44:11 14 MR WOODS: Another matter?---Yes.
15
14:44:13 16 In any event it wouldn't be surprising that a police
14:44:18 17 investigator would say to someone who wanted to bribe
18 assistance, "That's all very well but it's not worth much
14:44:20 19 unless you get into the witness box"?---Sorry, can you put
14:44:21 20 that again?
21
14:44:22 22 That you would have said if they want to assist then they
14:44:25 23 need to give evidence, that wouldn't be a surprising thing
14:44:27 24 for you - - - ?---No, I think that was just - my take on
14:44:33 25 that was just notifying them that they would be giving
14:44:36 26 evidence.
27
14:44:37 28 That they would be?---Yes.
29
14:44:38 30 I see, all right. Your general practice for diary taking
14:44:45 31 at the time or notetaking at the time, you would have had
14:44:50 32 an official diary in the 2005/2007 period?---Yes.
33
14:44:54 34 And you would have had a notebook as well?---A day book,
14:44:58 35 yes.
14:44:58 36
14:44:59 37 A day book, sorry. You'd have your day book with you,
14:45:02 38 you'd write things down that would happen and you'd distil
14:45:07 39 them into the diary once a week or so?---Yes.
40
14:45:09 41 Someone above you would check that, stamp it and sign
14:45:12 42 it?---Yes.
43
14:45:12 44 The diary but not the notebook?---Yes.
45
14:45:18 46 I'm looking at paragraph 32 of your statement. You
14:45:21 47 continued to attend on [REDACTED] in April, May and June of

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14:45:25 1 2007 getting statements, and that's statements about the
14:45:27 2 [REDACTED] matter and specifically implicating [REDACTED] as
14:45:33 3 the [REDACTED] is that right?---I attended whilst
14:45:39 4 other members took those statements. I had a good rapport
14:45:43 5 with [REDACTED] so I'd often go along as a - whilst someone
14:45:48 6 else had something to ask them or take a statement.
14:45:50 7
14:45:50 8 He knew you, he felt comfortable?---Yes, so I actually
14:45:55 9 didn't take the further statements in relation to the
14:45:57 10 [REDACTED] matter.
11
14:45:58 12 Is that why you sat in court with him when he was - you
14:46:02 13 made a comment a little while ago that I was going to ask
14:46:06 14 you about, but you sat in court with him at one particular
14:46:10 15 stage, is that simply because he felt comfortable with
14:46:14 16 you?---No, we'd had - with [REDACTED], sorry, with [REDACTED]
14:46:21 17 because I sat in with all of them?
18
14:46:24 19 [REDACTED]?---I sat in with him for the [REDACTED] one, I
14:46:28 20 remember.
21
14:46:28 22 Yes?---There's probably some other ones that I sat in as
14:46:31 23 well.
24
14:46:32 25 When you say sat with him, where were you sitting?---It
14:46:36 26 would depend on the matter, the judge. Some wanted me in
14:46:41 27 the room with them, sometimes I'd sit outside the room. I
14:46:44 28 did it with [REDACTED] [REDACTED] and [REDACTED].
29
14:46:47 30 He was in custody at the time of the trial?---Yes.
31
14:46:49 32 Would you collect him from custody or would he brought to
14:46:52 33 the court by other people?---We'd utilise [REDACTED], that
14:46:59 34 he'd be taken to [REDACTED] to give evidence.
35
14:47:03 36 Once at court, depending what the judge wanted, you might
14:47:07 37 sit with him?---Basically my role was there if they wanted
14:47:10 38 him to refer to any documents, things like that, I would
14:47:14 39 have the folder, I'd get those documents to give to him to
14:47:18 40 refer.
41
14:47:22 42 In the [REDACTED] facility?---Yes.
43
14:47:22 44 Again, you were chosen again because you had that rapport
14:47:24 45 with him?---Yes.
46
14:47:28 47 Just to touch on those two matters again. You're not

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14:47:30 1 familiar, or you don't have any recollection of the issue
14:47:34 2 of there being a change in ██████'s evidence about where
14:47:41 3 the confession of ██████ took place?---No, I can't recall
14:47:45 4 that.
5
14:47:46 6 No recollection?---Sitting through those, it depends, if I
14:47:49 7 was sitting in I'd be hearing evidence, if I was sitting
14:47:52 8 outside the room I wouldn't. But I can't recall.
9
14:47:55 10 Okay. Was your presence with ██████ at the ██████
14:48:10 11 facility known to the defence at the time?---They would
14:48:15 12 have seen me on screen. I think all the court knew.
13
14:48:18 14 Are you aware of any issue being taken with that?---No.
15
14:48:35 16 Did you interact with him in between, like during breaks
14:48:38 17 and things like that?---Yes.
18
14:48:41 19 Did you talk to him?---Yes.
20
14:48:42 21 Did you talk to him about his evidence?---No, not normally.
14:48:45 22 He would often sort of raise, you know, talking about so
14:48:48 23 and so sitting in the courtroom. There'd be a number of
14:48:53 24 different things.
25
14:48:54 26 Were you instructed not to talk to him about his
14:48:58 27 evidence?---Yes.
28
14:48:59 29 So were you careful not to?---Yes.
30
14:49:07 31 Are you now aware of the period between ██████ being
14:49:13 32 charged and his trial that Nicola Gobbo, firstly, appeared
14:49:18 33 on ██████'s behalf on at least three occasions?---I wasn't
14:49:24 34 aware. I'm not sure where I'm aware of that she - and
14:49:30 35 that's been some of the issue that she'd represented him,
14:49:33 36 but I don't know how many occasions or for what.
37
14:49:36 38 But if you were to hear, for example, that she appeared on
14:49:39 39 behalf of him at the return of a subpoena, or the
14:49:42 40 application for a subpoena to obtain further disclosure
14:49:46 41 from the police, does that ring a bell with you?---No.
42
14:49:52 43 That she did that?---No, basically my only real involvement
14:49:57 44 with the ██████ trial was sitting in when ██████ gave his
14:50:01 45 evidence.
46
14:50:01 47 Given your answers to the situation that persisted between

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14:50:06 1 [REDACTED] and [REDACTED], which is that the same
14:50:10 2 representative turned up for both and that being a
14:50:13 3 potential problem, I take it your answer would be the same
14:50:17 4 if you had have known that Nicola Gobbo was representing
14:50:20 5 [REDACTED] sorry, was representing [REDACTED] in matters
14:50:24 6 that [REDACTED] had implicated [REDACTED] in?---Yes.
7
14:50:29 8 It's the same situation?---Yes.
9
14:50:37 10 I just want to ask a couple of questions about Ms Gobbo
14:50:42 11 herself. How would you describe Ms Gobbo in her
14:50:46 12 interactions, specifically with you? Was she loud, quiet,
14:50:51 13 cautious, shy, reserved, how would you describe her?---She
14:50:57 14 was always friendly. I wouldn't say quiet or reserved.
15
14:51:00 16 Right?---I don't know if I'd use the word loud though,
14:51:05 17 confident.
18
14:51:06 19 Were you friends with her?---No, only through - I'd met her
14:51:10 20 on a social occasion which I think is later referred to in
14:51:14 21 that statement.
22
14:51:15 23 What was that social occasion?---I was invited to a
14:51:21 24 superbox at the football by a newspaper.
25
14:51:25 26 Right?---And she was present there as well.
27
14:51:27 28 Did you know she was going to be present before then?---No.
29
14:51:30 30 You recognised each other I assume through these other
14:51:33 31 interactions?---Yes.
32
14:51:34 33 And this was well after [REDACTED] had been sentenced? You
14:51:41 34 can check in your statement?---Yeah, that was in [REDACTED] 2007.
35
14:51:50 36 Would you meet Nicola Gobbo for drinks after work or that
14:51:58 37 sort of thing?---No.
38
14:51:59 39 Would you have coffees with Nicola Gobbo?---No.
40
14:52:06 41 I might just ask that a couple of things be brought up on
14:52:11 42 the screen. Firstly, MIN.0005.0003.0264. That can come up
14:52:24 43 on all of the screens, there's not a PII issue on this one.
14:52:35 44 I can read that number again. These are a couple of
14:52:53 45 diaries, redacted diaries that have been provided. What I
14:53:22 46 might do is ask the operator, I might pass these to the
14:53:27 47 operator and I think he's able to bring up on the screen

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14:53:31 1 just the bottom right-hand corner of the - 2007. Just that
14:53:49 2 bottom entry there, I should tell you this is Ms Gobbo's
14:53:53 3 diary where she keeps social arrangements and some court
14:54:00 4 appearances and those sorts of things. Do you remember
14:54:03 5 meeting her for coffee in Lygon Street in mid-2007?---No.
6
14:54:15 7 You don't have any recollection of that?---No.
8
14:54:18 9 Do you dispute that it might have been the case that you
14:54:21 10 met her for coffee?---No, looking at that, that's the day
14:54:24 11 of the - - -
12
14:54:27 13 It's a Sunday?---Yes, that's the day at the superbox with
14:54:34 14 The Age.
15
14:54:36 16 I see. Might it have been the case that the two of you
14:54:38 17 discussed the possibility of having a coffee at some other
14:54:42 18 stage?---Not that I recall.
19
14:54:44 20 That's not the sort of conversation you would have
14:54:49 21 had?---No.
22
14:54:50 23 You didn't have that sort of relationship with her?---No.
24
14:54:53 25 There's another diary of 2006, so this is the year before.
14:55:01 26 This is another of Ms Gobbo's diary entries. 1 pm, lunch.
27
14:55:05 28 COMMISSIONER: What date is that, do we know?
14:55:07 29
14:55:08 30 MR WOODS: This is Saturday 27 May 2006.
31
14:55:11 32 COMMISSIONER: What was the date of the first - - -
14:55:15 33
14:55:16 34 MR WOODS: Sunday 20 May 2007.
35
14:55:19 36 COMMISSIONER: The date of the football match as the
14:55:20 37 witness said.
14:55:23 38
14:55:23 39 MR WOODS: Amongst other entries on that day, it says 1 pm
14:55:26 40 lunch, I'm not quite sure, "Kev and Nigel L'Estrange". Do
14:55:34 41 you know who Kev is?---No idea. What's the date of that?
42
14:55:37 43 That is Saturday 27 May 2006?---I've got - the only thing I
14:55:47 44 can I think of is that was on 28 May 2006 is when I saw her
14:55:50 45 when I was walking down the street.
46
14:55:53 47 So perhaps then is just a simple reference to the fact that

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14:55:56 1 she'd seen you in the street?---Yeah, that's what I'm - - -
2
14:56:01 3 Have you ever had lunch with her?---No.
4
14:56:03 5 That can be taken off the screen.
6
14:56:05 7 COMMISSIONER: That could be [REDACTED] perhaps?---I'm not sure
14:56:09 8 if that's - looking at that, if the Sunday is below the
14:56:14 9 27th where it's been redacted out.
10
14:56:18 11 MR WOODS: Yes?---Which would make that day that I saw her.
12
14:56:18 13 COMMISSIONER: Instead of Kev it might be [REDACTED].
14:56:24 14
14:56:25 15 MR WOODS: It might be, I can't read the writing
14:56:27 16 unfortunately. But in any event you didn't have a friendly
14:56:30 17 relationship with where you would have coffee or lunch or
14:56:33 18 those sorts of things?---No.
19
14:56:35 20 Do you know anyone by the name of [REDACTED] with a [REDACTED], is that a
14:56:42 21 colleague or a friend of yours?---No. On that day she
14:56:45 22 introduced me to a person I've written down as [REDACTED].
14:56:50 23 When I was told about the Loricated database she said she'd
14:56:55 24 introduced me to a person by the name of [REDACTED].
25
14:57:01 26 COMMISSIONER: Paragraph 43 of his statement.
14:57:03 27
14:57:03 28 MR WOODS: Putting those issues together, you understand
14:57:06 29 this to be no more than a reference to the fact of that
14:57:09 30 particular interaction?---Yes.
31
14:57:11 32 Okay, thank you. That might be close to all I need to ask
14:57:19 33 you, Mr L'Estrange. If I could just have a moment.
14:57:24 34 They're all the questions, thank you.
35
14:57:27 36 COMMISSIONER: Thank you. Any questions from anyone,
14:57:31 37 Mr Chettle?
14:57:32 38
14:57:32 39 MR CHETTLE: No Commissioner, thank you.
14:57:34 40
14:57:35 41 MS ENBOM: No Commissioner.
42
14:57:38 43 COMMISSIONER: Sorry, Mr Collinson.
14:57:39 44
14:57:39 45 MR COLLINSON: One matter, if the Commissioner please.
46
14:57:42 47 COMMISSIONER: Yes.

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14:57:43 1
2 <CROSS-EXAMINED BY MR COLLINSON:
3
14:57:44 4 Mr L'Estrange, could you have a look, please, at paragraph
14:57:48 5 27 of your statement?---Yes.
6
14:57:56 7 That places you in ██████████ 2006 and you record in your diary
14:58:05 8 that on ██████████ you have a conversation with Ms Gobbo in
14:58:10 9 relation to ██████████'s plea?---I attended with Stuart
14:58:14 10 Bateson at her office. I think I have a note in my - I've
14:58:21 11 written "regarding ██████████'s plea".
12
14:58:24 13 Do you remember anything about what the more specific
14:58:26 14 purpose of meeting with Ms Gobbo was on that
14:58:29 15 occasion?---No.
16
14:58:29 17 You'll see though that ██████████ pleaded guilty not long
14:58:35 18 thereafter on ██████████ 2006 but Ms Gobbo didn't appear
14:58:43 19 for ██████████ on that occasion, you see a barrister called
14:58:47 20 ██████████ appeared?---Yes.
21
14:58:51 22 It appears that around this time some threats were being
14:58:59 23 made to Ms Gobbo. For example, if you look at paragraph 37
14:59:06 24 of your statement do you see there's a reference to an
14:59:12 25 instruction given by Mr Bateson to you on 15 August to
14:59:19 26 investigate a threat made by Carl Williams from gaol in
14:59:25 27 relation to a letter he had sent which declared N Gobbo as
14:59:31 28 a dog?---Yes.
29
14:59:43 30 It would appear that if one goes back to paragraph 29 of
14:59:46 31 your statement, Ms Gobbo - although ██████████ appears
14:59:57 32 on the plea hearing for ██████████, Ms Gobbo still seems to
15:00:01 33 be involved with ██████████'s affairs because you can see in
15:00:05 34 paragraph 29 you've recorded that she called you to relay
15:00:09 35 that she'd heard that ██████████ might be moving back to the
15:00:13 36 ██████████ in ██████████ Prison?---Yes.
37
15:00:20 38 What I wanted you to consider in going back to paragraph 27
15:00:25 39 is whether or not Ms Gobbo entertained a fear that
15:00:29 40 appearing for ██████████ on his guilty plea might be viewed
15:00:34 41 adversely by other members of criminal syndicates with
15:00:42 42 which she had social connections, such as Mr Williams?---I
15:00:45 43 can't recall that coming up.
44
15:00:46 45 You had a pretty close relationship at this time with
15:00:49 46 ██████████, didn't you?---Yes, over the - probably more from
15:00:55 47 - yeah, from about the time the statement started to be

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15:00:59 1 taken onwards, yes.
2
15:01:02 3 Another witness Mr Hatt has given evidence about
15:01:07 4 arrangements to obtain, [REDACTED]
15:01:16 5 [REDACTED] a witness statement given by
15:01:20 6 [REDACTED] about someone with the initials [REDACTED], do you know
15:01:24 7 anything about that?---I recall reading it when we were
15:01:28 8 putting the timeline together but I can't recall what that
15:01:30 9 one's about. There's a couple of [REDACTED] that I - - -
10
15:01:35 11 Yes. Do you remember anything about [REDACTED]
15:01:39 12 at Ms Gobbo's office in order to procure delivery of a
15:01:48 13 statement prepared by [REDACTED]?---I vaguely remember that.
15:01:51 14 I'm not sure if it was in relation to viewing material or
15:01:54 15 at the time. I wasn't at Purana at that time.
16
15:01:57 17 In any event do you recall [REDACTED] giving any type of
15:01:59 18 explanation for why Ms Gobbo didn't appear on the plea
15:02:01 19 hearing for [REDACTED] on [REDACTED]?---No.
20
15:02:03 21 Did [REDACTED] ever talk to you about threats to Ms Gobbo
15:02:08 22 around this time, around August 2006?---Not that I can
15:02:11 23 recall.
24
15:02:14 25 But you must have had some awareness yourself because on 15
15:02:19 26 August 2006 you were asked to investigate this apparent
15:02:22 27 threat by Mr Williams?---Yes.
28
15:02:25 29 And you don't recall, you weren't able to identify any more
15:02:30 30 details about that threat?---No.
31
15:02:37 32 As a result of your investigation?---No.
33
15:02:41 34 No more questions.
35
15:02:42 36 COMMISSIONER: Mr Woods and Ms Enbom, it's been brought to
15:02:45 37 my attention that the witness earlier referred to a person
15:02:49 38 who's [REDACTED] on our list.
15:02:55 39
15:02:56 40 MR WOODS: I don't have the list in front of me
15:02:57 41 unfortunately, and I don't remember his name.
42
15:03:01 43 COMMISSIONER: I'll just give you the - whether any
15:03:04 44 reference to person [REDACTED] needs to be removed. But I don't
15:03:10 45 know whether it does. I'm not aware of any suppression
15:03:13 46 orders in respect of that.
15:03:14 47

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15:03:14 1 MR WOODS: Yes, and look, in particular contexts people
15:03:18 2 being named is problematic and in others it isn't. I don't
15:03:22 3 think there's a - - -
4
15:03:23 5 COMMISSIONER: Yes, I had a quick look at the suppression
15:03:25 6 orders that I have and none of them seem to relate to that
15:03:28 7 person.
15:03:29 8
15:03:30 9 MR WOODS: We've now, though, stitched together something
15:03:32 10 that might be problematic, so perhaps it's safer to take
15:03:37 11 out that reference and then this exchange as well, because
15:03:41 12 I don't think it goes anywhere, the bit of evidence that
15:03:45 13 was given.
14
15:03:46 15 COMMISSIONER: All right. This exchange with counsel
15:03:49 16 should be removed from the record and any reference to the
15:03:54 17 name "[REDACTED]", whether it was [REDACTED]
18
15:03:59 19 Mr Chettle, you are wanting to ask a question now, are
15:04:02 20 you?
15:04:02 21
15:04:03 22 MR CHETTLE: I've got one question, if I could. Might I
15:04:07 23 have leave?
24
15:04:08 25 COMMISSIONER: Yes, Mr Chettle.
15:04:09 26
27 <CROSS-EXAMINED BY MR CHETTLE:
28
15:04:11 29 Mr L'Estrange, very, very briefly, you didn't discover that
15:04:14 30 Nicola Gobbo was a police informer until well down the
15:04:17 31 track, did you?---Yes.
32
15:04:18 33 Look, the proposition I want to put to you is that in 2006
15:04:22 34 and 2007, that time frame, it was not widely known amongst
15:04:28 35 the police circles that she was a police informer?---No.
36
15:04:32 37 Would you agree with that?---I would agree with that.
38
15:04:34 39 Thank you.
15:04:37 40
15:04:37 41 MS ENBOM: No re-examination, Commissioner.
42
15:04:39 43 COMMISSIONER: Mr Woods, did you want to tender any of the
15:04:41 44 documents, diaries, et cetera?
15:04:44 45
15:04:44 46 MR WOODS: Yes. I'd seek to do with this witness what I
15:04:46 47 did with the last one, which is to tender the document

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15:04:49 1 which is each of the extracts as a confidential exhibit
15:04:55 2 and in the next - - -
3
15:04:56 4 COMMISSIONER: Would they be extracts from diaries and day
15:05:02 5 books?
15:05:02 6
15:05:03 7 MR WOODS: You might be able to answer that, Mr L'Estrange.
15:05:05 8 I think they're only official - no, there's both, there's
15:05:06 9 notebook and - in the one document?---Yes.
10
15:05:09 11 So we have a single - unfortunately, the numbers are quite
15:05:18 12 complicated for me to read out, but if we could note that
15:05:22 13 confidential exhibit is the diaries and day books as one
15:05:26 14 would be the way to do it.
15
15:05:28 16 COMMISSIONER: Yes.
15:05:28 17
15:05:29 18 MR WOODS: And then in due course, hopefully very soon - -
15:05:32 19 -
15:05:32 20
15:05:34 21 #EXHIBIT RC265A - Unredacted diaries and day books.
22
23 MR WOODS: And then we'll give some pinpoint references
15:05:41 24 that can be PII reviewed.
15:05:41 25
15:05:42 26 #EXHIBIT RC265B - Redacted diaries and day books.
27
15:05:47 28 COMMISSIONER: I might just say in respect of Mr Hatt, it
15:05:49 29 was only, I think, his diary that was tendered. Did you in
15:05:54 30 fact intend to - and he did refer to his day books.
15:05:59 31
15:06:00 32 MR WOODS: He was. No, I specifically didn't intend to
15:06:02 33 tender those.
34
15:06:03 35 COMMISSIONER: Okay. Thank you. So the redacted version
15:06:07 36 will be 265B. And there was nothing else you wanted to
15:06:11 37 tender through this witness?
15:06:12 38
15:06:12 39 MR WOODS: No, that's all. Thank you, Commissioner.
40
15:06:14 41 COMMISSIONER: Thanks very much for your assistance,
15:06:17 42 Mr L'Estrange. You're free to go?---Thank you,
15:06:21 43 Commissioner.
15:06:22 44
15:06:23 45 <(THE WITNESS WITHDREW)
15:06:23 46
15:06:23 47 MR WOODS: The next witness is Mr Rowe, and Ms Tittensor

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15:06:29 1 will be taking the witness.
15:07:25 2
15:07:25 3 MS TITTENSOR: Commissioner, we can deal with this witness
15:07:25 4 in open hearing at the commencement.
5
15:07:25 6 COMMISSIONER: Yes, all right. We're now in open hearing.
7
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