

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Thursday, 31 October 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Ms R. Enbom SC Ms K. Argiropoulos
Counsel for State of Victoria	Mr T. Goodwin
Counsel for Nicola Gobbo	Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDDP	Ms R. Avis
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for Mr Cooper	Mr M. Thomas Ms E. Clark
Counsel for Chief Commissioner of Police	Mr P. Silver

1 PROCEEDINGS IN CAMERA:

2
09:36:39 3 COMMISSIONER: Yes, a couple of housekeeping matters.
09:36:42 4 Firstly appearances. Mr Woods, I see you're appearing as
09:36:45 5 counsel assisting the Commission this morning with
09:36:48 6 Ms Tittensor.

09:36:50 7
09:36:50 8 MR WOODS: Yes.

09:36:50 9
09:36:51 10 COMMISSIONER: We have Ms O'Gorman back for the DPP and for
09:36:55 11 the witness, who has the pseudonym Mr Cooper, we have
09:37:00 12 Mr Thomas.

09:37:02 13
09:37:02 14 MR THOMAS: As the Commission pleases.

09:37:03 15
09:37:03 16 COMMISSIONER: And Ms Clark. A couple of housekeeping
09:37:06 17 matters. Firstly, there's a request from counsel for the
09:37:13 18 ACIC to extend the order I made yesterday for another 24
09:37:19 19 hours until 1 pm on 1 November 2019 so that they can make
09:37:25 20 further inquiries. Unless anyone wants to speak against
09:37:28 21 that I propose to make that order.

09:37:30 22
09:37:31 23 MR WOODS: We don't take issue with that.

09:37:34 24
09:37:34 25 COMMISSIONER: No, all right. Order 3 of the order made on
09:37:35 26 24 October 2019 regarding the ACC is extended until 1 pm on
09:37:41 27 1 November 2019. A copy of this order is to be posted on
09:37:45 28 the door of the hearing room. And then Mr Ashton has an
09:37:51 29 application for leave to appear in respect of this witness
09:37:53 30 and unless anyone wants to speak against it I'm happy to
09:37:57 31 grant that application. All right, in that case I'll amend
09:38:01 32 the order made yesterday afternoon as to the mode of taking
09:38:07 33 the evidence of Mr Cooper to include under the heading
09:38:15 34 following parties with leave to appear in a private hearing
09:38:18 35 and their legal representatives, Mr Graham Ashton.

36
09:38:25 37 The witness is on the line. Can you hear me?---Yes I
09:38:30 38 can, Your Honour.

09:38:31 39
09:38:33 40 In an effort to protect you but still give you some
09:38:37 41 humanity we've suggested you use the pseudonym whilst
09:38:41 42 giving evidence of Mr Cooper, are you content with
09:38:44 43 that?---Yes, I am.

09:38:45 44
09:38:45 45 Although you'll be giving that evidence you'll be sworn of
09:38:49 46 course or affirmed. Are you taking the oath or
09:38:53 47 affirmation?---I'm taking the oath, thanks.

09:38:55 1
09:38:55 2 And of course that oath is effectively in your own name,
09:39:00 3 you understand that? The name won't be mentioned but I'm
09:39:04 4 just telling you you'll be taking the oath in your own
09:39:08 5 name?---Okay.
09:39:11 6
09:39:11 7 MR THOMAS: Excuse me, Commissioner, I apologise for
09:39:14 8 interrupting.
09:39:15 9
09:39:15 10 COMMISSIONER: Yes.
09:39:16 11
09:39:16 12 MR THOMAS: I just want to ensure that the proposed order
09:39:22 13 under s.24 of the *Inquiries Act* has in fact been made.
09:39:27 14
09:39:27 15 COMMISSIONER: It has, that was made yesterday afternoon.
16
17 MR THOMAS: Yes.
18
09:39:28 19 COMMISSIONER: That is the order I just amended to include
09:39:33 20 Mr Ashton. There should be a copy of it on the hearing
09:39:36 21 room door if you want to check it but I'm sure someone can
09:39:37 22 give you a copy of it.
09:39:37 23
09:39:38 24 MR THOMAS: Thank you.
09:39:39 25
09:39:39 26 <MR COOPER, sworn and examined:
09:39:56 27
09:39:57 28 MR WOODS: Mr Cooper, can you hear me?---Yes, I can.
09:40:00 29
09:40:00 30 My name is Woods and I will be leading some evidence from
09:40:05 31 you today. Before I do so there's just a couple of
09:40:10 32 formalities I need to take care of which is just tendering
09:40:14 33 a few documents, so if you could just bear with me for a
09:40:20 34 moment.
35
09:40:22 36 Commissioner, there are some documents that need to be
09:40:25 37 formally put on the record and some others that we
09:40:28 38 anticipate we'll get in the near future. The ones that we
09:40:32 39 already have, and these are, I'm not sure if it would be
09:40:36 40 something, Commissioner, you would want the order, the
09:40:40 41 variation of an order that was made yesterday put on the
09:40:44 42 record, but I assume you would, in relation to this
09:40:48 43 witness.
09:40:48 44
09:40:49 45 COMMISSIONER: Sorry?
09:40:50 46
09:40:50 47 MR WOODS: A variation order that was made yesterday which

09:40:52 1 is relevant to this witness that was made yesterday, I
09:40:55 2 suggest that might be formally tendered prior to the
09:40:59 3 evidence commencing.
09:41:00 4
09:41:00 5 COMMISSIONER: Yes, all right then.
09:41:02 6
09:41:03 7 MR WOODS: So that's an order of the County Court dated 30
09:41:07 8 October 2019.
09:41:09 9
09:41:09 10 COMMISSIONER: All right.
09:41:11 11
09:41:24 12 MR WOODS: That will need to be an A and B.
09:41:26 13
09:41:28 14 #EXHIBIT RC663A - (Confidential) Order of the County Court
09:41:20 15 30/10/19.
09:41:29 16
09:41:29 17 #EXHIBIT RC663B - (Redacted version.)
09:41:32 18
09:41:32 19 Just for the purposes of those at the Bar table I should
09:41:35 20 indicate that each of these documents will be tendered in
09:41:39 21 their entirety but will need to be redacted in due course,
09:41:42 22 just to make that clear. Next is a presentment from the
09:41:46 23 County Court which is [REDACTED] and that's certified on [REDACTED]
09:41:56 24 February 2007. I'll put that relativity number on
09:42:02 25 transcript which is RCMPI.0042.0004.0002.
09:42:12 26
09:42:14 27 #EXHIBIT RC664A - (Confidential) County Court presentment
09:41:49 28 [REDACTED] dated [REDACTED]/2/07.
09:42:15 29
09:42:16 30 #EXHIBIT RC 664B - (Redacted version.)
09:42:17 31
09:42:17 32 There's then reasons for sentence dated [REDACTED] February 2007,
09:42:23 33 which is the same relativity number but ending in 0003.
09:42:29 34
09:42:30 35 #EXHIBIT RC665A - (Confidential) Reasons for sentence
09:42:21 36 [REDACTED] 2/07.
09:42:33 37
09:42:34 38 MR WOODS: There's the record of orders of the sentence of
09:42:36 39 [REDACTED] February 2007, which ends in 0004.
09:42:42 40
09:42:43 41 #EXHIBIT RC666A - (Confidential) Record of orders of
09:42:43 42 sentence of [REDACTED] 2/07.
09:42:43 43
09:42:44 44 #EXHIBIT RC666B - (Redacted version.)
09:42:45 45
09:42:46 46 Just a couple more. There's the transcript of the plea
09:42:47 47 hearing which is RCMPI.0102.0001.0001.

09:42:57 1
09:42:58 2 COMMISSIONER: Is that all on [REDACTED]/2/07?
09:43:04 3
09:43:04 4 MR WOODS: It would have been [REDACTED] and [REDACTED] February 2007 in
09:43:08 5 fact.
09:43:08 6
09:43:08 7 COMMISSIONER: [REDACTED] and [REDACTED]?
09:43:10 8
09:43:10 9 MR WOODS: Yes.
09:43:10 10
09:43:11 11 #EXHIBIT RC667A - (Confidential) Transcript of the plea
09:42:47 12 hearing [REDACTED]/2/07.
09:43:12 13
09:43:13 14 #EXHIBIT RC667B - (Redacted version.)
09:43:15 15
09:43:15 16 Then there's an exhibit list from the plea hearing which is
09:43:22 17 RCMP.0102.0001.0004.
09:43:25 18
09:43:26 19 #EXHIBIT RC668A - (Confidential) Exhibit list from plea
09:43:27 20 hearing.
09:43:27 21
09:43:28 22 #EXHIBIT RC668B - (Redacted version.)
09:43:29 23
09:43:30 24 Then finally a two part document which can be tendered as
09:43:32 25 one which is documents from the OPP that we've received,
09:43:35 26 that is bundle of key documents part 1 and 2, which I think
09:43:39 27 are meant to be read together as one document and the
09:43:43 28 number for that is OPP.0039.0001.0001 and the second is
09:43:53 29 .0002.
09:43:56 30
09:43:57 31 #EXHIBIT RC669A - (Confidential) Documents from the DPP
09:43:58 32 Parts 1 and 2.
09:43:58 33
09:43:59 34 #EXHIBIT RC669B - (Redacted version.)
09:44:00 35
09:44:00 36 Thank you. They're the documents, Commissioner.
09:44:02 37
09:44:03 38 COMMISSIONER: Thanks Mr Woods.
09:44:04 39
09:44:04 40 MR WOODS: Mr Cooper, thanks for bearing with us during
09:44:08 41 that. You'll find that during my questioning of you today
09:44:12 42 there will be a bit of a delay in the feed as we understand
09:44:16 43 it, where sometimes there's a risk of us speaking over each
09:44:23 44 other. But if I wait a little bit of time for you to
09:44:26 45 respond and you do the same for me I think we'll be okay,
09:44:29 46 so do you understand that?---Yes.
09:44:29 47

09:44:30 1 Also there'll be some documents from time to time that I
09:44:33 2 bring up on the screen. They'll be at least on my screen,
09:44:37 3 your screen and the Commissioner's screen so you can be
09:44:42 4 sure we're all looking at the same thing. You have a
09:44:44 5 screen there I take it?---Yes.
09:44:45 6
09:44:45 7 You would understand, I assume from your engagement through
09:44:51 8 your lawyers with the Commission in the last few months,
09:44:54 9 that this Royal Commission was established as a result of
09:45:00 10 the conduct of Ms Gobbo and Victoria Police coming to light
09:45:04 11 late last year, you understand that?---Yes.
09:45:07 12
09:45:08 13 And just to put in context the questions that I'm going to
09:45:12 14 be asking you today, I want to explain to you a couple of
09:45:15 15 elements of those, the Terms of Reference. Essentially the
09:45:20 16 Commission has been appointed to inquire into a number of
09:45:23 17 things, but the two that are relevant to you is, firstly,
09:45:27 18 the number of and extent to which cases may have been
09:45:30 19 affected by Ms Gobbo's conduct as a human source. Do you
09:45:33 20 understand that?---Yes.
09:45:34 21
09:45:35 22 And secondly, the conduct essentially of Victoria Police in
09:45:39 23 their disclosures about and recruitment, handling and
09:45:43 24 management of Nicola Gobbo as a human source?---Yes.
09:45:47 25
09:45:47 26 All right. So you can understand, I assume then, how your
09:45:52 27 experiences can be relevant and of assistance to the
09:45:56 28 Commission?---Yes, I do.
09:45:57 29
09:45:59 30 I'm going to commence with some questions about your early
09:46:03 31 association with the Mokbel family and the reason I'm going
09:46:06 32 to do that is to put in context how it was that you came to
09:46:11 33 meet Ms Gobbo because I understand that was through your
09:46:13 34 association with the Mokbels, is that right?---Correct,
09:46:17 35 yes.
09:46:17 36
09:46:18 37 You were born in the [REDACTED] and were raised in the [REDACTED]
09:46:23 38 suburbs, is that right?---Yes.
09:46:25 39
09:46:26 40 And the Mokbels were a local family?---Yes.
09:46:30 41
09:46:31 42 And [REDACTED] and [REDACTED] knew each other?---Correct.
09:46:35 43
09:46:35 44 And there was a death, as I understand it, in the Mokbel
09:46:40 45 family and [REDACTED] [REDACTED] you [REDACTED] over to
09:46:44 46 see the Mokbels after that event had occurred?---Yes.
09:46:48 47

09:46:49 1 And that was your first recollection of knowing the Mokbel
09:46:54 2 [REDACTED]?---Yes.

09:46:54 3
09:46:55 4 And then there was another tragic death in PII [REDACTED]
09:47:00 5 which followed and [REDACTED] then had a bit more to do
09:47:03 6 with you [REDACTED] is that right?---Yes.

09:47:07 7
09:47:10 8 And it was as a result of those events and that contact
09:47:15 9 throughout the time that you formed a close relationship
09:47:18 10 with the Mokbel, a number of the Mokbel [REDACTED] ---Yes.

09:47:22 11
09:47:23 12 And as you got older you eventually ended up working [REDACTED]
09:47:30 13 [REDACTED] that was [REDACTED] and [REDACTED] Mokbel, is that
09:47:34 14 correct?---Yes.

09:47:34 15
09:47:38 16 You, in the late 80s and early 90s, together with [REDACTED]
09:47:43 17 [REDACTED] got engaged in - [REDACTED] was [REDACTED] is
09:47:48 18 that right?---Correct.

09:47:49 19
09:47:49 20 You became to be engaged in the manufacturing of drugs
09:47:53 21 during that period, in particular amphetamine?---Yes.

09:47:56 22
09:47:57 23 And then after that period of time it seems that you [REDACTED]
09:48:01 24 [REDACTED] and [REDACTED] to pursue an entirely different
09:48:06 25 and let's say aboveboard career, is that right?---Yes.

09:48:10 26
09:48:11 27 And you spent a few years [REDACTED] and then [REDACTED]
09:48:16 28 [REDACTED] after that?---Yes.

09:48:20 29
09:48:22 30 It's correct to say that things financially didn't go as
09:48:26 31 well as they might have [REDACTED], is that correct?---That's
09:48:29 32 correct, yes.

09:48:30 33
09:48:31 34 And as a result of that you were facing some financial
09:48:35 35 difficulties when it was, in early [REDACTED] when you bumped
09:48:40 36 into Tony Mokbel at [REDACTED], is that
09:48:46 37 correct?---Yes.

09:48:46 38
09:48:47 39 Did you have a conversation with him on that
09:48:50 40 occasion?---Yes, I did.

09:48:50 41
09:48:51 42 And what was the conversation?---I heard he was in the
09:48:57 43 building game.

09:48:57 44
09:48:57 45 Yes?---And when in [REDACTED] I was [REDACTED] and I went
09:49:04 46 to Tony to see if I could assist in some of his projects [REDACTED]
09:49:08 47 [REDACTED]

09:49:10 1
09:49:10 2 All right. Did that relationship then develop into
09:49:15 3 something more in relation to the manufacture of
09:49:19 4 amphetamines?---Yes.
09:49:20 5
09:49:22 6 And that offending or that behaviour eventually led to you
09:49:28 7 meeting Ms Gobbo who represented you in relation to a
09:49:32 8 number of charges that arose out of that behaviour, is that
09:49:35 9 right?---That's correct.
09:49:36 10
09:49:37 11 And for that behaviour, those charges which spanned sort of
09:49:43 12 three main events or operations, you ultimately received a
09:49:48 13 sentence in 2007, February 2007, is that right?---Yes,
09:49:52 14 that's correct.
09:49:52 15
09:49:54 16 I just want to ask a little bit about each of those
09:50:00 17 matters. Now, it's clear that the three police operations
09:50:04 18 in relation to which you were ultimately charged were
09:50:09 19 Landslip, Matchless and Posse, are those names familiar to
09:50:14 20 you?---Yes, they are.
09:50:14 21
09:50:15 22 I take it they weren't familiar to you until the arrests
09:50:18 23 for each of them and then you found out that there'd been a
09:50:22 24 police operation occurring in the background?---Yes.
09:50:24 25
09:50:26 26 I'm going to ask you a few questions about each of those
09:50:30 27 because they're relevant to the Commission's Terms of
09:50:34 28 Reference. So starting with Landslip, you pleaded guilty
09:50:39 29 to one charge of trafficking a large commercial quantity of
09:50:45 30 methylamphetamine occurring on 13 February 2002, that is
09:50:49 31 the offending on 13 February 2002, is that correct?---Yes.
09:50:52 32
09:50:53 33 And in fact it was on 13 February 2002 that the, it was
09:50:58 34 discovered by the police and that was because of a fire
09:51:02 35 that occurred at the premises in which the
09:51:04 36 methylamphetamine was being manufactured?---Correct.
09:51:08 37
09:51:09 38 And the case against you was that you were the cook of
09:51:14 39 those methylamphetamines and that you were manufacturing
09:51:17 40 them in association with members of the Mokbel
09:51:21 41 family?---Correct.
09:51:22 42
09:51:25 43 The arrest occurred on the same day and the charges
09:51:31 44 eventually led to what is known as a consolidated plea for
09:51:35 45 each of the three matters in February 2007, do you recall
09:51:38 46 that?---Yes, I do.
09:51:39 47

09:51:40 1 The second lot of charges was in relation to what the
09:51:44 2 police called Operation Matchless and that was one charge
09:51:50 3 of trafficking between 11 September 2002 and 11 April 2003
09:51:57 4 and related essentially to manufacturing in a coastal
09:52:02 5 place, is that correct?---Correct.
09:52:03 6
09:52:03 7 And also a second charge that came out of that was the
09:52:07 8 possession of cannabis on 11 April 2003 and you received a
09:52:13 9 trafficking charge for that?---Yes.
09:52:16 10
09:52:17 11 All right. And again, the charges, the way they were
09:52:23 12 particularised was that the Mokbel family in relation to at
09:52:28 13 least the trafficking charge, the amphetamine was delivered
09:52:33 14 to members of the Mokbel family?---Correct.
09:52:36 15
09:52:38 16 And your arrest for that charge occurred on 11 April 2003
09:52:44 17 and occurred just after one of those deliveries took
09:52:50 18 place?---Correct.
09:52:50 19
09:52:51 20 You were remanded on 11 April 2003, remanded in custody and
09:52:56 21 then you were released on bail on 19 December
09:53:01 22 2003?---Correct.
09:53:01 23
09:53:02 24 All right. Then finally, the third lot of charges, and
09:53:07 25 this will be the real focus of the questions as you can
09:53:11 26 probably assume, is Operation Posse. Now, you pleaded
09:53:16 27 guilty to offending between 15 and 22 April 2006, is that
09:53:22 28 correct?---Yes.
09:53:23 29
09:53:24 30 And the charges were, firstly, trafficking drugs of
09:53:29 31 dependence and then secondly, a charge of possessing
09:53:32 32 unregistered handguns?---Correct.
09:53:34 33
09:53:35 34 All right. In very brief terms, but we'll go into this in
09:53:39 35 a bit more detail down the track, the circumstances of the
09:53:43 36 offending that were alleged against you were that on 15
09:53:47 37 April you took possession of premises that had a commercial
09:53:54 38 area at the front in a northern suburb?---Correct.
09:54:00 39
09:54:00 40 And then over the following week you undertook works to
09:54:05 41 adapt those premises into I think what the police would
09:54:10 42 call a clandestine lab but a manufacturing premises for
09:54:14 43 methylamphetamines?---Correct.
09:54:16 44
09:54:18 45 And the manufacturing process commenced on 21
09:54:23 46 April?---Correct.
09:54:23 47

09:54:25 1 And that enterprise was interrupted when the police
09:54:28 2 executed a search warrant in the middle of the day on 22
09:54:32 3 April 2006?---Correct.
09:54:35 4
09:54:35 5 You were arrested when the warrant was executed and you
09:54:44 6 asked the police officers, and we'll come to this in a bit
09:54:48 7 more detail but you asked the police officers to contact
09:54:51 8 Nicola Gobbo for you?---Correct.
09:54:52 9
09:54:53 10 Then thereafter you were remanded in custody throughout
09:54:59 11 your sentence until February 2007 with a couple of
09:55:03 12 periods of time when you weren't necessarily in a prison
09:55:07 13 facility, is that correct?---Correct.
09:55:09 14
09:55:10 15 Now, all of those charges that we've just been through were
09:55:15 16 dealt with, as we mentioned before, in a consolidated plea
09:55:21 17 in the County Court, Judge Howie, in February
09:55:26 18 2007?---Correct.
09:55:26 19
09:55:26 20 And you pleaded guilty to each of the charges that I've
09:55:29 21 just taken you through?---Yes.
09:55:31 22
09:55:31 23 And by that stage you weren't represented by Ms Gobbo at
09:55:34 24 the hearing but it was another barrister representing you
09:55:37 25 for the plea, is that correct?---Yes.
09:55:39 26
09:55:40 27 And you received a total effective sentence of ten years'
09:55:46 28 imprisonment with seven years' non-parole?---Correct.
09:55:49 29
09:55:51 30 I'm going to ask you some questions about Ms Gobbo's role
09:55:55 31 as your lawyer. It appears from the documents available to
09:56:00 32 the Commission that between 2002 and 2007 Ms Gobbo was
09:56:07 33 apparently acting for you, advising you and purporting to
09:56:12 34 be your lawyer in relation to all of the three sets of
09:56:16 35 charges that made up those three operations. Is that your
09:56:20 36 recollection?---That is correct, yes.
09:56:22 37
09:56:23 38 Did you, during that period, have any reason to believe
09:56:25 39 that Ms Gobbo wasn't acting as your lawyer in relation to
09:56:29 40 those charges?---No.
09:56:31 41
09:56:33 42 How was it that you first came to meet Ms Gobbo?---It was
09:56:40 43 after the first offence at the fire at one of the premises.
09:56:48 44
09:56:49 45 Yes?---And it was not long after that I was introduced - I
09:56:53 46 knew that one of the Mokbels was using her frequently and I
09:56:57 47 was then introduced to her by one of my associates and our

09:57:02 1 friendship and our legal, her representing me started at
09:57:11 2 that point.
09:57:11 3

09:57:11 4 I see. I'm not going to take you through all of the
09:57:15 5 materials but just for your own purposes I'll explain. The
09:57:19 6 Commission obviously has obtained an awful lot of documents
09:57:23 7 from all of the relevant entities, including evidence of
09:57:26 8 when Ms Gobbo appeared on your behalf, her fee books
09:57:32 9 showing when she was charging you fees, other conversations
09:57:36 10 she was having with Victoria Police to the effect that, the
09:57:39 11 conversations she was having with you in a professional
09:57:42 12 capacity, so you can take it that we've got good records of
09:57:45 13 all of that, do you understand what I'm saying?---Yes.
09:57:47 14

09:57:48 15 But I want to just touch on a couple of them just to give
09:57:52 16 you a flavour of the sorts of things that are apparent and
09:57:56 17 just check whether these accord with your recollections.
09:58:02 18 So 1 November 2002 Ms Gobbo is rendering fees to you for
09:58:07 19 work that she was doing for you in drafting a Form 8A
09:58:11 20 document in relation to the Landslip case. You don't need
09:58:15 21 to answer these, I'll just put a few propositions to you.
09:58:19 22 She appeared at a committal mention on your behalf on 14
09:58:23 23 November 2002 for the Landslip case. Between May and
09:58:28 24 December 2003 she conducted seven professional visits to
09:58:33 25 you while you were in custody. She appeared at a bail
09:58:37 26 application in the Matchless case, Form 8A in the Matchless
09:58:41 27 case. Committal proceedings in both Landslip and Matchless
09:58:45 28 cases, the list does go on. Do you take any exception to
09:58:49 29 the things I've just said?---No.
09:58:51 30

09:58:52 31 Do you remember her preparing to go to court on your behalf
09:58:55 32 in relation to Landslip and Matchless cases?---Yes, I do.
09:58:59 33

09:59:00 34 Was she getting instructions from you in relation to those
09:59:03 35 cases?---Yes.
09:59:05 36

09:59:05 37 And was she giving you legal advice in relation to how you
09:59:08 38 would deal with those charges?---Yes.
09:59:12 39

09:59:12 40 We'll come to some more detail about that in due course but
09:59:16 41 then in relation to the Posse charges, so this is 15 April
09:59:21 42 to 22 April charges, she was, it appears that throughout
09:59:29 43 that period that she was continuing to act on your behalf.
09:59:36 44 So if we take it just the period from January 2006 to April
09:59:40 45 2006 when you were arrested for the Posse matters she
09:59:44 46 continued to act on your behalf which was then going to be
09:59:50 47 a plea for Matchless and Landslip charges, is that

09:59:53 1 correct?---Correct.
09:59:54 2
09:59:54 3 That period of time, according to the records available to
09:59:58 4 the Commission, we can see that she was in the process of
10:00:07 5 preparing that plea on your behalf, do you recall
10:00:10 6 that?---Yes, I do.
10:00:10 7
10:00:10 8 She was giving you advice about getting some references
10:00:14 9 together for the plea?---Yes.
10:00:16 10
10:00:17 11 Was she telling you the sort of time you would be looking
10:00:20 12 at in relation to your plea for those matters alone?---In
10:00:26 13 relation to the plea?
10:00:28 14
10:00:29 15 For Landslip and Matchless, that's right?---For Landslip
10:00:33 16 and Matchless.
10:00:34 17
10:00:34 18 Yes?---Yes, I think she did, yes.
10:00:37 19
10:00:38 20 There's a record that she told - as we know, she was
10:00:44 21 unbeknownst to you providing information to members of
10:00:48 22 Victoria Police about you in the background. One of the
10:00:51 23 things that she said, and I'll take you to the precise
10:00:54 24 location in due course, but is that you were expecting
10:00:58 25 something in the region of eight years for the Landslip and
10:01:04 26 Matchless charges alone, this is obviously before you were
10:01:07 27 arrested on the Posse charges. Does that jog your
10:01:10 28 memory?---Yes.
10:01:11 29
10:01:11 30 Is that information that came from her or is that something
10:01:15 31 that you worked out for yourself, do you recall?---No, that
10:01:18 32 came from her.
10:01:19 33
10:01:22 34 All right. So the records, again I won't go through all of
10:01:26 35 them, but they show that, for example, on 15 April she gave
10:01:30 36 you a list of things that you needed to do to prepare for
10:01:32 37 your upcoming plea, the note says, "i.e. 25 character
10:01:39 38 references". Do you recall that happening?---I do remember
10:01:43 39 character references and I did get some.
10:01:45 40
10:01:46 41 Who was telling you to get the character references
10:01:49 42 together?---Nicola was.
10:01:50 43
10:01:52 44 Nicola had an instructing solicitor during this period,
10:01:58 45 Mr Hargreaves, were you having dealings with him as
10:02:00 46 well?---Yes.
10:02:00 47

10:02:01 1 Were you having dealings with the two of them together from
10:02:04 2 time to time?---Yes.

10:02:04 3
10:02:08 4 On your arrest, and there's some information, in fact
10:02:13 5 there's a couple of audio clips I'll play you today and I
10:02:18 6 hope they're - they might be a bit confronting because they
10:02:21 7 demonstrate conversations that Ms Gobbo was having with the
10:02:26 8 police shortly after conversations that she was having with
10:02:29 9 you. I just want to at least put you on notice of that.
10:02:34 10 But there's evidence that, or there's actually audio
10:02:39 11 recording of her saying to Victoria Police that upon your
10:02:42 12 arrest, and this is obviously her talking to them before 22
10:02:46 13 April, that you are the first and only lawyer that she,
10:02:50 14 that you will contact for legal advice. Does that surprise
10:02:53 15 you that that's what she said?---No.

10:02:55 16
10:02:56 17 Did you know any other lawyers at the time other than
10:02:59 18 Mr Hargreaves?---No.

10:03:02 19
10:03:04 20 All right. So that was a fair assessment in your view of
10:03:08 21 Ms Gobbo, that you were going to be the only, she was the
10:03:11 22 only person you were going to ask for, you agree?---She was
10:03:15 23 the only person I would go to. She was basically my best
10:03:18 24 friend at the time.

10:03:19 25
10:03:19 26 I understand. We're going to touch on some of those
10:03:23 27 personal aspects of the relationship too. Upon that arrest
10:03:28 28 occurring on 22 April, Ms Gobbo attended the St Kilda Road
10:03:36 29 police station - firstly, you recall her being there that
10:03:39 30 evening?---Yes.

10:03:40 31
10:03:41 32 And she provided advice to you during that evening?---Yes.

10:03:46 33
10:03:47 34 All right. We're going to go through that in a fair bit of
10:03:51 35 detail about what happened minute to minute. You might not
10:03:55 36 recall all of that but just before we do so I just want to
10:03:58 37 finish off this relationship that persisted during the
10:04:02 38 period. Over the following weeks and months, so after that
10:04:05 39 22 April arrest, you continued, while were you in custody,
10:04:11 40 you continued to have significant contact with Nicola
10:04:15 41 Gobbo?---Yes.

10:04:16 42
10:04:16 43 And what was the nature - putting the friendship to one
10:04:20 44 side, what was the other aspect of the relationship that
10:04:23 45 you had with Ms Gobbo during that period, what services was
10:04:28 46 she providing to you?---Just continuing to assure me that
10:04:36 47 what I was doing was right.

10:04:37 1
10:04:37 2 Yes?---And follow through with what I had started.
10:04:41 3
10:04:42 4 She visited you in custody on a number of occasions?---Yes.
10:04:45 5
10:04:47 6 The records show the police facilitated several phone calls
10:04:51 7 between you and Ms Gobbo on the basis that she was your
10:04:54 8 legal representative while you were in custody, this is
10:04:57 9 between 23 and 24 April 2006, so that immediate period
10:05:01 10 after arrest. Is that something that you recall, having
10:05:04 11 conversations with her in that period of time?---Yes.
10:05:07 12
10:05:08 13 Were those conversations, conversations in which she
10:05:11 14 continued to provide that indication, that you were doing
10:05:16 15 the right thing?---Absolutely, yes.
10:05:18 16
10:05:20 17 She appeared on your behalf for a filing hearing of those
10:05:24 18 charges on 26 April 2006. That doesn't surprise you that
10:05:30 19 she appeared in that period of time?---No.
10:05:33 20
10:05:34 21 She appeared a few days, a couple of days later on 28 April
10:05:39 22 2006 for a mention in the Matchless and Landslip cases
10:05:45 23 which obviously at that stage were going to be pushed off
10:05:48 24 because of these new charges, do you agree with
10:05:51 25 that?---Yes, I do.
10:05:51 26
10:05:52 27 Then between May 2006 and February 2006 when the plea
10:05:57 28 occurred, the records show that she conducted at least 14
10:06:02 29 professional visits to you while you were remanded in
10:06:05 30 custody. Does that surprise you, that it was that
10:06:09 31 number?---No, it doesn't surprise me.
10:06:14 32
10:06:15 33 During that period of time, so between the arrest and your
10:06:19 34 ultimate plea, the records also show that she was
10:06:24 35 frequently communicating with you in custody by telephone,
10:06:27 36 is that your recollection?---Correct.
10:06:29 37
10:06:30 38 But as I said, it was ultimately not Ms Gobbo but another
10:06:34 39 barrister who appeared on your behalf in the plea, that's
10:06:36 40 the case, isn't it?---That is the case, yes. A more senior
10:06:41 41 barrister.
10:06:41 42
10:06:42 43 Yes, I understand. All right. I'm going to ask you some
10:06:47 44 questions. To some degree they might be putting some
10:06:54 45 things to you that you don't already know about, which is a
10:06:57 46 bit of a strange thing to do when a barrister is asking a
10:07:01 47 witness questions, but it's about the relationship that

10:07:03 1 Ms Gobbo had with Victoria Police that was unbeknownst to
10:07:07 2 you in which she was essentially assisting them in
10:07:10 3 implicating you. Do you understand what I'm saying?---Yes,
10:07:13 4 I do.

10:07:14 5
10:07:17 6 What the records show, and I'm sure you've read in the
10:07:21 7 press, is that Ms Gobbo was registered as a police informer
10:07:27 8 in September 2005, you're aware of that?---Yes.

10:07:31 9
10:07:32 10 And what the records also show the Commission is that
10:07:36 11 immediately upon her registration and her frequent meetings
10:07:40 12 and phone calls with Victoria Police throughout the ensuing
10:07:44 13 period, that she was providing information from the very
10:07:48 14 beginning about you. Now is that something you've learnt
10:07:52 15 in the last while?---That's something I've learnt during
10:07:56 16 this Commission.

10:07:57 17
10:07:57 18 Okay. At that time, from the things that you've - some of
10:08:02 19 the answers you've given to my questions already today, I
10:08:05 20 take it that you had a significant amount of trust in
10:08:09 21 Ms Gobbo as your lawyer?---Yes, whole-heartedly.

10:08:14 22
10:08:14 23 And what about as your friend?---She was my best friend at
10:08:17 24 the time.

10:08:18 25
10:08:18 26 And she'd been your lawyer for about three
10:08:21 27 years?---Correct, yes.

10:08:22 28
10:08:22 29 And the records show and certainly what she was telling
10:08:25 30 Victoria Police is that you were talking to her very
10:08:29 31 frequently during this period of, at least this period from
10:08:33 32 September 2005 to April 2006, do you accept that?---Almost
10:08:37 33 every day.

10:08:38 34
10:08:39 35 And she was someone that you would discuss not just legal
10:08:43 36 issues with and get - firstly, discuss your legal issues
10:08:49 37 with you and you'd get advice from her, is that
10:08:52 38 correct?---Yes.

10:08:52 39
10:08:52 40 And you also, as you say, she was your best friend during
10:08:56 41 that period of time. When did that friendship develop
10:09:00 42 into, you know, what you would describe her as being your
10:09:03 43 best friend?---We were both conflicted with the way we had
10:09:13 44 both been treated by the Mokbels and we developed a
10:09:16 45 friendship, very close friendship, and I would say that
10:09:20 46 that happened after the second arrest.

10:09:29 47

10:09:30 1 I see?---In 2003.
10:09:32 2
10:09:32 3 All right. And so developed from that moment onwards to
10:09:37 4 something that you would describe as best friends?---Yes.
10:09:40 5
10:09:41 6 Was it your understanding that she felt the same way about
10:09:43 7 you in that friendship, that you were her best friend as
10:09:47 8 well?---Yes.
10:09:47 9
10:09:48 10 And you'd discuss personal and private matters with her
10:09:52 11 like family and the status of [REDACTED] and your
10:09:56 12 [REDACTED] and [REDACTED] issues and things like that, is that
10:09:59 13 correct?---Correct, yes.
10:10:00 14
10:10:02 15 All right. One of the clips that I want to play- I'm
10:10:08 16 hoping this comes through clearly for you on the audio,
10:10:11 17 Mr Cooper, but if it doesn't you'll be assisted by a
10:10:16 18 transcript. Now, this is clip 57B and this is from 28
10:10:21 19 October 2005. I should say, you can leave that on the
10:10:25 20 screen, just before I play that, the first three occasions
10:10:29 21 on which the members of Victoria Police met face-to-face
10:10:33 22 with Ms Gobbo she told them that she was acting for you.
10:10:42 23 Given what you now know I take it that's not a matter of
10:10:45 24 surprise, at least as you sit there now?---No.
10:10:47 25
10:10:48 26 All right. So the audio - can you see the transcript on
10:10:52 27 the screen in front of you?---I can see it, yes.
10:10:57 28
10:10:58 29 Friday 28 October at the top of it, do you see that?---Yes.
10:11:01 30
10:11:02 31 We're going to play this transcript. What it is, this is a
10:11:05 32 meeting between Nicola Gobbo and two members of Victoria
10:11:10 33 Police who were tasked to essentially run the relationship
10:11:16 34 between Ms Gobbo and Victoria Police and their names are
10:11:21 35 pseudonyms on there. This is a world of pseudonyms we live
10:11:25 36 in as you can probably tell. Officer Sandy White and
10:11:28 37 Officer Black, and Smith, three members of Victoria Police.
10:11:35 38 The operator is going to play that now. It might be that -
10:12:23 39 I can pretty easily come back to it but essentially this is
10:12:28 40 28 October 2005. Gobbo's meeting with these three police
10:12:34 41 officers. You can see each of them talking about - here we
10:12:43 42 go. I'll stop talking and let the audio run.
43
10:13:05 44 (Audio recording played to the hearing.)
45
10:15:45 46 You can understand that those X marks in that transcript, I
10:15:52 47 assume you realise they were references to you?---Yes.

10:15:54 1
10:15:59 2
10:16:02 3
10:16:05 4
10:16:07 5
10:16:08 6
10:16:13 7
10:16:17 8
10:16:21 9
10:16:24 10
10:16:24 11
10:16:26 12
10:16:33 13
10:16:37 14
10:16:41 15
10:16:45 16
10:16:49 17
10:16:53 18
10:16:59 19
10:17:04 20
10:17:08 21
10:17:12 22
10:17:15 23
10:17:19 24
10:17:36 25
10:17:41 26
10:17:47 27
10:17:52 28
10:17:56 29
10:18:02 30
10:18:07 31
10:18:12 32
10:18:16 33
10:18:20 34
10:18:26 35
10:18:27 36
10:18:27 37
10:18:32 38
10:18:35 39
10:18:38 40
10:18:43 41
10:18:47 42
10:18:52 43
10:18:56 44
10:19:00 45
10:19:04 46
10:19:06 47

And it's correct that Ms Gobbo was being paid for her services in representing you during the period of time in which she was?---Every time.

All right. There was a mention there from the Victoria Police member saying that it was possible that she might withdraw from representing you because of a conflict. Did she ever tell you she was withdrawing because of a conflict?---Never.

All right. She also says that she could ask you anything about, essentially illegal activities and you would tell her but she was saying essentially that she didn't want to know. Now, before I ask you about that, the records show that from this period of time until you were arrested on 22 April, she was giving very specific information to Victoria Police about locations of drug cooking activity, your movements, when she thought you might be cooking, amounts of precursor chemicals that you were able to source. Can you explain from your point of view whether or not she was correct when she was saying she could ask you anything and you'd tell her but she didn't want to know any of that stuff?---How can I put this? She would ask - looking at it now she would ask about it in a roundabout way when there were things going on with other associates and I was the, letting her know about what that was about and as I was doing that I was also incriminating myself now that I see it. So I, I specifically never tried to tell her too much because I never wanted to incriminate my legal, I felt I owed a duty to her as much as she owed a duty to me. Although I was offending, I lied to her on occasions and I kept her out of the loop, but there was ways where she was fishing and I obviously said things indirectly which obviously she reported to them.

Thanks for that. There appears to be a change, it might be that there was a change in that relationship from this period of time onwards, i.e. she's saying that to the handlers in October but then from there on the records show that there was more and more specific information being provided by you about precursor chemicals and locations. Is it the case that you started to feel more comfortable at a period of time or she became more inquiring in a period of time or was it pretty much the same the whole way through?---I think it was a bit of both, yeah.

10:19:07 1 A bit of both in that - - - ?---She took interest and I
10:19:11 2 felt that I probably needed to vent a little bit.
10:19:17 3
10:19:19 4 You now know from the things we're going through the
10:19:22 5 reasons that she was inquiring a bit more I take it?---Yes,
10:19:26 6 I know that now.
10:19:27 7
10:19:32 8 From this early stage in this particular relationship
10:19:35 9 between Nicola Gobbo and Victoria Police there's, the
10:19:40 10 operation that you later knew to be Operation Posse was
10:19:47 11 focused on using Ms Gobbo as a human source to provide
10:19:52 12 intelligence in relation to the Mokbel crime syndicate, you
10:19:57 13 understand that?---Yes.
10:19:59 14
10:19:59 15 And something you probably assume is that the documents
10:20:05 16 that we have from Victoria Police demonstrate that you were
10:20:10 17 framed at the very centre of that plan between Ms Gobbo and
10:20:15 18 Victoria Police. Do you now understand that to be the
10:20:18 19 case?---Yes.
10:20:18 20
10:20:20 21 On 26 September 2005 Gobbo spoke to her police handlers and
10:20:28 22 said Mr Cooper would have sufficient information about
10:20:30 23 Mokbel to put him away for a long time and that was
10:20:33 24 certainly true as at September 2005?---Yes.
10:20:38 25
10:20:40 26 And I think I might have mentioned it earlier, but just to
10:20:45 27 be precise about it, there's what the police call the
10:20:50 28 internal records of the police for when they gleaned
10:20:54 29 information or received information from Ms Gobbo, they
10:20:57 30 recorded in these documents called ICRs, informer contact
10:21:01 31 reports and that's a phrase I might use from time to time
32 and it's essentially just a recording of information
10:21:14 33 received from, so that's what an ICR means. Do you
10:21:14 34 understand that?---Yes, I do.
10:21:15 35
10:21:16 36 In one of these early ICRs is the place where it's
10:21:19 37 identified that Gobbo says, he, being you, believes that he
10:21:23 38 will go to gaol for eight to ten years and that was just on
10:21:27 39 Landslip and Matchless. Does that accord with your
10:21:31 40 recollection?---Yes.
10:21:31 41
10:21:32 42 All right. So I think you might have already answered this
10:21:36 43 but that was something that Gobbo had explained to you
10:21:39 44 about the range that you were expecting on those
10:21:41 45 charges?---Yes.
10:21:42 46
10:21:43 47 All right. It's the case that you, rather than the eight

10:21:47 1 to ten that you were expecting and had been advised about
10:21:50 2 by Ms Gobbo, you ultimately received ten with seven, is
10:21:55 3 that correct?---That's correct, yes.
10:21:57 4
10:21:57 5 That was for those two charges in which you'd been advised
10:22:00 6 that you were going to get around eight to ten but as well
10:22:05 7 as the Operation Posse charges, correct?---Correct.
10:22:08 8
10:22:09 9 And to get that ten with seven you had to, you got a
10:22:16 10 substantial discount for your cooperation with the
10:22:20 11 authorities, do you agree with that?---Yes.
10:22:21 12
10:22:22 13 That in fact, in the plea hearing, the transcript of which
10:22:27 14 has been tendered, was the real focus of the plea which was
10:22:31 15 how helpful you had been in implicating others, do you
10:22:35 16 recall that being the case?---Yes.
10:22:37 17
10:22:39 18 One of the things that it might be said about this, these
10:22:44 19 discussions with Gobbo about what you might get and then
10:22:48 20 what you ultimately got, and I can only assume you've
10:22:52 21 reflected on this quite a deal since learning these
10:22:58 22 matters, do you understand - what's your position as to
10:23:02 23 what would have been the case had you have gone to another
10:23:05 24 barrister instead of Ms Gobbo with the Landslip and
10:23:08 25 Matchless charges? You've had a bit to do with the legal
10:23:12 26 profession over the years. Do you have any idea of what
10:23:16 27 would have occurred in those circumstances?---I put in a
10:23:24 28 plea I probably would have got in my mind probably eight
10:23:27 29 with a six.
10:23:32 30
10:23:33 31 And have implicated criminal associates in the process to
10:23:36 32 get the eight to six, is that your understanding or
10:23:39 33 not?---No, no. If I - are we talking about the lot?
10:23:43 34
10:23:44 35 I'm talking about Landslip and Matchless, only Landslip and
10:23:48 36 Matchless, not Posse?---Yeah, on Landslip and Matchless, no
10:23:51 37 I thought I'd be looking at about eight, eight to six for
10:23:56 38 the two.
10:23:56 39
10:23:56 40 Was it the case that when you were facing only those
10:23:59 41 charges that Gobbo said to you at any stage, "Make sure you
10:24:06 42 stay away from the Mokbels, make sure you stay away from
10:24:09 43 cooking, have nothing to do with these criminal associates,
10:24:13 44 we'll be able to paint a very good picture to the court and
10:24:16 45 thereby get you a real benefit in sentencing for the
10:24:20 46 Landslip and Matchless charges". Is that a conversation
10:24:24 47 that you had with Gobbo?---Never.

10:24:25 1
10:24:26 2 Did she say at any stage that you've got to stop cooking or
10:24:32 3 you've got to stay away from the Mokbels?---No.
10:24:35 4
10:24:40 5 Just to read you a bit of a document called an
10:24:43 6 investigation plan for Operation Posse, this was the formal
10:24:49 7 planning document that the police had, I'll just read you a
10:24:53 8 couple of excerpts from it. The first is, "Utilise
10:24:56 9 continuing information provided by registered source" -
10:25:00 10 this is October and November 2005 this document is.
10:25:02 11 "Utilise the continuing information provided by registered
10:25:05 12 source Ms Gobbo" and you now understand that's certainly
10:25:09 13 something they did?---Yes.
10:25:10 14
10:25:10 15 And then, under "main investigative steps" they say, "In
10:25:14 16 line with reliable source information attempt to recruit
10:25:17 17 you as a human source and increase your motivation by
10:25:22 18 further investigation of current criminal activities of
10:25:25 19 associates and yourself". Did you know that was, or do you
10:25:30 20 now know that was a plan that was being hatched in the
10:25:33 21 background in relation to you as early as late 2005?---I
10:25:39 22 know now.
10:25:39 23
10:25:45 24 True to the investigation plan, what occurred between - I'm
10:25:51 25 just going to ask some questions or put some propositions
10:25:54 26 about September 2005 to December 2005 first. Victoria
10:26:01 27 Police obtained what's clearly extensive information about
10:26:06 28 your background, your circumstances and your activities
10:26:10 29 during that period and certainly Ms Gobbo knew about all of
10:26:14 30 those things from your recollection?---Yes.
10:26:16 31
10:26:17 32 Some of the information she provided in that period
10:26:20 33 included, and I don't want to get you to answer each of
10:26:24 34 these, I might just explain what each of them are, firstly
10:26:28 35 your mobile phone numbers, details of people you were
10:26:32 36 associating with and the nature of your relationships with
10:26:35 37 them, places that you went to frequently, your residential
10:26:40 38 address, information about your financial affairs. Does it
10:26:45 39 surprise you now that each of those things were the focus
10:26:49 40 of hers and Victoria Police's attention?---It doesn't
10:26:54 41 surprise me now, no.
10:26:55 42
10:26:56 43 There was a plan that was hatched that you may not know
10:27:00 44 about, early on in this period and it was that they were
10:27:05 45 trying to work out a way in which they could push you into
10:27:10 46 providing assistance and one of the things they talked
10:27:14 47 about was Dale Flynn [REDACTED] into you whilst

10:27:20 1 at dinner and [REDACTED] and that hopefully
10:27:27 2 from Victoria Police's point of view leading to a situation
10:27:30 3 in which you would assist. Now, do you understand what I'm
10:27:33 4 saying?---Yes.

10:27:34 5
10:27:36 6 Flynn, it appears from the documents, and from what
10:27:39 7 Ms Gobbo was saying to Victoria Police, was someone that
10:27:43 8 you had a good deal of trust in, is that correct?---Well I
10:27:50 9 won't say I had any trust in him but he was there for the
10:27:55 10 other two arrests, so I had an ounce of respect for him,
10:28:02 11 yes.

10:28:03 12
10:28:03 13 I assume that respect didn't necessarily extend across
10:28:07 14 other members of Victoria Police at the time given the
10:28:10 15 different sides of the fence you were on?---No.

10:28:12 16
10:28:13 17 So the organisation of that - have you heard about the plan
10:28:17 18 to organise that [REDACTED] meeting between you and Dale
10:28:24 19 Flynn in recent years?---No.

10:28:25 20
10:28:35 21 It might be that the plan that was being put together was
10:28:39 22 called off as a result of the dinner where this was going
10:28:43 23 to occur, you actually had someone else with you at the
10:28:47 24 dinner and so the plan was forgotten about for that reason
10:28:50 25 but that's obviously something you won't know about. Now,
10:28:55 26 it seems that that attempt was ongoing during this period
10:29:01 27 and into early 2006 and there were tasks that were given.
10:29:09 28 Tasking is a particular term Victoria Police use in
10:29:13 29 relation to human sources where, it's self-evident I
10:29:18 30 suppose, they're actually asking the source to go and do
10:29:22 31 something for them. Do you understand that?---Yes.

10:29:24 32
10:29:24 33 They were asking Gobbo or tasking her to go out and get
10:29:29 34 more and more specific information about you and your
10:29:33 35 activities. Does that accord with your recollection of
10:29:36 36 your conversations with her, obviously not knowing at the
10:29:41 37 time but now knowing?---Yes.

10:29:43 38
10:29:44 39 She was tasked to inform the members of Victoria Police
10:29:50 40 that she was dealing with immediately of any details, of
10:29:54 41 the details of any contact that she had with you during the
10:29:58 42 period. Now, do you recall any occasions on which - I mean
10:30:03 43 it's many years ago I suppose and you've only learnt these
10:30:07 44 things in recent times, but are there any occasions which
10:30:11 45 spring to mind where these details quickly or these
10:30:13 46 contacts quickly being passed on to Victoria Police by
10:30:16 47 Ms Gobbo that you have a recollection of?---No, I had one

10:30:20 1 recollection.

10:30:21 2
10:30:21 3 And what's that?---I needed a bail variation to go on a
10:30:30 4 holiday to [REDACTED]

10:30:31 5
10:30:31 6 Yes?---And that would normally entail to go before the
10:30:39 7 court, before the magistrate and get a, permission to go on
10:30:47 8 a holiday and I tried to organise that with Nicola and she
10:30:56 9 rang me the next day telling me that we didn't have to go
10:31:00 10 to court because she had rung the Purana Task Force and
10:31:06 11 they gave me permission to go.

10:31:10 12
10:31:10 13 That's early January - sorry, go ahead?---Yes, and that's
10:31:14 14 when I thought it very strange.

10:31:16 15
10:31:16 16 That was going to be my next question. That is early
10:31:19 17 January 2006. Now, it might be an obvious question, but
10:31:26 18 why did you think it was strange?---Because considering who
10:31:31 19 I was and the other matters and being on two bails, I
10:31:37 20 thought that I would have to go before a judge to be able
10:31:41 21 to get that permission.

10:31:42 22
10:31:46 23 It seemed strange to you at the time. Did you ask for any
10:31:50 24 explanation about why that had occurred of Ms Gobbo?---Yes,
10:31:56 25 I did.

10:31:56 26
10:31:57 27 Yes?---Yes, I did. She was just saying she was looking
10:32:00 28 after my interests and that she spoke to the Inspector to
10:32:05 29 organise, to see what they were going to say, whether they
10:32:09 30 were going to oppose the bail variation and to her, you
10:32:18 31 know, to her best ability she basically said that there was
10:32:25 32 no need to go to court and that they weren't going to
10:32:31 33 oppose it so I could go there and report [REDACTED]

10:32:36 34
10:32:37 35 The records indicate that was a Mr O'Brien that she spoke
10:32:41 36 to on that occasion. That was someone who became known to
10:32:46 37 you after 22 April or had you had contact with him in the
10:32:51 38 Matchless and Landslip charges?---No, only after 22 April.
10:32:56 39 I didn't know of him.

10:32:56 40
10:32:57 41 The strange nature of that and the questions that arose in
10:33:00 42 your head, I take it they didn't go anywhere and you let
10:33:04 43 the matter pass and things moved on, is that the case?---I
10:33:08 44 spoke to my associates in [REDACTED] about it and they
10:33:11 45 quickly told me that I was, I was wrong and that she was
10:33:16 46 one of us and that she was on our side and not to think
10:33:20 47 like that.

10:33:21 1
10:33:22 2 I see. I talked - I asked you some questions a little
10:33:29 3 while ago about the specific information about precursor
10:33:32 4 chemicals and things like that and you've given an
10:33:35 5 explanation that things did get a little bit more precise
10:33:40 6 from time to time but you did have an attempt to keep the
10:33:44 7 really specific details away from her, is that a fair
10:33:49 8 summary?---Yes.
10:33:50 9
10:33:50 10 So just some of the things that she was passing on to the
10:33:53 11 police during this December, this December period of 2005,
10:33:58 12 she told Victoria Police that Milad Mokbel had come into
10:34:04 13 possession of [REDACTED] litres of ketone and that you told him
10:34:09 14 that if he got some chemicals that you'd be able to
10:34:13 15 manufacture amphetamine for him. Is that something that
10:34:16 16 you recall happening, firstly, and secondly, something you
10:34:19 17 recall telling Ms Gobbo about?---This was all around the
10:34:28 18 disappearance of Tony and - - -
10:34:29 19
10:34:29 20 That didn't happen until March 2006. This is December 2005
10:34:34 21 I'm asking about here?---Okay, yes.
10:34:37 22
10:34:37 23 Look I should say there are certainly many, many entries
10:34:41 24 about the sourcing of chemicals and this is just one that
10:34:44 25 I'm putting to you that she says she's got the information
10:34:49 26 from you and that she's passing it on to Victoria Police,
10:34:52 27 and I'm just wanting to understand a little bit more about
10:34:55 28 the circumstances in which she's received that information,
10:34:59 29 given that you had at least some caution in your
10:35:03 30 discussions with her. Do you understand what I'm
10:35:06 31 asking?---Yes.
10:35:06 32
10:35:07 33 Is that the sort of conversation that you would have had
10:35:09 34 with her fairly freely with her at that stage, [REDACTED] litres of
10:35:14 35 ketone that Milad had talked about and that you could
10:35:17 36 manufacture for him if you could get it?---I'm just trying
10:35:21 37 to think whether I would have used his name or she would
10:35:25 38 have just realised that that's who I was speaking about.
10:35:28 39
10:35:28 40 I see, I see. All right. What she says over the ensuing
10:35:42 41 period is she starts talking about imminent manufacturing,
10:35:48 42 this is at the end of December 2005, that's about to start
10:35:51 43 in the Preston area. Now again, that's pretty specific
10:35:56 44 information that she says comes from you. Does it surprise
10:36:01 45 you to now know that that's something that you might have
10:36:04 46 told her?---Yes.
10:36:05 47

10:36:08 1 Do you have a clear recollection that you wouldn't have
10:36:11 2 told her such things?---No, I probably would have, I would
10:36:14 3 have told her that.
10:36:15 4
10:36:15 5 Yes?---How could I, how could I put this?
10:36:22 6
10:36:23 7 The way you described it before is that you would give, as
10:36:26 8 I understood it, bits of information rather than the whole
10:36:29 9 story, is that what you were saying earlier?---That is
10:36:33 10 correct and also too I knew that she had, I felt that she
10:36:39 11 had some sort of idea that what other people were doing
10:36:45 12 that she would talk to me about, therefore I felt that if,
10:36:49 13 if she knew anything was happening or anyone was in that
10:36:53 14 area that she could assist me in letting me know that I was
10:36:57 15 in trouble. So I - - -
10:37:01 16
10:37:01 17 Sorry, in trouble with the police or in trouble with
10:37:04 18 criminal associates?---Both.
10:37:07 19
10:37:07 20 Is that because she had a good, a strong relationship with
10:37:11 21 some of those criminal associates?---Absolutely, yes.
10:37:13 22
10:37:14 23 And was it your understanding that those criminal
10:37:16 24 associates were speaking freely with her about their
10:37:19 25 criminal offending?---Yes, yes.
10:37:21 26
10:37:23 27 I cut you off there, was there something else you wanted to
10:37:26 28 say, I'm sorry?---No, I basically trusted her enough to be
10:37:30 29 able to say if I was in the Preston area, not exactly
10:37:34 30 where, but if she was to understand that there was somebody
10:37:39 31 in the Preston area and I might be in danger, to let me
10:37:45 32 know.
10:37:45 33
10:37:45 34 I see. In other words, in your mind it would have been
10:37:48 35 pretty clear that she knew that generally given your
10:37:53 36 profession at the time, that she would have known what you
10:37:56 37 were up to without you saying it?---Absolutely.
10:37:58 38
10:37:59 39 Yes, okay. I want to move on to the period in the couple,
10:38:04 40 three or four months before your arrest on 22 April. Just
10:38:10 41 before I do that, it's clear from Victoria Police's records
10:38:13 42 that they commenced intercepting your phone as part of
10:38:19 43 Operation Posse in December 2005. That was something that
10:38:24 44 I assume came to light on 22 April or some time afterwards
10:38:28 45 or is it something you're just learning now?---It's
10:38:32 46 something I'm just learning now.
10:38:34 47

10:38:36 1 That phone intercept begins in December and then as we move
10:38:40 2 into early 2006 the records, these ICRs that I've described
10:38:44 3 to you, they show that there's increasing information
10:38:48 4 that's being provided specifically in relation to you in
10:38:52 5 this period of January 2006 to April 2006 when you're
10:38:56 6 arrested for Operation Posse. So I'm going to just take
10:39:00 7 you to a couple of those bits now. Ms Gobbo is tasked by
10:39:09 8 Victoria Police at that stage to try and get this specific
10:39:15 9 information about locations of manufacturing and your
10:39:20 10 activities and what information that is received by those
10:39:26 11 members of Victoria Police is then passed on to other
10:39:28 12 members of Victoria Police within Operation Posse and
10:39:31 13 that's something that you've learnt recently?---Yes.

10:39:35 14
10:39:38 15 Now, what occurred during this period too was increasing
10:39:44 16 advice from Nicola Gobbo to Victoria Police about how it
10:39:51 17 could be that you might be encouraged to roll or to provide
10:39:56 18 assistance to Victoria Police. Now obviously that's
10:40:00 19 something you didn't know about at the time but you do
10:40:03 20 now?---Yes.

10:40:03 21
10:40:05 22 All right. And this period of time and the information,
10:40:08 23 the intelligence that she was providing in due course led
10:40:12 24 to the identification of the lab at which you were arrested
10:40:16 25 in April 2006 and I'm going to take you to the bits of
10:40:22 26 information that firstly she gleaned from you and then she
10:40:26 27 passed on and how that led to the arrest. But during that
10:40:28 28 period of time, January 2006 to April, she was behind your
10:40:35 29 back providing Victoria Police with information about your
10:40:39 30 financial affairs and financial dealings. Now that was,
10:40:42 31 they were areas that you spoke freely about with her being,
10:40:45 32 as you describe, your best friend?---Yes.

10:40:49 33
10:40:51 34 She provided information about your movements and travel
10:40:55 35 during that period, that's something else you spoke to her
10:40:58 36 about?---Yes.

10:40:59 37
10:41:00 38 She spoke about your telephone usage, telephone numbers of
10:41:05 39 your family members, including [REDACTED].
10:41:11 40 That I take it would be a matter of concern for you
10:41:18 41 now?---Yes.

10:41:19 42
10:41:20 43 And that she was talking about particular medical
10:41:26 44 appointments that you had, you were talking to her pretty
10:41:29 45 freely about your health and well-being during the
10:41:32 46 period?---Yes.

10:41:32 47

10:41:33 1 She again gave information about your place of residence
10:41:36 2 and your motor vehicle and they're all things she would
10:41:39 3 have well-known because of this relationship, you
10:41:42 4 agree?---Yes.

10:41:42 5
10:41:43 6 All right. Now, focusing - so they're the sort of broader
10:41:51 7 issues. There's some very specific information that she
10:41:57 8 gives to the police on many, many occasions throughout
10:42:02 9 February, March and April 2006 and I think if I were to go
10:42:07 10 through them you'd be giving evidence for a lot longer than
10:42:14 11 is necessary because we've got very clear records from
10:42:16 12 Victoria Police as to the precise information that she
10:42:20 13 gave. So what I'm going to do is just take you to a couple
10:42:24 14 of bits and pieces if that's convenient to you, you
10:42:27 15 understand?---Yes.

10:42:28 16
10:42:28 17 All right. So on 3 January 2006 she suggested to Victoria
10:42:38 18 Police that they should be following you because she said
10:42:42 19 that you were currently involved in delivering gear on that
10:42:46 20 afternoon and then later that day she said that you
10:42:53 21 believed that you were under police surveillance at that
10:42:56 22 period of January 2006. Now, firstly, it wouldn't surprise
10:43:00 23 you that - you would have told her that when you thought
10:43:03 24 you were under police surveillance, is that right?---Yes.

10:43:06 25
10:43:06 26 And given your activities during this period of your life,
10:43:10 27 that would have been a pretty constant fear?---Always.

10:43:13 28
10:43:15 29 And the fact that you were involved in delivering gear that
10:43:19 30 afternoon, I assume that was more of the non-specific
10:43:25 31 information that anyone party to the conversation would
10:43:28 32 have known what it was really about, that they would have
10:43:31 33 had plausible deniability, is that right?---Yes.

10:43:35 34
10:43:38 35 On the other hand later on she says, on the next day she
10:43:41 36 says that you'd finished, that you had "finished doing your
10:43:45 37 thing" and the record shows that that means cooking
10:43:50 38 amphetamines. Would you have told her that you'd completed
10:43:54 39 that task from time to time or would you have been less
10:43:57 40 specific?---Well I'd disappear for four days.

10:44:01 41
10:44:01 42 I see?---And we had no contact and I'd call her when I got
10:44:07 43 back.

10:44:07 44
10:44:07 45 I see. So it was clear both to you and her then I
10:44:10 46 understand that given the period of time you were gone,
10:44:14 47 given the no contact and given your role at the time, what

10:44:17 1 you were doing?---Exactly, yes.
10:44:19 2
10:44:19 3 On 6 February, a month later, she told Victoria Police that
10:44:24 4 you were trying to get [REDACTED] litres of ketone. Is that
10:44:32 5 specific information you would have told her or is that
10:44:36 6 information she would have gleaned some other way?---I
10:44:39 7 don't understand how she would have got that information.
10:44:41 8 Maybe through me having a conversation with someone else -
10:44:45 9 - -
10:44:45 10
10:44:46 11 So you were - - - ?--- - - - present.
10:44:49 12
10:44:49 13 You were seeing her face-to-face pretty regularly during
10:44:52 14 this period?---Yes.
10:44:53 15
10:44:53 16 How often at an estimate, we're talking early 2006
10:45:02 17 here?---I'd say every second day, every third day.
10:45:06 18
10:45:06 19 And talking on the phone how often?---She could be on the
10:45:11 20 phone with another client and then I'd be on the phone with
10:45:14 21 somebody else but a different phone.
10:45:16 22
10:45:16 23 I understand. I'm talking just your relationship, perhaps
10:45:21 24 legal relationship as well, how often were you talking on
10:45:24 25 the phone to her, other than seeing her face-to-face, how
10:45:27 26 often were you talking to her during this period of time at
10:45:31 27 your estimate?---Probably every day.
10:45:32 28
10:45:32 29 I see. So you're best guess at that would be that she was
10:45:36 30 essentially listening to conversations that you were having
10:45:39 31 with other people?---Yes.
10:45:40 32
10:45:45 33 As I said, I won't take you through all of those bits and
10:45:49 34 pieces but I might just take you to some of the events just
10:45:54 35 in the lead up to the arrest and some of the information
10:45:57 36 that Ms Gobbo was providing to police then. On 29 March
10:46:03 37 2006 she told the police that you were halfway through a
10:46:07 38 cook and that you were cooking for a particular family,
10:46:13 39 along with the Mokbel family, and your co-accused from the
10:46:18 40 arrest that eventually happened on 22 April 2006. Now that
10:46:25 41 appears to be that she has specific information about who
10:46:28 42 the cook is happening for and who is going to benefit from
10:46:31 43 it. Just to the best of your recollection, how would it be
10:46:36 44 that she knew that sort of specific information?---I really
10:46:46 45 can't, I really can't recall whether I would have said
10:46:51 46 something to her or, like I said, talking to one of my
10:46:56 47 associates in her presence.

10:46:59 1
10:46:59 2 Do you think it's possible that you did tell her these
10:47:02 3 sorts of things from time to time?---Yes, yes.
10:47:03 4
10:47:06 5 All right. On 10 April, so we're getting closer to that
10:47:13 6 arrest date, Ms Gobbo has a conference with you in her
10:47:19 7 chambers and that's a place that you went from time to
10:47:22 8 time?---Yes.
10:47:23 9
10:47:24 10 Often have meetings at the coffee shop under or nearby
10:47:28 11 chambers, is that right?---Yes.
10:47:29 12
10:47:30 13 And would they usually occur, those conferences you had
10:47:35 14 with her, would they usually occur in her chambers or in
10:47:40 15 that public setting?---In her chambers, in the public
10:47:43 16 setting and in her office across the road from chambers.
10:47:47 17
10:47:49 18 So are you talking about perhaps Mr Hargreaves' office from
10:47:56 19 time to time, you had meetings there or you didn't have
10:47:58 20 meetings in Mr Hargreaves' office?---I think it was Owen
10:48:02 21 Dixon chambers.
10:48:03 22
10:48:03 23 I see. In a different set of chambers to her own chambers
10:48:07 24 from time to time?---Yes.
10:48:08 25
10:48:09 26 Do you know whose they were?---No.
10:48:11 27
10:48:13 28 All right. On 12 April 2006 she told the police that you
10:48:25 29 would be establishing a new amphetamine manufacturing
10:48:30 30 laboratory a little bit later in April 2006. Is it
10:48:35 31 possible you told her that precisely?---Yes. I think I
10:48:46 32 would have at that point.
10:48:47 33
10:48:48 34 So at that point things were, you were feeling a lot more
10:48:53 35 casual with her then I take it about what she could and
10:48:56 36 couldn't know?---Yes, I guess so because her interest
10:49:00 37 escalated.
10:49:01 38
10:49:01 39 Can you explain that to me?---Well, looking at it now,
10:49:09 40 previously she didn't want to know too much and looking at
10:49:12 41 it now, yes, she'd be asking me questions. I felt our
10:49:17 42 friendship was a lot tighter at this point, we only had
10:49:21 43 each other basically.
10:49:23 44
10:49:23 45 And when you say you only had each other, was she a fairly
10:49:28 46 lonely person in your estimation at that time?---Yes,
10:49:31 47 because she was having issues with the Mokbel family and we

10:49:35 1 found, you know, we found, like we had something
10:49:42 2 significant in common.
10:49:44 3
10:49:44 4 Which was the unwanted pressure from the Mokbels, is that
10:49:47 5 right?---Correct, yes.
10:49:48 6
10:49:49 7 Did you know whether or not, or in your observations did
10:49:53 8 you see Ms Gobbo socialising with people who weren't part
10:49:56 9 of the criminal underworld?---No.
10:50:02 10
10:50:02 11 Did she have normal friends who weren't crooks or was it
10:50:06 12 all people who were involved in this business?---They were
10:50:09 13 all her clients, most of the people I met when I saw her,
10:50:13 14 she was with other clients.
10:50:15 15
10:50:15 16 Did you see her socialising with other lawyers or friends
10:50:19 17 who weren't in the law, who weren't involved in the drug
10:50:22 18 industry?---No, no.
10:50:23 19
10:50:25 20 What's your observations of her as a person during this
10:50:29 21 period of time? Was she an extravert, an introvert,
10:50:36 22 lonely, lively, what was she like?---To me she was kind of,
10:50:45 23 like she was like, we felt the same, like a little bit
10:50:51 24 ostracised and we felt that, I could see she was not an
10:50:56 25 extrovert, in a way yes but basically she just wanted to be
10:51:01 26 accepted, wanted to be loved.
10:51:04 27
10:51:05 28 All right. She wanted to be accepted and loved just by you
10:51:08 29 or by everyone she came in contact with?---Could have been
10:51:12 30 everyone she came in contact with but, you know, she'd done
10:51:17 31 so much for everyone it seemed legally and she went over
10:51:21 32 and above with her work, I just felt that she wasn't get
10:51:25 33 the gratitude that she needed and I felt that, you know, we
10:51:28 34 were so close as friends and I just felt like she needed
10:51:33 35 the attention.
10:51:34 36
10:51:35 37 And the gratitude that she needed, was that from people she
10:51:38 38 represented and was doing a good job for?---Yes.
10:51:42 39
10:51:46 40 Just in the lead up to the arrest of you and Mr Ahec that
10:51:50 41 occurred, it says that, the records show that Ms Gobbo was
10:51:59 42 telling the police that you were under significant pressure
10:52:03 43 in mid-April 2006 from the Mokbel family to get this
10:52:09 44 operation up and running, is that something you
10:52:12 45 recall?---Yes.
10:52:12 46
10:52:14 47 Were you scared of the Mokbel family at this

10:52:17 1 stage?---Scared? Yes.
10:52:23 2
10:52:24 3 Were you fearful that you had to do the right thing by
10:52:27 4 them?---Yes.
10:52:27 5
10:52:29 6 It's correct that there was pressure being exerted on you
10:52:35 7 to get another cook going in April 2006?---Yes.
10:52:38 8
10:52:38 9 The lab that was set up in April 2006, the location of that
10:52:45 10 lab in an inner northern suburb was, firstly, the suburb
10:52:51 11 and its proximity to other buildings was explained to
10:52:57 12 Victoria Police by Nicola Gobbo as information she'd got
10:53:00 13 from you. Now, would it surprise you that she was able to
10:53:04 14 identify the suburb?---No, because I told her that on that
10:53:10 15 occasion.
10:53:11 16
10:53:11 17 I see. Why did you tell her on that occasion?---I wasn't
10:53:15 18 happy with the location. I didn't tell her exactly where
10:53:18 19 it was, I just told her what was nearby.
10:53:22 20
10:53:22 21 I see?---That caused me to think that it was crazy to do it
10:53:26 22 there.
10:53:26 23
10:53:26 24 I see, I see, okay. That's I assume because of the dangers
10:53:31 25 in cooking and the fumes and all of those sorts of things,
10:53:35 26 is that right?---And basically just what was next door, it
10:53:38 27 was not appropriate, just not on, it was not on.
10:53:42 28
10:53:42 29 Are you happy to say what the nature of that premises next
10:53:45 30 door was?---Yes, it was a primary school.
10:53:48 31
10:53:50 32 I don't need to ask you that, in other words the location
10:53:53 33 was chosen by someone else and you were uncomfortable with
10:53:57 34 it?---Absolutely, yes.
10:53:58 35
10:53:58 36 You explained that discomfort to Nicola Gobbo?---Yes.
10:54:01 37
10:54:02 38 What you now know is that once the suburb and the proximity
10:54:06 39 to a school were described by or explained by you to Nicola
10:54:14 40 Gobbo, she immediately provided that information to
10:54:17 41 Victoria Police, you understand that?---I understand that
10:54:21 42 now, yes.
10:54:21 43
10:54:23 44 All right. And then what happened from there on was that
10:54:27 45 on 15 April 2006 Mr Flynn, on the basis of that suburb and
10:54:33 46 its proximity, the site's proximity to a school, discovered
10:54:38 47 that site. Now, was that something that was part of the

10:54:42 1 plea material that you knew about then or are you only
10:54:45 2 learning that now?---I'm only learning this now.

10:54:48 3
10:54:49 4 What occurred after that is that Flynn then organised
10:54:53 5 immediate surveillance on the property and that captured
10:54:56 6 you and others coming and going from the property. Do you
10:55:00 7 understand that?---Yes.

10:55:02 8
10:55:02 9 And that on 21 April 2006, so the day before the arrest,
10:55:08 10 Victoria Police obtained a search warrant for those
10:55:11 11 premises and some other properties and certainly you knew
10:55:15 12 that they arrived with a warrant the next day?---Yes.

10:55:17 13
10:55:19 14 And the affidavit that - the police need to use an
10:55:24 15 affidavit to obtain a warrant from the court, that
10:55:27 16 affidavit was sworn by Mr Flynn and it contained
10:55:32 17 substantial amounts of information which had been provided
10:55:34 18 to the police by Nicola Gobbo. That wouldn't surprise you
10:55:39 19 now knowing what you know?---No.

10:55:42 20
10:55:43 21 All right. Now, Gobbo herself has given evidence in the
10:55:51 22 Supreme Court in related proceedings to this, which is
10:55:54 23 really one of the things that led to this Royal Commission,
10:55:58 24 that she was the person who gave the police the evidence
10:56:03 25 that was instrumental in locating the lab and that's
10:56:06 26 something you know now?---Yes.

10:56:08 27
10:56:09 28 O'Brien has said that Ms Gobbo's information mid-April
10:56:16 29 about the lab was a significant breakthrough in Operation
10:56:20 30 Posse because it allowed the police to discover the lab and
10:56:24 31 he goes on to say in his statement to this Commission, "I
10:56:29 32 do not know whether we would have located this lab without
10:56:32 33 Ms Gobbo's information". Now, you now know that to be the
10:56:38 34 case?---Yes.

10:56:39 35
10:56:40 36 All right. During that period in early to mid-2006, before
10:56:52 37 your arrest on 22 April, we now know and we can tell from
10:56:58 38 the questions I've asked you and the documents available to
10:57:01 39 the Commission that she was, Nicola Gobbo was playing two
10:57:04 40 roles, one for Victoria Police as a source and, secondly,
10:57:11 41 showing the signs at least of being your legal
10:57:14 42 representative during that period?---Yes.

10:57:18 43
10:57:18 44 On 13 April 2006, so this is shortly before Flynn goes and
10:57:27 45 conducts surveillance on that property, she expresses her
10:57:32 46 frustration to the handlers, these people at Victoria
10:57:35 47 Police who obtain the information from Ms Gobbo, the fact

10:57:40 1 that, "The police had not achieved any arrests and had not
10:57:44 2 found any of Cooper's clandestine laboratories". So in the
10:57:50 3 background Ms Gobbo was frustrated about, with the police
10:57:54 4 because they hadn't followed up on this information that
10:57:56 5 she was giving them. Have you heard about that frustration
10:58:03 6 before?---No.

10:58:03 7
10:58:04 8 So that very afternoon she has a conference with you and
10:58:10 9 your solicitor Tony Hargreaves about the ongoing court
10:58:14 10 proceedings for Matchless and Landslip. So those two
10:58:19 11 things happening on the same day, I can only assume that
10:58:22 12 causes you problems as you sit here now hearing
10:58:28 13 that?---Well it's not pretty, no.

10:58:30 14
10:58:34 15 All right. It appears from the records that the
10:58:42 16 Commission's got that the police and Gobbo engaged in, well
10:58:50 17 it might be said, engaged in emotional manipulation of you.
10:58:55 18 I'm going to take you through a few examples of what might
10:59:00 19 be said to be emotional manipulation and ask you to comment
10:59:04 20 on them. It's clear from what you've said that you
10:59:07 21 maintained a very close personal relationship that you've
10:59:10 22 described as mutual best friends during this period of
10:59:14 23 January to April 2006?---Yes.

10:59:16 24
10:59:17 25 She [REDACTED] and formed a [REDACTED] with [REDACTED]
10:59:21 26 [REDACTED] ---Yes.

10:59:21 27
10:59:23 28 You and Nicola Gobbo frequently went out for dinner?---Yes.

10:59:27 29
10:59:30 30 You discussed your personal affairs with her and she with
10:59:34 31 you that weren't relevant to her role as your
10:59:39 32 barrister?---Yes.

10:59:40 33
10:59:42 34 Now, there's a perspective or an aspect of this
10:59:46 35 relationship that appears to involve romantic elements or
10:59:53 36 perhaps a flirtatious element. Are you able to assist the
10:59:58 37 Commissioner in whether that was the case in this period of
11:00:01 38 2006?---Yes.

11:00:05 39
11:00:06 40 Can you describe it? How did it happen?---Well the
11:00:12 41 relationship between me and Nicola was, it had a drugging
11:00:18 42 aspect like a, more or less like an office relationship
11:00:22 43 with, there was, you know, sexual connotations made, there
11:00:28 44 was flirting going on, but nothing ever eventuated for the
11:00:32 45 simple reason that I myself was seeing somebody else from
11:00:40 46 time to time and I knew if I crossed that line with Nicola
11:00:42 47 I could possibly lose her as my best friend and barrister

11:00:47 1 so I never, I never actually ever went that way, never did.
11:00:52 2 I was - - -
11:00:53 3
11:00:53 4 Sorry, keep going?---I never had a relationship with her
11:00:57 5 other than being just a really good friend.
11:00:59 6
11:01:00 7 All right. But did you flirt with her?---It was, it would
11:01:06 8 have gone both ways, yes.
11:01:07 9
11:01:07 10 That was my next question. Did she flirt with you?---Yes,
11:01:10 11 yes.
11:01:10 12
11:01:12 13 Can you describe a little bit - the reason I'm asking this
11:01:14 14 is because what she said behind your back to Victoria
11:01:20 15 Police was that she was trying to keep you close and she
11:01:24 16 was employing what she described as the cock tease
11:01:28 17 approach?---Yes, yes.
11:01:28 18
11:01:28 19 You understand what that phrase means?---Of course, yes.
11:01:31 20
11:01:32 21 Can you just describe to the Commission what you observed
11:01:37 22 that might be described, if you think it's described as the
11:01:41 23 cock tease approach that Nicola Gobbo employed with
11:01:45 24 you?---Well she would say things like, you know, she hadn't
11:01:54 25 had any sex, that she would dress promiscuously and having
11:02:02 26 cleavage showing all the time and super short skirts. You
11:02:05 27 know, we'd joke about what if and whatnot but nothing ever
11:02:10 28 eventuated.
11:02:11 29
11:02:12 30 She said at one stage she wasn't sure whether the cock
11:02:16 31 tease approach was going to work for much longer with you.
11:02:20 32 Was there a level of frustration on your behalf that this
11:02:24 33 cock tease approach didn't lead into any sexual
11:02:28 34 encounter?---Look, at that time I was under so much
11:02:31 35 pressure I had bigger issues to worry about than a sexual
11:02:37 36 relationship. I was more worried about getting, getting
11:02:40 37 things done and before my plea, so the times were mounting
11:02:49 38 and it was all getting, getting everything done and in
11:02:53 39 order before I went away.
11:02:54 40
11:02:55 41 The next question isn't meant to try and embarrass you in
11:03:00 42 any particular way. It's quite relevant to what the
11:03:05 43 Commission needs to look at about this relationship between
11:03:07 44 Victoria Police and Nicola Gobbo and then you on the other
11:03:10 45 hand, but given what you know now about what Victoria
11:03:15 46 Police and Nicola Gobbo were actually up to in the
11:03:18 47 background?---Yep.

11:03:20 1
11:03:20 2 Do you have any reflection on those conversations she was
11:03:23 3 having with you, given that she also told them the cock
11:03:27 4 tease approach wouldn't work for much longer, do you have
11:03:30 5 any reflection on why she was having those conversations
11:03:33 6 with you about not having sex for a long time and what if,
11:03:36 7 and the short skirts and the low cut top, et cetera?---No,
11:03:42 8 I don't. It didn't, it didn't raise an issue because we
11:03:46 9 were friends and she could say anything to me and it
11:03:51 10 wouldn't surprise me and yeah, so I just, I often thought,
11:03:57 11 you know, was she seeing anybody else? But it just wasn't
11:04:04 12 my business and I didn't, I never asked her those kind of
11:04:08 13 questions.
11:04:08 14
11:04:08 15 Given what you now know about what was happening in the
11:04:11 16 background, have you had a penny drop moment about that
11:04:15 17 kind of conduct from Ms Gobbo towards you?---Yes.
11:04:19 18
11:04:19 19 What do you understand that she was actually up to during
11:04:22 20 those conversations?---I can't really say. It's all
11:04:30 21 hypothetical, isn't it? Was she trying to seduce me? Was
11:04:35 22 she - you know, she obviously groomed me very well. You
11:04:40 23 know, she used our friendship to get closer and source that
11:04:43 24 information. It's all making sense now.
11:04:45 25
11:04:46 26 Yes?---But I don't, I don't know, I don't know whether, you
11:04:50 27 know, what would have eventuated, whether if it had
11:04:53 28 eventuated in a sexual affair that maybe I would have told
11:04:57 29 her more, I don't know, I don't understand, I don't know.
11:05:00 30
11:05:01 31 What you're really saying is you can't really talk about
11:05:04 32 her motivations, they might have been true feelings from
11:05:07 33 her, you're not really sure as you sit here now?---No.
11:05:11 34
11:05:11 35 The fact that she told the police that she was employing
11:05:15 36 the cock tease approach, that doesn't help you understand
11:05:18 37 what she was really up to?---No, well if she's saying that
11:05:22 38 to them obviously she's trying to, I can't - was she trying
11:05:30 39 to seduce me? I don't know. I don't know.
11:05:34 40
11:05:34 41 I don't need to press that any further. You had a
11:05:39 42 [REDACTED] in [REDACTED] 2006, is that correct?---Yes.
11:05:44 43
11:05:46 44 What's clear in the records is that Ms Gobbo used that
11:05:53 45 occasion as an occasion on which she'd be able to provide
11:06:00 46 significant intelligence to Victoria Police. So I want to
11:06:04 47 ask you some questions about that. Now, is it the case

11:06:08 1 that you were organising the [REDACTED] or she was organising
11:06:13 2 the [REDACTED] or someone else, do you have any
11:06:16 3 recollection?--Well I was going to organise a [REDACTED]
11:06:19 4 [REDACTED] and it was also going to be my going away party.

11:06:24 5
11:06:25 6 Because of the plea occurring not long after
11:06:27 7 that?---Because of the plea occurring not long after that,
11:06:30 8 yes. I spoke to her about it and she said, "Why don't you
11:06:36 9 let me handle it?" I said okay. So we decided that -
11:06:39 10 where was a good location and she said there's a location
11:06:44 11 that's - actually we both knew the owners of the location
11:06:49 12 where it was from a previous location that we used to dine.
11:06:53 13 It had just opened up.

11:06:55 14
11:06:55 15 And it was quite close to her chambers, wasn't it?---It was
11:06:55 16 quite close to her chambers.

11:06:55 17
11:06:59 18 Yes?---So we went and saw them and then we decided to have
11:07:02 19 the party at that venue.

11:07:03 20
11:07:05 21 What unbeknownst to you was occurring in the background
11:07:10 22 Ms Gobbo was in fact tasked to attempt to be the RSVP
11:07:17 23 person for you in order to obtain the names and phone
11:07:21 24 numbers of all of the attendees for Victoria Police's
11:07:24 25 information. Is that something you've heard before?---No,
11:07:28 26 I assumed that was the case because she handled everything.

11:07:31 27
11:07:33 28 As you say, she in fact did become that RSVP point. The
11:07:39 29 records show she also facilitated payment for the party.
11:07:43 30 Is that something that she took care of or you paid her
11:07:47 31 back for, how did that happen?---I paid her back for that.
11:07:50 32 She used her credit card and I paid the, the managers of
11:07:57 33 the venue, as well as paid Nicola the balance.

11:08:00 34
11:08:03 35 Do you recall her saying to you that she would organise a
11:08:07 36 DJ for the evening?---Yes, yes, I do.

11:08:13 37
11:08:15 38 The records available to the Commission show that she
11:08:19 39 suggested to the police that the police might put an
11:08:23 40 undercover operative in as the DJ on that occasion, [REDACTED]
11:08:27 41 [REDACTED] but didn't actually pursue it
11:08:31 42 at the end of the day. Is that something you've heard for
11:08:34 43 the first time today?---Yes.

11:08:35 44
11:08:39 45 All right. The other thing that was occurring in the
11:08:44 46 background of the organisation of this party was Victoria
11:08:52 47 Police provided Ms Gobbo with a police camera to take

11:08:55 1 photos of the attendees at the party so that they could
11:08:58 2 obtain intelligence about who was who at the party. Is
11:09:02 3 that something that is new to you today as well?---I did
11:09:10 4 see the camera, she had a digital camera that she was
11:09:14 5 taking photos of me with all the guests for my records for
11:09:17 6 later on. I only know now that that was all for ulterior
11:09:22 7 motives.

11:09:22 8
11:09:22 9 Just to complete that circle, on 20 March 2006 Ms Gobbo met
11:09:27 10 members of Victoria Police and went through the photos that
11:09:30 11 she'd taken on the night and identified each of the
11:09:33 12 individuals in the photographs for police intelligence.
11:09:39 13 She told the handlers she won the dance competition on the
11:09:43 14 night, do you have any recollection of that?---No.

11:09:46 15
11:09:48 16 Now, on 16 March 2006 she suggested to police that she
11:09:54 17 should be given a micro-recorder for recording
11:09:57 18 conversations with you and the reason was she said she
11:10:01 19 couldn't remember all the details of chemical names,
11:10:04 20 et cetera. Now that, I don't think that eventuated, but
11:10:09 21 that indicates that she was certainly hearing from you,
11:10:13 22 whether directly or listening into conversations you were
11:10:16 23 having with others, the names of particular precursor
11:10:19 24 chemicals, that's something she would have heard from time
11:10:22 25 to time?---Yes.

11:10:22 26
11:10:25 27 The other thing, as you said a moment ago, this was going
11:10:30 28 to be both a [REDACTED] party and a going away
11:10:33 29 because your plea was imminent and you knew you'd be going
11:10:37 30 inside for a fair bit of time, that's the case?---Yes.

11:10:42 31
11:10:44 32 Now, what appears to have been occurring between Nicola
11:10:52 33 Gobbo and Victoria Police was Gobbo talking to the police
11:10:56 34 about ways that your plea might be adjourned. Now, I can
11:11:02 35 only assume that given that you were facing some pretty
11:11:06 36 serious time inside an adjournment was something that you
11:11:09 37 would have interested in?---Yes.

11:11:11 38
11:11:12 39 And did she discuss with you or did you tell her that you
11:11:16 40 wanted an adjournment of the plea?---Yes.

11:11:19 41
11:11:20 42 And what did she say about the possibilities of adjourning
11:11:23 43 the plea?---She could make it happen.

11:11:26 44
11:11:26 45 She was confident about that?---Yes.

11:11:28 46
11:11:31 47 So on 5 April 2006 Gobbo told Victoria Police that if she

11:11:39 1 were sick the case would have to be adjourned and she
11:11:42 2 assured the handlers that she can convince a doctor of a
11:11:46 3 real requirement to be admitted to hospital. Now is that,
11:11:50 4 was that tactic to bring about an adjournment something she
11:11:54 5 discussed with you, her pretending to be sick?---Yes.
11:11:57 6
11:11:58 7 All right. Do you recall whether that was something that
11:12:01 8 she raised or you raised?---She raised that.
11:12:04 9
11:12:08 10 That didn't ultimately eventuate, is that correct?---No.
11:12:12 11
11:12:13 12 And then on 7 April 2006 these ICRs record that Gobbo and
11:12:21 13 Victoria Police had further discussions about the
11:12:24 14 adjournment and she said to them that if the Cooper matter
11:12:30 15 is adjourned it's an advantage to the investigation, being
11:12:34 16 the Posse investigation, but handler, who is the Victoria
11:12:38 17 Police member, concerned re deceiving court and human
11:12:42 18 source to be advised not to do so if claiming reason is
11:12:47 19 human source health. What I'm describing to you here is
11:12:53 20 that Gobbo was explaining to the police that this
11:12:57 21 adjournment, which obviously you wanted for your own
11:13:00 22 reasons, would be beneficial to the police because it would
11:13:03 23 assist them in their investigation into the Operation Posse
11:13:05 24 matters. Now do you understand that now?---Yes.
11:13:08 25
11:13:10 26 And then 18 April, so we're only a few days before the
11:13:14 27 arrest, the ICRs, these internal police documents, record,
11:13:21 28 "Discussed Cooper adjournment. Told a high ranking member
11:13:25 29 will discuss getting adjournment for Cooper because of
11:13:29 30 ongoing investigation and nil mention of human source,
11:13:32 31 which is Nicola Gobbo. Human source says that the
11:13:35 32 prosecutor must say something like prosecutor is not
11:13:37 33 available or similar, says it must come from the
11:13:41 34 prosecution side". Now, do you recall just in the
11:13:45 35 immediate days before the Posse arrest that the adjournment
11:13:53 36 discussions were getting more and more pointed or was it
11:13:56 37 something you just left to her and were hoping would come
11:14:00 38 about?---That was something I left to her and hoped would
11:14:04 39 come about, I know nothing of this.
11:14:07 40
11:14:07 41 Obviously as a result of the Posse arrest the adjournment
11:14:12 42 essentially came about through other factors anyway and you
11:14:17 43 were in custody from that time, do you agree with
11:14:19 44 that?---Yes.
11:14:19 45
11:14:21 46 All right. Now I want to suggest some or take you through
11:14:28 47 some information about Nicola Gobbo providing advice to

11:14:34 1 Victoria Police on ways that they might be able to pressure
11:14:38 2 you into rolling. You understand obviously what that term
11:14:43 3 means?---Yes.
11:14:43 4
11:14:45 5 She told her handlers that if you were targeted, that you
11:14:49 6 might be targeted financially because you were owed a tonne
11:14:53 7 of money. I can see from the statements that you
11:15:00 8 ultimately made post April 2006 you certainly were owed a
11:15:05 9 lot of money at that stage, is that correct?---Yes.
11:15:07 10
11:15:08 11 You were facing financial difficulty at this period of
11:15:11 12 April 2006?---Yes.
11:15:13 13
11:15:15 14 She described you, and I'm not saying this as a matter of
11:15:19 15 embarrassment, but she described you as a vulnerable person
11:15:24 16 to Victoria Police in this period of time. Is that
11:15:26 17 something that you think is correct or incorrect as a
11:15:29 18 description of you at that time in your life?---Yes.
11:15:31 19
11:15:32 20 How were you vulnerable?---Well, owed a lot of money, there
11:15:45 21 was a lot of resentment going on, there was a lot of
11:15:51 22 pressure to continue to do what I was doing. There was the
11:15:54 23 disappearance of Tony. There was a lot going on and I was
11:15:59 24 - I wasn't in a good state.
11:16:03 25
11:16:06 26 So I should say that on 22 February 2006 she also told
11:16:11 27 Victoria Police that if Mr Cooper has no money he may talk
11:16:18 28 and again, that's another expression of the financial
11:16:21 29 circumstances that you found yourself in at the time. I'm
11:16:24 30 not suggesting that that was going to be the case, but that
11:16:27 31 was your financial position at the time, that you were - -
11:16:30 32 - ?---Yes.
11:16:30 33
11:16:31 34 - - - struggling financially?---Yes.
11:16:33 35
11:16:34 36 All right. Now, the plan that was played out by Victoria
11:16:43 37 Police and Nicola Gobbo to get you to roll had a number of
11:16:48 38 aspects to it that were operating in the background that
11:16:52 39 you obviously wouldn't have known about at the time, some
11:16:55 40 of which you may know about now. I want to take you
11:17:00 41 through some of them. She told police on 18 April, four
11:17:03 42 days before the arrest, that in order to roll you had, you
11:17:08 43 had to believe that others, the Mokbels, had also been
11:17:12 44 arrested and that was because of your fear of the Mokbels.
11:17:17 45 Now, I'm not talking about what ultimately motivated you
11:17:22 46 and we'll get to that in due course, but you understand
11:17:26 47 that she was trying to find ways to put pressure on you to

11:17:32 1 roll in the days before your arrest. You understand that
11:17:38 2 now?---I understand that now, yes.
11:17:40 3
11:17:44 4 She told the members of Victoria Police she was dealing
11:17:47 5 with which particular members of Victoria Police should be
11:17:53 6 involved in the process that was to occur when you were
11:17:57 7 arrested who might assist in that rolling process because
11:18:03 8 you had an element at least of respect for them and that
11:18:08 9 the individual she spoke about was Dale Flynn, and she
11:18:13 10 suggests not using other members of Victoria Police. Now
11:18:17 11 given what you've said about Flynn, you can understand in
11:18:21 12 her circumstances why she was suggesting that to Victoria
11:18:26 13 Police because he was someone that you were more willing at
11:18:28 14 least to talk to than other members, is that
11:18:31 15 correct?---Yes.
11:18:31 16
11:18:33 17 All right. And she tells Victoria Police on that occasion
11:18:37 18 that you will listen to her advice when you're arrested and
11:18:44 19 that would be of no surprise to you given your evidence
11:18:46 20 this morning?---Yes.
11:18:48 21
11:18:50 22 And in fact as we'll get to, you absolutely followed her
11:18:54 23 advice?---Yes.
11:18:55 24
11:18:58 25 All right. So two days before the arrest, this is on 20
11:19:04 26 April 2006, Gobbo met with members of Victoria Police in
11:19:10 27 person. Now, as you now know she'd been assisting the
11:19:16 28 police in advancing their investigations about the lab and
11:19:18 29 by this stage, five days before, Flynn had been out and had
11:19:24 30 identified the lab, you understand that now?---Yes.
11:19:26 31
11:19:28 32 By this point of time the police believed that your arrest
11:19:32 33 was imminent and indeed it did occur two days later and
11:19:37 34 she's having a meeting with the police about how that will
11:19:42 35 play out, what her own obligations might be and how best to
11:19:52 36 make things as difficult as possible for you so that you
11:19:58 37 will be in a position where you will roll and assist
11:20:01 38 police. So you understand my description of it at least at
11:20:04 39 this stage?---Yes.
11:20:05 40
11:20:07 41 All right. There's a clip that I'm going to play you.
11:20:09 42 Unfortunately it's, it goes for a few minutes but it's got
11:20:15 43 some elements of it that I want to take you to afterwards.
11:20:17 44 So I'll ask that clip 74 be played now, please. So this is
11:20:28 45 two days before your arrest.
46
11:20:42 47 (Audio recording played to the hearing.)

11:33:35 1
11:33:35 2 Mr Cooper, we might, depending on what the Commissioner
11:33:40 3 says about it, might take a morning break now and I might
11:33:43 4 come back and ask you some questions about that after the
11:33:46 5 break?---Okay.
11:33:47 6
11:33:47 7 COMMISSIONER: Yes, we'll have a short break now?---Thank
11:33:50 8 you.
11:33:50 9
11:33:51 10 (Short adjournment.)
11:33:51 11
11:56:24 12 COMMISSIONER: Yes, Mr Cooper, can you hear me?---Yes, I
11:56:28 13 can.
11:56:28 14
11:56:28 15 Yes, thank you. Yes.
11:56:30 16
11:56:31 17 MR WOODS: Thank you Mr Cooper. Thank you for bearing with
11:56:34 18 us through that long audio. As you could tell there's
11:56:39 19 times where it gets a bit loud from background noise and
11:56:43 20 things like that, but you were able to follow the audio to
11:56:45 21 some extent, but certainly the transcript that was on the
11:56:48 22 screen?---Yes.
23
11:56:48 24 You could see that what Victoria Police and Nicola Gobbo
11:56:52 25 were talking about initially was how it would work
11:56:56 26 practically, being the moment of your arrest, you recall
11:57:02 27 that being discussed?---Yes.
28
11:57:03 29 And what they then went on to tease out was the practical
11:57:10 30 effect of having Victoria Police, their human source who's
11:57:16 31 a lawyer and is your lawyer and you all involved at the
11:57:20 32 moment of your arrest. You could see that they were
11:57:23 33 struggling with how that would - well, Victoria Police were
11:57:26 34 asking questions of Nicola Gobbo how that might play out
11:57:31 35 ethically?---Yes.
36
11:57:32 37 You saw that Nicola Gobbo told Victoria Police that she
11:57:36 38 would not tell you to give a no comment interview, you saw
11:57:41 39 that?---Yes.
40
11:57:44 41 You saw Victoria Police and Nicola Gobbo talking about when
11:57:50 42 the best moment to start talking to you about the process
11:57:53 43 of your rolling might be, when they were talking about the
11:57:58 44 car trip, et cetera, you saw that?---Yes.
45
11:58:00 46 And you saw that Nicola Gobbo advised Victoria Police that
11:58:06 47 you needed to feel that you were totally and completely

11:58:10 1 fucked in order to roll, did you see that?---Yes.
2
11:58:15 3 Did you feel totally and completely fucked at the moment of
11:58:19 4 your arrest on 22 April 2006?---Pretty much.
5
11:58:26 6 They say that about an hour later after the arrest it's all
11:58:31 7 going to be laid out for you and that they would be
11:58:34 8 focusing on financial headaches and the financial side of
11:58:41 9 the effects of this arrest on you. Now you saw them say
11:58:44 10 that?---Yes.
11
11:58:46 12 And obviously in due course I'm going to come to the
11:58:49 13 discussions that were had with you on 22 April following
11:58:53 14 your arrest about the financial effects of your arrest and
11:58:58 15 that was certainly something that they indeed talk about
11:59:00 16 with you?---Yes.
17
11:59:04 18 Officer Peter Smith, one of the pseudonyms in that
11:59:09 19 document, a Victoria Police officer says there's going to
11:59:14 20 be a fair bit of pressure on you. You recall that that was
11:59:21 21 indeed what played out on 22 April, you felt yourself under
11:59:24 22 significant pressure?---Yes.
23
11:59:26 24 And you saw them discussing your [REDACTED] as a
11:59:31 25 possible tactic which could be used to make you, it appears
11:59:35 26 to be, more malleable to an approach of that kind, did you
11:59:40 27 see that?---Yes.
28
11:59:42 29 There are two other parts of that meeting, I'm not going to
11:59:47 30 play you the audios, I'll just read them to you. The first
11:59:52 31 is when Ms Gobbo talks about the general ethics of all of
12:00:01 32 this being fucked. Now is that a phrase that you've read
12:00:05 33 in the newspapers in the last while or is this the first
12:00:08 34 time you're hearing it?---I think I've come across that
12:00:15 35 before, yes.
12:00:16 36
12:00:17 37 Albeit you're not a qualified legal professional, what is
12:00:21 38 your understanding of the ethics of the situation that
12:00:23 39 faced you on 22 November 2006?---Well now she has informed
12:00:29 40 on me she now gets to represent me.
41
12:00:30 42 And that is problematic in your mind?---It would be
12:00:34 43 problematic but that's where I would say she thinks the
12:00:37 44 whole thing's fucked.
45
12:00:38 46 When she tells her handlers that you're not going to ring
12:00:42 47 anyone else but her, that was (a) the situation, and (b)

12:00:47 1 exactly what happened?---It's exactly what happened. I had
12:00:51 2 nobody else to call.
3

12:00:53 4 I won't play the footage but the Commission has been
12:00:59 5 provided with the footage of yours and Mr Ahec's arrest,
12:01:05 6 which is a videotape with no audio, I understand taken for
12:01:12 7 the purposes of the audio being turned and the caution
12:01:15 8 appearing as the only bit of audio as evidence that the two
12:01:18 9 of you were cautioned, but indeed, as was predicted on 20
12:01:24 10 April, when your right to legal representation was
12:01:29 11 explained to you, you immediately said, "I want you to
12:01:32 12 contact Nicola Gobbo". You recall that was the
12:01:36 13 case?---Yes.
14

12:01:43 15 The audios and the quotes that I've just taken you through
12:01:45 16 were 20 April 2006. I'm now going to move on to the
12:01:51 17 morning of the day of your arrest, being 22 April 2006, and
12:01:57 18 on that morning Mr O'Brien of Victoria Police advised a
12:02:04 19 person called Peter Smith, another member of Victoria
12:02:08 20 Police, and he was one of the people that was dealing with
12:02:14 21 Ms Gobbo as a human source, he told that person that
12:02:16 22 morning that your arrest was imminent and that he, O'Brien,
12:02:21 23 needed to be appraised of any contact by Cooper
12:02:27 24 immediately. So what was occurring was that the
12:02:30 25 investigator, Mr O'Brien, was talking to the Victoria
12:02:35 26 Police members who were dealing with Ms Gobbo, known as
12:02:39 27 handlers, and saying, "Let us know about any contact
12:02:45 28 between Cooper and Victoria Police as soon as it occurs".
12:02:50 29 Now you understand what I'm saying there?---Yes.
30

12:02:52 31 All right. What happens next is that police officer, Peter
12:02:57 32 Smith, then contacts Nicola Gobbo and says, "I want you to
12:03:04 33 immediately advise me of any contact you get from
12:03:09 34 Mr Cooper", you understand that?---Yes.
35

12:03:14 36 Now the material available to the Commission shows that on
12:03:20 37 the day of the arrest at 9.23 am Victoria Police told
12:03:28 38 Nicola Gobbo that she may see these members of Victoria
12:03:32 39 Police who were the ones dealing with her as a human source
12:03:35 40 at St Kilda Road if the arrests occur and she was told to
12:03:39 41 ignore them unless there was a prearranged meeting with
12:03:44 42 those people. Now, we're going to get some detail about
12:03:48 43 who knew who and who was pretending they didn't know who in
12:03:54 44 due course, but it's the fact in any event that Ms Gobbo
12:03:57 45 did in fact attend later on that evening, that's
12:03:59 46 correct?---Yes.
47

12:04:02 1 At 12.30 on that day Ms Gobbo is recorded by Victoria
12:04:08 2 Police as waxing ironic to them about the imminent Cooper
12:04:13 3 arrest and that she won't get paid for representing him.
12:04:19 4 Now had you ever not paid one of Nicola Gobbo's bills
12:04:25 5 previously?---No, always paid.
6
12:04:32 7 The arrest itself occurred at the premises at 2.21 pm, and
12:04:40 8 obviously that would be something, not necessarily the
12:04:43 9 time, but the moment would be emblazoned on your
12:04:47 10 memory?---Yes.
11
12:04:51 12 Upon your arrest it was Mr Flynn who informed you of your
12:04:55 13 rights, correct?---Yes.
14
12:04:57 15 He informed you, as I've said, of your right to contact a
12:05:01 16 legal practitioner and you asked him to contact both Nicola
12:05:07 17 Gobbo and also a relation of yours, a nonlawyer?---Yes.
18
12:05:10 19 And then according to Flynn he says you weren't permitted
12:05:15 20 to make any phone call at that point because the ongoing
12:05:19 21 investigation, they were at pains not to compromise it, you
12:05:23 22 understand that?---Yes.
23
12:05:25 24 And did you ask to make any phone calls at the time? If
12:05:32 25 you don't recall that's okay?---I can't recall. Only to a
12:05:38 26 family member.
27
12:05:39 28 But you yourself spoke to that family member?---Yes.
29
12:05:44 30 In the presence of Flynn?---Um - - -
31
12:05:48 32 I'm talking about at the site?---No, I can't - - -
33
12:05:49 34 If you can't recall that's all right?---Not at the site,
12:05:52 35 no.
36
12:05:53 37 This is later on?---Later on, yes.
38
12:05:58 39 As the chronology goes, at 3.03 pm O'Brien spoke to one of
12:06:01 40 these police officers, who is known as Mr Smith, of your
12:06:05 41 arrest. These are the officers who were dealing with
12:06:07 42 Ms Gobbo in her role as a human source. So that's at
12:06:11 43 3.03 pm. Then at 3.04 pm that person contacts Gobbo and
12:06:16 44 advises her of your arrest. It's noted there that she's
12:06:25 45 again instructed to ignore those handlers, as they're
12:06:30 46 called, if she sees them at St Kilda Road Police Station.
12:06:35 47 She's told not to text and she will meet with the handlers

12:06:39 1 away from the building. And certainly she came and went on
12:06:43 2 a couple of occasions that evening, you recall that?---Yes.
3
12:06:47 4 You're taken to St Kilda Road between 3 and 4 o'clock,
12:06:55 5 accompanied by officers including Mr Flynn; is that
12:06:58 6 correct?---Yes.
7
12:06:59 8 And you then have a phone call at 4.10 pm with Nicola
12:07:05 9 Gobbo, do you recall that occurring?---Yes.
10
12:07:10 11 Do you remember what you told - I'm not asking word for
12:07:13 12 word - but do you remember what you told her in general
12:07:16 13 terms during that first phone call with her?---I told her
12:07:20 14 that I was at St Kilda Road and I needed her assistance.
15
12:07:26 16 Do you remember her response? Was she surprised or was it
12:07:28 17 business as usual, what occurred?---She just said stay,
12:07:33 18 something that - she's on her way.
19
12:07:39 20 Immediately after that phone call that you have with Gobbo
12:07:43 21 she again contacts Victoria Police member Mr Smith, who is
12:07:49 22 one of the people who's handling her as a human source, and
12:07:53 23 she tells him that she's been contacted by the
12:07:58 24 investigators at this stage, so not just the handlers but
12:08:01 25 the investigators have now spoken to her, and advised her
12:08:05 26 that both you and Frank Ahec are in custody and both were
12:08:11 27 asking for her. Now you remember - do you recall that
12:08:14 28 Ms Gobbo had some dealings with Mr Ahec that evening as
12:08:17 29 well?---Yes.
30
12:08:18 31 As I understand it there's been a bit of - I should tell
12:08:21 32 you there's been a bit of conjecture about whether or not
12:08:25 33 that contact between her and Mr Ahec occurred between her,
12:08:30 34 Mr Ahec and you. As I understand it the situation was
12:08:33 35 there weren't any meetings between the three of you, that
12:08:37 36 you met with her separately to Mr Ahec; is that
12:08:40 37 right?---That's correct, yes.
38
12:08:47 39 The handler after, this is Mr Smith, after he has that
12:08:52 40 conversation with Ms Gobbo, who's on her way to St Kilda
12:08:55 41 Road to see you, he makes a note where he says that "Nicola
12:09:01 42 Gobbo seems happy re arrests and has asked the question:
12:09:06 43 who's next?" Now that's relevant because I'm going to be
12:09:10 44 asking you a little bit about Ms Gobbo's reaction when you
12:09:14 45 first saw her on that evening. So I want you to bear that
12:09:21 46 in mind, that that was an observation that was made of her
12:09:25 47 by Victoria Police while she was on her way there, do you

12:09:29 1 understand?---Yes.
2

12:09:30 3 Between 4.14 and 4.19 pm you're interviewed by Mr Flynn and
12:09:37 4 another police officer, this is before Ms Gobbo arrives,
12:09:42 5 you recall that occurred?---Yes.
6

12:09:44 7 And you made a no comment interview at that stage?---Yes.
8

12:09:49 9 That was relatively brief, I assume, from the time stamp.
12:09:54 10 Do you recall what was asked of you during that
12:09:57 11 interview?---Yes.
12

12:09:59 13 What was that?---Basically they read me my rights, told me
12:10:06 14 that anything I could say would be used against me and do I
12:10:11 15 want to explain what's going on and I made a no comment
12:10:14 16 statement and I was very brief.
17

12:10:16 18 I see, all right. And then at 4.25 - so that finishes at
12:10:21 19 4.19 pm. At 4.25 it appears that Nicola Gobbo arrives at
12:10:25 20 St Kilda Road Police Station. There's then a gap between
12:10:30 21 4.25 pm and 4.43 pm. I'm not suggesting you would know any
12:10:35 22 of these exact timings. But at 4.43 pm, according to
12:10:40 23 Mr Flynn, who's given evidence to the Commission, Gobbo
12:10:43 24 then has a conference with you for up to about an hour and
12:10:48 25 then she - - - ?---Yes.
26

12:10:51 27 - - - leaves after that about 5.45, so you understand what
12:10:53 28 I'm saying?---Yes.
29

12:10:55 30 Now, do you remember where that interview was conducted,
12:11:00 31 what sort of room you were in?---It was at St Kilda Road in
12:11:03 32 an interview room, just a table, two chairs and nothing
12:11:06 33 else.
34

12:11:07 35 Was anyone else in the room during that hour?---No.
36

12:11:11 37 Is it correct that it went for about an hour?---About 45
12:11:15 38 minutes, yes, to an hour.
39

12:11:17 40 I want you to explain what happened, what your observations
12:11:21 41 were when Nicola Gobbo came through that door?---She looked
12:11:28 42 so distressed. She was shaking her head from side to side
12:11:33 43 saying, "No, I can't fix this. I can't fix this". She sat
12:11:39 44 down and proceeded to cry and I pulled my chair around and
12:11:46 45 grabbed her hands and told her not to worry, and she said,
12:11:50 46 "I can't fix this. It's your third time. This is it".
12:11:56 47 And I said, "Look, don't worry about it. I'm going to be

12:11:59 1 okay". She said, "No, you're not, you're not going to be
12:12:04 2 okay. You don't understand". And she went on to say that,
12:12:09 3 "They know everything". And I said, "What do you mean?"
12:12:12 4 She said, "They know everything". And she goes to me that,
12:12:17 5 "Everyone's affected, [REDACTED], [REDACTED], [REDACTED]
12:12:22 6 [REDACTED] and [REDACTED]. All are going to be
12:12:27 7 arrested, all are going to lose their homes from proceeds
12:12:32 8 of crime. You've - I can't help you. You're looking at 30
12:12:39 9 years minimum. You've got to do something", and I - - -
10
12:12:42 11 Just pausing there. I'm going to ask you some questions
12:12:47 12 about aspects of that and I'd like you to talk more in a
12:12:51 13 moment. But the financial aspect of it, was that a real
12:12:54 14 focus of what Ms Gobbo was saying to you?---Yes, because
12:12:59 15 "you're going to lose everything", how can I afford to fund
12:13:03 16 all these court cases ?
12:13:05 17
12:13:05 18 And you mentioned proceeds of crime, is that something that
12:13:08 19 she mentioned to you?---Yes, that - - -
20
12:13:13 21 What did she say was going to be the effect of that
12:13:18 22 legislation on those close to you?---They were going to
12:13:20 23 lose their properties.
24
12:13:22 25 Did you feel like you had an obligation to those
12:13:26 26 people?---Absolutely.
27
12:13:26 28 Is that an obligation that you had made clear to Nicola
12:13:29 29 Gobbo during your close friendship with her in the months
12:13:31 30 beforehand?---Well, she knew that I was very close to my
12:13:35 31 family and that I never wanted to put anybody in harm's
12:13:38 32 way, including her.
33
12:13:39 34 Does some of that element of the conversation make sense to
12:13:43 35 you now understanding that two days before Victoria Police
12:13:46 36 had been saying, describing to Ms Gobbo about headache, the
12:13:52 37 financial headache you might have and that they might focus
12:13:55 38 on the financial side of your situation, does that make a
12:13:59 39 bit more sense now?---It makes it clear now, yes.
40
12:14:03 41 All right. When she said, "Everyone's affected", was that
12:14:09 42 only in relation to members of your family she was talking
12:14:12 43 about or was she talking about broader community as well,
12:14:15 44 other people you associated with?---She was talking about
12:14:19 45 my co-accused as well.
46
12:14:20 47 What did she say about your co-accused?---She said, "You've

12:14:23 1 got to look at your options. You can assist police. You
12:14:29 2 owe them nothing", as in the Mokbels.
3
12:14:32 4 Sorry, it just cut out then, you owe them nothing, was it,
12:14:35 5 or - - - ?---Yep, "You owe them nothing" as in she meant I
12:14:37 6 owe the Mokbels nothing.
7
12:14:39 8 Yes?---"You need to do this for yourself, [REDACTED]
12:14:42 9 for your family and you need to really think about this",
12:14:46 10 and I just was in total shock. I just couldn't fathom the
12:14:51 11 idea. I could also [REDACTED]. I could [REDACTED] and
12:14:56 12 the other people who were at the sites.
13
12:15:00 14 Yes?---I was in a position to be able to basically make a
12:15:03 15 deal [REDACTED].
16
12:15:06 17 All right. When she suggested to you that you were in this
12:15:10 18 very difficult position, did she indicate to you what you
12:15:16 19 might do to make your position a little bit better for
12:15:19 20 yourself?---Yes.
21
12:15:21 22 What was that?---She told me that, "You need to make a
12:15:26 23 deal". I needed to make a deal.
24
12:15:29 25 Did she tell you what the deal would entail during this 45
12:15:33 26 minute conference?---No, she said, "Let me go speak to them
12:15:37 27 and let's sort something out."
28
12:15:39 29 What did you understand the phrase "you need to make a
12:15:44 30 deal" to mean?---I had no idea at the time. If you look at
12:15:48 31 records, that I was in damage control and I tried to think
12:15:51 32 that I could have given the police something, but not
12:15:55 33 everything, but that was, that was just fake hope because
12:16:02 34 when you're in, you're in, it doesn't work like that.
12:16:05 35 They're methodical.
36
12:16:08 37 Yes, I understand. She told you that for the Landslip,
12:16:13 38 Matchless and these current charges that you were facing,
12:16:17 39 that you were going to be looking at 30 years in prison; is
12:16:20 40 that correct?---Yes.
41
12:16:23 42 Do you understand that that was a - have you had advice on
12:16:28 43 that at any time since, whether it was correct or
12:16:31 44 incorrect, or is it just something you recall?---Well, I
12:16:33 45 did believe it at the time because there were other people
12:16:36 46 who preceded me in large commercial quantity circumstances
12:16:42 47 and they've gotten 30 years plus.

1
12:16:45 2 Yes?---They're currently in prison at the moment. So it
12:16:48 3 wasn't, it wasn't unreal that that was going to happen.
12:16:53 4 She did say a best case scenario on an appeal I'd probably
12:17:01 5 get it down to 23, 24 years.
6
12:17:03 7 Yes?---She said that it was in my interests to help myself,
12:17:08 8 [REDACTED] and do something.
9
12:17:12 10 You say that she didn't unpack that phrase and start
12:17:18 11 talking to you about what would be involved at that time,
12:17:23 12 so you didn't know at that stage she was talking about
12:17:25 13 rolling on associates?---No. I gathered that in my head
12:17:31 14 that I'd have to roll on associates but to what degree I
12:17:34 15 did not know at that time.
16
12:17:36 17 And you understand now, of course, because of the details
12:17:39 18 that you've been taken through, that that was indeed the
12:17:42 19 plan that Victoria Police and Nicola Gobbo had concocted
12:17:46 20 amongst themselves?---Yes, and she was so convincing and
12:17:52 21 she wasn't even sure it could happen until she had spoken
12:17:55 22 with them and that's how it proceeded to pan out.
23
12:18:00 24 When you say - just that last phrase, I'm interested in
12:18:04 25 whether or not she gave you any indication at all of
12:18:07 26 whether there'd been previous conversations, at least in
12:18:10 27 the minutes before she came into the room, about the
12:18:14 28 potential of you assisting and getting a benefit?---No, it
12:18:17 29 was after our conversation she spoke to them and then there
12:18:20 30 was a deal on the table.
31
12:18:22 32 So from your point of view it appeared to be something that
12:18:25 33 had occurred to her, that she would go and check with the
12:18:28 34 police after a conversation with you; is that right?---Yes.
35
12:18:33 36 You now know, of course, that that indeed wasn't the case
12:18:37 37 because they'd been putting that plan together for some
12:18:40 38 time beforehand, do you agree with that?---And it worked
12:18:42 39 perfectly.
40
12:18:47 41 After that 45 minutes do you know - where were you taken
12:18:50 42 after that 45 minutes or did you stay in that room?---After
12:18:54 43 that I was taken to the boardroom where I met with Jim
12:19:00 44 O'Brien, Dale Flynn and they proceeded to talk to me about
12:19:05 45 my allegiance with the Mokbels and then - that they could
12:19:14 46 look after me, that they could assist me, that they would
12:19:18 47 take care of me and it was all over if I was to assist

12:19:22 1 them.
2

12:19:23 3 All right. I'm just going to take you a little bit to some
12:19:26 4 bits that happened in between that you perhaps won't know
12:19:28 5 about. It appears that Gobbo leaves that 45 or so minute
12:19:39 6 contact with you and she immediately goes outside and rings
12:19:44 7 a member of Victoria Police, Mr Smith, who I've mentioned
12:19:48 8 earlier, and reports to him the conversation that she had
12:19:54 9 with you in the room. Now I take it you didn't give her
12:19:57 10 any authority to talk to anyone else at that stage about
12:20:01 11 your position?---No.
12

12:20:03 13 She'd indicated to you that she would go outside and try
12:20:07 14 and talk to the police about working things out for you as
12:20:11 15 best as they could be?---Yes.
16

12:20:15 17 She tells that police officer that "Cooper is wondering how
12:20:20 18 the police knew of the lab", and I take it that would have
12:20:24 19 been one of the things that was playing on your mind at the
12:20:26 20 time?---Yes.
21

12:20:27 22 And indeed just pausing there, later on in the months that
12:20:32 23 followed you had conversations, it appears from some of the
12:20:35 24 police records, with Flynn where you were saying you wanted
12:20:40 25 to know who it was, who'd identified the lab, you agree
12:20:43 26 that that happened later on?---Yes.
27

12:20:45 28 And Flynn told you, "It's someone out of left field,
12:20:49 29 someone you would never suspect"; is that right?---Yes.
30

12:20:54 31 Okay, now back to that evening. So that was in the months
12:20:58 32 after this I assume?---Yes.
33

12:21:03 34 The other thing that she conveyed to this member of
12:21:06 35 Victoria Police after that conversation with you is that
12:21:12 36 you had said it may be relevant that Cvetanovski was there
12:21:18 37 before police?---Yes.
38

12:21:21 39 Do you understand what that means? Now what was your
12:21:25 40 suspicion at least at that stage?---That if Cvetanovski was
12:21:34 41 at my house or at the - not the - - -
42

12:21:39 43 It appears to be that you were saying to her that it might
12:21:44 44 be relevant that Cvetanovski was at the lab just before the
12:21:46 45 police arrived. Is it the case that he was at the lab that
12:21:50 46 afternoon or not?---He was but he left. He wasn't caught
12:21:54 47 up in the - he wasn't caught up in it at all.

1
12:22:01 2 Did you have suspicions at least at that stage about his
12:22:05 3 role? It appears from that note that that might have been
12:22:07 4 the case from what Ms Gobbo is telling the police about
12:22:09 5 your conversation with her?---I can't recall what that was
12:22:14 6 about.
7
12:22:14 8 I understand?---I knew he'd be re-attending the lab and if
12:22:19 9 we were to proceed with what they were doing I'd have to -
12:22:24 10 I didn't know how it was going to work, that he would have
12:22:30 11 found out and then been able relay the information to other
12:22:33 12 people.
13
12:22:33 14 I see. The other thing Ms Gobbo told Victoria Police after
12:22:36 15 that 45 minute meeting with you is that you had told her
12:22:40 16 that you hadn't started cooking yet, and from my limited
12:22:44 17 knowledge of clandestine labs it appears from the video
12:22:50 18 footage that that's the case, there'd been no, no cooking
12:22:52 19 had started at the site yet; is that correct?---No, cooking
12:22:56 20 had started at the site, yes.
12:22:58 21
12:23:00 22 I follow. It had done, had it?---Yes, there was [REDACTED] litres
12:23:02 23 of meth oil that was produced that the police got. They
12:23:07 24 basically seized that product.
25
12:23:09 26 Would you have told her that you hadn't started cooking yet
12:23:13 27 in that 45 minutes, for whatever reason?---No, she might
12:23:18 28 have misunderstood me. It wasn't finished.
29
12:23:22 30 I see, there might have been a misunderstanding, all right.
12:23:24 31 Following that meeting Ms Gobbo departs and it appears
12:23:33 32 that, again unbeknownst to you, Flynn goes to an upper
12:23:37 33 floor of the police station and updates another police
12:23:40 34 officer called Biggin and another one called Connor as to
12:23:43 35 the progress of the investigation. And then at 6.35 pm
12:23:48 36 Gobbo sent a text message to one of the members of Victoria
12:23:53 37 Police that she was dealing with as a human source, telling
12:23:59 38 him that you had told her that there are two handguns in
12:24:04 39 the lab. Now, firstly, is that something you told
12:24:07 40 her?---Yes.
41
12:24:10 42 It might go without saying but I take it you told her that
12:24:14 43 not expecting her to pass that on to Victoria Police
12:24:18 44 immediately?---Yes.
45
12:24:23 46 Indeed, in the Posse charges there was a separate charge
12:24:28 47 that you pleaded guilty to for the possession of those two

12:24:31 1 handguns, that's right?---Correct, yes.

2
12:24:35 3 All right. Now that information was immediately conveyed
12:24:40 4 by that police officer to another police officer, O'Brien,
12:24:44 5 who we've spoken about, and you actually gave that
12:24:51 6 information to the police of your own volition in the
12:24:54 7 second record of interview that you had with them, you
12:24:57 8 agree?---Yes.

9
12:25:03 10 At 6.35 pm, so about the same time, one of Gobbo's
12:25:10 11 handlers, Smith again, arrives at the station and the
12:25:14 12 evidence suggests that Mr Flynn was likely to have given
12:25:22 13 this handler Smith an update on his arrival as to the
12:25:25 14 current circumstances at the station, and according to
12:25:30 15 Flynn, Flynn says that that particular police officer was
12:25:38 16 there to try and encourage [REDACTED]
12:25:41 17 you to start assisting the police. I don't know whether -
12:25:44 18 you've heard his pseudonym a few times and I assume you
12:25:47 19 weren't [REDACTED] on the evening, but do you have
12:25:50 20 any recollection of who I'm talking about, there being
12:25:53 21 another person who wasn't Flynn and wasn't O'Brien and
12:25:56 22 wasn't the female officer who was in the first record of
12:26:01 23 interview with you that was present that night?---Yes, I
12:26:02 24 think I know, yes.

25
12:26:04 26 All right. That individual who we call Smith, according to
12:26:07 27 O'Brien was present because of his knowledge of you. Now
12:26:12 28 that's someone you'd never met before that evening; is that
12:26:16 29 correct?---Yes.

30
12:26:17 31 But now you know that that was one of the people that Gobbo
12:26:20 32 was providing information directly to in the period before
12:26:25 33 your arrest, do you understand that?---Yes.

34
12:26:35 35 At 6.50 pm O'Brien, Flynn and that police member, Smith,
12:26:42 36 have a conversation with you. Now I think this might have
12:26:45 37 been what you were moving on to a little while ago. So
12:26:49 38 this is in the absence of Nicola Gobbo, so she's left at
12:26:53 39 this stage, and you do recall there being a conversation
12:26:56 40 between you and three police officers after she
12:27:00 41 left?---Yes.

42
12:27:04 43 It's been explained to the Commission that during that
12:27:09 44 discussion they explained to you the reasons why it was in
12:27:13 45 your best interests to start cooperating with the police.
12:27:17 46 Now does that accord with your recollection of that
12:27:20 47 meeting?---Yes.

1
12:27:22 2 Who was doing the talking during that meeting, who spoke to
12:27:26 3 you and what did they say?---It was mostly Jim O'Brien.
4
12:27:30 5 Yes?---Was talking to me about the gravity of the situation
12:27:34 6 and the fact that I'll be going away for a very long time,
12:27:40 7 the impact it's going to have on [REDACTED]. He didn't
12:27:44 8 raise the issues of [REDACTED] and such, that was done
12:27:47 9 earlier.
10
12:27:48 11 That was only done by Nicola Gobbo; is that right?---Yes,
12:27:50 12 yes.
13
12:27:51 14 All right. Keep going?---And, yeah, basically just told me
12:28:03 15 that this was it. It was - I had no other option
12:28:06 16 otherwise, you know, I'll have to face the full brunt of
12:28:10 17 it.
18
12:28:11 19 The full brunt of it appears to have been, in your
12:28:15 20 understanding at that stage, 30 years and Gobbo said 23 to
12:28:18 21 24 potentially on appeal?---Yes.
22
12:28:20 23 That's what you understood you were facing because of the
12:28:27 24 advice she'd given you?---Yes.
25
12:28:29 26 What Mr O'Brien has told the Commission in his statement is
12:28:31 27 that you were told in this meeting that the DPP's position
12:28:35 28 on sentence if you were to plead guilty and fully cooperate
12:28:38 29 with the police was that you would get eight years. Now he
12:28:41 30 says that's something that you were told. Does that accord
12:28:44 31 with your recollection?---Yes, exactly, yes. That's what
12:28:47 32 he said, yes.
33
12:28:48 34 And that indicated to you, I assume, that he'd already had
12:28:52 35 conversations with the DPP about your position?---Yes.
36
12:28:55 37 All right?---I interpreted that as that's what he could
12:29:06 38 get.
39
12:29:06 40 Yes, I see. That's what he could get if you were to fully
12:29:10 41 cooperate?---Yes.
42
12:29:11 43 Did he explain what full cooperation meant in this
12:29:14 44 meeting?---No.
45
12:29:16 46 You would have had a pretty good idea though, I
12:29:21 47 assume?---Yes, but not to what extent.

1
12:29:25 2 I take it that the extent that you ended up being required
12:29:29 3 or choosing or being required to assist had you have known
12:29:34 4 back then it would have come as a complete shock to you how
12:29:39 5 much was involved over the next few years; is that
12:29:42 6 right?---Absolutely, yes.
7
12:29:43 8 You spent a lot of time in the witness box and making
12:29:46 9 statements in the years that ensued; is that
12:29:50 10 correct?---Absolutely, yes.
11
12:29:51 12 All right. It seems that during that meeting O'Brien and
12:30:02 13 that police officer Smith left the meeting part way through
12:30:05 14 and you were left alone with Dale Flynn, do you have a
12:30:10 15 recollection of that?---Yes.
16
12:30:12 17 You've seen that a couple of days before Gobbo and Victoria
12:30:19 18 Police were trying to work out who would be the best
12:30:23 19 officer to put you into the position of rolling. You saw
12:30:27 20 that and Flynn's name was mentioned, I took you to that
12:30:31 21 earlier?---Yes.
22
12:30:33 23 During this conversation with Flynn it appears that you say
12:30:37 24 to Flynn you wanted to talk more to Nicola at that stage;
12:30:43 25 is that correct?---Correct, yes.
26
12:30:45 27 And then Flynn goes and makes a phone call to Nicola Gobbo.
12:30:52 28 I assume that's something that he said he would do on your
12:30:55 29 behalf?---Yes.
30
12:30:57 31 And he asked her to return, correct?---Correct, yes.
32
12:31:01 33 She did return and the records show that that was at
12:31:05 34 7.15 pm that evening and you understood the reason that she
12:31:10 35 was returning was to act as your lawyer, correct?---Yes.
36
12:31:15 37 And you understood she would be acting in your best
12:31:17 38 interests?---Yes.
39
12:31:20 40 And that she would be giving you advice that was for your
12:31:24 41 benefit and not for Victoria Police's benefit?---Yes.
42
12:31:29 43 During that second visit the evidence suggests that the
12:31:33 44 following took place, and I'm going to ask you if you have
12:31:39 45 recollections of these things. Upon arriving - this bit
12:31:42 46 you won't know about - but upon arriving and talking to you
12:31:46 47 she has a conversation with O'Brien who tells her what the

12:31:51 1 police offer is. Does she then come in and tell you what's
12:31:56 2 on the table?---Yes.
3
12:31:57 4 Does she talk to you about that DPP and the eight
12:32:02 5 years?---Yes.
6
12:32:04 7 It appears then from the records that she comes into the
12:32:09 8 room - this is the boardroom or this is the same room you
12:32:14 9 were in earlier?---The same room I was in earlier, back to
12:32:18 10 the interview room.
11
12:32:18 12 Okay. She has a meeting with you and again those three
12:32:22 13 gentleman are present, O'Brien, Flynn and Peter Smith, you
12:32:26 14 recall that?---No, that would have been still in the
12:32:30 15 boardroom, I'm sorry, I'm mistaken.
16
12:32:33 17 That's okay. So at this stage we're still in the
12:32:37 18 boardroom?---Yes.
19
12:32:37 20 With Gobbo and those three gentlemen and you?---Yes.
21
12:32:40 22 Now, it appears from the documents available to the
12:32:45 23 Commission that each of the participants in that
12:32:48 24 conversation were presenting a false picture to you about
12:32:55 25 what Ms Gobbo's relationship with Victoria Police actually
12:32:59 26 was and which of those members she actually already had a
12:33:03 27 relationship with. Can you comment firstly, do you
12:33:10 28 remember her dealings with each of those individuals or has
12:33:16 29 it faded with the passing of time? I'm asking about just
12:33:21 30 aspects of the relationship, how she was dealing with them.
12:33:24 31 Was she friendly with them? Did she seem to recognise
12:33:27 32 them? Were they on a first name basis?---No, she acted
12:33:32 33 pretty professional, like they were just police and she
12:33:35 34 was - there was no, there was no indication to me that
12:33:41 35 there was a friendship that was just - she was just acting
12:33:45 36 on my behalf.
37
12:33:48 38 From evidence that's been given by Mr Flynn it appears that
12:33:54 39 that handler, Smith, was presented falsely to you as
12:34:02 40 someone who was a stranger to Ms Gobbo. Do you remember -
12:34:08 41 - - ?---Yes.
42
12:34:09 43 - - - Smith and Gobbo appearing to know each other?---No,
12:34:12 44 to me it appeared that they didn't know each other.
45
12:34:15 46 Okay. Gobbo was presenting to you that she wasn't familiar
12:34:21 47 with the police officers in the room?---Yes.

1
12:34:26 2 The other two that is?---Yes.
3
12:34:30 4 On the other hand the evidence suggests that you, not
12:34:36 5 knowing about this role that Gobbo and Victoria Police were
12:34:39 6 playing with each other, were pretending, in order to
12:34:45 7 protect Gobbo, that Gobbo didn't know anything about your
12:34:51 8 alleged offending conduct and you were trying to protect
12:34:54 9 her in that regard when in fact she did know a fair bit
12:34:57 10 about your conduct, is that fair to say?---Yes.
11
12:35:00 12 Can you explain a little bit about that? Did you actively
12:35:05 13 try and protect Nicola Gobbo in these dealings on this
12:35:09 14 evening?---Yes.
15
12:35:11 16 And what was your reason for doing so?---She was my
12:35:18 17 barrister and I felt that if it came to their knowledge
12:35:22 18 that she knew where I was or I'd been away or whatnot, that
12:35:29 19 she'd be aiding and abetting, so I just didn't want my
12:35:33 20 barrister to be implicated in any criminal conduct.
21
12:35:44 22 Following that meeting with the five of you the records
12:35:47 23 indicated, and Mr Flynn has said this in his evidence
12:35:50 24 before the Commission, that there was a meeting just
12:35:52 25 between Gobbo, you and Flynn. Now is that the meeting that
12:35:55 26 goes back into the interview room?---Yes.
27
12:35:58 28 Okay. Flynn says that that meeting was of a significant
12:36:01 29 duration, it's not entirely clear how long it went for. Do
12:36:06 30 you have any recollection or can you estimate how long it
12:36:08 31 went for?---Look, it was - it seemed forever.
32
12:36:14 33 According to Mr Flynn, during that interview Gobbo provided
12:36:21 34 advice to you that it was in your interests to assist the
12:36:27 35 police at that stage. Now is that something she - was that
12:36:32 36 something she was explaining to you?---Yes.
37
12:36:34 38 And did you understand that to be advice from her?---Yes.
39
12:36:39 40 Did you understand that advice to be independent
12:36:44 41 advice?---Yes.
42
12:36:48 43 In evidence before the Commission Flynn agreed that in fact
12:36:53 44 Gobbo was, unbeknownst to you, acting as a police agent by
12:36:57 45 assisting you - by assisting Flynn that is in convincing
12:37:04 46 you to roll and assist the police. Now you would agree
12:37:07 47 with what you now know with Mr Flynn in that regard?---Yes,

12:37:12 1 absolutely.
2
12:37:14 3 And one of the methods that was used by Ms Gobbo in this
12:37:18 4 later meeting was Ms Gobbo saying to you that you needed to
12:37:23 5 think [REDACTED]. Is that something she
12:37:27 6 said?---Absolutely, yes.
7
12:37:30 8 Later that night after this meeting Gobbo speaks to
12:37:34 9 Victoria Police handlers and says that you needed a bit of
12:37:39 10 a push to roll over, which suggests that in fact she was
12:37:47 11 giving you a bit of a push. Do you understand that that's
12:37:50 12 something she was doing, is that your recollection?---Well,
12:37:53 13 knowing what I know now, yes, absolutely.
14
12:37:56 15 Was there - so a bit of a push might be taken two ways. It
12:38:02 16 might be a purposeful understatement. Was it a bit of a
12:38:08 17 push? Was there a lot of pressure exerted? What's your
12:38:13 18 recollection of it?---My recollection is if I hadn't have
12:38:18 19 called her I wouldn't have done what I did that night, that
12:38:22 20 day. That to me is a given.
21
12:38:25 22 I take it that means that you wouldn't have assisted and
12:38:31 23 wouldn't be in the position in which you find yourself
12:38:34 24 now?---Well, saying that, yes.
25
12:38:36 26 And it was following that meeting that you said to both
12:38:39 27 Ms Gobbo and Victoria Police that you were going to plead
12:38:42 28 guilty and you were going to give the police assistance, do
12:38:45 29 you accept that?---Yes.
30
12:38:47 31 All right. I'm going to play a couple more audio clips.
12:38:51 32 These ones are thankfully a lot shorter. The first is from
12:38:56 33 the next day, being 23 April 2006, and this is Nicola Gobbo
12:39:03 34 talking to two Victoria Police members, Sandy White and
12:39:06 35 Peter Smith.
36
12:39:08 37 COMMISSIONER: Just before you do that, could I ask you,
12:39:10 38 Mr Cooper, you said that you were conscious of wanting
12:39:17 39 protect Nicola Gobbo from any pre knowledge about your
12:39:20 40 offending, you didn't want her implicated as an aider and
12:39:25 41 abettor?---Yes.
42
12:39:25 43 Looking back, is there anything that she said or did in her
12:39:30 44 conduct or in the relationship with you that you think may
12:39:36 45 have implicated her as an aider and abettor?---Well she
12:39:40 46 knew about me going away for those couple of days so, and
12:39:46 47 she knew what I was doing. So would that incriminate her?

12:39:52 1 I don't know.
2
12:39:53 3 Did she ever encourage you in any way in what you were
12:39:57 4 doing?---Look, I have to say yes because she would talk
12:40:06 5 about her financial needs, her tax bills and, yeah, she
12:40:12 6 often - yeah, she aided me in many ways by [REDACTED]
12:40:20 7 [REDACTED] when I went away. Yeah, when I look back now
12:40:23 8 there were times, yes.
9
12:40:27 10 So she'd talk about her tax bills. What, in the sense that
12:40:32 11 she was wanting you to obtain money to help her with
12:40:36 12 them?---Yes.
13
12:40:37 14 And what, knowing that the only way that you could obtain
12:40:40 15 that sort of money was to cook
12:40:45 16 methamphetamine?---Certainly, and, yeah, use the money, the
12:40:47 17 proceeds of crime to help, to assist her with the finances,
12:40:53 18 yes.
19
12:40:53 20 Yes, all right. Yes Mr Woods.
12:40:55 21
12:40:56 22 MR WOODS: Something arising out of that. Is it the case
12:40:58 23 that she never said to you as these conversations got more
12:41:03 24 and more direct leading up to that arrest in April 2006,
12:41:10 25 she never said to you, "You shouldn't be doing those
12:41:14 26 things, you need to stop"?---Never.
27
12:41:20 28 Just before we get to this clip. It might be said that
12:41:24 29 someone in the position that you found yourself in on 22
12:41:29 30 April might well have, whether or not this relationship
12:41:35 31 between Nicola Gobbo and Victoria Police was in the
12:41:37 32 background, might well have tried to seek a benefit by
12:41:41 33 assisting police anyway, you understand what I'm
12:41:45 34 saying?---Sorry, say that again please?
35
12:41:49 36 All I'm saying is that upon your arrest, we now know that
12:41:54 37 there was this plan by Victoria Police and Nicola Gobbo to
12:41:57 38 put this pressure on you that evening to put you in a
12:42:00 39 position where you were going to roll, so you've heard that
12:42:03 40 evidence?---Yes, yes.
41
12:42:06 42 What I'm saying is in the hypothetical of, let's say you
12:42:09 43 had a barrister who wasn't an agent of Victoria Police or
12:42:13 44 purportedly or potentially an agent of Victoria Police
12:42:18 45 providing legal advice to you, I'm asking you what you say
12:42:25 46 about the proposition that you might well have ended up
12:42:28 47 assisting anyway?---Yes.

1
12:42:31 2 That might be said. I mean we don't know the answer to
12:42:34 3 that I suggest, but that was one of the potentials that
12:42:37 4 would have happened had you had a "real lawyer", you agree
12:42:42 5 with that?---Yes.
6
12:42:43 7 Would you have liked a bit more time and a bit less
12:42:47 8 pressure to think about that than you had on 22 April?---In
12:42:51 9 hindsight, yes.
10
12:42:53 11 This clip is from 23 April 2006 and that can be played.
12:43:03 12
12:44:11 13 (Audio recording played to hearing.)
12:44:11 14
12:44:12 15 I think what's happened is there's a video, a picture
12:44:17 16 of one clip and the sound of another. While that's being
12:44:23 17 attended to what I'll do is I'll explain to you what we
12:44:25 18 know from the first bit of transcript, which is what she
12:44:28 19 says the day after. There's lots of gaps in this and
12:44:31 20 you've heard the quality of the audio?---Yes.
21
12:44:34 22 Sorry, it's okay to go now. It should begin with "what
12:44:40 23 broke me up yesterday" so we'll play that now.
12:44:45 24
12:45:32 25 (Audio recording played to hearing.)
12:45:32 26
12:45:32 27 I just want to ask you a couple of things about that.
12:45:35 28 Obviously you're not a party to this conversation but what
12:45:39 29 she says to them is that - so you've talked about that
12:45:43 30 first meeting on the evening where she comes into the room
12:45:46 31 and she's shaking her head and she's crying, she's saying
12:45:50 32 she can't help you, she's talking about your family and all
12:45:53 33 of those sorts of things. Now that's a meeting just
12:45:56 34 between you and her, you would agree with that?---Yes.
35
12:45:59 36 What she says to Victoria Police the next day is that
12:46:03 37 during the next meeting, which is O'Brien and Dale and I
12:46:09 38 assume Smith, that in front of them you were in tears and
12:46:13 39 grabbed her hand and said, you didn't think you could do
12:46:17 40 it, "Like you didn't want to put her in any danger". I can
12:46:24 41 imagine it was a high stress environment. Is that what
12:46:26 42 occurred during the meeting with Flynn and O'Brien and
12:46:29 43 Gobbo?---It's possible, yep.
44
12:46:32 45 And she describes the situation as really, really hard.
12:46:38 46 You see that?---Yep.
47

12:46:40 1 And then Smith says, "The situation is now three thousand
12:46:45 2 times better than it was yesterday". I take it you'd agree
12:46:48 3 it wasn't three thousand times better for you given what
12:46:52 4 you know now?---No.
5

12:46:54 6 You see that Gobbo there says that you needed a bit of a
12:46:56 7 push?---Yep.
8

12:46:58 9 And you accept her description as something that she
12:47:05 10 conducted, i.e. she gave you a bit of a push?---Yes.
11

12:47:10 12 There's another clip that was, I think the audio we were
12:47:14 13 playing before, this is 9 June 2006. Again, she's talking
12:47:19 14 about that same evening. I'd like that to be played now.
12:47:25 15

12:48:26 16 (Audio recording played to hearing.)
12:48:26 17

12:48:26 18 Just a couple of bits about that. Is it correct that
12:48:30 19 the words she attributed to you might have been words that
12:48:34 20 you said on that evening to her?---Yes, that's possible.
21

12:48:40 22 And it's correct also to say that when they're talking
12:48:47 23 about no one ever finding out about her role on that
12:48:50 24 evening, certainly her role on that evening didn't come out
12:48:55 25 in any of the hearings that you were involved in in which
12:48:58 26 you gave evidence against other people, you agree with
12:49:01 27 that?---I think it might have.
28

12:49:03 29 Yes. This is a matter in 2011?---Yes.
30

12:49:09 31 And that's the Cvetanovski, one of the aborted trials in
12:49:15 32 Cvetanovski; is that right?---Yes.
33

12:49:16 34 Any other time that you're aware that her role came
12:49:21 35 out?---I think it might have happened at another time but I
12:49:24 36 can't be certain, it's a long time ago.
37

12:49:26 38 No, I understand. Following the meeting that she had or
12:49:34 39 the various meetings that Gobbo has with you, the police,
12:49:41 40 and then later on these members of police who are her human
12:49:44 41 source handlers, Gobbo is - well, before that meeting she's
12:49:51 42 escorted from the building to have this meeting with these
12:49:54 43 other handlers. You have that meeting with Flynn and Rowe.
12:49:58 44 You tell them that you're going to assist. There was just
12:50:05 45 an element of that transcript there a moment ago. Where
12:50:10 46 she attributes the words to you "██████████" and I'm not
12:50:14 47 going to do this until you tell me it's - I should do

12:50:18 1 this". Is it correct that you said to her that you
12:50:21 2 wouldn't roll unless she told you to?---Yes.
3
12:50:25 4 She did tell you to?---Yes, she was absolutely sure this is
12:50:30 5 what we should be doing.
6
12:50:32 7 Yes, I understand. And you relied on that advice?---Yes, I
12:50:35 8 did.
9
12:50:38 10 In the days that followed, as part of the agreement that
12:50:45 11 you'd made with Victoria Police with Nicola Gobbo's
12:50:50 12 purported assistance, [REDACTED]
12:50:54 13 [REDACTED]
12:51:00 14 implicated a number of other individuals; is that
12:51:04 15 right?---Yes.
16
12:51:10 17 There's police records that show that during that time
12:51:13 18 there are updates being given from O'Brien back to Nicola
12:51:18 19 Gobbo's handlers that you were being cooperative with them
12:51:23 20 and had made admissions and that was the situation in those
12:51:26 21 days following?---Yes.
22
12:51:28 23 I can only imagine they would have been pretty frightening
12:51:34 24 situations you were in in those days after your
12:51:38 25 arrest?---You can't imagine.
26
12:51:44 27 There's the meeting that occurs between Gobbo and her
12:51:47 28 handlers that evening of your arrest, so this is after she
12:51:53 29 leaves and you don't see her again that evening. She
12:51:56 30 says - firstly, there's the reference to the push which
12:52:00 31 I've already taken you to. She says that she has done the
12:52:05 32 best thing for you in the situation. Well, the handlers
12:52:13 33 suggest that to her and she agrees that she's done the best
12:52:17 34 thing for you and you heard words to that effect on the
12:52:20 35 recording a moment ago, you agree with that?---Yes.
36
12:52:25 37 There's plans that are happening in the background,
12:52:29 38 presumably with your involvement, about the [REDACTED]
12:52:34 39 [REDACTED]
12:52:38 40 evidence against other individuals. Those conversations
12:52:41 41 occurred immediately after you agreeing to assist the
12:52:44 42 police?---Yes.
43
12:52:56 44 Gobbo told - they waited past midnight to hear from the
12:52:59 45 investigators whether she was involved, whether she was
12:53:05 46 required, I should say, to go back to a further meeting
12:53:09 47 with you and/or the investigators. You didn't ask to see

12:53:13 1 her again that evening?---I don't think so.
2

12:53:18 3 During that evening she spoke to these police members who
12:53:21 4 were her handlers to say she'd like to speak to you again
12:53:25 5 soon and that she, because of the situation she's in, I
12:53:31 6 take it, she can't even ring and tell your solicitor, the
12:53:36 7 solicitor who's briefing her, Tony Hargreaves, that he's
12:53:39 8 been arrested and you would understand her reluctance to
12:53:42 9 tell Hargreaves that given the role she was playing with
12:53:46 10 Victoria Police, you agree?---Yes.
11

12:53:50 12 At 1.24 am that evening Gobbo is advised by O'Brien that
12:53:57 13 she's not required further that evening. Did they let you
12:54:02 14 get some rest after that?---Yes.
15

12:54:06 16 And the next morning Gobbo asks the police why no one is
12:54:10 17 saying thank you to her about the Cooper arrest and correct
12:54:16 18 prediction that he would roll. That's obviously - I take
12:54:21 19 it that's something you haven't heard before?---No.
20

12:54:29 21 There's another clip I'm going to ask to be played which is
12:54:33 22 clip 44. If that could be played now. This is 22 April,
12:54:39 23 so this is that meeting on that evening of your arrest.
12:54:46 24

12:56:03 25 (Audio recording played to hearing.)
12:56:03 26

12:56:04 27 She tells the police that evening that you're going to
12:56:07 28 appreciate what she's done for you in time. What's your
12:56:12 29 position as you sit here now in 2019, do you appreciate
12:56:19 30 what she did for you on that evening?---Absolutely not.
31

12:56:23 32 She says that she's look after your interests. From what
12:56:28 33 you now know do you understand that that's what she was
12:56:30 34 doing in the months leading up to and on 22 April
12:56:36 35 2006?---Absolutely.
36

12:56:39 37 Do you agree with what she says about looking after your
12:56:43 38 interests to the exclusion of others, including herself?
12:56:46 39 Is that something you would agree with or disagree
12:56:48 40 with?---Disagree with.
41

12:56:56 42 Why is that?---Who does that to a friend? Who would set me
12:57:01 43 up like this? Who would not tell me to not re-offend,
12:57:07 44 "You've done too much. Stop doing what you're doing". You
12:57:10 45 know. Is this what a friend does? I don't understand it.
46

12:57:15 47 The focus there is on your friendship with her. What about

12:57:20 1 - can you reflect on her position as your legal
12:57:23 2 advisor?---Well, that's just another - that's just - that's
12:57:28 3 something for you guys to answer. That's just out of my
12:57:31 4 league. That's just crazy, you know. You know, how does a
12:57:34 5 barrister, how does a barrister inform on their client?
12:57:37 6 You know, how does that even happen? You know, it's so
12:57:41 7 unjust. I can't understand it, you know.
8
12:57:46 9 Taking stock of those events - - - ?---I honestly believe I
12:57:55 10 was set up, you know. She could have talked me out of the
12:58:00 11 last lab, you know. So much could have happened but it was
12:58:06 12 almost like I was pushed into it and there's the
12:58:11 13 consequences, yeah. And, you know, after all this, you
12:58:15 14 know, this is a Royal Commission into police informers and
12:58:22 15 how do you treat these informers? I don't understand it.
12:58:26 16 I just don't understand it.
17
12:58:31 18 In that hypothetical scenario of you going into Nicola
12:58:36 19 Gobbo's chambers facing only the Landslip and Matchless
12:58:41 20 charges?---Yes.
21
12:58:43 22 And given your close personal and professional relationship
12:58:48 23 with Nicola Gobbo, if she told you to keep your nose clean,
12:58:53 24 stay away from the Mokbels and stop cooking, what would you
12:58:57 25 have done?---That's a hard one.
26
12:59:07 27 If you can't answer it, that's okay, it's very difficult to
12:59:10 28 - - - ?---I can't answer that in hindsight. I can't answer
12:59:13 29 that.
30
12:59:13 31 I understand. Reflecting on those events, what influence
12:59:20 32 did Nicola Gobbo have on your decision, firstly, to plead
12:59:26 33 guilty?---To the first two or the whole lot?
34
12:59:35 35 I'm concentrating here on the Posse charges, just the last
12:59:39 36 one?---Yep. No, she was significant. I wouldn't have done
12:59:47 37 it on the night. I gave a no comment interview and we
12:59:51 38 would have tied it up there. Had she not come in and the
12:59:55 39 rest of it wouldn't have happened. The night would not
12:59:59 40 have transpired like that.
41
13:00:01 42 What about in relation to Landslip and Matchless, which
13:00:06 43 you'd already agreed to put a plea into before that
13:00:09 44 night?---I would have put a plea in for all of it because
13:00:12 45 it was overwhelming. The evidence was there. I was caught
13:00:15 46 in the labs. At the end of the day it is what it is. I
13:00:20 47 would have put a plea in for all of it.

1
13:00:22 2 And was there any influence or were you reliant on Nicola
13:00:27 3 Gobbo to any degree about that plea or is it something you
13:00:30 4 would have done despite what she'd told you, in relation to
13:00:34 5 all of the charges?---I would have just put in a plea for
13:00:40 6 all of it.
7
13:00:41 8 Did she ever spend any time with you working out whether or
13:00:48 9 not you had any defence to any of the charges that you were
13:00:51 10 facing?---No, every time I got caught it was overwhelming,
13:00:58 11 the evidence was overwhelming. It was a non-event. I mean
13:01:01 12 to try to run a trial would be ludicrous.
13
13:01:05 14 That's the pleas that you put in. What about the decision
13:01:08 15 to become a prosecution witness once the Posse charges had
13:01:14 16 been made against you? What influence in your view did
13:01:18 17 Nicola Gobbo have in relation to your decision to become a
13:01:21 18 prosecution witness?---One hundred per cent.
13:01:22 19
13:01:22 20 COMMISSIONER: Just before you go on to that, can I take
13:01:25 21 you back to the pleas, the plea you would have made to the
13:01:28 22 Posse charge. Now, had you known that Nicola Gobbo was
13:01:32 23 your - had informed to police about what had happened when
13:01:37 24 she was your lawyer, would that have made any difference to
13:01:42 25 the plea you entered of guilty to the Posse charge?---Yes,
13:01:47 26 yep. I would have been irate about that, that not only
13:01:52 27 that she'd helped set me up and I would have done
13:01:55 28 everything in my power to have that reversed or have a
13:01:58 29 mistrial or whatever the case may be.
30
13:02:00 31 Thank you. Sorry, I just wanted to get that in order,
13:02:05 32 Mr Woods.
13:02:05 33
13:02:05 34 MR WOODS: That's saved me some time, Commissioner, I was
13:02:09 35 coming to that later on. I'm grateful.
13:02:13 36
13:02:13 37 We were talking about your decision to plead and I was
13:02:19 38 then asking you about what influence in your view Ms Gobbo
13:02:22 39 had in relation to your decision to become a prosecution
13:02:25 40 witness?---Well you see by the transcripts, pretty much
13:02:33 41 everything. By her presence that's what turned me around.
42
13:02:40 43 You can see though that from the records there was pressure
13:02:44 44 being exerted on you from members of Victoria Police on
13:02:47 45 that evening, as well separately to Ms Gobbo, and indeed it
13:02:52 46 was those members who raised the possibility of assisting,
13:02:57 47 despite what Ms Gobbo had said about a deal earlier on

13:03:01 1 which was a bit unclear to you, they're the ones who
13:03:04 2 specifically raised the possibility of assisting police
13:03:07 3 first; is that right?---Yes.
4

13:03:09 5 And what influence - I'm sure it's difficult to dissect
13:03:14 6 these things because there were numerous people saying
13:03:18 7 numerous things to you on the evening, but what influence
13:03:21 8 did Victoria Police members have in relation to your
13:03:23 9 decision, firstly, to plead guilty and, secondly, to roll
13:03:28 10 and become a prosecution witness?---It wouldn't have been
13:03:33 11 something I done. I didn't do it the first two times. I
13:03:36 12 wouldn't have done the third time unless I was given that
13:03:40 13 advice by my barrister.
14

13:03:43 15 So Victoria Police alone in your view wouldn't have got you
13:03:47 16 there?---No.
17

13:03:48 18 Were you told at any time by Victoria Police members or
13:03:52 19 Nicola Gobbo that you had options for other legal
13:03:56 20 representation?---No.
21

13:04:00 22 So there was that caution - sorry, go ahead?---It didn't
13:04:04 23 occur to me. She was my barrister and I trusted her
13:04:07 24 wholeheartedly.
25

13:04:08 26 And no one ever told you not to use her?---No.
27

13:04:16 28 Were you given any indication by Victoria Police or Nicola
13:04:22 29 Gobbo as to what to tell your solicitor Tony Hargreaves
13:04:30 30 about the evening of your arrest?---I don't even think he
13:04:34 31 knew about the arrest until all the other matters were
13:04:38 32 dealt with first.
33

13:04:39 34 What about your role - Nicola Gobbo's role and Nicola
13:04:42 35 Gobbo's attendance, were you ever told not to tell anyone,
13:04:46 36 including the solicitors, about that?---I was told not to
13:04:50 37 tell anybody but not any other solicitors or anything like
13:04:53 38 that.
39

13:04:53 40 So simply don't tell anyone?---Just don't tell anybody,
13:04:56 41 yeah.
42

13:05:08 43 We've just touched on - I don't want to go into too much
13:05:10 44 detail because the records speak for themselves - about the
13:05:13 45 assistance that you then went on to give the police and the
13:05:16 46 police, and the information available to the Commission
13:05:20 47 shows that it was a very significant breakthrough getting

13:05:23 1 you to roll and I'm sure given the amount of - the number
13:05:28 2 of statements you eventually gave and the amount of times
13:05:31 3 you were called in trials, et cetera, you would understand
13:05:34 4 that it must have been a pretty significant breakthrough
13:05:37 5 for them, you agree?---Yes, absolutely.
6
13:05:42 7 The individuals included Milad Mokbel, **Mr Bickley** Horty
13:05:53 8 Mokbel, Mr Cvetanovski who we mentioned earlier, they were
13:05:55 9 some of the individuals?---Yes.
10
13:05:56 11 Some of those arrests occurred very shortly after your
13:05:59 12 arrest, after you'd had conversations with them [REDACTED]
13:06:03 13 [REDACTED]?---Yes.
14
13:06:14 15 Mr Flynn's evidence before the Commission was that one of
13:06:18 16 the ways Nicola Gobbo assisted the police was to
13:06:22 17 communicate with you in order to give you a sense of
13:06:28 18 comfort and reassurance so that you'd be encouraged to
13:06:33 19 continue to cooperate with the police after 22 April. Does
13:06:37 20 that accord with your recollection?---Absolutely, yes.
21
13:06:41 22 And are we talking here about just those [REDACTED]
13:06:45 23 after your arrest where you're [REDACTED]
13:06:48 24 [REDACTED] or are we talking right into the future where
13:06:53 25 you were giving evidence well into 2011 and onwards I
13:06:57 26 think?---It was basically while the statements were being
13:07:04 27 made.
28
13:07:05 29 Yes?---And she would come to the prison to see me and keep
13:07:08 30 telling me to stay the course up to 2007.
31
13:07:19 32 You understand that in fact she appeared on your behalf in
13:07:23 33 relation to the Posse charges in a filing hearing a couple
13:07:29 34 of days after your arrest?---I wasn't aware of that.
35
13:07:31 36 All right. You're aware that she - so that was on 26
13:07:35 37 April. On 28 April 2006 she appeared on your behalf at a
13:07:40 38 mention in the Matchless and Landslip cases, were you aware
13:07:45 39 of that?---Possibly but I can't recall right now.
40
13:07:48 41 It doesn't surprise you to know that she continued to
13:07:51 42 actually attend court on your behalf in relation to the
13:07:54 43 three sets of charges that were against you?---Well, if
13:07:57 44 that was what she needed to do to keep me on side, then
13:08:02 45 yes, I believe so.
46
13:08:03 47 Okay. On 30 April she conducts a professional visit to you

13:08:08 1 in custody. Do you remember her visiting you in custody
13:08:13 2 shortly after?---Yes.
3
13:08:17 4 About a week after the arrest?---Yes.
5
13:08:19 6 Was that the first time you saw her since 22 April?---I
13:08:21 7 think so.
8
13:08:22 9 Can you describe - - - ?---Oh - - -
10
13:08:24 11 Sorry, go ahead?---No, did I - I meant there was a meeting
13:08:30 12 back at St Kilda Road where they brought me from custody to
13:08:38 13 see her.
14
13:08:41 15 That was after these [REDACTED] where you were
13:08:45 16 [REDACTED]?---Yes.
17
13:08:48 18 And you were taken out of custody and brought to St Kilda
13:08:52 19 Road for that purpose?---Yes.
20
13:08:54 21 Was that a one-on-one discussion?---Yes.
22
13:08:59 23 Can you remember what occurred during that discussion, at
13:09:01 24 least in general terms?---They were just telling me to stay
13:09:04 25 the course and that I'd done the right thing and that,
13:09:10 26 yeah, "Just keep on assisting as best you can. You've done
13:09:16 27 everything right so far". Basically that's what it was
13:09:19 28 about.
29
13:09:19 30 The records the Commission has obtained show that between
13:09:24 31 May 2006 and February 2007, which is when you were
13:09:27 32 ultimately sentenced for the three lots of charges, there
13:09:30 33 were at least 14 professional visits by Ms Gobbo to you
13:09:35 34 while you were in custody. She visited you fairly
13:09:39 35 regularly during that period; is that right?---Yes.
36
13:09:42 37 Does that 14 visits sound about right or more or
13:09:45 38 less?---Sounds about right, yes.
13:09:47 39
13:09:47 40 And in fact during that period she maintained frequent
13:09:50 41 contact with you by telephone?---Yes.
42
13:09:55 43 Was the nature of that personal, professional or
13:09:59 44 both?---Both.
45
13:10:03 46 The professional aspect of it, can you remember what the
13:10:05 47 conversations - I'm asking in a general sense - were about

13:10:10 1 while you were in custody, the phone conversations?---The
13:10:14 2 phone conversations were talking about the fall out from
13:10:19 3 what I'd done, arrests that were made, what was happening
13:10:28 4 in general.
5

13:10:29 6 So she was keeping you updated about the fall-out from all
13:10:32 7 that?---Updating me with all what was going on in the
13:10:36 8 outside world, yes.
9

13:10:40 10 The evidence the Commission's got demonstrates too that
13:10:43 11 after some of these professional visits face-to-face and
13:10:48 12 also phone calls, that she was then immediately reporting
13:10:54 13 the conversation she'd had with you back to the police even
13:11:01 14 at that stage, to her human source handlers at Victoria
13:11:03 15 Police. Is that something you've learnt since or is it
13:11:07 16 something you've only learnt today?---I'm learning this
13:11:10 17 today.
18

13:11:13 19 There were I think at least 40 statements that you went on
13:11:17 20 to make. I'm not going to - you'll be pleased to know -
13:11:22 21 take you through the contents of any of them. But there
13:11:24 22 was a very involved process that took place after your
13:11:30 23 arrest and you'd agree that there are in the order of 40
13:11:36 24 statements that you made at the end of the day?---Yes.
25

13:11:38 26 And in your plea hearing at that stage there were a handful
13:11:43 27 of statements that had been made and your counsel
13:11:47 28 indicated, as did the prosecutor Mr Horgan, that you would
13:11:54 29 be providing further assistance and that some of these were
13:11:57 30 really high level statements but you were undertaking to
13:12:01 31 continue to assist the police as part of this sentencing
13:12:04 32 deal, do you agree with that?---Yes.
33

13:12:11 34 There were four statements in the days 24 to 25 April 2006,
13:12:19 35 does that sound about right?---Yes.
36

13:12:23 37 Those immediate statements just essentially set out the
13:12:27 38 [REDACTED] in
13:12:31 39 [REDACTED] after your arrest?---Yes.
40

13:12:35 41 And in them you implicate about seven other people in
13:12:39 42 criminal offending, does that sound right?---Yes.
43

13:12:43 44 From that date onwards, May 2006, as I say, there was a
13:12:49 45 pretty involved process and you would have seen police
13:12:53 46 officers fairly regularly for the purposes of getting your
13:12:55 47 statements together, you agree?---Yes.

1
13:12:59 2 There were 29 statements made by the date of your plea in
13:13:04 3 February 2007, you think that's about right?---Yes.
4
13:13:10 5 The undertaking that you gave to the court on that occasion
13:13:15 6 was that you'd continue to make statements and you did
13:13:18 7 so?---Yes.
8
13:13:20 9 And you don't - I think you might have already said you
13:13:24 10 accept there would have been in the range of 40 statements
13:13:27 11 ultimately?---Yes.
12
13:13:29 13 All right. Did you have any knowledge of Nicola Gobbo's
13:13:39 14 role in assisting putting those statements together?---No,
13:13:50 15 no. I dare say she perused through them, read them in my
13:13:54 16 presence when the initial 29 were being made, but basically
13:13:58 17 the crux of every statement was from me.
18
13:14:02 19 Okay. Did you have conversations with her about what the
13:14:10 20 statements might include or was that something you were
13:14:12 21 only dealing with Victoria Police about, just doing the
13:14:14 22 best you can from your recollection?---There would have
13:14:20 23 been conversations with both.
24
13:14:21 25 On 8 May you were taken from the prison system to a [REDACTED]
13:14:28 26 location and the purpose of that was to really focus on
13:14:31 27 this statement making process, do you recall that
13:14:34 28 happening?---Yes.
29
13:14:35 30 And that was Mr Flynn at least, and I assume some other
13:14:40 31 officers who took you?---Yes.
32
13:14:43 33 Was Ms Gobbo present during that occasion?---She came and
13:14:48 34 went.
35
13:14:52 36 That was over a period of days?---Yes.
37
13:14:56 38 The records, these ICRs suggest, and they really speak for
13:15:02 39 themselves, but on a number of occasions she's reporting
13:15:05 40 back to the handlers at Victoria Police what contact she
13:15:12 41 was having with you in relation to the statements in May
13:15:17 42 2006, so that seems to accord with your recollection of
13:15:23 43 contact with her?---Yes.
44
13:15:24 45 Is that a convenient time, Commissioner?
46
13:15:27 47 COMMISSIONER: Yes, sure. All right then, we'll adjourn

13:15:30 1 until 2 o'clock.
13:15:32 2
13:15:33 3 <(THE WITNESS WITHDREW)

13:15:33 4 LUNCHEON ADJOURNMENT
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13:55:49 1 UPON RESUMING AT 2.08 PM:
2
14:08:23 3 COMMISSIONER: Yes Mr Cooper, can you hear me?---Yes, I
14:08:27 4 can.
14:08:27 5
14:08:27 6
14:08:29 7 <MR COOPER, recalled:
14:08:31 8
14:08:31 9 MR WOODS: Mr Cooper, just before that lunch break I was
14:08:34 10 asking you some questions about the statements that you
14:08:37 11 came to make against a number of individuals. Do you
14:08:40 12 remember that?---Yes.
14:08:41 13
14:08:44 14 I also asked about your removal in May 2006 from the prison
14:08:50 15 where you were at the time and your being taken to a [REDACTED]
14:08:55 16 location and Ms Gobbo attending on a number of occasions
14:08:58 17 during that?---Yes.
14:08:59 18
14:08:59 19 Were you discussing with Ms Gobbo any of the facts and the
14:09:06 20 correctness of the facts that you were writing about in
14:09:10 21 those statements? Do you understand what I'm asking by
14:09:14 22 that question?---Yes.
14:09:15 23
14:09:15 24 Was she assisting you with factually what occurred or was
14:09:19 25 she assisting you with language or was she assisting you
14:09:22 26 with advice about which statements to make? What was the
14:09:25 27 nature of her assistance during that time?---I think I was
14:09:32 28 bouncing off her asking her what was relevant and what
14:09:37 29 wasn't relevant.
14:09:38 30
14:09:38 31 I see. Was she reminding you of factual matters that you
14:09:44 32 weren't recalling correctly or she thought you might not
14:09:47 33 have been recalling correctly?---No. No, not - everything
14:09:56 34 that I wrote, it was things that happened to me but I would
14:10:01 35 have basically, yeah, I just didn't want to over emphasise
14:10:09 36 on every statement and put things in that weren't
14:10:13 37 necessary.
14:10:13 38
14:10:13 39 It was advice about what was needed in the statements and
14:10:16 40 what wasn't?---Yes.
14:10:17 41
14:10:21 42 Did you leave things out of your statements that might not
14:10:23 43 reflect well on Ms Gobbo?---Yes.
14:10:29 44
14:10:30 45 Was that something that you decided to do, that Victoria
14:10:34 46 Police told you to do, or Ms Gobbo told you to
14:10:37 47 do?---Something I decided to do.

14:10:39 1
14:10:39 2 So you were actively wanting to keep Ms Gobbo's name,
14:10:44 3 association with you out of these witness
14:10:48 4 statements?---Yes.
14:10:49 5
14:10:51 6 I asked you whether anyone wanted you to do it. Did anyone
14:10:57 7 ever ask you to keep her name out of the statements or her
14:10:59 8 involvement out of the statements?---No.
14:11:03 9
14:11:04 10 14 May 2006 you were taken again from the prison, it seems,
14:11:12 11 and brought to the police centre in Flinders Street. Do
14:11:16 12 you have a recollection of that?---That was the time I
14:11:20 13 spoke about before when I got to see Nicola one more time I
14:11:27 14 think.
14:11:27 15
14:11:28 16 All right. And Mr Flynn describes the purposes of her
14:11:33 17 attendance on that occasion as providing you with moral
14:11:37 18 support, is that your recollection?---Yes, yes exactly.
14:11:42 19
14:11:42 20 That was moral support as he describes it in relation to
14:11:45 21 the route that you had decided to take at that stage, which
14:11:48 22 was assisting the police, is that correct?---Yes.
14:11:51 23
14:11:54 24 Flynn also described that using Ms Gobbo in this way was
14:11:59 25 part of Victoria Police's process to keep you happy. I
14:12:04 26 take it that you would have been happy to see her and to
14:12:07 27 get reassurance from her?---Yes.
14:12:09 28
14:12:16 29 On 15 May 2006, again this is contained in the ICR
14:12:20 30 documents I mentioned before, the handlers of Ms Gobbo say
14:12:22 31 that they, Nicola Gobbo has spoken to you about how to make
14:12:28 32 you bulletproof from cross-examination. "Nicola Gobbo will
14:12:33 33 check your statements and still wants to negotiate the best
14:12:36 34 position for you as a client regardless of how he got into
14:12:41 35 that position." Now, do you recall that in May 2005 that
14:12:47 36 your understanding is that Nicola Gobbo was acting in your
14:12:50 37 best interests through that period of making
14:13:01 38 statements?---Yes.
14:13:01 39
14:13:02 40 Do you recall in that particular meeting the contents of
14:13:04 41 the statements were discussed then or was it really just
14:13:07 42 moral support that was being provided by Ms Gobbo on that
14:13:10 43 occasion?---Most of it was moral support because she - the
14:13:19 44 statements that were made were basically questions that the
14:13:25 45 Police Force were asking about.
14:13:27 46
14:13:27 47 Yes, I see. Mr Flynn appears to have been present. Was he

14:13:33 1 always present with Ms Gobbo during that or did you have
14:13:36 2 some time alone with Ms Gobbo?---I had some time alone with
14:13:40 3 Ms Gobbo.
14:13:40 4
14:13:40 5 That was I assume in an interview room or something like
14:13:43 6 that?---Yes.
14:13:44 7
14:13:45 8 That was a personal discussion or was it a professional
14:13:49 9 discussion or a bit of both?---A bit of both.
14:13:52 10
14:13:54 11 Was it the fact that she was still encouraging you at this
14:14:00 12 stage in the decision that you'd already made about rolling
14:14:03 13 and she was encouraging you to continue on that
14:14:07 14 path?---Absolutely, yes.
14:14:08 15
14:14:10 16 And the phrase that she uses is that she's wanting to make
14:14:16 17 you bulletproof from cross-examination. Do you have any
14:14:18 18 understanding of what that phrase might mean?---Yes,
14:14:25 19 obviously that I come before a barrister getting
14:14:31 20 cross-examined, to be able to be aware of - on how to
14:14:39 21 answer the questions.
14:14:40 22
14:14:40 23 I suppose given the regularity in which you were asked to
14:14:43 24 do that in the following years you would have become a bit
14:14:46 25 of a professional at that I take it over the years?---Um -
14:14:50 26 - -
14:14:50 27
14:14:50 28 You would have got very used to it I should say?---I got
14:14:53 29 used to it, yes, absolutely.
14:14:54 30
14:14:55 31 You were cross-examined an awful lot from what I can see
14:14:58 32 over the following years in committals and trials?---Yes.
14:15:02 33
14:15:02 34 Were you ever asked to make a statement about getting a
14:15:07 35 phone to Mr Bickley i prior to your arrest?---I can't
14:15:24 36 recall if I made that statement but I do remember giving
14:15:27 37 him a phone, yes.
14:15:28 38
14:15:29 39 You gave him a phone. What was the circumstances by which
14:15:31 40 you got the phone to him?---The phone was given to him so
14:15:40 41 that I could facilitate communication, not using my phone,
14:15:46 42 and it was in relation to purchasing a pill press.
14:15:49 43
14:15:50 44 When was that?---That would have been, I would say May.
14:16:01 45
14:16:02 46 It might be March from the records we've got?---March,
14:16:05 47 March, March. Late March, yeah.

14:16:06 1
14:16:06 2 It was around that period of time?---Yes.
14:16:09 3
14:16:10 4 Was it correct that the phone was given to him through
14:16:14 5 Nicola Gobbo, you gave Nicola the phone to give to
14:16:17 6 Mr Bickley or did it get to him another way?---I believe it
14:16:20 7 was given to - he got it from Nicola, yes.
14:16:23 8
14:16:24 9 I understand. Did you explain to her what the phone was
14:16:29 10 for?---Yes, I did.
14:16:31 11
14:16:36 12 Did she say to you, did she indicate to you that she was
14:16:41 13 reluctant to be involved in that process?---No.
14:16:45 14
14:16:49 15 The Commission has documents that indicate that Ms Gobbo
14:16:57 16 reviewed your statements on 9 June 2006 and that it was in
14:17:05 17 fact Ms Gobbo's human source handlers, members of Victoria
14:17:09 18 Police, who provided those statements to Ms Gobbo in one of
14:17:16 19 their face-to-face meetings. Firstly, you didn't know
14:17:23 20 about that relationship between her and the handlers at the
14:17:26 21 time so I take it you didn't know that the handlers were
14:17:28 22 going to be showing her your draft statements?---Right.
14:17:32 23
14:17:33 24 Is that correct?---That's correct, yes.
14:17:35 25
14:17:37 26 Is it the case that you understood though that Victoria
14:17:45 27 Police by whatever means would be showing your draft
14:17:49 28 statements separately to Nicola Gobbo for the purposes of
14:17:52 29 her reviewing them, whether or not it was through handlers
14:17:56 30 or through investigators, et cetera. Did you understand
14:17:59 31 that was something that was going to happen?---No.
14:18:01 32
14:18:02 33 So you would have expected that to go through your
14:18:04 34 instructing solicitor, Tony Hargreaves?---Well through me
14:18:08 35 at least.
14:18:09 36
14:18:09 37 I understand. You would have been asked is what you're
14:18:13 38 saying, I understand?---Yes.
14:18:14 39
14:18:14 40 That's something that you weren't asked?---No.
14:18:16 41
14:18:18 42 So the recordings of that face-to-face meeting between
14:18:22 43 Nicola Gobbo and Victoria Police show that she had reviewed
14:18:27 44 your statements closely, that she'd provided police with
14:18:31 45 her comments and feedback and suggestions as to their
14:18:34 46 content. Have you heard that before today?---No.
14:18:39 47

14:18:41 1 Now, there's a large number of statements were signed by
14:18:45 2 you on 6 August 2006. That would accord with your
14:18:50 3 memory?---Yes.
14:18:50 4
14:18:53 5 Do you recall that lot of statements, having a discussion
14:18:58 6 with Nicola Gobbo before or at the time of signing those
14:19:04 7 statements?---I believe she was at the, at the prison when
14:19:08 8 that happened, yes.
14:19:09 9
14:19:09 10 When they were signed?---Yes.
14:19:11 11
14:19:11 12 And do you remember who else was there?---Jim O'Brien and
14:19:16 13 Dale Flynn.
14:19:16 14
14:19:24 15 To your recollection did Ms Gobbo have influence on you
14:19:31 16 about what the statements would contain?---I can't answer
14:19:44 17 that, no. Possibly not, no. I just wrote them to the best
14:19:50 18 of my ability.
14:19:50 19
14:19:50 20 I understand. Mr Cvetanovski's matter we spoke about
14:19:59 21 briefly earlier in the day. It seems that your decision or
14:20:06 22 the process undertaken to implicate him came later in time,
14:20:14 23 even after your plea. Is that right?---Correct.
14:20:17 24
14:20:18 25 Sorry, not after your plea, it might be it came later in
14:20:22 26 time than those first statements that were made in the days
14:20:27 27 and the couple of months after you were arrested on 22
14:20:30 28 April?---Yes.
14:20:31 29
14:20:31 30 You recall it's something that came up later?---Came up
14:20:35 31 later, yes.
14:20:35 32
14:20:36 33 How did it come about that he was being implicated? Who
14:20:39 34 was the person who suggested Mr Cvetanovski, was it you,
14:20:44 35 Victoria Police or Ms Gobbo?---Well initially I, I was
14:20:52 36 under the impression that Cvetanovski was going to be
14:20:56 37 neutral in all of this but he had other intentions and the
14:21:04 38 police came to me with the information telling me that, you
14:21:07 39 know, he's active doing things and I need to, I need to
14:21:14 40 comply and that's part of my, part of my deal, so it went
14:21:21 41 ahead.
14:21:21 42
14:21:22 43 He would be neutral in doing things. Can you just explain
14:21:25 44 that a little bit for the Commission, please?---Well he
14:21:29 45 wasn't part of the, he wasn't implicated in any of the, of
14:21:34 46 the manufacturing processes or at the labs.
14:21:37 47

14:21:37 1 Yes?---He was seen at one of the labs but he had nothing to
14:21:42 2 do with the cooking process and I was in damage control and
14:21:50 3 trying to avoid his incarceration obviously.
14:21:53 4
14:21:53 5 Yes?---But that wasn't the case because he was still, he
14:21:57 6 was offending while I was trying to protect him.
14:22:00 7
14:22:01 8 His interest or his involvement was in the financial side
14:22:04 9 of the enterprise, is that right?---As well as trying to
14:22:08 10 learn the manufacturing method, yes.
14:22:12 11
14:22:12 12 I see. And in fact your knowledge of that manufacturing
14:22:16 13 method was used by the Mokbels on a number of occasions to
14:22:20 14 try and teach other people?---Absolutely, yes.
14:22:24 15
14:22:24 16 Was he one of the people that you attempted to
14:22:29 17 teach?---Yes.
14:22:31 18
14:22:31 19 Did you have discussions with Nicola Gobbo about what to do
14:22:38 20 in relation to Cvetanovski that you recall?---I might have,
14:22:41 21 I can't recall 100 per cent.
14:22:43 22
14:22:47 23 When it came to giving evidence, as you did on a number of
14:22:52 24 occasions after all of this, did Ms Gobbo before any of
14:22:57 25 those occasions give you any advice about how to answer
14:23:03 26 questions that might give rise to you saying something that
14:23:10 27 implicated Ms Gobbo's association with your representation
14:23:14 28 of you. Did she ever tell you about how to go about
14:23:19 29 questions to avoid that?---No. No, I did that.
14:23:22 30
14:23:22 31 You did that because you understood that that was an
14:23:25 32 important thing to do?---Yes.
14:23:26 33
14:23:26 34 And was that because, simply because she was your friend
14:23:31 35 and you were concerned about her being implicated with
14:23:35 36 knowledge or were there other reasons?---That's what, there
14:23:40 37 were other reasons and - - -
14:23:45 38
14:23:45 39 What were those reasons?---And - I was worried about her
14:23:57 40 career obviously and, second, I had left a considerable
14:24:02 41 amount of money with her.
14:24:03 42
14:24:04 43 Yes?---And I thought by implicating her in any way I would
14:24:10 44 lose that money.
14:24:10 45
14:24:11 46 I understand. I was going to move on to that down the
14:24:15 47 track a little bit. It might be a good time to talk about

14:24:18 1 it now. It's the case, as the Commission understands it
14:24:23 2 she left you with possibly as much as \$400,000?---Correct.
14:24:28 3
14:24:29 4 Sorry, I got that wrong?---I left - - -
14:24:32 5
14:24:32 6 You left it with her?---Of that money - let me explain. Of
14:24:37 7 that money 150 was hers and 250,000 was mine. It was
14:24:43 8 actually left 395, it was \$5000 of that I gave at a meeting
14:24:49 9 to [REDACTED]
14:24:52 10
14:24:52 11 I see. And the 150 of hers, what was that for?---That was
14:24:57 12 for, for the plea, for myself [REDACTED]
14:25:01 13
14:25:01 14 Do you understand where that money was ultimately deployed,
14:25:06 15 that 150?---That was left in her office across the road
14:25:11 16 from Owen Dixon chambers.
14:25:13 17
14:25:14 18 And the 250 that she was to hold on to, do you understand
14:25:18 19 what became of that?---Upon my release I spoke to her about
14:25:26 20 that money and she had no recollection of me giving her
14:25:29 21 anything.
14:25:29 22
14:25:29 23 You have a clear recollection of providing that money to
14:25:33 24 Nicola Gobbo?---Yes, I do.
14:25:35 25
14:25:36 26 And how was - - - ?---That's half - - -
14:25:38 27
14:25:39 28 Sorry, go ahead?---That was also the money, part of that
14:25:42 29 money she used to give [REDACTED]
14:25:47 30 and such and it was always moneys given to paying for my
14:25:56 31 canteen spend whilst in incarceration and I basically just
14:26:01 32 thought there would be an ample sum upon my release but she
14:26:05 33 told me there was nothing, which pretty much ended our
14:26:09 34 relationship.
14:26:11 35
14:26:12 36 The 5000 for [REDACTED], what was that for?---That was for a
14:26:17 37 deposit for a pill press.
14:26:18 38
14:26:20 39 Did you tell Ms Gobbo that's what it was for or did you
14:26:24 40 just tell her to give the 5000 to him?---No, I gave the
14:26:28 41 5000 to [REDACTED] when I seen him at the first meeting.
14:26:32 42
14:26:32 43 That was 5000 off 400 or was that 5000 off 395?---No, 5000
14:26:38 44 off 400.
14:26:39 45
14:26:39 46 I see. So there was 395 left, I understand?---Yes.
14:26:41 47

14:26:43 1 So the intention, as you've described it, of her providing
14:26:47 2 money to [REDACTED] and things like that, is
14:26:50 3 that something you're aware she ultimately did?---Yes, I
14:26:56 4 believe she did, yes.
14:26:57 5
14:26:57 6 Did she account for the \$250,000 to you?---No.
14:27:02 7
14:27:03 8 She paid an amount of money, as you say, for your prison
14:27:08 9 canteen allowance. Was that weekly or monthly?---Monthly.
14:27:12 10
14:27:13 11 And are you aware that at one stage she handed over the
14:27:19 12 responsibility for paying that monthly amount to the Purana
14:27:22 13 Task Force?---Which then came to an end because that was
14:27:27 14 one of the arguments we had over the phone because the
14:27:31 15 money stopped coming from her and from, if she say it was
14:27:35 16 coming from Purana, where my family, [REDACTED] actually
14:27:40 17 kept continuing putting money in until the date of my
14:27:45 18 release.
14:27:46 19
14:27:46 20 From the arithmetic you've been able to do, do you have any
14:27:49 21 concerns about what happened to the balance of the
14:27:55 22 \$250,000?---They were proceeds of crime, what am I meant to
14:27:59 23 do?
14:28:00 24
14:28:00 25 Yes, I understand. Do you know if they were expended on
14:28:04 26 [REDACTED] and on your canteen bill?---No, no possible
14:28:09 27 way.
14:28:09 28
14:28:09 29 When you say she didn't recall it - sorry, is that what you
14:28:13 30 said, she didn't recall when you were released that that's
14:28:13 31 what - - - ?---Yeah, she had no recollection of me ever
14:28:17 32 giving her the backpack, no recollection of me giving her
14:28:20 33 anything.
14:28:20 34
14:28:20 35 This was an amount of money provided to her - sorry, by you
14:28:25 36 to her in a backpack and it was cash?---Yes.
14:28:27 37
14:28:29 38 Do you know where she stored that cash, did she tell
14:28:34 39 you?---No, it was put in a cupboard in the kitchenette in
14:28:38 40 her little office across the road. I can't - it might have
14:28:41 41 been the 10th floor.
14:28:43 42
14:28:44 43 So this was a kitchenette on the floor of her chambers, is
14:28:49 44 that right?---They were her chambers, yes.
14:28:52 45
14:28:53 46 After that I assume, other than the conversation you have
14:28:57 47 upon your release and the bits that you know that were

14:29:00 1 spent, you don't know what happened to the balance of that
14:29:02 2 money?---No, I don't.

14:29:04 3
14:29:04 4 When you gave her the money, what were the circumstances?
14:29:08 5 Where did that happen and how did it happen?---Well, it
14:29:13 6 happened around the time of the meeting with Mr Bickley. I
14:29:18 7 felt police presence. I also had too many maniac and
14:29:27 8 different people in my house on a regular basis and I just
14:29:30 9 didn't feel comfortable with the money being there so the
14:29:34 10 only person I could trust was her.

14:29:36 11
14:29:39 12 COMMISSIONER: I thought you'd said earlier that around
14:29:42 13 about the time you were, prior to you being caught by
14:29:47 14 police you had money worries. You had a lot of
14:29:50 15 debts?---Yes, yes.

14:29:51 16
14:29:51 17 But you still had this amount of cash?---Yes.

14:29:54 18
14:29:55 19 All right then.

14:29:56 20
14:29:56 21 MR WOODS: How do those two things fit together, that you
14:30:00 22 had \$400,000 in cash and yet you were skint?---The 250 was
14:30:06 23 mine. I was owed a hell of a lot of money from the Mokbels
14:30:11 24 and such. I owed money for chemicals. There was just an
14:30:15 25 overwhelming amount of - and all I know that that was going
14:30:20 26 to be my money for my retirement or for when all this was
14:30:25 27 over, I at least had something.

14:30:27 28
14:30:28 29 Is it the case then that you didn't intend to pay all of
14:30:33 30 the debts then that at that stage you owed, is that the
14:30:37 31 situation?---Well at the point that I started doing what I
14:30:41 32 did, those things are no longer prevalent or no longer
14:30:45 33 relevant. All I've got now I'm in damage control and the
14:30:49 34 only way I can look after myself [REDACTED] is what I
14:30:52 35 have left and I have nothing left.

14:30:54 36
14:30:55 37 You talk about in some of your statements, one in
14:30:59 38 particular, the promises that were made to you by various
14:31:06 39 members of the Mokbel family, in fact by Tony Mokbel, as to
14:31:11 40 what would occur if you were to teach two people how to
14:31:16 41 cook where you went to a site remote of Melbourne and you
14:31:21 42 were put in the boot of a car, as I understand it, is that
14:31:24 43 correct?---Yes.

14:31:25 44
14:31:26 45 Taken to that remote site, told to teach two people how to
14:31:29 46 cook, correct?---Yes.

14:31:30 47

14:31:32 1 And that if you did so, not only would you be given a lump
14:31:35 2 sum but you'd be given a monthly amount of money following
14:31:39 3 that, is that correct?---Correct, yes.
14:31:41 4
14:31:41 5 What was the lump sum you were promised to teach those to
14:31:47 6 how to cook?---He said there'd be about \$1000 every pound
14:31:54 7 that they would make. It was just ludicrous what he was
14:31:59 8 claiming, because how could I ever know what they produced.
14:32:03 9
14:32:03 10 I won't take you to the statement, you didn't have a lot of
14:32:07 11 faith in their ability to produce anything as I recall, is
14:32:11 12 that right?---Correct, yes.
14:32:12 13
14:32:18 14 The plea that was made on your behalf, it was I think [REDACTED] and
14:32:25 15 [REDACTED] February 2007, is that correct?---Yes.
14:32:30 16
14:32:32 17 During that process there was a letter, according to the
14:32:37 18 transcript, there was a letter that was provided to the
14:32:40 19 judge directly and [REDACTED] from Victoria
14:32:47 20 [REDACTED]
14:32:51 21 [REDACTED] and I think even the
14:32:53 22 [REDACTED], that was a letter that was outlining the
14:32:57 23 assistance that you'd given, is that right?---Yes.
14:33:00 24
14:33:01 25 I take it you've never seen a copy of that letter?---No, I
14:33:04 26 haven't.
14:33:05 27
14:33:05 28 Commissioner, the letter, which is part of the documents
14:33:08 29 released by the court yesterday for the purposes of the
14:33:13 30 Commission, has been identified by Victoria Police. They
14:33:20 31 are in the process of looking at the letter, as I
14:33:22 32 understand it, it's only been discovered this afternoon I
14:33:26 33 think is the situation.
14:33:29 34
14:33:30 35 COMMISSIONER: Do you want to see it and ask some questions
14:33:32 36 about it?
14:33:33 37
14:33:33 38 MR WOODS: As I understand it Victoria Police want to get
14:33:36 39 some advice about it. I haven't seen it and it's not clear
14:33:42 40 on the transcript of the proceeding what it says. It seems
14:33:45 41 to be the usual course or maybe unusual, but it happens in
14:33:51 42 that way and then is [REDACTED]
14:33:55 43 afterwards. Mr Cooper's [REDACTED] at
14:34:02 44 the time and as I say I don't think [REDACTED] did either.
14:34:07 45 The judge read a little bit, just the introductory part of
14:34:11 46 it onto the record. The reason it's certainly relevant is
14:34:14 47 because in the transcript of the proceeding Mr Cooper's

14:34:19 1 assistance at that stage in each of the statements that he
14:34:23 2 had made were clearly identified for the transcript and the
14:34:26 3 nature of those statements and a summary of the information
14:34:29 4 contained therein, so it clearly contains more than that,
14:34:33 5 but as to what it is we don't know at this stage so we've
14:34:37 6 asked for it specifically.

14:34:39 7
14:34:39 8 COMMISSIONER: Do we know which police officer it was from?

14:34:41 9
14:34:42 10 MR WOODS: It might be a Superintendent I think or an
14:34:44 11 Inspector from the [REDACTED] In any event
14:34:51 12 we'll find out more about it. It's obviously the usual
14:34:58 13 situation where assistance has been described already by
14:35:05 14 the witness, is attested to - - -

14:35:07 15
14:35:07 16 COMMISSIONER: Mr Cooper didn't see the letter either?

14:35:11 17
14:35:11 18 MR WOODS: No?---No.
14:35:12 19
14:35:12 20 You recall there being a discussion about that letter,
14:35:14 21 Mr Cooper?---Yes, I - from my recollection it was called a
14:35:19 22 [REDACTED]

14:35:21 23
14:35:22 24 Yes, all right. Are you aware of Ms Gobbo herself trying
14:35:36 25 to shield or protect any person, any other person, from you
14:35:43 26 implicating them in the statement making process?---No.

14:35:52 27
14:35:55 28 Did you ever provide written instructions to Nicola Gobbo
14:36:01 29 about any matters from your memory?---No.

14:36:05 30
14:36:08 31 Did Nicola Gobbo ever discuss with you anyone else's
14:36:13 32 instructions to her?---No.

14:36:16 33
14:36:19 34 Other than the potential for the matters that we've spoken
14:36:23 35 about before about what Ms Gobbo knew about your own
14:36:27 36 offending, do you have any knowledge of any criminal or
14:36:31 37 unethical activity engaged in by Ms Gobbo herself?---No.

14:36:37 38
14:36:50 39 Ms Gobbo herself said to her handlers words to the effect
14:36:56 40 that she was nervous that she might have been complicit in
14:37:01 41 your offending. Now, given what you've said about the
14:37:08 42 freedom, the increasing freedom with which you spoke to her
14:37:13 43 about your undertakings in April 2006, did she ever say to
14:37:20 44 you that she was concerned about being complicit in what
14:37:23 45 you were up to?---No.

14:37:26 46
14:37:27 47 Was that raised at any time in the discussions of the

14:37:31 1 statement making process - you say that you wanted to
14:37:37 2 protect her, did she ever say she needed protection in that
14:37:41 3 regard?---No.
14:37:41 4
14:37:43 5 I won't go through each of who they were, but you were in
14:37:50 6 custody with a number of other well-known criminals during
14:37:55 7 your period of incarceration?---Correct.
14:37:59 8
14:37:59 9 You understood that some of those individuals had
14:38:03 10 professional relationships with Ms Gobbo?---Yes.
14:38:07 11
14:38:07 12 And you're aware that on many occasions she would visit or
14:38:14 13 speak to those people on the phone as well?---Yes.
14:38:18 14
14:38:18 15 And did you have discussions with other inmates about their
14:38:23 16 own relationships or contacts with Nicola Gobbo?---Yes.
14:38:27 17
14:38:29 18 And what did you understand - I don't want to - you don't
14:38:36 19 have a list of pseudonyms there so I don't want to be, I
14:38:41 20 won't be able to be precise about who they were - - -
14:38:47 21
14:38:47 22 COMMISSIONER: Maybe he does have a list of pseudonyms. Do
14:38:50 23 you have a list of pseudonyms?---Yes, I do have a list,
14:38:52 24 yes. One second.
14:38:53 25
14:38:54 26 Just a minute. Could I just ask that some care be shown
14:38:58 27 here. It would be better to write the name on a Post-it
14:39:03 28 Note rather than show the witness Exhibit 81. There's
14:39:11 29 someone there from the Commission with flash cards?---Yes.
14:39:14 30
14:39:15 31 MR CHETTLE: Commissioner, can we find out if he does have
14:39:19 32 81?
14:39:20 33
14:39:20 34 COMMISSIONER: No, he doesn't have Exhibit 81, it's only
14:39:24 35 flash cards the Commission has. I presume the person from
14:39:28 36 the Commission has Exhibit 81, so if we, it's probably
14:39:32 37 easiest if we ask for a number on 81.
14:39:36 38
14:39:36 39 MR WOODS: Identify the number.
14:39:37 40
14:39:40 41 COMMISSIONER: And they can show the flash card to them.
14:39:43 42
14:39:43 43 MR WOODS: So I'm interested in the person who is the [REDACTED]
14:39:47 44 name.
14:39:54 45
14:39:54 46 COMMISSIONER: So if number [REDACTED] on Exhibit 81, that person's
14:39:59 47 actual name and the pseudonym could be - - -

14:40:03 1
14:40:03 2 MR WOODS: I think I'm able to call him his name in the
14:40:06 3 right-hand column in the setting we're in, which is Mr Thomas
14:40:10 4 M?---Yes.
14:40:10 5
14:40:10 6 Just not the real name.
14:40:14 7
14:40:14 8 COMMISSIONER: He has Mr Thomas | now. Do you know who
14:40:18 9 Mr Thomas is?---Yes.
14:40:20 10
14:40:20 11 Okay, he knows who Mr Thomas is.
14:40:20 12
14:40:20 13 MR WOODS: Did you observe or hear about the nature of the
14:40:22 14 relationship between Mr Thomas | and Ms Gobbo during your
14:40:26 15 time in prison?---Yes.
14:40:28 16
14:40:29 17 What were your observations about that relationship?---It
14:40:40 18 was to do with a person who is, can I say just being
14:40:48 19 released from - yeah, who has just been released from
14:40:54 20 prison because of this, because of this situation and - - -
14:40:59 21
14:40:59 22 You're allowed to say it was in relation to Mr Orman's
14:41:03 23 matter, yes you are?---Yes, it was in relation to
14:41:06 24 Mr Orman's matter at the time they were conversing about
14:41:09 25 making a statement to do with his involvement.
14:41:12 26
14:41:12 27 I see. So you were aware that Mr Thomas assisted by Nicola
14:41:18 28 Gobbo was implicating Faruk Orman in the murder of Victor
14:41:25 29 Peirce?---Correct, yes.
14:41:26 30
14:41:30 31 Is that something that you discussed with Mr Thomas |?---Yes.
14:41:34 32
14:41:35 33 Did you discuss it with Nicola Gobbo as well or just
14:41:39 34 Mr Thomas ?---Both.
14:41:40 35
14:41:43 36 I see, all right. Can you tell the Commissioner what
14:41:51 37 processes were in place for Nicola Gobbo to attend the
14:41:56 38 prison and communicate with inmates, was it the same or
14:42:01 39 different to other lawyers from your observation?---I'm not
14:42:06 40 too sure whether all the lawyers had the, the interview
14:42:12 41 room which we use, which was more of a conference room, as
14:42:16 42 opposed to an interview room.
14:42:19 43
14:42:19 44 I see. Was it a room that you used to see her that in your
14:42:26 45 understanding may have been a different room to what other
14:42:29 46 lawyers used?---Yes.
14:42:30 47

14:42:31 1 Was there any - sorry, go ahead?---I can't say for certain
14:42:36 2 but there are, there are different rooms for clients and
14:42:43 3 lawyers which are a lot smaller and a lot, are more towards
14:42:48 4 the visiting room. This was in the part of the prison that
14:42:51 5 was more to do with the boardroom meetings.

14:42:54 6
14:42:55 7 I see. Was there any, did you observe any ease at which
14:43:00 8 Ms Gobbo or quicker timing that Ms Gobbo was able to get to
14:43:03 9 prison for visits as opposed to other people's lawyers or
14:43:07 10 was it all about the same as far as you could see?---I
14:43:10 11 could see she had some special privileges. I just assumed
14:43:14 12 that was because I was assisting police and this was
14:43:18 13 something that was being done for my, for my convenience
14:43:26 14 more so than hers.

14:43:27 15
14:43:27 16 I see. Just to that, to round off that issue before about
14:43:31 17 the \$400,000, the 150 that was for Nicola Gobbo, was that
14:43:38 18 for work - at that stage you hadn't been implicated in the
14:43:44 19 Posse charges, you agree with that?---Correct.

14:43:48 20
14:43:48 21 When you handed it over?---Yes, yes.

14:43:50 22
14:43:50 23 Was that for work that she had done up until that date or
14:43:55 24 was it for work that she would be doing up until your plea
14:43:58 25 or was it both?---Both.

14:43:59 26
14:44:01 27 Do you know how it came to be that Mr Hargreaves and the
14:44:06 28 barrister who ultimately represented you came to be paid
14:44:10 29 for their work up to and including [REDACTED] and [REDACTED] ebruary
14:44:16 30 2007?---I paid Nicola and Nicola paid them.

14:44:20 31
14:44:20 32 Is this from the same amount of money that you were talking
14:44:24 33 about earlier?---No.

14:44:25 34
14:44:25 35 So you paid Nicola a separate amount of money?---Yes.

14:44:30 36
14:44:30 37 How did you make that arrangement from custody?---No, they
14:44:37 38 were from those - the first lot of money was a payment from
14:44:44 39 another batch of money and to finish off that payment was
14:44:48 40 from the money I gave her.

14:44:50 41
14:44:50 42 Does that add up to something more than \$400,000?---No,
14:44:54 43 it's out of that money, yes.

14:44:56 44
14:44:57 45 You directed her to pay Mr Hargreaves for that
14:45:00 46 representation when the representation changed, well the
14:45:06 47 barrister changed?---Yes.

14:45:08 1
14:45:08 2 Did Ms Gobbo ever explain to you why it was she wouldn't be
14:45:12 3 doing your plea?---No.
14:45:13 4
14:45:15 5 Did you understand why that was, that there was a change of
14:45:19 6 counsel?---No, because Duncan Allen was a senior and he was
14:45:30 7 Queens Counsellor and it would have been better for me.
14:45:33 8
14:45:33 9 Yes, I understand. So you spent those years in prison and
14:45:43 10 were released in about 2012, is that right?---Correct.
14:45:47 11
14:45:50 12 Did you remain in contact with Ms Gobbo, firstly, just up
14:45:55 13 until your release?---Yes.
14:45:57 14
14:45:58 15 What was the nature of the relationship after you'd done
14:46:02 16 the assisting that you agreed to do for the police and all
14:46:06 17 those sorts of things, why were you staying in contact with
14:46:10 18 her up until 2012?---Because to my - it was, it was sort of
14:46:14 19 a strange relationship but we were still friends.
14:46:19 20
14:46:20 21 All right. Had the strains become more and more acute at
14:46:25 22 various times during your time in custody or were they -
14:46:29 23 where did the strain come from?---That she was under
14:46:32 24 pressure from police, she was suing police, she was going
14:46:38 25 through a lengthy court case. There was an amount that she
14:46:42 26 was paid, an undisclosed amount that she was paid and it
14:46:46 27 was just having, having an effect on her and every time I
14:46:49 28 spoke with her she would try to cut the conversation short.
14:46:52 29
14:46:52 30 Is it correct that you sought to [REDACTED] while you
14:46:57 31 were on parole?---That came up as a joke, yep.
14:47:02 32
14:47:02 33 That was only humorous?---That was humorous and I said to
14:47:06 34 her, "Why don't I [REDACTED]?", for a joke.
14:47:10 35
14:47:10 36 She was unwell at that stage?---Unwell at that stage and
14:47:14 37 was also to, an opportunity for me to get closer to the
14:47:20 38 money if there was any left over.
14:47:22 39
14:47:22 40 I see, yes. Still at this stage she was saying she
14:47:27 41 couldn't recall where the money was?---She doesn't recall
14:47:30 42 any of that, no.
14:47:30 43
14:47:31 44 Did you have an argument with her about that? Did you try
14:47:34 45 and sternly remind her about the money you had given
14:47:38 46 her?---Yes, and she presented to the meeting that we had,
14:47:44 47 the dinner that we had, she would look like she was

14:47:48 1 medicated and I couldn't get much sense out of her.
14:47:52 2
14:47:53 3 I see. On your release from custody in 2012 you met Nicola
14:48:03 4 Gobbo [REDACTED] is that right?---Correct, yes.
14:48:06 5
14:48:07 6 And you also met her business partner from the car wash, is
14:48:12 7 that correct?---Yes. That was, that was - I met her all up
14:48:19 8 about three times.
14:48:22 9
14:48:22 10 So about three times after your release?---Yes.
14:48:25 11
14:48:25 12 Was this the first, second or third, or you don't
14:48:28 13 recall?---The last time I met her was with a partner from
14:48:32 14 the car wash.
14:48:33 15
14:48:33 16 And his name is Paul?---Paul, correct, yes.
14:48:36 17
14:48:37 18 You went to that meeting because Nicola told you that she
14:48:43 19 had someone that you needed to meet, is that
14:48:46 20 right?---Correct, yes.
14:48:47 21
14:48:47 22 And she said you need to meet him because you have a lot of
14:48:51 23 bills to pay, is that right?---Yes.
14:48:53 24
14:48:55 25 Did she say - what else did she say in that
14:49:00 26 conversation?---Well, she basically said, "You know what
14:49:02 27 you have to do".
14:49:04 28
14:49:04 29 What did you understand that to mean?---That means if I
14:49:07 30 want to get back on top I know what I have to do, as in I
14:49:11 31 have to get back and produce more methamphetamine.
14:49:14 32
14:49:14 33 All right. So about what stage in 2012 was this, doing the
14:49:18 34 best you can to remember?---I'd say it was late 2012.
14:49:25 35 Close to Christmas.
14:49:26 36
14:49:30 37 The meeting went ahead?---Yes.
14:49:33 38
14:49:35 39 And it occurred at a shopping centre?---Yes.
14:49:38 40
14:49:40 41 And Nicola and Paul were there in a Mercedes four-wheel
14:49:46 42 drive?---Correct.
14:49:47 43
14:49:48 44 Can you describe the scene that you observed when you met
14:49:53 45 the two of them. What was Paul doing?---Paul was sitting -
14:50:02 46 Paul was sitting at the table at La Porchetta.
47

14:50:08 1 Yes?---Nicola was sitting opposite him and he was smoking a
14:50:14 2 cigar.
14:50:14 3
14:50:15 4 This is an outdoor area, is it, at La Porchetta?---Yes, an
14:50:18 5 outdoor area at La Porchetta smoking a cigar. He had a, I
14:50:22 6 noticed a very bold gold chain around his neck.
14:50:26 7
14:50:26 8 Is this someone you had met before?---Yes, he was the owner
14:50:30 9 of Shine Car Wash, it used to be across the road from
14:50:34 10 Highpoint.
14:50:34 11
14:50:35 12 Do you know who the other owners of Shine Car Wash
14:50:39 13 were?---No.
14:50:39 14
14:50:41 15 Did you know that this person was a partner in car washes
14:50:45 16 at any time?---Yes.
14:50:47 17
14:50:47 18 But not necessarily that one?---Not that one. She had,
14:50:51 19 they had another one in Milleara Road together, I believe.
14:50:55 20
14:50:57 21 What happened upon that meeting taking place?---Well, I met
14:51:06 22 Paul and he looked very different from when I met him last.
14:51:10 23 He had lost a significant amount of weight. He was a very
14:51:13 24 big boy. When I saw him on that time he looked like he had
14:51:18 25 lap band surgery or something, but he was very thin.
14:51:21 26
14:51:21 27 Yes?---He continued to talk to me about, that he had
14:51:26 28 contacts with chemicals and that if Nicola can trust me so
14:51:31 29 can he, and that he needed me to, would have liked me to
14:51:38 30 manufacture for him.
14:51:39 31
14:51:39 32 Did he say this in front of Nicola?---Yes.
14:51:42 33
14:51:43 34 Did he give you anything at that time?---Yes, he gave me a
14:51:48 35 mobile phone.
14:51:49 36
14:51:49 37 What did you do with the phone?---Well it wasn't - I sat in
14:51:53 38 front of him and we finished the conversation. He then
14:51:55 39 told me what would I do different this time that I didn't
14:52:01 40 do last time, and I looked at him and said, "I wouldn't
14:52:06 41 smoke that cigar, I wouldn't be wearing that gold chain and
14:52:09 42 I wouldn't be driving that car" and I looked up and I threw
14:52:13 43 the phone in the bin and kept walking and that was the last
14:52:17 44 time I saw either of them.
14:52:18 45
14:52:18 46 Have you had any contact with Nicola Gobbo since?---She
14:52:22 47 sent me a text messages to ask me what's going on.

14:52:24 1
14:52:25 2 Just pausing there. If the answer to the question is any
14:52:30 3 time after, say, December 2018, then perhaps you don't need
14:52:36 4 to answer it. Was your last contact before or after
14:52:40 5 December 2018?---2018? 2012.
14:52:46 6
14:52:47 7 So 2012 was - the text message you're talking about was in
14:52:51 8 2012 after that meeting, was it?---After that meeting and I
14:52:55 9 never saw her again.
14:52:56 10
14:52:56 11 And you've had no contact with her from 2012 until
14:53:00 12 now?---Exactly, yes.
14:53:01 13
14:53:02 14 What did the text message say?---It said, "Where are you?"
14:53:06 15
14:53:07 16 All right. You didn't respond to the text message?---No.
14:53:10 17
14:53:13 18 You've made a submission to this Commission - - -
14:53:17 19
14:53:17 20 COMMISSIONER: Just before leave that topic, can I ask you,
14:53:20 21 you said that when Nicola introduced you to Paul again
14:53:24 22 after you were released from prison, she said that you owed
14:53:30 23 him a lot of money, what was that about?---No, I didn't owe
14:53:33 24 him a lot of money, I owed money in general.
14:53:35 25
14:53:35 26 I see, other debts?---Yes. Other debts. Just, you know,
14:53:40 27 not owed money, I needed money, in other words to get back
14:53:43 28 up, I had nothing.
14:53:44 29
14:53:44 30 I see, thank you?---"If you need to make money you know
14:53:48 31 what you have to do."
14:53:50 32
14:53:51 33 I see. Thank you for clarifying that.
14:53:52 34
14:53:52 35 MR NATHWANI: Can I raise one issue. I just spoke to my
14:53:55 36 learned friend. We have asked, I know many parties have,
14:53:58 37 for any witness statement from Mr Cooper.
14:54:01 38
14:54:01 39 COMMISSIONER: We don't have one.
14:54:02 40
14:54:02 41 MR NATHWANI: No, I understand.
14:54:03 42
14:54:03 43 COMMISSIONER: He wouldn't provide one.
14:54:05 44
14:54:06 45 MR NATHWANI: I understand. What's just happened is my
14:54:08 46 learned friend has led, he hasn't asked open-ended
14:54:11 47 questions, he has led about 15 minutes of material on an

14:54:17 1 incident in 2012 which obviously means there is some
14:54:20 2 material that's been provided that we are unaware of. Of
14:54:23 3 course it implicates Ms Gobbo and I understand why there's
14:54:25 4 the interest. This Commission has been unequivocally clear
14:54:29 5 in trying to afford us and everyone procedural fairness and
14:54:34 6 considering we have been asking for some time, to sit here
14:54:36 7 and hear evidence led by counsel from the Commission on
14:54:40 8 something as central as this is concerning.

14:54:43 9
14:54:43 10 COMMISSIONER: What are you asking me to do about it?

14:54:46 11
14:54:47 12 MR NATHWANI: I'd like to see any material that exists in
14:54:49 13 relation to it.

14:54:50 14
14:54:50 15 COMMISSIONER: Mr Woods.

14:54:51 16
14:54:52 17 MR WOODS: As is more often than not the case in the last
14:54:57 18 nine months, Commissioner, I was receiving instructions
14:54:59 19 while on my feet. It's something that I didn't know about
14:55:04 20 before today. It's a situation where the witness has
14:55:07 21 exercised his right not to provide a statement. It's
14:55:10 22 relevant to the Terms of Reference. The fact that other
14:55:16 23 parties weren't on notice of it, nor was I. It's
14:55:20 24 unfortunate but it's the situation. If it means that
14:55:25 25 matters have to be put that can't be put today, then we'll
14:55:28 26 have to work out what to do with it, but I must say I would
14:55:32 27 have been quite reluctant not to lead the evidence given we
14:55:36 28 think he can be dealt with in a day.

14:55:38 29
14:55:39 30 COMMISSIONER: I don't think we have any material to give
14:55:40 31 you, Mr Nathwani. We had asked for a statement some weeks
14:55:44 32 ago from the witness and he and his legal team said he
14:55:50 33 didn't wish to provide one. Then we issued a notice for
14:55:53 34 him to appear and that's how we have got him here.

14:55:57 35
14:55:58 36 MR NATHWANI: It was led evidence, word for word. "You met
14:56:01 37 Iliovski on this date", you know, it wasn't like my learned
14:56:02 38 friend was embarking on a voyage of discovery, he had the
14:56:06 39 material before him.

14:56:07 40
14:56:07 41 COMMISSIONER: I think, there may be some notes - - -

14:56:11 42
14:56:12 43 MR WOODS: A note that was handed to me while I was on my
14:56:15 44 feet. I don't understand the provenance of it even because
14:56:20 45 I haven't had a chance to read it.

14:56:22 46
14:56:22 47 COMMISSIONER: That was from the last section you mean but

14:56:22 1 I think Mr Nathwani means generally.
14:56:25 2
14:56:26 3 MR WOODS: As in leading generally?
14:56:27 4
14:56:27 5 COMMISSIONER: Yes, are there any other notes you have
14:56:29 6 after having briefed the witness that you can provide him
14:56:33 7 with?
14:56:34 8
14:56:35 9 MR WOODS: No. That was a matter that was advised to me
14:56:38 10 while on my feet. It's unfortunate that that's the case,
14:56:42 11 but I don't really see a way around it quite frankly.
14:56:46 12
14:56:46 13 COMMISSIONER: Mr Nathwani, I certainly don't have
14:56:49 14 anything. So there's nothing, it seems there's nothing
14:56:52 15 there to be provided. Yes, Mr Woods.
14:57:00 16
14:57:01 17 MR WOODS: Just a few things before I'm finished with my
14:57:05 18 questions Mr Cooper. You've made a submission through your
14:57:10 19 lawyers to this Royal Commission, is that right?---Yes.
14:57:11 20
14:57:12 21 In that submission you say, as you've said today, that you
14:57:15 22 weren't provided independent legal advice in your criminal
14:57:19 23 proceedings, is that correct?---Yes.
14:57:21 24
14:57:21 25 Your understanding, as expressed through your lawyers, is
14:57:25 26 that the proceeding, the proceedings concerning you
14:57:28 27 arguably involved an abuse of process because the invasion
14:57:31 28 of your right to have your lawyer act in your best
14:57:34 29 interests and not assist the prosecution, is that your
14:57:36 30 position?---Yes.
14:57:37 31
14:57:38 32 Your understanding is that you've suffered a miscarriage of
14:57:42 33 justice?---Yes.
14:57:43 34
14:57:47 35 You complained in that submission about never being made
14:57:50 36 aware in the relevant period that you did not have a real
14:57:54 37 lawyer but instead had an agent of the police acting on
14:57:57 38 your behalf, is that your position?---Yes.
14:58:00 39
14:58:01 40 And you also say that you were denied rights and
14:58:06 41 obligations that were owed to you by Victoria Police,
14:58:11 42 namely the right to an independent lawyer, disclosing
14:58:18 43 matters that might assist in your defence, and to act
14:58:21 44 properly and lawfully in the discharge of their duty. Is
14:58:24 45 that your position?---That is my position, yes.
14:58:27 46
14:58:27 47 It was never disclosed to you during your proceedings which

14:58:32 1 were completed on 8 February 2007 that Nicola Gobbo was a
14:58:38 2 police informer?---No, it was never disclosed to me.
14:58:42 3
14:58:43 4 When did you discover that was the case?---During the
14:58:52 5 Hodson trials.
14:58:54 6
14:58:55 7 And the articles that appeared in the paper around that
14:58:58 8 time?---Yes.
14:58:59 9
14:59:00 10 I assume that you, because those articles didn't name
14:59:06 11 Ms Gobbo, I assume you put two and two together and worked
14:59:10 12 out who it was?---Yes.
14:59:11 13
14:59:12 14 I suppose because of the timing the answer to this might be
14:59:15 15 no, but did you ever discuss that with Nicola Gobbo once
14:59:19 16 you became aware?---Yes, I did.
14:59:22 17
14:59:23 18 Can you tell the Commissioner about that conversation?---I
14:59:28 19 believe I was part of the reason that she did that because
14:59:34 20 it almost became common knowledge that she appeared for me
14:59:38 21 at St Kilda Road on that day that I [REDACTED] and I
14:59:48 22 sort of thought that that damaged her reputation a little
14:59:52 23 bit. That further down the track she decided to do what
14:59:56 24 she did and I felt a little bit guilty about that. And
15:00:04 25 we've discussed it and she told me that she was assisting
15:00:09 26 police in the, in a matter, and I just put two and two
15:00:14 27 together.
15:00:16 28
15:00:18 29 Knowing what you know now about the relationship that was
15:00:23 30 persisting in the background between Victoria Police and
15:00:26 31 Ms Gobbo, would you have challenged the admissibility of
15:00:32 32 the evidence against you in the Operation Posse matter? Do
15:00:40 33 you understand my question? If you don't I can - -
15:00:43 34 -?---Yep, yeah. No, I - would I challenge it?
15:00:47 35
15:00:47 36 Would you have contested the way that the evidence against
15:00:51 37 you came about, i.e. that it was through your lawyer who
15:00:55 38 was acting for you during that period of time?
15:00:57 39
15:00:58 40 MR THOMAS: Commissioner, I might just raise an objection
15:00:59 41 here. It seems to be asking the witness for a decision
15:01:04 42 that legal representatives might make as opposed to the
15:01:09 43 witness. It seems to be outside of the witness's abilities
15:01:15 44 perhaps to answer properly.
15:01:17 45
15:01:17 46 COMMISSIONER: Yes, all right. Mr Woods, perhaps if you
15:01:19 47 asked about whether he sought independent legal advice,

15:01:23 1 that might be a way of getting about it.

15:01:26 2
15:01:26 3 MR WOODS: You heard that objection from your counsel and
15:01:28 4 what the Commissioner said?---Yes.

15:01:31 5
15:01:32 6 All right. Would you have sought independent advice had it
15:01:37 7 been disclosed to you how it came about that you were
15:01:41 8 implicated in the Operation Posse charges?---Absolutely.

15:01:45 9
15:01:47 10 COMMISSIONER: Would you have allowed Nicola Gobbo to
15:01:51 11 continue to act for you on the matter?---After knowing what
15:01:56 12 I know now, no, absolutely not.

15:01:59 13
15:02:03 14 MR WOODS: I asked you some questions a moment ago about
15:02:06 15 when you learnt that Ms Gobbo was an informer. What I'm
15:02:12 16 interested in - or assisting police - what I'm interested
15:02:17 17 in is when you learnt she was an informer in particular
15:02:20 18 against you?---At the beginning of this Commission.

15:02:24 19
15:02:24 20 All right, that was the first time. Did you have any
15:02:26 21 suspicions about it prior to that given what you knew was
15:02:34 22 coming out in the media about the articles we spoke about a
15:02:41 23 moment ago?---No, I only found out this year, the crux of
15:02:45 24 it.

15:02:45 25
15:02:46 26 The evidence that you gave a moment ago, I think we were at
15:02:47 27 cross-purposes, I think you were talking about Ms Gobbo as
15:02:50 28 a witness but I was talking about her in particular as an
15:02:54 29 informer. You understand the difference obviously between
15:02:56 30 those two things?---Okay, so I'm confusing the two, yeah.

15:03:01 31
15:03:01 32 Yes?---No, I did not know about her informing to the level
15:03:05 33 that she has until this, this Commission has come about.

15:03:09 34
15:03:09 35 In particular about informing against you until this
15:03:13 36 Commission?---Especially that.

15:03:15 37
15:03:15 38 I'm going to play one last very brief clip from 9 June
15:03:22 39 2006. You'll be happy to know it doesn't go for long and
15:03:29 40 then after this I'll leave you alone. If that could be
15:03:31 41 played now, please.

42
15:03:50 43 (Audio recording played to the hearing.)

44
15:04:10 45 Just bear with us for a moment, Mr Cooper. We're getting
15:04:13 46 the audio cued up. That might have been a previous one.

47

15:04:36 1 (Audio recording played to the hearing.)
2

15:05:45 3 Mr Cooper, just focusing on those words where Ms Gobbo
15:05:50 4 expresses to Victoria Police that she's the one who has
15:05:53 5 been robbed, hard done by or not ended up where they
15:05:57 6 deserve to be, what's your reflection, given also that
15:06:04 7 they're talking about whether or not there are any losers
15:06:07 8 in this situation? Do you understand what I'm
15:06:13 9 asking?---Could you put it another way?

15:06:15 10
15:06:16 11 Do you accept Ms Gobbo's description of the situation that
15:06:22 12 in the situation that played out in early 2006 in relation
15:06:26 13 to your arrest?---Yes.

15:06:29 14
15:06:29 15 That she was robbed, hard done by or not ended up where
15:06:36 16 they deserve to be, she says she is the person who is hard
15:06:41 17 done by in all of that?---No.

15:06:43 18
15:06:43 19 Do you accept her description?---Absolutely not.

15:06:45 20
15:06:46 21 How do you feel that you came out of this relationship
15:06:49 22 between Victoria Police and Nicola Gobbo?---I feel so
15:06:57 23 violated. There's nothing excusing the fact I did the
15:07:01 24 crime and I understand that and I own it, but ultimately I
15:07:06 25 just feel that there's a system and the system's been
15:07:09 26 abused and this is all we've got, you know, and I honestly,
15:07:14 27 I believe in the system and it just can't be, it shouldn't
15:07:20 28 be violated like that, it just shouldn't be.

15:07:23 29
15:07:23 30 Thank you, Mr Cooper, they're all the questions I
15:07:27 31 have?---It reflects on everybody and, you know, youse are
15:07:33 32 all professional people and I don't lie to because this is
15:07:36 33 all we've got.

15:07:37 34
15:07:38 35 Could you reflect also on your feeling towards the police,
15:07:45 36 I've asked you about Nicola Gobbo, their role in all of
15:07:48 37 this, what's your reaction to learning about their role in
15:07:53 38 this situation?---They should have known better than this,
15:07:58 39 come on. They should have so done better than this. Like
15:08:03 40 I said I am not innocent in any of this and I did what I
15:08:09 41 did, but you just can't go to the extreme of baiting people
15:08:14 42 to do things so that they - I mean what if there was a
15:08:17 43 murder involved, you know. I just don't understand it, I
15:08:21 44 just don't.

15:08:22 45
15:08:22 46 In fact in relation to the matter we spoke about a moment
15:08:25 47 ago with your inmate Mr Thomas and the release of Mr Orman,

15:08:29 1 you understand that that was a situation where there was a
15:08:32 2 murder involved, do you agree?---Yes, yes.
15:08:34 3
15:08:35 4 Thank you, Mr Cooper?---Thank you.
15:08:38 5
15:08:38 6 COMMISSIONER: Yes Mr Nathwani.
15:08:40 7
8 <CROSS-EXAMINED BY MR NATHWANI:
9
15:08:43 10 Mr Cooper, as you may know I'm one of the barristers for
15:08:46 11 Ms Gobbo. If you can't hear me just say so, okay?---No
15:08:51 12 problem.
15:08:51 13
15:08:52 14 And say if I ask something you don't understand?---Thank
15:08:58 15 you.
15:08:59 16
15:09:03 17 You could hear when I was asking or spoke to the
15:09:08 18 Commissioner about information that had been provided about
15:09:10 19 the last time you spoke to Ms Gobbo in 2012?---Yes.
15:09:14 20
15:09:14 21 And obviously you heard and I won't go into the reasons for
15:09:18 22 it, but you chose not to provide a statement to this
15:09:22 23 Commission?---Yes.
15:09:22 24
15:09:22 25 It's evident there's some information that has come into
15:09:25 26 the hands of the Commission. Have you had any discussions
15:09:29 27 with any of the barristers for the Commission in the last
15:09:32 28 week?---No.
15:09:33 29
15:09:33 30 How about prior to that period of time?---I spoke to my
15:09:39 31 counsel, yes.
15:09:40 32
15:09:41 33 What I'm trying to get at is there's some information
15:09:43 34 that's obviously provided relating to the last time you met
15:09:47 35 Ms Gobbo, you say in 2012. I'm just anxious or keen to
15:09:52 36 know where that has come from and how it is it ended up in
15:09:56 37 writing in the way it did before counsel for the
15:09:59 38 Commission. Are you able to help?---Yes, I can.
15:10:01 39
15:10:02 40 Fire away?---During the lunch break I was having a
15:10:06 41 conversation and the, the lady assisting the Commission
15:10:13 42 here overheard the conversation and I dare say would have
15:10:16 43 sent a text message of some description.
15:10:18 44
15:10:18 45 I understand. All I'm saying is, and you just need to
15:10:22 46 confirm this, the conversation you were having was
15:10:24 47 obviously I assume with your legal team?---No.

15:10:27 1
15:10:27 2 So it was someone else?---Yes.
15:10:29 3
15:10:30 4 Unrelated to the Commission?---No.
15:10:32 5
15:10:34 6 Can you help with who that was then?---It was a member of
15:10:37 7 the Victoria Police.
15:10:39 8
15:10:40 9 Right. Which member of Victoria Police was that?
15:10:43 10
15:10:44 11 MS ENBOM: Your Honour, may I interrupt there.
15:10:47 12
15:10:47 13 COMMISSIONER: Yes.
15:10:50 14
15:10:51 15 MR NATHWANI: I understand, sorry. It's my fault, I
15:10:53 16 understand.
15:10:54 17
15:10:54 18 COMMISSIONER: Must be someone who can't be named
15:10:57 19 apparently.
15:10:58 20
15:10:58 21 MR NATHWANI: I'll leave it, I'll leave it for now. Can I
15:11:02 22 ask you generally, because you were involved with the
15:11:05 23 Mokbels, Carl Williams and the like in 2002 to 2006?---Yes.
15:11:12 24
15:11:16 25 You've told us that you and Ms Gobbo had one thing or a
15:11:22 26 thing in common that really pushed you together and that
15:11:25 27 was the way you were abused by the Mokbels?---Yes.
15:11:28 28
15:11:31 29 We've heard already from Mr Woods when he asked you some
15:11:34 30 questions about the time you were placed in the boot of a
15:11:37 31 car and taken to a particular location to teach two people
15:11:41 32 to cook?---Yes.
15:11:44 33
15:11:45 34 And again, were weapons used to threaten you to take you
15:11:51 35 there?---No.
15:11:52 36
15:11:53 37 MR THOMAS: I object to this, Commissioner. The question
15:11:55 38 has been answered but if there's going to be further
15:11:58 39 questions along these lines I object to it on the basis it
15:12:02 40 doesn't seem to fall clearly within the scope of relevance
15:12:07 41 of this inquiry.
15:12:09 42
15:12:11 43 MR NATHWANI: It's of course understandable by someone who
15:12:15 44 hasn't been here throughout to say that. Ms Gobbo at the
15:12:19 45 outset of her first discussion with handlers talked of the
15:12:21 46 hold the Mokbels had over her and as such her reasons for
15:12:24 47 doing what she did. It's actually one of the main - - -

15:12:27 1
15:12:28 2 MR THOMAS: This question has not been directed to that
15:12:31 3 issue. This question is directed to conduct towards the
15:12:35 4 witness, totally unrelated to Ms Gobbo, so I maintain my
15:12:39 5 objection.
15:12:39 6
15:12:39 7 COMMISSIONER: Whether she knew about it I suppose.
15:12:40 8
15:12:42 9 MR NATHWANI: And of course this witness, as he has said,
15:12:44 10 was subject to similar sorts of pressure, they had a bond
15:12:51 11 in common over the pressure and hold the Mokbels had over
15:12:52 12 them.
15:12:52 13
15:12:52 14 COMMISSIONER: Perhaps you better reframe it so that you
15:12:52 15 involve Ms Gobbo in it, make it relevant to Ms Gobbo.
15:12:56 16 Whether he told Ms Gobbo about it.
15:13:00 17
15:13:01 18 MR NATHWANI: Do you accept telling Ms Gobbo about the
15:13:03 19 occasion when you were put in the back of a car?---Yes.
15:13:06 20
15:13:07 21 And the full detail of that?---Yes.
15:13:11 22
15:13:11 23 And that included or did it include the use of a weapon?
15:13:17 24 You were threatened with a particular weapon and put into
15:13:20 25 the boot of a car and then taken to a location?---No, not
15:13:25 26 with a weapon.
15:13:26 27
15:13:28 28 As far as the pressures that she was suffering from them,
15:13:32 29 it related to control, do you agree with that, the Mokbels
15:13:36 30 felt because she was their lawyer they controlled
15:13:39 31 her?---Yes.
15:13:40 32
15:13:41 33 And that extended to all of those people who worked for
15:13:44 34 them, like yourself?---Yes.
15:13:46 35
15:13:47 36 And, for example, Mr Bickley ?---I can't speak for
15:13:52 37 Mr Bickley |
15:13:53 38
15:13:53 39 As far as the Mokbels were concerned, when someone was
15:13:59 40 arrested they were expected to choose Ms Gobbo to represent
15:14:03 41 them, do you agree with that as far as you were
15:14:08 42 aware?---Initially, yes.
15:14:10 43
15:14:10 44 I think earlier in your evidence you said yourself you
15:14:14 45 were, when you first came across Ms Gobbo it was because
15:14:16 46 the Mokbels had previously used her and therefore you
15:14:20 47 did?---Then they stopped using her and I continued using

15:14:23 1 her and they, they shifted to a different barrister.

15:14:28 2
15:14:29 3 Okay, I understand. Were you aware of, were you ever -
15:14:36 4 whenever you were under arrest were you aware of pressure
15:14:40 5 coming from the Mokbels to make sure that you didn't do
15:14:43 6 anything against their interests?---Yes.

15:14:46 7
15:14:46 8 And that at the same time Ms Gobbo was also expected to
15:14:51 9 protect their interests. So, for example, if she is
15:14:55 10 representing you, as she did in April 2006, the Mokbels
15:14:59 11 would have expected Ms Gobbo not to allow you to roll
15:15:03 12 against them, just as a hypothetical situation?---She was,
15:15:08 13 she was no longer representing them at that time.

15:15:11 14
15:15:11 15 But let's say had it been in 2002 when she'd been
15:15:15 16 representing the Mokbels?---Yes.

15:15:17 17
15:15:18 18 And I think later in time we've seen some examples of it,
15:15:21 19 but you can comment, one of your concerns for Ms Gobbo was
15:15:26 20 in fact that if it became revealed that she was
15:15:31 21 representing you at the time you eventually did provide
15:15:35 22 evidence or agree to provide evidence against Mokbel and
15:15:38 23 the like?---Sorry, could you say that one again?

15:15:42 24
15:15:43 25 In fact obviously until you found out she was a police
15:15:47 26 informer, one of your concerns was the health and safety of
15:15:51 27 Ms Gobbo because of the reaction the Mokbels would have had
15:15:55 28 at her being involved when you began to assist the
15:15:58 29 police?---Correct, yes.

15:15:59 30
15:16:05 31 I just want to ask you about money. You obviously say you
15:16:13 32 gave Ms Gobbo some money and that she seems to have
15:16:17 33 forgotten about it. I'm summarising your evidence,
15:16:22 34 okay?---Yes.

15:16:22 35
15:16:22 36 Can you help us with when you fell out with her over the
15:16:27 37 issue of money?---When I fell out with her over the issue
15:16:32 38 of money was when I got out of prison. I thought
15:16:35 39 everything was fine up until then.

15:16:37 40
15:16:39 41 Do you agree you became aware at the time that she was not
15:16:43 42 paying or she stopped sending you money for your
15:16:46 43 canteen?---Yes.

15:16:47 44
15:16:47 45 And then thereafter, at that stage did you not raise with
15:16:51 46 her, "Look, you're not paying my bills for me", did you not
15:16:56 47 have a falling out at that stage?---It was nothing I wanted

15:16:59 1 to say over the phone.
15:17:00 2
15:17:02 3 Because it pointed out, earlier you were asked, I'm just
15:17:06 4 going to what you said about money?---Yes. She stopped
15:17:15 5 paying the last couple of years.
15:17:25 6
15:17:25 7 I just want to get it exactly because this morning you were
15:17:28 8 asked, Mr Woods asked you this, "So the time you went into
15:17:31 9 prison", this is when you say you gave her the money you
15:17:34 10 did, he asked you, "You were facing financial difficulty in
15:17:38 11 this period April of 2006?" You said, "Yes". She
15:17:42 12 described you, this is Ms Gobbo, and she described you as a
15:17:44 13 vulnerable person to the Victoria Police in the period of
15:17:47 14 time. "Is that something you think is correct or incorrect
15:17:50 15 as a description of you at the time in your life?" You
15:17:54 16 say, "Yes". Mr Woods asked you, "How were you vulnerable?"
15:18:18 17 And you volunteered, "Well, I owed a lot of money, there
15:18:18 18 was a lot of resentment going on, there was a lot of
15:18:18 19 pressure to continue what I was doing. There was the
15:18:18 20 disappearance of Tony, there was lot going on and I was, I
15:18:18 21 wasn't in a good state"?---Yes.
22
15:18:18 23 Now considering that answer, where did you get the money
15:18:18 24 you say you gave Ms Gobbo?---From proceeds of crime, from
15:18:20 25 prior amphetamine cooks.
26
15:18:25 27 But here you are - can we see where you are in 2006. You
15:18:29 28 answered that you're in financial difficulty, you owe lots
15:18:33 29 of money and you'd just been raided doing a third
15:18:36 30 cook?---Yes.
31
15:18:37 32 So you get in more debt as a result of that?---Well, yes,
15:18:39 33 from those chemicals, yes.
34
15:18:43 35 You say you fell out with Ms Gobbo over this and that I
15:18:47 36 think you said it was a joke that - that you'd end up
15:18:53 37 [REDACTED] parole; is that
15:18:55 38 right?---Yes.
39
15:18:56 40 She wrote a letter to you, didn't she, in 2012, [REDACTED] 2012,
15:19:02 41 and it was for the authorities. I'll read a line or two of
15:19:09 42 it. But it's [REDACTED] 2012. The Commission has it. It
15:19:15 43 effectively is a letter to the Adult Parole Board saying
15:19:17 44 [REDACTED]?---I'm not aware of that.
45
15:19:25 46 Well it was sent to the prison you were in. Do you agree
15:19:33 47 that you provided that letter, or certainly Dale Flynn

15:19:36 1 became aware of it?---I discussed it with Dale Flynn, but I
15:19:41 2 can't remember a letter. I just remember us talking about
15:19:44 3 it.

4
15:19:46 5 Did you provide a letter to Corrections with a view to you
15:19:50 6 [REDACTED] --I can't recall that.

7
15:19:52 8 Because that would be inconsistent, wouldn't it, with
15:19:54 9 someone you'd fallen out with over a lot of money?---I fell
15:19:58 10 out with her after I got out of gaol.

11
15:20:01 12 You see, when you said it was a joke, that's not true. You
15:20:04 13 were happy and you wanted [REDACTED], do you
15:20:07 14 agree with that?---I contemplated it, yes.

15
15:20:10 16 You in fact applied to the Parole Board to do so?---I can't
15:20:13 17 recall if I did or I didn't.

18
15:20:15 19 And they said no?---I can't recall that.

20
15:20:32 21 You were asked by the Commissioner - or first I'll put
15:20:34 22 this - about the issue of aiding and abetting. I just want
15:20:37 23 to go through some of the answers you gave this morning and
15:20:39 24 see how they sit together. Sorry, bear with me. I'm
15:20:50 25 pulling up a transcript because I want to be fair and read
15:20:57 26 out exactly what you said. The Commissioner asked you
15:21:05 27 this, after Mr Woods - we'll go to Mr Woods' questions
15:21:08 28 first. So Mr Woods asked you this, "Can you explain a
15:21:17 29 little bit about that?" He was talking about protecting
15:21:20 30 Ms Gobbo. He then asked you, "Did you actively try and
15:21:23 31 protect Nicola Gobbo in these dealings on this evening?"
15:21:30 32 You say, "Yes". "And what, what what was your reason for
15:21:31 33 doing so? She was my barrister", you say, "and I felt if
15:21:35 34 it came to their knowledge that she knew where I was or had
15:21:39 35 been aware or whatnot, that she would be aiding and
15:21:41 36 abetting. So I didn't want my barrister to be implicated
15:21:45 37 in any criminal conduct". So there you seem to be saying
15:21:48 38 aiding and abetting because she knew where you'd been, and
15:21:51 39 that meant cooking, is that fair?---Yes.

40
15:21:55 41 The Commissioner then asked a bit later on, "Just before
15:21:58 42 you do that, could I ask you, Mr Cooper, you say that you
15:22:01 43 were conscious of wanting to protect Nicola Gobbo from any
44 pre knowledge about your offending. You didn't want her
15:22:10 45 implicated as an aider and abettor?" Answer: "Yes".
15:22:10 46 "Looking back, is there anything that she said or did in
15:22:13 47 her conduct or in the relationship with you that you may

15:22:15 1 have implicated her as an aider and abettor?" You say
15:22:22 2 this, "Well she knew about me going away for those couple
15:22:25 3 of days so, and she knew what I was doing. So would that
15:22:28 4 incriminate her? I don't know". Next question, "Did she
15:22:32 5 ever encourage you in any way in what you were doing?
15:22:35 6 Look, I have to say yes because she would talk about her
15:22:39 7 financial needs, her tax woes and, yeah, she often - yeah.
15:22:43 8 She aided me in many ways by [REDACTED] when
15:22:48 9 I went away. Yeah, when I look back now there were times,
15:22:51 10 yes". Question, "So she'd talk about the tax bills, what,
11 in a sense that she was wanting you to obtain money to help
15:22:53 12 her with them?" Answer, "Yes." "And what, knowing the
15:22:55 13 only way you could obtain that sort of money was to cook
15:22:59 14 methamphetamine?", and you agreed. Are you saying there
15:23:04 15 were occasions where you were expressly telling her you
15:23:08 16 were cooking amphetamine?---No.

17
15:23:11 18 I want to be clear because earlier you said - I want to be
15:23:16 19 even more clear about this. Ms Gobbo wasn't coming to you
15:23:20 20 and saying, "Look, I've got a tax bill to pay, can you go
15:23:25 21 cook some speed for me or some amphet"?---No, she just
15:23:30 22 said, "I needed money for my tax bill", which only meant
15:23:33 23 for me to do what I do.

24
15:23:35 25 I'm looking, because one of the first answers you gave - I
15:23:41 26 just want to see if this is accurate. You were asked a
15:23:55 27 long question but the end of it is this, "Can you explain
15:24:00 28 from your point of view whether or not she was correct when
15:24:02 29 she was saying she could ask you anything and you'd tell
15:24:05 30 her, but she didn't want to know any of that stuff?" You
15:24:09 31 said this, "How can I put this? She would ask, looking at
15:24:13 32 it now, she would ask about it in a roundabout way when
15:24:16 33 there were things going on with other associates and I was
15:24:19 34 the, letting her know about what was what, that was about -
15:24:23 35 and as I was doing that I was also incriminating myself now
15:24:27 36 that I see it. So I specifically never tried to tell her
15:24:30 37 too much because I never wanted to incriminate my legal. I
15:24:34 38 felt I owed a duty to her as much as she owed a duty to me.
15:24:39 39 Although I was offending I lied to her on occasions and I
15:24:42 40 kept her out of the loop. But there was always ways where
15:24:45 41 she was fishing and I obviously said things indirectly
15:24:50 42 which obviously she reported them". Does that accurately
15:24:52 43 reflect what you did and did not tell Ms Gobbo?

15:24:59 44
15:25:00 45 MR THOMAS: At what time? The evidence was quite clear
15:25:02 46 that there were different periods of time and different
15:25:05 47 amounts of information given. My learned friend is now

15:25:08 1 putting something across a long period of time, years - - -
2

15:25:12 3 COMMISSIONER: Yes, fair enough. Perhaps be more specific
15:25:15 4 in the questions you're asking, thanks.
15:25:19 5

15:25:19 6 MR NATHWANI: I just read out a transcript or one of your
15:25:20 7 answers you gave this morning about Ms Gobbo generally
15:25:23 8 saying she could ask you about anything and you gave that
15:25:26 9 response. Sorry, I'm trying to focus, Mr Cooper. The
15:25:34 10 answer you gave, obviously that must have been accurate at
15:25:37 11 the time you first dealt with Ms Gobbo, is that
15:25:41 12 fair?---Look, initially she would never ask those kind of
15:25:44 13 questions early in our relationship. Now looking back now,
15:25:50 14 with what I know now, that toward the end, yes, she was on
15:25:55 15 a fishing expedition, she was asking a lot more questions
15:25:59 16 than normal. That's what I'm trying to say.
17

15:26:01 18 I understand that. What I'm getting at really is you never
15:26:05 19 - I think you answered in the questions I asked before
15:26:06 20 this, you never said, "Oh, by the way, I'm off cooking
15:26:11 21 this, that and the other"?---No.
22

15:26:12 23 You assumed, because of the circumstances, she knew what
15:26:15 24 you were up to, is that a fair way of putting your
15:26:15 25 answers?---It's a fair way. "I'm going away for a couple
15:26:19 26 of days", which would indicate to her - I know her and that
15:26:23 27 reflects in the transcripts she gave to the police.
28

15:26:28 29 You also say that Ms Gobbo would have had the power to stop
15:26:36 30 you cooking the third cook?---I'm not saying she had the
15:26:41 31 power to stop, I never answered it like that.
32

15:26:44 33 You said she could have stopped you?---Did I say those
15:26:47 34 exact words?
35

15:26:48 36 Yes, let's go to it.
37

15:26:59 38 COMMISSIONER: Mr Nathwani is just finding the transcript
15:27:02 39 that he wants to put to you?---Yes.
40

15:27:11 41 MR NATHWANI: You say this, p.62 from this morning. You
15:27:11 42 were asked about taking stock of the events. You say this,
15:27:18 43 "I honestly believe I was set up, you know. She could have
15:27:21 44 talked me out of the last lab, you know. So much could
15:27:26 45 have happened but it was almost like I was pushed into it
15:27:29 46 and there's the consequences, yeah". And then you go on to
15:27:32 47 details. So you're saying there quite clearly, "She could

15:27:36 1 have talked me out of the last lab, you know".
15:27:40 2 Okay?---Ultimately I'm in control of what I do, but how can
15:27:48 3 I put this? She's not in control of what I do. Ultimately
15:27:57 4 I own what I do. All I'm saying is that's not the - I
15:28:02 5 didn't get the proper advice from my barrister is what I'm
15:28:04 6 trying to say.
7
15:28:05 8 Okay. You also said - - -
9
15:28:12 10 COMMISSIONER: Would you like a break now, Mr Cooper? We
15:28:15 11 can have our afternoon break, we normally have it about
15:28:19 12 now?---Okay, that'd be fine, yes, thank you.
13
15:28:22 14 We'll have a short afternoon break, thank you.
15
16 (Short adjournment.)
17
15:42:38 18 COMMISSIONER: Can you hear me, Mr Cooper?---Yes, I can,
15:42:40 19 Your Honour.
20
15:42:40 21 Yes. Mr Chettle?
15:42:43 22
15:42:44 23 MR CHETTLE: Before we start, before my friend starts, in
15:42:46 24 order to save time, I've had a look at the orders made
15:42:49 25 yesterday, had discussions with both counsel for the police
15:42:52 26 and counsel assisting you. I would seek to see the
15:42:57 27 sentencing remarks that were tendered as one of the
15:42:59 28 exhibits.
29
15:43:00 30 COMMISSIONER: Sure. I think that will be emailed to you.
15:43:02 31
15:43:03 32 MR CHETTLE: Thank you.
33
15:43:04 34 COMMISSIONER: Straight away. Yes Mr Nathwani.
15:43:06 35
15:43:08 36 MR NATHWANI: Mr Cooper, I haven't got too much longer.
15:43:12 37 Next topic please. You in effect said that had it not been
15:43:17 38 for Ms Gobbo you wouldn't have engaged in providing
15:43:23 39 evidence or becoming a witness for the prosecution, do you
15:43:26 40 recall that?---Yes.
41
15:43:27 42 And in fact you said, "My recollection is if I hadn't have
15:43:30 43 called her that day I wouldn't have done what I did that
15:43:33 44 night, that to me is a given", okay?---Yes.
45
15:43:38 46 Obviously at the time you were arrested in April 2006 you
15:43:42 47 were on bail for two other matters, you agree with

15:43:44 1 that?---Yes.
2
15:43:47 3 Do you agree that during the proceedings for those matters
15:43:54 4 you made contact with Dale Flynn and during that contact
15:43:59 5 indicated you were considering providing evidence against
15:44:04 6 associates?---No.
7
15:44:08 8 Can I just ask you what your relationship with Mr Flynn is
15:44:11 9 like now? We understand you've had contact with him since
15:44:17 10 December 2018, which is a date we were all aware of but it
15:44:22 11 relates to when it became apparent that Ms Gobbo was Lawyer
15:44:26 12 X?---Yes.
13
15:44:27 14 Your contact with him - have you had contact - - - ?---I
15:44:33 15 haven't had contact with him since then and I did ring him
15:44:36 16 to ask him what's going on, what can you tell me? This is
15:44:40 17 all news to me.
18
15:44:44 19 Going back to April 2006, do you agree when you were in the
15:44:49 20 boardroom with Jim O'Brien and Dale Flynn they made a
15:44:53 21 number of promises to you that in effect turned your mind
15:44:56 22 into providing evidence against the Mokbels and the
15:45:01 23 like?---Can you elaborate what that was?
24
15:45:05 25 I'm asking you: did they make any promises?---No.
26
15:45:08 27 Right?---They just said I'd be looked after.
28
15:45:12 29 Okay. Do you accept you wrote a letter to Dale Flynn on 28
15:45:16 30 December 2009?---Yes.
31
15:45:20 32 During which time you were upset with a prisoner that was
15:45:25 33 in your cell with you?---Yes.
34
15:45:28 35 And then you discussed your arrest back in April
15:45:34 36 2006?---Yes.
37
15:45:37 38 Hopefully - is there a screen he can see? Brilliant. Can
15:45:42 39 we bring up MIN.0002.0001.0549. It's the first page. Just
15:45:51 40 have a quick look through this. If we can just go through
15:45:56 41 it and see if you recognise it's a letter you wrote?---Yes.
42
15:46:00 43 Okay, good. Let's go straight to p.3. Second paragraph it
15:46:13 44 says, "Which brings us back to the question I asked you at
15:46:21 45 the beginning of this letter. I feel I have to start right
15:46:24 46 at the moment of my arrest at Strathmore. Do you recall
15:46:27 47 what was discussed in the boardroom at St Kilda Road after

15:46:29 1 my first record of interview?"?---Yes.
2
15:46:32 3 "Five years Dale"?---Yes.
4
15:46:35 5 Then you put this, "With the ever pressing intimidation and
15:46:39 6 realisation from you and Jim O'Brien that Milad Mokbel
15:46:42 7 would walk on bail, I signed at the thought he would [REDACTED]
15:46:45 8 [REDACTED]'. You then also mentioned that you signed at
15:46:50 9 the thought he would harm Nicola, that's Gobbo, and [REDACTED]
15:46:54 10 [REDACTED]. Do you agree with that?---Yes.
11
15:46:57 12 What you seem to be saying there is the reason you signed
15:46:59 13 off the statements was because Milad Mokbel was going to
15:47:03 14 get out on bail unless you assisted in making sure he
15:47:06 15 didn't, do you agree with that?---Yes.
16
15:47:10 17 And so that was the first, that was some of the pressure
15:47:12 18 that was put on you by Jim O'Brien and Dale Flynn, do you
15:47:15 19 agree with that?---Yes.
20
15:47:18 21 You call that deception number 1. Deception 2, next
15:47:23 22 paragraph, "You promised me what turned out to be a 16 day
15:47:27 23 interview of spilling my heart and soul out to you would be
15:47:30 24 conducted in a pleasant environment". You then set out how
15:47:33 25 it wasn't. You say again, "Misled or given a promise by
15:47:37 26 those two police officers", do you agree?---Yes.
27
15:47:41 28 Next one, Dale Flynn promised you a [REDACTED] and
15:47:48 29 [REDACTED], do you see that?---Yes.
30
15:47:52 31 Again, deception 3?---Yes.
32
15:47:55 33 Then you talk about the almost famous discussion that took
15:47:58 34 place in the dark blue Commodore, okay, and we see you date
15:48:02 35 it, that's Anzac Day. That's a few days after your arrest
15:48:06 36 and [REDACTED] that you'd agreed
15:48:11 37 to, do you see that?---Yes, yes.
38
15:48:14 39 And you describe it yourself "before I put the nail into
15:48:16 40 the coffin of the Mokbel empire"?---Yes.
41
15:48:20 42 You talk about someone who could be a witness to the
15:48:22 43 conversation, someone called [REDACTED]?---Yes.
44
15:48:24 45 And you say the promise made to you was about [REDACTED]
15:48:28 46 [REDACTED], do you see that?---Yes.
47

15:48:31 1 Does that help you with what the police were saying to you
15:48:35 2 about getting, about your options and putting pressure on
15:48:38 3 you to provide a statement?---Yes.
4

15:48:55 5 When you say you wouldn't have rolled without Ms Gobbo, do
15:49:00 6 you still agree with that when you read what you're saying
15:49:02 7 to Dale Flynn?---This wouldn't have ever happened. This
15:49:08 8 was all later on. This is all too late.
9

15:49:11 10 But you're talking here, as you've accepted, about what
15:49:14 11 happened back in 2006 and the decision you made to roll,
15:49:17 12 and when we read through it, we'll go through a bit more.
15:49:20 13 What in effect you're saying is, "Because I haven't been
15:49:23 14 given the proper condition that you promised me I'm
15:49:26 15 considering not helping you anymore". That's what you're
16 saying to Dale Flynn, you're saying, "You made me thses
15:49:30 17 promises, this is why I signed the statement. You're not
15:49:32 18 keeping your end of the bargain, I'm out"?---No, I wasn't
15:49:36 19 out.
20

15:49:36 21 No, no?---I kept on - I was just sending him a strong
15:49:41 22 message to look after me while I'm in here. What are you
15:49:44 23 doing to me? This doesn't say I'm going to backtrack.
24

15:49:48 25 Let's go through it. Can we just, what I'm trying to get
15:49:51 26 at, and I think we're at cross-purposes so it's my fault,
15:49:54 27 but what you seem to be saying is they made those four
15:49:58 28 promises to you?---Yes, they said they were going to [REDACTED]
15:50:01 29 [REDACTED], they said that they would look after me.
15:50:05 30 I'm telling you, they said they would look after me. And
15:50:08 31 this to my - and to me this is not looking after me.
32

15:50:11 33 What you said is - I just want to read, this is from the
15:50:14 34 second paragraph, you said, "I signed at the thought he
15:50:17 35 would harm [REDACTED] Nicola", and [REDACTED] for that
15:50:20 36 matter?---Yes.
37

15:50:21 38 What you seem to be saying is, "I agreed to assist because
15:50:25 39 the thought of Mokbel [REDACTED]", not, "I agreed
15:50:30 40 to assist because Gobbo said" - sorry, your evidence
15:50:34 41 earlier was if it was not for her you would not have
15:50:36 42 assisted at all?---No, I would have not assisted at all and
15:50:39 43 that way I wouldn't be in a situation to have to sign these
15:50:41 44 statements because I've done what I've done. I'm fearing
15:50:48 45 Mokbel now because I've done what I've done.
46
47 Now let's scroll down - - -

1
15:50:51 2 COMMISSIONER: Mr Nathwani, his evidence of course is that
15:50:53 3 when he wrote this letter he didn't know that Nicola Gobbo
15:50:56 4 was an informer who had informed police on him.
15:51:00 5
15:51:00 6 Yes, I understand that. I well understand that. But as I
15:51:02 7 listen to his evidence - and Mr Cooper, can you confirm,
15:51:04 8 what you seemed to be saying earlier was had Gobbo not come
15:51:08 9 into that cell, or come to see you and say you should
15:51:11 10 provide evidence against the Mokbels, you wouldn't have
15:51:13 11 done so back in April 2006?---Exactly. What would have
15:51:17 12 happened is I would have gone with a no comment statement
15:51:20 13 and it would have been too late because their (indistinct)
15:51:23 14 would have been up, everyone would have known I was in
15:51:26 15 custody and there would be no deal.
16
15:51:27 17 If we go to - I just want to ask you the last topic related
15:51:32 18 to it. If we go to p.4, the top of p.4. This was partly
15:51:41 19 related to what you'd said earlier but you seem to have
15:51:44 20 accepted that Ms Gobbo couldn't stop you cooking, but the
15:51:47 21 first paragraph you say, "To give you a little more
15:51:51 22 understanding of where I'm coming from, you never asked the
15:51:54 23 question Dale, why Cooper, why the third time? Why would
15:52:03 24 you continue to offend whilst on two bails? Answer, fear
15:52:05 25 of death? Maybe. Money? Maybe. The honest truth,
15:52:10 26 loyalty to my outfit. It gave me a sense of belonging and
15:52:18 27 it took balls of steel to do so. Now I find myself in a
15:52:21 28 different predicament, a new outfit with a whole new set of
15:52:25 29 demands", okay?---Yes.
30
15:52:28 31 So I just point that out because it, as you accepted just
15:52:30 32 before the break, Ms Gobbo couldn't stop you from cooking
15:52:30 33 and you agree with that, don't you?---Yes.
34
15:52:32 35 Finally this. There's no doubt obviously that you
15:52:40 36 understandably feel betrayed by Ms Gobbo?---Yes, I do.
37
15:52:44 38 Loyalty very important to you?---Yes.
39
15:52:46 40 If we go to the bottom of p.3. Just up a bit more please.
15:52:52 41 There you have it front and centre in the letter to
15:52:56 42 Mr Flynn, the noun loyalty, and you pointed out what it
15:53:00 43 means. Now if we read the bold, the capital in the next
15:53:06 44 paragraph in the middle, "I'm all about loyalty. To those
15:53:10 45 who are loyal to me, to those who honour their word to me.
15:53:14 46 As you're well aware the Mokbels dishonoured my loyalty for
15:53:20 47 years which I tolerated and feared the repercussions,

15:53:20 1 continued my involvement which resulted in this course of
15:53:24 2 action towards them. Please Dale, don't lose my loyalty.
15:53:29 3 For your sake, I have a tendency to go the other way real
15:53:32 4 quick once I've lost my passion for what I think is right",
15:53:38 5 okay?---Yes.

6
15:53:39 7 As far as money given to Ms Gobbo as proceeds of crime,
15:53:44 8 that's not true. What do you say about that?---It is true.

9
15:53:47 10 And she's, of course, someone who's betrayed your loyalty,
15:53:52 11 which you agree with?---Well I'm only finding this out now.

12
15:53:56 13 I understand?---So how - I've only found this out now.
15:54:00 14 I've not seen Ms Gobbo since 2012.

15
15:54:04 16 All right. Thank you very much Mr Cooper?---Thank you.

17
15:54:10 18 COMMISSIONER: Did you want to tender that letter?

19
15:54:13 20 MR NATHWANI: Yes, please. It will obviously have to be
15:54:15 21 redacted.

22
15:54:16 23 COMMISSIONER: Yes, of course. There's a non-publication
24 order in respect of anything that could tend to identify
15:54:17 25 the witness in any case.

26
15:54:17 27 #EXHIBIT RC670A - (Confidential) 2009 letter from Cooper to
15:54:27 28 Dale Flynn.

29
15:54:19 30 #EXHIBIT RC670B - (Redacted version.)

31
15:54:30 32 MR WOODS: Just before my friends go on, there might be
15:54:33 33 something arising that Mr Nathwani wants to deal with. It
15:54:36 34 might be appropriate for me just to put a proposition to
15:54:38 35 the witness now.

36
15:54:39 37 COMMISSIONER: Yes, I understand.

38
15:54:40 39 MR WOODS: There was an exchange that happened at the start
15:54:43 40 of his examination, and unfortunately I can't find the
15:54:45 41 precise words that were put to him, but it seemed to me
15:54:48 42 that the answer to the question was that he hadn't met with
15:54:53 43 counsel assisting the Royal Commission before. Mr Cooper,
15:54:59 44 it's correct that I had a conversation by phone with you,
15:55:05 45 your instructing solicitor and your counsel two or three
15:55:11 46 days ago?---Yes, that is correct. I do remember that, yes.

47

15:55:15 1 And I explained in general terms the evidence that I'd be
15:55:19 2 taking you through?---Yes, it was a conversation, not a
15:55:23 3 written document.
4

15:55:24 5 Yes. No, I understand. I just wanted to be clear, in that
15:55:27 6 conversation you didn't - did you tell me the subject of
15:55:31 7 that examination about Paul Iliovski that I took you
15:55:36 8 through a little bit earlier?---Yes.
9

15:55:38 10 Did you tell me in the phone conversation that we had a
15:55:42 11 couple of days ago?---Did I tell you in the phone
15:55:45 12 conversation about what - about - - -
13

15:55:49 14 Mr Nathwani was making a complaint to the Commission and
15:55:52 15 asking you questions about when it became clear to the
15:55:58 16 Commission your evidence that I took you through a moment
15:56:01 17 ago that you said you thought one of the Commission staff
15:56:05 18 might have overheard describing you to a police officer at
15:56:08 19 lunchtime, do you remember that?---Yes.
20

15:56:10 21 What I'm saying is the suggestion appeared to be made that
15:56:13 22 this is something that the Commission knew about before I
15:56:17 23 led evidence from you earlier today, and what I'm wanting
15:56:22 24 to elicit from you is whether or not you told me that story
15:56:26 25 about Paul Iliovski, et cetera, when we had a conversation
15:56:31 26 by phone with your counsel and your instructing solicitor a
15:56:36 27 few days ago?---No, that wasn't spoken about.
28

15:56:40 29 In fact during that conversation is it correct that you
15:56:42 30 pretty much didn't say anything?---I didn't say anything
15:56:45 31 and I gave instructions for Malcolm to tell you what it is
15:56:52 32 I said.
33

15:56:53 34 Thank you.
35

15:56:54 36 COMMISSIONER: All right. Did you want to follow that up,
15:56:56 37 Mr Nathwani?
38

15:56:58 39 MR NATHWANI: No. I'll leave it on that note.
40

15:57:02 41 COMMISSIONER: All right then. Yes, Ms Enbom.
15:57:02 42

15:57:02 43 MS ENBOM: I don't have any cross-examination.
44

15:57:03 45 COMMISSIONER: No questions. No questions from anybody
15:57:06 46 else other than Mr Chettle.
15:57:08 47

1 <CROSS-EXAMINED BY MR CHETTLE:
2

15:57:09 3 Thank you. Mr Cooper, I appear for the handlers who
15:57:12 4 handled Ms Gobbo, do you know what I am?---Yes.
5

15:57:18 6 On the issue of - you also understand that I'm instructed
15:57:22 7 by Tony Hargreaves?---Yes.
8

15:57:25 9 And at the start, when this Royal Commission was announced
15:57:28 10 you had a telephone conversation with him?---Yes.
11

15:57:32 12 And discussed the issue of whether or not there were any
15:57:35 13 objections to him acting for the handlers?---Acting for me
15:57:43 14 or for the handlers?
15

15:57:46 16 For the handlers. You made it clear that you had no
15:57:48 17 objection to him acting for the handlers and he referred -
15:57:51 18 - - ?---No, no, no, no, and he referred me to someone else,
15:57:54 19 yes.
20

15:57:54 21 You agree with what I'm putting to you?---Absolutely, yes.
22

15:57:57 23 He also acted for you in relation to - back then in
15:58:05 24 relation to the two Matchless and land - whatever it was
15:58:07 25 called - the first two cooks that you were involved
15:58:10 26 in?---Matchless and Landslip, yes.
27

15:58:16 28 When you subsequently got arrested on the third
15:58:23 29 cook?---Yes.
30

15:58:23 31 He was your solicitor?---Yes.
32

15:58:29 33 He briefed Duncan Allen to appear for you in relation to
15:58:33 34 your appearance?---Yes.
35

15:58:35 36 Did he negotiate on your behalf with the Director of Public
15:58:40 37 Prosecutions?---I believe so, yes.
38

15:58:43 39 You were told by Mr O'Brien in the boardroom on the night
15:58:48 40 you were arrested that you've got a choice, didn't you, you
15:58:53 41 could have 20 years for two or eight years for three
15:58:58 42 cooks?---Yes.
43

15:59:01 44 Do you recall that conversation?---Yes.
45

15:59:04 46 It was during that conversation that there - how many
15:59:09 47 people in the boardroom with you when he told you that?---I

15:59:12 1 believe three.
2
15:59:13 3 All right. When Ms Gobbo came back Mr O'Brien and the man
15:59:27 4 you didn't know left the room, didn't they?---I believe so,
15:59:30 5 yes.
6
15:59:32 7 When the conversation occurred between Ms Gobbo, Mr Flynn
15:59:37 8 and yourself there were only the three of you
15:59:41 9 present?---Yes.
10
15:59:43 11 And during that conversation you told Mr Flynn that there
15:59:47 12 were guns in the wall of the house where the cook was
15:59:51 13 taking place, did you not?---In a box, yes.
14
15:59:55 15 And you told him that in the presence of Ms Gobbo before
16:00:01 16 the record of interview took place?---Yes.
17
16:00:12 18 I'll just give you - I'll remind you of his evidence and
16:00:16 19 can I have his evidence brought up. I think it's Exhibit
16:00:36 20 546.
21
16:00:42 22 COMMISSIONER: Were you wanting the transcript of
16:00:43 23 Mr Flynn's evidence?
16:00:45 24
16:00:45 25 MR CHETTLE: No, there was an exhibit tendered which set
16:00:47 26 out the sequence of events and I think they were an extract
16:00:50 27 from Mr O'Brien's diaries from best I can recall but I'll
16:00:54 28 go to Mr Flynn's evidence. Thank you. I'll try and
16:01:24 29 paraphrase this, Mr Cooper. Before you went back in and
16:01:30 30 were formally interviewed you told Mr O'Brien and Ms Gobbo
16:01:33 31 that there were guns in the house at the lab, did you
16:01:39 32 not?---I did at some stage, yes, I can't recall exactly
16:01:42 33 when.
34
16:01:43 35 And then when you got back in the interview, and that is
16:01:45 36 Exhibit 365, at question 430 you confirmed on tape with
16:01:52 37 Mr Flynn that you had told him in an earlier, before the
16:01:55 38 interview about the guns, do you follow?---Yes.
39
16:02:03 40 That was something that you disclosed yourself to the
16:02:06 41 police?---Yes.
42
16:02:15 43 You had been involved in serious ongoing criminal behaviour
16:02:22 44 in the months leading up to your arrest, hadn't you?---Yes.
45
16:02:26 46 And you've told the Commission that you have a complaint
16:02:32 47 about the way the police treated you and acted in this

16:02:37 1 case. I think you said "They should have known better,
16:02:43 2 baiting people to do things".
16:02:47 3
16:02:48 4 MR WOODS: Can I invite Mr Chettle to identify the
16:02:50 5 relevance of these questions to the Terms of Reference.
16:02:55 6
16:02:55 7 MR CHETTLE: In relation to the very - the answers he gave
16:02:56 8 are not legally and factually correct in relation to -
16:03:02 9 Mr Woods invites him - I will tell you Commissioner.
16:03:06 10 Mr Woods invites him for his attitude in relation to what
16:03:10 11 the police did. He gives an answer. He points out that he
16:03:13 12 would have challenged his conviction or his charges in
16:03:16 13 relation to the third offence when if the reality is up
16:03:20 14 until the point of time that he was arrested he was engaged
16:03:25 15 in criminal behaviour on an ongoing basis, there's no basis
16:03:29 16 of legal professional privilege. Now if that's conceded I
16:03:33 17 won't take the matter any further because - - -
16:03:37 18
16:03:38 19 MR WOODS: I'm not going to concede anything at this stage.
16:03:41 20 The position is the questions that I was asking of the
16:03:47 21 witness were almost entirely directed at conflicts of
16:03:50 22 interest.
23
16:03:51 24 COMMISSIONER: Yes.
16:03:51 25
16:03:52 26 MR WOODS: There were questions certainly that give rise to
16:03:54 27 questions of privilege, but I'm nervous that the first
16:03:59 28 question Mr Chettle asked of this witness was about his
16:04:03 29 instructing solicitor's involvement and it seems to be that
16:04:06 30 he is now going to go on to attack the credit of the
16:04:09 31 witness. Now I might be wrong about that but I would be
16:04:15 32 nervous were that to be the case in this Commission.
33
34 MR CHETTLE: Commissioner, Mr Woods - - -
35
16:04:16 36 COMMISSIONER: How about you ask questions about - the
16:04:21 37 problem with your legal professional privilege argument is
16:04:24 38 that you've got the conflict that arises once she continues
16:04:28 39 to act having informed on the police.
16:04:30 40
16:04:30 41 MR CHETTLE: I accept that.
42
16:04:31 43 COMMISSIONER: Just proceed. Obviously matters of credit
16:04:36 44 are off bounds and - - -
16:04:37 45
16:04:38 46 MR CHETTLE: Commissioner, this arose because of - - -
47

16:04:40 1 COMMISSIONER: It might be quicker just to ask the question
16:04:42 2 I think. Let's ask the question.
16:04:43 3
16:04:43 4 MR CHETTLE: Thank you. All right, I'll start again. You
16:04:49 5 were engaged in serious criminal activity in the months
16:04:52 6 leading up to your arrest?---Correct.
7
16:04:55 8 You had told Ms Gobbo of your involvement in that
16:05:04 9 activity?---To a degree, yes.
10
16:05:08 11 Other people participated in that criminal activity and
16:05:11 12 talked to you and Ms Gobbo about what was
16:05:18 13 occurring?---Other people?
14
16:05:20 15 Rob Karam, for example?---Yes.
16
16:05:23 17 You had dinner with Rob Karam and Ms Gobbo where you
16:05:26 18 discussed purchasing drugs, didn't you?---Yes, I believe
16:05:34 19 so.
20
16:05:40 21 You were manufacturing drugs in that period of time for
16:05:48 22 Horty Mokbel?---Yes.
23
16:05:51 24 You were manufacturing drugs in that period of time for Rob
16:05:59 25 Karam?---Not for Rob Karam, no.
26
16:06:01 27 Didn't he have a share in one of your cooks?---I can't
16:06:12 28 recall whether it was a precursor or if it was a
16:06:15 29 manufacture for him.
30
16:06:15 31 COMMISSIONER: We don't really need to get bogged down
16:06:17 32 here. He's conceded that he was involved in serious
16:06:19 33 ongoing criminal behaviour.
16:06:21 34
16:06:22 35 MR CHETTLE: Commissioner, what I'm seeking to establish -
16:06:24 36 I'll do it the long way if I have to. I was trying to
16:06:27 37 avoid going to the ICRs and going through - - -
38
16:06:30 39 COMMISSIONER: Yes, I don't want to go the long way either.
16:06:34 40
16:06:34 41 MR CHETTLE: What you were - you complained about the fact
16:06:39 42 that Ms Gobbo was informing on you, you remember?---Yes.
43
16:06:43 44 But that's no more than a complaint that she put you in for
16:06:47 45 criminal activity, isn't it?---Yes.
46
16:06:50 47 It gets more complicated from your point of view when she

16:06:53 1 starts to act for you because she can't be acting for you
16:06:58 2 and representing the police, that's the second aspect of
16:07:00 3 it, isn't it?---Yes.
4

16:07:02 5 But when you think about it, it's your own stupid fault for
16:07:06 6 telling her the things that you did tell her that ended up
16:07:09 7 being passed on to the police, isn't it?
16:07:10 8

16:07:11 9 COMMISSIONER: Just could I correct this. It wasn't that
16:07:14 10 she then commenced to act for him, she was continuing to
16:07:17 11 act for him right through. She'd acted for him in the
16:07:20 12 earlier ones, continued to give him legal advice, informed
16:07:23 13 to the police, and then got him to roll, without him
16:07:29 14 knowing that she had informed on him to the police so that,
16:07:36 15 to the extent that she was the source of the information
16:07:39 16 upon which he was arrested.
16:07:41 17

16:07:42 18 MR CHETTLE: Commissioner, it seems - it's not the time to
16:07:47 19 debate the legalities of all this, but to suggest that
16:07:51 20 because she had acted or him or was acting for him on his
16:07:55 21 plea for the first two cooks does not mean that she could
16:08:00 22 not provide the information she did provide to the police.
23 What it meant was she couldn't act for him.
24

16:08:02 25 COMMISSIONER: No, that would be true if she then ceased to
16:08:04 26 act for him.
16:08:05 27

16:08:06 28 MR CHETTLE: Correct. That's the point.
29

16:08:06 30 COMMISSIONER: But she didn't cease to act. It wasn't a
16:08:08 31 question of starting again, there was no ceasing to act.
16:08:13 32 On his evidence she continued to act for him right through,
16:08:17 33 although there was also a personal friendship relationship.
16:08:22 34

16:08:23 35 MR CHETTLE: I think, Commissioner, I'm - okay.
16:08:53 36 Commissioner, can have I five minutes?
37

16:08:58 38 COMMISSIONER: Certainly.
16:08:59 39

16:09:00 40 MR CHETTLE: My issues with this witness are very limited.
41

16:09:03 42 COMMISSIONER: Sure.
16:09:04 43

16:09:04 44 MR CHETTLE: But the only thing I want to establish, there
16:09:06 45 was a reference to Mr Smith and there was a reference to
16:09:08 46 the information that was provided by Ms Gobbo to us, that's
16:09:11 47 all I'm seeking - - -

1
16:09:15 2 COMMISSIONER: We'll have a five minute adjournment.
16:09:17 3
16:09:18 4 MR CHETTLE: Thank you.
5
6 (Short adjournment.)
7
16:18:00 8 MR CHETTLE: Thank you, Commissioner. I think I can finish
16:18:03 9 with him briefly and succinctly.
10
16:18:06 11 COMMISSIONER: Excellent. Thanks Mr Chettle. Can you
16:18:08 12 hear, Mr Cooper?---Yes, I can, Your Honour.
13
16:18:10 14 Thank you.
16:18:11 15
16:18:12 16 MR CHETTLE: There was a genuine risk that Ms Gobbo would
16:18:18 17 be killed if the Mokbels knew that she was assisting people
16:18:22 18 to give evidence against them, wasn't there?---Yes.
19
16:18:27 20 And she made it clear to you that she was fearful of what
16:18:31 21 would happen to her if the Mokbels found out that she had
16:18:34 22 been to the police station and advised you on the night you
16:18:39 23 were arrested?---Yes.
24
16:18:48 25 You also made it clear to her, I suggest, that you wouldn't
16:18:52 26 sign any statements unless she agreed or she had checked
16:18:56 27 them. Do you have any recollection of that?---Yes, I
16:19:01 28 probably did, yes.
29
16:19:04 30 Can I have an excerpt from 9 June brought up. It's
16:19:15 31 p.0005.0097.0649. Can you see that in front of you, that
16:19:24 32 there's a - perhaps if you take it - can you take it off
16:19:33 33 his screen for a moment, please. Sorry, I'll read to you
16:19:36 34 what it says, do you understand, Mr Cooper?---Yes, yes.
35
16:19:40 36 "So look, I think I might be getting statements this
16:19:44 37 afternoon with Dale Flynn, like, I'm being vague but I'm at
16:19:48 38 least telling him something to shut him up. M'mm. Now at
16:19:52 39 the outset, that you would look at this statement. He
16:19:56 40 won't sign them until I do. Yeah, that's what I thought",
16:20:01 41 says the policeman. So what you've got is a conversation
16:20:03 42 where she tells the police on 9 June of 2006 that she's
16:20:10 43 getting some statements from Dale Flynn, to have a look at
16:20:14 44 them, and you won't sign them until she does look at them.
16:20:17 45 Does that ring bells with you?---Yes, it sounds like
16:20:21 46 something I'd get my barrister to do.
47

16:20:23 1 All right. So far as - you remember you provided a phone
16:20:34 2 to Ms Gobbo to be passed on to [REDACTED]?---Yes.
3
16:20:39 4 You didn't end up making a statement in relation to that,
16:20:43 5 did you?---I can't recall.
6
16:20:45 7 I suggest you didn't have to because [REDACTED] pleaded
16:20:49 8 guilty in relation to the pill presses?---Okay.
9
16:20:51 10 That makes sense to you?---Yes.
11
16:21:22 12 Did you on occasions attempt to kiss Ms Gobbo?---Only on
16:21:27 13 the cheek.
14
16:21:29 15 Nothing more than that?---No.
16
16:21:31 17 You never exhibited any sexual interest in her?---No.
18
16:21:38 19 Did you ever observe Mr Rob Karam express sexual interest
16:21:46 20 in her?---No.
21
16:21:47 22 Did you ever express an opinion about whether Mr Karam was
16:21:51 23 interested in her?---Jokingly possibly.
24
16:21:58 25 Okay. You went to many dinners with her at either the
16:22:05 26 Waterfront Café, Waterfront Restaurant, was that a place
16:22:09 27 you would attend regularly?---Yes.
28
16:22:11 29 And a place in - an Italian name?---Arrivederci.
30
16:22:20 31 Is that a restaurant you attended regularly with
16:22:23 32 Ms Gobbo?---Yes.
33
16:22:23 34 And others such as, on occasions, Horthy Mokbel or Rob Karam
16:22:27 35 or other people?---Yes.
36
16:22:28 37 Would attend those dinners with you?---Yes.
38
16:22:31 39 And you would talk about business at those dinners?---Yes,
16:22:37 40 I would but a lot of the times it wasn't in the presence of
16:22:40 41 Ms Gobbo.
42
16:22:41 43 But if she was able to report to the police what had been
16:22:43 44 said at those dinners, it came from either you or someone
16:22:48 45 who was at those dinners, didn't it?---Yes.
46
16:22:52 47 Thank you, Commissioner.

1
16:22:53 2 COMMISSIONER: Mr Thank you, Mr Chettle. That was worth
16:22:56 3 the five minute adjournment.
4
5 MR CHETTLE: It was.
6
16:22:58 7 COMMISSIONER: Any re-examination?
16:23:00 8
16:23:01 9 MR THOMAS: No, Commissioner.
10
16:23:01 11 COMMISSIONER: Any re-examination?
16:23:03 12
16:23:03 13 MR WOODS: Just one issue arising from Mr Chettle's
16:23:06 14 questions.
16:23:07 15
16 16 RE-EXAMINED BY MR WOODS:
17
16:23:08 18 If the transcript could be brought up that Mr Chettle took
16:23:13 19 the witness to. In fact only on the Commissioner's screen,
16:23:20 20 it doesn't need to be on my screen.
21
16:23:24 22 COMMISSIONER: Mr Cooper, can you see it on your screen?
16:23:27 23
16:23:27 24 MR CHETTLE: He can't.
25
16:23:28 26 COMMISSIONER: Is that on your screen, Mr Cooper?---Yes.
16:23:33 27
16:23:33 28 MR WOODS: That's all right. I can read to him what it
29 says.
30
31 COMMISSIONER: Hang on. Is it on your screen?---No, no,
32 nothing's on my screen, Your Honour.
33
16:23:45 34 Can you make it on the screen?
16:23:46 35
16:23:48 36 MR CHETTLE: No, no, Commissioner.
37
38 COMMISSIONER: You don't want it on the screen?
39
16:23:50 40 MR CHETTLE: It has names he can't see on it.
41
16:23:50 42 COMMISSIONER: I see. All right then. Thank you.
16:23:51 43
16:23:51 44 MR WOODS: I'm having trouble following but anyway. It's
16:23:53 45 the case, that conversation that you were taken to where
16:23:58 46 Ms Gobbo said to the Victoria Police members that you
16:24:00 47 wouldn't sign the statements until you'd seen them, until

16:24:05 1 she had seen them, you remember that a moment ago?---Yes.
2
16:24:10 3 The main - the controller, which is one of the people in
16:24:18 4 that handling relationship, goes on to say, "But whether
16:24:20 5 he", that's you, "is told that Tony Hargreaves got them and
16:24:24 6 that's how I saw them". She says, "Yep". "Or", and then
16:24:28 7 there's a bit of back and forth about all of it. Did you
16:24:36 8 understand that Tony Hargreaves was going - it was going to
16:24:38 9 be explained to Tony Hargreaves that Nicola Gobbo was
16:24:41 10 looking at your statements?---I can't recall that. I
16:24:46 11 wasn't uncomfortable with Nicola reading the statements if
16:24:50 12 that's what you want to know.
13
16:24:51 14 Okay, I understand. They're all the questions. Thank you,
16:24:54 15 Commissioner. Thank you Mr Cooper.
16
16:24:56 17 COMMISSIONER: Yes, thanks Mr Cooper. That's all we have.
16:24:58 18 You're free to go. Thank you very much for your
16:25:01 19 assistance?---Thanks Commissioner.
20
16:25:05 21 We'll adjourn until 9.30 tomorrow, when we resume with
16:25:10 22 Mr Buick.
16:25:19 23
16:25:19 24 <(THE WITNESS WITHDREW)
16:25:20 25
16:25:49 26 ADJOURNED UNTIL FRIDAY 1 NOVEMBER 2019
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