

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

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Tuesday, 4 February 2020

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

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

Counsel for Victoria Police Mr S. Holt QC
 Ms K. Argiropoulos
 Mr A. Purton

Counsel for State of Victoria Mr C. McDermott

Counsel for Nicola Gobbo Mr R. Nathwani

Counsel for DPP/SPP Mr P. Doyle

Counsel for CDPF Ms A. Mitchelmore SC

Counsel for AFP Ms I. Minnett

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

Counsel for Chief
 Commissioner of Police Ms A. Coleman SC
 Mr P. Silver

Counsel for Simon Overland Mr J. Gleeson QC

Counsel for ACIC Ms S. Martin

Counsel for VGSO Ms S. Keating

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08:54:42 1 COMMISSIONER: Yes, I understand there has been some delay
09:43:08 2 in Ms Gobbo's readiness to give evidence, but there are a
09:43:17 3 number of administrative things we can deal with first.
09:43:20 4 There are a number of applications for leave to appear in
09:43:23 5 respect of Ms Gobbo's evidence that the Commission has
09:43:26 6 received. They are from Mr Pasquale Barbaro, Mr Faruk
09:43:33 7 Orman, Mr Zlate Cvetanovski, Mr Paul Dale and Mr Simon
09:43:37 8 Overland. Counsel assisting does not oppose those
09:43:42 9 applications for leave to appear. Unless anybody wants to
09:43:45 10 be heard on those I intend to grant those people leave to
09:43:49 11 appear. As is well-known by now, that doesn't mean leave
09:43:55 12 to cross-examine. I understand Mr Maidment - - -
09:44:00 13
09:44:00 14 MR MAIDMENT: Yes, we seek leave to appear on behalf of
09:44:03 15 Mr Mokbel.
09:44:03 16
09:44:04 17 COMMISSIONER: Mr Mokbel. Yes, I don't imagine - - -
09:44:06 18
09:44:06 19 MR MAIDMENT: I believe my instructing solicitor did write
09:44:09 20 to the Commission last week but it was - - -
09:44:10 21
09:44:10 22 COMMISSIONER: It seems to have got lost, nobody seems to
09:44:14 23 know about an application for leave to appear in respect of
09:44:17 24 your client but I wouldn't imagine there'd be any problem
09:44:18 25 with that from counsel assisting.
09:44:18 26
09:44:19 27 MR WINNEKE: It's not opposed.
09:44:21 28
09:44:21 29 COMMISSIONER: No one else wants to be heard on that? It
09:44:24 30 seems entirely appropriate and Mr Mokbel has leave to
09:44:27 31 appear in respect of Ms Gobbo's evidence.
09:44:30 32
09:44:31 33 MR MAIDMENT: Thank you, Commissioner.
09:44:33 34
09:44:34 35 COMMISSIONER: Now, Mr Coleman, you may not realise but
09:44:44 36 apparently your client's application for leave to appear
09:44:48 37 only relates to police officers, past and present Victorian
09:44:56 38 police officers, so I imagine you would also want leave to
09:44:59 39 appear in respect of Ms Gobbo.
09:45:01 40
09:45:02 41 MR COLEMAN: We understood we had been given standing leave
09:45:05 42 to appear.
09:45:05 43
09:45:06 44 COMMISSIONER: I can understand why you thought that but I
09:45:06 45 was told this morning that in fact that's not the case so
09:45:10 46 you probably want leave to appear in respect of - - -
09:45:10 47

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09:45:11 1 MR COLEMAN: Insofar as I need leave to appear we would
09:45:13 2 seek that leave to appear.
09:45:14 3
09:45:14 4 COMMISSIONER: In fact you probably would want standing
09:45:17 5 leave.
09:45:17 6
09:45:17 7 MR COLEMAN: Yes.
09:45:18 8
09:45:18 9 COMMISSIONER: I think that's probably appropriate then.
09:45:21 10 Does anybody want to be heard to the contrary to that?
09:45:21 11
09:45:21 12 MR WINNEKE: No, I don't want to say anything,
09:45:23 13 Commissioner.
09:45:24 14
09:45:24 15 MR COLEMAN: I think that was communicated to us, that we
09:45:28 16 did have standing leave, from the solicitors assisting, but
09:45:29 17 anyway - - -
09:45:29 18
09:45:29 19 COMMISSIONER: There's some confusion about that but we'll
09:45:33 20 clear it up now and make sure that you do have standing
09:45:36 21 leave.
09:45:37 22
09:45:38 23 MR COLEMAN: I'm grateful for that.
09:45:39 24
09:45:39 25 COMMISSIONER: The next thing, I understand, Mr Holt,
09:45:41 26 you've asked for a non-publication order in respect of
09:45:45 27 Ms Gobbo's partner.
09:45:45 28
09:45:46 29 MR HOLT: Yes, Commissioner. We've proposed a form of
09:45:49 30 words for that order and circulated a draft to those
09:45:53 31 assisting you.
09:45:53 32
09:45:53 33 COMMISSIONER: Yes, it seems appropriate in the
09:45:55 34 circumstances given the confidential information I was
09:45:58 35 given yesterday that that order be made. I understand
09:46:02 36 counsel assisting supports that order.
09:46:04 37
09:46:04 38 MR WINNEKE: That's not opposed, Commissioner.
09:46:06 39
09:46:06 40 COMMISSIONER: Pursuant to s.26 of the *Inquiries Act* there
09:46:09 41 be no publication of the name of Nicola Gobbo's partner,
09:46:12 42 nor of any information that would tend to identify him or
09:46:15 43 his current location. The name of Nicola Gobbo's partner
09:46:22 44 can be obtained from the Royal Commission on request by
09:46:25 45 media accredited by the Royal Commission or by any other
09:46:29 46 person only with the permission of the Commissioner. A
09:46:31 47 copy of this order is to be published on the door of this

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09:46:34 1 hearing room and the rooms into which the hearing is being
09:46:39 2 transmitted.
3
09:46:45 4 Is there anything else that needs to be dealt with at
09:46:47 5 this stage?
09:46:48 6
09:46:49 7 MR WINNEKE: I don't believe so, Commissioner.
09:46:50 8
09:46:50 9 MR HOLT: Can I just indicate, Commissioner, that
09:46:52 10 transcript that was the subject of the application and
09:46:54 11 order yesterday has been reviewed and was provided back to
09:46:57 12 those assisting you. It was reviewed overnight and was
09:47:00 13 provided to those assisting you this morning so it's in a
09:47:03 14 position to go to parties with standing leave.
09:47:05 15
09:47:05 16 COMMISSIONER: Yes, all right. I'm sure the Commission
09:47:08 17 will expedite that and make sure those with standing leave
09:47:12 18 have that as soon as possible. Yes Mr Winneke.
09:47:18 19
09:47:18 20 MR WINNEKE: Commissioner - just excuse me. Last night we
09:47:23 21 received a copy of a seven page statement from Ms Gobbo. I
09:47:29 22 propose to circulate it. Obviously it hasn't been
09:47:32 23 tendered, but nonetheless it's proposed to be circulated to
09:47:36 24 those who have got leave to appear. If that could be done.
09:47:41 25 I think we have hard copies of it.
09:47:44 26
09:47:44 27 COMMISSIONER: Is it necessary to PII it?
09:47:48 28
09:47:48 29 MR WINNEKE: Has Mr Holt got it? No.
09:47:50 30
09:47:51 31 MR HOLT: It will be necessary, Commissioner. I've taken
09:47:53 32 the liberty of having a brief discussion with Mr Nathwani
09:47:57 33 and I suspect that that will be able to be a very quick
09:47:59 34 review for the purposes of that transmission. If we can
09:48:04 35 have the hard copy now.
36
37 COMMISSIONER: Yes.
38
09:48:06 39 MR HOLT: I can attend to that as quickly as possible.
09:48:06 40
09:48:07 41 MR NATHWANI: I'm certain there won't be anything redacted.
09:48:11 42
09:48:11 43 COMMISSIONER: Yes, a hard copy and an electronic copy.
09:48:14 44
09:48:14 45 MR HOLT: I'd be grateful and I can then ensure - - -
09:48:15 46
09:48:15 47 COMMISSIONER: Could the electronic copy be sent to Mr Holt

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09:48:17 1 forthwith.
09:48:17 2
09:48:18 3 MR WINNEKE: Yes, certainly. It can be done straight away.
09:48:20 4 It's only seven pages, Commissioner.
09:48:25 5
09:48:25 6 COMMISSIONER: Yes.
7
8 MR HOLT: Excuse me, Commissioner, if I can just approach
9 my learned friend.
10
09:48:26 11 COMMISSIONER: So can the parties with standing leave have
12 it?
13
09:48:32 14 MR HOLT: No, Commissioner, that's the purpose of this
09:48:34 15 review.
09:48:34 16
09:48:35 17 COMMISSIONER: Okay. None of them?
09:48:35 18
09:48:36 19 MR HOLT: It will be a very high level review for the
09:48:38 20 purposes of identifying highly sensitive material, of which
09:48:45 21 I expect there will be none.
09:48:48 22
23 COMMISSIONER: All right then. We'll get that circulated
09:48:49 24 as soon as possible. In the meantime the transcript has
09:48:52 25 been sent now electronically to the parties with standing
09:48:56 26 leave. Mr Winneke, is that right?
09:49:01 27
09:49:02 28 MR WINNEKE: I'm sorry, what was that, Commissioner?
09:49:02 29
09:49:02 30 COMMISSIONER: Has the transcript of Nicola Gobbo ABC
09:49:07 31 interview be circulated to the parties with standing leave
09:49:10 32 now that it's PIIed?
09:49:14 33
09:49:15 34 MR WINNEKE: Not as yet, Commissioner, no, it hasn't been.
09:49:18 35
09:49:18 36 COMMISSIONER: Can it be done forthwith?
09:49:21 37
09:49:22 38 MR WINNEKE: It will be.
09:49:24 39
09:49:24 40 COMMISSIONER: Thank you. Yes, anything else we can deal
09:49:26 41 with at this point?
09:49:27 42
09:49:29 43 MR WINNEKE: Not as far as I know, Commissioner. I
09:49:29 44 understand that Ms Gobbo is for a short period of time
09:49:32 45 indisposed and it may well be that we would need to stand
09:49:37 46 down for a few minutes.
09:49:38 47

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09:49:38 1 COMMISSIONER: Yes. The message we've got is until 10 am,
09:49:44 2 is that right? Is that the message we've got from the
09:49:46 3 other end, is that they request us to stand down until 10
09:49:51 4 am? All right then. We'll adjourn until 10 am.
09:50:31 5
09:50:31 6 (Short adjournment.)
10:04:49 7
10:04:51 8 MR HOLT: Commissioner, we've reviewed that statement in
10:04:54 9 the period of time available to us and have no difficulty
10:04:57 10 with it being provided only to parties with standing leave
10:04:59 11 and just on a confidential basis at this stage because it
10:05:02 12 hasn't undergone full PII review, but there's no difficulty
10:05:06 13 with it being provided to parties with standing leave on
10:05:10 14 the usual undertakings.
10:05:11 15
10:05:11 16 COMMISSIONER: Thanks very much, Mr Holt. The Commission
10:05:13 17 will make sure that that statement's provided now to those
10:05:16 18 with standing leave. Thank you.
19
10:05:17 20 We have Ms Gobbo on the line here. Can you hear me
10:05:21 21 Ms Gobbo?---Yes, I can.
10:05:22 22
10:05:23 23 Are you going to take the oath or the affirmation?---The
10:05:26 24 oath.
10:05:27 25
10:05:27 26 The oath, all right then. Take the Bible in your right
10:05:32 27 hand and the oath will now be administered.
10:05:36 28
10:05:37 29 <NICOLA MAREE GOBBO, sworn and examined:
10:05:54 30
10:05:54 31 COMMISSIONER: Yes Mr Nathwani.
10:05:55 32
10:05:56 33 MR NATHWANI: Ms Gobbo, can you hear me?---Yes, I can,
10:05:59 34 Rishi.
10:06:00 35
10:06:00 36 Just so you know before we start, you're obviously over the
10:06:05 37 link and what's happened with previous witnesses, and this
10:06:09 38 is for counsel as well as you, is that there's a delay
10:06:10 39 between the questions and the answers and so to avoid
10:06:13 40 talking over each other if you just pause at the end of any
10:06:17 41 question, okay?---Yes.
10:06:19 42
10:06:19 43 Can you confirm your full name for the record,
10:06:23 44 please?---Nicola Maree Gobbo.
10:06:24 45
10:06:25 46 Given your circumstances there's no need, as I understand
10:06:27 47 it, to provide any address. Do you have before you a seven

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10:06:33 1 page statement dated 3 February 2020?---No, I don't have a
10:06:40 2 copy in front of me but I read a copy this morning.
10:06:44 3
10:06:44 4 If necessary I understand there is a computer nearby with a
10:06:46 5 copy on it, but the version you read this morning, the last
10:06:50 6 page, do you recall it had your signature?---Yes.
10:06:54 7
10:06:54 8 And it was an electronic signature on it?---Yes, I do.
10:06:58 9
10:06:58 10 That statement comprising of seven pages and 28 paragraphs,
10:07:04 11 are the contents of that statement true and correct?---Yes,
10:07:07 12 they are.
10:07:07 13
10:07:07 14 Is there anything you wish to add to the contents of that
10:07:10 15 statement, Ms Gobbo?---No, not at this stage.
10:07:12 16
10:07:12 17 Commissioner, if I could formally tender that statement.
10:07:15 18
10:07:17 19 #EXHIBIT RC1041A - (Confidential) Statement of Nicola
10:07:22 20 Gobbo.
10:07:22 21
10:07:22 22 #EXHIBIT RC1041B - (Redacted version.)
10:07:24 23
10:07:25 24 COMMISSIONER: Mr Nathwani, I note that there are
10:07:27 25 references in that statement to Ms Gobbo's medical
10:07:31 26 condition which were redacted at your request for privacy
10:07:37 27 reasons from other material placed before the court, it's
10:07:41 28 not a problem now?
10:07:42 29
10:07:43 30 MR NATHWANI: No, because as you may recall obviously the
10:07:44 31 intervening event of the 7.30 show that was revealed, but
10:07:48 32 all the matters contained in here are within the public
10:07:51 33 domain.
10:07:51 34
10:07:51 35 COMMISSIONER: Yes, all right then.
10:07:53 36
10:07:53 37 MR NATHWANI: Ms Gobbo, beyond that - that is the
10:07:55 38 evidence-in-chief as far as Ms Gobbo is concerned,
10:07:59 39 Commissioner.
10:07:59 40
10:07:59 41 COMMISSIONER: Thank you. Now, Ms Gobbo, we're planning to
10:08:07 42 have regular breaks during the giving of your evidence,
10:08:10 43 probably having started a little late now we'll probably
10:08:14 44 aim to have the first break around 11.30. Of course if you
10:08:19 45 feel that for any reason it's necessary to have a break
10:08:22 46 earlier, I'm sure you'll let me know?---Yes, I will. Thank
10:08:27 47 you.

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10:08:27 1
10:08:27 2 Thank you. Yes Mr Winneke.
10:08:29 3
4 <CROSS-EXAMINED BY MR WINNEKE:
5
10:08:30 6 Thanks Commissioner. Morning Ms Gobbo. Thank you for
10:08:37 7 making yourself available. Can I ask you some preliminary
10:08:42 8 questions, if I might. You were at the Bar practicing as a
10:08:51 9 specialist criminal barrister from 1998 until around 2009,
10:08:57 10 is that correct?---Yes, I didn't start out with that
10:09:04 11 intention necessarily, but that's what happened.
10:09:07 12
10:09:07 13 That is an intention to work in the criminal
10:09:11 14 law?---Correct.
10:09:12 15
10:09:12 16 In any event that's what you did, you specialised in
10:09:15 17 criminal defence work?---Yes, I did.
10:09:18 18
10:09:19 19 Can I go through a few of the aspects of the criminal
10:09:23 20 justice system which may be obvious to you but simply to
10:09:28 21 establish these principles. I take it you accept that the
10:09:35 22 role of the police in the criminal justice system is to
10:09:38 23 investigate criminal conduct, gather evidence, interview
10:09:42 24 suspects and charge alleged offenders?---Yes, I do.
10:09:47 25
10:09:49 26 And that persons who are being investigated for criminal
10:09:52 27 conduct have certain rights, including the right to
10:09:56 28 silence, do you agree with that?---Yes.
10:09:58 29
10:09:59 30 They choose whether or not they want to engage with the
10:10:02 31 police investigator, that is to answer questions or to
10:10:05 32 assist the investigations or the prosecutors, that's a
10:10:08 33 matter that they're entitled to choose or those matters are
10:10:12 34 entitled to choose?---Yes.
10:10:14 35
10:10:18 36 The police prosecute summary matters in the magistrates
10:10:22 37 courts or matters which are indictable but can be heard
10:10:30 38 summarily, do you agree with that?---Yes. Yes.
10:10:33 39
10:10:33 40 The OPP or the DPP prosecute indictable offences, do you
10:10:38 41 agree with that?---Yes, and sometimes summary offences,
10:10:44 42 yes.
10:10:45 43
10:10:46 44 Solicitors and barristers are engaged to defend people who
10:10:50 45 are charged with criminal conduct, do you accept
10:10:54 46 that?---Yes.
10:10:54 47

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10:10:54 1 The court's role is to administer the justice system, do
10:11:00 2 you agree with that?---Yes.
10:11:02 3
10:11:02 4 Judge or jury decides the guilt or innocence based on the
10:11:06 5 evidence presented?---Yes.
10:11:08 6
10:11:11 7 The prosecution presents the evidence the police
10:11:15 8 investigators have marshalled, defence counsel can
10:11:17 9 challenge that evidence, can submit that a charge has not
10:11:19 10 been made out or can adduce evidence on behalf of the
10:11:22 11 accused person, do you agree with that?---Yes.
10:11:24 12
10:11:25 13 Do you understand that counsel are independent?---Yes.
10:11:36 14
10:11:37 15 Independent of solicitors, independent of corporate
10:11:42 16 entities, barristers, do you accept this proposition, are
10:11:46 17 intended to be and must be fiercely independent?---I accept
10:11:52 18 the proposition, but that's not always the way it works.
10:11:55 19
10:11:56 20 Right. Do you accept that the counsel's primary duty is to
10:12:01 21 the court and to the Rule of Law?---Yes.
10:12:04 22
10:12:04 23 Do you accept that counsel have a secondary duty and that
10:12:07 24 is a duty to their client?---Yes.
10:12:09 25
10:12:11 26 Do you accept that counsel are retained to advise and/or
10:12:15 27 defend a person charged with criminal conduct, when they
10:12:18 28 are they must provide independent advice and act in their
10:12:22 29 client's best interests within the law?---Yes.
10:12:25 30
10:12:26 31 That lawyers, barristers cannot act if they have a conflict
10:12:30 32 of interest, cannot act for a person if they have a
10:12:33 33 conflict of interest, do you accept that
10:12:36 34 proposition?---Yes.
10:12:36 35
10:12:37 36 And must refuse a brief if they have a conflict of
10:12:42 37 interest?---Yes.
10:12:43 38
10:12:43 39 Do you accept that lawyers cannot breach their client's
10:12:46 40 privilege unless specifically instructed by the client that
10:12:49 41 they may do so?---Yes.
10:12:51 42
10:12:51 43 Do you accept that the criminal justice for it to work
10:12:54 44 properly and fairly those investigating possible criminal
10:12:58 45 conduct must act ethically?---Yes.
10:13:02 46
10:13:02 47 And you accept that those prosecuting and those defending

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10:13:06 1 must act ethically?---Yes.
10:13:09 2
10:13:12 3 Do you accept that the process of the criminal justice
10:13:17 4 system relies heavily upon the proper observance by those
10:13:24 5 participating in the system of justice with high ethical
10:13:29 6 standards?---Yes, I do.
10:13:31 7
10:13:33 8 And do you accept that those who are called upon to decide
10:13:38 9 or act as judges and magistrates are entitled to rely upon
10:13:43 10 barristers and assume that they are acting ethically and
10:13:48 11 responsibly?---Yes.
10:13:51 12
10:13:52 13 Do you accept that the rules of the system, that is the
10:13:55 14 judicial system, are fundamentally important?---Yes.
10:13:59 15
10:14:03 16 Now, fundamental rights, I suppose, of accused people, the
10:14:10 17 right to silence, you accept that?---Yes, I do.
10:14:14 18
10:14:15 19 The right to obtain independent legal advice?---Yes.
10:14:20 20
10:14:20 21 The right to a fair trial?---Yep.
10:14:23 22
10:14:25 23 Do you accept that the prosecution is obliged to disclose
10:14:30 24 to an accused person everything that might assist an
10:14:32 25 accused person's case, do you accept that?---I accept it
10:14:38 26 but it doesn't always happen.
10:14:39 27
10:14:40 28 It should, do you accept that it should for the proper - -
10:14:43 29 -?---Yes.
10:14:43 30
10:14:43 31 - - - carriage of the criminal justice system?---Yes, I do.
10:14:47 32
10:14:55 33 And likewise it would be improper and is improper if the
10:15:00 34 prosecution knowingly and/or investigators knowingly
10:15:04 35 withhold or hold back from defence material which may
10:15:12 36 enable the defence to explore a potential defence?---Yes,
10:15:20 37 of course.
10:15:21 38
10:15:21 39 Right. Do you accept that in certain circumstances when
10:15:33 40 there are arguments based on public interest immunity,
10:15:38 41 those circumstances may mean that the defence, if the court
10:15:45 42 so orders, will be deprived of obtaining certain
10:15:50 43 information if the public interest immunity argument
10:15:53 44 outweighs, that is falls in favour of not disclosing
10:16:02 45 it?---Yes, I do, in principle but again that's not always
10:16:04 46 the way it unfolds.
10:16:07 47

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10:16:07 1 I take it on occasions you've argued public interest points
10:16:14 2 yourself with a view to obtaining information which you
10:16:17 3 considered would be of benefit to your clients?---Yes,
10:16:21 4 correct, and there have been circumstances in which the,
10:16:28 5 there is material been held back or covered up and not
10:16:37 6 disclosed for it to be part of the PII argument in the
10:16:43 7 first place.

10:16:45 8
10:16:45 9 But it's a matter that's got to be determined by the court
10:16:49 10 and not simply withheld from the court, from the
10:16:53 11 prosecution and from the defence?---Yes, correct.

10:16:57 12
10:16:59 13 Ms Gobbo, I think in your affidavit in the proceedings that
10:17:03 14 you'd been involved in in the last few years you indicated
10:17:08 15 that you had had discussions with your handlers during the
10:17:13 16 period that you were registered as an informer on the third
10:17:16 17 occasion in which you predicted that if things unravelled
10:17:20 18 there would be a Royal Commission?---Yes. Obviously over
10:17:28 19 time they became more and more, let's say relaxed I suppose
10:17:36 20 is one way of putting it, and it became a, not a joke, but
10:17:42 21 the way they treated it was like it was a joke because I
10:17:46 22 would say, "Basically if you people don't know what you're
10:17:49 23 doing, then I'll end up dead and there will be a Royal
10:17:53 24 Commission".

10:17:53 25
10:17:53 26 And I take it that prediction, joking or otherwise, was
10:17:58 27 based on the view that you had, that the matters that you
10:18:01 28 had been engaged in with your handlers was worthy of a very
10:18:08 29 close examination of the type of a Royal
10:18:11 30 Commission?---Correct, because there were many, many
10:18:16 31 occasions upon which I was extremely concerned about what
10:18:21 32 was going on and about whether there were, you know -
10:18:26 33 basically whether someone had said it was okay or not okay
10:18:32 34 and each and every time I was assured that, a variety of
10:18:38 35 responses but I was ensured it wasn't a matter for me or
10:18:42 36 not to ask questions and given the impression that
10:18:45 37 everybody who needed to know knew and that everything was
10:18:48 38 okay.

10:18:49 39
10:18:49 40 Nonetheless it was your view that the conduct that you'd
10:18:53 41 been engaged in with the police would and perhaps should be
10:18:57 42 the subject of a Royal Commission?---Correct. Even if I
10:19:03 43 was deceased as a result, yes.

10:19:05 44
10:19:07 45 Now, you have given evidence, or at least you've answered
10:19:14 46 questions earlier in the year, I think on 20 March last
10:19:23 47 year, 20 March, 11 April and 13 June. On those occasions

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10:19:29 1 you didn't take the oath, do you accept that?---Yes, I do.
10:19:34 2
10:19:35 3 Do you say now on your oath that when you were answering
10:19:38 4 those questions you did so to the best of your
10:19:43 5 ability?---In the circumstances, yes, I did. But I haven't
10:19:47 6 re-read those - I haven't re-read the transcripts recently.
7
10:19:51 8 Do you believe - when I say the best of your ability, do
10:19:54 9 you believe that you were doing the best that you could to
10:19:58 10 tell the truth?---Yes, I do.
10:20:00 11
10:20:03 12 Can I ask you some questions, I'm going to go back a little
10:20:07 13 bit to the period of time that you were at Melbourne
10:20:12 14 University. We've got evidence about your studies. We
10:20:19 15 understand that you started studying in 1991 and you
10:20:22 16 originally were studying commerce law. In 1992 you
10:20:26 17 switched to an combined arts law degree, is that
10:20:30 18 correct?---No, I think it was, Chris, I think it was in
10:20:38 19 1991, it was not long after the university year started.
10:20:41 20
10:20:41 21 Right. In any event you completed your degrees in 1995, is
10:20:45 22 that right?---Yes.
10:20:47 23
10:20:48 24 And you were a good student, you got a law degree with
10:20:53 25 third-class honours, is that right?---I wouldn't say I was
10:20:58 26 a good student, Chris, I think it was more a case of
10:21:01 27 putting my head down when the pressure was on.
10:21:05 28
10:21:07 29 Do you accept that the highest mark that you got in all of
10:21:10 30 the subjects across both degrees was for legal ethics and
10:21:16 31 professional conduct, you got a first-class honour in that
10:21:19 32 subject, do you accept?---If that's what it shows, yes, I
10:21:21 33 do. I've got no - I actually have no recollection of what
10:21:25 34 marks I got for what subjects.
10:21:27 35
10:21:27 36 That's the information we have and you accept that?---Yes,
10:21:30 37 I do.
10:21:30 38
10:21:31 39 All right. Now, in order to be admitted as a barrister and
10:21:36 40 solicitor of the Supreme Court you provided an affidavit to
10:21:41 41 the Board of Examiners, you accept that?---Yes, I do.
10:21:45 42
10:21:46 43 It's an exhibit before this Royal Commission. Number 15,
10:21:52 44 Commissioner. In paragraph 8 of that affidavit you swore
10:21:57 45 that in late July of 1993 you purchased a property in
10:22:01 46 Rathdowne Street in Carlton, correct?---Well yes, I haven't
10:22:06 47 seen - I haven't seen the affidavit that you're talking

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10:22:09 1 about but I accept that's correct.
10:22:10 2
10:22:11 3 You swore that you had formed a friendship with a person by
10:22:14 4 the name of Brian Wilson three months earlier?---That's
10:22:18 5 correct.
10:22:18 6
10:22:18 7 And that he had offered to move in as a housemate to assist
10:22:21 8 in paying the mortgage?---That was initially correct, yes.
10:22:25 9
10:22:29 10 When you say it was initially correct, what do you mean by
10:22:32 11 that?---Well we started off as friends and then at some
10:22:37 12 point there was some, there was an intimate relationship
10:22:44 13 and then we ended up quite separate and quite
10:22:50 14 acrimoniously.
10:22:52 15
10:22:52 16 In paragraph 9 you swore that you were not aware that
10:22:56 17 Wilson was a user of drugs?---No, not before seeing what
10:23:02 18 went on with him in a domestic setting, correct.
10:23:06 19
10:23:07 20 That you were heavily involved in university activities at
10:23:11 21 the time?---Yes, and part-time employment.
10:23:15 22
10:23:15 23 Right. You swore that you shared the house with him for
10:23:20 24 four weeks?---Um, all I can say is I assume that my memory
10:23:30 25 was accurate then and that would have been the time frame
10:23:33 26 because I can't recall now.
10:23:34 27
10:23:34 28 Yes. And in paragraph 10 of the affidavit you swore that a
10:23:39 29 warrant was executed on the property in early September of
10:23:45 30 1993, do you accept that?---Yes, I do.
10:23:47 31
10:23:48 32 And you swore that drugs were found on the premises?---Yes,
10:23:53 33 they were.
10:23:53 34
10:23:54 35 You swore that you were embarrassed and shocked when you
10:23:58 36 learnt about it?---Yes.
10:23:59 37
10:23:59 38 You swore that you'd formed suspicions five days earlier
10:24:03 39 and reported Wilson to the police?---Um, I've got no
10:24:08 40 recollection of that now but if that's what it say it would
10:24:12 41 be accurate I assume.
10:24:14 42
10:24:14 43 In paragraph 11 of the affidavit you swore that you were
10:24:17 44 charged with possession and use?---Yes.
10:24:20 45
10:24:21 46 That police told you that you were deemed liable because
10:24:25 47 you owned the house and that solicitors advised you to

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10:24:29 1 plead guilty?---Yes, correct. And also I think it was my
10:24:35 2 recollection is that, I mean I can recall specifically
10:24:39 3 being asked if I had ever tried green vegetable matter and
10:24:45 4 admitting that I had.
10:24:46 5
10:24:46 6 Right.
10:24:49 7
10:24:49 8 COMMISSIONER: I think Mr Winneke is asking you to
10:24:50 9 concentrate at the moment on whether what you said in the
10:24:53 10 affidavit is correct?---Yes.
10:24:56 11
10:24:56 12 Thank you.
10:24:57 13
10:24:57 14 MR WINNEKE: What I'm asking, Commissioner, is whether
10:24:59 15 these matters, whether she accepts these matters were
10:25:03 16 sworn. When you were questioned by police you admitted to
10:25:11 17 having experimented with marijuana on two occasions in 1991
10:25:14 18 or 1992 at university parties but not since?---Correct.
10:25:19 19
10:25:19 20 And at paragraph 16 you received a 12 month good behaviour
10:25:24 21 bond without a conviction?---Yes.
10:25:26 22
10:25:26 23 You swore that given the knowledge that you then possessed
10:25:29 24 when you swore the affidavit, you would not have
10:25:32 25 automatically pleaded guilty and you did so because of the
10:25:36 26 advice of a solicitor, the pressure of the media, level of
10:25:39 27 maturity, et cetera?---I accept what's in there, yes.
10:25:43 28
10:25:44 29 That's what you swore in your affidavit. Now do you accept
10:25:48 30 that in fact police had found amphetamine and cannabis in a
10:25:53 31 cigarette packet in your bedroom?---Yes, they had.
10:25:57 32
10:25:57 33 Right?---And I think there was, my recollection is there
10:26:00 34 was a large amount of drugs in the living area.
10:26:03 35
10:26:04 36 Yes. And do you accept that you'd been charged and in fact
10:26:07 37 pleaded guilty in relation to both cannabis and
10:26:11 38 amphetamine?---Yes, it was a charge of, a possess use
10:26:16 39 charge for both of them.
10:26:16 40
10:26:18 41 Although you hadn't sworn that you'd used amphetamine in
10:26:21 42 your affidavit, had you?---No, I, I'm fairly sure that I
10:26:29 43 made, I admitted that to police at the scene and in my
10:26:34 44 interview.
10:26:34 45
10:26:35 46 COMMISSIONER: But what you're being asked about is what
10:26:37 47 you put in your affidavit, what you swore in your

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10:26:39 1 affidavit?---Look if it's not in there, it's not in there.
10:26:45 2
10:26:46 3 MR WINNEKE: Right. And the evidence that we have is that
10:26:50 4 you led police to what's been described as a stook or a
10:26:56 5 concealed hole in the laundry where a large amount of
10:27:00 6 amphetamine was discovered?---I thought it was a - if
10:27:07 7 that's what it says that would be accurate. I thought it
10:27:11 8 was the living room.
10:27:12 9
10:27:12 10 I accept I take it that you had led to police to a location
10:27:16 11 in the house where a large amount of amphetamine was
10:27:18 12 found?---Correct.
10:27:19 13
10:27:20 14 Do you accept that that wasn't consistent with what you had
10:27:23 15 set out in your affidavit?---Um, sorry, can you say that
10:27:32 16 again?
10:27:32 17
10:27:32 18 Do you accept that your knowledge of a large amount of
10:27:35 19 amphetamine which had been secreted in your house wasn't
10:27:42 20 sworn to in your affidavit to the Board of Examiners?---Um,
10:27:48 21 I accept whatever is in there is in there, but I can't
10:27:53 22 recall if I drafted it or who did at the time. But I do, I
10:27:59 23 do recall that the - I certainly didn't have the
10:28:06 24 understanding that I now have about the, the liability a
10:28:13 25 person who owns a property has in relation to drugs found
10:28:17 26 on the premises.
10:28:17 27
10:28:18 28 Right. Now, you told the Royal Commission that you had
10:28:24 29 used amphetamines in the past and you say that that's
10:28:29 30 correct I take it now, do you?---Yes, I do.
10:28:31 31
10:28:32 32 Do you agree that you misled the Board of Examiners about
10:28:36 33 that?---Um, I haven't read the affidavit since whenever it
10:28:43 34 was sworn but if that's what's in there, that's what's in
10:28:49 35 there.
10:28:49 36
10:28:49 37 I'm happy to put it up if you want to see it?---No, no. I
10:28:53 38 don't have any reason to disagree with what's in there. I
10:28:56 39 think it's self-evident from the fact that I pleaded guilty
10:29:00 40 to a possess and use amphetamine charge that it's, that it
10:29:06 41 would have, or should have reflected that fact.
10:29:09 42
10:29:09 43 It should have reflected it in your affidavit, shouldn't
10:29:12 44 it?
10:29:13 45
10:29:13 46 MR NATHWANI: I think to be fair to her, if this is
10:29:16 47 pursued, my learned friend should read out paragraphs 11,

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10:29:19 1 12, 13 and 14. She says, "I was charged with two counts of
10:29:23 2 possess" - - -
10:29:23 3
10:29:23 4 COMMISSIONER: Well you're going to do it instead,
10:29:25 5 Mr Nathwani.
10:29:26 6
7 MR NATHWANI: No. But it's just we know she hasn't seen
10:29:26 8 the document. She said it, she has been asked about - - -
10:29:28 9
10:29:29 10 COMMISSIONER: Right. Do you want Mr Winneke to read out
10:29:32 11 paragraphs 11, 12 and 13?
12
13 MR NATHWANI: Yes, Commissioner.
14
10:29:34 15 COMMISSIONER: All right, we'll do so.
10:29:36 16
17 MR WINNEKE: If we can put the affidavit up, Commissioner.
10:29:37 18 LAB.0001.0001.0002.
10:29:41 19
10:29:42 20 COMMISSIONER: Can you see that on the screen,
10:29:46 21 Ms Gobbo?---No. Now I can, sorry. Yes.
10:30:02 22
10:30:03 23 MR WINNEKE: When you've read it if you can indicate that
10:30:06 24 you've read it and it will be scrolled on?---Yes, I've read
10:30:34 25 those paragraphs.
10:30:35 26
10:30:35 27 Can we go on, please?---Yeah, I've read that.
10:30:58 28
10:30:58 29 You notice that you say, just move back if you wouldn't
10:31:01 30 mind, you ceased association with your housemate,
10:31:05 31 immediately he moved to Rye where his mother resided. "I
10:31:08 32 haven't been in trouble with the law since",
10:31:12 33 et cetera?---Yes. Well that's correct, he did. I think he
10:31:15 34 was bailed to reside somewhere else from memory.
10:31:18 35
10:31:18 36 Right. If we keep going?---I've finished reading that,
10:32:14 37 although looking at paragraph 21, my knowledge then was
10:32:21 38 obviously different to what it is now.
10:32:23 39
10:32:24 40 Yes. Could we just have a look at paragraph 10. You say
10:32:33 41 that, "On September 3, 1993, DSG executed a search warrant
10:32:38 42 at your home. They found a quantity of marijuana and
10:32:42 43 amphetamines on the premises. I was embarrassed and
10:32:44 44 shocked when this occurred as I didn't know what was taking
10:32:45 45 place at my house". Five days earlier you'd formed
10:32:50 46 suspicions of Wilson and you'd reported him to the police,
10:32:53 47 do you see that?---Yes, I do.

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10:32:54 1
10:32:56 2 You didn't make mention of the fact that you had taken
10:32:59 3 police to a location in the house where a large quantity of
10:33:05 4 amphetamines had been found?---Well there's - I actually -
10:33:11 5 no, I didn't, but I can't remember whether the summary was
10:33:15 6 attached to this or not. Obviously it's not my drafting
10:33:19 7 of, I didn't draft the affidavit.
10:33:22 8
10:33:22 9 And the suggestion - - -?---Sorry, I do remember that, that
10:33:30 10 in the days leading up to the police coming to speak to me
10:33:35 11 at Melbourne University, getting a much or having a much
10:33:42 12 better idea of the level of drug trafficking with which he
10:33:46 13 was involved and, yes, being shocked about it, and being
10:33:51 14 frightened.
10:33:52 15
10:33:52 16 Right. The other thing that you suggested to the Board of
10:33:58 17 Examiners was that your association with Wilson was in
10:34:02 18 effect fleeting and once you learnt about this he left and
10:34:05 19 that was it?---Yeah, well that's correct, until he came
10:34:09 20 back and I couldn't get rid of him.
10:34:12 21
10:34:12 22 That affidavit was sworn on 4 February 1997. Do you accept
10:34:21 23 that, yes?---Yes, I do.
10:34:23 24
10:34:23 25 Was he on the title with you?---Yes, he was.
10:34:27 26
10:34:27 27 Right. So he was a co-owner of the house with you?---I
10:34:32 28 think, I know I sought legal advice to be - I can never
10:34:43 29 remember whether it's tenants in common or the alternative,
10:34:47 30 so that it's a 50/50 interest in the property.
10:34:52 31
10:34:52 32 Right. Nonetheless that was the situation, he was a joint
10:34:59 33 owner of the property with you?---It was the - that was the
10:35:03 34 intention, yes.
10:35:04 35
10:35:07 36 It seems that another warrant was executed at your house in
10:35:13 37 April of 1995, correct?---That was on the basis or my
10:35:19 38 recollection is that was on the basis of me contacting the
10:35:23 39 police because I needed a way to get rid of him.
10:35:26 40
10:35:28 41 He was back in the house at that stage?---Correct.
10:35:31 42
10:35:32 43 And one assumes that he was in the house with your
10:35:36 44 permission?---Um, yes.
10:35:40 45
10:35:41 46 And you were continuing a relationship with him?---No. No,
10:35:47 47 he - - -

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13003

GOBBO XXN

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10:35:49 1
10:35:49 2 All right?---No, he - I know he, um, he came back, um - I
10:35:58 3 can't remember initially how he came back or what the
10:36:02 4 particular circumstances were, but I know that he ended up
10:36:06 5 falling out with his mother and I think his brother or
10:36:10 6 brother-in-law and needing somewhere to live and me feeling
10:36:18 7 sorry for him.
10:36:18 8
10:36:19 9 Right?---And then it became apparent that he no longer was
10:36:24 10 working or didn't have the same employment that he'd had
10:36:31 11 previously, which was more than - well and truly more than
10:36:35 12 full-time employment or at least from what I could see it
10:36:37 13 was.
10:36:38 14
10:36:38 15 In any event, look, there was continued - - - ?---And he
10:36:40 16 was using drugs and gambling.
10:36:41 17
10:36:41 18 There was continuing, a continued relationship with him and
10:36:48 19 he continued or at least he resumed residence in his house
10:36:53 20 and your house?---Yes, but by then it was not his house any
10:36:59 21 more.
10:36:59 22
10:37:00 23 Right.
10:37:02 24
10:37:02 25 COMMISSIONER: Sorry, when you say that, was he no longer
10:37:05 26 on the title deed?---No, there was no change to the title
10:37:09 27 but he was no longer contributing to paying anything and
10:37:14 28 had agreed with me that after what had happened with the
10:37:17 29 police had happened, that he had no, no, um, no claim on
10:37:23 30 the property at all.
10:37:24 31
10:37:25 32 MR WINNEKE: Do you accept that another warrant was
10:37:26 33 executed at your house in April of 1995 and more drugs were
10:37:30 34 found in the house in 1995?---Yes, because I contacted the
10:37:35 35 police about it.
10:37:35 36
10:37:36 37 Right. And Wilson was charged again in relation to those
10:37:41 38 drugs?---Yes. I think so, yes.
10:37:45 39
10:37:46 40 Now, do you accept that the impression that you created in
10:37:50 41 the affidavit which you swore in 2007 was - sorry, 1997,
10:37:58 42 was inconsistent with the, clearly inconsistent with the
10:38:02 43 actual facts of the matter?---Well it wasn't - the way you
10:38:08 44 put it wasn't the full story.
10:38:09 45
10:38:09 46 And it was misleading?---Because of, because of material
10:38:15 47 admitted, yes.

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13004

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10:38:17 1
10:38:22 2 COMMISSIONER: How did he come, how did Wilson come to be
10:38:26 3 no longer registered on the title?--Well, he wasn't, he
10:38:31 4 wasn't deregistered, Commissioner, it was more a case of
10:38:34 5 him agreeing that - and he was full of apologies for what
10:38:39 6 he had created and what had happened, and because he was no
10:38:44 7 longer paying any, any of the mortgage, he agreed that he
10:38:51 8 had no claim on the property.
10:38:53 9
10:38:54 10 MR WINNEKE: Right?--And so then, sorry, so then when the
10:38:58 11 property was sold, I can't remember how long after that
10:39:03 12 was, he had no claim on it because he had not only not
10:39:08 13 contributed anything but it cost me a fortune.
10:39:13 14
10:39:13 15 Now, do you accept that what you swore, that is that you'd
10:39:17 16 had four weeks co-residence and thereafter he had left, was
10:39:25 17 only a very, well was an inaccurate, a most inaccurate
10:39:30 18 description of your relationship with him?--Yeah, I agree
10:39:34 19 that because of the material that's not in there it's part
10:39:39 20 of the story, but I can't - I'm not walking away from that
10:39:46 21 suggestion, Chris, I just can't recall the circumstances in
10:39:49 22 which the affidavit was drafted or who drafted it.
10:39:52 23
10:39:52 24 It doesn't matter. The reality is you knew what was in the
10:39:56 25 affidavit and you wanted to present a particular picture to
10:40:00 26 the Board of Examiners, didn't you?--That's correct. I
10:40:02 27 mean I can recall being told by my, I forget what the
10:40:07 28 proper title is for the person to whom you're articulated,
10:40:12 29 that the most important thing is to, where you have a
10:40:19 30 previous matter involving drugs, is to be clear about
10:40:23 31 whether or not you're still using drugs or have used drugs.
10:40:28 32
10:40:28 33 Were you also told it was most important in an affidavit
10:40:32 34 that you were swearing to tell the truth and the whole
10:40:35 35 truth?--I'm sure I would have been, yes.
10:40:38 36
10:40:38 37 And you would have been aware of that?--Yeah, I just said
10:40:42 38 that.
10:40:42 39
10:40:43 40 You would have been aware of the difference between telling
10:40:46 41 the truth and telling untruths?--Correct.
10:40:48 42
10:40:49 43 Now, in 1995, July, you were registered as an informer by
10:41:00 44 Sergeant Ashton and a police officer by the name of
10:41:04 45 Argall?--I'm not sure exactly when but I'm not in a
10:41:08 46 position to argue about the date. I accept that's right.
10:41:11 47

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13005

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10:41:11 1 And the purpose of your registration was to provide
10:41:13 2 information to police about Wilson's involvement in drug
10:41:17 3 trafficking, as well as firearm possession?---Yes, I think
10:41:22 4 - I wasn't aware that I was registered by them until it
10:41:27 5 came out in the media.
10:41:29 6
10:41:30 7 Yes?---But I do have a recollection of seeking their
10:41:35 8 intervention because I couldn't, I could not get him out of
10:41:39 9 that house.
10:41:40 10
10:41:40 11 Right. What you did was to provide information against him
10:41:48 12 in those particular, on those subjects, that is, one, his
10:41:54 13 involvement in drug trafficking, but in addition to that,
10:41:56 14 the fact that he was possessing, in possession of a
10:42:02 15 firearm?---Yes. I can't remember now whether, whether he
10:42:06 16 ever showed me a firearm or just talked about one, but he,
10:42:15 17 he had - I know that he had fallen back into, or he was in
10:42:21 18 a very bad way and was using drugs to the extent that he
10:42:27 19 was nothing like the person I'd met however long before it
10:42:32 20 was and he was very violent.
10:42:34 21
10:42:34 22 Yes. And there were plans for you [REDACTED]
10:42:38 23 [REDACTED] Mr Wilson?---I think that was something
10:42:45 24 that Ashton talked about.
10:42:47 25
10:42:47 26 And there was an operation called Scorn but ultimately that
10:42:51 27 was cancelled, we understand, by a Detective Blayney who
10:42:54 28 took the view that you were making arrangements, he said,
10:42:58 29 and not liaising, and he also described you as a loose
10:43:06 30 cannon. What do you have to say about that?---I don't, I
10:43:10 31 don't even know who Blayney is. I've not, I don't know who
10:43:15 32 he is or - I don't think I even met him so I can't really
10:43:19 33 say anything about what his opinion is.
10:43:21 34
10:43:22 35 In paragraphs 23 and 24 of your affidavit, you said, "I can
10:43:28 36 assure members of the Board that upon being granted
10:43:30 37 permission to practice my integrity and honesty will not be
10:43:31 38 compromised. In accordance with the trust and privilege
10:43:33 39 invested in me by the court I will endeavour to be an
10:43:37 40 upstanding and honourable member of the legal profession".
10:43:40 41 24, "I understand how important it is for members of the
10:43:43 42 legal profession to uphold the law and I undertake to do
10:43:46 43 so"?---Yes.
10:43:47 44
10:43:47 45 And as a consequence on 7 April you were admitted to
10:43:51 46 practice as a barrister and solicitor in Victoria, is that
10:43:54 47 correct?---Yes, and obviously there are, you know - I have

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10:44:04 1 failed in that regard because look where we are.
10:44:07 2
10:44:08 3 Do you accept that if you had told the absolute truth about
10:44:12 4 your relationship with Mr Wilson and ongoing relationship
10:44:17 5 with Mr Wilson, either you may not have been admitted or
10:44:22 6 alternatively you may have been under a very much greater
10:44:25 7 degree of scrutiny in terms of your application to be
10:44:27 8 admitted?---Anything's possible.
10:44:31 9
10:44:32 10 Okay. You commenced your articles of clerkship with a firm
10:44:40 11 of solicitors called Molomby & Molomby in 1996, is that
10:44:45 12 right?---Yes.
10:44:46 13
10:44:48 14 In February of 97 you advised the Law Institute that you
10:44:51 15 were leaving Molomby's and commenced work for a solicitor
10:44:56 16 who we know as, we've been describing as Solicitor 1, and
10:44:57 17 that's the way we're going to describe him, you know who
10:45:00 18 that is I take it?---Yes, I do, Chris.
10:45:02 19
10:45:03 20 And that firm and that solicitor represented many people
10:45:07 21 charged by the Drug Squad?---Yes.
10:45:08 22
10:45:10 23 You came to represent and know a number of those
10:45:16 24 people?---In the course of my employment with Solicitor 1,
10:45:20 25 that's correct.
10:45:21 26
10:45:24 27 And some of those people were, I suppose, reasonably
10:45:29 28 significant participants in the drug industry, if I can put
10:45:35 29 it that way, in the late 90s?---Or at least accused of
10:45:42 30 being, yes, they were.
10:45:43 31
10:45:45 32 On 2 February 1998 you met with two people, one of whom
10:45:53 33 we're calling Kruger and another person by the name of
10:45:57 34 Bowden. We've got an entry in your records, a Filofax
10:46:05 35 about that meeting?---Sorry what - sorry, what date was it
10:46:11 36 again, 2 February - - -
10:46:12 37
10:46:12 38 2 February 1998?---Yes. Sorry, who was it?
10:46:18 39
10:46:18 40 A person by the name of Bowden and a person by the name of
10:46:21 41 Kruger. Have we got a list - - -?---I've just been handed
10:46:28 42 the pseudonym, Chris, so now I know who, who Kruger is.
10:46:35 43
10:46:36 44 Do you accept that you had a meeting with those people in
10:46:39 45 February of 98?---Yes.
10:46:43 46
10:46:43 47 And you told them, or you were told in fact that your

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10:46:49 1 employer was a crook and that he should be in gaol?---Yes,
10:46:54 2 I don't - I don't think it was either of those officers who
10:47:01 3 initially said that to me, I thought it was another
10:47:05 4 Detective Senior Sergeant who I'm sorry, I think he's
10:47:09 5 probably got a pseudonym, I don't know if I'm allowed to
10:47:12 6 use his name or not.
10:47:13 7
10:47:13 8 I don't think he does. I think I know the one you're
10:47:17 9 talking about. Is that a person by the name of
10:47:19 10 Strawhorn?---Yes.
10:47:20 11
10:47:20 12 Can we put up, just so you can see it,
10:47:27 13 MINRC.0002.0001.0005, p.89 and it's, Commissioner, Exhibit
10:47:31 14 95. Do you see that?---It's in this - yes, I do, yes.
10:47:39 15 Yes, it's back.
10:47:40 16
10:47:40 17 That's it there?---Yep.
10:47:41 18
10:47:41 19 And you see - these are your notes?---Yes, they are.
10:47:45 20
10:47:47 21 Solicitor 1, et cetera, "Crook should be in gaol, but if
10:47:51 22 not at least not practising law. Asked if you're aware of
10:47:54 23 anything, asked if you were involved in anything"?---Now it
10:48:00 24 brings back a memory, especially when I read the bit that
10:48:03 25 says I can remember being told, "If we throw enough mud
10:48:08 26 some will stick so you better get a raincoat on quickly".
10:48:13 27
10:48:14 28 Your name is mentioned on tapes, DPP, particular
10:48:17 29 solicitors, "Mud sticks, get a raincoat, there are ongoing
10:48:22 30 investigations". There's a note, "Evidence from clients.
10:48:25 31 Happy to protect me for my assistance regarding particular
10:48:29 32 files and no one will believe I had no knowledge or could
10:48:34 33 not have known"?---Yes.
10:48:37 34
10:48:38 35 And indicated that he was aware of your prior criminal
10:48:42 36 history?---Yes.
10:48:43 37
10:48:44 38 Now, you recall that meeting?---Not specifically, but I
10:48:53 39 certainly, now I've read that, I can recall the rain coat
10:48:59 40 remark.
10:49:00 41
10:49:00 42 Right. Now, that's in February of 98. On 9 April 1998 you
10:49:08 43 made a witness statement to a federal agent in a proceeding
10:49:14 44 against Tony and Kabalan Mokbel who had been charged with
10:49:19 45 perjury, that's correct, isn't it?---Yes, this relates to
10:49:23 46 the - - -
10:49:27 47

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10:49:27 1 Bail undertaking?---Yes, the surety/perjury issue, yes.
10:49:32 2
10:49:32 3 You dealt with two AFP officers, and we're not going to
10:49:35 4 name them, but investigating charges against Horthy Mokbel
10:49:39 5 and the firm that you were acting for, that is Solicitor
10:49:44 6 1's firm, was representing Horthy Mokbel, is that
10:49:47 7 correct?---Yes, this is how I first came to meet Tony
10:49:50 8 Mokbel.
10:49:50 9
10:49:50 10 And he was granted, that is Horthy Mokbel was granted bail
10:49:54 11 on the undertaking of a surety, is that correct?---Yes.
10:49:57 12
10:49:57 13 You were present when Tony Mokbel signed affidavits in
10:49:59 14 relation to property so that his brother might be released
10:50:02 15 on bail?---Yeah, I remember being asked by my employer to
10:50:08 16 go to the Melbourne Magistrates' Court and to meet Tony at
10:50:13 17 the bail, the bail counter to sign some documents.
10:50:16 18
10:50:16 19 All right. And you made a statement in relation to the
10:50:21 20 circumstances in which the affidavits were deposed, is that
10:50:24 21 right?---Yes.
10:50:26 22
10:50:26 23 And Mr Mokbel was charged with perjury in relation to those
10:50:30 24 affidavits and he was later acquitted of charges in
10:50:33 25 November of 1999?---Yes, I had - I have a recollection of
10:50:39 26 being, being petrified of being cross-examined because I
10:50:45 27 had to give evidence against him in a trial.
10:50:48 28
10:50:48 29 All right. Now, on 13 May 1998, and this is information
10:51:00 30 that the Royal Commission has, in a letter to the
10:51:05 31 Commission by the AFP or from the AFP, there's disclosure
10:51:11 32 to this effect, that on that date, 13 May 98, you contacted
10:51:15 33 the AFP and spoke to one of the federal agents you'd
10:51:19 34 previously spoken to about recruiting details?---Yes.
10:51:25 35
10:51:26 36 Do you accept that?---If I have, yes.
10:51:29 37
10:51:29 38 And you were directed to their website?---I've got a vague
10:51:37 39 - - -
10:51:37 40
10:51:37 41 That's the information that we have?---Yeah, I don't
10:51:40 42 dispute that. I've got a, I've got a vague memory of, um,
10:51:47 43 of discussing the prospect of working as a lawyer for the
10:51:56 44 Federal Police and having, having obtained a law degree
10:52:02 45 there was a way to basically queue jump or get ahead.
10:52:07 46
10:52:08 47 It's understood that you requested a meeting, you requested

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10:52:11 1 a meeting to discuss some issues. Do you recall why it was
10:52:18 2 that you might have been requesting a meeting to discuss
10:52:21 3 some issues in 98? Do you say it was with a view to
10:52:25 4 getting a job as a lawyer?---No, I don't. When you asked
10:52:31 5 me about the information that you said the Royal Commission
10:52:33 6 had, that prompts a memory of, of making some inquiry
10:52:41 7 because there was a period of time when the AFP stopped
10:52:45 8 recruiting for a couple of years and I think I fell into
10:52:49 9 that period of time, but the request for a meeting wouldn't
10:52:54 10 have been for that purpose.

10:52:55 11
10:52:56 12 No. What was the meeting, what do you believe the request
10:52:59 13 for the meeting was about?---I don't have a specific
10:53:04 14 memory, Chris, but I can only assume it was - probably
10:53:11 15 making an assumption is not a good idea but it would have
10:53:15 16 had something to do with the pressure and ongoing kind of
10:53:27 17 "threats" from Wayne Strawhorn and co.

10:53:31 18
10:53:32 19 As I understand it the inference is that you were wanting
10:53:35 20 to have a meeting to provide information to the Federal
10:53:41 21 Police?---Yeah, I don't dispute that.

10:53:43 22
10:53:44 23 All right. And then on 14 May there's the disclosure
10:53:49 24 letter from the AFP indicates there was a meeting with
10:53:53 25 members of the AFP and the meeting moved, I think from 221
10:54:00 26 Queen Street to the Celtic Club, that's the note that we've
10:54:05 27 got or the evidence that we have?---Yes.

10:54:06 28
10:54:07 29 Do you recall that? And apparently you brought up in the
10:54:11 30 meeting issues of morality and ethics in relation to police
10:54:14 31 and lawyers?---Um, I've got no specific memory of it but I
10:54:21 32 don't dispute that.

10:54:22 33
10:54:23 34 You alluded to the possibility that you could provide
10:54:25 35 information to the Federal Police?---Again, I don't dispute
10:54:32 36 that. I think this is also - I might - I'm not sure
10:54:39 37 whether this is the same year or this is, by this time I've
10:54:44 38 started a Masters, or finished a Masters, or maybe I was
10:54:49 39 part way through it, but at some point I had or started
10:54:58 40 researching with a view to doing some further study on,
10:55:07 41 ironically and I know it will sound laughable in a sense
10:55:12 42 when I say this now, but on the relationship between police
10:55:15 43 and informers.

10:55:16 44
10:55:16 45 Yes. I think there's evidence that I was going to ask you
10:55:21 46 about that, in relation to that. But before I get there -
10:55:28 47 - -?---Sorry, I meant no offence about saying it was

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10:55:31 1 laughable but, you know, looking back on where we are now,
10:55:37 2 it's laughable in a horrendous way.
10:55:40 3
10:55:41 4 It is something that you were particularly interested in,
10:55:43 5 the relationship between police and informers and it was
10:55:48 6 something that you wanted to study?---Yes, it was.
10:55:51 7
10:55:51 8 You were concerned that there might be, might have been
10:55:54 9 listening devices placed in your home, this is what you
10:55:57 10 discussed with the AFP officers on 14 May 1998?---I've got
10:56:03 11 no memory of that, Chris, but I don't dispute it. I know
10:56:07 12 that Wayne Strawhorn and Officer Kruger made me very
10:56:15 13 paranoid.
10:56:17 14
10:56:18 15 There was further contact with the AFP on 21 and 22 May 98.
10:56:27 16 The evidence we have is that one of the agents spoke to you
10:56:30 17 and indicated they were not interested in meeting if you
10:56:33 18 intended compromising the AFP. And there was an agreement
10:56:38 19 to meet the following week. Do you accept that, that they
10:56:46 20 didn't, they were a little bit suspicious of you?---Yeah, I
10:56:51 21 don't know why - I can't - I can't really comment. I mean
10:56:56 22 I'm not surprised there would be some note from them saying
10:56:59 23 they didn't want anything to do with me if I was going to
10:57:02 24 compromise the AFP.
10:57:04 25
10:57:04 26 Right?---But I don't dispute what you say about whatever
10:57:09 27 dates or times, meetings were scheduled for.
10:57:14 28
10:57:14 29 Apparently you called back on 22 May, the following day,
10:57:18 30 and you alluded to having confidential information which
10:57:21 31 you wished to divulge because it was creating a moral
10:57:28 32 problem for you. Do you have any recollection about that
10:57:34 33 and if so, what it was about?---No, not at all.
10:57:37 34
10:57:37 35 In June of 1998, and again this is information that the
10:57:42 36 Royal Commission has been provided with by the AFP, you
10:57:45 37 were involved in a committal proceeding and you came to
10:57:49 38 meet two other federal agents when your firm was
10:57:54 39 representing a person by the name of Goldberg during a
10:57:57 40 committal proceeding in June 1998?---Yes.
10:58:00 41
10:58:00 42 Again we're not going to mention the names of the
10:58:04 43 agents?---Yep.
10:58:05 44
10:58:05 45 One of the federal agents indicated that during this
10:58:07 46 committal you rang him and indicated that you had
10:58:11 47 information of interest to the AFP. Now, do you recall

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10:58:15 1 that?---No.
10:58:17 2
10:58:18 3 Do you say well look, that's unlikely to be true or likely
10:58:23 4 to be true?---Um, I'm just, I'm not in a position to
10:58:29 5 dispute what's being said, it's probably true.
10:58:32 6
10:58:32 7 Right. And the agents met with you on 30 June 1999 where
10:58:42 8 you offered information in relation to alleged fraud and/or
10:58:48 9 money laundering?---Did you say a year later in June 1990 -
10:58:55 10 - -
10:58:55 11
10:58:55 12 No, 30 June 1998, I apologise. 98, I said 99. I meant
10:59:02 13 98?---Okay.
10:59:03 14
10:59:03 15 Do you accept that in around this time you were quite keen
10:59:06 16 to provide information to the AFP and/or other federal
10:59:12 17 agents?---Um, if this is, um, if this is about the, um, the
10:59:24 18 defrauding of Victoria Legal Aid money laundering to do
10:59:31 19 with Solicitor 1.
10:59:34 20
10:59:34 21 Yes?---Then, yes.
10:59:37 22
10:59:38 23 All right. And you had a meeting with - so you do recall
10:59:42 24 that?---Yes. Not in specific detail but yes.
10:59:47 25
10:59:48 26 On 30 June 98 you had a meeting with the AFP and there's a
10:59:54 27 note that you make in your Filofax and perhaps we'll put
10:59:57 28 this up, I'll read it out, MINRC.0002 - - -?---I've got it
11:00:04 29 in front of me.
11:00:04 30
11:00:05 31 I have to read it out in any event, 0001.0005 at p.90. We
11:00:11 32 won't mention that names that we can see there?---Yes.
11:00:13 33
11:00:13 34 There are two AFP officers mentioned. There were matters
11:00:17 35 discussed, including money laundering with respect to
11:00:23 36 Solicitor 1. What's the next - number 2, what do you say
11:00:31 37 there?---I don't actually know what that is, APFC, ARFC,
11:00:45 38 I'm not sure.
11:00:46 39
11:00:46 40 You don't know what that is. Then number 3 is "INV
11:00:51 41 accounts"?---Investor accounts that would be.
11:00:55 42
11:00:55 43 Investor accounts. "ATO"?---Tax Office.
11:00:58 44
11:00:59 45 And "XDH", do you know what that is?---No. Still trying to
11:01:09 46 think what number 2 is. It could be AFC. No, I think it
11:01:15 47 might be - no, hang on, I think it's AIC.

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11:01:16 1
11:01:17 2 There are names mentioned. Now, we can see Higgs, who was
11:01:24 3 a client of Solicitor 1?---Correct.
11:01:27 4
11:01:27 5 Mokbel, who was a client of Solicitor 1?---Yeah, I'm not
11:01:32 6 sure which one it is, but yes.
11:01:34 7
11:01:35 8 There are other names, including Kruger's name there and
11:01:42 9 Strawhorn's name and there are also - there's a name before
11:01:45 10 that, or two names before that which we won't
11:01:50 11 mention?---Correct. I mean yes, there are.
11:01:53 12
11:01:53 13 And both, in fact the first four names were clients of
11:01:57 14 Solicitor 1, is that correct?---Yes.
11:02:00 15
11:02:02 16 And people that you had been involved with as a solicitor,
11:02:07 17 either acting for or the firm acting for?---Yes. Yes.
11:02:15 18
11:02:15 19 And those, the two names that we won't mention underneath
11:02:20 20 Mokbel had recently been arrested by the Drug Squad?---I
11:02:24 21 was just, um, thinking that - I don't recall the date but
11:02:27 22 it was, it was sometime in PII and it must have been
11:02:31 23 before this because - - -
11:02:33 24
11:02:33 25 PII they'd been arrested?---Yes, I was going to say it
11:02:38 26 had to be before this because that's part of the reason
11:02:41 27 why, that's how I came to know Officer Kruger.
11:02:46 28
11:02:47 29 Right. Now, the note goes on and says "arse covering", and
11:02:55 30 in brackets "me"?---Yep.
11:02:58 31
11:02:58 32 What do you think that was about?---I'm assuming it's, as
11:03:04 33 the word suggests, it's me covering my backside.
11:03:09 34
11:03:09 35 Yes?---But I'm not sure whether, I'm not sure whether what
11:03:16 36 I mean is covering myself in relation to knowledge of
11:03:19 37 criminal offending.
38
11:03:20 39 Yes?---Or covering myself in terms of them protecting me or
11:03:28 40 offering to protect me. I can't work out which it means or
11:03:32 41 what it's more likely to mean.
11:03:34 42
11:03:35 43 "Cooperation sought." Now is that a note, cooperation
11:03:39 44 being sought from you or from other persons such as the
11:03:47 45 people who were mentioned in the list of names?---My best
11:03:53 46 assumption is that it's them seeking my cooperation.
11:03:57 47

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11:03:58 1 There's a note, "Will call me tomorrow", all right?---Yes.
11:04:05 2
11:04:08 3 Can I suggest to you that the likelihood is that the AFP
11:04:12 4 didn't approach you out of the blue, there had been an
11:04:18 5 approach by you prior to this meeting indicating that you
11:04:22 6 were prepared to provide some information?---Um, yes. I,
11:04:29 7 um, I can't, I can't recall specific details from back
11:04:36 8 then.
11:04:37 9
11:04:37 10 Yes?---I know that at some point with, with the Victorian
11:04:48 11 Police there was some indication from them that they
11:04:51 12 couldn't deal with federal matters, but I can't be specific
11:04:56 13 about when that was.
11:04:58 14
11:04:58 15 Right?---As in whether that was, it may have been prior to
11:05:01 16 speaking to the AFP or maybe the other way around, I'm not
11:05:05 17 sure.
11:05:05 18
11:05:05 19 What it looks like is you've approached the Federal Police
11:05:09 20 on a number of occasions and ultimately they've contacted
11:05:12 21 you and there's been an indication on your part that you'd
11:05:18 22 be prepared to provide some information to assist
11:05:21 23 them?---Yes.
11:05:21 24
11:05:21 25 That's what it appears to be, do you accept that?---Yep.
11:05:25 26 Yes, I do.
11:05:26 27
11:05:26 28 Okay. Now, on 7 July 1998 you had a meeting with Federal
11:05:37 29 Police again, and if we can have a look at your Filofax at
11:05:41 30 p.92, so that's the same document, 0002.0001.0005. It's
11:05:47 31 the second meeting with those same two Federal Police
11:05:50 32 officers, do you agree with that?---Yes.
11:05:52 33
11:05:53 34 It was at a hotel in East Melbourne from 2 to
11:05:58 35 4 pm?---According to the note, yes.
11:06:00 36
11:06:01 37 "General discussion, they want specific names, possible
11:06:03 38 [REDACTED]"?---I assume that means they were
11:06:12 39 talking about [REDACTED].
11:06:16 40
11:06:16 41 [REDACTED] an [REDACTED]?---Yes.
11:06:19 42
11:06:19 43 And you note that you were scared and assurances were
11:06:23 44 given?---Yes.
11:06:24 45
11:06:24 46 Now what do you understand that to have been a reference
11:06:29 47 to?---Well, I presume there was a discussion about, going

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11:06:34 1 on from the line above.

11:06:35 2

11:06:35 3 Yes?---About how they would do that and the manner in which

11:06:39 4 they would protect me or me seeking their protection.

11:06:44 5

11:06:44 6 Right?---And being frightened of doing so just based upon

11:06:52 7 the lines above.

11:06:53 8

11:06:54 9 And the note is that they arrived separately, "They'll call

11:06:57 10 regarding the meeting to provide specific lists and

11:07:02 11 names"?---Yes.

11:07:03 12

11:07:03 13 So in other words there was going to be a further meeting

11:07:05 14 and you were going to provide specific information in the

11:07:09 15 nature of lists and names, is that right, or is it the

11:07:12 16 other way around?---No, I think that my reading - the way I

11:07:18 17 read that is that they will call me.

11:07:20 18

11:07:20 19 Yes?---To give me some specifics.

11:07:23 20

11:07:23 21 Right?---Or maybe to talk about some specific people.

11:07:28 22

11:07:28 23 Righto. Did you understand that the specific people and

11:07:33 24 names were people who were likely to be the names of people

11:07:37 25 who your firm, your employer was representing?---Yes, or

11:07:42 26 people that I'd met because of that employment.

11:07:46 27

11:07:47 28 Yes, all right. Now, Commissioner, I'm going to tender all

11:07:57 29 of these Filofaxes but I believe some of them have been,

11:08:01 30 I'm not certain.

11:08:01 31

11:08:01 32 COMMISSIONER: I think the whole lot have been tendered as

11:08:06 33 Exhibit 273, so they are part of Exhibit 273. It's

11:08:08 34 probably not necessary to tender them individually, that

11:08:11 35 might be a bit time consuming within our time constraints.

11:08:15 36

11:08:15 37 MR WINNEKE: Yes. 21 July 1998 you had a meeting again, on

11:08:19 38 this occasion with the Victorian police officers. This

11:08:23 39 time police Officer Kruger again and another police officer

11:08:40 40 - and another officer by the name of Police Officer 2 so Kruger and

11:08:44 41 A2nd Do you recall those two - you recall Mr Kruger, what

11:08:48 42 about A2nd PO?---Um, not specifically but - - -

11:08:52 43

11:08:53 44 All right?---I think you've - I think you asked me about

11:08:58 45 him before, I think it's A2nd PO

11:09:01 46

11:09:01 47 Yes, that's right. You met with them and there's an

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11:09:05 1 indication in an information report that you provided them
11:09:09 2 with information in relation to Solicitor 1's suspected
11:09:13 3 involvement in money laundering, do you accept that?---Yes.
11:09:18 4
11:09:18 5 You told them that they needed to check specific areas in
11:09:21 6 relation to his business dealings, including in relation to
11:09:24 7 properties put up as sureties for clients, a particular
11:09:28 8 client who was important to him. Do you accept that you
11:09:31 9 did that?---Yes, if that's what notes show, yes.
11:09:36 10
11:09:36 11 And that they needed to check his trust account?---Yes -
11:09:44 12 yeah, I've got no independent memory of that but I don't
11:09:47 13 dispute it.
11:09:48 14
11:09:49 15 And the investigator noted the need to liaise with a
11:09:53 16 particular person at the NCA. Without naming any names,
11:10:00 17 were you at that stage also providing information to a
11:10:06 18 particular officer at the National Crime Authority?---Not
11:10:10 19 that I know of. Unless it was someone, unless it was
11:10:14 20 someone from the AFP that was seconded to or was
11:10:19 21 temporarily at the NCA, as it was back then.
11:10:24 22
11:10:24 23 Right, okay. Were there any other agencies that you
11:10:31 24 believe that you might have been making overtures to about
11:10:35 25 providing information?---No. I don't think I knew of any
11:10:41 26 other agencies then.
11:10:42 27
11:10:45 28 Perhaps not just at this time but at any time. I mean what
11:10:49 29 agencies have you provided, do you recall, information
11:10:53 30 to?---Sorry, I'm just running through them in my head,
11:11:00 31 Chris. No one that I can think of.
11:11:10 32
11:11:10 33 Can we move to 8 September 1998. There was a meeting with
11:11:14 34 AFP officers and if we have a look at your Filofax again,
11:11:20 35 this time at p.97, you met at the Paper Shop Deli,
11:11:25 36 0002.0001.0005 at 97. Again we don't need to mention the
11:11:30 37 name but it seems that there was coffee pick up at Lonsdale
11:11:37 38 Street. There was a discussion of the progress of the
11:11:40 39 investigation. They needed more and specific information
11:11:45 40 and detail to do more. Able to do more. Is that what's
11:11:50 41 that about?---Um, I'm just reading it. Yes, it looks like,
11:12:06 42 um, it looks like them, them or him saying to me that they
11:12:15 43 need more to be able to do anything.
11:12:17 44
11:12:17 45 Yes. And, "They'll get back to me to go through material
11:12:21 46 in detail" and it may well be you'd provided them with
11:12:26 47 information, do you think?---I'm not sure. I've got no

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11:12:32 1 specific memory of - - -
11:12:36 2
11:12:36 3 Yes, all right, of this meeting?---Of anything, no.
11:12:42 4
11:12:42 5 You were dropped back at Little Collins Street at
11:12:46 6 2 pm?---Yes, according to the note, yes.
11:12:48 7
11:12:48 8 It does appear that you'd provided material to them,
11:12:51 9 doesn't it?---Well there must have been some material in
11:12:55 10 order for them, in order for this discussion to have taken
11:13:01 11 place.
11:13:01 12
11:13:01 13 Right. You don't recall what that material was, is that
11:13:06 14 right?---No. I'm, um, I'm just thinking that it - for some
11:13:15 15 reason I've got a thought that it may be, relate to federal
11:13:23 16 offences that VicPol couldn't deal with or wouldn't deal
11:13:27 17 with.
11:13:27 18
11:13:27 19 All right. Do you have any other recollection, aside from
11:13:31 20 that, any particular offences, any particular
11:13:37 21 persons?---No. Not - I know that related to Solicitor 1,
11:13:48 22 it stemmed from, from him, but as to who else, I can't
11:13:52 23 recall now.
11:13:53 24
11:13:53 25 All right. Do you think they might have been people for
11:13:57 26 whom Solicitor 1 was acting, your firm was acting?---Yes,
11:14:04 27 as I said before, people - either that he was acting for or
11:14:11 28 that I had met in the context of, of that. For example, I
11:14:18 29 mean he wasn't acting for, um, for Tony Mokbel, but I had
11:14:25 30 met him as a consequence of that employment.
11:14:28 31
11:14:28 32 Okay. Now, if we can have a look at the next relevant
11:14:33 33 entries which appear to be on 29 and 30 September 1998.
11:14:37 34 This is at p.98 of the Filofax. Same doc ID number. You
11:14:44 35 meet at the Paper Shop Deli again, again on this occasion
11:14:48 36 with the one AFP officer?---That's, um - yes.
11:14:58 37
11:14:58 38 Do you recall this officer, this particular AFP
11:15:03 39 officer?---Not particularly. I'm also just reading down
11:15:10 40 the first line, I can't recall specifically who [REDACTED] the
11:15:14 41 analyst is.
11:15:16 42
11:15:16 43 Right. There's a reference to a "meeting tomorrow", or
11:15:19 44 event "tomorrow at Drummond Street in Carlton". There's a
11:15:24 45 reference to one of the firm's clients, do you see
11:15:31 46 that?---Yeah, I'm just reading the entry above.
11:15:35 47

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11:15:36 1 "Feels like he's pulling teeth to get info from me. Wants
11:15:44 2 to throw everything he can now that he'll be the arbiter of
11:15:45 3 relevance"?---It's, "Wants to know everything he can now".
11:15:49 4
11:15:50 5 Yes, sorry, quite right. He'll work out what's relevant or
11:15:54 6 not, so he's after information from you as much as he can
11:15:56 7 and he'll work out what's relevant or not. You mention
11:16:00 8 that particular client of Solicitor 1's, et cetera, "No
11:16:04 9 real explanation for his behaviour", do you see that?---I
11:16:07 10 don't know what that means. Sorry, I've just read ahead.
11:16:11 11 [REDACTED] must be their analyst.
11:16:13 12
11:16:14 13 Financial analyst. You meet and there's a note of that
11:16:17 14 person's name again and then NCA, do you see that?---Yes.
11:16:21 15
11:16:23 16 And "lengthy discussion re"?---"Materials."
11:16:27 17
11:16:28 18 Yes. "Provided to the officer previously. [REDACTED] couldn't
11:16:34 19 make sense of the account records"?---Yes.
11:16:36 20
11:16:37 21 So it seems that you've provided account records, do you
11:16:42 22 agree?---Yeah, I think this is - I think this must be the,
11:16:49 23 um, the - I think when you asked me questions previously
11:16:54 24 you referred to, um, me providing what was then a floppy
11:17:01 25 disk.
11:17:01 26
11:17:02 27 Yes?---Of material to - I thought you said to Victoria
11:17:07 28 Police and it must be that that, that these police got it
11:17:12 29 instead.
11:17:12 30
11:17:12 31 It may well be but I think that was information that you
11:17:15 32 provided subsequently after you'd left employment with
11:17:18 33 Solicitor 1 and became a barrister. There was a reference
11:17:21 34 to provision of floppy disk, but that was some time later
11:17:25 35 on. That's correct, isn't it?---Yeah, I'm not sure - I'm
11:17:30 36 not sure when it was, but looking at this, I thought that
11:17:36 37 this was the same material because it had gone to a
11:17:40 38 financial analyst, but I might be wrong about that.
11:17:43 39
11:17:44 40 In any event, so that's 29 and 30 September. If we then go
11:17:48 41 to 16 October, there's another note of meeting with the AFP
11:17:56 42 officer. It's at p.99. "Discussion re those two people
11:18:02 43 who were clients of the firm", do you agree with
11:18:05 44 that?---Yes.
11:18:05 45
11:18:05 46 "Cooperation with police", et cetera. "Role of the Drug
11:18:12 47 Squad. Needs proof of one", what do you think that might

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11:18:17 1 be?---It's money laundering looks like - - -
11:18:21 2
11:18:21 3 Money laundering?---Laundering.
11:18:23 4
11:18:23 5 "Per Solicitor 1 and that particular client." You to
11:18:27 6 discuss with the client and then both of them again and you
11:18:31 7 were dropped off at King Street afterwards, do you accept
11:18:35 8 that?---Yes.
11:18:35 9
11:18:36 10 Then you have another meeting with that particular officer
11:18:39 11 of the NCA on 21 October of 1998. Do you see that?---Yes.
11:18:47 12
11:18:48 13 "Lengthy discussion of the client's version of money
11:18:51 14 laundering operation. Having to explain carefully to just
11:18:58 15 a policeman. Concedes that it makes sense but it tends to
11:19:04 16 place the client at higher level than your employer, may be
11:19:10 17 problematic", et cetera, do you see that? "Deal is
11:19:13 18 difficult"?---Yes.
11:19:15 19
11:19:15 20 So effectively what you're trying to achieve, it seems, is
11:19:19 21 a deal on behalf of the client if he provides information
11:19:23 22 against the solicitor, is that right, your
11:19:28 23 employer?---Yeah, I'm not sure. I'm not sure, Chris,
11:19:36 24 because it may be problematic from the point of view that
11:19:44 25 offering him a deal is difficult, I don't - I've just got
11:19:47 26 no recollection of that and I've got no recollection of
11:19:53 27 that to be able to explain what I meant by it, but I do
11:19:57 28 have, I do have a recollection of not having discussed
11:20:07 29 doing some kind of deal with this particular client.
11:20:10 30
11:20:10 31 Yes, all right?---If that makes sense, confirming a
11:20:16 32 negative.
11:20:17 33
11:20:17 34 If we then can go to - - -?---And sorry, sorry, when it
11:20:24 35 says, right at the bottom, "Wants typed notes on Friday".
11:20:30 36
11:20:30 37 Yes?---I'm assuming that he's asking me to provide
11:20:38 38 something by that Friday.
11:20:38 39
11:20:39 40 Right?---I don't know.
11:20:42 41
11:20:42 42 You don't recall?---No, I don't know whether he means me
11:20:47 43 type up what my, um, my version of the money laundering
11:20:54 44 operation as it's been explained to me is, or whether it's
11:20:58 45 something else.
11:20:59 46
11:20:59 47 In any event if we move to 9 November, you've got some

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11:21:03 1 notes about meeting with the NCA officer again at the Paper
11:21:10 2 Shop Deli between 11.15 to 12.45. "He's getting impatient.
11:21:17 3 May move on to other more important matters." Do you see
11:21:21 4 that?---Yes.
11:21:23 5
11:21:24 6 "Frustrated. Know more but will not, cannot tell him more
11:21:30 7 because of LPP"?---Yes.
11:21:34 8
11:21:34 9 Legal professional privilege?---Yes.
11:21:35 10
11:21:38 11 "Refer to less must" - can you read that?---That's
11:21:45 12 reference.
11:21:45 13
11:21:46 14 Yes. What does that say?---"Reference or refer to less
11:21:51 15 trust now not just because was sleeping with him before
11:22:01 16 OS." I don't know what that - usually overseas would be
11:22:09 17 O.S, so I'm not exactly sure. It could be overseas in
11:22:18 18 different shorthand.
11:22:18 19
11:22:18 20 Without wanting to go into salacious materials, is it a
11:22:23 21 reference to the fact that you'd had an intimate
11:22:25 22 relationship with him, this officer?---No, I think it's him
11:22:28 23 saying to me that this is what some, someone that he's
11:22:33 24 dealing with or his superior is saying to him because of
11:22:37 25 the, because of their belief that we had had some drunken
11:22:47 26 interlude together.
11:22:48 27
11:22:48 28 Was that the case or not?---It was, but I can't - I can't
11:22:54 29 remember how long before or during or after.
11:22:59 30
11:22:59 31 Look, your diary indicates on a number of pages that in May
11:23:08 32 that you'd had meetings with this particular officer at the
11:23:13 33 Celtic Club, then 19 June, Celtic Club, 1.30 am, 26 June
11:23:20 34 7 pm, the officer, your house, left at 10.45 am. 17 July,
11:23:29 35 the officer again, South Melbourne times four and - look,
11:23:37 36 it does appear that you've had an intimate sort of
11:23:40 37 relationship with that officer, perhaps on Friday nights,
11:23:46 38 in the period from about May to July of 1998, would that be
11:23:50 39 correct?---Yes. I'm not, um - I wouldn't go so far as to
11:23:59 40 say relationship, Chris, but yes, you're right. I also,
11:24:08 41 um, I can't ever recall seeing, I can't ever recall seeing
11:24:13 42 him in a meeting by himself, but that's not to say I didn't
11:24:18 43 now.
11:24:19 44
11:24:19 45 Does that, that sort of interlude, if you like, of
11:24:24 46 providing information to that particular officer, that
11:24:27 47 seems to have ceased around the time that I've just

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11:24:31 1 referred to in your Filofax, November 1998. You'd been
11:24:40 2 offering information and eventually he came to the view
11:24:42 3 that the information wasn't of value and they weren't after
11:24:48 4 that information, is that - - -?---I'm not, I'm not sure
11:24:51 5 whether that's the way it, um, I'm not sure whether that's
11:24:56 6 the way it unfolded or it was because by, in September or
11:25:03 7 give or take September 1998 I would have left the
11:25:08 8 employment of Solicitor 1, so I wouldn't have had, I
11:25:13 9 wouldn't have had any knowledge or specifics about anything
11:25:16 10 from that point on because I think, um - I mean I don't
11:25:25 11 have a specific memory of when the Bar reader's course
11:25:28 12 started but I know it's a few months prior to being
11:25:32 13 admitted to practice.

11:25:33 14
11:25:34 15 Admitted to the Bar I think in November. You signed the
11:25:37 16 Bar roll in November 1998, I think you left Solicitor 1 in
11:25:41 17 July of 1998, you started the reader's course in September
11:25:45 18 of 1998, that sounds right, does it?---Yes, roughly, yes.

11:25:49 19
11:25:49 20 Just going back to that topic that you touched on before,
11:25:55 21 that is your interest in the informer relationship with
11:26:01 22 police officers, the book that you used, your court book,
11:26:08 23 has a reference to some, or to that potential subject in
11:26:16 24 it, so if we have a look at this book, MIN.0001.0001.0001.
11:26:25 25 That's your first court book, it seems?---Yes.

11:26:32 26
11:26:32 27 Right. 10 November 98, goes through, seemingly to
11:26:40 28 99?---Yes, because - yes, when I started I was quite, had a
11:26:45 29 bit of, or at least plans to make them all consecutive and
11:26:52 30 write on every page, yes.

11:26:53 31
11:26:53 32 If we go to the first page we'll have a look at that. Yes,
11:26:58 33 so there's the first matter?---Yep.

11:27:01 34
11:27:01 35 Right. It's an armed robbery and Solicitor 1's briefed
11:27:08 36 you?---Yes.

11:27:09 37
11:27:11 38 And then if we go to the back, if we scan through each
11:27:20 39 book, we get to the last - - -?---Yeah, they should, sorry,
11:27:24 40 they should, they should be consecutive as in where one
11:27:29 41 ends the next one starts.

11:27:30 42
11:27:31 43 Yes?---But, um - - -

11:27:33 44
11:27:33 45 Let's go to the last page of that first court book.

11:27:37 46
11:27:37 47 COMMISSIONER: Just a minute. You've finished your answer,

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11:27:39 1 Ms Gobbo?---Sorry, I think at some stage, I don't know
11:27:45 2 exactly when but at some stage the type of briefs I was
11:27:50 3 getting were so big that I think I dispensed from writing
11:27:54 4 things and wrote directly onto briefs and then at some
11:27:59 5 point I very rarely used a court book because everything
11:28:02 6 was being done or predominantly I was doing things on
11:28:07 7 computer when, you know, when we moved from the take the
11:28:12 8 phone line out and put the Internet phone line into the
11:28:15 9 wall to having everything by email.
11:28:20 10
11:28:21 11 MR WINNEKE: All right?---Sorry, I'm just trying to think
11:28:23 12 of who that officer was from those diary notes. Has that
11:28:29 13 officer got - is he [REDACTED] with [REDACTED] ?
11:28:33 14
11:28:33 15 I don't know. I can't tell you what he looks
11:28:36 16 like?---Sorry, I'm just trying to think of who - sorry, I
11:28:41 17 beg your pardon, my mind is still trying to get my head
11:28:46 18 around those notes.
11:28:49 19
11:28:49 20 Yes, I follow that. Now, I can't help you, I'm afraid,
11:28:55 21 about that. So what I want to do is, if we go to the last
11:29:01 22 - so the way in which these things have scanned is we
11:29:04 23 haven't been able to scan each one as one document, but
11:29:09 24 there are - I think there are about five, are there, for
11:29:12 25 each court book. So what I want to do is to go to the last
11:29:16 26 page of this court book, about two pages from the back. Do
11:29:20 27 you see that? So it's MIN.0001.0001.0005 and it's at page
11:29:35 28 - this is the last page of the first court book, right.
11:29:41 29 Now it appears that what you've done, albeit that the court
11:29:44 30 book has continued through to 99, it appears that at some
11:29:48 31 stage prior to finishing that court book, on November 26 of
11:29:56 32 1998 you've set out the proposed topics, areas of research
11:30:01 33 for your thesis, is this what you're talking about before,
11:30:04 34 the interest that you had?---Yes, it is. I think - - -
11:30:06 35
11:30:07 36 Examination of - sorry, go on?---I think the year has just
11:30:11 37 thrown me, Chris, when it says at the top of the page 26
11:30:15 38 November 98.
11:30:16 39
11:30:16 40 Yes?---Because I thought that list was something I
11:30:22 41 contemplated doing after my Masters, but thinking of the
11:30:28 42 year I think this is when I'm still doing my Masters or
11:30:33 43 maybe I finished it and this was the next thing after that.
11:30:36 44 I mean I do know that I had to seek - I had got to the
11:30:40 45 point of seeking - I had to find a proposed supervisor from
11:30:47 46 the Criminology Department and from the Law faculty and at
11:30:53 47 some point I just ended up too busy with, um, with, um, a

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11:30:59 1 lot of Legal Aid briefs, so it didn't eventuate.
11:31:02 2
11:31:02 3 All right. In any event what you were interested in doing,
11:31:05 4 if we have a look at it, and specifically of interest is,
11:31:08 5 "Methods of detection of crime and investigation, coupled
11:31:10 6 with examination of police culture and power leading to
11:31:15 7 tricky conduct by police against suspects. The use of
11:31:18 8 covert operatives, methods of detecting crime and
11:31:22 9 identifying suspects and how to use covert measures, how
11:31:29 10 covert measures appear to get around statutory protections
11:31:33 11 looking at Pavic and Swaffield" and those particular cases
11:31:37 12 which had just been determined around that time, do you see
11:31:40 13 that?---Yes.
11:31:40 14
11:31:41 15 If we scroll down we see, "First-hand experience,
11:31:45 16 interviews of particular police re covert operatives,
11:31:48 17 notion of entrapment, especially Homicide, Drug Squad and
11:31:52 18 AFP" and then finally, "The increased prevalence of
11:31:55 19 informers, courts increase encouragement of the use of the
11:31:58 20 same". Do you see that?---Yes, I can't - I'm presuming
11:32:05 21 that I was - no, I would have been writing these off
11:32:08 22 something that I was reading as topics or, um, paragraphs.
11:32:12 23 I just don't know what it was from.
11:32:14 24
11:32:15 25 But it does appear to be the case that from an early stage
11:32:18 26 in your career you were quite interested in aspects of
11:32:24 27 covert investigation, use of informers, et cetera?---Yes,
11:32:30 28 because my, or part of my interest then was, um, the
11:32:37 29 illegality of it.
11:32:39 30
11:32:39 31 And protections of accused persons who are potentially
11:32:44 32 being abused by the processes?---Correct, and that's why I
11:32:49 33 volunteered this before you showed me this, and made the
11:32:56 34 comment that I did without intending to offend anyone, that
11:32:59 35 it's kind of, it's not funny in a funny way but it's very
11:33:05 36 ironic that I'm telling you this at a Royal Commission.
11:33:08 37
11:33:08 38 I note the time, Commissioner.
11:33:09 39
11:33:09 40 COMMISSIONER: Yes, we'll have a 15 minute break now,
11:33:12 41 Ms Gobbo?---Thank you.
11:33:13 42
11:33:14 43 (Short adjournment.)
11:33:14 44
11:53:41 45 COMMISSIONER: Now there are some more applications for
11:53:43 46 leave to appear in respect of Ms Gobbo from Mr Iddles,
11:53:49 47 Mr Kaban Mokbel, Mr Horthy Mokbel, Ms Zaharoula Mokbel,

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11:53:53 1 Mr Milad Mokbel, Mr Jacque El-Hage, Mr Carmello Falanga,
11:53:59 2 Mr David Tricarico, Mr Giuseppe Ferrola and Mr Kevin
11:54:04 3 Farrugia. I understand counsel assisting does not oppose.
11:54:07 4 Unless there's some objection, I'll grant leave to appear
11:54:12 5 in respect of those witnesses. Ms Gobbo, that doesn't
11:54:14 6 involve any right to cross-examine?---Thanks.
7
11:54:19 8 Is there another application that you want to deal with at
11:54:22 9 this time or will that be dealt with later?
10
11:54:25 11 MR WINNEKE: I'm sorry, Commissioner?
12
11:54:27 13 COMMISSIONER: Is there another application you wanted to
11:54:29 14 deal with at this stage or - - -
15
11:54:32 16 MR WINNEKE: Not as far as I know, no.
17
11:54:35 18 COMMISSIONER: In terms of varying the ACC orders.
19
11:54:40 20 MR WINNEKE: Yes, Ms Tittensor has an application,
11:54:42 21 Commissioner.
22
11:54:42 23 COMMISSIONER: Yes. Yes Ms Tittensor.
11:54:44 24
11:54:45 25 MS TITTENSOR: Commissioner, you made an order pursuant to
11:54:48 26 s.26 of the Inquiries Act on 22 November last year.
27
11:54:54 28 COMMISSIONER: Yes.
11:54:55 29
11:54:55 30 MS TITTENSOR: In relation to some ACIC matters and this
11:55:01 31 allows examination in relation to certain ACC examinations
11:55:09 32 that have been conducted and we seek the inclusion of a
11:55:13 33 number of names.
34
11:55:16 35 COMMISSIONER: Yes.
11:55:17 36
11:55:17 37 MS TITTENSOR: Currently the order has Paul Dale's name.
11:55:22 38 We seek the inclusion of a person known by the name of
11:55:31 39 Solicitor 2 to the Commission and a person who is known by
11:55:39 40 the name of [REDACTED] to the Commission to be added to that
11:55:44 41 non-publication order.
42
11:55:47 43 COMMISSIONER: That's all at this stage?
11:55:48 44
11:55:49 45 MS TITTENSOR: Yes, Commissioner.
46
11:55:50 47 COMMISSIONER: All right then. I've considered the

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11:55:52 1 relevant matters and - I'm assuming no one wants to be
11:55:59 2 heard on this? No. Order 4 of the Commission's order made
11:56:05 3 on 22 November 2019 in response to the Australian Criminal
11:56:08 4 Intelligence Commission is revoked and in its place the
11:56:09 5 following order is made. There is to be no publication of
11:56:20 6 that fact of any examination by a particular person at the
11:56:24 7 ACC, nor the content of matters referred to in such ACC
11:56:31 8 examinations, other than respect of Paul Dale, a person
11:56:39 9 known by the Commission as [REDACTED] and a person known by
11:56:42 10 the Commission as Solicitor 2. Yes.

11:56:47 11
11:56:47 12 MS TITTENSOR: Thank you, Commissioner.

11:56:48 13
11:56:48 14 COMMISSIONER: Yes, Mr Winneke.

11:56:49 15
11:56:50 16 MR NATHWANI: Sorry, just before Mr Winneke deals with
11:56:52 17 that, just on that topic, Commissioner, can you make clear
11:56:54 18 to Ms Gobbo who two of those people are? Simply because
11:56:59 19 she has been emailed we believe directly by ASIC and
11:57:03 20 they've made clear her commenting on any of those matters
11:57:07 21 would potentially be a breach and so I think it needs to be
11:57:09 22 spelt out to Ms Gobbo who [REDACTED] is because it's not
11:57:10 23 apparent on our pseudonym list.

11:57:12 24
11:57:12 25 COMMISSIONER: I'd ask the - we've got a lawyer from the
11:57:15 26 Commission in the room with Ms Gobbo so I'd ask her to do
11:57:20 27 that and to also inform her who Solicitor 2 is.

11:57:25 28
11:57:25 29 MR NATHWANI: I'm grateful. That obviously means she can
11:57:28 30 discuss those three people but nothing beyond.

11:57:32 31
11:57:32 32 WITNESS: Commissioner, I do know who Solicitor 2 is.

11:57:35 33
11:57:35 34 COMMISSIONER: Right. So it's just [REDACTED] you need to -
11:57:38 35 - - ?---Yes.

11:57:39 36
11:57:39 37 - - - know. Allright. I'll ask - - -

11:57:44 38
11:57:44 39 MS TITTENSOR: There's been a message sent to one of the
11:57:46 40 Commission representatives who's with Ms Gobbo,
11:57:49 41 Commissioner.

11:57:49 42
11:57:49 43 COMMISSIONER: Yes. I think you'll be shortly given a note
11:57:52 44 as to who [REDACTED] is. It's a brand new pseudonym, I
11:57:56 45 didn't know myself until the break?---I've just been handed
11:57:59 46 it, Commissioner, thank you.

47

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11:58:01 1 Good, thank you?---I assume it's the - yes, [REDACTED], not
11:58:07 2 [REDACTED], yes.
3
11:58:10 4 All right then. We'll continue now. Just so that you can
11:58:13 5 pace yourself, we'll probably have another break at about
11:58:17 6 quarter to one or 1 o'clock, if that's suitable to
11:58:23 7 you?---Yeah, I've just taken some medication, Commissioner.
11:58:29 8 Thank you.
9
11:58:31 10 Are you okay to proceed?---Yes, I've just got a blinding
11:58:37 11 headache but I've had a headache for four or five days so
11:58:42 12 it's not rendering me incapable of answering questions.
13
11:58:46 14 All right then. I'm sure you'll let me know if there's any
11:58:49 15 difficulty?---Yes.
16
11:58:50 17 Otherwise we'll work towards quarter to one or 1 o'clock
11:58:55 18 for the next break. Thanks very much?---Thank you.
19
11:58:59 20 Yes, Mr Winneke.
21
11:59:00 22 MR WINNEKE: All right, Ms Gobbo. Now, I think we've
11:59:03 23 established that you came to the Bar, or you signed the Bar
11:59:11 24 roll in November of 1998?---Yes.
25
11:59:15 26 And one of the things that you did early on in the time
11:59:20 27 that you were a barrister was to fly to Sydney with a
11:59:26 28 Detective Wayne Strawhorn and another person, who we're not
11:59:31 29 going to name for obvious reasons, who was a client of
11:59:37 30 Solicitor 1's firm, and that was for the purposes of that
11:59:48 31 client providing information to New South Wales criminal
11:59:53 32 investigatory authorities; is that correct?---[REDACTED]
11:59:57 33 [REDACTED]
34
12:00:02 35 [REDACTED]
12:00:07 36 [REDACTED]
12:00:11 37 [REDACTED]
12:00:12 38
12:00:13 39 MR HOLT: Sorry, Commissioner. This is, in combination
12:00:16 40 with other material that's previously been given in the
12:00:19 41 Commission, not material that can be said in a public
12:00:21 42 hearing.
43
12:00:22 44 COMMISSIONER: I think that might have to be argued.
12:00:25 45
12:00:25 46 MR HOLT: Then I'll seek a private hearing in order to
12:00:27 47 argue that, Commissioner.

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1
12:00:29 2 COMMISSIONER: What do you say, Mr Winneke?
12:00:31 3
12:00:32 4 MR HOLT: I should be clear, I think this can be done
12:00:36 5 without reference to that particular issue.
6
12:00:40 7 MR WINNEKE: I hadn't mentioned the actual word that
12:00:43 8 concerns Mr Holt. Ms Gobbo did.
12:00:45 9
12:00:46 10 MR HOLT: Yes, and that's why I think it can be done
12:00:50 11 without any difficulty if my friend makes that clear.
12
12:00:52 13 MR WINNEKE: What I'm seeking to adduce from Ms Gobbo is
12:00:56 14 this that particular person provided information to
12:00:58 15 authorities and to Mr Strawhorn and that's what I'm seeking
12:01:04 16 to do. Now, the use of the word - - -
12:01:07 17
12:01:07 18 MR HOLT: It's not that. If it needs to be argued,
12:01:12 19 Commissioner, I ask to argue it in private hearing and it
12:01:17 20 to be taken from the transcript, otherwise by arguing
12:01:19 21 it I'm going to deal issues that are - - -
22
12:01:21 23 COMMISSIONER: Could you just have a quick word with
12:01:23 24 Mr Winneke and see if you can sort this out?
12:01:26 25
12:01:26 26 MR HOLT: I can.
12:01:38 27
12:01:39 28 (Discussion at Bar table.)
12:01:56 29
12:01:56 30 Commissioner, if the matter is to be persisted with I
12:02:01 31 will need to be heard and I'd seek to do that in private
12:02:02 32 hearing. I think my friend doesn't want to go in the area
12:02:05 33 where there's a problem, but in the meantime I would seek
12:02:11 34 for those questions and answers to be taken from the
12:02:11 35 stream.
36
12:02:12 37 COMMISSIONER: From where?
12:02:13 38
12:02:28 39 MR HOLT: Yes, the answer at line 37, from the beginning of
12:02:32 40 the answer at line 37 through to the conclusion of the
12:02:34 41 evidence at line 42.
42
12:02:43 43 COMMISSIONER: All right. Are you content with that?
44
12:02:46 45 MR WINNEKE: Yes, I am, Commissioner. I'm not going to
12:02:49 46 develop that any more.
47

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12:02:50 1 COMMISSIONER: Take out the answer from line 37 to line 42
12:02:53 2 on p.13025. That will go from the transcript and from the
12:02:59 3 audio streaming. Yes, we're right to proceed?
4

12:03:12 5 MR WINNEKE: Yes, okay. The relationship which you had
12:03:22 6 with Mr Strawhorn really commenced, I take it, around the
12:03:29 7 time that you were acting for clients of Solicitor 1; is
12:03:43 8 that right?---Well I first had dealings with Wayne
12:03:45 9 Strawhorn when he threatened me and subsequently over time
12:03:55 10 there were people for whom I acted who he had particular
12:04:06 11 dealings with of a certain nature.
12

12:04:10 13 Right. I think you've said before to the Commission that
12:04:14 14 he threatened you and he effectively said, "Look, I've got
12:04:19 15 information about you. You know what's going on with your
12:04:25 16 employer and in effect you're a part of it", and he put you
12:04:29 17 under pressure, that's what you're saying?---You cut out
12:04:33 18 for the first few words, but, yes, I think - yes, I agree
12:04:38 19 with that.
20

12:04:40 21 But subsequent to that you continued to have meetings with
12:04:44 22 him in relation to the particular matter that I referred to
12:04:50 23 before but we're not going to talk about in a public
12:04:54 24 hearing, do you follow that?---Yes, because Mr Strawhorn
12:04:59 25 was having regular dealings with that particular client and
12:05:06 26 then that particular client would come back to me and seek
12:05:10 27 some reassurance or confirmation of matters and then I
12:05:14 28 would go back to Mr Strawhorn on his behalf.
29

12:05:16 30 Yes. Equally, I think, and you've said this before, that
12:05:23 31 you would have meetings with Mr Strawhorn, you would often
12:05:28 32 meet at a particular café where I think - he had a
12:05:34 33 favourite café of his, I think it was in South Melbourne,
12:05:38 34 and in effect he would seek information from you?---Yes, he
12:05:43 35 did that. I mean, you know, looking back, um, looking back
12:05:53 36 I'm embarrassed at my level of naïveté and stupidity.
37

12:06:00 38 Yes?---But in a kind of - in a fairly manipulative,
12:06:10 39 predatory fashion, but in fairness to him that was his job.
40

12:06:14 41 When you say looking back, effectively what you're
12:06:15 42 conceding, you say, and you're embarrassed about it, is
12:06:19 43 that he ended up acquiring information from you about
12:06:22 44 matters that you knew of because of the fact that you were
12:06:24 45 a lawyer and you were acting for people who had been
12:06:28 46 charged by members of the Drug Squad or colleagues of
12:06:32 47 Mr Strawhorn?---Yes, I had a kind of dual competing

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12:06:39 1 feelings about him in that I, part of me was petrified of
12:06:45 2 the man because of the power that I at least perceived that
12:06:48 3 he had.
4

12:06:49 5 Yes?---And the control that he had over the Drug Squad, and
12:06:57 6 part of it was, or at least developed over time, is a
12:07:00 7 respect for him because what he promised those accused
12:07:05 8 people he ended up delivering, as in when he promised them
12:07:09 9 the deal of a lifetime, he delivered.
10

12:07:13 11 Yes, and often they got significant benefit?---Each time,
12:07:17 12 yes.
13

12:07:19 14 Your recollection was that John Higgs was a person who
12:07:24 15 Mr Strawhorn was particularly interested in?---Obsessed
12:07:27 16 with, yes.
17

12:07:31 18 It may well have been that he was seeking to get
12:07:34 19 information from you about Mr Higgs?---I wouldn't be, I
12:07:43 20 wouldn't be surprised if there was some record confirming
12:07:46 21 that because my recollection is that Mr Strawhorn was
12:07:51 22 single-mindedly obsessed with Mr Higgs, but I don't believe
12:07:58 23 I could provide him with any, or did provide him with any.
24

12:08:02 25 In any event what you have said to the Commission is that
12:08:05 26 it's likely that you would have provided information to him
12:08:08 27 or you believe that you would have provided information to
12:08:11 28 him which, although you may not have realised it, might
12:08:15 29 well have enabled him to put the final piece in jigsaw
12:08:18 30 puzzles?---That's correct, because of course I, I didn't
12:08:24 31 realise at the time, and I mean you can't realise or know
12:08:28 32 unless you - or even if you have the whole brief of
12:08:32 33 evidence you might not realise the significance of some
12:08:35 34 tiny snippet of information that, or knowledge that you
12:08:40 35 express can fill a hole in a, or assist the police in some
12:08:45 36 regard. And you may never find out because, at least in my
12:08:50 37 experience, they're never going to tell you.
38

12:08:52 39 But nonetheless you would have known that he was wanting to
12:08:56 40 speak to you and speak to you with a view to getting
12:08:59 41 information, do you accept that?---Yes, um, and that, um,
12:09:08 42 that belief, um, became stronger over time.
43

12:09:11 44 Yes. And in any meetings that you had with him can I
12:09:15 45 suggest that you would have well known that it would be
12:09:21 46 improper to be giving an investigator information, any
12:09:25 47 information about your clients or that concerned your

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12:09:28 1 clients?---Um, yeah, I don't dispute that, Chris, but the -
12:09:35 2 I think the difficulty, at least in practical terms from my
12:09:40 3 point of view at the time, putting my head back to where I
12:09:44 4 was at that point in my career and in terms of my age, was
12:09:51 5 a genuine fear of not answering his questions because to me
12:09:58 6 he was a very powerful police officer.
7

12:10:01 8 Yeah. But you knew you didn't have to go and meet with him
12:10:04 9 down at the café in South Melbourne?---No, I didn't have to
12:10:10 10 but the reason I was going there was quite legitimately
12:10:15 11 because of that particular client in relation to, um,
12:10:22 12 either what he had done or what he was about to do for
12:10:26 13 Mr Strawhorn and, um, getting that client to a point in
12:10:31 14 time in terms of achievement or, um, what he'd done for
12:10:37 15 Mr Strawhorn where his value could be assessed as such
12:10:41 16 that, um, Mr Strawhorn would support a noncustodial
12:10:45 17 resolution.
18

12:10:46 19 Well, I follow that, but nonetheless during the meetings
12:10:48 20 he'd be asking you or you'd be discussing matters not
12:10:52 21 directly related to that particular client?---Yes, I think
12:10:59 22 I've said that to you before, that Strawhorn was - in
12:11:02 23 retrospect, and hindsight's a wonderful thing, he was a
12:11:07 24 very, a very - I mean he was a very clever manipulator.
25

12:11:17 26 Would you agree that perhaps it was a case of trading
12:11:19 27 information, or trading information for assistance to your
12:11:22 28 clients?---Do you mean in relation to client - well, the
12:11:25 29 person we're talking about, client 1?
30

12:11:27 31 Yes. You're obviously, on his behalf, you would say,
12:11:29 32 you're wanting to get a benefit from Mr Strawhorn and
12:11:35 33 clearly Mr Strawhorn is wanting information from you. Is
12:11:38 34 it a case of a trade, if you like?---Yes. I can't think of
12:11:51 35 a, specific information that was disclosed or - in that
12:12:00 36 context but that was the nature of the discussions or
12:12:03 37 meetings with him, yes.
38

12:12:04 39 Yes. Look, you say that you were concerned about Strawhorn
12:12:09 40 and afraid that he was manipulating you, is that what you
12:12:13 41 say?---No, I said in retrospect he was a master
12:12:18 42 manipulator. I didn't necessarily think that at the time.
43

12:12:22 44 Were you concerned that he had information on you that he
12:12:24 45 could use against you?---Well not - you know, again in my
12:12:30 46 naïveté, you know, if I knew now what - if I knew then what
12:12:36 47 I know now I wouldn't have been concerned, but did he put

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12:12:40 1 the fear of God into me for no particular reason? Yes, he
12:12:45 2 did.
3
12:12:45 4 Were people at the Bar or other people who you knew who you
12:12:51 5 could speak to about those matters?---Um, well at some
12:12:55 6 point I did actually go to Solicitor 1 and talk to him, but
12:13:00 7 I think that was back at the point of time of, "If we throw
12:13:07 8 enough mud some will stick. Help us or, you know, you're
12:13:11 9 going to end up in gaol", kind of conversation that
12:13:15 10 Mr Kruger had with me.
11
12:13:17 12 I follow that, that was back when you were employed by
12:13:21 13 Solicitor 1, but we've moved on to the situation where
12:13:24 14 you're now a barrister and you say you're meeting with
12:13:28 15 Strawhorn at the café in South Melbourne and he's pumping
12:13:31 16 you for information, you accept that?---No, I didn't say -
12:13:35 17 yes, I do, but I didn't say that. What I understand you're
12:13:40 18 putting is that I was meeting him in relation to that
12:13:46 19 particular client with whom he had an ongoing relationship
12:13:51 20 in terms of that client providing him with assistance and
12:13:55 21 him providing that client with a form of assistance down
12:13:58 22 the track.
23
12:13:58 24 Yes?---Um, and during the course of those meetings, um,
12:14:04 25 conversations with Mr Strawhorn would, um, would include
12:14:08 26 other topics, yes.
27
12:14:10 28 Right. But you say that you felt under some degree of
12:14:14 29 pressure to provide information because you felt that
12:14:17 30 Strawhorn had a degree of power over you?---Well I think he
12:14:23 31 - yes, he did, he had a degree of, um - I don't know how to
12:14:30 32 put it into words. He, um, he was kind of, um - you know,
12:14:39 33 he gave the impression of knowing everything that was going
12:14:41 34 on about everyone, and to a degree he probably did. You
12:14:46 35 know, that's not to say that I'd committed a criminal
12:14:51 36 offence or was involved in any kind of drug activity at
12:14:55 37 that point in time but the, um, or that I had anything to
12:15:01 38 worry about with regard to my most recent previous
12:15:04 39 employment.
40
12:15:05 41 Yes?---But that's, you know, again my, um, then level of
12:15:13 42 maturity and naïveté is very different to what it is now.
43
12:15:17 44 Yeah, look I don't want to labour the point but the simple
12:15:21 45 point I make is this: you say that you were providing, you
12:15:24 46 believe, all be in a naïve way, information to a police
12:15:28 47 officer about matters that you knew of as a result of you

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12:15:31 1 being a lawyer and acting for people. How could that
12:15:35 2 possibly be acceptable?---Um, well you say matters that I
12:15:43 3 became aware of in the context of acting for someone as a
12:15:47 4 lawyer. Yes, that's correct, but not all those matters
12:15:51 5 that I'm aware of because I'm acting as a lawyer are
12:15:55 6 necessarily privileged.
7

12:16:09 8 You did say to - if we just for a moment move forward to
12:16:14 9 about 2006 in February. You did say this to a particular
12:16:21 10 police officer, and I won't mention his name because he was
12:16:25 11 seeking to - having a discussion with you about the
12:16:28 12 [REDACTED] of [REDACTED], but you said this,
12:16:37 13 "Who's the informant in that case? So all these lawyers
12:16:40 14 come to me and take the brief apart, not that hard. If you
12:16:44 15 have a clue you can work out why certain things aren't
12:16:48 16 there. And anyway, they take the brief apart. A person by
12:16:52 17 the name of Brickell's involved. Well Brickell, of course,
12:16:57 18 had his own corruption issues which is why only Wayne
12:17:01 19 Strawhorn is being charged. Now having said that, I
12:17:03 20 have, I have never had a moment of, of having, of having a
12:17:06 21 problem with Wayne Strawhorn. He was a controller for a
12:17:09 22 lot of people. I actually - who assisted for me, and he
12:17:13 23 never did the wrong thing by him, as far as I could tell,
12:17:16 24 or by me". What you were saying in 2006 is you didn't have
12:17:22 25 any problem with Wayne Strawhorn?---No, this is, this is a
12:17:26 26 conversation in the context of saying that he'd never done
12:17:30 27 the wrong thing. And at - this is at a time when he's
12:17:33 28 charged with criminal offences himself.
29

12:17:35 30 Right?---And what I'm saying to a handler, I think, if I've
12:17:41 31 got the right conversation and Brickell's the person that I
12:17:44 32 think you're referring to, is that when - when Strawhorn
12:17:54 33 said to me on behalf of - in the context of me talking to
12:17:58 34 him on behalf of a client, that he would say A, B or C or
12:18:03 35 that he would come to court or provide a letter of comfort
12:18:06 36 or give evidence on behalf of the client in support of a
12:18:09 37 particular disposition, he never did the wrong thing. What
12:18:11 38 he said he would do he did do.
39

12:18:16 40 So you were never afraid of Strawhorn - sorry, you were
12:18:19 41 afraid of Strawhorn but you never had a problem with
12:18:21 42 him?---No, I was afraid of him in terms of the kind of Drug
12:18:28 43 Squad innuendo, where, you know, I knew, or at least had a
12:18:35 44 suspicion, that the firm that I worked for and my name,
12:18:41 45 both then and in subsequent years, would come up in
12:18:45 46 telephone intercepts or their listening devices and that
12:18:48 47 assumptions were made and was I paranoid about it? Yes.

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1
12:18:54 2 What sort of assumptions would be made if your name came up
12:18:57 3 in listening devices?---Well, as was made clear by police -
12:19:04 4 and it was part of their investigative, um, kind of MO in,
12:19:13 5 I don't know exactly what year, 03, 04 when Purana was
12:19:18 6 first formed, or it was shortly thereafter, um, and I think
12:19:23 7 it was Simon Overland who decreed that the way police would
12:19:28 8 go about their investigations would be to target those
12:19:32 9 people closest to the "gangland figures" and that meant
12:19:38 10 lawyers, accountants and so forth.
11
12:19:40 12 Yes?---And so the assumption was that persons such as
12:19:45 13 myself, who were acting for those people or being paid by
12:19:49 14 them, um, were money launderers, dealt with the proceeds of
12:19:55 15 crime, um, there were allegations or suspicions that
12:20:01 16 certain solicitors were being paid in drugs or cash,
12:20:06 17 non-declared cash to be avoiding tax and so forth. They're
12:20:10 18 the kind of things that were - and they weren't just
12:20:15 19 thoughts, I mean people, some lawyers had warrants executed
12:20:19 20 on their office for that particular reason.
21
12:20:21 22 Yes, all right. In any event, in May of 1999 Strawhorn and
12:20:32 23 Mr Kruger introduced you to Jeff Pope, do you understand
12:20:37 24 that?---Yes, I don't - yeah, I - sorry, again, I thought
12:20:46 25 met him in a different forum but I don't dispute that.
26
12:20:51 27 Yeah, I think you've said that you thought you might have
12:20:54 28 met him in some sort of course that you were
12:20:57 29 studying?---Yeah, I did, or in the context of him being in
12:21:02 30 the Fraud Squad, but I don't dispute that, Chris, no.
12:21:05 31
12:21:07 32 You understood that Mr Pope was in the Asset Recovery
12:21:10 33 Squad. You were introduced to him by Strawhorn and Kruger
12:21:14 34 at the Emerald Hotel, you understand that?---Yeah, I don't
12:21:20 35 dispute that.
36
12:21:21 37 And it was in the context of you being handed over in
12:21:26 38 effect by Strawhorn to another group of police officers who
12:21:29 39 were going to receive information from you?---Um, yeah, I
12:21:37 40 think - I think this is because of a money laundering
12:21:42 41 allegation or information.
42
12:21:44 43 Right. Is that the case, that you were providing
12:21:49 44 information to Mr Strawhorn and he felt that it would be
12:21:54 45 appropriate for you to provide the information instead to
12:21:57 46 the Asset Recovery Squad at the Fraud Squad?---No, I don't
12:22:04 47 - I don't have a specific memory of giving him any

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12:22:07 1 information. What I'm assuming is that from whatever
12:22:13 2 discussions I had had with him, that that's how it became -
12:22:18 3 I was flipped over to, to the Asset Recovery Squad because
12:22:27 4 they had more - they specialised in that area, I had more
12:22:32 5 specific knowledge.
6
12:22:34 7 Right. Why - just out of interest, why is a person who's
12:22:41 8 recently commenced a career at the Bar are you willingly
12:22:45 9 having yourself handed over to a group of police officers
12:22:47 10 for the purpose of providing information to them about your
12:22:51 11 past employer, or about anyone?---Well - - -
12
12:22:55 13 What's the reason that you were prepared to do that?---Um,
12:23:02 14 because I found saying no very difficult, particularly to
12:23:05 15 someone like Wayne Strawhorn.
16
12:23:08 17 So, what, because he asked you if you wouldn't mind, you
12:23:11 18 said, "I wouldn't mind, I'm happy to do that for
12:23:15 19 you"?---No, that's not the - I mean of course that's not
12:23:18 20 the way in which it was asked and I'm - and that's not how,
12:23:23 21 that's not how the conversation would have gone or did go.
22
12:23:25 23 Do you recall how it did come about, that Mr Strawhorn
12:23:30 24 raised with you the possibility of you being an informer or
12:23:33 25 a person who provides information to the Asset Recovery
12:23:40 26 Squad? How did it come about?---No, I don't - I don't have
12:23:44 27 a specific memory of a conversation. As I said to you
12:23:51 28 before, I thought it had to do with the money laundering
12:23:55 29 allegations.
30
12:23:57 31 It may well have but ultimately I think you did hand over
12:24:01 32 to Mr Pope a number of floppy disc files which you had
12:24:05 33 obtained. Do you recall that?---Not specifically. I
12:24:12 34 thought I'd - I thought I'd handed them to someone else,
12:24:20 35 but again - - -
36
12:24:21 37 You mentioned that before but we do have evidence that you
12:24:24 38 handed them to Pope?---Look, I'm not in a position to
12:24:28 39 dispute that. It's just - I can't be specific about what I
12:24:32 40 can't remember.
41
12:24:34 42 It appears that you provided information to, well at least
12:24:37 43 to two entities, the floppy discs to Mr Pope which
12:24:42 44 contained information about the money laundering matters,
12:24:44 45 but also information to the Federal officers who we've
12:24:47 46 referred to before, do you accept that?---Yeah, I thought
12:24:53 47 it was - I thought it was the same material but - - -

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1
12:25:02 2 Stop. Can we - - -
3
12:25:07 4 COMMISSIONER: It seems as though there's [REDACTED]
12:25:09 5 at the other end being made in that [REDACTED]
12:25:13 6 It's muted, I think.
12:25:15 7
12:25:16 8 MR HOLT: Can that be taken from the live stream,
12:25:18 9 Commissioner, for reasons - - -
10
12:25:19 11 COMMISSIONER: Of course, that should be taken from the
12:25:22 12 live stream and obviously nothing recorded in the
12:25:26 13 transcript, not that it was particularly audible. We can
12:25:29 14 be in touch with our people at the Commission to find out
12:25:32 15 what's happening there, please. It might be a [REDACTED]
12:25:39 16 or something.
17
12:25:40 18 MR WINNEKE: It sounds like it. We're just finding out,
12:25:50 19 Commissioner.
20
12:25:50 21 COMMISSIONER: Yes. They're ready to go apparently.
22
12:25:54 23 MR WINNEKE: Okay.
24
12:25:56 25 COMMISSIONER: If you could ask them - unmute.
12:26:00 26
12:26:00 27 WITNESS: Commissioner, I'm unmuted now.
28
12:26:03 29 COMMISSIONER: Thanks very much, Ms Gobbo. I think we're
12:26:07 30 ready to proceed again now. Are you right there at your
12:26:08 31 end?---Yes. I think everyone jumped out of their chairs it
12:26:11 32 was so loud, but yes.
33
12:26:13 34 It woke everyone up?---Yes.
35
12:26:15 36 MR WINNEKE: So what we've got is an application, Exhibit
12:26:19 37 34 which is VPL.0005.0013.0952, which is an application
12:26:29 38 made by Jeff Pope, Jeffrey Stephen Pope of the Asset
12:26:41 39 Recovery Squad to register you as an informer. Have you
12:26:43 40 got that information there?---Yeah, it's just been put on
12:26:46 41 the screen, thank you.
42
12:26:47 43 You were given an informer number and it was noted that the
12:26:56 44 registration had been recommended by an officer by the same
12:27:00 45 of Segrave, and I take it you met that person, didn't
12:27:03 46 you?---Um, yes. This is a female I think, Segrave.
47

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12:27:07 1 No, I don't believe it is?---Oh sorry.
2
12:27:12 3 Yeah, I think there was a female who was in the Asset
12:27:18 4 Recovery Squad by the name of Olney, Kiera Olney; is that
12:27:24 5 right?---Um, I don't know.
6
12:27:26 7 COMMISSIONER: It might not matter much.
8
12:27:31 9 MR WINNEKE: If we move up the screen, we'll see that there
12:27:34 10 are co-handlers. The information you can see is in
12:27:37 11 relation to money laundering and fraud, see that?---Yes.
12
12:27:42 13 And then that - - - ?---Yes, I've never seen this document
12:27:45 14 before.
15
12:27:46 16 No, all right. If we keep scrolling?---Yes.
17
12:27:51 18 There's the informer registration application and then the
12:27:54 19 supervisor is Gavin Segrave, Asset Recovery Squad, and he
12:27:59 20 recommended the registration of the informer. "It's
12:28:01 21 believed that the informant will be able to be an ongoing
12:28:06 22 source of information regarding money laundering and fraud
12:28:08 23 activities. Is both credible and reputable. Has no known
12:28:12 24 previous history of supplying information to law
12:28:16 25 enforcement agencies. And I recommend that Senior
12:28:26 26 Detective Pope be appointed the handler with SD Olney
12:28:33 27 fulfilling a support role. Prudent to have all intended
12:28:37 28 meetings communicated to controller prior to such
12:28:44 29 meetings"?---Sorry, who was the controller?
30
12:28:46 31 Yeah, it's Gavin Segrave. We've got - - - ?---Sorry, so
12:28:51 32 "supervisor" is controller there ?
12:28:53 33
12:28:53 34 Yes?---Okay.
35
12:28:55 36 We understand that you met with Gavin Segrave and Mr Pope
12:28:59 37 on at least one occasion. Do you recall having a meeting
12:29:03 38 with them, I think it might have been in Malvern?---Um, is
12:29:08 39 this a Georgiou's meeting?
40
12:29:12 41 I'm not too sure about that. Do you have a recollection of
12:29:15 42 a meeting with Mr Pope with a senior police officer for the
12:29:21 43 purposes of providing information?---Um, only vaguely,
12:29:25 44 sorry.
45
12:29:25 46 Right?---Um, just - I don't understand what this document,
12:29:30 47 why this document reads as it does when it says, "No known

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12:29:34 1 previous history of supplying information."
2
12:29:39 3 One assumes, Ms Gobbo, that it means that either they
12:29:42 4 weren't told or they weren't able to find out that you'd
12:29:45 5 previously provided information to Victoria Police, or
12:29:48 6 other law enforcement agencies, which you clearly had,
12:29:52 7 hadn't you?---Yeah, but that doesn't make sense because you
12:29:56 8 - didn't this come about because of Wayne Strawhorn
12:30:01 9 introducing me to Pope?
10
12:30:03 11 Apparently so?---Yeah, that doesn't make sense. But okay.
12:30:09 12 I, um - sorry I - - -
13
12:30:11 14 Do you accept that Wayne Strawhorn introduced you to Jeff
12:30:13 15 Pope?---Um, yeah, I thought I'd met Pope separate to Wayne
12:30:21 16 Strawhorn, but look, I haven't got a specific memory of
12:30:23 17 this because it's so long ago so I'm not really in a
12:30:26 18 position to - I can't be adamant about something that I've
12:30:31 19 got no specific stand-up memory about.
20
12:30:34 21 I follow that. Do you say that it doesn't make sense
12:30:38 22 because Wayne Strawhorn would probably have told or should
12:30:41 23 have told Jeff Pope that you in fact had been providing
12:30:46 24 information at least to him?---Correct.
25
12:30:49 26 Is that your uncertainty?---That's right. I mean I didn't
12:30:52 27 know - I didn't know that I was an informer - sorry, I
12:30:56 28 didn't know that I'd been registered as one until it was
12:31:00 29 revealed in the media last year or the year before.
30
12:31:05 31 Yes?---And I mean I take your point, that it could be that
12:31:10 32 I'm not telling them, or that I'm not volunteering this
12:31:14 33 Segrave when I meet him.
34
12:31:18 35 Yeah?---But equally, it doesn't make sense to me because
12:31:24 36 Wayne Strawhorn would have known, so I would assume that in
12:31:27 37 order for this to happen and someone to be registered, um,
12:31:32 38 he would have, he would have had to tell Pope or had to
12:31:35 39 give some reason to Pope.
40
12:31:37 41 Right. And he would have known that you had provided
12:31:40 42 information to him?---Yes.
43
12:31:44 44 That's what surprises you?---Yes.
45
12:31:47 46 Well it may well be he hadn't referred to that information.
12:31:52 47 But I take it if you had been asked whether you'd provided

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12:31:56 1 information previously to police, you would certainly have
12:32:00 2 said yes?---Yes, I would have.
3
12:32:02 4 Because you had?---That's right. I mean I was certainly
12:32:06 5 would - I mean I certainly would have been saying to
12:32:11 6 someone who's a Detective Sergeant that I had spoken to
12:32:18 7 Wayne Strawhorn.
8
12:32:19 9 Right. And you'd spoken to police officers a few years
12:32:27 10 before, in 1995, as an informer, or at least a provider of
12:32:31 11 information?---Yes, again not - yes, but not knowing that I
12:32:34 12 was registered as an informer.
13
12:32:36 14 No, that doesn't matter, but I mean one assumes you would
12:32:39 15 have been asked if you'd ever provided information in an
12:32:44 16 anonymous way to police officers and you would have said,
12:32:47 17 "Well, look I did. I provided information in 95 and I've
12:32:51 18 also provided information to Federal agencies, NCA and
12:32:57 19 Australian Federal Police, if not last year - if not this
12:33:04 20 year, but the year before", you would have mentioned those
12:33:06 21 things if you'd been asked?---Yes, depending on how I was
12:33:11 22 asked, because even if - even if every police officer that
12:33:15 23 I ever spoke to about anything never put a record in
12:33:20 24 anywhere, the fact that I had made a statement to and
12:33:26 25 spoken to the police when Wilson was arrested would have
12:33:30 26 been, I imagine would have been accessible to anyone.
27
12:33:33 28 Right. Now, if we have a look at a document which relates
12:33:42 29 to an investigation plan on 17 May 1999, VPL.0100.0121.0155
12:33:54 30 at p.60 to 61. It's Exhibit 515. It's a job assessment by
12:34:02 31 the Asset Recovery Squad, so the people who are receiving
12:34:07 32 information from you. The investigator is Jeff Pope and
12:34:13 33 there's the reference to the target, Solicitor 1, and
12:34:16 34 there's a reference to the appraisal of the job. The
12:34:21 35 investigation is of your former employer. There's an
12:34:27 36 indication that an informer has been cultivated who can
12:34:31 37 provide information, do you see that?---Yeah, ah, yes,
12:34:34 38 sorry, yes.
39
12:34:35 40 "Information provided thus far indicates that the solicitor
12:34:40 41 is involved in offences, including money laundering, theft,
12:34:44 42 possibly numerous offences against the Legal Practice Act,
12:34:48 43 and if criminal offences can be sustained the scope for
12:34:52 44 forfeiture of assets is significant"?---Yes, I've read
12:35:00 45 that.
46
12:35:00 47 No doubt that was the sort of - those were the sort of bits

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12:35:04 1 of information that you'd been discussing with Mr Pope, I
12:35:08 2 assume, would that be fair to say?---I think it started
12:35:12 3 with Wayne Strawhorn.
4

12:35:13 5 Right. But also you would have had discussions with
12:35:19 6 Mr Pope subsequent to being registered?---I assume so, yes.
12:35:27 7 Although - because that registration document I think is -
12:35:35 8 isn't the date of that two days after this?
9

12:35:39 10 13 May?---Oh sorry, sorry, before.
11

12:35:44 12 Yes?---Sorry.
13

12:35:47 14 If we have a look at the informer management file it
12:35:51 15 suggests that you had contact with Pope over the following
12:35:54 16 months, and you accept that?---Yes.
17

12:36:03 18 Is it the case that you provided Mr Pope with notes in
12:36:10 19 relation to legal studies?---Yes, so - but I've never seen
12:36:18 20 that log before now, but I don't - I mean I'm not a
12:36:23 21 position to dispute what posts he's written there, although
12:36:27 22 I'm not necessarily accepting it because he's lied about
12:36:30 23 other things,
24

12:36:31 25 Right?---And sorry, in relation to your question, yes, I
12:36:34 26 did give him notes because at some - I can't remember
12:36:37 27 exactly when but at some point he told me that he'd started
12:36:41 28 doing a law degree at Latrobe University and he wanted some
12:36:50 29 study notes and I think I gave him - I may have, I don't
12:36:56 30 know if I gave him something on disc or hard copy but I do
12:37:00 31 remember emailing him something.
32

12:37:02 33 Right. In any event we can see how it progressed by
12:37:05 34 looking at the informer management file. There's a
12:37:08 35 meeting, you see, with Detective Strawhorn, so he's quite
12:37:12 36 obviously spoken to Strawhorn in June, sorry, in April.
12:37:18 37 There's arrangements for the introduction, then there was a
12:37:21 38 meeting, as we understand it, at the Emerald Hotel. Then
12:37:24 39 on 12 May - that's the introduction - general issues
12:37:29 40 canvassed. Information is obtained. Then there's a
12:37:32 41 further meeting on 17 May with you, MFG13?---Sorry, can I
12:37:38 42 just ask, where it says, the next column where it says \$50,
12:37:44 43 \$55, I didn't get money from him.
44

12:37:47 45 No, I'm not suggesting you did. I think there were meals
12:37:49 46 had or drinks consumed or something?---Coffee. It would
12:37:53 47 have been coffee.

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1
12:37:54 2 Right. In any event, there's a meeting with you, a large
12:37:57 3 number of computer-generated documents handed over on 17
12:38:01 4 May. A further meeting two days later. Conversation
12:38:04 5 regarding the documents. Do you see that?---Um, are you
12:38:11 6 doing 17 May or 19th?
7
12:38:13 8 19th of May?---Sorry, yes, yes.
9
12:38:14 10 "Met with MFG13, conversation re document drawn up by
12:38:19 11 target re exchange of property between two clients", do you
12:38:25 12 see that?---Yes.
13
12:38:25 14 Then a further meeting - - - ?---I've got - yeah, sorry,
12:38:28 15 I've got no - I've got no recollection of who that is or
12:38:33 16 who it relates to but it was obviously something that was,
12:38:39 17 must have appeared to be dubious in legality.
18
12:38:44 19 Right. So do you accept that you've handed over documents
12:38:51 20 to Mr Pope concerning exchanges of property between two
12:38:58 21 clients of your former employer solicitor?---Um, yeah, if
12:39:08 22 what he's written is correct, that's right.
23
12:39:11 24 Yeah, all right. Now I'm not going to ask you for detail
12:39:16 25 about it but do you accept that proposition, that you've
12:39:19 26 got information that you've obtained either in the time
12:39:23 27 that you were working as a solicitor or subsequently and
12:39:26 28 handed that information to police?---Yes.
29
12:39:34 30 Then there's a further meeting on 27 May where Pope meets
12:39:41 31 with you again, further conversation regarding Acts. Then
12:39:45 32 you see you're exactly right, you received email, or
12:39:49 33 Mr Pope received an email regarding "intention to forward
12:39:52 34 law notes regarding studies", do you see that?---Yeah, I
12:39:59 35 presume he's saying that he got an email from me which is
12:40:03 36 as a result of him giving me his email address and me
12:40:07 37 sending him an email saying, you know, "Is this the right
12:40:11 38 email address", or something like that
39
12:40:13 40 Something like that, I follow. Then there's a meeting on 4
12:40:18 41 June, a conversation regarding the above discussion,
12:40:24 42 computer-generated documents, and there's a reference to
12:40:28 43 the availability of further materials, do you see that?---I
12:40:35 44 can see that, yes.
45
12:40:37 46 Then a meeting on 7 June and Pope receives a phone message
12:40:43 47 from you?---Yes.

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1
12:40:45 2 And then on 9 June further conversation with you regarding
12:40:50 3 a meeting on Friday the 11th, two days later a proposed
12:40:57 4 location of the same and so on. Then on the 11th, received
12:41:00 5 a message from you postponing it and arranged to meet three
12:41:03 6 days thereafter on the 14th?---Yeah, I mean I'm just - I
12:41:07 7 accept that, I mean I have to accept that what he's written
12:41:12 8 here is accurate but I don't know if it is.
9
12:41:15 10 Right. Are you in a position to say that any of those
12:41:18 11 records are inaccurate?---No, but what I mean, for example,
12:41:23 12 Chris, is that, like, say that 11th of the 6th 99 message.
13
12:41:29 14 Yes?---You know, I'm assuming that what he's written is
12:41:35 15 correct, I did leave him a message postponing it. But at
12:41:39 16 some point in time I had an intimate relationship with him.
12:41:46 17 So he's not put that anywhere. So I don't know - all I'm
12:41:48 18 saying is I'm not trying to be difficult, but all I'm
12:41:50 19 saying is I question whether what he's written is all
12:41:52 20 actually exactly what did happen.
21
12:41:54 22 Right. Then I think if we follow the log through - can we
12:41:58 23 scroll up the page. There's further discussions, proposed
12:42:08 24 meeting, then met with you and another police officer and
12:42:14 25 Ms Olney. Received a phone call from you and he's noted
12:42:19 26 that, then he left a message for you, and there's a
12:42:22 27 discussion on 30 June and receives a telephone call from
12:42:27 28 you, general conversation of no value, and then a
12:42:31 29 discussion on 23 September of 1999, do you see that?---Yes.
30
12:42:43 31 Do you recall for how long you provided information to the
12:42:47 32 Asset Recovery Squad in 99?---No.
33
12:42:54 34 If we have a look at a meeting recorded for 1 October 99,
12:43:00 35 information report, Exhibit 49, VPL.0005.0007.0219. What
12:43:11 36 this indicates is a meeting or at least a number of phone
12:43:17 37 calls. After those phone calls he meets with you on Friday
12:43:21 38 1 October, do you see that?---Yes.
39
12:43:27 40 "Didn't have any new information and she was mainly
12:43:32 41 interested in how the investigation was progressing. That
12:43:37 42 Solicitor 1 had moved into new offices which he owned", and
12:43:42 43 there's a description of them there, "still in regular
12:43:46 44 contact with him" and he's being briefed by him, do you see
12:43:49 45 that?---Yes.
46
12:43:50 47 "The investigation's progressing slowly and we're awaiting

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12:43:55 1 the end of a trial in the County Court"?---Yeah, I'm not -
12:44:01 2 I've got no idea what - I've got no idea who Lambert is or
12:44:07 3 the investigation of - - -
4
12:44:09 5 Right?---In the investigation of Lawyer 1 from that note.
6
12:44:17 7 Yes. If we then have a look at the period of January to
12:44:19 8 March of 2000 we've got an entry VPL.0100.0121.0155, pp.62
12:44:30 9 and 63. There's a recommendation from Gavin Segrave that
12:44:41 10 because of the lack of information being provided it's
12:44:49 11 essentially been suggested that the registration be
12:44:53 12 reclassified from active to inactive as per the Informant
12:45:00 13 Management Guidelines, do you see that?---I do. I'm trying
12:45:06 14 to - were those meetings in 99 or 98?
15
12:45:12 16 99?---99, okay.
17
12:45:18 18 So from June through to about October of 99 and then there
12:45:22 19 appears to have been, according to this, no further contact
12:45:25 20 since 23 September 99, do you see that?---So June through -
12:45:32 21 June to September 99, okay. Yes.
22
12:45:35 23 Does that accord with your recollection, that you were
12:45:39 24 having discussions with Jeff Pope in that period of time
12:45:44 25 and providing him with information over that period of time
12:45:48 26 and eventually the information dried up and that was really
12:45:54 27 the end of that period of informing?---Yes.
28
12:46:02 29 Do you recall providing either documents or materials to
12:46:09 30 Mr Pope in the form of paper documents or floppy
12:46:19 31 discs?---Not specifically. When I say not specifically I
12:46:24 32 can't - it was like when the Commissioner asked me if I had
12:46:31 33 a specific memory of my intimate encounters with him.
34
12:46:36 35 Yes?---I couldn't be more specific. Sorry, I can't be more
12:46:41 36 specific about what I did or didn't have and I just can't
12:46:46 37 recall specifics.
38
12:46:51 39 Effectively that period of registration finished towards
12:47:00 40 the end of 99. Did you continue to provide to other police
12:47:08 41 officers any information after 99 and before around 2002 or
12:47:14 42 3?---Not that I'm aware of.
43
12:47:21 44 Is it possible that you did?---Not in this sort of
12:47:28 45 organised fashion, as in I couldn't imagine I could have
12:47:34 46 been arrested by anybody.
47

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12:47:35 1 Right. What about in a less formal way?---Oh, would I have
12:47:39 2 had - would I have answered questions or, um, or, um, had a
12:47:49 3 conversation with some police officer? Possibly, yes.
4

12:47:52 5 Yeah. In which - similarly to the occasions you've
12:47:55 6 described with Mr Strawhorn, you might have provided
12:47:57 7 information in a sort of an unknowing, unwitting
12:48:02 8 way?---Correct, correct.
9

12:48:07 10 Are you able to identify any of those police
12:48:11 11 officers?---Sorry, are you saying from 2000, 2003?
12

12:48:15 13 Yes?---Well one of them in - I mean obviously there was
12:48:26 14 Stuart Bateson but he was 2004 I think, not 2003. Sorry, I
12:48:34 15 can't off the top of my head think of 2000 to 2003.
16

12:48:40 17 All right. What I might do is move to a different topic
12:48:46 18 and that's your association with people who'd been charged
12:48:53 19 with criminal offences. Would you agree with this
12:49:02 20 proposition, that from early in your career you represented
12:49:09 21 a number of figures who were or might be described as
12:49:14 22 organised crime figures?---Yes.
23

12:49:19 24 Would it also be true to say that you tended to socialise
12:49:27 25 with them as well?---To a degree, yes.
26

12:49:32 27 Which would be the first person who you would say fell into
12:49:36 28 that category who you socialised with?---Um, probably the
12:49:49 29 one that is, the one that Mr Holt said I can't name, the
12:49:56 30 one with Wayne Strawhorn.
31

12:49:57 32 Right. So was there a close social relationship with that
12:50:04 33 person - we're not going to identify him?---No, I wouldn't,
12:50:08 34 um, I wouldn't so much - I wouldn't class it as close
12:50:11 35 social relationship. Generally, well with him, for
12:50:20 36 example, I was in court most days and his wife ran a
12:50:28 37 business. I won't detail the business because - - -
38

12:50:31 39 Yeah?---- - - it might identify him or her, and so it was
12:50:36 40 convenient to everybody to meet, um, after 7 when her
12:50:42 41 business closed, um, close to where the business was. So I
12:50:47 42 can remember having a meal with them two or three times
12:50:52 43 during the time I was acting for him.
44

12:50:56 45 Yes?---That's probably, that would probably be the first -
12:51:00 46 in answer to your question, that would probably be the
12:51:03 47 first one that I socialised with.

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1
12:51:05 2 Right?---And some - - -
3
12:51:07 4 Yes?---Some people more than, you know, obviously more than
12:51:12 5 others.
6
12:51:14 7 Which people more than others?---Well I mean as time went
12:51:20 8 on the Mokbels would have been a significant one from the
12:51:28 9 time that I started acting for Tony.
10
12:51:32 11 What about Mr Higgs, you maintained - you acted for him
12:51:36 12 early on when you were at the solicitor's firm that we've
12:51:41 13 been talking about, do you agree with that?---Um, yes, I
12:51:47 14 have a vague recollection of instructing or sitting as an
12:51:51 15 instructor in relation to barristers who appeared for him.
16
12:51:56 17 Did you maintain an association with him since that time
12:52:00 18 and over the years?---I don't think it was maintained,
12:52:04 19 Chris. It was more that when I became a barrister he knew
12:52:11 20 me from the time that I'd been working for Solicitor 1.
21
12:52:15 22 Right?---And - - -
23
12:52:18 24 COMMISSIONER: Maybe this is a good time to take our break.
12:52:22 25 There seems to be a bit of interference with the - - -
12:52:24 26 ?---Sorry, there's some humming in the background.
27
12:52:27 28 Yes, don't tell us anything about it. Okay, we might take
12:52:30 29 a 20 minute break now and get rid of that humming and see
12:52:34 30 what we can do?---Thank you, Commissioner.
31
12:52:38 32 Thank you.
33
34 (Short adjournment.)
35
12:53:17 36 COMMISSIONER: There's another application for leave to
13:18:24 37 appear in respect of Nicola Gobbo from Dragan Arnautovic.
13:18:31 38 I understand there's no objection from counsel assisting.
13:18:35 39
13:18:35 40 MR WINNEKE: No opposition to Mr Arnautovic.
13:18:35 41
13:18:36 42 COMMISSIONER: Assuming there isn't any from anyone else
13:18:40 43 I'll grant leave to appear for Ms Gobbo in respect of
13:18:45 44 Dragan Arnautovic. I think we're just waiting to make the
13:18:51 45 connection. We'll sit through until 2.15 with this witness
13:18:56 46 if possible and then we'll adjourn for three quarters of an
13:19:01 47 hour and resume at 3 with Mr McRae.

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13:19:04 1
13:19:05 2 MR WINNEKE: Thanks Commissioner. Are you there, Ms Gobbo?
13:19:11 3
13:19:11 4 COMMISSIONER: Not yet. Not yet, no. We were told several
13:20:18 5 minutes ago it would only be a minute.
13:20:36 6
13:20:36 7 MR WINNEKE: I gather she's speaking to one of her support
13:20:40 8 people at present, Commissioner, I'm not too sure exactly
13:20:45 9 how far away.
13:21:14 10
13:21:15 11 COMMISSIONER: Apparently it's taking longer than expected
13:21:17 12 so we're going to have to adjourn.
13:21:19 13
13:21:40 14 (Short adjournment.)
13:21:40 15
13:25:47 16 COMMISSIONER: Yes Mr Winneke.
13:25:48 17
13:25:48 18 MR WINNEKE: All right. Now, Ms Gobbo, I was asking you
13:25:52 19 about your relationship with a number of people who had
13:25:56 20 been charged with offences and I've touched upon Mr Higgs.
13:26:00 21 You've mentioned the Mokbels as well?---Um, yes, sorry, I
13:26:06 22 forgot the context that you were saying this in.
13:26:09 23
13:26:09 24 Just in terms of you developing friendships, if you like,
13:26:13 25 with these people as well as acting for them and do you
13:26:18 26 accept there are - - -?---Yes. Sorry, yes, you asked me
13:26:22 27 about the early socialising, yes, I've got it now.
13:26:25 28
13:26:25 29 Initially you act for Horthy Mokbel, you meet him I think
13:26:31 30 when you're at Solicitor 1's firm, is that right?---Yes.
13:26:35 31
13:26:35 32 Then you meet the brothers, you gave evidence against Tony
13:26:42 33 Mokbel in 99, but then you came to represent him in early
13:26:46 34 2002 when charges were brought against him by the Drug
13:26:49 35 Squad and the AFP?---Um, in - yes.
13:26:56 36
13:26:56 37 2002?---Yep.
13:26:57 38
13:26:57 39 You also represented Milad Mokbel at around that same time,
13:27:04 40 you started acting for him in the early 2000's, would that
13:27:09 41 be fair to say or thereabouts?---Yes, sometime during that
13:27:12 42 period I think he was charged after his brother.
13:27:15 43
13:27:19 44 You continued to represent Tony Mokbel up until the time
13:27:23 45 that he absconded, after or during the trial that you were
13:27:28 46 doing in March of 2006?---Um, yes, that's correct.
13:27:34 47

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13:27:35 1 And would it be fair to say that you developed a relatively
13:27:40 2 close personal relationship with him? I'm not suggesting
13:27:43 3 intimate, but a personal relationship with him in the
13:27:46 4 period up until he absconded in March of 2006, do you agree
13:27:50 5 with that?---Yes. Primarily because there was effectively
13:27:55 6 no solicitor involved.

13:27:56 7
13:27:57 8 Right. You came to know other members or people who might
13:28:05 9 be regarded as criminal associates of his as well?---Many
13:28:10 10 over time, he had a lot of gophers, yes.

13:28:14 11
13:28:14 12 And likewise you would act for and socialise with those
13:28:20 13 people also, do you agree with that?---Um, yes, but the
13:28:27 14 biggest, um, the biggest one that came about was after Tony
13:28:34 15 was, sorry, not immediately after he was arrested but
13:28:40 16 after, um, after Horty Mokbel got his suspended sentence
13:28:45 17 for his fraud, that was around the same time Tony was
13:28:52 18 arrested and then, um, Tony Mokbel had gone through a
13:28:56 19 number of, um, lawyers who had, as I understand it, charged
13:29:01 20 him a fortune and basically ripped him blind, just taken
13:29:06 21 money from him and done nothing. And then when I started,
13:29:10 22 when I first went to see him in prison and then
13:29:14 23 subsequently started acting for him, what eventually came
13:29:19 24 about was a weekly, um, early dinner time catch up with his
13:29:26 25 brothers, because otherwise I was being driven insane with,
13:29:30 26 um, his - you know, each person from his family or his
13:29:35 27 extended family ringing and asking the same question.

13:29:38 28
13:29:38 29 And I think if we have a look at your diaries we'll see
13:29:42 30 that you'd regularly meet him either at a Japanese
13:29:46 31 restaurant and you'd dine with them?---Yes, correct, but it
13:29:51 32 was about once a week for a number of weeks.

13:29:55 33
13:29:55 34 Yes. Well, over a significant period of time wouldn't it
13:30:00 35 be true to say, from 2002 you would, into 2003 and 2004,
13:30:11 36 you would be meeting Tony Mokbel, wouldn't you?---Um, so
13:30:16 37 after he got bail.

13:30:18 38
13:30:18 39 Yes?---Um, initially yes and then not for a period of time
13:30:24 40 because he was badly bashed and would refuse to be seen in
13:30:28 41 public.

13:30:29 42
13:30:29 43 Right?---Then subsequently, yes, Tony became part of those
13:30:34 44 meetings and separate to those.

13:30:36 45
13:30:36 46 Yes. Now, you continued to communicate with him after he
13:30:44 47 had been arrested in Greece and in the period that he was

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13:30:49 1 overseas and prior to coming back to Australia, and when he
13:30:54 2 came back to Australia did you continue to communicate with
13:30:56 3 him?---Um, when you say I continued to communicate with him
13:31:04 4 while he was overseas, I only - - -
13:31:05 5
13:31:06 6 After he was arrested?---Yes, yes, that's - um, yes, he
13:31:11 7 rang from, um, gaol in Athens I think and then, um, when he
13:31:20 8 was eventually extradited, um, I had some limited
13:31:26 9 conversations with him because there was a kind of master
13:31:32 10 plan by my handlers to, to follow a script that they'd
13:31:39 11 worked out to cease communicating with him completely.
13:31:45 12
13:31:45 13 Right. In any event you did, you worked - you did some
13:31:50 14 work for him, didn't you, and charged him a fee for the
13:31:54 15 work that you did after he'd been arrested?---Do you mean
13:32:01 16 after he was extradited?
13:32:03 17
13:32:04 18 Before he was extradited?---I think, I've got a vague
13:32:11 19 memory of doing some, doing a background summary for a
13:32:18 20 professor from Monash University who, an evidence professor
13:32:24 21 who was also a barrister.
13:32:26 22
13:32:26 23 Right?---I've got a memory of doing that for him, but no
13:32:32 24 more detail, sorry.
13:32:33 25
13:32:33 26 This was at a time when you were registered as an informer
13:32:36 27 I assume?---Yes.
13:32:39 28
13:32:40 29 And if we have a look at your fee book for 25 July 2007
13:32:46 30 we'll see that you wrote a fee for \$1800, described as
13:32:51 31 brief to advise, conference, examine extradition material
13:32:56 32 and brief foreign lawyers, would that be the one?---Yes, I
13:32:59 33 don't think - sorry, I can't recall if it was a foreign
13:33:04 34 lawyer, but I know there was a, definitely a Monash
13:33:10 35 professor involved.
13:33:11 36
13:33:11 37 Right. Mr Bageric, I suppose, is that right?---Yes, that's
13:33:17 38 the one.
13:33:18 39
13:33:18 40 And you accept that you did, you charged that fee?---Yes, I
13:33:24 41 don't know if I got paid but I would have charged it.
13:33:27 42
13:33:28 43 Right. You also represented other members of his family in
13:33:31 44 addition to his brothers, in fact all three of them I think
13:33:34 45 you represented, Kabalan, Horthy and Milad, you represented
13:33:40 46 those three, do you accept that?---At various times, yes.
13:33:44 47

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13:33:45 1 You represented Zaharoula Mokbel?---Yes.
13:33:50 2
13:33:50 3 And I think you wrote a fee in relation to a committal
13:33:59 4 brief that she received and I think you also wrote a fee in
13:34:02 5 September of 2005 - 2007 prior to her trial?---Um, I can't
13:34:11 6 recall.
13:34:11 7
13:34:12 8 Well, do you recall writing a fee for \$16,500 for a brief
13:34:18 9 to advise and conferences with senior counsel?---For
13:34:25 10 \$16,000?
13:34:27 11
13:34:27 12 Yes?---No, I don't.
13:34:28 13
13:34:29 14 We'll find that and we'll show it to you. If we can have a
13:34:32 15 look at this document, 5000.7000.0103.
13:34:44 16
13:34:45 17 COMMISSIONER: We've got it I think.
13:34:47 18
13:34:50 19 MR WINNEKE: 1650?---I was beginning to think my God, where
13:34:55 20 did that come from.
13:34:58 21
13:34:58 22 My fault.
13:34:58 23
13:34:59 24 COMMISSIONER: Was it 1650?
13:35:03 25
13:35:04 26 MR WINNEKE: Yes, perhaps we better put it up. 18
13:35:18 27 September. If we keep going. Next page. There it is. So
13:35:35 28 you were, you accept that you were advising and
13:35:40 29 conferencing with her in September of 2007?---Yes,
13:35:46 30 according to my fee slip yes, and the other one you were
13:35:53 31 asking me about was a Tony one.
13:35:56 32
13:35:56 33 Tony Mokbel, \$1800 on 25 July 2007, okay?---Yep.
13:36:02 34
13:36:02 35 So that social and professional relationship with the
13:36:07 36 Mokbels commenced in 2000 and - or 99, and continued
13:36:14 37 through to about 2007, that appears to be the case?---Not
13:36:18 38 continuously, but yes, it did.
13:36:20 39
13:36:20 40 That's the Mokbel family. Through the Mokbels did you come
13:36:24 41 to know Carl Williams and his family?---Um, I think so,
13:36:31 42 yes.
13:36:31 43
13:36:34 44 I think you appeared initially for Carl Williams' wife
13:36:39 45 Roberta in a summary matter back in about 99, would that be
13:36:43 46 right?---I've got no recollection of that, but, um, if
13:36:47 47 there's a record saying I did, I assume I did.

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13:36:49 1
13:36:51 2 Do you recall being introduced by members of the Mokbel
13:36:56 3 family to Carl Williams or Williams to the Mokbels, do you
13:37:00 4 recall which way it was?---Um, sorry, I'm just thinking.
13:37:11 5 I, um, I think that Tony - I have got a recollection of
13:37:18 6 Tony introducing me to Carl or pointing Carl out to me at
13:37:24 7 Port Phillip Prison during a visit.
13:37:28 8
13:37:28 9 Right. Do you know when that would have been?---That would
13:37:32 10 have been, it had to have been in the time that he was, um,
13:37:37 11 on remand, which was from February 2002 until, um, Carl got
13:37:49 12 bail first and then Tony.
13:37:51 13
13:37:51 14 So at some stage around 2002 you would have been first
13:37:58 15 introduced to Carl Williams, would that be right?---Yes.
13:38:01 16
13:38:01 17 You represented Carl Williams on a couple of occasions,
13:38:06 18 firstly in relation to threats to kill made against Stuart
13:38:13 19 Bateson, is that right?---Um, yeah, I certainly, I have a
13:38:22 20 recollection of going to, um, St Kilda Road police complex
13:38:27 21 the day that he was - sorry, I can't remember whether it
13:38:31 22 was the day he was arrested or a couple of days later.
13:38:34 23
13:38:34 24 Right?---With a solicitor, and that was in relation to, um,
13:38:40 25 the alleged threats and an application I think to, um, to
13:38:47 26 revoke his bail.
13:38:48 27
13:38:49 28 Right. One assumes that you must have known him reasonably
13:38:53 29 well by then because you attended his daughter's
13:38:56 30 christening at Crown Casino in December 2003 and made a
13:39:00 31 speech?---Yeah, a whole table of lawyers went. I was the
13:39:06 32 only one stupid enough to make a speech though.
13:39:10 33
13:39:10 34 Right. And you represented, you represented Williams and
13:39:13 35 his father on various occasions between 2003 and
13:39:20 36 2005?---Um, yes, in relation to drug manufacturing charges
13:39:24 37 where they were co-accused.
13:39:26 38
13:39:26 39 Did you also provide advice to Williams in the lead up to
13:39:32 40 the committal proceeding in 2005 in relation to the murders
13:39:39 41 of Pasquale Barbaro, Jason Moran and Michael
13:39:46 42 Marshall?---Um, I can't specifically recall. I may, but I
13:39:53 43 may have done a draft witness summons.
13:39:58 44
13:39:59 45 Right. Nothing else?---(Indistinct) um, well maybe a Form
13:40:05 46 8A, as it was in those days, prior to a committal. So I
13:40:09 47 can't recall specifically.

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13:40:11 1
13:40:12 2 Did you assist Mr Heliotis in preparing for that committal
13:40:17 3 proceeding in March of 2005?---That sounds like something I
13:40:22 4 would have done with Con Heliotis, yes.

13:40:27 5
13:40:28 6 In addition to - was that, if I can just touch on the
13:40:32 7 socialising with the Williams family, obviously there was
13:40:36 8 that one occasion in December 2003. Did you meet with
13:40:39 9 Williams or his father on other occasions whereby you
13:40:48 10 socialised?---No, I had, I had a couple of, um, a couple of
13:40:55 11 occasions that I can recall where I met them for coffee
13:41:01 12 during the daytime, but never, I don't recall any kind of
13:41:07 13 evening or nothing like nightclubs and that sort of thing
13:41:12 14 that they were doing with other lawyers.

13:41:14 15
13:41:14 16 In any event, you tended to, if you did meet with people,
13:41:19 17 whether it be Mokbel or Williams, if you did meet them
13:41:24 18 there would often be an entry in your diary about the
13:41:28 19 meeting or referring to the meeting?---If it was about, um
13:41:31 20 - yes. And particularly if it was about, um, whatever was
13:41:36 21 coming up in terms of their court case.

13:41:38 22
13:41:38 23 Right. Associates of Williams, did you form professional
13:41:45 24 relationships and friendly relationships with some of
13:41:49 25 Williams' associates?---Um, well I wouldn't agree with the
13:41:57 26 description because I, like I met associates like Andrew
13:42:02 27 Veniamin through Williams and that wasn't, wasn't a
13:42:05 28 friendly relationship.

13:42:06 29
13:42:06 30 No. Were there others who you did develop relationships
13:42:10 31 with, and obviously we've got to be aware of suppression
13:42:15 32 orders when we answer this question, or when you consider
13:42:20 33 the answer to this question. So do you accept that there
13:42:22 34 were other people who fell into that category other than
13:42:27 35 Veniamin?---Um, yes. I won't, um - okay, yes, so like
13:42:36 36 PII [REDACTED] and PII [REDACTED], yes, I met them
13:42:42 37 through Carl and George.

13:42:44 38
13:42:44 39 Right. So the first one, PII [REDACTED], that's a
13:42:50 40 person who you acted for on a number of occasions
13:42:53 41 throughout [REDACTED], without going into
13:42:59 42 details?---Correct.

13:42:59 43
13:43:00 44 And indeed in relation to that person would you agree that
13:43:03 45 the material, that if the material demonstrates that there
13:43:09 46 was significant social contact with them, or with him and a
13:43:16 47 'particular [REDACTED] of [REDACTED], you wouldn't dispute

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13:43:20 1 that?---No. It was, um, him and [REDACTED].
13:43:26 2
13:43:26 3 Yes?---From time to time, um, but - - -
13:43:35 4
13:43:35 5 Did he arrange leases of mobile phones and did he assist
13:43:40 6 you with [REDACTED] that you had?---Yes, he did, and free
13:43:47 7 phones.
13:43:48 8
13:43:48 9 And sorry?---A free phone.
13:43:52 10
13:43:52 11 Were there other associates of Carl Williams aside from PII,
13:43:56 12 PII, Veniamin, who you had contact with?---Aside from
13:44:06 13 PII [REDACTED] ?
13:44:08 14
13:44:08 15 You mentioned PII and you mentioned also Andrew
13:44:16 16 Veniamin?---Not, um, not that I had, not I can recall
13:44:21 17 having specific regular ongoing contact with.
13:44:23 18
13:44:24 19 MR HOLT: Commissioner, can I just raise an issue in
13:44:25 20 relation to biodata. Line 47, p.13049.
13:44:33 21
13:44:33 22 COMMISSIONER: Take out the last two words?
13:44:35 23
13:44:35 24 MR HOLT: Yes, our learned friend attempted to lead it in a
13:44:39 25 way that it didn't do that. We'd be grateful if that could
13:44:44 26 be taken out.
13:44:44 27
13:44:44 28 COMMISSIONER: You don't want to be heard on it,
13:44:46 29 Mr Winneke?
13:44:49 30
13:44:49 31 MR WINNEKE: No.
13:44:50 32
13:44:50 33 COMMISSIONER: All right. Page 13049 of the transcript,
13:44:54 34 line 47, the last two words are to be removed from the
13:44:58 35 transcript and from the live stream, thank you.
13:45:01 36
13:45:03 37 MR WINNEKE: Now the Moran family, did you act for members
13:45:06 38 of the Moran family?---I did. I ended up doing Lewis
13:45:12 39 Moran's bail application where he was charged, when he was
13:45:17 40 on remand for, um, commercial drug trafficking offences.
41
13:45:22 42 And he got bail I think in 2003 in June, is that
13:45:26 43 right?---Yes, he did.
13:45:27 44
13:45:27 45 And that obviously led to the visit from Mr Veniamin
13:45:31 46 subsequent to that?---Yes, it did, because I had, I had not
13:45:36 47 expected to actually, um, appear for Mr Moran because he

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13:45:43 1 always had a QC appearing and I was relatively junior.
13:45:47 2
13:45:48 3 Yes. And you were briefed as a junior but the silk was
13:45:51 4 unavailable and you ended up doing the bail
13:45:55 5 application?---Correct, that's right.
13:45:56 6
13:45:56 7 Then subsequent to that you were visited by Mr Veniamin and
13:46:00 8 I think after that you spoke to Veniamin's solicitor who
13:46:05 9 smoothed things out?---Um, initially yes, I spoke initially
13:46:11 10 to, um, PII [REDACTED].
13:46:15 11
13:46:16 12 Yes?---And so did Tony Mokbel, and, um, and also to his
13:46:23 13 solicitor.
13:46:24 14
13:46:24 15 Yes?---As in PII [REDACTED]'s lawyer.
13:46:29 16
13:46:30 17 All right. Now, just on that particular person who gave
13:46:33 18 you free phones, do you know whether those phones were ever
13:46:37 19 registered in your name or were they registered in names
13:46:41 20 other than yours?---They weren't registered in my name. I
13:46:47 21 have no idea what names they were registered in.
13:46:51 22
13:46:51 23 Right. Was there any reason why you would be using phones
13:46:54 24 registered in names other than yours?---Um, there was a
13:47:02 25 complete belief by people such as, um, PII [REDACTED]
13:47:07 26 and others that any phone that I was using that was
13:47:13 27 registered in my name would be intercepted by police and
13:47:15 28 that police were listening.
13:47:17 29
13:47:17 30 Yes?---Therefore a lot of those guys preferred to meet in
13:47:22 31 person and they preferred to walk and talk, rather than to
13:47:25 32 sit in one location for fear of being listened to. Um, and
13:47:30 33 they, their preference was to use phones that were not, um,
13:47:35 34 that were, what they described as burner phones.
13:47:38 35
13:47:38 36 And you had a number of those burner phones that you
13:47:41 37 used?---Yes.
13:47:42 38
13:47:42 39 Did you know whether there were other barristers who had,
13:47:50 40 used that same practice or not?---Um, there were then and
13:47:55 41 there are now, yes. No, I think now, I couldn't say
13:48:00 42 specifically that using the word burner phones, but now
13:48:05 43 it's not uncommon to have those satellite encrypted, I'm
13:48:11 44 not sure exactly what they're called, Chris, but they're -
13:48:14 45 - -
13:48:14 46
13:48:15 47 End to end encryption, those sorts of messaging

.04/02/20

13052

GOBBO XXN

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13:48:20 1 apps?---Yes.
2
13:48:22 3 That's a bit different to you - - - ?---No. Yeah, there's
13:48:24 4 Blackberry satellite phones now that I know some solicitors
13:48:27 5 have.
13:48:28 6
13:48:29 7 Okay. Now, you acted for the Morans, did you socialise
13:48:35 8 with the Morans?---No.
13:48:36 9
13:48:37 10 Did you go to the races in 2003, Derby Day I think in 2003,
13:48:43 11 do you recall that? Meeting up with the Morans, including
13:48:48 12 Judy Moran at the races in 2003?---Um, I don't - I've got
13:48:54 13 no recollection of going specifically on that day, but in
13:48:58 14 those, in those years I was a VRC member and would have
13:49:02 15 gone, would have likely gone on the big race days if I
13:49:05 16 wasn't in court. Um, so if you're suggesting I may have
13:49:13 17 bumped into people like her at the races, that's probably
13:49:16 18 accurate.
13:49:17 19
13:49:19 20 Now, Mr Orman, Faruk Orman. Your records indicate that you
13:49:25 21 first appeared for him in around June of 2003, would that
13:49:30 22 be right?---I first did a, my first recollection for him is
13:49:34 23 a County Court plea for which he received a wholly
13:49:41 24 suspended sentence.
13:49:42 25
13:49:43 26 Would that be around June of 2003?---Yeah, I'm not sure of
13:49:47 27 the date. It was a, um, it was, it was a result that left
13:49:54 28 me, um, left me feeling most unsatisfied, or most
13:50:02 29 dissatisfied.
13:50:02 30
13:50:03 31 That doesn't matter. But in any event what about Azzam
13:50:07 32 Ahmed, another person who you acted for?---Yes.
13:50:12 33
13:50:12 34 Did you first act for him around the time of the burglary
13:50:18 35 on the Dublin Street address in Oakleigh, following
13:50:21 36 Operation Gallop?---Yeah, a few months later when he, um,
13:50:26 37 when I was Con Heliotis's junior in a bail application.
13:50:30 38
13:50:30 39 And prior to that I think you'd acted for his father, is
13:50:33 40 that right?---Yes, that was a Supreme Court bail
13:50:38 41 application for his father. No, sorry, County Court, or
13:50:41 42 maybe Supreme.
13:50:42 43
13:50:43 44 After you appeared for him with Mr Heliotis in the bail
13:50:48 45 application did you commence having a relationship with
13:50:52 46 him?---Um, no. We had a, what I would describe as a, um, a
13:50:59 47 fairly co-dependent, not co-dependent, a fairly dependent

.04/02/20

13053

GOBBO XXN

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13:51:04 1 kind of friendship. Unbeknownst to me until months later
13:51:08 2 he was, well apparently having a relationship with his
13:51:13 3 co-accused.
13:51:14 4
13:51:14 5 Right?---And I later learnt trafficking large quantities of
13:51:22 6 drugs while he was on bail.
13:51:24 7
13:51:24 8 Right. He was arrested I think in August of 2004 on
13:51:28 9 further charges and did you act for him subsequent to
13:51:34 10 that?---Um, yes, although I didn't do his plea, I didn't do
13:51:40 11 his - - -
13:51:41 12
13:51:41 13 I think you were junior counsel, weren't you, in his
13:51:45 14 plea?---No, I - - -
13:51:47 15
13:51:47 16 Are you sure about that?---I can't recall being, maybe I
13:51:53 17 can't recall being there for the sentence, maybe I was
13:51:55 18 there on the plea. I certainly would have done the, I
13:51:59 19 certainly would have summarised material and given it all
13:52:03 20 to Mr Heliotis because everything I did with him I, um, did
13:52:08 21 all the, went through all the briefs for him.
13:52:11 22
13:52:11 23 Were you not junior to Mr Heliotis before Judge Chettle in
13:52:18 24 the County Court on his plea and was a reference not handed
13:52:22 25 up which had been written by you, or a letter?---Yes,
13:52:25 26 that's correct, because of his actions the day that I had
13:52:29 27 my stroke.
13:52:30 28
13:52:30 29 We understand you had a stroke I think on 24 July 2004 and
13:52:36 30 he contacted you on the morning, is that right?---Correct,
13:52:40 31 a number of times.
13:52:41 32
13:52:41 33 Right. And he ended up taking you to hospital?---Correct.
13:52:45 34
13:52:45 35 Right. And when he was arrested I think in August of 2004,
13:52:56 36 there was a water bill or such like of yours in his car on
13:53:02 37 the day of his arrest, is that right?---Yes, I'd been in
13:53:06 38 that car or - I'd either been in that car or, um, either
13:53:12 39 that day or days before.
13:53:15 40
13:53:15 41 Right. In terms of relationships again with - just excuse
13:53:25 42 me. Were you paying money into his - he was sentenced by
13:53:39 43 Judge Chettle I think in September of 2005 and was in
13:53:44 44 custody thereafter. Were you thereafter paying money into
13:53:48 45 his prison account?---Um, a couple of times I did. Um, I,
13:53:56 46 I still to this day, I remain indebted to him for the rest
13:54:01 47 of my life for what he did for me.

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13:54:03 1
13:54:03 2 Was that money that was paid into his prison account money
13:54:08 3 that he had given you or was it money that was yours that
13:54:11 4 you put into his account?---No, mine and at some point, at
13:54:15 5 some point he had money from, I can't remember what member
13:54:20 6 of his family, so, um, I, I was relieved of doing that.
13:54:28 7
13:54:31 8 We understand that you also PII [REDACTED] into the PII [REDACTED] of
13:54:35 9 another associate or a person you knew. I think we're
13:54:38 10 calling him [REDACTED], do you recall PII [REDACTED] into his
13:54:43 11 PII [REDACTED] as well?---Yes, because he had no one else and
13:54:49 12 ultimately Purana ended up taking over those PII [REDACTED].
13:54:54 13
13:54:54 14 COMMISSIONER: Sorry, just a minute. There's an objection.
13:54:55 15
13:54:55 16 MR HOLT: The name that has come out previously was used
13:55:00 17 then in line 5, Commissioner.
13:55:04 18
13:55:04 19 MR WINNEKE: It's a name that's been used regularly in
13:55:07 20 public hearings.
13:55:08 21
13:55:09 22 MR HOLT: It hasn't been used in recent times and for
13:55:11 23 reasons because it's effectively done as a pseudonym
13:55:14 24 because it's now such significant biodata.
13:55:16 25
13:55:16 26 COMMISSIONER: I think we're going to have to argue that
13:55:18 27 one.
13:55:19 28
13:55:20 29 MR HOLT: There are some other associated issues,
13:55:23 30 Commissioner, which I understand we won't reach today,
13:55:26 31 which I have been discussing with my learned friend.
13:55:27 32
13:55:28 33 COMMISSIONER: Obviously the relationship between that
13:55:29 34 particular person and Ms Gobbo is an essential part of the
13:55:33 35 story that the public needs to know about.
13:55:39 36
13:55:40 37 MR HOLT: I understand that and I understand there will be
13:55:42 38 a need for some creativity to ensure that that occurs, but
13:55:47 39 there are underlying orders, which the Commissioner is
13:55:48 40 aware, which create difficulties.
13:55:49 41
13:55:49 42 MR WINNEKE: Can I just, to save time whilst we've got
13:55:52 43 Ms Gobbo can we just park this issue for the moment. I'm
13:55:56 44 content for that name to be removed from the transcript.
13:55:59 45 Ms Gobbo knows who I'm talking about.
13:55:59 46
13:56:00 47 COMMISSIONER: Remove that name. But this is something

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13:56:01 1 that we are going to have to sort out because the story
13:56:02 2 does have to be told.
13:56:03 3
13:56:03 4 MR HOLT: We've been discussing this issue this morning,
13:56:06 5 Commissioner, and hopefully - - -
13:56:06 6
13:56:06 7 COMMISSIONER: All right. Maybe you can do it overnight.
13:56:07 8
13:56:08 9 MR HOLT: I won't trouble you.
13:56:11 10
13:56:12 11 COMMISSIONER: All right then. So it's - where is it?
13:56:18 12 13054 line 5.
13:56:20 13
13:56:20 14 MR HOLT: Yes, that's the only place, Commissioner.
13:56:22 15
13:56:23 16 COMMISSIONER: The name there is removed from the streamed
13:56:30 17 audio and transcript.
13:56:33 18
13:56:34 19 MR NATHWANI: And could Ms Gobbo finish the answer, because
13:56:37 20 she was cut off. It's a relevant issue.
13:56:38 21
13:56:38 22 COMMISSIONER: I think she'll need to be reminded of what
13:56:41 23 it is. We'll just go back to that. Where were we up to?
13:56:47 24
13:56:47 25 MR WINNEKE: Ms Gobbo, I was asking you about whether you
13:56:49 26 PII [REDACTED] into that person's PII [REDACTED], we won't mention his
13:56:53 27 name. But I think you said you did so but ultimately
13:56:56 28 Purana took over PII [REDACTED] the PII [REDACTED], is that right?---Um,
13:57:01 29 yes. When he was taken into custody he had literally
13:57:08 30 nobody because of the circumstances in which he was put in
13:57:11 31 custody and asked me. I in turn asked Purana and they
13:57:17 32 said, "You deal with it and we'll PII [REDACTED] at some
13:57:21 33 point".
13:57:22 34
13:57:22 35 Now obviously it's been suggested that he had given you a
13:57:26 36 PII [REDACTED] of PII [REDACTED] prior to him going into custody
13:57:30 37 and you were PII [REDACTED] out of that PII [REDACTED] into
13:57:34 38 his PII [REDACTED]. What do you say about
13:57:38 39 that?---Absolute rubbish. He had, he had indicated on
13:57:43 40 numerous occasions that he hoped he would manage to [REDACTED]
13:57:48 41 [REDACTED] to hand, to place either me or someone else
13:57:53 42 with a PII [REDACTED] in order to be able to
13:57:57 43 pay for PII [REDACTED] PII [REDACTED] that he'd anticipate he'd
13:58:02 44 be away from, you know, for PII [REDACTED] or PII [REDACTED] years. And I had
13:58:07 45 raised that with my handlers because, you know, he'd said
13:58:11 46 things like, "I'm going to give you PII [REDACTED], PII [REDACTED]" and
13:58:18 47 none of it eventuated, but I raised it every time he said

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GOBBO XXN

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13:58:24 1 it because I wanted clarification of what I should do if
13:58:27 2 that happened.
3
13:58:28 4 Right?---And ultimately it didn't but, you know, on the
13:58:29 5 topic of him, you know, there's some ridiculous
13:58:35 6 allegations, he bought me [REDACTED] bought me [REDACTED],
13:58:39 7 gave me PII [REDACTED]. It's just all rubbish.
13:58:42 8
13:58:42 9 Do you accept this, that he did give you money out of which
13:58:45 10 fees were taken, both for you and for the instructing
13:58:48 11 solicitor and for the barrister who ultimately did his
13:58:51 12 plea?---Yes, he did, he did pay some fees.
13:58:54 13
13:58:54 14 Did he pay you money in cash for that purpose?---Um, I
13:59:02 15 can't - look, I can't specifically recall, um, how, but I -
13:59:08 16 but what I would say about that period of time is that
13:59:11 17 because of Purana's attention and warrants that they'd
13:59:16 18 executed in relation to proceeds of crime and money
13:59:20 19 laundering, or money laundering allegations, there was an
13:59:24 20 obligation and one that myself and other barristers, um,
13:59:32 21 took notice of, which was to ensure that we could justify
13:59:38 22 where the money came from.
13:59:38 23
13:59:39 24 I understand that. Did you receive cash from him out of
13:59:42 25 which you paid yourself, your instructing solicitor and a
13:59:48 26 barrister who ultimately did his plea, can you answer that
13:59:55 27 question?---No, I don't recall handing money from him to
13:59:59 28 another barrister.
14:00:00 29
14:00:00 30 Did you receive money from him, cash money for that
14:00:06 31 purpose?---For myself or for someone else?
14:00:08 32
14:00:09 33 For the payment of legal fees?---Yes, to myself, yes.
14:00:12 34
14:00:13 35 How much money did you receive and when did you receive
14:00:15 36 it?---I don't know, I'd have to look at my fee book.
14:00:19 37
14:00:19 38 Were you paid in cash by the person we're talking
14:00:23 39 about?---Yes.
14:00:23 40
14:00:23 41 Was it a payment made before he went into custody?---Yes, I
14:00:26 42 don't dispute that. What I'm saying is - - -
43
44 MR NATHWANI: Could she answer the question.
45
14:00:33 46 MR WINNEKE: Do you hold a trust account? Did you hold a
14:00:33 47 trust account?---My clerk held a trust account, yes.

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14:00:36 1
14:00:36 2 Was there money put into a trust account that was paid to
14:00:41 3 you?---I believe so, yes.
14:00:42 4
14:00:42 5 How much was it?---I don't know, I would need to look at my
14:00:45 6 fee book.
14:00:45 7
14:00:45 8 And was any of that money used to pay other lawyers?---Not
14:00:53 9 to my memory, I think - I'm pretty sure that he, um, took
14:00:59 10 bags of cash to individual barristers and solicitors
14:01:02 11 himself.
14:01:03 12
14:01:03 13 Right. What about prior to him going into custody, did he
14:01:07 14 provide you with a bag of cash?---No, he talked about it
14:01:11 15 from time to time.
14:01:12 16
14:01:13 17 In what form did he give you the money?---My fees you mean?
14:01:18 18
14:01:19 19 In what form did he give you the money? When did he give
14:01:22 20 it to you?---I don't know, I need to look at my fee book or
14:01:29 21 talk to my - or see what my clerk's records are.
14:01:30 22
14:01:30 23 If he did pay you cash it would have been handed over to
14:01:33 24 your clerk, is that right?---Yes, it would have been.
14:01:35 25
14:01:36 26 Now, can I ask you about your association with various
14:01:42 27 police officers. We understand that there were issues with
14:01:48 28 the major, or with the Drug Squad as it was then known in
14:01:51 29 the late 90s into 2000, do you accept that?---Yeah, a lot
14:01:58 30 of, um, corruption in the Drug Squad, yes.
14:02:02 31
14:02:02 32 And I take it you were aware that two particular officers
14:02:06 33 Paton and Rosenes were arrested when it became apparent
14:02:09 34 there was significant corruption within the Drug
14:02:14 35 Squad?---Yes.
14:02:14 36
14:02:15 37 And there were issues which went on to effect a number of
14:02:19 38 people who had been charged by members of the Drug Squad
14:02:24 39 following those allegations which had arisen?---Yes, but
14:02:29 40 for those allegations Tony Mokbel probably wouldn't have
14:02:32 41 got bail.
14:02:33 42
14:02:33 43 And obviously in addition to those two particular police
14:02:38 44 officers you understood there were other police officers
14:02:40 45 who were potentially involved in corruption?---Yes, and I
14:02:44 46 think there are others that to this day were never charged.
14:02:47 47

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14:02:47 1 It may be. One of whom was Wayne Strawhorn who was
14:02:53 2 charged, do you agree with that?---Yes.
14:02:55 3
14:02:55 4 An operation called Ceja was set up to investigate those
14:02:59 5 matters?---Yes.
14:02:59 6
14:02:59 7 Peter De Santo was an officer involved in that
14:03:03 8 investigation?---Yes, he was.
14:03:05 9
14:03:05 10 At that time you were representing Tony Mokbel and a number
14:03:08 11 of others who had been charged with criminal offences by
14:03:12 12 the Drug Squad, including by particular officers who were
14:03:16 13 under investigation?---Correct, because we collectively,
14:03:23 14 any lawyer acting for anybody charged with drug offences
14:03:31 15 that involved or where briefs of evidence relied upon
14:03:35 16 continuity or anything significant by those officers, was
14:03:40 17 faced with, at one point in time, Inspector De Santo
14:03:47 18 telling a court that the delay would be indefinite in terms
14:03:51 19 of when their prosecutions would occur and that enabled
14:03:55 20 people such as Tony to satisfy the court that there were
14:03:59 21 grounds for bail.
14:03:59 22
14:03:59 23 I understand. You and your clients who you were
14:04:04 24 representing were obviously very interested in the progress
14:04:09 25 of those Ceja investigations, do you agree with that?---As
14:04:13 26 you'd expect them to be, yes.
14:04:14 27
14:04:15 28 As you suggested, it was useful in applications for bail to
14:04:21 29 put allegations or at least to put evidence before the
14:04:24 30 court of those corruption issues because invariably it led
14:04:29 31 to delays in prosecuting matters which assisted in
14:04:31 32 obtaining bail?---Yes, well that's right. If, um, Tony
14:04:37 33 hadn't had the delay he probably wouldn't have, he wouldn't
14:04:41 34 had the unacceptable risk finding found in his favour and
14:04:49 35 therefore he wouldn't have got bail.
14:04:50 36
14:04:50 37 I follow that. During the course of that period of time in
14:04:53 38 acting for Mokbel and others you came to have at least some
14:04:57 39 involvement with Mr De Santo?---Yes, I did.
14:04:59 40
14:05:00 41 And you, on behalf of your clients, I assume, would have
14:05:07 42 been keen to provide information to Mr De Santo to assist
14:05:12 43 Mr De Santo in his investigations against corrupt police
14:05:17 44 officers?---Um, yes, I would have on occasion, yes.
14:05:22 45
14:05:23 46 So would you say that you developed a useful professional
14:05:28 47 relationship with Peter De Santo?---That's one way of

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14:05:33 1 putting it, yes.
14:05:34 2
14:05:34 3 How would you describe it?---Well I mean when you say
14:05:38 4 useful professional relationship, that's one way of putting
14:05:42 5 it. I mean I saw him rather as a kind of Svengali figure,
14:05:49 6 he was a master manipulator and a very clever investigator.
14:05:55 7
14:05:56 8 And I think you've previously put him in the same category
14:05:59 9 as Wayne Strawhorn, that is a person who had the capacity
14:06:02 10 to perhaps inveigle information out of you about your
14:06:08 11 clients?---Just to manipulate and to - look, I know it may
14:06:15 12 sound pathetic to say but, you know, he had the ability to,
14:06:20 13 I guess on another, another part of me emotionally, he made
14:06:24 14 me feel important and no doubt buffered my self-esteem in
14:06:32 15 the same way that, or a similar way to Wayne Strawhorn
14:06:36 16 having done so when I was a lot younger. But De Santo was
14:06:39 17 a lot, um, he was a lot smoother about it and, um, and he
14:06:47 18 was - I can just recall some phone conversations with him
14:06:53 19 where he was incredibly clever in the way he cryptically
14:07:03 20 answered things.
14:07:03 21
14:07:04 22 Over what period of time or in what period would you say
14:07:05 23 are you talking about, bearing in mind I think it was in
14:07:09 24 late 2000 that Paton was Rosenes were arrested and those
14:07:14 25 investigations continued on for quite some time into the
14:07:17 26 early 2000s. What period of time do you think you would
14:07:20 27 have had discussions with Mr De Santo?---Look, I can't
14:07:24 28 recall when I first met him or dealt with him but I know
14:07:28 29 for a fact it would have, by virtue of acting for Tony
14:07:34 30 Mokbel at a minimum it would have had to have been prior to
14:07:37 31 his ultimate bail application in September 2002.
14:07:44 32
14:07:44 33 Right?---And it would have gone on until, um - actually it
14:07:54 34 would have been before that, before Tony, in relation to
14:07:58 35 Andrew Hodson and then it would have, sorry, I just, I
14:08:02 36 can't remember precisely who I first met De Santo in
14:08:06 37 relation to, but it would have gone on to, obviously into
14:08:10 38 the Hodson arrests in the following year.
14:08:14 39
14:08:15 40 In 2003, September?---Yes.
14:08:17 41
14:08:18 42 As you've said, you felt that Strawhorn was a manipulator
14:08:24 43 of information out of you and perhaps De Santo was better
14:08:31 44 at it than Strawhorn, would that be fair to say?---Yeah.
14:08:35 45 De Santo was far more polished.
14:08:37 46
14:08:38 47 Right?---Than Wayne Strawhorn.

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14:08:40 1
14:08:40 2 Was the information that you provided to him information
14:08:45 3 limited to information about Tony Mokbel or was it other
14:08:54 4 people as well?---Are you talking about Wayne Strawhorn or
14:08:59 5 - - -
14:08:59 6
14:09:00 7 No, I'm talking about Peter De Santo?---Um, I don't know
14:09:06 8 because, you know, I - I can't categorically tell you what
14:09:12 9 I, who and what Peter De Santo raised with me in either
14:09:18 10 telephone conversations or when I saw him at court or in
14:09:25 11 and out of things like subpoena arguments.
14:09:29 12
14:09:30 13 Can I ask you about some other officers. In February 2003
14:09:36 14 Saunders, Waters, Alexander and Campbell were charged with
14:09:39 15 drug offences stemming from 1999, do you agree with
14:09:44 16 that?---Yes.
14:09:44 17
14:09:45 18 You'd known Mr Campbell since 99 or even before that, would
14:09:51 19 that be correct?---I think it was 98 that I met Steve.
14:09:55 20
14:09:55 21 Right. And you'd been in an intimate relationship with him
14:09:59 22 over a period of time, would you agree with that?---Yes, we
14:10:03 23 - I think you've asked me about him before, he was 98, 99
14:10:11 24 onwards.
14:10:11 25
14:10:11 26 I take it, I think I asked you before, you felt that he
14:10:16 27 might have been an informant in a case that you were
14:10:19 28 defending when you first met him?---Yes, correct.
14:10:22 29
14:10:23 30 And did that relationship stem from about that time?---Yes,
14:10:31 31 yes, we - I've answered that before.
14:10:34 32
14:10:34 33 Yes. In terms of the proceeding against Saunders, Waters,
14:10:39 34 Alexander and Campbell, at that stage you were in an
14:10:44 35 intimate relationship with him and I think during the
14:10:47 36 course of the committal you were staying with him
14:10:50 37 overnight?---No, I wouldn't - by then we weren't in a
14:10:54 38 relationship relationship. It was a, um, it was a mutually
14:11:04 39 convenient arrangement would be a nicer way to put it. We
14:11:08 40 had had a period of back in 1988 going out, well I
14:11:13 41 understood exclusively for a period of months, not years.
14:11:18 42
14:11:18 43 I just want to focus on February 2003 if I could. At that
14:11:24 44 stage there was a committal proceeding?---Yes.
14:11:27 45
14:11:28 46 There was a committal proceeding subsequently. When the
14:11:31 47 committal proceeding was going on it appears that you were

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14:11:34 1 staying overnight with him, if I can put it that way, in
14:11:37 2 the mutually convenient sort of way?---Yeah. I can't
14:11:41 3 dispute that.
14:11:42 4
14:11:42 5 And at that stage you were also representing a PII [REDACTED]
14:11:46 6 PII [REDACTED] in PII [REDACTED], we're not going to mention his
14:11:49 7 name?---No, I know who you mean.
14:11:54 8
14:11:54 9 And is that the case, that you were representing that
14:11:58 10 person?---Yes.
14:11:58 11
14:11:59 12 And did you have discussions with Mr Campbell about the
14:12:04 13 matter that he had been charged with and the matter that
14:12:09 14 you were also representing [REDACTED] PII [REDACTED], did you
14:12:12 15 have discussions about those issues?---I don't know what
14:12:17 16 you mean by discussions. Um, but I can categorically tell
14:12:24 17 you that the fact that my client ended up giving evidence
14:12:30 18 against Mr Campbell and others, um, was not something that
14:12:35 19 I availed Mr Campbell or his co-accused of.
14:12:40 20
14:12:40 21 I don't know whether he did ultimately give evidence,
14:12:43 22 Ms Gobbo?---I'm sorry, he agreed to and then ultimately was
14:12:47 23 too scared to do so.
14:12:49 24
14:12:50 25 Did you, when you were representing that person, tell him
14:12:55 26 about your relationship with Mr Campbell?---No.
14:13:00 27
14:13:01 28 And why didn't you tell him about that?---It probably
14:13:06 29 didn't come up in conversation but if it had, he was the
14:13:10 30 sort of person I could have told.
14:13:12 31
14:13:12 32 He has given evidence that he would never have permitted
14:13:16 33 you to represent him if he'd have known that you were in a
14:13:20 34 relationship with one of the co-accused?---That's - well I
14:13:26 35 can't dispute what he says in evidence.
14:13:26 36
14:13:28 37 Do you agree that it was incumbent upon you to make it
14:13:35 38 known to him that you were in a relationship with Campbell
14:13:37 39 at a time when you were representing him in circumstances
14:13:40 40 where he'd agreed to give evidence against
14:13:48 41 Campbell?---Depending on the time frame, yes.
14:13:50 42
14:13:50 43 Do you accept that it's something that you absolutely
14:13:52 44 should have made known to him?---Um, yes, in retrospect I
14:13:59 45 do but I still maintain that I've protected his interest by
14:14:04 46 not telling Campbell.
14:14:05 47

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14:14:05 1 Right. Now, Mr Strawhorn was arrested in March of
14:14:16 2 2003?---I'm not sure.
14:14:17 3
14:14:17 4 Do you accept that?---Yeah, I don't dispute that.
14:14:19 5
14:14:22 6 And in October of 2003 - obviously we've discussed the
14:14:27 7 previous dealings that you'd had with Mr Strawhorn. In
14:14:32 8 October of 2003 you represented David Waters on a s.56
14:14:41 9 application in the Magistrates' Court?---Yes, I did.
14:14:45 10
14:14:46 11 And on that occasion were you - I take it you understood
14:14:50 12 that he had been required pursuant to s.56 to appear at the
14:14:57 13 Magistrates' Court and give evidence against Wayne
14:15:01 14 Strawhorn?---Yeah, and he refused to do so I think from
15 memory.
16
14:15:05 17 Was Mr De Santo involved in that application?---Yes, he
14:15:11 18 was.
14:15:11 19
14:15:11 20 And was he the person who had summonsed Waters to give
14:15:15 21 evidence against Strawhorn?---Yes, I think he was.
14:15:18 22
14:15:23 23 I notice the time?---I've got a vague recollection of going
14:15:26 24 to, um, going to Ethical Standards, um, to surrender
14:15:34 25 Mr Waters to ESD and I think he subsequently spoke to them
14:15:41 26 because there was no, there was no application that was
14:15:45 27 pursued as far as I can remember.
14:15:47 28
14:15:50 29 COMMISSIONER: If you just want to finish off this topic.
14:15:51 30
14:15:51 31 MR WINNEKE: Yes I will, Commissioner. Just on that topic
14:15:52 32 of going to ESD, you say you vaguely recall going there.
14:15:57 33 At whose invitation did you go there?---Um, I can't, I
14:16:06 34 can't recall specifically, Chris. I do recall that there
14:16:11 35 was no, that Mr Waters subsequent - there was no actual
14:16:16 36 examination of him in a courtroom and the best memory I've
14:16:21 37 got is that we went to ESD, um, perhaps at the invitation
14:16:29 38 of Mr De Santo, for the whole summons issue to be resolved.
14:16:36 39
14:16:36 40 All right. Now, do you believe there are any other ESD
14:16:42 41 officers who you provided information to in the same manner
14:16:45 42 as you provided it to Mr De Santo?---No, I don't. I don't
14:16:50 43 think so. Um, but there were ESD officers with whom I had
14:16:57 44 dealings during my practicing years, a number of them
14:17:03 45 because I had clients who had provided them with assistance
14:17:06 46 about corrupt police.
14:17:07 47

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14:17:07 1 All right. If I can just ask you one brief series of
14:17:12 2 questions, if I can, on this topic. I touched on before
14:17:17 3 the Spring Racing Carnival in November 2003 and I think you
14:17:21 4 recall that you might have come into contact with Judy
14:17:25 5 Moran at, perhaps at her tent at the Derby Day?---Um, look,
14:17:32 6 I've got no recollection of going to a tent and even if she
14:17:36 7 had a tent, but I do, what I would say is I was a VRC
14:17:42 8 member in those years, I did go to the races unless I was
14:17:45 9 in court, but I can't - I don't have a recollection of
14:17:48 10 being in a tent with her.

14:17:50 11
14:17:50 12 In any event we've got evidence that you met up with
14:17:54 13 Mr De Santo, at least you saw him at the races, that you
14:17:58 14 were with David Waters and Steve Campbell at the races.
14:18:03 15 Would that be correct?---Um, I didn't go with them but it
14:18:09 16 was, I think, it would be fair to say you bump into all
14:18:14 17 kinds of people you know there.

14:18:16 18
14:18:16 19 You had a discussion with Mr De Santo in the presence of
14:18:19 20 those officers. There was also - do you agree with
14:18:25 21 that?---Um, I don't specifically remember but I'm, I don't
14:18:28 22 dispute it.

14:18:29 23
14:18:29 24
14:18:33 25
14:18:38 26
14:18:42 27
14:18:49 28
14:18:54 29
14:18:55 30
14:18:56 31
14:18:59 32
14:19:05 33
14:19:08 34
14:19:10 35
14:19:14 36
14:19:19 37
14:19:22 38
14:19:23 39
14:19:26 40
14:19:20 41

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14:19:28 42 I think that will be objectionable.

14:19:32 43
14:19:32 44 MR HOLT: Same issue.

14:19:33 45
14:19:33 46 COMMISSIONER: You know who it is now, that's good. We
14:19:37 47 just need to make some redactions I think. What do you

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14:19:47 1 want out?
14:19:50 2
14:19:51 3 MR HOLT: I'm sorry, Commissioner, my transcript has just
14:19:52 4 disappeared on me.
14:19:54 5
14:19:54 6 COMMISSIONER: I'm glad that happens to you sometimes too.
14:19:59 7
14:20:00 8 WITNESS: Excuse me, Commissioner, if you're going to - if
14:20:03 9 Mr Winneke is going to keep going can I take more
14:20:07 10 painkillers, please?
14:20:09 11
14:20:09 12 MR WINNEKE: I'm finishing up, Commissioner, that's the
14:20:12 13 last issue, the last topic.
14:20:13 14
14:20:13 15 COMMISSIONER: Are you able to answer a couple more
14:20:15 16 questions today?---Sure.
14:20:16 17
14:20:17 18 Then we'll finish up for today. Thanks very much,
14:20:20 19 Ms Gobbo.
14:20:21 20
14:20:29 21 MR HOLT: Commissioner, it's p.13063 line 3 to line 19.
14:20:32 22
14:20:32 23 COMMISSIONER: All right then. We'll take out that
14:20:35 24 material from the transcript and the live stream. We'll
14:20:40 25 only be a few more minutes and then we'll be done for the
14:20:45 26 day. Thanks very much, we appreciate your efforts.
14:20:48 27
14:20:48 28 MR WINNEKE: Do you recall that person being at the
14:20:50 29 races?---No, not at all.
14:20:52 30
14:20:52 31 Do you recall having a discussion with that person about,
14:20:56 32 with Waters and Campbell at the races?---No.
14:21:00 33
14:21:01 34 All right. I mentioned to you before about Campbell and a
14:21:10 35 PII [REDACTED] witness and there being a committal proceeding.
14:21:17 36 Do you recall being present at the committal when - can you
14:21:21 37 hear me?---Yes, I can.
14:21:23 38
14:21:24 39 COMMISSIONER: We have a very strange noise in the link, it
14:21:26 40 must be at your end I think. It's at your end?---No,
14:21:30 41 there's no noise at this end.
14:21:32 42
14:21:32 43 MR WINNEKE: It must be coming over - do you recall being
14:21:35 44 at the committal and observing the committal when
14:21:38 45 PII [REDACTED] was representing the PII [REDACTED] witness?---Um, no.
14:21:46 46 I don't know who PII [REDACTED] is.
14:21:50 47

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14:21:50 1 PII [REDACTED] ?---Oh, no. No, I don't.
14:21:54 2
14:21:54 3 And finally in May of 2003, three officers, Ferguson, Cox
14:22:03 4 and Sadler were arrested in relation to criminal offences,
14:22:06 5 do you agree with that?---Yes. And God help me, two of
14:22:18 6 them came to me for advice.
14:22:20 7
14:22:21 8 You provided legal advice to two of those police officers
14:22:24 9 prior to their trial, is that right?---I did some
14:22:27 10 pre-committal work for Glen Sadler and Ferguson, um, I did
14:22:33 11 a, I can't even remember what, what the name of his
14:22:38 12 application was, but it was some proceeds of crime
14:22:42 13 application to un-seize his tractors so that he could
14:22:47 14 harvest his potatoes I think from memory, or something like
14:22:52 15 that.
14:22:53 16
14:22:53 17 Thanks very much.
14:22:53 18
14:22:53 19 COMMISSIONER: Thanks very much, Ms Gobbo. We'll adjourn
14:22:57 20 your evidence now until 9.30 tomorrow?---Thank you,
14:23:00 21 Commissioner.
14:23:00 22
14:23:01 23 Thanks again. Thank you, you can end the video
14:23:06 24 link?---Thank you.
25
14:23:07 26 <(THE WITNESS WITHDREW)
14:23:08 27
14:23:08 28 We need to have a 45 minute adjournment for the
14:23:15 29 transcribers, so we'll resume at a little bit after 3, 3
14:23:23 30 o'clock with Mr McRae.
14:23:57 31
14:23:57 32 LUNCHEON ADJOURNMENT
33
34
35
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14:53:35 1 UPON RESUMING AT 3.10 PM:
2
15:10:53 3 COMMISSIONER: Yes, we've got Mr McRae back in the witness
15:10:57 4 box and, Mr Nathwani, you're asking some questions.
15:11:02 5
15:11:03 6 <FINDLAY GERARD MCRAE, recalled:
15:11:07 7
8 <CROSS-EXAMINED BY MR NATHWANI:
9
15:11:08 10 Mr McRae, I'm counsel for Nicola Gobbo. Could I start,
15:11:08 11 please, with a couple of references from your IBAC
15:11:11 12 interview. I don't need to bring it up at this stage but I
15:11:15 13 can read out some bits. If you want to see it shout out
15:11:19 14 and we'll do that. At page 57, for anyone who's following
15:11:21 15 it, Mr Hevey asks you this, "In particular, Mr Overland,
15:11:25 16 who was actively involved within the period 2007 onwards in
15:11:29 17 relation to the use of this human source and the potential
15:11:31 18 transition to witness for two years before you became
15:11:35 19 aware", and he asked if you were disappointed that none of
15:11:39 20 the Commissioners actually spoke to you and sought your
15:11:42 21 advice on this topic. He mentioned Mr Overland. You said
15:11:43 22 you were disappointed. It's a bit of an emotive word. The
15:11:47 23 questioning continued and then you said this, "Look, I
15:11:50 24 don't want to be critical of Simon or any of the others,
15:11:53 25 because I know they were trying to solve a diabolical
15:11:56 26 problem and they had someone giving them information". I
15:11:59 27 just want to focus on that answer. What formed you to
15:12:02 28 conclude that Simon and the others, obviously a reference
15:12:05 29 to Overland, were trying to deal with a diabolical
15:12:10 30 problem?---Because I think it was to do with the gangland
15:12:13 31 wars.
32
15:12:14 33 And had you had discussions with Mr Overland about this
15:12:17 34 diabolical problem requiring or needing Ms Gobbo, for
15:12:21 35 example, to give evidence?---I can't recall having
15:12:22 36 discussions with him about it.
37
15:12:24 38 Because obviously the answer, and I'll read it out to you
15:12:27 39 again, says, "Look, I don't want to be critical of him or
15:12:30 40 any of the others because I know that they were trying to
15:12:32 41 solve a diabolical problem and they had someone giving them
15:12:36 42 information"?---Yes.
43
15:12:37 44 That obviously suggests, if you have had a conversation
15:12:39 45 with Mr Overland, that his justification in part for the
15:12:43 46 use of Ms Gobbo was for the greater good, to solve the
15:12:47 47 gangland war?---I presume that they thought that they were

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15:12:54 1 acting for the greater good, yes.
2
15:12:56 3 Was that based on conversations with them, and by that I
15:12:59 4 obviously mean those Commissioners, or by was it on by what
15:13:03 5 you could see from your interactions with them?---I'd
15:13:05 6 already, at that stage I already had the Comrie review.
7
15:13:11 8 I understand. But does that mean you'd had a discussion
15:13:15 9 with Simon Overland? I understand what you're saying - - -
15:13:17 10 ?---No, not that I recall.
11
15:13:19 12 The next one, there's just another reference, p.63. It's
15:13:24 13 in relation to Mr Champion and it reads as follows. You
15:13:30 14 say, "The DPP told me at the time of the David Ryan
15:13:33 15 advice", so we're now 2012, "that there'd a trial of
15:13:41 16 Cvetanovski in the Supreme Court. I think it was at the
15:13:43 17 Supreme Court, may have been the County Court, where these
15:13:45 18 issues were aired and John Champion was counsel"?---Yes.
19
20 So this is obviously before he was DPP, by about six months
15:13:50 21 I think. "So I went to the DPP to explain the situation
15:13:52 22 and he knew hugely, more than I did, of what was going on
15:13:57 23 because it had already been aired in the court in terms of
15:14:01 24 some of the co-defendant issues in that. That was
15:14:04 25 suppressed because so I've never been able to get hold of
15:14:06 26 the transcript because I wasn't a party to it"?---Yes.
15:14:09 27 That was a reference to conflict of interest.
28
15:14:11 29 I understand. The reference is you're detailing
15:14:14 30 conversation you have with Mr Champion when he's the
15:14:17 31 DPP?---Yes.
32
15:14:18 33 When you obviously take your documents to him to say that
15:14:20 34 there's a bit of an issue and obviously the discussion
15:14:23 35 turns to Mr Cvetanovski?---That's the meeting of 1 June.
36
15:14:29 37 Yes, I understand. You say the DPP knew hugely more than
15:14:33 38 you did, and obviously you were armed with some
15:14:36 39 information?---I think it might have been the last
15:14:38 40 question, one of the last questions I had. I was pretty
15:14:41 41 tired. But it was a reference to legal conflict.
42
15:14:46 43 The conversation you have with Mr Champion, did you form
15:14:50 44 the impression, you having listened to what he said, that
15:14:53 45 he in fact knew that Ms Gobbo or suspected Ms Gobbo was an
15:14:58 46 informer with an involvement - - - ?---I think in my
15:15:01 47 statement I say that I didn't at that meeting form a view

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15:15:06 1 that he knew that she was a human source. We were talking
15:15:09 2 about conflict that was raised in the County Court before
15:15:13 3 Judge Montgomery.
4
15:15:14 5 I understand?---And I think the judge said this person has
15:15:19 6 taken conflict to new levels.
7
15:15:21 8 I'll move on then. Can we go to the memorandum of
15:15:25 9 understanding, RC990, please. Please scroll down to clause
15:15:42 10 4, please. Keep going, please. If we scroll to the
15:15:52 11 bottom, please. This document - Mr Cornelius' evidence is
15:16:00 12 he was the one who provided the instructions generally for
15:16:02 13 the memorandum of understanding to be drafted. Can you
15:16:07 14 help with who those instructions went to and who was
15:16:10 15 responsible for drafting this document?---To the VGS0.
16
15:16:14 17 Yes?---Yes.
18
15:16:15 19 Can you help with who at the VGS0 may have drafted it?---As
15:16:19 20 we discussed in the evidence there was the commercial
15:16:21 21 branch, Isabel Parsons and David Ryan from the Litigation
15:16:26 22 Unit.
23
15:16:27 24 You obviously had sight of this document at different times
15:16:30 25 during that?---Yes, it looks like the document I gave to
15:16:34 26 the DPP.
27
15:16:34 28 It goes to some degree with the jigsaw puzzle you referred
15:16:38 29 to to Mr Winneke. I just want to ask you more generally.
15:16:42 30 Obviously Clause A, I know you've been asked about this,
15:16:45 31 relates to the Petra investigation?---Yes.
32
15:16:49 33 B relates to Briars, do you agree with that, the murder of
15:16:55 34 Chartres-Abbott?---Yes, Chartres-Abbott does, yes. I think
15:17:01 35 they used Petra and Briars.
36
15:17:11 37 If you look at C - now you obviously saw this. As I think
15:17:15 38 Mr Overland accepted, that C relates to the provision of
15:17:21 39 intelligence, so not as a witness, do you agree with
15:17:24 40 that?---Well this was at the time that I thought she was a
15:17:29 41 witness. It just talks about ongoing investigations.
42
15:17:32 43 Obviously the scope of what your evidence appears to be is
15:17:35 44 that she was a witness in relation to Dale, which is
15:17:38 45 obviously Petra?---Yes.
46
15:17:39 47 Did you not think when you saw that, "What's this Purana

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15:17:42 1 reference in relation to"?---No, I didn't have visibility
15:17:45 2 of Purana.
3
15:17:46 4 Let's have a look then at your statement, which is - if we
15:17:52 5 go to 4.23 of your statement. I know you've been asked
15:18:09 6 about this. This is handwritten notes of an agenda where
15:18:13 7 this document was discussed to some degree?---In 2010?
8
15:18:21 9 Yes?---Yes.
10
15:18:23 11 We obviously see the confirmation of the status of Gobbo in
15:18:25 12 each investigation. You see in relation to Petra we have
15:18:29 13 Mr Cornelius responsible for that. Question mark for
15:18:33 14 Briars, not sure who was responsible. But Mr Moloney was
15:18:41 15 responsible for providing information as to her involvement
15:18:41 16 in her role as far as Purana was concerned?---Yes.
17
15:18:43 18 What I'm trying to ascertain is the clause in relation to
15:18:46 19 Purana, the one that we just looked at, Mr Cornelius denies
15:18:49 20 having any involvement in or giving any instruction?---I
15:18:51 21 see, yes.
22
15:18:52 23 That he was responsible for that, so I'm interested in
15:18:54 24 trying to ascertain who provided the instructions for that
15:18:57 25 legal document to include the clause in relation to - - -
15:19:00 26 ?---Okay, I think it would have been through Witsec.
27
15:19:02 28 Yes?---And Witsec would have been dealing with others.
29
15:19:05 30 And so the reference - - - ?---But I can't be sure because
15:19:09 31 I wasn't in that stream of information.
32
15:19:12 33 But the person who was spoken to about her involvement as
15:19:17 34 far as Purana was concerned was Mr Moloney, according to
15:19:21 35 your notes?---In 2010, yes.
36
15:19:23 37 Yes, in 2010?---Because I think he might have been
15:19:27 38 Commander Crime at that stage.
39
15:19:28 40 So he obviously would have to have been sufficiently
15:19:30 41 briefed to know her role and involvement with Purana?---I'd
15:19:33 42 expect so, yes.
43
15:19:34 44 And his view to you, as your notes reflect, is that she was
15:19:38 45 no more than a conduit, a middle person?---Yes, at that
15:19:41 46 time, yes.
47

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15:19:42 1 At 3.34 of your statement you deal with discussions with
15:19:46 2 Mr Rapke?---Yes.
3
15:19:55 4 And again, we see - you have a discussion with him there at
15:20:00 5 3.34. At 3.35 you arranged for the memorandum of
15:20:05 6 understanding?---Yes.
7
15:20:06 8 To be delivered to him?---Yep.
9
15:20:09 10 In part in relation to the issues of Moti?---Yes.
11
15:20:12 12 And we've seen earlier in the Commission, I think last week
15:20:16 13 in fact, or two weeks ago, the schedule of expenses paid to
15:20:22 14 Ms Gobbo. But when that memorandum of understanding was
15:20:25 15 passed over to Mr Rapke, and you obviously had meetings
15:20:28 16 with him or had communication with him, was there any
15:20:31 17 discussion in relation to the clause I've just taken you
15:20:33 18 to, someone saying, "What does that mean"?---Not that I can
15:20:36 19 recall.
20
15:20:38 21 "Why is she being suggested as providing assistance or
15:20:41 22 intelligence", as I phrase it, "in relation to Purana",
15:20:46 23 nothing from the DPP?---Not that I can recall.
24
15:20:55 25 At the time of the committal for Paul Dale for the ACC
15:20:58 26 charges the schedule of costs was disclosed to the defence,
15:21:03 27 do you have any knowledge of that?---No, I don't.
28
15:21:06 29 Okay, I won't ask you anything further about that. I just
15:21:10 30 want to have an insight into the culture within Victoria
15:21:14 31 Police and whether they followed the legal advice either
15:21:17 32 you or others provided or whether it was ignored. To that
15:21:20 33 end, just to focus on Mr Pope, if we can look at your
15:21:25 34 affidavit, statement at paragraph 5.12?---My statement you
15:21:32 35 mean?
36
15:21:32 37 Yes. Obviously you see 27 October 2011?---Yes.
38
15:21:42 39 You attend a meeting with Mr Ashton and Mr Pope?---Yes.
40
15:21:45 41 In which Mr Pope responds to an allegation made by Ms Gobbo
15:21:49 42 that they'd been in a sexual relationship?---Yes.
43
15:21:55 44 He obviously denies it. We've seen the affidavit. You
15:21:57 45 refer it to on the VGS0 for an advice to Mr Le
15:22:01 46 Grand?---Yes.
47

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15:22:01 1 You then, if you go to - actually, sorry. At 5.12, you
15:22:08 2 were obviously present when he made the denial. Did he
15:22:11 3 ever say anything to you, this is Mr Pope, that he had in
15:22:13 4 fact registered or been involved in the registration of
15:22:17 5 Nicola Gobbo in 1999?---Not that I recall.
6
15:22:20 7 That would be something important for him to say, as you
15:22:23 8 agree, at that juncture?---Yes.
9
15:22:25 10 Going on then to 5.18, you received a legal advice from
15:22:30 11 Mr Le Grand, okay. You say, "The advice was prepared
15:22:34 12 without identifying the relevant complaint or police
15:22:36 13 officer and in essence was to the effect that even if
15:22:39 14 Ms Gobbo's allegation were believed, it would not be enough
15:22:43 15 to support the belief that Mr Pope was guilty of serious
15:22:47 16 misconduct". Can I ask you this: you say the advice was
15:22:50 17 prepared without identifying the relevant complainant or
15:22:54 18 police officer. Where do you get that information
15:22:56 19 from?---I think it's from the document. But I believe
15:23:00 20 Mr Le Grand knew who it was.
21
15:23:02 22 I want to show you the document he was provided, the
15:23:05 23 transcript. If we can pull up RC62. This is two pages.
15:23:17 24 If we can just go through the - I think it's two pages.
15:23:20 25 Can you see this is what was provided to Mr Le Grand in
15:23:26 26 coming to his conclusion. I want to just deal with the
15:23:28 27 first issue of whether or not this was done anonymously, so
15:23:32 28 no one knew who the police officer involved was or
15:23:36 29 Ms Gobbo. Do you agree, if we get to the first page,
15:23:38 30 please, there are redactions, we can see someone has PIIed
15:23:46 31 them?---Yes.
32
15:23:46 33 On the left-hand side we can see - let's start at the top.
15:23:51 34 Friday, 21 October. Mr Buick, Le Brusque and Nicola
15:23:55 35 Gobbo?---Yes.
36
15:23:57 37 It looks like the document they've received doesn't - and
15:23:59 38 we can look down the entire left-hand side, it says Gobbo
15:24:02 39 throughout?---Yes, yes.
40
15:24:04 41 As far as where you've been made aware that she was
15:24:07 42 certainly anonymous, the complainant, that's not accurate,
15:24:09 43 do you agree with that?---Yes.
44
15:24:10 45 Then if we have a look through, look at the end of the
15:24:13 46 first line - first paragraph bottom line, you agree that
15:24:18 47 Mr Pope is identified?---Yes, I do.

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1
15:24:20 2 And then there's a discussion about his role and you can
15:24:22 3 follow it through and she's talking about him?---Yes.
4
15:24:25 5 So the suggestion that in fact he wasn't identified and
15:24:28 6 neither was she is inaccurate. I'm not criticising you for
15:24:32 7 that?---Yes, yes.
8
15:24:33 9 You were left with a - - - ?---I think we picked that up
15:24:36 10 from the email that was sent.
11
15:24:38 12 Can we turn to the advice then, RC851, please. This is the
15:24:52 13 advice, if we scroll down, please. So whilst it's
15:24:55 14 anonymous there - actually if we go back up, my fault- we
15:25:00 15 can see, for example, "Personal relationship". There's a
15:25:03 16 reference to member C. Certainly it appears to be
15:25:06 17 anonymous there. I may have given you that false
15:25:09 18 impression?---Yes.
19
15:25:10 20 But if we go down to the bottom, please. So the last two
15:25:15 21 paragraphs deal with the issue of the conflict and say
15:25:19 22 this, "Whether or not they were involved, the fact of their
15:25:23 23 personal involvement isn't in issue at all and the fact
15:25:26 24 that there is disagreement about the matter provides
15:25:32 25 obvious scope for embarrassment and conflict and resentment
15:25:33 26 which can lead to a perception of a conflict of
15:25:33 27 interest"?---Yes.
28
15:25:34 29 "In the circumstances", this is his advice, "we recommend
15:25:36 30 that the issue of potential or possible conflict be
15:25:41 31 managed. To that end it would be sufficient if Mr Pope has
15:25:45 32 no further role in the steering committee and any other
15:25:47 33 decision-making involving the source", okay?---Yes.
34
15:25:50 35 It seems that has already occurred. "It would be worth
15:25:54 36 discussing the matter with him to advise that the fact of
15:25:56 37 the allegation is sufficient to justify his removal from
15:25:58 38 decision-making roles". So the advice quite clearly is
15:26:00 39 saying he shouldn't be involved in anything to do with her
15:26:03 40 going forward?---Yes.
41
15:26:05 42 Do you agree that in fact the exact opposite occurred at
15:26:09 43 this exact time?---I believe that he was taken off
15:26:12 44 committees.
45
15:26:12 46 Well, that wasn't the entirety. Was he still involved in
15:26:16 47 the decision-making process?---To the extent that we've

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15:26:19 1 heard in the evidence, yes.
2
15:26:20 3 Which is, just to be clear, he was involved in meetings
15:26:24 4 about how the SDU had handled Ms Gobbo in
15:26:28 5 particular?---Yes.
6
15:26:29 7 And so going forward we see the meetings between you, him,
15:26:33 8 Gleeson?---Yes.
9
15:26:34 10 He is actively involved, don't you agree?---Yes.
11
15:26:36 12 In decision-making?---M'mm.
13
15:26:38 14 Despite legal advice to the contrary?---Yes.
15
15:26:40 16 Right. This advice, was that provided to
15:26:47 17 Mr Cartwright?---Yes.
18
15:26:48 19 Can we have a look at Mr Cartwright's decision, please,
15:26:52 20 which is RC853. Not that document, sorry. I think it
15:27:25 21 might be 852.
22
15:27:27 23 COMMISSIONER: Yes, 852 it looks like.
15:27:30 24
15:27:36 25 MR NATHWANI: Here we are. This is the decision but as we
15:27:41 26 go through, if you go through to the bottom, please, he
15:27:45 27 effectively finds that nothing's occurred. Can we go up
15:27:50 28 one more page to the yellow bit. "Advice taken", we see
15:27:53 29 there. No reference to being removed from any committees
15:27:58 30 or the like despite the legal advice, do you agree with
15:28:01 31 that?---Is that in the yellow part?
32
15:28:05 33 Yes. It's just there isn't. I can tell you, you can take
15:28:08 34 it from me, I just wanted to show you the document?---Yes.
35
15:28:14 36 There's no reference to Mr Pope being removed from any of
15:28:17 37 the decision-making process at all. If we go down, keep
15:28:20 38 going down, please. Last page. If we go to the second
15:28:30 39 paragraph it says, the last line says, "His role on the
15:28:34 40 Driver steering committee is as a member, not as a Chair".
15:28:37 41 Again, there is no suggestion that Pope has done anything
15:28:41 42 inappropriate in this role. So there is discussion of his
15:28:43 43 role. The line before says, "In Assistant Commissioner
15:28:46 44 Pope's present role I note he does not have line control
15:28:51 45 over witness protection at that at any rate Gobbo is not in
15:28:56 46 witness protection". Then we see under "Comment", the
15:28:59 47 second paragraph, "His role in the Driver steering

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15:29:00 1 committee has been dealt with as a separate matter and
15:29:04 2 under separate correspondence". Do you agree that it
15:29:06 3 doesn't appear the legal advice he shouldn't be involved in
15:29:09 4 any of the future decision-making processes hasn't found
15:29:14 5 its way into the actual finding of the police?---No, it
15:29:17 6 doesn't seem to be consistent.
7
15:29:19 8 Can you help with why the police officer you were providing
15:29:21 9 this information to was ignoring, on the face of it, legal
15:29:24 10 advice?---No, it's not within my knowledge.
11
15:29:34 12 Obviously your evidence - this is a different topic, this
15:29:37 13 is the jigsaw puzzle - and when you learnt of Ms Gobbo
15:29:40 14 being a source, as I understand your evidence is it fair to
15:29:43 15 say the following: that putting the jigsaw pieces together
15:29:48 16 now, you perhaps should have done something much sooner
15:29:51 17 than you did?---No.
18
15:29:52 19 No, you don't accept that. Do you agree - let's just go
15:29:55 20 through some of the brief matters. At paragraph 3.25 of
15:30:03 21 your statement you say, "In reviewing the letter for the
15:30:31 22 purposes of this statement I observed that Ms Gobbo
15:30:34 23 referred to the previous unprecedented assistance, 2005 to
15:30:38 24 2009". Your evidence as set as well and reflected in your
15:30:41 25 statement is you didn't pick up on that?---Yes.
26
15:30:44 27 Let's see what else you didn't pick up and see whether you
15:30:46 28 really accept you shouldn't have realised sooner. 27 May
15:30:50 29 2010, let's go to RC354. If we scroll down, please. This
15:31:08 30 is the email, this is the John O'Connor email. Your
15:31:13 31 evidence was this was - you were purely interested in this
15:31:15 32 because it relates to the civil proceedings?---Yes.
33
15:31:17 34 I just want to ask you some questions about that. Do you
15:31:19 35 agree, as a starting point, this is from John O'Connor,
15:31:23 36 who's at the Source Development Unit?---Yes.
37
15:31:25 38 And so nothing to do necessarily with the civil
15:31:31 39 proceedings? What's Mr O'Connor's role as far as the civil
15:31:38 40 proceedings are concerned, as the Detective Inspector of
15:31:43 41 the SDU, the human source unit?---He's providing us with
15:31:45 42 information.
43
15:31:46 44 So what information do you say he provides that's relevant
15:31:46 45 to the civil proceedings in that email?---Well every
15:31:47 46 information of dealings with this person is relevant to the
15:31:49 47 civil proceedings.

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1
15:31:50 2 It's obvious, don't you agree, looking at that email, that
15:31:53 3 he is telling you, as the head of the Source Development
15:31:56 4 Unit, that she was a human source?---Yes, I accept that I
15:31:59 5 knew she was a human source during the civil litigation.
6
15:32:05 7 Do you not agree - we'll go to some other examples - that
15:32:08 8 in fact there was information that suggested you should
15:32:11 9 have been aware prior to May 2010, as you suggest?---No.
10
15:32:16 11 At 4.17, your statement, obviously?---Yes.
12
15:32:27 13 There was a note prepared by Mr Wheelahan, Ms Orr and
15:32:32 14 Dr Rush suggests a confidential briefing take place,
15:32:35 15 "Noting the instructing solicitors had identified the need
15:32:39 16 for counsel to be briefed with a complete history of the
15:32:41 17 matter"?---Yes.
18
15:32:42 19 Have you read the statements of Ms Orr?---No.
20
15:32:45 21 Have you read the statement of Mr Gipp, I think is his
15:32:47 22 name, who has appeared for the VGSO at certain
15:32:49 23 hearings?---Yes.
24
15:32:50 25 Both of those - - - ?---Very quickly because they were put
15:32:53 26 up the night before I gave evidence.
27
15:32:55 28 Both of those people have been briefed by your
15:32:59 29 lawyers?---By the VGSO, yep.
30
15:33:01 31 Appear to have known, sooner than you do, do you have
15:33:06 32 anything to say in relation to that considering - - -
15:33:07 33 ?---Mr Gipp was dealing at the coalface with public
15:33:10 34 interest immunity matters and Ms Orr was briefed to prepare
15:33:15 35 the defence in the civil matter.
36
15:33:19 37 Let's just be clear. She, having prepared the defence in
15:33:22 38 the civil matter, was aware very early in the piece, based
15:33:25 39 on her statement, she says she's instructed and pretty much
15:33:30 40 thereafter is aware that Ms Gobbo is a human source. Why
15:33:33 41 is it that the same information that you had took you so
15:33:35 42 much longer?---No, that's when I become aware.
43
15:33:38 44 What I'm saying is she was armed with the information that
15:33:41 45 you had over time as head legal counsel for Victoria
15:33:44 46 Police?---No, I didn't.
47

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These claims are not yet resolved.

15:33:49 1 There's a text you were taken to from Ms Gobbo in relation
15:33:52 2 to Pandora's box, do you remember that text?---Yes.
3
15:33:58 4 It's 28 July 2010. You say, in effect, because it came
15:34:01 5 from Ms Gobbo, that she was prone to exaggeration. In
15:34:05 6 effect you were saying, "I didn't necessarily believe
15:34:08 7 everything that came out of Ms Gobbo's mouth because she
15:34:11 8 was prone to exaggeration"?---I can't remember saying that.
9
15:34:17 10 Your evidence was that she was someone who - perhaps you
15:34:21 11 didn't use the words "prone to exaggeration", but your
15:34:24 12 evidence was that she was someone who would at least
15:34:29 13 exaggerate some of what she was saying, do you remember
15:34:31 14 saying that? I think it's in your statement as well?---I
15:34:34 15 think I've said it and I think it may be in my statement.
16
15:34:38 17 Yes, I think that's right?---M'mm.
18
15:34:40 19 What formed you to come to that conclusion about
15:34:43 20 Ms Gobbo?---I would say that the people who dealt with her
15:34:46 21 had told me that.
22
15:34:47 23 And so you were receiving feedback repeatedly from those
15:34:50 24 people, were you?---At what time are you talking about?
25
15:34:54 26 Throughout the piece?---No. I drop in and out because I'm
15:35:00 27 the head of the department, I'm not working on these files
15:35:03 28 directly.
29
15:35:05 30 Can I ask you this: was there ever a culture, certainly
15:35:09 31 when the issue arose with Victoria Police, and so what I'm
15:35:13 32 suggesting is directions from above to you, to try and keep
15:35:16 33 quiet the fact that Ms Gobbo was a human source?---No.
34
15:35:19 35 Because of the obvious detrimental impact it had on the
15:35:24 36 reputation of Victoria Police?---No.
37
15:35:25 38 You stand by the position that you didn't know until much
15:35:29 39 later on, until May 2010?---Yes. That's when I took a file
15:35:32 40 note of it.
41
15:35:32 42 All right?---M'mm.
43
15:35:33 44 Thank you, Mr McRae?---Thank you.
45
15:35:36 46 COMMISSIONER: Yes Mr Chettle.
15:35:37 47

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1 <CROSS-EXAMINED BY MR CHETTLE:
2

15:35:38 3 Thank you, Commissioner. Mr McRae, it's been said that
15:35:41 4 your job primarily is to look after the interests of the
15:35:44 5 Chief Commissioner. Do you agree with that?---The Chief
15:35:49 6 Commissioner and Command in Victoria Police, yes.
7

15:35:52 8 All right. So whoever that Chief Commissioner - - - ?---I
15:35:55 9 report to the Chief Commissioner.

10
15:35:57 11 Whoever that is at any given time. You've served with a
15:36:03 12 number of them?---Yes.

13
15:36:05 14 Simon Overland was Chief Commissioner from 2009 to
15:36:09 15 2011?---Yes.

16
15:36:09 17 And obviously you would have dealt with him extensively
15:36:13 18 during the course of those years?---Yes.

19
15:36:15 20 At any time did you have a discussion with him about
15:36:20 21 Ms Gobbo or the use of her as a human source?---Not that I
15:36:23 22 recall, except for the civil litigation.

23
15:36:27 24 You kept him informed of the civil litigation?---At the
15:36:32 25 critical moments, yes.

26
15:36:33 27 All right. Well, let me suggest to you it's only at the
15:36:38 28 end of 2011 that the issue of her use as a human source
15:36:47 29 represents a real risk to the interests of Victoria Police;
15:36:53 30 you become aware of that?---It becomes a different risk, I
15:37:00 31 suppose, because we had the civil litigation, of course.

32
15:37:03 33 The civil litigation - - - ?---And we had the witness
15:37:07 34 protection.

35
15:37:10 36 - - - was to do with her role as a witness for Petra,
15:37:12 37 wasn't it?---Yes.

15:37:13 38
15:37:13 39 The whole basis of the claim was, "Look, Overland made all
15:37:17 40 these promises to me, I'm worse off because I became a
15:37:21 41 witness. I deserve to be compensated". That, in summary,
15:37:24 42 is what she was saying?---Not Mr Overland, somebody, a
15:37:28 43 police member made a representation I think it said in the
15:37:31 44 pleadings.

45
15:37:31 46 That O'Connell told her that Overland would do anything for
15:37:36 47 her, or words to that effect, and she'd be no worse

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15:37:40 1 off?---Yes.
2
15:37:40 3 And that led to this - the promissory estoppel point that
15:37:46 4 was raised by counsel?---Yes.
5
15:37:48 6 So all the way through 2010, 9, 10, there's no real issue
15:37:54 7 confronting you in relation to, "Gee, Victoria Police are
15:38:00 8 exposed for using her as a human source"?---Well, in 2010 I
15:38:05 9 was very concerned to stop interaction with her because of
15:38:10 10 the civil risk.
11
15:38:12 12 The civil risk had nothing to do - - - ?---Which was
15:38:16 13 broader. It was comprehensive, it included the SDU. In
15:38:19 14 that meeting of the 21st of June 2010 you can see that
15:38:25 15 we've called in anyone that we think is having interaction.
16
15:38:31 17 Correct?---M'mm.
18
15:38:32 19 At that stage you're not dealing with an issue about, "My
15:38:35 20 goodness, she's been informing on clients"?---No.
21
15:38:39 22 That represented, that risk became apparent at the end of
15:38:43 23 2011?---Yes.
24
15:38:52 25 You clearly knew in the middle of 2010 that she had been a
15:38:57 26 human source for the police?---Yes.
27
15:38:59 28 But you took - that didn't excite your attention at all
15:39:02 29 because you were looking at a civil matter, nothing to do
15:39:05 30 with source management issues?---Yes.
31
15:39:09 32 Come 2011, the year goes on, the issue becomes acute
15:39:15 33 because, firstly, it's apparent she's going to be a witness
15:39:19 34 and issues are rising with the Commonwealth DPP in relation
15:39:22 35 to the Dale prosecution?---Yes.
36
15:39:24 37 There's an advice floating around from Mr Maguire about
15:39:31 38 issues that have arisen with her use?---Yes.
39
15:39:36 40 It's becoming apparent that she represents an
15:39:40 41 organisational risk for VicPol?---Yes.
42
15:39:50 43 You have a meeting, you say, with Mr Cartwright, Mr Ashton
15:39:54 44 and yourself in November - - - ?---3rd of November.
45
15:40:00 46 - - - 2011?---Yep.
47

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15:40:01 1 Can I bring up Exhibit 845, please.
2
15:40:10 3 COMMISSIONER: Yes.
4
15:40:10 4
15:40:11 5 MR CHETTLE: Thank you. Four days after your meeting with
15:40:21 6 Mr Ashton - wait until this document comes up. Do you need
15:40:28 7 a VPL? Okay. I'll give you a VPL if you like. I can say,
15:41:00 8 Commissioner, I have complied with my statutory obligations
15:41:03 9 and given a list of all this beforehand. It's RC845.
15:41:15 10 VPL.0100.0001.3633. It's a letter to Ashton from Sheridan
15:41:30 11 with a notation on it by Ashton.
12
15:41:38 13 COMMISSIONER: My note is that that exhibit is an email,
15:41:42 14 Frewen to Sheridan.
15:41:44 15
15:41:44 16 MR CHETTLE: No, Commissioner.
17
15:41:46 18 COMMISSIONER: 4 November 11.
15:41:49 19
15:41:49 20 MR CHETTLE: This is 7 November 11. I've got 845 written
15:41:53 21 on it.
22
15:41:54 23 COMMISSIONER: No, that's 846. 7 November, memorandum,
15:42:02 24 Paul Sheridan to Ashton and Ashton's hand written note.
15:42:02 25
15:42:03 26 MR CHETTLE: That's 846, Commissioner?
27
15:42:04 28 COMMISSIONER: Yes, 846.
15:42:05 29
15:42:05 30 MR CHETTLE: That's my human error. We're getting there.
15:42:35 31 Mr Ashton gave evidence about this. Thank you. You'll see
15:43:14 32 that it is a document written by Assistant Commissioner
15:43:17 33 Ashton to Paul Sheridan, Covert Services?---I think it's
15:43:23 34 from Paul Sheridan to Mr Ashton.
35
15:43:27 36 Sorry, the other way round. From Sheridan to Ashton, thank
15:43:31 37 you. Giving the summary of Witness F as the Commonwealth
15:43:34 38 wanted to look at it, you remember that issue?---Oh yeah, I
15:43:38 39 remember the issue, yes.
40
15:43:39 41 Then Sheridan makes the point that he doesn't want to
15:43:41 42 release it to anyone else and makes the point in the bottom
15:43:47 43 paragraph, "Exposure of Witness F activity with Victoria
15:43:54 44 Police as contained within this summary will have
15:43:59 45 significant impact upon Victoria Police operations past and
15:44:01 46 present. The material contained within this summary may
15:44:03 47 rely upon public interest immunity claims should further

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15:44:06 1 dissemination be considered". It's pointing out really
15:44:10 2 what I was saying to you before, this represents a
15:44:12 3 significant risk to Victoria Police?--Well Paul thinks so,
15:44:16 4 yes.
5
15:44:17 6 And so do you, you told me before you agree with
15:44:23 7 that?--Well not for those reasons though, yes.
8
15:44:26 9 But the exposure of her would be a risk to Victoria Police,
15:44:29 10 wouldn't it?--Well it'd be a risk to her.
11
15:44:32 12 Look, I understand that you had a concern for her welfare,
15:44:36 13 and everyone did, and you thought she was brave and she
15:44:40 14 could be killed?--No, no, they were my instructions.
15
15:44:43 16 Leaving that aside. I'm not talking - - - ?--I can
15:44:47 17 understand the public interest immunity issues that he's
15:44:50 18 putting.
19
15:44:52 20 Mr Ashton makes the notation on it, "I have encouraged AC
15:44:56 21 Intel Covert to conduct a review of HSM of Witness F", see
15:45:05 22 that?--I see, yeah.
23
15:45:08 24 The AC of Intel and Covert was Jeff Pope, wasn't it?--Yes.
25
15:45:15 26 It would appear that as a result of your conversation with
15:45:20 27 Ashton and Mr Cartwright, Mr Ashton gives an encouragement
15:45:28 28 to Pope to conduct what turns out to be the Comrie report.
15:45:33 29 That's the genesis of it, isn't it?--Well I think the use
15:45:36 30 of his language is a little inaccurate. It's to engage
15:45:40 31 Mr Comrie and Mr Gleeson to conduct the review.
32
15:45:45 33 But he says, "I've asked Pope to" - - - ?--Yes, I accept
15:45:50 34 that .
35
15:45:50 36 - - - "to do it". And Pope, as we've seen, had an
15:45:52 37 involvement with Gleeson thereafter in the development of
15:45:58 38 the report?--Yes.
39
15:46:06 40 About the same time you've got the allegations being made
15:46:10 41 by Ms Gobbo in relation to Mr Pope's involvement with her,
15:46:16 42 that was at the end of October?--Yes.
43
15:46:19 44 But as Mr Nathwani's already pointed out to you,
15:46:23 45 Mr Cartwright didn't prohibit Mr Pope from being involved
15:46:29 46 in that, the Comrie review, for example?--Yes.
47

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15:46:44 1 You were taken by Mr Winneke to the Terms of Reference for
15:46:48 2 the Comrie review and you recall that he put to you that
15:46:53 3 they were finalised on 7 February, signed off apparently by
15:46:58 4 Neil Paterson?---Yes.
5
15:47:00 6 Because Ashton was away or Pope was away?---Pope was away
15:47:03 7 on five weeks' leave, yeah.
8
15:47:06 9 In fact what occurred - Gleeson had been working with you
15:47:13 10 in relation to the civil action back in - - - ?---No, he
15:47:18 11 hadn't.
12
15:47:19 13 Had he had any involvement in 2000 and - - - ?---No, no
15:47:23 14 involvement.
15
15:47:23 16 When did he first become involved in this matter?---I think
15:47:26 17 I contacted him after that meeting that I'd had, yep.
18
15:47:29 19 So your position is that he hadn't had any involvement with
15:47:32 20 Witness F, as far as you're concerned, prior to being given
15:47:35 21 the Comrie review to disseminate?---That's correct.
22
15:47:40 23 In any event, the Terms of Reference of - can I put this
15:47:44 24 proposition: he was left to construct his own Terms of
15:47:47 25 Reference in relation to the inquiry he was going to
15:47:50 26 conduct?---He largely constructed the Terms of Reference,
15:47:52 27 yes.
28
15:47:53 29 There was correspondence between you and other police
15:47:57 30 officers in relation to how these Terms of Reference should
15:48:01 31 be addressed?---I was mostly copied into correspondence,
15:48:05 32 yes.
33
15:48:07 34 Can we bring up VPL.6027.0015.7986. It's an email chain.
15:48:26 35 We'll start with the bottom of this. It's from Jeff Pope
15:48:31 36 on 21 November, which you will note is around about the
15:48:35 37 time of that notation I took you to before with
15:48:40 38 Mr Ashton?---Yes.
39
15:48:42 40 To you. With a copy to Tim Cartwright, "Draft proposal for
15:48:46 41 Comrie". "Finn, since Ken is meeting with Neil Comrie
15:48:52 42 tomorrow I undertook to have a solid draft of the proposal
15:48:55 43 in front of Ken by the end of today for him to read for
15:48:59 44 tomorrow and give Neil a heads-up. Grateful for your
15:49:02 45 comments on the attached. Deliberately short and focused.
15:49:06 46 Regards JP"?---Yes.
47

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15:49:09 1 Pope's done something as a draft in relation to the Terms
15:49:12 2 of Reference for the inquiry?---Yes, I can't recall that
15:49:16 3 but I accept it.
4
15:49:17 5 Unfortunately the document's not on the email
15:49:20 6 chain?---Okay.
7
15:49:21 8 But there was an attachment apparently from reading that
15:49:23 9 email. Would you have a copy of the draft on your
15:49:26 10 files?---No.
11
15:49:27 12 All right.
13
15:49:28 14 COMMISSIONER: So the Ken is Ken Jones, is it?---No,
15:49:32 15 that - - -
16
15:49:33 17 MR CHETTLE: Ken Lay?---Ken Lay.
18
15:49:35 19 He is the Chief Commissioner at that stage, isn't
15:49:39 20 he?---Yes.
21
15:49:39 22 COMMISSIONER: Right.
23
15:49:40 24 MR CHETTLE: Then, having got that, you then say, "Jeff,
15:49:43 25 happy with the document. However it may be worth reviewing
15:49:47 26 three ? ? ? files as the subject matter of this case was
15:49:53 27 unusual". See that?---I can't actually see that word.
15:49:58 28 "Confidential" is over the top of it.
29
15:50:00 30 I'll read it. "Happy with the document. However it may be
15:50:03 31 worth reviewing three ???"?---It probably says three, yep.
32
15:50:07 33 It does on the copy I've got?---Yep.
34
15:50:09 34
15:50:10 35 "Files as the subject matter of this case was unusual". So
15:50:15 36 what you're suggesting is for this inquiry - - - ?---To
15:50:19 37 broaden it, yes.
38
15:50:21 39 Let's put a few other sources in there to try and give it
15:50:24 40 perception or perspective?---Yes.
41
15:50:26 42 All right. Then you, having got that, Mr Cartwright writes
15:50:32 43 to you and Jeff Pope, "Jeff, I agree with Finn. It's too
15:50:36 44 specific to 3838 at the moment. I suggest we amend the
15:50:41 45 doco to indicate that the situation with 3838 raised
15:50:45 46 specific issues. We ask him to review that case and the
15:50:49 47 case of two others to be provided by us to address the

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15:50:52 1 questions that are put later in the document, specifically
15:50:57 2 around the legal advice for 3838, but more generally around
15:51:01 3 policy formation, culture and training"?---Yes.
4
15:51:06 5 This is all in the lead up to the Terms of Reference being
15:51:10 6 finalised?---Yes.
7
15:51:12 8 I'll tender that email?---Having discussions.
9
15:51:14 10 That email chain.
15:51:16 11
15:51:18 12 #EXHIBIT RC1142A - (Confidential) Email chain
15:48:08 13 VPL.6027.0015.7986.
15:51:22 14
15:51:22 15 #EXHIBIT RC1142B - (Redacted version.)
16
15:51:34 17 Could you put up VPL.6027.0026.0628 please. This document
15:51:56 18 is headed "Draft proposal" and it's giving context,
15:52:02 19 "Review, outcome, assistance" are the headings, do you see
15:52:05 20 that?---Yes.
21
15:52:07 22 It seems to me, and I just suggest to you, that this is
15:52:10 23 likely to be the document that was drafted by Mr Pope?---I
15:52:13 24 can't recall.
25
15:52:14 26 Well, let's look at what it says. "Human source 3838 was a
15:52:18 27 human source registered with and managed by VicPol. The
15:52:22 28 source was primarily managed by the Source Development Unit
15:52:24 29 for a number of years before becoming a witness for the
15:52:27 30 Petra Task Force. In September and October Gerard Maguire
15:52:33 31 was engaged by VicPol to provide advice on a public
15:52:37 32 interest immunity matter relating to 3838 being called as a
15:52:40 33 potential witness. The legal advice raised concerns as to
15:52:43 34 how 3838 was tasked by the SDU. Having regard to the
15:52:46 35 advice provided by Mr Maguire, which will be provided in
15:52:49 36 due course, VicPol seek a review of the following: all
15:52:53 37 aspects of the recruitment and tasking of 3838 and a sample
15:52:57 38 of other human sources; the appropriateness and
15:53:00 39 effectiveness of the control measures around the tasking of
15:53:03 40 3838 and a sample of other human sources"?---Yes.
41
15:53:06 42 Just to pause there. There's no reference to any inquiry
15:53:10 43 or report in relation to her transition from a source to a
15:53:14 44 witness in this case, do you follow?---I see, yes.
45
15:53:17 46 That comes in later on, I think you were taken to
15:53:20 47 it?---Yes.

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1
15:53:20 2 All right. "The review of additional sample of human
15:53:26 3 source files will be provided for analysis and observations
15:53:27 4 of standardised approach, objectivity, effectiveness of
15:53:29 5 handlers and managers and other issues such as management
15:53:33 6 intervention that may varying from case to case". And
15:53:37 7 "Outcome", they seek a report that "will inform policy, any
15:53:43 8 changes in culture with the operating procedures and legal
15:53:44 9 advice for VicPol relating to 3838 use as a source"?---Yes.
15:53:48 10
15:53:50 11 "Or a potential witness". So there's a reference to her
15:53:53 12 being used as a witness, all right?---Yes.
15:53:55 13
15:53:57 14 They'll provide full answers to the file plus the other
15:54:01 15 sample files and a particular officer at HSMU will be made
15:54:04 16 available to assist?---Yes.
17
15:54:06 18 And space will be made available. And work is supposed to
15:54:10 19 be done between February and March of 2012?---Yes.
20
15:54:13 21 Does that accord with your understanding of the way in
15:54:16 22 which this started out?---I'm not surprised by it.
23
15:54:21 24 It's in the documents that were provided to my clients by
15:54:26 25 the Commission from Mr Pope's document?---I see.
26
15:54:33 27 You follow?---Yes.
28
15:54:34 29 We got a bundle of documents that Mr Pope referred
15:54:37 30 to?---That makes sense, yes.
31
15:54:38 32 That's why I put to you that this would be probably his
15:54:41 33 draft?---Yes.
34
15:54:42 35 I'll tender that document, Commissioner.
36
15:54:44 37 COMMISSIONER: Is there a date on it?
15:54:45 38
15:54:46 39 MR CHETTLE: Undated, Commissioner.
40
15:54:47 41 COMMISSIONER: Undated, all right.
15:54:48 42
15:54:49 43 MR CHETTLE: It's clearly before February 12.
15:54:53 44
15:54:53 45 MR HOLT: I think it was tendered yesterday, Commissioner.
15:54:56 46
15:54:56 47 MR CHETTLE: Was it?

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1
15:54:58 2 COMMISSIONER: 1102 was tendered yesterday but it does have
15:55:03 3 a different VicPol number.
15:55:08 4
15:55:09 5 MR HOLT: I think it's an identical document that's come
15:55:11 6 from two different email sources.
7
15:55:15 8 COMMISSIONER: 1142 tendered yesterday - 1102?
15:55:21 9
15:55:21 10 MR CHETTLE: 1102. If it was tendered, Commissioner, I
15:55:25 11 won't duplicate it.
12
15:55:27 13 COMMISSIONER: It was a draft proposal for Comrie and we
15:55:29 14 had around November 2011. It's probably the same document.
15:55:34 15
15:55:34 16 MR CHETTLE: Thank you, Commissioner, I'm happy with that.
17
15:55:37 18 COMMISSIONER: All right.
15:55:39 19
15:55:40 20 MR CHETTLE: You've read the Comrie report, haven't
15:55:42 21 you?---Yes.
22
15:55:44 23 Carefully?---At the time I did, yes.
24
15:55:49 25 It makes a number of allegations about the conduct of the
15:55:53 26 handlers of the SDU?---Yes.
27
15:55:57 28 I'm going to take you to some of them in detail but let me
15:56:01 29 do some just across the board issues. In general Mr Comrie
15:56:06 30 - Mr Gleeson wrote it, didn't he?---Yes.
31
15:56:09 32 Mr Gleeson makes the point that risk assessment and
15:56:16 33 reporting by the SDU was deliberately done to sabotage, to
15:56:22 34 stop management derailing the registration.
15:56:32 35
36 MR HOLT: Sorry, Commissioner, this has happened a few
37 times with the Comrie review in which other paraphrasing is
38 done which is inaccurate.
39
40 WITNESS: I can't remember it.
41
42 MR HOLT: I ask that the words just be put if my friend is
43 going to put parts out of the review.
44
15:56:39 45 COMMISSIONER: All right then.
15:56:39 46
15:56:41 47 MR CHETTLE: Can the witness be given a copy of

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15:56:44 1 exhibit - - -
2
15:56:45 3 COMMISSIONER: Does anyone know the exhibit number?
15:56:47 4
15:56:48 5 MR CHETTLE: I do, Commissioner, I have it here. This time
15:56:51 6 I might have written it down properly. 510A. Can we go to
15:57:04 7 p.27 of 61. Perhaps go back to 26 first, just on the way
15:57:16 8 through. See the bottom paragraph, "I consider that the
15:57:21 9 risk assessment processes utilised for 3838 were grossly
15:57:28 10 inadequate", see that?---Yes.
11
15:57:32 12 Over the page, to the top of the next page. Perhaps the
15:57:37 13 bottom. "Consequence of more considered action due to an
15:57:40 14 underlying awareness that the documentation of such
15:57:45 15 matters, as inherent risks would, in all probability,
15:57:54 16 derail the sanctioning of usage of 3838 as a police
15:57:59 17 informer" see where I - - - ?---No, I can't see it. Where
18 are we?
19
15:57:59 20 Top sentence of that page.
15:57:59 21
15:58:00 22 MR HOLT: Commissioner, my friend had read half of a
15:58:01 23 sentence. It flows from the page before, Commissioner, and
24 puts it into context. My friend has done this about five
15:58:03 25 times in this Commission. The whole paragraph should be
15:58:05 26 read.
15:58:06 27
15:58:06 28 MR CHETTLE: I dispute that. But let's go through the lot
15:58:08 29 of it. "I consider the risk assessment processes utilised
15:58:16 30 for 3838 were grossly inadequate. Readily identifiable
15:58:23 31 significant risks were simply not documented and
15:58:25 32 accordingly no controls were developed or put in place. It
15:58:32 33 is open to conjecture whether such actions were a
15:58:35 34 consequence of naïveté at the time of initial engagement or
15:58:39 35 were the consequence of a more considered action due to an
15:58:42 36 underlying awareness that the documentation of such matters
15:58:46 37 of inherent risk would, in all probability, derail the
15:58:49 38 sanctioning of usage of 3838 as a police informer".
15:58:53 39 Right?---Yes.
40
15:58:54 41 Mr Kellam in his report picks up on exactly the same theme,
15:59:00 42 and I'll get that from Mr Holt in a moment. But what's
15:59:02 43 being put here is that the risk analysis was so poor you
15:59:06 44 could come to the conclusion it was done deliberately to
15:59:10 45 make sure that she was registered and not kicked off by
15:59:12 46 Command, you follow?---Yes.
47

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15:59:14 1 Can I suggest to you that the purpose of this review was to
15:59:19 2 effectively put a barrier between the management of, or
15:59:25 3 Command of Victoria Police and the handlers so that the
15:59:28 4 Command can say, "Listen, it's all their fault. We've
15:59:33 5 looked at it and we didn't know about it"?--No.
6
15:59:37 7 Do you follow what I'm putting?---Yes, I follow it but I
15:59:40 8 don't agree with it.
9
15:59:41 10 Mr Ashton gave evidence in relation to this and said that
15:59:44 11 he would have expected natural justice to apply and that
15:59:49 12 the people involved would have been spoken to?--Well this
15:59:52 13 was a paper based review to get to the bottom of a problem.
14
15:59:56 15 How? Can you explain how a review based on 2012 policy in
16:00:04 16 relation to 2005 activity is going to be of any use to
16:00:08 17 anybody?--Well it was of enormous use to us in
16:00:12 18 understanding the issues that we had.
19
16:00:14 20 But it would purport to be a nondisciplinary review, is
16:00:18 21 what you say in your statement?---Correct.
22
16:00:19 23 You say that it was to be done on effectively a paper table
16:00:24 24 top examination?---With some interviewing of people.
25
16:00:30 26 They spoke to Tony Biggin, do you know that?---Yes.
27
16:00:33 28 Did you read what Mr Biggin had to say?---No.
29
16:00:38 30 What Mr Biggin said in relation to the way SDU handled 3838
16:00:45 31 was in direct contradiction, really, of what was in the
16:00:50 32 Comrie report. You're not aware of that?---I didn't look
16:00:56 33 at it that closely, Mr Biggin's evidence.
34
16:01:00 35 He set out that he thought they managed her well in all the
16:01:04 36 circumstances, that risks were appropriately taken and he
16:01:06 37 knew about what was going on?---All I can say is Mr Gleeson
16:01:09 38 and Mr Comrie formed a different view, with the materials
16:01:12 39 that they had.
40
16:01:14 41 Mr Gleeson was critical of the risk assessments which we've
16:01:20 42 had evidence from everyone else who's looked at them that
16:01:23 43 they were high quality and for the time that they were done
16:01:26 44 they were the most comprehensive risk assessments done to
16:01:30 45 that time by Victoria Police, were you aware of that?---No,
16:01:38 46 I'm not aware of that.
47

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16:01:40 1 All right. Mr Kellam in relation to the very topic I've
16:01:51 2 just taken you to - sorry, Commissioner, I can't read the
16:02:14 3 relevant entry. All right. Let's see what happens.
16:02:19 4 Mr Gleeson takes some time to get his Terms of Reference
16:02:24 5 done and, as you saw, on 7 February there were a set of
16:02:28 6 Terms of Reference signed off by Neil Paterson?---Yes.
7
16:02:33 8 What you also saw yesterday when Mr Winneke asked you
16:02:36 9 questions is that those Terms of Reference changed by the
16:02:39 10 time the report was written and received in early August of
16:02:45 11 2012?---Yes.
12
16:02:46 13 You have no idea how they changed?---I can't remember.
14
16:02:50 15 Well, let's take it one step further. You know now that
16:02:55 16 Mr Gleeson was trying to get documents that related to the
16:03:00 17 Petra committee and how the decision was made to turn her
16:03:04 18 into a witness?---He was trying to get it?
19
16:03:08 20 You're aware that he was trying to get documents and he was
16:03:11 21 making requests?---He was looking for the Petra steering
16:03:14 22 committee minutes.
23
16:03:15 24 Yes?---Yes.
25
16:03:16 26 He wanted to know whether he could approach Ashton or
16:03:19 27 Cartwright in relation to that issue, you were shown an
16:03:21 28 email or a document about that the other day?---Yes.
29
16:03:25 30 And as is apparent, he was told that he is not to go near
16:03:29 31 Ashton or Cartwright, wasn't he?---From memory, yes, yes.
32
16:03:33 33 And why was that?---I don't know.
34
16:03:36 35 Well, he finally got hold of two files of documents which
16:03:43 36 were given to him by Mr Pope on 15 June of 2012. Do you
16:03:54 37 remember being taken through those entries yesterday?---I
16:03:59 38 couldn't remember it was that date, m'mm.
39
16:04:01 40 Take the date from me?---Yes.
41
16:04:02 42 He gets the documents, he takes them home, he observes that
16:04:06 43 in relation to their provenance, that they were found
16:04:09 44 originally in the office of the Assistant Commissioner,
16:04:11 45 Mr Overland.
16:04:14 46
16:04:14 47 MR HOLT: This is inaccurate.

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16:04:15 1
16:04:17 2 MR CHETTLE: Sorry?
16:04:18 3
16:04:18 4 MR HOLT: This is inaccurate.
16:04:19 5
16:04:20 6 MR CHETTLE: All right. Can I have 0100.0001.0389.
7
16:04:52 8 COMMISSIONER: Is this an exhibit? Is it an exhibit,
16:04:56 9 Mr Chettle?
16:04:57 10
16:04:58 11 MR CHETTLE: No, not yet, Commissioner, I don't believe.
16:05:02 12 It's the number I gave to Mr Skim.
13
16:05:04 14 COMMISSIONER: That's fine.
16:05:16 15
16:05:19 16 MR CHETTLE: Firstly, this is from Mr Gleeson's notes,
16:05:24 17 "Summary of Petra files received on 15 June 12. Files hand
16:05:30 18 delivered to Steve Gleeson in the foyer of 121 Exhibition
16:05:34 19 Street at 14:17 hours. Two folders, each contained in
16:05:39 20 sealed white bag, tamper evidence bag". Then there's a
16:05:43 21 description of what they are. Come down the page. "It
16:05:48 22 includes in the first folder a document known as a SWOT
16:05:55 23 analysis. Have you seen that?---Yes.
24
16:05:57 25 When was that document drawn to your attention?---I think
16:06:02 26 around that time.
27
16:06:04 28 In mid-2012?---Yes.
29
30 All right. Keep going down please. There we are. This is
16:06:20 31 the inaccurate bit Mr Holt says. "The covering memo sits
16:06:20 32 inside a plastic jacket on the front of the folder. It's
16:06:25 33 dated 15 June from AC Doug Fryer to AC Jeff Pope indicating
16:06:28 34 that these files had been recently located at the office of
16:06:31 35 AC Crime and the files may best sit with legal services".
16:06:35 36 Do you see that?---Yes.
37
16:06:37 38 "Sitting on top of this were bound" and he goes through
16:06:38 39 some documents. Keep going. If you go up, please. Down,
16:06:49 40 sorry. "The actual name of 3838 is mentioned throughout
16:06:55 41 these files and the pseudonym Witness F is also used. To
16:06:58 42 maintain consistency with work done I'll keep" - Gleeson
16:07:03 43 says he'll keep using 3838. And keep going. And then he
16:07:10 44 lists all the documents that were there. Keep going. He
16:07:18 45 lists the ones that are missing, that there's some with
16:07:22 46 missing pages, for example, 119 is empty but there's a
16:07:27 47 Post-it Note on it saying "Luke has a copy", do you see

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16:07:30 1 that?---Yes.

16:07:31 2

16:07:31 3 Then he makes some comments about that, about Andrew Hodson

16:07:35 4 and whether or not that was at the time they were trying to

16:07:37 5 lean on him. Keep going up. So he comprehensively goes

16:07:43 6 through the files identifying what he understood to be the

16:07:47 7 provenance of the document and what he looked at?---Yes.

16:07:51 8

16:07:52 9 It became apparent to him that there was a briefing note of

16:07:58 10 the SWOT analysis that I took you to?---Yes.

16:08:01 11

16:08:01 12 That is a comprehensive outline of the risks associated

16:08:04 13 with turning her into a witness, isn't it?---Yes.

16:08:07 14

16:08:10 15 Is it the sort of document you would have expected the

16:08:12 16 Chief Commissioner, if the Chief Commissioner knew about it

16:08:15 17 or Command knew about it, to show you?---Possibly.

16:08:19 18

16:08:25 19 Commander Moloney received that document?---I don't know.

16:08:28 20

16:08:28 21 He says he received that document?---Okay.

16:08:29 22

16:08:30 23 He says that he put it in a cover sheet for the attention

16:08:32 24 of the Petra steering committee and delivered it to Simon

16:08:35 25 Overland, do you follow?---Yes.

16:08:38 26

16:08:38 27 All right. That document raises serious concerns about the

16:08:44 28 knowledge and conduct of command in turning her into a

16:08:48 29 witness, doesn't it?---Well, yes.

16:08:53 30

16:08:53 31 Yes. And thereafter, at some time, Steve Gleeson changes

16:09:00 32 the Terms of Reference to include a specific term to look

16:09:04 33 at the transition period?---I see, okay.

16:09:08 34

16:09:08 35 Do you follow what happens?---Okay, yep.

16:09:11 36

16:09:11 37 And he reports, and I'll get it out, that the SDU tried to

16:09:25 38 derail the involvement of Petra with Ms Gobbo and provided

16:09:29 39 no assistance or improper assistance in the transition, do

16:09:32 40 you remember that?---No, I don't recall that.

16:09:34 41

16:09:35 42 All right. Let me take you to it?---I'll - if that's what

16:09:39 43 it says accurately I'll accept it, but I can't remember

16:09:46 44 that.

16:09:47 45

16:09:52 46 Page 28 of the Comrie Report, please?---I knew they were

16:10:01 47 resistant to the transition, they didn't think it was wise.

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16:10:04 1
16:10:04 2 In fact quite the opposite. Initially they said it was a
16:10:08 3 very poor idea to turn her into a witness?---Yes, I imagine
16:10:12 4 they would.
16:10:12 5
16:10:12 6 They had a meeting with Mr Overland down in [REDACTED] on
16:10:17 7 4 and 5 December. Sorry, can you take the [REDACTED] out
16:10:23 8 of the live stream, Commissioner, and substitute leafy
16:10:27 9 suburb.
16:10:27 10
16:10:28 11 COMMISSIONER: Yes, that's right, do that.
16:10:30 12
16:10:30 13 MR CHETTLE: Sorry?---What are we looking at, Mr Chettle?
16:10:34 14
16:10:34 15 I'll get to you in a minute. Mr Gleeson made inquiries
16:10:37 16 with Mr Biggin about the diary entries of the SDU in
16:10:40 17 relation to the 4th and 5th because he was concerned to
16:10:44 18 ascertain whether or not Mr Overland knew anything about
16:10:46 19 this?---Okay.
16:10:47 20
16:10:47 21 Right. Mr Biggin sends him copies of Mr Black and
16:10:53 22 Mr White's diary entries, all right. I don't need to
16:10:56 23 trouble you with them, but that's what happens?---Okay.
16:10:59 24
16:10:59 25 It goes into his working papers. And then he says this -
16:11:18 26 sorry, I have to find it properly. I apologise, Mr McRae.
16:11:26 27 When I write things down I'm dyslexic and write the wrong
16:11:31 28 number. Page 59. All right. Can you go to p.58 of that
16:11:59 29 document, please. For a start off, in relation to
16:12:09 30 Mr Overland's position and the making him a witness,
16:12:15 31 Mr Gleeson refers to a notation made by one of the handlers
16:12:18 32 in the records of the SDU. "DC Overland wants 3838 as a
16:12:23 33 witness and conveyed this message to Mr Sandy White last
16:12:28 34 night and Overland says he is aware of the consequences.
16:12:31 35 With respect this handler does not believe this". Do you
16:12:35 36 see that?---Yes.
16:12:36 37
16:12:37 38 So the handler's made a notation in the SDU records that he
16:12:41 39 doesn't think Overland appreciates the significance of
16:12:44 40 making her a witness?---Yep.
16:12:46 41
16:12:46 42 And then that document was prepared after that to hand up
16:12:51 43 to him?---I see.
16:12:52 44
16:12:52 45 "This particular handler's belief does not appear to have
16:12:54 46 stimulated SDU's timely production of a comprehensive
16:12:59 47 transition focus risk assessment document to ensure that DC

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16:13:03 1 Overland, given his perceived unawareness, would be clearly
16:13:07 2 and unambiguously apprised of all risks and consequences
16:13:12 3 seeming apparent to SDU", right?---Yes.
16:13:14 4
16:13:14 5 That is another example of, "Let's just say it's all the
16:13:18 6 SDU's fault because they didn't properly inform Overland of
16:13:22 7 the risks", do you see that? I mean that's what it says,
16:13:25 8 doesn't it?---Well, it's - I don't know.
16:13:31 9
16:13:31 10 It says that there was a failure to ensure that Overland,
16:13:36 11 given his perceived unawareness of risks, would be clearly
16:13:39 12 and unambiguously apprised?---Yes, it wasn't comprehensive
16:13:44 13 enough in Mr Gleeson's view.
16:13:46 14
16:13:46 15 In view of the SWOT analysis it's just nonsense, isn't
16:13:49 16 it?---Is he talking about the SWOT analysis?
16:13:51 17
16:13:52 18 No, he's saying that Overland wasn't properly informed of
16:13:55 19 the risks of making her a witness. He's blaming the SDU,
16:13:59 20 do you follow?---Yes.
16:14:00 21
16:14:00 22 And it's clearly nonsense, isn't it? You know he was
16:14:04 23 clearly and unambiguously informed of the risks by the risk
16:14:10 24 assessment. Sorry, the SWOT analysis?---I accept that the
16:14:13 25 SWOT analysis is a good document, yes.
16:14:14 26
16:14:15 27 And it's a clear and unambiguous appraisal of risks and
16:14:19 28 consequences?---Well it raises serious risks, yes.
16:14:23 29
16:14:24 30 Now, he then refers to it, having said just that, he then
16:14:29 31 refers to the very document I've just told you about.
16:14:35 32 "These concerns are articulated in a briefing note said to
16:14:37 33 be a SWOT analysis. Superintendent Biggin has provided a
16:14:41 34 covering report for this briefing note which included an
16:14:44 35 offer to Petra to elaborate on the matters detailed should
16:14:48 36 this be required. I am advised that Superintendent Biggin
16:14:50 37 was not called to this forum and that he later informed
16:14:53 38 that it had been decided 3838 was to become a witness for
16:14:57 39 Petra." That's a bit - do you accept that the document
16:15:07 40 made its way to Commander Moloney from the SDU - - -
16:15:11 41
16:15:11 42 MR HOLT: Sorry Commissioner, I'm going to object,
16:15:14 43 particularly given the time we have left, this is not a
16:15:16 44 document Mr McRae drafted, it was drafted by Mr Gleeson and
16:15:20 45 signed off by a former Chief Commissioner. And of course
16:15:23 46 he can be cross-examined on documents that aren't his,
16:15:25 47 that's been happening the whole way through. But the tenor

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16:15:29 1 of this cross-examination is asking Mr McRae to criticise a
16:15:33 2 document effectively on the basis of just what Mr Chettle
16:15:36 3 asserts the other evidence is. We're really not getting
16:15:37 4 anywhere, with respect - - -
16:15:37 5
16:15:37 6 COMMISSIONER: Mr Chettle, maybe these are more matters for
16:15:39 7 address. The documents speak for themselves.
16:15:42 8
16:15:42 9 MR CHETTLE: But this is the man who helps set it up. I
16:15:44 10 put it quite bluntly, he, Mr McRae, this exercise was an
16:15:48 11 exercise to distance Command from the activities of the
16:15:51 12 SDU.
16:15:51 13
16:15:51 14 MR HOLT: It's been put and it's been denied and now my
16:15:54 15 friend is - - -
16:15:54 16
16:15:54 17 MR CHETTLE: I'm about to demonstrate that it was. Now
16:15:56 18 Mr Holt may not like it.
16:15:58 19
16:15:58 20 COMMISSIONER: I'll allow you to continue then but keep it
16:16:02 21 in mind that the document can speak for itself.
16:16:05 22
16:16:05 23 MR CHETTLE: Yes. Can you go over the page, please.
16:16:15 24 Having set out the de-registration process of the SDU,
16:16:21 25 Ms Gobbo was a source, "From that point onwards Petra
16:16:27 26 investigators experienced significant difficulties in their
16:16:30 27 interaction with the complex and demanding 3838. As at
16:16:34 28 January 2009 SDU had been dealing with 3838 as a human
16:16:39 29 source for more than four years. I envisage that due to
16:16:44 30 this long-term relationship there would have been
16:16:46 31 significant institutional learning at SDU concerning how
16:16:49 32 best to manage 3838. It would appear that there was no
16:16:54 33 formal plan for transition of these learnings to the
16:16:57 34 investigators from Petra when they took up dealings with
16:17:00 35 3838. This served to further empower 3838 who was now even
16:17:07 36 more savvy and battle hardened in making demands on
16:17:11 37 VicPol", do you see that?---Yes.
16:17:12 38
16:17:12 39 That suggests clearly that SDU failed to properly brief and
16:17:17 40 liaise with Petra in relation to the transition, doesn't
16:17:21 41 it?---Yes.
16:17:21 42
16:17:23 43 You knew, when you read this, that that was simply untrue,
16:17:27 44 surely? You knew from 2009 onwards she'd been looked after
16:17:34 45 by specially trained handlers by the SDU, who had been SDU
16:17:39 46 trained in source management?---I knew the SDU handlers, I
16:17:42 47 found that the SDU handlers were involved with Petra, yes.

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16:17:46 1
16:17:47 2 They weren't actually SDU. They were men who had been
16:17:50 3 trained by the SDU?---I see.
16:17:52 4
16:17:53 5 To PII [REDACTED] - - -?---I was confused with that.
16:17:56 6
16:17:56 7 - - - to look after her.
16:17:58 8
16:17:59 9 MR HOLT: Can the PII [REDACTED] be taken out, Commissioner. As you
16:18:01 10 know that is the basis of a claim.
16:18:03 11
16:18:05 12 MR CHETTLE: Sorry, take the number out. I apologise.
16:18:06 13 They were highly trained source handlers who were - - -
16:18:07 14
16:18:08 15 COMMISSIONER: Yes, take the number out at line 38, thank
16:18:12 16 you.
16:18:12 17
16:18:13 18 MR CHETTLE: - - - who were attached to Petra, do you
16:18:17 19 follow?---Yes.
20
16:18:13 21 Their job was to look after her, and you knew about
16:18:17 22 them?---I knew of it.
16:18:19 23
16:18:21 24 In a perusal of the documents, and the evidence has been
16:18:23 25 given by a number of witnesses, show that there were
16:18:26 26 extensive briefings and meetings between SDU and SDU to do
16:18:32 27 just what's written down here?---Yeah, I don't know.
16:18:34 28
16:18:34 29 And finally, that SDU risk assessment, the most recent risk
16:18:39 30 assessment was provided to Petra to enable them to perform
16:18:41 31 their own risk assessment, did you know that?---No.
16:18:44 32
16:18:44 33 And that the SDU worked with the Petra people to prepare a
16:18:49 34 properly done risk assessment. Now, forgive - surely when
16:18:55 35 you read this report that would have been apparent to you
16:18:58 36 that these are serious allegations about management being
16:19:01 37 kept in the dark by the conduct of the SDU. Did that cross
16:19:07 38 your mind?---That wasn't my focus when I read the report.
16:19:10 39 The report wasn't coming to me.
16:19:14 40
16:19:14 41 You knew that there'd been attempts to get Ms Gobbo to go
16:19:18 42 into Witsec?---Yes.
16:19:19 43
16:19:20 44 You knew that she had been fiercely resistant to that
16:19:25 45 proposition?---Not when I met with her, h'mm, but that had
16:19:31 46 subsequently occurred, yes.
16:19:32 47

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16:19:34 1 Do you make - you made inquiries, did you know that Steve
16:19:39 2 Gleeson made inquiries with Witsec as to their involvement
16:19:42 3 with her?---I can't recall.
16:19:43 4
16:19:43 5 All right. The conclusion of this report, if you go to the
16:19:57 6 last page on p.61, the last sentence before the
16:20:04 7 recommendation 27 reads, "The decision-making process would
16:20:09 8 also have been better informed by the inclusion of
16:20:13 9 appropriate risk assessment material and a source to
16:20:16 10 witness transition management plan", do you see
16:20:19 11 that?---Yes.
16:20:20 12
16:20:22 13 Again, the thrust of the finding is there has been a
16:20:25 14 failure to properly manage risk in dealing with Nicola
16:20:30 15 Gobbo?---Yes.
16:20:32 16
16:20:32 17 And this report lays the blame on the SDU. I've taken you
16:20:39 18 to a couple of examples now, the failure to do what they
16:20:42 19 should have done, according to Comrie?---Yes.
16:20:46 20
16:20:46 21 Right. Now, I should perhaps explain to you, Mr McRae, the
16:20:54 22 reason you're getting asked these questions is Mr Gleeson
16:20:57 23 is not going to be a witness?---Yes, I'm not an expert on
16:21:01 24 risk assessments, I think Mr Gleeson was comparing what
16:21:03 25 they were doing with the UK model and other examples.
16:21:09 26
16:21:09 27 Let me suggest to you a couple of things about what
16:21:12 28 Mr Gleeson said about risk assessment. Can we bring up
16:21:18 29 Exhibit 1.5, it's IBAC.0002.0001.0002. It's Mr Gleeson's
16:21:28 30 evidence before IBAC. You said during the course of your
16:22:02 31 answers to Mr Winneke that the work of the SDU was gone
16:22:07 32 through by Mr Gleeson with a fine-tooth comb, do you
16:22:12 33 remember saying words to that effect?---No, I don't think I
16:22:14 34 said that. I think that I said that he read the logs.
16:22:17 35
16:22:18 36 All right. Without fear of - I've forgotten the quote, you
16:22:23 37 said a fearless, full appraisal of what occurred,
16:22:27 38 transparent, do you remember using that term?---Yes.
16:22:30 39
16:22:30 40 Can we go firstly to p.6. Mr Gleeson says that he wrote
16:22:38 41 the Comrie Report and he did so and he consulted with Neil
16:22:42 42 Comrie?---Yes.
16:22:42 43
16:22:44 44 At p.7 he said that he was asked why was it necessary to
16:22:48 45 have Neil Comrie involved. I might ask you the same
16:22:51 46 question, why do you say Neil Comrie was to be involved in
16:22:54 47 this independent review?---Because he is a very experienced

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16:22:58 1 ex Chief Commissioner who could provide an independent
16:23:02 2 view.
16:23:03 3
16:23:03 4 And they were his views you were looking for, were
16:23:08 5 they?---His input in terms of Neil's putting his name to
16:23:13 6 it, so.
16:23:13 7
16:23:13 8 Well Mr Gleeson was asked that very question at p.7 and -
16:23:22 9 can you go perhaps to the last page, top of p.6 to get it
16:23:27 10 into context. "With the preparation of this particular
16:23:29 11 report, you being effectively the author of it, why was it
16:23:34 12 necessary and police protocol to have Comrie sign it rather
16:23:37 13 than you as a Superintendent?" Do you see that's the
16:23:40 14 question?---Yes.
16:23:40 15
16:23:40 16 Then the answer, "Mr Comrie has great standing and I
16:23:46 17 suppose a perception of independence from Victoria Police",
16:23:48 18 do you see that?---Yes, that was important.
16:23:50 19
16:23:51 20 Do you agree with that?---Yes, very important.
16:23:53 21
16:23:53 22 Steve Gleeson is not independent of Victoria Police, is
16:23:58 23 he?---No.
16:23:58 24
16:23:58 25 Steve Gleeson is an integral part, he was working for
16:24:00 26 Victoria Police at the time?---Yes.
16:24:01 27
16:24:01 28 The reality is he wrote it and Comrie's name was put on it
16:24:04 29 to give the perception of independence?---Yes.
16:24:08 30
16:24:08 31 Is that right? Right?---Well for the actual independent
16:24:13 32 input of Mr Comrie.
16:24:15 33
16:24:15 34 If I can take you to p.11?---There was no hiding the fact
16:24:19 35 from anyone that Mr Gleeson was a Victoria Police
16:24:22 36 Superintendent working on it. He was making the inquiries.
16:24:24 37
16:24:24 38 He did all the work, he wrote it, as he said himself?---Not
16:24:30 39 all the work, he did the bulk of it, yes.
16:24:32 40
16:24:32 41 Mr Comrie billed for five days, he read it and signed off
16:24:36 42 on it, didn't he?---Yes, I understand he did.
16:24:39 43
16:24:39 44 That's the bill?---Yes, from his billing.
16:24:41 45
16:24:42 46 Can we go to p.11, please. Now, before I ask you any more
16:24:49 47 questions, you were aware, I take it, that Mr Gleeson was

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16:24:52 1 briefing IBAC long before, before the IBAC inquiry, the
16:24:56 2 Kellam report started?---OPI.
16:25:01 3
16:25:01 4 IBAC. He was having meetings with them and providing them
16:25:05 5 with briefings in relation to his findings?---Are you
16:25:09 6 talking about the Kellam report?
16:25:11 7
16:25:11 8 Yes, I am?---Sorry, I was confused. No, I don't know.
16:25:15 9
16:25:15 10 I'll take you to some documents where he gets permission to
16:25:18 11 do that and he goes down and has a number of briefings with
16:25:22 12 them?---I see.
16:25:22 13
16:25:22 14 One of the things that this Commission through Mr Winneke
16:25:25 15 has explored is that if the OPI, or as it became
16:25:33 16 IBAC?---Yes.
16:25:34 17
16:25:34 18 Are conducting an inquiry into VicPol, it should be an
16:25:37 19 independent inquiry, it shouldn't - the problem with joint
16:25:41 20 arrangements and joint agreements is that the people who
16:25:43 21 are - there's a conflict issue, isn't there?---Yes, it can
16:25:47 22 be seen to be a conflict, yes.
16:25:48 23
16:25:49 24 That would apply in this case. Justice Kellam's findings
16:25:53 25 were informed, to a large extent, by what Mr Gleeson told
16:25:57 26 him?---It adopts the findings of the Comrie Report largely
16:26:05 27 and recommendations.
16:26:06 28
16:26:06 29 And one of the things it does, apart from everything else,
16:26:09 30 remember the point I made before about the perception that
16:26:12 31 risk was deliberately unreported to avoid derailing?---Yes.
16:26:15 32
16:26:16 33 That very statement appears, I'll ask you to accept it,
16:26:19 34 I'll find it if I have to, that appears in the Kellam
16:26:22 35 report as well?---Okay.
16:26:24 36
16:26:24 37 As far as the risk assessments that the SDU conducted,
16:26:28 38 Mr Gleeson said at p.11, "It appears from the files the
16:26:34 39 report that you prepared there were only two other formal
16:26:39 40 risk assessment documents prepared?" To which Gleeson
16:26:41 41 says, "I think it's pretty generous to refer to them as a
16:26:45 42 formal risk assessment. I think they were pretty much tick
16:26:48 43 and flick exercise, they weren't formal in my view". All
16:26:52 44 right, do you see that?---Yes.
16:26:54 45
16:26:55 46 If you go over the page to p.12, "What would you be looking
16:27:01 47 at as a potential recruiter or user of a human source in

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16:27:07 1 this situation? I suppose that this particular human
16:27:09 2 source was unique, legal practitioner. There was some risk
16:27:13 3 of obtaining intimate information about the legal
16:27:16 4 practitioner's clients. In those particular circumstances
16:27:19 5 I'd first want to know that what I was doing was
16:27:24 6 appropriate, morally, legally and ethically. I'd assess
16:27:28 7 those things. I'd assess the dangers that might be present
16:27:29 8 to the human source, maintaining that relationship and
16:27:32 9 providing the information to VicPol. That's naturally a
16:27:35 10 priority. The danger it might be in placing police members
16:27:39 11 in dealing with that particular person in that
16:27:41 12 relationship, there might be a grave danger as well, from
16:27:44 13 recollection, the risk assessment process itself didn't
16:27:47 14 even recognise that the person was a legal practitioner".
16:27:51 15 Now, that's the sort of view that he was conveying to you,
16:27:57 16 was he, in the reports he was giving you?---Yes, over time,
16:28:02 17 yes.

16:28:03 18
16:28:09 19 He told you in one of the briefings you had with him,
16:28:13 20 perhaps I should put, you had briefings with him from time
16:28:15 21 to time?---We discussed things, yes.

16:28:17 22
16:28:17 23 He told you that the file maintained by the SDU was a
16:28:21 24 jumbled mess?---Yes. I don't know if he used those words,
16:28:26 25 but yes, he found it very difficult to find information.

16:28:29 26
16:28:31 27 Page 15?---I accept that.

16:28:32 28
16:28:33 29 That's what he said to IBAC?---Okay, fair enough, yep.

16:28:37 30
16:28:39 31 You were asked questions about this by Mr Winneke and he
16:28:42 32 said - I probably agree with him about a certain topic.
16:28:46 33 Remember he put to you that the whole of Operation
16:28:49 34 Loricated was to a large extent unnecessary, that all of
16:28:53 35 the records of the SDU were readily available in order,
16:28:57 36 properly kept?---I'm not aware of that.

16:29:00 37
16:29:00 38 No. You talk about principles of natural justice in one of
16:29:05 39 your notes?---Yes.

16:29:06 40
16:29:06 41 That includes you would have expected somebody to talk to
16:29:10 42 the people at the SDU who ran Ms Gobbo, wouldn't
16:29:15 43 you?---Yes, yep.

16:29:16 44
16:29:16 45 As a matter of fairness - why didn't you say to Gleeson,
16:29:20 46 "Go and talk to Sandy White or go and talk to Officer
16:29:24 47 Black"?---I wasn't instructing him on how to run the

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16:29:27 1 review.
16:29:27 2
16:29:28 3 Someone's told him not to go anywhere near Ashton and
16:29:32 4 Cornelius?---I don't know about that.
16:29:33 5
16:29:34 6 You do now?---Yes.
16:29:35 7
16:29:35 8 Someone has told him what he can't do, haven't they? Do
16:29:40 9 you know if anyone told him not to go anywhere near the SDU
16:29:43 10 handlers?---Not that I'm aware of.
16:29:46 11
16:29:46 12 Because had he done so, Mr McRae, he would have been told
16:29:50 13 by, statements before the Commission now, about a readily
16:29:54 14 properly kept computerised set of records that were sitting
16:29:57 15 there up until last year and nobody opened them. That
16:30:02 16 would have saved a heck of a lot of money wasted on
16:30:05 17 Loricated, wouldn't it?---You'd need to check with his
16:30:08 18 records as to what inquiries he made with individuals.
16:30:11 19
16:30:11 20 He looked at stuff that was on Interpose, he described it
16:30:15 21 in the Comrie Report - - -?---No, I'm talking about
16:30:17 22 inquiries with individuals.
16:30:19 23
16:30:19 24 Well he didn't speak to any of my clients?---I don't know
16:30:22 25 about that.
16:30:23 26
16:30:23 27 Let me assure you they've all given evidence to that
16:30:26 28 effect. You would have expected they would have been,
16:30:28 29 wouldn't you?---There must have been some contact with
16:30:31 30 someone to find out where the information was.
16:30:35 31
16:30:35 32 He went to the officer whose name I mentioned before at
16:30:39 33 HSMU, which is a different unit, and obtained what he
16:30:42 34 called the complete Interpose file for the SDU, that's what
16:30:46 35 he describes in the statement?---Well none of this is
16:30:49 36 within my knowledge.
16:30:51 37
16:30:51 38 Well, you had oversight, I take it, of the civil
16:30:58 39 litigation, not the one that settled, the litigation with
16:31:00 40 Ms Gobbo and the Chief Commissioner and the DPP?---That was
16:31:05 41 run from my civil area and I had a new assistant director's
16:31:13 42 role.
16:31:13 43
16:31:13 44 Did you have oversight?---Manage that.
16:31:16 45
16:31:16 46 Did you know what was happening?---Broadly, yes.
16:31:20 47

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16:31:20 1 I'm not trying to hang you on detail here?---Yes.
16:31:23 2
16:31:23 3 The way that proceeded before Justice Ginnane was that
16:31:26 4 there were various affidavits filed by Mr Paterson and
16:31:29 5 others, and Mr Fontana, and there were agreed statements of
16:31:33 6 fact, effectively?---Yes.
16:31:34 7
16:31:35 8 With the exception of evidence that was given by Nicola
16:31:37 9 Gobbo?---Yes.
16:31:38 10
16:31:39 11 Nobody consulted with the SDU or took any instruction from
16:31:43 12 them in relation to the carriage of that litigation, did
16:31:45 13 they?---The SDU didn't exist.
16:31:49 14
16:31:49 15 I know, but the people who were involved, Mr Black was
16:31:52 16 still around. I don't know if you know the name - have you
16:31:57 17 got the pseudonym list? Mr Black, Mr Fox?---Yes.
16:32:08 18
16:32:08 19 And Mr Wolf are all still serving members of the Police
16:32:14 20 Force?---Yes.
16:32:15 21
16:32:17 22 Was there a decision made not to ask them what happened in
16:32:19 23 relation to Ms Gobbo?---No, we had agreed facts.
16:32:23 24
16:32:23 25 Agreed facts. So there you've got her giving evidence
16:32:27 26 about things which you could check with current serving
16:32:30 27 police officers and that didn't happen?---No.
16:32:33 28
16:32:34 29 Okay. So the High Court had to rely on the facts as agreed
16:32:43 30 between yourself and Ms Gobbo and the DPP as set out before
16:32:50 31 Justice Ginnane?---Yes.
16:32:52 32
16:32:56 33 All right. Now, can I put up - I don't know if this has
16:33:09 34 been - excuse me, Commissioner. Commissioner, there's been
16:33:21 35 reference made to the out of scope document that was
16:33:24 36 written by Mr Gleeson to Mr Pope and it's part of I'm told
16:33:30 37 Exhibit 1121, which is the file from, I think you described
16:33:36 38 it as part of the file from Mr Pope's safe when you - could
16:33:43 39 I have - - -
16:33:46 40
16:33:46 41 COMMISSIONER: Yes, that's right.
16:33:48 42
16:33:48 43 MR CHETTLE: Can I have VPL.0100.0105.0005 brought up,
16:33:59 44 please. Someone has numbered, if you go back to the big
16:34:11 45 picture for a moment, you'll see there's a number 4 on the
16:34:15 46 top there?---Yes.
16:34:16 47

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16:34:16 1 If you go to the next one, they go down in 3, 2, 1. Is
16:34:21 2 there a page after that, the other way? Is there a p.5?
16:34:26 3 Yes. Sorry, can we go to the first page in that email
16:34:35 4 chain. There are things in front of it. Can you go to -
16:34:39 5 no, the other way. And six, and the next one. Is that the
16:34:45 6 first - and seven, thank you. Right, thank you. Sorry.
16:34:48 7 The very first document is the file, "Human source 3838
16:34:55 8 case review". Now, that is something that Mr Pope
16:35:00 9 maintained in his safe you would understand?---Yes, it
16:35:04 10 looks like it, yep.
16:35:05 11
16:35:06 12 If we go to the next document?---Yes.
16:35:15 13
16:35:17 14 I haven't seen this before. Pope had left on 26 July and
16:35:23 15 this file was located, I think that's what it means,
16:35:26 16 doesn't it?---Yes, he cleared his safe and it was
16:35:39 17 retrieved.
16:35:39 18
16:35:40 19 Then go to the next page. A draft of a letter to the OPI
16:35:46 20 in relation to a document which is attached, said to be
16:35:52 21 attached?---Yes.
16:35:53 22
16:35:55 23 Now, do you know whether or not Mr Lay sent this document
16:36:01 24 to the OPI at all?---I think he did, yes.
16:36:04 25
16:36:04 26 Okay. Then go to the next page. There's a document from
16:36:13 27 Pope to the Chief Commissioner saying that he got this file
16:36:17 28 from Superintendent Gleeson in 2012. "I attach the report
16:36:23 29 for your information. I would like to confidentially
16:36:26 30 discuss this report and the issue it raises, possible
16:36:30 31 courses of action with you in the coming week or so." So
16:36:32 32 that's in the middle of 2012?---Yes.
16:36:36 33
16:36:38 34 Were you made aware of, about that time, the middle of
16:36:42 35 2012, Mr Pope coming to a determination that the SDU would
16:36:46 36 be terminated?---No, I wasn't involved in that.
16:36:49 37
16:36:49 38 You weren't told it was happening?---No, I don't think so.
16:36:52 39
16:36:52 40 All right. Then there's some writing on the document on
16:36:55 41 the right-hand side. It looks like, "Legal advisor being
16:37:01 42 milked. OPP". Can you read what's underneath
16:37:07 43 that?---"Governance and who knew what."
16:37:11 44
16:37:11 45 "Governance and who knew what"?---Yes.
16:37:13 46
16:37:14 47 Now, they're notes that Mr Pope has made on this document

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16:37:16 1 presumably of a discussion he had with Mr Lay?---I don't
16:37:19 2 know.
16:37:20 3
16:37:20 4 He says he wants to discuss it with him and he's made some
16:37:24 5 notes about, obviously "legal advisor being milked", that
16:37:29 6 could be a reference to Ms Gobbo being milked for
16:37:32 7 information?---I presume so, yes.
16:37:34 8
16:37:34 9 OPP, "What's the Office of Public Prosecutions going to do
16:37:40 10 about this"?---Yes.
16:37:40 11
16:37:41 12 And, "Governance and who knew what"?---Yes.
16:37:43 13
16:37:43 14 That is who knew what was an issue, it was clearly
16:37:48 15 something that would be of interest, wouldn't it?---Yes.
16:37:50 16
16:37:50 17 And then it's I take it Mr Lay's writing on the bottom or
16:37:56 18 his signature where he says he received it on 12 July,
16:37:59 19 "Hand delivered by Pope"?---Yes.
16:38:01 20
16:38:01 21 If we turn the page, please. Now we get this out of scope
16:38:10 22 document. This is the human source 3838 case review,
23 "Notification and recognition of issues significantly
16:38:15 24 outside the Terms of Reference". Do you see that?---Yes.
16:38:17 25
16:38:18 26 He outlines the background as to why he has been involved,
16:38:23 27 what he has been asked to do. And he says, "I've outlined
16:38:28 28 a number of matters but it needs a full inquiry or I
16:38:32 29 haven't got the capacity to investigate these matters", all
16:38:36 30 right?---Yes.
16:38:36 31
16:38:37 32 "Because they're well beyond the scope of this system,
16:38:40 33 process, system and focus review"?---Yes.
16:38:42 34
16:38:42 35 He shared this document with you, didn't he?---We discussed
16:38:46 36 these issues, yes.
16:38:47 37
16:38:49 38 He then sets out, "On 15 June 2012 I was provided with two
16:38:56 39 folders of material relating to the Petra Task Force
16:38:59 40 steering group". That's what I took you to before in his
16:39:02 41 notes. "This group consisted of the then Overland,
16:39:07 42 Moloney, Cornelius and Ashton from the OPI." Petra
16:39:20 43 steering group records reflect that on 5 January 09 Moloney
16:39:25 44 delivered the Deputy Commissioner Overland a file that
16:39:29 45 originated from the Covert Services Division. Do you see
16:39:31 46 that?---Yes.
16:39:32 47

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16:39:32 1 Do you accept that that's the SWOT analysis that I was - -
16:39:35 2 - ?---I imagine it would be, yes.
16:39:37 3
16:39:38 4 Then it says this, "In an issues cover sheet within this
16:39:43 5 file Superintendent Biggin, then head of the Covert
16:39:47 6 Services Division, advised that there were a significant
16:39:49 7 number of organisational risks to VicPol", all
16:39:54 8 right?---Yes.
16:39:54 9
16:39:54 10 It's clear that those looking at this are conscious and
16:39:59 11 dealing with organisational risks to the Police Force,
16:40:03 12 aren't they?---Yes.
16:40:04 13
16:40:06 14 It suggests down the bottom, that he having spelt out
16:40:12 15 what's in the SWOT analysis, "In reviewing the full
16:40:15 16 electronic Interpose file for 3838 there are numerous
16:40:20 17 examples of 3838 providing information to police handlers
16:40:22 18 about her clients. Such entries taken at face value
16:40:26 19 suggest that she's disregarded legal professional privilege
16:40:29 20 and compromised rights to a fair trial of those concerned",
16:40:32 21 do you see that?---Yes.
16:40:33 22
16:40:34 23 And the next paragraph?---Are we on the next page?
16:40:38 24
16:40:38 25 Yes?---Yes.
16:40:38 26
16:40:39 27 "There's no recorded active discouragement on file from the
16:40:43 28 police handlers for 3838 to desist from furnishing
16:40:47 29 information on such matters. They remain vulnerable to the
16:40:50 30 perception that they've actually been inducing or
16:40:52 31 encouraging such conduct. These concerns are heightened in
16:40:56 32 instances where the handlers have passed on such
16:41:00 33 information to other police case managers, presumably so
16:41:02 34 they can make use of it". Those two paragraphs, although
16:41:05 35 they're said to be out of scope from the Comrie Review,
16:41:09 36 both appear in the Comrie Review?---Yes.
16:41:11 37
16:41:12 38 And you would know from your own knowledge that they are
16:41:14 39 central to Justice Ginnane's findings in relation to the
16:41:18 40 conduct of the police. On p.16 of his judgment those two
16:41:24 41 paragraphs are reproduced?---From Kellam?
16:41:27 42
16:41:28 43 From Comrie?---From Comrie, okay.
16:41:28 44
16:41:29 45 This out of scope report gets picked up in the final Comrie
16:41:33 46 Report?---I see.
16:41:33 47

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16:41:34 1 And gets pick up by - - -?---H'mm.
16:41:37 2
16:41:37 3 The accuracy of those two paragraphs is critical, isn't it?
16:41:45 4 It's been relied on in the civil litigation that goes all
16:41:47 5 the way to the High Court. Yes?---Well, to the extent that
16:41:54 6 it's noted in the Comrie Report. As you said, not all
16:41:59 7 witnesses were called in that matter.
16:42:01 8
16:42:01 9 Justice Ginnane puts it in his judgment, it was part of the
16:42:06 10 facts he's relying on?---Yes.
16:42:08 11
16:42:09 12 Now, then he goes through a list of a number of examples of
16:42:14 13 things that he says should be looked at.
16:42:18 14
16:42:18 15 MR HOLT: Commissioner, can I stand Mr Moloney down?
16
16:42:22 17 COMMISSIONER: I'm afraid so.
16:42:23 18
16:42:24 19 MR CHETTLE: It's quarter to 5.
16:42:25 20
16:42:25 21 COMMISSIONER: No doubt about it.
16:42:27 22
16:42:27 23 MR CHETTLE: That list, among other things, was what was
16:42:31 24 picked up and dealt with your Bendigo example of various
16:42:34 25 case studies, isn't it, some of those things? Remember the
16:42:39 26 five different topics that you talked about?---You mean the
16:42:45 27 five accused?
16:42:46 28
16:42:46 29 No, no?---The five case studies.
16:42:48 30
16:42:49 31 Five case studies?---Yes, yes.
16:42:51 32
16:42:51 33 Okay. Now, second-last dot point there I want to take you
16:43:01 34 to, because you were shown another document the other day
16:43:04 35 which had this in it. In fact I remind you of it. When
16:43:09 36 you went and spoke to Mr Gardiner from the DPP, in
16:43:12 37 Mr Gardiner's note there was a reference to information
16:43:16 38 supplied by Ms Gobbo in relation to Mr Mokbel's extradition
16:43:19 39 from Greece?---Yes.
16:43:20 40
16:43:20 41 And it's the same as this, in this form, "3838 engaged with
16:43:26 42 a fugitive abroad who is facing and is to challenge
16:43:30 43 extradition. Learns of defence tactics that are likely to
16:43:36 44 be utilised then relays this information to police
16:43:39 45 handlers, in turn relays such matters to the police
16:43:42 46 informant", do you see that?---Yes.
16:43:43 47

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16:43:44 1 That was the subject of one of your case studies?---Yes.
16:43:46 2
16:43:47 3 In your note to Mr Gardiner - while I think of it please,
16:43:51 4 can I have that brought up. Diary note of a conversation
16:44:00 5 of Mr Gardiner that was tendered yesterday, it was part of
16:44:03 6 the - I think Mr Winneke gave it an individual number and
16:44:07 7 I've got it written down somewhere.
16:44:26 8
16:44:26 9 COMMISSIONER: It might be 1136, 25 November 14.
16:44:33 10 Gardiner's handwritten and typed file notes, meeting with
16:44:39 11 Champion, McRae, Leane and Gardiner, yes, 1136.
16:44:44 12
16:44:45 13 MR CHETTLE: That's it.
16:45:03 14
16:45:03 15 COMMISSIONER: 1136. Do you want the handwritten or the
16:45:05 16 typed?
16:45:06 17
16:45:06 18 MR CHETTLE: The typed, Commissioner. Thank you. Can you
16:45:27 19 go to the next page, please. And the next one. Is there
16:45:41 20 another page? No. Look, I'll try and cut short because
16:45:48 21 there isn't much time. In one of the diary notes
16:45:51 22 Mr Gardiner records that you and Mr Fryer I think told him
16:45:55 23 that Ms Gobbo had provided information that led to the
16:45:59 24 apprehension of Mokbel in Greece?---No.
16:46:01 25
16:46:02 26 That didn't happen though, did it?---No.
16:46:04 27
16:46:05 28 If there is any suggestion that she had - one of the notes
16:46:11 29 suggests that she was involved in drug activity with him
16:46:15 30 while he was overseas, that she ran his local drug business
16:46:19 31 for him and provided information about him in Greece.
16:46:22 32 That's not, as you understand it, to be the case?---No. I
16:46:27 33 can't recall that.
16:46:28 34
16:46:28 35 Just excuse me for one moment. I'm going to try and cut
16:46:32 36 this shorter.
16:46:33 37
16:46:34 38 MR HOLT: Commissioner, if it assists my friend, I won't
16:46:37 39 get my re-examination done even if he stopped now. Given
16:46:40 40 the issues that have been raised now, I certainly have
16:46:42 41 about, I would have thought half an hour. It's blown out
42 in light of the last hour.
43
44 COMMISSIONER: Okay.
45
16:46:46 46 MR HOLT: So if there's a rush in order to get this witness
16:46:50 47 done tonight, there won't be.

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16:46:52 1
16:46:53 2 MR CHETTLE: Have you followed the evidence of Sir Ken
16:46:55 3 Jones when he gave evidence at the Royal Commission?---Yes.
16:46:57 4
16:46:57 5 You were aware that he maintains - have you read his
16:47:01 6 statement?---I can't remember.
16:47:03 7
16:47:03 8 He outlined in his statement at paragraphs, I think it's
16:47:16 9 81. Yes. From paragraph 80 of his statement onwards,
16:47:20 10 "Finn McCrae at that point reported to me", this is 2000
16:47:23 11 and - - -?---No, he didn't.
16:47:25 12
16:47:25 13 You did not ever report to him?---Yes.
16:47:28 14
16:47:29 15 So what are you saying, "No, he didn't"?---Not at the time
16:47:31 16 that he said.
16:47:32 17
16:47:33 18 So his statement that, "Finn McCrae at that point reported
16:47:36 19 to me" is not accurate?---Not accurate.
16:47:38 20
16:47:38 21 "I asked him about the writ and the response, he said in
16:47:41 22 dealing with that he was acting solely for the Chief and
16:47:45 23 that it did not concern me", you've read that? Have you
16:47:49 24 read that paragraph?---Yes, I remember something along
16:47:53 25 those lines, yes.
16:47:53 26
16:47:53 27 "He said he couldn't show me the file for that reason. I
16:47:57 28 told him that the rumours I was hearing, which I believed
16:47:59 29 had substance, suggested that the pay out was being paid
16:48:03 30 for reasons of convenience and it was not being done for
16:48:07 31 the right reasons. And I'm of the view that the whole
32 process was a device to siphon off significant sums of
16:48:13 33 money to Nicola Gobbo, allowing a line to be drawn and
16:48:15 34 perhaps in the hope that nothing of what I reported in 10,
16:48:20 35 11 and 12, and some of which is now emerging in this Royal
16:48:24 36 Commission, will ever see the light of day. I eventually
16:48:27 37 did see the writ and the response, settlement response. I
16:48:30 38 can't recall how but I have a vague recollection of this
16:48:34 39 file just appearing in my office once it has been settled.
16:48:37 40 It was as bad as I feared, neither her writ nor our
16:48:40 41 response mentioned the informing activities or any of the
16:48:44 42 affected clients or court cases". There's a number of
16:48:47 43 propositions there. You disagree you were reporting to
16:48:50 44 him?---Yes.
16:48:50 45
16:48:50 46 Did he ask you for the writ and the response?---I don't
16:48:53 47 know.

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These claims are not yet resolved.

16:48:54 1
16:48:54 2 You don't dispute it?---That he asked me?
16:48:57 3
16:48:57 4 Yes?---I can't recall it.
16:48:59 5
16:48:59 6 Did you tell him that he had no right to see it?---No.
16:49:04 7 He's a Deputy Commissioner, he could obtain the file if he
16:49:07 8 wanted to.
16:49:08 9
16:49:08 10 He says it finally did turn up on his desk?---It's a very
16:49:13 11 odd way of putting it.
16:49:15 12
16:49:15 13 That's what he says?---H'mm.
16:49:17 14
16:49:18 15 You disagree with what he says?---I have no recollection of
16:49:23 16 what he's saying.
16:49:24 17
16:49:24 18 All right. Now the Ombudsman - - -?---Other than him
16:49:27 19 asking me if the recital stopped him calling her as a
16:49:33 20 witness.
16:49:34 21
16:49:35 22 In the Commonwealth case?---Yes. Because he wanted to call
16:49:39 23 her as a witness.
16:49:40 24
16:49:41 25 Because an agreement with VicPol couldn't combine the
16:49:42 26 Commonwealth, could it? An agreement with Victoria Police
16:49:45 27 wouldn't bind the Commonwealth?---No, competent and
16:49:51 28 compellable.
16:49:51 29
16:49:52 30 No digression. There was an Ombudsman inquiry in relation
16:49:54 31 to the settlement of the Gobbo litigation?---Yes.
16:49:58 32
16:49:58 33 Did that inquiry publish a report, make a finding?---No.
16:50:04 34
16:50:05 35 But the thrust of the inquiry was - along the lines of the
16:50:09 36 matter that Sir Ken was saying, whether or not - - -?---The
16:50:13 37 allegations you mean?
16:50:14 38
16:50:14 39 Yes, whether or not this was an appropriate
16:50:18 40 settlement?---Well, that's an over simplification of the
16:50:23 41 allegations that were made.
16:50:24 42
16:50:24 43 Who made the allegations?---I don't know because it was a
16:50:28 44 whistleblower's - - -
16:50:29 45
16:50:29 46 Under the Whistleblower Act I'm not allowed to note,
16:50:34 47 fine?---Me either.

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16:50:34 1
16:50:36 2 I'll leave that where it is. Very briefly. Is the hard
16:50:52 3 copy of Exhibit 280, it's the manual, Commissioner, that we
16:50:56 4 can't mention much about. Can I have that shown to,
16:51:01 5 firstly myself for one moment. I just want to take you to
16:51:18 6 a particular part of this document. At paragraph 2.4 of -
16:51:32 7 this is, if you look at the front cover you'll ascertain
16:51:37 8 what the document is, Mr McRae, because there's some degree
16:51:41 9 of sensitivity in relation to it. And if you look at
16:51:52 10 paragraph 2.14 of that manual, it outlines information that
16:51:57 11 is subject to legal professional privilege?---Yes.
16:52:01 12
16:52:03 13 Now, if you - if you quickly read it probably, rather than
16:52:08 14 me read it out aloud, I want you to read it and I want to
16:52:13 15 suggest to you that is a comprehensive definition of legal
16:52:23 16 professional privilege?---Yes, it's consistent.
16:52:25 17
16:52:27 18 And one thing it makes clear is that - look, you agree that
16:52:30 19 is, I mean from the point of law?---Yes.
16:52:34 20
16:52:34 21 You don't argue with what it says?---No.
16:52:36 22
16:52:36 23 There's a clear exception to current and ongoing criminal
16:52:40 24 activity, isn't there?---Yes.
16:52:42 25
16:52:43 26 You sought to explain at IBAC during the course of your
16:52:47 27 evidence that your understanding from your knowledge, that
16:52:50 28 much of the information she gave was in that category, it
16:52:53 29 was ongoing crime that was not the subject of legal
16:52:57 30 professional privilege?---Can you repeat that question?
16:52:59 31
16:52:59 32 You tried to make it clear to IBAC, did you not, that you
16:53:03 33 believed that the information that she gave to the handlers
16:53:08 34 in the large part wasn't legally professionally privileged
16:53:12 35 because it came from - - -?---I understood it wasn't, yes.
16:53:15 36
16:53:15 37 How did you get that understanding?---That's what I would
16:53:17 38 have been told.
16:53:18 39
16:53:18 40 By who, Gleeson?---IBAC - well, from various sources.
16:53:24 41
16:53:24 42 Including Mr Gleeson?---Yes. But Mr Gleeson of course had
16:53:30 43 concerns about matters that may be privileged.
16:53:33 44
16:53:33 45 Correct. And he said - he drew a distinction or did you
16:53:38 46 draw a distinction? Can I ask you this, you were aware of
16:53:43 47 the way Special Projects Unit works within the police

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16:53:48 1 force?---Yes.
16:53:49 2
16:53:49 3 They often receive privileged information but they don't
16:53:52 4 pass it on?---Yes.
16:53:53 5
16:53:53 6 In relation to information received by the SDU, it may in
16:53:57 7 fact be legally professionally privileged but the real
16:54:01 8 issue is whether they passed that on to
16:54:04 9 investigators?---That's an important issue, yes.
16:54:06 10
16:54:07 11 Because otherwise they're in the same boat as SDU filtering
16:54:11 12 it?---Yes.
16:54:12 13
16:54:16 14 Thank you. The Commission's had evidence that, firstly,
16:54:44 15 Boris Buick told the Commission that there was a storm
16:54:48 16 approaching VicPol as a result of the Gobbo saga coming
16:54:53 17 out. Mr Sheridan at some stage indicated there was a train
16:54:58 18 about to hit Victoria Police. Were you aware of
16:55:01 19 expressions of concern, things like that?---What year?
16:55:05 20
16:55:05 21 2011 into 2012?---Well, we were concerned, Mr Ashton was
16:55:13 22 concerned, Mr Cartwright was concerned and Mr Gleeson was
16:55:19 23 much more concerned.
16:55:20 24
16:55:21 25 That there was going to be a real storm for VicPol when the
16:55:25 26 use of Ms Gobbo was revealed, that's what was really being
16:55:31 27 discussed, wasn't it?---I'm sure people were discussing it.
16:55:34 28
16:55:35 29 Like the note I took you to that Mr Pope wrote, "Who knew
16:55:39 30 and when and what", remember that note I took you to? "Who
16:55:45 31 knew"?---Well I don't know what that refers to.
16:55:47 32
16:55:49 33 The note, when you look at it, is clearly in the context of
16:55:54 34 the use of Ms Gobbo, isn't it?---Yes.
16:55:56 35
16:56:06 36 In your IBAC evidence you make a reference, and I just
16:56:09 37 quickly, you'll probably remember it, to having a
16:56:12 38 discussion down at Inverloch during a police function of
16:56:16 39 some sort. Page 27 of your IBAC evidence. I presume it's
16:56:22 40 Mr Lay you're talking to but I just want to make sure.
16:56:26 41 You've got the IBAC - it was up before, Andrew. That was
16:56:36 42 Gleeson. I'll give you this man, IBAC.0002.0001.0002.0168.
16:56:56 43 All right. You're being asked by Mr Kellam about what
16:57:00 44 happened with Mr Overland, you say he departed in about
16:57:03 45 June or July?---I think I was confused. I was quite tired
16:57:07 46 at that time.
16:57:09 47

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16:57:09 1 You weren't there as long as you've been here but can I - -
16:57:13 2 -?---Not quite as long.
16:57:14 3
16:57:14 4 Anyway, you say, "H'mm" and you say, "And the Comrie Report
16:57:18 5 was started about three or four weeks later", as we
16:57:21 6 understand it. In fact the Comrie Report really got done
16:57:24 7 in early 2012?---Yes.
16:57:26 8
16:57:27 9 Okay. Which was six months after Mr Overland left. But
16:57:33 10 then you say this, "It was a Command meeting down at
16:57:36 11 Inverloch. We were having a Command meeting and I pulled
16:57:40 12 him to one side and gave him a briefing because I thought
16:57:42 13 he needed to know about it". Do you see that?---Yes. I
16:57:47 14 really can't recall it and what it relates to.
16:57:50 15
16:57:51 16 No, no, but it seemed to me you were talking about when it
16:57:54 17 was you told Ken Lay about this incident or issue?---I just
16:58:00 18 can't recall.
16:58:01 19
16:58:01 20 Thank you. So you don't make any more sense of it than I
16:58:05 21 do?---No, I can't.
16:58:06 22
16:58:06 23 COMMISSIONER: That was Exhibit 1.4.
16:58:10 24
16:58:11 25 MR CHETTLE: Thank you, Commissioner. Yes, Commissioner, I
16:58:21 26 have no further questions.
16:58:22 27
16:58:22 28 COMMISSIONER: All right then.
16:58:25 29
16:58:26 30 MR COLEMAN: I have about five minutes, Commissioner.
16:58:28 31
16:58:28 32 COMMISSIONER: Yes, no, I don't think there's much point
16:58:31 33 going on at this stage because you're going to be a little
16:58:34 34 while.
16:58:34 35
16:58:35 36 MR HOLT: Necessarily now, Commissioner, yes.
16:58:37 37
16:58:37 38 COMMISSIONER: How long would you say?
16:58:39 39
16:58:40 40 MR HOLT: I think still half an hour.
16:58:42 41
42 COMMISSIONER: Half an hour, okay.
43
44 MR HOLT: I'll have a better sense overnight and I'll let
45 those assisting you know.
46
16:58:42 47 COMMISSIONER: Re-examination, Mr Winneke?

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16:58:44 1
16:58:44 2 MR WINNEKE: It depends what Mr Holt does, Commissioner,
16:58:46 3 but I imagine he'll probably cover a couple of areas that I
16:58:49 4 might want to deal with, only a couple of questions.
16:58:52 5
16:58:52 6 MR HOLT: I'm happy to liaise with my friend to try and
16:58:55 7 make that efficient.
16:58:55 8
16:58:55 9 COMMISSIONER: I'm sorry, Mr McRae. Probably not as sorry
16:58:58 10 as you are but I'm still sorry, you're going to have to
16:59:02 11 come back tomorrow?---Yes.
12
16:59:03 13 We'll keep you posted as to the time but it would certainly
16:59:07 14 be not after 2.30, 3, that will be the latest I think.
15 There's always the possibility it could be quite a bit
16:59:15 16 earlier. Then what happens with Mr Moloney, he is going to
16:59:17 17 come down on spec, is he?
18
19 MR HOLT: He is, yes, Commissioner.
20
16:59:19 21 COMMISSIONER: From what time, just in case Ms Gobbo
16:59:22 22 becomes unwell or something? Is that the position or is he
16:59:26 23 only going to come down in the afternoon?
16:59:26 24
16:59:26 25 MR HOLT: No, well our intention was to have him here
16:59:30 26 probably at about lunchtime I would expect. That's what we
27 were doing today.
28
29 COMMISSIONER: Yes.
30
16:59:32 31 MR HOLT: Would the Commission be prepared for us to do
16:59:34 32 that and Mr McRae will be available at short notice and
16:59:37 33 then he'll be available from lunchtime?
16:59:39 34
16:59:39 35 COMMISSIONER: That is the best we can do.
16:59:41 36
16:59:41 37 MR HOLT: I'd be grateful if we could do that,
16:59:43 38 Commissioner, thank you.
16:59:44 39
16:59:44 40 COMMISSIONER: Thank you. We'll adjourn hopefully until
16:59:47 41 9.30 tomorrow.
17:00:14 42
17:00:15 43 <(THE WITNESS WITHDREW)
17:00:15 44
17:00:16 45 ADJOURNED UNTIL WEDNESDAY 5 FEBRUARY 2020
46
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