

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

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Monday, 9 September 2019

Led by Commissioner:           The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Mr S. Holt QC
Counsel for State of Victoria	Mr C. McDermott
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms A. Martin
Counsel for CDP	Ms R. Avis
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for AFP	Ms I. Minnett
Counsel for Evangelos Goussis	Mr T. Antos

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09:35:58 1 COMMISSIONER: Yes, we continue in closed hearing as we  
09:36:00 2 were on Friday.  
09:36:01 3  
09:36:02 4 MS TITTENSOR: Thank you Commissioner.  
09:36:03 5  
09:36:03 6 COMMISSIONER: Yes Ms Tittensor.  
09:36:05 7  
09:36:07 8 <JAMES MICHAEL O'BRIEN, recalled:  
09:36:09 9  
09:36:09 10 MS TITTENSOR: You've got your diaries there,  
09:36:12 11 Mr O'Brien?---Yes.  
09:36:12 12  
09:36:12 13 And you've got a copy of your statement there?---Yes.  
09:36:15 14  
09:36:15 15 I might just quickly clarify something. If you could have  
09:36:20 16 a look at paragraph 98 of your statement. You'll see this  
09:36:37 17 relates to one of the matters I was asking you about on  
09:36:40 18 Friday, Ms Gobbo calling to request a [REDACTED]  
09:36:45 19 reporting for [REDACTED] and [REDACTED]?---Yes.  
09:36:49 20  
09:36:51 21 What you say in the statement is that she called you  
09:36:56 22 directly in her capacity as a lawyer for [REDACTED] and the  
09:37:01 23 associate, who I understand was [REDACTED]. You  
09:37:04 24 go on, "I told her that I agreed in principle but she would  
09:37:08 25 need to speak to the informant in the matter"?---Yes.  
09:37:11 26  
09:37:12 27 I just want to ask you about the entry in your diary, if  
09:37:20 28 you can have a look at that for 5 January 2006. Do you  
09:38:01 29 agree that the entry in your diary doesn't refer to the  
09:38:05 30 fact that she would need to speak to the informant in the  
09:38:08 31 matter?---No, it doesn't.  
09:38:09 32  
09:38:10 33 What it does go on to say is that both persons were  
09:38:18 34 travelling to [REDACTED] and [REDACTED], the [REDACTED]  
09:38:25 35 [REDACTED] were aware?---Yes.  
09:38:27 36  
09:38:27 37 And that Ms Gobbo was to forward an email in relation to  
09:38:30 38 the same?---Yes.  
09:38:31 39  
09:38:33 40 That [REDACTED] police service - what does O dash C  
09:38:41 41 mean?---Officer-in-charge.  
09:38:42 42  
09:38:42 43 So the [REDACTED] police service officer-in-charge,  
09:38:45 44 [REDACTED] and [REDACTED] are to be advised and it  
09:38:51 45 was to be approved by Detective Burrows?---That's correct.  
09:38:54 46  
09:38:55 47 That's right, okay. Before the weekend we were dealing

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O'BRIEN XXN - IN CAMERA

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09:39:01 1 with the progression of the, I was asking you some  
09:39:04 2 questions about the Milad Mokbel matter?---Yes.  
09:39:07 3  
09:39:09 4 I think you'd agreed that Ms Gobbo had a conflict, serious  
09:39:13 5 conflict in relation to any representation of him?---Yes, I  
09:39:18 6 believe so.  
09:39:18 7  
09:39:22 8 Do you recall her being quite concerned or there being  
09:39:26 9 quite some concern about her role coming out in the court  
09:39:29 10 proceedings in relation to Milad Mokbel?---Look, I'm only  
09:39:41 11 supposing she would have been, I can't exactly recall.  
09:39:44 12 Unless there was a diary note or information received in  
09:39:48 13 relation to it.  
09:39:49 14  
09:39:49 15 You've got a diary entry on 6 March 2007. If I can take  
09:39:55 16 you to that?---Yes.  
09:40:07 17  
09:40:10 18 There's an entry at 16 something, I'm not sure if it's  
09:40:19 19 16:45 or - - - ?---16:46, yes.  
09:40:22 20  
09:40:22 21 You're having a meeting with the SDU?---Yes.  
09:40:22 22  
09:40:26 23 In relation to registered human source handling. Mr White  
09:40:33 24 is there, a number of other members of the SDU, along with  
09:40:38 25 members of Purana, Kelly, Baulch, Flynn, Hayes, Hantsis and  
09:40:44 26 Robertson, is that right?---Yes.  
09:40:46 27  
09:40:46 28 There's a discussion in relation to 3838 and specifically  
09:40:56 29 Milad Mokbel?---Yes, that was after the deactivation of  
09:40:59 30 another informer that's mentioned there.  
09:41:01 31  
09:41:02 32 Yes. I just wasn't going to take you - - - ?---Sorry.  
09:41:05 33  
09:41:06 34 That's fine. Clearly there's a discussion in relation to a  
09:41:11 35 number of informers there with the SDU. There was a  
09:41:15 36 discussion about a deactivation about another informer and  
09:41:19 37 then there's a discussion in relation to Ms Gobbo, 3838, is  
09:41:22 38 that right?---Yes.  
09:41:23 39  
09:41:23 40 That's in relation to Milad Mokbel?---It may have been.  
09:41:28 41  
09:41:29 42 It's got, "Discussion 3838 - Milad Mokbel"?---Yes, but then  
09:41:35 43 after that it's got, "Discussion re strategic direction of  
09:41:42 44 [REDACTED]".  
09:41:44 45  
09:41:45 46 That's in relation to a further informer?---I believe so,  
09:41:49 47 yes.

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09:41:49 1  
09:41:49 2 Do you have any idea what that might have been in reference  
09:41:53 3 to, the discussion of 3838 at that stage?---No, I don't  
09:41:57 4 specifically.  
09:41:59 5  
09:42:00 6 Perhaps if we can go to bring up the following document,  
09:42:03 7 it's Mr White's diary VPL.0100.0096.0572.  
09:42:14 8  
09:42:15 9 COMMISSIONER: And the date is?  
09:42:16 10  
09:42:17 11 MS TITTENSOR: Same date, 6 March 2007. If we can go to,  
09:43:04 12 if we can scroll up just so we can check that we've got the  
09:43:09 13 correct date. So you see 6 March there?---Yes.  
09:43:16 14  
09:43:16 15 Mr O'Brien, if we go to the next page. You'll see at 16:35  
09:43:20 16 at roughly approximating the entry in your diary, Mr White  
09:43:26 17 records a meeting with Purana, yourself, Kelly, Flynn,  
09:43:32 18 Hayes and someone else?---Yes.  
09:43:34 19  
09:43:36 20 As per your diary there's an entry in relation to another  
09:43:40 21 informer, [REDACTED]?---Yes.  
09:43:44 22  
09:43:44 23 Then we've got an entry in relation to the second informer  
09:43:48 24 3838 which is Ms Gobbo?---Yes.  
09:43:50 25  
09:43:51 26 It indicates there that Ms Gobbo has been approached by  
09:43:56 27 [REDACTED] re a plea?---Yes.  
09:43:59 28  
09:43:59 29 The initials of the handler, "To speak to Ms Gobbo re  
09:44:05 30 Purana requirements for a deal, i.e. intelligence re  
09:44:14 31 [REDACTED] and [REDACTED] year plus [REDACTED]". Do you see  
09:44:17 32 that?---Yes.  
09:44:17 33  
09:44:19 34 Underneath that there's a notation that Ms Garde-Wilson had  
09:44:25 35 been committed for trial that day and then there's another  
09:44:29 36 notation at 9 am Friday, I'm not sure exactly what that -  
09:44:44 37 something about the [REDACTED] brief, do you see that?---Yes.  
09:44:48 38  
09:44:48 39 I think it's meant to be the 9th or something. Bearing  
09:44:54 40 that in mind, can you recall now that you were having a  
09:44:58 41 discussion with the SDU about Ms Gobbo having been  
09:45:01 42 approached by [REDACTED] in relation to dealing with him in  
09:45:08 43 relation to his matter?---Yes, I see what that says, yes.  
09:45:13 44  
09:45:15 45 That's something that both you and the SDU would have  
09:45:20 46 appreciated was a significant conflict?---Yes.  
09:45:24 47

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09:45:25 1 But nevertheless there were, there seems to have been  
09:45:28 2 discussions about Ms Gobbo nevertheless representing  
09:45:35 3 [REDACTED]?---There may have been a discussion but I knew  
09:45:38 4 [REDACTED] would never plead.  
09:45:39 5  
09:45:40 6 That may be the case. I think ultimately he did plead  
09:45:43 7 though, didn't he?---I'm not sure.  
09:45:45 8  
09:45:48 9 But nevertheless there was an acceptance that Ms Gobbo was  
09:45:51 10 going to involve herself in the representation of  
09:45:55 11 [REDACTED]?---Going by that note, yes.  
09:45:57 12  
09:45:57 13 Sorry, [REDACTED]?---Going by that note, yes.  
09:46:00 14  
09:46:05 15 It appears to be the case that the plan was in fact to deal  
09:46:09 16 with Ms Gobbo knowing that she was working for the police  
09:46:14 17 at the same time that she was going to be purporting at  
09:46:19 18 least to represent [REDACTED]?---No, there was no plan.  
09:46:23 19 She was just, she provided the information, I received it.  
09:46:27 20  
09:46:31 21 There here appears to be a plan, doesn't there, for the  
09:46:35 22 handler to speak to her about what Purana would require in  
09:46:39 23 relation to any deal reached with [REDACTED]?---Whether  
09:46:45 24 it's a plan or willingness by her to pass on information.  
09:46:49 25  
09:46:52 26 This is a meeting at which Purana and the SDU appear to be  
09:46:59 27 discussing her representation of [REDACTED] and there's a  
09:47:02 28 plan there for the SDU to go back to [REDACTED] and tell her  
09:47:09 29 what Purana expect if he is to come to any  
09:47:13 30 arrangement?---As I say these are not my notes, I didn't  
09:47:15 31 have any direct plan. I was receiving information.  
09:47:17 32  
09:47:23 33 If we can have a look at your diary for the next day, 7  
09:47:28 34 March?---Yes.  
09:47:30 35  
09:47:35 36 At 12.50?---Yes.  
09:47:41 37  
09:47:43 38 What's recorded there?---"Receive telephone call from  
09:47:47 39 solicitor Gobbo re [REDACTED], wants discussion re plea  
09:47:51 40 offer. Arrange meeting for 8.30 on 8 March".  
09:47:55 41  
09:47:55 42 That's an entry that on the face of it might appear  
09:48:01 43 normal?---Yes.  
09:48:01 44  
09:48:03 45 Anyone else reading that wouldn't know Ms Gobbo was in fact  
09:48:07 46 a police agent?---Well I don't suppose, no.  
09:48:11 47

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09:48:17 1 Further down that page, do you see right down the bottom of  
09:48:22 2 the same page in your diary at 8.45 you're with Flynn and  
09:48:28 3 you attend the chambers of Ms Gobbo?---Yes.

09:48:30 4  
09:48:30 5 And have a discussion re plea issues re [REDACTED]  
09:48:35 6 [REDACTED]?---Yes.

09:48:35 7  
09:48:40 8 You were advised that there's to be full cooperation re  
09:48:43 9 [REDACTED] and [REDACTED] murders, [REDACTED] over a  
09:48:48 10 period of years?---Yes.

09:48:49 11  
09:48:49 12 And then there would be, you say, "Speak to director OPP re  
09:48:59 13 imprisonment re [REDACTED] to pay [REDACTED] re [REDACTED]", is  
09:49:04 14 that right?---Yes, in other words if he was willing to, if  
09:49:09 15 he was going to cooperate that's what I would require and  
09:49:12 16 then I'd have to go back to the Director of Public  
09:49:14 17 Prosecutions in relation to any matter for any indication  
09:49:18 18 of what likely sentence he may be offered.

09:49:20 19  
09:49:20 20 As per the plan with SDU a number of days earlier, you'd  
09:49:27 21 had this meeting with Ms Gobbo and explained what would be  
09:49:31 22 required for [REDACTED] to come to an arrangement?---As I  
09:49:36 23 say I don't think it was a plan. She was passing on  
09:49:40 24 information in relation to [REDACTED]. All I did was  
09:49:44 25 merely follow it through in an attempt to resolve this  
09:49:45 26 issue in relation to [REDACTED] and his outstanding charges and  
09:49:48 27 what I thought was required for him before I would bother  
09:49:51 28 to go to the Director of Public Prosecutions to seek an  
09:49:53 29 indication on sentence.

09:49:54 30  
09:49:54 31 Did you know who the solicitor was on the record at the  
09:49:56 32 time?---No, I don't.

09:49:57 33  
09:49:58 34 Did you take any steps to find out?---No, I did not, and I  
09:50:02 35 wouldn't have done that before I had an indication from him  
09:50:07 36 in any event.

09:50:07 37  
09:50:08 38 But that indication was coming through Ms Gobbo?---I didn't  
09:50:12 39 accept that as an indication until there was pen on paper  
09:50:16 40 with what he was prepared to do or not do, there wasn't an  
09:50:24 41 indication.

09:50:24 42  
09:50:24 43 She was it seems attempting to facilitate a plea deal for  
09:50:28 44 [REDACTED]?---She may have attempted to do that but that  
09:50:29 45 didn't transpire. He was never going to come to the party.  
09:50:38 46 [REDACTED] were non-negotiable. Everybody else was a  
09:50:40 47 commodity.

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09:50:40 1  
09:50:41 2 If you go to your diary on 9 March at 9.05?---Yes.  
09:50:51 3  
09:50:52 4 Did you speak to the Director of Public Prosecutions,  
09:50:57 5 Mr Coghlan, along with a number of OPP solicitors?---Yes, I  
09:51:01 6 did.  
09:51:02 7  
09:51:02 8 You were with Mr Flynn and Detective Sergeant  
09:51:05 9 Coghlan?---That's correct.  
09:51:05 10  
09:51:06 11 And you had a discussion as to what would be on offer for  
09:51:10 12 [REDACTED]?---That's correct, and as it says there,  
09:51:20 13 "Charges being contemplated against [REDACTED], full  
09:51:25 14 assistance in an 'I can say' statement, including murders  
09:51:32 15 of [REDACTED] and [REDACTED]".  
09:51:35 16  
09:51:35 17 There was also some discussion at that stage, was there, in  
09:51:37 18 relation to [REDACTED]?---That's correct.  
09:51:40 19  
09:51:40 20 He was particularly concerned to assist [REDACTED] if he  
09:51:43 21 could?---Yes, he was getting a bit of heat because both he  
09:51:47 22 and [REDACTED] were in custody and [REDACTED] were being  
09:51:50 23 [REDACTED] by other [REDACTED] of [REDACTED].  
09:51:53 24  
09:51:53 25 Did you raise any concern with the DPP at that stage in  
09:51:57 26 relation to the fact that Ms Gobbo was involved in these  
09:52:00 27 discussions?---I don't believe so.  
09:52:01 28  
09:52:10 29 If you go down a bit further in your diary or over the page  
09:52:14 30 at 14:12, is it the case you updated Deputy Commissioner  
09:52:20 31 Overland in relation to what negotiations?---Sorry, just -  
09:52:29 32 are we still talking about 9 March?  
09:52:32 33  
09:52:33 34 Yes at 14:12?---Right.  
09:52:35 35  
09:52:36 36 Does the entry there indicate you spoke to Deputy  
09:52:39 37 Commissioner Overland and advised - - - ?---That's correct,  
09:52:43 38 negotiations re [REDACTED].  
09:52:45 39  
09:52:45 40 Yes. You spoke to him about a number of matters, including  
09:52:48 41 negotiations re [REDACTED]?---Yes, that's correct.  
09:52:51 42  
09:52:54 43 Did you speak to him about the problem of Ms Gobbo  
09:52:57 44 representing [REDACTED]?---I don't believe so. I don't  
09:53:05 45 have a note of it.  
09:53:06 46  
09:53:06 47 Further down at 16:20 you record another conversation with

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09:53:12 1 barrister Nicola Gobbo for [REDACTED]?---That's correct.  
09:53:15 2  
09:53:16 3 And I assume is it that she advised that he wanted to speak  
09:53:21 4 to you?---Yes.  
09:53:22 5  
09:53:30 6 Further down the page at 18:09, do you record a  
09:53:37 7 conversation with the SDU handler providing you with  
09:53:40 8 information from registered human source 3838?---That's  
09:53:44 9 correct.  
09:53:44 10  
09:53:48 11 Part of that information included that a particular  
09:53:52 12 solicitor was attempting to backdate a document in relation  
09:53:55 13 to the resignation of Renata Mokbel from a Mokbel company  
09:54:04 14 in order to defeat a perjury charge that she was  
09:54:09 15 facing?---Yes, that's correct.  
09:54:09 16  
09:54:10 17 There would also be a letter written to Paul Coghlan  
09:54:13 18 stating that Gobbo and Chiodo, another solicitor, will not  
09:54:22 19 make any statements so there won't be any case against  
09:54:26 20 Renata Mokbel?---That's correct.  
09:54:27 21  
09:54:28 22 In that entry you used the provider of the information as  
09:54:32 23 registered human source 3838?---Yes.  
09:54:33 24  
09:54:34 25 Within the entry you refer to Ms Gobbo by name?---Yes.  
09:54:38 26  
09:54:39 27 As though the information didn't actually come from  
09:54:43 28 her?---That's what it may appear, yes.  
09:54:45 29  
09:54:59 30 If we can go to the ICRs at p.683, please. You note there  
09:55:31 31 that, there's a note under the heading [REDACTED] that he  
09:55:36 32 wants to talk to Ms Gobbo following his meeting with  
09:55:40 33 you?---Yes.  
09:55:41 34  
09:55:41 35 And there appears to be some further discussion in relation  
09:55:45 36 to that letter that we've just mentioned in your diary  
09:55:49 37 notes?---Right.  
09:55:50 38  
09:55:50 39 If you can go to p.686. Do you see about point 4 down the  
09:56:05 40 page under the heading [REDACTED], "Ms Gobbo states  
09:56:08 41 that Jim O'Brien must be firm with [REDACTED] in relation to the  
09:56:14 42 plea negotiations, O'Brien needs to rattle his  
09:56:19 43 cage"?---Yes.  
09:56:19 44  
09:56:20 45 Do you know if you received that information?---This is on  
09:56:23 46 9 March, is it?  
09:56:24 47

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09:56:25 1 Yes?---No, I don't appear to have a note of that.  
09:56:57 2  
09:56:58 3 Is that the type of information though that you wouldn't  
09:57:01 4 have recorded in your diary?---Look, I would have paid  
09:57:04 5 scant regard to that sort of comment.  
09:57:06 6  
09:57:07 7 So if you had have, you may have been told it but you  
09:57:12 8 wouldn't have given it much regard?---No. As it turned out  
09:57:22 9 I spoke to [REDACTED] for about eight minutes.  
09:57:30 10  
09:57:30 11 If we can go, please, back to Mr White's diaries for 13  
09:57:42 12 March 2007. Do you need the code? VPL.0100.0096.0486,  
09:59:04 13 0580. Over the left-hand side you'll see the 10, 11, 12.  
09:59:26 14 We had a little bit of confusion during Mr White's evidence  
09:59:29 15 about that, it looks like a 16 but we ultimately discovered  
09:59:32 16 it should be a 13 there on the left-hand side?---Yes.  
09:59:36 17  
09:59:37 18 And you'll see the days of the week are Friday, Saturday,  
09:59:46 19 Sunday, Monday and then Tuesday. Over the right-hand side  
09:59:51 20 at 14:30 there's a recording of a meeting of Mr White with  
09:59:57 21 Detective Sergeant Flynn?---Yes.  
09:59:59 22  
09:59:59 23 In relation to a number of matters. Again, a different  
10:00:04 24 informer first?---Yes.  
10:00:06 25  
10:00:06 26 If we go further down over the page, at the top of the next  
10:00:14 27 page you'll see there's discussion there between White and  
10:00:18 28 Flynn in relation to 3838. There's discussion in relation  
10:00:23 29 to the upcoming committal of [REDACTED] and how to protect the  
10:00:29 30 human source re non-declaration of involvement in the  
10:00:37 31 [REDACTED] arrest, do you see that?---Yes, I do.  
10:00:40 32  
10:00:40 33 She's concerned that Dale Flynn's notes will reveal her  
10:00:44 34 attendance at St Kilda Road?---Right.  
10:00:47 35  
10:00:49 36 She has denied attending St Kilda Road in relation to  
10:00:53 37 [REDACTED]. There's a note to check if this is true. And  
10:00:58 38 then they go through a number of options about how this  
10:01:03 39 dilemma might be dealt with. The first one being, "Delete  
10:01:07 40 all references - under privilege. Admit that the human  
10:01:13 41 source attended and what does she then say to [REDACTED]" and  
10:01:17 42 reference to being scared for her safety. There being an  
10:01:21 43 expectation that she should have warned [REDACTED] and [REDACTED] if  
10:01:27 44 she had have known that. An excuse that how could she have  
10:01:34 45 known that [REDACTED] and [REDACTED] were working together. The  
10:01:38 46 Mokbels had never told her. And then there's discussion re  
10:01:42 47 the possibility of a plea by [REDACTED] because it seems as

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10:01:46 1            though, well, if it resolves and ██████████ pleads guilty  
10:01:51 2            then there's going to be no need for disclosure which might  
10:01:54 3            cause some problems, do you accept that?---Yes, I see that,  
10:02:00 4            yes.  
10:02:00 5  
10:02:00 6            It's then agreed, and it's the initials of a handler, is to  
10:02:04 7            speak to Ms Gobbo in relation to the situation. And  
10:02:09 8            outline the issues and the options available. It's noted  
10:02:12 9            that if all material is deleted under PII, and then if it's  
10:02:17 10           contested, Ms Gobbo's involvement will be revealed to the  
10:02:21 11           Magistrate. And there's reference then to a confidential  
10:02:25 12           affidavit and then that being the same problem, i.e. if  
10:02:30 13           there's any contest of the matter, Ms Gobbo's involvement  
10:02:33 14           will be revealed to the Magistrate in any case?---Yes, I  
10:02:37 15           see that.  
10:02:38 16  
10:02:38 17           And then there's, it's adjourned for further consideration  
10:02:42 18           and discussion with Ms Gobbo, do you see that?---Yes, I see  
10:02:47 19           that.  
10:02:47 20  
10:02:49 21           If we go to your diary in relation to that date. And  
10:03:05 22           specifically - - - ?---Sorry, which date?  
10:03:07 23  
10:03:07 24           Sorry, we're on 13 March 2007?---Thank you. Yes.  
10:03:13 25  
10:03:19 26           If you go to the time of 13:40. Do you see that's the date  
10:03:25 27           that you've gone out to the prison with Detective Trichias  
10:03:29 28           to speak to ██████████?---That's correct, yes.  
10:03:32 29  
10:03:33 30           And you record what he told you as complete fabrication of  
10:03:38 31           lies?---Yes.  
10:03:38 32  
10:03:40 33           It seems you're in there with him from 15:04 to  
10:03:46 34           15:42?---Yes.  
10:03:46 35  
10:03:46 36           You say at 15:42, "Conversation ended" and there's  
10:03:50 37           reference about the conversation being taped?---Yes.  
10:03:53 38  
10:03:54 39           Do you know if there's any transcript of that  
10:03:58 40           conversation?---Not that I know of. I've certainly not  
10:04:02 41           seen one.  
10:04:02 42  
10:04:03 43           Where would the tape have gone?---Again, that would have  
10:04:06 44           gone back to Purana and I'd imagine it would be, the usual  
10:04:10 45           practice was burn it on to a CD and file it in the filing  
10:04:16 46           cabinet I mentioned a few days back.  
10:04:18 47

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10:04:19 1 Was there any discussion in relation to Ms Gobbo during  
10:04:22 2 that conversation?---Not that I recall.  
10:04:23 3  
10:04:23 4 Is it likely there would have been at least some reference  
10:04:26 5 to her?---I can't say now. It's 14 or 15 years ago. I  
10:04:31 6 mean - - -  
10:04:31 7  
10:04:31 8 I take it there was no indication to [REDACTED] that his  
10:04:37 9 legal representative was conflicted?---I don't believe so.  
10:04:42 10  
10:04:47 11 We'd ask for some inquiries to be made, Commissioner, in  
10:04:51 12 relation to any recording and transcript in relation to  
10:04:54 13 that conversation.  
10:04:56 14  
10:04:57 15 COMMISSIONER: All right then, thank you.  
10:04:59 16  
10:04:59 17 MR HOLT: It's already underway, Commissioner.  
10:05:01 18  
10:05:01 19 COMMISSIONER: Thank you.  
10:05:03 20  
10:05:07 21 MS TITTENSOR: The following day, 14 March, at 18:10 in  
10:05:15 22 your diary you have another conversation with Ms Gobbo in  
10:05:25 23 relation to [REDACTED]?---Yes.  
10:05:27 24  
10:05:28 25 You advise her that there's no deal?---Yes.  
10:05:32 26  
10:05:33 27 And that you believe he was colluding with Carl Williams  
10:05:41 28 and fabricating lies in relation to [REDACTED] and  
10:05:44 29 others?---Yes.  
10:05:44 30  
10:05:45 31 You discussed with her the impending arrest of Renate  
10:05:54 32 Mokbel and the activities in relation to Zarah  
10:05:57 33 Garde-Wilson?---Yes.  
10:05:57 34  
10:05:58 35 Do you know whether she was providing any advice to Renata  
10:06:02 36 Mokbel?---No.  
10:06:02 37  
10:06:05 38 Did you have any discussions with her about concerns of her  
10:06:10 39 being compromised if the matter didn't resolve?---I don't  
10:06:15 40 believe so.  
10:06:15 41  
10:06:18 42 If you had have had those discussions you wouldn't have  
10:06:21 43 recorded them at that point in your diary?---As I say, I  
10:06:26 44 didn't go out of my way not to record things in my diary,  
10:06:29 45 that seems what you seem to be saying all the time. I  
10:06:34 46 recorded as best I could everything I could in the time  
10:06:36 47 available to me.

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O'BRIEN XXN - IN CAMERA

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10:06:36 1  
10:06:36 2 It would have looked a bit odd to have a discussion with a  
10:06:41 3 solicitor in relation to a client who was potentially going  
10:06:44 4 to plead and then her concern for her own welfare?---As I  
10:06:49 5 say, I don't think I had that discussion with her. As I  
10:06:54 6 say, I didn't - I took notes as best I could.  
10:06:59 7  
10:07:01 8 The following day on 15 March in your diary at 8.28 you had  
10:07:09 9 a conversation with Deputy Commissioner Overland and  
10:07:11 10 provided him with an update in relation to a number of  
10:07:14 11 matters, including [REDACTED] and Renata Mokbel?---That's  
10:07:20 12 correct.  
10:07:20 13  
10:07:21 14 Later that morning at 11.34 you're advised by Detective  
10:07:28 15 Coghlan that Renata Mokbel was in custody?---That's  
10:07:34 16 correct.  
10:07:34 17  
10:07:39 18 I just want to ask you about - there's an entry in your  
10:07:55 19 diary at 17:00. It's the second line of the entry.  
10:08:08 20 There's a reference to a telephone call you're having with  
10:08:11 21 Shane Kelly, Corrections?---That's correct.  
10:08:14 22  
10:08:16 23 And Zarah Garde-Wilson had Mokbel sign two  
10:08:21 24 documents?---Yes, that's correct.  
10:08:22 25  
10:08:22 26 Was there some surveillance going on of Ms Garde-Wilson's  
10:08:27 27 attendance on people in custody?---Not as far as I know.  
10:08:33 28  
10:08:33 29 That seems to indicate that you were getting some  
10:08:36 30 intelligence from Corrections in relation to what had  
10:08:40 31 occurred as between Ms Garde-Wilson and presumably Milad  
10:08:47 32 Mokbel?---It was information that was passed to me from  
10:08:49 33 Corrections, yes.  
10:08:49 34  
10:08:50 35 That indicated that there seemed to have been some  
10:08:53 36 surveillance going on of a conference between a lawyer and  
10:08:59 37 a person in custody?---I'm not sure if it was surveillance.  
10:09:04 38 I know Corrections were - this was a serious crime  
10:09:07 39 offenders unit as far as I know, they were monitoring what  
10:09:12 40 happened there. This was merely information passed to me.  
10:09:14 41  
10:09:15 42 You were getting some information that a solicitor had  
10:09:17 43 attended on Milad Mokbel and had him sign a number of  
10:09:22 44 documents?---That was the information I received from  
10:09:24 45 Corrections, yes.  
10:09:25 46  
10:09:25 47 Was there any warrant or legal advice at that stage in

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O'BRIEN XXN - IN CAMERA

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10:09:29 1 relation to whether such surveillance of lawyer's  
10:09:36 2 activities with persons in custody could occur to your  
10:09:40 3 knowledge?---I don't know there was any surveillance of  
10:09:42 4 lawyer's activities. In fact generally any information in  
10:09:46 5 relation to anything to do with lawyers visits was under  
10:09:49 6 legal professional privilege. We didn't get that  
10:09:53 7 information.  
10:09:53 8  
10:09:53 9 That's why I'm asking about this?---Yeah, I don't believe  
10:09:56 10 so. Who knows how he got that information. I mean it  
10:09:59 11 might be something Mokbel said later on or something - he  
10:10:04 12 signed two documents, I mean - - -  
10:10:05 13  
10:10:06 14 All right. The following day on 16 March at 9.10 you  
10:10:15 15 receive some information from the handler that there would  
10:10:18 16 be documents tendered in court that date in relation to the  
10:10:23 17 Renata Mokbel company resignation?---Yes.  
10:10:27 18  
10:10:29 19 If we can go to the ICRs at p.713, please. You'll see  
10:10:53 20 about halfway down the page, this is 17 March 2007, there's  
10:10:57 21 an entry there under the heading [REDACTED], that he no  
10:11:01 22 longer wanted to negotiate with you. He was claiming that  
10:11:04 23 you'd made it personal once [REDACTED] had been locked up and  
10:11:09 24 that he wanted Ms Gobbo and Con Heliotis to make an offer  
10:11:14 25 directly with the Director of Public Prosecutions, do you  
10:11:17 26 see that?---Yes, I do.  
10:11:18 27  
10:11:25 28 Ms Gobbo is reporting that Milad had acknowledged that, "He  
10:11:29 29 did say a bit of bullshit to you", do you see that?---Yes.  
10:11:33 30  
10:11:33 31 I take it you'd agree with that?---Yeah, there's no  
10:11:36 32 surprises there.  
10:11:37 33  
10:11:38 34 If we could go to Mr White's diary please for 19 March  
10:11:42 35 2007, VPL.0100.0096.0486 at 586. You'll see over the  
10:12:33 36 right-hand side of the page, this is 19 March 2007.  
10:12:41 37 There's a star with briefing and some initials of people,  
10:12:48 38 I'm not 100 per cent sure who the initials belong to, might  
10:12:53 39 be Tony Biggin the second one, re the committal. Rob Hardy  
10:13:01 40 and Tony Biggin by the looks of it, re Milad committal. If  
10:13:07 41 we scroll further down and keep on going to - there's  
10:13:11 42 various informers clearly being discussed, do you see  
10:13:14 43 that?---Yes, yes, I see numbers there.  
10:13:16 44  
10:13:16 45 And we get to over the page, and the next page. If get to  
10:13:31 46 down over the right-hand side down the bottom, at 17:10  
10:13:36 47 that day there's a meeting with Detective Sergeant Flynn in

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O'BRIEN XXN - IN CAMERA

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10:13:40 1 relation to 3838 notes. And it's agreed, "Hand over only  
10:13:47 2 notes that relate to MM arrest, Milad Mokbel arrest, not  
10:13:55 3 [REDACTED]?---Yes.  
10:13:56 4  
10:13:56 5 And in brackets it says, "Relevance". So it appears to be  
10:14:02 6 that there's an agreement at that stage that when,  
10:14:08 7 presumably, there's disclosure that's to be made, Mr Flynn  
10:14:13 8 would hand over only the notes relating to Milad Mokbel's  
10:14:19 9 arrest, no notes relating to [REDACTED] arrest, do you see  
10:14:22 10 that?---I can see that. I can see the notes, yes.  
10:14:25 11  
10:14:26 12 There's a note under that, "Have not been specifically  
10:14:29 13 asked re [REDACTED] notes" and underneath that, "Plea best  
10:14:36 14 option"?---Yes, I see that.  
10:14:38 15  
10:14:38 16 It seems to be that there's a continuing concern as to the  
10:14:43 17 revelation of Ms Gobbo's role if the Milad Mokbel matter  
10:14:48 18 didn't resolve, do you accept that?---I see what you say,  
10:14:53 19 yes.  
10:14:53 20  
10:14:53 21 If we can go to the ICRs at 734, please. You'll see there,  
10:15:33 22 this is 26 March 2007, at 15:46, there's, under the heading  
10:15:39 23 of, [REDACTED]. [REDACTED] is reporting that [REDACTED]  
10:15:47 24 doesn't want to talk to Ms Gobbo for her safety reasons.  
10:15:54 25 Then there's a reference to [REDACTED] not being happy with  
10:15:57 26 the advice he'd received from Ms Gobbo and that he should  
10:16:01 27 not have rolled over. He blames Ms Gobbo for the [REDACTED]  
10:16:04 28 year sentence that he'd just received. [REDACTED] wouldn't  
10:16:10 29 provide further details over the phone and Ms Gobbo is  
10:16:13 30 reporting that she's very unhappy and in tears stating that  
10:16:17 31 she had paid for his legal fees and meal money?---Right.  
10:16:20 32  
10:16:23 33 Then Purana Task Force, through Detective Flynn, is advised  
10:16:28 34 in relation to that?---Right.  
10:16:29 35  
10:16:29 36 If we go to 7.45. We're on 30 March. You'll see down  
10:16:49 37 towards the bottom there's a face-to-face meeting, there's  
10:16:53 38 a summary of a face-to-face meeting?---Sorry, what time's  
10:16:59 39 this?  
40  
10:16:59 41 Down the bottom, 16:51?---Yes.  
10:17:03 42  
10:17:03 43 Ms Gobbo has a meeting with White and Smith?---Yes.  
10:17:07 44  
10:17:13 45 If we go to, over the page. There's a discussion down the  
10:17:24 46 bottom in relation to [REDACTED] and a discussion  
10:17:28 47 specifically in relation to Milad Mokbel's committal

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10:17:32 1 mention and the possibility of material being subpoenaed.  
10:17:38 2 And down the bottom, "3838 expressed concerns regarding  
10:17:42 3 Purana recordings on the night of the 22nd. Flynn and  
10:17:49 4 O'Brien wanted him to commit to a course of action.  
10:17:52 5 Massive inconsistent statements, heaps of lies". Do you  
10:17:55 6 see that?---Yes, I see that.  
10:17:56 7  
10:17:57 8 And then there's further references really indicating  
10:18:05 9 Ms Gobbo's concerns about her dual agent role, if you like,  
10:18:11 10 being discovered and what might be done about it?---Yes.  
10:18:14 11  
10:18:16 12 If we go to 7.48. You'll see under the heading "Milad  
10:18:28 13 Mokbel" Ms Gobbo will see him on Monday in relation to a  
10:18:31 14 plea. She'll tell him that he has to think about the  
10:18:37 15 bigger picture i.e. charges involving a longer period of  
10:18:43 16 trafficking. Underneath that she indicates that Milad is  
10:18:49 17 getting advice from Lethbridge, that's his solicitor, and  
10:18:54 18 Livermore, his barrister, his other barrister, saying to  
10:18:58 19 check warrants, et cetera, prior to pleading. Ms Gobbo  
10:19:01 20 states that she's already done so and they are fine. Do  
10:19:06 21 you see that there might be an issue in, or there's  
10:19:12 22 certainly a difference between the advice that Milad Mokbel  
10:19:16 23 is receiving by his independent impartial legal  
10:19:20 24 representation as opposed to Ms Gobbo?---Going by this  
10:19:25 25 document, yes.  
10:19:26 26  
10:19:36 27 On about the seventh dot point down, "Ms Gobbo intends to  
10:19:41 28 say to Milad things from the past where she has been right  
10:19:46 29 re this matter. He said on the night of the arrest he  
10:19:50 30 wanted to plead guilty. Has said to Ms Gobbo that she was  
10:19:56 31 right in relation to that. She will tell him that the  
10:20:06 32 longer you leave something, the more they will have, those  
10:20:10 33 kinds of common sense things". She's indicating the kind  
10:20:13 34 of conversation she'll have with Milad Mokbel?---Yes.  
10:20:17 35  
10:20:18 36 In order for him to plead guilty, do you see that?---I see  
10:20:21 37 that, yes.  
10:20:21 38  
10:20:22 39 And then following that, "Ms Gobbo hopes that Renate  
10:20:25 40 doesn't get out on Tuesday", that's presumably out of  
10:20:29 41 custody, and that will solidify her position. She seems to  
10:20:34 42 think that will be of some advantage to her?---Yes, that's  
10:20:39 43 what that document says.  
10:20:41 44  
10:20:41 45 That is Ms Gobbo?---Yes.  
10:20:43 46  
10:20:43 47 Then over the page at 749. About the fifth dot point down

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10:21:01 1 there's a reference to Mr Richter being involved and that  
10:21:07 2 he won't be looking for human source involvement but she  
10:21:10 3 believes that Milad and Carl Williams will look at the  
10:21:13 4 material and that's of concern for her?---Yes, I see that.  
10:21:18 5  
10:21:21 6 There's a suggestion underneath that that it might be  
10:21:24 7 better if she was overseas at the time of the committal,  
10:21:27 8 there's options being discussed, and the reason for  
10:21:34 9 mentioning this is that [REDACTED] was not talking to her.  
10:21:38 10 It seems their relationship was a bit strained at that  
10:21:43 11 point in time. Do you have a recollection of that?---No, I  
10:21:46 12 don't.  
10:21:46 13  
10:21:56 14 Further down the page, a little bit under halfway, it says,  
10:22:01 15 "No notes from [REDACTED] will be handed over at this stage  
10:22:05 16 to any outside person under 8A", that's the committal  
10:22:10 17 disclosure process, you recall that?---Yes.  
10:22:13 18  
10:22:14 19 "Subpoenas have not been issued at this stage. Effectively  
10:22:17 20 things are simply being deferred at this time, a plausible  
10:22:22 21 response needs to be considered. The time to consider an  
10:22:26 22 appropriate response. If no appropriate response can be  
10:22:30 23 formulated" there are other considerations that they then  
10:22:35 24 go on to mention. Public interest immunity is discussed.  
10:22:39 25 It's not an option because that would mean information  
10:22:42 26 would be unable to be kept secret and that presumably  
10:22:47 27 means, "Well we can't keep it secret from the court"?---I  
10:22:53 28 don't think anybody's is saying keep it secret from the  
10:22:58 29 court, I don't see that.  
10:22:59 30  
10:23:00 31 What they're saying is that claiming public interest  
10:23:02 32 immunity, that option is discussed but they're saying it's  
10:23:05 33 not an option and the only reason it wouldn't be an option  
10:23:09 34 is, they go on to say, "It's not an option because that  
10:23:13 35 means we're unable to keep it secret". Whilst you might be  
10:23:18 36 claiming public interest immunity, you understand you have  
10:23:20 37 to at least inform the court as to what underlies  
10:23:24 38 everything?---Right.  
10:23:25 39  
10:23:26 40 So they're saying that's not an option presumably because  
10:23:30 41 the court would then have to be informed.  
10:23:33 42  
10:23:34 43 MR CHETTLE: Commissioner, it's what Ms Gobbo is saying,  
10:23:35 44 it's not they are saying. These ICRs are a record of what  
10:23:40 45 she says, not what - I'm being sensitive, but the assertion  
10:23:44 46 that they were saying that is not correct.  
10:23:46 47

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O'BRIEN XXN - IN CAMERA



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10:23:46 1 COMMISSIONER: Yes, the note speaks for itself.  
10:23:51 2  
10:23:59 3 MS TITTENSOR: It may well be that this is Ms Gobbo talking  
10:24:03 4 or it may be the other way around. This might be clarified  
10:24:09 5 with a listening - I think this is an audio recording, I'm  
10:24:13 6 currently reading out the summary. We might get a more  
10:24:16 7 accurate idea from the actual transcript.  
10:24:20 8  
10:24:20 9 COMMISSIONER: It says it's discussed. Yes, the transcript  
10:24:23 10 would be the best evidence.  
10:24:27 11  
10:24:27 12 MS TITTENSOR: Underneath that - - -  
10:24:29 13  
10:24:29 14 COMMISSIONER: Sorry, the tape would be the best evidence.  
10:24:32 15  
10:24:33 16 MS TITTENSOR: Underneath that reference to public interest  
10:24:35 17 immunity being discussed, it says this, "Bateson - blackout  
10:24:42 18 references - re [REDACTED]"?---Yes.  
10:24:46 19  
10:24:46 20 "They got away with not having to produce", do you see  
10:24:51 21 that?---Yes.  
10:24:51 22  
10:24:52 23 "Discuss the possibility of human source representing one  
10:24:55 24 of the co-offenders. She suggested the only person that  
10:24:59 25 could be is [REDACTED]"?---Yes.  
10:25:03 26  
10:25:04 27 Do you remember there was another person arrested by the  
10:25:08 28 name of [REDACTED]?---Yes.  
10:25:17 29  
10:25:17 30 Down the bottom Ms Gobbo suggests that if Renate matter  
10:25:22 31 refused, she believes it will change Milad's attitude, that  
10:25:28 32 he might be more receptive to her suggestions and influence  
10:25:33 33 and it would be good if he got more charges?---Yes, I can  
10:25:37 34 see it.  
10:25:37 35  
10:25:47 36 I'll take you to a slight bit of the audio transcript.  
10:25:51 37 Unfortunately I don't have that public interest immunity in  
10:25:55 38 my notes, but we can go to the audio transcript,  
10:25:58 39 VPL.0005.0127.0720. If we can go to p.209, please. You'll  
10:26:32 40 see there that there's some discussion about the disclosure  
10:26:36 41 problem?---Yes.  
10:26:38 42  
10:26:41 43 And that just under halfway, or about halfway Ms Gobbo is  
10:26:47 44 referring to police notes from the night?---Yes.  
10:26:53 45  
10:26:54 46 Following that Mr White says, "Well we've also addressed  
10:26:57 47 the issue of what other notes there are in existence and

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10:27:00 1 we've been told there are no others that cause a problem  
10:27:03 2 but we're actually going to sit down with those people and  
10:27:06 3 work our way through all their notes". Ms Gobbo says,  
10:27:13 4 starts listing people who it would be, "Like O'Brien,  
10:27:17 5 obviously Paul Rowe, Jason Kelly, da, da, da was there on  
10:27:21 6 the night, everyone was there"?---Yes.  
10:27:24 7  
10:27:24 8 And Mr White says, "There's a lot of people we need to sit  
10:27:28 9 down and as a ... go through all the notes so that's been  
10:27:33 10 considered and taken care of". Do you know if there was a  
10:27:39 11 time when the SDU sat down with all the investigators that  
10:27:44 12 were present on the night of ██████████'s arrest to go  
10:27:48 13 through their notes?---Not to my knowledge. All this  
10:27:52 14 material that you've, a lot of this material you've just  
10:27:55 15 gone through, I make this observation, I wasn't even at  
10:27:59 16 work when this occurred. I wasn't at these meetings. This  
10:28:03 17 is the very sort of thing, materials and foibles why we  
10:28:09 18 outsourced this human source along with other human  
10:28:12 19 sources, dealing with all this sort of material and their  
10:28:15 20 worries and their concerns. That wasn't of concern to me,  
10:28:18 21 I was about information, investigating criminality.  
10:28:23 22  
10:28:25 23 I accept your weren't present at some of these meetings,  
10:28:29 24 but clearly the SDU were having meetings with investigators  
10:28:33 25 and the last few have been with Detective Flynn and these  
10:28:36 26 concerns in relation to disclosure and how we're going to  
10:28:40 27 deal with these issues were discussed as between the SDU  
10:28:43 28 and the investigators?---No, but none of this was ever  
10:28:47 29 discussed with me. Knowing Dale Flynn as I do, I doubt  
10:28:52 30 whether it probably took place with him, I'm not sure, but  
10:28:55 31 Dale would be able to answer that. At all stages we would  
10:28:59 32 have had to produce material to the court.  
10:29:03 33  
10:29:11 34 If we can go to the ICR p.767, please. You'll see here  
10:29:42 35 this is 4 April 2007, Mr O'Brien?---Yes.  
10:29:47 36  
10:29:48 37 This is a discussion again with the handlers in relation to  
10:29:54 38 Milad Mokbel and Ms Gobbo is telling them that Mr Mokbel  
10:29:58 39 has been wrongly convinced by Wilson and Lethbridge that  
10:30:03 40 Purana will not be serving additional charges. She'd lost  
10:30:07 41 her temper with Milad regarding this as she'd already told  
10:30:11 42 him he would be. He wanted Renee released. She'd been  
10:30:16 43 discussing another brief of evidence against him in  
10:30:19 44 relation to a threat to kill, which he seemed to take  
10:30:23 45 lightly. He didn't think that you, Mr O'Brien, would come  
10:30:31 46 back to see him but Ms Gobbo said that you would return  
10:30:36 47 once his wife was refused leave to appeal and she tells her

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10:30:42 1 handlers that Milad is desperate to resolve matters and  
10:30:45 2 ensure his wife is released. Do you see that?---Yes.  
10:30:49 3 Again, her opinion. This is what this says to me, her  
10:30:55 4 opinion.  
10:30:56 5  
10:30:57 6 It goes on that she believed, or she indicated that [REDACTED]  
10:31:05 7 [REDACTED] in relation [REDACTED]. She said that  
10:31:11 8 both she and Milad Mokbel believed that [REDACTED] killed  
10:31:17 9 [REDACTED] and that he'd made a false statement and that  
10:31:20 10 [REDACTED] had not been involved and there's a notation  
10:31:24 11 there that Purana had previously been advised of that. Do  
10:31:28 12 you see that?---Yes, I do.  
10:31:30 13  
10:31:31 14 She indicates to the handlers that she's frustrated with  
10:31:34 15 the bullshit advice that Mr Milad Mokbel's other lawyers  
10:31:42 16 were providing to him. She stated that Milad Mokbel would  
10:31:46 17 not deal with, it should be Peter Trichias from Purana, and  
10:31:50 18 that [REDACTED]  
10:31:55 19 stealing \$100,000?---Yes.  
10:31:56 20  
10:31:57 21 And there's an indication there that you were advised  
10:32:02 22 verbally of that information?---Right. Which date was  
10:32:06 23 this?  
10:32:06 24  
10:32:06 25 This is 4 April 2007?---Yes, I was on a day off and was  
10:32:23 26 involved in a presentation with the Australian Football  
10:32:31 27 League.  
10:32:31 28  
10:32:40 29 It might be that some of your recording of that information  
10:32:45 30 was on a different date. If I can take you to 10 April  
10:32:48 31 2007?---Yes.  
10:32:55 32  
10:33:00 33 At 14:50 do you have a conversation with an SDU  
10:33:09 34 handler?---Yes.  
10:33:09 35  
10:33:11 36 And are you given the information that Milad Mokbel will  
10:33:18 37 still broker a deal to plead guilty?---Yes.  
10:33:21 38  
10:33:21 39 And that he didn't like Peter Trichias?---Didn't like  
10:33:26 40 either of us apparently.  
10:33:27 41  
10:33:30 42 I don't know that that's specifically mentioned there, but  
10:33:34 43 certainly you've noted there that he didn't like Peter  
10:33:38 44 Trichias?---Yes.  
10:33:39 45  
10:33:39 46 Then you've given some other information in relation to  
10:33:41 47 other people?---Yes.

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10:33:42 1  
10:33:53 2 If you go over the page in that entry, you're given some  
10:34:05 3 information about Ms Gobbo having reported on a  
10:34:09 4 conversation that she'd had with barrister Steven  
10:34:18 5 Shirreffs?---Have you got a time at all? Sorry.  
10:34:21 6  
10:34:21 7 It's the same entry I think, it's part of that longer  
10:34:30 8 entry. You might see about five lines down she's talking  
10:34:35 9 about speaking with Steven Shirreffs? Sorry, five lines  
10:34:49 10 down on I think it would be p.5 of your diary?---That's  
10:35:04 11 correct, yes.  
10:35:04 12  
10:35:05 13 Now, it seems at the time that Shirreffs was engaged in  
10:35:10 14 defending ██████████ in relation to the trial for the  
10:35:15 15 murder of ██████████?---Yes.  
10:35:17 16  
10:35:18 17 And ██████████ was giving evidence against  
10:35:23 18 ██████████?---That's correct.  
10:35:24 19  
10:35:24 20 And there was a discussion between Ms Gobbo and  
10:35:27 21 Mr Shirreffs in relation to the evidence in the  
10:35:31 22 trial?---Yes.  
10:35:31 23  
10:35:32 24 And he was conveying to her various matters that he  
10:35:35 25 believed to be weaknesses in the prosecution case?---Yes.  
10:35:38 26  
10:35:39 27 That careful analysis of the CCRs along with the evidence  
10:35:43 28 of a particular witness would show that ██████████ was not  
10:35:47 29 in a particular suburb?---That's correct, that's what the  
10:35:51 30 information says.  
10:35:51 31  
10:35:52 32 And clearly that information's been relayed to you?---It  
10:35:56 33 has been, yes.  
10:35:57 34  
10:35:57 35 Was there any concern that there might be some breaching of  
10:36:03 36 confidential privileged information in receiving that  
10:36:09 37 information?---I didn't consider it at that time. I noted  
10:36:13 38 the information. Wrote it down as it was given to me and  
10:36:16 39 did nothing with it.  
10:36:17 40  
10:36:18 41 Did you not pass that information on to anyone?---Not as  
10:36:21 42 far as I know.  
10:36:22 43  
10:36:24 44 Could you say 100 per cent you didn't pass that information  
10:36:28 45 on or - - - ?---As I say, I don't believe I did pass it on.  
10:36:33 46 I didn't involve myself in stuff that was on foot, already  
10:36:37 47 ongoing. I was concerned about doing investigations.

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10:36:40 1  
10:36:40 2 If you had some information that there might be a  
10:36:43 3 particular attack on a particular case in a particular way,  
10:36:46 4 would you discuss with your investigators how to cover off  
10:36:49 5 on such matters?---It depends. If it was stuff that was  
10:36:53 6 public knowledge not something that was information between  
10:36:56 7 what one barrister was going to do on behalf of his client.  
10:36:59 8 I wasn't going to use that, no. It would be a matter of  
10:37:09 9 public record in any event.  
10:37:11 10  
10:37:12 11 Depends what stage the trial was at, I presume?---My  
10:37:16 12 understanding was that ██████ went on to give evidence  
10:37:18 13 in the trial for some lengthy period of time and as a  
10:37:26 14 result I think ██████ was convicted of the murder.  
10:37:29 15  
10:37:29 16 You're right, yes. If we can go to the ICRs at p.799,  
10:37:39 17 please. If we can just scroll up to confirm the date.  
10:37:55 18 This should be 18 April, do you see that?---Yes.  
10:38:00 19  
10:38:03 20 Under the heading, "██████████" at 13:48 do you see that  
10:38:10 21 he's furious about ██████ and the statements that he'd  
10:38:15 22 made and was asking Ms Gobbo if she visits or sees ██████  
10:38:20 23 ██████?---Yes.  
10:38:20 24  
10:38:21 25 She expresses concern that upcoming subpoenas will reveal  
10:38:24 26 contacts that she'd had with ██████ and it's indicated  
10:38:29 27 that the issue was discussed with you and you advised that  
10:38:32 28 there's an agreement in place with the prison to advise of  
10:38:35 29 all subpoenas, do you see that?---Right.  
10:38:37 30  
10:38:42 31 If you have a look at your diary for that date?---Sorry,  
10:38:50 32 the date again?  
10:38:52 33  
10:38:52 34 COMMISSIONER: 18 April 07?---Thank you, Commissioner.  
10:39:12 35 Yes.  
10:39:12 36  
10:39:13 37 MS TITTENSOR: At 14:20 you record a discussion with the  
10:39:16 38 handler in relation to 3838 information?---Yes.  
10:39:25 39  
10:39:27 40 Insofar as it refers to ██████, it indicates that,  
10:39:36 41 "██████ is very annoyed re ██████ evidence"?---Yes.  
10:39:45 42  
10:39:45 43 Doesn't refer to any discussion about subpoenas?---No.  
10:39:48 44  
10:39:49 45 Do you accept that you had a discussion about subpoenas  
10:39:52 46 with the handler?---No, I don't. I don't - I've no memory  
10:39:56 47 of that. I'm not saying it didn't happen, but I don't have

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10:40:00 1 a memory of it and I don't have a note of it.  
10:40:02 2  
10:40:03 3 Was there an agreement in place with the prison that they  
10:40:06 4 would advise investigators in relation to all subpoenas  
10:40:08 5 that were issued?---I don't believe so.  
10:40:10 6  
10:40:11 7 Was there an agreement in place specifically to, out of  
10:40:18 8 concern in relation to Ms Gobbo?---At the prison?  
10:40:24 9  
10:40:24 10 In relation to subpoenas being issued that might reveal her  
10:40:28 11 attendances on particular prisoners?---I don't believe so.  
10:40:35 12 There may have been something the Source Unit put in place  
10:40:41 13 but certainly not something I'm aware of.  
10:40:44 14  
10:40:44 15 It seems to be from a note made by the handler, they  
10:40:47 16 discussed it with you and you advised that there was an  
10:40:51 17 agreement in place with the prison?---I don't believe there  
10:40:53 18 was an agreement in place with the prison.  
10:40:55 19  
10:40:56 20 If we can go to p.801, please, 19 April 2007. You'll see  
10:41:16 21 just under halfway again there's discussion in relation to  
10:41:20 22 Milad Mokbel. Ms Gobbo would like, this is 19 April  
10:41:26 23 2007?---Yes.  
10:41:26 24  
10:41:26 25 Sorry if I didn't say that. "Ms Gobbo would like to see  
10:41:30 26 Milad and assist him to plead to all charges. She states  
10:41:34 27 that Renee needs to stay in gaol to enable her to be able  
10:41:38 28 to convince Milad"?---Yes.  
10:41:40 29  
10:41:41 30 And she had some general conversation with the handler  
10:41:44 31 about not representing or providing legal advice to the  
10:41:47 32 Mokbels?---Yes.  
10:41:48 33  
10:41:49 34 It seems that that message certainly wasn't getting through  
10:41:52 35 to her, do you accept that?---Yes.  
10:41:55 36  
10:42:09 37 It's at that stage, just underneath there, the next entry  
10:42:14 38 is Ms Gobbo offering to go overseas and meet with Tony  
10:42:17 39 Mokbel at her own expense, do you see that?---I find that  
10:42:24 40 very amusing because Mr Mokbel was living in serenity at  
10:42:31 41 Bonnie Doon as we all know by then.  
10:42:34 42  
10:42:34 43 This was about a year later I think, so he might have been  
10:42:38 44 overseas, I imagine, by that stage. She's offering to  
10:42:43 45 infiltrate with various other associates of Mokbel and is  
10:42:46 46 100 per cent confident that he'd surface if she presumably  
10:42:51 47 infiltrated and went overseas. It's bizarre behaviour by

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10:42:57 1 her, would you agree?---Yes. In fact, I might just say, I  
10:43:09 2 think I believe that was the very date that I received  
10:43:13 3 confirmation that Tony Mokbel was in Greece.  
10:43:17 4  
10:43:17 5 19 April?---Yes.  
10:43:19 6  
10:43:27 7 If we can go to your diary on the 22nd?---Yes.  
10:43:39 8  
10:43:44 9 Do you have a notation, I think it's the second-last line  
10:43:53 10 down, you rendezvous with Sandy White-O  
10:43:56 11 and you're having discussions with him in relation to the  
10:44:01 12 deactivation of Ms Gobbo?---Yes.  
10:44:02 13  
10:44:02 14 If we go to p.818 of the - we're now on 30 April 2007.  
10:44:16 15 You'll see at 15:49 under the heading [REDACTED] again,  
10:44:23 16 "[REDACTED] is very keen to plead". He wants to talk to  
10:44:31 17 you. He's saying he can't help the police in relation to  
10:44:34 18 the [REDACTED], [REDACTED] and [REDACTED] murders and he's  
10:44:41 19 concerned with [REDACTED] and that [REDACTED] be left in custody,  
10:44:45 20 do you see that?---Yes.  
10:44:46 21  
10:44:47 22 He's requested that Jim O'Brien speak to him again and it  
10:44:51 23 says there that you were notified?---Yes.  
10:44:55 24  
10:45:06 25 I'm not sure there's necessarily any reference in your  
10:45:12 26 diary to such a notification?---No, there wasn't, you'll  
10:45:15 27 see I was very busy with another informer.  
10:45:18 28  
10:45:18 29 Yes. Do you accept you were notified and you may have told  
10:45:23 30 someone else to deal with it?---No, I don't accept I was -  
10:45:26 31 as I say I have no recollection of being notified by that.  
10:45:30 32 There was one approach in relation to [REDACTED], I went  
10:45:33 33 out and saw him, and as I say it was a waste of time and  
10:45:36 34 that was it.  
10:45:37 35  
10:45:38 36 Often there are numerous approaches and numerous  
10:45:41 37 discussions with witnesses before they, with witnesses or  
10:45:44 38 people that plead guilty before they come round to becoming  
10:45:47 39 a witness or even just pleading guilty, is that right? You  
10:45:52 40 don't just have, you might not just have one and say,  
10:45:55 41 "That's it, I'm not going to speak to this person  
10:46:00 42 again"?---No, but I'd want a very good reason to drive all  
10:46:04 43 the way back to [REDACTED] and see him again.  
10:46:06 44  
10:46:06 45 Do you understand that Detective Flynn continued to drive  
10:46:09 46 out to [REDACTED] and see him?---I'm not sure, he may have.  
10:46:13 47

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10:46:13 1 If you were notified about this and subsequently Detective  
10:46:18 2 Flynn goes out, would you accept the circumstance that you  
10:46:25 3 were notified and passed it on to Flynn?---I may have. As  
10:46:28 4 I say, it's noted there. I don't have a note of it, I was  
10:46:35 5 busy with other things.  
10:46:37 6  
10:46:37 7 Whilst we're here, in your diary on 2 May?---Yes.  
10:46:47 8  
10:46:58 9 13:30, I think you attend the Pen Place or the Pen People  
10:47:05 10 and purchase a pen for presentation to Ms Gobbo?---That's  
10:47:08 11 correct.  
10:47:08 12  
10:47:12 13 Was there any engraving on the pen?---Not that I believe.  
10:47:16 14  
10:47:18 15 And then later that night at 18:15 you go to the, you set  
10:47:24 16 out with S [REDACTED] White-O to the Sebel Heritage golf course and  
10:47:30 17 have a meeting and dinner with Ms Gobbo, is that  
10:47:33 18 right?---Yes.  
10:47:33 19  
10:47:34 20 You were joined there at 7.25 by a number of other  
10:47:41 21 handlers, is it Green and Anderson?---I think they were  
10:47:44 22 already there.  
10:47:44 23  
10:47:45 24 And Ms Gobbo. And there's discussion about, she provides  
10:47:50 25 even more information during the course of dinner in  
10:47:53 26 relation to further possible police corruption issues, is  
10:47:57 27 that right?---That's correct.  
10:47:58 28  
10:47:58 29 And that dinner goes on until about half past  
10:48:03 30 midnight?---That's what time I left, yes.  
10:48:05 31  
10:48:05 32 And you left with S [REDACTED] to go  
10:48:08 33 home?---Yes.  
10:48:09 34  
10:48:12 35 It seems to have been a reasonably long dinner?---Yes.  
10:48:17 36  
10:48:18 37 What was the mood like around the table?---I don't really  
10:48:26 38 recall.  
10:48:26 39  
10:48:26 40 Were there discussions about the glories, the arrests that  
10:48:32 41 had been made based on Ms Gobbo's assistance?---I don't  
10:48:35 42 think so. I didn't, I didn't go into any great detail  
10:48:40 43 about arrests or work that I was doing.  
10:48:42 44  
10:48:43 45 Were there speeches?---No, there wasn't any speeches.  
10:48:45 46  
10:48:47 47 There was a presentation of the pen at some point in

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10:48:49 1 time?---Yes, I thanked her for the assistance she gave  
10:48:52 2 Victoria Police and gave her the pen.  
10:48:53 3  
10:48:54 4 Anyone else make any speeches that you can recall?---Not  
10:48:58 5 that I can recall.  
10:48:59 6  
10:49:01 7 You travelled home with Sandy White-O  
10:49:05 8 again?---Yes.  
10:49:06 9  
10:49:07 10 Was there a discussion about Ms Gobbo during - - -?---There  
10:49:13 11 may have been. As I say, I don't recall now.  
10:49:15 12  
10:49:15 13 I think the next morning you travelled back to work with  
10:49:18 14 him again, is that right?---Yes.  
10:49:19 15  
10:49:20 16 And those are the types of events where you might have a  
10:49:24 17 bit of a catch up with him in relation to what was going on  
10:49:27 18 with various informers, including Ms Gobbo?---Yes, it may  
10:49:32 19 have been.  
10:49:32 20  
10:49:32 21 And not necessarily write down what you'd been  
10:49:37 22 discussing?---No, it would be just general conversation.  
10:49:43 23 Same as when you're working in an office for 10 or 14 hours  
10:49:48 24 a day.  
10:49:49 25  
10:49:49 26 You've indicated previously on one of those trips shortly  
10:49:54 27 after ██████████ had been arrested, that you had some  
10:49:57 28 discussion with him about your concerns in relation to  
10:50:00 29 Ms Gobbo representing ██████████, or having turned up to the  
10:50:03 30 police station and providing him with advice?---Yes, we  
10:50:06 31 did.  
10:50:06 32  
10:50:06 33 At around this time you've got this situation with Milad  
10:50:11 34 Mokbel where she's in the midst of trying to negotiate a  
10:50:14 35 plea for him, one that would benefit her own situation.  
10:50:18 36 Did you have any such discussion with Detective White  
10:50:20 37 around those issues?---No, I don't think so and, as I said,  
10:50:25 38 look from what I know of Milad Mokbel, lovely man to your  
10:50:30 39 face, wanted to make an espresso coffee when you were  
10:50:34 40 searching his house, but at the end of the day he was a  
10:50:38 41 Mokbel and he never was going to provide us anything as far  
10:50:42 42 as I was concerned.  
10:50:43 43  
10:50:43 44 Do you say then it was all right that he had Ms Gobbo  
10:50:47 45 advising him?---No, I don't say that at all. It's not  
10:50:51 46 something I had any sway over.  
10:50:53 47

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10:50:54 1 Did you seek some advice about whether you could prevent  
10:50:57 2 such a situation?---No, I didn't. As I said, my whole  
10:51:06 3 focus in this matter was in relation to the deaths of the  
10:51:10 4 two Hodsons. There were two people that were dead, shot in  
10:51:16 5 the back of the head in their own house who were police  
10:51:21 6 informers. My first and foremost consideration always was  
10:51:24 7 the life of the informer and the protection of their  
10:51:28 8 identity.  
10:51:28 9  
10:51:30 10 If we can go to p.834, please. If we scroll up you'll see  
10:51:52 11 11 May 2007. Do you see that on the left-hand side  
10:52:01 12 there?---Yes, I do.  
10:52:02 13  
10:52:04 14 There's an entry at the top under the heading "Milad  
10:52:09 15 Mokbel" who is expecting to see Dale Flynn that day.  
10:52:14 16 "Ms Gobbo reports that he now regrets listening to Zarah  
10:52:21 17 Garde-Wilson and states that he should have pleaded guilty  
10:52:23 18 in the first instance. He wanted to sack his current  
10:52:33 19 solicitor Lethbridge. He had just paid some money into the  
10:52:37 20 Lethbridge account by the looks of it. He told Flynn to  
10:52:41 21 deal with Ms Gobbo. She says she's not going to represent  
10:52:45 22 or appear for him at court" but it seems she believes that  
10:52:50 23 settlement can be reached with him and Purana, presumably  
10:52:53 24 by her acting in the background?---That's what it says,  
10:52:59 25 yes.  
10:53:00 26  
10:53:06 27 In Flynn's statement he indicates that he had further  
10:53:09 28 discussions with Ms Gobbo about a resolution in relation to  
10:53:14 29 Milad Mokbel's matter and his desire essentially to [REDACTED]  
10:53:18 30 [REDACTED] on 14 May 2007. Then if we go to 15 May 2007 at  
10:53:25 31 p.837. At 13:44 you'll see a heading "Milad Mokbel".  
10:53:40 32 "Ms Gobbo reports that she's been talking to Detective  
10:53:43 33 Flynn about the Milad plea deal. She can't talk to  
10:53:47 34 Lethbridge", who's the solicitor on the record, "Ms Gobbo  
10:53:52 35 advised that it's not appropriate for her to" - sorry, the  
10:53:57 36 handler it seems advised Ms Gobbo it's not appropriate for  
10:54:00 37 her to represent Milad. She agrees and added that he'd  
10:54:05 38 failed to pay \$40,000 in fees and she's referred Milad to  
10:54:13 39 Robert Richter to negotiate with Purana it seems, do you  
10:54:16 40 see that?---I see that, yes.  
10:54:22 41  
10:54:31 42 If we go to 849, please, 22 May 2007. At 13:51 under the  
10:54:49 43 heading "Milad Mokbel" there's reference to the solicitor  
10:54:53 44 Lethbridges will not allow Milad to plead guilty. Milad  
10:54:59 45 needs lots of money to prepare for the committal. And the  
10:55:03 46 OPP are [REDACTED] with the [REDACTED] He  
10:55:06 47 wanted the matter settled. Ms Gobbo believes that Milad

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10:55:12 1 will plead to Flynn's terms. Ms Gobbo doesn't want to be  
10:55:18 2 involved in the plea but Milad is demanding that she be  
10:55:22 3 involved. Milad is demanding that she ring the OPP and  
10:55:27 4 resolve it. Then later in another conversation there's an  
10:55:32 5 indication that he accepts he has to plead guilty.  
10:55:35 6 Ms Gobbo believes that the response from the OPP had been  
10:55:41 7 driven by you. Do you see that?---Yes.  
10:55:43 8  
10:55:51 9 Go to 856, please. Halfway down the page there's an  
10:56:05 10 indication - this is 25 May 2007 - halfway down the page  
10:56:10 11 there's an indication that Ms Gobbo wants to speak to Flynn  
10:56:13 12 so she can tell Milad what he's expected to plead to. She  
10:56:19 13 wants to then get, she wants to get a solicitor to then  
10:56:23 14 negotiate on his behalf. Now, a number of days after that  
10:56:29 15 on 28 May 2007 Mr Flynn indicates in his statement he had  
10:56:34 16 further discussion with Ms Gobbo in relation to possible  
10:56:38 17 resolution of Milad Mokbel's matter?---Right.  
10:56:42 18  
10:56:49 19 If we have a look in your diary on 29 May?---Yes.  
10:57:05 20  
10:57:08 21 There's an entry, the final entry down the bottom, relates  
10:57:14 22 to a conversation you're having with a handler in relation  
10:57:19 23 to a different informer, do you see that?---Yes.  
10:57:21 24  
10:57:22 25 That relates to the informer, another informer in the Tony  
10:57:27 26 Mokbel matter?---This is at 18:25 are you talking about?  
10:57:36 27  
10:57:37 28 It should be - it's maybe 11.49, down the bottom I think  
10:57:42 29 it's p.50 of your diary?---Right.  
10:57:49 30  
10:57:49 31 Do you see that?---Yes.  
10:57:50 32  
10:57:52 33 So you're having a conversation with an SDU member about  
10:57:56 34 information from a different informer?---Yes.  
10:57:58 35  
10:57:58 36 And there's some information from that person about the  
10:58:06 37 funding of Milad Mokbel's committal and a certain amount of  
10:58:11 38 money being placed into the trust account of the  
10:58:14 39 solicitors?---Yes.  
10:58:14 40  
10:58:18 41 Was it ever any concern that Ms Gobbo in making  
10:58:23 42 representation of Milad Mokbel or others in a similar  
10:58:28 43 situation, that she might be charging and receiving some of  
10:58:31 44 the funds that are going into those solicitor's  
10:58:35 45 accounts?---No. I don't believe so. There was a full  
10:58:41 46 analysis done of legal payments by the criminal proceeds  
10:58:46 47 team which was funds basically being passed through shelf

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10:58:52 1 companies, things like Honestly Mine. I'm just trying to  
10:59:00 2 think of some of the other companies, I think there were  
10:59:04 3 three different companies that they used.  
10:59:05 4  
10:59:05 5 Ms Gobbo at some point in time provided a document with  
10:59:09 6 information about funds being paid into various accounts,  
10:59:15 7 is that right?---I'm not sure about that. I think there  
10:59:18 8 was some funds tracking done by the criminal proceeds team.  
10:59:22 9  
10:59:22 10 Presumably people that were representing people like Milad  
10:59:28 11 Mokbel you would have understood were being paid?---Not  
10:59:32 12 really. I don't know what the arrangements were but money  
10:59:36 13 was being transferred through solicitor's accounts, yes.  
10:59:40 14  
10:59:40 15 You wouldn't have thought these people were acting for free  
10:59:44 16 out of the goodness of their own hearts, they had an  
10:59:48 17 occupation, they were being paid just as you were being  
10:59:52 18 paid?---Of course, of course.  
10:59:53 19  
10:59:53 20 Similarly with Ms Gobbo?---Well I don't know what she was  
10:59:56 21 being paid.  
10:59:57 22  
10:59:58 23 You'd have no reason to think she wasn't being paid for her  
11:00:02 24 work?---I don't know what the arrangements with her were.  
11:00:04 25  
11:00:05 26 It would have been strange if she was saying to someone  
11:00:09 27 like Milad, "Don't worry, I'll do this for free for you".  
11:00:14 28 He might have thought something was up?---As I say, I don't  
11:00:18 29 know what her payment arrangements were.  
11:00:20 30  
11:00:25 31 At p.886 of the ICR, please. See right up the top of the  
11:00:41 32 page that it seems as though there was a new firm acting  
11:00:45 33 for Milad?---Yes.  
11:00:46 34  
11:00:49 35 And then further down the page on 10 June 2007, Ms Gobbo's  
11:01:00 36 passing along information in relation to Milad having  
11:01:05 37 arranged for \$7,000 to be paid to the original solicitors,  
11:01:09 38 Lethbridges, that [REDACTED] had been tasked to arrange to  
11:01:16 39 pay the money for Milad's legal fees. The original  
11:01:24 40 solicitor was looking for some more money and then the new  
11:01:27 41 solicitor, there's some information about the new solicitor  
11:01:30 42 getting \$37,000 in relation to the defence of Renee Mokbel.  
11:01:37 43 Do you see that?---Yes, I see that.  
11:01:39 44  
11:01:39 45 And then that intelligence being provided to you?---Yes. I  
11:01:51 46 don't have a note of that on 10 June.  
11:01:54 47

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11:01:54 1 Sorry?---Was this supposed to be 10 June?  
11:01:57 2  
11:01:57 3 Yes?---Yes, I have a note in relation to speaking to one of  
11:02:08 4 the DSU but none of that detail.  
11:02:11 5  
11:02:12 6 No, you have a note re 3838 intelligence re Mokbel?---Yes.  
11:02:18 7  
11:02:20 8 But no real detail about what that was?---No.  
11:02:23 9  
11:02:25 10 You accept that it seems to have been about the funding  
11:02:28 11 arrangements?---Well that's what it says on here, on this  
11:02:33 12 document, but again may not have been something that was of  
11:02:39 13 terrible importance to me.  
11:02:40 14  
11:02:41 15 If you go over the page of your diary on 12 June 2007 at  
11:02:46 16 15:25?---Yes.  
11:02:55 17  
11:02:56 18 Do you and Flynn go and speak to the new solicitor on the  
11:03:00 19 record, Mr Lewenberg, in relation to Milad Mokbel?---Yes.  
11:03:05 20  
11:03:10 21 It seems you're having a conversation at the coffee shop  
11:03:13 22 and she's joined by an associate solicitor, Avi?---Yes.  
11:03:18 23  
11:03:18 24 And there's an indication that Milad is interested in  
11:03:22 25 pleading guilty?---Yes.  
11:03:23 26  
11:03:24 27 Wanting to roll up the charges into as what's known as a  
11:03:29 28 Garretti count?---Yes.  
11:03:31 29  
11:03:31 30 There's to be discussion with a client and a position put  
11:03:34 31 in a letter and then the police would go to the DPP and  
11:03:38 32 discuss sentence?---Yes.  
11:03:39 33  
11:03:39 34 There was discussion again about whether anything could be  
11:03:42 35 done about his wife's current sentence?---Yes.  
11:03:45 36  
11:03:45 37 You were advising that's not legally negotiable?---That's  
11:03:49 38 correct.  
11:03:49 39  
11:03:50 40 But there was an agreement in the end to discuss it  
11:03:54 41 later?---Yes.  
11:03:55 42  
11:03:56 43 If we can go to the ICRs at 918, please. This is 20 June  
11:04:13 44 2007. You'll see halfway down the page there under the  
11:04:20 45 heading "Milad Mokbel" that, "Ms Gobbo is expressing  
11:04:23 46 frustration to the handler about the lack of action  
11:04:28 47 happening in relation Mr Mokbel's plea deal. She wants it

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1 done so he won't contest the committal. She feels like  
11:04:35 2 doing it herself. She's been told not to get involved in  
11:04:37 3 representing him. She understands the reasons why and it's  
11:04:40 4 said that Purana will facilitate the plea if that's what he  
11:04:44 5 wants to do"?---Right.  
11:04:45 6  
11:04:47 7 Were you having discussions with the SDU about what was  
11:04:50 8 going on?---Not that I recall in detail now.  
11:04:57 9  
11:04:58 10 If we can go to p.937, please. This is 25 June 2007.  
11:05:11 11 You'll see towards the top there's another discussion about  
11:05:15 12 Milad Mokbel and Ms Gobbo's indicating that she's confident  
11:05:19 13 she can turn him around and get him to plead. She said she  
11:05:22 14 wanted to be able to speak to Paul Rowe to say she'd spoken  
11:05:26 15 to the police and that this is what's on the table and  
11:05:28 16 that's the best option for him to take?---Yes, I can see  
11:05:35 17 that.  
18  
11:05:36 19 Down towards the bottom she says she understands it's best  
11:05:40 20 for her not to represent and in any case it seems she's  
11:05:45 21 told him if he's not going to fund her she won't act for  
11:05:51 22 him. In essence she's telling her handlers, "I won't do it  
11:05:57 23 unless I get paid anyway"?---Right.  
11:05:59 24  
11:06:01 25 Further down the page in another conversation at 19:43  
11:06:03 26 there's discussion about the committal and it seems from  
11:06:07 27 that that the committal for Milad Mokbel is the following  
11:06:12 28 week. "Ms Gobbo is worried that the plea, any plea will  
11:06:15 29 fall over and he may change because he's not getting  
11:06:19 30 support. She confirms that he's told her that he'll plead  
11:06:23 31 guilty to the first matters but reserve his plea on the  
11:06:26 32 second matters. And then the handler says, "Told her she  
11:06:32 33 can speak to Milad if she thinks it will help but cannot  
11:06:35 34 represent him as already discussed numerous times.  
11:06:39 35 Understood and accepted. She will speak to Dale Flynn and  
11:06:43 36 then ring Milad." It seems on the one hand she can speak  
11:06:47 37 to him if she thinks she can help negotiate a plea in the  
11:06:51 38 background, but she's not to act for him overtly?---That's  
11:06:57 39 what it appears she's saying, yes.  
11:07:00 40  
11:07:16 41 If we can go to p.940, please. You'll see in the second  
11:07:29 42 half of the page under the heading "Milad Mokbel" that she  
11:07:33 43 indicates to the handler she had spoken to him on the phone  
11:07:35 44 that day, this is 26 June 2007. That she'd told him the  
11:07:41 45 best course of action was to consolidate all of his matters  
11:07:45 46 and consider the options re the between dates trafficking  
11:07:48 47 charge and that she'd talk to him again the following

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11:07:51 1 day?---Right.  
11:07:53 2  
11:08:00 3 If you have a look at your diary on 1 July. If you look at  
11:08:16 4 the entry at the top it seems as though that day, 1 July,  
11:08:20 5 you're engaged in brief preparation or court preparation  
11:08:26 6 for the committal hearing the following day, is that  
11:08:28 7 right?---Yes.  
11:08:29 8  
11:08:32 9 If we can go to the ICRs at 961. At 17:01 that day there's  
11:08:51 10 some discussion about the committal of ██████████ and  
11:08:55 11 ██████████ occurring the following day. Do you recall that that  
11:08:59 12 committal related to two co-accused, ██████████ and ██████████  
11:09:06 13 ██████████?---It may have. I don't have a clear recollection  
11:09:10 14 of it now.  
11:09:10 15  
11:09:14 16 You'll see down the bottom of - there are a number of  
11:09:18 17 concerns reported by Ms Gobbo in relation to that matter  
11:09:21 18 and down the bottom she indicated, "Concerns re this  
11:09:29 19 committal, the fact that she was present during ██████████  
11:09:32 20 ██████████ arrest, therefore the inference can be made by the  
11:09:36 21 Mokbel clan that she should have known and they would have  
11:09:38 22 expected her to tell them" and that is verbally  
11:09:43 23 disseminated to you?---Yes, I have no note of that.  
11:09:47 24  
11:09:48 25 Over the page to 962. About a third of the way down you'll  
11:10:07 26 see there's general talk about, "██████████ and him giving  
11:10:10 27 evidence at the committal ██████████. He will do well for  
11:10:13 28 Purana"?---Yes, I see that.  
11:10:17 29  
11:10:22 30 She's indicating support for ██████████ at the same time  
11:10:27 31 that she's purportedly representing ██████████?---It  
11:10:33 32 appears from that, yes.  
11:10:34 33  
11:10:38 34 The following day you gave evidence, is that right?---Yes.  
11:10:50 35  
11:10:55 36 We have some entries from Mr White's diaries that you were  
11:11:04 37 cross-examined and the SDU had been updated that you  
11:11:07 38 weren't cross-examined about sensitive issues. His diary  
11:11:13 39 indicates that there's a strategy to avoid mentioning  
11:11:17 40 Ms Gobbo's involvement at all if possible. It indicates  
11:11:22 41 that when Flynn was cross-examined he was asked questions  
11:11:29 42 about the night in question and had disclosed that she'd  
11:11:34 43 attended and spoken to ██████████ on the night of the  
11:11:38 44 arrest, but it's apparent from the material that ██████████  
11:11:43 45 ██████████ as he'd indicated earlier, had pleaded guilty to  
11:11:50 46 one matter and reserved his plea, so it wasn't important  
11:11:53 47 that the committal went ahead simply with ██████████ in

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11:11:56 1 court?---Right.  
11:11:57 2  
11:11:58 3 So it seems as though there was some concern at that stage  
11:12:01 4 that although [REDACTED] wasn't in court that he might  
11:12:06 5 find out that that evidence had been given?---Well, as I  
11:12:10 6 say, that might have been a concern for them, yes.  
11:12:13 7  
11:12:16 8 If we can go to 965, please. You'll see at 13:06 it's  
11:12:43 9 explained to her feedback from your evidence at the  
11:12:46 10 committal. There were no 464 issues, there were no PII  
11:12:51 11 issues, it's all clear. Was there some arrangement with  
11:12:58 12 you and with other detectives giving evidence that if  
11:13:02 13 anything sensitive was to occur that you would immediately  
11:13:06 14 notify the SDU?---Certainly if there's anything that would  
11:13:08 15 expose her identity which would have ended only with one  
11:13:13 16 result.  
11:13:13 17  
11:13:14 18 Was there that arrangement in place?---We would have  
11:13:17 19 naturally done that as part of - - -  
11:13:19 20  
11:13:19 21 It seems as though either you or someone with you has  
11:13:22 22 provided an update to the SDU so that they can tell  
11:13:26 23 Ms Gobbo or give her an update?---Some officer has  
11:13:30 24 obviously given her some feedback, yes.  
11:13:33 25  
11:13:41 26 If you go further down under 13:23, about the fifth dot  
11:13:48 27 point, she indicates that she'd seen Milad Mokbel this  
11:13:52 28 morning in court. All is good but he wants Ms Gobbo to be  
11:13:57 29 involved in the plea. She says she knows she's been told  
11:14:01 30 to stay away but Milad says that he'll only deal with her  
11:14:05 31 and she's expecting that Horty is going to have the same  
11:14:09 32 attitude. Do you see that?---Yes, I can see that.  
11:14:11 33  
11:14:12 34 She's having this conversation with the handler and then at  
11:14:15 35 the end of this conversation - she cuts it short because  
11:14:20 36 [REDACTED], the very person that's in court giving evidence  
11:14:23 37 in relation to these matters, is ringing her?---All right.  
11:14:27 38  
11:14:27 39 Do you see that?---Yes, I see that there.  
11:14:32 40  
11:14:33 41 She then rings back and they have a further discussion in  
11:14:40 42 relation to an update on Dale Flynn's evidence and how that  
11:14:44 43 was going?---Yes, I see that.  
11:14:47 44  
11:14:55 45 Go over to 966. You'll see at 16:42 it's explained to her  
11:15:09 46 that things have come out in Dale Flynn's evidence at the  
11:15:13 47 committal, right towards the end, there was a general

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11:15:17 1 question but there was no follow up about it. She said now  
11:15:20 2 that she thought she was fucked. Do you see that?---Yes, I  
11:15:34 3 see that, yes.

11:15:35 4  
11:15:35 5 If you can go to 970. Second half of the page, it's [REDACTED]  
11:15:51 6 2007, a call at 17:08. Ms Gobbo's given an update from the  
11:16:01 7 committal from Dale Flynn, or the SDU have updated her as  
11:16:09 8 per an update they've received from Dale Flynn, "The theme  
11:16:13 9 of the defence team is that they're looking for prior  
11:16:14 10 inconsistent statements for witnesses, especially [REDACTED]  
11:16:15 11 and she's happy with that as it's not as in-depth as she  
11:16:20 12 thought it might have been"?---Yes, I can see that.

11:16:28 13  
11:16:50 14 COMMISSIONER: Is that a convenient time for the midmorning  
11:16:52 15 break?

11:16:53 16  
11:16:53 17 MS TITTENSOR: Yes, thank you Commissioner.

11:16:55 18  
11:16:55 19 COMMISSIONER: All right then.

11:16:56 20  
11:16:57 21 (Short adjournment.)

11:40:47 22  
11:40:47 23 COMMISSIONER: Ms Tittensor, I'm told there's an oral  
11:40:50 24 application for leave to appear, is that right?

11:40:52 25  
11:40:52 26 MS TITTENSOR: I think that might be right. Mr Antos is  
11:40:55 27 here, Commissioner.

11:40:57 28  
11:40:57 29 COMMISSIONER: Yes, Mr Antos.

11:40:59 30  
11:40:59 31 MR WINNEKE: I should say, Commissioner, Mr Antos  
11:41:02 32 communicated with me a short while ago and I indicated to  
11:41:05 33 him that there were matters that concerned his client and  
11:41:09 34 it might be advisable for him, if he wished to, to attend  
11:41:13 35 to make an application.

11:41:15 36  
11:41:15 37 COMMISSIONER: Yes, all right. The applications are,  
11:41:17 38 according to the Practice Direction, meant to be made in  
11:41:19 39 writing with reasons attached but there's some urgency  
11:41:24 40 here, is there?

11:41:25 41  
11:41:26 42 MR ANTOS: Yes, I'm instructed there is, Your Honour, yes.

11:41:28 43  
11:41:28 44 COMMISSIONER: Could you speak up, please? Could you speak  
11:41:30 45 into a microphone, please.

11:41:32 46  
11:41:33 47 MR ANTOS: Yes, I'm instructed there is some urgency, Your

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11:41:35 1 Honour.  
2  
11:41:36 3 COMMISSIONER: You have previously had leave to appear for  
11:41:38 4 particular witnesses. What is your application now?  
11:41:41 5  
11:41:41 6 MR ANTOS: The application to appear, Your Honour, in  
11:41:44 7 respect of this witness and the evidence that this witness  
11:41:46 8 is giving.  
9  
11:41:48 10 COMMISSIONER: So it's only this witness you're interested  
11:41:50 11 in or is it more broader than that?  
11:41:53 12  
11:41:53 13 MR ANTOS: On my instructions this witness, Your Honour.  
14  
11:41:56 15 COMMISSIONER: All right. On behalf of Mr Goussis?  
11:42:02 16  
11:42:02 17 MR ANTOS: Yes.  
18  
11:42:03 19 COMMISSIONER: Have you seen the non-publication orders  
11:42:05 20 posted on the door of the hearing room?  
11:42:07 21  
11:42:07 22 MR ANTOS: I have.  
23  
11:42:08 24 COMMISSIONER: You're aware of those, okay. Does anyone  
11:42:12 25 want to be heard to speak against this application?  
11:42:15 26  
11:42:15 27 MR HOLT: No Commissioner.  
28  
11:42:16 29 COMMISSIONER: No, all right then. I'll give you leave to  
11:42:18 30 appear on behalf of Mr Goussis on the understanding that -  
11:42:29 31 have you been told about the undertaking that legal  
11:42:31 32 practitioners representing potentially affected persons  
11:42:36 33 have given?  
11:42:38 34  
11:42:38 35 MR ANTOS: I have not been fully versed in that respect.  
36  
11:42:41 37 COMMISSIONER: The undertaking is in these terms: "I'll  
11:42:46 38 only discuss with my client the aspects of confidential  
11:42:49 39 material relevant to obtaining instructions for potential  
11:42:53 40 cross-examination of witnesses. I will inform my client of  
11:42:56 41 any relevant non-publication orders of the Commission  
11:42:59 42 and/or extant suppression orders and the criminal sanctions  
11:43:02 43 that would apply for breach of those orders. I will not  
11:43:06 44 discuss the confidential information either orally or in  
11:43:10 45 writing to any other person". That confidential  
11:43:13 46 information, of course, relates to the non-publication  
11:43:16 47 orders that are on the hearing room door.

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11:43:19 1  
11:43:19 2 MR ANTOS: Yes.  
3  
11:43:21 4 COMMISSIONER: The only discussion that you can have with  
11:43:25 5 your client relates to potential cross-examination of the  
11:43:29 6 witness for the moment in these proceedings.  
11:43:32 7  
11:43:33 8 MR ANTOS: Yes.  
9  
11:43:34 10 COMMISSIONER: You'd have to make a separate application to  
11:43:36 11 do that in any case.  
11:43:38 12  
11:43:39 13 MR ANTOS: Yes.  
14  
11:43:39 15 COMMISSIONER: That is to cross-examine.  
11:43:41 16  
11:43:42 17 MR ANTOS: Of course, yes.  
18  
11:43:43 19 COMMISSIONER: Yes, all right. On the understanding that  
11:43:46 20 you give that undertaking I'll give you leave to appear on  
11:43:50 21 behalf of Mr Goussis during the evidence of this witness.  
11:43:54 22  
11:43:54 23 MR ANTOS: Thank you.  
24  
11:43:55 25 COMMISSIONER: Yes, thanks Mr Antos. I'll note your  
11:43:57 26 appearance. Yes, Ms Tittensor.  
11:44:03 27  
11:44:04 28 MS TITTENSOR: Thanks Commissioner. Mr O'Brien, I had up  
11:44:07 29 on the screen the ICR of 3 July. If I can go to p.975,  
11:44:15 30 please. Just to give you a little bit of background,  
11:44:27 31 there's a face-to-face discussion occurring with Mr White  
11:44:34 32 and Mr Fox at - present at this meeting. There's a  
11:44:44 33 recording - obviously this is a summarising of the  
11:44:48 34 discussion that they've had. You see under the heading  
11:44:53 35 "██████████" she told ██████████ that Dale confirmed in the  
11:45:12 36 witness box that she was there and then "important to tell  
11:45:17 37 the truth". There's talk about how "██████████ does not  
11:45:21 38 want to let Dale down. ██████████ thought that ██████████ would  
11:45:28 39 be very unhappy when he found out". There's reference to  
11:45:33 40 she had told ██████████ that anything they ask after  
11:45:38 41 confirming that she was there on the day is legal  
11:45:41 42 professional privilege and he should not answer. Do you  
11:45:47 43 see those matters?---Yes, I do.  
44  
11:45:52 45 There's then some discussion with the handlers about how  
11:45:55 46 the interview shows that he seems to have gotten advice and  
11:46:00 47 initially made a no comment and that might be good for

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11:46:02 1 her?---Right.  
2  
11:46:05 3 It seems apparent from what has occurred that Ms Gobbo - so  
11:46:11 4 this is on [REDACTED] and it seems apparent that Ms Gobbo has  
11:46:19 5 been to see or has had some communication with [REDACTED]  
11:46:25 6 and discussed with him the evidence that's been given at  
11:46:30 7 least by Mr Dale at the committal, do you see that?---Yes.  
8  
11:46:35 9 Ordinarily there would be an order for witnesses out of  
11:46:39 10 court?---Yes.  
11  
11:46:48 12 If I said Mr Dale I meant Dale Flynn. Ordinarily there'd  
11:46:53 13 be an order for witnesses out of court and a subsequent  
11:46:56 14 witness wouldn't be entitled to know what's gone on before  
11:46:59 15 him?---That's correct.  
16  
11:47:07 17 It's apparent that she's been providing some advice or some  
11:47:13 18 legal advice to [REDACTED] in relation to the way in which  
11:47:18 19 he could answer when questions were asked about the advice  
11:47:23 20 that he received on the day?---It appears that she's giving  
11:47:27 21 him some advice, yes.  
22  
11:47:29 23 And this is all occurring at the same time that she's  
11:47:32 24 purporting to represent [REDACTED]?---From this document  
11:47:38 25 that appears so, yes.  
26  
11:47:48 27 Do you agree that it's concerning that she's potentially  
11:47:51 28 influencing the evidence that's about to be given or would  
11:47:56 29 be given by [REDACTED] in those circumstances?---Yes, but as  
11:48:02 30 I say I don't clearly know what her intent was. I mean  
11:48:06 31 surely she should be asked that question.  
32  
11:48:09 33 Do you agree that it's concerning that she's got the  
11:48:12 34 opportunity to potentially influence the evidence of  
11:48:15 35 [REDACTED]?---Yes, she shouldn't.  
36  
11:48:25 37 If you can go to p.986, please. See on [REDACTED] down the  
11:48:38 38 bottom there's further discussion about the [REDACTED].  
11:48:44 39 committal and about the interview transcripts?---Yes.  
40  
11:48:52 41 And Ms Gobbo's concerned that it might look like she  
11:48:55 42 rolled him and that she didn't ring anyone?---Yes.  
43  
11:49:05 44 Then if we go over the page. Do you recall at this  
11:49:27 45 committal that [REDACTED] had given some evidence which was  
11:49:32 46 contrary to the prosecution case or adverse to the  
11:49:35 47 prosecution case?---I recall him doing something which

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11:49:44 1 appears wasn't truthful at some point.  
2  
11:49:47 3 And there's some discussion there - this is now [REDACTED] 2007  
11:49:52 4 at 13:16 - she is speaking to the handler and then she says  
11:49:58 5 to the handler that her office phone is ringing and it's  
11:50:02 6 [REDACTED] ringing and that she'd ring back and she mentions  
11:50:06 7 to the handler that she's going to pay him out for what he  
11:50:09 8 did today at the committal, and it's noted by the handler  
11:50:13 9 that, "Obviously she's spoken to someone else about today's  
11:50:17 10 events at the committal where [REDACTED] got caught out  
11:50:20 11 lying under oath"?---Right.  
12  
11:50:23 13 She calls the handler back at 13:30. She's heard about -  
11:50:27 14 and indicates that she's heard about what happened to  
11:50:31 15 [REDACTED] and how he got caught out on oath. There's some  
11:50:34 16 general talk in relation to that. She says she's told him,  
11:50:37 17 that's [REDACTED], about how disappointed she is with him.  
11:50:42 18 If you can scroll to the next page, please. Then if we can  
11:50:51 19 go to p.991. This is the same day, later that night,  
11:51:11 20 21:24, under the heading "Milad Mokbel". He's ringing her  
11:51:15 21 about wanting her to speak to the prosecution about  
11:51:18 22 facilitating his plea deal. All of this occurring on the  
11:51:22 23 same day, do you see what I'm referring to there?---Yes, I  
11:51:27 24 can see it, yes.  
25  
11:51:28 26 Again, the handler's reminding her she needs to distance  
11:51:32 27 herself from it. That's noted. She then goes on that  
11:51:36 28 Milad spoke about his wife again and so forth. If you can  
11:51:42 29 have a look in your diary for 6 July?---Yes.  
30  
11:51:53 31 It's apparent that you went out to the prison to have a bit  
11:51:57 32 of a discussion with [REDACTED] about the evidence he'd  
11:52:02 33 given at the committal, try and get some explanation for  
11:52:08 34 the lies?---Yes.  
35  
11:52:14 36 If you can go to 993, please, of the ICR. You see there at  
11:52:28 37 15:30 Ms Gobbo reports that [REDACTED] had told her that  
11:52:35 38 Dale Flynn had been to see him to discuss the committal and  
11:52:40 39 his giving poor evidence. Now had you gone out to the  
11:52:42 40 prison with Dale Flynn, do you know?---I beg your pardon?  
41  
11:52:47 42 Had you gone out to the prison with Dale Flynn on that  
11:52:50 43 day?---On the 6th of July I went out to the prison, yes.  
44  
11:52:56 45 Would you have gone out with Dale Flynn?---Yes, I believe  
11:53:00 46 so.  
47

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11:53:01 1 He seemed to be the person that throughout the time was  
11:53:04 2 dealing, the one that dealt the most with [REDACTED]?---Yes.  
3  
11:53:13 4 It says there as a result [REDACTED] is aware that [REDACTED]  
11:53:17 5 may now have no case to answer and he feels bad for letting  
11:53:22 6 Dale Flynn and yourself down and that she'd told him that  
11:53:27 7 he'd breached the trust of Dale Flynn and may now never get  
11:53:31 8 it back, do you see that?---Yeah, that's her opinion. I  
11:53:35 9 mean my concern was he was telling lies at the committal.  
10  
11:53:44 11 If we can go to p.1039, please. You see the last box on  
11:54:16 12 the page it's 19 July 2007 at 13:55. There's discussion in  
11:54:22 13 relation to Milad Mokbel. Ms Gobbo there is recommending  
11:54:28 14 that he go to another solicitor, Alistair Grigor, to take  
11:54:37 15 over the file, do you see that?---Yes, I see that.  
16  
11:54:40 17 Are you aware that that ultimately occurred?---Not as far  
11:54:46 18 as I recall.  
19  
11:54:49 20 If you can go to p.1050, please. This is 23 July 2007.  
11:55:02 21 You'll see down the bottom of the page there's a discussion  
11:55:05 22 again about Milad Mokbel and his wanting Ms Gobbo to talk  
11:55:08 23 to Dale Flynn and sort out his charges. He's complaining  
11:55:14 24 in relation to his solicitors, at that stage Lewenberg's.  
11:55:20 25 He wanted to plead guilty as quick as he could and they  
11:55:23 26 weren't doing anything about it?---Yes, I see that.  
27  
11:55:31 28 If we can go over the page. About six dot points down  
11:55:46 29 she's indicating that she can't believe that they hadn't  
11:55:49 30 picked up on what had occurred at the committal in relation  
11:55:51 31 to [REDACTED] yet. There's some discussions about how that  
11:55:55 32 was good for her. And she herself has told Milad that  
11:56:01 33 she's doing nothing because she doesn't have the brief and  
11:56:04 34 because there's no money, but she wonders what will happen  
11:56:07 35 if he offers to pay her?---Sorry, whereabouts on the  
11:56:10 36 document?  
37  
11:56:11 38 Sorry?---Can you refer me to whereabouts on that page?  
39  
11:56:15 40 Sorry. I started about six dot points down from the  
11:56:18 41 top?---Oh right. Yes, I can see what you say there, yes.  
42  
11:56:29 43 She had told Milad that she wasn't doing anything, she  
11:56:35 44 didn't have the brief and there's no money on offer, but  
11:56:37 45 she wondered what would happen if there was some money on  
11:56:41 46 offer. She's told by the handler, "We don't want you  
11:56:46 47 representing him". She says, "That's understood". Then

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11:56:49 1 that information is verbally disseminated to Detective  
11:56:53 2 Flynn?---Yes.  
3  
11:57:04 4 Page 1068. This is now 26 July 2007. Down the bottom  
11:57:21 5 you'll see under "Milad Mokbel" there's some discussion  
11:57:25 6 about some money that's to be paid in relation to Milad  
11:57:30 7 Mokbel. He was complaining that a person by the name of -  
11:57:38 8 a Lebanese person by the name of Alex hadn't been to see  
11:57:41 9 her yet to drop the money off?---Yes.  
10  
11:57:43 11 Ms Gobbo had told him that she doesn't want the money  
11:57:47 12 dropped off to her, it had to go to a solicitor's trust  
11:57:52 13 account and be accounted for legitimately?---Yes.  
14  
11:57:54 15 So there seems to be some discussion at that stage about  
11:57:59 16 some money being paid into a solicitor's account and some  
11:58:02 17 prospect of it being ultimately paid to her for  
11:58:05 18 representation of Mr Milad Mokbel?---Yes, it appears so  
11:58:09 19 from that document.  
20  
11:58:14 21 I understand that you retire at some stage shortly after  
11:58:21 22 this; is that right?---Yes.  
23  
11:58:23 24 In terms of - I think your official retirement might be  
11:58:27 25 September but you're not at work from - - - ?---16 August I  
11:58:32 26 think was my last day in the workplace. I resigned on 1  
11:58:36 27 July.  
28  
11:58:37 29 If we can go to p.1088, please. There's some discussion in  
11:59:03 30 relation to another Mokbel. This is 14 August, this date.  
11:59:11 31 It's another Mokbel, Roula Mokbel and her brother George,  
11:59:17 32 and the funding in relation to Roula's case, her brother  
11:59:21 33 George will be funding her case, do you see that?---Yes, I  
11:59:34 34 see that there.  
35  
11:59:36 36 He owns a restaurant in Brunswick, he'll be funding her in  
11:59:39 37 a pending case. She'd changed solicitors to Alistair  
11:59:45 38 Grigor and human source has also spoken to Horthy and Milad  
11:59:50 39 at lunchtime. They are sick of Lewenberg's and there's  
11:59:55 40 some discussion around that?---Yes. Sorry, my last - just  
12:00:11 41 a correction to what I said before. My last day physically  
12:00:13 42 in the workplace was 4 August.  
43  
12:00:15 44 Okay. By this stage I understand you're not in the office  
12:00:20 45 any more?---Yes.  
46  
12:00:21 47 If we can go over the page, please. You see at the top,

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12:00:29 1 "Milad will still move over to Grigor in relation to his  
12:00:36 2 matter, he still wants to plead to everything, including  
12:00:38 3 the threats to kill and the drugs". Milad has asked her to  
12:00:42 4 get on to Dale Flynn and negotiate a plea for him. "She's  
12:00:45 5 told them both that no funding from the solicitor, then no  
12:00:52 6 work, and this has put them off for a little while until  
12:00:57 7 Grigor comes to her with money"?---Yes, I see that.  
8  
12:01:01 9 Then, "Ms Gobbo will deal with that in the next couple of  
12:01:05 10 weeks about how to delay them from her representing  
12:01:10 11 them"?---Yes.  
12  
12:01:11 13 This is verbally - information that's verbally  
12:01:16 14 disseminated, it seems, to Detective Flynn?---Yes.  
15  
12:01:27 16 At p.1114, please. It seems as though halfway down the  
12:01:48 17 page there's reference to Milad Mokbel, she'd spoken to him  
12:01:52 18 that day. There's some further information in relation to  
12:01:57 19 that conversation. It then goes down to "for Purana's  
12:02:07 20 information: Milad is still good with her. He understands  
12:02:11 21 that Shirrefs or Ms Gobbo will speak to the Crown to  
12:02:15 22 formalise his plea. She knows she re not directly  
12:02:20 23 representing him and that he's now officially with Alistair  
12:02:24 24 Grigor and Lewenberg's had been officially dropped". Do  
12:02:29 25 you see that?---Yes, I can see that.  
26  
12:02:32 27 Again, there's some understanding that she'll unofficially  
12:02:36 28 represent Milad Mokbel in some capacity or behind the  
12:02:40 29 scenes so that it can't be seen by others, the conflict  
12:02:46 30 can't be noticed, do you see that?---Well it appears that  
12:02:49 31 she's involving herself in the background, yes.  
32  
12:02:52 33 And that that seems to be okay by the police?---I don't  
12:02:59 34 know if it seems okay by the police. As I say, I never  
12:03:03 35 received this information. I can't speak for Dale Flynn.  
36  
12:03:27 37 Perhaps if I can just short-circuit what does happen,  
12:03:34 38 Mr O'Brien, is that she continues to indicate to her  
12:03:40 39 handlers information in relation to Milad in relation to  
12:03:46 40 his wife, him wanting a plea deal, and there appears to be  
12:03:50 41 dealings between she and Detective Flynn in relation to the  
12:03:56 42 resolution of Milad Mokbel's matter. There's an indication  
12:04:03 43 that she knows about [REDACTED] in relation to Milad  
12:04:12 44 Mokbel and there's discussion with the handlers about what  
12:04:17 45 cover story she might use to be able to get out of  
12:04:21 46 representing him [REDACTED]?---Right.  
47

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O'BRIEN XXN - IN CAMERA



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12:04:27 1 There's an indication that she'd spoken to - pardon me.  
12:04:37 2 She speaks to the handlers in relation to, "Well it might  
12:04:41 3 be a good idea if I [REDACTED] to represent him  
12:04:45 4 because it will be a good opportunity to talk with him on  
12:04:48 5 the quiet about resolving his charges". Then following  
12:04:53 6 that she tells the handlers, "Well, I've spoken to him and  
12:04:57 7 he's not going to [REDACTED]". Then  
12:05:03 8 following that there appears to be some negotiation in  
12:05:07 9 relation to the charges and on 13 September 2007 she writes  
12:05:13 10 a fee in relation to a charge from the solicitor for her  
12:05:22 11 brief to advise conference and settle charges in relation  
12:05:25 12 to Milad Mokbel. Following that there's a letter from the  
12:05:29 13 solicitor Grigor to the OPP offering to plead on a  
12:05:35 14 particular basis and it appears in the year following there  
12:05:39 15 is a plea conducted by Mr Shirrefs?--Right.  
16  
12:05:44 17 So it seems as though she does have some significant  
12:05:47 18 influence in relation to his ultimately pleading?--I don't  
12:05:52 19 know what influence she had but it's quite obvious from  
12:05:54 20 these documents she's busying herself in everything she  
12:05:59 21 can.  
22  
12:05:59 23 But it's also apparent, is it not, that the police are  
12:06:02 24 dealing with her in the background in relation to the  
12:06:04 25 resolution of Milad Mokbel's charges?--Well she's  
12:06:11 26 certainly talking to the SDU. As I say, you'd have to  
12:06:14 27 speak to Mr Flynn in relation to what part she played in  
12:06:18 28 any resolution.  
29  
12:06:19 30 He's a detective that you're supervising; is that  
12:06:22 31 right?--Yes, but as you say, I wasn't there for most of  
12:06:25 32 this material you're putting up here.  
33  
12:06:28 34 On a number of occasions you're involved with her as well  
12:06:32 35 in terms of trying to facilitate a plea deal?--No, as I  
12:06:37 36 say, she passed on information. I went out and spoke to  
12:06:40 37 Milad Mokbel. I've told you what my opinion of him was.  
12:06:44 38 She did the same with Tony Mokbel at one point when he  
12:06:47 39 actually rang me from gaol in Greece.  
40  
12:06:50 41 You must have known that Detective Flynn continued to deal  
12:06:53 42 with her in relation to trying to resolve these Mokbel  
12:06:56 43 charges?--I don't know. I mean I'd imagine Mr Flynn would  
12:07:01 44 have dealt with anybody who was representing him.  
45  
12:07:03 46 Did you tell Detective Flynn, "Do not deal with Nicola  
12:07:07 47 Gobbo "?--No, I didn't tell him that.

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1  
12:07:10 2 Why not?--Well, Detective Sergeant Flynn was in charge of  
12:07:15 3 the investigation, putting the brief together. It was up  
12:07:18 4 to him to deal with whoever was representing Milad Mokbel.  
5  
12:07:22 6 But his dealing with her might compromise any resolution  
12:07:25 7 that's achieved?---It's not something that I contemplated  
12:07:28 8 at that time.  
9  
12:07:32 10 Another person that Ms Gobbo had represented was [REDACTED]  
12:07:36 11 Mr Bickley is that right?---Yes, I believe so.  
12  
12:07:40 13 She first was representing him when he was arrested in  
12:07:45 14 mid-August 2005 in relation to Operation Quills?---Yes, I  
12:07:49 15 believe she did.  
16  
12:07:50 17 And it's around that time and through some contact with  
12:07:56 18 Mansell and Rowe, and we've been through that, that she  
12:08:00 19 came to be recruited by the SDU?---You say she was  
12:08:03 20 recruited by the SDU. I believe she approached the police,  
12:08:08 21 it wasn't the other way around. Recruitment to me says  
12:08:13 22 that we purposely went out there with the idea of  
12:08:19 23 recruiting her. I think the truth of the matter is she  
12:08:19 24 approach them at court, that's my memory of it.  
12:08:19 25  
12:08:20 26 They went out there knowing that she was vulnerable and  
12:08:23 27 with a tape recorder to tape her?---They went out with a  
12:08:26 28 tape recorder to protect themselves by taping her, yes.  
29  
12:08:30 30 And we've heard from Detective Rowe that Mansell said  
12:08:34 31 something along the lines to her, "Well why don't you get  
12:08:37 32 on board"?---He may have. But I mean to say that she's  
12:08:42 33 vulnerable and paint her as some shrinking violet I think  
12:08:47 34 is far from the truth.  
35  
12:08:51 36 In the early stages following Ms Gobbo's registration she  
12:08:55 37 had told the SDU that Mr Mokbel was worried about the  
12:09:01 38 possibility of Mr Bickley rolling?---If that's what's  
12:09:07 39 in the documents she may well have, yes.  
40  
12:09:10 41 Certainly encompassed within the Operation Posse  
12:09:15 42 investigation plan was something based upon that scenario  
12:09:20 43 occurring, him rolling and providing evidence against Tony  
12:09:31 44 Mokbel and others, that was one of the parts of the  
12:09:34 45 plan?---Yes, that was a part of it, in relation to the AFP  
12:09:37 46 matters I think.  
47

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12:09:41 1 Part of the plan was to increase the motivation for  
12:09:44 2 Mr Bickley to take such a course by again catching him in  
12:09:49 3 further criminal activity?---Yes.  
4

12:09:54 5 Following that time Ms Gobbo continued to provide some  
12:09:57 6 intelligence to police in relation to Mr Bickley criminal  
12:10:02 7 activity?---I believe so, yes.  
8

12:10:06 9 I think we've been through some of it, his association with  
12:10:09 10 [REDACTED]?---Yes.  
11

12:10:10 12 Handing over [REDACTED] and wanting [REDACTED] and so  
12:10:14 13 forth?---Yes.  
14

12:10:18 15 Mr Bickley was arrested for a [REDACTED] on [REDACTED]  
12:10:23 16 2006, agreed?---I don't recall the date but, yes, if that's  
12:10:30 17 when he was arrested that's when he was arrested.  
18

12:10:33 19 Do you recall who was involved in that arrest?---If I can  
12:10:43 20 refer to my diary I'll have a look.  
21

12:10:47 22 Sure?---Yes, Detective Sergeant Flynn, Senior Detective  
12:11:22 23 Craig Hayes.  
24

12:11:30 25 You might not disagree but also was Detective Senior  
12:11:35 26 Constable Rowe also involved? You may or may not have a  
12:12:01 27 note of it?---No, I don't appear to have a note of it but I  
12:12:04 28 don't dispute that Paul Rowe may have been involved.  
29

12:12:07 30 Your statement deals with some information in relation to  
12:12:10 31 Mr Bickley on a number of occasions at paragraphs - I'll  
12:12:16 32 just say them for the transcript - 83, 136, 155, 158 and  
12:12:24 33 160. The last time it appears to be mentioned is in  
12:12:28 34 relation to some information you've received on [REDACTED]  
12:12:33 35 2006, that's paragraph 160?---That's correct, on [REDACTED].  
36

12:12:53 37 The information you received on that date related to  
12:12:56 38 Mr Bickley father having been diagnosed with cancer and  
12:13:01 39 that he'd been given a time frame worst case six  
12:13:05 40 weeks?---Yes.  
41

12:13:10 42 If we can go to the ICRs at p.280 please. I just want to  
12:13:52 43 bear in mind, I'm taking you to a date of [REDACTED] 2006,  
12:13:57 44 bearing in mind that on [REDACTED] [REDACTED] has been  
12:14:03 45 arrested and you were shocked at the fact that Ms Gobbo  
12:14:08 46 turned up to represent him?---Yes.  
47

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12:14:21 1 I'm looking for [REDACTED] 2006.  
2  
12:14:34 3 COMMISSIONER: It's VPL.2000.0003.1866.  
12:14:40 4  
12:14:41 5 MS TITTENSOR: Yes, thank you. That's it there. We've got  
12:14:44 6 a time stamp at 16:45. There's a conversation with the  
12:14:49 7 handler further down the page, about three quarters of the  
12:14:53 8 way down. It notes that Mr Bickley had turned up at  
12:14:59 9 Ms Gobbo's office and believed that [REDACTED] was wired up  
12:15:05 10 and someone had told him that he would be arrested. Notes  
12:15:10 11 that Radi - and Radi was another target of Posse; is that  
12:15:15 12 right?---Yes.  
13  
12:15:15 14 Gave him, gave Mr Bickley \$15,000 recently but says he  
12:15:23 15 hasn't done any business with [REDACTED]. "If he does get  
12:15:26 16 arrested he's likely to ring Gobbo", do you see  
12:15:29 17 that?---Yes, I see that.  
18  
12:15:30 19 Is that something that you had any discussion about with  
12:15:36 20 the SDU following the problems that occurred on [REDACTED]  
12:15:44 21 [REDACTED]?---Not that I recall.  
22  
12:15:47 23 If we can go to p.318, please. We're on [REDACTED] 2006, it's  
12:16:05 24 18:25. There's a discussion three lines down, "[REDACTED]  
12:16:16 25 [REDACTED] discussed. He will assist police when he is  
12:16:19 26 arrested if he's granted bail", do you see that?---Yes, I  
12:16:23 27 see that.  
28  
12:16:24 29 If you go to p.320. It's [REDACTED] 2006 at 13:20. Two-thirds  
12:16:42 30 of the way down the page there's a heading "Mr Bickley  
12:16:46 31 arrest tips". It reads, "Source asked for angles on  
12:16:52 32 gaining Mr Bickley assistance on arrest. Bail release so  
12:16:57 33 he can further his business idea. Worth millions to him.  
12:17:01 34 Talk short and to the point. No threats like last time  
12:17:05 35 interviewed. He has a business idea, Tradesmen Online,  
12:17:09 36 like wotif.com is to motels. Does not have Tony Mokbel's  
12:17:17 37 backing as previously promised". Then it says, "Operation  
12:17:21 38 Purana advised in briefing re the same". You're aware that  
12:17:26 39 SDU on behalf of Purana was seeing arrest tips from  
12:17:29 40 Ms Gobbo about how to go about rolling Mr Bickley I don't  
12:17:34 41 know whether they were seeking anything or she was just  
12:17:38 42 volunteering this information.  
43  
12:17:40 44 Certainly there's a note there, "Operation Purana advised  
12:17:45 45 in briefing re the same"?---That's what the note says, yes.  
46  
12:17:48 47 You would have been interested in that information?---No,

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12:17:52 1 police would conduct their own assessment of what the best  
12:17:55 2 way to approach any person was. We're not relying on her  
12:17:59 3 information.  
4

12:18:05 5 If we can go to your diary for 8 June 2006, please?---Yes.  
6

12:18:20 7 At 9.20, so this is the day after the **Mr Bickley** arrest  
12:18:26 8 tips, at 9.20 do you see it reads, "Attend Posse strategy  
12:18:30 9 meeting with White, Green, Flynn and Rowe"?---Yes.  
10

12:18:44 11 You were receiving the tips from the SDU at that stage; is  
12:18:49 12 that right?---I don't know if that's what it refers to. It  
12:18:53 13 says strategy meeting, I don't know if it refers to this  
12:18:56 14 particular piece of information you're referring to.  
15

12:19:00 16 Mr Flynn's diary on that date at around that time, 9.15,  
12:19:07 17 records the same meeting. It indicates, "Discussed human  
12:19:10 18 source and plan re **Mr Bickley** Yes."  
19

12:19:13 20 Would you agree that it's likely that those tips in  
12:19:16 21 relation to **Mr Bickley** were passed on to you?---As I say,  
12:19:21 22 I've got no recollection of it, no note of it. They may or  
12:19:25 23 may not have been.  
24

12:19:27 25 Do you accept the note in the ICRs that you were given that  
12:19:33 26 information in a briefing?---No, well how can I say that?  
12:19:39 27 I mean this document was put together by somebody else. I  
12:19:41 28 mean there's other entries that you've shown me in ICRs  
12:19:44 29 over the past week that I haven't had any knowledge of or  
12:19:48 30 note of.  
31

12:19:49 32 Well this is specifically a mention in an ICR about  
12:19:53 33 Operation Purana being advised about these matters. You've  
12:19:55 34 got a note in your own diary that certainly you attended a  
12:20:00 35 strategy meeting and Flynn indicates that specifically in  
12:20:03 36 his diary it was to discuss Gobbo and the plan re  
12:20:12 37 **Mr Bickley**. Would you accept in those circumstances these  
12:20:13 38 tips were passed on to you?---As I say I've got no  
12:20:14 39 recollection of it and I don't have a note of it. I accept  
12:20:16 40 what the members have put in here and I accept what  
12:20:19 41 Mr Flynn has put in his diary.  
42

12:20:24 43 If we can go to p.324 please. This is 9 June 2006. You'll  
12:20:40 44 see there's - if we scroll up you'll see at 17:19 this is a  
12:20:53 45 summary of a face-to-face meeting. Do you see that?---Yes,  
12:21:02 46 I can see that.  
47

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12:21:02 1 If we can scroll back down. There's some further  
12:21:09 2 discussion in relation to Mr Bickley It says, "Phone call  
12:21:16 3 to source rather than a visit to the station when  
12:21:18 4 arrested". She indicates in that passage that a phone -  
12:21:31 5 also that "checking his statement will be nothing like  
12:21:34 6 [REDACTED]", do you see that?---I see that, yes.  
7  
12:21:39 8 It seems that somehow she's anticipating being shown any  
12:21:43 9 statement that Mr Bickley might produce?---Yes, I see  
12:21:48 10 that.  
11  
12:21:54 12 She provides some further advice about the phone call to  
12:21:57 13 his solicitor being very important to his mind-set as last  
12:22:01 14 time he thought it was a bit scammy and it left him feeling  
12:22:04 15 a bit untrustworthy towards the police?---I see that, yes.  
16  
12:22:13 17 If we can go to the audio transcript, it's  
12:22:23 18 VPL.0005.0097.0536, p.158, please.  
19  
12:22:57 20 COMMISSIONER: What date is this?  
12:22:59 21  
12:22:59 22 MS TITTENSOR: This is the same date, 9 June 2006,  
12:23:03 23 Commissioner.  
24  
12:23:04 25 COMMISSIONER: Thank you.  
12:23:04 26  
12:23:10 27 MS TITTENSOR: There's some discussion about Mr Bickley  
12:23:12 28 and then there's a question from Green, "Who's he going to  
12:23:16 29 ring when he gets pinched?" She says, "Me, I suspect". He  
12:23:22 30 says, "Is that a good thing?" She says, "It's good and  
12:23:26 31 bad. It's good from the point of view is that he'll be  
12:23:29 32 properly represented", and we all might have something to  
12:23:33 33 say about that, but she also says she had a vested interest  
12:23:41 34 in his not telling the truth to the police about the phone  
12:23:43 35 that he handed over to them "because I don't think, I don't  
12:23:46 36 know who's going to arrest him and what if it's some police  
12:23:50 37 officer who doesn't know anything about me?" Handler Green  
12:23:55 38 says he didn't think that that would be a problem and then  
12:23:58 39 she explains to him why she does think it's a problem and  
12:24:03 40 explains if there's eight people in the crew and Dale was  
12:24:07 41 there and Mr Bickley said anything to him about the whole  
12:24:12 42 meeting [REDACTED] phone exchange scenario, then Dale wasn't  
12:24:16 43 going to write it down and he wasn't going to give evidence  
12:24:19 44 about it, but if it was one of the other seven in the crew  
12:24:22 45 then Mr Bickley might start talking and it was a bit  
12:24:25 46 worrying to her, "Very, very worrying", she says?---Yes.  
47

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12:24:28 1 She doesn't herself want to end up in any police notes or  
12:24:32 2 in any statement made by Mr Bickley I see that.  
3  
12:24:38 4 You accept that?---Yes, I can see that.  
5  
12:24:41 6 If we go to p.171, please. There's some discussion there  
12:24:53 7 in relation to Mr Bickley again and what she would do  
12:24:57 8 when he rang her and asked her to come and help him. Down  
12:25:01 9 the bottom she's saying she didn't need to go there.  
12:25:07 10 [REDACTED] and [REDACTED] was a different situation. She didn't  
12:25:11 11 need to go to the police station for Mr Bickley she could  
12:25:14 12 give him advice over the phone effectively. She talks  
12:25:29 13 about what she would say to him and she would say to anyone  
12:25:35 14 in his position, "You're already on bail, you're unlikely  
12:25:42 15 to get bail or if you do it'll be 10 months from now", and  
12:25:47 16 to think about his business, do you see that?---Yes, I can  
12:25:51 17 see that.  
18  
12:25:52 19 She's telling the police about what advice she'd be giving  
12:25:56 20 him when he's arrested?---Yes.  
21  
12:26:00 22 If we can go to p.182. There's some discussion again about  
12:26:14 23 the phone problem, that she'd handed over the phone.  
12:26:20 24 Ms Gobbo says about halfway down line 17, "I don't believe  
12:26:24 25 Mr [REDACTED] would burn me, I don't believe that he would  
12:26:26 26 actually burn me about the phone either. If he was talking  
12:26:29 27 to police he'd bullshit about that". White says, "Yep".  
12:26:36 28 [REDACTED] says, "All he has to say", that is all  
12:26:40 29 Mr Bickley has to say, "is that [REDACTED] gave me a phone  
12:26:45 30 number to contact him on". Do you see that?---Yeah, I can  
12:26:49 31 see that.  
32  
12:26:50 33 There's some discussion there effectively about  
12:26:52 34 Mr Bickley if he happens to make some statements, not  
12:26:55 35 having to tell the whole truth, or them certainly not  
12:27:01 36 wishing for him to tell the whole truth because it might  
12:27:04 37 put Ms Gobbo in a difficult situation?---Well I see what  
12:27:09 38 she's saying, yes. Again, I'm not party to this  
12:27:18 39 conversation.  
40  
12:27:22 41 Were you given the information that Ms Gobbo - sorry,  
12:27:25 42 you've earlier had a conversation post the arrest of  
12:27:29 43 [REDACTED] with [REDACTED] about  
12:27:35 44 serious concerns you had about her turning up to represent  
12:27:37 45 him on the night?---Yes, I did.  
46  
12:27:39 47 It's quite apparent that's what's going to happen again,

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12:27:44 1 that what she's talking to them about, they don't seem to  
12:27:48 2 have any other view other than that she's going to turn up.  
12:27:52 3 Did you have a conversation with White about what's going  
12:27:56 4 to happen this time?---I don't believe so.  
5  
12:28:05 6 Wouldn't you have had a conversation with him, wouldn't  
12:28:08 7 this have been a great concern of yours that it might  
12:28:11 8 happen again?---I don't believe so. As I say, if I had a  
12:28:14 9 conversation about it - I mean I knew about the, clearly  
12:28:19 10 knew about the phone. I mean - - -  
11  
12:28:21 12 No, no, about her turning up when you're going to arrest  
12:28:24 13 Mr Bickley and about her turning up to advise again, same  
12:28:29 14 scenario that you were very shocked about with  
12:28:32 15 [REDACTED]?---No, I don't think I'd had a conversation. I  
12:28:35 16 don't recall a conversation with him about it.  
17  
12:28:49 18 If we can go back to the ICRs please at p.328. We  
12:29:11 19 understand that Mr Bickley was on bail already for the  
12:29:13 20 Quills matters; is that right?---He may have been.  
21  
12:29:20 22 He'd been arrested the previous August, had been charged in  
12:29:24 23 relation to drug offences then?---I'll accept that.  
24  
12:29:32 25 His being arrested a second time for drug offences makes  
12:29:35 26 bail a little harder?---It may well do, yes.  
27  
12:29:40 28 See down the bottom on 13 June 2006, 13:25, the handler  
12:29:53 29 calls Ms Gobbo and advises her that Mr Bickley been  
12:29:57 30 arrested?---Yes.  
31  
12:30:01 32 And then seven minutes later at 13:32 he calls Ms Gobbo and  
12:30:07 33 tells her to expect a call soon from Mr Bickley Right.  
34  
12:30:17 35 You're aware that upon Mr Bickley arrest he nominated  
12:30:24 36 Ms Gobbo as the person he wanted to speak to?---I'm not 100  
12:30:36 37 per cent sure of that but he may have been, he may have  
12:30:43 38 nominated her.  
39  
12:30:45 40 Detective Rowe gives evidence that at 1.56 Mr Bickley rang  
12:30:52 41 and spoke with Ms Gobbo?---Right.  
42  
12:30:55 43 And then at 2.15 she spoke to him again when he was in the  
12:30:59 44 interview room for around 20 minutes. Those are according  
12:31:03 45 to entries in his diary?---Right.  
46  
12:31:14 47 Do you know who the responsible members were for

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12:31:17 1 interviewing [Mr Bickley] -No, I don't.  
2  
12:31:30 3 Certainly these were all people that knew Ms Gobbo had this  
12:31:34 4 dual role, that she was a police agent?---Yes, possibly.  
5  
12:31:39 6 You must have been informed that she'd been called,  
12:31:42 7 surely?---I don't recall whether I was informed or not but  
12:31:45 8 I've got notes there that I spoke to [Mr Bickley] in  
12:31:48 9 the boardroom that day with Flynn.  
10  
12:31:52 11 A similar scenario as to what occurred with  
12:31:58 12 [redacted]?---Yes.  
13  
12:32:01 14 Except this time Ms Gobbo was on the phone and not in the  
12:32:04 15 room?---I'm not sure. As I said, I spoke to [Mr Bickley]  
16  
12:32:13 17 You'll see there's an entry there from the handler on the  
12:32:19 18 ICR, he's recorded something at 14:18 that he'd had a  
12:32:26 19 conversation with Ms Gobbo, that [Mr Bickley] was in tears,  
12:32:29 20 was left high and dry by the Mokbels, that there'd been an  
12:32:34 21 indication to him from police that he'll get bail and he  
12:32:37 22 should look after himself?---Right.  
23  
12:32:51 24 If we can go to p.328. Sorry, are we still on 328? Over  
12:32:58 25 the page, please. You'll see the following day, 14 June  
12:33:07 26 2006?---Yes.  
27  
12:33:09 28 Under 8.40 in the morning at that stage she'd not heard any  
12:33:15 29 further from [Mr Bickley] That's correct, yes.  
30  
12:33:24 31 And then 14:15 there's a conversation between the handler  
12:33:30 32 and Ms Gobbo. Ms Gobbo was feeling persecuted, she'd spent  
12:33:36 33 an hour with [Mr Bickley] and she reports that you are an  
12:33:41 34 angry man?---Right.  
35  
12:33:45 36 She then reports an incoming call from [redacted] and that  
12:33:48 37 she'd call back. At 14:29 she continues that she's annoyed  
12:33:55 38 with you for being gruff, that [Mr Bickley] is scared [redacted]  
12:34:00 39 [redacted], he's emotional about it all, he's  
12:34:04 40 got no money to pay for help and he wants his bail changed  
12:34:07 41 if possible to one or two days a week. The police have  
12:34:11 42 told him [redacted]. He's worried  
12:34:14 43 it could be a set up. He doesn't want his solicitor to  
12:34:17 44 [redacted] and may need a different  
12:34:20 45 solicitor, do you see all that?---Yes.  
46  
12:34:22 47 It appears as though you've had some communications with

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12:34:26 1 Ms Gobbo during that day?---I don't believe I did. It's  
12:34:32 2 probably Mr Bickley opinion of me more than anything  
12:34:36 3 else.  
4  
12:34:36 5 That may be the case, yes. But it appears as though she'd  
12:34:42 6 spent an hour herself with Mr Bickley that day?---Right.  
12:34:46 7 She may have.  
8  
12:34:47 9 Is that something that's likely would have been reported to  
12:34:49 10 you?---It may or may not have.  
11  
12:34:54 12 Was there anything said about it being wrong for  
12:34:58 13 Mr Bickley to involve herself - sorry, anything said  
12:35:04 14 about it being wrong for Ms Gobbo to involve herself in the  
12:35:09 15 representation of Mr Bickley I've got no note of that.  
16  
12:35:13 17 Was there anything said to Mr Bickley about Ms Gobbo  
12:35:17 18 being unable to provide him with impartial, independent  
12:35:21 19 legal advice?---I've got no note of that.  
20  
12:35:25 21 Is there any report made to anyone about the problems  
12:35:28 22 associated with her representation in that case?---Not as  
12:35:30 23 far as I know.  
24  
12:35:31 25 went on to a number of against  
12:35:34 26 various people, including ; is that right?---I'm  
12:35:37 27 not sure. If he has, he has.  
28  
12:35:44 29 Are you aware following that that Ms Gobbo appeared for  
12:35:52 30 Mr Bickley on 23 June 2006 in relation to a bail  
12:36:01 31 variation application?---No, I was unaware of that. I was  
12:36:05 32 on recreation leave at the time.  
33  
12:36:15 34 You're aware that she continued to have a role in  
12:36:17 35 Mr Bickley representation following that?---I'm not 100  
12:36:26 36 per cent sure whether she did or she didn't but that would  
12:36:30 37 generally be with the crew Sergeant.  
38  
12:36:33 39 You were making attempts of your own volition in January of  
12:36:41 40 2007 in the lead up to his plea to have him get independent  
12:36:44 41 advice; is that right?---Who's this?  
42  
12:36:46 43 Mr Bickley Not that I can recall.  
44  
12:36:50 45 If you can go to 17 January 2007. At 13:05 do you make a  
12:37:25 46 call to Paul Duggan solicitor's office, and there's an  
12:37:31 47 indication there that an associate of his, a solicitor,

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12:37:36 1 Margaret Macaulay, was willing to assist in relation to  
12:37:39 2 Mr Bickley  
3  
12:37:40 4 COMMISSIONER: That's 07 you said, was it?  
12:37:42 5  
12:37:43 6 MS TITTENSOR: Yes, January 07.  
7  
12:37:44 8 COMMISSIONER: January 07.  
12:37:50 9  
12:37:51 10 WITNESS: I don't know whether it was Mr Bickley It's  
12:37:52 11 in relation to - - -  
12:37:56 12  
12:37:58 13 MS TITTENSOR: If you can take it from me, Mr O'Brien, that  
12:38:03 14 the reference there is to Mr Bickley Right.  
15  
12:38:18 16 If we can bring up the source management log please for 18  
12:38:23 17 January 2007.  
18  
12:38:34 19 COMMISSIONER: I think it's 2000.0003.2193.  
12:39:35 20  
12:39:35 21 MS TITTENSOR: 18 January 2007.  
22  
12:39:37 23 COMMISSIONER: Is that not the right one? Maybe the next  
12:39:40 24 page. No. There's a mention of Mr Bickley  
12:39:54 25  
12:39:54 26 MS TITTENSOR: Sorry, it might be the 17th I'm referring  
12:39:57 27 to. I probably looked at the box below it and moved up.  
12:40:07 28 If can you scroll up there just so that the - I just need  
12:40:24 29 to be careful with some of the references around these  
12:40:26 30 matters, Mr O'Brien. Do you see there that it refers to  
12:40:34 31 Mr Bickley "It may be a headache for the human source",  
12:40:39 32 that is Ms Gobbo, "when court matters come up. Another one  
12:40:43 33 Ms Gobbo has represented and he may not know to keep his  
12:40:47 34 mouth shut", do you see that?---Yes.  
35  
12:40:59 36 If you look at your diary on 19 January. Towards the  
12:41:12 37 bottom just above the time of 17:10 there's a reference to  
12:41:19 38 you having a conversation with Margaret Macaulay who's  
12:41:26 39 asking for the brief in relation to Mr Bickley Yes.  
40  
12:41:29 41 And indicating that he'd been to see her?---Yes.  
42  
12:41:32 43 If you can go to the ICRs, p.611, please. You'll see down  
12:42:05 44 the bottom we're on 21 January 2007 at 16:30. There's a  
12:42:12 45 call under the heading "Mr Bickley Ms Gobbo reported  
12:42:16 46 having had lunch with him and very cross with Jim O'Brien  
12:42:23 47 and the solicitor he recommended, who she names. Cross

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12:42:27 1 about not telling her this was going to happen as it  
12:42:30 2 undermines her position with him?---Yes.  
3  
12:42:41 4 There's a conversation about whether or not [REDACTED]  
12:42:44 5 [REDACTED] to keep [REDACTED], do you see that?---Yes,  
12:42:49 6 I see that.  
7  
12:42:52 8 She'd advised him [REDACTED] until [REDACTED]  
12:42:56 9 [REDACTED] had [REDACTED] out?---Right, yes.  
10  
12:43:02 11 If we move up.  
12  
12:43:07 13 COMMISSIONER: There was a note there someone said not to  
12:43:10 14 trust her on the previous page.  
15  
12:43:13 16 MS TITTENSOR: Yes. Cross about - so above, about five  
12:43:16 17 lines up, "Cross about not telling her this was going to  
12:43:20 18 happen as it undermines her position with Mr Bickley  
12:43:23 19 Someone said not to trust her". It appears perhaps someone  
12:43:27 20 from the police has communicated with Mr Bickley that he  
12:43:32 21 shouldn't trust her?---Right.  
22  
12:43:34 23 If we continue over to the next page, you see under the  
12:43:43 24 "SDU issue", being over critical of Ms Gobbo to Mr Bickley  
12:43:48 25 will [REDACTED] as she was the one that [REDACTED]  
12:43:52 26 [REDACTED] in the first  
12:43:58 27 place?---Yes, I can see that.  
28  
12:44:21 29 If we go back to the SMLs for 24 January 2007. Perhaps  
12:44:50 30 we'll just move to 30 January 2007. I might indicate that  
12:45:07 31 there'd been an entry on 24 January, without needing to go  
12:45:10 32 to it, where Ms Gobbo was expressing concern that she could  
12:45:15 33 be compromised by Mr Bickley telling people she'd  
12:45:19 34 [REDACTED] Then on 30 January  
12:45:25 35 it's apparent that Ms Gobbo believes that Macaulay is not  
12:45:31 36 representing Mr Bickley properly and she feels obliged to  
12:45:34 37 help him, although she's advised not to?---Right.  
38  
12:45:39 39 Were you being told about these ongoing concerns about  
12:45:43 40 Ms Gobbo's involvement with Mr Bickley at this stage?---I  
12:45:50 41 can't recall being told about it.  
42  
12:45:51 43 If you had have known would you have been concerned?---As I  
12:45:55 44 say, looking at these documents now she seems to involve  
12:46:01 45 herself in everything.  
46  
12:46:03 47 But it seems to be to the knowledge of the police that

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12:46:06 1 she's being involved in these things?---This is all part of  
12:46:09 2 obviously debriefings by the SDU. It's not something I'm  
12:46:13 3 party to.

4  
12:46:14 5 Do you think the SDU should have been passing on concerns  
12:46:17 6 to you of this nature?---Not all things because, you know,  
12:46:25 7 a lot of things that informers - my experience has been  
12:46:32 8 they'll tell you a lot of stuff that really is a non-issue  
12:46:36 9 as far as the police are concerned.

10  
12:46:38 11 But if Ms Gobbo, in what she is doing, is compromising the  
12:46:42 12 judicial process, do you think it would be incumbent upon  
12:46:46 13 the SDU to be talking to you about those things?---If that  
12:46:50 14 was front of mind, yes.

15  
12:46:52 16 You certainly had that conversation in relation to  
12:46:55 17 [REDACTED] about the compromise of the judicial process  
12:46:59 18 following [REDACTED]. Did you have that conversation in  
12:47:03 19 relation to any other matter again?---Not that I can  
12:47:06 20 recall.

21  
12:47:17 22 It's apparent, if you look at your diary for 31 January, at  
12:47:34 23 10.19 you have a call with the solicitor Macaulay who's  
12:47:40 24 wanting some support for Mr Bickley for a submission that's  
12:47:44 25 planned, presumably that he'd receive a [REDACTED]  
12:47:49 26 sentence?---Yes.

27  
12:47:50 28 And you declined and you indicated that it was up to the  
12:47:54 29 judiciary and that could be discussed with the OPP down the  
12:47:57 30 line?---That's correct.

31  
12:48:01 32 If you look at the 31st on the SML on the screen. Ms Gobbo  
12:48:08 33 is continuing with the Mr Bickley issues and there being no  
12:48:15 34 confidence in the solicitor Macaulay and her being advised  
12:48:20 35 not to have anything to do with it, do you see that?---Yes,  
12:48:24 36 I see that.

37  
12:48:34 38 If you go to 4 February you'll see down the bottom there's  
12:48:41 39 been some kind of indication to Mr Bickley that [REDACTED]  
12:48:48 40 [REDACTED] to [REDACTED] in terms [REDACTED]  
12:48:53 41 [REDACTED] or [REDACTED] at that  
12:48:58 42 stage?---Yes, I see that.

43  
12:49:05 44 If we go to 13 February 2007. Ms Gobbo's reporting that  
12:49:20 45 Mr Bickley still causing problems by wanting legal advice  
12:49:23 46 from her despite her trying to distance herself?---Yes, I  
12:49:29 47 see that.

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1  
12:49:31 2 If you can go to 4 March. Scroll to 4 March please. We're  
12:50:11 3 in 2007. Ms Gobbo there reports another meeting with  
12:50:30 4 Mr Bickley during this period of time. Then on 16 March,  
12:50:36 5 if we scroll up, there's some discussion about trying to  
12:50:50 6 avoid a custodial sentence in relation to  
12:50:55 7 Mr Bickley. Yes, I see that.  
8  
12:50:58 9 Then on 19 March Mr Bickley has got some Family Court  
12:51:08 10 matter and he wants Ms Gobbo to be giving evidence in it to  
12:51:11 11 assist him there, do you see that?---Yes, I see that, yes.  
12  
12:51:31 13 Detective Rowe indicates that he met with a number of  
12:51:35 14 members of the SDU on 19 March that day because  
12:51:41 15 [REDACTED] was [REDACTED] at that stage  
12:51:45 16 because of the likelihood that [REDACTED] to [REDACTED]  
12:51:48 17 [REDACTED]. The following day he spoke with a handler at the  
12:51:54 18 SDU and that he recorded in his diary that he asked to meet  
12:51:59 19 with Ms Gobbo regarding [REDACTED] but the handler said that  
12:52:06 20 he wouldn't arrange that, he'd wait for Ms Gobbo to contact  
12:52:09 21 him in relation to [REDACTED], and that Flynn was informed.  
12:52:16 22 Was it the case that your detectives, when they were  
12:52:19 23 encountering difficulties in relation to people like  
12:52:22 24 [REDACTED] were going back to the SDU and seeking  
12:52:25 25 Ms Gobbo's assistance as a legal advisor?---Not that I was  
12:52:29 26 aware. I said my belief was I was to be the single point  
12:52:36 27 of contact.  
28  
12:52:37 29 It seems as though Detective Rowe at this stage at least  
12:52:42 30 has contacted the SDU to try and arrange a meeting with  
12:52:45 31 Gobbo to see if she can facilitate something in the order  
12:52:51 32 of cooperation by [REDACTED]. Were you aware of that at  
12:52:55 33 the time?---If I can check my diary, please. I was away on  
12:53:08 34 recreation leave.  
35  
12:53:14 36 If we go to [REDACTED] in the SMLs. We might need to scroll  
12:53:28 37 up. You'll see down the bottom there on 28 March that  
12:53:37 38 [REDACTED] is representing [REDACTED]?---Right.  
39  
12:53:42 40 And Ms Gobbo's concerned that [REDACTED] is going to tell  
12:53:45 41 [REDACTED] about her involvement with he and the  
12:53:48 42 police?---Right.  
43  
12:53:55 44 If you can have a look at your diary on 12 April. At 14:30  
12:54:20 45 it seems that you've made a call to try and get in touch  
12:54:23 46 with [REDACTED]; is that right?---Yes.  
47

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12:54:26 1 You've got some involvement in [REDACTED] at this  
12:54:32 2 stage?---Yes.  
3  
12:54:34 4 Do you know what that was?---No. I made a phone call and I  
12:54:40 5 think he was in [REDACTED] and left a message to return the  
12:54:43 6 call.  
7  
12:54:44 8 Then if you go to 13 April at 10.24. You have another  
12:54:57 9 conversation with - or you have a conversation this time  
12:55:02 10 with [REDACTED]?---Yes.  
11  
12:55:03 12 In relation to [REDACTED] and you indicate that Detective  
12:55:07 13 Rowe is delivering statements?---Yes.  
14  
12:55:10 15 To Mr Dunn and there's discussion about what his advice  
12:55:19 16 would be in relation to [REDACTED] signing the statements  
12:55:22 17 and his cooperation?---Yes.  
18  
12:55:31 19 If we can go to the ICRs at p.823 please. If you can just  
12:56:03 20 scroll up slightly. Keep on going. I might have the wrong  
12:56:10 21 page number. I want to be on 29 April at 15:46. It should  
12:56:25 22 be p.823 apparently. If we can scroll up, please. You see  
12:56:54 23 there halfway down the page there's a heading  
12:57:00 24 [REDACTED]?---Yes.  
25  
12:57:05 26 There's a communication there in relation to [REDACTED]  
12:57:14 27 Ms Gobbo was concerned that [REDACTED] would go to gaol  
12:57:17 28 with [REDACTED]?---Yes.  
29  
12:57:20 30 She's obviously concerned about the prospect of them  
12:57:23 31 talking to each other?---Yes.  
32  
12:57:26 33 And she hadn't spoken to Detective Rowe about this. Rowe  
12:57:33 34 doesn't know where he'll be going to and [REDACTED] thinking  
12:57:38 35 that he's not going to go to gaol?---Yes, I see that.  
36  
12:57:44 37 Can we just scroll up slightly from that, please, and then  
12:57:48 38 further down. Keep going. I must have missed the  
12:58:14 39 reference. Somewhere within what I'm looking for,  
12:58:19 40 Mr O'Brien, there's a reference in relation to a conference  
12:58:26 41 that's been had between [REDACTED] and [REDACTED]. It was at  
12:58:40 42 the bottom of p.823?---Right.  
43  
12:58:43 44 COMMISSIONER: It's 2409.  
12:58:45 45  
12:58:45 46 MS TITTENSOR: Thanks. You see there at 15:46 there's a  
12:58:49 47 conference that's been had in relation to [REDACTED].

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O'BRIEN XXN - IN CAMERA

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12:58:55 1 There's a character reference being sought from Ms Gobbo in  
12:59:00 2 relation to his proceeding?---Yes.  
3  
12:59:25 4 [REDACTED] wanted a statement from Ms Gobbo in relation to her  
12:59:28 5 knowledge of events involving [REDACTED] and she declined  
12:59:34 6 to do that?---Yes, I see that.  
7  
12:59:36 8 She was saying well those details can be adequately covered  
12:59:40 9 by the police, there was no need for her?---Yes.  
10  
12:59:44 11 [REDACTED] was threatening to subpoena her to give the  
12:59:47 12 evidence?---Yes, I see what's there.  
13  
12:59:52 14 And there was obviously a concern for her that she might be  
12:59:56 15 put in a witness box to give evidence?---Yes.  
16  
13:00:09 17 Then further down at 17:57 you'll see under the topic, or  
13:00:15 18 the heading "Purana Task Force", that Ms Gobbo wanted to  
13:00:19 19 advise that she'd spoken directly to Detective Flynn  
13:00:22 20 regarding Dunn and his threatened subpoena?---Yes, I see  
13:00:27 21 that.  
22  
13:00:28 23 Now was that something that you had discussion yourself  
13:00:30 24 with Flynn about, the problems that might cause?---Not that  
13:00:35 25 I'm aware of.  
26  
13:00:37 27 If you go to 8 25, please, on 6 May. Under the heading  
13:00:46 28 [REDACTED] there you'll see Ms Gobbo reports having had a  
13:00:50 29 detailed conversation with Detective Rowe about it, about  
13:00:53 30 the [REDACTED] court case; that Rowe is able to give all the  
13:00:57 31 evidence required and that Rowe is happy to concede the  
13:01:01 32 points that [REDACTED] wanted to raise during the plea?---Yes.  
33  
13:01:07 34 Then over the page under the heading [REDACTED] " again,  
13:01:16 35 [REDACTED] wanted her assistance to draft a letter to hand  
13:01:19 36 to the judge. He's still thinking he won't be going to  
13:01:23 37 gaol and [REDACTED] had been told that Rowe would concede all  
13:01:28 38 the points that needed to be conceded during the  
13:01:31 39 plea?---Yes, I see that.  
40  
13:01:38 41 Do you know whether there were any points that the police  
13:01:42 42 didn't necessarily want to concede upon this plea that  
13:01:45 43 ultimately were for the sake of protecting Ms Gobbo?---Not  
13:01:48 44 that I know of. As I say, you'd have to speak to the  
13:01:53 45 informant, Senior Detective Rowe, in relation to that.  
46  
13:01:56 47 Did you have any discussion about his giving evidence and

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13:01:58 1 conceding matters on the plea that are favourable to the  
13:02:01 2 defence?---No.  
3  
13:02:12 4 If you have a look just further down the page you'll see  
13:02:16 5 again under the heading - at 10.48 there's an entry there  
13:02:22 6 that Ms Gobbo had had an argument with the [REDACTED] lawyer  
13:02:27 7 today because they're trying to serve a subpoena on her, it  
13:02:30 8 was still a concern. Then further down the page she's  
13:02:33 9 advised the [REDACTED] lawyer she won't give character  
13:02:36 10 evidence, she doesn't believe it's necessary because the  
13:02:41 11 police, through Detective Rowe, would concede everything  
13:02:46 12 required?---Yes, I see that.  
13  
13:02:51 14 There's an indication at that stage that there's not been a  
13:02:54 15 summons issued, and if we go to 16:05 she now says that  
13:03:02 16 there is a summons for the [REDACTED] plea hearing. At  
13:03:12 17 20:48 she's reporting that [REDACTED] - the solicitor [REDACTED]  
13:03:18 18 [REDACTED] and [REDACTED] had come to her office at 5 o'clock.  
13:03:25 19 Dunn had received an email from Detective Rowe detailing  
13:03:29 20 the sequence of the events. [REDACTED] wanted her to give  
13:03:33 21 evidence. He wanted her to detail her involvement in his  
13:03:37 22 assistance to the police and Gobbo was pointing out that  
13:03:43 23 [REDACTED] could do that himself and she was now stating  
13:03:47 24 though that there wasn't a subpoena?---Right.  
25  
13:03:52 26 There is some significant concern around this point in time  
13:03:59 27 that Ms Gobbo is going to be called to give some evidence  
13:04:02 28 to corroborate what [REDACTED] was saying about his  
13:04:05 29 cooperation with the police?---Right.  
30  
13:04:08 31 You say you didn't become aware of that at all?---To the  
13:04:12 32 best of my knowledge I'm not aware of it.  
33  
13:04:24 34 If we go over the page, 829. You'll see at 12.18, this is  
13:04:51 35 8 May under the heading [REDACTED], that Ms Gobbo wants to  
13:04:59 36 discuss the summons which is yet to be received from  
13:05:02 37 [REDACTED] in relation to the [REDACTED] plea. She has a  
13:05:05 38 number of possibilities to avoid giving evidence. She  
13:05:11 39 believes she's exhausted all the avenues. She's demanding  
13:05:16 40 that the SDU come up with some sort of solution. She then  
13:05:20 41 calls back within about half an hour or so and indicates  
13:05:26 42 that she's spoken to [REDACTED] and told him that she wouldn't  
13:05:31 43 perjure herself and that she was aware of stuff that  
13:05:35 44 [REDACTED] wasn't and she suggested that if he did call her  
13:05:38 45 she might say some things that were unhelpful to  
13:05:41 46 Mr Bickley [REDACTED] cause?---I see that, yes.  
47

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O'BRIEN XXN - IN CAMERA

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13:05:44 1 So that seems to be how that situation was resolved. Now,  
13:05:49 2 you're aware that [REDACTED] went on and ultimately  
13:05:54 3 received a [REDACTED]; is that right?---No,  
13:05:58 4 I'm not aware of that but if that's what happened, that's  
13:06:02 5 what happened.  
6  
13:06:04 7 One of the other people that was arrested on [REDACTED] was  
13:06:15 8 [REDACTED]?---That's correct.  
9  
13:06:16 10 You're aware that Ms Gobbo continued to represent him  
13:06:19 11 following his arrest?---I don't believe so.  
12  
13:06:24 13 No one told [REDACTED] at any point in time that the  
13:06:33 14 representation that he was being given was not independent  
13:06:36 15 and impartial?---Not that I'm aware of.  
16  
13:06:43 17 A plea for [REDACTED] took place around June 2007. You would  
13:06:51 18 have known that at the time?---I may have, may not have.  
19  
13:06:54 20 Ms Gobbo was being instructed by Mr Hargreaves in relation  
13:06:57 21 to that matter and he certainly had no knowledge of the  
13:07:01 22 role that she was playing; is that right?---I wouldn't  
13:07:03 23 think so.  
24  
13:07:05 25 Are you aware that Ms Gobbo charged [REDACTED] more than  
13:07:11 26 \$5,000 for her services?---No, I'm not.  
27  
13:07:25 28 A person that I referred to earlier was a Mr [REDACTED]  
13:07:31 29 [REDACTED]?---Yes.  
30  
13:07:32 31 He was someone that was arrested at some stage in [REDACTED] of  
13:07:38 32 2006, is that right, prior to the arrest of  
13:07:45 33 [REDACTED]?---I'd have to check but if you say that's the  
13:07:48 34 date I'll accept it.  
35  
13:07:50 36 He was arrested and pulled over and had a drum of ketone or  
13:07:57 37 something in his car; is that right?---Look, I don't  
13:08:03 38 actually recall the actual case but if that's what  
13:08:06 39 happened, that's what happened.  
40  
13:08:11 41 Do you recall that Mr Hammoud was [REDACTED]'s first  
13:08:17 42 cousin?---Not specifically.  
43  
13:08:28 44 And that there was some concern because apparently the  
13:08:32 45 ketone in the car was bound for [REDACTED] and he was upset  
13:08:38 46 when he found out later of the arrest and that he hadn't  
13:08:42 47 been told and that he might be compromised, do you recall

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13:08:45 1 that occurring?---This is Hammoud you're saying?  
2  
13:08:48 3 Yes. He hadn't been - [REDACTED] was angry with [REDACTED]  
13:08:53 4 [REDACTED] potentially bringing heat on him because he hadn't  
13:08:58 5 told him about [REDACTED], to whom he was about to -  
13:09:02 6 from whom he was about [REDACTED]?---That  
13:09:08 7 may have been the case, I'm not certain.  
8  
13:09:10 9 If I can take you to the ICR at p.249. If you see down the  
13:09:32 10 bottom of the page there it's [REDACTED] 2006?---Yes.  
11  
13:09:36 12 [REDACTED] has rung and wants Ms Gobbo to see his cousin  
13:09:40 13 [REDACTED] aka [REDACTED] --Yes.  
14  
13:09:48 15 If we then go over the page down to the bottom. Do you see  
13:09:56 16 there that [REDACTED] is angry because of [REDACTED]  
13:10:00 17 bringing heat on to [REDACTED] re the arrest [REDACTED]  
13:10:08 18 [REDACTED] That relates to, it's got Akl Mahmood, it should  
13:10:16 19 be [REDACTED] And annoyed at not being told about the  
13:10:17 20 arrest by [REDACTED] and co. as the [REDACTED]  
13:10:20 21 [REDACTED] to [REDACTED] And then when [REDACTED] was taken to the  
13:10:25 22 Brunswick police station there were tradesmen there who  
13:10:28 23 knew him and told [REDACTED] that his cousin had been  
13:10:33 24 arrested, do you see that?---Right.  
25  
13:10:41 26 There's some confirmation of a meeting occurring. Green is  
13:10:45 27 complimented by Ms Gobbo for paying attention to detail and  
13:10:48 28 having an excellent memory. And then an indication at  
13:10:55 29 19:05, "Advise Detective Senior Sergeant O'Brien, Operation  
13:11:01 30 Purana, re all of the above"?---Right. I see that. I have  
13:11:06 31 a diary entry in relation to it.  
32  
13:11:08 33 Sorry?---I have some diary notes in relation to information  
13:11:12 34 from the SDU on that day.  
35  
13:11:14 36 Yes. You accept those matters would have been relayed to  
13:11:19 37 you, you were interested, especially in the information  
13:11:22 38 relating to [REDACTED] around that time?---I was, but I  
13:11:26 39 accept the matters that are written in my diary, not this  
13:11:29 40 document.  
41  
13:11:32 42 If we can go to the audio transcript, please, I think this  
13:11:37 43 is of 20 April 2006. VPL.0005.0097.0011. Page 63. See  
13:12:08 44 there's some discussion in relation to [REDACTED] alias  
13:12:13 45 [REDACTED] and his cousin [REDACTED] ---Yes, I see that.  
46  
13:12:16 47 Ms Gobbo says, "As of 5.30 this afternoon [REDACTED] is now my

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O'BRIEN XXN - IN CAMERA

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13:12:21 1 client". Smith replies, "Now is anybody here surprised?  
13:12:24 2 No. So [REDACTED] nd [REDACTED]. Do you see that?---Yes, I see  
13:12:33 3 that.  
4

13:12:39 5 It appears from what follows that Ms Gobbo is wanting to  
13:12:45 6 know what is going on in the investigation and who the  
13:12:53 7 relevant informer was. Of course no one was keen to tell  
13:12:59 8 her that and she was making her own guesses about things.  
13:13:06 9 If we can go to page - just keep scrolling up. You see  
13:13:12 10 that she provides some hypotheticals there about who the  
13:13:16 11 informers might be and so forth?---Yes, I see that.  
12

13:13:21 13 Then over the page at p.65 she indicates down the bottom  
13:13:35 14 that when he left she told him that he's going to be  
13:13:38 15 charged and he'd need to get organised to do a bail  
13:13:41 16 application and that the client indicated that he was very  
13:13:47 17 concerned that she was acting for other people and that  
13:13:50 18 she'd tell other people what his instructions were and she  
13:13:54 19 assured him she wouldn't?---Yes, I can see that.  
20

13:13:59 21 Clearly he didn't think to be concerned that she might be  
13:14:01 22 telling the police about his instructions?---Right.  
23

13:14:10 24 Were you having communications with the SDU in relation to  
13:14:15 25 [REDACTED] knowing that Ms Gobbo was involved with him and  
13:14:22 26 his representation?---Look, if I can read my diary entry  
13:14:27 27 for that day and review my diary entry, but I don't believe  
13:14:30 28 so. I'd say that matter was being handled by the crew that  
13:14:36 29 were doing the job.  
30

13:14:42 31 Whilst we're at it if we can go to p.278, please.  
32

13:14:52 33 COMMISSIONER: 278 of the audio transcript?  
13:14:55 34  
13:14:56 35 MS TITTENSOR: The ICRs, sorry.  
36

13:14:58 37 COMMISSIONER: The ICRs, yes.  
13:14:59 38

13:15:08 39 MS TITTENSOR: I note the time, Commissioner.  
40

13:15:09 41 COMMISSIONER: Yes, all right. We'll adjourn until 2  
13:15:12 42 o'clock, thank you.  
13:15:14 43  
13:15:14 44 <(THE WITNESS WITHDREW)  
13:15:15 45  
46 LUNCHEON ADJOURNMENT  
47

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13:52:16 1 UPON RESUMING AT 2.03 PM:  
14:03:10 2  
14:03:10 3 COMMISSIONER: Yes Ms Tittensor.  
14:03:12 4  
14:03:13 5 <JAMES MICHAEL O'BRIEN, recalled:  
14:03:16 6  
14:03:17 7 MS TITTENSOR: Before lunch, Mr O'Brien, I was asking you  
14:03:20 8 some questions about [REDACTED]?---Yes.  
14:03:25 9  
14:03:25 10 And whether there was any coordination in essence going on  
14:03:29 11 between the SDU and Purana in relation to Ms Gobbo's  
14:03:35 12 representing him. Do you know if that was the case?---I  
14:03:40 13 don't know if that was the case. As I say, I'd need to  
14:03:47 14 check diary entries.  
14:03:47 15  
14:03:47 16 If we can go to the ICRs at p.278. You'll see there, we're  
14:04:18 17 on 1 May, and at 18:15 the bottom of that entry on the  
14:04:24 18 screen, it indicates that Ms Gobbo is told by the handler  
14:04:28 19 that [REDACTED] may be arrested tomorrow. The situation  
14:04:35 20 that's apparent from the materials that the Commission has  
14:04:38 21 is that he had initially been arrested but released without  
14:04:42 22 charge. Ms Gobbo, as you might have seen in some of the  
14:04:47 23 earlier ICRs, had told him at some stage he is going to be  
14:04:52 24 charged and on this day at this time the handler informs  
14:04:57 25 her that he may be arrested the following day. It seems as  
14:05:01 26 though the handler has some information from Purana about  
14:05:03 27 the arrest of [REDACTED]?---Right.  
14:05:06 28  
14:05:10 29 Do you accept that that's the case, that SDU must have been  
14:05:14 30 getting that information from Purana?---Perhaps they did, I  
14:05:18 31 have no note of it.  
14:05:19 32  
14:05:21 33 That would be the type of coordination that you might  
14:05:25 34 expect as between Purana and the SDU, would it be?---No,  
14:05:29 35 not necessarily.  
14:05:31 36  
14:05:37 37 If we move over the page to 2 May, p.279. You'll see there  
14:05:50 38 at the top of the page, 8.05. The handler has been  
14:05:57 39 contacted by Detective Flynn and advised that [REDACTED]  
14:06:01 40 has been arrested?---Yes.  
14:06:03 41  
14:06:03 42 At two minutes later at 8.07 the handler then contacts  
14:06:07 43 Ms Gobbo and advises her?---Right.  
14:06:10 44  
14:06:10 45 It seems as though it was known that [REDACTED] had  
14:06:17 46 something to do with Ms Gobbo. Detective Flynn has  
14:06:21 47 contacted the SDU for a purpose. It can only be related to

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14:06:26 1 the fact that [REDACTED] is related in some way to Ms Gobbo  
14:06:30 2 and knowledge of Purana of that fact, do you agree?---It  
14:06:33 3 might be the case but you'd have to ask Detective Sergeant  
14:06:39 4 Flynn, or now Inspector Flynn.

14:06:40 5  
14:06:41 6 Can you explain why, assuming this has occurred, [REDACTED]  
14:06:45 7 [REDACTED] has been arrested, why there is a need for a  
14:06:48 8 Detective to contact the SDU instead of contacting a  
14:06:54 9 representative directly?---I don't know, unless there was  
14:06:58 10 some ramification of some risk to her. I couldn't  
14:07:04 11 understand why otherwise.

14:07:05 12  
14:07:08 13 When Ms Gobbo's contacted and advised about the arrest  
14:07:11 14 she's indicated she's at court and then at 8.20 you see  
14:07:17 15 another contact with the handler that [REDACTED] has  
14:07:22 16 already been interviewed and that she would see him  
14:07:25 17 later?---Right.

14:07:26 18  
14:07:35 19 If you go down the page towards the bottom at 855, the last  
14:07:41 20 entry there. Ms Gobbo is commenting, it seems, that [REDACTED]  
14:07:45 21 [REDACTED] is a monty for bail?---Right, yes.

14:07:51 22  
14:07:51 23 If we go to p.280, over the page, at 16:45, this is the  
14:08:00 24 same date, Ms Gobbo reports having had a visit from Horty  
14:08:07 25 Mokbel. This is a visit where Horty Mokbel, she says,  
14:08:15 26 comes to his office, he grabs her by the throat and accuses  
14:08:18 27 her of being a police informer?---Right.

14:08:20 28  
14:08:21 29 When he calmed down he accused her of helping the police.  
14:08:25 30 She says she doesn't know where this came from. He talked  
14:08:28 31 about something to do with video surveillance. Ms Gobbo  
14:08:33 32 told him that she'd previously been accused of being  
14:08:36 33 involved with the Mokbels in a criminal sense, so what was  
14:08:39 34 he talking about? [REDACTED] en he left he said he would not talk  
14:08:46 35 to Ms Gobbo again unless Ms Gobbo was naked, meaning he  
14:08:49 36 wanted to make sure there was no device that she was  
14:08:53 37 wearing?---Right.

14:08:54 38  
14:08:57 39 Ms Gobbo thought that he'd left ultimately pretty satisfied  
14:09:00 40 with her response but that he could be hard to read. She  
14:09:05 41 said she discussed money with Horty, that he wanted her to  
14:09:10 42 track down solicitor Dan Kowalski to do Mr Bayeh's bail app  
14:09:16 43 and he also wanted [REDACTED] to get bail straight away,  
14:09:23 44 do you see that?---Yes.

14:09:24 45  
14:09:26 46 Ms Gobbo thought that they wanted somebody to apply for  
14:09:30 47 bail so they could work out what had happened in terms of

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14:09:33 1 the arrest, it was a mechanism to figure out how they'd  
14:09:38 2 been found out?---Yes.  
14:09:39 3  
14:09:39 4 You would have been told at some stage about that threat by  
14:09:44 5 Horthy Mokbel to Ms Gobbo?---I may have been but as I say I  
14:09:50 6 don't recall getting all this detail.  
14:09:52 7  
14:10:00 8 If we can move over to 3 May, p.281. You see that at 9.10  
14:10:22 9 there's a call where a number of matters are discussed,  
14:10:28 10 including relating to Horthy Mokbel?---Yes.  
14:10:31 11  
14:10:32 12 And included that Horthy Mokbel wanted [REDACTED] to get  
14:10:39 13 bail but wouldn't pay any legal fees?---Yes.  
14:10:41 14  
14:10:42 15 There's also reference to a number of other people,  
14:10:45 16 including [REDACTED] and [REDACTED] and so forth. And  
14:10:48 17 underneath that it's got that both you and Detective Flynn  
14:10:52 18 were advised in relation to the above matters?---That's  
14:10:55 19 what it says, yes.  
14:10:56 20  
14:10:56 21 Are you able to say whether that occurred or not?---I don't  
14:11:01 22 believe I've got a note of having received that  
14:11:03 23 information.  
14:11:04 24  
14:11:25 25 If we can go to p.286, please. This is 5 May 2006. It's a  
14:11:42 26 summary of a face-to-face discussion involving Ms Gobbo.  
14:11:48 27 You see there's an explanation being given to the handlers  
14:11:53 28 in relation to who owned the [REDACTED] that [REDACTED]  
14:12:01 29 [REDACTED] was arrested for and so forth. If we go over the  
14:12:05 30 page to 287. Up the top there Ms Gobbo comments that if  
14:12:17 31 [REDACTED] gets bail this will be better for Gobbo because Gobbo  
14:12:24 32 cannot then act for others but they will believe it's not  
14:12:27 33 connected to [REDACTED] matters. And she suggested that  
14:12:31 34 there be a written summary for his bail  
14:12:35 35 application?---Right.  
14:12:35 36  
14:12:36 37 Presumably so there would be no need to cross-examine. If  
14:12:43 38 we can go to p.290, please. This is 8 May 2006 at 9.35.  
14:12:57 39 Do you see underneath that time Ms Gobbo is requesting the  
14:13:00 40 handler to ask you in relation to [REDACTED]'s bail as  
14:13:06 41 above and the entry above is the one I've just taken you  
14:13:10 42 to?---Yes.  
14:13:11 43  
14:13:11 44 Then over the page, 292 - maybe I need to go further up.  
14:13:44 45 Sorry, I don't know if I've gone too far. Do you see there  
14:13:58 46 at 11.05 on the 8th, after consultation with Detective  
14:14:07 47 Inspector O'Brien?---Yes.

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14:14:07 1  
14:14:08 2       Advised Ms Gobbo will consent to [REDACTED] bail with  
14:14:12 3       reporting conditions?---Yes.  
14:14:14 4  
14:14:14 5       Ms Gobbo is to phone Detective Kelly at Operation  
14:14:18 6       Purana?---Yes.  
14:14:19 7  
14:14:20 8       Why was that process done through the SDU?---I don't know.  
14:14:31 9       I have a note of it in my diary.  
14:14:33 10  
14:14:33 11       Sorry?---I have a note of it in my diary.  
14:14:36 12  
14:14:38 13       What does your note - - - ?---10.35 received telephone call  
14:14:42 14       from officer - - -  
14:14:49 15  
14:14:49 16       Smith?---Smith, yes. Smith, bail app by [REDACTED]  
14:15:12 17       discuss issues with disclosure with Senior Detective Kelly  
14:15:17 18       and Johns.  
14:15:17 19  
14:15:17 20       What were the disclosure issues that you were talking  
14:15:22 21       about?---I'm not 100 per cent sure at this point in time.  
14:15:26 22  
14:15:28 23       Can you explain why this bail application needed to be  
14:15:35 24       organised through the SDU?---I don't know, you'd have to  
14:15:41 25       speak to Detective Sergeant Kelly I imagine, it was his  
14:15:44 26       crew were handling the job.  
14:15:45 27  
14:15:46 28       It's the SDU, it's Ms Gobbo that has gone to the SDU and  
14:15:48 29       the SDU have gone to you, by the looks of this, and they've  
14:15:54 30       had some discussion with you also about issues relating to  
14:15:57 31       disclosure?---Yes. As I say, I don't have an independent  
14:16:02 32       memory of it. I have this note here, and then at 11.07 I  
14:16:06 33       made a telephone call and spoke to Smith. I advised we'd  
14:16:11 34       agree to bail with reporting conditions. No application  
14:16:14 35       notification had been received at our office as yet.  
14:16:24 36  
14:16:25 37       It's a curious process though, isn't it, that someone's  
14:16:30 38       bail application might be arranged through an informer  
14:16:33 39       through the SDU?---As I say, I don't have a - now, all this  
14:16:40 40       time later, I don't have a clear understanding of why it  
14:16:43 41       was done this way but there obviously would have been a  
14:16:46 42       reason.  
14:16:46 43  
14:16:53 44       There are disclosure issues and presumably some of those  
14:16:56 45       are to ensure that there's some sort of protection perhaps  
14:17:02 46       for Ms Gobbo?---That may be one reason. As I say, I don't  
14:17:08 47       have that level of detail. Perhaps others might.

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O'BRIEN XXN - IN CAMERA



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14:17:11 1  
14:17:11 2 If we can go to p.291, please. You note there at 13:05  
14:17:32 3 Ms Gobbo was seeing Horthy Mokbel that afternoon with  
14:17:35 4 solicitor Dan Kowalski in relation to [REDACTED]?---Yes.  
14:17:42 5  
14:17:42 6 Then over the page at 18:20, down towards the bottom of the  
14:18:01 7 18:20 entry you'll see the last paragraph, there's a  
14:18:06 8 sentence there, "Horthy is not prepared to fund [REDACTED]  
14:18:11 9 [REDACTED]'s bail application" and then, "If Horthy got  
14:18:14 10 arrested he would ring Gobbo. Ms Gobbo is suggesting to  
14:18:19 11 investigators to listen to conversations of Milad" - -  
14:18:22 12 -?---Apologies, I'm trying to pick up where in the  
14:18:26 13 document.  
14:18:27 14  
14:18:28 15 You see the cursor?---Yes, sorry.  
14:18:30 16  
14:18:30 17 There's a conversation there, "Horthy is" - - - ?---Yes.  
14:18:34 18  
14:18:34 19 - - - "now not prepared to fund the bail application for  
14:18:38 20 [REDACTED] She's indicating to the handlers if Horthy  
14:18:41 21 himself got arrested he's going to ring her too?---Right.  
14:18:45 22  
14:18:45 23 And then she's suggesting that investigators listen to  
14:18:50 24 conversations between Milad and Horthy when they visit each  
14:18:54 25 other in prison?---Yes.  
14:18:55 26  
14:19:00 27 If we can go over to 293, please. At 22:45, just under  
14:19:14 28 halfway there's a paragraph there. "Human source asked re  
14:19:19 29 funding for [REDACTED] bail app. Horthy is not funding it  
14:19:22 30 and said to see Dan Kowalski. Ms Gobbo says if there is no  
14:19:29 31 money she won't be doing it. Horthy wanted to see Ms Gobbo  
14:19:33 32 after cross-examination of the informant in relation to the  
14:19:36 33 bail application so she could tell him what the police  
14:19:39 34 knew"?---Yes.  
14:19:40 35  
14:19:45 36 Over the page to 294. This is 10 May 2006. There's - -  
14:19:57 37 -?---Excuse me. I didn't get that information. I have no  
14:20:00 38 note of that information in my diary. I was doing other  
14:20:03 39 things.  
14:20:03 40  
14:20:03 41 Sorry, perhaps if I go up one where I was. If we can go  
14:20:19 42 back to the page before. You were talking about -  
14:20:38 43 underneath that entry, there's reference to an entry for  
14:20:47 44 [REDACTED] and a phone number and that you were advised  
14:20:52 45 seemingly in relation to that on 10 May, is that what  
14:20:55 46 you're referring to?---Yes, saying that I was advised. But  
14:21:02 47 I just wonder why they have typed "IR required" if I was

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14:21:07 1 advised.  
14:21:07 2  
14:21:08 3 It seems they're talking about maybe a separate piece of  
14:21:12 4 information at 21:19 in relation to [REDACTED]'s phone  
14:21:19 5 number and you being advised of that phone number on 10 May  
14:21:23 6 and there being a note there, there also should be  
14:21:27 7 presumably an information report about his phone  
14:21:33 8 number?---Perhaps if they got it they rang me and I just  
14:21:37 9 said put an IR in.  
14:21:39 10  
14:21:39 11 That might be the case?---Might be the case.  
14:21:42 12  
14:21:44 13 If we go back to 10 May over the page, 18:15 there.  
14:21:54 14 There's an entry there, "Kowalski has done nothing in  
14:21:58 15 relation to [REDACTED] bail application and now [REDACTED] says  
14:22:03 16 he will pay Ms Gobbo's fee"?---Yes.  
14:22:05 17  
14:22:08 18 The next page, 295. It's 11 May. Ms Gobbo is indicating  
14:22:21 19 at 13:08 that Kowalski was causing trouble at court by  
14:22:27 20 asking fishing type of questions in relation to the  
14:22:29 21 informant Tim Johns relating to the [REDACTED] bail application  
14:22:34 22 which was granted. She's also saying that [REDACTED]  
14:22:37 23 [REDACTED] Do you  
14:22:41 24 see that?---Yes.  
14:22:42 25  
14:22:47 26 Over the page at 296. At 8:09 there's a reference in the  
14:23:06 27 larger paragraph down the bottom that Horthy wanted to know  
14:23:10 28 about [REDACTED] bail, if he was offered a deal, et cetera.  
14:23:14 29 [REDACTED]?---Right.  
14:23:18 30  
14:23:19 31 It's in relation to the substantive paragraph, just the  
14:23:23 32 last few lines there?---Yes.  
14:23:27 33  
14:23:31 34 Now, on 12 May, the same day, there's an entry for Ms Gobbo  
14:23:39 35 having appeared for [REDACTED] and charging \$1200 that  
14:23:45 36 day?---Right.  
14:23:46 37  
14:23:50 38 If we can go to p.303, please. You'll see an entry towards  
14:24:01 39 the bottom, 15:13, update from O'Brien. "Update from DDI  
14:24:09 40 O'Brien", do you see that?---Yes, I see that.  
14:24:14 41  
14:24:14 42 It says, [REDACTED]  
14:24:18 43 [REDACTED] and may approach the human  
14:24:21 44 source, Ms Gobbo. He doesn't want to approach Dan Kowalski  
14:24:26 45 as he doesn't trust him. His [REDACTED]  
14:24:30 46 nor [REDACTED]?---Right.  
14:24:33 47

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O'BRIEN XXN - IN CAMERA

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14:24:33 1 Two minutes later Ms Gobbo is called by the handler and  
14:24:36 2 advised in relation to that information and she will tell  
14:24:41 3 the handler if she sees [REDACTED]?---Right.  
14:24:44 4  
14:24:45 5 That seems to indicate that you are using the SDU in  
14:24:54 6 relation to Ms Gobbo potentially acting on behalf of the  
14:25:01 7 police with her client [REDACTED], is that right?---I  
14:25:08 8 don't - that's not my reading of it.  
14:25:10 9  
14:25:10 10 Why would you be ringing the SDU with information about [REDACTED]  
14:25:14 11 [REDACTED] that he might give assistance, causing the SDU two  
14:25:18 12 minutes later to ring Ms Gobbo?---Well, I don't know why  
14:25:24 13 they called Ms Gobbo. I may have fed them information  
14:25:27 14 about the intention with [REDACTED]  
14:25:35 15  
14:25:37 16 Can you explain why you would have called the SDU in  
14:25:40 17 relation to that matter at that time?---Now? No.  
14:25:46 18  
14:25:49 19 It seems as though one ready inference from that, and the  
14:25:57 20 fact that they called Ms Gobbo within two minutes is the  
14:26:00 21 very purpose you rang the SDU for is to get a message  
14:26:05 22 through to Ms Gobbo about what the [REDACTED]  
14:26:08 23 would be with [REDACTED]?---As I say, I don't recall what  
14:26:14 24 the detail of that is. This is on the [REDACTED], isn't it? I  
14:26:30 25 have no note of that.  
14:26:33 26  
14:26:33 27 During that period of time I think your diary records from  
14:26:37 28 14:53 that you're at the office, "Supervision and admin  
14:26:42 29 duties, attend to correspondence and inquiries"?---Yes.  
14:26:45 30  
14:26:45 31 That's the case until 18:20?---That's correct.  
14:26:48 32  
14:26:49 33 Certainly this might be one of the inquiries or  
14:26:52 34 correspondence that you've had during that period of  
14:26:55 35 time?---It might have been. As I say, I can't say.  
14:26:58 36  
14:27:24 37 You're aware that Ms Gobbo also represented someone by the  
14:27:27 38 name of [REDACTED] who was in fact [REDACTED]'s  
14:27:32 39 cousin?---She may have.  
14:27:34 40  
14:27:36 41 Do you know if he had some confiscation proceedings on foot  
14:27:41 42 during this period of time?---I know that we searched his  
14:27:49 43 premises, I don't know whether there was confiscation  
14:27:52 44 proceedings on foot at this time, I'd have to check.  
14:27:56 45 Detective Sergeant Coghlan would know that.  
14:27:58 46  
14:28:05 47 If we can bring up Mr White's diary, VPL.2000.0001.0925

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O'BRIEN XXN - IN CAMERA

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14:28:23 1 please.  
14:28:23 2  
14:28:23 3 COMMISSIONER: What date's this, please?  
14:28:25 4  
14:28:26 5 MS TITTENSOR: 4 September, Commissioner. I've got a  
14:29:36 6 different reference here which might be easier.  
14:29:43 7 VPL.0100.0096.0362. We'll put the original one up there.  
14:30:13 8 This is 4 September 2006, Mr O'Brien. You see that  
14:30:22 9 Mr White is recording a meeting with you in relation to  
14:30:28 10 [REDACTED], he's to be arrested in the near future. It's  
14:30:31 11 expected that there will be media attention in relation to  
14:30:35 12 that?---Yes.  
14:30:36 13  
14:30:49 14 He was in fact arrested following that, is that  
14:30:56 15 right?---I'll just check my diary.  
14:31:01 16  
14:31:01 17 Perhaps if we can go to the source management logs for 4  
14:31:05 18 October 2006. It might be a bit hard to go right through  
14:31:09 19 your diaries?---He was arrested and I did some media in  
14:31:18 20 relation to it, I remember that.  
14:31:20 21  
14:31:20 22 Yes, I think you've got a paragraph in your statement in  
14:31:22 23 relation to some media you did after his arrest, is that  
14:31:26 24 right?---Yes.  
14:31:27 25  
14:31:36 26 Would you agree that the information Ms Gobbo had been  
14:31:42 27 supplying to the SDU and through them to Purana also  
14:31:46 28 related to [REDACTED]?---Yes, some of it, but I mean I  
14:31:53 29 don't think that was, that certainly wasn't everything. I  
14:31:57 30 mean the proceeds team had been doing a lot of other  
14:32:00 31 investigative work.  
14:32:01 32  
14:32:01 33 I'm not suggesting at this stage that she was the complete  
14:32:04 34 and utter reason for his arrest?---Yes.  
14:32:07 35  
14:32:07 36 But she was providing information about him, would you  
14:32:10 37 agree with that?---Yes.  
14:32:11 38  
14:32:11 39 You would agree, would you not, she oughtn't have been  
14:32:16 40 representing him in any way, she was completely conflicted  
14:32:19 41 in relation to his representation?---Yes.  
14:32:21 42  
14:32:27 43 On 4 October you'll see there that there's a phone call  
14:32:31 44 between, there had been a phone call with the handler,  
14:32:36 45 Ms Gobbo was instructed not to act for [REDACTED] today  
14:32:41 46 when he's arrested?---Yes.  
14:32:43 47

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O'BRIEN XXN - IN CAMERA

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14:32:48 1 If we can go to the ICRs at p.448, please. Is it the case  
14:33:02 2 that the informant in this matter was Detective  
14:33:06 3 Coghlan?---Criminal proceeds, yes.  
14:33:08 4  
14:33:08 5 He was aware of Ms Gobbo's role?---Yes.  
14:33:11 6  
14:33:20 7 Detective Coghlan reported to you, is that right?---He  
14:33:22 8 would have, yes.  
14:33:23 9  
14:33:23 10 He would report any concerns that he had to you?---He  
14:33:26 11 would, yes.  
14:33:27 12  
14:33:28 13 At 11:59, you see this is 4 October, Ms Gobbo's reporting  
14:33:37 14 that she spoke to - she's reporting to the handler she  
14:33:41 15 spoke to ██████ again. He's very upset. One of his  
14:33:45 16 employees had rung in a panic, Ms Gobbo believed that the  
14:33:51 17 employee must be involved in ██████'s deception matters and  
14:33:55 18 there's a note there that Coghlan of Purana was already  
14:33:58 19 aware of that?---Yes.  
14:34:00 20  
14:34:02 21 It seems as though some of this information is being passed  
14:34:06 22 on to Mr Coghlan about where evidence might be located in  
14:34:09 23 relation to ██████?---In relation to criminal proceeds  
14:34:13 24 generally.  
14:34:14 25  
14:34:15 26 Yes, Ms Gobbo was saying, "Well, this person ██████ might  
14:34:21 27 have some information that might be relevant to the  
14:34:24 28 investigation" and Coghlan is already saying he's already  
14:34:28 29 aware of ██████ it seems?---Yes.  
14:34:31 30  
14:34:32 31 At 12:24 there's a call from, Ms Gobbo's reporting that  
14:34:39 32 Detective Coghlan rang. Gobbo spoke to ██████ and had  
14:34:45 33 given advice to Khoder?---Right.  
14:34:48 34  
14:34:48 35 ██████ will be bailed and come and see her after and Gobbo  
14:34:52 36 is the only person he trusts?---Right.  
14:34:55 37  
14:34:56 38 Were any concerns reported to you by Detective Coghlan  
14:35:00 39 about Ms Gobbo attending or providing Khoder with  
14:35:06 40 advice?---No, I don't believe so.  
14:35:07 41  
14:35:08 42 Is that because that situation appeared to have been quite  
14:35:12 43 a normal thing to occur by then within the Purana Task  
14:35:16 44 Force, Ms Gobbo was known to appear and provide advice to  
14:35:21 45 people for whom she was completely and utterly  
14:35:28 46 conflicted?---No, I don't think that was the case at all.  
14:35:31 47 He was the crew Sergeant doing that particular job and he

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O'BRIEN XXN - IN CAMERA

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14:35:37 1 had carriage of it.  
 14:35:38 2  
 14:35:38 3 14:12, underneath there you'll see, "Advised Gobbo that  
 14:35:44 4 Khoder will be taken to the Magistrates' Court for bail.  
 14:35:50 5 But the bail will be unopposed and on his own undertaking.  
 14:35:55 6 Gobbo wanted to go to court but she was not told not to.  
 14:35:59 7 Gobbo said that there might be problems if the magistrate  
 14:36:01 8 didn't want to grant bail because [REDACTED] was already on  
 14:36:04 9 bail"?---Right.  
 14:36:05 10  
 14:36:07 11 Underneath that, at 14:30 Ms Gobbo is indicating she's  
 14:36:12 12 spoken to solicitor Tim Freeman who is the solicitor who  
 14:36:16 13 works for Tony Hargreaves. He was doing Mr [REDACTED] bail  
 14:36:20 14 app but if there were problems with the magistrate Ms Gobbo  
 14:36:22 15 would go to court and she's told not to because there's  
 14:36:26 16 media attention?---Right.  
 14:36:27 17  
 14:36:31 18 If we look underneath that at 15:43 you'll see Ms Gobbo  
 14:36:37 19 reports that she went to court and she assisted Mr Freeman,  
 14:36:43 20 leaving before the hearing started and managed not to run  
 14:36:46 21 into any media and that she would talk to Mr [REDACTED] later.  
 14:36:52 22 Do you see that?---Yes, I see that.  
 14:36:54 23  
 14:37:04 24 You say you were involved in some media on that day?---Yes.  
 14:37:08 25  
 14:37:10 26 Did you become aware of concern that Ms Gobbo might be seen  
 14:37:17 27 involving herself in those matters?---No.  
 14:37:19 28  
 14:37:24 29 You're aware that Ms Gobbo continued to advise Mr [REDACTED]  
 14:37:31 30 and appear in court for him on occasion in 2006 and  
 14:37:36 31 2007?---No, I don't believe I did.  
 14:37:37 32  
 14:37:48 33 If we can go to p.455 of the ICRs, please. You'll see  
 14:38:04 34 there's some discussion there in relation to Mr [REDACTED]  
 14:38:08 35 [REDACTED] She's  
 14:38:14 36 telling him that he could lose everything and he may go to  
 14:38:19 37 gaol and so forth. Do you see that?---Yes, I see that.  
 14:38:22 38  
 14:38:26 39 There's a list of people for whom Ms Gobbo [REDACTED]  
 14:38:31 40 [REDACTED]?---Yes.  
 14:38:33 41  
 14:38:34 42 Some [REDACTED] that [REDACTED] were [REDACTED]  
 14:38:38 43 [REDACTED] the police were [REDACTED]?---Yes, I  
 14:38:42 44 see that.  
 14:38:42 45  
 14:38:43 46 Ms Gobbo is indicating above that the ways in which she was  
 14:38:50 47 [REDACTED] to

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O'BRIEN XXN - IN CAMERA

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14:38:53 1 [REDACTED] about what's important [REDACTED], [REDACTED], [REDACTED] and  
 14:38:57 2 so forth?---Yes.  
 14:38:58 3  
 14:39:00 4 She [REDACTED] in  
 14:39:04 5 [REDACTED] but then she goes on but they will  
 14:39:09 6 [REDACTED] Ms Gobbo [REDACTED] the consequences of which  
 14:39:13 7 would [REDACTED] for her. Do you see that?---Yes.  
 14:39:17 8  
 14:39:27 9 Go to p.642, please?---Sorry, what date was this on?  
 14:39:33 10  
 14:39:33 11 Sorry, that was 8 October 2006?---Yes.  
 14:39:47 12  
 14:39:56 13 If you look at your diary on that day you've got an  
 14:39:59 14 indication that you've been updated re [REDACTED]?---Yes.  
 14:40:03 15  
 14:40:03 16 And that's from Detective Kelly?---Yes.  
 14:40:06 17  
 14:40:08 18 Do you know what that's about?---No, I don't.  
 14:40:10 19  
 14:40:17 20 But it would appear to be the case that if there are moves  
 14:40:20 21 afoot [REDACTED] or  
 14:40:24 22 something of the like that [REDACTED] to  
 14:40:27 23 Purana, you would be told about it?---I may be notified  
 14:40:31 24 about it depending on what level it was at.  
 14:40:33 25  
 14:40:34 26 This is someone that provides enough interest for you to  
 14:40:39 27 issue a media statement when he's arrested?---I wanted to  
 14:40:44 28 send a message that we were interested in the assets and  
 14:40:47 29 criminal proceeds basically and making Victoria a hostile  
 14:40:52 30 place for organised crime to do business in.  
 14:41:00 31  
 14:41:04 32 This page on the screen at the moment is 19 February 2007,  
 14:41:08 33 Mr O'Brien. Do you see there there's, under "Purana Task  
 14:41:19 34 Force - Jim Coghlan" Ms Gobbo is expressing some views  
 14:41:27 35 about the Detective having left things out of an  
 14:41:34 36 application for an injunction in relation to Khoder's  
 14:41:38 37 restraining order and that she had placed him in her black  
 14:41:44 38 book forever?---Yes.  
 14:41:51 39  
 14:41:52 40 Were you aware of whether there was some issue as between  
 14:41:56 41 Ms Gobbo and Detective Coghlan at any point?---No.  
 14:42:01 42  
 14:42:04 43 Underneath that do you see there was, under the heading  
 14:42:13 44 [REDACTED], "Discussed the statement that was made by  
 14:42:16 45 [REDACTED] against [REDACTED] Gobbo has instructed [REDACTED] how to  
 14:42:21 46 deal with [REDACTED]  
 14:42:24 47 [REDACTED]"?---Yes.

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14:42:25 1  
14:42:25 2 "Gobbo has been involved in [REDACTED] and [REDACTED] of  
14:42:29 3 [REDACTED] with [REDACTED]"?---Right.  
14:42:32 4  
14:42:32 5 Who was [REDACTED]?---He was a Detective who worked on  
14:42:38 6 Jim Coghlan's crew.  
14:42:39 7  
14:42:39 8 It goes on, "Khoder has been getting 3838", Ms Gobbo, "To  
14:42:46 9 sign false declarations re fines and Gobbo suggested that  
14:42:51 10 [REDACTED] should be charged with perjury regarding these fines  
14:42:54 11 and that you were advised of these fines"?---I don't  
14:42:58 12 believe so. I mean, as I say, a lot of this is opinion  
14:43:03 13 stuff from 3838.  
14:43:05 14  
14:43:06 15 It's very concerning, is it not, Ms Gobbo has been  
14:43:10 16 representing - it's concerning for a number of reasons.  
14:43:14 17 Ms Gobbo is representing [REDACTED]?---Yes.  
14:43:17 18  
14:43:18 19 She's involved in providing advice to a witness named  
14:43:25 20 [REDACTED] against [REDACTED]?---Right.  
14:43:28 21  
14:43:28 22 She's instructed [REDACTED] how to deal with [REDACTED]  
14:43:32 23 [REDACTED], and not only that she's been  
14:43:35 24 involved in [REDACTED] and [REDACTED] of [REDACTED]  
14:43:39 25 with one of your investigators?---Yes. As I say, it may be  
14:43:45 26 something I was completely unaware of.  
14:43:47 27  
14:43:48 28 If someone's getting involved in [REDACTED] and  
14:43:51 29 [REDACTED]s like Ms Gobbo who's got  
14:43:56 30 conflicts all over the shop, what does that say about how  
14:44:00 31 things were working in Purana?---As I say, I don't believe  
14:44:05 32 I was aware of this. Perhaps Mr Coghlan can shed some more  
14:44:17 33 light on it.  
14:44:17 34  
14:44:18 35 Perhaps [REDACTED]. Were there instances to your knowledge  
14:44:23 36 of Ms Gobbo being involved in [REDACTED] and [REDACTED]  
14:44:27 37 [REDACTED]? Is that something that was occurring within  
14:44:30 38 Purana?---I don't believe so.  
14:44:32 39  
14:44:38 40 I took you to that other dot point that Mr [REDACTED] has been  
14:44:41 41 getting Ms Gobbo to sign false declarations re fines and  
14:44:47 42 3838 suggests that [REDACTED] should be charged with perjury  
14:44:51 43 regarding that?---Yes.  
14:44:51 44  
14:44:52 45 And that you were advised in relation to that. Do you see  
14:44:56 46 that?---Yes.  
14:44:57 47

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O'BRIEN XXN - IN CAMERA



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14:45:00 1 This is on 19 February 2007. If you have a look at your  
14:45:07 2 statement for 20 February 2007, your statement at paragraph  
14:45:12 3 251. You indicate there at 251 about a call that you  
14:45:39 4 received at 8.10 pm on the night of 19 February 2007. Do  
14:45:45 5 you see that?---Yes, I do.  
14:45:46 6  
14:45:46 7 That's from a handler in relation to Ms Gobbo?---Yes.  
14:45:49 8  
14:45:50 9 And your diary records that the handler requested a meeting  
14:45:55 10 with Ms Gobbo on 20 February 2007 to brief her regarding an  
14:45:59 11 intended interview process re same re perjury and  
14:46:03 12 drugs?---Yes.  
14:46:03 13  
14:46:04 14 Did that have anything to do with this conversation in  
14:46:08 15 relation to [REDACTED] about perjury that very day?---I don't  
14:46:13 16 know. It may have. As I say, I don't have a recollection  
14:46:16 17 of it and I don't believe it followed up, I don't think  
14:46:22 18 there was anything that occurred on the 20th.  
14:46:25 19  
14:46:29 20 Is it [REDACTED] or [REDACTED]?---[REDACTED]  
14:46:32 21  
14:46:32 22 [REDACTED] was the informant for [REDACTED]?---He was.  
14:46:37 23 I don't know whether he was the informer, as I say he was  
14:46:41 24 informant, he may have been or he may have been just one of  
14:46:45 25 the investigators.  
14:46:46 26  
14:46:46 27 Would it surprise you that Ms Gobbo went on to represent  
14:46:49 28 Mr [REDACTED] at his committal?---If you say so.  
14:46:52 29  
14:46:53 30 And that between around about May 2006 and September 2007  
14:47:00 31 when the committal took place that Ms Gobbo had charged  
14:47:05 32 Mr [REDACTED] over \$16,000 in fees?---No, I was unaware of  
14:47:09 33 that.  
14:47:09 34  
14:47:31 35 Mr O'Brien, I've asked you a number of questions previously  
14:47:34 36 about [REDACTED] and your involvement in relation to  
14:47:40 37 speaking with him at various points in time, do you recall  
14:47:43 38 that? You went to the prison a number of times with  
14:47:47 39 Bateson in 2006?---Yes.  
14:47:50 40  
14:47:51 41 This is at a time when [REDACTED] was considering pleading  
14:47:54 42 guilty and making a statement?---Yes.  
14:47:56 43  
14:47:57 44 Against, at that stage, Carl Williams and in relation to  
14:48:02 45 various other things including the Mokbels?---I think  
14:48:06 46 mainly about himself.  
14:48:08 47

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14:48:09 1 The statements that he was going to make were about various  
14:48:14 2 murders that had taken place?---That's my understanding,  
14:48:17 3 yes.  
14:48:17 4  
14:48:18 5 It was also to be a statement in relation to [REDACTED]  
14:48:22 6 [REDACTED] involving [REDACTED]?---It may have  
14:48:26 7 been.  
14:48:26 8  
14:48:31 9 His coming to make a statement was very significant in  
14:48:35 10 terms of outcomes for Purana Task Force, is that right?---I  
14:48:41 11 don't know whether that's right.  
14:48:44 12  
14:48:44 13 Ultimately, following his making that statement, Carl  
14:48:50 14 Williams decided he would plead guilty?---Yes, he did  
14:48:55 15 decide to plead guilty.  
14:48:56 16  
14:48:56 17 And with that came all sorts of accolades for the Purana  
14:49:04 18 Task Force?---I don't know if that was, any reason why  
14:49:08 19 there was accolades for the Purana Task Force, I mean two  
14:49:11 20 had been arrested, he'd been arrested already, there was a  
14:49:14 21 third arrest.  
14:49:15 22  
14:49:17 23 Are there not indications in your diary following the  
14:49:20 24 pleading on resolution of the Carl Williams' matters of  
14:49:25 25 congratulations from as high as the Premier, as well as the  
14:49:29 26 Chief Commissioner and so forth?---I think in Purana part 1  
14:49:35 27 there may have been but I wasn't part of that.  
14:49:38 28  
14:49:38 29 You were part of receiving the congratulations after Carl  
14:49:43 30 Williams pleaded guilty?---No, it was - I believe there was  
14:49:47 31 two rounds. I mean I think the Government was very happy  
14:49:50 32 in relation to Williams' issue, but what I was doing was  
14:49:55 33 completely separate to that and was the subject of  
14:50:00 34 compliments by the Government.  
14:50:01 35  
14:50:02 36 [REDACTED] made, as I indicated numerous statements, is that  
14:50:05 37 right?---I don't know. I didn't take them from him. I'd  
14:50:10 38 imagine the statements would have been taken by Mr Bateson  
14:50:15 39 or someone from his crew.  
14:50:16 40  
14:50:16 41 I understand Mr Bateson coordinated the statement taking  
14:50:19 42 process but there were numerous statements taken by  
14:50:22 43 numerous informants over a period of time?---Right.  
14:50:26 44  
14:50:28 45 Primarily in mid-2006?---Right.  
14:50:32 46  
14:50:33 47 This is a Task Force that you're overseeing. You would

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O'BRIEN XXN - IN CAMERA

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14:50:38 1 understand the importance of this witness having rolled and  
14:50:41 2 made numerous statements, including about [REDACTED]  
14:50:44 3 matters and [REDACTED], which you were very interested  
14:50:48 4 in?---No, I think my memory of it is that section of work  
14:50:53 5 was actually split off from what I was doing, it was taken  
14:50:58 6 over by Inspector Ryan and Mr Bateson.  
14:51:02 7  
14:51:02 8 You had no knowledge of [REDACTED] making any statement, any  
14:51:07 9 long statement in relation to [REDACTED] activities  
14:51:10 10 by [REDACTED]?---I may have later on, I don't specifically  
14:51:13 11 recall, but as I say I wasn't involved in dealing with  
14:51:17 12 [REDACTED]. It was primarily Mr Ryan and Mr Bateson.  
14:51:21 13  
14:51:21 14 No doubt you've got some oversight. You're the one  
14:51:24 15 reporting to Deputy Commissioner Overland as to what's  
14:51:27 16 going on within Purana, so you've certainly got to have a  
14:51:31 17 knowledge of what's going on yourself, don't you?---In  
14:51:33 18 broad terms I would have, but I'd imagine Mr Ryan would  
14:51:36 19 have also been reporting up probably at the same time.  
14:51:39 20  
14:51:41 21 You would have understood, wouldn't you, that [REDACTED]  
14:51:47 22 was someone the subject of at least one of those  
14:51:50 23 statements, or actually more than one of those statements  
14:51:53 24 by [REDACTED]?---I'm not 100 per cent sure I was aware of  
14:52:00 25 that. As I say, he may well have been.  
14:52:03 26  
14:52:04 27 That [REDACTED] was convicted on the basis of [REDACTED]'s  
14:52:08 28 evidence?---All right.  
14:52:09 29  
14:52:11 30 For the murder of [REDACTED]?---Right.  
14:52:14 31  
14:52:14 32 And spent [REDACTED] years in gaol?---Yes.  
14:52:16 33  
14:52:22 34 I just want to show you some transcript that we've just  
14:52:27 35 received this morning, Mr O'Brien. This is a transcript,  
14:52:31 36 Commissioner, from 4 August 2008. Yes, I think it can go  
14:52:42 37 on the screens.  
14:52:43 38  
14:52:43 39 COMMISSIONER: 2006?  
14:52:45 40  
14:52:46 41 MS TITTENSOR: Sorry, 2008.  
14:52:48 42  
14:52:48 43 COMMISSIONER: 2008, thank you.  
14:52:50 44  
14:52:51 45 MS TITTENSOR: This is a further meeting as between  
14:52:56 46 Ms Gobbo and the handlers?---Yes.  
14:53:02 47

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O'BRIEN XXN - IN CAMERA

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14:53:03 1 In 2008. It seems as though - - -

14:53:16 2

14:53:16 3 MR HOLT: Commissioner, this transcript has literally in

14:53:21 4 the last three or four minutes been produced to the

14:53:26 5 Commission by Kite Works. Can I give you the VPL reference

14:53:28 6 so it will be available on the transcript, 0100.0239.0001.

14:53:33 7

14:53:34 8 COMMISSIONER: Thanks Mr Holt.

14:53:40 9

14:53:42 10 MS TITTENSOR: Perhaps if we can just go to the first page

14:53:45 11 there. This is just an indication, it's got the date of

14:53:53 12 the conversation, 4 August 2008 there. We hadn't been

14:54:01 13 given yet the entirety of this conversation but if we go

14:54:05 14 over the page we're at p.236. You'll see the third

14:54:12 15 reference down there, there's a reference to the fact that

14:54:16 16 they're discussing a sanitised version of something in

14:54:20 17 relation to the Williams' brief, do you see that?---Right,

14:54:27 18 yes.

14:54:27 19

14:54:30 20 Having some discussion, there's references to names being

14:54:33 21 blacked out down the bottom and then if we keep on going

14:54:36 22 you can have a look at the next page. There's just some

14:54:42 23 general conversation going on there at 237. If we go over

14:54:47 24 to 238. They're talking about a document halfway down the

14:54:57 25 page, or something that's never been served before and

14:55:02 26 Green is saying he thought it came out in a bail

14:55:05 27 application because he's got a copy of it?---Yes.

14:55:08 28

14:55:08 29 And then he said, or she seems to indicate, no, he says,

14:55:14 30 "You read it" and Ms Gobbo says, "Well I gave it to you".

14:55:18 31 Over the page, "Yeah, yeah". Ms Gobbo, "I'm sure I gave it

14:55:22 32 to you". Green, "Or we gave it to you to read and". And

14:55:27 33 then Ms Gobbo says this, "I edited it, I went to Purana

14:55:32 34 secretly one night and edited all his statements. I

14:55:36 35 corrected them but no one ever knows about that, that would

14:55:39 36 never come out, even [REDACTED] doesn't know I did

14:55:43 37 that"?---Right.

14:55:44 38

14:55:44 39 Green says, "M'hmm". Ms Gobbo goes on, "He could never

14:55:48 40 reveal it because he doesn't know about it. And they were

14:55:52 41 very good the way they did it because the Detective that I

14:55:55 42 did it with is not a witness so it can never come out with

14:55:58 43 the people just telling the truth". Green says, "Yeah."

14:56:02 44 Ms Gobbo, "It was well thought out". Green, "Who thought

14:56:06 45 that out?" Ms Gobbo, "I presume Jim O'Brien or maybe". I

14:56:11 46 assume she's referring there to. Sar [REDACTED]

14:56:15 47 White did". [REDACTED] : then says

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O'BRIEN XXN - IN CAMERA

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14:56:21 1 something and refers to some discussions about that and  
14:56:24 2 then goes on, "Anyway, give us a few days about that. Dale  
14:56:28 3 wants to go and track down every copy of it and compare it  
14:56:32 4 to the sanitised version to make sure or at least identify  
14:56:33 5 if it's out" and they go on about whether the document was  
14:56:38 6 concerning them. I just wanted to show you that piece of  
14:56:44 7 transcript. I should probably continue on. Ms Gobbo,  
14:56:54 8 "Well I think that it's, I just know there are people in it  
14:56:59 9 who", and White says, "Can you just tell me, you've seen  
14:57:04 10 it, did you get it from Alistair" and Ms Gobbo, "Yeah,  
14:57:08 11 because Jacques' brief and the reason why that happened is  
14:57:11 12 because Dale ..." White says, "You're convinced it is in  
14:57:15 13 the original, a full version of the original?" Ms Gobbo,  
14:57:19 14 "I've got the original"?---Right.

14:57:21 15  
14:57:27 16 I just wanted to show you that piece of transcript,  
14:57:32 17 Mr O'Brien. It mentions you?---Yes.

14:57:34 18  
14:57:35 19 What do you say about your knowledge of a process like that  
14:57:38 20 occurring at Purana?---I have no knowledge of it  
14:57:41 21 whatsoever.

14:57:42 22  
14:57:43 23 If that process occurred, that Ms Gobbo went to a secret  
14:57:47 24 meeting, that it was arranged so that the meeting was with  
14:57:52 25 an investigator who was not to be a witness so could not be  
14:57:56 26 questioned about that arrangement, and that she's been  
14:58:01 27 involved in the editing of statements, and this is all so  
14:58:04 28 that nothing is ever known, nothing ever sees the light of  
14:58:09 29 day, as an experienced investigator what's your reaction to  
14:58:13 30 that having occurred?---It shouldn't have occurred.  
14:58:15 31 Shouldn't have occurred. When has this - allegedly this  
14:58:18 32 conversation taken place?

14:58:19 33  
14:58:19 34 The conversation is occurring in August of 2008 but she's  
14:58:22 35 referring to a process that took place in mid-2006 in  
14:58:26 36 relation to ██████████'s statement taking?---No, no  
14:58:31 37 knowledge of it.

14:58:31 38  
14:58:33 39 What's your reaction to that, if that's what occurred?---It  
14:58:37 40 shouldn't have occurred.

14:58:39 41  
14:58:39 42 Do you agree that that's outrageous?---I agree it shouldn't  
14:58:42 43 have occurred.

14:58:43 44  
14:58:44 45 Do you agree that that process is designed to pervert the  
14:58:50 46 course of justice?---I can't say that. You'd have to speak  
14:58:53 47 to the people that were involved.

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14:58:55 1  
14:58:56 2 Hypothetically, say that that process occurred. We've put  
14:58:59 3 in an investigator, we've got someone secret coming in to  
14:59:04 4 identify, or sorry, to edit bits and pieces of transcript,  
14:59:08 5 no one's ever going to know about it, that these statements  
14:59:13 6 have been altered in that way by that  
14:59:18 7 person?---Hypothetically if that's - given the hypothetical  
14:59:22 8 facts you're giving me, yes, it's wrong. Clearly wrong.  
14:59:26 9 But without knowing what the actual facts are and who was  
14:59:30 10 involved in it, it's a bit hard to say what the reasoning  
14:59:34 11 was behind it.  
14:59:34 12  
14:59:35 13 You know it was Detective Bateson who was overseeing the  
14:59:38 14 statement process or organising the statement process  
14:59:41 15 through that period of time?---Yes, he was one of the  
14:59:45 16 people involved.  
14:59:45 17  
14:59:46 18 Did Detective Bateson discuss with you how he was going to  
14:59:51 19 oversee that statement taking process?---No, he was an  
14:59:53 20 experienced investigator.  
14:59:54 21  
14:59:54 22 Did Detective Bateson tell you that he'd had Ms Gobbo in  
14:59:58 23 secretly to look through all the statements to edit  
15:00:01 24 them?---Not to my knowledge at any stage.  
15:00:03 25  
15:00:03 26 Do you know whether Detective Bateson was a witness or not  
15:00:10 27 in any of the matters the subject of ██████████'s  
15:00:15 28 statements?---I'm not sure, I'd imagine he would have been.  
15:00:20 29 He'd been on Purana since its inception is my belief.  
15:00:24 30  
15:00:30 31 Would you agree it's an outrage if that occurred?---It  
15:00:34 32 shouldn't have occurred, as I've said. I agree with you,  
15:00:37 33 it shouldn't have occurred on face value of what you've  
15:00:41 34 shown me but I don't know what else there is.  
15:00:44 35  
15:00:44 36 If you're a member of the SDU that's just heard that from  
15:00:49 37 Ms Gobbo, what's your obligation as a member of Victoria  
15:00:54 38 Police?---Well, you should have reported it up, done  
15:00:57 39 something about it.  
15:00:58 40  
15:01:09 41 It would be quite apparent if that's occurred that there  
15:01:12 42 may well have been already been trials that have miscarried  
15:01:18 43 if they had already taken place?---I don't know, I can't  
15:01:22 44 say without knowing all the facts.  
15:01:24 45  
15:01:24 46 Certainly you wouldn't want trials to continue that were  
15:01:27 47 underway if you knew that was a possibility having taken

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O'BRIEN XXN - IN CAMERA

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15:01:31 1 place?---Yes, if on the hypothetical examples you've given  
15:01:35 2 me, yes, but clearly I'm not in possession of all the  
15:01:38 3 facts.  
15:01:38 4  
15:01:42 5 In 2006 I've taken you through last week some PII issues  
15:01:49 6 that were occurring in relation to the Milad Mokbel and  
15:01:54 7 Carl Williams matters in around August of 2006 following  
15:01:58 8 the taking of these statements, do you recall that?---Yes,  
15:02:02 9 you did, yeah.  
15:02:02 10  
15:02:08 11 You've given some evidence that you, during the meetings  
15:02:12 12 that you had with the DPP you certainly didn't raise any  
15:02:16 13 issues associated with Ms Gobbo's involvement with [REDACTED]  
15:02:20 14 [REDACTED]-I don't believe so.  
15:02:21 15  
15:02:22 16 And you've given some evidence that you don't believe you  
15:02:25 17 told any of the lawyers that were briefed about those  
15:02:27 18 issues either?---I don't believe so. As I say, they would  
15:02:32 19 probably have a file note in relation to those meetings in  
15:02:36 20 any event.  
15:02:36 21  
15:02:37 22 In August 2006 we've seen some material which indicates  
15:02:40 23 that David Parsons SC and Brian Dennis had been briefed by  
15:02:45 24 the police?---Mr Parsons I believe yes, I don't recall the  
15:02:48 25 other gentleman.  
15:02:49 26  
15:02:49 27 I think we've read out some diary entries?---All right.  
15:02:52 28  
15:02:52 29 In relation to those two, and the solicitors Dianne Preston  
15:02:56 30 and David Stevens, do you recall that?---Yes, I do.  
15:02:59 31  
15:02:59 32 I read out another entry or took you to another entry in  
15:03:04 33 your diary on 18 September which referred to a meeting you  
15:03:08 34 had with barrister Ron Gipp and solicitor Dianne Preston  
15:03:12 35 about the statements of [REDACTED]?---Yes.  
15:03:15 36  
15:03:20 37 I'm not sure if I took you to this entry or not, there was  
15:03:25 38 an entry on 27 September 2006 in your diary, perhaps I'll  
15:03:31 39 take you to it now. First of all, earlier that morning at  
15:03:58 40 10.30, around about, you were at the prison with Detective  
15:04:05 41 Trichias to speak to [REDACTED]?---Yes.  
15:04:09 42  
15:04:09 43 And that's around the time that [REDACTED] started  
15:04:13 44 suggesting the involvement of David Waters in the  
15:04:19 45 Chartres-Abbott murder?---Yes.  
15:04:21 46  
15:04:22 47 He was at that stage just indicating a broad range of other

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15:04:26 1 police names as potentially being involved?---Yes.  
15:04:28 2  
15:04:28 3 Not narrowing it down?---No.  
15:04:30 4  
15:04:34 5 At 14:40 you've got an entry in the middle of which you  
15:04:44 6 indicate that you had a telephone call with Deputy  
15:04:49 7 Commissioner Overland and you updated him in relation to  
15:04:54 8 the [REDACTED] PII issue re statements?---Yes.  
15:04:56 9  
15:05:02 10 It's apparent from material the Commission has, as well as  
15:05:08 11 a reading of your diary, that at around that time Carl  
15:05:12 12 Williams was being represented by Peter Faris, is that  
15:05:14 13 right?---That was my first involvement, was with Mr Faris,  
15:05:18 14 yes.  
15:05:18 15  
15:05:19 16 There were some moves around that time to see if the matter  
15:05:23 17 might be resolved?---Yes.  
15:05:24 18  
15:05:31 19 If you go to 15 November in your diary. 11.48 you and  
15:05:54 20 Detective Trichias are at the prison and you speak with  
15:05:59 21 Carl Williams, if only for a very short time, is that  
15:06:03 22 right?---Yes.  
15:06:03 23  
15:06:06 24 The following day on 16 November at 10.15 you have a  
15:06:15 25 conversation with Mr Faris?---Yes.  
15:06:18 26  
15:06:19 27 A without prejudice conversation in relation to a possible  
15:06:22 28 plea by Carl Williams?---Yes.  
15:06:25 29  
15:06:28 30 You advised that you would speak to the OPP?---That's  
15:06:32 31 correct.  
15:06:32 32  
15:06:34 33 And there was an indication that Williams could possibly  
15:06:39 34 assist in relation to the Hodson murders?---That's correct.  
15:06:42 35  
15:06:49 36 At 11 o'clock you arrange a meeting with the OPP?---Yes.  
15:06:55 37  
15:06:56 38 And you speak to Sol Solomon in relation to the Hodson  
15:07:00 39 matter?---Yes.  
15:07:01 40  
15:07:02 41 He had carriage of it, did he?---He was working with  
15:07:06 42 Charlie Bezzina on his crew.  
15:07:08 43  
15:07:09 44 And you got Charlie Bezzina's mobile number and spoke to  
15:07:14 45 him about whether he had any issues if you followed it  
15:07:16 46 up?---Yes.  
15:07:16 47

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O'BRIEN XXN - IN CAMERA



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15:07:19 1 Obviously he didn't?---What's that?  
15:07:24 2  
15:07:25 3 Obviously he had no issue with it?---No, apparently not.  
15:07:30 4 This is very early stages.  
15:07:33 5  
15:07:37 6 And then later that day, 16:20 there's a meeting at the OPP  
15:07:43 7 with Mr Horgan, Mr Coghlan and Mr Anscombe where those  
15:07:48 8 issues about Williams are discussed?---Yes, but I believe  
15:07:53 9 it was going to be adjourned off until the Monday so  
15:08:00 10 Mr Faris could get there, he was in New South Wales on  
15:08:03 11 holidays.  
15:08:03 12  
15:08:11 13 The following day on the 17th, there's an entry in your  
15:08:17 14 diary of you attending at George Williams' house to speak  
15:08:23 15 to him and that's in order to try and secure some  
15:08:27 16 cooperation from Carl Williams?---That's correct.  
15:08:29 17  
15:08:29 18 I think you were mentioning the other day you needed to get  
15:08:32 19 to him through his father?---Yes.  
15:08:33 20  
15:08:35 21 Then on the 20th of November at 16:25 you're at Deputy  
15:08:45 22 Commissioner Overland's office and have discussions with  
15:08:47 23 him in relation to a number of matters?---Yes.  
15:08:57 24  
15:09:03 25 That indicates there's some discussion in relation to  
15:09:12 26 informer handling issues re 3838?---Yes.  
15:09:16 27  
15:09:17 28 Can you recall what they were at that stage, what issues  
15:09:21 29 there were?---No, I don't.  
15:09:24 30  
15:09:24 31 You also discuss with him the approach to Carl Williams the  
15:09:28 32 week before?---That's correct.  
15:09:29 33  
15:09:30 34 Then speaking to George Williams, Peter Faris, Paul  
15:09:35 35 Coghlan, Geoff Horgan re the same and so forth?---Yes.  
15:09:38 36  
15:09:43 37 Go to 27 November?---Yes.  
15:09:57 38  
15:09:57 39 At 8.34 there's a meeting re Williams with Peter Faris,  
15:10:06 40 Mr Horgan, Mr Coghlan, Ms Anscombe and also Mr Ron  
15:10:15 41 Gipp?---Yes.  
15:10:15 42  
15:10:17 43 And there's discussion about the sentence that the  
15:10:21 44 prosecution would submit was an appropriate sentence if he  
15:10:24 45 pleaded guilty in relation to all matters as opposed to  
15:10:28 46 what it might be if he pleaded guilty and  
15:10:32 47 assisted?---That's correct.

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15:10:32 1  
15:10:32 2 Do you know what Mr Gipp was doing there at that  
15:10:35 3 meeting?---No.  
15:10:36 4  
15:10:36 5 He was someone that had previously been briefed in relation  
15:10:39 6 to PII issues?---He may have been, yes.  
15:10:41 7  
15:10:42 8 And as far as you're aware he had no idea about Ms Gobbo's  
15:10:47 9 involvement?---Not to my knowledge.  
15:10:48 10  
15:11:05 11 If you look in your diary there's an entry, third from the  
15:11:11 12 last entry on that day, 19:39, you've spoken to Mr Faris  
15:11:17 13 again in relation to Williams. It might have been an entry  
15:11:28 14 that's sort of been added. You see the 20:30, it takes up  
15:11:34 15 half the line above that?---Yes, that's right, 19:39.  
15:11:43 16  
15:11:57 17 If we go to the 28th at 18:53. You've got a contact with  
15:12:07 18 George Williams in relation to possible, a visit to Carl  
15:12:14 19 Williams with his wife?---Yes.  
15:12:15 20  
15:12:16 21 And you speaking to Shane Kelly at Corrections?---That's  
15:12:20 22 right.  
15:12:20 23  
15:12:21 24 Is it the case that you were trying to facilitate some  
15:12:25 25 contact visits for George Williams and his wife with their  
15:12:29 26 son?---Yes.  
15:12:31 27  
15:12:35 28 The following day you've got another meeting with the DPP  
15:12:43 29 at 8.30 in the morning with Coghlan, Horgan, Tinney,  
15:12:47 30 Anscombe, with Detective Ryan in relation to the Williams  
15:12:52 31 issue?---That's correct.  
15:12:53 32  
15:12:53 33 Again there was discussion about possible sentencing  
15:12:56 34 ranges?---Yes.  
15:12:57 35  
15:12:57 36 Depending on assistance or not?---That's correct.  
15:12:59 37  
15:13:06 38 On 30 November 2006 at 11.37 you've got an entry in  
15:13:13 39 relation to George Williams visiting his son. Later that  
15:13:21 40 day you've got an entry in relation to getting some  
15:13:28 41 warrants in relation to the offices of Ms Gobbo and David  
15:13:35 42 Grace's chambers, is that right?---That's correct, yes.  
15:13:38 43  
15:13:39 44 Does that relate to an allegation made by ██████████ in  
15:13:42 45 relation to a potential attempted perjury?---It is, yes.  
15:13:46 46  
15:13:47 47 And he indicated that Ms Gobbo and Mr Grace had made notes

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O'BRIEN XXN - IN CAMERA

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15:13:54 1 at a particular conference that was relevant to those  
15:13:57 2 assertions, those allegations?---Yes, something along those  
15:14:04 3 lines, something along those lines, and I think it was to  
15:14:06 4 the benefit of Tony Mokbel from memory.  
15:14:08 5  
15:14:09 6 So Tony Mokbel wanted ██████████ to make some sort of false  
15:14:14 7 statement?---Yes.  
15:14:14 8  
15:14:15 9 That assisted him?---Yes.  
15:14:16 10  
15:14:16 11 And that ██████████ gave this account and indicated that  
15:14:19 12 Ms Gobbo and Mr Grace had both made some notes at that  
15:14:25 13 conference?---Something like that, yes.  
15:14:27 14  
15:14:29 15 You and Flynn and Hatt attended at Ms Gobbo's chambers in  
15:14:33 16 relation to executing a warrant for those notes?---I don't  
15:14:39 17 believe, I don't believe I attended there for that. I  
15:14:49 18 might be wrong but I've no memory of that.  
15:14:52 19  
15:14:53 20 Your diary entry at 16:00, there's references to warrants  
15:14:59 21 re legal offices of Gobbo and Grace?---Yes.  
15:15:04 22  
15:15:06 23 Sorry, it may not be that that's where they're executed.  
15:15:10 24 It has, "Conditional on legal officer being  
15:15:13 25 present"?---Yes.  
15:15:14 26  
15:15:15 27 Is that something that was imposed on the warrant or a  
15:15:20 28 condition of the warrant made by the court that issued the  
15:15:25 29 warrant?---Look, I'm unsure at this point in time and I  
15:15:30 30 believe there was only one warrant, I don't think there  
15:15:34 31 was, I don't think they were on two premises, I might be  
15:15:38 32 wrong.  
15:15:38 33  
15:15:38 34 It seems here you are recording one for Ms Gobbo's  
35 chambers?---I am.  
36  
15:15:44 37 And one for Mr Grace's?---I am but I'm not sure.  
15:15:48 38  
15:15:51 39 You would understand the condition about a legal officer  
15:15:53 40 being present would be because care needed to be taken in  
15:15:56 41 relation to any privilege issues that might be associated  
15:15:59 42 with entering a lawyer's office and taking away  
15:16:01 43 notes?---Yes, generally I think - in a general sense my  
15:16:05 44 experience prior to this was that whatever's taken is  
15:16:10 45 sealed and taken before a court I think.  
15:16:13 46  
15:16:15 47 It's an example there of a warrant in relation to notes or

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15:16:22 1 information that's going to be received from a lawyer  
15:16:27 2 subject to confidence obligations, real care needs to be  
15:16:32 3 taken such that a legal officer needs to be present to  
15:16:35 4 oversee the whole thing?---Look, as I say, I don't know why  
15:16:38 5 that was in there. Whether that was stipulated by the  
15:16:41 6 issuing - - -  
15:16:42 7  
15:16:42 8 Do you see the point I'm trying to get at?---Yes, I know  
15:16:46 9 the point you're trying to make. I'm trying to say now 14  
15:16:50 10 years ago I don't know why that was stipulated and who  
15:16:53 11 stipulated it, but the warrant would no doubt be available  
15:16:55 12 again, there'd be a record.  
15:16:55 13  
15:16:55 14 I'm trying to make a broader point about all the contact  
15:17:00 15 and the information that's being received over a number of  
15:17:03 16 years from Ms Gobbo relating to clients and there being  
15:17:08 17 absolutely no care whatsoever taken about the quality of  
15:17:12 18 the information and the use of the information that's being  
15:17:16 19 taken from her?---Well, as I said, the information - I  
15:17:21 20 didn't turn my mind to those things, I was focusing on the  
15:17:24 21 investigation process and the information being provided in  
15:17:28 22 relation to that.  
15:17:30 23  
15:17:30 24 You've got one simple instance here where it appears from  
15:17:33 25 your own notes that the courts issuing warrants with a  
15:17:37 26 condition that a legal officer has to be present?---Yes, I  
15:17:40 27 don't know who put that stipulation on there. As I say, I  
15:17:44 28 mean I've - - -  
15:17:46 29  
15:17:46 30 One assumes it was the court, it was the magistrate that  
15:17:49 31 was prepared to issue the warrant in those  
15:17:52 32 circumstances?---Well, I don't know.  
15:17:54 33  
15:17:54 34 Did it not occur to you or should it not have occurred to  
15:18:00 35 you, "If we need to be this careful in relation to this one  
15:18:05 36 instance, what are we doing with Ms Gobbo"?---No, I didn't  
15:18:08 37 make that link.  
15:18:09 38  
15:18:16 39 On 1 December - - -  
15:18:17 40  
15:18:18 41 COMMISSIONER: We might take the midafternoon break.  
15:18:20 42  
15:18:20 43 MS TITTENSOR: Certainly.  
15:18:21 44  
15:18:48 45 (Short adjournment.)  
46  
15:36:08 47 COMMISSIONER: Yes Ms Tittensor.

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O'BRIEN XXN - IN CAMERA

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15:36:09 1  
15:36:09 2 MS TITTENSOR: Thank you, Commissioner.  
3  
15:36:11 4 COMMISSIONER: Were you wanting to tender that audio  
15:36:14 5 transcript?  
15:36:14 6  
15:36:15 7 MS TITTENSOR: Yes, I will tender that transcript.  
8  
15:36:16 9 COMMISSIONER: The audio transcript of 4 August 2008  
15:36:22 10 between Ms Gobbo and various of the SDU handlers.  
15:36:26 11  
15:36:26 12 #EXHIBIT RC480A - (Confidential) Audio transcript of  
15:36:18 13 4/08/08 between Ms Gobbo and various of  
15:36:24 14 the SDU handlers.  
15:36:29 15  
15:36:30 16 #EXHIBIT RC480B - (Redacted version.)  
15:36:34 17  
15:36:34 18 MS TITTENSOR: Thank you, Commissioner. If I can take you  
15:36:37 19 to your diary, Mr O'Brien, on 1 December 2006?---Yes.  
20  
15:36:46 21 At 10 am you were at a meeting in the Chief Commissioner's  
15:36:52 22 office?---That's correct.  
23  
15:36:53 24 You briefed the Chief Commissioner in relation to  
15:36:58 25 Williams?---Yes.  
26  
15:37:01 27 I'm just trying to see if there was anyone else at the  
15:37:07 28 meeting with you. Deputy Commissioner Overland was with  
15:37:11 29 you according, I assume, to the DC in the entry  
15:37:19 30 above?---That's correct.  
31  
15:37:19 32 There was a briefing of the Chief Commissioner and  
15:37:23 33 Overland, if he wasn't already aware, by you in relation to  
15:37:27 34 Williams?---Yes.  
35  
15:37:30 36 The approach to the same in relation to a plea of guilty -  
15:37:37 37 - - ?---Sorry, yes, so prior knowledge was at 13:55 on the  
15:37:43 38 day before, Thursday the 30th.  
39  
15:37:46 40 Sorry, what was that, Mr O'Brien?---"To DC's office. Brief  
15:37:51 41 re same re current ops and Operation Clonk along with  
15:37:56 42 Detective Superintendent Collins. Brief re ethical issues  
15:38:01 43 re Operation Clonk, murder inquiry."  
44  
15:38:04 45 Do you recall what Operation Clonk was?---[REDACTED].  
46  
15:38:09 47 COMMISSIONER: Who do you spell that, please?

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O'BRIEN XXN - IN CAMERA

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15:38:13 1  
15:38:13 2 MS TITTENSOR: C-l-o-n-k, Clonk, Commissioner. That was  
15:38:18 3 ethical issues re Operation Clonk, murder inquiry and that  
15:38:22 4 was relating to [REDACTED] and the ethical issues  
15:38:26 5 specifically being that he was asserting involving police  
15:38:31 6 or former police members; is that right?---Yes.  
7  
15:38:37 8 Matters such as those, as one would understand, were of  
15:38:43 9 some concern and significance to Victoria  
15:38:46 10 Police?---Certainly.  
11  
15:38:55 12 So there'd been a briefing in relation to the Deputy  
15:38:59 13 Commissioner of those matters the day before. Then on 1  
15:39:02 14 December at 10 am you were with the Deputy Commissioner and  
15:39:08 15 briefing the Chief Commissioner in relation to  
15:39:13 16 Williams?---That's correct.  
17  
15:39:15 18 That Williams had been approached in relation to a plea of  
15:39:21 19 guilty, that there'd been meetings with the defence and  
15:39:24 20 OPP?---Yes.  
21  
15:39:24 22 And she was briefed in relation to Operation Clonk, ethical  
15:39:28 23 issues?---Yes.  
24  
15:39:32 25 And fully briefed re police and ex police  
15:39:37 26 involvement?---Yes.  
27  
15:39:37 28 And there's an agreement at that stage not to advise ESD or  
15:39:41 29 OPI because of ongoing intelligence?---Yes.  
30  
15:39:47 31 Sorry, an ongoing intelligence probe and substantially it's  
15:39:52 32 regarded as a Purana organised crime matter?---Murder  
15:39:57 33 investigation.  
34  
15:39:57 35 Murder investigation, yes. In terms of ethical issues and  
15:40:07 36 police involvement in crime, there are two major events  
15:40:13 37 around this time. One is Operation Clonk, that's the  
15:40:17 38 Chartres-Abbott murder with potentially the involvement of  
15:40:21 39 police?---Yes.  
40  
15:40:22 41 And the Hodson murders with potentially the involvement of  
15:40:26 42 police there?---Yes.  
43  
15:40:32 44 Was the Chief Commissioner advised of any issues associated  
15:40:36 45 with the use of Nicola Gobbo by police?---Not that I'm  
15:40:42 46 aware of.  
47

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O'BRIEN XXN - IN CAMERA

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15:40:47 1 The PII claims that were - if PII claims were made and not  
15:40:57 2 upheld they might have the effect of revealing her  
15:41:02 3 role?---Yes.  
4  
15:41:03 5 Was she notified in relation to that?---Not by me but she  
15:41:09 6 may well have by others, I don't know.  
7  
15:41:12 8 Do you know whether the Chief Commissioner was aware that  
15:41:15 9 Ms Gobbo was an informer or not?---Not that I'm aware of.  
10  
15:41:24 11 Is it the case that the knowledge of that matter stopped at  
15:41:28 12 the Deputy Commissioner level?---I believe so.  
13  
15:41:31 14 What led you to believe that?---Well he was the only one at  
15:41:36 15 that level that I believe was aware of it. I hadn't had  
15:41:39 16 any discussions with anybody higher than him and the next  
15:41:43 17 one higher was the Chief Commissioner and I didn't get to  
15:41:47 18 speak to her all that often.  
19  
15:41:51 20 What do you know in relation to Deputy Commissioner  
15:41:55 21 Overland's communications with her about such matters?---I  
15:41:59 22 don't.  
23  
15:42:00 24 You have no idea?---No.  
25  
15:42:12 26 On 7 December 2006, if you can turn to your diary on that  
15:42:20 27 date, please, at 14:35?---Yes.  
28  
15:42:27 29 You and Detective Flynn attend at the OPP?---Yes.  
30  
15:42:31 31 And have a meeting with Mr Horgan in relation to [REDACTED]  
15:42:36 32 [REDACTED]'s statements?---Yes.  
33  
15:42:39 34 And there's a reference there also to speaking to Colleen  
15:42:45 35 Bell, a solicitor. Is that in relation to what would be  
15:42:51 36 the Milad Mokbel committal?---Mokbel committal. I assume  
15:42:55 37 she's a solicitor or a preparation clerk.  
38  
15:43:01 39 Yes, there'd been - I think that would probably be the only  
15:43:06 40 Mokbel committal outstanding at that stage, would that be  
15:43:09 41 right?---Possibly, yes.  
42  
15:43:11 43 There'd been reference to there being potentially a bail  
15:43:14 44 application back in August of 2006?---Right.  
45  
15:43:20 46 Later that day, at 16:20, you attend on Ms Gobbo's  
15:43:27 47 chambers?---Yes.

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O'BRIEN XXN - IN CAMERA

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1  
15:43:29 2 With Detective Flynn?---Yes.  
3  
15:43:31 4 And [REDACTED] her with [REDACTED]?---Yes.  
5  
15:43:39 6 Is that in relation to those allegations that we were  
15:43:42 7 discussing earlier about [REDACTED] potentially making a  
15:43:48 8 statement about Tony Mokbel?---Possibly, I'm not 100 per  
15:43:51 9 cent sure.  
10  
15:43:52 11 Do you know who was dealing with those matters [REDACTED]  
15:43:56 12 [REDACTED]---No, unless it was the counsel assisting which was, I  
15:44:04 13 believe, [REDACTED] who was the general [REDACTED]  
15:44:09 14 [REDACTED] there.  
15  
15:44:10 16 Was he someone who liaised with Purana in relation to  
15:44:14 17 matters of interest at Purana?---[REDACTED], yes.  
18  
15:44:18 19 Would he have been made aware of Ms Gobbo's status?---I  
15:44:22 20 don't believe so.  
21  
15:44:27 22 We know there was some discussion in relation to her  
15:44:30 23 summons to the OPI, there was concern about how that would  
15:44:33 24 be dealt with. Generally at those compulsory hearings  
15:44:38 25 there are questions asked as to who knows what's going  
15:44:41 26 on?---Right.  
27  
15:44:42 28 Do you know how those types of concerns were dealt with in  
15:44:46 29 relation to this [REDACTED]?---No, I don't.  
30  
15:44:57 31 If you go to 20 December 2006, 8.50 am please?---Yes.  
32  
15:45:15 33 Is it the case that you attend at Flagstaff Chambers to  
15:45:20 34 speak to a barrister and at that stage you're waiting on  
15:45:24 35 the arrival of the VGSO solicitor Dianne Preston?---Yes.  
36  
15:45:30 37 You then have a conference with Brian Walters SC and  
15:45:37 38 Preston in relation to PII issues in relation to the  
15:45:40 39 statements of [REDACTED]?---Yes.  
40  
15:45:44 41 That presumably relates to the Carl Williams matter?---I  
15:45:49 42 presume so, yes.  
43  
15:45:50 44 Do we take it that Mr Walters wasn't told about any issues  
15:45:56 45 of concern relating to Ms Gobbo's role with [REDACTED] and  
15:45:59 46 [REDACTED]---I don't believe so.  
47

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O'BRIEN XXN - IN CAMERA



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15:46:01 1 He wasn't told about her role as a human source?---I don't  
15:46:04 2 believe so.  
3  
15:46:06 4 And that we see there at 9.40 that you clear to the  
15:46:11 5 Melbourne Supreme Court in relation to a mention of Carl  
15:46:14 6 Williams?---Yes.  
7  
15:46:16 8 We take it that the court wasn't informed of those matters  
15:46:19 9 either?---I don't believe so.  
10  
15:46:26 11 Following that you have a discussion with the OPP  
15:46:29 12 prosecutor Mr Horgan in relation to organising contact  
15:46:33 13 visits for Carl Williams with his parents?---Yes.  
14  
15:46:38 15 Again, that's with a view to facilitating some  
15:46:41 16 cooperation?---That's correct.  
17  
15:46:53 18 If you can go to 8 January please at 13:21?---Yes.  
19  
15:47:12 20 There's reference there of you speaking to Detective Acting  
15:47:16 21 Sergeant Hatt re Williams' statements?---Yes.  
22  
15:47:21 23 Do you know what that's about?---No, I don't.  
24  
15:47:29 25 Did Detective Acting Sergeant Hatt have any role  
15:47:32 26 subsequently in relation to taking statements from  
15:47:36 27 Williams?---He may have had. I'm not - I'm just now trying  
15:47:43 28 to work out what the sequence was.  
29  
15:47:54 30 Or alternatively, might that be referring back to  
15:47:59 31 statements in relation to the trial of Williams which were  
15:48:02 32 made by [REDACTED]?---As I say, I can't be sure now  
15:48:10 33 what it was about. But it may have been relating back to [REDACTED]  
15:48:14 34 [REDACTED], I'm not sure.  
35  
15:48:15 36 Do you know if Detective Hatt had a role with  
15:48:22 37 [REDACTED]?---I'm not sure. I'm not sure. As I say, I  
15:48:28 38 think the Task Force was split up and Gavan Ryan took over  
15:48:33 39 the running of one part of it which was around that [REDACTED]  
15:48:36 40 side of things, and he would have taken the supervision of  
15:48:41 41 a number of members. Hatt may have been one of those.  
42  
15:48:46 43 It seems as though you're having a conversation with  
15:48:49 44 Detective Hatt at this stage in relation to something to do  
15:48:51 45 with statements relating to Williams?---Yes.  
46  
15:48:56 47 If you have a look at your diary on 11 January,

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15:49:03 1 16:00?---Yes.  
2  
15:49:10 3 The last line in relation to that matter indicates that  
15:49:13 4 you're doing some brief checking re Williams and  
15:49:17 5 Mokbel?---Yes.  
6  
15:49:18 7 What would that involve?---Just reading the brief I'd  
15:49:22 8 imagine.  
9  
15:49:29 10 Reading the statements that go with the briefs?---Yes.  
11  
15:49:33 12 And the major statement in relation to Williams would have  
15:49:36 13 been, or one of the major statements in relation to  
15:49:38 14 Williams would have been [REDACTED]?---Could have been.  
15  
15:49:42 16 And one of the major statements in relation to Mokbel would  
15:49:46 17 have been [REDACTED]?---As I say, quite possibly.  
18  
15:49:59 19 If we can go to 29 January, please?---Yes.  
20  
15:50:10 21 At 12:50 is it the case that you provide an update to  
15:50:21 22 Deputy Commissioner Overland re Williams' trial  
15:50:28 23 issues?---That's correct.  
24  
15:50:31 25 Can you say now what those trial issues were at the  
15:50:34 26 time?---Look, I'm not sure. I think a lot of what was  
15:50:41 27 going on with Carl Williams, it was on and off again. One  
15:50:48 28 minute he was willing to assist and the next minute he  
15:50:50 29 wasn't. He was trying to manipulate the system for his own  
15:50:53 30 benefit and, you know, as far as what discount he was going  
15:50:57 31 to get, there was others in the organisation that didn't  
15:51:01 32 see - or some people didn't see the value in him that I saw  
15:51:07 33 the potential for.  
34  
15:51:08 35 That potential was the assistance in relation to the Hodson  
15:51:11 36 matters?---That's correct.  
37  
15:51:17 38 At 13:37 there's a reference there to Detective Jim Coghlan  
15:51:23 39 providing an update in relation to the [REDACTED]?---Yes.  
40  
15:51:27 41 Is that in relation to the matters that Ms Gobbo was  
15:51:31 42 summoned about?---I'm not sure. There was a number of [REDACTED]  
15:51:37 43 [REDACTED]  
44  
15:51:37 45 Then underneath that you receive a telephone call from  
15:51:41 46 Detective Bateson, you get an update in relation to the  
15:51:46 47 Carl Williams' trial that had been adjourned to 26 February

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O'BRIEN XXN - IN CAMERA

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15:51:49 1 2007?---Yes.  
2  
15:51:51 3 You note the defence barrister is now Ross QC, that's David  
15:51:55 4 Ross QC; is that right?---Yes.  
5  
15:51:57 6 And then you call Deputy Commissioner Overland and you give  
15:52:01 7 him that information?---Yes, I did.  
8  
15:52:09 9 It seems as though there's been a change in personnel at  
15:52:12 10 that point in time?---Yeah, how do you say that?  
11  
15:52:16 12 It seems as though from that point in time or at some stage  
15:52:21 13 approximating that point in time David Ross came to be  
15:52:24 14 representing Carl Williams?---Oh right, sorry.  
15  
15:52:27 16 Not Peter Faris?---Sorry.  
17  
15:52:29 18 That's what I meant, sorry?---Sorry, sorry.  
19  
15:52:36 20 If we can go to 5 February please, at 15:07?---Yes.  
21  
15:52:57 22 You speak to Senior Crown Prosecutor Geoff Horgan in  
15:53:03 23 relation to Carl Williams?---Yes.  
24  
15:53:04 25 Is it the case that Carl Williams asked to speak to you re  
15:53:08 26 the Hodson murders?---Asked to speak to me re the Hodson  
15:53:14 27 murders, yes.  
28  
15:53:15 29 And an approach re a possible plea via barrister Con  
15:53:20 30 Heliotis?---Yes.  
31  
15:53:22 32 Do you know how you came to be having that conversation,  
15:53:25 33 how that information came through?---No idea.  
34  
15:53:33 35 The following day at 13:35, this is 6 February, you're  
15:53:40 36 having a conversation with George Williams in relation to a  
15:53:44 37 plea of guilty by Carl Williams?---Yes.  
38  
15:53:49 39 "Stated wanted to talk to me"?---Yes.  
40  
15:53:54 41 What is that, "wants an additional" - - -?---Five to six  
15:53:58 42 telephone calls for 7 February 2006.  
43  
15:54:00 44 Is that the case, wanted some privileges?---He wanted some  
15:54:04 45 calls, yes. I think they're only allowed a certain amount  
15:54:09 46 of calls per day.  
47

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5902

O'BRIEN XXN - IN CAMERA

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

15:54:12 1 The following day, 7 February, 13:44 - sorry, the following  
15:54:21 2 day you went out to the prison with Detective  
15:54:25 3 Trichias?---Yes.  
4  
15:54:27 5 There's a draft statement taken from [REDACTED]?---Yes.  
6  
15:54:32 7 Then you speak to Carl Williams?---Yes.  
8  
15:54:37 9 Re the Paul Dale/Hodson issues?---Yes.  
10  
15:54:40 11 And the conversation is taped?---Yes.  
12  
15:54:44 13 Do you know if there's any reference to Ms Gobbo and her  
15:54:49 14 association with Paul Dale at all during that  
15:54:51 15 conversation?---Not that I'm aware.  
16  
15:54:56 17 Do you know where that tape is?---Which tape? This tape  
15:54:58 18 from this conversation?  
19  
15:55:00 20 This tape of this conversation?---I'd say it's either at  
15:55:03 21 Purana or Mr Trichias might have an idea where it is. As I  
15:55:10 22 say, generally those sorts of tapes were kept and put on to  
15:55:15 23 CD and filed.  
24  
15:55:18 25 Was that, can you recall, transcribed for future court  
15:55:28 26 hearings?---I'm not sure. I see later in the day I've had  
15:55:32 27 a meeting with a number of detectives who were going to  
15:55:35 28 take over that investigation, progress it.  
29  
15:55:40 30 Who was to take over that investigation?---Detective  
15:55:43 31 Sergeant Trichias, Detective Sergeant Butterfield, Senior  
15:55:48 32 Detective Cuxson, Senior Detective Hunt, Senior Detective  
15:55:54 33 Schultz.  
34  
15:55:55 35 They were involved in the Clonk matter, that's the  
15:55:58 36 [REDACTED] matter; is that right?---Yes.  
37  
15:56:00 38 The Paul Dale/Hodson matter was different?---Yes, that went  
15:56:04 39 off to - - -  
40  
15:56:05 41 That's Petra?---Another Task Force, yes.  
42  
15:56:11 43 So the conversation you've had with Carl Williams, that  
15:56:14 44 related to Petra?---Would have done, yes.  
45  
15:56:17 46 What became Petra, not Clonk?---That's correct.  
47

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5903

O'BRIEN XXN - IN CAMERA

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

15:56:22 1 You have some conversations in relation to Williams with  
15:56:25 2 Corrections later on and then also with George  
15:56:29 3 Williams?---Yes.  
4

15:56:35 5 The following day on 8 February at 10.02 you attend on  
15:56:40 6 Detective Superintendent Biggin's office and you give him  
15:56:43 7 an update in relation to what - Operation Clonk and Dale  
15:56:46 8 issues?---Yes.  
9

15:56:47 10 And discuss investigative options?---Yes.  
11

15:56:50 12 Is this the sort of starting of what's to be the Petra Task  
15:56:56 13 Force?---Yes.  
14

15:56:56 15 Or the inception of what is to become the Petra Task  
15:57:00 16 Force?---Yes.  
17

15:57:13 18 I just want to - if we can bring up the ICRs, p.637 please.  
15:57:31 19 This is on 14 February 2007, Mr O'Brien?---Yes.  
20

15:57:38 21 You see the third heading down relates to an application  
15:57:42 22 for appointment as a magistrate by Ms Gobbo. Ms Gobbo  
15:57:51 23 indicates that she's going to use yourself and Gavan Ryan  
15:57:53 24 as references in an application to be a magistrate, do you  
15:57:58 25 see that?---Yes, I see it.  
26

15:58:00 27 She'll also use someone else who's a QC. She says she  
15:58:05 28 hasn't told either of you but she's listed you in the form.  
15:58:09 29 Now did you become aware of that at all?---No, I didn't.  
30

15:58:13 31 At that point would you have considered Ms Gobbo as someone  
15:58:17 32 suitable to take on judicial office?---No.  
33

15:58:24 34 Were you ever contacted to provide a reference for  
15:58:27 35 Ms Gobbo?---No.  
36

15:58:28 37 What would you have done if you were contacted?---I would  
15:58:33 38 have politely declined, or perhaps not so politely.  
39

15:58:40 40 If you had understood though that serious consideration was  
15:58:44 41 being given to appoint someone like Ms Gobbo, knowing what  
15:58:52 42 you knew, what would you have done?---It's hard to say. It  
15:58:56 43 never eventuated. I'm sure I would have made my thoughts  
15:59:00 44 known.  
45

15:59:01 46 To whom would have you made them known?---Probably someone  
15:59:04 47 in the OPP more than likely.

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5904

O'BRIEN XXN - IN CAMERA

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1  
15:59:11 2 Would you have made them known if it involved having to out  
15:59:14 3 her as a human source?---No.  
4  
15:59:17 5 This is one of the reasons that she would be completely  
15:59:19 6 unsuited to judicial office?---I wouldn't have - no, I  
15:59:24 7 haven't have gone to that point. I don't think there was a  
15:59:29 8 need to do that.  
9  
15:59:30 10 Would you consider the fact that she was a lawyer acting as  
15:59:32 11 a police agent would make her unsuitable for judicial  
15:59:35 12 office?---Hard to say. It's something I never considered.  
15:59:43 13 It was the first I've heard of this.  
14  
15:59:54 15 If I can take you to 16 February in your diary  
16:00:05 16 please?---Yes.  
17  
16:00:06 18 At 15:37 you've spoken to George Williams in relation to a  
16:00:11 19 prison visit, a contact visit with Carl Williams?---Yes.  
20  
16:00:17 21 If he's interested in taking matters further?---Yes.  
22  
16:00:22 23 And then on 19 February 2007 at 16:37 you speak with  
16:00:34 24 Mr Horgan at the OPP in relation to charging Carl Williams  
16:00:40 25 with the murder of [REDACTED] in a few days' time?---Yes.  
26  
16:00:53 27 Was that charging of Carl Williams for that murder on the  
16:00:58 28 basis of a statement made by [REDACTED]?---It may have been,  
16:01:10 29 along with whatever else was there. As I say, if [REDACTED]  
16:01:16 30 had made a statement that the point, yes, that may have  
16:01:19 31 been.  
32  
16:01:32 33 If we can go to the ICRs at p.644, please. See at the top  
16:01:52 34 under "Carl Williams", Ms Gobbo is asking a number of  
16:01:56 35 questions of her handlers or inquiring of her handlers,  
16:02:02 36 asking if he had court that day. She's heard that he's  
16:02:05 37 assisting police. She's concerned that Williams may try  
16:02:09 38 and falsely incriminate her and she's adamant that she's  
16:02:14 39 done nothing wrong?---Yes.  
40  
16:02:21 41 If we go over the page to 645. Down the bottom under the  
16:02:33 42 heading of "Carl Williams", Ms Gobbo believes Williams was  
16:02:36 43 at court yesterday and she'd like to know why. Then over  
16:02:39 44 the page. See at 13:48 under the Carl Williams heading,  
16:02:48 45 she's aware that Williams' legal team, David Ross and  
16:02:52 46 others, are in negotiations with the OPP for him to plead  
16:02:55 47 to five murders in return for him giving evidence against

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5905

O'BRIEN XXN - IN CAMERA

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16:02:59 1 Paul Dale and potentially George Williams' charges being  
16:03:04 2 withdrawn and restrained property being returned to George  
16:03:09 3 Williams. She's indicating that he won't give evidence  
16:03:13 4 against Roberta. The sentence is believed to be 32 years.  
16:03:19 5 She's warning of the need to be careful of whatever Carl  
16:03:26 6 Williams is saying against other people. Gobbo is  
16:03:28 7 concerned Williams will lie to implicate Paul Dale into a  
16:03:32 8 murder. Ms Gobbo said that if Williams does not accept  
16:03:36 9 this deal he'll also be charged with the murder of [REDACTED]  
16:03:40 10 [REDACTED] and Ms Gobbo's saying she believes it's not  
16:03:43 11 appropriate for Purana to hold back on charges against him  
16:03:47 12 for this deal and she wants to see him charged and  
16:03:51 13 convicted of all the murders he's been involved in, do you  
16:03:56 14 see that?---Yes, I see it.  
15  
16:03:58 16 She seems to have some source of information about what's  
16:04:03 17 going on with Mr Williams at the time?---Well, she has some  
16:04:08 18 information but, you know, I don't know where she got that  
16:04:12 19 from. She wasn't involved in any of the negotiations with  
16:04:16 20 the OPP.  
21  
16:04:17 22 No, I'm not suggesting that she was. At 6.48, 21 February  
16:04:22 23 2007. Keep going up. At 10.56 you'll see again Ms Gobbo  
16:04:39 24 is saying that Carl Williams is still ongoing with his plea  
16:04:44 25 dealings with the police and the OPP. She's wanting the  
16:04:47 26 SDU to monitor what Carl is doing and ensure Carl does not  
16:04:52 27 produce any false and negative statements about  
16:04:55 28 her?---Right.  
29  
16:04:58 30 She assures the SDU she's not done anything illegal,  
16:05:03 31 everything has been disclosed to the SDU, do you see  
16:05:05 32 that?---Yes.  
33  
16:05:11 34 If we go to p.650. You see under the heading of [REDACTED]  
16:05:31 35 there at 9.29, Ms Gobbo reports that [REDACTED] is trying to  
16:05:37 36 ring Purana to find out about Carl Williams' plea and he's  
16:05:42 37 going to let Ms Gobbo know if he's told anything?---Right.  
38  
16:05:52 39 When one reads the ICRs, and there'll be more to come, it's  
16:05:55 40 clear that Ms Gobbo comes to understand, for one thing,  
16:06:01 41 that police are having discussions with Carl Williams in  
16:06:04 42 relation to his assistance, but also that she becomes  
16:06:07 43 growingly concerned about the possibility that he might  
16:06:10 44 implicate her in criminal activity?---That's what these  
16:06:13 45 documents are indicating, yes.  
46  
16:06:15 47 Was that something that you were made aware of?---No.

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O'BRIEN XXN - IN CAMERA

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1  
16:06:20 2 It might seem quite relevant, don't you think, that she  
16:06:27 3 might be concerned that Carl Williams might somehow  
16:06:30 4 implicate in her matters that the police were interested  
16:06:33 5 in?---That's what these documents would indicate, but as I  
16:06:38 6 say I had no knowledge of that. As I say, she wasn't  
16:06:42 7 involved in any of the negotiations and she wouldn't have  
16:06:44 8 been.  
9  
16:06:45 10 No, but you might be quite concerned if she was potentially  
16:06:49 11 involved in the subject matter that the police were trying  
16:06:55 12 to get from Williams, being the Hodson murders, that would  
16:07:00 13 be something that would have been of great interest to  
16:07:03 14 you?---Certainly it would have been.  
15  
16:07:07 16 Can you have a look at your diary please on 22  
16:07:11 17 February?---Yes.  
18  
16:07:17 19 At 11.18 you're on the phone with George Williams?---Yes.  
20  
16:07:25 21 There's something about ringing back and then you're  
16:07:27 22 speaking to Bateson and Ryan in relation to the plea offer  
16:07:32 23 situation?---Yes.  
24  
16:07:35 25 There's reference there to the numerous murders that the  
16:07:47 26 police were interested in?---Yes, an indication of what he  
16:07:54 27 was prepared to plead to.  
28  
16:08:02 29 If you go over the page in your notes, an indication at the  
16:08:06 30 end that the police wanted a taped interview covering all  
16:08:10 31 the matters he's pleading guilty to and a statement in  
16:08:14 32 relation to his knowledge of the Hodsons and police  
16:08:19 33 corruption by Dale?---Sorry, can you just let me know the  
16:08:23 34 time and I can just check that?  
35  
16:08:27 36 It's the same entry just over the page?---The entry goes on  
16:08:30 37 most of the day actually. Yes, that's right, the top of  
16:08:34 38 the page, "Statement re his knowledge re the Hodsons and  
16:08:38 39 police corruption by Dale."  
40  
16:08:40 41 Yes. At 11.35 you call George Williams back and have a  
16:08:44 42 discussion in relation to the plea of guilty. He seems to  
16:08:48 43 be under a misapprehension that the police wouldn't proceed  
16:08:53 44 with any of his charges?---Yes.  
45  
16:08:55 46 Told him that that was wrong and that he should speak to  
16:08:59 47 his solicitors?---Yes.

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5907

O'BRIEN XXN - IN CAMERA



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

1  
16:09:02 2 At 12.47 you're having a discussion with Mr Horgan at the  
16:09:07 3 OPP in relation to plea negotiations for George and Carl  
16:09:14 4 Williams?---Yes.  
5  
16:09:15 6 At 15:20 you attend for a conference at the DPP?---Yes.  
7  
16:09:31 8 There's discussion in relation to charges for George  
16:09:34 9 Williams and Carl Williams?---Yes.  
10  
16:09:36 11 Reference to George Williams potentially pleading guilty  
16:09:46 12 but getting a noncustodial fully suspended sentence?---Yes.  
13  
16:09:53 14 And the PPO, pecuniary penalty order that would be  
16:09:58 15 involved, 108,000?---Yes.  
16  
16:10:00 17 Again a reference to him also providing evidence in  
16:10:02 18 relation to police corruption, Paul Dale?---Yes.  
19  
16:10:06 20 Then following that at 16:07 Deputy Commissioner Overland  
16:10:11 21 and Detective Inspector Ryan are updated in relation to the  
16:10:16 22 matter?---Yes.  
23  
16:10:16 24 And Corrections also, Shane Kelly at Corrections?---I'll  
16:10:24 25 just check. Yes.  
26  
16:10:37 27 If we go back to the ICR that's on the screen there,  
16:10:40 28 Mr O'Brien, you'll see down the bottom at 2 o'clock that  
16:10:45 29 day Ms Gobbo's got another - having another conversation  
16:10:49 30 with her handler in relation to Carl Williams?---Right.  
31  
16:10:54 32 She's indicating that Carl Williams, she'd spoken to him on  
16:10:57 33 the phone that day, he rang today from Milad Mokbel's  
16:11:05 34 prison phone?---Yes.  
35  
16:11:07 36 And he wanted her advice about what to do?---Right.  
37  
16:11:12 38 He asked Ms Gobbo not to hang up and to let whatever  
16:11:15 39 happened to be water under the bridge. You understand that  
16:11:18 40 there'd been those informer allegations, dog allegations  
16:11:27 41 the previous year?---Yes.  
42  
16:11:30 43 Mr Williams discussed with her the terms of the plea and  
16:11:33 44 the expected sentence that he was to serve, 35 to 38  
16:11:39 45 years?---Yes.  
46  
16:11:40 47 That Purana wanted him to give evidence against Paul

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O'BRIEN XXN - IN CAMERA

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16:11:46 1 Dale?---Yes.  
2  
16:11:46 3 He'd told them that he can't help them with Milad Mokbel,  
16:11:51 4 assuming that that was another matter that you wanted  
16:11:55 5 assistance with. I think if you go back to your entry in  
16:12:00 6 your diary you were talking about one of the categories  
16:12:03 7 being large commercial drug trafficking?---Yes.  
8  
16:12:08 9 And he said they can get fucked about any assistance for  
16:12:15 10 Paul Dale?---Yes.  
11  
16:12:16 12 Ms Gobbo reports that she discussed the above in general  
16:12:19 13 terms with him but did not give him any advice, and then  
16:12:22 14 transferred the call to another barrister, Con Heliotis,  
16:12:27 15 following that?---Right.  
16  
16:12:29 17 In the scheme of things could you have been at all  
16:12:33 18 confident about Ms Gobbo not having provided any advice to  
16:12:38 19 Carl Williams in the course of that conversation?---No, but  
16:12:42 20 as I say, I was unaware of this discussion with Williams, I  
16:12:47 21 wasn't dealing with Williams, all my discussions were with  
16:12:53 22 - through the OPP.  
23  
16:12:55 24 Again concerning that she's having access to someone like  
16:13:00 25 Carl Williams at that stage?---I'd imagine. I don't know  
16:13:04 26 what the situation is at the prison but generally you have  
16:13:08 27 to list the phone numbers and the people that you wish to  
16:13:11 28 have on your call list. I don't know why she'd be on that  
16:13:16 29 list.  
30  
16:13:16 31 It seems from that that he's jumped on the phone of one of  
16:13:20 32 Milad Mokbel's calls?---Oh right.  
33  
16:13:29 34 Again, concerning simply from the point of view of if he is  
16:13:34 35 ultimately to provide any evidence that she might be  
16:13:37 36 influencing what evidence he might come to give, she seems  
16:13:41 37 to be personally invested in what he might tell the police,  
16:13:45 38 especially about her?---That may be the case but, as I say,  
16:13:50 39 I was unaware of it.  
40  
16:13:55 41 If you can go to 6.53 please of the ICR. 10.51 down the  
16:14:07 42 bottom, we see that Ms Gobbo had information from - sorry,  
16:14:16 43 we see Carl Williams down the bottom and then over the page  
16:14:20 44 she indicates from Milad Mokbel that Williams would knock  
16:14:24 45 back the deal with Purana?---Yes.  
46  
16:14:28 47 That's sort of come hot on the heels of her having that

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5909

O'BRIEN XXN - IN CAMERA

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16:14:36 1 conversation with him, and that Williams has spoken to his  
16:14:38 2 father who advised to tell Purana to get fucked and fight  
16:14:41 3 on?---Right.  
4  
16:14:42 5 Ms Gobbo is advised not to get involved in plea dealing of  
16:14:46 6 Carl Williams, do you see that?---Yes.  
7  
16:14:51 8 Were the SDU telling you that Ms Gobbo seemingly was  
16:14:56 9 involving herself with Carl Williams at this stage?---I  
16:14:59 10 don't believe so.  
11  
16:15:01 12 Do you know why they wouldn't be telling you about that  
16:15:04 13 kind of information? That would have been of concern to  
16:15:06 14 Purana, would it not?---Yes, but, you know, I don't know  
16:15:14 15 why, I can't answer that.  
16  
16:15:17 17 If we have a look at your diary on 23 February at 13:25.  
16:15:34 18 The last three lines of that entry you're speaking to  
16:15:37 19 Senior Crown Prosecutor Mr Horgan who has information via  
16:15:41 20 solicitors for Williams that there's not to be any plea of  
16:15:45 21 guilty?---Yes.  
22  
16:15:48 23 To anything unless there are no charges against his  
16:15:50 24 father?---Yes.  
25  
16:15:59 26 And that there's to be no plea of guilty in relation to  
16:16:03 27 Lewis Moran at all?---No.  
28  
16:16:04 29 Following that, it seems as though Ms Gobbo had the good  
16:16:09 30 oil from inside the prison, and following that at 15:25 you  
16:16:13 31 speak to Deputy Commissioner Overland and advise him of  
16:16:17 32 that outcome?---Yes.  
33  
16:16:26 34 If you can go to p.60 of the ICRs, please. Perhaps over  
16:16:49 35 the page - yes, at 19:29. Do you see down there Ms Gobbo  
16:17:06 36 is reporting that coincidentally around this time Paul Dale  
16:17:11 37 has been in contact with her and is insistent on seeing  
16:17:18 38 her?---Yes, I can see that.  
39  
16:17:20 40 That would have been something of that great interest to  
16:17:23 41 Purana at that stage?---Yes, it would have been, yes.  
42  
16:17:27 43 Ms Gobbo thought that he might have a message for her to  
16:17:35 44 pass on to Williams, you see that sort of fourth dot point  
16:17:39 45 from the bottom?---Yes, sorry, can you just tell me the  
16:17:43 46 date of this?  
47

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5910

O'BRIEN XXN - IN CAMERA

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16:17:44 1 This is 27 February 2007?---Thank you. Yes.  
2  
16:18:02 3 It seems to be that night. You've got yourself off duty at  
16:18:15 4 17:25 on that night; is that right?---Yes.  
5  
16:18:21 6 And coming back on to duty at 7.10 the next morning?---Yes.  
7  
16:18:29 8 Ms Gobbo's reporting to the handlers that Paul Dale wants  
16:18:35 9 to see her all of a sudden?---Yes.  
10  
16:18:37 11 This is around the time that there's some rumours flying  
16:18:40 12 about about Carl Williams. She thinks he might have a  
16:18:44 13 message for her to pass on to Carl Williams. She indicates  
16:18:49 14 that she's concerned that the OPI might be watching if they  
16:18:54 15 did meet?---Right.  
16  
16:18:55 17 She's told that she should not meet with Paul Dale outside  
16:19:00 18 of normal business hours and it should be in her normal  
16:19:05 19 professional capacity?---Yes.  
20  
16:19:11 21 If we go - - - ?---Not something I was ever told.  
22  
16:19:18 23 The last dot point on that page, she says she doesn't know  
16:19:21 24 the exact relationship between Paul Dale and Carl  
16:19:25 25 Williams?---Right.  
26  
16:19:27 27 Do you see that? Do you become aware at some stage of a  
16:19:32 28 telephone call?---Yes.  
29  
16:19:38 30 Between Ms Gobbo's phone and Carl Williams phone on  
16:19:41 31 which - - -?---Dale was speaking.  
32  
16:19:42 33 Dale was speaking?---Yes.  
34  
16:19:44 35 Do you know when you became aware of that?---I believe  
16:19:48 36 after Petra was formed and I think from memory it was  
16:19:54 37 either Gavan Ryan alerted me to it or Officer Pearce  
16:19:59 38 [REDACTED] who looked after the telephone intercept material.  
16:20:06 39 Or it may have been before because I'm just wondering if  
16:20:10 40 that was the motivation for me to go and speak to Williams  
16:20:13 41 in the first place.  
42  
16:20:16 43 There had been an interview of Ms Gobbo back in mid-2004 in  
16:20:25 44 relation to her knowledge of Terrence Hodson having been an  
16:20:28 45 informer, about who she'd spoken to about those kinds of  
16:20:33 46 matters?---Right.  
47

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O'BRIEN XXN - IN CAMERA

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16:20:34 1 Were you aware of that by now?---No, I don't believe so.  
2  
16:20:40 3 Aside from that communication that we referred to, I  
16:20:43 4 referred to earlier relating to Charlie Bezzina, in the  
16:20:50 5 course of these events did you have any further  
16:20:55 6 communication with Charlie Bezzina about the investigation  
16:20:57 7 to that point?---I don't think so.  
8  
16:21:01 9 Did you have the investigation file?---No, I didn't. I  
16:21:10 10 imagine it would have gone straight to Petra, I would  
16:21:12 11 imagine, they would have picked it up.  
12  
16:21:15 13 It may not be that Petra - - - ?---Were formed.  
14  
16:21:18 15 - - - were formed quite yet and it seems as though perhaps  
16:21:22 16 you're having a few dealings in relation to communications  
16:21:28 17 with the DPP and George Williams and so forth still?---Yes.  
18  
16:21:40 19 Do you think now that it might be that the reason you went  
16:21:43 20 to see Carl Williams is because you became aware of that  
16:21:47 21 Gobbo conversation?---I believe so, yes. Something  
16:21:51 22 motivated me to go and speak to him and it was the only  
16:21:56 23 saving grace I considered he had.  
24  
16:21:58 25 Did you have any conversation with the SDU about needing to  
16:21:59 26 get to the bottom of what Gobbo knew about any relationship  
16:22:01 27 between Dale and Williams?---No, I did not.  
28  
16:22:07 29 Did you ask for any information that they already had that  
16:22:11 30 she might have disclosed in that regard?---I don't believe  
16:22:13 31 so.  
32  
16:22:22 33 If we have a look at your diary on 28 February 2007 at  
16:22:27 34 13:05. There's another conversation with Mr Horgan. You  
16:22:35 35 were advised in relation to a plea offer re Carl  
16:22:38 36 Williams?---Yes.  
37  
16:22:49 38 There's reference to updating the same. Is it you advising  
16:22:53 39 Mr Horgan of that plea offer seemingly?---I wouldn't think  
16:22:58 40 so. It would have been Mr Horgan advising me what the  
16:23:01 41 offer was.  
42  
16:23:10 43 It says, "Update same to phone inquiries re Carl Williams'  
16:23:15 44 plea of guilty to advising the Premier and Chief  
16:23:20 45 Commissioner of Police"?---Sorry. Can you tell me - oh  
16:23:30 46 sorry.  
47

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O'BRIEN XXN - IN CAMERA

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16:23:41 1 I may have a bit of missing information. Anyway, there's  
16:24:01 2 some advice on that day about the plea offer; is that  
16:24:05 3 right?---There was.  
4

16:24:06 5 If you go down, by the end of the day there's an indication  
16:24:14 6 of, and no doubt updates through the day and the Premier  
16:24:22 7 and the Chief Commissioner are to visit the office the  
16:24:24 8 following day, do you see that?---This is on here, is it?  
9

16:24:52 10 Sorry, no, it's essentially at the top of p.290 of your  
16:24:56 11 diary?---290, all right.  
12

16:25:03 13 By the end of the day the Premier and Chief Commissioner  
16:25:06 14 were to come to the office the next day?---Yes.  
15

16:25:15 16 If we have a look at 664 of the ICRs. At 8.21 we see  
16:25:27 17 Ms Gobbo's discussed an interview by Simon Overland on the  
16:25:32 18 television in relation to Carl Williams, presumably in  
16:25:34 19 relation to his plea. You see under the heading of "Carl  
16:25:50 20 Williams" her expressing her feelings that it was  
16:25:53 21 inappropriate?---Yes.  
22

16:25:59 23 On 1 March, the same day, the Chief Commissioner and the  
16:26:05 24 Deputy Commissioner are at the Purana office and the  
16:26:11 25 Premier and Police Minister arrive?---Sorry, is that in  
16:26:20 26 this document here somewhere?  
27

16:26:22 28 No, sorry, I'm back to your diary. I apologise?---And the  
16:26:26 29 date was?  
30

16:26:27 31 It's 1 March?---All right. Yes, that's correct.  
32

16:26:40 33 This is a matter I was raising before in terms of there  
16:26:43 34 being a lot of stock put in the outcome, the result of this  
16:26:49 35 matter at this particular point in time; is that  
16:26:51 36 right?---Yes.  
37

16:26:54 38 Was there too much focus, do you think, on the police being  
16:27:03 39 - sorry, too much focus on outcomes in relation to cases  
16:27:08 40 rather than the process?---Well, I don't think so. You  
16:27:17 41 know, the State was a bit of a blood bath I suppose up to  
16:27:21 42 this point. Obviously it was a matter of a lot of media,  
16:27:28 43 it was getting a lot of media attention. Obviously that  
16:27:31 44 involved the government showing some attention to it and  
16:27:36 45 this was probably just the normal flow on from that effect.  
16:27:44 46 As I said, this was probably more about Purana stage 1 than  
16:27:46 47 my part in it.

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O'BRIEN XXN - IN CAMERA

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1  
16:27:48 2 I've taken you through a number of matters over the last  
16:27:51 3 week, Mr O'Brien?---Yes.  
4  
16:27:53 5 Which indicates or seems to indicate that the integrity of  
16:27:55 6 the investigation process has failed, do you accept  
16:27:59 7 that?---I don't think the integrity of the investigative  
16:28:05 8 process failed, no.  
9  
16:28:07 10 Do you accept that there were failings, there seemed to  
16:28:10 11 have been significant failings in relation to disclosure  
16:28:13 12 issues relating to Ms Gobbo?---Certainly I accept that,  
16:28:21 13 yes, given the passage of time and hindsight, that perhaps  
16:28:26 14 we should have done a lot more than we did.  
15  
16:28:31 16 Is it the case because of what was going on, the media in  
16:28:38 17 relation to the gangland wars that were going on, that  
16:28:44 18 there was a blinding to the process so that we might  
16:28:49 19 achieve a desired outcome?---Look, I don't think so. You  
16:28:56 20 know, look - you know, if I can be completely honest about  
16:29:01 21 my feelings about - you know, I've been thinking  
16:29:06 22 intentionally about this issue since the Royal Commission  
16:29:11 23 was first announced, you know, and I think about how did we  
16:29:15 24 end up in this position and for me it was probably the  
16:29:19 25 death of the Hodsons, the corruption issues in the Drug  
16:29:23 26 Squad over a number of years, you know, where I walked into  
16:29:28 27 a minefield, basically. I'd come from working a country  
16:29:34 28 CIB division for six years, went back into the Drug Squad  
16:29:37 29 with the view that I would progress. I really wanted to  
16:29:40 30 get back into the Homicide Squad and run a team there. I  
16:29:43 31 had no intention of staying in the Drug Squad. And when I  
16:29:46 32 got there it was just chaotic and we no sooner got through  
16:29:54 33 one passage of chaotic behaviour, as I said a few days  
16:29:58 34 earlier, being the baby-sitter for the executioners and not  
16:30:05 35 knowing who around me was to fall next, and then  
16:30:07 36 rebuilding, Tony Biggin coming in and ethically rebuilding  
16:30:11 37 the whole place only to have Miechel and Dale do what they  
16:30:17 38 did, and the death of Terry and Christine Hodson and its  
16:30:21 39 effect on us. But then thinking more broadly about it, and  
16:30:24 40 I look at, you know, these days I'm subject to external  
16:30:27 41 audits by Price Waterhouse Coopers and Ernst & Young on a  
16:30:33 42 regular basis across a business and they always look at  
16:30:38 43 what was the root cause, what were the root causes that  
16:30:40 44 caused this to happen and I think, you know, I look at what  
16:30:44 45 was happening in the court system, the average sentence for  
16:30:49 46 amphetamine type substances was four and a half years for  
16:30:52 47 large commercial quantities. Heroin was attracting

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O'BRIEN XXN - IN CAMERA

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16:30:55 1 sentences of 18 years. Amphetamine has always outstripped  
16:31:00 2 by a country mile heroin use in Australia, it's the drug of  
16:31:04 3 choice. You look at the effect of ice today and it's  
16:31:07 4 ongoing effect. Then you look at no distinction between  
16:31:13 5 the Tony Mokbels of this world and how they're treated by  
16:31:16 6 the legal system and the average person who makes a mistake  
16:31:19 7 or does something stupid in their life that deserves a  
16:31:23 8 chance. There's just no distinction in the system.  
16:31:27 9 There's no drawing any distinction. You can just go on and  
16:31:29 10 commit criminal offences as he did and buy your way out of  
16:31:34 11 the system, pay for the best QCs. You know, have people  
16:31:38 12 like [REDACTED] stuck [REDACTED] five minutes  
16:31:41 13 after he's been granted bail and driven to a property so he  
16:31:45 14 can [REDACTED] I think all  
16:31:50 15 those things, all those things, led to this outcome.

16 16  
16:31:56 17 Do you think what ultimately has led us here though is a  
16:32:00 18 fundamental failing in terms of police understanding of  
16:32:08 19 their obligations relating to disclosure?---I don't know  
16:32:12 20 whether that's it. I think, as I say, it was something I  
16:32:16 21 didn't turn my mind to. My whole focus was probably about  
16:32:20 22 keeping her alive.

23 23  
16:32:22 24 You've spoken about your sort of discontent in relation to  
16:32:26 25 the way the system seems to have operated. Do you think  
16:32:32 26 that that might have led to an attitude on behalf of some  
16:32:39 27 police that, well, if they can break the rules along the  
16:32:43 28 way - - - ?---No.

29 29  
16:32:45 30 - - - we can at least bend the rules to achieve a desirable  
16:32:48 31 outcome?---No, I don't think there was any intent by us to  
16:32:52 32 bend the rules.

33 33  
16:32:55 34 Did you think that there was - in order to win this war, to  
16:32:59 35 win this gangland war, there was some need to bend the  
16:33:04 36 rules, a need to break the rules to get to that  
16:33:09 37 outcome?---I don't think so.

38 38  
16:33:09 39 This all seems to have stemmed initially from a desire to  
16:33:16 40 protect Ms Gobbo from - well, her role in relation to  
16:33:28 41 [REDACTED] is where it initially started - to protect from  
16:33:33 42 disclosure the fact that she represented this person, an  
16:33:37 43 independent barrister representing a witness the police  
16:33:39 44 seemed to think, "We need to protect this person because  
16:33:43 45 she's aligned herself with the criminals"?---I didn't have  
16:33:48 46 that belief because I really didn't know what she'd told  
16:33:51 47 Bateson in any event at that point. The first time I



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16:33:57 1 became aware that she was actually an informer was when  
16:34:04 2 approached by Mansell and Rowe.  
3  
16:34:06 4 From what we understand from what she said has said once  
16:34:10 5 she has become an informer as to what occurred with the  
16:34:11 6 [REDACTED] process, and that's before she became a  
16:34:13 7 registered informer, that there appeared to have been a  
16:34:16 8 need on the part of the - or a concern on the part of the  
16:34:19 9 police to withhold knowledge of her role in the process of  
16:34:27 10 assisting someone to become a witness and that's happened  
16:34:31 11 with [REDACTED] but then it seems to have occurred time and  
16:34:34 12 time again in relation to each witness that she's been  
16:34:38 13 involved in rolling and as a result disclosure requirements  
16:34:43 14 are not being met?---I see what you're saying but, as I  
16:34:49 15 say, that wasn't front of my mind.  
16  
16:34:51 17 And ultimately that's what may cause the unravelling of a  
16:34:56 18 number of convictions that have been achieved by Purana, do  
16:35:01 19 you understand that?---I understand that.  
16:35:02 20  
16:35:08 21 COMMISSIONER: I think it's probably time to adjourn if  
16:35:10 22 you've finished.  
16:35:12 23  
16:35:12 24 MS TITTENSOR: Thank you, Commissioner.  
25  
16:35:13 26 COMMISSIONER: You'll be a little while longer?  
16:35:15 27  
16:35:15 28 MS TITTENSOR: Yes, I hope to finish not too long into the  
16:35:19 29 morning, Commissioner.  
30  
16:35:20 31 COMMISSIONER: Yes. So cross-examination is likely to take  
16:35:25 32 how long, Mr Nathwani?  
16:35:27 33  
16:35:27 34 MR NATHWANI: About an hour for me.  
35  
16:35:29 36 COMMISSIONER: You said about an hour, Mr Holt?  
16:35:32 37  
16:35:32 38 MR HOLT: Probably, Commissioner, yes.  
39  
16:35:34 40 COMMISSIONER: In re-examination.  
16:35:35 41  
16:35:35 42 MR CHETTLE: Very little, Commissioner. It looks like  
16:35:38 43 lunchtime.  
44  
16:35:39 45 COMMISSIONER: Maybe. The point is I think we do need to  
16:35:46 46 have the next witness, who I think is Mr Smith.  
16:35:49 47

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16:35:49 1 MR CHETTLE: He will be available at 10 o'clock,  
16:35:52 2 Commissioner.  
3  
16:35:53 4 COMMISSIONER: He won't be needed at ten.  
16:35:55 5  
16:35:56 6 MR CHETTLE: He has to come some distance but I'll have him  
16:36:00 7 here ready to go.  
8  
16:36:01 9 COMMISSIONER: I think 12 o'clock would be safe.  
16:36:03 10  
16:36:03 11 MR HOLT: Commissioner, I'm conscious of time. Can I just  
16:36:06 12 indicate one thing for the police?  
13  
14 COMMISSIONER: Yes.  
15  
16:36:07 16 MR HOLT: That is, Mr O'Brien was asked questions about a  
16:36:09 17 transcript and the indication was that that - - -  
18  
16:36:12 19 COMMISSIONER: Exhibit 481.  
16:36:13 20  
16:36:13 21 MR HOLT: That's been provided today. I ought just make  
16:36:16 22 clear that the reason for the delay and why matters have  
16:36:20 23 been raised today is that that was the corrupted audio in a  
16:36:21 24 technological sense that was referred to some months ago.  
25  
16:36:24 26 COMMISSIONER: Yes, it's perhaps a rather apt term.  
16:36:27 27  
16:36:28 28 MR HOLT: Commissioner, that's why I say in a technological  
16:36:32 29 sense. Victoria Police had arranged for it to be  
30 unencrypted, if it could be, or uncorrupted. Locally that  
16:36:36 31 couldn't be done and it had to be sent to the United  
16:36:37 32 States. That result has been relatively recent but  
16:36:43 33 successful fortunately and that's the reason why that  
16:36:44 34 information is available late.  
35  
16:36:44 36 COMMISSIONER: Yes. It's very comforting to see, Mr Holt,  
16:36:47 37 that the continuing discovery obligations of Victoria  
16:36:52 38 Police are being met.  
16:36:54 39  
16:36:54 40 MR HOLT: Yes.  
41  
16:36:54 42 COMMISSIONER: And I look forward to that continuing.  
16:36:56 43  
16:36:57 44 MR HOLT: Thank you, Commissioner.  
45  
16:36:58 46 COMMISSIONER: Thank you. Yes, we'll adjourn.  
16:37:24 47

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O'BRIEN XXN - IN CAMERA

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<(THE WITNESS WITHDREW)

ADJOURNED UNTIL TUESDAY 10 SEPTEMBER 2019